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TABLE OF CONTENTS

Subjects	iii
Agency entries	1
List of CFR Parts Affected	25
Federal Register Pages and Dates	28

INDEX

The following is a general subject guide designed to lead users to agencies which published material during the period covered by this INDEX. Inquiries may be made to area code 202–523–5227.

SUBJECTS	AGENCIES IN THIS INDEX
Accidents	National Transportation Safety Board.
Additives	Food and Drug Administration.
Advertising	Food and Drug Administration.
Aged	Aging, Federal Council on. Aging Administration. Social Security Administration.
Air Pollution. *See* Pollution.	
Aircraft, Air Carriers, Airports	Air Force Department. Civil Aeronautics Board. Customs Service. Federal Aviation Administration. Federal Communications Commission. Federal Energy Administration. National Transportation Safety Board.
Alcohol	Alcohol, Drug Abuse, and Mental Health Administration. Alcohol, Tobacco, and Firearms Bureau. Civil Aeronautics Board.
Animals	Animal and Plant Health Inspection Service. Commodity Credit Corporation. Commodity Exchange Authority. Fish and Wildlife Service. National Oceanic and Atmospheric Administration.
Armed Forces	Air Force Department. Army Department. Civil Aeronautics Board. Defense Civil Preparedness Agency. Defense Communications Agency. Defense Department. Defense Manpower Commission. Navy Department. Selective Service System.
Banks, Banking	Comptroller of the Currency. Farmers Home Administration. Federal Deposit Insurance Corporation. Federal Home Loan Bank Board. Federal Reserve System.
Biological Products	Animal and Plant Health Inspection Service. Food and Drug Administration.
Birds	Fish and Wildlife Service.
Blind	Committee for Purchase from the Blind and Other Severely Handicapped.
Boats, Boating. *See* Vessels.	
Bridges	Coast Guard. Federal Highway Administration.
Broadcasting. *See* Communications.	
Children, Child Protection	Consumer Product Safety Commission. Education Office. Food and Nutrition Service. Forest Service. Health Services Administration. Human Development Office. National Advisory Council on Education of Disadvantaged Children. Social and Rehabilitation Service.

SUBJECTS	AGENCIES IN THIS INDEX
Civil Rights	Citizen's Advisory Council on the Status of Women. Civil Rights Commission. Civil Service Commission. Education Office. Equal Employment Opportunity Commission. Federal Contract Compliance Office. Federal Reserve System. Health, Education, and Welfare Department.
Coal	Federal Energy Administration. Hearings and Appeals Office. Interim Compliance Panel (Coal Mine Health and Safety).
Communications	Federal Communications Commission.
Construction Industry	Employment Standards Administration.
Consumers	Consumer Product Safety Commission.
Continental Shelf	Geological Survey. Interior Department. Land Management Bureau.
Cosmetics	Food and Drug Administration.
Dairy Products	Agricultural Marketing Service. Agriculture Department. Commodity Credit Corporation. Food and Drug Administration. Presidential Executive Order.
Disaster Assistance	Farmers Home Administration. Federal Disaster Assistance Administration. Federal Insurance Administration. Small Business Administration.
Diseases	Animal and Plant Health Inspection Service. Disease Control Center.
Drugs	Alcohol, Drug Abuse, and Mental Health Administration. Drug Enforcement Administration. Food and Drug Administration.
Education	Education Office. Food and Nutrition Service. Health, Education, and Welfare Department. Immigration and Naturalization Service. National Advisory Council on the Education of Disadvantaged Children. Wage and Hour Division.
Elections	Federal Election Commission.
Endangered Species	Fish and Wildlife Service. National Oceanic and Atmospheric Administration.
Energy	*See also* Coal; Gas; Nuclear Materials; Oil. Federal Energy Administration. Federal Power Commission. Reclamation Bureau.
Energy Conservation	Commerce Department. Federal Energy Administration. General Services Administration.
Explosives. *See* Hazardous Substances.	
Exports. *See* Imports and Exports.	
Federal Employees. *See* Government Employees.	
Fire Protection	Coast Guard. Consumer Product Safety Commission. Forest Service. Housing and Urban Development Department.
Firearms and Ammunition	Alcohol, Tobacco, and Firearms Bureau. Federal Aviation Administration.
Fish, Fishing	Customs Service. Fish and Wildlife Service. National Oceanic and Atmospheric Administration. National Park Service.

INDEX, APRIL 1975

SUBJECTS	AGENCIES IN THIS INDEX
Flood Assistance	Federal Insurance Administration.
Foreign Aid	Agency for International Development.
Foreign Trade. *See* Imports and Exports.	
Forests	Forest Service.
Fruits and Juices	Agricultural Marketing Service. Federal Crop Insurance Corporation. Food and Drug Administration.
Fuel. *See* Coal; Gas; Oil.	
Gas	Civil Aeronautics Board. Environmental Protection Agency. Federal Energy Administration. Federal Power Commission. Geological Survey. Land Management Bureau.
Geothermal Resources	Geological Survey. Commodity Futures Trading Commission.
Gold	Federal Home Loan Bank Board. Monetary Offices.
Government Employees	Civil Service Commission.
Grains	Agricultural Marketing Service. Agricultural Stabilization and Conservation Service. Agriculture Department. Coast Guard. Commodity Credit Corporation. Federal Crop Insurance Corporation.
Grazing Regulations	Forest Service. Land Management Bureau.
Guns. *See* Firearms and Ammunition.	
Handicapped	Committee for Purchase from the Blind and Other Severely Handicapped. Education Office. Social Security Administration.
Hazardous Substances	Alcohol, Tobacco, and Firearms Bureau. Federal Aviation Administration. Hazardous Materials Regulations Board. Occupational Safety and Health Administration.
Health	Animal and Plant Health Inspection Service. Civil Service Commission. Disease Control Center. Food and Drug Administration. Health, Education, and Welfare Department. Health Resources Administration. Health Services Administration. Interim Compliance Panel (Coal Mine Health and Safety). National Institutes of Health. Occupational Safety and Health Administration. Public Health Service. Social and Rehabilitation Service. Social Security Administration.
Highways	Federal Highway Administration. National Highway Traffic Safety Administration.
Historic Preservation	Advisory Council on Historic Preservation. National Park Service.
Hospitals. *See* Health.	
Housing	Housing and Urban Development Department.
Hunting	Fish and Wildlife Service.
Imports and Exports	Agriculture Department. Commodity Credit Corporation. Customs Service. Domestic and International Business Administration. Drug Enforcement Administration. Federal Energy Administration.

INDEX

SUBJECTS	AGENCIES IN THIS INDEX
Imports and Exports—Continued	Foreign Trade Zones Board. International Trade Commission. National Oceanic and Atmospheric Administration. Presidenial Executive Order. Treasury Department.
Indians	Agriculture Department. Indian Affairs Bureau. Interior Department.
Insurance	Civil Service Commission. Farmers Home Administration. Federal Crop Insurance Corporation. Federal Deposit Insurance Corporation. Federal Home Loan Bank Board. Federal Insurance Administration. Fiscal Service. Health, Education, and Welfare Department. Securities and Exchange Commission. Social Security Administration. Veterans Administration.
Meat and Products	Agriculture Department. Animal and Plant Health Inspection Service. Packers and Stockyards Administration.
Medical Care. *See* Health.	
Minerals, Mining	Hearings and Appeals Office. Interim Compliance Panel (Coal Mine Health and Safety).
Motor Vehicles	Environmental Protection Agency. Interstate Commerce Commission. Land Management Bureau. National Highway Traffic Safety Administration.
Noise Pollution. *See* Pollution.	
Nondiscrimination. *See* Civil Rights.	
Nuclear Materials	Energy Research and Development Administration. Federal Aviation Administration. Nuclear Regulatory Commission.
Nuts	Agricultural Marketing Service. Agricultural Stabilization and Conservation Service.
Oil	Domestic and International Business Administration. Federal Energy Administration. General Services Administration. Geological Survey. Interior Department. Land Management Bureau.
Parks	National Park Service.
Pension Plans	Internal Revenue Service. Labor-Management Services Administration. National Credit Union Administration. Pension Benefit Guaranty Corporation. Treasury Department. Veterans Administration. Workers Compensation Programs Office.
Pesticides	Animal and Plant Health Inspection Service. Environmental Protection Agency.
Plants	Agricultural Marketing Service. Agricultural Stabilization and Conservation Service. Commodity Credit Corporation. Fish and Wildlife Service.
Pollution	Environmental Protection Agency. Environmental Quality Council. Federal Maritime Commission. Federal Power Commission. Federal Railroad Administration. Occupational Safety and Health Administration.
Privacy	Veterans Administration.

SUBJECTS	AGENCIES IN THIS INDEX
Procurement, Federal	General Services Administration.
Railroads	Federal Highway Administration. Federal Railroad Administration. Interstate Commerce Commission. Presidential Executive Order. United States Railway Association.
Recreation	Fish and Wildlife Service. National Park Service.
Safety	Civil Aeronautics Board. Coast Guard. Consumer Product Safety Commission. Federal Aviation Administration. Federal Railroad Administration. Food and Drug Administration. Housing and Urban Development Department. Interim Compliance Panel (Coal Mine Health and Safety). National Highway Traffic Safety Administration. National Transportation Safety Board. Occupational Safety and Health Administration. Occupational Safety and Health Review Commission. Public Health Service. Veterans Administration.
Social Programs	ACTION. Food and Nutrition Service. Health, Education, and Welfare Department. Social and Rehabilitation Service. Social Security Administration.
Surplus Property and Commodities	Commodity Credit Corporation.
Telecommunications. *See* Communications.	
Textiles	Committee for the Implementation of Textile Agreements.
Timber	Land Management Bureau.
Tobacco and Products	Agricultural Marketing Service. Agricultural Stabilization and Conservation Service. Alcohol, Tobacco, and Firearms Bureau. Federal Crop Insurance Corporation. Federal Trade Commission.
Unemployment	Labor Department.
Vegetables and Juices	Agricultural Marketing Service. Commodity Credit Corporation. Federal Crop Insurance Corporation.
Vessels	Coast Guard. Federal Maritime Commission. Interstate Commerce Commission. Maritime Administration.
Veterans	Veterans Administration.
Viruses, Vaccines. *See* Biological Products.	
Water Pollution. *See* Pollution.	
Water Resources	Interior Department.
Waterways	Coast Guard. Delaware River Basin Commission. Engineers Corps. International Boundary and Water Commission. Interstate Commerce Commission. St. Lawrence Seaway Development Corporation.
Welfare. *See* Social Programs.	

INDEX

INDEX

THE PRESIDENT

EXECUTIVE ORDERS — Page

CIA Activities Within United States, Commission on; extending reporting date (EO 11848) 14885
Carriers, represented by National Railway Labor Conference, and certain of their employees; creation of emergency board to investigate dispute between (EO 11852) 17239
Cheeses, limiting imports of, authority to issue regulations (EO 11851) 16645
Chemical herbicides and riot control agents, renunciation of certain uses in war (EO 11850) 16187
Collective Bargaining Committee in Construction, establishment (EO 11849) 14887
Hopi-Navajo Land Settlement Interagency Committee, amending E.O. 11829 (EO 11853) 17537
Romania, Socialist Republic of, waiver under Trade Act of 1974 (EO 11854) 18391
Sauer, Walter C.; exemption from mandatory retirement (EO 11847) 14568

MEMORANDUM

Egypt, wheat sales; finding and determination under Agricultural Trade and Development Assistance Act of 1954 (March 31, 1975) 18393

PROCLAMATIONS

Buck Island Reef National Monument, enlargement; amending Proclamation 4346 (Proc. 4359) 14565
Defense Transportation Day, National, and Transportation Week, National, 1975 (Proc. 4365) 16641
Farm Safety Week, National, 1975 (Proc. 4361) 15063
Law Day, U.S.A., 1975 (Proc. 4364) 16293
Maritime Day, National, 1975 (Proc. 4363) 15863
Military Selective Service Act; terminating registration procedures under (Proc. 4360) 14567
Mother's Day, 1975 (Proc. 4368) 17977
Pan American Day and Pan American Week (Proc. 4366) 16643
Romania, Socialist Republic of, trade agreement with United States (Proc. 4369) 18389
Small Business Week, 1975 (Proc. 4367) 16829
World Trade Week, 1975 (Proc. 4362) 15861

EXECUTIVE AGENCIES

ACTION

Rules

Conduct standards; employment and financial interest statements 17023
Freedom of information; inspection and copying of records 18556
Workers and contracts; nondisplacement and nonimpairment; assignment of volunteer workers 16208

Proposed Rules

Participation of beneficiaries in planning, developing and implementing programs 16676
Retired senior volunteer program; cost sharing provisions 18002

Notices

Meeting, National Voluntary Service Advisory Council 18583

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Notices

Private enforcement of public regulatory provisions; availability of report 17065

AGENCY FOR INTERNATIONAL DEVELOPMENT

Rules

Procurement 16205

Notices

Authority delegations:
Assistant Administrator for Population and Humanitarian Assistance 17861
Representative, U.S. Embassy, Yemen Arab Republic 17861
Meetings:
Research Advisory Committee 16115
Voluntary Aid, Advisory Committee 18008
Voluntary foreign aid agency, certificate of registration; Esperanca, Inc 17172

AGING ADMINISTRATION

Notices

Application closing dates; career training program 15928

AGING, FEDERAL COUNCIL ON

Notices

Meeting 17303

AGRICULTURAL MARKETING SERVICE

Rules

Committees; redistricting and reapportionment of committee membership; onions grown in Tex 16211
Egg research and consumer information order; practice and procedure; correction 15065
Expenses and rate of assessment:
Oranges (Valencia) grown in Ariz. and Calif 16321
Potato research and promotion plan 17743
Prunes (dried) produced in Calif 18562
Grade, size, and maturity standards:
Beans (green and wax) frozen 15900
Broccoli (frozen) 15890, 18753
Grapefruit and orange (canned) for salad 15896
Grapefruit (white seedless) imported 14891
Grapes (mechanically harvested American, Eastern type) 15381
Limes grown in Fla 17830
Oranges, grapefruit, tangerines, and tangelos grown in Fla 14889, 16210
Oranges (Valencia) grown in Ariz. and Calif 16211, 17829
Limitations of handling and shipping:
Hops, domestic 14737
Lemons grown in Calif. and Ariz 15065, 16073, 16322, 17243, 18163
Onions grown in South Tex 17831
Oranges (navel) grown in Ariz. and Calif 14889, 16073, 16212, 17149, 17150, 17540, 17993, 18404
Oranges (Valencia) grown in Ariz. and Calif 14890, 16213, 17540, 17993, 18404
Milk marketing orders:
Middle Atlantic region 18753
Tennessee; CFR correction 17540

Proposed Rules

Egg research and promotion order; hearing; correction 15906
Grade, size, and maturity standards:
Oranges (Valencia) grown in Ariz. and Calif 17848
Inspection certificates; required information; extension of time 18001
Limitations of handling and shipments:
Filberts grown in Oreg. and Wash.; hearing 16852
Oranges (Valencia) grown in Ariz. and Calif 16335
Potatoes (Irish) grown in Mass., R.I., Conn., N.H., and Vt 17151
Walnuts grown in Calif., Oreg., and Wash 18449
Milk marketing orders:
Appalachian; Chattanooga and Knoxville, Tenn.; and Ohio Valley Marketing Areas 18946
Middle Atlantic and New York-New Jersey areas 14702, 15390
Ohio Valley area 14769, 17029
Plant variety protection; limits of reciprocity 18790
Tobacco (flue cured); inspection and price support service; allocation of, extension of time 15390

Notices

Cranberries grown in certain states; order directing referendum, etc 16704
Grain inspection point; Oklahoma, Enid Grain Inspection Co. 18572
Meetings:
Distributors' Advisory Committee 15923
Flue-Cured Tobacco Advisory Committee 15922
Raisin Advisory Board 17864
Shippers Advisory Committee 14619, 15923, 17613

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules Page

Authority delegations; Administrator et al., acreage allotment, etc ---------- 18815
Marketing quotas and acreage allotments:
Cotton, peanuts, rice, and tobacco; closing dates for transfer, release and reapportionment ---------- 14602
Tobacco ---------- 14737
Wheat, 1976 ---------- 16831
Price determination:
Sugarcane; Florida; 1974 crop ---------- 16072

Proposed Rules

Beekeeper indemnity payment program; 1974–1977 ---------- 18450
Marketing quotas and acreage allotments; tobacco (fire-cured, dark air-cured, Virginia sun-cured, cigar filler and binder) ---------- 16671

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service.
Agricultural Stabilization and Conservation Service.
Animal and Plant Health Inspection Service.
Commodity Credit Corporation.
Commodity Exchange Authority.
Commodity Futures Trading Commission.
Farm Credit Administration.
Farmers Home Administration.
Federal Crop Insurance Corporation.
Food and Nutrition Service.
Forest Service.
Packers and Stockyards Administration.
Rural Electrification Administration.
Soil Conservation Service.

Rules

Authority delegations by Secretary and General Officers:
Administrators, Farmers Home Administration and Rural Electrification Administration; loans for rural electrification and telephone facilities and service ---------- 17829
Assistant Secretary for International Affairs and Commodity Programs et al; rural environmental programs, etc ---------- 18742
Freedom of information:
Audit Office ---------- 14891
Investigation Office ---------- 17831
Import quotas and fees; cheese; price determination ---------- 16069

Notices

Committee renewal; Cotton Advisory Committee, National ---------- 17049
Feed grain donations:
Nambe, Tesuque, Santa Clara, Picuris and San Ildefonso Indian lands in New Mexico, and Pyramid Lake Indian lands; Nev ---------- 15924
Northern Cheyenne Indian Reservation; Mont ---------- 18014
Meat import limitations; second quarterly estimate ---------- 17050
Meetings:
Equal Opportunity Office ---------- 15418
Multilateral Trade Negotiations, Agricultural Advisory Committees ---------- 16153

AIR FORCE DEPARTMENT

Rules

Aircraft arresting systems ---------- 14758
Records disclosure; procedures; correction ---------- 17841

Notices

Meetings:
Academy Board of Visitors ---------- 14607
Scientific Advisory Board ---------- 14785, 14956, 16094, 16223, 16352, 16688, 17062, 17173, 18566

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

Notices

Meeting; National Advisory Council on Alcohol Abuse and Alcoholism ---------- 18014

ALCOHOL, TOBACCO, AND FIREARMS BUREAU

Rules

Internal Revenue Service alcohol, tobacco and firearms functions; transfer to Bureau and recodification ---------- 16835

Notices

Explosives, commerce in; list ---------- 17602
Firearms; granting of relief ---------- 15100, 16351, 18813

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

Rules

Bicentennial projects, application procedures for official recognition ---------- 15877
Freedom of information, fees ---------- 15877

Notices

Bicentennial commemorative medals; availability ---------- 16870
Meeting; American Revolution Bicentennial Council ---------- 14970

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules

Inspection of meat and poultry products; Bockwurst, standard of composition, labeling, etc ---------- 18542
Quarantine areas; plant pest regulations, etc.:
Brucellosis ---------- 17816
Exotic Newcastle disease and psittacosis or ornithosis in poultry ---------- 14571, 17244, 18541
Giant African Snail ---------- 16072
Gypsy moth and browntail moth ---------- 16070
Oriental fruit fly ---------- 17539
Scrapie in sheep ---------- 18404
Texas (splenetic) fever in cattle ---------- 16650
Viruses, serums, toxins and analogous products; standard requirements:
Avian Encephalomyelitis and other poultry vaccines; evaluation criteria ---------- 18405
Leptospira Grippotyphosa, Leptospira Hardjo and Salmonella Typhimurium bacterin; evaluation criteria ---------- 17003

Proposed Rules

Inspection of meat and poultry products; prepackaged products; sale by exempt retail stores to nonhousehold consumers ---------- 15906

Notices

Environmental statements:
Plant protection and quarantine programs, status of ---------- 18478
Veterinary Biologics Laboratory, Iowa ---------- 16225
Fish meal and related products, inspection program; agreement with FDA and NOAA ---------- 14787
Fleming Key Animal Import Center; procedures for issuance of import permits, inquiry ---------- 18821
Humanely slaughtered livestock; identification of carcasses ---------- 16705
Inspection of meat, poultry, and products; drug and pesticide residues, etc.; memorandum of understanding with FDA ---------- 16228
Stockyards and slaughtering establishments; specific approval ---------- 17048

ARMS CONTROL AND DISARMAMENT AGENCY

Notices

Meeting; Arms Control and Disarmament, General Advisory Committee on ---------- 14970

ARMY DEPARTMENT

See Engineers Corps.

Notices

Environmental statements, construction of military family housing in Aliamanu Military Reservation, Oahu, Hawaii ---------- 18008
Meetings:
Military History Research Collection Advisory Committee ---------- 18189
Shoreline Erosion Advisory Panel ---------- 17173

BONNEVILLE POWER ADMINISTRATION

Notices

Environmental statements:
Cheney-Four Lakes Area Service ---------- 17294
Facility Location Supplements, FY 1977; inquiry ---------- 17870
Hangman Creek Area Service ---------- 17294
Okanogan Area Service ---------- 17295
Port Angeles Support ---------- 17295
Seattle Area Reinforcement ---------- 17295

CENTER FOR DISEASE CONTROL

See Disease Control Center.

CITIZENS' ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY

See Environmental Quality, Citizens Advisory Committee on.

CITIZEN'S ADVISORY COUNCIL ON THE STATUS OF WOMEN

Notices Page

Meeting; Equal Rights Amendments, status of, etc ---------- 16872

CIVIL AERONAUTICS BOARD

Rules

Free transportation:
Free and reduced-rate transportation; consolidation, recodification, and revision of regulations ---------- 18415
Postal employees, mail transportation; Part repealed ---------- 18419
Security guards, FAA, NTSB and National Weather Service employees; access to aircraft for safety purposes; Part repealed ---------- 18415
Military transportation; exemption of air carriers; reasonable levels of compensation, etc ---------- 14893, 18774
Policy statements, free transportation on inaugural flights, Section deleted ---------- 18419
Uniform system of accounts and reports for certificated air carriers; deletion of schedules B–9, B–42 and P–41 from CAB Form 41 ---------- 16653

Proposed Rules

Baggage claims; delay and loss compensation, extension of time ---------- 17596
Charters:
One-stop inclusive tour charters; maximum number of interstate charters, etc ---------- 17039
Special event charters; special provisions within context of one-stop inclusive tour charter rule ---------- 18003
Flight schedules of certificated air carriers; designated domestic passenger flights, reporting requirements ---------- 18450

Notices

Hearings, etc.:
Air Nauru ---------- 17069
Air New England, Inc ---------- 17070
Air Panama Internacional, S.A ---------- 16711
Airline Tariff Publishers, Inc ---------- 17626
Alaska Airlines, Inc. et al ---------- 15120, 17627
Alcoholic beverages to coach passengers ---------- 14629, 16359
Allegheny Airlines, Inc. et al ---------- 14632, 14791, 17068, 17777, 18028
American Airlines, Inc., et al ---------- 16870
Boston-Toronto nonstop route proceeding ---------- 16711
Bridgeport service case ---------- 16711
Compagnie National Air France ---------- 16711
Des Moines-Omaha case ---------- 16711
Detroit-Boston nonstop route proceeding ---------- 18834
Deutsche Lufthansa Aktiengesellschaft et al ---------- 16358
Eastern Air Lines, Inc ---------- 14628, 16359
Fare investigations, California and Texas markets ---------- 14976
Flying Tiger Line, Inc ---------- 15119
Fort Myers-Atlanta case ---------- 17868
Greater Peoria Airport Authority, et al ---------- 18210
Hawaiian Airlines, Inc ---------- 16872
International Air Transport Association ---------- 14630, 14792 14794, 14796, 14970, 15930, 16711, 16712, 17630, 17868, 18486
Kimberlin Air Freight Corp ---------- 17777
Las Vegas-Calgary/Edmonton route ---------- 14632
Local service class subsidy rate ---------- 17631
McCulloch International Airlines, Inc ---------- 18834
National Airlines, Inc ---------- 14800, 17070, 18834
Overseas National Airways, Inc., et al ---------- 14632, 18834
Ozark Air Lines, Inc ---------- 17869
Pacific Western Airlines, Ltd ---------- 18038
Pan American World Airways, Inc ---------- 15430, 16359, 17196
Peoria service investigation ---------- 18834
Purolater Sky Courier, Inc ---------- 14976
Reeve Aleutian Airways, Inc ---------- 16359
Seaboard World Airlines, Inc ---------- 14801
Texas International Airlines, Inc ---------- 14631
Trans World Airlines, Inc ---------- 17869
Transatlantic route proceeding ---------- 14977
U.S.-Canada inclusive tour charters ---------- 14627, 16358
U.S.-Canada: increased joint freight rates ---------- 17195, 17777
U.S. Mainland-Hawaii-Alaska; increased joint freight rates ---------- 17069
United Air Lines, Inc ---------- 14977, 18213

CIVIL RIGHTS COMMISSION

Proposed Rules

Freedom of information; availability of materials ---------- 17267

Notices

Meetings, State advisory committees:
Arizona ---------- 18030
Colorado ---------- 16872, 16873, 17777
Connecticut ---------- 17777
Delaware ---------- 18486
Hawaii ---------- 16138
Maine ---------- 17778
Maryland ---------- 18487
Massachusetts ---------- 16873
Michigan ---------- 16138, 18031
Mississippi ---------- 16138
New Jersey ---------- 18031
New York ---------- 16873, 17778, 18031
Ohio ---------- 16138
Texas ---------- 15120, 16139
Utah ---------- 16139
Wyoming ---------- 16873
Public school desegregation; Massachusetts; hearing ---------- 18213

CIVIL SERVICE COMMISSION

Rules

Conduct standards; financial statements ---------- 14571
Employment practices; age discrimination ---------- 15379
Excepted service:
ACTION ---------- 17243
Agriculture Department ---------- 15379, 18751
Air Force Department ---------- 17243
Commerce Department ---------- 17243, 18541
Commodity Futures Trading Commission ---------- 18751
Community Services Administration ---------- 18751
Defense Department ---------- 15379, 17539
Export-Import Bank ---------- 15379, 17243
Federal Energy Administration ---------- 16189
Housing and Urban Development ---------- 17539
Indian Claims Commission ---------- 17539
International Trade Commission ---------- 15379, 17539
Justice Department ---------- 16712, 18751
National Credit Union Administration ---------- 18751
Small Business Administration ---------- 17539
State Department ---------- 18752
Transportation Department ---------- 15379
Veterans Administration ---------- 17243
Health benefits; comprehensive plan networks ---------- 14569

Notices

Meetings; Federal Employees Pay Council ---------- 16234, 17070, 18219
Noncareer executive assignments:
Agriculture Department ---------- 18585
Commerce Department ---------- 16712, 17070, 18585
Defense Department ---------- 18586
Environmental Protection Agency ---------- 18586
Export-Import Bank ---------- 16712
Federal Communications Commission ---------- 18586
Federal Energy Administration ---------- 16712, 16713
Health, Education, and Welfare Department ---------- 16712
Justice Department ---------- 16712
Libraries and Information Science, National Commission on ---------- 18586
Small Business Administration ---------- 18586
Treasury Department ---------- 17243
Salary rates and rate changes; fire protection and prevention series, Clear Air Force Station, Alaska ---------- 18586

COAST GUARD

Rules

Drawbridge operations:
California ---------- 14594
Florida ---------- 17753
Texas ---------- 14594
Inland waters; boundary lines; Strait of Juan de Fuca, Haro Strait, and Strait of Georgia ---------- 17022, 18429
Security zones; Virginia ---------- 17754
Tank vessels; electrical installations located in hazardous areas ---------- 17754
Vinyl chloride; carriage requirements on unmanned barges ---------- 17024

Proposed Rules

Bulk grain cargoes; intact stability requirements for ships carrying ---------- 17154
Canoes and kayaks, revocation of exception for nonapproved lifesaving devices on white water; extension of time ---------- 17762
Certification of seamen; withdrawal of proposed firefighter endorsement ---------- 16676
Drawbridge operations:
Florida ---------- 18793, 18794
Idaho and Washington ---------- 18794
Illinois ---------- 14604
Maryland ---------- 14604
Mississippi ---------- 18793
New Jersey ---------- 15093

INDEX

COAST GUARD—Continued

Proposed Rules—Continued Page

Marine engineering systems and components ---------- 14935, 16676
Tank vessels, construction and equipment ---------- 17592

Notices

Equipment, construction and materials; approval notices and termination of approval notices ---------- 16107, 17063

Meetings:
Boating Safety Advisory Council, National ---------- 17774
Research Advisory Committee ---------- 14627
Navigation areas, Mississippi River in vicinity of Port of New Orleans; mooring barges; cancellation of amendment ---------- 16110
President's Cup Regatta; special local regulations ---------- 18833

COMMERCE DEPARTMENT

See Census Bureau.
Domestic and International Business Administration.
Economic Analysis Bureau.
Economic Development Administration.
Foreign-Trade Zones Board.
Maritime Administration.
National Bureau of Standards.
National Oceanic and Atmospheric Administration.
National Technical Information Service.
Patent and Trademark Office.
Social and Economic Statistics Administration.
Trade Adjustment Assistance Office.

Notices

Advisory committees report on closed meetings; availability ---------- 15928
Household appliances and equipment, voluntary labeling program to effect energy conservation; annual report ---------- 14961
Meeting:
Economic Advisory Board ---------- 16119
Technical Advisory Board ---------- 16869, 17620

Organization and functions:
Appeals Board ---------- 17771
Assistant Secretary for Economic Development ---------- 17772
Congressional Affairs Office ---------- 17772
Maritime Administration ---------- 16707
Patent and Trademark Office ---------- 16707
Telecommunications Office ---------- 17772

COMMISSION ON THE REVISION OF THE FEDERAL COURT APPELATE SYSTEM

Notices

Hearings ---------- 15931, 16360

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Notices

Cotton textiles:
Czechoslovak Socialist Republic ---------- 18487
Macau ---------- 18487
Yugoslavia ---------- 15121
Man-made textiles: Page
China, Republic of ---------- 15436
Haiti ---------- 18586
Korea, Republic of ---------- 15436, 15437
Macau ---------- 18487
Wool textiles:
Macau ---------- 18487

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Notices

Procurement list, 1975; additions and deletions ---------- 15931, 16357, 17311, 18031, 18488

COMMODITY CREDIT CORPORATION

Rules

Cotton; bagging and bale tie specifications ---------- 16647
Export credit sales programs:
Beef breeding cattle ---------- 16327
Breeding swine ---------- 16332
Dairy breeding cattle ---------- 16329
Procedural requirements and organizational functions and assignments ---------- 16322
Milk; price support program ---------- 16649
Wool; 1974 marketing year; payment and deduction rates ---------- 16213

Proposed Rules

Loan and purchase program; rice 1975 crop, maturity date ---------- 15390

Notices

Loan and purchase programs; grains and similarly handled commodities; warehouse storage loans, 1974 ---------- 18572
Monthly sales list, FY ending June 30, 1975 ---------- 16863

COMMODITY EXCHANGE AUTHORITY

For successor agency, see Commodity Futures Trading Commission.

Rules

Commodity positions and daily trading; limits ---------- 15086

Proposed Rules

Live slaughter cattle, live hogs and frozen pork bellies; hearing cancelled ---------- 15907

COMMODITY FUTURES TRADING COMMISSION

For prior documents, see Commodity Exchange Authority.

Rules

Chapter redesignation ---------- 17406
Commodity Exchange Act, provisional designations under; Boards of Trade as contract markets, etc ---------- 17406, 18776

Proposed Rules

Anti-fraud, contract transactions involving gold and silver, domestic sales of foreign futures, etc ---------- 18187

Notices

Commodity trading advisor or pool operator, and associated persons; registration and approval, etc.; effective date deferred ---------- 17409

COMPTROLLER OF THE CURRENCY

Rules Page

Business interest statements of directors and principal officers of National banks; reporting requirements clarification ---------- 17135
National banks and collective investment funds; fiduciary powers of; short-term investment in variable amount note ---------- 18770

Proposed Rules

Travel service, National banks providing ---------- 14767

Notices

Report of condition of insured banks, joint call ---------- 17875

CONSUMER PRODUCT SAFETY COMMISSION

Rules

Flammable fabrics, children's sleepwear; labeling, advertising, recordkeeping, retail display and guaranties:
Size 0–6X ---------- 16654
Size 7–14 ---------- 14584
Toys, games and other children's articles; test methods for simulating use and abuse; corrections ---------- 16191, 17746

Proposed Rules

Toys and other children articles with sharp edges; testing device ---------- 17157

Notices

Architectural glazing; denial of petition to adopt voluntary standard ---------- 18834
Bookmatches, standards publication; extension of time ---------- 17196
Chemical formulations for specified consumer products; order for submission ---------- 16713
Flammable Fabrics Act enforcement proceeding against Charles Castro et al; mattresses ---------- 17632
Meetings:
Aerosol spray products ---------- 17311
Product Safety Advisory Council ---------- 17632
Upholstered furniture flammability ---------- 15438
Swimming pool slides; safety standard; correction ---------- 17778

COST ACCOUNTING STANDARDS BOARD

Rules

Compensated personal absence, accounting for costs; effective date ---------- 15865
Freedom of information; fee schedules ---------- 18541
Tangible capital assets, depreciation; effective date ---------- 14737, 15865

Proposed Rules

Disclosure statement; filing by contractors, etc ---------- 14942

COUNCIL ON ENVIRONMENTAL QUALITY

See Environmental Quality Council.

CUSTOMS SERVICE

Rules Page

Antidumping; electronic tuners from Japan ---------- 14591
Customs bonds; transcript ---------- 14749
Drawback statements; accelerated payment of drawback claims ---------- 14749
Virgin Islands; entry and clearance of aircraft ---------- 15386

Proposed Rules

Book shipments, information required on invoices; rescinded ---------- 17151
Carriers, cartmen and lightermen:
Termination of bond and duration of license ---------- 15389
Transportation of own bonded merchandise ---------- 15389

Notices

Countervailing duty petitions:
Castor oil products from Brazil ---------- 18814
Leather products from Argentina ---------- 17763
Wall tile, glazed, ceramic, from Philippines ---------- 16119
Foreign currencies; certification of rates ---------- 15100, 16120, 17173, 18814
Newsprint paper standard; minimum basis weight ---------- 18008

DEFENSE CIVIL PREPAREDNESS AGENCY

Rules

Payments for financial contributions; procedures for withholding under Federal Civil Defense Act ---------- 16314

DEFENSE COMMUNICATIONS AGENCY

Notices

Meeting; Scientific Advisory Group ---------- 15406

DEFENSE DEPARTMENT

See Air Force Department.
Army Department.
Defense Civil Preparedness Agency.
Defense Communications Agency.
Engineers Corps.
Navy Department.

Rules

Conduct standards ---------- 16194
Freedom of information ---------- 16203

Proposed Rules

Industrial personnel security clearance program ---------- 17995

Notices

Committee establishment; Acquisition Advisory Group ---------- 17864
Meetings:
Defense Intelligence Agency Scientific Advisory Committee ---------- 14785, 18009
High Energy Laser Review Group ---------- 15915
Military Airlift Committee ---------- 14607
Science Board, task forces etc ---------- 14956, 15110, 15915, 16233, 16689, 16858, 16859, 17174, 17763, 18189, 18814
Systems Management School Board of Visitors ---------- 17603
Wage Committee ---------- 17293, 18009

DEFENSE MANPOWER COMMISSION

Notices Page

Manpower requirements; hearing ---------- 18835
Meetings ---------- 17196, 18835

DELAWARE RIVER BASIN COMMISSION

Rules

Freedom of information; correction ---------- 17987

Notices

Delaware, New Jersey and Pennsylvania projects; hearing ---------- 16234

DISEASE CONTROL CENTER

Notices

Coal mine dust personal sampler units; revocation of approval certificates of Bendix Corp ---------- 17773
Gas detector tube units; applications for certification ---------- 17620
Meeting, Immunization Practices Advisory Committee ---------- 16708
Occupational safety and health standards for certain chemical substances; validated sampling and analytic methods; availability ---------- 14961

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Rules

Adjustment assistance; certification of eligibility to apply for:
Communities ---------- 14925
Firms ---------- 14921, 14930
Foreign excess property; American Samoa, Guam, and Trust Territory of Pacific Islands; definition, removal ---------- 17837
Short supply controls; petroleum products, licensing exports; second quarter 1975 ---------- 15867

Notices

Adjustment assistance; certification of eligibility to apply for; petition, Town & Country Shoes, Inc ---------- 18574
Meetings:
Computer, Peripherals, Components and Related Test Equipment Advisory Committee ---------- 18199
Computer Systems Technical Advisory Committee ---------- 16706
Industrial Energy Conservation Council, National ---------- 14960, 17620, 18825
Multilateral Trade Negotiations, Industry Sector Advisory Committees for ---------- 14622
Telecommunications Equipment Technical Advisory Committee ---------- 17865
Scientific articles; duty-free entry:
Desert Research Institute et al ---------- 16864
Duke University Medical Center ---------- 16865
ERDA Health & Safety Laboratory et al ---------- 16866
Evanston Hospital et al ---------- 17768
Good Samaritan Hospital and Medical Center et al ---------- 17050
Indiana University-Purdue University, et al ---------- 18823
Loyola University et al ---------- 15109
Meharry Medical College ---------- 15110
National Institutes of Health et al ---------- 17051, 17768
St. Judes Children's Research Hospital ---------- 16867
University of California et al ---------- 17769
University of Nebraska ---------- 15111
University of Oregon, et al ---------- 16115
University of Texas System Cancer Center ---------- 16868
Veterans Administration Prosthetics Center ---------- 16868

DRUG ENFORCEMENT ADMINISTRATION

Rules

Employee screening procedures for non-practitioners ---------- 17142
Schedules of controlled substances, peyote; policy and interpretation statement ---------- 18426

Proposed Rules

Schedules of controlled substances; Schedules III through V substances; storage and security; correction and extension of time ---------- 16082

Notices

Applications to import or manufacture controlled substances:
Abbott Laboratories ---------- 17174
Burroughs Wellcome Co ---------- 17174
G.D. Searle & Co ---------- 16235
Jerdan Chemical Corp ---------- 14607
Sandoz, Inc., et al ---------- 14607
Smith Kline & French Laboratories ---------- 14608
Registrations, actions affecting:
Norman Bridge Drug Co.: hearing ---------- 17294

ECONOMIC ANALYSIS BUREAU

Proposed Rules

Foreign investments and international receipts and payments of royalties and fees ---------- 14603

ECONOMIC DEVELOPMENT ADMINISTRATION

Rules

Grant and loan program; areas designation, eligibility under 1974 Community Services Act ---------- 18544

EDUCATION OFFICE

Rules

Adult education programs, State financial assistance ---------- 17950
Bilingual vocational training; grants and contract awards ---------- 18787
Educational opportunity centers, funding criteria ---------- 14917
Educational opportunity grant program, basic; expected family contribution ---------- 15248
Emergency Insured Student Loan Act of 1969; special allowances ---------- 18556
Follow Through Program ---------- 17712
Right-to-Read program, grants:
Reading academies under 1974 Educational Amendments Act ---------- 18551
School assistance in federally affected areas (SAFA) ---------- 16012
School training staff ---------- 14762
Student incentive grant program, State; continuing grants ---------- 17844
Upward bound; funding criteria ---------- 14918

INDEX

EDUCATION OFFICE—Continued

Proposed Rules — Page
Community education program 17394
Equalization plans, State; assistance to States 16086
Handicapped children, education of; financial assistance to jurisdictions of Puerto Rico, Guam, American Samoa, Virgin Islands and Trust Territory of Pacific Islands 17849

Notices
Accreditation, lists of approved agencies and associations:
Colleges and Universities, etc. 15115
Nurse education 15117
Vocational education 15117
Applications closing dates:
Bilingual education 16231
Desegregation of public education 15118
Domestic mining and mineral and mineral fuel conservation fellowships 14966
Emergency School aid 14789, 16354
Follow Through Program 17773
Foreign language and area studies research program; extension of time 18207
Right to Read Reading Academy program 18575
Right to Read School Based Program 14790
Veterans' Cost-of-Instruction Program 16356
Funding criteria for applications:
Foreign language and area studies fellowships 14967
Fulbright-Hays training grants 18020
Higher education personnel training programs 18833
Mining and mineral and mineral fuel conservation fellowships 14966
Talent search—special services for disadvantaged students 14967
Meetings:
Accreditation and Institutional Eligibility Advisory Committee 17621
Adult Education, National Advisory Council on; Research and Studies Committee of 18207
Bilingual Education, Advisory Council on 15118, 18206
Career Education, National Advisory Council for 18019, 18833
Community Education Advisory Council 18020
Equality of Educational Opportunity, National Advisory Council on 16120
Extension and Continuing Education, National Advisory Council on 17622
Handicapped, National Advisory Committee on 18207
Vocational Educational, National Advisory Council on 16355, 16869

EMPLOYMENT STANDARDS ADMINISTRATION

Notices
Index to general wage determination decisions and modifications 15328
Minimum wages for Federal and federally assisted construction; general wage determination decisions, modifications, and supersedeas decisions 15260, 16468, 17450, 18270

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Rules
Procurement; patents and copyrights 16848, 17573
Property management regulations, authority, etc 15091

Proposed Rules
Proposals; submission, evaluation and selection 16677

Notices
Environmental statements:
Gas Centrifuge program 17871
Liquid metal fast breeder reactor program; hearing 18218
Radioactive waste, management of commercial high level and transuranium contaminated; closing of public hearing record 17071
Waste Management Operations, Hanford Reservation; closing of public hearing record 17317
Meeting; High Energy Physics Advisory Panel 18587
Solar heating and cooling program; interim report to Congress 16714
Uranium hexafluoride; charges, enriching services, specifications, and packaging; revisions 17070

ENGINEERS CORPS

Rules
Authority delegation; Chief of Engineers, operations under Federal Power Act 17023
Navigation regulations; public involvement; general policies 14761

Proposed Rules
Project deauthorization review program; policies and procedures 14872
Relocation assistance, uniform, and real property acquisition 16850

Notices
Application for fuel-carrying pipeline right-of-way; Illinois 18473
Meeting; Environmental Advisory Board of Chief of Engineers 15915

ENVIRONMENTAL PROTECTION AGENCY

Rules
Air pollution control, new motor vehicles and engines:
Emission regulations for gasoline-fueled heavy duty engines; correction 16667
Trucks, light-duty diesel; high altitude sale; certification procedures for 1977 model year 18778
Air programs:
Clean Air Act, administration of Federal contracts, grants and loan 17124, 18429, 18437
Standards of performance for new stationary sources and National emission standards; authority delegation to Washington State 18169
Air quality implementation plans:
Air quality maintenance areas 18725
Georgia 18430
Iowa 15879
Kansas 15879
Missouri 16842
National Capital Region 16845
Pennsylvania 14595
Puerto Rico 18550
Vapor recovery on ships and barges 18437
Air quality standards; ambient air monitoring reference and equivalent methods; corrections 18168
Energy related authority; power plant shut downs 18438
Environmental statements; preparation of 16814
Pesticide chemicals in or on raw agricultural commodities tolerances and exemptions:
Benomyl; correction 15880
Butralin 18172
Carbaryl 17841
Carbophenothion 14596
Chlorothalonil 14596
Cycloheximide 15387
Dimethyl phosphate of 3-hydroxy-*N*-methyl - *CIS* – crotonamide 18171
Ethephon 18171
Ethyl 3-methyl-4-(methylthio) phenyl (1-methylethyl) phosphoramidate 17557
Formaldehyde; correction 17841
Methazole; correction 18172
Propargite 17146
Simazine 14597
Pesticides, shipment of, for experimental use; issuance of permits, revocation and addition 18780
Water pollution; effluent guidelines for certain point source categories; manufacturing and processing, etc.:
Asbestos 18172
Electroplating 18130
Rubber 18172
Seafood, canned and preserved; corrections 16204
Water pollution; Federal Water Pollution Control Act, administration of; Federal contracts, grants and loans 17124, 18429, 18437
Water quality standards; Idaho 18170

Proposed Rules
Air pollution control; new motor vehicles and engines; defect reporting 18176
Air quality; enforcement of implementation plan requirements after statutory deadlines; authority of State and Federal governments 14876
Air quality implementation plans:
Delaware; correction 18795
Idaho 16218
Maryland 18796
Massachusetts 16680
New York 15094

Page
Oregon 17158
Pennsylvania 15095
Washington State 17597
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.; inert ingredients in pesticide formulations 18451
Water pollution, effluent guidelines for certain point source categories; manufacturing, processing, etc.:
Electroplating 18140
Oil and grease; pretreatment standards; inquiry 17762
Organic chemicals 17041
Poultry processing products 18150
Seafood, canned and preserved 15096

Notices
Air pollution:
California standards; motor vehicle emissions 16235
Standards of performance for new stationary sources; opacity provisions; inquiry 17778
Washington; authority delegation concerning standards of performance for new stationary sources and National emission standards 14632
Air quality implementation plans; New Jersey corporate compliance schedules; hearing 18218
Committee establishment; State-Federal FIFRA Implementation Advisory Committee 18218
Environmental impact statements; availability 18489
Fuel; lead additives in gasoline; suspension of enforcement of controls 18217
Mass transit priority incentives; New Jersey 17633
Meetings:
Air Pollution Control Techniques Committee, National 17315
Air Quality Criteria Advisory Committee, National 18218
Drinking Water, National Advisory Council 16714
Ecology Advisory Committee 15124, 17316
Science Advisory Board Executive Committee 18835
Pesticide chemicals and food additives; tolerances, etc.; petitions:
Abbott Laboratories 17314
American Cyanamid Co 17314
Avitrol Corp., et al 17872
Chevron Chemical Co 18489
Pennwalt Corp 17314
Rohm & Haas Co 17315
Sandoz-Wander, Inc., et al 17872
Pesticide registration application 14979, 15124, 15439, 15931, 16236, 16237, 16238, 16873, 16874, 17196, 17872, 17874, 18031, 18032, 18587
Pesticides; specific use exemptions and experimental use:
Louisiana; emergency use of DDT on cotton 15934
New Jersey Department of Environmental Protection; use of carbofuran on potatoes 18493
Peanuts:
Texas A&M University; sodium cyanide for predator control investigation 15126
Waste treatment, areawide; area and agency designations, management planning approvals 18216
Water pollution, control of discharge of pollutants:
Colorado 16713
Michigan, marine sanitation device standard 18217
Minnesota, marine sanitation device standard 15439
Texas, marine sanitation device standard 15439
Water pollution; effluent guidelines for certain point source categories:
Inorganic chemicals manufacturing 18217
Steam electric power; availability of report 15952
Water pollution; ocean dumping; application for permit to incinerate herbicide orange at sea; hearing 16237

ENVIRONMENTAL QUALITY, CITIZENS' ADVISORY COMMITTEE ON

Notices
Meeting 18833

ENVIRONMENTAL QUALITY COUNCIL

Notices
Environmental statements:
Actions requiring preparation 16364
Availability 15121, 16360, 17312, 18213, 18740

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Rules
Procedural regulations, case processing 16193

FARM CREDIT ADMINISTRATION

Rules
Farm credit system; organization, personnel, etc 17744
Freedom of information; availability of records 14571

FARMERS HOME ADMINISTRATION

Rules
Federal Deposit Insurance Corporation coverage; increase in supervised bank accounts 16333
Real estate security; servicing and liquidations 15065

Proposed Rules
Association and grants and community facilities development, conservation, utilization; processing and audit requirements 14776
Business and industrial loans, guaranteed; ineligible purposes 15405

Notices
Disaster areas:
Arkansas 15416, 16705, 16863
Colorado 16705
Georgia 14619, 15416
Illinois 18821
Iowa 18822
Kansas 14619, 18822
Louisiana 15107, 15108
Michigan 18822
Minnesota 18823
Mississippi 15416, 16863
Missouri 15417, 16705, 18823
Nebraska 14619, 15417
New Mexico 16863
North Carolina 14619
South Dakota 14620
Texas 14620, 15417, 16705, 16863
Wisconsin 15108, 15417, 15418, 16864

FEDERAL AVIATION ADMINISTRATION

Rules
Airworthiness directives:
AiResearch 18163
Beech 16297, 16831, 18544
Bell 17832
Bellanca 17138
Boeing 15085, 15866, 17006, 17139
Canadair 14739
Cessna 17248
DeHavilland 14740
Don Piccard Balloons 17832
Douglas 14891
Grumman 17548
Hughes 16189, 18413
Lockheed 14892, 16189, 16297, 16298, 16832, 17833, 18413
Lycoming 15384, 17833
McDonnell Douglas 14892, 16190, 17834
Mooney 17835
Piper 14740, 15085, 17835
Rockwell International Corp 15085, 15086, 16299
Rolls Royce 16190
Sikorsky 15384, 16191
Teledyne Continental 17548
United Aircraft of Canada 17835
Vertol 15086
Certification and operations:
Weapons and escorted persons 17551
Control zone 14740, 14741, 16665, 17140, 17836, 17986, 18164
Equipment requirements in Group II terminal control areas, ATC transponder 16651
Radioactive materials; carriage on passenger carrying aircraft 17142
Restricted areas 17549, 17550
Standard instrument approach procedures 14893, 16300, 17140, 18164
Terminal control area 16050, 18414
Transition area 14741, 15086, 15385, 15867, 16088, 16089, 16299, 16651, 16832, 17006, 17007, 17139, 17140, 17248, 17249, 17836, 17986, 18164, 18549
VOR Federal airways 16217, 16650, 16651, 17549, 17837, 18414, 18549

Proposed Rules
Airworthiness Directives:
Beech 18562
Gates Learjet 16854
Pratt & Whitney 17852

INDEX

FEDERAL AVIATION ADMINISTRATION—Continued

Proposed Rules—Continued Page

Certification and operations; large turbine-powered airplane; installation of approved glide slope deviation monitoring system ---- 17156
Compartment interior materials; toxic gas emission under fire conditions; extension of time ---- 15093
Control zones ---- 15399, 17264
IFR altitudes ---- 16347
Jet route, extension ---- 14781
Restricted areas ---- 15907
Transition areas ---- 14780, 14781, 15094, 15399, 15400, 15907, 16345, 16346, 16854, 17264, 17265, 17596, 17852, 18001, 18176
VOR Federal airways ---- 16089, 16217

Notices

Air traffic control towers; Lebanon, N. Hamp.; commissioning ---- 15929
Aviation Safety Reporting Program; establishment ---- 17775
Environmental statements; Concorde supersonic transport (SST) aircraft ---- 15119
Meetings:
Aviation Review Conference ---- 16710
Microwave Landing System Advisory Committee ---- 14791
Visual Aids to Approach and Landing, Advisory Committee on ---- 17194

FEDERAL COMMUNICATIONS COMMISSION

Rules

Amateur radio service; authorization of commemorative stations ---- 17755
Cable television:
Network program exclusivity nonduplication protection ---- 17724
Sponsorship identification rules ---- 18395
Subscription cablecasting; programs for which a per-channel or per-program charge is made ---- 15546
FM broadcast stations; table of assignments:
Arizona ---- 18401, 18402
California ---- 15886, 17260
Georgia, Florida ---- 15887
Idaho ---- 16667
Maine ---- 15886
Massachusetts ---- 18402
Missouri ---- 17026
North Carolina ---- 15882
Pennsylvania ---- 15882
South Carolina ---- 15888
Texas ---- 15889
Wisconsin ---- 17260
Fee schedules; broadcast or common carrier ---- 16398, 17146
Land mobile channel allocations; correction ---- 17130
Organization and functions:
Chief, Field Operations Bureau ---- 17252
Copies of materials available for inspection; identification of contractor ---- 18395
Office of Bureau Chief, Common Carrier Bureau ---- 14764
Radio broadcast services:
Editorial changes ---- 15863
FM broadcast stations; table of assignments. *See* under FM broadcast stations, *above*.
Puerto Rico, dual-language TV/FM programming ---- 17256
Sponsorship identification rules ---- 18395
Subscription cablecasting; programs for which a per-channel or per-program charge is made ---- 15546
Radio frequency devices:
Equipment authorization procedures, correction ---- 15091
Television tuning rules, comparable; waiver ---- 15881

Proposed Rules

Airport lights, radio control from aircraft ---- 17271
Broadcast station license; renewal form ---- 16969
Cable television:
Cross-ownership prohibition; postponement of divestiture ---- 16684
Minimum channel capacity; access channels; compliance date for major market systems; extension of time ---- 16683
Network program exclusivity protection ---- 17270
Subscription cablecasting; series type programs ---- 15574
FM broadcast stations; table of assignments:
Arkansas and Missouri ---- 18452
California ---- 17269, 18466
Colorado ---- 18464
Florida ---- 17598
Iowa, Nebraska ---- 16682
Iowa, California, Texas, etc ---- 16680
Louisiana ---- 14943
Michigan ---- 18464
Missouri ---- 14946
New York ---- 14944
Ohio, Alabama and Tennessee ---- 17042
Oklahoma ---- 18461
Oregon ---- 14945
South Carolina ---- 15908
South Dakota ---- 17042
Virginia and West Virginia ---- 17270
Washington ---- 18463
Wisconsin ---- 18462
Wyoming ---- 15907
Maritime stations; frequency-designations; Ports of New York and New Orleans ---- 18465
Radio broadcast services:
AM station assignment standards; extension of time ---- 15908
FM broadcast stations; table of assignments. *See under* FM broadcast stations, *above*.
New Jersey, adequate television service for; extension of time ---- 14947

Notices

Aquarium thermostats, interference sources ---- 18497
Broadcasting stations, automatic transmission systems ---- 17317
Canadian broadcast stations; table of assignments ---- 15953
Committee establishment; Aeronautics, Radio Technical Commission for; Special Committee 130 ---- 14805
Common carrier services information; domestic public radio services applications accepted for filing ---- 14801, 15126, 16716, 17319, 18494
Meetings:
Aeronautics, Radio Technical Commission for ---- 14805, 14806, 15953, 16111, 17321
Interface Criteria Task Force ---- 17074, 17321
Marine Services, Radio Technical Commission for ---- 16111, 18496
World Administrative Radio Conference, 1979 ---- 16717, 17325, 18494
Mexican broadcast station notification list ---- 14634
Sponsorship identification; interpretation ---- 18497
Standard broadcast applications read and available for processing ---- 16111, 16717
Television programming exclusivity; inquiry ---- 15576
VHF stations; television table of assignments; inquiry ---- 17321
Hearings, etc.:
Airsignal International of Pittsburgh ---- 16715
American Telephone & Telegraph Co. et al ---- 14980, 17781
Belo Broadcasting Corp ---- 14980
Cable TV, Inc ---- 14983
Calamount Broadcasters, Inc. et al ---- 15953
Camellia City Telecasters, Inc ---- 17781
Defense Department et al ---- 14985
Empire Broadcasting Corp. et al ---- 17781
Gilbert Broadcasting Corp. et al ---- 18495
Hemphill, E.W., et al ---- 15954
Houston Mobilfone, Inc., et al ---- 17782
Kennebec Western Broadcasting Co. et al ---- 15954
Maranatha, Inc., et al ---- 14803
Miner, Julie P., et al ---- 18497
Mobile, George T., et al ---- 14802
Radio Marion, Inc ---- 14986
Selma Flying Service, Inc ---- 14993
Teleprompter Cable Systems, Inc., et al ---- 14804
Thoms Broadcasting Companies, Inc., et al ---- 17071
Town & Country Radio, Inc., et al ---- 15956

FEDERAL CONTRACT COMPLIANCE OFFICE

Proposed Rules

Equal employment; bid conditions for Federal and federally assisted construction ---- 14953

FEDERAL COUNCIL ON AGING

See Aging, Federal Council on.

FEDERAL COUNCIL FOR SCIENCE AND TECHNOLOGY

Notices

Meetings; Astronomy, Ad Hoc Interagency Coordinating Committee for ---- 18589

FEDERAL CROP INSURANCE CORPORATION

Rules Page

Crop insurance, designated counties in certain States:
Citrus ---- 15905
Corn, soybeans ---- 15905

Proposed Rules

Crop insurance; designated counties in certain States:
Barley ---- 14777

Notices

Crop insurance applications 1975; extension of closing date:
Tobacco (type 13), North Carolina ---- 15923
Tobacco (types 13 and 14); Florida, Georgia, and South Carolina ---- 15923

FEDERAL DEPOSIT INSURANCE CORPORATION

Rules

Interest on deposits; restrictions on NOW accounts of public units ---- 17137
Records and information; procedure and rules of practice; authority delegations ---- 17004

Proposed Rules

Interest on deposits:
Savings deposits, preauthorized payments or transfers from ---- 16219
Time deposits, penalties for withdrawal before maturity ---- 16219
Securities of insured State nonmember banks; correction ---- 14947

Notices

Reports, calls for; condition of insured banks ---- 17875
Savings deposits; withdrawal by telephone ---- 16239

FEDERAL DISASTER ASSISTANCE ADMINISTRATION

Notices

Disaster areas:
Arkansas ---- 16231
Georgia ---- 15427
Kentucky ---- 15428, 16709, 17624
Louisiana ---- 17624
Mississippi ---- 16709, 17062
Tennessee ---- 14969, 15428, 16232, 16710
Texas ---- 16232

FEDERAL ELECTION COMMISSION

Notices

Transfer of authority ---- 17198

FEDERAL ENERGY ADMINISTRATION

Rules

Information collection; authorized energy information; procedures ---- 18408
Mandatory petroleum allocation regulations:
Old oil allocation program, inclusion of Canadian plant condensate in crude oil rules ---- 14738
Propane and butane for refinery fuel; limitation on use of ---- 15843
Mandatory petroleum price regulations:
Gasoline, markup on retail sales to reflect increased nonproduct costs ---- 15401, 18467
Oil import regulations:
Allocations, period beginning May 1, 1975 ---- 18766
Amendments to conform to Presidential Proc. No. 4355 ---- 16047
Election procedure for refiners in United States Territories and Foreign Trade Zones ---- 18769
Power generator fuel regulation; prohibitions on use of low sulfur petroleum products eliminated ---- 16295
Ruling:
Gasoline retailing; rental charges for real property used, prospective increases ---- 17980

Proposed Rules

Administrative procedures and sanctions; profit margin repurification ---- 17859
Mandatory petroleum allocation regulations:
Adjustments to base period volume based on changed circumstances; exception relief to certain wholesale purchasers in Montana, Wyoming, etc ---- 14605
Air passenger transportation services; access to refined petroleum products ---- 17600
Crude oil; cost adjustments, hearing ---- 16089
Crude oil supplier/purchaser relationship ---- 18182
Mandatory petroleum price regulations; condensate from gas wells; exemptions, definitions, etc ---- 18004
Oil imports; allocations for period beginning May 1, 1975 ---- 14948

Notices

Canadian imports of petroleum, allocation; hearing and inquiry ---- 17783
Environmental statements:
Coal conversion program, final ---- 18034
Energy Independence Act of 1975 and related tax proposals ---- 16875
Fuel burning installations, major; requirement to complete FEA questionnaire ---- 17328
International energy program; voluntary agreement by Administrator of General Service and Attorney General ---- 16042, 16718
Market shares information; questionnaires; distillate and residual fuel oil sales to consumers ---- 16111
Meetings:
Consumer Affairs Special Impact Advisory Committee ---- 14641, 18488
Environmental Advisory Committee ---- 18488
Food Industry Advisory Committee ---- 18034
Natural Gas Transmission and Distribution Advisory Committee ---- 16718
State Regulatory Advisory Committee ---- 18488
Wholesale Petroleum Advisory Committee ---- 16718, 17328
National utility residual fuel oil allocation; supplier percentage; May, 1975 ---- 17962
Old oil allocation program; entitlement notices:
January 1975; correction ---- 18220
February 1975 ---- 17325, 18836

FEDERAL HIGHWAY ADMINISTRATION

Rules

Bridge toll procedures ---- 14919
Engineering and traffic operations:
Construction and maintenance ---- 14906
Off-system roads program; administrative guidelines ---- 14907
Physical construction authorization ---- 17251
Preconstruction procedures; advance construction of Federal-aid projects; correction ---- 17554
Planning; program management; highway planning research and development contracts ---- 17554
Public transportation:
Rural highway public transportation demonstration program; guidelines ---- 16301
Railroad-highway projects; construction and reimbursement ---- 16057

Notices

Bridge tolls; Walt Whitman and Benjamin Franklin bridges ---- 14969
Committee renewal; Uniform Traffic Control Devices National Advisory Committee ---- 16233

FEDERAL HOME LOAN BANK BOARD

Rules

Federal Home Loan Bank System:
Certificate accounts, early withdrawal penalty ---- 18771
Gold, operations and limitations of member banks ---- 17244
Federal Savings and Loan Insurance Corporation:
Certificate accounts, early withdrawal penalty ---- 18772
Gold, private institution restrictions ---- 17247
Loans to one borrower, documentation of ---- 18411
Office of Examinations and Supervision; authority relating to nationwide loans, participation loans and earmarking of networth accounts ---- 14738
Federal Savings and Loan System:
Bill payment services ---- 17004
Certificate accounts, early withdrawal penalty ---- 18772
Collateralized borrowings; operations, etc ---- 17982
Consumer loans by service corporations ---- 17005
Farm loan amendments, definitions ---- 15865
Gold, restrictions on activities ---- 17246
Service corporation debt and investment limitations ---- 15382
Foreign activities of National banks; interpretation of foreign bank ---- 18412
Savings and loan holding companies:
Consumer loans by multiple holding companies ---- 17005
Gold, private institution restrictions ---- 17247

INDEX

FEDERAL HOME LOAN BANK BOARD—Continued

Proposed Rules Page

Federal Home Loan Bank System; rate control violations; withdrawal ---- 17860
Federal Savings and Loan Insurance Corporation; borrowing limitations; guarantees ---- 18005
Federal Savings and Loan System: Borrowings; guarantees ---- 18005
Cooperative housing projects; loans ---- 15096
Savings and loan holding companies:
Affiliates, transactions with ---- 16090
Indebtedness ---- 17044

Notices

Applications, etc.:
H. F. Almanson & Co ---- 16875
Imperial Corp. of America ---- 16240
Murray Investment Corp ---- 16875
Trans-World Financial Co ---- 17612
United Financial Corp. of California ---- 15958, 16876

FEDERAL INSURANCE ADMINISTRATION

Rules

National flood insurance program:
Areas eligible for sale of insurance ---- 14599, 14600, 14601, 16835, 16836, 16837, 16838, 16839, 16840, 16841, 17750, 17752, 17838, 17839, 17987, 18776, 18777
Special hazard areas ---- 14754, 16192, 16193, 16303, 16304, 16842, 17989, 18550

Proposed Rules

National flood insurance program; flood elevation determination:
Florida ---- 16345, 16674, 16675
Massachusetts ---- 16675
Minnesota ---- 16676
Pennsylvania ---- 18562

Notices

National flood insurance; limits of available coverage ---- 16710

FEDERAL MARITIME COMMISSION

Rules

Reporting requirements approved by GAO:
Self-policing systems ---- 14599
Terminal operators, tariffs filed by ---- 14599
Terminal barge operators in Pacific Slope States, tariff filings by ---- 18446

Proposed Rules

Small claims ceiling limit; informal procedure for adjudication ---- 15097
Terminal barge operators in Pacific Slope States; tariff filing by ---- 15401

Notices

Agreements filed:
American President Lines, Ltd., et al ---- 15128
Associated North Atlantic Freight Conferences ---- 16876
Barber Lines A/S et al ---- 16718, 16876, 18836
Canadian-American working arrangement ---- 18836
Iberian/U.S. North Atlantic Westbound Freight Conference ---- 14641
Greater Baton Rouge Port Commission et al ---- 18837
Japan/Korea-Atlantic and Gulf Freight Conference ---- 16365, 16876
Japan Line, Ltd. et al ---- 14806
Long Beach, city of, et al ---- 17328
Matson Navigation Co ---- 18500, 18590
Nippon Yusen Kaisha et al ---- 14806
North Atlantic Baltic Freight Conference ---- 18838
Pacific-India/Pakistan/Ceylon/Burma ---- 16240
Pacific/Indonesian Conference ---- 16719
Prudential Lines, Inc., et al ---- 16240
Puerto Rico Marine Management, Inc., et al ---- 16139
Ramirez International Forwarding Co ---- 17198
Redwood City, port of, et al ---- 18590
Scandinavia Baltic/U.S. North Atlantic Westbound Freight Conference ---- 18838
Tampa Port Authority et al ---- 17329
Trans-Pacific Freight Conference of Japan/Korea ---- 16365
U.S. Atlantic and Gulf/Australia-New Zealand Conference ---- 15959
U.S. Atlantic and Gulf Ports and Ports in Central and South America and Caribbean ---- 18590
Casualty and nonperformance, certificates:
American Cruise Lines, Inc ---- 17876
Atlantic Far East Lines, Inc ---- 18500
Grueninger Travel Service, Inc., et al ---- 17877
Mitsui O.S.K. Lines (Passenger), Ltd ---- 18501
Complaints filed:
Alliance Rubber Co. v. United States/South and East Africa Conference, et al ---- 17074
Crestline Supply Corp. vs. Concordia Line v. Boise-Griffin Steamship Co., Inc ---- 18837
Environmental statements:
Council of North Atlantic Shipping Association, et al. v. American Mail Lines Ltd., et al ---- 18034, 18035
New Orleans, et al v. Seatrain International, S.A ---- 18035
Philadelphia, port of ---- 18036, 18501
Freight forwarder licenses:
Alvarez Shipping Co., Inc ---- 18500
Commodity Forwarding & Shipping Co ---- 17877
Lake Shipping Co., Inc ---- 17198
Pacific Steamship Agency, Inc., et al ---- 17074
Puerto Rican Forwarding Co., Inc., et al ---- 15129
Sequoia Forwarders Co ---- 18037
Valencia Baxt Express, Inc ---- 18501
Oil pollution; certificates of financial responsibility ---- 14994, 14995, 16877, 17876, 18836

FEDERAL POWER COMMISSION

Rules Page

Freedom of information; withholding of public records; procedures ---- 17553
Information filing; natural gas reserves; domestic; rate schedules; postponement of effective date ---- 17552
Organization and functions; clearance of public use forms ---- 16300

Proposed Rules

Accounts and reports; end use rate schedules; utilization and conservation of natural resources; extension of time ---- 18467
Air pollution standards; electric utility questionnaire on meeting; extension of time ---- 15402
Annual report forms; revision of certain schedule pages ---- 16684
Construction work in progress; inclusion in uniform system of accounts; extension of time ---- 14606
Energy; monthly power statement, extension of time ---- 15402
Natural gas; producers and affiliates; investigation of expenditures, exploration and development activities, production, reserve additions and revenues; extension of time ---- 18796
Pipeline transportation agreements; certification ---- 16220

Notices

Natural gas:
Certificates, abandonment of service and petitions to amend certificates ---- 17171
Just and reasonable rates for sales from wells commenced on or after Jan. 1, 1973 ---- 15965, 17886
Reservoirs in Federal domain, investigation ---- 15441
Hearings, etc.:
Alabama Power Co ---- 14996, 18220
Alabama - Tennessee Natural Gas Co ---- 15961, 16139, 16365
Algonquin Gas Transmission Co ---- 17329, 18037
Algonquin LNG, Inc ---- 15961
Allegheny Power Service Corp ---- 15441
Amerada Hess Corp ---- 14996, 16719, 16877
American Petrofina Co. of Texas ---- 18038
Amoco Production Co., et al ---- 15959, 16719
Appalachian Power Co ---- 16241
Arizona Public Service Co ---- 16421, 17877, 18038, 18220
Arkansas Louisiana Gas Co ---- 14642, 14996, 17159, 17329, 17783
Arkansas-Missouri Power Co ---- 18038
Ashland Oil, Inc ---- 17159
Atlantic Richfield Co., et al ---- 17633
Aztec Oil & Gas Co ---- 14642
Barnhart, Paul F ---- 16241
Blackstone Valley Electric Co ---- 18591
Bonneville Power Administrator ---- 14997
Boston Edison Co. et al ---- 16140, 16366, 17160, 17329, 17330, 17784, 18838

Page

Brown & McKenzie, Inc ---- 16878
Burton, John R ---- 15441
CRA International, Inc ---- 18593
California Co. et al ---- 15961, 17160
Cambridge Electric Light Co ---- 16366
Carolina Power & Light Co ---- 15961, 18501
Central Telephone & Utilities Corp ---- 17160
Chevron Oil Co ---- 18221
Cinco Exploration Co. et al ---- 16140
Cities Service Gas Co ---- 15961, 16140, 16141, 17634, 17877, 18039.
Cleveland Electric Illuminating Co ---- 18592
Clinton Oil Co ---- 18838
Cohn, Hebert B ---- 15442
Coleve et al ---- 17169
Colorado Interstate Gas Co. et al ---- 16720, 16878, 16880, 17160, 17161, 17785, 18220, 18502
Columbia Gas Transmission Corp ---- 14642, 14997, 14998, 15443, 16142, 16241, 16720, 16878, 18502, 18839.
Columbus & Southern Ohio Electric Co ---- 16142
Commonwealth Edison Co ---- 17785
Connecticut Light & Power Co ---- 15443, 17076
Consolidated Edison Co. of New York, Inc ---- 17877
Consolidated Gas Supply Corp et al ---- 14999, 16366, 16721, 17076, 17634, 18839.
Consumers Power Co ---- 18222
Cook, Donald C ---- 15443
Davis, C. Crady, et al ---- 18223
Delmarva Power & Light Co ---- 14999, 18223, 18502
Detroit Edison Co ---- 15000
Distrigas Corp. et al ---- 15962, 16366, 17785
Duke Power Co ---- 17330
Eascogas LNG, Inc. et al ---- 16722
Eastern Shore Natural Gas Co. et al ---- 16143, 17635, 17639
El Paso Natural Gas Co ---- 14644, 15000, 15443, 15962, 17077, 17635, 17786, 18039, 18040, 18223, 18224, 18839.
Electric Energy Inc ---- 15444, 18593
Exchange Oil & Gas Corp ---- 15001
Exxon Corp ---- 14645
Forest Drilling Venture et al ---- 14645
Florida Gas Transmission Co ---- 16143, 17161, 18594
Florida Power Corp ---- 18224
Gas Producing Enterprises, Inc ---- 17786
Georgia Power Co ---- 15444, 16366, 17877
Great Lakes Gas Transmission Co ---- 14645
Gulf States Utilities Co ---- 14646, 15001, 17162, 17330
Hartford Electric Light Co ---- 17330
Hassie Hunt, Inc ---- 17640
Hatch, Edwin I ---- 18225
Holyoke Water Power Co. et al ---- 14648, 15002, 16368
Illinois Power Co ---- 18040
Indiana & Michigan Electric Co ---- 14646, 17878
Indianapolis Power & Light Co ---- 15002
Interior Department acting for Southeastern Power Administration ---- 17168, 17331, 18225
Interstate Power Co ---- 15002, 17880

Page

Interstate Transmission Associates et al ---- 15002
Iowa-Illinois Gas & Electric Co ---- 17331
Iowa Power & Light Co ---- 16143
Iowa Public Service Co ---- 18041
Iowa Southern Utilities Co ---- 18225
Jersey Central Power & Light ---- 16144
KWB Oil Property Management, Inc ---- 16723
Kansas City Power & Light Co ---- 18840
Kansas Gas & Electric Co ---- 16722
Kansas Power & Light Co ---- 15445, 16144
Kentucky Utilities Co ---- 18840
Kentucky-West Virginia Gas Co ---- 17881
Kerr-McGee Corp. et al ---- 15963
Kopper, R. M ---- 15449
Lake Superior District Power Co ---- 15003
Lawrenceburg Gas Transmission Corp ---- 17162
Lehigh Portland Cement Co ---- 16368
Lone Star Gas Co ---- 15445
Louisiana-Nevada Transit Co ---- 15963
Malony, Gerald P ---- 15444
Marathon Oil Co ---- 17170
McCulloch Interstate Gas Corp ---- 15445, 15964, 16145
McCulloch Oil Corp ---- 17881
McDowell County Consumer Council, Inc ---- 16242
Mesa Petroleum Co ---- 17640
Metropolitan Edison Co ---- 16145
Michigan Wisconsin Pipe Line Co et al ---- 17881, 18840
Mid-Louisiana Gas Co ---- 17077, 17332
Midwestern Gas Transmission Co ---- 16146, 17333
Mississippi Power & Light Co ---- 17333
Mississippi River Transmission Corp ---- 18503
Missouri Power & Light Co ---- 15003, 17162
Mobil Oil Corp ---- 15964, 17075, 18041
Mobley, O. B ---- 16146
Monongahela Power Co. et al ---- 17333, 18503
Montana-Dakota Utilities Co ---- 15446, 16723, 17641, 18594
Mountain Fuel Supply Co ---- 18841
Murphy Oil Corp ---- 17334
National Fuel Gas Supply Co ---- 14646, 16880, 17163
Natural Fuel Gas Supply Corp ---- 17642
Natural Gas Pipeline Co. of America ---- 14646, 15004, 15130, 15446, 15965, 16146, 16242, 17334, 18503, 18594, 18595
New England Power Co ---- 15446, 16881
New England Power Service Co ---- 16723
Niagara Mohawk Power Corp ---- 18226
North Counties Hydro-Electric Co ---- 15004
North Penn Gas Co ---- 16723, 17078, 17643, 18042
Northeast Blanco Development Corp ---- 18595
Northern Electric Cooperative Association ---- 16242
Northern Lights, Inc ---- 17078, 18041
Northern Michigan Exploration Co ---- 17642
Northern Natural Gas Co ---- 15965, 16147, 16369, 16881, 17163, 17335, 17883, 18042, 18596, 18841
Northern States Power Co ---- 16723, 17642

Page

Northwest Pipeline Corp ---- 15447, 18042, 18226, 18596, 18597
Ohio Edison Co ---- 18042
Ohio Electric Co ---- 17163
Ohio Power Co ---- 15447
Oklahoma Gas & Electric Co ---- 17164
Orange & Rockland Utilities, Inc ---- 15965, 16243
PWG Partnership et al ---- 17171
Pacific Gas & Electric Co ---- 15004, 15005, 15448, 17786
Pacific Indonesia LNG Co. et al ---- 16882, 18227
Pacific Power & Light Co ---- 15005, 15448, 17164
Panhandle Eastern Pipe Line Co ---- 15005, 15448, 17164
Patterson, George V ---- 15444
Pennsylvania Electric Co ---- 17883, 18043
Pennsylvania Power & Light Co ---- 17883
Philadelphia Oil Co ---- 16147
Phillips Petroleum Co ---- 16724, 17165, 17643, 17787, 18598
Producer and Pipeline respondents; postponement ---- 16878
Public Service Co. of Colorado ---- 18598, 18842
Public Service Co. of Indiana, Inc ---- 16724
Public Service Co. of New Hampshire ---- 17165, 18843
Public Service Co. of Oklahoma ---- 15448, 15449, 16243
Public Service Electric & Gas Co ---- 17165
Public Utilities Co. of Ohio ---- 15006
Puget Sound Power & Light Co ---- 14647
Robinson Brothers Drilling Co ---- 17336
Roosth & Genecov Production Co., et al ---- 17078
Sacramento Municipal Utility District ---- 18043
Scherer, Robert ---- 18228
Skelly Oil Co. et al ---- 15006, 18503
Skyline Oil Co. et al ---- 17337
Sohio Petroleum Co ---- 16148
South Carolina Electric & Gas Co ---- 17078
Southern California Edison Co ---- 17080, 17166, 17337, 18504
Southern Natural Gas Co ---- 15966, 16148, 16725, 16882, 17080, 17787, 18598
Southside Electric Cooperative ---- 16369
Southwest Gas Corp ---- 14647, 15006, 18504
Southwestern Electric Power Co ---- 18843
Springfield, Vt., town of ---- 17081
Stafford, Jr. M. N. et al ---- 17338
Sun Oil Co ---- 14648, 16150, 16244, 17883, 18505
Tacoma, Wash., city of ---- 15007
Tenneco Oil Co. et al ---- 17338
Tennessee Gas Pipeline Co ---- 15007, 16148, 17643
Texaco Inc ---- 15966, 17166, 18598
Texas Crude Oil Co ---- 17784
Texas Eastern Transmission Corp ---- 14806, 15008, 15449, 17080, 17167, 17787, 18843
Texas Gas Transmission Corp ---- 15450, 15967, 17167, 17643, 18599, 18843,
Texas Oil & Gas Corp ---- 18043
Tillinghast, John ---- 15445

INDEX

FEDERAL POWER COMMISSION—Con.

Notices—Continued Page

Hearings, etc.—Continued
Transcontinental Gas Pipe Line Corp ---- 14648, 15451, 17172
Transwestern Pipeline Co---- 15008, 15451, 16370, 17168
Trunkline Gas Co---- 15008, 16883, 17338
Union Electric Co---- 17884, 18599, 18844
United Gas Pipe Line---- 16149, 16150, 16214, 17884, 18044, 18844
Upper Peninsua Generating Co.. 16883
Upper Peninsula Power Co---- 16245, 18599
Utah Power & Light Co---- 17081
Valley Gas Transmission, Inc.. 17169
Vermont Electric Power Co., Inc---- 16150, 16245
Virginia Electric & Power Co.. 14648, 15008, 16245, 18044
Vulcan Materials Co---- 16245
Wansley, Hal B---- 18228
Weinert, Hilda B., et al---- 15444
West Texas Utilities Co.. 14648, 15009
Western Colorado Power Co---- 17335
Western Massachusetts Electric Co ---- 16370
Whitman, Robert O---- 15449
Wisconsin Electric Power Co., et al---- 18044
Wisconsin Power & Light Co---- 18044, 18229
Wisconsin Public Service Corp.. 16725

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Notices
Meetings ---- 16246

FEDERAL RAILROAD ADMINISTRATION

Rules
Freight car safety standards; "bad order" and "home shop for repairs" ---- 17573

Proposed Rules
Occupational safety and health standards, extension of time---- 16217
Protection of railroad maintenance-of-way and structure employees ---- 17265
Safety appliance standards; box and other house cars; correction ---- 17853

Notices
Petitions for exemptions, etc.:
Duluth, Missabe & Iron Railroad Co. et al---- 16233
Green Mountain Railroad Corp.. 15929
Johnstown & Stony Creek Railroad Co---- 14791
Mount Hood Railway Co---- 15929
Oregon & Northwestern Railroad Co---- 15929
United Transportation Union.. 14626
Yakima Valley Transportation Co ---- 15929
Sleeping quarters for railroad employees, noise levels; extension of time ---- 14627

FEDERAL REGISTER

Rules
CFR checklist; 1975 issuances---- 14569

Notices Page
Acts requiring publication in the Federal Register; table---- 18845
Freedom of information index requirements; quarterly guide to agency material---- 16726

FEDERAL RESERVE SYSTEM

Rules
Banks, foreign activities:
Interpretation of foreign bank.. 18412
Reserves against eurodollar borrowings ---- 17136
Interest on deposits:
NOW accounts for governmental units ---- 17831
Telephone, withdrawal of savings by---- 16831

Proposed Rules
Banks, State, securities of; revised deadline---- 15909
Discrimination prohibited on basis of sex or marital status; consumer credit protection---- 18183
Interest on deposits; maturity notice, penalties, withdrawals---- 16684, 16685

Notices
Federal Open Market Committee: Domestic policy directives---- 14649, 17201
Insured banks; joint call for report of condition---- 17875
Applications, etc.:
Ameribanc, Inc---- 16884
American Bancshares Inc---- 17344
American Corp---- 15452
Arizona Equities, Inc---- 18600
Atchison County Investment Co ---- 15009
Atlas Towing Co. et al---- 18506
Bank of Nova Scotia---- 15012, 15968, 17198
Bank of Virginia Co---- 18045
Board of Governors---- 15453
Citizens & Southern Corp---- 16727
Citizens State Bancorp, Inc---- 16884
Country Agencies & Investments, Inc ---- 18045
Cullen Bankers, Inc---- 15453
Darien Bancorporation, Inc---- 15454
Dauphin Deposit Corp---- 15009, 16728
Detroitbank Corp---- 15009, 17345
Fidelcor, Inc---- 15968
First Amtenn Corp---- 17345
First Bancgroup-Alabama, Inc.. 18046
First Bemidji Holding Co---- 17345
First Commercial Banks, Inc---- 15454
First International Bancshares, Inc ---- 15009
First National Bankshares of Florida, Inc---- 18047
First National Boston Corp---- 15010
First National Charter Corp---- 18600
First National Insurance Agency, Inc---- 17884
First Security Corp---- 16884, 18506
Fort Sam Houston Bankshares, Inc ---- 15010
Frontier Bancorporation of Denver, Inc---- 15010
Full Service Insurance Agency, Inc ---- 17200
General Bancshares Corp---- 15969
Goose River Holding Co---- 16884
Guaranty Bancorp---- 17346
Homewood Bancorp, Inc---- 16885
Landmands Corp---- 18047
Memphis Trust Co---- 17199
Midatlantic Banks, Inc---- 18507, 18600
Midwest Bancshares, Inc---- 18505
Mille Lacs Bancshares, Inc---- 15011
Mountain Financial Services, Inc ---- 18047
Old Kent Financial Corp---- 15011
Orwig & Co., Inc---- 16885
Pannational Group Inc---- 15455
Peoples Bancorp---- 18047
Peoples Banking Corp---- 17200
Republic of Texas Corp---- 15455
T.N.B. Financial Corp---- 17201
United Banks of Colorado, Inc.. 17346, 17347
Victoria Bankshares, Inc---- 16885

FEDERAL TRADE COMMISSION

Rules
Procedures and rules of practice.. 15232, 15233, 15235, 17008
Prohibited trade practices:
AAMCO Automatic Transmissions, Inc---- 14894
Adams, J. D., Co---- 15868
American Credit Bureau, Inc., et al.; correction---- 16654
American Cyanamid Co---- 14579
Automated Building Components, Inc---- 15869
Bagatelle International Ltd., et al ---- 15385
Barr, W. M., & Co---- 14896
Bellvue Loan Co. et al---- 14903
Brown's Quality Furniture, Inc., et al.; correction ---- 16191
Coors, Adolph, Co---- 14894
Duofold, Inc---- 15869
Fedders Corp.; correction---- 16191
Federated Sanitary Corp. et al.. 14896
Fuqua Industries, Inc., et al---- 14741, 16654
General Motors Corp. et al---- 15870
Holiday Magic, Inc., et al---- 14579
Hydro-Air Engineering, Inc---- 15386
Insurance Budgeting Inc., et al; correction ---- 16300
Insurance Finance Plan Co., et al ---- 14580
Kassler & Co---- 14897
Martin Industries, Inc., et al.. 14580
Men's Market Service Inc. et al.. 14898
Phillips Petroleum Co---- 14582
Sanders, J. M., Jewelry Co---- 14899
Sir Carpet, Inc., et al---- 16050
Theodore Stephen Co. Inc. et al.. 14900
Town Finance Corp. et al---- 14903
Valley Premium Plan et al---- 14904, 17838
Weaver Airline Personnel School, Inc., et al---- 15872

Proposed Rules
Credit practices---- 16347
Procedures and rules of practice.. 15237, 15239, 15245

Notices
Cigarette testing results; tar and nicotine content---- 16247, 17081
Consent agreements; cease and desist:
Xerox Corp---- 18601
Line of business reporting program; proposed forms---- 17081, 17348

FISCAL SERVICE

Proposed Rules Page
Payments through financial organizations, other than by check.. 16669

Notices
Surety companies acceptable on Federal bonds:
S & H Insurance Co.; change of name ---- 18008

FISH AND WILDLIFE SERVICE

Rules
Fishing:
Erie National Wildlife Refuge, Pa ---- 17992
Kirwin National Wildlife Refuge, Kans---- 14766
Long Lake National Wildlife Refuge, N. Dak---- 16320
Missisquoi National Wildlife Refuge, Vt---- 18175
Moosehorn National Wildlife Refuge, Me---- 18175
Rice Lake National Wildlife Refuge, Minn---- 14920
Salyer, J. Clark., National Wildlife Refuge, N. Dak---- 16210
Tewaukon National Wildlife Refuge, N. Dak---- 14920
Hunting:
Mingo National Wildlife Refuge, Mo---- 14920
Organization and functions:
Law enforcement districts; address changes---- 17575
Public access, use, and recreation:
Amagansett National Wildlife Refuge, N.Y---- 18173
Back Bay National Wildlife Refuge, Va.; correction---- 17261
Chincoteague National Wildlife Refuge, Va---- 18173
Erie National Wildlife Refuge, Pa ---- 18174
Missisquoi National Wildlife Refuge, Vt---- 18174
Moosehorn National Wildlife Refuge, Me---- 18174
Morton National Wildlife Refuge, N.Y---- 18174
Presquile National Wildlife Refuge, Va---- 18175
Target Rock National Wildlife Refuge, N.Y---- 18175

Proposed Rules
Endangered species of fish, wildlife, and plants; conservation; financial assistance, cooperation with States---- 18447
Endangered and threatened species; fish, wildlife, and plants:
Butterflies ---- 17757
Fauna, list---- 17590
Trout species---- 17847
Tuna, Atlantic bluefin---- 14767
Migratory bird hunting; Puerto Rico, Virgin Islands---- 17263

Notices
Coyote damage control; cattle, sheep and goats; report on emergency use of M-44 devices.. 15918, 18475
Endangered species, critical habitat areas; designation information ---- 17764
Endangered species permits, applications ---- 14957, 15407, 15918, 15919, 16103, 16353, 17176, 17604, 17607
Endangered species; status review for proposed listing:
Crustaceans, fresh water---- 18476
Leopard and clouded leopard.. 17611
Plants, U.S---- 17612
Sponges, fresh water---- 17764
Marine mammal applications:
Jackson Zoological Park---- 16104
Louisville Zoological Garden.. 16105
Ray, Dr. G. Carleton, et al---- 18477

FOOD AND DRUG ADMINISTRATION

Rules
Animal drugs:
Doxapram hydrochloride injection ---- 17838
Prednisolone sodium phosphate ---- 18549
Tylosin ---- 18168
Color additives:
Aluminum hydroxide et al---- 15087
D & C Green No. 6 for surgical sutures ---- 18167
FD&C Red No. 40; effective date ---- 15087
Cosmetic products; warning statements; packaging labels; corrections ---- 16192, 18426
Environmental impact considerations ---- 16662
Food additives:
Dimethyl phosphate of 3-hydroxy - *N* - methyl - *CIS* - crotonamide; pesticide tolerances ---- 18167
Polyhydric alcohol esters of long chain monobasic acids---- 14905
Propargite ---- 17142
Propylene glycol azelate---- 14905
Simazine ---- 14592
Slimicides ---- 14905
Food identity standards:
French dressing---- 18425
Milk and cream---- 18549
Human drugs:
Candicidin ---- 15089
Clinical research standards; acceptance of foreign data.. 16053
Methicillin; pyrogens test---- 15088
Neomycin vaginal suppositories ---- 14906
Zinc bacitracin---- 15088
Radiological health; microwave ovens; performance standards.. 14750, 16663

Proposed Rules
Biological products:
Sterility testing; Alternative Thioglycollate Medium; deletion ---- 18176
Vaccines, smallpox and measles; testing for potency and safety; correction---- 17151
Fool identity standards:
Lemonade and colored lemonade, frozen concentrate---- 16085
Human drugs:
Labeling format for prescription-drug advertisements---- 15392
Over-the-counter drugs; laxative, antidiarrheal, etc.; monographs for; correction---- 18001

Notices Page
Animal feeds, meat and poultry with drug, pesticide, and industrial chemical residues; memorandum of understanding with APHIS ---- 16228
ARTX telecommunication equipment; memoranda of understanding:
Arizona Department of Health Services ---- 16227
Arkansas Department of Health ---- 18827
California Department of Health ---- 15421
Colorado Department of Health.. 18202
D.C. Department of Environmental Services---- 18202
Delaware Department of Health and Social Services---- 17303
Florida Department of Agriculture and Consumer Services ---- 18015
Florida Health and Rehabilitative Services Department.... 15112
Georgia Agriculture Department ---- 15111
Idaho Department of Health and Welfare---- 18015
Illinois Department of Public Health ---- 15421
Indiana State Board of Health.. 15422
Iowa Agriculture Department... 15113
Kansas Department of Health and Environment---- 18203
Kentucky Department of Human Resources---- 18203
Louisiana Health and Human Resources Administration... 15423
Maryland Department of Health and Mental Hygiene---- 18016
Massachusetts Department of Public Health, Division of Food and Drugs---- 18204
Minnesota Department of Agriculture ---- 15423
Mississippi Department of Agriculture and Commerce---- 17620
Montana Department of Health and Environmental Sciences.. 17303
New Hampshire Department of Health and Welfare---- 15424
New Mexico Department of Agriculture ---- 15425
New Mexico Environmental Improvement Agency---- 15425
New Jersey State Health Department ---- 15113
New York State Department of Agriculture and Markets.... 18017
North Dakota State Laboratories and Consumer Affairs... 18480
Oklahoma State Department of Health ---- 18017
Oregon Department of Human Resources, Health Division.. 18205
Oregon State Department of Agriculture ---- 17304
Pennsylvania Agriculture Department ---- 17058
Rhode Island Department of Health ---- 18018
South Carolina Agriculture Department ---- 15114
South Dakota Department of Agriculture ---- 18019
Texas State Department of Health ---- 18481

INDEX

FOOD AND DRUG ADMINISTRATION—Continued

Notices—Continued Page

ARTX telecommunication equipment; memoranda of understanding:—Continued
- Washington State Agriculture Department 15115
- Wisconsin Department of Agriculture 18481
- Wyoming Department of Agriculture 15426

Committees, panels; establishment, renewals, etc.:
- Bacterial Vaccines and Toxoids Review Panel 18205
- Gastroenterology and Urological Devices Review Panel 18205
- Hemorrhoidal Drugs Review Panel 16708
- Obstetrical and Gynecology Devices Review Panel 18206
- Ophthalmic Drugs Review Panel 16708

Environmental statements; availability, etc.:
- Plastic bottles for carbonated beverages 16708

Fish meal and related products; inspection program; agreement with APHIS and NOAA 14787

Food additives; petitions filed or withdrawn:
- Eastman Chemical Products, Inc 18575
- Petrolite Corp 18206
- Vestal Laboratories 18206, 18575

Hearing aid health care; public hearing 17305

Human drugs:
- Chlorquinaldol and Hydrocortisone or Triclobisonium Chloride and Hydrocortisone 17867
- Chlorzoxazone in combination 14961
- Direct sky blue injection 14961
- In vitro diagnostic products; establishing standards for use in nontreponemal tests for syphilis 17058
- Oxethazaine and aluminum hydroxide gel; gastrointestinal 14962
- Oxycodone with Homatropine or Pentylenetetrazol 17868
- Pipradrol hydrochloride tablets 14963
- Talbutal tablets 14963

Medical device experience data; memorandum of understanding with Veterans Administration 18482

Meetings:
- Advisory Committees 17051
- Biometric and Epidemiological Methodology Advisory Committee, et al 17866
- Cardiovascular and Renal Advisory Committee 18828
- Dentifrices and Dental Care Agents Review Panel 14788
- Medical Radiation Advisory Committee 15111

Radiation hazards; Iodine-123 production in nuclear medicine; meeting 18482

FOOD AND NUTRITION SERVICE

Rules

Food stamp program:
- State agency and eligible household participation 16320
- State agency outreach action 16069
- School breakfast and nonfood assistance programs and State administrative expenses 17148

FOREIGN ASSETS CONTROL OFFICE

Rules

Cambodia, imposition of blocking controls on 17262

FOREIGN-TRADE ZONES BOARD

Notices

Foreign-trade zone applications:
- Chicago, Ill 16725
- Portsmouth, Va 17884

FOREST SERVICE

Rules

Rural community fire protection 17556

Youth Conservation Corps programs; grants to States for establishing 16316

Proposed Rules

Grazing advisory boards; establishment procedures 16335

Notices

Environmental statements, availability, etc.:
- Basket Bay #2, timber sale 16226
- Boulder Mountain Planning Unit 17188
- Cholla Project 17188
- Chugach and Tongass National Forests; addendum 14786
- Clearwater National Forest, Elk Summit Planning Unit plan 14786

Colville, Okanogan, and Wenatchee National Forests 15418

Cooperative Spruce Budworm Supression Project, Me 17620

Fall Cankerworm control, Va 14620

Gifford Pinchot National Forest et al 18573

Gypsy moth statement 15923

Kootenai National Forest, Eureka-Grave Creek Planning Unit 16095

Mt. Hood, Rogue River, and Willamette National Forests, Oreg 16864

Ozark-St. Francis National Forests 18479

Payette National Forest, Warren Planning Unit 17766

Quachita National Forest, Forks Unit Plan 18478

Quarterly report 17613

Red Rock Peak Planning Unit 17864

Routt National Forest; revised timber management plan 16226

Salmon National Forest, Moose Creek Basin Planning Unit 18823

Sandia Mountain Land Use Plan 17188

Six Rivers National Forest, Eightmile Blue Creek Units; correction 14958

White Mountain National Forest, Kilkenny Unit plan 14786

Meetings:
- Condor Advisory Committee 15923
- Deschutes National Forest Advisory Committee 17188
- Malheur National Forest Grazing Advisory Board 18013
- Ottawa National Forest Multiple Use Advisory Committee 17766
- Rock Creek Advisory Committee 17049, 18573
- Routt National Forest Grazing Advisory Board 18823
- Wallowa-Whitman National Forest Grazing Advisory Board 18479
- White Mountain National Forest Advisory Committee 17189

GENERAL ACCOUNTING OFFICE

Rules

Bid protest procedures 17979

Proposed Rules

Information collection clearance; proposals by regulatory agencies 16686

Notices

Regulatory reports review; proposals; approvals, etc 14807, 16248, 16782, 16886, 17082, 17348, 17885, 18047, 18048, 18508, 18618, 18846

GENERAL SERVICES ADMINISTRATION

Rules

Procurement 14913, 15880, 16847, 17558, 18445, 18785

Proposed Rules

Laboratories, Federal, inventory establishment and use 16855

Notices

Authority delegations:
- Secretary of Defense 16152, 16248, 16249, 18048, 18618
- Secretary of Interior 18510

Environmental impact statements; preparation procedures 15131

Government Procurement Commission recommendations; executive branch positions 16248, 17788

International Energy Program; voluntary agreements 16042, 16729, 18509

Meetings:
- Architectural and Engineering Services Regional Public Advisory Panels 15131, 16886, 18048, 18049
- Archives Advisory Council 17644

Procurement:
- Cognizant contracting officers for Cost Accounting Standards Board 17644
- Contract administration disputes 17788

Property Management Regulations, temporary:
- Procurement; automatic data processing equipment and data communications systems 15131

Property transfers:
- Sierra Army Depot, portion, Herlong, Calif 18510

GEOLOGICAL SURVEY

Proposed Rules

Outer Continental Shelf; oil, gas, and sulphur operations; geological and geophysical explorations 17758

Notices Page

Geothermal resource areas:
- California 16224
- Montana and New Mexico 16225
- Oregon; correction 16224

Outer Continental Shelf, Pacific Area:
- Oil and gas production rates 15411

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

Rules

Organization and functions:
- Attorneys-in-fact; list, additions and deletions 14753

HAZARDOUS MATERIALS REGULATIONS BOARD

Rules

Code, ASME, incorporations by reference 18788

Proposed Rules

Tank car head shields 17855, 18563

Tank car tanks, uninsulated pressure; construction prohibition; used in transportation 17853

Notices

Special permits issued 16358

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Aging Administration.
Alcohol, Drug Abuse, and Mental Health Administration
Disease Control Center.
Education Office.
Food and Drug Administration.
Health Resources Administration.
Health Services Administration.
Human Development Office.
National Institutes of Health.
Public Health Service.
Social and Rehabilitation Service.
Social Security Administration.

Rules

Nondiscrimination in Federal assistance programs; correction 18173

Procurement 16319

Proposed Rules

Procurement 16337

Notices

Contract award in human service development; Human Ecology Institute 17309

Hospital insurance premium; rate for uninsured aged; correction 17309

Long-term care institutions, survey of persons in; program results 18021

Meetings:
- Child and Family Development Research Review Committee 18485
- Fund for Improvement of Postsecondary Education, Board of Advisors 17308
- National Professional Standards Review Council 17309
- New Drug Regulation Review Panel 17063
- President's Biomedical Research Panel 16709
- Protection of Human Subjects of Biomedical and Behavioral Research, National Commission 14968, 17194, 17774
- Rights and Responsibilities of Women, Secretary's Advisory Committee 14790, 17310
- Services and Facilities for Developmentally Disabled National Advisory Council 14790

Organization, functions, and authority delegations:
- Alcohol, Drug Abuse, and Mental Health Administration 17306, 17307
- Architectural and Transportation Barriers Compliance Board 15427
- Assistant Secretary for Health Office 17307
- Food and Drug Administration 17307
- Handicapped Individuals Office 18208
- Health Resources Administration 17308
- Health Services Administration 17308
- Regional Director, Region II 16125
- Regional Director, Region III 16132
- Regional Director, Region IX 16120
- Social and Rehabilitation Service 17622
- Youth Development Office 18207

Professional Standards Review Organization; physician intention to enter:
- Arkansas 18483
- California 18483
- Idaho 18484
- Maryland 18484
- Pennsylvania 18485

Psychological well-being and manpower program success relationship; program results 16356

Sample design for State cost and caseload estimates; program results 17309

HEALTH RESOURCES ADMINISTRATION

Notices

Meetings:
- Advisory Committees 17305
- Federal Hospital Council 18206
- Health Services Developmental Grants Study Section; correction 16708

HEALTH SERVICES ADMINISTRATION

Notices

Grants:
- Infant sudden death syndrome project 14626

Meetings:
- Maternal and Child Health Research Grants Review Committee 16709

HEARINGS AND APPEALS OFFICE

Notices

Applications, etc.:
- Affinity Mining Co 15105
- Eastern Associated Coal Corp 15105
- Eastover Mining Co. No. 4; correction 18478
- Island Creek Coal Co 17296
- Kaiser Steel Corp 15106
- McCracken Coal Co 15106
- North American Coal Corp 15107
- Republic Steel Corp 15107
- Westmoreland Coal Co 17297

HISTORIC PRESERVATION ADVISORY COUNCIL

Notices

Meetings:
- Advisory Council 17626
- George Rogers Clark National Historical Park 18210

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Disaster Assistance Administration.
Federal Insurance Administration.
Government National Mortgage Association.
Interstate Land Sales Registration Office.

Rules

Community development block grants, application submission deadline extension 15089, 16663, 17987

Fire safety equipment, loans for purchase and installation in nursing homes and intermediate care facilities; multifamily previous participation review and clearance 17750

Low income housing:
- Annual contributions for operating subsidy; performance funding system 17008
- Fair market rents for payments programs; existing housing 15580
- Housing assistance payments; finance and development agencies 16934
- Housing assistance payments; new construction 18682
- Housing assistance payments; substantial rehabilitation 18902
- Income determination for eligibility and gross family contribution 15542

Notices

Authority delegations:
- Area Director, Milwaukee Area Office 14791
- Associate General Counsel for Equal Opportunity, Litigation and Administration 16869
- Regional Administrators, et al 15928
- Regional Counsels 16869

Meetings:
- Maryland Commission on Human Relations, Fair Housing Enforcement Efforts 14626
- Missouri Commission on Human Rights, Fair Housing Enforcement Efforts 14626, 17624
- National Mobile Home Advisory Council 17623

Mortgage loans, defaults in repayment; hearing 15928

HUMAN DEVELOPMENT OFFICE

Proposed Rules

Runaway youth program and activities 17824

INDEX

IMMIGRATION AND NATURALIZATION SERVICE

Rules Page

Organization, records, etc 17743

Proposed Rules

Fees for services; dishonored checks 16215

Nonimmigrant classes; students; full course of study and off-campus employment 15092

INDIAN AFFAIRS BUREAU

Rules

Enrollment:
- Menominee Tribe of Wisconsin 14592
- Northern Paiut Indians 17022

Proposed Rules

Business practices and credit operations, etc. on Navajo, Hopi, and Zuni Reservations; extension of time 18798

Operation and maintenance charges; irrigation projects:
- San Carlos Indian Project, Ariz 17029

Notices

Authority delegation:
- Area Directors and Project Officer 17046

Judgment funds; plan for use and distribution:
- Iowa Tribes of Okla., Kans., and Nebr 18009
- Kikiallus Tribe 18010
- Lower Skagit Tribe 18010
- Lummi Tribe 18011
- Tuscarora Nation 18011
- Yankton Sioux Tribe 18566

Land transfer:
- Kiowa, Comanche and Apache Tribes of Okla 17047

Law and order determinations:
- Burns Paiute Tribe of Oreg. et al 17870

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

Notices

Applications, etc.:
- Eddie Coal Co., Inc 16729
- Inland Steel Co., Inc 16152
- Lois Coal Co 15455
- Maggard Coal Co., Inc 16153
- W. & B. Coal Co 16729

INTERIOR DEPARTMENT

See Bonneville Power Administration.
Fish and Wildlife Service.
Geological Survey.
Hearings and Appeals Office.
Indian Affairs Bureau.
Land Management Bureau.
National Park Service.
Reclamation Bureau.

Rules

Procurement 15091

Proposed Rules

Alaskan Native Claims Board; hearings and appeals; procedures; corrections 14603

Procurement 17848

Notices Page

Committees; establishment, renewals, etc.:
- Oil Shale Environmental Advisory Panel 17178

Environmental statements, availability, etc.:
- Bonneville Power Administration 15415
- Central Utah Project, Jensen Unit 17188
- Fire Island National Seashore 17048
- Fryingpan-Arkansas Project, Colo 17612
- Makah National Fish Hatchery, Wash 16225
- Outer Continental Shelf; geological explorations 17766
- Pecos National Monument, N. Mex 15415
- Pueblo of Tesuque 17871
- Rio Grande Wild and Scenic River 17765
- Rock River, Wis 17178
- Sangre De Cristo Development Co. et al 17871
- Savage Rapids Dam; anadromous fish passage 17297
- Southwestern Power Administration 15415

Financial interest statements:
- Hayden, Julian R 17765
- Hufman, Robert L 17300
- Hunt, Herbert H., Jr 17300
- Iriarte, Modesto, Jr 17300
- Kline, John H 17300
- Prekeges, Gregory P 17766
- Rogers, Clifton F 17300
- Swanson, Stanley M 17300

Freedom of information; indexes of materials available for inspection; publication delay 17871

Indian irrigation water project; Central Arizona Project 17297

Indian reservations; model judicial systems and courts 16689

Meetings:
- Federal Metal and Nonmetal Mine Safety Advisory Committee 15922
- Natural Gas Emergency Advisory Committee 17771
- Oil Shale Environmental Advisory Panel 17177

Oil shale lands:
- Informational core drilling applications in certain States 17871
- Leasing nominations and information in various States 17870

Organization and functions:
- Central and field organization 17178

Trust Territory of Pacific Islands; Mariana Islands District; plebiscite 17300

INTERNAL REVENUE SERVICE

Rules

Documents; public inspection and copying 15090

Employment taxes:
- Prescription of withholding tables 17840
- Requirements with respect to certain returns and statements 17144

Income tax: Page
- Employee Retirement Income Security Act of 1974, temporary regulations under; vesting schedule changes, elections 17555
- Sick pay exclusion 16663
- Vacation pay, accrual 17554

Organization and functions:
- Alcohol, Tobacco, and Firearms Bureau; transfer of functions 16835

Proposed Rules

Employment taxes:
- Moving expense payments 17028

Income tax:
- Foreign tax credit; separate limitation in case of dividends from disc or former disc; correction 14767
- Lump sum distributions, treatment of 18798
- Self-employed individuals and shareholder-employees; pensions, profitsharing, etc 17576
- Small business corporations, electing; passive investment income 17588

Notices

Authority delegations:
- Assistant Regional Commissioners et al 15406
- District Directors 17173
- Regional Commissioners; revoked 15406

Employee benefit plans, prohibitions on transactions exemption proceedings 17861

Meetings:
- Professional Conduct Rules, Chief Counsel's Advisory Committee 16858

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

Notices

Environmental statements, availability, etc:
- Rio Grande Canalization Project 14649

INTERNATIONAL TRADE COMMISSION

Notices

Import investigations:
- Amplifiers, lock-in, and parts from Japan 16886
- Roller bearings, tapered; from Japan; correction 18846
- Rubber, butadiene acrylonitrile, from Japan 15012, 18618
- Typewriters, portable electric, from Japan 15013

International commodity code; release to public 18846

President, reports to:
- Broom corn brooms 15456
- Golf gloves 15134

President's list of articles potentially affected by trade negotiations 15456, 18229

Watches and watch movements from insular possessions; quotas for duty-free entry 15135

INTERSTATE COMMERCE COMMISSION

Rules Page

Accounts, uniform system:
- Railroad companies 15388

Boxcars; charges, incentive per diem, 1968 16846

Car service orders:
- Baltimore & Ohio Railroad Co. et al 14765
- Chicago & North Western Transportation Co 18403
- Chicago, Rock Island & Pacific Railroad Co 14765
- Colorado & Southern Railway Co. et al 14766
- Penn Central Transportation Co. 14766

Intercity rail passenger service, adequacy 17147

Railroad reorganization; directed service reimbursement; submission of cost data 16066

Reports, quarterly financial; motor carriers 18561

Proposed Rules

Accounts, uniform system:
- Railroads, electric railways, express companies, etc 17272

Motor carriers; household goods carriers; limitations of liability 17044

Rail carriers; demurrage charges remittance 18797

Reports, annual; corporate disclosure requirements 15402

Tariffs and schedules, passenger and freight:
- Exceptions ratings higher than classification ratings 18797

Notices

Abandonment of service:
- Atchison, Topeka & Santa Fe Railway Co 18055
- Bellefonte Central Railroad Co 15037
- Central of Georgia Railroad Co 15037
- Chesapeake & Ohio Railway Co 15038, 18625
- Chicago & North Western Transportation Co 16736, 17813
- Chicago, Rock Island & Pacific Railroad Co 14653
- Cincinnati, New Orleans-Texas Pacific Railroad Co 17121
- Illinois Central Gulf Railroad 18072
- Los Angeles & Salt Lake Railroad Co. et al 18625
- Louisville & Nashville Railroad Co 14654
- Oregon-Washington Railroad, et al 16391
- Southern Pacific Transportation Co 17121, 17364
- Western Maryland Railway Company et al 18539

Ann Arbor Railroad; transportation of sand from Yuma, Mich. to Cleveland; rail rate 17121

Car service exemptions, mandatory 14653, 14822, 16381, 17208

Chicago, Rock Island & Pacific Railroad Co.:
- Emergency terminal surcharge tariff 14821

Reorganization 16156

Committees; establishment, renewals, etc.: Page
- Pipeline Valuation Advisory Committee 15473

Discovery rules; policy regarding interrogatories 16737

Fourth Section applications for relief ..... 14823, 15038, 15141, 15989, 16258, 16381, 16737, 16894, 17208, 17813, 17890, 18236, 18625.

Hearing assignments ..... 14653, 14821, 15037, 15141, 15469, 15989, 16160, 16258, 16381, 16737, 16894, 17110, 17208, 17365, 17673, 17812, 17889, 18055, 18236, 18536, 18624, 18851.

Intercity rail passenger service, adequacy; exemption 17209

Meetings:
- Pipeline Valuation Advisory Committee 17120

Motor carrier, broker, water carrier, and freight forwarder applications 15039, 16276, 17226, 18073

Motor carriers:
- Alternate route deviation notices 14824, 16162, 17109, 17890, 18875
- Applications and certain other proceedings 14824, 16153, 17110, 17891, 18864
- Intrastate applications 14654, 14823, 16160, 17120, 17890, 18873
- Irregular route property carriers; gateway elimination ..... 14655, 14832, 15021, 15473, 15974, 16167, 16258, 16737, 16894, 17092, 17209, 17656, 17791, 17899, 18056, 18521, 18628, 18851.
- Lease and interchange of vehicles 14655
- Tacking and gateway elimination applications in finance proceedings 15141, 17365
- Temporary authority applications 14823, 14829, 15038, 15143, 15470, 15473, 16382, 16386, 16389, 16392, 16756, 17113, 17116, 17359, 17360, 17362, 17809, 17896, 17914, 18085, 18087, 18088, 18237, 18239, 18626, 18876
- Transfer proceedings ..... 14655, 14823, 15469, 16166, 16258, 16382, 16737, 16894, 17120, 17208, 17366, 17896, 18073, 18088, 18236, 18536, 18539, 18627, 18876, 18879.

Petitions filing:
- Badger Lines, Inc.; extension of time 17813

Petitions to stay pending judicial review 16392

Rail properties, acquisition 17674

Railroad construction, Texas; PB R.R., Inc 16763

Rate agreements:
- Southern Motor Carriers Rate Conference, Inc., et al 17121

Rates, interstate and international; Long Island Railroad Co.; investigation 17813

Rerouting traffic:
- Central Railroad Co. of New Jersey 15037

Southern Railway Co.; discontinuance and change in service 15038

INTERSTATE LAND SALES REGISTRATION OFFICE

Rules Page

Duplication and certification fees 14753

Notices

Land developers; investigatory hearings, orders of suspension, etc.:
- Ashumet Valley 18022
- Brevard Properties 18022
- Buena Vista Estates 18576
- Buffalo Hills 18022
- Canyon Crest 17774
- Cape Canaveral Heights 18023
- Chain-O-Lakes 17624
- Clearwater Farms 18576
- East Bay Point, Inc 15428
- Farragut Village 17062
- Forest Hill Acres 18577
- Hickory Hills 18577
- Hide-A-Way Lake 17194
- Indian Lake Estates 18577
- Jasper Valley at Amherst 18023
- Keystone Shores & Estates 18578
- King's Gate 18023
- La Contenta 18578
- Lake Lucie Gardens 17774
- Lake of Menominees 18024
- Lake Mohave Highlands 16232
- Laurel Mountain Village Subdivision 14969
- Little Sioux Village 18579
- Little Swann Lake 17625
- Meadow Wood Farms 18024
- Moraine Camplands Resort Subdivision 18579
- Mt. Shasta Forest 18580
- Mountain View Village 16356
- Neenach Ranch 16232
- Park Shore on Gulf 15428
- Peninsula Oaks 17625
- Reflection Lakes 16233
- Royal Oak Golf Country Club 16357
- Serene Lake Estates 18580
- Silver Spring Woods 16357
- Sunward Ho Ranches 18580
- Swiss Alpine Development Corp 18024
- Village of Honey Creek 18581
- Walnut Mountain 18581
- Wispering Oaks 18025
- Winona Forest 18582
- Winter Park Village 18582
- Yogi Bear's Jellystone Park Camp Resort 17194

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Rules

Organization and functions 18776

JUSTICE DEPARTMENT

See Drug Enforcement Administration.
Immigration and Naturalization Service.
Law Enforcement Assistance Administration.

Notices

Competitive impact statements and consent judgments:
- United States v. American Technical Industries 18189
- United States v. Norris Industries, Inc 18473
- United States v. Tom's Foods Ltd 16859

INDEX

JUSTICE DEPARTMENT—Continued

Notices—Continued Page

Meeting:
False Identification Federal Advisory Committee 17603

LABOR DEPARTMENT

See Employment Standards Administration.
Federal Contract Compliance Office.
Labor-Management Services Administration.
Labor Statistics Bureau.
Manpower Administration.
Occupational Safety and Health Administration.
Wage and Hour Division.

Rules

Worker adjustment assistance:
Certification of eligibility 14908
Workers after certification 16304, 17840

Proposed Rules

Contracts, Federal service; labor standards 16082

Notices

Adjustment assistance:
Algy Shoes, Inc 18623
Allen Quimby Veneer Co 17089
Brown Shoe Co 18516
Essex International, Inc 16379
FMC Corp 16380
Inmont Corp 16380
Lisbon Shoes Inc 18516
Magnavox Co 18517
RCA Corp 18517
Sandler-Ette Footwear Manufacturing Corp 16155
Schwartz & Benjamin, Inc 18624
Shaer Shoe Corp 16155
TRW Inc 18517
Utica Cutlery Co 18518
Vutcan Corp 18624
Authority delegation:
Assistant Secretary for Manpower 18515
Committees; establishment, etc.:
Labor Policy and Labor Sector Advisory Committee 18518
Trade Act Policy Committee 17863
Meetings:
Business Research Advisory Council's Committee on Consumer and Wholesale Prices 17358
Women, Advisory Committee 17863
Unemployment compensation:
Extended availability in various States 17207

LABOR-MANAGEMENT SERVICES ADMINISTRATION

Notices

Employee benefit plans:
Exemption procedure under Employee Retirement Income Security Act 18471
Prohibitions on transactions; exemption proceedings, etc 17861

LABOR STATISTICS BUREAU

Notices

Meetings:
Labor Research Advisory Council Committees 18623

LAND MANAGEMENT BUREAU

Rules Page

Public land orders:
Alaska 16066
California 16208, 16667
Rights-of-way; cost reimbursements for application processing 17841

Proposed Rules

Alaska Native Claims Appeal Board; appeals procedures; correction 14603

Notices

Applications:
Alaska 17174
Colorado 15406, 18011, 18475
Montana 16223
New Mexico 14785, 14956, 14957, 15916, 16223, 16689, 16862, 17175, 17176, 17603, 17764, 17870, 18012
Wyoming 15916, 16224
Classification of lands:
Wyoming; reclassification for sale 16224
Environmental statement:
Timber management; extension of comment period 18815
Grazing district boundaries:
Idaho 16861, 16862
Meetings:
Coeur d'Alene District Multiple Use Advisory Board 17175, 18012
Shoshone District Multiple Use Advisory Board 17047, 18013
Off-road vehicle area designation:
Washington 14956
Oil and gas leasing; Outer Continental Shelf 15917, 18192
Opening of public lands:
New Mexico 18012
Oregon 16224
Washington 17176
Wyoming; correction 16352
Survey plat filings:
Arizona 18011
Florida 14608
Michigan 18192
Withdrawal and reservation of lands, proposed, etc.:
Idaho 18012, 18814
Utah 17176

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Notices

Committees; establishment, renewals, etc.:
Criminal Justice Standards and Goals National Advisory Committee 14608
Juvenile Justice and Delinquency Prevention National Advisory Committee 16094
Private Security Advisory Council 16352
Meetings:
Criminal Justice Standards and Goals National Advisory Committee 15916, 16352, 17174, 18009
Terroristic Crimes Prevention Committee 14785

MANAGEMENT AND BUDGET OFFICE

Notices Page

Budget rescissions and deferrals for FY 1975 17412, 18330, 18357
Clearance of reports; list of requests 14650, 14817, 15013, 15971, 16154, 16372, 16373, 16889, 17084, 17205, 17351, 17352, 17789, 17888, 17889, 18052, 18232, 18514, 18621, 18848
Meetings:
Labor Advisory Committee on Statistics 18514

MANPOWER ADMINISTRATION

Notices

Employment transfer and business competition determinations; financial assistance applications 15139, 16379, 17358, 18235
Meetings:
Apprenticeship Federal Committee 17088
Unemployment Insurance Federal Advisory Council 16379

MARITIME ADMINISTRATION

Rules

Freedom of information; procedural revisions 14599

Notices

Applications, etc.:
Lykes Bros. Steamship Co., Inc 15924
Pacific Far East Line, Inc 14624
Prairie Shipping Inc 18574
States Steamship Co 18827
Waterman Steamship Corp 18826
Environmental statements:
Tanker construction program 18825, 18826, 18827
Vessels arriving in Cuba, free world and Polish 15419

MONETARY OFFICES

Rules

Gold; procedures, charges, forms, and licensing functions 16844

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Notices

Meeting 15458, 17201

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

Notices

Meeting 17788

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notices

Committees, boards; establishment, etc.:
Aircraft Fuel Conservation Technology Advisory Board 14807
Meetings:
Aeronautical Propulsion Research and Technology Advisory Council Committee 15458
Aircraft Fuel Conservation Technology Advisory Board 17645
Applications Steering Committee 15135

Research and Technology Advisory Council 17083
Space Science Steering Committee 15458, 16887
Wage Committee 14649

NATIONAL BUREAU OF STANDARDS

Notices

Blood banking operations; conference 18201
COBOL Coding Form; information processing standard 18200
Encryption Algorithm for computer data protection; requests for comments; corrections 14787, 15924
Meeting:
Federal Information Processing Standards Coordinating and Advisory Committee 17866
Federal Information Processing Standards Task Group 13 18479

NATIONAL CAPITAL PLANNING COMMISSION

Notices

Freedom of information; proposed regulations and fees 16887

NATIONAL COMMISSION FOR MANPOWER POLICY

Notices

Establishment and procedures 17645

NATIONAL COMMISSION FOR THE REVIEW OF FEDERAL AND STATE LAWS RELATING TO WIRETAPPING AND ELECTRONIC SURVEILLANCE

Notices

Meetings 14649, 14650

NATIONAL CREDIT UNION ADMINISTRATION

Proposed Rules

Employee retirement benefit plans 15404

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Notices

Guidelines for grants:
Music program 16729
Meetings:
Arts National Council 17082
Education Panel Advisory Committee 17082
Federal Graphics Evaluation Advisory Panel 18510
Federal-State Partnership Advisory Subpanel 17885
Humanities Advisory Committee, National Council 18229

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Rules

Motor vehicle safety standards:
Brake systems, air; correction 18789
Brake systems, hydraulic 18411
Lamps, reflective devices, and associated equipment 17574
Steering control system, protection 17992
Temporary exemption from safety standards, confidentiality of information 18789

Proposed Rules Page

Consumer information regulations; tire quality grading, uniform 17039
Motor vehicle safety standards:
Brake systems, hydraulic; school buses 18469
Bus window retention and release 17266
Fuel system integrity 17036, 18469
Lamps, reflective devices, and associated equipment; rectangular headlamps 18795
Occupant crash protection 16217
School bus passenger seating and crash protection 17855
Tires, foam-filled; withdrawal of proposal 16854
Tires, new pneumatic; correction 14765

Notices

Defects, initial determinations, hearings:
Mercury Capri, 1971–1973; windshield wiper arm, shaft, and motor failures 15930
Mustang and Cougar seat back pivot arm hinge pin bracket standards 14969
Meetings:
National Motor Vehicle Safety Advisory Council 16358, 18026
National Motor Vehicle Safety Advisory Council; membership, etc 17310
Petitions for temporary exemption from safety standards:
Automobili Lamborghini 15429
Eagle International, Inc 17195
Executive Industries, Inc 15929
FWD Corp 16870
Gillig Bros 18582
Harnischfeger Corp 18209
Koehring Co 17775
Polar Co 14791
Sebring-Vanguard, Inc 17625
Warner & Swasey Co 18209
Puerto Rico; postponement of hearing; appointment of new presiding officer 17310
Tachographs on school buses, petition response 15429
Vehicle identification numbers; availability 18025

NATIONAL INSTITUTES OF HEALTH

Notices

Committees; establishment, renewals, etc.:
Cancer Institutional Fellowship Review Committee 14964
Meetings:
Aging, National Advisory Council 14964, 18832
Allergy and Infectious Diseases Council, National Advisory 18829
Arthritis and Related Musculoskeletal Diseases National Commission 18576
Cancer Immunotherapy Committee 17061
Cancer Institutional Fellowship Review Committee 16229
Cardiology Advisory Committee 18831
Chemical/Biological Information-Handling Review Committee 16869, 18831
Clinical Trials Review Committee 14964
Dental Caries Program Advisory Committee 17061
Dental Research National Institute 17061, 18021
Diabetes National Commission 14964, 17061
Director, Advisory Committee to 14963
Environmental Health Science Council, National Advisory 18830
Environmental Health Sciences, National Institute 17060
Epidemiology and Disease Control Study Section 18831
Eye Council, National Advisory 18020
General Medical Sciences Council, National Advisory 18830
Infectious Disease Committee 18021
National Cancer Institute Advisory Committees 16229, 16230
National Eye Institute 17060
National Heart and Lung Advisory Council 18832
National Library of Medicine Board of Regents 16231, 18829
Neurological and Communicative Disorders and Stroke Council, National Advisory 18830
Periodontal Diseases Advisory Committee 18831
President's Cancer Panel 14965
Primate Research Centers Advisory Committee 14965
Principal Investigators or Project Coordinators 15427
Recombinant DNA Molecule Program Advisory Committee 14965
Research Resources Council, National Advisory 18832
Scientific Counselors Board 14964
Sickle Cell Disease Advisory Committee 18831
Surgery A Study Section 14965
Transplantation and Immunology Committee 14965

NATIONAL LABOR RELATIONS BOARD

Notices

Organization and functions; areas served by regional and subregional offices 18229

NATIONAL MEDIATION BOARD

Rules

Freedom of information; correction 17022

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Rules

Coastal zone management program 16832
Marine mammals:
Taking and importing, policy on applications and restrictions 17845
Tuna, yellowfin; corrections 16210

Proposed Rules

Financial aid to fisheries:
King crab in Alaska 16216
Lobsters in Gulf of Maine 14778
Salmon in Wash., Oreg., and Calif 14779
Tuna, Atlantic bluefin; threatened species 14777

INDEX

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—Continued

Notices — Page

Bareboat charter of vessels to foreign-controlled company; Citicorp Leasing, Inc.; hearing and extention of time 14960
Endangered species critical habitat areas; designation information 17770
Environmental statements:
Coastal Zone Management Office; hearing 14960, 16868
Duplin River, Ga.; hearing 15927
Fish and fishery products; consumer and trade education and promotion 18480
Fish meal and related products; inspection program 14787
Fishery Market News Reports; availability by subscription 16116
Marine mammal permit applications:
Alaska 15925
Erickson, Dr. Albert W 15925
Folk, Dr. G. Edgar 15926
Gulf Exhibition Corp 15926
Johns Hopkins University 16706
Lafayette Park Zoo 17770
Marine Animal Productions Inc. 14624
Naval Undersea Center 17770
New York Zoological Society 14624
Northwest Fisheries Center 16227
Ocean World, Inc 17770
Peterle, Dr. Tony J 15927
San Diego Zoological Garden 17771
Sea World, Inc 14625
Shipwreck, Inc 17771
Steinhart Aquarium 14625
Toledo Zoological Gardens 15927
University of Guelph 14625
University of Minnesota 14625
University of Washington 14625
Wartzok, Douglas, et al 15925
Marine mammals; fish import certificates:
South Africa 17771
Meetings:
Environmental Resources Committee of Domestic Council 18827
Marine Fisheries Advisory Committee 15926
Marine Petroleum and Minerals Advisory Committee 17190
Sea Grant Advisory Panel 18575
Tuna, Atlantic bluefin; threatened species; hearing 17302

NATIONAL PARK SERVICE

Rules
Fishing:
Great Smoky Mountains National Park, Tenn. and N.C. 16315
Rocky Mountain National Park, Colo 14912

Notices
Chesapeake and Ohio Canal National Historical Park; general plan hearings 14608
Concession permits, etc.:
Badlands National Monument; to Oglala Sioux Cedar Pass Concession Enterprise 15920
Grand Teton National Park; to American Alpine Club 16689
Katmai National Monument; to Wein Consolidated Airlines, Inc 17296
Ozark National Scenic Riverways; to Danny Staples 14609
Sagamore Hill National Historic Site; to Saga-Hill Corp 17177
Environmental statements:
National Mall, Washington, D.C. 17177
Glen Canyon National Recreation Area, Ariz. and Utah; plan meeting and hearing 15920
Historical Places National Register 14609
Master plan workshops:
Crater Lake 18013
Haleakala National Park, Hawaii 18198
John Muir National Historic Site, Calif 18199
Yosemite National Park 18815
Meetings:
Cape Cod National Seashore Advisory Commission 17176
Chesapeake & Ohio Canal National Historical Park Commission 17295
Golden Gate National Recreation Area Citizens' Advisory Commission 18198
Independence National Historical Park Advisory Commission 17296
Indiana Dunes National Lakeshore Advisory Commission 14609
National Capital Memorial Advisory Committee 18013
Southeast Regional Advisory Committee 15105, 17296
Western Regional Advisory Committee 18013
Voyageurs National Park, Minn.; establishment 15921

NATIONAL SCIENCE FOUNDATION

Notices
Meetings:
Anthropology Advisory Panel 18620
Ethical and Human Value Implications of Science Technology Advisory Committee 16370
International Decade of Ocean Exploration Proposal Review Panel 18620
Mathematical Sciences Advisory Panel 16370
Metallurgy and Materials Advisory Panel 18232
Neurobiology Advisory Panel 18232
Physics Advisory Panel 15971
Research Advisory Committee
Science Advisor with scientific and technical societies 14808, 16371
Science Education Advisory Committee 17789
Science Programs Ad Hoc Advisory Group 16153, 17083

NATIONAL TECHNICAL INFORMATION SERVICE

Notices
Inventions, Government owned; availability for licensing 16117, 16118

NATIONAL TRANSPORTATION SAFETY BOARD

Rules
Organization, functions, and delegations of authority 14572

Notices
Aircraft accident data; availability 18051
Aircraft accidents; investigation hearings 15459, 17202
Safety recommendations; availability, responses 16233, 18051, 18052

NAVY DEPARTMENT

Rules
Public, rules applicable to; obsolete provisions, revocation 16314

Notices
Environmental statement:
Naval Oceanographic Center, establishment 17293
Meetings:
CNO Executive Panel Advisory Committee 14785, 16688
Naval Research Advisory Committee 18009, 18566
Naval War College Board of Advisors 17864
Navy Graduate Education Program Select Study Committee 17293

NUCLEAR REGULATORY COMMISSION

Rules
Organization and functions:
Reorganization amendments to Chapter; correction 16047

Proposed Rules
Physical protection of plants and materials; shipments of special nuclear material 15098

Notices
Applications, etc.:
Alabama Power Co. 16371, 18049, 18513
Arizona Public Service Co. et al. 17349
Benrus Corp 16100
Boston Edison Co. et al 17351
Carolina Power & Light Co. 17065, 17647
Comey, David D 17067
Commonwealth Edison Co. et al. 16371, 17205, 18231
Consumers Power Co 15135, 16101, 18848
Dairyland Power Cooperative 18510
Duquesne Light Co. et al 17888
Firetek Corp 16101
Florida Power & Light Co. 16152, 17776
General Electric Co 17776
Georgia Power Co. et al 17202, 17203, 17777
Gulf States Utilities Co 15136, 16731, 17066, 18049
Houston Lighting & Power Co. 15136,
Illinois Power Co 15459
Jersey Central Power & Light Co 15137
Kansas Gas & Electric Co. et al. 14808, 16372, 18511
New York University 18511
Northern States Power Co. 15459, 17351, 18049
Pacific Gas & Electric Co. 16102
Philadelphia Electric Co. 18050
Portland General Electric Co. 17065
Potomac Electric Power Co. 17067
Public Service Co 18051
Public Service Co. of Indiana, Inc 18511
Puget Sound Power & Light Co. et al 15969

Rochester Gas & Electric Corp. 16249, 18848
Southern California Edison Co. et al 17203, 18051
Tennessee Valley Authority 15136, 15970
Toledo Edison Co. et al 18051
Virginia Electric & Power Co. 15137, 17888
Washington Public Power Supply System 17648
Wisconsin Electric Power Co. et al 14808
Yankee Atomic Electric Co 15459
Environmental statements; availability, etc.:
Arizona Public Service Co 16888
Cherokee Nuclear Station 15138
Meetings:
Nuclear Energy Center Site Survey 18050
Reactor Safeguards Advisory Committee 16098, 16099, 16100, 16731, 17066, 17349, 17885, 17886, 17887, 18621
Standards Development Office 15013
Regulatory guides; issuance and availability 15136, 17067, 17204, 18231

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Rules
Freedom of information; Part revoked 15876
Health and safety standards:
Lavatories for industrial employment; standard deleted 18445
National Fire Protection Association; mailing address change 18426
Tractors, agricultural; roll-over protective structures 18254
State plans for enforcement of standards:
California 18426
North Carolina 16843, 18429
Oregon 18427

Proposed Rules
Health and safety standards:
Carcinogens; 4,4'-Methylene bis (2-chloroaniline); extension of time 18564
Construction; ground-fault circuit protection; revocation 15390, 18468
Noise exposure 16336
State plans for enforcement of standards:
Hawaii 16853

Notices
Agriculture Standards Advisory Committee; request for information 18514
Applications, etc.:
Marathon Steel Co. et al 15139
Stauffer Chemical Co 17088
Meetings:
Coke Oven Emissions Standards Advisory Committee 16735, 18623
Hazardous Materials Labeling, Standards Advisory Committee 15468
Standards completion project; draft technical standards 17654
State plans for enforcement of standards:
Georgia, et al 15468
Iowa 15468, 17207, 17359
Mississippi 15469
South Carolina 16257

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Rules
Freedom of information, correction 14593

PACKERS AND STOCKYARDS ADMINISTRATION

Notices
Posting and deposting of stockyards:
Cleburne County Livestock Sales, Inc., Ranburne, Ala., et al 15108
Florida Agricultural Marketing Association, Inc., Belle Glade, Fla., et al 15108
Tobesofkee Livestock, Macon, Ga., et al 15109

PATENT AND TRADEMARK OFFICE

Notices
Meetings:
Trademark Affairs Public Advisory Committee 17302, 18014

PENSION BENEFIT GUARANTY CORPORATION

Notices
Anthracite Health and Welfare Fund; hearing on partial termination; postponed 16155

POSTAL RATE COMMISSION

Notices
Mail classification schedule; conferences 16732
Retail analysis program for facilities deployment 17352

POSTAL SERVICE

Proposed Rules
Lockbox and caller service rentals 15909, 16686

PRESIDENTIAL CLEMENCY BOARD

Notices
Meetings 18052

PUBLIC HEALTH SERVICE

Rules
Grants:
Family planning services training 17991
Nursing schools, nonprofit private; special projects; correction 14762, 17252

Proposed Rules
Grants:
Health manpower education initiative projects 18790
Nursing schools; financial distress grants 14932
Industrial sound level meter sets 17029

Notices
Authority delegation:
Administrator, Health Services Administration 15118

PUERTO RICO AD HOC ADVISORY GROUP

Notices — Page
Meeting 14970

RECLAMATION BUREAU

Notices
Environmental statements:
Central Utah Project, Jensen Unit; hearings 18475
Savage Rapids Dam, Oreg.; anadromous fish passage; hearings 18815
Power reallocation; Parker-Davis and Colorado River Storage Projects 15101

RURAL ELECTRIFICATION ADMINISTRATION

Rules
Freedom of information 16074

Proposed Rules
Electric distribution and transmission facilities, construction contract forms 17591
Work orders and line extension contracts; telephone improvements and extensions 17264

Notices
Environmental statements:
Big Rivers Electric Corp 14786
Lower Valley Power & Light, Inc 14787
Loan guarantees proposed:
East Ascension Telephone Co., Inc 15418
Empire Telephone Co., Comer, Ga 17865
Glacier State Telephone Co. 14620
Hillsborough & Montgomery Telephone Co 16226
Murraysville Telephone Co., Inc 16227
Powell Telephone Co 15924
Tri-County Telephone Co., Inc. 16095
Tri-State Generation & Transmission Association, Inc 14787

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Notices
Environmental impacts 18026
Meetings:
Advisory Board 17206

SECURITIES AND EXCHANGE COMMISSION

Rules
Authority delegations:
Chief Economist, Economic Research Office 16052
Director of Division of Enforcement 14748, 17008
Brokers and dealers; temporary exemption from Advisers Act 18424
Competitive bidding requirements; temporary suspension termination 17249
Interpretive releases 17986

Proposed Rules
Investment advisers:
Disclosure and recordkeeping requirements; extension of comment period 18007
Exemption from registering as broker-dealers 14782, 18797

INDEX

SECURITIES AND EXCHANGE COMMISSION—Continued Page

Proposed Rules—Continued

Life insurance exemptive rules; extension of comment period 18007
Public offerings; manipulative practices 16090
Short term debt instruments, valuation of; owned by registered investment companies 18467

Notices

Displays on interrogation systems; interpretation of requirements 15461
Environmental and other socially significant matters; disclosure of and investors' interest in 16375
Meetings:
Central Market System, Advisory Committee on implementation 17650, 18514
Report Coordinating Group 17889
Option plans:
American Stock Exchange, Inc. 16373, 17355, 18053
Chicago Board Options Exchange, Inc. 15014, 15015, 16254, 16373, 17355, 17789, 18053
PBW Stock Exchange, Inc. 17356
Quotation information; request 15015
Hearings, etc.:
AEtna Variable Annuity Life Insurance Co. 16249, 16252, 16889
Airways Enterprises, Inc. 16373
Allegheny Power System, Inc., et al. 16733
American Agronomics Corp. 15971, 17354, 18622
American Airlines, Inc. 17650
American Express International Banking Corp. 17084
Appalachian Power Co. et al. 14650, 15138, 17354, 17651
Arkansas-Missouri Power Co. 18233
Axe-Houghton Fund A, Inc. 16734
Axe-Houghton Fund B, Inc. 16734
Axe-Houghton Stock Fund, Inc. 16733
BBI, Inc. 16253, 17353, 18622
Barnhart-Morrow Consolidated 17085
Berkshire Capital Fund, Inc., et al. 15460
Castle Industries, Inc. 15014
Central Power & Light Co. 16374
Columbia Gas System, Inc., et al. 16374, 16892, 17649, 17651
Connecticut Light & Power Co. et al. 18849
Continental Management, Inc. 17085
Continental Venting Machine Corp. 15015, 17086, 18053
Diamond Growth Fund, Inc. 15461
Eastern Utilities Associates 18053
Edie, Lionel D., Capital Fund, Inc. 17357
Equity Funding Corporation of America 15015, 16375, 17790
General Refractories Co. 18622
Georgia Power Co. 15463
ICI North America, Inc. 18233
I.T.S. Industries, LTD. 15463
Industries International, Inc. 15015, 16376, 18054
International Chemalloy Corp. 15139
Jersey Central Power & Light Co. 16253, 16254
Jones & Laughlin Steel Corp. 17356
Kawecki Berylco Industries, Inc. 17086
Middle South Utilities, Inc., et al. 16376, 16734
Monongahela Power Co. et al. 17790
Naturizer, Inc. 16376
Northeast Utilities 17652
Ohio Edison Co. et al. 15463, 15464, 18054
Ohio Power Co. 14818
Options Clearing Corp. 15465
Purification Systems, Inc. 17086
Reliance World Trade Co. Ltd. 14819
Royal Properties Inc. 15972, 17354, 18622
Standard and Poor's Inter-Capital Income Securities, Inc., et al. 15467
Standard Prudential Corp. 15972, 17652
Sun Life Insurance Co. of America 17353
Tax-Exempt Securities Trust 14819
Transok Pipe Line Co. et al. 17086
United Communities Corp. 17087
Utah Power & Light Co. 14651, 17087
Westgate California Corp. 15016, 16376, 18054
Winner Industries, Inc. 15972, 17354, 18622
Wisco Hardware Co. 18234
Zenith Development Corp. 15016, 16376, 17791

SELECTIVE SERVICE SYSTEM

Notices

Registrants Processing Manual:
Suspension of registration 15972
Temporary instructions, etc. 17206

SMALL BUSINESS ADMINISTRATION

Rules

Small business size standards:
Construction contractors; special trades 17138

Proposed Rules

Business loan policy; fees 15098
Small business investment companies:
Funds, prohibited use of 14606

Notices

Applications, etc.:
Edict Investment Corp. 15017
First Capital Corp. 16255
Greenway Small Business Investment Co. 16255
Mid-South Capital Corp. 17791
Palo Alto Capital Co. 15017
Small Business Investment Capital, Inc. 15017
Sun Capital Corp. 15467
TransPac Capital Fund, Inc. 16256
West Coast Capital Co. 16257
Western Capital Corp. 16257
Western Venture Resources, Inc. 16257
Authority delegations:
Assistant Administrator for Administration 18054
Associate Administrator for Finance and Investment 18054
Director, Office of Business Development and Contracting Officer, Program Support Division 18055
Disaster areas:
Alabama 14652
Arkansas 16255
Georgia 16255
Illinois 17653
Kentucky 16256, 17653
Mississippi 17653
North Carolina 16256
Oklahoma 14652
Rhode Island 15017, 18055
Tennessee 16257
Texas 16256
Wisconsin 18622
Meetings:
Augusta District Advisory Council 18850
Boise District Advisory Council 15467
Casper District Advisory Council 16893
Clarksburg District Advisory Council 15973
Columbia District Advisory Council 15017, 17653
Denver District Advisory Council 16255
Des Moines District Advisory Council 16893
Helena District Advisory Council 15973
Jacksonville District Advisory Council 14652
Louisville District Advisory Council 14652
Lubbock District Advisory Council 14652
Montpelier District Advisory Council 17653
New Orleans District Advisory Council 15973
Newark District Advisory Council 15973
Oklahoma City District Advisory Council 15973
Omaha District Advisory Council 14652
Phoenix District Advisory Council 14652
St. Louis District Advisory Council 16256, 17206
San Francisco District Advisory Council 14653
Sioux Falls District Advisory Council 14653
Spokane District Advisory Council 17358

SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION

Notices

Meetings:
Small Areas Census Advisory Committee 16354

SOCIAL AND REHABILITATION SERVICE

Rules

Financial assistance programs:
State effort maintenance; section revoked 16667
Medical assistance programs:
Nursing and intermediate care facility services, cost differentials 14598, 15388
Utilization review 14597

Proposed Rules

Grants; post award disputes; appeals 16672
Medical assistance program; fraud 15093
Social service program for individuals and families 16802

SOCIAL SECURITY ADMINISTRATION Page

Rules

Health insurance for aged and disabled:
Renal disease, end-stage, treatment facilities; interim period qualification and exception criteria 17746
Supplementary medical insurance; premiums 18165
Utilization review; conditions of participation 14591

Proposed Rules

Freedom of information; disclosure of official records and information; policies 17849
Health insurance for aged and disabled:
Inpatient routine nursing salary cost differential; termination 14934
Reimbursement for services of hospital interns, residents, etc.; determination of reasonable rates 16673
State coverage agreements under supplementary medical insurance benefits 17151

Notices

Hospital costs; limits; proposed schedule 17190

SOIL CONSERVATION SERVICE

Rules

Plant materials; special production 17149

Notices

Environmental statements on watershed projects:
Caston-Mountain Creek, Okla. 17767
Chippewa and Long Prairie Headwaters Fish and Wildlife Development WesMin RC&D Project, Minn. 18573
Chuquatonchee Creek, Miss. 16095
Cypress Creek, Ala. and Tenn. 16095
East Fork Pond River, Ky. 18479
Elm Creek, Tex. 14620
Flat Rock Creek, Ark. 17767
Jamestown Flood Prevention RC&D Measure, Tenn. 18199
Livingston Flood Prevention (RC&D) Measure, La. 18574
Long Branch Creek, Okla. 16096
Lower Amazon-Flat Creek, Oreg. 14958
Lower Black Bear Creek, Okla. 14621
Lower Little Tallapoosa River, Ga. 17189
Lower Tippah River, Miss. 16096
Lye Creek Drain, Ind. 17767
Marsh-Kellogg Creek, Calif. 14621
Norman-Polk, Minn. 17767
Pollard Creek, Tex. 14622
Pond Creek, Fla. 14959
Rouge River, Mich. 16096
Rush Creek, Ohio 16097
Sandy Creek, Tex. 16097
Sebastian Martin-Black Mesa, N. Mex. 17050
Second Broad River, N.C. 16097
South Fork, Ark. 16864
Stillwater Creek, Okla. 17050
Tallahaga Creek, Miss. 14622
Three-Mile and Sulfur Draw, Tex. 17768
Town Creek, Miss. 14959
Upper Bayou, Okla. 16097
Upper Bayou Nezpique, La. 17189
Upper Choptank River, Marydel Public Drainage Assn., Md. 14622
Upper New River, S.C. 16098
Wilson Creek, Nebr. 17189
Yantic River, Conn. 14959
Equipment grant eligibility determination:
Nevada 14621, 14622

SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS OFFICE

Rules

Organization and functions 18419

Notices

Committees; establishment, etc.:
Labor Policy and Labor Sector Advisory Committees 18518
Meetings:
Agricultural Advisory Committees for Multilateral Trade Negotiations 16153

STATE DEPARTMENT

See also Agency for International Development.

Proposed Rules

Advisory committee management 15060

Notices

Environmental statements:
Washington Technical Institute et al., proposed construction; meetings 18813
Meetings:
Fine Arts Committee 17172
International aviation policy 17046
International Radio Consultative Committee, U.S. National Committee 16687
International Telegraph and Telephone Consultative Committee 14607, 18565
Northwest Atlantic Fisheries Advisory Committee 17763
Overseas Schools Advisory Council 16858
Prevention of Marine Pollution, United States National Committee 17861
Shipping Coordinating Committee 16687, 16858, 17293, 18565

TENNESSEE VALLEY AUTHORITY

Rules

Freedom of information; fees for search and duplication of records 14749

TRADE ADJUSTMENT ASSISTANCE OFFICE

Rules

Adjustment assistance regulations 14930

Notices

Petitions and investigations, importation:
Algy Shoes, Inc. 18014, 18827

TRANSPORTATION DEPARTMENT

See also Coast Guard.
Federal Aviation Administration.
Federal Highway Administration.
Federal Railroad Administration.
Hazardous Materials Regulations Board.
National Highway Traffic Safety Administration.
Saint Lawrence Seaway Development Corporation.

Rules

Authority delegations:
Federal Highway Administrator et al. 14764, 17992

Notices

International Aviation Policy Review; public participation; supplemental notice 14970

TRAVEL SERVICE

Notices

Meetings:
Travel Advisory Board 15111

TREASURY DEPARTMENT

See Alcohol, Tobacco, and Firearms Bureau.
Comptroller of the Currency.
Customs Service.
Fiscal Service.
Foreign Assets Control Office.
Internal Revenue Service.
Monetary Office.

Notices

Antidumping:
Chicken eggs in shell from Canada 16687
Lock-in amplifiers and parts from United Kingdom 15406
Vinyl clad fence fabric from Canada 18565
Employee benefit plans; exemption procedure under Employee Retirement Income Security Act 18471
Meetings:
International Monetary System Reform Advisory Committee 17763
Notes, Treasury:
Series H–1977 16687, 17294
Series N–1976 15101

UNITED STATES RAILWAY ASSOCIATION

Notices

Preliminary System Plan; correction 16377

VETERANS ADMINISTRATION

Rules

Adjudication; pensions, compensation, dependency, etc.:
Liberalization of provisions 16064

Proposed Rules

Ajudication; pensions, compensation, dependency, etc.
Awards, effective dates 16092
Privacy safeguard; personal information systems; social security numbers 14783

Notices

Automative driving aids for disabled; design and test criteria 15017
Committees; establishment, renewals, etc.:
Cooperative Studies Evaluation Committee 14821

INDEX

VETERANS ADMINISTRATION—Continued

Notices—Continued Page

Medical device experience data; memorandum of understanding with Food and Drug Administration ---------- 18482

Meetings:

Administrator's Education and Rehabilitation Advisory Committee ---------- 16378

Cemeteries and Memorials Advisory Committee ---------- 17207

Educational Allowances Station Committee ---------- 16155

Health Manpower Training Assistance Review Committee ---------- 16378

Medical School Assistance Review Committee ---------- 16378

WAGE AND HOUR DIVISION

Rules

Minimum wage rates; industries in Virgin Islands ---------- 15875

Wage orders:

Puerto Rico; chemical, construction, etc ---------- 16063, 17146

Notices Page

Industry committees for various industries in Puerto Rico; minimum wage rates; hearings ---------- 18519

Learners; certificates authorizing employment at special minimum wages ---------- 16380

Students, full-time; employment at subminimum wages ---------- 17089

WORKERS' COMPENSATION PROGRAMS OFFICE

Rules

Federal employees' compensation; claims; correction ---------- 14750

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published during April.

3 CFR

PROCLAMATIONS:

2799 (Revoked by Proc. 4360) ---------- 14567
2937 (Revoked by Proc. 4360) ---------- 14567
2938 (Revoked by Proc. 4360) ---------- 14567
2942 (Revoked by Proc. 4360) ---------- 14567
2972 (Revoked by Proc. 4360) ---------- 14567
3314 (Revoked by Proc. 4360) ---------- 14567
4101 (Revoked by Proc. 4360) ---------- 14567
4319 (Amended by PLO 5495) ---------- 16667
4346 (Amended by Proc. 4359) ---------- 14565
4359 ---------- 14565
4360 ---------- 14567
4361 ---------- 15063
4362 ---------- 15861
4363 ---------- 15863
4364 ---------- 16293
4365 ---------- 16641
4366 ---------- 16643
4367 ---------- 16829
4368 ---------- 17977
4369 ---------- 18389

EXECUTIVE ORDERS:

11809 (See EO 11849) ---------- 14887
11828 (Amended by EO 11848) ---------- 14885
11829 (Amended by EO 11853) ---------- 17537
11847 ---------- 14568
11848 ---------- 14885
11849 ---------- 14887
11850 ---------- 16187
11851 ---------- 16645
11852 ---------- 17239
11853 ---------- 17537
11854 ---------- 18391

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS

Memorandum of March 24, 1975 ---------- 15377
Memorandum of March 31, 1975 ---------- 18393

4 CFR

20 ---------- 17979
303 ---------- 18541
408 ---------- 14737, 15865
409 ---------- 15865

PROPOSED RULES:

10 ---------- 16686
351 ---------- 14942

5 CFR

213 ---------- 15379, 16189, 17243, 17539, 18541, 18751, 18752
300 ---------- 15379
302 ---------- 15380
315 ---------- 15380
890 ---------- 14569
1001 ---------- 14570

7 CFR

2 ---------- 17829, 18752
6 ---------- 16069
51 ---------- 15381
52 ---------- 15890–15900, 18753
220 ---------- 17148
270 ---------- 16069
271 ---------- 16069, 16320
301 ---------- 16070
331 ---------- 16072, 17539
401 ---------- 15905
410 ---------- 15905
613 ---------- 17149
724 ---------- 14737

7 CFR—Continued

728 ---------- 16831
731 ---------- 14601
873 ---------- 16072
905 ---------- 14889, 16210
907 ---------- 14889, 16073, 16212, 17149, 17540, 17993, 18404
908 ---------- 14890, 16211, 16213, 16321, 17150, 17540, 17829, 17993, 18404
910 ---------- 15065, 16073, 16322, 17243, 18163
911 ---------- 17830
944 ---------- 14891
959 ---------- 16211, 17831
991 ---------- 14737
1004 ---------- 18753
1101 ---------- 17540
1207 ---------- 17743
1250 ---------- 15065
1427 ---------- 16647
1430 ---------- 16649
1472 ---------- 16213
1488 ---------- 16322, 16327, 16329, 16331
1701 ---------- 16074
1803 ---------- 16333
1872 ---------- 15065
2620 ---------- 17831
2710 ---------- 14891

PROPOSED RULES:

29 ---------- 15390
68 ---------- 18001
180 ---------- 18790
401 ---------- 14777
724 ---------- 16671
760 ---------- 18450
908 ---------- 16335, 17848
951 ---------- 17151
982 ---------- 16852
984 ---------- 18449
993 ---------- 18562
1002 ---------- 14702, 15390
1004 ---------- 14702, 15390
1011 ---------- 18946
1033 ---------- 14769, 17029, 18946
1090 ---------- 18946
1101 ---------- 18946
1251 ---------- 15906
1421 ---------- 15390
1701 ---------- 17264, 17591
1823 ---------- 14776
1842 ---------- 15405

8 CFR

100 ---------- 17743
103 ---------- 17743
238 ---------- 17744
316a ---------- 17744

PROPOSED RULES:

103 ---------- 16215
214 ---------- 15092

9 CFR

72 ---------- 16650
78 ---------- 17816
79 ---------- 18404
82 ---------- 17244, 18541
94 ---------- 14571
113 ---------- 17003, 18405
317 ---------- 18542
319 ---------- 18542

PROPOSED RULES:

303 ---------- 15906
381 ---------- 15906

10 CFR

Ruling 1975–3 ---------- 17980
70 ---------- 16047
207 ---------- 18408
211 ---------- 14738, 18182, 18543
213 ---------- 16047, 18766, 18769
215 ---------- 16295

PROPOSED RULES:

73 ---------- 15098
205 ---------- 14605, 17600
210 ---------- 18004, 18182
211 ---------- 14605, 16089, 17600, 18482
212 ---------- 15401, 17859, 18004, 18467
213 ---------- 14948

12 CFR

9 ---------- 18770
23 ---------- 17135
204 ---------- 17136
213 ---------- 17136, 18412
217 ---------- 16831, 17831
309 ---------- 17004
329 ---------- 17137
523 ---------- 17245
524 ---------- 17245
525 ---------- 17245
526 ---------- 17246, 18771
532 ---------- 17246
541 ---------- 15865
544 ---------- 17984
545 ---------- 15382, 15865, 17004, 17005, 17246, 17984, 18772
556 ---------- 17246
561 ---------- 17984
563 ---------- 14738, 17984, 18411, 18772
571 ---------- 17247
584 ---------- 17005
588 ---------- 17247
602 ---------- 14571
611 ---------- 17744
613 ---------- 17744
614 ---------- 17745
615 ---------- 17745
616 ---------- 17746

PROPOSED RULES:

7 ---------- 14767
202 ---------- 18183
206 ---------- 15909
217 ---------- 16684, 16685
329 ---------- 16219
335 ---------- 14947
526 ---------- 17860
541 ---------- 15096
545 ---------- 15096
556 ---------- 17272, 18005
563 ---------- 18005
584 ---------- 16090, 17044
701 ---------- 15404
721 ---------- 15404
745 ---------- 15404

13 CFR

121 ---------- 17138
302 ---------- 18544

PROPOSED RULES:

107 ---------- 14606
120 ---------- 15098

14 CFR

39 ---------- 14739, 14740, 14891, 14892, 15085–15086, 15384, 15866, 16189–16191, 16297–16299, 16831, 16832, 17006, 17138, 17139, 17248, 17548, 17832–17835, 18163, 18413, 18544

INDEX

14 CFR—Continued
71 ... 14740, 14741, 15046, 15385, 15867, 16050, 16299, 16640, 16651, 16832, 17006, 17007, 17125, 17140, 17248, 17249, 17549, 17836, 17837, 17986, 18164, 18414, 18549
73 ... 17549, 17550
75 ... 17007
91 ... 16651
97 ... 14893, 16300, 17140, 18164
103 ... 17141
121 ... 17551
223 ... 18415
224 ... 18415
228 ... 18773
233 ... 18419
241 ... 16652
288 ... 14893
399 ... 18419
400 ... 14572
401 ... 14574
425 ... 14578
PROPOSED RULES:
25 ... 15093
39 ... 16854, 17852, 18562
71 ... 14780, 14781, 15094, 15399, 15400, 15907, 16088, 16089, 16217, 16345, 16346, 16854, 17264, 17265, 17596, 17853, 16854, 17264, 17265, 17596, 17853, 18001, 18176
73 ... 15907
75 ... 14781
121 ... 17156
135 ... 16347
207 ... 17039, 18003
208 ... 17039, 18003
212 ... 17039, 18003
214 ... 17039, 18003
217 ... 17039, 18003
221 ... 17596
234 ... 18450
241 ... 17039, 18003
249 ... 17039, 18003
369 ... 18003
372a ... 17039
378 ... 17039
378a ... 17039, 18003
389 ... 17039, 18003

15 CFR
302 ... 17837
350 ... 14921
355 ... 14925
377 ... 15867
500 ... 14930
920 ... 16832
2001 ... 18419
2002 ... 18420
2003 ... 18421
PROPOSED RULES:
803 ... 14603

16 CFR
1 ... 15232, 15233, 17008
2 ... 15235
3 ... 15234, 15236
4 ... 15235, 15236
13 ... 14579–14582, 14741, 14894–14904, 15385, 15386, 15868–15872, 16050, 16191, 16300, 16654, 17838
302 ... 14584, 16654
1500 ... 16191, 17746

16 CFR—Continued
PROPOSED RULES:
1 ... 15237
3 ... 15239
4 ... 15245
444 ... 16347
1500 ... 17157

17 CFR
Ch. I ... 17406
1 ... 17406, 18778
150 ... 15086
200 ... 14748, 16052, 17008
250 ... 17249
271 ... 17986
275 ... 18424
PROPOSED RULES:
1 ... 18187
150 ... 15907
240 ... 16090
270 ... 18007
271 ... 18467
275 ... 14782, 18007, 18797

18 CFR
1 ... 17553
3 ... 16300, 18796
260 ... 17553, 18796
301 ... 14749
401 ... 17987
PROPOSED RULES:
Ch. I ... 15402
2 ... 16220
3 ... 18796
35 ... 14606
101 ... 14606
104 ... 14606
141 ... 15402, 16684
154 ... 14606, 18467
202 ... 14606
204 ... 14606
260 ... 16684, 18796

19 CFR
6 ... 15386
22 ... 14749
113 ... 14749
133 ... 17151
141 ... 17151
153 ... 14591
PROPOSED RULES:
112 ... 15389
113 ... 15389

20 CFR
10 ... 14750
405 ... 14591, 17746, 18165
900 ... 18776
PROPOSED RULES:
401 ... 17849
405 ... 14934, 16673, 17151
422 ... 17849

21 CFR
6 ... 16662
8 ... 15087, 18167
9 ... 18167
18 ... 18549
25 ... 18425
121 ... 14905
123 ... 14592, 17142, 18167
312 ... 16053
431 ... 15088
436 ... 15088
440 ... 15088

21 CFR—Continued
444 ... 14906
448 ... 15088
449 ... 15089
522 ... 17838, 18549
558 ... 18168
701 ... 16192, 18426
740 ... 16192
1030 ... 14750, 16663
1301 ... 17142
1308 ... 18426
PROPOSED RULES:
1 ... 15392
3 ... 15393
27 ... 16085
334 ... 18001
335 ... 18001
336 ... 18001
337 ... 18001
610 ... 18176
630 ... 17151
1301 ... 16082
1308 ... 16082

22 CFR
1 ... 15392
3 ... 15392
PROPOSED RULES:
8 ... 15060

23 CFR
140 ... 16057
420 ... 17554
630 ... 17554
635 ... 14906, 17251
646 ... 16059
662 ... 14907
820 ... 16301

24 CFR
200 ... 17750
300 ... 14753
570 ... 15089, 16663, 17987
800 ... 15580
801 ... 15580
802 ... 15580
803 ... 15580
804 ... 15580
880 ... 15580
881 ... 15580, 18902
882 ... 15580
883 ... 15580, 16934
888 ... 15580
889 ... 15542
890 ... 17008
1700 ... 14753
1914 ... 14599–14601, 16835–16841, 17750, 17752, 17838, 17839, 17987, 18776, 19777
1915 ... 14754, 16192, 16193, 16303, 16304, 16842, 17015, 17017, 17989, 18550
PROPOSED RULES:
1917 ... 16345, 16674–16676, 18562

25 CFR
41 ... 17022
43k ... 14592
PROPOSED RULES:
221 ... 17029
252 ... 18798
253 ... 18798

26 CFR
Ch. I ... 16835
1 ... 16663
10 ... 17554

26 CFR—Continued
11 ... 17555
31 ... 17144, 17840
301 ... 15090
PROPOSED RULES:
1 ... 14767, 17576, 17588, 18798
11 ... 18798
31 ... 17028

27 CFR
Ch. I ... 16835

29 CFR
90 ... 14908
91 ... 16304, 17840
92 ... 16304, 17840
670 ... 16063, 17146
694 ... 15875
726 ... 16063, 17146
1208 ... 17022
1601 ... 16193
1910 ... 18254, 18426, 18445
1913 ... 15876
1928 ... 18254
1952 ... 16843, 18426, 18427, 18429
2300 ... 14593
PROPOSED RULES:
4 ... 16082
1910 ... 15390, 16217, 16336, 18468, 18564
1926 ... 15390, 18468
1952 ... 16853

30 CFR
PROPOSED RULES:
250 ... 17758
251 ... 17758

31 CFR
90 ... 16844
93 ... 16844
100 ... 16844
121 ... 16844
500 ... 17262
PROPOSED RULES:
210 ... 16669

32 CFR
40 ... 16194
287 ... 16203
765 ... 16314
806 ... 17841
856 ... 14758
1803 ... 16314
PROPOSED RULES:
155 ... 17995
641 ... 16850

33 CFR
82 ... 17022, 18429
117 ... 14594, 15093, 17753
127 ... 17754
209 ... 17023
380 ... 14761
PROPOSED RULES
117 ... 14604, 15903, 18793, 18794
175 ... 17762
266 ... 14872

34 CFR
PROPOSED RULES:
235 ... 16855

36 CFR
7 ... 14912, 16315
214 ... 16316
270 ... 17556

36 CFR—Continued
603 ... 15877
604 ... 15877
PROPOSED RULES:
231 ... 16335
3 ... 16064
PROPOSED RULES:
1 ... 14783
3 ... 16092

39 CFR
PROPOSED RULES:
111 ... 15909, 16686

40 CFR
6 ... 16814
15 ... 17123, 18429, 18437
50 ... 18168
51 ... 18168
52 ... 14595, 15879, 16844, 16845, 18430, 18437, 18550, 18726
53 ... 18168
55 ... 18438
60 ... 18169
61 ... 18169
65 ... 14876
85 ... 16667, 18778
120 ... 18170
162 ... 18780
172 ... 18780
180 ... 14596, 14597, 15387, 15880, 17146, 17557, 17841, 18171, 18172
408 ... 16204
413 ... 18130
427 ... 18172
428 ... 18172
PROPOSED RULES:
52 ... 15094, 15095, 16218, 16680, 17157, 17597, 18795, 18796
65 ... 14876
85 ... 18176
180 ... 18451
408 ... 15096
413 ... 18140
414 ... 17041
432 ... 18150
450 ... 17762

41 CFR
Ch. 5 ... 18445
1–1 ... 18785
1–3 ... 15880, 18786
1–4 ... 18786
1–7 ... 14913, 17558, 18786
1–12 ... 14913
1–15 ... 14913, 18787
1–30 ... 14917
3–1 ... 16319
3–8 ... 16319
5A–2 ... 16847
5A–7 ... 16847
5A–16 ... 16847
7–1 ... 16205
7–6 ... 16205
7–7 ... 16205
7–16 ... 16206
7–30 ... 16206
9–9 ... 16848, 17573
14–3 ... 15091
109–1 ... 15091
PROPOSED RULES:
Ch. 9 ... 16677
Ch. 60 ... 14953
3–10 ... 16337
3–16 ... 16337
14–7 ... 17848

42 CFR
57 ... 14762, 17252
59 ... 17991
PROPOSED RULES:
57 ... 14932, 18790
82 ... 17029

43 CFR
2800 ... 17841
PUBLIC LAND ORDERS:
5494 ... 16066
5495 ... 16667
5496 ... 16208
PROPOSED RULES:
4 ... 14603
2650 ... 14603

45 CFR
80 ... 18173
103 ... 18787
112 ... 16013
113 ... 16015
114 ... 16019
115 ... 16032
151 ... 14762, 18551
154 ... 14917
155 ... 14918
158 ... 17712
166 ... 17950
177 ... 18556
190 ... 15248
192 ... 17844
237 ... 16667
249 ... 14597
250 ... 14597, 15388
1201 ... 17023
1215 ... 18556
1216 ... 16208
PROPOSED RULES:
121a ... 17849
156 ... 16086
160c ... 17394
204 ... 16672
228 ... 16802
250 ... 15093
704 ... 17267
1221 ... 18002
1222 ... 16676
1351 ... 17824

46 CFR
32 ... 17754
40 ... 17024
111 ... 17754
151 ... 17024
380 ... 14599
528 ... 14599
533 ... 14599
550 ... 18446
PROPOSED RULES:
12 ... 16676
30 ... 17592
31 ... 17154
32 ... 14935, 16676, 17592
34 ... 17592
50 ... 14935, 16676
52 ... 14935, 16676
53 ... 14935, 16676
54 ... 14935, 16676
56 ... 14935, 16676
58 ... 14935, 16676
63 ... 14935, 16676
74 ... 17154
93 ... 17154
Subchapter M ... 17154
502 ... 15097
550 ... 15401

INDEX

CUMULATIVE LIST OF PARTS AFFECTED—APRIL

47 CFR

Ch. I 17130
0 ..... 14764, 17253, 17724, 18395
1 ..... 15263, 16394, 17146, 17255
2 17256
15 ..... 15091, 15881
73 ..... 15546, 15882–15889, 16667, 17026, 17256, 17259, 17260, 18395, 18401, 18402
76 ..... 15546, 17724, 18395
97 ..... 17256, 17755

PROPOSED RULES:

1 16968
73 ..... 14943–14947, 15907, 15908, 16680, 16682, 17042, 17269, 17270, 17598, 18452, 18461–18464, 18466
76 ..... 15574, 16683, 16684, 17270
81 18465
83 18465
87 17271

49 CFR

1 ..... 14764, 17992
171 18788
215 17573
310 14919
555 18789
571 ..... 14765, 17574, 17992, 18411, 18789
1033 ..... 14765, 14766, 18403
1036 16846
1124 17147
1126 16066
1201 15388
1249 18561

PROPOSED RULES:

173 17853
179 ..... 17853, 18563
Ch. II 17265
Ch. X 18797
231 17853
571 ..... 16217, 16584, 17036, 17266, 17855, 18469, 18795
575 17039
1056 17044
1201 17272
1202 17272
1203 17272
1204 17272
1205 17272
1206 17272
1207 17272
1209 17272
1210 17272
1241 15402
1249 15402
1250 15402
1251 15402
1307 18797

50 CFR

10 17575
28 ..... 17261, 18173–18175
32 14920
33 ..... 14766, 14920, 16210, 16320, 17992, 18175
216 17845
280 16210

PROPOSED RULES:

17 ..... 14767, 17590, 17757, 17847
20 17263
81 18447
227 14777
251 ..... 14778, 14779, 16216

FEDERAL REGISTER PAGES AND DATES—APRIL

Pages	Date
14565–14735	Apr. 1
14737–14883	2
14885–15062	3
15063–15376	4
15077–15859	7
15861–16046	8
16047–16186	9
16187–16291	Apr. 10
16293–16640	11
16641–16827	14
16829–17002	15
17003–17134	16
17135–17238	17
17239–17535	18
17537–17742	Apr. 21
17743–17827	22
17829–17976	23
17977–18161	24
18163–18388	25
18389–18539	28
18541–18750	29
18751–18975	30

INDEX

code of federal regulations

CODE



Cumulative List of CFR Sections Affected

APRIL 1975

CONTAINING:

TITLES 1–16
Changes January 2, 1975
through April 30, 1975

TITLES 17–27
Changes April 1, 1975
through April 30, 1975

TITLES 28–41
Changes July 1, 1974
through April 30, 1975

TITLES 42–50
Changes October 1, 1974
through April 30, 1975

PARALLEL TABLE OF U.S.C.–C.F.R.

CODE

CUMULATIVE LIST OF CFR SECTIONS AFFECTED

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The Cumulative List of CFR Sections Affected is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register. It should be shelved with current Code volumes. Entries indicate the nature of the changes. Certain terms used are defined in the glossary below. Proposed rules are listed at the end of appropriate titles, except for Title 41, where proposed rules follow each chapter.

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Volumes Having Revision Date:	Refer to List of Sections Affected:
January 1, 1975 (Titles 1—16)	December 1974
April 1, 1975 (Titles 17–27)	March 1975
July 1, 1974 (Titles 28—41)	June 1974
October 1, 1974 (Titles 42—50)	September 1974

After checking Cumulative List of CFR Sections Affected as indicated, follow steps 1 and 2 above.

For an explanation of the structure and numbering of the Code, see 1 CFR Part 21.

GLOSSARY

Amended—A typographical unit of the CFR was partially set forth.
Recodified—Major portions of CFR were restructured or rearranged, or both.
Redesignated—A typographical unit or larger was renumbered and transferred from one place to another place in the CFR with no change in text.
Removed—A typographical unit was removed from the CFR.
Revised—A typographical unit of the CFR was set forth in full.
Superseded—An existing CFR unit was replaced by regulations appearing under another CFR unit.
Suspended—The entire CFR unit was not in effect for the period of time indicated.
Suspended in part—A portion of the CFR unit was not in effect for the period of time indicated.
Technical amendment—General amendment that may have no substantive effect on regulations.

PARALLEL TABLE OF STATUTORY AUTHORITIES AND RULES

A table is included after Title 50. It contains references to the U.S. Code sections cited as authority for regulations added during the calendar year.

TABLE OF FEDERAL REGISTER ISSUE PAGES AND DATES

A finding aid is included at the end of this issue which identifies the inclusive page numbers in each Federal Register cited in this Cumulative List of CFR Sections Affected.

INDEXES

An index to the daily Federal Register is published monthly, quarterly, and annually for the calendar year.

A General Index to the entire Code of Federal Regulations is available as of July 1, 1974.

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(CHANGES JANUARY 2 THROUGH APRIL 30, 1975)

TITLE 1—GENERAL PROVISIONS

Chapter III—Administrative Conference of the United States

		Page
301	Added	10441
302	Added	10442
304	Added	10442

Title 1—*Proposed Rules:* Page
302 ---------- 2709

TITLE 2—CLEMENCY

Chapter I—Presidential Clemency Board

101	Revised	12764
102	Revised	12766

Chapter II—Selective Service System

200.9	Added	7233

Title 2—*Proposed Rules:*
200 ---------- 2592

TITLE 3—THE PRESIDENT

Proclamations

2290	See PLO 5475	634
2799	Revoked by Proc. 4360	14567
2937	Revoked by Proc. 4360	14567
2938	Revoked by Proc. 4360	14567
2942	Revoked by Proc. 4360	14567
2972	Revoked by Proc. 4360	14567
3279	Amended by Proc. 4341	3965
	Amended by Proc. 4355	10437
3314	Revoked by Proc. 4360	14567
3443	Amended by Proc. 4346	5127
4101	Revoked by Proc. 4360	14567
4210	See Proc. 4341	3965
4262	See EO 11832	2415
4276	Superseded by Proc. 4357	13293
4313	Amended by Proc. 4345	4893
	Amended by Proc. 4353	8931, 10433
4319	Amended by PLO 5495	16667
4339		749
4340		3553
4341		3965
4342		4115
4343		4245
4344		4891
4345		4893
	Amended by Proc. 4353	8931, 10433
4346		5127
	Amended by Proc. 4359	14565
4347		5129
4348		5131
4349		5739
4350		5741
4351		7617
4352		8163
4353		8931, 10433
4354		10435
4355		10437
4356		12985
4357		13293
4358		14051
4359		14565
4360		14567
4361		15063
4362		15861
4363		15863
4364		16293
4365		16641
4366		16643
4367		16829
4368		17977
4369		18389

Executive Orders

August 31, 1869	Revoked in part by PLO 5483	6342
October 19, 1875	Revoked in part by PLO 5483	6342
July 2, 1910	Revoked in part by PLO 5475	6341
June 6, 1914	Revoked in part by PLO 5478	6341
July 22, 1915	Amended by PLO 5470	5754
December 27, 1919	Revoked in part by PLO 5475	6341
December 9, 1920	Revoked in part by PLO 5491	11727
May 26, 1931	Amended by PLO 5470	5754
1623	Revoked in part by PLO 5479	6341
5843	Amended by PLO 5470	5754
6073	Revoked in part by EO 11825	1003
6260	Revoked by EO 11825	1003
6359	Revoked in part by EO 11825	1003
6556	Revoked by EO 11825	1003
6560	Revoked by EO 11825	1003
6844	Revoked in part by PLO 5480	6342
8039	Amended by PLO 5492	14054
	Amended by PLO 5493	14315
10289	Revoked in part by EO 11825	1003
10896	Revoked by EO 11825	1003
10905	Revoked by EO 11825	1003
10973	Amended by EO 11841	8933
11037	Revoked by EO 11825	1003
11075	Revoked by EO 11846	14291

CODE

(CHANGES JANUARY 2 THROUGH APRIL 30, 1975)

Title 3, Executive Orders—Con.

	Page
11106 Revoked by EO 11846	14291
11113 Revoked by EO 11846	14291
11126 (Council continued by EO 11827)	1217
11145 (Committee continued by EO 11827)	1217
11183 (Commission continued by EO 11827)	1217
11287 (Committee continued by EO 11827)	1217
11342 (Committee continued by EO 11827)	1217
11415 (Committee continued by EO 11827)	1217
11472 (Committee continued by EO 11827)	1217
11476 Amended by EO 11835	4247
11491 Amended by EO 11838	5743, 7391
11562 (Council continued by EO 11827)	1217
11583 (Council continued by EO 11827)	1217
11616 See EO 11838	5743, 7391
11625 (Council continued by EO 11827)	1217
11636 See EO 11838	5743, 7391
11667 (Committee continued by EO 11827)	1217
11753 (Council continued by EO 11827)	1217
11756 See EO 11824	751
11768 Amended by EO 11831	2413
Amended by EO 11843	12639
11776 (Committee continued by EO 11827)	1217
11789 Revoked by EO 11846	14291
11803 Amended by EO 11837	4895
Amended by EO 11842	8935
11807 (Council continued by EO 11827)	1217
11808 Revoked by EO 11846	14291
11809 See EO 11849	14887
11824	751
11825	1003
11826	1004
11827	1217
11828	1219
Amended by EO 11848	14885
11829	1497
Amended by EO 11853	17537
11830	2411
11831	2413
11832	2415
11833	2673
11834	2971
11835	4247
11836	4255
11837	4895
Amended by EO 11842	8935
11838	5743, 7391
11839	7351
11840	7353
11841	8933
11842	8935
11843	12639
11844	13295
11845	13299
11846	14291
11847	14568
11848	14885
11849	14887
11850	16187
11851	16645
11852	17243
11853	17537
11854	18391

Memoranda

	Page
October 29, 1974 Superseded by Memorandum of December 31, 1974	4257
December 30, 1974	1221
December 31, 1974	4257
January 10, 1975	4258
January 29, 1975	4631
March 24, 1975	15377
March 31, 1975	18393

Other Presidential Documents

	Page
International trade negotiations, notice of	2659

Chapter V—Executive Office of the President

	Page
101 Added	8061

TITLE 4—ACCOUNTS

Chapter I—General Accounting Office

	Page
20 Revised	17979

Chapter III—Cost Acounting Standards Board

	Page
303.5 Revised	4445, 18541
Corrected	5135
303.6 Corrected	5135
303.9 Revised	4445, 18541
400.1 (a) amended	4259
408.80 (a) revised (effective date added)	14737, 15865
409 Added	4264
409.50 (i) and (j)(1) corrected	8321
409.60 (f) corrected	8321
409.80 (a) revised (effective date added)	15865

Title 4—*Proposed Rules:*

	Page
10	16686
351	14942

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

	Page
6.8 Added by EO 11839	7351
9.11 Added by EO 11839	7351
Amended by EO 11856	20259
151.101—151.122 Revised	4267
151.123 Removed	4267
180.107 (a)(1) revised	12251
213.3110 (c)(2) added	3405
213.3113 (d)(1) revised	7081
213.3114 (b)(4) added	7434
213.3130 (c) revised	2173, 2452
213.3172 Removed	7433
213.3182 (a)(1) removed; (a)(29) added	8061
213.3194 (d)(4) added	12251
213.3199 (r) added	2436
213.3203 Removed	18751
213.3209 (a) removed	17243
213.3214 (c)(1) revised	3405
213.3272 Added	7433
213.3273 Added	18751
213.3303 (k) removed	18751
213.3304 (a)(18) removed	18752
213.3305 (a)(57) and (58) added	1499
(a)(59) added	3285
(a)(39) revised	5747
(a)(60) added	7433
(a)(61) added	8061
(a) (16) and (38) revised	8937
(a)(7) added	12767
(a)(5), (23), (29), and (44) removed	17243
213.3306 (a)(14) added	1681
(a)(17) added	5747
(a)(18) added	5747
(a)(19) added	8937
(a)(20) added	13195
(a)(21) added	14053
(a)(22) added; (a)(42) removed	15379
(a)(15) removed	17539
213.3308 (a)(9) revised	1681
213.3310 (s)(1) revised	7434
(x) added	11859
(s)(3) revised	13195
(a)(4) revised	18751
213.3312 (a)(5) revised	1681
(a)(16) added; (a)(18) revised	4415
(a)(2) revised	5747
(a)(43) added	6475
213.3313 (h)(4) revised	2575
(a)(9) revised; (e)(3) added	15379
(a)(28) added	18751
213.3314 (a)(26) revised; (m)(15) removed	4633
(a)(11) revised	8061
(a)(10) revised	11859
(q)(1) amended; (q)(12) added	12767
(q)(9) revised	17243
(m)(20) added	18541
213.3316 (r)(7) added	11859
213.3318 (a)(1) revised	11859
213.3327 (a)(10) amended	2173, 2452
(b)(2) removed	2173, 2452
(a)(6), (8), and (10) revised	17243
213.3330 (d) revised; (h) added	14053
213.3332 (p) revised	17539
213.3339 (f) added	10655
(f) revised	11859, 15379
(g) added	17539
213.3342 (h) revised	4415
(d) revised	5493, 17243
(n) added	15379
213.3345 (a) revised	17539
213.3354 (d) revised	11859
213.3357 (c) added	18571
213.3359 (o) revised	7434
(r) added	11859
(s) added	12767
(m) removed; (o) added	17243
213.3360 (a) revised	7434
213.3373 Added	18751
213.3377 (h) added	7434
213.3379 Added	18751
213.3384 (a)(58) added	3405
(b)(10) revoked; (b)(15) added	3405
(b)(11) removed; (b)(16) added	11705
(b) (3) and (12) revised	13301
(a)(31) revised	17539
213.3388 (e)(2) added	1681
(d)(3) added	6475
(a)(1) removed; (a)(3) added	8937
(j)(2) added	11705
(e)(2) revised	16189
213.3394 (a)(17) revised	11860
(d)(2) added; (b)(1) revised	13195
(a)(2) revised	15379
213.3399 (b)(6) added	4415
294.101—294.110 (Subpart A) Revised	8061
294.105 (a) amended	2436
300.102 Revised	15379
300.103 Revised	15380

Title 5, Chapter I—Continued

Page

300.104 Revised 15380
302.202 Revised 15380
315.806 (a) and (b)(1) revised.. 15380
352.310 (a)(1) revised..... 1223
550 Appendix A amended..... 7434
735.207 Revised 7435
752.202 (f) corrected..... 12251
870.401 (a) and (b) revised..... 5747
890.204 Added 14570
1001.735–205a Added 5347
1001.735–401 Revised 14571

Chapter III—Office of Management and Budget

1303 Added 7346

Chapter XIV—Federal Labor Relations Council and Federal Service Impasses Panel

2401 Revised 8165
2401.2 (a) corrected..... 10951

Title 5—*Proposed Rules:*

294 3313
302 7465
330 7465
353 7465
531 7465
550 7465
890 4444
1302 3477
2401 2214

TITLE 6—ECONOMIC STABILIZATION

602 Adoption, and continuation in effect, of Chapters I, V, and VI..... 3572

Chapter VII—Council on Wage and Price Stability

Chapter established..... 7233
701 Added 7233
702 Added 7234

TITLE 7—AGRICULTURE

1.1—1.16 (Subpart A) Revised.. 7341
2.15—2.28 (Subpart C) Heading revised..... 12798
2.19 (a)(24) and (25) added..... 2991
2.21 (a)(32) added..... 3285
(d)(23) added..... 2420
(d) (11), (12), (19), and (21) revised 12798

Page

2.21 (a)(3), (5), (10), (14), (21), (23), (28), (29), and (30) revised; (a)(11) removed.. 18752
2.22 (a)(5) removed..... 18752
2.25 (f)(1)(xi) removed..... 2419
(f)(1)(xiv) added..... 3285
(h)(1) revised..... 5135
2.33 (h) added..... 2419
2.37 Added 12798
2.49 Added 3572
2.57 (a)(23) revised; (a)(24), (25) and (26) added..... 2991
2.65 (a)(32) added..... 3285
(a)(3), (5), (10), (14), (21), (23), (28), (29), and (30) revised; (a)(11) removed.. 18752
2.68 (a)(23) added..... 2420
(a) (11), (12), (19), and (21) revised 12798
2.70 (a)(1) and (b)(2) revised.. 17829
2.72 (a) revised..... 17829
2.74 Added 6313
2.76 (a)(2) removed..... 4415
2.79 (a)(1)(i) and (5) revised.. 4415
(a)(1)(ii) revised..... 2419
(a)(1)(xi) removed..... 2419
(a)(1)(xiv) added..... 3285
2.80 (a)(8) revised..... 2419
(a)(9) added..... 5135
6.16 Revised 2791, 16069
6 Appendix 1 amended..... 2791, 16069
20.6 (e) revised..... 11345

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

51.1860 (d) added..... 2791
51.2150—51.2161 (Subpart) Added 15381
52.631—52.642 (Subpart) Revised.. 15891
52.637 (a)(9) corrected..... 18753
52.1251—52.1264 (Subpart) Revised 15897
52.2321—52.2332 (Subpart) Revised 15900
52.6321—52.6332 Added 13195
53.102 Revised 11538
53.104 Revised 11541
53.105 Revised 11543
53.203 Revised 11543
53.204 Revised 11544
53.205 Revised 11545
53.206 Revised 11545
68.201—68.213 (Subpart C) Revised 10472
68.210 Table corrected..... 12987

Page

102.57 Revised 5347
102.61 (c) revised..... 5347
106.55 Revised 6475, 11860
106.59 (e) added..... 6475
180.18 (a) revised..... 1027
180.19 Revised 1027

Chapter II—Food and Nutrition Service, Department of Agriculture

215 Appendix revised..... 3573
220.19 Revised 1499
220.22 Removed 1499
220 Appendix revised 3405
Appendix C revised..... 17148
225 Appendix revised 3406
246.2 (p)(1)(iii) and (v) corrected 3573
246.3 (b) corrected..... 3573
246.4 (b) corrected..... 3573
246.12 (b) corrected..... 3573
246.13 (a)(1)(i) and (2)(i) corrected 3573
246.14 (g) corrected..... 3573
246.16 (a) corrected..... 3573
250 Authority citation revised.. 3757
250.1 (b)(6) revised, (15) amended, and (16) and (17) added 3757
250.4 (b) revised..... 3758
250.8 (b)(3) revised..... 3758
Subchapter C (Parts 270—274) Republished 1882
270 Republished 1882
270.2 (nn) removed..... 16069
271 Republished 1884
Amended 5747, 5748, 5749, 5750, 5751
271.1 (k) revised..... 16069
271.3 (e) added..... 2205
271.6 (d) introductory text and (3) revised..... 16321
271.7 (b), (c), (d), and (e) redesignated as (c), (d), (e), and (f); (b) added..... 16321
271.9 (a) and (d) revised..... 8937
272 Republished 1894
272.2 (d) revised; (e) amended.. 8938
273 Republished 1897
274 Republished 1899

Chapter III—Animal and Plant Health Inspection Service, Department of Agriculture

301.45–2c Revised 16070
301.48–2a Revised 1223
301.52–2a Amended 11705

Page

301.72–2a Revised 8764
Corrected 12469
331.3 (Subpart) Removed..... 16072
331.4 (Subpart) Removed..... 17539
354.2 Revised 4898
Table amended..... 12646

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

401 Appendix amended..... 7893
401.101 Appendix amended..... 1701, 1703, 15905
401.125 Amended 8771
401.126 Amended 8770
401.130 Amended 8771
410.1 Appendix amended..... 15905

Chapter VI—Soil Conservation Service, Department of Agriculture

612 Added 12067
613.4 Added 17149
Subchapter C (Parts 620—624) Established 12469
620 Added 12472
621 Added 12473
622 Added 12475
623 Added 12480
624 Added 12480
650 Appendix I revised..... 10952

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

Subchapter B (Parts 711–731) Heading corrected..... 7619
722.467 Revised 2992
(b)(2) corrected..... 6761
722.564 Heading and text revised 1704
724.6—724.17 (Subpart) Revised.. 5137
724.12 (c), (f), and (g) corrected 7619
724.26 Revised 14737
724.27 Revised 14737
726.11 Revised 4633
(a) corrected..... 6475
728.4b Added 16831
729.105 Revised 4276
729.106 Revised 14053
730.1501—730.1503 Revised 1027
730.1504 Revised 1028
731.2 Amended 14602

39-120 O - 75 - 2

CODE

Title 7—Continued

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

Page

873.32 (d) revised; (r) added ... 16072
873.36 Added ... 16072
874.35 (a) revised ... 1028
877 Revised ... 6761

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

905.555 (b)(7) and (8), and (c) revised ... 2792
(b) (5), (7), and (8) and (c) amended ... 12647
905.556 (b)(3) amended ... 11345
905.557 (b)(1) revised ... 12647
905.558 (b)(1) revised ... 12647
905.559 (b)(7) and (8), and (c) revised ... 2792
(b)(13) revised ... 11346
(b) (5), (7), (8), (15), and (17) amended; (c) revised ... 12647
906.120 (b) corrected ... 3286
907.212 Added ... 3285
908.214 Added ... 16321
908.787 Added ... 8772
911.336 (a)(3) revised ... 2793
915.316 (a)(2) amended ... 2677
916.213 (a) revised ... 1500
917.121 Added ... 4012
917.212 Revised ... 4117
926.214 (a) amended ... 8064
928.204 Added ... 4276
944.111 (a) (1), (2), and (3) revised ... 11346, 14891
944.204 (a)(3) revised ... 2793
946.103 Added ... 12988
946.104 Revised ... 12988
959.110 Added ... 16212
959.111 Added ... 16212
959.215 Added ... 3406
966.312 (a)(3)(iii) added ... 10953
971.214 Added ... 1028
980.113 Revised ... 8064
981.71 Suspended ... 4416
981.72 Suspended in part ... 4416
981.441 (d) (5) and (7) suspended ... 6475
981.471 Removed ... 4416
981.482 Removed ... 3006
982.224 Revised ... 8167
982.319 (b) revised ... 8773
984.437 Revised ... 12482
989.230 Revised ... 4417
989.401 (a)(1) and (b) revised ... 4277
991.213 Added ... 14738
993.210 Amended ... 4013

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

1001—1099 Certain sections suspended in part Feb.–March 1975 ... 4013
1001 Amended ... 4636, 6314
1002 Amended ... 4637, 6314
1004 Amended ... 4636, 6314, 18753
1006 Amended ... 4637, 6314
1007 Amended ... 4637, 6314
1011 Amended ... 4637, 6314
1012 Amended ... 4637, 6315
1013 Amended ... 4637, 6315
1015 Amended ... 4637, 4638, 6315
1030 Amended ... 4638, 6315
1032 Amended ... 4638, 6315
1033 Amended ... 4638, 6315
1036 Amended ... 4638, 6316
1040 Amended ... 4638, 6316
1044 Amended ... 4638, 6316
1046 Amended ... 4638, 4639, 6316
1049 Amended ... 4639, 6316
1050 Amended ... 4639, 6316
1060 Amended ... 4639, 6316
1061 Amended ... 4639, 6316
1062 Amended ... 4639, 6317
1063 Amended ... 4639, 6317
1064 Amended ... 4639, 6317
1065 Amended ... 4640, 6317
1068 Amended ... 4640, 6317
1069 Amended ... 4640, 6317
1070 Amended ... 4640, 6317
1071 Amended ... 4640, 6318
1073 Amended ... 4640, 6318
1075 Amended ... 4640, 4641, 6318
1076 Amended ... 4641, 6318
1078 Amended ... 4641, 6318
1079 Amended ... 4641, 6318
1090 Amended ... 4641, 6319
1094 Amended ... 4641, 6319
1096 Amended ... 4641, 6319
1097 Amended ... 4641, 4642, 6319
1098 Amended ... 4642, 6319
1099 Amended ... 4642, 6319
1101—1139 Certain sections suspended in part Feb.–March 1975 ... 4013, 6319
1101 Amended ... 4642, 6320
CFR correction, reinstating text ... 17540

Page

1102 Amended ... 4642, 6320
1104 Amended ... 4642, 6320
1106 Amended ... 4642, 6320
1108 Amended ... 4642, 6320
1120 Amended ... 4643, 6320
1121 Amended ... 4643, 6320
1124 Amended ... 4643, 6320
1125 Amended ... 4643, 6320
1126 Amended ... 4643, 6321
1127 Amended ... 4643, 6321
1128 Amended ... 4643, 6321
1129 Amended ... 4644, 6321
1130 Amended ... 4644, 6321
1131 Amended ... 4644, 6321
1132 Amended ... 4644, 6322
1133 Amended ... 4644, 6322
1134 Amended ... 4644, 6322
1136 Amended ... 4644, 6322
1137 Amended ... 4645, 6322
1138 Amended ... 4645, 6322
1139 Amended ... 4645, 6322
1139.50 (a) revised ... 3215

Chapter XI—Agricultural Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture

1207.403 (a) revised ... 11861, 17743
1207.512 (b) and (c) amended ... 7893
1250 Added ... 13198
1250.8 (d)(2) corrected ... 15065

Chapter XIV—Commodity Credit Corportation, Department of Agriculture

1421.72—1421.75 Revised ... 12799
1421.270—1421.273 Revised ... 12802
1421.308 Revised ... 1029
1427.1901—1427.1904 (Subpart) Revised ... 16647
1430.282 Revised ... 3286
(b)(1) and (b)(2) revised ... 16649
1472.1405 (c) added ... 16213
1472.1421 (c) added ... 16213
1472.1446 Text redesignated as (a); (b) added ... 16213
1474.4 Revised ... 1705
1488 Revised ... 16322
Supplement I revised ... 16327
Supplement II revised ... 16329
Supplement III revised ... 16332

Chapter XVII—Rural Electrification Administration, Department of Agriculture

1701 Revised ... 16074
Appendix A amended ... 13302

Chapter XVIII—Farmers Home Administration, Department of Agriculture

Page

1801.5 Revised ... 10953
1803.3 (d) and (f) introductory text revised ... 16333
1803.4 (a), (b)(2), (e) and (f) revised ... 16334
1806.2 (b)(6) added; (g)(4) revised ... 2420
(b)(2)(iv) added ... 10953
1806.4 (a)(5) revised ... 10953
1813.4 (c) added ... 11707
1815 Revised ... 14296
1822.21—1822.32 (Subpart B) Revised ... 1229
1822.81—1822.98 (Subpart D) Revised ... 4278
1822.266 (c) revised ... 6951
1822.401—1822.408 (Subpart M) Removed ... 5531
1823.6 (b)(4) revised; (c)(3) added ... 6951
1832.87 (g) revised; (i) removed ... 4118
1843.3 (h) revised ... 6952
1861.82 (f)(4) revised ... 13202
1861.85 (c) (1) through (5) redesignated as (c)(3) (i) through (v); new (c) (1), (2), and (3) added ... 13202
1861.86 (a)(1) revised ... 13203
1861.87 (b) redesignated as (c); (a) redesignated as (b) and revised; new (a) added ... 13203
1861.93 (a) (2) and (3) revised ... 13203
1867 Revised ... 13203
1872.1—1872.27 (Subpart A) Revised ... 15066
1890b Removed ... 5752
1890d Removed ... 5753
1890e Removed ... 5753, 6639
1890j Removed ... 6197
1890k Removed ... 6197
1890l Removed ... 5753
1890n Removed ... 5532

Chapter XXVI—Office of Investigation, Department of Agriculture

2620 Revised ... 17831

Chapter XXVII—Office of Audit, Department of Agriculture

2710 Revised ... 14891

CODE

Title 7—*Proposed Rules:*

	Page
1	3604
20	1711
25	8824
25A	8824
26	2208, 3217
29	10190, 15390
52	3217, 8207, 12092
55	1706, 2694
56	1706, 2694
58	6608
59	1706, 2694, 8356
59	1706, 2694
63	4315
68	3007, 18001
70	1706, 2694
102	11728
180	18790
210	3452, 10192
220	2697, 11729
270	7455
271	7455, 10481, 12806
275	12806
401	14777
724	16671
728	7099
729	6211
760	18450
908	11587, 13512, 16335, 17848
911	11876, 13311
915	11876, 13311
916	1515, 11729
917	1516, 11729, 13512
926	4315
928	787
946	6505
951	17151
959	10996
980	2819
981	2589
982	4151, 5163, 16852
984	8357, 18449
989	787, 788
991	8566
993	18562
1001	2589, 5373
1002	2589, 5373, 14702, 15390
1004	2589, 5373, 14702, 15390
1006	2589, 5373
1007	2589, 5373
1011	2589, 5373, 18946
1012	2589, 5373
1013	2589, 5373
1015	2589, 5373
1030	2589, 5373
1032	2589, 5163, 5373
1033	2589, 5373, 14769, 17029
1036	2589, 5373
1040	2589, 5373
1044	2589, 5373
1046	2589, 5373
1049	2589, 5373
1050	2589, 5373
1060	2589, 5373
1061	2589, 5373
1062	2589, 5163, 5373
1063	2589, 5373
1064	2589, 5373
1065	2589, 5373
1068	2589, 5373
1069	2589, 5373
1070	2589, 5373
1071	2589, 5373
1073	2589, 5373
1075	2589, 5373
1076	2589, 5373
1078	2589, 5373
1079	2589, 5373
1090	2589, 5373, 18946
1094	2589, 5373, 11878, 12660
1096	2589, 5373, 11879
1097	2589, 5373
1098	2589, 5373
1099	2589, 5373, 13220
1101	2589, 5373
1102	2589, 5373
1104	2589, 5373
1106	2589, 5373
1108	2589, 5373
1120	2589, 5373
1121	7, 2589, 5373, 5784
1124	2589, 5373
1125	2589, 5373
1126	7, 2589, 5373, 5784
1127	7, 2589, 5373, 5784
1128	7, 2589, 5373, 5784
1129	7, 2587, 5373, 5784
1130	7, 2589, 5373, 5784
1131	2589, 5373, 7943
1132	2589, 5373
1133	2589, 5373
1134	2589, 5373
1136	2589, 5373
1137	2589, 5373
1138	2589, 5373
1139	2589, 2695, 3218, 5373
1207	2697, 7099, 14326
1251	13513, 15906
1421	4019, 15390
1427	3601
1434	2726, 3310
1446	4019
1464	10192, 12670
1701	10192, 11357, 13220, 13221, 17264, 17591
1817	8213
1823	7454, 14776
1842	13201, 15405
1844	4919
1867	5538
1871	5539
1872	1253

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

	Page
100.4 (d) amended	3407
(d) corrected	4904
(c)(2) amended	17743
103.7 (b)(1) amended; (c)(2) added	7236
(b)(1) amended; (b)(2) revised	7238
(d) redesignated from § 103.10 (b)(4)	7238
103.8 Heading and introductory text revised	7236
103.9 Heading revised	7237
103.10 Revised	7237
(b)(4) redesignated as 103.7(d)	7238
(b)(2) revised	17743
108.2 Amended	3408
204.2 (e)(1) revised	6765
214.1 (a) amended	2794
214.2 (b) revised	2794
235 Technical correction	5347
235.10 Revised	3210A
238.4 Amended	3408, 17744
242.2 (e) revised	3408
299.1 Amended	3210B, 3408
316a.2 Amended	17744

Title 8—*Proposed Rules:*

103	2817, 16215
211	14090
214	6211, 15092
242	12514

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

	Page
72.5 (i) and (k) revised	16650
72.13 (b)(1), (c), and footnote 2 amended	12768
73.1a (a) revised	757, 3574
(c) and (d) removed	757
(b) removed	6766
Authority citation corrected	8322
(a) revised	8938
73.10 (c) amended	12768
74.24 (c) amended	12768
78 Revised	17816
78.13 Revised	2173, 2452, 6640, 8773, 8774
79.2 Removed	18405
82.3 (a) revised	11861
(a)(1)(ii) revised	12768
(a)(1)(i) removed	17244
(a)(1) removed	18541
91.3 (a)(1)(i) and (ii) and (2)(ii) revised	2691
(a)(1)(i) revised	10444
92.21 (c) added	7081
92.23 Revised	7081
94.1 (a)(2) amended	4904
94.6 (a)(2) amended	14571
94.11 Amended	4904
97.2 Amended	757, 7620, 11346
112.7 (i) added	14084
112.9 Introductory text revised	14085
113 Technical corrections	2691, 2692
113.2 Introductory text and (a) revised	758
113.3 (a) introductory text and (3), and (b)(8) revised	758
113.9 Added	14084
113.26 Introductory text revised	7587
(b)(1) and (2) revised	14084
113.51 (d) introductory text and (e) revised	758
113.65 (b)(1) revised	758
113.89 Added	17003
113.90 Added	17003
113.92 (c)(2) revised	758
113.95 (c) introductory text and (1) revised	759
113.96 Introductory text and (c)(3)(iii) revised	759
113.97 Introductory text, (c)(1)(vi), (2), (3)(iii), (4)(iv), and (5)(iii) revised	759
113.101 Heading and introductory text revised	759
113.102 Heading, introductory text and (c)(3) revised	759
113.103 Heading and introductory text revised	759
113.104 (d)(3) and (5) revised	759
113.105 Added	17003
113.106 Added	17004
113.121 Introductory text revised	759
113.123 Heading, introductory text, and (b) introductory text, (2), and (3) revised	759
113.126 Revised	14084
113.127 (b) revised	14084
113.145 (d) corrected	6476
113.146 (d) corrected	8774

CODE

Title 9, Chapter I—Continued Page

113.160 (b), (c)(1) and (2)(i) and (ii), (d), and (e) introductory text and (e)(1)(i) revised; (e)(3) added 18405
113.161 (a), (c)(2), (d)(1) and (2), and (e) introductory text revised; (d)(1)(i) and (ii), and (e)(3) added 18406
113.162 Introductory text, (b), (c), (d) introductory text, (d)(1), (d)(3) introductory text, and (d)(3)(iii) revised 18406
113.163 (b) introductory text, (d), (e) introductory text, and (e)(3) revised 18407
113.164 (b), (c)(3), (d), and (e) introductory text, (2)(iii), and (3)(i) and (ii) revised; (e)(3)(iii) and (iv) removed 18407
113.165 (d) revised 18408
113.201 (e) revised 760
113.202 (a) and (d) revised 760
113.251 (a) introductory text and (d)(2) revised 760
113.252 (c)(2) revised 760
113.255 (c)(3)(iii) revised 760
114.13 (b) and (c) revised; (d), (e), and (f) added 14085
140.11 (a)(4) amended 7082
151.9 (b)(1) amended 6766

Chapter III—Animal and Plant Health Inspection Service (Meat and Poultry Products Inspection), Department of Agriculture

304 Effective date corrected 11346
304.1 Revised 2575
305 Effective date corrected 11346
305.1 (c) revised 2576
309.16 (a), (b)(1), (2), and (5), and (c)(1) amended 6323
317 Effective date corrected 11346
317.2 (g)(1) revised 2576
(b) amended 11347
317.8 (b)(33) added 18542
319.280 (Subpart L) Heading revised 18542
319.281 Added 18542
331.6 Table amended 4645, 4646
381.84 Added 14297
381.116 (a) amended 11347
381.224 Table amended 4645, 4646

Chapter IV—Agricultural Research Service, Department of Agriculture Page

445.3 (c) revised 1500
445.10 Heading and introductory text revised; (d) amended; (e), (f), (g), and (h) added 1500
445.12 (b) revised 1501
445.14 (a)(4) and (8) and (b) revised 1501
445.22 (d) revised 1501
445.23 Heading, introductory text of (b)(2) and (3), (b)(3)(vii), (4), (c)(1)(i) and (ii), and (d)(1)(ii) revised; (a) removed 1501
445.24 Added 1502
445.32 (c) revised 1502
445.33 Heading (b)(3)(vii) and (4), and (c)(1)(i) and (ii) revised; d) and (e) added 1502
445.34 Added 1503
445.42 (c) added 1503
445.43 Heading, (b)(3)(viii), and (c)(2) revised; (b)(3)(vii) and d) removed; (f) added 1503
445.44 Added 1503
445.53 Heading, (a), (b)(3)(vii), and (c) revised 1503
445.54 Added 1504
447.6 Added 1504
447.26 Heading, (a) introductory text, and (b)(1) revised 1504
447.43 (a) and (d)(2)(iii) revised 1505

Title 9—*Proposed Rules:*

11 6978, 7944, 12514
50 5784
51 5787
112 788, 11880
113 788, 4017, 11587, 11880
114 788
303 4438, 15906
317 10191
381 4438, 10191, 15906

TITLE 10—ENERGY

Chapter I—Nuclear Regulatory Commission

NRC and Energy Research and Development Administration (Chapter III, below) are the successor agencies to Atomic Energy Commission.

Page

Chapter heading revised; Parts 0–170 retained as amended 8774
0 Nomenclature changes 8774
0.735–3 (c) through (h) revised 8775
0.735–4 (a) through (d) revised; (i) removed 8775
0.735–5 (a) revised 8775
0.735–21 (b) (1) through (5) amended 8775
0.735–22 (b) revised 8775
0.735–23 (d) and (e)(1) revised 8775
0.735–26 (c) and (d) amended 8775
0.735–27 Amended 8775
0.735–28 (a) footnote, (e)(9) and (f) amended; (b)(2), (e)(10) and (h) revised 8775
0.735–29 Heading and (a) introductory text revised; (a)(1) removed; (a)(2) redesignated (a)(1) and new (a)(2) added 8776
0.735–40 (b) revised; (d) amended 8776
0.735–49 (a) amended 8776
0 Annex B amended 8776
1 Removed 8776
1.127 Added 1230
2 Authority citation revised 8776
Nomenclature changes 8776, 8777
2.1 Revised 8776
2.4 Introductory text, (d), (i) and (j) revised; (e) amended; (f) and (1) removed; (o) and (r) added 8777
2.104 (c) revised 2973
2.110 Added 2976
2.111 Added 8777
2.300—2.310 (Subpart C) Removed 8777
2.400—2.407 (Subpart D) added 2976
2.600—2.607 (Subpart F) Removed 8777
2.720 (h)(2)(i), (ii) and (iii) revised 2973
2.744 (d) and (g) revised; (e) removed 2973
2.752 (a) footnote amended 8777
2.760a Revised 2974
2.780 Amended 2974
(e) amended 8776
2.785 (b) redesignated as (b)(1); (b)(2) added 2974
(a), (c) and (d) revised 8777
2.790 Nomenclature changes 7894
(a) (1) and (8) revised; (d) amended 7894
2 Appendix A amended 2974, 8777
3 Removed 8777

Page

4 Authority citation revised 8777
Nomenclature changes 8778
4.1 Revised 8778
4.3 (i) revised 8778
4.4 Revised 8778
4.23 Removed 8778
4.25 Removed 8778
4.45 Amended 8778
4.51 (e) and (f) amended 8778
4.64 Amended 8778
4.75 (a) amended 8778
4.81 Revised 8778
4.93 Revised 8778
Appendix A amended 8778
6 Removed 8778
7 Revised 8778
9 Nomenclature changes 7894
9.1 Nomenclature changes 7894
9.2 (a) and (c) amended; (d) revised; (e) redesignated as (f); new (e) and (g) added 7894
9.3 Removed 7894
9.5 (a) (1) and (7) revised; (b) and (c) redesignated as (c) and (d); new (b) added 7894
9.7 Revised 7894
9.8—9.10 Revised 7895
9.11—9.16 Added 7895
Appendix A amended 7897
Appendix A nomenclature changes 7894
10 Authority citation revised 8781
Nomenclature changes 8781, 8782
10.5 (b) through (e) revised 8781
10.10 (c) amended 8782
10.11 (a)(3) and (b)(3) and (4) revised 8782
10.28 (a) amended 8782
10.34 (b) and (c) amended 8782
10.38 Removed 8782
11 Removed 8782
12 Removed 8782
14 Nomenclature changes 8782
14.1 (b) revised 8782
14.2 (b) revised 8782
14.6 Revised 8782
14.8 Revised 8782
14.9 Amended 8782
19 Authority citation revised 8782
19.1 Revised 8783
19.2 Revised 8783
19.3 (b) amended 8783
19.5 Revised 8783
19.11 (c) revised 8783
19.13 Amended 8783
19.16 Amended 8783
19.17 Amended 8783
19.30 Amended 8783

CODE

(CHANGES JANUARY 2 THROUGH APRIL 30, 1975)

Title 10, Chapter I—Continued

Page

19.32 Added ... 8783
20 Authority citation amended ... 8783
Nomenclature changes ... 8783
20.1 (a) revised, (c) amended ... 8783
20.2 Revised ... 8783
20.3 (a)(11) revised; (a)(18) added ... 8783
20.7 Revised ... 8783
20.407 (a), (b) and (b) footnote amended ... 8783
20.408 Amended ... 8783
20.601 Revised ... 8784
20 Appendix D nomenclature changes ... 8785
30 Authority citation revised ... 8784
Nomenclature changes ... 8784, 8785
30.1 Revised ... 8784
30.4 (a–1) added; (c) and (k) revised ... 8784
30.6 Amended ... 8784
30.11 (a) footnote 2 removed; (b) revised ... 8784
30.12 Revised ... 8784
30.32 (a) revised ... 8785
30.35 Removed ... 8785
30.41 (b) (1) and (5) amended; (b)(2) revised ... 8785
30.55 (b) amended; footnote removed ... 8785
30.62 Heading revised; text amended ... 8785
30.63 Revised ... 8785
31 Nomenclature changes ... 8785
31.5 (b) and (c)(3), (5), (7), and (8) amended ... 8785, 14085
31.8 (a), (b), and (c) amended; footnote added ... 8785
31.10 (a) and (b) amended ... 8785
31.11 (b) and (c) amended; (d)(2) footnote added ... 8785
32 Nomenclature changes ... 8785, 8786
32.51 (a)(3)(iii) footnote added ... 8785
32.54 (a) footnote revised ... 8785
32.58 Footnote added ... 8786
32.70 (c) footnote added ... 8786
32.71 (d) footnote added ... 8786
33.12 Amended ... 8786
34.3 Amended ... 8786
34.25 (d) amended ... 8786
34.31 (a)(2) amended ... 8786
35 Nomenclature changes ... 8786
35.14 (b) (1), (2), (3), and (5), (d)(4), and (f)(1) amended; (b)(2)(iii) and (3)(iii) revised ... 8786
35.31 Amended ... 8786
35.100 (a)(3), (4), and (13), (b)(21) and (c)(3)(viii) revised; (c)(3)(ix) added ... 3210B
(b)(23) redesignated as (b)(24) and new (b)(23) added ... 3210B
36 Nomenclature changes ... 8786
36.2 Revised ... 8786
36.11 Amended ... 8786
40 Authority citation revised ... 8786
Nomenclature changes ... 8786, 8787
40.1 (b) revised ... 8786
40.4 (a–1) added; (e) and (m) revised ... 8787
40.5 Amended ... 8787
40.11 Revised ... 8787
40.14 (a) footnote removed; (b) revised ... 8787
40.31 (a) amended ... 8787
40.47 Removed ... 8787
40.64 (a), (b), and (c) amended; footnote removed ... 8787
40.81 Revised ... 8787
50 Authority citation revised ... 8788
Nomenclature changes ... 8788, 8789, 8790
50.1 Revised ... 8788
50.2 (l) revised; (w) added ... 8788
50.4 Revised ... 8788
50.11 Revised ... 8788
50.12 (a) footnote removed; (b) revised ... 8789
50.36a (a)(2) amended ... 8789
50.42 Footnote amended ... 8789
50.46 (a)(2)(ii) through (vi) and (3) revised ... 8789
50.54 (i–1) and (q) amended ... 8789
50.57 (d) removed ... 8790
50.60 Removed ... 8790
50.101 Amended ... 8790
50.102 Revised ... 8790
50.103 (a)(2) revised ... 8790
50.110 Revised ... 8790
50 Appendix B amended ... 3210D
Appendices N and O added ... 2977
51 Nomenclature changes ... 8790
51.20 (g) added ... 1008
(g)(3) and (g) table corrected ... 2978
51.23 (a) revised ... 1009
55 Authority citation amended ... 8790
Nomenclature changes ... 8790
55.1 Amended ... 8790
55.2 Revised ... 8790
55.4 (e) amended ... 8790
55.5 Revised ... 8790
55.10 (a) introductory text, (5) and (6) amended ... 8790
55.12 (a) amended ... 8790
55.20 Amended ... 8790

(CHANGES JANUARY 2 THROUGH APRIL 30, 1975)

Page

55.22 (a) amended ... 8790
55.25 Amended ... 8790
55.31 (e) amended ... 8790
55.50 Revised ... 8790
55.60 (b) and note amended ... 8791
55.61 Removed ... 8791
60 Removed ... 8791
70 Authority citation revised ... 8791
Nomenclature changes ... 8791, 8792
70.1 (b) revised ... 8791
70.4 (a–1) added; (h) revised; (p) removed ... 8791
70.5 Amended ... 8791
70.11 Revised ... 8791, 14085
Corrected ... 16047
70.14 (a) footnote removed; (b) revised ... 8791, 14086
70.19 (a), (b) and (c)(3) amended; (c)(2) footnote added ... 8792
70.21 (a) amended ... 8791
70.32 (a)(7) revised ... 8792
70.38 Removed ... 8792
70.39 (b) footnote added ... 8792
70.42 (b) (1) and (2) amended ... 8792
70.52 Amended ... 8792
70.53 (b) amended ... 8792
70.71 Revised ... 8792
71 Authority citation amended ... 8792
71.1 (a) amended ... 8792
71.5 (b) amended ... 8792
71.12 Amended ... 8792
71.13 Revised ... 8792
71.16 Amended ... 8792
71.42 (c) amended ... 8792
71.61 Amended ... 8792
71.64 Revised ... 8792
73 Authority citation amended ... 8792
Nomenclature changes ... 8792
73.2 (q) added ... 8792
73.4 Revised ... 8792
73.36 (c)(2) and (e) amended ... 8793
73.80 Revised ... 8793
73 Appendix A amended ... 8793
80 Removed ... 8793
81 Authority citation amended ... 8793
Nomenclature changes ... 8793
81.1 Revised ... 8793
81.3 Revised ... 8793
81.13 (b) amended ... 8793
81.52 Revised ... 8793
81.61—81.83 Sections and undesignated center headings removed ... 8793
83 Removed ... 8793
100 Authority citation amended ... 8793
100.2 (a) amended ... 8793
100.11 (b)(2) and note amended ... 8793
110 Removed ... 8793
115 Removed ... 8793
130 Removed ... 8793
140 Authority citation amended ... 8793
Nomenclature changes ... 8793
140.3 Revised ... 8793
140.5 Revised ... 8794
140.82 (b) revised; (b) footnote removed ... 8794
140.84 (b)(1) amended ... 8794
140.91 Appendix A amended ... 7082
140.92 Appendix B amended ... 7082
140.93 Appendix C amended ... 7082
140.94 Appendix D amended ... 7082
140.95 Appendix E amended ... 7082
150 Authority citation amended ... 8794
Nomenclature changes ... 8794
150.4 Revised ... 8794
160 Authority citation amended ... 8794
160.1 Amended ... 8794
160.2 Revised ... 8794
161 Removed ... 8794
170 Heading revised; authority citation amended ... 8794
170.1 Amended ... 8794
170.3 (g)(3) revised ... 8794
170.5 Revised ... 8794
170.12 Amended ... 8794

Chapter II—Federal Energy Administration

202.1—202.10 (Subpart A) Revised ... 11707
205.29 Added ... 4771, 6767
205.39 (a) revised ... 4771, 6767
206.33 (c) revised ... 4773
206.46 Heading revised ... 4773
207 Added ... 18409
210.21 Amended ... 2795
211.10 (g) (2), (3), (5) and (8) revised ... 10166
(g)(8) revised ... 18544
211.26 (e) added ... 2693, 5139
211.51 Amended ... 18544
211.61—211.71 (Subpart C) Appendix amended ... 6199, 10445
211.62 Amended ... 4015, 10445, 14738
211.66 (j)(2) redesignated as (j)(3); new (j)(2) added ... 4015
(i) revised; (j) and (k) removed ... 10455
211.67 (b) and (i) interpretation ... 2560
(i) (5) and (6) added ... 6768
(a)(3) removed; (i)(4) and (l) revised ... 10445
(l)(1)(ii) revised ... 13303
(d)(3) added ... 14738

CODE

(CHANGES JANUARY 2 THROUGH APRIL 30, 1975)

Title 10, Chapter II—Continued

Page

211.83 (c)(3) revised 10167
211.87 (f) added 10167
211.97 (e) added 10167
211.106 (b)(3)(ii) revised 10167
212.1 (a) revised 2795
212.31 Amended 2796, 10445
212.83 (c)(1)(iii)(C) revised 6200
(b) amended; (c) and (e) revised 10445
212.87 (b)(1) revised; (c)(1) redesignated as (c)(1)(i); (c)(1)(ii) added 10449
212.91 Revised 10449
212.93 (b)(1)(i), (c), and (g) revised; (e) amended 10449
212.94 (c) revised 10449
212.129 Heading and (b) revised 6324
212.141 Redesignated as 212.161 6200
212.142—212.145 Redesignated as 212.162—212.165 6200
212.146 Redesignated as 212.166 6200
212.147—212.150 Redesignated as 212.167—212.170 6200
212.161 Redesignated from 212.141; new 212.161(b)(2)(ii) revised 6200
212.162—212.165 Redesignated from 212.142—212.145 6200
212.166 Redesignated from 212.146; new 212.166(a) revised 6200
212.167—212.170 Redesignated from 212.147—212.150 6200
213.5 (a) amended 4773
(a) revised 18766
213.7 (c) and (d) added 4773
213.9 (a) and (b) amended 4776
(a), (b), and (f) revised 18766
213.10 (b) amended 4776
213.11 (f)(1) and (2) amended 4776
(l)(4) and (5) added 4773
213.12 (a) and (b) amended 4776
(f)(1) amended 4774
(a), (b), and (e) revised 18767
213.13 (b) amended 4776
(a), (b), and (e) revised 18767
213.14 Removed 4774
213.15 (a) and (b) amended 4776
(d) revised 18767
213.16 (a) amended 4776
(a) revised 18767
213.20 (a)(1) and (2) amended 4776
(a)(2) revised 18767
213.21 (a)(1) and (2) and (b)(1) and (2) amended 4776
(a)(2) and (b)(2) revised 18767
213.22 (b)(1) and (c) revised 4774
213.23 (a) and (b) amended; (e) added 4774
213.25 Revised 4774
213.26 (b)(3), (4), (5), (7), and (8) amended; (c) revised 4774
213.27 (h)(1) amended; (s), (t), and (u) added 4774
213.28 (k) removed; (m)(3) amended; (l), (m), and (n) redesignated as (k), (l) and (m) 4774
Revised 18768
213.29 (a)(1) amended 4776
(e)(3) amended 4774
213.30 (a)(1) amended 4776
(g)(2) amended 4774
213.32 (a), (b), (c), and (d) amended 4776
(d) revised 18769
213.33 (d)(1) amended 4776
(j)(3) revised; (k) added 4774
213.34 (e) amended 4776
(b) and (e) revised 18769
213.35 Revised 4774
(e)(2) amended; (d)(1) and (4) revised; (a)(9) and (f) added 16048
(a)(9)(i) revised 18770
213.36 (c)(1) amended 4776
(a), (c), and (d) revised 18769
213.37 (c) amended 4776
(a) and (c) revised 18769
213.38 (c) amended 4776
(c) revised 18769
215 Revised 16295
661 Added 10954
FEA RULINGS:
1975–1 6768
1975–2 10655
1975–3 17980

Chapter III—Energy Research and Development Administration

For regulations of the Nuclear Regulatory Commission, see Chapter I, above

Chapter established 7320, 8795
700—870 Reissued and (redesignated) by ERDA from Parts 0–8 and 10–170 of Chapter I 8795
709 Added 7320

Title 10—*Proposed Rules:*

2 4158, 8832
9 2714
19 799
20 799

(CHANGES JANUARY 2 THROUGH APRIL 30, 1975)

Page

21 8832
31 8832
35 8832
40 2210, 8832
73 15098
170 3010
202 6684
205 6371, 14605, 17600, 17859
207 2212
210 10195, 11363, 18004
211 3467, 6371, 6372, 8228, 14605, 16089, 17600, 18182
212 3467, 8109, 12287, 13522, 13524, 15401, 18004, 18467
213 12287, 13524, 14086, 14948
215 6787
303 5452
305 5452
307 5452

TITLE 12—BANKS AND BANKING

Chapter I—Comptroller of the Currency, Department of the Treasury

4.16 Revised 7337
4.17 Revised 7337
4.17a Added 7338
9.18 (c)(2) revised and redesignated as (c)(2)(i); (c)(2)(ii) added 18771
22.3 Revised 12068
23 Effective date 7897
23.1 (a) revised 7897, 17135
23.2 (b), (e)(2), and (h)(2) revised 6201
(a), (b), and (h)(2) revised 17135
(e) and (f) redesignated as (f) and (e) and revised 17135
(k) redesignated as (l); new (k) added 17135
23.3 Revised 6201, 17136
Amended 7897
23.4 Removed; new § 23.4 redesignated from 23.5 17136
23.5 Redesignated as 23.4; new § 23.5 redesignated from 23.6 17136
23.6 Redesignated as 23.5 17136

Chapter II—Federal Reserve System

201.51 Revised 4904, 6769, 12988
201.52 Revised 4904, 6769, 12988
201.53 Revised 4904, 6769, 12988
204.5 (a)(1)(iii) and (2)(iii) revised 3973
(c) revised 17136
213.7 Revised 17136
213.105 Added 18412
217.1 (e)(3) revised 17832
217.152 Added 16831
217.4 (d) suspended until 4–18–75 12251
225.4 (a) technical correction 13304
225.123 (g) revised 11710
(a) through (g) redesignated as (a), (b), (c), (d), and (e) 13477
226.703 Revised 1681
250.143 Added 12252
261.3 (b) and (d) revised; (f) added 7620
261.4 (d) revised; (e), (f) and (g) added 7621
261.6 (a) (1) and (4) revised; (d) removed 7621
265.1 (b) added 13477
265.1a Revised 1506
265.2 (a) redesignated as (a)(1); (a)(2)—(12) added 1506
270.4 (d) revised 10661
271.4 (c) revised; (d), (e), and (f) added 7897
271.5 (a) revised 13204
271.6 Amended 7898
(a) revised 7898
272.3 (d) and (e) revised 10661

Chapter III—Federal Deposit Insurance Corporation

309.1 (a) (3) and (4), (b), and (c)(1) introductory text and (i) revised; (e) amended 11548
Corrected 13204
(c)(1)(iv) and (vi) revised 17004
329.1 (e)(2) revised 17137
329.4 (e) (1) and (2) suspended until 4–18–75 11711
329.7 (b)(1) revised 17137

Chapter IV—Export-Import Bank of the United States

404 Revised 7238

Chapter V—Federal Home Loan Bank Board

500.3 Revised 12989
500.19 Revised 12989
500.31 (a) (1) and (3) amended 12989
500.32 (b)(9) revised 12989
505 Revised 8066
522.20 (a) revised 5532
522.26 Removed 5532
523.10 (g) and (h) amended; (i) added 8324
(a) and (g)(6) revised 17245

CODE

Title 12, Chapter V—Continued

Page

523.11 (a) revised ... 8323
524.1 Removed ... 3973
524.14 Added ... 17245
525.7 Added ... 17245
526.6 (i) added ... 17246
526.7 Revised ... 18771
526.9 Added ... 17246
532 Added ... 17246
541.12 (c) added ... 15865
543.1 Revised ... 4118
544.8 (e) added ... 17984
545.1–1 (h) added ... 3974
545.1–4 (f)(4) revised ... 18772
545.3–1 (c)(3) and (6) revised ... 18772
545.4–1 (a)(2) revised ... 17004
545.6–1 (a)(5)(i) revised ... 4417
(a)(2) and (c) revised ... 15866
545.9–1 (a)(4)(iii) revised ... 8795
(a)(4) (xi), (xii), and (xiii) revised ... 11711
(b)(3)(i)(*a*), (*b*) and (c), and (c)(2) revised; (b)(3)(i)(*e*) and (c)(4) added ... 15383
(a)(4)(i)(c) and (*d*), and (b)(3)(i)(*d*) revised; (a)(4)(i)(*e*) and (k)(7) added ... 17005
545.11–1 Added ... 17246
545.14–4 (c)(2) revised ... 11548
545.24 Revised ... 17984
555.8 (e) removed ... 3974
556.5 (a)(7)(ii)(*a*)(*1*) and (2), and (iii) revised ... 12483
556.7 Added ... 17247
561.2 Revised ... 17984
561.3 Revised ... 17984
561.24a Added ... 17984
563.3–1 (d)(4) revised ... 18773
563.3–2 (d)(3) revised ... 18773
563.8 Revised ... 17984
563.8–1 (d) introductory text added ... 12483
563.8–2 Added ... 17984
563.9 (f) revised ... 14738
563.9–1 (b)(2)(iii) added ... 14739
563.9–3 (c) revised ... 18411
563.11 (b) revised ... 14739
563.13 (b)(1) revised; (b)(4) added ... 17985
563.31 (a) revised ... 17985
564 Appendix corrected ... 4646
Appendix amended ... 10449
571.10 Added ... 17247
584.2–1 (b)(10) added ... 11712
(b)(1)(iii) and (iv) revised; (b)(1)(v) added ... 17005
588 Added ... 17247

Chapter VI—Farm Credit Administration

Page

602.250—602.265 (Subpart B) Revised ... 7339
602.250 Revised ... 7339
(a)(8) added ... 14572
602.265 (d)(1) and (d)(2) corrected ... 10450
611.1020 Revised ... 17744
611.1055 Added ... 17744
611.1150 Added ... 17744
613.3040 Revised ... 17744
614.4180 (a) and (b) revised ... 17745
614.4230 (a) revised ... 17745
614.4250 Revised ... 17745
614.4370—614.4430 (Subpart L) Removed ... 17745
614.4510 (d)(1) revised ... 17745
615.5120 (a) revised ... 17745
615.5500 Revised ... 17746
615.5510 Removed ... 17746
616.6030 Revised ... 17746

Chapter VII—National Credit Union Administration

701.12 Revised ... 8938
702.3 Revised ... 8069
708 Revised ... 10168
720 Added ... 8538
Technical correction ... 10450
745.2—745.9 Amended ... 3287

Chapter VIII—Federal Financing Bank

811 Added ... 5532

Title 12—*Proposed Rules:*

7 ... 2836, 14767
9 ... 4151
11 ... 10602
202 ... 18183
206 ... 10322, 11739, 15909
213 ... 13524
217 ... 16684, 16685
225 ... 5794
226 ... 1717
261 ... 3474
271 ... 4022
309 ... 2715
329 ... 2212, 16219
335 ... 10376, 14947
404 ... 2449
505 ... 2715
523 ... 1277
524 ... 1277
525 ... 1277
526 ... 1277, 17860
531 ... 11363
532 ... 1277
541 ... 6870, 7681, 12113, 15096
544 ... 3011, 12113, 12121

Page

545 ... 1076, 1278, 3011, 4661, 6870, 7681, 12113, 12121, 15096
552 ... 12113
556 ... 1278, 17272, 18005
561 ... 1076, 3011
563 ... 1076, 3011, 18005
563b ... 4398
571 ... 1279
584 ... 16090, 17044
588 ... 1279
602 ... 2590
611 ... 6960
613 ... 6960
614 ... 6960
615 ... 6960
616 ... 6960
701 ... 4321, 6967, 15404
706 ... 12124
707 ... 12125
720 ... 2591
721 ... 15404
745 ... 8967, 15404

TITLE 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

101.3–1 (e)(2) amended ... 2419
102 Technical correction ... 8541
102.3 (k) and (l) added ... 7898
102.4 (f) added ... 7898
102.5 (a) and (e) revised ... 7899
102.6 Revised ... 7899
104.1 Removed; new 104.1 added ... 5139
107.3 Revised ... 1231
107.301 (e)(2) revised ... 1231
107.504 (b)(3) revised ... 1231
107.601 (a) and (b) revised ... 1231
114 Technical correction ... 10661
114.100 (b) revised ... 6640
120.1 (c) revised; (d) added ... 7622
120.2 (b)(3) revised ... 1682
120.3 (b)(3) revised; (b)(5) and (6) added; (c) removed ... 7622
120.4 Added ... 7623
120.5 Added ... 7624
120.6 Added ... 7625
120.7 Added ... 7625
121.3–8 (a)(1) revised ... 17138
121.3–10 (k) added ... 8325
121.3–11 Revised ... 4119
121.3–14 Revised ... 4119
122.2 (f)(2) amended ... 7626
123 Revised ... 3210D

Chapter III—Economic Development Administration, Department of Commerce

Page

301.34 (b) revised ... 1029
301.35 Removed ... 1029
301.42 (b)(4) revised ... 1029
(a) and (b)(1) revised ... 1029, 8325
301.50—301.60 (Subpart D) Revised ... 12769
302.9 Revised ... 18544
303.10 (h) removed ... 6640
304.9 (e) added ... 2796
305.59 Redesignated as 305.60; new 305.59 added ... 12483
305.60 Redesignated from 305.59 ... 12483
308.23 (b) removed; (c) redesignated as (b) ... 8325
309.7 (a) revised ... 6476
309.9 (a) revised ... 13204
311.47 (b) amended ... 13205
314 Added ... 6770
(a) corrected ... 12484

Chapter IV—Emergency Loan Guarantee Board

402.2 Amended ... 6201
402.4 (c) revised ... 6201
402.6 (b) revised ... 6201

Chapter V—Regional Action Planning Commissions

570.8 (b) revised; (c) redesignated as (d); new (c) added ... 8326

Title 13—*Proposed Rules:*

102 ... 3014
107 ... 11740, 14606
120 ... 15098
121 ... 10486, 12125
402 ... 6212

TITLE 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

1.1 Introductory text revised ... 11714
21 Special FAA Reg. 26 amended ... 2576
Special FAA Reg. 29 added ... 2420
21.17 (a) amended ... 1033
21.25 (a) amended ... 1033
21.93 (b) revised ... 1033
21.101 (a) amended ... 1033
21.115 Heading and (a) revised ... 1033
21.183 (e) revised ... 1033
21.185 (d) added ... 1034

CODE

Title 14, Chapter I—Continued

Page

21.251 (b) (4) (iii) and (iv) amended 2576
21.257 Revised 1034
21.271 (a) amended 2577
21.325 (a) (1) and (2) amended 2577
21.339 (a) and (b) amended 2577
21.451 (d) added 1034
23.335 (c) (1) amended 2577
23 Appendix A amended 2577
25.1459 (a) (1) revised 2577
29 Special FAA Reg. 29 added 2420
36 Technical correction 2174, 2452
36.1 Revised 1034
36.7 Added 1034
(b) (3) corrected 2797
(a) (2) (ii) amended 6347
36.101—36.103 (Subpart B) Heading revised 1034
36.501 (Subpart F) Added 1034
36.1501—36.1581 (Subpart G) Revised 1035
36 Appendix F added 1035
Appendix F amended 6347
39 Technical correction 2797
39.13 1, 2, 1036, 1037, 1232, 1682, 2978, 2979, 3287, 3288, 3408, 3574, 3575, 3759, 4119, 4647, 5348, 5755, 5756, 6202, 6347, 6640, 6641, 6770, 6771, 6772, 7626, 7627, 7899, 7900, 8070, 8168, 8326, 8541–8544, 8795, 8796, 8939, 10450, 10661, 10662, 10951, 11549, 11550, 11861, 11862, 12068, 12252, 12484, 12771–12773, 12996, 13203, 13477, 14055, 14056, 14297, 14298, 14739, 14740, 14892, 14893, 15085, 15086, 15384, 15385, 15866, 16189, 16190, 16191, 16297, 16298, 16299, 16832, 17006, 17138, 17139, 17248, 17548, 17832–17835, 18163, 18413, 18545
71 Republished 299
71.103 17007
71.105 17007, 17549
71.107 17007
71.109 17007
71.121 16651, 18414
71.123 1038, 3760, 4121, 4298, 4300, 4409, 4906, 6203, 7082, 8327, 8796, 14299 16651, 17549, 17550, 17837, 18549
71.125 17007
71.151 1038, 4299, 6203, 8070, 17550
71.163 16651
71.171 1038, 1508, 2421, 3210K, 3575, 3760, 4297, 4298, 4905, 5348, 5493, 6772, 7435, 8327, 10170, 12252, 13478, 14740, 14741, 17140, 17248, 17836, 17986, 18164
71.181 1038, 1508, 1682, 1683, 2422, 2577, 3210K, 3289, 3409, 3575, 3761, 4120, 4121, 4298, 4905, 5140, 5348, 5349, 5493, 5494, 5756, 6203, 6347, 6641, 7436, 7627, 7900, 7901, 8327, 8545, 8797, 10171, 10172, 10173, 10662, 10663, 10951, 11550, 11551, 11712, 11861, 11862, 12253, 12485, 12649, 12774, 12997, 13478, 14298, 14299, 14741, 15086, 15385, 15867, 16300, 16651, 16832, 17006, 17007, 17140, 17248, 17249, 17836, 17837, 17986, 18164, 18549
71.211 8327, 17008, 17549
71.213 17008
71.401 4120, 10170, 12253, 16050, 18414
73 Republished 652
73.30 1038, 7082
73.51 4299
73.53 6203, 8070, 10663, 17550
73.55 8940
73.60 7082
73.69 17550
75 Republished 704
75.100 17008
91 Special FAA Reg. 29 added 2420
Technical correction 12253
91.24 (b) (2) revised 16652
91.75 (a) amended 10451
91.90 (b) (1) (i) revised; (b) (2) (iii) amended 16652
91.116 (f) amended 10451
95 2577, 2578, 3576, 8072, 12485
97.21—97.35 1232, 3577, 3578, 3761, 4647, 5494, 6642, 7628, 8545, 8546, 10452, 11713, 12649, 13479, 14893, 16300, 17141, 18164, 18165
103.1 (c) (4) revised; (c) (7) and (d) added 17142
103.3 (a) revised, (d) added 5141
(e) added 17142
103.4 Added 5141
103.7 (b) (6) revised 17142
103.23 (c) and (d) added 5141
103.25 Revised 5141
121.288 Time extended 7436
121.538 (c) (2) and (3) amended; (c) (4) added 17552
121.538a Added 10173
121.575 (b) revised 17552

Page

121.584 Added 17552
121.585 Revised 17552
121 Appendix A amended 1039
139.1 (b) (4) and (5) added 11714

Chapter II—Civil Aeronautics Board

223 Recodified to include the provisions of Parts 223, 224, and 233 as Subparts A, B, and C, respectively, and revised 18415
223.9 Redesignated from § 399.34 and revised 18419
224 Removed; provisions recodified as Subpart B of Part 223 18415
228.4 (h) revised 2797
233 Removed; provisions recodified as Subpart C of Part 223 18419
239.1 Amended 1040
239.6 (j) revised 1040
239.7 (c), (d), (e), and (f) revised 1040
241 Sec. 22(a) tables amended 16652
Sec. 23 amended 16654
Sec. 24 amended 16654
250 Technical correction 6347
250.2 Revised 4410
288.7 (a) and (d) amended 1040, 5757, 10174, 14894
(a) and (d) revised 3583
(a) corrected 8073, 10663
Special temporary regulation 5758
Technical correction 6642
(b) revised 18774
288.8 Revised 3584
288.10 (b) revised 3584
(b) table corrected 5141
302.1101 Revised 10968
302.1109 (a) and (b) revised; (c) added 10968
310.5 Revised 7241
310.7 Revised 10663
310.9 Revised 10663
310.10 Added 10664
311.43 (b) through (h) revised 10664
372a.5 Removed 13205
372a.25 (a) revised 1233
385.12 (d) added 7241
385.13 (ff) corrected 4300
389.11 (a) revised 7242
389.14 Revised 7242
399.2 Introductory text amended 6643
399.16 (b) revised 3409
399.31 Revised 6643
399.32 Revised 6643
399.33 Revised 6643
399.34 Removed; provisions revised and redesignated as § 223.9 18419
399.45 Removed 6773
399.84 Added 4907

Chapter III—National Transportation Safety Board

400 Revised 14572
401 Appendix A added 7250
Revised 14574
425 Revised 14578

Chapter V—National Aeronautics and Space Administration

1206 Revised 7244

Title 14—*Proposed Rules:*

21 1061, 2823, 4152, 10802
23 10802
25 6508, 10802, 15093
27 10802, 12518
29 10802, 12518
31 10802
33 10802
35 10802
38 1061, 2823, 4152, 14093
37 11002
39 1711, 3312, 3784, 6509, 6675, 7677, 8217, 8568, 11003, 11596, 12809, 16854, 17852, 18562
43 8685
45 5542
49 2445
61 8685
63 8685
65 8685
71 1059, 1060, 1061, 1518, 2445, 2824, 2825, 3220, 3312, 3313, 3611, 3784, 3785, 4152, 4153, 4319, 4444, 4937, 5167, 5373, 5542, 5543, 5793, 8369, 6509, 6510, 7464, 7677, 7678, 7944, 8108, 8217, 8359, 8360, 8831, 8958, 10193, 10194, 10692, 11003, 11597, 11893, 12110, 12518, 12877, 12878, 12810, 12811, 13001, 13519, 14334, 14780, 14781, 15094, 15399, 15400, 15907, 16088, 16089, 16217, 16345, 16346, 16854, 17264, 17285, 17596, 17853, 18001, 18176
73 1518, 3220, 6979, 11597, 12110, 15907
75 14781
91 1072, 8218, 8685, 10802, 14093, 14334
101 8685
103 5168
105 8685
121 6506, 8222, 8685, 8830, 10802, 11004, 11738, 11737, 17156
123 8685
127 8685, 10802
129 8222, 8685
133 8685, 10802
135 6370, 8685, 10802, 16347
137 8685, 8831
141 8685

CODE

Title 14—*Proposed Rules*—Continued

Page
143 ---- 8685
145 ---- 8685
147 ---- 8685
148 ---- 8685
Ch. II ---- 11601
207 ---- 5371, 17039, 18003
208 ---- 5371, 17039, 18003
212 ---- 5371, 17039, 18003
214 ---- 5371, 17039, 18003
217 ---- 17039, 18003
221 ---- 11602, 13002, 17596
234 ---- 18450
241 ---- 17039
---- 18003
249 ---- 17039
---- 18003
310 ---- 2826
369 ---- 18003
372 ---- 6512
372a ---- 17039
373 ---- 6512
378 ---- 6512, 17039
378a ---- 17039
---- 18003
385 ---- 2826
389 ---- 2826, 17039, 18003
401 ---- 2446
1206 ---- 2716

TITLE 15—COMMERCE AND FOREIGN TRADE

4 Revised ---- 11553
Appendix A amended ---- 14056

Chapter I—Bureau of the Census, Department of Commerce

50.10 Revised ---- 6324

Chapter III—Domestic and International Business Administration, Department of Commerce

301 Redesignated from Part 701 ---- 12253
Authority citation revised ---- 12254
Numbering changes ---- 12254
301.1 (a) revised ---- 12254
301.2 (a) revised ---- 12254
301.3 Revised ---- 12254
302.2 (f) revised ---- 17837
302 Appendix B added ---- 17837
350 Added (Recodified from subparts A and B of Part 500) ---- 14921
355 Added ---- 14926
373.3 (d)(3)(ii)(e) removed; (d)(3)(ii)(g), (h)(1) and (k) revised ---- 8199
376.3 Removed ---- 4907
376.11 Added ---- 8199
376.12 Note revised ---- 8199
377.4 Removed ---- 1041
377.6 (c), (d)(2), and (e)(2) amended ---- 2174, 2452
(d)(3) and (e)(4) added ---- 2174, 2452
377 Supplement No. 1 removed ---- 1041
Supplement No. 2 revised ---- 2175, 15867
399.1 Amended ---- 1041

Chapter V—Office of Trade Adjustment Assistance, Department of Commerce

Chapter removed ---- 14931
500 Removed (provisions recodified under Part 350) ---- 14930

Chapter VII—Office of Import Programs, Department of Commerce

Chapter removed ---- 12254
701 Redesignated as Part 301 ---- 12254

Chapter VIII—Bureau of Economic Analysis, Department of Commerce

804 Added ---- 5004

Chapter IX—National Oceanic and Atmospheric Administration, Department of Commerce

920.40 Revised ---- 16833
920.45 Revised ---- 16833
920.46 Revised ---- 16834
920.47 Revised ---- 16834
920.48 Revised ---- 16834
920.49 Revised ---- 16834
923 Redesignated as 926 ---- 4648
923 Added ---- 1684
Prior 923 redesignated as 926 ---- 4648
924 Interim regulations added ---- 5349
925 Interim regulations added ---- 8546
926 Redesignated from prior Part 923 ---- 4648
Revised ---- 11863

Chapter XX—Office of the Special Representative for Trade Negotiations

2001 Revised ---- 18419
2002 Revised ---- 18420
2003 Revised ---- 18421

Title 15—*Proposed Rules:*

4 ---- 2821
9 ---- 7099
500 ---- 12276
510 ---- 12276
803 ---- 14603

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Page
1.4 (b) revised ---- 15233
1.7—1.10 Added (together with new 1.11—1.16, to form new Subpart B) ---- 15232
1.11—1.16 (Subpart B) Redesignated as 1.21—1.26 (Subpart C); new 1.11—1.16 added (together with new 1.7—1.10 forming new Subpart B) ---- 15232
1.21 (Subpart C) Redesignated as 1.91 (Subpart J); new 1.21—1.26 (Subpart C) redesignated from 1.11—1.16 (Subpart B) ---- 15232
1.21 Redesignated from 1.11 and revised ---- 15232
1.22 Redesignated from 1.12 and revised ---- 15232
1.24 Redesignated from 1.14 and revised ---- 15233
1.61 Revised ---- 15233
1.81—1.85 (Subpart I) Technical correction ---- 17008
1.81 (a) and (b) revised ---- 15233
1.82 Revised ---- 15233
1.83 (a) and (b) revised; (c) and (d) added ---- 15233
1.84 (a) and (b) revised; (c) added ---- 15234
1.85 Revised ---- 15234
1.86 Added ---- 15234
1.91 (Subpart J) Redesignated from 1.21 (Subpart C) ---- 15233
2.1 Revised ---- 760
2.7 Revised ---- 760
2.11 Revised ---- 761
2.12 Revised ---- 761
2.14 (c) revised ---- 761
(a) revised ---- 15235
2.31—2.35 Revised ---- 15235
3.21 (c) revised ---- 15234
3.25 Added ---- 15236
3.61 (c) revised ---- 761
(f) revised ---- 15234
4.1 (b)(4) revised ---- 15235
4.2 (a) revised ---- 761, 15235
(c) and (d)(1) revised ---- 15235
4.8 (b) and (c) revised ---- 7251
4.9 (a) and (b) (1) and (4) revised; (c) (1) through (7) redesignated as (b) (17) through (23); (c) removed; (d) and (e) redesignated as (c) and (d) ---- 7628
(b)(10), (12), and (14) revised ---- 15236
4.10 (a) introductory text, (1), (4), and (5) revised ---- 7629
4.11 Revised ---- 7629
13 Heading revised ---- 761
113.533—13.533-70 (Subpart) Added ---- 761
142.6-1—142.6-3 Revised ---- 11714
302.19 Heading revised; (d) redesignated as (g); new (b)(8), (d), (e), and (f) added ---- 16660
302.21 Added ---- 14589
304 Added ---- 5496

Chapter II—Consumer Product Safety Commission

1500.50—1500.53 Added ---- 1483
Authority citation corrected ---- 6210
1500.50 Added ---- 1483
(b) corrected ---- 16191
1500.51 Added ---- 1483
(g)(1) corrected ---- 6210
(b), (c), (d), (e), (f), and (g) corrected ---- 16192
(f)(1)(ii) corrected ---- 17746
1500.52 Added ---- 1483
(a) and (f)(3) corrected ---- 6210
(b), (d), (e), and (f) corrected ---- 16192
1500.53 Added ---- 1483
(b), (c), (d), (e), and (f) corrected ---- 16192
1700.5 Added ---- 4650

Title 16—*Proposed Rules:*

1 ---- 15237
3 ---- 15239
4 ---- 2450, 15245
302 ---- 3279
437 ---- 6375, 6688
438 ---- 2450
439 ---- 2451
444 ---- 16347
Ch. II ---- 3276
1500 ---- 1488, 1491, 1493, 2211, 2212, 4320, 12678, 17157
1512 ---- 1493, 2211, 2212
1607 ---- 12111
1700 ---- 2827

CODE

TITLE 17—COMMODITY AND SECURITY EXCHANGES

Chapter I—Commodity Futures Trading Commission

Page

Chapter heading revised 17406
1 Technical correction 18776
1.10a Added 17407
1.52 Added 17408
150.1 (c) revised 15087
150.2 (c) revised 15087
150.3 (c) revised 15087
150.4 (c) revised 15087
150.5 (c) revised 15087
150.10 (c) revised 15087
150.11 (c) revised 15087

Chapter II—Securities and Exchange Commission

200 Authority citation corrected 17008
200.30–4 (a)(2) revised; (a)(3) and (4) added 14748
200.30–12 Added 16052
250.50 Amended (suspension ended) 17251
271 Interpretive release 17986
275.206A–1(T) Added (temporary rule) 18425

Title 17—*Proposed Rules:*

1 18187
150 15907
240 16090
270 18007
271 18467
275 ..... 14782, 18007, 18797

TITLE 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

1.36 (f)(1) revised 17553
3.108 Revised 16301
260.13 Effective date postponed 17554

Chapter II—Tennessee Valley Authority

301.2 Added 14749

Chapter III—Delaware River Basin Commission

401.71—401.89 (Subpart F) Correctly designated as 401.91—401.109 (Subpart G) 17987
401.81—401.87 (Subpart F) Effective status confirmed 17987
401.91—401.109 (Subpart G) Correctly designated from 401.71—401.89 (Subpart F) and amended 17987
401.91—401.94 (Subpart G) Correctly redesignated as 401.111—401.114 (Subpart H) 17987
401.111—401.114 (Subpart H) Correctly redesignated from 401.91—401.94 (Subpart G) 17987

Title 18—*Proposed Rules:*

Ch. 1 15402
2 16220
3 18796
35 14606
101 14606
104 14606
141 ..... 15402, 16684
154 ..... 14606, 18467
201 14606
204 14606
260 ..... 16684, 18796

TITLE 19—CUSTOMS DUTIES

Chapter I—United States Customs Service, Department of the Treasury

6.1 (a) revised 15387
6.2 (d)(1) and (3)(ii) amended 15387
6.25 Added 15387
22.20a Amended 14749
113.26 (a) amended 14750
153.43 Amended 14591

Title 19—*Proposed Rules:*

112 15389
113 15389
133 17151
141 17151

TITLE 20—EMPLOYEES' BENEFITS

Chapter I—Office of Workers' Compensation Programs, Department of Labor

10.100 (b) corrected 14750
10.123 Corrected 14750

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

Page

405.116 (g) revised 17747
405.201—405.252 (Subpart B) Appendix added 17747
405.205 Revised 18165
405.210 Revised 18166
405.213 Text designated as (a); (b) added 18166
405.214 (d) added 18166
405.221 (e) added 18166
405.223 (e) added 18166
405.231 (g) and (h) revised 17747
405.902 (b) introductory text and (b) (1) and (2) revised; example 4 added 18166
405.1035 Effective date postponed 14591
(e)(6)(ii) amended 14592
405.1137 (d)(2) amended 14592

Chapter VIII—Joint Board for the Enrollment of Actuaries

Chapter established 18776
900 Added 18776

Title 20—*Proposed Rules:*

401 17849
405 ..... 14934, 16673, 17151
422 17849

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

1 Technical correction 16192
6.1 (a)(3) added 16662
8.501 Time extended 15088
8.501 (b) table amended 18167
(g) amended 15088
8.4070 (c) revised 18167
8.7201 Effective date confirmed 15087
9.104 Revised 18167
18.550 Effective date amended 18549
18.555 Effective date amended 18549
18.560 Effectvie date amended 18549
18.565 Effective date amended 18549
18.570 Effective date stayed 18549
18.575 Effective date amended 18549
25.2 (e) effective date 6–30–75 18426
121.2505 (c) amended 14905
121.2511 (b) amended 14905
121.2630 Added 14906
123.151 Added 18168
123.370 Amended 17142
123.400 Amended 14592
312.20 (Subpart C) Added 16056
369 Technical correction 16192
431.53 (b)(1) amended 15088
436.312 Added 15088
440.36a (b)(3) revised 15089
440.236 (b)(3) revised 15089
444.642a Effective date of removal confirmed 14906
448.13 (b)(5) revised 15088
448.13a (b)(6) revised 15088
449.610a (b)(1) revised 15089
449.610c (b)(1) revised 15089
522.775 Added 17838
522.1883 Added 18549
558.625 (b)(16) revised 18168
701 Technical correction 16192
701.3 (o)(3) corrected 18426
740 Technical corrections 16192
1030.10 (c)(4) revised; (c)(5) and (6) added 14752
Effective date corrected 16663

Chapter II—Drug Enforcement Administration, Department of Justice

1301.90 Added 17143
1301.91 Added 17143
1301.92 Added 17143
1301.93 Added 17143
1308.11 (d)(12) revised 18426

Title 21—*Proposed Rules:*

1 15392
3 15392
27 16085
334 18001
335 18001
336 18001
337 18001
610 18176
630 17151
1301 16082
1308 16082

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Title 22—*Proposed Rules:*

8 15060

CODE

(CHANGES APRIL 1 THROUGH APRIL 30, 1975)

TITLE 23—HIGHWAYS

Chapter I—Federal Highway Administration, Department of Transpotation

Page

1.25 Removed (provisions recodified in Part 646) ---- 16057
140.900—140.922 (Subpart I) Added ---- 16057
420.203 (a)(4) revised ---- 17554
420.205 (a) and (b) amended ---- 17554
420.206 (a) revised ---- 17554
630.702 Corrected ---- 17554
635.103 Amended ---- 14906
635.104 (a) amended ---- 14906
635.107 (e) amended ---- 14906
635.110 (c) amended ---- 14906
635.115 (e)(2) amended ---- 14906
635.124 (a)(1) amended ---- 14906
635.202 Amended ---- 14906
635.205 (a)(1) amended ---- 14906
(b) amended ---- 14906, 14907
635.301—635.309 (Subpart C) Revised ---- 17251
646.200—646.220 (Subpart B) Added ---- 16059
662 Added ---- 14907
820 Added ---- 16301

TITLE 24—HOUSING AND URBAN DEVELOPMENT

Chapter II—Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner (Federal Housing Administration), Department of Housing and Urban Development

200.210 Revised ---- 17750

Chapte III—Government National Mortgage Association, Department of Housing and Urban Development

300.11 (c) amended ---- 14753

Chapter V—Office of Assistant Secretary for Community Development, Department of Housing and Urban Development

570.300 (a) revised ---- 15090, 16663
(a) corrected ---- 17987

Chapter VIII—Low-Income Housing, Department of Housing and Urban Development

Page

800—804 Recodified from Parts 1270, 1272, 1274, 1276, and 1279 ---- 15580
880–883 Recodified from Parts 1273, 1275, 1277, 1278 ---- 15580
880 Added; provisions redesignated from Part 1273 and revised ---- 18684
881 Revised ---- 18904
883 Added ---- 16936
888 Recodified from Part 1280 ---- 15580
888.102 Revised ---- 15580
888 Schedule B added ---- 15581
889 Added ---- 15542
890 Added ---- 17009
1270—1279 Recodified as Parts 800—804 and 880–883 (see conversion table) ---- 15580
1280 Recodified as Part 888 ---- 15580
1273 Removed; provisions revised and redesignated as Part 880 ---- 18682

Chapter IX—Office of Interstate Land Sales Registration, Department of Housing and Urban Development

1700.30 (e) and (f) added ---- 14753

Chapter X—Federal Insurance Administation, Department of Housing and Urban Development

1914.4 Table amended ---- 14600, 14601, 16835–16841, 17751, 17752, 17753, 17838, 17839, 17988, 18776, 18777
1915.3 Table amended ---- 14754, 16192, 16193, 16303, 16304, 16842, 17017, 17989, 18550
1915.6 Added ---- 17016

Chapter XIII—Federal Disaster Assistance Administration, Department of Housing and Urban Development

Title 24—*Proposed Rules:*

1917 ---- 16345, 16674, 16675, 16676, 18562

(CHANGES APRIL 1 THROUGH APRIL 30, 1975)

TITLE 25—INDIANS

Page

Chapter I—Bureau of Indian Affairs, Department of the Interior

41.3 (t) added ---- 17022
43k Added ---- 14592

Title 25—*Proposed Rules:*

221 ---- 17029
252 ---- 18798
253 ---- 18798

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

1.72–4 (b)(2) revised ---- 16663
1.72–15 (a) and (d) revised; (f) amended; (i) added ---- 16664
1.101–2 (a)(2) revised ---- 16666
1.105–4 (a)(2)(i) and (3)(i) revised ---- 16666
1.105–6 Added ---- 16666
10.2 Added ---- 17554
11.411(a)(10)(B)–1 Added ---- 17556
31.3402(a)–2 (a) revised ---- 17840
31.6011(a)–1 (a)(3)(ii) amended ---- 17144
31.6011(a)–4 (b) revised ---- 17144
31.6011(a)–5 (b) heading and (b)(2) revised ---- 17144
31.6011(a)–9 Added ---- 17145
31.6051–1 (a)(3), (b)(1) introductory text, (c) (2) and (3), and (d)(1) and (2)(i) revised ---- 17145
(a)(1)(i)(f) amended; (b)(3) removed ---- 17145

Page

(f) redesignated as (g); new (f) added ---- 17145
31.6051–2 Added ---- 17145
31.6053–2 (b) and (c) revised ---- 17145
31.6071(a)–1 (a)(3)(i) heading and (a)(3)(ii) revised ---- 17146
31.6081(a)–1 (a)(3) revised ---- 17146
Subchapter E (Parts 170–299) Recodified as Subchapter M of Title 27 ---- 16835
170—299 Removed; provisions recodified as 27 CFR Parts 170–299 ---- 16835
301.6104–1 (d), (e) (1) and (3), and (f) amended ---- 15090
301.6104–2 (b) revised; (c) (1) and (4) amended ---- 15090

Title 26—*Proposed Rules:*

1.0–1—1.169 ---- 14767, 17576, 18798
1.401—1.500 ---- 17576, 18798
1.641—1.850 ---- 18798
1.851—1.1200 ---- 14767, 17576
1.1201—end ---- 17576, 17588, 18798
11 ---- 18798
31 ---- 17028

TITLE 27—ALCOHOL, TOBACCO PRODUCTS, AND FIREARMS

Chapter I—Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury

Subchapter M (Parts 170—299) established; recodified from Subchapter E of Title 26 ---- 16835
170—299 Added; recodified from 26 CFR Parts 170–299 ---- 16835

CODE

(CHANGES JULY 1, 1974 THROUGH APRIL 30, 1975)

TITLE 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

	Page
0.1 Amended	31527
Amended	† 3410
0.17 Amended	31527
0.18 Added	† 6496
Revised	† 7262
0.39—0.39b (Subpart G–2) Added	† 3410
0.43 Added	25487
0.57 Revised	37771
0.75—0.77 (Subpart O) Appendix; CFR correction	† 8075
0.76 (d) revised	41977
0.95—0.99 (Subpart Q) Appendix revised	36009
0.95 (i) revised	37771
0.100—0.104 (Subpart R) Appendix amended	† 4419
0.147 Amended	28154
2 Effective date amended	31882, 35165
Revised	45223
Revised	† 10973
2.4 Revised	† 5357
2.11 (c) revised	† 5357
2.17 Revised	† 5357
2.20 Revised	† 5358
2.27 Revised	† 5361
2.28 Revised	† 5361
2.30 Revised	† 5361
2.31 Revised	† 5361
2.37 Revised	† 5361
2.58 (a)(1) and (2), and (d) revised	† 3412
4a Added	† 3210L
9a.7 Amended	43537
11 Removed	29594
15 Heading revised	† 4910
15.1 Amended	† 4910
15.3 Amended	† 4910
15.4 Removed	† 4910
16.2 Amended	† 6496, 7262
16.3 (a), (b), and (d) revised; (e) removed	† 6496, 7262
16.4 Revised	† 6496, 7263
16.5 Revised	† 6497, 7263
16.6 (b) and (d) revised	† 6497, 7263
16.7 Revised	† 6497, 7264
16.8 (c) revised	† 6498, 7264
16.9 (a) and (b)(2), (6), and (7) amended; (b)(3) removed; (b)(8) and (c) revised; new (b)(9) and (10) added	† 7265
16.10 (b) revised	† 6498, 7264
45.735–22 (c)(2)(xx) revised	26023
(c)(2)(ii) amended	31527

Title 28—*Proposed Rules:*	Page
2	45296
	† 10996
16	† 2443

TITLE 29—LABOR

40.2 (g) and (i) revised; (p) and (q) added	† 6327
40.4 (c)(1) and (2) revised; (i), (j), and (k) added	† 6327
70 Revised	† 7266
75 Added	† 4394
90 Revised	† 14909
91 Revised	† 16304
91.3 (a)(9) corrected	† 17840
92 Removed	† 16314
95.11 (a), (b)(6), and (c) revised	41529
97.1–97.22 (Subpart A) revised	30906
97.25 Added	30909
97.201—97.292 (Subpart C) Added	28400
99 Added	† 2360

Chapter I—National Labor Relations Board

102.16 Revised	† 6204
102.68 Revised	† 6204
102.69 (g) revised	† 6204
102.71 (a) revised	† 6204
102.117 Revised	† 7290
102.118 (a) revised	† 7291

Chapter IV—Office of Labor-Management and Welfare-Pension Reports, Department of Labor

452.47 Amended	37360
452.136 (b–1) added	37360

Chapter V—Wage and Hour Division, Department of Labor

511.4 Revised	† 7091
511.8 (b) corrected	33797
512 Removed	† 4
516.34 Added	† 7405
519 Revised	† 6329
522.24 Revised	29180
(c) corrected	41841
522.35 (a) revised	29180
522.43 (a) and (d) revised	29180
(a)(6) and (7) corrected	41841
522.65 (a) revised	29180
522.85 (a) revised	29180
529 Added	† 5776
Time extended	† 11872
541.1 (f) revised	† 7092
541.2 (e) revised	† 7092
541.3 (e) revised	† 7092

Note: Symbol (†) refers to 1975 page numbers

(CHANGES JULY 1, 1974 THROUGH APRIL 30, 1975)

	Page
541.52 Added	† 7092
541.117 (a) and (b) revised	† 7092
541.118 (b) revised	† 7092
541.119 Revised	† 7093
541.211 (a) and (b) revised	† 7093
541.214 Revised	† 7093
541.311 (a) and (b) revised	† 7093
541.313 (c) and (d) revised	† 7093
541.315 Revised	† 7093
541.601 Revised	† 7094
545.9 Revised	† 12069
552 Added	† 7405
553 Added	44142
613.1 Revised	43537
613.2 Revised	43537
617 Added	43538
657 Heading revised	43539
657.2 (a)(1)(i), (2)(i), (3)(i), (4)(i), and (5), (b)(1) and (c)(1) revised	43539
657.3 Revised	43539
661.2 (a) and (b) revised	43540
670.1 Revised	† 16063
Effective date added	† 17146
670.2 Revised	† 16063
Effective date added	† 17146
671.2 (a), (b), and (c) revised	43542
672 Heading revised	43542
672.1 Revised	43542
672.2 Revised	43542
673 Heading revised	42354
673.1 Revised	42354
673.2 Revised	42354
675 Heading revised	43540
675.1 Revised	43540
675.2 (a) and (b) revised	43540
675.3 Revised	43540
677.2 (a) and (b) revised	43541
678 Heading revised	43541
678.1 Revised	43541
678.2 (a), (b), and (c) revised	43541
678.3 Revised	43541
683.2 (a) and (b) revised	43543
694.1 Revised	29353
	† 15875
694.2 Revised	29353
697.1 (k) and (l) revised; (m) revised	37194
700 Added	28877
701 Added	32027
701.2 (e)(1) corrected	† 11872
720 Heading revised	43543
720.1 Revised	43543
720.2 (a) and (b) revised	43544
726.2 Revised	† 16063
Effective date added	† 17146
727.1 Revised	31316
727.2 Revised	31316

Chapter X—National Mediation Board

	Page
1208.2 Revised	† 7281
Corrected	† 17022

Chapter XII—Federal Mediation and Conciliation Service

1401 Revised	† 8169

Chapter XIV—Equal Employment Opportunity Commission

1601.12 (k) amended	30832
(d)(1) and (2) revised	35356, 45235
Revised	† 3210N
(m) revised	† 8818, 10669
1601.19b (b) and (d) revised	26023
1601.50—1601.59 (Subpart G) Added	† 16193
1602.15 Filing date extended	30832
	† 8819
1602.22 Filing date extended	30832
	† 8819
1602.30 Amended	30832
1602.32 (a) amended	30832
1602.39 Amended	30832
1602.41 (a) amended	30832
1610.1—1610.21 (Subpart A) Revised	† 8171

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

1903 Technical correction	† 11351
1903.2 (a) redesignated as (a)(1); (a)(2) and (3) added	39036
1903.14a Added	† 6334
(b) introductory text, (c)(1), (d) and effective date corrected	† 11351
1904.15 Interpretation	† 7094
1910.40 Amended	† 18426
1910.67 (b) revised; (c) added	† 13439
1910.70 Revised	† 13440
1910.93q Revised	35896
(a)(1), (b)(7), (g)(4), (j), (l)(1); (2), (3), and 5(ii), and (n)(3) corrected	41848
(g)(1) amended	† 13211
(o)(1) and (2) amended	† 13211
1910.100 Amended	† 18426
1910.106 (d)(2)(iii) table added	† 3933
1910.116 Amended	† 18426
1910.141 (d)(2)(i) table amended	† 18446
1910.165b Amended	† 18426
1910.171 Amended	† 18426

Note: Symbol (†) refers to 1975 page numbers

CODE

Title 29, Chapter XVII—Continued

Page

1910.183 Redesignated as 1910.189 ---† 13441
1910.184 Redesignated as 1910.190 ---† 13441
Amended ---† 18426
1910.189 Redesignated from 1910.183 ---† 13441
1910.190 Redesignated from 1910.184 ---† 13441
1910.211 (d)(59) and (60) added ---- 41846
1910.217 Effective date corrected ---- 44661
(a)(1) and (2), (d)(1) and (e)(1) revised; (b)(13) and (14) and (g) added; (d)(2) removed ---- 41846
(c)(3)(i)(*f*) and (*g*), and (c)(5) added; (c)(3)(i)(*d*) and (ix) removed---- 41846
(c)(2)(v) and (3)(i)(*b*) and (*e*), (ii), (iii), (iv), (v), (vii), and (viii) revised---- 41846
(b)(14)(ii) and (c)(3)(viii)(*a*) corrected---† 3982
1910.254 Amended ---† 18426
1910.267 (a)(6) removed---- 28878
(a) and (b) redesignated as 1928.21 (a) and (b)---† 18257
Revised ---† 18268
1910.267a Removed ---- 28878
1910.268 Redesignated as 1910.274; new 1910.268 added---† 13449
1910.269 Redesignated as 1910.275 and revised---† 13449
1910.274 Redesignated from 1910.268 ---† 13449
1910.275 Redesignated from 1910.269 and revised---† 13449
1913 Removed ---† 15877
1915.84 (b)(1) and (2) correctly added ---- 25325
1917.84 (b)(1) and (2) added--- 26024
1925.3 Revised ---† 3593
1926.750 (b)(2) revised---- 24361
1928 Added ---† 18257
1928.21 Added; (a) and (b) redesignated from § 1910.267 (a) and (b)---† 18257
1952.4 Heading revised; text added ---- 29182
1952.10 Added ---- 39036
1952.107 Revised ---† 18428
1952.111 Amended ---- 32905
1952.112 Revised ---- 36479
1952.133 Redesignated as 1952.313 ---- 44752
1952.140—1952.143 (Subpart H) Removed ---† 11351
1952.152 Revised ---† 16843
1952.154 Added ---† 18429
1952.173 (b) revised---† 18427
1952.174 Added ---† 18427
1952.192 Revised ---† 4911
1952.193 (a), (c), (f), (g), and (h) revised---† 3594
1952.204 Added ---† 13212
1952.222 Revised ---- 44201
1952.232 Revised ---† 1513
1952.254 Added ---† 11352
1952.274 Added ---- 44202
1952.304 Added ---† 6335
1952.313 Redesignated from 1952.133; (1) through (5) redesignated (a) through (e); (d) amended---- 44752
1952.314 Added ---- 44203
Text redesignated as (a); (b) added ---- 44752
(c) and (d) added---† 6336
Technical correction---† 12990
1952.340—1952.343 (Subpart BB) Interpretation ---† 8948
1952.350—1952.353 (Subpart CC) Added ---- 39038
1952.353 Added ---- 32905
(b), (c), and (d) revised---† 11873
1953.20—1953.23 (Subpart C) Added ---- 32905
Technical amendment---- 34277
1953.264 Added ---† 8556
1954.3 (d)(1)(iii) added---- 29182
(d)(1)(ii) added---- 39036
1960 Added ---- 36454
1960.2 (k)(1) corrected---- 37486
1960.19 (b) corrected---- 37486
1960.25 (g) corrected---- 37486
1960.33 (c) corrected---- 37486

Chapter XX—Occupational Safety and Health Review Commission

2100 Added ---† 6649
2200.34 Revised ---† 3594
2200.90 Revised ---- 40249
2200.91 (b) revised; (e) added-- 40249
2300 Added ---† 5780
2300.8 (a) (3) and (8), and (b) corrected ---† 14593

Note: Symbol (†) refers to 1975 page numbers

Chapter XXV—Office of Employee Benefits Security, Department of Labor

Page

Chapter established---- 40853
2550 Added ---- 40853
2555 Added ---† 2204

Chapter XXVI—Pension Benefit Guaranty Corporation

Chapter established---- 33358
2601 Added ---† 5507
2602 Added ---- 33358

Title 29—*Proposed Rules:*

4 ---† 16082
5 ---- 24924, 32920
5a ---- 24924, 32920
8 ---- 38387
56 ---- 33650, 38104
57 ---- 33650, 38104
58 ---- 33650, 38104
70 ---† 2705
75 ---- 37650, 40590
90 ---† 11357
91 ---† 11740
92 ---† 11741
94 ---† 10828, 13452
95 ---† 10828, 13452
96 ---† 10828, 13452
98 ---† 10828, 13452
103 ---- 34081, 43410
---† 2591, 3220
201 ---† 11750
202 ---† 11750
203 ---† 11750
204 ---- 41934
205 ---† 11750
206 ---† 11750
402 ---- 41934
403 ---- 41934
408 ---- 41934
Ch. V---- 27592
516 ---- 35382, 36940, 40590
522 ---† 7100
529 ---- 32037
541 ---- 29603, 33377
552 ---- 35382
553 ---- 38663
570 ---- 36592, 36940, 40590
579 ---- 44702
580 ---- 44702
613 ---- 30941
657 ---- 30941, 34688
673 ---- 30941
675 ---- 30941
678 ---- 30941
720 ---- 30941
1208 ---† 2451
1401 ---† 4155
1601 ---† 3220, 3786, 6676
1610 ---† 3011
1903 ---- 26915
1905 ---- 43635
1907 ---- 35381
---† 4439
1908 ---† 2703
1910 ---- 30844, 31644, 31645, 32562, 33009, 33538, 34057, 37773, 40505, 42929, 44456, 44765, 44767, 44769, 44771
---† 797, 2822, 3392, 3787, 4019, 4930, 4932, 5792, 6515, 6986, 7686, 8108, 10693, 11890, 15390, 16217, 16336, 18468, 18564
1928 ---† 15390, 18468
1928 ---- 27708, 27916
1952 ---- 24376, 26915, 39045, 43635
---† 1082, 3606, 4022, 6987, 7686, 8225, 16853
1954 ---- 43635
1955 ---- 39891
2300 ---† 12
2505 ---- 42234
2520 ---- 42234
---† 7464
2521 ---- 42234
---† 7464
2522 ---- 42234
---† 7464
2523 ---- 42234
---† 7464
2552 ---- 44456
2560 ---- 42234
2603 ---† 6989

TITLE 30—MINERAL RESOURCES

Chapter I—Mining Enforcement and Safety Administration, Department of the Interior

11.1 Amended ---- 39039
11.2 Revised ---- 40950
11.2-1 Added ---- 40950
11.3 (jj) added; (c) amended--- 39039
11.4 Amended ---- 39039
11.10 (e) amended---- 39040
11.22 (a) amended---- 39039
11.30 (a), (b), and (c) amended- 39039
11.31 (e) amended---- 39039
11.32 (a) and (c) amended---- 39039
11.33 (a) through (c) and (e) through (g) amended---- 39040
11.34 Amended ---- 39039
11.35 (a) amended---- 39039
11.40 Amended ---- 39039
11.41 (i) amended---- 39039
11.42 Heading revised; (a) through (c) amended---- 39039
11.43 Heading revised; (b) and (c) amended---- 39039
11.60 (a) and (b) amended---- 39039
11.61 (e) amended---- 39040
11.63 (c) amended---- 39039
11.65 Heading revised; (a) through (e) amended---- 39039

Note: Symbol (†) refers to 1975 page numbers

CODE

Title 30, Chapter I—Continued

	Page
11.66 (a) amended	39039
11.79–1 Amended	39039
11.85–3 (c) footnote 1 amended	39039
11.90 (c) amended	39039
11.124–7 Amended	39040
11.150 Note amended	39039
11.200—11.208 (Subpart N) Added	45013
55.5 Amended	24316
Heading revised; text amended	28433
55.6 Amended	24317
55.8 Amended	24317
55.12 Amended	24317
55.15 Amended	24317
55.19 Amended	24317
56.5 Amended	24318
Heading revised; text amended	28433
56.6 Amended	24318
56.8 Amended	24318
56.12 Amended	24318
56.15 Amended	24318
56.19 Amended	24318, 24319
57.2 Amended	24319
57.3 Amended	24319
57.5 Amended	24319, 24320
Heading revised; text amended	28434
57.5–50 (b) corrected	35999
57.6 Amended	24320
57.8 Amended	24320
57.12 Amended	24320
57.15 Amended	24320
57.19 Amended	24320
75.523–1 (a)(1) and (2) amended	27557, 27558
75.523–3 (a)(1) and (2) suspended in part	27558
100 Revised	27559
100.3 Corrected	29354
(c)(2) table corrected	31631
100.8 (a) corrected	31631

Chapter II—Geological Survey, Department of the Interior

250.19 (a) revised	45015

Chapter V—Interim Compliance Panel (Coal Mine Health and Safety)

506 Added	† 7292

Chapter VI—Bureau of Mines, Department of the Interior

601 Table of contents and Appendix revised	† 11721

Title 30—*Proposed Rules:*

	Page
55	37958
56	37958
57	37958
77	38660
211	† 4428, 10481
216	† 4428, 10481
250	† 17758
251	† 17758
601	42918

TITLE 31—MONEY AND FINANCE: TREASURY

1.1—1.6 Revised and designated as Subpart A; Appendices A through M added	† 7440
1.7—1.11 Designated as Subpart B	† 7440
1.7 Revised	† 7440

Chapter I—Monetary Offices, Department of the Treasury

51.20 (e) added	40248
54 Removed	† 16844
90.6 Revised	† 16844
93.1—93.3 Removed	† 16844
93.10 Removed	† 16844
93.41—93.62 Removed	† 16844
100.4 Revised	† 16844
121.25 Removed	† 16844
128.2 Revised	36962
128.3 Redesignated as 128.5; new 128.3 added	36962
128.4 Added	36962
128.5 Redesignated from 128.3	36962
128.10—128.23 (Subpart B) Heading revised	36963
128.11a Added	31527
128.13a Added	31527
128.14a Added	31527
128.17a Added	31527
128.30—128.37 (Subpart C) Added	36963, 37362
129 Added	44120

Chapter II—Fiscal Service, Department of the Treasury

202.4 Corrected	41174
202.6 (c) and (d) revised	30832
203.4 Corrected	41174
215 Added	† 12260
223 Technical correction	† 8335
223.1 Amended	† 6499
Corrected	† 8335
223.2 Amended	† 6499
223.3 (a) designated and amended; (b) added	† 6499
Corrected	† 8335

	Page
223.5 Revised	† 6499
223.11 (b)(2)(iii) amended; (b)(2)(iv) added	† 6499
223.12 (a) (b) and (c) amended	† 6499
223.16 Amended	† 6499
223.22 Introductory text amended; (a) and (c) revised	† 6498
225.8 Amended	32911
235 Revised	† 6785
240 Appendix amended	41175
240.12 (c), (f), and (g) revised	41174
(c) corrected	41709
316.14 Amended	† 754
341.5 Revised	36114
342.2 (c)(1) revised	26248
342.2a Revised	26248
342 Appendix tables revised	26248
346 Added	† 4240

Chapter V—Office of Foreign Assets Control, Department of the Treasury

500.201 (d) revised	† 17262
500.204 (a) introductory text and (1) revised	† 7648
Appendix removed	† 7649
500.322 (a)(5) revised	† 17262
500.410—500.414 Added	† 7649
500.508 Revised	† 7649
500.536 (a) and (b) revised	† 7649
500.538 Revised	† 7649
500.541 Revised	† 7649
500.545 Removed	† 7650
500.549—500.562 Added	† 7650
500.808 Revised	† 7651
515.410 Added	25317
515.411 Added	25317
515.412 Added	25317
515.413 Added	25317
515.414 Added	25317
515.501—515.558 (Subpart E) Heading revised	25317
515.543 Added	25317
515.544 Added	25317
Correctly designated	28434
515.545 Added	25318
(b)(6) corrected	29182
515.546 Added	25318
515.547 Added	25318
515.548 Added	25318
515.549 Added	25318
515.550 Added	25318
515.551 Added	25318
515.552 Added	25319
(a)(2) corrected	29182
515.553 Added	25319
515.554 Added	25319
515.555 Added	25319
515.556 Added	25319
Revised	29183
515.557 Added	25319
515.558 Added	25319

Title 31—*Proposed Rules:*

	Page
1	† 2836
51	34554
	† 5370, 7935
128	27468
129	38772
202	38386, 39044
203	38386, 39044
210	† 16669
215	† 4659
223	† 786, 2694
1999	28997

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

40 Revised	† 16194
155 Revised	28521
166.11 (d) added	32985
174 Revised	31899
286 Revised	† 8191
286.5 Removed	† 4911
286a Removed; provisions incorporated in Part 297	† 7300
287 Revised	† 16203
290 Revised	† 7301
292 Revised	† 7292
295 Revised	† 6336
296 Added	† 4911
297 Added; provisions incorporated from Part 286a	† 7242
298 Added	† 7289
299 Added	† 7300

Chapter V—Department of the Army

518 Revised	† 8335

Chapter VI—Department of the Navy

701 Revised	† 12777
724 Revised	† 4274
737 Added	† 1402
765.1 Removed	† 16314
765.14 Removed	† 16314
765.15 Removed	† 16314

Chapter VII—Department of the Air Force

806 Revised	† 7901
806.26 (b) corrected	† 17841
806.29 Corrected	† 17841
806.33 (a)(3) corrected	† 17841
806.57 (d)(2) corrected	† 17841

CODE

Title 32, Chapter VII—Continued

		Page
807.1	(c) revised	33797
807.3	Added	33798
812.3	(b)(1) revised; (b) (10) and (11) added	† 7407
812.4	Revised	† 7408
835	Removed	32986
851	Revised	† 7908
856	Revised	† 14758
870	Revised	† 3555
872.8	(a) and (b) amended	36010
872.9	(b) revised	36010
872.10	Revised	36010
872.11	(b) revised	36010
872.12	(g) revised	36010
872.14	(c) revised	36010
880.0	(b) and (c) amended	† 6499
880.2	(f), (g), and (k) amended; (i) revised; (m), (n), (o), and (p) added	† 6499
880.4	(b), (c), (e), (f) amended; (d) revised	† 6499
880.6	(c) amended; (d) added	† 6500
880.8	(a) revised; (f) added	† 6500
880.10	Revised	† 6500
880.12	Revised	† 6500
880.14	Revised	† 6500
880.16	(a) amended	† 6500
880.18	(c)(2) amended	† 6500
881.11	(h) revised	† 5362
881.16	Revised	† 5362
881.22	(b) revised	† 5362
881.23	(a) amended	† 5362
881.34	Revised	† 5362
881.53	(c)(1) amended	† 5363
881.61	Removed	† 5363
881.67	(a)(1)(iii) revised	† 5363
881.72	(b) revised	† 5363
888	Heading amended	33523
888.1	(h) revised	33523
888.6	(b)(14) and (15) and Note 4 added; Note 2 revised	33523
888.7	(c) and (d) redesignated as (e) and (f); (b)(4) and (5) and new (f) revised; (d) added	33523
888.12	(b) revised	33523
888.15	(g) revised	33523
888.21	Revised	33523
888.23	(a) and (b)(1) revised	33524
888.50—888.67	(Subpart B) Added	33524
888b	Removed	33526
888c.8	(a) and (b) amended	† 10984
888c.10	(c) (1) and (2) amended	† 10984
888c.12	Introductory text of (a), (a)(3), and (d) amended	† 10984
888c.14	(a) amended	† 10984
888c.20	Amended	† 10984
888c.22	Amended	† 10984
888c.28	Amended	† 10984
888e	Technical correction	† 8556
888e.2	Amended	† 7912
888e.12	Revised	† 7912
888e.14	(b) amended; note revised	† 7913
888e.20	Revised	† 7913
888e.22	Introductory text note, and (a) revised	† 7913
888e.24	(f) amended	† 7913
888e.26	Revised	† 7913
888e.32	Amended	† 7913
888e.34	Amended	† 7913
888e.38	Amended	† 7913
888e.42	Revised	† 7913
888e.44	Amended	† 7914
888e.50	Amended	† 7914
888e.60—888e.72	(Subpart F) Removed	† 7914
889.3a	Added	† 8346
889.6	(d) added	† 8346
889.7	(a)(2)(ii) and (c)(ii) notes added; (b) revised; (d) and (e) added	† 8346
889.8	(b) revised	† 8346
889.9	(g) removed	† 8347
920.21	Correctly designated from § 920.22	24361
920.22	Correctly designated as § 920.21	24361
930	Revised	† 10984
Subchapter O (Parts 950—955)	Established	34410
950—955	Added	34410

Chapter XII—Defense Supply Agency

1285	Revised	† 7282

Chapter XIV—The Renegotiation Board

		Page
1453.3	(d)(3) amended	35165
1459.1	(b)(1) through (7) removed; (b)(8) redesignated as (b)(9); new (b)(1) through (8) added	44450
	(b) corrected	† 1240
1466.1	(c)(1) amended	38376
1466.2	Amended	38376
1470.3	(c)(2) added	44452
1480.2	(a) and (d) revised	† 14311
1480.3	Revised	† 14311
1480.5	(b) added; (d) amended	† 14311
1480.6	Revised	† 14311
1480.7	Revised	† 14312
1480.9	(a) (1) and (7) revised	† 14312
1480.12	Revised	† 14312

Chapter XVI—Selective Service System

1602.1	Revised	44015
1602.4	Removed	44015
1602.6	Removed	44015
1602.10	Revised	44015
1603.3	Revised	44015
1604.25	Revised	44018
1604.26	Revised	44018
1604.31	Revised	44015
1604.55	Revised	44019
1604.56	Revised	44019
1608	Revised	† 7298
1608.6	Removed	44019
1608.12	(d) and (f)(1) revised	44019
1608.13	(b) revised	44019
1608.17	Revised	44019
1613.4	Revised	44019
1622.2	Introductory text revised	44015
1622.11	Revised	44015
1622.14	Revised	44015
1622.15	(a) revised	44015
1622.17	Added	44015
1622.19	Added	44015
1622.26	(a) revised	44015
1622.40	(a) revised	44015
1622.42	Heading, (a) and (c) revised	44016
1622.44	Revised	44016
1622.46	Revised	44016
1622.47	Added	44016
1623.2	Revised	44016
1623.7	Removed	44016
1624.1	(b) revised	44016
1625.14	Revised	44017
1631.6	(b) revised	44017
1632.1	(e) added	44017
1632.12	Revised	44017
1632.15	Removed	44017
1632.20	Removed	44017
1632.21	Removed	44017
1632.30	Removed	44017
1632.31	Removed	44017
1641.1	Revised	44017
1641.6	Revised	44017
1641.7	Removed	44017
1643	Removed	44017
1660.9	(b) through (f) revised	44019
1660.10	Revised	44020
1660.11	Revised	44020
1661.1	(a) and (b)(4) revised	44017
1661.2	Revised	44017
1661.3	Heading revised	44017
1661.4	Heading revised	44017
1661.5	Heading revised	44017
1661.6	(a) revised	44017
1661.9	(i) revised	44017
1661.10	Revised	44018
1680.5	(b) amended: (c) added	44018
1680.9	Revised	44018
1680.11	Revised	44018
1690.2	(b), (c), and (d) removed	43721
1690.4	Revised	43721
1690.5	Removed	43721
1690.6	Removed	43721
1690.7	Removed	43721
1690.8	Revised	43721
1690.12	Revised	43721
1690.13	(b) revised	43721
1690.15	Revised	43721
1690.16	Revised	43721
1690.17	Removed	43721
1690.20	Removed	43721

Chapter XVIII—Defense Civil Preparedness Agency

1803	Revised	† 16314
1805	Removed	41709
1811	Revised	† 3212
1811.2	(a) revised	† 6205
1813	Revised	† 10457

Chapter XIX—Central Intelligence Agency

1900	Revised	† 7294

Chapter XXI—National Security Council

Chapter	added	† 7316
2101	Added	† 7316

Chapter XXII—National Security Agency, Central Security Service

Chapter	added	† 7303
2200	Added	† 7303

Title 32—*Proposed Rules:*

155		† 17995
286		† 2208
641		† 16850
1452		44462
1459		36352
1470		36352
1480		† 7682
1602		38670
1603		38670
1604		38670, 38674
1608		38674
		† 2593
1613		38674

CODE

Title 32—*Proposed Rules*—Continued

Page

1622 ---------- 38670
1623 ---------- 38670
1624 ---------- 38670
1625 ---------- 38670
1631 ---------- 38670
1632 ---------- 38670
1641 ---------- 38670
1643 ---------- 38670
1660 ---------- 38675
1661 ---------- 38670
1680 ---------- 38670

Ch. XIX ---------- † 3010
Ch. XXI ---------- † 3612

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Preparedness, General Services Administration

Chapter heading revised ---------- 34035
DMO I-11 Removed ---------- 34035
DMO III-1 Removed ---------- 34035
DMO III-1, Supp. 1 Removed ---- 34035
GAO I-2 Removed ---------- 34035
OCDM Reg. 1B Removed ---------- 34035
ODM Reg. 2 Removed ---------- 34035
ODM Reg. 3 Removed ---------- 34035

Chapter VI—Domestic and International Business Administration, Department of Commerce

DMS Reg. 1 Amended ---------- 36480
Amended ---------- † 6500
DPS Reg. 1 Amended ---------- 36481, 41529
Amended ---------- † 6501

Chapter X—Office of Oil and Gas, Department of the Interior

Chapter removed ---------- 45268
OI Reg. 1
Sec. 17 (c) revised ---------- 43218
Sec. 22 (g)(2), (3) and (4) revised ---------- 43218
Sec. 29 (e)(2)(iii) revised ---------- 43219
Sec. 32 (d) and (i)(1)(i) revised; (j) added ---------- 43219

Chapter XI—Oil Import Appeals Board

Chapter removed ---------- 45268

Chapter XII—Oil Policy Committee

Chapter removed ---------- 45268

Chapter XIII—Energy Policy Office

Page

Chapter removed ---------- 45268

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

OPR-4 Revised ---------- 24224

Title 32A—*Proposed Rules:*

Ch. VI ---------- 33008
Ch. X ---------- 40514

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

3.05-10 Revised ---------- 32558
3.05-15 Revised ---------- 32558
3.05-20 Revised ---------- 32558
3.05-55 Removed ---------- 32559
3.05-60 Removed ---------- 32559
3.05-70 Removed ---------- 32559
3.40-10 Revised ---------- 32131
3.40-15 Revised ---------- 32131
3.40-20 Revised ---------- 32131
3.40-25 Revised ---------- 32131
3.40-30 Revised ---------- 32132
3.40-35 Revised ---------- 32132
3.40-55 Removed ---------- 32132
3.40-60 Removed ---------- 32132
3.40-65 Removed ---------- 32132
3.40-70 Removed ---------- 32132
3.40-75 Removed ---------- 32132
3.40-80 Removed ---------- 32132
3.40-85 Removed ---------- 32132
3.55-10 Revised ---------- 44979
3.55-15 Revised ---------- 44980
3.55-55 Removed ---------- 44980
3.55-60 Removed ---------- 44980
26.09 Amended ---------- 44980
62.25-55 Revised ---------- 41362
62.25-55(c) Redesignated as 62.25-60 ---------- 41362
62.25-60 Redesignated from 62.25-55(c) ---------- 41362
62.40-5 (a) amended; (b) added ---------- † 6339
Correction ---------- † 6971
74.20 (Subpart 74.20) Revised ---------- 34036
82.120 Revised ---------- † 17023
(b) corrected ---------- † 18429
110.25 (d) and (e) added ---------- † 6339
110.73a Added ---------- † 2689
110.86 Added ---------- 24362
110.129a Added ---------- † 1017
110.229 Added ---------- 41849

Page

110.230 (a)(12) removed; (a)(13) and (14) added ---------- 41849
110.238 (a)(1) and (2), and (b)(1) and (2) revised; (a)(3) removed ---------- † 1017
117.75 (g) heading amended ---- 33798
117.115 (c)(1) revised ---------- 43300
117.130 Heading, (a) and (c)(2) and (4) amended ---------- † 7095
117.131 Heading amended ------ † 7095
117.180 Revised ---------- 39721
(m)(1) corrected ---------- 41362
117.190 (f)(15) removed ------- 28435
117.210 (g) added ---------- 31527
117.225 (f)(6) and (6-a) added ---------- 32987
117.241 Added ---------- 44452
Added ---------- † 4419
117.245 (h)(8) revised ---------- 28434
(i)(20-a) revised ---------- 31528
(g)(14)(ii) removed ---------- 36334
(i)(24) removed ---------- 36334
(j)(21) removed ---------- 36334
(i)(5) added ---------- 39040
(f)(23) revised ---------- 41362
(i) (3-c) added ---------- † 8175
(i) (6-a), (6-b), and (6-c) redesignated as (i) (6-b), (6-c), and (6-d); new (i) (6-a) added ---------- † 17754
117.431b Removed ---------- † 17753
117.440a Added ---------- 36335
117.441 Removed ---------- 26154
117.442 Revised ---------- † 4307
117.442a Added ---------- † 4307
117.443 Revised ---------- † 4307
117.446 (a) and (b) revised; (c) removed ---------- 36335
117.446c (a) through (c) redesignated as (b) through (d); new (c)(3) amended; new (a) added ---------- 39040
117.463 Revised ---------- † 10987
117.536 Added ---------- 40156
117.540 (b)(2) amended ---------- 41849
(b)(2) amended ---------- † 3290, 4307
(a)(3) amended ---------- † 10987
117.550 (b) and (d) revised ---- † 14594
117.553 Added ---------- 27649
117.641 (f)(3) and (4) revised ---- 33671
117.645 Revised ---------- 27901
117.663 (j) added ---------- † 4308
117.700 (k) added ---------- † 4308
117.707 Heading and (a) and (b) revised ---------- 32986
117.707b Added ---------- † 4308
117.709 Added ---------- 28435

Page

117.711 (b)(1) revised ---------- 33671
117.714 Revised ---------- † 14594
117.715 Revised ---------- † 14595
117.716 Revised ---------- † 14595
117.740 Revised ---------- 32986
117.755 (a)(2) amended ---------- 34529
117.759b (f)(4) removed; (f)(10)—(15) added ---------- 32986
(f)(10) revised ---------- † 8175
117.760 Revised ---------- † 5147
117.775 (b)(2) removed ---------- 26154
117.790 (b)(2)(i)(a), (ii), and (iv) amended ---------- 33798
117.795 (b)(1)(i), (ii), (iii), (iv), (v), and (vi) amended ---- 33798
124.14 (b)(1) revised ---------- † 4308
127.314 Added ---------- 36963
127.316 Added ---------- † 5508
Removed ---------- † 8475
127.317 Added ---------- † 5205
127.318 Added ---------- † 7095
Removed ---------- † 10987
127.501 Added ---------- 41850
Added ---------- † 17754
127.504 Removed ---------- † 5147
127.1401 (a)(3), (4), (5), and (6) removed; (b)(1) revised; (b)(4) added ---------- † 1017
127.1701 Added ---------- 29355
128 Authority citation revised ---- 32133
128.05 (c) added ---------- 32133
128.07 Added ---------- 32133
128.501 Added ---------- 32133
128.1401 Authority citation added ---------- 32134
135 Technical correction ---- 43544, 44010
135.25 (b) revised; (c), (e), (f), and (g) amended; (d) added ---- 41363
Corrected ---------- 43057
135.35 Removed ---------- 41363
135.50 (b) removed; (d) and (f) amended ---------- 41363
144 Authority citation revised ---- † 8176
144.01-30 Amended ---------- † 8176
144.10-1—144.10-10 (Subpart 144.10) revised ---------- † 8176
151.50—151.53 Undesignated center heading added ---------- 30125
151.50 Added ---------- 30125
Corrected ---------- 31901
151.53 Added ---------- 30126
159 Added ---------- † 4624
160 Added ---------- † 6654
Subchapter P (Part 161) Established ---------- 25431
161 Added ---------- 25431

CODE

Title 33—Continued

Chapter II—Corps of Engineers, Department of the Army

Page

204.54 (a)(3), (4) and (5) removed; (d)(1) revised ---- † 3993
204.120 (a)(1) revised ---- 44752
204.140 Removed ---- 32029
204.202a (b)(2) and (3) revised ---- 32912
204.203 (c)(9) revised ---- 44661
204.220 Added ---- 44752
(a) amended ---- † 6502
204.230 (a) and (b)(1) revised ---- 27133
204.232 Removed ---- 27133
204.234 Added ---- 27133
207.15e Added ---- † 8949
Correctly designated as 207.175e ---- † 10988
207.175e Correctly designated from 207.15e ---- † 10988
207.440 (v) revised ---- † 8347
209.140 (f) added ---- † 17023
209.145 Added ---- 26636
210.4 Revised ---- † 2582
210.5 Removed ---- † 2585
341 Added ---- 29540
380 Added ---- † 14761

Chapter IV—Saint Lawrence Seaway Development Corporation

401.9 (b)(2) amended ---- † 11721
401.43 Table amended ---- † 11721
401.61 Amended ---- † 11721
401.63 Amended ---- † 11721
401.81 Amended ---- † 11721
401 Schedule I amended ---- † 11722
Schedule II amended ---- † 11722
Schedule III amended ---- 27797
Schedule III amended ---- † 11722

Title 33—*Proposed Rules:*

26 ---- † 13222
66 ---- † 11598
80 ---- 33709, 37204
90 ---- 33709, 37204
95 ---- 33709, 37204
110 ---- 24378, 41855, 43732
---- † 5164
117 ---- 28439, 33710, 33805, 36349, 39046
---- † 3311, 4317, 4318, 5541, 8958, 13518, 14604, 15093, 18793, 18794
127 ---- † 11598
128 ---- † 5165
153 ---- 41989
157 ---- 26752
160 ---- 37778, 40511
175 ---- † 5167, 17762
183 ---- † 10650, 10652
204 ---- 33003, 36347
207 ---- 36348
---- † 3601, 10187
209 ---- 35369
---- † 2816
252 ---- † 5485
263 ---- † 1612
264 ---- 24754
265 ---- † 5484
266 ---- † 14872
273 ---- † 5489
380 ---- † 1619
384 ---- † 1620
401 ---- † 4158

TITLE 34—GOVERNMENT MANAGEMENT

Chapter II—Office of Federal Management Policy, General Services Administration

212 Added ---- 26641
212.4 (c)(5)(ii) corrected ---- 27322
(c)(4) and (5) revised ---- 32559
213 Added ---- 32134
232 Appendix A revised ---- 41250
Appendix B revised ---- 41251
Appendix C revised ---- 41251
232.4 Revised ---- † 3290
232.5 Revised ---- † 3290
232.8–1 Added ---- † 3290
233 Added ---- 37367
234 Added ---- † 6780
253.6 Revised ---- 24632
255 Added ---- 27133
256 Added ---- 35787
257 Added ---- 42356
282 Added ---- 29355

Title 34—*Proposed Rules:*

235 ---- † 16855
258 ---- † 6304

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

5.24 Amended ---- 31631
5.26 Amended ---- 31632
5.48 Amended ---- 31632
5.61 Amended ---- 31632
5.62 (a) amended ---- 31632
9 Authority citation and note revised ---- † 12071
9.3 Revised ---- † 12071
9.4 Revised ---- † 12071
9.5–9.8 Added ---- † 12072
67.46 Revised ---- † 3595
67.471 (b) revised ---- † 2204
67.472 (c) revised ---- † 2204
103.10 Revised ---- † 8348

Page

109.7 (a)(1) revised ---- † 8348
115.2 (a) and (b) amended ---- 31529
119.141 (a)(1) amended ---- 37636
123.4 (a) amended ---- † 8348
133.1 Revised ---- 26024
253.4 Revised ---- † 3213

Title 35—*Proposed Rules:*

9 ---- † 3316

TITLE 36—PARKS, FORESTS, AND PUBLIC PROPERTY

Chapter I—National Park Service, Department of the Interior

7.7 Revised ---- † 14912
7.13 (e)(3)(ix) removed; (e)(9)(i) added ---- 25652
(g)(3) revised ---- 25653
(l)(1)(iv) and (3) added ---- 33313
7.14 (a) revised ---- † 16315
7.43 (c)(1) and (4) revised; (c)(5), (6), and (7) and (d) added ---- 30833
7.57 Heading revised; (a) added ---- † 762
7.58 (c)(6) added ---- † 4135
added ---- † 4135
7.65 (b) added ---- 31633
7.67 (a), (c)(1) and (f) revised ---- † 12789
7.71 (b) added ---- † 14313
7.75 (a), (b), and (e) revised ---- 40156
7.94 Added ---- 24230

Chapter II—Forest Service, Department of Agriculture

200.5 Revised ---- † 12790
200.6 Revised ---- † 12790
200.7 Revised ---- † 12790
200.10 Revised and redesignated as 200.11; new 200.10 added ---- † 12790
200.11 Added; revised and redesignated from 200.10 ---- † 12790
211.2 Added ---- 30916
211.23 (a) amended ---- 30917
211.37 Revised ---- 30917
212.7 Revised ---- 27649
212.9 (c) revised ---- 27650
212.10 (b) removed ---- 27650
212.11 (d) and (f) revised ---- 27650
214 Revised ---- † 16316
231.5 (a)(4) revised ---- † 3290
231.6 (c) added ---- 25653
251.12 Removed ---- 31317
252 Added ---- 31317
252.13 (c) corrected ---- 32029
270 Added ---- † 17556
272.1 (a) revised ---- † 12641
272.2 Revised ---- † 12641
272.3 Revised ---- † 12641
272.4 (a)(1) and (2) revised ---- † 12641
272.6 Revised ---- † 12641
291.9 Revised ---- 30037
293.13 Revised ---- 31321
293.14 Revised ---- 31321
293.15 Revised ---- 31321

Chapter III—Corps of Engineers, Department of the Army

313.21 Added ---- † 4313
313.22 Added ---- † 4314
327.25 Revised ---- 32111A
327.30 Added ---- 43401

Chapter IV—American Battle Monuments Commission

404 Added ---- † 7303
405 Added ---- † 7304

Chapter VI—American Revolution Bicentennial Administration

Chapter established ---- 28279, 35573
601 Added ---- 28279
602 Added ---- † 6205
603 Added ---- † 8348
603.105 Added ---- † 15877
604 Added ---- † 15878

Title 36—*Proposed Rules:*

7 ---- 33375, 35670, 41260, 43728, 43090
---- † 10996, 11876, 12806
231 ---- † 16335
251 ---- 26038, 27331
252 ---- 26038, 27331
293 ---- 26038, 27331
327 ---- 37198
404 ---- † 2447
405 ---- † 2447
603 ---- † 4938

TITLE 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent and Trademark Office, Department of Commerce

Chapter heading revised ---- † 5158
Chapter text: nomenclature changes ---- † 5158
1.65 (a) revised ---- † 6339
1.67 (a) revised ---- † 6339
1.225 Revised ---- † 11873
1.231 (c) revised ---- † 11873
1.247 (c) revised ---- † 11873
1.251 (a), (b), and (c) revised ---- † 11873
1.253 Revised ---- † 11873
1.277 (b) revised ---- † 11874

CODE

Title 37—Continued

Chapter II—Copyright Office, Library of Congress

Page

202.15 (e) added ..... † 12501
202.15a (c) revised ..... † 12501

Title 37—*Proposed Rules:*

1 ..... 24375, 28439, 30358
..... † 6361, 13221
2 ..... † 6361
4 ..... † 6361
202 ..... 32631, 40515

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

0.735–73 (e) revised ..... † 14068
0.735–75 Introductory text revised ..... † 14069
1.550—1.559 Note revised ..... † 12656
1.550 Revised ..... † 12656
1.551 (a) and (b) introductory text revised ..... † 12656
1.552 (a) and (b) revised ..... † 12657
1.553 Revised ..... † 12657
1.553a Added ..... † 12657
1.554 (a) (1) and (7) revised ..... † 12657
1.555 (a) and (b) revised; (g) and (h) added ..... † 12658
1.556—1.558 Revised ..... † 12658
1.559 Added ..... † 12658
1.774 (l) revised 29175
1.955—1.970 Undesignated center heading added 26399
1.955—1.970 Added 26399
2.6 (a) (9) added ..... † 8819
2.70 Revised 32987
2.85 Revised ..... † 4135
2.88 Removed 26403
2.89 Removed 26403
3.1 (d), (m) (1), and (q) revised ..... † 16064
3.3 (d) (3) revised 34529
(a) and (d) (3) revised ..... † 16064
3.4 (a), (b) (2) and (c) revised; (d) removed 34529
3.5 (a), (b) introductory text, (d) and (e) revised 34529
3.7 (t) and cross reference revised 41252
3.13 (b) revised ..... † 16064
3.15 Revised ..... † 16064
3.20 Revised ..... † 16064
3.54 (b), (c) introductory text, (d), and (e) revised ..... † 16064

Page

3.55 Revised ..... † 16065
3.250 (a) (2) and (c) revised ..... † 16065
3.251 (a) (1) revised ..... † 16065
3.252 (a), (b), (d), and (e) revised ..... † 16065
3.257 Revised ..... † 16066
3.260 (e) revised ..... † 16066
3.261 (a) (33) revised 28527
(a) (20) revised ..... † 13305
3.262 (o), (p), and (q) revised 28527
3.263 (a) revised 28527
3.304 (a) and (b) (3) revised 34530
3.305 Heading and (a) revised 34530
3.307 Heading and (a) (1) and (2) revised 34530
3.308 Revised 34530
3.309 (a) and (c) revised 34530
3.311 Removed 34531
3.321 (b) (2) and (3) revised 32988
3.350 Introductory text, (d), (h), and (i) revised; (a), (b), (c), (e) and (f) amended 34531
3.351 (a), (c) introductory text, (d) introductory text and (2), and (e) revised ..... † 14313
3.352 Revised ..... † 1241
3.353 (a), (b) and (d) revised ..... † 1241
3.358 (c) (5) and (6) revised 34531
3.371 Heading revised 34532
3.400 Introductory text and (b) (1) revised; (b) (2) (iii) and (c) (3) (iv) removed 32988
(u) revised ..... † 16066
3.500 (r) revised 34533
3.551 (a), (b), (c), (d), (e) (2) and (f) revised 32988
3.552 (g) and (h) revised 34532
3.556 (a) (1) revised 34532
3.656 (c) revised ..... † 14313
3.660 (a) (1) and (c) revised ..... † 6971
3.662 Revised ..... † 6971
3.666 Introductory text and (a) introductory text revised ..... † 6971
3.669 (a) and (c) revised 28630
3.670 Removed 28630
3.800 (a) introductory text and (b) revised 34532
3.801 (c) (2) revised 34532
3.850 (a) and (b) revised 34532
3.851 revised 34532
3.854 revised 34533
3.856 Revised 34533
3.1007 Revised 30349
3.1009 Introductory text and (a) (1), (2), and (3) revised 30349
9 Revised ..... † 4135
13.200–13.217 Removed 26403
14.610 Revised 35656

Note: Symbol (†) refers to 1975 page numbers

Page

14.615 (b) revised 35657
17.45 (d) (3) revised 32606
17.46 (b) (1) and (2) revised 32606
17.48 (d) revised 32606
17.49 (a) (2) revised 32606
17.51a Revised 32606
17.64 Revised 26403
17.65 (a) revised 26403
17.65a Revised 26403
17.96a Removed 26403
17.119 Added ..... † 8819
17.170—17.176 Appendix A revised 35796
Appendix B amended 35357
17.173 (a) (4) and (c) (2) revised; (b) (7) and (c) (7) added 35356
17.300—17.306 Removed 26403
17.404 (d) revised 31901
17.405 (a) (2), (b) (1), and (c) (1) amended 31901
17.408 (a) revised 31901
21.201 (i) (1) through (4) correctly added 39040
(i) (4) (ii) and (j) revised; (k) added 45236
21.202 (b) (1), (2), and (3) (i) and (ii) revised 45236
21.268 Introductory text and (b) revised 28630
21.274 (a) revised 28630
21.278 Revised 28630
21.279 (a), (b) (3) and introductory text of (c) revised 28630
21.715 (c) revised 43219
21.716 Revised 43219
21.720 Revised 43219
21.735 (a) revised 43219
21.1030 Revised 43220
21.1032 (a) and (b) revised 43220
21.1041 (a) (3) and (4) revised; (d) introductory text revised 38227
21.1042 Revised 38227
21.1045 (a) (5) and (b) (2) revised; (f) and (g) added 31902
21.3030 Revised 43220
21.3031 (a) revised 43220
21.3032 (a) revised 43220
Cross reference revised 43220
21.3040 (c) and (d) revised 38227
21.3041 (d) introductory text, (1), (3), and (8) revised 38228
21.3045 Revised 31902
21.3046 Heading and introductory text, (a) heading and (2), (b) heading, and (c) revised 31902
Revised 38228

Page

21.4102 Revised 37986
21.4106 Revised 37986
21.4131 (a), (c), (d), and (e) (1) (i) revised 43220
21.4132 Revised 43220
21.4135 (h) revised 31902
(c) (2) and (d) heading amended 43220
21.4136 (f), (g) (2), (h) and (j) (1), (2) and (3) revised 43220
21.4137 (g) (2) and (3) revised 31902
21.4200 (b) (1) revised 43221
21.4202 (b) (1) and (5) revised 43221
21.4203 (b) introductory text and (b) (1) and (f) revised 31903
(a), (b) (1), and (d) introductory text revised 43221
21.4204 (a) and (e) revised 31903
21.4205 (a) introductory text revised 31903
(c) (2) (iii) revised 43221
(a) introductory text and (2) and (3) revised 41707
21.4230 (e) revised 45236
21.4232 (a) revised 45237
21.4233 (a), (b) introductory text, and (c) (1) revised; (e) added 45237
21.4234 (d) and (e) (3) revised 34036
(a) introductory text and (b) revised 45237
21.4235 (a) (1) and (3), (e), and (f) revised 34037
21.4237 Heading and (d) revised; (a) amended; (e), (f) and (g) added 34037
(a) introductory text and (2) and (3) revised 41707
21.4270 (c) and (d) amended; footnote 7 added 45237
21.4271 (c) revised 45237
21.4279 (a) (2) revised 45237
21.4280 Revised 45237
36.4202 (a), (l), (m), (o), and (s) revised ..... † 13212
36.4203 (a) revised ..... † 13213
36.4204 (a) and (c) revised; (b) (5) and (6) added ..... † 13213
36.4206 (b) and (c) revised ..... † 13213
36.4207 (a) revised ..... † 13213
36.4209 (g) added ..... † 13214
36.4212 (a) (2) and (3) revised 26155, 30037
(a) introduction and (a) (2) and (3) revised ..... † 4143, 12076
36.4215 (a) revised ..... † 13214
36.4216 (a), (c), (e), and (g) revised ..... † 13214

Note: Symbol (†) refers to 1975 page numbers

CODE

(CHANGES JULY 1, 1974 THROUGH APRIL 30, 1975)

Title 38, Chapter I—Continued

Page

36.4221 (c) revised † 13214
36.4231 (a) revised † 1514
Heading revised; (c) added † 13215
36.4232 (a)(5) and (6) removed; (d) added † 1514
(d) introductory text revised † 13215
36.4251—36.4254 Undesignated center heading revised † 13215
36.4251 (b) and (c) revised † 13215
36.4252 (b) and (c) revised † 13215
36.4253 (e) and (f) revised † 13215
36.4254 (a) introductory text revised † 13215
36.4255 Added † 13215
36.4311 (a) revised 26155, 30038, 41707
(a) revised † 4143, 12076
36.4501 (n) revised † 4143
36.4502 Revised † 4143
36.4503 (a) revised 26155, 30038, 41707
(a) revised † 4143, 12076

Title 38—*Proposed Rules:*

1 24380, 33376
† 3829, 14783
3 25241, 28537, 36610, 40176 43558
† 4455, 5638, 12294, 16092
14 28651
21 25358, 26174, 30058, 32157, 38112, 39058
36 33809

TITLE 39—POSTAL SERVICE

Chapter I—United States Postal Service

Page

Chapter table of contents amended 33213
13.1 Amended 27457
13.2 Amended 27457
13.3 Amended 27457
21.1 (a) (1), (2), and (4) (i), and (d) amended; (b) revised 27457
21.2 (b)(2), (d)(4), (e)(1), (4), and (5) amended; (d)(5) revised 27457
21.3 (a)(3) revised; (a)(5) amended 27457
(b)(5)(iii)(b) revised; (b)(6) amended 27458
22.1 Revised 27458
22.2 (a) and (b) revised 27458
22.3 Revised 27458
(f)(2)(i)(d) corrected 30349
22.5 (d)(1) revised 27462
23.3 (b) (1) and (d) amended; (b)(2) revised 27462
24.1 (a) (1) and (5)(ii), (b)(1), (c), and (f)(1) amended; (f)(5) added 27462
24.3 (d) added 27462
25.1 Revised 27462
25.2 Amended 27462
25.3 Amended 27462
31.2 (a)(1) and (9) and (c)(1) amended; (b)(1) revised 27462
31.3 (b)(1) and (2) revised 27462
(f)(1) revised 27463
31.4 Revised 27463
31.7 (b) revised 27465
32.1 (a)(1) amended; (c)(7) added 27465
32.4 (c) revised 27465
32.5 (a) revised 27465
41.5 (a) and (b) amended 27466
42.6 (a)(1) amended 27466
42.7 (a)(3) amended 27466
43.5 (a)(2) and (b)(1)(iii) amended; (b)(1)(iv) revised 27466
46.3 Amended 27466
46.5 Amended 27466
46.6 (a)(1)(iii) and (2) and (b) amended 27466
51.1 (d) added 27466
52.1 (a) revised 27466
52.2 (a), (d), and (e) amended; (b) revised 27466
(g) amended; (h) added 27467
52.3 (c) amended 27467
52.4 Amended 27467
52.3 Amended 27467
53.4 Amended 27467
54.3 (c) amended 27467
61.3 (c) and (d) amended 27467
61.4 (a) amended 27467
61.5 (a) revised; (b) removed; (c)—(f) redesignated as (b)—(h) 27467
Redesignated (c), (e), (f) and (h) amended 27467
71.3 Amended 27467
71.4 Amended 27467
72.2 (a) amended; (b)(3) revised 27467
73.2 Amended 27467
111.3 Table added 31634
Amended 37487, 41530, 43629
Amended † 4420, 6207, 8820
111.5 (b)(3) and (4) revised † 6206
125.6 (f)(2)(iv) amended 27651
126.2 Revised 27651
131.2 (c)(3)(ii) (a) and (b) amended 27652
143.3 Amended 27652

(CHANGES JULY 1, 1974 THROUGH APRIL 30, 1975)

Page

152 Removed 33210
154.6 (a) and (b) revised 27652
159.2 (g)(1) amended 27652
163.1 (g) and (h) added 27652
163.3 Revised 27653
163.4 Revised 27653
164.6 Revised 27654
164.7 Revised 27655
164.8 Revised 27654
164.9 Heading revised; (a), (b) and (c) redesignated as (b), (c) and (d); new (a) added 27654
221.5 Removed † 11722
221.5—221.7 Redesignated from §§ 221.6 through 221.8 † 11722
221.5 (d) amended † 11722
221.6—221.8 Redesignated as §§ 221.5 through 221.7 † 11722
221.9 Removed † 11722
222.5 (c) added † 13498
224.1 (a) amended † 11722
(c)(3) revised; (c)(4) removed; (c)(5) redesignated as (c)(4) and amended, (c)(6) redesignated as (c)(5) † 11722
224.3 (a), (b) introductory text, and (b)(1) amended † 11722
(b)(2) and (3) redesignated as (b)(3) and (4) and amended; new (b)(2) added † 11722
224.4 (c)(2) amended † 11723
224.5—224.8 Redesignated as §§ 224.6 through 224.9 † 11723
224.5 Added † 11723
224.6—224.9 Redesignated from §§ 224.5 through 224.8 † 11723
224.9 Removed † 11723
224.10 Amended † 11723
232.2 (a)(12) amended; (a)(13) redesignated as (a)(15); new (a)(13) and (14) added 30116
233.2 Redesignated as 233.3; new 233.2 added † 11579
233.3 Redesignated from 233.2 † 11579
243.2 (h) added 38376
(i) added † 8820
257.4 (f) added 39017
257.8 Added 39017
(f)(6) corrected 41363
258.1 (b), (c), and (d) redesignated as (c), (d), and (e); new (c) and (e) amended; new (b) added 39019
258.3 (a)(1) through (4) redesignated as (a)(3) through (6); new (a) (1) and (2)) added; (b) amended 39019
261 Removed; recodified with Part 262 as Part 265 † 7331
262 Removed: recodified with Part 261 as Part 265 † 7331
262.7 (d)(2)(v) added; (e)(2) revised 39019
265 Added: recodified from Parts 261, 262 † 7331
273 Removed 39019
Subchapter E (Parts 310—320) Added 33210
281.1 Amended † 2179
281.2 Amended † 2179
310 Added 33211
310.1 (a)(7)(vii) corrected 36114
320 Added 33212
320.3 (b) corrected 34533
601.103 (n), (o), and (p) revised; (q) added 26403
601.105 Amended 32912, 35575
Amended † 4654, 14069
959 Added 33213

Chapter III—Postal Rate Commission

3001.42 (b)(12)(i) and (c) revised; (b)(12)(vii) added † 6972
3002.2 (e) revised 24230

Title 39—*Proposed Rules:*

111 28995
† 15909, 16686, 28995
124 24244, 32036
146 35387
262 † 3220
3001 † 2451

TITLE 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

2 Revised † 10461
6 Revised † 16815
12 Added 32989
15 Heading and text revised † 17124
15.4 (c)(2) amended † 18437
15.5 (a)(4) corrected † 18430
15.20 (a) (2) and (4), and (c) corrected † 18430
21 Added 20692
35.882 Added 40855
35.910 (d) added † 5363
35.910-3 (d) revised † 8349

CODE

(CHANGES JULY 1, 1974 THROUGH APRIL 30, 1975)

Title 40, Chapter I—Continued

	Page
35.910–5 Added	† 5363
Revised	† 8349
35.912 Revised	35334
35.913 Added	35334
35.940–1 (q) added	35334
50.1 (f) and (g) revised	† 7043
50.8 Introductory text revised	† 7043
50.9 Revised	† 7043
50 Appendix C heading revised; Appendix D heading revised and text amended	† 7043
51.11 (g) added	34535
51.14 (e)(1) table amended	† 7043
51.15 (d) added	34535
51.17 (a)(1) table amended	† 7043
51.17a Added	† 7044
51.32 (f) revised	34535
52.01 (d) revised; (f) added	42514
52.02 (d) revised	33512
52.16 Amended	37987
52.20 Introductory text amended	34535
52.21 Text designated (a); (b) through (f) added	42514
(c)(2)(i) corrected	† 2802
52.22 (b) revised	25297
(b)(16) added	45015
52.23 Revised	33512
52.26 Added	34535
52.50 (c)(2) amended	28528
(c)(2) amended	† 18733
52.55 Added	35335
Revised	† 10988
52.57 Added	28528
52.59 Added	† 18733
52.73 Added	34535
52.74 (c) added	34535
52.86 Suspended	† 2586
52.95 Added	† 18734
52.129 (c)(7) and (d)(10) added	28285
52.134 (b) table amended	43277
(c) table amended	† 3994
52.137 (a), (c), (d), (e), (g), and (h) revised	32112
52.138 (a) and (c) revised	32112
52.139 Suspended	† 2586
52.140 (e) added	32113
52.178—52.179 Added	34536
52.220 (c)(8) added	† 14070
52.233 (g)(7) added	28285
52.240 (e) added	36964
(e) table corrected	43281
(f)(1) added	† 4268
(f)(1) table amended; (f)(2) added	† 14070
52.251 (g) corrected	38645
(j) and (l) amended	38645
Suspended	† 2586
52.255 (e)(2) and (3) amended	41253
52.256 (g) time correctly extended	† 1127, 11874
52.269 Redesignated from 52.240 (38 FR 16564)	† 3767
52.320 (c) revised	37194
52.327 Removed	37195
52.336 (e)(2) and (3) amended	41253
52.337 (g) time correctly extended	† 1127, 11874
52.375 Correctly designated as 52.381	29177
52.376—52.377 Added	34536
52.381 Correctly designated from 52.375	29177
52.476 (f) removed	† 16846
52.486 Removed	† 16846
52.487 (e)(2) and (3) amended	41253
52.488 (g) time correctly extended	† 1127, 11874
52.493 Suspended	† 2586
52.520 (c) amended	† 11723
52.524 (c) table amended	† 11723, 11724
52.525—52.526 Added	34536
52.570 (c)(4) added	† 13499, 18431 18734
52.576 Added	† 3413
(a) table amended	† 18431
52.577—52.579 Added	34536
52.580 Added	† 18734
52.582 Added	† 13499
52.590 (b) and (c) revised	29359
52.624—52.625 Added	34536
52.631 Added	† 18734
52.670 (d) added	41253
(c)(2) amended	† 4421
(c)(2) revised	† 10465
(c)(3) added	† 18734
52.674 (a) revised	41253
52.677 (b) and (c) tables amended	† 10465
52.679 Removed	† 4421
52.682 Added	† 18734
52.720 (c)(3) and (d) added	28155
52.726 Removed	28155
52.730 (c) and (d) added	28155
52.770 (d) added	28158
52.774 Added	34536
52.775 (b) added	34536
52.778 (c) and (d) added	28158
52.787 (h)(2) and (3) amended	41253
52.820 (c) revised	† 15879
(c)(2) amended	† 18734
52.823 Removed	26423
Removed	† 15879
52.824 (a) removed	26423
52.825 (c) added	30835
(c) table amended	† 4271, 4272, 12509
(a) removed	† 15879
52.826 Removed	† 15879
52.832 Added	† 18734
52.870 (d) revised	† 15880
52.876 (c) added	25320
(c)(1) amended	39436, 41177, 41180, 43278, 43279
(c)(2) added	39436
(c)(1) table amended	† 4269
52.920 (c)(2) amended	† 14071
52.925 (a) added	34536
52.927 (c) added	† 3418
(c) table amended	† 14071
52.928 Removed	29359
52.930 Added	29359
52.982 Added	34536
Added	† 18734
52.983 Added	34536
52.1020 (c) revised	33799
(c)(3) added	† 18734
52.1028 Added	† 18734
52.1070 (c) revised	† 5523
52.1074 (c) added	34536
52.1080 (f) removed	† 16846
52.1085 Removed	† 16846
52.1086 (e) (2) and (3) amended	41253
52.1087 (g) time correctly extended	† 1127, 11874
52.1101 (e) (2) and (3) amended	41253
52.1102 (g) time correctly extended	† 1127, 11874
52.1103 Suspended	† 2586
52.1111 Suspended	† 2586
52.1112 Removed	† 5523
52.1113 Added	34536
52.1133 Added	34536
52.1135 (d) suspended indefinitely	† 2586
52.1147 (a) (2) and (3) revised	41253
(b) time correctly extended	† 1127, 11874
52.1156 Added	34536
52.1170 (d) added	28158
(d)(2) added	32607
52.1175 (d) and (e) added	28158
(e) amended	32607
52.1177 Table corrected	30352
52.1270 (c)(2) amended	30127
(c)(2) amended	† 3431
(c)(2) revised	† 18734
52.1274 Added	30127
(a) table amended	† 3431
52.1275 (b) added	34536
52.1277 Added	34536
52.1279 Added	† 18735
52.1327 Removed	26423
52.1335 Added	30835
(a) table amended	† 3567, 4270, 16845
(b) table amended	† 3567
52.1378—52.1379 Added	34536
52.1425 Added	40951
52.1470 (c) revised	† 5511, 13306
52.1473 (c) added	34537
52.1474 Added	34537
52.1475 Revised	† 5511
52.1478 (b)(7) added	28285
(c) and (d) removed	† 13307
52.1479 (b) revised	† 5523
52.1480 Amended	† 5517
52.1481 Revised	† 5517
52.1482 (b) table amended; (c) table revised	† 3995
52.1526 Added	34537
52.1574—52.1575 Added	34537
52.1586 Removed	40287
52.1587 (e) revised	† 2802
52.1588 Suspended	† 2586
52.1596 Removed	40287
52.1597 (a), (b), and (c) (1) and (3) revised	40287
52.1598 (e) (2) and (3) amended	41253
52.1599 (g) time correctly extended	† 1127, 11874
52.1620 (c)(5) added	† 10466
52.1623 Added	34537
52.1624 (c) (1) and (2) corrected	† 10993
52.1626 (a) revised; (d) removed	† 10466
(e) added	† 10993
52.1632 Added	34537
52.1670 (c)(5) added	30038
(c)(3) revised	33314
52.1675 (a), (b), and (c) removed; (e) added	30038
52.1677 (b) amended	33314
(b) and (d) amended	41254
52.1685—52.1686 Added	34537
52.1770 Amended	28880
(c) amended	† 3441, 14074, 18735
52.1774 (a) table amended	† 3441, 14075, 14082
(a) amended	† 14074
52.1775 Removed	28880
52.1777 Added	† 18735
52.1825—52.1826 Added	34537
52.1920 (c)(2) amended	† 18735
52.1926 Added	34537
52.1927 Added	† 18735

Note: Symbol (†) refers to 1975 page numbers

(CHANGES JULY 1, 1974 THROUGH APRIL 30, 1975)

(CHANGES JULY 1, 1974 THROUGH APRIL 30, 1975)

Note: Symbol (†) refers to 1975 page numbers

CODE

(CHANGES JULY 1, 1974 THROUGH APRIL 30, 1975)

Title 40, Chapter I—Continued

	Page
52.1970 (c) revised	† 18735
52.1983—52.1984 Added	34537
52.1986 Added	† 18735
52.2020 (c) revised	† 14596
52.2024—52.2025 Added	34537
52.2036 (a) table amended	30350, 36482, 41364
52.2040 Suspended	† 2586
52.2042 (e) (2) and (3) amended	41253
52.2048 Interpretation	† 3995
52.2050 Interpretation	† 3995
52.2051 Interpretation	† 3996
52.2070 (c) revised	† 18735
52.2077—52.2079 Correctly designated as 52.2078—52.2080	29177, 37637
52.2077—52.2080 Correctly designated from 52.2077—	
52.2079	29177, 37637
52.2082 Added	† 18735
52.2120 (c)(4) amended	32330
(c)(4) revised	† 18736
52.2123 (b) amended	† 3569
52.2129 Added	† 18736
52.2220 Amended	26892
(d) revised	24504
(c)(4) amended	28529
(c)(4) amended	†3445, 3570
52.2223 (a)(1), (2)(vii), (3)(v), and (4) amended; (a)(8) added	28529
(c)(1) table amended	† 3445
(e) added	† 3445
(e)(1) table amended	† 3570
52.2231 Added	28529
Corrected	31903
52.2270 (c)(2) amended	† 18736
52.2274 Added	34537
52.2287 (c) (1), (2) and (3) effective dates suspended	† 18437
52.2288 (h) and (i) time correctly extended	† 1127, 10466, 11874
52.2289 (g) time correctly extended	† 1127, 10466, 11874
52.2292 (a)(3) added	27798
52.2300 Added	34537
52.2302 Added	† 18736
52.2322 (f) added	32114
52.2330 (c) (1) and (4) revised	32114
52.2331 Revised	32116
52.2379 Added	† 18736
52.2420 (c) revised	40018, 41254
52.2423 (a) revised	41254
52.2424 (b) added	34537
52.2430 (c) added	34537
52.2435 (d) removed	† 16846
52.2437 Removed	† 16846
52.2438 (e) (2) and (3) amended	41253
52.2439 (g) time correctly extended	† 1127, 11874
52.2443 Suspended	† 2586
52.2470 (c) (1) revised	40857
(c) revised	† 18736
52.2486 Revised	40857
52.2496 Added	† 18736
52.2520 (c) revised	31322
52.2524 (c) added	32560
(c) table amended	† 3569
52.2570 (d) added	28159
(d)(2) added	32608
52.2578 (d) and (e) added	28159
(d) and (e) amended	32608
52.2627 Added	24504
52.2628 Table amended	24505
52.2674 Added	† 18737
52.2720 (c) added	30834
(c) revised	† 18551, 18737
52.2724 Added	30834
(a) amended	† 18551
52.2725—52.2726 Added	34537
52.2728 Added	† 18737
52.2778 Added	† 18738
52.2826 Added	† 18738
52 Appendix A added	25300
Appendices D and E added	† 5517
53 Added	† 7049
53.4 Footnote 1 corrected	† 18168
53.14 (d) corrected	† 18168
53.20 (c) and table B–1 corrected	† 18168
53.22 Table B–2 and (f) corrected	† 18168
53.23 (a), (b), (c), (d), and (e) corrected	† 18168, 18169
53.30 (c) corrected	† 18169
53.31 (b) corrected	† 18169
53.32 Table C–1 corrected	† 18169
55 Added	† 18440
60 Appendix A amended	39874
60.4 Amended	37987
Revised	† 18169
60.11 (b) revised; (e) added	39873
60.41 (c) added	† 2803
60.44 (a)(3) and (b) revised	† 2803
60.62 (a) (2) revised	39874
61.04 Amended	37987
Revised	† 18170
76 Removed	† 13216
80 Appendices A and B added	24891
Appendix A corrected	25653
Appendix B corrected	25653, 26287
Appendix C added	43285

Note: Symbol (†) refers to 1975 page numbers

(CHANGES JULY 1, 1974 THROUGH APRIL 30, 1975)

	Page
80.2 (n) added	42360
(j), (l), (n) revised; (o) added	43283
80.3 Revised	24891
80.4 Revised	35653, 43283
80.21 Revised	42360, 43283
80.22 (a) revised	42360
Heading, (a), (b), and (d) through (f) revised; (c)(3) revised and redesignated (c)(4); new (c)(3) and (i) added	43283
80.23 (a)(1) and (2) and (b)(2) revised; (c) redesignated as (e) and revised; new (c) and (d) added	42360
(a)(1) and (2), (b)(1), and (c) through (e) revised; (b)(2) amended	43284
80.24 (b)(1) revised	34538
85.002 (a) (31) and (32) added	37301
85.003 Amended	37301
85.075–2 (a) revised	† 5524
85.075–5 (a) amended	† 5524
85.075–28 (a) revised	† 5524
85.075–30 (a)(3) added; (b)(2) revised	† 5524
85.075–35 (a)(4)(v) revised	† 5524
85.076–5 (f) revised	25321
85.076–7 (a) and (b) revised	25321
85.076–9 Revised	25321
85.076–11 Revised	25321
85.076–12 Revised	25322
85.077–4 (b) revised	37301
85.077–5 (b) (5) and (6) revised	37302
85.077–6 (b) revised	37302
85.077–7 (a) revised	37302
85.077–10 (a) revised	37302
85.077–30 (a) (1), (3), (4), and (5) and (b)(1) (i), (ii), and (iv) revised	37302
(a) (3), (4), (5), and (6) correctly designated; (a)(3) correctly reinstated	† 5524
85.077–35 (a)(4) (iv) and (vi) revised	37303
85.077–38 (a) (3) and (4) revised	37303
(a) (3), (4), and (5) correctly designated; (a)(3) correctly reinstated	† 5525
85.102 (a) (24) and (25) revised	37303
85.103 Amended	37303
85.175–2 (a) revised	† 5524
85.175–28 (a) revised	† 5524
85.175–30 (a)(3) added; (b)(2) revised	† 5524
85.175–35 (a)(4)(v) revised	† 5524
85.177–4 (b) revised	37303
85.177–5 (b) (5) and (6) revised	37303
85.177–6 (b) revised	37303
85.177–7 (a) revised	37303
85.177–30 (a) (1), (3), (4), and (5) and (b)(1) (i), (ii), and (iv) revised	37303
(a) (3), (4), (5), and (6) correctly designated; (a)(3) correctly reinstated	† 5525
85.177–35 (a)(4) (iv) and (vi) revised	37304
85.177–38 (a) (3) and (4) revised	37304
85.202 (a) (29 and (30) added	37304
85.203 Amended	37304
85.275–5 (a) amended	† 5524
85.276–5 (f) revised	25322
85.276–7 (a) and (b) revised	25322
85.276–9 Revised	25322
85.276–11 Revised	25323
85.276–12 Revised	25323
85.277–4 (b) revised	37304
85.277–5 (b) (5) and (6) revised	37304
85.277–6 (b) revised	37304
85.277–7 (a) revised	37304
85.277–10 (a) revised	37305
85.277–30 (a) (1), (3), (4), and (5); (b)(1) (i), (ii), and (iv) revised	37305
85.277–35 (a)(4) (iv) and (vi) revised	37305
85.277–38 (a) (3) and (4) revised	37305
(a) (3), (4) and (b) numbered correctly designated; (a)(3) correctly reinstated	† 5525
85.301—85.377–1 (Subpart D) Added	37611
85.302 (a) (24) and (25) revised	† 18779
85.303 Amended	† 18779
85.377–4 (b) added	† 18779
85.377–5 (b) (5) and (6) added	† 18779
85.377–6 (b) added	† 18779
85.377–7 (a) added	† 18779
85.377–30 (a) (1), (3), (4), and (5) and (b)(1) (i), (ii), and (iv) added	† 18780
85.377–35 (a)(4) (iv) and (vi) added	† 18780
85.377–38 (a) (3) and (4) added	† 18780
85.701—85.775–10 (Subpart H) Amended	† 8483
85.774–11 (a)(3) corrected	† 16667

Note: Symbol (†) refers to 1975 page numbers

CODE

(CHANGES JULY 1, 1974 THROUGH APRIL 30, 1975)

Title 40, Chapter I—Continued

	Page
85.1601—85.1610 (Subpart Q) Revised	32613
85.1701—85.1709 (Subpart R) Added	32611
85.1801—85.1807 (Subpart S) Added	44375
85.1806 Added	44375
(b) corrected	† 3447
85.1807 Added	44375
(b), (d)(1), and (z) corrected	† 3447
112.6 Revised	31602
114 Added	31602
120 Technical correction	41709
120.5 Added	43723
120.10 Amended	38645, 41255, 41709, 43723
Amended	† 1041, 13217, 18771
120.11 Added	41255
120.21 Added	41709
120.22 Added	† 1041
120.115 Added	† 18171
122 Added	36178
125.5 (a) and (b) amended	27079
125.32 Revised	27079
125.34 Revised	27080
125.35 Redesignated as 125.37; new § 125.35 added	27080
125.36 Added	27081
125.37 Redesignated from 125.35	27080
125.44 Revoked; added	27084
162.17 Removed	† 18782
162.20 Added	41256
162.21 Added	† 12510
164.130—164.133 (Subpart D) Added	† 12265
168 Revised	27658
169 Added	33514
171 Added	36449
171.7—171.10 Added	† 11702
172 Added	† 18782
180.1 (h) amended	28286
180.3 d(8) added	38229
(d)(9) added	† 14083
(e)(5) amended	29177, 34664, 38229, 40763
(e)(5) amended	† 14596
(e)(5) corrected	32912
(e)(6) amended	25488
180.34 (e)(25) revised	28286
(f) amended	28977
(f) table amended	† 6972
180.108 Added	38229
180.121 Amended	39878
180.142 (a) revised	43292
(a) amended	† 6502
(d) and (e) added	† 13500
180.144 Amended	31904
180.147 Revised	28978
180.147a (b) amended	28978
180.147b Revised	28978
Removed; new 180.147b redesignated from 180.147c	† 2179
180.147c Redesignated as 180.147b	† 2179
180.153 Amended	25487
180.156 Amended	† 14596
180.157 Heading and introductory text revised	28286
180.165 Removed	† 13500
180.169 Amended	† 17841
180.184 Amended	43291
180.200 Amended	40763
180.202 Revised	31635
180.203 Heading and introductory text revised	28286
180.204 Amended	27439
Amended	† 4273
180.205 Amended	43292
Amended	† 1043
180.206 Amended	28287
180.213 Added	† 14597
180.214 Amended	34664
180.215 Amended	† 4273
180.223 Introductory text revised; undesignated paragraphs added	28286
180.225 Revised	36588
180.234 Amended	29360
180.242 Amended	33314, 38229
180.249 Amended	29359
180.253 Amended	24505
180.254 Amended	† 4657, 13500
180.259 Amended	† 17146
180.261 Amended	† 11353
180.267 Heading and introductory text revised; text amended	29177
Amended	36588
180.275 Heading and introductory text revised	28286
Amended	† 14597
180.281 Revised	43290
180.285 Amended	26155
180.288 Revised	38230
180.292 Heading and introductory text revised	28286
(b) amended	† 6340
Heading corrected	† 11874
180.294 Amended	29360, 43723
Amended	† 13500
Technical correction	† 15880
180.296 Amended	† 18171
180.298 Amended	43291
Amended	† 2586
180.300 Amended	43290, 43291
Amended	† 18171
180.301 Amended	43724
180.307 Revised	† 12512
180.312 Revised	26288
180.319 Amended	25488
Amended	† 17841
Table amended	31635, 33314, 43290, 43292
180.320 Removed	43724
180.328 Revised	26893
180.332 Heading and text revised	† 2804
Heading corrected	† 11874
180.333 Revised	† 12512
180.336 Revised	† 15387
180.338 Added	26892
Heading revised; text amended	† 13500
180.342 Revised	25487
Amended	29178
180.348 Amended	† 12512
180.349 Added	29177
Revised	† 17558
180.351 Added	38229
180.352 Added	40763
180.353 Added	† 4658
180.354 Added	† 8821
180.355 Added	† 12511
180.356 Added	† 12511
180.357 Added	† 14083
Corrected	† 18172
180.358 Added	† 18172
180.1001 (c) table amended	33315, 37378
(c) table amended	† 1242, 3571, 12513, 14314
(d) table amended	26589 37195, 39878, 43292
(d) table amended	† 1242, 3571, 12513, 14314
(e) table amended	37378, 40584, 43292
(e) table amended	† 1242, 3571, 12513, 14314
180.1016 Revised	33315
180.1023 Revised	† 1042
Corrected	† 17841
180.1030 Added	43724
180.1031 Added	† 12511
180.1032 Added	† 1042
180.1033 Added	† 8821
202 Added	38215
210 Added	36011
227 Table amended	37058
227.80 Table corrected	40018

Note: Symbol (†) refers to 1975 page numbers

(CHANGES JULY 1, 1974 THROUGH APRIL 30, 1975)

	Page
240 Added	29329
241 Added	29333
241.100 (d) corrected	† 5159
405 Preamble corrected	32993
405.14 Added	† 6434
405.16 Revised	32994
405.22 Introductory text corrected	32994
405.24 Added	† 6434
405.26 Revised	32994
405.34 Added	† 6434
405.36 Revised	32994
405.44 Added	† 6434
405.46 Revised	32994
405.54 Added	† 6434
405.56 Revised	32994
405.62 (a) table corrected	32993
405.64 Added	† 6434
405.66 Revised	32994
405.72 (a) table corrected	32993
405.74 Added	† 6435
405.76 Revised	32994
405.84 Added	† 6435
405.86 Revised	32994
405.92 (b) table corrected	32993
405.94 Added	† 6435
405.95 (a) corrected	32994
405.96 Revised	32995
405.104 Added	† 6435
405.105 Table corrected	32993
405.106 Revised	32995
405.114 Added	† 6435
405.116 Revised	32995
405.124 Added	† 6435
405.126 Revised	32995
406.14 Added	† 6436
406.24 Added	† 6436
406.34 Added	† 6436
406.44 Added	† 6436
406.54 Added	† 6436
406.64 Added	† 6436
406.70 — 406.106 (Subparts G through J) Added	† 917
407.14 Added	† 6436
407.24 Added	† 6437
407.34 Added	† 6437
407.44 Added	† 6437
407.54 Added	† 6437
408.10 Revised	† 4593
408.14 Added	† 6437
408.20 Revised	† 4593
408.24 Added	† 6438
408.30 Revised	† 4593
408.34 Added	† 6438
408.40 Revised	† 4593
408.44 Added	† 6438
408.50 Revised	† 4593
408.54 Added	† 6438

Note: Symbol (†) refers to 1975 page numbers

CODE

(CHANGES JULY 1, 1974 THROUGH APRIL 30, 1975)

Title 40, Chapter I—Continued

	Page
408.60 Revised	† 4593
408.64 Added	† 6438
408.70 Revised	† 4593
408.74 Added	† 6438
408.80 Revised	† 4593
408.84 Added	† 6438
408.90 Revised	† 4593
408.94 Added	† 6438
408.100 Revised	† 4593
408.104 Added	† 6439
408.110 Revised	† 4593
408.114 Added	† 6439
408.120 Revised	† 4593
408.124 Added	† 6439
408.130 Revised	† 4593
408.134 Added	† 6439
408.140 Revised	† 4594
408.144 Added	† 6439
408.150—408.153 (Subpart O) Added	† 4595
408.160—408.163 (Subpart P) Added	† 4596
Heading corrected	† 16204
408.170—408.173 (Subpart Q) Revised	† 4596
408.180—408.183 (Subpart R) Added	† 4597
408.190—408.193 (Subpart S) Added	† 4598
408.200—408.203 (Subpart T) Added	† 4598
408.210—408.213 (Subpart U) Added	† 4599
408.213 Added	† 4599
Table revised	† 16204
408.220—408.223 (Subpart V) Added	† 4600
408.230—408.233 (Subpart W) Added	† 4600
408.240—408.243 (Subpart X) Added	† 4601
408.250—408.253 (Subpart Y) Added	† 4602
408.260—408.263 (Subpart Z) Added	† 4602
408.270—408.273 (Subpart AA) Added	† 4603
408.280—408.283 (Subpart AB) Added	† 4603
408.290—408.293 (Subpart AC) Added	† 4604
408.300—408.303 (Subpart AD) Added	† 4605
408.310—408.313 (Subpart AE) Added	† 4605
408.320—408.323 (Subpart AF) Added	† 4606
408.330—408.333 (Subpart AG) Added	† 4607
409.14 Added	† 6439
409.24 Added	† 6440
409.34 Added	† 6440
409.40—409.42 (Subpart D) Added	† 8503
409.50—409.52 (Subpart E) Added	† 8503
409.60—409.62 (Subpart F) Added	† 8504
409.70—409.72 (Subpart G) Added	† 8504
409.80—409.82 (Subpart H) Added	† 8505
410 Added	24739
410.11 (d) corrected	30135
410.12 Corrected	30134
410.13 Corrected	30134, 30135
410.15 Corrected	30134
410.21 (c) corrected	30135
410.22 Corrected	30135
410.23 Corrected	30135
410.25 Corrected	30135
410.41 (c) corrected	30135
410.43 Corrected	30135
410.51 (c) corrected	30135
410.53 Corrected	30135
410.61 (c) corrected	30135
410.63 Corrected	30135
410.71 (c) and (d) corrected	30135
(d) correctly removed	30135
410.72 (b) correctly removed	30135
410.73 (b) correctly removed	30135
410.75 (b) correctly removed	30135
411.14 Added	† 6440
411.24 Added	† 6440
411.34 Added	† 6440
412 Interpretation	† 12513
412.14 Added	† 6440
412.24 Added	† 6440
413 Revised	† 18135
413.11 (d) corrected	26642
413.12 (c) corrected	26642
413.15 (a) table corrected	26642
414.14 Added	† 6441
414.20 Amended	43629
414.24 Added	† 6441
414.34 Added	† 6441
415.210 Revised	† 5523
415.220 Revised	† 5523
416.32 (a) corrected	24893
416.33 (a) corrected	24893
416.53 (c) corrected	24893
416.62 Table corrected	24893
416.63 Table revised	24894
416.65 Table revised	24896
416.73 Table revised	24894
416.75 Table revised	24896
416.83 Table revised	24894

Note: Symbol (†) refers to 1975 page numbers

(CHANGES JULY 1, 1974 THROUGH APRIL 30, 1975)

	Page
416.85 Table revised	24896
416.93 (a) table, (b) table, (c) table and (d) table revised	24894
416.95 (a) table, (b) table, (c) table and (d) table revised	24896
416.103 (a) table, (b) table and (c) table revised	24894
416.105 (a) table, (b) table, and (c) table revised	24896
416.113 (a) table, (b) table and (c) table revised	24895
416.115 (a) table, (b) table, and (c) table revised	24897
416.123 (a) table, (b) table, and (c) table revised	24895
416.125 (a) table, (b) table, and (c) table revised	24897
416.133 Table revised	24895
416.135 Table revised	24897
416.140—416.216 (Subparts N, O, P, Q, R, S, T, and U) Added	† 3720
417.14 Added	† 6441
417.24 Added	† 6442
417.34 Added	† 6442
417.44 Added	† 6442
417.54 Added	† 6442
417.64 Added	† 6442
417.74 Added	† 6442
417.84 Added	† 6442
417.94 Added	† 6443
417.104 Added	† 6443
417.114 Added	† 6443
417.124 Added	† 6443
417.134 Added	† 6443
417.144 Added	† 6443
417.194 Added	† 6443
418.60—418.66 (Subpart F) Added	† 2652
418.70—418.76 (Subpart G) Added	† 2652
419 Preamble corrected	32614
419.12 (c)(1) corrected	32614
419.13 (b)(2) and (c)(2) corrected	32614
419.15 (c)(2) corrected	32614
419.22 (a) corrected	32614
419.23 (a), (b)(1) and (2) corrected	32614
419.25 Corrected	32614
419.32 (a) corrected	32614
419.33 (a) and (b)(1) corrected	32614
419.35 (a) corrected	32614
419.42 (a), (b)(2) and (3) corrected	32614
419.43 (a) corrected	32614
419.45 (a) corrected	32614
419.52 (a) corrected	32614
419.53 (a) corrected	32614
419.55 (a) corrected	32614
420 Effective date corrected	25488
421.40—421.43 (Subpart D) Added	† 8523
421.50—421.53 (Subpart E) Added	† 8524
421.60—421.63 (Subpart F) Added	† 8526
421.70—421.73 (Subpart G) Added	† 8527
421.80—421.83 (Subpart H) Added	† 8528
422.40—422.43 (Subpart D) Added	† 4106
422.50—422.53 (Subpart E) Added	† 4106
422.60—422.63 (Subpart F) Added	† 4106
423 Added	36198
Technical correction	† 7095
423.11 (e), (h), and (l) revised	† 7095
423.12 (b)(2) and (4) amended; (b)(10) revised	† 7095
423.13 (b), (e), and (h) amended; (1)(3) revised	† 7095
423.15 (b) amended	† 7096
423.16 Amended	† 7096
423.21 (d), (f), and (j) revised	† 7096
423.22 (b)(2) amended; (b)(10) revised	† 7096
423.23 (b) and (l) amended	† 7096
423.25 (b) amended	† 7096
423.26 Amended	† 7096
423.30 Amended	† 7096
423.31 (c), (e), and (l) revised; (h) amended	† 7096
423.32 (b)(2) amended; (b)(10) revised	† 7096
423.33 Introductory text, (b) (h), and (l) amended	† 7096
423.40 Amended	† 7096
423.41 (c) amended	† 7096
424.40—424.43 (Subpart D) Added	† 8035
424.50—424.53 (Subpart E) Added	† 8035
424.60—424.63 (Subpart F) Added	† 8036
424.70—424.73 (Subpart G) Added	† 8037
426.24 Added	† 6444
426.34 Added	† 6444
426.44 Added	† 6444
426.64 Added	† 6444
426.80—426.136 (Subparts H, I, J, K, L, and M) Added	† 2955
427.14 Added	† 6444
427.24 Added	† 6444

Note: Symbol (†) refers to 1975 page numbers

CODE

(CHANGES JULY 1, 1974 THROUGH APRIL 30, 1975)

Title 40, Chapter I—Continued

Page

427.34 Added ---------- † 6445
427.44 Added ---------- † 6445
427.54 Added ---------- † 6445
427.64 Added ---------- † 6445
427.74 Added ---------- † 6445
427.80—427.86 (Subpart H) Added ---------- † 1875
427.82 (b) corrected ---------- † 18172
427.83 Corrected ---------- † 18172
427.85 Corrected ---------- † 18172
427.90—427.96 (Subpart I) Added ---------- † 1876
427.100—427.106 (Subpart J) Added ---------- † 1877
427.102 (b) corrected ---------- † 18172
427.103 Corrected ---------- † 18172
427.106 Corrected ---------- † 18172
427.110 (Subpart K) Added ---------- † 1877
427.112 (b) table corrected ---------- † 18172
427.115 Corrected ---------- † 18172
428.10 Revised ---------- † 18173
428.11 (c) revised; (d) and (e) added ---------- † 18173
428.12 Table corrected ---------- 26423
Second paragraph designated as (a); (b) added ---------- † 18173
428.13 Table corrected ---------- 26423
Second paragraph designated as (a); (b) added ---------- † 18173
428.15 Table corrected ---------- 26423
428.20 Revised ---------- † 18173
428.21 (b) removed ---------- † 18173
428.31 (b) removed ---------- † 18173
428.41 (b) removed ---------- † 18173
428.50—428.56 (Subpart E) Added ---------- † 2336
428.60—428.66 (Subpart F) Added ---------- † 2338
428.70—428.76 (Subpart G) Added ---------- † 2340
428.80—428.86 (Subpart H) Added ---------- † 2341
428.90—428.96 (Subpart I) Added ---------- † 2343
428.100—428.106 (Subpart J) Added ---------- † 2344
428.110—428.116 (Subpart K) Added ---------- † 2345
429.90—429.136 (Subparts I, J, K, L, and M) Added ---------- † 2806
430.14 Added ---------- † 6445
430.24 Added ---------- † 6446
430.34 Added ---------- † 6446
430.44 Added ---------- † 6446
430.54 Added ---------- † 6446
431.14 Added ---------- † 6446
432.13 (b) corrected ---------- 26423
432.14 Added ---------- † 6446
432.15 (a), (b), (c), and (d) corrected ---------- 26423
432.22 (c) corrected ---------- 26423
432.24 Added ---------- † 6446
432.25 (a), (b), (c), and (d) corrected ---------- 26423
432.34 Added ---------- † 6447
432.35 (a), (b), (c), and (d) corrected ---------- 26423
432.44 Added ---------- † 6447
432.45 (a), (b), (c), and (d) corrected ---------- 26423
432.50—432.106 (Subpart E through J) Added ---------- † 904
432.63 Added ---------- † 904
Corrected ---------- † 11874
432.102 Added ---------- † 904
(a) corrected ---------- † 11874

Chapter V—Council on Environmental Quality

1510 Revised ---------- † 6282

Title 40—*Proposed Rules:*

2 ---------- † 3786
6 ---------- 26254
35 ---------- 31500, 33236
50 ---------- † 7064
51 ---------- 32871
---------- † 7064
52 ---------- 24241, 24378, 24674, 24921, 25330, 25502, 25503, 26167, 26652, 26916, 27148, 27149, 27472, 27700, 27701, 27809, 27811, 28161, 28292, 28535 28645, 28646, 28906, 28984, 28994, 29380, 29940, 30049, 30166, 30440 30496, 30942, 31000, 31329, 31532, 31533, 31918, 32563, 32759, 33236, 33808, 34064, 34066, 34068, 34070, 34302, 34303, 34571, 34572, 34671, 35366, 35681, 35685-35887, 36018, 36031, 36119 36602, 36870, 37212, 37215, 37506, 37653, 37784, 38104, 39048, 39295, 39476, 39583, 39584, 40040, 40306, 40308, 40310, 40590, 40786, 40867, 40871, 42377, 43639, 43640, 43641, 44237, 44239, 44245, 44461, 45047
---------- † 1711, 2212, 2448, 2832, 2833, 3465, 4155, 4445, 4447, 8225, 8228, 8360, 8668, 10997, 11894, 11895, 12112, 12287, 12521, 12813-12815, 13002, 13520, 13521, 14340, 15094, 15095, 16218, 16680, 17157, 17597, 18795, 18796
53 ---------- † 7064
55 ---------- 32624, 34671

(CHANGES JULY 1, 1974 THROUGH APRIL 30, 1975)

Page

60 ---------- 32852, 36102, 36946, 37040, 37466, 37470, 37602, 37730, 37922, 40511, 40512
61 ---------- 38064
65 ---------- † 14876
80 ---------- 24617, 26168, 39982, 39988, 39992, 42379
85 ---------- 24379, 37396, 44246, 45360
---------- † 5169, 18176
87 ---------- 26653, 32631, 37068, 39897
115 ---------- 26429
116 ---------- 30466
120 ---------- 24517, 26168, 26299, 28165, 34574, 36867, 38668, 43557, 44777
125 ---------- 37215
141 ---------- † 11990
162 ---------- 36973
165 ---------- 36867
171 ---------- † 2528, 3010
180 ---------- 25980, 26044, 26917, 26918, 29383, 29601, 34303, 34571, 34572, 34671, 36031, 37068, 37216, 38394, 39295, 40512, 41385, 43316, 43409, 44668, 44777
---------- † 1276, 1519, 2448, 12521, 18451
201 ---------- 24580
204 ---------- 38186, 42379
---------- † 3466
205 ---------- 38338, 42379
---------- † 3467
211 ---------- 42380
227 ---------- † 13004
229 ---------- 39739
406 ---------- 34470
---------- † 921
408 ---------- † 4608, 15096
409 ---------- 36119
---------- † 8506
410 ---------- 24750
413 ---------- 40170
---------- † 15140
414 ---------- † 17041
415 ---------- 28536
---------- † 1712, 7106
416 ---------- 33890
---------- † 3730
417 ---------- † 7580
418 ---------- 24490, 36094
---------- † 2654
419 ---------- 37069
421 ---------- † 8530
422 ---------- † 4110
423 ---------- 36210
424 ---------- † 8038
426 ---------- 30282
---------- † 2963
427 ---------- 31592
---------- † 1879
428 ---------- 30632
---------- † 2347, 7109
429 ---------- 30892, 40236
---------- † 2833, 2834
432 ---------- 31486
---------- † 912, 18150
443 ---------- † 2352
446 ---------- † 8302
447 ---------- † 8307
450 ---------- † 17762

TITLE 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

1-1.003 Revised ---------- † 12076
1-1.004 Revised ---------- † 12076
1-1.011 Heading added ---------- † 12077
1-1.011-1 Added ---------- † 12077
1-1.011-2 Added ---------- † 12077
1-1.307-1 (b) revised ---------- † 2810
1-1.307-2 Revised ---------- † 2810
1-1.307-3 Revised ---------- † 2810
1-1.307-4 (a) revised ---------- † 2810
1-1.319 (c)(1)(v) revised; effective 8-4-75 ---------- † 18785
1-1.323—1-1.323-2 Added ---------- 34664
1-1.323-2 Amended ---------- 41850
1-1.406 Revised ---------- 43058
1-1.507-3 (b) revised ---------- 28437
1-1.701-1 (b)(1) revised ---------- 35657
1-1.703-2 Amended ---------- 35658
1-1.1002-1 Added ---------- † 2811
1-1.1003-6 Revised ---------- † 2811
1-1.1003-7 (a) revised ---------- † 2811
1-2.106 Added ---------- † 2811
1-2.201 (a)(32) added ---------- 34664
1-2.202-1 (c) revised ---------- † 2811
1-2.202-6 Added ---------- † 2811
1-2.203-4 Revised ---------- † 2811
1-2.204 Revised ---------- † 2811
1-2.205-1 (a) revised ---------- † 2811
1-2.205-2 (a) revised ---------- † 2811
1-2.205-3 Revised ---------- † 2811
1-2.407-1 Revised ---------- † 2811
1-2.407-7 (a) revised ---------- † 2812
1-3.203 Revised ---------- 28437
1-3.600 Revised ---------- 28437
1-3.602 (d) revised ---------- 28437
1-3.603-1 (d) revised ---------- 28437
1-3.605-2 (a)(3)(i) revised; (b)(3) and (4) added ---------- 28437
1-3.605-5 (f) revised ---------- 28438
1-3.606-5 (i) added ---------- 28438
1-3.805-1 (a)(1) revised ---------- 28438
1-3.807-3 (b) revised ---------- 44453
1-3.809 (c)(4) revised ---------- 43058
1-3.1200—1-3.1220-7 (Subpart 1-3.12) Revised ---------- 43058
1-3.1203 Heading revised; (a)(1)(vi) and (h) added ---------- † 18786
1-3.1204 Introductory text and (d)(2) revised ---------- † 18786

(CHANGES JULY 1, 1974 THROUGH APRIL 30, 1975)

Title 41, Chapter I—Continued

	Page
1–3.1210 Added	43058
(b) and (c) (2) through (9) revised	† 15880
1–4.410–5 (d) added	43074
(d) revised	† 18786
1–5.4 (Subpart) Added	41710
1–5.8 (Subpart) Added	24898
1–5.900 Revised	44453
1–5.902 (f) revised	44453
1–5.10 (Subpart) Removed	35165
1–7.102 Revised	† 2812
1–7.102–21 Added	26643
1–7.102–22 Added	† 11580
1–7.103–15 Removed	35165
1–7.103–26 Added	34665
1–7.103–27 Added	43074
Added (text differs from that of p. 43074)	† 11580
(a) revised	† 18786
1–7.202–4 Amended	† 14913
1–7.202–8 Amended	† 11581
1–7.202–37 Added	26643
1–7.203–16 Removed	35165
1–7.203–22 Added	34665
1–7.203–23 Added	43074
(a) revised	† 18786
1–7.300—1–7.304–9 (Subpart 1–7.3) Added	† 17559
1–7.400—1–7.404–8 (Subpart 1–7.4) Added	† 17566
1–7.602–14 Added	26643
1–7.602–15 Added	34665
1–7.602–16 Added	43074
Added (text differs from that of p. 43074)	† 11581
(a) revised	† 18786
1–7.702 (c)(3) added	43074
(c)(3) revised	† 18787
1–7.703–21 Added	26643
1–7.703–22 Added	43074
1–12.13 (Subpart) Added	26643
1–12.104 Removed	† 14913
1–12.105 Removed	† 14913
1–12.105–1 Removed	† 14913
1–12.105–2 Removed	† 14913
1–12.105–3 Removed	† 14913
1–15.107 Revised	† 14913
1–15.109 Revised	43074
Revised	† 18787
1–15.201—1–15.205–50 (Subpart) Heading revised	† 14914
1–15.201–2 Revised	43074
1–15.201–4 Introductory text revised	43074
1–15.201–5 Revised	† 14914
1–15.202 Revised	43074
1–15.203 (a) and (d) introductory text revised	43075
1–15.204 (b) revised	† 14914
1–15.205–6 (a)(1), (f)(2), and (j) revised	† 14914
1–15.205–16 (a)(2)(iv) revised	† 14915
1–15.205–22 (e)(2) revised; (e)(3) added	† 14915
1–15.205–26 (b) revised	† 14915
1–15.205–33 (d) revised	† 14915
1–15.205–40 (a) (1), (2), and (3), and (b) revised	† 14915
1–15.205–44 (b) amended; (c), (d), and (e) revised; (f) and (g) added	† 14916
1–15.205–50 (b)(2) (i) and (ii) revised	† 14916
1–15.301—1–15.310 (Subpart) Heading revised	† 14916
1–15.402–2 Amended	43075
1–15.502–2 Amended	43075
1–15.701—1–15.713–9 (Subpart) Heading revised	† 14916
1–15.702 Revised	† 14916
1–15.709–3 Revised	† 14916
1–15.709–4 Added	† 14916
1–15.709–5 Added	† 14917
1–15.709–6 Added	† 14917
1–15.800—1–15.809–5 (Subpart) Heading revised	† 14917
1–16.101 (c) revised	26648
1–16.401 (a) and (h) revised	26648
1–16.701 (b) revised	26648
(c) revised	35658
1–18.310—1–18.310–5 Removed	25230
1–30.510–1 (a) and (b) amended	† 14917
1–30.524–4 Revised	† 14917

Chapter 3—Department of Health, Education, and Welfare

3–1.318–51 Revised	† 16319
3–1.318–52 Added	† 16319
3–3.410 Added	43545
3–3.410–1 Added	43545
3–4.57 (Subpart) Added	† 4913
3–7.51 (Subpart) Added	43546
3–8 Added	† 16320
3–12 Added	37987
3–16.5001 Amended	43545
Appendix B to chapter revised	† 4144

Chapter 3—*Proposed Rules:*

3–1	27469
3–3	28900, 41988
3–7	28901
3–16	41988
	† 16337

Note: Symbol (†) refers to 1975 page numbers

(CHANGES JULY 1, 1974 THROUGH APRIL 30, 1975)

Chapter 4—Department of Agriculture

	Page
4–1.006–2 (a) revised	† 6973
4–1.008 Revised	† 6973
4–1.009–2 (a) and (b) revised	† 6973
4–1.051 (b) revised	† 6973
4–1.054 Added	† 6973
4–1.302–3 Revised	† 6973
4–1.305–3 Revised	† 6973
4–1.305–50 Revised	† 6973
4–1.305–52 Revised	† 6973
4–1.306–1 Revised	† 6974
4–1.307–2 (l) revised	† 6974
4–1.307–3 Revised	† 6974
4–1.310–5 Revised	† 6974
4–1.401 Revised	† 6974
4–1.403 Revised	† 6974
4–1.404–1 (a) revised	† 6974
4–1.404–2 (a) revised	† 6974
4–1.451 Revised	† 6974
4–1.453 (a) introductory text, (a)(1)(iii) and (iv), (b), and introductory text of (c) revised	† 6975
4–1.601 Revised	† 6975
4–1.602 Revised	† 6975
4–1.650–6 Revised	† 6975
4–1.706–2 (a)(1) and (b)(3) revised	† 6975
4–1.708 Removed	† 6976
4–1.708–2 Removed	† 6976
4–1.801–2 Revised	† 6976
4–1.901 (Subpart 4–1.9) Revised	† 6976
4–1.1101 (Subpart 4–1.11) Revised	† 6976
4–1.1601—4–1.1603–2 (Subpart 4–1.16) Revised	† 6976
4–3.605–1 Heading and text revised	† 3997
4–5.408 (Subpart 4–5.4) Added	† 3998
4–5.5101—4–5.5106 (Subpart 4–5.51) Removed	† 3998
4–5.5601—4–5.5608 (Subpart 4–5.56) Removed	† 3998
4–5.5701—4–5.5703–5 (Subpart 4–5.57) Revised	† 6976
4–16.852 Removed	† 6977
4–50.203 Revised	44203
Effective date amended	44980
4–50.204 Revised	44203
Effective date amended	44980

Chapter 5—General Services Administration

Chapter removed	† 3291
Chapter correctly added	† 3998
5–60 Removed	† 3291, 3998

Chapter 5A—Federal Supply Service, General Services Administration

	Page
Chapter interpretation	† 18445
5A–1.305 Text removed	† 3998
5A–1.305–2 Added	† 3998
5A–1.305–3 Added	† 3998
5A–1.305–6 Added	† 3998
5A–1.305–50 Revised	† 3998
5A–1.305.70 Revised	† 3999
5A–1.306 Revised	† 3999
5A–1.307–1 Revised	† 3999
5A–1.307–4 (a) revised	† 3999
5A–1.307–5 (b) revised	† 3999
5A–1.307–6 Added	† 4000
5A–1.316–2 (a), (d), (e) and (f) revised	35796
5A–1.316–5 (d) revised	35796
5A–1.350 Revised	33516
5A–1.352 Added	33516
5A–1.352–1 Revised	33516
5A–1.352–2 Added	33516
5A–1.352–3 Added	33516
5A–1.352–4 Added	33516
5A–1.375 Revised	27665
5A–1.402 Revised	24362
5A–1.402–70—5A–1.402–72 Added	24362
5A–1.402–71 (c) revised; (d) added	36011
5A–1.404–2 Revised	24362
5A–1.404–3 Revised	24363
5A–1.404–70 Revised	24363
5A–1.700 Added	42361
5A–1.701–8 (a), (c), (d), and (e) revised	42361
5A–1.703–2 (c) and (e) amended	42361
5A–1.704 Added	42362
5A–1.704–1 Added	42362
5A–1.704–2 Added	42362
5A–1.706–1 Added	42362
5A–1.706–5 Revised	42362
5A–1.706–6 (c)(1) and (4), (d)(3), (f) and (g) revised	42362
5A–1.706–50 Revised	42362
5A–1.706–51 Added	42363
5A–1.708 (c) and (d) revised	42364
5A–1.710 Added	42364
5A–1.1003–1 Revised	26893
5A–1.1003–7 Revised	26893
5A–1.1007 Revised	26893
5A–1.1205 revised	34539
5A–1.1205–2 Added	34539
5A–1.1205–3 Removed	34539
5A–1.1205–4 Added	34539
5A–1.1205–50 Added	34540
5A–1.1206 Revised	34541
5A–1.5303—5A–1.5307–70 (Subpart 5A–1.53) Removed	24362

Note: Symbol (†) refers to 1975 page numbers

CODE

Title 41, Chapter 5A—Continued

	Page
5A–1.5400—5A–1.5405 (Subpart 5A–1.54) Revised	30039
5A–1.7301–1 Revised	† 5781
5A–2.201 (a) and (b)(1) and (2)(i) revised	40287
(a) and (b)(2)(iii) revised	† 8949
5A–2.201–53 Revised	40288
5A–2.201–54 Revised	40288
5A–2.201–55 Added	40288
5A–2.201–56 Added	40288
5A–2.201–70 (e)(1) revised	† 8950
5A–2.201–71 Revised	40288
5A–2.201–73 Revised	† 16847
5A–2.201.78 (c) amended	† 8950
5A–2.201–79 (c) revised	40288
5A–2.201–82 Revised	40289
5A–2.202–50 Added	40289
5A–2.202–70 Revised	40289
5A–2.203–1 Revised	40289
5A–2.203–2 Added	40289
5A–2.203–4 Revised	40289
5A–2.203–71 Removed	40290
5A–2.205–2 Revised	40290
5A–2.301 Added	40290
5A–2.302 Added	40290
5A–2.303 Added	40290
5A–2.303–1 Added	40290
5A–2.303–7 Added	40290
5A–2.304 Added	40290
5A–2.370 Revised	40290
5A–2.401 Added	40290
5A–2.402 Revised	40291
5A–2.403 Revised	27665, 40291
5A–2.404–2 Amended	27666
5A–2.404–50 Revised	40291
5A–2.406–3 Revised	40291
5A–2.406–4 Added	40292
5A–2.406–50 Added	40292
5A–2.407–1 (b) and (c) revised	40292
5A–2.407–6 Revised	40292
5A–2.407–8 Revised	40293
5A–2.407–50 Added	40293
Removed	† 16847
5A–2.407–52 Added	40293
5A–2.407–53 Revised	40293
5A–2.407–72 (c) revised	40293
5A–2.407–78 Revised	40293
5A–2.407–79 Revised	40294
5A–2.407–80 Revised	40294
5A–2.407–82 (c) revised	40294
5A–2.407–87 Revised	25324
5A–2.408 Revised	40294
5A–3.670 (b) revised	35797
5A–3.802 Added	33517
Corrected	37058
5A–3.802–1 Added	33517
5A–3.807–3 (b) and (c) revised	33517
5A–3.807–6 Added	33517
5A–3.850 Removed	33517
5A–5.805 Added	† 6655
5A–5.805–2 Added	† 6655
5A–5.805–3 Added	† 6655
5A–5.902—5A–5.970 (Subpart 5A–5.9) Removed	36589
5A–5.5004 Removed	† 6655
5A–6.100 Removed	34278
5A–6.104 Removed	34278
5A–6.104–4 Added	34278
5A–6.104–50 Added	34278
5A–6.105 Added	34279
5A–7.000 Removed	36335
5A–7.102–5 (b), (d), and (g) revised	† 8950
5A–7.102–50 Added	† 8950
5A–7.102–74 Revised	36335
5A–7.102–75 (a) and (b) revised	† 8950
5A–7.102–76 Revised	† 8950
5A–7.102–80 Added	36335
5A–7.103–3 Revised	36335
5A–7.103–51 Added	36335
5A–7.103–76 Revised	36335
5A–7.103–82 (a) amended; (b) revised	36012
5A–7.103–84 Revised	† 8950
5A–7.103–93 Added	36335
5A–7.103–94 Added	† 13501
5A–7.703 Added	† 16847
5A–8.602–2 (b)(2) revised	28880
5A–8.602–3 Revised	28880
5A–8.602–4 (f) added	28880
5A–8.602–6 (a) amended	28881
5A–10.103 Revised	34541
5A–10.301 Revised	34541
5A–14.105–1 Introductory text, (a), (b) and (c) revised	35797
5A–16.901–1094 Heading revised	32029
5A–16.901–1165 Added	32029
5A–16.950–894 Heading added	34541
5A–16.950–1056 Revised	† 8951
5A–16.950–1353 Heading added	34541
5A–16.950–1424 Revised	† 8951
5A–16.950–1447 Heading revised	27666
5A–16.950–1535 Heading revised	27666
5A–16.950–1535–1 Added	27666
5A–16.950–1535A Heading revised	27666
5A–16.950–1584–1 Revised	36589
5A–16.950–1720 Added	32029
5A–16.950–2112 Removed	27666
5A–16.950–2952 Added	† 16847
5A–16.950–2967 Added	† 4000
5A–16.954–1313 Revised	† 8951
5A–53.102 Revised	36336
5A–53.103 (a) and (c) revised	36336
5A–53.201—5A–53.209 (Subpart 5A–53.2) Added	36336
5A–53.301—5A–53.307 (Subpart 5A–53.3) Added	36339
5A–53.401 Revised	36340
5A–53.402 Added	36341
5A–53.403 Added	36341
5A–53.404 Added	36341
5A–53.601—5A–53.602 (Subpart 5A–53.6 Added	36341
5A–53.801—5A–53.806 (Subpart 5A–53.8) Added	36341
5A–60.000 Added	† 3291
5A–60.1 (Subpart) Added	† 3291
5A–72.101 Revised	† 4000
5A–72.102 Revised	† 4000
5A–72.103 Revised	† 4000
5A–72.104 Introductory text and (a) revised	† 4000
5A–72.105–5 Revised	37058
5A–72.105–23 (a)(3), (4), (5), (6), and (b)(5) revised	36589
5A–72.105–24 (g) added	28287
5A–74.407–2 (f)(1) and (3) revised	36012
5A–76.201 Revised	36589
5A–76.307 Amended	43724
5A–76.321 Amended	43724

Chapter 5B—Public Building Service, General Services Administration

Chapter interpretation	† 18445

Chapter 5C—Property Management and Disposal Service, General Services Administration

Chapter removed	26288

Chapter 7—Agency for International Development, Department of State

7–1.105–2 Added	36965
7–1.313 Added	† 16205
7–1.323 Added	† 3449
7–1.323–2 Added	† 3449
7–1.605–3 Redesignated as § 7–1.605–5 and amended; and redesignated from § 7–1.605–4	† 3449
7–1.605–4 Redesignated as § 7–1.605–3	† 3449
7–1.605–5 Redesignated from § 7–1.605–3 and amended	† 3449
7–1 Appendices A and B added	36965
7–4.5301 (d)(4) (i) and (iv) amended	† 3449
7–6.5204 Amended	† 16205
7–7.5001–18 Undesignated heading amended; (b) revised	† 3449
7–7.5001–33 Amended	† 3449
7–7.5001–43 Added	† 3449
7–7.5002–2 Heading and (a) revised	33517
7–7.5002–3 (a) amended	38646
Undesignated heading and (k) amended	† 3449
7–7.5002–7 Undesignated heading and (a) amended	† 3449
7–7.5003–3 Added	† 16205
7–7.5201–5 Removed	† 16205
7–7.5201–17 Amended	† 3449
7–7.5201–27 Added	† 3449
7–7.5202–2 Added	† 16205
7–7.5301–5 Removed	† 16205
7–7.5301–16 Amended	† 3449
7–7.5301–26 Added	† 3449
7–7.5302–2 Added	† 16206
7–7.5401–13 Amended	† 3449
7–7.5401–34 Added	† 3449
7–7.5402–9 Added	38646
7–7.5403–4 Added	† 16206
7–7.5501–1 Undesignated heading amended; (k) removed	† 3449
7–7.5501–5 Revised	25488
7–7.5501–31 Amended	† 3449
7–7.5501–39 Added	† 3449
7–7.5502–4 Center heading and (a) revised	25489
7–7.5502–6 Center heading and (a) revised	25489
7–7.5503–10 Added	† 16206
7–15.205–6 Revised	33517
7–15.205–46.53 Added	38646
7–15.309–7 Added	33518
7–16.852 Added	† 16206
7–16.583 Added	† 16206
7–16.963 Added	† 16206
7–16.964 Added	† 16206
7–30.4500—7–30.4502 (Subpart 7–30.45) Revised	† 16206
7–30.4501–2 (a) corrected	24363

Chapter 8—Veterans Administration

8–1.302–1 (d) revised	26723
8–1.403–51 Added	38376
8–1.403–52 Added	38377
8–1.403–53 Added	38377
8–1.403–54 Added	38377
8–1.403–55 Added	38377
8–1.700 Revised	32995
8–1.704–1 (d) revised	32995
8–1.704–2 (a) and (b) revised; (f) removed	32995
8–1.704–3 Revised	32996

Note: Symbol (†) refers to 1975 page numbers

Note: Symbol (†) refers to 1975 page numbers

CODE

Title 41, Chapter 8—Continued — Page

8–1.704–4 (b) revised; (d) and (e) removed — 32996
8–1.705 Removed — 32996
8–1.706–1 Revised — 32996
8–1.706–2 Revised — 32996
8–1.706–5 (b) revised — 32996
8–1.708–2 (c) revised — 32996
8–1.708–3 Revised — 32996
8–1.710–2 Removed — 32997
8–1.710–4 Revised — 32997
8–1.713 Heading added — 32997
8–1.713–1 Added — 32997
8–1.713–2 Added — 32997
8–1.713–3 Added — 32997
8–1.713–4 Added — 32997
8–1.1350 (Subpart 8–1.13) Added — 32997
8–2.201 (h) and (i) removed — 38377
8–2.402 (a) revised — 38378
8–2.402–2 (b) revised — 38378
8–2.406–3 (b) and (c) revised — 38378
8–2.407–1 (a), (b), and (c) introductory text revised — 38378
8–3.101 (c) removed — 38378
8–3.605–3 (b)(4) added — 26723
8–7.101 Revised — 38378
8–7.101–5 Redesignated as 8–7.102–5 — 38378
8–7.102–5 Redesignated from 8–7.101–5; (a) revised — 38378
8–7.150–2 Revised — 38378
8–7.150–4 (b) revised — 38378
8–7.150–5 (a) revised — 38379
8–19.302 Revised — 26723
8–26 Added — 38379
8–26.404 (Subpart 8–26.4) Added — 38379
8–52.101 Revised — 38379
8–52.105 (a) revised — 38379
8–52.106 (a) amended; (c) and (e) revised — 38379
8–52.109 (a) revised — 38379
8–52.200—8–52.203 (Subpart 8–52–2) Removed — 38379

Chapter 9—Energy Research and Development Administration

Chapter heading revised — † 5364
Chapter text: nomenclature changes — † 5364
9–1.17–50 (Subpart) Added — 24646
9–3.301 Revised — 43548
9–5.10 Removed — 39439
9–5.52 (Subpart) Revised — 40584
9–5.5205–5 (a) and (c) revised; (d) added — 39439
9–5.5206–3 (b) removed; (c) redesignated as (b) — † 3294
9–5.5206–5 (a) and (b) revised — 44453
9–7.5004–1 Revised — 38102
9–7.5004–12 Revised — † 4146, 5781, 10466
9–7.5006–47 Removed — † 4146, 5782, 10467
9–7.5006–52 Revised — 39439
9–7.5006–57 (d) revised — † 2587
9–9 Appendix A added — † 16848
Appendix A corrected — † 17573
9–12.102–4 (a) (1) and (2) revised; (3) removed — 39439
9–12.805–1 (a) revised — † 2587
9–12.805–51 (b)(2) revised — † 2587
9–14.105 Added — 39439
9–16.404–50 (b)(1) revised — † 4146, 5782, 10467
9–16.404–52 (a) amended — † 4146, 10467
(a)(23) revised — † 5782
9–16.703–50 Amended — † 4147, 5782, 10467
9–16.951–2 Amended — 38102, 44453
9–16.5002–2 Amended — 38102
9–16.5002–4 Amended — 38102
Amended — † 4147, 5782, 10467
9–16.5002–5 Amended — 38102
Amended — † 4147, 5782, 10467
9–16.5002–8 Amended — 38102
Amended — † 2587
9–16.5002–9 Amended — 38102
Amended — † 2587, 4147, 5782, 10467
9–51.403–1 (c) revised — 29594
9–53.101 (d) revised — 36966
9–53.202 Revised — 44453
9–56.001 Revised — 39558
9–56.002 Revised — 39558
9–56.101 Revised — 39558
9–56.405 (b) revised — 39558

Chapter 9—*Proposed Rules:*

Ch. 9 — † 16677

Chapter 14—Department of the Interior

14–1.4 (Subpart) Revised — 43630
14–1.402 Revised — 43630
(a), (b), and (c) corrected — † 2812
14–1.450–1 Revised — 43630
(d) corrected — † 2812
14–3.1 (Subpart) Revised — 43630
14–3.2 (Subpart) Revised — 43631
14–3.303 (Subpart 14–3.3) Revised — 43631
14–3.305 Added — 44980
14–3.305–50 Added — 44980
14–3.305–51 Added — 44981
(l) corrected — † 5782
(i) and (m)(1) revised — † 15091
Appendices A, B, and C added — 44982
Appendix D added — 44983
14–3.4 (Subpart) Revised — 43631
14–3.809 (Subpart 14–3.8) Added — † 10468
14–18.6 (Subpart) Revised — 24901
14–30.406 Revised — † 10468
14–30.406–50 (c) added — † 10468
14–30.410 (a) amended; (b) revised — † 10468
14–55.101 (b)(14) revised — † 10468
14–55.102 (a) revised — † 10468
14–55.104 (a) introductory text and (7) revised — † 10468
14–63.101 Amended — † 10468
14–63.103 (a) revised; (f) and (g) removed — † 10468
14–63.105–2 Amended — † 10468
14–63.106 Removed — † 10468

Chapter 14—*Proposed Rules:*

14–7 — † 17848

Chapter 14H—Bureau of Indian Affairs, Department of the Interior

14H–1.270—14H–1.270–4 Added — † 12502
14H–1.451–2 Revised — 38102
14H–3 Added — † 12502
14H–30 Added — † 12503

Chapter 14H—*Proposed Rules:*

14H–1 — 39560
14H–3 — 39560
14H–30 — 39560

Chapter 15—Environmental Protection Agency

15–1.602–1(b) Removed — 33799
15–1.603 Revised — 33799
15–1.57 (Subpart) Added — 30836
15–3.408 Added — 36343
15–7 Added — † 3595
15–7.202–22 Added — † 3595
15–12 Added — † 3595
15–12.604–50 Added — † 3595
15–16.552–1 Added — 36344

Chapter 15—*Proposed Rules:*

15–3 — 27919
15–7 — 39584
15–16 — 27919
15–50 — 26169

Chapter 24—Department of Housing and Urban Development

Chapter 24—*Proposed Rules:* Page

24–1 — 27472

Chapter 25—National Science Foundation

25–9 Added — 41977

Chapter 50—Public Contracts, Department of Labor

Chapter 50—*Proposed Rules:*

50–204 — 43638
50–250 — † 6982

Chapter 51—Committee for Purchase From the Blind and Other Severely Handicapped

Chapter heading revised — 35365
Chapter revised — † 2980
51–1.1 (a) amended — 35365
51–1.2 (a) and (b) revised — 35365
51–2.1 Revised — 35365
51–3.1 Revised — 35365
51–5.1–2 (b) revised — 35365
51–6 Added — † 2980

Chapter 51—*Proposed Rules:*

Ch. 51 — 37209
51–6 — 37209

Chapter 60—Office of Federal Contract Compliance, Equal Employment Opportunity, Department of Labor

60–1.4 (b)(2) removed — † 14083
60–1.5 (a)(5) added — † 13218
60–2.11 (a) revised; (b) amended — 25654
60–2.13 (d) and (e) revised — 25654
60–2.20 (a)(1) revised — 25654
60–2.23 (b)(1) revised — 25654
60–2.24 (b) revised — 25654
60–5 Time extended — 24649, 28438, 32615, 43075
Time extended — † 4309
60–50.1 (e) added — † 13218
60–60.3 (a) amended — 25654
60–60.7 Revised — 25654
60–60.8 Added — 25655
60–60.9 Added — 25655

Chapter 60—*Proposed Rules:*

Ch. 60 — † 14953
60–1 — † 14091
60–20 — 27709
60–60 — † 13311

Note: Symbol (†) refers to 1975 page numbers

Note: Symbol (†) refers to 1975 page numbers

CODE

Title 41—Continued

Chapter 101—Federal Property Management Regulations

	Page
101–1.109 (b) redesignated as (d); new (b) and (c) added	40952
101–1.111 Added	40952
101–1.112 Added	40952
101–4.1 Heading corrected	31322
101–4.103–5 (b) revised	28288
101–4.105 Revised	28288
101–18.104–1 (l)(2) revised	† 2587
101–20.116—101–20.116–6 Added	39266
101–25.111 Added	24505
101.25–112 Added	37379
101.25–113 Added	37379
101–25.302–4 Heading, introductory text and (a)(3) revised	26648
101–25.302–6 Added	26648
101–25.303 Revised	44454
101–25.403 Introductory text, introductory text of (a), and (b) revised; (c) added	26649
101–25.4801 Revised	30117
(b)(3) corrected	30932
101–25.4902 Revised	30117
101–25.4902–1473 Revised	30117
101–25.4902–1473–1 Added	30117
101–26.203–1 (b)(3) revised	37059
101–26.203–2 (b) revised	37059
101–26.401 (a) revised	35166
101–26.401–2 Revised	35166
101–26.401–3 Revised	35166
101–26.501 Revised	37379
101–26.501–4 (d) revised	37197
101–26.503 Revised	37197
101–26.602–1 (a) revised; (b) amended	33315
101–26.602–3 (a) and (b) revised	33316
101–26.602–4 (d) revised	33316
101–26.701 (c) revised	37059
(c) revised	† 7619
101–26.702 (c) revised	37059
(c) revised	† 7619
101–26.4801 Revised	37197
101–26.4901–344 Removed	37059
101–26.4902–952 Removed	37059
101–26.4902–1348 Removed	37059
101–26.4902–1348m Removed	37059
101–26.4902–1348–1 Removed	37059
101–26.4902–1348–6 Removed	37059
101–26.4902–3127 Removed	37059
101–26.4902–3128 Removed	37059
101–27.102–2 Revised	37059
101–27.303–2 (b) revised	37059
101–27.304–1 Revised	27902
101–30.101–6 Revised	37059
101–30.101–10 Added	37060
101–30.201 (b)(4) revised	37060
101–30.202 (c) revised	37060
101–30.304 Revised	37060
101–30.401–2 Revised	37060
101–30.401–3 Revised	37060
101–30.403–1 Revised	37060
101–30.403–2 Revised	37060
101–30.404 (b) revised	37060
101–30.502 (a) revised	37060
101–30.503 (b) removed; (c) redesignated as (b) and revised, (d) redesignated as (c) and revised	37060
101–30.504 Revised	37060
101–30.603–2 Revised	37060
101–30.4902–1303 Amended	37061
101–30.4902–2175 Removed	37061
101–32.301–2 Introductory text revised	39041
101–32.301–8 Revised	39042
101–32.301–10 Revised	39042
101–32.302 Revised	39042
101–32.303–2 (c) and (d) redesignated as (d) and (e); new (c) added	39042
101–32.305 Heading revised	39042
101–32.306 (c) and (e) revised	39042
101–32.308 Revised	39042
101–32.309 Revised	39042
101–32.309–1 Added	39042
101–32.309–2 Added	39042
101–32.309–3 Added	39042
101–32.309–4 Added	39042
101–32.403–5 Added	31635
101–32.404 Introductory text revised	31635
101–32.1304–15—101.32.1304–16 Added	† 7096
101–32.1305–3 Added	† 7097
101–32.4702 (a) and (c) revised	39043
(c) corrected	40294
101–35.103 (c) added	24649
101–35.310 Added	24649
101–38.1001 Revised	27798
101–38.1003 Revised	27798
101–38.1004 Revised	27798
101–39.600 Revised	36966, 37380
101–39.601 Revised	36966, 37380
101–39.603–1 Revised	30117
101–39.805 Revised	† 6503
101–42.101 Amended	44753
101–42.102–1 (b) revised	44753
101–42.102–3 Revised	44753
101–42.203 (b) revised	44753
101–43.102 Revised	24649
101–43.303–1 (b) revised	44753
101–43.309 Revised	44753
101–43.311–2 Revised	44753
101–43.313–3 Revised	44754
101–43.315–2 (d) revised	44754
101–43.315–4 (c) revised	44754
101–43.316–1 (a)(1) revised	44754
101–43.319 (a) revised	24649
101–43.402–5 (d)(1) revised	44754
101–43.504 (c) revised	44754
101–43.505 (a) revised	44754
101–43.4901 (b)(2) revised	44754
101–43.4902–1 (f) amended	44754
101–43.4903 Revised	44754
101–43.4904 Amended	44755
101–43.4904–1 Amended	44755
101–43.4907 Revised	24649
101–44.302 (c) revised	44755
101–44.313 (a), (b), and (c)(1) revised	44755
101–44.318 Revised	44755
101–44.601–2 Revised	44755
101–44.601–3 Revised	44755
101–44.601–5 Revised	44755
101–44.801 (a) revised	24649
101–45.303 (b) revised	44756
101–45.304.8 (a) and (d)(1) revised	44756
101–45.308 (a) revised	24650
101–45.309–6 (a)(3) and (4), (b) and (c) revised	44756
101–45.505 (b) and (c) revised	44756
101–45.603 Revised	44756
101–46.407 Revised	44756
101–47.201–1 (a) revised	† 12078
101–47.201–2 (a)(1) revised	† 12078
101–47.203–1 Revised	† 12078
101–47.203–2 Revised	† 12078
101–47.203–7 (a), (c), and (d) revised	† 12078
101–47.301–4 Revised	† 12078
101–47.301–5 Revised	† 12078
101–47.306–2 Revised	† 12078
101–47.312 (b) removed	† 12078
101–47.402–2 (a) revised	† 12078
101–47.700 Revised	† 12079
101–47.800 Revised	† 12079
101–47.801 (b)(1)(iii), (2), (4), (6), (7), (8), (10), (13), and (15) revised	† 12079
101–47.802 (a) and (b) amended	† 12079
101–47.4900 Revised	† 12080
101–47.4903 Revised	† 12080
101–47.4904 Revised	† 12080
101–47.4907 Revised	† 12080
101–47.4908 Removed	† 12080
101–47.4909 Removed	† 12080
101–47.4910 Revised	† 12080
101–47.4914 Revised	† 12080

Note: Symbol (†) refers to 1975 page numbers

Chapter 101—*Proposed Rules:* Page

101 — 26171

101–32 — 36605

Chapter 103—Department of Health, Education, and Welfare

Chapter (Parts 103–1—103–43) removed — 24506

Chapter 105—General Services Administration

105–1 Added	25231
105–54 Recodified from 105–64	25232
105–60 Revised	† 8200
105–61.000—105–61.000–2 Revised	† 7924
105–61.001–7 Revised	† 7924
105–61.101–1 (d) revised; (e) added	† 7924
105–61.101–2 Revised	† 7925
105–61.102—105–61.102–6 Redesignated from 105–61.103—105–61.103–6 and revised	† 7925
105–61.102—105–61.102–3 Redesignated as 105–61.103—105–61.103–3 and revised	† 7925
105–61.103—105–61.103–6 Redesignated as 105–61.102—105–61.102–6 and revised	† 7925
105–61.103—105–61.103–3 Redesignated from 105–61.102—105–61.102–3 and revised	† 7925
105–61.104—105–61.104–3 Revised	† 7926
105–61.105 Revised	† 7926
105–61.106–1 Revised	† 7926
105–61.108 Revised	† 7926
105–61.108–1 Added	† 7926
105–61.108–2 Added	† 7926
105–61.201 Revised	† 7926
105–61.202 Revised	† 7926
105–61.203—105–61.203–2 Added	† 7926
105–61.4800—105–61.4801–7 (Subpart 105–61.48) Redesignated as Subpart 105–61.51 and revised	† 7927
105–61.5100—105–61.5101–7 (Subpart 105–61.51) Redesignated from Subpart 105–61.48 and revised	† 7927
105–61.5201—105–61.5208 (Subpart 105–61.52) Added	† 7928
105–63 Added	† 2670
105–64 Recodified as 105–54	25232
105–65 Heading added	25230
105–66 Heading added	25230

Note: Symbol (†) refers to 1975 page numbers

CODE

Title 41—Continued

Chapter 105—*Proposed Rules:* Page

105–60 ---------- † 2838
105–61 ---------- † 3474

Chapter 109—Energy Research and Development Administration

Chapter heading revised ---------- † 5364
Nomenclature changes ---------- † 5364
109–1.102 Revised ---------- † 15091
109–1.104–2 (a) revised ---------- † 15091
109–1.151 (a) revised ---------- † 15091

Chapter 114—Department of the Interior

114–1.109–50 Amended ---------- † 3450
114–3.105 Revised ---------- † 3450
114–3.204 (b) (1) and (2) revised ---------- † 12790
114–3.205 Revised ---------- † 3450, 12791
114–3.206 Revised ---------- † 3450, 12791
114–25.104–2 Removed ---------- † 3450
114–25.302–3 Heading added ---------- † 3450
114–25.350 Amended ---------- † 3450
114–25.4801 Revised ---------- † 3596
114–25.4801–50 Revised ---------- † 3596
114–26.308 Revised ---------- † 3450
114–26.406–2 (d) amended ---------- † 3450, 10469
114–26.6 Heading redesignated as 114–26.7 and revised ---------- † 10469
114–26.600–50 (Subpart 114–26.6) (Incorrectly designated as 114–26.650) Revised ---------- † 3450
Redesignated as 114–26.750 (Subpart 114–26.7); heading revised ---------- † 10469
114–26.600–51 Removed ---------- † 3450
114–26.750 (Subpart 114–26.7) Added; redesignated from 114–600–50 (Subpart 114–26.6) (Incorrectly designated as 114–26.650); heading revised ---------- † 10469
114–28 Added ---------- † 13218
114–30 Added ---------- † 5525
114–38.102–1 Revised ---------- † 5526
114–38.402 (a) revised ---------- † 5526
114–39.404–3 Revised ---------- † 5526
114–39.404–4 Revised ---------- † 5526
114–39.601—114–39.602–1 (Subpart 114–39.6) Added ---------- † 5525
114–40.307 Revised ---------- † 5526
114–40.5001—114–40.5006 (Subpart 114–40.50) Revised ---------- 29361
114–42.302–2 Revised ---------- † 5526
114–42.302–4 Removed ---------- † 5526
114–43.102–52 Revised ---------- † 12080
114–43.313–5 Removed ---------- 29361
114–43.319 Revised ---------- 31904
114–43.319–50 Revised ---------- 31904
114–43.319–52 Amended ---------- 31904
114–43.320 Amended ---------- 31904
114–43.402–4 (c) added ---------- † 3451
(a) removed ---------- † 10469
114–45.316–2 Revised ---------- † 5526
114–45.317 (b) revised ---------- † 5526
114–45.317–50 Revised ---------- † 5526
114–45.803—114–45.804 (Subpart 114–45.8) Revised ---------- † 5527
114–46.202 (Subpart 114–46.2) Revised ---------- † 5527
114–46.407 Amended ---------- † 5527
114–47.203–1 (c) revised ---------- † 12080
114–47.203–7 Introductory text to (a) revised ---------- † 5527
114–47.301–5 (b) revised ---------- † 5527
114–47.304–8 (b) revised ---------- † 5527
114–47.304–51 (c) (2) (v) revised ---------- † 5527
114–47.802–54 (d) revised ---------- † 5527
114–51.103 Revised ---------- 26288
114–52.203 (b) revised ---------- † 5527
114–60.000 Revised ---------- 34279
114–60.001—114–60.003 Added ---------- 34279
114–60.100—114–60.106 (Subpart 114–60.1 Revised ---------- 34279
114–60.104 Revised ---------- † 5527
114–60.900—114–60.905 (Subpart 114–60.9) Added ---------- 34281

Chapter 114—*Proposed Rules:*

114–50 ---------- † 6667

Title 41—*Proposed Rules:*

In this title only see under specific chapters.

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

Page

37.3 (a) amended ---------- † 3294
(a) effective date corrected ---------- † 8076
51a.401—51a.417 (Subpart D) Added ---------- † 12760
57.1901—57.1912 (Subpart T) Added ---------- † 12791
Effective date corrected ---------- † 17252
57.1908 Added ---------- † 12791
(d) corrected ---------- † 14762
57.1909 Added ---------- † 12791
(c) (2) corrected ---------- † 14762
59.203 (b) revised ---------- † 17991
59a.1—59a.9 (Subpart A) Removed ---------- † 12507
72 Redesignated in part as Title 21 Parts 1240, 1250; see redesignation table ---------- † 5620
110 Added ---------- 37311

Title 42—*Proposed Rules:*

23 ---------- † 1204
32 ---------- † 7460
50 ---------- † 3218
51a ---------- † 10318, 13288
52b ---------- † 12092
52c ---------- 45042
---------- † 4152
52d ---------- † 12999
53 ---------- † 10686
57 ---------- † 11733, 14932, 18790
59 ---------- † 2823
66 ---------- † 3074
71 ---------- † 11887
72 ---------- 35438
---------- † 8
82 ---------- † 17029
110 ---------- 43044
---------- † 6602
203 ---------- † 13288

TITLE 43—PUBLIC LANDS: INTERIOR

2 Revised ---------- † 7305
Appendix A added ---------- † 7450
2.11 (b) corrected ---------- † 10670
(b) amended ---------- † 11727
2.13 (c) (7) (i) technical correction ---------- † 14315
4.113 Revised ---------- † 5528
4.115 Revised ---------- † 5528
4.116 Revised ---------- † 5528
18.13 (d) corrected ---------- 36114
20 Appendix revised ---------- 42682
20.735–3 (a) (1) and (3) revised ---------- 42681
20.735–11 (e) revised ---------- 42681
20.735–15 (b) revised ---------- 42682
20.735–17 (b) revised ---------- 42682
20.735–41 (c) (1) and (2) revised ---------- 42682
20.735–49 (b) revised ---------- 42682

Chapter II—Bureau of Land Management, Department of the Interior

1780 Heading added ---------- † 3295
1784.0–1—1784.4 (Subpart 1784) Added ---------- † 3295
2802.1–2 Revised ---------- † 17842
2802.2—2802.2–2 Revised ---------- † 17843
2802.2–4 Added ---------- † 17844
2802.4—2802.4–2 Revised ---------- † 17844
2821.6 Revised ---------- 39440
2822.1–2 (b) revised ---------- 39440
2822.2 Revised ---------- 39440
2822.2–1 ---------- 39440
2822.2–2 Revised ---------- 39440
3107.2–1 (b) revised ---------- † 12507
4115.2–1 (k) (1) (ii) revised; (k) (1) (iv) amended ---------- † 2812

Public Land Orders

290 Revoked by PLO 5461 ---------- 44757
386 Revoked in part by PLO 5451 ---------- 42688
Revoked in part by PLO 5461 ---------- 44757
715 Revoked in part by PLO 5448 ---------- 41364
765 Revoked in part by PLO 5458 ---------- 43550
916 Revoked in part by PLO 5461 ---------- 44757
975 Revoked in part by PLO 5461 ---------- 44757
1087 Revoked in part by PLO 5456 ---------- 43549
1114 Revoked by PLO 5461 ---------- 44757
1139 Revoked in part by PLO 5458 ---------- 43550
1444 Revoked in part by 5458 ---------- 43550
1571 Revoked in part by PLO 5455 ---------- 43549
1744 Revoked in part by PLO 5468 ---------- † 5753
1771 Revoked in part by PLO 5457 ---------- 43549
1851 Revoked in part by PLO 5455 ---------- 43549
2257 Revoked by PLO 5461 ---------- 44757

Title 43, Public Land Orders—Con.

	Page
2425 Revoked in part by PLO 5461	44757
2843 Revoked by PLO 5449	41530
3221 Amended by PLO 5441	39440
4834 See PLO 5440	39556
5150 Revoked in part by PLO 5460	44661
5169 Amended by PLO 5439	38646
5170 Amended by PLO 5450	42364
5172 See PLO 5442	39722
5175 Amended by 5438	38646
Amended by PLO 5452	43222
5176 Amended by PLO 5454	43548
5177 Amended by PLO 5459	44758
5179 Amended by PLO 5459	44758
5180 Amended by PLO 5450	42354
Amended by PLO 5459	44758
5181 Amended by PLO 5452	43222
5191 See PLO 5442	39722
5392 See PLO 5442	39722
5418 See PLO 5461	44757
5428 See PLO 5442	39722
5434	36346
5435	35797
5436	35797
5437	36346
5438	38646
5439	38646
5440	39556
5441	39440
5442	39722
5443	39722
5444	39879
5445	40952
5446	40952
5447	40952
5448	41364
5449	41530
5450	42364
5451	42688
5452	43222
5453	43391
5454	43548
5455	43549
5456	43549
5457	43549
5458	43550
5459	44758
5460	44661
5461	44757
5462	† 1017
5463	† 5365
5464	† 5753
5465	† 6208
5466	† 5753
5467	† 5753
5468	† 5753
5469	† 5754
5470	† 5754
5471	† 5754
5472	† 6208
5473	† 6207
5474	† 6340
5475	† 6341
5476	† 6208
5477	† 6207
5478	† 6341
5479	† 6341
5480	† 6342
5481	† 6342
5482	† 6342
5483	† 6342
5484	† 6342
5485	† 6343
5486	† 6343
5487	† 6503
5488	† 6503
5489	† 7450
5490	† 7450
5491	† 11727
5492	† 14054
5493	† 14315
5494	† 16066
5495	† 16667
5496	† 16208

Title 43—*Proposed Rules:*

2	† 5783
4	40781
	† 13308, 14603
1780	35800, 45016
2650	† 13308, 14603
2800	35801
2920	† 2818
3100	36348
3300	† 7673
3500	43229
	† 2590
3520	43229
	† 2590
4110	45016
	† 7453
4120	† 7453
4130	† 7453

TITLE 45—PUBLIC WELFARE

46 Revised	† 11854
60 Removed; republished and redesignated as Part 153	† 11243
75 Added	† 1243
80 Appendix A corrected	† 18173

Note: Symbol (†) refers to 1975 page numbers

Chapter I—Office of Education, Department of Health, Education, and Welfare

	Page
102 Revised	† 8076
103 Appendix C added	† 4309
Appendix B revised	† 8556
Appendix A revised	† 14315
103.1 Revised	† 18787
103.3 Amended	† 18787
103.41–103.46 (Subpart E) Added	† 18787
103 Appendix D added	† 18788
112 Revised	† 16013
113 Revised	† 16015
114 Revised	† 16019
115 Revised	† 16032
121 Revised	† 7411
121b Added	† 7413
121c Added	† 7414
121d Added	† 7416
121e Added	† 7419
121f Added	† 7419
121g Added	† 7422
121h Added	† 7422
121i Added	† 7424
121j Added	† 7428
126 Added	† 8177
127 Added	41851
130 Revised	41711
131 Revised	40495
141 Revised	† 1018
142 Revised	† 6343
144.4a Added	37384
151.30–151.34 (Subpart C) Added	† 14762
151.50—151.55 (Subpart E) Added	† 18552
153 Added; republished and redesignated from Part 60	† 11243
154.6 Revised	† 14918
155.7 Revised	† 14918
158 Revised	† 17713
166 Revised	† 17950
173 Revised	† 12081
175.14a Added	37385
176 Revised	37385
176.1 Amended	37987
176.4 (b) amended	37987
176.16 (c) amended	37987
176.20 (e)(3) amended	37987
176.21 (a) amended	37987
177.1 (e) and (g) revised; (i) and (r) added	† 7593
177.4 (c)(3)(xxi) revised	36967
(c)(3)(xxii) added	† 2813
(c)(3)(xxiii) added	† 18556
177.46 (c) and (d) revised; (c–1) added	† 7594
177.50 Removed	† 7595
177.61—177.66 (Subpart F) Added	† 7595
177.71—177.78 (Subpart G) Added	† 7597
183.1 (a) and (b) amended	† 12990
183.2 Amended	† 12990
190.1—190.5 (Subpart A) Added	39413
190.11—190.16 (Subpart B) Added	39415
190.16 Added	39415
Revised	† 15249
190.31—190.39 (Subpart C) Revised	† 15249
190.41—190.48 (Subpart D) Revised	† 15251
190.51 (Subpart E) Added	39416
190.61—190.66 (Subpart F) Added	39416
190.71 — 190.86 (Subpart G) Added	41800
192.2 Amended	† 17844
192.3 (e) and (f) added	† 17844
192.4 (a) amended; (b) added	† 17845
192.5 (b) (3) and (4) amended; (b) (5) through (9) added	† 17845
192.9 Revised	† 17845

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

201.1 (h) corrected	36114
205.40 Revised	37195
205.41 Revised	37195
205.102 CFR correction	† 4000
213.21 Revised	40850
220 Effective date	45238
220.61 (f)(1) amended	38380
(f)(1)(i) revised	40157
221 Effective date	45238
222 Effective date	45238
226 Effective date	45238
233.20 (a)(3) revised	† 12507
233.140 Removed	38902
Added (reinstated)	† 2435
237.60 Removed	† 16667
248.3 (b)(5) and (c)(2)(i) and (ii) amended	36590
248.21 a)(3)(ii)(A) and (B) amended	36590
249.10 (b)(6) revised	37637
(b)(4)(i)(b) revised; (b)(15)(vi) added	40019
(b)(1) and (14)(i)(a) revised	41611
(b)(1) and (14) effective date stayed	† 14579

Note: Symbol (†) refers to 1975 page numbers

CODE

(CHANGES OCTOBER 1, 1974 THROUGH APRIL 30, 1975)

Title 45, Chapter II—Continued

Page

249.33 (a)(1) amended 41611
(a)(1)(i) effective date stayed ..... † 14597
249.40 (a)(2) and (b) revised 36590
(a)(2)(ii) table corrected 39267
250.18 Added 41611
Effective date stayed ..... † 14597
250.19 Added 41612
Effective date stayed ..... † 14597
(a) amended ..... † 14597
250.20 Amended; (a)(3) added 35778
Revised 41617
Effective date stayed ..... † 14597
250.23 Amended 41618
(a)(1)(ii) revised; (b)(2) removed; (b)(1) redesignated as (b); (c) added 41618
Effective date stayed ..... † 14597
250.24 (a)(1)(ii) revised 41618
(a)(1)(ii) effective date stayed ..... † 14597
250.30 (b) and (d) revised 43632
(b)(3)(iii) revised ..... † 14598
(b)(3)(iii) corrected ..... † 15388
250.120 (d) amended 36590

Chapter IV—Social and Rehabilitation Service (Rehabilitation Programs), Department of Health, Education, and Welfare

401 Revised 42473
402 Added 42492
403—408 Removed 42504
409 Revised 42504

Chapter V—Foreign Claims Settlement Commission of the United States

503 Revised ..... † 10178
531.1 (h) added 40249
531.2 (h) revised 40249

Chapter VI—National Science Foundation

612 Added ..... † 12793
650 Added 41982

Chapter VIII—Civil Service Commission

801 Appendix A amended 37056, 40157

Chapter X—Office of Economic Opportunity

1005 Removed; new (interim) Part 1005 added ..... † 7929
1060.2–1—1060.2–3 (Subpart) Heading and text revised ..... † 14317

Page

1060.5–1—1060.5–3 (Subpart) Added ..... † 3213
1069.7–1—1069.7–3 (Subpart) Added 39722

Chapter XI—National Foundation on the Arts and the Humanities

1100.3 Text removed ..... † 8821
1100.3–1 Added ..... † 8822
1100.3–2 Added ..... † 8822
1100.3–3 Added ..... † 8822
1100.3–4 Added ..... † 8822
1100.3–5 Added ..... † 8822
1100.4 Heading added ..... † 8823
1100.4–2 Added ..... † 8823

Chapter XII—ACTION

1201.735–501 (b) revised ..... † 17023
1213 Added ..... † 10670
1215 Added ..... † 18558
1216 Added ..... † 16209
1217 Added 44203
1218 Added 43725
1219 Added 42915

Chapter XIII—Office of Human Development, Department of Health, Education, and Welfare

1340 Added 43937

Chapter XIV—National Institute of Education, Department of Health, Education, and Welfare

Subchapter A established 38999
1400 Added 38999
1403 Added 39000
1405 Added 39001
1407 Added 39004
1409 Added 39005
1410 Added 39005
1412 Added 39006
1414 Added 39007
1415 Added 39008
1417 Added 39010
1419 Added 39011
1420 Added 39012
1422 Added 39013
1424 Added 39014

Chapter XV—Fund for the Improvement of Postsecondary Education, Department of Health, Education, and Welfare

1501 Revised ..... † 12266

(CHANGES OCTOBER 1, 1974 THROUGH APRIL 30, 1975)

Chapter XVII—National Commission On Libraries and Information Science

Page

Chapter established 39879
1700 Added 39879
1701 Added 39879
1701.2 (b)(1) and (7) revised; (c) added ..... † 7652
1701.3 Heading, (a) and (b) revised; (d) and (e) removed ..... † 7652
1701.4 Revised ..... † 7653
1701.5 Revised ..... † 7653
1701.6 Added ..... † 7653
1701.7 Added ..... † 7653

Title 45—*Proposed Rules:*

5 ..... † 4439
11 ..... † 3712
19 40302
..... † 2707
48 37993
63 ..... † 1516
75 36861
99 ..... † 1208, 2208
100a 45297
..... † 3607
100c ..... † 11686
103 ..... 36592, 38666
..... † 8, 8955
116 ..... † 11472
116a ..... † 11472
118 45019
121a ..... † 17849
123 ..... † 11591
126 ..... † 11885
130 ..... † 12671
134 ..... † 11686
134a ..... † 11686
134b ..... † 11686
144 ..... † 7100, 8108
151 44774
154 41536
155 41536
156 ..... † 16086
160c ..... † 17394
166 ..... † 3382
169 40506
175 ..... † 7100, 8108
176 ..... † 7100, 8108, 10686
177 37154
..... † 13282
180 ..... † 12244
182 ..... † 3007
183 41260
184 45297
185 ..... † 14166
189 ..... † 1053
192 43729
204 ..... † 16672
205 ..... † 5541, 11735, 12674
208 37505
220 ..... † 6505
224 38104

Page

228 ..... † 16802
249 ..... 40959, 42919
..... † 6368, 8956, 13142
250 41480
..... † 2707, 11735, 13142, 15093
401 ..... † 12107
402 ..... † 12107
503 ..... † 3786
612 ..... † 3313
650 ..... † 12819
704 ..... † 4154, 17267
1100 ..... † 3014
1208 37205
1213 44457
1215 ..... † 3462
1220 37779
1221 ..... † 18002
1222 ..... † 16676
1304 ..... † 4758
1351 ..... † 17824
1460 ..... † 12671
1501 41748

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

4.13–1 (Subpart 4.13) Revised ..... † 13501
5.01–5 (d) added 39723
5.20–1 Revised 39723
Heading corrected 41365
5.20–165 (b) table corrected 39723
5.30–1 (g) revised 39723
5.50–1 (Subpart 5.50) Revised ..... † 13501
14.15–1 (Subpart 14.15) Revised ..... † 13501
32.45–1 (i) removed; (f)(4–a) added ..... † 17754
34.15–10 (h) revised ..... † 6208
35.20–40 Added ..... † 2689
40.15–1 (Subpart 40.15) Added ..... † 17025
50.10–30 Table amended 40158
73.35–20 (c)(2) amended 35798
75.20–15 (b) and (gg) amended 35798
75.30–15 (a) amended 35798
76.15–10 (h) revised ..... † 6209
77.05–1 (b) amended 35798
78.21–1 (Subpart 78.21) Added ..... † 2689
78.47–40 (b) amended 35798
95.15–10 (h) revised ..... † 6209
97.19–1 (Subpart 97.19) Added ..... † 2689
111.85–10 (c)(5)(i) removed; (c)(6) added ..... † 17754
146.04–5 Table amended 40294
146.23–100 Table F amended 40294
147A.11 (a)(5) corrected 37771
151.01–25 (c) amended ..... † 17026
151.05 (Subpart) Table amended ..... † 17026

CODE

(CHANGES OCTOBER 1, 1974 THROUGH APRIL 30, 1975)

Title 46, Chapter I—Continued

Page

151.50–34 (g) through (k) added ----------† 17026
160.062–2 (c) amended----------† 4422
160.062–4 (c), (d) (2), (3), and (4), and (e) amended; (f) revised ----------† 4422
160.062–6 (b) revised----------† 4422
160.062–7 Added ----------† 4422
160.062–8 Added ----------† 4422
160.064–1—160.064–9 (Subpart 160.064) Heading revised--- 36967
160.064–2 (a), (b), (c) amended; (d) added---------- 36967
160.064–3 (a), (b), and (e) amended; (d) revised------- 36967
160.064–4 (a) amended---------- 36967
160.064–6 (a) amended---------- 36967
160.064–7 (a) amended---------- 36967
160.064–8 (a) amended---------- 36967
181.20–15 (d) revised----------† 6209
193.15–10 (h) ----------† 6209
196.19–1 (Subpart 196.19) Added-† 2689

Chapter II—Maritime Administration, Department of Commerce

221.4 (c) and (d) revised-------† 2435
281 Heading revised----------† 7431
281.1 Introductory text and (f) revised ----------† 7431
308.6 Time extended----------† 7097

Page

308.106 Time extended---------† 7097
308.206 Time extended---------† 7097
308.305 Time extended---------† 7097
310.6 (a)(4) removed; (a)(5) and (6) redesignated as (a)(4) and (5)----------† 6655
310.10 (a) removed; (b) and (c) redesignated as (a) and (b)--† 6655
310.58 (c) amended---------- 44204
380.30—380.35 (Subpart D) Removed ----------† 14599

Chapter IV—Federal Maritime Commission

500.735–32 (b) amended; (d) revised ---------- 37392
500.735–37 Amended ---------- 41365
503.1 Removed; new § 503.1 added ----------† 2983, 7311
Revised ----------† 8098
503.22 Amended ----† 2984, 7311, 8098
503.31 Removed; new § 503.31 added ----------† 2984, 7311
Revised ----------† 8098
503.32 Amended ----† 2984, 7311, 8098

Page

503.33 Amended ----† 2984, 7311, 8098
503.34 Removed; new § 503.34 added ----------† 2984, 7311
Revised ----------† 8098
503.35 (a) and (g) revised-----† 2984, 7311, 8099
503.36 Added --------† 2985, 7311, 8099
503.41—503.43 (Subpart E) Revised ----------† 2985, 7311, 8099
506 Revised ---------- 38648
Effective date corrected-------- 41365
528.1 Amended ----------† 14599
531.25 Removed ----------† 5529
533.1 Amended ----------† 14599
550 Added ----------† 18446

Title 46—*Proposed Rules:*

10 ----------† 3610, 10692
12 ----------† 3610, 10692, 16676
30 ----------† 2707, 17592
31 ----------† 17145
32 ----------† 14935, 16676, 17592
34 ----------† 17592
42 ---------- 35820
50 ----------† 14935, 16676
52 ----------† 14935, 16676
53 ----------† 14935, 16676
54 ---------- † 14935, 16676
56 ----------† 14935, 16676
57 ---------- 38667
58 ----------† 14935, 16676
63 ----------† 14935, 16676
74 ---------- 17154
93 ---------- 17154
Subch. M----------† 17154
146 ----------† 4318, 4319
151 ---------- 39046
----------† 2707
167 ----------† 3311
281 ---------- 40031
283 ---------- 43634
----------† 2445
401 ---------- 39047
502 ----------† 12294, 15097
538 ----------† 1280
547 ----------† 13005
550 ----------† 15401
1046 ---------- 43559

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

0.5 (b)(4)(ii) revised---------† 17253
0.21 (h) revised----------† 7914
0.41 (o) removed----------† 17253
0.42 Revised ----------† 6656
0.44 Revised ----------† 6656
0.46 Revised ----------† 6656

(CHANGES OCTOBER 1, 1974 THROUGH APRIL 30, 1975)

Page

0.47 Heading, introductory text and (a) revised; (h) added--† 6656
(f) removed----------† 17253
0.91 (e) and (g) revised; (h) added ----------† 7451
0.93 Revised ----------† 12641, 14764
0.111 Revised ----------† 17253
0.121 (a) amended---------- 36346
(a) table corrected---------- 37487
(a) and (c) amended; (b) removed ----------† 17253
0.186 (b) (1) and (8) revised--† 17253
0.211 (d) revised----------† 6473
0.214 Removed ----------† 7451
0.215 Revised ----------† 7451
0.231 (e) removed----------† 17254
0.282 (a)(4) revised----------† 17254
0.288 Added ----------† 7914
(d) corrected----------† 10180
(d) amended----------† 12796
(q) amended----------† 17738
0.289 Removed ----------† 7915
0.291 Revised ----------† 7451
0.292 Removed; new 0.292 redesignated from 0.293---------† 7452
0.293 Redesignated as 0.292-----† 7452
0.294–0.298 Removed ----------† 7452
0.302 (c) and (d) added--------† 7452
0.303 (g) revised----------† 7452
0.307 Revised ----------† 7452
0.311 Revised ----------† 17254
0.314 (s) and (t) added-------- 41257
Heading, introductory text, (c), (h), (i), (k), and (q) revised; (u) added---------† 17254
0.315 Removed ----------† 17254
0.316 Removed ----------† 17254
0.317 Revised ----------† 17254
0.331 Revised ----------† 4423
0.332 Revised ----------† 4423
0.347 Revised ---------- 37061
0.357 Added ---------- 37061
0.367 Added ---------- 37061
0.377 Added ---------- 37061
Amended ----------† 4423
0.385 Removed ----------† 17254
0.386 Removed ----------† 17254
0.387 (b) revised----------† 17254
0.401 (c) revised----------† 17254
0.421 Revised ----------† 17254
0.431 Revised ----------† 17254
0.432 Revised ----------† 17254
0.433 Revised ----------† 17255
0.445 (g) revised----------† 17255
0.451 Revised ----------† 7313
0.455 (e)(1) revised----------† 17255
0.456 Removed ----------† 7313

Page

0.457 (a) introductory text amended; (g) revised--------† 7313
(b)(3) added----------† 17255
0.459 Revised ----------† 7313
0.460 Added ----------† 7314
0.461 Revised ----------† 7314
0.465 (b) amended----------† 6656
(a) revised----------† 18395
0.466 Revised ----------† 7316
0.483 (b) revised---------- 39556
0.485 (c) and (d) amended-----† 2986
(c) revised----------† 17255
0.487 Revised ----------† 17255
0.491 Revised ----------† 17255
0.504 Revised ----------† 17255
1.46 Revised ---------- 43301
1.61 (a) revised----------† 17255
1.80 (f) amended---------- 41257
1.83 (a)(1)(ii) revised---------† 5365
1.89 (a) amended---------- 41257
1.401 (d) added---------- 44022
1.405 (d) added---------- 44022
1.415 (e) added---------- 43301
1.420 Added ---------- 44022
1.526 Heading revised---------- 38651
1.533 (a)(7) removed; (a)(8), (9) and (10) redesignated as (a) (7), (8) and (9)----------† 15884
1.536 (b)(6) removed; (b)(7), (8) and (9) redesignated as (b) (6), (7) and (8)--------† 15884
1.547 (a) revised----------† 17255
1.549 Revised ----------† 17255
1.573 Note 1 amended---------- 45263
1.613 (c)(2) and (d) revised---† 15884
1.911 (f) removed----------† 5365
1.922 Table amended----------† 5366
1.927 Revised ----------† 17255
1.928 Introductory text revised-† 17256
1.958 (b)(1) revised----------† 5366
1.1101—1.1120 (Subpart G) Revised ----------† 3851, 16396, 17146
1.1102 (e)(2) through (5), note 1, and (f)(2) added---------† 8187
1.1111 Note I revised----------† 8188
1.1113 (i) and footnote 14 revised ----------† 8188
1.1115 (c)(9) revised----------† 8188
1.1120 (a)(2) revised----------† 8188
1.1301 — 1.1319 (Subpart I) Added ---------- 43843
2 Technical correction--------† 17130
2.1 Amended ---------- 35664
Corrected ---------- 40158
2.103 (a)(1) revised----------† 17256

CODE

(CHANGES OCTOBER 1, 1974 THROUGH APRIL 30, 1975)

Title 47, Chapter I—Continued

	Page
2.106 Footnote amended	38904, 40586
	† 14469
Amended	40953, 40954, 42691
Footnote added	44984
Table amended	† 2813, 2814, 6777, 12991, 14469
Time extended	† 6209
2.201 (e)(6) added	35664
2.202 (e) and (g) amended	35664
2.302 Table revised	† 12991
2.815 Added	† 1246
Effective date	† 3596
(b) corrected	† 6474
2.983 (d)(12) added	35664
2.989 (h) redesignated as (i); new (h) added	35664
5.4 Revised	† 5366
5.108 Added	† 2814
(a) corrected	† 6474
5.109 Added	† 2814
Corrected	† 6474
13.3 (a) revised; (c) added	† 5366
13.4 (c) revised	† 5366
13.5 (a) revised	† 5366
13.11 (b) revised	† 5366
13.71 (b) revised	† 3857, 8188
15.1 Revised	† 10674
15.2 Revised	† 10674
15.4 (e) revised	† 10675
15.25 Added	† 10675
15.31—15.49 (Subpart B) Heading and text revised	† 10675
15.66 Removed	† 10676
15.68 (d)(3) waived	† 15882
15.69 Revised	† 10676
15.70 Revised	† 10676
15.71 Revised	† 10676
15.76 Amended	† 10676
15.77—15.79 Added	† 10677
15.101—15.143 (Subpart D) Added; heading revised	† 10677
15.111 Table corrected	† 13219, 15091
Revised	† 10677
15.131 Corrected	† 13219
Amended	† 14054
15.132 Amended	† 14054
15.135 Amended	† 14054
15.136 Amended	† 14054
15.143 Amended	† 14054
15.151—15.194 (Subpart E) Added; old Subpart E (15.201—15.276) removed	† 10679
15.163 Amended	† 14054
15.178 (b) corrected	† 13219
15.184 Added	† 10679
(c) table corrected	† 13219, 15091
15.193 Amended	† 14054
15.201—15.276 (Subpart E) Removed; new 15.151—15.194 (Subpart E) added	† 10679
15.302 Added	† 10682
15.305 Note removed	† 10682
15.309 Amended	† 10682
15.312 Added	† 10682
15.313 Removed	† 10682
15.314 Added	† 10682
15.315 Removed	† 10682
15.318 Added	† 10682
15.332 Added	† 10682
15.343 Removed	† 10682
15.345 Revised	† 10682
15.347 Revised	† 10682
Amended	† 14054
15.371 Removed	† 10682
15.373 Removed	† 10682
15.402 Added	† 10682
15.411 (a) revised	† 10682
15.413 Revised	† 10682
15.419 Amended	† 10682
18.13 Table amended	† 14469
18.141 (a) footnote 2 removed	† 14469
18.144 (b)(1) introductory text revised	† 14469
21.1 Amended	35665
21.100 (c) amended, (d) revised	35665
(d) corrected	40158
21.101 Amended	† 4915
21.106 (a) revised	35665
(a)(2) revised	† 4915
21.122 Added	35666
31.2–20 (d) revised	42916
33.31 (d) revised	42916
34.1–1 (c) revised	42916
35.1–1 (d) revised	42917
73.35 Revised	† 6468
73.39 (c) and (d)(1)(vii) revised	38651
73.56 (a) revised	38654
73.63 Revised	† 15884
73.64 Revised	† 15884
73.66–73.69 Undesignated center heading removed	38654
73.67 (a) (5), (6), and (7) added	† 11353
73.69 (c)(1), (2), (3), (4), and (5) redesignated as (d) (1), (2), (3), (4), and (5); new (c) added	† 15884
73.70 Added	38654
73.92 (b) revised	38655
73.93 (a) revised	38655
(c), (d) and introductory text of (e) and (f) revised	38651

(CHANGES OCTOBER 1, 1974 THROUGH APRIL 30, 1975)

	Page
73.99 (a)(1) and (b)(1) revised; (c)(2) note added	41718
Appendix A added	41719
73.112 (a)(4)(i) revised	† 15884
73.114 (a)(1)(vii) added	38655
Technical amendment	40020
(a)(1)(vi) revised	† 11353
73.119 Revised	† 18400
73.122 Revised	† 6210
73.202 (b) table amended	36013, 36014, 37988, 40295, 40958, 44027, 44028, 44662, 44663, 45264
(b) table amended	† 4147, 4148, 4427, 4916, 6474, 10181, 10470, 11354, 16668, 17027, 17260, 17261, 18402, 18403
73.203 (b) table amended	† 15882, 15883, 15886, 15887, 15888, 15889, 15890
73.207 (a) note amended	45263
73.240 Revised	† 6469
73.253 (a) revised	38655
73.255 Revised	† 15885
73.256 Revised	† 15885
73.264 (b) revised	38655
73.265 (a) revised	38655
(c), (d), and (e) introductory text revised	38651
73.266 Removed	† 11583
73.275 (a) (5), (6), and (7) revised	† 11353
73.276 Redesignated as 73.277; new 73.276 added	38655
73.277 Redesignated from 73.276	38655
73.284 (a) (4) through (7) redesignated as (a) (5) through (8); new (a)(4) added	38656
(a)(6) through (8) redesignated as (a)(7) through (9); (a)(5)(i) through (iv) redesignated as (a)(6)(i) through (iv); new (a)(5) added	† 11353
73.289 Revised	† 18400
73.292 Revised	† 6210
73.293 (b) revised	† 11583
73.295 (d) revised	38652
73.302 (b) amended	† 12087
73.310 (c) revised	† 11583
73.318 Removed	† 11583
73.504 (g) note amended	45263
73.507 (b), (c), and (d) added	45263
73.553 (a) revised	38656
73.555 Revised	† 15885
73.556 Revised	† 15885
73.564 (b) revised	38656
73.565 (a) revised	38656
(c) and introductory text of (d) and (e) revised	38652
(e) corrected	40020
73.566 Removed	† 11583
73.573 (a) (5), (6), and (7) added	† 11354
73.574 Added	38656
(a)(6) through (8) redesignated as (a)(7) through (9); (a)(5)(i) through (iv) redesignated as (a)(6)(i) through (iv); new (a)(5) added	† 11354
73.584 (a)(6) through (8) redesignated as (a) (7) through (9); (a)(5)(i) through (iv) redesignated as (a)(6) (i) through (iv); new (a)(5) added	† 11354
73.593 (b) revised	† 11583
73.595 (c), (d), and (g) revised	38652
73.596 (b) revised	38652
73.606 (b) table amended	37488, 42365
73.633 Redesignated from 73.678	38657
73.636 Revised	† 6470
73.637 Revised	† 15885
73.638 Revised	† 15886
73.643 Revised	† 15571
73.654 Revised	† 18400
73.656 Revised	† 6210
73.658 (k) revised	† 4010
73.660 (b) revised	38656
73.661 Revised	38657
73.672 (a)(3) through (8) redesignated as (a)(4) through (9); new (a)(3) added	38657
(a)(6) through (9) redesignated as (a)(7) through (10); (a)(5)(i) through (iv) redesignated as (a)(6) (i) through (iv); (a)(4) redesignated as (a)(5); new (a)(4) added	† 11354
73.676 (f) (1), (5) and note amended; (g) note removed	40957
(g) revised	42366
(a) (3) through (8) redesignated as (a) (5) through (10); (a)(2) revised; new (a) (3) and (4) added	† 11354
73.678 Redesignated as 73.633; new 73.678 added	38657
73.682 (a)(21) revised	40956
73.691 (a) revised	38658
73.699 Amended	40957
Corrected	45261
73.758 (k) interpretation	† 12088

CODE

(CHANGES OCTOBER 1, 1974 THROUGH APRIL 30, 1975)

Title 47, Chapter I—Continued

	Page
73.789 Revised	† 18400
73.906 Revised	43302
(a) corrected	44454
(a) correctly revised	† 1700
73.1209 Correctly designated as 73.1211	† 6977
73.1210 Added	† 17259
73.1211 Added	† 6210
Correctly designated from 73.1209	† 6977
73.1212 Added	† 18400
74.436 (a)(3) revised; (a)(6) added	40586
74.584 (a) (4) through (7) redesignated as (a) (5) through (8); new (a)(4) added	38657
74.751 (b) (4) through (7) and (c) revised; (b)(8) removed	38652
74.763 (c) revised	38653
74.1263 (c) revised	38653
76.5 (dd) removed	† 2690
76.8 Added	† 12797
76.13 (a)(4), (b)(4), and (c)(3) revised	44204
76.27 Amended	† 17738
76.31 (a)(5) revised	44665
(a)(2) revised	44989
76.51 (b)(64) amended	37988
76.55 (a)(3) amended	† 17738
76.91—76.159 (Subpart F) Heading revised	† 17738
76.91 Removed	† 17738
76.92 Added	† 17738
76.93 Removed	† 17739
76.94 Added	† 17739
76.95 Revised	† 17739
76.97 Revised	† 17739
76.99 Amended	† 17740
76.201 Removed	43310
76.213 (a), (c), and (d) revised	† 6210
76.217 Removed	43310
76.221 Heading and text revised	† 18401
76.225 Revised	† 15572
76.251 (a)(7) revised	43310
76.253 Added	43310
76.305 (a)(7) and (c) revised	43310
(c) corrected	44454
76.605 (a) (3) and (8) revised	† 2690
(a)(4) amended	† 2690
(a)(4) corrected	† 3296
78.18 (a) revised	36014, 36487
(c) revised	36487
78.101 (c) added	36014
Amended	36590
78.105 (c) added	36014
(c) footnote corrected	36590
81.20 Added	† 5366
81.23 Revised	† 5366
81.24 (h) added	† 2988
81.104 (b) and (c) revised; (d) and (e) added	37488
81.132 (a)(3) amended	37061
81.303 (a) revised	† 2435
81.304 (a) table amended; (b)(9) added	44984
(a) amended; (b)(27) revised	† 2987
81.306 (c) amended	† 2987
81.368 (a)(2) revised	37488
81.708 (b)(20) revised	40588
(b)(20)(iv) corrected	41173
83.20 Added	† 5366
83.23 Revised	† 5366
83.351 (a) amended; (b)(6) and (34) added	42692
(a) table amended; (b)(6) added	44985
(a) amended; (b)(15) revised	† 2987
Time extended	† 6209
83.354 (c) amended	† 2987
83.359 Revised	42692
83.484 (d)(2) revised	38658
83.713 (e) revised	† 4427
87.3 Revised	† 5367
87.5 Amended	† 8951
87.20 Added	† 5367
87.31 (g) added	† 2988
87.65 (a) (3) through (8) amended	† 8951
87.79 (a), (b), and (c) amended	† 8951
87.183 (m) removed	† 8951
87.201 (b) amended; (e) and (f) redesignated as (f) and (g); new (e) added	40954
87.235 Amended	† 8951
87.271 (c) added	40954
87.297 (a) amended; footnote added	44985
87.463 Amended	† 8951
89 Technical correction	† 17130
89.9 Revised	† 5367
89.55 (b) amended	† 8951
89.56 Added	† 5367
89.60 (a) revised	† 8951
89.63 (k) added	† 2988
89.101 (b) redesignated as (b)(1); (b)(2) added	44985
89.103 (a) table amended	† 8951, 14469
89.105 (e) revised	† 14469
89.107 (b)(2) amended	† 8951
89.111 (a) amended	† 8951
(b) table amended	† 14469
89.120 (c)(3)(i) revised	44029
89.121 Amended	† 8951

Note: Symbol (†) refers to 1975 page numbers

(CHANGES OCTOBER 1, 1974 THROUGH APRIL 30, 1975)

	Page
89.123 (b) and (e) amended; (i) and (j) added	44206
(b) amended	† 5159
89.161 Text redesignated as (a); (b) added	44985
89.519 (d) revised	38904
89.523 (d) revised	38904
Corrected	40851
89.525 (e) table amended; (f)(2), (5), (14), and (19) revised; (f)(4) removed; (f)(22) added	38904
(e) table amended; (f)(15) removed; (f)(16) revised	45265
(e) corrected	† 10470
89.602 Amended	† 14470
89.604 (b) and (c) revised; (d) removed	† 14470
89.651 Revised	† 14470
89.653 Revised	† 14470
89.654 Removed	† 14470
89.655 Revised	† 14470
89.656 Revised	† 14470
89.657 Revised	† 14471
89.701 Revised	† 14471
89.702 (a) and (c) revised	† 14471
89.703 (h) revised	† 14471
89.704 (a)(5) revised	† 14471
89.751 (b) revised; (e), (f), and (g) redesignated as (f), (g), and (h); (e) added	† 14471
89.801 (b) table amended; (e) revised	† 14471
89.802 (b) table revised	† 14472
89.803 (b) revised; (d) removed; (e) redesignated as (d); (f) redesignated as (e) and revised	† 14472
89.805—89.808 Added	† 14472
91.4 Revised	† 5367
91.8 (k) amended	† 8951
91.50 Revised	† 5367
91.54 (b) amended	† 8951
91.57 (a) revised	† 8951
91.58 (d) added	44206
(l) added	† 2988
91.101 Text redesignated as (a); (b) added	44985
91.102 (a) table amended	† 14472
91.103 (c) revised	† 14473
91.104 (b)(2) amended	† 8952
91.106 (a) amended	† 8952
(b) table and footnote amended	† 14473
91.111 (a) amended	† 8952
91.114 (b), (f), and (h) amended; (j) added	44206
(j) corrected	† 1021
(b), (j), and (l) amended	† 5159
91.120 (c)(3)(i) revised	44030
91.151 (a)(1) footnote added	44985
91.252 (c) amended	† 8952
91.302 (e) added	40764
91.304 (a) table amended; (b)(38), (39), and (40) added	40764
91.751 (a) revised	45267
91.754 (a) table amended; (b)(11) revised; (b)(19) added	45267
93.5 Revised	† 5367
93.50 Added	† 5367
93.54 (b) amended	† 8952
93.57 (a) revised	† 8952
93.58 (1) added	† 2988
93.101 (a) redesignated as (a)(1); (a)(2) added	44985
93.102 (a) table amended	† 14473
93.103 (c) revised	† 14473
93.106 (a) amended	† 8952
(b) table and footnote amended	† 14473
93.111 Amended	† 8952
93.114 (a)(8) and (j) added; (b), (c), and (f) amended	44207
(a)(8) redesignated (a)(9); (b) amended	† 5159
93.120 (c)(3)(i) revised	44030
93.151 (a)(1) footnote added	44985
94 Technical amendment	† 8558
95.3 (c) amended	† 1246
(c) effective date	† 3596
95.7 Revised	† 5367
95.13 (a) revised; (b) removed	40295
95.14 Added	† 5367
95.19 (b)(6) added	† 2988
95.37 (f) added	† 2988
95.44 Added	† 1246
Effective date amended	† 3596
97.3 (i) amended	† 17756
97.9 Revised	† 5367
97.37 Revised	† 5367
97.40 (c) revised	† 17756
97.41 (i) added	† 2988
(a) and (g) revised; (f) added	† 17756
97.42 Added	† 5368
97.51 (b) introductory text revised	† 12991
(a)(4) revised	† 17756
97.61 (a) amended; (b)(13) added	44985
97.95 Heading and (a)(1) revised	† 17756
97.107 (a) footnote added	44985
97.301—97.313 (Subpart G) Heading revised	† 5368

Note: Symbol (†) refers to 1975 page numbers

CODE

Title 47, Chapter I—Continued

	Page
97.301 (a) revised	† 5368
97.401—97.409 (Subpart H) Removed	† 5368
97 Appendix 1 amended	† 2986
Appendix 1 revised	† 17256
99.11 (h) added	† 2989

Title 47—*Proposed Rules:*

0	† 4155
1	37507, 38394, 39585
	† 12678, 16968
2	42380
	† 7678, 8230, 11612, 12678
15	36493, 45299
21	40590
	† 800, 12678, 12816
31	43230
	† 8230
42	† 6676, 13004
43	† 12816
61	† 12816
63	39049
73	35687, 36032, 36116, 36494, 37071, 37510, 37998, 38395, 38668, 39049, 40170, 40171, 40863, 40865, 41752, 41995, 42920, 42922, 44254, 44462, 45048
	† 801, 1714, 1716, 2449, 2710, 2712, 2713, 2828, 4447, 4448, 4939–4942, 5794, 6513, 7945, 7946, 8230–8232, 8571, 8963—8965, 10486, 10999, 11603, 11610, 11611, 13004, 13319, 14943, 14944, 14945, 14946, 14947, 15907, 15908, 16680, 16682, 17042, 17269, 17270, 17598, 18452, 18461, 18462, 18463, 18464, 18466
74	42922
	† 10999
76	36117, 39050, 42922, 43850, 45300
	† 3223, 4451, 5371, 8967, 11000, 11612, 12113, 14101, 15574, 16683, 16684, 17270
81	† 4942, 7678, 8233, 18465
83	39054, 42380
	† 7468, 7678, 8233, 18465
87	37399
	† 4453, 7678, 11001, 17271
89	43230
	† 7678
91	† 7678, 8230, 11612
93	† 7678, 8230, 11612
95	† 7678, 8230, 11612
97	39055
	† 11612
260	† 12817

TITLE 49—TRANSPORTATION

	Page
1 Appendix A amended	39043
1.4 (g) revised	39723
1.27 Revised	43404
1.46 (p) revised	39441
(s) added	† 3597
1.47 (c) CFR correction	35366
1.48 (b)(14) revised; (r) and (s) added	† 6659
(b)(25)—(30) redesignated as (b)(26)—(31); new (b)(25) added	† 14764
(b)(32)—(37) redesignated as (b)(35)—(40); new (b)(32) and (33) added	† 14764
(c) (1) and (15), and (n) revised; (t) added	† 14764
(b) (25) and (32) revised	† 17992
1.49 (b) and (l) revised; (r) added	† 3412
1.50 (h) added	35666
(a), (f)(2) and (3) revised; (i) and (j) added	† 6659
(g) revised	† 14765
1.51 (f) revised; (h) added	† 3412
(b) revised	† 14765
(i) added	† 17992
1.53 (k) removed	39724
1.56 Removed	39724
1.57 (i) revised	39724
1.58 Introductory sentence revised; (d)(3) added	38103
(h) added	39724
1.60 (b)(1), and (c) (2) and (4) revised; (b)(8) added	39724
(l) revised	† 3412
1.61 Revised	39724
1.64 Removed	39725
7 Revised	† 7915
7.5 (f) added	† 13307
7.63 (b) and (c) amended	† 10471
7.81 (a) corrected	† 10471
21 Appendix C amended	† 14318

Chapter I—Department of Transportation

171.1 Revised	42366
171.7 (c) (20), (21), and (22), (d)(5)(iii), (14), (15), and (16) added; (d)(4) revised	45240
(d)(1) revised	† 18788
171.11 Heading revised; (b) and (c) added	43311
172.4 Effective date	37488
172.5 (a) table amended	37062
Effective date	37488
173.1 (a) amended	42366

Note: Symbol (†) refers to 1975 page numbers

	Page
173.5 Heading revised; (b) and (c) added	43311
173.6 Removed	43311
173.23 (c) removed	45240
173.33 (l) added	41742
(i)(4) revised; (i)(5) added	41744
173.69 (a) note revised	45240
173.115 Effective date	37488
173.118 Effective date	37488
173.119 Effective date	37488
173.202 (b) added	45240
173.206 (a)(10) revised; (a)(12) added	45240
173.226 Introductory note added	45240
173.264 Heading and introductory text revised	37062
173.283 Added	37062
173.306 (c)(4) and (6) revised; (c)(6) note added	44989
173.315 (i)(13) revised; (i)(14) removed	41744
173.389 (o), (p), and (q) added	45240
173.391 (b)(3) and (c) introductory text, (2) and (4) revised	45241
173.392 (a) and (b) revised; (c)(9) and (d)(7) added	45241
173.393 Technical correction	45240
Heading and introductory texts of (d), (e), and (j) and entire texts of (g), (j)(3), and (1) revised; (o) added	45241
173.394 (a) and (b)(1) and (2) revised; (c)(4) and (b)(5) and (6) added	45241
(a)(1) corrected	† 2435
173.395 (a) introductory text and (1) through (4) revised; (a)(5) through (8) removed; (b)(4) added	45242
(a)(1) corrected	† 2435
173.398 (b)(1) and (c)(1) and (2)(ii) revised; (b)(6), (7), and (8), (c)(5), and (f)(1) and (2) added	45242
(f)(2) corrected	† 2435
173.397 Revised	45243
173.398 (a)(4) notes 1 and 2 added	45244
(a)(4) corrected	† 2435
173.399 (a)(3)(ii) revised; (a)(3)(iii) removed	45244
173.401 Effective date amended	37488
(f) added	45244
173.404 (a) revised	45244
173.416 (d) added	45244
174.525 (b) (1), (3), (4), (6), (11) through (14), and (c)(1) and (3) revised	41366
174.541 Effective date amended	37488
174.584 Effective date amended	37489
(i) added	45244
174.586 (h)(1) revised; (h)(2) amended	45244
174.589 Emergency order	38230
175.652a (c) revised	45244
175.655 (j)(1) revised; (j)(2) amended	45244
177.814 Added	41742
177.815 (g) removed	41742
177.817 (a) introductory text revised	45245
177.823 Effective date amended	37488
177.824 (d) revised	41742
177.834 (l) and (1) revised	41743
(a) revised	45245
(l) (39 FR 41743) effective date delayed until Oct. 1, 1975	† 12269
177.835 (e)(1) removed	41743
177.837 (e) added	41743
177.839 (d) added	41743
177.841 (d) added	41743
177.842 (a) and (b) revised	45245
177.854 (a) amended; (f) (1) and (2) and (g) revised	41743
(g) (39 FR 41743) effective date delayed until Oct. 1, 1975	† 12269
177.856 (d) amended	41743
177.859 (b) amended	41743
178.34—178.34-4 Revised	45245
178.34-4 Revised	45245
Corrected	† 2435
178.103 Revised	45246
178.103-1 Revised	45246
178.103-2 (b) added	45246
178.103-3 (a), (b), (c)(1) and (2)(i), (ii), (iii) and (3), and (d) revised	45246
(c)(1) corrected	† 2435
178.103-4 Revised	45246
178.103-5 (a) revised	45246
178.104-3 (a), (b), and (c) revised; (e) added	45246
178.107-6 Table amended	44990
178.108-6 Table amended	44990
178.109-6 Table amended	44990
178.120—178.120-5 Added	45247
178.121—178.121-4 Added	45250
178.121-1 Added	45250
(c) corrected	† 2435
178.194—178.194-7 Added	45252
178.194-7 Added	45252
Corrected	† 2435
178.195—178.195-5 Added	45253
178.195-6 Correctly added	† 2435
178.250 Removed	45253
178.337-1 (c)(2) revised	41744
178.337-2 (b) revised	41744
178.337-8 (b) revised	41744
178.337-10 (c) revised	41744

Note: Symbol (†) refers to 1975 page numbers

CODE

Title 49, Chapter I—Continued

	Page
192.59 (a)(1) and (b)(1) revised; (c) added	† 10472
192.65 Introductory text and (a) amended	† 6346
192.225 (a) revised	† 10182
192.227 (a)(2) revised	† 10182
192.229 (c) revised	† 10182
192.241 (c) revised	† 10182
192.625 (g)(1) amended	45254
192.707 Revised	† 13505
192 Appendix A amended	† 6346, 10182
Appendix A corrected	† 8188
Appendices A and B amended	† 10472
195.222 Revised	† 10182
195.228 Revised	† 10182

Chapter II—Federal Railroad Administration, Department of Transportation

211 Added	41745
213.233 (b) revised	† 8558
215.3 (c) revised	42367
215.5 (f) added	42367
215.7 Revised	† 17574
215.9 (a) revised	† 17574
215.99 (a) chart and (c) revised	† 17574
215 Appendix D added	† 8952
217 Added	41176
217.3 Revised	† 2690
225 Revised	43224
Interpretation	5368
235.13 (c) revised	41747
235.20 (b) revised	41747
236.0 (c) (6) and (7) revised	41747
255 Added	† 4234

Chapter III—Federal Highway Administration, Department of Transportation

310 Authority citation revised	† 14919
310.1 Revised	† 14919
310.2 Revised	† 14919
310.3 Revised	† 14919
310.4 Revised	† 14920
390.17 Added	† 10684
391.62 Revised	† 10684
392.22 (b)(2)(vii) added	† 10685
393.95 Introductory text revised	† 10685
394.3 (b) revised	† 10685
395.8 (t)(2) revised	† 10685
396.7 Amended	† 10685

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

	Page
555.7 (d) revised; (f) added	37988
555.8 (a) and (b) amended; (e) added	37989
555.10 (b) revised	† 18789
570.55 (c) and (c)(1) amended	† 5160
570.57 (a)(1) and Table 1 revised; Table 2 added	† 5160
571.3 Amended	† 8953
571.103 Std. No. 103 amended; eff. 9–1–75	† 12992
571.105–75 Std. No. 105–75 amended; eff. 9–1–75	† 11585, 18411
571.106 Std. No. 106–74 amended; eff. 3–1–75	39725
Std. No. 106–74 amended; eff. 3–17–75	† 12089
571.108 Std. No. 108 amended; eff. 4–21–75	† 17574
571.109 Std. No. 109 Appendix A amended; eff. 11–21–74	37489
Authority citation corrected	42367
Appendix A amended; eff. 2–24–75	† 3597
Appendix A corrected	† 3296
Amended	† 5529
Heading corrected	† 14765
571.109a Amended	† 11356
571.110 Std. No. 110 Appendix A amended; eff. 11–21–74	37489
Appendix A amended; eff. 2–24–75	† 3597
Technical correction	† 5159
Amended	† 5530
Effective date corrected	† 13219
571.116 Std. No. 116 amended; eff. 3–25–75	† 13219
571.117 Std. No. 117 corrected	36016, 42367
Corrected	† 4
Amended; eff. 5–12–75	39884
571.119 Std. No. 119 amended	† 5530
Effective date amended	† 8189
571.121 Std. No. 121 amended; eff. 3–1–75	39882
Amended; eff. 1–1–75	† 1247
Amended; eff. 9–1–76	† 2989
Amended; eff. 3–1–75	† 8953
Amended; eff. 3–21–75	† 12798
Corrected	† 18789
571.122 Std. No. 122 amended; eff. 12–10–74	43075
571.125 Std. No. 125 corrected	† 4
571.203 Std. No. 203 amended; eff. 5–27–75	† 17992

	Page
571.208 Std. No. 208 amended; eff. 10–29–74	38380
Amended; eff. 2–25–75	42693
Technical correction	† 14319
571.301 Std. No. 301 amended; eff. 9–1–75	40860
571.302 Std. No. 302 amended; eff. 10–1–75	† 14319
573.5 (b) removed	43076
574.7 (a) amended	38658
575.7 Revised	† 11727
576 Interpretation	† 3296
582 Added	† 4918

Chapter IX—United States Railway Association

901 Added	† 8100
931 Added	† 8559

Chapter X—Interstate Commerce Commission

1001.4 Revised	† 3215
1003.1 Amended	35366, 35367
1003.4 Amended	35366, 35367
1033.994 (d) revised	44011
1033.995 (f) revised	44011
1033.1022 (d) revised	44011
1033.1043 (g) revised	† 4658, 4918
1033.1083 (e) revised	35574
(e) revised	† 5162
1033.1084 (e) revised	† 5162
1033.1102 (e) revised	41853
1033.1106 (e) revised	† 5162
1033.1108 (e) revised	40499
Removed	44208
1033.1112 (d) revised	43632
Removed	† 7922
1033.1119 Revised	35666
(e) revised	41985
1033.1123 (e) revised	† 8561
1033.1124 Revised	36557, 40500
Suspended	44392
1033.1125 (e) revised	44208
1033.1126 (e) revised	† 3561
1033.1129 (e) revised	43633
	† 8823
1033.1131 (e) revised	41853
	† 8823
1033.1134 Removed	† 10685
1033.1138 (f) revised	† 14766
1033.1139 (e) revised	44010
(d) revised	43633
1033.1148 (d) revised	44010
1033.1149 Removed	† 2691
1033.1151 (e) revised	† 2691
1033.1154 (e) revised	44208
1033.1156 (f) revised	35574
(f) revised	† 2990
1033.1158 (e) revised	† 5161
1033.1159 (e) revised	38381
	† 18403
1033.1163 (e) revised	41854
1033.1170 Removed	† 7922
1033.1171 (g) revised	38382
1033.1173 Removed	42917
1033.1176 (e) revised	† 8823
1033.1179 Removed	† 12809
1033.1180 (e) revised	† 8562
1033.1182 (e) revised	37393
(e) revised	† 2991
1033.1184 (e) revised	38381
1033.1186 Added	38659
1033.1188 (e) revised	† 2990
1033.1189 (e) revised	† 5161
1033.1190 (e) revised	† 2991
Removed	† 4313
1033.1193 Added	37393
Revised	37638
Revised	† 5369
1033.1196 (d) revised	38381
1033.1197 Added	35798
Technical correction	37062
(d) revised	† 2991
1033.1198 (e) revised	† 14765
1033.1199 Added	36114
1033.1200 Added	38103
(d) revised	† 2990
1033.1201 Added	40501
Suspended	44392
1033.1202 Added	40765
(d) revised	† 14318
1033.1203 Added	42367
Revised	† 3767
(e) revised	† 14766
1033.1204 Added	44010
1033.1205 Added	† 1700
1033.1206 Added	† 2587
1033.1207 Added	† 3598
Corrected	† 4310
Revised	† 12992, 13506
1033.1208 Added	† 4312
Revised	† 12994, 13508
1033.1209 Added	† 4011
1033.1210 Added	† 5161
Revised	† 7452
1033.1211 Added	† 14765
1033.1584 (e) revised	38381
1034.994 (g) revised	† 12090
1036.3 Revised	† 16846
1036.4 Revised	† 16846
1047.10 Amended	35367
1048.8 Revised	40020
1056.7 (b) interpretation	43076

CODE

Title 49, Chapter X—Continued

	Page
1064 Revised	† 1249
Effective date amended	† 7097
1100.15 Revised	† 3769
1100.16 Revised	† 3769
1100.55–1100.67 Undesignated center heading revised	40296
1100.57—1100.67 Revised	40296
1100.102 Amended	40296
1100.247 (a)(2) and (c)(2) amended; (b)(1) revised	43726
1115.4 Amended	35367
1115.5 Amended	35367
1115.6 Amended	35367
1115.25 Amended	35367
1121.4 (b) added	39441
1124.2 (d) revised	† 17148
1124.23 Revised	41985
1124.26 Revised	41985
1125 Revised	† 1631
1125.1 (c) amended	† 14189
1125.3 (c)(4) corrected	† 3216
(c)(4) revised	† 14189
(c)(6) amended	† 14190
1125.4 (b) corrected	† 3216
(c) amended	† 14190
1125.5 (j)(1) corrected	† 3216
(j)(2) amended; (j) (3) and (4) revised; (l) and (m) added	† 14190
1125.8 (d) corrected	† 3216
1126 Added	† 16066
1201 Amended	† 4150, 15388
1207 Republished	38502
1208 Revised	† 2500
1241.12 Revised	† 6660
1241.13 Revised	† 6660
1241.21 Revised	† 6660
1241.71 Revised	† 6660
1249 Form QFR revised	† 18561
1249.1 Revised	37489
1249.2 Revised	37490
1249.3 Revised	† 6660
1249.4 Revised	37490
1249.5 Revised	† 6660
1249.6 Revised	† 6660
1250.10 Revised	† 6660
1250.20 Revised	† 6661
1250.30 Revised	† 6661
1251.1 Revised	† 6661
1251.2 Revised	† 6661
1300.30 Amended	† 6504
Revised	† 7654
1303.36 Amended	† 6504
Revised	† 7655
1304.42 Amended	† 6504
Revised	† 7655
1306.17 Amended	† 6504
Revised	† 7656
1307.14 Amended	† 6504
Revised	† 7657
1307.48 Amended	† 6504
Revised	† 7657
1307.90 (f) revised	† 13219
1308.12 Amended	† 6504
Revised	† 7658
1308.109 Amended	† 6504
Revised	† 7659
1309.5 Amended	† 6504
Revised	† 7659
(d) corrected	† 11356

Title 49—*Proposed Rules:*

7	† 3456
171	43638
172	36596, 37204, 37506, 43091
173	36596, 37204, 37506; † 17853
174	36596, 37204, 37506
177	36596, 37204, 37506
178	36596, 37204, 37506; † 13316
179	† 11362, 17853, 17855, 18563
192	39048, 39049, 39475; † 13317
Ch. II	† 17265
213	† 1076
215	37067
216	† 14336
217	† 14338
231	† 14339, 17853
256	† 8958
325	† 8658
391	† 6510
393	36863
395	41540; † 2208, 4319
566	† 12519
567	† 12519
568	† 12519
571	35676, 36973, 38391, 40168, 40305, 41751, 42377, 43639; † 10, 4153, 4938, 8569, 8570, 8962, 10483, 11004, 11598, 11738, 12519, 13002, 13316, 14340, 16217, 16854, 17036, 17266, 17855, 18469, 18795
573	36866
575	† 1273, 17039
577	41182
581	† 10, 4938, 11598, 12287
582	38912
Ch. VI	† 2534
609	† 8314, 10697
613	39660, 39665, 44457
931	41185
Ch. X	† 18797
1001	† 1718
1054	41862
1056	† 17044

	Page
1057	† 6981
1062	41863, 43410
1090	† 3787
1100	† 4943
1102	† 5374
1104	† 5374
1124	† 801
1201	41867, 45048; † 17272
1202	45048; † 17272
1203	45048; † 17272
1204	43854, 45048; † 17272
1205	45048; † 17272
1206	45048; † 17272
1207	45048; † 17272
1208	45048; † 17272
1209	45048; † 17272
1210	45048; † 17272
1241	† 15402
1249	† 15402
1250	† 15402
1251	† 15402
1260	43854
1261	43854
1307	† 18797

TITLE 50—WILDLIFE AND FISHERIES

Chapter I—United States Fish and Wildlife Service, Department of the Interior

2.2 Revised	† 11874
10.21 Revised	† 17575
10.22 Revised	† 17575
15.23 (d) revised	37056
17 Heading revised	44991
17.31—17.32 (Subpart D) Added	44991
18.60–18.75 (Subpart G) Added	† 6661
20.104 (e) amended	40958
28.7	38659
28.28 Amended	36482, 41531, 41532, 43293, 43726, 44209
Amended	† 762, 763, 1701, 3297, 4011, 4917, 5530, 11356, 11585, 12090, 12508, 18173, 18174, 18175
Technical correction	† 17261
32.11	35574, 35799
32.12 Amended	36015, 36016, 36483, 36485, 36386, 39441, 40850
32.22 Amended	36115, 37771, 37772, 39441; † 14920
32.32 Amended	35365, 36115, 36486, 36487, 37196, 39441, 40765, 40766
33.5 Amended	37196, 39442, 39884, 40158, 40588, 40850, 41257–41259, 41367, 41531, 41532, 41533, 43078, 43293, 43846, 43847, 44210
Amended	† 764, 1701, 2815, 3297, 3599, 4011, 4405, 5531, 6663, 7660, 8350, 8954, 11586, 11727, 11875, 12091, 12659, 14053, 14766, 14920, 16210, 16320, 17992, 18175

Chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

216 Interpretation	† 17845
216.24 (d)(2)(iv)(E)(*1*) (vi), and (vii) amended	† 765
(d)(1)(v), (2)(iii), (3)(v), (4)(v), and (5)(v) amended	† 11586
216.70—216.90 (Subpart G) Added	† 10183
217 Revised	41370
218 Revised	41371
219 Revised	41373
220 Revised	41373
221 Revised	41375
222 Revised	41375
245.10 (d) and (e) added	40503
260.70 (b)(1), (2), and (3), and (d)(2) revised	39442
260.71 Revised	39443
280 Revised	† 8101
280.1 (e) and (g) corrected	† 16210
280.6 (b) corrected	† 16210
280.7 (a)(1) corrected	† 16210
280.9 (b) corrected	† 16210

Chapter IV—Anadromous Fisheries (Department of the Interior—Department of Commerce)

Heading revised	37197

CODE

(CHANGES OCTOBER 1, 1974 THROUGH APRIL 30, 1975)

Title 50—*Proposed Rules:*

	Page
16	† 7935
17	† 5, 4320, 14767, 17590, 17757, 17847
18	† 6664
20	† 17263
21	37199, 37773
	† 2444
25	† 12270
26	† 12270
27	† 12270
28	43728, 44763
	† 4428, 12270
32	37064
33	43313
81	† 18447
82	37394
216	† 2820, 4660, 10193
219	† 2820, 4930
225	† 8566
227	† 14777
245	36489
251	37396
	† 14778, 14779, 16216
278	† 11729
280	44235
401	† 6786

Note: Symbol (†) refers to 1975 page numbers

PARALLEL TABLE OF STATUTORY AUTHORITIES AND RULES

(Additions to CFR Finding Aids Volume, Table 1: January—April 1975)

This table lists the sections of the U.S. Code which were added to the CFR Finding Aids Volume, Table I as a result of new citations of authority carried in the *Federal Register* from January through April 1975. Recent legislation not yet assigned within the U.S. Code is carried by public law number at the end of the list.

In order to determine the *Federal Register* page numbers of the parallel CFR citations, users should consult the Cumulative List of CFR Sections Affected, above.

5 U.S.C.:	CFR
551—559	28 Part 4a
552	1 Parts 301, 302, 304; 5 Part 1303; 6 Parts 701–702; 7 Parts 2620, 2710; 10 Parts 2, 709; 16 Parts 1, 2, 3, 4; 18 Part 401; 22 Part 706; 29 Part 2300; 32 Parts 297–299, 404–405, 2200; 36 Part 603; 39 Part 265; 45 Parts 612, 1215
553	15 Part 924
571—576	1 Parts 301, 302, 304
5520	31 Part 215
8145	20 Part 10
8149	20 Part 10
App. II	7 Part 612
7 U.S.C.:	
612c	7 Part 250
612c note	7 Part 250
1431	7 Part 250
1431 note	7 Part 250
1431b	7 Part 250
1446a–1	7 Part 250
1859	7 Part 250
1932	29 Part 75
1989	7 Part 2
2026	7 Part 271
10 U.S.C.:	
125	32 Part 296
2202	32 Part 737
2301—2314	32 Part 737
12 U.S.C.:	
1425a	12 Part 532
1430	12 Part 532
1431	12 Part 532
1432	12 Part 532
1437	12 Part 532
1464	12 Part 563
1715b	24 Part 403
1725	12 Part 588
1766	12 Part 720
1789	12 Part 720
2288	12 Part 811
2289	12 Part 811
2290	12 Part 811

14 U.S.C.:	CFR
91	33 Part 127
15 U.S.C.:	
713c	7 Part 250
1451 et seq	21 Part 6
1941	49 Part 582
2101 et seq	16 Part 304
16 U.S.C.:	
195	36 Part 7
403h–3	36 Part 7
797	33 Part 209
1001 et seq	7 Parts 620, 622
1006	7 Part 621
1006a	7 Part 623
1009	7 Parts 620, 621
18 U.S.C.:	CFR
201—209	29 Part 2100
641	14 Part 401
2071	14 Part 401
19 U.S.C.:	
1202	15 Part 301
1872	15 Parts 2001, 2002, 2003
2101 et seq	15 CFR Parts 350, 355
2320	29 Parts 90, 91
20 U.S.C.:	
331a	45 Part 151
636	45 Part 112
646	45 Part 114
801	45 Part 166
841—847a	45 Part 126
880b–1	45 Part 166
1070d–1	45 Parts 154, 155
1201–1211a	45 Part 166
1212	45 Part 166
1224	45 Part 112
1231	45 Part 166
1231a	45 Part 166
1231b–2	45 Part 166
1231d	45 Part 115
1232	45 Parts 103, 151, 166
1232c	45 Parts 114, 166
1232f	45 Part 166
1248	45 Part 103

CODE

20 U.S.C.—Continued	CFR
1393	45 Part 103
1421	21 Part 121b
1422	21 Part 121c
1423	21 Part 121d
1424	21 Part 121e
1431	21 Part 121f
1432	21 Part 121f
1433	21 Part 121g
1434	21 Part 121f
1441—1444	21 Part 121h
1451	21 Part 121i
1452	21 Part 121i
1453	21 Part 121i
1461	21 Part 121j
21 U.S.C.:	
321 et seq	21 Parts 6, 312, 740
342	21 Part 128d
348	21 Parts 123, 128d, 561
357	21 Part 312
360b	21 Parts 149j, 522, 558
361	21 Part 740
362	21 Part 740
371	21 Parts 128d, 300, 312, 740
621	9 Part 319
871	21 Part 1301
22 U.S.C.:	
1922	7 Part 250
23 U.S.C.:	
136	23 Part 751
219	23 Part 662
315	23 Part 751
402	23 Part 1214
25 U.S.C.:	
13	41 Parts 14H–3, 14H–30
1498	25 Part 93
26 U.S.C.:	
463	26 Part 10
3402	26 Part 31
29 U.S.C.:	
207	29 Part 694
213	29 Part 552
214	29 Part 529
655	29 Part 1928
657	29 Part 1952
661	29 Parts 2100, 2300
1112	29 Part 2555
1135	29 Part 2555
1241–2	20 Part 900
30 U.S.C.:	
957	30 Part 506
31 U.S.C.:	
483a	14 Part 401
738a	31 Part 346
752	31 Part 346
754b	31 Part 346

33 U.S.C.:	CFR
535	49 Part 310
701a–1	7 Part 623
701b–1	7 Parts 620, 624
1224	33 Part 160
1251 et seq	40 Part 15
1313	40 Part 120
1322	33 Part 159
39 U.S.C.:	
401	39 Part 265
5007	14 Part 223
40 U.S.C.:	
486	41 Parts 1–15, 15–7, 15–12, 114–28
42 U.S.C.:	
216	21 Parts 1240, 1250
262	21 Parts 6, 312
263	21 Part 6
263b–263n	21 Part 6
264	21 Parts 1240, 1250
426	20 Part 405
553	10 Part 2
1395hh	20 Part 405
1437	24 Part 889, 890
1437c	24 Parts 880, 883, 889, 1275
1437f	24 Parts 800, 801, 802, 803, 804, 880, 881, 882, 883, 888, 1275
1437g	24 Part 890
1755	7 Part 250
1758	7 Part 250
1761	7 Part 250
1763	7 Part 250
1777	7 Part 250
1857 et seq	40 Part 55
1857c	40 Parts 52, 60
1857g	40 Part 53
2000d	45 Part 166
2000d–1 et seq	10 Part 4
2000e	29 Part 1601
2011	10 Part 4
2071	10 Part 70
2073	10 Parts 19, 70
2092	10 Part 40
2093	10 Parts 19, 40
2094	10 Part 40
2095	10 Part 40
2111	10 Parts 19, 30
2112	10 Part 30
2133	10 Parts 19, 50
2134	10 Parts 19, 50
2201	10 Parts 2, 19, 30, 40, 50, 70
2232	10 Parts 30, 40, 50, 70
2233	10 Parts 30, 40, 50, 70
2234	10 Parts 30, 40, 50
2236	10 Parts 2, 50
2273	10 Parts 30, 40, 50, 70
2929 et seq	45 Part 158
2942	45 Part 1005
3045f	7 Part 250

42 U.S.C.—Continued	CFR
3535	24 Parts 20, 58, 200, 403, 580, 800, 801, 803, 804, 880, 881, 882, 883, 888, 890, 1275
4001 through 4128	24 Parts 1914, 1915
4321 et seq	40 Part 6
4321—4347	23 Part 751
4332	41 Part 51–6
4402	45 Part 112
4601—4655	23 Part 751
5841	10 Parts 10, 80, 150, 160, 170
5842	10 Parts 20, 30, 40, 50, 51, 55, 70, 71, 73, 100, 140
5846	10 Parts 2, 20, 30, 40, 50, 55, 70, 71, 73
5891	10 Parts 4, 19
45 U.S.C.:	
431	49 Part 215
438	49 Part 215
701 et seq	49 Part 255
46 U.S.C.:	
817	46 Part 550
841	46 Part 550
1160	46 Part 550
48 U.S.C.:	
1406i	19 Part 6
49 U.S.C.:	
1	49 Part 1126
1354	14 Part 39
1375	14 Part 223
1421—1431	49 Part 171
1424	14 Part 121
1438	14 Part 97
1472	14 Parts 121, 171
1651 et seq	49 Part 255
1655	14 Parts 39, 71, 73, 171

49 U.S.C.—Continued	CFR
1901	14 Parts 400, 401
1903	14 Part 425
50 U.S.C.:	
App. 2168	4 Part 409
Public Laws:	
78–534	7 Part 623
89–750	45 Part 166
91–604	40 Part 53
92–210	6 Part 602
93–28	6 Part 602
93–87	23 Part 820
93–113	45 Parts 1213, 1216
93–159	10 Parts 211, 661
93–179	36 Part 604
93–197	25 Part 43k
93–203	29 Part 99
93–236	49 Parts 901, 931, 1126
93–275	10 Parts 207, 211, 213, 661
93–319	10 Part 207
93–406	28 Part 4a; 29 Part 2601
93–438	7 Part 1250; 10 Parts 71, 73; 41 Part 109–1
93–463	17 Part 1
93–479	15 Part 804
93–502	18 Part 401; 22 Part 706; 32 Parts 287, 297—299, 2101; 49 Part 901
93–511	10 Part 211
93–526	41 Part 105–63
93–567	20 Part 619; 29 Part 99
93–572	20 Part 618
93–594	15 Part 302
93–633	14 Part 103
93–637	16 Part 1
93–643	23 Part 820
93–644	45 Part 158
94–16	17 Part 1

CODE

1974

issue pages	issue date
24211–24338	July 1
24339–24491	2
24493–24617	3
24619–24859	5
24861–25212	8
25213–25301	9
25303–25437	10
25439–25624	11
25625–25930	12
25931–26008	15
26009–26126	16
26127–26270	17
26271–26390	18
26391–26621	19
26623–26696	22
26697–26876	23
26877–27107	24
27109–27292	25
27293–27419	26
27421–27545	29
27547–27635	30
27637–27785	31
27787–27888	Aug. 1
27889–28142	2
28143–28227	5
28229–28411	6
28413–28513	7
28515–28604	8
28605–28867	9
28869–28971	12
28973–29166	13
29167–29338	14
29339–29565	15
29567–29913	16
29915–30032	19
30033–30100	20
30101–30331	21
30333–30471	22
30473–30818	23
30819–30923	26
30925–31285	27
31287–31512	28
31513–31620	29
31621–31871	30
31872–31996	Sept. 3
31997–32109	4
32111–32315	5
32317–32536	6
32537–32600	9
32601–32731	10
32733–32879	11
32881–32973	12
32975–33195	13
33197–33292	16
33293–33498	17
33499–33660	18
33661–33783	19
21031–21106	18
33785–34017	20

1974

issue pages	issue date
34019–34257	Sept. 23
34259–34391	24
34393–34510	25
34511–34640	26
34641–35100	27
35101–35314	30
35315–35558	Oct. 1
35559–35646	2
35647–35778	3
35779–35998	4
35999–36105	7
36107–36312	8
36313–36463	9
36465–36560	10
36561–36846	11
36847–36950	15
36951–37049	16
37051–37179	17
37181–37354	18
37355–37472	21
37473–37628	22
37629–37759	23
37761–37961	24
37963–38083	25
38085–38216	29
38217–38362	30
38363–38623	31
38625–38885	Nov. 1
38887–39015	4
39017–39256	5
39257–39424	6
39425–39541	7
39543–39714	8
39715–39862	11
39863–40001	12
40003–40154	13
40155–40246	14
40247–40489	15
40491–40566	18
40567–40737	19
40739–40846	20
40847–40934	21
40935–41164	22
41165–41238	25
41239–41348	26
41349–41495	27
41497–41703	29
41705–41821	Dec. 2
41823–41962	3
41963–42334	4
42335–42669	5
42671–42898	6
42899–43054	9
43055–43194	10
43195–43274	11
43275–43387	12
43389–43528	13
43529–43609	16

1974

issue pages	issue date
43611–43706	Dec. 17
43707–43809	18
43811–43992	19
43993–44191	20
44193–44387	23
44389–44657	24
44659–44708	26
44709–44934	27
44935–45205	30
45207–45422	31

1975

issue pages	issue date
1–747	Jan. 2
749–1002	3
1003–1216	6
1217–1495	7
1497–1679	8
1681–2172	9
2173–2409	10
2411–2573	13
2575–2671	14
2673–2790	15
2791–2969	16
2971–3210	17
3210A–3283	20
3285–3404	21
3405–3552	22
3553–3755	23
3756–3964	24
3965–4113	27
4115–4243	28
4245–4404	29
4405–4630	30
4631–4889	31
4891–5125	Feb. 3
5127–5345	4
5347–5492	5
5493–5737	6
5739–6196	7
6197–6312	10
6313–6447	11
6449–6637	12
6639–6759	13
6761–6949	14
6951–7080	18
7081–7390	19
7391–7615	20
7617–7891	21

1975

issue pages	issue date
7893–8060	Feb. 24
8061–8161	25
8163–8319	26
8321–8535	27
8537–8762	28
8764–8929	Mar. 3
8931–10163	4
10165–10432	5
10433–10654	6
10655–10950	7
10951–11344	10
11345–11534	11
11535–11704	12
11705–11858	13
11859–12066	14
12067–12250	17
12251–12468	18
12469–12638	19
12639–12762	20
12763–12984	21
12985–13194	24
13195–13292	25
13293–13476	26
13477–14049	27
14051–14290	28
14291–14564	31
14565–14735	Apr. 1
14737–14883	2
14885–15062	3
15063–15376	4
15377–15858	7
15861–16046	8
16047–16186	9
16187–16291	10
16293–16640	11
16641–16827	14
16829–17002	15
17003–17134	16
17135–17238	17
17239–17535	18
17537–17742	21
17743–17827	22
17829–17976	23
17977–18161	24
18163–18388	25
18389–18539	28
18541–18750	29
18751–18975	30

CODE

CODE

V 40 63

63

federal register

April 1, 1975—Pages 14565–14735

TUESDAY, APRIL 1, 1975

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Volume 40 ■ Number 63

Pages 14565–14735



PART I

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

PRESIDENTIAL DOCUMENTS—
Proclamation, amending enlargement of Buck Island Reef National Monument 14565
Proclamation, terminating registration procedures under Military Selective Service Act 14567
Executive Order, exempting Walter C. Sauer from mandatory retirement 14568

CHILDREN'S SLEEPWEAR FLAMMABILITY STANDARDS— FTC establishes labeling, display and recordkeeping requirements; effective 5–1–75 14584

SUDDEN INFANT DEATH SYNDROME— HEW/HSA announces application policy for project grant assistance 14626

MEDICAL ASSISTANCE— HEW/SRS regulates upper limits for State payments to intermediate care facilities and sets reasonable differentials between skilled nursing and facility services; effective 3–18–74 and 7–1–75 14597

FEDERAL EMPLOYEE HEALTH BENEFITS— CSC adopts discretionary approval procedures for comprehensive plan networks 14569

SMALL BUSINESS INVESTMENT COMPANIES— SBA proposes liberalizing prohibitions against financing for relending or reinvestment; comments by 5–1–75 14606

FOREIGN INVESTMENT— Commerce/SESA proposes amended reporting requirements and level of ownership criteria; comments by 5–1–75 14603

NATIONAL REGISTER OF HISTORIC PLACES— Interior/NPS announces additions, and properties determined eligible for inclusion 14609

PESTICIDES— EPA establishes tolerances for carbophenothion and chlorothalonil (2 documents); effective 4–1–75 14596

SIMAZINE— HEW/FDA and EPA establish food additive and pesticide tolerance levels (2 documents); effective 4–1–75, comments by 5–1–75 ..... 14592, 14597

(Continued inside)

PART II:

MILK MARKETING— USDA/AMS issues decision on proposed amendments for Middle Atlantic and New York-New Jersey areas 14701

APR 1 75

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

CAB—Group inclusive tours; deceptive advertising practices..... 4906; 2–3–75

DOT/FHA—Lightweight Vehicle Operations; exemptions..... 10683; 3–7–75

—Application of Federal motor carrier safety regulations to operators in Hawaii 27439; 7–29–74

FCC—Radio Frequency devices; reorganization of rules..... 10673; 3–7–75

FEA—Mandatory Petroleum Allocation Regulations..... 10165; 3–5–75

FHLBB—Federal Savings and Loan System; operations; service corporation service area..... 8795; 3–3–75

Interior/BIA—Operation and maintenance charges; Blackfeet Indian irrigation project, Montana..... 4307; 1–29–75

Labor/W&H—Definition of terms of employees in executive, administrative or professional capacity.... 7091; 2–19–75

Occupational Safety and Health Review Commission—Ethics and conduct of commission employees.. 6649; 2–13–75

List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

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MEETINGS—
State: International Telephone and Telegraph Consultative Committee, Study Group 5 of the National Committee, 4–28–75..... 14607
Commerce/DIBA: Industry Sector Advisory Committees for Multilateral Trade Negotiations, 5–1 thru 5–19–75 14622
DOD/Air: Air Force Academy Board of Visitors, 4–16 thru 4–20–75..... 14607
National Defense Transportation Association Military Airlift Committee, 5–8 and 5–9–75..... 14607
HUD: Fair Housing Enforcement Efforts of State Commissions on Human Relations:
Maryland, 5–5–75..... 14626
Missouri, 4–24–75..... 14626
Interior/NPS: Indiana Dunes National Lakeshore Advisory Commission, 4–16–75..... 14609
USDA/AMS: Shippers Advisory Committee, 4–15–75.... 14619
FEA: Consumer Affairs and Special Impact Advisory Committee, 4–16–75..... 14641
NASA: Wage Committee, 4–11–75..... 14649
National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance (2 documents), 4–9, 4–22, and 4–23–75..... 14649
SBA: District Advisory Councils:
Jacksonville, 4–25–75..... 14652
Louisville, 4–24–75..... 14652
Lubbock, 4–25–75..... 14652
Omaha, 4–25–75..... 14652
Phoenix, 4–30–75..... 14652
San Francisco, 4–25–75..... 14652
Sioux Falls, 4–25–75..... 14653

contents

THE PRESIDENT

Executive Order
Exemption of Water C. Sauer from mandatory retirement.... 14568

Proclamation
Amending Proclamation No. 4346 relating to the enlargement of the Buck Island Reef National Monument 14565
Termination registration procedures under the Military Selective Service Act, as amended.. 14567

EXECUTIVE AGENCIES

AGRICULTURAL MARKETING SERVICE
Proposed Rules
Milk marketing orders:
Middle Atlantic and N.Y.-N.J. areas 14701
Notices
Meetings:
Shippers Advisory Committee.. 14619

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Rules
Marketing quotas and acreage allotments:
Cotton, peanuts, rice, and tobacco; closing dates for transfer, release and reapportionment 14602

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Farmers Home Administration; Forest Service; Rural Electrification Administration; Soil Conservation Service.

AIR FORCE DEPARTMENT
Notices
Meetings:
Board of Visitors..... 14607
Military Airlift Committee..... 14607

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Rules
Quarantine areas:
Areas free of viscerotropic velogenic (Exotic) Newcastle disease; Northern Ireland..... 14571

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
Alcoholic beverages to coach passengers 14629
Allegheny Airlines..... 14632
Canadian Air Carriers..... 14627
Eastern Air Lines..... 14628
International Air Transport Association (2 documents)..... 14630
Las Vegas-Calgary/Edmonton Route 14632
Overseas National Airways, Inc., et al..... 14632
Texas International Airlines... 14631

CIVIL SERVICE COMMISSION
Rules
Health benefits; comprehensive plan networks..... 14569
Standards of conduct; financial statements 14570

COAST GUARD
Rules
Drawbridge operations:
California 14594
Texas 14594
Proposed Rules
Drawbridge operation:
Illinois 14604
Maryland 14604
Notices
Meetings:
Research Advisory Committee.. 14627

COMMERCE DEPARTMENT
See Domestic and International Business Administration; Maritime Administration; National Oceanic and Atmospheric Administration; Social and Economic Statistics Administration.

CUSTOMS SERVICE
Rules
Antidumping:
Tuners from Japan..... 14591

DEFENSE DEPARTMENT
See Air Force Department.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Notices
Meetings:
Industry Sector Advisory Committees for Multilateral Trade Negotiations 14622

DRUG ENFORCEMENT ADMINISTRATION
Notices
Applications for registration:
Jerdan Chemical Corp..... 14607
Sandoz, Inc. et al..... 14607
Smith, Kline & French Laboratories 14608

ENVIRONMENTAL PROTECTION AGENCY
Rules
Air quality implementation plans:
Pennsylvania 14595
Pesticide chemicals; tolerances and exemptions:
Chlorothalonil 14596
Carbophenothion 14596
Simazine 14597
Notices
Air pollution, statutory sources; delegation of authority to the State of Washington..... 14632

FARM CREDIT ADMINISTRATION
Rules
Freedom of information; availability of records..... 14571

FARMERS HOME ADMINISTRATION
Notices
Emergency areas:
Georgia 14619
Kansas 14619
Nebraska 14619
North Carolina..... 14619
South Dakota..... 14620
Texas 14620

V 40 63
APR 1 75

FEDERAL COMMUNICATIONS COMMISSION
Notices
Mexican broadcast station notification list ... 14634

FEDERAL ENERGY ADMINISTRATION
Proposed Rules
Circumstance adjustments granted to certain wholesale purchasers; issuance of decision and order ... 14605
Notices
Meetings:
Consumer Affairs and Special Impact Advisory Committee ... 14641

FEDERAL INSURANCE ADMINISTRATION
Rules
National flood insurance program:
Areas eligible for sale of insurance (3 documents) ... 14599, 14600

FEDERAL MARITIME COMMISSION
Rules
Reporting requirements:
Self-policing systems ... 14599
Tariffs by terminal operators ... 14599
Notices
Agreements filed:
Iberian/U.S. North Atlantic Westbound Freight Conference ... 14641

FEDERAL POWER COMMISSION
Proposed Rules
Construction work in progress; inclusion in uniform system of accounts; extension of time for comments ... 14606
Notices
Hearings, etc.:
Arkansas Louisiana Gas Co ... 14642
Aztec Oil and Gas Co ... 14642
Columbia Gas Transmission Corp ... 14642
El Paso Natural Gas Co ... 14644
Exxon Corp ... 14645
Forest Drilling Venture ... 14645
Great Lakes Gas Transmission Co ... 14645
Gulf States Utilities Co ... 14646
Holyoke Water Power and Holyoke Power and Electric Co ... 14648
Indiana and Michigan Electric Co ... 14646
National Fuel Gas Supply Co ... 14646
Natural Gas Pipeline Co. of America ... 14646
Puget Sound Power and Light Co. (2 documents) ... 14647
Southwest Gas Co ... 14647
Sun Oil Co ... 14648
Transcontinental Gas Pipe Line Corp. (2 documents) ... 14648
Virginia Electric & Power Co ... 14648
West Texas Utilities Co ... 14648

FEDERAL RAILROAD ADMINISTRATION
Notices
Petitions for exemptions, etc.:
United Transportation Union ... 14627
Sleeping quarters for railroad employees, noise levels ... 14627

FEDERAL REGISTER ADMINISTRATIVE COMMITTEE
Rules
CFR Checklist ... 14569

FEDERAL RESERVE SYSTEM
Notices
Federal Open Market Committee: Domestic Policy Directive ... 14649

FEDERAL TRADE COMMISSION
Rules
Flammability standards:
Children's sleepwear ... 14584
Prohibited trade practices:
American Cyanamid Co ... 14579
Holiday Magic, Inc. et al ... 14579
Insurance Finance Plan Co., et al ... 14580
Martin Industries, Inc., et al ... 14580
Phillips Petroleum Co ... 14582

FOOD AND DRUG ADMINISTRATION
Rules
Food additives:
Simazine ... 14592

FOREST SERVICE
Notices
Environmental statements; availability, etc.:
Fall Cankerworm, Va ... 14620

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Food and Drug Administration; Health Services Administration; Social and Rehabilitation Service; Social Security Administration.

HEALTH SERVICES ADMINISTRATION
Notices
Infant death syndrome; project grants ... 14626

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See also Federal Insurance Administration.
Notices
Meetings:
Human Relations Maryland State Commission ... 14626
Human Rights Missouri Commission ... 14626

INDIAN AFFAIRS BUREAU
Rules
Enrollment:
Menominee tribe of Wisconsin ... 14592

INTERIOR DEPARTMENT
See also Indian Affairs Bureau; Land Management Bureau; National Park Service.
Proposed Rules
Alaskan Native Claims Board; appeals procedures; corrections ... 14603

INTERNATIONAL BOUNDARY AND WATER COMMISSION
Notices
Draft environmental impact statements; Rio Grande Canalization Project ... 14649

INTERSTATE COMMERCE COMMISSION
Notices
Abandonment of service:
Chicago, Rock Island & Pacific Railroad Co ... 14653
Louisville & Nashville Railroad Co ... 14654
Car service exemptions, mandatory:
Chicago, Milwaukee, St. Paul & Pacific Railway Co., et al ... 14653
Hearing assignments ... 14653
Motor carriers:
Intrastate applications ... 14654
Irregular route property carriers; gateway elimination ... 14655
Lease and interchange of vehicles (2 documents) ... 14655
Transfer proceedings ... 14655

JUSTICE DEPARTMENT
See Drug Enforcement Administration; Law Enforcement Assistance Administration.

LABOR DEPARTMENT
See Occupational Safety and Health Administration.

LAND MANAGEMENT BUREAU
Proposed Rules
Alaskan native selections; procedures for consideration of appeals; correction ... 14603
Notices
Survey plat filings:
Florida ... 14608

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
Notices
Committee establishment:
Criminal Justice Standards and Goals National Advisory Committee ... 14608

MANAGEMENT AND BUDGET OFFICE
Notices
Clearance of reports; list of requests ... 14650

MARITIME ADMINISTRATION
Rules
Freedom of information; procedural revisions ... 14599
Notices
Applications, etc:
Pacific Far East Lines, Inc ... 14624

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
Notices
Meetings:
Wage Committee ... 14649

NATIONAL COMMISSION FOR THE REVIEW OF FEDERAL AND STATE LAWS RELATING TO WIRETAPPING AND ELECTRONIC SURVEILLANCE
Notices
Meetings (2 documents) ... 14649, 14650

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
Notices
Marine mammal permit applications:
Marine Animal Productions Inc./Marine Life Inc ... 14624
Mathisen, Ole A ... 14625
New York Zoological Society ... 14624
Ronald, Keith ... 14625
Sea World ... 14625
Siniff, Donald B ... 14625
Steinhart Aquarium ... 14625

NATIONAL PARK SERVICE
Notices
Concession contracts and permits:
Staples, Danny ... 14609
Development and management plans:
Chesapeake & Ohio Canal National Historical Park, hearings ... 14608
Historic Places, National Register; additions, deletions, and corrections ... 14609
Meetings:
Indiana Dunes National Lakeshore Advisory Commission ... 14609

NATIONAL TRANSPORTATION SAFETY BOARD
Rules
Organization and functions:
Implementation provisions ... 14572

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
Rules
Freedom of information; implementation; correction ... 14593

RURAL ELECTRIFICATION ADMINISTRATION
Notices
Loan guarantees, proposed:
Glacier State Telephone Co., Alaska ... 14620

SECURITIES AND EXCHANGE COMMISSION
Notices
Hearings, etc.:
Appalachian Power Co ... 14650
Utah Power & Light Co ... 14651

SMALL BUSINESS ADMINISTRATION
Proposed Rules
Relending or reinvestment; liberalization of prohibition ... 14606
Notices
Disaster areas:
Alabama ... 14652
Meetings:
Jacksonville District Advisory Council ... 14652
Oklahoma ... 14652
Omaha District Advisory Council ... 14652
Louisville District Advisory Council ... 14652
Lubbock District Advisory Council ... 14652
Phoenix District Advisory Council ... 14652
San Francisco District Advisory Council ... 14652
Sioux Falls District Advisory Council ... 14653

SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION
Proposed Rules
Royalties and fees; foreign investments and international receipts ... 14603

SOCIAL AND REHABILITATION SERVICE
Rules
Medical assistance programs:
Administration, services, and payment; utilization control ... 14597
Intermediate care facility services ... 14598

SOCIAL SECURITY ADMINISTRATION
Rules
Health insurance for aged and disabled:
Utilization review; extension of effective date ... 14591

SOIL CONSERVATION SERVICE
Notices
Environmental statements on watershed projects, etc.:
Elm Creek, Tex ... 14620
Lower Black Bear Creek, Okla ... 14621
Marsh-Kellogg, Calif ... 14621
Pollard Creek, Tex ... 14622
Tallahaga Creek, Miss ... 14622
Upper Choptank River, Md ... 14622
Equipment grant eligibility determination:
Dixie Valley Conservation District ... 14621
Owyhee Conservation District ... 14621
Quinn River Conservation District ... 14622

STATE DEPARTMENT
Notices
Meetings:
International Telegraph and Telephone Consultative Committee ... 14607

TRANSPORTATION DEPARTMENT
See Coast Guard; Federal Railroad Administration.

TREASURY DEPARTMENT
See Customs Service.

V 40 63
APR 1 75

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

3 CFR

PROCLAMATION:
4346 14565
4359 14565
4360 14567

EXECUTIVE ORDER:
11847 14568

Meetings etc.: .....

5 CFR
890 14569
1001 14570

7 CFR
731 14601

PROPOSED RULES:
1002 14702
1004 14702

9 CFR
94 14571

10 CFR

PROPOSED RULES:
205 14605
211 14605

12 CFR
602 14571

13 CFR

PROPOSED RULES:
107 14606

14 CFR
400 14572
401 14574
425 14578

15 CFR

PROPOSED RULES:
803 14603

16 CFR
13 (5 documents) 14579–14582
302 14584

18 CFR

PROPOSED RULES:
35 14606
101 14606
104 14606
154 14606
202 14606
204 14606

19 CFR
153 14591

20 CFR
405 14591

21 CFR
123 14592

24 CFR
1914 (3 documents) 14599–14601

25 CFR
43k 14592

29 CFR
2300 14593

33 CFR
117 (2 documents) 14594

PROPOSED RULES:
117 (2 documents) 14604

40 CFR
52 14595
180 (3 documents) 14496, 14597

43 CFR

PROPOSED RULES:
4 14603
2650 14603

45 CFR
249 14597
250 (2 documents) 14597

46 CFR
380 14599
528 14599
533 14599

FEDERAL REGISTER PAGES AND DATES—APRIL

14565–14735 ..... Apr. 1

Table of Effective Dates and Time Periods—April 1975

This table is for use in computing dates certain in connection with documents which are published in the FEDERAL REGISTER subject to advance notice requirements or which impose time limits on public response.

Federal Agencies using this table in calculating time requirements for submissions must allow sufficient extra time for FEDERAL REGISTER scheduling procedures.

In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)

A new table will be published monthly in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
April 1	April 16	May 1	May 16	June 2	June 30
April 2	April 17	May 2	May 19	June 2	July 1
April 3	April 18	May 5	May 19	June 2	July 2
April 4	April 21	May 5	May 19	June 3	July 3
April 7	April 22	May 7	May 22	June 6	July 7
April 8	April 23	May 8	May 23	June 9	July 7
April 9	April 24	May 9	May 27	June 9	July 9
April 10	April 25	May 12	May 27	June 9	July 10
April 11	April 28	May 12	May 27	June 10	July 11
April 14	April 29	May 14	May 29	June 13	July 14
April 15	April 30	May 15	May 30	June 16	July 14
April 16	May 1	May 16	June 2	June 16	July 15
April 17	May 2	May 19	June 2	June 16	July 16
April 18	May 5	May 19	June 2	June 17	July 17
April 21	May 6	May 21	June 5	June 20	July 21
April 22	May 7	May 22	June 6	June 23	July 21
April 23	May 8	May 23	June 9	June 23	July 22
April 24	May 9	May 27	June 9	June 23	July 23
April 25	May 12	May 27	June 9	June 24	July 24
April 28	May 13	May 28	June 12	June 27	July 28
April 29	May 14	May 29	June 13	June 30	July 28
April 30	May 15	May 30	June 16	June 30	July 29

V 40 63
APR 1 75

presidential documents

Title 3—The President

PROCLAMATION 4359

Amending Proclamation No. 4346 Relating to the Enlargement of the Buck Island Reef National Monument

By the President of the United States of America

A Proclamation

The boundaries of the Buck Island Reef National Monument were enlarged by Proclamation No. 4346 [1] of February 1, 1975. The description of those lands contained a typographical error.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, by virtue of the authority vested in me by Section 1(b)(vii) of Public Law 93–435 (88 Stat. 1210), and by virtue of the authority vested in me by Section 2 of the Act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431), and in order to correct a typographical error, do hereby amend the description of the lands described in Proclamation No. 4346 to read as follows:

Beginning at latitude 17°47'30" N, longitude 64°36'32" W; thence approximately 1000 feet to latitude 17°47'27" N, longitude 64°36'22" W; thence approximately 900 feet to latitude 17°47'18" N, longitude 64°36'22" W; thence approximately 1000 feet to latitude 17°47'15" N, longitude 64°36'32" W; thence approximately 1500 feet to latitude 17°47'30" N, longitude 64°36'32" W, the place of beginning, embracing an area of approximately 30 acres.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of March, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.75-8561 Filed 3-28-75;5:08 pm]

[1] 40 FR 5127.

V 40 163
APR 1 75

PROCLAMATION 4360

Terminating Registration Procedures Under the Military Selective Service Act, as Amended

By the President of the United States of America

A Proclamation

Under authority vested in the President by the Military Selective Service Act (62 Stat. 604), as amended, procedures have been established for the registration of male citizens of the United States and of other male persons who are subject to registration under section 3 of said act, as amended (85 Stat. 348).

In order to evaluate an annual registration system, existing procedures are being terminated and will be replaced by new procedures which will provide for periodic registration.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, by virtue of the authority vested in me by the Constitution and the statutes of the United States, including the Military Selective Service Act, as amended, do hereby revoke Proclamations No. 2799 of July 20, 1948, No. 2937 of August 16, 1951, No. 2938 of August 16, 1951, No. 2942 of August 30, 1951, No. 2972 of April 17, 1952, No. 3314 of September 14, 1959, and No. 4101 of January 13, 1972; thereby terminating the present procedures for registration under the Military Selective Service Act, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of March in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.75-8628 Filed 3-31-75;11:55 am]

V 40-63
APR 1 75

EXECUTIVE ORDER 11847

Exemption of Walter C. Sauer From Mandatory Retirement

Walter C. Sauer, First Vice President and Vice Chairman, Export-Import Bank of the United States, will become subject to mandatory retirement for age as of March 31, 1975, under the provisions of Section 8335 of Title 5 of the United States Code unless exempted by Executive order.

In my judgment, the public interest requires that Walter C. Sauer be exempted from such mandatory retirement.

NOW, THEREFORE, by virtue of the authority vested in me by subsection (c) of Section 8335 of Title 5 of the United States Code, I hereby exempt Walter C. Sauer from mandatory retirement until March 31, 1976.

Gerald R. Ford

THE WHITE HOUSE,
March 28, 1975.

[FR Doc.75-8562 Filed 3-28-75;5:08 pm]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

CFR CHECKLIST

1975 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1975. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

The rate for subscription service to all revised volumes issued for 1975 is $350 domestic, $75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1975):

Title	Price
1	$1.45
2	.70
3 Parts:	
46–51	4.10
52	6.15
750–899	2.95
900–944	4.50
945–980	2.30
981–999	2.55
1000–1059	4.35
1060–1119	4.80
1120–1199	3.75
8	2.45
11	1.35
13	3.60
16 Parts:	
0–149	6.05

1974 CFR volumes previously announced are available from the Superintendent of Documents at the prices listed below:

CFR Unit (Rev. as of April 1, 1974):

Title	Price
17	$5.10
13 Parts:	
1–149	3.80
150–end	3.70
19	4.50
20 Parts:	
01–399	1.95
400–end	6.20
21 Parts:	
1–9	1.95
10–129	5.10
130–140	2.40
141–599 (Rev. June 1, 1974)	6.70
600–1299	1.75
1300–end	1.55
22	3.90
23	1.80
24	6.10
25	3.60
26 Parts:	
1 (§§ 1.0–1–1.169)	4.85
1 (§§ 1.170–1.300)	3.05
1 (§§ 1.301–1.400)	2.35
1 (§§ 1.401–1.500)	2.90
1 (§§ 1.501–1.640)	3.35
1 (§§ 1.641–1.850)	3.65
1 (§§ 1.851–1.1200)	4.40
1 (§ 1.1201–end)	5.70
2–29	2.70
30–39	2.85
40–169	4.40
170–299	5.90
300–499	2.95
500–599	3.15
600–end	1.40
27	1.30

CFR Unit (Rev. as of July 1, 1974):

28	$2.20
29 Parts:	
0–499	4.50
500–1899	5.50
1900–end	9.90
30	5.65
31	4.35
32 Parts:	
1–5	5.95
6–39	4.05
40–399	4.85
400–589	4.10
590–699	1.95
700–799	5.65
800–999	4.40
1000–1399	1.70
1400–1599	3.05
1600–end	1.65
32A	3.35
33 Parts:	
1–199	4.85
200–end	3.65
34	1.10
35	3.25
36	2.70
37	1.75
38	5.90
39 (Rev. Aug. 1, 1974)	4.45
40 Parts:	
0–49	2.20
50–99	7.80
100–end	5.25
41 Chapters:	
1–2	5.20
3–5C	5.50
6–9	5.15
10–17	3.10
18	7.60
19–100	2.60
101–end	5.00
General Index	3.05

CFR Unit (Rev. as of Oct. 1, 1974):

42	$4.45
43 Parts:	
1–999	3.95
1000–end	5.65
44 [Reserved]	
45 Parts:	
1–99	3.00
100–199	5.30
200–499	3.15
500–end	3.65
46 Parts:	
1–29	2.05
30–40	2.05
41–69	3.85
70–89	2.05
90–109	1.90
110–139	1.90
140–149	7.60
150–165	3.70
166–199	2.55
200–end	6.20
47 Parts:	
0–19	4.10
20–69	5.20
70–79	4.45
80–end	6.05
48 [Reserved]	
49 Parts:	
1–99	1.90
100–199	7.20
200–999	5.85
1000–1199	3.40
1200–end	2.75
50	3.80

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Comprehensive Health Benefits Plan Networks

On December 23, 1974, there was published in the FEDERAL REGISTER (39 FR 44236) a notice of proposed rulemaking with a proposed amendment to Subpart B of Part 890 of Chapter I of Title 5 of the Code of Federal Regulations. The proposed amendment, § 890.204 to Subpart B, would allow the Civil Service Commission to provide for the approval of comprehensive health benefits plan networks. All comments submitted with respect to the proposed amendment were given due consideration.

As a result of comments received, the following changes are made:

1. Wording was deleted from paragraph (a) to increase the ability of a number of plans to form an initial network. Comments received indicated the inflexible nature of the proposal, making formation of a network difficult, and possibly precluding a plan already under contract with the FEHBP from joining a network.

2. Wording was deleted and changes made to paragraph (b) to clarify the intent of the paragraph and reduce redundancies relative to other sections of

V 40 63
APR 1 75

the Regulations. The language was broadened to allow more flexibility in the construction and offering of a network.

These changes were based, in part, on the many suggestions received. The suggestions included the following:

Experience in the operation of a service or indemnity plan is not relevant to a network of comprehensive plans, and restricts new and emerging plans from combining to form a network. The proposed financial requirements also restrict the number of possible network carriers. Further, it was noted that other mechanisms, such as the purchase of reinsurance, can be adequate to insure the fiscal integrity of the network. The reference to monitoring in this paragraph was entirely deleted based on suggestions that the network carrier function should be limited to administration; duplication of effort may result since other statutes require quality assurance; and the paragraph might abrogate the responsibilities of the Commission by the transfer of monitoring authority to the network in certain areas.

3. The paragraph defining carrier certification, (d), has been revised after consideration of the comments received. The paragraph has been changed to broaden eligibility requirements of carriers over the proposed regulation. The revisions were made in response to suggestions that the paragraphs were too restrictive and internally inconsistent due to the differences between the HMO Act and the specific requirements of the paragraph and existing FEHBP regulations. The requirement of 5,000 enrollees was eliminated because it set an excessively high requirement and was in variance with other sections of the FEHBP regulations. Similarly, since the requirement that at least 10 employer group contracts increased the standards over the existing FEHBP guidelines the limiting number has been deleted.

4. Paragraphs (e) and (f) have been eliminated in their entirety. Existing sections of the guidelines for the offering of comprehensive medical plans include the cogent requirements of these paragraphs. Inclusion of paragraphs (e) and (f) duplicate without reasonable benefit the established guidelines.

5. Paragraph (g) has been revised to clarify network and plan enrollment charges and rates and renumbered as paragraph (e).

6. Paragraphs (h) and (i) of the proposed rulemaking have been eliminated. Many comments were received relating to these paragraphs. Among the comments were those that detailed the apparent built-in lack of incentive, and the placement of risk on the carrier without allowing charges for it. Additionally, the rate formula can cause misestimates resulting in either under or over-statement of charges. By eliminating these paragraphs, a network and the Commission can enter into a variety of financial arrangements appropriate to a particular proposed network. Additionally, a mixed network of community and experience rated plans might be feasible.

7. Paragraph (h) of the revised regulations is an addition. This paragraph provides for the requirement that a plan withdrawing from the network cannot enter into an individual contract with the Commission for three years following termination of its network agreement. This paragraph is needed to provide an incentive for plans to remain with the network and avoid an adverse rate determination for the network as a whole.

8. Minor editorial changes have been made to the text of the regulations.

Accordingly, with these changes and additions, the proposed amendments are adopted as set forth below.

§ 890.204 Comprehensive Plan Networks.

(a) *Discretionary approval.* The Commission may, in its discretion, approve the offering by a qualified carrier of a network consisting of more than one comprehensive medical plan. Letter application for approval may be made by the carrier to the Commission. Participation of an approved network becomes effective on the January 1st which is (1) at least nine months after the Commission received the application and (2) at least six months after the Commission has received all evidence to demonstrate that the carrier and plans in the network have met all requirements for approval.

(b) *Qualified carriers.* For the purposes of this section, a qualified carrier is an organization or combination of organizations which can provide assurances satisfactory to the Commission that it possesses adequate financing mechanisms, experience and administrative ability to offer a network of comprehensive medical plans. The carrier shall demonstrate (with respect to health benefits) that the network will be more advantageous than alternative contracting methods in meeting the needs of the Federal government, Federal employees and annuitants.

(c) *Compliance with law and regulations.* Each carrier offering a network of plans must agree, in its own behalf and in behalf of each plan in the network, to comply with those provisions of chapter 89 of title 5, United States Code, and of this Part which, in the judgment of the Commission, apply to their operations and are not inconsistent with provisions of this section.

(d) *Carrier certification.* No offering of a network of plans shall be approved and no new plan shall be added to an existing network unless the carrier provides documentation as prescribed by the Commission certifying that:

(1) Each plan is legally operational and provides prepaid health care services under group contracts,

(2) A formal procedure is in effect for each of the health plans offered for adjusting subscriber complaints,

(3) Audited financial data on the operations of the health plan or plans are available for the most recent period, and

(4) Such additional documentation that the Commission may request to assure compliance with Program requirements.

The Commission retains the authority to determine the suitability of individual plans to participate in a network.

(e) *Uniform benefits and enrollment charges for networks.* A network shall offer the same benefits for all plans at the same enrollment charge for self-only coverage and the same enrollment charge for self-and-family coverage. Each plan shall be reimbursed by the network according to rates agreed to by the Commission, the network carrier and the plan.

(f) *Move from the area served by network plan.* An employee or annuitant enrolled in a network plan who moves out of the area served by the plan into an area served by another plan in the same network continues the enrollment and is entitled to benefits from the other plan. If the move is to an area not served by another plan in the same network, the enrollee may change plans in accordance with § 890.301(h).

(g) *Plans added to network.* Each plan to be added to a network must be approved in advance by the Commission. Letter application for approval shall be made by the carrier to the Commission. Addition of an approved plan becomes effective on the January 1st which is (1) at least nine months after the Commission receives the application and (2) at least six months after the Commission receives all certifications required for approval.

(h) *Termination of plan agreement with a network.* A comprehensive medical plan contracting with the FEHBP through a network shall not be allowed to enter into an individual contract with the FEHBP for three years following termination of the plan's agreement with a network.

(i) *Summary withdrawal of approval.* Notwithstanding § 890.205 of these regulations, the Commissioners may, in their discretion, summarily withdraw approval of a plan (or plans) in a network if they find that the plan is not in compliance with the applicable provisions of chapter 89 of title 5, United States Code, or of this Part, or that the certifications mentioned in subsection (d) are unwarranted, or that the continued offering of the plan is inimical to Federal employees or annuitants or to the Federal Employees Health Benefits Program.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-8386 Filed 3-31-75;8:45 am]

PART 1001—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Organizational Amendments

Section 1001.735-401 is amended, as set out below, to reflect organization changes.

§ 1001.735-401 Employees required to submit statements.

The following employees shall submit statements of employment and financial interests in accordance with § 1001.735-402 through 1001.735-411:

(a) Office of the Executive Director. (1) Executive Director.
(2) Deputy Executive Director.
(3) Assistant Executive Director.
(4) Assistant Executive Director for Regional Operations.
(5) Assistant Executive Director—Freedom of Information.
(b) Office of Labor Management Relations. (1) Director.
(c) Office of the General Counsel. (1) General Counsel.
(2) Deputy General Counsel.
(d) Appeals Review Board. (1) Chairman.
(e) Federal Employees Appeals Authority. (1) Director.
(2) All Chief Appeals Officers.
(f) Office of Administrative Law Judges. (1) Director.
(2) All Employees in Administrative Law Judge positions.
(g) Bureau of Management Services. (1) Director.
(2) Deputy Director.
(3) Director of Personnel and Labor Relations.
(4) Assistant Director, Personnel and Labor Relations.
(5) Chief, Office Services Division.
(6) Chief, Procurement and Operating Facilities Branch.
(7) Chief, Procurement and Property Section.
(8) Chief, Budget and Finance Division.
(9) Assistant Chief, Budget and Finance Division.
(h) Bureau of Executive Manpower. (1) Director.
(i) Bureau of Retirement, Insurance, and Occupational Health. (1) Director.
(2) Associate Director for Operations.
(3) Associate Director for Policy.
(4) Assistant to the Director.
(5) Chief, Legislative and Policy Division.
(6) Chief Actuary.
(7) Assistant to the Chief (Contracts and Instructions Specialists) GS-15, Legislative and Policy Division.
(8) Chief, Systems Development Division.
(9) Chief, Program Review and Audits Office.
(10) Associate Chief, Program Review and Audits Office.
(11) Auditors (Financial Activities), GS-13 and GS-14, Program Review and Audits Office.
(12) Assistant Director for Health.
(13) Chief, Occupational Health Division.
(j) Bureau of Training. (1) Director.
(2) Deputy Director.
(3) Assistant Director for Training Operations.
(k) Bureau of Personnel Management Evaluation. (1) Director.
(2) Deputy Director.
(1) Bureau of Manpower Information Systems. (1) Director.
(m) Bureau of Intergovernmental Personnel Programs. (1) Director.
(2) Associate Director for Personnel Management Assistance.
(3) Associate Director for Grants Administration.
(4) Intergovernmental Personnel Programs Specialists, GS-13 and above.
(5) Grants Specialists, Office of Grants Administration, GS-13 and above.
(n) Federal Executive Institute. (1) Director.
(o) Executive Seminar Centers. (1) Director of each Center.
(p) Regional Offices. (1) Regional Directors.
(2) Deputy Regional Directors.
(3) Chiefs, IPPD.
(4) Assistant Chiefs, IPPD.
(5) Chiefs, Grants Branch, IPPD.
(6) Chiefs, Merit Systems and Technical Assistance Branch, IPPD.
(7) Regional IPP Specialists, (GS-13 and above).
(8) Occupational Health Representatives.

(E.O. 11222, 3 CFR 1964-65 Comp., p. 306; 5 CFR 735.101 et seq.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-8387 Filed 3-31-75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA; PROHIBITED AND RESTRICTED IMPORTATIONS

Northern Ireland Considered To Be Free of Viscerotropic Velogenic (Exotic) Newcastle Disease

The Department of Agriculture is amending the regulations in Part 94 by adding Northern Ireland to the list of countries considered to be free of viscerotropic velogenic (Exotic) Newcastle disease.

Statement of considerations. The purpose of this amendment is to add Northern Ireland to the list of countries considered to be free of viscerotropic velogenic (Exotic) Newcastle disease in § 94.6(a)(2). This action will permit the importation into the United States from Northern Ireland of fresh, frozen, or chilled poultry meats and poultry meat products and eggs which heretofore could not qualify for importation. It will also provide for the importation of other poultry products from Northen Ireland into the United States without complying with restrictions applicable to such products specified in § 94.6 (d), (e), (f), (g), and (h). Accordingly, Part 94, Title 9, Code of Federal Regulations, is hereby amended as follows:

§ 94.6 [Amended]

Section 94.6(a)(2) is amended by adding thereto the name of "Northern Ireland" after the reference to "New Zealand."

(Sec. 2, 32 Stat. 792 as amended; (21 U.S.C. 111); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective March 27, 1975.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the introduction and dissemination of the contagion of viscerotropic velogenic (Exotic) Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of March 1975.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-8389 Filed 3-31-75;8:45 am]

Title 12—Banks and Banking

CHAPTER VI—FARM CREDIT ADMINISTRATION

PART 602—RELEASING INFORMATION

Subpart B—Availability of Records of the Farm Credit Administration

FREEDOM OF INFORMATION ACT REGULATIONS

The Farm Credit Administration publishes herewith an amendment to its Freedom of Information regulations so as to restore a provision that previously was included in such regulations but was inadvertently omitted from its publication in the FEDERAL REGISTER on February 19, 1975 (40 FR 7339). This amendment includes as exempt records, examination, operating, or condition reports of Farm Credit institutions which are prepared by or for the Farm Credit Administration. Because this amendment is to restore a provision previously approved by the Federal Farm Credit Board and published, it is found that notice of proposed rulemaking provided for in 5 U.S.C. 553 is unnecessary and any delay in the issuance of this amendment is not in the public interest.

V 40 163
APR 1 75

Chapter VI of Title 12 of the Code of Federal Regulations is amended by adding a paragraph (a)(8) at the end of § 602.250 as follows:

§ 602.250 Official records of the Farm Credit Administration.

(a) * * *

(8) Records of or related to examination, operating, or condition reports (other than published condition reports) of or related to Farm Credit institutions under the supervision of the Farm Credit Administration which are prepared by, on behalf of, or for its use.

(Secs. 5.9, 5.10, 5.12, 5.18, 85 Stat. 619, 620, 621; Pub. L. 93-502 amending 5 U.S.C. 552, 88 Stat. 1561)

W. M. HARDING,
Governor,
Farm Credit Administration.

[FR Doc.75-8364 Filed 3-31-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER III—NATIONAL TRANSPORTATION SAFETY BOARD

MISCELLANEOUS RULES AND REGULATIONS

Revisions and Interim Retention

Congress enacted the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2156, (49 U.S.C. 1901 et seq.)) effective April 1, 1975. Part 400 of the Code of Federal Regulations (14 CFR 400) is revised pursuant thereto. The major revisions from provisions in Part 400 formerly promulgated include: Changes in organization to reflect the fact that the National Transportation Safety Board is an independent agency of the United States; changes in the Board's functions to effectuate the Independent Safety Board Act of 1974; additional delegations of authority to staff members, specifically, authority for the General Manager to approve publication in the FEDERAL REGISTER of certain notices, and for officers and employees of the Bureau of Surface Transportation Safety to exercise the responsibilities of hearing officers; and the deletion of all of Subpart C governing delegation to officers and officials of the Department of Transportation, in view of the repeal of the authority therefor appearing in section 5(m) of the Department of Transportation Act (49 U.S.C. 1654(m)).

Effective February 19, 1975, the Freedom of Information Act, 5 U.S.C. 552, was amended by Pub. L. 93-502, enacted November 21, 1974. Essentially, the amendments require that an initial decision be made within 10 working days after any request for access to records. Each Government agency must set up appeal procedures, reasonable extensions of time, minor modifications in exemptions, and designation of officers and employees to accomplish the purposes of the Act.

The National Transportation Safety Board, acting pursuant to the provisions of the amendments to the Freedom of Information Act, has revised its Part 401 to reflect the time requirements of the amendments, to make minor modifications in the exemptions, to provide for the authority to carry out the purposes of the amendments, and to add detailed information as to the documents available to the public.

Part 425 is revised to reflect the deletion in the newly enacted Independent Safety Board Act of 1974 of the Board's authority to delegate merchant marine appeals from certain orders of the Commandant, U.S. Coast Guard. Consequently, Part 425, as revised, now provides that the Board will review suspensions and denials of marine documents, licenses, and certificates, as well as revocations ordered by the Commandant.

Parts 405, 421-430, 431, 435, and 440 of the Code of Federal Regulations, formerly promulgated by the Board, require amendments and/or revisions to comply with the Independent Safety Board Act of 1974. Retention of these parts as they presently exist is a temporary measure to provide for an immediate and orderly transfer of the Board to an independent agency. These parts will be amended and/or revised by the Board as soon as possible and will be submitted to the FEDERAL REGISTER for publication and recodification.

Since revision of Parts 400, 401, and 425 and retention of Parts 405, 421, 430, 431, 435, and 440 are accomplished for the purpose of compliance with the new Federal enactments, and essentially involve Board procedures and delegations, notice of proposed rulemaking and public procedure thereon are unnecessary and good cause exists for making the revisions and retentions effective on April 1, 1975.

Accordingly, the National Transportation Safety Board hereby revises Parts 400, 401, and 425, and retains Parts 405, 421, 430, 431, 435, and 440 as presently promulgated.

1. Part 400 is revised to read as follows:

PART 400—STATEMENT OF ORGANIZATION AND FUNCTIONS OF THE BOARD AND DELEGATIONS OF AUTHORITY

Subpart A—Organization and Functions

Sec.
400.1 Purpose.
400.2 Organization.
400.3 Functions.
400.4 Operation.
400.5 Public hearings.
400.6 Formal and informal submissions.
400.7 Offices.
400.8 Availability of information and materials.

Subpart B—Delegation of Authority to Staff Members

400.21 Purpose.
400.22 Delegation to the General Manager.
400.23 Delegation to the administrative law judges, Office of Administrative Law Judges.
400.24 Delegation to the General Counsel.
400.25 Delegation to the Director, Bureau of Aviation Safety.
400.26 Delegation to the Hearing Officers, Bureau of Aviation Safety.
400.27 Delegation to the Director, Bureau of Surface Transportation Safety.
400.28 Delegations to officers and employees of the Bureau of Surface Transportation Safety designated as hearing officers.

AUTHORITY: Independent Safety Board Act of 1974 (88 Stat. 2156 et seq.; (49 U.S.C. 1901 et seq.)).

Subpart A—Organization and Functions

§ 400.1 Purpose.

This part, together with Part 401 of this chapter, describes generally the organization, functions, and operation of the National Transportation Safety Board and the places at which, the employees from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions. More detailed information is available in Part 401 of this chapter and from other sources listed herein with respect to obtaining records and information.

§ 400.2 Organization.

The National Transportation Safety Board shall consist of five Board Members appointed by the President with the advice and consent of the Senate, one of whom is designated by the President as Chairman and one as Vice Chairman. The Members shall exercise the functions, powers, and duties of Title VII of the Federal Aviation Act of 1958, (49 U.S.C. 1441) transferred to the Board under section 6 of the Department of Transportation Act (49 U.S.C. 1651 et seq.) and the Independent Safety Board Act of 1974 (88 Stat. 2156 et seq., (49 U.S.C. 1901 et seq.)). The Board is an independent agency of the United States. A detailed description of the Board and its components is published in the Board's internal orders, which are available for inspection and copying in the public reference room at the Board's offices. The various delegations of authority from the Board to the staff units are set forth in Subpart B of this part. The Board's staff is comprised of the following principal units:

(a) The Office of the General Manager, which assists the Chairman in the discharge of his functions as executive and administrative head of the Board, coordinates and directs the activities of the staff, is responsible for day-to-day operation of the Board, and recommends and develops plans to achieve the Board's program objectives. Within the Office of the General Manager are the activities which deal with general management, personnel, fiscal and budgetary matters; administrative support services; receipt, maintenance, and service of docket material; recording, indexing, and processing of formal Board actions; and authenticating Board records for any official purposes.

(b) The Office of Public Affairs, which is responsible for supplying the public, the news media, and the transportation industry with current, accurate information concerning the work, programs, and objectives of the Board.

(c) The Office of the General Counsel, which is responsible for providing legal advice to the Board on legal aspects of advice and assistance to the Board and its staff offices and bureaus, including policy matters, preparation of Board rules, orders, opinions and orders, and advice to all offices and bureaus on matters of legal significance; and is responsible for representing the Board in court actions to which the Board is a party or in which the Board is interested.

(d) The Office of the Administrative Law Judges, which is responsible for the conduct of all formal proceedings arising under Title VI of the Federal Aviation Act of 1958, including proceedings involving suspension or revocation of airman certificates and appeals from actions of the Administrator, Federal Aviation Administration, in refusing to issue airman certificates.

(e) The Bureau of Aviation Safety, which is responsible for the aviation safety activities of the Board, including the investigation and analysis of civil aircraft accidents that occur within the United States and U.S. civil aircraft occurrences in international waters. It recommends to the Board the determination of cause or probable cause of such accidents and of any accidents investigated for the Board by the Department of Transportation. It also investigates or participates in the investigation of accidents involving U.S.-registered aircraft and U.S.-manufactured aircraft, where appropriate, which occur in foreign countries. It conducts special studies and investigates matters pertaining to safety in air navigation and the prevention of accidents, and it records statistics and prepares reports on aircraft accidents. It develops regulations and procedures governing notification, investigation, and the reporting of aircraft accidents. It formulates recommendations which will tend to prevent aircraft accidents, and it makes recommendations to the Board regarding international aviation safety activities and interdepartmental aviation safety activities. It operates the National Aircraft Accident Investigation School.

(f) The Bureau of Surface Transportation Safety, which is responsible for marine, railroad, highway, pipeline, and hazardous materials activities of the Board. Its personnel investigates all railroad accidents in which there is a fatality or substantial property damage or which involve a passenger train, pipeline accidents in which there is a fatality or substantial property damage, highway accidents selected for investigation in cooperation with the States, and certain selected marine casualties. It recommends to the Board the determination of cause or probable cause for such accidents, makes recommendations to prevent future transportation accidents, and conducts special studies and special investigations. It is responsible for the assessment of accident investigation techniques, for the evaluation of the effectiveness of transportation safety consciousness of other Government agencies, for the evaluation of safeguards and procedures concerning the transportation of hazardous materials, and for the establishment of procedures for surface transportation accident notification.

§ 400.3 Functions.

(a) The primary function of the Board is to promote safety in transportation. The Board is responsible for the investigation, determination of facts, conditions, and circumstances and the cause or probable cause of: All accidents involving civil aircraft; highway accidents, including any railroad grade-crossing accident, the investigation of which is selected in cooperation with the States; railroad accidents in which there is a fatality, substantial property damage, or which involve a passenger train; pipeline accidents in which there is a fatality or substantial property damage; and certain major marine casualties. The Board makes transportation safety recommendations to Federal, State, and local agencies, and interested persons, which recommendations are calculated to reduce the likelihood of recurrence of transportation accidents. It initiates and conducts special studies and special investigations on matters pertaining to safety in transportation, assesses techniques and methods of accident investigation, evaluates the effectiveness of transportation safety consciousness and efficacy in preventing accidents of other Government agencies, and evaluates the adequacy of safeguards and procedures concerning the transportation of hazardous materials.

(b) Upon the request of aggrieved parties, the Board reviews in quasi-judicial proceedings, conducted pursuant to the provisions concerning administrative procedure, 5 U.S.C. 551 et seq., denials by the Administrator of the Federal Aviation Administration of applications for airman certificates and orders of the Administrator modifying, amending, suspending, or revoking any airman certificates. The Board also reviews, upon request, decisions of the Commandant, U.S. Coast Guard, on appeals from orders of administrative law judges suspending, revoking, or denying licenses, certificates, or documents.

(c) The Board, as provided in Part 401 of this chapter, issues reports, orders, decisions, rules, and regulations pursuant to its duties to determine the cause or probable cause of transportation accidents, and to report the facts, conditions, and circumstances relating to such accidents, and to review on appeal the suspension, amendment, modification, revocation, or denial of any certificate or license issued by the Secretary or an Administrator. The Board also makes public safety recommendations, special studies, and reports of special investigations.

§ 400.4 Operation.

In exercising its functions, duties, and responsibilities, the Board utilizes:

(a) The Board's staff, consisting of specialized bureaus dealing with particular areas of transportation safety and offices performing administrative and technical work for the Board, which advises the Board and performs duties for the Board inherent in its position in the organizational structure or which the Board has delegated to it. The staff is described more fully in § 400.2.

(b) Rules published in the FEDERAL REGISTER and codified in this Title 14 of the Code of Federal Regulations. These rules may be inspected in the Board's public reference room, or purchased from the Superintendent of Documents, Government Printing Office. The published rules include:

(1) Regulations which govern the formal methods whereby persons dealing with the Board can present information to the Board to enable the Board to make the decisions for which it is responsible under sections 602 and 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1422 and 1429).

(2) Regulations which govern the reporting and investigation of aircraft accidents, including public hearings held in the course of such investigations.

(3) Regulations, including Subpart B of this part, which delegate matters to the Board's staff, and Part 401 of this chapter describing how the public may deal with the Board in obtaining information.

§ 400.5 Public hearings.

The Board holds public hearings in connection with transportation accident investigations and holds public hearings and hears oral arguments in proceedings concerned with certificate or licenses issued by the Secretary or an Administrator. They are held at the time and place announced in the notices thereof which are served on the parties to the proceedings or published in the FEDERAL REGISTER.

§ 400.6 Formal and informal submissions.

(a) All formal submissions required or permitted to be made in air safety proceedings should be addressed to the Office of the General Manager, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594, unless specifically provided otherwise in the provision requiring or permitting such submission. Requirements as to the form and content of such submissions are set forth in the Board's procedural regulations.

(b) Other instructions concerning the use of forms, and the scope or content of material required or permitted to be filed or maintained, are set forth in the Board's procedural regulations and its organizational regulations in this Title 14 of the Code of Federal Regulations. If the form of any document required or permitted to be filed is not prescribed, such document shall be in letter form. Any other request to the Board of any kind shall be directed to the General Manager.

§ 400.7 Offices.

The principal offices of the National Transportation Safety Board are located at 800 Independence Avenue, SW., Washington, D.C. 20594. The Board maintains

V 40 163
APR 1 75

field offices in selected cities throughout the United States.

§ 400.3 Availability of information and materials.

The Board publishes in Part 401 of this chapter of its organizational regulations information concerning the availability for inspection and copying of Board orders, opinions, and records. That regulation states in detail information available at the Board, when records may be inspected, and discusses the use of the Board's public reference room.

Subpart B—Delegation of Authority to Staff Members

§ 400.21 Purpose.

The purpose of this Subpart B is to publish all delegations of authority to staff members which do not appear in other Board regulations.

§ 400.22 Delegation to the General Manager.

The Board hereby delegates to the General Manager the authority to:

(a) Determine appeals by the public from staff action withholding a Board record from inspection or copying, pursuant to Part 401 of this chapter.

(b) Settle claims for money damages of $2,500 or less against the United States arising under section 2672 of 28 United States Code (the Federal Torts Claims Act) because of acts or omissions of Board employees.

(c) Approve for publication in the FEDERAL REGISTER notices concerning issuance of accident reports and safety recommendations and responses to safety recommendations, as required by sections 304(a)(2) and 307 of the Independent Safety Board Act of 1974. (49 U.S.C. 1903(a)(2) and 1906.)

§ 400.23 Delegation to the administrative law judges, Office of Administrative Law Judges.

The Board has delegated to the administrative law judges the authority generally detailed in procedural regulation, Part 421, of this chapter.

§ 400.24 Delegation to the General Counsel.

The Board hereby delegates to the General Counsel the authority to:

(a) In accordance with the provisions of Part 435 of this chapter, approve, disapprove, or request further information concerning requests for testimony of Board employees with respect to their participation in the investigation of aircraft accidents, and, upon receipt of notice that an employee has been subpoenaed, to make arrangements with the court either to have the employee excused from testifying or to give the employee permission to testify.

(b) In safety enforcement proceedings, approve or disapprove for good cause shown requests for changes in procedural requirements subsequent to the initial decision, grant or deny requests to file additional briefs pursuant to § 421.35 of this chapter of the procedural regulations, and raise on appeal any issue the resolution of which he deems important to the proper disposition of proceedings under § 421.35 of this chapter of the procedural regulations.

(c) Approve or disapprove for good cause shown requests to extend the time for filing comments on proposed new or amended regulations.

(d) Issue regulations for the purpose of making editorial changes or corrections in the Board's rules and regulations.

(e) Issue orders staying, pending judicial review, orders of the Board suspending or revoking airman certificates, or consent to the entry of judicial stays with respect to such orders.

(f) Compromise civil penalties in the case of violations arising under Title VII of the Federal Aviation Act of 1958, or any rule, regulation, or order issued thereunder.

(g) Issue orders dismissing appeals from initial decisions of Board administrative law judges pursuant to the request of the appellant.

(h) Correct Board orders by eliminating typographical, grammatical, and similar errors, and make editorial changes therein not involving matters of substance.

§ 400.25 Delegation to the Director, Bureau of Aviation Safety.

The Board hereby delegates to the Director, Bureau of Aviation Safety, the authority to:

(a) Order an investigation, by depositions, or otherwise, into the facts, conditions, circumstances, and probable cause of all occurrences involving civil aircraft.

(b) Disclose factual information pertinent to an aircraft accident or incident as provided for in Part 401 of this chapter of the procedural regulations.

§ 400.26 Delegation to the Hearing Officers, Bureau of Aviation Safety.

The Board hereby delegates to any officer or employee of the Bureau of Aviation Safety, designated by the Chairman of the Safety Board as a hearing officer the authority to sign and issue subpoenas, to administer oaths and affirmations, and to take depositions or cause them to be taken in connection with the investigation of accidents involving a civil aircraft.

§ 400.27 Delegation to the Director, Bureau of Surface Transportation Safety.

The Board hereby delegates to the Director, Bureau of Surface Transportation Safety, the authority to:

(a) Order an investigation, by depositions, or otherwise, into the facts, conditions, circumstances, and probable cause of all accidents involving surface transportation for which the Board has authority to conduct such investigations.

(b) Disclose factual information pertinent to a surface accident or incident as provided for in Part 401 of this chapter of the procedural regulations.

§ 400.28 Delegations to officers and employees of the Bureau of Surface Transportation Safety designated as hearing officers.

The Board hereby delegates to any officer or employee of the Bureau of Surface Transportation Safety who is designated by the Chairman of the Safety Board as a hearing officer, the authority to sign and issue subpoenas, and administer oaths and affirmations, to take depositions or cause them to be taken in connection with the investigation of accidents involving surface transportation.

2. Part 401 is revised to read as follows:

PART 401—PUBLIC AVAILABILITY OF INFORMATION

Subpart A—Applicability and Policy

Sec.
401.1 Applicability.
401.2 Policy.
401.3 Definitions.

Subpart B—Administration

401.10 General.
401.11 Segregability of records.
401.12 Protection of records.
401.13 Production of records on demand of courts or other authorities.

Subpart C—Time Limits

401.20 Initial determination.
401.21 Final determination.
401.22 Extension.

Subpart D—Accident Investigation Records

401.30 Aviation field accident investigations.
401.31 Major aircraft accident investigations.
401.32 Aviation accident public hearings.
401.33 Surface transportation accident investigations.
401.34 Surface accident public hearings.
401.35 General aviation and major accident (narrative) reports.
401.36 Surface transportation accident reports (narrative).

Subpart E—Publication in the "Federal Register", Adjudicatory Decisions, Staff Manual and Instructions, Reports to Congress, and Other Board Documents Which Are Available to the Public (See Appendix-Fee Schedule)

401.40 The Board's rules.
401.41 Transportation safety recommendations.
401.42 Indexes to aviation and maritime enforcement cases.
401.43 Administrative staff manuals and instructions, and indexes that affect the public.
401.44 Reports to Congress.
401.45 Other records.
401.46 Special document services.

Subpart F—Exemption From Public Disclosure

401.50 General.
401.51 National defense and foreign policy secrets.
401.52 Internal personnel rules and practices of the Board.
401.53 Records exempt by statute from public disclosure.
401.54 Interagency and intra-agency exchanges.
401.55 Unwarranted invasion of personal privacy.
401.56 Records compiled for law enforcement purposes.
401.57 Records for regulation of financial institutions.
401.58 Geological records.
Appendix—Fee Schedule

AUTHORITY: Freedom of Information Act, Pub. L. 93-502, November 21, 1974, amending 5 U.S.C. 552, the Independent Safety Board Act of 1974 (49 U.S.C. 1901 et seq.), 31 U.S.C. 483a, and 18 U.S.C. 641 and 2071(a).

Subpart A—Applicability and Policy

§ 401.1 Applicability.

(a) This part implements the provisions of the Freedom of Information Act (5 U.S.C. 552) as amended by Pub. L. 93-502, November 21, 1974, and the publication and public access requirements embodied in Title III, of the Independent Safety Board Act of 1974 (88 Stat. 2156 et seq., (49 U.S.C. 1901 et seq.)). In addition, it provides for document services and the charges therefor, pursuant to 31 U.S.C. 483a.

(b) This part applies only to records existing when the request for the information is made. The National Transportation Safety Board (Board) is not required to compile or procure records for the sole purpose of making them available hereunder.

(c) Subpart F of this part describes records which are exempt from public disclosure.

§ 401.2 Policy.

In implementing 5 U.S.C. 552, it is the policy of the Board to make information available to the public, to the greatest extent possible. Accordingly, all records of the Board, except those that the Board specifically determines must not be disclosed in the national interest, or for the protection of private rights, or for the efficient conduct of public business to the extent permitted by the Freedom of Information Act, are declared to be available for public inspection and copying as provided in this part. Records are to be made available to the public promptly and to the fullest extent consistent with this policy. No record may be withheld from the public solely because its release might indicate administrative error or embarrass an officer or employee of the Board.

§ 401.3 Definitions.

"Record" includes any writing, drawing, map, recording, tape, film, photo, or other documentary material by which information is preserved, and this definition also applies to section 306(a) of the Independent Safety Board Act of 1974, which requires public access to any nonexempt information. In this part, "document" and "record" shall have the same meaning.

"Chairman" means the Chairman of the Board.

"General Manager" means the General Manager of the Board.

Subpart B—Administration

§ 401.10 General.

(a) The Board delegates to the General Manager custody and control of all Board records required to be preserved under directives of the General Services Administration, issued pursuant to 44 U.S.C. 3102.

(b) The General Manager shall be solely responsible for the initial determination of whether to release records within the 10 working days' limit, or the extension specified in the Freedom of Information Act.

(c) The duties of the Accident Inquiry Unit, Office of the General Manager, shall include:

(1) Maintenance for public access and commercial reproduction of all accident files containing aviation and surface investigators' reports, factual accident reports or group chairman reports, documentation and accident correspondence files, and transcripts of public hearings, if any, and exhibits.

(2) Maintenance of a public reading room (with self-service duplicator) and, on request, permission to members of the public to inspect public documents during normal working hours.

(d) The General Manager's office shall maintain copies of public documents, specified in the Appendix, for inspection and copying in the public reading room. Instructions for access and copying and fees for copying are provided in the Appendix to this part.

(e) Requests for documents in the General Manager's office must be addressed to that office. They must reasonably identify the record requested, be accompanied by the fee or agreement (if any) of the fee schedule (Appendix), and contain the address and telephone number of the person making the request. The envelope in which the request is sent must be prominently marked with the letters "FOIA." The General Manager's office, if there is a failure to comply fully, will attempt to contact the requester immediately to rectify the omission. However, the 10 working days' limit for processing shall not commence until the General Manager's office receives a totally correct request.

(f) The field offices of the Board will not maintain, for public access, records maintained by the General Manager. If requests are made to field offices, advice will be promptly given as to how to make such requests.

(g) The General Manager shall maintain a contract with a commercial reproduction firm to accommodate requests for reproduction of accident records. The reproduction charges may be subject to change with each contract renewal.

(h) Requests for documents generated by other agencies or entities will not be processed unless they are contained in the Board's accident files.

(i) Requests for records not yet issued will be held in abeyance until issuance and then processed. The person making the request will be so notified.

(j) Requests for records which are not in the General Manager's office should be addressed with reasonable record identification as follows:

(1) Aviation—Director, Bureau of Aviation Safety.

(2) Surface—Director, Bureau of Surface Transportation Safety.

(3) Initial decisions, safety enforcement—Chief Administrative Law Judge.

(4) Final decisions, safety enforcement, and other legal documents—Office of General Counsel.

(5) Board Members—individually by name and title.

(k) No charge will be made by the Board for notices, decisions, orders, etc., required by law to be served on a party to any proceeding or matter before the Board.

(l) Upon approval of the General Manager, subscriptions to Board publications may be entered without charge for States, organizations, or other entities specified in the fee schedule set forth in the Appendix.

§ 401.11 Segregability of records.

The General Manager's initial decision shall include a determination of segregability. If it is reasonable to do so, the exempt portions will be deleted and the nonexempt portions will be sent to the requester.

§ 401.12 Protection of records.

(a) No person may, without permission, remove from the place where it is made available any record made available to him for inspection or copying. Stealing, altering, mutilating, obliterating, or destroying, in whole or in part, such a record shall be deemed a crime.

(b) Section 641 of Title 18 of the United States Code provides, in pertinent part, as follows:

"Whoever • • • steals, purloins, or knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of any record • • • or thing of value of the United States or of any department or agency thereof • • • shall be fined not more than $10,000 or imprisoned not more than ten years or both; but if the value of such property does not exceed the sum of $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both. • • •"

(c) Section 2071(a) of Title 18 of the United States Code provides, in pertinent part, as follows:

"(a) Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or, with intent to do so takes and carries away any record, proceeding, map, book, paper, document, or other thing, filed or deposited • • • in any public office, or with any • • • public officer of the United States, shall be fined not more than $2,000 or imprisoned not more than 3 years, or both."

§ 401.13 Production of records on demand of courts or other authorities.

(a) No Board employee or Member, other than the General Manager or the General Counsel, may respond to a demand of a court or other authority for the production of any Board records.

(b) Whenever an employee or Board Member is served with a court order or other record order, or subpoena duces tecum, he shall immediately advise the General Counsel's office, and the General Counsel shall determine the course of action to be taken.

(c) Subpoenas and requests for oral testimony will be processed pursuant to the Board's Part 435.

V 40163
APR 175

Subpart C—Time Limits

§ 401.20 Initial determination.

An initial determination as to whether to release a record shall be made by the General Manager within 10 working days (excluding Saturdays, Sundays, and legal public holidays) after the request is received, except that this time limit may be extended up to 10 additional working days in accordance with § 401.22, below. The person making the request will be notified immediately in writing of such determination. If such determination is to release the requested record, such record shall be made available promptly. If such determination is not to release the record, the person making the request shall, when he is notified of such determination, be advised of (a) the reason for the determination, (b) the right to appeal the determination, and (c) the name and titles or positions of each person responsible for the denial of the request.

§ 401.21 Final determination.

A determination with respect to any appeal made pursuant to § 401.20, above, will be made by the Chairman within 10 working days (excluding Saturdays, Sundays, and legal public holidays) after receipt of such appeal, except that this time limit may be extended for as many as 10 additional working days, in accordance with § 401.22, below.

§ 401.22 Extension.

In unusual circumstances as specified in this section, the time limits prescribed in either, but not both, § 401.20 or §401.21, above, may be extended by written notice to the person making a request and setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. Such notice shall not specify a date that would result in an extension for more than 10 working days. As used in this subparagraph, "unusual circumstances," to the extent reasonably necessary to the proper processing of the particular request, means—

(a) The need to search for and collect the requested records from field facilities or other establishments that are separate from the General Manager's office;

(b) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(c) The need to consult with another agency which has a substantial interest in the disposition of the request or with two or more components of the agency having substantial subject-matter interest therein.

Subpart D—Accident Investigation Records

§ 401.30 Field aircraft accident investigations.

Upon completion of the field investigation (normally 60 days after the accident), the Board's investigator-in-charge shall complete a factual report (with documentation) and send it to the General Manager, who shall then make the record available to the public for inspection or commercial copy order (see Appendix).

§ 401.31 Major aircraft accident investigations.

Upon completion of the investigation by a team of Board investigators (normally 60 days after the accident), the report of each investigator (group chairman), with documentation, shall be sent to the General Manager, who shall make these records available to the public for inspection and commercial copy order (see Appendix).

§ 401.32 Aviation accident public hearings.

Within approximately 2 weeks after a public hearing on an aviation accident, the General Manager shall make available to the public, for inspection or commercial copy order, the hearing transcript and the exhibits introduced at the hearing (see Appendix).

§ 401.33 Surface transportation accident investigations.

Upon completion of the Board's investigation of these accidents (normally 60 days after the accident), the investigators shall send to the General Manager a file of the documentation obtained. This file shall then be made available, by the General Manager, for public access or commercial copy order (see Appendix).

§ 401.34 Surface accident public hearings.

Within approximately 2 weeks after a surface accident public hearing, the General Manager shall make available for public inspection and commercial copy order the hearing transcript and exhibits introduced at the hearing.

§ 401.35 General aviation and major accident (narrative) reports.

(a) For general aviation and minor accidents, the Board reports of the facts, conditions, and circumstances and determination of probable cause shall be issued approximately 6 months after each accident in computer format entitled "Briefs of Accidents."

(b) For major accidents, the Board's determination of probable cause and its report of the facts, conditions, and circumstances, shall be set forth in a narrative report.

(c) After notice of issuance in the FEDERAL REGISTER, reports are available for inspection in the General Manager's office, or by copy or subscription (see Appendix).

§ 401.36 Surface transportation accident reports (narrative).

For those accidents which are investigated (including certain marine accidents investigated by the United States Coast Guard), the Board reports of the facts, conditions, and circumstances and its determination of the cause or probable cause shall be issued approximately 6 months after the accident. After notice of issuance in the Federal Register, these reports are available for public inspection in the General Manager's office, or by copy or subscription (see Appendix).

Subpart E—Publication in the "Federal Register", Adjudicatory Decisions, Staff Manual and Instructions, Reports to Congress, and Other Board Documents Which Are Available to the Public (See Appendix)

§ 401.40 The Board's rules.

The Board's procedural rules are published in the Code of Federal Regulations as Parts 400 through 440.

§ 401.41 Transportation safety recommendations.

All transportation safety recommendations issued by the Board (and responses thereto, if any) shall be noticed in the FEDERAL REGISTER and thereafter made available for public inspection in the General Manager's office or by ordering a copy (see Appendix).

§ 401.42 Indexes to aviation and maritime enforcement cases.

(a) The quarterly index to the initial decisions of the Board's administrative law judges shall be available in the General Manager's office for public access. (See Appendix for subscription.)

(b) The quarterly index to Board decisions and orders in safety enforcement cases is available in the General Manager's office for public access. (See Appendix for subscription and bound volumes.)

§ 401.43 Administrative staff manuals and instructions, and indexes that affect the public.

The index to staff manuals which are not exempt from public disclosure, as set forth in Subpart F, is available in the General Manager's office (see Appendix).

§ 401.44 Reports to Congress.

The Board's annual report to Congress, which is required under section 305 of the Independent Safety Board Act of 1974, shall be submitted on July 1 of each year. It may be purchased from the Government Printing Office or inspected in the General Manager's office. All other reports or comments to Congress are available in the General Manager's office for inspection or by ordering a copy after issuance.

§ 401.45 Other records.

The working files of the Board contain a limited number of records which may not be exempt, in whole or in part, by the exemptions from public disclosure as set forth in Subpart F. Such records shall be made available upon request. Requests for such documents should be made directly to the head of the unit concerned, as set forth in § 401.10(j), and should contain a reasonable description of the specific record desired.

§ 401.46 Special document services.

(a) Although not required by the Freedom of Information Act, the Board provides document services at charges required by 31 U.S.C. 483a, as described in the Appendix.

Subpart F—Exemption From Public Disclosure

§ 401.50 General.

This subpart implements section 552 (b) of Title 5, United States Code. Section 552(b) exempts certain records from public inspection. The Board will, however, release a record authorized to be withheld under 552(b) unless it determines that the release of that record would be inconsistent with the purpose of the exemption concerned. Examples given in §§ 401.51 through 401.58 of records included within a particular statutory exemption are not necessarily illustrative of all types of records covered by the exemption.

§ 401.51 National defense and foreign policy secrets.

National defense and foreign policy secrets established by Executive Order, and properly classified, are exempt from public disclosure. Requests to the Board for such records will be transferred to the source agency as appropriate. (Executive Orders 11652, March 8, 1972; 10865, February 20, 1960; and 10404, February 1, 1950.)

§ 401.52 Internal personnel rules and practices of the Board.

(a) Records relating solely to internal personnel rules and practices that are within the statutory exemptions include memoranda pertaining to personnel matters such as staffing, policies, and procedures for the hiring, training, promotion, demotion and discharge of employees, and management plans, records, or proposals relating to labor-management relations.

(b) The purpose of this section is to protect any records relating to internal personnel rules and practices dealing with the relations between Board management and employees.

§ 401.53 Records exempt by statute from public disclosure.

(a) Information obtained under section 306(b) of the Independent Safety Board Act of 1974 "which concerns or relates to a trade secret referred to in 18 U.S.C. 1905." This includes commercial or financial information which is privileged or confidential.

(b) Whenever the Board determines that a proceeding must be closed for national security reasons, the minutes and all other documents pertaining to national security are exempt from public disclosure. (49 U.S.C. 1481.)

(c) Board determination of nondisclosure pursuant to 49 U.S.C. 1504 (section 1104 of the Federal Aviation Act of 1958, as amended). When any person objects to public disclosure of information in a Board document and the Board determines that disclosure would adversely affect the interest of such person, and is not required in the public interest, that information shall be withheld from public disclosure. For example, the Board has determined that it is not in the public interest to disclose (1) any information or documents in the Board's possession dealing with or related to the Board's position or construction of the provisions of the Annexes to the Chicago Convention (61 Stat. 1180), (2) any information obtained by the Board or the Board personnel as a result of participation by the Board and its personnel in accident investigations in foreign countries, unless the country of occurrence notifies the Board in writing that it has no objection to a disclosure of such information, and (3) any cockpit voice recorder tape or transcription thereof, in the custody of the Board, except for a transcription of those communications determined by the Board to be pertinent and relevant to the accident and which will be placed in the Board's public docket of such accident.

§ 401.54 Interagency and intra-agency exchanges.

(a) Any record prepared by a Board employee for internal Government use is within the statutory exemption to the extent that it contains—

(1) Opinions made in the course of developing official action by the Board but not actually made a part of that official section, or

(2) Information concerning any pending Board proceeding, or similar matter, including any claim or other dispute to be resolved before a court of law, administrative board, hearing officer, or contracting officer.

(b) The purpose of this section is to protect the full and frank exchange of ideas, views, and opinions necessary for the effective functioning of the Government. These resources must be fully and readily available to those officials upon whom the responsibility rests to take official Board action. Its purpose is also to protect against the premature disclosure of material that is in the developmental stage if premature disclosure would be detrimental to the authorized and appropriate purposes for which the material is being used, or if, because of its tentative nature, the material is likely to be revised or modified before it is officially presented to the public.

(c) Examples of materials covered by this section include staff papers containing advice, opinions, or suggestions preliminary to a decision or action; advance information on such things as proposed plans to procure, lease, or otherwise hire and dispose of materials, real estate, or facilities; documents exchanged preparatory to anticipated legal proceedings; material intended for public release at a specified future time, if premature disclosure would be detrimental to orderly processes of the Board; records of inspections, investigations, and surveys pertaining to internal management of the Board; and matters that would not be routinely disclosed in litigation but which are likely to be the subject of litigation.

§ 401.55 Unwarranted invasion of personal privacy.

Any personal, medical, or similar file is within the statutory exemption if its disclosure would harm the individual concerned or be a clearly unwarranted invasion of his personal privacy. This also applies to financial statements furnished by Board members and employees and to commercial or financial information customarily subjected to an attorney-client or similar evidentiary privilege.

§ 401.56 Records compiled for law enforcement purposes.

This exemption from public disclosure applies to records compiled for law enforcement, but only to the extent that disclosure would interfere with enforcement, be an unwarranted invasion of privacy, disclose the identity of a confidential source, disclose investigative procedures and practices, or endanger the life or security of law enforcement personnel.

§ 401.57 Records for regulation of financial institutions.

Records compiled for agencies regulating or supervising financial institutions are exempt from public disclosure.

§ 401.58 Geological records.

Records concerning geological wells are exempt from public disclosure.

Appendix—Fee Schedule

1. Special services fees (pursuant to 31 U.S.C. 483a). Upon request, services relating to public documents are available at the following fees:

(a) Subscriptions (calendar year):

(1) Initial decisions of the administrative law judges—$40.00.

(2) Board safety enforcement opinions and orders—$20.00.

(3) Board aircraft accident (probable cause) reports, brief format—$40.00 (U.S.) and $50.00 (foreign).

(4) Aircraft accident reports, narrative—$27.50 (U.S.) and $34.50 (foreign).

(5) Surface accident reports, narrative—$27.50 (U.S.) and $34.50 (foreign).

NOTE.—Subscription orders for (a) (3), (4) and (5) above, should be forwarded to the National Technical Information Service, P.O. Box 1551, Springfield, Virginia 22151.

(b) Document certification under the Board's seal—$4.00.

(c) Computer tapes and services for aviation accidents. Duplication of computer tapes (or a fraction thereof)—$40.00.

NOTE.—Computer tape requests should be addressed to the Chief, Information Systems Branch, Bureau of Aviation Safety, National Transportation Safety Board, Washington, D.C. 20594.

(d) The basic fees set forth provide for ordinary first-class postage prepaid. If registered, certified, air, or special delivery mail is used, postal fees therefor will be added to the basic fee. Also, if special handling or packaging is required, such costs will be added to the basic fee.

(e) Subscription fees for (a) above are waived for qualifying foreign countries, international organizations, nonprofit public safety entities, State and Federal transportation agencies, and colleges and universities, after approval by the Board's General Manager.

V 40163
APR 175

2. Commercial Reproduction fees and search fees. Pursuant to 5 U.S.C. 552, as amended, reproductions of the documents listed below is accomplished by commercial contract, and the reproductions are mailed from the contractor together with a billing for the costs. Requests must be forwarded to the Accident Inquiry Unit, National Transportation Safety Board, Washington, D.C. 20594, together with an agreement to pay the reproduction cost. For search fee, see note appearing under 2(e)(3) of this Appendix. Fees are subject to change depending upon the Board's annual contract award.

Current fees are:

(a) Photocopy:

Size (in inches):	Per page
8½ by 11	$0.12
8½ by 14	.24
10 by 14	.30
14 by 18	.60
18 by 24	.90

(b) Photographic prints:

Size (in inches):	Unit price
8 by 10 black/white	$1.05
5 by 7 color	3.25
8 by 10 color	6.50
2 by 2 color slide	1.50
2 by 2 black/white slide	1.25
4 by 10 X-ray	6.50

(c) Minimum charge for reproduction—$4.00.

(d) Special expedite service—80 percent surcharge for 24-hour service and 50 percent surcharge for 48-hour service.

(e) Document search fee—The Board has determined that it is in the public interest to limit search fees to documents which require commercial reproduction. Further, the fee has been reduced to the labor cost for a minimum time-search. Therefore, a $4.00 search fee is required only for:

(1) Factual accident investigation reports, statements, photographs, and other material contained in the Board's accident investigation files.

(2) Accident investigation information not in the Board's public files.

NOTE: The $4.00 search fee will be included in the commercial reproduction firm's invoice.

(f) Documents requiring commercial reproduction for copies:

(1) Transcripts of public hearings.

(2) Factual accident investigation reports and information (see (e) (1) and (2) above).

3. Reproduction fees for the public reading room. All documents in the Board's public files may be examined, without charge, in the Board's public reading room, located in the Accident Inquiry Unit. There is a self-service duplicator in the reading room, which is available to the public for reproduction at a nominal cost.

4. Documents available without commercial reproduction cost until limited supplies are exhausted:

(1) Press releases.

(2) Aviation accident reports, narrative, and brief format probable cause reports (on request for specific accidents).

(3) Surface accident reports.

(4) Special studies.

(5) Safety Board regulations (14 CFR 400 through 440).

(6) Indexes to initial decisions, Board orders, opinions and orders, and staff manuals and instructions.

(7) Statistical data published by the Board.

(8) Safety recommendations.

5. Documents for sale by the Government Printing Office:

(1) Board's annual report.

(2) Volume I, National Transportation Safety Board Decisions (1967–1972).

3. Part 425 is revised to read as follows:

PART 425—RULES OF PROCEDURE FOR MERCHANT MARINE APPEALS FROM DECISIONS OF THE COMMANDANT, U.S. COAST GUARD

Sec.

425.1 Applicability.
425.5 Notice of appeal.
425.10 Referral of record.
425.15 Issues on appeal.
425.20 Briefs or memoranda in support of appeal.
425.25 Oral argument.
425.30 Action by the Board.
425.35 Action after remand.

AUTHORITY: Section 304(a)(9)(B) of the Independent Safety Board Act of 1974 (88 Stat. 2169, 49 U.S.C. 1903(a)).

§ 425.1 Applicability.

The provisions of this part govern all proceedings before the National Transportation Safety Board on appeals taken from decisions, on or after April 1, 1975, of the Commandant, U.S. Coast Guard, sustaining orders of an administrative law judge, revoking, suspending, or denying a license, certificate, document, or register in proceedings under:

(a) R.S. 4450, as amended (46 U.S.C. 239);

(b) Act of July 15, 1954 (46 U.S.C. 239 a-b); or

(c) Section 4, Great Lakes Pilotage Act (46 U.S.C. 216(b)).

§ 425.5 Notice of appeal.

(a) A party may appeal from the Commandant's decision sustaining an order of revocation, suspension, or denial of a license, certificate, document, or register in proceedings described in § 425.1, by filing a notice of appeal with the Board within 10 days after service of the Commandant's decision upon the party or his designated attorney. Upon good cause shown, the time for filing may be extended.

(b) Notice of appeal shall be addressed to the Docket Clerk, National Transportation Safety Board, Washington, D.C. 20594. At the same time, a copy shall be served on the Commandant (GL), U.S. Coast Guard, Washington, D.C. 20590.

(c) The notice of appeal shall state the name of the party, the number of the Commandant's decision, and, in brief, the grounds for the appeal.

§ 425.10 Referral of record.

Upon receipt of copy of a notice of appeal under this part, the Commandant shall immediately transmit to the Board the complete record of hearing upon which his decision was based. This includes the charges, the transcript of testimony and hearing proceedings (including exhibits), briefs filed by the party, the decision of the administrative law judge, and the Commandant's decision on appeal. It does not include intra-agency staff memoranda provided as advice to the Commandant to aid in his decision.

§ 425.15 Issues on appeal.

The only issues that may be considered on appeal are:

(a) A finding of a material fact is erroneous;

(b) A necessary legal conclusion is without governing precedent or is a departure from or contrary to law or precedent;

(c) A substantial and important question of law, policy, or discretion is involved; or

(d) A prejudicial procedural error has occurred.

§ 425.20 Briefs or memoranda in support of appeal.

(a) Within 20 days after the filing of a notice of appeal, the appellant must file, in the same manner as prescribed for the notice in § 425.5, a brief or memorandum in support of the appeal.

(b) This document shall set forth:

(1) The name and address of the appellant;

(2) The number and a description of the license, certificate, document, or register involved;

(3) A summary of the charges affirmed by the Commandant as proved;

(4) Fact findings by the Commandant disputed by the appellant;

(5) Specific statements of errors of law asserted;

(6) Specific statements of any abuse of discretion asserted; and

(7) The relief requested.

(c) Objection based upon evidence of record need not be considered unless the appeal contains specific record citation to the pertinent evidence.

(d) When a brief or memorandum has been filed by appellant under this section, the Coast Guard may, within 15 days of service of the brief or memorandum on the Commandant, submit to the Board a reply brief or memorandum.

§ 425.25 Oral argument.

(a) If any party desires to argue a case orally before the Board, he should request leave to make such argument in his brief or memorandum filed pursuant to § 425.20.

(b) Oral argument before the Board will normally not be granted unless the Board finds good cause for such argument. If granted, the parties will be advised of the date.

§ 425.30 Action by the Board.

(a) If timely action to perfect an appeal under § 425.20 is not taken by an appellant, the Board will, on its own motion or on motion of the Coast Guard, dismiss the appeal.

(b) In a case reviewed by the Board, if no reversible error is found in the Commandant's decision on appeal, that decision will be affirmed.

(c) In a case reviewed by the Board, if reversible error is found in the Commandant's decision on appeal, the Board may:

(1) If it finds the error incurable, set aside the entire decision and dismiss the charges; or

(2) If it finds the error curable, set aside the order, or conclusions, or findings of the Commandant and remand the case to him for further consideration.

(d) When a matter has been remanded to the Commandant under paragraph (c) of this section, he himself may act in accordance with the terms of the order of remand, or he may, as appropriate, further remand the matter to the administrative law judge of the Coast Guard who heard the case, or to another administrative law judge of the Coast Guard, with appropriate directions.

§ 425.35 Action after remand.

When a case has been remanded under § 425.30, a party still has all rights of review under 46 CFR Part 5 and this Part, as applicable.

4. Parts 405, 421, 430, 431, 435, and 440 are retained as presently promulgated.

Effectvie date. These revisions and retentions will be effective April 1, 1975.

Signed at Washington, D.C. this 25th day of March, 1975.

[SEAL] JOHN H. REED,
Chairman.

[FR Doc.75-8139 Filed 3-31-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2381]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

American Cyanamid Co.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interprets or applies sec. 7, 38 Stat. 731, as amended (15 U.S.C. 18))

In the Matter of American Cyanamid Company, a Corporation

Order modifying divestiture order issued against respondent April 16, 1973, 38 FR 12331, 82 F.T.C. 1220, by striking from Part I, the requirement that respondent divest itself of the plant located in Moosic, Pa.

Order reopening proceedings and modifying divestiture order is as follows: [1]

This matter is before the Commission on a petition filed by respondent American Cyanamid Company on December 20, 1974, requesting that the proceeding in the above-captioned matter be reopened for the purpose of modifying the order of divestiture issued therein on April 16, 1973, so as to relieve respondent of any further obligation to divest its plant located in Moosic, Pennsylvania.

In support of this request respondent alleges that the principal purpose of the divestiture provisions of the aforesaid Commission order has already been accomplished by respondent's sale of two lines of men's toiletries on April 1, 1974; that the plant in question was never used to produce these two product lines; and that the plant is presently an unoccupied, non-productive facility. The Director of the Bureau of Competition has filed an answer to the petition advising that he does not oppose the granting of the relief requested.

Having considered the petition and the answer thereto, the Commission is of the opinion that in the circumstances shown to exist the public interest will be served by reopening this proceeding for the purpose of modifying the order to the limited extent requested.

Accordingly, *It is ordered*, That this proceeding be, and it hereby is, reopened, and that the Commission's order of April 16, 1973, be, an it hereby is, modified by striking from Part I thereof the requirement that respondent divest itself of the plant located in Moosic, Pennsylvania.

The order reopening the proceeding and modifying the divestiture order was issued by the Commission January 21, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-8317 Filed 3-31-75;8:45 am]

[1] Copy of the order filed with the original document.

[Docket No. 8834]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Holiday Magic, Inc., et al.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 2, 49 Stat. 1526; (15 U.S.C. 45, 13))

In the Matter of Holiday Magic, Inc., a Corporation, and Sam Olivo, as Executor for the Decedent Respondent William Penn Patrick, and Fred Pape and Janet Gillespie, Individually

Order modifying Final Order issued against respondents on October 15, 1974, 40 FR 10665, 84 F.T.C. ____, by deleting Paragraph V of the order which required corporate respondent and respondent Olivo to make restitution as provided therein.

Order reopening proceedings and modifying final order, is as follows: [1]

The Commission's final order in this matter, dated October 15, 1974, provided, in Paragraph V, that respondent Olivo should make restitution as provided therein, and that corporate respondent, Holiday Magic, should also make restitution. The requirement as to Holiday Magic, however, was to be effective only in the event that the company should cease to be in compliance with a district court order also requiring that it make restitution. By order dated January 8, 1975, the Commission denied a motion of respondent Olivo to reconsider its order as to him.

In its opinion, the Commission recognized that its action in ordering restitution, in particular its assertion that it possessed the authority to do so, was contrary to the holding of the Ninth Circuit Court of Appeals in the case of *Heater* v. *Federal Trade Commission*, No. 73-1750, September 11, 1974. In footnote 11, page 23 of its final decision, the Commission noted its disagreement with the holding in *Heater* and stated that it would seek to obtain review of the decision by the Supreme Court.

Subsequent to rendition of the Commission's final order in this matter, and rendition of its order denying the motion to reconsider, the Commission has determined that it will not seek review of the *Heater* decision by the Supreme Court. While this determination should not be construed to signify a change in the view of the Commission regarding the correctness of the *Heater* decision, it does eliminate any possibility that *Heater* will not continue to be governing law in the Ninth Circuit. Corporate respondent's principal place of business is in the Ninth Circuit; individual respondent and the estate of the deceased respondent are situated in the Ninth Circuit, and respondents have appealed this matter in that circuit. Under these circumstances the Commission does not feel that it is privileged to disregard judicial precedent of such recent and clearly dispositive vintage. Under the holding in *Heater*, at the time the Commission issued its final order in this matter it was not empowered by the FTC Act to require respondent to make restitution for prior fraudulent activities. That holding not having been overruled, it would now be improper for the Commission, only a short time thereafter, to put respondent to the expense of, relitigating the same issue in the same forum. This is particularly so inasmuch as the assets of the wrongdoer's estate with which the cost of such litigation would be financed are limited, and may be subject to other claims, including claims of private plaintiffs seeking repayment for the same wrongs which led the Commission to issue the original order of restitution in this case.

Pursuant to § 3.72(a) of its rules of practice, the Commission may, "prior to the filing of the transcript of the record of a proceeding in a United States court of appeals pursuant to a petition for review" reopen the proceeding on its own motion and modify its order in said proceeding. Therefore,

It is ordered, That this matter be reopened and that the final order be modified by striking Paragraph V in its entirety, and renumbering all subsequent paragraphs.

The order reopening the proceeding and modifying the final order was issued by the Commission January 21, 1975, with Commissioner Nye not participating.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-8318 Filed 3-31-75;8:45 am]

[1] Copy of the order filed with the original document.

V 40163
APR 1 75

[Docket No. C-2632]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Insurance Finance Plan Co., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements: § 13.73–92 Truth in Lending Act; § 13.155 Prices: § 13.155–95 Terms and conditions: § 13.155–95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 Terms and conditions: § 13.1823–30 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements: § 13.1852–75 Truth in Lending Act; § 13.1905 Terms and conditions: § 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147, (15 U.S.C. 45, 1601–1605))

In the Matter of Insurance Finance Plan Co., a Corporation, and Maurice R. Loiselle, Individually and as an Officer of Said Corporation

Consent order requiring a Central Falls, R.I., moneylender in connection with the financing of insurance premiums, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

It is ordered, That respondents Insurance Finance Plan Co., a corporation, its successors or assigns, and its officers, and Maurice R. Loiselle, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension of consumer credit or advertisement to aid, promote or assist, directly or indirectly, and extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90–321, 15 U.S.C. 1601 *et seq.*) do forthwith cease and desist from:

1. Failing to use the term "cash price", as defined in § 226.2(i) of Regulation Z, to describe the purchase price of the item, as required by § 226.8(c)(1) of Regulation Z.

2. Failing to use the term "cash downpayment" to describe the downpayment in money made in connection with the credit sale, as required by § 226.8(c)(2) of Regulation Z.

3. Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment as required by § 226.8(c)(3) of Regulation Z.

4. Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price", as required by § 226.8(c)(8)(ii) of Regulation Z.

5. Failing to furnish the consumer with a duplicate of the instrument containing the required disclosures or a statement by which the required disclosures are made, as required by § 226.8(a) of Regulation Z.

6. Failing in any consumer credit transaction or advertising to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z at the time and in the manner, form and amount required by §§ 226.6, 226.8 and 226.10 of Regulation Z.

7. Stating in any advertisement the period of repayment which can be arranged in connection with a consumer credit transaction, without also stating all of the following items in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d)(2) of Regulation Z.

(i) The cash price;

(ii) The amount of the downpayment required or that no downpayment is required as applicable;

(iii) The number, amount, and due dates or periods of payments scheduled to repay the indebtedness if the credit is extended;

(iv) The amount of the finance charge expressed as an annual percentage rate; and

(v) The deferred payment price.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents now or hereafter engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation or placing of advertising; and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission, January 6, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-8319 Filed 3-31-75;8:45 am]

[Docket No. C-2634]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Martin Industries, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.50 Dealer or seller assistance; § 13.55 Demand, business or other opportunities; § 13.115 Jobs and employment service; § 13.143 Opportunities. Subpart—Contracting for sale any evidence of indebtedness prior to specified time: § 13.527 Contracting for sale any evidence of indebtedness prior to specified time. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; § 13.533–20 Disclosures; § 13.533–55 Refunds, rebates, and/or credits. Subpart—Failing to maintain records: § 13.1051 Failing to maintain Records: § 13.1051–20 Adequate. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1553 Services. —Goods: § 13.1608 Dealer or seller assistance; § 13.1610 Demand for or business opportunities; § 13.1670 Jobs and employment. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements: § 13.1852–75 Truth in Lending Act; § 13.1892 Sales contract, right-to-cancel provisions; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions: § 13.1905–60 Truth in Lending Act. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1995 Job guarantee and employment; § 13.2015 Opportunities in product or service.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719; as amended, 82 Stat. 146, 147; (15 U.S.C. 45, 1601–1605))

In the Matter of Martin Industries, Inc., a Corporation, and Cattle Buyers, Inc., a Corporation, and Educational Finance Corp., a Corporation, and Daniel M. Martin, Jr., and George C. Kopp, III, Individually and as Officers of Said Corporations

Consent order requiring three Kansas City, Mo., affiliated sellers of a correspondence course in livestock buying, among other things to cease using deceptive sales tactics and from violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

[1] Copies of the Complaint, Decision and Order, filed with the original document.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

Count I

It is ordered, That respondents Martin Industries, Inc., Cattle Buyers, Inc., and Educational Finance Corp., corporations, their successors and assigns, and their officers, and Daniel M. Martin, Jr., and George C. Kopp, III, individually and as officers of each of said corporations and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale, or distribution of courses of study, training, or instruction in the field of livestock buying or any other course of instruction, or product, or service, in any field in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing orally, in writing, or in any other manner, directly or by implication, that:

(a) Persons who enroll in any course(s) of instruction offered by respondents will be employed as buyers in the livestock industry or any other industry.

(b) Respondents offer employment in the livestock industry or any other industry.

(c) Respondents assist or are able to assist any person in securing employment as a buyer in the livestock industry or in any other position.

(d) There is a demand for persons completing the course offered by respondents in the area of cattle buying, selling, or trading.

2. Failing to disclose clearly and conspicuously, in all advertising and promotional material, that respondents are seeking prospective purchasers for their course(s) of instruction and do not offer employment or assistance in obtaining employment.

3. Failing to send by certified mail, return receipt requested, to each person who contracts for the sale of any course of instruction, a notice, in a form approved by the Commission, which shall disclose the following information and none other:

(a) The title "IMPORTANT INFORMATION" printed in bold face type across the top of the form.

(b) A paragraph reciting the following affirmative disclosures:

(1) A statement disclosing that most persons enrolling in respondents' course(s) of livestock buying will not be employed in the livestock buying industry during or after completion of said course(s) of instruction.

(2) A statement disclosing that respondents do not offer or assist their students in obtaining employment.

(3) A statement disclosing the total number of students who have enrolled in each course of instruction offered by respondents for each of the three (3) preceding calendar years.

(4) A statement disclosing the total number of students who have graduated from each course of instruction offered by respondents for each of the three (3) preceding calendar years.

(5) A statement disclosing the total number of students which respondents can affirmatively show have become employed as a result of completing any of respondents course(s) of instruction for each of the three (3) preceding calendar years.

(6) An explanation of the cancellation procedure provided in this order, namely, that any contract or other agreement may be cancelled within three (3) days after receipt by the customers, via the United States Mails, of this notice.

(7) Said notice shall contain a detachable form which the person may use as a notice of cancellation, which indicates the proper address for accomplishing any such cancellation.

(8) The said notice shall be sent by respondents no sooner than the next day after the person shall have executed a contract for the sale of any course(s) of instruction.

4. Contracting for any sale of any course(s) of instruction in the form of a sales contract or other agreement which shall become binding prior to the end of the third business day after the day of receipt by the customer of the form of notice provided in Paragraph 3 of this order.

5. Failing to keep adequate records which may be inspected by the Commission staff members upon reasonable notice:

(a) Which disclose the facts upon which any placement statistics or claims or other representations of the type described in Paragraph 3(b) (3), (4) and (5) of this order are based, and

(b) From which the validity of any placement statistics described in Paragraph 3(b) (3), (4) and (5) of this order can be determined, for so long as such statistics, claims, or other representations are disseminated, made, or authorized by respondents, or are required to be disclosed hereunder and for a period of three (3) years after respondents' termination of dissemination, use, authorization, or disclosure of such statistics, claims, or representations (whichever period is the longer).

It is further ordered, That respondents, in connection with the sale, or offering for sale of any course(s) of instruction or training:

A. Inform orally all prospective purchasers to whom solicitations are made, and provide, in writing, in all applications and contracts, in at least ten-point bold type, that the application or contract may be cancelled for any reason by notification to respondents, in writing, within three (3) days from the date of receipt of the form of notice provided in Paragraph 3 of this order. B. Refund immediately all monies to all purchasers who have requested cancellation of the application or contract within three (3) days from the date of receipt of the form of notice provided in Paragraph 3 of this order.

Count II

It is further ordered, That respondents Martin Industries, Inc., Cattle Buyers, Inc., and Educational Finance Corp., corporations, their successors and assigns, and their officers, and Daniel M. Martin, Jr., and George C. Kopp, III, individually and as officers of each of said corporations and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with any extension of consumer credit as "consumer credit" is defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90–321, (15 U.S.C. 1601, *et seq.*), do forthwith cease and desist from:

1. Failing to disclose the term "Finance Charge" more conspicuously than other terminology as required by § 226.6(2) of Regulation Z.

2. Failing to use the term "Total of Payments" to describe the sum of the payments scheduled to repay the indebtedness as required by § 226.8(b)(3) of Regulation Z.

3. Failing to use the term "Cash Price" to designate the cash price of the property or service which is the subject of the transaction as required by § 226.8(c)(1) of Regulation Z.

4. Failing to use the term "Cash Downpayment" to designate any downpayment in money, as required by § 226.8(c)(2) of Regulation Z.

5. Failing to use the term "amount financed" to designate the amount financed as required by § 226.8(c)(7) of Regulation Z.

6. Failing to use the term "Deferred Payment Price" to describe the sum of the "cash price," all other charges which are included in the amount financed but which are not part of the finance charge, and the finance charge as required by § 226.8(c)(8)(ii) of Regulation Z.

It is further ordered, That: 1. Respondents herein deliver a copy of the decision and order in this matter to each of their present and future employees, salesmen, agents, solicitors, independent contractors, or to any other person who promotes, offers for sale, sells, or distributes any course of instruction included in this order.

2. Respondents herein provide each person so described in Paragraph 1 above with a form, returnable to the respondents, clearly stating their intention to be bound by and to conform their business practices to the requirements of this order; retain said statement during the period said persons are so engaged; and make said statement available to the Commission's staff for inspection and copying purposes upon request.

3. Respondents herein inform each person so described in Paragraph 1 above that the respondents will not use or engage, or will terminate the use or employment of any such party, unless such

[1] Copies of the Complaint, Decision and Order, filed with the original document.

V 40 163
APR 1 75

party agrees to and does file notice with the respondents that he will be bound by provisions contained in this order.

4. If such party as described in Paragraph 1 above will not agree to so file the notice set forth in Paragraph 2 above with the respondents and be bound by the provisions of the order, the respondents will not use or employ or continue the use or employment of such party to promote, offer for sale, sell, or distribute any course of instruction included in this order.

5. Respondents herein inform the persons described in paragraph 1 above that the respondents are obligated by this order to discontinue dealing with, or to terminate the use or employment of persons who continue on their own the deceptive acts or practices prohibited by this order.

6. Respondents herein institute a program of continuing surveillance adequate to reveal whether the business practices of each said person described in paragraph 1 above conform to the requirements of this order.

7. Respondents herein discontinue dealing with or terminate the use or engagement of any person described in paragraph 1 above, as revealed by the aforesaid program of surveillance, who continues on his own any act or practice prohibited by this order.

It is further ordered, That respondents shall forthwith distribute a copy of this order to each corporation and division of such corporation through which they transact business in conjunction with the promotion, advertisement, solicitation, and/or sale of any course(s) of instruction.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in any corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

The Decision and Order was issued by the Commission, January 16, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-8390 Filed 3-31-75;8:45 am]

[Docket No. 8890]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Phillips Petroleum Co.

Subpart—Aiding, assisting and abetting unfair or unlawful act or practice: § 13.390 Aiding, assisting and abetting unfair or unlawful act or practice. Subpart—Coercing and intimidating: § 13.358 Distributors. Subpart—Combining or conspiring: § 13.395 To control marketing practices and conditions; § 13.470 To restrain and monopolize trade; § 13.475 To restrain competition in buying; § 13.497 To terminate or threaten to terminate contracts, dealings, franchises, etc. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements: § 13.533-5 Arbitration; § 13.533-65 Renegotiation and/or amendment of contracts. Subpart—Cutting off access to customers or market: § 13.535 Contracts restricting customers' handling of competing products; § 13.560 Interfering with distributive outlets. Subpart—Cutting off supplies or service: § 13.610 Cutting off supplies or service; § 13.655 Threatening disciplinary action or otherwise. Subpart—Dealing on exclusive and tying basis: § 13.670 Dealing on exclusive and typing basis: § 13.670-20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended (15 U.S.C. 45))

In the Matter of The Phillips Petroleum Company

Consent order requiring a Bartlesville, Okla., distributor of petroleum, tires, batteries and automobile accessories, among other things to cease engaging in anticompetitive practices with respect to its lessee dealers. Further, with few exceptions allowed, respondent must offer its dealers leases with a term of not less than five years.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:[1]

ORDER

I. For purposes of this Order, the following definitions shall apply:

1. The term "lessee dealer" refers to a tenant operating a Phillips Petroleum Company trademarked automotive service station leased to such tenant by Phillips Petroleum Company and such tenant being primarily engaged in the business of reselling automotive gasolines, lubricants, tires, batteries and automotive accessories from the leased premises to the motoring public. The term "lessee dealer" does not include nor refer to jobbers or wholesale distributors of gasolines, lubricants, tires, batteries or automotive accessories; persons who lease a service station from jobbers or wholesale distributors or other third parties; persons who own or lease from third parties the facilities they are operating and receive a flat rental or a monthly accumulated gallonage rental from Phillips Petroleum Company; aviation fixed base operators; and marina outlets.

2. The term "refined petroleum products" refers to automotive gasolines and automotive lubricants customarily sold by lessee dealers, which are produced in the refining process of crude oil and natural gas liquids.

3. The term "TBA" refers to automotive tires and tubes, automotive batteries and automotive accessories, including, but not limited to, spark plugs, oil filters, fan belts, auto lamps, fuses, windshield wipers and blades, antifreeze preparations, waxes, polishes, and other items used on or in the minor servicing or minor repairing of highway automotive vehicles.

4. The term "effective date of this Order" refers to the date of issuance of the Commission's Decision and Order with respect to this matter.

II. *It is ordered*, That Respondent, Phillips Petroleum Company, a corporation, its successors and assigns and Respondent's officers, agents, representatives and employees directly or through any corporation, subsidiary, division or other device, in connection with the sale or distribution of refined petroleum products and TBA products in commerce, as "commerce" is defined in the Federal Trade Commission Act, shall not:

1. Enter into, renew or initiate an offer to enter into or renew a lease with a lessee dealer for a term of less than five (5) years as a condition to becoming or remaining a lessee dealer;

Provided, however, (i) That in any lease with a lessee dealer Respondent shall give such dealer the option to cancel such lease upon sixty (60) days written notice to Respondent;

(ii) that where Respondent holds any premises as lessee and not as owner for a period of less than five (5) years, Respondent may condition the five-year lease offered its lessee dealer upon Respondent's renewal of the term of the underlying lease on the premises for a period coextensive with the five-year period of the lease offered the lessee dealer. Such condition shall be conspicuously noted on such lease. In the event Respondent does not renew the underlying lease, the term of its lease to its lessee dealer may be the same as the term of such underlying lease;

(iii) that with respect to a lessee dealer who has not operated a service station as a dealer in the sale of gasoline for a period of six (6) months prior to the execution of said lease, Respondent shall have the right to terminate the five-year lease offered to such dealer at any time without cause and without arbitration within six (6) months after the date such dealer enters into such lease upon advance written notice of not less than thirty (30) days.

2. Coerce, intimidate or prohibit lessee dealers from purchasing TBA products and refined petroleum products; except gasoline, from non-Respondent sources, or require, by contract, agreement, understanding, course of dealing, or by any means whatsoever, that lessee dealers:

(i) deal exclusively in such products manufactured, sold, distributed, or sponsored by Respondent;

(ii) refrain from handling such products obtained from non-Respondent sources.

3. Prohibit lessee dealers from purchasing gasoline from non-Respondent sources; *provided, however*, Respondent may require lessee dealers to maintain on the premises a representative amount of Respondent's trademarked and/or trade named gasolines, for resale to the public; and *provided further*, That Respondent may take such measures as are both lawful and necessary to protect Respondent's trademark rights and to avoid violations of federal and state statutes, and regulations adopted pursuant thereto, governing the distribution, handling or sale of gasoline.

4. Refuse to accept from all authorized lessee dealers authorized charges on Phillips credit cards by its valid card holders for purchases made at the leased premises of refined petroleum products and TBA regardless of whether or not such products were manufactured, distributed or sponsored by Respondent.

5. By contract or course of dealing:

(i) Require any of its lessee dealers to accept product financing from Respondent; or in any way prevent its lessee dealers from obtaining product financing from sources other than Respondent:

(ii) condition or deny financing of the purchase of any product line by lessee dealers on the basis that a lessee dealer who requests financing is (a) selling another product line which is not manufactured, distributed or sponsored by Respondent, or (b) is not purchasing or stocking enough of a product line which is manufactured, distributed or sponsored by Respondent.

III. *It is further ordered*, That from and after the date of this Order:

(a) All existing leasehold agreements not in conformity with Part II, Paragraph 1, of this Order, shall, within ninety (90) days from the effective date of this Order, be renewed so as to conform with the provisions of this Order.

(b) All leasehold agreements entered into between Respondent and any lessee in conformity with Part II, Paragraph 1, of this Order shall be automatically renewed for a term of equal duration unless either party, prior to the expiration of the agreement, gives ninety (90) days advance written notice to the other party of his intention to terminate the agreement; *Provided, however*, Respondent may give a ninety (90) day advance written notice of its intention to offer a new lease agreement of different terms and conditions not inconsistent with this Order and in such event the existing lease shall remain in effect until a new lease agreement is reached or until either party concludes that an impasse exists and in the latter event either party shall give the other party sixty (60) days advance written notice of termination of the existing lease.

IV. *It is further ordered*, That immediately after the effective date of this Order, a cancellation by Respondent prior to the expiration of the term of any lease between Respondent and a lessee dealer must be pursuant to sixty (60) days advance written notice of intent to cancel said lease; *Provided, however*, Respondent may cancel a lessee dealer without advance written notice in the event of the following:

(a) Death or legal incompetency of the lessee dealer;

(b) The institution of insolvency, bankruptcy or receivership proceedings by the lessee dealer or the taking advantage by lessee dealer of any law for the benefit of debtors;

(c) Vacancy or abandonment of the leased premises for a continuous period of five (5) days;

(d) If the premises or a sufficient portion thereof to prevent the use thereof as a service station are condemned to be taken for any public purposes or if Phillips elects to execute a voluntary conveyance or assignment in lieu of such taking by condemnation;

(e) Destruction of the leased premises;

(f) Dealer is convicted of a felony.

Upon receipt of the requisite notice of intent to cancel, either party may elect to invoke arbitration pursuant to the Commercial Arbitration Rules and the Procedures of the American Arbitration Association (AAA), for the purpose of determining whether good cause exists or existed for the cancellation. If Respondent cancels a lessee dealer without advance written notice for the reasons set forth in Part IV, subparagraphs (a) through (f) above, such lessee dealer may not invoke arbitration. The party invoking arbitration shall give the other party written notice of its intent to invoke arbitration within fifteen (15) days from the receipt of the notice of intent to cancel, setting forth the basis for such invocation and filing two (2) copies of said notice with the Regional Office of AAA closest to said lessee dealer's residence. If such written notice of intention to arbitrate is not made within such fifteen (15) day period, arbitration shall be deemed to have been waived. If arbitration is invoked by either party, such arbitration shall be exclusive and in lieu of any other common law rights. The locale for arbitration shall be fixed by the AAA and shall be selected from the standby facilities maintained by the AAA for arbitration. It is understood and anticipated that such locale shall be the closest available to the lessee dealer's residence.

The Arbitrator shall be selected by the parties from the panel of arbitrators of the AAA; said Arbitrator shall be empowered to determine the merits of the good cause issue; assess the costs of arbitration; and the decision of said Arbitrator shall be final and binding upon the parties and judgment thereon may be entered in any court of competent jurisdiction. Arbitration shall be no cause for delay, and in the event of a default by either party in appearing before the Arbitrator, pursuant to advance written notice, the Arbitrator is authorized to render a decision upon the testimony of the party appearing.

The lessee dealer may elect to remain in possession of the leased premises pending the decision of the Arbitrator, and for an additional thirty (30) days in the event the decision of the Arbitrator is against the lessee dealer; *Provided, however*, That upon motion by Respondent showing that the lessee dealer has discontinued operations during normal business hours, the Arbitrator shall be empowered to order that Respondent may take immediate peaceable possession of the premises.

The Arbitrator shall have no power or jurisdiction to add to, subtract from, alter, or modify any of the terms of the lease. Except with respect to costs, as provided below, the Arbitrator shall only have power and jurisdiction to determine if good cause for cancellation exists or existed under the provisions of the lease. Further, except for costs, as provided below, the sole remedy that the Arbitrator has jurisdiction and authority to award is allowing the dealer to continue as a dealer under the terms of the lease, and the Arbitrator does not have jurisdiction or authority to award monetary damages or any other affirmative relief.

If the Arbitrator fails to find that good cause exists or existed for cancellation, Respondent shall allow the lessee dealer to continue as a lessee dealer under the terms of the existing lease arrangement or enter into a new leasehold agreement conforming with the provisions of this Order.

At any time during the arbitration proceedings, the Arbitrator, upon motion by either party shall be empowered to order the other party to post bond with a reputable bonding or surety company or otherwise provide security to the Arbitrator in an amount sufficient to cover any costs of arbitration to be borne by the parties as hereinafter provided and to cover any losses in rent, reimbursement for supplies or other damages which may be sustained by either party, or other damage to the leasehold during the period following the invoking of arbitration.

At the conclusion of the arbitration proceeding, the Arbitrator shall be empowered to assess all costs of arbitration as he deems to be just and equitable under the circumstances of the particular case except that in all instances Respondent shall pay its attorneys' fees. If the Arbitrator fails to find that good cause exists or existed for cancellation, Respondent shall bear all costs of the arbitration.

The lessee dealer's right to elect arbitration, including lessee dealer's time limitations, lessee dealer's remedies, AAA's headquarters address and the Regional Office of AAA closest to the lessee dealer's residence as then known, shall be conspicuously noted in all leases subject to the provisions of this Order.

[1] Copies of the Complaint, Decision and Order, filed with the original document.

V 40163
APR 1 75

provided, however, That with respect to those leased premises subject to the Court's jurisdiction in the case of *United States* v. *Phillips Petroleum Company and Tidewater Oil Company*, No. 66–1154 (C.D. Cal., 1966) and permitted to be retained by Respondent after the entry of a Final Judgment in that case, the requirements of this last paragraph of Part IV as to conspicuous notice in leases shall not be effective until ninety (90) days after the entry of such Final Judgment; *Provided, further*, That with respect to those leased premises subject to the Court's jurisdiction in the aforesaid case which are to be sold or divested by Respondent pursuant to such Final Judgment, the requirements of this last paragraph of Part IV as to conspicuous notice in leases shall not apply; and *Provided, finally*, That the requirements of this last paragraph of Part IV as to conspicuous notice in leases shall in all other instances be made effective ninety (90) days after the effective date of this Order.

V. *It is further ordered*, That from and after the effective date of this Order, Respondent shall not, directly or indirectly, require, encourage or suggest that its branded jobbers or wholesale distributors enter into contractual arrangements with their dealers which, if entered into by Respondent and its lessee dealers, would contravene the provisions of Part II, Paragraphs 2, 3, 4 and 5 of this Order.

VI. *It is further ordered*, That Respondent shall, within ninety (90) days after the effective date of this Order, serve upon all of its lessee dealers a letter by certified mail, signed by a responsible official binding the Respondent, and on official Phillips Petroleum Company stationery, which shall include the following statement in its first paragraph:

> The Federal Trade Commission has entered an Order which, among other things, prohibits Phillips Petroleum Company from coercing, restraining or restricting the rights of lessee dealers to function as independent businessmen, as more fully set forth in the relevant provisions of the Order which are enclosed.

The relevant provisions of this Order which shall be enclosed in such letters to such lessee dealers are Parts I–IV thereof. This letter shall be submitted to the Commission for approval before it is mailed to lessee dealers.

VII. *It is further ordered*, That Respondent shall within ninety (90) days after the effective date of this Order serve upon all of its branded jobbers and wholesale distributors a letter by certified mail, signed by a responsible official and on official Phillips Petroleum Company stationery, which shall include the following statement in its first paragraph:

> The Federal Trade Commission has entered an Order which, among other things, prohibits Phillips Petroleum Company from requiring, encouraging, or suggesting that its branded jobbers or wholesale distributors enter into contractual arrangements with their dealers which, if entered into by Phillips and its lessee dealers would violate Part II, Paragraphs 2, 3, 4 and 5 of the Order.

The relevant provisions of the Order are enclosed.

The relevant provisions of this Order which shall be enclosed in such letters to lessee dealers are Parts I, II, III and V thereof. This letter shall be submitted to the Commission for approval before it is mailed to jobbers and wholesale distributers.

VIII. *It is further ordered*, That should Respondent during the ninety (90) day period immediately following the effective date of this Order send any lessee dealer advance written notice of intent to cancel a lease between Respondent and such lessee dealer prior to the expiration of the term of the lease, Respondent must simultaneously notify such lessee dealer of the provisions of Part IV of this Order.

IX. *It is further ordered*, That Respondent shall forthwith distribute a copy of this Order to each of its Marketing Division operating units.

X. *It is further ordered*, That Respondent shall notify the Commission at least thirty (30) days prior to any proposed change in Respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the Order.

XI. *It is further ordered*, That Respondent shall, within ninety (90) days after service upon it of this Order, and every ninety (90) days thereafter for a period of one (1) year and thereafter annually at the end of the calendar year for a period of nine (9) years file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this Order. This Order shall remain in effect for twenty (20) years from its effective date.

XII. *It is further ordered*, That no provision contained in this Order shall prohibit Respondent from completely divesting itself of any interests in any leased station which is required by a Final Judgment in *United States* v. *Phillips Petroleum Company and Tidewater Oil Company*, No. 66–1154 (C.D. Cal., 1966), and that immediately after the effective date of this Order only Paragraphs 2, 3, 4 and 5 of Part II of this Order and Part IV of this Order shall apply to the Respondent's lessee dealers whose leased premises are subject to the Court's jurisdiction in the aforementioned case; *Provided, however*, That in the event Respondent is permitted, following entry of a Final Judgment in the aforesaid case, to retain any of the premises presently leased to lessee dealers, thereupon after ninety (90) days all the other provisions of this Order shall apply in all respects to such retained, leased premises; *Provided, further*, That no provision of this Order shall be binding upon or apply to any of the leased premises of Respondent sold or divested pursuant to a Final Judgment in the aforesaid case.

The Decision and Order was issued by the Commission December 27, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75–8321 Filed 3–31–75;8:45 am]

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

PART 302—RULES AND REGULATIONS UNDER FLAMMABLE FABRICS ACT

Children's Sleepwear, Sizes 7 Through 14; Labeling, Recordkeeping and Other Requirements

The purpose of this document is to issue a final regulation (16 CFR 302.21) under the Standard for the Flammability of Children's Sleepwear, Sizes 7 through 14 (FF 5–74), to establish requirements for labeling of items subject to the Standard; requirements for display of items subject to the Standard which are offered for sale to consumers in retail establishments; requirements for maintenance of records relating to the manufacture and sale of items subject to the Standard; and requirements for testing for guaranty purposes under the Standard.

The Standard is applicable to children's sleepwear garments in sizes 7 through 14, and to any fabric or related material intended or promoted for use in children's sleepwear in these sizes. The Standard and the regulation published below have been issued under provisions of the Flammable Fabrics Act (15 U.S.C. 1191–1204), which provides for civil and criminal penalties for the violation of any standard or regulation issued under that act.

The principal provisions of the regulation issued below are:

1. A requirement that each garment and each piece of fabric subject to the Standard be labeled to identify the production unit in which the item was manufactured. The production unit identification must appear on a permanent label attached to the garment or must be stamped permanently on the garment. The production unit identification of any fabric subject to the Standard must appear on every label relating to that fabric which is required by the Textile Fiber Products Identification Act or by the Wool Products Labeling Act of 1939, or on any invoice used in lieu of labeling under those acts.

2. A requirement for permanent labeling of items subject to the Standard to indicate precautionary care and treatment instructions to protect those items from any agent or treatment which is known to cause those items to be less flame resistant.

3. A requirement for non-permanent labeling of items manufactured on or after May 1, 1975 through May 1, 1978, which are subject to and comply with the Standard to inform consumers that such items comply with the Standard.

4. Requirements that retail dealers who offer noncomplying items of children's sleepwear, in sizes 7 through 14, for sale to consumers display those noncomplying items so that they are not intermingled with complying items; separate displays of noncomplying items from displays of complying items by a distance of at least 36 inches; and identify displays of noncomplying items and complying items by signs with letters at least one inch high.

5. Requirements for the maintenance of records by manufacturers, importers and other persons who initially introduce items subject to the Standard into interstate commerce to establish a line of continuity through the process of manufacture of each production unit of items to the sale and delivery of finished items, and from the specific finished items back to the manufacturing records. The records required for every production unit must relate that unit to a production unit identification number, letter, or date which is required to appear on each item subject to the Standard.

Background. The Standard for the Flammability of Children's Sleepwear; sizes 7 through 14 (FF 5–74) was issued by the Commission on May 1, 1974 (39 FR 15210) with an effective date of May 1, 1975. In the FEDERAL REGISTER of January 20, 1975 (40 FR 3276), the Commission proposed an amendment to the Standard to require affirmative labeling of items of children's sleepwear in sizes 7 through 14 which are manufactured on or after May 1, 1975 through May 1, 1978, to indicate that such items comply with the Standard. The amendment to the Standard was published in the FEDERAL REGISTER on March 21, 1975 (40 FR 12811) and a correction notice was published for technical reasons on March 27, 1975 (40 FR 13547). It will become effective on May 1, 1975, the effective date of the Standard.

In the FEDERAL REGISTER of January 20, 1975 (40 FR 3279), the Commission also proposed this regulation, 16 CFR 302.21, to establish labeling, recordkeeping, and other requirements for persons who manufacture or sell items subject to the Standard. Interested parties were afforded a period of thirty days to comment on the proposed regulation.

CODIFICATION NOTE: The regulations being amended herein (Part 302), although appearing in the CFR under Title 16, Chapter I—Federal Trade Commission, are now the responsibility of the Consumer Product Safety Commission by provisions of section 30(b) of the Consumer Product Safety Act (86 Stat. 1231; 15 U.S.C. 2979(b)). Until the Commission revises and transfers the regulations issued under the Flammable Fabrics Act to Title 16, Chapter II—Consumer Product Safety Commission, it shall amend them in Chapter I.

Response to proposal and CPSC decisions thereon. In response to the proposed regulation, comments were received from manufacturers of items subject to the Standard, an association of manufacturers, retailers, associations of retailers and interested individuals. The principal issues raised by these comments and the Commission's decisions thereon are as follows:

A. *Labeling provisions.* 1. The proposed regulation includes § 302.21(b)(1) which requires that where any agent or treatment "is known to cause" deterioration of flame resistance of an item subject to the Standard, "or otherwise causes" deterioration of flame resistance, that item must be labeled with precautionary care and treatment instructions to protect the item from such an agent or treatment. One garment manufacturer objects that the language of this paragraph is vague and places a responsibility on the manufacturer to warn against situations which may be unknown to the manufacturer as well as to the consumer. This commenter requests the addition of language to limit the scope of the requirement for cautionary instructions to agents or treatments known to cause deterioration of flame resistance or which otherwise cause deterioration of flame resistance "due to normal refurbishing."

The Commission declines to make the change requested because the Commission concludes that the duty of manufacturers to give instructions for the proper care of items subject to the Standard should not be limited to giving information which is common knowledge in the garment and textile industries, but rather should include some obligation to detect and inform consumers about treatments or agents which may cause deterioration of flame resistance. Moreover, .6 of the Standard for the Flammability of Children's Sleepwear, Sizes 7 through 14 (FF 5–74), requires labeling "with precautionary instructions to protect the items from agents or treatments which are known to cause significant deterioration of their flame resistance."

2. Provisons of proposed § 302.21(b)(2) require that any item subject to the Standard which has been initially tested under the Standard after one washing must be permanently labeled with instructions to wash the item before wearing it. One association of garment manufacturers contends that the requirement for such an instruction on a permanent label is unnecessary because it could be included on a hang tag, on the package, or on an insert and adequately inform the consumer.

The Commission finds that since the requirement for a permanent label is prescribed by .6 of the Standard, § 302.21(b)(2) of the regulation issued below must likewise prescribe a permanent label.

3. Provisions of proposed § 302.21(b)(5) require that samples, swatches, or specimens used to promote the sale of items subject to the Standard must be labeled with all of the information specified in the proposed regulation, except that such information may appear on promotional materials which are attached to fabric samples, specimens, or swatches used to promote the sale of fabrics to garment manufacturers. A comment from a firm which sells fabrics to consumers by mail order requests the addition of language to proposed § 302.21(b)(5) to extend the application of the provision which allows placement of required labeling information on accompanying promotional materials to cover catalogues used to promote the sale of fabrics subject to the Standard to consumers. This commenter states that compliance with provisions of proposed § 302.21(b)(5) would be difficult and costly for that firm.

The Commission declines to make the requested change. The provision in proposed § 302.21(b)(5), which allows placement of required labeling information on accompanying promotional materials in the case of samples, swatches, or specimens used to promote the sale of fabrics to garment manufacturers, is intended to relieve persons who sell fabrics to garment manufacturers from the requirement of labeling every swatch or specimen because of the large number of individual specimens such persons might use. The Commission also allows this exception to the labeling requirement because of the specialized knowledge of those to whom the samples, swatches, or specimens are distributed. The Commission concludes that mail order catalogues used to promote the sale of fabrics to consumers are neither likely to involve such large numbers of specimens nor to be sent to as knowledgeable potential purchasers as materials used to promote the sale of garments to fabric manufacturers.

4. Proposed § 302.21(b)(7)(1) requires that every garment subject to the Standard bear an appropriate garment production unit identification, on a label or stamped onto the fabric of the garment, in letters at least one-sixth inch high.[1] Comments from a garment manufacturer and an association of manufacturers states that the requirement that the garment production unit identification must appear in letters at least one-sixth inch high is unnecessarily restrictive and should be replaced with a requirement that the garment production unit identification be "legible".

While the Commission can understand the desire of garment manufacturers for relaxation of restrictions on the design of the label or marking used to indicate the garment production unit identification, the Commission concludes that the term "legible" is not sufficiently specific for the purpose of this labeling requirement, and that minimum dimensions for the lettering must be specified to insure objective and enforceable criteria to achieve the desired degree of prominence for the garment production unit identification. Accordingly, the change requested in these comments

[1] Throughout the preamble of this document, dimensions are given in the English system of measurement, that is in inches. In the text of the final regulation published below, dimensions are stated in metric terminology, that is in centimeters and millimeters, followed by the English system equivalents enclosed in parentheses. For purposes of enforcement of the Standard the Commission will rely on dimensions expressed in metric terminology.

V 40163 APR 175

has not been made in the regulation issued below.

These commenters also state that the language of proposed § 302.21(b)(7)(i) may be interpreted to require that if the garment production unit identification is placed on a label, that label must be at least one inch from any other information on the garment, and object that such a requirement would be extremely burdensome. When the Commission proposed § 302.21(b)(7)(i), it intended to allow manufacturers the option of putting the garment production unit identification on a separate label, or stamping the garment production unit identification onto the fabric of the garment at least one inch away from any other information on the garment. The Commission did not intend to require that if the garment production unit identification appears on a separate label that such a label must be one inch away from any other information on the garment. After consideration of these comments, the Commission concludes that the language of § 302.21(b)(7) should be changed to state that intent more clearly. However, to insure that the garment production unit identification will be readily visible when it appears on a separate label, the Commission has added language to § 302.21(b)(7)(i), issued below, to require that when a label is used to indicate the garment production unit identification, that label must not touch any other label on the garment, except that a label containing the garment production unit identification may be sewn on top of any label which is not required by the regulation issued by the Commission for children's sleepwear in sizes 7 through 14 (16 CFR 302.21) if the label containing the garment production unit completely covers the label beneath it.

5. Two garment manufacturers, one association of manufacturers, and one association of retailers object to the requirement of proposed § 302.21(b)(7)(i) that the garment production unit identification must be "readily visible". These comments state that the only purpose of the requirement for labeling or stamping the garment with a production unit identification is to facilitate recall of a particular production unit if that unit does not comply with the Standard. These commenters suggest that as long as the production unit identification is "accessible," the manufacturer of a noncomplying production unit can inform all parties in the chain of distribution and the Commission of the location of the garment production unit identification in the event of necessity to recall a production unit.

The Commission's purpose in proposing that the garment production unit identification must be readily visible to the prospective purchaser was to facilitate identification of items from a given production unit by persons in the chain of distribution and by Commission personnel, not only in the event of a recall of a production unit, but also to obtain samples from any given production unit for testing in a compliance market sampling program. To conduct such a sampling program expeditiously, Commission investigators must be able to identify the garment production unit of a given item quickly, without opening the package or looking for a label which may be located inside the garment. For that reason, the language of § 302.19(b)(7)(i) has not been substantially changed.

6. Proposed § 302.21(b)(8) requires that all items subject to the Standard which are manufactured on or after May 1, 1975 through May 1, 1978, be labeled with the words "Flame Resistant, U.S. Standard FF 5–74." The label statement need not be affixed to the garment permanently, but must appear prominently, conspicuously, and legibly at the point of sale in letters at least one-sixth inch high.

A garment manufacturer and an association of manufacturers object to the requirement that the letters must be at least one-sixth inch high and request deletion of this requirement. The Commission concludes that minimum dimensions for the height of the lettering are necessary to provide objective and enforceable criteria to achieve the desired degree of prominence for this labeling statement. Accordingly, the change requested in these comments has not been made.

Comments from one garment manufacturer, one retailer, and one association of retailers request modification of the text of the labeling statement required by proposed § 302.21(b)(8). The retailer states that the term "flame retardant" would be more appropriate to describe items which comply with the Standard. On March 21, 1974 (40 FR 12811) the Commission issued an amendment to the Standard to require labeling of all items of sleepwear in sizes 7 through 14 which are manufactured on or after May 1, 1975 through May 1, 1978, with the statement "Flame Resistant. U.S. Standard FF 5–74." (A correction notice of the amendment was published for technical reasons on March 27, 1975 (40 FR 13647). In the original document announcing this amendment, the Commission noted that for more efficient administration of the requirement for affirmative labeling of complying garments, a particular text for the label should be specified rather than giving persons who manufacture or handle items subject to the Standard the option of using one of several permissible statements.

The Committee on Textiles of the American Society for Testing and Materials (ASTM) has been considering a set of uniform flammability definitions which specify use of the term "flame resistant" to describe material which does not readily ignite or propagate a flame. Under these uniform definitions, the term "flame retardant" would describe a substance that is applied to fabric to make it "flame resistant." The Commission has learned that the proposed definitions have received a majority affirmative vote of that Committee, and are expected to be adopted. The Commission believes that its use of this generally accepted terminology regarding the flammability of textiles will help to eliminate confusion among consumers.

Although the Commission has not conducted surveys regarding consumer understanding of the meanings of the terms "flame resistant" and "flame retardant," the Commission believes that the public can be informed of the purpose of flammability standards for children's sleepwear. The use of consistent flammability labeling should further this effort. In the regulation issued below, the labeling statement required in § 302.21(b)(8) is consistent with the labeling statement required by the Standard as amended. Accordingly, the change requested in this comment has not been made.

A comment from one garment manufacturer states that some firms manufacture children's sleepwear in sizes 4 through 14. Items in sizes 0 through 6X are subject to flammability standard DOC FF 3–71; items in sizes 7 through 14 are subject to flammability standard FF 5–74. Provisions of .1(c) of FF 5–74 state that items of children's sleepwear in sizes 7 through 14 which comply with standard DOC FF 3–71 are in compliance with standard FF 5–74. This comment requests amendment of proposed § 302.21(b)(8) to allow labeling of garments in sizes 7 through 14 which comply with DOC FF 3–71 with the statement "Flame Resistant. U.S. Standard DOC FF 3–71." A comment from an association of retailers states that several states now require children's sleepwear in sizes 0 through 14 to be labeled with a statement to the effect that they are "fire retardant." This comment requests amendment of proposed § 302.21(b)(8) to use any combination of the words "fire" or "flame" with the words "retradant" or "resistant" to avoid conflicts in the provisions of state and Federal labeling requirements.

As stated above, the Commission desires to specify one labeling statement in the amended Standard for items of children's sleepwear in sizes 7 through 14 which are manufactured on or after May 1, 1975 through May 1, 1978, and to make the labeling statement for those items required by the regulation issued below consistent with the labeling statement required in the amendment to the Standard. With regard to those manufacturers who produce items in a range of sizes that is subject to both standards, the Commission can appreciate their desire to use one labeling statement for all sizes of children's sleepwear, but concludes that the convenience to these manufacturers which would result from such a change does not outweigh the difficulty which the Commission might encounter in the administration of a regulation that allowed one or more alternatives to the labeling statement specified in the Standard. With reference to the comment that labeling requirements of various states may conflict with the amended Standard and the regulation issued below, the Commission observes that section 16 of the Flammable Fabrics Act (15 U.S.C. 1203) contains language to the effect that the act supersedes any law of any state or political subdivision that is inconsistent with its provisions.

Accordingly, the Commission declines to make the changes requested by these commenters. However, if any person who manufactures or handles items subject to the Standard believes that the requirements of § 302.21(b)(8) will impose an extraordinary hardship, that person may make written application to the Director of the Commission's Bureau of Compliance for temporary use of an alternative labeling statement. Any such application should state all of the circumstances which give rise to the hardship, and should indicate the amount of time needed by the applicant to achieve compliance with the labeling requirements of the amended Standard and § 302.21(b)(8).

7. An association of retailers requests modification of proposed § 302.21(b)(8) to require that the affirmative labeling statement must be affixed to the garment by the manufacturer. This comment states that such a provision would not be unduly burdensome to a manufacturer, but in the absence of such a requirement, a retailer might be obligated to make a large expenditure to place labels on goods if they had not been affixed by the manufacturer.

After careful consideration of this comment, the Commission declines to make the change requested. The purpose of proposed § 302.21(b)(8) is to require that goods be labeled at the point of sale to indicate to consumers that they comply with the Standard. The Commission believes it is the responsibility of the person who sells items of sleepwear to consumers to assure that the required labeling is present. If such labels are not affixed by the manufacturer, they must be placed on the items by the retailer to accomplish the purpose of § 302.21(b)(8). However, no provision of the regulation issued below nor of the Standard would prohibit a retailer from making a contractual provision with his suppliers that all non-permanent labels required by this regulation must be affixed to all items before shipment to the retailer.

8. A number of commenters have pointed out that the affirmative labeling required by the amendment to the Standard and by § 302.21(b)(8) of these regulations may differ from labeling required by states or local governments. A similar comment was addressed by the Commission in the preamble to the proposed amendment to the Standard (40 FR 3276, January 20, 1975). At that time the comment was premature, but the Commission stated that it believed then "that if an affirmative labeling requirement is issued, the requirement would supersede any affirmative labeling requirement for children's sleepwear in sizes 7 through 14 issued by a State or political subdivision thereof."

After amending the Standard by adding section .6(b) to require specified affirmative labeling for a period of three years, the Commission has further considered the question of preemption of State and local affirmative labeling requirements. The Commission believes that the requirements of section .6(b) of the amended Standard and § 302.21(b)(8) of the rules and regulations would supersede any State and local requirements as to affirmative or negative labeling regarding compliance or noncompliance with a standard for the flammability of children's sleepwear in sizes 7 through 14. However, the Commission observes that the ultimate determination of this question is an issue for the courts to decide.

B. *Display of items subject to the Standard.* 1. Proposed § 302.21(c) requires that a person offering noncomplying items of sleepwear in sizes 7 through 14 for sale to consumers in retail establishments or other establishments open to the general public must segregate all items which comply with the Standard, and for which there is documentary evidence of compliance, so that they are not located within 36 inches of any noncomplying item of sleepwear in sizes 7 through 14. That section of the proposed regulation also requires that displays of complying and noncomplying items be identified with signs. One garment manufacturer objects to the absence of any time limitation on the provisions of proposed § 302.21(c) and suggests that it should be limited to a period of three years. The Commission observes that provisions of § 302.21(c) are applicable only to persons who sell noncomplying items in sizes 7 through 14 on or after May 1, 1975. A retailer may avoid the necessity for segregating complying and noncomplying merchandise and posting signs at any time by discontinuing the sale of noncomplying items. Experience with enforcement of the flammability standard for sleepwear in sizes 0 through 6X indicates that few if any items of noncomplying sleepwear will be available three years after the effective date of the Standard. Accordingly, the Commission declines to make the change requested in this comment.

2. An association of retailers objects to requirements in proposed § 302.21(c) that complying items must be separated from noncomplying items and must not be displayed within 36 inches of noncomplying items. This commenter and a garment manufacturer also object to requirements that specify that the signs used to identify complying and noncomplying displays must be in black letters one inch high against a white background using prescribed statements. These comments state that these requirements are too rigid and should be changed to give greater discretion to retailers about the manner by which displays of goods will be separated and for the color of the lettering and background and the text of the signs used to identify complying and noncomplying items.

After careful consideration of this comment, the Commission declines to make the change requested. The Commission concludes that objective criteria are necessary to prescribe a minimum distance for physical separation of complying and noncomplying items, as well as for the size and coloring of the lettering and background and the text of the signs used to identify displays of complying and noncomplying items.

3. Language in proposed § 302.21(c) requires segregation and identification of items "which comply with the Standard and for which the seller has documentary evidence of such compliance." A comment from one garment manufacturer recommends elimination of the words "and for which the seller has documentary evidence of such compliance," because retailers do not ordinarily maintain files of test results. Another commenter requests addition of language to indicate that a labeling statement will constitute "documentary evidence" of compliance. When the Commission proposed § 302.21(c), it did not intend to restrict the meaning of the term "documentary evidence of compliance" exclusively to test results. Any guaranty or written statement received in good faith from the manufacturer that the item was manufactured in accordance with the Standard could amount to documentary evidence, as could a nonpermanent label complying with the requirements of § 302.21(b)(8) affixed to the item by the manufacturer. For this reason, the changes requested in these comments have not been made.

C. *Recordkeeping requirements.* 1. Provisions proposed § 302.21(d)(1) require every manufacturer, importer or other person who initially introduces items subject to the Standard into interstate commerce to maintain records which will "establish a line of continuity through the process of manufacture of each production unit of articles of children's sleepwear, or fabrics or related materials intended or promoted for use in children's sleepwear, to the sale and delivery of the finished items, and from the specific finished item to the manufacturing records." A comment from a garment manufacturer urges deletion of the words "or related materials" from the language in proposed § 302.21(d)(1). This comment states that the effect of this language is to require a manufacturer to maintain a line of continuity of various materials such as thread, lace, and embroidery used in the production of children's sleepwear through the manufacturing process. This comment misunderstands the term "or related materials" as it is used in § 302.21(d)(1). As used in § 302.21(d)(1), the words "or related materials" do not have the meaning attributed to them by this commenter, but rather are part of the definition of "item of children's sleepwear," which is repeated verbatim from the definition in § 302.21(a)(3). An "item" of children's sleepwear for purposes of the Standard and the regulations issued below is "any product of children's sleepwear or any fabric or related material intended or promoted for use in children's sleepwear." Accordingly, the Commission declines to make the change requested in this comment.

V 40 163
APR 1 75

2. Provisions of proposed § 302.21(d)(1)(ix) require that every manufacturer, importer or other person initially introducing items subject to the Standard into interstate commerce maintain records of the date of each sale of items subject to the Standard, the quantity and production units of the items sold, and the name and address of each purchaser. One retailer objects to the requirement that sales records must show the production unit identification of the items involved in each sale because frequently an individual order from a manufacturer to his customer will consist of garments from several different production units, and that recording the production units involved in each sale would be cumbersome and expensive. This comment suggests modification of proposed § 302.21(d)(1)(ix) to require recording of the style of the garments involved rather than the production unit identifications, and states that in the event a recall became necessary, a manufacturer could notify all purchasers of garments of the particular style involved and request that they search their inventories for a particular production unit.

The principal purpose of the requirements of proposed § 302.21(d) is to facilitate the identification and recall of items from any given production unit which does not comply with the Standard. The requirement for the identification of all purchasers of the items from each production unit is essential to accomplish this result. Previous experience with enforcement of the Flammable Fabrics Act demonstrates that some manufacturers have experienced considerable difficulty in attempting to identify all of the purchasers of items of a given style and to recall those items from channels of distribution after items from that style were found not to comply with an applicable flammability standard because of the vast quantity of items included in some garment styles. For these reasons, the requirement for records to show the production units involved in each sale of items subject to the Standard has been retained in § 302.21(d)(1)(ix) issued below, and the change requested in this comment has not been made.

3. Provisions of proposed § 302.21(d)(3)(ii) require retention of a sufficient number of prototype specimens to repeat the prototype testing required by section .4 of the Standard. A comment from a garment manufacturer requests the addition of language to this section to state that its provisions are applicable only to garments manufactured after the effective date of the Standard, and not to garments manufactured in voluntary compliance with the Standard before May 1, 1975. The Commission agrees with the commenter that this section is not applicable to any item of children's sleepwear in sizes 7 through 14 which is manufactured before the effective date of the Standard; however, the Commission declines to change the language of this section because it believes the section as proposed is clear.

4. Language in proposed § 302.21(d)(3)(ii) also requires that the prototype specimens retained must be "identical" to those specimens that were actually tested pursuant to the Standard. A comment from an association of garment manufacturers requests the addition of language to this paragraph to state that the prototype samples retained shall be identical "within normal raw material and manufacturing variations" to the specimens actually tested. When the Commission proposed § 302.21(d)(3)(ii), it intended to require manufacturers to assemble and retain a sufficient number of additional specimens prior to prototype testing to allow repetition of the prototype testing required by .4(c)(2) of the Standard. By the use of the term "identical," the Commission intends that the specimens to be retained must be constructed from the same materials and in the same manner as the specimens actually tested. The Commission concludes that the addition of the language requested in this comment would not clarify the intent of the Commission and could complicate any enforcement action which might arise from § 302.21(d)(3)(ii). For this reason, the Commission declines to make the change requested.

5. Provisions of proposed § 302.21(d)(4)(i) require maintenance of records of the fabric production unit identification of all fabrics subject to testing used in each garment production unit. A garment manufacturer and an association of garment manufacturers request modification of this requirement to allow identification of the fabric used in each garment production unit by reference to some means of identification other than a fabric production unit identification. One of these comments states that after the effective date of the Standard, garment manufacturers may produce sleepwear in sizes 7 through 14 from fabric that was manufactured before the effective date of the Standard and that, therefore, does not have a fabric production unit identification. The other comment states that the fabric manufacturer should be required to be able to relate case numbers to fabric production unit identifications.

The Commission declines to make the changes requested. In the case of garments manufactured after the effective date of the Standard from fabric manufactured before the effective date of the Standard and not tested in accordance with the Standard, the Commission believes that the manufacturers should assure themselves or should require that the fabric manufacturers are able to assure them that the fabric being used meets the Standard. If the garment manufacturer tests the fabric in accordance with the Standard, then the garment manufacturer should divide the fabric into production units in conducting tests in accordance with the Standard. If the fabric has not been tested in accordance with the Standard, the garment manufacturer would be well advised to maintain records to identify the fabric which was used in the garment product units in order to be able to trace the source of the fabric.

In the case of fabric which is subject to the Standard, the fabric manufacturer is required by regulations issued below to furnish the fabric production unit identification to the garment manufacturer, and the garment manufacturer is required to record the fabric production unit identifications used in the manufacture of each production unit of garments subject to the Standard.

6. Provisions of proposed § 302.21(d)(4)(iv) require maintenance of records to show that sample garments tested for compliance with the Standard were selected from the production unit "at random." A comment from one garment manufacturer states that this requirement imposes a difficult burden. While the requirements of the regulation issued below do impose an obligation on manufacturers of children's sleepwear in sizes 7 through 14 to keep records beyond those which they would otherwise maintain, the Commission finds that these requirements are not excessively burdensome. Records to establish that samples selected for testing were selected at random requires records which would show that the selection procedure used to obtain garments for testing assures that any article drawn from the production unit for testing has the same chance of being drawn as any other article in that production unit. One method to establish that items were selected for testing at random is to use a random number table. Random number tables can be found in standard reference volumes on the subject of statistics. An alternative to the use of a random number table would be to number individual cards (such as playing cards) with the numbers one through 500. These cards would then be shuffled and one card would be dealt. The number on the card which is dealt is a random number between one and 500.

7. Proposed § 302.21(e) established recordkeeping requirements for wholesalers, retailers and other persons who handle items subject to the Standard but do not initially introduce those items into interstate commerce. That paragraph required maintenance of records for a period of three years to: (1) Identify the items marketed or handled; (2) identify the source of those items; (3) establish the date those items were received; (4) identify the purchaser of those items, except ultimate retail purchasers; and (5) establish the date of sale, except date of sale to ultimate retail purchasers. One retailer urges modification of proposed § 302.21(e) to exempt retailers from its provisions. This commenter states that as long as manufacturers and wholesalers are required to maintain the records required by § 302.21 (d) and (e), the retailers who have received items from any given production unit can be identified.

The Commission has not yet completed its consideration of whether retailers and others not initially introducing into commerce items subject to the Standard should be subject to the recordkeeping requirements proposed as § 302.21(e). Therefore, the Commission has not issued that section in final form and has directed its staff to provide further information on this matter. If the Commission decides to issue the requirement at a later time, adequate time will be allowed for those subject to the requirement to comply. However, it is not anticipated that the regulation will be proposed again before it is issued in final form.

8. An association of retailers comments that while proposed § 302.21(e) specifically stated that persons who handle items subject to the Standard but do not initially introduced them into interstate commerce would be exempt from any requirement to maintain records of sales to retail purchasers, no such exemption appears in proposed § 302.21(d)(1)(ix), which is applicable to importers. This commenter requests the inclusion of specific language in § 302.21(d)(1)(ix) to exempt retailers who import solely for their own use from any requirement to record names of ultimate consumers and dates of sales to ultimate consumers. The Commission has added language to § 302.21(d)(1)(ix) to exempt importers and other persons who initially introduce items into interstate commerce from any requirement to record names of ultimate consumers and dates of sales to ultimate consumers. The Commission believes this change is appropriate because it does not appear to be necessary to maintain the names and dates of sales to ultimate consumers.

Conclusion and promulgation. Having considered the comments received and other pertinent information and material, the Consumer Product Safety Commission concludes that the proposed regulation, with the changes discussed above, should be adopted as set forth below.

Accordingly, pursuant to provisions of the Flammable Fabrics Act (sec. 5, 67 Stat. 112–13, as amended 81 Stat. 571; 15 U.S.C. 1194), and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92–573, sec. 30(b), 86 Stat. 1231; (15 U.S.C. 2079(b)), the following new section is added to 16 CFR Part 302:

§ 302.21 Children's sleepwear, sizes 7 through 14—labeling recordkeeping, retail display, and guaranties under FF 5–74.

(a) *Definitions.* For the purpose of this section, the following definitions apply:

(1) "Standard" means the "Standard for the Flammability of Children's Sleepwear; Sizes 7 through 14 (FF 5–74) as amended" promulgated by the Consumer Product Safety Commission in the FEDERAL REGISTER of May 1, 1974 (39 FR 15214), and amended in the FEDERAL REGISTER of March 21, 1975 (40 FR 12811) (correction notice published for technical reasons on March 27, 1975, 40 FR 13547).

(2) "Children's sleepwear" means "children's sleepwear" as defined in .2(a) of the Standard, that is, "any product of wearing apparel size 7 through 14, such as nightgowns, pajamas, or similar or related items, such as robes, intended to be worn primarily for sleeping or activities related to sleeping. Diapers and underwear are excluded from this definition."

(3) "Item" means "item" as defined in .3(c) of the Standard, that is, "any product of children's sleepwear or any fabric or related material intended or promoted for use in children's sleepwear."

(4) "Market or handle" means any one or more of the transactions set forth in Section 3 of the Flammable Fabrics Act (15 U.S.C. 1192).

(5) The definition of terms set forth in .2 of the Standard shall also apply to this section.

(b) *Labeling.* (1) Where any agent or treatment is known to cause deterioration of flame resistance or otherwise causes an item to be less flame resistant, such item shall be prominently, permanently, conspicuously, and legibly labeled with precautionary care and treatment instructions to protect the item from such agent or treatment.

(2) If the item has been initially tested under .5(c)(4) of the Standard after one washing and drying, it shall be prominently, permanently, conspicuously and legibly labeled with instructions to wash before wearing.

(3) Where any fabric or related material intended or promoted for use in children's sleepwear subject to the Standard is sold or intended for sale to the ultimate consumer for the purpose of conversion into children's sleepwear, each bolt, roll, or other unit shall be labeled with the information required by this section. Each item of fabric or related material sold to an ultimate consumer must be accompanied by a label, as prescribed by this section, which can by normal household methods be permanently affixed by the ultimate consumer to any item of children's sleepwear made from such fabric or related material.

(4) Where items required to be labeled or stamped in accordance with paragraphs (b)(1), (b)(2), (b)(3), and (b)(7), of § 302.21 are marketed at retail in packages, and the required label or stamps is not readily visible to prospective purchasers, the packages must also be prominently, conspicuously, and legibly labeled with the required information.

(5) Samples, swatches, or specimens used to promote or effect the sale of items subject to the Standard shall be labeled in accordance with this section with the information required by this section: Except that such information may appear on accompanying promotional materials attached to fabric samples, swatches or specimens used to promote the sale of fabrics to garment manufacturers. This requirement shall not apply, however, to samples, swatches, or specimens prominently, permanently, conspicuously, truthfully and legibly labeled: "Flammable. Sample only. Not for use or resale. Does not meet Standard for the Flammability of Children's Sleepwear; Sizes 7 through 14 (FF 5–74)."

(6) The information required on labels by this section shall be set forth separately from any other information appearing on the same label. Other information, representations, or disclosures not required by this section but placed on the same label with information required by this section, or placed on other labels elsewhere on the item, shall not interfere with the information required by this section. No person, other than the ultimate consumer, shall remove, mutilate, or cause or participate in the removal or mutilation of any label required by this section to be affixed to any item.

(7) Every manufacturer, importer, or other persons (such as converter) initially introducing items subject to the Standard into commerce shall assign to each item a unit identification (number, letter or date, or combination thereof) sufficient to identify and relate to the fabric production unit or garment production unit of which the item is a part. Such unit identification shall be designated in such a way as to indicate that it is a production unit identification under the Standard. The letters "GPU" and "FPU" may be used to designate a garment production unit identification and fabric production unit identification, respectively, at the option of the labeler.

(i) Each garment subject to the Standard shall bear a label with minimum dimensions of 1.3 centimeters (0.5 inch) by 1.9 centimeters (0.75 inch) containing the appropriate garment production unit identification for that garment in letters at least 0.4 centimeter (one-sixth of an inch) in height and in a color which contrasts with the background of the label, or shall have such information clearly, conspicuously, and legibly stamped on the garmet itself in letters at leasts 0.4 centimeter (one-sixth of an inch) in height, in a color which contrasts with the background, and at least 2.54 centimeters (1 inch) in every direction from any other information. When a label is used to indicate the garment production unit identification that label may not be in contact with any other label used on the garment, except that a label containing the garment production unit identification may be sewn on top of any label which is not required by § 302.21 if the label containing the garment production unit identification completely covers the label beneath it. The stamp or label containing the garment production unit identification must be of such construction, and affixed to the garment in such a manner, as to remain on or attached to the garment and legible and visible throughout its intended period of use.

(ii) The fabric production unit identification shall appear in letters at least 0.4 centimeter (one-sixth of an inch) in height against a contrasting background on each label that relates to such fabric and is required by the Textile Fiber Products Identification Act (15 U.S.C. 70–70k) and the regulations thereunder (16 CFR 303.1 through 303.45) or by the Wool Product Labeling Act of 1939 (15 U.S.C. 68–68j) and the regulations

V 40 163 APR 1 75

thereunder (16 CFR 300.1 through 300.35). When the information required by the Textile Fiber Products Identification Act or by the Wool Products Labeling Act of 1939 appears on an invoice used in lieu of labeling, the fabric production unit identification required by this section may be placed clearly, conspicuously, and legibly on the same invoice in lieu of labeling.

(8) All items complying with the Standard and manufactured on or after May 1, 1975, through May 1, 1978, shall bear a label which states "Flame-resistant. U.S. Standard FF 5–74." The label must be prominent, conspicuous, and legible and readily visible at the point of sale to ultimate consumers. The label statement may be attached to the item itself, on a hang tag attached to the item, or on a package enclosing the item. The label need not be affixed permanently. The letters of the label must be at least 0.4 centimeter (one-sixth of an inch) in height and in a color which contrasts with the background of the label.

(c) *Segregation of complying and non-complying items by retailer.* Every person who sells non-complying items (as defined in .2(c) of the Standard and § 302.21(a)(3) of this regulation) at retail stores or other establishments open to the general public where goods are offered for sale shall:

(1) Display the items which comply with the Standard, and for which the seller has documentary evidence of such compliance, so that no other merchandise is intermingled with those items; and identify such complying items with at least one sign, with black letters at least 2.5 centimeters (one inch) in height against a solid white background, bearing the statement "Flame resistant. Complies with the Standard for the Flammability of Children's Sleepwear (FF 5–74)."

(2) Display all other items of children's sleepwear, sizes 7 through 14, at a separate location within the store and identify these items with at least one sign, with black letters at least 2.5 centimeters (1 inch) in height against a solid white background, bearing the statement "Flammable. Does Not Meet Standard for the Flammability of Children's Sleepwear (FF 5–74)."

(3) Segregate those items of children's sleepwear, sizes 7 through 14, which comply with the Standard, and for which the seller has documentary evidence of such compliance, so that they shall not be located within 91 centimeters (36 inches) of any other items of children's sleepwear, sizes 7 through 14, when displayed for sale to consumers.

(d) *Records—manufacturers, importers, or other persons initially introducing items into commerce*—(1), *General.* Every manufacturer, importer, or other person (such as a converter) initially introducing into commerce items subject to the Standard, irrespective of whether guaranties are issued under paragraph (e) of this section, shall maintain written and physical records as hereinafter specified. The records required must establish a line of continuity through the process of manufacture of each production unit of articles of children's sleepwear, or fabrics or related materials intended or promoted for use in children's sleepwear, to the sale and delivery of the finished items and from the specific finished item to the manufacturing records. Such records shall show with respect to such items:

(i) Details, description and identification of any and all sampling plans engaged in pursuant to the requirements of the Standard. Such records must be sufficient to demonstrate compliance with such sampling plan(s) and must relate the sampling plan(s) to the actual items produced, marketed, or handled. This requirement is not limited by other provisions of this paragraph (d).

(ii) Garment production units or fabric production units of all garments or fabrics marketed or handled. The records must relate to an appropriate production unit identification on or affixed to the item itself in accordance with paragraph (b)(7) of this section, and the production unit identification must relate to the garment production unit or fabric production unit.

(iii) Test results and details of all tests performed, both prototype and production, including char lengths of each specimen tested, average char lengths of the samples required to be tested, details of the sampling procedure employed, name and signature of person conducting tests, date of tests, and all other records necessary to demonstrate compliance with the test procedures and sampling plan specified by the Standard or authorized alternate sampling plan.

(iv) Disposition of all failing or rejected items. Such records must demonstrate that the items were retested or reworked and retested in accordance with the Standard prior to sale or distribution and that such retested or reworked and retested items comply with the Standard, or otherwise show the disposition of such items.

(v) Fiber content and manufacturing specifications relating the same to prototype and production testing and to the production units to which applicable.

(vi) Data and test results relied on as a basis for inclusion of different colors or different print patterns of the same fabric as a single fabric or garment production unit under .4(a)(2) of the Standard.

(vii) Data and test results relied on as a basis for reduced laundering of fabric or garments during test procedures under .5(c)(4) of the Standard and any quantities issued or received relating to laundering as well as details of the laundering procedure utilized.

(viii) Identification, composition, and details of application of any flame retardant treatments employed. All prototype and production records shall relate to such information.

(ix) Date and quantity of each sale or delivery of items subject to the Standard (except the date of sale to an ultimate consumer) and the name and address of the purchaser or recipient (except an ultimate consumer) relating such sale to the production unit or other unit identification.

(2) *Fabrics.* In addition to the information specified in paragraph (d)(1) of this section, the written and physical records maintained with respect to each fabric production unit shall include (i) finished fabric samples sufficient to repeat the fabric sampling procedure required by .4 of the Standard for each production unit marketed or handled; and (ii) records to relate the samples to the actual fabric production unit. Upon written request of any duly authorized employee or agent of the Commission, samples sufficient for the sampling and testing of any production unit in accordance with the Standard shall be furnished from these records within the time specified in the written request.

(3) *Garments—prototype testing.* In addition to the records specified in paragraph (d)(1) of this section, the following written and physical records shall be maintained with respect to the garment prototype testing required by the Standard:

(i) Specification, fiber content, and details of construction on all seams, fabrics, threads, stitches, and trims used in each garment style or type upon which prototype testing was performed, relating the same to such garment style or type and to all production units to which such prototype testing is applicable.

(ii) Samples sufficient to repeat the prototype tests required by .4 of the Standard for all fabrics, seams, threads, stitches, and trims used in such prototype testing, relating such samples to the records required by this paragraph (d), including the information required by paragraph (d)(3)(i) of § 302.21. Upon written request of any duly authorized employee or agent of the Commission, samples sufficient for the testing of any prototype specimens identical to those specimens that were actually tested pursuant to the Standard shall be furnished from these records within the time specified in that written request.

(iii) A complete untested garment from each style or type of garment marketed or handled.

(iv) Remains of all physical specimens tested in accordance with the prototype testing required by .4 of the Standard, relating such samples to the records required by this paragraph (d), including information required by paragraph (d)(3)(i) of § 302.21.

(4) *Garments—production testing.* In addition to the records required by paragraph (d)(1) of this section, written and physical records shall be maintained and shall show with respect to each garment production unit:

(i) Source and fabric production unit identification of all fabrics subject to testing used in each garment production unit.

(ii) Identification and appropriate reference to all prototype records and prototype tests applicable to each production unit.

(iii) Any guaranty relied upon to demonstrate that the fabric utilized in such garments meets the laundering requirements of the Standard.

(iv) Data sufficient to show that tested samples were selected from the production unit at random from regular production.

(v) Written data that will enable the Commission to obtain and test garments under any applicable compliance market sampling plan.

(5) *Record retention requirements.* The records required by this paragraph (d) shall be maintained for 3 years, except that records relating to prototype testing shall be maintained for as long as they are relied upon as demonstrating compliance with the prototype testing requirements of the Standard and shall be retained for 3 years thereafter.

(e) *Tests for guaranty purposes.* Reasonable and representative tests for the purpose of issuing a guaranty under section 8 of the Flammable Fabrics Act (15 U.S.C. 1197) for items subject to the Standard shall be those tests performed pursuant to any sampling plan or authorized alternative sampling plan engaged in pursuant to the requirements of the Standard.

(f) *Compliance with this section.* No person subject to the Flammable Fabrics Act shall manufacture, import, distribute, or otherwise market or handle any item subject to the Standard, including samples, swatches, or specimens used to promote or effect the sale thereof, which is not in compliance with § 302.21.

Effective date. The regulation promulgated herein shall become effective May 1, 1975.

(Sec. 5, 67 Stat. 11–13, as amended 81 Stat. 571; (15 U.S.C. 1194))

Dated: March 27, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75–8363 Filed 3–31–75;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 75–80]

PART 153—ANTIDUMPING

Tuners (of the Type Used in Consumer Electronic Products) From Japan, Modification of Finding

On December 12, 1974, there was published in the FEDERAL REGISTER (39 FR 43318) a "Notice of Tentative Determination to Modify or Revoke Dumping Finding" with respect to tuners (of the type used in consumer electronic products) from Japan, produced and sold by Matsushita Electric Industrial Co., Ltd. and Matsushita Electric Trading Co., Ltd.

On January 22, 1975, a similar notice was published in the FEDERAL REGISTER (40 FR 3481) with respect to merchandise of that class or kind sold for export to the United States by Victor Company of Japan, Ltd. A finding of dumping applicable to the merchandise was published as T.D. 70–257 in the FEDERAL REGISTER of December 12, 1970 (35 FR 18914).

Reasons for the tentative determinations were published in the above-mentioned notices, and interested persons were afforded an opportunity to make written submissions or request the opportunity to present oral views in connection therewith.

No written submissions or requests to present oral views having been received, I hereby determine that for the reasons stated in the above mentioned notices, tuners (of the type used in consumer electronic products) from Japan are no longer being, nor are likely to be, sold in the United States at less than fair value by Matsushita Electric Industrial Co., Ltd., Matsushita Electric Trading Co., Ltd., and Victor Company of Japan, Ltd., and the above mentioned finding of dumping is hereby modified to exclude tuners (of the type used in consumer electronic products) from Japan produced and sold by Matsushita Electric Industrial Co., Ltd., Matsushita Electric Trading Co., Ltd. and those sold by Victor Company of Japan, Ltd.

Accordingly, § 153.43 of the Customs regulations (19 C.F.R. 153.43) is hereby amended to show the exclusion from the finding of dumping of tuners (of the type used in consumer electronic products) from Japan produced and sold by Matsushita Electric Industrial Co., Ltd., Matsushita Electric Trading Co., Ltd., and those sold by Victor Company of Japan, Ltd.

FINDINGS OF DUMPING

Merchandise	Country	T.D.	Modified by
Tuners (of the type used in consumer electronic products), except: (I) those produced and sold by Matsushita Electric Industrial Co., Ltd., Matsushita Trading Co., Ltd., and (II) those sold by Victor Company of Japan, Ltd.	Japan.....	70-257	75-80

This determination is published pursuant to § 153.41(d), Customs regulations (19 C.F.R. 153.41(d)).

(Secs. 201, 407, 42 Stat. 11, as amended, 18; (19 U.S.C. 160, 173).)

Dated: March 26, 1975.

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75–9300 Filed 3–31–75;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 5]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Utilization Review; Conditions of Participation

On November 29, 1974 (39 FR 41604) regulations were published establishing new requirements for utilization review for hospitals and skilled nursing facilities of the Social Security Act. These regulations were effective February 1, 1975.

Considerable concern has been expressed by hospitals with small medical staffs, especially those in rural areas, regarding their capacity to organize in-house review committees to operate the review system required by the regulations. The Department recognizes the particular difficulties posed by the manpower and resource limitations of such facilities. The extension of the effective date provided herein should allow sufficient time for utilization of alternate methods other than in-house committees, such as community-based groups sponsored by local medical societies or other organizations to be approved by the Secretary.

The extension of the effective date provided herein will also allow sufficient time for administrative changes, which some hospitals and skilled nursing home facilities reported were going to be such serious problems for them that in some cases care of patients would be affected.

The effective date of these regulations is being changed from February 1, 1975 to July 1, 1975; this amendment is effective January 31, 1975 in order to assure that the regulations relating to utilization review which were in effect on January 31, 1975 will remain in effect until July 1, 1975. Technical amendments are also being made in 20 CFR 405.1035(e)(6)(ii) and 20 CFR 405.1137(d)(2) to conform them to the amendment of the effective date.

The Department wishes to emphasize that it expects all facilities participating in Medicare to be in full compliance with these regulations on July 1, 1975. Facilities should not abate their efforts to develop criteria and programs to comply with these regulations as a result of the change in effective date. For the reasons stated above, good cause exists to dispense with notice of proposed rulemaking.

1. The effective date of the utilization review regulations published on November 29, 1974 (39 FR 41604) is amended to read as follows:

These regulations shall be effective July 1, 1975.

V 40163 APR 175

2. The date "February 1, 1975" in 20 CFR 405.1035(e) (6) (ii) and in 20 CFR 405.1137(d) (2) is hereby amended (wherever it appears) to read: July 1, 1975.

The effective date of these amendments shall be January 31, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged and Disabled—Hospital Insurance.)

Dated: March 25, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: March 27, 1975.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.75-8462 Filed 3-28-75;11:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[OPP-262003; FRL 354-3]

PART 123—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Subpart A—Food Additives Permitted in Food for Human Consumption

SIMAZINE

On February 27, 1975, notice was given (40 FR 8330) that CIBA-GEIGY Corp., PO Box 11422, Greensboro NC 27409, had filed a petition (PAP 5H5074) for a pesticide food additive tolerance with the Environmental Protection Agency (EPA). This petition proposed establishment of food additive tolerances for combined residues of the herbicide simazine (2-chloro-4,6-bis(ethylamino) - s-triazine) and its metabolites (2-amino-4-chloro-6-ethylamino-s-triazine and 2,4-diamino-6-chloro-s-triazine) in potable water at 0.01 part per million resulting from the application of the herbicide to aquatic weeds. (A related document on simazine and the establishment of a pesticide tolerance also appears in today's FEDERAL REGISTER.)

The data submitted in the petition and other relevant material have been evaluated. It is concluded that the tolerance should be established.

Any person adversely affected by this regulation may on or before May 1, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street, SW, East Tower, Room 1019, Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on April 1, 1975, Part 123, Subpart A, § 123.400, is amended as follows.

Dated: March 26, 1975.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

(Section 409(c)(1) & (4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348 (c)(1) & (4)) transferred to Administrator EPA in Reorganization Plan No. 3 of 1970 (35 FR 15623).)

Section 123.400 is amended by adding the new paragraph "0.01 part per million . . ." after the paragraph "0.5 part per million . . ." to read as follows.

* * * * *

§ 123.400 Simazine.

* * * * *

0.01 part per million for combined residues of simazine and its metabolites (2 - amino-4-chloro-6-ethylamino-s-triazine and 2,4-diamino-6-chloro-s-triazine) in potable water when present therein as a result of application of the herbicide to growing aquatic weeds.

* * * * *

[FR Doc.75-8401 Filed 3-31-75;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER F—ENROLLMENT

PART 43k—REVISION OF THE FINAL ROLL OF THE MENOMINEE TRIBE OF WISCONSIN

MARCH 25, 1975.

This notice is published in exercise of rulemaking authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 FR 13938).

The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Beginning on page 37063 of the FEDERAL REGISTER of October 17, 1974 (39 FR 37063), there was published a notice of proposed rulemaking to add a new Part 43k to Title 25 of the Code of Federal Regulations to establish procedures for revising the final roll of the Menominee Tribe of Wisconsin. The regulations were proposed pursuant to the Act of December 22, 1973 (Pub. L. 93-197; 87 Stat. 773).

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

During this period, comments, suggestions, and objections were submitted by interested persons. Careful consideration was given to all the views and arguments received and certain revisions were made as a result of them. Among the revisions are the following:

1. The phrase "after midnight June 17, 1954," has been deleted from § 43k.5(a).

2. The date "December 22, 1973," has been deleted from §§ 43k.4, 43k.5 and 43k.6 and replaced with the phrase "the effective date of these regulations."

3. The references to "final" roll in §§ 43k.5, 43k.5(a), 43k.8(a), 43k.11 and 43k.15 have been deleted and replaced with the phrase "basic membership" roll.

Accordingly, with the changes and additions discussed above, the proposed regulations are hereby adopted and are set forth below.

The new Part 43k shall become effective on or before May 1, 1975.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

Sec.

43k.1 Definitions.
43k.2 Purpose.
43k.3 Announcement of revision of roll.
43k.4 Basic membership roll.
43k.5 Additions to the roll.
43k.6 Removal of deceased persons from roll.
43k.7 Application forms.
43k.8 Filing of applications and deadline for filing.
43k.9 Burden of proof.
43k.10 Enrollment staff.
43k.11 Tenure of enrollment staff.
43k.12 Appeals.
43k.13 Decision of the Secretary on appeals.
43k.14 Current membership roll.
43k.15 Preparation of roll.
43k.16 Certification and approval of roll.
43k.17 Special instructions.

AUTHORITY: Sec. 7, 87 Stat. 773.

§ 43k.1 Definitions.

As used in this part:

(a) "Act" means the Act of Congress approved December 22, 1973, 87 Stat. 770, Pub. L. 93-197.

(b) "Secretary" means Secretary of the Interior.

(c) "Commissioner" means Commissioner of Indian Affairs or his authorized representative.

(d) "Director" means Area Director, Minneapolis Area Office, Bureau of Indian Affairs or his authorized representative.

(e) "Tribe" means the Menominee Tribe of Wisconsin.

(f) "Committee" means the Menominee Restoration Committee.

(g) "Staff" means enrollment staff employed by the Committee to prepare current membership roll.

(h) "Living" means born on or prior to and living on the specified date.

§ 43k.2 Purpose.

The regulations in this part govern the preparation of a current membership roll, as authorized by the Act of December 22, 1973 (87 Stat. 770).

§ 43k.3 Announcement of revision of roll.

When funds have been made available to the Committee to employ sufficient Staff to perform the work necessary to revise and update the membership roll of the tribe and such Staff has been employed and when the application forms and other necessary documents have been devised and printed, the Committee shall announce that a revision of the membership roll of the tribe shall commence on a specified date. The date specified shall be not less than fifteen (15) days nor more than thirty (30) days from the date the announcement is issued. A press release shall be prepared announcing the date the revision and updating of the roll shall begin, other pertinent information such as the membership requirements and where application forms may be obtained. The press release shall be distributed to all newspapers and radio stations within the region of the reservation with a request that it be given wide publicity and shall be sent to all Indian Centers. Copies of the press release shall also be posted in the Great Lakes Agency and Minneapolis Area Office and at various other public places throughout the reservation area as well as in post offices of the towns adjacent to the Reservation.

§ 43k.4 Basic membership roll.

All persons living on the effective date of these regulations whose names appear on the roll of the Menominee Tribe of Wisconsin prepared and approved pursuant to the Act of June 17, 1954 (68 Stat. 250), shall be members of the tribe.

§ 43k.5 Additions to the roll.

There shall be added to the basic membership roll of the tribe the names of all persons living on the effective date of these regulations who meet the following qualifications:

(a) They are descendants of a person or persons whose names appear on the basic membership roll; and

(b) They possess at least ¼ degree Menominee Indian blood; and

(c) They have filed an application for enrollment with the tribe in accordance with the procedures set forth in this part.

§ 43k.6 Removal of deceased persons from roll.

The name of any person who was not living on the effective date of these regulations shall be stricken from the basic membership roll by the Staff upon receipt of a death certificate or other evidence of death acceptable to the Secretary.

§ 43k.7 Application forms.

(a) Application forms will be furnished by the Area Director, Committee or Staff or any other designated persons upon written or oral request. Each person furnishing application forms shall keep a record of the names of the individuals to whom applications are given, the control numbers of the forms, and the date furnished. Instructions for completing and filing applications shall be furnished with each form. The form shall indicate prominently the deadline for filing the application.

(b) Among other information, each application form shall contain:

(1) Certification as to whether the application is for a natural child or an adopted child of the parent through whom eligibility is claimed.

(2) If the application is filed by a sponsor, the name, address, and relationship of the sponsor to the applicant.

(3) A control number for the purpose of keeping a record of applications furnished interested individuals.

§ 43k.8 Filing of applications and deadline for filing.

(a) Any person other than those persons whose names appear on the Menominee basic membership roll who desires to be enrolled and who believes he meets the requirements for enrollment must file, or have filed in his behalf, a completed application form with the Staff, within ninety (90) days from the date specified in the announcement.

(b) Applications for minors, mental incompetents or other persons in need of assistance, members of the armed services or other services of the U.S. Government must be filed within ninety (90) days from the date specified in the announcement by the parent, next of kin, recognized guardian, next friend or other person responsible for their care.

§ 43k.9 Burden of proof.

The burden of proof of eligibility is on the applicant. If the applicant's parents or other ancestors through whom the applicant claims enrollment rights are unknown to the Staff and cannot be identified in the records, the Staff may request the applicant to furnish such additional information and evidence as it may deem necessary to determine the applicant's eligibility for enrollment. Failure of the applicant to furnish sufficient information to establish eligibility may be deemed sufficient cause for rejection.

§ 43k.10 Enrollment staff.

The Committee shall employ either from within or without the membership of the Committee, but not from without the membership of the tribe, an enrollment staff of at least five (5) persons to serve as the enrollment staff. The Staff shall review all applications for enrollment filed in accordance with the regulations in this part and shall determine the qualifications of the applicant for enrollment with the tribe. The Staff may perform such other functions relating to enrollment and membership in the tribe as the Committee may from time to time direct.

§ 43k.11 Tenure of enrollment staff.

The members of the Staff shall serve until such time as the basic membership roll has been brought current but no later than the time that responsibility for the tribal roll is assumed by the tribal governing body.

§ 43k.12 Appeals.

Until such time as the tribe assumes responsibility for preparing the roll, appeals from rejected applications must be in writing and filed pursuant to Part 42 of this Chapter except that all appeals shall be determined by the Secretary within ninety (90) days after an appeal is initiated.

§ 43k.13 Decision of the Secretary on appeals.

The decision of the Secretary on an appeal shall be final and conclusive and written notice of the decision shall be given the applicant or sponsor. When so directed by the Secretary, the Commissioner shall cause to be entered on the roll the name of any person whose appeal has been sustained.

§ 43k.14 Current membership roll.

The membership roll of the tribe shall be kept current until such time as the tribe assumes responsibility for the roll by striking therefrom the names of persons who have relinquished in writing their membership in the tribe and of deceased persons upon receipt of a death certificate or other evidence of death acceptable to the Staff, and by adding thereto the names of children who meet the qualifications for membership in the tribe set forth in this part.

§ 43k.15 Preparation of roll.

The Staff shall prepare a minimum of five copies of the roll of those persons determined to be eligible for enrollment. The roll shall contain for each person a roll number, name, address, sex, date of birth, degree of Menominee blood, total degree of Indian blood, and, in the remarks column, the basic membership roll number, name and relationship of the ancestor or ancestors through whom eligibility was established.

§ 43k.16 Certification and approval of roll.

The roll shall be certified by the Staff and Committee and a statement shall be attached to the roll by the Staff and Committee certifying that to the best of their knowledge and belief, the roll contains only the names of those persons who were determined to meet the requirements for enrollment. The Secretary shall approve the roll.

§ 43k.17 Special instructions.

To facilitate the work of the Staff, the Commissioner may issue special instructions not inconsistent with the regulations in this Part 43k.

[FR Doc. 75-8388 Filed 3-31-75;8:45 am]

Title 29—Labor

CHAPTER XX—OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

PART 2300—REGULATIONS IMPLEMENTING THE FREEDOM OF INFORMATION ACT

Correction

In FR Doc. 75-3535, appearing at page 5779 of the issue of Friday, February 7, 1975, the following corrections should be made on page 5781:

1. The second line of § 2300.8(a)(3) should be changed to read "denials and the result of each appeal.".

2. The third line of § 2300.8(a)(8) should be changed to read "and spirit of section 552 of Title 5, United".

3. The seventh line of § 2300.8(b), should be changed to read "for such calendar year and shall forth-".

V 40 163 APR 1 75

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75 088]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Cedar Bayou, Texas

This amendment changes the regulations for the Missouri Pacific railroad drawbridge across Cedar Bayou, mile 7.0 to require that the lift span be maintained at 81.4 feet at all times unless the draw is to close for the passage of a train or for maintenance. This change is being made because the Missouri Pacific Railroad Company has agreed to maintain this vertical lift span at its full height of 81.4 feet.

As this change favorably affects navigation, notice of proposed rule making and public procedure are not considered necessary and this change may be made effective in less than 30 days.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising paragraphs (b) and (d) of § 117.550 to read as follows:

§ 117.550 Cedar Bayou, Texas, Missouri Pacific [unmanned] drawbridge.

* * * * *

(b) The lift span shall be maintained at a vertical clearance of 81.4 feet above mean high water. Fixed green navigation lights shall be displayed in the center of the lift span.

* * * * *

(d) After a train has cleared the bridge, the draw shall be raised to 81.4 feet above mean high water, the flashing red lights shall be stopped, and the navigation lights shall be changed from red to green.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Effective date. This revision shall become effective on May 1, 1975.

Dated: March 24, 1975.

W. E. CALDWELL,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.75-8373 Filed 3-31-75;8:45 am]

[CGD 73-142]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

San Joaquin River and its Tributaries, Georgiana Slough, and Sacramento River and its Tributaries, California

This amendment changes the regulations for the drawbridges across the San Joaquin River and its tributaries, Georgiana Slough, and Sacramento River and its tributaries by reducing the times during which the draws are required to open on signal. This amendment was circulated as a public notice dated June 3, 1974 by the Commander, Twelfth Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 73-142P) on May 24, 1974 (39 FR 18286). Ten replys were received. Five approved of this change or had no objection thereto, Five objected to this change. Of these, two objected in general terms and offered no alternative plans. One recommended using the same opening signal for each bridge. Only one bridge, the Southern Pacific railroad bridge near Isleton requires a different opening signal. This is due to the close proximity of another highway bridge. The Coast Guard feels that different signals are necessary to avoid possible confusion. One reply recommended extending the times during which the draws open on signal to 24 hours for a period of 9 months. This recommendation was considered; however it was rejected due to the relatively few openings during the periods affected. One objected because of rough water caused at times by high winds at several bridges. While this objection was considered, it is felt that it should be rejected at this time due to the relatively few openings during the restricted periods, and the provision for openings on advance notice which eliminates the need for waiting for bridge openings. The Coast Guard will continue to monitor these regulations. Further changes will be promulgated when the need is clearly indicated.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.714, § 117.715, and § 117.716 to read as follows:

§ 117.714 San Joaquin River and its tributaries, California.

(a) *San Joaquin River.* (1) Drawbridges from Stockton to Old River junction. The draws shall open on signal if at least twelve hours notice is given to the owners' agents at Stockton as follows:

(i) Port District railway bridge at Stockton—Port Director.

(ii) U.S. Navy Highway bridge at Stockton—U.S. Naval Communications Station.

(iii) Atchison, Topeka and Santa Fe Railway Company bridge at Stockton—Atchison, Topeka and Santa Fe Railway Company Yardmaster.

(iv) State of California Highway bridge (Garwood Bridge) near Stockton—State Highways District Office.

(v) San Joaquin County highway bridge (Brandt Bridge) near French Camp—San Joaquin County Department of Public Works.

(2) Drawbridges above the Old River junction need not open for the passage of vessels.

(b) *Burns Cutoff, Drawbridges.* The draw shall open on signal if at least 48 hours notice is given to the U.S. Naval Communications Station, Stockton.

(c) *Middle River.* (1) Mouth to Woodward Canal, drawbridges.

(i) San Joaquin County highway bridge between Bacon Island and Lower Jones tract. From May 15 through September 15, the draw shall open on signal from 9 a.m. to 5 p.m.; from September 16 through May 14, the draw shall open on signal from 9 a.m. to 5 p.m. from Thursday through Monday. At all other times the draw shall open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works, Stockton.

(ii) The Atchison, Topeka and Santa Fe Railway Company bridge near Middle River Station. The draw shall open on signal if at least 12 hours notice is given the Atchison, Topeka and Santa Fe Railway Company Yardmaster, Stockton.

(2) Drawbridges above Woodward Canal need not open for the passage of vessels.

(d) *Old River.* State of California highway bridge between Victoria Island and Byron Tract.

(1) From May 1 through October 31, the draw shall open on signal from 6 a.m. to 10 p.m.

(2) From November 1 through April 30, the draw shall open on signal from 9 a.m. to 5 p.m.

(3) At all other times, the draw shall open on signal if at least 4 hours notice is given to the Rio Vista Bridge, except that the draw shall open on signal if at least 1 hours notice is given for emergency vessels owned, operated or controlled by the United States or the State of California, for commercial vessels engaged in rescue or emergency salvage operations, or for vessels in distress.

(e) *Grant Line Canal.* San Joaquin County highway bridge. The draw shall open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works, Stockton.

(f) *Mokelumne River.* (1) State of California highway bridge at East Isleton.

(i) From May 1 through October 31, the draw shall open on signal from 6 a.m. to 10 p.m.

(ii) From November 1 through April 30, the draw shall open on signal from 9 a.m. to 5 p.m.

(iii) At all other times, the draw shall open on signal if at least 4 hours notice is given to the Rio Vista Bridge, except that the draw shall open on signal if at least 1 hours notice is given for emergency vessels owned, operated, or controlled by the United States or the State of California, for commercial vessels engaged in rescue or emergency salvage operations, or for vessels in distress.

(2) Sacramento and San Joaquin Counties highway bridge (Millers Ferry Bridge) over the North Fork of the Mokelumne River near Walnut Grove.

(i) From May 15 through September 15 from 9 a.m. to 5 p.m. the draw shall open on signal.

(ii) At all other times the draw shall open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works, Stockton.

(3) San Joaquin County highway bridge over the South Fork of the Mokelumne River at New Hope Landing. Upon notice from the District Commander that an emergency exists which requires the removal of the span, the bridge owner shall take out the removable span expeditiously.

(4) Drawbridges above New Hope Landing. The draws of these bridges need not open for the passage of vessels. The owners of or agencies controlling these bridges shall restore the draws to full operation within 6 months of notification to take such action by the Commandant, U.S. Coast Guard.

(g) *Little Potato Slough.* State of California highway bridge at Terminous.

(1) The draw shall open on signal from July 1 through September 30 from 8 a.m. to 5 p.m.

(2) At all other times the draw shall open on signal if at least 4 hours notice is given to the Rio Vista Bridge.

(h) *Snodgrass Slough, drawbridges.* The draws shall open on signal if at least 24 hours notice is given to the owners' agent as follows:

(1) Southern Pacific Transportation Company bridge—Southern Pacific Transportation Company Yardmaster, Roseville.

(2) Sacramento County highway bridge—Sacramento County Highway Department office, Sacramento.

(i) *King Island Cut.* San Joaquin County highway bridge between King Island and Biship Tract. The draw shall open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works, Stockton.

(j) *Honker Cut.* San Joaquin County bridge, between Empire Tract and King Island. The draw shall open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works, Stockton.

§ 117.715 Georgiana Slough, California, drawbridges.

(a) *Open Signal.* One long blast followed by one short blast.

(b) *Sacramento County highway bridges near Isleton and Walnut Grove.* (1) From May 1 through October 31, the draws shall open on signal from 6 a.m. to 10 p.m.

(2) From November 1 through April 30 the draws shall open on signal from 9 a.m. to 5 p.m.

(3) At all other times, the draws of these bridges shall open on signal if at least 4 hours notice is given to the Rio Vista Bridge, except that the draws shall open on signal if at least 1 hours notice is given for emergency vessels owned, operated or controlled by the United States or the State of California, for commercial vessels engaged in rescue or emergency salvage operations, or for vessels in distress.

(c) *Southern Pacific railroad bridge near Isleton.* The draw shall be maintained in the fully open position; except that the draw may close for the passage of trains. When the draw is closed and visibility from the drawtender's station is less than 1 mile up or down the channel, the drawtender shall sound 2 long blasts every minute. When the draw is reopened, the drawtender shall sound one long blast followed by one short blast.

§ 117.716 Sacramento River and its tributaries, California.

(a) *Sacramento River.* (1) Isleton to American River junction, drawbridges.

(i) From May 1 through October 31, the draws shall open on signal from 6 a.m. to 10 p.m.

(ii) From November 1 through April 30, the draws shall open on signal from 9 a.m. to 5 p.m.

(iii) At all other times, the draws shall open on signal if at least 4 hours notice is given to the Rio Vista Bridge, except that the draws shall open on signal if at least 1 hours notice is given for emergency vessels owned, operated or controlled by the United States or the State of California, for commercial vessels engaged in rescue or emergency salvage operations, or for vessels in distress.

(iv) The opening signal for the Southern Pacific railway and highway bridge at Sacramento is one long blast followed by one short blast.

(2) American River junction to Chico Landing, drawbridges. The draw shall open on signal if at least 12 hours notice is given to the owners' agents as follows:

(i) Southern Pacific railroad bridge at Knights Landing—Southern Pacific Yardmaster, Roseville.

(ii) State of California highway bridge at Knights Landing—State Division of Highways Office, Woodland.

(iii) State of California highway bridge at Meridian—State Division of Highways Office, Marysville.

(iv) Colusa County highway bridge at Colusa—Colusa County Sheriff's Office, Colusa.

(v) State of California highway bridge at Butte City—State Division of Highways Office, Gridley.

(3) Drawbridges above Chico Landing. The draws of these bridges need not open for the passage of vessels. The owners of or agencies controlling these bridges shall restore the draws to full operation within 6 months of notification to take such action from the Commandant, U.S. Coast Guard.

(b) *Steamboat Slough, State of California highway bridge at the head of Grand Island.* (1) Opening signal. Two long blasts followed by one short blast.

(2) From May 1 through October 31, the draw shall open on signal from 6 a.m. to 10 p.m.

(3) At all other times the draw shall open on signal if at least 4 hours notice is given to the Rio Vista Bridge, except that the draw shall open on signal if at least 1 hours notice is given for emergency vessels owned, operated or controlled by the United States or the State of California, for commercial vessels engaged in rescue of emergency salvage operations, or for vessels in distress.

(c) *Miner Slough.* State of California highway between the northerly end of Ryer Island and Holland Tract. The draw shall open on signal if at least 12 hours notice is given to the Rio Vista Bridge.

(d) *Sutter Slough.* Sacramento County highway bridge near Courtland. The draw need not open for the passage of vessels. The owner of or agency controling the bridge shall restore the draw to full operation within 6 months of notification to take such action from the Commander, Twelfth Coast Guard District.

(e) *American River.* State of California highway bridge at Sacramento. The draw need not open for the passage of vessels.

(f) *Lindsey Slough.* The center span of the Hastings Farms highway bridge between Egbert and Lower Hastings Tracts shall be removed if at least 72 hours notice is given to the Hastings Farms Office, San Francisco.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Effective date. This revision shall become effective on May 5, 1975.

Dated: March 26, 1975.

W. E. CALDWELL,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.75-8374 Filed 3-31-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 335-3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Pennsylvania; Approval of Plan Revision

On April 15, 1974, the Commonwealth of Pennsylvania submitted to the Environmental Protection Agency a proposed amendment to the City of Philadelphia portion of the approved Pennsylvania Implementation Plan for the attainment and maintenance of the national ambient air quality standards for sulfur dioxide.

The major provision of the proposal would postpone, until March 31, 1975, a decrease in sulfur-in-fuel oil limits from 0.5 percent to 0.3 percent. This decrease had been scheduled for October 1, 1973. There is also a provision for allowing non-commercial fuel users to average stack emissions throughout a facility if it can be shown that air quality will not be adversely affected. The definition of "facility", as it applies to this latter provision and the other regulations contained in the Philadelphia Air Management Code, is also included in this amendment.

The Administrator realizes that the emission concentration averaging provision contained in the amended Philadelphia code could cause an enforcement burden because no individual stack could be determined to be out of compliance until the emissions from the entire facility were determined. EPA is, however, approving this amendment because Pennsylvania regulation 123.22, which is already part of the approved Implementation Plan, does limit sulfur dioxide emissions on a combustion unit basis. This regulation applies to any air pollution source that the Philadelphia regulation does and would mitigate any problems caused by the averaging provision.

V 40163
APR 175

The rationale behind deferral of the implementation date, as stated by the Department of Environmental Resources and Philadelphia Air Management Services, is to allow a detailed air quality analysis to be completed by the Philadelphia Agency in order to determine the need for going to the lower (0.2 percent) percent sulfur-in-fuel level. The need for such a study is evidenced by data submitted by the Department of Environmental Resources with the proposed revision, for the year just prior to submission, showing annual average readings for sulfur dioxide well below the national standards, a complete lack of 3-hour violations and only one 24-hour violation. This data, as well as the original submission, is available for public inspection during normal business hours at the Offices of EPA, Region III, Curtis Building, Second Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania, 19106; at the Freedom of Information Center, EPA, 401 M Street, SW., Washington, D.C., 20460; and at the Office of Philadelphia Air Management Services, 4320 Wissachickon Avenue, Philadelphia, Pennsylvania 19129.

The proposed amendment to the Pennsylvania Implementation Plan was publicly advertised and a hearing was held on September 5, 1973, in accordance with 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of State Implementation Plans.

On November 15, 1974 (39 FR 40310), the receipt of this revision was announced and the public was requested to comment on its approvability. The Administrator received comments from the Virginia Electric and Power Company (Vepco). The nature of these comments consisted of support for the provisions allowing non-commercial fuel users to average stack emissions throughout a facility in situations where air quality will not be adversely affected.

The Administrator's own evaluation of this plan revision is that it should be approved since it will not interfere with the attainment of the national primary and secondary ambient air quality standards by the required July 31, 1975, attainment date.

Therefore, in light of the lack of substantive comments received and the Administrator's own evaluation, it is the Administrator's judgment that the proposed change meets the substantive and procedural requirements of section 110 of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of State Implementation Plans. The change is, therefore, approved as a revision to the Pennsylvania Implementation Plan.

The Administrator finds good cause for making this promulgation immediately effective since it has been in effect in Philadelphia for over a year and since the major provision, the change in sulfur-in-fuel oil limits, will take effect on March 31, 1975.

(42 U.S.C. 1857c-5)

Dated: March 25, 1975.

JOHN QUARLES,
Acting Administrator.

Subpart NN—Pennsylvania

1. In § 52.2020, paragraph (c) is revised to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) March 17, March 27, May 4, June 20, and August 14, 1972 by the Pennsylvania Bureau of Air Quality and Noise Control, Pennsylvania Department of Environmental Resources;

(2) May 5, June 6, and November 3, 1972;

(3) April 13, 1973;

(4) April 15, 1974.

[FR Doc.75-8399 Filed 3-31-75;8:45 am]

[FRL 353-8; OPP-262617]

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Carbophenothion

On January 13, 1975, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (40 FR 2448) a notice of proposed rulemaking to establish a tolerance for combined residues of the insecticide carbophenothion (*S*-[[p-chlorophenyl)-thio]methyl] *O,O*-diethyl phosphorodithioate) and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodity blueberries at 4 parts per million. This notice of proposed rulemaking to amend §§ 180.3 and 180.156 was published in response to a petition (PP 4E1434) submitted by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agriculture Experiment Station, Rutgers University, New Brunswick NJ 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Maine.

No comments or requests for referral to an advisory committee were received by the Agency on the proposal. Therefore, it is concluded that the amendments to the regulations be adopted without change.

Any person adversely affected by this regulation may, on or before May 1, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street, SW, East Tower, Room 1019, Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective April 1, 1975, Part 180, Subpart A, § 180.3, and Subpart C, § 180.156, is amended as follows.

(Sec. 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).)

Dated: March 26, 1975.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

Part 180 is amended as follows:

1. In § 180.3(c)(5), by revising the item "Carbophenothion * * *" to read as follows:

§ 180.3 Tolerances for related pesticide chemicals.

* * * * *

(c) * * *

(5) * * *

Carbophenothion (*S*-[[(p-chlorophenyl) thiolmethyl] *O, O*-diethyl phosphorodithioate) and its cholinesterase-inhibiting metabolites.

2. In § 180.156 by revising the introductory paragraph and by adding the new paragraph "4 parts per million * * *" after the paragraph "5 parts per million * * *", as follows:

§ 180.156 Carbophenothion; tolerances for residues.

Tolerances for combined residues of the insecticide carbophenothion (*S*-[(p-chlorophenyl) thiolmethyl] *O, O*-diethyl phosphorodithioate) and its cholinesterase-inhibiting metabolites in or on raw agricultural commodities are established as follows:

* * * * *

4 parts per million in or on blueberries.

* * * * *

[FR Doc.75-8302 Filed 3-31-75; 8:45 am]

[FRL 353-7; OPP-262613]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Chlorothalonil

On January 7, 1975, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (40 FR 1276) a notice of proposed rulemaking to establish a tolerance for combined residues of the fungicide chlorothalonil (tetrachloroisophthalonitrile) and its metabolite 4-hydroxy-2,5,6-trichloroisophthalonitrile in or on the raw agricultural commodities green onions at 5.0 parts per million and dry bulb onions at 0.5 part per million. This notice of proposed rulemaking to amend § 180.275 was published in response to a petition (PP 4E1502) submitted by Dr. C. C. Compton, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the Agriculture Experiment Stations of New York and Michigan.

No comments or requests for referral to an advisory committee were received by the Agency with respect to this proposal. Therefore, it is concluded that the proposed amendment to the regulation should be adopted without change.

Any person adversely affected by this regulation may, on or before May 1, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street, SW., East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective April 1, 1975, Part 180, Subpart C, Section 180.275 is amended as follows.

(Sec. 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).)

Dated: March 26, 1975.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

Section 180.275 is amended by 1) revising the heading, the introductory paragraph, and the paragraph "5 parts per million * * *" and 2) inserting the new paragraph "0.5 part per million * * *" after the paragraph "1 part per million * * *" as follows.

* * * * *

§ 180.275 Chlorothalonil; tolerances for residues.

Tolerances are established for combined residues of the fungicide chlorothalonil (tetrachloroisophathlonitrile) and its metabolite 4-hydroxy-2,5,6-trichloroisophthalonitrile in or on raw agricultural commodities as follows:

5 parts per million in or on broccoli, brussels sprouts, cabbage, cauliflower, cucumbers, melons, onions (green), pumpkins, snap beans, squash (summer and winter), and tomatoes.

* * * * *

0.5 part per million in or on onions (dry bulb).

[FR Doc.75-8303 Filed 3-31-75;8:45 am]

[OPP-262314, FRL 354-2]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Simazine

On August 23, 1970, notice was given (35 FR 13535) that CIBA-GEIGY Corp., PO Box 11422, Greensboro NC 27409, had filed a petition (PP 0F0096) for a pesticide tolerance with the Environmental Protection Agency (EPA). This petition proposed establishment of a tolerance for residues of the herbicide simazine (2-chloro - 4,6 - bis(ethylamino) - s - triazine) in or on the raw agricultural commodity fish at 3 parts per million. CIBA-GEIGY Corp., subsequently amended the petition to propose the establishment of a tolerance for combined residues of the herbicide simazine and its metabolites (2-amino-4-chloro-6-ethylamino-s-triazine and 2,4-diamino-6-chloro-s-triazine) in or on the raw agricultural commodity fish at 12 parts per million. (A related document on simazine and the establishment of a food additive tolerance also appears in today's FEDERAL REGISTER.)

The data submitted in the petition and other relevant material have been evaluated. The herbicide is considered useful for the purpose for which the tolerance is sought. The established tolerances for residues in eggs; milk; and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep are adequate to cover residues resulting from the proposed use, and § 180.6(a)(2) applies. The tolerance established by this regulation will protect the public health.

Any person adversely affected by this regulation may on or before May 1, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street, SW., East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in quintuplicate and specify the provisions for the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on April 1, 1975, Part 180, Subpart C, is amended by adding § 180.213a.

Dated: March 26, 1975.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

(Section 408(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)).)

* * * * *

§ 180.213 Simazine; tolerance for residues.

A tolerance for combined residues of the herbicide simazine (2-chloro-4,6-bis (ethylamino)-s-triazine) and its metabolites (2-amino-4-chloro-6-ethylamino-s-triazine and 2,4-diamino-6-chloro-s-triazine) is established in or on the raw agricultural commodity fish at 12 parts per million.

* * * * *

[FR Doc.75-8402 Filed 3-31-75;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 249—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Utilization Control; Amendment of Effective Date of Regulations

On November 29, 1974 (39 FR 41610) regulations were published to implement sections 207 (in part), 237(a) and 237 (b) (in part) of Pub. L. 92-603, amending Title XIX of the Social Security Act to provide for a reduction in Federal financial participation unless the State has an effective program of control over the utilization of institutional services. These regulations were effective February 1, 1975.

Considerable concern has been expressed by hospitals with small medical staffs, especially those in rural areas, regarding their capacity to organize in-house utilization review committees to operate the review system required by the regulations. The Department recognizes the particular difficulties posed by the manpower and resource limitations of such facilities. Since the utilization review component of an effective State program of control employs the groups, methods, and procedures established under section 1861(k) of the Social Security Act, an extension of time identical to that being granted for Medicare is granted for Medicaid. The extension of the effective date provided herein should allow sufficient time for utilization of alternate methods other than in-house committees such as community-based groups sponsored by local medical societies or other organizations to be approved by the Secretary.

The extension of the effective date provided herein will also allow sufficient time for administrative changes, which some hospitals and skilled nursing home facilities reported were going to be such serious problems for them that in some cases care of patients would be affected.

The effective date of these utilization control regulations is being changed from February 1, 1975 to July 1, 1975; this amendment is effective January 31, 1975 in order to assure that the regulations relating to utilization review and utilization control of care and services which were in effect on January 31, 1975 will remain in effect until July 1, 1975. A technical amendment is also being made in 45 CFR 250.19(a) to conform it to the amendment of the effective date.

The Department wishes to emphasize that it expects all facilities participating in Medicaid to be in full compliance with these regulations on July 1, 1975. Facilities should not abate their efforts to develop criteria and programs to comply with these regulations as a result of the change in effective date.

For the reasons stated above, good cause exists to dispense with notice of proposed rulemaking.

1. The effective date of the utilization control regulations published on November 29, 1974 (39 FR 41610) is amended to read as follows:

These regulations shall be effective July 1, 1975.

2. The date "February 1, 1975" appearing in 45 CFR 250.19(a) is hereby amended (wherever it appears) to read: July 1, 1975.

The effective date of these amendments shall be January 31, 1975.

(Catalog of Federal Domestic Assistance Programs No. 13.714, Medical Assistance Program.)

Dated: March 25, 1975.

JOHN A. SVAHN,
Acting Administrator, Social and Rehabilitation Service.

Approved: March 27, 1975.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.75-8463 Filed 3-26-75;11:45 am]

V 40163
APR 175

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Reasonable Differential Between Costs of Skilled Nursing and Intermediate Care Facility Services

Notice of proposed rule making was published January 31, 1974, at 39 FR 3961, implementing section 1903(h) of the Social Security Act (42 U.S.C. 1396b (h)) as added by section 207(a)(1) of Pub. L. 92-603. Requirements were specified which limit Federal matching for State payments under title XIX, Social Security Act, for intermediate care facility (ICF) services which do not reflect a reasonable differential between such payments and those for skilled nursing facility (SNF) services.

Thirteen State agencies and one organization representing the nursing home industry responded. The major comment raised was that additional Federal requirements for intermediate care facility services to be provided in institutions for the mentally retarded would raise the costs of care in such facilities above the average costs of skilled nursing facility services. The Department recognized this point and exempted such institutions from the comparison. The remaining major comments and the Department's response are summarized below:

1. *Comment:* The differential should be applied only to operating costs and not capital costs since capital costs are the same for both levels of care.

Response: It is recognized that survey findings support this contention. As revised, the regulations do not preclude a State from justifying a cost differential of less than 10 percent on the basis of the difference in operating costs between SNFs and ICFs. For example, if the overall differential was less than 10 percent but by eliminating the capital costs there resulted a differential of 10 percent or more in the variable costs, such a differential could be approvable if documented and justified by the State. (§ 250.30(b)(3)(iii)(b)(5)).

2. *Comment:* There are no guidelines for establishing a reasonable cost differential.

Response: A Statewide 10 percent minimum has been established as an acceptable differential. In a review of 28 States' reimbursement rates for SNF and ICF services as of March 1974, the differential ranged from 11 percent to 58 percent. Therefore, a figure of 10 percent is a reasonable differential requirement. The minimum acceptable differential in subsequent fiscal years may be changed as determined from data submitted by the States. States will be given advance notification of any such changes.

3. *Comment:* There is no provision for determining a differential for facilities providing both skilled nursing and intermediate care facility services where there is no distinct part for ICF care.

Response: No change necessary. The differential is based on statewide average expenditures and patient days. (§ 250.30(b)(3)(iii)(b)(1)).

4. *Comment:* The fiscal impact of retroactive penalties for periods back to July 1, 1973, could adversely affect a State's finances.

Response: This has been considered by the Department and there will be no retroactive penalties. The regulation is effective for the calendar quarter beginning 90 days after publication.

5. *Comment:* As proposed, the regulations require that all sources of payment be taken into account in determining the cost differential, yet the method for calculating the differential states that only the rates paid are to be taken into account.

Response: The Department recognizes the point made, but for ease of calculation requires that the comparison be made on the basis of rates paid under the plan. In addition, it is assumed that amounts contributed toward care by individuals from non-exempt personal income will be equivalent for both ICF and SNF care, and therefore, will have no effect on the differential. The wording "all sources" has been deleted to clarify this point (§ 250.30(b)(3)(iii)(b)(1)).

6. *Comment:* In States which reimburse on the basis of cost, the differential could change on a monthly basis throughout the year.

Response: The regulations have been revised to provide for submission of cost-related data by a State to demonstrate that a lesser differential is reasonable (§ 250.30(b)(3)(iii)(b)(5)).

7. *Comment:* The May 1 date for submittal of data is too early for States which make retroactive adjustments on a fiscal year basis.

Response: The regulations have been changed so that the requirement for annual approval of proposed differentials is deleted. States are still required to submit data, however (§ 250.30(b)(3)(iii)(b)(4)).

In addition, the method for computing the differential has been simplified and is the same regardless of the basis for reimbursement, whether a flat rate, a negotiated rate, or a cost-related rate.

Requirements for submission of quarterly cost data have been added. As States initiate methods of payment to meet the provisions of section 249 of Pub. L. 92-603, which requires that long-term care facility services be reimbursed on a reasonable cost-related basis, it is expected that such cost reimbursement will affect present cost differentials. Thus, the data required for submission will enable the Secretary to evaluate the reasonableness of the range of cost differentials established among the States.

Finally, § 250.30(b)(3)(iii)(a) has been revised to set the upper limit for all ICFs at reasonable charges not to exceed costs determined in accordance with the principles of reimbursement for provider costs under Part A of title XVIII of the Act. The previous limit for ICFs (effective March 18, 1974) has been set at the average per diem rate paid for SNF services in the State. With the addition of the cost differential section, this is no longer an appropriate method for determining the upper limit for ICFs. The change also takes into account the comment stated above that ICF-IMR costs may in some cases exceed average SNF costs. The new upper limit is being made retroactive to March 18, 1974, in order to recognize that such higher costs have been incurred in some States. In no case will a State be disadvantaged by the retroactive application of the new ceiling.

Other technical changes have been made to clarify the intent of requirements. Accordingly, the regulations as proposed with changes noted above have been adopted.

Section 250.30(b)(3)(iii) of Part 250, Chapter II, Title 45, Code of Federal Regulations, is revised to read as follows:

§ 250.30 Reasonable charges.

* * * * * * *

(b) Upper limits. * * *

(3) (iii) *Intermediate care facility services.* (*a*) Customary charges which are reasonable. Schedules of payments established by the State agency shall not exceed an upper limit determined in accordance with the principles of reimbursement for provider costs under Part A of title XVII of the Act. (A financial audit of the facilities to apply the title XVIII-A reimbursement principles is not required but the State shall establish schedules of payments which are consistent with the intent that upper limits do not exceed amount which would be paid using title XVIII-A principles and methods of cost reimbursement for similar service.)

(*b*) (*1*) Federal financial participation is not available for expenditures under the State plan for payments to intermediate care facilities, except for institutions for the mentally retarded and persons with related conditions which are exempted from this requirement, for any calendar quarter which are in excess of that amount which reflects a reasonable differential on a Statewide basis between average per diem amounts paid under the State plan for intermediate care facility services and the Statewide average per diem amounts paid under the State plan for skilled nursing facility services. Such reasonable differential shall reflect a lower rate of reimbursement for intermediate care.

(*2*) The differential shall be computed by determining the dollar amount of difference between the average amount paid per inpatient day under the State plan for skilled nursing facility services and the average amount paid per inpatient day under the State plan for intermediate care facility services, regardless of the basis for reimbursement, whether a flat rate, a negotiated rate, or a cost-related rate.

(*3*) In no case shall the statewide differential computed in accordance with paragraph (b)(3)(iii)(*b*)(*2*) be less than 10 percent of the statewide skilled nursing facility rate except as provided in paragraph (b)(3)(iii)(*b*)(*5*).

(*4*) States must report each quarter on the Quarterly Statement of Expenditures (Form SRS-OA-41) separately for skilled nursing facility services and intermediate care facility services, the total amount paid during the quarter for services, the number of inpatient days of services paid for during the quarter, and the average amount paid per inpatient day for services during the quarter. The single State agency shall have on file adequate records to substantiate the quarterly statement of expenditures.

(*5*) The Administrator may approve a State's request for a cost differential of less than 10 percent if he determines that such differential is reasonable. A State requesting approval of a cost differential of less than 10 percent must submit cost-related data to demonstrate that such lesser differential is reasonable. The Administrator in approving a cost differential of less than 10 percent will indicate the period for which such differential is approved.

(Sec. 1102, 49 Stat. 647, (42 U.S.C. 1302).)

Effective date. (Section 250.30(b)(3)(iii)(*a*) will be effective retroactive to March 18, 1974, and § 250.30(b)(3)(iii)(*b*) shall be effective with the calendar quarter beginning July 1, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: January 2, 1975.

JAMES S. DWIGHT, Jr.,
Administrator, Social and Rehabilitation Service.

Approved: March 26, 1975.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.75-8397 Filed 3-31-75;8:45 am]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER J—MISCELLANEOUS

PART 380—PROCEDURES

Subpart D—Public Access to Information and Records

RESCISSION OF SUBPART

Subpart D of Part 380 of Title 46, Code of Federal Regulations, was issued by the Maritime Administration, an agency within the Department of Commerce, on September 8, 1967 (32 FR 12345), to satisfy the requirements of the Freedom of Information Act (5 U.S.C. 552) (the Act). Pub. L. 93-502 (88 Stat. 1561) made significant amendments to the Act. On March 12, 1975, the Department of Commerce published in the FEDERAL REGISTER a revision of its Public Information regulations contained in 15 CFR Part 4 to implement these amendments to the Act. The Department's regulations, as revised, are comprehensive and are applicable to requests submitted to the Maritime Administration under the Act. Accordingly, Subpart D of Part 380 of Title 46, Code of Federal Regulations, is hereby rescinded.

Effective date. This rescission is effective February 19, 1975.

Dated: March 27, 1975.

By Order of the Assistant Secretary for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary,
Maritime Administration.

[FR Doc.75-8435 Filed 3-31-75;8:45 am]

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 7, Amdt. 2]

PART 528—SELF-POLICING SYSTEMS

Approval of Reporting Requirement

Pursuant to section 3512 of 44 U.S.C. this Commission has recently received approval from the U.S. General Accounting Office of an extension without change of the reporting requirements contained in Part 528—Self-Policing Systems [General Order 7].

Section 10.12, *Notification of General Accounting Office Action*, of Title 4 CFR requires that notice of such clearance appear in the agency's regulations.

§ 528.1 [Amended]

Section 528.1 is amended by adding the following new sentence at the end thereof.

"The reporting requirement contained in this part has been approved by the U.S. General Accounting Office under B-180233 [RO 145] and expires on 12-31-77."

Notice, public procedure and delayed effective date are not necessary for the promulgation of this amendment because of its non-substantive nature. Accordingly, this amendment shall be effective April 1, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-8279 Filed 3-31-75;8:45 am]

[General Order 15, Amdt. 3]

PART 533—FILING OF TARIFFS BY TERMINAL OPERATORS

Approval of Reporting Requirement

Pursuant to section 3512 of 44 U.S.C. this Commission has recently received approval from the U.S. General Accounting Office of an extension without change of the reporting requirements contained in Part 533—Filing of Tariffs by Terminal Operators [General Order 15].

Section 10.12, *Notification of General Accounting Office Action*, of Title 4 CFR requires that notice of such clearance appear in the agency's regulations. Accordingly,

§ 533.1 [Amended]

Section 533.1 is amended by adding the following new sentence at the end thereof.

The reporting requirement contained in this part has been approved by the U.S. General Accounting Office under B-180233 [RO 115] and expires on 9-30-77.

The above sentence replaces the note which appears at the end of PART 533.

Notice, public procedure and delayed effective date are not necessary for the promulgation of this amendment because of its non-substantive nature. Accordingly, this amendment shall be effective April 1, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-8280 Filed 3-31-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 540]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26166-03). A list of servicing companies is also available from the Federal Insurance Administration, HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special hazards that is located within any community currently participating in the National Flood Insurance Program.

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. Therefore notice and public procedure under 5 U.S.C. 553(b) are impracticable, unnecessary, and contrary to the public interest.

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APR 1 75

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Connecticut	Litchfield	Barkhamsted, town of	Mar. 28, 1975, Emergency	Aug. 30, 1974		
Florida	Okaloosa	Niceville, city of	do			
Georgia	Sumter	Americus, city of	do			
Iowa	Woodbury	Correctionville, city of	Mar. 28, 1975, Emergency	Feb. 22, 1974		
Kentucky	Clark	Unincorporated areas	Mar. 28, 1975, Emergency	Dec. 6, 1974		
Mississippi	Coahoma	do	do			
Do	Warren	Vicksburg, city of	do	Jan. 25, 1974		
New Jersey	Burlington	Shamong, township of	do	Dec. 20, 1974		
New York	Orange	Wallkill, town of	do	May 31, 1974		
Do	Westchester	Yorktown, town of	do	Sept. 20, 1974		
North Dakota	Dunn	Dunn Center, center of	do	Nov. 22, 1974		
Do	Ransom	Linton, city of	do	June 28, 1974		
Do	McHenry	Velva, city of	do	Mar. 22, 1974		
Ohio	Lucas	Elmyia, city of	do	May 3, 1974		
Do	Ashtabula	Geneva-Of-The-Lake, village of	do	Apr. 5, 1974		
Pennsylvania	Butler	Adams, township of	do	Sept. 13, 1974		
Do	Chester	East Marlborough, township of	do	Jan. 24, 1975		
Virginia	Accomack	Tangier, town of	do	May 31, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968) as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: March 21, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-8266 Filed 3-31-75;8:45 am]

[Docket No. FI 541]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration, HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special hazards that is located within any community currently participating in the National Flood Insurance Program.

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. Therefore notice and public procedure under 5 U.S.C. 553(b) are impracticable, unnecessary, and contrary to the public interest.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Arizona	Cochise	Fredonia, town of	Mar. 31, 1975, Emergency	June 7, 1974		
California	Orange	Los Alamitos, city of	do	May 10, 1974		
Florida	do	Milton, town of	do	July 19, 1974		
Illinois	Cook	Indian Head Park, village of	do	Apr. 5, 1974		
Indiana	Newton	Goodland, town of	do	May 31, 1974		
Do	Floyd	Georgetown, town of	do	Dec. 20, 1973		
Do	Putnam	Greencastle, city of	do	May 17, 1974		
Kentucky	Jackson	McKee, city of	do	Oct. 26, 1974		
Louisiana	Tangipahoa	Tangipahoa, village of	do	Aug. 30, 1974		
Maine	Hancock	Winter Harbor, town of	do	Jan. 17, 1975		
Maryland	St. Mary's	Unincorporated areas	do			
Mississippi	Marshall	Potts Camp, town of	do	Aug. 23, 1974		
Do	Clarke	Stonewall, town of	do	June 7, 1974		
Missouri	St. Louis	Frontenac, city of	do	Jan. 25, 1974		
Do	Clinton	Plattsburg, city of	do	May 24, 1974		
Nebraska	Douglas	Elkhorn, city of	do	Mar. 22, 1974		
Do	Custer	Broken Bow, city of	do	Jan. 25, 1974		
Do	Pierce	Pierce, city of	do	Apr. 5, 1974		
Do	Platte	Platte Center, village of	do	Dec. 20, 1974		
Do	Otoe	Wauneta, village of	do	June 28, 1974		
New Jersey	Salem	Pilesgrove, township of	do	Nov. 20, 1974		
Do	Bergen	Fort Lee, borough of	do	June 28, 1974		
Do	do	Haworth, borough of	do	Feb. 1, 1974		
Do	Salem	Salem, city of	do	Sept. 20, 1974		
New Mexico	Torrance	Moriarty, city of	do	June 7, 1974		
New York	Orange	Chester, town of	do	Apr. 12, 1974		
Do	Cortland	Virgil, town of	do	Mar. 29, 1974		
North Carolina	Rowan	Landis, town of	do	June 7, 1974		
Do	do	East Spencer, town of	do	Feb. 26, 1974		
Do	Cleveland	Kings Mountain, city of	do	Mar. 1, 1974		
Oregon	Multnomah	Fairview, city of	do	May 10, 1974 and Feb. 28, 1975		
Do	Union	Island City, town of	do	Aug. 30, 1974		
Texas	Fort Bend	Richmond, city of	do	June 28, 1974		
Do	do	Sugar Land, city of	do	May 31, 1974		
Do	Burleson	Caldwell, city of	do	May 3, 1974		
Wisconsin	Fond Du Lac	Brandon village of	do	May 17, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968) as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: March 24, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-8265 Filed 3-31-75;8:45 am]

[Docket No. FI 542]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration, HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special hazards that is located within any community currently participating in the National Flood Insurance Program.

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. Therefore notice and public procedure under 5 U.S.C. 553(b) are impracticable, unnecessary, and contrary to the public interest.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of eligible communities.

V 40-63
APR 1 75

State	County	Location	Effective date of cancellation of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
California	San Luis Obispo	Grover City, city of	Mar. 27, 1975 Emergency	June 21, 1974		
Illinois	Madison	Glenen, city of	do	Jan. 10, 1975		
Indiana	Pulaski	Winamac, town of	do	Nov. 29, 1973		
Do	Lake	East Gary, city of	do	June 21, 1974		
Kentucky	Lewis	Lewisburg, city of	do	May 17, 1974		
Maine	Sagadahoc	Bath, city of	do	Nov. 1, 1974		
Missouri	Phelps	Newbury, city of	Mar. 18, 1975. Suspension withdrawn.	Apr. 26, 1972		
Montana	Deer Lodge	Anaconda, city of	Mar. 27, 1975. Emergency	Apr. 12, 1974		
New Jersey	Gloucester	East Greenwich, township of	do	Sept. 6, 1974		
New York	Herkimer	Dolgeville, village of	do	Feb. 15, 1974		
North Carolina	Hallett	Dunn, city of	do			
Oregon	Lane	Florence, city of	do	May 31, 1974		
Pennsylvania	Perry	Buffalo, township of	do	Jan. 31, 1975		
Tennessee	Meigs	Decatur, city of	do	June 14, 1974		
Texas	Tarrant	River Oaks, city of	do	Dec. 28, 1973		
Vermont	Essex	Brighton, town of	do	Sept. 20, 1974		
Virginia	Wise	Appalachia, town of	do	May 10, 1974		
Washington	Island	Unincorporated areas	do			
Do	Lincoln	Sprague, city of	do	May 24, 1974		
Wisconsin	Outagamie	Combined Locks, village of	do	June 21, 1974		
Do	Dane	Mazomanie, village of	do	Dec. 28, 1973		
Do	Walworth and Jefferson	Whitewater, city of	do	Jan. 9, 1974		
Do	Fond du Lac	North Fond du Lac, village of	do	do		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968) as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: March 20, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-8264 Filed 3-31-75;8:45 am]

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 3]

PART 731—CLOSING DATES FOR TRANSFER, AND FOR RELEASE AND REAPPORTIONMENT

Cotton, Peanuts, Rice, and Tobacco

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.). The purpose of this amendment is to change the closing dates for transfer and for release and reapportionment of cotton, peanuts, rice and tobacco (except burley and flue-cured).

Since farmers need to know the dates for effecting transfers, release and reapportionment of 1975 marketing quotas and farm acreage allotments as soon as possible, it is hereby determined that compliance with the notice, procedure, and effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest, and this document shall become effective upon the date of its filing with the Director, Office of the Federal Register.

The regulations for establishing closing dates for transfer and for release and reapportionment under Part 731 (37 FR 28124, 39 FR 7416 and 39 FR 15759) are amended by changing the closing dates in § 731.2 for Alabama, Arkansas, California, Iowa, Kentucky, Louisiana, Ohio, Texas, and Wisconsin as follows:

§ 731.2 Closing dates.

State	Closing date for transfer by lease, sale or owner (except burley and flue-cured tobacco); release and reapportionment requests	Final date for reapportionment
(1)	(2)	(3)
Alabama:		
(Peanuts)	Feb. 28	[1] 1 month following applicable closing dates for transfer, release and requesting reapportionment.
(Cotton)	Mar. 31	Do.
Arkansas	Apr. 1	Do.
California	Apr. 4	Do.
Iowa	Mar. 1	Do.
Kentucky:		
(Cotton)	Apr. 1	Do.
(Tobacco)	Jan. 25	Do.
Louisiana:		
(Rice)	Mar. 1	Do.
(Cotton and peanuts)	Mar. 31	Do.
Ohio	Mar. 7	Do.
Texas:		
(Zone I)[2]	Mar. 17	Do.
(Zone II)[3]	Apr. 1	Do.
Wisconsin	Mar. 31	Do.

[1] Counties: Aransas, Atascosa, Austin, Bastrop, Bee, Bexar, Brazoria, Brazos, Brooks, Burleson, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, DeWitt, Dimmit, Duval, Fayette, Fort Bend, Frio, Galveston, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Hidalgo, Jackson, Jefferson, Jim Hogg, Jim Wells, Karnes, Kenedy, Kleberg, La Salle, Lavaca, Lee, Liberty, Live Oak, McMullen, Matagorda, Maverick, Medina, Montgomery, Nueces, Orange, Refugio, San Jacinto, San Patricio, Starr, Travis, Uvalde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Wilson, Zapata, Zavala.

[2] Counties: All counties not listed in zone I.

(Secs. 313, 316, 318, 319, 344, 344a, 347, 353, 356, 356a, 375, 378, 52 Stat. 47, as amended, 75 Stat. 469, as amended, 61 Stat. 130, as amended, 55 Stat. 23, 52 Stat. 57, as amended, 79 Stat. 1197, as amended, 52 Stat. 59, as amended, 52 Stat. 61, as amended, 55 Stat. 88, as amended, 61 Stat. 556, as amended, 52 Stat. 66, as amended, 72 Stat. 995, as amended; (7 U.S.C. 1312, 1314b, 1314d, 1314e, 1344, 1344b, 1347, 1353, 1358, 1358a, 1375, 1376))

Effective date: Upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on March 24, 1975.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-8284 Filed 3-31-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 2650]

ALASKA NATIVE SELECTIONS

Procedures for Consideration of Appeals

Correction

In FR Doc. 75-7847, appearing at page 13308 in the issue of Wednesday, March 26, 1975, the headings should read as set forth above.

Office of the Secretary

[43 CFR Part 4]

ALASKA NATIVE CLAIMS BOARD

Hearings and Appeals Procedures

Correction

In FR Doc. 7846, appearing on page 13308 in the issue of Wednesday, March 26, 1975, the headings should read as set forth above.

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

[15 CFR Part 803]

FOREIGN INVESTMENT AND INTERNATIONAL RECEIPTS AND PAYMENTS OF ROYALTIES AND FEES

Proposed Reporting Requirements

Notice is hereby given that the Bureau of Economic Analysis proposes to amend its rules to include within the reporting requirements of 15 CFR Part 803, certain foreign business enterprises owned by U.S. persons and U.S. business enterprises owned by foreign persons where the parent's investment is less than $2,000,000 on January 1 of any calendar year, but subsequently exceeds that amount. The Bureau of Economic Analysis also proposes to change the level of ownership at which a U.S. company is considered foreign-owned, and, therefore, required to report from the present 25 percent to 10 percent. This is consistent with a recent Office of Management and Budget Balance of Payments Statistics Review Committee decision. These data are collected under the authority of the Bretton Woods Agreements Act (Title 22, United States Code, Section 286). It is proposed that these changes be made retroactive to January 1, 1975, in order to provide consistent data throughout the calendar year.

The proposed rules do not fall within the criteria set forth in the draft Department Administrative Order relating to the Inflationary Impact Statement required by Office of Management and Budget Circular No. A–107.

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views or statements as they may desire to: Chief, International Investment Division, Bureau of Economic Analysis, BE–50, U.S. Department of Commerce, Washington, D.C. 20230. Comments received on or before May 1, 1975, will be considered before final action is taken on this proposal. All comments received in response to this proposal will be available for public inspection during normal business hours at the office of the Chief, International Investment Division, Room 608, Tower Building, 1401 K St., NW., Washington, D.C.

It is, therefore, proposed to amend 15 CFR Part 803, as follows:

§ 803.1 Who must report.

* * * * *

(b) *Foreign business investment in the United States*—(1) *Basic requirement.* A report is required to be filed with respect to every business enterprise subject to the jurisdiction of the United States in which foreign persons, either as individuals or as affiliates hold a 10 percent or more ownership interest, or which is owned in a manner indicated in subparagraph (2) of this paragraph directly or indirectly by a foreign person or persons. Such business enterprises shall include, but not be limited to, corporations, partnerships, investments in real property, leaseholds, estates, trusts, and sole proprietorships or other forms of outright individual ownership.

(2) *Foreign beneficial interest.* If the foreign-owned interest in a United States business enterprise, including commercial real property, is held, exercised or administered by a United States estate, trust (including irrevocable trusts), nominee, agent, representative, custodian, or other intermediary of the foreign beneficial owners, such intermediary shall be responsible for reporting for the business enterprise the required information on Form BE–605, BE–606, BE–606B or BE–606I, or shall instruct the United States business enterprise in question to submit the required information. This does not relieve the United States business enterprise of responsibility for reporting if such business enterprise has knowledge of the direct or indirect foreign-owned interest, but only one report should be filed for each such enterprise. For the purposes of this report, accounts or transactions of a United States business enterprise with a United States estate, trust, nominee or other intermediary of foreign beneficial owners shall be considered as accounts or transactions with beneficial owners.

(3) *Insurance companies.* Reports for U.S. branches or subsidiaries of foreign insurance companies are required on Form BE–606I.

(4) *Consolidated reports.* If a reporter held a 10 percent or more ownership interest in other United States enterprises engaged in the same type of business and is required to report, the information requested in the reporting forms may be consolidated for such reporter and enterprises, provided all accounts are fully consolidated. A list of the enterprises included in the consolidations must be provided.

* * * * *

§ 803.2 Forms to be used and frequency of reports.

(a) *Each reporter is required to submit reports on the following forms as applicable.* * * *

(2) Foreign direct investments in the United States.

Form BE–605. One Form BE–606 is to be filed quarterly for each United States corporation 10 percent or more of whose voting stock is owned directly or indirectly by a foreign person(s) or organization(s) and its United States or foreign affiliates.

* * * * *

Form BE–606I. One Form BE–606I is to be filed annually for each United States branch of a foreign insurance firm, or for United States insurance companies 10 percent or more of whose voting stock is held by foreign owners.

* * * * *

§ 803.4 Exemptions.

(a) *United States direct investments abroad*—(1) *Exemption based on value of property.* A reporter whose investment in foreign countries, at any time during the reporting period, exceeds an aggregate value of $2,000,000 based on the value of holdings of securities, equity in surplus accounts, and intercompany indebtedness or net branch investment in foreign countries, unless otherwise exempt from reporting, is required to report. Value is to be determined by the book value as carried on the books of the foreign organization converted into United States dollars. Reports for individual foreign subsidiaries, affiliates, or branches (other than banks) which are inactive, or have a book value which at no time during the reporting period exceeds $25,000, can be omitted with a note to that effect. For foreign branches of banks, reports are required if either (i) the book value exceeds $25,000 or (ii) the total assets exceed $2,000,000.

* * * * *

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(b) *Foreign direct investments in the United States*—(1) *Exemption based on value.* If the value of a foreign-owned U.S. business organization exceeds $2,000,000 at any time during the reporting period, the business organization is required to report. Otherwise, the business organization (other than a U.S. branch or agency of a foreign bank) is not required to report. The value is to be determined by the book value of the foreign owner's holdings in the securities, surplus accounts, and liability accounts of the reporter. For banks, reports are required if total assets exceed $3,000,000.

* * * * *

§ 803.5 General definitions.

For the purpose of these reports, the following definitions are prescribed:

* * * * *

(g) *Parent.* Parent shall mean any person or affiliated group of persons directly owning 10 percent or more of the voting securities of a corporation or of other ownership equities in other types of organizations. In some cases, there may be more than one parent.

* * * * *

GEORGE JASZI,
Director,
Bureau of Economic Analysis.

[FR Doc.75-8362 Filed 3-31-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 75 060]

ILLINOIS RIVER, ILLINOIS

Proposed Drawbridge Operation Regulations

The Burlington Northern Railroad bridge at Beardstown, Illinois was declared an unreasonable obstruction to navigation by the Commandant, U.S. Coast Guard on 22 November 1968, and an Order to Alter the bridge was issued on 4 December 1968. The old drawbridge was required to be opened on signal.

The altered bridge is now operated from a remote location with a radar detection system. The lift span is kept in the raised position, open to navigation. A draw tender will not be located on the bridge. This arrangement will allow river traffic to flow freely until rail passage is required, at which time warning signals will be displayed and the span automatically lowered for rail traffic. It will not be necessary to monitor river traffic for opening the span for vessels, but rather to check only when a closing for rail traffic is required. When lowering of the span is required, the operator at the Burlington Northern Railroad yard at Beardstown, Illinois, will monitor the radar detection system to determine if vessels are near the bridge.

In view of the above, the Coast Guard is considering amending the regulations for this bridge to reflect the current operations.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Second Coast Guard District, Federal Building, 1520 Market Street, St. Louis, Missouri 63103. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Second Coast Guard District.

The Commander, Second Coast Guard District, will forward any comments received before May 6, 1975, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new § 117.604 immediately prior to § 117.605 to read as follows:

§ 117.604 Illinois River—automated Burlington Northern Railroad Bridge at Beardstown, Illinois.

(a) The draw of the Burlington Northern Railroad Bridge, Mile 83.8, at Beardstown, Illinois, will normally be maintained in the open position providing a minimum vertical clearance of 68.4 feet above normal pool.

(1) When a train approaches the bridge, red flashing lights attached to the bridge begin to flash and an audible signal on the bridge is sounded. If vessels are in the area or there is obstruction beneath the span, flashing amber lights are turned on and the draw raised to its fully open position. However, if there are no vessels or obstructions observed in the area, flashing red lights will remain on and the draw will be lowered and locked.

(2) After the train has cleared the bridge, the draw will be raised to its full height; the red flashing lights will be stopped and drawspan lights changed from red to green indicating the navigation channel is open for the passage of vessels.

(b) When the lift span is in the closed position and cannot be opened immediately, flashing red lights are turned on after acknowledging flashing amber signals are turned off.

(c) Radiotelephone communication may also be used to advise vessels regarding opening the bridge. These communications are available either on channel 14 or channel 16.

(d) The owner of or agency controlling the bridge shall keep the provisions of this regulation conspicuously posted on both the upstream and downstream sides of the bridge.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Dated: March 24, 1975.

W. E. CALDWELL,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.75-8370 Filed 3-31-75;8:45 am]

[33 CFR Part 117]

[CGD 75 061]

KENT NARROWS, MARYLAND

Proposed Drawbridge Operation Regulations

At the request of the Maryland State Highway Department, the Coast Guard is considering revising the regulations for the drawbridge across Kent Island Narrows to extend the periods during which the draw may remain closed to navigation. The draw is presently required to open on signal from one hour before sunrise to one hour after sunset. This change is being considered because of extremely heavy vehicular traffic on Friday afternoons, Saturdays, Sundays and holidays from Memorial Day through Labor Day. This traffic is traveling to and from the Atlantic Ocean Beaches in Delaware, Maryland and Virginia. It is proposed that the draw open on signal from 6 a.m. to 6 p.m. from October 1 through April 30 and from 6 a.m. to 9 p.m. from May 1 through September 30, Monday through Thursday, except holidays; on Fridays, Saturdays, Sundays and holidays the draw shall open on signal from 6 a.m. to 10 a.m. and from 6 p.m. to 9 p.m., however, the draw shall open at 12 noon, 2 p.m., 4 p.m. and 6 p.m. if any vessels are waiting to pass. This proposal is the result of a two year study by the State of Maryland and the Coast Guard and it is felt will most nearly meet the reasonable needs of both modes of transportation without unduly penalizing either.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Fifth Coast Guard District.

The Commander, Fifth Coast Guard District, will forward any comments received before May 6, 1975, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.290 to read as follows:

§ 117.290 Highway drawbridge, Kent Island Narrows, Md.

(a) From October 1 through April 30 from 6 a.m. to 6 p.m. the draw shall open on signal. The draw need not open from 6 p.m. to 6 a.m.

(b) From May 1 through September 30:

(1) From 6 a.m. to 9 p.m., Monday through Thursday, except Memorial Day, Independence Day and Labor Day, the draw shall open on signal;

(2) On Fridays, Saturdays, Sundays, Memorial Day, Independence Day and Labor Day, the draw shall open on signal from 6 a.m. to 10 a.m. and from 8 p.m. to 9 p.m.; however, the draw shall open at 12 noon, 2 p.m., 4 p.m., and 6 p.m., if any vessels are waiting to pass.

(3) The draw need not open from 9 p.m. to 6 a.m.

(c) Public vessels of the United States or State or local vessels, on public safety missions shall be passed at any time. The opening signal from these vessels is four blasts of a whistle or horn. The opening signal from all other vessels is one long blast followed by one short blast.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Dated: March 26, 1975.

W. E. CALDWELL,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.75-8371 Filed 3-31-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Parts 205, 211]

CHANGED CIRCUMSTANCES ADJUSTMENTS AS GRANTED TO CERTAIN FEA REGION VIII WHOLESALE PURCHASERS

Issuance of Decision and Order

On February 5, 1975, the Federal Energy Administration issued a notice of proposal to issue a decision and order (40 FR 6371, February 11, 1975) granting exception relief to certain wholesale purchasers which are located in the States of Montana, Wyoming, North Dakota, South Dakota, Colorado and Utah, and which applied for adjustments to base period use based upon changed circumstances prior to October 15, 1974, and which received such an adjustment for periods of less than a calendar year. The proposed exception relief was in response to an application for exception filed January 27, 1975, by the Continental Oil Company on behalf of 265 of its wholesale purchasers as well as any other wholesale purchaser similarly situated. Comments were invited through February 21, 1975, from interested parties upon the proposed decision and order.

Notice is hereby given that the decision and order set forth below was issued March 10, 1975, by FEA's Office of Exceptions and Appeals. The basis for the exception relief is set forth in the decision and order.

Issued in Washington, D.C., March 26, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

DECISION AND ORDER OF THE FEDERAL ENERGY ADMINISTRATION

EXCEPTION

Name of Petitioner: Continental Oil Company.

Date of filing: January 27, 1975.

Case Number: FEE-08-060.

The Office of Exceptions and Appeals has received an application for exception filed by the Continental Oil Company (Continental) on behalf of its 265 wholesale purchasers, and all other similarly situated wholesale purchaser-consumers located in the States of Montana, Wyoming, North Dakota, South Dakota, Colorado and Utah, which submitted to FEA Region VIII applications for adjustments to base period use pursuant to former § 211.13(c) of the Mandatory Petroleum Allocation Regulations and which received adjustments which were made applicable to only part of the wholesale purchaser's calendar year. Continental contends that the practice followed by Region VIII of granting adjustments for less than a calendar year is an erroneous application of § 211.13(c), and differed substantially from the practice adhered to by other FEA Regional Offices, and that based on this difference in practice, a gross inequity exists with respect to the entire class of wholesale purchasers in FEA Region VIII and that appropriate exception relief should be granted from the operation of § 211.13(c) as applied by Region VIII.

Generally, the Mandatory Petroleum Allocation Regulations provide that a wholesale purchaser of an allocated product may purchase volumes of the product from its supplier(s) based upon the volumes of the product purchased from the supplier(s) during a prior base period. The base periods specified for most refined petroleum products are certain time periods of 1972. For example, the base period for motor gasoline, diesel fuel and home heating oil is the month of 1972 which corresponds to the current month. FEA's regulations recognized, however, that in some cases changes affecting a firm's use of an allocated product had occurred since a particular base period making it inappropriate to use the volume of fuel purchased during the base period to determine the firm's current allocation. A regulatory procedure was therefore established under which a wholesale purchaser could apply for an "adjustment" to its base period volume. In this connection § 211.13(c), which was applicable during most of 1974, stated in part that:

(1) *Wholesale purchasers.* Wholesale purchasers may apply to the FEA pursuant to Subpart B of Part 205 of this chapter for adjustments to their base period use for changed circumstances since January 1, 1973, which have not been reflected in an adjustment under paragraph (b) of this section.

On October 15, 1974, § 211.13(c) was deleted and § 211.13(e) was added to provide that future applications based upon "changed circumstances" would be received only as applications for exceptions and would be approved in accordance with the exceptions standards of a serious hardship or gross inequity.

During the period of time in which adjustments to base period volumes were made under the authority of § 211.13(c), the typical practice of FEA Regional Offices, other than the Region VIII Office, was to adjust the base period volume of each wholesale purchaser for all base periods within an entire calendar year. Thus, if an application submitted by a wholesale purchaser-reseller of motor gasoline for adjustment of its base period volume were approved, each of the twelve monthly base period volumes would be adjusted based upon the finding made by the FEA Regional Office.

The practice of officials in FEA Region VIII was considerably different. The same type of application described above would, if approved in FEA Region VIII, result in adjustments for only the base periods remaining in the calendar year. Thus, if an application for an adjustment to base period volumes was approved in the Region VIII Office in June, the adjustments would be made only for the calendar months of June through December. The purchaser's base period volume for the months of January through May would not have been adjusted.

As a result of this situation, wholesale purchasers in FEA Region VIII have been placed in a position which is substantially different from that of wholesale purchasers in all other regions of the country. In the event that their supplies of allocated products are inadequate for periods corresponding to base periods of the calendar year which were not adjusted by the Regional Office, purchasers in Region VIII would be required to seek supplies of surplus product, which may be difficult to locate, in order to replace the volumes which would otherwise have been the adjusted amounts. Wholesale purchasers in other regions would not encounter this situation since each of their base period volumes within a calendar year was adjusted. Thus, their increased base period volumes would have the effect of drawing a larger portion of allocable supplies into their region than would be the case if Region VIII had made § 211.13(c) adjustments for an entire year. The burden which wholesale purchasers in Region VIII are likely to encounter in locating sufficient supplies of surplus product could be very substantial. On the other hand, base period suppliers of the Region VIII purchasers involved are significantly benefited, because they are not required to use the purchaser's higher adjusted base period volumes in calculating their supply obligations for those periods corresponding to a based period which Region VIII failed to adjust.

In a number of previous decisions the FEA has recognized that when the burden involved in meeting the nation's energy problems fall in a substantial and disproportionate manner on a particular firm, the resultant inequitable distribution of burdens can in appropriate circumstances constitute a gross inequity which warrants exception relief. See, Butler Aviation International, Inc., Fed. Energy Guidelines, Par. 20,685 (October 25, 1974) and Gulf Energy and Development Corp., Fed. Energy Guidelines, Par. 20,689 (October 25, 1974).

The same principle would also apply to a well-defined class. Based on the facts set forth above, the Federal Energy Administration has concluded that wholesale purchasers which are located in Region VIII and which received an adjustment to base period use based upon changed circumstances for only a portion of a calendar year are subject to substantial and disproportionate burdens which constitute a gross inequity and justify exception relief.

The exception relief granted should be designed to correct the gross inequity by placing suppliers and wholesale purchasers in Region VIII in the same basic posture as suppliers and wholesale purchasers in all other regions in the United States. The

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further determination has been made that this result can be best achieved by adjusting the base period use for each unadjusted base period volume by a fraction calculated by dividing the wholesale purchaser's base period use, as adjusted, for all base periods for which adjustments were granted pursuant to § 211.13(c) by the wholesale purchaser's base period volume, prior to any adjustment, for all those periods for which such adjustments were granted.

It is therefore ordered, That: (1) Subject to the provisions of paragraphs (2) and (3) below, the class to which the exception relief set forth below applies are those wholesale purchasers which:

(a) are located in the States of Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming;

(b) filed an application with the FEA Regional Office VIII on or before October 15, 1974, requesting an adjustment to its base period volume pursuant to the provisions of 10 CFR 211.13(c); and

(c) received an order issued by FEA Regional Office VIII dated on or before October 15, 1974, which approved an adjustment to the wholesale purchaser's base period volume pursuant to the provisions of 10 CFR 211.13 (c) for a period of less than 12 consecutive months.

(2) The exception relief set forth below shall not apply in any situation in which a request for adjustment submitted by a wholesale purchaser was expressly denied and no adjustment was made.

(3) The exception relief set forth below shall not apply in any situation in which a request for adjustment submitted by a wholesale purchaser was specifically granted only on an interim basis.

(4) Effective March 1, 1975 the adjusted base period volume of each member of the class set forth above is hereby adjusted by the application of the fraction set forth below to the base period volume of each allocated product supplied to each member of the class. The following fraction shall be applied to each base period within the calendar year which has not otherwise been adjusted by the FEA Region Office VIII:

The wholesale purchaser's base period use, as adjusted, for all base periods for which adjustments were granted pursuant to § 211.13(c), divided by the wholesale purchaser's base period volume, prior to any adjustment, for all base periods for which adjustments were granted pursuant to § 211.13(c).

(5) In accordance with the provisions of 10 CFR Part 205, an aggrieved party may file an appeal from this Decision and Order with the Federal Energy Administration. The provisions of 10 CFR Part 205, Subpart H, set forth the procedures and criteria which govern the filing and determination of any such appeal.

Dated: March 10, 1975.

MELVIN GOLDSTEIN,
Director, Office of Exceptions and Appeals.

[FR Doc.75-6489 Filed 3-31-75;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 35, 101, 104, 154, 201, 204]

[Docket No. RM75-18]

ACCOUNTS AND REPORTS

Construction Work in Progress; Further Extension of Time

MARCH 25, 1975.

Amendments to uniform systems of accounts for public utilities and licensees and for Natural Gas Companies (Classes A, B, C and D) and to regulations Under the Federal Power Act and the Natural Gas Act, to provide for inclusion of construction work in progress in rate base.

On March 19, 1975, the American Public Power Association and the Power Section, Georgia Municipal Association filed motions to extend the time for filing comments to this rulemaking noticed November 14, 1974,[1] in the above-designated matter. A previous extension of time was granted by notice issued December 13, 1974. On March 21, 1975, Consolidated Gas Supply Corporation filed a response in opposition to the above motions.

Upon consideration, notice is hereby given that the time for filing comments in the above matter is extended to and including April 15, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6360 Filed 3-31-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Prohibited Use of Funds

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, 15 U.S.C. 661 et seq., as amended, it is proposed to amend, as set forth below, § 107.1001(a), Part 107 of Chapter I, Title 13 of the Code of Federal Regulations.

Prior to final adoption of such amendment, consideration will be given to any comments. Such comments should be submitted in writing, in triplicate, to the Investment Division, Small Business Administration, Washington, D.C. 20416, on or before May 1, 1975.

Information. The proposed revision of § 107.1001(a) would liberalize the prohibition against financing for relending or reinvestment. As proposed to be amended, this regulation would permit Venture Capital financing of Disadvantaged Concerns engaged in lending and relending except for banks and savings and loan associations that are not federally insured, and agricultural credit companies. The present restriction that such Disadvantaged Concerns must be organized for less than 5 years, has been deleted.

The most critical problem facing Disadvantaged Concerns engaged in relending and reinvesting is the lack of adequate capital. As a result, their involvement in the economic development effort in their community is seriously restricted.

It is hoped that the liberalization of the prohibition against financing for relending and reinvestment will increase the lending activity of Disadvantaged financial institutions to socially and economically disadvantaged businesses directly as well as in participation with the Small Business Administration under the guaranteed loan program.

The regulation, as proposed to be amended, continues the prohibition for banks and savings and loan associations that are not federally insured, and agricultural credit companies.

In addition, without SBA's prior approval, the total financings permitted under the liberalised regulation may not exceed a licensee's private capital as of the close of any full fiscal year.

As amended, § 107.1001(a) will read as follows:

§ 107.1001 Prohibited uses of funds.

No funds may be provided to a Small Concern:

(a) *Relending, reinvesting, etc.* For relending or reinvesting, if its primary business activity involves, directly or indirectly, providing funds to others, the purchase of debt obligations, factoring, or long-term leasing of equipment with no provision for maintenance or repair: *Provided, however*, That Venture Capital Financing (as defined in § 107.202(b)) of any Disadvantaged Concern engaged primarily in relending or reinvesting activities shall be permitted, except for banks and savings and loan associations not insured by agencies of the Federal Government, and agricultural credit companies. Without SBA's prior written approval, all Financings pursuant to this proviso shall not exceed the Licensee's Private Capital as of the close of any full fiscal year.

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Dated: March 24, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-6322 Filed 3-31-75;8:45 am]

[1] 39 FR 40787, November 20, 1974.

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-5130]

STUDY GROUP 5 OF THE NATIONAL COMMITTEE FOR THE INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE (CCITT)

Meeting

The Department of State announces that Study Group 5 of the U.S. CCITT National Committee will meet on April 29, 1975, at 10:30 a.m. in Room 6802, U.S. Department of Commerce, 14th Street NW., Washington, D.C. This Study Group deals with matters in telecommunications relating to the development of the international digital data transmission services.

The agenda of the February 6 meeting will include consideration of the following:

1. Planned attendance for the meetings of CCITT Special Study Group A May 20–27, 1975, and Study Group VII of May 28–June 6, 1975.
2. Final review of contributions to the above meetings.
3. Reports of meetings of Rapporteur Groups on 9600 bps modems and on Packet Switching.
4. Other business.

Members of the general public who desire to attend the meeting on April 28 will be admitted up to the limit of the capacity of the meeting room.

RICHARD T. BLACK,
Chairman,
U.S. National Committee.

MARCH 25, 1975.

[FR Doc.75-6406 Filed 3-31-75;8:45 am]

DEPARTMENT OF DEFENSE

Air Force

AIR FORCE ACADEMY BOARD OF VISITORS

Meeting

MARCH 26, 1975.

The Air Force Board of Visitors will hold a meeting at the Air Force Academy, Colorado Springs, Colorado, on April 16–20, 1975. This meeting will fulfill the requirements of 10 U.S.C. 9355(d) for the Board to meet at the Academy annually to inquire into matters of morale, discipline, curriculum, instruction, physical equipment, fiscal affairs, academic matters and other matters relating to the Academy which the Board decides to consider.

The portions of this meeting which are open to the public are as follows:

April 17, 1975, 9:30 a.m.–10:40 a.m.
April 18, 1975, 9 a.m.–11:20 a.m.

These open sessions will be in the Academy Superintendent's Conference Room, Harmon Halle. Military/Academic balance, selection of the Class of 1979, results of the GAO costing study, cadet wing leadership, and basic training are among the topics on the tentative agenda during the open session.

The remainder of the meeting will consist of matters listed in 5 U.S.C. 552(b)(2), (5), and (6); and, therefore, is closed to the public. The closed portions of the meeting will pertain to internal Academy policies procedures, and personnel matters.

For further information, contact Air Force Academy Activities Group, Headquarters United States Air Force, Washington, D.C. 20330, 202–697–7116.

JAMES E. DAGWELL,
Chief, Documentation Management Branch, Directorate of Administration.

[FR Doc.75-6276 Filed 3-31-75;8:45 am]

MILITARY AIRLIFT COMMITTEE OF THE NATIONAL DEFENSE TRANSPORTATION ASSOCIATION

Meeting

MARCH 26, 1975.

The NDTA Military Airlift Committee, serving as an industry advisory committee, will hold a meeting at Travis Air Force Base, California. The dates, times, and tentative agenda are as follows:

MAY 6, 1975 (P.M.)

1—Meeting convenes.
1:15—Special guest speaker.
2—Special handling arrangements—wide-bodied aircraft in MAC operations.
2:30—Generation and visibility of cargo through the MAC CONUS aerial port.
3—Break.
3:15—Container, terminal handling and loading systems.
4—Adjournment.

MAY 9, 1975 (A.M.)

8:30—Meeting reconvenes.
8:35—Project INTACT air cargo loading demonstration.
9:05—Cargo handling developments.
9:35—Ground support systems.
10:05—Break.
10:15—Travis air cargo terminal briefing.
10:30—Tour of air cargo terminal.
12—Adjournment.

The meeting is open to the public; however, the public may not participate in the proceedings or question the briefers and committee members. If an individual wishes to make a formal oral statement germane to the meeting, he may submit a formal application, including the substance of the statement, in advance of the meeting, to the Commander, Military Airlift Command, attention Executive Agent, Military Airlift Committee, Scott Air Force Base, Illinois 62225. Formal written statements may be submitted to the Commander at any time before or after the meeting.

For additional information concerning this meeting, contact Colonel E. Scott Minnich at 618–256–3025.

JAMES E. DAGWELL,
Chief, Documentation Management Branch, Directorate of Administration.

[FR Doc.75-6275 Filed 3-31-75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

JERDAN CHEMICAL CORP.

Importer of Controlled Substance Registration

By notice dated February 3, 1975, and published in the FEDERAL REGISTER on February 7, 1975; (40 FR 5797) Jerdan Chemical Corporation, 181 South Franklin Avenue, Valley Stream, New York 11581, made application to the Drug Enforcement Administration to be registered as an importer of Methaqualone, a basic class controlled substance listed in Schedule II.

No comments or objections having been received, and, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970, and in accordance with 21 CFR 1311.42, the above firm is granted registration as an importer of Methaqualone.

Dated: March 25, 1975.

JOHN R. BARTELS, JR.,
Administrator, Drug Enforcement Administration.

[FR Doc.75-6430 Filed 3-31-75;8:45 am]

SANDOZ, INC.

Importation of Controlled Substances Application

Pursuant to section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedules I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with § 1311.42 of Title 21, Code of Federal Regulations, notice is hereby given that the following importers made application to the

V 40 163
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Drug Enforcement Administration to be registered as importers of the basic class of controlled substance listed below.

Sandoz, Inc., Sandoz Pharmaceuticals, 59 Route 10, East Hanover, New Jersey 07936 (December 13, 1974):

Drug:	Schedule
Codeine	II

National Pharmaceutical Mfg., Co. Inc. 4126 Hayward Avenue, Baltimore, Maryland 21215 (February 10, 1975):

Drug:	Schedule
Hydrocodone	II
Codeine	II
Opium Extracts	II

Any interested party, entitled to a hearing may, on or before May 8, 1975, file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street, NW, Washington, D.C. 20537.

Dated: March 26, 1975.

JOHN R. BARTELS, Jr.,
Administrator, Drug Enforcement Administration.

[FR Doc.75-8418 Filed 3-31-75;8:45 am]

SMITH, KLINE CORP.

Importation of Controlled Substances Application

Pursuant to section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedules I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with § 1311.42 of Title 21, Code of Federal Regulations, notice is hereby given that on February 21, 1975, Smith, Kline & French Laboratories, Division of Smith, Kline Corporation, 1500 Spring Garden Street, Philadelphia, Pennsylvania 19101, made application to the Drug Enforcement Administration to be registered as an Importer of Amobarbital, a basic class controlled substance listed in schedule II.

Any person registered to manufacture Amobarbital in bulk may, on or before May 8, 1975, file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street, NW, Washington, D.C. 20537.

Dated: March 26, 1975.

JOHN R. BARTELS, Jr.,
Administrator, Drug Enforcement Administration.

[FR Doc.75-8419 Filed 3-31-75;8:45 am]

Law Enforcement Assistance Administration

NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

Establishment

In order to assist state and local governments in their efforts to reduce crime and improve the criminal justice system by means of developing standards and goals which will provide those governmental entities with guidance and direction in those efforts, the Law Enforcement Assistance Administration hereby determines that it is in the public's interest and appropriate and consistent with the purposes of the Crime Control Act of 1973, Pub. L. 93-83 to establish the National Advisory Committee on Criminal Justice Standards and Goals. Accordingly, the Administration hereby establishes the National Advisory Committee on Criminal Justice Standards and Goals in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. 92-463.

1. *Designation.* The Committee shall be known as the National Advisory Committee on Criminal Justice Standards and Goals.

2. *Purpose.* The responsibilities of the Committee will be advisory in nature. Specifically, the Committee will be developing standards and goals in five functional areas—Juvenile Delinquency, Research and Development, Organized Crime, Civil Disorders and Terrorism, and Private Security. These standards and goals which are advisory and primarily directed to the state and local government officials will be published in five separate volumes through LEAA and the Government Printing Office.

3. *Establishment Date and Termination Date.* The Committee will be established 15 days after publication of this notice in the Federal Register at which time the Committee's Charter will be filed with the Senate Committee on Judiciary, House Committee on Judiciary, and the Library of Congress as required by Pub. L. 93-463. The Committee will terminate no later than two years from that date.

4. *Meetings.* The Committee and subordinate task forces will meet quarterly or as required to carry out its purpose and fulfill its duties.

5. *Membership.* Membership of the Committee will consist of prominent state and local officials, representatives of the private sector and academic community and representatives of the general public not necessarily identified with any of the foregoing described functional areas of interest to the Committee. The membership reflects as much balance in geographic, minority group, female, youth, professional, consumer, state and local government and other representation as the LEAA program officials aware of the functional areas being advised by this Committee believe can be reasonably achieved at this time in the circumstances under which its operations are required without impairing the effectiveness of the Committee or significantly reducing the quality of its expertise.

6. *Designated Federal Employee.* Mr. William T. Archey, Acting Director, Policy Analysis Division, Office of Planning and Management, is designated as the LEAA employee to fulfill the duties as required by Pub. L. 92-463 and OMB Circular No. A-63.

7. The Committee will operate pursuant to the provisions of the Federal Advisory Committee Act, Pub. L. 92-463, OMB Circular No. A-63 and any additional orders and directives issued in implementation of the Act.

RICHARD W. VELDE,
Administrator.

MARCH 26, 1975.

[FR Doc.75-8501 Filed 3-31-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 4606; Survey Group 148]

FLORIDA

Amended Filing of Plat of Survey

MARCH 24, 1975.

On Thursday, December 24, 1970, in the FEDERAL REGISTER, Volume 35, page 19583, Doc. 70-17318, there appeared an amendment of the notice of filing of a survey plat of omitted lands in T. 50 S., R. 25 E., Tallahassee Meridian, Collier County, Florida. Paragraph number 4 of that notice should read:

4. Lot 6, Section 35 and Lots 10, 13 and 16, Section 36 were found to be over 50 percent swamp in character within the interpretation of the Swampland Grant Act of September 28, 1850. Title to these lands inured to the State of Florida as of that date, and these lands are, therefore, open only to selection by the State under that Act.

LOWELL J. UDY,
Director, Eastern States.

[FR Doc.75-8404 Filed 3-31-75;8:45 am]

National Park Service

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK

General Plan; Hearings

Notice is hereby given that the National Park Service will hold a series of public hearings at the times and places listed below to receive comments from interested persons, organizations, and agencies on an environmental assessment for the proposed general plan for the development and management of the Chesapeake and Ohio Canal National Historical Park. This historical park is located in Allegany, Washington, Frederick and Montgomery Counties, Maryland, and in the District of Columbia. Hearings will be held in each of these jurisdictions as follows:

Wednesday, May 7, 1975, 8 p.m., Town Hall, Cumberland, Maryland.
Wednesday, May 14, 1975, 8 p.m., Visitor Center, Antietam National Battlefield Park, Sharpsburg, Maryland.
Wednesday, May 21, 1975, 8 p.m., Town Hall, Brunswick, Maryland.
Wednesday, May 28, 1975, 8 p.m., Town Hall, Glen Echo, Maryland.
Wednesday, June 4, 1975, 8 p.m., Palisades Field House, Dana and Sherrier Place, NW., Washington, D.C.

A copy of the environmental assessment may be obtained from the Superintendent, Chesapeake and Ohio Canal National Historical Park, P.O. Box 158, Sharpsburg, Maryland 21782, or from Room 208 of the National Capital Parks Headquarters building at 1100 Ohio Drive, SW., Washington, D.C. 20242.

Interested individuals, representatives of organizations, and public officials are invited to express their views in person at the aforementioned meetings. Registration for those who wish to present prepared testimony will occur at the hearing. It is requested that a copy of the testimony be made available for the transcriber of the hearings.

Time limitations may make it necessary to limit the length of oral presentations to five minutes and to restrict to one person, the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Hearing Officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record.

After presentation of oral statements by those who have registered, the Hearing Officer will give others present an opportunity to be heard.

Those not wishing to appear in person may submit written statements on the assessment for inclusion in the official record. Following the final public hearing, the hearing record will be held open until July 7 for receipt of written statements to be included in the record. All comments should be addressed to Mr. John G. Parsons, Chief, Planning Coordination, National Capital Parks, 1100 Ohio Drive, SW., Washington, D.C. 20242

Dated: March 19, 1975.

MANUS J. FISH, Jr.,
Director, National Capital Parks.

[FR Doc.75-8377 Filed 3-31-75;8:45 am]

DANNY STAPLES

Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; (16 U.S.C. 20)), public notice is hereby given that on May 1, 1975, the Department of the Interior, through the Superintendent, Ozark National Scenic Riverways, proposes to issue a concession permit to Danny Staples, authorizing him to provide concession facilities and service for the public at Ozark National Scenic Riverways for a period of five (5) years from April 16, 1975 through April 15, 1980.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the human environment, and that it is not a major Federal action under the National Environmental Policy Act and the guidelines of the Council on Environmental Quality. The environmental assessment may be reviewed in the Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, Nebraska and the Headquarters of the Ozark National Scenic Riverways, Van Buren, Missouri.

The foregoing concessioner has performed his obligations under the expired permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before May 1, 1975.

Interested parties should contact the Superintendent, Ozark National Scenic Riverways, for information as to the requirements of the proposed permit.

RANDALL R. POPE,
Superintendent.

FEBRUARY 24, 1975.

[FR Doc.75-8385 Filed 3-31-75;8:45 am]

INDIANA DUNES NATIONAL LAKESHORE ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Indiana Dunes National Lakeshore Advisory Commission will be held at 9 a.m., c.s.t., on Wednesday, April 16, 1975, at the Portage City Council Chambers, Portage City Hall, 2nd Floor, 6070 Central Avenue, Portage, Indiana 46368.

The purpose of the Advisory Commission is to consult with the Secretary of the Interior on general policies and specific matters relating to the administration and development of the Indiana Dunes National Lakeshore.

The members of the Advisory Commission are as follows:

Mr. William L. Lieber, Indianapolis, Indiana (Chairman)
Mr. Harry W. Frey, Michigan City, Indiana
Mrs. Ione T. Harrington, Chesterton, Indiana
Mr. John A. Hillenbrand, II, Batesville, Indiana
Mr. James Martin, Beverly Shores, Indiana
Mr. Harold G. Rudd, Portage, Indiana
Mr. John R. Schnurlein, Valparaiso, Indiana.
Mr. William L. Staehle, Gary, Indiana (Consultant)

The purpose of the meeting is to discuss and formulate a position on pending legislation relating to the enlargement of the Indiana Dunes National Lakeshore.

The meeting will be open to the public. However, space is limited, and it is expected that approximately 90 people will be able to attend the meeting. Any person may file a written statement concerning the matters to be discussed.

Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact James R. Whitehouse, Superintendent, Indiana Dunes National Lakeshore, Route 2, Box 139A, Chesterton, Indiana 46304 (Telephone: 219-926-7561).

Minutes of the meeting will be available for public inspection approximately 3 weeks after the meeting at the Superintendent's Office, located at the intersection of State Park Road and U.S. Highway 12 in Chesterton.

Dated: March 26, 1975.

ROBERT M. LANDAU,
Deputy Associate Director, Legislation.

[FR Doc.75-8450 Filed 3-31-75;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, and Corrections

By notice in the FEDERAL REGISTER of February 4, 1975, Part II, there was published a list of the properties included in the National Register of Historic Places. Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 C.S.C. 470 et seq. (1970 ed.), and the procedures of the Advisory Council on Historic Preservation, 36 C.F.R. Part 800.

The following properties have been added to the National Register since December 31, 1974. National Historic Landmarks are designated by NHL; properties recorded by Historic American Buildings Survey are designated by HABS; properties recorded by Historic American Engineering Record are designated by HAER.

ALABAMA

Clarke County

Grove Hill vicinity, *Fort Sinquefield*, SE of Grove Hill off AL 12 (12-31-74).

Crenshaw County

Highland Home vicinity, *Kirkpatrick House*, W of Highland Home on U.S. 331 (2-25-75).

V 40 63
APR 1 75

Houston County

Dothan, *Federal Building and U.S. Courthouse*, 100 W. Troy St. (12-31-74).

Lamar County

Sulligent, *Smithson, James Grey, House (Forrest Home)*, Wolf Rd. (2-13-76) HABS.

Marshall County

Albertville, *Albertville Depot (L & N Railroad Depot)*, E. Main St. (2-20-75).

Montgomery County

Montgomery, *St. John's Episcopal Church*, 113 Madison Ave. (2-24-75).

St. Clair County

Asheville vicinity, *Looney House*, 5 mi. W of Asheville on the Greensport Rd. (12-31-74).

Talladega County

Talladega, *Sonyae Hall*, Talladega College campus (12-2-74) NHL.

Tuscaloosa County

Tuscaloosa, *Druid City Historic District*, roughly bounded by 16th Ave., 21st Ave., Queen City Park, and 15th St. (2-24-75) HABS.

ARIZONA

Coconino County

Sedona vicinity, *Mayhew's Lodge (Thomas House)*, 10.5 mi. N of Sedona on U.S. 89A (2-21-75).

Maricopa County

Carefree vicinity, *Rawhideras Pueblo Site*, NE of Carefree in Tonto National Forest (1-17-75).

Santa Cruz County

Nogales vicinity, *Kitchen, Pete, Ranch*, 3.5 mi. N of Nogales off U.S. 89 (2-20-75) HABS.

Yavapai County

Camp Verde vicinity, *Clear Creek Pueblo and Caves*, 4 mi. SE of Camp Verde in Coconino National Forest (2-10-75).

Sedona vicinity, *Lee Butte Pueblo*, 12 mi. NW of Sedona in Coconino National Forest (2-10-75).

ARKANSAS

Hempstead County

Oman vicinity, *Goodlett Gin*, 3 mi. W of Oman on AR 4 (1-17-75).

CALIFORNIA

Colusa County

Colusa vicinity, *Grand Island Shrine*, 8 mi. S of Colusa on CA 45 (12-31-74).

Fresno County

Fresno, *Meux House*, 1007 R St. (1-13-75).

Inyo County

Furnace Creek vicinity, *Eagle Borax Works*, in Death Valley S of Furnace Creek (12-31-74).

Keeler vicinity, *Saline Valley Salt Tram Historic Structure*, W of Keeler between Cerro Gordo Peak and New York Butte (12-31-74).

Stovepipe Wells vicinity, *Harmony Borax Works*, in Death Valley S of Stovepipe Wells off CA 190 (12-31-74).

Monterey County

King City vicinity, *Cueva Pintada (Painted Cave)*, 10 mi. SW of King City in Hunter Liggett Military Reservation (2-13-75).

Lucia vicinity, *Kirk Creek Campground Site*, S of Lucia on CA 1 (12-31-74).

Orange County

Santa Ana, *Rose-Wells House and Carriage House*, 702 North St. (2-26-75).

San Diego County

San Diego, *U.S. Courthouse*, 325 W. F St. (1-29-75).

San Francisco County

San Francisco, *City of Paris Building*, 121-199 Geary St. (1-23-75).

San Francisco, *Hercules* (tugboat), San Francisco Maritime State Historical Park (1-17-75).

San Francisco, *U.S. Customhouse*, 555 Battery St. (1-29-75).

Santa Cruz County

Santa Cruz, *Neary-Rodriquez Adobe*, 130-134 School St. (2-24-75).

Shasta County

Lassen Volcanic National Park, *Loomis Visitor Center, bldg. 43* (2-25-75).

COLORADO

Boulder County

Longmont, *St. Stephen's Episcopal Church, 1881*, 470 Main St. (2-24-75).

Denver County

Denver, *Belcaro (Phipps House)*, 3400 Belcaro Dr. (2-10-75).

Denver, *Cathedral of the Immaculate Conception*, NE corner of Colfax Ave. and Logan St. (2-2-75) HABS.

Denver, *Fitzroy Place*, 2160 S. Cook St. (2-20-75).

Dolores County

Rico, *Rico City Hall*, NE corner of Commercial and Mantz Sts. (12-31-74).

El Paso County

Colorado Springs vicinity, *Pioneer Cabin*, 11 mi. N of Colorado Springs off I 25 on grounds of U.S. Air Force Academy (1-27-75).

Jefferson County

Evergreen, *Humphrey House*, 620 S. Soda Creek Rd. (12-31-74).

Golden vicinity, *Rooney Ranch*, S of Golden, intersection of Rooney Rd. and Alameda Pkwy. (2-13-75).

Mesa County

Molina vicinity, *Convicts' Bread Oven*, W of Molina on CO 65 (12-31-74).

Moffat County

Brown's Park, *Old Ladore School*, by Green River on S.R. 318 (2-24-75).

CONNECTICUT

Hartford County

Glastonbury, *Kimberly Mansion*, 1626 Main St. (9-19-74) NHL.

Hartford, *Church of the Good Shepherd and Parish House*, 155 Wyllys St. (2-20-75).

DELAWARE

Kent County

Delaware Boundary Markers, state boundary lines between DE-MD/DE-PA, also in Sussex and New Castle counties (2-18-75).

Kenton vicinity, *Somerville*, 1 mi. E of Kenton on DE 42 (12-31-74).

New Castle County

Delaware Boundary Markers, see Kent County.

Montchanin, *Broom, Jacob, House*, (12-8-74) NHL.

Sussex County

Delaware Boundary Markers, see Kent County.

Bethel, *Bethel Historic District*, 0.6 mi. W of Laurel (2-10-75) HABS.

Bridgeville, *Sudler House*, N. Main St. (12-31-74).

DISTRICT OF COLUMBIA

American Federation of Labor Building, 901 Massachusetts Ave. NW (9-19-74) NHL.

American Peace Society, 734 Jackson Pl. NW (9-19-74) NHL.

Carnegie Endowment for International Peace, 700 Jackson Pl. (9-19-74).

Gompers, Samuel, House, 2122 First St. NW (9-19-74) NHL.

Howard, Gen. Oliver Otis, House, 607 Howard Pl. NW (9-19-74) NHL.

FLORIDA

Dade County

Coconut Grove, *First Coconut Grove School*, 3429 Devon Rd. (1-21-75).

Coconut Grove, *Pan American Seaplane Base and Terminal Building*, 3500 Pan American Dr. (2-20-75).

Miami, *Jackson, Dr. James M., Office*, 190 S. E. 12th Ter. (2-24-75).

Franklin County

Eastpoint vicinity, *Porter's Bar Site*, 2 mi. NE of Eastpoint off U.S. 319 (1-23-75).

Gadsden County

Quincy, *Stockton-Curry House*, 121 N. Duval St. (12-31-74).

Quincy vicinity, *Old Philadelphia Presbyterian Church*, 5 mi. N of Quincy off FL 65 (2-24-75).

Volusia County

Daytona Beach, *Bethune, Mary McLeod, House* (12-2-74) NHL.

GEORGIA

Clarke County

Athens, *Church-Waddel-Bumby House*, 280 E. Dougherty St. (2-20-75).

Fort Gaines, *George, Walter F., Dam Mound*, SE of Walter F. George Lock and Dam (1-21-75).

Cobb County

Marietta vicinity, *Gilgal Church Battle Site* (Federal entrenchments), 2 mi. W of Marietta on Sandtown Rd. (1-23-75).

Dougherty County

Albany, *Union Depot (Terminal Station)*, Roosevelt Ave. and N. Front St. (2-13-75).

Fulton County

Atlanta, *Stone Hall*, Atlanta University campus (12-2-74) NHL.

Troup County

LaGrange, *Heard-Dallis House*, 205 Broad St. (3-4-75).

LaGrange vicinity, *Liberty Hill*, NW of LaGrange on Liberty Hill Rd. (2-24-75).

GUAM

Inarajan, *North Inarajan Site*, 2.3 mi. NW of Inarajan Village (2-21-75).

Talofofo, *South Talofofo Site*, 1.3 mi. SW of Talofofo Village (2-24-75).

HAWAII

Honolulu County

Honolulu, *U.S. Post Office, Customhouse, and Courthouse*, 335 Merchant St. (1-27-75).

IDAHO

Gooding County

Hagerman vicinity, *Priestly's Hydraulic Ram*, 6 mi. S of Hagerman at Thousand Springs (2-13-75).

ILLINOIS

Clark County

Marshall vicinity, *Old Stone Arch, National Road*, Archer St. (2-20-75).

Cook County

Park Ridge, *Pickwick Theater Building*, 5 S. Prospect Ave. (2-24-75).

Gallatin County

Old Shawneetown, *Marshall, John, House Site*, off IL 13 (1-21-75).

Henderson County

Oquawka vicinity, *Oquawka Wagon Bridge*, 2.5 mi. S of Oquawka across Henderson Creek (2-24-75).

Marion County

Salem, *Bryan, William Jennings, Boyhood Home*, 408 S. Broadway (2-18-75).

INDIANA

Knox County

Vincennes, *Vincennes Historic District*, bounded by Willow, 11th, and College Sts., and the Wabash River (12-31-74).

Lake County

East Chicago, *Marktown Historic District*, bounded by Pine, Riley, Dickey, and 129th Sts. (2-20-75).

Orange County

Paoli, *Orange County Courthouse*, Public Sq. (2-24-75) HABS.

St. Joseph County

South Bend, *West Washington Historic District*, irregular pattern roughly bounded by Main St., Western Ave., W. La Salle Ave., and McPherson St. (1-17-75).

Wayne County

Cambridge City, *Conklin-Montgomery House*, 302 E. Main St. (2-24-75).

Milton vicinity, *Beechwood (Isaac Kinsey House)*, 2 mi. S of Milton on Sarver Rd. (2-21-75).

Richmond, *Gaar, Abram, House and Farm*, 2411 Pleasant View Rd. (2-20-75).

IOWA

Dallas County

Dexter, *Dexter Community Center*, 707 Dallas St. (3-3-75).

Delaware County

Manchester vicinity, *Coffin's Grove Stagecoach House (Henry Baker House)*, 3 mi. W of Manchester (2-20-75).

Hardin County

Iowa Falls, *Metropolitan Opera House*, 515 Washington St. (2-20-75).

Ida County

Holstein, *Turner Hall*, SE corner of Keil and 2nd Sts. (1-22-75).

KANSAS

Anderson County

Harris vicinity, *Tipton, Samuel J., House*, 4 mi. SW of Harris (1-23-75).

Douglas County

Lawrence, *Old Lawrence City Library*, NW corner of 9th and Vermont Sts. (2-18-75).

Ellsworth County

Ellsworth vicinity, *Larkin, Arthur, House*, 0.35 mi. S of Ellsworth off KS 45 (2-24-75).

Shawnee County

Topeka, *Menninger Clinic Building*, 3617 W. 6th Ave. (2-13-75).

KENTUCKY

Bourbon County

Paris, *Bourbon County Courthouse*, Courthouse Sq. (12-31-74).

Fleming County

Elizaville vicinity, *Sousley, Franklin B., Birthplace*, 4 mi. SW of Elizaville on KY 170 (12-31-74).

Graves County

Fulton vicinity, *Meacham Manor*, 7 mi. E of Fulton off KY 116 (12-31-74).

Harrison County

Cynthiana, *Monticello*, Monticello Heights (12-31-74).

Jefferson County

Louisville, *Adath Israel Temple*, 834 S. 3rd St. (12-31-74).

Louisville, *Old Louisville Residential District*, irregular pattern roughly bounded by S. 7th St. on W, North-South Expwy. on E, Kentucky St. on N, and Avery St. on S (2-7-75).

Madison County

Berea, *Lincoln Hall*, Berea College campus (12-2-74) NHL.

Marshall County

Calvert City, *Oak Hall*, 26 Aspen St. (12-31-74).

Scott County

Georgetown, *Main Street Commercial District*, both side of E. Main from Mulberry to Broadway, S side from Elley Alley to Broadway (2-24-75).

Georgetown vicinity, *Payne, Gen. John, House*, 1.5 mi. W of Georgetown on U.S. 460 (3-3-75).

LOUISIANA

East Feliciana Parish

Clinton, *Courthouse and Lawyers' Row* (10-30-74) NHL.

Orleans Parish

New Orleans, *Dillard, James H., House*, 571 Audubon St. (12-2-74) NHL.

New Orleans, *Faubourg Marigny*, roughly bounded by Mississippi River, Esplanade Ave., Mariss St., and Montegut St. (12-31-74).

New Orleans, *Gallier Hall*, 545 St. Charles Ave. (10-30-74) NHL.

New Orleans, *St. Patrick's Church*, 724 Camp St. (10-30-74) NHL.

St. James Parish

Vacherie vicinity, *Oak Alley Plantation*, 2.5 mi. N of Vacherie off U.S. 18; NHL.

St. John the Baptist Parish

Reserve vicinity, *San Francisco Plantation House*, on LA 44 (10-30-74) NHL.

St. Landry Parish

Grand Coteau vicinity, *Sacred Heart Academy*, NE of Grand Coteau (2-18-75) HABS.

MAINE

Androscoggin County

Livermore Falls vicinity, *Livermore, Deacon Elijah, House*, 6 mi. S of Livermore Falls on Hillman's Ferry Rd. (2-24-75).

Cumberland County

Brunswick, *Boody, Henry, House*, Maine St. (2-24-75).

Yarmouth, *North Yarmouth Academy*, on ME 115 (3-4-75).

Hancock County

Mount Desert, *Somesville Historic District*, Somes Harbor and its environs (1-8-75).

Kennebec County

Togus, *Governor's House, National Home for Disabled Volunteer Soldiers* (9-19-74) NHL.

Oxford County

Hiram vicinity, *Watson, John, House*, 1 mi. NW of Hiram off ME 117 (12-31-74).

Sagadahoc County

Bath vicinity, *Days Ferry Historic District*, N of Bath along ME 128 (2-20-75).

MARYLAND

Anne Arundel County

Annapolis vicinity, *Thomas Point Shoals Light Station*, Kent Island, Chesapeake Bay (2-20-75).

Baltimore (independent city)

Johns Hopkins Hospital Complex, 601 N. Broadway (2-24-75).

Calvert County

Lusby vicinity, *Middleham Chapel*, 1 mi. SE of Lusby on U.S. 4 (2-20-75).

Cecil County

Charlestown, *Indian Queen Tavern and Black's Store*, Market St. between Bladen and Cecil Sts. (2-20-75).

Howard County

Savage, *Savage Mill Historic District*, N of Little Patuxent River, W of U.S. 1 (2-20-75).

Montgomery County

Clarksburg, *Clarksburg School*, S of intersection MD 121 and MD 355 (2-20-75).

Garrett Park, *Garrett Park Historic District*, roughly bounded by Baltimore and Ohio Railroad tracks, Rock Creek Park, and Flanders Ave. (1-31-75).

Washington County

Smithsburg vicinity, *Maples, The*, 2 mi. SW of Smithsburg on MD 66 (2-24-75).

Worcester County

Berlin vicinity, *Buckingham Archeological Site* (2-24-75).

MASSACHUSETTS

Barnstable County

Harwich, *Harwich Historic District*, irregular pattern on both sides of Main St. W to Forest St. and E to jct. of Rte. 39 and Chatham Rd. (2-24-75).

Berkshire County

Ashley Falls vicinity, *Ashley, Col. John, House*, W of Ashley Falls on Copper Hill Rd. (2-10-75).

Essex County

Andover, *Abbot, Benjamin, House*, 9 Andover St. (2-24-75).

Danvers, *Salem Village Historic District*, irregular pattern along Ingersoll, Hobart, Centre, and Collins Sts., as far N as Brentwood Cir., and S to Mello Pkwy. (1-31-75).

Middlesex County

Framingham, *Framingham Railroad Station*, 417 Waverly St. (1-17-75).

V 40 163 APR 1 75

Hudson, *Goodale Homestead*, 100 Chestnut St. (1–21–75).
Medford, *Bigelow Block*, NE corner of Forest and Salem Sts. (2–24–75).

Norfolk County

Milton, *Hutchinson, Gov. Thomas, Ha-Ha*, 100, 112 Randolph Ave. (2–13–75).

Suffolk County

Boston, *Gridley, Samuel, and Howe, Julia Ward, House*, 13 Chestnut St. (9–19–74) NHL.
Boston, *South Station Headhouse*, Atlantic Ave. and Summer St. (2–13–75).

Worcester County

Boylston, *Gough, John B., House*, 215 Main St. (9–19–74) NHL.
Harvard, *Fruitlands*, Prospect Hill (9–19–74) NHL.
Worcester, *Kelley, Abigail, and Foster, Stephen Symonds House*, 116 Mower St. (9–19–74) NHL.

MICHIGAN

Branch County

Coldwater, *Wing House*, 2 S. Jefferson St. (2–24–75).

Calhoun County

Marshall, *Governor's Mansion*, 621 S. Marshall Ave. (1–8–75

Hillsdale County

Hudson, *Treadwell, William, House*, 446 N. Meridan Rd. (12–31–74)

Iron County

Crystal Falls, *Iron County Courthouse*, W end of Superior Ave. (2–24–75)

Lenawee County

Onsted vicinity, *Wheeler, Nathaniel S., House*, N of Onstead at 7275 MI 50 (2–24–75)

Washtenaw County

Saline, *Davenport, William H., House*, 300 E. *Michigan Ave.* (2–5–75)

Wayne County

Detroit, *Monroe Avenue Commercial Buildings*, 16–118 Monroe Ave. (2–13–75)
Detroit, *Wayne County Courthouse*, 600 Randolph St. (2–24–75)
Detroit, *Woodward East Historic District*, bounded by Watson, Alfred, Brush, and John R Sts. (1–21–75)

MINNESOTA

Blue Earth County

St. Clair vicinity, *Winnebago Agency House*, 1 mi. SE of St. Clair on CR 138 (2–20–75)

Goodhue County

Zumbrota, *Zumbrota Covered Bridge*, Zumbrota Covered Bridge Park off MN 58 (2–20–75) HABS

Hennipin County

Minneapolis, *Heyer, F. C., Company Building*, 256 N. 3rd St. (2–20–75).

Otter Tail County

Fergus Falls, *Pope, Henry G., House*, 219 N. Whiteford St. (2–5–75).
Phelps, *Phelps Mill (Maine Roller Mill)*, N side of confluence of Lion Lake with Otter Tail River (2–24–75).

Ramsey County

St. Paul, *Church of the Assumption*, 51 W. 9th St. (2–10–75)

Steele County

Medford vicinity, *Piper, Daniel S., House*, S of Medford off MN 3 (2–24–75)

Wabasha County

Lake City vicinity, *Bailly, Patrick Henry, House*, 3 mi. W of Lake City on CR 15 (2–13–75).

Washington County

Stillwater vicinity, *Stone Bridge*, NW of Stillwater crossing Browns Creek (2–24–75) HABS.

MISSISSIPPI

Adams County

Natchez, *Auburn*, Duncan Park (10–30–74) NHL.
Natchez, *Commercial Bank and Banker's House*, Main and Canal Sts. (10–30–74) NHL.
Natchez, *House on Ellicott's Hill*, N. Canal St. (10–30–74) NHL.
Natchez, *Melrose*, Melrose Ave. (10–30–74) NHL.
Natchez, *Stanton Hall*, High St. (10–30–74) NHL.

Lafayette County

Oxford, *Ammadelle*, 637 N. Lamar St. (10–30–74) NHL.

MISSOURI

Cooper County

Bunceton vicinity, *Ravenswood*, NW of Bunceton on MO 5 (2–24–75).

Jefferson County

Pevely vicinity, *Greystone*, NE of Pevely off U.S. 61/67 (12–31–74).

St. Louis (independent city)

St. Louis Air Force Station, 2nd and Arsenal St. (1–17–75).

MONTANA

Carbon County

Hardin vicinity, *Pretty Creek Archeological Site*, about 70 mi. S of Hardin in Big Horn Canyon National Recreation Area (1–17–75).

Flathead County

Kalispell, *Conrad, Charles E., Mansion*, 313 6th Ave. East (2–20–75).

NEBRASKA

Adams County

Hastings vicinity, *Thirty-Two Mile Station Site*, 6 mi. SW of Hastings (2–20–75).

Box Butte County

Marsland vicinity, *Running Water Stage Station Site (Hughes Ranche)*, 3 mi. SW of Marsland on Niobrara River (2–20–75).

Case County

Ashland vicinity, *Ashland Archeological Site*, 1 mi. SE of Ashland (2–10–75).

Keith County

Brule vicinity, *Beauvais Ranch Site (Star Ranche)*, 4 mi. SW of Brule (2–20–75).

Nance County

Fullerton vicinity, *Cunningham Archeological Site*, 3 mi. SE of Fullerton (2–13–75).

Platte County

Monroe vicinity, *Larson, Hanna, Archeological Site (Looking Glass Site)*, 4.5 mi. W of Monroe (2–20–75).

NEVADA

Clarke County

Las Vegas vicinity, *Hidden Forest Cabin*, about 20 mi. N of Las Vegas on Hidden Forest Rd. (2–20–75).

White Pine County

Baker vicinity, *Lehman Orchard and Aqueduct (No. 22)*, Lehman Caves National Monument (2–25–75).
Baker vicinity, *Rhodes Cabin (No. 19)*, Lehman Caves National Monument (2–25–75).

NEW HAMPSHIRE

Rockingham County

Exeter, *Ladd-Gilman House* (12–3–74) NHL.
Portsmouth, *Langdon, Gov. John, Mansion* (12–2–74) NHL.

NEW JERSEY

Bergen County

Ridgewood, *Paramus Reformed Church Historic District*, bounded by Franklin Tpke., NJ 17, Saddle River, S side of cemetery, and Glen Ave. (2–25–75).

Burlington County

Burlington, *Quaker School*, York and Penn Sts. (12–31–74).

Gloucester County

Glassboro, *St. Thomas Episcopal Church*, SE corner of Main and Focer Sts. (2–3–75) HABS.

Mercer County

Pennington, *Pennington Railroad Station*, corner of Franklin and Green Ave. (12–31–74).
Pennington vicinity, *Woolsey, Jeremiah, House*, SW of Pennington on Washington Crossing Rd. (1–27–75).

Middlesex County

New Brunswick, *New Jersey Hall*, 73 Hamilton St. (2–24–75).

Morris County

Mendham vicinity, *Ralston Historic District*, 1 mi. W of Mendham at NH 24 and Roxiticus Rd. (2–20–75) HABS.
Millington, *Boyle/Hudspeth–Benson House*, 100 Basking Ridge Rd. (2–10–75).
Morristown, *Factory—Speedwell Village*, 333 Speedwell Ave. (9–19–74) NHL.
Morristown, *Mill, Timothy, House*, 27 Mills St. (2–24–75) HABS.

Salem County

Alloway vicinity, *Dickinson House*, NE of Alloway on Brickyard Rd. (2–20–75) HABS.
Salem vicinity, *Nicholson, Sarah and Samuel, House*, 2 mi. S of Salem on Amwellbury Rd. (2–24–75).

Somerset County

Basking Ridge, *Presbyterian Church in Basking Ridge*, 6 E. Oak St. (12–31–74).

NEW MEXICO

McKinley County

Gallup vicinity, *Halona Pueblo (Zuni Pueblo)*, 36 mi. S of Gallup on NM 32 and NM 53 (2–10–75).

NEW YORK

Dutchess County

Rhinebeck vicinity, *Sands, Robert, Estate*, 1.5 mi. E of Rhinebeck at NY 308 and NY 9 (2–24–75).

Fulton County

Gloversville, *Kingsboro Historic District*, area surrounding Kingsboro Ave. Park to N side of Kingsboro Cemetery and S to include both sides of Gregory St. (2–24–75).

Jefferson County

Sackets Harbor, *Sackets Harbor Battlefield*, coastline and area from Sackets Harbor SW to and including Horse Island (12–31–74).

New York County

New York, *Association Residence Nursing Home*, 801 Amsterdam Ave. (2–20–75).
New York, *Grand Central Terminal*, 71–105 E. 42nd St. (1–17–75).
New York, *Henry Street Settlement and Neighborhood Playhouse*, 262–267 Henry St. and 466 Grand St. (9–19–74) NHL.
New York, *King Manor*, 150th St. and Jamaica Ave. (12–2–74) NHL.
New York, *Rockefeller Institute for Medical Research*, 66th St. and York Ave. (9–19–74) NHL.

Steuben County

Hornell, *Hornell Public Library*, 64 Genesee St. (2–24–75).

Westchester County

White Plains, *Westchester County Courthouse Complex*, bounded by Maritime Ave., and Grand, Main, and Court Sts. (1–17–75).

NORTH CAROLINA

Duplin County

Albertson vicinity, *Waterloo (Grady House)*, 2 mi. S of Albertson on NC 111 (1–8–75).

Franklin County

Louisburg vicinity, *Taylor, Patty Person, House*, NW of Louisburg (2–13–75).

Lincoln County

Reepsville vicinity, *Seagle, Andrew, Farm*, N of Reepsville off S.R. 1206 (2–24–75).

Northampton County

Jackson vicinity, *Mowfield*, 2 mi. W of Jackson on U.S. 158 (2–13–75).

Wake County

Raleigh, *Capehart House*, 403 N. Wilmington St. (1–17–75).
Raleigh, *Tucker Carriage House*, 100 block of St. Mary's St. (2–13–75).

NORTH DAKOTA

Billings County

Medora vicinity, *de Mores Packing Plant Ruins*, NW of Medora boundary (2–18–75).

Cass County

Fargo, *Northern Pacific Railway Depot*, 701 Main Ave. (2–13–75).

Steele County

Hope, *Baldwin's Arcade*, Steele Ave. and 3rd St. (2–18–75).

OHIO

Ashtabula County

Ashtabula, *Harmon, Francis E., House*, 1641 E. Prospect Rd. (2–24–75).
Ashtabula, *Park Avenue High School*, 4325 Park Ave. (1–17–75).
Austinburg, *Austin, Elphalet, House*, 1879 OH 45 (2–24–75).

Clermont County

Bantam vicinity, *Elk Lick Road Mound* (2–20–75).

Delaware County

Sunbury, *Sunbury Tavern (Hopkins House)*, NW corner OH 37 and Galena Rd. (2–24–75).
Sunbury, *Sunbury Township Hall*, Town Sq. (2–20–75).

Erie County

Sandusky, *Follett–Moss–Moss Residences*, 401, 414, 428 Wayne St. (12–31–74).
Sandusky, *Sloan, Rush E., House*, 403 E. Adams St. (2–24–75).

Franklin County

Columbus, *Sessions Village*, both sides of Sessions Dr. (2–20–75).

Fulton County

Delta vicinity, *Winameg Mounds*, NW of Delta (12–31–74).

Hamilton County

Cincinnati, *Cincinnati Zoo District*, Cincinnati Zoological Gardens (1–27–75).
North Bend vicinity, *Mt. Nebo Archeological District*, Mt. Nebo and Brower Rd. (2–3–75).

Huron County

Norwalk, *Benedict, Dr. David De Forest, House*, 80 Seminary St. (1–23–75).

Jackson County

Wellston vicinity, *Buckeye Furnace Covered Bridge*, 3 mi. SE of Wellston on S.R. 165 (2–24–75).

Mahoning County

Youngstown, *Idora Park Merry-Go-Round*, Idora Park on Canfield Rd. (2–6–75).

Miami County

Troy vicinity, *Eldean Covered Bridge*, N of Troy across Miami River on CR 33 (2–20–75).

Montgomery County

Dayton, *Classic Theater*, 815 W. 5th St. (2–10–75).
Dayton, *Dayton Woman's Club (Steele-Darst House)*, 225 N. Ludlow St. (2–24–75).
Dayton, *Kemp, Lewis, House*, 400 Burkhardt Ave. (1–23–75).

Summit County

Akron, *Jackson, Andrew, House (Odd Fellows Temple)*, 277 E. Mill St. (2–13–75).
Akron, *Stan Hywet Hall and Gardens*, 714 N. Portage Path (1–17–75).

Trumbull County

Warren, *Trumbull County Courthouse*, 160 High St. NW (12–31–74).

OKLAHOMA

Seminole County

Seminole, *Crisso, W. E., Mansion*, 612 Highway 9 East (1–27–75).

OREGON

Douglas County

Roseburg, *Floed, Creed, House*, 544 S.E. Douglas St. (12–31–74).

Marion County

Salem, *Boon, John D., House*, 260 12th St. NE (1–17–75).

PENNSYLVANIA

Adams County

Hanover vicinity, *Conewago Chapel*, 3 mi. NW of Hanover (1–29–75).

Allegheny County

Bethel vicinity, *Miller, James, House*, E of Bethel on Manse Dr. (1–17–75).

Beaver County

Darlington, *Greersburg Academy*, Market St. (2–24–75).

Butler County

Harmony, *Harmony District House* (9–19–74) NHL.

Fayette County

Brownsville, *Bowman's Castle*, Front St.

Franklin County

Fort Loudon vicinity, *Small House*, 4 mi. N of Fort Loudon on PA 75 (12–31–74).

Perry County

New Bloomfield, *Perry County Courthouse*, Center Sq. (2–24–75).

Philadelphia County

Philadelphia, *Dropsie University Complex*, Broad and York Sts. (1–17–75).

Potter County

Coudersport, *Potter County Courthouse*, E. 2nd St. (2–24–75).

Washington County

Gastonville vicinity, *Dusmal House*, E of Gastonville off Gilmore Rd. (2–24–75).

Westmoreland County

Ligonier, *Fort Ligonier Site*, S. Market St. (1–21–75).

York County

Wellsville, *Warrington Meetinghouse*, off PA 74 (2–20–75).

RHODE ISLAND

Providence County

Providence, *Cathedral of Saints Peter and Paul*, Cathedral Sq. (2–10–75) HABS.
Providence, *Customhouse Historic District*, bounded by Westminster, Exchange, Dyer, Pine, and Peck Sts. (2–20–75).
Providence, *Providence City Hall*, Dorrance and Washington Sts. (1–23–75).
Providence, *Union Station*, Exchange Ter. (2–20–75).

Washington County

North Kingstown, *Wickford Historic District*, roughly bounded by Tower Hill and Post Rds. and the harbor as for N as Mill Cove and S to Lindley Ave. (12–31–74).

SOUTH CAROLINA

Beaufort County

Frogmore, *Penn School* (12–2–74) NHL.

Dillon County

Latta vicinity, *Catfish Creek Baptist Church*, 5 mi. NW of Latta at intersection of CR 1741 and 1763 (1–17–75).

Edgefield County

Edgefield vicinity, *Pottersville*, 1 mi. N of Edgefield on SC 430 (1–17–75).

Lee County

Woodrow vicinity, *Rembert Church*, 1.5 mi. E of Woodrow on SC 37 (2–25–75).

Newberry County

Newberry, *Newberry Historic District*, bounded roughly by Friend, College, McKibben, and Harrington Sts. (12–31–74).

SOUTH DAKOTA

Clay County

Vermillion, *Vermillion Historic District*, bounded by N. Yale, E. Clark, Willow, and E. Main Sts. (2–24–75).

Yankton County

Yankton, *Yankton College Conservatory*, Yankton College campus (2–24–75).
Yankton, *Yankton Historic District*, bounded by Marne Creek and 4th St., and includes both sides of Cedar and Mulberry Sts. (2–13–75).

TENNESSEE

Blount County

Maryville, *Anderson and Memorial Halls*, Maryville College campus (2–20–75).

Greene County

Greeneville vicinity, *Doak, Samuel, House*, 2.5 mi. E of Greeneville on U.S. 11/411 (2–18–75).

V 40 163 APR 1 75

Smith County

Dixon Springs, *Dixon Springs District*, 1.75 mi. NE of Cumberland River (3-10-75).

Cochise County

Livingston, *Roberts, Gov. Albert H., Law Office*, 114 E. Main St. (2-20-75) HABS.

TEXAS

Bexar County

San Antonio, *Church of Nuestra Senora de la Candelaria y Guadalupe*, 115 Main Ave. (2-25-75) HABS.

San Antonio, *Walker Ranch*, N of San Antonio between West Ave. and Blanco Rd. (2-25-75).

Fayette County

LaGrange, *Fayette County Courthouse and Jail*; Courthouse Sq. and 104 Main St. (1-28-75).

Warrenton, *Nance, William Sr., Homestead*, TX 237 (2-18-75) HABS.

Harrison County

Marshall, *Pemberton Historic District*, bounded by Grand Ave., and N. Franklin, Willow, and Lake Sts. (12-31-74).

Kendall County

Sisterdale, *Sisterdale Valley District*, Rte. 1376 (1-8-75).

Potter County

Amarillo, *Bivins House*, 1000 Polk St. (12-31-74).

VERMONT

Franklin County

Montgomery vicinity, *West Hill Covered Bridge*, 3.2 mi. S of Montgomery across West Hill Brook (12-31-74).

VIRGINIA

Brunswick County

Lawrenceville, *Brunswick County Courthouse Square*, U.S. 58 (12-31-74).

Essex County

Champlain vicinity, *Glebe House of Saint Anne's Parish*, 1.5 mi. NE of Champlain on N bank of Farmers Hall Creek (3-3-75) HABS.

Henrico County

Glenallen, *Randolph, Virginia, Cottage* (12-3-74). NHL.

Loudoun County

Leesburg vicinity, *Morven Park*, 1 mi. NW of Leesburg off U.S. 15 (2-18-75).

Prince William County

Haymarket, *St. Paul's Episcopal Church*, off VA 55 (1-29-75).

Rockingham County

Singers Glen, *Funk, Joseph, House*, VA 613 (2-24-75).

Stafford County

Falmouth, *Clearview*, off Telegraph Rd., 0.3 mi. E. of intersection of VA 664 and U.S. 1 (2-24-75).

WASHINGTON

Clark County

Ridgefield vicinity, *Lancaster, Judge Columbia, House*, N of Ridgefield on Lancaster Rd. (2-20-75).

Columbia County

Dayton, *Columbia County Courthouse*, 341 E. Main (2-14-75).

Cowlitz County

Kelso, *Smith, Nat, House*, 116 W. Grant St. (2-3-75).

King County

Seattle, *Barnes Building*, 2330-2332 First Ave. (2-24-75).

Seattle, *Ronald, Judge James T., House*, 421 30th South (2-20-75).

Pierce County

Tacoma, *Samson Hotel*, 1156 S. Fawcett St. (2-18-75).

Spokane County

Spokane, *Review Building*, SE corner, Riverside Ave. and Monroe St. (2-24-75).

WEST VIRGINIA

Ohio County

Wheeling, *Center Wheeling Market*, Market St. between 22nd and 23rd Sts. (2-20-75).

WISCONSIN

Bayfield County

Washburn, *Bayfield County Courthouse*, 117 E. 5th St. (1-17-75).

Dane County

Daleyville vicinity, *Hauge Log Church*, 1 mi. N of Daleyville off CR Z (12-31-74).

Grant County

Cassville, *Denniston House*, 117 E. Front St. (2-20-75).

Green County

Monroe, *First Methodist Church*, corner of 11th St. and 14th Ave. (2-25-75).

Jackson County

Alma Center vicinity, *Silver Mound Archeological District*, between Hixton and Alma Center on WI 95 (1-17-75).

Jefferson County

Aztalan, *Pioneer Aztalan Site*, SE corner of intersection of CR B and CR Q (2-25-75).

Milwaukee County

Milwaukee, *Allis, Charles, House*, 1630 E. Royall Pl. (1-17-75).

Racine County

Racine, *Johnson, Herbert F., House (Wingspread)*, 33 E. 4 Mile Rd. (1-8-75).

Rock County

Beloit, *First Congregational Church*, 801 Bushnell St. (1-23-75).

Beloit, *Rasey House*, 517 Prospect St. (12-27-74).

Walworth County

Whitewater vicinity, *Heart Prairie Lutheran Church*, S of Whitewater on Town Line Rd. (12-27-74).

WYOMING

Big Horn County

Cody vicinity, *Bridger Immigrant Road—Dry Creek Crossing*, 26 mi. E of Cody on U.S. 14/16/20 (1-17-75).

Laramie County

Cheyenne, *First United Methodist Church*, NE corner of 18th St. and Central Ave. (2-25-75).

Natrona County

Casper vicinity, *Bridger Immigrant Road—Waltman Crossing*, 49 mi. W of Casper on U.S. 20/26 (1-17-75).

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The following are corrections for properties previously listed in the "Federal Register":

ALABAMA

Tuscaloosa County

Tuscaloosa, *Battle-Friedman House* (Friedman Civic and Cultural Center), 1010 Greensboro Ave. (1-14-72).

Shelby County

Montevallo, *King House (Mansion House)*, campus of the University of Montevallo.

CALIFORNIA

Santa Clara County

Los Gatos, *McCullagh-Jones House*, 18000 Overlook Rd. (10-29-74).

CONNECTICUT

Hartford County

Hartford, *Kimberly House;* NHL.

DELAWARE

New Castle County

Wilmington, *Lombary Hall*, U.S. 202 NHL.

DISTRICT OF COLUMBIA

Sewall-Belmont House, 144 Constitution Ave. NW; NHL.

FLORIDA

Baker County

Sanderson vicinity, *Burnsed Blockhouse (Carl Brown House)*, N of Sanderson off Jacksonville Rd.

LOUISIANA

East Baton Rouge Parish

Baton Rouge, *Old Louisiana State Capitol*, North Blvd. and St. Phillip St.; NHL.

Iberia Parish

New Iberia, *Shadows-on-the-Teche*, E. Main St.; NHL.

Orleans Parish

New Orleans, *Gallier House*, 1132 Royal St. (2-15-74) NHL.

New Orleans, *Garden District*, bounded by properties fronting on Carondelet St. on N, Josephine St. on E, Magazine St. on S, and Louisiana Ave. on W; NHL.

New Orleans, *Herman-Grima House*, 818-820 St. Louis St.; NHL.

New Orleans, *St. Mary's Assumption Church*, 2030 Constance St.; NHL.

New Orleans, *U.S. Customhouse*, 423 Canal St. (7-17-74) NHL.

St. Martin Parish

St. Martinville, *Acadian House*, Longfellow Evangeline State Park on LA 31; NHL.

MAINE

Androscoggin County

Sabbathday Lake vicinity, *Quaker Village*, on Rte. 26 (12-8-69) NHL.

Cumberland County

Gorham, *McLellan House*, School St.

Portland, *Dow, Gen. Neal, House*, 714 Congress St.; NHL.

Lincoln County

Edgecomb, *Fort Edgecomb Memorial*, on Davis Island in the Sheepscot River.

MASSACHUSETTS

Middlesex County

Cambridge, *Fuller, Margaret, House*, 71 Cherry St.; NHL.

Suffolk County

Belmont, *Red Top*, 90 Somerset St.

Boston, *African Meetinghouse*, 8 Smith St.; NHL.

MISSISSIPPI

Adams County

Natchez, *Arlington*, Main St. (12-12-73) NHL.

Natchez, *Dunleith*, 84 Homochitto St.; NHL.

Clay County

West Point vicinity, *Waverly*, 10 mi. E of West Point (9-20-73) NHL.

Wilkinson County

Woodville vicinity, *Rosemont*, E of Woodville on MS 24 (12-30-74).

MISSOURI

Adair County

Kirksville, *Parrish Place (Capt. Thomas C. Harris House)*, 1308 N. Franklin St. (10-15-73).

Greene County

Springfield vicinity, *Wilson's Creek National Battlefield*, 10 mi. SW of Springfield on OR ZZ.

Jackson County

Kansas City, *Savoy Hotel and Grill*, 219 W. 9th St. (12-31-74).

Platte County

Waldron vicinity, *Babcock Site*, 3 mi. N of Waldron (11-15-73).

St. Louis (independent city)

Old Post Office (U.S. Courthouse, Customhouse, and Post Office), 9th and Olive Sts.; NHL.

Quinn Chapel, A.M.E. Church, 225 Bowen St. (10-16-74).

St. Louis County

Affton, *Benoist, Louis Auguste, House*, 7802 Genesta St.

NEW JERSEY

Monmouth County

Sandy Hook, *Sandy Hook Light;* NHL.

Passaic County

Paterson, *Great Falls of Paterson (U.S.M.) Historic District*, bounded roughly by Grand, Oliver, Mills, Van Houten, and Curtis Sts., Broadway, Ryle Ave., Maple St., Passaic River, Walker and Reservoir Sts.

NEW MEXICO

Sandoval County

Bernalillo vicinity, *Tamaya (Santa Ana Pueblo)*, N of Bernalillo (11-1-74).

Valencia County

Zuni vicinity, *Zuni-Cibola Complex*, 12 mi. SW of Zuni, Zuni Indian Reservation; NHL.

NEW YORK

Essex County

Crown Point, *Fort Crown Point*, W of the S end of Lake Champlain Bridge and NY 6; NHL.

OHIO

Hamilton County

Cincinnati, *Cincinnati Music Hall*, 1243 Elm St.; NHL.

Cincinnati, *Clovernook (Cary Cottage)*, 7000 Hamilton Ave. (6-19-73).

North Bend, *Harrison, William Henry, Tomb State Memorial*, Mt. Nebo on OH 128.

PENNSYLVANIA

Montgomery County

Plymouth Meeting, *Corson, Alan W., Homestead*, 5130 Butler Pike.

Philadelphia County

Philadelphia, *Hamilton, William, House (The Woodlands)*, 40th St. and Woodland Ave.; NHL.

RHODE ISLAND

Kent County

Coventry vicinity, *Hopkins Mill*, S of Coventry on RI 3 at Nooseneck River (1-11-74).

Providence County

Providence, *Blackstone Canal*, extends from Providence N to Ashton (5-6-71) (This incorporates the 2 nominations: Lincoln, *Blackstone Canal;* and Providence, *Blackstone Canal.*)

SOUTH CAROLINA

Florence County

Jacksonville vicinity, *Snow Island*, E of Jacksonville at the confluence of the Great Pee Dee River and Lynch's Creek; NHL.

Greenwood County

Cokesbury and vicinity, *Old Cokesbury Historic District.*

Union County

York, *Wilson House (Yorkville Jail)*, 3 S. Congress St. (11-20-74).

TENNESSEE

Davidson County

Nashville, *Jubilee Hall, Fisk University*, 17th Ave. North; NHL.

Hickman County

Williamsport vicinity, *Gordon, John, House*, also in Maury County.

Jefferson County

Dandridge, *Hampton Hall (Judge James Preston Swann House)*, Cherokee Dr. (7-16-73).

Maury County

Williamsport vicinity, *Gordon, John, House*, (see Hickman County).

Wilson County

Lebanon vicinity, *Sellar Indian Mound*, E of Lebanon off TN 26.

TEXAS

Smith County

Tesselville vicinity, *Dewberry, Col. John, House*, 1 mi. N of Tesselville on F.M. 346.

Travis County

Austin, *Governor's Mansion*, 1010 Colorado St.; NHL.

VERMONT

Bennington County

Shaftsbury Center vicinity, *Munro (Munroe)-Hawkins House*, 0.5 mi. S of Shaftsbury Center on U.S. 7.

Caledonia County

St. Johnsbury, *Railroad Street Historic District*, roughly bounded by Railroad St. and C & P Railroad tracks (6-25-74).

VIRGINIA

Hampton (independent city)

Hampton Institute, S side of Rte. 60, 0.8 mi. NW of jct. of Rte. 60 and Hampton Roads Bridge Tunnel; NHL.

WISCONSIN

Fond du Lac County

Ripon, *Little White Schoolhouse*, Blackburn and Blossom Sts. (8-14-73) NHL.

OUTER CONTINENTAL SHELF

Cape Hatteras vicinity, *U.S.S. Monitor*, S of Cape Hatteras.

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The following properties were omitted from the February 4, 1975, "Federal Register":

FLORIDA

Citrus County

Crystal River vicinity, *Crystal River Indian Mounds*, 2 mi. NW of Crystal River on U.S. 19/9.

Homosassa, *Yulee Sugar Mill Ruins*, FL 490 off U.S. 19.

Inverness vicinity, *Fort Cooper*, 3 mi. NE of Inverness on U.S. 41 on the W bank of Fort Cooper Lake.

GEORGIA

Meriwether County

Woodbury vicinity, *Red Oak Creek Covered Bridge*, Huel Brown Rd., 4 mi. N of Woodbury.

NORTH CAROLINA

Orange County

Chapel Hill, *Chapel Hill Historic District.*

VIRGINIA

Nansemond County

Chesapeake City vicinity, *Glebe Church*, 4 mi. W of Chesapeake City on VA 337.

Chuckatuck vicinity, *St. John's Church*, E of Chuckatuck on VA 125.

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The following properties have been demolished and therefore removed from the National Register of Historic Places:

ILLINOIS

Kane County

North Aurora, *Hartsburg and Hawksley Saw Mill*, 25 E. State St.

KENTUCKY

Fayette County

Lexington, *West High Street Historic District.*

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The following properties have been determined to be eligible for inclusion in the National Register. All determinations of eligibility are made at the request of the concerned Federal Agency under the authorities in section 2(b) and 1(3) of Executive Order 11593 as implemented by the Advisory Council on Historic Preservation, 36 C.F.R. Part 800. This listing is not complete. Pursuant to the authorities discussed herein, an Agency Official shall refer any questionable actions to the Director, Office of Archeology and Historic Preservation, National Park Service, Department of the Interior, for an opinion respecting a property's eligibility for inclusion in the National Register.

Historical properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to the procedures of the Advisory Council on Historic Preservation, 36 C.F.R. Part 800. Agencies are advised that in accord with the procedures of the Advisory Council on Historic Preservation, before an agency of the Federal Government may undertake any project which may have

V 40 163 APR 175

an effect on such a property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal.

ALABAMA

Dallas County

Selma, *Gill House*, 1109 Selma Avenue.

Madison County

Huntsville, *Lee House*, Red Stone Arsenal.

ALASKA

Northeastern District

Little Diomede Island, *Iyapana, John, House.*

ARIZONA

Coconino County

Grand Canyon National Park, *Old Post Office.*
Grand Canyon National Park, *O'Neill, Buckey, Cabin.*
Grand Canyon National Park, *Ranger's Dormitory.*

Maricopa County

Gaso Creek Archeological District.
New Bloer Dams Archeological District.
Site T:4:6.
Skunk Creek Archeological District.

Pima County

Tucson vicinity, *Old Santos*, NW of Tucson.

Yuma County

Wickenburg vicinity, *Harquahala Peak Observatory*, SW of Wickenburg.
Yuma, *Southern Pacific Depot.*

ARKANSAS

Ouachita County

Camden, *Old Post Office*, Washington Street.

CALIFORNIA

Calaveras County

New Melones Historical District, New Melones Lake Project Area, Stanislaus River (also in Tuolumne County).

Imperial County

Glamis vicinity, *Chocolate Mountain Archeological District.*

Inyo County

Scotty's Castle, Death Valley National Monument.
Scotty's Ranch, Death Valley National Monument.

Marin County

Point Reyes, *Point Reyes Light Station.*

Mariposa County

Yosemite National Park, *Degnan Residence and Bakery*, Southside Drive.

Modoc County

Alturas vicinity, *Rail Spring*, about 20 miles north of Alturas in Modoc National Forest.
Alturas vicinty, *Yellowjackets Landing*, NW of Alturas in Modoc National Forest.
Canby vicinity, *Sevenmile Flat*, NW of Canby in Modoc National Forest.

Monterey County

Big Sur, *Point Sur Light Station.*
Pacific Grove, *Point Pinos Light Station.*

Riverside County

Blythe vicinity, *Blythe Intaglios, Indian Intaglios*, N of Blythe on U.S. 95.
Twentynine Palms, *Barker Dam*, Joshua Tree National Monument.
Twentynine Palms, *Cottonwood Oasis* (Cottonwood Springs), Joshua Tree National Monument.
Twentynine Palms, *Desert Queen Mine*, Joshua Tree National Monument.
Twentynine Palms, *Lost Horse Mine*, Joshua Tree National Monument.

San Bernardino County

Twentynine Palms, *Keys, Bill, Ranch*, Joshua Tree National Monument.
Twentynine Palms, *Cow Camp*, Joshua Tree National Monument.
Twentynine Palms, *Twentynine Palms Oasis*, Joshua Tree National Monument.
Twentynine Palms, *Wallstreet Mill*, Joshua Tree National Monument.

San Luis Obispo County

San Luis Obispo, *San Luis Obispo Light Station.*

San Mateo County

Ano Nuevo vicinity, *Pigeon Point Light Station.*
Hillsborough, *Point Montara Light Station.*

Shasta County

Redding vicinity, *Squaw Creek Archeological Site*, NE of Redding.
Whiskeytown, *Irrigation System (165 and 166)*, Whiskeytown National Recreation Area.

Sonoma County

Dry Creek-Warm Springs Valley Archeological District.

Santa Rosa, *Santa Rosa Post Office.*

Siskiyou County

Thomas-Wright Battle Site, Lava Beds National Monument.

COLORADO

Denver County

Denver, *Eisenhower Memorial Chapel*, Building No. 27, Reeves Street, on Lowry AFB.
Denver, *West Side Housing Historic District*, bounded by W. Colfax, W. 13th, Mariposato, and Speer Streets.

Eagle County

Wolcott, *Wolcott Stage Station.*

Jefferson County

Littleton vicinity, *Hildebrand Ranch*, SW of Littleton.

Rio Blanco County

Meeker vicinity, *Thornburgh Monument*, NE of Meeker on Thornburgh Road 9 miles from junction CO 13 and 789.
Rangely vicinity, *Canon Pintado*, S of Rangely on Highway 139.
Rangely vicinity, *Carrot Men Pictograph Site*, SW of Rangely and W of Rangely Dragon Road.

CONNECTICUT

Hartford County

Hartford, *Church of the Good Shepherd and Parish House*, intersection of Wyllys Street and Van Block Avenue.
Hartford, *Colt Factory Housing*, Huyshope Avenue between Sequassen and Weehassett Streets.
Hartford, *Colt Factory Housing (Potsdam Village)*, Curcombe Street between Hendricksen Avenue and Locust Street.
Hartford, *Colt Park*, bounded by Wethersfield Avenue, Stonington, Wewarme, Curcombe, and Mersesk Streets, and by Huyshope and Van Block Avenues.
Hartford, *Colt, Colonel Samuel, Armory, and related factory buildings*, Van Dyke Avenue.
Hartford, *Flat-Iron Building (Motto Building)*, intersection of Congress Street and Maple Avenue.
Hartford, *Houses on both sides of Congress Street.*
Hartford, *Houses on Charter Oak Place.*
Hartford, *Houses on Wethersfield Avenue*, between Morris and Wyllys Streets, particularly Nos. 97–81, 66.

Middlesex County

Middletown, *Mather-Douglas-Santangelo House*, 11 South Main Street.

New Haven County

New Haven, *City Hall and Annex.*
New Haven, *Post Office-Courthouse*, Church and Court Streets.
New Haven, *Tannery Building and appended office*, 202 George Street.

New London County

New London, *Thames Shipyard*, west bank of Thames River north of the U.S. Coast Guard Academy.

DELAWARE

New Castle County

Wilmington, *Wilmington Custom House*, King Street.

Sufolk County

Lewes, *Delaware Breakwater.*
Lewes, *Harbor of Refuge Breakwater.*

DISTRICT OF COLUMBIA

Auditors' Building, 201 14th Street SW.
Washington Aqueduct Georgetown Reservoir Castle Gatehouse, Reservoir Road and MacArthur Boulevard NW.
1700 Block Q Street NW.

FLORIDA

Hillsborough County

Tampa, *Firehouse No. 16*, Ybor City.

GEORGIA

Bryan County

Fort Stewart, *Site of Old Fort Argyle*, NE of Headquarters via GA 144, E GA 67 North, E to Ogeechee River.

Chatham County

Archeological Site, north end of Skidway Island.

Clarke County

Athens, *Carnegie Library Building*, 1401 Prince Avenue.

Clay County

Archeological Site WGC–73, downstream from Walter F. George Dam.

Fulton County

Fort McPherson, *Forscom Command Sergeant Major's Quarters (Bldg. No. 352).*

Heard County

Philpott Homesite and Cemetery, on bluff above Chattahoochee River where Grayson Trail leads into river.

Stewart County

Rood Mounds.

Sumter County

Americus, *Aboriginal Chert Quarry*, Souther Field.

HAWAII

Moanalua Valley.

Hawaii County

Hawaii Volcanoes National Park, *Mauna Loa Trail.*

Maui County

Hana vicinity, *Kipahulu Historic District*, SW of Hana on Route 31.

IDAHO

Ada County

Boise, *Alexanders*, 826 Main Street.
Boise, *Falks Department Store*, 100 North Eighth Street.
Boise, *Idaho Building*, 216 North Eighth Street.
Boise, *Simplot Building (Boise City National Bank)*, 805 Idaho Street.
Boise, *Union Building*, 712½ Idaho Street.

Clearwater County

Orofino vicinity, *Canoe Camp—Site 18*, W. of Orofino on U.S. 12 in Nez Perce National Historical Park.

Custer County

Challis, *Challis Bison Jump.*

Idaho County

Kamiah vicinity, *East Kamiah—Site 15*, Southeast of Kamiah on U.S. 12 in Nez Perce National Historical Park.

Lemhi County

Tendoy, *Lewis and Clark Trail, First Flag Unfurling.*
Tendoy, *Lewis and Clark Trail, Pattee Creek Camp.*

Lewis County

Jacques Spur vicinity, *St. Joseph's Mission (Slickpoo)*, S. of Jacques Spur on Mission Creek off U.S. 95.

Nez Perce County

Lapwai, *Fort Lapwai Officer's Quarters*, Phinney Drive and C Street in Nez Perce National Park.
Lapwai, *Spalding.*

ILLINOIS

Cook County

Chicago, *McCarthy Building (Landfield Building)*, northeast corner of Dearborn and Washington.
Chicago, *Methodist Book Concern (later Stop and Shop Warehouse)*, 12 West Washington.
Chicago, *Ogden Building*, 130 West Lake Street.
Chicago, *Oliver Building*, 159 North Dearborn Street.
Chicago, *Springer Block (Bay, State, and Krans Buildings)*, 126–146 North State.
Chicago, *Unity Building*, 127 North Dearborn Street.

De Kalb County

De Kalb, *Haish Barbed Wire Factory*, corner of Sixth and Lincoln streets.

Lake County

Fort Sheridan, *Water Tower*, Building 49, Leonard Wood Avenue.

INDIANA

Vermillion, *Houses in SR 63/32 Project*, junction of SR 32 and SR 63.

Monroe County

Bloomington, *Carnegie Library.*

St. Joseph County

Mishawaka, *100 NW Block*, properties fronting N. Main St. and W. Lincoln Way.

IOWA

Muscatine County

Muscatine, *Clark, Alexander, Property*, 125–123 W. 3rd and 307, 309 Chestnut.

KENTUCKY

Jefferson County

Louisville, *Old Louisville Historic District*, bounded on north by Broadway; on the west by Seventh and the Louisville/Nashville R.R. tracks; on the east by Interstate 65 and Brook Street; on the south by Eastern Parkway and Gaulbert Avenue.

Trigg County

Golden Pond, *Center Furnace*, N of Golden Pond on Bugg Spring Rd.

MARYLAND

Anne Arundel County

Chestertown, *Bloody Point Bar Light*, on Chesapeake Bay.
Skidmore, *Sandy Point Shoal Light*, on Chesapeake Bay.

Baltimore County

Fort Howard, *Craighill Channel Upper Range Front Light*, on Chesapeake Bay.
Sparrows Point, *Craighill Channel Range Front Light*, on Chesapeake Bay.

Cecil County

Perryville, *Perry Point Mansion House*, Veterans Administration Hospital Grounds.
Perryville, *Perry Point Mill*, Veterans Administration Hospital Grounds.
Sassafras Elk Neck, *Turkey Point Light*, at Elk River and Chesapeake Bay.

Dorchester County

Hoopersville, *Hooper Island Light*, Chesapeake Bay-Middle Hooper Island.

Harford County

Havre De Grace, *Havre De Grace Light.*

St. Marys County

Piney Point, *Piney Point Light Station.*
St. Inigoes, *St. Inigoes Manor House*, Naval Electronic System Test and Evaluation Detachment.
St. Marys City, *Point No Point Light*, on Chesapeake Bay.

Talbot County

Tilgman Island, *Sharps Island Light*, on Chesapeake Bay.

MINNESOTA

Beltrami County

Blackduct, *Rabideau CCC Camp Site*, S of Blackduct in Chippewa National Forest.

Winona County

Winona, *Second Street Commercial Block.*

MISSOURI

Buchanan County

St. Joseph, *Hall Street Historic District*, bounded by 4th Street on West, Robidoux on South, 10th on East, and Michel, Corby, and Ridenbaugh on North.

Dent County

Lake Spring, *Hyer, John, House.*

Franklin County

Leslie, *Noser's Mill and adjacent Miller's House*, Rural Route 1.

MONTANA

Carbon County

Barry's Landing, *Bad Pass Trail (Sioux Trail)*, Big Horn Canyon National Recreation Area.
Hardin, *Pretty Creek Site (Hough Creek Site)*, Big Horn Canyon National Recreation Area.

Fergus County

Lewis & Clark Campsite, May 23, 1805.
Lewis & Clark Campsite, May 24, 1805.
Rocky Point.

Lewis and Clark County

Marysville, *Marysville Historic District.*

Revalli County

Conner vicinity, *Alta Ranger Station*, S of Conner in Bitterroot National Forest.

Sheridan County

Medicine Lake, *Tipi Hills*, Medicine Lake National Wildlife Refuge.

NEVADA

Churchill County

Stillwater Marsh, NE of U.S. 50 and NV 42.

Clark County

Indian Springs vicinity, *Tim Springs Petroglyphs*, N of Indian Springs.
Las Vegas vicinity, *Blacksmith Shop*, Desert National Wildlife Range.
Las Vegas vicinity, *Corn Creek Campsite*, N of Las Vegas.
Las Vegas vicinity, *Mesquite House*, Desert National Wildlife Range.
Las Vegas vicinity, *Mormon Well Corral*, NE of Las Vegas.

Nye County

Las Vegas vicinity, *Emigrant's Trail*, about 75 miles northwest of Las Vegas on U.S. 95.

Storey County (also in Washoe County)

Sparks vicinity, *Derby Diversion Dam*, on the Truckee River 19 miles east of Sparks, along Interstate 80.

Washoe County

Derby Diversion Dam. See Storey County.

NEW HAMPSHIRE

Grafton County

Bedell Covered Bridge.

NEW JERSEY

Mercer County

Hamilton and West Windsor Townships, *Assunpink Historic District.*

Middlesex County

New Brunswick, *Delaware and Raritan Canal*, between Albany Street Bridge and Landing Lane Bridge.

Sussex County (also in Warren County)

Old Mine Road Historic District.

Warren County

Old Mine Road Historic District. See Sussex County.

NEW YORK

Bronx County

New York, *North Brothers Island Light Station*, in center of East River.

Greene County

New York, *Hudson City Light Station*, in center of Hudson River.

New York County

New York, *Harlem Courthouse*, 170 E. 121st St.

Richmond County

New York, *Romer Shoal Light Station*, located in lower bay area of New York Harbor.

Suffolk County

New York, *Fire Island Light Station*, U.S. Coast Guard Station.
New York, *Little Gull Island Light Station*, off North Point of Orient Point, Long Island.
New York, *Plum Island Light Station*, off Orient Point, Long Island.

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New York, *Race Rock Light Station*, south of Fishers Island, 10 miles north of Orient Point.

Ulster County

Kingston vicinity, *Esopus Meadows Light Station*, middle of Hudson River.
New York, *Rondout North Dike Light*, center of Hudson River at junction of Rondout Creek and Hudson River.
New York, *Saugerties Light Station*, Hudson River.

Westchester County

Port Washington vicinity, *Execution Rocks Light Station*, lower southwest portion of Long Island Sound.

NORTH CAROLINA

Brunswick County

Southport, *Fort Johnston*, Moore Street.

Cumberland County

Fayetteville, *Veterans Administration Hospital Confederate Breastworks*, 23 Ramsey Street.

Dare County

Buxton, *Cape Hatteras Light*, Cape Hatteras National Seashore.

Hyde County

Ocracoke, *Ocracoke Lighthouse*.

New Hanover County

Wilmington, *Market Street Mansions District*, both sides of Market Street between 17th and 18th Streets.

NORTH DAKOTA

Ward County

Minot vicinity, *Eastwood Park Bridge*.

OHIO

Clermont County

Neville vicinity, *Maynard House*, 2 miles east of Neville off U.S. 52.

Pickaway County

Williamsport vicinity, *The Shack (Daugherty, Henry, House)*, 5.5 miles northwest of Williamsport.

Seneca County

Tiffin, *Old U.S. Post Office*, 215 S. Washington Street.

OKLAHOMA

Comanche County

Fort Sill, *Blockhouse on Signal Mountain*, off Mackenzie Hill Road.
Fort Sill, *Camp Comanche Site*, east range on Cache Creek.
Fort Sill, *Chief's Knoll, Post Cemetery*, north of Macomb Road.
Fort Sill, *Geronimo's Grave*, north of junction of Dodge Hill and Elgin Roads.
Fort Sill, *Henry Post Air Field*, Post Road.
Fort Sill vicinity, *Medicine Bluffs*, northwest of Fort Sill.

Haskell County

Keota, vicinity, *Otter Creek Archeological Site*, 5W of Keota.

Kay County

Newkirk vicinity, *Bryson Archeological Site*, NE of Newkirk.

OREGON

Coos County

Charleston, *Cape Arago Light Station*.

Curry County

Port Orford, *Cape Blanco Light Station*.
Wolf Creek, *Rogue River Branch*, Star Route, Box 78.

Douglas County

Winchester Bay, *Umpqua River Lighthouse*.

Josephine County

Whisky Creek Cabin.

Klamath County

Crater Lake National Park, *Crater Lake Lodge*.

Lake County

Silver Lake, *Picture Rock Pass Petroglyphs Site*.

Lane County

Roosevelt Beach, *Heceta Head Lighthouse*.
Roosevelt Beach, *Heceta Head Light Station*.

Lincoln County

Agate Beach, *Yaquina Head Lighthouse*.

Sherman County

Grass Valley vicinity, *Mack Canyon Archeological Site*, at end of BLM access road adjacent to Deschutes River N of Maupin.

Tillamook County

Tillamook, *Cape Meares Lighthouse*.

PENNSYLVANIA

Brumbaugh Homestead, Raystown Lake Project.

Adams County

Gettysburg, *Barlow's Knoll*, adjacent to Gettysburg National Military Park.
Gettysburg, *Gettysburg Battlefield Historic District*.

Allegheny County

Bruceton, *Experimental Mine*, U.S. Bureau of Mines, off Cochran Mill Road.

Clinton County

Lockhaven, *Apsley House*, 302 East Church Street.
Lockhaven, *Harvey, Judge, House*, 20 North Jay Street.
Lockhaven, *McCormick, Robert, House*, 234 East Church Street.
Lockhaven, *Mussina, Lyons, House*, 23 North Jay Street.

Lehigh County

Dorneyville, *King George Inn and two other stone houses*, intersection of Hamilton and Cedar Crest Boulevards.

Mercer County

Mercer vicinity, *Big Bend Historial Area*, NW of Mercer.

Philadelphia County

Philadelphia, *Quartermaster's Depot, U.S. Marine Corps*, 1100 S. Broad St.

SOUTH CAROLINA

Charleston County

Charleston, *139 Ashley St.*
Charleston, *69 Barre St.*
Charleston, *69r Barre St.*
Charleston, *316 Calhoun St.*
Charleston, *316r Calhoun St.*
Charleston, *268 Calhoun St.*
Charleston, *274 Calhoun St.*
Charleston, *Old Rice Mill*, off Lockwood Dr.

SOUTH DAKOTA

Pennington County

Rapid City, *Rapid City Historic Commercial District*, portions of 612–632 Main St.

TENNESSEE

Henry County

Mt. Zion Church and Cemetery (United Baptist Church).

Monroe County

Vonore vicinity, *Tellico Blockhouse Site*, E of Vonore.

Stewart County

Dover vicinity, *Fort Henry Site*, NW of Dover.
Great Western Furnace.

TEXAS

Bexar County

Fort Sam Houston, *Eisenhower House*, Artillery Post Rd.

Galveston County

Galveston, *U.S. Customhouse*, bounded by Avenue B, 17th, Water, and 18th Sts.

Potter County

Lake Meredith Recreation Area, *McBride Ranch House*.

UTAH

Salt Lake County

Salt Lake City, *Kerrick Building (Leyson-Pearsall Building)*, 336 S. Main St.
Salt Lake City, *Lollin Block*, 238–240 S. Main St.

Tooele County

Wendover vicinity, *Wendover Air Force Base*, S of Wendover.

VERMONT

Franklin County

Highgate Falls, *Lenticular or Parabolic Truss Bridge*, over Missisquoi River.

Windsor County

Windsor, *Post Office Building*.

WASHINGTON

Clallam County

Olympic National Park Archeological District, Olympic National Park (also in Jefferson County).
Sequim, *New Dungeness Light Station*.

Grays Harbor County

Westport, *Grays Harbor Light Station*.

Jefferson County

Olympic National Park Archeological District (see Clallam County).

King County

Burton, *Point Robinson Light Station*.
Seattle, *Alki Point Light Station*.
Seattle, *West Point Light Station*.

Kitsap County

Hansville, *Point No Point Light Station*.

Pacific County

Ilwaco, *Cape Disappointment Light Station*.
Ilwaco, *North Head Light Station*.

Pierce County

Fort Lewis Military Reservation, *Captain Wilkes, July 4, 1841, Celebration Site*.
Longmire, *Longmire Cabin*, Mount Rainier National Park.

San Juan County

San Juan Islands, *Patos Island Light Station*.

Snohomish County

Mukilteo, *Mukilteo Light Station*.

WEST VIRGINIA

Cabell County

Huntington, *Old Bank Building*, 1206 Third Avenue.

Kanawha County

Saint Albans, *Chilton House*, 439 B Street.

Wood County

Parkersburg, *Wood County Courthouse*.
Parkersburg, *Wood County Jail*.

WISCONSIN

Ashland County

Ashland vicinity, *Madeline Island Site 7302*.

Door County

Chambers Island, *Chambers Island Lighthouse Dwelling*, northern tip Chambers Island, Green Bay, Lake Michigan.

Milwaukee County

Milwaukee, *Plankinton, Elizabeth, House*, 1492 W. Wisconsin Ave.

WYOMING

Goshen County

Torrington, *Union Pacific Depot*.

Park County

Mammouth, *Chapel at Fort Yellowstone*, Yellowstone National Park.

PUERTO RICO

Mona Island, *Sardinero Site and Ball Courts*.

A. R. MORTENSEN,
Director, Office of Archeology and Historic Preservation.

[FR Doc.75-8067 Filed 3-28-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Marketing Order No. 905]

SHIPPERS ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of sec. 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The committee will meet in the A. B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida, at 10:30 a.m., on April 15 ,1975.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes analysis of current information concerning market supply and demand factors, and consideration of recommendations for regulation of shipments of the named fruits.

The names of committee members, agenda, and other information pertaining to the meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, PO. Box R, Lakeland, Florida 33802; telephone 813–682–3103.

Dated: March 27, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.75-8361 Filed 3-31-75;8:45 am]

Farmers Home Administration

[Designation Number A173]

GEORGIA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Georgia:

Telfair Wheeler

The Secretary has found that this need exists as a result of a natural disaster consisting of drought June 1 to July 20, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of former Governor Jimmy Carter that such designation be made.

Applications for Emergency loans must be received by this Department no later than May 19, 1975, for physical losses and December 19, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 26th day of March, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-8390 Filed 3-31-75;8:45 am]

[Designation Number A174]

KANSAS

Designation of Emergency Area

The Secretary of Agriculture has found that a general need for agricultural credit exists in Atchison County, Kansas, as a result of a natural disaster consisting of drought from July 15 through August 15, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93–237, and the provisions of 7 CFR 1832.3 (b) including the recommendation of former Governor Robert B. Docking that such designation be made.

Applications for Emergency loans must be received by this Department no later than May 19, 1975, for physical losses and December 19, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 26th day of March, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-8391 Filed 3-31-75;8:45 am]

[Designation Number A176]

NEBRASKA

Designation of Emergency Area

The Secretary of Agriculture has found that a general need for agricultural credit exists in Brown County, Nebraska, as a result of a natural disaster consisting of drought June 1 to September 9, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor J. James Exon that such designation be made.

Applications for Emergency loans must be received by this Department no later than May 19, 1975, for physical losses and December 19, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 26th day of March, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-8392 Filed 3-31-75;8:45 am]

[Designation Number A175]

NORTH CAROLINA

Designation of Emergency Area

The Secretary of Agriculture has found that a general need for agricultural credit exists in Surry County, North Carolina, as a result of a natural disaster consisting of an early frost and freeze October 2 and 3, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor James E. Holshouser, Jr., that such designation be made.

Applications for Emergency loans must be received by this Department no later than May 19, 1975, for physical losses and December 19, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans

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in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 26th day of March, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-8309 Filed 3-31-75;8:45 am]

[Designation Number A177]

SOUTH DAKOTA

Designation of Emergency Area

The Secretary of Agriculture has found that a general need for agricultural credit exists in Sanborn County, South Dakota, as a result of a natural disaster consisting of drought June 1 through October 29, 1974, frost September 4, 1974, and a blizzard January 10 and 11, 1975.

Therefore, the Secretary has designated this area as eligible for emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Richard F. Kneip that such designation be made.

Applications for Emergency loans must be received by this Department no later than May 19, 1975, for physical losses and December 19, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 26th day of March, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-8304 Filed 3-31-75;8:45 am]

[Designation Number A178]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Texas as a result of a natural disaster consisting of:

Bowie: Excessive rainfall August 1, 1974, to January 15, 1975.
Ellis: Drought June 1 to August 1, 1974.
Lamar: Drought June 15 to August 20, 1974. Excessive rainfall August 20 to December 31, 1974.
Motley: Drought October 1, 1973, to April 30, 1974. Excessive rainfall May 1 to July 1, 1974 (with intermittent hailstorms). Excessive rainfall August 1 to December 1, 1974 (with cool temperatures).

Therefore, the Secretary has designated these areas as eligible for emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for emergency loans must be received by this Department no later than May 19, 1975, for physical losses and December 19, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 26th day of March 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-8305 Filed 3-31-75;8:45 am]

Forest Service

FALL CANKERWORM ENVIRONMENTAL IMPACT STATEMENT

Availability of Final Environmental Statement

Pursuant of section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, and Virginia Division of Forestry, have prepared a final environmental statement for Fall Cankerworm control in Virginia. (USDA-FS-FES-ADM-FY-75-1-SA)

This environmental statement is an analysis of impacts associated with the proposed suppression of fall cankerworm infestations on 514 acres of wooded residential area in Prince William County, Virginia. Subjects discussed are the impacts of aerial applications of the bacterial insecticide, Bacillus thuringiensis, and description of techniques and benefits of suppression.

The draft environmental statement was filed with CEQ on December 19, 1974. This final environmental statement was transmitted to CEQ on April 4, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th St. & Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, Division of Forest Pest Control, 1621 N. Kent St., Room 1205-B, Arlington, Va., 22209.

A limited number of single copies are available upon request to:

USDA, Forest Service, Division of Forest Pest Management, 1720 Peachtree St., NW., Rm. 711, Atlanta, Ga. 30309.
Virginia Division of Forestry, P.O. Box 3758, McCormick Road, Charlottesville, Virginia 22903.

Copies of the environmental statement have been sent to various Federal, State and Local agencies as outlined in the Council on Environmental Quality Guidelines.

AMOS E. LANDGAST,
Area Director.

[FR Doc.75-8305 Filed 3-31-75;8:45 am]

Rural Electrification Administration

GLACIER STATE TELEPHONE CO.

Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the FEDERAL REGISTER, September 16, 1974 (Vol. 39 No. 180, pages 33228-33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $8,090,000 to Glacier State Telephone Company, Anchorage, Alaska. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. C. N. Morris, President, Glacier State Telephone Company, P.O. Box 5246, Bakersfield, California 93308.

To assure consideration, proposals must be submitted on or before May 1, 1975, to Mr. C. N. Morris. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Glacier State Telephone Company and REA deem appropriate. Prospective lenders are advised that it is anticipated that financing for this project will be available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agricultural, Washington, D.C. 20250.

Dated at Washington, D.C., this 26th day of March, 1975.

DAVID H. ASKEGAARD,
Acting Administrator, Rural Electrification Administration.

[FR Doc.75-8306 Filed 3-31-75;8:45 am]

Soil Conservation Service

ELM CREEK (CEN-TEX) WATERSHED PROJECT, TEXAS

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 2, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Elm Creek (Cen-Tex) Watershed Project, Milam, Bell, Falls, and McLennan Counties, Texas, USDA-SCS-EIS-WS-(ADM)-75-1-(D)-TX.

The environmental impact statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, supplemented by 45 single purpose floodwater retarding structures.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, P.O. Box 648, Temple, Texas 76501.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Edward E. Thomas, State Conservationist, Soil Conservation Service, P.O. Box 648, Temple, Texas 76501.

Comments must be received on or before May 19, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: March 21, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-8314 Filed 3-31-75;8:45 am]

LOWER BLACK BEAR CREEK WATERSHED, PAYNE, NOBLE, AND PAWNEE COUNTIES, OKLAHOMA

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; § 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and § 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the remaining work in the Lower Black Bear Creek Watershed project in Payne, Noble, and Pawnee Counties, Oklahoma.

The environmental assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the action. As a result of these findings, Mr. Hampton Burns, State Conservationist, Soil Conservation Service, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The project concerns a plan for watershed protection, flood prevention, and municipal water supply. The planned remaining works of improvement as described in the negative declaration include conservation land treatment, 1 multiple purpose structure, and 19 single purpose floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service
USDA Building
Farm Road and Brumley Street
Stillwater, Oklahoma 74074

Requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until April 16, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: March 21, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-8307 Filed 3-31-75;8:45 am]

MARSH-KELLOGG CREEK, CALIFORNIA

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, and § 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and § 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for Marsh Creek Unit—Lines E and E-1 of the Marsh-Kellogg Creek Watershed Project in eastern Contra Costa County, California.

This project is being constructed under authority of the Watershed Protection and Flood Prevention Act (Pub. L. 566, 83rd Congress, 68 Stat., 666) as amended.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. G. H. Stone, State Conservationist, Soil Conservation Service, USDA, P.O. Box 1019, Davis, California 95616, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for flood prevention. The remaining planned works of improvement in the Marsh Creek Unit include construction of 2.3 miles of channel work on Lines E and E-1 in eastern Contra Costa County, California.

The environmental assessment file is available for inspection during regular working hours at the following locations:

Soil Conservation Service
5552 Clayton Road
Concord, California 94512
Soil Conservation Service
2828 Chiles Road
Davis, California 95616

Single copy requests for the negative declaration should be sent to one of the above addresses.

No administrative action on implementation of the proposal will be taken April 16, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: March 21, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-8308 Filed 3-31-75;8:45 am]

NEVADA

Equipment Grant Eligibility Determination

Notice is hereby given, in accordance with 7 CFR 662.2(c), of a determination that the Dixie Valley Conservation District, P.O. Box 894, Fallon, NV 89406, is eligible for a grant of the following items of equipment (or materials) to carry out soil and water conservation work:

Truck, fuel
Compressor, air, trailer mounted
Welder, electric, trailer mounted
Bucket, Dragline, Clamshell
Backhoe

The grant is subject to the availability of the equipment from federal excess property sources, and may be made after May 1, 1975.

C. A. KRALL,
State Conservationist,
Soil Conservation Service.

[FR Doc.75-8312 Filed 3-31-75;8:45 am]

NEVADA

Equipment Grant Eligibility Determination

Notice is hereby given, in accordance with 7 CFR 662.2(c), of a determination that the Owyhee Conservation District, Mountain City, NV 89831, is eligible for a grant of the following items of equipment (or materials) to carry out soil and water conservation work:

Dozer, D-6
Grader, road, motorized
Tractor, four wheel drive

The grant is subject to the availability of the equipment from federal excess property sources, and may be made after May 1, 1975.

C. A. KRALL,
State Conservationist,
Soil Conservation Service.

[FR Doc.75-8311 Filed 3-31-75;8:45 am]

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APR 1 75

NEVADA

Equipment Grant Eligibility Determination

Notice is hereby given, in accordance with 7 CFR 662.7(c), of a determination that the Quinn River Conservation District, Star Route Box 200, Winnemucca, NV 89445, is eligible for a grant of the following items of equipment (or materials) to carry out soil and water conservation work:

Ditching Machine
Motorized Road Grader
Tractor, front-end loader, 5 cu. yd.

The grant is subject to the availability of the equipment from federal excess property sources, and may be made after May 1, 1975.

C. A. KRALL,
State Conservationist,
Soil Conservation Service.

[FR Doc.75-8313 Filed 3-31-75;8:45 am]

POLLARD CREEK WATERSHED PROJECT, TEXAS

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Pollard Creek Watershed Project, Palo Pinto County, Texas, USDA-SCS-EIS-WS-(ADM)-75-2-(D)-TX.

The environmental impact statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, supplemented by 2 single purpose floodwater retarding structures.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, P.O. Box 648, Temple, Texas 76501.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Edward E. Thomas, State Conservationist, Soil Conservation Service, P.O. Box 648, Temple, Texas, 76501.

Comments must be received on or before May 23, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: March 24, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-8310 Filed 3-31-75;8:45 am]

TALLAHAGA CREEK WATERSHED, MISSISSIPPI

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, and § 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and § 650.8 (b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974, the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared at this time for floodwater retarding structures Nos. 1, 2, 3, 4, 12 and 13 of the Tallahaga Creek Watershed, Winston, Choctaw and Neshoba Counties, Mississippi.

The environmental assessment of this federal action indicates that the planned action will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the planned action. As a result of these findings, Mr. W. L. Heard, State Conservationist, Soil Conservation Service, USDA, Room 590, Milner Building, P.O. Box 610, Jackson, Mississippi 39205, has determined that the preparation and review of an environmental impact statement is not needed at this time for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement covered by this negative declaration include conservation land treatment supplemented by six floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA
Room 590, Milner Building
Jackson, Mississippi 39205

Requests for copies of the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until April 16, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: March 24, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-8310 Filed 3-31-75;8:45 am]

UPPER CHOPTANK RIVER WATERSHED, MARYDEL PUBLIC DRAINAGE ASSOCIATION, MARYLAND

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, § 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and § 650.8 (b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the works of improvement to be installed by the Marydel Public Drainage Association as a part of the Upper Choptank River Watershed Project, Caroline County, Maryland.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, USDA, 4321 Hartwick Road, College Park, Maryland, 20740, has determined that the preparation and review of an environmental impact statement is not needed for this portion of the project.

The project concerns a plan for watershed protection, flood prevention and agricultural water management. The planned works of improvement covered by this negative declaration include conservation land treatment supplemented by channel work on 0.9 mile of previously constructed agricultural ditches.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service
USDA, Room 522
3321 Hartwick Road
College Park, Maryland 20740

Single copy requests for the negative declaration should be directed to the above address.

No administrative action on implementation of the proposal will be taken until April 16, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: March 20, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-8309 Filed 3-31-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

INDUSTRY SECTOR ADVISORY COMMITTEES FOR MULTILATERAL TRADE NEGOTIATIONS

Partially Closed Meetings

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of each of the 26 Industry Sector Advisory Committees ("ISACs") for Multilateral Trade Negotiations will be held at the U.S. Department of Commerce, 14th and E Streets, NW., Washington, D.C. 20230. Each of the meetings is scheduled to last for two and possibly three consecutive days, and will begin at 10 a.m. on the following days:

	Room No.[1]	Numerical Designation and Name of ISAC
May 1	A-B	1 Food and Kindred Products.
	3814B	6 Drugs, Soap, Cleaners, and Toilet Preparations.
	4832	9 Leather and Products.
	4830	16 Office and Computing Equipment.
May 5	1851	3 Lumber and Products.
	2062	8 Rubber and Plastics Materials.
	4833	10 Stone, Clay and Glass Products.
	A-B	20 Scientific and Controlling Instruments.
	D	26 Miscellaneous Manufactures, Toys, Musical Instruments, Furniture, Etc.
May 8	1851	4 Paper and Products.
	4832	5 Industrial Chemicals and Fertilizers.
	3814B	14 Other Fabricated Metal Products.
	4830	17 Machine Tools, Other Metalworking Equipment, and Other Nonelectrical Machinery.
	1096	22 Communication Equipment and Noneonsumer Electronic Equipment.
May 12	A-B	2 Textiles and Apparel.
	D	7 Paints, Gums, Wood Chemicals, and Miscellaneous Chemical Products.
	4833	11 Ferrous Metals and Products.
	2062	21 Photographic Equipment and Supplies.
May 15	A-B	12 Nonferrous Metals and Products.
	3814B	15 Construction, Mining, Agricultural, and Oil Field Machinery and Equipment.
	4832	19 Consumer Electronic Products and Household Appliances.
	5320	23 Railroad Equipment and Miscellaneous Transportation Equipment.
May 19	3814B	13 Hand Tools, Cutlery, and Tableware.
	A-B	18 Electrical Machinery, Power Boilers, Nuclear Reactors, and Engines and Turbines.
	D	24 Aerospace Equipment.
	4833	25 Automotive Equipment.

[1] Letter designations indicate Conference Rooms adjacent to Department of Commerce Auditorium.

Each of the committees was established on April 2, 1974 to provide the Secretary of Commerce and the Special Representative for Trade Negotiations with detailed views and information regarding trade barriers affecting individual products in their respective sectors of U.S. industry for use during multilateral trade negotiations to be undertaken by the United States.

Agenda items for each of the meetings are as follows: (1) Election of a Chairman and Vice-Chairman (if not yet elected) and the establishment of a steering group (as necessary); (2) Review of the preliminary draft Industry Sector Advisory Report (ISAR); and (3) Discussion of the draft ISAR and the adoption of changes, additions, and deletions thereto leading to the approval of a final ISAR.

Agenda item (1) will be open to the public and a limited number of seats will be made available therefor. Written statements may be submitted at any time before or after the meeting.

With respect to agenda items (2) and (3), the Assistant Secretary of Commerce for Administration, with the concurrence of the General Counsel, formally determined, on March 27, 1975, pursuant to section 10(d) of the Federal Advisory Committee Act, that these agenda items should be exempt from the provisions of sections 10(a)(1) and 10(a)(3) of the Act (relating to open meetings and public participation therein), because these agenda items will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that such matters be kept secret in the interest of the national security. The ISAR to be discussed under agenda items (2) and (3) will be properly classified pursuant to said Executive Order.

Accordingly, pursuant to the aforementioned determination, that portion of each meeting dealing with agenda items (2) and (3) will be closed to the public. All committee members have appropriate security clearances. Minutes of the open portion of the meetings will be available upon written request addressed to the Central Reference and Records Inspection Facility, Room 7043, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Ms. Clare Soponis, Office of Industry Consultations Policy Staff, U.S. Department of Commerce, Room 3028, Washington, D.C. 20230, telephone: (202) 967-3268.

In accordance with paragraph (4) of the order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al. v. C. Langhorne Washburn, et al.*, September 10, 1974, as amended September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the meetings of the Industry Sector Advisory Committees for Multilateral Trade Negotiations is hereby published.

Dated: March 24, 1975.

MITCHELL NEWDELMAN,
Director of Industry Liaison, Office of the Special Representative for Trade Negotiations.

LAWRENCE A. FOX,
Deputy Assistant Secretary for International Economic Policy and Research.

NOTICE OF DETERMINATION FOR PARTIAL CLOSURE OF MEETINGS OF THE INDUSTRY SECTOR ADVISORY COMMITTEES FOR TRADE NEGOTIATIONS

Each of the 26 Industry Sector Advisory Committees (ISACs) for Trade Negotiations will meet as indicated in the attached schedule during the period from May 1 to May 21, 1975, each meeting to last for two and possibly three consecutive days. By memorandum of March 10, 1975, it has been requested that portions of these meetings be closed to the public in order to protect the security classified documents which will be reviewed and discussed at each of the meetings.

These 26 committees, consisting of an average of 18 members, were established on April 2, 1974 in accordance with the provisions of the Federal Advisory Committee Act 5 U.S.C. App. I (Supp. III, 1973), by the Secretary of Commerce and the Special Representative for Trade Negotiations. All members of the committees have appropriate security clearances.

The Committee's activities are conducted in accordance with the provisions of the Federal Advisory Committee Act, and Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974. Section 10 of the Federal Advisory Committee Act provides, among other things, that the meetings of advisory committees are to be open to the public and to public participation unless the head of the agency (or his delegate) to which the committee reports determines in writing that all or some portion of the agenda of the meeting of the committee is concerned with matters listed in 5 U.S.C. 552(b).

Section 552(b)(1) of Title 5, United States Code, provides that information may be withheld from the public if it concerns matters specifically required by Executive Order to be kept secret in the interest of national defense or foreign policy of the United States and are in fact properly classified pursuant to such Executive Order.

The agenda items for each ISAC meeting are: (1) Election of a Chairman and Vice-Chairmen (if not yet elected) and the establishment of a steering group (as necessary); (2) Review of the preliminary draft Industry Sector Advisory Report (ISAR); and (3) Discussion of the ISAR, and the adoption of any changes, additions, or deletions thereto leading to the approval of a final ISAR.

The ISAR contains the sector information and advice of the ISAC members to the U.S. Government to assist the U.S. negotiators in formulating their negotiating positions in the current multilateral trade negotiations. The draft ISAR to be reviewed, revised, and approved under agenda items (2) and (3) will be properly classified "Confidential" pursuant to Executive Order 11652 and specifically required by said Executive Order to be kept secret in the interests of the national security (i.e., the conduct of the foreign relations) of the United States.

Accordingly, I hereby determine, pursuant to section 10(d) of Pub. L. 92-463, that those portions of each meeting of each of the aforesaid 26 ISACs to be held between May 1 and May 21, 1975 dealing with agenda items (2) and (3) shall be exempt from the open meeting and public participation provisions of the Federal Advisory Committee Act because they will deal with matters exempt from public disclosure under section 552(b)(1) of Title 5, U.S.C. Agenda item (1) of each meeting will be open to the public.

Dated: March 27, 1975.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

Dated: March 26, 1975.

ALFRED MEISNER,
General Counsel.

[FR Doc.75-8403 Filed 3-31-75;8:45 am]

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DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-443]

PACIFIC FAR EAST LINE, INC.

Application

Notice is hereby given that Pacific Far East Line, Inc., has applied for amendment of its service description to increase the number of subsidized calls per year from six to 18 on which Trade Route 27 LASH vessels may load Trade Route 29 cargoes in the Pacific Northwest for transfer at California to Trade Route 29 vessels.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should, by the close of business on April 11, 1975 notify the Secretary, Maritime Subsidy Board, in writing in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such essential service is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS)).

By Order of the Maritime Administration.

Date: March 27, 1975.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75-8434 Filed 3-31-75;8:45 am]

National Oceanic and Atmospheric Administration

MARINE ANIMAL PRODUCTIONS INC.

Issuance of a Permit for Marine Mammals

On February 4, 1975, notice was published in the FEDERAL REGISTER (40 FR 6521) that an application had been filed with the National Marine Fisheries Service, by Marine Animal Productions Inc./Marine Life Inc., 150 Debuys Road, Biloxi, Mississippi 39531 to take eight Atlantic bottlenosed dolphins (*Tursiops truncatus*) and ten (10) California sea lions for the purpose of public display.

Notice is hereby given that on March 25, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit to Marine Animal Productions Inc./Marine Life Inc., subject to certain conditions set forth therein. The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235 and Offices of the Regional Directors, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702 and the Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: March 25, 1975.

ROBERT F. HUTTON,
Acting Director,
National Marine Fisheries Service.

[FR Doc.75-8378 Filed 3-31-75;8:45 am]

NEW YORK ZOOLOGICAL SOCIETY

Receipt of Applications for Public Display Permits

Notice is hereby given that the following applicant has applied in due form for permits to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

(1) The New York Zoological Society, the Zoological Park, Bronx, New York 10460, to take two female beluga whales (*Delphinapterus leucas*) for the purpose of public display at the New York Aquarium, Boardwalk at West 8th Street, Brooklyn, New York 11224.

The beluga whales will be taken from July 15, 1976 to August 15, 1975, from Hudson Bay in the vicinity of Churchhill, Manitoba, Canada, by means of a breakway net or if in shallow water, directly by six to eight men using a transport stretcher. The animals will be captured by a professional collector and supervised by the Curator of the New York Aquarium.

The beluga whales will be maintained and displayed in the whale pool which averages 32 feet in width, 7 feet in depth and is 62 feet long having a capacity of 95,206 gallons of water. A total of four beluga whales will be maintained in this pool.

(2) The New York Zoological Society, the Zoological Park, Bronx, New York 10460, to take four (4) Atlantic bottlenosed dolphins (*Tursiops truncatus*) for the purposes of public display at the New York Aquarium, Boardwalk at West 8th Street, Brooklyn, New York 11224.

The bottlenosed dolphins will be collected by a professional collector in the water between Mobile Bay and the mouth of the Mississippi River by means of a seine net.

The animals will be maintained and displayed in two pools which have the following dimensions:

1. Main pool, 70 feet long by 40 feet wide by 8½ feet deep, with a capacity of 125,000 gallons of water;
2. Holding pool, 30 feet in diameter by 6 feet 8 inches deep, with a capacity of 16,635 gallons of water.

The pools will house four (4) *Tursiops truncatus*, and one (1) *Lagenorhynchus obliquidens*.

On the issuance of permit to obtain four bottlenosed dolphins adequate winter facilities for the maintenance of the animals will be constructed. A geodesic dome will be constructed above and around the holding pool of the dolphin arena. This dome will contain proper ventilation systems and will be designed to allow for natural lighting.

The New York Zoological Society is a nonprofit organization. Over 850,000 visitors a year are recorded. School and organized groups regularly visit the facility. Many of the staff have adjunct professorships with universities and schools in the nearby areas.

The staff at the New York Aquarium has had considerable experience in aquarium maintenance techniques, husbandry, and animal handling and has contributed significantly to further development of such techniques.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above applications have been inspected by licensed veterinarians, who have certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above applications are available for review at the following locations:

Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, the Office of the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930 and the Office of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

Concurrent with publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of these applications to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written views or data, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 on or before May 1, 1975. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in support of these applications are summaries based upon information supplied by the applicant and, therefore, do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: March 27, 1975.

W. KIRKNESS,
Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.75-8380 Filed 3-31-75;8:45 am]

SEA WORLD, INC.

Withdrawal of Permit Application for Marine Mammals

On November 20, 1973, notice was published in the FEDERAL REGISTER (38 FR 34983), that an application had been filed with the National Marine Fisheries Service by Sea World, Incorporated, 1720 South Shores Road, San Diego, California 92109, for a public display permit to take five (5) northern elephant seals (*Mirounga angustirostris*).

Notice is hereby given that Sea World, Inc., has requested to withdraw the application, and that the request to withdraw was acknowledged and accepted without prejudice by the National Marine Fisheries Service on March 20, 1975.

Dated: March 20, 1975.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

[FR Doc.75-8386 Filed 3-31-75;8:45 am]

STEINHART AQUARIUM

Receipt of Application for a Public Display Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Steinhart Aquarium, California Academy of Sciences, Golden Gate Park, San Francisco, California 94118 to take three (3) Pacific white-sided dolphins (*Lagenorhynchus obliquidens*).

The dolphins will be taken from coastal areas of central California by Mr. Thomas P. Dohl and Mr. John Hall, both of the University of California at Santa Cruz, by means of the standard hoop net technique. The collectors have nine and seven years experience, respectively, in the capture, transportation and husbandry of cetaceans. The dolphins will be transported from the collection area to Santa Cruz, California by boat, and from that location to the Applicant's facility by truck.

The dolphins will be maintained and displayed in a pool, 42 feet long, 20½ feet wide, from 8 to 11 feet deep, containing 88,000 gallons of filtered sea water. In addition to the three requested dolphins, two harbor seals will occupy this pool. Within this facility, the dolphins will be exhibited in a non-performing display. A staff of twenty-five employees will attend to the care and maintenance requirements of the dolphins.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with this application are available in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written views or data, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 on or before May 1, 1975. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries based upon information supplied by the Applicant and, therefore, do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: March 25, 1975.

ROBERT F. HUTTON,
Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.75-8382 Filed 3-31-75;8:45 am]

UNIVERSITY OF GUELPH

Withdrawal of Permit Application for Marine Mammals

On January 3, 1974, notice was published in the FEDERAL REGISTER (39 FR 840), that an application had been filed with the National Marine Fisheries Service by Keith Ronald, Dean, College of Biological Science, University of Guelph, Guelph, Ontario, Canada, for a scientific research permit to take one (1) Hawaiian monk seal (*Monachus schaunislandi*).

Notice is hereby given that Dr. Ronald has requested to withdraw the application, and that the request to withdraw was acknowledged and accepted without prejudice by the National marine fisheries Service on March 18, 1975.

Dated: March 18, 1975.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

[FR Doc.75-8384 Filed 3-31-75;8:45 am]

UNIVERSITY OF MINNESOTA

Issuance of Permit for Marine Mammals

On February 12, 1975, notice was published in the FEDERAL REGISTER (40 FR 6522), that an application had been filed with the National Marine Fisheries Service by Donald B. Siniff, Associate Professor, Department of Ecology and Behavioral Biology, 223 Snyder Hall, University of Minnesota, St. Paul, Minnesota 55101, for a scientific research permit to collect biological data and materials from an unspecified number of dead seals killed by polar bears and to collect biological data and materials from three hundred fifty (350) ringed seals (*Pusa hispida*) and two hundred fifty (250) bearded seals (*Erignathus barbatus*) taken by natives and Canadian Wildlife Service personnel along the northern coast of Canada each year.

Notice is hereby given that, on March 26, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) the National Marine Fisheries Service issued a permit for the above mentioned activities to Donald B. Siniff, subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and in the Office of the Regional Director, National Marine Fisheries Service, Northeast Region Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: March 26, 1975.

ROBERT F. HUTTON,
Acting Director, National Marine Fisheries Service.

[FR Doc.75-8381 Filed 3-31-75;8:45 am]

UNIVERSITY OF WASHINGTON

Receipt of Application for a Scientific Research Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Ole A. Mathisen, Professor, College of Fisheries, University of Washington 98195, to take by shooting six (6) Pacific harbor seals (*Phoca vitulina richardii*) from Iliamna Lake, Bristol Bay, Alaska, for the purpose of scientific research.

The Applicant proposes to study the geographically isolated population of harbor seals found in Iliamna Lake to gather population and distribution information by means of both aerial and ground surveys. An ultimate objective of the research is to understand the ecological relationships of the seals, sockeye salmon and other resident fishes and factors controlling the population size of the seals in the absence of any harvesting of the seals. Analysis of the six collected specimens will provide a preliminary estimate of age, growth and reproductive potential. Collections of internal parasites will be made available to interested parasitologists. The parasites are of special interest to this research, as one form is commonly found in the fishes of Iliamna Lake with its seal

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population, and is rarely found in the fishes of a nearby lake system which has no seals.

The applicant is the chairman of the Seal Group of a committee operating under the auspices of the Food and Agriculture Organization of the United Nations. A principal task of this group is to prepare a status report on the stocks of seals on a worldwide basis, including seals living in enclosed water basins such as Iliamna Lake. The specimens collected will be deposited at the University of Alaska.

Documents submitted in connection with this application are available in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and the Offices of the Regional Directors, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801 and Northwest Region, 1700 Westlake Avenue North, Seattle, Washington 98109.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written views or data, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 on or before May 1, 1975. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: March 25, 1975.

ROBERT P. HUTTON,
Associate Director
for Resource Management.

[FR Doc.75-8379 Filed 3-31-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration

PROJECT GRANTS FOR SUDDEN INFANT DEATH SYNDROME

Information and Counseling Regarding Applications

On March 5, 1975, there was published at 40 FR 10318 et seq., a notice of proposed rulemaking, which proposed the adoption of regulations to implement section 1121(b) of the Public Health Service Act (42 U.S.C. 300c-11) for projects which include both the collection, analysis, and furnishing of information relating to the causes of the sudden infant death syndrome, and the provision of information and counseling to families affected by the syndrome. In order to expedite the review procedures for the award of Federal financial assistance, notice is hereby given that applications for grants may be submitted prior to the publication of final regulations in accordance with application requirements set forth in the proposed regulations (40 FR 10318). Application forms and further information may be obtained from the Associate Bureau Director, Program Office for Maternal and Child Health, Bureau of Community Health Services, Health Services Administration, Room 12-05, 5600 Fishers Lane, Rockville, Maryland 20852.

It should be noted that these application forms and requirements are based on proposed regulations, and that final action with respect to any applications submitted will not be taken by DHEW until after final regulations are published. Furthermore, should the final regulations differ substantially from the proposed regulations, applications filed on the basis of the proposed regulations will be required to be revised or amended as may be necessary to conform to the final regulations. Subject to these considerations, applications for grants will be accepted and reviewed on a continuing basis until further notice.

Dated: March 19, 1975.

ROBERT VAN HOEK,
Acting Administrator,
Health Services Administration.

[FR Doc.75-8316 Filed 3-31-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Equal Opportunity

[Docket No. N-75-269]

FAIR HOUSING ENFORCEMENT EFFORTS OF THE MISSOURI COMMISSION ON HUMAN RIGHTS

Public Meeting

Pursuant to § 106.3 of the Department of Housing and Urban Development's regulation establishing the procedure for scheduling fair housing public meetings (24 CFR 106.3; 37 FR 24420 (11-17-72), and Part 115 of the Department's regulations concerning recognition of substantially equivalent laws (24 CFR Part 115; 37 FR 16542 (8-16-72)) Notice is hereby given of a public fact-finding meeting to be conducted by the Assistant Secretary for Equal Opportunity. The subject of the meeting will be the Fair Housing Enforcement Efforts of the Missouri Commission on Human Rights, in relationship to Title VIII of the 1968 Civil Rights Act.

The meeting will be held in Kansas City, Missouri, Thursday, April 24, 1975, beginning at 9 a.m. in the Hotel Radisson-Muehlebach, Lido Room, 12th and Baltimore Streets, Kansas City, Missouri.

The purpose of the meeting is to obtain information respecting the procedures utilized by the Missouri Commission on Human Rights, in their processing of housing discrimination complaints and to ascertain whether or not the Office of the Assistant Secretary for Equal Opportunity can, in accordance with the Department's Substantial Equivalency Regulation, provide technical assistance to Missouri in its endeavors to eliminate or prevent discriminatory housing practices.

Attendance is open to the interested public, but limited to the space available. To the extent that time permits the Presiding Officer will allow public presentation of oral statements at the meeting. Any member of the public may file a written statement with the Office of Equal Opportunity, U.S. Department of Housing and Urban Development, before, during, or after the meeting.

For further information concerning this meeting contact Dr. Gloria E. A. Toote, Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

GLORIA E. A. TOOTE,
Assistant Secretary
for Equal Opportunity.

[FR Doc.75-8407 Filed 3-31-75;8:45 am]

[Docket No. N-75-270]

FAIR HOUSING ENFORCEMENT EFFORTS OF THE STATE OF MARYLAND COMMISSION ON HUMAN RELATIONS

Public Meeting

Pursuant to § 106.3 of the Department of Housing and Urban Development's regulation establishing the procedure for scheduling fair housing public meetings (24 CFR 106.3; 37 FR 24420 (11-17-72), and Part 115 of the Department's regulations concerning recognition of substantially equivalent laws (24 CFR Part 115; 37 FR 16542 (8-16-72)). Notice is hereby given of a public fact-finding meeting to be conducted by the Assistant Secretary for Equal Opportunity. The subject of the meeting will be the Fair Housing Enforcement Efforts of the State of Maryland Commission on Human Relations, in relationship to Title VIII of the 1968 Civil Rights Act.

The meeting will be held in Baltimore, Maryland, Monday, May 5, 1975, beginning at 9 a.m. in the George H. Fallon Federal Building, Room G-30, 31 Hopkins Plaza, Baltimore, Maryland.

The purpose of the meeting is to obtain information respecting the procedures utilized by the Maryland Commission on Human Relations, in their processing of housing discrimination complaints and to ascertain whether or not the Office of the Assistant Secretary for Equal Opportunity can, in accordance with the Department's Substantial Equivalency Regulation, provide technical assistance to Maryland in its endeavors to eliminate or prevent discriminatory housing practices.

Attendance is open to the interested public, but limited to the space available. To the extent that time permits the Presiding Officer will allow public presentation of oral statements at the meeting. Any member of the public may file a written statement with the Office of Equal Opportunity, U.S. Department of Housing and Urban Development, before, during, or after the meeting.

For further information concerning this meeting contact Dr. Gloria E. A. Toote, Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

GLORIA E. A. TOOTE,
Assistant Secretary
for Equal Opportunity.

[FR Doc.75-8406 Filed 3-31-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 75-077]

RESEARCH ADVISORY COMMITTEE

Meeting

This is to give notice in accordance with section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) of October 6, 1972, that the Research Advisory Committee will conduct an open meeting on April 23-24, 1975, in the conference room of the Thirteenth Coast Guard District Headquarters, 915 Second Avenue, Seattle, Washington 98104. This meeting is scheduled to begin at 2:30 p.m. on 23 April 1975 and at 8:30 a.m. on the 24th.

The agenda of the Eleventh Meeting of the Research Advisory Committee is as follows:

(1) Old business, including an update of actions taken relative to recommendations of tenth meeting.
(2) Status of Research and Development in the Coast Guard as of April 1975.
(3) Adequacy of Technology of Safe Boating Over the Offshore Bars of the Pacific Northwest.
(4) Adequacy of research and development planning for likely future Coast Guard requirements for underwater inspection, search and rescue, and coastal monitoring.
(5) Delineation of attractive technical areas for multi-mission research designed to improve productivity and effectiveness of the Coast Guard in the 1980-1985 time frame.
(6) Report on Regional Coordination via the Sea Use Council—RADM Stanley, USN (Ret.), Executive Director, Sea Use Council, Seattle, WA.

The Coast Guard Research Advisory Committee was originally established as the Science Advisory Committee in 1970 to provide a broad external and neutral point of view in the review of the Coast Guard's Research, Development, Test and Evaluation Effort; to make recommendations for the development of new techniques that are applicable to Coast Guard missions, new or revised approaches to scientific inquiry, more effective utilization of the Research and Development staff, and interfacing of the Coast Guard program with other scientific and technological programs, particularly those of other elements of the Department of Transportation and the Department of the Navy; to review Coast Guard long-range Research and Development program planning, and to propose changes in Research, Development, Test and Evaluation policy, program emphasis, staffing, scope and use of facilities.

Interested persons may seek additional information or the summary minutes of the meeting by writing to:

Dr. C. C. Bates, Science Advisor to the Commandant
G-DS/62
Washington, D.C. 20590

or by calling (202-426-1037).

Dated: March 17, 1975.

A. H. SIEMENS,
Chief, Office of
Research and Development.

[FR Doc.75-8369 Filed 3-31-75;8:45 am]

Federal Railroad Administration

[Rule Making Pet. Doc. No. 74-3, Notice 2]

CONGRESS OF RAILWAY UNIONS

Sleeping Quarters for Railroad Employees; Extension of Comment Period

Notice is hereby given that, at the request of the Association of American Railroads, the Federal Railroad Administration (FRA) has extended to April 30, 1975, the period for filing written comments on the notice published on February 13, 1975 (40 FR 6701), concerning a petition of the Congress of Railway Unions. The petition requested that FRA institute rule making to prohibit railroads from having or providing employee sleeping quarters less than one mile from its property or yards where switching or humping is performed.

Issued in Washington, D.C. on March 27, 1975.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.75-8365 Filed 3-31-75;8:45 am]

[Rulemaking Petition Docket No. 74-5]

UNITED TRANSPORTATION UNION

Freight Train Markers; Extension of Comment Period

Notice is hereby given that, at the request of the Brotherhood of Locomotive Engineers, the Federal Railroad Administration (FRA) has extended to April 15, 1975, the period for filing written comments on the notice published on February 18, 1975 (40 FR 7001) concerning a petition of the United Transportation Union. The petition requested that FRA institute rule making to require highly visible markers to be placed on the rear end of freight trains.

Issued in Washington, D.C. on March 27, 1975.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.75-8366 Filed 3-31-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26679; Order 75-3-108]

CERTAIN AIR CARRIERS AND CANADIAN AIR CARRIERS

Charter Trips Between United States and Canada

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 27th day of March, 1975.

The Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974, provides that the charterworthiness standards of the country of charter trip origin shall govern. However, a Reservation by the United States had provided (with limited exceptions for certain Canadian charter carriers) that in addition to conforming to the regulations of the Canadian Transport Commission, Inclusive Tour Charters (ITC's) originating in Canada and destined for the United States must provide "• • • overnight hotel accommodations at a minimum number of places other than the point of origin, each place a minimal distance from the other, each such minimum to be the minimum permitted by the Civil Aeronautics Board for any United States-Canada Inclusive Tour Charter by any U.S. carrier • • •" In implementing the Agreement, and the U.S. Reservation thereto, the Board granted a waiver to all designated U.S. carriers to perform Canadian-originating charter flights pursuant to the regulations of the Canadian Transport Commission subject, however, to a three-stop requirement on ITC's.[1]

By diplomatic note dated March 19, 1975 the United States Government terminated the Reservation. This action had the effect of automatically terminating the Canadian Counter-Reservation pur-

[1] See ordering paragraph 3 of Order 74-5-37, adopted May 8, 1974, (made final by Order 74-7-140 adopted July 30, 1974) which reads as follows:

"3. That waivers of the provisions of Parts 207 and 208 of the Board's Economic Regulations (and of such provisions of our various Special Regulations authorizing particular types of charters, to the extent that such provisions apply to direct air carriers) are hereby granted to the U.S. carriers listed in Appendix A hereto insofar as any provisions therein regarding charterworthiness may conflict with the charterworthiness regulations of the Canadian Transport Commission for single entity passenger, single entity property, pro rata common purpose, advance booking, inclusive tour, and split passenger charter trips of the above types which first take on board passengers and their accompanied baggage or property, at a point or points in Canada for deboarding or reboarding in the United States, and are operated in conformity with such applicable regulations of the Canadian Transport Commission and in conformity with the Agreement: *Provided*, however, the inclusive tour charter trips operated by such carriers shall also provide, on the land portion of the tour, overnight hotel accommodations at a minimum of three places other than the point of origin, such places to be no less than 50 air miles from each other."

V 40163 APR 175

suant to the terms of the Counter-Reservation and provided authorization under the Agreement for U.S. and Canadian carriers to perform one-stop ITC's from Canada organized solely under Canadian ITC regulations.[5] Accordingly, the Board finds it in the public interest to amend Order 74–5–37, as amended, to delete the entire proviso to ordering paragraph 3 thereof. This amendment will permit U.S. carriers to perform Canadian-originating one-stop ITC's.[6]

Accordingly, it is ordered, That: 1. Ordering paragraph 3 of Order 74–5–37, finalized by Order 74–7–140, is hereby amended to read:

2. This Order shall be served upon the Departments of State and Transportation, the carriers listed in Appendix A to Order 74–5–37, as amended, and the Ambassador of Canada in Washington, D.C.

3. That waivers of the provisions of Parts 207 and 208 of the Board's economic regulations (and of such provisions of our various special regulations authorizing particular types of charters, to the extent that such provisions apply to direct air carriers) are hereby granted to the U.S. carriers listed in Appendix A hereto insofar as any provisions therein regarding the charterworthiness may conflict with the charterworthiness regulations of the Canadian Transport Commission for single entity passenger, single entity property, pro rata common purpose, advance booking, inclusive tour, and split passenger charter trips of the above types which first take on board passengers and their accompanied baggage or property, at a point or points in Canada for deboarding or reboarding in the United States, and are operated in conformity with such applicable regulations of the Canadian Transport Commission and in conformity with the Agreement.

This Order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–8425 Filed 3–31–75;8:45 am]

[Docket No. 27334; Order 75–3–106]

EASTERN AIR LINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 27th day of March, 1975.

On December 30, 1974, Eastern Air Lines filed an application in Docket 27334 requesting the amendment of its certificate for route 110[1] so as to authorize the foreign air transportation of mail as well as persons and property between points in Florida and points in the Bahama Islands. On the following day, Eastern filed a motion for an order to show cause or for such other expedited procedures as the Board may wish to employ.

In support of its application and motion, Eastern alleges that Pan American World Airways, the only United States-flag carrier certificated to transport mail between Florida and the Bahamas, no longer operates in any of the relevant markets; that the United States Postal Service "needs and desires to utilize Eastern's existing flights in the Florida-Bahamas markets for the carriage of mail;" that Eastern has, in the past, provided the mail service in question by exemption and is presently doing so under a temporary emergency contract at domestic service mail rates; and that amendment of Eastern's certificate will have no adverse impact upon any United States-flag carrier.

No answers to the application or the motion have been received.

Upon consideration of the pleadings and the facts enumerated below, we tentatively find and conclude that the public convenience and necessity require the amendment of Eastern's certificate for route 110 so as to authorize the foreign air transportation of mail between points in Florida and points in the Bahama Islands.[2]

Eastern acquired its certificate for route 110 from Mackey Airlines pursuant to the Board's decision in the Eastern-Mackey Merger Case, 45 C.A.B. 728 (1966); the certificate was subsequently amended in the United States-Caribbean Route Investigation, 49 C.A.B. 427 (1968). Service is presently operated in accordance with the Approved Service Plan-Foreign Air Transportation granted by Order 72–5–19, May 4, 1972, and consists of five daily nonstop round trips in the Miami-Nassau market, four in the Miami-Freeport market, one in the Ft. Lauderdale-Nassau market and a daily one-way, one-stop flight from Orlando to Nassau. OAG, March 1, 1975.[3] Mackey Airlines had never held certificate authority to carry mail on route 110; in fact, such authority was specifically denied in the Mackey Airlines Renewal Case, 37 C.A.B. 371 (1962). On the other hand, both Mackey[4] and Eastern[5] have, in the past, received exemption authority to transport mail between Florida and the Bahamas for temporary periods.

The Board's denial of the application for mail authority by Mackey Airlines, the previous holder of the certificate for route 110, was predicated upon the absence of "expressions on behalf of the Post Office Department of either a need or a desire" for additional certificated mail authority, the ample uplift provided by Pan American and the negligible revenues which mail authority would generate for Mackey if it were granted only on a service-rate basis (as opposed to a subsidy-eligible basis). 37 C.A.B. at 385, 289. These circumstances have now changed.

First, Eastern represents that the Postal Service supports its application and desires to utilize the capacity available on Eastern's regular and frequent Florida-Bahamas flights for the transportation of mail at service rates established by the Board.[6] Although Eastern could carry mail under temporary emergency contracts or exemptions, these vehicles are administratively cumbersome and should not be employed in lieu of certification pursuant to section 401 of the Act. Second, Pan American no longer participates in the Florida-Bahamas markets and, in fact, has been granted temporary authority to suspend all service at Freeport, Grand Bahama.[7] While technically there is nothing to prevent Pan American from resuming operations, its recent history of service, current financial difficulties and the high cost of fuel indicate that the carrier will not do so.[8]

[5] The Canadian ITC regulations do not prescribe a minimum number of stops; however, they are more restrictive than Part 378 in pricing, minimum stay, split chartering, and commingling of charter types on the same aircraft.

[6] Order 74–5–37 also provided similar waivers from the Board's Regulations for Canadian carriers. However, by Order 74–11–154, approved by the President November 27, 1974, new charter permits were authorized to be issued to all designated Canadian carriers holding section 401 permits, subject only to fulfilling certain technical requirements. Many Canadian carriers have been issued these new permits; the remainder will receive such permits as soon as the requirements are fulfilled. These permits are designed so that, in the absence of a U.S. Reservation, the charterworthiness of its Canadian-originated ITC's will be governed solely by Canadian Transport Commission regulations. It is therefore not necessary to amend the waivers applicable to the Canadian carriers. These waivers expire on March 31, 1975 pursuant to the terms of Order 74–11–154 as amended by Order 75–1–136.

[1] Segment 1: Between the terminal point Jacksonville, Fla., the intermediate points Tampa-St. Petersburg, West Palm Beach-Palm Beach, Ft. Lauderdale and Miami, Fla., and points in the Bahama Islands.

Segment 2: Between the coterminal points West Palm Beach-Palm Beach and Ft. Lauderdale, Fla., the intermediate point Havana, Cuba, and points in the Bahama Islands.

[2] We tentatively find that Eastern is a citizen of the United States within the meaning of the Act and is fit, willing and able properly to perform the foreign air transportation proposed herein and to conform to the provisions of the Act, and the Board's rules, regulations and requirements thereunder.

[3] Additional service between points in Florida and points in the Bahamas is provided by Bahamasair Holdings Limited, a foreign air carrier, and by three commuter carriers, Mackey International Airlines, Shawnee Airlines and Chalk's International Airline. OAG, March 1, 1975.

[4] Mackey Airlines, Mail Exemption, 43 C.A.B. 791 (1965).

[5] Order 71–5–19, May 6, 1971.

[6] We expect the Postal Service to submit an independent statement setting forth its position within the time allotted for filing objections to the tentative findings and conclusions contained in this order.

[7] Order 74–12–30, December 9, 1974.

[8] Throughout most of 1972 and 1973, Pan American operated five or six daily nonstop Miami-Nassau round trips. On September 6, 1973, the number was reduced to two and then to one on March 1, 1974. Service was discontinued entirely on April 24, 1974, and never reinstated. Present Bahamas service is limited to twelve weekly nonstop round trips in the New York-Nassau market and seven weekly one-stop round trips in the New York-Rock Sound market. Source: Various editions of OAG.

Therefore, Eastern's application should not be rejected, as was Mackey's, because of the availability of alternative United States-flag certificated service and because of diversion of mail revenue from an incumbent.[9] Third, since Eastern will be carrying the mail on existing flights, there should be a favorable financial impact upon the carrier.[10]

Finally, we tentatively find that there is no need to set Eastern's application for a formal hearing. In other cases in which certificate amendments of modest scope were requested and in which there was no opposition and no adverse impact upon another air carrier, show cause procedures have been utilized.[11] See, *e.g.*, Order 74–10–147, October 30, 1974 and Order 74–7–34, July 8, 1974.

Interested persons will be given thirty days following the date of adoption of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That: 1. All interested persons be and they hereby are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions herein and amending, subject to approval of the President pursuant to section 801 of the Act, the certificate of public convenience and necessity for route 110 held by Eastern Air Lines, Inc. to authorize the foreign air transportation of mail as well as persons and property;

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 30 days after the date of adoption of this order, file with the Board and serve upon all persons listed in paragraph 5 a statement of objections together with a summary of testimony, statistical data and other evidence expected to be relied upon to support the stated objections;[12]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of this order shall be served upon Eastern Air Lines, Inc.; Pan American World Airways, Inc.; the United States Postal Service; Governor, State of Florida; and the Mayors of the Cities of Miami, Ft. Lauderdale, West Palm Beach, Tampa and Jacksonville, Florida.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–8427 Filed 3–31–75;8:45 am]

[Docket No. 27468; Order 75–3–95]

FREE ALCOHOLIC BEVERAGES TO COACH PASSENGERS

Order Denying Petition for Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 26th day of March 1975.

By Order 75–2–14, dated February 4, 1975, the Board ordered the U.S. domestic trunk carriers and Pan American to provide certain information with respect to alcoholic beverages service in coach class.

Delta Air Lines, Inc. (Delta), has filed a Petition for Reconsideration asking that the Board expand the reporting requirements of its order to include reporting with respect to: (a) free alcoholic beverages to first-class passengers, (b) the expense and revenue (if any) experience with respect to in-flight television and movies, and (c) food service at other than specified meal hours. Delta contends that the Board must have this information in order to adequately ensure that such amenities do not adversely affect air fares.

Answers to Delta's petition for reconsideration have been received from Continental Air Lines, Inc. (Continental), American Airlines, Inc. (American), and United Air Lines, Inc. (United). All three parties want the Board to dismiss Delta's petition, albeit each for a different reason. American wants the Board to conduct a full investigation into amenities not limited to the items Delta mentions in their petition. In the alternative, American urges the Board to grant authority permitting all trunkline and local service carriers to engage in Board-supervised discussions related to passenger amenities.[1]

United supports the Board's action in limiting the reporting of data solely to the service of alcoholic beverages in coach service. The carrier feels that any expansion of the preliminary inquiry to include other standard amenities such as meal service would impose a costly and time-consuming undue burden on the domestic trunk carriers.

Continental believes that the Board has no right to regulate any in-flight amenities, an area, it believes Congress left to the discretion of carrier management. The carrier believes the public can be protected from the "liquor war" by disallowing the cost of free alcoholic beverages in coach in setting the fare level. Continental would also like the Board to establish general standards for efficiency and service for the purpose of setting fare-level costs; then the carriers would be able to choose their own competitive response and innovate with new service amenities—but at their own expense.

The Board finds that Delta's petition fails to establish sufficient reason for amending Order 75–2–14 and we will therefore deny the request. With regard to the service of alcoholic beverages in first class, this expense was considered in the Domestic Passenger-Fare Investigation and is reflected in the structuring of first-class fares. When the Phase 9 structure is fully implemented, the costs incurred in first-class service will be covered by that fare.

We are not persuaded that action with respect to the other matters raised by Delta, which involve practices of long standing, requires regulatory action at this particular time. On the other hand, the issue of the give-away of liquor should be expeditiously resolved before the practice spreads beyond the relatively few carriers now engaging in it.

Accordingly, pursuant to the Federal Aviation Act of 1958, *It is ordered*, That: 1. The request by Delta for reconsideration of Order 75–2–14 is hereby denied;

2. The motion of Allegheny to file an otherwise unauthorized document is granted; and

3. Copies of this order will be served upon Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc.,

[9] Should Pan American express its intention to re-enter the Florida-Bahamas markets or object to grant of Eastern's application for any other reason, the carrier's pleading will receive complete consideration by the Board.

[10] As noted by Eastern, it will not be necessary to amend the Board's mail rate orders since the domestic mail rates presently in force apply to Eastern's entire system. See Priority and Nonpriority Domestic Service Mail Rates—Phase 2, Order 74–1–89, January 16, 1974, Docket 23060–2.

[11] We have tentatively determined that the certificate amendment proposed herein will not, by its very nature, lead to a "major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969. Accordingly, it is not necessary to undertake the preparation of an environmental assessment.

[12] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests or petitions for reconsideration of this order will be entertained.

[1] On March 3, 1975, Allegheny Airlines filed a motion for leave to file an otherwise unauthorized document. This document is in opposition to American's request. The motion will be granted.

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Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-8424 Filed 3-31-75;8:45 am]

[Docket No. 26494; Agreement C.A.B. 24806 R-1 and R-2; Agreement C.A.B. 24903 R-1 and R-2; Agreement C.A.B. 24943 R-1 and R-2; Agreement C.A.B. 24964 R-47 and R-51; Order 75-3-97]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 26th day of March, 1975.

By Orders 74-12-105 (December 27, 1974) and 75-2-102 (February 26, 1975), respectively, the Board deferred action on Agreement C.A.B. 24805, R-1 and R-2, and on Agreements C.A.B. 24903, R-1 and R-2 and C.A.B. 24943, R-1 and R-2, adopted by members of the International Air Transport Association (IATA). Those agreements involved the replacement of presently effective group inclusive tour (GIT) fares in most U.S.-Mexico markets with individual inclusive tour (IIT) fares.[1] Generally speaking, the new IIT fares were proposed at present GIT levels for U.S. east coast points, and at levels representing about a 10 percent increase over present GIT fares for midwest points. The IIT fares are to be available all year except during a Christmas blackout;[2] carry a 5/21-day minimum/maximum stay period; allow one stopover (in Mexico only); must be sold in connection with ground arrangements of at least $60 for the minimum stay and $7 per diem thereafter; and are 9–10 percent higher on weekends than on midweek days.[3]

A new IATA agreement has been filed with the Board which establishes the overall Western Hemisphere fare structure for effect from April 1 or April 15, 1975 through April 30, 1976, and which includes the proposed pattern of U.S.-Mexico IIT fares.[4] The new agreement, however, revises the fares previously agreed to by increasing their level approximately 10 percent over present GIT fares for both east coast and midwest points. West coast-Mexico IIT's would be set about 6 percent higher than current GIT's. GIT fares would be maintained only for travel from Florida, Buffalo, and between Los Angeles and Culiacan.

The Board has determined to approve the new agreement proposed U.S.-Mexico IIT fares for effect April 15, 1975, and to disapprove the previous agreements which, in any event, are now superseded and would expire on April 14. The Board has long encouraged the carriers to lessen reliance on group travel as opposed to individually ticketed service and the instant agreement, which covers the preponderence of U.S.-Mexico markets, represents a substantial step in this direction. The increase in fare level appears warranted since the alleged cost savings stemming from ticketing GIT service is no longer available, individual travel is inherently of greater value to the passenger than group travel, and the fares still continue to make available substantial discounts (ranging from 20 to 30 percent) from normal economy fares. Moreover, the new agreement eliminates the previous significant disparity in terms of fares levels between east coast and mid-west points.

The Board, acting pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a) and 412 thereof, makes the following findings:

1. It is found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest and in violation of the Act insofar as they apply in air transportation as defined by the Act:

Agreement CAB	IATA No.	Title	Application
24806:			
R-1	070aa	(Expedited) TC1 Excursion Fares USA/Canada-Mexico (Amending)	1
R-2	084ee	(Expedited) TC1 Group Inclusive Tour Fares USA/Canada-Mexico (Amending).	1

Agreement CAB 24903:	*IATA Resolution*
R-1	100 (Mail 970) 080a
R-2	100(Mail 970)084ee
Agreement CAB 24943:	*IATA Resolution*
R-1	100(Mail 971) 080a
R-2	100(Mail 971)084ee

2. It is not found that the following resolutions, incorporated in Agreement C.A.B. 24964 as indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
24964:			
R-47	080a	TC1 21-Day Individual Inclusive Tour Fares USA-Mexico (Revalidating and Amending).	1
R-51	084ee	TC1 Group Inclusive Tour Fares USA/Canada-Mexico (Revalidating and Amending).	1

Accordingly, *It is ordered*, That: 1. Agreements C.A.B. 24805, R-1 and R-2, C.A.B. 24903, R-1 and R-2, and C.A.B. 24943, R-1 and R-2, be and hereby are disapproved insofar as they apply in air transportation as defined by the Act;

2. Agreements C.A.B. 24964, R-47 and R-51, be and hereby are approved subject, where applicable, to conditions previously imposed by the Board; and

3. Tariffs implementing Agreements C.A.B. 24964, R-47 and R-51, shall be marked to expire not later than April 30, 1976.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[5]

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-8429 Filed 3-31-75;8:45 am]

[Docket No. 25280; Agreement C.A.B. 24967, R-2 through R-4; Order 75-3-107]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Reduced Fares for Cargo Sales Agents

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 27th day of March, 1975.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, adopted at the Sixth Meeting of the Cargo Agency Committee held in Singapore on November 26–29, 1974, has been assigned the above C.A.B. agreement number.

The agreement would revalidate Resolution 203a governing reduced-fare concessions for U.S.-based cargo agents, presently due to expire December 31, 1975, for an indefinite period, and would increase from 2 to 4 the number of 75 percent discount tickets provided U.S.-based agents under the productivity feature.[1]

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[1] Agreement C.A.B. 24805 also proposed amendments to certain U.S.-Mexico excursion fares.

[2] December 15 through 28 southbound; December 29 through January 10 northbound.

[3] The Appendix sets forth a comparison of present and proposed fares in selected markets. Appendix filed as part of the original document.

[4] The balance of the agreement is dealt with in Order 75-3-96, issued concurrently herewith.

[5] Dissenting statement by Minetti and West filed as part of the original document.

[1] The portion of the resolution setting forth the number of additional reduced-fare tickets allocated under the productivity feature would be revalidated only through December 31, 1976. The productivity feature provides for extra tickets up to a maximum of 40 for each 100 percent or fraction thereof by which the total commissionable international sales of a U.S.-based IATA agent exceeds the average commissionable international sales for all agents in the country of registration.

The agreement also proposes technical and procedural amendments to Resolution 203a, as well as to Resolution 203c which governs reduced-fare concessions for foreign-based IATA cargo agents, to reduce the waiting period for reduced-fare eligibility from 12 to 3 months for persons previously qualified when employed by another IATA cargo agent, and to establish procedures for the numbering of reduced-fare authorizations and the replacement of stolen or destroyed authorizations. Finally, the agreement would amend Resolution 203e, which permits the carriers to absorb transportation expenses of IATA cargo agent employees traveling to participate in carrier-sponsored training programs, to allow stopovers on the return trip at a charge equal to 25 percent of the fare applicable between the first stopover and the point of origination.

The small increase in the unit allocation of tickets awarded for productivity under Resolution 203a does not appear to be unreasonable nor in violation of the Board's basic policy, since the allocation is still geared to the agent's productivity and would, in our opinion, still bear a reasonable relationship to his actual requirements in promoting air cargo transportation. Moreover, the present maximum total of 40 extra tickets is to be maintained without change. For these reasons, we will approve the amendment, as well as the remaining revisions to the resolutions governing reduced fares for U.S.-based and foreign-based IATA cargo agents.

However, in Order 74-3-109, dated March 26, 1974, the Board disapproved the application of Resolution 203e to U.S.-based agents. Accordingly, we will take parallel action with respect to the stopover provisions proposed in the instant agreement, although we will approve the agreement insofar as it applies to foreign-based agents.

The Board, acting pursuant to sections 102, 204(a), 404(b) and 412 of the Act, makes the following findings:

(1) It is not found that the following resolutions, incorporated in Agreement C.A.B. 24967 as indicated, are adverse to the public interest or in violation of the Act, provided that approval is subject to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
24967:			
R-2	203a	Reduced Fares for Cargo Agents (USA only) (Revalidating and Amending).	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.
R-3	203c	Reduced Fares for Cargo Agents (Except USA) (Amending)	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.
R-4	203e	Training Courses for Cargo Agents (Revalidating and Amending) (Insofar as it would apply only to the employees of foreign-based IATA cargo sales agents).	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.

(2) It is found that the following resolution, incorporated in the Agreement as indicated, is adverse to the public interest and in violation of the Act:

Agreement CAB	IATA No.	Title	Application
24967:			
R-4	203e	Training Courses for Cargo Agents (Revalidating and Amending) (Insofar as it would apply to the employees of U.S.-based IATA cargo sales agents).	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.

Accordingly, it is ordered, That: 1. Those portions of Agreement C.A.B. 24967 set forth in finding paragraph 1 above be and hereby are approved, subject to conditions previously imposed by the Board; and

2. That portion of Agreement C.A.B. 24967 set forth in finding paragraph 2 above be and hereby is disapproved as it would apply to employees of U.S.-based cargo agents.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-8432 Filed 3-31-75;8:45 am]

[Docket 26362; Order 75-3-106]

TEXAS INTERNATIONAL AIRLINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 27th day of March, 1975.

By petition filed January 31, 1975, Texas International Airlines, Inc. (TXI) requests the Board to issue an order requiring interested persons to show cause why its certificate of public convenience and necessity for route 82 should not be amended so as to delete Lufkin, Texas.

By letter to Administrative Law Judge Frank M. Whiting dated November 26, 1974, the City of Lufkin, the Angelina County Airport Board and the Angelina County Chamber of Commerce, previously civic party intervenors in this proceeding, advised that they will not oppose TXI's application for deletion of Lufkin.

TXI's petition and the civic parties' letter mark the culmination of nearly two years of litigation, negotiation, and trial air service at Lufkin. On February 27, 1973, TXI filed an application for deletion of Lufkin, for temporary suspension of service at Lufkin pending the outcome of the deletion case and for resolution of the deletion case by show cause procedures. The civic parties opposed and the case was set for hearing, but the prehearing conference was postponed twice[1] while the civic parties and TXI first negotiated and then implemented a plan of improved air service and amplified promotion for a trial period. The trial pattern of service, whose principal feature was an early morning-late eventing round trip to Dallas, commenced in October 1974 and has continued with minor variations to the present.[2] While the improved service met with some traffic response, all parties acquiesce in TXI's view that the response was not sufficient to warrant continuation of the trial. However, TXI has agreed at the request of the city to continue air service at least until March 31, 1975.

In its petition, TXI alleges that while traffic has responded to the trial service pattern, the response has been insufficient and the overall level of traffic generation remains poor. In its original pleadings in this case TXI showed 2,370 boardings, or 3.5 per flight during 1972. TXI now states that before trial service was instituted the traffic level had declined to 1,775 total boardings or 2.8 per flight and that during the trial year of 1974 the traffic grew to only 2,431 total boardings or 4.3 per flight. Put in terms of passengers per day, traffic went from 6.5 in 1972, 4.9 in 1973, to 7.2 in 1974.

TXI further contends that the small traffic growth in the trial period has not stemmed the loses it experiences by serving Lufkin. Rather, TXI states the total subsidy need reduction which would accrue from deletion of Lufkin has actually increased slightly from $210,807 based on year end June 30, 1973 results to $214,738 based on year-end September 30, 1974 figures, although the increase in traffic has led to a decline in the subsidy need per passenger from $50.10 per passenger in the earlier period to $44.27 per passenger during the year ended September 30, 1974.[3]

This poor financial history is apparently not the result of failure of promotion. TXI offers evidence of substantial promotional efforts by itself and the civic parties.[4] TXI attributes poor traffic generation at Lufkin to the proximity and convenience of the vastly superior air services at Houston International Airport which TXI estimates is

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[1] By notice from Judge Whiting dated June 29, 1973, the prehearing conference was originally set for August 1, 1973. By notices dated July 26, 1973 and September 20, 1973, Judge Whiting postponed the prehearing conference until September 26, 1973 and then postponed it indefinitely to permit a test and evaluation of improved air service at Lufkin.

[2] The service included an afternoon round trip as well. The flight itinerary has been Dallas/Ft. Worth-Tyler-Longview-Lufkin. While this experimental service pattern was not an improvement in terms of number of round trips, which remained at two, it was an improvement in timing.

[3] TXI's estimates may be understated in that they do not account for the financial benefit to TXI from retention of Lufkin traffic at alternate airports. Because Lufkin is the final point on a turn-around flight we do not anticipate any gain to TXI due to stimulation of traffic at downline points.

[4] See Appendix F of TXI's petition.

V 40 163 APR 175

only 100 miles from Lufkin with a driving time of 105 minutes, over excellent highways.[5]

No answers to TXI's petition have been received.

Upon consideration of the pleadings and all the relevant facts, we have decided to grant TXI's petition for an order to show cause why that carrier's obligation to serve Lufkin, Texas should not be terminated.[6] We note again the acquiescence of the civic parties in this procedure.

We tentatively find and conclude that the public convenience and necessity require the amendment of TXI's certificate of public convenience and necessity so as to delete Lufkin, Texas from segment 4 of route 82. We further tentatively find that Lufkin, Texas has consistently been a poor traffic-generating point with only 4.3 passengers per flight and only 7.3 per day during the year ended September 30, 1974, and that this low level of enplanements created the inordinately high level of subsidy need during that period of at least $214,735 or $44.27 per Lufkin passenger. In light of the recent experiment in air service conducted at Lufkin, we also tentatively conclude that there is little prospect for improved financial results at Lufkin in the future. We also tentatively find and conclude that Lufkin, Texas has reasonable access to the national air transportation system.[7]

Interested persons will be given 30 days following the date of adoption of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That: 1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, amending the certificate of public convenience and necessity of Texas International Airlines, Inc. for route 82 so as to delete Lufkin, Texas therefrom, and terminating the proceedings in Docket 25252;

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions or certificate amendments set forth herein shall, within 30 days after the date of adoption of this order, file with the Board and serve upon all persons listed in paragraph 5 a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;[8]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of this order shall be served upon Texas International Airlines, Inc., the City of Lufkin, the Angelina County Airport Board, the Angelina County Chamber of Commerce, the Governor, State of Texas, and the U.S. Postal Service.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-8426 Filed 3-31-75;8:45 am]

[Docket 27670]

ALLEGHENY AIRLINES, INC.

Application for Amendment of Certificate of Public Convenience and Necessity

MARCH 27, 1975.

Notice is hereby given that the Civil Aeronautics Board on March 26, 1975, received an application, Docket 27670, from Allegheny Airlines, Inc., for amendment of its certificate of public convenience and necessity for route 97 to provide Boston-Detroit nonstop service.

The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-8423 Filed 3-31-75;8:45 am]

[Docket 27185]

LAS VEGAS-CALGARY/EDMONTON ROUTE PROCEEDING

Hearing

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding will be held on May 13, 1975, at 10 a.m. (local time) in Room No. 4, Las Vegas Convention Center, Convention Center and Paradise Roads, Las Vegas, Nevada, before the undersigned Administrative Law Judge.

In addition to the parties of record, any person may appear and present factual evidence relevant to the issues in accordance with rule 14 of the Board's rules of practice (14 CFR 302.14). All such participants will be heard at the beginning of the hearing. They will be followed by the Civic Parties, Hughes Airwest, Western Air Lines, and the Bureau of Operating Rights.

For information regarding the issues and other elements involved in this proceeding, interested persons are referred to Board Orders 74-11-89 (November 19, 1974) and 74-12-20 (December 5, 1974) instituting this proceeding, and to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., March 27, 1975.

[SEAL] THOMAS P. SHEEHAN, *Administrative Law Judge.*

[FR Doc.75-8422 Field 3-31-75;8:45 am]

[Docket 26877]

OVERSEAS NATIONAL AIRWAYS, INC., ET AL.

Enforcement Proceeding Continuance

Notice is hereby given that, in response to requests of the respondents, Overseas National Airways, Inc., Arthurs Travel, Inc., and Educational Flights, a/k/a Vista Travel, Inc., the hearing in this proceeding, which was convened on March 25, 1975, is hereby continued until April 30, 1975, at 10 a.m. (local time) in Room 911, Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C., before the undersigned.

Dated at Washington, D.C., March 26, 1975.

[SEAL] ALEXANDER N. ARGERAKIS, *Administrative Law Judge.*

[FR Doc.75-8421 Filed 3-31-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 354-2]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES AND NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Delegation of Authority to State of Washington

On December 23, 1971 (36 FR 24876) and March 8, 1974 (39 FR 9308), pursuant to section 111 of the Clean Air Act, as amended, the Administrator of the Environmental Protection Agency (EPA) promulgated regulations establishing standards of performance for five categories and seven categories of new stationary sources (NSPS), respectively. On April 6, 1973 (38 FR 8820), pursuant to section 112 of the Clean Air Act, as amended, the Administrator promulgated national emission standards for three hazardous air pollutants (NESHAPS). Section 111(c) and 112(d) direct the Administrator to delegate his authority to implement and enforce NSPS and NESHAPS to any State which has submitted adequate procedures. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to the State.

On April 22, 1974, the Regional Administrator, Region X, EPA, forwarded to the State of Washington information setting forth the requirements for an adequate procedure for implementing and enforcing the standards for NSPS and NESHAPS. On January 8, 1975, the Governor of Washington submitted to the EPA Regional Office a request for delegation of authority. Included in that request were copies of the State of Washington Department of Ecology regulations which incorporate by reference the federal emission standards and testing procedures set forth in 40 CFR Parts 60 and 61, with certain exceptions. Also included were copies of State statutes which provide the State with the requisite authority to enforce the NSPS and NESHAPS. After a thorough review of that request, the Regional Administrator has determined that for the source categories set forth in paragraphs (a) and (b) of the following official letter to the Governor, delegation is appropriate subject to the conditions set forth in paragraphs 1 through 13 of that letter:

HON. DANIEL J. EVANS,
Governor of Washington,
Olympia, Wash. 98501

DEAR GOVERNOR EVANS: This letter is in response to your January 8, 1975, request for delegation of authority for implementation and enforcement of the Standards of Performance for Stationary Sources (NSPS) for eleven of the twelve source categories promulgated by EPA prior to January 1, 1975, and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) for the three pollutants promulgated prior to June 1, 1974.

The Environmental Protection Agency (EPA) has determined that the following statutes for the State of Washington and the following regulations for the Department of Ecology generally provide for an adequate and effective procedure for implementation and enforcement of the NSPS and NESHAPS by the State of Washington and the Department of Ecology: Revised Code of Washington (RCW) 70.94.141; 70.94.151; 70.94.152; 70.94.200; 70.94.205; 70.94.211; 70.94.221; 70.94.331; 70.94.332; 70.94.333; 70.94.380; 70.94.425; 70.94.490; 70.94.431; and 70.94.435; Washington Administrative Code (WAC) 18-04-075; 18-04-100; 18-04-110; and 18-04-115. EPA hereby delegates to the State of Washington on behalf of the Department of Ecology, subject to the conditions set forth in paragraphs 1 through 13, the authority for:

(a) All sources in the State included in the list of source categories noted below which are subject to the standards of performance for new stationary sources promulgated in 40 CFR Part 60 prior to January 1, 1975. The eleven (11) categories of new sources covered by the delegation are incinerators; Portland cement plants; nitric acid plants; sulfuric acid plants; asphalt concrete plants, petroleum refineries; storage vessels for petroleum liquids; secondary lead smelters; secondary brass and bronze ingot production plants; iron and steel plants; and sewage treatment plants. Per your request, authority to implement and enforce NSPS for fossil fuel-fired steam generators is not covered by this delegation.

(b) All sources in the State which are subject to national emission standards for hazardous air pollutants promulgated in 40 CFR Part 61 prior to June 1, 1974. The three hazardous air pollutants covered by the delegation are asbestos, beryllium and mercury.

This delegation is based upon the following conditions:

1. The Department of Ecology will at no time grant a waiver of compliance with NESHAPS as provided for in WAC 18-04-075(2).

2. Sources subject to NSPS shall be excluded from WAC 18-04-150 which provides for variance from limitations contained in WAC 18-04 in accordance with the provisions of RCW 70.94.181. 40 CFR 60.11 does not allow for variance from emission limitations and is more stringent than the State regulation.

3. The "modification" of a source is defined in 40 CFR 60.2(h) and 61.2(h) as "any physical change in, or change in the method of operation of, an affected facility . . ." This definition is more stringent than WAC 18-04-110(3)(b) which contains a requirement relating to: "The addition to or enlargement or replacement of or major alteration in any stationary source . . ." The stricter definition in the federal regulations will apply to all sources which are subject to NSPS and NESHAPS.

4. Delegation of authority is conditioned to exclude sources subject to NSPS from WAC 18-04-120(3). This subsection is less stringent than 40 CFR Part 60 in that WAC 18-04-120 (3) specifies that the director may require a source test be conducted. NSPS regulations require performance testing of all affected facilities (40 CFR 60.8).

5. Asphalt batch plants which are (1) new sources or (2) are subject to NSPS in a State other than Washington shall be specifically excluded from the provisions of WAC 18-04-110(11). This section, as presently stated, could relieve a relocated plant from NSPS requirements such as performance testing, record keeping, etc. thereby making the regulation less stringent than NSPS requirements.

6. Enforcement of the NSPS and NESHAPS in the State will be the primary responsibility of the State of Washington Department of Ecology. If the State determines that such enforcement is not feasible and so notifies EPA, or where the State acts in a manner inconsistent with the terms of this delegation, EPA may exercise its concurrent enforcement authority pursuant to section 113 of the Clean Air Act as amended, with respect to sources which are subject to the NSPS and NESHAPS.

7. Upon approval of the Regional Administrator of Region X, the Director of the Department of Ecology may subdelegate his authority to implement and enforce the NSPS and NESHAPS to air pollution control authorities in the State when such authorities have demonstrated that they have equivalent or more stringent programs in force.

8. Acceptance of this delegation of presently promulgated NSPS and NESHAPS does not commit the State of Washington and the Department of Ecology to request or accept delegation of future standards and requirements. A new request for delegation will be required for any standards not included in the State's request of January 8, 1975.

9. The Department of Ecology will utilize the methods specified in 40 CFR Part 60 and 61 in performing source tests pursuant to the regulations, as specified in WAC 18-04-075 and 18-04-115, respectively.

10. The Department of Ecology and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed and current regarding compliance status of the subject sources and interpretation of the regulations.

11. The delegation to the State of Washington does not include the authority to implement and enforce NSPS or NESHAPS for sources owned or operated by the United States which are located in the State.

12. If at any time there is a conflict between a State's regulation and a federal regulation (40 CFR Part 60 or 61), the federal regulation must be applied if it is more stringent than that of the State.

13. If the Regional Administrator determines that a State procedure for enforcing or implementing the NSPS or NESHAPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Governor of the State of Washington.

A notice announcing this delegation will be published in the FEDERAL REGISTER in the near future. The Notice will state, among other things, that, effective immediately, all reports required pursuant to the federal NSPS (except fossil fuel-fired steam generators) and NESHAPS from sources located in the State should be submitted to the State of Washington Department of Ecology, Olympia, Washington, as well as the EPA, Region X Office. However, reports required pursuant to 40 CFR 60.7(c) (excess emissions and malfunctions) will be submitted to the State Agency only. Any reports which have been or may be received in this office prior to the publication of the Notice will be forwarded to the Department of Ecology.

Pursuant to discussions between EPA staff and Department of Ecology staff it has been agreed that the pending NESHAPS action concerning the Weyerhaeuser mercury chlor-alkali plant at Longview will be concluded by EPA and subject to DOE concurrence.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State written notice of objections within 10 days of the date of receipt of this letter, the State will be deemed to have accepted all the terms of the delegation.

Sincerely yours,

CLIFFORD V. SMITH, JR.,
Ph. D., P.E.,
Regional Administrator.

Therefore, pursuant to the authority delegated to him by the Administrator, the Regional Administrator notified the Governor of Washington on February 28, 1975, that authority to implement and enforce the standards of performance for new stationary sources and the national emission standards for

[5] In addition, air service is available at Tyler and Beaumont/Port Arthur.

[6] Our action does not result in a major Federal action significantly affecting the quality of the environment within the meaning of the National Environmental Policy Act of 1969. It is likely that our decision will result in some increase in surface traffic. However, in view of the low level of daily enplanements at Lufkin, it is doubtful that such an increase will be significant, especially when placed against the beneficial environmental effects of the elimination of TXI's current operations at Lufkin.

[7] We also tentatively find and conclude that TXI is a citizen of the United States within the meaning of the Act and is fit, willing and able properly to perform the air transportation pursuant to the proposed amended certificate of public convenience and necessity and to conform to the provisions of the Act and the Board's rules, regulations and requirements thereunder.

[8] All motions and/or petitions for reconsiderations shall be filed within the period allowed for filing objections and no further such motions, requests or petitions for reconsideration of this order will be entertained.

V 40-163 APR 1 75

hazardous air pollutants was delegated to the State of Washington.

Copies of the request for delegation of authority are available for public inspection at the Environmental Protection Agency, Region X Office, 1200 Sixth Avenue, Seattle, Washington 98101.

Effective immediately, all reports required pursuant to the standards of performance for new stationary sources listed in the above letter and the national emission standards for hazardous air pollutants should be submitted to the EPA Region X Office and should also be submitted to the State Agency at the following address:

State of Washington
Department of Ecology
Olympia, Washington 98504

However, reports required pursuant to 40 CFR 60.7(c) (excess emissions and malfunctions) should be sent to the State Agency only.

This notice is issued under the authority of sections 111 and 112 of the Clean Air Act, as amended. 42 U.S.C. 1857 c–6 and 7.

Dated: March 7, 1975.

DOUGLAS C. HANSEN,
Acting Regional Administrator.

[FR Doc.75–8400 Filed 3–31–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

NOTIFICATION LIST

Mexican List No. 273

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

January, 1975.

Mexican List No. 273

Call letters	Location	Power watts	Antenna radiation mv/m/km	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of change or commencement of operation
		550 kHz							
XEACD (under construction).	Acapulco, Gro., N. 16°50'30", W. 99°50'45".	500D/250N	ND–180	U	III	148	90	33–69	3–3–75 (probable).
		570 kHz							
XEBJB (in operation)	Monterrey, N.L., N. 25°41'52", W. 100°15'04".	5000D/250N	ND–179	U	III	430	120	295	
		570 kHz							
XENZ (in operation)	Culiacan, Sin., N. 24°48'18", W. 107°21'09".	1000D/250N	ND–176.5	U	III	328	120	304	
		580 kHz							
(New) (under construction)	Cd. Valles, S.L.P.	1000D/250N	DA–2	U	III				4–30–75 (probable).
		590 kHz							
XEHQ (in operation)	Hermosillo, Son., N. 29°03'2" W. 110°54'35" (PO 1 kW–D/0.5 kW–N, ND–U).	1500	ND–175	U	III	225	90	325	
		600 kHz							
XEBB (in operation)	Acapulco, Gro., N 16°47'38.4", W. 99°48'47.4".	5000D/1000N	ND–177	U	III	410	120	295	
		600 kHz							
XEZ (in operation)	Merida, Yuc., N. 20°58'05", W. 89°37'18".	2000	ND–175	U	III	328	180	345	
		610 kHz							
XEEL (in operation)	Fresnillo, Zac., N. 23°10'35" W. 102°51'35".	2000D/150N	ND–175	U	III	385	120	389	
		610 kHz							
XECV (in operation)	Cd. Valles, S.L.P., N. 21°59'04", W. 99°00'58".	1000D/250N	ND–175	U	III	325	120	345	
		610 kHz							
XEJA (in operation)	Jalapa, Ver., N. 19°31'33", W. 96°54'52" (PO 0.5 kW–U).	1000D/500N	ND–175	U	III	371	90	354	
		610 kHz							
XEKZ (in operation)	Tehuantepec, Oax., N. 16°21'36", W. 95°12'54".	1000D/500N	ND–183	U	III	404	120	328	
		610 kHz							
XEUF (in operation)	Uruapan, Mich., N. 19°25'02", W. 102°01'00".	5000D/1000N	ND–181	U	III	295	120	404	
		690 kHz							
XENK (in operation)	Mexico, D.F., N. 19°20'00", W. 99°08'00".	10,000D/5000N	ND–178.5	U	III	299	110	377	
		630 kHz							
XEACA (in operation)	Acapulco, Gro., N. 16°50'30", W. 99°50'43".	5000D/250N	ND–175	U	III	312	120	328	
		630 kHz							
XEFB (in operation)	Monterrey, N.L., N. 25°43'31", W. 100°11'59" (PO 5 kW–D/1 kW–N, DA–N).	10,000	DA–2	U	III	341	90	390	
		640 kHz							
(New) (under construction)	Salamanca, Gto.	1000	DA–D	D	II				4–30–75 (probable).
		650 kHz							
(New) (under construction)	Merida, Yuc., N. 20°59'00", W. 89°38'43".	250	ND–175	D	II				3–31–75 (probable).
		650 kHz							
XEEJ (in operation)	Puerto Vallarta, Jal., N. 20°36'40", W. 105°14'50".	250	ND–175	D	II	364	90	328	
		660 kHz							
(New) (under construction)	Durango, Dgo., N. 24°01'31", W. 104°40'11".	250	ND–190	D	II				4–30–75 (probable).
		680 kHz							
XEORO (in operation)	Guasave, Sin., N. 25°33'28", W. 108°28'15".	1000	ND–175	D	II	318	90	341	
		690 kHz							
XETRN (under construction).	Progreso, Yuc., N. 21°18'00", W. 89°39'30".	50,000	DA–1	U	II				3–31–75 (probable).
		690 kHz							
XERG (in operation)	Monterrey, N.L., N. 25°40'11", W. 100°18'21".	500D/200N	ND–177	U	II	285	90	354	
		710 kHz							
XEX (under construction)	Leon, Gto., N. 21°07'22", W. 101°41'00".	500D/200N	ND	U	II				3–31–75 (probable).
		710 kHz							
XEDP (under construction)	Cd. Cuauhtemoc, Chih.	5000	ND–190	D	II	347	120	347	3–31–75 (probable).
		710 kHz							
XEKU (in operation)	Acapulco, Gro., N. 16°51'20", W. 99°53'06".	500D/150N	ND–175	U	II	202	90	330	

Call letters	Location	Power watts	Antenna radiation mv/m/km	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of change or commencement of operation
		780 kHz							
XEABC (in operation)	Los Reyes, Mex., N. 19°22'04", W. 98°51'09" (PO 5 kW–D/0.5 kW–N, ND).	20,000D/10,000N.	DA–2, ND–D–190.	U	II				
		780 kHz							
XEZN (in operation)	Celaya, Gto., N. 20°31'24", W. 100°48'49".	250	ND–178	D	II	187	180	75–151	
		790 kHz							
XEGZ (in operation)	Cd. Lerdo, Dgo., N. 25°32'30", W. 103°31'12".	1000D/480N	ND–188	U	III	205	120	312	
		790 kHz							
XESU (in operation)	Mexicali, B.C., N. 32°37'00", W. 115°30'32".	1000	ND–182	D	III	238	120	328	
		810 kHz							
XEIM (under construction)	Saltillo, Coah., N. 25°26'37", W. 100°59'22".	500	ND	D	II				3–31–75 (probable).
		840 kHz							
(New) (under construction)	Tuxtla Gutierrez, Chis., N. 16°45'20", W. 93°06'46".	10,000	ND–190	D	II	208	120	208	4–30–75 (probable).
		860 kHz							
XERPN (in operation)	Cd. Juarez, Chih., N. 31°42'18", W. 106°30'05".	1000D/500N	DA–N–175, ND–D–190	U	II	195	90	286	
		880 kHz							
XEAL (in operation)	Manzanillo, Col., N. 19°02'00", W. 104°19'30".	1000D/100N	ND–176	U	II	262	90	253	
		870 kHz							
(New) (under construction)	Salamanca, Gto., N. 20°34'22", W. 101°11'30".	1000	DA–D	D	II				3–31–75.
		870 kHz							
(New) (under construction)	Puerto Escondido, Oax.	250	ND–225	D	II	268	120	283	3–31–75.
		880 kHz							
(New) (under construction)	Orizaba, Ver., N. 18°50'58", W. 97°05'41".	250	ND–190	D	II	280	120	280	3–31–75.
		910 kHz							
XEHO (in operation)	Cd. Obregon, Son., N. 27°28'30", W. 109°58'00".	1000D/250N	ND–175	U	II	221	90	221	
		920 kHz							
XEVV (in operation)	Chiapa de Corzo, Chis., N. 16°42'05", W. 92°55'11" (PO 1 kW–D/0.25 kW–N, ND).	5000D/250N	ND–201	U	III	343	120	348	
		920 kHz							
XELT (in operation)	Guadalajara, Jal., N. 20°59'41", W. 103°23'47".	1000D/250N	ND–190	U	III	267	120	267	
		930 kHz							
XEMJ (in operation)	Piedras Negras, Coah., N. 28°42'26", W. 100°30'35".	1000D/250N	ND–192.5	U	III	302	120	262	
		940 kHz							
XETAA (in operation)	Torreon, Coah., N. 25°35'16", W. 103° 27'44".	1000D/200N	ND–175	U	III	230	120	213	
		930 kHz							
XEU (in operation)	Veracruz, Ver., N. 19°10'44", W. 96°08'50".	5000D/1000N	ND–190	U	III	266	120	266	
		940 kHz							
XEWV (in operation)	Mexicali, B.C., N. 32°37'23," W .115°30'06."	1000	ND–175	D	II	256	120	256	
		950 kHz							
(New) (under construction)	Cortazar, Gto.	500D/250N	ND–190	U	III	259	120	259	6–26–75.
		960 kHz							
XEBN (in operation)	Montemorelos, N.L., N. 25°11'24", W. 99°49'32" (PO 1 kW, ND, D).	5000D/175N	ND–190	U	III	256	120	256	
		960 kHz							
XEGM (in operation)	Tijuana, B.C., N. 32°33'22.6," W. 116°59' 02.3" (PO 2.5 kW, ND, U).	10,000	DA–2	U	III				
XEMAB (under construction).	Cd. del Carmen, Camp. N. 18°40'05", W. 91°50'30".	250	ND	U	III				6–26–75.
		960 kHz							
XEIQ (in operation)	Cd. Obregon, Son. N. 27°29'30", W. 109°58'00".	1000D/500N	ND–175	U	III	256	90	164–246	
		990 kHz							
XEKS (in operation)	Saltillo, Coah. N. 25°25'55", W. 101°00'24".	500D/100N	ND–182	U	III	256	98	240	
		980 kHz							
XEUQ (in operation)	Zihuatanejo, Gro. N. 17°38'47", W. 101°34'18".	1000D/250N	ND–183	U	III	287	120	237	
		970 kHz							
XECJ (in operation)	Apatzingan, Mich. N. 19°05'18", W. 102°22'18" (PO 1kW–D/0.25 kW–N).	5000D/250N	ND–190	U	III	335	90	256	
		970 kHz							
XEDF (in operation)	Mexico, D.F. N. 19°28'30", W. 99°09'59".	10,000D/5000N.	DA–N, ND–D–202	U	III				
		970 kHz							
XEOW (in operation)	Mazatlan, Sin. N. 23°17'01", W. 106°26'00".	1000D/250N	ND–187	U	III	246	120	246	
		980 kHz							
XEOL (in operation)	Tenjutlan, Pue., N. 19°48'28", W. 97°21'32" (PO 0.5 kW–D/0.1 kW–N, ND).	1000D/200N	ND–175	U	II	249	90	222	
		1000 kHz							
(New) (under construction)	Matamoros, Tams. N. 25°52'45", W. 97°31'00".	500	DA–D	D	II				3–31–75.
		1010 kHz							
XEEO (under construction)	Chihuahua, Chih., N. 28°38'12", W. 106°04'42".	1000	ND–190	D	II	244	120	244	3–31–75.
		1060 kHz							
(New) (under construction)	Oaxaca, Oax., N. 17°03'43", W. 96°43'18".	2000	ND–190	D	II				3–31–75.
		1060 kHz							
(New) (under construction)	Queretaro, Qro., N. 20°35'28", W. 100°28'11".	500	ND–190	D	II	241	120	241	3–31–75.
		1060 kHz							
(New) (under construction)	Acapulco, Gro.	1500	ND–190	D	II				4–9–75 (probable).
		1050 kHz							
XELJ (in operation)	Lagos de Moreno, Jal., N. 21°20'00", W. 101°55'30" (PO 0.25 kW–D).	1000	ND–176	D	II	207	90	187	

V 40 63
APR 1 75

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of change or commencement of operation
		1040 kHz							
(New) (under construction)	Colima, Col., N. 19°14'29", W. 103°43'47";	250	ND-190	D	II				3-31-75.
		1040 kHz							
(New) (under construction)	Salamanca, Gto., N. 20°34'22", W. 101°11'39";	1000	ND-190	D	II	237	120	237	3-31-75.
		1060 kHz							
XEEP (in operation)	Mexico, D.F., N. 19°21'43.2", W. 99°01'34" (PO 1 kW ND-U).	50,000	DA-N, ND-U-190	U	I-B				
		1070 kHz							
(New) (under construction)	San Luis Potosí, S.L.P., N. 22°09'10", W. 100°58'38";	250	ND-190	D	II				3-31-75.
		1070 kHz							
XESF (PO 5 kW-D/0.5 kW-N, ND).	San Pedro Tlaquepaque, Jal., N. 20°37'52", W. 103°17'45".	5000D/1000N	DA-N	U	II	167	120	193	
		1080 kHz							
(New) (under construction)	Aguascalientes, Ags., N. 21°52'43", W. 102°18'04";	250	ND-175	D	II				3-31-75.
		1080 kHz							
(New) (under construction)	Cd. Cuauhtemoc	1000	ND-190	D	II	228	120	228	3-31-75.
		1090 kHz							
XEHR (in operation)	Puebla, Pue., N. 19°05'30", W. 98°11'-48" (PO 0.56 kW ND-U).	500D/250N	ND-192	U	II	240	120	245	
		1090 kHz							
XERPS (in operation)	Rosarito, B.C., N. 32°21'10", W. 117°03'40".	50,000	DA-N, ND-D-272	U	I-B				
		1110 kHz							
XEES (under construction)	Chihuahua, Chih., N. 28°38'12", W. 106°04'42".	1000	ND-190	D	II	221	120	221	3-31-75.
		1110 kHz							
XEFZ (in operation)	Monterrey, N.L., N. 25°40'11", W. 100°18'26".	250	ND-175	D	II	191	90	204	
		1110 kHz							
XEJAC (in operation)	Cardenas, Tab., N. 17°59'05", W. 93°18'02".	1000D/100N	ND-190	U	II	221	120	221	
		1110 kHz							
(New) (under construction)	Villa del Pueblito, Qro., N. 20°26'15", W. 100°26'29".	500	ND-190	D	II	220	120	220	3-31-75.
		1120 kHz							
(New) (under construction)	Melchor Ocampo de Balsas, Mich	500	ND-190	D	II	220	120	220	3-31-75 (probable)
		1120 kHz							
(New) (under construction)	Cancun, T.Q.R.	250	ND-175	D	II				3-31-75 (probable).
		1130 kHz							
(New) (under construction)	Caborca, Son., N. 30°41'50", W. 112°-09'29".	250	ND-190	D	II	220	120	220	3-31-75 (probable).
		1130 kHz							
(New) (under construction)	Villa del Pueblito, Qro.	500	ND-190	D	II	220	120	220	3-31-75 (probable).
		1130 kHz							
(New) (under construction)	Cd. Cuauhtemoc, Chih.	1000	ND-190	D	II	216	120	218	3-31-75 (probable).
		1130 kHz							
(New) (under construction)	Chilpancingo, Gro., N. 17°33'10", W. 99°30'09".	1000	ND-190	D	II	218	120	218	3-31-75 (probable).
		1130 kHz							
XEHN (under construction)	Nogales, Son., N. 31°17'58", W. 110°-57'54".	1000	ND	D	II				3-31-75.
		1160 kHz							
XERRF (in operation)	Merida, Yuc., N. 20°58'00", W. 89°37'-00".	1000D/860N	ND-177	U	III	197	90	197	
		1160 kHz							
XEAD (in operation)	Guadalajara, Jal. N. 20°39'44", W. 103°25'47".	1000D/125N	ND-175	U	III	197	90	180	
		1160 kHz							
XEJS (in operation)	Hidalgo del Parral, Chih., N. 26°56'-12", W. 105°39'31".	1000D/500N	ND-175	U	III	187	90	193	
		1160 kHz							
(New) (under construction)	Turpan, Ver., N. 20°57'18", W. 97°28'50".	250	ND-190	D	III	214	120	214	3-31-75 (probable).
		1160 kHz							
XEBE (in operation)	Perote, Ver., N. 19°33'58", W. 97°14'-24".	1000	ND-190	D	II	212	120	212	
		1160 kHz							
XEVW (in operation)	Acambaro, Gto., N. 20°02'56", W. 100°43'48".	1000	ND-175	D	II	226	90	157	
		1170 kHz							
(New) (under construction)	Papantla, Ver., N. 20°26'53", W. 97°19'07".	250	ND-190	D	II	210	120	210	3-31-75.
		1170 kHz							
XECD (in operation)	Puebla, Pue., N. 19°01'23", W. 98°14'-35".	1000D/350N	ND-175	U	II	210	90	197	

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of change or commencement of operation
		1170 kHz							
XEUVA	(PO 0.5kW-D, ND) Aguascalientes, Ags., N. 21°55'00", W. 102°18'50".	1000	ND	D	II				
		1170 kHz							
XEZS	(in operation) Coatzacoalcos, Ver., N. 18°07'21", W. 94°26'26".	500D/250N	ND-175	U	II	197	90	172	
		1180 kHz							
XEYV	(in operation) Huatusco, Ver., N. 19°09'20", W. 96°57'50".	1000	ND-175	D	II	149	120	192	
		1190 kHz							
(New)	(under construction) Tampico, Tams., N. 22°13'00", W. 97°54'19".	5000	ND	D					3-31-75.
		1190 kHz							
XEGJ	(under construction) Arriaga, Chis., N. 16°10'46" W. 93°53'-32".	250	ND-190	D	II	207	120	207	3-31-75.
		1190 kHz							
XECT	(under construction) Monterrey, N.L., N. 25°41'10.5", W. 100°18'07.2".	500	ND	D	II				3-31-75.
		1200 kHz							
(New)	(under construction) Culiacan, Sin., N. 24°48'36", W. 107°-23'57".	1000	ND-190	D	II				3-31-75.
		1200 kHz							
(New) (under construction)	Hermosillo, Son., N. 29°04'29", W. 110°57'36".	1000	ND-190	D	II				3-31-75.
		1200 kHz							
(New) (under construction)	Comalcalco, Tab., N. 18°15'54", W. 93°13'07".	250	ND-190	D	II	205	120	205	3-31-75.
		1200 kHz							
XEPW (in operation)	Poza Rica, Ver., N. 20°32'00", W. 97°26'58".	250	ND-175	D	II	197	90	177	
		1240 kHz							
XEPC (in operation)	Zacatecas, Zac., N. 22°46'30", W. 102°04'45".	1000D/150N	ND-175	U	IV	179	90	179	
		1240 kHz							
XERAA (under construction).	Atoyac de Alvarez, Gro	500D/250N	ND	U	IV				3-31-75.
		1250 kHz							
XESC (in operation)	Sabinas, Coah., N. 27°51'15", W. 101°06'34".	1000	ND-175	U	III	177	90	177	
		1250 kHz							
XEZT (in operation)	Puebla, Pue., N. 19°02'30", W. 98°11'52"=	500D/100N	ND-175	U	III	177	90	177	
		1250 kHz							
(New) (under construction)	Puruandiro, Mich., N. 20°05'21", W. 101°30'59".	250	ND-175	D	III				3-31-75.
		1250 kHz							
(New) (under construction)	Caborca, Son., N. 30°43'00", W. 112°-05'00".	500	ND-190	D	III	197	120	197	3-31-75.
		1260 kHz							
XEMF (in operation)	Monclova, Coah., N. 26°55'28", W. 101°26'29".	1000D/250N	ND-184	U	III	197	90	197	
		1260 kHz							
(New) (under construction)	Puerto Vallarta, Jal., N. 20°36'56", W. 105°14'42".	500	ND-175	D	III	174	90	174	3-31-75.
		1260 kHz							
(New) (under construction)	Naolingo, Ver., N. 19°39'15", W. 96°51'51".	250	ND-175	D	III	177	90	177	3-31-75.
		1270 kHz							
XENX (in operation)	Mazatlan, Sin., N. 23°13'47", W. 105°23'56".	2000D/250N	ND-175	U	III	175	90	175	
		1270 kHz							
XEOH (in operation)	Cd. Camargo, Chih., N. 27°40'19", W. 105°10'40".	1000D/150N	ND-175	U	III	151	120	161	
		1270 kHz							
XERPL	Leon, Gto., N. 21°04'33", W. 101°40'-44.3".	1000D/150N	DA-D	U	III				4-1-75 (probable).
		1280 kHz							
(New)	Guerrero Negro, B.C.	500	ND-175	D	III	174	90	174	3-31-75.
		1280 kHz							
XELK	Zacatecas, Zac., N. 22°46'30", W. 102°34'45".	0.25D/0.25N	ND-181.5	U	III	187	90	184	3-1-75.
		1280 kHz							
XEEG	Panzacola, Tlax., N. 19°08'30", W. 98°12'00".	1000D/250N	DA-2	U	III				6-26-75.
		1280 kHz							
XEKY (in operation)	Huixtla, Chis., N. 15°07'45", W. 92°27'55".	1000D/100N	ND-175	U	III	157	90	183	
		1280 kHz							
XEQP (in operation)	Guadalajara, Jal., N. 20°43'34", W. 103°21'55" (PO 0.5 kW-D/0.25 kW-N, ND).	1000D/250N	ND-175	U	III	184	90	177	
		1290 kHz							
XEAP (in operation)	Cd. Obregon, Son., N. 27°28'35", W. 109°56'48".	1000D/100N	ND-175	U	III	174	100	167	
		1290 kHz							
XEDA (in operation)	Mexico, D.F., N. 19°22'17", W. 99°08'-24".	10000D/1000N	ND-182	U	III	208	120	191	
		1290 kHz							
XEDB (in operation)	Tonala, Chis., N. 16°05'43", W. 93°45'-45".	1000D/250N	ND-178.5	U	III	197	90	164	
		1290 kHz							
XERE (in operation)	Salvatierra, Gto., N. 20°13'50", W. 100°55'14".	250	ND-180	D	III	192	100	164	
		1300 kHz							
(New) (under construction)	Tuxtla Gutierrez, Chis., N. 16°45'20", W. 93°06'46".	1000	ND	D	III				3-31-75.
		1300 kHz							

V 40-63
APR 1 75

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of change or commencement of operation
XELE (in operation)	Tampico, Tams., N. 22°18'34", W. 97°52'14" (PO 0.5 kW-D/0.15 kW-N, ND).	1000D/150N	ND-178	U	III	171	90	171	
		1310 kHz							
XEAM (in operation)	Matamoros, Tams., N. 25°51'12", W. 97°31'39".	1000D/250N	ND-188.5	U	III	179	120	197	
		1310 kHz							
XEHIT (in operation)	Puebla, Pue., N. 19°02'59", W. 98°11'-55".	500D/100N	ND-178	U	III	154	120	157	
		1310 kHz							
XETIA (in operation)	Guadalajara, Jal., N. 20°43'20", W. 103°18'29".	1000D/250N	ND-205	U	III	280	90	262	
		1310 kHz							
XEUP (in operation)	Tizimin, Yuc., N. 21°06'56", W. 88° 09'58".	1000D/250N	ND-176	U	III	160	110	135	
		1310 kHz							
(New) (under construction)	Villa de la Corregidora, Qro., N. 20° 09'10", W. 100°26'20".	1000	ND-175	D	III	167	90	167	3-31-75.
		1320 kHz							
XENM (in operation)	Aguascalientes, Ags., N. 21°52'45", W. 102°17'56".	250	ND-180	U	III	148	90	98	
		1320 kHz							
XECMQ (in operation)	Mexico, D.F., N. 19°23'50", W. 99°12' 06" (PO 5 D/1 N) (change in call letters—previously XEAI).	10,000D/5000N.	ND-186	U	III	171	120	184	
		1330 kHz							
XECY (in operation)	Huejutla, Hgo., N. 21°27'49", W. 98° 26'14".	1000D/250N	ND-190	U	III	186	120	186	
		1330 kHz							
XEUH (in operation)	Tuxtepec, Oax., N. 18°05'25", W. 96° 07'50".	1000D/100N	ND-190	U	III	187	120	187	
		1330 kHz							
XEUAS (in operation)	Culiacan, Sin., N. 24°48'34", W. 107°23'56".	5000D/1000N	DA-N, ND-190.	U	III	185	120	186	
		1330 kHz							
XEEV (under construction)	Ixuear de Matamoros, Pue., N. 18°37'-04", W. 98°27'58".	500	ND-175	D	III	112	120	112	3-31-75.
		1330 kHz							
(New) (under construction)	Manzanillo, Col., N. 19°05'15", W. 104°19'40".	500	ND-175	D	III				3-31-75.
		1330 kHz							
XEBO (in operation)	Irapuato, Gto., N. 20°40'31", W. 101°20'54".	5000D/1000N	DA-N, ND-D-184.	U	III				
		1340 kHz							
XERCH (in operation)	Ojinaga, Chih., N. 29°34'00", W. 104°24'00" (PO 0.85 kW-D/0.1 kW-N, ND).	1000D/100N	ND-170	U	IV	160	90	148	
		1340 kHz							
(New) (under construction)	Puerto Angel, Oax., N. 15°39'24", W. 96°29'30".	500D/200N	ND-175	U	IV	165	90	165	3-31-75.
		1340 kHz							
XERLK (in operation)	Atlacomulco, Mex., N. 19°47'42", W. 99°56'18".	500	ND-184	D	IV	184	90	184	
		1340 kHz							
XEBK (in operation)	Nuevo Laredo, Tams., N. 27°29'43", W. 99°30'00".	500D/250N	ND-150	U	IV	148	90	115	
		1340 kHz							
XECI (in operation)	Acapulco Gro., N. 16°51'03", W. 99°54'22".	1000D/250N	ND-186.5	U	IV	131	90	131	
		1340 kHz							
XEDKT (in operation)	Guadalajara, Jal., N. 20°45'30", W. 103°16'29".	1000D/250N	ND-235	U	IV	364	120	187	
		1340 kHz							
XEOM (in operation)	Coatzacoalcos, Ver., N. 18°07'35", W. 94°26'31".	1000D/250N	ND-175	U	IV	190	90	190	
		1340 kHz							
XEYR (under construction)	Teapa, Tab., N. 17°33'14", W. 92°57'12".	500D/250N	ND	U	IV				3-31-75.
		1340 kHz							
XEZE (under construction)	Santiago Ixcuintla, Nay	250D/200N	ND	U	IV				3-31-75.
		1350 kHz							
XEJF (in operation)	Tlaxa Blanca, Ver., N. 18°27'15", W. 96°21'10".	500D/100N	ND-179	U	III	172	90	160	
		1350 kHz							
XETB (in operation)	Torreon, Coah., N. 25°33'16", W. 103° 27'11".	5000D/500N	ND-190	U	III	197	120	213	
		1360 kHz							
XELS (in operation)	Armeria, Col., N. 18°55'00", W. 103° 57'39".	1000D/100N	ND-175	U	III	165	90	169	
		1360 kHz							
XEXM (under construction)	Jerez, Zac., N. 22°38'51", W. 102°56'48".	1000D/100N	ND-190	U	III	190	120	190	3-31-75.
		1360 kHz							
(New) (under construction)	Tampico, Tams., N. 22°13'00", W. 97° 51'19".	5000D/250N	DA-2	U	III				3-31-75.
		1360 kHz							
XEY (in operation)	Celaya, Gto., N. 20°15'39", W. 99°33'-45."	1000D/250N	ND-190	U	III	190	120	190	
		1370 kHz							
XESV (under construction)	Morelia, Mich., N. 19°42'16", W. 101° 11'30".	500	ND-175	D	III				3-31-75.
		1370 kHz							
XERPU (under construction).	Durango, Dgo., N. 24°01'54", W. 104° 37'32".	1000D/100N	ND	U	III	190			

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of change or commencement of operation
		1380 kHz							
(New) (under construction)	Las Cruces, Gro	10000	ND-190	D	III	178	120	178	3-31-75.
		1380 kHz							
XEVD (under construction)	Cd. Allende, Coah., N. 28°20'36", W. 100°51'06".	500D/100N	ND-170	U	III				3-31-75.
		1380 kHz							
XETP (under construction)	Naolinco, Ver., N. 19°39'15", W. 96°-51'51".	250	ND-190	D	III	178	120	178	3-31-75.
		1380 kHz							
(New) (under construction)	San Luis Potosi, S.L.P., N. 22°09'10", W. 100°58'38".	1000	ND		III				3-31-75.
		1380 kHz							
XEGW (in operation)	Cd. Victoria, Tams., N. 23°43'24", W. 99°06'52".	5000D/150N	ND-194	U	III	200	120	197	
		1390 kHz							
(New) (under construction)	Tehuacan, Pue., N. 18°27'51", W. 97°23'20".	250	ND-190	D	III	177	120	177	3-31-75.
		1390 kHz							
(New) (under construction)	Guamuchil, Sin	1000/100	ND-190	U	III	177	120	177	3-31-75.
		1390 kHz							
XEXO (under construction)	Cd. Mante, Tams., N. 22°45'45" W. 98°53'55".	5000D/100N	ND	U	III				3-31-75 (probable).
		1400 kHz							
XEVI (in operation)	San Juan del Rio, Qro., N. 20°23'15", W. 100°00'00".	1000D/200N	ND-162	U	IV	128	100	128	
		1400 kHz							
XEOJ (under construction)	Melchor Ocampo, Mich	1000D/100N	ND-175	U	IV				3-31-75.
		1400 kHz							
(New) (under construction)	Tlapacoyan, Ver., N. 19°58'13", W. 97°12'35".	250	ND-150	D	IV	107	90	107	3-31-75.
		1400 kHz							
XEFS (under construction)	Izucar de Matamoros, Pue., N. 18°36'-52" W. 98°27'58".	250	ND-150	D	IV	105	90	105	3-31-75 (probable.)
		1400 kHz							
XEKJ (in operation)	Acapulco, Gro., N. 16°50'30", W. 99°-50'45".	500D/250N	ND-172	U	IV	208	100	112	
		1400 kHz							
XEPF (in operation)	Ensenada, B.C., N. 31°52'40", W. 116°37'45".	250	ND-172	U	IV	176	120	115	
		1400 kHz							
XEWU (in operation)	Matehuala, S.L.P., N. 23°38'51", W. 100°38'24".	250D/200N	ND-171	U	IV	148	90	148	
		1410 kHz							
XERFC (under construction).	Cordoba, Ver., N. 18°53'34", W. 96°55'52".	500	ND-175	D	III	157	90	157	3-31-75.
		1410 kHz							
XEIR (under construction)	Cd. Valles, S.L.P., N. 21°59'04", W. 99°00'58".	500	ND-190	D	III	174	120	174	3-31-75.
		1410 kHz							
(New) (under construction)	Zihuatanejo, Gro., N. 17°38'14", W. 101°33'48".	500	ND-175	D	III				3-31-75.
		1410 kHz							
XEMD (under construction)	Cd. Victoria, Tams., N. 23°44'06", W. 99°07'51".	1000D/150N	ND-190	U	III	174	120	174	4-30-75 (probable).
		1410 kHz							
XETAB (in operation)	Villahermosa, Tab., N. 17°58'14", W. 93°05'00" (PO 0.5 kW-U, ND).	5000D/500N	ND-175	U	III	157	90	157	
		1410 kHz							
XEYD (under construction)	Francisco I. Madero, Coah., N. 25°45'-59", W. 103°16'50".	1000D/100N	ND	U	III				3-31-75 (probable).
		1420 kHz							
XEEY (under construction)	Jalpa, Zac., N. 21°39'50", W. 103°01'32".	250	ND-190	D	III	173	120	173	3-31-75.
		1420 kHz							
(New) (under construction)	San Jose del Cabo, T.B.C., N. 23°04'-08", W. 109°40'36".	250D/250N	ND-175	U	III	156	90	156	3-31-75.
		1420 kHz							
XETT (in operation)	Tlaxcala, Tlax., N. 19°17'50", W. 98°14'22".	500	ND-190	D	III	173	120	172	
		1430 kHz							
XELL (in operation)	Veracruz, Ver., N. 19°11'42.6", W. 96°-08'13".	5000D/250N	ND-189	U	III	177	120	164	
		1440 kHz							
XEOB (under construction)	Pichucalco, Chis., N. 17°31'46", W. 93°07'24".	1000D/150N	ND	U	III				3-31-75.
		1440 kHz							
XEAJ (change in call letters—previously XELZ) (in operation).	Mexico, D.F., N. 19°24'10", W. 99° 05'-08".	5000D/1000N	ND-184	U	III	171	90	171	
		1450 kHz							
(New) (under construction)	Empalme, Son	250D/250N	ND-170	U	IV				3-31-75.
		1450 kHz							
XERY (in operation)	Arcelia, Gro	1000D/100N	ND-190	U	IV	170	120	170	
		1450 kHz							
XEIE (under construction)	Matehuala, S.L.P., N. 23°38'41", W. 100°38'26".	1000	ND	D	IV				3-31-75.
		1450 kHz							
(New) (under construction)	El Fuerte, Sin., N. 26°25'14", W. 108°39'00".	1000	ND-190	U	IV	170	120	170	3-31-75.
		1450 kHz							
XEVH (in operation)	Villahermosa, Tams., N. 25°40'00", W. 97°49'18".	1000D/250N	ND-191.5	U	IV	177	120	177	
		1450 kHz							
XEYZ (in operation)	Aguascalientes, Ags., N. 21°52'55", W. 102°18'19".	250	ND-150	U	IV	102	90	102	
		1460 kHz							
XEOLA (in operation)	Altamira, Tams., N. 22°30'40", W. 97°45'47".	1000D/1000N	ND-190	U	III	169	120	197	
		1470 kHz							
XEACE (in operation)	Mazatlan, Sin., N. 23°17'01", W. 106°25'09".	1000	ND-206	D	III	246	120	246	

V 40 163 APR 1 75

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of change or commencement of operation
		1470 kHz							
XEBBC (in operation)	Tijuana, B.C., N. 32°30'60", W. 116°-57'40".	5000	ND-206	U	III	246	120	167	
		1470 kHz							
XEHM (in operation)	Cd. Delicias, Chih.	1000	ND-101.5	D	III	174	120	174	
		1480 kHz							
(New) (under construction)	Rio Blanco, Ver.	250	ND-150	D	III	100	90	100	3-31-75.
		1480 kHz							
(New) (under construction)	Urnapan, Mich., N. 19°24'56", W. 102°-05'46".	500	ND-190	D	III	166	120	166	3-31-75.
		1480 kHz							
XEPR (in operation)	Posa Rica, Ver., N. 20°29'37", W. 97°-24'55" (*PO 5 kW-D/0.5 kW-N, ND*).	10000D/560N	ND-201	U	III	216	120	216	
		1480 kHz							
XETKR (in operation)	Villa de Guadalupe, N.L., N. 25°42'-24", W. 100°14'51".	1000D/500N	ND-180	U	III	243	90	100	
		1480 kHz							
XEXU (under construction) (in operation).	Villa Frontera, Coah., N. 26°56'08", W. 101°26'28".	1000	ND	D	III				
		1480 kHz							
XEZJ (in operation)	Zapopan, Jal., N. 20°40'34", W. 103°28'12".	500D/300N	ND-175	U	III	150	90	150	
		1490 kHz							
(New) (under construction)	Cd. Cuauhtemoc, Chih.	1000D/100N	ND-175	U	IV	149	90	149	3-31-75.
		1490 kHz							
(New) (under construction)	Benjamin Hill, Son.	500D/100N	ND-175	U	IV	149	90	149	3-31-75.
		1490 kHz							
XEPOP (under construction)	Puebla, Pue., N. 18°05'04", W. 98°13'05".	250	ND-175	U	IV	148	90	148	3-31-75.
		1490 kHz							
XEVZ (in operation)	Acayucan, Ver., N. 17°56'30", W. 94°56'05".	1000D/200N	ND-155.5	U	IV	96	90	119	
		1500 kHz							
XEGN (in operation)	Piedras Negras, Ver., N. 18°47'10", W. 96°00'30".	250	ND-175	D	II	144	90	144	
		1500 kHz							
XEUV (under construction)	Villahermosa, Tab., N. 17°59'15", W. 92°55'00".	250D/500N	ND	U	II				3-31-75.
		1500 kHz							
XERH (in operation)	Mexico, D.F., N. 19°23'41", W. 99°-07'59" (*PO 50kW-D/5kW-N, ND*).	20,000	DA-N, ND-N-190.	U	II				
		1510 kHz							
(New) (under construction)	Puerto Vallarta, Jal., N. 20°36'56", W. 105°14'42".	500	ND-175	D	II				3-31-75.
		1510 kHz							
XEOF (in operation)	Cortazar, Gto., N. 20°30'45", W. 100°56'55".	*5,000*	*DA-D*	D	II				
		1510 kHz							
XELW (in operation)	Cd. Guzman, Jal., N. 19°43'44", W. 103°27'56" (PO 0.5 ND-D).	1,000	ND-172	D	II	141	90	126	
		1530 kHz							
(New) (under construction)	Cholula, Pue, N. 19°03'45", W. 98°18'-15".	250	ND-160	D	II				3-31-75.
		1530 kHz							
XECGP (under construction).	Morelia, Mich., N. 19°42'16", W. 101°-11'30".	500	ND	D	II				3-31-75.
		1540 kHz							
(New) (under construction)	Guadalajara, Jal., N. 20°40'32", W. 103°22'09".	1,000	ND-175	D	II				3-31-75.
		1550 kHz							
XEEH (in operation)	San Luis Rio Colorado, Son., N. 32°28'45", W. 114°47'18".	1000	ND-190	D	II	162	120	162	
		1550 kHz							
XEGQ (under construction)	Los Reyes, Mich., N. 19°35'00", W. 102°28'00".	500	ND-190	D	II	161	120	161	3-31-75.
		1540 kHz							
(New) (under construction)	Santa Catarina, N.L.	5000	ND	D	II				3-31-75.
		1540 kHz							
(New) (under construction)	Villahermosa, Tab., N. 17°59'15", W. 92°55'00".	500	ND-175	D	II				3-31-75.
		1540 kHz							
(New) (under construction)	Coahuayana, Mich., N. 18°45'09", W. 103°40'30".	500	ND-190	D	II				3-31-75.
		1540 kHz							
(New) (under construction)	Panuco, Ver.	1000	ND	D	II				3-31-75.
		1540 kHz							
XEAVR (under construction)	Alvarado, Ver., N. 18°46'14", W. 95°45'56".	5000D/1000N	ND-D, DA-N	U	II				4-30-75.
		1540 kHz							
XEEN (under construction)	Chetumal, Q.R. N. 18°29'39", W. 88°17'56".	250	ND-190	D	II	160	120	160	3-31-75.
		1540 kHz							
(New) (under construction)	Poza Rica, Ver.	1,000	ND-190	D	II	160	120	160	3-31-75.
		1540 kHz							
XEQZ (in operation) (change in call letters—previously XENJ).	San Juan de los Lagos, Jal. N. 21°-15'00", W. 102°19'21".	1,000	ND-175	D	II	121	90	159	
		1550 kHz							
(New) (under construction)	Tonala, Jal.	500	ND-190	D	II	150	120	150	3-31-75.
		1550 kHz							
XEDV (in operation)	El Oro, Mex. N. 19°48'33", W. 100°08'01".	500	ND-181	D	II	148	98	150	
		1560 kHz							
XEZW (under construction)	Cerritos, S.L.P. N. 22°26'55", W. 100°-16'51".	500	ND-190	D	II	157	120	157	3-31-75.
		1560 kHz							
(New) (under construction)	Arandas, Jal.	250	ND-190	D	II	158	120	158	3-31-75.

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of change or commencement of operation
		1560 kHz							
(New) (under construction)	Progreso, Yuc., N. 21°18'00", W. 89°39'30".	1000	ND-190	D	II	157	120	157	3-31-75.
		1560 kHz							
XEMAS (in operation)	Salamanca, Gto., N. 20°34'08", W. 101°13'00".	1000D/250N	ND-182	U	II	148	90	164	
		1560 kHz							
XEDD (under construction)	Montemorelos, N.L., N. 25°11'39", W. 99°49'31".	500	ND	D	II				3-31-75.
		1560 kHz							
XERMM (in operation)	Txtlan del Rio, Nay., N. 21°02'15.1", W. 104°22'44.8".	1000	ND-190	D	II	155	120	155	
		1560 kHz							
XEVIP (in operation)	San Rafael Chamapa, Mex., N. 19°30'-00", W. 99°12'03".	10,000	DA-N *ND-225*	U	*II*	*297*	*90*	*297*	
		1570 kHz							
XERF (in operation)	Cd. Acuna, Coah., N. 29°21'00", W. *101°02'00"*	250	ND-246	U	I-A	331	120	328	
		1580 kHz							
(New) (under construction)	Valle de Bravo, Edo. de Mex.	250	ND-175	D	II				4-30-75.
		1580 kHz							
XEFP (in operation)	Jalpa, Zac., N. *21°30'37.5"*, W. *103°55'-40.5"*.	250	ND-190	U	II	*166*	*120*	*166*	
		1590 kHz							
(New) (under construction)	Irapuato, Gto., N. 20°40'28", W. 101°-20'51".	250	ND	D	III				3-31-75.
		1590 kHz							
(New) (under construction)	Pihuamo, Jal.	500	ND-175	D	III	139	90	139	3-31-75.
		1580 kHz							
XEACH (PO 5 kW, ND, D) (in operation).	Monterrey, N.L., N. 25°40'57", W. 100°12'8.96".	5000D/1000N	DA-N, ND-190.	U	III	148	120	148	
		1590 kHz							
(New) (under construction)	Ensenada, B.C., N. 31°51'10", W. 116°-38'09".	10,000D/1500N.	ND	U	III				3-31-75.
		1600 kHz							
(New) (under construction)	Torreon, Coah., N. 25°32'18", W. 103°-27'55".	1000	ND-190	D	III				3-31-75.
		1600 kHz							
(New) (under construction)	Poza Rica, Ver.	1000	ND-190	D	III	154	120	154	3-31-75.
		1600 kHz							
XEAE (*PO 1 kW-U, ND*) (in operation).	Cd. Acuna, Coah., N. 29°18'20", W. 100°55'40".	5000	ND-191	U	III	184	90	154	
		1600 kHz							
XEZK (*PO 0.25 kW-U, ND*) (in operation).	Tepatitlan, Jal., N. 20°50'37", W. 102°42'10".	1000D/250N	ND-182	U	III	154	120	131	

[SEAL]

WALLACE E. JOHNSON,
Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc.75-8114 Filed 3-31-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CONSUMER AFFAIRS AND SPECIAL IMPACT ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given that the Consumer Affairs and Special Impact Advisory Committee will meet Thursday, April 17, 1975, at 9 a.m., Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Street, NW., Washington, D.C.

This Committee was established to provide the Federal Energy Administration with diversified knowledge and experiences possessed by a wide range of highly qualified individuals who have been extensively involved in planning, developing, and implementing programs to remedy the problems of the consumer, the poor, the elderly, and the handicapped persons in rural and urban America.

The agenda for the meeting is as follows:

1. Staff Progress Report.
2. Report of Consumer Energy Workshop held in Philadelphia.
3. Old Business.
4. New Business:
   - Analysis of Citizens Energy Platform Presentation by Staff of Office of Policy and Analysis.
   - Plant Siting, Presentation by Staff of Office of Energy Resource Development.
   - Impact of the Energy Crisis on the Low and Middle Income Aged, Presentation by Staff of the Office of Consumer Affairs and Special Impact.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Officer, (202) 961-7022, at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on March 26, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc 75-8299 Filed 3-27-75;9:13 am]

FEDERAL MARITIME COMMISSION

IBERJON/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 21, 1975. Any person desiring a hearing on the

V 40 163 APR 1 75

proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Stanley O. Sher, Esquire
Billig, Sher & Jones, P.C.
Suite 300
1126 Sixteenth Street NW.,
Washington, D.C. 20036

Agreement No. 9615-14, among the member lines of the above-named conference, authorizes the conference to appoint the Executive Director of the Associated North Atlantic Freight Conferences, or any other entity, as its Enforcement Authority for purposes of self-policing.

By Order of the Federal Maritime Commission.

Dated: March 26, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-8378 Filed 3-31-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP75-201]

ARKANSAS LOUISIANA GAS CO.

Withdrawal

MARCH 24, 1975.

On March 13, 1975, Arkansas Louisiana Gas Company filed a withdrawal of its application of December 31, 1974, in the above-designated matter.

Notice is hereby given that pursuant to § 1.11(d) of the Commission's rules of practice and procedure, the withdrawal of the above application shall become effective April 14, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8340 Filed 3-31-75;8:45 am]

[Docket No. RI75-144]

AZTEC OIL AND GAS CO.

Extension of Procedural Dates

MARCH 24, 1975.

On March 20, 1975, Aztec Oil and Gas Company filed a motion to extend the procedural dates fixed by order issued January 27, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above-matter are modified as follows:

Service of Company's and Supporting Intervenors, Direct Testimony, April 4, 1975.
Service of Staff's and of Opposing Intervenors Testimony, April 25, 1975.
Service of Company Rebuttal, May 2, 1975.
Hearing, May 20, 1975 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8343 Filed 3-31-75;8:45 am]

[Docket No. CP75-129]

COLUMBIA GAS TRANSMISSION CORP.

Findings and Order After Statutory Hearing Issuing Certificate of Public Convenience and Necessity and Permitting and Approving Abandonment in Part, Establishing Procedural Dates and Fixing Date for Formal Hearing

MARCH 25, 1975.

On October 29, 1974, Columbia Gas Transmission Corporation (Applicant) filed in Docket No. CP75-129 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and for permission and approval to abandon certain natural gas facilities on its existing transmission system, all in the states of Ohio and West Virginia and the Commonwealth of Pennsylvania, all as more fully set forth in the application in this proceeding.

Specifically, Applicant proposes the following projects:

1. The construction and operation of approximately 0.9 mile of 24-inch transmission pipeline replacing a like amount of 16-inch pipeline located in Franklin County, Ohio.

The existing 16-inch pipeline is the sole source of supply for the communities of Canal, Winchester, Groveport, Obetz, and Waterloo, Ohio, and is one of the main lines serving the Columbus, Ohio, market area. The segment to be replaced was installed in 1947 and 1959 with reconditioned pipe that was salvaged from a pipeline that was constructed in 1911. Applicant asserts that the proposed replacement with larger diameter pipe will provide for future growth potential in the market areas served from this facility.

2. The construction and operation of approximately 0.9 mile of 3-inch transmission pipeline replacing a like amount of 2-inch pipeline located in Licking County, Ohio.

The segment to be replaced was installed in 1926 with screw connected bare steel pipe and is a portion of the transmission pipeline that is the sole transporter of supply for the community of Hartford, Ohio. Applicant alleges that the larger diameter replacement will provide needed operating flexibility for service to the existing market area.

3. The construction and operation of approximately 2.2 miles of 3-inch transmission pipeline replacing, in two separate segments, a like amount of 6-inch pipeline located in Knox County, Ohio.

This 6-inch transmission line is the sole transporter of supply for the communities of Bangs and Mount Liberty, Ohio. The segments to be replaced were installed in 1905 and consist of a mixture of coupled bare wrought iron pipe and steel pipe with no protection against corrosion. The proposed replacements with smaller diameter pipe will provide adequate capacity to supply the present and anticipated future market requirements of the communities served.

4. The construction and operation of approximately 0.9 mile of 4-inch transmission pipeline replacing a like amount of 8-inch pipeline located in Lorain County, Ohio.

The existing 8-inch transmission pipeline is the sole transporter of supply for a portion of the community of North Ridgeville, Ohio. The segment of pipe to be replaced consists of coupled bare steel pipe installed in 1915 with no protection against corrosion. The proposed replacement with smaller diameter pipe will provide adequate capacity to meet the present and anticipated future market requirements of the market area served through this facility.

5. The construction and operation of approximately 0.2 mile of 6-inch and approximately 0.9 mile of 2-inch transmission pipeline replacing, in two separate segments, a like amount of 4-inch and 8-inch pipeline located in Medina County, Ohio.

This 4-inch and 8-inch transmission pipeline is the sole transporter of supply for the communities of Chatham and Lafayette, Ohio. The segments to be replaced were installed in 1916 with sections of coupled bare steel pipe with no corrosion protection. The proposed smaller diameter replacements will provide adequate capacity to meet the present and anticipated future market requirements of the two communities.

6. The construction and operation of approximately 1.2 miles of 3-inch transmission pipeline replacing a like amount of 4-inch and 8-inch pipeline in Wayne County, Ohio.

The existing 4-inch and 8-inch transmission pipeline is the sole transporter of supply for the community of Lattasburg, Ohio. The segment of pipeline to be replaced was originally constructed in 1914 with coupled bare steel pipe with no corrosion protection. The proposed smaller diameter replacement pipeline will provide adequate capacity to supply the present and anticipated future market requirements of Lattasburg.

7. The construction and operation of approximately 0.6 mile of 16-inch transmission pipeline replacing, in seven separate segments, a like amount of 12-inch pipeline, located in Wayne County, Ohio.

The segments to be replaced are part of Applicant's 12-inch and 16-inch transmission system that serves six communities in Knox, Ashland, Wayne, and Medina Counties, Ohio. Segments of the line were originally installed in 1931, 1935, and 1922 with coupled bare steel pipe without corrosion protection. Applicant has been in the process for several years of replacing portions of this pipeline with 16-inch pipe and the proposed replacements are a continuation of this program to assure continued dependable service to existing wholesale customers.

8. The construction and operation of approximately 2.2 miles of 6-inch transmission pipeline replacing, in two separate segments, a like amount of 8-inch and 4-inch pipeline located in Homer County, Ohio.

This 3-inch and 4-inch transmission pipeline is a portion of Applicant's transmission system serving the requirements of the communities of Millersburg, Killbuck, and Clark, Ohio. The segments to be replaced consist of bare steel pipe installed in 1944 with no protection against corrosion. Applicant has previously replaced segments of this pipeline and the replacements proposed herein are part of a continuing program to maintain service to existing customers. Applicant proposes to replace the line with larger diameter pipe and alleges that a larger diameter pipe is needed to offset the decline in locally produced and purchased gas and to provide for future growth in the markets served from this line.

9. The construction and operation of approximately 0.8 mile of 6-inch transmission pipeline replacing a like amount of 4-inch pipeline in Perry County, Ohio.

This segment of existing 4-inch transmission pipeline is the sole transporter of supply for the community of New Lexington, Ohio. The segment to be replaced was installed in 1905 with bare steel pipe and without protection against corrosion. Applicant maintains that the proposed replacement with larger diameter pipe is required in order to offset the anticipated decline in locally produced volumes of gas presently delivered to the New Lexington market area.

10. The construction and operation of approximately 0.7 mile of 6-inch transmission pipeline replacing a like amount of 4-inch pipeline located in Athens County, Ohio.

The existing 4-inch transmission pipeline is a portion of the pipeline system serving the requirements of the Athens, Ohio, market area. The segment to be replaced consists of screw-connected bare steel pipe installed in 1924 without protection against corrosion. Applicant asserts segments of the line have previously been replaced and the proposed project will assure continuity of service and will provide capacity required to offset the projected decline in locally produced volumes of gas presently delivered to the Athens area.

11. The construction and operation of approximately 0.6 mile of 4-inch transmission pipeline replacing a like amount of 8-inch pipeline located in Jefferson County, Ohio.

The existing 8-inch transmission pipeline is a portion of the pipeline system serving the Unionport and Hopedale, Ohio, communities. The segment to be replaced consists of screw-connected bare steel pipe installed in 1927 with no protection against corrosion. Segments of this pipeline system have been previously replaced and the proposed project is a continuation of that program. The replacement with smaller diameter pipe will not impair Applicant's ability to supply the existing and anticipated future market requirements served through this facility.

12. The construction and operation of approximately 0.9 mile of 3-inch transmission pipeline replacing a like amount of 6-inch pipeline located in Columbiana County, Ohio.

This existing 6-inch transmission pipeline is the sole transporter of supply for the community of Franklin Square, Ohio. The section to be replaced was installed in 1904 with screw-connected bare steel pipe and without protection against corrosion. The proposed replacement with smaller diameter pipe will provide adequate capacity for Applicant to serve the present and anticipated future requirements in the Franklin Square market area.

13. The construction and operation of approximately 0.2 mile of 10-inch transmission pipeline replacing a like amount of 8-inch pipeline located in Lawrence County, Pennsylvania.

The segment of 8-inch transmission pipeline to be replaced is a portion of the pipeline system utilized to transport volumes of gas from Applicant's Brinker Storage Field and to its markets in that area. This segment of line was installed in 1952 and consists of bare steel pipe with no protection against corrosion. Applicant has previously replaced segments of this line with 10-inch pipe, and the proposed scheduled replacement is a continuation of Applicant's program to assure dependable service to its existing customers. The installation of larger pipe is needed to provide additional operating flexibility in this portion of Applicant's system.

14. The construction and operation of approximately 0.6 mile of 4-inch transmission pipeline replacing, in two separate segments, a like amount of 8-inch pipeline in Fayette County, Pennsylvania.

The existing 8-inch transmission pipeline transports a commingled stream of locally produced and purchased gas, southwest purchases, and storage withdrawals to supply the market requirements of communities located in Garrett County, Maryland, and Somerset County, Pennsylvania. The segments to be replaced consist of screw-connected bare steel pipe installed in 1906 with no corrosion protection. Applicant proposes to replace these 8-inch segments with smaller diameter pipe which will provide adequate capacity to meet the present and future market requirements of the communities served.

15. The construction and operation of approximately 0.4 mile of 8-inch transmission pipeline replacing a like amount of 16-inch pipeline in Tyler County, West Virginia.

The existing 16-inch transmission pipeline transports locally produced and purchased volumes of gas from the Sedalia production area in Doddridge, Harrison, and Wetzel Counties, West Virginia, to Applicant's Porter Falls Compressor Station in Wetzel County, where it is commingled with other production volumes and transported to markets in Wetzel County and Monroe County, Ohio. The segment to be replaced was installed in 1904 with coupled sections of bare steel pipe without protection against corrosion. The proposed smaller diameter pipe will provide adequate capacity to transport the above-mentioned volumes.

16. The construction and operation of one 600 horsepower compressor unit and the abandonment of five existing compressor units, totalling 3,350 horsepower, at Buff Lick Compressor Station located in Kanawha County, West Virginia.

Applicant's Buff Lick Compressor Station presently consists of five obsolete horizontal-reciprocating compressor units which were originally installed in 1917, 1919, and 1920. This station is utilized to compress locally produced and purchased gas from a suction pressure ranging between 1 and 4 psig to a discharge pressure ranging between 100 and 135 psig. The volumes of gas compressed at Buff Lick are transported along with other locally produced and purchased gas to Applicant's Cobb Compressor, also in Kanawha County, where they are further commingled in Applicant's interstate transmission system. The application states that the existing Buff Lick Compressor units, which employ an open-type cooling system, have deteriorated to a point that their continued operation and maintenance is no longer economically feasible and replacement parts for these units are no longer commercially available. Applicant asserts that because the volumes of locally produced and purchased gas have substantially declined over the years, the proposed 600 horsepower unit is needed to provide adequate capacity to compress all volumes of gas that will be available to the Buff Lick Station.

17. The construction and operation of approximately 1.9 miles of 4-inch transmission pipeline and appurtenant regulating facilities, and the abandonment of approximately 15.6 miles of multiple 8-inch and single 8-inch pipeline located in Lancaster County, Pennsylvania.

This 6-inch transmission system is the sole transporter of supply for Applicant's Lititz, Pennsylvania, point of delivery to UGI Corporation. Approximately 11.7 miles of multiple pipelines were installed between 1890 and 1905 with screw-connected bare steel pipe and without protection against corrosion. The remaining single pipeline, approximately 3.9 miles in length, consists of welded steel pipe which was installed in 1956 with cathodic protection. Because of the age and deteriorating condition of the portion of this system that was installed between 1890 and 1905, said multiple pipelines must either be replaced or an alternate method provided to supply the Lititz market requirements of UGI Corporation.

Rather than replace the 70-year old facility, Applicant proposes to install a shorter and smaller diameter transmission lateral approximately 1.9 miles in length, together with appurtenant regulating facilities, connecting its Lititz delivery point with its nearby 20-inch transmission pipeline. The proposed connecting lateral will provide adequate capacity to serve the present and anticipated future requirements at the Lititz delivery point.

18. The abandonment of approximately 13.6 miles of 4-inch, 5-inch, and 6-inch transmission pipeline in Jefferson County, Pennsylvania.

This existing low-pressure transmission system was installed between 1910 and 1926 and consists of two parallel 5-inch and 6-inch pipelines with short segments of 4-inch pipeline. These facilities are utilized to transport storage withdrawals and locally produced and purchased volumes to Applicant's New Bethlehem, Pennsylvania, market area. Because of the decline in locally produced and purchased gas in the Jefferson County production area, the continued operation of this dual pipeline system is no longer necessary. Applicant proposes to abandon four separate segments of this pipeline and to interconnect the remaining segments, thus providing a single pipeline system with adequate capacity to transport the available volumes of gas to the New Bethlehem market area.

19. The abandonment of approximately 0.3 mile of 8-inch transmission pipeline crossing the Ohio River, and appurtenant measuring and regulating facilities, located in Brooke County, West Virginia, and Jefferson County, Ohio.

Applicant's 8-inch transmission pipeline crossing of the Ohio River was installed in 1902 and, for the most part, consists of screw-connected pipe. Prior to 1972, this facility was utilized by Applicant as a secondary supply line for service to the community of Steubenville, Ohio. Flooding of the Ohio River in 1972 damaged said pipeline to the extent that Applicant found it necessary to remove from service the river crossing together with appurtenant facilities. Because sufficient capacity exists in other of Applicant's transmission facilities in this area, Applicant proposes to abandon this river crossing and all appurtenant facilities.

20. The abandonment of approximately 0.4 mile of 16-inch transmission pipeline located in Wetzel County, West Virginia.

This segment of Applicant's 16-inch transmission pipeline, together with an adjoining segment of the same pipeline which Applicant has previously been authorized to abandon, was previously utilized by Applicant to supply the market requirements of the community of Reader, West Virginia. Because this community is presently being supplied through an extension of the distribution system of Applicant's affiliate, Columbia Gas of West Virginia, Inc., the segment herein proposed to be abandoned is no longer used or useful in Applicant's transmission operations.

The abandonments proposed herein by Applicant will not result in the termination of service to any of Applicant's existing customers.

Applicant states the above described construction projects are primarily designed to maintain service to its existing wholesale customers at levels presently authorized by the Commission and that

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Applicant is not herein requesting authorization for any service or sale not heretofore authorized. With the exception of six projects Applicant has demonstrated such a purpose and the public convenience and necessity will be advanced by certification of those fourteen projects. Applicant has failed to produce sufficient evidence with respect to project numbers 1, 2, 8, 9, 10, and 16 hereinbefore described to warrant certification at this time. Rather than involving replacement of existing facilities with facilities of like size and deliverability these projects involve larger diameter pipe or additional compressor facilities which would result in increased capacity and deliverability. Applicant has failed to demonstrate the need for such facilities and we believe that a formal hearing should be convened to develop a complete record in this proceeding with respect to these six projects. Such proceeding should develop inter alia, a record regarding:

1. The future growth potential in the market areas proposed to be served by the facilities proposed in project numbers 1, 2 and 8 and the type and size of facilities, if any, required to meet such growth.

2. The degree of decline in locally produced and purchased gas stated to be offset by facilities proposed in project numbers 8, 9 and 10 and the type and size of facilities, if any, required to meet such declines.

3. The state of condition of the compressor units proposed to be abandoned in project number 16, the availability of replacement parts, the advisability of the units' replacement with the proposed 600 horsepower unit, and the effect of such a replacement on Applicant's system.

The Commission finds that this order does not constitute a major Federal action having any significant effect on the human environment.

After due notice by publication in the FEDERAL REGISTER on November 18, 1974 (39 FR 40530), no petition to intervene, notice of intervention, or protest to the granting of the application has been filed.

At a hearing held on March 20, 1975, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds. (1) Applicant, Columbia Gas Transmission Corporation, a Delaware corporation having its principal place of business in Charleston, West Virginia, is a "natural-gas company" within the meaning of the Natural Gas Act, as heretofore found by the Commission in its order, issued March 10, 1971, in Docket No. CP71-132 (45 FPC 396).

(2) The facilities hereinbefore described, as more fully described in the application in this proceeding, are to be used in the transportation of natural gas in interstate commerce, subject to the jurisdiction of the Commission, and the construction and operation thereof by Applicant are subject to the requirements of Subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicant is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The construction and operation of the proposed facilities by Applicant hereinbefore described in project numbers 3, 4, 5, 6, 7, 11, 12, 13, 14, 15, 17, 18, 19 and 20 are required by the public convenience and necessity and a certificate therefor should be issued as hereinafter ordered and conditioned.

(5) The facilities proposed to be abandoned, as hereinbefore described, are subject to the jurisdiction of the Commission and the abandonment thereof is subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(6) The abandonment of facilities described in project numbers 3, 4, 5, 6, 7, 11, 12, 13, 14, 15, 17, 18, 19 and 20 by Applicant, as hereinbefore described, are permitted by the public convenience and necessity, and an order authorizing and approving same should be issued as hereinafter ordered.

(7) It is necessary and appropriate that part of the application in Docket No. CP75-129 be set for formal public hearing.

The Commission orders. (A) A certificate of public convenience and necessity is issued authorizing Applicant, Columbia Gas Transmission Corporation, to construct and operate the proposed facilities and to transport natural gas as hereinabove described in project numbers 3, 4, 5, 6, 7, 11, 12, 13, 14, 15, 17, 18, 19 and 20, all as more fully described in the application in this proceeding, upon the terms and conditions of this order.

(B) The certificate issued by paragraph (A) above and the rights granted thereunder are conditioned upon Applicant's compliance with all applicable Commission regulations under the Natural Gas Act and particularly the general terms and conditions set forth in paragraphs (a), (c) (3), (c) (4), (e), (f), and (g) of § 157.20 of such regulations.

(C) The facilities authorized in paragraph (A) above shall be completed and placed in actual operation, as provided by paragraph (b) of § 157.20 of the Commission's regulations under the Natural Gas Act, within one year from the date of this order.

(D) Permission for and approval of the abandonments by Applicant hereinbefore described in project numbers 3, 4, 5, 6, 7, 11, 12, 13, 14, 15, 17, 18, 19 and 20, all as more fully described in the application in this proceeding, are granted.

(E) Applicant shall advise the Commission of the date of said abandonments within 10 days thereof.

(F) A formal hearing shall be convened in the proceeding in Docket No. CP75-129 with regard to the six above described projects in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on May 6, 1975, at 10 a.m., (e.d.t.) The Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose—see Delegation of Authority 18 CFR 3.5(d)—shall preside at the hearing in this proceeding and shall prescribe relevant procedures not herein provided.

(G) The direct case of Columbia Gas Transmission Corporation as to all issues, except with respect to the authorization granted herein, raised by Applicant's filing in Docket No. CP75-129 as well as all issues referred to in this order shall be filed and served on all parties of record including the Commission Staff on or before April 15, 1975.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-8358 Filed 3-31-75;8:45 am]

[Docket Nos. RP69-6, etc.]

EL PASO NATURAL GAS CO.

Payment of Refunds

MARCH 25, 1975.

Take notice that on March 18, 1975, El Paso Natural Gas Company ("El Paso") tendered for filing a Report of Refunds made on March 3, 1975, to its Southern Division System jurisdictional and nonjurisdictional keyed customers. El Paso states that such refunds were made in compliance with the Commission's letter order issued February 3, 1975, in the captioned dockets and in accordance with the Stipulation and Agreement dated as of May 31, 1973, approved by Commission order issued February 14, 1974, at Docket Nos. RP69-6, et al.

El Paso further states that the refunds made, aggregating $61,737,711.96, encompass $50,523,679.23 principal refunds, plus interest thereon of $11,214,032.75, computed through March 3, 1975, at the interest rates specified by the Commission in each of the docketed proceedings, in conformity with the Stipulation and Agreement dated May 31, 1973, at Docket Nos. RP69-6, et al.

El Paso states that copies of the filing were served on all of El Paso's affected Southern Division System customers and all parties of record to the proceedings at Docket Nos. RP69-6, RP69-20, RP70-11, RP71-13, RP72-156 and RP73-155 and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to this filing should, on or before April 10, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-8344 Filed 3-31-75;8:45 am]

[Docket No. RI75-119]

EXXON CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

MARCH 25, 1975.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket Nos.
	Exxon Corp.	218	[1] 14	Mountain Fuel Supply Co. (Rocky Mountain Area) (Wyoming).	$1,274	2-27-75	----------	8-30-75	[2] 26.25	[2] 26.6588	

* Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Applicable only to gas produced from wells completed after June 7, 1972.
[2] Unless otherwise stated, the rate shown is the total rate, inclusive of any applicable Btu adjustment and tax.

The proposed rate increase of Exxon exceeds the applicable area ceiling in Opinion No. 658 and is suspended for five months.

[FR Doc.75-8359 Filed 3-31-75;8:45 am]

[Docket No. CI75-540]

FOREST DRILLING VENTURE, ET AL.

Application Regarding General Policy and Interpretations

MARCH 25, 1975.

Take notice that on March 13, 1975, Forest Drilling Venture, a joint venture composed of Forest Oil Corporation and Columbia Gas Development Corporation; and Forest Oil Corporation, 2500 First City National Bank Building, Houston, Texas 77002, filed in Docket No. CI75-540 an application for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's rules of practice and procedure to authorize Applicant to sell natural gas from eight tracts in federal waters offshore Louisiana to Columbia Gas Transmission Corporation. Under the terms of the Gas Purchase and Sales Agreement dated March 7, 1975, the gas would be sold from certain acreage in the Federal Domain offshore Louisiana, specifically in Blocks 479, 485, 531 and 642, West Cameron Area; North Half of West Cameron Block 507; Blocks 370 and 371, East Cameron Area; and Block 267, South Marsh Island Area at the initial rate of $1.52 per Mcf together with the 2.0 cents per Mcf annual escalations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-8345 Filed 3-31-75;8:45 am]

[Docket No. RP72-140, PGA75-4]

GREAT LAKES GAS TRANSMISSION CO.

Proposed Changes in FPC Gas Tariff Under Purchased Gas Adjustment Clause Provisions

MARCH 25, 1975.

Take notice that Great Lakes Gas Transmission Company (Great Lakes), on March 14, 1975, tendered for filing Fifteenth Revised Sheet No. 57 (Fourteenth Revised PGA-1) to its FPC Gas Tariff, First Revised Volume No. 1, proposed to be effective May 1, 1975.

Great Lakes states that the cost of gas purchased from TransCanada PipeLines Limited, its sole supplier of natural gas, is reduced as a result of changes in the conversion rate of United States and Canadian currency and to reflect a lower BTU content in natural gas purchased.

Great Lakes is also including in the revised tariff sheet a purchased gas cost surcharge adjustment to be effective May 1, 1975. Great Lakes states that the surcharge adjustment results from maintaining an unrecovered purchased gas cost account for the period commencing September 1, 1974 and ending February 28, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-8346 Filed 3-31-75;8:45 am]

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[Docket No. E-9121]

GULF STATES UTILITIES CO.

Filing Fuel Clauses

MARCH 25, 1975.

Take notice that on December 9, 1974, Gulf States Utilities Company (GSU) tendered for filing tariff schedules containing a revised fuel clause for each of the rate schedule filings in Docket No. E-9121.

The rate schedules affected are as follows:

	FPC No.	Rate schedule
Town of Erath, La.	20	423
Town of Vinton, La.	24	423
Town of St. Martinville, La.	30	423
Town of Welsh, La.	51	423
Sam Houston Electric Coop., Inc.	69	REA
Mid-South Electric Coop., Inc.	78	REA
Houston County Electric Coop., Inc.	79	REA
City of Newton, Tex.	85	423
City of Livingston, Tex.	86	423
City of Abbeville, La.	93	423
City of Jasper, Tex.	95	423
City of Liberty, Tex.	96	423
Sam Rayburn Dam Electric Coop., Inc. Member municipals	98	SR-1A, SR-1B
Town of Vinton, La. City of Jasper, Tex. City of Liberty, Tex. City of Livingston, Tex.		
San Rayburn Dam Electric Coop., Inc. Member coops	98	SR-2
Sam Houston Electric Coop., Inc. Jasper Newton Electric Coop., Inc.		
City of Caldwell, Tex.	99	423
Cajun Electric Power Coop., Inc.	104	REA
Town of Rayne, La.	105	423
Town of Gueydan, La.	106	423
Robertson Electric Coop., Inc.	107	REA
Kirbyville Light & Power Co.	110	423

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 11, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8347 Filed 3-31-75;8:45 am]

[Docket No. E-9329]

INDIANA & MICHIGAN ELECTRIC CO.

Tariff Change

MARCH 25, 1975.

Take notice that Indiana & Michigan Electric Company, (I&M) on March 17, 1975, tendered for filing an unsigned agreement with the City of Anderson, Indiana, pursuant to the Company's filed FPC Electric Tariff WS, filed with the Commission on June 13, 1972.

I&M states that the proposed rate change would increase I&M's revenues from Anderson by $117,598 or 1.8 percent based on a comparison of the revenues derived by utilizing the billing determinates for the 12 month period ending February 28, 1975 and applying them to Tariff WS and to Tariff IP. The Tariff IP calculation includes the 15.22 percent surcharge on the base bill, exclusive of fuel, as approved by PSCI on January 23, 1975 and filed with this Commission on January 29, 1975 as a supplement to I&M's FPC Rate Schedule No. 27 (Docket No. E-9233).

I&M states that the reason for the proposed change is to change the applicable rate for service to Anderson from Tariff IP to the Company's Tariff WS applicable to municipal wholesale customers, upon termination of the existing agreement with Anderson on April 16, 1975.

I&M states that copies of the filing were served upon the City of Anderson and the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8348 Filed 3-31-75;8:45 am]

[Docket No. RP74-100, (PGA75-9)]

NATIONAL FUEL GAS SUPPLY CORP.

Proposed PGA Rate Adjustment

MARCH 25, 1975.

Take notice that on March 17, 1975, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FPC Gas Tariff, Original Volume No. 1, Third Revised Sheet No. 4, proposed to be effective April 1, 1975.

National states that the sole purpose of this revised tariff sheet is to adjust National's rates pursuant to the PGA provision in Section 17 of the General Terms and Conditions. National further states that such tariff sheet reflects an adjustment in National's rates of 15.59¢ per Mcf on Third Revised Sheet No. 4.

It is stated that the copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 17, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8349 Filed 3-31-75;8:45 am]

[Docket No. RP71-125, PGA75-6]

NATURAL GAS PIPELINE COMPANY OF AMERICA

PGA Filing To Track a Pipeline Supplier Rate Decrease

MARCH 25, 1975.

Take notice that on March 19, 1975, Natural Gas Pipeline Company of America (Natural) submitted for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Twenty-Second Revised Sheet No. 5, to be effective May 1, 1975.

Natural states that the filing was made pursuant to the provisions of section 18, Purchased Gas Cost Adjustment, of the General Terms and Conditions of its FPC Gas Tariff, to track a decrease in the cost of gas purchased, effective May 1, 1975, from Great Lakes Gas Transmission Company, a pipeline supplier to Natural. Great Lakes' filing was made on March 14, 1975 to be effective May 1, 1975 in accordance with the terms of its PGA Clause.

Natural states that as notice of the supplier filing was not received by Natural in time to permit it to meet the 45 day filing requirement of its PGA tariff provision, it requests that that provision be waived to permit Natural's PGA unit adjustment to become effective May 1, 1975.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8350 Filed 3-31-75;8:45 am]

[Docket No. E-9325]

PUGET SOUND POWER AND LIGHT CO.

Filing of Initial Rate Schedule

MARCH 25, 1975.

Take notice that Puget Sound Power and Light Company (Company), on March 14, 1975, tendered for filing an initial rate schedule relating to the terms and conditions under which the Company will exchange energy with other parties to the Intercompany Pool Agreement (Agreement) which the Company states was filed with the FPC on December 6, 1974, by The Washington Water Power Company with all other parties to the Agreement filing Certificates of Concurrence.

The Company states that Part III of the Agreement provides in paragraph 2 that each party to the Agreement will file rate schedules from time to time with the FPC setting forth the terms and conditions under which each party will make power and energy available to other parties. The Company states that this filing is pursuant to that.

The Company states that copies of the enclosed schedule have been mailed to each of the other parties to the Agreement.

The Company states that the schedule provides that the exchange shall be at such times and in such amounts as the Company and the other party to the exchange agree provided that the value of the exchange shall be approximately equivalent to each party. Therefore, the Company states that estimates of transactions or revenues under this schedule would not be applicable or would be impossible to make.

The Company requests an effective date of March 12, 1975. The Company states that this effective date will make energy immediately available to utilities who have present shortages or need to conserve energy for use in other times of the year and will have no effect upon purchasers under other rate schedules.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8352 Filed 3-31-75;8:45 am]

[Docket No. E-9326]

PUGET SOUND POWER AND LIGHT CO.

Filing of Initial Rate Schedule

MARCH 25, 1975.

Take notice that Puget Sound Power and Light Company (Company), on March 14, 1975, tendered for filing an initial rate schedule relating to the terms and conditions under which the Company will sell non-firm energy to other parties to the Intercompany Pool Agreement (Agreement) which the Company states was filed with the Commission on December 6, 1974, by The Washington Water Power Company with all other parties to the Agreement filing Certificates of Concurrence.

The Company states that the rate schedule establishes the terms and conditions under which the Company will sell non-firm energy to other parties to the Agreement and was filed pursuant to Part III, paragraph 2 of the Agreement.

The Company states that copies of the enclosed schedule have been mailed to each of the parties to the Agreement.

The Company states that the schedule provides that such non-firm power will be sold at such times and in such amounts as the Company in its sole discretion determines. Therefore, the Company states that estimates of transactions or revenues under this schedule would not be applicable and would be impossible to make.

The Company states the rate for non-firm energy sold depends upon the resource from which such energy is generated. For energy from noncontrollable hydroelectric resources, the Company states that the rate is identical with the Bonneville Power Administration's presently effective schedule H-5, "Wholesale Non-firm Energy Rate." For energy delivered from hydroelectric resources which are subject to replacement by the Company from other resources, the Company states that the rate is the Company's predicted cost of such replacement. For energy delivered from the Company's thermal resources, the Company states that the rate is essentially an incremental cost rate plus additional compensation for investment costs not to exceed 100 percent of such investment costs in the case of energy having the characteristics of firm energy or 50% of such investment costs in the case of energy not having the characteristics of firm energy. For energy delivered from power purchased by the Company, the Company states that the rate is the cost of the power purchased; and for energy which could have been marketed by the Company to purchasers which are not parties to the ICP Agreement, the Company states that the rate is the net amount that could have been obtained from those purchasers.

The Company states that no special cost of service studies were prepared in connection with the derivation of the foregoing rates.

The Company requests an effective date of March 12, 1975. The Company states that this effective date will make energy immediately available to utilities who have present shortages or need to conserve energy for use in other times of the year and will have no effect upon purchasers under other rate schedules.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8351 Filed 3-31-75;8:45 am]

[Docket No. RP72-121, PGA75-5b]

SOUTHWEST GAS CORP.

Proposed Changes in FPC Gas Tariff

MARCH 25, 1975.

Take notice that on March 5, 1975 the Southwest Gas Corporation (SGC) tendered for filing Ninth Revised Sheet No. 3A constituting Original PGA-1 and the supporting schedules, attached thereto, to be substituted for Ninth Revised Sheet No. 3A and supporting schedules of the filing by letters dated February 12, 1975 and February 18, 1975. SGC states that this filing is intended to constitute a complete replacement and is filed in substitution for the previous filings dated February 12, 1975 and February 18, 1975.

SGC states the reason for this filing is to replace Ninth Revised Sheet No. 3A to reflect the changes made by the Northwest Pipeline Corporation filed on February 28, 1975 in Docket No. RP72-154, a .332 cents per therm reduction.

SGC requests that the Commission permit the correction noted therein and allow the substitute tariff sheet to become effective on April 1, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 11, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person

V 40 163 APR 1 75

wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8353 Filed 3-31-75;8:45 am]

[Docket No. RI75-6]

SUN OIL CO.

Extension of Procedural Dates

MARCH 25, 1975.

On March 24, 1975, Sun Oil Company filed a motion to extend the procedural dates fixed by order issued February 28, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Direct Testimony, May 1, 1975.
Service of Staff's Testimony, May 15, 1975.
Service of Company Rebuttal, May 22, 1975.
Hearing, June 2, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8354 Filed 3-31-75;8:45 am]

[Docket No. CP75-219]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Withdrawal

MARCH 24, 1975.

On March 13, 1975, Transcontinental Gas Pipe Line Corporation filed a withdrawal of its application filed January 27, 1975, in the above-designated matter.

Notice is hereby given that pursuant to § 1.11(d) of the Commission's rules and regulations the withdrawal of the above application shall become effective April 14, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8355 Filed 3-31-75;8:45 am]

[Docket No. RP75-16-11]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND TORRINGTON CO.

Withdrawal

MARCH 24, 1975.

On March 7, 1975, The Torrington Company filed a withdrawal of its application for extraordinary relief from curtailment, filed January 16, 1975, in the above-designated matter.

Notice is hereby given that pursuant to § 1.11(d) of the Commission's rules and regulations the withdrawal of the above application shall become effective April 7, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8356 Filed 3-31-75;8:45 am]

[Project No. 2716]

VIRGINIA ELECTRIC & POWER CO.

Availability of Staff Draft Environmental Impact Statement

Notice is hereby given in the captioned Project, that on April 1, 1975, as required by § 2.81(b) of Commission Order No. 415–C, a draft environmental impact statement prepared by the Staff of the Federal Power Commission was made available for comments. This statement deals with the environmental impact of an application for license filed pursuant to the Federal Power Act by Virginia Electric and Power Company for proposed Bath County Pumped Storage Project No. 2716 to be located on Back Creek and Little Back Creek in Bath, Highland, Augusta, and Rockbridge Counties, Virginia, and partially within the George Washington National Forest.

This statement has been circulated for comments to Federal, State and local agencies, has been placed in the public files of the Commission, and is available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426 and at its Atlanta Regional Office located at 730 Peachtree Building; Room 500, Atlanta, Georgia 30308. Copies may be ordered from the Commission's Office of Public Information, Washington, D.C. 20426.

The project would consist of a 265-acre upper reservoir (full power pool elevation 3320 feet m.s.l.), a 555-acre lower reservoir (full power pool elevation 2118 feet m.s.l.), three tunnels connected to six penstocks, and an indoor-type powerhouse which would contain six 350 mW pump-turbine generating units. Also associated with the project would be two 500 kV transmission lines, one extending 50 miles to Burketown, Virginia, and one extending 35 miles to Lexington, Virginia. Recreation facilities include streamside fishing, 2 recreation ponds (total of 85 acres), camping facilities, and a visitors center.

Any person who wishes to do so may file comments on the staff draft statement for the Commission's consideration. All comments must be filed on or before May 15, 1975.

Any person who wishes to present evidence regarding environmental matters in this proceeding must file with the Commission a petition to intervene pursuant to § 1.8 of the Commission's rules of practice and procedure. Petitioners must also file timely comments on the draft statement in accordance with § 2.81(c) of Order No. 415–C.

All petitions to intervene must be filed on or before May 15, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8341 Filed 3-31-75;8:45 am]

[Docket No. E-9143]

WEST TEXAS UTILITIES CO.

Extension of Procedural Dates

MARCH 24, 1975.

On February 12, and March 19, 1975, West Texas Utilities Company filed a motion to extend the procedural dates fixed by order issued December 31, 1974, in the above-designated matter pending Commission action on the rehearing for further consideration granted by order issued February 21, 1975.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Direct Testimony, April 21, 1975.
Service of Intervenor's Testimony, June 16, 1975.
Service of Staff's Testimony, June 2, 1975.
Service of Company Rebuttal, June 30, 1975.
Hearing, July 15, 1975 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8357 Filed 3-31-75;8:45 am]

[Docket No. E-8848]

HOLYOKE WATER POWER CO. AND HOLYOKE POWER AND ELECTRIC CO.

Conference

MARCH 31, 1975.

Take notice that on Monday, April 7, 1975, a conference of all interested parties in the above-referenced docket will be convened at 1 p.m. in Room 8402 at the offices of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426.

The conference will be held pursuant to § 1.18 (Conferences, Offer of Settlement) of the Commission's rules of practice and procedure (18 CFR 1.18). Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, such attendance at the conference will not be deemed to authorize such intervention as a party in the proceedings.

In accordance with the provisions of § 1.18 of the rules, all parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the proposed tariff changes in this docket, any procedural matters preparatory to a full evidentiary hearing, or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference. Failure to attend the conference shall constitute a waiver of all objections to stipulations and agreements reached by the parties in attendance at the conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8567 Filed 3-31-75;10:11 am]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive of January 20–21, 1975

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on January 20–21, 1975.[1]

The information reviewed at this meeting suggests that real output of goods and services fell sharply in the fourth quarter of 1974 and that further declines are in prospect for the months immediately ahead. In December declines in industrial production and employment again were sharp and widespread, and the unemployment rate increased from 6.5 to 7.1 per cent. Average wholesale prices of industrial commodities were unchanged, after having risen much less rapidly from August to November than earlier in the year, and prices of farm and food products declined. In recent months increases in average wage rates have been large, but not so large as in the spring and summer.

In his State of the Union message, the President set forth a program of fiscal stimulus, including tax rebates for individuals and a temporary increase in the investment tax credit for business. The President also proposed a new program to reduce the consumption of energy; the program includes new taxes in the energy area along with measures of tax relief that, on balance, are designed to have a neutral effect on the size of the Federal deficit.

The dollar in December and early January continued the gradual decline against leading foreign currencies that began in September. In November, as in October, the U.S. foreign trade deficit was moderate; sizable inflows of official funds from oil-exporting countries continued, while other capital inflows and outflows reported by banks were roughly offsetting.

The narrowly defined money stock grew at an annual rate of 4 per cent over the fourth quarter of 1974, while the more broadly defined measure of the stock grew at a rate of nearly 7 per cent. In December and early January, however, the narrowly defined money stock changed little. Net inflows of consumer-type time and savings deposits at banks slowed sharply in December, although they continued to improve at nonbank thrift institutions; in early January deposit inflows at banks picked up. Business demands for short-term credit, both at banks and in the commercial paper market, moderated further in December, while demands in the long-term market remained strong. Over recent weeks short-term market interest rates have declined substantially, but yields on long-term securities have changed little, on balance. Federal Reserve discount rates were reduced from 7¾ to 7¼ per cent in early January, and on January 20 the Board announced a reduction in reserve requirements on demand deposits estimated to release $1.1 billion in required reserves.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee, while resisting inflationary pressures and working toward equilibrium in the country's balance of payments, to foster financial conditions conducive to cushioning recessionary tendencies and stimulating economic recovery.

To implement this policy, while taking account of the forthcoming Treasury financing, developments in domestic and international financial markets, and the Board's action on reserve requirements, the Committee seeks to achieve bank reserve and money market conditions consistent with more rapid growth in monetary aggregates over the months ahead than has occurred in recent months.

By order of the Federal Open Market Committee, March 24, 1975.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.75-8315 Filed 3-31-75;8:45 am]

[1] The Record of Policy Actions of the Committee for the meeting of January 20–21, 1975, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

IMPROVEMENTS NEEDED FOR RIO GRANDE CANALIZATION PROJECT, NEW MEXICO AND TEXAS

Draft Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969 and the Council on Environmental Quality guidelines (38 FR 20550, August 1, 1973), the United States Section, International Boundary and Water Commission, has prepared a draft environmental impact statement concerning the improvements needed for the Rio Grande Canalization Project, New Mexico and Texas.

The draft environmental impact statement concerns a plan which consists of levee raising and/or channel widening along three short segments totalling 3.8 miles in length of the 105.6 miles of the existing project, as well as completion by the Soil Conservation Service of dams on seven tributary arroyos under Soil Conservation Service's Pub. L. 566 program.

A copy of the draft environmental impact statement is being placed in the Office of the Country Director for Mexico, Room 3906–A, Department of State, 21st Street and Virginia Avenue NW., Washington, D.C., and in the office of the Chief of Planning and Reports, United States Section, International Boundary and Water Commission, 4110 Rio Bravo, El Paso, Texas.

Copies of the draft environmental impact statement, dated December 1974, can be obtained from J. J. Vandertulip, Chief of Planning and Reports, United States Section, International Boundary and Water Commission, Post Office Box 20003, El Paso, Texas 79998.

The date of publication in the FEDERAL REGISTER by the Council on Environmental Quality shall be the date from which the period for review and advance availability of the statement shall be calculated.

Done at El Paso, Texas, this 25th day of March 1975.

FRANK P. FULLERTON,
Special Legal Assistant.

[FR Doc.75-8405 Filed 3-31-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NASA WAGE COMMITTEE

[Notice 75-23]

Meeting

On March 20, 1975, an announcement of a meeting on April 11, 1975, of the NASA Wage Committee was published in the FEDERAL REGISTER. That notice did not specify that the meeting will be open to the public.

The entire meeting is open to the public. It will convene at 1:30 p.m. and will be held in Room 226–B, 600 Independence Avenue, Washington, D.C. 20546.

The Committee's primary responsibility is to consider and make recommendations to the Director of Personnel, National Aeronautics and Space Administration, on all matters involved in the development and authorization of a wage schedule for the Cleveland, Ohio, wage area pursuant to Pub. L. 92–392.

The approved agenda of the Committee provides that it will review the survey specifications for the Cleveland, Ohio, wage area which were recommended by the Local Wage Committee and will determine whether to recommend acceptance or modification of those survey specifications.

Dated: March 26, 1975.

DUWARD L. CROW,
Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

[FR Doc.75-8277 Filed 3-31-75;8:45 am]

NATIONAL COMMISSION FOR THE REVIEW OF FEDERAL AND STATE LAWS RELATING TO WIRETAPPING AND ELECTRONIC SURVEILLANCE

MEETING

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 85 Stat. 770), notice hereby is given that the National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance, established under the authority of section 804 of Pub. L. 90–351, June 19, 1968, as amended by Section 20 of Pub. L. 91–644, January 2, 1971, and as further amended by Pub. L. 93–609, will meet in Room 1318 of the Dirksen Office Building (NSOB), Washington, D.C., at 9:30 a.m. on April 9, 1975.

The purpose of the meeting is to permit the Commission to consider various items of business, such as (1) whether

V 40-63 APR 175

the Commission should engage in a study of National Security wiretaps, (2) whether a special subcommittee should be appointed to conduct hearings with respect to illegal wiretapping, (3) whether the Commission should revise its procedures for conducting hearings and entering into contracts, (4) whether and to what extent it should authorize a study of magnetic tape alteration and verification, and (5) whether and to what extent it should authorize per diem reimbursement of public members of the Committee for work related to the Commission that is performed other than at Commission meetings.

The meeting of the Commission will be open to the public, and interested persons are invited to attend. Under the rules of the Commission, copies of which may be obtained from its offices, any person desiring to present any matter to the Commission shall request authorization therefor by filing a written request with the Offices of the Commission at 1875 Connecticut Avenue, NW., Washington, D.C. 20009, not later than seven days prior to the meeting. The request shall include a concise description of the material to be presented. Within three days of receipt of such a request, the Chairman will notify the requesting person of his decision on the request.

KENNETH J. HODSON,
Executive Director.

[FR Doc.75-8609 Filed 3-31-75;8:45 am]

MEETING

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice hereby is given that the National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance, established under the authority of section 804 of Pub. L. 90-351, June 19, 1968, as amended by section 20 of Pub. L. 91-644, January 2, 1971, and as further amended by Pub. L. 93-609, will meet in Room 3302, Dirksen Office Building (NSOB), Washington, D.C., at 9:30 a.m. on April 22 and 23, 1975.

The purpose of the meeting is to receive evidence and to hear testimony from law enforcement personnel, defense lawyers, and State and Federal Judges, concerning the use of wiretapping and electronic surveillance in law enforcement, as authorized by applicable state statutes in conformity with Chapter 119 of Title 18, United States Code.

The meeting of the Commission will be open to the public, and interested persons are invited to attend. Under the rules of the Commission, copies of which may be obtained from its offices, any person desiring to present any matter to the Commission shall request authorization therefor by filing a written request with the Offices of the Commission at 1875 Connecticut Avenue, NW., Washington, D.C. 20009, not later than seven days prior to the meeting. The request shall include a concise description of the material to be presented. Within three days of receipt of such a request, the Chairman will notify the requesting person of his decision on the request.

KENNETH J. HODSON,
Executive Director.

[FR Doc.75-8609 Filed 3-31-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 27, 1975 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

GENERAL SERVICES ADMINISTRATION

Real Property Mailing List Application Card, GSA 3520, on occasion, individuals or firms wishing to receive solicitations for bid, Caywood, D.P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Economics of Scale and Increased Productivity in Group Dental Practices, HRMD 0630, single-time, dentists in private practice, Collins, L., 395-3908.

Food and Drug Administration, study of Tartrazine Aspirin Hypersensitivity, FDAHF 0305, single-time, patients who are hypersensitive to tartrazine, Rowe, B.F., 395-3630.

Health Resources Administration, Application to Participate in the Health Professions Capitation Grant Program, HRMD 0632, annually, schools of medicines, ped, phar., vet. med., osteo., Caywood, D. P., 395-3443.

Office of the Secretary, Disability Cost Burden, OS-17-75, single-time, parents of retarded children, Hall, George, 395-4697.

National Center for Education Statistics, Needs for Educational Statistics, OE 2512-I, single-time, convention participants, 395-3908.

Public Health Service, Career Plans of Medical Students and Career Plans of Dental Students, Region I, annually, medical and dental students at Tufts, Collins, L., 395-3769.

Health Resources Administration, An Evaluation of Retention and Recruitment Activities in HRA's Special Health Career Opportunity Grants for Special Project Awards, OHRD 0319, single-time, overview—grantee directors, Human Resources Division, 395-3532.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research, Contractor Baseline Manpower Utilization Report, FDR 302 and FDR 303, monthly, business firms, community and veterans affairs division, 395-3532.

Policy Development and Research, Contractor Baseline Cost Plan, Contract Cost Status Report, FDR 101 and FDR 201, monthly, HUD R&D contractor, community and veterans affairs division, 395-3532.

REVISIONS

ACTION

Action Program Narrative, on occasion, Action project sponsors, Lowry, R. L., 395-3772.

VETERANS ADMINISTRATION

Application for Guaranty of Loan To Purchase Mobile Home, 26-8851, on occasion, veterans, Caywood, D. P., 395-3443.

Enrollment Certification (Under Chapter 34 or 35 Title 38, USC), 21E-1990-1, on occasion, schools, Caywood, D. P., 395-3443.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service, Buyers Record and Report—Rice, Buyers (Rice and Wheat), MQ-80, on occasion, rice buyers or warehousemen, Evinger, S. K., 395-3908.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Construction Project Cost Report, NIH 248-8, teaching and research institutions, Evinger, S. K., 395-3648.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-8510 Filed 3-31-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5581]

APPALACHIAN POWER CO.

Increasing the Aggregate Maximum Amount of Short-Term Indebtedness and Request for Exception From Competitive Bidding

Notice is hereby given that Appalachian Power Company ("Appalachian"), 40 Franklin Road, Roanoke, Virginia 24009, an electric utility subsidiary company of American Electric Power Company, Inc., a registered holding company, has filed with this Commission a tenth post-effective amendment to the application previously filed in this matter, pursuant to section 9(a) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 54(a)(5) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application as now amended, which is summarized below, for a complete statement of the proposed transaction.

By orders dated June 29, 1973, March 29, 1974, June 11, 1974, July 5, 1974, August 22, 1974, December 31, 1974, and March 12, 1975 (Holding Company Act Release Nos. 18015, 18345, 18442, 18600, 18543, 18741, 18742, and 18860), this

Commission, among other things, authorized the issuance and sale of short-term notes by Appalachian to 91 banks in an aggregate amount up to $163,423,000 outstanding at any one time. At the time of said orders, the maximum amount of short-term indebtedness which Appalachian could incur at any one time could not exceed $175,000,000.

It is now proposed that Appalachian incur short-term indebtedness in an aggregate amount not to exceed $200,000,000. In no event would the borrowings by Appalachian of short-term funds through the issuance and sale of notes to banks and commercial paper to dealers in commercial paper exceed the maximum amount allowable both under Appalachian's Articles of Association and the consent granted by Appalachian's Cumulative Preferred stockholders permitting an increase in the amount of unsecured short-term debt that Appalachian could incur, which maximum amount as of December 31, 1974 was approximately $203,000,000.

Each note payable to a bank to be issued by Appalachian will be dated as of the date of the borrowing which it evidences and will mature not more than 270 days after the date of issuance or renewal thereof.

Each such note will bear interest no greater than the prime rate of commercial banks at the time of issuance or in effect from time to time and will be prepayable at any time without premium or penalty. It is stated that Appalachian will not pay any fees or charges to any of the banks in connection with the issuance and sale of such notes. Sufficient bank balances to meet operating and financial needs are kept at such banks to satisfy any compensating balance requirements in connection with the borrowings. If the average of such bank balances were maintained solely in order to fulfill the prevailing compensating balances requirements of such banks, generally between 15% and 20%, the effective interest cost to Appalachian, based on a prime commercial rate of 7% percent, would be 9.1 percent.

The commercial paper will be in the form of promissory notes in denominations of not less than $50,000 no more than $5,000,000 and will be of varying maturities, with no maturity more than 270 days after the date of issue; none will be prepayable prior to maturity. The commercial paper notes of Appalachian will be sold directly to not more than two dealers at a discount not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and maturity. No commercial paper notes will be issued having a maturity of more than 90 days at an effective interest cost which exceeds the effective interest cost at which Appalachian could borrow from banks. The dealers will reoffer the commercial paper notes to not more than 100 of their customers identified and designated in a list (nonpublic) prepared in advance. It is expected that Appalachian's commercial paper notes will be held by each dealer's customers to maturity, but if the customers wish to resell prior to maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase the notes and reoffer them to others in its group of 100 customers.

The proceeds from the issuance and sale of the notes will be used by Appalachian to reimburse its treasury for past expenditures made in connection with its construction program and to pay part of the cost of its future construction program. Such construction expenditures for the year 1975 is estimated to total $140,000,000. The application states that, unless otherwise authorized by the Commission, all of the short-term debt of Appalachian will be retired by December 31, 1975, from internal cash resources, debt or equity financing, or cash capital contributions.

Appalachian requests exception from the competitive bidding requirements of Rule 50 for the proposed issuance and sale of its commercial paper pursuant to paragraph (a)(5) thereof on the grounds that it is not practicable to invite competitive bids for commercial paper. Appalachian also requests authority to file certificates under Rule 24 with respect to the issuance and sale of commercial paper on a quarterly basis.

The Virginia State Corporation Commission has jurisdiction over the transaction proposed by Appalachian. No other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 18, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as now amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-8367 Filed 3-31-75;8:45 am]

[70-5640]

UTAH POWER & LIGHT CO.

Issue and Sale of Common Stock Through Negotiation

Notice is hereby given that Utah Power & Light Company ("Utah"), 1407 West North Temple Street, P.O. Box 899, Salt Lake City, Utah 84110, an electric utility company and a registered holding company, has filed a declaration, and an amendment thereto, with this Commission pursuant to the public Utility Holding Company Act of 1935 ("Act") designating sections 6(a) and 7 of the Act as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Utah proposes to issue and sell up to 1,200,000 additional shares of its common stock, par value $12.80 per share, through a negotiated offering. If the sale of the stock is consummated prior to April 30, 1975, it will be exempt from the competitive bidding requirements of Rule 50 under the Act (Holding Company Act Release No. 18646).

Proceeds of the sale of the stock will be used by Utah to repay commercial paper and short-term borrowings incurred for construction purposes. It is estimated that Utah will have $61,000,000 in short-term debt outstanding at April 30, 1975.

It is stated that the Idaho Public Utilities Commission and the Public Service Commission of Wyoming have jurisdiction over the proposed issue and sale of the stock and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment.

Notice is further given that any interested person may, not later than April 17, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended, or as it may be further amended, may be permitted to become effective as provided in

V 40-63 APR 175

Rule 20 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-8348 Filed 3-31-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Disaster Loan Area 1112; Amdt. 1]

ALABAMA

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Alabama as a major disaster area following severe storms and flooding, applications for disaster relief loans will be accepted by the Small Business Administration from disaster victims in the following counties and adjacent affected areas. Incidence periods and types of disaster are shown for each.

Severe storms, Jan. 10 to 12, 1975	Floods, Feb. 15 to 25, 1975	Severe storms, Feb. 25, 1975
Pulaski	Barbour	Calhoun
Choctaw	Bullock	Tuscaloosa
Cleburne	Coffee	Walker
Jefferson	Crenshaw	Winston
Lee	Dale	
Macon	Dallas	
St. Clair	Geneva	
Shelby	Lowndes	
Washington	Montgomery	
	Pike	
	Wilcox	

Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines. (See 40 FR 4195).

Applications may be filed at the:

Small Business Administration
District Office
908 South 20th Street
Birmingham, Alabama 35205

And at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than May 15, 1975. EIDL applications will not be accepted subsequent to December 15, 1975.

Dated: March 19, 1975.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.75-8332 Filed 3-31-75;8:45 am]

[Declaration of Disaster Loan Area 1119]

OKLAHOMA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of February, because of the effects of a certain disaster, damage resulted to property located in the State of Oklahoma;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Garvin, Jackson, Kiowa, and Stephens Counties, and adjacent affected areas, suffered damage or destruction resulting from a tornado and severe storms which occurred February 22, 1975. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines.

Office: Small Business Administration, District Office, 50 Penn Place, Suite 340, Oklahoma City, Oklahoma 73118.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to May 19, 1975. EIDL applications will not be accepted subsequent to December 19, 1975.

Dated: March 18, 1975.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.75-8325 Filed 3-31-75;8:45 am]

JACKSONVILLE DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Jacksonville District Advisory Council will meet at 9:30 a.m., (e.d.t.), Thursday, April 24, 1975, at the Holiday Inn, 316 West Tennessee, Tallahassee, Florida 32301, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write Douglas E. McAllister, Small Business Administration, 400 West Bay Street, Jacksonville, Florida 32202, (904) 791-3781.

Dated: March 21, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy,
Small Business Administration.

[FR Doc.75-8331 Filed 3-31-75;8:45 am]

LOUISVILLE DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Louisville District Advisory Council will meet at 1:30 p.m. (c.d.t.), Thursday, April 24, 1975, at Barren River Lake State Resort Park, Glasgow, Kentucky, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending, and adjourn at 12 noon, Friday, April 25, 1975. For further information, call or write R. B. Blankenship, Small Business Administration, 188 Federal Office Building, 600 Federal Place, Louisville, Kentucky 40202, (502) 582-5976.

Dated: March 20, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy,
Small Business Administration.

[FR Doc.75-8329 Filed 3-31-75;8:45 am]

LUBBOCK DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Lubbock District Advisory Council will meet at 10 a.m., (c.d.t.), Friday, April 25, 1975, at 1205 Texas Avenue, Federal Building, Lubbock, Texas 79408, to discuss such business as may be presented by members, the staff of the Small Business Administration, and other attending. For further information, call or write Philip J. O'Jibway, Small Business Administration, at the above address, (806) 762-7462.

Dated: March 19, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy,
Small Business Administration.

[FR Doc.75-8327 Filed 3-31-75;8:45 am]

OMAHA DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Omaha District Advisory Council will meet at 9:30 a.m., (c.d.t.), Friday, April 25, 1975, at the University Club, Lincoln, Nebraska, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write Rick S. Budd, Small Business Administration, 215 North Seventeenth Street, Omaha, Nebraska 68102, (402) 221-3620.

Dated: March 19, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy,
Small Business Administration.

[FR Doc.75-8330 Filed 3-31-75;8:45 am]

PHOENIX DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Phoenix District Advisory Council will meet at 12:15 p.m. (m.d.t.), Wednesday, April 30, 1975, at the Islands Restaurant, 4939 N. 7th Street, Phoenix, Arizona, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write Stanley D. Goldberg, Small Business Administration, 112 N. Central Avenue, Phoenix, Arizona 85004, (602) 261-3700.

Dated: March 19, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy,
Small Business Administration.

[FR Doc.75-8326 Filed 3-31-75;8:45 am]

SAN FRANCISCO DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration San Francisco District Advisory Council will meet at 10 a.m. (p.d.t.), Friday, April 25, 1975, in the Regional Director's Conference Room, Small Business Administration, 450 Golden Gate Avenue, San Francisco, California 94102, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write Clifford A. Morton, Small Business Administration, at the above address (415) 556-7490.

Dated: March 19, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy,
Small Business Administration.

[FR Doc.75-8324 Filed 3-31-75;8:45 am].

SIOUX FALLS DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Sioux Falls District Advisory Council will meet at 9 a.m. (c.d.t.), Friday, April 25, 1975, at the Downtown Holiday Inn, Sioux Falls, South Dakota 57102, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write Chester B. Leedom, Small Business Administration, 402 National Bank of South Dakota Building, 8th and Main Avenue, Sioux Falls, South Dakota 57102, (605) 336-2231.

Dated: March 21, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy,
Small Business Administration.

[FR Doc.75-8330 Filed 3-31-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 732]

ASSIGNMENT OF HEARINGS

MARCH 27, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 112263 Sub 11, Yarbrough Transfer Company, now assigned April 14, 1975, at Washington, D.C., is postponed indefinitely.

MC 109397 Sub 302, Tri-State Motor Transit Co., now assigned April 28, 1975, at Washington, D.C., is postponed to May 6, 1975, at the Offices of The Interstate Commerce Commission, Washington, D.C.

MC 119789 Sub 216, Caravan Refrigerated Cargo, Inc., now assigned April 15, 1975, at Dallas, Texas, is cancelled and transferred to Modified Procedure.

MC 71459 Sub 43, O.N.C. Freight Systems, now assigned May 5, 1975, at Phoenix, Arizona, is postponed indefinitely.

MC 105269 Sub 87, Graff Trucking Company, Inc., now being assigned May 5, 1975 (1 week), at Chicago, Ill., in Room 1086A, Everett McKinley Dirksen Building, 219 S. Dearborn St.

No. 36095, Sterling Colorado Beef Company, Inc. v. The Atchison, Topeka, and Santa Fe Railway Company,, et al., now assigned May 6, 1975, at Washington, D.C., is postponed to May 20, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35794, Northville Dock Pipe Line Corp. and Consolidated Petroleum Terminal, Inc.—Petition of Declaratory Order or Investigation, and No. 35652, Northville Dock Pipe Line Corp., Northville Industries Corp., Consolidated Petroleum Terminal, Inc., and Total Resources, Inc.—Investigation of Operations, now being assigned for further pre-hearing conference April 8, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I & S No. 9023, Transit Charge on Soybeans at Points in the South, now assigned April 29, 1975, at Washington, D.C., is postponed to May 6, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 139946, S & L Express, Inc., now assigned April 7, 1975, at Nashville, Tennessee, is Cancelled and application dismissed.

MC 115840 Sub 96, Colonial Fast Freight Lines, Inc., now assigned April 8, 1975, at Dallas, Texas, is cancelled and the application is dismissed.

MC 138500, Air Brook Limousine, Inc., now assigned April 9, 1975, at *Newark, New Jersey* is cancelled and reassigned April 9, 1975, at *Saddle Brook, New Jersey*; in the Holiday Inn, Room 201, 50 Kenney Place.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-8415 Filed 3-31-75;8:45 am]

[Rule No. 19; Ex Parte No. 241; Exemption No. 90, Amdt. No. 2]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO. ET AL.

Exemption Under Mandatory Car Service

To: Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Missouri Pacific Railroad Company, Southern Railway Company.

Upon further consideration of Exemption No. 85, issued September 11,1974.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 85 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to expire June 30, 1975.

This amendment shall become effective March 31, 1975.

Issued at Washington, D.C., March 20, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-8416 Filed 3-31-75;8:45 am]

[AB-46 (Sub-No. 3)]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Abandonment Between Fairbury and Ruskin in Jefferson, and Nuckolls Counties, Nebraska

MARCH 27, 1975.

At a Session of the Interstate Commerce Commission, Division 3, acting as an Appellate Division, held at its office in Washington, D.C. on the 12th day of March, 1975.

Upon consideration of the record in the above-entitled proceeding, and of:

(1) Petition of Nebraska Public Service Commission filed January 16, 1975, for reconsideration or in the alternative, a stay in the finality of Order and accompanying Threshold Assessment Survey;

(2) Reply by applicant, filed January 29, 1975; and

(3) Comment by adjacent landowners filed January 17, 1975.

It appearing, That an environmental Threshold Assessment Survey (TAS) has been prepared by this Commission and made available to the public; that said survey has found that no significant environmental impact would result from the approval of the application; that by order of the Commission, Commissioner Tuggle, served December 19, 1974, it was determined that based on the aforementioned threshold assessment survey, no environmental impact statement need be issued in this proceeding as it does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*; and that petitions and comments received in response to the TAS have been responded to in an addendum to the TAS which is available upon request to the Interstate Commerce Commission, Washington, D.C. 20423;

Wherefore, and good cause appearing, therefore:

It is ordered, That because there has been presented no good cause to modify the Commission's previous determination that this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, said determination be, and it is hereby, affirmed.

And it is further ordered, That the petition for reconsideration and, in the alternative, stay of Order, be, and it is hereby, denied.

By the Commission, Division 3, acting as an Appellate Division.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-8409 Filed 3-31-75;8:45 am]

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[No. 36184]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Emergency Terminal Surcharge Tariff (Intrastate Application)

MARCH 27, 1975.

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 27th day of March, 1975.

By application for special permission to publish a terminal surcharge on an emergency basis because of grave financial difficulties, the Chicago, Rock Island and Pacific Railroad Company (Rock Island) has requested that the Commission consider permitting an order under section 13 of the Interstate Commerce Act authorizing concurrent effective publication on both intrastate and interstate traffic.

The Commission has determined that it lacks jurisdiction to order immediate publication of such a surcharge on intrastate traffic. In view of the emergency situation existing because of the Rock Island's financial difficulties, the Commission is accepting this application as a petition pursuant to section 13(3) of the Interstate Commerce Act. The Commission intends to determine, under a shortened schedule and modified procedure, whether the facts and circumstances existing at the time of filing statements and in view of any Commission actions, including any authorization to publish a terminal surcharge tariff for interstate application, require publication of such a terminal surcharge tariff for intrastate application.

The Commission notices that the States interested in this proceeding are Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, and Texas.

Under section 13(4) of the Interstate Commerce Act and judicial authority[1] this Commission is directed to institute an investigation of the lawfulness of intrastate rail freight rates and charges upon the filing of a petition by the carrier concerned pursuant to section 13(3) of the Interstate Commerce Act, regardless of the prior or pending considerfation of such rates and charges by any State agency.

Wherefore, and good cause appearing therefor:

It is ordered, That the petition be, and it is hereby, granted; and that an investigation, under sections 13 and 15a of the Interstate Commerce Act, be, and it is hereby, instituted to determine whether the Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, and Texas intrastate rail freight rates in any respect cause any unjust discrimination against or any undue burden on interstate or foreign commerce, or cause undue or unreasonable advantage, preference or prejudice as between persons and localities in intrastate commerce and those in interstate or foreign commerce, or are otherwise unlawful, by reason of the failure of such rates and charges to include an emergency terminal surcharge on behalf of the Chicago, Rock Island and Pacific Railroad Company; and to determine if any rates or charges, or maximum or minimum charges, or both, shall be prescribed to remove any unlawful advantage, preference, discrimination, undue burden or other violation of the law found to exist.

It is further ordered, That the Chicago, Rock Island and Pacific Railroad Company be, and it is hereby, made respondent in this proceeding.

It is further ordered, That all persons who wish actively to participate in this proceeding and to file and receive copies of pleadings shall make known that fact by notifying the Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423, on or before five (5) days from the FEDERAL REGISTER publication date (but if this shall be a Saturday or Sunday, no later than noon on the following Monday). Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentations to the greatest extent possible. The Commission desires participation only of those who intend to take an active part in the proceeding.

It is further ordered, That on the final date of indicating a desire to participate in the proceeding, the Commission will serve a list of the names and addresses of all persons upon whom service of all pleadings must be made and this proceeding will be assigned for handling under modified procedure wherein 5 days will be allowed for respondent's opening statement, 10 days' for protestants' statements, and 5 days for respondent's reply statement.

It is further ordered, That a copy of this order be served upon petitioner; that the States of Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, and Texas be notified of this proceeding by sending copies of this order and the instant petition by certified mail to the Governors and Public Service Commissions (or other interested Commissions) of the above mentioned States at their respective State capitals; and that further notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Interstate Commerce Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-8411 Filed 3-31-75;8:45 am]

[AB No. 2 (Sub-No. 3)]

LOUISVILLE AND NASHVILLE RAILROAD CO.

Abandonment Between Opp and Florala, Covington County, Ala.

MARCH 26, 1975.

Present: Kenneth H. Tuggle, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in newspapers of general circulation in Covington County, Ala., on or before April 7, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 20th day of March, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

The Interstate Commerce Commission hereby gives notice that by order dated March 20, 1975, it has been determined that the proposed abandonment by the Louisville and Nashville Railroad Company of a portion of its Florala Branch extending between Opp and Florala in Covington County, Ala., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because the proposed abandonment will have a minimal impact upon the area's transportation needs. Overhead traffic, the primary traffic handled on the line, has been moving via a shorter and more direct route since 1971. The only shipper has moved his operations to another location which will continue to have direct rail service from the applicant. Furthermore, the potential for economic development in the area will not be inhibited since rail service over applicant's other lines will still be available.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 23, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-8410 Filed 3-31-75;8:45 am]

[Ex Parte No. MC-43]

ROADWAY EXPRESS, INC. AND POOLE TRANSFER INC.

Lease and Interchange of Vehicles by Motor Carriers

MARCH 27, 1975.

At a session of the Interstate Commerce Commission, Motor Carrier Leasing Board, held at its office in Washington, D.C. on the 18th day of March, 1975.

It appearing, That a petition has been filed by Roadway Express, Inc. (MC-2202 and numerous subs) and Poole Transfer, Inc. (MC-108987 and various subs), under temporary common control for waiver of paragraphs (a) (3) and (c) of § 1057.4 of the Lease and Interchange of Vehicles Regulations (49 CFR Part 1057), concerning equipment leased between petitioners;

It further appearing, That petitioners have a jointly administered program applying the same standards of inspection and maintenance to equipment in accordance with the motor carrier safety regulations of the U.S. Department of Transportation;

It further appearing, That the U.S. Department of Transportation recommends that the petition be granted based on an examination of petitioners' records;

It is ordered, That waiver of paragraph (a) (3) and (c) of § 1057.4, be, and, it is hereby granted provided that the equipment is inspected on the day it is to be leased and found to meet the requirements of the motor carrier safety regulations of the U.S. Department of Transportation and that petitioners remain in satisfactory compliance with those regulations and under common control.

By the Commission, Motor Carrier Leasing Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-8412 Filed 3-31-75;8:45 am]

[Ex Parte No. MC-43]

ROADWAY EXPRESS, INC.

Lease and Interchange of Vehicles by Motor Carriers

MARCH 27, 1975.

At a session of the Interstate Commerce Commission, Motor Carrier Leasing Board, held at its office in Washington, D.C. on the 18th day of March, 1975.

It appearing, That a petition has been filed by Roadway Express, Inc. (MC-2202 and numerous subs) and Atlas Transit, Inc. (MC-99695 subs 1 and 2, certificates of registration), under temporary common control for waiver of paragraphs (a) (3) and (c) of § 1057.4 of the Lease and Interchange of Vehicles Regulations (49 CFR 1057), concerning equipment leased between petitioners;

It further appearing, That petitioners have a jointly administered program applying the same standards of inspection and maintenance to equipment in accordance with the motor carrier safety regulations of the U.S. Department of Transportation;

It further appearing, That the U.S. Department of Transportation recommends that the petition be granted based on an examination of petitioners' records;

It is ordered, That waiver of paragraph (a) (3) and (c) of § 1057.4, be, and, it is hereby granted provided that the equipment is inspected on the day it is to be leased and found to meet the requirements of the motor carrier safety regulations of the U.S. Department of Transportation and that petitioners remain in satisfactory compliance with those regulations and under common control.

By the Commission, Motor Carrier Leasing Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-8472 Filed 3-31-75;8:45 am]

[Notice No. 358]

TEXAS METAL CARRIERS

Motor Carrier Transfer Proceedings

APRIL 1, 1975.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 C.F.R. Part 1132:

No. MC-FC-76767. By application filed March 25, 1975, TEXAS METAL CARRIERS, INC., 2320 Inwood, P.O. Box 35247, Dallas, TX 75335, seeks temporary authority to lease the operating rights of METAL CARRIERS, INC., P.O. Box 367, Ennis, TX 75119, under section 210a(b). The transfer to TEXAS METAL CARRIERS, INC., of the operating rights of METAL CARRIERS, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-8414 Filed 3-31-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY-ELIMINATION OF GATEWAY LETTER NOTICES

MARCH 26, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 114211 (Sub-No. E1188), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Agricultural implements and parts* thereof when moving in mixed loads with such commodities, from points in Wisconsin, to points in that part of Nebraska on and south of a line beginning at the Wyoming-Nebraska State line extending along U.S. Highway 30 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Nebraska Highway 74, thence along Nebraska Highway 74 to junction Nebraska Highway 15, thence along Nebraska Highway 15 to junction Nebraska Highway 4, thence along Nebraska Highway 4 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Nebraska State line and to points in that part of Wyoming on and south of a line beginning at the Wyoming-Utah State line extending along Wyoming Highway 30 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Interstate Highway 80,

[1] See *Intrastate Freight Rates and Charges, 1969*, 339 I.C.C. 670 (1971) aff'm'd *sub nom. State of N.C. ex rel. North Carolina Utilities Com'n. v. I.C.C.*, 347 F. Supp. 102 (E.D.N.C., 1972), aff'm'd *sub nom. North Carolina Utilities Commission et al. v. Interstate Commerce Commission, et al.*, 410 U.S. 919 (1973).

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thence along Interstate Highway 80 to the Nebraska-Wyoming State line, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling, and restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1187), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and *parts* for agricultural implements when moving in mixed loads with such commodities, from points in that part of Wisconsin on and south of a line beginning at the Iowa-Wisconsin State line extending along U.S. Highway 151 to Manitowoc, Wis., to points in that part of Wyoming on and south of a line beginning at the Idaho-Wyoming State line extending along U.S. Highway 20 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 16, thence along U.S. Highway 16 to the South Dakota-Wyoming State line, and to points in that part of Nebraska on and south of a line beginning at the Wyoming-Nebraska State line extending along U.S. Highway 26 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Nebraska State line, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling, and restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1188), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof (except commodities the transportation of which, because of size or weight, requires the use of special equipment and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line extending along Wisconsin Highway 25 to junction Wisconsin Highway 85, thence along Wisconsin Highway 85 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 53, thence along U.S. Highway 53 to junction Wisconsin Highway 64, thence along Wisconsin Highway 64 to junction Wisconsin Highway 40, thence along Wisconsin Highway 40 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction Wisconsin Highway 77, thence along Wisconsin Highway 77 to the Wisconsin-Michigan State line, to points in that part of Louisiana on and southwest of a line beginning at the Texas-Louisiana State line extending along Interstate Highway 20 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction Louisiana Highway 82, thence along Louisiana Highway 82 to junction Louisiana Highway 133, thence along Louisiana Highway 133 to Intracoastal, La. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and Claremore, Okla.

No. MC 114211 (Sub-No. E1189), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof (except commodities the transportation of which, because of size or weight, requires the use of special equipment and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from points in that part of New Mexico on and south of a line beginning at the Arizona-New Mexico State line extending along U.S. Highway 66 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction New Mexico Highway 529, thence along New Mexico Highway 529 to junction U.S. Highway 62, thence along U.S. Highway 62 to the New Mexico-Texas State line; points in that part of Arizona on and south of a line beginning at the Arizona-California State line, thence along U.S. Highway 66 to the New Mexico-Arizona State line, points in that part of California on and south of a line beginning at the Arizona California State line extending along U.S. Highway 66 to junction California Highway 58, thence along California Highway 58 to junction U.S. Highway 101, thence along U.S. Highway 101 to junction California Highway 1, thence along California Highway 1 to Morro Bay, Calif. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and Claremore, Okla.

No. MC 114211 (Sub-No. E1190), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, pumps, water systems, component parts* for water systems, *towers* and *parts* for agricultural implements and pumps, from points in that part of Missouri on and north of a line beginning at the Kansas-Missouri State line extending along U.S. Highway 36 to the Missouri-Illinois State line, to points in that part of Texas on and west of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 54 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 87, thence along U.S. Highway 87 to Port Lavaca, Tex., restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1191), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Agricultural implements, pumps, water systems, component parts* for water systems, *towers* and *parts* for agricultural implements and pumps, from points in that part of Missouri on and south of a line beginning at the Kansas-Missouri State line extending along Interstate Highway 70 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Missouri Highway 17, thence along Missouri Highway 17 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Missouri Highway 146, thence along Missouri Highway 146 to the Missouri-Illinois State line, to points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line extending along Minnesota Highway 60 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 12 to junction Minnesota Highway 29, thence along Minnesota Highway 29 to junction U.S. Highway 71, thence along Minnesota Highway 11 to Baudette, Mich., restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1192), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural* implements and parts for agricultural implements and tanks and towers, from points in that part of Missouri on and north of a line beginning at the Kansas-Missouri State line extending along U.S. Highway 36 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 22, thence along Missouri Highway 22 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Missouri-Illinois State line, to points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 183 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1193), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and *parts* for agricultural implements and tanks and towers, from points in that part of Missouri on and south of a line beginning at the Kansas-Missouri State line extending along U.S. Highway 36 to the Missouri-Illinois State line, to points in South Dakota. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1194), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and *parts* therefor when moving in mixed loads with such commodities, from points in that part of Missouri on and north of a line beginning at the Missouri-Kansas State line extending along U.S. Highway 36 to the Missouri-Illinois State line, to points in that part of Nebraska on and west of a line beginning at the Nebraska-Iowa State line extending along U.S. Highway 20 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction Nebraska Highway 15, thence along Nebraska Highway 15 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line, and to points in Wyoming, restricted against the transportation of commodities, the transportation of which, because of size or weight, requires the use of special equipment or special handling, and restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1195), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled agricultural implements*, and *parts* therefor, from points in that part of Missouri on and south of a line beginning at the Kansas-Missouri State line extending along Missouri Highway 18 to junction Missouri Highway 52, thence along Missouri Highway 52 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Missouri Highway 47, thence along Missouri Highway 47 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction Missouri Highway 52, thence along Missouri Highway 52 to Chester, Ill., to points in that part of Montana on and north of a line beginning at the Montana-North Dakota State line extending along U.S. Highway 2 to the Montana-Idaho State line, to points in that part of Idaho on and northwest of a line beginning at the Idaho-Montana State line extending along U.S. Highway 2 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction Idaho Highway 3, thence along Idaho Highway 3 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Idaho-Washington State line, and to points in that part of Washington on and north of a line beginning at the Washington-Idaho State line extending along U.S. Highway 12, thence along U.S. Highway 12 to junction Washington Highway 124, thence along Washington Highway 124 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Interstate Highway 5 to Kelso, Wash., restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and Minneapolis, Minn.

No. MC 114211 (Sub-No. E1197), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors* (except those with vehicle beds, bed frames, and fifth wheels), *equipment* designed for use in conjunction with farm tractors, from points in that part of Missouri on and east of a line beginning at the Missouri-Illinois State line extending along U.S. Highway 36, to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Missouri Highway 5, thence along Missouri Highway 5 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas State line; to points in that part of Montana on and north of a line beginning at the Montana-North Dakota State line extending along U.S. Highway 10 to junction U.S. Highway Alternate 10, thence along U.S. Highway Alternate 10 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Montana-Idaho State line; points in that part of Idaho on and north of a line beginning at the Montana-Idaho State line; points in that part of Idaho on and north of a line beginning at the Montana-Idaho State line, extending along U.S. Highway 12 to the Idaho-Washington State line; to points in that part of Oregon on and northwest of a line beginning at the Oregon-Washington State line extending along Oregon Highway 11 to junction Interstate Highway 80N, thence along Interstate Highway 80N to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Oregon Highway 42, thence along Oregon Highway 42 to Coqiville Pt., Oreg. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., points in Iowa, and Fargo, N. Dak.

No. MC 114211 (Sub-No. E1198), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, pumps, water systems, component parts* for water systems, *towers*, and *parts* for agricultural implements and pumps, from points in Michigan, to points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line extending along Interstate Highway 35 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 87, thence along U.S. Highway 87 to Port Lavoca, Tex., restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1199), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, pumps, water systems, component parts* for water systems, *towers & parts* for agricultural implements & pumps, from points in the Upper Peninsula of Michigan, to points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 271 to junction Texas Highway 19, thence along Texas Highway 19 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 75, thence along U.S. Highway 75 to Galveston, Tex., restricted against

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movement to oilfield locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1200), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and *parts*, for agricultural implements and tanks and towers, from points in Michigan, to points in Colorado, to points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 77 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Kansas Highway 99, thence along Kansas Highway 99 to junction Kansas Highway 16, thence along Kansas Highway 16 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Oklahoma State line, and to points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 77 to junction U.S. Highway 177, thence along U.S. Highway 177 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1201), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and *parts* for agricultural implements and tanks and towers, from points in that part of Michigan on and north of a line beginning at Empire, Mich., extending along Michigan Highway 72 to junction Michigan Highway 66, thence along Michigan Highway 66 to junction Michigan Highway 61, thence along Michigan Highway 61 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 10, thence along U.S. Highway 10 to Bay City, Mich., to points in that part of Kansas on and west of a line beginning at the Kansas-Nebraska State line extending along U.S. Highway 77 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Kansas Highway 99, thence along Kansas Highway 99 to junction Kansas Highway 16, thence along Kansas Highway 16 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Kansas-Oklahoma State line, and to points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 75 to junction Oklahoma Highway 3, thence along Oklahoma Highway 3 to junction U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1203), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and *parts* for agricultural implements when moving in mixed loads with such commodities, from points in Michigan to points in that part of Nebraska on, south, and west of a line beginning at the Wyoming-Nebraska State line extending along U.S. Highway 26 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Nebraska State line and extending along U.S. Highway 26 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction Wyoming Highway 28, thence along Wyoming Highway 28 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Wyoming Highway 34, thence along Wyoming Highway 34 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Nebraska-Wyoming State line, restricted against the transportation of which, because of size or weight, requires the use of special equipment or special handling, and restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1204), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and *parts* thereof, when moving in mixed loads, with such commodities, from points in that part of Michigan on and south of a line beginning at Empire, Mich., extending along Michigan Highway 72 to junction Michigan Highway 33, thence along Michigan Highway 33 to junction Michigan Highway 55, thence along Michigan 55 to Tawas City, Mich., to points in Wyoming and points in that part of Nebraska on and south of a line beginning at the South Dakota-Nebraska State line extending along U.S. Highway 83 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Nebraska Highway 22, thence along Nebraska Highway 22 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction Nebraska Highway 15, thence along Nebraska Highway 15 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Nebraska State line, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling, and restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1205), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof (except commodities the transportation of which, because of size or weight, require the use of special equipment and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from points in Michigan, to points in that part of New Mexico on, west, and south of a line beginning at the New Mexico-Texas State line extending along U.S. Highway 285 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 60, thence along U.S. Highway 60 to the New Mexico-Arizona State line; to points in that part of Arizona on and south of a line beginning at the Arizona-New Mexico State line extending along U.S. Highway 60 to junction U.S. Highway 180, thence along U.S. Highway 180 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Arizona-Nevada State line; to points in that part of Nevada on and south of a line beginning at the Nevada-Arizona State line extending along U.S. Highway 93 to junction Interstate Highway 15, thence along Interstate Highway 15 to the Nevada-California State line; and to points in that part of California on and south of a line beginning at the California-Nevada State line extending along Interstate Highway 15 to junction California Highway 58, thence along California Highway 58 to junction California Highway 99, thence along California Highway 99 to junction California Highway 180, thence along California Highway 180 to junction California Highway 33, thence along California Highway 33 to junction California Highway 198, thence along California Highway 198 to junction U.S. Highway 101, thence along U.S. Highway 101 to junction California Highway 68, thence along California Highway 68 to Monterey, Calif. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and Claremore, Okla.

No. MC 114211 (Sub-No. E1206), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors* (except those with vehicle beds, bed frames, and fifth wheels), *equipment* designed for use in conjunction with farm tractors, *parts* thereof, from points in that part of Michigan on and east of a line beginning at Ludington, Mich., extending along U.S. Highway 10 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Michigan Highway 20, thence along Michigan Highway 20 to junction U.S. Highway B.R. 10, thence along U.S. Highway B.R. 10 to junction Michigan Highway 47, thence along Michigan Highway 47 to junction Michigan Highway 46, thence along Michigan Highway 46 to junction U.S. Highway 53, thence along U.S. Highway 53 to Port Austin, Mich.; to points in Washington and points in that part of Oregon on and north of a line beginning at the Washington-Oregon State line extending along Oregon Highway 11 to junction Interstate Highway 80N, thence along Interstate Highway 80N to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Oregon Highway 42, thence along Oregon Highway 42 to junction Oregon Highway 425, thence along Oregon Highway 425 to Bandon, Oreg. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., points in Iowa, and Fargo, N. Dak.

No. MC 114211 (Sub-No. E1207), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, pumps, water systems, component parts* for water systems, *towers* and *parts* for agricultural implements and pumps, from points in that part of Indiana on and north of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 24 to the Indiana-Ohio State line, to points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 281 to junction U.S. Highway 181, thence along U.S. Highway 181 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 44, thence along Texas Highway 44 to junction Texas Highway 358, thence along Texas Highway 358 to Port Aransas, Tex., restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1208), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, pumps, water systems, component parts* for water systems, *towers* and *parts* for agricultural implements and pumps, from points in that part of Indiana on and north of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 24 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line; to points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 62 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Texas Highway 92, thence along Texas Highway 92 to junction Texas Highway 70, thence along Texas Highway 70 to junction U.S. Highway 277, thence along U.S. Highway 277 to junction U.S. Highway 377, thence along U.S. Highway 377 to Del Rio, Tex., restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1209), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, pumps, water systems, component parts* for water systems, *towers* and *parts* for agricultural implements and pumps, from points in that part of Indiana on and north of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 24 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Ohio State line, to points in that part of South Dakota on and west of a line beginning at the Nebraska-South Dakota State line extending along U.S. Highway 81 to junction South Dakota Highway 20, thence along South Dakota Highway 20 to junction U.S. Highway 281, thence along U.S. Highway 281 to the North Dakota-South Dakota State line. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1210), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and *parts* for agricultural implements when moving in mixed loads with such commodities, from points in Indiana to points in that part of Nebraska on and west of a line beginning at the South Dakota-Nebraska State line extending along U.S. Highway 83 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 183, thence along U.S. Highway 183 on and west of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 77 to junction Colorado Highway 9, thence along Colorado Highway 9 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Colorado Highway 140, thence along Colorado Highway 140 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Oklahoma-Texas State line; points in that part of South Dakota on and west of a line beginning at the Wyoming-South Dakota State line extending along U.S. Highway 212 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction South Dakota Highway 73, thence along South Dakota Highway 73 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 83, thence along U.S. Highway 83 to the South Dakota-Nebraska State line. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1211), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and *parts* for agricultural implements and tanks and towers, from points in that part of Indiana on and south of a line beginning at the Illinois-Indiana State line extending along Interstate Highway 74 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Ohio State line, to points in that part of South Dakota on and west of a line beginning at the Nebraska-South Dakota State line extending along U.S. Highway 81 to junction South Dakota Highway 20, thence along South Dakota Highway 20 to junction U.S. Highway 281, thence along U.S. Highway 281 to the North Dakota-South Dakota State line. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1212), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and *parts* for agricultural implements when moving in mixed loads with such commodities, from points in Indiana to points in that part of Nebraska on and west of a line beginning at the South Dakota-Nebraska State line extending along U.S. Highway 83 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 183

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to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction Nebraska Highway 11, thence along Nebraska Highway 11 to junction Nebraska Highway 22, thence along Nebraska Highway 22 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction Nebraska Highway 15, thence along Nebraska Highway 15 to junction Nebraska Highway 41, thence along Nebraska Highway 41 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Nebraska State line, and to points in Wyoming, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling, and restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1213), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled agricultural implements* and *parts* for agricultural implements, from points in that part of Indiana on and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 40 to the Indiana-Ohio State line, to points in Washington and points in that part of Oregon on and west of a line beginning at the Washington-Oregon State line extending along Interstate Highway 5 to junction U.S. Highway 20, thence along U.S. Highway 20 to Newport, Oreg., restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and Minneapolis, Minn.

No. MC 114211 (Sub-No. E1214), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof (except commodities the transportation of which because of size or weight, requires the use of special equipment and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from points in Indiana to points in that part of California on and south of a line beginning at the Pacific Ocean extending along California Highway 68 to junction U.S. Highway 101, thence along U.S. Highway 101 to junction California Highway 152, thence along California Highway 152 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction California Highway 140, thence along California Highway 140 to junction California Highway 99, thence along California Highway 99 to junction California Highway 58, thence along California Highway 58 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Nevada-California State line. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and Claremore, Okla.

No. MC 114211 (Sub-No. E1215), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof (except commodities the transportation of which because of size or weight, requires the use of special equipment and except commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), from points in that part of Indiana on and north of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 52 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line, to points in that part of California on and south of a line beginning at the California-Nevada State line extending along Interstate Highway 15 to the California Highway 58, thence along California Highway 58 to junction California Highway 99, thence along California Highway 99 to junction California Highway 152, thence along California Highway 152 to junction U.S. Highway 101, thence along U.S. Highway 101 to junction Interstate Highway 280, thence along Interstate Highway 280 to junction California Highway 92, thence along California Highway 92 to Half Moon Bay, Calif., to points in that part of Nevada on and south of a line beginning at the Arizona-Nevada State line extending along U.S. Highway 93 to junction Interstate Highway 15, thence along Interstate Highway 15 to the Nevada-California State line; and to points in that part of Arizona on and south of a line beginning at the United States-Mexico International Boundary line extending along U.S. Highway 80 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction Interstate Highway 17, thence along Interstate Highway 17 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Arizona-Nevada State line. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and Claremore, Okla.

No. MC 114211 (Sub-No. E1216), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. BOX 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, and *parts* thereof, from points in that part of Indiana on and south of a line beginning at the Illinois-Indiana State line extending along Interstate Highway 70 to the Ohio-Indiana State line, to points in that part of North Dakota on and west of a line beginning at the United States-Canada International Boundary line extending along U.S. Highway 83 to junction North Dakota Highway 200, thence along North Dakota Highway 200 to junction North Dakota Highway 8, thence along North Dakota Highway 8 to junction U.S. Highway 12, thence along U.S. Highway 12 to the South Dakota-North Dakota State line. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and Sioux City, Iowa.

No. MC 114211 (Sub-No. E1217), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors* (except those with vehicle beds, bed frames, and fifth wheels), *equipment* designed for use in conjunction with farm tractors, *parts* thereof, from points in that part of Indiana on and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 40 to the Indiana-Ohio State line, to points in Washington and points in that part of Montana on and north of a line beginning at the Montana-North Dakota State line extending along U.S. Highway 2 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction Montana Highway 19, thence along Montana Highway 19 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Idaho-Montana State line; points in that part of Idaho on and north of a line beginning at the Idaho-Montana State line extending along U.S. Highway 12 to the Washington-Idaho State line; points in that part of Oregon on, north, and west of a line beginning at the Washington-Oregon State line extending along Oregon Highway 11 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 395 thence along U.S. Highway 395 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction Oregon Highway 126, thence along Oregon Highway 126 to junction U.S. Highway 97, thence along U.S. Highway 97 to junction Oregon Highway 138, thence along Oregon Highway 138 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction U.S. Highway 199, thence along U.S. Highway 199 to the Oregon-California State line. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., points in Iowa, and Fargo, N. Dak.

No. MC 114211 (Sub-No. E1218), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Agricultural implements, pumps, water systems, component parts for water systems, *towers* and *parts* for agricultural implements and pumps, from points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 136 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line, to points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 281 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Texas Highway 185, thence along Texas Highway 185 to Port O'Connor, Tex., restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1219), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and *parts* for agricultural implements and tanks and towers, from points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 136 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line, to points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 77 to junction Kansas Highway 177, thence along Kansas Highway 177 to junction Kansas Highway 18, thence along Kansas Highway 18 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Interstate Highway 35W, thence along Interstate Highway 35W to junction Interstate Highway 35, thence along Interstate Highway 35 to the Kansas-Oklahoma State line and points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line extending along Interstate Highway 35 to junction H. E. Bailey Turnpike, thence along the H. E. Bailey Turnpike to the Oklahoma-Texas State line, and to points in Colorado. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1220), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50740. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and *parts* for agricultural implements and tanks and towers, from points in that part of Illinois on and south of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 136 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Indiana-Illinois State line, to points in that part of Kansas on and west of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 56 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 81 to the Kansas-Nebraska State line, to points in that part of South Dakota on and west of a line beginning at the North Dakota-South Dakota State line extending along U.S. Highway 83 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to the South Dakota-Nebraska State line, and to points in Colorado. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1221), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and *parts* for agricultural implements when moving in mixed loads with such commodities, from points in Illinois, to points in that part of Wyoming on, west, and south of a line beginning at the Montana-Wyoming State line extending along U.S. Highway 87 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Wyoming-Nebraska State line; and to points in that part of Nebraska on and south of a line beginning at the Wyoming-Nebraska State line extending along U.S. Highway 20 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Nebraska Highway 4, thence along Nebraska Highway 4 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment, or special handling, and restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1222), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and *parts* for agricultural implements when moving in mixed loads with such commodities, from points in that part of Illinois on and south of a line beginning at the Missouri-Illinois State line extending along U.S. Highway 24 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Illinois-Indiana State line, to points in Wyoming, and to points in that part of Nebraska on and west of a line beginning at the South Dakota-Nebraska State line extending along U.S. Highway 81 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Nebraska State line, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling, and restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1223), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural* implements, pumps, water systems, component parts for water systems, towers, and parts for agricultural implements and pumps, from points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line extending along Minnesota Highway 60 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 72, thence along Minnesota Highway 72 to junction Minnesota Highway 11, thence along Minnesota Highway 11 to Baudette, Minn., to points in that part of Missouri on and south of a line beginning at the Kansas-Missouri State line extending along Interstate Highway 70 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Missouri Highway 52, thence along Missouri Highway 52 to junction Missouri Highway 17, thence along Missouri Highway 17 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction Missouri Highway 146, thence along Missouri Highway 146 to the Illinois-Missouri State line, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1225), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts* for agricultural implements and tanks and towers,

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from points in Minnesota, to points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 75 to junction Indian Nation Turnpike, thence along Indian Nation Turnpike to junction Oklahoma Highway 7, thence along Oklahoma Highway 7 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Oklahoma-Arkansas State line; to points in that part of Kansas on and west of a line beginning at the Kansas-Nebraska State line extending along U.S. Highway 77 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Nebraska-Oklahoma State line; and to points in that part of Colorado on and south of a line beginning at the Nebraska-Colorado State line extending along U.S. Highway 6 to junction Colorado Highway 14, thence along Colorado Highway 14 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Utah State line. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1226), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts* for agricultural implements and tanks and towers, from points in that part of Minnesota on and east of a line beginning at the Iowa-Minnesota State line extending along Minnesota Highway 60 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line, to points in Colorado. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1227), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts* for agricultural implements and tanks and towers, from points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line extending along Minnesota Highway 60 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 38, thence along Minnesota Highway 38 to junction Minnesota Highway 1, thence along Minnesota Highway 1 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line, to points in Oklahoma and to points in that part of Kansas on, west, and south of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 77 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction Kansas Highway 63, thence along Kansas Highway 63 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1228), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Agricultural implements and parts therefor when moving in mixed loads with such commodities, from points in that part of Minnesota on and east of a line beginning at the Iowa-Minnesota State line extending along Interstate Highway 35 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line, to points in that part of Nebraska on and south of a line beginning at the Wyoming-Nebraska State line extending along U.S. Highway 30 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Nebraska Highway 4, thence along Nebraska Highway 4 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line, to points in that part of Wyoming on and south of a line beginning at the Utah-Wyoming State line extending along U.S. Highway 30N to junction Interstate Highway 80, thence along Interstate Highway 80 to the Wyoming-Nebraska State line, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling, and restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1229), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, water systems, pumps, component parts* for water systems, *towers* and *parts* for agricultural implements and pumps, from points in Texas, to points in Minnesota, and to points in that part of Michigan on and west of a line beginning at the Wisconsin-Michigan State line extending along Michigan Highway 73 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Michigan Highway 69, thence along Michigan Highway 69 to junction Michigan Highway 95, thence along Michigan Highway 95 to junction U.S. Highway 41, thence along U.S. Highway 41 to Marquette, Mich.; and to points in that part of Wisconsin on and north of a line beginning at the Iowa-Wisconsin State line extending along Wisconsin Highway 82 to junction Wisconsin Highway 131, thence along Wisconsin Highway 131 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Wisconsin Highway 21, thence along Wisconsin Highway 21 to junction Wisconsin Highway 173, thence along Wisconsin Highway 173 to junction Wisconsin Highway 80, thence along Wisconsin Highway 80 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 97, thence along Wisconsin Highway 97 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 17, thence along Wisconsin Highway 17 to junction Wisconsin Highway 70, thence along Wisconsin Highway 70 to junction Wisconsin Highway 55, thence along U.S. Highway 55 to the Wisconsin-Michigan State line restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1230), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, pumps, water systems, component parts* for water systems, *towers* and *parts* for agricultural implements and pumps, from points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 281 to junction Texas Highway 29, thence along Texas Highway 29 to junction Texas Highway 16, thence along Texas Highway 16 to junction Texas Highway 44, thence along Texas Highway 44 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Texas Highway 285, thence along Texas Highway 285 to junction U.S. Highway 77, thence along U.S. Highway 77 to Brownsville, Tex.; to points in that part of Illinois on and north of a line beginning at the Missouri-Illinois State line extending along U.S. Highway 24 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Texas Highway 9, thence along Texas Highway 9 to the Illinois-Indiana State line: to points in that part of Indiana on and north of a line beginning at the Indiana-Illinois State line extending along Indiana Highway 26 to junction Indiana Highway 29.

Thence along Indiana Highway 29 to junction Indiana Highway 22, thence along Indiana Highway 22 to junction Indiana Highway 26, thence along Indiana Highway 26 to the Indiana-Ohio State line; points in that part of Ohio on and north of a line beginning at the Indiana-Ohio State line extending along Ohio Highway 119 to junction Ohio Highway 65, thence along Ohio Highway 65 to junction Ohio Highway 47, thence along Ohio Highway 47 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Ohio Highway 43, thence along Ohio Highway 43 to junction Ohio Highway 39, thence along Ohio Highway 39 to the Ohio-Pennsylvania State line; and to points in Minnesota, Wisconsin, and Michigan, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1231), filed September 5, 1974. Applicant: WARREN TRANSPORT INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and *parts* for agricultural implements and tanks and towers, from points in Texas, to points in that part of Iowa on and north of a line beginning at the Iowa-Nebraska State line extending along Iowa Highway 2 to junction Iowa Highway 48, thence along Iowa Highway 48 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Iowa Highway 150, thence along Iowa Highway 150 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction Iowa Highway 51, thence along Iowa Highway 51 to junction Iowa Highway 9, thence along Iowa Highway 9 to Lansing, Iowa. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1232), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and *parts* for agricultural and tank and towers, from points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line extending along Interstate Highway 35 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 75, thence along U.S. Highway 75 to Galveston, Tex., to points in Iowa. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1233), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and *parts* for agricultural implements and tanks and towers, from points in that part of Texas on and east of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 281 to junction Texas Highway 16, thence along Texas Highway 16, to junction U.S. Highway 377, thence along U.S. Highway 377 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 61, thence along U.S. Highway 81 to the United States-Mexico International Boundary line to points in South Dakota. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1234), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and parts for agricultural implements when moving in mixed loads with such commodities, from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 281 to junction Texas Highway 16, thence along Texas Highway 16 to junction Texas Highway 67, thence along Texas Highway 67 to junction U.S. Highway 180, thence along U.S. Highway 180 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Texas Highway 16, thence along Texas Highway 16 to junction Texas Highway 173, thence along Texas Highway 173 to junction U.S. Highway 81, thence along U.S. Highway 81 to the United States-Mexico International Boundary line; to points in that part of Nebraska on and north of a line beginning at the Iowa-Nebraska State line extending along Nebraska Highway 2 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Nebraska-Wyoming State line; to points in that part of Wyoming on and north of a line beginning at the Nebraska-Wyoming State line extending along U.S. Highway 26 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Wyoming Highway 120, thence along Wyoming Highway 120 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Idaho-Wyoming State line; and to points in South Dakota, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling, and restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 *M.C.C.* 459. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1235), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts for agricultural implements when moving in mixed loads with such commodities, from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line extending along Interstate Highway 35 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Texas Highway 80, thence along Texas Highway 80 to junction Texas Highway 72, thence along Texas Highway 72 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 83 to junction Texas Highway 336, thence along Texas Highway 336 to the United States-Mexico International Boundary line; to points in Wyoming, South Dakota; and to points in that part of Nebraska on, north, and west of a line beginning at the Kansas-Nebraska State line extending along U.S. Highway 77 to junction Nebraska Highway 41, thence along Nebraska Highway 41 to junction Nebraska Highway 50, thence along Nebraska Highway 50 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to the Nebraska-Iowa State line, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling, and restricted against the transportation of those commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 117344 (Sub-No. E8), filed May 17, 1974. Applicant: THE MAXWELL CO., 10360 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda, alkaline cleaning compounds, sulphuric acid, hydrochloric acid, buffing, polishing, and abrasive compounds, coal tar chemicals, nitric acid*, ink, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Jackson County, Ind.

No. MC 117344 (Sub-No. E37), filed June 2, 1974. Applicant: THE MAXWELL CO., 10360 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Vegetable oils*, in bulk, in tank vehicles, (1) from points in Illinois (except Chicago, Decatur, and Bloomington), to points in Delaware, those in Maine on and south of a line beginning at the Maine-New Hampshire State line and extending east along U.S. Highway 2 to Bangor, thence southeast along U.S. Highway Alternate 1 to Ellsworth, thence along Maine Highway 102 to the Atlantic Ocean, Maryland, New Hampshire, New Jersey, Vermont, and West Virginia, (2) from points in Indiana (except Indianapolis), to points

V 40163
APR 175

in Delaware, Maryland, New Jersey; and (B) *Soya beans* oil, from Chicago, Decatur and Bloomington, Ill., to points in Georgia, Delaware, those in Maine on and south of a line beginning at the Maine-New Hampshire State line and extending along U.S. Highway 2 to Bangor, thence along U.S. Highway Alternate 1 to Ellsworth, thence along Maine Highway 102 to the Atlantic Ocean, Maryland, New Hampshire, New Jersey, North Carolina, South Carolina, Vermont, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC 117574 (Sub-No. E2), filed May 31, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities, which because of size or weight require the use of special equipment or special handling* (except boats), between points in New York on and south of a line beginning at Port Jervis, N.Y., extending along U.S. Highway 209 to junction U.S. Highway 44, thence along U.S. Highway 44 to the New York-Massachusetts State line, on the one hand, and, on the other, points in Gates, Hertford, Currituck, Camden, Pasquotank, Perquimans, Chowan, Bertie, Martin, Washington, Tyrell, Dare, Hyde, Pitt, Beaufort, Craven, Jones, Onslow, Carteret, and Pamlico Counties, N.C. (points in Pennsylvania on and east of U.S. Highway 15 in Adams, York, Cumberland, Perry, Dauphin, Lebanon and Lancaster Counties, Pa.; points in Susquehanna, Wayne, Wyoming, Lackawanna, Pike, Columbia, Luzerne, Monroe, Carbon, Schuylkill, Lebanon, and Berks Counties, Pa., and points in those parts of Bradford, Sullivan, Lycoming, Montour, York, Northumberland, Dauphin, and Lancaster Counties, Pa., east of a line beginning at the Pennsylvania-Maryland State line near New Freedom, Pa., extending through York, Hummelstown, Trevorton, Opp, and East Smithfield, Pa., to the Pennsylvania-New York State line; and points in Northampton, Bucks, Montgomery, Philadelphia, Delaware, Lehigh, and Chester Counties, Pa.*);

(2) *Commodities, which because of size or weight require the use of special equipment* (except boats), between points in Ohio on the one hand, and, on the other, points in Delaware, Maryland (except points in Allegheny and Garrett Counties), points in Virginia east of the Chesapeake Bay, those in Pennsylvania east of a line beginning at the Pennsylvania-Maryland State line near New Freedom, Pa., and extending north through York, Hummelstown, Trevorton, Opp, and East Smithfield, Pa., to the Pennsylvania-New York State line, and those points in New York in and east of the counties of Cortland, Onondaga, Oswego, and Tioga, and the District of Columbia, and New Jersey (points in Pennsylvania bounded on the north by the New York-Pennsylvania State line extending along U.S. Highway 11 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line; points in Pennsylvania on and east of U.S. Highway 15 in Adams, York, Cumberland, Perry, Dauphin, Lebanon and Lancaster Counties, Pa.; points in Pennsylvania within 150 miles of Philadelphia, Pa., in the counties of Snyder, Juniata, Perry, Cumberland, Franklin, Adams, Dauphin, Fulton, Huntingdon, Mifflin, Centre, Clinton, Union, Lycoming, and Tioga.*);

(3) *Heavy machinery, building and contractors' equipment*, which because of size or weight require the use of special equipment or special handling (except boats), between points in Ohio on and north of U.S. Highway 22, on the one hand, and, on the other, points in Virginia on and east of Interstate Highway 95 and west of the Chesapeake Bay (those points within 25 miles of Baltimore, Md., within an area in Pennsylvania on and east of U.S. Highway 15 in Adams, York, Cumberland, Perry, Dauphin, Lebanon and Lancaster Counties, Pa.*);

(4) *Heavy machinery, building and contractors' equipment, materials and supplies*, which because of size or weight require the use of special equipment or special handling (except machinery, equipment, materials, and supplies used in, or in connection with, the construction, operations, repair, servicing, maintenance, dismantling of pipelines), between points in Virginia, on and east of Interstate Highway 95, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Minnesota, and Wisconsin (points in Maryland within 25 miles of Baltimore, Md.*); (5) *Heavy machinery, building and contractors' equipment, materials and supplies*, which because of size or weight require the use of special equipment or special handling (except boats, and except machinery, equipment, materials, and supplies used in, or in connection with, the construction, operations, repair, servicing, maintenance, dismantling of pipelines), between those points in Illinois and Indiana on and north of U.S. Highway 24, points in Michigan, Minnesota, and Wisconsin, on the one hand, and, on the other, points in Virginia on and west of Interstate Highway 95 (except points in and west of Highland, Bath, Rockbridge, Amherst, Campbell and Halifax Counties), and points in North Carolina in and east of Granville, Wake, Johnston, Wayne, Duplin, Pender, and New Hanover Counties (points in Maryland, and points in Pennsylvania on and east of U.S. Highway 15 in Adams, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., that are within 150 miles of Philadelphia*);

(6) *Heavy machinery, building and contractors' equipment, materials and supplies* which because of size or weight require the use of special equipment or special handling (except boats), between Wilmington, Del., on the one hand, and, on the other, points in Maryland west of the Susquehanna River and Chesapeake Bay, points in Virginia (except the City of Chesapeake and points in Nansemond County), and points in North Carolina and the District of Columbia (points in Pennsylvania on and east of U.S. Highway 15 in York, Dauphin, Lebanon, and Lancaster Counties, Pa., that are east of a line beginning at the Pennsylvania-Maryland State line near New Freedom, Pa., and extending north through York, Hummelstown, Trevorton, Opp, and East Smithfield, Pa., to the Pennsylvania-New York State line*); (7) *Such commodities as by reason of their size or weight require the use of special equipment* (except machinery, equipment, materials and supplies used in, or in connection with, the construction, operations, repair, servicing, maintenance, and dismantling of pipelines), between Wilmington, Del., on the one hand, and, on the other, points in Georgia on and west of a line beginning at the Georgia-South Carolina State line extending along U.S. Highway 1 to junction with U.S. Highway 341, thence along U.S. Highway 341 to Brunswick, Ga., and all points in Florida (those points in Pennsylvania bounded on the north by the New York-Pennsylvania State line extending along U.S. Highway 11 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line, and points in that part of Pennsylvania on and east of U.S. Highway 219 to junction U.S. Highway 322, thence on and north of a line beginning at Grampian, Pa., extending along U.S. Highway 322 through Clearfield and State College, Pa., to Lewistown, Pa., thence along U.S. Highway 522 to Selinsgrove, Pa., and on and west of U.S. Highway 11 to the New York-Pennsylvania State line, except the site of the Curtiss Wright Corporation plant near Clearfield*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 117574 (Sub-No. E3), filed May 31, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities, which because of size or weight require the use of special equipment* (except boats), between points in Rhode Island, on the one hand, and, on the other, points in Ohio and West Virginia (points in Pennsylvania bounded on the north by the New York-Pennsylvania State line, thence by highways beginning at the New York-Pennsylvania State line extending along U.S. Highway 11 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line, including points on the indicated highways; points in Pennsylvania on and east of U.S. Highway 15 in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa.; and points in Susquehanna, Wayne, Wyoming, Lackawanna, Pike, Columbia, Luzerne, Monroe, Carbon, Schuylkill, Lebanon, and Berks Counties, Pa., and points in those parts of Bradford, Sullivan, Lycoming, Montour, York, Northumberland, Dauphin, and Lancaster Counties, Pa., east of a line beginning at the Pennsylvania-Maryland State line near New Freedom, Pa., and extending north through York, Hummelstown, Trevorton, Opp, and East Smithfield, Pa., to the Pennsylvania-New York State line; and points in Northampton, Bucks, Montgomery, Philadelphia, Delaware, Lehigh, and Chester Counties, Pa.*).

(2) *Commodities, which by reason of their size or weight require the use of special equipment* (except boats and machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines), between points in Rhode Island, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, Minnesota, and Wisconsin (points in Pennsylvania on and east of U.S. Highway 15 in Adams, York, Cumberland, Perry, Dauphin, Lebanon and Lancaster Counties, Pa., and points in Maryland*); (3) *Commodities, which because of size or weight require the use of special equipment* (except machinery, equipment, materials, and supplies used in or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines), between points in Maine, New Hampshire, and Vermont, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, Minnesota, and Wisconsin (points in Pennsylvania bounded on the north by the New York-Pennsylvania State line, thence by highways beginning at junction of New York-Pennsylvania State line extending along U.S. Highway 11 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 322, thence along U.S. Highway 322 to the Pennsylvania-New York State line, including points on the indicated highways; and points in New York*); (4) *Commodities, which because of size or weight require the use of special equipment* (except machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines), between points in Rhode Island, on the one hand, and, on the other, points in Delaware, District of Columbia, Maryland, Ohio, Virginia and West Virginia (points in Pennsylvania bounded on the north by the New York-Pennsylvania State line, thence by highways beginning at the New York-Pennsylvania State line extending along U.S. Highway 11 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line, including points on the indicated highways; points in Pennsylvania on and east of U.S. Highway 15 in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa.; and points in Susquehanna, Wayne, Wyoming, Lackawanna, Pike, Columbia, Luzerne, Monroe, Carbon, Schuylkill, Lebanon, and Berks Counties, Pa., and points in those parts of Bradford, Sullivan, Lycoming, Montour, York, Northumberland, Dauphin, and Lancaster Counties, Pa., east of a line beginning at the Pennsylvania-Maryland State line near New Freedom, Pa., and extending through York, Hummelstown, Trevorton, Opp, and East Smithfield, Pa., to the Pennsylvania-New York State line*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 117574 (Sub-No. E4), filed May 31, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which because of size or weight, require the use of special equipment (except boats and machinery, equipment, materials, and supplies, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines), between points in Rhode Island, on the one hand, and, on the other, points in Florida, Georgia, South Carolina, and North Carolina (except points in the North Carolina Counties of Gates, Chowan, Washington, Pamlico, Carteret, Craven, Beaufort, Currituck, Camden, Pasquotank, Perquimans, Tyrell, Hyde, Dare, Hertford, Bertie, Martin, Pitt, Jones, and Onslow) (points in that part of Pennsylvania on and east of U.S. Highway 219, to the junction with U.S. Highway 322, thence on and north of a line beginning at Grampian, Pa., and extending along U.S. Highway 322 through Clearfield and State College, Pa., to Lewistown, Pa., thence along U.S. Highway 522 to Selinsgrove, Pa., and on and west of U.S. Highway 11 to the New York-Pennsylvania State line; points in Pennsylvania on and east of U.S. Highway 15 in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa.; points in Susquehanna, Wayne, Wyoming, Lackawanna, Pike, Columbia, Luzerne, Monroe, Carbon Schuylkill, Lebanon, and Berks Counties, Pa., and points in those parts of Bradford, Sullivan, Lycoming, Montour, York, Northumberland, Dauphin, and Lancaster Counties, Pa., east of a line beginning at the Pennsylvania-Maryland State line, New Freedom, Pa., and extending along York, Hammelstown, Trevorton, Opp, and East Smithfield, Pa., to the Pennsylvania-New York State line; and points in Northampton, Bucks, Montgomery, Philadelphia, Delaware, Lehigh, and Chester Counties, Pa.)*;

(2) *Commodities*, which because of size or weight, require the use of special equipment or special handling (except boats), between points in Rhode Island, on the one hand, and, on the other, points in Pennsylvania in the counties of Berks, Dauphin, Lebanon, Lancaster, Chester, Northumberland, Schuylkill, Montour, York, and Columbia, lying east of a line beginning at the Pennsylvania-Maryland State line, beginning at New Freedom, Pa., and extending along York, Hummelstown, Trevorton to junction U.S. Highway 11 on the north bank of the East Branch of the Susquehanna River, and extending along U.S. Highway 11 through Danville, Bloomsburg, and Berwick, Pa., to the Columbia and Luzerne County line (points in Pennsylvania on and east of U.S. Highway 15 to Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa.)*; and (3) *Commodities*, which, because of size or weight, require the use of special equipment, between points in New Jersey, and those in New York, lying on and south of U.S. Highway 44 and east of U.S. Highway 209, on the one hand, and, on the other, all points in New York, lying on or west of U.S. Highway 11 (points and places in a Pennsylvania area bounded on the north by the New York-Pennsylvania State line, thence by highways beginning at junction of New York-Pennsylvania State line with U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line, including points on the indicated highways; and points in Susquehanna, Wayne, Wyoming, Lackawanna, Pike, Columbia, Luzerne, Monroe, Carbon, Schuylkill, Lebanon, and Berks Counties, Pa., and points in those parts of Bradford, Sullivan, Lycoming, Montour, York, Northumberland, Dauphin, and Lancaster Counties, Pa., east of a line beginning at the Pennsylvania-Maryland State line near New Freedom, Pa., and extending through York, Hummelstown, Trevorton, Opp, and East Smithfield, Pa., to the Pennsylvania-New York State line)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 117574 (Sub-No. E5), filed May 31, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities or articles*, which because of size or weight, require the use of special equipment (except boats), between points in that part of New York north of a line beginning at the Pennsylvania-New York State line at Port Jervis, N.Y., extending along U.S. Highway 209 to junction U.S. Highway 44, thence along U.S. Highway 44 to the Massachusetts-New York State line, on the one hand, and, on the other, points in the District of Columbia, Virginia, that part of Maryland west of the Susquehanna River and the Chesapeake Bay, and points in West Virginia in Berkeley, Jefferson, Morgan, Hampshire, Mineral, Grant, Pendleton, Pocahontas, Randolph, Greenbrier, Monroe, Summers, Mercer, and McDowell Counties (Luzerne and Lancaster Counties, Pa., and State College, Pa.*); (2) *Self-propelled articles*, each weighing 15,000 pounds or more, which because of size or weight, require the use of special equipment, and

V 40163
APR 1 75

related machinery, tools, parts, and supplies moving in connection therewith, between points in Niagara, Orleans, Monroe, Genessee, Erie, and Chautauqua Counties, N.Y., on the one hand, and, on the other, points in Hancock, Brooke, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Ritchie, Doddridge, Harrison, Jackson, Wirt, Roane, Calhoun, Gilmer, Lewis, Braxton, Upshur, Randolph, Webster, Pocahontas, Mason, Cabell, Putnam, Kanawha, Clay, Nicholas, Greenbrier, Summers, Monroe, Fayette, Raleigh, Mercer, Wayne, Lincoln, Boone, Mingo, Logan, Wyoming, and McDowell Counties, W. Va., restricted to commodities which are transported on trailers (points within 80 miles of Columbus, Ohio*);

(3) *Commodities*, which because of size or weight require the use of special equipment, between points in New York in and east of Oswego, Onondaga, Cortland, and Tioga Counties, on the one hand, and, on the other, points in West Virginia (points in Pennsylvania within 150 miles of Philadelphia, and the Counties of Snyder, Juniata, Perry, Cumberland, Franklin, Adams, Dauphin, Fulton, Huntingdon, Mifflin, Centre, Clinton, Union, Lycoming, and Tioga, which are also in the area in Pennsylvania bounded on the north by the New York-Pennsylvania State line extending along U.S. Highway 11 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 219, thence along Highway 219 to the Pennsylvania-New York State line, including points on the indicated highways*); (4)*Commodities*, which because of size or weight require the use of special equipment (except boats), between points in that part of New York in, north or west of Albany, Delaware, Rensselaer, and Schoharie Counties, on the one hand, and, on the other, points in Delaware, and that part of Maryland east of the Susquehanna River and the Chesapeake Bay (points in Pennsylvania bounded on the north by the New York-Pennsylvania State line extending along U.S. Highway 11 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line, including points on the indicated highways; points in Pennsylvania on and east of U.S. Highway 15 in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa.; points in Susquehanna, Wayne, Wyoming, Lackawanna, Pike, Columbia, Luzerne, Monroe, Carbon, Schuylkill, Lebanon, and Berks Counties, Pa., and points in those parts of Bradford, Sullivan, Lycoming, Montour, York, Northumberland, Dauphin, and Lancaster Counties, Pa., east of a line beginning at the Pennsylvania-Maryland State line near New Freedom, Pa., and extending through York, Hummelstown, Trevorton, Opp, and East Smithfield, Pa., to the Pennsylvania-New York State line; and points in Northampton, Bucks, Montgomery, Philadelphia, Delaware, Lehigh, and Chester Counties, Pa.*);

(5) *Commodities* which because of their size or weight require the use of special equipment or special handling (except boats), between points in that part of New York south of a line beginning at the Pennsylvania-New York State line at Port Jervis extending along U.S. Highway 209 to junction U.S. Highway 44, thence along U.S. Highway 44 to the New York-Massachusetts State line, on the one hand, and, on the other, points in Delaware (except Wilmington), the District of Columbia, Maryland, and Virginia (points in Lebanon County, Pa., and those points in Lancaster and York Counties, Pa., east of a line beginning at the Pennsylvania-Maryland State line near New Freedom, Pa., and extending north through York, Hummelstown, Trevorton, Opp, and East Smithfield, Pa., to the Pennsylvania-New York State line*); (6) *Such commodities* as by reason of their size or weight require the use of special equipment (except machinery, equipment, materials, and the supplies used in, or in connection with, the construction, operations, repair, servicing, maintenance, and dismantling of pipelines between points in New York, on the one hand, and, on the other points in Florida, Georgia, South Carolina, and North Carolina (except points in Gates, Hertford, Currituck, Camden, Pasquotank, Perquimans, Chowan, Bertie, Martin, Washington, Tyrell, Dare, Hyde, Pitt, Beaufort, Craven, Jones, Onslow, Carteret, and Pamlico Counties (points in Pennsylvania bounded on the north by the New York-Pennsylvania State line extending along U.S. Highway 11 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line, including points on the indicated highways, that are also in the bounded area of that part of Pennsylvania on and east of a line extending along U.S. Highway 219 to junction U.S. Highway 322, thence on and north of a line beginning at Grampian, Pa., and extending along U.S. Highway 322 through Clearfield and State College, Pa., to Lewistown, Pa., thence along U.S. Highway 522 to Selinsgrove, Pa., and on and west of U.S. Highway 11 to the New York-Pennsylvania State line*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 117574 (Sub-No. E6), filed May 31, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities as by reason of their size or weight require the use of special equipment* (except machinery, equipment, materials and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, and boilers, heaters, and castings), between points in Massachusetts, on the one hand, and, on the other, points in the North Carolina Counties of Gates, Hertford, Currituck, Camden, Pasquotank, Perquimans, Chowan, Bertie, Martin, Washington, Tyrell, Dare, Hyde, Pitt, Beaufort, Craven, Jones, Onslow, Carteret, and Pamlico (points in that part of Pennsylvania on and east of U.S. Highway 219, to the junction with U.S. Highway 322, thence on and north of a line beginning at Grampian, Pa., and extending along U.S. Highway 322 through Clearfield and State College, Pa., to Lewistown, Pa., thence along U.S. Highway 522 to Selinsgrove, Pa., and on and west of U.S. Highway 11 to the New York-Pennsylvania State line.*); (2) *such commodities as by reason of their size or weight require the use of special equipment* (except machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, and boilers, heaters, and castings), between Connecticut and Massachusetts, on the one hand, and, on the other, points in Ohio and West Virginia (points in that part of Pennsylvania on and east of U.S. Highway 219, to the junction with U.S. Highway 322, thence on and north of a line beginning at Grampian, Pa., and extending along U.S. Highway 322 through Clearfield and State College, Pa., to Lewistown, Pa., thence along U.S. Highway 522 to Selinsgrove, Pa., and on and west of U.S. Highway 11 to the New York-Pennsylvania State line.*); (3) *articles or commodities, which because of size or weight require the use of special equipment* or require special handling (except boats), between points in Connecticut, Massachusetts, and Rhode Island, on the one hand, and, on the other, those points in Maryland west of the Susquehanna River and the Chesapeake Bay (points in Pennsylvania on and east of U.S. Highway 15 in Adams, Cumberland, Perry, Dauphin Counties, Pa.*); (4) *such commodities as by reason of their size or weight require the use of special equipment* (except machinery, equipment, materials and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, and boilers, heaters, and castings), between points in Massachusetts, on the one hand, and, on the other, points in the District of Columbia and those in Virginia, on and west of a line beginning at the District of Columbia, thence along U.S. Highway 1 to its junction with U.S. Highway 301 at Richmond, Va., thence along U.S. Highway 301 to the Virginia-North Carolina State line (points in that part of Pennsylvania on and east of U.S. Highway 219, to the junction with U.S. Highway 522, thence on and north of a line beginning at Grampian, Pa., and extending along U.S. Highway 322 through Clearfield and State College, Pa., to Lewistown, Pa., thence along U.S. Highway 522 to Selinsgrove, Pa., and on and west of U.S. Highway 11 to the New York-Pennsylvania State line, that one also in the area of Pennsylvania bounded on the north by the New York-Pennsylvania State line, thence by highways beginning at junction of said State line with U.S. Highway 11, over U.S. Highway 11 to junction with U.S. Highway 522, thence along U.S. Highway 522 to junction with U.S. Highway 322, thence along U.S. Highway 322 to junction with U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line*). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 117574 (Sub-No. E8), filed May 31, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which because of size or weight, require the use of special equipment or special handling, between points in Delaware in the counties of Kent and New Castle, points in Pennsylvania in the counties of Wayne, Pike, Monroe, Northampton, Carbon, Schuylkill, Lehigh, Berks, Bucks, Chester, Delaware, Montgomery, Philadelphia, and those in Northumberland, Montour, Columbia, Luzerne, Lackawanna, Wyoming, and Susquehanna on and east of U.S. Highway 11, and points in New Jersey, on the one hand, and, on the other, points in West Virginia on and west of a line beginning at the Pennsylvania-West Virginia State line on U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Kentucky-West Virginia State line (points and places in a Pennsylvania area bounded on the north by the New York-Pennsylvania State line, thence along the New York-Pennsylvania State line to U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 219, and thence along U.S. Highway 219 to the Pennsylvania-New York State line, including points on the indicated highways;

Points in Pennsylvania, within 150 miles of Philadelphia, Pa., in the counties of Snyder, Juniata, Perry, Cumberland, Franklin, Adams, Dauphin, Fulton, Huntingdon, Mifflin, Centre, Clinton, Union, Lycoming, and Tioga; points in Susquehanna, Wayne, Wyoming, Lackawanna, Pike, Columbia, Luzerne, Monroe, Carbon, Schuylkill, Lebanon, and Berks Counties, Pa., and points in those parts of Bradford, Sullivan, Lycoming, Montour, York, Northumberland, Dauphin, and Lancaster Counties, Pa., east of a line beginning at the Pennsylvania-Maryland State line near New Freedom, Pa., and extending through York, Hummelstown, Trevorton, Opp, and East Smithfield, Pa., to the Pennsylvania-New York State line; and points in Northampton, Bucks, Montgomery, Philadelphia, Delaware, Lehigh, and Chester Counties, Pa.)*; (2) *Such commodities* as by reason of their size or weight, require the use of special equipment (except machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, between points in New Jersey, on and north of a line beginning at the Pennsylvania-New Jersey State line at Burlington, N.J., along New Jersey Highway 541 to junction New Jersey Highway 80, thence along New Jersey Highway 80 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to Tom's River, N.J., on the one hand, and, on the other, points in Florida, Georgia, and those in South Carolina on and west of U.S. Highway 52 (points in that part of Pennsylvania on and east of U.S. Highway 219 to the junction of U.S. Highway 322, thence on and north of a line beginning at Grampian, Pa., and extending along U.S. Highway 322 through Clearfield and State College, Pa., to Lewistown, Pa., thence along U.S. Highway 522 to Selinsgrove, Pa., and on and west of U.S. Highway 11 to the New York-Pennsylvania State line)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 117574 (Sub-No. E9), filed May 31, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as by reason of their size or weight require the use of special equipment* (except machinery, equipment, materials and supplies used in, or in connection with, the construction, operations, repair, servicing, maintenance, and dismantling of pipelines, between points in New Jersey, on and north of a line beginning at the Pennsylvania-New Jersey State line at Burlington, N.J., along New Jersey Highway 541 to junction New Jersey Highway 80, thence along New Jersey Highway 80 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to Tom's River, N.J., on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateway of Scranton and Lancaster, Pa.

No. MC 117574 (Sub-No. E10), filed May 31, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as by reason of their size or weight require the use of special equipment* (except machinery, equipment, materials, and supplies used in, or in connection with, the construction, operations, repair, servicing, maintenance and dismantling of pipelines), between points in Ohio in the counties of Mahoning, Portage, Summit, Medina, Lorain, Huron, Cuyahoga, Lake, Geauga, Ashtabula, and Trumbull, on the one one hand, and, on the other, points in South Carolina in the counties of Horry, Marion, Florence, Williamsburg, Georgetown, Clarendon, Berkeley, Charleston, Dorchester, Colleton, Allendale, Hampton, Jasper, Orangeburg, Bamberg, Barnwell, Calhoun, and Beaufort; points in Georgia in the counties of Screven, Jenkins, Emanuel, Treutlen, Candler, Bulloch, Effingham, Wheeler, Montgomery, Toombs, Tattnall, Evans, Bryan, Chatham, Liberty, Long, Telfair, Ben Hill, Jeff Davis, Appling, Wayne, Bacon, McIntosh, Glynn, Camden, Charlton, Ware, Brantley, Pierce, Brooks, Echols, Clinch, Lowndes, Lanier, Atkinson, Cook, Berrien, Coffee, and Irwin; and those in Florida (except points in the counties of Taylor, Madison, Jefferson, Wakulla, Franklin, Liberty, Leon, Gadsden, Jackson, Calhoun, Gulf, Bay, Washington, Holmes, Walton, Okaloosa, Santa Rosa, and Escambia; and points in North Carolina in and east of the counties of Caswell, Alamance, Chatham, Moore, and Scotland. The purpose of this filing is to eliminate the gateway of points in Pennsylvania bounded on the north by the New York-Pennsylvania State line, thence by highways beginning at the junction of the New York-Pennsylvania State line extending along U.S. Highway 11 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line, including points on the indicated highways that are also within an area of Pennsylvania on and east of U.S. Highway 219 to junction U.S. Highway 322, thence on and north of a line beginning at Grampian, Pa., extending along U.S. Highway 322 through Clearfield and State College, Pa., to Lewistown, Pa., thence along U.S. Highway 522 to Selinsgrove, Pa., and on and west of U.S. Highway 11 to the New York-Pennsylvania State line.

No. MC 117574 (Sub-No. E15), filed May 31, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boards and sheets* consisting of sawdust, ground wood, wood chips or wood shavings with resin binder, from points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, and points in New Jersey on and north of U.S. Highway 46, and points in New York in and east of the counties of Wayne, Seneca, Schuyler, and Chemung, to points in Illinois, Indiana, Kentucky, Michigan, and Wisconsin (Bradford County, Pa., and Tyrone, Pa.)*; (2) *Boards and sheets* consisting of sawdust, ground wood, wood chips, or wood shavings with resin binder, from points in Pennsylvania in and east of the counties of McKean, Elk, Jefferson, Indiana, Cambria, and Bedford to points in Illinois, Indiana, Kentucky, Michigan, and Wisconsin (Tyrone, Pa.)*; (3) *Fiberwood and fiberwood products, and accessories and supplies* used in the installation and erection thereof, between points in Maryland (except points in Allegany and Garrett Counties), and

V 40163
APR 175

points in Virginia, and Martinsburg, W. Va., on the one hand, and, on the other, points in New York in and east of Monroe, Livingston, and Steuben Counties, and in and west of Broome, Chenango, Otsego, Montgomery, Fulton, Hamilton, Warren, Essex, and Clinton Counties, and points in Vermont in and north of the counties of Addison, Caledonia, Essex, and Washington (points in Pennsylvania within 25 miles of Baltimore, Md. (New Freedom), and Bradford Counties, Pa.)*; and (4) *Fireboard and* fibrewood products, construction materials, and building and contractor's equipment, supplies, and materials, between points in Virginia on and east of U.S. Highway 15, on the one hand, and, on the other, points in Pennsylvania on and north of a line beginning at the Ohio-Pennsylvania State line, thence along U.S. Highway 322 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-Maryland State line, and on and west of a line beginning at the Pennsylvania-Maryland State line and extending along Interstate Highway 83, to junction U.S. Highway 222, thence along U.S. Highway 222 to the Pennsylvania-New Jersey State line [points in Pennsylvania within 25 miles of Baltimore, Md., (New Freedom, Pa.)]*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 117574 (Sub-No. E16), filed May 31, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printing presses, printing press parts and sub-assemblies and equipment* used in the operation of printing presses, *welding, baking, and blending equipment*, and *parts* for and subassemblies of welding, baking, and chemical mixing and blending equipment, which because of size or weight, requires the use of special equipment; (2) *Printing presses, printing presses parts and sub-assemblies, and equipment* used in the operation of printing presses, *welding, bakery, and chemical mixing, and blending equipment, and parts* for and sub-assemblies of welding, baking, and chemical mixing, and blending equipment, the transportation of which because of size or weight does not require the use of special equipment, when moving in the same vehicle with the commodities described in (1) of this paragraph, from points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, those in New York on and east of a line beginning at the New York-Pennsylvania State line and extending along Interstate Highway 81 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 8, thence along New York Highway 8 to the New York-Vermont State line, points in New Jersey in and north of Mercer and Middlesex Counties, and Pennsylvania in and east of a line beginning at the Pennsylvania-Maryland State line, near New Freedom, Pa., and extending through York, Hummelstown, Trevorton, Opp, and East Smithfield, Pa., to the Pennsylvania-New York State line, to points in Alabama, Arkansas, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, West Virginia, and points in Virginia on and west of Interstate Highway 95, points in Colorado, Montana, New Mexico, and Wyoming east of the Continental Divide (facilities of J. C. Motter Printing Press Co., near York, Pa., and Scranton, Pa.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 117574 (Sub-No. E18), filed May 31, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Air, water*, and gas cooling and heating equipment, steam generating equipment and materials, accessories, and supplies used in the installation thereof, which because of size or weight, require the use of special equipment, and (2) *Commodities* listed in (1) above which do not require the use of special equipment, when moving in the same vehicle or as part of the same shipment with commodities in (1) above, between points in Connecticut, Delaware, Massachusetts, Rhode Island, New Jersey, those in New York on and south of a line beginning at the Massachusetts-New York State line along U.S. Highway 44 to its junction with U.S. Highway 209 to the New York-Pennsylvania State line, and those in Maryland and Virginia east of the Susquehanna River, and the Chesapeake Bay, on the one hand, and, on the other, points in Pennsylvania west of the Susquehanna River on and south of a line extending along Interstate Highway 80 from the Pennsylvania-Ohio State line to its junction with U.S. Highway 322, thence along U.S. Highway 322 to its junction with U.S. Highway 522, thence along U.S. Highway 522 to the Susquehanna River. The purpose of this filing is to eliminate the gateway of Lebanon, Pa.

No. MC 117574 (Sub-No. E20), filed May 31, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled tractors* (except truck tractors), each weighing 15,000 pounds or more and which because of size or weight, require the use of special equipment, and *related machinery, parts, tools, and supplies* moving in connection therewith, from points in Maine, New Hampshire, and Vermont, to points in the United States (except points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia), said operations are restricted to the transportation of commodities which are transported on trailers, and restricted against the transportation of machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines (Batavia, N.Y., Clifton, N.J., and points in that part of Pennsylvania on and east of U.S. Highway 219 to junction U.S. Highway 322, thence on and north of a line beginning at Grampian, Pa., and extending along U.S. Highway 322 through Clearfield and State College, Pa., to Lewistown, Pa., thence along U.S. Highway 522 to Selinsgrove, Pa., and on and west of U.S. Highway 11 to the New York-Pennsylvania State line (except the site of the Curtiss-Wright Corporation Plant located near Clearfield)]*;

(2) *Self-propelled articles*, 15,000 pounds or more, which because of size or weight, require the use of special equipment, and *related machinery, tools, parts, and supplies* when moving in connection therewith, between points in Maine, New Hampshire, and Vermont, on the one hand, and, on the other, points in Florida, Georgia, Illinois, Indiana, Kentucky, points in Maryland west of the Susquehanna River and the Chesapeake Bay, Michigan, Minnesota, North Carolina, Ohio, South Carolina, Virginia, West Virginia, Wisconsin, and the District of Columbia. Restriction: The operations authorized herein are subject to the following conditions: Said operations are restricted to the transportation of commodities which are transported on trailers. Said operations are restricted against the transportation of machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines. (Points in that part of Pennsylvania on and east of U.S. Highway 219 to junction U.S. Highway 322, thence on and north of a line beginning at Grampian, Pa., and extending along U.S. Highway 322 through Clearfield and State College, Pa., to Lewistown, Pa., thence along U.S. Highway 522 to Selinsgrove, Pa., and on and west of U.S. Highway 11 to the New York-Pennsylvania State line (except the site of the Curtiss Wright Corporation Plant located near Clearfield)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 117574 (Sub-No. E21), filed May 31, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, agricultural machinery, tractors* (except truck tractors), and *agricultural implements*, and *agricultural machinery parts*, and *attachments* and *accessories* moving in connection with shipments of such

commodities, restricted against the transportation of commodities which because of size or weight, require the use of special equipment, from points in Connecticut, Delaware, Massachusetts, Rhode Island, New Jersey, those points in New York in and east of the counties of Broome, Delaware, Schoharie, Schenectady, and Rensselaer, those in Pennsylvania in and east of the counties of Adams, Cumberland, Perry, Juniata, Mifflin, Snyder, Union, Montour, Columbia, Luzerne, Wyoming, and Susquehanna, and those in Maryland in and east of the counties of Carroll and Baltimore, and the Chesapeake Bay, and those in Virginia east of the Chesapeake Bay, to points in Ohio. The purpose of this filing is to eliminate the gateways of New Holland, Intercourse, Belleville, and Mountville, Pa.

No. MC 117574 (Sub-No. E12), filed May 31, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (other than truck tractors), with or without attachments (except those which because of size or weight, require special handling or the use of special equipment, and parts for such tractors, from Minneapolis, Minn., to points in Vermont and North Carolina (New York and Virginia)*; (2) *Agricultural machinery, implements*, and *parts* as described in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except truck tractors and except commodities requiring special equipment), from South Bend, Ind., and Shelbyville, Ill., to points in North Carolina (Virginia and Maryland)*; (3) *Agricultural implements and machinery* designed for use in conjunction with farm tractors (except commodities requiring special equipment, from Zanesville, Ohio, to points in Maine and North Carolina (New Hampshire and Virginia)*; (4) *Self-propelled construction and materials handling equipment* (except highway trucks), and *attachments, and self-propelled cranes and hoisting equipment and attachments*, each weighing 15,000 pounds or more, from Schofield, Wis., to points in North Carolina on and east of U.S. Highway 220. Restriction: To the transportation of commodities which are transported on trailers, and against the transportation of machinery, equipment, materials, and supplies used in, or in connection with the construction, operations, repair, servicing, maintenance, and dismantling of pipelines. (Points in that part of Pennsylvania on and east of U.S. Highway 219 to junction U.S. Highway 322, thence on and north of a line beginning at Grampian, Pa., and extending along U.S. Highway 322 through Clearfield and State College, Pa., to Lewiston, Pa., thence along U.S. Highway 522 to Selinsgrove, Pa., and on and west of U.S. Highway 11 to the New York-Pennsylvania State line (excerpt the site of the Curtiss Wright Corporation Plant located near Clearfield)*;

(5) *Self-propelled construction and material handling machines, construction and material handling machines without undercarriages, and attachments and parts* for the machines described above, restricted to self-propelled articles each weighing 15,000 pounds or more transported on trailers and construction and material handling machines without undercarriages, which because of size or weight require the use of special equipment, and restricted against the transportation of machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, from Waukesha, Wis., to points in North Carolina on and west of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 501 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 401, thence along U.S. Highway 401 to junction U.S. Highway 301, thence along U.S. Highway 301 to the North Carolina-South Carolina State line [points in that part of Pennsylvania on and east of U.S. Highway 219 to junction U.S. Highway 322, thence on and north of a line beginning at Grampian, Pa., and extending along U.S. Highway 322 through Clearfield and State College, Pa., to Lewistown, Pa., thence along U.S. Highway 522 to Selinsgrove, Pa., and on and west of U.S. Highway 11 to the New York-Pennsylvania State line (except the site of the Curtiss Wright Corporation Plant located near Clearfield)]*;

(6) *Self-propelled trucks*, each weighing 15,000 pounds or more, designed for off-highway use, in initial movements in truckaway service, from Decatur, Ill., to points in North Carolina in and east of the counties of Vance, Franklin, Nash, Wilson, Greene, Lenoir, Jones, and Carteret, and those in Virginia in and east of the counties of Highland, August, Nelson, Buckingham, Prince Edward, Laurinburg, and Mecklenburg. Restriction: The operations authorized herein are subject to the following conditions: Said operations are restricted to the transportation of commodities which are transported on trailers. Said operations are restricted against the transportation of machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines. (Points in that part of Pennsylvania on and east of U.S. Highway 219 to junction U.S. Highway 322, thence on and north of a line beginning at Grampian, Pa., and extending along U.S. Highway 322 through Clearfield and State College, Pa., to Lewistown, Pa., thence along U.S. Highway 522 to Selinsgrove, Pa., and on and west of U.S. Highway 11 to the New York-Pennsylvania State line (except the site of the Curtiss Wright Corporation Plant located near Clearfield)]*; (7) *Tractors* (except truck tractors), and *attachments, parts*, and *accessories* for tractors (except truck tractors), moving separately, or in mixed loads with tractors (except truck tractors), except those because of size or weight require the use of special equipment, from Detroit, Mich., to points in North Carolina. The operations authorized herein are restricted to traffic originating at the plant and warehouse sites of Massey-Ferguson, Inc., at Detroit, Mich. (Virginia)*;

(8) *Self-propelled streetsweepers*, each weighing 15,000 pounds or more, transported on trailers, and related machinery, tools, parts, and supplies moving in connection therewith, from Elgin, Ill., to points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 50 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to the Atlantic Ocean, and points in Virginia on and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 501 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 250, thence along U.S. Highway 250 to the Virginia-West Virginia State line (points in Pennsylvania bounded on the north by the New York-Pennsylvania State line, thence by highways beginning at junction of New York-Pennsylvania State line to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line, including points on the indicated highways)*; (9) *Self-propelled road rollers*, each weighing in excess of 15,000 pounds and *related machinery, tools, parts, and supplies* moving in connection therewith, from Minneapolis, Minn., to points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, points in North Carolina and South Carolina, on and east of U.S. Highway 52 (except Charleston, S.C.). Restriction: The operations authorized herein are subject to the following conditions: Said operations are restricted to the transportation of commodities which are transported on trailers. Said operations are restricted against the transportation of machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines. (Points in that part of Pennsylvania on and east of U.S. Highway 219 to junction U.S. Highway 322, thence on and north of a line beginning at Grampian, Pa., and extending along U.S. Highway 322 through Clearfield and State College, Pa., to Lewistown, Pa., thence along U.S. Highway 522 to Selinsgrove, Pa., and on and west of U.S. Highway 11 to the New York-Pennsylvania State line (except the site of the Curtiss Wright Corporation Plant located near Clearfield)]*;

(10) *Agricultural equipment, agricultural machinery, agricultural implements*, and *attachments* and *parts* for agricultural equipment, agricultural machinery, and agricultural implements (except truck tractors and commodities

V 40163
APR 175

requiring special equipment), between La Porte, Ind., on the one hand, and, on the other, points in North Carolina on and east of a line beginning at the Tennessee-North Carolina State line and extending along U.S. Highway 23 to junction Interstate Highway 26, thence along Interstate Highway 26 to the North Carolina-South Carolina State line; and points in Virginia on and south of an east-west line beginning at the West Virginia-Virginia State line on U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Maryland-Virginia State line, restricted to the transportation of traffic originating at or destined to La Porte (Maryland, and points in Virginia located north of U.S. Highway 460 and west of U.S. Highway 301, except Richmond and its commercial zone)*; (11) (A) *Tractors* (except truck tractors), and (B) *Attachments* for and *equipment* designed for use with and when moving in mixed loads with the articles described in (A) above, and parts for (A) and (B) above, when moving in mixed loads with the articles described in (A) and (B) above, from Eau Claire, Wis., to points in Virginia in and east of the counties of Bland, Smyth, Grayson, and those in North Carolina in and east of the counties of Alleghany, Wilkes, Alexander, Iredell, Rowan, Mecklenburg, and Union, restricted to the transportation of traffic originating at Eau Claire, Wis., and against the transportation of articles which because of size or weight require the use of special equipment (Pennsylvania)*; and (12) *Agricultural implements, agricultural machinery*, and *agricultural machinery* parts and accessories moving in connection with shipments of such commodities, except articles which because of size or weight, require the use of special equipment, and except truck tractors, from points in New Jersey, and those in New York in and east of the counties of Monroe, Livingston, and Steuben, to points in West Virginia (Belleville, Mountville, New Holland, or Intercourse, Pa.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 117574 (Sub-No. E22), filed May 31, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements, agricultural machinery* and *parts*, other than hand, as described in Sections B and C of Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, except truck tractors and commodities requiring special equipment, from Coldwater, Ohio, to points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, those in New York in and east of the counties of Niagara, Genessee, Wyoming, and Allegany, and those in Pennsylvania, in and east of the counties of McKean, Cameron, Clearfield, Indiana, Westmoreland, and Fayette (points in Somerset, Centre, Cambria, Clinton, and Potter Counties, Pa.)*; (2) *Agricultural implements, agricultural machinery, agricultural machinery parts* (except those which because of size or weight, require the use of special equipment, and except truck tractors), from Richmond, Ind., Battle Creek, Mich., Bucyrus, Galion, Loudonville, Mansfield, and Springfield, Ohio, to points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New Jersey, Delaware, and Maryland (except points in the counties of Tioga, Clinton, Lycoming, Centre, Blair, and Bedford, those in New York in and east of the counties of Steuben, Yates, Seneca, Cayuga, and Oswego, those in Virginia in and east of the counties of Frederick, Shenandoah, Augusta, Rockingham, Nelson, Appamatox, Charlotte, and Mecklenburg, and those in North Carolina in and east of the counties of Vance, Franklin, Nash, Wilson, Wayne, Duplin, Pender, and New Hanover, (Downingtown, Pa., points in Adams, Cumberland, Dauphin, (except Harrisburg), Franklin, Fulton, Huntingdon, Juniata, Lebanon, Mifflin, Perry, Snyder, Schuylkill, Union, and York Counties, Pa., and points in Bedford and Centre Counties, Pa., on and east of U.S. Highway 220)*; and (3) *Agricultural implements, agricultural machinery, agricultural machinery parts* (except those which because of size or weight, require the use of special equipment, and except truck tractors), from Louisville, Ky., and Memphis, Tenn., to points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New Jersey, Delaware, New York (except points in the counties of Orleans, Genesee, Wyoming, Cattaraugus, Chautauqua, Erie, and Niagara), Maryland, those in Pennsylvania in and east of the counties of McKean, Elk, Clearfield, Cambria, and Somerset, and those in Virginia on and north of Buckingham, Greene, Orange, Spotsylvania, Hanover, New Kent, James City, and York, Downingtown, Pa., points in Adams, Cumberland, Dauphin (except Harrisburg), Franklin, Fulton, Huntingdon, Juniata, Lebanon, Mifflin, Perry, Snyder, Schuylkill, Union, and York Counties, Pa., and points in Bedford and Centre Counties, Pa., on and east of U.S. Highway 220)*; and (4) *Agricultural implements, agricultural machinery and parts*, other than hand, as described in Sections B and C of Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except truck tractors, and except commodities requiring special equipment), from Minneapolis and Owatonna, Minn., and Columbia City, Ind., to points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Delaware, Maryland, and those points in Virginia and North Carolina on and east of U.S. Highway 220 (to points in Pennsylvania, except points in Erie, Crawford, Warren, McKean, Potter, Tioga, Bradford, Sullivan, Wyoming, Susquehanna, Lackawanna, Wayne, Pipe, and Monroe Counties, Pa.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 117574 (Sub-No. E27), filed May 31, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, between the plant site of the Bethlehem Steel Corporation, located at Burns Harbor, Porter County, Ind., on the one hand, and, on the other, points in West Virginia, and those points in Kentucky in and east of the counties of Mason, Fleming, Rowan, Morgan, Wolfe, Breathitt, Perry, Leslie, and Bell, restricted to the transportation of traffic originating at said plant site (Franklin County, Ohio)*; and (2) Iron and steel articles, which because of size or weight, require the use of special equipment (except machinery, equipment, materials, and supplies used in, or in connection with, the construction, operations, repair, servicing, maintenance, and dismantling of pipelines), from the plant site of the Bethlehem Steel Corporation at Burns Harbor, Porter County, Ind., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and those in Virginia in and east of the counties of Highland, Augusta, Nelson, Amherst, Campbell, and Halifax, and the District of Columbia (Gettysburg, Adams County, Pa., Bradford, McKean County, Pa., and Lancaster, Lancaster County, Pa.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 117574 (Sub-No. E28), filed May 31, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements, farm tractors, farm equipment* (except commodities which because of size or weight require the use of special equipment, and except truck tractors), from points in Maine, New Hampshire, Vermont, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Delaware, District of Columbia, points in Maryland (except those in Garrett, Allegany, Washington, Frederick, and Montgomery Counties), and those in Pennsylvania, in and east of the counties of Warren, Forest, Jefferson, Clearfield, Cambria, Blair, Huntington, and Fulton, to points in Alabama, Arkansas, Arizona, California, Colorado, Idaho, Louisiana, Mississippi, Montana, Nevada, New Mexico, Oklahoma, Oregon, Utah, Texas, Washington, and Wyoming (2) *Agricultural implements, farm tractors, farm equipment* (except commodities, which because of size or weight require the use of special equipment, and except truck tractors), from points in the Pennsylvania Counties of Erie, Crawford, Mercer, Venango, Clarion, Lawrence, Butler, Beaver, Armstrong, Indiana, Allegheny, Westmoreland, Somerset, and Bedford, points in the Maryland Counties of Garrett, Allegany, Washington, Frederick, and Montgomery, and those in Virginia on and east of a north-south line beginning at the West Virginia-Virginia State line on U.S. Highway 522, thence along U.S. Highway 522 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction Interstate Highway 95, thence along Interstate Highway 95 to the Virginia-North Carolina State line to points in Washington, Oregon, Idaho, Montana, Wyoming, Nevada, Utah, Arizona, California, Colorado, and New Mexico; and (3) *Agricultural implements* and *agricultural machinery*, and *agricultural machinery parts* and *accessories* moving in connection with shipments of such commodities (except commodities requiring special equipment and except truck tractors), from points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York (except counties of Chautauqua and Cattaraugus, Pennsylvania (except points in and west of the counties of Warren, Forest, Jefferson, Indiana, Cambria, Blair, Bedford, and Fulton), and Vermont, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Carolina, South Dakota, Tennessee, and Wisconsin. The purpose of this filing is to eliminate the gateways of New Holland, Mountville, Belleville, and Intercourse, Pa.

No. MC 117574 (Sub-No. E32), filed May 31, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery*, except that which because of size or weight, requires the use of special equipment (except boats), from points in New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Delaware, District of Columbia, and Maryland (except points in Garrett, Allegany, Washington, Frederick, and Montgomery Counties), to points in Alabama, Arkansas, Arizona, California, Colorado, Idaho, Louisiana, Mississippi, Montana, Nevada, New Mexico, Oklahoma, Oregon, Utah, Texas, Washington, and Wyoming, restricted against the transportation of traffic having an immediately prior movement by water (Belleville and Lancaster, Pa.)*; (2) *Machinery*, except that which because of size or weight, requires the use of special equipment (except boats), from points in Maryland, in the counties of Garrett, Allegany, Washington, Frederick, and Montgomery, and those in Virginia on and east of a north-south line beginning at the West Virginia-Virginia State line on U.S. Highway 522, thence along U.S. Highway 522 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction Interstate Highway 95, and thence along Interstate Highway 95 to the Virginia-North Carolina State line, to points in Washington, Oregon, Idaho, Montana, Wyoming, Nevada, Utah, Arizona, California, Colorado, and New Mexico, restricted against the transportation of traffic having an immediately prior movement by water (Belleville, Pa.)*; (3) *Machinery*, except that which because of size or weight, require the use of special equipment (except boats), from points in Pennsylvania (except those in Washington, Greene, or Fayette Counties), to points in Alabama, Arkansas, Arizona, California, Colorado, Idaho, Louisiana, Mississippi, Montana, Nevada, New Mexico, Oklahoma, Oregon, Utah, Texas, Washington, and Wyoming (except from points in the Pennsylvania Counties of Erie, Crawford, Mercer, Venango, Clarion, Lawrence, Butler, Beaver, Armstrong, Indiana, Allegheny, Westmoreland, Somerset, and Bedford to points in Alabama, Louisiana, Mississippi, Oklahoma, Arkansas, and Texas), restricted against the transportation of traffic having an immediately prior movement by water (Belleville and Lancaster, Pa.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 117574 (Sub-No. E34), filed May 31, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Storage tanks* and *processing equipment*, and *parts* and *accessories* for storage tanks and processing equipment (except commodities in bulk), between points in Maine, Massachusetts, New Hampshire, Vermont, Rhode Island, those in Connecticut on and north of a line beginning at the New York-Connecticut State line along U.S. Highway 44 to junction Connecticut Highway 2, thence along Connecticut Highway 2 to junction Connecticut Highway 85, thence along Connecticut Highway 85 to the Long Island Sound, and points in New York on and north of a line beginning at Lake Erie on Alternate U.S. Highway 20 to junction New York Highway 36, thence along New York Highway 36 to junction New York Highway 70, thence along New York Highway 70 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 352, thence along New York Highway 352 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 10, thence along New York Highway 10 to junction New York Highway 23.

Thence along New York Highway 23 to the New York-Massachusetts State line, on the one hand, and, on the other, all points in the states of Alabama, Arkansas, Iowa, Kansas, Louisiana, Upper Peninsula of Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and those points in Kentucky in and west of the counties of Oldham, Shelby, Spencer, Nelson, Washington, Marion, Taylor, Adair, Russell, and Clinton. Restrictions: (1) Transportation of the articles described above which do not require the use of special equipment is limited to transportation on the same vehicle or in the same shipment with such articles which, because of size or weight, require the use of special equipment. (2) Against the transportation of clay products, between points in Ohio, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. (2) *Storage tanks and processing equipment, and parts and accessories* for storage tanks and processing equipment (except commodities in bulk), between points in New York east of the counties of Allegany and Wyoming but south of a line extending along Alternate U.S. Highway 20 to its junction with New York Highway 36, thence along New York Highway 36 to junction New York Highway 70, thence along New York Highway 70 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 10, thence along New York Highway 10 to junction New York Highway 23,

Thence along New York Highway 23 to the New York-Massachusetts State line, those in Pennsylvania on and east of the counties of Tioga, Lycoming, Northumberland, Schuylkill, Berks, and Chester, those in Connecticut south of a line beginning at the New York-Connecticut State line and extending along U.S. Highway 44 to junction Connecticut Highway 2, thence along Connecticut Highway 2 to junction Connecticut Highway 85, thence along Connecticut Highway 85 to the Long Island Sound, points in New Jersey, and Wilmington, Del., on the one hand, and, on the other, points in Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, South Dakota, North Dakota, Wisconsin, and Illinois. Restrictions: (1) Transportation of the articles described above which do not require the use of special equipment is limited to transportation on the same vehicle or in the same shipment with such articles which, because of size or weight, require the use of special equipment. (2) Against the transportation of clay products, between points in Ohio, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Rochester, N.Y.

No. MC 117574 (Sub-No. E36), filed June 4, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority

V 40163
APR 1 75

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which because of their size or weight, require the use of special equipment, and *related iron and steel and iron and steel products* when their transportation is incidental to the transportation of commodities which by reason of size or weight require the use of special equipment (except machinery, equipment, materials, and supplies used in, or in connection with, the construction, operations, repair, servicing, maintenance, and dismantling of pipelines), between points in Indiana, Kentucky, Michigan, Minnesota, and Wisconsin, on the one hand, and, on the other, points in an area of Pennsylvania on and north of a line beginning at the Susquehanna River thence along U.S. Highway 209 to the Pennsylvania-New York State line and on and east of U.S. Highway 11 (points in that part of Pennsylvania on and east of U.S. Highway 219 to the junction U.S. Highway 322, thence on and north of a line beginning at Grampian, Pa., and extending along U.S. Highway 322 through Clearfield and State College, Pa., to Lewistown, Pa., thence along U.S. Highway 522 to Selinsgrove, Pa., and on and west of U.S. Highway 11 to the New York-Pennsylvania State line; points in Susquehanna, Wayne, Wyoming, Lackawanna, Pike, Columbia, Luzerne, Monroe, Carbon, Schuylkill, Lebanon, and Berks Counties, Pa., and points in those parts of Bradford, Sullivan, Lycoming, Montour, York, Northumberland, Dauphin, and Lancaster Counties, Pa., east of a line beginning at the Pennsylvania-Maryland State line near New Freedom, Pa., and extending through York, Hummelstown, Trevorton, Opp, and East Smithfield, Pa., to the Pennsylvania-New York State line; and points in Northampton, Bucks, Montgomery, Philadelphia, Delaware, Lehigh, and Chester Counties, Pa.)*.

(2) *Commodities*, which because of size or weight, require the use of special equipment, and *related iron and steel and iron and steel products* when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment (except machinery, equipment, materials, and supplies used in, or in connection with, the construction, operations, repair, servicing, maintenance, dismantling of pipelines), between points in Indiana, Kentucky, Michigan, Minnesota, and Wisconsin, on the one hand, and, on the other, points in Pennsylvania on and east of U.S. Highway 15 and on and south of U.S. Highway 209 (points in Pennsylvania on and east of U.S. Highway 15 in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., Cumberland, Md., points in Susquehanna, Wayne, Wyoming, Lackawanna, Pike, Columbia, Luzerne, Monroe, Carbon, Schuylkill, Lebanon, and Berks Counties, Pa., and points in those parts of Bradford, Sullivan, Lycoming, Montour, York, Northumberland, Dauphin, and Lancaster Counties, Pa., east of a line beginning at the Pennsylvania-Maryland State line near New Freedom, Pa., and extending north through York, Hummelstown, Trevorton, Opp, and East Smithfield, Pa., to the Pennsylvania-New York State line, and points in Northampton, Bucks, Montgomery, Philadelphia, Delaware, Lehigh, and Chester Counties, Pa.)*; (3) *Iron and steel, iron and steel products*, machinery, boilers, and contractors' equipment, which because of size or weight, require the use of special equipment, between points in Pennsylvania (except the counties of Erie, Warren, McKean, Potter, Tioga, Crawford, Venango, Forest, Elk, Cameron, Clinton, Mercer, Clarion, Jefferson, Clearfield, Lawrence, Butler, Armstrong, and Beaver), on the one hand, and, on the other, points in the Indiana counties of Steuben, DeKalb, Allen, Legrange, Noble, Whitley, Elkhart, and St. Joseph, and points in Michigan (except Huron, Tuscola, Sanilac, Shiawassee, Genesee, Lapeer, St. Clair, Livingston, Oakland, Macomb, Washtenaw, Wayne, Lenawee, and Monroe Counties) (points in Franklin County, Ohio, and 80 mile radius of Columbus, Ohio)*;

(4) *Iron and steel, iron and steel products, machinery, boilers and contractors' equipment*, which because of size or weight, require the use of special equipment, between points in Illinois, on and south of U.S. Highway 36, on the one hand, and, on the other, points in Michigan, on and east of U.S. Highway 23 to and including Bay City (points within 80 miles of Columbus, Ohio)*; (5) *Iron and steel, iron and steel products, machinery, boilers and contractors' equipment*, which because of size or weight, require the use of special equipment, and *related iron and steel and iron and steel products* when their transportation is incidental to the transportation of commodities which by reason of size or weight, require the use of special equipment, between points in West Virginia, on the one hand, and, on the other, points in Indiana on and north of U.S. Highway 40, and points in Michigan (points in Franklin County, Ohio)*; (6) *Iron and steel, iron and steel products, machinery, boilers and contractors' equipment*, which because of size or weight, require the use of special equipment and *related iron and steel and iron and steel products* when their transportation is incidental to the transportation of commodities which by reason of size or weight, require the use of special equipment, between points in Michigan on and east of a line beginning at the Indiana State line and extending along U.S. Highway 127 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Interstate Highway 75.

Thence along Interstate Highway 75 to the United States-Canada International Boundary line, on the one hand, and, on the other, points in Kentucky, on and east of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 127 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 31W, thence along U.S. Highway 31W to the Kentucky-Tennessee State line (Franklin County, Ohio)*; and (7) Iron and steel, iron and steel products, machinery, boilers and contractors' equipment, which because of size or weight, require the use of special equipment, and related iron and steel and iron and steel products when their transportation is incidental to the transportation of commodities which by reason of size or weight, require the use of special equipment, between points in West Virginia, on and north of U.S. Highway 50, on the one hand, and, on the other, points in Kentucky on and west of U.S. Highway 27 (Franklin County, Ohio)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 125294 (Sub-No. E2), filed February 3, 1975. Applicant: HILLDRUP TRANSFER AND STORAGE, INC., Fredericksburg, Va., Applicant's representative: Alan P. Wohlstetter, 1700 K St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in Florida, on the one hand, and, on the other, points in Pennsylvania, New York, Delaware, New Jersey, Maryland, Rhode Island, and points in Arlington, Fairfax, Prince William, and Loudoun Counties, Va., and Alexandria, Falls Church, and Fairfax, Va.; (2) between points in Tennessee, on the one hand, and, on the other, points in Delaware, New Jersey, Rhode Island, and points in Arlington, Fairfax, and Prince William, Va., and Alexandria, Falls Church, and Fairfax, Va., and points in that part of New York on and east of New York Highway 14, and points in that part of Pennsylvania on and east of U.S. Highway 15, and points in that part of Maryland on and east of Interstate Highway 81; (3) between points in South Carolina, on the one hand, and, on the other, points in New York, Delaware, New Jersey, Maryland, Rhode Island, and points in that part of Pennsylvania on and east of a line beginning at the Ohio-Pennsylvania State line, thence along Interstate Highway 76 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line and points in Arlington, Fairfax, Prince William, and Loudoun Counties, Va., and Alexandria, Falls Chuch, and Fairfax Va.; (4) between points in that part of South Carolina on and east of Interstate Highway 95, on the one hand, and, on the other, points in Pennsylvania; and (5) between points in that part of Florida beginning at the Georgia-Florida State line, thence along U.S. Highway 221 to junction Taylor County Highway 361A, thence along Taylor County Highway 361A to the Gulf of Mexico, on the one hand, and, on the other, points in Caroline, King George, Spotsylvania, Stafford, Prince William, Fairfax, Arlington, Culpeper, Fauquier, and Loudoun Counties, Va., and Alexandria, Falls Church, Fairfax, and Fredericksburg, Va. The purpose of this filing is to eliminate the gateway of the District of Columbia.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

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TUESDAY, APRIL 1, 1975

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Volume 40 ■ Number 63

PART II

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

■

MILK IN THE MIDDLE ATLANTIC AND NEW YORK—NEW JERSEY MARKETING AREAS

Decision on Proposed Amendments to Marketing Agreements and to Orders

V 40-63 APR 1 75

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1004, 1002]

[Docket Nos. AO-349-A39, AO-71-A67]

MILK IN THE MIDDLE ATLANTIC AND NEW YORK-NEW JERSEY MARKETING AREAS

Decision on Proposed Amendments to Marketing Agreements and to Orders

A public hearing was held upon proposed amendments to the marketing agreements and the orders regulating the handling of milk in the Middle Atlantic and New York-New Jersey marketing areas. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Allentown, Pennsylvania on January 23–25, 1974; at Downingtown, Pennsylvania on January 28 through February 1, 1974 and February 5–7, 1974; and at Philadelphia, Pennsylvania on March 5–8, 1974 and March 11–13, 1974 pursuant to notices thereof issued on December 19, 1973 (38 FR 35006) and February 14, 1974 (39 FR 6536).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Administrator, on October 15, 1974 (39 FR 37926) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

1. Under "1. Marketing area extension," two new paragraphs are added after paragraph five, one paragraph is added after paragraph seven, three new paragraphs are added after paragraph 17, paragraph 21 is revised to form two new paragraphs, two paragraphs are added after paragraph 22, paragraph 36 is revised, four paragraphs are added after paragraph 47, paragraph 69 is revised, three paragraphs are added after paragraph 83, one paragraph is added after paragraph 90, paragraphs 90, 94, and 105 are revised, four paragraphs are added after paragraph 105, and three paragraphs are added after paragraph 120.

2. Under "2(i) Distributing plants," four paragraphs are added after paragraph 3.

3. Under "2(iii) Reserve processing plant," eight paragraphs are added after paragraph 12.

4. Under "6. Direct delivery differentials," three paragraphs are added after paragraph eight.

5. Under "9.(i) Deletion of reference to certified milk," one paragraph is added after paragraph five and two paragraphs are added after paragraph six.

6. Under "9.(ii) Deletion of references to Orders 3 and 14," the issue heading is revised and five paragraphs are added after paragraph one.

7. Under "9.(iii) Treatment to be accorded own production of a pool plant operator," one paragraph is added after paragraph four.

8. Under "9.(iv) Quantity of milk that a producer handler may purchase from pool plants," one paragraph is added after paragraph seven.

The material issues on the record of the hearing relate to:

1. Marketing area extension.
2. Pool plant qualifications.
3. Classification of other order milk at a pool plant diverting producer milk for Class II purposes.
4. Diversion limitations.
5. Pricing level for reserve milk supplies.
6. Direct delivery differentials.
7. Seasonal incentive payments to producers.
8. Interest charges on overdue accounts.
9. Miscellaneous and conforming changes.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Marketing area extension.* The marketing area of the Middle Atlantic (Federal Order No. 4) milk order should be extended to include the remaining unregulated areas of Bucks and Montgomery Counties in Pennsylvania, the additional Pennsylvania counties of Adams, Chester, Cumberland, Dauphin, Franklin, Fulton, Juniata, Lancaster, Lebanon, Perry, and York; and Washington County in the State of Maryland. Territory within the boundaries of the expanded part of the marketing area which is occupied by Government (municipal, State or Federal) reservations, installations, institutions or other establishments should be considered as within the marketing area.

The current Order 4 marketing area includes: The District of Columbia; the State of Delaware; in the State of Maryland, the counties of Anne Arundel, Baltimore, Calvert, Caroline, Carroll, Cecil, Charles, Dorchester, Frederick, Harford, Howard, Kent, Montgomery, Prince Georges, Queen Annes, Somerset, St. Marys, Talbot, Wicomico and Worcester, the city of Baltimore and Fort Ritchie in Washington County; in the State of New Jersey, the counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Salem and part of Ocean County; in the State of Pennsylvania, Delaware and Philadelphia counties and parts of Bucks and Montgomery counties; and in the State of Virginia the counties of Arlington, Fairfax, Loudoun and Prince William and the cities of Alexandria, Falls Church and Fairfax.

Five proposals concerning marketing area were considered at the hearing. In combination, such proposals would have extended the Order 4 marketing area to include all nonfederally regulated territory in the eastern half of Pennsylvania, Washington County, Maryland, and that part of New Jersey currently a part of the New York-New Jersey (Order 2) marketing area. One of the proposals would have included the northeastern portion of Pennsylvania in the Order 2 marketing area.

The Milk Distributors Association of the Philadelphia area (MDAPA), a trade association consisting of six handlers who operate fully regulated distributing plants in the Philadelphia area, proposed that the Pennsylvania counties of Berks, Chester, Lehigh, Northampton and currently nonfederally regulated territory in Bucks and Montgomery counties be included in the Order 4 marketing area. At the hearing the association supported its proposal and also the marketing area proposal submitted by Pennmarva Dairymen's Cooperative Association.

Pennmarva, a federation of three cooperatives—Interstate Milk Producers Cooperative, Maryland Cooperative Milk Producers, Inc., and the Maryland and Virginia Milk Producers Association, Inc.—proposed that the Order 4 marketing area be expanded to include the territory proposed by the MDAPA and ten additional Pennsylvania counties constituting the Pennsylvania Milk Marketing Board Area 4 (Adams, Cumberland, Dauphin, Franklin, Fulton, Juniata, Lancaster, Lebanon, Perry and York) and Washington County, Maryland. Pennmarva represents the majority of producers supplying plants presently regulated under Order 4 and a substantial proportion of the dairy farmers supplying nonfederally regulated plants distributing milk within the additional territory it proposed for inclusion in the Order 4 marketing area.

Exceptions filed on behalf of certain nonfederally regulated dealers and partially regulated distributing plants contend that Pennmarva does not supply a substantial portion of milk to nonfederally regulated dealers. Exceptor further states that the number of dairy farmers and their cooperative affiliation is not a criteria to determine what territory should be included in a marketing area.

The record reveals that Pennmarva represents approximately 41 percent of the dairy farmers supplying nonfederally regulated dealers in the area the association proposed to be included in the Order 4 marketing area. However, the location and affiliation of producers was not relied upon at any point in marketing area delineation.

Lehigh Valley Cooperative Farmers supported Pennmarva's marketing area proposal and proposed that 17 additional northeastern and north central Pennsylvania counties (Bradford, Carbon, Columbia, Lackawanna, Luzerne, Lycoming, Monroe, Montour, Northumberland, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Wayne and Wyoming) be included in the Order 4 marketing area. The cooperative currently operates two Order 4 pool plants (a manufacturing facility at Allentown, Pennsylvania, pooled as a reserve processing plant and a fluid milk distributing plant at Lansdale, Pennsylvania) and a nonfederally regulated plant at Schuylkill Haven, Pennsylvania, from which fluid milk products are distributed throughout the

area which it supported for inclusion in the Order 4 marketing area.

Two other dairy farmer cooperatives, Dairylea and Northeast Dairy Cooperative Federation (NEDCO) proposed that 20 northeastern and north central Pennsylvania counties (the 17 counties included in Lehigh Valley's proposal and Clinton, Potter and Union Counties) be included in the Order 2 marketing area. Their proposal was also supported at the hearing by Eastern Milk Producers Cooperative Association. The three cooperatives represent the majority of producers under Order 2, many of which are located in the area proposed to be added to the Order 2 marketing area. Dairylea and Eastern also have a substantial number of member producers under Order 4.

All proponents of Federal order extension, either in a statement of position or through exceptions, supported the inclusion of Berks, Lehigh, and Northampton counties in the Middle Atlantic marketing area, and the inclusion of 20 northeastern Pennsylvania counties in the New York-New Jersey marketing area. Those supporting such action included the cooperative association that originally proposed extension of the Middle Atlantic marketing area to include 17 northeastern Pennsylvania counties. Consequently, there is overwhelming producer support for such extension of the two marketing areas. However, notwithstanding such producer support, the record of the hearing upon which this decision is based does not support either a further extension of the Middle Atlantic marketing area at this time or an extension of the New York-New Jersey marketing area.

The operator of an Order 2 pool plant located at Union, New Jersey, proposed that the northern New Jersey portion of the Order 2 marketing area be removed from that area and added to the Order 4 marketing area.

Much of the testimony and other evidence presented at the hearing with respect to marketing area extension into Pennsylvania was related to marketing areas as defined by the Pennsylvania Milk Marketing Board (PMMB). The PMMB establishes minimum prices for milk at the farm level and at the resale level in eight marketing areas which in combination cover all the State of Pennsylvania. Five of these PMMB marketing areas encompass the maximum area of extension in Pennsylvania here under consideration. Such areas are: PMMB Southeastern Area 1—Zone 2 (includes portions of Bucks, Chester and Montgomery counties); East Central Area 2 (Berks, Lehigh, Northampton and Monroe counties and portions of Bucks, Chester, and Montgomery counties); Northeastern Area 3 (Lackawanna, Pike, Susquehanna, Wayne, and Wyoming counties and most of Luzerne County); South Central Area 4 (Adams, Cumberland, Dauphin, Franklin, Fulton, Juniata, Lancaster, Lebanon, Perry and York counties); and North Central Area 5 (Bradford, Carbon, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Schuylkill, Snyder, Sullivan, Tioga, and Union counties and that portion of Luzerne County not included in Area 3).

Chester County and the portions of Bucks and Montgomery counties not presently included in the Order 4 marketing area are an integral part of the regular distribution area of the members of the Milk Distributors Association of the Philadelphia area (MDAPA) and of certain other fully regulated Order 4 handlers. This area is contiguous with the present Order 4 marketing area.

The Pennsylvania portion of the marketing area has remained unchanged since February 1, 1958, when the then Order 61 (Philadelphia) was amended to include additional suburban territory adjacent to Philadelphia. The final decision issued November 25, 1957, recommending such marketing area expansion stated, in part, that "• • • neither the present marketing area, nor the area as herein recommended embraces the normal area of distribution of regulated handlers. Not only do Order 61 handlers located in Philadelphia do a substantial business outside the area supported at the hearing, but other Order 61 handlers have their receiving and bottling plants actually located in this outside area and it is apparent that they do a very substantial part of their fluid business in the surrounding local area • • •"

The above findings indicating that the Order 61 marketing area did not fully reflect the primary distribution area of regulated handlers continues to describe the present situation. Since 1958 there has been a substantial growth of population outside the City of Philadelphia to the north and west of the area now covered by Order 4. From 1960 to 1970 the population of Philadelphia County declined by 2.7 percent. In contrast, the number of inhabitants increased by 34.5 percent in Bucks County, 32.1 percent in Chester County and 20.7 percent in Montgomery County. The combined population of the three counties in 1970 was over 1.3 million, 27.2 percent greater than 1960. The population of the presently unregulated portions of Bucks and Montgomery counties increased by 54.2 percent and 26 percent, respectively, during this period.

Bucks, Chester and Montgomery counties are included in the Philadelphia, Pennsylvania-New Jersey Standard Metropolitan Statistical area. The present Order 4 marketing area boundary divides the Pennsylvania portion of such SMSA, excluding from the marketing area a significant portion of the heavily populated suburban area.

During the 12-month period November 1972 through October 1973, the members of the MDAPA distributed approximately 320.5 million pounds of fluid milk products in Pennsylvania. Approximately 20 percent of such disposition (64 million pounds) was outside the current Order 4 marketing area (PMMB Area 1—Zone 1). About one-half of such outside disposition (2.7 million pounds per month) was in PMMB Area 1—Zone 2, which comprises most of the nonfederally regulated area in Bucks, Chester and Montgomery counties.

Fluid milk sales in Chester County and the nonfederally regulated portion of Bucks and Montgomery Counties by the MDAPA members and four other Order 4 pool handlers, including Lehigh Valley Cooperative Farmers (whose distribution is from its nonfederally regulated plant at Schuylkill Haven), account for at least 50 percent of the total fluid milk sales made in such area. One Order 4 pool handler is based in Langhorne (Bucks County) and two are located in Montgomery County, along with the principal distributing plant of Lehigh Valley, operated as a fully regulated plant under the order.

It is not possible on the basis of the record to establish what part of the distribution in this area is made by Lehigh Valley nor is it possible to ascertain whether all of its distribution here originates from its Schuylkill Haven plant. However, this is not a matter of primary concern since the cooperative's fully regulated plant is centrally located at Lansdale (Montgomery County) to serve this 3-county area. It must be presumed that to the extent the area is served from the distant nonfederally regulated Schuylkill Haven plant, it is because of the advantage which results from the lower pricing under PMMB regulation.

The MDAPA spokesman, in support of its requested area extension, indicated that fluid milk sales by its members in Pennsylvania outside the current Order 4 area declined by approximately 43 percent in the 12-month period between November 1972 to October 1973. This decline in outside market sales by MDAPA members is in contrast with the overall increase in Class I sales by Order 4 regulated handlers during the same period. It cannot be specifically ascertained from the record where this decline occurred. However, it is reasonable to presume, that a significant portion thereof occurred in this three-county area where the Association's members have their greatest concentration of out-of-area sales.

Exceptions filed on behalf of certain nonfederally regulated dealers and partially regulated distributing plants oppose the inclusion of Bucks, Chester and Montgomery Counties in the Order 4 marketing area. Exceptors state that such counties should not be included in the Order 4 marketing area since the volume of sales within this area cannot be determined for either currently regulated handlers or nonfederally regulated dealers. Furthermore, exceptors state that it cannot be presumed that the greatest proportion of fluid milk sales lost by the MDAPA occurred in this three-county area or that the sales in such counties by nonfederally regulated dealers have increased by a corresponding amount. They indicate that sales lost by the MDAPA could have been acquired by other Order 4 handlers.

It is true that the precise volume of sales by any one fluid milk plant (Federally or nonfederally regulated) in the area cannot be ascertained from evidence contained in the record. However, the volume of sales in this area by the

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MDAPA, as previously mentioned, can be approximated from evidence in the record. Testimony indicates that approximately one-half of the association's sales outside the Order 4 marketing area are in PMMB Area 1–Zone 2. Furthermore, sworn testimony indicating that Order 4 handlers account for at least 50 percent of total fluid milk sales in Chester County and unregulated portions of Bucks and Montgomery Counties is not refuted by any testimony or evidence in the record. As heretofore explained, it is immaterial that a portion of such sales may be accounted for by Lehigh Valley from Schuylkill Haven.

The actual volume of fluid milk sales lost by the MDAPA in this three-county area cannot be ascertained, nor can it be inferred that nonfederally regulated dealers increased their sales by any specific amount. However, evidence in the record indicates that sales by all Order 4 handlers in nonfederally regulated areas of Pennsylvania declined by approximately 20 percent from October 1971 to October 1973. Obviously, sales declines of this magnitude must reflect, in large part, the pricing disparity between Federal and State regulation as hereinafter discussed. This, in itself, does not indicate that all nonfederally regulated areas of Pennsylvania should be included in a Federal order. Bucks, Chester, and Montgomery counties, however, are an integral part of the distribution area of fully regulated handlers.

Regulated handlers directly attributed their loss in sales to the procurement advantage which local nonfederally regulated dealers have enjoyed in recent years. The minimum prices which local nonfederally regulated dealers must pay for milk purchased from dairy farmers are established under the orders of the PMMB. Such prices are established for each PMMB area through a hearing procedure and once established, are valid until changed through subsequent hearings. For reasons not fully explained on the record of the hearing, the PMMB in recent years has experienced great difficulty in maintaining a viable level of order prices.

The PMMB Class I price per hundredweight for milk containing 3.5 percent butterfat used in fluid milk products distributed in Area 1—Zone 2 is $7.45 and has remained unchanged since September 1, 1970. Since October 1973 the PMMB Class I price has been $8.35 in Area 2 and $8.37 in Area 4. In contrast, the Federal order Class I price applicable to Order 4 handlers supporting extension of Federal regulation increased from $9.23 in October 1973 to $10.99[1] in May 1974 (such price includes a 6-cent per hundredweight direct delivery differential for milk delivered within 55 miles of Philadelphia).

[1] This decision makes use of the Federal Order 4 Class I price and weighted average price for months beyond the dates for which such prices were available on the hearing record. For that purpose, official notice is taken of the official price announcements of the market administrator, Middle Atlantic Federal order market for April and May 1974.

Since July 1973 the weighted average price under Order 4 has exceeded the Class I price established by the PMMB for Area 2. During April 1974 the weighted average price reached a high of $9.56[1] or $1.21 per hundredweight over the PMMB Class I price for Area 2.

There are six (rather than seven as indicated in the recommended decision) nonfederally regulated distributing plants located in PMMB Area 1—Zone 2. The 7th plant is located in Pottstown, a city located within the borders of Chester and Montgomery counties. An exceptor pointed out that such plant is located in PMMB Area 2 rather than Area 1—Zone 2 as indicated in the recommended decision.

Four of the six plants in PMMB Area 1—Zone 2 are in Montgomery County (twi at Royersford, one at Hatfield, and one at Norristown) and two in Chester County. Another plant located at Spring City (Chester County) is presently a partially regulated distributing plant under Order 4.

One additional nonfederally regulated distributing plant is located at Red Hill in that portion of Montgomery County in PMMB Area 2. Finally there are two partially regulated distributing plants located in PMMB Area 4 (one in Lancaster County and one in Lebanon County) distributing fluid milk products in Bucks, Chester and Montgomery counties. These plants, along with the fully regulated handlers previously enumerated, and the Schuylkill Haven plant (Lehigh Valley) generally compete for sales in this 3-county area.

Exceptions filed on behalf of certain nonfederally regulated dealers and partially regulated distributing plants state that the plant located in Lebanon County has no fluid milk sales in either Bucks, Chester, or Montgomery counties. The witness representing the MDAPA, in his direct statement testified that such plant distributes within the three-county area. No testimony or evidence was presented at the hearing to contradict this statement. In addition, counsel for the plant operator did not object to the statement at the hearing or in his brief filed subsequent to the closing of the hearing.

Exceptor further indicates that a review of the records maintained by the Order 4 market administrator would reveal that such plant has no sales in the three-county area. The order, however, does not require the market administrator to maintain statistics which would indicate the location of out-of-area sales by a partially regulated distributing plant. Furthermore, the extent of Class I sales in the three-county area by the Lebanon plant is not a primary consideration in determining whether Bucks, Chester, and Montgomery counties should be included in the Order 4 marketing area. Also, as indicated later in this decision, such consideration does not alter, to any substantial degree, the findings concerning Order 4 regulation of PMMB Area 4.

Because the PMMB Class I prices are well below the Federal order Class I price, nonfederally regulated dealers selling milk in the 3-county area voluntarily are paying their dairy farmers prices which exceed the requirements of the PMMB regulations. For example, a dairy located at Hatfield (Montgomery County—PMMB Area 1—Zone 2) with an applicable PMMB Class I price of $7.45 and a Class I utilization of 99 percent during December 1973 paid a blend price to its dairy farmer suppliers of $9.45. Such price, while 44 cents greater than the December 1973 Order 4 weighted average price was 86 cents (almost 2 cents per quart) less than the Class I price applicable to Order 4 pool plants distributing fluid milk products in Bucks, Chester and Montgomery counties.

Several local dealers testifying in opposition to extension of the area conceded that during periods when the PMMB Class I price is less than the Order 4 weighted average price they pay their producers a price approximating such weighted average price. Any lesser pay price, they said, would result in the loss of their dairy farmer suppliers to regulated handlers.

As previously indicated, Lehigh Valley distributes fluid milk products in Chester County and the nonfederally regulated portions of Bucks and Montgomery counties from its nonfederally regulated bottling plant at Schuylkill Haven. Lehigh Valley pays its dairy farmer members delivering to such plant the same uniform base and excess prices that producers delivering to that location would receive under Order 4. However, the plant is essentially a straight Class I operation and, as a cooperative, Lehigh exercises its reblending privileges. Consequently, it is clear that the plant has a product cost advantage in competing for Class I sales with handlers operating plants fully regulated under Order 4 who must pay the order Class I price for all milk disposed of for fluid use.

In fact, all nonfederally regulated dealers distributing milk in the nonfederally regulated areas of Chester, Bucks and Montgomery counties, by virtue of their lesser procurement costs, are operating at a significant competitive advantage over fully regulated handlers who are the primary distributors. It is not surprising, therefore, that regulated handlers are experiencing a significant loss in sales.

The existing situation is a manifestation of market instability which cannot long persist without dire consequences. In substantial measure the situation bodes a total breakdown in the classified pricing scheme and, in the long run, a retrenchment of Federally regulated handlers to the Order 4 marketing area boundaries. It is apparent that what market stability remains in this area has been buttressed by the Federal milk order which carries the prerequisite reserve supplies. This results in an unequal sharing of returns from the sale of the milk among producers in a single common market and an undue burden on consumers in the Federally regulated area who, in the final analysis, pay the cost

associated with the carrying of the reserve milk supply for the adjacent nonfederally regulated area.

Extension of the Order 4 marketing area to include all of Bucks, Chester and Montgomery counties will encompass the principal area of sales by Order 4 pool plants in Pennsylvania outside the Order 4 marketing area. Furthermore, the preponderance of sales by currently nonfederally regulated dealers located in the 3-county area are within the boundaries of such counties. Additionally, there are no nonfederally regulated dealers, other than Lehigh Valley with respect to its Schuylkill Haven plant, located in the 17 northeastern counties included in Lehigh's proposal or in Berks, Lehigh or Northampton counties with substantial distribution in Bucks, Chester or Montgomery counties.

However, the extension of regulation to include Chester and the remainder of Bucks and Montgomery Counties will result in the substantial additional involvement of two of the largest dealers presently distributing milk in PMMB Area 4. Both of these dealers now have sales in the existing Order 4 market and with their sales in the three-county area they will necessarily acquire fully regulated status unless they make substantial operational changes. Consideration therefore must be given to a further extension of the marketing area to include the ten counties composing PMMB Area 4.

According to the 1970 Census of Population, there are about 1.3 million inhabitants in the 10-county area which includes 3 Standard Metropolitan Statistical Areas: the Harrisburg SMSA, which consists of Cumberland, Dauphin and Perry Counties; the Lancaster SMSA, which consists of Lancaster County; and the York SMSA, which consists of Adams and York Counties.

As of January 1, 1973, there were approximately 4,577 commercial dairy farms within Area 4. Of this total, approximately 91 percent ship their milk to plants regulated under Federal milk orders. About 2,086 of the dairy farmers are producers under Order 4 and 2,092 are producers under Order 2. The remaining 399 dairy farmers ship their milk to nonfederally regulated distributing plants located in the area.

The preponderance of the fluid milk sales in Area 4 are presently supplied by nonfederally regulated dealers and Order 4 partially regulated distributing plants all located in the 10-county area.

In October 1971, the most current month in which a breakdown of fluid milk sales in PMMB areas by in-area and out-of-area dealers was available, dealers in Area 4 accounted for 89.2 percent of total fluid milk sold in that area. The remaining sales were made by dealers located in PMMB Areas 1, 5, and 6 (an area not herein under consideration) and by dealers located in the State of Maryland. Only about 6.8 percent of all fluid milk sales by Area 4 dealers were made outside Area 4.

There is some uncertainty with respect to the volume of fluid milk sales made in Area 4 by dealers located in other PMMB areas since October 1971. Proponents alleged that Class I sales in Area 4 by Lehigh Valley from its nonfederally regulated plant at Schuylkill Haven have increased substantially since 1971. However, local dealers opposing regulation held that Lehigh Valley does not now have nor has it ever had a substantial business in Area 4. The record does not provide a means for quantifying the sales of Lehigh Valley, or any other dealer, to appraise what changes may have taken place in the distribution of fluid milk products in Area 4 since 1971. Neither does it indicate whether Area 4 dealers have further extended their fluid milk routes into other PMMB Areas.

Although Area 4 dealers are the predominant distributors in Area 4, such area is by no means isolated. At least four fully regulated Order 4 handlers located outside Area 4 distribute fluid milk products within the area. In addition, one fully regulated Order 4 handler is located in Area 4 (Lancaster County). Class I sales by fully regulated Order 4 handlers are estimated to represent 8 percent of the fluid milk sales in the York area, 6 percent of sales in the Harrisburg-Chambersburg area, 15 percent in the Lancaster area, and 5.2 percent of fluid milk sales in Lebanon County. The Harrisburg, Lancaster, and York urbanized areas and Lebanon County account for 45 percent of the approximately 1.3 million inhabitants in Area 4.

Two of the five principal distributors of Class I milk in PMMB Area 4 are based in York and the other three in Lancaster, Lebanon, and Harrisburg, respectively. All except the plant at Harrisburg are presently partially regulated under Order 4. The two plants with the greatest Class I sales in Area 4 are located at Lancaster and Lebanon, respectively. An exception was filed to the preceding statement. Exceptor, however, provided no information to conclude otherwise.

The Lancaster plant was a fully regulated pool plant under Order 4 and/or under Order 16 (Baltimore) from early 1960 until July 1971. At that time the plant's operations were modified to bring about its present partially regulated status. The primary reason cited for the handler's withdrawal from full regulation was the increasing spread between the PMMB Area 4 Class I price and the Federal Order Class I price applicable at Lancaster. The handler allegedly was unable to compete successfully for fluid milk sales in his principal market (PMMB Area 4) with nonfederally regulated dealers who had a significantly lower Class I milk cost.

Since the Lancaster plant was withdrawn from full regulation, the difference between the Order 4 and PMMB Class I prices has continued to increase. For example, in January of each year since 1970, the Federal order Class I price applicable at Lancaster exceeded the PMMB Area 4 Class I price by the following amounts: 1970, 10 cents; 1971, 34 cents; 1972, 44 cents; 1973, 83 cents; and 1974, $2.15.

Since June 1973, the weighted average price under Federal Order 4 has exceeded the Class I price established by the PMMB in Area 4. Because this area is a very substantial procurement area for Order 4 handlers, local dealers have found it necessary to pay their dairy farmer suppliers a price which approximates the Order 4 weighted average price. Therefore, they have not had the full advantage of the difference between the Order 4 Class I price and the local PMMB area Class I price. Nevertheless, the advantage has been substantial.

The two distributing plants located at York are partially regulated under Order 4 and compete directly for fluid sales in Area 4 with the Lancaster plant. In January 1974, one of these plants paid producers a blend price of $9.07 per hundredweight or 10 cents less than the Order 4 weighted average price. Such price reflected a $9.50 Class I price and a 76.3 percent Class I utilization. The Class I price was $1.23 above the PMMB Area 4 Class I price, but 92 cents less than the Federal Order 4 Class I price applicable at York and Lancaster.

The other York dealer paid his producers the Order 4 weighted average price in January 1974 ($9.17). Such dealer's calculated Class I price ($9.40) was $1.02 under the Order 4 Class I price.

Other nonfederally regulated Area 4 dealers have similar price advantages over federally regulated handlers in competing for local sales.

As previously indicated, the Lancaster-based partially regulated distributing plant undoubtedly would become a fully regulated Order 4 handler because of fluid milk sales made in Chester County, which represent about 6 percent of the total estimated distribution in such county by all dealers. The dealer has 18–20 percent of the total Class I disposition in PMMB Area 4 and has route sales in all of the counties in Area 4 except Fulton. His sales as a percentage of total Class I sales in such counties are as follows: Adams, 29 percent; Cumberland, 4 percent; Dauphin, 10 percent; Franklin, 5 percent; Juniata, 19 percent; Lancaster, 25 percent; Lebanon, 5 percent; Perry, 13 percent, and York, 14 percent.

Such percentages do not include milk products which are custom bottled by the plant for a grocery chain, some of which may be sold through stores in the area.

Even though PMMB Area 4 is its primary sales area, the plant would be fully regulated under Order 4 at the present time except for an arrangement with a fully regulated handler whereby such handler is a custom supplier of some of the unregulated plant's Class I sales outlets within the Order 4 marketing area. Inclusion of Chester County in the Order 4 marketing area will increase the Lancaster plant's Federal order sales significantly and make it impractical to continue the custom supplying arrangement. It was for this reason that this dealer urged that if any territory adjoining the present Order 4 marketing

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area were added to the marketing area, all of PMMB Area 4 also should be added.

The Lancaster plant obtains its milk supply for Class I use outside the Order 4 marketing area from one of the cooperatives constituting the Pennmarva Federation. This milk is not pooled and is priced to the dealer at the Middle Atlantic uniform base price plus 20 cents a hundredweight. This dealer also operates a substantial nonfederally regulated manufacturing plant located at York, which is also supplied by the proponent cooperative. All of that plant's receipts are pooled as Class II milk under the order. The milk is pooled by the cooperative association in its capacity as a handler diverting producer milk. As a consequence of these arrangements, none of the Class I utilization of the combined operation of the Lancaster and York plants, except that distributed in the current Order 4 marketing area, is pooled under Order 4 while all of its Class II milk is pooled.

The partially regulated distributing plant located at Lebanon, Pennsylvania (previously indicated to be one of the five principal dairies distributing in PMMB Area No. 4), receives milk from approximately 100 dairy farmers and distributes in an area that extends westward to Harrisburg, Pennsylvania, and eastward to the Middle Atlantic marketing area. This plant also would almost certainly become fully regulated by virtue of an extension of the marketing area to Chester County, and to the unregulated portions of Bucks and Montgomery Counties.

Exceptions filed on behalf of certain nonfederally regulated dealers and partially regulated distributing plants indicate that the Lebanon plant would not become a fully regulated handler by virtue of Order 4 extension to Bucks, Chester and Montgomery counties. In fact, exceptor states that the Lebanon plant has no sales in the three counties. Exceptor further states that a plant at Lancaster has no sales in Bucks or Montgomery counties. Consequently, exceptor concludes that Order 4 extension to Bucks, Chester and Montgomery counties will not substantially involve any nonfederally regulated dealer in PMMB area 4.

As previously noted, testimony on the record indicates that the Lebanon plant distributes in Bucks, Chester and Montgomery Counties. By virtue of the plant's location in Lebanon County, and the fact that such plant is a partially regulated distributing plant because of fluid milk sales in the Order 4 marketing area, it was reasonable to presume that any westward expansion of the Order 4 marketing area would increase such plants sales in the Order 4 marketing area. Since the plant's specific volume of sales by area was not presented at the hearing, it is possible that the Lebanon plant would not become a fully regulated plant due to the inclusion of Bucks, Chester, and Montgomery counties in the Order 4 marketing area. Notwithstanding, the Lebanon plant, however, competes for fluid milk sales in PMMB Area 4 with the partially regulated distributing plant located at Lancaster, as well as other dealers in Area 4. A witness representing the Lancaster plant testified that, although the plant distributes no fluid milk products in the unregulated portions of Bucks and Montgomery counties, sales in Chester County would fully regulate the plant if Chester County were included in the Order 4 marketing area. Consequently, the Lancaster plant would be competitively disadvantaged in its primary sales area, PMMB Area 4, due to the differences in State and Federal fluid milk prices previously described unless its competitors are also regulated by further extension of the Order 4 marketing area to include PMMB Area 4.

In this regard exceptor states that a comparison of the Order 4 Class I price with the PMMB Area 4 Class I price that existed at the time of the hearing is no longer relevant. Exceptor requests that official notice be taken of the PMMB's action to increase the Area 4 Class I price by $1.15 per hundredweight effective November 18, 1974.

The current PMMB Area 4 Class I price ($9.42) compares more favorably with the most recently announced Order 4 Class I prices than the PMMB Area 4 Class I price effective at the time of the hearing. However, as pointed out in the record, decision and exceptions, the PMMB establishes Class I prices through a hearing process while Federal order prices are computed each month. The pricing differences that existed at the time of the hearing are examples of what can occur under the different methods of establishing Class I prices. Furthermore, there is no assurance that wide differences between Order 4 and PMMB Class I prices will not reoccur in the future.

Extension of the marketing area to include all of PMMB Area 4 will fully regulate under Order 4 a number of additional plants. Two of these plants are located in Lebanon County, one at Lebanon and one at Palmyra. Seven plants are located in Lancaster County, as follows: two in Lancaster, two in Millersville, and one each in Ephrata, Pequea, and Elizabethtown. In addition, the two partially regulated plants in York County would become fully regulated Order 4 pool plants.

Two other plants which would become fully regulated are located in Cumberland County, one at Shippensburg, and the other at Camp Hill. The sales area of these two plants was not described on the record. However, since Cumberland County is centrally located within PMMB Area No. 4, it must be presumed that their sales are preponderantly within PMMB Area No. 4.

In Dauphin County, there are five plants that would become fully regulated plants. Three of these plants are located in Harrisburg, one of which is currently a partially regulated plant under Order 4. The other two plants are located in Millersburg and Dauphin.

The operator of the largest distributing plant in Dauphin County testified that his sales area encompasses a very small portion of Schuylkill and Berks Counties, all of Lebanon, Dauphin and Cumberland Counties, much of Perry County, and a small portion of Lancaster and York Counties.

There are three plants in Franklin County which would become fully regulated by the inclusion of PMMB Area 4 in the marketing area. One plant is located at Chambersburg and two are located at Waynesboro, one of which, at the time of the hearing, was a partially regulated distributing plant under Order 4. There is substantial overlapping of sales between these plants and plants in other counties within PMMB Area 4.

There are no distributing plants located in Adams, Fulton, Juniata or Perry Counties. However, all of the Class I sales within these counties are made by plants which will be fully regulated by the addition of the territory recommended herein.

It is concluded that the entire ten-county area comprising PMMB Area 4 must be included in the extended marketing area. There is an inextricable involvement in both procurement and sales between Area 4 and the immediately adjacent federally regulated area and the area in Chester, Montgomery, and Bucks Counties which must also be added to the Order 4 marketing area as hereinbefore concluded.

Washington County, Maryland, also should be included in the extended Order 4 marketing area. The inclusion of this county was supported by the proponent Pennmarva and no opposition testimony was offered at the hearing.

This county, which contained 108,829 residents in 1970, is located in north-central Maryland and is contiguous with the Order 4 marketing area. The eastern boundary of Washington County abuts the western boundary of Frederick County, Maryland, which is currently in the Order 4 marketing area. The northern boundary of Washington County abuts Franklin and Fulton Counties, Pennsylvania, which are herein recommended for inclusion in the Order 4 marketing area. Fort Ritchie, which is a substantial military installation in the eastern part of the county, is already included in the marketing area.

Seven fully regulated Order 4 pool plants distribute fluid milk products in Washington County, accounting for approximately 23 percent of total Class I sales in the county. The remaining fluid milk sales (slightly over 2 million pounds per month) are supplied by two fluid milk plants located at Hagerstown, the largest city in Washington County. Both plants distribute fluid milk products in the Order 4 marketing area and are partially regulated under the order.

A spokesman for Pennmarva testified that the two partially regulated distributing plants located at Hagerstown have a decided price advantage in competing with Order 4 handlers for fluid sales in Washington County. These plants have Class I utilizations (approximately 92 percent) much above the Order 4 marketwide Class I utilization, but in most instances have paid their producers less than the prices received by neighboring farmers supplying Federal order markets. During December 1973 the two plants had at least a 2-cents per quart advantage in raw product costs over Order 4 handlers.

As a consequence of the competitive advantage enjoyed by the local plants, some Order 4 handlers have abandoned fluid milk sales in Washington County and others who operate their own store outlets have begun to purchase supplies for such outlets from the local handlers.

It is estimated that the two plants are supplied by 66 producers, 43 of which are located in Washington County. Approximately 289 Washington County dairymen ship to Order 4 while 5 dairy farmers are Order 2 producers.

One of the plants distributes 90–95 percent of its total Class I sales within Washington County. Minor sales are made in the Order 4 marketing area and in West Virginia.

The other plant (Eldridge Farm Dairy, trading as Potomac Farms) until March 1, 1974, was a proprietary operation and is the largest distributor in the county. At the time of the hearing, about 75 to 80 percent of the plant's total Class I sales were within Washington County. About 10 percent of the plant's total Class I usage was bottled for a handler located at Waynesboro, Pennsylvania, and subsequently distributed in the Pennsylvania counties herein recommended to be included in the Order 4 marketing area. The remaining sales were in the current Order 4 marketing area and in West Virginia.

The competitive situation existing between the dairies located in Hagerstown and fully regulated handlers has been a matter of continuing controversy since 1958 when the Washington, D.C. Federal order (Order 3) was promulgated. The inclusion of Washington County in the marketing area has been aspired to by both regulated handlers and cooperatives representing the majority of producers from the initial promulgation. However, because of overlapping procurement and sales with Pennsylvania dealers immediately to the north and lack of any positive showing of substantial competition between local dealers and regulated handlers, proposals to extend the area to include Washington County have been denied in the past.

Both of these factors become moot with the extension of regulation to include PMMB Area 4 and the purchase on March 1, 1974, of the Eldridge Farm Dairy (Potomac Farms) by Valley of Virginia Milk Producers Association, whose member-producers are substantial suppliers of milk to Order 4 through its subsidiary, Shenandoah's Pride, one of the principal distributors in the Washington segment of the marketing area.

The extension of the marketing area to include Washington County at this time is desirable to implement continuing orderly marketing in this area where fully regulated handlers will be essentially the exclusive suppliers.

By virtue of the extension at this time, all producers, handlers, and other segments of the industry doing business therein, or contemplating such, will have full assurance that all milk sold therein is being accounted for under the terms of the order at not less than minimum Class prices specified under the order.

It is concluded that the expanded Order 4 marketing area proposed herein should result in effective regulation of the principal handlers who compete for sales throughout the marketing area without bringing under full regulation plants having minimal sales within the marketing area. A uniform price plan applicable to all handlers buying milk for sale in the expanded area will stabilize and improve marketing conditions in such area. Regulation will effectuate the declared policy of the Act by providing for:

(1) The establishment of uniform prices to handlers for milk received from producers according to a classified price plan based upon the utilization made of milk.

(2) An impartial audit of handlers' records to verify the payments of required prices;

(3) A system for verifying the accuracy of weights and butterfat content of milk purchases; and

(4) Uniform returns to producers supplying the market based upon an equitable sharing among all producers supplying the expanded market of the lower returns from the sale of reserve milk which cannot be marketed as Class I milk.

Berks, Lehigh and Northampton Counties, in PMMB Area 2, should not be included in the Order 4 marketing area on the basis of this record. While nonfederally regulated dealers serving the three counties have essentially the same product cost advantage over Order 4 handlers as local dealers in the area hereinbefore recommended for inclusion in the marketing area, there is no substantial evidence in this record on which to conclude that such counties are, or have ever been, a substantial part of the general sales area of currently regulated Order 4 handlers or handlers who will become fully regulated by virtue of the recommended Order 4 expansion to include other Pennsylvania territory.

This three-county area is contiguous with and immediately to the north of Bucks, Chester and Montgomery Counties. The three counties comprise the bulk of two Standard Metropolitan Statistical Areas: The Reading SMSA, which is comprised of Berks County, and the Allentown - Bethlehem - Easton SMSA, which is comprised of Lehigh and Northampton counties and Warren County in the State of New Jersey. The combined population of the three counties in 1970 was 766,054, about 8.8 percent greater than 1960. This is in contrast to the growth rate in Bucks, Chester, and Montgomery Counties of 34.5, 32.1, and 20.7 percent, respectively, during the same period.

There are 4 nonfederally regulated plants located in Berks County. Three of the plants are located in the city of Reading and the fourth is located at Barto. The three dairies in Reading receive their supply of milk from a total of 115 dairy farmers who are all members of the Berks County Dairy Farmers Association. The association was organized approximately 40 years ago and in recent years has presented testimony at PMMB hearings. At this hearing it opposed any extension of Federal regulation to Berks County.

Fluid milk sales in the Reading area, which is the major population center in Berks County, are predominantly supplied by the three local plants. Approximately 91 percent of such sales are supplied by these dealers. The remaining sales there are supplied principally by Lehigh Valley from its nonfederally regulated plant at Schuylkill Haven. One Order 4 handler (A & P Co.) selling only through its own store outlets accounts for the remaining one percent of total fluid sales in the Reading area.

Prior to June 1972, dealers selling in the city of Reading were required to have their milk supply inspected by the local city health authority. Dealers whose plants were located outside such city in most instances found that the expense involved in maintaining the necessary approval of their supply made it impractical for them to extend their business into Reading. Proponents of Federal regulation testified that in June 1972 the authority of local health agencies in Pennsylvania was superseded by an agency of the State. Since that time dealers with plants located outside Berks County have extended their sales into such county and the city of Reading. However, it is apparent that the county continues to be served preponderantly by local dealers. The partially regulated distributing plant located in Lancaster (which will become a fully regulated handler by virtue of Order 4 expansion hereinbefore recommended) has an estimated three percent of total fluid milk sales in the county. Sales in the county by three Order 4 pool plants and one plant located in Pottstown (which will become an Order 4 pool plant by inclusion of Montgomery County in the marketing area) were categorized on the record as being substantial but no quantifying data was presented.

The four local plants located in Berks County do not have significant sales in the Order 4 marketing area as herein recommended to be extended.

The fact that a few Order 4 pool plants and/or prospective pool plants have distribution in Berks County is not in itself a compelling reason for including such county in the Order 4 marketing area. Berks County presently is essentially a separate local market served preponderantly by local handlers and with insufficient ties with the marketing areas as recommended to be extended to justify its inclusion at this time.

The Allentown-Bethlehem-Easton urbanized area (a portion of such area is in the State of New Jersey) encompasses approximately 72 percent of total population in Lehigh and Northampton Counties. The 1970 combined population of the two counties was 469,672. Nonfederally regulated dealers supply approximately 76 percent of the total fluid milk

V 40 163 APR 1 75

sales in such urbanized area. About one-third of the total sales are made by two local dealers who have no distribution in the Order 4 marketing area as herein extended. One such dealer is located at Easton (Northampton County) while the other and larger dealer is located at Allentown (Lehigh County). He receives milk from 44 dairy farmers whose spokesmen voiced their opposition to Federal regulation The greater proportion of sales in this area are made by Lehigh Valley through its Schuylkill Haven plant.

The Berks County dealer located at Barto supplies approximately one percent of the total Class I sales in the area. One additional nonfederally regulated dealer is located at Schnecksville (Lehigh County) but his area of distribution was not shown. However, the plant is located in the northern portion of Lehigh County and it is unlikely that such handler has distribution in any portion of the expanded Order 4 marketing area herein recommended.

Two Order 4 handlers and one Order 2 handler have distribution in the Allentown-Bethlehem-Easton area. The percentage of the local sales made by these handlers cannot be specifically determined on the record but seemingly is about 25 percent. Distribution by one such handler (A & P) is solely through its store outlets. Distribution by the other handler is substantially retail-home delivery. These sales by present Order 4 handlers are a very small proportion of their total fluid sales.

Two plants located in Montgomery County, which will become regulated by the inclusion of such county in the marketing area, also have some distribution in the Allentown-Bethlehem-Easton urbanized area. Such sales are not substantial, representing only one to two percent of total fluid milk sales in such area.

Lehigh Valley is by far the largest single distributor serving the Allentown-Bethlehem-Easton area. The cooperative's sales from its nonfederally regulated plant at Schuylkill Haven represents approximately 40 percent of total Class I sales in the area.

Ideally, in delineating a marketing area it would be desirable to find a boundary which encompasses the total sales area of all handlers who would be regulated and leaves no interplay between regulated handlers and nonregulated dealers. However, it is seldom possible to attain such a goal. For reasons hereinafter set forth, it is not appropriate on the basis of this record to extend regulation to the 17 northeastern Pennsylvania counties which Lehigh Valley proposed for inclusion in the Order 4 marketing area. In much of this 17-county area the Lehigh Valley Schuylkill Haven plant has substantial sales. Its concentration of sales, however, is in the Allentown-Bethlehem-Easton area. Inclusion of this area would leave the cooperative in a position of necessarily submitting that plant to full regulation or, in the alternative, closing the plant and serving all of its fluid customers from its Lansdale fully regulated plant. In either circumstance, the cooperative would be forced to operate at a serious competitive disadvantage in a substantial segment of what is now the Schuylkill Haven plant's primary sales area.

Although fluid milk products are currently distributed from the Schuylkill Haven plant into the recommended area of extension, particularly Chester, Bucks, and Montgomery counties, these sales could readily be shifted to the Lansdale plant, leaving the Schuylkill Haven plant free to compete on equal terms with other nonfederally regulated dealers in the remainder of the proposed area of extension not included.

While presently regulated handlers and dealers who will become regulated by the recommended area extension will continue to operate at a disadvantage in the Allentown-Bethlehem-Easton area in competition with nonregulated dealers, their total sales here are not a substantial part of their total business. The marketing area boundaries herein recommended represent the maximum limits of extension which can reasonably be achieved under the existing market situation on the basis of this record.

It was clearly the intent of Pennmarva through adoption of its proposal to have the Schuylkill Haven plant either fully regulated or combined with the Lansdale operation of Lehigh Valley. The proponent spokesman complained of the inequity resulting from the fact that the Schuylkill Haven Class I sales are not shared with Order 4 producers while at the same time Lehigh pools its manufacturing plant at Allentown with the resulting dilution of pool proceeds. For reasons previously stated, it would not be appropriate through amendment action to place the Schuylkill Haven plant in the identical position now complained of by regulated handlers and which prompted the hearing call. To the extent that the Allentown manufacturing plant is handling the market's regular reserve milk supply, this is an accommodation to the market and not a burden. If, in fact, the milk processed at Allentown is not available for fluid use as needed by the market, this reflects a pooling problem and should not be confused with the problem of area extension. The appropriate pooling standard for cooperative reserve processing plants are later discussed as a separate issue.

Cooperative associations, the MDAPA, and other interested parties filed exceptions to the exclusion of Berks, Lehigh, and Northampton counties from the Middle Atlantic marketing area. Exceptors state that by excluding such counties the recommended marketing area does not reflect a natural, well-defined distribution area and discriminates against fully regulated Order 4 handlers. Exceptors further state that the record supports inclusion of such counties in that there is substantial economic interaction between Berks, Lehigh and Northhampton counties and both the presently regulated areas and the areas to which Order 4 extension is recommended.

Exceptors also cited new information and various changes in distribution patterns which purport to indicate that total sales in these three counties by currently regulated handlers, and handlers who would become regulated by virtue of the recommended marketing area extension, have increased. Such gratuitous statements are not verifiable. Furthermore, no sales volumes were presented that would provide a basis to modify this decision.

Further examination of the record on the basis of exceptions received reaffirms the Administrator's conclusion that the Order 4 marketing area should not be extended to Berks, Lehigh and Northampton counties at this time for the reasons hereinbefore discussed.

Neither the Order 4 nor the Order 2 marketing area should be extended to include any of the territory in PMMB Areas 3 and 5 or Monroe County in PMMB Area 2. This large geographical area is basically rural and is predominantly supplied by a large number of nonfederally regulated plants located throughout the area. Neither Order 4 nor Order 2 regulated handlers are substantially involved in distributing fluid milk products in the area.

According to the 1970 Census of Population, there are over 1.4 million inhabitants in the 20-county area, with the most inhabited counties (Lackawanna, Luzerne, Lycoming, and Schuylkill) accounting for almost 60 percent of the total population. Three Standard Metropolitan Statistical Areas are included within the territory: The Williamsport SMSA, which consists of Lycoming County; the northeastern Pennsylvania SMSA, which consists of Lackawanna, Luzerne and Monroe counties and includes the principal cities of Hazleton, Scranton and Wilkes-Barre; and the Binghamton, New York, SMSA which includes Susquehanna County, Pennsylvania.

In total, the population density of the area is approximately 107 persons per square mile, less than one-half the population density in PMMB Area 4. Excluding the four most populated counties, the population density in the remaining 16 counties is only 58 persons per square mile.

Proponents requesting regulation of the area under Order 2 excepted to describing such area as basically rural and using such criteria as a basis to deny Federal regulation of the area. Exceptors pointed out that this territory was characterized by witnesses as a mixture of urban, suburban, and rural areas with approximately 51.5 percent of the population residing within 3 Standard Metropolitan Statistical Areas. Such statement, however, does not contradict a prior finding that the area is basically rural. Furthermore, population density was only one of many considerations in the marketing area evaluation of such area.

Nearly 300 million pounds of fluid milk products are distributed annually in the 20-county area while about 1.7 billion pounds of milk is produced there annually. As of January 1, 1973, there were 4,360 commercial dairy farms within the 20-county area. Of this total, 3,378 (77.5 percent) were producers under Order 2

and 544 (12.5 percent) were producers under Order 4. The remaining 438 dairy farms were associated with local nonfederally regulated dealers. The total number of producers located outside the area, but whose milk is distributed in the area, is not known.

Approximately 3,600 of the 4,360 dairy farmers located in the 20-county area have membership among the three cooperative associations supporting regulation of the area under Order 2. Lehigh Valley represents 41 producers located in this area, but the milk of about 350 of the association's producer members is regularly received at its nonfederally regulated Schuylkill Haven plant located in the area.

There are 40 nonfederally regulated fluid milk bottling plants located within the 20-county area. Two of such plants are operated by cooperative associations supporting Federal regulation of the area, i.e., Lehigh Valley at Schuylkill Haven and Dairylea at Scranton. Dairylea also operates three Order 4 supply plants located at Beaver Springs (Snyder County), Honesdale and Newfoundland (Wayne County), and in addition has some distribution into the area from its Order 2 regulated bottling plants at Binghamton and Elmira, New York. There are 14 transfer plants and eight manufacturing plants, all of which are pool plants under Order 2, located in the area.

Lehigh Valley requested regulation of this northeastern area following the proposal of Pennmarva for regulation of the entire southeastern portion of the State. The proposal by Dairylea and NEDCO was submitted to provide for regulation of this area under Order 2 rather than Order 4.

In support of its proposal Lehigh pointed out that about 50 percent of its Schuylkill Haven plant's distribution is in Berks, Chester, Lehigh, Northampton, and unregulated portions of Bucks and Montgomery Counties. Thus, the plant would become a fully regulated Order 4 pool plant if southeastern Pennsylvania were included in the Order 4 marketing area. This, proponent's witness held, would place the association at a serious competitive disadvantage in competing for fluid milk sales with nonfederally regulated dealers in northeastern Pennsylvania. Class I prices established by the PMMB in northeastern and north central Pennsylvania, as in the areas previously discussed, are substantially below Federal order prices. Thus, nonfederally regulated dealers can secure a supply of milk for fluid use at a lesser cost than Federal order handlers.

Witnesses for the three cooperative associations supporting regulation of this area under Order 2 pointed out that such extension of regulation would improve that market's Class I utilization and provide for a better blend price relationship between Orders 2 and 4 than if the area were regulated by Order 4.

Evidence presented at the hearing establishes that expansion of the Order 4 marketing area to include all the currently nonfederally regulated Pennsylvania counties set forth in the hearing notice would have increased the Order 4 weighted average price in 1972 by about 13 cents per hundredweight. Regulation of only southeastern Pennsylvania by Order 4 would have increased the 1972 weighted average price by about 8.2 cents while regulation of northeastern Pennsylvania under Order 2 would have increased the 1972 Order 2 blend by 3.6 cents per hundredweight. It is this latter combination of Federal order extension which the three cooperatives support.

Order 2 proponents pointed out that the area on a production basis is closely associated with the Order 2 market. It was their position that inclusion of the area in Order 4 would be confusing and unacceptable to those dairy farmers supplying the Order 2 market. They referred to the Nourse Committee recommendations[1] and concluded that the extent of producer affiliation with the Order 2 market is a major factor requiring extension of the Order 2 marketing area into northeastern Pennsylvania.

A Lehigh Valley witness also referred to criteria for defining "marketing area" as recommended in the Nourse Committee Report. The witness conceded that such recommendations for defining marketing area would also support regulation of northeastern Pennsylvania by Order 2. However, he held that the extent of competition between Order 4 pool plants and unregulated dealers in this area is the overriding factor in establishing that the area should be added to the Order 4 marketing area.

Two producer associations operating nonfederally regulated distributing plants in the area opposed Federal regulation. Farmers Cooperative Dairy operates a plant at Hazleton (Luzerne County) receiving milk from 44 members and Monroe County Milk Producers Cooperative Association operates a plant at Brodheadsville receiving milk from 32 members.

Neither Order 4 nor Order 2 handlers are substantially engaged in the distribution of fluid milk in the 20-county area. To the contrary, the preponderance of sales are made by competing nonfederally regulated dealers. The two largest of such nonfederally regulated plants located in the area are operated by Lehigh Valley (which receives milk from approximately 350 producers at its Schuylkill Haven plant) and Dairylea (which receives milk from about 376 producer members at its Scranton plant).

The actual volume of milk received at the Schuylkill Haven plant or the volume of fluid milk products distributed from such plant cannot be specifically ascertained from the record. The volume of sales in northeastern Pennsylvania from the Schuylkill Haven plant were combined with sales in such area by Order 4 pool plants and were presented as a percentage of total fluid milk sales, both on a PMMB area basis and a county basis. It was testified that sales by Lehigh Valley and Order 4 handlers represent approximately 24 percent of total fluid milk sales in PMMB Area 3, 22.5 percent of sales in PMMB Area 5, and 54 percent of sales in Monroe County.

The record indicates, however, that the sales of only two Order 4 pool handlers are involved in the above PMMB Areas 3 and 5 sales percentages presented by Lehigh Valley and they represent not more than 10 percent of the total fluid milk sales in such areas. One of these handler's sales are not more than 500,000 pounds per month. Although the exact location of this handler's sales was not presented by Lehigh Valley or the handler's witness, other testimony indicates that substantial distribution is made by this handler in the Hazleton area (Luzerne County). In the Hazleton area such handler, who is a member of the MDAPA, and the other Order 4 handler account for 8 percent of total Class I sales.

The other Order 4 handler, who was not represented at the hearing, accounts for the majority of the regulated sales in northeastern and north central Pennsylvania. Such handler is alleged to have 12 percent of total Class I sales in the Schuylkill Haven-Pottsville area (Schuylkill County), 5 percent in the Sunbury area (Northumberland County), and 7 percent of sales in the Williamsport area (Lycoming County). Such sales are made through the handler's chain grocery stores.

Of the three cooperatives supporting regulation by Order 2, only Dairylea is substantially involved in supplying the fluid milk requirements in northeastern Pennsylvania, both through direct sale of fluid milk products on routes and bulk milk sales to nonfederally regulated dealers.

Route sales from Dairylea's plant at Scranton (unregulated), Binghamton, and Elmira (both Order 2 plants) represent approximately 23 percent of the area's fluid milk requirements. Including bulk milk sales to nonfederally regulated dealers, Dairylea supplies about 44 percent of the total fluid milk sales. Most of such milk is supplied by the association's 376 producers located in the area and is not priced by any Federal order. Under the provisions of Order 2, Dairylea apparently has been able to avoid pooling, and hence pricing, of the minor routes sales in this area from their Binghamton and Elmira Order 2 plants.

Dairylea obviously is not at a disadvantage in competing for fluid milk sales with other nonfederally regulated dealers in this area. While it is true that payments by nonfederally regulated dealers are not based on the use of milk in fluid milk (Class I) products, the association does receive the competitive fluid use value for the milk it distributes on routes, about 6 million pounds per month. This is equally true with respect to sales which Lehigh Valley makes in the area from its Schuylkill Haven plant.

Clearly, the preponderance of sales in the northeastern area of Pennsylvania emanate from nonfederally regulated plants. Fluid milk route sales and transfers of pool milk by Order 2 handlers in northeastern Pennsylvania approximated 7 percent of total fluid milk requirements of northeastern Penn-

[1] Report to the Secretary of Agriculture by the Federal Milk Order Study Committee, December 1962, Washington, D.C.

V 40 163
APR 1 75

sylvania in 1972. No breakdown of the exact area of sales was presented. However, there is no indication that sales of Order 2 handlers in the area were ever greater, or that sales had been lost as a result of any competitive disadvantage.

On the other hand, Order 4 regulated handlers, as previously indicated, also do not have substantial sales here. If regulation were necessary, the area by sales association seemingly should be included with the Middle Atlantic market. However, there is no compelling evidence of market disorder of a magnitude requiring Federal regulation at this time. Further, there is no evidence of substantial support for regulation under Order 4. Lehigh's proposal was not supported by Pennmarva and was opposed by the three major cooperatives in the New York-New Jersey market and by dairy farmer suppliers of local handlers. The extension of regulation to this area would not result in any perceptible improvement in returns to these dairy farmers and would not materially affect prices to producers under the orders. Under the circumstances, proposals to add this area alternatively to the Order 4 or Order 2 marketing area are denied.

Proponents of a marketing area expansion of Order 2 reiterated their position in exceptions that extension of such marketing area to northeastern Pennsylvania meets the criteria set forth in the Nourse Committee Report for defining marketing area. Exceptors further state that regulation of northeastern Pennsylvania by Order 2 is necessary in order to preserve the blend price alignment between Orders 2 and 4. The record of the proceeding indicates that the addition of portions of northeastern Pennsylvania to Order 2 comports with that portion of the Nourse report criteria which would include principal urban centers in the production area of a market within the marketing area of a Federal order. However, there is little association in terms of the distribution of fluid milk products as the greatest proportion of fluid milk sales in northeastern Pennsylvania is made from nonfederally regulated plants located in the area. The question of blend price alignment is discussed under issues 2 and 7. Basically, such discussions indicate that the base-excess plan and pool plant qualifications of the Middle Atlantic order permit milk to move from Order 2 to Order 4 when needed for fluid use. Thus, it is not necessary that the marketing area of Order 2 be expanded to maintain blend price alignment since dairy farmers may shift supplies between the two markets to preserve the existing alignment of blend prices.

Other exceptors requested that the hearing be reopened, either to receive testimony on the effects of Order 4 regulation on handlers who would become fully regulated as a consequence of extending the marketing area of the Middle Atlantic order as provided in the recommended decision, or to obtain additional information regarding the extension of Federal regulation to Pennsylvania counties not recommended for inclusion in either the New York-New Jersey or Middle Atlantic marketing area.

It would not be appropriate to reopen the proceeding at this time to receive evidence on the need to further extend Federal regulation to additional Pennsylvania counties and, thus, delay the proceeding with respect to recommended revisions to the Middle Atlantic order. The hearing record upon which this decision is based contains over 3,300 pages of testimony, 58 exhibits as well as briefs and exceptions filed on behalf of a large number of interested parties. The hearing itself lasted approximately 18 days and was held in four sessions in three different locations in Pennsylvania. Consequently, all interested parties have had ample opportunity to present testimony and evidence with respect to the marketing area issue.

For the previously stated reason, requests to reopen the hearing are denied. Additional consideration of Federal order extension, if desired, should be considered in a new proceeding.

Northern New Jersey should not be added to the Middle Atlantic (Order 4) marketing area but should be retained as a part of the marketing area of the New York-New Jersey (Order 2) Federal milk order.

An Order 2 handler operating a plant located at Union, New Jersey, proposed that northern New Jersey which is presently a part of the Order 2 marketing area be excluded therefrom and added to the Order 4 marketing area. Adoption of the proposed changes in the respective marketing areas would result in regulation of the Union, New Jersey, plant as well as a number of other Order 2 pool plants under Order 4 rather than Order 2.

Proponent anticipated that adoption of his proposed adjustments in marketing area boundaries would result in a decrease in his milk procurement cost. He held that inclusion of northern New Jersey as a part of the Middle Atlantic marketing area would reduce his costs for Class I milk because (1) the cooperatives supplying his plant would reduce their handling charges and (2) his cost for milk assigned to shrinkage and dumpage would be reduced 3 to 5 cents per hundredweight.

Three cooperative associations and one independent producer offered testimony in opposition to removing northern New Jersey from the Order 2 marketing area. They contended that the 13-county area of northern New Jersey is geographically, commercially, economically and institutionally associated with the New York Metropolitan area. In addition, the spokesman for one of the cooperatives suggested that the Order 4 market would not have sufficient milk to supply the Class I needs of the market if northern New Jersey area were added to the Order 4 area.

The principal concern of producers associated with the Order 2 market was that shifting northern New Jersey from Order 2 to Order 4 marketing area would create a misalignment of blend prices under the respective orders. One cooperative witness estimated that such shift in regulation would depress the Order 2 blend price by 14 cents and increase the Order 4 blend price by 18 cents.

The Union, New Jersey, plant has 77 percent of its Class I sales in northern New Jersey, 8 percent in the State of New York and 15 percent in southern New Jersey and Pennsylvania. Thus, the plant sells milk in competition with both Order 4 and Order 2 handlers. However, the greatest proportion of the plant's sales are in direct competition with sales of other Order 2 handlers. In total, Order 2 handlers account for approximately 80 percent of fluid sales in northern New Jersey.

Proponent estimated that 18–25 percent of all Class I sales in northern New Jersey are made by Order 4 handlers whose costs, he held, are less than the cost which he incurs as an Order 2 handler. As an example of alleged added costs incurred in purchasing Order 2 milk, proponent presented a tabulation of his costs for Class I milk compared to the Class I costs which he contended were incurred by Order 4 handlers. Such tabulation indicated that his per hundredweight cost for Class I milk during January 1974 was $10.94. This reflected the minimum Class I price under Order 2 at the 201–210 mile zone ($10.04) plus $0.457 (trucking and freight) plus $0.413 (handling) plus $0.03 (administrative assessment). The per hundredweight cost to his competitors for milk under Order 4 during the same month, he held, was $10.42 (minimum Class I price exclusive of location adjustment) plus $0.06 (direct delivery differential) plus $0.025 (administrative assessment) or a total of $10.505. On this basis, proponent's cost for Class I milk delivered to his plant was 43.5 cents per hundredweight higher than the cost of milk for Class I use to a competing handler regulated under Order 4.

The costs attributed by proponent to trucking and freight were the average of his costs in obtaining milk from three sources. Sixty percent of his plant's fluid milk supply is obtained from plants operated by cooperative associations, 30 percent is received directly from farms and 20 percent is received from farms through a reload plant operated by the handler. His computed handling costs were based upon the cost of obtaining milk from the same three supply sources plus the cost of obtaining milk on a somewhat regular basis from a fourth source, a proprietary plant. The average cost of obtaining milk from the proprietary plant during December 1973 was 60 cents per hundredweight over the price under Order 2 plus the cost of moving the milk from the proprietary plant to the processing plant. That milk represented two percent of the processing plant's receipts.

Proponent was reluctant to reveal the cost of freight and trucking and handling charges applicable to milk received directly from farms and from plants operated by cooperative associations. He indicated that the company was in the process of negotiating with various cooperative associations for a milk supply and for that reason he did not want to reveal information on the cost of obtaining milk from plants operated by cooperatives currently supplying the processing plant. He did detail the cost of obtaining milk at his Union, New Jersey, plant through a reload plant located at North Bienheim, New York, during December 1973 as follows: Handling costs of 51 cents per hundredweight (hauling cost from farm to reload plant, 26 cents; assembly cost at reload plant, 12 cents; premium to producers, 10 cents; and administrative assessment, 3 cents); and freight and trucking differential of 42.2 cents per hundredweight (hauling cost from reload plant to processing plant, 35 cents; and location adjustment, 7.2 cents).

The reasons advanced by proponent for adding northern New Jersey to Order 4 are essentially identical to those presented at a prior hearing by New Jersey-based Order 2 handlers in support of a proposal which would have decreased the Order 2 Class I price, which they contended was necessary, to align such price with the Order 4 Class I price. At that hearing proponents contended that New Jersey-based Order 2 handlers have an average Class I cost 24 cents per hundredweight higher than competing Order 4 handlers. The Assistant Secretary's findings and conclusions relating to that issue were set forth in his final decision on October 5, 1970 (35 FR 15927). Official notice of that decision is hereby taken.

In denying the New Jersey-based handlers' request that the Order 2 Class I price be reduced 24 cents with respect to milk sold in the State of New Jersey, the Assistant Secretary stated as follows:

> Proponents' problem is not related to the Class I price alignment as between Orders 2 and 4, per se, but rather to the differences in handling methods customary under the respective orders and the handling charges over order prices which generally prevail under Order 2.
>
> The Order 4 market is essentially a direct-delivery market; i.e., milk needed for Class I use is collected in bulk tankers from the farms and is moved directly to handlers' city bottling plants for processing. The receiving handler under the order is held accountable for the milk at the order prices applicable at the location of the receiving plant and the producer generally pays the transportation costs, either through authorized deductions from his payments for milk where the handler is also the hauler or, in other circumstances, through negotiation when the hauling is by a contract hauler. Milk not needed at the city for Class I use is moved by diversion directly to nearby country manufacturing plants and, in usual circumstances, is priced at the location of the plant of physical receipt. Prior to the transition to bulk tank handling, however, most of the market's milk supply was initially received at country plants for assembly, cooling and transshipment.
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> In contrast, the New York-New Jersey market is still largely a country plant receiving market. While the greater size of the market and distance from the farm to the central market have been obvious factors in this regard, the continuing operation of country receiving plants is in large measure due to the fact that can handling is still common (25 percent of the milk supply) and the market has not taken full advantage of the efficiencies of bulk tank handling.
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> There is no apparent reason why a bottling plant in northern New Jersey could not receive all of its needed milk supplies direct-shipped in bulk tankers from farms in the supply area in the identical manner of Order 4 handlers. Nevertheless, proponents contend that they can acquire only about 25 percent of their supply in this manner; the remainder must be obtained through country plants. It is this facet of procurement which is the root of the problem; i.e., increased costs incurred in country plant receiving and transshipment. These costs allegedly include: 18 cents hauling from farm to receiving plant, 24 cents hauling from receiving plant to processing plant, 6 cents plant handling, 3 cents administrative assessment, 5 cents premium, 5 cents service charge and a plus 7 cents location differential. The total costs over and above the 201–210-mile zone farm point price, proponents contend, is on the average 68 cents, resulting in an actual cost to the New Jersey handler, 24 cents above the f.o.b. market Order 4 price.
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> To the extent that the added costs reflect hauling from farm to plant of initial receipt, the problem is identical with the Class II problem discussed under the preceding issue and the appropriate solution is the same. To the extent that procurement costs involve country plant operation and transfer costs, the logical solution is improved efficiency and reduced costs through direct receipt. An administrative assessment obviously is applicable under both orders and is a necessary handler cost. The remaining extra cost items reflect service charges over and above the minimum order price.
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> The costs from which proponents seek relief are not a result of the order prices and appropriately may not be alleviated through an adjustment of the Order 2 Class I price level. The proposal for a Class I price adjustment must be denied for the reasons stated above.

The additional charges for freight and handling which are the basis for handler's complaint are outside the scope of order regulation. As was pointed out in prior findings, such costs reflect the differences in customary handling methods under Orders 2 and 4, respectively.

While the volume of canned milk receipts under Order 2 has declined sharply since 1970, there has been no apparent substantial change in handling procedures to improve efficiency and reduce marketing costs under Order 2. Hence, proponent continues to complain of the over-order costs incurred in receiving milk under Order 2 as compared to Order 4.

The northern New Jersey area was initially included in the Order 2 marketing area in recognition of its close association with the New York Metropolitan area. There is no indication that there has been any substantial change in that association. The bulk of proponent's sales are in northern New Jersey in direct competition with other Order 2 handlers, all of whom rely primarily on the Order 2 pool for a milk supply.

The costs from which proponent seeks relief are not a result of the order prices. In fact the alignment of Class I prices as between Orders 2 and 4 is such that the Order 4 price f.o.b. market in the New Jersey segment of the marketing area is 15 cents above the Order 2 f.o.b. market price in the northern New Jersey segment of that marketing area. Under the same degree of marketing efficiency therefore, it would be expected that handler costs for Class I milk under Order 4 would exceed such costs under Order 2. The fact that institutional factors in the Order 2 market have resulted in procurement costs for Order 2 handlers which exceed the procurement costs for Order 4 handlers is not an appropriate basis for the requested action.

The Order 2 handler who proposed that northern New Jersey be included in the Order 4 marketing area excepted to the denial of his proposal. Exceptor further questions the 15-cent difference between the Order 4 and Order 2 f.o.b. market Class I prices and the finding that, with given prices and costs, his price for Class I milk delivered to his plant was 43.5 cents higher than the cost of milk to a competing handler regulated under Order 4. Exceptor states that data presented at the hearing indicates that his cost for Class I milk is 58.5 cents higher than an Order 4 handler's cost.

The 15-cent difference represents the Order 4 f.o.b. market Class I price plus the 6-cent per hundredweight direct delivery differential ($10.48 in January, 1974) minus the Order 2 f.o.b. market Class I price plus the 5-cent per hundredweight direct delivery differential ($10.33 in January 1974). The findings contain a detailed calculation of the derivation of the 43.5 cent difference.

Exceptions filed by the Order 2 handler further reiterated his position but provide no basis to adopt his proposal.

2. *Pool plant qualification requirements*—(1) *Distributing plants.* The present pooling provisions for distributing plants should not be modified.

The order requires that a pool distributing plant have not less than 50 percent of its dairy farmer receipts, including milk diverted to other plants and milk received from a cooperative association acting as a handler on farm bulk tank milk, disposed of as Class I milk during the month and at least 10 percent of such receipts disposed of as route disposition in the marketing area.

No specific proposal to modify the pool distributing plant provisions was offered at the hearing. However, one witness testifying in support of lowering the shipping requirements for supply plants indicated that it also might be appropriate to reduce the percentage of receipts from dairy farmers which must be disposed of as Class I to qualify a distributing plant for pooling. Another witness presented a resolution on behalf of a cooperative association supporting adoption of the pool distributing plant provisions of the Boston Regional (Order 1) milk order. Neither witness offered any substantive reasons for the modifications they suggested. In the absence of any specific proposal to amend the present provisions and in view of the opposition expressed by others to any change, it is concluded that no modification of qualifying standards for pool distributing plants should be made on the basis of this record.

Exceptions filed on behalf of certain nonfederally regulated dealers and par-

V 40163
APR 175

tially regulated distributing plants request that the in-area disposition requirement for pooling a distributing plant be increased from 10 to 15 percent of receipts. Exceptor states that the 10 percent requirement is unrealistic and that it is obvious that dealers opposing regulation are not in favor of being pooled if as little as 10 percent of their receipts are distributed as Class I in the marketing area.

The pooling provisions of the existing order were formulated on the basis of the record of the August 1969 hearing on which the three-market merger was effected, effective August 1, 1970. It was found on the basis of that record that any distributing plant having at least 50 percent overall Class I utilization and disposing of 10 percent or more of its receipts as route distribution in the marketing area was associated with the market to a degree requiring full regulation.

Proponents of the area extension testified that, except for modifications specifically noted, the current order was appropriate and should be the terms of the regulation covering the extended Market. No modification of the 10 percent standard was proposed.

No testimony was offered in opposition to such proposed 10 percent route distribution standard, and, accordingly, the exceptions filed suggesting that such standard would not be acceptable to parties to which it might apply provides no basis for modifying such provision.

(ii) *Supply plants.* The present provisions for pooling supply plants should not be modified.

The order provides that a supply plant shall be fully regulated in any month during the period of September through February in which at least 50 percent, and in any month during the period of March through August in which at least 40 percent, of its dairy farmer receipts are moved as fluid milk products to a plant(s) which meets the pool distributing plant performance percentages with respect to its total milk receipts. A plant that was pooled as a supply plant in each of the immediately preceding months of September through February is provided continuing pooling status during each of the following months of March through August. However, such automatic pooling status is negated effective the first day of any month in which another supply plant is qualified for pooling through shipments of fluid milk products to the same distributing plant(s) through which such automatic pooling status was accomplished.

A supply plant which has earned such automatic status is permitted to withdraw from pool status, however, at the operator's option in any of the months of March through August in which it does not meet the current shipping requirements for a pool supply plant. In such case, it can acquire pooling status only by meeting the current shipping requirements.

The cooperative proposing the addition of 17 counties in northeastern Pennsylvania to the Order 4 marketing area proposed a reduction in the qualifying shipping requirements for pool supply plants.

Such proposal was offered in conjunction with a companion proposal that the base and excess plan under the order be replaced with a Louisville plan. The two proposals were offered as a solution to an alleged misalignment of blend prices between Order 2 and Order 4 which Order 2 cooperatives contended would result from extension of the Order 4 marketing area to all of the territory proposed to be added to the Middle Atlantic marketing area.

Dairylea Cooperative, Inc., also testified in support of a group of interrelated proposals dealing with the pooling of supply plants and revision of the base and excess plan. Proponent stated that the purpose of such proposals was to implement the orderly association of additional milk supplies with the Order 4 market, prevent any abuses through interplay on the different seasonal plans provided in Orders 2 and 4, respectively, and to provide equitable treatment for new producers associated with plants which became pool plants as a result of the area extension.

At the time of the hearing Dairylea was operating three pool supply plants under Order 4. Two of these plants were located in northeastern Pennsylvania and the third was located in west-central Pennsylvania. Proponent proposed that the order be revised so that the cooperative might retain pool plant status for each of its three plants by supplying the market during each of the months of September through February with not less than a specified percentage of either producer milk directly from the farm or plant milk from the two supply plants least distant from the Philadelphia area. Under this arrangement, the milk at its most distant supply plant could be held for local fluid or manufacturing use.

If its proposals were adopted, it was Dairylea's intent to provide pooling status for an additional plant which it operates at Wyalusing, Pennsylvania. The cooperative's spokesman held that the addition of this plant would be necessary to supply the Class I needs of the Order 4 market.

At one point proponent implied that the pooling of additional supply plants under the Middle Atlantic milk order would increase the Class I utilization of the Middle Atlantic order. At another juncture proponent indicated that, if the cooperative were permitted to pool additional supply plants, the addition of such plants would tend to shift to the Middle Atlantic order milk which is reserve to the needs of the Order 2 market.

Pennmarva opposed any change in the shipping requirements for pool supply plants and questioned the economic need for pool supply plants under Order 4. The cooperative's spokesman pointed out that the market is supplied principally by direct shipment from producers' farms, some of which are located more distant than any of the pool supply plants presently serving the market.

In addition to the three pool supply plants operated by Dairylea there is one other pool supply plant under the Middle Atlantic milk order operated by a cooperative. Most of the milk associated with the Middle Atlantic market, however, is received at pool distributing plants directly from producers' farms or is diverted therefrom to pool reserve processing plants or nonpool plants for manufacturing use.

There is no indication that the expansion of the Middle Atlantic marketing area herein provided would involve any supply plant not presently regulated. All of the distributing plants which will be brought under regulation appear to be supplied by direct delivered milk. Thus, there is no indicated need for additional pool supply plants to meet the fluid needs of the market.

Furthermore, inspection of the releases of the market administrator of the Middle Atlantic milk order for the months of June, July and August, 1974,[1] reveals that the proponent cooperative pooled only 2 of its supply plants during such months. Such action by the proponent cooperative appears to be inconsistent with its testimony that, if given the opportunity, it would pool additional supply plants under the order.

In any circumstance, the order provisions do not deter the pooling of additional supply plants. Any plant which meets the specified shipping requirements is, in fact, required to pool. The dairy farmers delivering to such plant then would receive bases in the identical manner as any new producer entering the market. In this regard, however, special treatment is accorded producers under Order 2 who transfer to the Order 4 market either individually or through a supply plant during the short production season, when milk could most reasonably be expected to be needed. Such producers receive credit for their deliveries under Order 2 in the computation of new bases for the coming year, provided the transfer occurred prior to October 1. This is an appropriate procedure for accommodating the transfer of plants and/or producers from Order 2 to Order 4. Nevertheless, to insure that no inequity may result from the extension of the marketing area, special provisions as later discussed are made for issuing bases to producers who may enter the market because their milk is received at a supply plant which becomes pooled as a result of its continuing association with a distributing plant(s) pooled as a result of the area extension.

Also, there appears to be no need to lower the present shipping requirements for pool supply plants. Neither of the two cooperatives operating pool supply plants indicated that they were experiencing any problems in meeting the current pooling standards. The cooperative requesting the lower shipping requirements does not operate a pool supply

[1] Official notice is taken of monthly reports entitled "Pool Handlers" issued by the Order 4 market administrator for the months of June, July and August, 1974.

plant. Such proposal was supported by a cooperative association which has no producers supplying the Order 4 market. Thus, it would appear that the proposal was made in an attempt to enlist the support of those cooperatives proposing extension of the Order 2 marketing area to northeastern Pennsylvania for proponent cooperative's proposal that northeastern Pennsylvania be added to the Order 4 marketing area.

(iii) *Reserve processing plant.* The provisions of Order 4 for pooling a reserve processing plant operated by a cooperative association should be modified to provide that such plant may be pooled only if the total of fluid milk products (except filled milk) transferred from such cooperative association's pool plant(s) to pool distributing plants plus the volume of milk of member producers physically received at pool distributing plants is not less than 50 percent of the total milk deliveries of member producers during the month. A pool reserve processing plant of a cooperative association should not, however, be the means of pooling any milk other than its own members. Otherwise, once the plant acquires status it could receive and pool milk from independent producers and other cooperatives solicited solely for manufacturing use and without any association with the fluid market.

To implement these conclusions appropriate changes must be made in the producer and producer milk definitions as hereinafter discussed.

The present order provisions accord pool plant status to any reserve processing plant which is operated by a cooperative association if at least 70 percent of its member milk is received throughout the month at other pool plants, including the milk of such producers which is delivered to pool plants by the cooperative association acting as a handler on bulk tank milk.

Pennmarva proposed that these provisions providing pooling for a reserve processing plant operated by a cooperative association be revised to require, as a condition of pooling, that the Class I utilization of all milk pooled under the order by any cooperative association delivering milk to such plant be not less than 50 percent during any month of September through February and 40 percent for any month of March through August.

The cooperative held that any milk delivered by a cooperative having a Class I utilization less than that specified in the proposal should not be pooled. In such instance the specific producers whose milk would be excluded from the pool would be determined by the cooperative. If the cooperative would not make such determination, then all of the milk of the cooperative received at the reserve processing plant would be nonpool milk for the month.

In support of this position the cooperative's spokesman indicated that the present requirements, for pooling a reserve processing plant operated by a cooperative association have permitted one cooperative operating such a plant to associate with this market, a large volume of milk intended solely for manufacturing uses. He pointed out that once pool status is accorded to such a plant, other cooperatives could pool unlimited quantities of milk under this order by delivering milk to such pool plant.

The present standard admittedly is ambiguous and has been administered to require that 70 percent of the members deliver one day's production per month to other pool plants (an amount totaling less than 2.5 percent of the total milk produced monthly by members of the cooperative). Under such application a cooperative association could associate the remaining 97.5 percent of the milk of its members with the Order 4 pool by receiving and manufacturing such receipts at its pool reserve processing plant. In addition, up to one-half of the quantity received at pool plants from the cooperative could also be diverted from such plants to the reserve processing plant.

The provisions providing for automatic pooling status for a reserve processing plant are not intended to be a means for assuring a supply of pool milk for a manufacturing operation. The provisions were adopted to implement orderly marketing by assuring pooling status for the regular reserve milk supply of the fluid market which is in excess of demands of fluid processors and which the cooperatives were therefore necessarily manufacturing. It is not practical to provide shipping requirements for a reserve processing plant since its primary purpose is to manufacture the reserve milk supplies of the market which is either received as diverted milk from other pool plants or is received directly from the farms of member producers. In this market the milk which a cooperative supplies to pool plants is normally supplied in the cooperative's role as a bulk tank handler. In such instance the cooperative moves the milk directly from the bulk tank of its members to other pool plants.

While it would be inappropriate to conclude on the basis of this record that there has been any abuse of the reserve processing plant pooling procedure, nevertheless, it has been clearly established that the provision as presently structured could be so used.

Requiring that 50 percent of a cooperative's member producer milk be physically received at pool distributing plants either directly from the farm or as transfers from pool plants operated by the cooperative is an appropriate pooling standard for this market. In order for a distributing plant to qualify as a pool plant or to be the means for pooling a supply plant, the distributing plant must have 50 percent of its producer milk utilized as Class I milk.

Historically, the Class I utilization in the market has substantially exceeded 50 percent. It is reasonable therefore to expect that any cooperative in the market would necessarily have an outlet for not less than 50 percent of its member milk with pool distributing plants. Otherwise it would be questionable whether such cooperative's milk was sufficiently associated with the fluid market to warrant sharing fully in the total proceeds from the sale of milk for fluid (Class I) use.

Since a pool reserve processing plant is not required to make shipments, it is probable that having acquired pooling status the plant might, in the interest of maximizing operating efficiency, solicit additional milk supplies solely for manufacturing use. This could be accomplished even under the modified standards here provided unless appropriate safeguards are provided. Nothing should be done to deny the plant access to any milk supplies bona fidely pooled under the present performance standards. However, it should not be permitted to be the means of pooling milk not otherwise qualified. To this end it is provided that a pool reserve processing plant may not implement the pooling of nonmember or other cooperative member milk. Milk from such sources, therefore, must be received only as a diversion from other pool plants to retain producer status.

Under the present order provisions cooperatives are accorded diversion privileges only to nonpool plants. In a prior decision it was concluded appropriate not to provide for diversions by a cooperative association to a pool reserve processing plant because the milk could be pooled by the cooperative in its role as the responsible handler on milk caused to be picked up from farm bulk tanks and delivered to a pool reserve processing plant. Since this decision provides that such milk may no longer be pooled in this manner, it is desirable in the interest of promoting handling efficiency to extend diversion privileges to cooperatives in the movement of milk to pool reserve processing plants. Consequently, a modification of the handler definition, which was overlooked in the drafting of the recommended decision, is necessary to accomplish this end.

Exceptions filed by cooperative associations requesting regulation of northeastern Pennsylvania under Order 2 express concern that the recommended Order 4 provisions would result in the loss of pool plant status of a plant currently pooled as a reserve processing plant under Order 4. Exceptors are concerned that reserve milk currently delivered to such plant might be pooled under Order 2, thereby diluting the Order 2 pool and destroying the blend price alignment between Orders 2 and 4.

A cooperative association that operates both a pool distributing plant and a reserve processing plant pooled under Order 4 also excepted to the recommended provisions for pooling a reserve processing plant. The association indicated that it had the flexibility to meet the recommended order provisions, but only through uneconomic movements of milk which would substantially increase the association's operating costs.

The cooperative stated that in order to meet the requirement that 50 percent of its members' milk be physically received at pool distributing plants, the milk of its member producers currently received at its reserve processing plant would have to be redirected to its pool distributing plant. Then the association would have to transfer such milk back to its

V 40 63
APR 1 75

reserve processing plant, incurring substantial transportation costs. Alternatively, the member milk presently received at the reserve processing plant could be bottled at the cooperative's distributing plant, thereby displacing the milk of other producers currently utilized in fluid milk products at that plant. The milk of such other producers would then be surplus to bottling needs and would have to be shipped to reserve processing plants for manufacturing.

Exceptor points out that the provisions of the recommended decision for pooling a reserve processing plant could be met by the cooperative without altering the volume of milk associated with the Order 4 pool, but would require the cooperative to redirect the manner in which such volumes of milk are received at the plants of the cooperative. Furthermore, the altered handling procedures would result in increased costs to be borne by the cooperatives producer members.

The cooperatives points have merit. Consequently, these provisions should be further modified to provide that, in the case of a cooperative association that owns and operates both a reserve processing plant and a pool distributing plant, the conditions for pooling the reserve processing plant shall have been met if the volume of the cooperative's member milk pooled at the reserve processing plant does not exceed the volume of Class I sales from the cooperative's pool distributing plant, plus the volume of the cooperative's member milk supplied to pool distributing plants of other handlers.

The purpose of the revised order provisions for pooling a reserve processing plant operated by a cooperative association, as contained in the recommended decision, was to limit the ability of a cooperative to associate milk with the market solely for manufacturing use. The proviso here adopted continues such principle and carries out the intent of the 50 percent delivery requirement. The volume of member milk pooled at the reserve processing plant is limited to the extent that the cooperative furnishes the fluid milk requirements of the market, either through Class I sales from its own distributing plant or by delivery of its members' milk to pool distributing plants of other handlers.

Exceptions filed on behalf of certain nonfederally regulated plants and partially regulated distributing plants request that reserve processing plants not be permitted to be the means of pooling milk which would not otherwise be qualified for pooling. The pooling of additional milk supplies through reserve processing plants except as a diversion from other pool plants is explicitly prohibited in the producer and producer milk definitions of the attached order.

3. *Classification of other order milk at a pool plant diverting producer milk for Class II purposes.* No change should be made in the present method of classifying other order milk received at an Order 4 pool plant.

The order provides that receipts of bulk milk from an other order plant which is to be classified and priced under such other order and which is not classified as Class II by agreement, shall be classified as Class I and Class II on the basis of the marketwide utilization of producer milk. The quantity of milk so assigned to Class II, however, may not be greater than the Class II utilization of the receiving handler.

In the case of interorder transfers of bulk milk the order provides that a Class II classification shall apply whenever the parties involved agree that the shipment is for manufacturing use in the receiving market. A higher classification is provided when it is found, on verification, that some portion of the milk could not have been used for manufacturing uses. In that instance such portion would then be reclassified as Class I.

The order does not provide for marketwide proration of milk received from an order plant if such milk is not classified and priced under such other order or when the receiving handler has a greater proportion of milk in Class II than the average for the market. Marketwide proration of milk received from other Federal order markets is designed to deal primarily with milk received by a handler who is supplementing his local supply for Class I use. If marketwide proration were permitted on all receipts of other order milk, a handler with a higher proportion of milk in Class II than the market average would seek such supply in order to minimize his procurement costs for producer milk. In such case marketwide utilization for other source milk would result in a disproportionate share of local producers' milk being assigned to Class II.

The order provides for the system assignment of interorder bulk milk to the overall utilization of milk at all the handler's regulated plants in the receiving market. Such assignment of bulk receipts from other order plants to the handler's system utilization prevents a handler with more than one plant from discriminating against either his own producers or those supplying the other Federal order market.

Pennmarva proposed that the present system of allocating other order milk to Class I and Class II uses be revised to deter the allocation of other order milk to Class I when the pool plant receiving such transfers is at the same time diverting producer milk for Class II purposes. The federation proposed that any producer milk diverted by a pool plant for Class II purposes be combined with the producer milk utilized within such plant when prorating the plant's total Class I and Class II utilization to producer receipts physically received at the plant.

This procedure, it was indicated, would preserve for Order 4 producers some of the Class I utilization which otherwise would be accorded other order milk when the operator of a plant receiving other order milk was diverting producer milk for Class II use. It was suggested that milk purchased from a plant regulated under the Eastern Ohio-Western Pennsylvania (Federal Order No. 36) might be obtained at a lesser cost than producer milk because in some instances the Class I price under Order 36 plus the cost of hauling from western Pennsylvania to an Order 4 pool plant could be less than the Order 4 Class I price applicable at the transferee plant. This could be the catalyst whereby a handler could be encouraged to pervert the intent of the order by procuring a supply of milk for Class II use to the detriment of producers under the order, proponent held. He concluded, however, that this opportunity did not exist as between Orders 2 and 4 since the cost of transportation from an Order 2 plant to an Order 4 pool plant would be greater than the difference in Class I costs between Federal Orders 2 and 4.

Adoption of Pennmarva's proposal could have serious consequences in periods of limited milk supplies for plant operators who do not bottle milk on weekends and might need to divert producer milk for Class II use for that reason, but who later in the week might find it necessary to purchase other order milk to meet their need for fluid milk.

In addition, notwithstanding proponents position, it is unlikely that any handler could exploit the pool in the manner suggested. Other Federal order receipts are assigned prorata to the receiving handler's utilization which minimizes any possibility that a handler could recover transportation costs on all of his other order receipts. When a handler diverts milk from his pool plant for Class II uses, the utilization at such plant is lowered, thereby lessening the amount of other source receipts that could be assigned to Class I. No transportation could be recovered on such receipts assigned to Class II since the Class II price is the same, i.e., the Minnesota-Wisconsin price. Thus, there is a minimal possibility that the abuse proponents fear could occur under the order price now provided. If, however, the situation were prospective, it would be an indication of a serious misalignment of Class I prices between orders and an urgent need for a reduction in the Order 4 Class I price.

Furthermore, cooperative's proposal, if adopted, would not be effective in allocating additional Class II utilization to receipts of other order milk in the event the pool plant operator receiving the other order milk utilizes all of its receipts as Class I and the producer milk diverted from the plant is diverted by a cooperative association for its account. In those instances in which a cooperative association diverts milk from a pool plant for the account of the cooperative, the pool plant's utilization is unaffected by such diversion. Therefore, a pool plant operator whose plant's utilization is entirely Class I could obtain other order milk and have such milk assigned to Class I even though producer milk was diverted from such plant to a nonpool plant for Class II utilization. This procedure cannot be altered in conformity with proponent's proposal since two separate handlers (the plant operator and the

cooperative) are involved and there is no way that utilization as between the two appropriately could be adjusted.

(4) *Diversion limitations.* The present diversion limitations of the order are appropriate for the expanded marketing area and should be retained.

The order now permits diversions without limit to pool reserve processing plants throughout the year. Unlimited diversions are also permitted to nonpool plants during the months of March through August. However, during the months of September through February, diversions to nonpool plants are limited to not more than 10 days' production of individual dairy farmers. An alternative procedure is provided whereby a cooperative may divert to nonpool plants up to 25 percent of its total member-producer milk without restriction on the days of diversion of an individual dairy farmer's milk, and a proprietary handler may similarly divert up to 25 percent of his nonmember milk supply. If the prescribed percentage limitations are exceeded, all diversions by the handler are governed by the 10-day limitation. In the event any producer's milk is diverted in excess of the allowed 10-days, only the milk of such producer physically received at pool plants is pooled.

The operator of a pool plant located in Philadelphia, who also operates a nonpool manufacturing plant immediately adjacent, proposed that the diversion provisions of the order be revised to permit 15 days' production of individual dairy farmers to be diverted during the month instead of 10 days production. At the hearing proponent presented no testimony in support of the proposal. Counsel for proponent, although declining to appear as a witness, made a statement for the record and later cross-examined witnesses opposed to any changes in the diversion limitations.

Counsel stated that a proceeding attacking the legality of the present 10-day diversion limitation had been instituted by proponent. The remainder of his statement was directed to the response made by the market administrator to a request on behalf of the proponent handler for information.

Counsel stated that he had requested information of the market administrator for his client with respect to cooperatives and the utilization of members milk and of producer milk. The information solicited purported to demonstrate that over the years the number of handlers in the Philadelphia segment of the market receiving nonmember milk and operating nonpool manufacturing facilities had declined to the point that only Michaels Dairies, Inc., remained. Counsel was informed that no data for other than pool milk was available to the market administrator, and the requested data on pool milk could not be made available to counsel because such information was deemed confidential. Counsel did obtain certain other information from the market administrator as a result of his request.

Cooperative associations testified that the present diversion provisions of the order have fully accommodated the orderly handling of the market's reserve milk supply and they urged that the provisions be retained in their present form.

In his brief counsel contended that the 10-day diversion limitation provided under the present order does not accommodate the operations of pool plants with Class I utilization less than the marketwide average. He urged that, since the order requires a pool distributing plant to utilize only 50 percent of its dairy farmer receipts in Class I, the diversion limitations should accommodate the diversion of all the remaining milk.

The diversion provisions of the order are intended to implement the orderly and efficient disposition of the regular and necessary reserve milk supply of the fluid market. Such provisions under each order are tailored to fit the needs of the market. Thus, in the months when production is lowest seasonally (i.e., September through February) diversions of individual producer's milk is limited to not more than 10-days. Alternatively, diversions by a cooperative with respect to its member milk or by a proprietary handler with respect to his nonmember milk are permitted in such months in an amount not in excess of 25 percent of total member and nonmember milk, respectively. During the months of March through August, when milk production increases seasonally, diversion to nonpool plants is permitted without limits.

During the months of shortest production, through maximum use of the 10-day provision, the cooperative or proprietary handler can theoretically divert one-third of the member and nonmember milk, respectively. However, because the cooperative is the supply source for a number of handlers variously located in the market, it is more practical in the interest of operating efficiency to divert continuously that milk most advantageously located with respect to manufacturing facilities rather than to divert the milk of each individual producer a specified number of days. For this reason the cooperative in 1971 petitioned for a hearing to consider increasing the diversion limitation percentage from the then 15 percent to 25 percent.

At that hearing proponent handler of the current proposal urged that the limitation on diversion of individual producer milk be proportionately increased from 10 days to 15 days. This request with respect to the increase in the number of days production which might be diverted was denied by the Assistant Secretary in his decision issued August 17, 1971 (36 FR 16517), official notice of which is hereby taken.

Proponent's interest is to maximize his ability to secure pool milk for his manufacturing operation. In this regard he occupies a unique position in the market in that his pool processing plant and his nonpool manufacturing plant are located side-by-side in Philadelphia. He therefore does not use the diversion provisions in the usual meaning of the term since the decision to receive milk at his pool plant versus his manufacturing plant involves the movement of milk but a few feet. Diversions by the cooperative on the other hand versus receipt at a pool plant normally involves moving such milk some distance, i.e., movement to Philadelphia versus movement to Laurel, Maryland.

Thus, proponent, by virtue of the unique location of his plants, need not make the decision to "divert" until the milk actually arrives at his Philadelphia facilities. It is for this reason that he is almost with certainty the single handler in the total market who can approximate diversion of one-third of his milk by use of the 10-day provision. To increase such limitation to 15 days would for all practical purposes permit diversion of 50 percent of his supply.

If proponent persists in exploiting the pool to obtain a full supply of milk for his nonpool manufacturing facility he must accommodate to the necessity of receiving and transferring milk to maintain pooling status when he reaches the limit of the diversion privileges. Relaxation of the limits as proponent requests could result in undue dilution of pool proceeds since other handlers in the market would have equal opportunity to exploit the pool through the association of milk solely for manufacturing, either by themselves or in consort with a nonpool processor. It is neither desirable nor appropriate that the diversion limitations be further extended to implement the special interests of this particular handler who already enjoys a unique advantage over all other handlers in the market in use of the diversion provisions.

(5) *Pricing level for reserve milk supplies.* The reserve milk price (Class II) in the Middle Atlantic marketing area as herein proposed to be expanded should be based on the Minnesota-Wisconsin price for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as announced by the Department for the month.

At the time of the hearing reserve milk in the Middle Atlantic and other northeastern area order markets was priced at the lower of either the Minnesota-Wisconsin price or a butter-nonfat dry milk formula price. Subsequently, the Class II pricing provisions of these several orders were amended on the basis of evidence presented at a public hearing held at Washington, D.C., on February 20–28, 1974, to consider various proposals relating to the pricing of reserve milk. The amendments provided for the pricing of reserve milk disposed of in manufacturing uses other than butter and nonfat dry milk at the Minnesota-Wisconsin price for the period April 3 through July 1974. The amendments also provided that milk utilized in butter and nonfat dry milk during such period be priced below the Minnesota-Wisconsin price by the amount, not to exceed 50 cents, that the butter-powder formula price is less than the Minnesota-Wisconsin price. Official notice is taken of the fact that during such months the Class II price was the Minnesota-Wisconsin price because the butter-powder formula price exceeded the Minnesota-Wisconsin pay price. The findings and conclusions concerning Class II pricing during the April 3 through July 1974 period were set forth

V 40 163
APR 175

in the Assistant Secretary's partial decision issued March 27, 1974 (39 FR 11567).

A further decision issued July 25, 1974 (39 FR 27678) provided for basing reserve milk prices under these several orders[1] solely on the Minnesota-Wisconsin price.

An order amending the orders instituting the use of such Class II pricing procedure was issued on August 21, 1974 (39 FR 30925) after approval of producers engaged in the production of milk for sale in the respective marketing areas. Such pricing procedure, effective October 1, 1974 in the Middle Atlantic marketing area, is appropriate for the marketing area as herein proposed to be expanded.

Official notice is taken of the fact that during the interim months of August and September the Class II price in these markets continued to be the Minnesota-Wisconsin pay price because the butter-powder formula price exceeded such price, as it has continuously in each month beginning with April 1974.

At this hearing considering the proposed expansion of the Order 4 and Order 2 marketing areas, it was proposed that the then existing Order 4 Class II price provisions (the lower of the Minnesota-Wisconsin price or the butter-nonfat dry milk formula price) be amended. Although testimony presented did not deal with the specific Class II pricing provisions effected October 1, 1974, it did center on the necessity for maintaining regional alignment of reserve milk prices.

A proposal by a substantial cooperative association representing producers supplying the Order 4 market, as set forth in the hearing notice, would provide the basic formula price (Minnesota-Wisconsin price) plus 10 cents per hundredweight as the applicable price for all Class II products except butter and nonfat dry milk powder. Milk used in butter and nonfat dry milk powder would be priced at the lesser of basic formula price or the butter-powder formula price subject to the seasonal differentials currently provided in the order. At the hearing the proponent spokesman revised the proposals to provide that the price for milk used in butter and nonfat dry milk powder be the butter-powder formula price.

The proponent spokesman held that adding 10 cents to the basic formula price for all Class II products except butter and nonfat dry milk powder was consistent with the amending orders effected August 1, 1974 for 39 markets.[2] The witness stated that a three-class pricing system, as provided in the 39 orders previously cited, was not proposed because that would require a more complicated presentation and would require major changes in other Order 4 provisions. A separate price as proposed to be applied to milk used in the production of butter and nonfat dry milk powder would accomplish essentially the same end, proponent held.

In supporting the cooperative's position, the witness presented a monthly comparison of the Minnesota-Wisconsin price and the butter-powder formula price for the period 1970 through 1973. Particular emphasis was placed on the fact that the Minnesota-Wisconsin price exceeded the butter-powder formula price by $0.47, $0.78 and $1.13 for October, November and December 1973, respectively. He pointed out that, if all Class II milk were priced on the basis of the lower of the Minnesota-Wisconsin price of the butter-powder formula price, producers could not recover the full value of milk used in Class II when the butter-powder formula price is the lower and hence the effective price.

The witness further pointed out that the major use of Class II milk in the Order 4 market is in the so-called "soft products", namely, cream, cottage cheese, frozen desserts and condensed products. However, because the cooperative's reserve milk supply is largely utilized at a butter-powder facility at Laurel, Maryland, and a butter plant at Reading, Pennsylvania he urged that it was essential that the order price milk so utilized in relation to its value for butter and nonfat dry milk. He further testified that his proposed Class II pricing formula must be adopted in all of the northeastern markets simultaneously, since it would not be appropriate to have a Class II price in Order 4 higher than other markets in the northeast. The witness recommended that before the association's proposal was finalized in Order 4, there should be a hearing for the other northeastern markets to consider its adoption there, also.

Such Class II price proposal was opposed by a substantial cooperative which operates a reserve processing (manufacturing) pool plant in addition to a large bottling pool plant.

The witness testifying for such cooperative, which processes primarily cheddar cheese at its manufacturing facility, held that the proposed revision of the then existing Class II price provisions would be intolerable to Order 4 pool handlers. He pointed out that Order 4 handlers' price for milk used in cheese under such a pricing structure would be substantially higher than the cost for milk similarly used in the other northeastern order markets. For example, in December 1973 an Order 4 pool handler manufacturing producer milk into cheddar cheese would have been required to pay $1.15 a hundredweight more than a handler regulated under either the New York-New Jersey, Boston Regional or Connecticut orders if the proposed Class II pricing provisions had been in effect. In addition, handlers regulated under the Eastern Ohio-Western Pennsylvania, Ohio Valley, or Southern Michigan orders would have paid $1.21 less per hundredweight for milk used in cheese than an Order 4 handler. Such price disparity would place Order 4 handlers in an untenable position the witness stated, since there is essentially a single national market for all cheddar cheese.

The witness further stated that establishing a reserve milk price in the Order 4 market different from that in other markets in the northeast would be contrary to a long-standing concept of maintaining uniformity in pricing milk used in manufactured dairy products.

Two nonpool manufacturing plant operators also opposed the proposal to modify the Class II pricing provisions. One such operator opposed pricing dry whole milk powder at the Minnesota-Wisconsin price plus 10 cents. The other testified that revision of the Order 4 Class II pricing provisions could not be accomplished unless similar adjustments were made simultaneously in other orders, particularly Order 2. He held that adoption of the proposal would bring about a substitution of milk powder for fresh solids-not-fat in the manufacturing of ice cream. He further stated that the proposal should not be considered without a further appraisal of the Minnesota-Wisconsin price series and alternative pricing procedures.

A witness testifying on behalf of the Milk Distributors Association of the Philadelphia Area and associations of ice cream manufacturers also opposed the Class II price proposal. He held that there is no appropriate reason to increase manufacturing milk prices, which would result from adoption of the proposal. The witness pointed out that there is a high degree of substitutability between butter and powder and cream and condensed products in the manufacturing of ice cream and other frozen desserts. Thus, milk priced at the Minnesota-Wisconsin price level or higher would not be utilized if butter and milk powder were available at a lesser price. In this regard, however, he recognized that sufficient facilities were probably not available to first process into butter and powder all the fat and solids presently utilized in frozen desserts. The witness also questioned the appropriateness of the Minnesota-Wisconsin price series as a measure of manufacturing milk values.

The amendments effective October 1 which price reserve milk solely on the basis of the Minnesota-Wisconsin pay price insure the continuity of pricing among the northeastern area order markets which witnesses at this hearing generally supported as essential. Clearly, most of the reserve milk for the marketing area as herein proposed to be extended has been and continues to be pooled under this order.

The reserve milk pricing provisions effective October 1 under the several northeastern area orders are concluded to be equally appropriate for the extended order for the identical reasons set forth in the Assistant Secretary's decision of July 25, 1974 (39 FR 27678) and such decision is adopted as a part of this decision as if set forth in full herein.

[1] Boston Regional, New York-New Jersey, Middle Atlantic, Connecticut, Ohio Valley, Eastern Ohio-Western Pennsylvania, Southern Michigan, and Indiana Federal milk orders.

[2] Amended orders for 39 markets effective August 1, 1974 (39 FR 15405, 15762, 15997, and 16232) which, among other things, provides for three classes of utilization, a Class II price at the Minnesota-Wisconsin price plus 10 cents, and a Class III price at the Minnesota-Wisconsin price for the month.

6. *Direct delivery differentials.* The current direct delivery differential provided under the Middle Atlantic milk order should not be modified.

The order provides for a direct delivery differential of 6 cents per hundredweight for producer milk received at a plant located within 55 miles of the City Hall in Philadelphia, Pennsylvania.

Pennmarva proposed that the direct delivery differential be modified to provide for a differential of 10 cents per hundredweight on producer milk received at a plant located within 25 miles of the City Hall in either Philadelphia, Pennsylvania, or Trenton, New Jersey, and a differential of 6 cents per hundredweight on producer milk received at a plant located within 60 miles but more than 25 miles from the City Hall in Philadelphia, Pennsylvania, or Trenton, New Jersey. The federation proposed further that the operator of a plant located within 25 miles of the City Hall in Philadelphia, Pennsylvania, or Trenton, New Jersey be permitted a credit of 4 cents per hundredweight on his obligation to the pool on producer milk received at the pool plant and disposed of in Class II use by the handler operating such plant.

Proponent's witness noted that prior to 1970 the cost of Class I milk at Philadelphia plants had been 10 cents higher than at Baltimore, Maryland, or Washington, D.C. plants. When the three separate orders were merged in 1970, a single Class I price was established for plants located in such cities and a direct delivery differential was made applicable for producer milk received at plants in the Philadelphia area. The cooperative alleged that the prior 10-cents difference in Class I prices between Philadelphia and the cities of Washington and Baltimore had provided a proper balance of milk supplies for Philadelphia plants and, appropriately, should be reinstated to alleviate the present problem.

Proponent indicated it was a matter of indifference whether such Class I pricing differential was adopted again or whether the proposed changes in the direct delivery differential were adopted. The basic issue as presented was that the present direct delivery differential has not provided sufficient revenue to cover the additional costs of transporting milk to Philadelphia and Trenton as compared to other segments of the market with respect to the primary production area for the market located west and southwest of the City of Philadelphia.

Pennmarva's witness presented data indicating that the cost of transporting milk from dairy farms in York and Lancaster counties to the cities of York and Lancaster is 12–15 cents per hundredweight less than the cost of hauling milk to Philadelphia. Consequently, the witness held that such dairy farmers must receive more for their milk delivered to the Philadelphia and Trenton areas so that it becomes a matter of indifference to which segment of the market individual producer milk is directed. The witness held that there is also an incentive under the present pricing structure for dairy farmers to deliver their milk to pool plants at Belleville, Pennsylvania and Laurel, Maryland (both of which are principally manufacturing plants) rather than to Philadelphia plants.

At the same time that proponent urges a higher Class I price level in the Philadelphia area, he also urges a restructuring of the allocation provisions to deter handlers from seeking milk in the Eastern Ohio-Western Pennsylvania order because the Order 36 Class I price plus transportation to the Philadelphia area is, under certain circumstances, less than the applicable Class I price under Order 4. In light of this, any increase in the Class I price level in the Philadelphia area could only create additional problems.

There is little question but that the existing pricing structure has attracted ample milk supplies to fully service the market. If, as proponent alleges, the differential in pricing as between Philadelphia and other segments of the market is not properly structured consideration appropriately should be given to restructuring such prices without an increase in overall returns to producers. However, this would be a very complex undertaking and the record of this hearing does not provide an adequate basis for such action. If the problem persists, however, it is urged that consideration be directed to this matter in a separate proceeding which would not be encumbered by the other matters at issue at this hearing.

Exceptions filed request that the direct delivery differential zone be extended from 55 to 60 miles from Philadelphia. Exceptions filed by a cooperative association suggest that the direct delivery zone should be expanded because there are plants located within the 55–60 mile zone which would have a 15-cent per hundredweight price advantage over plants located within 55 miles of Philadelphia. Also, a nonpool manufacturing plant located at Reading, Pennsylvania (Berks County), is in the 55–60 mile zone and receives substantial quantities of reserve milk by diversion. Producers diverted to the plant suffer a 9-cent reduction in their base milk price.

The fact that a nonpool manufacturing plant is located beyond 55 miles from Philadelphia provides no basis for extending the direct delivery zone. Such zone was established to assure deliveries of producer milk to pool plants at specific locations and should not be changed at this time due to the particular location of one nonpool plant. Also, testimony on the record of the proceeding indicates that potential problem areas in terms of pricing inequities could occur because fluid milk plants are located at Reading and Easton (Northampton County). Neither of these areas are recommended to be included in the Order 4 marketing area. Exceptor, however, indicates that some of these plants may become fully regulated or partially regulated by virtue of sales within the recommended marketing area. There is nothing in the record to substantiate such assumption and, therefore, no basis exists for expanding the direct delivery zone.

Exceptions filed by a cooperative association also request that the 10-cent per hundredweight differential be applied to producer milk received at plants within 25 miles of Philadelphia or Trenton, New Jersey. Such exception provides no basis to alter the findings contained in the recommended decision.

7. *Seasonal incentive payments to producers.* The current base and excess provisions should be retained with only minor modifications. The order should be revised to permit a dairy farmer with two farms and two herds which he combines into one dairy farm to combine his separate bases into one base. Also any dairy farmer whose milk is received at a plant which qualifies as a pool supply plant in the first month of operation of the extended order solely on the basis of qualifying shipments to newly regulated pool distributing plants in the expanded order shall be accorded a base computed as if his deliveries to such supply plant during the base-forming months were made to a pool plant.

The present base and excess provisions establish a base for each producer by dividing his total deliveries to pool plants in the months of August through December by 153 (by 154 in the case of a producer on every-other-day delivery schedule who delivered on August 1) less the number of days, if any, for which such producer's production was not received by pool handlers, but under no circumstances by less than 120. Such bases are computed by the market administrator to be effective for the 12-month period of March 1 through February of the following year.

In any month in which a distributing plant first becomes regulated, the market administrator is required to compute bases for producers delivering to such plant on the identical basis used in computing bases for established producers, considering the deliveries of such producers to the plant in its nonpool status as though it had been a pool plant.

Dairy farmers associated with any supply plant that becomes pooled under the order acquire a base in the same manner as other new producers.

New producers are accorded a base equal to 50 percent of their deliveries during each of the months of March through June; 60 percent in the months of January, February, July and December; and 70 percent in the months of August through November. A producer with an established base can forfeit such base by notifying the market administrator and he may then have a new base computed each month utilizing the same percentage of his deliveries as is applicable to new producers. Once a producer relinquishes his established base, he must have his base computed each month on a percentage basis until the following March when new bases become applicable.

The base and excess provisions of the order recognize the special circumstances of shifting of producers between this

V 40163
APR 1 75

order and Order 2. The order provides that for any farm from which the entire production was moved as producer milk under Order 2 during all or part of the August–September period, and thereafter was moved as producer milk under this order through December, a base shall be computed using the total deliveries under both orders during the base-forming period. Until such base is effective, the producer's base each month is computed under the procedure applicable to new producers.

Pennmarva proposed that the base and excess provisions be modified to permit a dairy farmer with two farms and two herds, which he combines into one dairy farm, to combine the separate bases into one base. The cooperative requested that all other provisions of the base plan be retained. In its brief the cooperative suggested that any dairy farmer who becomes a producer under the order as a consequence of an extension of the Order 4 marketing area should be accorded a base 10 percentage points greater than the base normally assigned a new producer.

Lehigh Valley proposed that a Louisville seasonal incentive payment plan be substituted for the present base and excess plan. Such proposal was offered in conjunction with a proposal to lower the pooling standards for supply plants to facilitate the movement of producers between Orders 2 and 4 in the event that the blend price alignment of the two orders was changed as a result of expanding the Order 4 marketing area.

Dairylea Cooperative, Inc., testified in support of a group of interrelated proposals dealing with the pooling of supply plants and revision of the base and excess plan. Although the cooperative proposed that revisions be made in the base plan, the cooperative's spokesman indicated that the members of the association preferred a Louisville plan in preference to a base and excess plan. Proponent's witness stated that the purpose of its proposals was to provide a method of associating additional supplies of milk with the market on an orderly basis, prevent any abuses which could result from the operation of different seasonal plans in Orders 2 and 4, respectively, and to provide equitable treatment for producers who become new producers under Order 4 because the plant to which they have been delivering milk becomes fully regulated as a consequence of an expansion of the marketing area.

Dairylea proposed that dairy farmers delivering milk to any plant which becomes a pool plant on the basis of transfers of milk to distributing plants which become pooled as a result of the marketing area extension be assigned bases reflecting their total deliveries of milk to plants, wherever located, during the preceding base-forming period. In addition, the cooperative proposed that, during the first three months after the marketing area extension is made effective, any dairy farmer who begins shipping to a pool plant be assigned a base reflecting his deliveries to all plants, wherever located, during the previous base-forming period. It was further proposed that bases be assigned to dairy farmers at any time the plant to which they deliver becomes pooled as a supply plant following the identical procedure now applicable to newly pooled distributing plants.

Eastern Milk Producers proposed a revision of the present base plan provisions to provide that for each of the months of August through February the base of a producer be adjusted by an amount equivalent to any increase in his deliveries to pool plants over the quantity delivered during the corresponding month of the previous year on which said base was determined. However, such adjusted base could not exceed 110 percent of said deliveries during the corresponding month of the previous year. In the event such proposed plan is not administratively feasible, proponent urged that producers be permitted a 10 percent increase in their established base during the months of August through February.

Another cooperative proposed that the present base plan be revised so that base and excess prices would be paid to producers during only the 4-month period of March through June instead of the 12-month period of March through February. A new producer who had made no qualifying shipments or a producer who relinquished his base would be given a base reflecting 50 percent of his deliveries during March through June. The cooperative proposed that the buyer of either an existing herd or a dairy farm be permitted to acquire the base associated with such herd or farm.

A Louisville plan and a base-excess plan each serves the same purpose, i.e., to encourage a production pattern which comports with the fluid milk demands of the market. Each are specifically authorized by the Agricultural Marketing Agreement Act.

The question of which seasonal incentive plan should be used in any particular market must be decided largely on the basis of the desires of the majority of the producers affected. The base and excess plan is supported by the majority of producers in the Middle Atlantic market and appropriately, therefore, should be retained.

A number of dairy farmers opposing the extension of the Order 4 marketing area cited the base and excess plan under such order as one of the principal reasons for objecting to the area extension. These same farmers, for the most part, also were opposed to other forms of seasonal incentive pricing such as the Louisville plan.

One of the principal reasons expressed by dairy farmers for opposing seasonal incentive pricing was that their production level during the August–December 1972 base-forming period was below normal as the result of the after effects of Hurricane Agnes. However, since this order could not become effective until at least March 1, 1975, the bases awarded new producers would be based upon their production history for the base-forming period of August–December 1974 and this objection, therefore, is not valid. In any event producers under the order are subject to the same climatic conditions as those dairy farmers shipping to plants which would be regulated by the expansion of the marketing area. Thus, the base computation procedure does not result in inequitable treatment to any group of producers.

It is conceded that those dairy farmers who become new producers as the result of the marketing area extension could not with certainty have known that they would have their milk priced under the amended order. As a consequence, such dairy farmers may not have organized their dairy production for the expressed purpose of establishing a base to be effective in 1975. However, most producers indicated that they have a very good relationship with the dealers to whom they ship their milk and have adjusted their production to meet the fluid milk needs of the plant operator. For the most part those dealers who will become regulated as a result of the marketing area extension have carried a very high Class I utilization. Thus, any new producer who has been meeting the demands of his purchasor for fluid milk will have a desirable production pattern comparable with that of established producers and therefore, would not be adversely affected by the operation of the base plan.

The order should accord full bases to all producers shipping to distributing plants which become newly regulated. This procedure is prescribed in the present order and should be continued for the identical reasons on which the procedure was initially adopted.

The order also should provide full bases for dairy farmers who become producers in the first month of operation of the extended order by virtue of their shipments to a supply plant which becomes pooled solely on the basis of its shipments to newly regulated distributing plants. Producers shipping milk to such a plant should be accorded bases computed as if their deliveries to that plant during the base-forming months had been delivered to a pool plant. The awarding of bases in this manner is desirable to assure that all dairy farmers who become new producers solely as a result of the marketing area extension are accorded uniform and equitable treatment whether their milk is received directly from the farms at a newly regulated distributing plant or through a supply plant serving such distributing plant.

It is not apparent that any distributing plant which will become regulated through the area extension is supplied by other than direct farm receipts. However, if any such plants are in fact relying on supply plant sources to a degree which would pool such supply plants, it is appropriate that the dairy farmers delivering to such supply plants be treated in the same manner as established producers who deliver to established pool supply plants.

Except in the above circumstances, however, no change should be made in the computation of bases for producers entering the market through supply plants. The Middle Atlantic market is essentially a direct-delivery market and there is no basic need for supply plants to accommodate the assembly and movement of milk to the central market.

Proponents seeking liberation of the provision for computing bases through new supply plants are primarily interested in adding new producers on the market. This they may do at any time under the provisions of the present order, and the existing base plan accommodates such entry by providing assurance that such producers will receive a base reflecting an appropriate percentage of their actual deliveries each month until a base is established under the regular procedure. Special treatment is already provided for Order 2 producers who enter the market after August 1 but before October 1 in any year. This procedure was adopted in recognition of the close interrelationship between the Order 4 and Order 2 markets and the fact that they draw to a considerable extent upon a common supply area. It would be inequitable to new producers who enter the market individually and to established producers to provide a means whereby blocks of new producers could associate with the market, through unneeded supply plants, at any time and receive full bases reflecting their deliveries to such plants during the previous base-forming period. This would, for all practical purposes, totally defeat the purposes of the plan in promoting an even milk supply throughout the year.

The order should be revised to accommodate under specified circumstances the combining of separate bases of a producer who possesses two bases, one for each of the farms and herds that he manages. Such combination should be permitted only if the two farms and herds are combined into a single dairy farm and would be effective the first of the month following the producer's request to the market administrator for such action and subject to the approval of the market administrator to insure that the transaction is in fact a bona fide consolidation of the separate operation of a single producer. Accommodating the consolidation of the two bases would reduce administrative problems for both the producer and the market administrator and would result in no unwarranted advantage to the particular producer involved. No testimony was presented in opposition to the adoption of this procedure.

One cooperative proposal would permit dairy farmers who become new producers within three months of the effective date of the expanded order to be accorded bases computed on the basis of their deliveries during the base-forming months to any plant, wherever located. The principal reason why the cooperative proposed this particular revision was to implement the shift of producers from Order 2 and Order 4 in the event that an undue spread should occur between the blend prices of the respective orders as a result of any Order 4 area expansion. As previously indicated, the marketing area expansion recommended herein will not result in any substantial change in the Order 4 blend price relative to Order 2. There are in fact no deterrents in the order against the entry of new producers at any time. Thus, there is no basis for adoption of the proposed modification.

The cooperative which proposed that bases be increased for those producers who increase their production during the base-forming months suggested that the current base plan provisions inhibit (1) appropriate adjustments in the seasonal pattern of production, and (2) the expansion of productive capacity and market supplies of producer milk on a longer-term basis. Its spokesman indicated that such inhibiting effects are beyond the intended purpose of the base and excess plan and are occurring at a time when supply enhancement is needed.

Proponent's position in this regard is without foundation. Under the plan here in effect, a base has value only to the producer who made the base. Any producer wishing to adjust his base can do so by giving up his established base and taking a base reflecting a specified percentage of his deliveries each month. Alternatively, a producer, by choosing to initiate a production adjustment at the beginning of the base-forming period, can minimize the impact of his production adjustment on his returns. There is no indication that the base plan has deterred desired production. For example, the monthly marketwide Class I utilization percentages of producer milk this year have been below a year earlier while milk production during each month of April–August 1974[1] has been at or above such levels one year ago.

No change should be made in the transfer rules which now provide for transfer of base only where discontinuance of milk production is caused by entry into military service by the baseholder. The plan was adopted to eliminate the abuse which resulted from earlier plans where bases, because of their transferability, had substantial monetary value and individual producers made unneeded base for the sole purpose of subsequent sale on an opportunity basis.

Under the Order 4 base plan, a producer establishes a new base each fall. A producer may relinquish his established base at any time and obtain a new base under the same rules that apply to a new producer. These provisions have operated to the apparent satisfaction of most producers and should be continued in the amended order.

8. *Interest charges on overdue accounts.* The order should not be revised to provide for interest charges on overdue accounts.

Pennmarva proposed that interest charges be imposed upon any handler for unpaid obligations pursuant to § 1004.71 Payment to the producer-settlement fund; § 1004.73 Payments to producers and to cooperative associations; § 1004.79 Direct delivery differentials; § 1004.85 Assessment for order administration; and § 1004.86 Deduction for marketing services. Proponent alleged that producers are not receiving timely payments for their milk from handlers and urged the institution of interest charges as a tool to enforcement of order provisions. He indicated that, if handlers do not pay their accounts promptly, cooperatives and producers may be forced to borrow money to pay their obligations.

Pennmarva's primary interest in having interest charges apply on overdue accounts was with respect to handler payments to producers and cooperative associations for milk, including payment of the direct delivery differentials on such milk. Proponent indicated that handlers were making payments to cooperatives and to producers after the due date specified in the order for making such payments.

The administrative problems in determining when handlers have made payments to cooperative associations and producers are many. The date on which payments to producers or cooperatives are made by handlers is not readily available to the market administrator. This is particularly true if other transactions have been entered into between the handler and producers or cooperatives and the terms or allocations of payment are not known to the market administrator on a current basis. Furthermore, it is questionable whether there is any reliable method of determining the exact date on which payment occurs. Dates appearing on cancelled checks, recorded dates in ledgers, postmarks affixed by postal meters, etc., may not in all instances indicate the precise date on which a transaction was completed.

The problem of timely payments by handlers to cooperatives is not unique to this order. With tight money and high interest rates, handlers increasingly are turning to the use of producers' money by delaying payments in lieu of seeking other lines of credit. While, for reasons previously set forth, it is not practical to provide interest provisions as a means of implementing prompt payments by handlers to cooperatives and producers in accordance with the payment dates prescribed in the order, nevertheless some effective means must be found to implement this end. The matter has been explored in depth in proceedings under several other Federal orders on which decisions are pending. The record of this hearing does not establish an adequate basis for the implementation of more fruitful procedures for insuring prompt payments to cooperatives and producers. If delinquent payments persist, consideration should be given to the initiation of a new proceeding to resolve this matter.

There is no evident urgency for the suggested interest charges on overdue accounts payable to the market administrator. It is concluded, therefore, that provisions establishing interest charges on overdue accounts should not be adopted on the basis of this record.

9. *Miscellaneous and conforming changes.* As an aid in identifying the issues discussed hereunder, separate subheadings have been provided.

(1) *Deletion of references to certified milk.* References to certified milk should

[1] Official notice is taken of the official announcement of uniform prices for base and excess producer milk of the market administrator, Middle Atlantic Federal order for January–August 1974.

V 40163 APR 1 75

be deleted from the present provisions of the order.

Presently the order exempts from pooling any milk which is produced, packaged, and sold under the label of certified milk in accordance with the rules and regulations promulgated by the American Association of Medical Milk Commissions, Inc.

Pennmarva proposed that references to certified milk be deleted from the order. Its spokesman was concerned that, if the order contained references to certified milk, such references might be interpreted to mean that milk produced by dairy farmers and designated as "certified milk" by a health department of any governmental agency would be exempted from regulation. He further indicated that no certified milk as defined under the Middle Atlantic order is presently being distributed within the marketing area.

One witness opposed such proposal and requested that the definition of certified milk and the exemption of certified milk provided under the present order provisions be retained. He stated that he is processing certified milk on a farm located in the State of New York and expects to expand the merchandising of such milk into the Middle Atlantic marketing area at some future time.

The distribution of certified milk in this market such as opponent contemplates is essentially no different than the distribution of a "special" breed milk under a trademark controlled by a producer organization. The fact that "certified milk" or "special" breed milk may be claimed to have superior qualities entailing higher production costs which entitle producers to higher prices is not a compelling reason for exempting such milk from pooling. The marketwide pooling arrangement provided under the order contemplates the equitable sharing by all producers of the total proceeds of their milk at the established order prices. If certified milk or special breed milk has qualities that appeal to consumers, such milk can command a premium over competing milk which would tend to offset to the extent that they exist, higher production or processing costs.

An exception to the deletion of the certified milk exemption was filed by the processor of certified milk who opposed the deletion of such provision at the hearing.

For the reasons previously stated the exemption for certified milk should be removed from the Middle Atlantic milk order by deleting references to certified milk appearing in present order provisions.

Exceptor does not now, and insofar as the record shows, never has distributed certified milk in the marketing area as herein extended. However, it is not apparent that the elimination of the certified milk exemption would have an adverse effect on his operation, even if he should elect to so distribute at some future time. Assuming that the milk is produced on his own farm, processed in his own plant and distributed on his own routes in the tradition of a certified milk operation, exceptor could obtain exemption as a producer-handler.

Exceptor requested that judicial notice be taken of previous decisions of the Department providing for an exemption for certified milk on the grounds of retail differentiation of product and absence of competitive impact. It would not be appropriate to grant exceptor's request because such action would preclude other interested parties the opportunity of commenting on material for which notice is requested.

(ii) *Deletion of references to Orders 3 and 16 and revision of § 1004.7(c).* References to Orders 3 and 16 in the Middle Atlantic order should be deleted. The marketing areas of Order 3 (Washington, D.C.), Order 16 (Baltimore, Maryland) and Order 4 (Delaware Valley) were merged and expanded to form the Middle Atlantic marketing area (Order 4) effective August 1, 1970. Because packaged fluid milk products in ending inventory in Order 3 and Order 16 had been classified differently from the classification provided under Order 4, it was necessary at that time to make specific provisions for classifying such milk during the first month the Middle Atlantic marketing order was effective. After the order had been in effect for one month, such references were no longer essential to the operation of the order. Accordingly, references to Orders 3 and 16 should be deleted.

Likewise, the provisions of § 1004.7(c) should be rewritten to delete obsolete order language dating back to the effective date of the Middle Atlantic order. This matter was overlooked in the drafting of the recommended decision.

When the Middle Atlantic order was established § 1004.7(c) was provided in orders in each of the 12 months preserve processing plant(s) that was a pool plant under the Delaware Valley, Upper Chesapeake Bay or Washington, D.C., orders in each of the 12 months preceding the effective date of the Middle Atlantic order. The pooling of such plant(s), which did not meet the distributing or supply plant pooling requirements, was continued in each consecutive month, subject to certain conditions. One of the conditions for pooling required that a handler file a written request with the market administrator on or before the effective date of the Middle Atlantic order requesting pool status for such plant under the subject provision.

The references to the Delaware Valley, Upper Chesapeake Bay and Washington, D.C., orders should be deleted, as well as the requirement that a reserve processing plant must have been a pool plant under one of such orders for each of the 12 months preceding the effective date of the Middle Atlantic order. Such requirement was provided to assure that any plant pooled under the provision had a bona fide association with one of the prior markets. Such requirement is no longer necessary since any remaining plant pooled under this provision has demonstrated, as a consequence of such pooling, a month-to-month association with the market. Consequently, it is only necessary to provide that a plant, in order to continue pooling under this provision, must have been pooled under such provision in the month immediately preceding the effective date of this order.

In addition, the requirement that a handler file a written request to pool a plant under the provision should be deleted. The requirement is no longer necessary, since a written request was necessary, on a one-time basis, on or before the effective date of the Middle Atlantic order.

Revision of this provision will neither affect the status of any plant currently pooled under the provision, nor accommodate the pooling of any additional plants.

(iii) *Treatment to be accorded own production of a pool plant operator.* As previously indicated, several persons who operate distributing plants supplied in part by own farm production opposed any extension of the marketing area which would result in full regulation of their plants. They urged that, if notwithstanding the marketing area was expanded to include the territory in which they distributed milk, operators of pool plants with own production be permitted to assign their own production pro rata to the utilization at their plants and that such milk be exempted from pooling. Proponents pointed out that processors with own farm production are exempted from pooling their own production under the New York-New Jersey order.

Such exemption under the New York-New Jersey order (applicable only to a handler other than a producer-handler) is limited to 800 pounds per day, and is permitted only in instances in which the milk handled in excess of own farm production does not exceed 1,800 pounds per day.

These provisions reflect particular circumstances in the New York-New Jersey market and may not be presumed appropriate for the Middle Atlantic order simply because of their existence in Order 2. Under any circumstances, the adoption of these provisions as contained in Order 2 could not be helpful to proponents since their operations are of such size that they exceed the exceptions provided.

The own farm production of a handler who receives milk from other producers should be treated in the same manner as other producer milk. Such milk is a part of the total market supply of producer milk and as such it should share equally in the total market for Class I and Class II use. There is no basis for the requested exemption for own farm production and, accordingly, the request for such exemption is denied.

An exception to this finding was filed on behalf of a witness who testified at the hearing in support of exemption from pooling of own farm production. The exception reiterated the position of the witness, but provided no basis for altering such finding.

(iv) *Quantity of milk that a producer-handler may purchase from pool plants.* Under the present order a producer-handler must be essentially self-sufficient

in that he may not purchase milk from other dairy farmers and may not purchase in excess of 10,000 pounds of fluid milk products from pool plants during the month.

The plant operators who proposed that own production received in their plants be exempted from pooling proposed alternatively that the quantity of milk which a producer-handler is permitted to purchase from pool plants be increased. These individuals were interested in obtaining order revisions which would permit them to operate as producer-handlers with only minor modifications in their operating practices in the event that their sales area was included within the expanded marketing area. One such operator whose own production was 40 percent of his total receipts urged that producer-handlers be permitted to purchase unlimited quantities of fluid milk from pool plants. He indicated that in order to operate as a producer-handler under the order he would need the flexibility of making supplemental purchases of as much as 100,000 pounds of fluid milk per month. Another such operator urging that producer-handlers be permitted to purchase fluid milk without limit from pool plants indicated that his own farm production represented 2 percent of his fluid milk requirements.

Experience under Federal orders generally has demonstrated that effective regulation of the market can be insured without direct involvement of individuals who produce, process and distribute, essentially, the milk from their own production and who buy no milk from other dairy farmers. Individuals who assume a dual role of producer and handler and who carry their own balancing supplies seemingly have no economic advantage either as a producer or a handler.

However, operators who receive milk from their own farm production but receive no milk directly from other dairy farmers and who rely on other plants for substantial supplemental supplies either in bulk or packaged form are not significantly different from the operations conducted by pool handlers. In addition, such individuals do not assume the risk or cost of providing a full supply. If the operations of such individuals are not pooled, the pool does not receive the benefits of their Class I sale but acts as a supply balance for these producer-handlers by carrying their necessary reserve milk supplies.

Such operations should not be treated as producer-handler, but should be accorded status similar to that of any other handler receiving milk directly from farms. If they sell a sufficient proportion of their milk in the marketing area, they should be accorded full pooling status and, thus, participate in the equalization pool.

Notwithstanding the above conclusion it is appropriate that producer-handlers be permitted some tolerance for purchasing fluid milk products from pool plants. The present order provides a limitation on purchases from pool plants of 10,000 pounds per month. In adopting this limitation, the Assistant Secretary in his decision of May 18, 1970 (35 FR 7924) concluded that "such limitation on a producer-handler's purchase will best insure against the unintentionable involvement in regulation of producer-handlers as a group. At the same time such limit should be effective in deterring larger handlers with own farm production from evading the pooling of such production by seeking producer-handler status."

While the incidence of own farm production is far greater in the area of extension here recommended than has been the case in the currently regulated market, it is apparent that the preponderance of handlers with own farm production are operating as producer-handlers without the benefit of supplemental supplies from other sources. Testimony introduced at the hearing indicates that there are at least 90 juggers and producer-distributors whose operations are based in the area herein recommended for inclusion in the marketing area. Under the Pennsylvania Milk Marketing Act, operators in these categories may process only milk of own farm production. The extension of regulation, therefore, should not substantially affect these operators other than the necessity for maintenance of records and the filing of such reports as required by the market administrator to establish their continuing status as producer-handlers.

Exception was taken to the 10,000-pound limit on the grounds that such limit is unwarranted. For all of the reasons hereinbefore stated, such limit is, nevertheless, concluded to be appropriate.

Any milk which a producer-handler may dispose of to pool plants under the terms of the order is considered to be a receipt of other source milk and assigned first to available Class II utilization. In the event any such receipts are necessarily assigned to Class I, the receiving handler is required to make a payment to the pool on such milk at the difference between the applicable Class I and Class II prices. Any purchase from a pool plant by a producer-handler are classified as Class I. This procedure is prescribed by the present order and is equally appropriate for the extended order for the identical reasons set forth in the decision under which they were adopted.

The operator of a processing plant located in Northern Pennsylvania proposed that, in the event Northeastern Pennsylvania is added to the marketing area of a Federal order, the provisions relating to a producer-handler be revised to permit his processing plant to purchase milk from 6 corporate farms in which he or members of his family own stock. Since Northeastern Pennsylvania is not being added to a Federal order marketing area on the basis of this hearing, no action with respect to that proposal is required.

(v) *Conforming changes in the producer and producer milk definition.* The "producer" and "producer milk" definition of the order should be revised to preclude the pooling under this order of milk received directly from the farm at a pool reserve processing plant operated by a cooperative association unless such dairy farmer is a member of the cooperative operating such plant.

The present provisions of the order permit a cooperative that is operating a pool reserve processing plant to pool limited quantities of its own member milk. Such cooperative, however, may pool unlimited quantities of additional milk if such milk is received at the cooperative's pool reserve processing plant directly from the farms of dairy farmers who are not members of the cooperative operating the plant.

The findings and conclusions establishing the need for limiting the pooling of milk at a cooperative's pool reserve processing plant to that milk which is received directly from the farm of its members are set forth in the discussion on appropriate pooling standards for a reserve processing plant. To implement such findings and conclusions it is necessary, however, that conforming changes be made in the "producer" and "producer milk" definition. Such terms should be modified so that they do not apply in those instances when a dairy farmer who is not a member of the cooperative operating the pool reserve processing plant delivers milk directly from his farm to such plant.

(vi) *Provisions of the Middle Atlantic milk order requiring no revision.* Handlers and producers indicated that provisions of the Middle Atlantic milk order for which they were proposing no changes were appropriate for the expanded marketing area.

No testimony was presented indicating that the reasons set forth in the decision providing for the adoption of such provisions were not equally applicable to regulation of the expanded marketing area. For the reasons previously stated the remaining unrevised provisions of the order are appropriate for the extended order and are hereby adopted.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

Determination

The findings and conclusions of this decision do not require any change in the regulatory provisions of the order regulating the handling of milk in the New York-New Jersey marketing area.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determi-

V 40163
APR 175

nations previously made in connection with the issuance of the Middle Atlantic order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held;

(d) All milk and milk products handled by handlers, as defined in the tentative marketing agreement and the order as hereby proposed to be amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(e) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1004.85 of the aforesaid tentative marketing agreement and the order as proposed to be amended.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an Order amending the order regulating the handling of milk in the Middle Atlantic marketing area, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Referendum Order To Determine Producer Approval; Determination of Representative Period and Designation of Referendum Agent

It is hereby directed that a referendum be conducted and completed on or before the 30th day from the date this decision is issued, in accordance with the procedure for the conduct of referenda (7 CFR 900.300 et seq.), to determine whether the issuance of the attached order as amended and as hereby proposed to be amended (except for the proposed Advertising and Promotion Program) regulating the handling of milk in the Middle Atlantic marketing area is approved or favored by producers, as defined under the terms of the order as amended and as hereby proposed to be amended, who during the representative period were engaged in the production of milk for sale within the aforesaid marketing area.

It is hereby further directed that a separate referendum be conducted and completed on or before the 30th day from the date this decision is issued, in accordance with the procedure for the conduct of referenda (7 CFR 900.300 et seq.), to determine whether the proposed order provisions constituting the Advertising and Promotion Program in the order, regulating the handling of milk in the Middle Atlantic marketing area are separately approved or favored by the producers, as defined under the terms of the order, who during the representative period were engaged in the production of milk for sale within the aforesaid marketing area.

The representative period for the conduct of these referenda is hereby determined to be January 1975.

The agent of the Secretary to conduct these referenda is hereby designated to be Joseph D. Shine.

Signed at Washington, D.C., on March 24, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

Order[1] amending the order, regulating the handling of milk in the Middle Atlantic marketing area.

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Middle Atlantic marketing area.

The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1004.85.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Middle Atlantic marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Administrator on October 15, 1974 and published in the FEDERAL REGISTER on October 24, 1974 (39 FR 37926) shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein subject to modifications in § 1004.7(c), § 1004.7(d), and § 1004.44(a)(2).

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

Subpart—Order Regulating Handling

General Provisions

Sec.
1004.1 General provisions.

Definitions

1004.2 Middle Atlantic marketing area.
1004.3 Route disposition.
1004.4 Plant.
1004.5 [Reserved]
1004.6 [Reserved]
1004.7 Pool plant.
1004.8 Nonpool plant.
1004.9 Handler.
1004.10 Producer-handler.
1004.11 Dairy farmer.
1004.12 Producer.
1004.13 Producer milk.
1004.14 Other source milk.
1004.15 Fluid milk product.
1004.16 [Reserved]
1004.17 Filled milk.
1004.18 Exempt milk.
1004.19 [Reserved]
1004.20 Cooperative association.

Handler Reports

1004.30 Reports of receipts and utilization.
1004.31 [Reserved]
1004.32 Other reports.

Classification of Milk

1004.40 Classes of utilization.
1004.41 Shrinkage.
1004.42 Classification of transfers and diversions.
1004.43 General rules.
1004.44 Classification of producer milk.
1004.45 Market administrator's reports and announcements concerning classification.

Class Prices

1004.50 Class prices.
1004.51 Basic formula price.
1004.52 Location differentials to handlers.
1004.53 Announcement of class prices and producer butterfat differential.
1004.54 Equivalent prices or indexes.

Uniform Prices

1004.60 Pool obligation of each pool handler.
1004.61 Computation of weighted average price and uniform prices for base milk and excess milk.
1004.62 Announcement of weighted average price and uniform prices for base milk and excess milk.

Payments for Milk

1004.70 Producer-settlement fund.
1004.71 Payments to the producer-settlement fund.
1004.72 Payments from the producer-settlement fund.
1004.73 Payments to producers and to cooperative associations.
1004.74 Butterfat differential.
1004.75 Location differentials to producers and on nonpool milk.
1004.76 Payments by a handler operating a partially regulated distributing plant.
1004.77 Adjustment of accounts.
1004.78 [Reserved]
1004.79 Direct delivery differential.

Administrative Assessment and Marketing Service Deduction

1004.85 Assessment for order administration.
1004.86 Deduction for marketing services.

Base-Excess Plan

1004.90 Base milk.
1004.91 Excess milk.
1004.92 Computation of base for each producer.
1004.93 Base rules.
1004.94 Relinquishing a base.
1004.95 Announcement of base.

Advertising and Promotion Program

1004.110 Agency.
1004.111 Composition of the Agency.
1004.112 Term of office.
1004.113 Selection of Agency members.
1004.114 Agency operating procedure.
1004.115 Powers of the Agency.
1004.116 Duties of the Agency.
1004.117 Advertising, research, education, and promotion program.
1004.118 Limitation of expenditures by the Agency.
1004.119 Personal liability.
1004.120 Procedure for requesting refunds.
1004.121 Duties of the market administrator.
1004.122 Liquidation.

AUTHORITY: The provisions of this subpart issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

Subpart—Order Regulating Handling

General Provisions

§ 1004.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

Definitions

§ 1004.2 Middle Atlantic marketing area.

"Middle Atlantic marketing area" (hereinafter called the "marketing area") means all territory within the boundaries of the following places, including piers, docks and wharves and territory within such boundaries occupied by government (municipal, State, or Federal) reservations, installations, institutions or other similar establishments:

(a) The District of Columbia.

(b) The State of Delaware.

(c) In the State of Maryland:

(1) The counties of:

Anne Arundel.	Kent.
Baltimore.	Montgomery.
Calvert.	Prince Georges.
Caroline.	Queen Annes.
Carroll.	Somerset.
Cecil.	St. Marys.
Charles.	Talbot.
Dorchester.	Washington.
Frederick.	Wicomico.
Harford.	Worcester.
Howard.	

(2) The city of Baltimore.

(d) In the State of New Jersey:

(1) The counties of:

Atlantic.	Cumberland.
Burlington.	Gloucester.
Camden.	Mercer.
Cape May.	Salem.

(2) In Ocean County:

(i) The townships of:

Eagleswood.	Ocean.
Lacey.	Stafford.
Long Beach.	Union.
Little Egg Harbor.	

(ii) The boroughs of:

Barnegat Light.	Ship Bottom.
Beach Haven.	Tuckerton.
Harvey Cedars.	

(e) In the State of Pennsylvania, the counties of:

Adams.	Juniata.
Bucks.	Lancaster.
Chester.	Lebanon.
Cumberland.	Montgomery.
Dauphin.	Perry.
Delaware.	Philadelphia.
Franklin.	York.
Fulton.	

(f) In the State of Virginia:

(1) The counties of:

Arlington.	Loudoun.
Fairfax.	Prince William.

(2) The cities of:

Alexandria.	Fairfax.
Falls Church.	

§ 1004.3 Route disposition.

"Route disposition" means any delivery of a fluid milk product from a plant to a retail or wholesale outlet (including any delivery through a distribution depot, by a vendor, from a plant store or through a vending machine) except any delivery to a plant.

§ 1004.4 Plant.

"Plant" means the land and buildings together with their surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, processing or packaging of milk or milk products (including filled milk). However, a separate facility used only for the purpose of transferring bulk milk from one tank truck to another tank truck or only as a distribution depot for fluid milk products in transit for route distribution shall not be included under this definition.

§ 1004.5 [Reserved]

§ 1004.6 [Reserved]

§ 1004.7 Pool plant.

Except as provided in paragraph (f) of this section, "pool plant" means a plant (except a producer-handler plant or the plant of a handler pursuant to § 1004.9 (e)) specified in paragraphs (a) through (e) of this section.

(a) A plant from which during the month a volume not less than 50 percent of its receipts described in subparagraph (1) or (2) of this paragraph is disposed of as Class I milk (except filled milk) and a volume not less than 10 percent of such receipts is disposed of as route disposition (other than as filled milk) in the marketing area;

(1) Milk received at such plant directly from dairy farmers (including milk diverted as producer milk pursuant to § 1004.12, by either the plant operator or by a cooperative association, but excluding the milk of dairy farmers for other markets) and from a cooperative in its capacity as a handler pursuant to § 1004.9(c); or

V 40 163
APR 1 75

(2) In the case of a plant with no receipts described in subparagraph (1) of this paragraph, receipts of fluid milk products (other than filled milk) from other plants.

(b) Any plant not meeting the conditions of paragraph (a) of this section from which during the month a quantity of fluid milk products (other than filled milk) not less than the applicable percentage (as specified in subparagraph (1) of this paragraph) of such plant's receipts of milk from dairy farmers (including milk diverted as producer milk pursuant to § 1004.12 by either the plant operator or by a cooperative association) and from a cooperative association in its capacity as a handler pursuant to § 1004.9(c) is moved to a plant(s) meeting the percentage disposition requirements specified in paragraph (a) of this section with respect to its total receipts of fluid milk products (other than filled milk) from dairy farmers, cooperative associations as handlers pursuant to § 1004.9(c) and from other plants. However, a plant shall not qualify pursuant to this paragraph in any month in which a greater proportion of its qualifying shipments are made to a plant(s) regulated under another Federal order than to plants regulated under this order.

(1) The applicable percentage for the purpose of this paragraph shall be:

(i) 50 percent for any month of September through February; and

(ii) 40 percent for any month of March through August.

(c) A reserve processing plant which was a pool plant under this paragraph in the month immediately preceding the effective date of this order, which does not meet the conditions for pool status pursuant to paragraph (a) or (b) of this section shall continue to hold such status in each consecutive succeeding month in which:

(1) It is owned and operated by a handler who also operates a plant qualified pursuant to paragraph (a) of this section;

(2) The plant does not qualify as a pool plant pursuant to the provisions of another Federal order;

(3) The plant, in combination with a distributing plant of such handler, meets the performance standards of paragraph (a) of this section;

(4) No plant of such handler is a means for qualification of any other plant for pooling pursuant to paragraph (b) of this section; and

(5) The handler notifies the market administrator each month, at the time of filing reports pursuant to § 1004.30 in the detail prescribed by the market administrator, with respect to any receipts from dairy farmers delivering to such plant not meeting the health requirements for disposition as fluid milk in the marketing area.

(d) A reserve processing plant operated by a cooperative association at which milk from dairy farmers is received if the total of fluid milk products (except filled milk) transferred from such cooperative association plant(s) to, and the milk of member producers physically received at, pool plants pursuant to § 1004.7(a) is not less than 50 percent of the total milk of member producers during the month: *Provided*, That in the case of a cooperative association that owns and operates both a reserve processing plant and a pool plant pursuant to § 1004.7(a), the provisions of this paragraph shall have been met so long as the volume of the cooperative's member milk pooled at the reserve processing plant does not exceed the volume of sales of Class I milk (except filled milk) from the cooperative's pool distributing plant, plus the milk of member producers received directly at pool plants pursuant to § 1004.7(a) of other handlers during the month, and provided further that a cooperative operating a pool reserve processing plant qualified pursuant to this paragraph shall notify the market administrator each month, at the time of filing reports pursuant to § 1004.30 in the detail prescribed by the market administrator, with respect to any receipts from member dairy farmers delivering to such plant not meeting the health requirements for disposition as fluid milk in the marketing area.

(e) Subject to the conditions of subparagraph (1) of this paragraph, a plant that was qualified pursuant to paragraph (b) of this section during each of the immediately preceding months of September through February shall remain so qualified during the following months of March through August, unless written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated a nonpool plant for such month and each subsequent month of such period during which it does not otherwise qualify pursuant to said paragraph (b):

(1) The automatic pooling status of any plant pursuant to this paragraph shall be canceled beginning on the first day of any month during the March through August period in which another supply plant is qualified for pooling through shipments to the same plants through which such automatic pooling status was acquired.

(f) A plant specified in subparagraph (1) or (2) of this paragraph shall, except as provided in §§ 1004.32(e) and 1004.71(c), be exempt from the provisions of this part:

(1) Any plant qualified pursuant to paragraph (a) of this section which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless the Secretary determines that a greater volume of Class I milk, except filled milk, is disposed of from such plant as route disposition in the Middle Atlantic marketing area than is so disposed of in a marketing area regulated pursuant to such other order; or

(2) Any plant subject to the classification and pricing provisions of another order issued pursuant to the Act, notwithstanding its status under this order pursuant to paragraphs (a) or (b) of this section.

§ 1004.8 Nonpool plant.

"Nonpool plant" means a plant other than a pool plant. The following categories of nonpool plants are further defined:

(a) "Other order plant" means a plant that is fully subject to the pricing and payment provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a plant which is not a pool plant, a producer-handler plant, an other order plant, or the plant of a handler pursuant to § 1004.9(e), from which fluid milk products in consumer-type packages or dispenser units are disposed of as route disposition in the marketing area during the month.

(d) "Unregulated supply plant" means a plant which is not a pool plant, a producer-handler plant, an other order plant, or the plant of a handler pursuant to § 1004.9(e), from which fluid milk products are shipped during the month to a plant qualified under § 1004.7.

§ 1004.9 Handler.

"Handler" means any person described in paragraphs (a) through (f) of this section. Any person in his capacity as the operator of a pool plant or a cooperative association in its capacity as a handler pursuant to paragraph (b) or (c) of this section shall be a "pool handler".

(a) Any person in his capacity as the operator of:

(1) A pool plant;

(2) A partially regulated distributing plant;

(3) An unregulated supply plant; or

(4) An other order plant.

(b) Any cooperative association with respect to the milk of any producer which it causes to be diverted in accordance with the provisions of § 1004.12 for the account of such cooperative association.

(c) Any cooperative association with respect to the milk of its producer members which is delivered from the farm to the pool plant of another person in a tank truck owned and operated by or under contract to such cooperative association, unless both the cooperative association and the operator of the pool plant notify the market administrator in writing prior to the first day of the month that the plant operator will be responsible for payment for the milk and is purchasing the milk on the basis of farm weights determined by farm bulk tank calibrations and butterfat tests based on samples taken at the farm. Milk for which the cooperative association is qualified pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which such milk is delivered.

(d) A producer-handler.

(e) A governmental agency in its capacity as the operator of a plant with route disposition in the marketing area.

(f) Any other person who by purchase or direction causes milk of producers to

be picked up at the farm and/or moved to a plant.

§ 1004.10 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a plant with route disposition in the marketing area, and who meets the conditions of paragraphs (a), (b), and (c) of this section:

(a) The sole source of supply of fluid milk products is his own farm production and transfers of such products from pool plants;

(b) The quantity of fluid milk products received from pool plants during the month does not exceed 10,000 pounds; and

(c) Such person furnishes proof satisfactory to the market administrator that the maintenance and management of all dairy animals and other resources necessary to produce the entire amount of fluid milk products handled (excluding transfers from pool plants), and the operation of the plant are each the personal enterprise of and at the personal risk of such person.

(d) Sections 1004.40 through 1004.45, 1004.50 through 1004.54, 1004.60 through 1004.62, 1004.70 through 1004.79, 1004.85 and 1004.86, 1004.90 through 1004.95, and 1004.110 through 1004.122 shall not apply to a producer-handler.

§ 1004.11 Dairy farmer.

"Dairy farmer" means any person who produces milk which is delivered in bulk to a plant. A dairy farmer shall be a "dairy farmer for other markets" with respect to milk reported pursuant to § 1004.7(c)(6) or the proviso of paragraph (d) of said § 1004.7.

§ 1004.12 Producer.

Subject to the conditions of paragraph (e) and the exceptions of paragraph (f) of this section, "producer" means any person described in paragraphs (a) through (d) of this section.

(a) A dairy farmer with respect to milk which is received at a pool plant pursuant to § 1004.7 (a), (b), (c) or (e) directly from the farm including milk received at a pool plant pursuant to § 1004.7(c) as milk diverted from a pool plant pursuant to § 1004.7 (a), (b), or (e).

(b) A dairy farmer with respect to milk which is received at a pool plant pursuant to § 1004.7(d): *Provided*, That such milk is received directly from the farm of one who is a member of the cooperative operating the plant or is received as milk diverted from a pool plant pursuant to § 1004.7 (a), (b) or (e).

(c) A dairy farmer with respect to milk received by a cooperative association in its capacity as a handler pursuant to § 1004.9(c).

(d) A dairy farmer with respect to milk which is diverted to a nonpool plant (other than a producer-handler plant) in accordance with the conditions of subparagraphs (1) and (2) of this paragraph.

(1) During any month of March through August.

(2) Not more than 10 days production during any month of September through February unless all of the diversions of member and nonmember milk, as the case may be, are pursuant to subdivision (i) or (ii), respectively, of this subparagraph and they fall within the limits prescribed thereunder. If a handler diverting milk pursuant to this subparagraph diverts milk of any dairy farmer in excess of the limits prescribed such dairy farmer shall be a producer only with respect to that milk physically received at a pool plant.

(i) All of the diversions of milk of members of a cooperative association to nonpool plants are for the account of such cooperative association and the amount of member milk so diverted does not exceed 25 percent of the volume of milk of all members of such cooperative association received at all pool plants during such month.

(ii) All of the diversions of milk of dairy farmers who are not members of a cooperative association diverting milk for its own account during the month are diversions by a handler in his capacity as the operator of a pool plant from which the quantity of such nonmember milk so diverted does not exceed 25 percent of the total of such nonmember milk delivered to such handler during the month.

(e) Milk which is diverted in accordance with the provisions of this section shall be deemed to have been received by the handler for whose account it is diverted at a pool plant at the location of the plant from which it is diverted, except that, for the purpose of applying location adjustments pursuant to §§ 1004.52 and 1004.75 and the direct-delivery differential pursuant to § 1004.79, milk which is diverted in the manner described in subparagraph (1), (2), or (3) of this paragraph shall be treated as though received at the location of the plant to which diverted.

(1) Diverted from a pool plant at which no location adjustment credit is applicable to a plant at which a location adjustment credit is applicable.

(2) Diverted from a pool plant at which a location adjustment credit is applicable to a plant at which a greater location adjustment credit is applicable.

(3) Diverted from a pool plant in the direct-delivery zone to a plant outside such direct-delivery zone.

(f) This definition shall not include a:

(1) Producer-handler as defined in any order (including this part) issued pursuant to the Act;

(2) Dairy farmer for other markets;

(3) Government agency which is a handler pursuant to § 1004.9(e);

(4) Dairy farmer with respect to milk reported as milk diverted to an other order plant if any portion of such dairy farmer's milk so moved is assigned to Class I under the provisions of such other order; or

(5) Dairy farmer with respect to milk physically received at a pool plant as diverted milk from an other order plant if all of the milk so received from such dairy farmer is assigned to Class II and the milk is treated as producer milk under the provisions of such other order.

§ 1004.13 Producer milk.

"Producer milk" means any skim milk or butterfat contained in milk:

(a) Received at a pool plant pursuant to § 1004.7 (a), (b), (c) or (e) directly from the farm including milk received at a pool plant pursuant to § 1004.7(c) as milk diverted from a pool plant pursuant to § 1004.7 (a), (b), or (e).

(b) Received at a pool plant pursuant to § 1004.7(d): *Provided*, That such milk is received directly from the farm of one who is a member of the cooperative operating the plant or is received as milk diverted from a pool plant pursuant to § 1004.7 (a), (b), or (e).

(c) Received from producers by a cooperative association in its capacity as a handler pursuant to § 1004.9(c); or

(d) Diverted to a nonpool plant in accordance with the provisions of § 1004.12.

§ 1004.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts in the form of fluid milk products from any source other than producers, pool plants, or from a cooperative association in its capacity as a handler pursuant to § 1004.9(c);

(b) Receipts (including any Class II product produced in the handler's plant during a prior month) in a form other than as a fluid milk product which are reprocessed, converted, or combined with another product during the month; and

(c) Receipts in a form other than a fluid milk product for which the handler fails to establish a disposition.

§ 1004.15 Fluid milk product.

"Fluid milk product" means milk, skim milk (including concentrated and reconstituted milk or skim milk), buttermilk, cultured buttermilk, flavored milk, milk drinks (plain or flavored), filled milk, and (except ice cream, ice cream mixes, ice milk mixes, milkshake mixes, eggnog, yogurt, condensed or evaporated milk, and any product which contains 6 percent or more nonmilk fat [or oil]) any mixture in fluid form of cream and milk or skim milk containing less than 10 percent butterfat: *Provided*, That when the product is modified by the addition of nonfat milk solids, the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of unmodified product of the same nature and butterfat content.

§ 1004.16 [Reserved]

§ 1004.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

V 40163
APR 175

§ 1004.18 Exempt milk.

"Exempt milk" means bulk fluid milk products received at a pool plant or a partially regulated distributing plant from the plant of a handler pursuant to § 1004.9(e) for processing and packaging and for which an equivalent quantity of packaged fluid milk products is returned to such handler during the month.

§ 1004.19 [Reserved]

§ 1004.20 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) Is qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) Has full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members; and

(c) Has its entire activities under the control of its members.

HANDLER REPORTS

§ 1004.30 Reports of receipts and utilization.

(a) On or before the eighth day after the end of each month each handler with respect to each of his pool plants shall report for the month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) The quantities of skim milk and butterfat contained in:

(i) Receipts of producer milk (including such handler's own production);

(ii) Receipts of fluid milk products from other pool plants and milk received from a cooperative association for which it is a handler pursuant to § 1004.9(c); and

(iii) Receipts of other source milk;

(2) Inventories of fluid milk products on hand at the beginning and end of the month; and

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, showing separately in-area route disposition, except filled milk, and filled milk route disposition in the area;

(b) Each handler who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of milk from dairy farmers shall be reported in lieu of producer milk; such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(c) Each producer-handler and each handler pursuant to § 1004.9(c) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe; and

(d) On or before the eighth day after the end of each month, each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1004.9 (b) or (c) as follows:

(1) Receipts of skim milk and butterfat from producers;

(2) Utilization of skim milk and butterfat diverted to nonpool plants; and

(3) The quantities of skim milk and butterfat delivered to each pool plant of another handler.

§ 1004.31 [Reserved]

§ 1004.32 Other reports.

(a) Each pool handler shall report to the market administrator in detail and on forms prescribed by the market administrator as follows:

(1) On or before the 26th day after the end of the month for each pool plant, his producer payroll for such month which shall show for each producer:

(i) His name and address;

(ii) The total pounds of milk received from such producer;

(iii) The average butterfat content of such milk; and

(iv) The net amount of the handler's payment, together with the price paid and the amount and nature of any deduction;

(2) Such other information with respect to receipts and utilization of butterfat and skim milk as the market administrator shall prescribe.

(b) Promptly after a producer moves from one farm to another, or starts or resumes deliveries to a pool handler, the handler shall file with the market administrator a report stating the producer's name and post office address, the health department permit number, if applicable, the date on which the changes took place, and the farm and plant location involved.

(c) Each handler operating a partially regulated distributing plant who does not elect to make payments pursuant to § 1001.76(b) shall report the same information as required in paragraph (a) of this section with respect to dairy farmers from whom he receives milk.

(d) On or before the 20th day after the end of the month, each handler pursuant to § 1004.9(f) shall report to the market administrator, in the detail and on forms prescribed by the market administrator, all transactions wherein milk was bought or dealt in, giving the following information:

(1) The name and address of any cooperative association or producer for whom the handler by either purchase or direction caused milk of producers to be moved to a plant;

(2) The total pounds of milk involved in the transaction, and the average butterfat content of such milk; and

(3) Such other information with respect to such transaction as the market administrator may prescribe.

(e) Each handler operating a plant described in § 1004.7(f) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of other reports specified in this section or in § 1004.30) and allow verification of such reports by the market administrator.

CLASSIFICATION OF MILK

§ 1004.40 Classes of utilization.

Subject to the conditions set forth in §§ 1004.41 through 1004.44, all skim milk and butterfat required to be reported by a handler pursuant to §§ 1004.30 and 1004.32 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat;

(1) Disposed of as a fluid milk product except as provided in paragraph (b) (2), (3), or (7) of this section;

(2) Contained in inventory of packaged fluid milk products on hand at the end of the month; and

(3) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of for livestock feed;

(3) Contained in fluid milk products which are dumped, if the handler gives the market administrator such advance notice of intent to dump as the market administrator may prescribe;

(4) Contained in inventory of fluid milk products in bulk which are on hand at the end of the month;

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1004.41(b)(1), but not to exceed the following:

(i) Two percent of producer milk received at a pool plant; plus

(ii) One and one-half percent of milk received at a pool plant from a cooperative association in its capacity as a handler pursuant to § 1004.9(c); plus

(iii) One and one-half percent of milk received at a pool plant in bulk tank lots from other pool plants; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the handler (and by the operator of such other order plant if such receipt is fully subject to the classification and pricing provisions of such other order); plus

(v) One and one-half percent of receipts from dairy farmers for other markets pursuant to § 1004.11 and receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) One and one-half percent of milk moved in bulk tank lots from a pool plant to other plants; and plus

(vii) One-half of 1 percent in receipts of producer milk by a cooperative association in its capacity as a handler pursuant to § 1004.9(c);

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1004.41(b)(2);

(7) Disposed of in bulk fluid milk products to manufacturing establishments such as bakeries, candy factories, soup factories, and similar establishments at which fluid milk products were used only in the manufacture of food products other than milk products; and

(8) In skim milk represented by the nonfat milk solids added to a fluid milk product for fortification which is in excess of the volume included within the fluid milk product definition pursuant to § 1004.15.

§ 1004.41 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Shrinkage shall be prorated between: (1) Skim milk and butterfat in receipts described in § 1004.40(b)(5); and (2) skim milk and butterfat in other source milk, exclusive of that specified in § 1004.40(b)(5).

§ 1004.42 Classification of transfers and diversions.

Skim milk and butterfat in the form of any fluid milk product shall be classified:

(a) As Class I milk if diverted from a pool plant pursuant to § 1004.7 (a), (b), or (e) to a pool plant pursuant to § 1004.7 (c) or (d), or transferred from a pool plant or by a cooperative association as a handler pursuant to § 1004.9(c) to a pool plant, unless Class II utilization is indicated by the transferee and transferor handlers (or by the handler if such transaction is between two pool plants of the same handler) in their reports pursuant to § 1004.30(a) for the month, subject to the conditions of subparagraphs (1), (2), and (3) of this paragraph:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1004.44(a)(10) and the corresponding step of § 1004.44(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1004.44(a)(5), the skim milk and butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1004.44(a)(9) or (10), and the corresponding steps of § 1004.44(b), the skim milk and butterfat so transferred or diverted up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted from a pool plant or delivered by a cooperative association in the capacity as a handler pursuant to § 1004.9 (c) to a handler pursuant to § 1004.9(e);

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is not an other order plant, a producer-handler plant, or the plant of a handler pursuant to § 1004.9(e), unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph;

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1004.30 for the month within which such transaction occurred;

(2) The operator of such nonpool transferee plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification;

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any route disposition in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, and thereafter pro rata to receipts from other order plants;

(ii) Any route disposition in the marketing area of an other order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, and thereafter pro rata to receipts from pool plants and other order plants not regulated by such order;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to the receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant, and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) Any remaining receipts from pool plants or other order plants shall be assigned to Class II: *Provided*, That if on inspection of the books and records of the nonpool plant the market administrator finds that the remaining unassigned receipts at such plant exceed the available Class II utilization, the transfer shall be classified as Class I up to the amount of such excess.

(e) As follows, if transferred to another order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1004.40.

§ 1004.43 General rules.

(a) Each month, the market administrator shall correct for mathematical and other obvious errors, the reports of receipts and utilization submitted pursuant to § 1004.30(a) by each handler and compute the total pounds of skim milk and butterfat, respectively, in each class at each of the plants of such handler, and the total pounds of skim milk and butterfat in each class which was received from producers by a cooperative association handler pursuant to § 1004.9 (b) and (c) and was not received at a pool plant.

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such products plus all the water originally associated with such solids.

§ 1004.44 Classification of producer milk.

After making the computations pursuant to § 1004.43, the market administrator each month shall determine the classification of milk received from producers by each cooperative association handler pursuant to § 1004.9 (b) and (c) which was not received at a pool plant, and the classification of milk received from producers and from cooperative association handlers pursuant to § 1004.9(c) at each pool plant for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

V 40 163
APR 1 75

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1004.40(b)(5);

(2) Subtract from the total pounds of skim milk in Class I, the pounds of skim milk in receipts of exempt milk;

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (5)(vi) of this paragraph as follows:

(i) From Class II milk, the lesser of the pounds remaining, or 2 percent of such receipts; and

(ii) From Class I milk the remainder of such receipts;

(4) Except for the first month this order is effective, with respect to plants which in the immediately preceding month were unregulated plants, subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of packaged fluid milk products on hand at the beginning of the month;

(5) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products from dairy farmers for other markets pursuant to § 1004.11 and from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts (other than exempt milk) of fluid milk products from a handler pursuant to § 1004.9(e);

(v) Receipts of reconstituted skim milk in filled milk from unregulated supply plants;

(vi) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in any case to exceed the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (exclusive of transfers between pool plants of the same handler) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, receipts from pool plants of other handlers, from a cooperative association in its capacity as a handler pursuant to § 1004.9(c), and in receipts in bulk from other order plants; and

(c) (1) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in remaining receipts of fluid milk products in bulk from an other order plant which are in excess of similar movements to such plant, if such receipts were classified and priced pursuant to the other order and if Class II utilization was requested by the operator of such plant and the transferee handler, but not in excess of the pounds of skim milk remaining in Class II milk;

(7) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products in bulk (and for the first month this order is effective, in packaged fluid milk products not subtracted pursuant to subparagraph (4) of this paragraph) on hand at the beginning of the month;

(8) Add to the remaining pounds of skim milk in Class II, the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(9) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants and from other order plant(s) if not classified or priced pursuant to the order regulating such plant, that were not subtracted pursuant to subparagraph (6) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(10) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk in remaining receipts of fluid milk products in bulk from other order plants (except receipts from other order plants not classified and priced pursuant to the order regulating such plant), in excess in each case of similar movements to the same plant, pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk:

(a) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1004.45(b); or

(b) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case, the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(11) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1004.9(c) according to the classification assigned pursuant to § 1004.42(a); and

(12) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

§ 1004.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) On or before the 15th day after the end of each month, report to each cooperative association which so requests, the class utilization of milk purchased from such association or delivered to the pool plant(s) of each handler by producers who are members of such cooperative association. For the purpose of this report, the milk so purchased or received shall be allocated to each class in the same ratio as all producer milk received by such handler during such month;

(b) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1004.44(a)(10) and the corresponding step of § 1004.44(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(c) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1004.44 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(d) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

Class Prices

§ 1004.50 Class prices.

Subject to the provisions of § 1004.52 the minimum class prices per hundredweight of milk containing 3.5 percent butterfat for the month shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.78.

(b) *Class II price.* Subject to the adjustment set forth below for the applicable month, the Class II price shall be the basic formula price for the month.

Month:	Amount
January	+$0.05
February	+.04
March	−.03
April	−.07
May	−.10
June	−.09
July	+.05
August	+.12
September	+.08
October	+.08
November	+.08
December	+.08

§ 1004.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1004.52 Location differentials to handlers.

(a) For that milk received from producers and from a cooperative association in its capacity as a handler pursuant to § 1004.9(c) at a pool plant located 55 miles or more by shortest highway distance from the city hall in Philadelphia, Pa., and also 75 miles or more by the shortest highway distance from the nearer of the zero milestone in Washington, D.C., or the city hall in Baltimore, Md. (all such distance to be determined by the market administrator), and which is assigned to Class I milk, subject to the limitations pursuant to paragraph (b) of this section, and for other source milk for which a location adjustment is applicable, the Class I price shall be reduced at the rate of 1.5 cents per 10-mile distance or fraction thereof that such plant location is from the nearest of such basing points.

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned to Class I disposition at the transferee plant in an amount not in excess of that by which such Class I disposition exceeds 95 percent of the sum of receipts at such plant from producers, cooperative associations pursuant to § 1004.9(c), and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants, and from dairy farmers for other markets pursuant to § 1004.11. Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply: *Provided,* That for the purposes of this paragraph, transfers from a pool plant to a second pool plant which are in turn transferred to a third pool plant shall be treated as though the transfer was direct from the originating plant to the plant of final receipt.

§ 1004.53 Announcement of class prices and producer butterfat differential.

On or before the fifth day of each month the market administrator shall publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following:

(a) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(b) The Class II price for the preceding month; and

(c) The producer butterfat differential for the preceding month.

§ 1004.54 Equivalent prices or indexes.

If for any reason a price or index specified by this part for use in computing class prices or other purposes is not reported or published in the manner described in this part, the market administrator shall use a price or index determined by the Secretary to be equivalent or comparable with the factor which is specified.

Uniform Prices

§ 1004.60 Pool obligation of each pool handler.

The net pool obligation of each pool handler for each pool plant, and of each cooperative association handler pursuant to § 1004.9 (b) and (c) with respect to milk which was not received at a pool plant, shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of milk received from a cooperative association as a handler pursuant to § 1004.9(c) and allocated pursuant to § 1004.44(a)(11) and the corresponding step of § 1004.44 (b) and the quantity of producer milk in each class, as computed pursuant to § 1004.44(c), by the applicable class prices (adjusted pursuant to § 1004.52);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1004.44(a)(12) and the corresponding step of § 1004.44(b) by the applicable class prices adjusted by the applicable differentials pursuant to §§ 1004.52, 1004.74, and 1004.79;

(c) Add the amounts computed under subparagraphs (1) and (2) of this paragraph:

(1) Multiply the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1004.44(a)(7) and the corresponding step of § 1004.44(b) for the current month;

(2) Multiply the difference between the applicable Class I price for the preceding month and the applicable Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1004.44(a)(4) and the corresponding step of § 1004.44(b). If the Class I price for the current month is less than the

V 40 163
APR 1 75

Class I price for the preceding month, the result shall be a minus amount.

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1004.44(a)(5) and the corresponding step of § 1004.44(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1004.44(a)(5)(v) and (vi) and the corresponding step of § 1004.44(b) the Class I price shall be adjusted to the location of the transferor plant but not less than the Class II price; and

(e) Add an amount equal to the value at the Class I price of skim milk and butterfat assigned to Class I pursuant to § 1004.44(a)(9) and the corresponding step of § 1004.44(b) (excluding receipts from partially-regulated distributing plants for which disposition a specific allocation is made to Federal order receipts from this or any other order) adjusted for the location of the nearest plant from which such types of receipts were received.

§ 1004.61 Computation of weighted average price and uniform prices for base milk and excess milk.

(a) For each month the market administrator shall compute the weighted average price per hundredweight of milk received from producers as follows:

(1) Combine into one total the values computed pursuant to § 1004.60 for all handlers who filed the reports prescribed by § 1004.30 for the month and who made the payments pursuant to § 1004.71 for the preceding month;

(2) Add an amount equal to the total value of the location differentials computed pursuant to § 1004.75;

(3) Subtract an amount computed by multiplying the total hundredweight of producer milk included pursuant to subparagraph (1) of this paragraph by 5 cents;

(4) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(5) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(i) The total hundredweight of producer milk included pursuant to subparagraph (1) of this paragraph; and

(ii) The total hundredweight for which a value is computed pursuant to § 1004.60(e);

(6) Subtract not less than 4 cents nor more than 5 cents per hundredweight.

(b) For each month the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk received from producers, each of 3.5 percent butterfat content, f.o.b. market, as follows:

(1) Compute the aggregate value of excess milk for all handlers included in the computations pursuant to paragraph (a) of this section as follows:

(i) Multiply the quantity of such milk which does not exceed the total quantity of producer milk received by such handlers assigned to Class II milk by the Class II milk price less 5 cents;

(ii) Multiply the remaining hundredweight quantity of excess milk by the Class I price less 5 cents; and

(iii) Add together the resulting amounts.

(2) Divide the total value of excess milk obtained in subparagraph (1) of this paragraph by the total hundredweight of such milk and round to the nearest cent. The resulting figure shall be the uniform price for excess milk;

(3) From the amount resulting from the computations of subparagraphs (1) through (4) of paragraph (a) of this section subtract an amount computed by multiplying the hundredweight of milk specified in § 1004.61(a)(5)(ii) by the weighted average price;

(4) Subtract the total value of excess milk determined by multiplying the uniform price obtained in subparagraph (2) of this paragraph by the hundredweight of excess milk, from the amount computed pursuant to subparagraph (3) of this paragraph;

(5) Divide the amount calculated pursuant to subparagraph (4) of this paragraph by the total hundredweight of base milk for handlers included in these computations: *Provided*, That if the resulting price should exceed the Class I price by more than the amount deducted pursuant to subparagraph (6) of this paragraph the aggregate amount in excess thereof shall be included in the computation of the excess price pursuant to subparagraph (1) of this paragraph, except that if by such addition the excess price should exceed the base price then the aggregate amount of the excess shall be prorated to the aggregate values of base milk and excess milk on the basis of the respective volumes of base and excess milk; and

(6) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to subparagraph (5) of this paragraph. The resulting figure shall be the uniform price for base milk.

§ 1004.62 Announcement of weighted average price and uniform prices for base milk and excess milk.

On or before the 13th day of each month, the market administrator shall publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the weighted average price and uniform prices for base milk and excess milk computed pursuant to § 1004.61 for the preceding month.

PAYMENTS FOR MILK

§ 1004.70 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund pursuant to §§ 1004.71, 1004.76 and 1004.77 and out of which he shall make all payments from such fund pursuant to §§ 1004.72 and 1004.77: *Provided*, That the market administrator shall offset the payment due to a handler against payment due from such handler.

§ 1004.71 Payments to the producer-settlement fund.

On or before the 15th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceeds the amounts specified in paragraph (b) of this section:

(a) The net pool obligation computed pursuant to § 1004.60 for such handler;

(b) The sum of:

(1) The value of milk received by such handler from producers and from cooperative association handlers pursuant to § 1004.9(c) at the applicable uniform price(s) pursuant to § 1004.61 adjusted by location differentials, less in the case of a cooperative association on milk for which it is a handler pursuant to § 1004.9(c), the amount due from other handlers pursuant to § 1004.73(d), exclusive of differential butterfat values; and

(2) The value at the weighted average price plus 5 cents, adjusted by the applicable location differential on nonpool milk pursuant to § 1004.75(b) (not to be less than the value of the Class II price) with respect to other source milk for which values are computed pursuant to § 1004.60(e).

(c) Each handler operating a plant specified in § 1004.7(f)(1) if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in the marketing areas regulated by two or more market-wide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

§ 1004.72 Payments from the producer-settlement fund.

On or before the 17th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1004.71(b) exceeds the amount computed pursuant to § 1004.71(a): *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1004.73 Payments to producers and to cooperative associations.

(a) Except as provided in (b) and (d) of this section, each pool handler shall make payment as specified in subparagraphs (1) and (2) of this paragraph to each producer from whom milk is received.

(1) On or before the last day of each month at not less than the Class II price for the preceding month per hundredweight for his deliveries of producer milk during the first 15 days of the month; and

(2) On or before the 20th of the following month at not less than the uniform price for base milk computed pursuant to § 1004.61(b)(3) through (6) with respect to base milk received from such producer and not less than the excess price determined pursuant to § 1004.61(b)(1) and (2) for excess milk received from such producers subject to the following adjustments: *Provided*, That such payment shall be at not less than the weighted average price with respect to milk received from producers, also subject to the following adjustments:

(i) Proper deductions authorized in writing by such producers;

(ii) Partial payments made pursuant to subparagraph (1) of this paragraph;

(iii) The butterfat differential computed pursuant to § 1004.74; and

(iv) Less the location differential received pursuant to § 1004.75: *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 1004.72 for such month he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator;

(b) In the case of a cooperative association which the market administrator determines is authorized by its producer-members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the second day prior to the date on which payments are due individual producers, pay the cooperative association for milk received during the month from the producer-members of such association as determined by the market administrator an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section;

(c) In the case of milk received by a handler from a cooperative association in its capacity as the operator of a pool plant such handler shall on or before the second day prior to the date on which payments are due individual producers, pay to such cooperative association for milk so received during the month, an amount not less than the value of such milk computed at the applicable class prices for the location of the plant of the buying handler; and

(d) Each handler who receives milk from a cooperative association handler pursuant to § 1004.9(c), shall on or before the second day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) A partial payment for milk received during the first 15 days of the month at the rate specified in paragraph (a)(1) of this section; and

(2) A final payment equal to the value of such milk at the uniform price(s) adjusted by the applicable differentials pursuant to §§ 1004.74 and 1004.75, less the amount of partial payment on such milk.

(e) In making payments to producers pursuant to paragraph (a)(2) of this section, or to a cooperative association pursuant to paragraph (b) of this section, each pool handler shall furnish such producer or cooperative association with respect to each of its producer members from whom the handler received milk during the month, a written statement showing:

(1) The month and the identity of the handler and the producer;

(2) The total pounds and average butterfat test of milk delivered by the producer;

(3) The minimum rate at which payment to such producer is required under paragraph (a)(2) of this section;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The nature and amount of any deductions made in payment due such producer; and

(6) The net amount of the payment to the producer.

§ 1004.74 Butterfat differential.

In making the payments to producers and cooperative associations required pursuant to § 1004.73, each handler shall add for each one-tenth of 1 percent of average butterfat content above 3.5 percent, or may deduct for each one-tenth of 1 percent of average butterfat content below 3.5 percent, as a butterfat differential an amount per hundredweight which shall be computed by the market administrator as follows: Multiply by 0.115 and round to the nearest one-tenth cent the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department for the month.

§ 1004.75 Location differentials to producers and on nonpool milk.

(a) Subject to the exception pursuant to § 1004.12(d), for that milk received from producers and from cooperative association handlers pursuant to § 1004.9(c) at a pool plant located 55 miles or more from the city hall in Philadelphia, Pa., and also at least 75 miles from the nearer of the zero milestone in Washington, D.C., or the city hall in Baltimore, Md. (all distances to be the shortest highway distance as determined by the market administrator), the uniform price for base milk computed pursuant to § 1004.61(b) shall be reduced 1.5 cents for each 10 miles distance or fraction thereof that such plant is from the nearest of such basing points.

(b) For purposes of computations pursuant to §§ 1004.71 and 1004.72 the weighted average price shall be reduced at the rate set forth in paragraph (a) of this section applicable at the location of the nonpool plant(s) from which the milk was received with respect to other source milk for which a value is computed pursuant to § 1004.60(e).

§ 1004.76 Payments by a handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1004.30(b) and 1004.32(c) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1004.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant, a cooperative association as a handler pursuant to § 1004.9(b), or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1004.60(e) and a credit in the amount specified in § 1004.71(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1004.30(b) and 1004.32(c) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1004.7(b) with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification

V 40 163
APR 1 75

of such reports there will be added the amount of the obligation computed at each nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for milk (approved by a duly constituted health authority for fluid disposition) received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants; cooperative associations in their capacity as handlers pursuant to § 1004.9(b), and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant (but not less than the Class II price), subtract its value at the weighted average price applicable at such location plus 5 cents (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant (but not less than the Class II price), less the value of such skim milk at the Class II price.

§ 1004.77 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1004.78 [Reserved]

§ 1004.79 Direct-delivery differential.

For producer milk received at a plant located within 55 miles of the city hall in Philadelphia, Pa., the handler in making payments to producers and cooperative association handlers pursuant to § 1004.9(c), in addition to any amounts required by other provisions of this part, shall pay 6 cents per hundredweight of milk so received.

Administrative Assessment and Marketing Service Deduction

§ 1004.85 Assessment for order administration.

As his pro rata share of the expense of administration, each handler shall pay to the market administrator on or before the 20th day after the end of the month, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to milk handled during the month as follows:

(a) Each handler (excluding a cooperative association in its capacity as a handler pursuant to § 1004.9(c), and a cooperative association as the operator of a pool plant with respect to milk transferred in bulk to a pool plant) with respect to his receipts of producer milk (including such handler's own-farm production, milk received from a cooperative association pursuant to § 1004.9(c), and milk transferred in bulk from a pool plant owned and operated by a cooperative association) and other source milk allocated to Class I pursuant to § 1004.44(a) (5) and (9) and the corresponding step of § 1004.44(b);

(b) Each handler in his capacity as the operator of a partially regulated distributing plant with respect to his route disposition in the marketing area in excess of his receipts of Class I milk from pool plants, cooperative associations as handlers pursuant to § 1004.9(b), and other order plants assigned to such disposition.

§ 1004.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, making payments directly to producers for milk (other than milk of his own production) pursuant to § 1004.73(a) shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe and shall pay such deductions to the market administrator on or before the 20th day after the end of the month. Such money shall be expended by the market administrator to provide market information and to verify the weights, samples and tests of milk of producers who are not receiving such service from a cooperative association; and

(b) In the case of producers for whom the Secretary determines a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made directly to such producers pursuant to § 1004.73(a) as are authorized by such producers on or before the 18th day after the end of each month and pay such deductions to the cooperative rendering such services.

Base-Excess Plan

§ 1004.90 Base milk.

"Base milk" means milk received from a producer by a pool handler which is not in excess of such producer's daily base computed pursuant to § 1004.92 multiplied by the number of days in such month on which such producer's milk was so received: *Provided*, That with respect to any producer on every-other-day delivery, the day of nondelivery prior to a day of delivery, although such prior day is in the preceding month, shall be considered as a day of delivery for purposes of this paragraph.

§ 1004.91 Excess milk.

"Excess milk" means milk received from a producer by a pool handler which is in excess of base milk received from such producer during the month.

§ 1004.92 Computation of base for each producer.

For each month of the year, the market administrator shall compute, subject to the rules set forth in § 1004.93, a base for each producer described in paragraphs (a) through (e) of this section by dividing the applicable quantity of milk receipts specified in such paragraph by 153 (by 154 in the case of a producer on every-other-day delivery schedule who delivered August 1) less the number of days, if any, during the applicable base-forming period of August through December for which it is shown that the day's production of milk of such producer was not received by a pool handler as described in the applicable paragraphs (a) through (e) of this section under which such producer's base is computed: *Provided*, That in no event shall the number of days used to compute a producer's base pursuant to this section be less than 120.

(a) For any producer, except as provided in paragraphs (b) through (f) of this section, the quantity of milk receipts shall be the total pounds of producer milk received by all pool handlers from such producer during the preceding months of August through December;

(b) Except as provided in paragraph (c) of this section, for any producer whose milk was received at a plant which first became a pool plant after the beginning of the preceding August–December period, which plant was a pool plant for at least 120 days during such period, the quantity of milk receipts to be used in the computation of such producer's base shall be the total pounds of milk received from such dairy farmer at such plant during the entire August–December period.

(c) For any producer who on August 1 was an Order 2 (New York-New Jersey) producer and who held such status in all or part of the 2 months of August and September and who otherwise was a producer only under this part for all of the remaining August through December period, the quantity of milk receipts shall be the total pounds of milk received from such dairy farmer by pool handlers under both orders throughout the August–December period.

(d) For any producer whose milk was received during the preceding August through December period at a plant which became a pool plant pursuant to § 1004.7(a) during or after such August through December period, the quantity of milk receipts shall be the total pounds of milk received from such dairy farmer during such August–December period by pool handlers as producer milk and at such plant as a nonpool plant.

(e) For any producer whose milk, in the initial month of operation of this extended order, is received at a plant which becomes a pool plant pursuant to § 1004.7(b) for such month on the basis of qualifying shipments to a plant(s) which was not a pool plant in the immediately preceding month but is a pool plant(s) pursuant to § 1004.7(a) in such initial month, the quantity of milk receipts shall be the total pounds of milk received from such dairy farmer during the immediately preceding August–December period (1) as producer milk by pool handlers and (2) as direct receipts at such transferor (nonpool) plant.

(f) Any producer who made no qualifying milk deliveries during the base-forming period of August through December, or who relinquishes his established base pursuant to § 1004.94, shall have a base reflecting the percentage of his average daily deliveries of producer milk each month as set forth in the following table. A new base is earned on the basis of his milk deliveries during the subsequent August through December period.

Month:	*Percentage of production as base*
January and February	60
March through June	50
July	60
August through November	70
December	60

§ 1004.93 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base computed pursuant to paragraphs (a) through (e) of § 1004.92 (except as provided in paragraph (f) of said section) shall be effective for the subsequent months of March through February, inclusive.

(b) A base computed pursuant to paragraphs (a) through (e) of § 1004.92 may be transferred only in its entirety to another dairy farmer and only upon discontinuance of milk production because of the entry into military service of the baseholder.

(c) Base transfers shall be accomplished only through written application to the market administrator on forms prescribed by the market administrator and shall be signed by the baseholder and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, except as provided in paragraph (e) of this section, the entire base only is transferrable and only upon receipt of such application signed by all joint holders.

(d) If a producer operates more than one farm and milk is received from each at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1004.9 (b) or (c), he shall establish a separate base with respect to producer milk delivered from each such farm; *Provided*, That if such farms and herds are combined into one dairy farm, the separate bases may be combined into one base subject to approval of the market administrator.

(e) Only one base shall be allocated with respect to milk produced by one or more persons where a dairy farm is jointly owned or operated: *Provided*, That in the case of a base established jointly, if a copy of the partnership agreement setting forth as a percentage of the total interest of the partners in the base is filed with the market administrator before the end of the base-forming period, then upon termination of the partnership agreement each partner will be entitled to his stated share of the base to hold in his own right or to transfer in conformity with the provisions of paragraph (b) or (c) of this section (including transfer to a partnership of which he is a member). Such termination of partnership shall become effective as of the end of any month during which an application for such division of base signed by each member of such partnership is received by the market administrator.

(f) Two or more producers with bases may combine such bases upon the formation of a bona fide partnership operating from one farm. Such a combination shall be considered a joint base under paragraph (e) of this section.

(g) Subject to approval by the market administrator, the name of the baseholder may be changed to that of another member of the baseholder's immediate family but only under circumstances where the base would be applicable to milk production from the same herd and on the same farm.

§ 1004.94 Relinquishing a base.

A producer holding an established base can, upon notification to the market administrator, relinquish his established base and be paid pursuant to the provisions of § 1004.92(f) beginning with the first day of the month in which such notification is received by the market administrator and extending until March 1, next.

§ 1004.95 Announcement of base.

On or before February 25 of each year, the market administrator shall notify each producer, the handler receiving his milk and the cooperative association of which he is a member of the daily base established by such producer.

Advertising and Promotion Program

§ 1004.110 Agency.

"Agency" means an agency organized by producers and producers' cooperative associations, in such form and with methods of operation specified in this part, which is authorized to expend funds made available pursuant to § 1004.121(b)(1), on approval by the Secretary, for the purposes of establishing or providing for establishment of research and development projects, advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products. Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of duties as members of the Agency.

§ 1004.111 Composition of the Agency.

Each cooperative association or combination of cooperative associations as provided for under § 1004.113(b) is authorized one Agency representative for each full 5 percent of the participating member producers (producers who have not requested refunds for the most recent quarter) it represents. Cooperative associations with less than 5 percent of the total participating producers that have elected not to combine pursuant to § 1004.113(b), and participating producers who are not members of cooperatives are authorized to select from such group, in total, one Agency representative for each full 5 percent that such producers constitute of the total participating producers. For the purpose of the Agency's initial organization, all persons defined as producers shall be considered as participating producers.

§ 1004.112 Term of office.

The term of office of each member of the Agency shall be 1 year, or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

§ 1004.113 Selection of Agency members.

The selection of Agency members shall be made pursuant to paragraphs (a), (b), and (c) of this section. Each person selected shall qualify by filing with the market administrator a written acceptance promptly after being notified of such selection.

(a) Each cooperative association authorized one or more representatives to the Agency shall notify the market administrator of the name and address of each representative who shall serve at the pleasure of the cooperative.

(b) For purposes of this program, cooperative associations may elect to combine their participating membership and, if the combined total of participating producers of such cooperatives is 5 percent or more of the total participating producers, such cooperatives shall be eligible to select a representative(s) to the Agency under the rules of § 1004.111 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association(s) having less than the required 5 percent of the producers participating in the ad-

V 40 163
APR 1 75

vertising and promotion program and who have not elected to combine memberships as provided in paragraph (h) of this section, shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this amending order, and annually thereafter, the market administrator shall give notice to participating producer members of such cooperatives and participating nonmember producers of their opportunity to nominate one or more Agency representatives, as the case may be, and also shall specify the number of representatives to be selected.

(2) Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among the individual producers eligible to vote. Election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes. If an elected representative subsequently discontinues producer status or is otherwise unable to complete his term of office, the market administrator shall appoint as his replacement the participating producer who received the next highest number of eligible votes.

§ 1004.114 Agency operating procedure.

A majority of the Agency members shall constitute a quorum and any action of the Agency shall require a majority of concurring votes of those present and voting.

§ 1004.115 Powers of the Agency.

The Agency is empowered to:

(a) Administer the terms and provisions within the scope of Agency authority pursuant to § 1004.110;

(b) Make rules and regulations to effectuate the purposes of Public Law 91–670;

(c) Recommend amendments to the Secretary; and

(d) With the approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in §§ 1004.110 and 1004.117.

§ 1004.116 Duties of the Agency.

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select from among its members a chairman and such other officers and committee as may be necessary, and adopt and make public such rules as may be necessary for the conduct of its business;

(b) Develop programs and projects pursuant to §§ 1004.110 and 1004.117;

(c) Keep minutes, books, and records and submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected amounts to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) When desirable, establish an advisory committee(s) of persons other than Agency members;

(f) Employ and fix the compensation of any person deemed to be necessary to its exercise of powers and performance of duties;

(g) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings, and pay the expenses of administering the Agency; and

(h) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

§ 1004.117 Advertising, research, education, and promotion program.

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit producers under this part; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

§ 1004.118 Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1004.121(b)(1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milk and its products.

§ 1004.119 Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member in performance of his duties, except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1004.120 Procedure for requesting refunds.

Any producer may apply for refund under the procedure set forth under paragraphs (a) through (c) of this section.

(a) Refund shall be accomplished only through application filed with the market administrator in the form prescribed by the market administrator and signed by the producer. Only that information necessary to identify the producer and the records relevant to the refund may be required of such producer.

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June, or September for milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the start of the next refund notification period as specified in paragraph (b) of this section may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such period and including the remainder of the calendar quarter involved. This paragraph also shall be applicable to all producers during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds pursuant to paragraph (b) of this section.

(d) A producer, located in a State which has a State advertising and promotion program in which producers are required to participate unless they are participating in an advertising and promotion program under a Federal order, may (in lieu of a refund request) authorize the market administrator to pay to the State the amount of his required participation not in excess of 5 cents per hundredweight.

§ 1004.121 Duties of the market administrator.

Except as specified in § 1004.116, the market administrator, in addition to other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this amending order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1004.113(c);

(b) Set aside the amounts subtracted under § 1004.61(a)(3) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to subparagraph (3) of this paragraph; payments, if any, to producers or States pursuant to subparagraph (2) of this paragraph; and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed a rate of 5 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to § 1004.61(a)(3).

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1004.120 or make payment to any State on behalf of any producer for which specific authorization has been received pursuant to § 1004.120 (d). Such refund or payment, as the case may be, shall be computed at the rate of 5 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1004.61(a)(3) for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to subparagraph (2) of this paragraph.

(c) Promptly after the effective date of this amending order, and thereafter with respect to new producers, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1004.110 through 1004.122).

(d) Audit the Agency's records of receipts and disbursements.

§ 1004.122 Liquidation.

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund of § 1004.70.

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V 40 63 APR 1 75

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V 40 I 63

APR 1 75

64

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April 2, 1975—Pages 14737–14883

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PART I

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

OLD OIL—FEA permits use of plant condensate imported from Canada; effective 4–2–75 14738

SOCIAL SECURITY NUMBERS—VA proposes safeguards for individuals identified in information systems; comments by 5–2–75 14783

BLUEFIN TUNA—
Interior/FWS proposes endangered species status; comments by 6–2–75 14767
Commerce/NOAA proposes catch quotas and conservation measures; comments by 6–2–75 14777

FREEDOM OF INFORMATION—
TVA rules on search and duplication fees 14749
HUD/Office of Interstate Land Sales announces TION announces duplication and certification fees; effective 5–5–75 14753

RIGHT TO READ PROGRAM—HEW/OE rules on governing of grants 14762

HOPS—USDA/AMS establish salable quantity and allotment percentage for 1975–76 marketing year 14737

AIRCRAFT ARRESTING SYSTEMS—DOD/AF establishes policy on management and use 14758

TRAVEL SERVICES—Treasury/Comptroller propose revised interpretation of National banks function; comments by 5–1–75 14767

MICROWAVE OVENS—HEW/FDA requires safety instructions in manuals and warning labels; effective 10–3–75 .. 14750

ASSOCIATION-TYPE LOANS—USDA/FmHA proposes amended requirements; comments by 5–2–75 14776

CIVIL WORKS—DOD/Corps of Engineers rules on public involvement in planning activities; effective 4–2–75 14761

(Continued inside)

PART II:

DEAUTHORIZATION—DOD/Corps of Engineers proposes project review program; comments by 5–15–75 14871

PART III:

ENFORCEMENT AUTHORITY—EPA proposes implementation plan requirements after statutory deadlines under Part 52; comments by 5–2–75 .. 14876

V 40 64

APR 2 75

MEETINGS—
DOD: DIA Scientific Advisory Committee; 4–29 and 4–30–75 14785
AF: USAF Scientific Advisory Board ad hoc Committee for Review of Mission, Organization, Resources and Location of Air Force Cambridge Research Laboratories; 4–18 and 4–19–75 14785
Navy: Chief of Naval Operations Executive Panel Advisory Committee; 4–22 and 4–23–75 14785
DOT/FAA: Microwave Landing System Advisory Committee; 4–22 and 4–23–75 14791
FCC: Radio Technical Commission for Aeronautics; 4–25–75, 5–22 and 5–23–75 (2 documents) 14805
HEW: National Advisory Council on Services and Facilities for the Developmentally Disabled; 4–28 and 4–29–75 14790
Secretary's Advisory Committee on the Rights and Responsibilities of Women; 4–24 and 4–25–75 14790
FDA: Panel on Review of Dentifrices and Dental Care Agents; 5–7 and 5–8–75 14788
National Science Foundation: Science Adviser with Scientific and Technical Societies; 4–14–75 14808

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5266. For information on obtaining extra copies, please call 202–523–5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202–523–5022.

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contents

AGRICULTURAL MARKETING SERVICE
Rules
Limitations of handling and shipping:
Hops 14737
Proposed Rules
Milk marketing orders:
Ohio Valley area 14769

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Rules
Marketing quotas and acreage allotments:
Tobacco 14737

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Farmers Home Administration; Federal Crop Insurance Corporation; Forest Service; Rural Electrification Administration.

AIR FORCE DEPARTMENT
Rules
Aircraft arresting systems 14758
Notices
Meetings:
Scientific Advisory Board 14785

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Notices
Fish meal and related products; inspection program; cross reference 14786

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
Allegheny Airlines, Inc 14791
International Air Transport Association (3 documents) 14792, 14794, 14796
National Airlines, Inc 14800
Seaboard World Airlines, Inc 14801

COMMERCE DEPARTMENT
See National Bureau of Standards; National Oceanic and Atmospheric Administration.

COMPTROLLER OF THE CURRENCY
Proposed Rules
National banks providing travel service 14767

COST ACCOUNTING STANDARDS BOARD
Rules
Accounting for costs of compensated personal absence 14737

CUSTOMS SERVICE
Rules
Customs bonds; transcript for certain term bonds 14749
Drawback statements; accelerated payment of drawback claims 14749

DEFENSE DEPARTMENT
See also Air Force Department; Engineers Corps; Navy Department.
Notices
Meetings:
Defense Intelligence Agency Scientific Advisory Committee 14785

EDUCATION OFFICE
Rules
Right to read program; grants to school training staff 14762
Notices
Applications, closing dates:
Emergency School Aid Act 14789
Right to Read School Based Program 14790

ENGINEERS CORPS
Rules
Navigation regulations:
Public involvement; general policies 14761
Proposed Rules
Project deauthorization review program; policies and procedures 14871

ENVIRONMENTAL PROTECTION AGENCY
Proposed Rules
Enforcement authority; State and Federal enforcement of implementation plan requirements after statutory deadlines 14875

FARMERS HOME ADMINISTRATION
Proposed Rules
Association loans and grants-community facilities development, conservation, utilization; processing loans 14776

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directives:
Canadair 14739
deHavilland 14740
Piper 14740
Control zone 14741
Transition areas (4 documents) 14740, 14741
Proposed Rules
Jet route, extension 14781
Transition areas (4 documents) 14780, 14781
Notices
Meetings:
Microwave Landing System Advisory Committee 14791

FEDERAL COMMUNICATIONS COMMISSION
Rules
Common Carrier Bureau; reorganization 14764
Notices
Committees, Radio Technical Commission for Aeronautics; Special Committee 130, establishment of 14806
Common carrier services information; domestic public radio services applications accepted for filing 14801
Meetings:
Radio Technical Commission for Aeronautics (2 documents) 14805
Hearings, etc.:
Maranatha, Inc., et al 14803
Mobile, George T. and Radio Gaithersburg, Inc 14802
Teleprompter Cable System, Inc. and Central California Comunications Corp 14804

FEDERAL CROP INSURANCE CORPORATION
Proposed Rules
Crop insurance:
Barley 14777

FEDERAL ENERGY ADMINISTRATION
Rules
Mandatory petroleum allocations:
Old oil allocation program, inclusion of Canadian plant condensate in crude oil runs 14738

FEDERAL HOME LOAN BANK BOARD
Rules
Authority delegations:
Director and Deputy Director of the Board's Office of Examinations and Supervision 14738

FEDERAL INSURANCE ADMINISTRATION
Rules
National flood insurance program:
Special hazard areas 14754

FEDERAL MARITIME COMMISSION
Notices
Agreements filed:
Japan Line, Ltd., et al 14806
Nippon Yusen Kaisha and Showa Shipping Co., Ltd 14806

FEDERAL POWER COMMISSION
Notices
Natural Gas Pipe Line Co. of America 14807
Hearings, etc.:
Texas Eastern Transmission Corp 14806

FEDERAL RAILROAD ADMINISTRATION
Notices
Petitions for exemptions, etc.:
Johnstown and Stony Creek Railroad Co 14791

FEDERAL TRADE COMMISSION
Rules
Prohibited trade practices:
Fuqua Industries, Inc., et al 14771

FISH AND WILDLIFE SERVICE
Rules
Fishing:
Kirwin National Wildlife Refuge; Kans 14766

V 40-64
APR 2 75

Proposed Rules
Tuna, Atlantic Bluefin; threatened status ---- 14767

FOOD AND DRUG ADMINISTRATION
Rules
Radiological Health; microwave ovens ---- 14750
Notices
Fish meal and related products; inspection program; cross reference ---- 14789
Meetings:
Advisory committees ---- 14788

FOREST SERVICE
Notices
Environmental statements, availability, etc.:
Chugach and Tongass National Forests; addendum ---- 14786
Clearwater National Forest, Elk Summit Planning Unit plan ---- 14786
White Mountain National Forest, Kilkenny Unit plan ---- 14786

GENERAL ACCOUNTING OFFICE
Notices
Regulatory reports review; receipt of proposals (2 documents) ---- 14807

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION
Rules
Attorneys-in-fact; list ---- 14753

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Education Office; Food and Drug Administration; Public Health Service.
Notices
Meetings:
Rights and Responsibilities of Women, Secretary's Advisory Committee ---- 14790
Services and Facilities for Developmentally Disabled National Advisory Council ---- 14790

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See also Federal Insurance Administration; Government National Mortgage Association; Interstate Land Sales Registration Office.
Notices
Authority delegations:
Area Director, Milwaukee Area office ---- 14791

INTERIOR DEPARTMENT
See Fish and Wildlife Service; Land Management Bureau.

INTERNAL REVENUE SERVICE
Proposed Rules
Income tax:
Foreign tax credit; separate limitation in case of dividends from disc or former disc; correction ---- 14767

INTERSTATE COMMERCE COMMISSION
Rules
Car service orders:
Baltimore & Ohio Railroad Co. and Louisville & Nashville Railroad Co. ---- 14765
Chicago, Rock Island & Pacific Railroad Co. ---- 14765
Colorado & Southern Railway Co. and Colorado & Wyoming Railway Co. ---- 14766
Penn Central Transportation Co. ---- 14766
Notices
Car service exemptions, mandatory:
Detroit, Toledo & Ironton Railroad Co. ---- 14822
Erie Lackawanna Railway Co. ---- 14822
Chicago, Rock Island & Pacific Railroad Co.; emergency terminal surcharge tariff ---- 14821
Fourth section applications for relief ---- 14823
Hearing assignments ---- 14821
Motor carriers:
Alternate route deviation notices ---- 14824
Applications and certain other proceedings ---- 14824
Intrastate applications ---- 14823
Irregular route property carriers; gateway elimination ---- 14832
Temporary authority applications (2 documents) ---- 14823, 14829
Transfer proceedings ---- 14823

INTERSTATE LAND SALES REGISTRATION OFFICE
Rules
Freedom of information ---- 14753

JUSTICE DEPARTMENT
See Law Enforcement Assistance Administration.

LAND MANAGEMENT BUREAU
Notices
Applications, etc.:
New Mexico ---- 14785

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
Notices
Meetings:
Committee on Prevention of Territoristic Crimes, Private Security Advisory Council ---- 14785

MANAGEMENT AND BUDGET OFFICE
Notices
List of requests; clearance of reports ---- 14817

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
Notices
Advisory Board on Aircraft Fuel Conservation Technology; establishment ---- 14807

NATIONAL BUREAU OF STANDARDS
Notices
Encryption algorithm for computer data protection; requests for comments; correction ---- 14787

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Rules
Motor vehicle safety standards:
Tires, pneumatic ---- 14765
Notices
Petitions for temporary exemption from safety standards:
Polar Co. ---- 14791

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
Proposed Rules
Fisheries, aid:
American lobster in Gulf of Maine ---- 14778
Salmon in Washington, Oregon and California ---- 14779
Tuna, Bluefin; threatened species ---- 14777
Notices
Fish meal and related products; inspection program ---- 14787

NATIONAL SCIENCE FOUNDATION
Notices
Meetings:
Science Advisor ---- 14808

NAVY DEPARTMENT
Notices
Meetings:
Chief of Naval Operations Executive Panel Advisory Committee ---- 14785

NUCLEAR REGULATORY COMMISSION
Notices
Applications, etc.:
Kansas Gas & Electric Co., et al. ---- 14808
Wisconsin Electric Power Co. ---- 14808

PUBLIC HEALTH SERVICE
Rules
Nursing special project grants; correction ---- 14762

RURAL ELECTRIFICATION ADMINISTRATION
Notices
Environmental statements:
Big Rivers Electric Corp. ---- 14786
Lower Valley Power & Light, Inc. ---- 14787
Tri-State Generation & Transmission Association, Inc. ---- 14787

SECURITIES AND EXCHANGE COMMISSION
Rules
Authority delegation:
Director of Division of Enforcement ---- 14748
Proposed Rules
Exempting investment advisers registered as broker-dealers with respect to certain investment advisory services ---- 14782
Notices
Hearings, etc.:
Ohio Power Co. ---- 14818
Reliance World Trade Co. Ltd. ---- 14819
Tax-Exempt Securities Trust ---- 14819

TENNESSEE VALLEY AUTHORITY
Rules
Freedom of information; fees for search and duplication of records ---- 14749

TRANSPORTATION DEPARTMENT
See also Federal Aviation Administration; Federal Railroad Administration; National Highway Traffic Safety Administration.
Rules
Authority delegations:
Federal Highway Administrator ---- 14764

TREASURY DEPARTMENT
See Comptroller of the Currency; Customs Service; Internal Revenue Service.

VETERANS ADMINISTRATION
Proposed Rules
Social security numbers; safeguarding privacy of personal information of individuals identified in information systems ---- 14783
Notices
Meetings:
Cooperative Studies Evaluation Committee ---- 14821

WORKERS' COMPENSATION PROGRAMS OFFICE
Rules
Employees' benefits; claims for compensation under Federal Employees' Compensation Act; correction ---- 14750

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

4 CFR
409 ---- 14737

7 CFR
724 ---- 14737
991 ---- 14737
PROPOSED RULES:
401 ---- 14777
1033 ---- 14769
1823 ---- 14776

10 CFR
211 ---- 14738

12 CFR
563 ---- 14738
PROPOSED RULES:
7 ---- 14767

14 CER
39 (3 documents) ---- 14739, 14740
71 (4 documents) ---- 14740, 14741
PROPOSED RULES:
71 (4 documents) ---- 14780, 14781
75 ---- 14781

16 CFR
13 ---- 14741

17 CFR
200 ---- 14748
PROPOSED RULES:
275 ---- 14782

18 CFR
301 ---- 14749

19 CFR
22 ---- 14749
113 ---- 14749

20 CFR
10 ---- 14750

21 CFR
1030 ---- 14750

24 CFR
300 ---- 14753
1700 ---- 14753
1915 ---- 14754

26 CFR
PROPOSED RULES:
1 ---- 14767

32 CFR
856 ---- 14758

33 CFR
380 ---- 14761
PROPOSED RULES:
266 ---- 14872

38 CFR
PROPOSED RULES:
1 ---- 14783

40 CFR
PROPOSED RULES:
65 ---- 14876

42 CFR
57 ---- 14762

45 CFR
151 ---- 14762

47 CFR
0 ---- 14764

49 CFR
1 ---- 14764
571 ---- 14765
1033 (4 documents) ---- 14765, 14766

50 CFR
33 ---- 14766
PROPOSED RULES:
17 ---- 14767
227 ---- 14777
251 (2 documents) ---- 14778, 14779

V 40-64 APR 2 75

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

There were no items eligible for inclusion.

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT
Animal and Plant Health Inspection Service—
Representations regarding the geographical origin of meat and poultry food products; comments by 4–7–75..... 10191; 3–5–75
Viruses, serums, toxins and analogous products; comments by 4–10–75. 11587; 3–12–75

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration—
Illegally imported marine mammals; abandonment provisions; comments by 4–7–75.... 4930; 2–3–75

CONSUMER PRODUCT SAFETY COMMISSION
Toys and other children's articles presenting injury hazards due to sharp edges and sharp points; comment period reopened until 4–10–75 12678; 3–20–75.

FEDERAL COMMUNICATIONS COMMISSION
FM Broadcast stations, Virginia and West Virginia; table of assignments; comments by 4–11–75..... 8965; 3–4–75
Major market cable television system; comments by 4–7–75.. 8967; 3–4–75
UHF television; translator signal booster stations; comments by 4–11–75, reply comments by 4–21–75. 10999; 3–10–75

FEDERAL ENERGY ADMINISTRATION
Mandatory petroleum price regulations; comments by 4–10–75..... 13522; 3–27–75

FEDERAL POWER COMMISSION
Electric utility questionnaire; plans and costs for meeting current air pollution standards; comments by 4–7–75. 12818; 3–21–75
Energy; new form for monthly power statement; comments by 4–7–75. 11896; 3–14–75
Non-utility affiliates; comments by 4–11–75..... 10196; 3–5–75

FEDERAL TRADE COMMISSION
Food advertising, change in comment closing date for proposed trade regulation rule; comments by 4–7–75. 6688; 2–13–75

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
Education Office—
Libraries and learning resources; education innovation and support; comments by 4–11–75.... 11686; 3–12–75
Supplemental Educational Opportunity Grants Program; operational provision; comments by 4–7–75. 10686; 3–7–75
Office of the Secretary—
Hospitals and medical facilities; grants and loan guarantees for construction and modernization; comments by 4–7–75..... 10686; 3–7–75
Social Security Administration—
Federal health insurance for the aged and disabled; service payments; comments by 4–7–75..... 10687; 3–7–75

INTERIOR DEPARTMENT
National Park Service—
Public nudity; Cape Cod National Seashore, Massachusetts; comments by 4–9–75..... 10997; 3–10–75

JUSTICE DEPARTMENT
Immigration and Naturalization Service—
Evidence; taking of depositions abroad; comments by 4–11–75. 12514; 3–19–75

LABOR DEPARTMENT
Office of the Secretary—
Comprehensive manpower program and grants to areas of high unemployment; comments by 4–7–75. 10828; 3–7–75
Apprenticeship programs; registration standards; comments by 4–9–75..... 11340; 3–10–75
Labor Standards Concerning Contracts for Federally Financed and Assisted Construction; comments by 4–7–75..... 7685; 2–21–75

SECURITIES AND EXCHANGE COMMISSION
Broker-dealer reports; monitoring effect of competitive commission rates; comments by 4–7–75..... 12524; 3–19–75
Insurance companies and investment bankers; distinction clarification; comments by 4–7–75..... 8965; 3–4–75

TRANSPORTATION DEPARTMENT
Coast Guard—
Merchant Marine personnel; licensing and certification; comments extended to 4–9–75.... 10692; 3–7–75
Federal Aviation Administration—
Airworthiness directives; Rolls Royce RB 211 engines; comments by 4–9–75..... 11002; 3–10–75
Transition area; proposed alteration; comments by 4–11–75.... 11597; 3–12–75
Transition area; Gwinner, N. Dak.; comments by 4–7–75..... 10692; 3–7–75
Transition area; Laramie, Wyo.; comments by 4–7–75..... 10692; 3–7–75
Transition area; Ottawa, Ohio; comments by 4–7–75..... 10692; 3–7–75
Transition area; Winnfield, La.; comments by 4–9–75.. 11003; 3–10–75
VOR Federal Airways; alteration; comments by 4–8–75.. 12518; 3–19–75

TREASURY DEPARTMENT
Alcohol, Tobacco, and Firearms Bureau—
Distilled spirits; labeling and advertising; hearing; comments by 4–9–75..... 6354; 2–11–75

Next Week's Meetings

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES
Committee on Compliance and Enforcement Proceedings; to be held in Washington, D.C. (open with restrictions) 4–7–75..... 10705; 3–7–75

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION
American Revolution Bicentennial Council; to be held at Washington, D.C. (open) 4–7–75..... 11360; 3–11–75

CIVIL RIGHTS COMMISSION
Alaska State Advisory Committee; to be held in Anchorage, Alaska (open with restrictions) 4–10–75..... 12540; 3–19–75
California State Advisory Committee; to be held in Salinas, Calif. (open) 4–10 and 4–11–75..... 12886; 3–21–75
Connecticut State Advisory Committee (open) to be held at the Holiday Inn, Meriden, Connecticut, 4–9–75. 13238; 3–25–75
Michigan State Advisory Committee; to be held in Flint, Michigan (open) 4–10 and 4–11–75..... 12837; 3–21–75
Montana State Advisory Committee; to be held at the University of Montana (open) 4–12–75..... 11635; 3–12–75
Nebraska State Advisory Committee (open) meeting to be held at the Radisson-Cornhusker Hotel, Lincoln, Nebraska, 4–11–75.. 13239; 3–25–75
New York State Advisory Committee; to be held at New York, N.Y. (open 4–3–75..... 11635; 3–12–75
Pennsylvania State Advisory Commitee; to be held in Philadelphia, Pa. (open) 4–9–75..... 12837; 3–21–75

South Carolina State Advisory Committee; to be held at Columbia, South Carolina (open) 4–7–75..... 11636; 3–12–75

CIVIL SERVICE COMMISSION
Federal Employees Pay Council; to be held at Washington, D.C. (closed) 4–9–75..... 12311; 3–18–75

COMMERCE DEPARTMENT
Domestic and International Business Administration—
Computer Systems Technical Advisory Committee; to be held in Washington, D.C. (open with restrictions) 4–8–75..... 8372; 2–27–75
Exporters' Textile Advisory Committee to be held in Washington, D.C. (open) 4–9–75.... 11014; 3–10–75
Office of the Secretary—
CTAB Panel on Sulfur Oxide Control Technology; to be held in Washington, D.C. (open with restrictions) 4–7 through 4–10–75..... 10702; 3–7–75
United States Travel Service—
Travel Advisory Board; to be held in Washington, D.C. (open with restrictions) 4–8–75..... 10703; 3–7–75

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
Committee of Senior Reviewers to be held in Albuquerque, New Mexico (closed) 4–7 and 4–8–75.... 12702; 3–20–75
General Advisory Committee Ad Hoc Isotopes Subcommittee to be held in Menlo Park, California (closed) 4–7 and 4–8–75..... 12716; 3–20–75

DEFENSE DEPARTMENT
Army Department—
National Board for the Promotion of Rifle Practice to be held in Washington, D.C. (open) 4–11–75.... 11007; 3–10–75
Office of the Secretary—
Advisory Group on Electron Devices; Working Group B to be held in New York, N.Y. (closed) 4–8–75. 11007; 3–10–75
Advisory Group on Electron Devices; Working Group C to be held in Arlington, Va. (closed) 4–10 and 4–11–75..... 11007; 3–10–75
Defense Advisory Committee on Women in the Services; to be held in Washington, D.C. (open with restrictions) 4–6 through 4–10–75. 10198; 3–5–75
Department of Defense Wage Committee; to be held at Washington, D.C. (closed) 4–8–75..... 11364; 3–11–75
Defense Science Board Task Force on DOD Space Shuttle Utilization to be held in Los Angeles, Calif. (closed) 4–8 and 4–9–75. 11007; 3–10–75

FEDERAL COMMUNICATIONS COMMISSION
Radio Technical Commission for Aeronautics to be held in Washington, D.C. (open with restrictions) 4–10 and 4–11–75..... 12705; 3–20–75
Radio Technical Commission for Aeronautics; to be held in Washington, D.C. (open with restrictions) 4–9–75. 12848; 3–21–75

GENERAL SERVICES ADMINISTRATION
Regional Public Advisory Panel on Architectural and Engineering Services; to be held in San Francisco, Calif., 4–7–75..... 11819; 3–13–75

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
Alcohol, Drug Abuse and Mental Health Administration—
Epidemiologic Studies Review Committee to be held in New York, N.Y. (open) 4–10 and 4–11–75. 12697; 3–20–75
Center for Disease Control—
Safety and Occupational Health Study Section; to be held in Atlanta, Ga. (open with restrictions) 4–9 thru 4–11–75..... 13541; 3–27–75
Food and Drug Administration—
Ophthalmic Drugs Advisory Committee to be held in Rockville, Md. (open and closed) 4–7–75.. 12698; 3–20–75
Panel on Review of Viral Vaccines and Rickettsial Vaccines; to be held in Bethesda, Md. (open) 4–10 thru 4–12–75..... 13541; 3–27–75
National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research; to be held in Bethesda, Md. (open with restrictions) 4–11 and 4–12–75. 13543; 3–27–75
National Institutes of Health—
Applied physiology and bioengineering; to be held in Philadelphia, Pa. (open with restrictions) 4–11 through 4–13–75..... 10704; 3–7–75
Bacteriology and mycology; to be held in Chevy Chase, Md. (open with restrictions) 4–10 through 4–12–75..... 10704; 3–7–75
Biometry and Epidemiology Contract Review Committee; to be held at Bethesda, Md. (open with restrictions); 4–8 and 4–9–75. 11925; 4–14–75
Board of Scientific Counselors; to be held at Bethesda, Maryland (open); 4–7 and 4–8–75.. 11925; 3–14–75
Cancer Control Supportive Services Review Committee; to be held at Bethesda, Md. (open with restrictions); 4–10 and 4–11–75. 11926; 3–14–75
Cancer Immunotherapy Committee; to be held at Bethesda, Maryland (open with restrictions) 4–10–75. 11925; 3–14–75
Cardiovascular and pulmonary; to be held in Bethesda, Md. (open with restrictions) 4–9 through 4–12–75. 10704; 3–7–75
Cardiovascular and renal; to be held in Bethesda, Md. (open with restrictions) 4–9 through 4–12–75. 10704; 3–7–75
Endocrinology; to be held in Silver Spring, Md. (open with restrictions) 4–7 through 4–10–75..... 10704; 3–7–75
Epidemiology and disease control; to be held in Pacific Palisades, Calif. (open with restrictions) 4–9 through 4–11–75..... 10704; 3–7–75
Experimental therapeutics; to be held in Bethesda, Md. (open with restrictions) 4–9 through 4–12–75. 10704; 3–7–75
Human embryology and development; to be held in Denver, Colo. (open with restrictions 4–13 through 4–16–75..... 10704; 3–7–75
Immunologic Control of Virus-Associated Tumors in Man: Prospects and Problems; to be held in Bethesda, Md. (open with restrictions) 4–7 through 4–9–75.. 6813; 2–14–75
Medicinal Chemistry A; to be held in Crystal City, Va. (open with restrictions) 4–10 through 4–12–75. 10704; 3–7–75
Medicinal Chemistry B; to be held in Philadelphia, Pa. (open with restrictions) 4–11 through 4–13–75. 10704; 3–7–75
National Commission on Arthritis and Related Musculoskeletal Diseases; to be held at Bethesda, Md. (open with restrictions) 4–7 and 4–8–75. 12304; 3–18–75
Pathology A; to be held in Silver Spring, Md. (open with restrictions) 4–11 through 4–13–75.... 10705; 3–7–75
Physiological Chemistry; Bethesda, Md. (open with restrictions) 4–10 through 4–12–75..... 10705; 3–7–75
Toxicology; to be held in Philadelphia, Pa. (open with restrictions) 4–11 through 4–13–75..... 10705; 3–7–75
Virus Cancer Program Scientific Review Committee A; to be held at Bethesda, Md. (open with restrictions) 4–10 and 4–11–75. 6812; 2–14–75
Review Panel on New Drug Regulation; to be held in Washington, D.C. (open) 4–8–75.... 12834; 3–21–75

INTERIOR DEPARTMENT
National Park Service—
Bent's Old Fort National Historic Site, Colo.; to be held in La Junta, Colo. (open) 4–10–75.. 11767; 3–13–75
Gateway National Recreation Area Advisory Commission; to be held in New York, N.Y. (open) 4–10–75. 11767; 3–13–75
Golden Gate National Recreation Area Citizens' Advisory Committee; to be held at San Francisco, Calif. (open) 4–8–75..... 11921; 3–14–75
Ozark National Scenic Riverways Advisory Committee; to be held at Shannon County, Missouri (open); 4–11–75..... 11921; 3–14–75

V 40 64
APR 2 75

LABOR DEPARTMENT
Occupational Safety and Health Administration—
Standards Advisory Committee on Coke Oven Emissions; to be held in Arlington, Va. (open) 4–7 through 4–9–75.. 12555; 3–19–75

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
NASA Research and Technology Advisory Council Committee on Energy Technology and Space Propulsion; to be held in Washington, D.C. (open with restrictions) 4–10 and 4–11–75. 12857; 3–21–75
NASA Wage Committee to be held in Washington, D.C. (open) 4–11–75. 12716; 3–20–75

NATIONAL SCIENCE FOUNDATION
Advisory Panel on Science Education Projects Proposal Review Subpanel on Science and Engineering Technology Education Program; to be held at Washington, D.C. (closed) 4–7–75. 12335; 3–18–75

SECURITIES AND EXCHANGE COMMISSION
Advisory Committee on the Implementation of a Central Market System; to be held in Dallas, Tex. (open) 4–10 through 4–11–75.... 12551; 3–19–75

SMALL BUSINESS ADMINISTRATION
Marshall District Advisory Council; to be held in Kilgore, Texas (open) 4–10–75..... 12862; 3–21–75

STATE DEPARTMENT
Office of the Secretary—
U.S. Advisory Commission on International Educational and Cultural Affairs to be held in Washington, D.C. (open) 4–11–75..... 12685; 3–20–75
Government Advisory Committee on International Book and Library Programs; to be held at Washington, D.C. (open with restrictions) 4–10 and 4–11–75..... 11617; 3–12–75
Legal Committee of International Civil Aviation Organization; to be held at Washington, D.C. (open) 4–8 through 4–23–75..... 12296; 3–18–75

TRANSPORTATION DEPARTMENT
Coast Guard—
Coast Guard Academy Advisory Committee; to be held at New London, Connecticut (open) 4–7 through 4–9–75..... 11627; 3–12–75
National Boating Safety Advisory Council Flotation Subcommittee; to be held at Washington, D.C. (open) 4–7–75..... 12306; 3–18–75
Towing Industry Advisory Committee; to be held at Governors Island, N.Y. (open) 4–9 and 4–10–75. 12307; 3–18–75
Federal Railroad Administration—
Railroad Operating Rules Advisory Committee; to be held at Washington, D.C. (open); 4–8–75. 11933; 3–14–75

UNITED STATES INFORMATION AGENCY
Advisory Commission in Information; to be held in Washington, D.C. (open); 4–7–75..... 10241; 3–5–75

VETERANS ADMINISTRATION
Advisory Committee on Structural Safety of Veterans Administration Facilities; to be held at Washington, D.C. (open with restrictions) 4–11–75. 12553; 3–19–75
Veterans Administration Wage Committee; to be held at Washington, D.C. (closed) 4–10–75.... 12554; 3–19–75

Next Week's Public Hearings

AGRICULTURE DEPARTMENT
Agricultural Marketing Service—
Limes and avocados grown in Fla.; handling; to be held in Homestead, Fla., on 4–10–75..... 11877

FEDERAL POWER COMMISSION
Mobil Oil Corp.; to be held in Washington, D.C. on 4–10–75..... 11805; 3–13–75

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
Food and Drug Administration—
Possible risk of cancer in situ of the cervix from medroxyprogesterone acetate injectable and other systemic steroidal contraceptives; to be held in Rockville, Md., 4–7–75. 12830; 3–21–75

INTERNATIONAL TRADE COMMISSION
President's list of articles which may be affected by international trade negotiations; to be held at Washington, D.C. 4–8–75..... 3517; 1–22–75
President's list of articles which may be affected by international trade negotiations; to be held at Chicago, Ill., 4–8–75..... 3517; 1–22–75
President's list of articles which may be affected by international trade negotiations; to be held at Cleveland, Ohio 4–10–75..... 3517; 1–22–75

TRANSPORTATION DEPARTMENT
Urban Mass Transportation Administration—
Elderly and handicapped transportation services; to be held in Los Angeles, Calif. 4–7–75.....10697; 3–7–75
Elderly and handicapped transportation services; to be held in Beaver, Colo. 4–9–75..... 10697; 3–7–75
Elderly and handicapped transportation services; to be held in Chicago, Ill. 4–11–75..... 10697; 3–7–75

Weekly List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statute citation. The list is kept current in each issue of the Federal Register and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 2166..... Pub. Law 94–12
Tax Reduction Act of 1975
(Mar. 29, 1975; 89 Stat. 26)

CUMULATIVE LIST OF PARTS AFFECTED—APRIL

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during April.

3 CFR
PROCLAMATION:
2799 (Revoked by Proc. 4360)..... 14567
2937 (Revoked by Proc. 4360)..... 14567
2938 (Revoked by Proc. 4360)..... 14567
2942 (Revoked by Proc. 4360)..... 14567
2972 (Revoked by Proc. 4360)..... 14567
3314 (Revoked by Proc. 4360)..... 14567
4101 (Revoked by Proc. 4360)..... 14567
4346..... 14565
4359..... 14565
4360..... 14567
EXECUTIVE ORDER:
11847..... 14568

4 CFR
408..... 14737

5 CFR
890..... 14569
1001..... 14570

7 CFR
724..... 14737
731..... 14601
991..... 14737
PROPOSED RULES:
401..... 14777
1002..... 14702
1004..... 14702
1033..... 14769
1823..... 14776

9 CFR
94..... 14571

10 CFR
211..... 14738
PROPOSED RULES:
205..... 14605
211..... 14605

12 CFR
563..... 14738
602..... 14571
PROPOSED RULES:
7..... 14767

13 CFR
PROPOSED RULES:
107..... 14606

14 CFR
39..... 14739, 14740
71..... 14740, 14741
400..... 14572
401..... 14574
425..... 14578
PROPOSED RULES:
71..... 14780, 14781
75..... 14781

15 CFR
PROPOSED RULES:
803..... 14603

16 CFR
13..... 14579–14582, 14741
302..... 14584

17 CFR
200..... 14748
PROPOSED RULES:
275..... 14782

18 CFR
301..... 14749
PROPOSED RULES:
35..... 14606
101..... 14606
104..... 14606
154..... 14606
202..... 14606
204..... 14606

19 CFR
22..... 14749
113..... 14749
153..... 14591

20 CFR
10..... 14750
405..... 14591

21 CFR
123..... 14592
1030..... 14750

24 CFR
300..... 14753
1700..... 14753
1914..... 14599–14601
1915..... 14754

25 CFR
43k..... 14592

26 CFR
PROPOSED RULES:
1..... 14767

29 CFR
2300..... 14593

32 CFR
856..... 14758

33 CFR
117..... 14594
380..... 14761
PROPOSED RULES:
117..... 14604
266..... 14872

38 CFR
PROPOSED RULES:
1..... 14783

40 CFR
52..... 14595
65..... 14876
180..... 14496, 14597

42 CFR
57..... 14762

43 CFR
PROPOSED RULES:
4..... 14603
2650..... 14603

45 CFR
151..... 14762
249..... 14597
250..... 14597

46 CFR
380..... 14599
528..... 14599
533..... 14599

47 CFR
0..... 14764

49 CFR
1..... 14764
571..... 14765
1033..... 14765, 14766

50 CFR
33..... 14766
PROPOSED RULES:
17..... 14767
227..... 14777
251..... 14778, 14779

FEDERAL REGISTER PAGES AND DATES—APRIL

Pages	*Date*
14565–14735	Apr. 1
14737–14883	2

V 40 64 APR 2 75

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

SUBCHAPTER G—COST ACCOUNTING STANDARDS

PART 408—COST ACCOUNTING STANDARD

Depreciation of Tangible Capital Assets

On January 29, 1975, a Cost Accounting Standard entitled Depreciation of Tangible Capital Assets was published in the FEDERAL REGISTER (40 FR 4259 et seq.).

As shown in the following § 408.80(a), the effective date of the standard which was reserved in the January 29, 1975 publication is July 1, 1975.

In consideration of the foregoing, § 408.80(a) is revised to read as follows:

§ 408.80 Effective date.

(a) The effective date of this Cost Accounting Standard is July 1, 1975.

(84 Stat. 196, section 103 (50 U.S.C. App. 2168))

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.75-8495 Filed 4-1-75;8:45 am]

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 724—FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), AND CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55) TOBACCO

Marketing Quota Referendum Results

Basis and Purpose. Sections 724.26 and 724.27 are issued pursuant to and in accordance with section 312 of the Agricultural Adjustment Act of 1938, as amended, to proclaim the marketing quota referendum results for cigar-binder (types 51 and 52) and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco, respectively, for the three marketing years beginning October 1, 1975, October 1, 1976, and October 1, 1977. Under the provisions of the same section of the Act, the Secretary proclaimed national marketing quotas for cigar-binder (types 51 and 52) tobacco and for cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco, for the 1975–76, 1976–77, and 1977–78 marketing years, and announced the amount of the national marketing quota for each of such kinds of tobacco for the 1975–76 marketing year (40 FR 5135). The Secretary announced (40 FR 6381) that separate referendums would be conducted by mail ballot during the period February 24–28, 1975, each inclusive, to determine whether cigar-binder (types 51 and 52) tobacco producers and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco producers were in favor of or opposed to marketing quotas for the three marketing years beginning October 1, 1975, October 1, 1976, and October 1, 1977.

The material previously appearing in these sections under centerhead Marketing Quota Referendum Results remains in full force and effect as to the crops to which they were applicable.

The only purpose of this document is to proclaim the results of the referendums. It is hereby found and determined that with respect to this proclamation, application of the notice and procedure provisions of 5 U.S.C. 553 is unnecessary.

Sections 724.26 and 724.27 are revised to read as follows:

§ 724.26 Cigar-binder (types 51 and 52) tobacco—1975–76, 1976–77 and 1977–78 marketing years.

In a referendum of farmers engaged in the production of the 1974 crop of cigar-binder (types 51 and 52) tobacco held during the period February 24–28, each inclusive, 199 farmers voted. Of those voting, 183 or 92.0 percent, favored quotas for a period of three years beginning October 1, 1975; 16 or 8.0 percent were opposed to quotas. Therefore, the national marketing quota of 6.8 million pounds proclaimed February 1, 1975 (40 FR 5135, 7619) for cigar-binder (types 51 and 52) tobacco for the 1975–76 marketing year will be in effect, and marketing quotas will be in effect for the three marketing years beginning October 1, 1975, October 1, 1976 and October 1, 1977.

§ 724.27 Cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco—1975–76, 1976–77 and 1977–78 marketing years.

In a referendum of farmers engaged in the production of the 1974 crop of cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco held during the period February 24–28, each inclusive, 3526 farmers voted. Of those voting, 3053 of 86.6 percent, favored quotas for a period of three years beginning October 1, 1975; 473 or 13.4 percent were opposed to quotas. Therefore, the national marketing quota of 33.8 million pounds proclaimed February 1, 1975 (40 FR 5135, 7619) for cigar-filler and binder (types 42, 43 44, 53, 54, and 55) tobacco for the 1975–76 marketing year will be in effect, and marketing quotas will be in effect for the three marketing years beginning October 1, 1975, October 1, 1976, and October 1, 1977.

(Secs. 312, 375, 52 Stat. 46, as amended, 66, as amended; (7 U.S.C. 1312, 1375))

Signed at Washington, D.C. on: March 28, 1975.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-8451 Filed 4-1-75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 991—HANDLING OF HOPS OF DOMESTIC PRODUCTION

Salable Quantity and Allotment Percentage for the 1975–76 Marketing Year

Notice was published in the February 28, 1975, issue of the FEDERAL REGISTER (40 FR 8566) regarding a proposal to establish, for the 1975–76 marketing year, beginning August 1, 1975, a salable quantity of 60,270,000 pounds, and an allotment percentage of 100 percent, for hops grown in Washington, Oregon, Idaho, and California. The salable quantity is the total quantity of hops from any crop grown in those states that may be freely handled by handlers. The salable quantity is prorated among producers by applying the allotment percentage to each producer's allotment base. The result is the quantity handlers may purchase from, or handle for, the producer.

The salable quantity and allotment percentage established by this action are based on a recommendation of the Hop Administrative Committee and other available information in accordance with provisions of Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons the opportunity to submit written data, views, or arguments with respect to the proposal. None were received.

The proposed salable quantity and allotment percentage were based upon recommendations of the Committee made at their meeting of January 20, 1975, and are based on the following estimates for the marketing year beginning August 1, 1975:

(1) Total domestic consumption of 39,500,000 pounds of hops;

V 40-64
APR 2 75

(2) Minus imports of 11,000,000 pounds of hops to result in domestic consumption of U.S. hops of 28,500,000 pounds;

(3) Plus total U.S. exports of 30,000,000 pounds of hops to equal 58,500,000 pounds total usage of U.S. hops;

(4) Minus a desirable inventory adjustment, as of September 1, 1976, of 5,000,000 pounds;

(5) Plus an adjustment of 6,770,000 pounds to provide for adequate supplies should some producer allotments not be fully produced.

Thus, the salable quantity during the 1975–76 marketing year would be 60,270,000 pounds.

The allotment percentage is computed by subtracting from this salable quantity 1,000,000 pounds for additional allotment bases (for hops of the Fuggle variety pursuant to §§ 991.38(b) and 991.138c), and dividing the remainder by 59,270,000 pounds, the total of all allotment bases less the 1,000,000 pound additional allotment bases for Fuggle variety hops.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Committee, the applicable provisions of the marketing order, and other available information, it is found that to establish a salable quantity and allotment percentage as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, the salable quantity and allotment percentage to be applicable to the 1975–76 marketing year (August 1, 1975–July 31, 1976) are established as follows:

§ 991.213 Allotment percentage and salable quantity for hops during the marketing year beginning August 1, 1975.

The allotment percentage during the marketing year beginning August 1, 1975, shall be 100 percent, and the salable quantity shall be 60,270,000 pounds.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 27, 1975.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[FR Doc.75-8482 Filed 4-1-75;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Inclusion of Canadian Plant Condensate in Crude Oil Runs for Old Oil Allocation Program

On February 21, 1975, the Federal Energy Administration issued a notice of proposed rulemaking and public hearing (40 FR 8228, February 26, 1975) to amend Part 211, Chapter II of Title 10, Code of Federal Regulations to permit inclusion of plant condensate imported from Canada in a refiner's crude oil runs to stills for purposes of the old oil allocation program (the program). Written comments were invited to be submitted by March 10, 1975 and a public hearing was held on March 12, 1975.

Sixteen written comments were received by FEA in response to the notice of proposed rulemaking and two oral presentations were made at the public hearing. FEA has considered carefully the comments and statements submitted and is hereby adopting the amendment as proposed.

The amendment will be effective for refiners' crude run volumes commencing February 1, 1975. Due to the coverage by the program of Canadian plant condensate imports that have already passed through U.S. Customs, the amendment makes it clear that inclusion of the condensate in crude run volumes is only permissible where payment has been made of the import license fees applicable to crude oil imported for refining under the program. Further, the amendment provides that, for purposes of the relevant Presidential proclamation, Canadian plant condensate is deemed to be defined as crude oil under the program, thus making the condensate subject to the import license fees applicable to crude oil under the proclamation.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159; as amended by Pub. L. 93–511; Federal Energy Administration Act of 1974, Pub. L. 93–275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, Part 211, Chapter II of Title 10, Code of Federal Regulations, is amended as set forth below, effective immediately.

Issued in Washington, D.C., on March 28, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

1. Section 211.62 is amended by adding a definition for "plant condensate" in the appropriate alphabetical order to read as follows:

§ 211.62 Definitions.

• • • • • •

"Plant condensate" means a natural gas plant product, mostly pentanes and heavier hydrocarbons, recovered and separated as a liquid at gas inlet separators or scrubbers in processing plants or field facilities and which is not suitable for blending with natural gasoline or refinery gasoline.

• • • • • •

2. Section 211.67 is amended in paragraph (d) by adding a new subparagraph (3) to read as follows:

§ 211.67 Allocation of old oil.

• • • • • •

(d) *Adjustments to volume of crude oil runs to stills.* • • •

(3) The volume of a refiner's crude oil runs to stills in a particular month for purposes of calculating its old oil supply ratio and the adjusted national old oil supply ratio shall include the total number of barrels of plant condensate imported from Canada which is utilized in that month as an input to distillation units by a refiner, measured in accordance with the Bureau of Mines Form 6–1300–M. Plant condensate imported from Canada shall not be eligible for inclusion in the volume of a refiner's crude oil runs to stills under this paragraph (d)(3) unless upon the import thereof payment has been made of the import license fees applicable to crude oil as defined for purposes of this section which is imported for refining, as provided in Presidential Proclamation No. 3279, as amended. For purposes of section 3(a)(1)(viii) of that Proclamation, plant condensate imported from Canada is deemed to be defined as crude oil for purposes of this section.

[FR Doc.75-8539 Filed 3-28-75;4:17 pm]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 75-197]

PART 563—OPERATIONS

Amendment Relating to Delegations of Authority

FEBRUARY 26, 1975.

The following summary of the amendments adopted by this Resolution is provided for the reader's convenience and is subject to the full provisions of this Resolution, including the provisions in the preamble thereof and in the amended regulations set forth below.

I. *Amended regulations.* The Board adopts delegations of authority to its Office of Examinations and Supervision relating to nationwide loans, participation loans, and earmarking of net worth accounts for Federal insurance reserve purposes.

II. *Reason for amendments.* To provide for more prompt processing of applications in these areas.

The Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, considers it desirable to amend §§ 563.9, 563.9–1, and 563.11 of the rules and regulations for Insurance of Accounts (12 CFR 563.9, 563.9–1, and 563.11). The purpose of these amendments is to delegate authority to make certain approvals or disapprovals under those sections.

Under § 563.9(f) the Corporation may approve waivers for any limitation or requirement of § 563.9, *Nationwide lending.* Present § 563.9(f) is redesignated as § 563.9(f)(1) and a new § 563.9(f)(2) is added to delegate authority to approve or disapprove requests for waivers to the Director of the Board's Office of Examinations and Supervision. New § 563.9(f)(2) also authorizes such Director to delegate such authority to any Deputy Director of the Office of Examinations and Supervision under such circumstances and subject to such limitations as the Director may prescribe.

Similar delegations to the Director of the Office of Examinations and Supervision are adopted for actions under § 563.9–1(b)(2), *Participation loans,* and § 563.11(b), *Federal insurance reserve; establishment of and earmarking to.* Actions of the Director of the Office of Examinations and Supervision or his delegate under §§ 563.9(f) or 563.9–1(b)(2) would be effective with respect to required Corporation approval under § 563.9–2, *Sale of interests in loans on real estate located outside normal lending territory,* without having to amend that section.

Accordingly, the Board hereby amends §§ 563.9, 563.9–1, and 563.11 by revising paragraph (f) of § 563.9, adding a new § 563.9–1(b)(2)(iii), and by revising paragraph (b) of § 563.11, all to read as set forth below, effective February 26, 1975.

Because the above-described amendments relate to rules of Board organization, procedure, or practice, the Board hereby finds that notice and public procedure as to such amendments are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and because publication of said amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date would, in the opinion of the Board, likewise be unnecessary for the same reason, the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

1. Revise § 563.9(f) to read as follows:

§ 563.9 Nationwide lending.

• • • • • •

(f) *Exceptions to limitations or requirements.* (1) An insured institution may apply to the Corporation for a waiver of any limitation or requirement of this section. The application shall, to the extent appropriate, (i) be supported by a map showing the area in which such institution desires to invest its funds, (ii) state the type and character of the loan to be made, purchased, or sold, including the percentage of the loan to appraisal, (iii) show the need in such area for such loan by such institution, (iv) show that the institution is able to service the loan adequately or that the loan will be serviced adequately by or through a local eligible servicer, and (v) show that waiver of the limitation or requirement would be consistent with sound and economical home financing. In the case of an application for waiver of the scheduled items limitation of paragraph (e)(3) of this section, such application shall be filed by the insured institution having a scheduled items ratio in excess of that limitation. A loan made, purchased, or sold pursuant to an approval by the Corporation of such application shall comply with the terms and conditions of such approval. Such application shall be filed with the Supervisory Agent of the district in which the principal office of the applicant is located, with a copy to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, 320 First Street, N.W., Washington, D.C. 20552.

(2) The Director of the Office of Examinations and Supervision is authorized to approve or disapprove on behalf of the Corporation applications by insured institutions for waivers under paragraph (f)(1) of this section and in connection with approvals may specify the terms and conditions of such approvals. Such Director is also authorized to delegate to any Deputy Director of the Office of Examinations and Supervision the authority conferred by this paragraph (f)(2) under such circumstances and subject to such limitations as the Director may prescribe.

• • • • • •

2. Add a new § 563.9–1(b)(2)(iii) as follows:

§ 563.9–1 Participation loans.

• • • • • •

(b) *Loans with participation by local approved lenders on real estate located outside normal lending territory.* • • •

(2) *Scheduled items limitation.* • • •

(iii) The Director of the Office of Examinations and Supervision is authorized to approve or disapprove requests by insured institutions under paragraph (b)(2)(ii) of this section. Such Director is also authorized to delegate to any Deputy Director of the Office of Examinations and Supervision the authority conferred by this paragraph (b)(2)(iii) under such circumstances and subject to such limitations as the Director may prescribe.

3. Revise § 563.11(b) as follows:

§ 563.11 Federal insurance reserve; establishment of and earmarking to.

• • • • • •

(b) *Earmarking of net worth accounts.* (1) Any insured institution, by specific and appropriate corporate action, and with the prior written approval of the Corporation, may earmark as part of its Federal insurance reserve account (i) any portion of any other reserve account which, by such corporate action, is made subject to charges for losses only, or (ii) any amount of pledged savings accounts, capital stock (where permitted by State law to be used for absorbing losses), capital surplus, contributed surplus, or retained earnings. Such Corporation approval may set forth the conditions under which such earmarked amounts may be released.

(2) The Director of the Office of Examinations and Supervision is authorized to approve or disapprove on behalf of the Corporation earmarking under paragraph (b)(1) of this section and is authorized in connection with an approval to set forth the conditions under which earmarked accounts may be released. Such Director is also authorized to delegate to any Deputy Director of the Office of Examinations and Supervision the authority conferred by this paragraph (b)(2) under such circumstances and subject to such limitations as the Director may prescribe.

• • • • • •

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.75-8529 Filed 4-1-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75–EA–12; Amdt. 39–2150]

PART 39—AIRWORTHINESS DIRECTIVE

Canadair Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Canadair CL–44D4 and CL–44J type airplanes.

There have been reports of cracks in the nose landing gear toggle pins. Since this deficiency can exist or develop in aircraft of the same type design, an airworthiness directive is being issued which will require a repetitive inspection and replacement, when necessary, of the toggle pins.

The failure of the toggle pins can result in failure and loss of the landing gear.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) § 39.13 of Part 39 of the Federal aviation regulations is amended by issuing a new Airworthiness Directive as follows:

CANADAIR. Applies to all CL–44D4 and CL–44J airplanes.

Compliance required as indicated:

1. Affects the nose landing gear upper and lower toggle pins P/N 28–86126.

a. Within the next 300 hours' time in service after the effective date of this AD, unless accomplished within the last 450 hours' time in service, remove the upper and lower nose landing gear toggle pins P/N 28–86128 and inspect for cracks emanating from the ends of the slotted hole located at the center of the pins using Magnaflux (MIL–I–6868) or an FAA-approved equivalent inspection.

b. The inspection specified in "a" above shall be repeated at intervals not to exceed 750 hours' time in service from the last inspection.

2. Cracked parts shall be replaced prior to further flight.

a. Replacement parts shall be of the same part number or P/N 28–86128–2 or approved equivalent parts.

3. The inspection specified in (1) is not required if:

a. P/N 28–86128–2 pins are installed or;

b. P/N 28–86128 pins are reworked, in accordance with Canadair Limited Service Information Circular No. 381–CL44 dated

V 40-64
APR 2 75

October 23, 1974, to P/N 28-86128-2 configuration.

4. The aircraft may be flown in accordance with FAR 21.197 to a base where the inspections or repairs can be performed.

5. Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may adjust the inspection intervals specified in this AD. Equivalent parts must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

This amendment is effective April 7, 1975.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on March 24, 1975.

DUANE W. FREER,
Director, Eastern Region.

[FR Doc.75-8498 Filed 4-1-75;8:45 am]

[Docket No. 75-EA-3; Amdt. 39-2149]

PART 39—AIRWORTHINESS DIRECTIVE

deHavilland Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal aviation regulations so as to issue an airworthiness directive applicable to deHavilland DHC-6 type airplanes.

There has been a report of a loss of aileron control on a DHC-6 airplane caused by an arcing between the cable and an electrical power line. The arcing caused the eventual severing of the aileron cable. Since this deficiency can exist or develop in other airplanes of similar type design, an airworthiness directive is being issued which will require the alteration of a terminal block and routing of the electrical power line.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) § 39.13 of Part 39 of the Federal aviation regulations is amended by issuing a new airworthiness Directive as follows:

DEHAVILLAND. Applies to deHavilland Model DHC-6 Series Twin Otter Aircraft, Serial Nos. 1 through 135 inclusive.

Compliance required as indicated:

To preclude the hazard created by the failure of the right hand aileron control cable through contact with DC electrical power cable coded 2E66A8, accomplish the following:

(a) Within the next 100 hours' time in service after the effective date of this A.D., after the attachment of terminal block TB-17 and the routing of the cable harness to terminal block TB-17 and TB-18 in accordance with deHavilland Service Bulletin No. 6/304, Revision B, dated June 28, 1974, or equivalent alteration approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(b) Upon request with substantiating data submitted through an FAA inspector, the compliance time specified in this A.D. may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment is effective April 7, 1975.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on March 24, 1975.

DUANE W. FREER,
Director, Eastern Region.

[FR Doc.75-8499 Filed 4-1-75;8:45 am]

[Docket No. 75-SO-57; Amdt. 39-2148]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model PA-28

There have been found unsecured fuel gascolator drain valves on Piper PA-28 airplanes that could result in fuel loss. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection and tightening of the fuel gascolator drain valve on PA-28-140, 150, 151, 160, S-160, 180, S-180, PA-28R-180 and PA-28R-200 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697) § 39.13 of Part 39 of the Federal aviation regulations is amended by adding the following new airworthiness directive:

PIPER AIRCRAFT CORPORATION. Applies to PA-28-140, PA-28-150, PA-28-151, PA-28-160, PA-28-S-160, PA-28-180, PA-28-S-180, airplanes serial numbers 28-08, 28-1 thru 28-7525201; PA-28R-180, PA-28R-200 airplanes serial numbers 28R-30002 thru 28R-7535143; certificated in all categories.

To detect and correct unsecured fuel drain valves installed at the gascolator, accomplish the following or an equivalent method approved by Chief, Engineering and Manufacturing Branch, Southern Region:

(a) Prior to next flight, unless already accomplished, check the fuel gascolator drain valve, (Piper Part No. 492-022) to determine if it is tight in the fitting by attempting to turn the valve counter-clockwise by hand. This check may be performed by the pilot.

1. If the valve is loose, tighten by turning clockwise, check the drain for proper operation and tighten the lock seal nut (Piper Part No. 477-677), if installed, all in accordance with FAR 43.

(b) Within the next 50 hours' time in service after the effective date of this AD, unless already accomplished, secure the valve in the gascolator fitting as follows:

1. Remove the fuel gascolator drain valve from the gascolator AN 915-1D fitting, (Piper Part No. 458-046), if installed. NOTE: Do not remove the valve if Loc-tite has been previously applied.

2. Unless already installed, install a lock seal nut (Piper Part No. 477-677). Install with seal toward AN 915-1D fitting.

3. Apply one (1) drop of Loc-tite (88-31) sealant, coating only the 2nd, 3rd, and 4th threads evenly. NOTE: Do not allow Loc-tite to enter the Fuel System.

4. Install drain valve into AN 915-1D fitting with a minimum of 2½ turns and a maximum of 3½ turns.

5. Secure valve in place with lock seal nut. Piper Service Bulletin 450 pertains to this subject.

The amendment becomes effective April 4, 1975.

(Sec. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Georgia, on March 21, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-8442 Filed 4-1-75;8:45 am]

[Airspace Docket No. 75-SO-30]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal aviation regulations is to alter the Eglin AFB, Fla., control zone.

The Eglin AFB control zone is described in § 71.181 (40 FR 354). In the description, an extension predicated on the ILS localizer southeast course has a width of 6 miles and extends to 8.5 miles southeast of the LMM. Effective March 27, 1975, the Eglin Low Frequency Nondirectional Radio Beacon, associated with the LMM, will be decommissioned, thus cancelling the NDB RWY 30 Standard Instrument Approach Procedure. It is necessary to amend the description to reduce the control zone extension to provide the required protection for the ILS RWY 30 Standard Instrument Approach Procedure only. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal aviation regulations is amended, effective 0901 G.m.t., March 27, 1975, as hereinafter set forth.

§ 71.171 [Amended]

In § 71.171 (40 FR 354), the Eglin AFB, Fla., control zone is amended as follows:

"• • • within 3 miles each side of the ILS localizer southeast course, extending from the 5-mile radius zone to 8.5 miles southeast of the LMM • • •" is deleted and "• • • within 1 mile each side of the ILS localizer southeast course, extending from the 5-mile radius zone to 4.5 miles southeast of the runway end • • •" is substituted therefor.

Issued in East Point, Ga., on March 21, 1975.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-8443 Filed 4-1-75;8:45 am]

[Airspace Docket No. 75-SO-20]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On March 12, 1975, Federal Register Document No. 75-6359 was published in the FEDERAL REGISTER (40 FR 11550), amending Part 71 of the Federal aviation regulations by altering the Augusta, Ga., transition area.

Subsequent to publication of the rule, it was discovered that the McDuffie RBN bearing, on which the extension was predicated, was inadvertently omitted. It is necessary to amend the Federal Register document to include this bearing. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, Federal Register Document No. 75-6359 is amended as follows:

In line 13 of the Augusta, Ga., transition area description "• • • McDuffie RBN • • •" is deleted and "• • • 090° bearing from McDuffie RBN •-• •" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on March 21, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-8503 Filed 4-1-75;8:45 am]

[Airspace Docket No. 75-EA-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal aviation regulations so as to alter the Hagerstown, Md., Control Zone (40 FR 387).

The hours of weather observations and reporting and radio communications will be extended from 0600 to 2100 to 0600 to 2230. In view of the foregoing, the hours of effectiveness of the control zone may likewise be extended.

Since the amendment is minor in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, Part 71 of the Federal aviation regulations is amended, effective 0901 G.m.t. June 19, 1975, as follows:

Amend § 71.171 of Part 71 of the Federal aviation regulations by deleting in the description of the Hagerstown, Md. Control Zone, the following: "This control zone is effective from 0600 to 2100 hours local time, daily." and by substituting the following in lieu thereof: "This control zone is effective from 0600 to 2230 hours, local time daily."

(Sec. 307(a), Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348]; sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on March 17, 1975.

JAMES BISPO,
Acting Director, Eastern Region.

[FR Doc.75-8502 Filed 4-1-75;8:45 am]

[Airspace Docket No. 74-CE-31]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On pages 4319 and 4320 of the FEDERAL REGISTER dated January 29, 1975, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal aviation regulations so as to alter the transition area at Belleville, Kansas.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., June 19, 1975.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Missouri, on March 14, 1975.

GEORGE R. LACAILLE,
Acting Director, Central Region.

In § 71.181 (39 FR 440), the following transition area is amended to read:

BELLEVILLE, KANSAS

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Belleville Municipal Airport (latitude 39°49'00" N., longitude 97°39'00" W.); within 3 miles each side of the 356° bearing from the Belleville Municipal Airport, extending from the 5-mile radius to 8 miles north of the airport.

[FR Doc.75-8500 Filed 4-1-75;8:45 am]

[Airspace Docket No. 75-SO-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On February 12, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 6509), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal aviation regulations that would designate the Mayfield, Ky., transition area.

Interested persons were afforded an opportunity to participate in the rule-making through the submission of comments. There were no comments received.

In consideration of the foregoing, Part 71 of the Federal aviation regulations is amended, effective 0901 G.m.t., June 19, 1975, as hereinafter set forth.

§ 71.181 [Amended]

In § 71.181 (40 FR 441), the following transition area is added:

MAYFIELD, KY.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Mayfield-Graves County Airport (latitude 36°46'03" N., longitude 88°35'05" W.).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on March 25, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-8501 Filed 4-1-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2636]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Fuqua Industries, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.15 *Business status, advantages or connections:* § 13.15–30 *Connections or arrangements with others;* § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.55 *Demand, business or other opportunities;* § 13.70 *Fictitious or misleading guarantees;* § 13.88 *Government approval, action, connection or standards;* § 13.115 *Jobs and employment service;* § 13.135 *Nature of product or service;* § 13.143 *Opportunities;* § 13.155 *Prices;* § 13.155–5 *Additional charges unmentioned;* § 13.175 *Quality of product or service;* § 13.185 *Refunds, repairs, and replacements;* § 13.205 *Scientific or other relevant facts;* § 13.225 *Services;* § 13.260 *Terms and conditions.* Subpart—Claiming or using endorsements or testimonials falsely or misleadingly: § 13.330 *Claiming or using endorsements or testimonials falsely or misleadingly:* § 13.330–39 *Educators, school authorities, etc.* Subpart—Contracting for sale any evidence of indebtedness prior to specified time: § 13.527 *Contracting for sale any evidence of indebtedness prior to specified time.* Subpart—Corrective actions and/or requirements: § 13.533 *Corrective actions and/or requirements:* § 13.533–20 *Disclosures;* § 13.533–35 *Employment of independent agencies;* § 13.533–45 *Maintain records:* § 13.533–45(a) *Ad-*

V 40-64
APR 2 75

vertising substantiation; § 13.533–45(c) *Records, in general;* § 13.533–55 *Refunds, rebates and/or credits.* Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 *Delaying or withholding corrections, adjustments or action owed;* § 13.677 *Delaying or failing to deliver goods or provide services or facilities.* Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records;* § 13.1051–20 *Adequate.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1395 *Connections and arrangements with other;* § 13.1417 *Financing activities.*—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1647 *Guarantees;* § 13.1670 *Jobs and employment;* § 13.1685 *Nature;* § 13.1697 *Opportunities in product or service;* § 13.1715 *Quality;* § 13.1725 *Refunds;* § 13.1760 *Terms and conditions:* § 13.1760–50 *Sales contract.*—Prices: § 13.1778 *Additional costs unmentioned.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1870 *Nature;* § 13.1882 *Prices:* § 13.1882–10 *Additional prices unmentioned;* § 13.1892 *Sales contract, right-to-cancel provision;* § 13.1892 *Scientific or other relevant facts;* § 13.1905 *Terms and conditions:* § 13.1905–50 *Sales contract.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1995 *Job guarantee and employment;* § 13.2015 *Opportunities in product or service;* § 13.2063 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45))

In the Matter of Fuqua Industries, Inc., a corporation, and Space/Time, Inc., a corporation, and Nationwide Acceptance Corporation, a corporation, Fortune Enterprises, Inc., a corporation, and William L. Phillips, individually and as an officer and director of Fortune Enterprises, Inc.

Consent order requiring an Atlanta, Ga., vocational school operator and franchisor, among other things to refund up to $1.25 million to eligible former students; and requiring a St. Petersburg, Fla., vocational school operator and franchisor, among other things to disclose designated information such as drop-out rates and positions and salaries received by graduates; to allow enrollees a 10-day period in which to affirm their enrollment contracts, with cancellation of contract and refund of money if there is no affirmation of contract; and to provide prospective franchisees with full particulars on the franchise operation in writing.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

I

It is ordered, That respondents Fortune Enterprises, Inc., a corporation, and its officers, and William L. Phillips, individually and as an officer or director of Fortune Enterprises, Inc., and those respondents' agents, representatives, employees, successors and assigns, directly or through any corporation, subsidiary, division, franchisee or other device, in connection with the creating, advertising, promoting, offering for sale or distribution of courses of study, training or instruction or of any franchise for any product or service in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing orally, visually, or in writing, directly or by implication, that:

(a) Inquiries are solicited for the purpose of offering employment to qualified applicants; or that employment is being held out or made available in any respect.

(b) Graduates of any course of instruction offered by respondents are not required to actively seek employment opportunities through sources other than respondents' placement office; or misrepresenting in any manner the requirements, duties, obligations or responsibilities imposed upon any person who seeks placement assistance; or misrepresenting in any manner the capabilities or functions of any placement office, referral service or any other type of assistance in obtaining employment for persons completing any said course.

(c) A purchaser will complete any course of instruction offered by respondents within a specified course duration; or misrepresenting orally, visually, or in writing the length of time required to complete any course of instruction offered by respondents.

(d) The placement assistance furnished by respondents is free or without cost; or misrepresenting orally, visually, or in writing, the cost of any placement assistance or service.

(e) The placement assistance furnished by respondents is made available to all graduates of respondents' courses of instruction, unless placement assistance of the same kind and quality is made available to each such graduate; or misrepresenting orally, visually, or in writing, the extent of any placement assistance or service furnished by respondents.

(f) Individualized training or instruction is furnished in any course of instruction offered by respondents; or misrepresenting orally, visually, or in writing the nature or quality of instruction offered by respondents.

(g) Respondents offer a tuition finance plan which allows purchasers of respondents' courses of instruction to "train now, pay later," or words of similar import and meaning, unless in each and every instance respondents offer, in the regular course and conduct of their business, a tuition finance plan which operates to defer all tuition payments until after the scheduled completion of training.

(h) (1) There is an urgent need or demand, or a need or demand of any size, proportion or magnitude, for graduates of any course of instruction offered by respondents.

(2) Or otherwise representing orally, visually, or in writing that opportunities for employment, or opportunities of any type or number are available to such persons, except as hereinafter provided in paragraph 9(b) of this Order. *Provided, however,* That respondents shall cease and desist from making such representations unless the respondents in each and every instance:

(A) Until the passage of a base period to be determined pursuant to paragraph 9(b) of this Order, after the establishment of a new school location by respondents in any metropolitan area or county, whichever is larger, where respondents did not previously operate a school, and after the introduction by respondents of any new course of instruction at any school or location, shall:

(i) have in good faith conducted a statistically valid survey which establishes the validity of any such representation at all times when the representation is made, and

(ii) have disclosed in immediate and conspicuous conjunction with any such representation, that

All representations of potential employment demand or opportunities for graduates of this school (course) are merely estimates. This school (course) has not been in operation long enough to indicate what, if any, actual employment may result upon graduation.

(B) After the passage of a base period to be determined pursuant to paragraph 9(b) of this Order, and until two years after the establishment of a new school location by respondents in any metropolitan area or county, whichever is larger, where it did not previously operate a school, and after the introduction by respondents of any new course of instruction at any school or location, shall:

(i) make any such representations in the form and manner provided in paragraph 9(b) of this Order, and

(ii) disclose in immediate and conspicuous conjunction with any such representation, that:

This school (course) has not been in operation long enough to indicate what, if any, actual employment may result upon graduation.

2. Failing to keep adequate records which may be inspected by Commission staff members upon reasonable notice:

(a) Which disclose facts upon which any placement percentages or claims, or other representations of the type described in paragraphs 1(h) and 9(b) of this Order are based; and

(b) From which the validity of any placement percentages or claims, or other representations of the type described in paragraphs 1(h) and 9(b) of this Order can be determined.

3. Representing orally, visually, or in writing, directly or by implication, that:

(a) Graduates of respondents' course of instruction are hired by certain local business entities, unless in each and every instance such companies are in fact hiring said graduates in substantial numbers at the time that the representation is made, and in the positions for which such persons have been trained by respondents.

(b) Graduates of respondents' courses are guaranteed a job through respondents' placement office.

(c) A purchaser of any course of instruction offered by respondents is entitled to receive and will receive a full refund of any monies paid as a "reservation fee" if said person cancels his enrollment prior to the commencement of classes; or representing that any refund method, right or privilege is available to purchasers of respondents' courses of instruction, unless said manner of refund is as represented in an integral provision of the written contract used by respondents to sell their courses of instruction.

(d) Any training facilities operated by respondents have standing contractual agreements with local business entities whereby said entities agree to employ the graduates of said facilities; or misrepresenting orally, visually, or in writing the relationship which exists between any of respondents' training facilities and local business entities.

(e) Respondents will place students in part-time employment positions during the time that such students are enrolled in respondents' courses of instruction; or misrepresenting orally, visually, or in writing that any form of employment, remuneration or tuition assistance is available to purchasers of any course of instruction offered by respondents during the time said purchasers are enrolled in respondents' courses of instruction.

(f) Any course of instruction offered by respondents is approved for veterans' education assistance benefits from the United States Government, unless in every instance, each such course is in fact so approved by the appropriate government agency; or misrepresenting orally, visually, or in writing the approval or other form of government action taken with respect to any course of instruction.

4. Failing to place the title "CONTRACT" in bold face type on any document which evidences an agreement between a person and respondents relating to the purchase of one of respondents' courses of instruction; and failing to remove from any such document the word "application," or words of similar import and meaning.

5. Failing to disclose, clearly and conspicuously, orally, visually, or in writing prior to the time that a prospective purchaser of respondents' courses of instruction signs an enrollment contract or contract of sale for any such course where all the necessary equipment to instruct said course is not contained on the premises of respondents' training facilities, that any particular piece of equipment necessary for instruction is located elsewhere than on the premises of respondents' training facilities and that said purchasers must pay the cost of transportation between said facility and the point where the necessary equipment is located.

6. Failing to offer to refund and refund to purchasers of any course of instruction offered by respondents, in the event that any said course is discontinued by respondents prior to completion, or in the event that any said course is cancelled by respondents before classes begin, the full amount of all tuition monies paid by any said purchaser to respondents; *provided however,* That respondents may make available, to any said purchaser, who so selects, a transfer to the same course at a different, specified location where training shall be completed or commenced at no additional cost or change in contractual terms. It is understood and agreed that this Paragraph shall become effective with respect to any course of instruction offered by respondents after the date this Order is formally accepted by the Commission.

7. Representing orally, visually, or in writing, directly or by implication, that any of respondents' company training facilities or franchises have been or are accredited through the use of the name National Career Education Accrediting Association of Washington, D.C., or any abbreviation or seal of same, or any other similar name, or through the use of any name containing the word "Accrediting" or any other similar word, unless the said organization has been recognized by the United States Office of Education as an official accrediting association.

8. Placing any advertisement in any newspaper or magazine column entitled "Help Wanted", "Employment", "Preparing for Employment" or any other title of similar import or meaning, and failing to include in any advertisement, in a clear and conspicuous manner, the full name of any training facility which places or otherwise disseminates said advertisement.

9. Failing to send by certified mail, return receipt requested, to each person who shall contract with respondents for the purchase of any course of instruction, a written notice printed in at least ten (10) point type which shall disclose in substantially the same form as provided in Appendix A the following information and none other:

(a) The title "IMPORTANT INFORMATION" printed in bold face type across the top of the form;

(b) Paragraphs reciting the following information to be computed in the manner and form set forth below for the applicable base period as hereinafter defined in subparagraph (6);

(1) For each different course of instruction offered by respondents for each school, location or facility at which respondents offer said courses of instruction; the dates of the "base period" as computed in (b)(6); the total number of students who graduated during such base period; the numbers and percentages of total graduates who attained employment in the fields for which such graduates were trained. Such information must include an accurate description of each position in which such graduates attained employment.

(2) As to the same graduates used to compute the placement and employment statistics in (b)(1) above, a list of all employers which hired any such graduates during the base period, the number of such graduates hired by each firm or employer and the positions in which said graduates were hired.

(3) As to the same graduates used to compute the statistics in (b)(1) and (b)(2) above, the annual salary or income of said graduates. Such salary or income shall be classified by number of graduates attaining employment in each position described in (b)(1) at starting salaries expressed in consecutive categories of one thousand dollar amounts, in the form described in Appendix A.

(4) In compiling the foregoing information respondents shall not include any such graduates who respondents know have not retained such positions for more than one month from the initial date of employment. Respondents may use information supplied to them by graduates, employers, or other sources and shall not be required to obtain such information independently.

(5) For each course of instruction for which respondents are required to disclose information pursuant to subparagraphs (b)(1) through (b)(4), the total number of students who enrolled in said course and were scheduled to graduate during the base period and the number and percentage of the enrollees in said course who failed to complete the course of instruction. The term, "failure to complete", shall encompass those enrollees who:

(A) Withdrew;

(B) Failed the course (i.e. were academically terminated);

(C) Did not complete the course within the base period in which they were scheduled to graduate and must take (a) make-up exam(s) in order to graduate;

(D) Completed the course but did not receive a graduation certificate due to their failure to pay the balance of the tuition; or

(E) For any other reason, did not successfully complete the course within the base period in which they were scheduled to graduate.

(6) "Base Period" shall mean a six (6) month period beginning eight (8) months before and ending two (2) months before the date on which respondents must begin to disseminate the necessary statistics with respect to the base period.

There shall be a one month period immediately following the close of a base period during which respondents shall gather the necessary statistics with respect to said base period. These statistics will relate to those graduates who successfully complete the particular course of instruction during the base period and who obtained employment during the base period or the one month period thereafter. Respondents may not include in the computation of the statistics for the base period any persons who graduate during the month after the base period and who find jobs during said one month period. Such persons will be included in statistics for the base period during which they graduate.

[1] Copies of the Complaint, Decision and Order, filed with the original document.

V 40 64
APR 2 75

At the end of the first month period immediately following the close of a base period, respondents shall be allowed a second one-month period to calculate and prepare for distribution the necessary statistics with respect to said base period.

On the first day of each month, respondents shall begin to distribute statistics relating to the base period for the period beginning eight months before and ending two months before the first day of each month. Respondents shall continue to distribute said statistics until the first day of the next month and not thereafter.

For any six month period during which respondents have no graduates for a particular course of instruction, respondents may continue to distribute the statistics with respect to the prior base period for said course of instruction until such time as respondents have graduates of said course of instruction and have had one month in which to gather statistics with respect to those graduates and a second month during which to calculate and prepare for distribution the necessary statistics.

Appendix B contains a sample base period calculation.

Provided, however, That subparagraph (b) (1) through (5) (6) above shall be inapplicable to any newly established school that respondents may establish in any metropolitan area or county, whichever is larger, where they did not previously operate a school, or to any course newly introduced by respondents, until such time as the new school or course has been in operation for the base period defined in subparagraph (b) (6) above. The following statement shall be included in such notice during such period:

All representations of potential employment or salaries are merely estimates. This school (course) has not been in operation (offered) long enough to indicate what, if any, actual employment or salary may result upon graduation from this school (course).

After such time as the new school or course has been in operation for the base period (subparagraph (b) (6) above), and until two years after the establishment of a new school location in any metropolitan area or county, whichever is larger, where they did not previously operate a school or after the introduction of any new course by respondents, the following statement shall be included in such notice:

This school (course) has not been in operation (offered) long enough to indicate what, if any, actual employment or salary you may expect to achieve upon graduation from this school (course).

10. Contracting for any sale of any course of instruction in the form of a sales contract or other agreement which shall become binding prior to the purchaser affirming the enrollment contract by signing and returning to respondents the Affirmation Form specified in paragraph 11, within ten (10) days of his receipt of that form. If the purchaser fails to affirm the enrollment contract within the ten (10) day period, respondents shall consider the contract null and void and within ten (10) business days of the expiration of the affirmation period shall refund all monies paid by the purchaser and cancel and return to the purchaser any evidence of indebtedness.

11. Failing to send by certified mail, return receipt requested, to each person who shall contract with respondents for the purchase of any course of instruction, a one page form, in duplicate that contains the following unsigned Affirmation statement printed in bold face type of at least ten (10) points:

NOTICE TO THE PURCHASER

The enrollment contract that you signed with (name of school) on (date) to enroll in (name of course) is not effective or valid unless you first sign this statement and return it to the above named school within ten (10) days from the time that you received this statement. You are free to cancel your enrollment and receive a full refund of any monies you have paid to the school *by not signing or mailing* this statement within ten (10) days. At the expiration of this ten (10) day period the school has ten (10) business days to send you your refund (if any) and to cancel and return to you any evidence of indebtedness that you signed. However, if you do want to enroll in the above named school, you should sign your name below and mail this statement to the school within ten (10) days. Keep the duplicate copy for your own records.

Date

Signature

The Affirmation Form shall not contain any information or representation other than the information specified in this paragraph, and the Form shall be mailed in the same envelope that is used to mail placement information as required by Paragraph 9. The Affirmation Form and said placement information shall be sent by respondents no sooner than the next day after the person shall have contracted for the purchase of any course of instruction. During such period provided for in this paragraph, respondents shall not initiate contact with such person other than that required by this paragraph.

12. Making any representation of any kind whatsoever in connection with the creating, advertising, promoting, offering for sale, sale or distribution of courses of study, training or instruction in any course offered to the public in any field in commerce, for which respondents have no reasonable basis prior to the making or dissemination thereof.

13. Using course names and descriptions which either directly or by implication indicate that respondents' courses are designed to prepare students for certain entry-level positions when in fact a substantial number of graduates of such courses do not achieve such entry-level positions.

14. Representing orally, visually, or in writing, directly or by implication, that purchasers of franchises will receive advice or assistance for maintaining or operating any business, or will receive a franchise that places its graduates in positions of employment; unless respondents have a reasonable basis for each such statement or representation and maintain and upon reasonable notice, provide access to the Commission or its representatives for purposes of inspection or copying, for a period of three (3) years after each such statement or representation, full, complete and accurate records which will disclose:

(a) The time, frequency and duration of use or publication, and the content of each such statement or representation, and details as to the media or other means utilized in its dissemination or publication, and

(b) A factual, documented and verifiable basis for substantiation of each such statement or representation. *Provided further,* That with respect to any statement or representation as to placement or employment, such substantiation shall include a list of firms or employers which are currently hiring graduates of such courses in substantial numbers and in the positions for which such graduates have been trained, and the salary range of such graduates, computed in the manner provided in Paragraph 9 above.

15. Failing to furnish any prospective franchisee with the following information in a legible, written document, at the earlier of the time (1) when the first personal meeting for the purpose of discussing the possible sale of a franchise occurs between prospective franchisee and the franchisor or its sales representative; or (2) at least fifteen (15) business days prior to the execution by the prospective franchisee of any franchise agreement or any other binding obligation, or the payment by the prospective franchisee of any consideration in connection with the sale or proposed sale of a franchise:

(a) A distinctive and conspicuous cover sheet with the following notice in bold face type of not less than ten (10) point size, and containing no other promotional claims or other information not required by State law:

(1) Information for prospective franchisees required by Federal Trade Commission.

This information is provided for your own protection. It is in your best interest to study it carefully before making any commitment. The information contained herein has not been reviewed or approved by the Federal Trade Commission, but any misrepresentation may constitute a violation of Federal law.

(2) If you do sign a contract, you may cancel it and promptly obtain a full refund of any money paid, for any reason, within ten (10) business days after either signing such contract or receiving this disclosure statement, whichever occurs later.

(b) A detachable form which a franchisee may use as a notice of cancellation, which indicates the proper address of accomplishing any such cancellation.

(c) (1) The trade name(s) or trademark(s) under which the franchisor and the prospective franchisee will be doing business; (2) the official name(s) and address(es) and principal place(s) of the franchisor, the parent firm or holding company of franchisor, if any; and (3) all persons the franchisee is required or is suggested to do business with by the franchisor which have a substantial connection with the franchisor.

(d) The business experience stated individually of each of the franchisor's directors and chief executive officers including the biographical data concerning all such persons; except, however, that the information required by this subparagraph need not be disclosed where the franchisor is a listed company on a national stock exchange, although such fact shall be disclosed.

(e) The business experience of the franchisor, including the length of time the franchisor has conducted a business of the type to be operated by the franchisee; has granted franchises for such business; and has granted franchises in other lines of business.

(f) A certified balance sheet for the most recent year, a certified profit and loss statement for the most recent three (3) year period, and a statement of any material changes in the financial soundness of the franchisor since the date of such financial statements.

(g) Where such is the case, a statement that the franchisor or any of its current directors of chief executive officers:

(1) Has been held liable in a civil action by final judgment, convicted of a felony or plead nolo contendere to a felony charge if such felony or civil action involved fraud, embezzlement, fraudulent conversion or misappropriation of property for the most recent seven (7) year period.

(2) Is subject to any currently effective State or federal agency injunctive or restrictive order relating to or affecting franchise activities or the franchisor/franchisee relationship.

(3) Has filed in bankruptcy or has been associated as a director or chief executive officer of any company that has filed bankruptcy or reorganization proceedings for the most recent seven (7) year period.

(4) Has been a party to any cause of action brought by franchisees against the franchisor for the most recent seven (7) year period which resulted either in an out of court settlement or a judgment against the franchisor.

(5) Is presently a party to any cause of action brought by a franchisee against the franchisor.

Such statement shall set forth the identity and location of the court, date of conviction or judgment, and penalty imposed or damages assessed, and the date, nature, and issuer of each such order or ruling.

(h) A factual description of the franchise offered to be sold.

(i) (1) A statement of the total funds which must be paid by the franchisee to the franchisor or to a person having a substantial connection with the franchisor, in order to obtain or commence the franchise operation, such as deposits, downpayments and fees.

(2) If all or part of these fees or deposits are returnable under certain conditions, these conditions should be set forth; and if not returnable such fact so disclosed.

(j) A statement describing the recurring fees required to be paid, in connection with carrying on the franchise business, by the franchisee to the franchisor or to persons having a substantial connection with the franchisor, including but not limited to royalty, lease, advertising, training, and sign rental fees.

(k) A statement disclosing (1) the number of franchises and company-owned outlets operating at the end of the last calendar year, and (2) the names and addresses of the ten (10) franchises or company-owned outlets nearest the prospective franchisee's intended location, indicating which units are company-owned outlets.

(l) A statement of the number of franchises, if any, that operated at a loss during the previous year.

(m) A statement describing any real estate, services, supplies, products, signs, fixtures or equipment relating to the establishment or the operation of the franchise business which the franchisee is required to purchase, lease or rent directly or indirectly from the franchisor or persons having substantial connection with the franchisor.

(n) A description of the basis and the amount of any revenue or other consideration to be received by the franchisor, or persons having a substantial connection with the franchisor, from suppliers to the prospective franchisee in consideration for goods or services required or suggested to be purchased by the franchisee.

(o) (1) A statement of the terms and conditions of any financing arrangement offered directly or indirectly by the franchisor or any person having a substantial connection with the franchisor, and

(2) A description of any payments received by the franchisor from any person for the placement of financing with such person.

(p) A statement whether, by the terms of the franchise agreement or other device or practice, the franchisee is limited in the goods or services he may offer for sale, or limited in the customers to whom he may sell such goods or services.

(q) A statement of the extent to which the franchisor requires the franchisee to participate personally in the direct operation of the franchise.

(r) A statement disclosing: (1) The conditions and terms under which the franchisor allows the franchisee to sell, lease, assign, or otherwise transfer his franchise, or any interest therein, and

(2) the amount of consideration which must be paid to the franchisor for such sale, lease, assignment or transfer, if any.

(s) A statement disclosing: (1) The conditions under which the franchise agreement may be terminated by the franchisor, renewal may be refused, or the franchise may be repurchased by the franchisor at its option;

(2) the number, stated for each category, or franchises which were terminated, renewal refused or repurchased during the preceding calendar year and a complete explanation thereof; and

(3) the conditions under which the franchise agreement may be terminated by the franchisee and the number of franchises voluntarily terminated by franchisees during the preceding calendar year.

(t) If site selection is involved, a statement disclosing the range of time that has elapsed in the preceding calendar year, between signing of a franchise agreement and site selection. If, in addition, operating units are to be provided, a statement disclosing the range of time that has elapsed in the preceding calendar year between the signing of the franchise agreement and opening of the franchise outlet.

(u) If the franchisor offers a training program or informs the prospective franchisee that it intends to provide him with training; the franchisor must specify the specific type and nature of the training, the number of hours or days of instruction, and the cost to the franchisee, if any.

(v) If a franchisor uses the name of a "public figure" in connection with the recommendation of the franchise or as a part of the name of the franchise operation, a statement disclosing: (1) The nature and extent of the public figure's involvement and obligations to the franchisor, including but not limited to the promotional assistance the public figure will provide to the franchisor and to the franchisee; (2) the total investment of the public figure in the franchise operation; and (3) the amount of any fees the franchisee will be obligated to pay for such involvement and assistance provided by the public figure.

(w) A statement explaining clearly the terms and conditions of any covenant not to compete which a franchisee may be required to enter into.

16. *It is further ordered,* That in addition to the information required by Paragraph 15 above, respondents Fortune Enterprises, Inc. and William L. Phillips, in connection with the creating, advertising, promoting, offering for sale or distribution of franchises for courses of study, training, or instruction, shall disclose to any such prospective franchisee in the same manner and form as prescribed in Paragraph 15 above:

(a) The placement percentage for graduates as computed in the following manner: Separately for each course of instruction offered by each of the said franchises at which franchisees conduct business or offer any course of instruction, and during the six month period immediately preceding such computation, the total number of graduates during said period divided into the total number of such graduates who during said period, within the actual knowledge of such school, location or facility, attained employment in the entry-level positions for which said graduates were trained.

(b) The percentage of enrollees, during the past six months, separately for each course of instruction offered by each of the said franchises, who have failed to complete their courses of instructions.

V 40 64
APR 2 75

(c) A list of firms or employers which are currently hiring graduates of respondents' courses in substantial numbers and in the positions for which such graduates have been trained, as to the same graduates used to compute the placement percentage in (a) above.

(d) The salary range achieved by the same graduates used to compute the placement percentage in (a) above, based upon a statistically valid survey conducted in good faith at each location or facility where franchisees offer training.

17. *It is further ordered*, That respondents Fortune Enterprises, Inc. and William L. Phillips shall not:

(a) Make any oral or written representation of a prospective franchisee's potential sales, income, gross or net profit unless:

(1) Such sales, income or profits are reasonably likely to be achieved by the person to whom the representation is made;

(2) The basis and assumptions for such representation are set forth in detail;

(3) Such representation and the underlying data have been prepared in accordance with generally accepted accounting principles;

(4) In immediate conjunction therewith, the following statement is clearly and conspicuously disclosed: "There is no assurance that income and profit projections will be attained by any specific franchisee. They are merely estimates."; and

(5) The amounts represented are not in excess of sales, income or profits actually achieved by existing franchisees. If franchisees have not been in operation long enough to indicate what sales, income or profits may result, then representations of such to a prospective franchisee are prohibited.

(b) Make any claim with respect to past or potential sales, profits, or earnings in any advertising, promotional material, or disclosure statement, or in any oral sales presentation, or discussion between a franchisor's representatives and prospective franchisees, for which the franchisor does not have substantiation in its possession, which substantiation shall be made available to prospective franchisees or the Commission or its staff upon demand.

(c) Make any claim or representation in advertising or promotional material, or in any oral sales presentation, solicitation or discussion between a franchisor's representatives and prospective franchisees, which is inconsistent with the information required to be disclosed by this Order.

(d) Fail to furnish the prospective franchisee with a copy of the completed franchise agreement which shall not become binding prior to the end of the tenth (10th) day after the date of receipt by the customer of the form of notice provided for in paragraph 15 of this Order.

(e) Fail to orally explain to the prospective franchisee, before an agreement is consummated, the cancellation procedure provided in this Order, namely that any contract or other agreement may be cancelled for any reason within ten (10) business days after the contract becomes legally binding on both parties or after the franchisee receives this disclosure statement, whichever occurs later.

(f) Fail to return the funds or deposits in accordance with subparagraph 15(1) of this Order.

18. For the purpose of this Order, the term "in connection with the creating, advertising, promoting, offering for sale or distribution" of any franchise for any product or service shall not include a relationship between respondents and any natural person, partnership, corporation, group, association, or any other business entity involving the mere investment of money.

19. For the purpose of this Order, the term "franchise" shall incorporate by reference the first alternative definition of "franchise" contained in the Federal Trade Commission's revised Proposed Trade Regulation Rule on Disclosure Requirements And Prohibitions Concerning Franchising published at 39 FR 30362.

20. *It is further ordered*, That in the event the Federal Trade Commission promulgates a final Trade Regulation Rule on Disclosure Requirements And Prohibitions Concerning Franchising, then such Trade Regulation Rule shall completely supersede and replace all franchise provisions contained in this Order, except paragraphs 14, 16, 18 and subparagraphs 15(a)(2), 15(b), 15(1), 17(d) and 17(e), and such Trade Regulation Rule shall become a part of this Order.

II

1. *It is further ordered*, That Fortune Enterprises, Inc. and William L. Phillips:

(a) Deliver a copy of this Order by hand or by certified mail to each of their present and future franchisees, licensees, employees, salesmen, agents, solicitors, independent contractors or to any other person or entity which promotes, offers for sale, sells or distributes any course of instruction offered by respondents; *provided however*, with respect to any other franchise for any other product or service, respondents shall deliver to such persons described above a copy of those paragraphs in Part I of this Order applicable to franchising such other products or services and Part II;

(b) Provide each person or entity described in subparagraph (a) above with a form returnable to the respondents clearly stating his (its) intention to be bound by and to conform his (its) business practices to the requirements of this Order; retain said statement during the period said person or entity is so engaged; and make said statement available to the Commission's staff for inspection and copying upon request;

(c) Inform each person or entity described in subparagraph (a) above that the respondents will not use or engage or will terminate the use or engagement of any such person or entity, unless such person or entity agrees to and does file notice with the respondents that he (it) will be bound by the provisions contained in this Order;

(d) Shall not, if such person or entity as described in subparagraph (a) above will not agree to so file the notice set forth in subparagraph (b) above with the respondents and be bound by the provisions of the Order, use or engage or continue the use or engagement of such person or entity to promote, offer for sale, sell or distribute any course of instruction or franchise included in this Order;

(e) Inform each person or entity described in subparagraph (a) above that the respondents are obligated by this Order to discontinue dealing with or to terminate the use or engagement of persons or entities who continue on their own the deceptive acts or practices prohibited by this Order;

(f) Institute a program of continuing surveillance adequate to reveal whether the business practices of each said person or entity described in subparagraph (a) above conform to the requirements of this Order;

(g) Discontinue dealing with or terminate the use or engagement of any person or entity described in subparagraph (a) above, as revealed by the aforesaid program of surveillance, who continues on his (its) own any act or practice prohibited by this Order.

2. *It is further ordered*, That respondents Fortune Enterprises, Inc. and William L. Phillips shall forthwith distribute a copy of this Order to each of their operating divisions which promotes, offers for sale, sells or distributes any course of instruction or franchise offered by respondents.

3. *It is further ordered*, That respondents Fortune Enterprises, Inc. and William L. Phillips shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or any other change in respondents which may affect compliance obligations arising out of this Order.

4. *It is further ordered*, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business or employment in which he is engaged as well as a description of his duties and responsibilities.

III

1. *It is further ordered*, That respondents Fuqua Industries, Inc. ("Fuqua") and William L. Phillips ("Phillips") shall each within sixty (60) days from the effective date of this Order, compile a list from Career Enterprises, Inc. ("Career") records in their respective possession, custody or control, or any other records in their respective possession, custody, or control, of the last known names and addresses of all persons who purchased a Career course of instruction in a company-owned or franchise school of Career

and who first paid monies to Career from January 1, 1969 to July 17, 1972, including the names and addresses of the purchasers' nearest relative(s) or others whose addresses appear on any document relating to said purchaser, supplemented by a list of the same category of persons identified by the Commission and transmitted to said respondents within one hundred five (105) days after the effective date of this Order.

2. *It is further ordered*, That respondents Fuqua and Phillips shall jointly, within sixty (60) days from the effective date of this Order, employ an independent contractor acceptable to the Commission, and give to the independent contractor, within one hundred ten (110) days from the effective date of this Order, the lists of names and addresses of persons referred to in paragraph 1 above. Said independent contractor shall review the lists, strike out any duplication of names and addresses of persons who purchased a Career course of instruction, and shall prepare a final list of all persons to receive Appendices C and D. Said independent contractor shall make an inquiry in writing on the one hundred fiftieth (150th) day after the effective date of this Order, to all persons whose names and addresses appear on the final list, in the language, manner and form shown in Appendices C and D, by first class mail and with a self-addressed postage prepaid envelope. With respect to all persons whose first mailed inquiry is returned unopened said independent contractor shall have a duty, commencing within three (3) business days after such mailed inquiry is returned unopened, to attempt to establish contact with persons referred to above by requesting by mail new addresses from the students' nearest relative(s) or others whose addresses appear on any document supplied to the independent contractor through which a student may be located.

3. *It is further ordered*, That (a) at the expiration of ninety (90) days after the independent contractor first mails Appendices C and D to persons on the final list referred to in paragraph 2 above, the independent contractor shall transmit the Appendix D responses it has received by such date to respondents Fuqua and Phillips, and (b) respondents' obligation to make restitution shall extend only to such persons (i) whose names appear on the final list referred to in Paragraph 2 above and (ii) whose Appendix D responses have been received by the independent contractor at or before the expiration of said ninety (90) day period.

4. *It is further ordered*, That, within one hundred fifty (150) days after the independent contractor first mails Appendices C and D to persons on the final list referred to in paragraph 2 above, respondents Fuqua and Phillips shall refund to purchasers of Career courses of instruction whose names appear on the Appendix D responses transmitted by the independent contractor pursuant to paragraph 3 above, less any prior refunds, seventy-five percent (75 percent) per person, of the total amount of monies paid by such persons to Career, or paid or owed by such persons to any third party financial institution or individual by virtue of the third party's purchase of a contractual debt owed by such persons to Career with respect to such enrollment or instruction; provided, however, that this Order provision shall not apply to any such person who paid less than one hundred dollars and one cent ($100.01) with respect to enrollment or instruction in a Career course, or who attained an employment position as a result of or substantially related to the training received in the course of instruction purchased from or arranged by Career, or who, for reasons unrelated to the training or job demand, elected not to seek such employment, or who made a deposit but did not show up for classes, or who enrolled in a class and dropped out for reasons unrelated to the course of instruction or job demand, and *provided further*, That respondents' obligation to make refunds of any nature whatsoever under this Order provision and as contemplated by the Complaint herein shall expire in all respects at the end of two hundred ten (210) days after the date on which the independent contractor first mails inquiries to purchasers of Career courses of instruction. It is understood and agreed and adopted as part of this Order that respondents' liability for restitution shall not exceed one million two hundred fifty thousand dollars ($1,250,000); and in the event that this sum is not adequate to provide a refund of seventy-five percent (75%) of the total monies paid by persons eligible to receive a refund as set forth in this paragraph, then a proportionate percentage of the 75 percent refund due shall be paid to those persons eligible until the $1,250,000 has been exhausted. Respondents Fuqua and Phillips shall bear equally the expense of making the restitution payments referred to in this Paragraph, *provided*, That in the event the total amount of restitution payments exceeds one million dollars ($1,000,000), Fuqua shall bear the expense of making restitution payments in excess of one million dollars ($1,000,000), up to one million two hundred fifty thousand dollars ($1,250,000). In no event shall the total amount of Fuqua's liability to make restitution exceed one-half of restitution payments, up to and including one million dollars ($1,000,000), or, in the event the restitution payments required by this Order exceed one million dollars ($1,000,000), said one-half share, plus the amount of any required restitution payments over one million dollars ($1,000,000), up to one million two hundred fifty thousand dollars ($1,250,000), for a total maximum Fuqua liability of seven hundred fifty thousand dollars ($750,000). In no event shall the total amount of Phillips' liability to make restitution payments exceed five hundred thousand dollars ($500,000) or one-half of the restitution payments up to one million dollars ($1,000,000), whichever is less. It is further ordered that respondents Fuqua and Phillips' liability for restitution arising out of any of the acts or practices of Career does not and shall not extend to any other period of time or class of claimant other than as provided in this Order.

5. *It is further ordered*, That if an independent contractor acceptable to the Commission is not employed by respondents Fuqua and Phillips within sixty (60) days from the effective date of this Order, then: (i) Said independent contractor shall have ninety (90) days from the time of his employment to prepare the final list and to make the inquiry in writing referred to in Paragraph 2 above, and (ii) said respondents' liability to make refunds shall not expire until two hundred ten (210) days after the date on which the independent contractor first mails inquiries to purchasers of Career courses of instruction.

6. *It is further ordered*, That respondents Fuqua and Phillips shall maintain adequate records for two (2) years after the effective date of this Order, same to be furnished upon request by the Federal Trade Commission, which disclose the dates and manner in which persons were contacted and responded pursuant to the above procedures including all documents received from such persons.

7. *It is further ordered*, That the respondents Fuqua Industries, Inc., Fortune Enterprises, Inc., and William L. Phillips shall notify the Commission at least thirty (30) days prior to any proposed change in the respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or any other change in respondents which may affect compliance obligations arising out of this Order.

8. *It is further ordered*, That each respondent herein shall, within sixty (60) days after service upon it of this Order, file with the Commission a report in writing setting forth the manner and form in which each has complied with this Order, and shall, within two hundred seventy (270) days after the independent contractor first mails the inquiries referred to in paragraph 2 above, file with the Commission a report in writing setting forth the manner and form in which each has complied with Part III of this Order.

APPENDIX A

IMPORTANT INFORMATION

Regarding Students of Career Training Institute of New York, New York.
Course: Keypunch Operator.
Base Period: January 1, 1974 through June 30, 1974.
Information regarding post-graduate employment of graduates:

	Number	Percent
Total graduates	80	[1] 100
Total graduates obtaining employment as keypunch operators	16	20

[1] The examples in this Appendix are for illustration and are not based on actual statistics.

Employers hiring persons who graduated from career training institute of New York, New York, from January 1, 1974 through June 30, 1974:

V 40 64
APR 2 75

As Keypunch Operators	*Total Hired*
ABC Company	4
D Company	4
H Company	4
L Company	4

Salary information regarding persons who graduated from Career Training Institute of New York, New York, from January 1, 1974 through June 30, 1974:

As Keypunch Operators:

4 Graduate(s) began at a salary between $5,000 and 5,999
6 Graduate(s) began at a salary between $6,000 and 6,999
6 Graduate(s) began at a salary between $7,000 and 7,999

Information regarding total number and percentage who failed to complete this course:

	Percent
Total number of students enrolled in this course and scheduled to graduate from January 1, 1974 through June 30, 1974	240
Total number who failed to complete this course	160
Total percentage who failed to complete this course	66

APPENDIX B

Base Period 1 begins January 1, 1974 and ends June 30, 1974.

During July, respondents shall gather the statistics with respect to Base Period 1. These statistics shall include the required information regarding jobs obtained by the January-June graduates from January 1 through July 31. These statistics may not include any persons who graduate during July and who obtain employment before July 31. Those persons will be included in the statistics for Base Period 2. During August respondents shall calculate and prepare the Base Period 1 statistics for distribution.

On September 1, respondents shall begin to disseminate statistics with respect to graduates for the period January 1 through June 30, and respondents shall continue to use those statistics through September 30.

During August, respondents shall gather the statistics with respect to Base Period 2, which begins February 1, 1974, and ends July 31, 1974. These statistics shall include the required information regarding jobs obtained by the February-July graduates from February through August 31. During September, respondents shall calculate and prepare for distribution the necessary statistics.

Beginning October 1, respondents shall disseminate the necessary statistics for Base Period 2 and shall be prohibited from disseminating previous base period statistics.

APPENDIX C

IMPORTANT NOTICE

To: (Name of Addressee).

Subject: Your attendance at (Name of School and City), a Career Enterprises, Inc. school.

By an order of the United States Federal Trade Commission entered on (date of order), we have been directed to determine from you certain facts concerning your relationship with the above Career school. The Commission has determined that the collection of this information is required under the Federal Trade Commission Act to properly implement a Commission order that requires the undersigned individual and Fuqua Industries, Inc. to meet certain obligations with respect to former enrollees of this school. It is important, therefore, that you provide us with your response to the enclosed questionnaire as soon as possible so that we may comply with the Commission's order.

Please mark or fill-in the appropriate spaces on the enclosed statement and return it by the self-addressed, stamped envelope within seven (7) days to:

[Independent Contractor]
[Name and Address]
[Telephone No.]

If you have any questions regarding this letter, please contact the above company.

Your cooperation in this matter will be appreciated.

WILLIAM L. PHILLIPS,
Former Chairman of the Board of Career Enterprises, Inc.

APPENDIX D

Subject: Your attendance at (Name of School and City), a Career Enterprises, Inc. school.

1. Is your present address correctly shown on the envelope? Yes ( ) No ( ). If no, what is your address?

2. On what date did you enroll in the above Career school? _____ _____
Month Year

3. What is the total amount of money you paid for your course at the above Career school? In computing this amount, include both the amount you paid directly to the Career school, and the amount, if any, paid for such course to Career by any financial institution or individual who informed you that your debt obligation had been transferred from the Career school to such financial institution or individual and that, therefore, in the future you would not make payments on your tuition to the Career school, but would make such payments to the financial institution or individual who informed you of this new arrangement. (Total amount $_____).

4. What is the name and address of this financial institution or individual?

5. What is the name of the course you signed up for?

6. Did you attend any classes? Yes ( ) No ( ).

7. Did you complete the course? Yes ( ) No ( ).

8. If the answer to question number 7 is no, set forth reason.

9. Did you receive any refund of any tuition money paid to the above Career school? Yes ( ) No ( ). (If the answer to question number 9 is yes, please answer question number 10).

10. What is the total amount of such refunds received by you? (Total amount $_____).

11. Did you ever attain any employment positions as a result of, or substantially relating to, the training you received from the Career school? Yes ( ) No ( ).

12. If no, why not?

13. Please attach to this form any documents or copies of such documents that indicate you paid an amount of money for any course of instruction offered by the Career school.

This form should be signed and mailed, in the enclosed self-addressed postage paid envelope.

I hereby certify that the above answers are true and correct to the best of my knowledge and belief.

_____
(Date)

_____
(Social Security No.)

_____
(Signature)

_____
(Print Name Here)

_____
(Home Address)

_____
(Home Telephone No.)

_____
(Employer)

_____
(Employer's Address)

_____
(Employer's Telephone No.)

The Decision and Order was issued by the Commission January 21, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-8438 Filed 4-1-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Delegation of Authority

Pursuant to authority set forth in section 19 of the Securities Act of 1933, section 23(a) of the Securities Exchange Act of 1934, section 20 of the Public Utility Holding Company Act of 1935, Section 319 of the Trust Indenture Act of 1939, section 38 of the Investment Company Act of 1940, and section 211 of the Investment Advisers Act of 1940, the Securities and Exchange Commission hereby amends 17 CFR Part 200 as follows:

Section 200.30-4 is amended by revising paragraph (a)(2) and adding new paragraphs (a)(3) and (4):

§ 200.30-4 Delegation of authority to Director of Division of Enforcement.

* * * * *

(a) * * *

(2) In nonpublic investigatory proceedings within the responsibility of the Director, to grant requests of persons to procure copies of the transcript of their testimony given pursuant to Rule 6 of the Commission's Rules Relating to Investigations as in effect subsequent to November 16, 1972 (17 CFR 203.6).

(3) To terminate and close all investigations authorized by the Commission pursuant to section 20 of the Securities Act of 1933 (15 U.S.C. 77t), section 21 of the Securities Exchange Act of 1934 (15 U.S.C. 78u), section 18 of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79r), section 42 of the Investment Company Act of 1940 (15 U.S.C. 80a-41) and section 209 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-9).

(4) To terminate the authority to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records in the course of investigations instituted by the Commission pursuant to section 19(b) of the Securities Act of 1933 (15 U.S.C. 77s(b)), section 21(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(b)), section 18(c) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79r(c)), section 42(b) of the Investment Company Act of 1940 (15 U.S.C. 80a-41(b)) and section 209(b) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-9(b)).

(Sec. 4(b), 48 Stat. 885, sec. 1106(a), 63 Stat. 972 (15 U.S.C. 78d(b)); sec. 1, 76 Stat. 394 (15 U.S.C. 78d-1); secs. 19, 209, 48 Stat. 85, 908 (15 U.S.C. 77s); sec. 23(a), 48 Stat. 901, sec. 8, 49 Stat. 1379 (15 U.S.C. 78w(a)); sec. 20, 49 Stat. 833 (15 U.S.C. 79t); sec. 319, 53 Stat. 1173 (15 U.S.C. 77 sss); sec. 38, 54 Stat. 841 (15 U.S.C. 80a-37); sec. 211, 54 Stat. 855, sec. 14, 74 Stat. 888 (15 U.S.C. 80b-11))

The Commission finds that the foregoing amendments relate solely to rules and regulations of agency organization, procedure and practice, and therefore the provisions of 5 U.S.C. 553 relating to notice and procedures are not applicable. The foregoing amendments became effective December 18, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 18, 1974.

[FR Doc.75-8511 Filed 4-1-75;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER II—TENNESSEE VALLEY AUTHORITY

PART 301—PROCEDURES

Fees for Search and Duplication of Records

On pages 7684-7685 of the FEDERAL REGISTER of Friday, February 21, 1975, there was published a notice of proposed rulemaking to amend 18 CFR Part 301 by adding a new § 301.2. Pursuant to the Freedom of Information Act (5 U.S.C. § 552), as amended, the new section provides for a uniform fee schedule for search and duplication of TVA records limited to reasonable standard charges to recover the direct costs of such search and duplication. The new section also provides for waiver and reduction of fees in certain circumstances, as set out in paragraph (c).

The charges for files search and duplication are for clerical time only, and no charge will be made for supervisory time. As stated in the notice of proposed rulemaking, if it develops that significant amounts of supervisory time are being required in the search and duplication process, the regulations may be amended to provide for charges therefor.

Opportunity for comment on or objection to the proposed regulation was given. No comments or objections have been received and the proposed regulation is hereby adopted without change and is set forth below.

Effective date. This new section is effective on April 2, 1975.

By Direction of the Board of Directors.

Dated: March 26, 1975.

LYNN SEEBER,
General Manager.

Part 301 of Title 18 is amended by adding the following new section.

§ 301.2 Schedule of fees.

(a) *Basis.* Except as otherwise provided in subsection (c) of this section, TVA records which are available for public inspection under § 301.1 are made available upon payment of uniform fees which will approximately cover the direct costs to TVA of searching for, compiling, transporting, and copying the records.

(b) *Fees.* The following fees are applicable:

(1) *Time charges.* For time spent searching files, compiling requested material from files, and making any requested copies the charge is $4.15 per hour.

(2) *Duplication charges.* For reproduction of requested material which consists of sheets no larger than 8½ by 14 inches, the charge is ten cents per page. For reproduction of other materials, the charge is the direct cost of photostat or other means necessarily used for duplication.

(3) *Other charges.* Where a response to a request requires services or materials (including personnel) other than the common ones described in paragraphs (1) and (2) of this section, the charge is the direct cost of such services and materials to TVA, but only if the requester has been notified of such cost before it is incurred, or if the request contains a statement that all costs are acceptable.

(c) *Waiver or reduction of fees.* (1) No time charge is made with respect to any request for records requiring less than four (4) hours' time for searching and reproducing documents.

(2) If it is determined by TVA that all material requested is exempt from disclosure under § 301.1 of this part, and TVA accordingly declines to furnish all such material, no fees shall be charged. TVA may waive or reduce fees otherwise chargeable under this section upon its determination that waiver or reduction is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

[16 U.S.C. 831-831dd]

[FR Doc.75-8441 Filed 4-1-75;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 75-78]

PART 22—DRAWBACK

Drawback Statements From Manufacturers or Producers

Section 22.20a of the Customs Regulations (19 CFR 22.20a) provides that a claimant for drawback whom the regional commissioner of Customs determines not delinquent or otherwise remiss in transactions with Customs is eligible for accelerated payment of drawback claims which are properly prepared and fully completed. A claimant requesting accelerated payment of a drawback claim must submit with the claim a computation of the amount due. He must also file with Customs, for approval by the regional commissioner, a bond on either Customs Form 7609 or 7611 guaranteeing the refund of any excess payment. If, after receiving such a claim, the regional commissioner determines that the conditions for accelerated payment are met and that the claim appears reasonable in amount, he shall certify for payment 90 percent of the claim as computed by the claimant. It has been determined that increasing the amount of accelerated payment from 90 percent to 100 percent would be beneficial to the exporting claimants. Furthermore, in view of the bond guaranteeing the refund of any excess payments, any danger to the revenue would be eliminated.

Accordingly, the third and fourth sentences of § 22.20a of the Customs Regulations (19 CFR 22.20a), are amended as set forth below:

§ 22.20a Accelerated payment of drawback claims.

* * * If the regional commissioner, after receiving a claim, determines that the conditions for accelerated payment are met and that the claim appears reasonable in amount, he shall, within 3 weeks after the claim is filed, certify it for payment. After liquidation, any amount found to be due will be paid or a demand for refund of any excess payment paid will be made. * * *

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

Inasmuch as this amendment merely relaxes present requirements and requires no public initiative, notice and public procedure thereon is found to be unnecessary and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. This amendment will be effective on April 2, 1975.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: March 20, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-8524 Filed 4-1-75;8:45 am]

[T.D. 75-77]

PART 113—CUSTOMS BONDS

Customs Bonds

Treasury Decision 74-227, which was published in the FEDERAL REGISTER on September 4, 1974 (39 FR 32013), revised and replaced Part 25 of the Customs Regulations with a new part, designated Part 113, "Customs Bonds". This revision was part of the overall revision of the Customs Regulations which includes a rearrangement of the sequence of parts in Chapter I, title 19, of the Code of Federal Regulations.

Implementing the United States Customs Service's Automated Bond Information System (ABIS), which was established in 1973, § 113.26(a) of the

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Customs Regulations requires that each bond on Customs Forms 7553, 7563-A, 7569, 7595, and 7599, must be accompanied by a completed Bond Transcript on Customs Form 53, in triplicate, and that the bond and bond transcript must be filed with the district director at least 60 days before the bond's effective date. In order to accommodate importers who urgently needed to use the Immediate Delivery and Consumption Entry Term Bond (Customs Form 7553) but who had not previously obtained such a bond and were therefore unable to effect coverage without a delay of 60 days, § 113.26(a) provides an exception to the 60-day advance filing requirement in the case of importers who had not previously obtained a consumption entry term bond. As a result of this exception, a bond on Customs Form 7553 and the related bond transcript may be accepted from an importer who has not previously had such a bond on, or at any time before, the effective date of the bond.

Additional experience with the ABIS program has shown that the 60-day advance filing requirement may be dispensed with in the case of importers who have previously had a consumption entry term bond without adversely affecting the program. Accordingly, it is considered desirable to amend the Customs Regulations to eliminate in all cases the 60-day advance filing requirement for a consumption entry term bond filed on Customs Form 7553 and the accompanying bond transcript.

Accordingly, the second sentence of paragraph (a) of § 113.26 (19 CFR 113.26 (a)) is amended to read as follows:

§ 113.26 Bond transcript for certain term bonds.

(a) * * * The bond and bond transcript shall be furnished at least 60 days before the date on which the bond shows it is to become effective, except that a bond on Customs Form 7553 and the related bond transcript may be accepted on or at any time before, the effective date of the bond. * * *

* * * * *

(R.S. 251, as amended, secs. 623, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

Because this amendment merely relaxes a present requirement and requires no public initiative, notice and public procedure thereon is found to be unnecessary, and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. This amendment shall become effective on April 2, 1975.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: March 21, 1975.

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

[FR Doc.75-8455 Filed 4-1-75;8:45 am]

Title 20—Employees' Benefits

CHAPTER I—OFFICE OF WORKERS' COMPENSATION PROGRAMS, DEPARTMENT OF LABOR

EMPLOYEES' BENEFITS

Claims for Compensation Under the Federal Employees' Compensation Act

Correction

In FR Doc. 75-4173 appearing at page 6876 in the issue for Friday, February 14, 1975, the following corrections should be made:

1. On page 6880 in § 10.100(b) in the 3rd column, the 8th line beginning, "• • • ment related occupational disease or • • • ", should be deleted; and "• • • give written notice of such disease or • • • " should be inserted.

2. On page 6883 in the 1st column, in § 10.123, the 2nd sentence, the word "beaen" should be corrected to read "been".

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER J—RADIOLOGICAL HEALTH

PART 1030—PERFORMANCE STANDARDS FOR MICROWAVE AND RADIO FREQUENCY EMITTING PRODUCTS

Microwave Ovens

The Commissioner of Food and Drugs is amending the performance standard for microwave ovens in § 1030.10 (21 CFR 1030.10) by adding requirements that specific safety instructions be included in user and service manuals, and that all microwave ovens, to which the standard is applicable, bear certain specified warning labels, effective October 3, 1975.

In a notice of proposed rule making published in the FEDERAL REGISTER of May 30, 1974 (39 FR 19797), interested persons were given until July 29, 1974, to file written comments with the Hearing Clerk, Food and Drug Administration, regarding the proposal. Eighty-one letters were received, 64 of which were from consumers and consumer associations, six from manufacturers, four from health care facilities, and seven from various other organizations. Twenty-two letters generally supported all or part of the proposal. Twenty-four letters indicated no general approval or disapproval, while the remaining 35 letters expressed significant opposition. A number of the comments did not relate to the proposed amendment but rather to the microwave oven standard in general.

1. Thirty-one comments stated that the proposed amendment is unnecessary since microwave ovens are extremely safe home appliances. These comments expressed the view that the proposed warning label would be a sales deterrent and would add considerable, unnecessary cost to the purchase price of microwave ovens.

The Commissioner concludes that although microwave ovens have had a good safety record, it is prudent to take preventive action, when indicated, before there are documented incidents of injury. The proposed warning label is considered necessary to insure that consumers receive the most important precautions related to microwave oven use. There has been no evidence provided to support the claim that the proposed amendment would be a sales deterrent or would add considerable cost to the purchase price of microwave ovens. A detailed analysis of the possible economic consequences of the amendment is presented in the environmental assessment report concerning this action. A conclusion of this report is that the costs of compliance with the amendment should be minimal, but potential benefits to the public health are expected to be considerable. A copy of this report is on file in the office of the Hearing Clerk.

2. Fourteen comments urged adoption of all or part of the Consumers Union petition published in the FEDERAL REGISTER of September 13, 1973 (38 FR 25402), or offered recommendations in addition to, or in place of, the proposed amendment.

The preamble to the notice of proposed rule making contained the evaluation and conclusions of the Food and Drug Administration with respect to the petition of Consumers Union of the United States, Inc. As stated, the preamble to the notice of proposed rule making represented the final action of the Food and Drug Administration with respect to the petition. No new significant information or data have been presented to alter this action.

3. One comment suggested that the proposed warning labels be made available to owners of older microwave ovens.

Section 358(c) of the Radiation Control for Health and Safety Act of 1968, does not allow the amendment to apply to microwave ovens manufactured before promulgation of the amendment. However, the information contained in the proposed warning labels is included in consumer literature available from the Food and Drug Administration. Copies of this material may be obtained by writing to the Food and Drug Administration, Bureau of Radiological Health, HFX-26, 5600 Fishers Lane, Rockville, MD 20852. Also, individual manufacturers may, on a voluntary basis, make warning labels available to owners of older ovens.

4. One comment suggested that the phrase "using microwave energy" be deleted from the first precaution in user and service instructions in § 1030.10(c) (4) (iii) (a) and (5) (iii) (a) and from the first warning label precaution in § 1030.10 (c) (6) (i) for ovens that can be operated only with microwave energy. It was stated that the phrase would tend to confuse owners of the majority of microwave ovens which operate only with microwave energy, since the phrase implies that the oven can operate with other than microwave energy.

The Commissioner agrees that, as worded, the warning could be confusing and the phrase has been deleted. It should be noted, however, that proposed § 1030.10(c) (4) (iv), (5) (iv), and (6) (iii) provide for the use of additional instructions for particular oven designs or models. These provisions would permit a manufacturer to employ the phrase "using microwave energy" for combination ovens which use other means of cooking in addition to microwave energy.

5. One comment suggested that the Food and Drug Administration specify the procedures and criteria that would be used to decide which oven models require additional precautions and how the additional precautions should be worded.

The Commissioner has concluded that decisions on the suitability of additional precautions must be made on a model by model basis. It is not possible for the FDA to specify generally applicable procedures and criteria which would be sufficient for all makes and models of ovens.

6. One comment advocated recordkeeping and reporting requirements with regard to § 1030.10(c) (5) (iii) (c) of the proposed service instructions, concerning leakage checks prior to release of a microwave oven to an owner.

The Food and Drug Administration does not have the authority under the Radiation Control for Health and Safety Act of 1968 to impose recordkeeping and reporting requirements on independent service agents. If such requirements were needed, they could be imposed by local or State jurisdictions. However, the Commissioner concludes that no evidence has been presented which supports the need for such requirements on service agents.

7. Several comments stated that proposed § 1030.10(c) (5) (iii) (c) regarding leakage checks, implies a legal obligation to measure leakage radiation and verify compliance with the Federal Standard during each service call, necessitating substantial costs for instrumentation to service agents. Furthermore, it was suggested that leakage checks should be required only if repairs are such that leakage may be affected.

The amendment imposes a requirement on manufacturers to include the prescribed precautions in user and service literature. The Radiation Control for Health and Safety Act of 1968 does not authorize direct regulatory control of service personnel. Therefore, the service instructions state that a microwave leakage check, while not mandatory, should be performed, as an integral part of microwave oven servicing.

8. One comment suggested that the label specified in proposed § 1030.10(c) (6) (i) be on the front exterior surface of the oven. In addition, several comments requested clarification concerning placement of the proposed label.

The Commissioner has established that the intent of the proposed amendment would be served if the label were on any surface (internal or external) as long as the label is readily viewable during normal oven use. Thus, it would fulfill this intent if it were viewable either when the oven door is open or closed. There is no radiation safety basis for specifying the exact position of the label.

9. Three comments stated that the requirements in § 1030.10(c) (5) that service instructions be made available to any interested parties, is inconsistent with the intent of § 1030.10(c) (4) (iii) and (6) (ii) which advise that service should be performed only by qualified service personnel.

The Commissioner has determined that although one intent of the proposed amendment is to discourage unqualified user servicing, this should not be accomplished by withholding service information from those who may have the technical skills to use such information.

10. Two comments requested that the effective date be 1 year after publication of the final order, rather than 6 months as proposed, because some oven models would require design changes in order to place the proposed label according to the amendment.

Since the exact position of the label is not specified, as discussed in paragraph 8 above, the Commissioner has concluded that no currently marketed microwave ovens would require redesign to comply with the labeling provisions of the amendment.

11. Three comments stated that the phrase "exposure to microwave energy," in the proposed warning labels and user and service instructions, implies that any exposure to microwave energy is harmful. It was suggested that the word "excessive" be inserted before "microwave energy."

The Commissioner agrees with the suggested change and § 1030.10(c) (4) (iii), (5) (iii), (6) (i), and (ii) have been changed accordingly.

12. One comment asserted that directing attention to the danger of defeating interlocks in proposed § 1030.10(c) (4) (iii) (a) is, in itself, a potential hazard, since it may invite inspection of and tampering with the interlocks by curious persons.

The Commissioner concludes that since open-door operation is extremely hazardous, interference with the safety interlocks must be vigorously discouraged. It is considered unlikely that the warning would motivate tampering by persons not already disposed to do so. This precaution augments the engineering safeguards provided by the interlock and interlock monitor provisions of the microwave oven standard.

13. One comment suggested changing the word "Radiation" to "Energy" on the service label as proposed in § 1030.10(c) (6) (ii).

The Commissioner agrees with the suggestion. Therefore, the word "Radiation" has been changed to "Energy" in § 1030.10(c) (6) (ii) to be consistent with the phraseology of the user label and instructional material.

14. As an alternative to a permanent warning label, one comment recommended that only a temporary warning sign be required, suggesting that the sign be placed near the microwave oven for users unfamiliar with the oven.

The Commissioner disagrees and emphasizes that a primary reason for requiring permanently attached labels is to make all users aware of the most important precautions. In particular, it is important to inform users of ovens installed in dwellings at the time of construction, and other users who may not have access to the user's manual. These objectives would not be met by a temporary, easily misplaced sign.

15. One comment suggested that the warning label, as proposed in § 1030.10 (c) (6) (i) should only be required for microwave ovens used commercially, and that the label not be required for home ovens because it could detract from the appearance of such ovens.

The Commissioner disagrees with the suggestion since all microwave oven users must be advised of the most important precautions. It would not suffice to require warning labels only on commercially used ovens. The warning label would not be required to be viewable except during normal oven use, i.e., either when the oven door is open or closed. The label may be positioned so that it is not visible when the oven door is closed. See paragraph 8 above.

16. A manufacturer of microwave ovens stated that his and certain other manufacturers' ovens should not be required to bear the proposed user warning label mentioned in § 1030.10(c) (6) (i) primarily because these ovens, by design, are not susceptible to the situations addressed by the proposed label. The comment suggested that either the current performance standard be amended to eliminate the problems addressed by the proposed warning label, or that warning labels not be required for microwave oven models not susceptible to the problems addressed by the label. The commentator rejects the variance provisions in § 1010.4 (21 CFR 1010.4) as a mechanism for relieving such ovens from the labeling requirement because he believes that a variance might appear to the consumer as an indication that the product has uncorrectable radiation safety problems. It was alleged that such an effect upon the consumer would result in an unfair competitive disadvantage for the manufacturers of such ovens.

The Commissioner recognizes that all microwave oven models might not be equally susceptible to the conditions of use warned against in the proposed user label. However, the commentator has not adequately documented his claim that his ovens are not susceptible to conditions such as increased emissions due to a damaged door, hinge, latch, or sealing surface.

With respect to the suggestion that the performance requirements of the current standard be amended to eliminate the problems addressed by the proposed user label, the Commissioner concludes that, while it might be possible to counteract such adverse conditions of use warned against in the proposed label by such an amendment, it would not now be justified. Such a major change in the performance standard at this time would

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severely disrupt the industry and would not yield benefits substantially greater than those realized by the proposed amendment.

The Commissioner concludes that it is reasonable to assume that through technological refinements microwave ovens could be designed which are not likely to be subject to one or more of the adverse conditions of use referred to in the proposed user warning label.

The Commissioner has determined that in such instances a manufacturer should not be required to comply with the provisions of the user warning label requirements.

Therefore, the Commissioner has added to this order a new § 1030.10(c)(6)(iv) whereby a manufacturer may apply to the Director, Bureau of Radiological Health, Food and Drug Administration, for an exemption from part or all of the user warning label requirement. The granting of an exemption will be based on data and information submitted by the manufacturer which substantiate that one or more of the radiation safety warnings in § 1030.10(c)(6)(i) are not necessary for the microwave oven model for which the exemption is sought. The Director may require a sample of the applicable model before a determination is made whether or not to grant the exemption. Those manufacturers who believe their microwave oven design could support an application for exemption, should submit such application to the Director, Bureau of Radiological Health, according to the procedures specified in 21 CFR 1030.10(c)(6)(iv).

The Commissioner has determined that the exemption provision should be limited to the requirement for user labels, and not apply to the user instructions required in § 1030.10(c)(4). The granting of an exemption will be made only on an evaluation, based upon criteria, which shows a very low probability of occurrence of the radiation exposure situation for which the exemption is sought. The precautionary statements in the user instructions, on the other hand, are intended to avert even those situations which have a very low probability of occurrence. They are educational and general in nature, and address all possible adverse conditions of use.

A more detailed analysis of the comments received in response to the proposal is available for public review in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. This analysis includes comments that did not relate directly to the proposal, but were received in response to it.

The Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f) states that each regulation prescribing, amending, or revoking a standard shall specify the date on which it shall take effect; a regulation prescribing or amending a standard may not take effect sooner than 1 year nor later than 2 years after the date on which such regulation is issued, unless the Secretary finds, for good cause shown, that an earlier or later effective date is in the public interest and issues for publication in the FEDERAL REGISTER his reason for such finding in which case such earlier or later date shall apply.

The Commissioner has determined that an earlier effective date is in the public interest since it is necessary that microwave oven users and service personnel have adequate safety instructions to assure protection of the public health. The amendment should not necessitate any changes in microwave oven design. Furthermore, 6 months should be an adequate length of time to revise user and service manuals and to have user and service labels prepared. Therefore, the earlier effective date should not impose an unreasonable burden on manufacturers.

Pursuant to provisions of § 6.1(b) (21 CFR 6.1(b)), the possible environmental consequences of these amendments have been carefully considered. In accordance with the guidelines of the Council on Environmental Quality (40 CFR 1500.6(a)), concerning the identification of actions which may cumulatively have a significant effect upon the environment, the possible environmental consequences of these amendments have been evaluated. It has been concluded that this action will not have a significant effect upon the environment and, therefore, an environmental impact statement pursuant to section 102(2)(c) of the National Environmental Policy Act is not required.

Data and information supporting the Commissioner's conclusions with respect to this order and a copy of the environmental assessment report are available for public review in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner of Food and Drugs has determined that this amendment to § 1030.10 is necessary for the protection of the public health and safety.

Therefore, pursuant to the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177–1179; 42 U.S.C. 263f) and under authority delegated to the Commissioner (21 CFR 2.120), § 1030.10 is amended by revising paragraph (c)(4) and adding new paragraph (c)(5) and (6) to read as follows:

§ 1030.10 Microwave ovens.

* * * * * * *

(c) * * *

(4) *User instructions.* Manufacturers of microwave ovens to which this section is applicable shall provide, or cause to be provided, with each oven, radiation safety instructions which:

(i) Occupy a separate section and are an integral part of the regularly supplied users's manual and cookbook, if supplied separately, and are located so as to elicit the attention of the reader.

(ii) Are as legible and durable as other instructions with the title emphasized to elicit the attention of the reader by such means as bold-faced type, contrasting color, a heavy-lined border, or by similar means.

(iii) Contain the following wording:

PRECAUTIONS TO AVOID POSSIBLE EXPOSURE TO EXCESSIVE MICROWAVE ENERGY

(*a*) Do not attempt to operate this oven with the door open since open-door operation can result in harmful exposure to microwave energy. It is important not to defeat or tamper with the safety interlocks.

(*b*) Do not place any object between the oven front face and the door or allow soil or cleaner residue to accumulate on sealing surfaces.

(*c*) Do not operate the oven if it is damaged. It is particularly important that the oven door close properly and that there is no damage to the: (*1*) Door (bent), (*2*) hinges and latches (broken or loosened), (*3*) door seals and sealing surfaces.

(*d*) The oven should not be adjusted or repaired by anyone except properly qualified service personnel.

(iv) Include additional radiation safety precautions or instructions which may be necessary for particular oven designs or models, as determined by the Director, Bureau of Radiological Health or the manufacturer.

(5) *Service instructions.* Manufacturers of microwave ovens to which this section is applicable shall provide or cause to be provided to servicing dealers and distributors and to others upon request, for each oven model, adequate instructions for service adjustments and service procedures, and, in addition, radiation safety instructions which:

(i) Occupy a separate section and are an integral part of the regularly supplied service manual and are located so as to elicit the attention of the reader.

(ii) Are as legible and durable as other instructions with the title emphasized so as to elicit the attention of the reader by such means as bold-faced type, contrasting color, a heavy-lined border, or by similar means.

(iii) Contain the following wording:

PRECAUTIONS TO BE OBSERVED BEFORE AND DURING SERVICING TO AVOID POSSIBLE EXPOSURE TO EXCESSIVE MICROWAVE ENERGY

(*a*) Do not operate or allow the oven to be operated with the door open.

(*b*) Make the following safety checks on all ovens to be serviced before activating the magnetron or other microwave source, and make repairs as necessary: (*1*) Interlock operation, (*2*) proper door closing, (*3*) seal and sealing surfaces (arcing, wear, and other damage), (*4*) damage to or loosening of hinges and latches, (*5*) evidence of dropping or abuse.

(*c*) Before turning on microwave power for any service test or inspection within the microwave generating compartments, check the magnetron, wave guide or transmission line, and cavity for proper alignment, integrity, and connections.

(*d*) Any defective or misadjusted components in the interlock, monitor, door seal, and microwave generation and transmission systems shall be repaired, replaced, or adjusted by procedures described in this manual before the oven is released to the owner.

(*e*) A Microwave leakage check to verify compliance with the Federal performance standard should be performed on each oven prior to release to the owner.

(iv) Include additional radiation safety precautions or instructions which may be necessary for particular oven designs or models, as determined by the Director, Bureau of Radiological Health or the manufacturer.

(6) *Warning labels.* Except as provided in paragraph (c)(6)(iv) of this section, microwave ovens shall have the following warning labels:

(i) A label, permanently attached to or inscribed on the oven, which shall be legible and readily viewable during normal oven use, and which shall have the title emphasized and be so located as to elicit the attention of the user. The label shall bear the following warning statement:

PRECAUTIONS FOR SAFE USE TO AVOID POSSIBLE EXPOSURE TO EXCESSIVE MICROWAVE ENERGY

DO NOT Attempt to Operate This Oven With:

(*a*) Object Caught in Door.

(*b*) Door That Does Not Close Properly.

(*c*) Damaged Door, Hinge, Latch, or Sealing Surface.

(ii) A label, permanently attached to or inscribed on the external surface of the oven, which shall be legible and readily viewable during servicing, and which shall have the word "CAUTION" emphasized and be so located as to elicit the attention of service personnel. The label shall bear the following warning statement:

CAUTION: This Device is to be Serviced Only by Properly Qualified Service Personnel. Consult the Service Manual for Proper Service Procedures to Assure Continued Compliance with the Federal Performance Standard for Microwave Ovens and for Precautions to be Taken to Avoid Possible Exposure to Excessive Microwave Energy.

(iii) The labels provided in accordance with paragraph (c)(6)(i) and (ii) of this section shall bear only the statements specified in that paragraph, except for additional radiation safety warnings or instructions which may be necessary for particular oven designs or models, as determined by the Director, Bureau of Radiological Health or the manufacturer.

(iv) Upon application by a manufacturer, the Director, Bureau of Radiological Health, Food and Drug Administration, may grant an exemption from one or more of the statements (radiation safety warnings) specified in paragraph (c)(6)(i) of this section. Such exemption shall be based upon a determination by the Director that the microwave oven model for which the exemption is sought should continue to comply with paragraph (c)(1), (2), and (3) of this section under the adverse condition of use addressed by such precautionary statement(s). Applications shall be submitted in quintuplicate to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. Copies of the written portion of the application, including supporting data and information, and the Director's action on the application will be maintained by the Hearing Clerk for public review. The application shall include:

(*a*) The specific microwave oven model(s) for which the exemption is sought.

(*b*) The specific radiation safety warning(s) from which exemption is sought.

(*c*) Data and information which clearly establish that one or more of the radiation safety warnings in paragraph (c)(6)(i) is not necessary for the specified microwave oven model(s).

(*d*) Such other information and a sample of the applicable product if required by regulation or by the Director, Bureau of Radiological Health, to evaluate and act on the application.

Effective date. This order shall become effective on September 29, 1975.

(Sec. 358, 82 Stat. 1177–1179 (42 U.S.C. 263f))

Dated: March 5, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75–8334 Filed 4–1–75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER III—GOVERNMENT NATIONAL MORTGAGE ASSOCIATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER A—INTRODUCTION

[Docket No. R–75–210]

PART 300—GENERAL

List of Attorneys-in-Fact

Paragraph (c) of § 300.11 is amended to add additional names to the list of attorneys-in-fact authorized to act on behalf of the Association.

Notice and public procedure on this amendment are unnecessary and impracticable because of the large volume of legal documents that must be executed on behalf of the Association in connection with its recent auctions of mortgages.

Paragraph (c) of § 300.11 is amended by adding the following names in alphabetical sequence to the current list of attorneys-in-fact:

§ 300.11 Power of attorney.

* * * * * * *

(c) * * *

Robert E. Airy, Washington, D.C.

* * * * * * *

Thomas L. Kinney, Washington, D.C.

* * * * * * *

Effective date. This amendment shall be effective April 2, 1975.

DANIEL P. KEARNEY,
President, Government National Mortgage Association.

[FR Doc.75–8457 Filed 4–1–75;8:45 a.m.]

CHAPTER IX—OFFICE OF INTERSTATE LAND SALES REGISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R–75–298]

PART 1700—INTRODUCTION

Subpart A—Authority and Organization

PUBLIC INFORMATION

On November 11, 1974, a notice of proposed rulemaking (39 FR 39733) was published in the FEDERAL REGISTER. The proposal invited public comment on the establishment of a fixed fee of $12.00 per filing for duplication fees and certification of registration to the various States accepting Federal filings. The deadline for receipt of written comments was December 9, 1974. No written comments were received and all verbal comments were favorable with the exception of two, one which addressed the Freedom of Information Act and was beyond the scope of this amendment. The other addressed the method of payment of the fees set forth in the current paragraph (b) and the proposed paragraph (e). As a result of that comment a new paragraph (f) has been added which sets forth the acceptable methods of payments of these fees.

Section 1700.30 is amended by adding new paragraphs (e) and (f) as follows:

§ 1700.30 Public information.

* * * * * * *

(e) *Duplication and certification fee-required documents to the several States that accept Federal filings.* Notwithstanding the provisions of § 15.14 *Schedule of fees* of this title, copies of documents on file with the Office of Interstate Land Sales Registration that are provided for certification to the several states that accept Federal filings will be provided upon request for a fixed fee of $12.00 per filing regardless of the number of pages duplicated.

(f) *Methods of payment.* The fees set forth in paragraphs (d) and (e) of this section may be paid by cash, by personal check, or by company check; or by U.S. money orders; or by certified check payable to the Treasurer of the United States or to the Department of Housing and Urban Development. Postage stamps will not be accepted. All other fees must be paid as set forth in § 15.14(g) of Title 24 of the Code of Federal Regulations.

(Sec. 7(d), Department of Housing and Urban Development Act, 79 Stat. 670 (42 U.S.C. 3535(d), 1419); 82 Stat. 598 (15 U.S.C. 1718); Secretary's delegation of authority published at 37 FR 5071)

Effective date. These amendments will be effective on May 5, 1975.

JOHN R. MCDOWELL,
Acting Interstate Land Sales Administrator.

[FR Doc.75–8459 Filed 4–1–75;8:45 am]

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CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-539]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Where two dates appear in the column marked effective date of identification, the first listing refers to the initial identification of areas having special flood hazards, and the second date refers to additional areas identified. Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Arkansas	Clark	Gurdon, city of	H 050239 01	Division of Soil and Water Resources, State Department of Commerce, 1020 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Departmen., 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, City Hall, Gurdon, Ark. 71743.	Apr. 18, 1975.
Do	Calhoun	Harrell, town of	H 050250 01	do	Town Council, Town of Harrell, Harrell, Ark. 71745.	Do.
Do	Bradley	Hermitage, town of.	H 050255 01	do	Town Council, Town of Hermitage, Hermitage, Ark. 71647.	Do.
Do	Lawrence	Lynn, town of	H 050263 01	do	Town Council, Lynn, Ark. 72440	Do.
Do	Randolph	O'Kean, town of	H 050271 01 through H 050271 02	do	Town Council, O'Kean, Ark. 72449	Do.
Do	Jefferson	Redfield, town of	H 050282 01	do	Town Council, Redfield, Ark. 72132	Do.
Do	Arkansas	St. Charles, town of.	H 050285 01	do	Town Council, St. Charles, Ark. 72140	Do.
Do	Logan	Scranton, city of	H 050286 01	do	Mayor, City Hall, Scranton, Ark. 72863.	Do.
Do	Saline	Traskwood, town of.	H 050294 01 through H 050294 02	do	Town Council, Town of Traskwood, Traskwood, Ark. 72167.	Do.
Do	Carroll	Berryville, city of	H 050806 01 through H 050806 02	do	Mayor, City Hall, City of Berryville, Berryville, Ark. 72616.	Do.
Do	Pulaski	Cammack Village, city of.	H 050810 01	do	Mayor, City of Cammack Village, City Hall, Cammack Village, Ark. No ZIP.	Do.
Do	Benton	Decatur, city of	H 050319 01	do	Mayor, City of Decatur, City Hall, Decatur, Ark. 72722.	Do.
Do	Pope	Dover, city of	H 050321 01	do	Mayor, City Hall, City of Dover, Dover, Ark. 72837.	Do.
Do	Pike	Glenwood, city of	H 050826 01	do	Mayor, City Hall, City of Glenwood, Glenwood, Ark. 71943.	Do.
Do	Sevier	Horatio, city of	H 050333 01	do	Mayor, City of Horatio, City Hall, Horatio, Ark. 71842.	Do.
Do	Union	Junction City, city. of.	H 050336 01	do	Mayor, City Hall, Junction City, Ark. 71749.	Do.
Do	Sevier	Lockesburg, city of.	H 050339 01	do	Mayor, City Hall, Lockesburg, Ark. 71846.	Do.
Do	Crittenden	Marion, city of	H 050345 01	do	Mayor, City of Marion, City Hall, Marion, Ark. 72364.	Do.
Do	Pike	Murfreesboro, city of.	H 050355 01	do	Mayor, City Hall, City of Murfreesboro, Ark. 71958.	Do.
Do	White	Pangburn, city of	H 050360 01	do	Mayor, City Hall, City of Pangburn, Pangburn, Ark. 72121.	Do.
Do	Benton	Pea Ridge, city of	H 050361 01 through H 050361 02	do	Mayor, City of Pea Ridge, City Hall, Pea Ridge, Ark. 72751.	Do.
Do	Perry	Perryville, city of	H 050362 01 through H 050362 02	do	Mayor, City of Perryville, City Hall, Perryville, Ark. 72126.	Do.
Do	Yell	Plainview, city of	H 050368 01	do	Mayor, City of Plainview, City Hall, Plainview, Ark. 72857.	Do.
Do	Lincoln	Star City, city of	H 050368 01	do	Mayor, City Hall, City of Star City, Star City, Ark. 71667.	Do.
Do	Poinsett	Tyronza, city of	H 050371	do	Mayor, City Hall, City of Tyronze, Tyronza, Ark. 72386.	Do.
Do	Lonoke	Ward, city of	H 050372 01	do	Mayor, City of Ward, City Hall, Ward, Ark. 72176.	Do.
Do	Poinsett	Weiner, city of	H 050373 01	do	Mayor, City Hall, City of Weiner, Weiner, Ark. 72479.	Do.
Do	Jefferson	Whitehall, city of	H 050375 01	do	Mayor, City Hall, City of Whitehall, Whitehall, Ark. 71601.	Do.
Do	Perry	Adona, city of	H 050376 01	do	Mayor, Adona, Ark. 72001	Do.
Do	Pulaski	Alexander, town of.	H 050377 01	do	Town Council, Town of Alexander, Alexander, Ark. 72002.	Do.
Do	Lonoke	Austin, town of	H 050383 01	do	Town Council, Town of Austin, Austin, Ark. 72007.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Yell	Belleville, city of	H 050384 01	do	Mayor, City of Belleville, City Hall, Belleville, Ark. 72824.	Do.
Do	Boone	Bergman, town of	H 050385 01	do	Town Council, Town of Bergman, Bergman, Ark. 72615.	Do.
Do	Hempstead	Blevins, city of	H 050390 01 through H 050390 02	do	Mayor, City Hall City of Blevins, Blevins, Ark. 71825.	Do.
Do	Craighead	Cash, town of	H 050396 01	do	Town Council, Town of Cash, Cash, Ark. 72421.	Do.
Do	Benton	Centerton, city of	H 050399 01	do	Mayor, City Hall, City of Centerton, Centerton, Ark. 72719.	Do.
Do	Polk	Cove, town of	H 050401 01 through H 050401 02	do	Town Council, Town of Cove, Cove, Ark. 71937.	Do.
Do	Faulkner and Van Buren.	Damascus, town of.	H 050404 01	do	Town Council, Town of Damascus, Damascus, Ark. 72039.	Do.
Do	Pike	Delight, city of	H 050405 01	do	Mayor, City Hall, City of Delight, Delight, Ark. 71940.	Do.
Do	Sharp	Evening Shade, town of.	H 050412 01	do	Town Council, Town of Evening Shade, Evening Shade, Ark. 72532.	Do.
California	Santa Clara	Cupertino, city of.	H 060339A 01 through H 060339A 04	Department of Water Resources, Post Office Box 388, Sacramento, Calif. 95802. California Insurance Dept., 107 South Broadway, Los Angeles, Calif., 90012.	Mayor, City of Cupertino, City Hall; 10300 Torre Ave., Cupertino, Calif. 95014.	Feb. 15, 1974. Apr. 18, 1975.
Do	Stanislaus	Riverbank, city of.	H 060391A 01	do	Mayor, City of Riverbank, City Hall, 6707 3rd St., Riverbank, Calif. 95367.	May 10, 1974.
Do	Los Angeles	Hawaiian Gardens, city of.	H 065032B 01	do	City Hall, City of Hawaiian Gardens, 12134 Tilbury St., Hawaiian Gardens, Calif. 90716.	May 14, 1971.
Connecticut	Hartford	Bristol, city of	H 090023A 01 through H 090023A 12	do	Mayor, City of Bristol, City Hall, 111 North Main St., Bristol, Conn. 06010.	May 17, 1974. Apr. 18, 1975.
Do	Tolland	Andover, town of	H 090161 01 through H 090161 02	do	First Selectman of Andover, Town Office Bldg., School Rd., Andover, Conn. 06232.	Apr. 18, 1975.
Georgia	Dooly	Pinehurst, town of.	H 130071 01	Department of Natural Resources, Office of Planning and Research, 270 Washington St., SW., Room 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Mayor, City of Pinehurst, City Hall, Pinehurst, Ga. 31070.	Do.
Do	Dooly	Vienna, city of	H 130073 01 through H 130073 04	do	Mayor, City of Vienna, City Hall, Vienna, Ga. 31092.	Do.
Do	Banks	Homer, town of	H 130271 01 through H 130271 06	do	Town Council, Town of Homer, Homer, Ga. 30547.	Do.
Do	Bartow	Kingston, city of	H 130277 01	do	Mayor, City of Kingston, City Hall, Kingston, Ga. 30145.	Do.
Do	Chattooga	Menlo, city of	H 130295 01	do	Mayor, City of Menlo, City Hall, Menlo, Ga. 30731.	Do.
Do	Coweta and Meriwether.	Haralson, city of	H 130299 01	do	Mayor, City of Haralson, City Hall, Haralson, Ga. 30229.	Do.
Do	Coweta	Moreland, town of	H 130300 01	do	Town Council, Town of Moreland, Moreland, Ga. 30259.	Do.
Do	Crawford	Roberta, city of	H 130303 01	do	Mayor, City of Roberta, City Hall, Roberta, Ga. 31078.	Do.
Do	Evans	Hagan, city of	H 130311 01 through H 130311 03	do	Mayor, City of Hagan, City Hall, Hagan, Ga. 30429.	Do.
Do	Gordon	Plainville, town	H 130319 01	do	Town Council, Town of Plainville, Plainville, Ga. 30733.	Do.
Do	Gwinnett	Dacula, town of	H 130324 01	do	Town Council, Town of Dacula, Dacula, Ga. 30211.	Do.
Do	Haralson and Carroll.	Bremen, city of	H 130335 01 through H 130335 06	do	Mayor, City Hall, City of Bremen, Bremen, Ga. 30110.	Do.
Do	Haralson	Buchanan, city of	H 130336 01	do	Mayor, City of Buchanan, City Hall, Buchanan, Ga. 30113.	Do.
Do	Jackson	Braselton, town of.	H 130343 01	do	Town Council, Town of Braselton, Braselton, Ga. 30517.	Do.
Do	Lee	Leesburg, city of	H 130348 01	do	Mayor, City Hall, City of Leesburg, Leesburg, Ga. 31763.	Do.
Do	Madison	Colbert, city of	H 130355 01	do	Mayor, City Hall, City of Colbert, Colbert, Ga. 30628.	Do.
Do	Thomas	Boston, city of	H 130402 01	do	Mayor, City Hall, City of Boston, Boston, Ga. 31626.	Do.
Do	Meriwether	Chalybeate Springs, town of.	H 130435 01 through H 130435 02	do	Town Council, Town of Chalybeate Springs, Chalybeate Springs, Ga. No Zip.	Do.
Idaho	Caribou	Grace, city of	H 160169 01	Department of Water Administration, State House, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206, State House, Boise, Idaho 83707.	Mayor, City of Grace, City Hall, Grace, Idaho 83241.	Do.
Illinois	Alexander	Cairo, city of	H 170004A 01 through H 170004A 04	Governor's Task Force on Flood Control, 300 North State St., P.O. Box 475, Room 1010, Chicago, Ill. 60610. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	City Clerk, City of Cairo, Cairo, Ill. 62914.	June 14, 1974.
Do	McLean	Stanford, village of.	H 170503 01	do	Mayor, Village of Stanford, Stanford, Ill. 61774.	Apr. 18, 1975.
Do	Will and Du Page	Bolingbrook, village of.	H 170812A 01 through H 170812A 03	do	Village Hall, Village of Bolingbrook, 131 East Boughton Rd., Bolingbrook, Ill. 60439.	Apr. 12, 1974. Apr. 18, 1975.
Do	Livingston	Reddick, village of.	H 170824 01	do	Village Clerk, Village of Reddick, Reddick, Ill. 60961.	Do.
Do	McHenry	Oakwood Hills, village of.	H 170831 01	do	Village Clerk, Village of Oakwood Hills, Oakwood Hills, Ill. No ZIP.	Do.
Do	Jackson	Dowell, village of	H 170875 01	do	Village Clerk, Village of Dowell, Dowell, Ill. 62927.	Do.
Do	Rock Island	Reynolds, village of.	H 170883 01	do	Village Clerk, Village of Reynolds, Reynolds, Ill. 61279.	Do.

V 40-64 APR 2 75

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Iowa	Poweshiek	Brooklyn, city of	H 190495 01	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, City of Brooklyn, City Hall, Brooklyn, Iowa 52211.	Do.
Maine	Aroostook	Perham, town of	H 230030 01 through H 230030 06	Office of Civil Emergency Preparedness, State House, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	Town of Perham, First Selectman, Rural Free Delivery No. 1, Washburn, Maine 04786.	Do.
Do	Cumberland	Scarborough, town of.	H 230052A 01 through H 230052A 04	do	Town Manager, Box 327, Town of Scarborough, Scarborough, Maine 04047.	May 17, 1974.
Do	do	Standish, town of.	H 230207 01 through H 230207 16	do	Town Council, Town of Standish, Standish, Maine 04084.	Apr. 18, 1975.
Do	Knox	Vinalhaven, town of.	H 230230 01 through H 230230 08	do	Town Council, Town of Vinalhaven, Vinalhaven, Maine 04863.	Do.
Do	Kennebec	Clinton, town of	H 230236 01 through H 230236 04	do	Town Council, Town of Clinton, Clinton, Maine 04927.	Do.
Do	do	Monmouth, town of.	H 230240 01 through H 230240 04	do	Town Council, Town of Monmouth, Monmouth, Maine 04259.	Do.
Do	do	Mount Vernon, town of.	H 230241 01 through H 230241 04	do	Town Council, Town of Mount Vernon, Mount Vernon, Maine. No ZIP.	Do.
Do	Hancock	Dedham, town of	H 230279 01 through H 230279 04	do	Town Council, Town of Dedham, Dedham, Maine No ZIP.	Do.
Do	do	Eastbrook, town of.	H 230281 01 through H 230281 04	do	Town Council, Town of Eastbrook, Eastbrook, Maine No ZIP.	Do.
Do	do	Hancock, town of	H 230284 01 through H 230284 04	do	Town Council, Town of Hancock, Hancock, Maine 04640.	Do.
Do	do	Otis, town of	H 230289 01 through H 230289 02	do	Town Council, Town of Otis, Otis, Maine No ZIP.	Do.
Do	Washington	Columbia Falls, town of.	H 230308 01 through H 230308 02	do	Town Council, Town of Columbia Falls, Columbia Falls, Maine 04623.	Do.
Do	Somerset	Harmony, town of.	H 230860 01 through H 230860 04	do	Town Council, Town of Harmony, Harmony, Maine 04942.	Do.
Do	do	Solon, town of	H 230871 01 through H 230871 04	do	Town Council, Town of Solon, Solon, Maine 04979.	Do.
Do	do	Starks, town of	H 230872 01 through H 230872 05	do	Town Council, Town of Starks, Starks, Maine No ZIP.	Do.
Maryland	Baltimore	Unincorporated areas.	H 240010 01 through H 240010 154	Department of Natural Resources, Water Resources Division, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 201 West Preston St., Baltimore, Md. 21201.	Department of Public Works, Baltimore County Office Bldg., 111 West Chesapeake Ave., Towson, Md. 21204.	Do.
Michigan	Wayne	Southgate, city of	H 260242A 01 through H 260242A 02	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Hosmer St., Lansing, Mich. 48913.	Chief Inspector, Building & Engineering Department, City of Southgate, 13763 Northline Rd., Southgate, Mich. 48195.	Apr. 12, 1974. Apr. 18, 1975.
Do	Lenawee	Clinton, village of	H 260437 01 through H 260437 02	do	Village Clerk, Village of Clinton, Clinton, Mich. 49236.	Do.
Minnesota	Morrison	Pierz, city of	H 270301A 01	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, Room 210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, City of Pierz, Pierz, Minn. 56364.	June 7, 1974.
Do	Mower	Mapleview, city of	H 270586 01	do	City Clerk, City of Mapleview, Mapleview, Minn. No ZIP.	Apr. 18, 1975.
Do	Wadena	Nimrod, city of	H 270591 01	do	Mayor, City of Nimrod, City Hall, Nimrod, Minn. 56478.	Do.
Do	Nicollet	North Mankato, city of.	H 275245B 01 through H 275245B 02	do	City of North Mankato, Municipal Bldg., 1001 Belgrade Ave., North Mankato, Minn. 56001.	Apr. 28, 1972.
Missouri	Vernon	Shell City, city of	H 2909519 01	Department of Natural Resources, Division of Program and Policy Development, State of Missouri, 308 East High St., Jefferson, Mo. 65101. Division of Insurance, Post Office Box 690, Jefferson City, Mo. 65101.	City Clerk, City of Shell City, Shell City, Mo. (No ZIP).	Do.
Do	McDonald	Pineville, city of	H 290535 01	do	City Clerk, City of Pineville, Pineville, Mo. 64856.	Do.
Do	Harrison	Ridgeway, city of	H 290543 01	do	City of Ridgeway, City Hall, Ridgeway, Mo. 64481.	Do.
Do	St. Francois	Leadington, village of.	H 290560 01	do	Village Clerk, Village of Leadington, Leadington, Mo. (No ZIP).	Do.
Do	Madison	Marquand, city of	H 290565 01	do	City Clerk, City of Marquand, Marquand, Mo. 63655.	Do.
Do	Barton	Mindenmines, city of.	H 290570 01	do	City Clerk, City of Mindenmines, Mindenmines, Mo. 64769.	Do.
Do	Harrison	Eagleville, village of.	H 290586 01	do	Village Clerk, Village of Eagleville, Eagleville, Mo. 64442.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Lafayette and Saline.	Emma, city of	H 290587 01	do	City Administrator, City of Emma, Emma, Mo. 65327.	Do.
Do	Dade	Everton, city of	H 290589 01	do	City Administrator, City of Everton, Everton, Mo. 65646.	Do.
Do	Caldwell	Cowgill, city of	H 290605 01	do	City Clerk, City of Cowgill, Cowgill, Mo. 64637.	Do.
Do	Iron	Des Arc, village of.	H 290613 01	do	Village Clerk, Village of Des Arc, Des Arc, Mo. 63636.	Do.
Do	Vernon	Walker, city of	H 290631 01	do	City Clerk, City of Walker, Walker, Mo. 64790.	Do.
Do	Shelby	Shelbyville, city of.	H 290666 01	do	City of Shelbyville, City Hall, Shelbyville, Mo. 63469.	Do.
Do	Henry	Montrose, city of	H 290690 01	do	City Clerk, City of Montrose, Montrose, Mo. 64770.	Do.
Do	Randolph	Huntsville, city of.	H 290718 01	do	City Administrator, City of Huntsville, Huntsville, Mo. 65259.	Do.
Do	Iron	Annapolis, city of.	H 290763 01	do	City Administrator, City of Annapolis, Annapolis, Mo. 63620.	Do.
Montana	Roosevelt	Froid, town of	H 300093 01	Montana Department of Natural Resources and Conservation, Water Resources Division, 32 South Ewing St., Helena, Mont. 59601. Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	Town Clerk, Town Hall, Town of Froid, Froid, Mont. 59226.	Do.
Do	Pondera	Valier, town of	H 300133 01	do	Town Clerk, Town of Valier, Town Hall, Valier, Mont. 59486.	Do.
Nebraska	York	Benedict, village of.	H 310250 01	Nebraska Natural Resources Commission, Terminal Bldg., 7th Floor, Lincoln, Nebr. 68508. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Village President, Village of Benedict, Benedict, Nebr. 68316.	Do.
New Hampshire.	Coos	Northumberland town of.	H 330036A 01 through H 330036A 07	Office of Comprehensive Planning, Division of Community Planning, State House Annex, Concord, N.H. 03301. New Hampshire Insurance Department, 78 North Main St., Concord, N.H. 03301.	Town Manager, Town Office, Town of Northumberland, Northumberland, N.H. 03582.	Feb. 22, 1974.
New York	Broome	Colesville, town of.	H 360041 01 through H 360041 05	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Town Supervisor, Town of Colesville, Rural Delivery No. 2, Harpursville, N.Y. 13787.	June 28, 1974.
Do	Clinton	Saranac, town of	H 360171 01 through H 360171 08	do	Town Supervisor, Saranac, N.Y. 12981.	Apr. 18, 1975.
Do	Seneca	Seneca Falls, town of.	H 360756A 01 through H 360756A 04	do	Town Supervisor, Town of Seneca Falls, West Williams St., Waterloo, N.Y. 13165.	June 28, 1974. Apr. 18, 1975.
Ohio	Ross	Bainbridge, village of.	H 390481A 01	Ohio Department of Natural Resources, Flood Insurance Coor. Bldg., Fountain Sq., Columbus, Ohio 43224. Ohio Insurance Department, 447 East Broad St., Columbus, Ohio 43215.	Mayor's Office, Post Office, Village of Bainbridge, Bainbridge, Ohio 45612.	Mar. 29, 1974.
Do	Washington	Beverly, village of.	H 390568A 01	do	Mayor, Village of Beverly, Beverly, Ohio 45715.	Apr. 5, 1974.
Do	Lawrence	Proctorville, village of.	H 390700 01	do	Village Clerk, Village of Proctorville, Proctorville, Ohio 45669.	Apr. 18, 1975.
Do	Coshocton	Warsaw, village of	H 390733 01	do	Village Clerk, Village of Warsaw, Warsaw, Ohio 43844.	Do.
Do	Cuyahoga	North Randall, village of.	H 390736 01	do	Village Clerk, Village of North Randall, North Randall, Ohio No ZIP.	Do.
Do	do	Orange, village of	H 390737 01 through H 390737 02	do	Village Clerk, Village of Orange, Orange, Ohio No ZIP.	Do.
Do	Erie	Kelleys Island, village of.	H 390738 01 through H 390738 03	do	Village Clerk, Village of Kelleys Island, Kelleys Island, Ohio 43438.	Do.
Do	Geauga	Aquilla, village of	H 390739 01	do	Village Clerk, Village of Aquilla, Aquilla, Ohio No ZIP.	Do.
Do	Lake	North Perry, village of.	H 390742 01	do	Village Clerk, Village of North Perry, North Perry, Ohio No ZIP.	Do.
Do	Lorain	Kipton, village of	H 390743 01	do	Village Clerk, Village of Kipton, Kipton, Ohio 44049.	Do.
Do	Mahoning	Craig Beach, village of.	H 390745 01	do	Village Clerk, Village of Craig Beach, Craig Beach, Ohio No ZIP.	Do.
Do	Marion	Morral, village of	H 390746 01	do	Village Clerk, Village of Morall, Morral, Ohio 43337.	Do.
Do	Morrow	Edison, village of.	H 390747 01	do	Village Clerk, Village of Edison, Edison, Ohio 43320.	Do.
Do	Ottawa	Marblehead, village of.	H 390748 01	do	Village Clerk, Village of Marblehead, Marblehead, Ohio No ZIP.	Do.
Do	Summit	Macedonia, city of.	H 390750 01 through H 390750 04	do	Mayor, City Hall, City of Macedonia, Macedonia, Ohio 44056.	Do.
Do	Trumbull	Orangeville, village of.	H 390751 01	do	Village Clerk, Village of Orangeville, Orangeville, Ohio 44453.	Do.
Do	Tuscarawas	Zoar, village of	H 390752 01	do	Village Clerk, Village of Zoar, Zoar, Ohio 44697.	Do.
Do	Wayne	Burbank, village of.	H 390753 01	do	Village Clerk, Village of Burbank, Burbank, Ohio 44214.	Do.
Do	Wood	Portage, village of	H 390754 01	do	Village Clerk, Village of Portage, Portage, Ohio 43451.	Do.
Do	Wood	Tontogony, village of.	H 390755 01	do	Village Clerk, Village of Tontogony, Tontogony, Ohio 43565.	Do.
Do	Wyandot	Marsellies, village of.	H 390756 01	do	Village Clerk, Village of Marsellies, Marsellies, Ohio No ZIP.	Do.

V 40-64 APR 2 75

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Pennsylvania	Bradford	Canton, borough of.	H 420168A 01 through H 420168 02	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Borough Secretary, Borough of Canton, 21 Troy St., Box 174, Canton, Pa. 17724.	June 7, 1974. Apr. 18, 1975.
Do	Indiana	Saltsburg, borough of.	H 420505 01	do	Mayor, Borough of Saltsburg, 312 Pine St., Saltsburg, Pa. 15681.	Do.
Do	Erie	McKean, township of.	H 421019 01 through H 421019 03	do	Chairman Board of Supervisors, Township of McKean, 9094 West Newburger Rd., Fairview, Pa. 16415.	Do.
Do	Bradford	Windham, township of.	H 421409 01 through H 421409 05	do	Chairman Board of Supervisors, Township of Windham, Rural Delivery No. 2, Nichols, N.Y. 13812.	Do.
Texas	Archer	Holliday, city of.	H 480099 01 through H 480099 02	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Mayor and City Council, City of Holliday, City Hall, Holliday, Tex. 76366.	Do.
Do	Blanco	Johnson City, city of.	H 480712 01	do	Mayor and City Council, City of Johnson City, City Hall, Johnson City, Tex. 78636.	Do.
Do	Galveston	Clear Lake Shores, city of.	H 485461B 04	do	City Secretary, City of Clear Lake Shores, P.O. Box 75, Kemah, Tex. 77565.	Oct. 23, 1970.
Virginia	Montgomery	Unincorporated areas.	H 510099 01 through H 510099 28	Bureau of Water Control Management, State Water Control Board, P.O. Box 11143. Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Montgomery County Clerk's Office, County Courthouse, Christianburg, Va. 24073.	Apr. 18, 1975.
Do	King William	do	H 510304 01 through H 510304 23	do	County Commissioners, County of King William, County Courthouse, King William, Va. 23066.	Do.
West Virginia	Boone	do	H 540007 01 through H 540007 34	Office of Federal-State Relations, Division of Planning and Development, Capitol Bldg., Room 150, Charleston, W. Va. 25305. Insurance Commissioner, Bldg. No. 3, Room 643, 1800 Washington St., Charleston, W. Va. 25305.	County Commissioners, County of Boone, County Courthouse, Madison, W. Va. 25130.	Do.
Do	Putnam	do	H 540164 01 through H 540164 24	do	County Commissioners, County of Putnam, County Courthouse, Winfield, W. Va. 25213.	Do.
Do	Randolph	do	H 540175 01 through H 540175 09	do	County Commissioners, County of Randolph, County Courthouse, Elkins, W. Va. 26241.	Do.
Wisconsin	Chippewa	Chippewa Falls, city of.	H 550044 01 through H 550044 04	Department of Natural Resources, Post Office Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 201 East Washington Ave., Madison, Wis. 53703.	City of Clerk-Comptroller, City of Chippewa Falls, Chippewa Falls, Wis. 54729.	Do.
Do	Buffalo	Cochrane, village of.	H 555550B 01	do	Village Clerk, Village Hall, Cochrane, Wis. 54622.	Feb. 26, 1972.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 406–410, Pub. L. 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: March 24, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-8267 Filed 4-1-75;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER F—AIRCRAFT

PART 856—AIRCRAFT ARRESTING SYSTEMS

This revision of Part 856 changes the symbols of the responsible offices, includes the definitions of the terms, adds information concerning systems installed overseas, and provides additional information and makes minor changes to update and to clarify the part.

Part 856, Subchapter F of Chapter VII of Title 32 of the Code of Federal Regulations is revised to read as follows:

Sec.
856.1 Purpose.
856.3 Changing concept on the use of aircraft arrestment systems.
856.5 Definitions.
856.7 What systems are authorized.
856.9 Authorized use of aircraft arresting systems.
856.11 Pilot responsibilities.
856.13 Use of systems by non-United States Government aircraft.
856.15 Installing a system at a joint-use airport.
856.17 Agreements required for the operation of these systems.
856.19 Letter of agreement with FAA for operating aircraft arresting systems.

AUTHORITY: Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

§ 856.1 Purpose.

This part establishes policy on the management and use of aircraft arresting systems.

§ 856.3 Changing concept on the use of aircraft arresting systems.

With the advent of jet aircraft that are equipped with stronger controllable tailhooks, a change in concept for aircraft arrestment has evolved. At some bases, certain aircraft, (for example, the F–4) routinely make operational arrestments under certain adverse weather and runway conditions. This procedure has reduced accidents and incidents resulting from the loss of directional control or braking action. However, aircraft which do not have tailhooks (for example, the T–38) have structural limitations allowing an arresting system only in an emergency stopping situation. Consequently, the Air Force has reviewed its policy on the use of arresting systems to allow for both operational and emergency arrestments. Related policy management and operation of these systems is in the publications listed in paragraphs (a) through (c) of this section.

(a) AFM 88–14, Part 4, Criteria for Airfield Marking. The OPR is HQ USAF, Director of Civil Engineering (PRE).

(b) AFR 60–11, Aircraft Operation and Movement on the Ground or Water. The OPR is HQ USAF, Flight Management Branch, Office of the Deputy Chief of Staff, Plans and Operations. (XOOFSA).

(c) AFM 86–2, Standard Facility Requirements, Basic Item 116–922 Location Criteria. The OPR is HQ USAF, Director of Civil Engineering (PRE).

§ 856.5 Definitions.

(a) *Aircraft arresting system.* A combination of components used to engage an aircraft and absorb its kinetic energy. Each system consists, generally, of an energy absorber and one or more securing or snaring receivers such as hook-cables or pendant-cables attached to a net.

(1) *Aircraft arresting cable (H/C).* A device used to engage hook-equipped aircraft to absorb the kinetic energy of a landing or aborted take-off aircraft.

(2) *Aircraft arresting barrier.* Referred to as a Barrier (BARRIER), a device used to engage and absorb the kinetic energy or a landing or aborted take-off aircraft which is not dependent on an aircraft arresting hook.

(b) *Airfield arresting system complex.* An airfield layout comprised of one or more aircraft arresting systems of the same or different types (see § 856.7(a) for classification of runways).

(c) *Arrestment capable aircraft.* Aircraft which have recognized arrestment procedures in its appropriate flight handbook.

(d) *Cycle time.* The time measured between the engagement of an aircraft with an arresting system and completion of repositioning the arresting system for another engagement. This includes normal inspection and system cooling time according to the appropriate 35E8 Series technical orders.

(e) *Emergency arrestment system (EAS).* Used primarily to prevent damage to aircraft and possible loss of life during an aborted take-off or a landing emergency.

(f) *Energy absorber.* The mechanism through which the kinetic energy of the aircraft is dissipated. Examples of energy absorbers are weights and rotary hydraulic or friction brakes.

(g) *Hook-cable.* A cable or wire rope which is engaged by the arresting hook of an aircraft during an arrestment.

(h) *Location identification.* An arresting system is identified by stating whether it is located on the approach end or the departure end of the runway. (That is, a BAK–12 on the approach end of R/W 36 is on the south end of the runway, and BAK–12 on the departure end of R/W 36 is on the north end of the runway.) Always use the term "approach end" or "departure end" in referring to an arresting system which is installed near the end of a runway.

(i) *Operational arrestment system (OAS).* Generally, a rapid cycle system used to enhance the tactical mission or to avert a possible emergency which may be caused by meteorological conditions, a short runway, or known or suspected aircraft malfunctions.

(j) *Pendant-cable.* A cable or wire rope suspended from the net of an aircraft arresting barrier which engages a structural portion of the aircraft during an arrestment.

(k) *Reset time.* The time required from the beginning of reset operations to make the arresting system ready for another engagement.

§ 856.7 What systems are authorized.

Each runway used by arrestment compatible aircraft should be equipped either with an EAS or an OAS. An additional system (of either type) should also be installed on a runway if the installation's primary mission involves the operation of arrestment capable aircraft, or if the runway's closure (because of an inoperative system) would result in a serious degradation of mission capability. In any case, the development of the airfield arresting system complex should be made with the objective of providing maximum mission capability within the limits imposed by cost-effectiveness. In evaluating the requirement for installing an arrestment system, there are four classes of runways which must be considered in the decision.

(a) *Class A runway.* This runway is intended primarily for operating tactical or training aircraft. For example, a fully developed Class A runway could have the arresting systems in paragraph (a) (1) through (4) of this section.

(1) An arresting barrier at each end, generally located in the overrun, but placed to provide the runout prescribed in AFM 86–2.

(2) A bi-directional emergency arrestment system on each end of the runway, placed 950 to 1500 feet up the runway from the threshold. (This system may also have an OAS capability.)

(3) A bi-directional operational arrestment system placed 1500 to 2500 feet up the runway from the threshold. It must be placed at least 1000 feet from the EAS, but far enough from it to avoid any possible conflict with the runout from the EAS.

(4) An OAS placed at the midpoint of the runway. However, the installation of this additional system must be specifically approved by HQ USAF.

(b) *Class B runway.* A runway that is a prime alternate for a Class A runway. It should have an EAS or OAS 950 to 1500 feet up the runway on each end, as well as a backup EAS in the overrun.

(c) *Class C runway.* A runway that requires only a single EAS capability on each end of the runway for either hook or nonhook equipped aircraft.

(d) *Class D runway.* A runway that does not have an arresting system requirement.

§ 856.9 Authorized use of aircraft arresting systems.

A deviation from the following policy is authorized only when directed by the major command (or his designated representative) because of meteorological conditions, safety of flight, or peculiar operational conditions:

(a) Under normal operations and conditions, unidirectional barrier nets or arresting cables will be disconnected and, preferably, removed on the approach end of the runway. Aircraft will take off and land toward the most compatible arresting system available; however, tailhook-equipped aircraft will not take off over a raised remote-controlled net barrier if a more compatible arresting system is available (except during cold weather operations). Bi-directional arresting gear will be kept in the ready position on the approach end of the runway, unless directed otherwise by the installation commander and noted in Flight Information Publications (FLIPs).

(b) If aircraft are landing with known or suspected radio failure, the departure end barrier net will be raised (except for B–57 or T–37 aircraft) and the hook-cable positioned for aircraft engagement. Also, the arresting gear at the approach end will be positioned for engagement, unless the aircraft is vulnerable to an inadvertent engagement because of an unguarded tailhook.

(c) If there is no remote control function, or cold weather makes the remote functional unreliable, the arresting net will be raised manually and left in a cocked position on the departure end of the runway.

(d) During ice and snow removal, barrier nets and hook-cables may be removed from the runway, but the runway should be returned to operational status as quickly as possible. Enough of the runway and overruns should be cleared to allow an obstacle-free runout of the arresting system, plus the length of the arrested aircraft.

§ 856.11 Pilot responsibilities.

Each pilot must understand the capabilities and limitations of each arresting system, and how it may affect the operation of his aircraft. Information on the compatibility of these systems should be included in the appropriate flight handbook. In addition, the pilot must:

(a) Determine the status of the arresting system at each base of takeoff and intended landing, as well as any alternate or planned emergency bases, before he begins a flight.

(b) Use the emergency radio phraseology, "barrier, barrier, barrier" or "cable, cable, cable," when emergency conditions require the tower to raise the barrier net or ready a hook-cable for possible engagement of remote controlled systems.

(c) Be aware of the effect of each aircraft configuration on the probability of a successful engagement. He should also be aware of possible damage caused by an inadvertent engagement, landing on, rolling over, or impacting hook-cables or other associated arresting equipment.

§ 856.13 Use of systems by non-United States Government aircraft.

In an emergency, the pilot of these aircraft may, upon request, use the aircraft arresting system at an Air Force base or joint-use airfield in the United States or overseas.

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§ 856.15 Installing a system at a joint-use airport.

At a civil airport used jointly by the Air Force and civil agency the procedure for installing an arresting system is:

(a) The responsible Air Force commander notifies the airport manager that the Air Force needs to install an arresting system.

(b) If the airport manager agrees that the system should be installed, the Air Force commander submits the required plans or sketches to the FAA regional office through FAA channels.

(c) If the airport manager of the FAA disagrees with these specifications, the Air Force commander informs HQ USAF/PRE and requests appropriate action to resolve the disagreement.

(d) If an arresting system is required, but the lease does not authorize or prohibits the Government from placing an additional structure on the leased premises, the Air Force commander submits a request to HQ USAF/PRE for action as prescribed by AFR 87-1, Acquisition of Real Property, and attaches a brief statement explaining or quoting the lease restriction.

§ 856.17 Agreements required for the operation of these systems.

(a) *Military rights agreement at an overseas base.* These systems are installed under the military rights agreement with the host government. If a separate agreement is specifically required to install the system, the base commander initiates action to obtain it from the host government. He coordinates these negotiations with the local United States diplomatic representative. If the commander cannot reach an agreement, he notifies HQ USAF/XOOF, requesting action.

(b) *Liability agreements at a joint-use civil airport.* If the Air Force installs an arresting system for the primary use of United States military aircraft at a joint-use civil airport, the FAA acts for, and on behalf of, the Air Force in operating this equipment. However:

(1) Any third-party claim presented for damage, injury or death, resulting from the FAA operation of the system for military aircraft or from the Air Force or Air National Guard maintenance of the system, is the responsibility of the Air Force and is processed under AFM 112-1, Claims Manual (as prescribed for any claim against the Air Force).

(2) A separate agreement between the Air Force and the FAA is not required concerning liability for damage arising from the intentional operation of the system by FAA personnel for civil aircraft, because such claims are the responsibility of FAA.

(c) *Operational agreement with FAA for a joint-use civil airport.* The major commander has authority to negotiate the written agreement for this use, but may redelegate this authority to the base commander. The agreement must decide FAA functions and responsibilities covering the remote control operation of arresting systems by FAA air traffic controllers (see § 856.19).

§ 856.19 Letter of agreement with FAA for operating aircraft arresting systems.

The following operational agreement is entered into between the (FAA office and address) and (designated command) for the operation and use of aircraft arresting equipment installed on (designated runway, airport name and address).

(a) *General provisions.* (1) This agreement governs the use of the arresting barrier (BARRIER), and hook-cable arresting systems for military aircraft and in an emergency for civil aircraft at pilot request.

(2) Automatic aircraft arresting systems can be installed on the runway or in the overrun. The barrier or hook-cable shall be raised or lowered by control tower personnel by a remote control panel in the control tower.

(3) This agreement becomes effective when the tower chief receives notice in writing from the base commander that:

(i) The arresting system has been accepted from the contractor and is commissioned and fully operational, or

(ii) The arresting system is available on a limited basis for emergency use. If the arresting system has not been accepted from the contractor, this notification must be accompanied by a written statement from the contractor authorizing the emergency use of the system, and waiving any claim against the FAA for damage to the system as the result of such use, or

(iii) A NOTAM has been issued specifying conditions in paragraphs (a) (3) (i) and (ii) of this section. Prior to the receipt of the letter from the base commander, the tower arresting system controls shall be de-energized by the military and placarded "INOPERATIVE" by the Chief Controller, and shall not be activated by tower personnel under any circumstance.

(4) When the arresting systems are in commission or emergency use status, as described in paragraph (a) (3) (ii) of this section, controllers shall operate the tower arresting system controls at the request of a pilot of any military aircraft (regardless of the service concerned, type of aircraft, or whether the operation is routine or emergency) and at the request of a civil pilot in an emergency. The tower shall also comply with requests for arresting system operations by a mobile control units, the base operations officer, or his designated representative.

(5) NOTAMS covering operational or outage status of the barrier or hook cable shall be originated by the military. During a NOTAMED outage for repair or maintenance, the tower personnel shall operate the controls provided that the outage NOTAM contains the statement "available for emergency use" and the tower is provided a copy. Otherwise, tower controls shall be de-energized by the military and posed "INOPERATIVE" by the Chief Controller, and shall not be activated by tower personnel under any circumstance.

(6) During the NOTAMED outages owing to failure of tower controls or control lines to the facility, or upon notification by tower personnel of a malfunction of the arresting system mechanism or remote control system (see paragraph (b)(8) of this section for notice), the military crew at the system site shall have full and final responsibility for operating the arresting device. The arresting system crew shall maintain a listening watch on appropriate air and ground frequencies and have transmit and receive capability with the tower on the ground control frequency in order to keep personnel informed of the position of the system.

(b) *Operations.* (1) Normally, all military aircraft takeoffs and landings shall be made toward an operational arresting system in the appropriate "ready" configuration. It is the pilot's responsibility to request the control tower operator to raise or lower the barrier or hook-cable (NOTE: For normal operations, request to raise the barrier or cable shall be interpreted to mean the runway departure end barrier or cable). Example: "Duluth Tower Joy 32 on base gear down and locked—raise cable." When the pilot advises the control tower that he is ready for takeoff, he shall also request that the barrier or cable be raised. Example: "Duluth Tower Joy 32 ready for takeoff—raise barrier/cable." If an approach end arrestment is desired by the pilot, he must specifically request the approach end cable be raised. Example: "Duluth Tower Joy 32 three mile final gear down and locked—raise cable on approach end of 24." The departure end cable will also be raised as for normal operations.

(2) When the barrier/cable is requested, tower personnel shall advise the pilot of the indicated barrier/cable position when providing takeoff or landing information. Example: Joy 32 cleared for takeoff—barrier/cable indicates up or down.

(3) The barrier/cable operating status may be requested by the pilot at any time.

(4) The barrier/cable controls shall be activated for the down position except when pilots or other authorized personnel request that the barrier/cable be raised.

(5) The tower personnel shall raise the departure end barrier and both approach and departure end barrier and both approach and departure end cables for known or suspected radio failure landings by any military jet aircraft except for B-57, T-37 and large cargo type aircraft C-141, C-5, C-9, and so forth. If there is a doubt regarding the ability of an aircraft to engage a system, the system should be activated.

(6) The standard emergency phraseology for the barrier to be raised to the up position shall be "Barrier, Barrier, Barrier" and for the cable to be raised to the up position shall be "Cable, Cable, Cable."

(7) Tower personnel shall initiate normal crash procedures when an aircraft engages the barrier/cable if these procedures have not previously been initiated.

(8) When there is a malfunction of the barrier or hook-cable mechanism or remote control system, the tower personnel shall notify Base Operations immediately.

Executed at.....

Dated .....

For the Federal Aviation Agency	*For the Air Force For the Air National Guard*
(Signed)	(Signed)
(Title)	(Title)
(Region)	(Region)
(Address)	(Address)

By order of the Secretary of the Air Force.

JAMES E. DAGWELL,
Chief, Documentation Management Branch Directorate of Administration.

[FR Doc.75-8507 Filed 4-1-75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 380—PUBLIC INVOLVEMENT: GENERAL POLICIES

Policies and Procedures

On January 8, 1975, the Secretary of the Army, acting through the Chief of Engineers, proposed a regulation to provide general policies for public involvement in Corps of Engineers Civil Works planning activities (FEDERAL REGISTER, Vol. 40, No. 5, pp. 1619-1620). A 45-day period was allowed for public comment, closing on February 24, 1975.

No written objections have been received and all comments have been considered. The proposed regulation is adopted, with several editorial changes, as set forth below.

This regulation is effective April 2, 1975.

Dated: March 28, 1975.

CHRISTOPHER P. TATE,
Major, CE, Executive Assistant to Chief of Engineers.

Sec.
380.10 Purpose.
380.11 Applicability.
380.12 References.
380.13 Definition.
380.14 Basic authorities.
380.15 Policy and objective of public involvement.
380.16 Public involvement programs.
380.17 Documentation of public involvement.
380.18 Public involvement and agency coordination regulations.
380.19 Responsibilities.

AUTHORITY: Water Resources Council, Principles and Standards for Planning Water and Related Land Resources, 38 FR 24778-24869, 10 September 1973.

§ 380.10 Purpose.

This regulation provides general policies for public involvement in Civil Works planning programs.

§ 380.11 Applicability.

This regulation is applicable to all OCE elements and all field operating agencies having Civil Works responsibilities.

§ 380.12 References.

(a) Section 1, Public Law 534, 78th Congress, Flood Control Act of 1944 (58 Stat. 887), December 22, 1944.

(b) Section 1, Public Law 18, 79th Congress, River and Harbor Act of 1945 (59 Stat. 10), March 2, 1945.

(c) Section 2, Public Law 89-80, Water Resources Planning Act (79 Stat. 244), July 22, 1965.

(d) Section 101(b), Public Law 91-190, National Environmental Policy Act of 1969 (83 Stat. 852), January 1, 1970.

(e) Water Resources Council, Principles and Standards for Planning Water and Related Land Resources, 38 FR 24778-24869, 10 September 1973.

(f) AR 340-17.

§ 380.13 Definition.

"Public" is defined as any affected or interested non-Corps of Engineers entity. This includes other Federal, regional, state, and local government entities and officials; public and private organizations; and individuals.

§ 380.14 Basic authorities.

(a) In the referenced authorities, both the Congress and the Water Resources Council have stressed the importance of broad public involvement in Federal water resource planning. The Flood Control Act of 1944 and the River and Harbor Act of 1945 directed the Corps of Engineers to provide to affected States information developed during the course of planning investigations and to consult with the States throughout such studies. In the Water Resources Planning Act of 1965, the Congress encouraged utilization and development of water and related land resources on a coordinated basis by Federal, State and local interests, and established the Water Resources Council as the responsible Federal agency to assist such coordination at the Federal level. More recent legislative and administrative direction on public involvement is embodied in the National Environmental Policy Act of 1969 and the Water Resources Council Principles and Standards. These authorities require Federal planning procedures to be more responsive to increased demands of the public to become more informed and actively involved in water resources management planning and decisions. In essence, these more recent public involvement policies and requirements complement previously established policies and requirements for intergovernmental coordination.

(b) The provisions of 5 U.S.C. 552, commonly referred to as the "Freedom of Information Act", are implemented for the Department of the Army by AR 340-17. Pending issuance of further clarifying instructions by OCE to 5 U.S.C. 552, reporting and reviewing officers are to utilize the guidance provided in the Army Regulation. Questions concerning this Army Regulation should be referred to HQDA (DAEN-GCK) WASH DC 20314.

§ 380.15 Policy and objective of public involvement.

(a) *Policy.* In consonance with the intent of Congress, it is the policy of the Chief of Engineers that the Civil Works program be conducted in an atmosphere of public understanding, trust and mutual cooperation.

(b) *Objective.* The objective of public involvement is to actively involve the public in water resources studies in order to insure that these studies respond to public needs and preferences to the maximum extent possible, within the bounds of local, state and federal programs, responsibilities and authorities. To accomplish this objective, the Corps of Engineers in its planning programs will:

(1) Open and maintain channels of communication with the public.

(2) Encourage public understanding of federal, state, regional, and local responsibilities, authorities and procedures in conducting water resources planning studies and implementing water resources programs,

(3) Present information which will assist the public in defining its water resources problems, needs, and objectives,

(4) Solicit the public's comments, views, and perceptions of problems, needs, alternative solutions and related impacts, and any recommendation for Federal action, and

(5) Give full consideration to public needs and preferences in the planning process.

(c) *Accomplishment of objective.* The accomplishment of the objective of public involvement is the recognition by the public that study conclusions and selected implementation plans of reporting and reviewing officers adequately considered public views and preferences. The test of public acceptance and other evaluation criteria used to select a plan will be discussed in the 1105-2-200 series of regulations.

§ 380.16 Public involvement programs.

If Corps planning is to be responsive to public needs and preferences, a continuous dialogue between the Corps and the public is required during the planning process. The means to establish this dialogue must be identified early in the planning process, formalized as a specific public involvement program, and implemented by the reporting officer in each planning study. Further explanation of such programs will be included in other 1105-2-800 series regulations as discussed in § 380.18 below. The task of achieving the public involvement objective is not easy. A considerable effort to elicit public views is required, as well as integration of diverse public inputs in the planning and decision-making process. There is no single best approach to achieving the Corps public involvement objective. All affected Corps elements should be committed to ongoing training, monitoring and evaluation in order to develop and employ techniques which will achieve the desired results.

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§ 380.17 Documentation of public involvement.

Public involvement programs developed by reporting officers to meet the specific needs of a planning study will be described in the Plan of Study, or other first stage planning document. A summary of public involvement program implementation, including a discussion of how the results of such programs influenced the study conclusions and selected plans, will be incorporated in subsequent planning reports and Statements of Findings.

§ 380.18 Public involvement and agency coordination regulations.

Other regulations will be developed in the 1105–2–800 series to further refine and implement the policies and objective prescribed in this regulation. Several Engineer Pamphlets will be also developed to provide field planners with related information and case studies on conducting effective public involvement programs, with emphasis on communication skills. These regulations will address the following areas:

(a) Coordination established by legislative and executive authorities, and interagency agreements,

(b) Requirements and suggested approaches for developing public involvement programs,

(c) Policies and procedures for public meetings and workshops; and

(d) Standards for public information brochures, public opinion surveys and public notices.

§ 380.19 Responsibilities.

Public involvement programs for planning studies will be the responsibility of the reporting officer. These programs should be developed, conducted and evaluated jointly by personnel from planning and public affairs elements.

[FR Doc.75-8503 Filed 4-1-75;8:45 am]

Title—42

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES, STUDENT LOANS, EDUCATIONAL IMPROVEMENT AND SCHOLARSHIPS

Nursing Special Project Grants

Correction

In FR Doc. 75-7398, appearing at page 12791, in the issue for Friday, March 21, 1975, make the following corrections:

1. In § 57.1909(d), the first sentence now reading, "Grant funds used for remodeling, alteration, or repairs shall be * * *", should read "Grant funds used for alteration or renovation shall be * * *".

2. In § 57.1909(c) (2) appearing at page 12793, the sentence now reading "There shall be * * *", delete the 7th line, reading "to Subparts F, M, and O of 45 CFR Part", and insert "(ii) any other amounts due pursuant" in its place.

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 151—RIGHT TO READ PROGRAM

Notice of proposed rule making was published in the FEDERAL REGISTER on August 19, 1974 at 39 FR 29929 setting forth proposed regulations governing grants for planning and operating exemplary reading programs which emphasize training and staff development. Interested persons were given 60 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

Pursuant to section 503 of the Education Amendments of 1972, a public hearing was held on October 29, 1974 in Washington, D.C. on the proposed regulations.

A. *Summary of comments; changes in the regulations.* Only two comments were submitted to the Office of Education regarding the proposed regulations.

1. *Comment.* A comment was received suggesting that public school district agencies serving schools in a number of counties be allowed to be eligible applicants.

Response. The proposed regulations limited eligibility to "local educational agencies," a term which was not intended to exclude multi-county school agencies, but which was not defined in the proposed regulations. To clarify the matter of eligibility in accordance with the comment, a definition of "local educational agency" (which is derived from section 801 of the Elementary and Secondary Education Act) is added to § 151.31.

2. *Comment.* A second comment was received suggesting that, in § 151.30(b), successful implementation of any model project is dependent not only upon the teacher, but also "the principal and the substantive knowledge and leadership skills which the principal brings to the school." The comment suggested that training focus on principals as well as teachers.

Response. The Office of Education has expanded the proposed provisions to include training for administrative, as well as teaching, staff.

B. *Other changes.* Adjustments in the weights accorded to the funding criteria have been made.

Assistance provided under this Subpart is subject to the provisions in the governing legislation as well as the applicable provisions of Subpart A of Part 151 of the regulations. Assistance is also subject to applicable provisions of Subchapter A of this Chapter (See, in particular, 45 CFR Part 100a).

After consideration of all comments, Title 45 of the Code of Federal Regulations is amended by revising Part 151 to read as set forth below.

We are providing this final regulation pursuant to the provisions of section 431(d) of GEPA because the proposed regulation for the program had been published prior to the enactment of Pub. L. 93–380 and had not, therefor, been transmitted to the Congress.

Effective date. Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232 (d)), these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(Catalog of Federal Domestic Assistance Number 13.533—Right to Read—Elimination of Illiteracy.)

Dated: February 24, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: March 25, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Subpart C—School-Based Program

Sec.
151.30 Scope and purpose.
151.31 Definitions.
151.32 Criteria for funding.
151.33 Funding requirements.
151.34 Allowable costs.

Subpart C—School-Based Program

§ 151.30 Scope and purpose.

(a) This subpart governs grants to local educational agencies to plan and operate an exemplary and innovative reading program which emphasizes training and staff development.

(b) The school-based program operates on the premise that the successful implementation of any model project is dependent on all staff members, both teachers and administrators, and the substantive knowledge and skills which they bring to the project. For this reason, the school-based program will focus use of its resources on support of quality staff development activities.

(c) As only one part of the Right to Read program strategy for achieving its ultimate goal of eliminating illiteracy, the school-based program must provide for an effective multiplier potential. The staff development projects supported under this subpart will need to be of such quality that these programs will be sufficiently exemplary to be adopted by other local educational agencies and other schools of the same local educational agency.

(20 U.S.C. 331a(a))

§ 151.31 Definitions.

As used in this Subpart:

"Local Educational Agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school. As used in this subpart:

"Right to Read school" means a school to be served by a project assisted under this subpart.

(20 U.S.C. 331a(a))

§ 151.32 Criteria for funding.

In addition to the criteria found in § 100a.26(b) of this chapter (300 points), the Commissioner will evaluate grant applications under this subpart according to the following criteria:

(a) (50 points) (1) The extent to which teachers, paraprofessionals, administrators, and librarians to be served by the project will be involved in continuous staff development regarding reading activities conducted within the Right to Read school itself (the best project would involve all of these staff personnel), and (2) the extent to which those activities relate directly to everyday, practical classroom reading activities;

(b) (90 points) The extent to which the project aims at helping these teachers, paraprofessionals, administrators, and librarians in upgrading their competencies in the following skill areas:

(1) Classroom management which minimizes whole-class instruction and maximizes small group and individual instruction;

(2) Effective use of diagnostic and prescriptive reading materials;

(3) Keeping relevant reading records of students;

(4) Use of varied reading instructional techniques;

(5) Systematic planning of sequential reading tasks for students;

(6) Measurement of reading achievement of students;

(7) Measurement of self-competencies in the teaching of reading skills;

(8) Building and using a communication system among these members of the school staff such that continuity is maintained when students move from grade to grade and level to level; and

(9) Training and involving peer students, older elementary students, high school students, college students, parents, and other adults in classroom reading activities;

(c) (25 points) The extent to which the application reflects knowledge on the part of the applicant of recent research and development in the area of reading and staff development;

(d) (25 points) The extent to which the project would address the problem of deficient pupil reading achievement through staff development, using promising planning procedures, implementation techniques and methods, evaluation procedures, and dissemination procedures that are not commonly used in elementary and secondary schools at present;

(e) (50 points) The extent to which the proposed staff development is based on (1) a systematic assessment of the reading needs of the students to be served by the project and (2) a systematic assessment of the instructional reading needs of the teachers, paraprofessionals, administrators, and librarians to be involved in the project;

(f) (25 points) The extent to which the project would focus on the development of the existing staff rather than on the employment of new personnel;

(g) (60 points) The extent to which the proposed staff development would be comprehensive, sequential, varied in approaches and continuous;

(20 U.S.C. 331a(a))

(h) (25 points) The extent to which the application:

(1) Sets forth such policies and procedures as will ensure that the project has been planned and developed, and will be operated, in consultation with, and with the involvement of, parents of the children to be served;

(2) Is submitted with assurance that such parents have had an opportunity to present their views with respect to the application; and

(3) Sets forth policies and procedures for adequate dissemination of program plans and evaluations to such parents and the public.

(20 U.S.C. 1231d)

(i) (25 points) The extent to which the applicant demonstrates that it has been making efforts to improve its reading program through the use of available resources;

(j) (75 points) The extent to which the application contains a detailed plan for (1) testing, evaluating, and disseminating the results of the project; (2) implementing, in the maximum number of schools of the applicant, a system that will make use of the same needs assessment procedures, planning procedures, implementation methods, and evaluation methods as were used at the Right to Read schools; and (3) cooperating with and assisting other local and State educational agencies which wish to adopt those procedures and methods;

(k) (25 points) The extent to which the proposed staff development activities would help staff to understand and assist students in their affective as well as cognitive development with respect to reading; and

(l) (25 points) The extent to which the proposed staff development activities will assist staff (1) in using methods of evaluating student achievement in reading other than by the use of standardized tests and (2) in interpreting standardized test results for staff, parents, and students.

(20 U.S.C. 331a(a))

§ 151.33 Funding requirements.

(a) Projects assisted under this subpart must address the problem of deficient reading achievement of students through activities focused on training and staff development for teachers, administrators, paraprofessionals, and librarians and must be sufficiently exemplary to elicit adoption by other schools.

(b) Assistance under this subpart shall be subject to the following requirements, and each application for assistance under this subpart must describe the proposed activities and provide information adequate to establish that these requirements will be met:

(1) Exemplary planning procedures, implementation techniques and methods, and evaluation and dissemination procedures shall be utilized in the project;

(2) Students whose teachers are involved in the project shall be pre- and post-tested using standardized reading tests; the tests to be used must be identified by name in the application;

(3) The principals of the schools served by the project shall lead in formulating and implementing the project;

(4) The grantee shall appoint a unit task force, consisting of, at least: (i) A representative of the applicant, (ii) a principal, two teachers, a librarian, and a reading specialist of the Right to Read schools, and (iii) two parents. The unit task force shall serve as an advisory body in planning, budgeting, implementing and evaluating the project. The names and signatures of the unit task force members must accompany the application and the application must attest to their participation in the preparation of the application. The unit task force must be equitably representative of the economic, racial, and cultural composition of the student population in the Right to Read schools;

(5) A Right to Read school must have an enrollment which includes a substantial number of students who have serious deficiencies in reading achievement;

(6) The appropriate State educational agency shall be given a reasonable opportunity to review and offer comments on the application prior to its submission to the Commissioner;

(7) The grantee shall disseminate information concerning the project to other local educational agencies and schools, including:

(i) Any new and effective resources which were used in carrying out the project;

(ii) The specific ways in which these resources were used;

(iii) Any problems discovered in the process; and

(iv) Any innovative methods which were used to overcome those problems; and

(8) All staff members to be involved in the project shall be given an opportunity to make recommendations as to the time and location of the activities and the resource persons to be involved in the project.

(c) In selecting applications for funding, the Commissioner will (1) seek to achieve a widespread distribution of Right to Read school-based projects throughout the Nation and (2) select applications which will contribute to the achievement of an ethnic and racial diversity in the population of students involved in the projects assisted under this subpart.

(20 U.S.C. 331a(a))

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§ 151.34 Allowable costs.

(a) Allowable costs under grants awarded under this subpart shall be determined in accordance with the cost principles set forth in Appendix B to Subchapter A of this chapter, subject to the following restrictions:

(1) A minimum of 85 percent of the Federal funds provided under the grant shall be used for training or staff development of teachers, paraprofessionals, administrators and librarians in the schools to be served by the project. The remainder may be used for activities such as planning, evaluation, dissemination and parental involvement.

(2) Stipends may be paid to teachers, paraprofessionals, administrators, and librarians when working on staff development activities over and above their forty hour week or during the summer, only when such activities involve a group of four or more persons from the school to be served by the project.

(b) Although there will be no formula for establishing limits to the amount of assistance provided under a grant, it is suggested that the applicant base its total Federal dollar request on an amount not exceeding the product of $600 multiplied by the number of teachers, paraprofessionals, administrators, and librarians to be involved in the project.

(20 U.S.C. 331a(a))

[FR Doc.75-8466 Filed 4-1-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

Common Carrier Bureau; Reorganization

In the matter of Editorial Amendment of Part 0 of the Commission's Rules to reflect a reorganization of the Common Carrier Bureau.

1. On March 11, 1975 an Order was adopted describing the Office of the Bureau Chief, Common Carrier Bureau. Within that Office an editorial revision is required to change the title of the Administrative Officer to Assistant Chief—Management. Part 0 of the rules and regulations, which describes the organization of the Commission is being amended to reflect this change.

2. The amendment adopted herein pertains to agency organization. The prior notice, procedure and effective date provisions of 5 U.S.C. 553 of the Administrative Procedures Act are therefore inapplicable. Authority for the amendments adopted herein is contained in sections 4(i) and 5(b) of the Communications Act of 1934, as amended and in 0.213(d) of the Commission's rules.

3. In view of the foregoing, *it is ordered*, effective April 9, 1975 Part 0 of the rules and regulations is amended as set forth below.

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083; 47 U.S.C. 154, 155, 303, 307)

Adopted: March 20, 1975.

Released: March 25, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] R. D. LICHTWARDT,
Acting Executive Director.

Section 0.93 is revised to read as follows:

§ 0.93 Office of the Bureau Chief.

The Office of the Bureau Chief is composed of the immediate office of the Chief; a Deputy Chief; an Assistant Chief—Management; an Assistant Chief—International Programs; and a Special Projects Staff. They assist the Chief of the Bureau in planning, directing, coordinating, executing and evaluating the functions and programs of the Bureau, and conduct special projects and research efforts in common carrier regulation.

[FR Doc.75-8479 Filed 4-1-75;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1-107]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegations to the Federal Highway Administrator

The Purpose of this amendment is to delegate to the Federal Highway Administrator certain functions vested in the Secretary by the Federal-Aid Highway Amendments of 1974 (Pub. L. 93-643, January 4, 1975, 88 Stat. 2281).

Significant changes made by the Act are:

1. Amendments to sections 147 and 165 of the Federal-Aid Highway Act of 1973, dealing with the rural highway public transportation program and transportation for elderly and handicapped persons, respectively;

2. Changes in vehicle weights and sizes (23 U.S.C. 127);

3. Requirements for a permanent uniform national speed limit of 55 miles per hour, 23 U.S.C. 154);

4. Requirements for State certification of enforcement of the speed limit and the limits on vehicle weights and sizes (23 U.S.C. 141);

5. Extension of the carpool demonstration program (Pub. L. 93-239);

6. Changes in the amount of funds available for interstate substitution projects (23 U.S.C. 103(e)); and

7. Establishment of school bus driver training grants (23 U.S.C. 406).

Those sections of the Act which amend existing sections of title 23, U.S. Code or other statutes which have previously been delegated are subsumed by the existing delegations and do not require additional delegation. A technical amendment is made in the delegations to the Urban Mass Transportation Administrator to reflect amendment of the Federal-Aid Highway Act of 1973.

Chapter 4 of Title 23 incorporates the Highway Safety Act of 1966. Section 126 of the Federal-Aid Highway Act Amendments of 1974 adds a new section 406 to Chapter 4 of Title 23 U.S.C. but does not amend the Highway Safety Act of 1966. Technical changes are made in the delegations to the Federal Highway and National Highway Traffic Safety Administrators to reflect this addition to Chapter 4 of Title 23 U.S.C.

Since this amendment relates to Departmental management, procedures and practices, notice and public procedure thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 1 of title 49, Code of Federal Regulations, is amended as follows:

1. In § 1.48, new paragraphs (b) (25), (32) and (33) are added, present paragraphs (b) (25) through (30) are renumbered (b) (26) through (31), and (b) (32) through (37) are renumbered (b) (35) through (40); paragraphs (c) (1) and (15) are revised; paragraph (n) is revised; and a new paragraph (t) is added, to read as follows:

§ 1.48 Delegations to Federal Highway Administrator.

* * * * *

(b) Administer the following sections of title 23, United States Code: * * *

(25) 141;

* * * * *

(32) 154;
(33) 155;
(34) 201 through 219 (Chapter 2);

* * * * *

(c) Administer the following laws relating generally to highways:

(1) Sections 103, 104, 111(b), 128(b), 131, 133(b), 135, 136, 141, 147 (with the concurrence of the Urban Mass Transportation Administrator), 149, 154, 158, 159, 160, 161, 163, 203, 206, 401, and 402 of the Federal-Aid Highway Act of 1973, as amended (Pub. L. 93-87, 87 Stat. 250; Pub. L. 93-643, 88 Stat. 2281).

* * * * *

(15) Section 3 of the Emergency Highway Energy Conservation Act, as amended (Pub. L. 93-239, 87 Stat. 1046).

* * * * *

(n) Carry out the Highway Safety Act of 1966, as amended (80 Stat. 731), and Chapter 4 of Title 23, United States Code for highway safety programs, research, and development relating to highway design, construction, and maintenance, traffic control devices, identification and surveillance of accident locations, and highway-related aspects of pedestrian and bicycle safety.

* * * * *

(t) Exercise the authority vested in the Secretary by sections 101, 118, 119, 120(b), 123, and 124 of the Federal-Aid Highway Amendments of 1974 (Pub. L. 93-643, January 4, 1975; 88 Stat. 2281).

2. In § 1.50, paragraph (g) is revised to read as follows:

§ 1.50 Delegations to the Urban Mass Transportation Administrator.

* * * * *

(g) Sections 140, 146, 147 (with the concurrence of the Federal Highway Administrator), 164 and 165 of the Federal-Aid Highway Act of 1973, as amended (Pub. L. 93-87, Title I, 87 Stat. 250; Pub. L. 93-643, 88 Stat. 2281).

3. In § 1.51, paragraph (b) is amended to read as follows:

§ 1.51 Delegations to National Highway Traffic Safety Administrator.

* * * * *

(b) Carry out the Highway Safety Act of 1966, as amended (80 Stat. 731) and Chapter 4 of Title 23, United States Code, except for highway safety programs, research, and development relating to highway design, construction, and maintenance, traffic-control devices, identification and surveillance of accident locations, and highway-related aspects of pedestrian and bicycle safety.

Effective date. This amendment is effective April 2, 1975.

(Sec. 9(e) Department of Transportation Act (49 U.S.C. 1657(e))

Issued in Washington, D.C., on March 27, 1975.

WILLIAM T. COLEMAN, JR.,
Secretary of Transportation.

[FR Doc.75-8449 Filed 4-1-75;8:45 am]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-29; Notice 1]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires for Passenger Cars; Correction

Correction

In FR Doc. 75-6224 appearing at page 11356 in the issue of Tuesday, March 11, 1975 make the following correction:

In the first column, the bold face section heading four lines from the top should read "§ 571.109".

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Amdt. No. 1 to S.O. No. 1198]

PART 1033—CAR SERVICE

Baltimore and Ohio Railroad Co. and Louisville and Nashville Railroad Co. Authorized To Operate Over Tracks of Penn Central Transportation Co., Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees

MARCH 28, 1975.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of March, 1975.

Upon further consideration of Service Order No. 1198 (39 FR 34666), and good cause appearing therefor:

It is ordered, That: Service Order No. 1198 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1198 Service Order 1198.

(a) *The Baltimore and Ohio Railroad Company and Louisville and Nashville Railroad Company authorized to operate over tracks of Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, trustees.* * * *

* * * * *

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., September 30, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., March 31, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the FEDERAL REGISTER.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-8552 Filed 4-1-75;8:45 am]

[S.O. No. 1211]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Company Authorized To Operate Over Tracks of Ashley, Drew & Northern Railway Company

MARCH 28, 1975.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of March, 1975.

It appearing, That the Chicago, Rock Island and Pacific Railroad Company (RI), is unable to operate over its line between Whitlow Junction, Arkansas, and Crossett, Arkansas, a distance of approximately 4.7 miles, because of track conditions; that RI operations can be accomplished by use of tracks of Ashley, Drew & Northern Railway Company (ADN), between Whitlow Junction, Arkansas, and Crossett, Arkansas; that the ADN has consented to the use of such tracks by the RI; that the operation by the RI over the aforementioned tracks of the ADN is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1211 Service Order 1211.

(a) *Chicago, Rock Island and Pacific Railroad Company Authorized to Operate Over Tracks of Ashley, Drew & Northern Railway Company.*

(a) The Chicago, Rock Island and Pacific Railroad Company (RI) be, and it is hereby, authorized to operate over tracks of Ashley, Drew & Northern Railway Company (ADN), between Whitlow Junction, Arkansas, and Crossett, Arkansas, a distance of approximately 4.7 miles.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the RI over tracks of the ADN is deemed to be due to carrier's disability, the rates applicable to traffic moved by the RI over the tracks of the ADN shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 12:01 a.m., March 28, 1975.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., September 30, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17)

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15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-8554 Filed 4-1-75;8:45 am]

[Amdt. No. 4 to Rev. S.O. No. 1138]

PART 1033—CAR SERVICE

Colorado and Southern Railway Company Authorized To Operate Over Tracks of the Colorado & Wyoming Railway Company; Colorado & Wyoming Railway Company Authorized To Operate Over Jointly Owned Tracks of the Atchison, Topeka and Santa Fe Railway Company and the Colorado and Southern Railway Company

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of March 1975.

Upon further consideration of Revised Service Order No. 1138 (38 FR 14943, 33482, and 39 FR 12352 and 35174), and good cause appearing therefor:

It is ordered, That: Revised Service Order No. 1138 be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

§ 1033.1138 Service Order 1138.

(a) *The Colorado and Southern Railway Company authorized to operate over tracks of the Colorado & Wyoming Railway Company. The Colorado & Wyoming Railway Company authorized to operate over jointly owned tracks of the Atchison, Topeka and Santa Fe Railway Company and the Colorado and Southern Railway Company.* • • •

• • • • •

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., March 31, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-8553 Filed 4-1-75;8:45 am]

PART 1033—CAR SERVICE

[Amdt. No. 1 to S.O. No. 1203]

Penn Central Transportation Co., Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees, Authorized To Operate Over Tracks of the Philadelphia Belt Line Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of March 1975.

Upon further consideration of Service Order No. 1203 (39 FR 42367), and good cause appearing therefor:

It is ordered, That: Service Order No. 1203 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1203 Service Order 1203.

(a) *Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees, authorized to operate over tracks of the Philadelphia Belt Line Railroad Company.* • • •

• • • • •

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 31, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., March 31, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-8551 Filed 4-1-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—FISH AND WILDLIFE SERVICES, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Kirwin National Wildlife Refuge, Kansas

The following special regulation is issued and is effective on April 2, 1975.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Sport fishing on the Kirwin National Wildlife Refuge, Kansas, is permitted during 1975 in accordance with state regulations, on all areas not designated by signs as closed to fishing. These open areas, comprising 5,000 acres, are delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kansas, and from the Regional Director, Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

KEITH S. HANSEN,
Refuge Manager, Kirwin National Wildlife Refuge, Kirwin, Kansas.

MARCH 12, 1975.

[FR Doc.75-8440 Filed 4-1-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 7]

NATIONAL BANKS PROVIDING TRAVEL SERVICES

Proposed Functions of Banks

On December 21, 1973, this office published in the FEDERAL REGISTER, 38 FR 35023, a notice that it was considering revising its Interpretive Ruling 7.7475 entitled "National Banks Acting as Travel Agents." The December 1973 notice referred to the decision of the U.S. Court of Appeals for the First Circuit in the case of Arnold Tours, Inc. v. Camp to the effect that I.R. 7.7475 was "invalid to the extent that it is construed by the Comptroller as authorizing a national bank to operate a full-scale travel agency." Since the court's decision did not define the term "full-scale travel agency", and in view of the controversy surrounding the matter, the office solicited comments from all interested parties as to the proper definition of the term "full-scale travel agency."

Many comments were received from banks and independent travel agents on the matter. After careful consideration of all of these comments and after our own analysis of the Arnold Tours decision, a revised Interpretive Ruling 7.7475 has been drafted. The revised interpretation states that national banks are without power to operate full-scale travel agencies but may, in the Comptroller's opinion, continue certain travel related activities, such as making travel loans, selling travelers' checks, foreign currency, letters of credit, transportation tickets and providing free travel information. Activities deemed to be prohibited would include travel promotion, soliciting travel business from the public at large, and organizing or planning individual or group trips.

Comments on the proposed interpretation should be submitted in writing to Robert Bloom, Chief Counsel, Office of the Comptroller of the Currency, Washington, D.C. 20219, to be received by May 1, 1975. Such material will be made available for inspection and copying upon request, except as provided in § 4.16 (b) as amended 40 FR 7337, February 19, 1975, of the Comptroller's rules regarding the availability of information.

The proposed revised Interpretive Ruling § 7.7475 reads as follows:

§ 7.7475 National banks providing travel services.

(a) A national bank may not operate a full-scale travel agency. However, national banks historically have provided and may continue to provide services related to travel which are either expressly permitted or are incidental to the business of banking. Such services may include the following: making travel loans, providing travel information, acting as collection agent for a steamship, railroad, airline or other company, selling travelers' checks and foreign currency, and issuing letters of credit.

(b) Travel services provided pursuant to paragraph (a) should be provided principally to serve bank customers, subject to the prohibitions of 12 U.S.C. 1972 against tie-ins. Thus, a national bank should not hold itself out as operating a full-scale travel agency or offering all services available from a travel agent, and advertising of bank travel services should be limited to on-premises displays, mailings to existing bank customers and inclusion in advertisements of other bank services.

(c) A national bank may not invest its own funds in an inventory of tickets, tours, or accommodations for the purpose of reselling them to the public or otherwise undertake any financial risks in the provision of travel services other than the normal risks inherent in bank agency, safekeeping and lending functions.

Dated: March 28, 1975.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.75-8537 Filed 4-1-75;8:45 am]

Internal Revenue Service

[26 CFR Part 1]

SEPARATE LIMITATION ON FOREIGN TAX CREDIT IN CASE OF DIVIDENDS FROM A DISC OR FORMER DISC

Proposed Rule Making

Correction

In FR Doc. 75–5091 appearing in the issue of Thusrady, February 27, 1975, make the following corrections:

1. In § 1.78–1(f) on page 8351 the 1st line should read "(f) *Illustrations.* The application of this • • •".

2. In § 1.904–1(a) on page 8352 the 13th line should read "• • • crued other than by reason of section 904 • • •".

3. In § 1.904–4(d)(1)(i)(b) on page 8353 the last line should read "• • • paragraph (d)(1)(i)".

4. In § 1.904–4(d)(1)(ii)(b) the last line should read "• • • paragraph (d)(1)(ii)".

5. In § 1.904–4(d)(1)(iii)(b) on page 8353 the last line should read "• • • (d)(1)(iii) of this section".

6. In the undesignated paragraph following § 1.904–4(d)(1)(iii)(b) the reference in the last line should read "(d)(1)(iii)".

7. In the undesignated paragraph following § 1.904–5(b)(1)(i)(B) on page 8355 the reference in the 2d line of column one should read "(b)(1)(i)".

8. In the undesignated paragraph following § 1.904–5(b)(1)(ii)(B) the reference in the last line should read "(b)(1)(ii)".

9. In the undesignated paragraph following § 1.904–5(b)(1)(iii)(C) the reference in the last line should read "(b)(1)(iii)".

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ATLANTIC BLUEFIN TUNA

Proposed "Threatened" Status

MARCH 25, 1975.

The Director, National Marine Fisheries Service, in consultation with the Director, United States Fish and Wildlife Service, hereby issues a notice of proposed determination, pursuant to the Endangered Species Act of 1973, 16 U.S.C. 1531 et. seq., that Atlantic bluefin tuna (*Thunnus thynnus thynnus*), indigenous to the Atlantic Ocean, is a threatened species. Proposed rules, procedures, and measures to conserve and manage this species will be published shortly in 50 CFR Part 227.

Background. The status and welfare of the Atlantic bluefin tuna stock has been the subject of discussion domestically and internationally in several forums in recent years. It is currently the subject of an intense scientific investigation in the Northwestern Atlantic by the National Marine Fisheries Service. The scientific consensus from these discussions and preliminary findings of the studies is that the data presently available are inadequate to positively determine the status of the Atlantic bluefin tuna stocks, but the data convincingly indicate that adult (or spawning) Atlantic bluefin tuna stocks are substantially reduced in number from previous years. The ongoing scientific studies will eventually supply information needed to determine the sustainable level of harvest. However, in the meantime, proper management requires that steps be taken to assure that spawning stocks will not be reduced to the extent that recruitment of small fish would be adversely affected.

Summary of recent actions and recommendations. In 1974 the National Marine

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Fisheries Service, in cooperation with Canada, the eastern coastal States, academia and commercial and recreational fishing groups, commenced a comprehensive scientific study and stock sampling program on the Atlantic bluefin tuna found adjacent to the Atlantic coast of the United States. The broad goals were (1) to determine the status of the stocks, (2) to identify the effects of fishing thereon, and (3) develop a suitable management program. This study was predicated on the need to acquire information necessary to develop a sound management program for proper protection of this important commercial and recreational species.

Additionally in 1974, the National Marine Fisheries Service met with appropriate Canadian fisheries officials for the purpose of developing an international research program and implementing immediate conservation measures, which included a voluntary management program. Meetings were also held with state management agencies and conservation organizations to coordinate such voluntary regulatory actions. The National Marine Fisheries Service then prepared and published in the FEDERAL REGISTER (39 FR 22444) on June 24, 1974, voluntary guidelines for persons subject to the jurisdiction of the United States fishing for Atlantic bluefin tuna. These guidelines relate to conservation measures required to maintain the Atlantic bluefin tuna stocks with a view toward preserving recreational opportunities for marine anglers and maintaining a viable commercial industry.

The United States Delegation to the International Commission for the Conservation of Atlantic Tunas (ICCAT) proposed bluefin tuna conservation measures at the Annual Meetings in 1973 and again in 1974. The 1974 recommendations were discussed extensively by the scientific committee of ICCAT, the Standing Committee on Research and Statistics (SCRS). This committee, after carefully reviewing the scientific information available considered two management actions: (1) Short-term reduction of fishing intensity on giant fish, to protect spawning fish, and (2) long-term reduction in purse seine fishing of young fish to permit escapement of maturing fish. These general recommendations were further refined to describe specific actions that must be taken. The resulting recommendations of the Commission were sent to member countries for a mail vote. These recommendations read as follows:

First. That the Contracting Parties take the necessary measures to prohibit any taking and landing bluefin tuna (*Thunnus thynnus thynnus*) weighing less than 6.4 kg.

Notwithstanding the above regulation, the Contracting Parties may grant tolerances to boats which have incidentally captured bluefin weighing less than 6.4 kg., with the condition that this incidental catch should not exceed 15 percent of the number of fish per landing of the total bluefin catch of said boats or its equivalent in percentage by weight.

Second. That as a preliminary step, the Contracting Parties that are actively fishing for bluefin tuna (*Thunnus thynnus thynnus*) or those that incidentally catch it in significant quantities shall take the necessary measures to limit the fishing mortality of bluefin tuna to recent levels for a period of one year.

The Executive Secretary of ICCAT notified all member countries by letter dated February 7, 1975, that a majority of ICCAT member countries replied in favor of these recommendations. Therefore, in accordance with Article VIII(2) of the Convention, the referred recommendations will enter into effect for all member countries on August 10, 1975. However, if any contracting government presents to the Commission an objection to the recommendation within this six-month period, the recommendation will not become effective for an additional sixty days.

The need for immediate conservation measures has also been conveyed to the National Marine Fisheries Service by interested individuals and conservation organizations in response to a FEDERAL REGISTER notice of July 12, 1974 39 FR 25677.

The Sport Fishing Institute responded that the best available scientific information indicates that the bluefin tuna stocks of the North Atlantic are in so depleted a state as to threaten endangerment of the species, unless effective regulatory action is invoked to control harvest at levels significantly below those of recent record. A resolution has been received from this organization specifically requesting that the Atlantic bluefin tuna be declared a threatened species under the Endangered Species Act of 1973. An additional letter of August 19, 1974, urged that the species be officially classified as "threatened" in order that an adequate regulatory mechanism may be invoked and the species prevented from declining further to the endangered status.

Mr. Frank Mather of the Woods Hole Oceanographic Institution has repeatedly expressed his concern for the status of Atlantic bluefin tuna and feels strongly that if present trends in the bluefin stocks continue, we will be faced with a most serious situation on an ocean wide basis.

The International Game Fish Association has written and recommended that "Unless a satisfactory conservation policy can be established for the year 1975 and sufficient authority be given to your agency to enforce this policy, then there is a good case for having this species declared as a threatened species."

Response from The Emergency Committee to Save America's Resources requests that the bluefin tuna be declared an "Endangered Species," seining eliminated and sportfishermen restricted to very moderate catches.

The Department of Environmental Conservation of the State of New York has written and urged that Atlantic bluefin tuna be declared a threatened species.

Proposed action. The Endangered Species Act of 1973 authorizes the Secretary, by regulation, to determine whether any species is endangered or threatened because of, among other things, the inadequacy of existing regulatory mechanisms. Since at this time there are no regulatory mechanisms, even though shown and recognized to be necessary, it is accurate to say that existing regulatory mechansims are inadequate within the meaning of section 4(a)(1)(4) of the Act (16 U.S.C. 1533(a)(1)(4)). Therefore, the Director proposes to determine that the Atlantic bluefin tuna is a "threatened" species in the North Atlantic Ocean, and add it to the threatened species list under Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations. The National Marine Fisheries Service has under preparation an environmental assessment of this subject. An inflationary impact statement was considered but determined not necessary.

Interested persons may participate in this rulemaking process by submitting written comments, views or objections on this proposed determination on or before June 2, 1975. Further, any persons who feel that they may be adversely affected by this proposed determination may file, on or before May 19, 1975, objections thereto and request a public hearing thereon. Said comments, views, objections, or requests for a public hearing shall be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235.

Dated: March 28, 1975.

LYNN A. GREENWALT,
Director, Fish and Wildlife Service.

JACK W. GEHRINGER,
Director, National Marine Fisheries Service.

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations to add a new § 17.33 "Threatened Species–Fish" as follows:

§ 17.33 Threatened species—fish.

(a) Marine:

Common name	Scientific name	Range	Portion of range where threatened
(1) Atlantic Bluefin Tuna	*Thunnus thynnus thynnus*	Atlantic Ocean	Atlantic Ocean

[FR Doc.75-8453 Filed 4-1-75;8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1033]

[Docket No. AO-166-A46]

MILK IN THE OHIO VALLEY MARKETING AREA

Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Ohio Valley marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, on or before April 17, 1975. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Columbus, Ohio, on November 7–8, 1974, pursuant to notice thereof which was issued October 16, 1974 (39 FR 37502).

The material issues on the record of the hearing relate to:

1. Pool plant qualifications.
2. Diversion of producer milk.
3. Classification provisions.
4. Adoption of a single butterfat differential.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Pool plant qualifications—(a) Considering Class II and Class III transfers from a supply plant as a receipt at a distributing plant in determining such distributing plant's pool status.* No change should be made in the distributing plant pooling standards on the basis of this record. However, the procedure for pooling supply plants should be modified to establish a demonstrated bona fide relationship of any supply plant with the fluid market rather than basing pooling qualifications on shipments (which could be exclusively for Class II or Class III use) to pool distributing plants.

Under the existing order, a pool distributing plant must have at least 15 percent of its overall route disposition in the marketing area and its total monthly route disposition must be at least 50 percent (45 percent in March-August) of its overall receipts (including milk diverted from such plant but excluding bulk fluid milk products received by transfer or diversion from other plants as Class II or Class III milk).

As proposed by a federation of cooperatives representing the majority of producers, the overall receipts at the distributing plant to be counted for determining such plant's pool status would be expanded to include all Class II and Class III transfers from supply plants to such distributing plant.

Proponent cooperatives contended that the present pooling provisions constitute a loophole whereby large quantities of milk not associated with the fluid market could be attached to the pool through the receipt and transfer of milk through a supply plant(s) under a requested Class II or Class III classification.

Their proposal was opposed by one cooperative and by a proprietary supply plant operator. The opposing cooperative's spokesman stated that if the proposal were adopted, certain distributing plants, in order to insure continuing pool status, might find it necessary to reduce milk receipts from supply plants. The affected supply plants, in turn, might have to reduce receipts from dairy farmers in order to meet the minimum shipping requirements. The Spokesman contended that this chain reaction would force this milk to move to balancing plants operated by the proponent cooperatives, which are pooled under standards different from those applicable to regular supply plants. This, he contended, would not be appropriate.

The proprietary handler's opposition centered on the effect adoption of the proposal would have on his total operation. This handler operates one pool supply and six pool distributing plants. One of such distributing plants has substantial capacity to manufacture nonfat dry milk, and at times it has been necessary to utilize this capacity when the supply plant (also a manufacturing plant) could not physically handle all the milk associated therewith and not needed for fluid use. The handler contended that adoption of the proposed change would make it difficult to maintain continuing pool status for the supply plant and/or the distributing plant with manufacturing operations. As a result of actions taken in this decision, the likelihood that a supply plant would lose pool status in such a situation is minimized.

While the present pooling provisions could be used to pool almost unlimited volumes of milk through supply plant operations which have no direct association with the fluid market, it is not apparent that there has been any abuse of the order through this means. Nevertheless, to protect the integrity of regulation, it is desirable that the order be modified to deter such end.

The present performance standards for pooling distributing plants recognize the fact that some distributing plants in this market, which are primarily fluid milk operations, nevertheless operate substantial manufacturing facilities and therefore, on occasion, may receive milk from other plants for manufacture. In order that such receipts may not jeopardize such a distributing plant's pooling status, and at the same time to accommodate the use of the plant's manufacturing facilities, receipts by transfer from other plants under an agreed Class II or Class III classification are not counted in determining such plant's pooling status. If, as proposed by cooperatives, supply plant milk designated for manufacturing uses was included as a receipt in determining such a distributing plant's pool status, the pooling status of certain distributing plants that have been regularly pooled, and which provide a service to the market in handling reserve milk supplies, might be jeopardized. Loss of pooling status would have serious adverse effect on dairy farmers regularly supplying such plants with milk for fluid use.

The problem proponents seek to resolve (i.e., potential dilution of pool proceeds by the pooling of milk intended solely for manufacturing use), therefore, can best be resolved under the conditions existing in this market by modification of the supply plant rather than the distributing plant pooling standards.

To protect the integrity of regulation, it is desirable that supply plant milk be required to more adequately demonstrate association with the fluid market to qualify for pooling. This may be accomplished by requiring that pooling status for a supply plant be conditioned on making the prescribed percentage of shipments to a pool distributing plant(s) which has total route disposition of at least 50 percent (45 percent in March-August) of overall receipts (including milk diverted from such plant but excluding bulk fluid milk products received by transfer or diversion from pool distributing plants under an agreed Class II or Class III classification). Route disposition in the marketing area by the supply plant would continue to be added to its qualifying shipments to pool distributing plants for the purpose of determining whether the supply plant met the performance standards for pooling.

Under this procedure a supply plant could conceivably ship all of its receipts to a pool distributing plant and yet fail to qualify because part or all of such shipments were made under an agreed upon Class II or Class III classification and the inclusion of such transfers in the distributing plant's receipts (for the purpose of determining the supply plant's pool status only) resulted in a route disposition percentage less than the prescribed minimum. Such resulting nonpool status for the supply plant could not be construed as inappropriate since it would be a direct manifestation of such plant's insufficient association in supplying the needs of the fluid market. If a

V 40-64
APR 2 75

supply plant should fail to qualify for pooling receipts from such plant at any pooling receipts from such plant at any source receipt.

Under certain conditions, notwithstanding, a supply plant regularly associated with the market as a pool plant should be allowed to pool for the first subsequent month in which it fails to qualify as a pool plant. Without such a provision, a supply plant could unexpectedly lose pool plant status for the month because of an unforeseen precipitous decline in Class I utilization at a distributing plant that received milk from the supply plant. In that circumstance, the milk of dairy farmers who delivered to the supply plant during the month would not qualify for pooling. Although such an occurrence admittedly should be infrequent, to insure orderly marketing a reasonable safeguard should be provided against loss of pool participation by the supply plant and its dairy farmer patrons. This appropriately can be achieved by according continued pooling for one month to a supply plant which has demonstrated a sustained association with the fluid market but which failed to meet the pooling requirements for such month solely because the pool distributing plant(s) to which it made qualifying shipments did not meet the route distribution requirements with respect to specified overall milk receipts.

Continued pool status should be accorded a supply plant for any month in which it failed to qualify as a pool plant if (1) its failure to qualify was due solely to the fact that the distributing plant(s) to which it made qualifying shipments failed to meet the minimum route distribution requirements with respect to its overall milk receipts (exclusive of receipts from pool distributing plants under an agreed upon Class II or Class III classification) and (2) it was a pool supply plant on the basis of performance in each of the immediately preceding three months.

Allowing a supply plant to retain pool status for one month, as herein provided, will protect the "producer" status of its dairy farmer patrons when such plant inadvertently fails to qualify for pooling solely because the distributing plant it regularly supplies did not perform as expected. With the safeguards here provided, one month's continued pool status for a supply plant will afford reasonable protection to supply plants associated with the market while precluding exploitation of the provision by other supply plants.

(b) *Designating a distributing plant as a pool plant for the month based on its performance in preceding months.* A distributing plant that failed to meet the total route disposition percentage pooling requirement should be allowed to be a pool plant for the month if it met such percentage requirement in each of the immediately preceding three months.

To qualify as a pool plant for the month, at least 15 percent of a distributing plant's route disposition must be in the marketing area and its total monthly route disposition must be at least 50 percent (45 percent in March–August) of specified receipts. A distributing plant that failed to meet the total route disposition percentage requirement in any month may nevertheless be pooled for such month if it had been pooled in the preceding month by virtue of having met such performance requirements.

A federation of cooperatives proposed to allow pool plant status for the month for a plant that failed to meet the total route disposition percentage requirement only if it had been pooled as a distributing plant in each of the preceding 12 months. The cooperatives contended the 12-month requirement would demonstrate not only appropriate market association of the distributing plant but also would prevent a handler from using the provision to load the pool with large quantities of milk that are not a regular and dependable supply for the market. Further, they contended that assurance to dairy farmers that their milk would be pooled in a month in which the plant to which their milk was delivered failed to meet the performance requirements was appropriate only under circumstances where such plant's failure to meet the total route disposition requirement for pool status was inadvertent. This, they held, was the intent of their proposed 12-month requirement.

The proposal was opposed by proprietary handlers. The principal basis of the opposition was that the present provision is needed to provide their producer patrons assurance of pool status for their milk in the event of a sudden loss of Class I sales, plant strikes, fire, or other catastrophies that may result in a distributing plant's unanticipated failure to qualify for pooling in any given month.

One opposing handler, who operates six distributing plants in the market, stated that only through the present provision had he been able to keep all his distributing plants pooled. He pointed out that one of his distributing plants produces cottage cheese and other Class II products for his other distributing plants in Ohio. By assignment of particular loads of milk to different plants at different times he was able to keep all the plants qualified as pool distributing plants. A spokesman for this handler cited two instances involving loss of sales contracts that would have caused plants to lose pool status if the provision that allows continued pooling for one month had not been applicable.

This same handler suggested that if the proposed changes were adopted, a proviso should be added to provide that all distributing plants operated by a handler be considered as one plant for the purpose of meeting the total route disposition percentage pooling requirement.

A proposed provision for unit pooling was denied in the 1970 decision that resulted in the merger of five orders into the present Ohio Valley order. It was denied on the basis that such a provision accommodates only a multiple plant operation and does not give recognition to single plant fluid milk operations that also process a relatively large amount of milk for other uses.

The current request for unit pooling was premised on adoption of the proposal to require a 12-month period of prior performance to obtain automatic pool status for one additional month. That proposal is not adopted in this decision. Moreover, this record contains no showing of changed market conditions to provide a basis for reversing the findings in the 1970 decision denying the proposal for unit pooling.

As an alternative to unit pooling, the multi-plant handler proposed lowering the total route disposition percentage pooling requirements from 50 percent to 45 percent in September-February, and from 45 percent to 40 percent in March-August. The handler contended that such action is warranted because of the decline in Class I sales.

Aside from the general statement that Class I sales in the market had declined, no specific testimony was presented to show that the present route disposition requirements are inappropriate and should be changed. Therefore, no action should be taken on proposals advanced at the hearing to change the route disposition percentage requirements for pooling distributing plants.

Producers should have protection against unexpected loss of pool participation of their milk because a distributing plant, over which they have no control, failed to qualify as a pool plant. The present provision, which allows pool status for the month to a distributing plant that met the required total route disposition percentage the preceding month, provides such protection. It also allows a distributing plant operator flexibility in adjusting his operation to meet changing market situations without losing pool status for the month.

However, the present provision provides an "open door" whereby a system of distributing plants may be pooled by adjusting receipts as between plants to the end that each plant individually meets the pooling requirements on at least an every-other-month basis. This is because a distributing plant may be pooled on a year-round basis by meeting the total route disposition percentage requirement for pooling every other month. In other months the plant has pool status without meeting the performance standards and could pool additional quantities of milk for manufacturing uses. Since this milk would share in the pooled proceeds, the market's Class I use value would be spread over a larger volume of milk. This would lower the marketwide "blend" price, thus diluting returns to those producers regularly supplying milk for the market's fluid needs.

The cooperatives' proposal to provide pool status for the month to a distributing plant based on its route disposition performance in the preceding 12 months would substantially reduce the level of protection now provided producers. Moreover, substantial changes in operations might be required by some

handlers in order to maintain pool status for their plants.

Allowing a distributing plant that failed to meet the total route disposition percentage pooling requirement to be a pool plant for the month if it met that requirement in each of the three preceding months, as adopted in this decision, is a reasonable and equitable basis to qualify a plant for pooling under current conditions in the Ohio Valley market. As such, it will contribute to orderly marketing by providing a safeguard against exploitation of the order by pooling milk from farms that are not a regular part of the market supply and by protecting, in a reasonable manner, producers regularly supplying the market from losing the benefits of pooling under the order because of the unanticipated loss of pool plant status by the plant to which their milk is customarily delivered.

In the absence of unit pooling, the provision adopted herein for continued pool status for one month based on three months prior performance is applicable to each distributing plant operated by a multi-plant handler. With present provisions for diverting milk to pool plants, a multi-plant handler should continue to have short-term pooling flexibility sufficient to maintain pool status for his plants without making major adjustments in his total operation.

(c) *Automatic pooling in March-August for a supply plant that was a pool plant in preceding September-February.* A supply plant that was a pool plant throughout the preceding September-February period and which transferred at least 50 percent of its monthly receipts to pool distributing plants in each month of the period should be accorded pool plant status in the following March-August.

Under the existing order provisions, a supply plant may qualify as a pool plant in any month that its transfers to pool distributing plants plus direct route disposition in the marketing area is at least 50 percent of its receipts. Automatic pooling is provided during the March-August period for any supply plant that was a pool plant in the preceding months of September-February.

A pool distributing plant by definition is also a supply plant in any month in which it makes even a token shipment to another pool distributing plant. As a supply plant, which was a pool plant in each of the months of September-February, such a plant in fact acquires automatic pool plant status in the following March-August.

Cooperatives contended that the automatic pooling thus made available for pool distributing plants was inadvertently provided for in the order, and is not an appropriate basis for pooling a distributing plant. They urge that route dispositions not be counted for the purpose of determining the qualification of a supply plant for automatic pooling status.

Because a distributing plant typically serves the market in a different manner than does a supply plant it is necessary that they be accorded different treatment in determining their pooling qualification. The pooling qualifications for a distributing plant are based solely on (1) its route disposition in the marketing area relative to its total route disposition and (2) the total route disposition from the plant relative to its receipts.

Since Class I sales in the market are relatively uniform throughout the year, it is not necessary nor appropriate to provide automatic status for pooling distributing plants during the flush months. Except under the special circumstances hereinbefore provided for continuing pooling status for a distributing plant for one month if it fails to meet the minimum route disposition requirements, no further accommodation for pooling is appropriate. A plant with route disposition months cannot be considered to be sufficiently associated with the fluid market to merit sharing the Class I proceeds of the total market.

A supply plant serves the market by making its milk supply available when needed to meet the varying demands of pool distributing plants. The demand for milk from supply plants is greatest in the fall and winter months of seasonally low production. Pool distributing plants' needs for milk from supply plants is substantially diminished and may be nonexistent in some of the spring and summer months of seasonally high production.

Providing automatic pool status in March–August for a supply plant which qualified for pooling in the preceding September–February by its shipments to pool distributing plants (1) assures the dairy farmers who have established their association with the fluid market by supplying a pool supply plant during the short season that the milk will continue to be pooled during the flush and (2) avoids uneconomic shipments from supply plants to pool distributing plants during the months of seasonally high production solely for the purpose of maintaining pool status.

(d) *Balancing plant.* No change should be made in the shipping requirements for pooling the "balancing plant" of a cooperative. However, the provision for pooling such a plant should be modified to require that the plant have manufacturing facilities and actually processes milk during the month.

A plant other than a distributing plant may now qualify for pooling as a balancing plant if it is operated by a cooperative, is approved by a duly constituted health authority to handle milk for fluid consumption, and more than 50 percent of the cooperative's members' producer milk was received at pool distributing plants during the month, either by direct delivery from the producers' farms or by transfer from the cooperative's plant. Two balancing plants currently qualify as pool plants under the order.

A federation of cooperatives, including the two cooperatives whose balancing plants now qualify as pool plants, proposed changing the qualifications for pooling a balancing plant. During the months of September through March, proponents would require that not less than 65 percent of a cooperative's members' producer milk be received at pool distributing plants either by direct delivery from producers' farms or by transfer from such cooperative's plant. In addition, these cooperatives proposed that a balancing plant, to qualify for pooling, be required to have combined receipts from and sales to plants regulated by the Ohio Valley order that are greater than the sales from such plant to all other plants.

Proponent cooperatives claimed the more rigid standards for pooling a balancing plant that they proposed are desirable and necessary to avoid possible dilution of the pool by the pooling of plants that are not a regular part of the market supply.

A cooperative that qualified a plant for pooling as a balancing plant in January and February 1974 opposed changing the present pooling qualifications for a balancing plant. It took the position that the proposed changes were aimed at making it more difficult to qualify its plant for pooling as a balancing plant and would preclude a cooperative that did not operate a manufacturing plant from pooling a plant other than a distributing plant.

Balancing plants traditionally operated by cooperatives in this market provide the means whereby proprietary plant operators may adjust their receipts each day to fit their bottling needs and at the same time have assurance that milk not accepted will be available for fluid use as needed. A bottling plant that receives milk by direct delivery from the farms of designated producer members of a cooperative may accept a part or none of such deliveries on any day. The total deliveries of such producers on the days the bottling plant is not operated, and the amount in excess of its Class I needs on other days, may be received at the cooperative's manufacturing (i.e., balancing) plant. Providing pool status for the balancing plant enhances market stability and efficiency and implements the pooling of the milk which is regularly and substantially associated with the market.

The requirement that a cooperative that operates a balancing plant must have supplied to pool plants of other handlers more than half its members' producer milk pooled during the month insures that the cooperative's pooled milk is substantially associated with the fluid market. Any limitation on the quantity of milk that a balancing plant may dispose of to plants outside the market, without losing its status as a pool plant, as suggested by proponents, would tend to reduce the flexibility of marketing inherent in the operation of balancing plants for the Ohio Valley market and could severely restrict the ability of the cooperatives to market the reserve milk supply in the most remunerative outlets.

V 40-64
APR 2 75

The outlets for the reserve milk supplies handled at balancing plants frequently may be plants outside the market. Consequently, to require that a plant that otherwise qualified as a balancing plant must have combined receipts from and sales to plants regulated by the Ohio Valley order that are greater than sales to other plants in the same month could unnecessarily restrict the operations of a balancing plant and adversely affect the economic handling of the market's reserve supplies.

Although proponent cooperatives proposed increasing the quantity of member producer milk that must be received at pool distributing plants of other handlers during the month (either by direct delivery from producers' farms or as transfers from a cooperative's plant) from 50 percent to 65 percent to qualify the balancing plant as a pool plant in September–March, it was not shown that the proposed change would achieve any purpose not now realized by the 50 percent requirement. As indicated above, under current conditions in the Ohio Valley market, if more than half the producer milk of a cooperative is utilized at pool plants of other handlers, an association with the market has been reasonably established and an appropriate safeguard is thereby provided against pooling under the order of cooperative plants that are not an integral part of the market.

A major concern of proponent cooperatives was that a balancing plant operated by a cooperative should perform a discernible service to the market in which it is pooled. Evidence of a discernible service to the market can be most appropriately manifested, under the conditions existing in this market, through a requirement that a cooperative operated plant, as a condition of pooling as a balancing plant must have manufacturing facilities which are actively operated during the month processing fluid milk products into a manufactured milk product(s).

A plant without processing facilities cannot service the market in a meaningful way except in the role of a supply plant. A plant without processing facilities accordingly should be required to meet the shipping requirements for pooling as a supply plant. These requirements as hereinbefore modified provide the appropriate means for pooling plants the basic function of which is to receive and transfer milk.

(e) *Deletion of the pool plant provision applicable only to Ohio State University.* The provision that allows a distributing plant with route disposition only on the campus of the Ohio State University at Columbus, Ohio, to qualify as a pool plant for the months other than January, February, October, and November, without meeting the total route disposition percentage requirement, should be removed from the order.

A proposal to delete the provision, which no longer has any application in the Ohio Valley market, was submitted by a federation of cooperatives and was not opposed. There is not, at this time, any plant operating under the limited disposition requirement specified in the provision.

Deletion of the provision will not adversely affect any handler now regulated. Moreover, it is not considered likely that any operation such as that covered by the provision will be established in the foreseeable future.

2. *Diversion of producer milk.* The present diversion privileges which limit the amount of an individual producer's milk that may be diverted to nonpool plants during the months of September through February should be modified to provide an alternative percentage standard applicable to both cooperative and nonmember milk. In any month of September-February a cooperative should be permitted to divert to nonpool plants a quantity of milk not exceeding 40 percent of the aggregate amount of producer milk it caused to be delivered to pool plants. Similarly, a proprietary pool handler should be permitted to divert to nonpool plants up to 40 percent of producer milk (exclusive of that received from producers whose milk a cooperative is diverting on a percentage basis) physically received at his pool plant during such month. The diversion privilege, now applicable only to milk associated with pool distributing plants, should be extended to include milk associated with pool supply plants.

The present provision limiting a producer's production that may be diverted to nonpool plants during the months of September through February to not more than his production physically received at pool plants should be continued as an alternative to the percentage limitation adopted above. In March-August, diversion of a producer's milk to a nonpool plant is limited only by the two days' production that must be delivered to a pool plant in any month to qualify the reminder of his production for diversion.

The modifications of the existing diversion provisions adopted herein were proposed by handlers who claimed that under present order provisions they are often forced into uneconomic handling, especially when the plants cannot accommodate the milk of all producers regularly supplying such plants. They held that adoption of their proposals would implement handling efficiency by eliminating the unnecessary receipt and transfer of reserve milk disposed of for manufacturing uses.

Although a federation of cooperatives opposed the proposals, their spokesman acknowledged that their adoption would implement more efficient disposition of surplus milk, as claimed by proponents.

Most, if not all, supply plants currently pooled under the Ohio Valley order maintain manufacturing operations, which are used in handling the market's reserve milk. However, when production of such a plant's regular producers exceeds its processing capacity, the excess production can be pooled only by first receiving it into the plant and subsequently transferring it to another plant for manufacture. Under such conditions, particularly during periods of seasonally high production, supply plants may have no less need for diversion privileges to nonpool plants than do pool distributing plants. Such need is appropriately met by providing for diversion of producer milk from supply plants to nonpool plants.

Diversion provisions are intended to implement the efficient handling of that producer milk not needed in the market for Class I uses, such as on weekends, holidays, and during periods of seasonally high production. Such milk can be most economically handled by direct shipment from the farm to nearby manufacturing plants. The greatest efficiency in this regard is achieved by diverting milk from farms of producers nearest the manufacturing plants. This can be accomplished most practicably if the diversion is in terms of a percentage of the aggregate quantity of milk delivered to pool plants.

Under the present diversion provisions, which limit the amount of individual producers' milk that may be diverted in the months of September–February, handlers cannot always divert milk of producers in the most efficient manner. The adopteion of alternative percent diversion standards will implement continued diversion of that milk less favorably situated with respect to the central market and to that end will enhance marketing efficiency while at the same time maintaining the integrity of the pooling provisions. In the aggregate, the percentage diversion limit herein adopted will not increase the amount of milk which may be diverted. In fact, a greater quantity of milk could be diverted under the present 50 percent limitation on individual producers' milk.

3. *Classification provisions*—(a) *Eggnog.* The product "eggnog" should be added to the list of named products for which a Class II classification applies. Eggnog is presently accounted for as a Class I disposition.

A producer proposal to remove eggnog from Class I was unopposed at the hearing and was strongly supported by handlers.

Eggnog is a small-volume seasonal item that is produced and sold almost entirely in November and December. In 1973, when more than 99 percent of eggnog sales for the year were in these two months, their aggregate sales accounted for less than 0.2 percent of total Class I fluid milk product sales in the market. Thus, its removal from Class I will have a minimal effect on producer returns.

Proponents initially proposed a Class III classification for eggnog. However, they testified at the hearing that its inclusion in Class II might be more appropriate since eggnog is in Class II in most Federal orders.

With eggnog in Class I, Ohio Valley order handlers are at a competitive disadvantage with competing handlers regulated under other nearby Federal orders. Under the present provision a major handler in the market has found it economically feasible to package eggnog at his regulated plants under the Indiana and Southern Michigan orders, respectively, (where eggnog is Class II) for distribution in the Ohio Valley market. Other competing handlers in the market do not have the same flexibility of operation and accordingly are disadvantaged because of their higher product cost.

Removing eggnog from the "fluid milk product" definition and designating it as a Class II item, as provided in this decision, will allow Order 33 handlers to compete for eggnog sales on a more equitable basis with each other and with handlers regulated under adjacent orders.

(b) *Milk shake mixes.* The classification of skim milk and butterfat in milk shake mixes should be determined on the basis of total solids content of the product. A Class I classification should apply to milk shake mixes containing less than 20 percent total solids. Conversely, milk shake mixes with 20 percent or more total solids should be Class III.

Milk shake mixes containing less than 15 percent total milk solids are now Class I and those with 15 percent or more total milk solids are Class III.

The federation of cooperatives proposing the change from "15 percent total milk solids" to "20 percent total solids" indicated a need to provide a more appropriate standard for determining classification of milk shake mixes. (The 20 percent total solids standard now applies for determining classification of milk shake mixes in most Federal orders.) They contended that total solids content of milk shake mixes can readily be established through a simple laboratory analysis whereas the determination of total milk solids content requires extensive testing procedures to separate the milk and nonmilk solids components. Proprietary handlers concurred and there was no opposition to the proposal.

Handlers testified that the present 15 percent or more total milk solids basis for determining a Class III classification of milk shake mixes requires use of a mix formula utilizing more costly ingredients than needed to meet the 20 percent total solids standard. Competitors regulated under surrounding orders which provide standards different from the 15 percent milk solids standard are able to use a less costly mix formulation, thereby gaining an advantage in competing for sales of milk shake mixes in the Ohio Valley marketing area.

Under the Indiana and Southern Michigan orders milk shake mixes containing less than 20 percent total solids are Class I. Handlers regulated under these and other orders compete with Ohio Valley handlers for milk shake mix sales.

Adoption herein of 20 percent total solids as a minimum requirement for Class III classification of milk shake mixes in the Ohio Valley order will provide a more equitable basis for Ohio Valley handlers to compete for milk shake mix sales with handlers regulated under other orders.

(c) *Direct allocation of nonfluid other source milk to Class II utilization.* The order should permit the direct allocation to Class II of other source milk received in a form other than a fluid milk product (e.g., nonfat dry milk and condensed milk or skim milk) or bulk cream and used to produce, or added to, Class II products.

A handler who proposed the change contended there is no basis for protecting the local dairy farmer against the use of nonfat dry milk solids and condensed milk or skim milk in Class II products since such products are more costly than producer milk. Proponent stated that handlers rely principally on producers for their Class II needs and obtain supplies from other sources only when producer milk is not available for Class II uses.

The major use of other source milk in Class II products is the addition of nonfat dry milk to cream products and to skim milk used for cottage cheese manufacture. When supplies of producer milk are short, handlers also may reconstitute nonfat dry milk for cottage cheese production. Condensed milk or condensed skim milk may be similarly used.

Nonfat dry milk has certain processing advantages for handlers. It can be added readily to milk or milk products to increase the nonfat milk solids content. Its storability enables handlers to have a concentrated form of nonfat milk solids on hand at all times for emergency use.

Since handlers can generally expect to pay more for nonfluid milk products than the cost of producer milk for Class II uses, there is no likelihood that they will restrict their use of producer milk for making cottage cheese when such milk is available. Allowing the direct allocation of nonfluid other source milk to Class II, as adopted herein, is compatible with the procedure followed in Federal orders generally and will tend to promote greater equity in competition with handlers in adjacent markets.

(d) *Classification of packaged fluid milk products in end-of-month inventory.* Packaged fluid milk products on hand at the end of the month should be Class III. Such products in ending inventory are now Class I while ending inventories of bulk fluid milk products are Class III.

The handler who proposed the change claimed that it would simplify application of the order without essentially affecting actual returns to producers. He stated further that, since the milk would be priced in the month when it is actually disposed of as Class I, a more appropriate treatment of packaged fluid milk products in ending inventory is achieved. There was no opposition to the proposal.

Whenever the Class I milk price changes from month-to-month, it is now necessary to adjust the Class I price value of the preceding month's ending inventory of packaged fluid milk products to reflect the current month's Class I price in computing each handler's pool obligation. Proponent testified that this procedure, which he contended is unnecessarily involved and tends to cause confusion, would be eliminated if his proposal were adopted.

As proposed, and adopted herein, ending inventory of packaged fluid milk products would be classified as Class III and would be allocated at the same time as inventory of bulk fluid milk products to the lowest available use class in the following month. Any milk so assigned to Class I would be subject to an appropriate charge to the handler to reflect the changed classification.

Adopting the proposal will eliminate the necessity of making adjustments to reflect month-to-month Class I price differences when computing handlers' pool obligations and will provide the same classification of month-end inventories of packaged fluid milk products now provided in most Federal orders.

For the first month that this provision is effective, beginning inventories of packaged fluid milk products should be allocated to Class III to the extent possible. Since such inventories will have been priced at the previous month's Class I price, handlers should receive a credit on such packaged inventories equal to the difference between the preceding month's Class I and Class III prices. If a higher classification results through the allocation procedure, the appropriate reclassification charge would apply.

(e) *Definition of fluid cream product.* A proposed "fluid cream product" definition offered during the hearing should not be adopted.

The fluid cream product definition proposed is identical to that incorporated in most Federal milk orders when the classification amendments were adopted in 1974.

Although proponent handler indicated it would be desirable to change the classification provisions of the order incidental to incorporating a fluid cream product definition in the order, his testimony in support of the proposal related essentially only to simplifying order references to cream items.

Producers opposed adoption of the proposed definition. They contended that the proponent handler was attempting to change the classification provisions of the order without submitting for inclusion in the hearing notice a specific proposal to that effect.

Testimony presented at the hearing provided no basis for the associated changes that would be required in classification provisions through adoption of the proposed fluid cream product definition. Accordingly, no amendatory action in this regard would be appropriate on the basis of this record.

4. *Adoption of a single butterfat differential.* A single butterfat differential, 11.5 percent of the Chicago butter price for the current month, should be used to adjust the class prices and the uniform price.

V 40-64 APR 2 75

Presently, the order provides for three different butterfat differentials. That for Class I is 12 percent of the Chicago butter price for the preceding month; for Class II and Class III, it is 11.5 percent of the Chicago butter price for the current month. The butterfat differential used in adjusting the uniform price is the average of the butterfat differentials for the three classes, weighted by the proportion of producer milk in each class.

A federation of cooperatives proposed that the Class I butterfat differential be reduced from 12 percent of the butter price for the preceding month to 11.5 percent of the butter price for the current month. In proposing a lower Class I butterfat differential, the cooperatives contended that the values now assigned to butterfat and skim milk in Class I products do not reflect the current market values of these components of milk.

Handler opposition to the proposal was limited to the slight increase in Class I milk costs that could result from lowering the Class I butterfat differential.

Indicative of the declining proportion of butterfat in Class I sales is the continuous decline in the average test of fluid milk products sold in the Federal order marketing areas. In 1966, the average butterfat test in 66 Federal order markets for such sales was 3.53 percent.[1] This percentage declined yearly, and in 1973, the latest full year for which data are available, the comparable average butterfat test for 57 markets was 3.11 percent. On a percentage basis, the average butterfat content in these fluid milk products declined 12 percent from 1966 to 1973. It can reasonably be expected that the decline at a comparable rate will continue in the several years immediately ahead.

The declining average butterfat content of packaged fluid milk product sales in the Ohio Valley order has been similar to the national trend. In 1966, the average butterfat content of Class I sales in the five markets that were merged in 1970 to form the Ohio Valley marketing area was 3.45 percent.[2] The comparable average test for 1973 was 3.14 percent, a decline of 9 percent. The increasing demand for Class I products of lower butterfat content can be expected to result in a continuing decline in the average butterfat content of Class I sales under the order. Adopting the same butterfat differential for Class I milk as for other classes, as provided in this decision, gives recognition to a lower market value of butterfat in the fluid milk products in Class I.

While the butterfat content in producer milk is relatively close to the average butterfat content of whole milk sold as Class I, it is now running substantially above the average test of all Class I milk. This is because fluid skim milk and lowfat milk items have become an increasing proportion of Class I sales at the expense of whole milk.

During 1973, when the butterfat in Class I packaged fluid milk product sales averaged 3.01 percent, producer milk deliveries averaged 3.71 percent butterfat.

The order price for Class I milk of 3.01 percent butterfat sold by handlers during 1973 averaged $7.218. This is computed by subtracting 41.2 cents (4.9 points of butterfat at 8.4 cents per point) from the average 1973 Class I price of $7.63 for 3.5 percent milk. At the lower butterfat differential adopted in this decision, the adjustment in butterfat for such period would have been 39.2 cents (4.9 points of butterfat at 8.0 cents per point). This would have resulted in an average price of $7.238 for such milk sold in Class I, 2.0 cents more than the actual Class I price ($7.218) under the order for milk of 3.01 percent butterfat sold in Class I in 1973.

As indicated above, only the Class I butterfat differential is based on the butter price for the preceding month. That quotation no longer would be used for pricing under the order in the current month. The differential adopted in this decision would be based on the butter price for the current month, which is now used for computing the Class II and Class III butterfat differentials.

Because there is little change from month to month in the Chicago butter price, it is unnecessary to provide for average monthly butter quotations for both the current month and the preceding month for computing butterfat differentials applicable in the same month. Providing for the use of one average monthly butterfat quotation, that for the current month, as proposed at the hearing and here adopted, will simplify application of the order's provisions.

Since a single butterfat differential will apply to all classes of milk, such differential will determine the value of all butterfat in producer milk. If the differential is the same for each class, as proposed herein, the provisions for weighting the values of butterfat by classes become unnecessary and the same butterfat differential will be used for adjusting the producer's uniform price.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Ohio Valley marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Section 1033.7 is revised as follows:

§ 1033.7 Fluid milk product.

"Fluid milk product" means the following products or mixtures in either fluid or frozen form, including such products or mixtures that are flavored, cultured, modified (with added nonfat milk solids), concentrated, or reconstituted: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, milk shake mixes containing less than 20 percent total solids, and mixtures of cream and milk or skim milk containing less than 10.5 percent butterfat. The term "fluid milk product" shall not include eggnog, yogurt, frozen desserts, frozen dessert mixes, dietary products and infant formulas in hermetically sealed metal or glass containers, evaporated or condensed milk or skim milk in plain or sweetened form, and any product containing 6 percent or more nonmilk fat (or oil).

[1] Official notice is taken of the January 1972 Summary of Federal Milk Order Statistics (issued by the Dairy Division, AMS, USDA).

[2] Official notice is taken of the Annual Summary for 1967, Federal Order Statistics, Statistical Bulletin No. 426 (issued by the Dairy Division, CAMS, USDA).

2. In § 1033.12, paragraph (a) (2) (iii) is deleted and paragraph (a) (2) (i) and (ii), and paragraphs (b) and (c) are revised as follows:

§ 1033.12 Pool plant.

* * * * * *

(a) * * *

(2) * * *

(i) Both such route disposition and receipts shall be exclusive of filled milk and of packaged fluid milk products received from other plants if priced as Class I milk under this or any other Federal order; and

(ii) A distributing plant that does not meet such percentage requirement in the current month shall not be disqualified under this subparagraph as a pool plant if such percentage was met in each of the three immediately preceding months.

(b) A supply plant from which during the month the total quantity of fluid milk products (except filled milk) transferred to and physically received in a pool distributing plant(s) meeting the percentage disposition requirements specified in paragraph (a) of this section with respect to its total receipts of fluid milk products (including milk diverted from such plant by the plant operator or a cooperative association but excluding bulk fluid milk products received by transfer or diversion from pool distributing plants as Class II or Class III milk) that are approved by a duly constituted health authority for fluid consumption, plus route disposition in the marketing area from the supply plant, is not less than 50 percent of the total quantity of milk approved by a duly constituted health authority for fluid consumption that is received from dairy farmers (including milk diverted from the supply plant and excluding milk received by diversion from other plants) and from handlers described in § 1033.16(c). A supply plant that qualified as a pool plant in each of the preceding three months shall not be disqualified as a pool plant for the month if it failed to qualify solely because a distributing plant(s) to which qualifying shipments of milk were made during the month did not meet the percentage disposition requirements specified in paragraph (a) of this section with respect to its receipts specified in this paragraph. A plant that was qualified under this paragraph in each of the months of September through February (exclusive of route disposition in the marketing area from such plant) shall be a pool plant for the immediately following months of March through August unless the milk received at the plant does not meet the requirements of a duly constituted health authority, or the plant operator files with the market administrator prior to any such month a written request that the plant be designated as a nonpool plant. Such nonpool plant status shall be effective, beginning with the first month following such notice, until the plant qualifies under this section on the basis of shipments.

(c) A plant, other than a distributing plant, that is approved by a duly constituted health authority to handle milk for fluid consumption and is operated by a cooperative association, if during the month fluid milk products are used to produce a manufactured milk product(s) in such plant, and more than 50 percent of the producer milk of members of such cooperative association is delivered directly from their farms, or transferred in bulk form from such plant, to plants of other handlers qualified under paragraph (a) of this section. If the cooperative association files with the market administrator prior to any month a written request for nonpool status for such plant, the plant shall be a nonpool plant for such month and for each of the next 11 months in which it does not qualify pursuant to paragraph (b) of this section on the basis of shipments.

3. In § 1033.15, paragraphs (a) (3), (b), and (d) are revised as follows:

§ 1033.15 Producer milk.

* * * * * *

(a) * * *

(3) Diverted for the handler's account from a pool distributing plant to another pool plant, or from a pool distributing plant or a pool supply plant to a nonpool plant that is not a producer-handler plant, subject to the further conditions set forth in paragraph (d) of this section; and

(b) With respect to a handler described in § 1033.16(b), diverted for such handler's account from the pool distributing plant of another handler to a pool plant, or from the pool distributing plant or a pool supply plant of another handler to a nonpool plant that is not a producer-handler plant, subject to the further conditions set forth in paragraph (d) of this section; and

* * * * * *

(d) The following conditions shall apply to milk of a producer diverted from a distributing pool plant to another pool plant, or from a pool distributing plant or a pool supply plant to a nonpool plant that is not a producer-handler plant:

(1) Not less than two days' production of the producer must be physically received during the month at such pool plant;

(2) In any month of September through February, the quantity of milk diverted to a nonpool plant shall be limited to the amounts specified in paragraph (d) (2) (i) and (ii) of this section:

(i) The operator of a pool plant may divert the milk of any producer (except a producer for whom a cooperative association is diverting milk under the percentage limit of paragraph (d) (2) (ii) of this section) for not more days of production than it was physically received at the diverting pool plant from such producer or he may divert an aggregate quantity of milk not exceeding 40 percent of the milk of all such producers that was physically received at the diverting pool plant during the month; and

(ii) A cooperative association may divert the milk of any producer (that it caused to be delivered to pool plants during the month) for not more days of production than it was physically received at pool plants or it may divert an aggregate quantity not exceeding 40 percent of the milk of all such producers that it caused to be delivered to pool plants during the month;

(3) When milk is diverted in excess of the limit by a handler who elects to divert on the basis of days-of-production, only that milk which was received at a pool plant or which was diverted to a nonpool plant for not more days of production that it was physically received at a pool plant shall be producer milk;

(4) When milk is diverted in excess of the percentage limit by a handler who elects to divert on a percentage basis, eligibility as producer milk would be forfeited on a quantity of milk equal to such excess. If the handler fails to designate such dairy farmers whose milk is ineligible, producer milk status shall be forfeited with respect to all milk diverted to nonpool plants by such handler;

(5) Diverted milk shall be priced at the location of the plant to which the milk is diverted; and

(6) Milk diverted to another order plant would be produced milk only if a Class II or Class III classification is designated for such milk pursuant to the provisions of another order issued pursuant to the Act, and such milk is not subject to the pricing and pooling provisions of the other order.

4. In § 1033.16, paragraph (b) is revised as follows:

§ 1033.16 Handler.

* * * * * *

(b) Any cooperative association with respect to producer milk which it causes to be diverted for its account from a pool distributing plant of another person to a pool plant, or from a pool distributing plant or a pool supply plant of another person to a nonpool plant that is not a producer-handler plant;

* * * * * *

5. In § 1033.27, paragraph (k) is revised as follows:

§ 1033.27 Duties.

* * * * * *

(k) Publicly announce on or before:

(1) The 5th day of each month;

(i) The Class I price for the following month;

(ii) The Class II and Class III prices for the preceding month; and

(iii) The butterfat differential for the preceding month; and

(2) The 12th day of each month, the uniform price for the preceding month;

* * * * * *

6. In § 1033.41, paragraphs (a), (b) (1) and (c) (1) and (3) are revised as follows:

§ 1033.41 Class of utilization.

* * * * * *

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as provided in paragraphs (b) and (c) of this section. Any

V 40-64
APR 2 75

fluid milk product that is modified by the addition of nonfat milk solids shall be Class I milk in an amount equal only to the weight of an equal volume of an unmodified product of the same nature and butterfat content; and

(2) Not accounted for as Class II or Class III milk.

(b) • • •

(1) Disposed of as fluid cream (including aerated cream and sterilized cream), eggnog, or as mixtures of cream and milk or skim milk containing 10.5 percent or more butterfat:

• • • • • •

(c) • • •

(1) Skim milk and butterfat used to produce butter, nonfat dry milk, dry whole milk, dry whey, dry buttermilk, casein, cheese (except cottage cheese and cottage cheese curd), frozen cream, milk shake mixes containing 20 percent or more total solids, frozen desserts, frozen dessert mixes, dietary products and infant formulas in hermetically sealed metal or glass containers, evaporated or condensed milk or skim milk in plain or sweetened form, and any product containing six percent or more nonmilk fat (or oil);

• • • • • •

(3) Skim milk and butterfat in inventory of fluid milk products and bulk cream at the end of the month;

• • • • • •

7. In § 1033.46, paragraph (a) (4) is deleted, paragraph (a) (5) is renumbered (a) (4), a new paragraph (a) (5) is added to read as follows, and paragraphs (a) (6) (i) and (a) (9) are revised as follows:

§ 1033.46 Allocation of skim milk and butterfat classified.

• • • • • •

(a) • • •

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a product described in § 1033.41(b) (1) that is used to produce, or added to, any product specified in § 1033.41(b), but not in excess of the pounds of skim milk remaining in Class II;

(6) • • •

(i) Other source milk in a form other than that of a fluid milk product or bulk cream that was not subtracted pursuant to paragraph (a) (5) of this section;

• • • • • •

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of fluid milk products and bulk cream at the beginning of the month;

• • • • • •

8. In § 1033.51, the introductory paragraph is revised as follows:

§ 1033.51 Class prices.

Subject to the provisions of § 1033.53, the class prices per hundredweight for the month shall be as follows:

• • • • • •

§ 1033.52 [Revoked]

9. Section 1033.52 is revoked.

10. In § 1033.60, paragraph (d) is revoked, and paragraphs (b) and (e) are revised as follows:

§ 1033.60 Computation of the net pool obligation of each handler.

• • • • • •

(b) Add the amounts obtained from multiplying the pounds of overage deducted from each class pursuant to §1033.46(a)(14) and the corresponding step of § 1033.46(b) by the applicable class price, as adjusted by the butterfat differential specified in § 1033.73;

• • • • • •

(e) For the first month that this paragraph is effective, subtract the amount obtained from multiplying the difference between the applicable Class I and Class III prices for the preceding month by the hundredweight of skim milk and butterfat in any fluid milk product that was in the plant's inventory at the end of the preceding month and classified as Class I milk.

• • • • • •

§ 1033.61 [Amended]

11. In § 1033.61, paragraph (b) is revoked.

12. Section 1033.73 is revised as follows:

§ 1033.73 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent at a rate determined by multiplying the Chicago butter price for the month by 0.115.

Signed at Washington, D.C., on: March 27, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.75-8483 Filed 4-1-75;8:45 am]

Farmers Home Administration

[7 CFR Part 1823]

[FmHA Instruction 442.9]

ASSOCIATION LOANS AND GRANTS; COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Processing Loans to Associations

Notice is hereby given that the Farmers Home Administration has under consideration the proposed amendment of §§ 1823.287 and 1823.288 of Subpart I of Part 1823, Title 7, Code of Federal Regulations (35 FR 15091; 37 FR 14218; 38 FR 8663). It is proposed that § 1823.287 be revised to amend the requirements pertaining to audits for association-type loans; it is proposed that § 1823.288 be amended to comply with changes made in § 1823.287.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6315, South Building, Washington, D.C. 20250, on or before May 2, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Chief, Directives Management Branch during regular business hours (8:15 a.m.-4:45 p.m.).

As proposed, §§ 1823.287 and 1823.288 will read as follows:

§ 1823.287 Audits.

State Directors are responsible for audit report review and analyzing and initiating indicated servicing and/or management assistance actions.

(a) Unless otherwise required by the FmHA State Director, borrowers whose annual income exceeds the amounts shown below are required to submit audit reports:

(1) Recreation—$50,000.
(2) EO Coops—$100,000.
(3) Irrigation and Drainage—$50,000.
(4) Grazing Associations—$50,000.

(b) Public body borrower audit reports prepared in accordance with State statutes and regulations are acceptable, provided they contain the financial information necessary and are prepared on a frequency sufficient to provide a basis to furnish borrowers with management assistance guidance, and provide FmHA with the information for proper program operations.

(c) Borrowers other than public bodies and public bodies in those cases where the State has no audit requirements are required to have their records audited at least biannually by an independent public accountant.

(1) Such audits should be conducted in accordance with generally accepted auditing standards by independents certified public accountants or by independent licensed public accountants licensed on or before December 31, 1970, who have been certified or licensed by a regulatory authority of a State or other political subdivision of the United States.

(2) Audits will be prepared in accordance with the requirements of the handbook, "Instructions to Independent Certified Public Accountants and Licensed Public Accountants Performing Audits of Farmers Home Administration Borrowers and Grantees."

(d) A copy of the audit report will be forwarded to the FmHA County Supervisor by the borrower as soon as it is received.

§ 1823.288 Financial reports for organizations not required to submit an audit report.

Borrowers whose annual gross incomes for a full year of operation are less than those shown in § 1823.287 and not having an annual audit made by an independent public accountant, will within 60 days following the end of each fiscal year, furnish the FmHA County Supervisor with an annual report, consisting of a verification of the organization's balance sheet and statement of income and expense by a committee of the membership not including any officer, director or employee. Such committees will be appointed by the borrower's governing body and will certify to its examination of the accounts and records. The final Form FmHA 442-2, "State of Income and Expense," for the year and the Form FmHA 442-3, "Balance Sheet," will be used. Borrowers having six or less members may use officers or directors on such committees.

(7 U.S.C. 1989, delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Dated: March 27, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-8481 Filed 4-1-75;8:45 am]

Federal Crop Insurance Corporation

[7 CFR Part 401]

FEDERAL CROP INSURANCE

Barley; Wyoming

Pursuant to a statement of policy issued by the Secretary of Agriculture on July 20, 1971 (36 FR 13804), notice is hereby given that the Board of Directors of the Federal Crop Insurance Corporation is considering and tentatively approved at its meeting on March 27, 1975, an amendment to the Federal Crop Insurance Regulations for the 1969 and Succeeding Crop Years, as amended (7 CFR 401.101 et seq.) to be effective beginning with the 1976 crop year, which would amend § 401.103 and § 401.125 in the following respects:

1. The portion of the table relating to "Closing Dates" following paragraph (a) of § 401.103 of this chapter under the heading "Barley" is amended effective beginning with the 1976 crop year by striking out "and Wyoming" from the line reading "Colorado and Wyoming."

2. In section 6 of the Barley Endorsement shown in § 401.125 of this chapter, the table at the end thereof is amended effective beginning with the 1976 crop year by striking out "and Wyoming" from the line reading "Colorado and Wyoming."

The foregoing amendment will establish April 15 instead of March 31, as the closing date for filing applications and termination date for indebtedness in the State of Wyoming. Thus, the amendment would provide an additional 15 days in Wyoming for applicants to obtain barley crop insurance, and for insureds to pay their premiums before their contracts are terminated for indebtedness.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment should send the same to Melvin R. Peterson, Manager, Federal Crop Insurance Corporation, Room 4096, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions must be delivered or postmarked no later than May 2, 1975 to be sure of consideration. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Manager during regular business hours, 8:15 a.m. to 4:45 p.m., Monday through Friday (7 CFR 1.27(b)).

Dated: March 28, 1975.

[SEAL] PETER F. COLE,
Acting Secretary, Federal
Crop Insurance Corporation.

[FR Doc.75-8480 Filed 4-1-75;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 227]

ATLANTIC BLUEFIN TUNA

Threatened Species—Fish

Section 4(d) of the Endangered Species Act of 1973, 16 U.S.C. 1531 et. seq., provides that for any species listed as threatened, the Secretary shall issue such protective regulations as he deems necessary and advisable to provide for the conservation of such species. On April 2, 1975, the Director, National Marine Fisheries Service in consultation with the Director, United States Fish and Wildlife Service, published in the FEDERAL REGISTER (40 FR 14767) a notice of proposed rulemaking which would list the Atlantic bluefin tuna (*Thunnus thynnus thynnus*) as a threatened species in 50 CFR 17.33.

In anticipation of and in the event that, Atlantic bluefin tuna is listed as threatened, notice is hereby given that the Director, National Marine Fisheries Service proposes to establish the following regulations concerning the taking of Atlantic bluefin tuna. The proposed regulations establish catch quotas for several methods of taking during the fishing season, and outline reporting requirements to implement the measures to conserve and manage this species.

Interested persons may participate in this rulemaking process, by submitting written comments, views or objections on these proposed regulations on or before June 2, 1975. Further, any persons who feel that they may be adversely affected by these proposed regulations may file, on or before May 19, 1975, objections thereto and request a public hearing thereon. Said comments, views, objections, or requests for a public hearing shall be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235, no later than close of business May 28, 1975.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

It is therefore proposed to add new Part 227 "Threatened Species—Fish" as follows:

PART 227 THREATENED SPECIES—FISH

Subpart A—General

Sec.
227.1 Definitions.
227.2 Purpose of regulations.
227.3 Scope.
227.4 Enforcement.
227.5 Civil penalties.

Subpart B—Atlantic Bluefin Tuna

(Thunnus thynnus thynnus)

227.11 Catch quotas.
227.12 Prohibitions.
227.13 Size and weight tolerance.
227.14 Open and closed seasons.
227.15 Reporting requirements.

AUTHORITY: Endangered Species Act of 1973, Pub. L. 93-205, 16 U.S.C. § 1531 et seq. (the Act).

Subpart A—General

§ 227.1 Definitions.

Unless otherwise defined herein, the terms used in this part will have the meanings ascribed to them in Parts 217-22 of these regulations and the Act.

(a) "Angling" means taking fish with a hand-held rod and reel designed and manufactured for the purpose of sport.

(b) "Closed season" means the time during which threatened species may not be lawfully taken.

(c) "Dealer" means any person (as hereinafter defined) who carries out a commercial activity with respect to a threatened species, or parts thereof.

(d) "Fish" means finfish, mollusks, crustaceans, and all other forms of marine animal life other than birds or marine mammals.

(e) "Open season" means the time during which threatened species may be lawfully taken in accordance with established quotas or other limitations.

(f) "Person" means any individual, association, corporation, or partnership over which the United States has jurisdiction.

(g) "Purse seining" means taking fish by means of an encircling net and associated gear used in commercial fishing operations.

(h) "Threatened species" means any species over which the Secretary of Commerce exercises jurisdiction and which is listed as "threatened" pursuant to section 4(d) of the Endangered Species Act of 1973, 87 Stat. 884, Pub. L. 93-205.

(i) "Vessel" means all watercraft subject to the jurisdiction of the United States, except purse seine skiffs, which are used for taking, transporting, holding or preserving fish.

§ 227.2 Purpose of regulations.

The regulations contained in this part provide rules, procedures, and measures to conserve and manage any threatened species.

§ 227.3 Scope.

The regulations in this part apply only for fish or wildlife under the jurisdictional responsibilities of the Secretary of Commerce for the purpose of carrying out the Endangered Species Act of 1973. Threatened species of fish or wildlife other than those covered by these regulations are under the jurisdiction of the Secretary of the Interior. For rules and procedures relating to such species, see 50 CFR Parts 10-17.

V 40-64 APR 275

§ 227.4 Enforcement.

Enforcement agents of the National Marine Fisheries Service shall enforce these regulations and the Act. The Secretary may utilize by cooperative agreements, the personnel, services, and facilities of other Federal or State Agency for the purposes of enforcing this Act. The Secretary may also designate officers and employees of any State or of any possession of the United States to enforce the provisions of the Act.

§ 227.5 Civil penalties.

Any person who knowingly violates, or who knowingly commits an act in the course of a commercial activity which violates any provisions of these regulations or the Act with respect to a threatened species may be assessed a civil penalty by the Secretary of not more than $5,000 for each such violation. Any person who otherwise violates any provisions of these regulations or the Act with respect to a threatened species may be assessed a civil penalty by the Secretary of not more than $1,000 for each violation.

Subpart B—Atlantic Bluefin Tuna

(*Thunnus thynnus thynnus*)

§ 227.11 Catch quota.

The total annual catch quotas, by method of taking, for Atlantic bluefin tuna are as follows:

(a) *Purse seining.* (1) The total annual catch quota for Atlantic bluefin tuna that weigh between 14 pounds (6.4 kg.) round weight and 115 pounds (52.3 kg.) round weight is 1,000 short tons.

(2) The total annual catch quota for Atlantic bluefin tuna that weigh in excess of 115 pounds round weight is 200 short tons.

(b) *Taking by other than purse seining.* (1) The total annual catch of Atlantic bluefin tuna which weigh in excess of 115 pounds round weight is 1300 tuna. When taken by angling prior to September 1, the catch shall be limited to one tuna per vessel per day, which shall be counted as part of the total annual catch of 1300 tuna.

(2) Individuals may take and possess two Atlantic bluefin tuna per day by angling, which weigh between 14 and 115 pounds round weight.

§ 227.12 Prohibitions.

(a) It shall be unlawful for any person or vessel: (1) To take Atlantic bluefin tuna weighing less than 14 pounds (6.4 kg.) round weight or measuring less than 27 inches (68 cm.) in length (measured in a straight line from tip of the nose to the fork of the tail) except as provided for in § 227.13; and (2) to take Atlantic bluefin tuna in excess of the catch quotas established by § 227.11 and tolerances established by § 227.13.

(b) It shall be unlawful for any persons: (1) To possess Atlantic bluefin tuna taken in violation of these regulations; (2) to fail to comply with the reporting requirements under § 227.3; and § 227.15 (3) to engage in any commercial activity in territorial waters or on the high seas with respect to Atlantic bluefin tuna without prior approval from the Director.

§ 227.13 Size and weight tolerance.

(a) Purse seine vessels taking Atlantic bluefin tuna weighing more than 14 pounds but less than 115 pounds round weight, may in addition incidentally take, on any one trip, Atlantic bluefin tuna outside said weight limits provided, however, that the number of such tuna taken shall not exceed either 15 percent of the total number of tuna taken which do not exceed said limits, or 4 percent by weight the total weight of tuna taken which do not exceed said limits. All tuna taken incidentally shall be included in catch quotas set forth under § 227.11.

§ 227.14 Open and closed seasons.

(a) The season for taking Atlantic bluefin tuna by purse seining shall open January 1 of each calendar year.

(b) The season for taking Atlantic bluefin tuna by angling shall open January 1 of each calendar year.

(c) The season for taking bluefin tuna by methods other than seining and angling shall open September 1 of each calendar year.

(d) The Director shall announce in the FEDERAL REGISTER the closing of each open season for the taking of Atlantic bluefin tuna.

§ 227.15 Reporting requirements.

(a) *Dealers.* Dealers shall maintain and furnish to an authorized representative of the National Marine Fisheries Service, within 72 hours of a commercial activity, a complete record of all transactions, showing the numbers and weight, date of transaction, and disposition.

(b) *Vessels.* The master or operator of any vessel that takes an Atlantic bluefin tuna shall keep an accurate record of the fishing operations and provide this information to an authorized representative of the National Marine Fisheries Service within 72 hours of landing. The record shall include the vessel name, operator's name, and with respect to the catch, the date and place caught, weight, and numbers for tuna that weigh in excess of 115 pounds, and dealer's name and address when appropriate.

(c) It shall be the responsibility of the dealer to affix upon the tail of each Atlantic bluefin tuna that weighs in excess of 115 pounds, a tag, furnished by the National Marine Fisheries Service. The tear away portion of the tag shall be completed and mailed to the National Marine Fisheries Service within 72 hours of receipt of the fish.

(d) The affixed portion of the tag must remain in place until the tuna is being processed, packed for export, or otherwise disposed of, at which time the dealer shall cause the tag to be removed with a 3–6 inch section of the tail (caudal peduncle) and retain for collection by the National Marine Fisheries Service.

[FR Doc.75–8454 Filed 4–1–75;8:45 am]

[50 CFR Part 251]

FINANCIAL AID PROGRAM PROCEDURES

Fishery for American Lobster in the Gulf of Maine

Notice is hereby given that the Director, National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), has under consideration an amendment to Financial Aid Program Procedures (50 CFR Part 251) to incorporate in Subpart B of Part 251 a new section to adopt the "fishery for American lobster in the Gulf of Maine" as a Conditional Fishery.

It is the intent of the conditional fisheries regulatory mechanism as set forth in Part 251 of this chapter that NMFS financial assistance activities will be consistent with the wise use of the fisheries resources and with their development, advancement, management, conservation and protection. When, upon review and evaluation of situations and conditions in a fishery, it is determined that certain fisheries demonstrably do not need additional harvesting capacity to meet management needs and objectives those fisheries may be adopted as conditional fisheries. Fisheries adopted as conditional fisheries will be those in which application of NMFS financial assistance activities will be controlled in a manner which, on balance, will be consistent with the needs and objectives of management. Consequently, NMFS financial assistance programs will not be used to worsen conditions in those fisheries adopted as conditional fisheries. To the contrary, these programs may then be more effectively and efficiently used to assist established fishermen in all fisheries, including conditional fisheries, under terms and conditions as set forth in the cross-referenced regulations for each financial assistance program. However, this regulatory mechanism (50 CFR Part 251) is not viewed as a substitute for sound fisheries management and enforcement practices at the international, national, and state levels.

Subpart A of 50 CFR Part 251 sets forth the general policy under which financial assistance programs for the commercial fisheries will be administered and establishes the procedures to be used in proposing and adopting a fishery as a Conditional Fishery. Each fishery adopted as a Conditional Fishery will be enumerated under Subpart B of 50 CFR Part 251.

In considering the adoption of a Conditional Fishery, the terms and conditions of cross-referenced regulations for administering the Fishing Vessel Obligation Guarantee program (50 CFR Part 255) and the Fishing Vessel Capital Construction Fund program (50 CFR Part 259) are reviewed to assure that due consideration is afforded to participants or potential participants in these programs. Part 255 and Part 259 of this chapter should be referred to for details.

The proposed amendment, as set forth below, would incorporate in Subpart B of the regulations a new § 251.22 to classify the "fishery for American lobster in the Gulf of Maine" as a Conditional Fishery as the term is defined in § 251.1(l).

The principal situations and conditions under consideration for determining that the "fishery for American lobster in the Gulf of Maine" is in need of regulation under Part 251 of this chapter are described in the following Explanatory Statement.

Federal and State agencies as well as the general public were given time to comment on this proposed amendment after a similar notice was published on July 22, 1974, in the FEDERAL REGISTER (39 FR 26650). Comments that were received are being evaluated and the Director has determined that additional opportunity for presentation of written views and for evaluation of all available information is warranted. Accordingly, written views, data or arguments on this proposed amendment should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235. All communications received on or before July 1, 1975, will be considered before action is taken with respect to adoption of the proposed amendment.

By order of the Administrator, National Oceanic and Atmospheric Administration.

ROBERT M. WHITE,
Administrator.

Explanatory statement. The Director considers it necessary to classify the "fishery for American lobster (*Homarus americanus*) in the Gulf of Maine" as a Conditional Fishery for regulation under Part 251 of this chapter. For the purposes of this regulation, the Gulf of Maine lobster fishery is defined to include all waters west of an imaginary line drawn between Race Point Light, Massachusetts and Frenchman Point, Nova Scotia. The necessary situations and conditions for such classification follow.

Programs to conserve and manage the fishery for American lobster in the Gulf of Maine have relied generally on controlling the minimum size at which lobsters may be legally harvested and on restricting the harvesting of egg-bearing female lobsters; but these programs do not restrict the number of vessels or the units of fishing gear, i.e., lobster traps, which may be used in this fishery.

Scientific studies of Gulf of Maine American lobsters indicated that 90 percent or more of the available legal size Maine lobsters are caught each year, and that the majority of Maine lobsters reach minimum legal size (3 and 3/16 inches carapace length in Maine) when they are from 5 to 7 years old which is before most female lobsters have reached sexual maturity thus obviating any opportunity for them to spawn. Further, some wastage of lobsters is inevitable when lobsters are caught in traps which cannot be recovered by fishermen and such wastage probably increases with increased numbers of traps used in this fishery.

The estimated annual maximum sustainable yield from the Maine lobster fishery is about 22 million pounds. This amount was harvested in 1962 when about 5,600 craft, employing some 750,000, traps, were engaged in this fishery. During recent years, annual lobster landings in Maine have decreased to about 10 to 20 percent below the estimated annual maximum sustainable yield while the number of craft has increased more than 10 percent and the number of traps fished has increased more than 70 percent. Fishermen from New Hampshire and Massachusetts also harvest American lobsters in the Gulf of Maine under conditions similar to those of the Maine fishery. It is considered, therefore, that currently there are more craft and traps than needed to harvest the estimated annual maximum sustainable yield from the fishery for American lobster in the Gulf of Maine. Upon review of, among other things, the facts set forth herein, Maine is considering legislation to limit the number of lobster licenses as part of its conservation and management program.

Consequently, the Director is considering that the "fishery for American lobster in the Gulf of Maine" should be a Conditional Fishery in accordance with Part 251 of this chapter as it now appears that the use of the financial assistance programs to add vessel capacity which would lead to an increase in the number of traps being employed in this fishery would not be consistent with the needs and objectives of management.

It is proposed to amend Part 251 of this chapter, Subpart B—Conditional Fisheries to add a new § 251.22 as follows:

§ 251.22 Fishery for American lobster (*Homarus americanus*) in the Gulf of Maine.

[FR Doc.75–8513 Filed 4–1–75;8:45 am]

[50 CFR Part 251]

FINANCIAL AID PROGRAM PROCEDURES

Fishery for Salmon in Washington, Oregon, and California

Notice is hereby given that the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, has under consideration an amendment to the regulations (50 CFR Part 251) which sets forth financial aid program procedures.

It is the intent of Part 251 of this chapter that financial assistance programs will not be made available when upon review of situations and conditions at hand, as well as prospective developments, the Director deems that the use of such financial assistance programs would not be consistent with the wise use and with the development, advancement, management, conservation, and protection of fisheries resources.

The proposed amendment, as set forth below, would incorporate in Subpart B of the regulation a new § 251.23 to classify the "fishery for salmon in Washington, Oregon and California" as a Conditional Fishery as the term is defined in § 251.1(l).

The principal situations and conditions under consideration for determining that the "fishery for salmon in Washington, Oregon and California" is in need of regulation under Part 251 of this chapter are described in the following Explanatory Statement.

Federal and State agencies as well as the public will be given time and opportunity to comment on this proposed amendment. Comments that are received will be evaluated giving full consideration to the national interest and the multiplicity of environmental, biological, economic, social, and other situations and conditions as the Director may deem relevant. Upon evaluation of all comments and available information the Director will take action as may be appropriate and will continue to monitor and assess situations and conditions related to the "fishery for salmon in Washington, Oregon, and California" to determine the continued need for regulation. This proposed amendment is published pursuant to the authority contained in section 4 of the Fish and Wildlife Act, 1956, as amended, Title XI of the Merchant Marine Act, 1936, as amended, section 607 of the Merchant Marine Act, 1936, as amended, the National Environmental Policy Act, and Reorganization Plan No. 4 of 1970.

Written views, data, or arguments on this proposed amendment should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235. All communications received on or before July 1, 1975 will be considered before action is taken with respect to adoption of the proposed amendment. No public hearing is contemplated at this time; however, any persons desiring a public hearing may request such a hearing by writing to the Director, National Marine Fisheries Service, Washington, D.C. 20235. In the event that a public hearing is found necessary, an appropriate notice to that effect will be published in the FEDERAL REGISTER.

By order of the Administrator, National Oceanic and Atmospheric Administration.

ROBERT M. WHITE,
Administrator.

Explanatory Statement. The Director considers it necessary to classify the "fishery for salmon in Washington, Oregon, and California" as a Conditional Fishery for regulation under Part 251 of this chapter. The necessary situations and conditions for such classification follow.

Washington, Oregon, and California have established laws, regulations, and joint agreements to protect and conserve the salmon fisheries in those areas of the Pacific Ocean over which these States have jurisdiction. These States, as well as the Federal Government and universities, carry out research studies and activities related to conservation and management of fisheries resources. Accordingly, based on information related to its salmon fisheries, each of the States of

V 40164 APR 275

Washington, Oregon, and California established stringent rules and regulations to restrict commercial fishing for salmon. However, during recent years, there have been progressive increases in the number of vessels engaged in taking the limited harvestable portion of salmon in those waters of the Pacific Ocean over which these States have jurisdiction. This condition has made it increasingly difficult for the States to carry out management programs to provide for the season and the conditions under which limited harvests of salmon may be taken while still conserving and protecting salmon fisheries resources.

Management agencies of these States have recognized that there presently exist more than enough vessels and gear to take the harvestable portions of each State's salmon runs and that, in addition, scientific advancement have increased the efficiency of salmon fishing gear. These conditions have made it necessary for State management agencies to place additional regulatory constraints on the commercial fishery for salmon, further complicating already difficult salmon fisheries management efforts. Management has further recognized that limited salmon resources cannot provide reasonable economic returns for an unlimited number of commercial fishermen, vessels, and gear, and that to continue additions of commercial salmon fishing vessels and gear would only further exacerbate the problems of management and affect the economic efficiency of the existing commercial salmon fishing fleet.

Examples of protective regulations used by State management agencies to constrain commercial fishing for salmon in Washington, Oregon, and California include the prohibition of the use of all but certain specified fishing gear, restrictions on the open seasons for commercial fishing, prohibitions that close certain areas to commercial fishing, and minimum size limits for salmon.

In view of the above situations and conditions, it appears that the use of financial assistance programs to add vessel capacity to the fishery for salmon in the States of Washington, Oregon, and California would not be consistent with the needs and objectives of management. Consequently, the Director is considering that the "fishery for salmon in Washington, Oregon, and California" should be a Conditional Fishery in accordance with Part 251 of this chapter.

It is proposed to amend Part 251 of this chapter, Subpart B—Conditional Fisheries to add a new § 251.23 as follows:

§ 251.23 Fishery for salmon in Washington, Oregon, and California.

[FR Doc.75-8514 Filed 4-1-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-EA-20]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal aviation regulations so as to alter the Parkersburg, W. Va., Transition Area (40 FR 563).

A new NDB Rwy 3 instrument approach procedure developed for Wood County (Gill Robb Wilson Field) Airport, Parkersburg, W. Va. requires alteration of the transition area to provide additional controlled airspace for aircraft executing the new procedure.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before May 2, 1975, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Parkersburg, West Virginia, proposes the airspace action hereinafter set forth:

§ 71.181 [Amended]

Amend § 71.181 of Part 71, Federal aviation regulations so as to amend the description of the Parkersburg, W. Va. Transition Area by inserting, "within 4.5 miles west and 6.5 miles east of a 200° bearing from the Wood County (Gill Robb Wilson Field) Airport ILS localizer south course OM, extending from 5.5 miles north to 11.5 miles south of the OM;" following, "10 miles south of the OM;".

This amendment is proposed under (Sec. 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on March 19, 1975.

JAMES BISPO,
Acting Director,
Eastern Region.

[FR Doc.75-8444 Filed 4-1-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-EA-21]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal aviation regulations so as to alter the Hazleton, Pa., Transition Area (40 FR 508).

A new LOC Rwy 28 instrument approach procedure developed for Hazleton Municipal Airport, Hazleton, Pa., requires alteration of the transition area to provide additional controlled airspace for aircraft executing the instrument approach procedure.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before May 2, 1975, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Hazleton, Pennsylvania, proposes the airspace action hereinafter set forth:

§ 71.181 [Amended]

Amend § 71.181 of Part 71, Federal aviation regulations so as to amend the description of the Hazleton, Pa. Transition Area by adding, "; within 4.5 miles each side of the Hazleton Municipal Airport ILS localizer east course, extending from the OM to 10 miles east of the OM." following, "east of the VOR."

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on March 19, 1975.

JAMES BISPO,
Acting Director,
Eastern Region.

[FR Doc.75-8445 Filed 4-1-75;8:45 am]

[14 CFR Part 71]

[Airspace Dockets Nos. 73-SO-38, 39, 44, 45, 48, and 58]

TRANSITION AREAS

Withdrawal of Proposed Alteration and Designation

The following notices of proposed rulemaking, together with the FEDERAL REGISTER publication date and the proposed actions to amend Part 71 of the Federal aviation regulations, are withdrawn:

1. Airspace Docket No. 73-SO-38, published in the FEDERAL REGISTER dated September 14, 1973 (38 FR 25696) proposing to alter the Dillon and Bennettsville, S.C., transition areas.

2. Airspace Docket No. 73-SO-39, published in the FEDERAL REGISTER dated June 27, 1973 (38 FR 16914) proposing to alter the Cheraw and Sumter, S.C., transition areas.

3. Airspace Docket No. 73-SO-44, published in the FEDERAL REGISTER dated June 29, 1973 (38 FR 17250) proposing to alter the Marion, S.C., transition area.

4. Airspace Docket No. 73-SO-45, published in the FEDERAL REGISTER dated June 29, 1973 (38 FR 17250) proposing to designate the Newberry, S.C., transition area.

5. Airspace Docket No. 73-SO-48, published in the FEDERAL REGISTER dated July 18, 1973 (38 FR 19131) proposing to alter the Clemson, S.C., transition area.

6. Airspace Docket No. 73-SO-58, published in the FEDERAL REGISTER dated August 29, 1973 (38 FR 23337) proposing to alter the Lancaster, S.C., transition area.

Subsequent to publication of the notices, it was determined that the proposed nondirectional radio beacons, at the above locations, would not be established, and action is required to withdraw the proposals to provide controlled airspace protection for IFR aircraft executing NDB instrument approaches to the airports.

In consideration of the foregoing, notice is hereby given that the proposed amendments contained in Airspace Dockets Nos. 73-SO-38, 39, 44, 45, 48 and 58 are withdrawn.

These withdrawals are made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on March 21, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-8446 Filed 4-1-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-EA-16]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal aviation regulations so as to designate a Luray, Va., Transition Area.

A new NDB instrument procedure is being developed for Luray Caverns Airport, Luray, Virginia. This development will require designation of a transition area to provide controlled airspace to protect aircraft executing the new instrument procedure.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before May 2, 2, 1975 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Luray, Virginia, proposes the airspace action hereinafter set forth:

§ 71.181 [Amended]

Amend § 71.181 of Part 71, Federal aviation regulations by designating a Luray, Va. Transition Area as follows:

LURAY, VA.

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the center, 38°40'01" N., 78°30'01" W., of Luray Caverns Airport, Luray, Va., extending clockwise from a 266° bearing to a 314° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 314° bearing to a 348° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 348° bearing to a 040° bearing from the airport; within a 15-mile radius of the center of the airport, extending clockwise from a 040° bearing to a 057° bearing from the airport; within a 19-mile radius of the center of the airport, extending clockwise from a 057° bearing to a 074° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 074° bearing to a 141° bearing from the airport; within a 16.5-mile radius of the center of the airport, extending clockwise from a 141° bearing to a 166° bearing from the airport; within a 20-mile radius of the center of the airport extending clockwise from a 166° bearing to a 188° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 188° bearing to a 213° bearing from the airport; within a 20.5 mile radius of the center of the airport, extending clockwise from a 213° bearing to a 234° bearing from the airport; within a 12-mile radius of the center of the airport, extending clockwise from a 234° bearing to a 246° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 246° bearing to a 266° bearing from the airport.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on March 20, 1975.

DUANE W. FREER,
Director, Eastern Region.

[FR Doc.75-8504 Filed 4-1-75;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 75-RM-7]

JET ROUTE

Proposed Extension

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal aviation regulations that would extend Jet Route J10 from Denver, Colo., to Wolbach, Nebr., via North Platte, Nebr.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colo. 80207. All communications received on or before May 2, 1975, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would extend J-10 from Denver, Colo., via North Platte, Nebr.; direct to Wolbach, Nebr. The proposed route extension overlies the North Platte Two SID which is used

V 40-64 APR 2 75

extensively by eastbound departures from Denver Airport. This would aid flight planning, reduce controller workload, and improve air traffic control procedures.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 27, 1975.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-8509 Filed 4-1-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 275]

[Release Nos. 34-11324, IA-448 File No. S7-559]

EXEMPTION OF INVESTMENT ADVISERS REGISTERED AS BROKER-DEALERS WITH RESPECT TO CERTAIN INVESTMENT ADVISORY SERVICES

Proposed Rulemaking

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt Rule 206(3)-1 (17 CFR 275.206(3)-1) under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) (the "Act"). The Rule would exempt investment advisers who are registered broker-dealers from the requirements of section 206(3) [15 U.S.C. 80b-6(3)] of the Act in connection with transactions in relation to which such brokers or dealers are acting as investment advisers solely by means of (1) publicly distributed written materials or publicly made oral statements, or (2) responses to specific requests for statistical information where such responses involve no expressions of opinion or estimates by the investment adviser as to the investment merits of a particular security; provided, however, that such materials and oral statements include a statement that if the purchaser of the advisory communication uses the services of the adviser in connection with a sale or purchase of a security which is a subject of such communication, the adviser may act as principal for its own account or as agent for another person.

For the purposes of this rule, publicly distributed written materials are those which are distributed to 35 or more persons who pay for such materials, and publicly made oral statements are those made simultaneously to 35 or more persons who pay for access to such statements.

Section 206(3) of the Act makes it unlawful for any investment adviser by use of the mails or any means or instrumentality of interstate commerce, directly or indirectly—

[A]cting as principal for his own account, knowingly to sell any security to or purchase any security from a client, or acting as broker for a person other than such client, knowingly to effect any sale or purchase of any security for the account of such client, without disclosing to such client in writing before the completion of such transaction the capacity in which he is acting and obtaining the consent of the client to such transaction. The prohibitions of this paragraph (3) shall not apply to any transaction with a customer of a broker or dealer if such broker or dealer is not acting as an investment adviser in relation to such transaction.

The Commission proposes to adopt Rule 206(3)-1 because of indications that, as a result of the decision of the Commission that commission rates for securities transactions executed on or effected by the use of the facilities of a national securities exchange be unfixed,[1] broker-dealers whose performance of investment advisory services was solely incidental to their brokerage business and without separate charge therefor may now decide to charge separately for these services. This practice would cause them to be subject to the provisions of the Act. However, compliance with section 206(3) may be difficult in connection with the performance of certain impersonal advisory services. In these circumstances, an exemption from section 206(3) with respect to such impersonal advisory services appears to be consistent with the intent of Congress. Such services generally have been provided by broker-dealers without special charges. To that extent, they therefore have been services not subject to the provisions of the Act because of the exception provided by the Act from the definition of "investment adviser" for broker-dealers providing such services without special charge and solely incidental to their business as such broker-dealers.[2]

The Act broadly defines "investment adviser" to mean " * * * any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as part of a regular business, issues or promulgates analyses or reports concerning securities * * *"[3]

Any broker or dealer whose performance of investment advisory services is solely incidental to the conduct of his business as a broker or dealer and who receives no special compensation therefor is specifically exempted from the definition.[4] Broker-dealers who provide advisory services to their customers for special compensation are, therefore, "investment advisers" within the meaning of the Act and thus subject to the provisions of section 206(3) of the Act.

A large brokerage firm providing thousands of persons with investment advisory services such as market letters or other widely distributed written publications, seminars, or pricing and valuation services may find it difficult and impractical to determine with respect to each customer with whom the firm proposes to effect a principal or cross-trade whether the firm has acted as an investment adviser "in relation to such transaction." Moreover, the administrative problems of determining when and under which circumstances notice must be given, and the time involved in making such a determination as well as the problems of handling the volume of paperwork that would be generated in providing written notice to all such customers and in obtaining their consent, may make the procedure required by section 206(3) administratively unfeasible. Finally, because advisory recommendations are frequently quite specific with respect to a particular time interval or a specified price range within which a security is to be purchased or sold, it may be impractical to require the broker-dealer to wait until receipt of the customer's consent before executing principal transactions or cross-trades.

The Commission proposes, therefore, to utilize the exemptive rulemaking process provided by sections 206A (15 U.S.C. 80b-6a) and 211(a) (15 U.S.C. 80b-11(a)) of the Act[5] to afford investment advisers who are registered broker-dealers an exemption from section 206(3) with respect to their provision of certain impersonal investment advisory services.

The exemption has been limited to these services because they do not normally involve a close personal relationship between adviser and client which is likely to result in the client's relying on the adviser for services as a broker or dealer. In contrast, such a relationship exists, for example, in situations involving investment supervisory services or discretionary management. In these situations, as well as in the rendering of investment advisory opinions on an individual basis, the recipients of such services place a special trust and reliance on their investment advisers. In that context, it is critical that when the adviser also acts as agent or principal in securities transactions with the client, the protections of section 206(3) should be applicable.

For purposes of the proposed Rule, publicly distributed written materials would be those which are distributed to 35 persons who pay for such materials, and publicly made oral statements would be those made simultaneously to 35 or more persons who pay for access to such statements.

A definition of "publicly distributed materials" and "publicly made oral statements" by reference solely to the number of "paying" customers to whom the materials have been sent or the statements made, has the virtue of being both simple and precise. The definition is also fitting to the purpose since persons who are merely recipients of materials distributed to a number of persons or among a number of persons to whom statements have been made, even if they have made special payments, are not as likely to have that type of close relationship with the adviser that would require that the section 206(3) protections be available.[6]

Rule 206(3)-1 would not in any way diminish the obligations, under the other antifraud provisions of the applicable federal securities laws, of investment advisers who are broker-dealers to provide full disclosure of material facts to persons to whom these services are made available.

Under the general anti-fraud provisions of the federal securities laws, all persons, in connection with the purchase and sale of securities, have the duty to disclose material facts.[7] In addition, brokers and dealers have a specific duty under the anti-fraud provisions of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) to disclose material facts to their clients,[8] and investment advisers have a similar duty under the anti-fraud provisions of the Act.[9] Thus, if a broker-dealer has a relationship of trust and confidence with its customers and as principal sells to those customers securities which it recommended to them, the broker-dealer is required to disclose to such customers the nature and extent of its adverse interest, including (1) the best price at which the securities could be purchased in the open market, and (2) the cost to the broker-dealer of the securities to be sold."[10]

A broker-dealer which recommends to customers a transaction in securities in which the broker-dealer is making an over-the-counter market, and who proposes to act as a principal in such transaction, may be required to disclose to the customer that it is a market-maker."[11] An investment adviser who issues publicly distributed materials has the duty to disclose to his customers any facts which might tend to call into question the presumption that the adviser is dispensing disinterested investment advice."[12] Thus, the statement which would be required by the proposed Rule is in addition to whatever disclosure may be required to comply with the provisions of subparagraphs (1) and (2) of section 206 (15 U.S.C. 80b-6) of the Act or other provisions of the federal securities laws concerning the adviser's interest, if any, as principal or agent in any security referred to in the investment advice.

The text of Rule 206(3)-1 (§ 275.206(3)-1) which the Commission proposes to adopt pursuant to sections 206A and 211(a) is as follows:

§ 275.206(3)-1 Exemption of investment advisers registered as broker-dealers in connection with the provision of certain investment advisory services.

(a) An investment adviser which is a broker or dealer registered pursuant to section 15 of the Securities Exchange Act of 1934 shall be exempt from section 206(3) in connection with any transaction in relation to which such broker or dealer is acting as an investment adviser solely (1) by means of publicly distributed written materials or publicly made oral statements or (2) through the issuance of responses to specific requests for statistical information where such responses involve no expressions of opinion or estimates by such investment adviser as to the investment merits of a particular security; provided, however, that such materials and oral statements include a statement that if the purchaser of the advisory communication uses the services of the adviser in connection with a sale or purchase of a security which is a subject of such communication, the adviser may act as principal for its own account or as agent for another person.

(b) For the purpose of this rule, publicly distributed written materials are those which are distributed to 35 or more persons who pay for such materials, and publicly made oral statements are those made simultaneously to 35 or more persons who pay for access to such statements.

NOTE: The requirement that the investment adviser disclose that it may act as principal or agent for another person in the sale or purchase of a security that is the subject of investment advice does not relieve the investment adviser of an disclosure obligation which may be imposed by subparagraphs (1) or (2) of section 206 or the other provisions of the federal securities laws.

All interested persons are invited to submit their views and comments on the above proposal to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before April 29, 1975. All such communications should refer to File No. S7-559 and will be available for public inspection.

By the Commission.

Dated: March 31, 1975.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-8740 Filed 4-1-75;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 1]

SAFEGUARDING THE PRIVACY OF PERSONAL INFORMATION OF INDIVIDUALS IDENTIFIED IN VETERANS ADMINISTRATION INFORMATION SYSTEMS

Social Security Numbers

Notice is hereby given that the Veterans Administration is considering promulgating a new § 1.575 series in Title 38, Code of Federal Regulations, initiating only § 1.575 at this time. The § 1.575 series will implement the provisions of Pub. L. 93-579 (88 Stat. 1897) of December 31, 1974, which amends title 5, United States Code by adding after section 552 a new section 552a to regulate the collection, maintenance, use, and dissemination of personal information of individuals identified in information systems maintained by Federal agencies.

Section 1.575 implements section 7, Pub. L. 93-579, which makes it unlawful with certain exceptions to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose a social security number and provides that any Federal agency which requests an individual to disclose a social security number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before May 2, 1975 will be considered. All written comments received will be available for public inspection at the above

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[1] Rule 19b-3 [17 CFR 240.19b-3] under the Securities Exchange Act of 1934 (the "1934 Act"), which has recently been adopted by the Commission (Rel. No. 34-11203) mandates the unfixing of commission rates effective May 1, 1975.

[2] Section 202(a)(11)(C) [15 U.S.C. 80b-2(a)(11)(C)] of the Act.

[3] Section 202(a)(11) [15 U.S.C. 80b-2(a)(11)] of the Act.

[4] See note 2, above.

[5] Pursuant to Section 206A, the Commission, by rules and regulations, upon its own motion, or by order upon application, may conditionally or unconditionally exempt any person or transaction, or any class or classes of persons, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 211(a) provides that the Commission shall have authority from time to time to make, issue, amend, and rescind such rules and regulations and such orders as are necessary or appropriate to the exercise of the functions and powers conferred upon the Commission elsewhere in the Act. For the purposes of its rules or regulations the Commission may classify persons and matters within its jurisdiction and prescribe different requirements for different classes of persons or matters.

[6] The figure 35, which has been selected for the definition of the terms "publicly distributed written materials" and "publicly made oral statements", is the same figure which is designated in Rule 146(g)(1) [17 CFR 230.146(g)(1)] of the Securities Act of 1933 [15 U.S.C. 77b et seq.] (the "1933 Act") as the limit on the number of purchasers of securities in an offering that would not be deemed to be a public offering within the meaning of Section 4(2) of the 1933 Act.

[7] Section 17(a) [15 U.S.C. 77q] of the 1933 Act, Section 10(b) [15 U.S.C. 77j] of the 1934 Act and Rule 10(b)-5 [17 CFR 240.10b-5] thereunder.

[8] Section 15c-1 [15 U.S.C. 78o(c)-1] of the 1934 Act and Rule 15c(1)-2, 15c(1)-3, 15c(1)-4, 15c(1)-5 and 15c(1)-6 [17 CFR 240.15c1-2, 240.15c1-3, 240.15c1-4, 240.15c1-5, and 240.15c1-6] thereunder.

[9] Section 206(1) [15 U.S.C. 80b-6(1)] and 206(2) [15 U.S.C. 80b-6(2)].

[10] In the Matter of *Arleen W. Hughes*, 27 S.E.C. 629 (1948); *Hughes v. S.E.C.*, 174 F. 2d 969 (D.C. Cir. 1948). See also *Cant v. A.G. Becker & Co., Inc.*, 374 F. Supp. 36 (N.D. Ill. 1974).

[11] *Chasins v. Smith, Barney & Co., Inc.*, 438 F. 2d 1167 (2d Cir. 1971) aff'g 305 F. Supp. 489 (S.D. N.Y. 1969).

[12] See *S.E.C. v. Capital Gains Research Bureau, Inc.*, 375 U.S. 180 (1963).

V 40 64
APR 2 75

address only between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that it is proposed to make this new section effective December 31, 1974.

A new centerhead, note and § 1.575 are added to read as follows:

SAFEGUARDING THE PRIVACY OF PERSONAL INFORMATION OF INDIVIDUALS IDENTIFIED IN VETERANS ADMINISTRATION INFORMATION SYSTEMS [1]

§ 1.575 Social security numbers in veterans' benefits matters.

(a) No one will be denied any right, benefit, or privilege provided by law because of refusal to disclose to the Veterans Administration a social security number.

(b) Anyone requested by the Veterans Administration to disclose a social security number, whether the request is oral or in writing, through use of instructions or captioned spaces on applications, forms, form letters, or correspondence, will be orally counseled or advised in writing that:

(1) Disclosure of the social security number is voluntary; however, refusal may delay action on the communication.

(2) The social security number, whether disclosed voluntarily by the correspondent or ascertained by the Veterans Administration from other sources, may be necessary in the development of evidence and documentation as required by title 38, United States Code.

(3) The social security number is used in the identification of veterans and their records and in the administration of veterans' benefits.

Approved: March 27, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.75-8518 Filed 4-1-75;8:45 am]

[1] NOTE: § 1.575 series implements the provisions of 5 U.S.C. 552a, which regulates the collection, maintenance, use, and dissemination of personal information.

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

MARCH 28, 1975.

The USAF Scientific Advisory Board ad hoc Committee for Review of Mission, Organization, Resources and Location of Air Force Cambridge Research Laboratories will hold a meeting in the Pentagon. The dates and times are as follows:

April 16, 1975, 9 a.m.–5 p.m.
April 19, 1975, 9 a.m.–5 p.m.

The portions of the meeting being held from 9 a.m. to 2 p.m. and from 4 p.m. to 5 p.m. each day will be closed to the public. During these times, the Committee will receive briefings and discuss matters listed in 5 U.S.C. 552(b) (1), (4), and (5), including classified briefings on the content and requirements of the AFCRL programs, discussions of proprietary information regarding future activities of AFCRL, internal planning meetings for the future activities of the Committee and briefings from AFSC on proposed reposturing and reorganization of Air Force laboratories.

The afternoon sessions on April 18 and 19 from 2 p.m. to 4 p.m. will be open to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202–697–4648.

JAMES E. DAGWELL,
Chief, Documentation Management Branch, Directorate of Administration.

[FR Doc.75-8506 Filed 4-1-75;8:45 am]

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Chief of Naval Operations Executive Panel Advisory Committee will hold a closed meeting on April 22 and 23, 1975, at the Pentagon, Washington, D.C. The sessions will commence at 9 a.m. and terminate at 5:30 p.m. each day.

The agenda will consist of matters which are classified in the interest of national security, including current intelligence, military capabilities, reserve and development projects, and long-range Navy plans. The Secretary of the Navy for that reason has determined in writing that this meeting should be closed to the public because it will be concerned with matters listed in section 552 (b) (1) of title 5, United States Code.

Dated: March 27, 1975.

WILLIAM O. MILLER,
Rear Admiral, JAGC, U.S. Navy Deputy Judge Advocate General.

[FR Doc.75-8526 Filed 4-1-75;8:45 am]

Office of the Secretary

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92–463, effective January 5, 1973, notice is hereby given that closed meetings of a Panel of the DIA Scientific Advisory Committee will be held at the Pentagon on:

Tuesday & Wednesday, 29–30 April 1975

The entire meeting commencing at 0900 hours is devoted to the discussion of classified information as defined in section 552(b)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter is to continue work on a study of specialized intelligence data requirements and U.S. ability to meet these requirements.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

MARCH 28, 1975.

[FR Doc.75-8558 Filed 4-1-75;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

COMMITTEE ON PREVENTION OF TERRORISTIC CRIMES, PRIVATE SECURITY ADVISORY COUNCIL

Notice of Meeting

Notice is hereby given that the Committee on Prevention of Terroristic Crimes of the Private Security Advisory Council (PSAC) to the Law Enforcement Assistance Administration LEAA), U.S. Department of Justice, will meet Wednesday, April 16, 1975, at the FBI Academy, Quantico, Virginia.

Discussion at this meeting will focus upon the development of techniques and procedures to prevent terroristic crimes by examining the nature of terroristic crimes and the current means used to defend against these crimes.

The discussion will be based upon confidential Government information and records and confidential commercial information relating to preventive techniques and procedures. The Administrator of LEAA has determined that these matters are within the scope of 5 U.S.C. 552(b) (47 and (7). In addition, since the discussion of confidential information will occur throughout the agenda, rather than in a separable portion of the meeting, it would be impractical to attempt to open part of the meeting while closing another part. As a result, the entire meeting will be closed to the public pursuant to section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463.

For further information on the PSAC, please contact Mr. Irving Slott, Director, Program Development and Evaluation, Office of National Priority Programs, LEAA, U.S. Department of Justice, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

GERALD H. YAMADA,
Attorney-Advisor, Office of General Counsel.

[FR Doc.75-8769 Filed 4-1-75;11:43 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 24894]

NEW MEXICO

Notice of Application

MARCH 26, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185) as amended by the Act of November 16, 1973 (87 Stat. 576), Phillips Petroleum Company has applied for one 4½ inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 26 S., R. 32 E.,
Sec. 24, SE¼SW¼, E½SE¼, SW¼SE¼.
T. 26 S., R. 33 E.,
Sec. 15, E½NW¼;
Sec. 19, Lots 3, 4, NE¼SW¼, S½NE¼, NW¼SE¼;
Sec. 20, N½NE¼, E½NW¼, SW¼NW¼.

This pipeline will convey natural gas across 3.35 miles of natural resource lands in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District

V 40-64
APR 2 75

Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-8436 Filed 4-1-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

INSPECTION PROGRAM INVOLVING PRODUCERS, PROCESSORS, AND SHIPPERS OF FISH MEAL AND RELATED PRODUCTS

Agreement With the Food and Drug Administration and the National Oceanic and Atmospheric Administration

CROSS REFERENCE: For a document concerning the cooperative effort to design and implement new inspection services to assist the fish meal industry in developing and applying sanitation guidelines for the control of *Salmonella* in fish meal plants and products, see FR Doc. 75-8511, infra.

Forest Service

ADDENDUM TO FINAL ENVIRONMENTAL STATEMENT FOR COMMUNICATION SITES ON THE CHUGACH AND TONGASS NATIONAL FORESTS

Extension of Time

This addendum to the final environmental statement, USDA-FS-FES(Adm) R-10-73-71, was transmitted to the CEQ on March 14, 1975. Thirty days were allowed for review and comment.

Due to the late distribution date, the due date for comments is extended to April 28, 1975. Comments concerning the proposed action and requests for additional information should be addressed to Regional Forester, C. A. Yates, U.S. Forest Service, Federal Building, P.O. Box 1628, Juneau, Alaska 99802.

Dated: March 25, 1975.

C. A. YATES,
Regional Forester.

[FR Doc.75-8515 Filed 4-1-75;8:45 am]

Forest Service

ELK SUMMIT PLANNING UNIT

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Elk Summit Planning Unit, Forest Service Report Number USDA-FS-FES (Adm) R1-74-7.

The environmental statement concerns a proposed action to select and implement a revised land use plan for 82,627 acres of National Forest Land on the Powell Ranger District of the Clearwater National Forest in Idaho County, State of Idaho. The Planning Unit is subdivided into eleven management units. Management emphasis is defined and management direction and prescriptions are provided for each unit.

This final environmental statement was filed with CEQ on March 26, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW
Washington, DC 20250

USDA Forest Service
Clearwater National Forest
Supervisor's Office
Orofino, Idaho 83544

USDA Forest Service
Northern Region
Federal Building, Room 3077
Missoula, Montana 59801

USDA Forest Service
Powell Ranger District
Powell Ranger Station
Lolo, Montana 59847

A limited number of single copies are available upon request to Forest Supervisor, Clearwater National Forest, Route 3, Ahsahka Road, Orofino, Idaho 83544.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

KEITH M. THOMPSON,
Acting Regional Forester, Northern Region, Forest Service.

MARCH 25, 1975.

[FR Doc.75-8437 Filed 4-1-75;8:45 am]

Rural Electrification Administration

BIG RIVERS ELECTRIC CORP.

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Impact Statement in accordance with section 102 (2) (C) of the National Environmental Policy Act of 1969, in connection with a loan application from Big Rivers Electric Corporation, P.O. Box 24, Henderson, Kentucky 42420. This project includes financing for two 225 MW gross (each) units to be constructed at the Robert Reid Station and approximately 69 miles of 161 kV transmission lines and related terminal facilities.

Additional information may be secured on request, submitted to Mr. David H. Askegaard, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Impact Statement have been sent to various Federal, State and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, SW., Washington, D.C., Room 4310, or at the borrower address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Askegaard at the address given above. Comments must be received on or before June 2, 1975 to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 26th day of March, 1975.

DAVID H. ASKEGAARD,
Acting Administrator, Rural Electrification Administration.

[FR Doc.75-8556 Filed 4-1-75;8:45 am]

KILKENNY UNIT PLAN, WHITE MOUNTAIN NATIONAL FOREST

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement on the Kilkenny Unit Plan for the White Mountain National Forest, USDA-FS-R9-DES-(ADM)-75-03.

The environmental statement concerns a proposed land use plan for 54,000 acres of Forest Service land located on the White Mountain National Forest in Coos County in the State of New Hampshire.

This draft environmental statement was transmitted to CEQ on March 25, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW
Washington, D.C. 20250

USDA, Forest Service
Eastern Region
633 West Wisconsin Avenue
Milwaukee, Wisconsin 53203

USDA, Forest Service
White Mountain National Forest
Federal Building
719 Main St., P.O. Box 638
Laconia, New Hampshire 03246

A limited number of single copies are available upon request to Forest Supervisor, White Mountain National Forest, Federal Building, 719 Main Street, P.O. Box 638, Laconia, New Hampshire 03246.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Written comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Written comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, White Mountain National Forest, Federal Building, 719 Main Street, P.O. Box 638, Laconia, New Hampshire 03246. Written comments must be received by May 25, 1975, in order to be considered in the preparation of the final environmental statement.

JOHN A. SANDOR,
Acting Regional Forester.

MARCH 25, 1975.

[FR Doc.75-8487 Filed 4-1-75;8:45 am]

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Askegaard at the address given above. Comments must be received on or before June 2, 1975 to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 26th day of March, 1975.

DAVID H. ASKEGAARD,
Acting Administrator, Rural Electrification Administration.

[FR Doc.75-8557 Filed 4-1-75;8:45 am]

Rural Electrification Administration

TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.

Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (83 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $19,056,000 to Tri-State Generation and Transmission Association, Inc., of Denver, Colorado. This loan will provide long-term financing for approximately two-thirds of a project consisting of three, 67 MW gas-fired turbines, two fuel oil storage tanks, 78 miles of pipeline and related equipment. The Association has a commitment from the National Rural Utilities Cooperative Finance Corporation for the long-term financing of the balance of the cost without a REA guarantee.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower, of the guaranteed loan funds from Mr. Wendell Garwood, Manager, Tri-State Generation and Transmission Association, Inc., P.O. Box 29198, Denver Colorado 80229.

In order to be considered, proposals must be submitted (within 30 days from the date of this notice) to Mr. Garwood. The right is reserved to give such consideration and make such evaluation, or other disposition of all proposals received, as Tri-State and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 26th day of March 1975.

DAVID H. ASKEGAARD,
Acting Administrator, Rural Electrification Administration.

[FR Doc.75-8484 Filed 4-1-75;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

ENCRYPTION ALGORITHM FOR COMPUTER DATA PROTECTION

Request for Comments

Correction

In FR Doc. 75-6788 appearing at page 12134 in the issue of Monday, March 17, 1975 make the following corrections:

1. At page 12135, at the top of the 3d column, the heading to the table should read "IP^{-1}".

2. At page 12137, the table appearing at the top of the page should be headed by "S_1" with only "Column No." appearing on the 2d line.

3. At page 12138, in the table headed "S_7" the number "2" appearing in the last column on the last line should read "12".

4. At page 12138, in the first column, the first line of the first paragraph of text should read, "Recall that K_n for $1 \le n \le 16$, is the block".

National Oceanic and Atmospheric Administration

INSPECTION PROGRAM INVOLVING PRODUCERS, PROCESSORS, AND SHIPPERS OF FISH MEAL AND RELATED PRODUCTS

Agreement With the Food and Drug Administration and the Animal and Plant Health Inspection Service

On May 11, 1973, the National Marine Fisheries Service (NMFS) published a proposal in the FEDERAL REGISTER (38 FR 12334) to act favorably upon a request by the National Fish Meal and Oil Association and other industry groups to design and implement new inspection services to assist the fish meal industry in developing and applying sanitation guidelines for the control of *Salmonella* in fish meal plants and products. Fish meal inspection services were implemented by the NMFS in 1973, and were generally modeled after a similar but discontinued program conducted by the United States Department of Agriculture which was recognized by cooperating agencies to be effective in the control of *Salmonella*.

To gain formal recognition and cooperation regarding these newly implemented inspection services, the National Marine Fisheries Service, in conjunction with the Animal and Plant Health Inspection Service, and the Food and Drug Administration, have drawn up an agreement concerning certain related objectives in carrying out their respective responsibilities under the Agricultural Marketing Act, the Fish and Wildlife Act, and the Federal Food, Drug, and Cosmetic Act relative to the conduct of the NMFS operated inspection program for fish meal plants and products. The agreement, which sets forth the working arrangements being followed or adopted in the interest of the public so that each agency will discharge as effectively as possible its inspection and standardization activities

V 40-64 APR 2 75

for fish meal plants and products, reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, FOOD AND DRUG ADMINISTRATION, AND DEPARTMENT OF COMMERCE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, AND DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE

INSPECTION OF INDUSTRIAL FISHERY PRODUCTS INTENDED FOR ANIMAL FEED USE

The Food and Drug Administration (FDA) of the Department of Health, Education, and Welfare is charged with the enforcement of the Federal Food, Drug, and Cosmetic Act. In fulfilling its responsibilities under the act, FDA directs its activities toward the protection of the public health of the nation by ensuring that foods are safe and wholesome and that products are honestly and informatively labeled. This is accomplished by inspecting the processing and distribution of foods and examining samples thereof, to assure compliance with the act. FDA also promulgates under the act, mandatory standards of identity, quality, and fill of container for food products after appropriate notices and public procedures.

The National Marine Fisheries Service (NMFS), under authorities established by the Agriculture Marketing Act and the Fish and Wildlife Act, is responsible for (1) the development and advancement of commercial grade standards for fishery products and better health and sanitation standards in the industry and (2) furnishing inspection, analytical, and grading services and issuing certificates to producers, processors, shippers, receivers, or interested parties. Its major purpose is to encourage and assist the industry in improving the quality and safety of its products, and to provide objective information by means of inspection and official certification concerning the class, quality, quantity, identity, or condition of products which will be of maximum assistance to interested parties engaged in the production, processing, and marketing of fish and fishery products.

The Animal and Plant Health Inspection Service of the Department of Agriculture, under the authority of the Meat and Poultry Inspection Acts, is responsible for the wholesomeness of these products for human consumption as well as the protection and improvement of animal and plant health.

These agencies have certain common or related objectives in carrying out their respective regulatory and service activities. This Memorandum of Understanding sets forth the working arrangements which are being followed or adopted to enable each agency to discharge, as effectively as possible, its responsibilities related to the inspection and standardization activities for industrial fish products intended for animal feed use.

Whereas, the parties recognized since early 1966 the need for coordinating efforts to avoid duplication and to provide for the most efficient use of resources; and

Whereas, the informal working agreement initiated in 1967 between APHIS and FDA has been discontinued and NMFS has agreed to continue program operations for industrial fishery products under its voluntary fisheries inspection program; and

Whereas, the purpose of this Memorandum of Understanding is to update, specify and formalize the current phase of an agreement, directed toward elimination of Salmonella from industrial fishery products.

Liaison representatives:
Herbert Friedlander
Deputy Director, Division of Compliance
Bureau of Veterinary Medicine
Food and Drug Administration
Telephone: 301–443–3336

Dr. Irving Sackett
Director of Inspection Services
Fishery Product Inspection and Safety Division
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
Telephone: 202–343–8484

Dr. John W. Walker
Senior Staff Veterinarian, Poultry Diseases, VS
Animal and Plant Health Inspection Service
Department of Agriculture
Telephone: 301–436–8438

SERVICES TO BE FURNISHED

A. The National Marine Fisheries Service will:

1. Provide a voluntary Salmonella inspection service for fish meal plants and products under its voluntary fisheries inspection program similar to that previously operated by APHIS.

2. Not carry out inspections and testing of products from plants under FDA investigation or enforcement procedures.

3. Provide the appropriate FDA field office, periodically or on request, with a list of firms participating in Phase I, Phase II, and Phase III of the Salmonella inspection program for fish meal plants along with any pertinent inspectional information data, and to revise such lists as needed.

4. Drop from NMFS-state program firms failing to meet the time schedule requirements of Phase II, or to make corrections recommended by the NMFS cooperative program.

5. Provide the appropriate FDA field office inspectional and analytical data on those plants failing to meet the agreed upon timetable for corrections.

6. Provide FDA headquarters (Bureau of Veterinary Medicine) with periodic reports on program progress.

B. The Food and Drug Administration will:

1. Recognize and support the Salmonella control program offered by the Department of Commerce as providing a desirable means of developing and maintaining Salmonella surveillance for participating fishmeal plants.

2. Recognize that the NMFS service provided in connection with voluntary contract inspection of fishmeal processing establishments contributes to and aids FDA in enforcement of pertinent statutes. The NFMS inspection service will not diminish FDA's authority to inspect but should minimize FDA inspections in establishments under NMFS contract inspection. In this regard NMFS inspectors shall routinely notify contract establishments of pertinent FDA requirements and advise them on how to comply and verify compliance. NMFS inspectors may not act as FDA inspectors but their inspections and consultations with FDA should reduce the necessity for FDA inspections.

3. Provide NMFS with a list of firms known by FDA to be manufacturers of industrial fish products intended for animal feed use including those identified as not engaged in interstate commerce.

4. Provide NMFS headquarters with timely status reports on the FDA-State-Industry Cooperative Salmonella Program. Provide timely notification to appropriate NMFS field personnel of all official seizure actions taken by FDA on industrial fish intended for animal feed use which are processed in NMFS inspected plants. This would include the name of the product, name of the plant, and the basis for the action taken.

C. The Animal and Plant Health Inspection Service of USDA will:

1. Support the principle of Salmonella control activities and recognize the value of, and continuation of inspection services of fish meal plants and products by NMFS.

D. It is mutually understood and agreed that:

1. FDA, NMFS, and APHIS, will participate in periodic meetings with each other and with industry to promote better communication and understanding of regulations, policy, and statutory responsibilities, and to serve as a clearing house for questions and problems posed by individual firms.

2. The two agencies, FDA and NMFS, will keep up-to-date records of the work carried out under the provisions of this agreement, such records to be made available to the cooperating parties upon request.

3. The two agencies, FDA and NMFS, will collaborate in furnishing reports of the progress of the work and such other reports as may be mutually agreed upon from time to time between the two parties.

4. The responsibilities assumed by each of the cooperating parties are contingent upon funds being available from which the expenditures legally may be met.

5. This understanding is entered into under the authority of the Economy Act of 1932, as amended (31–USC–686).

6. This Memorandum of Understanding shall become effective upon date of final signature and shall continue indefinitely, but may be modified or discontinued at the request of any party.

Requests for termination or any major change shall be submitted to the other parties for consideration not less than 60 days in advance of the effective date desired.

Approved:

Dated: October 31, 1974.

ROBERT M. WHITE,
Administrator, National Oceanic and Atmospheric Administration.

Dated: October 3, 1974.

A. M. SCHMIDT,
Commissioner, Food and Drug Administrator.

Dated: November 13, 1974.

E. E. NORRIS,
Acting Administrator, Animal and Plant Health Inspection Service.

Effective date. This agreement becomes effective April 2, 1975.

Approved:

ROBERT M. WHITE,
Administrator.

[FR Doc.75–8512 Filed 4–1–75;8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

PANEL ON REVIEW OF DENTIFRICES AND DENTAL CARE AGENTS

Notice of Meeting

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776; 5 U.S.C. App. D, the Food and Drug Administration announces the following public advisory committee meeting and other required information in accordance with provisions set forth in section 10(a)(1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
Panel on Review of Dentifrices and Dental Care Agents.	May 7 and 8, 9 a.m., Conference Room G–H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open May 7, 9 a.m. to 12 noon, closed May 7 after 12 noon, closed May 8, Michael D. Kennedy, (HFD–510), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4960.

Purpose. Reviews and evaluates available data on the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing dentifrices and dental care agents.

Agenda. Open session: Discussion of the "The Relationship Between Bioavailability of Fluorides and their Anticaries Effectiveness". The guest speakers will include: Dr. John Hefferson, Dr. Finn Brudevold, Dr. Aaron Trubman, and Dr. Hershel Horowitz. Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter dentifrices and dental care drug products under investigation.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided for this type of discussion to remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself for full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552 (b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: March 27, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75–8461 Filed 4–1–75;8:45 am]

INSPECTION PROGRAM INVOLVING PRODUCERS, PROCESSORS, AND SHIPPERS OF FISH MEAL AND RELATED PRODUCTS

Agreement With National Oceanic and Atmospheric Administration and the Animal and Plant Health Inspection Service

CROSS REFERENCE: For a document issued jointly by the National Oceanic and Atmospheric Administration, the Animal and Plant Health Inspection Service and the Food and Drug Administration concerning the cooperative effort to design and implement new inspection services to assist the fish meal industry in developing and applying sanitation guidelines for the control of *Salmonella* in fish meal plants and products, see FR Doc. 75–8512, supra.

Office of Education

EMERGENCY SCHOOL AID ACT

Closing Date for Receipt of Proposals for Educational Television Projects

The Commissioner of Education hereby gives notice that pursuant to sections 711 and 704(b) of the Emergency School Aid Act (20 U.S.C. 1610 and 1603(b)), proposals are being accepted from public and private nonprofit agencies, institutions, and organizations for Educational Television projects. Processing of these proposals will be subject to the availability of funds.

Proposals for assistance must be received by the U.S. Office of Education Application Control Center on or before May 19, 1975.

A. *Proposals sent by mail.* A proposal sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202,

V 40-64 APR 2 75

Attention: 13.530. A proposal sent by mail will be considered to be received on time by the Application Control Center if:

(1) The proposal was sent by registered or certified mail not later than May 14, 1975, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The proposal is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. Hand delivered proposals. A proposal to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered proposals will be accepted daily between the hours of 8 a.m. and 4 p.m., Washington, D.C. time, except Saturdays, Sundays, or Federal holidays. Proposals will not be accepted after 4 p.m. on the closing date.

C. Program information and forms. Information and proposal forms may be obtained from the U.S. Office of Education, Special Projects Branch, Equal Educational Opportunity, Room 2017, 400 Maryland Avenue, SW., Washington, D.C. 20202.

D. Project periods. Awards of assistance will be made pursuant to this notice for activities commencing no earlier than July 1, 1975.

E. Applicable regulations. Awards of assistance made pursuant to this notice will be subject to (1) the regulations contained in 45 CFR Part 185, and, (2) upon their becoming effective, the amendments thereto published as a notice of proposed rule making on March 28, 1975 at 40 FR 14166 and, (3) except where inconsistent with Part 185, the Office of Education General Provisions Regulations relating to direct project assistance programs (45 CFR Parts 100 and 100a). Proposers' attention is directed in particular to Subpart H, Educational Television, of the notice of proposed rule making.

(Catalog of Federal Domestic Assistance Number 13.530, Emergency School Aid—Educational Television)

(20 U.S.C. 1610 and 1608(b))

Dated: March 27, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-8564 Filed 4-1-75;8:45 am]

RIGHT TO READ SCHOOL BASED PROGRAM

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in the Cooperative Research Act, Pub. L. 83-531, as amended, 20 USC 331, applications are being accepted for new grants under the Right to Read School Based Program.

Applications must be received by the U.S. Office of Education Application Control Center on or before May 9, 1975.

A. Applications sent by mail. An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13.533. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than May 5, 1975, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. Hand delivered applications. An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. 20202. Hand delivered applications will be accepted daily between the hours of 8:30 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. Authority. The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR 100a), the General Regulations for Right to Read (45 CFR Part 151, Subpart A; published in the FEDERAL REGISTER on June 30, 1974 at 39 FR 22147). Final regulations governing the School Based Program are published in this issue of the FEDERAL REGISTER (45 CFR Part 151, Subpart C), and will govern the operation of the program.

D. Program information and forms. Information and application forms may be obtained from the Right to Read Program, U.S. Office of Education, Room 2131, 400 Maryland Avenue SW., Washington, D.C. 20202.

(20 U.S.C. 331a(a)(1))
(Catalog of Federal Domestic Assistance Number 13.533, Right to Read—Elimination of Illiteracy)

Dated: March 3, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-8465 Filed 4-1-75;8:45 am]

Office of the Secretary

NATIONAL ADVISORY COUNCIL ON SERVICES AND FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Meeting

The National Advisory Council on Services and Facilities for the Developmentally Disabled was established, by section 133(a)(1) of Pub. L. 91-517, which was signed on October 30, 1970, to advise the Secretary with respect to any regulations promulgated or proposed to be promulgated by him in the implementation of the Act and study and evaluate programs authorized by the Act with a view to determining their effectiveness in carrying out the purposes for which they were established.

Notice is hereby given, pursuant to Pub. L. 92-463 that the National Advisory Council on Services and Facilities for the Developmentally Disabled will hold a meeting on April 28 and 29, 1975. The meeting will be in Room 5051 Health, Education, and Welfare North Building, 330 Independence Avenue SW., Washington, D.C. from 9 a.m. to 5 p.m. on April 28th and 9 a.m. to 3:30 p.m on April 29th. Agenda: Executive Secretary's Report; Status of Developmental Disabilities Legislation; University Affiliated Facilities Report; De-Institutionalization and Community Alternatives; Comprehensive Health Planning; Recommendations for the Secretary.

This meeting open for public observation.

Further information on the Council may be obtained from Francis X. Lynch, Executive Secretary, National Advisory Council on Services and Facilities for the Developmentally Disabled, Mary E. Switzer Building, 330 C Street SW., Washington, D.C. 20201, telephone: Area Code 202-245-0335.

FRANCIS X. LYNCH,
Executive Secretary, National Advisory Council on Services and Facilities for the Developmentally Disabled.

MARCH 26, 1975.

[FR Doc.75-8486 Filed 4-1-75;8:45 am]

SECRETARY'S ADVISORY COMMITTEE ON THE RIGHTS AND RESPONSIBILITIES OF WOMEN

Meeting

The Secretary's Advisory Committee on the Rights and Responsibilities of Women, which was established to review the policies, programs, and activities of the Department of Health, Education, and Welfare relative to women and to make recommendations to the Secretary on how to better the services of HEW's programs to meet these special needs of women, will meet on Thursday and Friday, April 24-25, 1975 from 9 a.m. to 5 p.m. in Room 1137, HEW—North Building, 330 Independence Ave. SW., Washington, D.C. The agenda includes a meeting with the Secretary to discuss the Committee's issues of concern and a panel presentation on vocational education and women.

Interested persons wishing to address the Committee, should contact the Acting Executive Secretary by COB Monday, April 21st. Phone: 202-245-8454. Written statements received by April 21st will be duplicated and distributed to the members. Members of the public are invited to attend the meeting.

Dated: March 27, 1975.

SANDRA S. KRAMER,
Acting Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[FR Doc.75-8487 Filed 4-1-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-75-313]

AREA DIRECTOR, MILWAUKEE AREA OFFICE

Designation and Delegation of Authority

Designation of Acting Area Director—Each of the officials appointed to the following positions is designated to serve as Acting Area Director during the absence of the Area Director, with all the powers, functions, and duties redelegated or assigned to the Area Directors: Provided, That no official is authorized to serve as Acting Area Director unless all officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Deputy Area Director.
2. The Director, Housing Production and Mortgage Credit.
3. The Director, Community Planning and Development.
4. The Area Counsel.
5. The Director, Housing Management.

(36 FR 3389, Feb. 23, 1971, as amended at 37 FR 746, Jan. 18, 1972).

Effective date.—This designation and delegation shall be effective as of February 10, 1975.

JOHN E. KANE,
Area Director, Milwaukee Area Office, Reg. V.

[FR Doc.75-8458 Filed 4-1-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

MICROWAVE LANDING SYSTEM ADVISORY COMMITTEE

Meeting

Pursuant to section 10(a)(2) of Pub. L. 92-463, notice is hereby given that the Microwave Landing System (MLS) Advisory Committee will hold a meeting on April 22, and 23, 1975, beginning at 8:30 a.m. in Conference Room 3201, Trans Point Building, 2100 2nd Street SW., Washington, D.C.

Topics to be considered include: the review of operational and design requirements for the Microwave Landing System (MLS); procurement plans for Phase III; current efforts on monitoring, L-Band Distance Measuring Equipment for MLS, flare guidance; activities related to the ICAO submission; and discussion of MLS benefits.

Anyone desiring further information on the meeting should contact Mr. G. Jensen, Executive Director, Microwave Landing System Advisory Committee, Federal Aviation Administration, 2100 2nd Street SW., Washington, D.C., 20591, Telephone 202-426-2072. The meeting will be open to the public.

Issued in Washington, D.C. on March 20, 1975.

GENE JENSEN,
Executive Director, Microwave Landing System Advisory Committee.

[FR Doc.75-8496 Filed 4-1-75;8:45 am]

Federal Railroad Administration

[FRA Waiver Petition No. HS-75-6]

JOHNSTOWN AND STONY CREEK RAILROAD CO.

Petition for Exemption From Hours of Service Act

The Johnstown and Stony Creek Railroad Company has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. 61, 62, 63 and 64.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submited in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS-75-6, Room 5101, 400 Seventh Street, SW, Washington, D.C. 20590. Communications received before May 2, 1975, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street, SW, Washington, D.C. 20590.

Issued in Washington, D.C. on March 28, 1975.

DONALD W. BENNETT,
Chief Counsel, Federal Railroad Administration.

[FR Doc.75-8497 Filed 4-1-75;8:45 am]

National Highway Traffic Safety Administration

[Docket No. EX75-5; Notice 2]

POLAR CO.

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard

The National Highway Traffic Safety Administration has decided to deny The Polar Company a temporary exemption from Motor Vehicle Safety Standard No. 121, Air Brake Systems, which it had sought on grounds of substantial economic hardship.

Notice of petition for the exemption was published in the FEDERAL REGISTER on February 4, 1975 (40 FR 5182), and an opportunity afforded for comment. Polar, of Holdingford, Minnesota, manufactures air-braked trailers, required as of January 1, 1975, to conform to Standard No. 121.

Polar stated that its primary and secondary suppliers had failed to deliver components necessary for conformance (air brakes and axles) as promised, and proposed delivery dates extend into the first half of 1975. Accordingly, Polar asked for a 6-month exemption from the standard, at the end of which it will comply. Because of its limited sales in a competitive field the company argued that a 6-month shutdown could result in a loss of its entire market. The company's net income in the fiscal year ending May 31, 1974, was $427,000. It further argued that an exemption would be in the public interest, as Polar "is the largest employer in the small rural area of Holdingford, Minnesota," and a denial would mean a loss of jobs, perhaps permanent, for its 125 employees.

No comments on the petition were received during the comment period. Subsequently, however, objections to it were filed by the Heil Corporation and by Robert W. Berry, Esq., on behalf of Brenner Tank Company and Dairy Equipment Company. Heil stated "there is an excess of 121 components available and we will be happy to supply Polar Manufacturing Company with all they need at our cost." Mr. Berry stated "there is ample evidence that suppliers have such conforming components available in stock." Both comment on the unfair competitive advantage to other trailer manufacturers that an exemption to Polar would provide.

Polar's is the only petition for exemption from Standard No. 121 that the NHTSA has received from a trailer manufacturer. The agency has talked with the prime suppliers Polar listed in its petition, and has been assured that a supply problem no longer exists. Evidently, therefore, Polar can now begin to manufacture conforming trailers.

For these reasons, the NHTSA finds that insufficient justification has been presented for an exemption from Standard No. 121, and the petition by Polar Company is denied.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.51.)

Issued on March 26, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75-8448 Filed 4-1-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 17207; Order 75-3-115]

ALLEGHENY AIRLINES, INC.

Certificate Amendment; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of March, 1975.

V 40-64 APR 275

On February 5, 1975, Allegheny Airlines filed a petition for an order to show cause why its certificate for route 97–F should not be amended so as to authorize nonstop service between Rochester and Toronto,[1] by modifying segment 2 (Erie-Buffalo-Toronto) to read as follows:

2. Between the terminal point Toronto, Canada, the intermediate points Erie, Pa., and Buffalo, N.Y., and the terminal point Rochester, N.Y.

No answers in opposition have been filed in response to Allegheny's application.

Upon consideration of Allegheny's application and all relevant facts, we have decided to issue an order to show cause which proposes to grant the requested route amendment. We tentatively find and conclude that the public convenience and necessity require the amendment of Allegheny's certificate for route 97–F so as to authorize nonstop service between Toronto and Rochester, N.Y., by the modification of segment 2 thereof in the manner indicated above.

In support of our ultimate conclusion, we make the following tentative findings and conclusions. Allegheny is already certificated at the points in question and holds nonstop authority between Rochester and Toronto by exemption (see fn. 1, *supra*). The carrier presently operates six nonstop jet flights per day in the market, five of which continue to New York and one of which continues to Washington.[2] This service constitutes the only direct service in the market. In the Airline Route Agreement entered into between the United States and Canada and signed on May 5, 1974, route C.1 provides, *inter alia*, for nonstop rights for a U.S. carrier between Rochester and Toronto. In these circumstances, grant of Allegheny's application will permit the carrier to continue to provide a needed service and make use of new international authority[3] without significant diversion from any other U.S. carrier. Further, we note that Allegheny's application is unopposed.[4]

Interested persons will be given 30 days following adoption of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, *it is ordered*, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and amending Allegheny Airlines' certificate of public convenience and necessity for route 97–F by modifying segment 2 thereof to read as follows:

2. Between the terminal point Toronto, Canada, the intermediate points Erie, Pa., and Buffalo, N.Y., and the terminal point Rochester, N.Y.;

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 30 days after the date of adoption of this order, file with the Board and serve upon all persons listed in paragraph 5 a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections; [5]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of this order shall be served on Allegheny Airlines, Inc.; Eastern Air Lines, Inc.; Delta Air Lines, Inc.; the Mayor of Rochester, N.Y.; the Governor of New York; and the U.S. Postal Service.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–8535 Filed 4–1–75;8:45 am]

[1] Allegheny (and its predecessor Mohawk) has been operating nonstop service between Rochester and Toronto since 1966 pursuant to exemption authority granted by the Board in order E–23845, dated June 22, 1966.

[2] OAG, Mar. 1, 1975.

[3] Until the recently amended bilateral, Allegheny's Canadian authority was based upon an exchange of notes between the United States and Canada.

[4] We further tentatively find that Allegheny is a citizen of the United States within the meaning of the Act and is fit, willing, and able properly to perform the transportation pursuant to the amended certificate proposed and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder. We also tentatively find that the proposed new authority should be granted on a subsidy-ineligible basis, and we shall modify condition (5) in this connection.

[5] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections, and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

[Docket 26494; Agreement C.A.B. 24822, R–1 through R–19; Order 75–3–96]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to South Pacific Air Fares; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 26th day of March, 1975.

By Order 75–1–67, dated January 14, 1975, the Board established procedural dates for the receipt of carrier justification in support of an agreement filed by the International Air Transport Association (IATA) for effect April 1, 1975 through March 31, 1976, which would increase, with certain exceptions, all fares for U.S.-originating travel over the South Pacific by 13 percent [1] and impose stopover restrictions on various promotional fares not heretofore so restricted. In our order requesting justification and public comments the Board specifically addressed itself to certain anomalies in the proposed fare structure and set forth a format for the presentation of carrier data in order that the agreement might be properly evaluated. On February 27, 1975, Pan American World Airways, Inc. (Pan American), the only U.S. air carrier currently providing service over the South Pacific, submitted its justification. No comments have been received.

Pan American justifies the proposed fare increases on the basis of a need for additional revenue and improvement in its return on investment. The carrier alleges that without the proposed fare increases, it would realize a return on investment of 7.22 percent on its scheduled passenger service, for the year ending March 31, 1976. With the proposed increases, its scheduled passenger service would produce a return on investment of 13.26 percent. Under present fares, Pan American forecasts 995.4 million revenue passenger-miles and 2,136.0 million available seat-miles, for a passenger load factor of 46.6 percent.[2] With the proposed fares, Pan American projects 936.4 million revenue passenger-miles, and 2,136.0 available seat-miles, producing a load factor of 43.84 percent. In response to the Board's specific questions as to certain fare structure anomalies, Pan American responds that the differences in yield between certain city pairs results from the Board's insistence that IATA fares be held to the combination of local sector fares over Honolulu; that the only fares in the structure which offer a discount greater than 50 percent are the GIT and affinity fares; and that the Honolulu-Papeete group inclusive tour fare is set at the same level as the individual tour fare at the insistence of one foreign-flag carrier. It is alleged that, in any event, these group inclusive tour fares are very little used.

In the evaluation of any IATA agreement, the Board must consider not only the impact of the agreement upon the traveling public and the need of the carriers for increased revenues, but also what impact, if any, the agreement would have on the overall operations of the carriers providing service in the particular geographical area involved. While the Board has acknowledged that certain fare or rate increases may be in order because of increased costs, it has also determined that a carrier's overall financial position in a given area of operation may indicate its ability to absorb those particular cost increases and, in such circumstances, proposed increases have been disapproved.

To enable this sort of evaluation, the Board requested justification of the agreement here under consideration in a specified format, since Pan American's Form 41 recurrent reports are stated in terms of total Pacific operations—encompassing services to/from the mainland over North/Central and South Pacific routes as well as intra-Pacific services.[3] Specifically, the requested format was to proceed from Form 41 data through itemized exclusions which would have separately and successively isolated out North/Central Pacific services, intra-Pacific services, South Pacific all-cargo services, and lastly South Pacific mail and cargo service performed in combination aircraft: with the net result being an isolation of operating results stemming solely from South Pacific passenger service. Pan American has provided the latter. However, it has lumped together all those operations designated for exclusion in one aggregate sum and, thus, makes it impossible to evaluate the agreement before us in the context of the carrier's current overall experience in this rate-making area on the basis of current information. As a result, it is necessary to fall back in part upon data which Pan American furnished on November 15, 1974 in support of fuel-related fare and rate increases then being proposed.[4]

In November 1974, Pan American projected a return from combination service for the year ending September 1975 of 9 percent (including belly cargo and mail), and a return from all-cargo service of 35 percent—for an overall return in South Pacific service of 11.4 percent (Appendix III) [5] The Board concluded that, after certain indicated adjustments were made, this composite return would be in excess of 14 percent.[6] The carrier now projects a return from scheduled passenger service only for the year ending March 1976 of 7.22 percent at present fare levels. We attribute the difference between this projection and that of 9 percent made earlier to the exclusion of belly cargo and mail, since it would seem that the lapse of only three and one-half months could hardly be expected to alter expectations significantly. By the same token, we believe it reasonable to rely upon a return in all-cargo service for the year ending March 1976 which approximates the 35 percent earlier forecast for the year ending September 1975. The inescapable conclusion, in the absence of more current and refined data, would seem to be that the proposed increase in passenger fares on the South Pacific route is not necessary to provide Pan American with overall earnings which are consistent with the Board's 12 percent benchmark. Stated differently, approval of the agreement which, by Pan American's estimate, will produce a 13.26 percent return in scheduled passenger service alone, is unnecessary to ensure adequate earnings from operations in this rate-making entity, and could well result in excessive profits to the carrier.

Aside from this most basic issue, Pan American's traffic projections raise some question. Pan American's scheduled passenger load factor over the South Pacific for the year ended September 1974 was 50.35 percent. For the year ending March 1976 at present and proposed fares, the carrier projects load factors of 46.60 percent and 43.84 percent, respectively. This load factor decline is attributable primarily to a 12 percent increase in capacity and, in the Board's opinion, is incompatible with the dictates of today's environment that airlines hone their services more closely to demand.

As for Pan American's responses to the specific questions on fare structure raised in our procedural order, we accept its explanation that the distortions in yield are caused by the Board's insistence that fares be held to a combination of local sector fares over Hawaii. However, we are not persuaded by Pan American's contention that a continuation of discounts in excess of 50 percent is warranted simply by past practice. We also continue to be unpersuaded that GIT and IIT fares should be set at the same level. To the contrary, while we are not disapproving the agreement on these counts, such anomalies are clearly inconsistent with the principles of a rational cost-based transportation system, and we will continue to seek their elimination in the future. On the other hand, the imposition of stopover charges on promotional fares is a move in the right direction and we would urge the carriers to include such charges in any revised agreement.

For the reasons stated, the Board is unable to conclude that the agreement warrants approval insofar as fares to/from the United States are concerned and, accordingly, it will be disapproved. Various resolutions contained in the instant agreement which do not relate to basic fares and charges will be approved subject to conditions previously imposed by the Board.

Pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a) and 412 thereof, the Board makes the following findings:

(1) It is not found that the following resolutions incorporated in Agreement C.A.B. 24822 are adverse to the public interest or in violation of the Act subject, where applicable, to previously imposed conditions:

Agreement CAB	IATA No.	Title	Application
24822:			
R–1	000b	South Pacific-Special Effectiveness Resolution (Tie-In)	3/1 South Pacific.
R–2	001f	Special Emergency Escape for (South Pacific) Agreement (Revalidating and Amending).	3/1 South Pacific.
R–3	002	Standard Revalidation Resolution	3/1 South Pacific.
R–4	014a	Construction Rule for Passenger Fares (Amending)	3/1 South Pacific.
R–6	022g	JT3/1 (South Pacific) Special Rules for Sales of Passenger Air Transportation (Revalidating and Amending).	3/1 South Pacific.
R–7	022t	JT3/1 (South Pacific) Special Rules for Sales of Passenger Air Transportation (New).	3/1 South Pacific.
R–9	060	Economy-Class Conditions of Service (Amending)	3/1 South Pacific.

(2) It is found that the following resolutions incorporated in Agreement C.A.B. 24822, are adverse to the public interest and in violation of the Act insofar as they would apply in air transportation as defined by the Act:

[1] Economy fares from Honolulu and the U.S. west coast to Papeete would be increased by 20 and 15 percent respectively while the Honolulu-Papeete first-class fare would be increased by 18 percent.

[2] This compares with historical results for the year ended September 30, 1974 of 879.3 million revenue passenger-miles, 1,746.4 million available seat-miles, and a load factor of 50.35 percent.

[3] Appendices I through III filed as part of the original document.

[4] Board adjustments to Pan American's November justification based on current fares and rates indicated a rate of return of 11.8 percent in combination services and 41.2 percent in all-cargo services.

[5] Order 75–1–67 which established the procedural schedule for justification and comments relative to the agreement.

[6] Those increases were disapproved in light of the carrier's already sufficient earnings position (Order 74–12–23).

V 40-64 APR 2 75

Agreement CAB	IATA No.	Title	Application
24822:			
R-8	015a	South Pacific Proportional Fares (Revalidating and Amending)	3/1 South Pacific.
R-9	056a	South Pacific First-Class Fares	3/1 South Pacific.
R-10	066a	South Pacific Economy-Class Fares	3/1 South Pacific.
R-11	070b	South Pacific 28-Day Excursion Fares (Revalidating and Amending)	3/1 South Pacific.
R-12	070p	South Pacific 23- and 30-Day Excursion Fares (Revalidating and Amending).	3/1 South Pacific.
R-13	071j	JT3/1 Advance-Purchase Excursion Fares South Pacific (Revalidating and Amending).	3/1 South Pacific.
R-14	076s	JT3/1 South Pacific Group Fares (Revalidating and Amending)	3/1 South Pacific.
R-15	076u	JT3/1 South Pacific Affinity/Own Use Incentive Group Fares (Revalidating and Amending).	3/1 South Pacific.
R-16	080l	South Pacific 23-Day Individual Inclusive Tour Fares (Revalidating and Amending).	3/1 South Pacific.
R-17	080m	South Pacific 35-Day Individual Inclusive Tour Fares (Revalidating and Amending).	3/1 South Pacific.
R-18	084d	JT3/1 South Pacific Group Inclusive Tour Fares (Revalidating and Amending).	3/1 South Pacific.
R-19	084dd	JT3/1 South Pacific Group Inclusive Tour Fares (Revalidating and Amending).	3/1 South Pacific.

Accordingly, *it is ordered*, That:

1. Those portions of Agreement C.A.B. 24822 set forth in finding paragraph (1) above, be and hereby are, approved subject, where applicable, to conditions previously imposed; and

2. Those portions of Agreement C.A.B. 24822 set forth in finding paragraph (2) above, be and hereby are, disapproved as they apply in air transportation as defined by the Act.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-8430 Filed 4-1-75;8:45 am]

[Docket 26494; Agreement C.A.B. 24964, R-1 through R-46, R-48 through R-50, R-52 through R-62; Order 75-3-96]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Approving Agreements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 26th day of March, 1975.

By Order 75-2-102 (February 25, 1975) the Board approved increases in U.S.-Caribbean and U.S.-Central/South America fares, and reaffirmed the increases in most U.S.-Mexico fares which had been approved previously in Order 74-12-49 (December 13, 1974). Increases in U.S. west coast-Mexico fares were disapproved. The increases were contained in agreements among the carrier members of the International Air Transport Association (IATA).

The Board acted on these agreements, which involved increases of approximately six percent in U.S.-Mexico fares, four percent in U.S.-Caribbean fares, and eight percent in U.S.-Central/South America fares, after careful evaluation of detailed economic justification submitted by the U.S. carriers as recently as January 22, 1975 in response to a specific Board request (Order 74-12-49). The carrier forecasts, together with data from Form 41 reports, indicated that the U.S. carriers would earn the following composite rates of return on investment in each ratemaking area during the year ending September 30, 1975:

[In percent]

	Present fares	Proposed fares
United States-Mexico (Excluding U.S. west coast)	[1] 3.9	11.4
United States-Caribbean	(10.9)	(8.2)
United States-Central/South America	7.5	10.6

[1] Return experienced during the 12 months ended September 30, 1974, before the new higher fares went into effect.

The Board's analysis indicated that in none of the areas would the U.S. carriers realize earnings above the 12 percent benchmark, and accordingly the respective fare increases were approved. At the same time, however, the Board stated that the levels of return forecast in the U.S.-Mexico and U.S.-Central/South America markets indicated that further material increases in those markets were not justifiable for the year immediately ahead. The Board disapproved the increase in U.S. west coast-Mexico fares on the basis that Western Air Lines, Inc., the only U.S. carrier providing direct service, was currently experiencing very profitable results (20.0 percent return on investment for the year ended September 30, 1974) in its Mexico operations; that Western's forecast of a decline in return to about 10 percent was questionable; and that in any event Western's present earnings were adequate and no showing had been made that a fare increase was warranted.[2]

A new IATA agreement has now been filed setting forth a proposed Western Hemisphere fare structure for effect from April 1 or April 15, 1975 through April 30, 1976. The agreement proposes an increase of about six percent in U.S.-Mexico fares; five percent in U.S.-Caribbean fares (nine to ten percent for first-class fares); and increases ranging from four to ten percent in U.S.-Central/South America fares. As noted above, the Board believes U.S. carrier earnings in the Mexico and Central/South America markets to be adequate at present fares,

[2] Although Western is not an IATA member, it proposed to match the IATA fare increase and was directed to submit justification in the same format as the IATA carriers.

and accordingly we will herein disapprove those portions of the agreement which would increase fares in those areas.[3] We will, however, approve various ancillary resolutions which do not affect fare levels. In the Caribbean, on the other hand, the carriers are generally experiencing substantial operating losses, and are expected to achieve a composite ROI of —8.2 percent at present fares. Assuming a five percent increase in scheduled passenger revenues, with no allowance for demand elasticity, and the same level of operations and costs as previously forecast, the carriers would achieve a composite ROI of —2.0 percent.

The Board is proceeding to act on the instant agreements without an additional request for justifications and comments because we have just completed a detailed evaluation of carrier justifications covering the same ratemaking areas treated in this order. We believe any additional material submitted at this time would be essentially duplicative, and would merely reaffirm the conclusions reached herein and in Order 75-2-102. However, if any person believes that it has new data which would sustain different findings, e.g., which would clearly show that further fare increases are justified to/from Mexico and Central/South America, it is of course free to bring such material to the Board's attention under established procedures.

The Board, acting pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a) and 412 thereof, makes the following findings:

1. It is not found that the following resolutions, incorporated in Agreement C.A.B. 24964 as indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
24964			
R-1	001b	Special Effectiveness Resolution (Tie-in)	1 (Mexico).
R-2	001b	Special Effectiveness Resolution (Tie-in)	1 (Caribbean).
R-3	001b	Special Effectiveness Resolution (Tie-in)	1 (C/S America).
R-4	001kk	Special Resolution for Review of TC1 Fare Construction Rules (New).	1.
R-5	001oo	Special Escape for TC1 Agreement (New)	1.
R-6	002	Standard Revalidation Resolution	1 (Mexico).
R-7	002	Standard Revalidation Resolution	1 (Colombia).
R-8	002	Standard Revalidation Resolution	1.
R-9	002	Standard Revalidation Resolution	1.
R-10	003	Standard Rescission Resolution (New)	1.
R-11	012f	Definition of Areas within TC1 (New)	1.
R-12	014a	Construction Rule for Passenger Fares (Revalidating and Amending).	1.
R-13	014y	Construction Rule for High Density Class Fares (Revalidating and Amending).	1.
R-14	021bb	Special Conversion Rates (TC1) (Revalidating and Amending)	1.
R-15	021e	Brasil—Sales in Cruzeiros (New)	1.
R-16	038	Advertising of Propeller Fares (Revalidating and Amending)	1.
R-17	050	First-Class Conditions of Service (Amending)	1.
R-19	051b	TC1 First-Class Fares	1 (Caribbean).
R-22	051r	USA/Canada-Greenland First-Class Fares	1.
R-23	060	Economy-Class Conditions of Service	1.
R-25	061b	TC1 Economy-Class Fares	1 (Caribbean).
R-26	061r	USA/Canada-Greenland Economy-Class Fares	1.
R-33	070i	TC1 21-Day Excursion Fares, Canada-Bermuda/Caribbean (Revalidating and Amending).	1.
R-36	075t	TC1 Advance-Purchase Travel Group Fares (USA/Canada/Mexico—Bermuda/Caribbean/Venezuela) (Revalidating and Amending).	1.
R-42	076q	TC1 Own Use and Incentive Group Fares (Bermuda and Caribbean) (Revalidating and Amending).	1.
R-43	080L	TC1 10-Day Individual Inclusive Tour Fares—USA-Bermuda/Bahamas/Caribbean (Revalidating and Amending).	1.
R-45	080p	TC1 10/14-Day Individual Inclusive Tour Fares Canada and Bermuda/Bahamas/Caribbean (Revalidating and Amending).	1.
R-53	084l	TC1 14-Day Group Inclusive Tour Fares—Netherlands Antilles (Revalidating and Amending).	1.
R-54	084j	TC1 14-Day Group Inclusive Tour Fares—Venezuela (Revalidating and Amending).	1.
R-55	084jj	TC1 5-Day Group Inclusive Tour Fares—Venezuela (Revalidating and Amending).	1.
R-56	084LL	TC1 Group Inclusive Tour Fares—Caribbean—Mexico (Revalidating and Amending).	1.
R-62	311k	Charges for Skin Diving Equipment (New)	1.

2. It is found that the following resolutions, incorporated in Agreement C.A.B. 24964 as indicated, are adverse to the public interest and in violation of the Act to the extent they affect air transportation as defined by the Act:

[3] The Mexico agreement also proposes introduction of individual inclusive tour (IIT) fares to replace the current group inclusive tour (GIT) fares in most U.S. east coast and midwest-Mexico markets. That proposal is the subject of Order 75-3-97 issued concurrently herewith.

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Agreement CAB	IATA No.	Title	Application
24964:			
R-18	051a	TC1 First-Class Fares	1 (Mexico).
R-20	051c I	TC1 First-Class Fares	1 (C/S America).
R-21	051c II	TC1 First-Class Fares	1 (C/S America).
R-24	051a	TC1 Economy-Class Fares	1 (Mexico).
R-26	051c I	TC1 Economy-Class Fares	1 (C/S America).
R-27	051c II	TC1 Economy-Class Fares	1 (C/S America).
R-29	070aa	TC1 Excursion Fares—USA/Canada-Mexico (Revalidating and Amending).	1.
R-30	070bb	TC1 Excursion Fares—USA/Mexico-Bermuda/Caribbean/Venezuela and within Caribbean (Revalidating and Amending).	1.
R-31	070cc I	TC1 Excursion Fares—North and Central America/Caribbean—South America and within South America (Revalidating and Amending).	1.
R-32	070cc II	TC1 Excursion Fares—North and Central America/Caribbean—South America and within South America.	1.
R-34	071f I	TC1 45-Day Excursion Fares (Revalidating and Amending)	1 (C/S America).
R-35	071f II	TC1 45-Day Excursion Fares (Revalidating and Amending)	1 (C/S America).
R-39	076a I	TC1 Affinity, Own Use and Incentive Group Fares (Revalidating and Amending).	1 (C/S America).
R-40	076a II	TC1 Affinity, Own Use and Incentive Group Fares (Revalidating and Amending).	1 (C/S America).
R-41	076aa	TC1 Affinity and/or Own Use Group Fares USA—Mexico (Revalidating and Amending).	1.
R-49	084e I	TC1 Group Inclusive Tour Fares—USA/Canada/Mexico—South America (Revalidating and Amending).	1.
R-50	084e II	TC1 Group Inclusive Tour Fares—USA/Canada/Mexico—South America (Revalidating and Amending).	1.
R-57	084mm	TC1 5-Day Inclusive Tour Fares—San Juan—Colombia (Revalidating and Amending).	1.
R-58	084s I	TC1 Group Inclusive Tour Fares USA—Central America/Panama (Revalidating and Amending).	1.
R-59	084s II	TC1 Group Inclusive Tour Fares USA—Central America/Panama (Revalidating and Amending).	1.

3. It is not found that the following resolutions, incorporated in Agreement C.A.B. 24964 as indicated, affect air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
24964:			
R-36	075L	TC1 30-Day Group Excursion Fares (within South America) (Revalidating and Amending)	1
R-37	075s	TC1 Intra-Caribbean 10-Day Group Excursion Fares (Revalidating and Amending)	1
R-44	080o	TC1 21-Day Individual Inclusive Tour Fares from Bermuda/Bahamas to Mexico (Revalidating and Amending)	1
R-46	080r	TC1 2/2-Day Individual Inclusive Tour Fares Jamaica—Panama (Revalidating and Amending)	1
R-48	084bb	TC1 Group Inclusive Tour Fares Pointe a Pitre/Fort de France-Lima (New)	1
R-52	084hh	TC1 Group Inclusive Tour Fares—South America (New)	1
R-60	084w	TC1 Group Inclusive Tour Fares—Bolivia/Chile/Colombia/Ecuador/Peru (Revalidating and Amending)	1
R-61	092o	TC1 Intra-Caribbean Youth Fares (Revalidating and Amending)	1

Accordingly, *it is ordered*, That:

1. Those portions of Agreement C.A.B. 24964 set forth in finding paragraph 1 above be and hereby are approved subject, where applicable, to conditions previously imposed by the Board;

2. Those portions of Agreement C.A.B. 24964 set forth in finding paragraph 2 above be and hereby are disapproved insofar as they affect air transportation as defined by the Act;

3. Jurisdiction be and hereby is disclaimed with respect to those portions of Agreement C.A.B. 24964 set forth in paragraph 3 above; and

4. Tariffs implementing those portions of Agreement C.A.B. 24964 approved herein shall be marked to expire not later than the expiration dates of the respective resolutions.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[4]

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-6428 Filed 4-1-75;8:45 am]

[4] Minetti and West, members, filed the dissent, filed as part of the original document.

[Order 75-3-100; Docket 26494; Agreement C.A.B. 24816, R-1 through R-13; Agreement C.A.B. 24821; R-1 through R-34; Agreement C.A.B. 24886; Agreement C.A.B. 24926; Agreement C.A.B. 24982; Agreement C.A.B. 24996, R-1 through R-4]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

North/Central Pacific and Intra-Pacific Air Fares; Order Approving Agreement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 26th day of March, 1975.

Order 74-12-91 (December 23, 1974) established procedural dates for the receipt of carrier justifications and comments from interested persons pertaining to an agreement among the members of the International Air Transport Association (IATA) encompassing the overall North/Central Pacific and intra-Pacific fare structures to be applicable from April 1, 1975 through March 31, 1976.

The agreements contemplate an increase of eight percent in all fares for U.S.-originating travel over the North/Central Pacific and within the Pacific; elimination of presently available individual inclusive tour fares; and imposition of stopover limitations on various promotional fares not heretofore so restricted. Free stopovers in connection with individual excursion fares, affinity group fares, and group inclusive tour fares would be limited to a total of four, with additional stopovers available at a charge of $15 each.

Statements of justification have been submitted by Pan American World Airways, Inc. (Pan American) and Trans World Airlines, Inc. (TWA). Northwest Airlines, Inc. (Northwest), although not a member of IATA, has submitted a forecast of its anticipated financial results in North/Central Pacific scheduled passenger service in the same format as the IATA carriers.[1] No comments have been received from other persons.

Pan American states that it is currently earning a return on investment (ROI) of 3.71 percent in North/Central Pacific scheduled passenger operations (year ended September 1974), and that during the forecast year ending March 1976 it would earn an ROI of 9.65 percent under present fares. Under the proposed fares, it forecasts a return of 12.90 percent. Pan American attributes this financial improvement primarily to the beneficial effects of the Pan American/TWA route realignment approved by the Board in Order 75-1-133 (January 30, 1975), under which TWA will suspend all Pacific services. The carrier anticipates a level of operations reflecting a 50.3 percent increase in traffic and a 48.7 percent increase in capacity-for a net gain in load factor of 0.5 points to 49.9 percent at status quo fares. The carrier expects a load factor of 47.9 percent under the proposed fares, reflecting its estimate of demand elasticity.

TWA cites a historical ROI of —42.0 percent in Pacific passenger service, and forecasts returns of —25.6 percent and —18.5 percent under present and proposed fares, respectively, for the year ending March 1976. Since TWA suspended its Pacific operations on March 2, 1975 pursuant to the approved route realignment agreements, its projections are no longer pertinent to the Board's disposition of the agreements.

Northwest states that it earned an ROI of 5.58 percent in scheduled Pacific passenger service during the year ended September 1974, and anticipates returns of 8.05 and 12.08 percent under present and proposed fares, respectively, during the forecast period.[2] Northwest's forecast, which reflects no traffic demand elasticity, is based on a load factor of 51.0 percent, a 1.0 point improvement over the historical period.

In requesting carrier justifications of the agreements, the Board also sought comments on certain specific aspects of the fare structure, i.e., the proposed continuation of a number of promotional fares discounted more than 50 percent; the relatively high yields on Alaska-Far East fares as compared with yields from other U.S. gateways; and the rationale for cancellation of individual inclusive tour fares. On the first point, Pan American states that the group-100 affinity fare is the only fare which offers a discount from the normal economy fare in excess of 50 percent and seeks to support the level on the grounds that the restriction to groups of 100 persons warrants a discount of this magnitude, application is only to westbound originations, and that the fare was introduced and has been maintained in the IATA fare structure primarily at the insistence of one foreign-flag carrier. On the second point, Pan American contends that, although Alaska fares admittedly produce somewhat higher yields than fares from other U.S. gateways, a fare structure based on identical yields is simply not possible. If international Alaska fares were any lower, their combination with domestic west coast-Alaska fares would allegedly undercut west coast-Far East fares, which it contended to be another instance of conflict between U.S. domestic fares and international fares due to the higher costs of international flights. Finally, Pan American defends elimination of the individual inclusive tour fares on the basis that they carried an insignificant amount of traffic (1.56 percent of the total North/Central Pacific traffic during the year ended November 1974) and that, to the extent the fares were sold, substantial abuses occurred such as sale without the required ground arrangements.

Upon consideration of the proposed North/Central Pacific fare structure and the carrier justifications, the Board has determined to approve the agreements only insofar as they relate to first-class fares and promotional fares in economy-class service. The carriers' justifications indicate that they have incurred substantial cost increases which legitimately warrant some compensation in yield improvement. However, in the Board's opinion, this can be accomplished without an increase in normal economy fares at this time.[3]

At present fares, the carriers forecast a healthy although somewhat substandard composite return on investment of 9.13 percent. Under the proposed fares, Pan American forecasts a return of 12.90 percent, and Northwest a return of 12.55 percent, for a composite retirn on investment of 12.74 percent for aggregate U.S.-flag North/Central Pacific passenger services.

However, in the Board's opinion, Pan American's return may be understated. Pan American has projected a load factor which is somewhat below the carrier's historical experience in the North/Central Pacific market. In view of the route realignment cited above, there is no reason to believe that Pan American will be unable to improve its experienced load factor. Even assuming that Pan American does not exceed its reported historical load factor of 49.4 percent (year ended September 30, 1974), it would still achieve an ROI of 13.38 percent. Thus, it appears that if the proposed fare increases were approved in toto, both U.S. carriers would receive earnings in excess of the 12 percent ROI benchmark. In these circumstances the Board is unable to conclude that approval of the proposed increase in normal economy fares is essential to the carriers' financial stability, and accordingly it will be disapproved.

Disapproval of the normal economy fares coupled with approval of the various promotional fares would also have the benefit of reducing the spread between the two, an objective which the Board has long urged. The present promotional fare struture includes discounts ranging up to 59 percent from the normal economy fare and, contrary to Pan American's contentions, the affinity group-100 fare is not the only fare offering a discount greater than 50 percent. The affinity group-70 and the basic season GIT fares both offer discounts in excess of 50 percent in several markets. Data supplied by Pan American indicate that travel at discount fares now accounts for more than 54 percent of its North/Central Pacific traffic on scheduled service, which suggests that the normal economy-fare passenger is, or with normal traffic growth will be, subjected to the burden of an unnecessarily high fare level. With the present disparity in the levels of promotional and normal economy fares it can only be expected that traffic will move increasingly and disproportionately to the former. Retention of normal economy fares at status quo levels will substantially eliminate discounts in excess of 50 percent and move the structure in the direction of a more rational and cost-related relationship between the various fares. We would also note that the agreement has the additional merit of imposing stopover restrictions on promotional fares, a further step in moving toward a more cost-related structure which the Board has long urged.

Finally, the Board is unable to conclude that approval of the proposed Alaska-Far East fares is warranted in view of the disparity in yield between these fares and those to/from other U.S. gateways. Concededly a similar disparity exists under present fares. However, it would be exacerbated by this new agreement to a point which is no longer acceptable. For example, the present normal economy fare from Anchorage to Tokyo represents a yield of 13.12 cents per revenue passenger-mile as compared to a yield of only 9.48 cents from the Los Angeles-Tokyo fare, a difference of 3.64 cents.[4] We accept Pan American's contention that adjustment of Alaska-Far East fares to reflect west coast yields would, when combined with domestic fares, produce undercuts of the west coast-Far East fares. Our analysis of fares to Tokyo (holding normal economy fares at *status quo*) indicates that undercuts would encompass normal first-class and economy fares, excursion fares, and in one case the affinity group-25 fare, and range from $212 for the Los Angeles-Anchorage-Tokyo first-class fares to $8 for the Seattle-Anchorage-Tokyo affinity group-25 fare. However this is not to say that fares could not be constructed which would avoid undercuts and at the same time result in a significant reduction in fares to/from Alaska. For example, based on the present yield at Seattle where the potential for undercuts appears to be the greatest, the Anchorage-Tokyo normal economy fare would be $725. In combination with the $230 domestic Seattle-Anchorage fare this admittedly would undercut the specified $1004 Seattle-Tokyo fare by $49. However, the addition of this $49 to the constructed Anchorage-Tokyo fare would eliminate the undercut and would at the same time effect a $164 reduction in the present Anchorage-Tokyo fare. In summary, the Board acknowledges the structural intricacies of establishing Alaska fares on an equivalent cents-per-mile basis with fares from other west coast points in the lower 48 states; but we are not prepared to permit fares any higher than necessary to cover the particular construction problems presented.

The Board, acting pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a) and 412 thereof, makes the following findings:

1. It is not found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act provided that approval is subject, where applicable, to conditions previously imposed by the Board:

[1] The carriers' submissions are detailed in the Appendices filed as part of the original document.

[2] We have adjusted Northwest's forecast to include $553,00 in "other transport revenue" and $759,000 "nontransport revenue," which were included under the scheduled passenger service in Northwest's statement of historical results but omitted, without explanation, from its forecast. After this adjustment Northwest's return under present fares would be 8.52 percent, and 12.55 percent under proposed fares.

[3] In addition to disapproving North/Central Pacific normal economy fares, we will also disapprove increases in normal economy fares between Guam and other points in Traffic Conference 3. The special TC3 excursion fares for U.S. military personnel will also be disapproved consistent with Order 74-4-2 (April 1, 1974) which disapproved these fares on the basis that they represented unjust discrimination by offering opportunities for vacation travel to a small segment of the flying public. All fares between American Samoa and other TC3 points will be disapproved consistent with our action disapproving South Pacific fares in Order 75-3-96. The balance of the TC3 agreement will be approved or, as appropriate, the Board will disclaim jurisdiction.

[4] The proposed fares for the same points would have produced yields of 14.15 cents and 9.89 cents per revenue passenger-mile, respectively, a difference of 4.27 cents.

V 40 64
APR 2 75

Agreement CAB	IATA No.	Title	Application
24822:			
R-1	001b	North and Central Pacific Special Effectiveness Resolution (Tie-in)	3/1;
R-2	002	Standard Revalidation Resolution	3/1;
R-3	014a	Construction Rules for Passenger Fares (Amending)	3/1;
R-4	016b	North and Central Pacific Proportional fares—North America (Revalidating and Amending).	3/1;
R-6	022g	JT3i (North and Central Pacific) Special Rules for Sales of Passenger Air Transportation. (Revalidating and Amending) Except insofar as it would apply to fares from U.S. points.	3/1;
R-7	980	Economy-Class Conditions of Service (Amending)	3/1;
R-33	007	North and Central Pacific Special One-Way Fares (Revalidating and Amending).	3/1;

Agreement CAB	IATA No.	Title	Application
24821:			
R-1	001b	TC3 Special Effectiveness Resolution (Tie-in)	3.
R-2	002	Standard Revalidation Resolution Except insofar as it would revalidate Resolution 077l to/from U.S. points.	3.
R-3	003	Standard Rescission Resolution	3.
R-4	008m	Fares Adjustment Resolution—Opening of Narita Airport (New)	3.
R-5	004	Restriction of Application for Travel solely between Australia and New Zealand (Revalidating and Amending).	3.
R-6	014a	Construction Rules for Passenger Fares (Amending)	3.
R-7	022	TC3 Special Rules for Sales of Passenger Air Transportation (Revalidating and Amending) Except insofar as it would apply to fares from all U.S. territories and possessions in the Pacific other than American Samoa.	3.
R-8	022n	TC3 Special Rules for Sales of Passenger Air Transportation (New)	3.
R-10	060	Economy-Class Conditions of Service (Amending)	3.
R-16	075a	Common-Interest Group Fares (Revalidating and Amending)	3.
R-23	115d	Meeting Non-IATA Competition—Passenger (Revalidating and Amending).	3.
R-24	115f	Meeting Non-IATA Competition—Practices (Revalidating and Amending).	3.

Agreement CAB:	IATA Resolution
24926	JT3i (Mail 263) 076d

Agreement CAB	IATA No.	Title	Application
24962	100	Conditions of Service—Inflight Entertainment (Revalidating)	1; 2; 3; 1/2 2/3; 3/1; 1/2/3.

Agreement CAB 24996:	IATA Resolution
R-1	300 (Mail 444) 053
R-2	300 (Mail 444) 063

2. It is not found that the following resolutions, incorporated in Agreement C.A.B. 24818 as indicated, are adverse to the public interest or in violation of the Act to the extent they would establish fares other than between points in Alaska and points in Traffic Conference 3, and provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
24818:			
R-6	056	North and Central Pacific First-Class Fares	3/1
R-9	070u	North and Central Pacific 21-Day Excursion Fares (Revalidating and Amending).	3/1
R-10	076j	North and Central Pacific Own-Use and Affinity Group Fares (Revalidating and Amending).	3/1
R-11	079d	North and Central Pacific Contract Bulk Inclusive Tour Rules (Revalidating and Amending).	3/1
R-12	084b	North and Central Pacific Group Inclusive Tour Fares (Revalidating and Amending).	3/1

3. It is not found that the following resolutions, incorporated in Agreement C.A.B. 24821 as indicated, are adverse to the public interest or in violation of the Act to the extent they would establish fares other than between American Samoa and points in Traffic Conference 3, and provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
24821:			
R-9	053	TC3 First-Class Fares	3
R-12	070a	TC3 Excursion Fares (Revalidating and Amending)	3
R-22	080e	TC3 Individual Inclusive Tour Fares (Revalidating and Amending)	3

4. It is found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest and in violation of the Act to the extent they have direct application in air transportation as defined by the Act:

Agreement CAB	IATA No.	Title	Application
24818:			
R-8	066	North and Central Pacific Economy-Class Fares	3/1
24821:			
R-11	063	TC3 Economy-Class Fares	3

5. It is found that the following resolutions, incorporated in Agreement C.A.B. 24818 as indicated, are adverse to the public interest and in violation of the Act to the extent they would establish fares between points in Alaska and poins in Traffic Conference 3:

Agreement CAB	IATA No.	Title	Application
24818:			
R-6	056	North and Central Pacific First-Class Fares	3/1
R-9	070u	North and Central Pacific 21-Day Excursion Fares (Revalidating and Amending).	3/1
R-10	076j	North and Central Pacific Own-Use and Affinity Group Fares (Revalidating and Amending).	3/1
R-11	079d	North and Central Pacific Contract Bulk Inclusive Tour Rules (Revalidating and Amending).	3/1
R-12	084b	North and Central Pacific Group Inclusive Tour Fares (Revalidating and Amending).	3/1

6. It is found that the following resolutions, incorporated in Agreement C.A.B. 24821 as indicated, are adverse to the public interest and in violation of the Act to the extent they would establish fares between American Samoa and points in Traffic Conference 3:

Agreement CAB	IATA No.	Title	Application
24821:			
R-9	053	TC3 First-Class Fares	3
R-12	070a	TC3 Excursion Fares (Revalidating and Amending)	3
R-17	076c	TC3 Affinity Group Travel (Revalidating and Amending)	3
R-22	080e	TC3 Individual Inclusive Tour Fares (Revalidating and Amending)	3
R-28	084kk	TC3 Group Inclusive Tour Fares—Asia/Southwest Pacific (Revalidating and Amending).	3
R-29	084L	TC 22- and 35-Day Group Inclusive Tour Fares (Revalidating and Amending).	3
R-30	084r	TC3 Group Inclusive Tour Fares—Southwest Pacific (Revalidating and Amending).	3

7. It is found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest and in violation of the Act:

Agreement CAB	IATA No.	Title	Application
24818:			
R-5	022g	JT3i (North and Central Pacific) Special Rules for Sales of Passenger Air Transportation (Revalidating and Amending) Insofar as it would apply to fares from United States points.	3/1
24821:			
R-7	022e	TC3 Special Rules for Sales of Passenger Air Transportation (Revalidating and Amending) Insofar as it would apply to fares from all U.S. territories and possessions in the Pacific other than American Samoa.	3
R-32	095h	TC3 30-Day Excursion Fares for U.S. Military Personnel (Revalidating and Amending).	3

8. It is not found that the following resolutions, incorporated in the agreements indicated, affect air transportation as defined by the Act:

Agreement CAB	IATA No.	Title	Application
24821:			
R-13	070h	TC3 Excursion Fares—Fiji to India (Revalidating and Amending)	3
R-14	070n	TC3 45-Day Excursion Fares—Australia, New Zealand, and New Caledonia to Afghanistan, Bangladesh, India, Nepal, Pakistan, and Sri Lanka (Revalidating and Amending).	3
R-15	072c	TC3 New Zealand/Fiji Early-Purchase Individual Contract (Revalidating and Amending).	3
R-18	076v	TC3 Incentive Group Fares (Revalidating and Amending)	3
R-19	077b	TC3 Group Fares for Ships' Crews (Revalidating and Amending)	3
R-20	077c	TC3 Group Fares for Ships' Crews—Bangladesh, India, Pakistan, and Sri Lanka (Revalidating and Amending).	3
R-21	079f	TC3 Contract Bulk Inclusive Tour Rules (Revalidating and Amending)	3
R-23	080f	TC3 35-Day Individual and Group Inclusive Tour Fares, Australia/New Zealand to Bangladesh/Burma/India/Nepal/Pakistan/Sri Lanka (Revalidating and Amending).	3
R-24	080i	TC3 28-Day Inclusive Tour Fares, Japan to Afghanistan/Bangladesh/-India/Nepal/Pakistan/Sri Lanka (Revalidating and Amending).	3
R-25	081j	TC3 17-Day Group Inclusive Tour Fares, Bangkok to Calcutta (Revalidating and Amending).	3
R-26	081jj	Special Group Inclusive Tour Fares—Between the People's Republic of China and Japan (New).	3
R-27	084k	TC3 Group Inclusive Tour Fares (Revalidating and Amending)	3
R-31	092	Student Fares (Revalidating and Amending)	3

V 40-64 APR 275

Agreement C.A.B.	*IATA resolution*
24886	300 (Mail 441) 084k.
24996:	
R-3	300 (Mail 444) 077b.
R-4	300 (Mail 444) 061jj.

Accordingly, *It is Ordered*, That:

1. Those portions of Agreements C.A.B. 24818, C.A.B. 24821, C.A.B. 24926, C.A.B. 24982 and C.A.B. 24996 set forth in finding paragraphs 1, 2, and 3 above, be and hereby are approved subject, where applicable, to conditions previously imposed by the Board;

2. Those portions of Agreements C.A.B. 24818 and C.A.B. 24821 set forth in finding paragraph 4 above be and hereby are disapproved to the extent they have direct application in air transportation as defined by the Act;

3. Those portions of Agreements C.A.B. 24818 and C.A.B. 24821 set forth in finding paragraph 4 above be and hereby are approved to the extent they do not have direct application in air transportation as defined by the Act;

4. Those portions of Agreements C.A.B. 24818 and C.A.B. 24821 set forth in finding paragraphs 5, 6, and 7 above be and hereby are disapproved;

5. Jurisdiction be and hereby is disclaimed with respect to those portions of Agreements C.A.B., 24821, C.A.B. 24886, and C.A.B. 24996 set forth in finding paragraph 8 above;

6. Tariffs implementing the agreements approved herein shall be marked to expire not later than the respective expiry dates of the approved agreements; and

7. The carriers are hereby authorized to file tariffs implementing the approved agreements on not less than one day's notice for effect not earlier than April 1, 1975. The authority in this paragraph expires with May 1, 1975.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-8431 Filed 4-1-75;8:45 am]

[Docket 27671; Order 75-3-102]

NATIONAL AIRLINES, INC.

"No Frill" Fares; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 27th day of March, 1975.

By tariff revisions[1] marked to become effective March 29, 1975, National Airlines, Inc. (National), proposes to establish new fares, called "no frill" fares, in 32 markets where it operates wide-body aircraft.[2] The fares would apply for transportation in the rear compartments of those aircraft, are discounted 35 percent from normal coach fares,[3] and would apply from April 14, 1975 through December 16, 1975 except for a summer blackout (July 1 through September 2) and a blackout around Thanksgiving (November 25 through December 1).

The "no frill" tariff would only be valid for departures scheduled on Monday through Thursday of each week. No meals or snacks would be provided, although coffee, tea, milk and soft drinks would be available at a charge of $0.25. No alcoholic beverages would be sold. The tariff carries a seven-day advance-purchase requirement with reservations accepted only at the time of ticket purchase. A cancellation charge of $10 or 10 percent of the ticket price, whichever is higher, would be assessed for "no shows," cancellation, or reservation change. No length-of-stay requirements apply since the fares are published on a one-way basis.

American Airlines, Inc. (American), Continental Air Lines, Inc. (Continental), Delta Air Lines, Inc. (Delta), and Eastern Air Lines, Inc. (Eastern), have filed to match National's "no frill" fares in markets where they are competitive, although with some modifications. These filings will be disposed of by subsequent order.

In support of its proposal and in answer to the complaints, National points to the continuing decline in traffic, which allegedly reached 1.5 percent in the fourth quarter of 1974 and a further 1.9 percent in January 1975, and argues that "the development of a sound and profitable fare aimed at bringing back scheduled air transportation within the reach of that large portion of the price-conscious American public which has been progressively excluded from the market place" is needed to deal with this situation. At the same time, National is seeking to improve the utilization of its wide-body aircraft, which are experiencing low load factors and are thus not realizing their potential operating efficiency. National contends that the industry's wide-body load factors (domestic operations) dropped from 57.4 percent in the third quarter of 1974 to 45.2 percent in the last quarter.

National defends its use of Phase 5 methodology in its justification, and submits evidence that it is reducing its system seat-miles while its New York-Florida competitors are increasing capacity. National submits that, despite this voluntary capacity cut-back, it is still faced with excessive capacity, and that its "no frill" fare program is thereby entirely consistent with the Board's discount fare policy enunciated in the *DPFI*. National attempts to justify its profit-impact test based on a survey taken of sales already made for its "no frill" service for the three-day period March 11 through 13, and argues that the mid-week Florida excursion fare does not represent a duplication of its traffic-generation estimate.

American and Eastern have filed complaints against the fares, requesting suspension and investigation. Both complainants allege that National has failed to demonstrate any cost savings which would justify a 35 percent discount, that the cost saving for wide-body versus conventional aircraft is far less than that claimed by National, and that the proposal is discriminatory because it is limited to wide-body aircraft. American further alleges, inter alia, that National would gain a tremendous competitive advantage, that the proposal is intended more to divert traffic from its competitors than to generate new traffic; and that the fares would, in effect, be as much a basic class of service as night coach or economy fares.

Eastern alleges, inter alia, that National's proposed program is not necessary at this time since other promotional fares have recently been introduced; that it carries the threat of spreading throughout the industry and to other aircraft types. Eastern alleges that, if considered a lower priced economy fare, it should be suspended because it does not reflect any cost savings over and above the $4 differential determination in Phase 9. If the fares are considered as discounted promotional fares, Eastern contends that National has failed to show that they meet the profit-impact test. Finally, Eastern contends that National has ignored the impact if its 7–21 day midweek excursion fare and has, in effect, double counted generation of excursion-fare passengers in obtaining its generation estimate.

In addition, United Air Lines, Inc., (United) has answered in support of the complaints. The Council on Wage and Price Stability and the Southern Florida Hotel and Motel Association (Association) have answered in support of National's proposal.[4] The Civil Aeronautics Board's Office of the Consumer Advocate has submitted a letter also supporting the "no frill" fare proposal.

Upon consideration, the Board has decided to permit National's "no frill" fares to become effective. It is generally recognized that air traffic is soft, and that appropriately devised fare incentives are needed to stimulate traffic The traffic decline experienced in recent months has led the domestic industry to establish a number of new discount fares. Whether or not the "no frill" fares will stimulate additional traffic without causing undue

[1] Revisions to Airline Tariff Publishers Company, Inc., Agent, Tariff C.A.B. Nos. 142, 202, and 220.

[2] New York-Miami/Fort Lauderdale and markets on its southern tier route. Five additional Ft. Lauderdale-southern tier markets have been common-fared with Miami although National does not operate single-plane wide-bodied schedules in these markets.

[3] National has designated the rear-most compartment of the DC–10–10 and DC–10–30, comprising 121 and 129 seats, respectively, as available for "no frill" passengers. The discount is applied to the pending "Phase 9" full coach fare (to be effective April 29, 1975). Accompanied children (ages 2–12) would be carried at 66⅔ percent of the adult "no frill" fare.

[4] Late filed answers in support of the fares were also filed by the Department of Transportation and the Department of Justice. Those answers were accompanied by motions to submit late filed documents which will be granted.

diversion is, of course, unknown. However, a survey taken by National of "no frill" sales, albeit limited to a three-day period, suggests that the fares have appealed primarily to pleasure/personal travelers, many of whom have discretionary incomes at lower ranges than those of persons typically using scheduled air transportation, and many of whom have apparently diverted from surface travel. In light of this initial experience and the widespread publicity the "no frill" fares have received, it may well be that the fares will have a generative impact in the magnitude estimated by National and prove to be profitable. For this reason, we believe the proposal merits a test in the marketplace.

However, the complaints raise a number of substantial questions as to the economics and lawfulness of the proposed fares which cannot be adequately answered at this time. These questions are clearly serious enough to require that the proposal be investigated.[5] We mention the question of generative impact above. With respect to the alleged greater efficiency of wide-body aircraft, which is National's primary basis for the discount, our evaluation of the latest operational and cost data indicates that the cost advantage in these particular markets, based on National's own experience, is far short of the 35.7 percent claimed by National. National's estimated advantage results almost completely from the fact that its wide-body jets operated at an average flight stage of 911 miles during fiscal 1974, while its narrow-body aircraft operated at a 401-mile average hop. In any event, however, the Board does not regard National's proposal as a long-term cost-based class of service but rather as a fare to be tested against the short-term Phase 5 criteria.

To insure that the overall fare level is not burdened by traffic moving on these fares, the Board has decided to include the traffic in its Phase 5 (DPFI) discount-fare adjustment in future evaluation of the industry's revenue need. Accordingly, we will require that the carriers specifically isolate the traffic, adult and children, in their discount-fare traffic submissions pursuant to Phase 5.

Accordingly, pursuant to the Federal Aviation Act of 1958, particularly sections 204(a), 403, 404 and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A[6] attached hereto, and rules, regulations and practices affecting such fares and provisions, are or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. The motion by the United States Department of Justice for leave to file a late document is hereby granted;

3. The motion by the United States Department of Transportation for leave to file a late document is hereby granted;

4. Except to the extent granted herein, Dockets 27607 and 27610 are hereby dismissed;

5. The investigation ordered herein be assigned before an Administrative Law Judge at a time and place hereafter to be designated; and

6. A copy of this order be served upon American Airlines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., United Air Lines, Inc., the United States Department of Justice, the United States Department of Transportation, the Council on Wage and Price Stability and the Southern Florida Hotel and Motel Association.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[7]

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-8534 Filed 4-1-75;8:45 am]

[Docket 27557; Order 75-3-66]

SEABOARD WORLD AIRLINES, INC. DEUTSCHE LUFTHANSA AKTIENGESELLSCHAFT

Transatlantic Container Rates; Order of Investigation; Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of March, 1975.

Ordering paragraph 1 of Board Order 75–3–66, published at 40 FR (13332) 3–26–75, is amended as follows:

Delete "4th Revised Page 82"

Add "5th Revised Page 82, including subsequent revisions and reissues thereof."

By the Civil Aeronautics Board:

Dated: March 24, 1975.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.75-8533 Filed 4-1-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 746]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

MARCH 24, 1975.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed confliction applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21285-CD-P-75, Telanswer Radiophone Service (KUC853), C.P. to add Loc. No. 3 to operate on 158.70 MHz to be located at 507 South Arthur Drive, Pocatello, Idaho.

21286-CD-P-75, The Pacific Telephone and Telegraph Company (KUD229 Air-Ground), C.P. to change antenna height operating on 454.675 MHz located 5.6 miles North of Julian, California.

21287-CD-P-75, General Communications Company (KUC849), C.P. to replace transmitter operating on 35.22 MHz located at Westover Reservoir Park, Morgantown, West Virginia.

21288-CD-P-75, Nolen H. Cope (New), C.P. for a new station to operate on 454.075 MHz to be located at Intersection Hwy. 385 and Hwy. 137, Brownfield, Texas.

21289-CD-P-75, DPRS, Inc. t/a Zipcall (KCB880), C.P. to change antenna system and relocate facilities operating on 43.58 MHz located at Nobscott Hill, 5 miles North of Farmington, Massachusetts.

21290-CD-P-75, Meriden Telephone Company (New), C.P. for a new 1-way station to operate on 158.10 MHz to be located 1.7 miles NE of Meriden.

[5] The Board intends to expedite the investigation of the "no frill" fares, and will promptly issue an order establishing guidelines for processing the case.

[6] Appendix A filed as part of the original document.

[7] TIMM, Member, filed the Concurrence and Dissent as part of the original document.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

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APR 2 75

21291–CD–P–75, Radio Broadcasting of Nevada, Inc. (KUC996 Air-Ground), C.P. to change facilities operating on 454.675 MHz located at 320 East Carson Avenue, Las Vegas, Nevada.

21292–CD–P–75, Hawaiian Telephone Company (KUA231), C.P. to relocate facilities operating on 152.57 MHz at Loc. No. 1, located 53 South Church Street, Walluku, Hawaii.

21293–CD–P–75, Mobilfone of Kansas (New), C.P. for a new 1-way station to operate on 152.24 MHz to be located at U.S. Highway 183, 2.9 miles North of Hays, Kansas.

21294–CD–P–75, Inter State Telephone Company (KQZ727), C.P. to change antenna system operating on 152.84 MHz located at 100 North Cherry Street, Galesburg, Illinois.

Major Amendment

21186–C2–P–(3)–74, Stockton Mobilphone, Inc., El Dorado California (KRM984), amend to change the control frequency at location No. 3 (2771 Ralph Avenue, Stockton, California) and location No. 4 (3502 Kroy Way, Sacramento, California) to 72.50 MHz. All other particulars to remain the same as reported in PN No. 696, dated April 15, 1974.

20618–CD–75, Island Telepage Systems, Oak Harbor, Washington, (New) amend to change base frequency 152.24 MHz. to read 454.300 MHz. and to add second transmitting antenna site at Lummi Island, Washington to operate on same frequency; change the antenna system at the proposed Blyn Mountain, Washington site. All other particulars are to remain the same as reported on PN No. 726, dated November 4, 1974.

6383–C2–P–68, The Bell Telephone Company of Pennsylvania, Philadelphia, Pennsylvania, (New) amend to change antenna system of location No. 1; 12 South Street; Loc. No. 2 4900 N. Broad Street; Loc. No. 3 2210 Lott Street, Philadelphia, Pennsylvania. Also change power at Loc. No. 1 and antenna location No. 2 to 4900 North Broad Street, Philadelphia, Pennsylvania. All other particulars are to remain the same as reported on PN No. 402–1, dated August 28, 1968.

Corrections

21261–CD–P–(3)–75, Electronic Engineering Company (New). Correct to read: C.P. for a new 1-way station to operate on 35.58 MHz. at Loc. No. 1, 1100 Kescauqua Way, Des Moines, Iowa. Loc. No. 2 at 4133 E. 23rd Street, Des Moines, Iowa, and Loc. No. 3 at 1200–35th Street, Des Moines, Iowa.

21270, 21273, 21275, 21275, 21277 & 21281–CD–TC–75, Radio Relay Corpe Consent to transfer to Radio Relay Corp- Delware. Correct to read as follows—Stations: KEC-745, Brooklyn N.Y.; KAA393 St. Louis, Missouri, KQC884 Detroit Michigan, KSC645 Chicago, Illinois KQC877 Cincinnati, Ohio.

POINT TO POINT MICROWAVE RADIO SERVICE

3001–CF–P–75, Michigan Bell Telephone Company (KQK36), 4.2 Miles SE of Saranac, Michigan. Lat. 42°53'06" N., Long. 85°09'12" W. C.P. to add frequency 3870V MHz toward Potterville, Michigan on azimuth 126°/01'.

3002–CF–P–75, Same (WSL61), 4.4 Miles NNE of Morrice, Michigan. Lat. 42°54'20" N., Long. 84°09'36" W. C.P. to change antenna designation from BC to BD and add frequencies 4070H and 4150H MHz toward Lansing, Michigan on azimuth 239°/40'.

3003–CF–P–75, Same (KQF43), 1.5 Miles East of Pine Run, Michigan. Lat. 43°10'20" N., Long. 83°40'48" W. C.P. to add frequency 4070H MHz toward Saginaw, Michigan on azimuth 323°/45'.

3004–CF–P–75, Same (KQM33), on McGuinnis Road, 3.4 Miles SW of Ortonville, Michigan. Lat. 42°49'06" N., Long. 83°30'09" W. C.P. to change antenna designation from BC to BD and add frequencies 4090H MHz toward Pontiac, Michigan on azimuth 138°/56'; add 4090V 4070H and 4150H MHz toward Flint, Michigan on azimuth 324°/34'.

3005–CF–P–75, Same (KQG59), 502 Beach Street, Flint, Michigan. Lat. 43°00'53" N., Long. 83°41'33" W. C.P. to add frequencies 4050V MHz toward Ortonville, Michigan on azimuth 144°/27'; add 4030H and 4110H MHz toward Morrice, Michigan on azimuth 252°/31'; add 4030V MHz toward Pine Run, Michigan on azimuth 03°/19'.

3006–CF–P–75, Same (KQM36), 221 North Washington Street, Lansing, Michigan. Lat. 42°44'08" N., Long. 84°33'09" W. C.P. to add frequencies 3870H and 4110H MHz toward Potterville, Michigan on azimuth 231°/54'.

3007–CF–P–75, Same (KVU86), 54 N. Mill Street, Pontiac, Michigan. Lat. 42°38'20" N., Long. 83°17'25" W. C.P. to add frequencies 4050H MHz toward Detroit, Michigan on azimuth 150°/11'; add 4050H, 4030V, and 4110V MHz toward Ortonville, Michigan on azimuth 319°/04'.

3008–CF–P–75, Same (KQI80), 1365 Cass Avenue, Detroit, Michigan. Lat. 42°19'57" N., Long. 83°03'14" W. C.P. to add frequencies 4090H, 4030V, and 4110V MHz toward Pontiac, Michigan on azimuth 330°/21'.

3009–CF–P–75, Same (KQA43), 1.3 Miles East and 1.3 Miles North of Potterville, Michigan. Lat. 42°38'44" N., Long. 84°42'-28" W. C.P. to add frequencies 3910H MHz toward Lansing, Michigan on azimuth 51°/47'; add 3910V and 4150V MHz toward Saranac, Michigan on azimuth 306°/19'.

3017–CF–P–75, The Offshore Telephone Company (New), South Marsh Island Area, Block 281, Platform C, Gulf of Mexico. Lat. 29°05'09" N., Long. 91°53'24" W. C.P. for a new station on frequency 2113.0H MHz toward a new point of communication at South Marsh Island Area 269 D, Gulf of Mexico on azimuth 69°/52'.

3018–CF–P–75, The Offshore Telephone Company (New), South Marsh Island Area, Block 6, Platform A, Gulf of Mexico. Lat. 28°59'45" N., Long. 92°00'57" W. C.P. for a new station on frequency 2178.0V MHz toward a new point of communication at South Marsh Island Area 268 A, Gulf of Mexico on azimuth 43°21'.

3019–CF–P–75, Same (New), South Marsh Island Area, Block 268, Platform A, Gulf of Mexico. Lat. 29°06'57" N., Long. 91°-52'17" W. C.P. for a new station on frequencies 2128.0V MHz toward a new point of communication at South Marsh Island Area, 6 A, Gulf of Mexico on azimuth 223°/25'; 2120.0V MHz toward a new point of communication at South Marsh Island Area 269 D, Gulf of Mexico on azimuth 320°05'.

3020–CF–P–75, Same (New), South Marsh Island Area, Block 269, Platform D, Gulf of Mexico. Lat. 29°07'52" N., Long. 91°53'32" W. C.P. for a new station on frequencies 2170.0V MHz toward a new point of communicatton at South Marsh Island Area 268 A, Gulf of Mexico on azimuth 140°/08'; 2162.0H MHz toward a new point of communication at South Marsh Island Area 281 C, Gulf of Mexico on azimuth 150°/52'.

3021–CF–P–75, RCA Alaska Communications, Inc. (New), Surfcote Camp, 2.38 Miles NNE of Prudhoe Bay Airport, Alaska. Lat. 70°-16'40" N., Long. 148°16'20" W. C.P. for a new station on frequency 2168.2V MHz toward Put River, Alaska on azimuth 261°/00'.

3022–CF–P–75, Same (WOF48), Put River, Adjacent to Alyeska Pipeline Pump Station No. 1, 394 Miles North of Fairbanks, Alaska. Lat. 70°15'34" N., Long. 148°36'32" W. C.P. to add antenna and frequency 2118.2V MHz toward a new point of communication at Surfcote Camp, Alaska on azimuth 80°41'.

3028–CF–ML–75, The Pacific Telephone and Telegraph Company (KMX57), 308 West Cypress Street, Santa Maria, California. Lat. 34°57'02" N., Long. 120°26'19" W. Mod. of License to change polarization from Horizontal to Vertical on frequencies 3770 3850 3930 4010 4090 4070 and 4170 MHz toward Tassajera, California on azimuth 333°/32'.

3029–CF–ML–75, Same (KMZ71), Tassajera, 5.5 Miles West of Santa Margarita, California. Lat. 35°23'37" N., Long. 120°42'29" W. Mod. of License to change polarization from Horizontal to Vertical on frequencies 3730 3810 3890 3970 4030 4050 and 4130 MHz toward Santa Maria, California on azimuth 153°/23'.

CORRECTION

2990–CF–P–75, General Telephone Company of Illinois (KSN45), Correct frequency 6397.7H to read 6367.7H MHz (All other particulars remain the same as reported on Public Notice dated March 17, 1975.)

[FR Doc.75–8470 Filed 4–1–75;8:45 am]

[FCC 75–297]

GEORGE T. MOBILLE AND RADIO GAITHERSBURG, INC.

Declaratory Ruling

In re letters of George T. Mobille and Radio Gaithersburg, Inc., for declaratory tions for deleted facilities of station tions for deleted facilities of station WHMC, Gaithersburg, Maryland.

1. We have before us for consideration a request for a declaratory ruling filed on December 10, 1974, on behalf of George T. Mobille [Mobille] regarding the status of future applications for the deleted facilities of station WHMC, Gaithersburg, Maryland (1150 kHz), and a similar request filed on behalf of Radio Gaithersburg, Inc. [RGI]. Both Mobille and RGI are potentially mutually exclusive applicants.

2. On December 3, 1973, WHMC was ordered to cease operations following denial of that station's application for renewal of license. Nick J. Chaconas v. F.C.C., Case No. 72–1684 (D.C. Cir., October 11, 1973).

3. It is the practice of the Commission, where a station has been deleted, to accept applications to continue that service in order to avoid an extended period of interruption in service to the community of license. Such applications are subject to those rules, regulations and technical criteria applicable to the deleted facility, rather than those normally applied to a request for an entirely new assignment. However, since our standard broadcast allocation is not based on a predetermined table of assignments, as in the case of FM broadcast stations, once a standard broadcast station has been deleted for a significant length of time, an application for that particular frequency is considered to be an application for a new station, unrelated to the prior facility, and is subject to the Commission's rules and standards as of the date the application is tendered. Opal Rompel, 24 F.C.C. 2d 458 (1970); LaFourche Valley Enterprises, Inc., 31 RR 2d 1409 (1974). In Opal Rompel, the applicant tendered an application for the deleted facilities of station KOLR, Sterling, Colorado, one year and ten days after KOLR had ceased operation and almost seven months after the station had been deleted. In LaFourche, the applicant tendered its application fourteen and one-half months after the effective date of the revocation. In both Opal Rompel and LaFourche, due to the "significant length of time" between cessation of operation of the station and the tendering of the application, as well as the absence of sufficient grounds to warrant departure from the Commission's practice, as indicated above, we declined to consider the applications as being for continuing service.

4. In the instant case, the applications for the deleted facilities will be filed with the Commission more than a year after the effective date of the WHMC deletion. Nevertheless, we believe that although this would generally constitute the "significant length of time" required to cause an application for the deleted facilities to be considered as an application for an entirely new assignment, there are sufficient grounds here to permit acceptance of the applications.

5. WHMC's five-tower directional antenna and studio site is on land which was owned by the former licensee, Nick J. Chaconas. In addition, a portion of the facilities had been constructed on land owned by Montgomery County and under the control of the Maryland National Capital Park and Planning Commission [Park and Planning Commission]. In its request, RGI indicates that in view of engineering considerations as well as the local land use and zoning restrictions, this site is the only reasonable site for the location of a station on 1150 kHz. Following deletion of the WHMC facilities, negotiations commenced which resulted in acquisition of the site by Montgomery County. During the negotiations Mobille and RGI were informed that the Park and Planning Commission would make no representations concerning the terms of a possible lease until the contract with Mr. Chaconas was final. In May 1974, the County entered into a contract with Chaconas for the sale of his land. However, Mobille and RGI indicate that they were not notified of this transaction until September 1974, and furthermore, were not informed of the terms upon which the County would lease the facilities until December 5, 1974.[1] Mobille's request for a declaratory ruling in this matter was filed immediately thereafter.

6. In view of these circumstances, we believe that Mobille and RGI have exercised due diligence and have shown good cause why applications to replace WHMC could not have been filed earlier. Since the delay was occasioned by factors beyond their control, we will afford them additional time to file proposals for the facilities. Furthermore, consistent with our established practice in this area, the forthcoming applications will be granted pro forma waivers of our acceptability criteria provided they cause no more interference on the frequency than the former facilities. Following acceptance of the future Mobille and RGI proposals, they will be placed on a "cut-off" list and a deadline established for the filing of other competing applications.

7. Accordingly, *it is ordered*, that the aforementioned requests for declaratory ruling, filed by George T. Mobille and Radio Gaithersburg, Inc., are granted to the extent that the above parties may tender applications to replace the facilities of former station WHMC no later than sixty (60) days following release of this order.

Adopted: March 11, 1975.

Released: March 20, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] VINCENT J. MULLINS, *Secretary*.

[FR Doc.75–8468 Filed 4–1–75;8:45 am]

[1] The 21-acre site may now be leased for 10 years at $15,000 per annum. A second ten-year lease can be negotiated for a percentage of the station's yearly gross revenues but in no event less than $15,000.

[2] Commissioner Hooks concurring in the result.

[Docket Nos. 20388, 20389, 20390; File Nos. BPH–8802, BPH–8900, BPH–8907]

MARANATHA, INC. ET AL.

Construction Permits

In re applications of MARANATHA, INC., Princess Anne, Maryland, requests: 102.5 MHz; Channel #273; 50 kW (H&V); 500 feet; Leisure Time Communications, Inc., Pocomoke City, Maryland, requests: 102.5 MHz; Channel #273; 50 kW (H&V); 500 feet; Peter and John Radio Fellowship, Inc., Pocomoke City, Maryland, requests: 102.5 MHz, Channel #273; 50 kW (H&V); 500 feet, for construction permits.

1. The Commission, by the Chief of the Broadcast Bureau, acting pursuant to delegated authority, has under consideration the three above-captioned applications which are mutually exclusive in that they seek the same channel allocated to Pocomoke City, Maryland.

2. Leisure Time Communications, Inc. [Leisure Time], proposes to alter the vertical radiator of its existing AM station, WDMV, by increasing its antenna height from 324 feet above ground to 525 feet above ground. Since the increase in tower height has not received FAA clearance, it will be necessary to determine whether there is a reasonable possibility that the tower height and location proposed by Leisure Time would constitute a menace to air navigation. Accordingly, an appropriate issue will be included as to this application.

3. The FM antenna proposed by Leisure Time is to be side-mounted on the WDMV tower and will result in an increase in the antenna height. No application is pending for a change in the WDMV tower. Accordingly, a grant of the Leisure Time application should contain a condition requiring the submission and approval of an appropriate application by WDMV for changes in its antenna structure.

4. Peter and John Radio Fellowship, Inc. [Radio Fellowship], proposes to locate its studio-transmitter site 6.0 miles northwest of Pocomoke City, Maryland. Section 73.210 of the Commission's rules provides that the main studio of a commercial FM station must be located in the proposed city of license, or good cause must be shown for locating the main studio outside that community. Radio Fellowship states that its proposed site is located at the intersection of a major U.S. Highway and Cottage Grove Road. This location is approximately 10 minutes in driving time from Pocomoke City. The proposed site is not located within any other city or significant community, nor is it closer to any other city or significant community than to Pocomoke City. Radio Fellowship also states that the selected site is within reasonably short highway distances from Princess Anne and Crisfield, neither of which has a radio station. In addition to showing the convenience and accessibility of the site to the residents of Pocomoke City, as well as other cities within the service area, Radio Fellowship states that the substantial amount of land available at its proposed site will allow expansion of the station's physical plant whenever warranted. Good cause to locate the studio-transmitter complex at the proposed site has been shown in this instance.

5. Although two of the applicants propose to serve primarily Pocomoke City, Maryland, while Maranatha, Inc. [Maranatha], proposes to serve primarily Princess Anne, Maryland, the respective applicants would serve substantial areas in common. Thus, a contingent comparative issue has been specified. In the event it is determined, pursuant to section 307(b) of the Communications Act of 1934, as amended, that one of the proposals for Pocomoke City is to be preferred, it will be necessary to conduct a full comparison between the two applicants for that community to determine which is better qualified. If the proposal for Princess Anne is found preferable from a section 307(b) standpoint, it will be granted. If, however, a choice between the Princess Anne and Pocomoke City proposals cannot be made under 307(b) criteria, it will be necessary to determine, on a comparative basis, which of the three applicants is best qualified.

6. Maranatha and Radio Fellowship propose independent programming, while Leisure Time proposes to duplicate the programming of its commonly owned AM station, WDMV, on the average of 12 hours a day. Therefore, in the event that the proposals for Pocomoke City are preferred pursuant to section 307(b) of the Communications Act of 1934, as

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amended, or in the event that the Administrative Law Judge decides that a choice between the three applications in this proceeding should not be based solely on considerations relating to section 307 (b), evidence regarding program duplication will be admissible under the comparative issue. When duplicated programming is proposed, the showing permitted under the comparative issue is usually limited to evidence concerning the benefits to be derived from the proposed duplication which would offset its inherent inefficiency. Jones T. Sudbury, 8 FCC 2d 360, 10 RR 2d 114 (1967). However, since Radio Fellowship proposes predominantly religious programming, while Leisure Time proposes general market programming, the relative need for these different types of programming will also be considered if the proposals for Pocomoke City are preferred pursuant to section 307(b) or if the Administrative Law Judge determines that a choice between the three applications should not be based solely on considerations relating to section 307(b). Ward L. Jones, FCC 67-32 (1967); Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, footnote 9 at 397 (1965).

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. Accordingly, *it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower height and location proposed by Leisure Time Communications, Inc., would constitute a menace to air navigation.

2. To determine the areas and populations which would receive FM service of 1 mV/m or greater intensity from the respective proposals together with the availability of other primary (1 mV/m or better for FM) aural services in such areas.

3. To determine, in light of section 307 (b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the event that it is concluded that a choice between applications should not be based solely on considerations relating to section 307(b), which of the proposals would best serve the public interest.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

9. *It is further ordered*, That, pursuant to § 73.210(a)(2) of the rules, permission to locate the main studio as proposed in the Peter and John Radio Fellowship, Inc., application is granted.

10. *It is further ordered*, That, the Federal Aviation Administration is made a party to this proceeding.

11. *It is further ordered*, That, in the event of a grant of the application of Leisure Time Communications, Inc., the construction permit shall contain the following condition:

Construction of the antenna structure shall not commence until an application for appropriate changes in the facilities of WDMV has been approved by the Commission.

12. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

13. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: March 19, 1975.

Released: March 25, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-8467 Filed 4-1-75;8:45 am]

[FCC 75-305; CSR-480, 477]

TELEPROMPTER CABLE SYSTEMS, INC. AND CENTRAL CALIFORNIA COMMUNICATIONS CORP.

Petitions for Declaratory Ruling

In re Teleprompter Cable Systems, Inc., Santa Cruz, Scotts Valley, Santa Cruz County, California, and Central California Communications Corporation, Capitola, Watsonville, East Lake Village, Freedom, Salinas, Serra Village, San Benancio, California, petitions for declaratory ruling.

1. On October 26, 1973, TelePrompTer Cable Systems, Inc., operator of cable television systems serving Santa Cruz, Scotts Valley and Santa Cruz County, California, filed a "Request for Declaratory Ruling Concerning § 76.99 of the Commission's Rules" (CSR-480). TelePrompTer's systems are within the San Francisco-Oakland-San Jose market (#7) and the Salinas-Monterey smaller TV market. On November 7, 1973, Central California Communications Corporation, operator of cable television systems at Capitola, Watsonville, East Lake Village, Freedom (each within the San Francisco-Oakland-San Jose and the Salinas-Monterey markets), Salinas, Serra Village and San Benancio (each within the Salinas-Monterey market), California, filed a "Request for Declaratory Ruling" (CSR-477). Both requests involve similar issues and therefore will be consolidated.

2. TelePrompTer carries Television Broadcast Stations KMST, Channel 46 (CBS), Monterey, and KTVU, Channel 2 (Ind.), Oakland, on its Santa Cruz systems. Both signals are significantly viewed in Santa Cruz County where the cable systems are located, and therefore must be carried pursuant to § 76.61 on each system. KMST places a Principal Community contour and KTVU a predicted Grade B contour over the cable communities. On March 31, 1972, TelePrompTer was providing exclusivity protection to KMST's network and non-network programming pursuant to former § 74.1103 of the Commission's rules.[1] Currently, KMST and KTVU simultaneously broadcast the same episodes of at least two syndicated programs: "Mission Impossible" and "Dragnet". Prior to March 31, 1972, KMST did not receive exclusivity protection for either program, since it did not broadcast either one. But KMST now has requested protection for both from TelePrompTer. KTVU has objected to KMST's request.

3. Central California Communications Corp. (hereinafter Central) also carries both KMST and KTVU. In addition to KMST and KTVU, Central carries Television Broadcast Stations KPIX, Channel 5 (CBS), and KRON-TV, Channel 4 (NBC), San Francisco on its cable systems. Both KMST and KTVU are significantly viewed in Santa Cruz and Monterey counties, where the systems are located, and therefore must be carried pursuant to either § 76.59 or 76.61 on each system. Neither KPIX nor KRON-TV is significantly viewed in either county but both are market signals and must be carried pursuant to § 76.61 on the systems located in the San Francisco-Oakland-San Jose market. All of Central's systems are located within the predicted Grade A contour of KMST and the predicted Grade B contours of KTVU, KPIX and KRON-TV. On March 31, 1972, Central provided exclusivity protection to KMST pursuant to former § 74.1103 as to both network and non-network programming. KMST currently is requesting exclusivity for syndicated programs which Central claims had the following status on March 31, 1972:

[1] Former § 74.1103 of the rules states in pertinent part that, "Where a station is entitled to program exclusivity, the CATV system shall, upon the request of the station licensee or permittee, refrain from duplicating any program broadcast by such station, on the same day as its broadcast by the station, if the CATV operator has received notification from the requesting station of the date and time of its broadcast of the program and the date and time of any broadcast to be deleted, as soon as possible and in any event no later than 48 hours prior to the broadcast to be deleted. Upon request of the CATV system, such notice shall be given at least 6 days prior to the date of any broadcast to be deleted."

Program	March 31, 1972, status	Station presently carrying the program (against which exclusivity is requested)
Lawrence Welk	KMST was operating under a contract running from September 1971-August 1972 to broadcast these programs.	KPIX
Wild Kingdom		KRON-TV
Mike Douglas		KPIX
Mission Impossible	Network program series	KTVU
Good Ole Nashville	Television Broadcast Station KSBW-TV was under contract to broadcast these programs.	KTVU
Dragnet		KTVU
Rock Concert	Not in existence	KGO-TV

KTVU has objected to KMST's request for protection on Central's cable television systems.

4. KMST is not entitled to syndicated program exclusivity pursuant to §§ 76.151 and 76.153[3] of the rules because it is not licensed to a major market. Additionally, three of the cable television communities—Salinas, Serra Village and San Benancio—are not located within major television markets. KMST asserts that it is entitled to such protection, however, pursuant to the grandfather provisions of § 76.99.[2] Since it was entitled to exclusivity protection for its non-network programming prior to March 31, 1972, KMST believes it continues to have the right to request protection for all of its syndicated programming, whether or not a specific program was being carried and protected on March 31, 1972. On the other hand, KTVU argues that § 76.99 grandfathers only the specific syndicated programs which were subject to exclusivity rights prior to March 31, 1972, and that a cable system is not required to provide protection for programs which are no longer subject to an exclusivity contract which was in effect on March 31, 1972.

5. In the Cable Television Report and Order, FCC 72-108, 36 FCC 2d 143, we first distinguished for exclusivity purposes between network and non-network programming. In the Reconsideration of the Cable Television Report and Order, 36 FCC 2d 326, FCC 72-530, Par. 67, we stated, that "we restore to stations whose signals were carried by a cable system prior to March 31, 1972, the non-network exclusivity rights that they enjoyed under former § 74.1103, but on a simultaneous-only basis." And the grandfather rule thus states that a station whose signal was carrier prior to March 31, 1972, shall not be deprived of the non-network exclusivity rights it enjoyed on March 31, 1972. This right, provided by former § 74.1103 of the rules, was a right to exclusivity as a program outlet and it required the cable system to refrain from duplicating any program broadcast on the same day by a station of lower priority. The right attached to the signal and covered whatever programs might be broadcast, not any particular programs. Since the grandfather rule continues a right, it continues the same right—the right to non-duplication of whatever non-network programs are broadcast, limited now to simultaneous non-duplication. The right does not depend upon the continued broadcast of any particular program or programs. This right is circumscribed only in the following manner: (a) A station must have been carried by a cable television system prior to March 31, 1972; (b) it must have been extended non-network exclusivity protection by the cable system against lower priority television stations; (c) the protection has been reduced to a "simultaneous-only" basis outside the Mountain Time Zone. The station's rights to such exclusivity protection persist regardless of whether the particular program for which protection is being sought is the same program which received non-network protection prior to March 31, 1972.

Accordingly, *It is ordered*, That the "Request for Declaratory Ruling Concerning § 76.99 of the Commission's Rules," filed by TelePrompTer Cable System, Inc., is granted in accordance with this opinion.

It is further ordered, That the "Request for Declaratory Ruling," filed by Central California Communications Corporation, is granted in accordance with this opinion.

Adopted: March 12, 1975.

Released: March 24, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-8469 Filed 4-1-75;8:45 am]

[2] Section 76.151(b) of the rules provides that: (b) No cable television system, operating in a community in whole or in part within a major television market, shall carry a syndicated program, pursuant to §§ 76.61 (b), (c), (d), or (e), or 76.63(a) (as it refers to § 76.61 (b), (c), (d), or (e)), while a commercial television station licensed to a designated community in that market has exclusive broadcast exhibition rights (both over-the-air and by cable) to that program * * *

Section 76.153(b) of the rules provides in pertinent part: (b) Television broadcast stations licensed to designated communities in the major television markets shall be entitled to the exclusivity provided by § 76.151 (b).

[3] Section 76.99 of the rules states that: "The provisions of §§ 76.91, 76.93, 76.151, and 76.153 shall not be deemed to deprive a television station whose signal was carried by a cable television system prior to March 31, 1972, of the non-network program exclusivity rights that such station had on March 30, 1972; *Provided, however*, That such exclusivity rights shall extend only to simultaneous duplication of programming by lower priority television stations, unless the station whose exclusivity rights are at issue is entitled to same-day network program exclusivity pursuant to § 76.93(b), in which case that station shall also be entitled to continued same-day non-network program exclusivity."

RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Establishment of Special Committee 130

The Federal Communications Commission has determined that the establishment of Special Committee 130, "Reliability Specifications for Airborne Electronics Systems", as a subcommittee of the Radio Technical Commission for Aeronautics is in the public interest and necessary in order to discharge the agency's responsibilities. Notice of establishment is hereby published.

The purpose of RTCA Special Committee 130 is to: Investigate the various means of determining and specifying reliability for electronic systems recommended by RTCA Minimum Performance Standards; Assess the significance of specifying MTBR and MTBF for safety of flight electrical and electronic equipment; Recommend which, if any, of these available techniques may be applicable for incorporation into Minimum Performance Standards. During its investigations, the Special Committee should review the techniques employed by both civil and military agencies to improve reliability, and the result these techniques have achieved.

The final report of Special Committee 130 is expected to be completed no later than April 1, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-8478 Filed 4-1-75;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Meeting

As a matter of public notice, members of the Executive Committee of the Radio Technical Commission for Aeronautics will meet on administrative matters on Friday, April 25, 1975, in Conference Room 261, 1717 H Street NW., Washington, D.C., commencing at 9:30 a.m.

The agenda for the meeting is:

1. Approval of the minutes of the March 21, 1975, meeting.
2. Special Committee activities report for April, 1975.
3. Chairman's report on RTCA administration and activities.
4. Proposed changes to RTCA Document DO-161.
5. Proposed guidelines for implementation of future Minimum Performance Standards.
6. Changes to RTCA constitution and by-laws.
7. Other business.
8. Date and place of next meeting.

Meetings of the Executive Committee are open to the public subject to limitations of space available. Persons planning to attend or who desire additional information concerning this meeting should contact the RTCA Secretariat, Suite 655, 1717 H Street NW., Washington, D.C. 20006, or telephone area code (202) 296-0484.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-8466 Filed 4-1-75;8:45 am]

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RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics Special Committee 130—Reliability Specifications for Airborne Electronics Systems. The meeting is to be held on May 22-23, 1975, in RTCA Conference Room 261, 1717 H Street NW., Washington, D.C. The meeting will commence each day at 9:30 a.m.

The agenda is as follows:

1. Opening comments from the Chairman.
2. Review terms of reference and definition of systems reliability.
3. Review events leading up to determination of MTBF for ground proximity warning system.
4. Review international consideration of reliability specifications.
5. Reliability specifications for airborne electronic systems as related to reliability of the National Airspace System (to be presented by the FAA).
6. NTSB views on reliability specifications for airborne electronic systems.
7. Military views on systems reliability.
8. Identify special committee work program:
   a. Collection of information and establishment of required studies.
   b. Consideration of task assignments.
9. Other business.
10. Date and place of next meeting.

NOTE.—Participants are requested to bring to this meeting for the Special Committee Library a copy of current of proposed Reliability Documents.

Meeting of Special Committee 130 are open to the public subject to limitations of space available. Persons planning to attend or who desire additional information concerning this meeting should contact the RTCA Secretariat, Suite 655, 1717 H Street NW., Washington, D.C. 20006, or telephone area code (202) 296-0484.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-8477 Filed 4-1-75;8:45 am]

FEDERAL MARITIME COMMISSION

JAPAN LINE, LTD. ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before April 22, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

JAPAN LINE, LTD., KAWASAKI KISEN KAISHA, LTD., MITSUI O.S.K. LINES, LTD., YAMASHITA-SHINNIHON STEAMSHIP CO.

Notice of agreement filed by:

Charles F. Warren, Esq.
1100 Connecticut Avenue, NW.
Washington, D.C. 20036

Agreement No. 9718-3, among the four carriers listed above, modifies Article 10 of the basic agreement to provide that the authority conferred under Agreement No. 9718, providing for the operation of a containership service by these carriers in the trade between Japan and California, shall continue in effect to and including August 22, 1977. The present expiration date for the authority conferred under Agreement No. 9718 is May 2, 1975.

By Order of the Federal Maritime Commission.

Dated: March 28, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-8527 Filed 4-1-75;8:45 am]

NIPPON YUSEN KAISHA AND SHOWA SHIPPING CO., LTD.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before April 22, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq.
1100 Connecticut Avenue, NW.
Washington, D.C. 20036

Agreement No. 9731-5, between the two carriers listed above, modifies Article 11 of the basic agreement to provide that the authority conferred under Agreement No. 9731, providing for the operation of a containership service by these carriers in the trade between Japan and California, Hawaii and Alaska, shall continue in effect to and including August 22, 1977. The present expiration date for the authority conferred under Agreement No. 9731 is May 2, 1975.

By Order of the Federal Maritime Commission.

Dated: March 28, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-8528 Filed 4-1-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RP71-130, RP72-58, RP74-39-11]

TEXAS EASTERN TRANSMISSION CORP.

Certification of Proposed Settlement Agreement

MARCH 27, 1975.

Public notice is hereby given that on March 26, 1975, Presiding Administrative Law Judge Morse certified to the Commission a stipulation and agreement, drafted by the parties of interest, as a proposed settlement of the issues raised in Docket No. RP74-39-11, said docket having been consolidated, for purposes of hearing and decision, with Docket Nos. RP71-130 and RP72-58, pursuant to an order of the Commission issued January 17, 1975.

Under the proposed settlement, Texas Eastern Transmission Corporation (TETCO) would alter its present method of calculating the demand charge adjustments for its DCQ Rate Schedule customers. Since July 2, 1974, the date on which TETCO's demand charge adjustment (DCA) provisions became effective, TETCO has made adjustments for a customer only on those days on which the customer requested 96 percent or more of its curtailed maximum daily quantity. Under the proposed settlement, TETCO will make demand charge adjustments for a DCQ customer on a monthly basis, calculated on the difference between the customer's actual monthly takes and the monthly quantity taken by that customer during the corresponding month of the proforma year used to establish annual quantity entitlements.

TETCO has agreed to file revised tariff sheets reflecting the changes agreed to in the stipulation and agreement, and described above, within ten days of the date on which the Commission order approving the settlement becomes final. The new sheets will become effective as of July 2, 1974. Texas Eastern will make special one time refunds and recoup these through charges to its DCA Commodity Surcharge Accounts to effect the retroactive changes in its tariff.

Article III, section 2 of the stipulation and agreement provides that the settlement shall become effective only if the Commission, in its order approving the settlement, waives TETCO's refund liability for the difference between its present and proposed methods of implementing its DCA provisions.

Initial comments by the parties shall be filed by April 7, 1975. Reply comments shall be filed by April 21, 1975.

Any person desiring to be heard or to make protest with reference to said filing should on or before April 7, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The stipulation and agreement is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8455 Filed 3-28-75;10:32 am]

[Docket No. RP74-96]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Conference

MARCH 31, 1975.

Take notice that on Wednesday, April 9, 1975 a conference of all interested persons in the above-referenced docket will be convened at 2 p.m. in Room No. 5200 at the offices of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

The conference will be held pursuant to § 1.18 (Conferences, Offers of Settlement) of the Commission's rules of practice and procedure (18 CFR 1.18). Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, such attendance at the conference will not be deemed to authorize such intervention as a party in the proceedings.

In accordance with the provisions of § 1.18 of the Rules, all parties will be expceted to come fully prepared to discuss the merits of all issues concerning the lawfulness of National Gas PipeLine's proposed tariff changes, any procedural matters preparatory to a full evidentiary hearing, or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference. Failure to attend the conference shall constitute a waiver of all objections to stipulations and agreements reached by the parties in attendance at the conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8762 Filed 4-1-75;11:18 am]

GENERAL ACCOUNTING OFFICE

FEDERAL ENERGY ADMINISTRATION

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on March 26, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FEA form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments must be received on or before April 21, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street, NW., Washington, D.C. 20548.

Further information about the item in this notice may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL ENERGY ADMINISTRATION

Request for clearance of Form FEA P314-M-O, "Monthly Survey of Distillate and Residual Fuel Oil Sales to Ultimate Consumer". This new monthly questionnaire is a follow-on to FEA Form P308-S-O (Historical Survey of Propane, Distillate Fuel Oil, and Residual Fuel Oil Sales to Ultimate Consumer). Potential respondents are a sample of firms, as selected by FEA, which sell distillate and/or residual fuel oil directly to ultimate consumers. The sample will include all refiner/importer marketers and a lesser number of other marketers. The size of the sample will be approximately 1,500 firms. The questionnaire is mandatory under Pub. L. 93-159 & Pub. L. 93-275. Respondent burden is estimated to average about 40 hours per month per respondent.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-8520 Filed 4-1-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on March 28, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments must be received on or before April 21, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street, NW., Washington, D.C. 20548.

Further information about the item in this notice may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

INTERSTATE COMMERCE COMMISSION

Request for an extension no change of Form OP-F 45, "Application for Authority Under Section 5, Interstate Commerce Act, to Acquire Control of a Motor Carrier of Motor Carriers Through Ownership of Stock, or Otherwise." All carriers or persons seeking to acquire control of a Motor Carrier through ownership of stock are subject to this requirement. Approximately 100 applications are filed each year and the average number of hours required per response is estimated to be 600, with a range from 200 hours for smaller revenue motor carriers to 1000 hours (minimum) for large motor carriers.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-8521 Filed 4-1-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 75-24]

NASA ADVISORY BOARD ON AIRCRAFT FUEL CONSERVATION TECHNOLOGY

Notice of Establishment

Pursuant to Section 9(a)(2) of the Federal Advisory Committee Act (Pub.

V 40-64 APR 275

L. 92-463), and after consultation with the Office of Management and Budget, the NASA Administrator has determined that the establishment of an Advisory Board on Aircraft Fuel Conservation Technology is in the public interest in connection with the performance of duties imposed upon NASA by law.

The functions of this Advisory Board will include the review and evaluation of the aircraft fuel conservation technology program under way and planned in NASA in terms of its adequacy and timing with respect to future civil aviation requirements. The Advisory Board will provide advice and recommendations on the objectives, approach, content, and technical balance of the NASA technology program in this area and its relationship to complementary activities in other Government agencies and the civil sector.

The Advisory Board will also advise NASA on the means available to encourage utilization of fuel conservation technology developments in the civil air transportation system.

DOWARD L. CROW,
Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

MARCH 28, 1975.

[FR Doc.75-8459 Filed 4-1-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

SCIENCE ADVISER WITH SCIENTIFIC AND TECHNICAL SOCIETIES

Meeting

In order to improve channels of communication with members of scientific and technical societies, the Science Adviser and members of his Science and Technology Policy Office hold informal discussions from time to time with various representatives of these societies to discuss issues of mutual interest. While these ad hoc informal discussions are not considered to be meetings of "advisory committees" as that term is defined in section 3 of the Federal Advisory Committee Act (Pub. L. 92-436), these sessions are believed to be of sufficient importance and interest to the general public to have them opened for public attendance and observation.

A meeting of representatives of various scientific and technical societies with the Science Adviser and members of his Science and Technology Policy Office is scheduled to be held on Monday, April 14, 1975, in the Board Room of the National Science Foundation, Room 540, at 1800 G Street NW., Washington, D.C. 20550. The meeting will begin at 9:30 a.m. and will conclude at approximately 4:15 p.m. The general subject matter will be scientific and technical manpower, and discussions will focus on the impact of changing national objectives of science and engineering manpower; Federal programs affecting the supply of scientists and engineers; data needs; and programs to relieve the impact of unemployment.

Members of the public are invited to observe this meeting. Space will be available on a first-come, first-served basis. Public participation is limited to questions or statements submitted to the Chairman in writing or to such oral presentations as the Chairman may permit within the available time. Persons wishing to attend such a meeting are requested to either write or phone Mr. Richard L. Stone, STPO, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550, telephone 202/632-4259.

Dated: March 27, 1975.

RUSSELL C. DREW,
Director, Science and Technology Policy Office.

[FR Doc.75-8485 Filed 4-1-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-482A]

KANSAS GAS AND ELECTRIC CO. AND KANSAS CITY POWER AND LIGHT CO. (WOLF CREEK GENERATING STATION, UNIT NO. 1)

Antitrust Hearing

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), the regulations in Title 10, Code of Federal Regulations, Part 50, and Part 2, the notice published in the FEDERAL REGISTER of December 23, 1974 (39 FR 44200) by the Atomic Energy Commission, as statutory predecessor of the Nuclear Regulatory Commission, and the memorandum and order dated March 27, 1975, granting the petition of Kansas Electric Cooperatives, Inc. for leave to intervene in this proceeding and directing a hearing to determine whether the activities under the proposed construction permit would create or maintain a situation inconsistent with the antitrust laws as provided in subsection 105(c) of the Atomic Energy Act of 1954, 42 USC 2135(c), a hearing will be held at a time and place to be designated by the licensing board. The members of the board designated by the Chairman of the Atomic Safety and Licensing Board Panel are Margaret M. Laurence, Sidney G. Kingsley, and Marshall E. Miller, Chairman.

The application, and a letter of the Attorney General dated December 10, 1974, have been placed in the Public Document Room of the Nuclear Regulatory Commission at 1717 H Street NW., Washington, D.C. As they become available, the transcripts of the prehearing conference and of the hearing will also be placed in the Public Document Room and will be available for inspection by members of the public. Copies of the foregoing documents will also be available at Office of County Clerk, c/o Miss Joan Cox, Coffey County Courthouse, Burlington, Kansas 66839.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issue specified, but who has not filed a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's "Rules of Practice." Limited appearances will be permitted at the time of the hearing in the discretion of the board, within such limits and on such conditions as may be fixed by the board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, on or before May 2, 1975. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing. A member of the public does not have the right to participate in the proceeding unless he has been granted the right to intervene as a party or the right of limited appearance.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Supervisor, Docketing and Service Section, 1717 H Street, NW., Washington, D.C. Pending further order of the board, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and twenty conformed copies of each such paper with the Commission.

Issued at Bethesda, Maryland, this 27th day of March, 1975.

ATOMIC SAFETY AND LICENSING BOARD,[1]
MARSHALL E. MILLER,
Chairman.

[FR Doc.75-8456 Filed 4-1-75;8:45 am]

[Docket Nos. 50-502A and 50-503A

WISCONSIN ELECTRIC POWER COMPANY, ET AL.

Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c. of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated March 14, 1975, a copy of which is attached as Appendix A.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's rules of practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by May 2, 1975 either (1) by delivery to the NRC Public Docketing and Service Section at 1717 H Street, NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Section.

For the Nuclear Regulatory Commission.

ABRAHAM BRAITMAN,
Chief, Office of Antitrust & Indemnity, Nuclear Reactor Regulation.

[1] Established to rule on petitions for intervention.

APPENDIX A

KOSHKONONG NUCLEAR GENERATING PLANT UNITS 1 AND 2, WISCONSIN ELECTRIC POWER CO.; WISCONSIN PUBLIC SERVICE CORP.; WISCONSIN POWER AND LIGHT CO.; AND MADISON GAS AND ELECTRIC CO.

MARCH 14, 1975.

You have requested our advice pursuant to the provisions of section 105c of the Atomic Energy Act, as amended, in regard to the above-cited application.

1. *Facility Involved.* The Koshkonong Nuclear Generating Plant, Units 1 and 2, will consis of two 900 MW units located near Fort Atkinson, Wisconsin. The plant will be jointly owned as tenants in common by four investor-owned utilities: Wisconsin Electric Power Company (58.6 percent), Wisconsin Power and Light Co. (19.1 percent); Wisconsin Public Service Corporation (16.0 percent) and Wisconsin Gas and Electric Company (6.3 percent). Unit 1 is scheduled to go into operation in 1983 with Unit 2 following in 1984. The estimated cost of the two units at completion is projected to be about $1.2 billion. Applicants intend to utilize these units to provide base load power to be integrated into their electric bulk power supply systems and to market the power therefrom as a portion of their respective system output. Wisconsin Electric Power Company has primary responsibility for design, construction and operation of the plant.

2. *The Applicants.* Wisconsin Electric Power Company (WEP) is a vertically integrated business engaging in the generation, transmission, distribution and sale at retail and wholesale of electric energy to approximately 685,500 customers in southeastern Wisconsin. Its subsidiary, Wisconsin-Michigan Power Company (WMP) is also a vertically integrated company engaging in the generation, transmission, distribution and sale of electricity to about 86,200 customers in east central and northern Wisconsin and in the upper peninsula of Michigan. Another subsidiary of WEP, Wisconsin Natural Gas Company, furnishes gas service in southeastern Wisconsin. In 1973 the combined companies received 82 percent of total operating revenues and 92 percent of total operating income from electrical operations. WEP and WMP operate their electrical properties as an integrated system whereby the entire generation and high voltage transmission plant of both companies is considered as supplying power to both companies, and each company pays its proportionate share of the cost associated with the operation of the combined facility.[2] In 1973 the two companies together had a maximum peak load demand of about 3.2 million kw and a total combined generating capability of about 3.6 million kw. The combined companies have a total of 75 generating units consisting of two nuclear generating units (Point Beach), 38 hydroelectric plants, six combustion turbines, and the balance coal fired steam plants. As of May 31, 1974, the combined system had 2,778 miles of transmission lines, including 504 miles of 345 kv and 123 miles of 230 kv extra high voltage transmission lines and operated 22,608 pole miles of distribution line.

[1] WEP owns all of the common stock and none of the preferred stock of Wisconsin-Michigan which gives WEP approximately 98.9 percent of the voting securities. Both companies have the same officers and for the most part directors and share the same corporate offices.

Wisconsin Power and Light Company (WPL) is a vertically integrated company engaging in the production, transmission, distribution and sale at retail and wholesale of electricity in an area of approximately 16,000 square miles in central and southwestern Wisconsin. WPL also distributes natural gas in the same general areas.[3] WPL obtains about 76 percent of its operating revenues from sales of electricity. The company operates four coal fired steam electric generating plants with capacity of 546.2 MW, two gas turbine generators with capacity of 42.3 MW, three gas oil turbines with capacity of 141.6 MW and six hydro electric generation plants with an aggregate dependable capacity of 41,220 KW. WPL also receives power from a 333 MW coal fired steam generating unit (Edgewater unit) owned with Wisconsin Public Service Corporation in which WPL has a 68.2 percent share. WPL operates this plant. WPL, together with Wisconsin Public Service Corporation and Madison Gas and Electric Company, jointly own a 540 MW nuclear generating plant (Kewaunee unit). WPL has a 41 percent interest in the Kewaunee unit which is operated by Wisconsin Public Service Corporation. WPL, Wisconsin Public Service Corporation, and Madison Gas and Electric jointly own a 527 MW coal fired steam electric generating unit (Columbia Generation Station). WPL receives 39.3 percent of the output of this unit and upon completion of a second jointly owned 527 MW unit will receive 46.2 percent of the total power generated at the Columbia plant. WPL owns one-third of the capital stock of the Wisconsin River Power Company which owns and operates two hydro-generating plants having an aggregate capacity of 35 MW from which WPL receives one-third of the electrical output. In 1973 WPL had a peak demand of 1,032,000 kw, of which 88.6 percent was supplied by its generating facilities and 11.4 percent was purchased from other sources. Overall, WPL produces approximately 90.6 percent of its total energy demands and purchases the remaining. WPL owns and operates 18,500 miles of transmission and distribution lines. WPL and Madison Gas and Electric have recently been granted permission to construct 110 miles of 345 kv transmission lines extending from the Columbia plant to the Madison area and on to the Illinois State Line.

Wisconsin Public Service Corporation (WPS) is a vertically integrated company engaging in the generation, transmission, distribution and sale at retail and wholesale of electrical energy to some 235,000 electrical customers in a service area territory of about 10,000 square miles in northeastern Wisconsin and an adjacent part of the Michigan upper peninsula. Approximately 67.9 percent of its operating revenues are derived from sales of electricity with the remainder from sales of natural gas. The company generating capacity consists of 555.5 MW of wholly-owned steam plant facilities, 41.2 percent of the Kewaunee nuclear plant output or about 222 MW capacity, 31.8 percent share of the Edgewater Steam Plant or about 100.9 MW capacity, four combustion turbines with aggregate capacity of 182.3 MW, two diesel plants with an aggregate capacity of 7,300 kw and fifteen hydroelectric plants with an aggregate capacity of 51 MW. WPS also has one-third interest in the Wisconsin River Power Company and receives one-third of its output. This gives the company a total capability of 1,131 MW. In 1973 the peak demand was 824 MW. The company has 17,151 route miles of electric transmission and distribution lines.

Madison Gas and Electric Company (MGE) is a vertically integrated company engaged in the generation, transmission, distribution, and sale at retail of electric power in a service area of about 222 square miles consisting primarily of the cities of Madison, Middleton, and Monona, Wisconsin. In 1973 approximately 62 percent of MGE operating revenues was derived from electirical sales and the remainder from gas distribution business. In 1973 MGE had a total generating capacity of about 288 MW of capacity provided by coal fired steam plant and combustion turbine peaking units. MGE purchased 75 MW of firm capacity from Wisconsin Electric Power Company pursuant to a contract effective until May 31, 1975. MGE's 1973 peak demand was about 350 MW. The company has determined that it can most economically expand its base load electrical generation capability through jointly owned projects with other electric utilities. Pursuant to this determination the company is participating in the Kewaunee nuclear generating facility and the Columbia generation facility with Wisconsin Public Service Corporation and Wisconsin Power and Light receiving 17.8 percent and 21.8 percent respectively of the output of those two facilities. Upon completion of the second 527 MW unit at the Columbia plant in 1978 MGE will take 22.2 percent of the total output of that facility. MGE has a 345 kv single circuit transmission line from Fond du Lac to Madison providing an interconnection with WPL and indirectly with WPS. MGE also has a 138 kv double circuit transmission line interconnecting with WEP and WPL.

3. *Pools and Coordinating Groups.* WPL, WPS and MGE comprise the Wisconsin Power Pool; a pool providing for the planning and scheduling of new facilities and the sale and purchase of capacity in order to equalize the reserves of the participating companies. This pool was originally formed in 1960 by WPS and WPL with MGE joining in 1968.[3] The pool has been reformalized in a power pool agreement dated July 26, 1973; this agreement does not set forth in any respect entry requirements for new members. Participation in this joint power pool agreement obtains for the three companies the benefits of advanced technologies in the economies of scale of power production while making the most effective use of existing power generation and transmission facilities, and assures the participants a supply of economical reliable electric power. Under the aegis of this pool arrangement the Edgewater and the Columbia coal fired plants as well as the Kewaunee nuclear plant were constructed.

The four applicant companies—WEP, MGE, WPS, and WPL—together with WMP and Upper Peninsula Power Company[4] constitute

[2] An undated study in documents provided by WPL projected a $21,000,000 savings for the three companies over the period 1966–1980 if they entered into a power pooling and coordination arrangement.

[3] WPC also sells water which provided 1.8 percent of its total operating income in 1973.

[4] Upper Peninsula Power Company is an investor-owned integrated electrical utility located wholly in the Michigan upper peninsula. In 1972 it had 240.3 MW peak load with 124.9 MW installed generation capacity. It is interconnected to WUMS through Wisconsin Michigan Power Company. Upper Peninsula engages in coordinated planning and ownership of generation facilities with Cleveland Cliffs Iron Co., a private corporation engaged primarily in the business of mining.

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the Wisconsin Upper Michigan System (WUMS) power pool.[8] WUMS was formalized by agreement signed on September 11, 1968.[9] The agreement provides for adoption of operating procedures and standards to obtain increased reliability and economy in utilizing capacity to meet day-to-day demand and reserve requirements, and for long range coordinated planning and development.

The WUMS organization represents the member companies in the Mid-American Interpool Network (MAIN). MAIN is a power planning group composed of individual power suppliers located in Wisconsin, Illinois, Missouri, Iowa and Minnesota. MAIN's purpose is to promote regional coordination of planning, construction and operation of the member generation and transmission facilities with an emphasis on reliability and economy. As an example of the benefits of participating in MAIN, WEP was able to defer construction in 1964-65 of a major unit for some eight months by purchasing some 300 MW power from Commonwealth Edison Company.

4. *Competitive Considerations.* A. *Wholesale and Retail Competition*—Sales of bulk power at wholesale constitutes delivery to a customers who either resells the power at retail to ultimate customers or resells it at wholesale. Wholesale power sales are normally under the jurisdiction of the Federal Power Commission,[1] and competition in the wholesale power market is not subject to legally imposed restraints. In the State of Wisconsin wholesale power customers consist primarily of municipalities which distribute electricity to ultimate customers, rural electric cooperatives which distribute electric power to their members, and investor-owned utilities which distribute electric power to their customers. With the exception of MGE the applicant companies provide wholesale service to various types of customers within their general service area. These wholesale purchasers are potential competitors of applicant companies in that they could install generation for supplying their own needs and/or for selling power at wholesale. Other smaller systems which have generation constitute actual competitors of the applicant companies. As discussed below, in order for viable wholesale competition to exist small systems must have the ability to obtain and transmit power from and to other wholesale power suppliers or customers.

Retail competition can and does exist under the laws of the State of Wisconsin. A municipality whose residents are supplied by a utility may acquire the distribution facilities and itself begin to serve electricity to its residents.[2] The distribution system of a retail supplier can be purchased by another electric utility, and on several occasions cooperatives and investor-owned companies have sought to purchase the distribution system of an electric utility. State law prohibits under certain circumstances the duplication of distribution facilities;[3] however, this does not preclude competition for new retail loads. Consequently, vigorous competition does take place for new retail loads which locate within an area accessible to several electric power suppliers. Retail territorial boundary agreements can be filed with and approved by the Wisconsin Public Service Commission. Such agreements have been entered into between the applicant companies and some municipal systems, and between some applicant companies and rural electric cooperatives.[10] In the case of rural electric cooperatives, larger retail loads are exempted from such agreements.

B. *Structure of the Industry*—The structure of the electric power industry can be viewed from three functional aspects, that is generation, transmission, and distribution of electric power. The four applicant companies (including WEP's subsidiary Wisconsin-Michigan Power Company) own or control most of the generating capacity within the areas in which they operate. Other generating capacity is owned by small investor-owned utilities, private corporations, consisting primarily of paper mills and mining operations, and by a rural electric cooperative. Several municipalities also have generating capability, often in the form of small hydro plants. The principal municipalities having generating capabilities are Manitowoc with 69 MW capacity and Marshfield with 42 MW capacity, both located in the general service area of WPS, and Menasha and Kaukauna located within the general area served by Wisconsin-Michigan.[11] There is no significant generating capability owned by others within the general area served by WPL although adjacent systems, investor-owned utilities and Dairyland Power Cooperative, have generating capacity. Dairyland is a generation and transmission cooperative having approximately 701 MW generating capacity.

The applicant companies own or control virtually all of the high voltage and all of the extra high voltage transmission lines located within their general service areas. The four applicant companies are also, as indicated above, engaged in the distribution of electric power. Other distributors of electric power are a few small investor-owned utilities and in excess of 50 municipal electric systems and rural electric cooperatives.

C. *Relevant Economies of the Electric Power Industry and Access to Such Economies:*—Bulk power supply has significant economies of scale. Power to be commercially marketable must have a guarantee of a high degree of continuity of supply. Such power is marketed as "firm power". As the electrical and mechanical generation and transmission elements of a bulk power supply system are subject to forced outage in varying degrees, it is necessary to provide for this risk of forced outage. It is less expensive for electric utilities to deal with this risk collectively since a predictable and smaller total amount of reserves will supply a satisfactory degree of service continuity for the participants.

Demand for electrical power has tended to grow at a steadily increasing rate. In contrast, installation of new generation capacity necessary to meet growth and load tends to be lumpy: costs are mainly incurred before a new unit commences operation and ordinarily the entire generating output of a new unit becomes available shortly after construction and testing. The economies of installing increasingly large units of capacity must, therefore, be offset with the diseconomies of idling a portion of that capacity until demand grows sufficiently to require its full utilization. Through the coordinated planning of new generation capacity bulk power suppliers are able to minimize such diseconomies by, for example, joint ownership of generation capacity and/or staggered construction of new capacity and term sales of capacity.

High voltage transmission is the integrating and coordinating medium for bulk power supply. It integrates and coordinates generation to take advantage of dealing with the risk collectively; it integrates and coordinates loads so that facilities can be planned to meet pool load growth. Such reserve sharing, coordinated development, and other types of coordination available through high voltage and extra high voltage transmission, make possible the economies of scale in bulk power supply to systems participating in such coordination.

As discussed above, applicant companies are members and participants in various pool arrangements which provide the economies and reliabilities described above. In particular, they have undergone coordinated planning and operation under the auspices of the WUMS agreement. This agreement has not been formally filed with or approved by either the Federal Power Commission or the Wisconsin Public Service Commission. The WUMS agreement provides for the installation of generating capacity for the purpose of meeting the combined load of the members. Installation of new generating facilities to be owned either individually or collectively is on the basis of the most economical size, and such facilities are located where they will best serve the combined load. New facilities are constructed to maintain installed reserves equal to or exceeding the minimum requirement for reliable performance of the combined systems. Pursuant to the agreement additional transmission facilities are installed to insure the reliability and service continuity of the combined systems. WUMS' members have adopted uniform operation procedures and practices that effectively set standards for reliable and economical operation. The construction of the Koshkonong nuclear generating plant exemplifies the benefits obtained by these companies through coordinated planning of new generating facilities and collective ownership of the facilities.

The WUMS agreement provides that membership shall be open to all companies meeting the following qualifications: (1) each must own and operate substantial amounts of generation capacity; (2) each must have a high capacity interconnection (115 kv or above) with a present member of WUMS and have operations which are significant to the reliability of the WUMS interconnected system; (3) each must own or participate in the operation of up-to-date system operating center with adequate intra and inter company communication facilities; and (4) each must be located in Wisconsin or the Michigan upper peninsula. New members must also be members of MAIN.

The terms of the WUMS' entry requirements raise substantial cost barriers for smaller systems and effectively preclude such systems from qualifying. Since the applicant companies control all the transmission lines necessary to small systems gaining comparable benefits from coordination with others, the Department undertook to have each applicant company clarify its interpretation of the membership requirement language. The initial responses from the applicant companies did not allow a confident conclusion that small systems will have an

[8] The Department has been informed that the WUMS agreement has recently been amended to reflect the operation of WEP and Wisconsin-Michigan as one system, thus effectively deleting Wisconsin-Michigan as a signatory member of WUMS with separate voting and representation rights.

[9] This organization was previously known as the Wisconsin Planning Group from May 1963 until 1968.

[1] *Federal Power Commission* v. *Southern California Edison*, 376 U.S. 205 (1964) (FPC's jurisdiction extends to all wholesale sales in interstate commerce.)

[2] Wisconsin Statutes, section 66.065 (1971).

[3] Wisconsin Statutes, section 196.495 (1971).

[10] See Wisconsin Administrative Code, PSC 112.02.

[11] Menasha and Kaukauna are interconnected by their own transmission line and have a combined generation capability of approximately 78,560 kw.

opportunity to gain access to the WUMS agreement, and thus to nuclear generated power.

Moreover, an examination of the contracts between applicant companies and the municipal systems having generation located within the general area of the applicant companies indicated that the small companies have not in the past received same relative benefits as accrue to the applicant companies through the WUMS agreement.

The municipalities and rural electric cooperatives in the State of Wisconsin have recently employed the engineering consulting firm of R. W. Beck and Associates to make a power survey to examine the various alternatives for future bulk power supply available to these systems. Without going into detail as to the findings of that study, it is relevant to note that the study concluded that the most economical alternative available to such systems was to undertake a coordinated development arrangement with the applicant companies. This would include joint ownership or staggered construction of future generation, including nuclear units, as well as coordinated operations and planning. Another economical alternative source of power would be the installation of generating and transmission facilities by the publicly owned systems and coordination of reserves with the applicant companies.

D. *Antitrust Review*—Upon receipt of the application from your predecessor Commission, the Department made inquiries of other electric systems located within the general service areas of the applicant companies. These inquiries were designed to elicit information about the structure of the electric power industry within those areas and the competitive conduct of the applicant companies.

With respect to MGE, the Department received no allegation of conduct which would be inconsistent with the antitrust laws. MGE has no wholesale customers and geographically serves a small compact area which, for the most part, is surrounded by WPL. MGE and WPL vigorously compete for large retail loads in those areas where their systems interface. The two companies are or have been engaged in litigation with respect to the right to provide service to new large retail loads.

However, because MGE participates in the WUMS agreement, the Department sought to ascertain the policies of MGE with respect to providing access to the Koshkonong nuclear plant and entering into bulk power exchange arrangements with small electric systems in order to make their access to the nuclear plant viable. MGE has provided satisfactory policy assurances in these respects and is also willing to have them incorporated as conditions to the Koshkonong construction permit and operating license. Attached hereto is a February 7, 1975 letter from MGE concerning these matters.

MGE affirms that it will make the following type of arrangements with other electric power systems in south central Wisconsin: access to the Koshkonong Nuclear Power Units, 1 and 2, as well as future nuclear units; interconnection and reserve sharing; sales of bulk power for full or partial requirements; transmission services over existing facilities and coordinated planning of future facilities; and bulk power exchanges. Furthermore, MGE affirms that it has no understanding with the other applicant companies that would prohibit or restrain MGE from making such arrangements.

With respect to WEP, WEP's subsidiary WMP, and WPS, our inquiries disclosed that a number of smaller systems in their general areas are interested in access to the Koshkonong nuclear units. Within their respective areas the three companies own or control virtually all transmission lines. Certain information brought to the Department's attention raised questions as to possible misuse of these companies' dominance of transmission and generation. WEP and WPS denied involvement with any anticompetitive policies or practices, but in order to resolve any possible question each was willing to enunciate a procompetitive policy with respect to bulk power supply and access to nuclear generated power and to accept conditions to the Koshkonong construction permit and operating license incorporating such policy. Letters to the Department of Justice to this effect from WEP (for itself and WMP) and WPS, dated February 7, 1975, are attached hereto. WEP, WMP and WPS affirm that each will make the same types of arrangements with electric power suppliers in the State of Wisconsin, Michigan (upper peninsula) and Illinois as described above with reference to MGE. Each company also affirms that it does not have any understanding with any other company applying for the instant license that would prohibit or impede its making of such arrangements.

We turn now to consideration of WPL. This company owns or controls virtually all the transmission lines in its general area. It appears that WPL is able to obtain maximum benefits and economies of nuclear power generation through participation in the WUMS agreement. The WUMS group also coordinates the planning and the ownership of the high and extra high voltage transmission grid found in Wisconsin. While coordinated planning enables the WUMS' members to efficiently use resources to increase the reliability of their interconnected systems and to achieve economies of scale, such coordination also insures that each member can retain ownership or control of virtually all transmission lines within its respective general area. Coordinated planning, prior to the formation of WUMS, was obtained by WPL through an organization known as the Wisconsin Planning Group. None of the smaller electric power systems located within the general service area of WPL have participated in WUMS, either as a member or informally, nor, apparently, did such systems participate in Wisconsin Planning Group. There is reason to believe that WPL coordinated its policies and practices toward small electric power systems with other Wisconsin power suppliers through the medium of WUMS. As a part of this action WPL in 1972 outlined a concerted course of conduct intended to "retain its wholesale power business and its associated goals."

Many of WPL's practices in pursuing that course have been inconsistent with antitrust principles. Thus while receiving benefits from coordinated planning and joint ventures, including joint venture facilities such as the instant Koshkonong units, WPL alone and through its coordinating group has denied similar benefits and opportunities to other small electric power systems. WPL appears to have aided in carrying out this policy by wholesale territorial agreements which WPL has had since the 1930's with the other "major" wholesale power suppliers in Wisconsin. These appear to have impaired the ability of wholesale purchasers in WPL's areas to seek out alternative bulk power supply arrangements.

Within its general service area WPL serves at wholesale all the electric power requirements of five distribution cooperatives. These cooperatives have organized Badger Power Cooperative (Badger), which intends to develop its own bulk power supply.[12] Badger began in the mid-1960's to attempt to obtain power from Dairyland Power Cooperative (Dairyland), a G&T cooperative in western Wisconsin. Such sales by Dairyland to Badger would necessitate wheeling the power over WPL's lines. WPL and Dairyland made engineering studies of the proposed wheeling arrangement. Although there were some problems, it was determined that wheeling was technically feasible. However, WPL continuously set as a precondition to any wheeling arrangement that it must receive "real benefits." The cooperatives understood this position to mean that WPL must maintain its present level of revenues and profits, a position amounting to a refusal to wheel. WPL delayed negotiation of a wheeling agreement and finally terminated negotiations after one of the cooperatives cancelled its wholesale contract. WPL's position was succinctly stated in an April 11, 1968, meeting by a WPL official, "We are the power supply business (sic). We are not willing to get rid of [the] load." WPL has steadfastly refused to make a direct interconnection with Dairyland, except for several minor interconnections of low capacity and one emergency interconnection which remains open,[13] even though some proposed interconnections would have enabled WPL to achieve substantial economies in its operations.[14]

* * * * *

WPL also pursued a course of action designed to retain the city of Richland Center (Richland) as a wholesale customer and to frustrate Richland's development of its own generation system into a more reliable and economical system. Richland had an established interconnection with WPL and for a number of years received from WPL part of the electrical power required for, its distribution to retail customers. Richland generated the remainder. In the mid-1960's Richland installed additional generation capacity to enable it to supply all its customers' electrical requirements. In 1966 after having added the capacity, Richland requested WPL to enter into a new contract providing for certain power exchange arrangements, including exchanges of economy energy, rather than a strict wholesale power sale arrangement. WPL declined to discuss the requested power exchange arrangement. Richland then cancelled its contract with WPL and initiated discussions with Dairyland Power Cooperative for the type of power exchanges and sales it desired. Upon reaching an agreement with Dairyland, Richland applied to the Wisconsin Public Service Commission for authority to construct about 3½ miles of transmission line to interconnect with Dairyland's lines. WPL vigorously opposed the application and appealed a favorable decision for Richland through the courts to the Supreme Court of Wisconsin, which affirmed the Commission's decision. Thus, after lengthy delay, Richland was finally able to construct transmission lines for an interconnection which made available to it the benefits of reserve coordination and bulk power exchanges.

Until 1974, when the Federal Power Commission required their elimination, WPL had a series of provisions in its wholesale

[12] Other distribution cooperatives located in the general service area of other investor-owned electric power systems belong to Badger but are not to be construed as included in the discussion hereafter or by reference to Badger herein.

[13] WPL's attitude toward the emergency interconnection was apparently influenced by consideration of whether the interconnection would put it in a "vulnerable position to a wheeling request from Dairyland."

[14] One interconnection would have eliminated the rebuilding of a line at a projected savings of $450,000.

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APR 2 75

power contracts and rate schedules applicable to cooperatives and municipalities which explicitly prevented purchases of power from any other source and prevented the resale of purchased power at wholesale.[24] In addition to the above provision, cooperatives had to take all requirements from WPL for a term of five to ten years. Municipal systems were subject to a similar obligation (except that if a city had some generation itself it was required only to purchase the remainder of its needs from WPL). Since WPL has generally followed a policy of requiring a new contract each time it upgrades a facility or makes a change in its service, the net effect has been to create a rolling kind of perpetual all-requirements contract. Moreover, wholesale purchasers were required to obtain the consent of WPL before interconnecting with any other system, without there being specified any standard for WPL to apply in determining whether consent could reasonably be withheld.[25] The total impact of these contract provisions upon the competitive environment has been to restrict the availability of bulk power supply in WPL's general service area to virtually one supplier—WPL. The action of the PSC in requiring WPL to eliminate many of the restrictive provisions merely removes future impediments, but it alone does not enable the municipal and cooperative systems to make up the ground they have lost during the long period they were subject to these restrictions.

5. *Summary of Applicable Antitrust Principels.* The facts outlined above demonstrate that WPL has had a policy of attempting to confine small municipal and cooperative systems to the status of wholesale customers and has carried out that policy by exercising in various ways its control over bulk power supply in its region.

Principles which have evolved under the antitrust laws place distinct limits upon a supplier's exercise of monopoly power to prevent its customers from developing alternative sources of supply. Section 2 of the Sherman Act is particularly relevant to this situation. As the Supreme Court states, "The offense of monopoly under section 2 of the Sherman Act has two elements: (1) the possession of monopoly power in the relevant market and (2) the willful acquisition or maintenance of that power as distinguished from the growth or development of a superior product, business acumen or historic accident." *United States* v. *Grinnell Corporation*, 364 U.S. 563, 571 (1966). The question particularly relevant here is whether a person who maintains a monopoly has separately, or with others, carried out business policies which raise unnecessary "barriers to competition." *United States* v. *United Shoe Machinery Corp.*, 110 F. Supp. 295, 344, 345 (D. Mass. 1953), affirmed per curiam, 347 U.S. 521. The actions by WPL to prevent its wholesale customers from obtaining access to alternative bulk power supplies or to the forms of system coordination necessary to develop their own supplies appear to have created such barriers to competition. The District Court in *United States* v. *Otter Tail Power Co.*, 331 F. Supp. 54 (D. Minn. 1971), *aff'd*, 410 U.S. 366 (1973) held that a utility could not use its lawful monopoly of bulk power supply (in that case a monopoly of subtransmission facilities) to impair competition at the retail level.

Apart from the question of whether WPL, acting unilaterally, has exceeded permissible bounds in attempting to prevent its customers from obtaining alternative bulk power supplies, WPL's participation with other utilities in important joint facilities and programs, such as the WUMS pool, raises additional antitrust questions. Firms which jointly control a resource which is essential to effective competition in a particular market are required, under long established antitrust principles, to grant access on equal and nondiscriminatory terms to all others engaged in the given business. See *e.g., United States* v. *Terminal R.R. Ass'n.*, 224 U.S. 383 (1912); *Associated Press* v. *United States*, 326 U.S. 1 (1945); *Gamco, Inc.* v. *Providence Fruit & Produce Bldg.*, 194 F. 2d 484 (1st Cir. 1952), *cert. denied*, 344 U.S. 817 (1952). This principle applies to bulk power supply arrangements. *United States* v. *Otter Tail Power Co.*, 331 F. Supp. 54 (D. Minn. 1971), aff'd, 410 U.S. 366 (1973).

Other antitrust principles are relevant to evaluating the matters discussed above. Territorial division of markets by agreement constitutes *per se* violations of the antitrust laws. *United States* v. *Topco Associates*, 405 U.S. 596 (1972); *White Motor Co.* v. *United States*, 372 U.S. 253 (1963). Exclusive dealing contracts or all-requirement contracts which are of excessively long duration and which substantially foreclose actual and potential competitors from access to particular markets are unreasonable restraints of trade. A seller's placing of a general restraint or limitation upon the freedom of a purchaser to dispose of a product is an unreasonable restraint of trade and this would be particularly true where such restraint on alienation serve to foreclose competition. See *Arnold, Schwinn Co.* v. *United States*, 388 U.S. 365 (1967); *Standard Oil Co.* v. *United States*, 337 U.S. 293 (1949).

CONCLUSION

The power to be generated by the Koshkonong Nuclear Power Plant, Units 1 and 2, will be integrated into each applicant's system and will provide a low-cost base load power supply for each system. The ability to construct such units is obtained through coordinated planning with each other and with other systems. Without the ability to similarly coordinate with others smaller systems in Wisconsin cannot gain access to economies of scale in bulk power supply, particularly access to nuclear power. As indicated above, the large electric systems in Wisconsin appear to have had a common policy of not coordinating with the smaller systems. Secondly, the applicant companies own or control the transmission grid which might otherwise offer some opportunity for smaller systems to coordinate with others. With respect to MGE, WEP, its subsidiary WMP, and WPS, the Department has assurances that, to the extent they own or control the transmission grid, other electric power systems will have an opportunity to utilize their transmission lines. Furthermore, those companies have assured the Department that the smaller electric power systems in their areas will have an opportunity to engage in bulk power exchanges and coordination, as well as an opportunity to participate in their nuclear generating projects.

The specific practices of WPL in refusing to wheel power, in refusing to interconnect, in refusing to enter into reserve sharing and power exchange arrangements and in maintenance of restrictive contract provisions, demonstrate a pattern of conduct designed to prevent its wholesale customers from obtaining an alternative bulk power supply. Smaller systems in WPL's area, therefore, have no present access to nuclear power because they have no access to this Applicant's transmission grid and to the pattern of coordination arrangements which WPL maintains with other Wisconsin systems. WPL dominance will be continued if the company does not alter its policies and practices. Therefore, there is reason to believe that, absent assurances that WPL will act promptly to correct the situation, issuance of the construction permit to WPL would create and maintain a situation inconsistent with the antitrust laws.

RECOMMENDATION

With respect to MGE, WEP and WPS, if the statements of bulk power policy attached hereto were to be imposed by the Commission as conditions to the constructon permit applied for in the instant docket, as is agreeable to these companies and as the Department hereby recommends, an antitrust hearing would appear unnecessary.

With respect to WPL, the Department, for the reasons elaborated above, concludes that the Commission should hold an antitrust hearing. If, however, WPL were to (1) indicate its willingness to accept license conditions similar to these agreed to by the other applicants and (2) demonstrate its good faith intention to eliminate any competitive restraints upon the smaller systems by agreeing to undertake interim negotiations with the small systems in order to assure prompt effectuation of coordinating arrangements as soon as the license conditions become effective, an antitrust hearing would not then be required.

WISCONSIN PUBLIC SERVICE CORP.

FEBRUARY 7, 1975.

Re: Koshkonong Nuclear Generating Plant, Units 1 and 2.

Attached to this letter is a Statement of Bulk Power Supply Policy which sets forth the policies that will be applicable to Wisconsin Public Service Corporation's (WPSC) bulk power dealings with other electric power utilities. We have discussed this Statement with the staff of the Department of Justice and the Staff of the Nuclear Regulatory Commission in connection with the antitrust review of the application for Construction Permit and Operating License to be issued by the Nuclear Regulatory Commission in the above-referenced proceedings.

You have indicated that if WPSC is willing to have the above-referenced Statement of Bulk Power Supply Policy and the commitments contained therein incorporated in the Nuclear Regulatory Commission permit and license, this would enable the Department of Justice to advise the Nuclear Regulatory Commission that no antitrust hearing with reference to WPSC will be necessary. We are willing to have this done based on the following understanding:

1. Nothing in the Statement of Bulk Power Supply Policy or in this letter shall be construed as a waiver by WPSC of its rights to contest the application of any commitment therein to a particular factual situation.

2. By this Statement of Bulk Power Supply Policy WPSC does not waive any rights that it may have to apply to any appropriate forum to seek such changes in the Statement of Policy as may at the time be appropriate in accordance with the then existing law and good operating practice.

3. WPSC does not intend, and shall not become, by this Statement of Bulk Power Supply Policy or by operations in accordance therewith, to become a common carrier.

4. Nothing in this Statement of Bulk Power Supply Policy or in this letter shall be construed to affect in any manner the franchises, indeterminate permits, or certificates or authority of WPSC.

STATEMENT OF BULK POWER SUPPLY POLICY

I. DEFINITIONS

(a) "Service Area" means those areas within the States of Wisconsin and Michigan and any other adjacent State served now or in the future by Licensee and areas proximate thereto.

(b) "Bulk Power" means electric capacity and any attendant energy supplied or made available at transmission or subtransmission voltage by one electric utility to another.

(c) "Licensee" means Wisconsin Public Service Corporation, any successor corporation of the above, or any assignee(s) of its interest in this license.

(d) "Neighboring Entity" means a financially responsible private or public corporation, governmental agency or authority, municipality, electric cooperative, or any lawful association of any of the foregoing, owning, contractually controlling, or operating, or in good faith proposing to own, contractually control, or operate, facilities for the generation or transmission of electricity for Bulk Power supply which meets each of the following criteria: (1) Its existing or proposed facilities are technically feasible of interconnection with those of Licensee; (2) its existing or proposed facilities are fully or partially within the Service Area, and (3) with the exception of municipalities, electric cooperatives, governmental agencies or authorities, or lawful associations of any of the foregoing, it is, or upon commencement of operations will be, a public utility subject to regulation as to rates and services under state laws or under the Federal Power Act.

(e) "Neighboring distribution system" means a financially responsible private or public corporation, governmental agency or authority, municipality, electric cooperative, or lawful association of any of the foregoing, engaging, or in good faith proposing to engage, in the distribution of electric power at retail which meets each of the criteria numbered (1) through (3) in subparagraph (d) above.

(f) "Electric system" means a financially responsible private or public corporation, governmental agency or authority, municipality, electric cooperative, or lawful association of any of the foregoing, owning, contractually controlling, or operating, or in good faith proposing to own, contractually control, or operate, facilities for the generation, transmission or distribution of electricity whose facilities are not within the Service Area and which meets the criteria specified in (3) of subparagraph (d) above.

(g) "Cost" means any administrative, general, and capital costs, operating and maintenance expenses, and reasonable return on investment which are properly allocable to the particular transaction.

(h) "Good operating practice" refers to those practices, methods, or acts that would be expected to provide at the lowest reasonable cost the reliability and safety required under the circumstances by the exercise of reasonable judgment in the light of the current state of technology, provided such practices, methods, or acts are not unreasonably restrictive.

II. INTERCONNECTIONS

(a) Licensee will interconnect and will operate in parallel in accordance with Good Operating Practice with any Neighboring Entity and will interconnect with any Neighboring Distribution System.

(b) Interconnections will not be limited to lower voltages when higher voltages are requested and available.

(c) Interconnection arrangements shall provide for the necessary facilities, operating procedures and control equipment as required for safe and prudent operation of the interconnected systems in accordance with Good Operating Practice.

(d) The Cost of interconnection will be allocated on the basis of benefits derived from the interconnection by each party after consideration of the various transactions for which the interconnection facilities are to be utilized.

(e) Interconnection agreements will not embody provisions which impose limitations upon the use or resale of capacity and energy sold or exchanged pursuant to the agreement except as may be necessary in accordance with Good Operating Practice.

(f) Interconnection agreements will not prohibit any party from entering into other interconnections or coordination agreements, but will include appropriate provisions to assure that (1) The party(ies) receives adequate notice of such additional interconnection or coordination arrangement, and (2) the parties will jointly consider and agree upon such measures, if any, as are reasonably necessary in accordance with Good Operating Practice.

III. RESERVE COORDINATION

(a) Licensee and the Neighboring Entities with which it interconnects shall jointly establish a level of minimum reserves to be provided as necessary to maintain a total reserve margin sufficient to provide reliability of power supply to the interconnected systems of the parties. Unless otherwise mutually agreed upon, the level of minimum reserves thus determined shall be calculated as a percentage of estimated annual peak load (including sales of firm power) adjusted to exclude purchases of firm power. No party to the interconnection shall be required to maintain more than such percentage; provided, if such percentage is increased over the amount that Licensee would be required to maintain without such interconnection arrangement, then the other party shall be required to carry, or provide for, as its reserves the full amount of kilowatts of such increase.

(b) Licensee will sell emergency power to any Neighboring Entity which maintains the level of minimum reserve established in paragraph (a) above and agrees to sell emergency power to Licensee. Licensee shall engage in such transactions if and when capacity and energy for such transactions are available from its own generating resources, from a Neighboring Entity(ies), or from interconnected Electric Systems, but only to the extent that it can do so without impairing service to Licensee's customers. Emergency power shall be furnished to the fullest extent available from the supplying party and desired by the party in need and at rates which compensate the seller for its Cost.

(c) Licensee and the Neighboring Entities with which it interconnects shall jointly establish a level of minimum ready (operating) reserves. Unless otherwise mutually agreed upon, the level of minimum ready (operating) reserves thus determined shall be calculated as a percentage of estimated annual peak load (including sales of firm power) adjusted to exclude purchases of firm power. No party to the interconnection shall be required to maintain more than such percentage, provided, that if such percentage is increased over the amount that Licensee would be required to maintain without such interconnection arrangements then the other party shall be required to carry, or provide for, as its ready (operating) reserves the full amount of kilowatts of such increases. However, in no circumstances shall a party's ready (operating) reserve requirement exceed its level of minimum reserves established in paragraph (a) above.

(d) When Licensee has generating capacity in excess of the amount called for by its own reserve criteria, it will offer, on terms which enable Licensee to recover its Costs, any such excess to a Neighboring Entity to meet such Entity's own reserve requirements if the Neighboring Entity is willing to do likewise for Licensee when circumstances allow.

(e) Licensee and the Neighboring Entities, who request to do so, shall prepare joint maintenance schedules and shall make sales of maintenance power and energy when it is reasonable to do so in accordance with Good Operating Practice.

IV. OTHER POWER EXCHANGES

Licensee currently has on file, and may hereafter file, with the Federal Power Commission rate schedules and/or contracts with other electric utility systems providing for the sale and purchase of short-term capacity and energy, limited term capacity and energy, long term capacity and energy, economy energy, and other forms of capacity and energy. Licensee will, on a fair and equitable basis, enter into contracts with any Neighboring Entity providing for the same or like capacity and energy transactions. In order to facilitate the making of such transactions, Licensee will respond promptly to inquiries of Neighboring Entities concerning the availability of all such forms of capacity and energy from its system. Such transactions will be on terms which will enable Licensee to recover its Cost.

V. WHOLESALE POWER SALES

(a) Licensee will sell Bulk Power to any Neighboring Distribution System in accordance with rates, terms and conditions which compensate the Licensee for its Cost, and which do not restrict use or resale except as may be necessary in accordance with Good Operating Practice. Such sales shall be for full or for partial requirements as requested by the Neighboring Distribution System. Such sales shall not be made subject to any condition which would prohibit, restrict or in any manner impede the Neighboring Distribution System from providing service to any type of, class of, or specific electrical user. Licensee shall not be required to make any such sale if it does not have available sufficient generation or transmission to provide the requested service or if such sale would impair its ability to render adequate service to its customers.

(b) Licensee shall, upon request of a Neighboring Entity(ies) and/or Neighboring Distribution System(s), file with the appropriate regulatory authority an appropriate rate schedule(s) for sales requested pursuant to this Section V, provided no such rate schedule is currently effective.

VI. TRANSMISSION SERVICES

(a) Licensee will provide transmission service for Bulk Power transactions between or among two or more Neighboring Entities or a Neighboring Entity(ies) and Neighboring Distribution System(s) with whom Licensee is now, or in the future, interconnected. Licensee will also provide transmission services for Bulk Power transactions between any Neighboring Entity(ies) or Neighboring Distribution System(s) and other Electric System(s) between whose facilities Licensee's transmission lines and the lines of others form a continuous electrical path, provided Licensee shall not be responsible

[24] WPL justified the restraint on resale as necessary to prevent the cooperatives from taking advantage of a special low rate tailored to their load characteristics in order to resell power to municipal systems with very different load characteristics. The restriction, however, was obviously broader than necessary to accomplish the legitimate purpose of identifying relevant load characteristics.

[25] For example, when the city of Stoughton contemplated selling its hydro plants to a private corporation and buying back the power output WPL was reluctant to allow this arrangement. WPL, however, decided it would consent if the private corporation gave assurances the amount of power sold would never exceed a specified limit.

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APR 2 75

for procuring permission of such other parties for use of such parties' transmission lines. Licensee will provide such transmission services if such services can reasonably be accommodated from a technical standpoint without impairing Licensee's system reliability or its own use of its facilities in a manner consistent with Good Operating Practice.

(b) Licensee shall include in its planning and construction programs sufficient transmission capacity as required for the transactions referred to in paragraph (a) of this section VI, provided the Neighboring Entity(ies) or Neighboring Distribution System(s) gives Licensee sufficient advance notice as may be necessary to accommodate the requesting party's requirements from a technical standpoint and such Neighboring Entity(ies) or such Neighboring Distribution System(s) compensates Licensee for its Cost. Licensee shall not be required to construct transmission facilities (1) if such facilities would not be in accord with Good Operating Practice, (2) if such facilities will be of no demonstrable present or future benefit to Licensee, (3) if such facilities could be constructed by the requesting party without duplicating any portion of Licensee's transmission system, or (4) if construction of such facilities would jeopardize Licensee's ability to finance on reasonable terms, facilities to meet its anticipated system requirements.

(c) Consistent with Paragraphs (a) and (b) of this Section VI, Licensee shall provide transmission services for transporting power from the Koshkonong Nuclear Power Plant or from any future nuclear generating unit(s) which Licensee may own or operate for the life of this license, or any renewal thereof, to any Neighboring Entity participating therein pursuant to the requirements of Section VII.

(d) Nothing herein shall require Licensee to provide transmission services for a retail customer.

(e) Licensee shall, upon request of a Neighboring Entity(ies) and/or Neighboring Distribution System(s), file with the appropriate regulatory authority an appropriate rate schedule for the required transmission service so requested, provided no such rate schedule is currently effective.

VII. ACCESS TO NUCLEAR GENERATION

(a) When a Neighboring Entity(ies) or a Neighboring Distribution System(s) makes a timely request to Licensee for participation in the ownership of a portion of, or (if the requesting party so elects) by the purchase of a portion of the output of, Koshkonong Nuclear Power Plant and any future nuclear generating Unit(s) which Licensee may hereafter own or operate, severally or jointly, during the life of this license, or any renewal thereof, Licensee will afford to the requesting party the opportunity to so participate on a basis that will compensate Licensee for its Cost incurred and to be incurred. The request shall be deemed timely with respect to Koshkonong Nuclear Power Plant, Unit 1, if received by July 1, 1975, and Unit 2, if received by January 1, 1976. With respect to any future nuclear generating unit(s), the request shall be deemed timely if received within 180 days after the formal announcement of the intention to construct such unit.

(b) Any Neighboring Entity(ies) or Neighboring Distribution System(s) making a timely request for participation must enter into an executory agreement to assume financial responsibility for such participation in the unit(s) and the associated transmission facilities. Such an agreement shall be entered into within one year after Licensee shall have provided to each requesting party the financial and technical data which is specified by the Regulatory Staff of the Nuclear Regulatory Commission as being sufficient to enable such party to make a feasibility study as to participation. The requesting party shall pay to Licensee the additional expenses incurred by Licensee in making such financial and technical data available.

VIII. EFFECTUATION

(a) Licensee shall use its best efforts to amend any outstanding contract to which it is a party that contains provisions which are inconsistent with the terms of sections II through VII hereof.

(b) With respect to any initial rate schedule (including an initial contract submission) associated with the commitments herein which Licensee files with any such regulatory agency having jurisdiction, Licensee shall include a provision that (1) if within thirty (30) days after such filing by the Licensee a protest or complaint with respect thereto is filed with such regulatory agency, and (2) if the submitted rates become effective prior to the resolution of any contested issues set forth in such protest or complaint, and (3) if such submitted rates are thereafter changed in accordance with regulatory proceedings and findings, then, within sixty (60) days after issuance of a final and nonappealable order effecting such change, the Licensee shall make appropriate refunds (including interest) to retroactively reflect such changes.

(c) Licensee affirms that it does not, and will not have agreement(s) or understanding(s) requiring it to obtain consents from the other companies (or subsidiaries thereof) applying for this license to enable such Licensee to carry out its obligations hereunder or to enable the Neighboring Entity(ies) or Neighboring Distribution System(s) to enjoy their rights hereunder.

IX. REGULATORY COMMISSION JURISDICTION

The foregoing is to be implemented and applied in a manner consistent with Federal, state, and local laws, regulations and orders. All rates, charges, terms and practices are and will be subject to the acceptance and/or approval of any regulatory agencies or courts having jurisdiction over them.

MADISON GAS AND ELECTRIC CO.

FEBRUARY 7, 1975.

We understand that in the course of your review of the joint application to construct the Koshkonong Nuclear Power Plant, Units 1 and 2, certain antitrust questions relating to the bulk power supply policies of certain of the applicants have been raised. Insofar as Madison Gas and Electric Company (MG&E) is concerned, we are confident that any such questions can be satisfactorily answered. MG&E believes that its policies and activities have been and are consistent with the antitrust laws. We have outlined these policies in meetings with the Department. We understand that if we are willing to have these policies of MG&E, which you consider relevant to your antitrust review, incorporated in the Nuclear Regulatory Commission (the NRC) license, as license conditions, this would enable the Department of Justice to advise the NRC that no antitrust hearing, with respect to MG&E, will be necessary. We are perfectly willing to do this.

Therefore we have enclosed with this letter a proposed Statement of Bulk Power Supply Policy (the Statement) of MG&E concerning bulk power supply arrangements with neighboring electric systems. MG&E agrees that this Statement may be included as a condition to the Construction Permits and Operating Licenses to be issued by the NRC with respect to these units.

The attached Statement is subject to the following understandings:

1. Nothing contained in the Statement or in this letter shall be construed as a waiver by MG&E of its right to contest the application of the Statement to a particular factual situation.

2. By the Statement, MG&E does not waive any rights that it may have to apply to any appropriate forum to seek such changes in the Statement as may at the time be appropriate in accordance with the then existing law and Good Industry Practice.

3. By the Statement or by operations in accordance therewith, MG&E does not intend and shall not become a common carrier.

4. Nothing in the Statement or in this letter shall be construed to affect in any manner the franchises or indeterminate permits of MG&E, or declaratory rulings or certificates of authority of the Wisconsin Public Service Commission pertaining to MG&E.

5. MG&E reserves all rights and protection as may be afforded to it by law with respect to any and all distribution and/or sale of retail electric service in the area in which it renders electric service.

6. The Statement is not intended to preclude MG&E and a Neighboring Entity from reaching an agreement not covered which extends or supplements the provisions of the Statement in a manner not inconsistent with the broad purposes expressed therein and applicable law.

7. The Statement shall not affect any right MG&E may have to receive compensation for any electric facilities it voluntarily sells or is legally required to sell or relinquish.

In making the Statement, it is recognized that arrangements to effectuate it will involve planning by the parties and should be reciprocal as nearly as may be although it is recognized that in any particular arrangement the benefits may not be equal or identical for each party. The policies therein expressed cannot be implemented unilaterally. If an arrangement between or among the parties is to be successful and is to operate in the public interest, it must be negotiated and performed in good faith and with full cooperation by the parties to such arrangement. No party should capriciously reject a proposal submitted by another party and should give reasonable consideration to proposals made by each other and should afford similar opportunities on similar terms to each other.

STATEMENT OF BULK POWER SUPPLY POLICY

I. DEFINITIONS

(a) "Service area" means Dane County, Wisconsin, and counties adjacent thereto within the State of Wisconsin.

(b) "Bulk power" means electric capacity and any attendant energy supplied or made available at transmission or subtransmission voltage by one electric utility to another.

(c) "Licensee" means Madison Gas and Electric Company, any successor corporation, or any assignee of its interest in this license.

(d) "Neighboring entity" means a financially responsible private or public corporation, governmental agency or authority, municipality, electric cooperative, or any lawful association of any of the foregoing, owning, contractually controlling, or operating, or in good faith proposing to own, contractually control, or operate, facilities for the generation or transmission of electricity for Bulk Power supply which meets each of the following criteria: (1) its existing or proposed facilities are technically feasible of interconnection with those of Licensee; (2) its existing or proposed facilities are fully or partially within the Service Area, and (3) with the exception of municipalities, electric cooperatives, governmental agencies or authorities, or lawful association of any of the foregoing, it is, or upon commencement of operations will be a public utility under state laws or under the Federal Power Act.

(e) "Neighboring distribution system" means a financially responsible private or public corporation, governmental agency or authority, municipality, electric cooperative, or lawful association of any of the foregoing, engaging, or in good faith proposing to engage in the distribution of electric power to consumers at retail which meets each of the criteria numbered (1) through (3) in subparagraph (d) above.

(f) "Electric system" means a financially responsible private or public corporation, governmental agency or authority, municipality, electric cooperative, or lawful association of any of the foregoing, owning, contractually controlling, or operating or in good faith proposing to own, contractually control, or operate, facilities for the generation or transmission of Bulk Power or distribution of electric power to consumers at retail whose facilities are not within the service area and which meets the criterion numbered (3) in subparagraph (d) above.

(g) "Cost" means any administrative, general, and capital costs, operating and maintenance expenses, and reasonable return on investment which are properly allocable to the particular transaction.

(h) "Good operating practice" means those practices, methods or acts that would be expected to provide, at the lowest reasonable cost, the reliability and safety required under the circumstances by the exercise of reasonable judgment in the light of the then current state of technology provided such practices, methods or acts are not unreasonably restrictive.

II. INTERCONNECTIONS

(a) Licensee will interconnect and operate in parallel with any Neighboring Entity and will interconnect with any Neighboring Distribution System.

(b) Interconnections pursuant to this license will not be limited to lower voltages when higher voltages are requested and available.

(c) Interconnection arrangements shall provide for the necessary facilities, operating procedures and control equipment as required by Good Operating Practice.

(d) The Cost of interconnection will be allocated on the basis of benefits derived from the interconnection by each party after consideration of the various transactions for which the interconnection facilities are to be utilized.

(e) Interconnection agreements will not embody provisions which impose limitations upon the use or resale of capacity and energy sold or exchanged pursuant to the agreement except as may be necessary in accordance with Good Operating Practice.

(f) Interconnection agreements will not prohibit any party from entering into other interconnections or coordination agreements, but will include appropriate provisions to assure that (1) such party(ies) receives adequate notice of such additional interconnection or coordination arrangement, and (2) such parties will jointly consider and agree upon such measures, if any, as are reasonably necessary in accordance with Good Operating Practice.

III. RESERVE COORDINATION

(a) Licensee and the Neighboring Entities with which it interconnects shall from time to time jointly establish a level of minimum reserves to be provided as necessary to maintain a total reserve margin sufficient to provide reliability of power supply to the interconnected systems of the parties. Unless otherwise mutually agreed upon, the level of minimum reserves thus determined shall be calculated as a percentage of estimated annual peak load (including sales of firm power) adjusted to exclude purchases of firm power. No party to the interconnection shall be required to maintain more than such percentage, provided that, if such percentage is increased over the amount that Licensee would be required to maintain without such interconnection arrangements, then the other party shall be required to carry or provide for, as its reserves, the full amount of kilowatts of such increase.

(b) Licensee will sell emergency power to any Neighboring Entity which maintains the level of minimum reserve established in the paragraph (a) above and agrees to sell emergency power to Licensee. Licensee shall engage in such transactions if and when capacity and energy for such transactions are available from its own generating resources, from a Neighboring Entity(ies), or from interconnected Electric Systems, but only to the extent that it can do so without impairing service to Licensee's customers. Emergency power shall be furnished to the fullest extent available from the supplying party and desired by the party in need and at rates which compensate the seller for its Cost.

(c) Licensee and the Neighboring Entities with which it interconnects shall jointly establish a level of minimum ready reserves. Unless otherwise mutually agreed upon, the level of minimum ready reserves thus determined shall be calculated as a percentage of estimated annual peak load (including sales of firm power) adjusted to exclude purchases of firm power. No party to the interconnection shall be required to maintain more than such percentage, provided, that if such percentage is increased over the amount that Licensee would be required to maintain without such interconnection arrangements then the other party shall be required to carry or provide for, as its ready reserves, the full amount of kilowatts of such increases. However, in no circumstances shall a party's ready reserve requirement exceed its level of minimum reserves established in paragraph (a) above.

(d) When Licensee has generating capacity in excess of the amount called for by its own reserve criteria, it will offer, on terms which enable Licensee to recover its Cost, any such excess to a Neighboring Entity to meet such entity's own reserve requirements if the Neighboring Entity is willing to do likewise for Licensee when circumstances allow.

(e) Licensee and any Neighboring Entity(ies), upon the request of either party to do so, shall prepare joint maintenance schedules and shall make sales of maintenance energy when it is reasonable to do so in accordance with Good Operating Practice.

IV. OTHER POWER EXCHANGES

Licensee will sell Bulk Power to any Neighmay hereafter file, with the Federal Power Commission rate schedules and/or contracts with Neighboring Entities providing for the sale and purchase of short-term capacity and energy, economy energy, emergency energy, general purpose energy and other forms of surplus capacity and energy. Licensee will, on a fair and equitable basis, enter into contracts with any Neighboring Entity providing for the same or like capacity and energy transactions. In order to facilitate the making of such transaction, Licensee will respond promptly to inquiries of Neighboring Entities concerning the availability of all such forms of capacity and energy from its system. Each transaction will be on terms which will enable Licensee to recover its Cost.

V. WHOLESALE POWER SALES

Licensee will sell Bulk Power to any Neighboring Distribution System in accordance with rates, terms and conditions which compensate the Licensee for its Cost, and which do not restrict use or resale. Such sales shall be for full or for partial requirements as requested by the Neighboring Distribution System. Licensee shall not be required to make any such sale if it does not have available sufficient generation or transmission or interconnection capability, subject to the provisions of Section II above, to provide the requested service in accordance with Good Operating Practice.

VI. TRANSMISSION SERVICES

(a) Licensee will provide transmission service for Bulk Power transactions between or among two or more Neighboring Entities or a Neighboring Entity (ies) and Neighboring Distribution System(s) with whom Licensee is now, or in the future, interconnected. Licensee will also provide transmission services for Bulk Power transactions between any Neighboring Entity(ies) or Neighboring Distribution System(s) and any other Electric System(s) between whose facilities Licensee's transmission lines and the lines of others form a continuous electrical path provided Licensee shall not be responsible for procuring permission of such other Electric System(s) for use of that system's transmission lines. Licensee will provide such transmission services if and for so long as such services can reasonably be accommodated from a technical standpoint without impairing Licensee's reliability or its own use of its facilities in a manner consistent with Good Operating Practice.

(b) Licensee shall include in its planning and construction programs sufficient transmission capacity as required for the transactions referred to in Paragraph (a) of this section VI, provided the Neighboring Entity(ies) or Neighboring Distribution System(s) gives Licensee sufficient advance commitment as may be necessary to accommodate the requesting party's requirements from a technical standpoint and such Neighboring Entity(ies) or such Neighboring Distribution System(s) compensate Licensee for its Cost. Licensee shall not be required to construct transmission facilities (1) if such facilities would not be in accord with Good Operating Practice, (2) if such facilities will be of no demonstrable present or future benefit to Licensee, (3) if such facilities could be constructed by the requesting party without duplicating any portion of Licensee's transmission system, or (4) if construction of such facilities would jeopardize Licensee's ability to finance on reasonable terms facilities to meet anticipated system requirements.

(c) Consistent with paragraphs (a) and (b) of this section VI, Licensee shall provide transmission services for transporting Bulk Power from the Koshkonong Nuclear Power Plant or from any future nuclear generating unit(s) which Licensee may own or operate during the term of this license or any renewal thereof to any Neighboring Entity participating therein pursuant to the requirements of Section VII.

(d) Nothing herein shall require Licensee to provide transmission facilities or services for a retail customer.

(e) Licensee shall file any agreements providing for transmission services with the appropriate regulatory authority.

VII. ACCESS TO NUCLEAR GENERATION

(a) When a Neighboring Entity(ies) or a Neighboring Distribution System(s) makes a timely request to Licensee for participation by the ownership of a portion of, or (if the requesting party so elects) by the purchase

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of a portion of the output of, the Koshkonong Nuclear Generating Plant or any future nuclear generating unit(s) which Licensee may hereafter own or operate, severally or jointly, during the life of this license, or any renewal thereof, Licensee will afford to the requesting party the opportunity to so participate on a basis that will compensate Licensee for its Cost incurred and to be incurred. The request shall be deemed timely with respect to Koshkonong Nuclear Power Plant, Unit 1, if received by July 1, 1975, and Unit 2, if received by January 1, 1976. With respect to any future nuclear generating unit(s), the request shall be deemed timely if received within 180 days after the formal announcement of the intention to construct such unit(s).

(b) Any Neighboring Entity or any Neighboring Distribution System making a timely request for participation must enter into an executory agreement to assume financial responsibility for participation in the unit(s) and the associated transmission facilities. Such agreement must be entered into within one year after Licensee shall have provided to each requesting party the financial and technical data which is specified by the Regulatory Staff of the Nuclear Regulatory Commission to be sufficient to enable such party to make a feasibility study as to participation. The requesting party shall pay to Licensee the additional expenses incurred by Licensee in making such financial and technical data available.

VIII. IMPLEMENTATION

(a) The foregoing is to be implemented and applied in a manner consistent with Federal, state, and local laws, regulations, rulings and orders. All rates, charges, terms and practices are and will be subject to the acceptance and/or approval of any regulatory agencies or courts having jurisdiction over them.

(b) Licensee affirms that it does not and will not have agreement(s) or understanding(s) requiring it to obtain consents from the other companies or subsidiaries thereof applying for this license to enable such Licensee to carry out its obligations hereunder or to enable the Neighboring Entity(ies) or Neighboring Distribution System(s) to enjoy their rights hereunder.

(c) Nothing contained herein shall enlarge any rights of a Neighboring Entity, Neighboring Distribution System or Electric System to provide services to retail customers of Licensee beyond the rights they have under state or federal law.

WISCONSIN ELECTRIC POWER CO.

FEBRUARY 7, 1975.

Attached to this letter is a Statement of Bulk Power Supply Policy which sets forth the policies that will be applicable to Wisconsin Electric Power Company's ("Wepco") and Wisconsin Michigan Power Company's bulk power dealings with other electric power utilities. We have discussed this Statement of Policy with the Staff of the Department of Justice and the Staff of the Nuclear Regulatory Commission in connection with the antitrust review in the application for a construction permit and operating license to be issued by the Nuclear Regulatory Commission in the above-referenced proceedings.

You have indicated that if Wepco is willing to have the above-referenced Statement of Bulk Power Supply Policy and the commitments contained therein incorporated in the Nuclear Regulatory Commission permit and license, this would enable the Department of Justice to advise the Nuclear Regulatory Commission that no antitrust hearing with reference to Wepco will be necessary. We are willing to have this done based on the following understandings:

(1) Nothing in the Statement of Bulk Power Supply Policy or in this letter shall be construed as a waiver by Wepco or Wisconsin Michigan Power Company of its rights to contest the application of any commitment therein to a particular factual situation.

(2) By the Statement of Bulk Power Supply Policy, neither Wepco nor Wisconsin Michigan Power Company waives any rights that it may have to apply to any appropriate forum to seek such changes in the Statement of Bulk Power Supply Policy as may at the time be appropriate in accordance with the then existing law and good operating practice.

(3) By the Statement of Bulk Power Supply Policy or by operations in accordance therewith, neither Wepco nor Wisconsin Michigan Power Company intends to become, and neither shall become, a common carrier.

(4) Nothing in the Statement of Bulk Power Supply Policy or in this letter shall be construed to affect in any manner the franchises, indeterminate permits or certificates of authority of Wepco or Wisconsin Michigan Power Company, or declaratory rulings or certificates of authority of the Wisconsin Public Service Commission or the Michigan Public Service Commission pertaining to Wepco or to Wisconsin Michigan Power Company.

STATEMENT OF BULK POWER SUPPLY POLICY

I. DEFINITIONS

(a) "Service area" means those areas within the States of Wisconsin and Michigan and any other adjacent State served now or in the future by Licensee and areas proximate thereto.

(b) "Bulk power" means electric capacity and any attendant energy supplied or made available at transmission or subtransmission voltage by one electric utility to another.

(c) "Licensee" means Wisconsin Electric Power Company and, solely for the purpose of these conditions, its subsidiary Wisconsin Michigan Power Company, any successor corporation of the above, or any assignee(s) of its interest in this license.

(d) "Neighboring entity" means a financially responsible private or public corporation, governmental agency or authority, municipality, electric cooperative, or any lawful association of any of the foregoing, owning, contractually controlling, or operating, or in good faith proposing to own, contractually control, or operate, facilities for the generation or transmission of electricity for Bulk Power supply which meets each of the following criteria: (1) its existing or proposed facilities are technically feasible of interconnection with those of Licensee; (2) its existing or proposed facilities are fully or partially within the Service Area, and (3) with the exception of municipalities, electric cooperatives, governmental agencies or authorities, or lawful associations of any of the foregoing, it is, or upon commencement of operations will be, a public utility subject to regulation as to rates and services under state laws or under the Federal Power Act.

(e) "Neighboring distribution system" means a financially responsible private or public corporation, governmental agency or authority, municipality, electric cooperative, or lawful association of any of the foregoing, engaging, or in good faith proposing to engage, in the distribution of electric power at retail which meets each of the criteria numbered (1) through (3) in subparagraph (d) above.

(f) "Electric system" means a financially responsible private or public corporation, governmental agency or authority, municipality, electric cooperative, or lawful association of any of the foregoing, owning, contractually controlling, or operating, or in good faith proposing to own, contractually control, or operate, facilities for the generation, transmission or distribution of electricity whose facilities are not within the Service Area and which meets the criteria specified in (3) of subparagraph (d) above.

(g) "Cost" means any administrative, general, and capital costs, operating and maintenance expenses, and reasonable return on investment which are properly allocable to the particular transaction.

(h) "Good operating practice" refers to those practices, methods, or acts that would be expected to provide at the lowest reasonable cost the reliability and safety required under the circumstances by the exercise of reasonable judgment in the light of the current state of technology, provided such practices, methods, or acts are not unreasonably restrictive.

II. INTERCONNECTIONS

(a) Licensee will interconnect and will operate in parallel in accordance with Good Operating Practice with any Neighboring Entity and will interconnect with any Neighboring Distribution System.

(b) Interconnections will not be limited to lower voltages when higher voltages are requested and available.

(c) Interconnection arrangements shall provide for the necessary facilities, operating procedures and control equipment as required for safe and prudent operation of the interconnected systems in accordance with Good Operating Practice.

(d) The Cost of interconnection will be allocated on the basis of benefits derived from the interconnection by each party after consideration of the various transactions for which the interconnection facilities are to be utilized.

(e) Interconnection agreements will not embody provisions which impose limitations upon the use or resale of capacity and energy sold or exchanged pursuant to the agreement except as may be necessary in accordance with Good Operating Practice.

(f) Interconnection agreements will not prohibit any party from entering into other interconnections or coordination agreements, but will include appropriate provisions to assure that (1) the party(ies) receives adequate notice of such additional interconnection or coordination arrangement, and (2) the parties will jointly consider and agree upon such measures, if any, as are reasonably necessary in accordance with Good Operating Practice.

III. RESERVE COORDINATION

(a) Licensee and the Neighboring Entities with which it interconnects shall jointly establish a level of minimum reserves to be provided as necessary to maintain a total reserve margin sufficient to provide reliability of power supply to the interconnected systems of the parties. Unless otherwise mutually agreed upon, the level of minimum reserves thus determined shall be calculated as a percentage of estimated annual peak load (including sales of firm power) adjusted to exclude purchases of firm power. No party to the interconnection shall be required to maintain more than such percentage; provided, if such percentage is increased over the amount that Licensee would be required to maintain without such interconnection arrangement, then the other party shall be required to carry, or provide for, as its reserves the full amount of kilowatts of such increase.

(b) Licensee will sell emergency power to any Neighboring Entity which maintains the level of minimum reserve established in paragraph (a) above and agrees to sell emergency power to Licensee. Licensee shall engage in such transactions if and when capacity and energy for such transactions are

available from its own generating resources, from a Neighboring Entity(ies), or from interconnected Electric Systems, but only to the extent that it can do so without impairing service to Licensee's customers. Emergency power shall be furnished to the fullest extent available from the supplying party and desired by the party in need and at rates which compensate the seller for its Cost.

(c) Licensee and the Neighboring Entities with which it interconnects shall jointly establish a level of minimum ready (operating) reserves. Unless otherwise mutually agreed upon, the level of minimum ready (operating) reserves thus determined shall be calculated as a percentage of estimated annual peak load (including sales of firm power) adjusted to exclude purchases of firm power. No party to the interconnection shall be required to maintain more than such percentage, provided, that if such percentage is increased over the amount that Licensee would be required to maintain without such interconnection arrangements then the other party shall be required to carry, or provide for, as its ready (operating) reserves the full amount of kilowatts of such increases. However, in no circumstances shall a party's ready (operating) reserve requirement exceed its level of minimum reserves established in paragraph (a) above.

(d) When Licensee has generating capacity in excess of the amount called for by its own reserve criteria, it will offer, on terms which enable Licensee to recover its Costs, any such excess to a Neighboring Entity to meet such Entity's own reserve requirements if the Neighboring Entity is willing to do likewise for Licensee when circumstances allow.

(e) Licensee and the Neighboring Entities, who request to do so, shall prepare joint maintenance schedules and shall make sales of maintenance power and energy when it is reasonable to do so in accordance with Good Operating Practice.

IV. OTHER POWER EXCHANGES

Licensee currently has on file, and may hereafter file, with the Federal Power Commission rate schedules and/or contracts with other electric utility systems providing for the sale and purchase of short-term capacity and energy, limited term capacity and energy, long term capacity and energy, economy energy, and other forms of capacity and energy. Licensee will, on a fair and equitable basis, enter into contracts with any Neighboring Entity providing for the same or like capacity and energy transactions. In order to facilitate the making of such transactions, Licensee will respond promptly to inquiries of Neighboring Entities concerning the availability of all such forms of capacity and energy from its system. Such transactions will be on terms which will enable Licensee to recover its Cost.

V. WHOLESALE POWER SALES

(a) Licensee will sell Bulk Power to any Neighboring Distribution System in accordance with rates, terms and conditions which compensate the Licensee for its Cost, and which do not restrict use or resale except as may be necessary in accordance with Good Operating Practice. Such sales shall be for full or for partial requirements as requested by the Neighboring Distribution System. Such sales shall not be made subject to any condition which would prohibit, restrict or in any manner impede the Neighboring Distribution System from providing service to any type of, class of, or specific electrical user. Licensee shall not be required to make any such sale if it does not have available sufficient generation or transmission to provide the requested service or if such sale would impair its ability to render adequate service to its customers.

(b) Licensee shall, upon request of a Neighboring Entity(ies) and/or Neighboring Distribution System(s), file with the appropriate regulatory authority an appropriate rate schedule(s) for sales requested pursuant to this section V, provided no such rate schedule is currently effective.

VI. TRANSMISSION SERVICES

(a) Licensee will provide transmission service for Bulk Power transactions between or among two or more Neighboring Entities or a Neighboring Entity(ies) and Neighboring Distribution System(s) with whom Licensee is now, or in the future, interconnected. Licensee will also provide transmission services for Bulk Power transactions between any Neighboring Entity(ies) or Neighboring Distribution System(s) and other Electric System(s) between whose facilities Licensee's transmission lines and the lines of others form a continuous electrical path, provided Licensee shall not be responsible for procuring permission of such other parties for use of such parties' transmission lines. Licensee will provide such transmission services if such services can reasonably be accommodated from a technical standpoint without impairing Licensee's system reliability or its own use of its facilities in a manner consistent with Good Operating Practice.

(b) Licensee shall include in its planning and construction programs sufficient transmission capacity as required for the transactions referred to in Paragraph (a) of this section VI, provided the Neighboring Entity(ies) or Neighboring Distribution System(s) gives Licensee sufficient advance notice as may be necessary to accommodate the requesting party's requirements from a technical standpoint and such Neighboring Entity(ies) or such Neighboring Distribution System(s) compensates Licensee for its Cost. Licensee shall not be required to construct transmission facilities (1) if such facilities would not be in accord with Good Operating Practice, (2) if such facilities will be of no demonstrable present or future benefit to Licensee, (3) if such facilities could be constructed by the requesting party without duplicating any portion of Licensee's transmission system, or (4) if construction of such facilities would jeopardize Licensee's ability to finance on reasonable terms, facilities to meet its anticipated system requirements.

(c) Consistent with Paragraphs (a) and (b) of this Section VI, Licensee shall provide transmission services for transporting power from the Koshkonong Nuclear Power Plant or from any future nuclear generating unit(s) which Licensee may own or operate for the life of this license, or any renewal thereof, to any Neighboring Entity participating therein pursuant to the requirements of Section VII.

(d) Nothing herein shall require Licensee to provide transmission services for a retail customer.

(e) Licensee shall, upon request of a Neighboring Entity(ies) and/or Neighboring Distribution System(s), file with the appropriate regulatory authority an appropriate rate schedule for the required transmission service so requested, provided no such rate schedule is currently effective.

VII. ACCESS TO NUCLEAR GENERATION

(a) When a Neighboring Entity(ies) or a Neighboring Distribution System(s) makes a timely request to Licensee for participation in the ownership of a portion of, or (if the requesting party so elects) by the purchase of a portion of the output of, Koshkonong Nuclear Power Plant and any future nuclear generating Unit(s) which Licensee may hereafter own or operate, severally or jointly, during the life of this license, or any renewal thereof, Licensee will afford to the requesting party the opportunity to so participate on a basis that will compensate Licensee for its Cost incurred and to be incurred. The request shall be deemed timely with respect to Koshkonong Nuclear Power Plant, Unit 1, if received by July 1, 1975, and Unit 2, if received by January 1, 1976. With respect to any future nuclear generating unit(s), the request shall be deemed timely if received within 180 days after the formal announcement of the intention to construct such unit.

(b) Any Neighboring Entity(ies) or Neighboring Distribution System(s) making a timely request for participation must enter into an executory agreement to assume financial responsibility for such participation in the unit(s) and the associated transmission facilities. Such an agreement shall be entered into within one year after Licensee shall have provided to each requesting party the financial and technical data which is specified by the Regulatory Staff of the Nuclear Regulatory Commission as being sufficient to enable such party to make a feasibility study as to participation. The requesting party shall pay to Licensee the additional expenses incurred by Licensee in making such financial and technical data available.

VIII. EFFECTUATION

(a) Licensee shall use its best efforts to amend any outstanding contract to which it is a party that contains provisions which are inconsistent with the terms of sections II through VII hereof.

(b) With respect to any initial rate schedule (including an initial contract submission) associated with the commitments herein which Licensee files with any such regulatory agency having jurisdiction, Licensee shall include a provision that (1) if within thirty (30) days after such filing by the Licensee a protest or complaint with respect thereto is filed with such regulatory agency, and (2) if the submitted rates become effective prior to the resolution of any contested issues set forth in such protest or complaint, and (3) if such submitted rates are thereafter changed in accordance with regulatory proceedings and findings, then, within sixty (60) days after issuance of a final and nonappealable order effecting such change, the Licensee shall make appropriate refunds (including interest) to retroactively reflect such changes.

(c) Licensee affirms that it does not, and will not have agreement(s) or understanding(s) requiring it to obtain consents from the other companies applying for this license to enable such Licensee to carry out its obligations hereunder or to enable the Neighboring Entity(ies) or Neighboring Distribution System(s) to enjoy their rights hereunder.

IX. REGULATORY COMMISSION JURISDICTION

The foregoing is to be implemented and applied in a manner consistent with Federal, state, and local laws, regulations and orders. All rates, charges, terms and practices are and will be subject to the acceptance and/or approval of any regulatory agencies or courts having jurisdiction over them.

[FR Doc.75-8149 Filed 4-1-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

LIST OF REQUESTS

Clearance of Reports

The following is a list of requests for clearance of reports intended for use in

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collecting information from the public received by the Office of Management and Budget on March 28, 1975 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

U.S. CIVIL SERVICE COMMISSION

Graphic Design Supplemental Form, CSC 1233, on occasion, applicants for Federal employment, Caywood, D.P., 395-3443.

Photographer Supplemental Form, CSC 1236, on occasion, applicants for Federal employment, Caywood, D.P., 395-3443.

Illustrator Supplemental Form, CSC 1234, on occasion, applicants for Federal employment, Caywood, D.P., 395-3443.

Graphic Design, Illustrator, Photographer Application Form, CSC 1235, on occasion, applicants for Federal employment, Caywood, D.P., 395-3443.

Request for Change, DAX 6-25, on occasion, eligibles on CSC job registers, Caywood, D.P., 395-3443.

Survey of IPA Mobility Participants and Supervisors, IP-23 and IP-23A, quarterly, individuals, Caywood, D.P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, The Public Views Reading Crisis in America, OE-406, single-time, individuals, human resources division, 395-3532.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research, Uniform Disclosure/Settlement and Truth in Lending Statement, on occasion, lenders, community and veterans affairs division, 395-3532.

Policy Development and Research, Contractor Baseline Schedule Plan, Contractor Schedule Status Report, PD&R-102 and PD&R-202, monthly, business firms, community and veterans affairs division, 395-3532.

REVISIONS

VETERANS ADMINISTRATION

Report of Automatic Mobile Home Loan—Unit Only, 26-8149, on occasion, Lenders, Caywood, D. P., 395-3443.

DEPARTMENT OF COMMERCE

Bureau of the Census, Birth Expectations and Fertility Supplement—June 1973 CPS, CPS-1, annually, 45,000 households in CPS sample, Hall, George, 395-4097.

DEPARTMENT OF LABOR

Labor-Management and Service Administration, Petition, LMSA 60, on occasion, Federal labor organization representing Federal employee, Caywood, D. P., 395-3443.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of the Census, Application for Search of Census Records, BC 600, BC 649, and BC 658, on occasion, Evinger, S. K., 395-3648.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-8708 Filed 4-1-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-5350]

OHIO POWER CO.

Filing of Post-Effective Amendment

MARCH 27, 1975.

Notice is hereby given that Ohio Power Company ("Ohio"), 301 Cleveland Avenue, SW., Canton, Ohio, 44701, an electric utility subsidiary company of American Electric Power Company, Inc., a registered holding company, has filed with this Commission an eleventh post-effective amendment to the application previously filed in this matter, pursuant to section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a) (5) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the post-effective amendment to the application, which is summarized below, for a complete statement of the proposed transaction.

By orders dated June 29, 1973, September 18, 1973, April 8, 1974, June 10, 1974, July 5, 1974, October 1, 1974, December 31, 1974, and March 10, 1975 (Holding Company Act Release Nos. 18018, 18100, 18367, 18444, 18482, 18585, 18744, and 18853), this Commission, among other things, authorized the issuance and sale of short-term notes by Ohio to 71 banks in an aggregate amount up to $168,665,000 outstanding at any one time. At the time of said orders, the maximum amount of short-term indebtedness which Ohio could incur at any one time could not exceed $215,000,000.

It is now proposed that Ohio incur short-term indebtedness in an aggregate amount not to exceed $270,000,000. In no event would the borrowings by Ohio of short-term funds through the issuance and sale of notes to banks and commercial paper to dealers in commercial paper exceed the maximum amount allowable both under Ohio's Articles of Incorporation and the consent granted by Ohio's Cumulative Preferred stockholders permitting an increase in the amount of unsecured short term debt that Ohio could incur, which maximum amount as of December 31, 1974, was approximately $274,000,000.

Each note payable to a bank to be issued by Ohio will be dated as of the date of the borrowing which it evidences and will mature not more than 270 days after the date of issuance or renewal thereof. Each note will bear interest no greater than the prime rate of commercial banks at the time of issuance or in effect from time to time and will be prepayable at any time without premium or penalty. It is stated that Ohio will not pay any fees or charges to any of the banks in connection with the issuance and sale of such notes. Sufficient bank balances to meet operating and financial needs are kept at such banks to satisfy any compensating balance requirements in connection with the borrowings. If the average of such bank balances were maintained solely in order to fulfill the prevailing compensating balance requirements of such banks, generally between 15 and 20 percent, the effective interest cost to Ohio, based on a prime commercial rate of 7½ percent, would be 9.1 percent.

The commercial paper will be in the form of promissory notes in denominations of not less than $50,000 nor more than $5,000,000 and will be of varying maturities, with no maturity more than 270 days after the date of issue; none will be prepayable prior to maturity. The commercial paper notes of Ohio will be sold directly to not more than two dealers at a discount not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and maturity. No commercial paper notes will be issued having a maturity of more than 90 days at an effective interest cost which exceeds the effective interest cost at which Ohio could borrow from banks. The dealers will reoffer the commercial paper notes to not more than 100 of their customers identified and designated in a list (nonpublic) prepared in advance. It is expected that Ohio's commercial paper notes will be held by each dealer's customers to maturity, but if the customers wish to resell prior to maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase the notes and reoffer them to others in its group of 100 customers.

The proceeds from the issuance and sale of the notes will be used by Ohio to reimburse its treasury for past expenditures made in connection with its construction program and to pay part of the cost of its future construction program. Such construction expenditures for the year 1975 is estimated to total $180,000,000. The application states that, unless otherwise authorized by the Commission, all of the short-term debt of Ohio will be retired by December 31, 1975, from internal cash resources, debt or equity financing, or cash capital contributions.

Ohio requests exception from the competitive bidding requirements of Rule 50 for the proposed issuance and sale of its commercial paper pursuant to paragraph (a)(5) thereof on the grounds that it is not practicable to invite competitive bids for commercial paper. Ohio also requests authority to file certificates under Rule 24 with respect to the issuance and sale of commercial paper on a quarterly basis.

No state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 18, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as now amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-8508 Filed 4-1-75;8:45 am]

[File No. 3-4629; File No. 81-145]

RELIANCE WORLD TRADE COMPANY LTD.

Application and Opportunity for Hearing

MARCH 26, 1975.

Notice is hereby given that Reliance World Trade Company Ltd. (formerly Leasco World Trade Company Ltd.) ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for a finding that an exemption from the requirement to file reports pursuant to section 13 of the 1934 Act would not be inconsistent with the public interest or the protection of investors.

Section 12(b) of the 1934 Act provides that an issuer may register securities on a national exchange by filing a registration statement with both the exchange and the Securities and Exchange Commission (the "Commission") which registration statement contains information as to the issuer and any person directly or indirectly controlling or controlled by the issuer as the Commission may require for the protection of investors or in the public interest.

Section 13 of the 1934 Act requires that issuers of securities registered pursuant to section 12 must file certain periodic reports with the Commission for the protection of investors and to insure fair dealing in the security.

Section 12(h) of the 1934 Act empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration or periodic reporting provisions under sections 12 and 13, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Applicant states in part:

1. Applicant, a Delaware corporation, is a wholly-owned subsidiary of Reliance Group, Inc. ("Reliance"), a diversified financial services company with numerous subsidiaries. Applicant operates as an overseas financing vehicle for Reliance and its subsidiaries and affiliates.

2. In June 1968, Applicant issued $20,000,000 principal amount of 5 percent Guaranteed Convertible Debentures due 1988 (the "Debentures").

3. The Debentures are convertible into shares of Reliance common stock and are unconditionally guaranteed as to payment of principal, premium (if any) and interest by Reliance.

4. The Debentures were offered abroad to foreign nationals in accordance with procedures designed to prevent the sale of the Debentures in the United States or its territories or to nationals or residents thereof.

5. The Debentures are listed on the American Stock Exchange and are registered pursuant to section 12(b) of the 1934 Act.

In the absence of an exemption, Applicant is required to file certain periodic reports with the Commission pursuant to section 13 of the 1934 Act because the Debentures are registered with both the American Stock Exchange and the Commission.

Accordingly, Applicant believes that the exemption order requested by it is appropriate in view of the fact that none of the securities of the Applicant (other than the Debentures) are or will be held by any person other than Reliance or a wholly-owned subsidiary of Reliance; that since the Debentures are guaranteed by and convertible into common stock of Reliance, it is the reports of Reliance filed pursuant to section 13 of the 1934 Act and not those of Applicant in which reasonable investors would be primarily interested; and since the Debentures were admitted to trading on the American Stock Exchange, no transactions in the Debentures on such exchange have occurred.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C.

Notice is further given that any interested person not later than April 21, 1975, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549 and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application in whole or in part may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-8509 Filed 4-1-75;8:45 am]

[File No. 812-3761]

TAX-EXEMPT SECURITIES TRUST (SERIES 1 AND SUBSEQUENT NATIONAL AND STATE SERIES)

Filing of Application

MARCH 27, 1975.

Notice is hereby given that Tax-Exempt Securities Trust (Series 1 and Subsequent National and State Series) ("Applicant"), c/o Harris, Upham & Co. Incorporated, 120 Broadway, New York, New York, 10005, a unit investment trust registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of exemption from the provisions of section 14(a) of the Act and Rules 19b-1 and 22c-1 under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Loeb, Rhoades & Co. and/or Harris, Upham & Co., Incorporated will act as sponsors of the Applicant ("Sponsors"). The objective of each Series offered by the Applicant will be tax-exempt income for its unit holders through investment in long-term municipal bonds. Each Series of Applicant will be governed by a trust agreement ("Agreement") under which the Sponsors (or any succeeding sponsor or sponsors) will act as such, United States Trust Company of New York will act as trustee ("Trustee"), and Standard & Poor's Corporation will act as evaluator ("Evaluator"). Each Agreement will contain standard terms and conditions of trust common to all Series. Pursuant to each Agreement, the Sponsors will deposit with the Trustee in excess of $3,000,000 principal amount of tax-free municipal bonds, including contracts and cash for the purchase of certain of such bonds ("Bonds"), and simultaneously the Trustee will deliver to the Sponsors registered certificates representing in excess of 3,000 units, which will represent the entire ownership of each Series. The units will then be offered for sale to the public by the Sponsors. All of the Bonds deposited with the

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Trustee will be interest bearing obligations of states and territories of the United States and political sub-divisions and authorities thereof the interest on which is exempt from Federal income taxation under existing law. The Applicant represents that the Bonds will not be pledged or be in any other way subjected to any debt by the Applicant at any time after the Bonds are deposited with the Trustee.

On February 6, 1975, a registration statement on Form S–6 under the Securities Act of 1933 ("Securities Act") was filed for 10,000 units of undivided interest in Series 1 of Applicant. This registration statement has not yet become effective. On February 6, 1975, Applicant also filed a Notification of registration on Form N–8A for said Series and on the same date filed a registration statement on Form N–8B–2 under the Act for said Series.

Each Series of Applicant (Series 1 and Subsequent Series) will consist of Bonds, such Bonds as may continue to be held from time-to-time in exchange or substitution for any of the Bonds upon certain refunds, and accrued and undistributed interest and undistributed cash. Certain of the Bonds may from time-to-time be sold under the special circumstances set forth in the Agreement, or may be redeemed or may mature in accordance with their terms. The proceeds from such dispositions will be distributed to unit holders and not reinvested. There is no provision for the sale and reinvestment of the Bonds.

Each unit for a particular Series will represent a fractional undivided interest in that Series and will be redeemable. In the event that any unit shall be redeemed, the portion of the fractional undivided interest represented by each unit outstanding will be increased. Units will remain outstanding until redeemed or until the termination of the Agreement. The Agreement may be terminated by 100 percent agreement of the unitholders or, in the event that the value of the Bonds shall fall below an amount specified for each Series, upon the direction of the Sponsors to the Trustee, or by the Trustee without such direction, respectively.

Section 14(a). Section 14(a) of the Act, in substance, provides that no registered investment company and no principal underwriter for such a company shall make a public offering of securities of which such company is the issuer unless (1) the company has a net worth of at least $100,000; (2) at the time of a previous public offering it had a net worth of $100,000; or (3) provision is made that a net worth of $100,000 will be obtained from not more than twenty-five responsible persons within ninety days, or the entire proceeds received, including sales charge, will be refunded.

Applicant seeks an exemption from the provisions of section 14(a) in order that it may make a public offering of units of each series as described above. Applicant represents that in connection with the requested exemption from section 14(a), the Sponsors have agreed as follows: (A) To refund, on demand and without deduction, all sales charges paid by purchasers of units in the initial public offering of a series if, within 90 days from the time that the registration statement relating to such series becomes effective, either (i) the net worth of such series shall be reduced to less than $100,000, or (ii) such trust shall have been terminated; (B) to instruct the Trustee on the date of deposit of each Series that in the event that redemption by the Sponsors of units constituting a part of the unsold units shall result in that series having a net worth of less than $2,000,000, the Trustee shall terminate the Series in the manner provided in the Agreement and distribute any municipal bonds or other assets deposited with the Trustee pursuant to the Agreement as provided therein.

Rule 19b–1. Rule 19b–1(a) under the Act provides, in substance, that no registered investment company which is a "regulated investment company", as defined in section 851 of the Internal Revenue Code of 1954 ("Code"), shall make more than one distribution of capital gains in any one taxable year of such investment company. Paragraph (b) of the Rule contains a similar prohibition for a company not a "regulated investment company" but permits a unit investment trust to distribute capital gain distributions received from a "regulated investment company" within a reasonable time after receipt.

Applicant states that it proposes to make monthly distributions of principal and interest to unitholders of a Series and that distributions of principal constituting capital gains to unitholders may arise in two instances: (1) If an issuing authority calls or redeems an issue held in the portfolio, the sums received by Applicant will be distributed to unitholders on the next distribution date; and (2) if Bonds are sold in order to provide funds necessary to meet redemptions each unitholder will receive his pro rata portion of the proceeds from the Bonds sold. In such instances, a unitholder may receive in his distribution funds which constitute capital gains since the value of the portfolio Bonds redeemed or sold may have increased since the date of initial deposit.

As has been stated, Paragraph (b) of Rule 19b–1 provides that a unit investment trust may distribute capital gains received from a "regulated investment company" within a reasonable time after receipt. Applicant states that the purpose behind such provision is to avoid forcing unit investment trusts to accumulate capital gains distributions received throughout the year as the result of acts of their portfolio investment companies. Applicant states that it too should not have to hold until the end of its taxable year any involuntarily realized capital gains. Applicant contends that retention of such involuntarily realized capital gains by Applicant until the end of its taxable year would clearly be to the detriment of the unitholders.

In support of the requested exemption, the Applicant states that the dangers against which Rule 19b–1 is intended to guard will not exist in connection with any Series of Applicant, since neither Applicant nor the Sponsors have control over the events which could trigger capital gains. Applicant seeks to make a combined distribution of principal (including capital gains) and interest each month, and states that any capital gains in such distribution will be clearly indicated as such in accompanying reports to unitholders. In addition, Applicant alleges that the amounts involved in a normal distribution of principal will be relatively small in comparison to the normal interest distribution.

Rule 22c–1. Applicant states that the Sponsors, while not obligated to do so, intend to maintain a market for the units following the initial public offering period by continuously offering to demption prices. For purposes of the purchase units at prices in excess of re-secondary market transactions, an evaluation will be made by the Evaluator once each week. Evaluation will be made at the expense of the Applicant. Applicant contends that additional evaluations would be so costly as to significantly impair the interests of unitholders.

Applicant also states that the Sponsors have undertaken to adopt a procedure whereby the Evaluator, without a formal evaluation, will provide the Sponsors with estimated evaluations on trading days. In the case of a repurchase, if the Evaluator cannot state that the previous Friday's price is at least equal to the current bid price, the Sponsors will order, and the Applicant will pay for, a full evaluation which shall determine the repurchase price. In case of resale by the Sponsors, if the Evaluator cannot state that the previous Friday's price is no more than one-half point ($5.00 per $1,000.00 principal amount of underlying bonds) greater than the current offering price, a full evaluation will be ordered. Thus, Applicant contends that a unitholder wishing to sell his unit will not receive less from the Sponsors than he might have received from the Applicant upon redemption, and a purchaser of such units from the Sponsors will not pay more for a unit than approximately the current net asset value per unit.

Rule 22c–1 provides, in part, that redeemable securities of registered investment companies may not be sold, redeemed, or repurchased except at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading not less frequently than once daily as of the time of the close of trading on such Exchange) which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicant states that the Rule has two purposes: (1) To eliminate or to reduce any dilution of the value of outstanding redeemable securities of registered investment companies which might occur through the sale, redemption or repurchase of such securities at prices other than their current net asset values; and (2) to minimize speculative trading practices in the securities of registered investment companies.

The secondary market activities of Sponsors, which may buy units, and the manner for the acquisition by investors of new units, may be deemed to violate Rule 22c–1 because of the absence of daily pricing. Applicant argues, however, that the purposes of Rule 22c–1 will not be offended by the Sponsors' secondary market activities. Applicant asserts that the pricing of units by the Sponsors in the secondary market will in no way dilute the assets of Applicant, and that unitholders will benefit from the Sponsors' pricing procedure in the secondary market, since they will normally receive a higher repurchase price for their units than they could by redeeming their units at the current net asset value and that this will be accomplished without the cost burden to the Applicant of daily evaluations of the unit redemption value.

Applicant also contends that speculation in units of any Series is unlikely because price changes are limited in respect to the kind of bonds which will be held by such Series.

Applicant therefore requests an exemption from the provisions of Rule 22c–1 for Series 1 and for all subsequently created Series of Applicant insofar as the Rule may apply after completion of the primary distribution of units of such Series.

Section 6(c) of the Act provides that the Commission may, upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 22, 1975 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing), upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–8510 Filed 4–1–75;8:45 am]

VETERANS ADMINISTRATION

COOPERATIVE STUDIES EVALUATION COMMITTEE

Committee Renewal

This is to give notice in accordance with the Federal Advisory Committee Act (Pub. L. 92–463) of October 6, 1972, that the Cooperative Studies Evaluation Committee has been renewed by the Administrator of Veterans Affairs for a two year period beginning March 20, 1975 through March 20, 1977.

Dated: March 26, 1975.

R. L. ROUDEBUSH,
Administrator.

[FR Doc.75–8517 Filed 4–1–75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 738]

ASSIGNMENT OF HEARINGS

MARCH 28, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC–C–8436, Connecticut Limousine Service, Inc. v. Hyman Levine, d.b.a. Hy's Livery Service, now assigned April 21, 1975, at Hartford, Conn., will be held in Room 201, U.S. Post Office, 135 High Street.

MC 138875, Sub 21, Shoemaker Trucking Company, now assigned June 5, 1975, at Portland, Oregon, is cancelled and reassigned on June 5, 1975, at Boise, Idaho; in a hearing room to be designated later.

MC 56640, Sub 32, Delta Lines, Inc., now assigned April 14, 1975, at Carson City, Nevada, is cancelled and reassigned on April 14, 1975, at Reno, Nevada, at the Holiday Inn, 1000 E. 6th St.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–8541 Filed 4–1–75;8:45 am]

[No. 75–3450; Application No. 732]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Emergency Terminal Surcharge Tariff

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 27th day of March, 1975.

Upon consideration of the record in this proceeding including the petition filed by C. R. Sheets, Director of Marketing Services, Chicago, Rock Island and Pacific Railroad Company (Rock Island), the replies filed on or before March 24, 1975, and the views expressed at oral hearing before Division 2 on March 25, 1975:

It appearing, that the Rock Island requests authority under Section 6 of the Interstate Commerce Act to publish and file with this Commission a terminal surcharge tariff providing for application of $30 per car and $15 per trailer upon not less than five days' notice to the Commission and to the public which would accomplish the following:

Permit form of tariff publication for application of a $30 per car and $15 per trailer surcharge on traffic originating, terminating or originating and terminating on the Chicago, Rock Island and Pacific Railroad Company (Rock Island).

(a) On traffic both originating and terminating on the Rock Island, surcharge will be assessed against party making prepayment, or if shipment is collect, assessment will be against party paying collect bill.

(b) On traffic originating on the Rock Island and not terminating on the Rock Island, surcharge will be assessed against and due from origin shipper regardless of whether prepaid or collect.

(c) On traffic not originating on the Rock Island but terminating on the Rock Island, surcharge will be assessed against receiver regardless of whether prepaid or collect.

It further appearing, that the Rock Island seeks a grant of relief from all outstanding orders, and relief from the 4th Section of the Interstate Commerce Act.

It further appearing, that the Rock Island requests that the Commission consider permitting by order, under section 13 of the Interstate Commerce Act, a surcharge (the same as proposed on interstate traffic) on intrastate traffic to become effective concurrently with the interstate surcharge;

It further appearing, that at the oral hearing before Division 2, the representative for the Rock Island stated that the carrier intended to monitor the effect of the surcharge on a daily basis and proposes to cancel the surcharge should it prove self-defeating;

It further appearing, that applicant's representative testified that the Rock Island construes the proposed tariff, which bases the application of the surcharge on the term "traffic," to provide that on shipments receiving transit service the date controlling the application of the surcharge is the date the freight is billed and moves from the transit station

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in each instance, not the bill of lading date of original shipment, which is contrary to the consistent holding of the Commission that only the date of original shipment may determine the application of charges for services to which the shipment is lawfully entitled and contracted for at time of original shipment, and that the tariff must be clear on this point;

It further appearing, that relief from outstanding orders and from the Commission's tariff publishing regulations [49 CFR 1300] is warranted in view of the severe financial situation facing the Rock Island;

And it further appearing, that consistent with the authority hereinafter granted it may be necessary to order an increase of Rock Island intrastate rates and to consider this matter a proceeding designated No. 36156, Chicago, Rock Island and Pacific Railroad Company—Emergency Terminal Surcharge Tariff (Intrastate Application is being instituted.

It is ordered, That the Rock Island, subject to the conditions hereinafter set forth be, and it is hereby, authorized to depart from the Commission's tariff publishing rules to the extent necessary for publishing and filing a terminal surcharge tariff in the manner and form set forth in the petition.

It is further ordered, That the authority granted be, and it is hereby, conditioned in the following manner:

1. The tariff published under this authority shall bear an expiration date not beyond sixty days from effective date, which may not be changed unless specifically authorized by this Commission.

2. The surcharge shall remain in effect not to exceed 60 days from effective date, unless terminated, modified, changed, or otherwise ordered by the Commission.

3. The Rock Island shall determine on a continuous basis the extent to which application of the surcharge results in diversion of shipments from its lines, the net revenue effect of any such diversion and the effect of the net revenue result on the applicant's cash position. Beginning on April 14, 1975, and on each seventh day thereafter, the applicant shall submit to the Interstate Commerce Commission, Room 5342, a report covering the previous seven days showing its daily determination of such diversion, and net revenue and cash effects. The report shall summarize the diversion and net revenue effect in terms of local, interline received and interline forwarded traffic, and provide details of these effects for the applicant's major interchange points. The effect on the net cash position shall include the total amounts realized from the surcharge also in terms of local, interline forwarded and interline received estimates, assumptions and other factcomplete details on the methodology, estimates, assumptions and other factors entering into the determinations.

4. That the word "shipment" or "shipments" be substituted for "traffic" wherever the latter term appears in the text of the proposed tariff.

5. That the tariff include a provision reading:

On shipments entitled to and receiving authorized transit service, the date of original shipment (not the date shipment is billed or moves from the transit station) shall determine the application of this tariff, and the surcharge is not applicable to any shipment so made prior to the effective date of this tariff.

6. The tariff shall state that as to any one shipment not more than one surcharge per car or per trailer shall be applied.

It is further ordered, That authority is hereby granted to publish and file said publication effective upon notice to this Commission and the public of not less than five working days observed by the Commission (i.e. excluding Saturdays, Sundays and legal holidays). Any filing hereunder shall be subject to protest and possible suspension.

It is further ordered, That the publication filed under authority of this permission shall bear the following notation:

Notice and form of publication authorized, I.C.C. permission No. 75-3450.

And it is further ordered, That all outstanding orders of the Commission are hereby modified only to the extent necessary to permit the filing of the publication authorized herein.

FOURTH SECTION ORDER No. 20474

It further appearing, that an interstate surcharge cannot be published and made effective without producing in some instances charges that yield greater compensation in the aggregate for the transportation of like kind of property for a shorter than for a longer distance over the same line or route in the same direction, or greater compensation as a through charge than the aggregate-of-intermediate charges subject to the act, in contravention of section 4 thereof; that the financial condition of petitioner necessitates the surcharges involved which cannot be made effective without fourth-section relief; that there is no showing of record indicating an adverse affect by any such fourth-section departures as a result of the surcharges; and that a special case has been presented in which relief from the provisions of section 4 may be authorized;

It is ordered, That upon the effective date of the surcharges for which relief is herein authorized, petitioner be, and it is hereby, authorized to establish and maintain said surcharges without observing the provisions of section 4 of the act;

It is further ordered, That the tariff shall make reference to this order in the manner required by rule 28 of Tariff Circular No. 20.

And it is further ordered, That notice of orders entered herein with respect to the Special Permission application and the section 4 relief be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-8549 Filed 4-1-75;8:45 am]

[Rule 19, Ex Parte 241, Exemption 96]

DETROIT, TOLEDO AND IRONTON RAILROAD CO., NORFOLK AND WESTERN RAILWAY CO.

Exemption Under Mandatory Car Service Rules

It appearing, that the Detroit, Toledo and Ironton Railroad Company (DT&I) and the Norfolk and Western Railway Company (N&W) have each agreed to the unrestricted use by the other of its plain gondola cars less than 61 ft. in length; and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of empty gondola cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 394, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "GA", "GB", "GD", "GH", "GS", "GT", and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks listed herein, may be used by the DT&I and N&W without regard to the requirements of Car Service Rules 1 and 2.

REPORTING MARKS	
DT&I	*N&W*
DT&I	NKP
DTI	P&WV
USLD	VGN
	WAB
	N&W

Effective: March 17, 1975.

Expires: June 15, 1975.

Issued at Washington, D.C., March 17, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.75-8542 Filed 4-1-75;8:45 am]

[Rule 19; Ex Parte No. 241, Exemption 81, Amdt. 3]

ERIE LACKAWANNA RAILWAY CO. AND LEHIGH VALLEY RAILROAD CO.

Exemption Under Mandatory Car Service Rules

To: Erie Lackawanna Railway Company, Thomas F. Patton and Ralph S. Tyler, Jr., Trustees; Lehigh Valley Railroad Company, (John F. Nash and Robert C. Haldeman, Trustees).

Upon further consideration of Exemption No. 81 issued July 15, 1974.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 81 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire June 30, 1975.

This amendment shall become effective March 31, 1975.

Issued at Washington, D.C., March 25, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.75-8543 Filed 4-1-75;8:45 am]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 28, 1975.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by special rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 55571, filed March 17, 1975. Applicant: KERNVILLE STAGE & FREIGHT LINES OF CALIFORNIA, 425 19th Street, Bakersfield, Calif. 93301. Applicant's representative: Raymond A. Greene, Jr., 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of General Commodities, between the following points and places: (1) Lodi and Bakersfield, via State Highway 99. (2) Interstate Highway 580 from its junction with State Highway 99 to Stockton. (3) Inyokern and Bridgeport, via U.S. Highway 395. (4) Bakersfield and Barstow, via State Highway 58. (5) Palmdale and Cajon Junction, via State Highway 138. (6) Cajon Junction and Barstow, via Interstate Highway 15 (U.S. Highway 66). (7) The junctions of U.S. Highway 395 with Interstate Highway 15 (near Hesperia), and State Highway 14 (near Inyokern), via U.S. Highway 395. (8) Bakersfield and Trona, via State Highway 178. (9) The junction of State Highway 14 with State Highway 178 (near Homestead), and Palmdale, via State Highway 14. (10) The junction of Trona Road with U.S. Highway 395, and Trona, via unnumbered county road (Trona Road). (11) Serving all intermediate points and all off-route points within 20 miles laterally of the routes referred to in paragraphs (1) through (10). Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State Building, Civic Center, 350 McAllister Street, San Francisco, Calif. 94102, and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-8544 Filed 4-1-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 28, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before April 17, 1975.

FSA No. 42964—*Joint Water-Rail Container Rates—Yamashita-Shinnihon Line.* Filed by Yamashita-Shinnihon Line, (No. 8), for itself and interested rail carriers. Rates on general commodities, between ports in Burma, and rail stations on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-8540 Filed 4-1-75;8:45 am]

[Notice No. 259]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

APRIL 2, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 22, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75489. By order of March 12, 1975, the Motor Carrier Board approved the transfer to Claude L. Walker and Alice H. Walker, a partnership, Tamaqua, Pa., of the operating rights in Certificates Nos. MC 48102 and MC 48102 (Sub-No. 1) issued June 22, 1956, and January 29, 1971, to Robert T. Adams, doing business as Checkerboard Vans, Tamaqua, Pa., authorizing the transportation of packinghouse products, from Tamaqua, Pa., to points in Pennsylvania within 50 miles thereof; newspapers, from Tamaqua, Pa., to Hazleton, Pa.; household goods, between Tamaqua, Pa., and points within 50 miles thereof, on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Ohio, Delaware, Maryland, Virginia, and the District of Columbia; general commodities, usual exceptions, between Tamaqua, Pa., and points within 10 miles thereof, and household goods, between points in Schuylkill County, Pa., on the one hand, and, on the other, points in New York and New Jersey. James R. Bowe, 129 West Broad Street, Tamaqua, Pa. 18252, attorney for applicants.

No. MC-FC-75723. By order of March 13, 1975, the Motor Carrier Board approved the transfer to G. Charette Transport, Limited, Windsor, Ontario, Canada, of the operating rights in Permit No. MC 136244 issued September 29, 1973 to George Vincent Charette, Windsor, Ontario, Canada, authorizing the transportation of reconditioned pallets and shipping containers, and materials used in the reconditioning of the above commodities between points in Michigan, on the one hand, and, on the other, the port of entry on the United States-Canada Boundary line at Detroit, Mich. Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, Mich., 48226, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-8545 Filed 4-1-75;8:45 am]

[Notice 33]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

V 40-64 APR 2 75

Temporary authority application	Final action or certificate or permit	Date of action
Builders Transport, Inc., MC-124830 Sub 22	MC-124830 Sub-17	May 3, 1974
Shelton Trucking Service, Inc., MC-124867 Sub 2	MC-124867 Sub-2	May 6, 1974
Road Runner Trucking, Inc., MC-125906 Sub 24	MC-125906 Sub-30	May 23, 1974
D.B.A., R. H. Boeh Truck Lines, MC-127505 Sub 56	MC-127505 Sub-55	May 17, 1974
H. H. Ompa, Inc., MC-128133 Sub 12	MC-128133 Sub-10	May 6, 1974
D.B.A., Blosser Trucking, MC-128256 Sub 19	MC-128256 Sub-22	May 23, 1974
E. Z. Messenger Service, Inc., MC-133788 Sub 7	MC-133788 Sub-8	May 15, 1974
North East Express, Inc., MC-133906 Sub 7	MC-133906 Sub-11	May 8, 1974
Schultz Transit, Inc., MC-134631 Sub 17	MC-134631 Sub-18	May 23, 1974
Livestock Service, Inc., MC-134645 Sub 8	MC-134645 Sub 4	May 21, 1974

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-8555 Filed 4-1-75;8:45 am]

[Notice No. 11]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 28, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before May 2, 1975.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 30504 (Deviation No. 11), TUCKER FREIGHT LINES, INC., P.O. Box 3144, South Bend, Ind. 46619, filed February 28, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 41 and 20 in Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 41A, thence over U.S. Highway 41A to Nashville, Tenn., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction U.S. Highways 41 and 20, over U.S. Highway 20 to Michigan City, Ind., thence over U.S. Highway 35 via LaPorte, Ind., to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 31, thence over U.S. Highway 31 to junction U.S. Highway 31 E, thence over U.S. Highway 31 E to Louisville, Ky., thence over U.S. Highway 31 W to Elizabethtown, Ky., thence over Kentucky Highway 61 to Hodgenville, Ky., thence over U.S. Highway 31 E to Nashville, Tenn., and return over the same route.

No. MC 52709 (Deviation No. 27) (Cancels Deviation No. 26), RINGSBY UNITED, P.O. Box 192, Littleton, Colo. 80120, filed March 7, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Lincoln, Nebr., over U.S. Highway 34 to Union, Nebr., thence over U.S. Highway 75 to Auburn, Nebr., thence over U.S. Highway 136 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction Interstate Highway 29, thence over Interstate Highway 29 to St. Joseph, Mo., (2) From Lincoln, Nebr., over Nebraska Highway 2 to Nebraska City, Nebr., thence over U.S. Highway 75 to Auburn, Nebr., thence over U.S. Highway 136 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction Interstate Highway 29, thence over Interstate Highway 29 to St. Joseph, Mo., (3) From Lincoln, Nebr., over U.S. Highway 34 to Union, Nebr., thence over U.S. Highway 75 to junction U.S. Highway 36, and (4) From Lincoln, Nebr., over Nebraska Highway 2 to Nebraska City, Nebr., thence over U.S. Highway 75 to junction U.S. Highway 36 and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Lincoln, Nebr., over U.S. Highway 77 to Marysville, Kans., thence over U.S. Highway 36 to St. Joseph, Mo., and return over the same route.

No. MC 52709 (Deviation No. 28) (Cancels Deviation No. 25), RINGSBY UNITED, P.O. Box 192, Littleton, Colo. 80120, filed March 7, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Beloit, Wis., over Interstate Highway 90 to junction Interstate Highway 229, thence over Interstate Highway 229 to Sioux Falls, S. Dak., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Beloit, Wis., over Illinois Highway 75 to Freeport, Ill., thence over U.S. Highway 20 to Sioux City, Iowa, thence over U.S. Highway 75 to Rock Rapids, Iowa, thence over Iowa Highway 9 to junction unnumbered highway, thence over unnumbered highway via Benclare, S. Dak., to junction unnumbered highway, thence over unnumbered highway to East Sioux Falls, S. Dak., thence over South Dakota Highway 38 to Sioux Falls, S. Dak., and return over the same route.

No. MC 52709 (Deviation No. 29), RINGSBY UNITED, P.O. Box 192, Littleton, Colo. 80120, filed March 7, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Rapid City, S. Dak., over Interstate Highway 90 (using portions of U.S. Highway 14 where Interstate Highway 90 is incomplete) to Moorcroft, Wyo., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Rapid City, S. Dak., over South Dakota Highway 79 to junction South Dakota Highway 36, thence over South Dakota Highway 36 to Custer, S. Dak., thence over U.S. Highway 16 to Moorcroft, Wyo., and return over the same route.

No. MC 52709 (Deviation No. 30), RINGSBY UNITED, P.O. Box 192, Littleton, Colo. 80120, filed March 7, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Crow Agency, Mont., over Interstate Highway 90 to Butte, Mont., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Crow Agency, Mont., over U.S. Highway 87 to Billings, Mont., thence over Montana Highway 3 to junction U.S. Highway 12, thence over U.S. Highway 12 to Helena, Mont., thence over U.S. Highway 91 to Butte, Mont., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-8547 Filed 4-1-75;8:45 am]

[Notice No. 25]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 28, 1975.

The following publications include motor carrier, water carrier, broker, freight forwarder and rail proceedings indexed as follows: (1) Grants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating right's applications directly related to and processed on a consolidated record with finance applications filed under sections 5(2) and 212(b); (4) notices of filing of sections 5(2) and 210a (b) finance applications; and (5) notices of filing of section 212(b) transfer applications.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application in compliance with the requirements of 49 CFR 1100.250.

Protests to the granting of the requested authority must be filed with the Commission on or before May 2, 1975 (unless otherwise specified). Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest should comply with section 247(d) or section 240(c) as appropriate of the Commission's general rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and a detailed description of the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest (except for petitions and Finance Dockets under Rule 40 requiring the original and six (6) copies of the protest) shall be filed with the Commission, and a copy shall be served concurrently upon applicant's or petitioner's representative, or applicant or petitioner if no representative is named If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) or section 240(c)(4) of the special rules, and shall include the certification required therein.

MC 130237 (Republication) filed April 5, 1974, and published in the FEDERAL REGISTER issue of June 27, 1974, and republished this issue. Applicant: SOUTH PENN MOTOR CLUB, a corporation, 230 Lincoln Way East, Chambersburg, Pa. 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. A Supplemental Order of the Commission, Operating Rights, Board, dated February 28, 1975, and served March 19, 1975, finds, that operation by applicant at Chambersburg and Waynesboro, Pa., as a *broker* in arranging for the transportation by motor vehicle, interstate or foreign commerce, of *passengers and their baggage*, in special and charter operations, in one-way and round-trip tours, beginning and ending at points in Franklin County, Pa., and extending to points in the United States, including Alaska and Hawaii will be consistent with the public interest and the national transportation policy that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to include Waynesboro, Pa. as a point at which applicant may conduct operations as a broker. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a license in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 12520 (Sub-No. 2) (Notice of filing of petition to modify a license), filed March 12, 1975. Petitioner: ROGER Q. WILLIAMS TOURS, INC., P.O. Box 9112, Knoxville, Tenn. 37920. Petitioner's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Petitioner holds a license to engage in operation as a *broker* at Knoxville, Tenn. in No. MC 12520 (Sub-No. 2), issued July 6, 1964, to sell or offer to sell the transportation of *Passengers and their baggage*, in round-trip tours: (1) beginning and ending at Norris, Tenn., and points within 75 miles thereof, and extending to points in the United States (except Alaska and Hawaii); and (2) beginning and ending at points in Alabama, Florida, Louisiana, Mississippi, South Carolina, and West Virginia, and at points in Kentucky, Virginia, and North Carolina (except those within 75 miles of Norris, Tenn.), and extending to points in the United States (except Alaska and Hawaii).

By the instant petition, petitioner seeks to modify the above license by adding Lexington, Ky. as a point at which operations as a broker may be conducted in addition to Knoxville, Tenn. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before May 2, 1975.

No. MC 115570 (Notice of filing of petition to add an origin point), filed August 21, 1974. Petitioner: WALTER A. JUNGE, INC., P.O. Box 91531, 3818 84th St., SW., Tacoma, Wash. 98491. Petitioner's representative: George R. LaBissoniere, 130 Andover Park East, Seattle, Wash. 98188. Petitioner holds a motor *contract carrier* permit in No. MC 115570, issued August 28, 1958, authorizing transportation, as pertinent, over regular routes, of *Paper, paper products and paper mill supplies*, from Portland, Oreg., to Seattle, Wash., serving the intermediate point of Tacoma, Wash., restricted to delivery only: (1) From Portland over U.S. Highway 99 to Grand Mound, Wash., thence over unnumbered highway (formerly U.S. Highway 99) via Tenino, Wash., to Olympia, Wash., thence over U.S. Highway 99 via Tacoma, Wash., to Seattle, and return over the same route; (2) From Portland to Tacoma, Wash., as specified above, thence over U.S. Highway 410 to Sumner, Wash., thence over Washington Highway 5 to junction Washington Highway 2, thence over Washington Highway 2 to Seattle, and return over the same route; and (3) From Portland over the above-described routes to Tenino, Wash., thence over Washington Highway 5H to junction Washington Highway 5, thence over Washington Highway 5 through Parkland, Wash., to Tacoma, Wash., thence over the above-specified routes to Seattle, and return over the same route, under contract with shippers willing to enter into a contract with petitioner to perform the above service. By the instant petition, petitioner seeks to add Albany, Oreg. as an origin point (over routes which petitioner has not specified) in the above authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before May 2, 1975.

No. MC 129747 (Notice of filing of petition to modify territorial description), filed March 19, 1975. Petitioner: CASCO SERVICES, INC., 47 Chetwood Terrace, Fanwood, N.J. 07023. Petitioner's representative: George A. Olsen, 60 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner holds a motor *common carrier* certificate in No. MC-129747, issued October 7, 1968, authorizing transportation, over irregular routes, of *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading). Between Kearny, Jersey City, and Newark, N.J., on the one hand, and, on the other, New York, N.Y. By the instant petition, petitioner seeks to amend the territorial description in the above authority so as to read: Between Kearny, Jersey City, and Newark, N.J., on the one hand, and, on the other, points in the New York, N.Y. Commercial Zone, as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act, (the "exempt" zone), and those points in New Jersey any part of which is within 5 miles of New York, N.Y.; or in the alternative, that the Commission issue its appropriate order that the petitioner be empowered and permitted to designate as its terminal area, all points within which local operations may be conducted in the New York, N.Y. Commercial Zone as established by the Commission. Any interested person or persons desiring to

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participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before May 2, 1975.

No. MC 135811 and (Sub-No. 1) (Correction of notice of filing of petition to modify permits), filed February 19, 1975, and published in the FEDERAL REGISTER issue of March 19, 1975, and partially republished as corrected this issue. Petitioner: GARDNER TRUCKING CO., INC., 320 Woodlawn, Walterboro, S.C. 29488. Petitioner's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Avenue NW., Washington, D.C. 20036. By the instant petition, petitioner seeks to modify the above permits so as to read, in MC 135811, *Welding rods, welding wire, and electric welders and parts, materials and supplies* used in connection therewith: (1) From Hanover, Pa., Monticello, Ind., and Charlottesville, Va., to points in Arizona, California, Oregon, Texas, and Washington, under a continuing contract or contracts with Chemetron Corporation of Hanover, Pa. The rest of the petition remains as originally published. The purpose of this corrected republication is to indicate that Charlottesville, Va., should be included as an origin point in the above authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before May 2, 1975.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

Applications for certificates or permits which are to be processed concurrently with applications under section 5 governed by special rule 240 to the extent applicable:

No. MC 11207 (Sub-No. 355), filed March 12, 1975. Applicant: DEATON, INC., 317 Avenue W., P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Kim D. Mann, 702 World Center Building, 918 16th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Birmingham and Tuscaloosa, Ala.: From Birmingham over U.S. Highway 11 to Tuscaloosa, and return over the same route, serving all intermediate points and all points within 65 miles of Birmingham as off-route points. Restriction: The route described above may not be tacked or combined with any regular route authority presently held by Deaton to provide through service between points in Alabama.

NOTE.—This is a matter directly related to a Section 5 proceeding in MC–F–12463 published in the FEDERAL REGISTER of March 12, 1975. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 33807 (Sub-No. 6), filed March 3, 1975. Applicant: NASHUA MOTOR EXPRESS, INC., 270 Amherst Street, Nashua, N.H. 03060. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, Mass. 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in Massachusetts as intermediate and off route points in connection with applicant's authorized regular route operations in Massachusetts and New Hampshire.

NOTE.—This is a matter directly related to a section 5 Proceeding in MC–F–12455 published in the FEDERAL REGISTER of March 19, 1975. If a hearing is deemed necessary, applicant requests it be held at either Boston, Mass., or Nashua, N.H.

No. MC 71169 (Sub-No. 10), filed March 5, 1975. Applicant: THE B & F TRANSFER COMPANY, a corporation, 111 Cascade Plaza, Akron, Ohio 44308. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Wooster, Ohio and Sandusky, Ohio: From Wooster, Ohio over U.S. Highway 30 to junction U.S. Highway 250, thence over U.S. Highway 250 to Sandusky, Ohio, and return over the same route; (2) Between Wooster, Ohio, and Toledo Ohio: From Wooster, Ohio, over U.S. Highway 30 to junction U.S. Highway 250, thence over U.S. Highway 250, to Norwalk, Ohio, thence over U.S. Highway 20 to junction Ohio Highway 51, thence over Ohio Highway 51 to Toledo, Ohio, and return over the same route; (3) Between Wooster, Ohio, and Conneaut, Ohio: From Wooster, Ohio, over Ohio Highway 585 to junction Ohio Highway 21, thence over Ohio Highway 21 to junction Interstate Highway 271 near Richfield, Ohio, thence over Interstate Highway 271 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Ohio Highway 7, thence over Ohio Highway 7 to Conneaut, Ohio, and return over the same route; (4) Between Wooster, Ohio and Youngstown, Ohio: From Wooster, Ohio, over Ohio Highway 585 to junction Ohio Highway 21, thence over Ohio 21 to junction Interstate Highway 76, thence over Interstate Highway 76 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 680, thence over Interstate Highway 680 to Youngstown, Ohio, and return over the same route.

(5) Between Wooster, Ohio, and Marietta, Ohio: From Wooster, Ohio, over U.S. Highway 250 to junction Interstate Highway 77, thence over Interstate Highway 77 to junction Ohio Highway 821, thence over Ohio Highway 821 to Unionville, Ohio, thence over Ohio Highway 60 to Marietta, Ohio, and return over the same route; (6) Between Wooster, Ohio, and Portsmouth, Ohio: From Wooster, Ohio over Ohio Highway 3 to Columbus, Ohio, thence over U.S. Highway 23 to Portsmouth, Ohio, and return over the same route; (7) Between Wooster, Ohio and Cincinnati, Ohio: From Wooster, Ohio, over U.S. Highway 30 to junction Interstate Highway 71, thence over Interstate Highway 71 to Cincinnati, Ohio, and return over the same route; and (8) Between Wooster, Ohio, and Lima, Ohio: From Wooster, Ohio, over U.S. Highway 30 to junction U.S. Highway 30N near Mansfield, Ohio, thence over U.S. Highway 30N to junction Interstate Highway 71, thence over Interstate Highway 71 to Cincinnati, Ohio, and return over the same route; serving all intermediate points on all of the above described routes and all other points in Ohio as off-route points in connection with said routes; restricted (a) to the transportation of traffic moving to, from or thru Wooster, Ohio; (b) against traffic moving to or from points in Commercial Zones beyond the state of Ohio; and (c) against tacking Routes (1) thru (8) with each other for the purpose of providing thru service.

NOTE.—This is a matter directly related to a section 5 proceeding in No. MC–F–12460 published in the FEDERAL REGISTER of March 19, 1975. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 113678 (Sub-No. 586), filed March 12, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery*, from points in Blair County, Pa., to points in Arizona, California, Nevada, and New Mexico; (2) *fresh and canned fruits and berries, and canned fruit juices*, from points in that part of Michigan on and west of a line beginning at Mackinaw City, Mich., and extending along Interstate Highway 75 to Clare, Michigan, and thence along U.S. Highway 27 to the Michigan-Indiana State Boundary line, to points in Arizona, California, Nevada, New Mexico, and Utah; (3) *food products* (except (a) frozen foodstuffs, (b) meat, meat products and meat by-products, dairy products, and articles distributed by meat packinghouses, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (c) commodities in bulk, and (d) beverages), from the terminal facilities of Curtis, Inc., at Carlstadt, N.J., and points in the New York, N.Y., Commercial Zone, as defined by the Commission, and points in Union County, N.J., to points in Arizona, California, Nevada, New Mexico, and Utah; (4) *candy, confectionery and confectionery products* (except commodities in bulk and frozen foodstuffs), from the plant site and warehouse facilities of Topps Chewing Gum, Inc., at or near Duryea, Pa., to points in Arizona, California, Nevada, New Mexico, and Utah;

(5) *Canned goods*, from the plant sites and warehouse facilities of the Borden Company at Waterloo, Red Creek, Rushville, Egypt, Fairport, Newark, and Lyons, N.Y. to points in Arizona, California, Nevada, New Mexico, and Utah; (6) *canned vegetables and fresh vegetables*, when moving in mixed shipments with canned vegetables, from the plant site and storage facilities of A. Duda & Sons Cooperative Association, Redi Foods Division, at Lake Jem, Fla., to points in Arizona, California, Nevada, New Mexico, and Utah; (7) *foodstuffs*, in containers (except (a) frozen foodstuffs, (b) meat, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (c) commodities in bulk, and (d) beverages), from the facilities of Pepperidge Farm, Incorporated, at Downingtown, Lancaster, Philadelphia, Pa., to points in Arizona, California, Nevada, New Mexico, and Utah; and (8) *non-dairy coffee creamer*, from Lake City and Erie, Pa., and Mt. Morris, N.Y., to points in Arizona, California, Nevada, New Mexico, and Utah.

NOTE.—The purpose of this application is to eliminate a gateway at Fairbury, Nebr. This is a matter directly related to a section 5 proceeding in MC–F–12464 published in the FEDERAL REGISTER of March 26, 1975. If a hearing is deemed necessary, applicant requests it be held at either Denver, Colo., or Omaha, Nebr.

No. MC–F–11836 (Supplemental) (DELAWARE EXPRESS CO.—PURCHASE—FRANKLIN B. BAKER, JR.), published in the April 11, 1973, issue of the FEDERAL REGISTER, on page 9199 and No. MC 114301 (Sub-No. 77) (Supplemental) (DELAWARE EXPRESS CO.—CONVERSION APPLICATION) published in the June 20, 1973, issue of the FEDERAL REGISTER, on page 16123.

Upon consideration of the petition filed for reconsideration of the order of the Commission, Review Board Number 5, decided July 9, 1974, Division 3 acting as an Appellate Division, by its order, service date March 19, 1975, has granted a broader commodity description to vendor's permit, No. MC 124730. Issuance of a certificate, in lieu thereof, to vendee shall be withheld for 30 days from this notice, in order that any interested party may intervene in said proceeding setting forth the precise manner in which it has been prejudiced.

Authority granted in No. MC 114301 (Sub-No. 77) and MC–F–11836.

Roofing materials, and siding and materials and supplies used in the manufacture and distribution of roofing materials and siding, over irregular routes, between Edgemoor, Del., on the one hand, and, on the other, points in Fairfield, Hartford, and New Haven Counties Conn., Maryland, New Jersey (except Manville), Nassau, Orange, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties, and New York, N.Y., points in Chester, Delaware, Bucks, Lebanon, Berks, Lancaster, York, Cumberland, Perry, Franklin, Adams, Dauphin, Juniata, Montgomery, Philadelphia, Susquehanna, Luzerne, Wayne, Wyoming, Carbon, Lackawanna Schuylkill, Northampton, Monroe, Pike, Sullivan, Lehigh, Indiana, Allegheny, Armstrong, Beaver, Washington, Cambria, and Northumberland Counties, Pa., Fairfax, Arlington, Stafford, and Prince William Counties, Va., and Washington, D.C., restricted to transportation of traffic originating at and destined to the plant site of Artic Roofing Company, Inc., at Edgemoor, Del., and the territory just described.

No. MC–F–12391. (Correction) (ACE DORAN HAULING & RIGGING CO.—PURCHASE (PORTION)—FRED CARPENTER, INC.), published in the March 5, 1975, issue of the FEDERAL REGISTER, on page 10269. Prior notice should be modified to read as follows: Operating rights sought to be transferred: *Commodities*, which because of their size or weight require special handling or the use of special equipment, as a *common carrier* over irregular routes, between Syracuse, N.Y., and points in New York within 75 miles of Syracuse, on the one hand, and, on the other, points in Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island.

No. MC–F–12393. (Amendment) (D. L. CASTRO AND R. C. HARMONSON, both of 611 N. Mission Rd., Los Angeles, CA 90033), AND S. D. KNOPP, 150 S. Horton St., Seattle, WA 98314, of continuance in control of SUPERIOR CARTAGE OF WASHINGTON, INC., and SUPERIOR FAST DRAYAGE, doing business as SUPERIOR EXPRESS: Applicants' attorney: Clarence William Vandergrift, P.O. Box 3562, Georgetown Station, Washington, DC 20007. Operating rights sought to be controlled: *General commodities*, excepting among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier* over irregular routes, between points within 15 miles of Spokane, Wash., including Spokane, Wash., between Spokane, Wash., on the one hand, and, on the other, the site of the U.S. Army Air Corps Maintenance and Supply Depot at Galena, Wash., approximately 7½ miles west of Spokane, Wash.; and under a certificate of registration, in Docket No. MC 121336 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of California.

No. MC–F–12439. (Correction) (CAROLINA FREIGHT CARRIERS CORPORATION—PURCHASE (PORTION)—O. K. MOTOR SERVICE, INC.), published in the March 5, 1975, issue of the FEDERAL REGISTER, on page 10270. Prior notice should be modified to read as follows: between Peoria, Ill., and Waukesha, Wis., serving all intermediate points.

No. MC–F–12440. (Supplement) (M & M TRANSPORTATION COMPANY—PURCHASE (PORTION)—NELSON FREIGHTWAYS, INC.). In accordance with the order of Review Board No. 5, served March 5, 1975. Joinder of the following individuals who control Qualpeco Services, Inc., which in turn controls M & M Transportation Company are as follows: H. T. KERR, G. J. SIDERIS, DONALD L. CALDERA, AND STEPHEN J. RYAN, all of 750 Third Ave., New York, N.Y. 10017.

No. MC–F–12453. (Correction) (JONES TRUCK LINES, INC.—PURCHASE (PORTION)—DEATON, INC.), published in the March 12, 1975, issue of the FEDERAL REGISTER on page 11678. Prior notice should be modified to read: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Birmingham, Ala., and Greenville, Miss., serving Birmingham, Ala., for purposes of joinder only, between Oxford and Birmingham, Ala., serving Oxford and Birmingham, Ala., for purposes of joinder only, between Atlanta, Ga., and Oxford, Ala., serving no intermediate points and serving Oxford, Ala., for purposes of joinder only, with restriction; *general commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, over irregular routes, between Atlanta, Ga., and a described area around Atlanta, on the one hand, and, on the other, Oxford, Ala., serving Oxford for purposes of joinder only.

No. MC–F–12469. Authority sought for purchase by THE COLONIAL TRANSIT COMPANY, INCORPORATED, P.O. Box 508, Fredericksburg, VA 22401, of a portion of the operating rights of WMA INTERSTATE MOTOR LINES, INC., 4411 Southern Ave. SE., Washington, DC 20019, and for acquisition by ALVIN Y. BANDY, 202 Phillips St., Fredericksburg, VA 22401, CHARLES L. BANDY, 800 Culpeper St., Fredericksburg, VA 22401, and ROBERT C. GIBBONS, 14505 N. Brook Dr., Woodbridge, VA 22191, of control of such rights through the purchase. Applicants' attorney: L. C. Major, Jr., Suite 400, Overlook Bldg., 6121 Lincoln Rd., Alexandria, VA 22312. Operating rights sought to be transferred: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a common carrier over regular routes, between Washington, D.C., and Indian Head, Md., between Fort Washington, and Silesia, Md., serving all intermediate points. Vendee is authorized

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to operate as a common carrier in Maryland, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12470. Authority sought for purchase by MOON FREIGHT LINES, INC., 120 W. Grimes Lane, Bloomington, IN 47401, of the operating rights and property of MOORMAN TRUCKING COMPANY, INC., Bloomington, IN 47401, and for acquisition by WILLIAM E. BENCKART, AND FLUERETTE BENCKART, both of Bloomington, IN 47401, OMAR S. BRUNER, JR., AND HARRIETT BRUNER, 8848 Westfield Way, Indianapolis, IN 46240, of control of such rights and property through the purchase. Applicants' attorney: Donald W. Smith, Suite 2465—One Indiana Square, Indianapolis, IN 46204. Operating rights sought to be transferred: *Masonry contractors' equipment and supplies*, as a *common carrier* over irregular routes, between points in Indiana, on the one hand, and, on the other, points in Illinois, Kentucky, Michigan, and Ohio; *acoustical blocks, bricks, building and roofing tile, cement, cinder blocks, clay products, concrete blocks, flexicor, flue lining, hadite blocks, lime, metal lath, mortar, plaster, concrete reinforcing steel, rough and dressed stone, and sewer tile*, from points in Indiana to points in Illinois, Kentucky, Michigan and Ohio; *bricks*, from Danville, Ill., to points in Indiana; *dressed and finished stone*, from Indianapolis, Ind., to points in New York and Wisconsin; *building materials* as described in appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *materials and supplies* used in the manufacture of building materials, between the site of the plant of the National Gypsum Company, Inc., located at or near Raney Spur, Ind. (about three miles east of Shoals, Ind., on U.S. Highway 50), on the one hand, and, on the other, points in Illinois, Kentucky, Michigan, Ohio, and St. Louis County, Mo.; *clay products*, from points in Morgan County, Ind., to certain specified points in Wisconsin, and Missouri.

Building materials as described in Appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, except commodities, the transportation of which because of size or weight requires the use of special equipment, from the plant site of the National Gypsum Co., near East Shoals (Raney Spur), Ind., (on U.S. Highway 50) to points in Tennessee and points in the defined Counties of Missouri; *clay products*, from points in Clay County, Ind., to points in Missouri (except St. Louis and points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission) and Iowa; and return with *pallets* used in transporting clay products. Vendee is authorized to operate as a *common carrier* in Indiana, Missouri, Kentucky, Ohio, Michigan, Illinois, Delaware, Iowa, Kansas, Maryland, New Jersey, New York, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, Massachusetts, Connecticut, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Nebraska, North Dakota, South Dakota, Minnesota, Texas, North Carolina, South Carolina, Rhode Island, Vermont, Maine, New Hampshire, Colorado, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12471. Authority sought for control by CARL W. REAGAN, doing business as SOUTHEAST TRUCKING COMPANY, 8418 Tallmadge Rd., R.D. #6, Ravenna, OH 44266, of CHARTER EXPRESS, INC., 1814 Gless Ave., Akron, OH 44301. Applicants' attorneys: Robert N. Krier, 85 E. Gay St., Columbus, OH 43215 and Richard H. Brandon, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017. Operating rights sought to be controlled: *Plastic, rubber, plastic and rubber products*, and *supplies and machinery* used in the manufacture of such commodities, as a *common carrier* over irregular routes, between Fremont, Ohio, on the one hand, and, on the other, points in Massachusetts, New Jersey, New York, and Pennsylvania, with restriction; *such commodities* as are manufactured, processed and/or dealt in by rubber manufactures and steel products manufacturers, and equipment, materials, and supplies used in the conduct of such business, from Akron, Ohio, to points in Rhode Island, Massachusetts, and Connecticut, and certain specified points in New York and New Jersey; *chemicals*, from Naugatuck, Conn., to Akron, Ohio; *scrap tires and tubes*, from Boston, Cambridge, New Bedford, Pittsfield, Fall River, and Springfield, Mass., Hartford, Conn., Newark, N.J., and Albany, and New York, N.Y., and points on Long Island, N.Y., to Akron, Ohio, with restriction; *plastic flakes, granules, lumps, paste, pellets, and powders*, in containers, from Bellevue, Ohio, to Bridgeport, Middletown, and Wallingford, Conn.; Wilmington, Del.; Stoughton, Mass.; Garwood, Hamburg, Hoboken, Mountain View, New Brunswick, and Paterson, N.J.; Amsterdam, Hicksville, New York, and Smithtown, N.Y., and Nazareth and Philadelphia, Pa.; *plastic scrap* (except bulk shipments moving in tank vehicles), from Naugatuck, Conn., Boston, Fall River, Lawrence, and Springfield, Mass.; Elizabeth, Garwood, Newark, and Trenton, N.J.; Buffalo, Chester, Middleport, and New York, N.Y.; and Economy, Jeannette, Philadelphia, Port Alleghany, Pottstown, and Rochester, Pa., to Bellevue, Ohio. CARL W. REAGAN, doing business as SOUTHEAST TRUCKING CO., is authorized to operate as a *common carrier* in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and the District of Columbia.

NOTICE

Chicago and North Western Transportation Company (hereinafter "CNW") hereby gives notice that on the 13th day of March, 1975, it filed with the Interstate Commerce Commission at Washington, D.C., an application for approval of an agreement authorizing trackage rights by the CNW over tracks of the Milwaukee Road between Winona, Minnesota and Tunnel City, Wisconsin, all in Winona County, Minnesota and La Crosse and Monroe Counties, Wisconsin, a distance of approximately 67.79 miles, beginning at Milepost 243.52 at Winona, Minnesota and extending to Milepost 311.61 at Tunnel City, Wisconsin. CNW states that no shippers or receivers will be adversely effected. The trackage rights to be operated lie between Winona, Minnesota and Tunnel City, Wisconsin. This application has been assigned Finance Docket No. 27867. Correspondence in regard to this matter including all protests should be addressed to Stuart F. Gassner, General Attorney, Chicago and North Western Transportation Company, 400 West Madison Street, Chicago, Illinois 60606.

In the opinion of Applicant the Commission's action requested, i.e., approval of the trackage rights, will not have any significant impact and will not significantly adversely effect the quality of the human environment. Rather applicant alleges that coordination of through train operations will have a beneficial effect on the environment. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission on or before May 2, 1975.

NOTICE

The Atchison, Topeka and Santa Fe Railway Company, represented by Mr. Harvey Huston, Assistant General Counsel, 80 East Jackson Boulevard, Chicago, Illinois 60604, hereby gives notice that on the 10th day of March, 1975, it filed with the Interstate Commerce Commission at Washington, D.C., an application under section 5(2)(a)(i) of the Interstate Commerce Act for authority to purchase from Chicago and North Western Transportation Company a line of railroad extending from Superior, Nebraska, to the Kansas-Nebraska State Line, including 2.2 miles of main track and 2.0 miles of side tracks, for a total of approximately 4.2 miles, located in Nuckolls County, Nebraska. The applicant presently and for many years past has operated over this line pursuant to a trackage rights agreement with the Chicago and North Western Transportation Company which desires to sell this line to the applicant, having discontinued its own operations over it pursuant to authority granted by the Interstate Commerce Commission in Finance Docket No. 26417. This application has been assigned Finance Docket No. 27865. In the opinion of the applicant, the authority sought by this application will have no significant effect upon the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1100.250) in

Ex Parte No. 55 (Sub-No. 4), Implementation - National Environmental Policy Act of 1969, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present the statement shall include such information relating to the factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b)(1)–(5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission on or before May 2, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-8548 Filed 4-1-75;8:45 am]

[Notice No. 33]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 28, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 10223 (Sub-No. 10TA), filed March 20, 1975. Applicant: ROBERT E. MACK, CARL BROWN, SOPHIE R. MACK, ESTELLE M. FUNK, AND THERESA R. MOLLOY, doing business as MACK TRANSPORTATION COMPANY, 4330 Torresdale Avenue, Philadelphia, Pa. 19124. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by department stores*, between the stores and facilities of Bamberger's, Division of R. H. Macy & Co., Inc., at points in Edison Township, Middlesex County, N.J., on the one hand, and, on the other, points in New Jersey, Delaware, Fairfield County, Conn., Cecil, Kent, and Hartford Counties, Md., Philadelphia, Chester, Bucks, Delaware, Montgomery, Lancaster, Berks, Lehigh, Schuylkill, Carbon, Lebanon, Pike, Monroe, Luzerne, Northampton, and Lackawanna Counties, Pa., Rockland, Nassau, Suffolk, Orange, Putnam, Westchester, Bronx, Queens, Richmond, Kings, New York, Ulster, Sullivan, and Duchess Counties, N.Y., for 180 days. Supporting shipper: Bamberger's, Division of R. H. Macy & Co., Inc., Newark, N.J. 07101. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, 600 Arch Street, Room 3232, Philadelphia, Pa. 19106.

No. MC 18535 (Sub-No. 60TA), filed March 21, 1975. Applicant: HICKLIN MOTOR LINE, INC., P.O. Box 377, St. Matthews, S.C. 29135. Applicant's representative: Edward J. Morrison, P.O. Box 67, Lexington, S.C. 29072. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer fertilizer materials*, in bulk, between points in Chatham County, Ga., and points in South Carolina, for 180 days. Supporting shippers: Kaiser Agricultural Chemicals, Division of Kaiser Aluminum & Chemical Sales, Inc., P.O. Box 246, Savannah, Ga. 31402. Southern States Phosphate & Fertilizer Company, P.O. Box 564, Savannah, Ga. 31402. Send protests to: E. E. Strotheld, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 76629 (Sub-No. 7TA), filed March 19, 1975. Applicant; OVERLAND FREIGHT LINES, INC., P.O. Box 31136, Indianapolis, Ind. 46231. Applicant's representative: Robert Hecht (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty metal beverage containers*, from A. C. Leasing Warehouse, Sharonville, Ohio and the plantsite of the National Can Corporation, Obetz, Ohio to the G. Helleman Brewing Co., Inc., Evansville, Ind., Supporting shipper: G. Helleman Brewing Co., Inc., 925 South 3rd Street, La Crosse, Wis. 54601. Send protests to: James W. Haberemhl, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 802 Century Bldg., 36 S. Penn. Street, Indianapolis, Ind. 46204.

No. MC 100300 (Sub-No. 13TA), filed March 20, 1975. Applicant: H. B. NELSON AND SONS, INC., P.O. Box 241, Alexandria, Minn. 56308. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Supplies, materials and equipment used in the manufacture and distribution of malt beverages and related advertising materials*, from points in Minnesota to points in Olympia, Wash., for 180 days. Supporting shipper: Olympia Brewing Company, P.O. Box 947, Olympia, Wash. 98507. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg. & U.S. Courthouse, 110 South Fourth St., Minneapolis, Minn. 55401.

No. MC 102567 (Sub-No. 183TA), filed March 19, 1975. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe Day, 2040 N. Loop West, Suite 208, Houston, Tex. 77018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from Norphlet, Ark., to points in Bowmansville, N.Y., for 180 days. Supporting shipper: MacMillian Ring-Free Oil Co., Inc., P.O. Box 1623, El Dorado, Ark. 71730. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, T–9038 U.S. Postal Service Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 107010 (Sub-No. 57TA), filed March 19, 1975. Applicant: BULK CARRIERS, INC., P.O. Box 423, Auburn, Nebr. 68305. Applicant's representative: Patrick E. Quinn, Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed rock, rock sand, and gravel* from Richardson and Nemaha Counties, Nebr., to points in Kansas and Missouri, for 180 days. Supporting shipper: Wayne Niemeyer, Nemaha Valley Construction & Quarries, R.F.D., Salem, Nebr. 68433. Send protests to: Max H. Johnston, District Supervisor, 320 Federal Bldg., & Court House, Lincoln, Nebr. 68508.

No. MC 112520 (Sub-No. 302TA), filed March 19, 1975. Applicant MCKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and processed clay*, in bulk, in tank vehicles, from points in Decatur County, Ga., to Yorktown, Va., for 180 days. Supporting shipper: Engelhard Minerals & Chemicals Corp., Menlo Park, Edison, N.J. 08817. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 112520 (Sub-No. 303TA), filed March 21, 1975. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Naval stores products*, in bulk, in tank vehicles, from Telogia, Fla., to points in New Jersey,

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to operate as a common carrier in Maryland, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12470. Authority sought for purchase by MOON FREIGHT LINES, INC., 120 W. Grimes Lane, Bloomington, IN 47401, of the operating rights and property of MOORMAN TRUCKING COMPANY, INC., Bloomington, IN 47401, and for acquisition by WILLIAM E. BENCKART, AND FLUERETTE BENCKART, both of Bloomington, IN 47401, OMAR B. BRUNER, JR., AND HARRIETT BRUNER, 3648 Westfield Way, Indianapolis, IN 46240, of control of such rights and property through the purchase. Applicants' attorney: Donald W. Smith, Suite 2465—One Indiana Square, Indianapolis, IN 46204. Operating rights sought to be transferred: *Masonry contractors' equipment and supplies*, as a *common carrier* over irregular routes, between points in Indiana, on the one hand, and, on the other, points in Illinois, Kentucky, Michigan, and Ohio; *acoustical blocks, bricks, building and roofing tile, cement, cinder blocks, clay products, concrete blocks, flexicor, flue lining, hadite blocks, lime, metal lath, mortar, plaster, concrete reinforcing steel, rough and dressed stone*, and *sewer tile*, from points in Indiana to points in Illinois, Kentucky, Michigan and Ohio; *bricks*, from Danville, Ill., to points in Indiana; *dressed and finished stone*, from Indianapolis, Ind., to points in New York and Wisconsin; *building materials* as described in appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *materials and supplies* used in the manufacture of building materials, between the site of the plant of the National Gypsum Company, Inc., located at or near Raney Spur, Ind. (about three miles east of Shoals, Ind., on U.S. Highway 50), on the one hand, and, on the other, points in Illinois, Kentucky, Michigan, Ohio, and St. Louis County, Mo.; *clay products*, from points in Morgan County, Ind., to certain specified points in Wisconsin, and Missouri.

Building materials as described in Appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, except commodities, the transportation of which because of size or weight requires the use of special equipment, from the plant site of the National Gypsum Co., near East Shoals (Raney Spur), Ind., (on U.S. Highway 50) to points in Tennessee and points in the defined Counties of Missouri; *clay products*, from points in Clay County, Ind., to points in Missouri (except St. Louis and points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission) and Iowa; and return with *pallets* used in transporting clay products. Vendee is authorized to operate as a *common carrier* in Indiana, Missouri, Kentucky, Ohio, Michigan, Illinois, Delaware, Iowa, Kansas, Maryland, New Jersey, New York, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, Massachusetts, Connecticut, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Nebraska, North Dakota, South Dakota, Minnesota, Texas, North Carolina, South Carolina, Rhode Island, Vermont, Maine, New Hampshire, Colorado, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

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NOTICE

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In the opinion of Applicant the Commission's action requested, i.e., approval of the trackage rights, will not have any significant impact and will not significantly adversely effect the quality of the human environment. Rather applicant alleges that coordination of through train operations will have a beneficial effect on the environment. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission on or before May 2, 1975.

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By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.75-8548 Filed 4-1-75;8:45 am]

[Notice No. 33]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 28, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 10223 (Sub-No. 10TA), filed March 20, 1975. Applicant: ROBERT E. MACK, CARL BROWN, SOPHIE R. MACK, ESTELLE M. FUNK, AND THERESA R. MOLLOY, doing business as MACK TRANSPORTATION COMPANY, 4330 Torresdale Avenue, Philadelphia, Pa. 19124. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by department stores*, between the stores and facilities of Bamberger's, Division of R. H. Macy & Co., Inc., at points in Edison Township, Middlesex County, N.J., on the one hand, and, on the other, points in New Jersey, Delaware, Fairfield County, Conn., Cecil, Kent, and Hartford Counties, Md., Philadelphia, Chester, Bucks, Delaware, Montgomery, Lancaster, Berks, Lehigh, Schuylkill, Carbon, Lebanon, Pike, Monroe, Luzerne, Northampton, and Lackawanna Counties, Pa., Rockland, Nassau, Suffolk, Orange, Putnam, Westchester, Bronx, Queens, Richmond, Kings, New York, Ulster, Sullivan, and Duchess Counties, N.Y., for 180 days. Supporting shipper: Bamberger's, Division of R. H. Macy & Co., Inc., Newark, N.J. 07101. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, 600 Arch Street, Room 3232, Philadelphia, Pa. 19106.

No. MC 18535 (Sub-No. 60TA), filed March 21, 1975. Applicant: HICKLIN MOTOR LINE, INC., P.O. Box 377, St. Matthews, S.C. 29135. Applicant's representative: Edward J. Morrison, P.O. Box 67, Lexington, S.C. 29072. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer fertilizer materials*, in bulk, between points in Chatham County, Ga., and points in South Carolina, for 180 days. Supporting shippers: Kaiser Agricultural Chemicals, Division of Kaiser Aluminum & Chemical Sales, Inc., P.O. Box 246, Savannah, Ga. 31402. Southern States Phosphate & Fertilizer Company, P.O. Box 564, Savannah, Ga. 31402. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 76629 (Sub-No. 7TA), filed March 19, 1975. Applicant: OVERLAND FREIGHT LINES, INC., P.O. Box 31136, Indianapolis, Ind. 46231. Applicant's representative: Robert Hecht (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty metal beverage containers*, from A. C. Leasing Warehouse, Sharonville, Ohio and the plantsite of the National Can Corporation, Obetz, Ohio to the G. Heileman Brewing Co., Inc., Evansville, Ind., Supporting shipper: G. Heileman Brewing Co., Inc., 925 South 3rd Street, La Crosse, Wis. 54601. Send protests to: James W. Haberemhl, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 802 Century Bldg., 36 S. Penn. Street, Indianapolis, Ind. 46204.

No. MC 100300 (Sub-No. 13TA), filed March 20, 1975. Applicant: H. B. NELSON AND SONS, INC., P.O. Box 241, Alexandria, Minn. 56308. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Supplies, materials and equipment used in the manufacture and distribution of malt beverages and related advertising materials*, from points in Minnesota to points in Olympia, Wash., for 180 days. Supporting shipper: Olympia Brewing Company, P.O. Box 947, Olympia, Wash. 98507. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg. & U.S. Courthouse, 110 South Fourth St., Minneapolis, Minn. 55401.

No. MC 102567 (Sub-No. 183TA), filed March 19, 1975. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe Day, 2040 N. Loop West, Suite 208, Houston, Tex. 77018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from Norphlet, Ark., to points in Bowmansville, N.Y., for 180 days. Supporting shipper: MacMillian Ring-Free Oil Co., Inc., P.O. Box 1623, El Dorado, Ark. 71730. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, T-9038 U.S. Postal Service Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 107010 (Sub-No. 57TA), filed March 19, 1975. Applicant: BULK CARRIERS, INC., P.O. Box 423, Auburn, Nebr. 68305. Applicant's representative: Patrick E. Quinn, Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed rock, rock sand, and gravel* from Richardson and Nemaha Counties, Nebr., to points in Kansas and Missouri, for 180 days. Supporting shipper: Wayne Niemeyer, Nemaha Valley Construction & Quarries, R.F.D., Salem, Nebr. 68433. Send protests to: Max H. Johnston, District Supervisor, 320 Federal Bldg., & Court House, Lincoln, Nebr. 68508.

No. MC 112520 (Sub-No. 302TA), filed March 19, 1975. Applicant MCKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and processed clay*, in bulk, in tank vehicles, from points in Decatur County, Ga., to Yorktown, Va., for 180 days. Supporting shipper: Engelhard Minerals & Chemicals Corp., Menlo Park, Edison, N.J. 08817. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 112520 (Sub-No. 303TA), filed March 21, 1975. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Naval stores products*, in bulk, in tank vehicles, from Telogia, Fla., to points in New Jersey,

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New York, and Pennsylvania, for 180 days. Supporting shipper: Reichhold Chemicals, Inc.-Newport Division, P.O. Box 1433, Pensacola, Fla. 32596. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 114019 (Sub-No. 259TA), filed March 20, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arnold L. Burke, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen foodstuffs* (except in bulk), from Owensboro, Ky., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, all restricted to traffic originating at the plantsite of Ragu Foods, Inc., at Owensboro, Ky., and destined to points in the named destination states, for 180 days. Supporting shipper: Richard J. Herman, Traffic Manager, Ragu Foods, Inc., 1680 Lyell Ave., Rochester, N.Y. 14606. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 114045 (Sub-No. 415TA), filed March 20, 1975. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: Arnold L. Burke, 127 North Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen foodstuffs* (except in bulk), from Owensboro, Ky., to points in Arizona, Arkansas, California, Colorado, Louisiana, Nevada, New Mexico, Oklahoma, Texas, Utah, restricted to traffic originating at the plantsite of Ragu Foods, Inc., at Owensboro, Ky., and destined to points in the named destination states, for 180 days. Supporting shipper: Ragu Foods, Inc., 1680 Lyell Avenue, Rochester, N.Y. 14606. Send protests to: Gerald T. Holland, District Supervisor, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 117119 (Sub-No. 529TA), filed March 21, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen and unfrozen meats, and frozen and unfrozen foodstuffs*, from the facilities of New Orleans Cold Storage Co., at New Orleans, La., and its Commercial Zone, to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Lower Peninsula of Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, and Wisconsin, for 180 days. Supporting shipper: New Orleans Cold Storage & Warehouse Co., Ltd., 124 Airline Highway, Metairie, La. 70001. Send protests to: William H. Land, Jr., District Supervisor, 2519 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 117119 (Sub-No. 530TA), filed March 21, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hospital supplies viz., underpads, gowns, sheets*, from the manufacturing facilities of Fibre Formations, Inc., at Philadelphia, Pa., to Sioux Falls, S. Dak.; Sioux City, Iowa; Des Moines, Iowa; Grand Island, Nebr.; Kansas City, Mo.; Cedar Rapids, Iowa; Amarillo, Tex.; Fort Dodge, Iowa; Little Rock, Ark.; Minneapolis, Minn.; and Omaha, Nebr., for 180 days. Supporting shipper: Fibre Formations, Inc., 1801 Courtland St., Philadelphia, Pa. 19140. Send protests to: William H. Land, Jr., District Supervisor, 2519 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 119880 (Sub-No. 64TA), filed March 17, 1975. Applicant: DRUM TRANSPORT, INC., P.O. Box 2056, E. Peoria, Ill. 61611. Applicant's representative: B. N. Drum (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Whiskey*, in bulk, in tank vehicles, from Pekin, Ill., to Boston, Mass., for 180 days. Supporting shipper: The American Distilling Company, South Front Street, Pekin, Ill. 61554. Send protests to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 123407 (Sub-No. 226TA), filed March 19, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar cane horticulture mulch*, bailed or bagged, from Marrero, La., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico, for 180 days. Supporting shipper: Celotex Corp., 1500 N. Dale Mabry, Tampa, Fla. 33607. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 345 W. Wayne Street, Room 204, Ft. Wayne, Ind. 46802.

No. MC 124078 (Sub-No. 638 TA), filed March 19, 1975. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Boston, Mass., (except from the plant and storage site of Atlantic Cement Company, Inc.), to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island and Vermont, for 180 days. Supporting shipper: Marquette Cement Mfg., Company, 2200 First American Center, Nashville, Tenn. 37238. United States Steel Corporation, 600 Grant Street, Pittsburgh, Pa. 15230. Send protests to: John E. Ryden, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 124078 (Sub-No. 639TA), filed March 20, 1975. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steam cylinder oil*, in bulk, in tank vehicles, and (2) *petroleum oil*, (1) from Memphis, Tenn., to Bethlehem, Pa., and (2) from Butler, Pa., to Memphis, Tenn., for 180 days. Supporting shipper: Sharvania Oil and Grease Corporation, P.O. Box 7413, Memphis, Tenn. 38107. Send protests to: John E. Ryden, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 126276 (Sub-No. 117TA), filed March 17, 1975. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers and container ends*, from the plantsite of American Can Company, at Whitehouse, Ohio, to points in Milwaukee, Wis., for 120 days. Supporting shipper: William Frazier, Transportation Coordinator, American Can Company, 915 Harger Lane, Oak Brook, Ill. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 126956 (Sub-No. 9TA), filed March 20, 1975. Applicant: NORTHLAND TRANSPORT, INC., P.O. Box 626, Superior, Wis. 54880. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *ice cream and frozen confectionaries*, from Superior, Wis., to points in St. Cloud, Willmar, St. Paul, Maple Lake, Wadena, Minnesota and (b) *containers and pallets used in transporting commodities* in (a) from St. Cloud, Willmar, St. Paul, Maple Lake, Wadena, Minnesota to Superior, Wis., for 180 days. Supporting shipper: Meadow Geod Dairy, Division of Beatrice Foods, 1627 Broadway, Superior, Wis. 54880. Send protests to: Raymond T. Jones, District Supervisor, Interstate

Commerce Commission, Bureau of Operations, Room 414 Federal Bldg., & U.S. Courthouse, 110 South Fourth St., Minneapolis, Minn. 55401.

No. MC 128375 (Sub-No. 131TA), filed March 17, 1975. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Ken Adams (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Transformers, regulators, and electrical devices, related items, and parts thereof, and commodities used in the manufacture, operation, and distribution thereof* moving in both carrier owned and shipper owned trailers (except those commodities which because of their size and weight require the use of special equipment and except commodities in bulk), (1) Between Somersworth, N.H., Pittsfield, Mass., and Rotterdam, N.Y., and their commercial zones on the one hand, and, on the other, points in the United States on and west of the Mississippi River and the eastern boundary of Wisconsin and Louisiana. (2) (a) From Somersworth, N.H., to Rotterdam, N.Y., and/or Pittsfield, Mass. (b) From Pittsfield, Mass., to Rotterdam, N.Y., restricted in part 2 to transportation where at least 50% of the lading by weight of each trailer moving between the points involved has a final destination in the area located on and west of the Mississippi River and eastern boundaries of Wisconsin and Louisiana and is stopped in Rotterdam, N.Y., and/or Pittsfield, Mass., for partial loading and/or partial unloading, under a continuing contract with General Electric Company, for 180 days. Supporting shipper: Don L. McIntire, General Electric Company, 100 Woodlawn Avenue, Pittsfield, Mass. 01201. Send protests to: Max H. Johnston, District Supervisor, 320 Federal Building, Lincoln, Nebr. 68508.

No. MC 134150 (Sub-No. 4TA), filed March 19, 1975. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., doing business as SOUTHWEST MOTOR FREIGHT, 4283 Mission Blvd., Pomona, Calif. 91766. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Residential heating and air conditioning equipment, and ranges, refrigerators, dishwashers, disposals, and range hoods*, from Los Angeles and City of Industry, Calif., to points in Washington, Oregon, Nebraska, Illinois, Indiana, Masachusetts, Tennessee, and Alabama, for 180 days. Supporting shipper: Gaffers & Stattler, Inc., 4851 South Alameda Street, Los Angeles, Calif. 90058. Send protests to: Philip Yallowitz, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 300 North Los Angeles Street, Room 1312, Los Angeles, Calif. 90012.

No. MC 134531 (Sub-No. 7TA), filed March 21, 1975. Applicant: AGGREGATE HAULERS, INC., Route 2, Box 559–A, West Columbia, S.C. 29169. Applicant's representative: Edward J. Morrison, P.O. Box 67, Lexington, S.C. 29072. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural lime*, in bulk, in dump trucks, from points in Berkley County, S.C., to points in Georgia; (2) *Dry fertilizer and fertilizer materials*, in bags and in bulk, in dump trucks from Wilmington, N.C., and 25 miles thereof to points in South Carolina; (3) *Dry fertilizer and fertilizer materials*, in bulk in dump trucks from Chatham and Richmond Counties, Ga., to points in South Carolina, for 180 days. Supporting shipper: Kaiser Agricultural Chemicals, Division of Kaiser Aluminum & Chemical Sales, Inc., P.O. Box 246, Savannah, Ga. 31402. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 135407 (Sub-No. 2TA), filed March 14, 1975. Applicant: TRI-STATE AIR-FREIGHT, INC., P.O. Box 27, Front Street, Essington, Pa. 19029. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street, NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except Classees A and B explosives, commodities in bulk, and those requiring special equipment), between the Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, all points in Delaware, restricted to traffic having a prior or subsequent movement by air, for 180 days. Supporting shippers: W. L. Gore & Assoc., Inc., 555 Paper Mill Rd., Newark, Del. 19711. R. G. Hobelmann & Co., Inc., 100 Erickson Ave., Essington, Pa. Alloy Surfaces Company, Inc., 100 S. Justison St., Wilmington, Del, 19899. C. P. Air Freight, Inc., 144–24 156th St., Jamaica, N.Y. 11434. Dever Inc., 223 S. Governor Printz Blvd., Lester, Pa. BDP International, Inc., P.O. Box 202, Essington, Pa. 19029. Send protests to: Peter R. Guman, District Supervisor, Federal Bldg., Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

No. MC 135821 (Sub-No. 3TA), filed March 14, 1975. Applicant: MADELINE MILESTONE, 4233 Leiper Street, Philadelphia, Pa. 19124. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale or retail department stores*, between Philadelphia, Pa., on the one hand, and, on the other, points in Georgia and Florida, under a continuing contract or contracts with Lional Leisure, Inc., of New York, N.Y., restricted to the transportation of traffic moving from or to the stores and facilities of Lional Leisure, Inc., for 180 days. Supporting shipper: Lional Leisure, Inc., 2951 Grant Avenue, Philadelphia, Pa. 19114. Send protests to: P. W. Doyle, District Supervisor, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 136220 (Sub-No. 16TA), filed March 21, 1975. Applicant: ROY SULLIVAN, doing business as SULLIVAN TRUCKING CO., 1705 NE. Woodland, Ponca City, Okla. 74601. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Bldg., 3535 NW. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, (1) from the plantsites of Southwestern Coal Co., at Spadra, Ark., and Buckhorn Coal Co., Ltd., at Prairie View, Ark., to the plantsites of Kingsford Co., Dothan, Ala., Belle, Mo., and Burnside, Ky., and (2) from the plantsite of Southwestern Coal Co., at Spadra, Ark., to the plantsite of Sherwin-Williams Co., at Coffeyville, Kans., for 180 days. Supporting shippers: Kingsford Co., LeVern N. Forseph, P.O. Box 1033, Louisville, Ky. 40201. Sherwin-Williams Company, Wayne Livingston, Purchasing Agent, P.O. Box 855, Coffeyville, Kans. 67337. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240, Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 136989 (Sub-No. 10TA), filed March 14, 1975. Applicant: R. F. BOX, doing business as R. F. BOX TRUCKING, 1401 Dartmouth, NE., Albuquerque, N. Mex. 87106. Applicant's representative: Edwin E. Piper, Jr., 1115 Sanda Savings Bldg., Albuquerque, N. Mex. 87102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering* (except carpeting and rugs), from the plantsites of Amtico Flooring Division, American Biltrite, Inc., at or near Norwood, Mass., and Trenton, N.J., to points in New Mexico, Arizona, Colorado, Utah, California, Washington, Oregon, Montana, Idaho, Nevada, and El Paso County, Tex., for the account of Matico Flooring Division, American Biltrite, Inc., for 180 days. Supporting shipper: Don Allen, Pacific-Western States Sales Manager, Amtico Flooring Distribution, 15300 Valley View Avenue, La Mirada, Calif. Send protests to: John H. Kirkemo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1106 Federal Office Bldg., 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 139662 (Sub-No. 1TA), filed March 19, 1975. Applicant: GARLAND D. TOWE, GARLAND W. PIKE, AND BENJAMIN E. SMITH, doing business as TOWE-PIKE GRAIN AND SUPPLY COMPANY, Route 2, Hertford, N.C. 27944. Applicant's representative: Garland D. Towe (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Nansemond City and Norfolk, Va., to points in Pasquotank, Perquimans, Gates, Hertford, and Northampton Counties, N.C.,

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for 180 days. Supporting shipper: Swift Chemical Company, Elizabeth City, N.C. 27909. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 140703 (Sub-No. 1TA), filed March 17, 1975. Applicant: B.C.M. TRUCKING, INC., Route 3, Box 223, Moorhead, Minn. 56560. Applicant's representative: Charles E. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beet pilers and parts and attachments for beet pilers*, from the plantsites and storage facilities of C. F. & I. Engineering, Inc., at or near Denver, Colo., to points in North Dakota on and east of U.S. Highway 281 and those points in Minnesota lying on and west of a line beginning at the Minnesota-Iowa border, thence along Minnesota Highway 15 to St. Cloud, Minn., thence along U.S. Highway 10 to Little Falls, Minn., thence along Minnesota Highway 371 to its intersection with U.S. Highway 2, thence along U.S. Highway 2 to its intersection with U.S. Highway 71, thence along U.S. Highway 71 to International Falls, Minn. Restriction: Restricted to transportation services to be performed under a contract or continuing contracts with American Crystal Sugar Company, Moorhead, Minn., and Red River Valley Cooperative, Inc., Hillsboro, N. Dak., for 180 days. Supporting shippers: American Crystal Sugar Company, 101 North 3rd St., Moorhead, Minn. 56560. Red River Valley Cooperative, Inc., Box 43, Hillsboro, N. Dak. 58045. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 140721 TA (Amendment), filed March 11, 1975, published in the FEDERAL REGISTER issue of March 21, 1975, and republished as amended this issue. Applicant: C. A. PERRY & SON, INC, Route 1, Hobbsville, N.C. 27946. Applicant's representative: Chester A. Zyblut, 1522 K Street NW Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Liquid fertilizer and fertilizer materials*, in bulk, in stainless steel tank vehicles, and (b) *fertilizer and fertilizer materials, dry*, in bulk, in dump vehicles, from Cheaspeake, Suffolk and Hopewell, Va., to points in North Carolina, located on and east of U.S. Highways 220 and 1, for 180 days. Supporting shippers: Central Fertilizer Co., Inc., Shawboro, N.C. 27973. Tidewater Chemical Corporation, Route 2, St. Brides Station, Chesapeake, Va. 23322. Swift Chemical Co., Box 7537, Chesapeake, Va. 23324. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611. The purpose of this republication is to change the commodity description.

No. MC 140773 TA, filed March 21, 1975. Applicant: WESTPOINT TRANSPORTATION, INC., 3612 NE. 4th, P.O. Box 206, Renton, Wash. 98055. Applicant's representative Dwaine E. Griffith (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* in ocean going carriers or leased trailers moving to or from Alaska, from points in Idaho and Washington, to Seattle, Wash., for 180 days. Supporting shipper: A. J. Johnson & Company, 459 E. 15th, Tacoma, Wash. 98401. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

APPLICATION OF PASSENGERS

No. MC 3647 (Sub-No. 461TA), filed March 18, 1975. Applicant: TRANSPORT OF NEW JERSEY, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: John F. Ward (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers* in the same vehicle with passengers, (1) Between Glassboro, N.J., and Woodbury, N.J., serving all intermediate points, from Glassboro, N.J., over New Jersey County Highway 553 to Woodbury, N.J., and return over the same route; (2) Between Glassboro, N.J., and Mantua, Mantua Township, N.J., serving all intermediate points from Glassboro, N.J., over New Jersey County Highway 553 (alternate) to junction New Jersey Highway 45, Mantua, Mantua Township, N.J., and return over the same route; (3) Between Mantua, Mantua Township, N.J., serving all intermediate points, from junction New Jersey Highway 45 and unnumbered highways, Mantua, Mantua Township, N.J., over unnumbered highways via Wenonah to junction with New Jersey County Highway 553, Deptford Township, N.J., and return over the same route; (4) Between points within Mantua Township, N.J., serving all intermediate points; (a) from junction of New Jersey County Highway 553 (alternate) and unnumbered highway at Barnsboro over unnumbered highways via Sewell to junction with New Jersey County Highway 553 east of Sewell, N.J., and return over the same route; (b) from junction New Jersey County Highway 552 (alternate) and unnumbered highway immediately north of Pitman, N.J., over unnumbered Highways to junction New Jersey County Highway 553 immediately north of Pitman, N.J., and return over the same route; (5) Betwen points in Pitman, N.J., serving all intermediate points, from the junction New Jersey County Highway 553 (alternate) over local streets to New Jersey County Highway 553 and return over the same route. Applicant intends to tack with MC 3647. Supporting shippers: There are approximately 20 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.75-8546 Filed 4-1-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

MARCH 27, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before April 14, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 21170 (Sub-No. E21), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Powdered milk*, (A) from Bloomer, Wisc., to points in that part of Missouri north and west of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 63 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Missouri-Kansas State line, and to points in that part of Kansas east of U.S. Highway 81; (B) from Lake Mills, Wisc., to points in that part of Kansas on and east of U.S. Highway 81, and those points in that part of Missouri north and west of a line beginning at the Iowa-Missouri State line and extending along Missouri Highway 149 to junction Missouri Highway 11, thence along Missouri Highway 11 to junction Missouri Highway 3, thence along Missouri Highway 3 to junction County Road J, thence along County Road J to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Missouri-Kansas State line; (C) from Madison, Wisc., to points in that part of Kansas on and east of U.S. Highway 81, and points in that part of Missouri north and west of a line beginning at the Iowa-Missouri State line and extending along Missouri Highway 5 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Missouri Highway 129, thence along Missouri Highway 129 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Missouri Highway 5, thence along Missouri Highway 5 to junction Missouri Highway 240, thence along Missouri Highway 240 to junction Missouri Highway 179, thence along Missouri Highway 179 to junction Missouri Highway 87, thence along Missouri Highway 87 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Missouri-Kansas State line; (D) from Troy, Wisc., to points in that part of Kansas on and east of U.S. Highway 81, and points in that part of Missouri north and west of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 63 to junction Missouri Highway 11, thence along Missouri Highway 11 to junction Missouri Highway 3, thence along Missouri Highway 3 to junction Missouri Highway 156, thence along Missouri Highway 156 to junction Missouri Highway 149, thence along Missouri Highway 149 to Goldsberry, thence along County Road J to junction Missouri Highway 129, thence along Missouri Highway 129 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Missouri Highway 5, thence along Missouri Highway 5 to junction Missouri Highway 87, thence along Missouri Highway 87 to junction Missouri Highway 5, thence along Missouri Highway 5 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Missouri-Kansas State line; and (E) from Waterloo, Wisc., to points in that part of Kansas on and east of U.S. Highway 81, and points in that part of Missouri north and west of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 63 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Missouri Highway 149, thence along Missouri Highway 149 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Missouri Highway 3, thence along Missouri Highway 3 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Missouri Highway 129, thence along Missouri Highway 129 to junction of unnumbered highway, thence along unnumbered highway to junction Missouri Highway 3, thence along Missouri Highway 3 to junction Missouri Highway 87, thence along Missouri Highway 87 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 21170 (Sub-No. E44), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (A) from points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 59 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to the North Dakota-Minnesota State line, to points in that part of Indiana on and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 40 to junction Indiana Highway 42, thence along Indiana Highway 42 to junction Indiana Highway 142, thence along Indiana Highway 142 to junction Indiana Highway 39, thence along Indiana Highway 39 to junction Indiana Highway 44, thence along Indiana Highway 44 to the Indiana-Ohio State line; (B) from points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 169 to junction Minnesota Highway 13, thence along Minnesota Highway 13 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to the Minnesota-North Dakota State line, to points in that part of Indiana on and south of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 40 to the Indiana-Ohio State line; (C) from points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 218 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to the Minnesota-North Dakota State line, to points in that part of Indiana on and south of a line beginning at the Indiana-Kentucky State line and extending along U.S. Highway 460 to the Indiana-Kentucky State line; (D) from points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line, and extending along U.S. Highway 59 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to the North Dakota-Minnesota State line, to points in that part of Ohio on and south of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 35 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-West Virginia State line; and (E) from points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 169 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to the Minnesota-North Dakota State line, to points in that part of Ohio on and south of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 35 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 40 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateways of Marshall, Macon, Milan, Carrollton, and Moberly, Mo.

No MC 106920 (Sub-No. E16) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER February 25, 1975. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dairy products*, as classified under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packinghouse Products*, 46 M.C.C. 23, from Elmira, N.Y., to those points in Florida south of a line beginning at the Florida-Alabama State line and extending along U.S. Highway 90 to junction Florida Highway 247, thence along Florida Highway 247 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Interstate Highway 4, thence along Interstate Highway 4 to junction U.S. Highway 92, thence along U.S. Highway 92 to junction Florida Highway 542, thence along Florida Highway 542 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 1, thence along U.S. Highway 1 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio. The purpose of this correction is to clarify the highway descriptions.

No. MC 106920 (Sub-No. E31) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER February 25, 1975. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream, and buttermilk* (except concentrated whole milk and concentrated skim milk), in bulk, in tank vehicles, from points in Wisconsin north of a line beginning at the Minnesota-Wisconsin State line and extending along Wisconsin Highway 77 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction Wisconsin Highway 32, thence along Wisconsin Highway 32 to

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junction Wisconsin Highway 64, thence along Wisconsin Highway 64 to Lake Michigan, to points in Mississippi east of a line beginning at the Alabama-Mississippi State line and extending along U.S. Highway 80 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Mississippi-Louisiana State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio. The purpose of this correction is to correctly describe the highway description.

No. MC 106920 (Sub-No. E105) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER February 25, 1975. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products*, under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing-House Products*, 49 M.C.C. 623, from points in Missouri on and north of a line beginning at the Illinois-Missouri State line and extending along Missouri Highway 51 to junction Missouri Highway 34, thence along Missouri Highway 34 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Missouri Highway 21, thence along Missouri Highway 21 to the Arkansas-Missouri State line, to points in West Virginia (except those on and north of U.S. Highway 50). The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio. The purpose of this correction is to include the destination points.

No. MC 107515 (Sub-No. E22), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Dallas, Tex., and its Commercial Zone to points in Ohio, Indiana, and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC 108449 (Sub-No. E52), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minnesota 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Superior, Wis., to points in Montana. The purpose of this filing is to eliminate the gateways of Wrenshall, Minn., and Jamestown, North Dakota.

No. MC 108449 (Sub-No. E53), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minnesota 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Noyes, Minn., to points in Wyoming. The purpose of this filing is to eliminate the gateways of McGregor, Minn., and Aberdeen, South Dakota.

No. MC 108449 (Sub-No. E51), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minnesota 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Noyes, Minn., to points in Missouri. The purpose of this filing is to eliminate the gateways of Fargo, N. Dak., St. Cloud and Minneapolis, Minn., and Spencer, Iowa.

No. MC 108449 (Sub-No. E54), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minnesota 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Noyes, Minn., to those points in North Dakota on south and west of a line beginning at the Montana-North Dakota State line and extending along Interstate Highway 94 to junction U.S. Highway 85, then U.S. Highway 85 to junction North Dakota Highway 200, then North Dakota Highway 200 to junction U.S. Highway 83, then U.S. Highway 83 to junction Interstate Highway 94, then Interstate Highway 94, to junction U.S. Highway 281, then U.S. Highway 281 to junction North Dakota Highway 46, then North Dakota Highway 46 to junction North Dakota Highway 32, then North Dakota Highway 32 to the North Dakota-South Dakota State line. The purpose of this filing is to eliminate the gateway of Jamestown, North Dakota.

No. MC 108449 (Sub-No. E55), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minnesota 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Superior, Wis., to points in Illinois. The purpose of this filing is to eliminate the gateways of St. Paul, Minn., and Dubuque, Iowa.

No. MC 108449 (Sub-No. E56), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minnesota 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Superior, Wis., to points in Nebraska. The purpose of this filing is to eliminate the gateways of Minneapolis, Minn., and Spirit Lake, Iowa.

No. MC 108449 (Sub-No. E57), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minnesota 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Pine Creek, Minn., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Mentor, Minn., and Spencer, Iowa.

No. MC 108449 (Sub-No. E58), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minnesota 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Portal, N. Dak., to points in Valley, Daniels, Sheridan, Roosevelt, McCone, Richland, Dawson, Wibaux, Prairie, Custer, Fallon, Powder River, and Carter Counties, Mont. The purpose of this filing is to eliminate the gateway of Tioga, N. Dak.

No. MC 108449 (Sub-No. E70), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minnesota 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the terminal of the Williams Bros. Pipe Line Company in Kronenwetter, Marathon County, Wis., to points in Iowa, except those in Clinton, Cedar, Scott, Muscatine, and Louisa Counties, Iowa. The purpose of this filing is to eliminate the gateways of La Crosse, Wis., and Spring Valley, Minn.

No. MC 108449 (Sub-No. E71), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minnesota 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the terminal of Williams Bros. Pipe Line Co., Kronenwetter, Marathon County, Wis., to points in South Dakota. The purpose of this filing is to eliminate the gateways of Eau Claire, Wis., and Minneapolis, Minn.

No. MC 108449 (Sub-No. E72), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minnesota 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the terminal of the Williams Bros. Pipe Line Co., Kronenwetter, Marathon County, Wis., to points in North Dakota. The purpose of this filing is to eliminate the gateway of Superior, Wis., and Wrenshall, Minn.

No. MC 108449 (Sub-No. E73), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minnesota 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from La Crosse, Wis., to points in Montana. The purpose of this filing is to eliminate the gateway of St. Paul, Minn., and Aberdeen, South Dakota.

No. MC 108449 (Sub-No. E74), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minnesota 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from La Crosse, Wis., to points in North Dakota. The purpose of this filing is to eliminate the gateway of St. Paul, Minn.

No. MC 108449 (Sub-No. E75), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minnesota 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from La Crosse, Wis., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Spring Valley, Minn., and Spirit Lake, Iowa.

No. MC 108449 (Sub-No. E84), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minnesota 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products* (except petro-chemicals, asphalt, road oil, and tar), in bulk, in tank vehicles, from Peru, Ill., to points within five miles thereof, to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Milwaukee, Wis.

No. MC 108449 (Sub-No. E85), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minnesota 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products* (except petro-chemicals, asphalt, road oil, and tar), in bulk, in tank vehicles, from Rockford, Ill., and points within five miles thereof, to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Milwaukee, Wis.

No. MC 108449 (Sub-No. E86), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minnesota 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the Duluth Petroleum Products Terminal and points within two miles thereof, to points in Wyoming, restricted to traffic moving in foreign commerce. The purpose of this filing is to eliminate the gateway of St. Cloud, Minn., and Aberdeen, S. Dak.

No. MC 108449 (Sub-No. E87), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minnesota 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Rockford, Ill., and points within 20 miles thereof, to points in Wyoming. The purpose of this filing is to eliminate the gateway of St. Cloud, Minn., and Aberdeen, South Dakota.

No. MC 108449 (Sub-No. E88), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minnesota 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Eau Claire, Wis., and points within 20 miles thereof to points in Iowa on and west and north of a line beginning at the Minnesota-Iowa State line and extending along U.S. Highway 52 to junction Iowa Highway 150, then Iowa Highway 150 to junction Iowa Highway 154, then Iowa Highway 154 to junction Iowa Highway 3, then Iowa Highway 3 to junction Iowa Highway 136, then Iowa Highway 136 to the Iowa-Illinois State line. The purpose of this filing is to eliminate the gateway of Spring Valley, Minn.

No. MC 108449 (Sub-No. E89), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minnesota 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Rockford, Ill., and points within 20 miles thereof to those points in Illinois on and south and west of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 52 to junction U.S. Highway 51, thence U.S. Highway 51 to junction U.S. Highway 6, thence U.S. Highway 6 to junction Illinoise Highway 47, thence Illinois Highway 47 to junction Illinois Highway 17, then Illinois Highway 17 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateways of Winona, Minn., La Crosse, Wis., and Dubuque, Iowa.

No. MC 110525 (Sub-No. E1029) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER January 23, 1975. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water softening compounds*, dry, in bulk, in tank vehicles, from Nashua, N.H., to points in Delaware, Maryland, the District of Columbia, Alabama, Richmond County, Ga., Iowa, Minnesota, Missouri, Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, Union, and Warren Counties, N.J., to points in that part of Wisconsin on and north of a line beginning at La Crosse, thence along U.S. Highway 16 to Portage, thence along Wisconsin Highway 33 to junction Wisconsin Highway 68, thence along Wisconsin Highway 68 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Sheboygan. The purpose of this filing is to eliminate the gateways of Springfield, Mass., Port Ivory, Staten Island, N.Y., Newark, N.J., Atlanta, Ga., and Lima, Pa. The purpose of this correction is to clarify the territorial destinations.

No. MC 110817 (Sub-No. E16), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Texas. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Texas 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: 1. *Machinery, materials, supplies and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; 2 *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in

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APR 2 75

connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells; 3. *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in Arkansas, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateway of any point in Oklahoma.

No. MC 110817 (Sub-No. E17), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Texas. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Texas 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: 1. *Machinery, materials, supplies and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development and production of natural gas and petroleum; 2. *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells; 3. *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in Mississippi, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateway of any point in Oklahoma.

No. MC 110817 (Sub-No. E18), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Texas. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Texas 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: 1. *Machinery, materials, supplies and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development and production of natural gas and petroleum; 2. *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells; 3. *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in Mississippi, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateway of any point in Oklahoma.

No. MC 110817 (Sub-No. E19), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Texas. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Texas 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: 1. *Machinery, materials, supplies and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, 2. *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells; 3. *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in Alabama, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateway of any point in Oklahoma.

No. MC 110817 (Sub-No. E20), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Texas. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Texas 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: 1. *Machinery, materials, supplies and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; 2. *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells; 3. *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in Florida, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateway of any point in Oklahoma.

No. MC 110817 (Sub-No. E21), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Texas. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Texas 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: 1. *Machinery, materials, supplies and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; 2. *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells; 3. *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in Oklahoma, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateway of any point in Oklahoma.

No. MC 110817 (Sub-No. E22), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Texas. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Texas 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: 1. *Machinery, materials, supplies and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; 2. *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells; 3. *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in Louisiana, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateway of any point in Oklahoma.

No. MC 110817 (Sub-No. E23), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Texas. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Texas 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: 1. *Machinery, materials, supplies and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; 2. *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells; 3. *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in Mississippi, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateway of any point in Oklahoma.

No. MC 114211 (Sub-No. E949), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof (except commodities the transportation of which because of size or weight, requires the use of special equipment, and except commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), from points in that part of Oklahoma on and east of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 75 to junction Indian Nation Turnpike, thence along Indian Nation Turnpike to the Oklahoma-Texas State line, to points in that part of Wisconsin on and north of a line beginning at the Wisconsin-Minnesota State line extending along Wisconsin Highway 77 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction Wisconsin Highway 70, thence along Wisconsin Highway 70 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 64, thence along Wisconsin Highway 64 to junction Wisconsin Highway 47, thence along Wisconsin Highway 47 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to Lake Michigan; to points in that part of New Mexico on and west of a line beginning at the New Mexico-Colorado State line extending along Interstate Highway 25 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction New Mexico Highway 68, thence along New Mexico Highway 68 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction New Mexico Highway 90, thence along New Mexico Highway 90 to junction U.S. Highway 80, thence along U.S. Highway 80 to the New Mexico-Arizona State line; to points in that part of Nebraska on and west of a line beginning at the Nebraska-South Dakota State line extending along U.S. Highway 385 to junction Nebraska Highway 19, thence along Nebraska Highway 19 to the Nebraska-Colorado State line; to points in that part of South Dakota on and north of a line beginning at the South Dakota-North Dakota State line extending along U.S. Highway 81 to junction South Dakota Highway 23, thence along South Dakota Highway 23 to junction South Dakota Highway 10, thence along South Dakota Highway 10 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction South Dakota Highway 79, thence along South Dakota Highway 79 to junction U.S. Highway 385, thence along U.S. Highway 385 to the South Dakota-Nebraska State line; to points in that part of Colorado on and west of a line beginning at the Colorado-Nebraska State line extending along Colorado Highway 113, thence along Colorado Highway 113 to junction U.S. Highway 138, thence along U.S. Highway 138 to junction Colorado Highway 71, thence along Colorado Highway 71 to junction U.S. Highway 350, thence along U.S. Highway 350 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-New Mexico State line; to points in that part of Minnesota on and north of a line beginning at the Wisconsin-Minnesota State line extending along Minnesota Highway 210 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Minnesota Highway 55, thence along Minnesota Highway 55 to the Minnesota-North Dakota State line; and to points in the Upper Peninsula of Michigan, North Dakota, Montana, Wyoming, Utah, Arizona, Nevada, Idaho, Washington, Oregon, and California, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Claremore, Okla.

No. MC 114211 (Sub-No. E950), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery* and *parts* thereof, from Pembina, N. Dak., to points in Arizona, Missouri, Kentucky, North Carolina, New Mexico, Arkansas, Tennessee, South Carolina, Texas, Louisiana, Mississippi, Georgia, Oklahoma, Illinois, Alabama, Florida, Kansas, Indiana, Ohio, to points in that part of Utah on and south of a line beginning at the Nevada-Utah State line extending along U.S. Highway 6 to junction Utah Highway 26, thence along Utah Highway 26 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction Utah Highway 26, thence along Utah Highway 26 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Utah Highway 29, thence along Utah Highway 29 to junction Utah Highway 10, thence along Utah Highway 10 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Utah-Colorado State line; to points in that part of Nevada on and south of a line beginning at the California-Nevada State line extending along U.S. Highway 6 to the Nevada-Utah State line; to points in

V 40164
APR 2 75

that part of California on and south of a line beginning at San Francisco, Calif., extending along Interstate Highway 80 to junction California Highway 17, thence along California Highway 17 to junction Interstate Highway 580, thence along Interstate Highway 580 to junction Interstate Highway 205, thence along Interstate Highway 205 to junction California Highway 120, thence along California Highway 120 to junction U.S. Highway 6, thence along U.S. Highway 6 to the California-Nevada State line; to points in that part of Nebraska on and south of a line beginning at the Colorado-Nebraska State line extending along U.S. Highway 34 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to the Nebraska-Iowa State line; to points in that part of Colorado on and south of a line beginning at the Utah-Colorado State line extending along U.S. Highway 6 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Colorado-Nebraska State line; to points in that part of Iowa on and east of a line beginning at the Nebraska-Iowa State line extending along Iowa Highway 2 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Iowa Highway 39, thence along Iowa Highway 39 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction Iowa Highway 4, thence along Iowa Highway 4 to the Iowa-Minnesota State line; to points in that part of Wisconsin on and south of a line beginning at the Minnesota-Wisconsin State line extending along Wisconsin Highway 70 to Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction U.S. Highway 8, thence along U.S. Highway 8 to the Wisconsin-Michigan State line; and to points in that part of the Upper Peninsula of Michigan on and south of a line extending along U.S. Highway 8 to junction U.S. Highway 2, thence along U.S. Highway 2 to Escanaba, Mich., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E952), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment*, from ports of entry between and including Houston and Brownsville, Tex., to points in that part of Wisconsin on and north of a line beginning at Prairie du Chien, extending along U.S. Highway 18 to junction Wisconsin Highway 23, thence along Wisconsin Highway 60 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Wisconsin Highway 58, thence along Wisconsin Highway 58 to junction Wisconsin Highway 154, thence along Wisconsin Highway 154 to juntcion Wisconsin Highway 23, thence along Wisconsin Highway 23 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Wisconsin Highway 33, thence along Wisconsin Highway 33 to junction Wisconsin Highway 68, thence along Wisconsin Highway 68 to junction U.S. Highway 151, thence along U.S. Highway 151 to junMaintowa, Wis., and to points in that part of Montana on and north of a line beginning at the Montana-North Dakota State line extending along U.S. Highway 10 to junction Montana Highway 200, thence along Montana Highway 200 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Idaho-Montana State line; and to points in North Dakota and the Upper Peninsula of Michigan, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Minneapolis, Minn., and points in Kansas.

No. MC 114211 (Sub-No. E953), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment*, between points in that part of Montana on and north of a line beginning at the Idaho-Montana State line extending along U.S. Highway 2 to junction Montana Highway 35, thence along Montana Highway 35 to junction Montana Highway 209, thence along Montana Highway 209 to junction Montana Highway 200, thence along Montana Highway 200 to junction Montana Highway 272, thence along Montana Highway 272 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 91, to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Montana Highway 200, thence along Montana Highway 200 to junction Montana Highway 200S, thence along Montana Highway 200S to junction U.S. Highway 10, thence along U.S. Highway 10 to the North Dakota-Montana State line, and points in that part of North Dakota on and north of a line beginning at the Montana-North Dakota State line extending along U.S. Highway 10 to junction North Dakota Highway 22, thence along North Dakota Highway 22 to junction U.S. Highway 12, thence along U.S. Highway 12 to the North Dakota-South Dakota State line, on the one hand, and, on the other, points in that part of Texas on and east of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 283 to junction U.S. Highway 180, thence along U.S. Highway 180 to junction Texas Highway 351, thence along Texas Highway 351 to junction U.S. Highway 277, thence along U.S. Highway 277 to Del Rio, Tex., and points in that part of Oklahoma on and east of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 281 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Oklahoma Highway 152, thence along Oklahoma Highway 152 to junction Oklahoma Highway 44, thence along Oklahoma Highway 44 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateways of Canton, S. Dak., and points in Kansas.

No. MC 115826 (Sub-No. E11) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER, August 28, 1974. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Jefferson County, Idaho to those points in Oklahoma on and east of a line beginning at the Oklahoma-Kansas State line and extending south along U.S. Highway 81 to its junction with the H. E. Bailey Turnpike, thence southwest along the H. E. Bailey Turnpike to the Oklahoma-Texas State line, including service to all cities located on the above-described lines and their commercial zones. The purpose of this filing is to eliminate the gateways of Joplin, Mo., and points in Missouri and Kansas (Chautauqua) within 100 miles thereof. The purpose of this correction is to correctly describe the destination territories.

No. MC 115826 (Sub-No. E15) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER, August 26, 1974, republished in the FEDERAL REGISTER, October 17, 1974. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen, fresh, and cured meats and frozen meat products*, from Denver, Colo., to points in that part of Oregon on and west of a line beginning at the California-Oregon State line and extending along U.S. Highway 97 to Bend, thence along U.S. Highway 20 to junction Interstate Highway 5, thence along Interstate Highway 5 to the Oregon-Washington State line, and points in that part of Washington on and west of a line beginning at the Washington-Oregon State line and extending along Interstate Highway 5 to Olympia, thence along U.S. Highway 101 to Maynard and the Puget Sound. The purpose of this filing is to eliminate the gateway of Alturas, Calif. The purpose of this correction is to correctly describe the destination territory.

No. MC 115826 (Sub-No. E46) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER, August 30, 1974, republished in the FEDERAL REGISTER, October 17, 1974. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and vegetables*, from Brownsville and Harlingen, Tex., to points in Oregon (except points in those portions of Malheur and Harvey Counties south of U.S. Highway 20), points in Washington (except points in Stevens, Pend Oreille, Perry Counties, and Okanogan County excluding Coulee Dam), and points in that part of Idaho bounded by a line beginning at the Washington-Idaho State line at Lewiston and extending along U.S. Highway 95 to Coeur d' Alene, thence along Interstate Highway 90 to the Washington-Idaho State line, thence along the Washington-Idaho State line to the point of beginning. The purpose of this filing is to eliminate the gateway of Los Angeles, Calif. The purpose of this correction is to correctly describe the destination territory.

No. MC 117344 (Sub-No. E89), filed May 19, 1974. Applicant: THE MAXWELL COMPANY, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum sulphate and rosin sizing*, in bulk, in tank vehicles, from points in Butler County, Ohio, to points in Kentucky on and west of a line beginning at Louisville, Ky., and extending along Interstate Highway 65 to Elisabethtown, Ky., thence along Kentucky Highway 61 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Jackson County, Ind.

No. MC 136166 (Sub-No. E30), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in California to points in Washington east of Skamania, Yakima, Kittitas, Chelan, Klickitat, and Okanogan Counties, Wash., restricted against the transportation of petroleum products, from points in California to points in Curry, Josephine, Jackson, Lake, Klamath, and Douglas Counties, Oreg. The purpose of this filing is to eliminate the gateway of Blakeley, Oreg.

No. MC 136166 (Sub-No. E31), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, between points in California, on the one hand, and, on the other, points in that part of Washington west of the Cascade Mountains, restricted against the transportation of pertoleum products, from points in California to points in Curry, Josephine, Jackson, Lake, Klamath, and Douglas Counties, Oreg. The purpose of this filing is to eliminate the gateway of Portland, Oreg.

No. MC 136166 (Sub-No. E33), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in California to points in that part of Idaho in and north of Idaho County, restricted against the transportation of petroleum products, from points in California to points in Curry, Josephine, Jackson, Lake, Klamath, and Douglas Counties, Oreg. The purpose of this filing is to eliminate the gateway of Blakeley, Oreg.

No. MC 136166 (Sub-No. E34), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 in bulk, in tank vehicles, from Sparks and Fulton, Nev., to points in that part of Washington in and east of Skakania, Yakima, Kittitas, Chelan, Klickitat, and Okanogan Counties, restricted against the transportation of petroleum products, from points in California to points in Curry, Josephine, Jackson, Lake, Klamath, and Douglas Counties, Oreg. The purpose of this filing is to eliminate the gateway of Portland, Oreg.

No. MC 136166 (Sub-No. E35), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, from points in California to points in Curry, Josephine, Jackson, Lake, Klamath, and Douglas Counties, Oreg. The purpose of this filing is to eliminate the gateways of points in Oregon east of the summit of the Cascade Mountains.

No. MC 136166 (Sub-No. E36), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points within 5 miles of Pasco, Wash., to points in California. The purpose of this filing is to eliminate the gateways of points in Oregon in and east of Hood River, Wasco, Jefferson, Deschutes, and Klamath Counties.

No. MC 136166 (Sub-No. E37), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except liquid hydrogen), in bulk, in tank vehicles, from Moses Lake, Wash., and points within 5 miles thereof, to points in California. The purpose of this filing is to eliminate the gateways of points in Wasco, Sherman, Gilliam, Morrow, Umatilla, Wallowa, Union, and Baker Counties, Oreg.

No. MC 136166 (Sub-No. E38), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Whitman, Garfield, Columbia, and Asotin Counties, Wash., to points in California. The purpose of this filing is to eliminate the gateways of points in Oregon.

No. MC 136166 (Sub-No. E39), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Sparks and Fallon, Nev., to points in that part of Washington west of the Cascade Mountains, restricted against the transportation of petroleum products, from points in California to points in Curry, Josephine, Jackson, Lake, Klamath, and Douglas Counties, Oreg. The purpose of this filing is to eliminate the gateways of points in Modoc, Lassen, Plumas, Sierra, Nevada, Placer, El Dorado, Alpine, and Mono Counties, Calif., and Portland, Oreg.

No. MC 136166 (Sub-No. E40), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Fallon, Nev., to points in Oregon (except Curry, Josephine, Jackson, Lake, Klamath, Douglas, Harney, Malheur, Crook, Wheeler, and Baker

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Counties). The purpose of this filing is to eliminate the gateways of points in Modoc, Lassen, Plumas, Sierra, Nevada, Placer, El Dorado, Alpine, and Mono Counties, Calif.

No. MC 136166 (Sub-No. E41), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Sparks, Nev., to points in Oregon (except Curry, Josephine, Jackson, Lake, Klamath, and Douglas Counties). The purpose of this filing is to eliminate the gateways of points in Modoc, Lassen, Plumas, Sierra, Nevada, Placer, El Dorado, Alpine, and Mono Counties, Calif.

No. MC 136166 (Sub-No. E44), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, from points in that part of Washington located west of the Cascade Mountains to points in Storey, Lyon, and Churchill Counties, Nev., located on and north of U.S. Highway 50 and to Tonopah, Nev. The purpose of this filing is to eliminate the gateways of Portland, Oreg., and Sacramento, Calif.

No. MC 136166 (Sub-No. E46), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Clatsop, Columbia, Tillamook, Washington, Multnomah, Clackamas, Yamhill, Marion, Polk, Lincoln, Benton, Linn, Douglas, Coos, Curry, Josephine and Jackson Counties, Oreg., to points in that part of Nevada on and south of U.S. Highway 95 and points in Esmeralda County. The purpose of this filing is to eliminate the gateways of points in Klamath and Lake Counties, Oreg., and Woodlawn, Calif.

No. MC 136166 (Sub-No. E47), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Douglas, Coos, Curry, and Josephine Counties, Oreg., to Ely, Nev., and points within 25 miles thereof. The purpose of this filing is to eliminate the gateways of points in Klamath and Lake Counties, Oreg., and Woodlawn, Calif.

No. MC 136166 (Sub-No. E48), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from points in that part of Washington located in and east of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties (except Walla Walla, Columbia, Garfield, and Asotin Counties), and from points in Clatsop, Tillamook, Lincoln, Coos, and Curry Counties, Oreg., to points in Carson City and Douglas Counties, Nev. The purpose of this filing is to eliminate the gateways of points in Klamath and Lake Counties, Oreg., and Woodland, Calif.

No. MC 136166 (Sub-No. E49), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from points in Okanogan, Ferry, Stevens, Chelan, Douglas, Lincoln, Spokane, and Pend Oreille Counties, Wash., to Reno, Nev., restricted against the transportation of shipments originating at or destined to points in Canada. The purpose of this filing is to eliminate the gateways of points in Klamath and Lake County, Oreg., and Woodland, Calif.

No. MC 136166 (Sub-No. E50), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* and *acids*, in bulk, in tank vehicles, between points in that part of Washington located in and east of Benton, Grant, Douglas, Chelan, and Okanogan Counties, on the one hand, and, on the other, points in California (except Del Norte, Siskiyou, Humboldt, Trinity, and Shasta Counties). The purpose of this filing is to eliminate the gateways of points in Union County, Oreg.

No. MC 136166 (Sub-No. E51), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Reedsport, Oreg., and points in that part of Kittitas County, Wash., located on and east of U.S. Highway 97 to points in Churchill County, Nev. The purpose of this filing is to eliminate the gateways of points in Klamath and Lake Counties, Oreg., and Woodland, Calif.

No. MC 136166 (Sub-No. E52), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from points in California (except Del Notre, Lassen, Modoc, Siskiyou, and San Bernardino, east of Barstow Counties), to points in Ohio. The purpose of this filing is to eliminate the gateway of Torrance, Calif.

No. MC 136166 (Sub-No. E53), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* and *acids*, in bulk, in tank vehicles (except fertilizer and fertilizer solutions, and liquid hydrogen, oxygen, and nitrogen) between points in Klickitat, Yakima, Kittitas, Snohomish, Skagit, and Whatcom Counties, Wash., on the one hand, and, on the other, points in that part of California in and south of San Luis Obispo, Kings, Tulare, Inyo, and Mono Counties. The purpose of this filing is to eliminate the gateways of points in Union County, Iowa.

No. MC 136166 (Sub-No. E54), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* and *acids*, in bulk, in tank vehicles (except fertilizer and fertilizer solutions, and liquid hydrogen, oxygen, and nitrogen) between points in that part of Washington west of the Cascade Mountains (except Whatcom, Skagit, and Snohomish Counties), on the one hand, and, on the other, points in that part of California located on and east of U.S. Highway 395 in San Diego, Riverside, San Bernardino, and Imperial Counties. The purpose of this filing is to eliminate the gateways of points in Union County, Oreg.

No. MC 136166 (Sub-No. E55), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea and dry fertilizer*, in bulk, in tank or hopper type vehicles, from points in Oregon (except Clatsop and Columbia Counties), from points in that part of Idaho located south of the southern boundary of Idaho County, and from points in Montana to points in that part of Grays Harbor, Mason, Thurston, Pacific, Wahkiakum, Lewis, Cowlitz, Clark, Skamania, Klickitat, and Yakima (excluding the city of Yakima) Counties, Wash., west of U.S. Highway 97, restricted against the transportation of shipments originating at or destined to points in Canada and traffic moving to Thurston County, Wash., is restricted against origins in Missoula, Flathead, Lincoln, Sanders, Lake, and Mineral

Counties, Mont. The purpose of this filing is to eliminate the gateway of Portland, Oreg.

No. MC 136166 (Sub-No. E56), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from points in Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateway of Torrance, Calif.

No. MC 136166 (Sub-No. E57), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urean and dry fertilizer*, in bulk, in tank or hopper type vehicles, from points in Clatsop and Columbia Counties, Oreg., to points in that part of Washington located west of U.S. Highway 97 (except Pacific and Grays Harbor Counties, restricted against the transportation of shipments originating at or destined to points in Canada). The purpose of this filing is to eliminate the gateways of points in Columbia County, Oreg.

No. MC 136166 (Sub-No. E58), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from points in California (except those in San Bernardino County east of Barstow) to points in Georgia, North Carolina, and Tennessee. The purpose of this filing is to eliminate the gateway of Torrance, Calif.

No. MC 136166 (Sub-No. E59), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from points in Alameda, Fresno, Imperial, Kern, Kings, Los Angeles, Merced, Montgomery, Orange, Riverside, San Benito, San Diego, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Tulare, Ventura, and San Bernardino (except east of Barstow) Counties, Calif., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Torrance, Calif.

No. MC 136166 (Sub-No. E60), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and acids*, in bulk, in tank vehicles (except fertilizer and fertilizer solutions, and liquid hydrogen, oxygen, and nitrogen, between points in Ravalli, Granite, Missoula, Flathead, Teton, Pondera, Toole, Glacier, Lincoln, Sanders, Lake, and Mineral Counties, Mont., on the one hand, and, on the other, points in California (except points on U.S. Highway 95). The purpose of this filing is to eliminate the gateways of points in Union County, Oreg.

No. MC 136166 (Sub-No. E61), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* and *acids*, in bulk, in tank vehicles (except fertilizer and fertilizer solutions, and liquid hydrogen, oxygen, and nitrogen), between points in Cascade, Chouteau, Liberty, Hill, Blaine, Phillips, Valley, Daniels, Roosevelt, and Sheridan Counties, Mont., on the one hand, and, on the other, points in California (except San Bernardino, Orange, Riverside, Imperial, and San Diego Counties). The purpose of this filing is to eliminate the gateway of points in Union County, Oreg.

No. MC 136166 (Sub-No. E62), filed May 13, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from points in Clatsop and Columbia Counties, Oreg., to points in that part of Washington located west of U.S. Highway 97 (except Pacific and Grays Harbor Counties), restricted against the transportation of shipments originating at or destined to points in Canada. The purpose of this filing is to eliminate the gateways of points in Columbia County, Oreg.

No. MC-136166 (Sub-No. E63), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from points in California (except Del Norte, Lassen, Modoc, Siskiyou, and San Bernardino (east of Barstow) Counties to points in Indiana. The purpose of this filing is to eliminate the gateway of Torrance, Calif.

No. MC-136166 (Sub-No. E64), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea* and *dry fertilizer*, in bulk, in tank or hopper type vehicles, from points in Oregon (except Clatsop, Columbia, Umatilla, Union, Baker, Malheur, and Wallowa Counties, and from points in that part of Idaho south of the southern boundary of Idaho County, and from points in that part of Montana in and east of Valley, McCove, Prairie, Custer, and Powder River Counties, to points in Kittias, Chilan, Okanogan, Whatcom, Skagit, San Juan, Island, Snohomish, King, Pierce, Kitsap, Mason, Jefferson, and Clallam Counties, Wash., that are located west of U.S. Highway 97. Restricted against the transportation of shipments originating at or destined to points in Canada. The purpose of this filing is to eliminate the gateway of Portland, Oreg.

No. MC 136166 (Sub-No. E65), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* and *acids*, in bulk, in tank vehicles, between points in Carbon, Stillwater, Golden Valley, Musselshell, Petroleum, Big Horn, Yellowstone, Treasure, Rosebud, Garfield, Powder River, Custer, Carter, Fallon, Prairie, McCove, Dawson, Wilbaux, and Richland Counties, Mont., on the one hand, and, on the other, points in Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Mendocino, Glenn, Butte, Lake, Colusa, Sonoma, Napa, Marion, Contra Costa, Alameda, San Mateo, Santa Clara, Santa Cruz, San Benito, and Monterey Counties, Calif. The purpose of this filing is to eliminate the gateways of points in Union County, Oreg.

No. MC 136166 (Sub-No. E66), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* and *acids*, in bulk, in tank vehicles, between points in Gallatin, Park, and Sweet Grass Counties, Mont., on the one hand, and, on the other, points in Modoc, Siskiyou, Del Norte, Humboldt, Trinity, Shasta, Lassen, Plumas, Tehama, Mendocino, Glenn, and Butte Counties, Calif. The purpose of this filing is to eliminate the gateways of points in Union County, Oreg.

No. MC 136166 (Sub-No. E67), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* and *acids*, in bulk, in tank vehicles between points in Beaverhead, Madison, Deer Lodge, Silver Bow, Jefferson, Broadwater, Powell, Lewis and Clark, Wheatland, and Meagher Counties, Mont., on the one hand, and, on the other, points in California in California (except points in and south of Santa Barbara, Kern, Inyo, and Mono Counties. The purpose of this filing is to eliminate the gateways of points in Union County, Oreg.

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No. MC 136166 (Sub-No. E68), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid apoxy resin*, in bulk, in tank vehicles, from Riverview, Ohio, to points in California. The purpose of this filing is to eliminate the gateway of the site of the Thiokol installation near Brigham City, Utah.

No. MC-136166 (Sub-No. E69), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid weed killing chemicals*, in bulk, in tank vehicles, from points in California (except those in San Bernardino County, east of Barstow and Riverside County), to Bayonne, N.J. The purpose of this filing is to eliminate the gateway of Richmond, Calif.

No. MC-136166 (Sub-No. E70), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid cleaning compound*, in bulk, in tank vehicles, from points in California (except Lassen and Modoc Counties), to Toledo, Ohio. The purpose of this filing is to eliminate the gateway of Long Beach, Calif.

No. MC 136166 (Sub-No. E71), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cutting fluids* (other than those derived from petroleum), in bulk, in tank vehicles, from Cincinnati, Ohio, to points in California (except Inyo, San Bernardino, Riverside, Los Angeles, Orange, San Diego and Imperial Counties). The purpose of this filing is to eliminate the gateway of San Jose, Calif.

No. MC 136166 (Sub-No. E73), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phenol*, in bulk, in tank vehicles, from points in that part of California located in and north of Monterey, San Benito, Fresno, Madera, Tuolumne, and Alpine Counties to Luling and West Lake Charles, La., and Port Neches, Tex. The purpose of this filing is to eliminate the gateway of Avon, Calif.

No. MC 136166 (Sub-No. E75), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten maleic anhydride*, in bulk, in tank vehicles, from points in California except Imperial, Inyo, Riverside, San Bernardino, and San Diego Counties, to Perry, Ohio. The purpose of this filing is to eliminate the gateway of Richmond, Calif.

No. MC 136166 (Sub-No. E76), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resins*, in bulk, in tank vehicles, from points in California, except Lassen, Modoc, and San Bernardino, east of Barstown Counties to Sand Springs, Okla. The purpose of this filing is to eliminate the gateway of Anaheim, Calif.

No. MC 136166 (Sub-No. E77), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid cleaning compounds*, in bulk, in tank vehicles, from points in California to West Springfield, Mass. The purpose of this filing is to eliminate the gateway of Hawthorne, Calif.

No. MC 136166 (Sub-No. E78), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, (1) between points in that part of California on and north of a line beginning at San Francisco, thence along U.S. Highway 50 to junction California Highway 120, thence along California Highway 120 to junction U.S. Highway 6, thence along U.S. Highway 6 to the California-Nevada State line, except points in Lake, Colusa, Sutter, Yolo, Sacramento, Solano, Napa, Sonoma, Marin, Contra Costa, San Joaquin, Alameda, and San Francisco Counties, on the one hand, and, on the other, points in Oregon and points in that part of Idaho located on and south of the southern boundary of Idaho County, except points in, south and east of Twin Falls, Gooding, Comas, Blaine, Power, Bannock, and Caribou Counties; (4) between points in that part of California located on and north of a line beginning at San Francisco, thence along U.S. Highway 50 to junction California Highway 120, thence along California Highway 120 to junction U.S. Highway 6, thence along U.S. Highway 6 to the California-Nevada State line, except points in Siskiyou, Shasta, Glenn, Butte, Lake, Colusa, Sutter, Yolo, Sacramento, Solano, Napa, Sonoma, Marin, Contra Costa, San Joaquin, Alameda, and San Francisco Counties, on the one hand, and, on the other, points in Oregon, except points in Malheur, Douglas, Coos, Curry, Josephine, and Jackson Counties, and points in that part of Idaho located on and south of the southern boundary of Idaho County. The purpose of this filing is to eliminate the gateways of (1) points in Klamath and Lake Counties, Oreg., (2) points within 3 miles of Finley, Wash.

No. MC 136166 (Sub-No. E79), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, (1) between points in that part of California located on and north of a line beginning at San Francisco, thence along U.S. Highway 50 to junction California Highway 120, thence along California Highway 120 to junction U.S. Highway 6, thence along U.S. Highway 6 to the California-Nevada State line, except points in Del Norte, Humboldt, and Mendocino Counties, on the one hand, and, on the other, points in Oregon, except points west of Wasco, Jefferson, Deschutes, and Klamath Counties, and points in that part of Idaho on and south of the southern boundary of Idaho County; (2) between points in that part of California located on and north of a line beginning at San Francisco, thence along U.S. Highway 50 to junction California Highway 120, thence along California Highway 120 to junction U.S. Highway 6, thence along U.S. Highway 6 to the California-Nevada State line, except points in Modoc, Lassen, and Plumas Counties, on the one hand, and, on the other, points in Oregon, except points in Baker, Malheur, and Harney Counties and that part of Idaho located on and south of the southern boundary of Idaho County, except points in and south of Adams, Valley, Custer, and Blaine Counties; (3) between points in that part of California located on and north of a line beginning at San Francisco, thence along U.S. Highway 50 to junction California Highway 120, thence along California Highway 120 to junction U.S. Highway 6, thence along U.S. Highway 6 to the California-Nevada State line, except points in Lake, Colusa, Sutter, Yolo, Sacramento, Solano, Napa, Sonoma, Marin, Contra Costa, San Joaquin, Alameda, and San Francisco Counties, on the one hand, and, on the other, points in Oregon and points in that part of Idaho located on and south of the southern boundary of Idaho County, except points in, south and east of Twin Falls, Gooding, Comas, Blaine, Power, Bannock, and Caribou Counties; (4) between points in that part of California located on and north of a line beginning at San Francisco, thence along U.S. Highway 50 to junction California Highway 120, thence along California Highway 120 to junction U.S. Highway 6, thence along U.S. Highway 6 to the California-Nevada State line, except points in Siskiyou, Shasta, Glenn, Butte, Lake, Colusa, Sutter, Yolo, Sacramento, Solano, Napa, Sonoma, Marin, Contra Costa, San Joaquin, Alameda, and San Francisco Counties, on the one hand, and, on the other, points in Oregon, except points in Malheur, Douglas, Coos, Curry, Josephine, and Jackson Counties, and points in that part of Idaho located on and south of the southern boundary of Idaho County. The purpose of this filing is to eliminate

the gateways of points in Klamath and Lake Counties.

No. MC 136166 (Sub-No. E80), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from points in California to points in Delaware. The purpose of this filing is to eliminate the gateway of Torrance, Calif.

No. MC 136166 (Sub-No. E81), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from points in that part of California located on and north of a line beginning at San Francisco, thence along U.S. Highway 50 to junction California Highway 120, thence along California Highway 120 to junction U.S. Highway 6, thence along U.S. Highway 6 to the California-Nevada State line to points in that part of Washington located west of U.S. Highway 97, restricted against the transportation of shipments originating at or destined to points in Canada. The purpose of this filing is to eliminate the gateways of points in Klamath and Lake Counties, Oreg., and points in Columbia County, Oreg.

No. MC 136166 (Sub-No. E82), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil treating compounds*, in bulk, in tank vehicles, from points in that part of Washington west of the Cascade Mountains to Pascagoula, Miss. The purpose of this filing is to eliminate the gateways of Portland, Oreg., and Brea, Calif.

No. MC 136166 (Sub-No. E83), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil treating compounds*, in bulk, in tank vehicles, from points in Oregon, except Curry, Josephine, Jackson, Lake, Klamath, and Douglas Counties to Pascagoula, Miss. The purpose of this filing is to eliminate the gateway of Brea, Calif.

No. MC 136166 (Sub-No. E84), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil treating compounds*, in bulk, in tank vehicles, from points within 5 miles of Pasco, Wash., to Pascagoula, Miss. The purpose of this filing is to eliminate the gateways of Burns, Oreg., and Brea, Calif.

No. MC 136166 (Sub-No. E86), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, in bulk, in tank vehicles, from points in Nevada, except Elko County to points in that part of Washington west of the Cascade Mountains. The purpose of this filing is to eliminate the gateways of points in California and Portland, Oreg.

No. MC 136166 (Sub-No. E87), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, in bulk, in tank vehicles, from points in Elko and Humboldt Counties, Nev., to points in Clatsop, Tillamook, Lincoln, Lane, and Coos Counties, Oreg. The purpose of this filing is to eliminate the gateway of points in California.

No. MC 136166 (Sub-No. E88), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, in bulk, in tank vehicles, from points in Washoe County, Nev., to points in Oregon, except Curry, Josephine, Jackson, Lake, Klamath, and Douglas Counties. The purpose of this filing is to eliminate the gateways of points in California.

No. MC 136166 (Sub-No. E89), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *crude oil*, in bulk, in tank vehicles, from points in Nevada, except Humboldt and Elko Counties to points in Oregon, except Curry, Josephine, Jackson, Lake, Klamath, Douglas, Harney, and Malheur Counties. The purpose of this filing is to eliminate the gateway of points in California.

No. MC 136166 (Sub-No. E90), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, (1) from points in California to points in Montana, (2) from points in California to points in that part of Washington located on and east of U.S. Highway 97, and (3) from points in California to points in that part of Washington located west of U.S. Highway 97. The purpose of this filing is to eliminate the gateways of (1) points in that part of Idaho on and south of the southern boundary of Idaho County, (2) points in Oregon, and (3) Portland, Oreg.

No. MC 136166 (Sub-No. E91), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, asphalt emulsion, and road oil*, in bulk, in tank vehicles, from Steamboat Springs, Nev., to points in that part of Washington located west of the Cascade Mountains. The purpose of this filing is to eliminate the gateways of Alturas, Calif., and Portland, Oreg.

No. MC 136166 (Sub-No. E92), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, asphalt emulsion, and road oil*, in bulk, in tank vehicles, from Steamboat Springs, Nev., to points in that part of Washington located in and east of Skamania, Kittitas, Chelan, Klickitat, and Okanogan Counties. The purpose of this filing is to eliminate the gateways of Alturas, Calif., and Blakeley, Oreg.

No. MC 136166 (Sub-No. E93), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, asphalt emulsion, and road oil*, in bulk, in tank vehicles, from Steamboat Springs, Nev., to points in Oregon, except Curry, Josephine, Jackson, Lake, Klamath, and Douglas Counties. The purpose of this filing is to eliminate the gateway of Alturas, Calif.

No. MC 136166 (Sub-No. E94), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from points in Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Glenn, Butte, Lake, Colusa, Sonoma, Marin, Contra Costa, Alameda, San Mateo, Santa Cruz, Monterey, and San Luis Obispo Counties, Calif., to points in Montana. The purpose of this filing is to eliminate the gateways of Blakeley, Oreg., and points in Whitman, Garfield, Columbia, and Asotin Counties, Wash.

No. MC 136166 (Sub-No. E95), filed May 10, 1974. Applicant: CF TANK

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LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from points in California to points in that part of Washington located east of Skamania, Yakima, Kittitas, Chelan, Klickitat, and Okanogan Counties. The purpose of this filing is to eliminate the gateway of Blakeley, Oreg.

No. MC 136166 (Sub-No. E96), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from points in California, except points in Imperial County and points east of U.S. Highway 395 in San Bernardino and Riverside Counties to points in Lincoln, Sanders, Mineral, Missoula, Flathead, Lake, Glacier, Pondera, Teton, Toole, Liberty, Hill, Chouteau, Cascade, Blaine, Phillips, Valley, Daniels, Roosevelt, and Sheridan Counties, Mont. The purpose of this filing is to eliminate the gateways of Blakeley, Oreg., and points in Whitman, Garfield, Columbia, and Asotin Counties, Wash.

No. MC 136166 (Sub-No. E97), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals* (except liquid hydrogen, liquid oxygen and liquid nitrogen), in bulk, in tank vehicles, from points in California, except Del Norte, Siskiyou, Humboldt, Trinity, Shasta, Lassen, Mendocino, Tehama, Plumas, Glenn, Butte, Lake, Colusa, Sutter, Yuba, Sierra, Nevada, Placer, Sonoma, Napa, Yolo, Marin, Solano, Sacramento, El Dorado, San Mateo, Santa Clara, Alameda, Contra Costa, San Joaquin, Calaveras, Amador, Stanislaus, Merced, Mariposa, Alpine and Tuolumne, to points in Skamania, Yakima, Kittitas, Chelan, Klickitat, and Okanogan Counties, Wash. The purpose of this filing is to eliminate the gateway of Blackly, Oreg.

No. MC 136166 (Sub-No. E98), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from points within 5 miles of Pasco, Wash., to points in California. The purpose of this filing is to eliminate the gateway of Pendleton, Oreg.

No. MC 136166 (Sub-No. E99), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from Attalia, Wash., to points in California. The purpose of this filings is to eliminate the gateways of points in Oregon east of the summit of the Cascade Mountains.

No. MC 136166 (Sub-No. E100), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from points in Whitman, Garfield, Columbia, and Asotin Counties, Wash., to points in California. The purpose of this filing is to eliminate the gateways of points in Oregon.

No. MC 136166 (Sub-No. E101), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from Sparks and Fallon, Nev., to points in that part of Washington located in and east of Skakania, Yakima, Kittitas, Chelan, Klickitat, and Okanogan Counties, Wash. The purpose of this filing is to eliminate the gateways of Alturas, Calif., and Blakeley, Oreg.

No. MC 136166 (Sub-No. E102), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from Moses Lalie, Wash., and points within 5 miles thereof to points in California. The purpose of this filing is to eliminate the gateways of points in Wasco, Sherman, Gilliam, Morrow, Amatilla, Wallowa, Union, and Baker Counties, Oreg.

No. MC 136166 (Sub-No. E104), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from Sparks and Fallon, Nev., to points in that part of Washington west of the Cascade Mountains. The purpose of this filing is to eliminate the gateway of Alturas, Calif., and Portland, Oreg.

No. MC 136166 (Sub-No. E105), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from Fallon, Nev., to points in Oregon, except Curry, Josephine, Jackson, Lake, Klamath, Douglas, Harney, Malheur, Crook, Wheeler, and Baker Counties. The purpose of this filing is to eliminate the gateway of Alturas, Calif.

No. MC 136166 (Sub-No. E106), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals* (except liquid hydrogen, liquid oxygen and liquid nitrogen), in bulk, in tank vehicles, from Sparks, Nev., to points in Oregon, except Curry, Josephine, Jackson, Zabe, Klamath, and Douglas Counties. The purpose of this filing is to eliminate the gateway of Alturas, Calif.

No. MC 136166 (Sub-No. E107), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, between points in Carbon, Stillwater, the gateways of points in Union County, Golden Valley, Musselshell, Petroleum, Big Horn, Yellowstone, Treasure, Rosebud, Garfield, Powder River, Custer, Carter, Fallon, Prairie, McCone, Dawson, Wilbaux, and Richland Counties, Mont., on the one hand, and, on the other, points in Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Mendocino, Glenn, Butte, Lake Colusa, Sonoma, Napa, Marin, Contra Costa, Alameda, San Mateo, Santa Clara, Santa Crux, San Benito, and Monterey Counties, Calif. The purpose of this filing is to eliminate the gateways of points ni Union County, Oreg.

No. MC 136166 (Sub-No. E108), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, between points in Union County, Oreg. The purpose of this filing is to eliminate the gateways of points in Union County, Oreg.

No. MC 136166 (Sub-No. E109), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, between points in that part of Washington located west of the Cascade Mountains, except Whatcom, Skagit, and Snohomish Counties, on the one hand, and, on the other, points in San Diego, Riverside, San Bernardino, Imperial Counties, Calif., located on and east of U.S. Highway 395. The purpose of this filing is to eliminate the gateways of points in Union County, Oreg.

No. MC 136166 (Sub-No. E110), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, between points in Cascade, Chouteau, Liberty, Hill, Blaine, Phillips, Valley, Daniels, Roosevelt, and Sheridan Counties, Mont., on the one hand, and, on the other, points in California, except points in San Bernardino, Orange, Riverside, Imperial, and San Diego Counties. The purpose of this filing is to eliminate the gateways of points in Union County, Oreg.

No. MC 136166 (Sub-No. E111), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, between points in Klickitat, Yakima, Kittitas, Snohomish, Skagit, Whatcom Counties, Wash., on the one hand, and, on the other, points in that part of California located in and south of San Luis Obispo, Kings, Tulare, Inyo, and Mono Counties. The purpose of this filing is to eliminate the gateways of points in Union County, Oreg.

No. MC 136166 (Sub-No. E112), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, between points in Beaverhead, Madison, Deer Lodge, Silver Bow, Jefferson, Broadwater, Powell, Lewis and Clark, Wheatland, and Meagher Counties, Mont., on the one hand, and, on the other, points in California, except points in and south of Santa Barbara, Kern, Inyo, and Mono Counties. The purpose of this filing is to eliminate the gateways of points in Union County, Oreg.

No. MC 136166 (Sub-No. E113), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, between points in Gallatin, Park, and Sweet Grass Counties, Mont., on the one hand, and, on the other, points in Modoc, Siskiyou, Del Norte, Humboldt, Trinity, Shasta, Lassen, Plumas, Tehama, Mendocino, Glenn, and Butte Counties, Calif. The purpose of this filing is to eliminate the gateway of points in Union County, Oreg.

No. MC 136166 (Sub-No. E114), filed May 10, 1974. Applicant: CF TANK LINES, INC., P.O. Box 3062, Portland, Oreg. 97208. Applicant's representative: E. V. Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from points in California to points in that part of Idaho located in and north of Idaho County. The purpose of this filing is to eliminate the gateway of Blakeley, Oreg.

No. MC 136247 (Sub-No. E1), filed May 28, 1974. Applicant: WRIGHT TRUCKING, INC., 1303 10th Street SE., Jamestown, North Dakota 58401. Applicant's representative: Gerald D. Wright (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* and *articles* dealt in by wholesale beverage distributors, (1) from Minneapolis and St. Paul, Minn. and La Crosse, Wis. to points in that part of North Dakota located on and west of a line beginning at the South Dakota-North Dakota State line thence along U.S. Highway 281 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction North Dakota Highway 1, thence along North Dakota Highway 1 to the North Dakota-Canada International Boundary line; (2) from Milwaukee, Wis. to points in that part of North Dakota located on and west of a line beginning at the South Dakota-North Dakota State line thence along North Dakota Highway to junction North Dakota Highway 27, thence along North Dakota Highway 27 to junction North Dakota Highway 32, thence along North Dakota Highway 32 to junction North Dakota Highway 46, thence along North Dakota Highway 38, thence along North Dakota Highway 38 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction North Dakota Highway 18, thence along North Dakota Highway 18 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Interstate Highway 29, thence along Interstate Highway 29 to junction U.S. Highway 81, thence along U.S. Highway 81 to the North Dakota-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Jamestown, North Dakota.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-8550 Filed 4-1-75;8:48 am]

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PART II

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

PROJECT DEAUTHORIZATION REVIEW PROGRAM

Proposed Policies and Procedures

V 40 64
APR 2 75

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

[33 CFR Part 266]

PROJECT DEAUTHORIZATION REVIEW PROGRAM

Proposed Policies and Procedures

Notice is hereby given that the Secretary of the Army, acting through the Chief of Engineers, is proposing a regulation prescribing policies and procedures to implement section 12, Pub. L. 93–251, Water Resources Development Act of 1974. The proposed regulation supersedes a final regulation published in the FEDERAL REGISTER on 15 May 1974 (33 CFR 213), which provided policies and procedures for only first-year implementation of the Program.

Under section 12, the Chief of Engineers has been directed to annually conduct a review of projects for possible deauthorization. A project is eligible for review only if it has been authorized for at least eight years and has received no funds in the last eight years. Reviews are conducted within the availability of funds appropriated by Congress. Each year, the Chief of Engineers will transmit a list of projects recommended for deauthorization to the Secretary of the Army for submittal to Congress.

The review process is designed to include the public both in determining which projects are reviewed each year for possible deauthorization (from the list of eligible projects) and in determining the appropriateness of recommending deauthorization by Congress.

Prior to adoption of the proposed regulation, consideration will be given to any comments submitted to the Chief of Engineers, on or before 15 May 1975, at the following address:

Chief of Engineers
Office of the Chief of Engineers
Department of the Army
ATTN: DAEN–CWP–A
Washington, D.C. 20314

Until the final regulation is adopted and so published in the FEDERAL REGISTER, elements of the Office of the Chief of Engineers and field operating agencies having Civil Works responsibilities will utilize the proposed regulation as interim guidance in conducting reviews under section 12, Pub. L. 93–251.

Dated: March 18, 1975.

MARVIN W. REES,
Colonel, Corps of Engineers,
Executive Director of Civil Works.

PART 266—PROJECT DEAUTHORIZATION REVIEW PROGRAM

Sec.
266.10 Purpose.
266.11 Applicability.
266.12 References.
266.13 Program eligibility.
266.14 Program policies.
266.15 Program management responsibilities.
266.16 Program procedures.

AUTHORITY: Section 12, Pub. L. 93–251, Water Resources Development Act of 1974 (88 Statute 16), dated 7 March 1974.

§ 266.10 Purpose.

This regulation provides policies and procedures for implementation of section 12, Pub. L. 93–251, which directs the Chief of Engineers to submit annually to Congress a list of projects which have been authorized for at least eight years, have received no funds in the last eight years, and which should be no longer authorized.

§ 266.11 Applicability.

This regulation is applicable to all OCE elements and all field operating agencies having civil works responsibilities.

§ 266.12 References.

(a) Section 12, Pub. L. 93–251, "Water Resources Development Act of 1974," (88 Stat. 16), dated 7 March 1974 (Appendix A).[1]

(b) ER 1105–2–502, "Public Meetings", (33 CFR 209.405).

§ 266.13 Program eligibility.

The following criteria are applicable to determine if an authorized project is eligible for review under this program; assume that recommendations will be submitted on 1 January each year:

(a) The project must have been authorized for at least eight years prior to submission of a recommendation to Congress.

(b) The project must have received no funds for advanced engineering and design or construction in the successive eight years prior to submission of a recommendation to Congress. (Funds include those which have been appropriated by Congress or alloted with specific Congressional approval.)

(c) The project is not being reviewed under another Corps program.

(d) Projects which have been automatically deauthorized due to the expiration of the 5-year limitation for receipt of local assurances (33 U.S.C. 701c) are not eligible for review under this program.

§ 266.14 Program policies.

(a) A list of projects eligible for deauthorization will be maintained by OCE. Division and District Engineers will maintain those portions of the list for States within their respective areas of jurisdiction. Such listings may be made available to the public upon request.

(b) Within the capability for implementation of this program, and within available funds, projects eligible for deauthorization should be reviewed in the order of priority given in this subparagraph. Reporting officers may release information regarding which projects are being reviewed for deauthorization following receipt of funds to conduct such reviews.

(1) Projects for which a deauthorization review has been requested by a Congressional resolution adopted pursuant to section 12(e), P.L. 93–251.

(2) Completion of deauthorization reviews previously started.

(3) Projects for which a deauthorization review has been requested by local interests (i.e., governmental or nongovernmental entities in the project area), or national organizations having a legitimate interest in the project area.

(4) Projects considered by the reporting officer as suitable for a recommendation of deauthorization without further study.

(5) Projects requiring further study in order to make a recommendation concerning deauthorization.

(c) Review under section 12 should be conducted to the extent necessary to determine whether the project as authorized, should continue to be authorized based on the criteria in § 266.14e. The review is not intended to affirm the viability of the project as authorized or to reformulate the authorized project to meet current needs. These objectives are to be reserved for Phase I Advanced Engineering and Design, should the project become funded by Congress, for the Deferred for Restudy Program if the project was deferred due to lack of economic justification, or for a review specifically authorized by Congress. However, a review conducted under section 12 may provide sufficient information to recommend reclassification of the project.

(d) Reporting officers will solicit views from the public that would be affected by, or interested in, the authorized project and coordinate their review with other agencies, as part of their formulation of recommendations to Division Engineers on deauthorization. The procedures by which views are solicited are to be determined by the reporting officer, and may include public meetings, public notices, news releases and others.

(e) In addition to the eligibility criteria given in § 266.13, a recommendation for deauthorization must be supported by one or more of the following reasons:

(1) The project lacks economic justification, and it is apparent that a restudy would not develop an economically justified plan.

(2) The project, as authorized, is not adequate to meet current or prospective needs, and to obtain an adequate improvement would require such substantial modifications and involve such increased costs that the Corps could not proceed without new authorization from Congress.

(3) The project is generally opposed by local interests or there is little or no prospect that the required local cooperation will be forthcoming.

(4) The project, or part thereof, is no longer required because it has been accomplished by local interests or another agency, has been superseded by another project, or for any other reason.

(f) Recommendations of reporting officers and Division Engineers regarding project deauthorizations are considered internal staff recommendations to the Chief of Engineers and are not to be released to the public until the Chief of Engineers list of projects proposed for deauthorization is transmitted to States and Federal agencies for comment. Information obtained during the deauthorization review process may be released on request.

(g) The Chief of Engineers will formulate his list of projects proposed for deauthorization based on the recommendations of Division Engineers. The Chief of Engineers will coordinate this list with Governors of affected States and Federal department, agency and instrumentality heads, as prescribed by section 12.

§ 266.15 Program management responsibilities.

(a) *Office of the Chief of Engineers.* Planning Division (DAEN–CWP) has primary responsibility for management of the program, to include providing guidance to field operating agencies, formulating recommendations for the Chief of Engineers based on inputs from Division Engineers, and formulating program budgetary submissions and work allowances. All funding and budgetary matters will be coordinated with DAEN–CWB, which will issue work allowances to field operating agencies.

(b) *Division Engineers.* Division Engineers are responsible for reviewing budgetary requests submitted by District Engineers and for recommending project deauthorizations to the Chief of Engineers in accordance with the procedures in § 266.16.

(c) *District Engineers/Operating Division Engineers.* Reporting officers are responsible for conducting reviews of projects in accordance with the policies and procedures contained in this regulation. Reporting officers are encouraged to annually conduct the maximum number of reviews possible within their capability and funding limitations.

§ 266.16 Program procedures.

(a) *Maintenance of eligibility listing.* A listing of projects eligible for deauthorization will be revised as necessary by DAEN–CWP–A. Division Engineers will submit changes together with recommendations, as provided in § 266.16c below, or at other times as they deem appropriate. A project will be removed from the listing:

(1) If funds are appropriated for advanced engineering and design or construction for the project,

(2) If deauthorized under section 12 or other appropriate legislation, or

(3) If either Committee on Public Works adopts a resolution stating that the project shall continue to be authorized.

(b) *Conduct of deauthorization review.* Pursuant to the policies stated in § 266.14, reporting officers should prepare project information sheets and other appropriate data for the purposes of public involvement, coordination, and documenting a determination on the appropriateness of deauthorization at the conclusion of the review. The reporting officer should conduct those studies and analyses, and initiate public involvement and coordination activities, as he deems necessary to achieve the objective of this program and the Corps public involvement objectives. Public meetings, if held, will be generally in accordance with guidelines in ER 1105–2–502.

(c) *Submittal of deauthorization recommendations to the Chief of Engineers (RCS DAEN–CWP–13).* Division Engineers will submit annually to the Chief of Engineers the following information. Submissions are to be sent to HQDA (DAEN–CWP–A) WASH DC 20314 by 1 September.

(1) Recommendations (in 3 copies) on projects for which reviews have been conducted since the previous annual submission, in accordance with the format given in Appendix B.[2]

(2) Project information sheets for all projects recommended for deauthorization, in accordance with the format given in Appendix C. A map which can be reproduced in black-and-white, 8" x 10½" in size, should be attached whenever possible, to clearly indicate the project to be deauthorized. Project information sheets are to be typed in 12-pitch elite, with margins as shown, and are to be submitted as an original and one copy. The original will be signed by the reporting officer.

(3) Appropriate pages from the listing of projects eligible for deauthorization with changes noted by typing in the new data.

[1] Text of sec. 12, Pub. L. 93–251 (88 Stat. 16) filed as part of the original document.

[2] Appendices B and C filed as part of the original document.

APPENDIX A

DISCUSSION OF SECTION 12, PUBLIC LAW 93–251 CONTAINED IN THE REPORTS OF THE COMMITTEES ON PUBLIC WORKS

Many water resources development projects become, after they are authorized, inappropriate for one reason or another. Changing economic conditions may render them uneconomic. Population and industrial growth may make them inadequate to serve new needs. The local interests may decide they do not want a project. Yet, in all of these cases, unless the time consuming process of obtaining specific Congressional deauthorization through an Act of Congress is followed, the project remains authorized, is considered part of the backlog of authorized but unconstructed projects, and continues to discourage homeowners and landowners in the project area from maintaining, much less improving, their property.

It should be clearly noted that this section is not intended to be used as a vehicle for the abandonment by the Federal Government of maintenance of completed projects.

This section fulfills a very real need for a means to remove from the books projects which are not needed or justified, while at the same time providing ample congressional review and final decision-making authority.

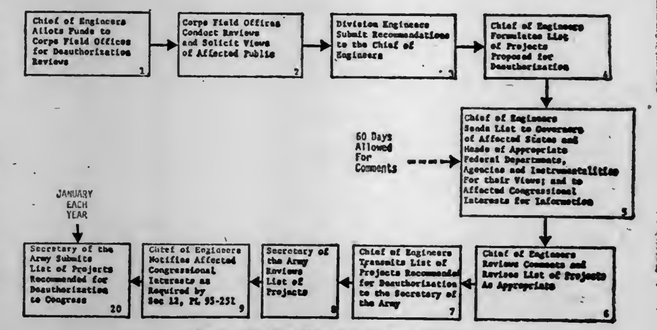
Sources:

Report of the Committee on Public Works, United States Senate, Water Resources Development and River Basin Monetary Authorization Acts of 1973, Report No. 93–615, December 11, 1973, p. 117.

Report of the Committee on Public Works, House of Representatives, Water Resources Development Act of 1973 and River Basin Monetary Authorization Act of 1973, Report No. 93–541, October 3, 1973, pp. 90–91.

APPENDIX D

PROJECT DEAUTHORIZATION REVIEW PROGRAM
(PURSUANT TO SECTION 12, PUBLIC LAW 93-251)



[FR Doc.75–8103 Filed 4–1–75;8:45 am]

V 40-64 APR 2 75

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ENVIRONMENTAL PROTECTION AGENCY

■

ENFORCEMENT AUTHORITY

State and Federal Enforcement
of Implementation Plan Requirements
After Statutory Deadlines

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APR 2 75
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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 65]

[FRL 340-6]

ENFORCEMENT AUTHORITY

State and Federal Enforcement of Implementation Plan Requirements After Statutory Deadlines

The regulations proposed below establish a new Part 65 pertaining to enforcement authority. Under this new part rules would be established which the Agency would observe when ordering a source to comply with a requirement under Part 52, but only if the order includes a timetable for compliance that extends past the applicable attainment date under Part 52. Guidance under this new part would also set forth the minimum conditions under which the Agency would be willing to defer to similar enforcement action taken by the State.

On September 26, 1974, the Administrator proposed regulations under Part 52 and promulgated regulations under Parts 51 and 52 designed in part to implement the decisions of several Federal Courts of Appeal relating to State compliance deferral authority and procedures (39 FR 34533, 34572). The regulations promulgated under Part 51 (Subpart B) provided that no State plan implementing the national ambient air quality standards could contain enabling authority which would permit the State to defer compliance by a source after an attainment date without observing the postponement requirements of section 110(f) of the Act (40 CFR 51.11(g), 51.15(d); 39 FR 34535). The regulations promulgated under Part 52 (Subpart A) amounted to a finding that State plans generally were deficient, in that many, if not all, contained enabling authority which would permit deferrals after an attainment date without observing section 110(f); accordingly, all enabling authority was "disapproved" insofar as it permitted such deferrals (40 CFR 52.26, 39 FR 34535); and the effect of this disapproval was to expel from all State implementation plans any claim of authority to grant such deferrals. In conjunction with this general disapproval, regulations were proposed in Part 52 for all State plans, which would specifically preclude State action amounting to a deferral extending beyond an attainment date (39 FR 34574).

Since the promulgation and proposal of the September 26th regulations, the Agency has received numerous comments, primarily from representatives of the States, questioning the extent to which EPA intended in those regulations to limit State enforcement prerogatives. While the regulations apply explicitly to any "enforcement orders * * * or other State initiated measures designed to defer compliance * * *," it was not the intent of the Administrator to restrict a State from taking such enforcement action; rather, the intent was to prohibit the State from revising its implementation plan to reflect such action with the attendant effect of insulating the source from citizen suit or federal enforcement. Hence, if a State were to require a source to comply with a plan requirement after the federal deadline, and not require the source to shut down during the interim, the intent of the September 26th regulations was to prevent such action from being treated as a revision to the State plan. As a result, the source would gain no immunity from suit by a citizen under section 304 of the Act, or from enforcement action by EPA under section 113 of the Act. Therefore, if the public or EPA were to feel that such a source should comply more expeditiously, or even shut down, each would be able to pursue that objective according to procedures provided in the Act.

This is not intended to discredit use of the section 110(f) postponement procedure for obtaining post deadline compliance date extensions. Section 110(f) is essentially a complex variance mechanism with a high standard for aproval. The rare source which wins a postponement under section 110(f) deserves insulation from further action. By contrast, the stated purpose of these regulations is not to provide plan protection to sources in violation, but rather to assure that such sources achieve compliance, albeit after the deadlines have passed.

In this respect, the Agency is reasonably certain now that a significant number of major air pollution sources will not achieve compliance by the mid-1975 deadlines. It also appears fairly certain that few States plan to resort to the use of section 110(f) to obtain postponements for these sources. Understanding this, the Agency intends to use its full enforcement authority under section 113 to insure compliance after the deadlines. Moreover, the Agency anticipates that the States will assist, to the extent they are able, by taking effective enforcement of their own.

Because of the magnitude of the problem it is more important now than ever before for the States to assume the principal role, given them by Congress, to insure that the national ambient air quality standards are attained rapidly and efficiently. Accordingly, the Administrator finds that it is appropriate to delineate specifically what EPA considers to be effective enforcement after a deadline, so that any State will know whether the action it is taking would be consistent with that which the Administrator would take in the same situation, and so that the source may gain some assurance that its conscientious compliance efforts, in response to a State issued enforcement order, will be relatively free from Federal challenge. Therefore, the major part of this proposed rule making, as explained in further detail below, establishes rules that the Administrator will follow when ordering a source to comply with a plan requirement after an attainment date, and guidelines that the State is urged to follow, both to insure that State implementation of section 110 through enforcement is in fact effective, as well as to minimize the potential for independent EPA enforcement action in a given case.

Public participation requirements are included, primarily to encourage valuable public assistance, but with the hope as well that such public participation will minimize the need for independent citizen action, in cases of both Federal and State enforcement. Public participation is provided in the enforcement context because it is a natural follow-up to the requirements for public hearings which applied to the development of control requirements and compliance schedules (through variances, permits, enforcement orders, etc.) at earlier stages of the air pollution control effort. To attempt to exclude the public now and in the near future, when some of the most difficult compliance problems are being faced, would be inconsistent with one of the chief purposes of the Act.

SYNOPSIS

The regulations proposed below established a combination of substantive and procedural requirements (guidance for States) to be observed by an enforcement agency when proceeding with enforcement that will result in an enforcement timetable that extends past a statutory attainment date. Briefly, the substantive requirements are those presently pursued under the Agency's existing enforcement policy. They include existing regulatory requirements under Part 51, i.e., compliance must be achieved as expeditiously as practicable, or within a reasonable time, depending upon whether a primary standard is at issue (40 CFR 51.15 (b)); and, there must be appropriate increments of progress (40 CFR 51.15 (e)). There is an additional requirement that there be appropriate interim control measures.

In general, the procedural requirements involve the preparation of post attainment date enforcement schedules, public participation, and the essential characteristics of Federal/State coordination. The basic compliance plan, or order, should be prepared as a proposal prior to public participation, and the enforcement agency should have compiled all of the information necessary to support a finding that the plan, as proposed, satisfies the above noted substantive requirements. In addition, very general information concerning the alternative permanent control techniques should have been compiled. In some cases general information concerning interim control techniques should also have been compiled.

After the proposed plan or order has been prepared the public should be invited to comment and request a hearing. Fifteen days may be allowed to request a hearing—thirty days to submit comments. Whether or not a hearing should be held is at the discretion of a hearing officer, but depends largely upon the justification submitted by the person requesting a hearing. If a hearing is to be held, public notice will be given and the hearing may be scheduled within twenty-one days of the notice. The hearing would normally be legislative, rather than adjudicatory.

In addition to issues regarding the substance of the compliance plan or enforcement order, the public is invited to comment on whether prior compliance efforts by the source have been in good faith. In cases where such comments are persuasive, it is expected that the enforcement agency will pursue an appropriate punitive remedy; however, it is not anticipated that a source will be forced, for that reason, to comply by some earlier date, since the schedule in each case is intended to reflect the earliest appropriate date.

Public notice of the final action is to be given. This notice is brief; but the public is to be given continued access to the final order after its issuance. (Access is also given to the proposed order, all preparation materials, modifications to the final order, written comments, and the record of the public hearing.)

Several exceptions to the procedural requirements are allowed. Any schedule that lasts ninety days or less is so close to immediate that preparation and public participation requirements are considered unnecessary. (This exception would be allowed only once for any source.) Another exception is allowed for the Federal enforcement agency to adopt a State action that complies with Federal guidance; however, the Regional Administrator must be prepared to support findings that the substance of the State plan is satisfactory and that the procedural requirements were satisfied. Finally, an exception is allowed for the Federal enforcement agency to forego certain public participation requirements when the Federal order is different from the State plan or when the State action has some other defect, but when there is no need for further public participation. In this case, too, the Regional Administrator must be prepared to justify his use of the exception. No mention is made of State adoption of Federal enforcement, etc., not because such action is deemed inappropriate, but because the State's ability to do so is purely a matter of State law; nothing in the Clean Air Act would prevent the State from taking such action.

The regulations are separated into requirements applicable to EPA, and guidance applicable to the States. Largely they are duplicative. The major reason for the separation is merely to emphasize that the State guidance is not obligatory. This is stated clearly in § 65.1(b).

APPLICABILITY

Federal orders. Section 113 of the Clean Air Act authorizes the Administrator to issue administrative orders requiring compliance with sections 111(e), 112(c), 114, 119(g), and substantive requirements of implementation plans under section 110. However, since the adoption of regulations requiring an opportunity for public participation and public notice is designed to offer the public an input into enforcement orders that delay compliance beyond the attainment dates specified in Part 52 and mandated by section 110 of the act, only orders relating directly to attainment of the National Ambient Air Quality Standards are appropriately subject to these regulations. Federal orders requiring compliance with section 111(e) (New Source Performance Standards), section 112(c) (National Emission Standards for Hazardous Air Pollutants), section 114 or section 110 reporting requirements, or section 119 (g) (Energy Related Authority), are therefore not subject to the requirements of these proposed regulations.

The Administrator acknowledges that there are also important statutory deadlines under sections 111 and 112, and that it may be appropriate at some time in the future to publish guidelines or regulations outlining criteria under which the Agency intends to exercise its enforcement authority under those sections. At present, however, the Administrator considers it more appropriate to defer the development of such criteria until there has been more extensive experience in the enforcement of those sections of the Act.

Orders to comply with section 119(g) are also inappropriate subjects of this proposed part. Congress has, in the section 119 amendments to the Clean Air Act, expressed an intent to supersede the provisions of section 110. Section 119 permits non-compliance with the emission limitations approved under section 110, while subjecting a source which has been granted a temporary suspension of those limitations, or which has been granted a compliance date extension, to other restrictions necessary for attainment and maintenance of air quality standards.

Federal orders to comply with the reporting requirements promulgated pursuant to section 114 (or reporting requirements adopted pursuant to section 110 of the Act) do not delay compliance with emission limitations or emission standards necessary for attainment of ambient air quality standards. As such, they, also, are not proper subjects of this proposed part, and are not covered.

It is intended that these regulations not apply to orders involving state plan requirements that do not bear a direct relationship to achievement of the ambient standards by permanent emission reduction. Thus, Federal orders which delay compliance with federally approved State mass or visible emission limitations, process weight or fuel burning regulations, and operation and maintenance regulations, are the types of orders to which this proposed Part applies. Where, however, the Federal order requires compliance with federally approved State monitoring or reporting requirements, provides only for interim control measures, or adopts or changes only increments of progress, (without affecting a final compliance date), the order is not covered.

State orders. The guidance provisions of this part, apply only to State compliance plans which order compliance with State implementation plan requirements directly related to attainment of national ambient standards, and in which final compliance is required at a time beyond the attainment date specified in Part 52. The reasoning for this applicability is the same as stated above under *Applicability—Federal Orders.*

SUBSTANTIVE REQUIREMENTS

This proposed part imposes three kinds of substantive requirements on orders which result from Federal enforcement actions subject to Part 65, and provides identical guidance on compliance plans which result from State enforcement actions. These requirements set forth standards for the time limitations for compliance, the increments of progress, and the interim control measures contained in Federal orders.

The proposed § 65.3(a)(1) and the guidance of § 65.3(b)(1) require final compliance under the order as expeditiously as practicable with an implementation plan requirement necessary for attainment or maintenance of a primary standard, or requires final compliance under the order within the shortest reasonable time for any implementation plan requirement which is not necessary for the attainment or maintenance of a primary standard. Since these requirements are essentially the same as the individual source compliance schedule requirements under Parts 51 and 52, both EPA and the various State environmental agencies have experience in setting schedules which compuly with these requirements.

The proposed § 65.3(a)(2) and guidance of § 65.3(b)(2) require that the order contain appropriate increments of progress together with deadlines for meeting those increments. These increments must conform with the requirements of § 51.15(c), which are those required in state compliance schedule submittals for Federal approval of State implementation plans. Once, again, both the States and EPA are familiar with, and experienced in, writing schedules which comply with § 65.3(a)(2) or § 65.3(b)(2).

The proposed § 65.3(a)(3) and the guidance of § 65.3(b)(2) require the enforcement action to result in an order or plan containing reasonable interim control measures to reduce emissions from the sources and to protect the primary standard. These sections may be complied with by a provision in the order which requires the sources to submit an interim control plan within a specified time. This interim plan will then be evaluated by the Regional Administrator, and approved, modified, or replaced with a substitute, and the interim control plan will subsequently be incorporated into the order and become enforceable as part of the order.

An interim control plan, as required herein, is one which protects the public health during the period in which the source is acting to limit emissions permanently by the final compliance date. The focus of standards for interim plans is upon the reasonableness—both in terms of the effect on the ambient standards

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and upon the amount of emission reduction required. Thus, where a source impacts upon a primary standard that is currently being exceeded, more stringent interim control measures may be required of that source than if the primary standards were not presently being exceeded. However, in circumstances where the primary standard is being achieved, a source's interim control plan may still require substantial emission reduction, especially where such reduction is reasonable in terms of cost and availability. It is also expected that every attempt will be made to insure that such reduction measures are not incompatible with the technology required for ultimate achievement of applicable control requirements. Each source must be considered individually, and its circumstances analyzed in order to determine what are reasonable interim control measures. EPA and most states have experience in developing appropriate interim control plans.

PREPARATION OF THE ENFORCEMENT ACTION

In general, the same preparation required under § 65.5(a) for proposed Federal enforcement orders is also provided in the State guidance provisions of § 65.5(b) for proposed compliance plans. This preparation must be completed before publication of the notice of the opportunity to comment and request a hearing provided in §§ 65.4(a)(2) and 65.4(b)(2).

The proposed order must be developed in satisfaction of the substantive requirements of § 65.3(a)(1)–(3). The information supporting (1) the proposed final compliance date as proper in relation to the requirements of the plan, (2) the proposed increments of progress as appropriate and in conformance with § 51.15(c), and (3) the proposed interim control plan as reasonable and appropriate, must be assembled into one report, either in total or in summary form. In addition, a general description of the control equipment or measures which are available, and could be used to achieve compliance by the proposed final compliance date, must be compiled. If the proposed order does not contain interim control measures, but satisfies the requirements of § 65.3(a)(3) through a provision ordering submittal of an interim control plan, a general description of possible interim control measures must be compiled. If the proposed order contains a specific interim control plan, this general description is not required. The proposed action, report, and description are required in order to give the public a meaningful opportunity to participate, and in order to preserve a meaningful record of the action and its basis for the future reference of any interested person.

There are three categories of exceptions to these preparation requirements. First, short term orders and compliance plans under §§ 65.8(a)(1) and 65.8(b)(1) are excepted from all preparation requirements. The ninety-day time period is so short that it limits the alternatives available for compliance, and therefore the quantity of analysis necessary for preparation of an appropriate order. Where compliance is almost immediate, the public receives little benefit from extensive formal preparation of the order. Accordingly, these short term orders are not subject to public participation prior to their effective dates.

The second category of exceptions is Federal orders which adopt State enforcement actions. Although in such instances the Regional Administrator need not provide for a second round of public participation, he must nevertheless compile information which supports his determination (1) that the State enforcement action complied substantially with the guidance of this Part relating to final compliance, increments of progress and interim control measures, and (2) that the resulting Federal order is not materially different from the State compliance plan.

The third category of exceptions is Federal use of State public participation, as provided in § 65.8(a)(3). Although all preparation requirements except development of a proposed order are still required, they do not need to be completed until notice of the final order is published in accordance with § 65.4(a)(5). In addition, however, the Regional Administrator must compile the information, or a summary of the information, which supports the three determinations required by § 65.8(a)(3)(i): (1) The State action is found to be defective in a manner which makes it inappropriate for Federal adoption; (2) it is found that the federal order is substantially identical to a proposed State enforcement plan with respect to which the State has already provided for public participation conforming to this part, or, if the federal order is not substantially identical to such State plan, it is found that the federal order reflects public comments made on the State plan; and (3) if the State did not hold a hearing on the proposed compliance plan, it is found that the decision not to hold a hearing was proper in relation to the requests for a hearing which were submitted.

PUBLIC PARTICIPATION

The proposed § 65.4(a) provides for public participation in each Federal enforcement action subject to this part, and the proposed § 65.4(b) provides guidance for public participation in each State enforcement action subject to this part. The public participation required is, at a minimum, the opportunity for written comment, and, at the maximum, the holding of a public hearing on the proposed order or compliance plan at the discretion of the hearing officer.

Sections 65.4(a)(1) and 65.4(b)(1) delineate the scope of public participation on the issues of a final compliance date, increments of progress, interim control measures, and whether or not prior compliance efforts by the source have been in good faith.

Initially, it is important to note that under this proposed Part the public will never be excluded from notice of an enforcement action. Their written comments on the enforcement action are invited in all cases before the effective date of the resulting order or compliance plan, except where the action comes within the exception provided in §§ 65.8(a)(1) and 65.8(b)(1). These sections apply respectively to short-term orders or compliance plans and Federal adoption of State enforcement. Notice to the public of an order or compliance plan as issued is always required, regardless of any public participation exceptions that may apply to an enforcement action prior to its issuance.

The public access to information provisions of § 65.6 set forth the requirements and guidance applicable to enforcement actions, in order that the public may have access to information necessary for meaningful public participation.

Although the public has in most cases an absolute right to comment in writing before the final order or compliance plan is issued, the right to a public hearing is not absolute. Rather, the holding of a public hearing as provided in §§ 65.4(a)(3) and 65.4(b)(3) is, within the discretion of the hearing officer, limited by the standards of significant public interest, and the pertinency and substantiality of information on the enforcement action that will be offered at such a hearing.

It is the Administrator's belief that although public participation is important, a mandatory hearing, or a hearing upon request as a matter of right, is an unnecessary burden on the resources available to both EPA and the State agencies. This decision is based on various factors. Among these are the Agency's favorable experience with similar hearing provisions under the Federal Water Pollution Control Act, and the Agency's sometimes unfavorable experience with mandatory hearings under section 110 of the Clean Air Act. These experiences have indicated that there is often not significant public interest in compliance plans for particular sources, and that on occasion there is no attendance at mandatory hearings involving such sources. Comments on preliminary drafts of this proposed part substantiate that the standards for holding a hearing under the Federal Water Pollution Control Act provide for maximization of both the opportunity for public participation and the use of manpower resources needed to hold hearings.

The procedure for inviting public participation is simple. After preparation of a proposed enforcement order under § 65.5(a), notice of the opportunity to comment and request a public hearing, and of the availability of the documents supporting the proposed order, will be given by prominent advertisement in the air quality control region in which the source is located. This notice will specifically state that individuals have fifteen days in which to submit requests for a hearing along with a statement supporting the need for the hearing, including their interest in, and a summary of information they intend to offer at such a

hearing. In addition, this notice will designate the individual who, as the hearing officer, will determine whether a hearing will be held. If no hearing is held, the order may be made effective thirty days after publication of the notice.

If the hearing officer, after receipt and consideration of the requests for a hearing, determines that a hearing should be held, notice of the hearing will be given by prominent advertisement. Since any hearing held pursuant to this proposed part is legislative, rather than adjudicatory, the procedures for a hearing will be published with this notice; it will contain particular information on the hearing as set forth in § 65.4(a)(3)(iv). These procedures will reflect both the purpose of the hearing as fact-finding and the differing circumstances in each case. Thus, the hearing officer may specify such procedural requirements as time limitations for testimony, submittal of testimony prior to the hearing, and the registration of a witness prior to the hearing, according to the circumstances of the case. Since the hearing is legislative, no strict rules of evidence need be followed, and the giving of testimony is limited only by the restraints of efficiency, relevancy, and the purpose of the hearing. The hearing will not take place sooner than twenty-one days after publication of the notice scheduling the hearing. An enforcement order on which a hearing is held may not be effective against the source prior to the conclusion of the hearing. The time period between the hearing and the effective date is unspecified, and is dependent on the amount of modification of the proposed order, if any, warranted by consideration of all public comments.

Within thirty days after the effective date of every order issued in accordance with this proposed part, public notice of the order will be given by prominent advertisement in the air quality control region in which the source is located. All notices, except for specific requirements regarding actual notice to specified individuals or agencies, are required to be by prominent advertisement. Prominent advertisement for Federal enforcement actions will be in newspapers in the locality where the source is situated. Prominent advertisement for State enforcement actions will be through the approach developed by the State under § 51.4. This notice requirement is identical to that required by § 51.4 for hearings on state implementation plan revisions and compliance schedules. Since all states have developed their own approaches to complying with § 51.4, this method of public notice is considered to be the most practical and most easily implemented.

EXCEPTIONS

Short-term orders and compliance plans. The Administrator feels that it is appropriate to exempt both the State and EPA from the public participation provisions of this part in certain instances where a source is put under a Federal order or a State compliance plan of limited duration. Any order or compliance plan which sets final compliance within 90 days of its effective date, and which is the first such order or plan issued against a source, is exempted from the public participation requirements and guidance of this proposed part.

In general, it can be assumed that any compliance delay of 90 days or less is as expeditious as practicable. Any information relative to the timing or method of final compliance which the public could bring to the enforcing agency's attention can not justify delaying issuance of the short-term order by requiring prior public participation. However, under this proposal, the public is afforded notice of such orders under § 65.4(a)(6) and 65.4(b)(5).

This exemption applies to all orders and compliance plans, whether the source involved was subject to a compliance schedule adopted under Part 52, or a previous section 113 order or State enforcement order. The most important advantage of exempting these short-term orders from prior public participation is obtaining control over a source quickly through the issuance of an administrative order not subject to the 30 day minimum public participation delay—45 days, with a hearing. (In actuality the delay might be much longer.) Where a source can be ordered to comply within 90 days or less from the order's or the compliance plan's effective date, such delays are unwarranted.

This exemption in no way limits the right of a citizen to bring a section 304 action against a source subject to a short-term order or plan, nor does it limit section 113 action by EPA against a source subject to a State compliance plan exempted under § 65.8(b). Thus, these avenues remain available for correction of possible abuses of the exemption. Since only one such exempted order or plan per source will be available to EPA or the State, there is no possibility that the public will be excluded from participation for an indefinite amount of time. It is the opinion of the Administrator that the advantage of prompt compliance through an exempted short-term order outweighs any disadvantage of delay that public participation involves.

Federal adoption of State enforcement. In certain limited instances, EPA may issue a Federal order under this part without complying with the public participation requirements of § 65.4(a) or the preparation requirements of § 65.5(a)(1), (3) and (4). This exception to the usual procedures for issuing Federal enforcement orders, provided by § 65.8(a)(2), is available only where the resulting Federal order is, in all substantial aspects, identical to a State compliance plan issued pursuant to the guidance of this part.

Where Federal action is deemed appropriate, even though a source is already subject to a State compliance plan, and the appropriate Federal order is not materially different from the State compliance plan, it is the Administrator's opinion that a duplication by EPA of the public participation requirements, and most of the preparation requirements of this proposed part (which have been complied with by the State agency) are unnecessary and contrary to the public interest. In such cases, the public has had an opportunity to comment and request a hearing on a proposed compliance plan, and has had for its inspection the information which would have been required under § 65.5(a)(1), (3), and (4) if no exception was applicable. Thus, the citizen has had an opportunity to participate in the formation of the state compliance plan which the Federal order adopts, and, in effect, has indirectly participated in the Federal enforcement action.

Although the resulting Federal order to which the exception in § 65.8(a)(2) may apply need not be identical to the State compliance plan it adopts, the two enforcement actions must not be materially different. For example, major differences in source reporting requirements would not eliminate use of this exception provision, primarily, because reporting is not the type of requirement that requires one specific solution to insure attainment of substantive objectives of this part, e.g., that compliance be attained as expeditiously as practicable. Differences which would prohibit use of the exception relate to fundamentally important requirements such as the timing of a final compliance date. Even in the latter case, however, some minor discrepancy would be permissible, e.g., a one or two week difference to alleviate some administrative inconvenience. It is expected that the use of this exception will rarely involve variations from the major substantive provisions in State compliance plans. To do so would be to establish conflicting Federal and State requirements. Normally a minor difference would not warrant imposing inconsistent requirements.

One expected use of Federal orders to which this exception will apply is the instance where a source, already subject to a State compliance plan issued in accordance with the guidance of this part, desires to be put under a similar Federal order to gain assurance that independent Federal action will not be taken. Where such circumstance occurs, and the Regional Administrator determines both that the compliance plan was issued in accordance with the guidance of this part and that it is an appropriate subject of Federal enforcement action, the Federal order comes within this exception. The Administrator encourages use of the federal adoption mechanism in all appropriate cases, and particularly encourages the use of consent orders to expedite the adoption process. Through waiver of the notice of violation and opportunity for a conference required by section 113 of the Act, a source subject to a Federally acceptable State compliance plan may be issued a federal enforcement order which adopts the State plan with minimum delay. Other appropriate circumstances for the adoption of State enforcement include cases in which the resources available to the State agency should be

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augmented by the use of Federal resources for effective monitoring and assurance of compliance, and cases in which EPA believes minor requirements of an enforcement compliance schedule, such as reporting requirements, should be different from those provided in the State compliance plan. In addition, it may be appropriate for EPA to adopt State enforcement where the remedies for violation of the State compliance plan are not as strict or expeditious as those available for violation of a Federal order, and the Regional Administrator feels that the availability of such remedies is necessary to insure compliance.

Although a Federal order comes within the exception of § 65.8(a)(2), the Regional Administrator must still make available to the public a summary of the information under § 65.5(a)(2) supporting the substantive appropriateness of the order as required by § 65.3(a)(1)–(3), give public notice of the order as issued within 30 days of its effective date, and make publicly available information which supports the determination that the adopted compliance plan complied substantially with Part 65 guidance, and that the Federal order is both appropriate and not materially different from the State compliance plan.

Federal use of State public participation. Under § 65.8(a)(3) of this proposed part, EPA is exempted from the public participation requirements of § 65.4(a)(1)–(4) when pursuing the issuance of an independent Federal enforcement order under section 113 against a source already subject to a state enforcement action, provided that certain affirmative determinations designed to protect the public interest are made by the Regional Administrator. All other public notice requirements and the preparation requirements of § 65.5(a)(2)–(4) remain applicable to the Federal enforcement action and its development.

In order to comply with the requirements of § 65.8(a)(3) and thereby exempt the Federal enforcement action from public participation, the Regional Administrator must make several determinations. First, he should find that the State enforcement action is for some reason defective making federal adoption of the State plan under § 65.8(a)(2) inappropriate. Second, he should find that the State has provided for public participation consistent with the guidance of § 65.4(b) on either: (1) A proposed compliance plan which is substantially identical to the Federal order which EPA will issue, or (2) a proposed compliance plan not substantially identical to the Federal order, but in which differences are justified by public comment made on the proposed State plan. And third, he should find that if the State exercised its discretion under § 65.4(b)(3), deciding not to hold a public hearing, that such determination is supported by a review of the requests for such a hearing.

This exception from the public participation requirements of § 65.4(a)(1)–(3) eliminates repetitive public airing of issues already brought to the attention of the Agency, the source, and the public. Where the issues involved in the Federal order are substantially the same as those involved in the State compliance plan, or the Federal order justifiably reflects public comment on the State's proposed compliance plan, the expenditure of resources involved in a second round of public participation is essentially duplicative and therefore would be unproductive.

After the determinations enumerated in § 65.8(a)(3)(i), as explained above, are made, a Federal order to which this exception applies may be issued effective immediately upon issuance. Notice of the order will be given pursuant to § 65.4(a)(5), and all preparation documents compiled pursuant to § 65.5(a)(2)–(4), as well as supporting information on the determinations required by § 65.8(a)(3)(i), must be available to the public.

GOOD FAITH AS AN ISSUE

The Administrator considers it appropriate and important to raise in the context of public participation the issue of whether prior compliance efforts by a source receiving an order or plan under this part have been in good faith. As a purely legal matter he is required by section 113(a)(4) of the act to consider such efforts when formulating a compliance schedule in any enforcement order—whether such order will expire prior to or after an attainment date. Moreover, it is the Administrator's determination that Congress expressed in section 110(f) of the act its clear intent that good faith be an important consideration in any postponement of a statutory deadline for an individual air pollution source.

The Administrator recognizes that there is some likelihood that many sources will not have complied with the applicable emission limitations by the statutory deadlines for justifiable cause. However, he also recognizes that noncompliance may also have resulted from a lack of effort, or, in some cases, a decision not to comply. In such cases, he considers it the Agency's responsibility to the public, and to those similar sources who have in good faith invested substantial resources in legitimate compliance efforts, to redress the wrong.

To this end, the Administrator encourages the public or any other interested person to comment during the public participation stage of a State or Federal enforcement action on whether a source's prior compliance efforts were in good faith. Although no formal finding concerning the issue is required, where a persuasive case is made, it is expected that the enforcement agency involved will pursue whatever punitive sanctions may be available. It is not expected, however, that a source will be penalized by requiring compliance by some earlier date, since the timetable in each case is intended to reflect the earliest appropriate date.

These regulations are intended to apply to any enforcement action that is not yet effective against a source on the date that the final version becomes effective. Interested persons may participate in this rule making by submitting written comments (in triplicate) to Richard D. Wilson, Division of Stationary Source Enforcement, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. All relevant comments received not later than May 2, 1975, will be considered. Receipt of comments will be acknowledged. Comments received will be available to the public at the Office of Public Affairs, 401 M Street SW., Washington, D.C. 20460.

This notice of proposed rule making is issued under the authority of sections 113 and 301 of the Clean Air Act, as amended (42 U.S.C. 1857c–8 and 1857g).

Dated: March 26, 1975.

RUSSELL E. TRAIN,
Administrator.

It is proposed to amend Chapter I, of Title 40, Code of Federal Regulations, by adding Part 65 as follows:

PART 65—ENFORCEMENT AUTHORITY

Sec.
65.1 Intent.
65.2 Definitions.
65.3 Enforcement deadlines for compliance.
65.4 Public publication.
65.5 Preparation of enforcement action.
65.6 Public access to information.
65.7 Effective date for enforcement order or compliance plan.
65.8 Exceptions.
65.9 Federal review of State enforcement action.
65.10 Savings provisions.

AUTHORITY: Secs. 113 and 301 of the Clean Air Act, as amended (42 U.S.C. 1857c–8 and 1857g).

§ 65.1 Intent.

(a) No requirement under this part is intended to restrict enforcement authority except as specifically provided herein.

(b) Any requirement applicable to a State under this part is intended to be guidance only and not to be enforceable as such. There is no obligation that the State observe such guidance; however, if the State fails to do so, the Administrator may consider that failure when determining whether or not to enforce independently against a source that may have been the subject of a State enforcement action.

(c) Although the regulations under this part provide an opportunity for public comment and a hearing on the issue of whether prior compliance efforts by certain sources have been in good faith, there is no requirement or guidance that a finding relating to that issue be made. While a new time for compliance may be required, if evidence tends to indicate that a source has not exercised good faith, it is expected that the enforcing agency will give careful consideration to pursuing in a concurrent action whatever punitive sanctions may be available.

(d) It is intended that the requirements and guidance of this part apply only to an enforcement action which requires that a source comply with an emission limitation of an implementation plan after the applicable attainment date in that plan. This Part does not apply to an enforcement action that requires compliance with a reporting or a certification requirement, an interim control measure, an increment of progress, or any other requirement that will not affect the final date by which the source must be in compliance with an emission limitation.

§ 65.2 Definitions.

Except as otherwise defined herein, terms used in this part shall have the meaning given them in the Act, Part 51, or Part 52.

(a) "Compliance plan" shall mean a plan for compliance issued by a State as a consequence of an enforcement action.

(b) "Emission limitation," for purposes of this part only, shall mean any requirement approved as a part of the control strategy of an implementation plan for the purpose of establishing a permanent limit on the amount of pollutants that may be emitted into the ambient air by a pollution source.

(c) "Enforcement action" shall mean enforcement action brought by either the State or the Administrator. If brought by the Administrator, "enforcement action" shall mean any action brought against a source pursuant to section 113(a) of the Act resulting in an enforcement order. If brought by a State, "enforcement action" shall mean any action against a source resulting in a compliance plan for that source to comply with an emission limitation of an applicable implementation plan, provided that such action is initiated by the State against a source found by the State to be in violation of an existing requirement under the implementation plan.

(d) "Enforcement order" shall mean an order to comply with a requirement of an applicable plan issued under authority of section 113(a)(4), and shall include an amendment to or modification of an existing enforcement order.

(e) "State" shall mean any agency or person authorized under State law to take the actions described in § 65.3 et seq.

§ 65.3 Enforcement deadlines for compliance.

(a) *Federal requirements.* Any Federal enforcement action that requires a person to comply with an emission limitation of an implementation plan after the applicable attainment date under that plan shall conform with the requirements of this paragraph.

(1) The enforcement action shall require final compliance as expeditiously as practicable with any requirement of a plan necessary for the attainment or maintenance of a primary standard; or, the enforcement action shall require final compliance within the shortest reasonable time with any requirement of a plan not necessary for the attainment or maintenance of a primary standard.

(2) The enforcement action shall result in a timetable for compliance which contains appropriate increments of progress with specific deadlines for achieving such increments. Such increments shall conform to those required under § 51.15(c) of this chapter.

(3) The enforcement action shall require the source to apply reasonable interim measures to reduce emissions and protect against pollution concentrations in excess of those specified by a primary standard. In satisfaction of this requirement it shall be sufficient to require (i) that the source submit within the shortest reasonable time an interim control plan which may be approved, modified, or disapproved and replaced with a substitute plan by the Regional Administrator, and (ii) that upon such action the plan will become enforceable as a part of the order.

(4) The Regional Administrator shall have taken such enforcement action in accordance with the requirements of §§ 65.4, 65.5 and 65.6 of this part.

(b) *State guidance.* Any State enforcement action that requires a person to comply with an emission limitation of an implementation plan after the applicable attainment date under that plan should conform with provisions of this paragraph

(1) The enforcement action should require final compliance as expeditiously as practicable with any requirement of a plan necessary for the attainment or maintenance of a primary standard; or, the enforcement action should require final compliance within the shortest reasonable time with any requirement of a plan not necessary for the attainment or maintenance of a primary standard.

(2) The enforcement action should result in a timetable for compliance which contains appropriate increments of progress with specific deadlines for achieving such increments. Such increments should conform to those required under § 51.15(c) of this chapter.

(3) The enforcement action should require the source to apply reasonable interim measures to reduce emissions and protect against pollution concentrations in excess of those specified by a primary standard. In satisfaction of this provision it will be sufficient to require (i) that the source submit within the shortest reasonable time an interim control plan which may be approved, modified, or disapproved and replaced with a substitute plan by the State, and (ii) that upon such action the plan will become enforceable as a part of the enforcement action.

(4) The State should have taken such enforcement action in accordance with the requirements of §§ 65.4, 65.5 and 65.6.

§ 65.4 Public participation.

(a) *Federal requirements.* (1) Except as provided in § 65.8(a), the Regional Administrator shall, subsequent to any conference offered under section 113 of the Act but prior to the effective date of an enforcement order, provide the public an opportunity for comment and offer the public an opportunity for a hearing on the following aspects of any enforcement order subject to this part:

(i) A proposed date for final compliance,

(ii) Proposed increments of progress,

(iii) Proposed interim control measures, and

(iv) Whether or not prior compliance efforts by the source have been in good faith.

(2) *Notice of opportunity to comment and request a hearing.* (i) Notice of such opportunity shall be by prominent advertisement in the air quality control region in which the source is located. Actual notice shall be given to the State and local air pollution control agency involved. In the case of an interstate region actual notice shall be given to the State and local air pollution control agencies of each State included within the region.

(ii) Such notice shall contain, at a minimum, (A) notice of the opportunity as described in paragraph (a)(1) above, (B) the time limits for requesting a public hearing or making comments as described in paragraphs (a)(3) and (4) below, (C) a statement that any person requesting a public hearing shall include with his request a statement supporting the need for such a hearing, which includes an indication of his interest and a brief summary of the information he intends to offer at such hearing, and (D) the availability of the documents described in § 65.6(a).

(3) *Public hearing.* (i) At least fifteen days following publication of the notice described in paragraph (a)(2) of this section shall be allowed for receipt of a request for a public hearing.

(ii) A public hearing shall be held if the hearing officer finds that there is significant public interest in such a hearing or if there is pertinent and substantial information to be offered on the issues listed in paragraph (a)(1) of this section.

(iii) If a public hearing is to be held, the hearing shall be scheduled no sooner than twenty-one days following the notice described in paragraph (a)(3)(iv) of this section.

(iv) Notice of a public hearing shall be given the public and the State and local agencies in the same manner as required by paragraph (a)(2)(i) of this section. Such notice shall contain, at a minimum, the date, time, and place and subject of such hearing, as well as a brief description of how the hearing will be conducted.

(v) A hearing held pursuant to this subparagraph shall be legislative, not adjudicatory.

(4) Due consideration shall be given to all relevant public comment, whether submitted as a comment or adduced at a hearing, and where appropriate the enforcement order under consideration shall be modified in view of such comments.

(5) Within thirty days after the effective date of a Federal enforcement order issued in accordance with this part, the Regional Administrator shall give public notice of such action by prominent advertisement in the air quality control region in which the source is located. This notice shall include the source name, location, the applicable regulation, and a date for final compliance.

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(b) *State guidance.* (1) Except as provided in § 65.8(b), the State should, prior to the effective date of a compliance plan, provide the public an opportunity for comment and offer the public an opportunity for a hearing on the following aspects of any compliance plan subject to this part:

(i) A proposed date for final compliance,

(ii) Proposed increments of progress,

(iii) Proposed interim control measures, and

(iv) Whether or not prior compliance efforts by the source have been in good faith.

(2) *Notice of opportunity to comment and request a hearing.* (i) Notice of such opportunity should be by prominent advertisement in the air quality control region in which the source is located. At the same time, actual notice should be given the Regional Administrator by certified mail. In the case of an interstate region actual notice should also be given to the State included within the region.

(ii) Such notice should contain at a minimum:

(A) Notice of the opportunity as described in paragraph (b)(1) of this section, and

(B) The time limits for requesting a public hearing or making comments as described in paragraphs (b)(3) and (4) of this section,

(C) A statement that any person requesting a public hearing should include with his request a statement supporting the need for such a hearing, which includes an indication of his interest and a brief summary of the information he intends to offer at such hearing, and

(D) The availability of the documents described in § 65.6(b).

(3) *Public hearing.* (i) At least fifteen days following publication of the notice described in paragraph (b)(2) of this section should be allowed for receipt of a request for a public hearing.

(ii) A public hearing should be held if the hearing officer finds that there is a significant public interest in such a hearing or if there is pertinent and substantial information to be offered on the issues listed in paragraph (b)(1) of this section,

(iii) If a public hearing is to be held, the hearing should be scheduled no sooner than twenty-one days following the notice described in paragraph (b)(3)(iv) of this section,

(iv) Notice of public hearing should be given the public, the Regional Administrator, and local agencies in the same manner as required by paragraph (b)(2)(i) above. Such notice should contain, at a minimum, the date, time, place and subject of such hearing as well as a brief description of how the hearing will be conducted.

(v) A hearing held pursuant to this subparagraph may be legislative, rather than adjudicatory.

(4) Within thirty days after the effective date of a State compliance plan, the state should give public notice of such action by prominent advertisement in the air quality control region in which the source is located. This notice should include the source name, location, the applicable regulation, and a date for final compliance. A copy of the compliance plan in its final form, should be provided the Regional Administrator by certified mail immediately following its effective date.

§ 65.5 Preparation of enforcement action.

(a) *Federal requirements.* Except as provided in § 65.8(a), prior to the notice required by § 65.4(a)(2) of this chapter the Regional Administrator shall:

(1) Develop a proposed enforcement order which, in the Regional Administrator's determination, satisfies the requirements of § 65.3(a)(1)–(3), after giving full consideration to the best information available, including but not limited to such information as may have been provided by the source prior to or at a conference held pursuant to section 113(a)(4) of the Act; and

(2) Assemble into a single report all information, or a summary of that information, supporting the determination made in paragraph (a)(1) above; and

(3) Compile a general description of available control equipment or other control measures that could be used to attain compliance within the proposed final compliance time period; and

(4) Compile a description of possible interim control techniques (if such techniques are not described in the order).

(b) *State guidance.* Except as provided in § 65.8(b), prior to the notice required by § 65.4(b)(2) of this chapter, the State should:

(1) Develop a proposed compliance plan, which in the State's determination, satisfies the requirements of § 65.3(b)(1)–(3), after giving full consideration to the best information available, including but not limited to such information as may have been provided by the source prior to public notice under § 65.4(b)(2); and

(2) Assemble into a single report all information, or a summary of that information, supporting the determination made in paragraph (b)(1) of this section; and

(3) Compile a general description of available control equipment or other control measures that could be used to attain compliance within the proposed final compliance time period; and

(4) Compile a general description of possible interim control techniques (if such techniques are not described in the order).

§ 65.6 Public access to information.

(a) *Federal requirements.* (1) The proposed enforcement order and the information required by § 65.5(a)(1)–(4) shall be made available to the public at a place with reasonable public access and at reasonable times, beginning when notice of the opportunity for comment and a hearing under § 65.4(a)(2) is published, and thereafter.

(2) The Regional Administrator shall also provide reasonable public access at reasonable times to—

(i) The final enforcement order, including requirements incorporated within the order at a later time, and

(ii) Any written comments, and

(iii) The record of the public hearing, if one has been held.

(b) *State guidance.* (1) The proposed compliance plan and the information as provided for by § 65.5(b)(1)–(4) should be made available to the public at a place with reasonable public access and at reasonable times, beginning when notice of the opportunity for comment and a hearing under § 65.4(b)(2) is published, and thereafter.

(2) The State should also provide reasonable public access at reasonable times to—

(i) The final compliance plan, including requirements incorporated within the plan at a later time, and

(ii) Any written comments, and

(iii) The record of the public hearing, if one has been held.

§ 65.7 Effective date for enforcement order or compliance plan.

(a) *Federal enforcement order.* Except as provided by § 65.8(a), the enforcement order shall be effective against the source no sooner than thirty days after the publication of notice under § 65.4(a)(2) of this chapter, but shall not be made effective against the source prior to any public hearing.

(b) *State compliance plan.* Except as provided by § 65.8(b), the compliance plan should be effective against the source no sooner than thirty days after the publication of notice under § 65.4(b)(2) of this chapter, but should not be made effective against the source prior to any public hearing.

§ 65.8 Exceptions.

(a) *Federal exceptions*—(1) *Short term enforcement orders.* (i) If an enforcement order under this part will require final compliance no later than ninety days following the date it is issued against a source, the order may be made effective against the source without prior public participation, and without observing the preparation requirements of § 65.5.

(ii) Within thirty days following the issuance of a short term order pursuant to this subparagraph, the Regional Administrator shall provide the public notice of such order as required under § 65.4(a)(5).

(iii) An exception under this subparagraph shall be allowed only once for each source.

(2) *Federal adoption of State enforcement.* (i) If the Regional Administrator determines that a State enforcement action complies substantially with the guidance under this part, but that a Federal enforcement action is nevertheless appropriate, he may forego the public participation requirements under § 65.4(a)(1) through (4) and the preparation requirements under § 65.5(a)(1), (3) and (4) when bringing an enforcement action against the same source, provided that the resulting order is not materially different from the compliance plan required by the State. Such determination shall be made only after review of all actions taken in accordance with the guidance under this part, including review of a record of any hearing held pursuant to 65.4(b)(3).

(ii) The regional Administrator shall give public notice in the manner prescribed by § 65.4(a)(5) of any enforcement order for which the exception provided in this subparagraph is applicable.

(iii) Whenever an exception under this subparagraph is applicable, information normally required to be available to the public under § 65.6(a) need not include the descriptions required by § 65.5(a)(1), (3) and (4). However, in addition to the materials required by § 65.5(a)(2), information must be made available that supports the determination made in paragraph (a)(2)(i) of this section.

(iv) Enforcement orders issued pursuant to this subparagraph may be effective immediately upon issuance.

(v) Information prepared pursuant to paragraph (a)(2)(iii) of this section shall be made available to the public at the same time that public notice of the enforcement order is given under § 65.4(a)(5).

(3) *Federal use of State public participation requirements.* (i) If the Regional Administrator determines that a State enforcement action is for some reason defective, so that federal adoption under (a)(2) of this section is inappropriate, he may, in adopting a Federal enforcement order, forego the public participation requirements under § 65.4(a)(1)–(4) provided that—

(A) He finds, after reviewing the information made available by the State pursuant to § 65.6(b) that the State has already provided for public participation in a manner consistent with the guidance under § 65.4(b)—

(*1*) On the compliance plan in question and that it is substantially identical to the federal enforcement order, or

(2) On the compliance plan in question and that, if not substantially identical to the federal enforcement order, any differences reflected in terms of the federal order are justified in view of public comment on the State compliance plan, and

(B) If no hearing was held by the State, he finds, after considering requests, if any, made to the State for such a hearing, that the State has acted in accordance with the guidance under § 65.4(b)(3)(ii).

(ii) Whenever an exception under this subparagraph is applicable, prior to the effective date of the order the Regional Administrator shall assemble into a single report all information, or a summary of that information, supporting the findings made in paragraph (a)(3)(i) of this section.

(iii) The preparation requirements under § 65.5(a) remain applicable, except that it is not required that a proposed order be developed. The required preparation must be accomplished prior to public notice under § 65.4(a)(5).

(iv) Enforcement orders issued pursuant to this subparagraph may be effective immediately upon issuance.

(v) Information prepared pursuant to paragraphs (a)(3)(ii) and (iii) of this section shall be made available to the public at the same time that public notice of the enforcement order is given under § 65.4(a)(5).

(b) *State exceptions*—(1) *Short term compliance plans.* (i) If a compliance plan under this part, or an amendment thereof, will require final compliance no later than ninety days following the date it is issued against a source, the compliance plan may be made effective against the source without prior public participation, and without observing the preparation requirements of § 65.5.

(ii) The State should give notice to the public and the Regional Administrator as provided by § 65.4(b)(4).

(iii) An exception under this subparagraph should be allowed only once for each source.

§ 65.9 Federal review of State enforcement action.

The State may at any time request a determination by the Regional Administrator as to whether a State procedure in general, or as applied in a specific case, satisfies one or more of the guidance criteria in this part. The Regional Administrator shall make a prompt response to any such request.

§ 65.10 Savings provisions.

(a) No enforcement action taken by the State shall in any way restrict the right of

(1) A person to sue independently for appropriate relief under section 304 of the Act, or other applicable law, or

(2) The Regional Administrator to enforce independently against that source under section 113 of the Act.

(b) No enforcement action taken by the Agency shall in any way restrict the right of

(1) A person (including a State) to sue independently under section 304 of the Act, or other applicable law, or

(2) A State to bring independent enforcement action to compel compliance according to stricter requirement.

(c) Nothing in this subpart shall affect the validity of enforcement action taken by either the State or the Agency prior to the effective date of these regulations.

[FR Doc.75-8398 Filed 4-1-75;8:45 am]

V 40 64
APR 2 75

V 40-64

APR 2 75

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of October 1, 1974)

Title 2—Clemency	$ .70
Title 7—Agriculture (Parts 1000–1059)	4.35
Title 13—Business Credit and Assistance	3.60

[A Cumulative checklist of CFR issuances for 1974 appears in the first issue of the Federal Register each month under Title 1]

Order from Superintendent of Documents,
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65

federal register

April 3, 1975—Pages 14885–15062

THURSDAY, APRIL 3, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 65

Pages 14885–15062

PART I

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

PRESIDENTIAL DOCUMENTS—
Executive Order establishing the Collective Bargaining Committee in Construction 14887
Executive Order extending reporting date for the Commission on CIA Activities Within the United States .. 14885

AUTOMOTIVE DRIVING AIDS—VA proposes design and test criteria; comments by 5–2–75 15017

EDUCATIONAL OPPORTUNITIES—HEW/OE amends regulations and issues notice concerning certain programs; effective 4–3–75 (6 documents) 14917–14918, 14966–14967

NURSING SCHOOLS—HEW/PHS proposes to amend regulations on financial distress grants; comments by 5–5–75 14932

MEDICARE—HEW/SSA proposes termination of inpatient routine nursing salary cost differential; comments by 5–5–75 14934

DISCLOSURE STATEMENT REQUIREMENTS—Cost Accounting Standards Board proposes changes; comments by 6–6–75 14942

FREEDOM OF INFORMATION—USDA/Office of Audit revises regulations; effective 4–3–75 14891

NEW DRUGS—HEW/FDA withdraws approval of certain substances and proposes to withdraw approval of pipradrol hydrochloride (5 documents) 14961–14963

ANTIBIOTICS—HEW/FDA confirms effective date of 11–11–74 for revoking provisions for certification of drugs containing neomycin sulfate, polymyxin B sulfate, and acetarsone 14906

FOOD ADDITIVES—HEW/FDA provides for safe use of certain chemicals in food-contact articles (3 documents) effective 4–3–75 and 5–5–75 14905

TRAFFIC OPERATIONS—DOT/FHA issues guidelines on improvement of roads not on Federal-aid systems; effective 4–3–75 14907

(Continued inside)

PART II:

ADVISORY COMMITTEE MANAGEMENT—State proposes guidelines; comments by 4–30–75 15059

V 40 65

APR 3 75

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

DOT/FAA—Standard instrument approach procedures..... 7627; 2-21-75

List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202-523-5286. For information on obtaining extra copies, please call 202-523-5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202-523-5022.

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HIGHLIGHTS—Continued

MEETINGS—
SBA: Columbus District Advisory Council, 5-6-75..... 15017
Arms Control and Disarmament Agency: General Advisory Committee on Arms Control and Disarmament, 5-8 and 5-9-75..... 14970
HEW/NIH: Surgery A Study Section, 4-16-75..... 14965
Primate Research Centers Advisory Committee, 5-5-75..... 14965
Recombinant DNA Molecule Program Advisory Committee, 5-12 and 5-13-75..... 14965
Board of Scientific Counselors, 5-19 and 5-20-75.... 14964
Clinical Trials Review Committee, 4-28 and 4-29-75..... 14964
President's Cancer Panel, 5-13 and 5-29-75 (2 documents)..... 14965
National Commission on Diabetes, 4-30 through 5-2-75..... 14964
National Advisory Council on Aging, 4-23 and 4-25-75..... 14964
Transplantation and Immunology Committee, 5-16-75..... 14965
National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, 4-25 and 4-26-75..... 14968
Ad Hoc Advisory Group on Puerto Rico: Compact of permanent union between Puerto Rico and the United States, 5-8 through 5-10-75..... 14970
American Revolution Bicentennial Administration: American Revolution Bicentennial Council, 4-7-75.. 14970
DOD: Defense Science Board Task Force on Accuracy, 4-21 and 4-22-75..... 14956
Commerce/DIBA: National Industry Energy Conservation Council, 5-7-75..... 14960
NRC: Office of Standards Development, 4-25-75..... 15013
CHANGED MEETINGS—
HEW/NIH: Advisory Committee to the Director, 5-1-75 14963
RESCHEDULED HEARINGS—
DOT/NHTSA: Mustang and Cougar safety features, 4-22-75..... 14969

contents

THE PRESIDENT

Executive Orders
Establishing the Collective Bargaining Committee in Construction..... 14887
Extending the reporting date for the Commission on CIA activities within the United States..... 14885

EXECUTIVE AGENCIES

AGRICULTURAL MARKETING SERVICE
Rules
Grade and size standards:
Grapefruit, white seedless; imported..... 14891
Oranges, grapefruit, tangerines, and tangelos grown in Fla.. 14889
Limitation of handling and shipments:
Oranges (navel) grown in Arizona and designated part of California..... 14889
Oranges (Valencia) grown in Arizona and designated part of California..... 14890

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service, Forest Service, Soil Conservation Service.
Rules
Freedom of Information; Audit Office..... 14891

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION
Notices
Meetings:
American Revolution Bicentennial Council..... 14970

ARMS CONTROL AND DISARMAMENT AGENCY
Notices
Meetings:
Arms Control and Disarmament, General Advisory Committee on..... 14970

AIR FORCE DEPARTMENT
Notices
Meeting:
Scientific Advisory Board..... 14956

CIVIL AERONAUTICS BOARD
Rules
Military transportation; exemption of air carriers; reasonable levels of compensation, etc.:
Fuel surcharge rates; categories A and B..... 14893
Notices
Hearings, etc.:
Fare investigations, California and Texas markets..... 14976
International Air Transport Association..... 14970
Purolator Sky Courier, Inc.... 14976
Transatlantic route proceeding.. 14977
United Air Lines, Inc..... 14977

COAST GUARD
Proposed Rules
Marine engineering systems and components..... 14935

COMMERCE DEPARTMENT
See also Domestic and International Business Administration; National Oceanic and Atmospheric Administration; Trade Adjustment Assistance Office.
Notices
Household appliances and equipment, voluntary labeling program to effect energy conservation; annual report..... 14961

COST ACCOUNTING STANDARDS BOARD
Proposed Rules
Disclosure statement; basic requirements..... 14942

DEFENSE DEPARTMENT
See also Air Force Department.
Notices
Meeting:
Science Board Task Force on Accuracy..... 14956

DISEASE CONTROL CENTER
Notices
Sampling and analytical methods, validated; availability..... 14961

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Rules
Communities eligible for assistance; certification..... 14925
Firms eligible to apply for assistance; certification..... 14921
Notices
Meeting:
National Industrial Energy Conservation Council..... 14960

EDUCATION OFFICE
Rules
Funding criteria:
Educational opportunity centers..... 14917
Upward bound..... 14918
Notices
Applications closing dates:
Domestic mining and mineral and mineral fuel conservation fellowships..... 14966
Funding criteria for applications:
Domestic mining and mineral and mineral fuel conservation fellowships (proposed)..... 14966
Foreign language and area studies fellowships..... 14967
Talent search—special services for disadvantaged students... 14967

ENVIRONMENTAL PROTECTION AGENCY
Notices
Pesticide registration, applications..... 14979

CONTENTS

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directives:
Boeing..... 14891
Control zone and transition area; alteration..... 14892
Proposed Rules
Control zone and transition area; alteration..... 14934
Notices
Meetings:
Aviation Rulemaking Advisory Committee..... 14975
Special Aviation Regulations Advisory Committee..... 14975

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Arkansas Power & Light Co..... 14971
Consolidated Gas Supply Corp.. 14971
Consumers Power Co..... 14971
Delhi Gas Pipeline Corp..... 14972
Florida Gas Transmission Co.... 14972
Gulf States Utilities Co..... 14972
Kansas Gas and Electric Co..... 14973
Kansas Power and Light Co..... 14973
Kentucky West Virginia Gas Co. 14973
Mississippi River Transmission Corp..... 14973
Natural Gas Pipeline Co. of America..... 14974
Northern Natural Gas Co..... 14974
Pacific Gas and Electric Co..... 14974
Panhandle Eastern Pipe Line Co. 14974
Public Service Co. of Indiana, Inc..... 14975
Southern Natural Gas Co..... 14975
Texas Eastern Transmission Corp..... 14975
Texas Gas Transmission Corp.... 14975
Transcontinental Gas Pipe Line Corp..... 14975

FEDERAL RESERVE SYSTEM
Notices
Applications, etc.:
Bank of Virginia Co..... 14976
Bankers Trust New York Corp.. 14976
Citizens Bancorporation..... 14976
Commerce Bancshares, Inc..... 14976
Fidelity Union Bancorporation.. 14976
First Bancorporation of Texas, Inc..... 14976
First Bancshares of Arkansas, Inc..... 14976
First Commerce Corp..... 14976
First Union, Inc..... 14976
Mercantile Bancorporation, Inc. 14977
Mercantile Texas Corp..... 14977
Peoples Bancorporation..... 14977
Rhode Island Hospital Trust National Bank..... 14977
Southeastern Banking Corp..... 14977
Southwest Bancshares, Inc..... 14977
Union Bancorporation..... 14977
Union Planters Corp..... 14977
United Virginia Bankshares, Inc. 14977

FISH AND WILDLIFE SERVICE
Rules
Endangered species; importation, exportation, and taking..... 14894
Proposed Rules
Endangered species; importation, exportation, and taking..... 14934

FOOD AND DRUG ADMINISTRATION
Rules
Food additives:
Adjuvants, production aids, and sanitizers..... 14895
Polymers..... 14895
Proposed Rules
Food additives:
Adjuvants, production aids, and sanitizers..... 14936
Polymers..... 14936
Notices
Food additives:
Petitions filed..... 14962
Petitions withdrawn..... 14962
Meeting:
Food Advisory Committee..... 14962

FOREST SERVICE
Notices
Environmental statements; availability, etc.:
Bridger-Teton National Forest, Wyo..... 14956
Gallatin National Forest, Mont. 14956
Kaibab National Forest, Ariz.... 14957
Lassen National Forest, Calif.... 14957
Lolo National Forest, Mont..... 14957
Mendocino National Forest, Calif..... 14957
Modoc National Forest, Calif.... 14957
Plumas National Forest, Calif.... 14958
Shasta-Trinity National Forest, Calif..... 14958
Sierra National Forest, Calif.... 14958
Six Rivers National Forest, Calif..... 14958
Stanislaus National Forest, Calif..... 14959
Tahoe National Forest, Calif.... 14959
Tonto National Forest, Ariz.... 14959

GENERAL SERVICES ADMINISTRATION
Rules
Procurement:
Contract clauses..... 14895
Proposed Rules
Procurement:
Contract clauses..... 14936
Notices
Authority delegations:
Commissioner, Public Buildings Service..... 14962
Regional Administrator, Region 3..... 14962
Regional Administrator, Region 4..... 14962
Regional Administrator, Region 5..... 14962
Regional Administrator, Region 6..... 14962
Regional Administrator, Region 7..... 14962
Regional Administrator, Region 8..... 14962
Regional Administrator, Region 9..... 14962
Regional Administrator, Region 10..... 14962

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Education Office, Food and Drug Administration, Health Services Administration, National Institutes of Health.

HEALTH SERVICES ADMINISTRATION
Notices
Meeting:
National Commission on Health Facility Standards..... 14963

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
Rules
Low income housing; eligibility and selection..... 14896
Proposed Rules
Low income housing; eligibility and selection..... 14938
Notices
Meetings:
Federal Insurance Administrator's Technical Mapping Advisory Council..... 14963
Secretary's Task Force on Urban Mortgage Lending..... 14963

INTERIOR DEPARTMENT
See Fish and Wildlife Service, Land Management Bureau.

INTERNAL REVENUE SERVICE
Rules
Income tax; foreign tax credit; correction..... 14892
Proposed Rules
Income tax; foreign tax credit; correction..... 14934

INTERSTATE COMMERCE COMMISSION
Notices
Assignment of hearings..... 14978
Fourth section application for relief..... 14978
Motor carrier:
Alternate route deviation notices..... 14978
Board transfer proceedings..... 14978
Intrastate applications..... 14978
Temporary authority applications..... 14978
Transfer proceedings..... 14978

LAND MANAGEMENT BUREAU
Notices
Environmental statements; availability, etc.:
Bridger-Teton National Forest, Wyo..... 14956
Gallatin National Forest, Mont. 14956
Kaibab National Forest, Ariz.... 14957
Lassen National Forest, Calif.... 14957
Lolo National Forest, Mont..... 14957
Mendocino National Forest, Calif..... 14957
Modoc National Forest, Calif.... 14957
Plumas National Forest, Calif.... 14958
Shasta-Trinity National Forest, Calif..... 14958
Sierra National Forest, Calif.... 14958
Six Rivers National Forest, Calif..... 14958
Stanislaus National Forest, Calif..... 14959
Tahoe National Forest, Calif.... 14959
Tonto National Forest, Ariz.... 14959

MANAGEMENT AND BUDGET OFFICE
Notices
Clearance of reports; list of requests..... 14979

SECURITIES AND EXCHANGE COMMISSION
Notices
Hearings, etc.:
Boston Stock Exchange, Inc.... 14979
Midwest Stock Exchange, Inc.... 14979
Pacific Stock Exchange, Inc.... 14979
Philadelphia-Baltimore-Washington Stock Exchange..... 14979

SOIL CONSERVATION SERVICE
Notices
Environmental statements; availability, etc.:
Bridger-Teton National Forest, Wyo..... 14956
Gallatin National Forest, Mont. 14956
Kaibab National Forest, Ariz.... 14957
Lassen National Forest, Calif.... 14957
Lolo National Forest, Mont..... 14957
Mendocino National Forest, Calif..... 14957
Modoc National Forest, Calif.... 14957
Plumas National Forest, Calif.... 14958
Shasta-Trinity National Forest, Calif..... 14958
Sierra National Forest, Calif.... 14958
Six Rivers National Forest, Calif..... 14958
Stanislaus National Forest, Calif..... 14959
Tahoe National Forest, Calif.... 14959
Tonto National Forest, Ariz.... 14959

TRADE ADJUSTMENT ASSISTANCE OFFICE
Notices
Petitions for determinations:
Bendix Corp..... 14961
Cleveland Twist Drill Co..... 14961
Dana Corp..... 14961
Ex-Cell-O Corp..... 14961
Gardner-Denver Co..... 14961
Ingersoll-Rand Co..... 14961
Kennametal, Inc..... 14961
Lear Siegler, Inc..... 14961
Morse Chain Co..... 14961
Rockwell International Corp.... 14961
Sandvik, Inc..... 14961
Warner & Swasey Co..... 14961

TRANSPORTATION DEPARTMENT
See Coast Guard, Federal Aviation Administration.

TREASURY DEPARTMENT
See Internal Revenue Service.

V 40 65 APR 3 75 XUM

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directives:
Douglas ... 14891
Lockheed ... 14892
McDonnell Douglas ... 14892
Standard instrument approach procedures ... 14893

FEDERAL COMMUNICATIONS COMMISSION
Proposed Rules
FM broadcast stations, table of assignments:
Louisiana ... 14943
Missouri ... 14946
New York ... 14944
Oregon ... 14945
Television services; adequate service for N.J.; extension of time ... 14947
Notices
Hearings, etc.:
American Telephone & Telegraph Co. et al ... 14980
Belo Broadcasting Corp. and Wadeco, Inc ... 14980
Cable TV, Inc ... 14983
Defense Department and Western Union Telegraph Co ... 14985
Radio Marion, Inc ... 14986
Selma Flying Service, Inc ... 14993

FEDERAL CONTRACT COMPLIANCE OFFICE
Proposed Rules
Equal employment; bid conditions for Federal and federally assisted construction ... 14953

FEDERAL DEPOSIT INSURANCE CORPORATION
Proposed Rules
Securities of insured State nonmember banks; correction ... 14947

FEDERAL DISASTER ASSISTANCE ADMINISTRATION
Notices
Disaster areas:
Tennessee ... 14969

FEDERAL ENERGY ADMINISTRATION
Proposed Rules
Oil imports; allocations for period beginning May 1, 1975 ... 14948

FEDERAL HIGHWAY ADMINISTRATION
Rules
Bridge toll procedures ... 14919
Engineering and traffic operations:
Construction and maintenance ... 14906
Off-system roads program; administrative guidelines ... 14907
Notices
Walt Whitman and Benjamin Franklin; bridge tolls ... 14969

FEDERAL MARITIME COMMISSION
Notices
Oil pollution; certificates of financial responsibility (2 documents) ... 14994, 14959

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Alabama Power Co ... 14996
Amerada Hess Corp ... 14996
Arkansas Louisiana Gas Co. (2 documents) ... 14996
Bonneville Power Administrator ... 14997
Columbia Gas Transmission Corp ... 14997
Columbia Gulf Transmission Co ... 14998
Columbia Gulf Transmission Co. and Tennessee Gas Pipeline Co ... 14997
Consolidated Gas Supply Corp ... 14999
Delmarva Power & Light Co ... 14999
Detroit Edison Co ... 15000
El Paso Natural Gas Co. (2 documents) ... 15000
Exchange Oil & Gas Corp ... 15001
Gas curtailments and allocations ... 15006
Gulf States Utilities Co ... 15001
Holyoke Water Power Co. and Holyoke Power & Electric Co ... 15002
Indianapolis Power & Light Co ... 15002
Interstate Power Co ... 15002
Interstate Transmission Associates, et al ... 15002
Lake Superior District Power Co ... 15003
Missouri Power & Light Co ... 15003
Natural Gas Pipeline Co. of America ... 15004
North Counties Hydro-Electric Co ... 15004
Pacific Gas & Electric Co. (3 documents) ... 15004
Pacific Power & Light Co ... 15005
Panhandle Eastern Pipe Line Co ... 15005
Skelly Oil Co. et al ... 15006
Southwest Gas Corp ... 15006
Tacoma, Wash., city of ... 15007
Tennessee Gas Pipeline Co ... 15007
Texas Eastern Transmission Corp ... 15008
Transwestern Pipeline Co. (2 documents) ... 15008
Trunkline Gas Co ... 15008
Virginia Electric and Power Co ... 15008
West Texas Utilities Co ... 15009

FEDERAL RESERVE SYSTEM
Notices
Applications, etc.:
Atchison County Investment Co ... 15009
Bank of Nova Scotia ... 15012
Dauphin Deposit Corp ... 15009
Detroitbank Corp ... 15009
First International Bancshares, Inc ... 15009
First National Boston Corp ... 15010
Fort Sam Houston Bankshares, Inc ... 15010
Frontier Bancorporation of Denver, Inc ... 15010
Mille Lacs Bancshares, Inc ... 15011
Old Kent Financial Corp ... 15011

FEDERAL TRADE COMMISSION
Rules
Prohibited trade practices:
AAMCO Automatic Transmissions, Inc ... 14894
Adolph Coors Co ... 14894
Barr, W. M., & Co ... 14896
Bellvue Loan Co. and Frank Heffernan ... 14903
Federated Sanitary Corp. and Harry Wessel ... 14896
J. M. Sanders Jewelry Co ... 14899
Kassler & Co ... 14897
Men's Market Service Inc. and Hart Schaffner & Marx ... 14898
Theodore Stephen Co. Inc. and Benjamin Eisenman ... 14900
Town Finance Corp. and John Andrade ... 14903
Valley Premium Plan et al ... 14904

FISH AND WILDLIFE SERVICE
Rules
Fishing:
Rice Lake National Wildlife Refuge, Minn ... 14920
Tewaukon National Wildlife Refuge, N. Dak ... 14920
Hunting:
Mingo National Wildlife Refuge, Mo ... 14920
Notices
Endangered species permits, applications ... 14957

FOOD AND DRUG ADMINISTRATION
Rules
Food additives:
Polyhydric alcohol esters of long chain monobasic acids ... 14905
Propylene glycol azelate ... 14905
Slimicides ... 14905
Human drugs:
Neomycin vaginal suppositories ... 14906
Notices
Human drugs:
Chlorzoxazone in combination ... 14961
Direct sky blue injection ... 14961
Oxethazaine and aluminum hydroxide gel; gastrointestinal ... 14962
Pipradrol hydrocloride tablets ... 14963
Talbutal tablets ... 14963

FOREST SERVICE
Notices
Environmental statements; availability, etc:
Six River National Forest, Eightmile Blue Creek Units ... 14958

GENERAL SERVICES ADMINISTRATION
Rules
Procurement:
Contract cost principles ... 14913

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Disease Control Center, Education Office, Food and Drug Administration, National Institutes of Health, Public Health Service, Social Security Administration.

Notices
Meeting:
Protection of Human Subjects of Biomedical and Behavioral Research, National Commission ... 14968

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See Federal Disaster Assistance Administration; Interstate Land Sales Registration Office.

INTERIOR DEPARTMENT
See Fish and Wildlife Service; Land Management Bureau; National Park Service.

INTERNATIONAL TRADE COMMISSION
Notices
Import investigations:
Butadiene Acrylonitrile rubber from Japan ... 15012
Portable electric typewriters from Japan ... 15013

INTERSTATE COMMERCE COMMISSION
Notices
Abandonment of service:
Bellefonte Central Railroad Co ... 15037
Central of Georgia Railroad Co ... 15037
Chesapeake and Ohio Railway Co ... 15038
Fourth section applications for relief ... 15036
Hearing assignments ... 15037
Motor carrier, broker, water carrier, and freight forwarder applications ... 15039
Motor carriers:
Irregular route property carriers; gateway elimination ... 15021
Temporary authority applications ... 15036
Rerouting of traffic:
Central Railroad Co. of New Jersey ... 15037
Southern Railway Co.; discontinuance and change in service ... 15038

INTERSTATE LAND SALES REGISTRATION OFFICE
Notices
Hearings, etc.:
Laurel Mountain Village Subdivision ... 14969

LABOR DEPARTMENT
See also Federal Contract Compliance Office.
Rules
Worker adjustment assistance; certification of eligibility ... 14908

LAND MANAGEMENT BUREAU
Notices
Applications:
New Mexico (3 documents) ... 14956, 14957
Washington; off-road vehicle area designation and closure of lands to motorized vehicles ... 14956

MANAGEMENT AND BUDGET OFFICE
Notices
Clearance of reports; list of requests ... 15013

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Notices
Motor vehicle safety standard:
Mustang and Cougar seat back pivot arm hinge pin bracket failures; rescheduled hearing ... 14969

NATIONAL INSTITUTES OF HEALTH
Notices
Committees, establishment, renewals, etc:
Cancer Institutional Fellowship Review Committee ... 14964
Meetings:
Advisory Committee to Director ... 14963
Aging National Advisory Council ... 14964
Clinical Trials Review Committee ... 14964
Diabetes National Commission ... 14964
President's Cancer Panel (2 documents) ... 14965
Primate Research Centers Advisory Committee ... 14965
Recombinant DNA Molecule Program Advisory Committee ... 14965
Scientific Counselors Board ... 14964
Surgery A Study Section ... 14965
Transplantation and Immunology Committee ... 14965

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
Notices
Citicorp Leasing Inc.; bareboat charter; continuation of hearing and extension of time ... 14960
Environmental statement:
Coastal Zone Management Office; hearing ... 14960

NATIONAL PARK SERVICE
Rules
Special regulations:
Rocky Mountain National Park, Colo ... 14912

NUCLEAR REGULATORY COMMISSION
Notices
Meetings:
Standards Development Office ... 15013

PUBLIC HEALTH SERVICE
Proposed Rules
Nursing schools; financial distress grants ... 14932

PUERTO RICO AD HOC ADVISORY GROUP
Notices
Meeting
Compact of Permanent Union Between Puerto Rico and the U.S ... 14970

SECURITIES AND EXCHANGE COMMISSION
Notices
Option plans:
Chicago Board Options Exchange, Inc. (2 documents) ... 15014, 15015
Quotation information; request ... 15015
Hearings, etc.:
Castle Industries, Inc ... 15014
Continental Vending Machine Corp ... 15015
Equity Funding Corporation of America ... 15015
Industries International, Inc ... 15015
Westgate California Corp ... 15016
Zenith Development Corp ... 15016

SMALL BUSINESS ADMINISTRATION
Notices
Applications, etc.:
Edict Investment Corp ... 15017
Palo Alto Capital Co ... 15017
Small Business Investment Capital, Inc ... 15017
Disaster areas:
Rhode Island ... 15017
Meetings:
Columbus District Advisory Council ... 15017

SOCIAL SECURITY ADMINISTRATION
Proposed Rules
Health insurance for aged and disabled:
Inpatient routine nursing salary cost differential; termination ... 14934

SOIL CONSERVATION SERVICE
Notices
Environmental statements on watershed projects:
Lower Amazon-Flat Creek, Oreg. ... 14958
Pond Creek, Fla ... 14959
Town Creek, Miss ... 14959
Yantic River, Conn ... 14959

STATE DEPARTMENT
Proposed Rules
Advisory committee management ... 14930

TRADE ADJUSTMENT ASSISTANCE OFFICE
Rules
Adjustment assistance regulations ... 14930

TRANSPORTATION DEPARTMENT
See also Coast Guard; Federal Aviation Administration; Federal Highway Administration; National Highway Traffic Safety Administration.
Notices
International Aviation Policy Review; supplemental notice for public participation ... 14970

VETERANS ADMINISTRATION
Notices
Automotive driving aids; design and test criteria ... 15017

V 40 65 APR 3 75 XUM

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

3 CFR

EXECUTIVE ORDERS:
11809 (See E.O. 11849) 14887
11828 (Amended by E.O. 11848) 14885
11848 14885
11849 14887

4 CFR

PROPOSED RULES:
351 14942

7 CFR

905 14889
907 14889
908 14890
944 14891
2710 14891

10 CFR

PROPOSED RULES:
213 14948

12 CFR

PROPOSED RULES:
335 14947

14 CFR

39 (3 documents) 14891, 14892
97 14893
288 14893

15 CFR

350 14921
355 14925
500 14930

16 CFR

13 (11 documents) 14894–14904

20 CFR

PROPOSED RULES:
405 14934

21 CFR

121 (3 documents) 14905
444 14906

22 CFR

PROPOSED RULES:
8 15060

23 CFR

635 14906
662 14907

29 CFR

90 14908

36 CFR

7 14912

41 CFR

1–7 14913
1–12 14913
1–15 14913
1–30 14917

PROPOSED RULES:
Chapter 60 14953

42 CFR

PROPOSED RULES:
57 14932

45 CFR

154 14917
155 14918

46 CFR

PROPOSED RULES:
32 14935
50 14935
52 14935
53 14935
54 14935
56 14935
58 14935
63 14935

47 CFR

PROPOSED RULES:
73 (5 documents) 14943

49 CFR

310 14919

50 CFR

32 14920
33 (2 documents) 14920

CUMULATIVE LIST OF PARTS AFFECTED—APRIL

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during April.

3 CFR

PROCLAMATION:
2799 (Revoked by Proc. 4360) 14567
2937 (Revoked by Proc. 4360) 14567
2938 (Revoked by Proc. 4360) 14567
2942 (Revoked by Proc. 4360) 14567
2972 (Revoked by Proc. 4360) 14567
3314 (Revoked by Proc. 4360) 14567
4101 (Revoked by Proc. 4360) 14567
4346 (Amended by Proc. 4359) 14565
4359 14565
4360 14567

EXECUTIVE ORDERS:
11809 (See EO 11849) 14887
11828 (Amended by EO 11848) 14885
11847 14568
11848 14885
11849 14887

4 CFR

408 14737

PROPOSED RULES:
351 14942

5 CFR

890 14569
1001 14570

7 CFR

724 14737
731 14601
905 14889
907 14889
944 14891
991 14737
2710 14891

PROPOSED RULES:
401 14777
1002 14702
1004 14702
1036 14769
1823 14776

9 CFR

94 14571

10 CFR

211 14738

PROPOSED RULES:
205 14605
211 14605
213 14948

12 CFR

563 14738
602 14571

PROPOSED RULES:
7 14767
335 14947

13 CFR

PROPOSED RULES:
107 14606

14 CFR

39 ..... 14739, 14740, 14891, 14892
71 ..... 14740, 14741
97 14893
288 14893
400 14572

14 CFR—Continued

401 14574
425 14578

PROPOSED RULES:
71 ..... 14780, 14781
75 14781

15 CFR

350 14921
355 14925
500 14930

PROPOSED RULES:
803 14603

16 CFR

13 ..... 14579–14582, 14741, 14894–14904
302 14584

17 CFR

200 14748

PROPOSED RULES:
275 14782

18 CFR

301 14749

PROPOSED RULES:
35 14606
101 14606
104 14606
154 14606
202 14606
204 14606

19 CFR

22 14749
113 14749
153 14591

20 CFR

10 14750
405 ..... 14591, 14934

PROPOSED RULES:
405 14934

21 CFR

121 14905
123 14592
444 14906
1030 14750

22 CFR

PROPOSED RULES:
8 15060

23 CFR

635 14906
662 14907

24 CFR

300 14753
1700 14753
1914 14599–14601
1915 14754

25 CFR

43k 14592

26 CFR

PROPOSED RULES:
1 14767

29 CFR

90 14908
2300 14593

32 CFR

856 14758

33 CFR

117 14594
380 14761

PROPOSED RULES:
117 14604
266 14872

36 CFR

7 14912

38 CFR

PROPOSED RULES:
1 14783

40 CFR

52 14595
65 14876
180 ..... 14596, 14597

41 CFR

1–7 14913
1–12 14913
1–15 14913
1–30 14917

PROPOSED RULES:
Ch. 60 14953

42 CFR

57 14762

PROPOSED RULES:
57 14932

43 CFR

PROPOSED RULES:
4 14603
2650 14603

45 CFR

151 14762
154 14917
155 14918
249 14597
250 14597

46 CFR

380 14599
528 14599
533 14599

PROPOSED RULES:
32 14935
50 14935
52 14935
53 14935
54 14935
56 14935
58 14935
63 14935

47 CFR

0 14764

PROPOSED RULES:
73 14943

V 40 65
APR 3 75

49 CFR

1 ---- 14764
310 ---- 14919
571 ---- 14765
1033 ---- 14765, 14766

50 CFR

32 ---- 14920
33 ---- 14766, 14920

PROPOSED RULES:

17 ---- 14767
227 ---- 14777
251 ---- 14778, 14779

FEDERAL REGISTER PAGES AND DATES—APRIL

Pages	Date
14565–14735	Apr. 1
14737–14883	2
14885–15062	3

presidential documents

Title 3—The President

EXECUTIVE ORDER 11848

Extending the Reporting Date for the Commission on CIA Activities Within the United States

Section 6 of Executive Order No. 11828 entitled Establishing a Commission on CIA Activities Within the United States, dated January 4, 1975 is amended by deleting the words "three months from the date of this order," and substituting therefor "June 6, 1975."

Gerald R. Ford

THE WHITE HOUSE,
March 29, 1975.

[FR Doc.75-8790 Filed 4-1-75;2:49 pm]

V 40 65
APR 3 75

EXECUTIVE ORDER 11849

Establishing the Collective Bargaining Committee in Construction

The President's Labor-Management Committee established by Executive Order No. 11809 was authorized to "encourage the establishment of labor-management committees (bipartite or tripartite) in particular sectors or industries as may be appropriate." That Committee expressed the view that a committee should appropriately be established in the construction industry.

An interim labor-management committee on collective bargaining problems in construction, representative of labor and management organizations involved in collective bargaining in the industry, has met regularly since November 1974 to explore the feasibility and details of a continuing committee.

The recommendations of the interim labor-management committee have been ratified by the standard national labor and management organizations engaged in collective bargaining in the industry, and their representatives have been authorized to participate and serve on such a committee.

This Order is required to establish an arrangement and machinery for an operating structure with a minimum of government interference in the furtherance of more effective collective bargaining in the industry.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States of America, it is ordered as follows:

Section 1. There is hereby established the Collective Bargaining Committee in Construction (hereinafter referred to as the Committee). The Committee shall consist of ten labor members and ten management members appointed by the President. The Secretary of Labor or his designee shall serve as Chairman. The Director of the Federal Mediation and Conciliation Service shall participate as a member of the Committee. Additional alternate members may be appointed by the Secretary of Labor.

Sec. 2. (a) The Committee shall facilitate the collective bargaining process at local and area levels, assist in providing a data bank of wage and benefit information, encourage peaceful negotiation of responsible local and area agreements, facilitate local coordinated bargaining and larger area bargaining wherever appropriate, and seek to resolve particular disputes that cannot otherwise be reasonably resolved.

(b) In the furtherance of these objectives the Committee is authorized to hold conferences; and if it deems appropriate, in particular collective bargaining disputes or in groups of related disputes, the Committee may make recommendations to the appropriate standard organizations which are party to collective bargaining in the construction industry concerning the provisions of agreements or the structure of collective bargaining.

(c) The Committee shall promote more effective machinery for the resolution of disputes over the terms of collective bargaining agreements

V 40 65 APR 3 75 XUM

which recognizes the interests of each branch of the industry and preserves existing procedures that have been effective.

Sec. 3. In addition to the foregoing tasks, the Committee shall also:

(a) Review and analyze construction manpower under collective bargaining agreements, including regional requirements and availabilities of respective skills for projected needs, and the effectiveness of training programs, and, if appropriate, maintain a continuing central data file of manpower requirements and availabilities by major areas of the country;

(b) Consider measures to reduce the instability of demand for construction labor and to provide more weeks of work per year;

(c) Take measures to increase productivity in the industry under collective bargaining agreements;

(d) Improve further the current wage and benefit data base for construction to facilitate collective bargaining at local and regional levels and the role of the national organizations in dispute settlements;

(e) Consider the problems for collective bargaining arising from the activities of separate Federal government agencies as they affect the construction industry;

(f) Consider from time to time such problems in the construction industry under collective bargaining as it may deem appropriate; and

(g) Encourage the establishment of comparable joint regional or local committees on an area basis to the extent it deems appropriate.

Sec. 4. In carrying out its functions, the Committee shall give consideration to long term developments in the construction industry under collective bargaining agreements and shall seek to develop appropriate policies in the national interest.

Sec. 5. All executive departments and agencies of the Federal government are authorized and directed to cooperate with the Committee and to furnish such information, personnel and assistance, not inconsistent with law, as it may require in the performance of its duties.

Sec. 6. The Committee shall make periodic reports to the President. Standard national labor and management organizations are encouraged to review the operation of the Committee and report to the President annually on the extent to which the purposes of this Order are being achieved.

Gerald R. Ford

THE WHITE HOUSE,
April 1, 1975.

[FR Doc.75-8791 Filed 4-1-75;2:49 pm]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS) DEPARTMENT OF AGRICULTURE

[Orange Reg. 73, Amdt. 6; Grapefruit Reg. 75, Amdt. 6; Export Reg. 24, Amdt. 5]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Grade and Size Requirements

Amendment 6 to Regulation 73 and Amendment 5 to Regulation 24 lower the minimum grade requirements applicable to domestic and export shipments of Florida Temple oranges, respectively, to U.S. No. 2 on March 31, 1975. Amendment 6 to Regulation 75 lowers the minimum diameter requirement applicable to domestic shipments of white seedless grapefruit to 3 4/8 inches on March 31, 1975. The U.S. No. 2 minimum grade requirement specified for domestic and export shipments of Temple oranges recognizes the lesser quality of such oranges available for fresh shipment from the production area. The specification of such lower minimum diameter requirement for white seedless grapefruit recognizes the size distribution of much of the white seedless grapefruit remaining for fresh shipment.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the requirements applicable to Temple oranges and white seedless grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) These amendments reflect the Department's appraisal of the current and prospective demand for Florida Temple oranges by domestic and export outlets. The lower grade requirement specified for domestic and export shipments of Temple oranges is consistent with the external appearance and remaining supply of such oranges. Fresh shipments of Florida Temple oranges for the season through March 23, 1975, totaled 2,998 carlots, and there were an estimated 302 carlots remaining for shipment. The lower minimum diameter requirement specified for shipments of white seedless grapefruit is necessary to satisfy the demand for such fruit by domestic outlets. For the season through March 23, 1975, fresh shipments of Florida grapefruit totaled 21,160 carlots and there were 6,840 carlots estimated to be remaining for fresh shipment.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of these amendments until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which these amendments are based became available and the time when these amendments must become effective in order to effectuate the declared policy of the act is insufficient; and these amendments lower requirements applicable to the handling of Temple oranges and white seedless grapefruit grown in Florida.

Order. 1. The provisions of paragraph (b) (5) of § 905.555 (Orange Regulation 73; 39 FR 32976, 37186, 40745, 42899; 40 FR 2792, 12846) are revised to read as follows:

§ 905.555 Orange Regulation 73.

* * * * *

(b) * * *

(5) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 2;

* * * * *

2. In § 905.556 (Grapefruit Regulation 75; 39 FR 32976, 37186, 40745, 42899; 40 FR 8321, 11345) the provisions of paragraph (b) (4) are revised to read as follows:

§ 905.556 Grapefruit Regulation 75.

* * * * *

(b) * * *

(4) Any seedless grapefruit, grown in the production area which are of a size smaller than 3 5/8 inches in diameter, except that a tolerance for seedless grapefruit smaller than such minimum diameter shall be permitted as specified in § 51.761 of the United States Standards for Grades of Florida Grapefruit.

* * * * *

3. In § 905.559 (Export Regulation 24; 39 FR 32976; 37186; 40 FR 2791, 11345, 12647) the provisions of paragraph (b) (5) are revised to read as follows:

§ 905.559 Export Regulation 24.

* * * * *

(b) * * *

(5) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 2;

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, March 28, 1975, to become effective March 31, 1975.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-8612 Filed 4-2-75;8:45 am]

[Navel Orange Reg. 346]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period April 4–10, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.646 Navel Orange Regulation 346.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to may be handled during the period April ceeding week. Such recommendation de-

and "carton" have the same meaning as It is hereby found that it is impracti- delegated to make determinations re-

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(2) The need for this regulation to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges was fairly steady during the past week.

Prices f.o.b. averaged $3.65 per carton on a reported sales volume of 1,493 carlots last week, compared with an average f.o.b. price of $3.57 per carton and sales of 1,581 carlots a week earlier.

Track and rolling supplies at 682 cars were up 128 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 1, 1975.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period April 4, 1975, through April 10, 1975, are hereby fixed as follows:

(i) District 1: 1,190,000 cartons;

(ii) District 2: 210,000 cartons;

(iii) District 3: Unlimited movement."

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 2, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–8870 Filed 4–2–75;11:15 am]

[Valencia Orange Reg. 492]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period April 4–10, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.792 Valencia Orange Regulation 492.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to be very slow.

Prices f.o.b. averaged $3.03 per carton on a reported sales volume of 66 carlots last week, compared with an average f.o.b. price of $3.17 per carton and sales of 71 carlots a week earlier.

Track and rolling supplies at 94 cars were up 45 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 1, 1975.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period April 4, 1975, through April 10, 1975, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: Unlimited;

(iii) District 3: 125,000 cartons."

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 2, 1975.

CHARLES R. BRADER,
Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–8871 Filed 4–2–75;11:15 am]

[Grapefruit Reg. 15; Amdt. 4]

PART 944—FRUITS; IMPORT REGULATIONS

Minimum Size Requirement for Imports of White Seedless Grapefruit

This amendment lowers the minimum diameter requirement applicable to imported white seedless grapefruit to 3 5/16 inches on March 31, 1975. The requirement is the same as that applicable to grapefruit produced in Florida and regulated pursuant to Marketing Order No. 905.

This amendment is consistent with section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This section requires that whenever specified commodities, including grapefruit, are regulated under a federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality or maturity requirements as those in effect for the domestically produced commodity. This regulation fixes the same minimum size requirement on imported white seedless grapefruit as is effective under Marketing Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida.

Order. In § 944.111 (Grapefruit Regulation 15; 39 FR 33306, 37188; 40 FR 8322, 11346) the provisions of paragraph (a) (1), (2), and (3) are revised to read as follows:

§ 944.111 Grapefruit Regulation 15.

(a) • • •

(1) Seeded grapefruit shall grade at least U.S. No. 1 and be of a size not smaller than 3 12/16 inches in diameter except that a tolerance for seeded grapefruit smaller than such minimum size shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit;

(2) Seedless grapefruit, other than pink seedless grapefruit, shall grade at least Improved No. 2 ("Improved No. 2" shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of the U.S. No. 1 grade as to shape (form) and color), and pink seedless grapefruit shall grade at least U.S. No. 2 Russet; and

(3) Seedless grapefruit shall be of a size not smaller than 3 5/16 inches in diameter, except that a tolerance for seedless grapefruit smaller than such minimum size shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit.

• • • • •

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) this amendment fixes the same requirement for imports of white seedless grapefruit as is applicable under amended Grapefruit Regulation 75 (§ 905.556) to the shipment of white seedless grapefruit grown in Florida; and (c) this amendment lowers the minimum size requirement applicable to imported white seedless grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, March 28, 1975, to become effective March 31, 1975.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–8611 Filed 4–2–75;8:45 am]

CHAPTER XXVII—OFFICE OF AUDIT, DEPARTMENT OF AGRICULTURE

PART 2710—AVAILABILITY OF INFORMATION TO THE PUBLIC

Freedom of Information

Chapter XXVII, Title 7 CFR is hereby revised by deleting all of Part 2710—*Availability of Information to the Public;* and by adding a new Part 2710—*Availability of Information to the Public.*

Sec.
2710.1 General Statement.
2710.2 Public Inspection and Copying.
2710.3 Requests.
2710.4 Appeals.

AUTHORITY: (5 U.S.C. 301, 552).

§ 2710.1 General Statement.

This part is issued in accordance with the regulations of the Secretary of Agriculture, in Part 1, Subpart A, of Subtitle A of this Title (7 CFR 1.1–1.16 and Appendix A thereto), implementing the Freedom of Information Act (5 U.S.C. 552). The Secretary's regulations, as implemented by the regulations in this part, govern the availability of records of the Office of Audit to the public.

§ 2710.2 Public Inspection and Copying.

The Office of Audit does not maintain records within the categories required by 5 U.S.C. 552(a)(2) to be made available for public inspection and copying. It therefore maintains no index of such materials.

§ 2710.3 Requests.

Requests for records under 5 U.S.C. 552(a)(3) shall be made in accordance with 7 CFR 1.3(a) and addressed to the Assistant Director, Policy, Plans and Inspection, OA, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250. This official is hereby delegated to make determinations regarding such requests in accordance with 7 CFR 1.4(c).

§ 2710.4 Appeals.

Any person whose request under § 2710.3 is denied shall have the right to appeal such denial. This appeal shall be submitted in accordance with 7 CFR 1.3(e) and addressed to the Director, Office of Audit, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250.

Effective date: April 3, 1975.

Signed at Washington, D.C., this 28th day of March 1975.

LEONARD H. GREESS,
Director.

[FR Doc.75–8632 Filed 4–2–75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 75–WE–18–AD; Amdt. 39–2167]

PART 39—AIRWORTHINESS DIRECTIVES

Douglas Model DC–10 Series Airplanes

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted on March 1, 1975, and made effective immediately by telegrams dated March 1, 1975 to all known United States operators of Douglas Model DC–10 Series airplanes, certificated in all categories. The agency has received a report of a Type A passenger door opening after takeoff and deploying the evacuation slide. The condition was attributed to the door operating mechanism having been left in a partially engaged emergency position. The door opened when a flight crew member checked the arming handle to determine the cause of air leakage at the door. The airworthiness directive requires cycling of Type A passenger door arming handles prior to taxi from the terminal area, until Douglas Service Bulletin No. 52–74, Revision 1, dated December 6, 1974, has been accomplished. Modification of the door operating mechanism assembly and detent assembly by incorporating redesigned cams will minimize the possibility of a passenger door accidentally opening.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest, and good cause existed for making the airworthiness directive effective immediately to all known U.S. operators of Douglas Model DC–10–10, –30, –30F, and –40 Series airplanes by individual telegrams dated March 1, 1975.

After issuing this emergency AD, the agency determined a compliance time for accomplishment of the service bulletin, and found that Revision 1 was not applicable to the modification part of the AD, although otherwise indicated in the telegraphic AD. Therefore, prior to publishing the original emergency AD in the FEDERAL REGISTER, an airworthiness directive is being issued which supersedes

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the telegraphic AD. The adopted rule provides for accomplishment of the modification of the door operating mechanism as a terminating action to the mandatory cycling procedure. The procedure must be followed on all airplanes until the operator's fleet has been modified per the manufacturer's service bulletin.

The conditions which required issuance of the telegraphic AD still exist. Immediate adoption of the regulation is required; it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation regulations is amended by adding the following new airworthiness directive:

McDONNELL DOUGLAS. Applies to Douglas Model DC-10-10, -30, -30F, and -40 Series airplanes, certificated in all categories, with factory serial numbers as indicated in Douglas Service Bulletin No. 52-74, Revision 1, dated December 6, 1974, or later FAA-approved revisions.

To prevent inadvertent opening of Type A passenger doors (other than the most forward left and right doors) during taxi or in flight, accomplish the following:

(a) Prior to taxi from the terminal area, after the effective date of this AD, and after all passengers have been seated, all Type A passenger door (other than the most forward left and right doors) arming handles must be cycled to the armed position; then returned to the fully disarmed position; and then returned to the fully armed position. If any difficulty in operating the arming handles is experienced the airplane must be corrected by maintenance personnel prior to further flight. The flight crew will be advised of the check accomplishment prior to takeoff. Operators shall advise flight crews and cabin attendants of the foregoing procedure by the most immediate and practicable means. The procedure is to be accomplished until the modification described in (b), below, is performed on all airplanes in the operator's fleet.

(b) On or before July 1, 1975, unless already accomplished, modify the door operating mechanism per Douglas Service Bulletin No. 52-74, dated September 30, 1973, or later FAA-approved revisions, or equivalent modifications approved by the Chief, Airpraft Engineering Division, FAA Western Region.

(c) Airplanes may be flown to a base for performance of maintenance required by this AD per FAR's 21.197 and 21.199, provided that, with respect to the door(s) identified as in need of maintenance, the emergency evacuation slides will either be removed or deactivated.

This supersedes the telegraphic AD, adopted March , 1975, and distributed by telegrams dated March 1, 1975.

This amendment becomes effective April 10, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Los Angeles, California on March 26, 1975.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc.75-8737 Filed 4-2-75;8:45 am]

[Airworthiness Docket No. 75-WE-16-AD; Amdt. 39-2153]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed L-1011-385-1 Series Airplanes

The L-1011 has a light on the cargo door with a lens temperature of about 500° F. The light on the door is situated at a position in the cargo compartment, such that, with the door closed, bulk baggage not within the bulk cargo net can come into contact with the light lens. The light is controllable by a manual switch inside the cargo compartment and a door switch on the cargo door sill. Normally the light is off when the cargo door is closed, unless the manual switch was closed, in this case the light remains on until lift off on some airplanes or for the flight duration on other airplanes.

There have been two cases where the light remained on with the cargo door closed with loose baggage against the light. In these two cases, the items of cargo were smoldering when removed from the cargo compartment.

The cargo compartment was certificated to class "D" requirements, i.e., ventilation and drafts are controlled so that any fire likely to occur in the compartment will not progress beyond safe limits. In addition, the FAA has determined that a potential ignition source such as the unguarded light on the door, should not be present as part of the cargo compartment type design.

Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require deactivation of the compartment manual light switch, and to require a periodic functional check of the door switch until an approved modification to the cargo door light is installed.

The FAA considered safety wiring of the manual switch to the off position. This action was considered unsatisfactory, since the switch could be easily reactivated.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

LOCKHEED. Applies to L-1011-385-1 airplanes certificated in all categories.

Compliance required as indicated.

To prevent a possible fire hazard in the C-1 or C-1A, C-2 and C-3 cargo compartment:

(a) Within the next 300 flight hours, perform the following, unless a modification acceptable per (b), below, has been accomplished:

(1) Deactivate the cargo door compartment manual light switch in accordance with Lockheed Service Bulletin 093-33-052, dated March 5, 1975, or later FAA-approved revisions; or an equivalent deactivation modification procedure approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(2) Check the functioning of the door switch which controls the cargo compartment light per Lockheed Service Bulletin 093-33-052, dated March 5, 1975, or later FAA-approved revisions.

(b) Within 3000 hours time in service and each 3000 hours thereafter, recheck the door switch per item (a)(2), above. These tests may be discontinued after installation of a modification to the cargo door light, acceptable to the Chief, Aircraft Engineering Division, FAA Western Region. The approved data must reference this AD, and the approval data.

(c) After incorporation of an acceptable modification, per (b) above, the manual switch may be reactivated.

(d) An airplane may be flown to a base for the performance of the work required by this AD per FAR's 21.197 and 21.199.

This amendment becomes effective April 9, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Los Angeles, California on March 25, 1975.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc.75-8736 Filed 4-2-75;8:45 am]

[Airworthiness Docket No. 75-WE-6-AD; Amdt. 39-2151]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-10-30 Airplanes

An autopilot go around mode has been certificated by the agency for Douglas Aircraft Company Model DC-10-30 airplanes. Subsequent flight testing has indicated that the autopilot go around may command an unsafe attitude during the go-around, if an Autothrottle/Speed Command Computer, Sperry Part Number 2593342-910C, is installed.

Douglas Aircraft Company has advised the agency that thirty-seven Autothrottle/Speed Command Computers, Part Number 2593342-910C, were manufactured by the supplier and that thirty-five of these computers have been returned to the manufacturer. The remaining two computers were damaged and salvaged from a DC-10-30 airplane, serial number 46925, after the accident involving this airplane in Boston. Douglas advises that these computers are in the possession of Aero Systems of Miami, Florida.

The agency has determined that the installation of an Autothrottle/Speed Command Computer, Part Number 2593342-910C in Douglas DC-10-30 airplanes is unsafe and must be prohibited.

Since no airplanes are currently affected by this amendment and no additional burden is imposed on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

McDONNELL DOUGLAS. Applies to all Douglas Aircraft Company DC-10-30 series airplanes, certificated in all categories.

Compliance required as indicated unless previously accomplished.

After the effective date of this airworthiness directive do not install Autothrottle/Speed Control Computer Part Number 2593342-910C.

NOTE: Refer to paragraph 2 of McDonnell Douglas DC-10 Service Bulletin No. 22-67 dated February 21, 1975 or later FFA-approved revision.

This amendment becomes effective April 7, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Los Angeles, California on March 24, 1975.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc.75-8736 Filed 4-2-75;8:45 am]

[Docket No. 14457; Amdt. No. 962]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SAIPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, S.W., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective May 15, 1975:*

Chicago (West Chicago), Ill.—Du Page County Arpt., VOR Rwy 10, Amdt. 3.
Duncan, Okla.—Halliburton Field, VOR Rwy 35, Amdt. 5.
Enid, Okla.—Enid Woodring Municipal Arpt., VOR Rwy 17, Amdt. 4.
Enid, Okla.—Enid Woodring Municipal Arpt., VOR Rwy 35, Amdt. 5.
Helena, Mont.—Helena Arpt., VOR-A, Amdt. 11.
Helena, Mont.—Helena Arpt., VOR/DME-B, Amdt. 3.
Lakeland, Fla.—Lakeland Municipal Arpt., VOR Rwy 13, Orig.
Lakeland, Fla.—Lakeland Municipal Arpt., VOR Rwy 27, Amdt. 1.
Pompano Beach, Fla.—Pompano Beach Airpark, VOR Rwy 14, Amdt. 2.
Detroit, Mich.—Detroit Metropolitan-Wayne County Arpt., VOR Rwy 3R, Amdt. 3.

• • • *effective April 24, 1975:*

Rockford, Ill.—Greater Rockford Arpt., VOR Rwy 12, Amdt. 13.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective May 15, 1975:*

Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l. Arpt., LOC (BC) Rwy 8, Orig.
Chicago (West Chicago), Ill.—DuPage County Arpt., LOC Rwy 10, Amdt. 2.
Longview, Tex.—Gregg County Arpt., LOC/DME (BC) Rwy 31, Amdt. 2.
Spokane, Wash.—Spokane Int'l. Arpt., LOC (BC) Rwy 3, Amdt. 8.

• • • *effective April 17, 1975:*

Chattanooga, Tenn.—Lovell Field, LOC (BC) Rwy 2, Amdt. 12, cancelled.
Chattanooga, Tenn.—Lovell Field, LOC Rwy 2, Orig.
Springfield, Mo.—Springfield Municipal Arpt., LOC (BC) Rwy 19, Amdt. 10.

• • • *effective April 10, 1975:*

Erie, Pa.—Erie Int'l. Arpt., LOC (BC) Rwy 24, Amdt. 4, cancelled.

• • • *effective March 20, 1975:*

Windsor Locks, Conn.—Bradley Int'l. Arpt., LOC (BC) Rwy 24, Amdt. 12.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective May 15, 1975:*

Atlanta, Ga.—Fulton County Arpt., NDB Rwy 8R, Amdt. 7.
Cable, Wisc.—Cable Union Arpt., NDB-B, Amdt. 4.
Greenville, N.C.—Pitt-Greenville Arpt., NDB Rwy 19, Amdt. 3.
Lawrence, Kans.—Lawrence Municipal Arpt., NDB-B, Amdt. 2.
Spokane, Wash.—Spokane Int'l. Arpt., NDB Rwy 21, Amdt. 12.
Detroit, Mich.—Detroit Metropolitan-Wayne County Arpt., NDB Rwy 21L, Amdt. 3.
Detroit, Mich.—Detroit Metropolitan-Wayne County Arpt., NDB Rwy 21R, Amdt. 2.

• • • *effective April 17, 1975:*

Oneida, Tenn.—Scott Municipal Arpt., NDB Rwy 23, Orig.
Selmer, Tenn.—Robert Sibley Arpt., NDB Rwy 16, Orig.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective May 15, 1975:*

Atlanta, Ga.—Fulton County Arpt., ILS Rwy 8R, Amdt. 7.
Helena, Mont.—Helena Arpt., ILS Rwy 26, Amdt. 4.
Detroit, Mich.—Detroit Metropolitan-Wayne County Arpt., ILS Rwy 21R, Amdt. 9.

• • • *effective April 10, 1975:*

Erie, Pa.—Erie Int'l. Arpt., ILS Rwy 24, Orig.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective May 15, 1975:*

Corpus Christi, Tex.—Corpus Christi Int'l. Arpt., RADAR-1, Amdt. 2.
Enid, Okla.—Enid Woodring Municipal Arpt., RADAR-1, Orig.
Louisville, Ky.—Standiford Field, RADAR-1, Amdt. 11.
Spokane, Wash.—Spokane Int'l. Arpt., RADAR-1, Amdt. 9.

• • • *effective April 17, 1975:*

Moline, Ill.—Quad-City Arpt., RADAR-1, Orig.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective May 15, 1975:*

Amarillo, Tex.—Tradewind Arpt., RNAV Rwy 35, Amdt. 5.

• • • *effective March 26, 1975:*

Massena, N.Y.—Richards Field, RNAV Rwy 23, Amdt. 3.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, (49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)).)

Issued in Washington, D.C., on March 27, 1975.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.75-8739 Filed 4-2-75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER-901; Amdt. 39]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Surcharge Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. March 31, 1975.

In accordance with established procedure and methodology, the Board, having completed its review of fuel prices for foreign and overseas MAC air transportation services as of March 1, 1975, is herein amending the surcharge provisions in Part 288 of its Economic Regulations (14 CFR Part 288) applicable to the rates established for those services.[1]

[1] ER-896, effective January 17, 1975.

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Appendices A and B [1] set forth the results of our computations of reported fuel price changes as of March 1, 1975, for both commercial and military fuel, based upon application of the "active stations" methodology to fuel consumption reported for the quarter ended December 31, 1974;[2] and the rate impact of the change in current average fuel prices from that reflected in the base rates. Based on these computations, we will revise the fuel surcharge rates effective April 1, 1975, as follows: (a) decrease the long-range Category B and Category A rate from 1.51 to 1.13 percent; (b) decrease the Pacific interisland short-range Category B rate from 1.73 to 1.67 percent; and, (c) decrease the "all other" short-range Category B rate from 2.05 to 1.79 percent.

In view of the continuing need for a fuel surcharge to the minimum rates set forth in Part 288, we find good cause exists to make the within amendments effective on less than thirty (30) days' notice.

In consideration of the foregoing, the Board hereby amends Part 288 of its Economic Regulations (14 CFR Part 288) effective April 1, 1975 as follows:

1. Amend § 288.7(a) by revising the third proviso following the tables to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * *

(a) * * *: *Provided, however,* That effective April 1, 1975, the total minimum compensation pursuant to the rates set forth in subparagraph (1) above for (i) services performed with regular jet, wide-bodied jet, and DC-8F-61/63 aircraft, (ii) Pacific interisland services performed with B-727 aircraft, and (iii) all other services performed with B-727 aircraft shall be increased by surcharges of 1.13 percent, 1.67 percent, and 1.79 percent, respectively.[3]

* * * * *

2. Amend § 288.7(d) by revising the proviso to subparagraphs (1) and (2) to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * *

(d) For Category A transportation

* * *

Provided, That effective April 1, 1975, the total minimum compensation pursuant to the rates specified in subparagraphs (1) and (2) of this paragraph shall be increased by a surcharge of 1.13 percent.

* * * * *

[1] Appendices filed as part of the original document.

[2] The most recent quarter available. The Board feels that this is the most representative distribution of fuel as between commercial fuel and military fuel for prospective rate purposes. It should be noted that this distribution can vary from quarter to quarter affecting the average price of fuel for each carrier performing MAC services.

[3] The surcharge provisions for services performed with B-727 aircraft will be applied to all other common-rated aircraft types.

(Secs. 204, 403 and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 759 and 771 as amended; 49 U.S.C. 1324, 1373 and 1386.)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-8701 Filed 4-2-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2305]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

AAMCO Automatic Transmissions, Inc.

Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements: § 13.533-65 Renegotiation and/or amendment of contracts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat 719, as amended; 15 U.S.C. 45)

In the Matter of AAMCO Automatic Transmissions, Inc., a Corporation

Order modifying a consent order issued against respondent, 37 FR 24737 corrected at 25704, 81 F.T.C. 618, by deleting Paragraphs III and IV of the original order which permitted respondent to formulate and establish standards for a quality control program, "secondary level of inspection", whereby transmission parts are tested and inspected by vendors prior to sale; permitted respondent to maintain an approved vendors list which contains the names of vendors who actually perform a "secondary level of inspection"; and restricted franchisees to purchase only from AAMCO or vendors whose names appear on the approved vendors list. The respondent is required by the modified order to effect modification of the provisions of every contract between it and its franchisees contrary to or inconsistent with the modified order.

Order reopening proceeding and modifying cease and desist order is as follows:[1]

The Commission, on October 30, 1974, having issued an order against respondent to show cause why the proceedings herein should not be reopened for the purpose of modifying the consent order to cease and desist entered on October 18, 1972; and

Respondent having answered that it has no objection to the reopening of the proceeding and the modification of the consent order, as set forth in the order to show cause.

Accordingly, it is ordered, That the matter be reopened, and that the order herein be modified so that it will read:

I. *It is ordered,* That respondent, AAMCO Automatic Transmissions, Inc. (AAMCO), a corporation, its successors, assigns, officers, directors, agents, representatives and employees, directly or through any corporate or other device, in connection with the franchising or licensing of persons to operate an automotive transmission repair franchise business, such franchising and operation constituting commerce, as "commerce" is defined in the Federal Trade Commission Act, forthwith cease and desist from requiring, in any manner or by any means, directly or indirectly, its franchisees to purchase the automotive parts, new or rebuilt, equipment and merchandise used by such franchisees in the establishment and operation of their automotive repair business from AAMCO or from any other source;

Provided, That nothing in this order shall prohibit AAMCO from establishing, maintaining and implementing, from time to time, reasonable manufacturing specifications for transmission parts, equipment or merchandise to be used by its franchisees in their business, and reasonable standards for transmission services, repairs, and rebuilding offered by its franchisees. Such specifications and standards shall be made available without charge to sources of supply of such items to AAMCO's franchisees.

II. *It is further ordered,* That respondent take all necessary action to effect the modification of each provision of every contract between it and its franchisees which is contrary to or inconsistent with this order.

III. *It is further ordered,* That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

IV. *It is further ordered,* That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order.

The Order Reopening Proceeding and Modifying Cease and Desist Order was issued by the Commission February 3, 1975.

VIRGINIA M. HARDING, *Acting Secretary.*

[FR Doc.75-8645 Filed 4-2-75;8:45 am]

[1] Copy of the modifying order filed with the original document.

[Docket No. 8845]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Adolph Coors Co.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Adolph Coors Company, a Corporation

Order modifying an earlier order dated July 24, 1973, 38 F.R. 23399, 83 F.T.C. 32, pursuant to decision and judgment of June 4 and 21, 1974, respectively, of the United States Court of Appeals for the Tenth Circuit,[1] by deleting Paragraphs 12 and 13 of the order which rewrite the termination provisions of respondent's distributor contracts.

Order modifying order to cease and desist is as follows:[2]

Respondent, having filed in the United States Court of Appeals for the Tenth Circuit on August 15, 1973, a petition to review and set aside an order to cease and desist issued herein on July 24, 1973, and the Court having rendered its decision on June 4, 1974, and its judgment on June 21, 1974, affirming the order to cease and desist, except for numbered Paragraphs 12 and 13 of the order which it directed be set aside;

Now, therefore, it is hereby ordered, That the aforesaid order to cease and desist be, and it hereby is, modified in accordance with the decision and judgment of the Court to read as follows:

ORDER

It is ordered, That respondent Adolph Coors Company and its subsidiaries, successors, assigns, officers, directors, agents, representatives and employees, individually or in concert with others, directly or indirectly, or through any corporate or other device, in connection with the brewing, distribution, offering for sale or sale of beer in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Entering into, maintaining or enforcing any contract, agreement, combination, understanding or course of conduct which has as its purpose or effect the fixing, maintaining, establishing or setting of the prices at which distributors sell Coors beer to retailers or the prices at which retailers sell Coors beer to consumers.

2. Publishing, disseminating or providing any price list or other document indicating suggested or mandatory prices for the sale of Coors beer by any distributor to any retailer or any price list or other document indicating suggested or mandatory prices for the sale of Coors beer by any retailer to any consumer.

Provided, however, That nothing contained in this paragraph of the Order shall prohibit respondent from complying with the requirements of any state law, *provided,* That when respondent purports to be complying with the state law regarding price suggestions, respondent will specifically advise the Commission of the statute and all court decisions and administrative agency decisions and rulings interpreting said statute pursuant to which it is purporting to act.

3. Publishing, disseminating or providing to any distributor or any retailer any information or suggestions concerning what Coors may believe to be an appropriate or proper mark-up or profit for Coors beer when the distributor sells to the retailer or when the retailer sells to the consumer or a mark-up or profit below which the distributor or retailer is advised not to sell Coors beer.

Provided, however, That nothing contained in paragraphs two (2) and three (3) of the Order shall prohibit respondent from publishing, disseminating, or providing any price list or other document indicating suggested prices for the sale of Coors beer or suggested mark-ups or profits for Coors beer after three years from the effective date of this Order. Two years following the effective date of this Order respondent may petition the Commission, upon a showing that competition in the resale of its products has been restored, to be permitted to publish, disseminate or provide suggested prices, mark-ups, and profits as set forth in this proviso.

4. Refusing to sell beer to any Coors distributor or terminating or threatening to terminate any Coors distributor because:

A. the distributor has in the past or might in the future sell Coors beer at prices, mark-ups, or profits different from those approved or recommended by respondent;

B. one or more of the distributor's customers sold Coors beer or advertised Coors beer for sale at prices, mark-ups, or profits different from those approved or recommended by respondent;

C. the Coors distributor sold Coors beer to another distributor or to a retailer whose business is located outside of the territory granted to the distributor; or

D. the Coors distributor distributes, has distributed, or proposes to distribute in the future the product of another brewer.

5. Entering into, maintaining or enforcing any contract, agreement, combination, understanding or course of conduct to fix, establish, limit or restrict the territory in which or the persons to whom a distributor may sell Coors beer.

Provided, however, That nothing contained in this paragraph of the Order shall prohibit respondent from complying with the requirements of any state law, *provided,* That when respondent purports to be complying with a state law requiring the restriction of territories or customers, respondent will specifically advise the Commission of the statute and all court decisions and administrative agency decisions and rulings interpreting said statute pursuant to which it is purporting to act.

6. Allocating Coors beer among its distributors in times of beer shortage at the Coors brewery, by any means other than by allocating shares to distributors equal to their proportionate purchases of Coors beer from the brewery during the last three months before the allocation or when the distributor has not been in business for more than a year as a Coors distributor, or some other equitable basis.

7. Refusing to deliver all of a distributor's order because the distributor has made sales to customers outside of the territory granted the distributor or because the distributor or the distributor's customer is selling Coors beer at prices, mark-ups or profits lower than those approved by respondent.

8. Prohibiting its distributors from selling for central warehouse delivery; *provided, however,* That respondent can establish refrigeration standards for the central warehouse which are substantially similar to those established for distributors and can require its distributors to be responsible, directly or indirectly, for maintenance of such refrigeration standards and for rotation of Coors beer in the central warehouse and at the retail delivery locations where the beer is redelivered from the central warehouse, if respondent changes its container dating system so that the retailer and the consumer will recognize the date without reference to a code or measuring stick.

9. Entering into, maintaining or enforcing any contract, agreement, combination, understanding or course of conduct with its distributors which has as its purpose or effect requiring that retailers serve Coors draught beer as their only light-colored draught beer.

10. Entering into, maintaining or enforcing any contract, agreement or understanding, or taking any action or course of conduct with any of its distributors which has as its purpose or effect the requirement that the distributor eliminate, or refrain from obtaining and handling rival brands of beer in order to become or remain a Coors distributor.

11. Hindering, suppressing or eliminating competition or attempting to hinder, suppress or eliminate competition between or among distributors or between or among retailers handling Coors beer.

It is further ordered, That respondent corporation shall forthwith distribute a copy of this Order to each of its operating divisions, to its present and future sales representatives, and to its present and future distributors.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the Order.

In the event that respondent proposes a change in the corporate respondent, as set forth above, respondent shall require said successor or transferee to file, with the Commission, at the time of respondent's notification, a written agreement to be bound by the terms of this Order; *provided* that if respondent wishes to present to the Commission any reasons why said Order should not apply in its present form to said successor or transferee, respondent shall submit to the Commission a written statement setting forth said reasons at least sixty (60) days prior to the consummation of said succession or transfer.

It is further ordered, That respondent herein shall, within sixty (60) days after service upon it of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

[1] *Cert. denied;* Jan. 13, 1975, —— U.S. ——, —— S.Ct. ——.

[2] Copies of the modifying order filed with the original document.

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Commissioner Thompson did not participate.

The Order Modifying Order to Cease and Desist was issued by the Commission February 4, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75-3644 Filed 4-2-75;8:45 am]

[Docket No. C-2633]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

W. M. Barr & Co.

Subpart—Advertising falsely or misleading: § 13.10 Advertising falsely or misleading; § 13.170 Qualities or properties of product or service: § 13.170–63 Non-toxic; § 13.195 Safety: § 13.195–60 Product; § 13.205 Scientific or other relevant facts. Subpart—Misrepresenting oneself and goods—Goods: § 13.1685 Nature; § 13.1710 Qualities or properties; § 13.1740 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of W. M. Barr & Company, a Corporation

Consent order requiring a Memphis, Tenn. manufacturer and seller of paint removers and chemical specialties for the paint industry, among other things to cease misrepresenting the safety of its products; using the word "safe" in any advertisements regarding its products; and making any representations which contradict or are inconsistent with warnings on product labels.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

I. *It is ordered*, That respondent, W. M. Barr & Company a corporation, its successors and assigns, and respondent's officers, representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any of its products with precautionary labeling, (sometimes referred to hereinafter as "such products") do forthwith cease and desist from:

A. Representing, directly or by implication, orally or in writing, that Klean-Strip Paint Remover, or any other such products, are safe, non-toxic, non-injurious, non-poisonous, non-hazardous.

B. Using the word safe, or any form thereof, in any advertisement, promotional material or other representation regarding such products.

C. Making any representation, directly or by implication, orally or in writing, which contradicts, is inconsistent with or detracts from the effectiveness of any warning, caution or direction for use required to be set forth on the label or labeling of such product.

II. *It is further ordered*, That respondent forthwith distribute a copy of this Order to each of its operating divisions engaged in the manufacture, sale, promotion, (advertising or distribution of products subject to this Order, and to all present and future employees of respondent engaged in the advertising, promotion, sale or distribution of such products.

III. *It is further ordered*, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this Order.

IV. *It is further ordered*, That respondent corporation shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the provisions of this Order.

The Decision and Order was issued by the Commission February 10, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75-3646 Filed 4-2-75;8:45 am]

[Docket C-2677]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Federated Sanitary Corp. and Harry Wessel

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.15 Business status, advantages, or connections; 13.15–150 Endorsement; 13.15–225 Personnel or staff; 13.15–270 Size and extent; § 13.60 Earnings and profits; § 13.110 Endorsements, approval and testimonials; § 13.143 Opportunities; § 13.205 Scientific or other relevant facts. Subpart—Claiming or using endorsements or testimonials falsely or misleadingly: § 13.330 Claiming or using endorsements or testimonials falsely or misleadingly; 13.330–94 Users in general. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records; 13.533–45(c) Complaints; 13.533–45(k) Records, in general. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1520 Personnel or staff; § 13.1555 Size, extent, or equipment. —Goods: § 13.1615 Earnings and profits; § 13.1665 Endorsements; § 13.1697 Opportunities in product or service; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions; 13.1905–50 Sales contract. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1935 Earnings and profits; § 13.2015 Opportunities in product or service; § 13.2063 Scientific or other relevant facts. Subpart—Using deceptive techniques in advertising: § 13.2275 Using deceptive techniques in advertising.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Federated Sanitary Corp., a Corporation, and Harry Wessel, Individually and as an Officer of Said Corporation

Consent order requiring a New Rochelle, N.Y., seller and distributor of toilet bowl cleaners, air refreshers and other products to salesmen, franchisees and other distributors, among other things to cease misrepresenting earnings and profits of franchisees; misrepresenting the number of individuals engaged in the sale of respondents' products; using false testimonials, and failing to make certain disclosures to prospective franchisees.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

It is ordered, That respondents Federated Sanitary Corp., a corporation, its successors and assigns, and its officers, and Harry Wessel, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of toilet bowl cleaners, air refreshers, or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that individuals will earn any stated gross or net amount, or representing, in any manner, the past earnings of individuals where such profits represent unusual earnings by a small percentage with reference unless the pertinent facts with reference to such earnings are disclosed: for example, full or part-time employment or whether the individual operates alone or employs a staff.

2. Representing, directly or by implication, a prospective franchisee's potential income or gross or net profits unless such representation is based upon the actual average figures for all franchises and distributorships in operation during the entire preceding twelve-month period and unless there is disclosed clearly and spicuously immediately adjacent to any such representation that "REPRESENTATIONS ARE BASED ON THE AVERAGE EARNINGS OR PROFITS OF ALL FRANCHISES AND DISTRIBUTORSHIPS IN OPERATION DURING THE PAST YEAR. THESE FIGURES SHOULD NOT BE CONSIDERED AS ACCURATE REPRESENTATIONS OF POTENTIAL EARNINGS OR PROFITS OF ANY SPECIFIC FRANCHISEE OR DISTRIBUTOR."

[1] Copies of the complaint, decision and order, filed with the original document.

3. Misrepresenting, directly or by implication, the number of individuals regularly engaged in the sale or distribution of respondents' products.

4. Using testimonials from individuals who did not purchase from the respondent corporation the products covered by the testimonials.

5. Failing to furnish any prospective distributor or franchisee, in a separate written statement in a clear and concise manner, prior to the consummation of any contracts between respondents and any such prospective distributor or franchisee:

A. The conditions under which the franchise or distributorship agreement may be terminated or renewal refused by respondents, and a statement of the number of franchises or distributorships which were terminated or renewal refused in the past calendar year.

B. Complete financial details pertaining to the distributor or franchise agreement including the amount to be paid by the distributor or franchisee for the distributorship or franchise, the amount to be paid for any services to be rendered by respondents and the amount to be paid for any merchandise offered for sale or sold thereunder.

C. The median and mean gross sales to respondents' franchisees or distributors, exclusive of initial inventories sold to new franchisees or distributors, during the 12-month period preceding the month in which the information is to be furnished.

D. The number of franchisees or distributors at the beginning of the 12-month period, the number appointed during the 12-month period, the number terminated during the 12-month period, the number retained at the end of the 12-month period, and the median and mean length of time that those retained at the end of the 12-month period have been respondents' franchisees or distributors.

6. Using reprints of magazine articles, describing the experience of respondents' salesmen, distributors or franchisees with the respondents' products when such articles are suggested, drafted or prepared by respondents or on their behalf, unless it is clearly indicated that said articles were initiated by the respondents.

7. Misquoting, exaggerating or otherwise distorting statements from purchasers.

It is further ordered, That respondents furnish any prospective franchisee or distributor a copy of the franchise or distributorship agreement proposed to be used reasonably prior to the date the agreement is to be consummated or payment is to be made by the prospective franchisee or distributor for such franchise or distributorship.

It is further ordered, That respondents maintain files containing all inquiries or complaints from any source relating to acts or practices prohibited by this order, for a period of two years after their receipt, and that such files be made available for examination and copying by a duly authorized agent of the Federal Trade Commission during the regular hours of the respondents' business.

It is further ordered, That respondents deliver a copy of this Order to Cease and Desist to all present and future office personnel employed directly by respondents and to all persons engaged in the offering for sale or sale of respondents' distributorships or franchises or in any aspect of preparation, creation or placing of advertising and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That no provision of this order shall be construed in any way to annul, invalidate, repeal, terminate, modify or exempt respondents from complying with agreements, orders or directives of any kind obtained by any other agency or act as a defense to actions instituted by municipal or state regulatory agencies. No provision of this order shall be construed to imply that any past or future conduct of respondents complies with the rules and regulations of or the statutes administered by the Federal Trade Commission.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission January 27, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75-3647 Filed 4-2-75;8:45 am]

[Docket No. C-2631]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Kassler & Co.

Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements: § 13.533–15 Destruction of records and/or data; § 13.533–20 Disclosures; § 13.533–45 Maintain records; § 13.533–45(k) Records in general; § 13.533–50 Maintain means of communication; § 13.533–65 Renegotiation and/or amendment of contracts. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 Delaying or withholding corrections, adjustments or action owed. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1895 Scientific or other relevant facts. Subpart—Securing signatures wrongfully: § 13.2175 Securing signatures wrongfully.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Kassler & Co., a Corporation

Consent order requiring a Denver, Colo., mortgage banker, among other things to cease distributing to real estate agents forms which restrict the buyer's source of home loan credit, which require the purchaser to sign at a later date a real estate contract form, the terms of which are not set forth or attached to the earnest money agreement, and which require a purchaser's title insurance policy or preliminary report only be delivered to the respondent. Other provisions of the order will enable the buyer to be informed of the conditions of the real estate contract into which he is entering.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

It is ordered, That respondent Kassler & Co., a corporation, its successors or assigns, its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the promoting and granting of residential loans in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Disseminating or distributing, in any manner, directly or indirectly, any earnest money or other contract forms used in connection with the purchase and sale of real estate (all hereinafter referred to as "earnest money forms"):

a. Which provide that the seller or purchaser authorizes the real estate agent to select a lending institution, or to arrange financing of the sale, or to advance any of the purchaser's funds to any lending institution, or that otherwise have the effect of restricting where the purchaser may seek credit;

b. Which provide that the seller or purchaser agree to execute a real estate contract or any other document without, at the option of respondent, either (1) setting forth the terms of such real estate contract or other document in the earnest money forms, or (2) setting forth the following language in the earnest money forms: "THIS AGREEMENT IS

[1] Copies of the Complaint, Decision and Order, filed with the original document.

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VOID without further action by any of the parties hereto unless a copy of the blank real estate contract form which the parties agree to execute is provided to the parties hereto prior to their signing this agreement.

I/WE ACKNOWLEDGE RECEIPT OF BLANK REAL ESTATE CONTRACT FORM NO. ____ ISSUED BY_____ PRIOR TO THE SIGNING OF THIS AGREEMENT.

_____ _____
_____ _____
Purchaser(s) *Seller(s)*"

c. Which provide for delivery of the title policy and report preliminary thereto to any party other than the purchaser, or which provide for delivery at any specified place: *Provided*, That nothing herein shall preclude the inclusion of a provision permitting the sending of copies of the preliminary report and title policy to the lender or other closing agent, or other interested parties.

2. Failing to send, by certified mail, return receipt requested, a notice to all purchasers of residential real estate (hereinafter referred to as "covered applicants") who have, after the effective date hereof, both (a) executed an agreement on the form printed and distributed by the respondent which contains the language quoted in Paragraph Five of the complaint, and (b) filed a loan application with the respondent. Such notice shall be sent within two business days of the receipt of the loan application by any representative of Kassler & Co. and shall advise the covered applicant that he may withdraw his loan application without costs, obligations or penalties by delivering or posting written notice to respondent of his determination to do so within ten calendar days of receipt of the required notice from respondent. The notices described herein, which shall include a blank form of loan withdrawal notice, shall be sent by the respondent in the language, form and manner, and with the enclosures, approved by the Seattle Regional Office of the Federal Trade Commission or other representative designated by the Commission.

3. Failing to allow all covered applicants to withdraw their application for credit without costs, obligations or penalties if the respondent receives a loan application withdrawal notice as described above in subparagraph 2.

4. Failing to make contact in person with each real estate office to which respondent may have distributed earnest money agreement forms which contain the language stated in Paragraph Five of the complaint, and to use its best efforts to obtain possession of such earnest money agreement forms from the agent, and to destroy such forms.

It is further ordered, That respondent maintain at all times in the future, for a period, in each case, of not less than one year, complete records relative to the manner and form of its continuing compliance with the above terms and provisions of this order.

It is further ordered, That respondent deliver a copy of this order to cease and desist to the heads of each operating division and separate office within the company and to the heads of each region and branch office, and that respondent secure from each such person a signed statement acknowledging receipt of said order.

It is further ordered, That respondent notify the Commission at least thirty days prior to any proposed change in the respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondent shall, within sixty days after service upon it of this order, file with the Commission a written report setting forth in detail the manner and form of its compliance with this order.

The Decision and Order was issued by the Commission February 3, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75-8648 Filed 4-2-75;8:45 am]

[Docket No. C-2634]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Men's Market Service, Inc. and Hart Schaffner & Marx

Subpart—Discriminating in price under Sec. 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.800 Buyers' agents; § 13.817 Decreased brokerage. Subpart—Discriminating in price under Section 5, Federal Trade Commission Act: § 13.892 Knowingly inducing or receiving discriminating payments.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 2, 49 Stat. 1526; 15 U.S.C. 45, 13)

In the Matter of Men's Market Service, Inc., and Hart Schaffner & Marx, Corporations

Consent order requiring a New York City manufacturer and seller of men's clothing and its affiliated merchandising service, among other things to cease inducing discriminatory price reductions or advertising allowances from suppliers.

The Order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

I. *It is ordered*, That the respondent corporations, Men's Market Service, Inc. and Hart Schaffner & Marx, their respective successors, assigns, officers, agents, representatives, and employees, in connection with the centralized selection, recommedation and negotiation of net prices for the purchase for resale by Hart Schaffner & Marx menswear stores of any product in commerce, as "commerce" is defined in the Clayton Act, shall not receive or accept, or arrange directly or indirectly for any subsidiary operating HSM menswear stores to receive or accept, from any supplier or from anyone acting for or in behalf of or who is subject to the direct or indirect control of such supplier, any rebate or discount in lieu of brokerage, by purchasing products from such supplier at net prices reflecting a reduction from the net prices at which sales of such products of like grade and quality are being effected by such supplier to competing purchasers, where such reduction in net price exceeds the cost savings derived by said supplier in manufacture, sale or delivery to HSM menswear stores; *provided that* said cost savings derived by any such supplier shall not include savings derived from a reduction in the regular rate of commission, brokerage or other compensation currently being paid by said supplied for sales services.

II. *It is further ordered*, That respondents Men's Market Service, Inc. and Hart Schaffner & Marx, their respective successors, assigns, officers, agents, representatives, employees, and subsidiaries operating HSM menswear stores, in connection with the purchase for resale by said HSM menswear stores in competition with other purchasers from the same suppliers of goods of like grade and quality, of any product in commerce, as "commerce" is defined in the Clayton Act, shall not:

(a) Induce suppliers to grant discriminatory discounts, rebates or other reductions in net prices to or for the benefit of HSM menswear stores, except to meet the lawful net prices offered by a competitor, where such reduction in net price exceeds the cost savings derived by said supplier in manufacture, sale or delivery to HSM menswear stores.

(b) Induce suppliers to grant catalog advertising allowances or other advertising allowances directly or indirectly to HSM menswear stores, unless such allowances are available on proportionally equal terms to all competitors of such HSM menswear stores purchasing from said suppliers' products of like grade and quality.

For the purpose of determining "net price" under the terms of Paragraphs I and II of this Order, there shall be taken into account all discounts and rebates or other terms and conditions of sale by which net prices are affected.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in either corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect its compliance obligations arising out of this Order.

It is further ordered, That respondents furnish a copy of this Order to all suppliers of merchandise purchased for resale by HSM menswear stores who, currently and during the five years preceding the date of this Order, are and were designated "preferred resources" and to all future such suppliers of such merchandise for a ten year period following the date of this Order, and respondent HSM shall also furnish a copy of this

[1] Copies of the complaint, decision and order, filed with the original document.

Order to each of its subsidiaries operating menswear stores.

It is further ordered, That respondents shall, within 60 days after service upon them of this Order, file with the Commission reports in writing setting forth in detail the manner and form in which they have complied and will comply with this Order.

The decision and order was issued by the Commission February 11, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75-8649 Filed 4-2-75;8:45 am]

[Docket No. 8977]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

J. M. Sanders Jewelry Co.

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements: § 13.73–92 Truth in Lending Act; § 13.155 Prices: § 13.155–95 Terms and Conditions: § 13.155–95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 Terms and conditions: § 13.1823–20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements: § 13.1852–75 Truth in Lending Act; § 13.1905 Terms and conditions: § 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1606)

In the Matter of J. M. Sanders, an Individual Trading and Doing Business as J. M. Sanders Jewelry Company

Consent order requiring a Chattanooga, Tenn., retailer of jewelry and small appliances, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The Final Order, including further order requiring report of compliance with the order to cease and desist, is as follows: [1]

FINAL ORDER

The Administrative Law Judge filed his Initial Decision in this matter on December 31, 1974, finding respondent to have engaged in the acts and practices as alleged in the complaint and entering a Cease-and-Desist Order against respondent. A copy of the Initial Decision and Order was served on the respondent on January 23, 1975. No appeal was taken from the Initial Decision.

The Commission having now determined that the matter should not be placed on its own docket for review, and that the Initial Decision should become effective as provided in § 3.51(a) of the Commission's Rules of Practice,

It is ordered, That the Initial Decision and Order contained therein shall become effective on February 24, 1975.

It is further ordered, That J. M. Sanders, an individual trading and doing business as J. M. Sanders Jewelry Company, shall, within sixty (60) days after service of this order upon him, file with the Commission a report in writing, signed by respondent, setting forth in detail the manner and form of his compliance with the order to cease and desist.

The order to cease and desist as set forth in the Initial Decision is as follows:

ORDER

It is ordered, That respondent J. M. Sanders, an individual trading and doing business as J. M. Sanders Jewelry Company, his successors or assigns, respondent's agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension or arrangement of consumer credit or any advertisement to aid, promote, or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Pub. L. 90–321, 15 U.S.C. 1601 *et seq.*), do forthwith cease and desist from:

1. Failing in any consumer credit transaction to disclose the price at which respondent, in the regular course of business, offers to sell for cash the property or services which are the subject of the credit sale, and to describe that price as the "cash price," as required by § 226.8 (c) (1) of Regulation Z.

2. Failing to disclose the amount of any downpayment in money made in connection with any consumer credit transaction and to describe that amount as the "cash downpayment," as required by § 226.8(c) (2) of Regulation Z.

3. Failing to disclose the amount of any downpayment in property made in connection with any consumer credit transaction and to describe that amount as the "trade-in," as required by § 226.8 (c) (2) of Regulation Z.

4. Failing to disclose the sum of the "cash downpayment" and the "trade-in" made in connection with any consumer credit transaction, and to describe that sum as the "total downpayment," as required by § 226.8(c) (2) of Regulation Z.

5. Failing to disclose the "unpaid balance of cash price" to describe the difference between the "cash price" and the "total downpayment," as required by § 226.8(c) (3) of Regulation Z.

6. Failing to disclose the "unpaid balance" to describe the sum of the "unpaid balance of cash price" and all other charges included in the amount financed but which are not part of the finance charge, as required by § 226.8(c) (5) of Regulation Z.

7. Failing to disclose the amount of credit extended, and to describe that amount as the "amount financed," as required by § 226.8(c) (7) of Regulation Z.

8. Failing to disclose the sum of all charges made to the customer which are required by Section 226.4 of Regulation Z to be included in the finance charge, and to describe that sum as the "finance charge," as required by § 226.8(c) (8) (i) of Regulation Z.

9. Failing in any consumer credit transaction to disclose accurately the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price," as required by § 226.8(c) (8) (ii) of Regulation Z.

10. Failing to disclose the "annual percentage rate" accurately to the nearest quarter of one percent, in accordance with § 226.5 of Regulation Z, as required by § 226.8(b) (2) of Regulation Z.

11. Failing to disclose the number, amount, and due dates or period of payments scheduled to repay the indebtedness, as required by § 226.8(b) (3) of Regulation Z.

12. Failing to disclose the sum of the payments scheduled to repay the indebtedness, and to describe the sum as the "total of payments" as required by § 226.8(b) (3) of Regulation Z.

13. Stating, utilizing, or placing any information or explanation not required or authorized by Regulation Z in a manner which might tend to mislead or confuse the customer or contradict, obscure, or detract attention from the information required by Regulation Z to be disclosed, as required by § 226.6(c) of Regulation Z.

14. Stating in any advertisement the amount of the downpayment or that no downpayment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless there is also stated in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d) (2) thereof:

(i) The cash price;

(ii) The amount of the downpayment required or that no downpayment is required, as applicable;

(iii) The number, amount, and due dates or periods of payments scheduled to repay the indebtedness if the credit is extended;

(iv) The amount of the finance charge expressed as an annual percentage rate; and

(v) The deferred payment price.

15. Failing in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.7, 226.8 and 226.10 of Regulation Z.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in the consummation of any extension of consumer credit or in any aspect of the prepara-

[1] Copies of the Complaint, Initial Decision, and Final Order filed with the original document.

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lowing information and statements in the

tion, creation, or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business address and a statement as to the nature of the business or employment in which he is engaged, as well as a description of his duties and responsibilities.

The Final Order was issued by the Commission February 18, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75-8650 Filed 4-2-75;8:45 am]

[Docket No. 8944-c]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Theodore Stephen Company, Inc. and Benjamin Eisenman

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.15 Business status, advantages or connections: § 13.15–70 Financing activities; § 13.20 Comparative data or merits; § 13.70 Fictitious or misleading guarantees; § 13.71 Financing; § 13.73 Formal regulatory and statutory requirements: § 13.73–90 Textile Fiber Products Identification Act; § 13.73–92 Truth in Lending Act; § 13.155 Prices: § 13.155–5 Additional charges unmentioned; § 13.155–10 Bait; § 13.155–15 Comparative; § 13.155–70 Percentage savings; § 13.155–95 Terms and conditions: § 13.155–95(a) Truth in Lending Act; § 13.160 Promotional sales plans; § 13.205 Scientific or other relevant facts; § 13.225 Services; § 13.260 Terms and conditions. Subpart—Contracting for sale any evidence of indebtedness prior to specified time: § 13.527 Contracting for sale any evidence of indebtedness prior to specified time. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements: § 13.533–20 Disclosures; § 13.533–45 Maintain records: § 13.533–45(a) Advertising substantiation. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 Delaying or withholding corrections, adjustments or action owed. Subpart—Disparaging products, merchandise, services, etc.: § 13.1042 Disparaging products, merchandise, services, etc. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records: § 13.1051–20 Adequate. Subpart—Invoicing products falsely: § 13.1108 Invoicing products falsely: § 13.1108–90 Textile Fiber Products Identification Act. Subpart—Misbranding or misabeling: § 13.1212 Formal regulatory and statutory requirements: § 13.1212–90 Textile Fiber Products Identification Act. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1417 Financing activities. —Goods: § 13.1575 Comparative data or merits; § 13.1623 Formal regulatory and statutory requirements: § 13.1623–80 Textile Fiber Products Identification Act; § 13.1647 Guarantees; § 13.1725 Refunds; § 13.1760 Terms and conditions: § 13.1760–50 Sales contract. —Prices: § 13.1778 Additional costs unmentioned; § 13.1779 Bait; § 13.1785 Comparative; § 13.1823 Terms and conditions; § 13.1823–20 Truth in Lending Act. —Promotional Sales Plans: § 13.1830 Promotional sales plans. —Services: § 13.1835 Cost; § 13.1843 Terms and conditions. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements: § 13.1852–70 Textile Fiber Products Identification Act; § 13.1852–75 Truth in Lending Act; § 13.1855 Identity; § 13.1882 Prices: § 13.1882–10 Additional costs unmentioned; § 13.1892 Sales contract, right-to-cancel provision; § 13.1905 Terms and conditions: § 13.1905–50 Sales contract; § 13.1905–60 Truth in Lending Act. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1980 Guarantee, in general; § 13.2013 Offers deceptively made and evaded; § 13.2063 Scientific or other relevant facts; § 13.2080 Terms and conditions. Subpart—Using deceptive techniques in advertising: § 13.2275 Using deceptive techniques in advertising.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147, 72 Stat. 1717; 15 U.S.C. 45, 1601–1605, 70)

In the Matter of Theodore Stephen Company, Inc., a Corporation, and Benjamin Eisenman, Individually, and as an Officer of Said Corporation

Order requiring a Silver Spring, Md., carpet retailer, among other things to cease using bait and switch tactics; failing to maintain adequate records; misrepresenting savings available to consumers; misrepresenting prices or terms and conditions thereof; misrepresenting guarantees; misrepresenting credit services or terms; failing to notify consumers of their right to cancel contracts within three business days; misbranding and falsely advertising its textile fiber products; and failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the Truth in Lending Act.

The Final Order is as follows: [1]

FINAL ORDER

This matter has come before the Commission on the motion of respondents, for consideration of the question whether the consumer warning provision ordered by the Administrative Law Judge should be adopted as part of the Commission's cease-and-desist order. The Commission has determined that this matter is indistinguishable from the matter of *Wilbanks Carpet Specialists, Inc., et al.*, Docket 8933 and *Tri-State Carpets, Inc., et al.*, Docket 8945, inasmuch as the record presents insufficient evidence that a consumer warning is a necessary or appropriate means for the termination of the act or practices complained of or for the prevention of their recurrence. Having declined to order a consumer warning in the *Wilbanks* and *Tri-State* matters, the Commission has concluded that the same disposition is warranted herein.

Accordingly, the initial decision issued by the Judge should be modified in accordance with the foregoing views of the Commission, and, as so modified, adopted as the decision of the Commission:

It is ordered, That the initial decision issued by the Administrative Law Judge be modified by striking therefrom the following:

Those portions of the conclusions of law which concern "consumer warning" relief (at pp. 11–13) *sub nom. "THE REMEDY"*); and the second "FURTHER ORDERED" paragraph of Part III of the order to cease and desist issued by the judge (at pp. 29–30).

As so modified, the initial decision is hereby adopted.

The order to cease and desist contained in the initial decision including further order requiring report of compliance therewith, as modified by the Commission, is as follows:

ORDER

I. *It is ordered*, That respondents Theodore Stephen Company, Inc., a corporation, its successors and assigns, and its officers, and Benjamin Eisenman, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of carpeting and floor coverings, or any other article of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using in any manner, a sales plan, scheme, or device wherein false, misleading, or deceptive statements or representations are made in order to obtain leads or prospects for the sale of carpeting or other merchandise or services.

2. Making representations, orally or in writing, directly or by implication, purporting to offer merchandise for sale when the purpose of the representation is not to sell the offered merchandise but to obtain leads or prospects for the sale of other merchandise at higher prices.

3. Disparaging in any manner, or discouraging the purchase of any merchandise or services which are advertised or offered for sale.

4. Representing, orally or in writing, directly or by implication, that any merchandise or services are offered for sale when such offer is not a bona fide offer to sell such merchandise or services.

5. Failing to maintain and produce for inspection and copying for a period of three years adequate records to document for the entire period during which each advertisement was run and for a period of six weeks after the termination of its publication in press or broadcast media:

a. The cost of publishing each advertisement including the preparation and dissemination thereof;

b. The volume of sales made of the advertised product or service at the advertised price; and

c. A computation of the net profit from the sales of each advertised product or service at the advertised price.

6. Using the word "Sale", or any other word or words of similar import or meaning not set forth specifically herein unless the price of such merchandise being offered for sale constitutes a reduction, in an amount not so insignificant as to be meaningless, from the actual bona fide price at which such merchandise was sold or offered for sale to the public on a regular basis by respondents for a reasonably substantial period of time in the recent, regular course of their business.

7. (a) Representing, orally or in writing, directly or by implication, that by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondents' stated price and respondents' former price unless such merchandise has been sold or offered for sale in good faith at the former price by respondents for a reasonably substantial period of time in the recent, regular course of their business.

(b) Representing, orally or in writing, directly or by implication, that by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondents' stated price and a compared price for said merchandise in respondents' trade area unless a substantial number of the principal retail outlets in the trade area regularly sell said merchandise at the compared price or some higher price.

(c) Representing, orally or in writing, directly or by implication, that by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondents' stated price and a compared value price for comparable merchandise, unless substantial sales of merchandise of like grade and quality are being made in the trade area at the compared price or a higher price and unless respondents have in good faith conducted a market survey or obtained a similar representative sample of prices in their trade area which establishes the validity of said compared price and it is clearly and conspicuously disclosed that the comparison is with merchandise of like grade and quality.

8. Failing to maintain and produce for inspection or copying for a period of three (3) years, adequate records (a) which disclose the facts upon which any savings claims, sale claims and other similar representations as set forth in Paragraphs Six and Seven of this order are based, and (b) from which the validity of any saving claims, sale claims and similar representations can be determined.

9. Representing, orally or in writing, directly or by implication, that a stated price for carpeting or floor coverings includes the cost of a separate padding and the installation of such padding and carpeting thereof, unless in every instance where it is so represented the stated price for floor covering does, in fact, include the cost of such separate padding and installation thereof; or misrepresenting in any manner, the prices, terms, or conditions under which respondents supply separate padding and provide installation in connection with the sale of floor covering products.

10. Representing, orally or in writing, directly or by implication, that any product or service is guaranteed unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed; and respondents deliver to each purchaser, prior to the signing of the sales contract, a written guarantee clearly setting forth all of the terms, conditions and limitations of the guarantee fully equal to the representations, orally or in writing, directly or by implication, made to each such purchaser, and unless respondents promptly and fully perform all of their obligations and requirements under the terms of each such guarantee.

11. Representing, orally or in writing, directly or by implication, that respondents extend credit to customers or extend credit at bank rates; or misrepresenting in any manner, credit services or credit terms.

12. Contracting for any sale whether in the form of trade acceptance, conditional sales contract, promissory note, or otherwise which shall become binding on the buyer prior to midnight of the third day, excluding Sundays and legal holidays, after the date of execution.

13. Failing to furnish the buyer with a fully completed receipt or copy of any contract pertaining to such sale at the time of its execution, which is in the same language, e.g., Spanish, as that principally used in the oral sales presentation and which shows the date of the transaction and contains the name and address of the seller, and in immediate proximity to the space reserved in the contract for the signature of the buyer or on the front page of the receipt if a contract is not used and in bold face type of a minimum size of 10 points, a statement in substantially the following form:

You, the buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See the attached notice of cancellation form for an explanation of this right.

14. Failing to furnish each buyer, at the time he signs the sales contract or otherwise agrees to buy consumer goods or services from the seller, a completed form in duplicate, captioned, "NOTICE OF CANCELLATION", which shall be attached to the contract or receipt and easily detachable, and which shall contain in ten point bold face type the following information and statements in the same language, e.g., Spanish, as that used in the contract:

NOTICE OF CANCELLATION

[Enter date of transaction]

(*Date*)

You may cancel this transaction, without any penalty or obligation, within three business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 business days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be cancelled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale; or you may if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller's expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice, or send a telegram, to ----------, at

(name of seller)

(*address of seller's place of business*)

Not later than midnight of ----------

(*date*)

I hereby cancel this transaction.

(*Date*)

(*Buyer's signature*)

15. Failing, before furnishing copies of the "Notice of Cancellation" to the buyer, to complete both copies by entering the name of the seller, the address of the seller's place of business, the date of the transaction, and the date, not earlier than the third business day following the date of the transaction, by which the buyer may give notice of cancellation.

16. Including in any sales contract or receipt any confession of judgment or any waiver of any of the rights to which the buyer is entitled under this order including specifically his right to cancel the sale in accordance with the provisions of this order.

17. Failing to inform each buyer orally, at the time he signs the contract or purchases the goods or services, of his right to cancel.

18. Misrepresenting, directly or indirectly, orally or in writing, the buyer's right to cancel.

19. Failing or refusing to honor any valid notice of cancellation by a buyer and within 10 business days after the receipt of such notice, to (i) refund all payments made under the contract or sale; (ii) return any goods or property traded in, in substantially as good condition as when received by the seller; (iii)

[1] Copies of the Complaint, Initial Decision, Final Order, and Opinion of the Commission, filed with the original document.

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cancel and return any negotiable instrument executed by the buyer in connection with the contract or sale and take any action necessary or appropriate to terminate promptly any security interest created in the transaction.

20. Negotiating, transferring, selling, or assigning any note or other evidence of indebtedness to a finance company or other third party prior to midnight of the fifth business day following the day the contract was signed or the goods or services were purchased.

21. Failing, within 10 business days of receipt of the buyer's notice of cancellation, to notify him whether the seller intends to repossess or to abandon any shipped or delivered goods.

22. Advertising the price of carpet, either separately or with padding and installation included, for specified areas of coverage without disclosing in immediate conjunction and with equal prominence the square yard price for additional quantities of such carpet with padding and installation needed.

23. Advertising any carpeting or floor covering using a unit of measurement not usually and customarily employed in the retail advertising of carpet or which tends to exaggerate the size or quantity of carpeting or floor covering being offered at the advertised price.

Provided, however, That nothing contained in Part I of this order shall relieve respondents of any additional obligations respecting contracts required by federal law or the law of the state in which the contract is made. When such obligations are inconsistent, respondents can apply to the Commission for relief from this provision with respect to contracts executed in the state in which such different obligations are required. The Commission, upon showing, shall make such modifications as may be warranted in the premises.

II. *It is further ordered,* That respondents Theodore Stephen Company, Inc., a corporation, its successors and assigns, and its officers, and Benjamin Eisenman, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale, in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

B. Falsely and deceptively advertising textile products by:

1. Making any representations by disclosure or by implication, as to fiber content of any textile fiber product in any written advertisement which is used to aid, promote or assist, directly or indirectly, in the sale, or offering for sale, of such textile fiber product unless the same information required to be shown on the stamp, tag, label or other means of identification under sections 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Failing to set forth in advertising the fiber content of floor covering containing exempted backings, fillings or paddings, that such disclosure related only to the face, pile or outer surface of such textile fiber products and not to the exempted backings, fillings or paddings.

3. Using a fiber trade-mark in advertising textile fiber products without a full disclosure of the required fiber content information in at least one instance in said advertisement.

4. Using a fiber trade-mark in advertising only one fiber without such fiber trademark appearing at least once in the advertisement, in immediate proximity and conjunction with the generic name of the fiber, in plainly legible and conspicuous type.

III. *It is further ordered,* That respondents Theodore Stephen Company, Inc., a corporation, its successors and assigns, and its officers, and Benjamin Eisenman, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate, subsidiary, division or other device, in connection with any extension of consumer credit or advertisement to aid, promote, or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

(1) Failing to include in the finance charge the amount of the charges or premiums for credit life insurance in instances where customers desiring such insurance coverage did not give specific dated and separately signed affirmative written indications of such desire, as provided in § 226.4(a) (5) (ii) of Regulation Z.

(2) Failing to disclose accurately the "amount financed", and "finance charge", as required by §§ 226.8(b) (7), and 226.8(c) (8) (i), respectively, of Regulation Z.

(3) Failing to disclose the "annual percentage rate" accurately to the nearest quarter of one percent, computed in accordance with the provisions of § 226.5 of Regulation Z, as required by § 226.8 (b) (2) of Regulation Z.

(4) Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price", as required by § 226.8(c) (8) (ii) of Regulation Z.

(5) Failing in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9 and 226.10 of Regulation Z.

It is further ordered, That respondents shall maintain for at least a one (1) year period, following the effective date of this order, copies of all advertisements, including newspaper, radio and television advertisements, direct mail and in-store solicitation literature, and any other such promotional material utilized for the purpose of obtaining leads for the sale of carpeting or floor coverings, or utilized in the advertising, promotion or sale of carpeting or floor covering and other merchandise.

It is further ordered, That respondents, for a period of one (1) year from the effective date of this order, shall provide each advertising agency utilized by respondents and each newspaper publishing company, television or radio station or other advertising media which is utilized by the respondents to obtain leads for the sale of carpeting or floor coverings and other merchandise, with a copy of the Commission's News Release setting forth the terms of this order.

It is further ordered, That respondents shall maintain for at least a one (1) year period, following the effective date of this order, copies of all advertisements, including newspaper, radio, and television advertisements, direct mail and in-store solicitation literature, and any other such promotional material utilized for the purpose of obtaining leads for the sale of carpeting or floor coverings, or utilized in the advertising, promotion or sale of carpeting or floor covering and other merchandise.

It is further ordered, That respondents, for a period of one (1) year from the effective date of this order, shall provide each advertising agency utilized by the respondents and each newspaper publishing company, television or radio station or other advertising media which is utilized by the respondents to obtain leads for the sale of carpeting or floor coverings and other merchandise, with a copy of the Commission's News Release setting forth the terms of this order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondents shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the offering for sale, sale of any product, consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the said respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Final Order was issued by the Commission January 28, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc. 75-8651 Filed 4-2-75; 8:45 am]

[Docket No. C-2630]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Bellevue Loan Co. and Frank Heffernan

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements; § 13.73-92 Truth in Lending Act; § 13.155 Prices; 13.155-95 Terms and conditions; 13.-155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 Terms and conditions; 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1852 Formal regulatory and statutory requirements: 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions; 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605)

In the Matter of Bellevue Loan Company, a Corporation, and Frank Heffernan, Individually and as an Officer of Said Corporation

Consent order requiring a Newport, R.I., moneylender in connection with financing insurance premiums, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The Order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondents Bellevue Loan Company, a corporation, its successors and assigns, and its officers, and Frank Heffernan, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension of consumer credit or advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 *et seq.*), do forthwith cease and desist from:

1. Failing to disclose the annual percentage rate accurately to the nearest quarter of one percent, computed in accordance with the provisions of § 226.5 of Regulation Z, as required by § 226.8 (b) (2) of Regulation Z.

2. Failing to use the term "cash price", as defined in § 226.2(i) of Regulation Z, to describe the purchase price of the transaction, as required by § 226.8(c) (1) of Regulation Z.

3. Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment, as required by § 226.8 (c) (3) of Regulation Z.

4. Failing to use the term "finance charge" to describe the sum of all charges required by § 226.4 of Regulation Z to be included therein, as required by § 226.8 (c) (8) (i) of Regulation Z.

5. Failing to print the term "finance charge" more conspicuously than other required terminology, as required by § 226.6(a) of Regulation Z.

6. Failing to make all disclosures required by § 226.8 of Regulation Z clearly, conspicuously and in a meaningful sequence, as required by § 226.6(a) of Regulation Z.

7. Failing in any consumer credit transaction or advertisement to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z at the time and in the manner, form and amount required by §§ 226.6, 226.8 and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents now or hereafter engaged in the consummation of any extension of consumer credit or in any aspect of the preparation, creation or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The decision and order was issued by the Commission January 27, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75-8704 Filed 4-2-75;8:45 am]

[Docket No. C-2628]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Town Finance Corp. and John Andrade

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements: § 13.73-92 Truth in Lending Act; § 13.155 Prices: § 13.155-95 Terms and conditions: § 13.155-95(a) Truth in Lending Act. Subpart—misrepresenting oneself and goods—Prices: § 13.1823 Terms and conditions: § 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements: § 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions: § 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605)

In the Matter of Town Finance Corp., a Corporation, and John Andrade, Individually and as an Officer of Said Corporation

Consent order requiring a Bristol, R.I., money lender in connection with financing insurance premiums, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

[1] Copies of the Complaint, Decision and Order, filed with the original document.

[1] Copies of the Complaint, Decision and Order, filed with the original document.

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ORDER

It is ordered, That respondents Town Finance Corp., a corporation, its successors and assigns, and its officers, and John Andrade, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension of consumer credit or advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 et seq.) do forthwith cease and desist from:

1. Failing to use the term "cash price", as defined in § 226.2(i) of Regulation Z, to describe the purchase price of the transaction, as required by § 226.8(c) (1) of Regulation Z.

2. Failing to use the term "cash downpayment" to describe the downpayment in money made in connection with the credit sale, as required by § 226.8(c) (2) of Regulation Z.

3. Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment, as required by § 226.8(c) (3) of Regulation Z.

4. Failing to use the term "amount financed" to describe the amount of credit extended, as required by § 226.8(c) (7) of Regulation Z.

5. Failing to use the term "total of payments" to describe the sum of the payments scheduled to repay the indebtedness, as required by § 226.8(b) (3) of Regulation Z.

6. Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price", as required by § 226.8(c) (8) (ii) of Regulation Z.

7. Failing to print the terms "annual percentage rate" and "finance charge" more conspicuously than other required terminology, as required by § 226.6(a) of Regulation Z.

8. Failing in any consumer credit transaction or advertisement to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z at the time and in the manner, form and amount required by §§ 226.6, 226.8 and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents now or hereafter engaged in the consummation of any extension of consumer credit or in any aspect of the preparation, creation or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission January 27, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75-8705 Filed 4-2-75;8:45 am]

[Docket No. C-2629]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Valley Premium Plan, et al.

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements: § 13.73-92 Truth in Lending Act; § 13.155 Prices: § 13.155-95 Terms and conditions: § 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 Terms and conditions: § 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements: § 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions: § 13.1705-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605)

In the Matter of Premium Plan, a Partnership, and William Fellner, and George I. Parker, and Edward L. Foster, and William Hunt, and R. Spencer Kyle, and Abraham Snyder, and George Stevens, and John T. Wilmot, and Alfred E. Hutchinson, Individually and as Partners in said Partnership

Consent order requiring a Pawtucket, R.I., money lender in connection with financing insurance premiums, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:[1]

ORDER

It is ordered, That respondents Valley Premium Plan, a parnership, and William Fellner, George I. Parker, Edward L. Foster, William Hunt, R. Spencer Kyle, Abraham Snyder, George Stevens, John T. Wilmot and Alfred E. Hutchinson, individually and as co-partners trading and doing business as Valley Premium Plan, or under any other name or names, their successors and assigns, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension of consumer credit or advertisement to aid, promote or assist, directly or indirectly, any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Pub. L. 90-231, 15 U.S.C. 1601 *et seq.*), do forthwith cease and desist from:

1. Failing to disclose the annual percentage rate accurately to the nearest quarter of one percent, in accordance with § 226.5 of Regulation Z as required by § 226.8(b) (2) of Regulation Z.

2. Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment as required by § 226.8 (c) (3) of Regulation Z.

3. Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, describing that sum as the "deferred payment price", as required by § 226.8(c) (8) (ii) of Regulation Z.

4. Failing to make consumer credit cost disclosures when any existing extension of credit is refinanced, or two or more existing extensions of credit are consolidated, or an existing obligation is increased, as prescribed by § 226.8(j) of Regulation Z.

5. Failing to furnish the consumer with a duplicate of the instrument containing the required disclosures or a statement by which the required disclosures are made, as required by § 226.8 (a) of Regulation Z.

6. Stating, utilizing or placing any additional information in conjunction with the disclosures required by Regulation Z to be made, which information misleads or detracts attention from the information required by Regulation Z to be disclosed.

7. Failing to make all disclosures required by Regulation Z clearly, conspicuously, and in meaningful sequence, as required by § 226.6(a) of Regulation Z.

8. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the manner, form and

[1] Copies of the Complaint, Decision and Order, filed with the original document.

amount required by §§ 226.6, 226.8, and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit, or in any aspect of the preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the partnership respondent, such as dissolution, assignment, or sale, resulting in the emergence of a successor partnership, or any other change in the partnership which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission January 27, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75-8706 Filed 4-2-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting from Contact with Containers or Equipment and Food Additives Otherwise Affecting Food

SLIMICIDES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 4H3023) filed by the Dow Chemical Co., Midland, MI 48640, and other relevant material, concludes that the food additive regulations should be amended as set forth below to provide for safe use of 2,2-dibromo-3-nitrilopropionamide as a slimicide in the manufacture of paper and paperboard intended to contact food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2505(c) is amended by alphabetically inserting a new item in the list of substances, to read as follows:

§ 121.2505 Slimicides.

• • • • • •

(c) • • •

List of substances	*Limitations*
• • •	• • •
2,2-dibromo-3-nitrilopropionamide.	At a maximum level of 0.1 lb/ton of dry weight fiber.
• • •	• • •

Any person who will be adversely affected by the foregoing order may at any time on or before May 5, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective April 3, 1975.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: March 14, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-8615 Filed 4-2-75;8:45 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

PROPYLENE GLYCOL AZELATE

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 4B2965) filed by Ammeraal Weverijen, Industrieweg 406, Wormerveer, Holland, and other relevant material, concludes that the food additive regulations (21 CFR Part 121) should be amended, as set forth below, to provide for safe use of propylene glycol azelate as a plasticizer in polyvinyl chloride coatings intended for repeated use in contact with food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2511(b) is amended by alphabetically inserting a new item in the list of substances as follows:

§ 121.2511 Plasticizers in polymeric substances.

• • • • • •

(b) • • •

Limitations
• • •
For use only at levels not exceeding 41 percent by weight of permitted polyvinyl chloride coatings. Such coatings shall be used only as bulk food contact surfaces of articles intended for repeated use, complying with § 121.-2562.
• • •

Any person who will be adversely affected by the foregoing order may at any time on or before May 5, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall be effective April 3, 1975.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: March 17, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-8616 Filed 4-2-75;8:45 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting from Contact with Containers or Equipment and Food Additives Otherwise Affecting Food

Polyhydric Alcohol Esters of Long Chain Monobasic Acids

The Commissioner of Food and Drugs is amending the food additive regulations to provide for a new lubricant to be used in the fabrication of polyvinyl chloride and/or polyvinyl chloride copolymers.

Notice was given by publication in the FEDERAL REGISTER of July 2, 1974 (39 FR 24396) that a petition (FAP 4B3008) had been filed by Emery Industries, Inc., 3200 Carew Tower, Cincinnati, OH 45232, proposing that the food additive regulations (21 CFR Part 121) be amended to provide for safe use of esters produced by esterification of monobasic acids with either ethylene glycol or glycerol as lubricants in the fabrication of vinyl chloride plastic food-contact articles.

The Commissioner having evaluated

public authorities, whose jurisdictions, the grounds of race, color, national ori-

The Commissioner having evaluated data in the food additive petition and other relevant material concludes that the food additive regulations should be amended to provide for the safe use of the petitioned additive, subject to the limitations that it be used only in articles contacting nonfatty foods under conditions of room temperature or refrigerated filling and storage.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788; 21 U.S.C. 321(s), 348, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart F the following new section:

§ 121.2630 Polyhydric alcohol esters of long chain monobasic acids.

Polyhydric alcohol esters of long chain monobasic acids identified in this section may be safely used as lubricants in the fabrication of polyvinyl chloride and/or polyvinyl chloride copolymer articles complying with § 121.2521 that contact food of types I, II, IV–B, VI–B, VII–B, and VIII identified in table 1 in § 121.2526 (c) under conditions of use E, F, and G described in table 2 in § 121.2526(c), subject to the provisions of this section.

(a) *Identity.* For the purpose of this section, polyhydric alcohol esters of long chain monobasic acids consist of polyhydric alcohol esters having number average molecular weights in the range of 1,050 to 1,700. The esters are produced by the reaction of either ethylene glycol or glycerol with long chain monobasic acids containing from 9 to 40 carbon atoms obtained by the oxidation of long chain *alpha*-olefins, the unreacted carboxylic acids in the formation of the glycerol esters being neutralized with calcium hydroxide to produce a composition having up to 2 percent by weight calcium. The *alpha*-olefins, obtained from the polymerization of ethylene, have 20 to 50 carbon atoms and contain a minimum of 75 percent by weight straight chain *alpha*-olefins and not more than 25 percent vinylidene compounds.

(b) *Specifications.* The polyhydric alcohol esters have the following specifications:

(1) Melting point of 60–80° C for the ethylene glycol ester and 90–105° C for the glycerol ester as determined by the Fisher Johns method.

(2) Acid value 15–25 for each ester as determined by the A.O.C.S. Method Tria-6f,[1] modified to use as the acid solvent a 1:1 volume mixture of anhydrous isopropyl alcohol and toluene. The solution is titrated with 0.1*N* methanolic sodium hydroxide.

(3) Saponification value 126–160 for the ethylene glycol ester and 90–130 for the glycerol ester as determined by an analytical method available upon request from the Division of Food and Color Additives, HFF–330, U.S. Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204.

(4) Ultraviolet absorbance as specified in § 121.2605(a)(4) when tested by the analytical method described therein.

Any person who will be adversely affected by the foregoing order may at any time on or before May 5, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective April 3, 1975.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788; 21 U.S.C. 321(s), 348, 371(a).)

Dated: March 14, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75–6614 Filed 4–2–75;8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE

[DESI 11974; DOCKET NO. FDC–D–702; NDA 11–874]

PART 444—OLIGOSACCHARIDE ANTIBIOTIC DRUGS

Neomycin Vaginal Suppositories; Confirmation of Effective Date of Order Revoking Certification Provisions

The Commissioner of Food and Drugs is confirming the effective date of an order, which was published in the FEDERAL REGISTER of September 30, 1974 (39 FR 35160) to become effective November 11, 1974, amending the antibiotic drug regulations to revoke provisions for certification of vaginal suppositories containing neomycin sulfate, polymyxin B sulfate, and acetarsone (21 CFR 444.642a). Any person adversely affected by the order could file objections to it and request a hearing.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–1051 as amended, 59 Stat. 463 as amended (21 U.S.C. 352, 357)) and under authority delegated to the Commissioner (21 CFR 2.120), notice is given that no objections were filed to the subject order. Accordingly, the amendment promulgated thereby became effective November 11, 1974.

Dated: March 25, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75–8613 Filed 4–2–75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 635—CONSTRUCTION AND MAINTENANCE

Miscellaneous Amendments

Revisions and corrections are hereby published as set forth below.

In order to eliminate unnecessary redtape, those States operating under Certification Acceptance pursuant to 23 U.S.C. 117 may henceforth construct any Federal-aid system project, except projects on the Interstate System, by the force account method without securing the prior approval of the Federal Highway Administration. Under existing regulations only secondary system force account projects can proceed without prior approval.

The matters affected relate to grants, benefits, or contracts within the purview of 5 U.S.C. 553(a)(2), therefore, general notice of proposed changes is not required. The revisions and corrections will become effective on the date of issuance.

Issued on March 24, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Subpart A, Contract Procedures, is amended as follows:

CORRECTIONS

The following citations within paragraphs are changed as noted:

1. In § 635.108, change:
   a. "§ 635.5(e)" to "§ 635.105(e)".
   b. "§ 635.7(e)" to "§ 635.107(e)".
   c. "§ 635.8(c)" to "§ 635.108(c)".
   d. "§ 635.13(h)" to "§ 635.113(h)".
2. In § 635.104(a), change "§ 635.7" to "§ 635.107".
3. In § 635.107(e), change "§ 635.8" to "§ 635.108".
4. In § 635.110(c), change "§ 635.10(b)" to "§ 635.110(b)".
5. In § 635.115(e)(2), change "§ 635.15(e)" to "§ 635.115(e)".
6. In § 635.124(a)(1), change "§ 635.24(a)(2)" to "§ 635.124(a)(2)".

Subpart B, Force Account Construction, is amended as follows:

REVISIONS

1. In § 635.202, delete the words" located on the Federal-aid Secondary System and".
2. In § 635.205(b), delete the words "located on the Federal-aid secondary system and".

[1] Copies may be obtained from: American Association of Oil Chemists, 35 East Wacker Dr., Chicago, IL 60601.

CORRECTIONS

1. In § 635.205(a)(1), the citation to "§635.44 (b) and (c)" is changed to "§ 635.205 (b) and (c)".
2. In § 635.205(b), the citation to "§ 635.44(a)" is changed to "§ 635.205 (a)".

[FR Doc.75–8667 Filed 4–2–75;8:45 am]

[Docket No. 75–5]

PART 662—OFF-SYSTEM ROADS PROGRAM ADMINISTRATIVE GUIDELINES

These regulations provide guidelines for administering the Off-System Roads Program. Section 122 of the Federal-Aid Highway Amendments of 1974 amended title 23, United States Code to add section 219 which authorizes grants for the construction, reconstruction, and improvement of roads not on any Federal-aid system. Section 101(6) of the Federal-Aid Highway Amendments of 1974 authorized to be appropriated $200 million for off-system roads for the fiscal year 1976. The $200 million was apportioned to the States pursuant to 23 U.S.C. 219 on January 10, 1975.

Since these regulations relate to a grant program, notice and public procedure thereon are unnecessary, and they may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER. These regulations are being issued effective on the date of publication in the FEDERAL REGISTER so that the program can begin promptly, thereby reducing unemployment, stimulating the economy, and providing needed rural road improvements.

However, because of public interest in this program, interested persons may submit comments on these regulations to the Federal Highway Administration, Department of Transportation, Room 4226, Docket No. 75–5, 400 7th St. SW., Washington, D.C. 20590. Comments should be submitted on or before May 5, 1975. Material submitted will be considered and evaluated in determining any changes to these regulations.

In consideration of the foregoing, Subchapter G of Chapter I of title 23, Code of Federal Regulations, is amended by adding a new Part 662 to read as set forth below:

Sec.
662.1 Definitions.
662.3 Roads eligible for improvement.
662.5 Project objective.
662.7 Fair and equitable availability of funds in the counties.
662.9 Matching of funds.
662.11 Procedures.
662.13 Standards.
662.15 Project identification.

AUTHORITY: 23 U.S.C. 219 and 315; 49 CFR 1.48.

§ 662.1 Definitions.

As used in this part—

(a) "Local road officials" means the duly elected or appointed officials of public authorities whose jurisdictions include rural off-system roads.

(b) "Maintained" means the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic control devices as are necessary for its safe and efficient utilization.

(c) "Minority business enterprise" means that the company has at least 50 percent minority ownership or control; minorities are identified as Blacks, the Spanish-surnamed, American Indians, and Asian-Americans.

(d) "Open to public travel" means that the road section is available, except during scheduled periods, extreme weather or emergency conditions, passable by four-wheel standard passenger cars, and open to the general public for use without restrictive gates, prohibitive signs, or regulation other than restrictions based on size, weight, or class of registration.

(e) "Public authority" means a State, county, town, or township, Indian tribe, municipal or other local government or instrumentality thereof, with authority to finance, build, operate or maintain toll-free highway facilities.

(f) "Rural area" means all areas of a State not included in urban areas. The term "urban area" is defined in 23 U.S.C. 101(a).

(g) "State" means any one of the 50 States and Puerto Rico.

(h) "State agency" means the State highway agency which is legally empowered to administer this program in cooperation with the Federal Highway Administration (FHWA) or such other State agency as may be legally empowered and suitably equipped and organized to administer this program, as designated by the governor of the State, and as approved by the Federal Highway Administrator.

§ 662.3 Roads eligible for improvement.

Roads (including bridges) which are eligible for improvement under this program shall not be on any Federal-aid highway system but shall be: toll free, located in a rural area, under the jurisdiction of and maintained by a public authority, and open to public travel.

§ 662.5 Project objective.

The Federal objective of this program shall be to assist State and local road officials to improve eligible off-system roads (including bridges) by projects which are selected by those officials in cooperation with each other. Maintenance projects are not eligible, nor is any work which has not been authorized to proceed by FHWA.

§ 662.7 Fair and equitable availability of funds in the counties.

Each State shall make funds apportioned under this program available for expenditure in the counties of such State on a fair and equitable basis. Each State shall ensure equality in distribution of funds and further ensure that projects are selected, designed, and constructed with such funds in a manner which will not discriminate against any person on the grounds of race, color, national origin, or sex. Minority communities must receive adequate consideration in the selection and implementation of projects under this program.

§ 662.9 Matching of funds.

Federal-aid funds apportioned to a State under 23 U.S.C. 219 shall be matched by State or local funds in the same manner and ratio as Federal-aid secondary funds under 23 U.S.C. 120(a).

§ 662.11 Procedures.

This program shall be administered by FHWA in cooperation with the several State agencies. Regular Federal-aid highway procedures applicable to particular types of projects and work shall also be applicable to projects administered under this program, except that, subject to approval of the FHWA Division Engineer, State agencies may assume responsibilities for:

(a) Approval of the PS&E assembly, construction changes, and third-party agreements (e.g. utility, railroad and consulting engineer agreements),

(b) Authorization to advertise for bids for construction or commence work on an agreed-unit-price basis,

(c) Concurrence in the contract award, and

(d) Inspecting construction.

Each contracting authority shall notify bidders that minority business enterprises will be afforded full and affirmative opportunity to submit bids in response to the invitation and will not be discriminated against on grounds of race, color, or national origin in consideration for an award. If land acquisition or relocation of individuals, families, or businesses is required for the project and FHWA does not authorize advertising, the State agency shall submit a certification to the FHWA Division Engineer that it has complied with the applicable provisions of the relocation assistance and land acquisition directives contained in volume 7 of the Federal-Aid Highway Program Manual[1] (FHPM) (23 CFR, Chapter I, Subchapter H). Written approval of such certification by the FHWA Division Engineer shall be obtained prior to advertisement for bids for physical construction. FHWA shall make an inspection of each completed project.

§ 662.13 Standards.

Design standards for projects constructed under this program shall be:

(a) Those standards, policies and guides set forth in FHPM 6–2–1–1 (23 CFR Part 625) or, as an alternative,

(b) Such standards, policies and guides as may be developed by local road officials in cooperation with the State and approved by FHWA.

Within project limits or immediately adjacent to a project, no bridge may be left in place which has a width narrower than the approach roadway, including the width of shoulder paving, unless sult-

[1] The Federal-Aid Highway Program Manual is available for inspection and copying as prescribed in 49 CFR, Part 7, Appendix D.

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sible signing, marking, and guarding is provided. No bridge shall be left in place which has a width narrower than the approach roadway except as may be approved by the FHWA Division Engineer. All projects shall be signed and marked in accordance with the Manual on Uniform Traffic Control Devices.

§ 662.15 Project identification.

Projects shall be identified in programming and other documents by a three-element coding (e.g. OS–(187(2))), as follows:

(a) The prefix designation "OS,"

(b) A series of numbers not exceeding four digits which may be the traffic route number or another statewide independent series. At the option of the State, a single unique number not exceeding four digits may be assigned to each local jurisdiction within the State, and

(c) The agreement number ("(2)" in the example) shall be the chronological number of the project within each assigned route or local jurisdiction number.

Effective Date: April 3, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.75-8090 Filed 4-2-75;8:45 am]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 90—CERTIFICATION OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

On March 17, 1975, a document was published in the FEDERAL REGISTER (40 FR 11987) proposing to revise the rules pertaining to worker adjustment assistance as administered by the Department of Labor. All comments with respect to the proposed revision were given due consideration.

A. As a result of comments received and our further review, the following changes in the revised rules are made in addition to language changes for clarification:

1. The definition of "increased imports" is added to § 90.2 and generally follows the definition given in the legislative history of the Trade Act of 1974.

2. The definition of "like or directly competitive" is expanded in § 90.2, to include the definition set forth in section 601 of the Act.

3. The contents of the petition (§ 90.11 (c)) are changed to require the name, address, telephone number, and title of an official of the firm, in order to facilitate the certification investigation process.

4. The primary objectives and procedures of a certification investigation have been specified (§ 90.12), in order to better inform the public of the possible scope of such investigations.

5. Section 90.13 is changed to include specification of the content of a request for public hearing; this will be particularly helpful in determining whether a person requesting a public hearing has a "substantial interest" in the proceedings.

B. Certain other recommendations have been carefully considered but have not been accepted. The following suggestions were not adopted for the reasons assigned:

1. Section 90.11(c) has been criticized because it is believed workers will be required to provide information which is unavailable during the petitioning process. This contention is not correct since the regulations clearly provide, in § 90.31 (b), that workers need only furnish a reason for the unavailability of information in petitions.

2. Section 90.13 has been criticized as requiring too many "legalistic formalities" for public hearings and for not taking into account the difficulty of parties attending hearings at a "time and place" to be determined by the certifying officer. The judicial review and public hearings sections of the Act (§ 221 and § 250) and current case law concerning administrative proceedings indicate that persons requesting public hearings should be afforded the opportunity to be heard, to be present, and to produce evidence. The requirements in § 90.13 are intended to protect, not interfere with, the rights of petitioners and other interested parties. As for the "time and place" for the hearing, we are of the opinion that the latitude prescribed in § 90.13(c) allows for those situations where parties would be unable to attend unless the location of the hearing can be set as circumstances dictate. It is for this reason that the regulations do not prescribe Washington, D.C., as the only place where hearings will be held.

3. We have been requested to delete the statement in § 90.16(d) that a certification may identify individual workers by name. However, there may be situations (as there were under the Trade Expansion Act of 1962) in which it may be necessary to notify workers of their eligibility by naming them, especially in circumstances where the persons named are not members of the larger group included in a certification. In any event, administrative measures will be taken to protect the privacy of individuals involved.

4. No opportunity for a hearing is provided concerning the termination date of a certification when such a date has been specified in the certification itself (§ 90.16(d)(2)), although it has been suggested that such opportunity for hearing should be provided. This section was not changed because under no other circumstances is an opportunity for hearing provided after a final determination has been made, and any discussion of the termination date would be a proper subject in th hearing provided *prior* to the certification (§ 90.13).

5. It has been recommended that § 90.21 provide a more specific and detailed description of the type of industry studies to be conducted under section 224 of the Act. Although we are of the opinion that § 90.21 is sufficient as presently drafted, we will continue to consider this recommendation, with the possibility that we may revise this section at a later date.

6. Some concern has been expressed that the "date of filing" mentioned in §§ 90.2 and 90.31 will be interpreted in such a way as to interfere with the prompt disposition of petitions. We believe that this concern is minimized by the liberalized filing requirements in §§ 90.11 and 90.31 and the fact that the "date of filing" is primarily the date from which the 60-day determination period and 10-day hearing period are measured. In most cases, only delay on the part of petitioners or failure to substantially comply with filing requirements will adversely affect the workers' rights under the certification process.

7. Several comments were directed at an alleged lack of clarity in the statements concerning the confidentiality of information, especially in § 90.33. These regulations were drafted with the intention of avoiding any specific clarifications or definitions of "confidential business data" which might go beyond the Freedom of Information Act (FOIA) (5 U.S.C. 552). Any attempt to obtain information concerning the adjustment assistance program probably will be in the form of an FOIA request; therefore, we are of the opinion that any confidentiality standards we devise for these regulations should refer the requesting party to the Department's regulations pertaining to the FOIA (29 CFR Part 70).

Since the new program for worker adjustment assistance will become effective on April 3, 1975, it is essential that regulations be in effect on that date in order to assure the availability of program benefits to workers. For this reason I, as Secretary of Labor, find that it is in the public interest to make these regulations effective April 3, 1975.

Although Part 90 is being published in final form and is made effective as stated above, it is the policy of the Department of Labor that all comments concerning our regulations will be fully considered. Because certain persons have stated that they could not adequately comment on the proposal before March 26, 1975, further comments will be received, just as though Part 90 were presently a proposal, until May 5, 1975, after which time the comments received will be evaluated and, if warranted, the regulations will be appropriately revised. Meanwhile, in the interest of making Part 90 as revised in this document effective as soon as possible, it shall remain in force until further revised.

Interested persons are invited to submit written data, views, or arguments on Part 90, to the U.S. Department of Labor, Office of the Solicitor, Room N2458, New Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C. 20210 on or before May 5, 1975. All material received in response to this invitation will be available for public inspection during normal business hours at that address.

Accordingly, 29 CFR Part 90 is revised as set forth below.

Signed at Washington, D.C., this 1st day of April 1975.

JOHN T. DUNLOP,
Secretary of Labor.

PART 90—CERTIFICATION OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Subpart A—General

Sec.
90.1 Purpose.
90.2 Definitions.
90.3 Applicability of part.

Subpart B—Petitions and Determinations of Eligibility To Apply for Adjustment Assistance

90.11 Petitions.
90.12 Investigation.
90.13 Public hearings.
90.14 Subpena power.
90.15 Recommendation.
90.16 Determinations and certifications of eligibility to apply for adjustment assistance.
90.17 Termination of certifications of eligibility.
90.18 Judicial review of determinations.

Subpart C—Initiation and Conduct of Study With Respect to Workers in Industry Which is the Subject of an Investigation for Industry Import Relief

90.21 Study.
90.22 Dissemination of program knowledge and assistance to workers.

Subpart D—General Provisions

90.31 Filing of documents.
90.32 Availability of information.
90.33 Confidential businesses information.
90.34 Notice procedures.
90.35 Transitional provisions.

AUTHORITY: Sec. 248, Pub. L. 93–618, 88 Stat. 2029 (19 U.S.C. 2320).

Subpart A—General

§ 90.1 Purpose.

The purpose of this Part 90 is to set forth regulations relating to the responsibilities vested in the Secretary of Labor by the Trade Act of 1974 (Pub. L. 93–618) concerning petitions and determinations of eligibility to apply for worker adjustment assistance. Section 248 of the Act directs the Secretary of Labor to prescribe regulations which will implement the provisions relating to adjustment assistance for workers. This part will provide for the prompt and effective disposition of workers' petitions for certification of eligibility to apply for adjustment assistance. It reflects delegations of authority which will be published in the FEDERAL REGISTER.

§ 90.2 Definitions.

As used in this part, the term:

"Act" means the Trade Act of 1974, Pub. L. 93–618, 88 Stat. 1978, 2011–2030 (19 U.S.C. 2271–2322).

"Appropriate subdivision" means an establishment in a multi-establishment firm which produces the domestic articles in question or a distinct part or section of an establishment (whether or not the firm has more than one establishment) where the articles are produced. The term "appropriate subdivision" includes auxiliary facilities operated in conjunction with (whether or not physically separate from) production facilities.

"Certifying officer" means an official in the Bureau of International Labor Affairs, U.S. Department of Labor, who has been delegated responsibility to make determinations and issue certifications of eligibility to apply for adjustment assistance, preside at public hearings under section 221(b) of the Act, issue subpenas, and perform such further duties as may be required by the Secretary or by this part 90.

"Commission" means the United States International Trade Commission, formerly named the United States Tariff Commission.

"Date of the petition" means the date thereon, but which in no event shall be more than 30 days before the date of filing.

"Date of filing" means the date on which petitions and other documents are received in the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, Washington, D.C. 20210.

"Date of issuance" means the date on which a certification of eligibility to apply for adjustment assistance is signed by the certifying officer.

"Director" means the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, Washington, D.C. The Director is responsible for the conduct of worker investigations under this part and for recommending to the certifying officer whether or not to issue certifications of eligibility to apply for adjustment assistance.

"Firm" includes an individual proprietorship, partnership, joint venture, association, corporation (including a development corporation), business trust, cooperative, trustee in bankruptcy, and receiver under decree of any court.

"Group" means three or more workers in a firm or an appropriate subdivision thereof.

"Increased imports" means that imports have increased either absolutely or relatively, and would generally mean these increases as have occurred from a representative base period subsequent to the effectiveness of the most recent trade agreement concessions proclaimed by the President beginning in 1968.

"Layoff" means a suspension from pay status for lack of work initiated by the employer and expected to last for no less than seven (7) consecutive calendar days.

"Like or directly competitive" means that "like" articles are those which are substantially identical in inherent or intrinsic characteristics (i.e., materials from which the articles are made, appearance, quality, texture, etc.); and "directly competitive" articles are those which, although not substantially identical in their inherent or intrinsic characteristics, are substantially equivalent for commercial purposes (i.e., adapted to the same uses and essentially interchangeable therefor).

An imported article is "directly competitive with" a domestic article at an earlier or later stage of processing, and a domestic article is "directly competitive with" an imported article at an earlier or later stage of processing, if the importation of the article has an economic effect on producers of the domestic article comparable to the effect of importation of articles in the same stage of processing as the domestic article.

"Partial separation" means, with respect to an individual who has not been totally separated, that:

(a) The worker's hours of work have been reduced to 80 percent or less of the worker's average weekly hours at the firm or appropriate subdivision thereof, and

(b) The worker's wages have been reduced to 80 percent or less of the worker's average weekly wage at the firm or appropriate subdivision thereof.

"Secretary" means the Secretary of Labor, U.S. Department of Labor.

"Significant number or proportion of the workers" means that:

(a) In most cases the total or partial separations, or both, in a firm or appropriate subdivision thereof, are the equivalent to a total unemployment of five percent (5 percent) of the workers or 50 workers, whichever is less; or

(b) At least three workers in a firm (or appropriate subdivision thereof) with a work force of fewer than 50 workers would ordinarily have to be affected.

"Threatened to begin" means, in the context of impending total or partial separations, the date on which it could reasonably be predicted that separations were imminent.

"Total separation" means the layoff or severance of an individual from a firm or an appropriate subdivision thereof.

§ 90.3 Applicability of part.

This Part 90 generally relates to certifications of eligibility made under the Act. Subpart B specifically applies to the initiation and conduct of worker investigations and the issuance of determinations and certifications of eligibility to apply for adjustment assistance. Subpart C applies to studies of workers in industries which are the subject of investigations for industry import relief. Subpart D contains general provisions with respect to filing of documents and public availability of documents.

Subpart B—Petitions and Determinations of Eligibility To Apply for Adjustment Assistance

§ 90.11 Petitions.

(a) *Who may file petitions.* A petition under section 221(a) of the Act and this Subpart B shall be filed by a group of workers for a certification of eligibility to apply for adjustment assistance or by their certified or recognized union or other duly authorized representative.

(b) *Identification of petitioners.* Every petition filed with the Department shall clearly state the group of workers on whose behalf the petition is filed and the name(s) and address(es) of the person(s) by whom the petition is filed. Every petition shall be signed by at least three individuals of the petitioning group or by an official of a certified or recognized union or other duly authorized representative. Signing of a petition shall constitute acknowledgement that each signer has read the entire petition, that to the best of the signer's knowledge

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and belief the statements therein are true, and that each signer is duly authorized to sign such a petition.

(c) *Contents.* Petitions may be filed on a U.S. Department of Labor form. Copies of this form may be obtained at State Employment Security Agency local offices or by writing the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, Washington, D.C. 20210. Every petition shall include: (1) The name(s), address(es), and telephone number(s) of the petitioner(s); (2) The name or a description of the group of workers on whose behalf the petition is filed (e.g., all hourly and salaried employees of the XYZ plant of ABC corporation); (3) The name and address of the workers' firm or appropriate subdivision thereof; (4) the name, address, telephone number, and title of an official of the firm; (5) The approximate date(s) on which the total or partial separation of a significant number or proportion of the workers in the workers' firm or subdivision began and continued, or threatened to begin, and the approximate number of workers affected by such actual or threatened total or partial separations; (6) A statement of reasons for believing that increases of like or directly competitive imports contributed importantly to total or partial separations and to the decline in the sales or production (or both) of the firm or subdivision (e.g., company statements, articles in trade association publications, etc.); and (7) A description of the articles produced by the workers' firm or appropriate subdivision, the production or sales of which are adversely affected by increased imports, and a description of the imported articles concerned. If available, the petition also should include information concerning the method of manufacture, end uses, and wholesale or retail value of the domestic articles produced and the United States tariff provision under which the imported articles are classified.

(d) *Number of copies.* One (1) signed original and two (2) clear copies of the petition shall be filed. The name(s) of the person(s) signing the petition shall be typewritten or otherwise clearly reproduced.

§ 90.12 Investigation.

Upon receipt of a petition, properly filed, the Director of the Office of Trade Adjustment Assistance shall promptly publish notice in the FEDERAL REGISTER that the petition has been received. The Director shall initiate, or order to be initiated, such investigation as he determines to be necessary and appropriate. The investigation may include one or more field visits to verify information furnished by the petitioner(s) and to elicit other relevant information. In the course of the field investigation representatives of the Department shall be authorized to meet with and obtain information from responsible company officials, union officials, employees and other interested parties, or organizations, both private and public as may be necessary to marshal all relevant facts to recommend an appropriate finding with respect to the issuance of a determination of eligibility to apply for adjustment assistance. Upon conclusion of the investigation a report thereof, including a recommendation regarding group eligibility shall be made, as more specifically defined in § 90.16 of this Part 90.

§ 90.13 Public hearings.

(a) *When held.* A public hearing shall be held in connection with an investigation instituted under § 90.12 of this part whenever, not later than ten (10) days after the date of publication in the FEDERAL REGISTER of the notice of receipt of the petition, such a hearing is requested in writing by:

(1) The petitioner; or

(2) Any other person found by the Secretary or certifying officer to have a substantial interest in the proceedings.

Such petitioner and other interested persons shall be afforded an opportunity to be present, to produce evidence, and to be heard.

(b) *Form of request.* A request for public hearing shall be filed in the same manner as provided for filing of petitions and other documents under § 90.31(a) of this part. A request by a person other than the petitioner shall contain:

(1) The name, address, and telephone number of the person, organization, or group requesting the hearing; and

(2) A complete statement of the relationship of the person, organization, or group requesting the hearing to the petitioner or the subject matter of the petition and a statement of the nature of its interest in the proceeding.

(c) *Time and place.* Public hearings will be held at the time and place specified in a notice published in the FEDERAL REGISTER. Such notice shall be published at least seven (7) calendar days before the scheduled hearing.

(d) *Presiding officers.* A certifying officer shall conduct and preside over public hearings.

(e) *Order of testimony.* Witnesses will testify in the order designated by the presiding officer. Each witness, after being duly sworn, will proceed with testimony. After testifying, a witness may be questioned by the presiding officer or an agent designated by the presiding officer. Any person who has entered an appearance in accordance with paragraph (j) of this section may direct questions to the witness, but only for the purpose of assisting the presiding officer in obtaining relevant and material facts with respect to the subject matter of the hearing.

(f) *Evidence.* Witnesses may produce evidence of a relevant and material nature to the subject matter of the hearing.

(g) *Briefs.* Briefs of the evidence produced at the hearing and arguments thereon may be presented to the presiding officer by parties who have entered an appearance. Three (3) copies of such briefs shall be filed with the presiding officer within ten (10) days of the completion of the hearing.

(h) *Oral argument.* The presiding officer shall provide opportunity for oral argument after conclusion of the testimony in a hearing. The presiding officer will determine in each instance the time to be allowed for argument and the allocation thereof.

(i) *Authentication of evidence.* Evidence, oral or written, submitted at hearings, will upon order of the presiding officer be subject to verification from books, papers, and records of the parties submitting such evidence and from any other available sources.

(j) *Transcripts.* All hearings will be stenographically reported. Persons interested in transcripts of the hearings may inspect them at the U.S. Department of Labor in Washington, D.C., or purchase copies as provided in 29 CFR 70.62(c).

(k) *Appearances.* The petitioner or any other person showing a substantial interest in the proceedings may enter an appearance at a hearing, either in person or by a duly authorized representative.

§ 90.14 Subpena power.

(a) The Secretary or certifying officer may require by subpena the attendance and testimony of witnesses and the production of evidence necessary to make a determination.

(b) If a person refuses to obey a subpena issued under paragraph (a) of this section, the Secretary or a certifying officer may petition the United States district court within the jurisdiction of which the proceeding is being conducted requesting an order requiring compliance with such subpena.

(c) Witnesses subpenaed under this section shall be paid the same fees and mileage as are paid for like services in the District Court of the United States. The witness fees and mileage shall be paid by the United States Department of Labor.

§ 90.15 Recommendation.

As promptly as possible, but in any event not later than 45 days after the filing of a worker petition, the Director of the Office of Trade Adjustment Assistance shall submit to the certifying officer recommendations concerning whether or not to issue a certification of eligibility to apply for adjustment assistance. These recommendations shall be forwarded together with an investigative report, proposed findings of fact, transcripts of any public hearing conducted under this subpart, and other material developed during the investigation.

§ 90.16 Determinations and certifications of eligibility to apply for adjustment assistance.

(a) *General.* Not later than 15 days after receipt of the recommendations forwarded pursuant to § 90.15 of this part, the certifying officer shall make a determination on the petition and where affirmative issue a certification of eligibility as provided below.

(b) *Requirements for determinations.* After reviewing the material submitted under § 90.15 of this part, including any supplemental material which may be required in reaching a determination the certifying officer shall make findings of fact concerning whether:

(1) A significant number or proportion of the workers in such workers' firm (or an appropriate subdivision of the firm) have become, or are threatened to become, totally or partially separated;

(2) Sales or production, or both, of such firm or subdivision have decreased absolutely; and

(3) Increases (absolute or relative) of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production. For purposes of this paragraph and part, the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

(c) *Notice of affirmative determination and certification of eligibility.* Upon reaching a determination on a petition that a group of workers has met all the requirements set forth in section 222 of the Act and paragraph (b) of this section, the certifying officer shall issue a certification of eligibility to apply for adjustment assistance and shall promptly publish in the FEDERAL REGISTER a summary of the determination together with the reasons for making such determination (with the exception of information which the certifying officer determines to be confidential). Such summary shall include the certification of eligibility and shall constitute a Notice of Determination and Certification of Eligibility.

(d) *Contents of certification of eligibility.* The certification shall specify in detail:

(1) The firm or subdivision thereof at which the workers covered by the certification have been employed (which need not be limited to the unit specified in the petition), and may identify individual workers by name; and

(2) The impact date(s) on which the total or partial separations of the workers covered by the certification began or threatened to begin. When applicable, the certification shall specify the date(s) after which the total or partial separations of the petitioning group of workers from the firm or subdivision thereof specified in the certification are no longer attributable to the conditions set forth in paragraph (b) of this section. For purposes of this section, the "impact date" is the earliest date on which any part of the total or partial separations involving a significant number or proportion of workers began or threatened to begin.

(e) *Exclusions from coverage of a certification of eligibility.* A certification of eligibility to apply for adjustment assistance shall not apply to any worker:

(1) Whose last total or partial separation from the firm or appropriate subdivision occurred more than one (1) year before the date of the petition; or

(2) Whose last total or partial separation from the firm or appropriate subdivision occurred before October 3, 1974.

(f) *Notice of negative determination.* Upon reaching a determination that a group of workers has not met all the requirements set forth in section 222 of the Act and paragraph (b) of this section, the certifying officer shall promptly publish in the FEDERAL REGISTER a summary of the determination together with the reasons for making such determinations (with the exception of information which the certifying officer determines to be confidential). Such summary shall constitute a Notice of Negative Determination.

§ 90.17 Termination of certifications of eligibility.

(a) *Investigation.* Whenever the Director of the Office of Trade Adjustment Assistance has reason to believe, with respect to any certification of eligibility, that the total or partial separations from a firm or appropriate subdivision thereof are no longer attributable to the conditions specified in section 222 of the Act and § 90.16(b) of this part, the Director shall promptly make an investigation. Notice of the initiation of the investigation shall be published in the FEDERAL REGISTER and shall be transmitted to the group of workers concerned.

(b) *Opportunity for comment and hearing.* Within 10 days after publication of the notice under paragraph (a) of this section, the group of workers or other persons showing a substantial interest in the proceedings may request a public hearing or may make written submissions to show why the certification should not be terminated. If a hearing is requested under this paragraph, such hearing shall be conducted in accordance with § 90.13 of this part.

(c) *Recommendation.* Upon the conclusion of any public hearing conducted under this section, and after consideration of any written comments received under paragraph (b) of this section, the Director shall recommend to the certifying officer whether or not the certification should be terminated.

(d) *Notice of termination.* Within ten (10) days of receipt of a report recommending termination of a certification of eligibility, the certifying officer shall determine whether or not such certification shall be terminated. Upon reaching a determination that the certification of eligibility shall be terminated, the certifying officer shall make findings of fact and shall promptly have published in FEDERAL REGISTER a summary of the determination and the reasons therefor (with the exception of information which the certifying officer determines to be confidential). Such summary shall constitute a Notice of Termination. Such termination shall apply only with respect to total or partial separations occurring after the termination date specified by the certifying officer.

§ 90.18 Judicial review of determinations.

(a) *General.* Pursuant to section 250 of the Act, any worker, group of workers, certified or recognized union, or authorized representative of such worker or group, aggrieved by a final determination issued pursuant to the Act and §§ 90.16(c), 90.16(f), or 90.17(d) of this part may file a petition for review of such determination with the United States court of appeals for the circuit in which such worker or group is located or in the United States Court of Appeals for the District of Columbia Circuit. The party seeking judicial review must file for review in the appropriate court within sixty (60) days after the notice of determination has been published in the FEDERAL REGISTER.

(b) *Certified record of the Secretary.* Upon receiving a copy of the petition for review from the clerk of the appropriate court of appeals, the certifying officer shall promptly certify and file in such court the record on which the determination was based. The record shall include transcripts of any public hearings, recommendations received pursuant to § 90.15 of this part, the findings of fact made pursuant to § 90.16(b) or § 90.17(d) of this part, and other documents on which the determination was based.

(c) *Further proceedings.* If a case is remanded to the Secretary by the court of appeals for the taking of further evidence, the certifying officer shall direct that further proceedings be conducted in accordance with the provisions of Subpart B of this part, including the taking of further evidence. The certifying officer, after the conduct of such further proceedings, may make new or modified findings of fact and may modify or affirm the previous determination. Upon the completion of such further proceedings, the certifying officer shall certify and file in the appropriate court of appeals the record of such further proceedings.

(d) *Substantial evidence.* The findings of fact by the certifying officer shall be conclusive if the appropriate court of appeals determines that such findings of fact are supported by substantial evidence.

Subpart C—Initiation and Conduct of Study With Respect to Workers in Industry Which is the Subject of an Investigation for Industry Import Relief

§ 90.21 Study.

(a) *Initiation.* Upon notification by the Commission, pursuant to section 224 of the Act, that the Commission has begun an investigation under section 201 with respect to an industry import relief action, the Secretary shall direct the Director of the Office of Trade Adjustment Assistance to immediately begin a study of (1) the number of workers in the domestic industry producing the like or directly competitive article(s) who have been or are likely to be certified eligible for adjustment assistance; and (2) the extent to which the adjustment of such workers to the import competition may be facilitated through the use of existing programs.

(b) *Report.* The report of the Secretary of the study under section 224(a) of

V 40165
APR 3 75
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the Act and paragraph (a) of this section shall be made to the President not later than fifteen (15) days after the day on which the Commission makes its report under section 201.

(c) *Release of report.* Upon making the report of the study to the President, the Secretary shall also promptly make the report public (with the exception of information which the Secretary determines to be confidential) and shall have a summary of it published in the FEDERAL REGISTER.

§ 90.22 Dissemination of program knowledge and assistance to workers.

Whenever the Commission makes an affirmative finding under section 201(b) of the Act that increased imports are a substantial cause of serious injury or threat thereof with respect to an industry, the Secretary shall, to the extent feasible, make available to the workers in such industry full information about programs which may facilitate their adjustment to the import competition. He shall provide assistance to such workers in the preparation and processing of petitions and applications for program benefits.

Subpart D—General Provisions

§ 90.31 Filing of documents.

(a) *Where to file, date of filing.* Petitions and all other documents shall be filed at the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, Washington, D.C. 20210. If properly filed, such documents shall be deemed filed on the date on which they are actually received in the Office of Trade Adjustment Assistance.

(b) *Conformity with rules.* Documents filed in support of the initiation of an investigation by the Director of the Office of Trade Adjustment Assistance shall be considered properly filed if they conform with the pertinent rules prescribed in this Part 90. The Director may accept documents in substantial compliance with the pertinent rules of this part provided good and sufficient reason is stated in the document for inability to comply fully with the pertinent rules. The Director cannot waive full compliance with a rule which is required by the Act.

§ 90.32 Availability of information.

(a) *Information available to the public.* Upon request to the Director of the Office of Trade Adjustment Assistance, members of the public may inspect petitions and other documents filed with the Director under the provisions of this Part 90, transcripts of testimony taken and exhibits submitted at public hearings held under the provisions of this Part 90, recommendations to the certifying officer concerning determinations on petitions for certification of eligibility and determinations on termination of the effect of certifications of eligibility, summaries of the certifying officer's determinations concerning certifications of eligibility and terminations of the effect of certifications of eligibility, public notices concerning worker assistance under the Act and other reports and documents issued for general distribution.

(b) *Information not available to the public.* Confidential business information, defined in § 90.33 of this Part 90, shall not be available to the public.

§ 90.33 Confidential business information.

(a) *Definition.* Confidential business information means trade secrets and commercial or financial information which are obtained from a person and are privileged or confidential, as set forth in 5 U.S.C. 552(b) and 29 CFR Part 70.

(b) *Identification of information submitted in confidence.* Business information which is to be treated as confidential shall be submitted on separate sheets each clearly marked at the top, "Business Confidential." When submitted at hearings, such business information shall be offered as a confidential exhibit with a brief description of the nature of the information.

(c) *Acceptance of information in confidence.* The Director of the Office of Trade Adjustment Assistance may refuse to accept in confidence any information which he determines is not entitled to confidential treatment under this section. In the event of such refusal, the person submitting such information shall be notified and shall be permitted to withdraw such information.

§ 90.34 Notice procedures.

Formal notice of a certification, negative determination, or termination shall be transmitted promptly to the group of workers concerned and to all State Employment Security Agencies concerned whenever such notices are published in the FEDERAL REGISTER.

§ 90.35 Transitional provisions.

As more particularly provided in section 246 of the Act, a group of workers, their certified or recognized union, or other duly authorized representative who filed a petition under section 301(a)(2) of the Trade Expansion Act of 1962 before December 3, 1974, may file a new petition under section 221 of this Act if:

(a) The Commission has not rejected such previous petition before April 3, 1975; and

(b) No certification has been issued to the petitioning group under section 302(c) of the Trade Expansion Act of 1962 before April 3, 1975; and

(c) The new petition under section 221 of the Act is filed not later than July 2, 1975.

[FR Doc.75-8830 Filed 4-2-75;8:45 am]

Title 36—Parks, Forests and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SERVICE

Rocky Mountain National Park, Colorado

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), and the Act of January 26, 1915 (38 Stat. 800, as amended; 16 U.S.C. 195), 245 DMI (34 FR 13879), as amended, National Park Service Order No. 77 (38 FR 7478), as amended, Regional Director, Rocky Mountain Region Order No. 1 (39 FR 12369) paragraphs (b), (c), (d), and (e) of § 7.7.

The purpose of this amendment is to reinstate paragraphs (b), (c), (d), and (e) to § 7.7 as they appeared in 36 CFR, § 7.7 as of July 1, 1973. These paragraphs were inadvertently omitted when § 7.7 was amended on August 3, 1973. Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to these amendments before they were presented as final rules on September 25, 1969 (34 FR 14762), therefore § 7.7 will read in its entirety as set forth below, and these regulations shall take effect on April 3, 1975.

§ 7.7 Rocky Mountain National Park.

(a) *Fishing*—(1) *Possession Limit.* Possession limit shall mean the numbers, sizes, or species of fish that may be in the possession of a person regardless if fresh or preserved. All fish a person does not elect to keep, or which do not meet the possession requirements, shall be carefully and immediately returned to the waters from which they were taken. The total possession limit shall be six (6) fish of any species.

(i) The possession limit for cutthroat trout is four (4) fish, which must be 10 inches or longer. This provision has park-wide application except as provided in paragraph (a)(3) of this section.

(ii) The possession limit for brook trout, rainbow trout and brown trout is six (6) fish, with no minimum length requirement. This provision has park-wide application except as provided in paragraph (a)(3) of this section.

(2) *Method of capture.* (i) each person fishing in Park water shall use only one hand-held rod or line.

(ii) Only artificial lures or flies with one (single, double, or treble) hook with a common shank may be used in Park waters.

(iii) When in possession of any fishing equipment, and while immediately adjacent to or on waters of the Park, no person shall possess any fish bait, such as, but not limited to worms, insects, minnows, fish eggs, other organic matter, or parts thereof.

(3) *Special Management Area.* The Colorado River above its intersection with the Park boundary (between sections 25 and 36, T4N, R76W), to the confluence of Timber Creek is designated as a special management area. Brown trout, rainbow trout, and cutthroat trout caught in this section of river must be fourteen (14) inches in length to be retained in possession.

(4) *Closed Waters.* Bear Lake is closed to fishing during the period April 1 to October 31.

(b) Trucking. The Superintendent may issue permits for trucking on park roads by ranchers, farmers, and business concerns located in the counties of Larimer, Boulder, and Grand, Colorado, when the loads carried originate and terminate within these counties. Fees will be charged for such trucking over Trail Ridge Road as provided in § 6.4(a) of this chapter.

(c) Boats. (1) The operation of motorboats is prohibited on all waters of the park.

(2) All vessels are prohibited on Bear Lake.

(d) Mountain climbing. Registration with a park ranger is required prior to all technical mountain climbing. Upon completion of climbing, the registrant is required to check out in the manner specified by the registering official. The term "technical climbing" means climbing where technical aids such as pitons, carabiners, ropes, expansion bolts, crampons, ice axes, or other mechanical equipment is used to make the climb.

(e) Winter back country trips. Registration with a park ranger is required prior to winter overnight travel on foot or by use of skis, snowshoes, or other mechanical means. Upon completion of the trip, the registrant is required to check out in the manner specified by the registering official. Calendar dates when registration is required will be determined and posted by the Superintendent.

DAVID J. ESSEX,
Acting Superintendent,
Rocky Mountain National Park.

[FR Doc.75-8565 Filed 4-2-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 142]

CONTRACT COST PRINCIPLES AND RELATED MATTERS

This amendment of the Federal Procurement Regulations deletes the specific labor policies pertaining to location allowances at unfavorable sites in § 1-12.105 as no longer necessary or practicable and updates several of the contract cost principles and procedures in Part 1-15. Contract clauses for Allowable cost, fee, and payments in § 1-7.202-4 and for Progress payments (Total costs) in § 1-30.510-1 are revised in accordance with the cost principles changes in this amendment.

PART 1-7—CONTRACT CLAUSES

Subpart 1-7.2—Cost-Reimbursement Type Supply Contracts

Section 1-7.202-4 is amended to substitute the following for paragraph (b) in the clause entitled "Allowable Cost, Fixed-Fee, and Payment."

§ 1-7.202-4 Allowable cost, fee, and payment.

* * * * *

ALLOWABLE COST, FIXED-FEE, AND PAYMENT

* * * * *

(b) Payments shall be made to the Contractor when requested as work progresses, but not more frequently than bi-weekly, in amounts approved by the Contracting Officer. The Contractor may submit to an authorized representative of the Contracting Officer, in such form and reasonable detail as such representative may require, an invoice or public voucher supported by a statement of cost for the performance of this contract and claimed to constitute allowable cost. For this purpose, except as provided herein with respect to pension contributions, the term "costs" shall include only those recorded costs which result, at the time of the request for reimbursement, from payment by cash, check, or other form of actual payment for items or services purchased directly for the contract, together with (when the Contractor is not delinquent in payment of costs of contract performance in the ordinary course of business) costs incurred, but not necessarily paid, for materials which have been issued from the Contractor's stores inventory and placed in the production process for use on the contract, for direct labor, for direct travel, for other direct inhouse costs, and for properly allocable and allowable indirect costs, as is shown by records maintained by the Contractor for purposes of obtaining reimbursement under Government contracts plus the amount of progress payments which have been paid to the Contractor's subcontractors under similar cost standards. In addition, when pension contributions are paid by the Contractor to the retirement fund less frequently than quarterly, accrued costs therefor shall be excluded from indirect costs for payment purposes until such costs are paid. If pension contributions are paid on a quarterly or more frequent basis, accruals therefor may be included in direct costs for payment purposes provided that they are paid to the fund within 30 days after the close of the period covered. If payments are not made to the fund within such 30-day period, pension contribution costs shall be excluded from indirect cost for payment purposes until payment has been made. The restriction on payment more frequently than bi-weekly and the requirement of prior payment for items or services purchased directly for the contract shall not apply when the Contractor is a small business concern.

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PART 1-12—LABOR

The table of contents for Part 1-12 is changed to delete entries for §§ 1-12.104, 1-12.105, 1-12.105-1, 1-12.105-2, and 1-2.105-3.

Subpart 1-12.1—Basic Labor Policies

§ 1-12.104, 1-12.105, 1-12.105-1, 1-12.105-2, 1-12.105-3 [Removed]

Sections 1-12.104, 1-12.105, 1-12.105-1, 1-12.105-2, and 1-12.105-3 are deleted.

PART 1-15—CONTRACT COST PRINCIPLES AND PROCEDURES

The table of contents for Part 1-15 is changed to add revised and new entries, as follows:

Subpart 1-15.2—Contracts with Commercial Organizations

Subpart 1-15.3—Grants and Contracts with Educational Institutions

Subpart 1-15.7—Grants and Contracts with State and Local Governments

Sec.
1-15.709-3 Instructions for preparation of cost allocation plans.
1-15.709-4 Negotiation and approval of indirect cost proposals for States.
1-15.709-5 Negotiation and approval of indirect cost proposals for local governments.

Subpart 1-15.8—Training and Other Services—Educational Institutions

Subpart 1-15.1—Applicability

Section 1-15.107 is revised to read as follows:

§ 1-15.107 Advance understandings on particular cost items.

(a) The extent of allowability of the selected items of cost covered in this part has been stated to apply broadly to many accounting systems in varying contract situations. Thus, as to any given contract, the reasonableness and allocability of certain items of cost may be difficult to determine, particularly in connection with firms or separate divisions thereof which may not be subject to effective competitive restraints. In order to avoid possible subsequent disallowance or dispute based on unreasonableness or nonallocability, it is desirable that contractors seek advance agreement with the Government as to the treatment to be accorded those special or unusual costs. Such agreements may also be initiated by the Government. Advance agreements may be negotiated either before or during a contract but should be negotiated before incurrence of the cost covered by the agreement. Any such agreement must be in writing, shall be executed by both contracting parties, and should be incorporated in the applicable cost-reimbursement type contracts and/or made a part of the applicable negotiated fixed-price type contract file.

(b) The contracting officer is not authorized by this paragraph to agree to a treatment of costs inconsistent with this part. For example, an advance agreement may not provide that, notwithstanding § 1-15.205-17, interest shall be allowable.

(c) An advance agreement entered into in accordance with this section shall contain a suitable statement of its intended applicability and duration. The absence of an advance agreement on any element of cost will not, in itself, affect the reasonableness or allocability of that element.

(d) Advance agreements may be negotiated to affect only a single contract, a group of contracts, or may be broad enough to affect all the contracts of a procuring activity, an agency, or several agencies with a particular contractor. An advance agreement which affects only one contract, or class of contracts from a single procurement office, shall be negotiated by a procurement office contracting officer, his authorized representative, or another contracting officer when delegated this authority by the procurement office contracting officer (for example, to a contracting officer in the procurement office familiar with the particular contractor's costing system, or the agency cognizant contracting officer for that contractor, or the DOD cognizant contracting officer for Cost Accounting Standards Board matters). When the negotiation authority is delegated, the pro-

V 40 165
APR 3 75

posed agreement shall be coordinated with the procurement office contracting officer prior to execution.

(e) (1) Advance agreements other than those negotiated in accordance with (d), above, shall be negotiated by an agency cognizant contracting officer for a contractor or subcontractor. The agency cognizant contracting officer for a civilian executive agency shall be the contracting officer designated for a contractor or subcontractor by that agency. Each agency will maintain a current list of cognizant contracting officer designations. The results of the negotiation will be binding upon the agency which assigned the cognizant contracting officer.

(2) In the event the selected items of cost under consideration for advance understanding have broad application to the procurement activities of more than one executive agency, the negotiation responsibility can be assigned by majority vote among the agencies concerned to (i) a cognizant contracting officer from one of the voting agencies, or (ii) the designated (if any) cognizant contracting officer for Cost Accounting Standards Board matters (see § 1-3.1208) with the consent of that contracting officer's agency. Factors considered in selecting an interagency cognizant contracting officer should include distribution by agency of unliquidated dollar balance of contracts being administered, existence of a designated cognizant contracting officer for CASB matters, location of contract audit support and any other particular factors which may be relevant to the particular case. A list of such designations will be published from time to time in DOD Defense Procurement Circulars and in FPR Bulletins. The results of the negotiation will be binding upon all agencies participating in the vote selection of a cognizant contracting officer with interagency negotiation responsibility.

(f) Prior to undertaking negotiation of an advance agreement, the procurement or cognizant contracting officer shall (i) determine whether there are other procurement offices within his agency, or in other agencies, that have a significant unliquidated dollar balance in contracts with the same contractor, (ii) inform any such activity or agency of the cost item(s) or other matters under consideration for negotiation, and (iii) as appropriate, invite such activity or agency and the cognizant audit activity to participate in pre-negotiation discussions and/or in the subsequent negotiations. At the completion of the negotiation, the cognizant contracting officer who has the negotiation responsibility shall prepare and distribute to other interested agencies and activities (including the cognizant audit activity) copies of the fully executed agreement together with a memorandum setting forth the principal elements of the negotiation and containing, as a minimum, the information specified in § 1-3.811, to the extent applicable.

(g) Examples of cost on which advance agreements may be particularly important are:

(1) Compensation for personal services, including but not limited to allowances for off-site pay, incentive pay, location allowances, hardship pay, and cost of living differential;

(2) Use charges for fully depreciated assets;

(3) Deferred maintenance costs;

(4) Precontract costs;

(5) Independent research and development costs;

(6) Royalties and other costs for use of patents;

(7) Selling and distribution costs;

(8) Relocation costs, as related to special or mass personnel movements;

(9) Idle facilities and idle capacity;

(10) Automatic data processing equipment;

(11) Bid and proposal costs;

(12) Severance pay to employees on support service contracts;

(13) Plant reconversion;

(14) Professional services (legal, accounting, engineering, etc.); and

(15) General and administrative costs (including corporate, division, or branch allocations) and similar expenses, attributable to the general management, supervision, and conduct of the contractor's business as a whole. These costs are of particular significance in construction, job-site, architect-engineer, facilities, and Government-owned contractor operated (GOCO) plant contracts (see §§ 1-15.203(f), 1-15.403-7, and 1-15.502-4).

Subpart 1-15.2—Principles and Procedures for Use in Cost-Reimbursement Type Supply and Research Contracts With Commercial Organizations

Subpart 1-15.2 is amended to prescribe a new caption for the subpart which reads as follows:

Subpart 1-15.2—Contracts With Commercial Organizations

1. Section 1-15.201-5 is revised to read as follows:

§ 1-15.201-5 Credits.

The applicable portion of any income, rebate, allowance, and other credit relating to any allowable cost, received by or accruing to the contractor, shall be credited to the Government either as a cost reduction or by cash refund, as appropriate. However, payment of interest on contractors' claims pursuant to § 1-1.322 is exempt from the requirements of this section.

2. Section 1-15.204(b) is revised to read as follows:

§ 1-15.204 Application of principles and procedures.

• • • • •

(b) Costs incurred as reimbursements or payments to a subcontractor under a cost-reimbursement, fixed-price incentive, or price redeterminable type subcontract of any tier above the first firm fixed-price or fixed-price escalation subcontract are allowable to the extent that allowance is consistent with the subpart of this Part 1-15 which is appropriate to the subcontract involved. Thus, if the subcontract is for supplies, such costs are allowable to the extent that the subcontractor's costs would be allowable if this Subpart 1-15.2 were incorporated in the subcontract; if the subcontract is for construction, such costs are allowable to the extent that the subcontractor's costs would be allowable if Subpart 1-15.4 of this Part 1-15 were incorporated in the subcontract. Similarly, costs incurred as payments under firm fixed-price or fixed-price escalation subcontracts or modifications thereto, when cost analysis was performed pursuant to § 1-3.807-10(b), shall be allowable only to the extent that the price was negotiated in accordance with the principles in § 1-15.106.

• • • • •

3. In § 1-15.205-6, (a)(1), (f)(2), and (j) are revised to read as follows:

§ 1-15.205-6 Compensation for personal services.

(a) *General.* (1) Compensation for personal services includes all remuneration paid currently or accrued, in whatever form and whether paid immediately or deferred, for services rendered by employees to the contractor during the period of contract performance (except as otherwise provided in § 1-15.205-6(f)). It includes, but is not limited to, salaries, wages, directors' and executive committee members' fees, bonuses (including stock bonuses), incentive awards, employee stock options, employee insurance, fringe benefits, contributions to pension, annuity, and management employee incentive compensation plans, allowances for off-site pay, incentive pay, location allowances, hardship pay and cost of living differential. Except as otherwise specifically provided in this § 1-15.205-6, such costs are allowable to the extent that the total compensation of individual employees is reasonable for the services rendered and they are not in excess of those costs which are allowable by the Internal Revenue Code and regulations thereunder.

• • • • • •

(f) *Deferred compensation* • • •

(2) Deferred compensation is allowable only to the extent that:

(i) It is, together with all other compensation paid to the employee, reasonable in amount; and

(ii) It is paid (A) pursuant to an agreement entered into in good faith between the contractor and employees before the services are rendered, or (B) pursuant to a plan established and consistently applied thereafter by the contractor, and meets the requirements of either (*1.*) or (2.) of this § 1-15.205-6(f)(2):

(*1.*) It is deductible for the same fiscal year for Federal income tax purposes under section 404 (excluding subsection (a)(5)) of the Internal Revenue Code of 1954, as amended, and the regulations of the Internal Revenue Service; *Provided*, That:

(*i*) Normal costs of pension plans incurred subsequent to the effective date of

this paragraph, not funded in the year incurred, shall not be allowable in subsequent years (except that a payment made to a fund by the time set for filing of the Federal income tax return for any taxable year shall be deemed to have been made during such taxable year);

(*ii*) Allowable costs of contributions for past service or supplementary pension or annuity credits (including contributions for the equivalent of interest that would have been earned on previously unfunded costs, sometimes called "freezing payments") shall not exceed, for any year, amounts required to systematically amortize the actuarial liability annually over not less than ten or more than forty years beginning with the year that the liability was first assumed, either by an nouncement, agreement, regular practice, or other means which would reasonably inform employees that continuing service would result in retirement benefits based in part on the previously unfunded past service;

(*iii*) Pension costs of previous years which have not been funded as of the effective date of this paragraph are allowable to the extent they are systematically funded over not less than 10 years, provided the contractor can demonstrate that pension costs are allocated to Government contracts on a funding rather than an accrual basis in the accounting periods previous to the effective date of this paragraph and also provided that the systematic funding starts no later than the contractor's first full fiscal year after the effective date of this paragraph;

(*iv*) The determination of allowable costs shall take into consideration unrealized, as well as realized appreciation in the market value of the fund assets, established on a rational and systematic basis. This recognition shall include unrealized appreciation on equity securities taking into account both the investment policy and prior growth experience of the fund. The appreciation to be recognized for equity securities generally shall be the amount by which 80 percent of the market value exceeds the total adjusted book value. The adjusted book value is defined as the acquisition cost adjusted for appreciation or depreciation previously recognized whether or not actually recorded in the asset account. Unrealized depreciation of equity securities may be recognized to the extent of unrealized appreciation previously recognized, but the total of value of all equity securities in a fund shall not be depreciated below the acquisition cost. Initial recognition of accumulated unrealized appreciation may be spread over a period of time not to exceed 10 years. Ordinarily, appreciation and depreciation need not be recognized for debt securities expected to be held to maturity and redeemed at face value;

(*v*) Abnormal forfeitures, due to significant reduction in the contractor's level of employment, that are foreseeable and which can be currently evaluated with reasonable accuracy, by actuarial or other sound computation, shall be reflected by an adjustment of costs otherwise allowable. Where abnormal forfeitures were not taken into account previously, appropriate credit shall be given to the Government pursuant to § 1-15.201-5;

(*vi*) Any amount paid or funded and deductible in any year under Section 404 (excluding Section 404(a)(5)) of the Internal Revenue Code of 1954, as amended, prior to the time it becomes allowable under this paragraph (*1.*) shall be applied to future years, in order of time, as if actually paid and deductible in such years;

(*vii*) Increased normal and past service cost caused by delay in funding the actuarial liability beyond 30 days after each quarter of the year to which such costs are assignable, are unallowable. Determination of unallowable costs shall be made in accordance with the actuarial method used in calculating the normal and past service costs; or

(*2.*) It is deductible in the same fiscal year for Federal income tax purposes under Section 404(a)(5) of the Internal Revenue Code of 1954, as amended, and the regulations of the Internal Revenue Service, except that the costs of unfunded pension and retirement benefits paid directly to, or on behalf of, former employees shall be allowable only to the extent the contractor demonstrates that such costs, together with any pension and retirement costs allowed pursuant to § 1-15.20-6(f)(2)(ii)(*1.*) do not exceed the amount that would be allowable under § 1-15.205-6(f)(2)(ii)(*1.*) if the contractor were providing for equivalent benefits on an actuarial basis in the current period.

• • • • •

(j) *Unallowable costs.* Costs which are unallowable under other paragraphs of this Subpart 1-15.2 shall not be allowable under this § 1-15.205-6 solely on the basis that they constitute personal compensation.

4. In § 1-15.205-16, paragraph (a)(2)(iv) is revised to read as follows:

§ 1-15.205-16 Insurance and indemnification.

(a) • • •

(2) • • •

(iv) Provisions for a reserve under an approved self-insurance program are allowable to the extent that the types of coverage, extent of coverage, and the rates and premiums would have been allowed had insurance been purchased to cover the risks, except that provisions for known or reasonably estimated self-insured liabilities, such as liabilities for workmen's compensation, which do not become payable for more than one year after such provision is made, shall not exceed the present value of the liability, determined by using a rate of 6 percent compounded annually; and

• • • • • •

5. In § 1-15.205-22, paragraph (e)(2) is revised and (e)(3) added as follows:

§ 1-15.205-22 Material costs.

• • • • • •

(e) • • •

(2) It is the result of adequate price competition in accordance with § 1-3.807-1(b)(1)(i) and (ii)(A) and (B), and is the price at which an award was made to the affiliated organization after obtaining quotations on an equal basis from such organization and one or more outside sources which normally produce the item or its equivalent in significant quantity; and

(3) *Provided*, That in either (1) or (2):

(i) The price is not in excess of the transferor's current sales price to his most favored customer (including any division, subsidiary, or affiliate of the contractor under a common control) for a like quantity under comparable conditions; and

(ii) The price is not determined to be unreasonable by the contracting officer.

The price determined in accordance with subparagraph (1) of this paragraph (e) should be adjusted, when appropriate, to reflect the quantities being procured and may be adjusted upward or downward to reflect the actual cost of any modifications necessary because of contract requirements.

6. Paragraph (b) of § 1-15.205-26 is revised to read as follows:

§ 1-15.205-26 Patent costs.

• • • • • •

(b) Costs of preparing disclosures, reports and other documents and of searching the art to the extent necessary to make invention disclosures, if not required by the contract, are unallowable. Costs in connection with (1) filing and prosecuting any foreign patent application, or (2) any United States patent application with respect to which the contract does not require conveying title or a royalty free license to the Government, are unallowable. (Also see § 1-15.205-36.)

7. Paragraph (d) of § 1-15.205-33 is revised to read as follows:

§ 1-15.205-33 Recruitment costs.

• • • • • •

(d) Relocation costs incurred incident to recruitment of new employees are subject to § 1-15.205-25. When such costs have been allowed either as an allocable direct or indirect cost and the newly hired employee resigns for reasons within his control within 12 months after hire, the contractor shall be required to refund or credit such relocation costs to the Government. However, costs of travel to an overseas location shall be considered travel costs in accordance with § 1-15.205-46 and not relocation costs for the purpose of this subparagraph, if (1) dependents are not permitted at that location for any reason, and (2) such costs do not include costs of transporting household goods.

8. In § 1-15.205-40, paragraphs (a)(1), (2), and (3), and (b) are revised to read as follows:

§ 1-15.205-40 Special tooling and special test equipment costs.

(a) • • •

(1) Material;

(2) Special test equipment; or

(3) Buildings, and nonseverable structures (except foundations and similar

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improvements necessary for the installation of special tooling), general or special machine tools, or similar capital items.

(b) The term "special test equipment" means either single or multipurpose integrated test units engineered, designed, fabricated, or modified to accomplish special purpose testing in the performance of the contract. Such testing units comprise electrical, electronic, hydraulic, pneumatic, mechanical, or other items or assemblies of equipment, that are mechanically, electrically, or electronically interconnected so as to become a new functional entity, causing the individual item or items to become interdependent and essential in the performance of special purpose testing in the development or production of particular supplies or services. The term "special test equipment" does not include:

(1) Material;

(2) Special tooling;

(3) Buildings and nonseverable structures (except foundations and similar improvement necessary for the installation of special test equipment; and

(4) Plant equipment items used for general plant testing purposes.

* * * * *

9. In § 1-15.205-44, (b) is amended, (c), (d), and (e) are revised, and (f) and (g) are added as follows:

§ 1-15.205-44 Training and educational costs.

* * * * *

(b) Costs of part-time education, at an undergraduate or postgraduate college level, including that provided at the contractor's own facilities, are allowable only when the course or degree pursued is relative to the field in which a bona fide employee is now working or may reasonably be expected to work, and are limited to:

* * * * *

(5) Salaries and related costs of instructors who are employees of the contractor; and

(6) Straight-time compensation of each employee for time spent attending classes during working hours not in excess of 156 hours per year and only to the extent that circumstances do not permit the operation of classes or attendance at classes after regular working hours; otherwise such compensation is unallowable.

(c) Costs of tuition, fees, training materials and textbooks (but not subsistence, salary, or any other emoluments) in connection with full-time education, including that provided at the contractor's own facilities, at a postgraduate (but not undergraduate) college level, are allowable only when the course or degree pursued is related to the field in which a bona fide employee is now working or may reasonably be expected to work, and are limited to a total period not to exceed one school year for each employee so trained. In unusual cases the period may be extended.

(d) Costs of attendance of up to 16 weeks per employee per year at specialized programs specifically designed to enhance the effectiveness of executives or managers or to prepare bona fide employees for such positions are allowable. Such costs include enrollment fees, training materials, textbooks and related charges, employees' salaries, subsistence, and travel. Costs allowable under this subparagraph do not include those for courses that are part of a degree-oriented curriculum, which are allowable only to the extent set forth in paragraphs (b) and (c) of this § 1-15.205-44.

(e) Maintenance expense, and normal depreciation or fair rental, on facilities owned or leased by the contractor for training purposes are allowable to the extent set forth in §§ 1-15.205-20, 1-15.205-9, and 1-15.205-34, respectively.

(f) Grants to educational or training institutions, including the donation of facilities or other properties, scholarships, or fellowships, are considered contributions and are unallowable.

(g) Training and education costs in excess of those otherwise allowable under paragraphs (b) and (c) of this § 1-15.205-44 may be allowed to the extent set forth in an advance agreement negotiated pursuant to § 1-15.107 (the limitation of § 1-15.107(b) notwithstanding). To be considered for an advance agreement, the contractor must demonstrate that such costs are consistently incurred pursuant to an established training and education program, and that the course or degree pursued is relative to the field in which a bona fide employee is now working or may reasonably be expected to work.

10. Paragraph (b)(2) (i) and (ii) of § 1-15.205-50 are revised to read as follows:

§ 1-15.205-50 Automatic data processing equipment (ADPE) leasing costs.

* * * * *

(b) (1) * * *

(2) Furthermore, the costs of leasing ADPE are allowable only to the extent that the contractor can annually demonstrate in accordance with paragraph (d) of this § 1-15.205-50 that such costs meet the criteria set forth in (i) through (iii) of this § 1-15.205-50(b)(2). The aforementioned requirement for an annual demonstration is applicable irrespective of whether the term of the lease was renewed or otherwise extended by the contractor.

(i) The costs are reasonable and necessary for the conduct of the contractor's business in light of such factors as the contractor's requirements for ADPE, costs of comparable facilities, the various types of leases available, and the provisions of the rental agreement;

(ii) The costs do not give rise to a material equity in the facilities (such as an option to renew or purchase at a bargain rental or price) other than that normally given to industry at large but represent charges only for the current use of the equipment, including (but not limited to) any incidental service costs such as maintenance, insurance, and applicable taxes; and

* * * * *

Subpart 1-15.3—Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts With Educational Institutions

Subpart 1-15.3 is amended to prescribe a new caption for the subpart which reads as follows:

Subpart 1-15.3—Grants and Contracts With Educational Institutions

Subpart 1-15.7—Principles for Determining Costs Applicable to Grants and Contracts With State and Local Governments

Subpart 1-15.7 is amended to prescribe a new caption for the subpart which reads as follows:

Subpart 1-15.7—Grants and Contracts With State and Local Governments

1. Section 1-15.702 is revised to read as follows:

§ 1-15.702 Definitions.

As used in this subpart, words and phrases shall have the meanings set forth in the subsections of this section; provided however with respect to contracts subject to the regulations and standards of the Cost Accounting Standards Board (CASB) (see Subpart 1-3.12), definitions established by the CASB apply (see § 1-15.109).

2. Section 1-15.709-3 is revised to read as follows:

§ 1-15.709-3 Instructions for preparation of cost allocation plans.

The Department of Health, Education, and Welfare, in consultation with the other Federal agencies concerned, will be responsible for developing and issuing the instructions for use by State and local government grantees in preparation of cost allocation plans. This responsibility applies to both central support services at the State and local government level as well as indirect cost proposals of individual grantee departments.

3. Sections 1-15.709-4, 1-15.709-5, and 1-15.709-6 are added as follows:

§ 1-15.709-4 Negotiation and approval of indirect cost proposals for States.

(a) The Department of Health, Education, and Welfare, in collaboration with the other Federal agencies concerned, will be responsible for negotiation, approval and audit of cost allocation plans, which will be submitted to it by the States. These plans will cover central support service costs of the State.

(b) At the grantee department level in a State, a single Federal agency will have responsibility similar to that set forth in paragraph (a) of this § 1-15.709-4 for the negotiations, approval, and audit of the indirect cost proposal. Cognizant Federal agencies have been designated for this purpose. Changes which may be required from time to time in agency assignments will be arranged by the Department of Health, Education, and Welfare in collaboration with the other interested agencies and submitted to the General Services Administration for final approval. A current list of agency assignments will be maintained by the Department of Health, Education, and Welfare.

(c) Questions concerning the cost allocation plans approved under paragraphs (a) and (b) of this § 1-15.709-4 should be directed to the agency responsible for such approvals.

§ 1-15.709-5 Negotiation and approval of indirect cost proposals for local governments.

(a) Cost allocation plans will be retained at the local government level for audit by a designated Federal agency except in those cases where that agency requests that cost allocation plans be submitted to it for negotiation and approval.

(b) A list of cognizant Federal agencies assigned responsibility for negotiation, approval, and audit of central support service cost allocation plans at the local government level is being developed. Changes which may be required from time to time in agency assignments will be arranged by the Department of Health, Education, and Welfare in collaboration with the other interested agencies, and submitted to the General Services Administration for final approval. A current list of agency assignments will be maintained by the Department of Health, Education, and Welfare.

(c) At the grantee department level of local governments, the Federal agency with the predominant interest in the work of the grantee department will be responsible for necessary negotiation, approval, and obtaining an audit of the indirect cost proposal.

§ 1-15.709-6 Resolution of problems.

To the extent that problems are encountered among the Federal agencies in connection with §§ 1-15.709-4 and 1-15.709-5, the General Services Administration (Code: AMP) will lend assistance as required.

Subpart 1-15.8—Principles for Determining Costs Applicable to Training and Other Educational Services Under Grants and Contracts With Educational Institutions

Subpart 1-15.8 is amended to prescribe a new caption for the subpart which reads as follows:

Subpart 1-15.8—Training and Other Services—Educational Institutions

PART 1-30—CONTRACT FINANCING

Subpart 1-30.5—Progress Payments Based on Costs

1. Section 1-30.510-1(a) is amended to substitute the following for paragraph (a)(1) in the clause entitled "Progress Payments (Total Costs)":

§ 1-30.510-1 Total costs clause.

* * * * *

PROGRESS PAYMENTS

(TOTAL COSTS)

* * * * *

(a) *Computation of amounts.* (1) Unless a smaller amount is requested, each progress payment shall be (i) 70 percent of the amount of the Contractor's total costs incurred under this contract, except as provided herein with respect to costs of pension contributons, plus (ii) the amount of progress payments to subcontractors as provided in (j) below; all less the sum of previous progress payments. With respect to costs of pension contributions, when pension contributions are paid by the Contractor to the retirement fund less frequently than quarterly, accruals of the costs of these pension contributions shall be excluded from Contractor's total costs for progress payment purposes until such costs are paid. If pension contributions are paid on a quarterly or more frequent basis, accruals of the costs of these pension contributions may be included in Contractor's total costs for progress payment purposes provided that the pension contributions are paid to the retirement fund within 30 days after the close of the period covered by the payment. If payments are not made to the fund within such 30-day period, pension contributions costs shall be excluded from Contractor's total costs for progress payment purposes until payment therefor has been made.

(2) * * *

* * * * *

2. Section 1-30.510-1(b) is amended to substitute the following for paragraph (a)(1) in the clause entitled "Progress Payments—Short Form "Total Costs" Clause:

* * * * *

§ 1-30.510-1 Total costs clause.

* * * * *

(b) * * *

PROGRESS PAYMENTS—SHORT FORM "TOTAL COSTS" CLAUSE

* * * * *

(a) *Computation of amounts.*

(1) Unless a smaller amount is requested, each progress payment shall be 70 percent of the Contractor's cumulative total costs under this contract, except as provided herein with respect to costs of pension contributions, less the sum of any previous progress payments. With respect to costs of pension contributions, when pension contributions are paid by the Contractor to the retirement fund less frequently than quarterly, accruals of the costs of these pension contributions shall be excluded from Contractor's total costs for progress payment purposes until such costs are paid. If pension contributions are paid on a quarterly or more frequent basis, accruals of the costs of these pension contributions may be included in Contractor's total costs for progress payment purposes provided that the pension contributions are paid to the retirement fund within 30 days after the close of the period covered by the payment. If payments are not made to the fund within such 30-day period, pension contribution costs shall be excluded from Contractor's total costs for progress payment purposes until payment therefor has been made.

* * * * *

3. Section 1-30.524-4 is revised to read as follows:

§ 1-30.524-4 Delinquency in payment of costs of performance.

The contractor's delinquency in payment of costs of contract performance in the ordinary course of business (see paragraph (c)(iv) of the clause prescribed in § 1-30.510-1(a) and paragraph (c)(v) of the clause prescribed in § 1-30.510-2(a)) may be an indication of unsatisfactory financial condition or other circumstances endangering contract performance and involving probability of loss to the Government. If such delinquency is not connected with poor financial condition that is so unsatisfactory as to endanger contract performance or to involve reasonably foreseeable loss to the Government, further progress payments and other payments should not necessarily be denied to protect the unliquidated progress payments and minimize risks of additional losses, and payments may be continued at the contract rate, or in reduced amounts in connection with appropriate arrangements to (a) cure the contractor's delinquencies in payment of his costs of contract performance, (b) avoid further delinquencies, and (c) reasonably assure completion of the contract without loss to the Government. (See also § 1-30.524-3.) The standards set forth in paragraph (a)(1) of the clauses set forth in § 1-30.510-1 (a) and (b) for the exclusion of pension contribution costs from progress payment computations will govern a determination of delinquency in the ordinary course of business with respect to these pension contribution costs, without regard to other provisions in § 1-30.524. Amounts claimed by subcontractors, suppliers, and others, but disputed in good faith by the contractor, should not be considered delinquent until determined due by a court (or by arbitration if applicable). However, any such disputed amounts shall be excluded from costs of performance so long as they are disputed.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective May 26, 1975, but may be observed earlier.

Dated: March 26, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75-8652 Filed 4-2-75;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 154—EDUCATIONAL OPPORTUNITY CENTERS

Criteria for the Funding of Applications

On page 41538 of the FEDERAL REGISTER of November 29, 1974, there was published a notice of proposed rule making to amend the funding criteria set forth in § 154.6 of Title 45 of the Code of Federal Regulations. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed amendment.

No comments, suggestions, or objections have been received; therefore, the amendment to § 154.6 is hereby adopted without change and is set forth below.

Effective Date. The Notice of Proposed Rule Making was transmitted to Congress on November 25, 1974, pursuant to section 431(d) of the General Education Provisions Act. (20 U.S.C. 1232(d)) The time period set forth therein for congressional action has expired without such

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action having been taken. Therefore these criteria shall become effective April 3, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.540 Educational Opportunity Centers)

Dated: March 3, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: March 31, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Section 154.6 is revised to read as follows:

§ 154.6 Selection criteria.

The Commissioner will select applicants to be funded under the Educational Opportunity Center Program on the basis of the criteria set forth in 45 CFR 100a.26(b), as well as the following criteria:

(a) New awards. A request for funds for the initiation of a new project will be evaluated on the following criteria: (1) need for services to enhance the accessibility to postsecondary education opportunities as indicated by:

(i) Low historical rates of participation in postsecondary education in the area to be served;

(ii) The total number of students and other persons in the service area;

(iii) The number of low income families in the area to be served;

(iv) The proportion of the number of persons residing in the service area who would be effectively served by the Center;

(2) Appropriateness of the applicant's proposed means of carrying out activities under § 154.7 in terms of meeting needs of persons in the service area;

(3) The proposed staff of the Center and the extent to which the staff has experience in dealing with low-income and physically handicapped students;

(4) The extent to which community representatives have participated in the formulation of the proposal and will participate in the operation of the Center;

(5) The extent to which the secondary schools and institutions of higher education in the area to be served by the Center will be involved in the operation of the Center;

(6) The appropriateness of the Center's relationship to the Talent Search, Upward Bound, and Special Services for Disadvantaged Students projects being carried out in the area and to such other similar programs and services, including those for the physically handicapped, in terms of: (a) avoiding duplication of services; (b) providing authorized services not otherwise available; and (c) coordination of services to individuals who participate in more than one such program;

(7) The ability of the Center to serve as a clearinghouse and as a resource for institutions of higher education in the area which admit educationally disadvantaged persons; and

(8) The cost of operating the Center.

(b) The Commissioner will award grants and contracts to insure that major concentrations of low-income persons in both urban and rural areas will be represented among areas to be served by Centers.

(20 U.S.C. 1070d–1)

(c) Renewal awards. An application for a project which received funding in FY 1974 will be given priority over an application for the initiation of a new project. Requests for renewal applications will be subject to the evaluation criteria in paragraphs (a) and (b) of this section, as well as the following additional criteria: (1) satisfactory progress, as indicated by site visits, progress reports and other relevant data, has been made in implementing the approved work program; (2) the project, in conformity with the funding criteria against which the original proposal was evaluated, is achieving the approved goals and objectives; and (3) the project has been successful, and continues to offer promise of success, in increasing the postsecondary enrollment of students from the target area and improving the retention rate of students from the target area in postsecondary educational institutions.

Before any proposal for the renewal of a project is evaluated, all required reports must be received and accepted by the Office of Education.

(d) Continuation awards. A request for funds for the continuation of a project begun in a prior fiscal year containing an approved multi-year work plan will be given priority over an application for the initiation of a new project. Requests for continuation will be approved only if (1) satisfactory progress, as indicated by site visits, progress reports and other relevant data, has been made in implementing the approved work program; (2) the project, in conformity with the funding criteria against which the original proposal was evaluated, is achieving the approved goals and objectives; and (3) the project has been successful, and continues to offer promise of success, in increasing the postsecondary enrollment of students from the target area and improving the retention rate of students from the target area in postsecondary educational institutions.

Before any proposal for the continuation of a project is evaluated, all required reports must be received and accepted by the Office of Education. It is anticipated that awards made pursuant to this notice will be primarily grants. However, applications from profit-making organizations, named as the principal agent for members of a combination of institutions and/or agencies, will be considered as unsolicited proposals and will be evaluated in accoradnce with the criteria set forth in this proposed rulemaking. Successful applications from profit-making organizations will be funded under contracts.

(20 U.S.C. 1070d–1)

[FR Doc.75-8603 Filed 4-2-75;8:45 am]

PART 155—UPWARD BOUND

Criteria for the Funding of Applications

On pages 41537 and 41538 of the FEDERAL REGISTER of November 29, 1974, there was published a notice of proposed rule making to amend the funding criteria set forth in § 155.7 of Title 45 of the Code of Federal Regulations. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed amendment.

No comments, suggestions, or objections have been received; therefore, the amendment to § 155.7 is hereby adopted without change and is set forth below.

Effective Date. The Notice of Proposed Rule Making was transmitted to Congress on November 25, 1974, pursuant to section 431(d) of the General Education Provisions Act. (20 U.S.C. 1232(d)) The time period set forth therein for congressional action has expired without such action having been taken. Therefore these criteria shall become effective April 3, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.492 Upward Bound)

Dated: March 3, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: March 31, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Section 155.7 is revised to read as follows:

§ 155.7 Criteria for evaluating proposals.

The Commissioner will select applicants to be funded under the Upward Bound Program on the basis of the criteria set forth in 45 CFR 100a.26(b), as well as the following criteria:

(a) New awards. A request for funds for the initiation of a new project will be evaluated on the following criteria:

(1) Knowledge of the specific needs of an identifiable student population to be served in terms of income, educational achievement, educational and related problems, and conditions and/or attitudes which are barriers to educational advancement;

(2) Comprehensiveness of recruiting sources and methods;

(3) Experience in serving low-income students, including cooperation with other agencies providing services to the target community;

(4) Evidence of the commitment of the applicant to see that all of its Upward Bound students are provided with opportunities to attend postsecondary institutions, by assisting students in receiving special review from the admissions and financial aid personnel of the host institution, and by assisting students in learning about and applying for admission to other postsecondary institutions;

(5) A work program which is designed to develop critical thinking, effective expression, and positive attitudes toward learning and which: (i) is realistic and practicable; (ii) diagnoses individual student needs and abilities, including academic deficiencies, at the time of entry into the project; (iii) contains an individualized curriculum design appropriate for each student's identified needs and involves a variety of methods and levels of instruction appropriate to individual needs; (iv) contains a mechanism for measuring the effectiveness of the project, and each student's progress, in remedying academic deficiencies; (v) provides for a timetable for implementation and development; (vi) contains supportive services directly related to the application of formal learning experiences, and designed to enhance the academic, personal and social effectiveness, and the cultural development of the student; (vii) contains a prognostic evaluation of individual student performance, including documentation of student growth and development, academic and personal; (viii) contains internal evaluation mechanisms to test program effectiveness; and (ix) includes a comprehensive counseling program;

(6) Clearly delineates the lines of authority and communication between the applicant institution and the project staff; and

(7) Outlines the composition and responsibilities of the Advisory Committees.

(b) Continuation awards. A request for funds for the continuation of a project begun in a prior fiscal year and containing an approved multi-year work plan will be given priority over an application for the initiation of a new project. Requests for continuation awards will be approved only if (1) satisfactory progress, as indicated by site visits, progress reports and other relevant data, has been made in implementing the approved work program; (2) the project, in conformity with the funding criteria against which the original proposal was evaluated, is achieving the approved goals and objectives; and (3) the project has been successful, and continues to offer promise of success, in providing access for underachieving students into postsecondary educational institutions.

Before any proposal for the continuation of a project is evaluated, all required reports, including fiscal audits, data collection forms, quarterly fiscal reports, and semi-annual and annual narrative reports must be received and accepted by the appropriate Office of Education staff.

(c) National Demonstration Awards. The Commissioner will select a limited number of applications to be funded as Upward Bound National Demonstration awards on the basis of the criteria specified in part (a) above and these additional criteria:

(1) The proposed project is national or inter-regional in scope, neither duplicates nor competes with existing regional or national programs, nor consolidates existing regional or inter-regional educational activities under the segis of a single agency or institution;

(2) The proposal presents a clearly new or experimental technique or design for the preparation of students with inadequate secondary school preparation for success in education beyond high school, and clearly demonstrates a degree of replicability, and provides for an evaluation of the results in such a form as to be readily utilized by other educational programs concerned with the preparation of disadvantaged students for postsecondary education;

(3) The proposed project would provide a service not readily available on a local or regional basis for that preparation; and

(4) The proposed project would be able to provide a variety of educational opportunities and options for postsecondary educational careers for the disadvantaged.

It is expected that approved activities as set forth in a work plan for projects funded under this paragraph will be accomplished within a maximum 3-year period. It is anticipated that awards made pursuant to this notice will be primarily grants. However, applications from profit-making organizations will be considered as unsolicited proposals and will be evaluated in accordance with the criteria set forth in this proposed rulemaking. Successful applications from profit-making organizations will be funded under contracts.

(20 U.S. 1070d–1)

[FR Doc.75-8602 Filed 4-2-75;8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—GENERAL PROVISIONS

PART 310—BRIDGE TOLL PROCEDURAL RULES

Miscellaneous Amendments

The Federal Highway Administrator is amending the Bridge Toll Procedural Rules to include among the matters to be determined under those procedures the determination of reasonableness and justness of tolls of bridges constructed under the International Bridge Act of 1972, 33 U.S.C. 535 *et seq.*, and determination of the reasonable amortization period during which tolls may be charged for the use of such bridges when owned by a private entity, as provided under section 6 of that Act, 33 U.S.C. 535(d).

Since these amendments relate to pleading and practice before the Federal Highway Administration and do not affect substantive rights or liabilities, notice and public procedure are unnecessary and they are effective on the date of issuance set forth below.

In consideration of the foregoing, the authority paragraph and §§ 310.1, 310.2, 310.3, and 310.4 of the Bridge Toll Procedural Rules (45 CFR Part 310) are revised to read as set forth below.

(Sec. 4 of the Bridge Act of 1906, as amended (33 U.S.C. 494), sec. 503 of the General Bridge Act of 1946, as amended (33 U.S.C. 526), sec. 2 and sec. 6 of the International Bridge Act of 1972 (33 U.S.C. 535 and 535(d)), sec. 6, Department of Transportation Act (49 U.S.C. 1655), and the delegation of authority by the Secretary of Transportation in 49 CFR 1.48).

Issued on March 25, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

1. The authority citation to part 310 is revised as follows:

AUTHORITY: Sec. 4 of the Bridge Act of 1906, as amended (33 U.S.C. 494), sec. 503 of the General Bridge Act of 1946, as amended (33 U.S.C. 526), sec. 2 and sec. 6 of the International Bridge Act of 1972 (33 U.S.C. 535 and 535(d)), sec. 6 of the Department of Transportation Act; 80 Stat. 937 (49 U.S.C. 1655), and the delegation of authority by the Secretary of Transportation in 49 CFR 1.48.

2. Sections 310.1, 310.2, 310.3, and 310.4 are revised as follows:

§ 310.1 Scope of rules in this part.

The rules in this part govern procedure in proceedings before the Federal Highway Administrator authorized by section 4 of the Bridge Act of 1906, as amended (33 U.S.C. 494), section 503 of the General Bridge Act of 1946, as amended (33 U.S.C. 525), and sections 2 and 6 of the International Bridge Act of 1972 (33 U.S.C 535 and 535(d)). Those statutes require that tolls charged for transit over certain bridges must be reasonable and just. They confer authority, now vested in the Federal Highway Administrator, to determine whether such tolls are reasonable and just and to prescribe the reasonable rates of toll to be charged. In the case of international bridges constructed under the International Bridge Act of 1972 which are in private ownership, that Act confers authority to determine the reasonable amortization period during which tolls may be charged. In proceedings under this part the Administrator determines (a) whether there are sufficient grounds to initiate formal adjudication concerning the reasonableness and justness of a toll schedule or amortization period; (b) whether a rate or rates of toll or amortization period are reasonable and just; and (c) the reasonable rate or rates of toll or amortization period to be prescribed in a case in which the existing rate or rates or amortization period are found to be unreasonable, unjust, or both.

§ 310.2 Definitions.

(a) "Administrator" means the Federal Highway Administrator.

(b) "Complainant" means a person who has filed a complaint under § 310.3.

(c) "Respondent" means the person or agency, including an agency of a State or a political subdivision of a State, which has responsibility for establishing or collecting a toll, the rate or duration of which is alleged to be unreasonable, unjust, or both.

§ 310.3 Commencement of proceedings.

(a) Proceedings under this part are commenced by filing a written complaint with the Administrator or by the Administrator on his own initiative. Any person may file a complaint.

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(b) Each complaint should contain:

(1) The name and address of the person filing it, and a brief statement of the nature of his interest in the reasonableness and justness of the toll schedule or duration of tolls;

(2) The name and location of the bridge;

(3) The name and address of the person or agency responsible for establishing and collecting the tolls;

(4) The rates of toll, or amortization period during which tolls may be charged, alleged to be unreasonable or unjust;

(5) The reasons the complainant believes that the rates of toll, or any portion of them, or amortization period during which tolls may be charged, are unreasonable, unjust, or both;

(6) A statement of any prior action which the complainant has taken to obtain a change in the rates of toll, or amortization period during which tolls may be charged, alleged to be unreasonable or unjust and the results of such action; and

(7) A prayer for relief, which may include the rates of toll, or amortization period during which tolls may be charged, which the complainant seeks to have prescribed for transit over the bridge.

§ 310.4 Response to the complaint.

(a) Upon receipt of a complaint, the Administrator sends a copy of it to the respondent. The respondent must file a written response to the complaint with the Administrator within 30 days after it has received the complaint.

(b) The response to the complaint should contain:

(1) A denial, admission, or explanation of each material allegation of the complaint;

(2) The current rates of toll, or amortization period during which tolls may be charged, for transit over the bridge;

(3) A statement of any changes in the rates of toll which the respondent has instituted or proposed during the preceding 24 months and the reasons for each actual or proposed change;

(4) Reference to the provisions of Federal and State law which authorize the operation of the bridge and the imposition of tolls for transit over it;

(5) A statement showing the net amount of toll revenues from the bridge during the preceding 60 months;

(6) A statement showing the disposition of the net amount of toll revenues from the bridge during the preceding 60 months;

(7) A statement showing the anticipated future toll revenues from the bridge and the intended disposition of such revenues;

(8) The date upon which it is anticipated that the bridge will be free of tolls; and

(9) Any other matter which, in the opinion of the respondent, tends to show that the rates of toll, or amortization period during which tolls may be charged, are reasonable and just.

[FR Doc.75-8666 Filed 4-2-75;8:45 am]

Title 50—Wildlife

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Mingo National Wildlife Refuge, Mo.

The following special regulations is issued and is effective April 3, 1975.

§ 32.22 Special Regulations; upland game; for individual wildlife refuge areas.

MISSOURI

MINGO NATIONAL WILDLIFE REFUGE

The public hunting of squirrels on the Mingo National Wildlife Refuge, Missouri, is permitted only on the area designated by signs as open to hunting. This open area, comprising 6,500 acres, is delineated on maps available at refuge headquarters, one mile north of Puxico, Missouri, and from the Area Manager, US Fish and Wildlife Service, 601 East 12th, Kansas City, Missouri 64106. Hunting shall be in accordance with all applicable State regulations governing the hunting of squirrels subject to the following conditions:

1) The open season for hunting squirrels on the refuge extends from opening date of State wide season through September 30, 1975, inclusive.

2) Hunters must register when entering the refuge and record kill when leaving.

The provisions of the special regulation supplement the regulations which govern hunting on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1975.

GERALD L. CLAWSON,
Refuge Manager, Mingo National Wildlife Refuge, Puxico, Missouri.

MARCH 22, 1975.

[FR Doc.75-8707 Filed 4-2-75;8:45 am]

[55760]

PART 33—SPORT FISHING

Rice Lake National Wildlife Refuge, Minn.

The following special regulation is effective on April 3, 1975.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MINNESOTA

RICE LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Rice Lake National Wildlife Refuge, Aitkin County, Minnesota is permitted only in areas designated by "Public Fishing Area" signs (yellow). These posted areas approximate 60 acres, and are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Sport fishing shall be in accordance with all applicable Minnesota fishing laws, subject to the following special refuge regulations:

(1) The open season for sport fishing on the refuge shall be from May 17, 1975 through November 30, 1975, both dates inclusive.

(2) Public use of the fishing areas shall be during daylight hours only.

(3) The use of motors on boats is prohibited.

The provisions of this special regulation supplement the general regulations which govern fishing on wildlife areas, set forth in 50 CFR Part 33, and are effective through November 30, 1971.

DON E. ADAMS,
Refuge Manager, Rice Lake National Wildlife Refuge, McGregor, Minnesota 55760.

MARCH 28, 1975.

[FR Doc.75-8668 Filed 4-3-75;8:45 am]

PART 33—SPORT FISHING

Tewaukon National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective April 3, 1975.

§ 33.5 Special Regulations; sport fishing, for individual wildlife refuge areas.

NORTH DAKOTA

TEWAUKON NATIONAL WILDLIFE REFUGE

Sport fishing on the Tewaukon National Wildlife Refuge, Cayuga, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas are Lake Tewaukon, Mann Lake, and Sprague Lake, comprising 1,440 acres, and are shown on maps available at refuge headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, Box 1897, Bismarck, North Dakota 58501. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on Sprague Lake and Mann Lake extends from May 2, 1975 through September 30, 1975, daylight hours only.

(2) The open season for sport fishing on Lake Tewaukon extends from May 2, 1975 through November 15, 1975, daylight hours only.

(3) Access to Lake Tewaukon will be limited to certain designated shoreline areas from October 1, 1975 through November 15, 1975.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through November 15, 1975.

HERBERT G. TROESTER,
Refuge Manager.

MARCH 26, 1975.

[FR Doc.75-8667 Filed 4-2-75;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 350—CERTIFICATION OF ELIGIBILITY OF FIRMS TO APPLY FOR ADJUSTMENT ASSISTANCE

On March 18, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 12276) prescribing new regulations which implement section 251 contained in Chapter 3 of the Trade Act of 1974, Pub. L. 93-618, 88 Stat. 1978, 19 U.S.C. 2101 et seq. ("Trade Act"), relating to certification of eligibility of firms to apply for adjustment assistance. The regulations in Part 350 supersede subparts A and B of the existing Adjustment Assistance Regulations, 15 CFR Part 500. Although the proposed regulations were published under Part 500, in order to consolidate these regulations with other rules issued by the Domestic and International Business Administration, they have been transferred to 15 CFR Chapter 3.

Interested persons were given until March 28, 1975 to submit written comments. No comments having been received, the proposed regulations are hereby adopted with minor changes and clarifications as set forth below.

The Regulations promulgated hereunder relate only to the certification under the Trade Act of eligibility of firms to apply for trade adjustment assistance. In order for any program benefits to be conferred upon such firms they must apply for adjustment assistance and meet criteria for such benefits established in the Trade Act, as implemented by rules and regulations which will be published separately. In view of the fact that the following Regulations deal only with the certification of firms which have been adversely affected by imports, it has been determined that the Regulation will have no major inflationary impact.

In view of the fact that Chapter 3 of the Trade Act becomes effective as of April 3, 1975, and in view of the necessity of providing an established procedure under which firms may seek certification of eligibility to apply for adjustment assistance, it has been determined that there is good cause for these regulations to become effective on April 3, 1975.

Effective date. This part becomes effective April 3, 1975.

Issued at Washington, D.C. and dated April 2, 1975.

JOHN K. TABOR,
Acting Secretary of Commerce.

Subpart A—General

Sec.
350.10 Scope and purpose.
350.11 Definitions.

Subpart B—Petitions for Certification of Eligibility to Apply for Adjustment Assistance

Sec.
350.20 Categories of firms requesting certification.
350.21 Content of application: Category A.
350.22 Form and contents of the petition: Category B.
350.23 Filing of Category B petitions; Withdrawal.
350.24 Confidential business information.
350.25 Publication of Category B petitions in FEDERAL REGISTER.

Subpart C—Investigation of Petitions

350.30 Initiation of investigation.

Subpart D—Public Hearings on Category B Petitions

350.40 Granting of request for public hearing.
350.41 Denial of request for public hearing by a party other than the petitioner.
350.42 Notice of hearing.
350.43 Conduct of hearings.
350.44 Effect of public hearing.

Subpart E—Certification or Denial of Certification of Eligibility

350.50 Criteria for certification.
350.51 Decision on Category B petitions.
350.52 Appeals.
350.53 Revocation of certification of eligibility to apply for adjustment assistance.

Subpart F—Study of Firms in an Industry Which Is the Subject of an Investigation of Injury or Threat of Injury by the International Trade Commission

350.60 Commerce Department Study.
350.61 Information on adjustment assistance programs.

AUTHORITY: Pub. L. 93-618, 88 Stat. 1978, 19 U.S.C. 2101 et seq.

Subpart A—General

§ 350.10 Scope and purpose.

This part sets forth regulations implementing the responsibilities of the Secretary of Commerce under Chapter 3 of Title II, Trade Act of 1974, with respect to the certification of eligibility of firms to apply for adjustment assistance.

§ 350.11 Definitions.

For purposes of the regulations in this part, unless the context otherwise indicates:

(a) "Trade Act" means the Trade Act of 1974, Public Law 93-618, 88 Stat. 1978, 19 U.S.C. 2101 et seq.

(b) "TEA" means the Trade Expansion Act of 1962, 76 Stat. 872, 19 U.S.C. 1801 et seq.

(c) "Secretary" means the Secretary of Commerce or his delegate.

(d) "Department" means the Department of Commerce.

(e) "Assistant Secretary" means the Assistant Secretary of Commerce for Domestic and International Business.

(f) "Deputy Assistant Secretary" means the Deputy Assistant Secretary of Commerce for Resources and Trade Assistance.

(g) "Director" means the Director of the Office of Trade Adjustment Assistance, Bureau of Resources and Trade Assistance.

(h) "Firm" means an entity located in any state which is an individual proprietorship, partnership, joint venture, association, corporation (including a development corporation), business trust, cooperative, trustee in bankruptcy and receiver under decree of any court. When determined necessary by the Deputy Assistant Secretary to prevent unjustifiable benefits, a firm, together with any predecessor or successor firm, or any affiliated firm controlled or substantially beneficially owned by substantially the same person or persons may be considered a single firm.

(i) "Person" means an individual, firm, trust or estate.

(j) "Commission" means the Tariff Commission of the United States of America or after January 3, 1975, the U.S. International Trade Commission, as the context requires.

(k) "Effective Date" means April 3, 1975, the effective date of Title II, Chapter 3 of the Trade Act of 1974.

(l) "State" includes the states of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

Subpart B—Petitions for Certification of Eligibility To Apply for Adjustment Assistance

§ 350.20 Categories of firms requesting certification.

Any firm, to be considered for adjustment assistance under the provisions of Title II, Chapter 3, of the Trade Act on or after the Effective Date must request certification of eligibility to apply for adjustment assistance. Firms requesting certification shall be classified in one of two categories, i.e.,

(a) Category A which includes:

(1) Firms that have been previously certified eligible to apply for adjustment assistance under section 302(c) of the TEA which had either not applied for adjustment assistance under section 311(a) of the TEA or which had applied for adjustment assistance but whose adjustment proposal had not been certified under section 311(b) of the TEA as of the Effective Date, and whose eligibility certification has not been revoked by the Department; and

(2) Firms with regard to which the Commission reported to the President an affirmative finding of injury under section 301(c) of the TEA, or with regard to which the Commission reported its members evenly divided, but with regard to which the President has not taken action, as of the Effective Date.

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eligibility to apply for adjustment assist-

(b) Category *B* which includes:

(1) Firms that filed petitions under section 301(a)(2) of the TEA on which the Commission has not reported to the President under section 301(c) of the TEA as of the Effective Date; and

(2) Firms that believe they qualify for certification of eligibility to apply for adjustment assistance under section 251(c) of the Trade Act.

§ 350.21 Content of application: Category A.

Firms in Category *A* may apply for certification or recertification of eligibility by letter to the Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230, Attention: Adjustment Assistance Certification. Upon verification by the Director that the applicant either was previously certified eligible to apply for adjustment assistance or that the Commission had reported affirmatively or that it was evenly divided with regard to the petitioner, the Applicant will be promptly certified or recertified eligible as appropriate, on Form DIB–346, Certificate of Eligibility for a Firm to Apply for Adjustment Assistance. Such certification shall be effective as of the date of enactment of the Trade Act (January 3, 1975).

§ 350.22 Form and contents of the petition: Category B.

A Petition by a Firm for Certification of Eligibility to Apply for Adjustment Assistance, Form DIB–345P, shall contain the following information:

(a) The name, address and telephone number of the firm.

(b) A complete description of the firm, including:

(1) A brief economic history of the firm;

(2) Number and location of all manufacturing, production or sales facilities;

(3) Legal form under which the firm is organized, i.e., corporation, partnership, association, etc.;

(4) Identification of major ownership interests in the firm;

(5) Identification of officers, directors and management;

(6) Identification of any parent company, subsidiaries or affiliates, predecessor or successor firms, co-venturers or of any other firms under substantially the same ownership or control.

(c) A general description of article(s) produced by the firm.

(d) A detailed description including appropriate Standard Industrial Classification Number of each article described in paragraph (c) of this section that is likely or directly competitive with imported articles, the increased importation of which has contributed importantly to total or partial separation and decline in sales and/or production.

(e) A detailed description, including appropriate statistical classification number listed in the Tariff Schedules of the United States, Annotated (TSUSA), of each imported article like or directly competitive with the article(s) described in paragraph (d) of this section.

(f) Annual data relative to total sales and production, by quantity and value, of the articles described in paragraphs (c) and (d) of this section, stated separately.

(g) Annual data relative to the firm's total average employment and average number of production workers (together with average man hours worked) directly or indirectly involved in the production of the articles described in paragraphs (c) and (d) of this section, stated separately.

(h) Information relative to the number and proportion of workers totally or partially separated as a result of the importation of the articles described in paragraph (e) of this section.

(i) With respect to petitions asserting a threat of worker separation, an explanation of the nature of the threat and the anticipated consequences thereof, including the number and proportion of workers threatened with total or partial separation. Petitioner shall indicate whether, to its knowledge, a petition for certification of eligibility to apply for adjustment assistance has been filed by or on behalf of any of its workers under section 221 of the Trade Act.

(j) Annual import data, by volume and value, with respect to article(s) described in paragraph (e) of this section.

(k) A statement explaining how the increased imports contributed importantly to actual or threatened worker separation and to the decline in sales and/or production of the firm.

(l) Annual data by quantity and value for the firm's finished goods inventory, including the articles described in paragraphs (c) and (d) of this section, stated separately.

(m) Auditor's certified annual financial reports for the firm and its subsidiaries for the last five accounting years.

(n) Such other documentation or information as may be required on Form DIB–345P.

§ 350.23 Filing of Category B Petitions; Withdrawal.

(a) *Place of Filing.* Petitions for certification of eligibility to apply for adjustment assistance shall be submitted for filing in original and four copies by personal delivery during normal U.S. Department of Commerce business hours or by registered or certified mailing to the Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230, Attention: Adjustment Assistance Certification.

(b) *Conformity with Regulations.* No document reporting to be a petition for certification of eligibility for adjustment assistance shall be accepted for filing unless it conforms to the provisions of this Part governing such petitions. Firms intending to submit petitions are encouraged to consult with the Director prior to presenting such petitions for filing in order to avail themselves of his guidance and assistance in the preparation and documentation of their petitions.

(c) *Receipt of Petitions.* All petitions received by the Director shall be stamped with the date on which received. Within five working days of the receipt of said petition the Director shall either accept or reject said petition for filing. The petitioner shall thereafter be promptly notified of the acceptance of his petition together with the date of such acceptance or the rejection of said petition and the reasons therefor. A petitioner whose petition has been rejected for filing may submit a new petition in accordance with this section, provided the reasons for the rejection have been corrected.

(d) *Withdrawal of Petitions.* A petition may be withdrawn by a petitioner, provided a written request therefor is received by the Director prior to any decision being made on the petition by the Deputy Assistant Secretary pursuant to § 350.51 hereof. A petitioner who withdraws a petition may at any time thereafter submit a new petition in accordance with this section.

§ 350.24 Confidential Business Information.

(a) *Identification of Confidential Information.* Business data which the petitioner or any other party desires to submit in confidence shall be submitted to the Director on separate sheets bearing at the top of each sheet the clear legend "Confidential Business Information." If submitted at a public hearing, such information shall be labeled "Confidential Business Information" at the top of each sheet and offered as a separate exhibit, accompanied by a brief description of the nature of the information for purposes of the public record.

(b) *Acceptance of Information in Confidence.* The Freedom of Information

Act, as amended (5 U.S.C. 552), provides that agency records shall be made available for public inspection and copying, unless exempted from public disclosure thereunder. The Act exempts "trade secrets and commercial or financial information obtained from a person and privileged or confidential." By submitting data identified as "Confidential Business Information," the petitioner or other party represents that such information is exempted from public disclosure, either by the Freedom of Information Act or by a specific statutory exemption. However, the Director may refuse to accept as "confidential" any information which clearly is not intended to be protected under the law. Any information which the Director refuses to accept as "confidential" may be submitted as nonconfidential or may be withdrawn and, if so withdrawn, will not be considered in the determination of the petition. The Department will only make a determination regarding the public availability of any information submitted in response to a request for records submitted in accordance with the public information regulation of the Department in 15 CFR, Subtitle A, Part 4 (40 FR 11551, March 12, 1975).

§ 350.25 Publication of Category B Petitions in Federal Register.

Promptly after a petition has been accepted for filing, the Director shall publish a notice in the FEDERAL REGISTER of the filing of such petition, the identity of the petitioner, nature of its business and such other information as may be regarded pertinent or appropriate.

Subpart C—Investigation of Petitions

§ 350.30 Initiation of investigation.

Upon the acceptance for filing of a Category B petition, the Director shall initiate an investigation to determine from the data and other information furnished by the petitioner and information available to the Department, the sufficiency of petitioner's compliance with the criteria established in section 251(c) of the Trade Act and under this Part for eligibility to apply for adjustment assistance. The investigation may include field visits to verify information furnished by petitioner and to elicit other information relevant to the petition. In the course of the field investigation representatives of the Department shall be authorized to meet with and obtain information from officers and employees of the petitioner, officers of lending institutions and other sources of financing utilized by petitioner, present or former customers and suppliers, and officials of appropriate trade associations or other organizations. Upon conclusion of the investigation, a report thereof shall be made and taken into consideration in the determination of petitioner's eligibility to apply for adjustment assistance.

Subpart D—Public Hearings on Category B Petitions

§ 350.40 Granting of request for public hearing.

(a) A public hearing will be held on each Category *B* petition, if such hearing is requested in a timely manner in writing, hand delivered or marked registered or certified mail, by the petitioner or by any person, organization or group that has demonstrated to the satisfaction of the Director that it has a substantial interest in the proceedings. A request for public hearing shall be filed in the same manner as provided for filing of petitions under § 350.23(a), and must be received by the Director, within ten days after the publication in the Federal Register of the notice of filing of the petition under § 350.25. A request by a person other than the petitioner shall contain:

(1) The name, address and telephone number of the person, organization or group requesting the hearing;

(2) A complete statement of the relationship of the person, organization or group requesting the hearing to the petitioner or the subject matter of the petition and a statement of the nature of its interest in the proceeding, including how such interest may be adversely affected by certification of the petitioner's eligibility to apply for adjustment assistance; and

(3) A summary of the nature of the evidence or other information that it desires to submit at the public hearing.

(b) For purposes of this part, a person, organization or group will be deemed to have a "substantial interest in the proceedings" if it has included sufficient information in its request to demonstrate to the satisfaction of the Director that it has a direct, material, economic interest which will be, or may be, adversely affected by certification or denial of certification of petitioner's eligibility to apply for adjustment assistance.

§ 350.41 Denial of request for public hearing by a party other than the petitioner.

In the event of a denial of a request for public hearing, a notice of denial shall be signed by the Director and shall be addressed to the requesting party. Such notice shall specify the reasons upon which the denial is based. In view of the sixty day period provided under section 251(d) of the Trade Act for the processing of petitions for certification of eligibility to apply for adjustment assistance, there shall be no appeal from such a denial.

§ 350.42 Notice of hearing.

If petitioner has included a timely request for public hearing in a Category *B* petition, notice of the date, time and place of such hearing shall be included in the notice of the filing of the petition published in the FEDERAL REGISTER under § 350.25. If the petitioner does not include a request for public hearing in its petition, but a request for public hearing is received in conformity with § 350.40 and is granted by the Director, notice of the public hearing in the matter shall be published in the FEDERAL REGISTER as soon following the granting of the request as practicable and the petitioner shall be notified, specifying the date, time and place of such hearing. Notice of public hearing on any petition shall be published once only, and the date, time and place set for such hearing shall be applicable to all persons, organizations and groups requesting a public hearing on the petition.

§ 350.43 Conduct of hearings on Category B petitions.

The public hearing on any petition for certification of eligibility to apply for adjustment assistance shall be conducted by the Director, or, in his absence or inability to attend, by such person as may be designated by the Deputy Assistant Secretary. The hearing shall be stenographically reported. Any party may be represented at such hearing by attorney designated as such in writing prior to commencement of the hearing. The petitioner and all parties whose request for a public hearing has been granted under § 350.40 shall be given an opportunity to present their views and submit evidence under oath and may be questioned by the Director or other Department representatives in attendance. Evidence, oral or written, submitted at the hearing may be subject to verification from books, papers or records of the parties submitting such evidence and from any other available sources. Interested parties may examine the transcripts and exhibits or other materials presented, or obtain copies thereof by making application in accordance with the public information procedures of 15 CFR, subtitle A, Part 4. Confidential business information that is exempted by law from public disclosure shall not be a part of the transcripts.

§ 350.44 Effect of public hearing.

The public hearing held with regard to a Category *B* petition is part of the overall investigation of the petition by the Department. The determination to

V 4 0 1 6 5 A P R 3 7 5 XUM

certify or to deny certification of such petitions will be based not only on the evidence adduced at the public hearing, but also upon the information originally furnished by the petitioner with his petition or thereafter, or otherwise acquired by the Director incident to the investigation.

Subpart E—Certification or Denial of Certification of Eligibility

§ 350.50 Criteria for certification.

(a) A petitioner filing a Category *B* Petition will be certified eligible to apply for adjustment assistance if the Deputy Assistant Secretary determines, under section 251(c) of the Trade Act that:

(1) A significant number or proportion of the workers in such firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) Sales or production, or both, of such firm have decreased absolutely; and

(3) Increases in imports (absolute or relative to domestic production) or articles like or directly competitive with articles produced by such firm contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

(b) For purposes of this part:

(1) A "significant number or proportion of workers" shall normally mean the equivalent of a total separation of five percent of the firm's work force or fifty workers, whichever is less. In computing such equivalent partially separated workers shall be taken into account in proportion to their percentage of separation. In small firms a smaller number of workers may be held to constitute a significant number or proportion of workers. With regard to agricultural operations that are sole proprietorships, the criterion may be met by an individual farmer.

(2) A "totally separated worker" means an employee who has been laid off or whose employment has been terminated by his employer for lack of work. The term "Layoff" means a suspension from pay status for lack of work initiated by the employer for an indefinite period but in no event expected to last for less than seven consecutive calendar days.

(3) "Partial Separation" means, with respect to an employee who has not been totally separated, a reduction in an employee's hours of work to eighty percent or less of the employee's average weekly hours at the firm and a reduction in the employee's weekly wage to eighty percent or less of the employee's average weekly wage.

(4) A group of workers shall be considered to be "threatened" with total or partial separation if there is reasonable evidence that such total or partial separation is imminent.

(5) The term "decreased absolutely" is used in reference to petitioner's sales or production irrespective of industry or market fluctuations and relative only to the previous performance of the firm.

(6) The terms "like" or "directly competitive" are not synonymous. "Like" articles are those articles which are substantially identical in inherent or intrinsic characteristics. "Directly competitive" articles are those articles which are not substantially identical in inherent or intrinsic characteristics but are substantially equivalent for commercial purposes, i.e., are adapted to the same function or use and substitute for or are essentially interchangeable therewith.

(7) The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause. Imports will be considered to have "contributed importantly" to total or partial separation, or threat thereof, of a significant number or proportion of workers, and to a decline in sales or production, even if such imports were not the major factor in effecting such separation, threat thereof, or decrease. In determining whether imports contributed importantly among possible causes for separation or decreases, the influence of imports as a cause will be considered on the basis of the totality and interrelationship of all possible causes. If, for example, another factor was so dominant, acting singly, that the worker separation or decrease in sales or production would have been essentially the same irrespective of the influence of imports, then imports would not be determined to have contributed importantly. Worker separation or threat thereof, and sales or production decreases which would have occurred regardless of the level of imports—such as resulted from domestic competition, seasonal or cyclical variations or technological factors—would not qualify a firm eligible to apply for adjustment assistance.

(c) In all cases, although the Department will bring to bear all available resources to assist the petitioner to demonstrate his meeting the criteria for certification of eligibility to apply for adjustment assistance under paragraph (a) of this section, the burden of proof is upon the petitioner to establish his eligibility by the submission of probative evidence thereof.

§ 350.51 Decision on Category B petitions.

As promptly as practicable, but not more than sixty days from the date the petition has been accepted for filing, the Deputy Assistant Secretary shall either certify the petitioner eligible to apply for adjustment assistance or shall deny the petition and, in either event, shall promptly notify the petitioner in writing of his action. Certifications of eligibility shall be issued by the Deputy Assistant Secretary on Form DIB–346, Certificate of Eligibility for a Firm to Apply for Adjustment Assistance. Notices of denials of petitions shall specify the reasons upon which the denial is based. If a petition is denied, petitioner shall not be entitled to resubmit its petition for certification of eligibility to apply for adjustment assistance within the twelve month period succeeding the date of the formal notice of denial of the petition.

§ 350.52 Appeals.

Any petitioner may appeal to the Assistant Secretary from a denial of certification of eligibility to apply for adjustment assistance, provided that such appeal is received in writing and in triplicate by personal delivery or by registered or certified mail, by the Office of the Assistant Secretary for Domestic and International Business, U.S. Department of Commerce, Washington, D.C. 20230, within sixty days from the date of the formal notice of denial of the petition issued under § 350.51. The appeal shall set forth the grounds upon which the appeal is based and a concise statement of the facts and circumstances or legal arguments asserted by the petitioner in support thereof. The decision of the Assistant Secretary shall be final within the Department and shall be provided in writing to the petitioner as promptly as practicable.

§ 350.53 Revocation of certification of eligibility to apply for adjustment assistance.

(a) The Secretary may terminate the eligibility to apply for adjustment assistance of any firm pursuant to section 252 (d) of the Trade Act. Notice of such termination shall be published in the FEDERAL REGISTER and such termination shall take effect on the date specified by the Secretary.

Subpart F—Study of Firms in an Industry Which is the Subject of an Investigation of Injury or Threat of Injury by the International Trade Commission

§ 350.60 Commerce Department Study.

(a) *Initiation of the Study.* Upon notification by the Commission of the commencement of an investigation under section 201 of the Trade Act with respect to injury to a domestic industry occurring as a result of the increased importation of articles into the United States that are like or directly competitive with articles produced by the domestic industry, the Secretary shall immediately cause a study to be undertaken under section 264 of the Trade Act of:

(1) the number and identity of firms in the domestic industry producing the like or directly competitive article which have been or are likely to be certified eligible to apply for adjustment assistance under section 251 of the Trade Act and this part, and

(2) the extent to which the orderly adjustment of firms in the domestic industry to import competition may be facilitated through the use of existing programs.

(b) *Report.* Upon completion of the study described in paragraph (a) of this section, and within fifteen days of the date on which the Commission makes its report to the President of the United States under section 201 of the Trade Act the Secretary shall report to the President the findings and conclusions of the study. As soon thereafter as practicable the Secretary shall make his report public (with the exception of confidential business information that is exempted by law from public disclosure).

§ 350.61 Information on adjustment assistance programs.

Upon a report of the Commission to the President of an affirmative finding of injury or threat of injury to an industry under section 201(b) of the Trade Act, the Secretary shall make available to firms in such industry, to the extent feasible, information about programs that may facilitate their orderly adjustment to import competition and shall, through the agencies of the Department designated by him, provide assistance in the preparation and processing of petitions and applications for such assistance.

[FR Doc.75-8685 Filed 4-2-75;11:58 am]

PART 355—CERTIFICATION OF ELIGIBILITY OF COMMUNITIES FOR ADJUSTMENT ASSISTANCE

On March 18, 1975 a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 12279) prescribing new regulations which implement section 271 contained in Chapter 4 of the Trade Act of 1974, Pub. L. 93–618, ii STAT. 1978, 19 U.S.C. 2101 et seq.,) ("Trade Act"), relating to certification of eligibility of communities for adjustment assistance. The notice of proposed rule making proposed a new Part 510 of 15 CFR Chapter V. However, in order to consolidate these regulations with other rules issued by the Domestic and International Business Administration, they have been transferred to 15 CFR Chapter III as Part 355 thereof.

Interested persons were given until March 28, 1975 to submit written comments. No comments having been received, the proposed regulations are hereby adopted with minor changes and clarifications and set forth below.

The regulations promulgated hereunder relate only to the certification under the Trade Act of the eligibility of communities for adjustment assistance. In order for program benefits to be made available, communities or groups of communities must prepare adjustment assistance plans through Trade Impacted Area Councils established therefor under section 272 of the Trade Act and apply for program benefits under the provisions of section 273 of the Trade Act, pursuant to rules and regulations which

V 40 165
APR 3 75
XUM

will be published separately. In view of the fact that the following regulations relate only to certification of the eligibility of communities for adjustment assistance and not to the granting or administration thereof, it has been determined that the Regulations will have no major inflationary impact.

Since Chapter 4 of the Trade Act becomes effective on April 3, 1975, and in view of the necessity of providing an established procedure under which communities may petition for certification of eligibility for adjustment assistance as of that date, it has been determined that there is good cause for these regulations to become effective as of April 3, 1975.

Effective date. This part becomes effective April 3, 1975.

Issued at Washington, D.C. and dated April 2, 1975.

JOHN K. TABOR,
Acting Secretary of Commerce.

Subpart A—General

Sec.

355.10 Scope and purpose.
355.11 Definitions.

Subpart B—Petitions for Certification of Eligibility for Adjustment Assistance

355.20 Petitions for certification.
355.21 Form and contents of the petition.
355.22 Filing of petition.
355.23 Publication in the FEDERAL REGISTER.
355.24 Confidential business information.

Subpart C—Investigation of Eligibility

355.30 Initiation of investigation.

Subpart D—Public Hearings

355.40 Granting of request for public hearing.
355.41 Denial of request for public hearing by a party other than the petitioner.
355.42 Notice of hearing.
355.43 Conduct of hearings.
355.44 Effect of public hearings.

Subpart E—Certification or Denial of Certification

355.50 Criteria for certification.
355.51 Determination of petitions.
355.52 Appeals.
355.53 Revocation of certification of eligibility for adjustment assistance.

AUTHORITY: Pub. L. 93-618, 88 Stat. 1978, 19 U.S.C. 2101 et seq.

Subpart A—General

§ 355.10 Scope and purpose.

This part sets forth regulations implementing the responsibilities of the Secretary of Commerce under Chapter 4 of Title II, Trade Act of 1974, with respect to the certification of eligibility of communities for adjustment assistance.

§ 355.11 Definitions.

For purposes of the regulations in this part, unless the context otherwise indicates:

(a) "Trade Act" means the Trade Act of 1974, Public Law 93-618, 88 Stat. 1978, 19 U.S.C. 2101 et seq.

(b) "Secretary" means the Secretary of Commerce or his delegate.

(c) "Department" means the Department of Commerce.

(d) "Assistant Secretary" means the Assistant Secretary of Commerce for Domestic and International Business.

(e) "Deputy Assistant Secretary" means the Deputy Assistant Secretary of Commerce for Resources and Trade Assistance.

(f) "Director" means the Director of the Office of Trade Adjustment Assistance, Bureau of Resources and Trade Assistance.

(g) "Person" means an individual, firm, trust or estate.

(h) "State" includes the states of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

(i) "Community" means any political subdivision of a state of the United States including, but not limited to, any municipality, county, town, parish, local government agency or other general purpose subdivision of such state.

(j) "Trade Impacted Area" means any area within U.S. customs territory, the size and geographical limits of which have been determined by the Deputy Assistant Secretary under section 271(e) of the Trade Act.

Subpart B—Petitions for Certification of Eligibility for Adjustment Assistance

§ 355.20 Petitions for certification.

A petition for certification of eligibility for adjustment assistance may be filed by a community to group of communities, or by the Governor of the state in which such community or group of communities are located.

§ 355.21 Form and contents of the petition.

A community petition for certification of eligibility for Adjustment Assistance, Form DIB-347P, shall contain the following information:

(a) The name, complete address, and telephone number of the person authorized by the community or communities to file the petition, together with documentary evidence of such authorization.

(b) A statement identifying the community or communities included in the petition, together with the name, title, complete address, and telephone number of the senior administrative official of each community, i.e., Mayor, County Executive, etc.

(c) Annual data relative to sales, production and employment of all firms in the community or communities included in the petition.

(d) An identification of each firm or subdivision of a firm within the community or communities currently producing or which formerly produced articles with respect to which increased imports or like or directly competitive articles have contributed importantly to the actual or threatened worker separation and actual decline in sales and/or production, and the identification of any firm or subdivision of a firm that has transferred to a foreign country thereby resulting in worker separation and sales or production declines, and with respect to each such firm or subdivision the following information:

(1) A general description of the articles produced by the firm;

(2) A detailed description including appropriate Standard Industrial Classification number of each article described in paragraph (d)(1) of this section that is like or directly competitive with imported articles, the increased importation of which has contributed importantly to total or partial worker separation, or threat thereof, and a decline in the firm's sales and/or production;

(3) A detailed description of the imported article(s), identified by appropriate statistical classification number listed in the Tariff Schedules of the United States, Annotated (TSUSA), that are like or directly competitive with the article(s) described in paragraph (d)(2) of this section.

(4) Annual data relative to total sales and production, by quantity and value, of the articles described in paragraphs (d)(1) and (d)(2) of this section, stated separately;

(5) Annual data relative to the firm's total average employment and average number of production workers employed, together with average man hours worked;

(6) Information relative to the number and proportion of workers totally or partially separated as a result of the importation of the articles described in paragraph (d)(3) of this section; and

(7) With respect to petitions asserting a threat of worker separation, an explanation of the nature of the threat and the anticipated consequences thereof, including the number and proportion of workers in the community threatened with total or partial separation.

(e) Annual import data, by quantity and value, with respect to the article(s) described in paragraph (d)(3) of this section.

(f) A statement explaining how the increased imports contributed importantly to actual or threatened worker separation in the community and to the decline in sales and/or production of manufacturing firms or subdivisions of firms.

(g) Such other documentation or information as may be required on Form DIB-347P.

§ 355.22 Filing of petition.

(a) *Place of filing.* Community petitions for certification of eligibility for adjustment assistance shall be submitted for filing in original and four copies by personal delivery during normal U.S. Department of Commerce business hours or by registered or certified mailing to Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230 Attention: Adjustment Assistance Certification.

(b) *Conformity with regulations.* No document purporting to be a community petition for adjustment assistance shall be accepted for filing unless it conforms to the provisions of § 355.21 governing the form and contents of such petitions. Communities intending to submit petitions are encouraged to consult with the Director prior to presenting such petitions for filing in order to avail themselves of his guidance and assistance in the preparation and documentation of their petitions.

(c) *Receipt of petitions.* All petitions received by the Director shall be stamped with the date on which received. Within five working days of the receipt of said petition the Director shall either accept or reject said petition for filing. The petitioner shall thereafter be promptly notified of the acceptance or the rejection of said petition and the reasons therefor. A petitioner whose petition has been rejected for filing may submit a new petition in accordance with this section, provided the reasons for the rejection have been corrected.

(d) *Withdrawal of petitions.* A petition may be withdrawn by a petitioner, provided a written request therefor is received by the Director prior to any decision being made on the petition by the Deputy Assistant Secretary pursuant to § 355.51. A petitioner who withdraws a petition may at any time thereafter submit a new petition in accordance with this section.

§ 355.23 Publication in the Federal Register.

Promptly after a petition has been accepted for filing, the Director shall publish a notice in the FEDERAL REGISTER of the filing of such petition setting forth the community or communities that filed the petition or on whose behalf the petition was filed and such other information as may be regarded pertinent or appropriate.

§ 355.24 Confidential business information.

(a) *Identification of confidential information.* Business data which the petitioner or any other party desires to submit in confidence shall be submitted to the Director on separate sheets bearing at the top of each sheet the clear legend "Confidential Business Information." If submitted at a public hearing, such information shall be labeled "Confidential Business Information" at the top of each sheet and offered as a separate exhibit, accompanied by a brief description of the nature of the information for purposes of the public record.

(b) *Acceptance of information in confidence.* The Freedom of Information Act, as amended (5 U.S.C. 552), provides that agency records shall be made available for public inspection and copying, unless exempted from public disclosure thereunder. The Act exempts "trade secrets and commercial or financial information obtained from a person and privileged or confidential." By submitting data identified as "Confidential Business Information," the petitioner or other party represents that such information is exempt from public disclosure, either by the Freedom of Information Act or by a specific statutory exemption. However, the Director may refuse to accept as "confidential" any information which clearly is not intended to be protected

V 40 65
APR 3 75
XUM

under the law. Any information which the Director refuses to accept as "confidential" may be submitted as non-confidential or may be withdrawn, and, if so withdrawn, will not be considered in the determination of the petition. The Department will only make a determination regarding the public availability of any information submitted in response to a request for records made in accordance with the public information regulations of the Department in 15 CFR, Subtitle A, Part 4 (40 FR 11551, March 12, 1975).

Subpart C—Investigation of Eligibility

§ 355.30 Initiation of investigation.

Promptly following acceptance of a petition for filing, the Director shall initiate an investigation to determine whether the community or communities meet the criteria of section 271(c) of the Trade Act. Also, the geographic boundaries of the Trade Impacted Area or Areas in which such community or communities are located shall be determined. The investigation is designed to confirm information submitted by the petitioner and to elicit other information relevant or material to the petition. The investigation may include one or more field investigations to verify information submitted by petitioner and to physically inspect the area and the firms, or subdivisions thereof, located therein. In the course of the investigation, representatives of the Department shall be authorized to meet with and obtain information from public officials, officers and employees of firms or subddivision of firms located in the area, officers of banks, lending institutions and other sources of financing in the area, present or former customers or suppliers of the firms or subdivisions thereof located in the area, officials of unions and trade associations and other potential sources of relevant information. Upon conclusion of the investigation, a report thereof shall become a part of the evidence upon the basis of which a determination shall be made whether the criteria of section 271(c) of the Trade Act have met.

Subpart D—Public Hearing

§ 355.40 Granting of request for public hearing.

(a) A public hearing will be held on any petition accepted by the Director for filing, if requested in a timely manner in writing, hand delivered or mailed registered or certified mail by the petitioner, or by any person, organization or group or representative of a community not included in the petition who has demonstrated to the satisfaction of the Director that it has a substantial interest in the proceedings. A request for public hearing shall be filed in the same manner as provided for filing of petitions under § 355.22(a), and must be received by the Director within ten days after the publication in the FEDERAL REGISTER of the notice of filing of the petition under § 355.23. A request by a person other than the petitioner must be in writing and shall contain:

(1) The name, address, and telephone number of the person, organization or group, or of the legal representative or senior administrative officer of the community, requesting the hearing.

(2) A complete statement of the relationship of the persons, organization, group or community requesting the hearing, to the petitioner or the subject matter of the petition and a statement of the nature of its interest in the proceeding, including how such interest may be affected by certification or denial of certification of petitioner's eligibility for adjustment assistance; and

(3) A summary of the nature of the evidence or other information that it desires to submit at the public hearing.

(b) For purposes of this part, a community, person, organization or group will be deemed to have a "substantial interest in the proceedings", if it has included sufficient information in its request to demonstrate to the satisfaction of the Director that it has a direct, material, economic interest which will be or may be affected by certification or denial of certification of petitioner's eligibility for adjustment assistance.

§ 355.41 Denial of request for public hearing by a party other than the petitioner.

In the event of a denial of a request for public hearing, a notice of denial shall be signed by the Director and shall be addressed to the requesting party. Such notice shall specify the reasons upon which the denial is based. In view of the sixty day period under section 271(d) of the Trade Act for processing community petitions for certification of eligibility for adjustment assistance, there shall be no appeal from such denial.

§ 355.42 Notice of hearing.

If petitioner has included a request for public hearing with the petition, notice of the date, time and place of such hearing shall be included in the notice of the filing of such petition published in the FEDERAL REGISTER under § 355.23. Notice of a public hearing requested by petitioner after the filing of his petition or by a party other than the petitioner whose request has been granted under § 355.40 shall be published in the FEDERAL REGISTER as soon as practicable following the granting of the request, specifying the date, time and place of such hearing. Notice of public hearing on any petition shall be published in the FEDERAL REGISTER once only, and the date, time and place set for such hearing shall be applicable to all communities, persons, organizations and groups requesting a public hearing on said petition.

§ 355.43 Conduct of hearings.

The public hearing on any community petition for certification of eligibility for

adjustment assistance shall be conducted by the Director, or in his absence or inability to attend by such person as may be designated by the Deputy Assistant Secretary. The hearing shall be stenographically reported. The petitioner, or any community, person, organization or group may be represented at such hearing by attorney designated as such in writing prior to commencement of the hearing. Petitioner and all parties whose request for a public hearing has been granted under § 355.40 shall be given an opportunity to present their views and submit evidence under oath and may be questioned by the Director or other Department representatives in attendance. Evidence, oral or written, submitted at the hearing may be subject to verification from books, papers or records of the parties submitting such evidence and from any other available sources. Interested parties may examine the transcripts and the exhibits or other materials presented or obtain copies thereof by making application in accordance with the public information procedures of 15 CFR, subtitle A, Part 4. Confidential business information shall not be a part of the transcripts.

§ 355.44 Effect of public hearings.

The public hearing held with regard to any community petition for certification of eligibility for adjustment assistance is part of the overall investigation of the petition by the Department. The determination to certify or to deny certification will be based not only on the testimony and evidence adduced at the public hearing, but also upon information originally furnished by petitioner with or in support of his petition, or otherwise acquired by the Director incident to the investigation.

Subpart E—Certification or Denial of Certification

§ 355.50 Criteria for certification.

(a) The community or group of communities included in the petition will be certified eligible for adjustment assistance if the Deputy Assistant Secretary determines that such community or group of communities are located in a Trade Impacted Area in which:

(1) A significant number or proportion of workers have become totally or partially separated, or are threatened to become totally or partially separated;

(2) Sales or production, or both, of firms or subdivision of firms, located in such Trade Impacted Area have decreased absolutely; and

(3) Increases of imports (absolute or relative to domestic production) of articles like or directly competitive with articles produced by firms, or subdivision of firms, located in such Trade Impacted Area, or the transfer of firms, or subdivision of firms located in such Trade Impacted Area to foreign countries, have contributed importantly to the total or partial separations, or threats thereof, described in paragraph (a)(1) of this section and to the decline in sales and/or production described in paragraph (a)(2) of this section.

(b) For purposes of this part:

(1) A "totally separated worker" means an employee who has been laid off or whose employment has been terminated by his employer for lack of work. The term "lay-off" means a suspension from pay status for lack of work initiated by the employer for an indefinite period but in no event expected to last for less than seven consecutive calendar days.

(2) "Partial separation" means with respect to an employee who has not been totally separated, a reduction in an employee's hours or work to eighty percent or less of the employee's average weekly hours of work at the firm and a reduotion in the employee's weekly wage to eighty percent or less of the employee's average weekly wage.

(3) A group of workers shall be considered to be "threatened" with total or partial separation if there is reasonable evidence that such total or partial separation is imminent.

(4) The term "firm" includes an individual proprietorship, partnership, joint venture, association, corporation, business trust, cooperative, trustee in bankruptcy, and receiver under decree of any court.

(5) The term "subdivision of firms" means an establishment in a multi-establishment firm which produces a domestic article with which imported articles are like or directly competitive or a distinct part or section thereof whether or not the firm has more than one establishment wherein the articles are produced.

(6) The term "decreased absolutely" is used in reference to the sales or production of the firm(s) or subdivision(s) thereof located in the Trade Impacted Area irrespective of industry or market fluctuations and relative only to the previous performance of the firm(s) or subdivision(s) thereof.

(7) The terms "like" or "directly competitive" are not synonymous. "Like" articles are those articles which are substantially identical in inherent or intrinsic characteristics. "Directly competitive" articles are those articles which are not substantially identical in inherent or intrinsic characteristics, but are substantially equivalent for commercial purposes, i.e., are adapted to the same function or use and substitute for or are essentially interchangeable therewith.

(8) The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause. Imports will be considered to have "contributed importantly" to total or partial separation or threat thereof of a significant number or proportion of workers and to a decline in sales or production even if such imports

V 4 0 - 6 5 APR 3 7 5 XUM

were not the major factor in effecting such separation, threat thereof, or decrease. In determining whether imports contributed importantly among possible causes for separations or decreases, the influence of imports as a cause will be considered on the basis of the totality and interrelationships of all possible causes. If, for example, another factor was so dominant, acting singly, that the worker separation or decrease in sales or production would have been essentially the same irrespective of the influence of imports, then imports would not be determined to have contributed importantly. Worker separation and sales or production decreases which would have occurred regardless of the level of imports—such as resulted from domestic competition, seasonal or cyclical variations or technological factors—would not be considered for the purposes of meeting this test.

(c) In all cases, although the Department will bring to bear all available resources to assist the petitioner to demonstrate that the Trade Impacted Area in which the community or communities involved in the petition are located meets the criteria of section 271(c) of the Trade Act, the burden of proof is upon petitioner to establish the eligibility of such community or communities for adjustment assistance by the submission of probative evidence thereof.

§ 355.51 Determination of petitions.

As promptly as practicable, but not more than sixty days from the date the petition has been accepted for filing, the Deputy Assistant Secretary shall certify eligible for adjustment assistance the community or communities located in any Trade Impacted Area which he has determined to meet the criteria of section 271(c) of the Trade Act and, to the extent that any of the petitioning community or communities, or parts thereof, are not located in any such Trade Impacted Area, the certification of eligibility for adjustment assistance of such community, or communities or parts thereof will be denied. The Deputy Assistant Secretary shall promptly notify the petitioner in writing of his decision and shall publish notice of such decision in the FEDERAL REGISTER. Certifications of eligibility shall be issued by the Deputy Assistant Secretary on Form DIB-348, Certificate of Eligibility of a Community for Adjustment Assistance. Notice of denial in whole or in part of petitions shall specify the reason upon which the denial is based. If any community is denied certification of eligibility for adjustment assistance, it shall not be entitled to repetition for certification of eligibility for adjustment assistance within the twelve month period succeeding the date of formal notice of the denial of certification of its eligibility.

§ 355.52 Appeals.

Any petitioner may appeal to the Assistant Secretary from a denial of certification of eligibility for adjustment assistance, provided that such appeal is received in writing and in triplicate by personal delivery or by registered or certified mail, in the Office of the Assistant Secretary for Domestic and International Business, U.S. Department of Commerce, Washington, D.C. 20230 within sixty days from the date of the formal notice of denial of the petition issued under § 355.51. The appeal shall set forth the grounds upon which the appeal is based and a concise statement of the facts and circumstances or legal argument asserted by petitioner in support thereof. The decision of the Assistant Secretary shall be final within the Department and shall be provided in writing to the petitioner as promptly as practicable.

§ 355.53 Revocation of certification of eligibility for adjustment assistance.

The Secretary may terminate the certification of eligibility for adjustment assistance of any community pursuant to section 271(f) of the Trade Act. Notice of such termination shall be published in the FEDERAL REGISTER and such termination shall take effect on the date specified by the Secretary.

[FR Doc.75-8884 Filed 4-2-75;11:58 am]

CHAPTER V—OFFICE OF TRADE ADJUSTMENT ASSISTANCE, DEPARTMENT OF COMMERCE

PART 500—ADJUSTMENT ASSISTANCE REGULATIONS

The Trade Expansion Act of 1962, 76 Stat. 872, 19 U.S.C. 1801 et seq. (the "TEA"), established a program of adjustment assistance for firms adversely affected by increased imports resulting in major part from concessions granted under trade agreements authorized by the TEA. The adjustment assistance provisions of Chapter 3, Title II, of the Trade Act of 1974, 88 Stat. 1978, 19 U.S.C. 2101 et seq., supersede the corresponding adjustment assistance provisions of the TEA, but provide that any firm whose adjustment proposal was certified under section 311 of the TEA before the effective date of the superseding provisions, i.e., April 3, 1975, may receive adjustment assistance at the level set forth in such certified proposal.

Subparts A and B of Part 500 of 15 CFR Chapter V, which dealt with certification of eligibility of firms to apply for adjustment assistance under the TEA, are transferred to 15 CFR Chapter III and redesignated as Part 350 of that chapter, in order to consolidate these regulations (as revised) with other rules issued by the Domestic and International Business Administration.

The remainder of 15 CFR Part 500, i.e., Subparts C through G, which implemented the TEA provisions governing the granting of adjustment assistance to firms, is revoked, but remains in effect with respect to firms to which adjustment assistance was either provided or authorized under the TEA prior to April 3, 1975.

The only regulations in 15 CFR Chapter V appear in Part 500. Accordingly, Chapter V of Title 15 is vacated.

Effective date. This redesignation and revocation become effective on April 3, 1975.

Issued at Washington, D.C., and dated April 2, 1975.

JOHN K. TABOR,
Acting Secretary of Commerce.

[FR Doc.75-8883 Filed 4-2-75;11:56 am]

V 40 65
APR 3 75
XUM

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 57]

FINANCIAL DISTRESS GRANTS TO SCHOOLS OF NURSING

Proposed Rule Making

Notice is hereby given that the Assistant Secretary for Health, of the Department of Health, Education, and Welfare with the approval of the Secretary of Health, Education, and Welfare, proposes to add a new Subpart X entitled "Financial Distress Grants to Schools of Nursing," to Part 57 of Title 42, Code of Federal Regulations. The proposed new Subpart X is in tentative form below.

Section 805(b) of the Public Health Service Act (42 U.S.C. 296(d)) authorizes the Secretary of Health, Education, and Welfare to make grants to assist public or nonprofit private schools of nursing which are in serious financial straits to meet operational costs required to maintain quality educational programs or which have special need for financial assistance to meet accreditation requirements. The purpose of the proposed new Subpart X is to establish regulations implementing such section 805(b) of the Public Health Service Act.

Written comments concerning the proposed regulations are invited from interested persons. Inquiries may be addressed, and data, views and arguments relating to the proposed regulations may be presented in writing, in triplicate, to the Director, Bureau of Health Resources Development, 9000 Rockville Pike, Building 31, Room 5C-02, Bethesda, Maryland 20014. All comments received in response to this notice will be available for public inspection at the Office of Grants Policy, Bureau of Health Resources Development, Health Resources Administration, 9000 Rockville Pike, Building 31, Room 4C-08, Bethesda, Maryland 20014 on weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5 p.m. All relevant material received not later than May 5, 1975, will be considered.

It is therefore proposed to add a new Subpart X to Part 57 as set forth below:

Dated: March 10, 1975.

THEODORE COOPER,
Acting Assistant Secretary for Health.

Approved: March 31, 1975.

CASPAR W. WEINBERGER,
Secretary.

Subpart X—Financial Distress Grants to Schools of Nursing

Sec.
57.2301 Applicability.
57.2302 Definitions.
57.2303 Eligibility.
57.2304 Application.
57.2305 Assurances required.
57.2306 Grant awards.
57.2307 Grant payments.
57.2308 Expenditure of grant funds.
57.2309 Nondiscrimination.
57.2310 Grantee accountability.
57.2311 Publications and copyright.
57.2312 Inspection and audit.
57.2313 Applicability of 45 CFR Part 74.
57.2314 Additional conditions.

AUTHORITY: Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 805(b), 85 Stat. 470 (42 U.S.C. 296d).

§ 57.2301 Applicability.

The regulations of this subpart are applicable to the award of grants pursuant to section 805(b) of the Public Health Service Act (42 U.S.C. 296d) to assist public or nonprofit private schools of nursing which are in serious financial straits to meet operational costs required to maintain quality educational programs or which have a special need for financial assistance to meet accreditation requirements.

§ 57.2302 Definitions.

As used in this subpart:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Construction" means the construction and equipping of new buildings and the acquisition and expansion of existing buildings (including related costs, such as architects' fees, acquisition of land, offsite improvements, and the initial equipping of such buildings), and (2) the remodeling, alteration and repair of existing buildings.

(c) "Council" means the National Advisory Council on Nurse Training (established by section 841(a)(1) of the Act).

(d) "Fiscal Year" means the Federal fiscal year beginning July 1, and ending on the following June 30.

(e) "Secretary" means the Secretary of Health, Education, and Welfare, and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(f) "School" or "school of nursing" means a school of nursing as defined in section 843(b) of the Act and which is accredited as provided in section 843(f) of the Act.

(g) "State" means any one of the several States of the United States, the Commonwealth of Puerto Rico, the District of Columbia, the Canal Zone, Guam, America Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

§ 57.2303 Eligibility.

To be eligible for a grant under this subpart the applicant must:

(a) be a school as defined in § 57.2302(f)(1) of this part with operating income insufficient to meet operational costs required to maintain quality educational programs or (2) with special need for financial assistance to meet accreditation requirements of a nonrecurring nature. For purposes of this paragraph, a school will be considered to have such "special need" for fiancial assistance where the requirements necessary in order to have the program of education in professional nursing of such school accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Commissioner of Education cannot be met within the school's operating income.

(b) be located in a State as defined in § 57.2302(g) of this part.

§ 57.2304 Application.

(a) Each eligible school desiring a grant under the subpart shall submit an application in such form and at such time as the Secretary may require.[1]

(b) Such application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the regulations of this subpart.

(c) The application shall contain a full and adequate description of the purpose for which the application is made, of the manner in which the applicant intends to utilize funds awarded in accordance with this subpart, of the proposed plan to eliminate the need for support under this subpart and such other pertinent information as the Secretary may require.

§ 57.2305 Assurances required.

(a) Pursuant to section 805(c) of the Act, the applicant shall submit an assurance satisfactory to the Secretary that the applicant will expend in carrying out

[1] Applications and instructions may be obtained from the Division of Nursing, Bureau of Health Resources Development, Health Resources Administration, Department of Health, Education, and Welfare, 7550 Wisconsin Avenue, Bethesda, Maryland 20014.

its functions as a school of nursing during the fiscal year for which the grant is sought, an amount of non-Federal funds (excluding costs of construction as defined in § 57.2302(b) of this part) at least as great as the average amount of non-Federal funds (excluding expenditures of a nonrecurring nature, including costs of construction as defined in § 57.2302(b) of this part) expended for this purpose during the 3 fiscal years immediately preceding such fiscal year. The determination of the average amount of non-Federal funds expended by a new school during such 3-year period shall be the average for such of the preceding years as expenditures were actually made in carrying out the functions of the school; *Provided however*, That the Secretary may, after consultation with the Council, waive the above requirements with respect to any school if he determines that the application of such requirement to such school would be inconsistent with the purposes of section 805(b) of the Act.

(b) The Secretary may in individual cases require additional assurances where he finds that such additional assurances are necessary to carry out the purposes of section 805(b) of the Act.

§ 57.2306 Grant awards.

(a) Within the limits of funds available for such purpose, the Secretary, after consultation with the Council, may award grants to those applicants whose support will best promote the purpose of section 805(b) of the Act, taking into consideration among other pertinent factors:

(1) the extent of the applicants financial need to meet its costs of operation to maintain quality educational programs or to meet accreditation requirements;

(2) the actions which the applicant has taken or proposes to take to ameliorate the problem;

(3) the alternatives available to the applicant to meet its need for financial assistance; and

(4) the merit of the applicant's proposed plan to eliminate the long-range need for support under this program.

(b) The amount of any award under this subpart shall be determined by the Secretary on the basis of his estimate of the sum necessary to carry out the purposes of the applicant's approved plan.

(c) All grant awards shall be in writing, shall set forth the amount of funds granted and the period for which such funds will be available for obligation by the grantee, generally a 12-month period.

(d) Neither the approval of any application nor the award of any grant shall commit or obligate the United States in any way to make any additional, supplemental, or other award with respect to any approved plan or portion thereof.

§ 57.2307 Grant payments.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses incurred or to be incurred to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project.

§ 57.2308 Expenditure of grant funds.

(a) Grant funds awarded to schools for the purpose of meeting costs of operation to maintain quality educational programs may be expended in accordance with the applicable provisions of the Act, the regulations of this subpart and the terms and conditions of the award to meet any operating costs of the school during the period for which the grant is made, including the liquidation of obligations incurred either by the grantee or parent institution prior to the date of the grant award to the extent such obligations were incurred for costs properly considered operating costs of the school: *Provided however*, That such funds shall not be expended for (1) construction as defined in § 57.2302(b) of this part (except that grant funds may be used for alteration and renovation); (2) student aid; or (3) depreciation, amortization or use charges. Such funds will be available for a fixed period set forth on the grant award statement based upon the Secretary's estimate of the time necessary to permit the school to utilize the grant funds to meet such operating costs.

(b) Grant funds awarded to schools for the purpose of meeting accreditation requirements shall be expended solely for carrying out the school's approved plan in accordance with the applicable provisions of the Act, the regulations of this subpart, the terms and conditions of the award and the applicable cost principles prescribed by Subpart Q of 45 CFR Part 74; *Provided however*, That grant funds may only be used to pay direct costs. Such funds will be available for obligation through the end of the fiscal year following the fiscal year in which the grant is sought.

§ 57.230 Nondiscrimination.

(a) Attention is called to the requirements of section 845 of the Act and to 45 CFR Part 83 which together provide that the Secretary may not make a grant, loan guarantee, or interest subsidy payment under Title VIII of the Act to, or for the benefit of any entity unless the application for the grant, loan guarantee, or interest subsidy payment contains assurances satisfactory to the Secretary that the entity will not discriminate on the basis of sex in the admission of individuals to its training programs.

(b) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 and in particular to section 601 of such Act which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which is applicable to grants made under this subpart, has been issued by the Secretary with the approval of the President (45 CFR Part 80).

(c) Attention is also called to the requirements of Title IX of the Education Amendments of 1972 and in particular to section 901 of such Act which provides that no person, shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

(d) Grant funds used for alteration or renovation shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, 30 FR 12319 (Sept. 24, 1965), as amended, and with the applicable rules, regulations, and procedures prescribed pursuant thereto.

§ 57.2310 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other funds, including funds derived from other grant awards. With respect to each award the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for costs meeting the requirements of this subpart.

(b) *Accounting for royalties.* Royalties received by grantees from copyrights on publications or other works developed under the grant, or from patents or inventions conceived or first actually reduced to practice in the course of or under such grant shall be accounted for as follows:

(1) Patent royalties, whether received during or after the grant period, shall be governed by agreements between the Assistant Secretary for Health, Department of Health, Education, and Welfare, and the grantee, pursuant to the Department's patent regulations (45 CFR Parts 6 and 8).

(2) Copyright royalties, whether received during or after the grant period, shall first be used to reduce the Federal share of the grant to cover the costs of publishing or producing the materials, and any royalties in excess of the costs of publishing or producing the materials shall be distributed in accordance with Chapter 1–420, Department of Health, Education, and Welfare Grants Administration Manual.[2]

[2] The Department of Health, Education, and Welfare Grants Administration Manual is available for public inspection and copying at the Department's and Regional Offices' information centers listed in 45 CFR 5.31 and may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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(c) *Grant closeout.*

(1) *Date of final accounting.* A grantee shall render, with respect to each approved project, a full account, as provided herein, as of the date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each grant the total sum of (i) any amount not accounted for pursuant to paragraph (a) and (b) of this section and (ii) any other amounts due pursuant to Subparts F, K, and O of 45 CFR Part 74. Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assigns by set off or other action as provided by law.

§ 57.2311 Publications and copyright.

Except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from a grant under this part, subject to a royalty-free, nonexclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate and dispose of such materials, and to authorize others to do so.

§ 57.2312 Inspection and audit.

Any application for a grant under this subpart shall constitute the consent of the applicant to inspections of the facilities, equipment and other resources of the applicant at reasonable times by the Secretary and the Comptroller General of the United States or any of their duly authorized representatives. In addition, the acceptance of a grant award under this subpart shall constitute the consent of the grantee to inspections and fiscal audits by such persons of the supported activity and of progress and fiscal records relating to the use of grant funds.

§ 57.2313 Applicability of 45 CFR Part 74.

The relevant provisions of the following subparts of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants awarded pursuant to this subpart:

Subpart

A General.
B Cash Depositories.
C Bonding and Insurance.
D Retention and Custodial Requirements for Records.
F Grant-Related Income.
K Grant Payment Requirements.
L Budget Revision Procedures.
M Grant Closeout, Suspension, and Termination.
O Property.
Q Cost Principles.

§ 57.2314 Additional conditions.

The Secretary may with respect to any grant impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to asure or protect advancement of the approved activity, the interests of the public health or the conservation of grant funds, including where applicable that the school agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress, (2) to conduct a comprehensive cost analysis study in cooperation with the Secretary, and (3) to carry out appropriate operational and financial reforms on the basis of information obtained in the course of a comprehensive cost analysis study or on the basis of other relevant information.

[FR Doc.75-8695 Filed 4-2-75;8:45 am]

Social Security Administration

[20 CFR Part 405]

[Regulations No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Termination of Inpatient Routine Nursing Salary Cost Differential

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendments to the regulations set forth in tentative form are proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare.

An inpatient routine nursing salary cost differential to recognize the above average costs of inpatient nursing care furnished to Medicare beneficiaries became effective July 1969. However, since that time, there have been changes in the Medicare law, changes in the way services are furnished, and changes in the way in which Medicare reimburses for routine services, and these changes gave rise to a decision to terminate recognition of this cost differential.

First, Pub. L. 92-603, the Social Security Amendments of 1972, 86 Stat. 1329, expanded the scope of Medicare coverage to include a significant number of beneficiaries in the below-age-65 population, that is, certain disabled beneficiaries and those with end-stage renal disease. The larger the segment of the below-age-65 population that is encompassed by the Medicare program, the more appropriate an average routine per diem amount for all beneficiaries (excluding recognition of any differential) becomes.

Secondly, the study originally used in establishing the inpatient nursing salary cost differential indicated that elderly patients received a greater degree of nursing care than did younger ones. Since July 1969, there has been a marked increase in the number of special-care beds (intensive care, coronary care, etc.), providing more intensive nursing care than is found in general routine-care areas, and there has thus been a substantial shift of the intensely ill from general routine-care areas to these special-care units. In addition, a higher percentage of utilization by health insurance program beneficiaries of the special-care units than of general routine-care areas reflects to a significant extent that the nursing care that brought about recognition of the routine nursing differential is now being given in special-care units. These changes were not reflected in the study.

Thirdly, changes in Medicare cost-apportionment requirements, effective January 1, 1972, (20 CFR 405.452(b)) gave special recognition to the greater degree of utilization by health insurance program beneficiaries of these higher-cost special-care units by requiring separate cost-finding and apportionment for these units. At the same time, it was determined that the inpatient nursing salary cost differential did not apply to patients in these units who received this greater level of care.

Therefore, the proposed amendments to the regulations would terminate the inpatient routine nursing salary cost differential.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue, SW., Washington, D.C. 20201, on or before May 5, 1975.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

(Secs. 1102, 1814(b), 1861(v)(1)(A), and 1871, Social Security Act, 49 Stat. 647, as amended, 79 Stat. 286, as amended, 79 Stat. 322, as amended, and 79 Stat. 301; 49 U.S.C. 1302, 1395f(b), 1395x(v)(1)(A), and 1395hh.)

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance.)

Dated: March 5, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: March 25, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Regulations No. 5 of the Social Security Administration (20 CFR Part 405) is further amended as set forth below:

Section 405.430 is amended by revising paragraphs (a), (c)(1), and (d)(1) and (2), and the title of paragraph (e)(1) to read as follows:

§ 405.430 Inpatient routine nursing salary cost differential.

(a) *Principle.* In recognition of the above-average cost of inpatient routine nursing care furnished to aged patients, an inpatient routine nursing salary cost differential is allowable as a reimbursable cost of a provider beginning July 1, 1969, and prior to that provider's first cost-reporting period which begins after the month final regulations become effective. The differential applicable to such inpatient routine nursing salary costs of aged patients for the specified period is allowable and reimbursable at the rate of 8½ percent. Recognition of the differential by the health insurance program is accomplished through an inpatient routine nursing salary cost differential adjustment factor as defined in paragraph (b)(8) of this section.

• • • • •

(c) *Application.* (1) In the determination of health insurance inpatient routine service costs, the rate of 8½ percent has been established as the inpatient routine nursing salary cost differential for aged, pediatric, and maternity patients. This inpatient routine nursing salary cost differential is applicable to inpatient routine nursing salary costs incurred by a provider after June 30, 1969, and prior to that provider's first cost-reporting period which begins after the month final regulations become effective.

• • • • •

(d) *Effective dates.* (1) *Cost-reporting periods beginning after June 30, 1969, and prior to the month after final regulations become effective.* For cost-reporting periods beginning after June 30, 1969, and prior to the month after final regulations become effective, the inpatient routine nursing salary cost differential adjustment factor is applicable for the entire reporting period as an element in the computation of the provider's reimbursable cost.

(2) *Cost-reporting periods ending before July 1, 1969, or cost-reporting periods beginning after the month final regulations become effective.* For cost-reporting periods ending before July 1, 1969, or cost-reporting periods beginning after the month final regulations become effective, there shall not be included as an element in the computation of the provider's reimbursable costs any inpatient routine nursing salary cost differential adjustment factor.

• • • • •

(e) *Examples.* (1) *Illustration of calculation of differential adjustment factor for a cost-reporting period beginning after June 30 1969, and prior to the month after final regulations become effective.*

• • • • •

[FR Doc.75-8694 Filed 4-2-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 32, 50, 52, 53, 54, 56, 58, 63]

[CGD 73-254]

MARINE ENGINEERING SYSTEMS AND COMPONENTS

Miscellaneous Amendments

The Coast Guard is considering amendments to its regulations for certain marine engineering systems and components.

Interested persons are invited to submit written views, data, arguments, objections or comments to U.S. Coast Guard (G-CMC/82), Room 8234, 400 Seventh Street, SW., Washington, D.C. 20590. All communications received before May 15, 1975, will be fully considered before action is taken on this notice. Each submission should identify the notice (CGD 73-254) and the section, give reasons for any recommendations, and include proponent's name and address.

The proposed amendments may be changed in the light of comments received. The Coast Guard will hold a hearing on April 30, 1975, at 9 a.m. in Conference Room 8334, Department of Transportation, NASSIF Building, 400 Seventh Street SW., Washington, D.C. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. Copies of all written communications will be available for examination at U.S. Coast Guard Headquarters, in Room 8234, 400 Seventh Street, SW., Washington, D.C.

The American National Standard Code for Pressure Piping, ANSI B31.1 Power Piping, published by the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, New York 10017, was adopted in the current Marine Engineering Regulations, 46 CFR parts 50 through 63. The 1973 Code, which was issued on 15 June 1973, entails revisions which require changes to certain paragraphs of the present Marine Engineering Regulations.

The revised ANSI B31.1 contains new requirements for piping systems immediately external to power boilers. These requirements are identical to those previously contained in Section I of the ASME Boiler and Pressure Vessel Code. Section I was adopted in the current Marine Engineering Regulations. When Section I was adopted, exception was taken to the requirements for boiler external piping and separate requirements were promulgated in 46 CFR Parts 52 and 56. It is now proposed to retain these same separate requirements.

ANSI B31.1 requirements for weld reinforcement have been relaxed, and the requirements for preheat and postweld heat treatment have been reorganized editorially and modified to more closely follow Section IX of the ASME Code. It is proposed that these requirements be adopted and, in certain cases, reproduced in Part 56.

ANSI B31.1 requirements for leak tests have been completely rewritten, and it is also proposed that these be adopted with minor changes in scope and, in certain cases, reproduced in Part 56.

Additional miscellaneous changes to ANSI B31.1 which are proposed for adoption include:

a. Restriction on the use of ANSI B16.5 slip-on flanges in all sizes to the 150 and 300-pound classes.

b. Deletion of certain superseded ANSI and MSS Standards.

c. Various changes to state more clearly the intent of present requirements.

Changes are also proposed to the marine engineering regulations in the following areas:

a. Charply V-notch impact tests for certain material forms are to be conducted using transversely oriented specimens in lieu of longitudinal ones. This would ensure greater reproducibility of results, increase the quantity of isotropic base material with suitable toughness in the long transverse direction and bring Coast Guard requirements more in line with those of the American Bureau of Shipping.

b. Charpy V-notch impact testing acceptance for certain high alloy materials are to be based on lateral expansion in lieu of energy. This is in line with recent changes to Part UHA of Section VIII, Division I of the ASME Code for Boilers and Pressure Vessels.

c. Class II and II-L piping are to be permitted inside cargo tanks for Class B and C poisons.

d. The full tabulated value of allowable stress may be used in calculations for Class II piping in lieu of the 80% value currently permitted.

e. The restrictions in § 56.30-20(c) on the use of threaded joints are not to be applicable to hydraulic systems.

f. Main and auxiliary steam stop valves are to be readily accessible and operable by one person. This proposed change results from recent failures to various systems which were complicated by the inaccessibility and difficulty of operation of these valves.

g. Means for draining tank vessel cargo pumps and cargo piping into bilges are to be prohibited. This proposed change results from recent major casualties caused by the misuse of such means. This change will be applicable to all new and existing vessels.

h. Materials that are acceptable for use at low temperatures in accordance with the provisions of Part 54 are clearly indicated to be acceptable for similar use in piping systems.

i. Various superceded MSS Standards are to be deleted.

j. The movements of non-metallic expansion joints are to be clearly limited to the values set by the joint manufacturer.

k. The minimum flash point of fuels permitted to be used in boilers is to be reduced from 150° F to 140° F. This proposed change recognizes the change in flash point resulting from the change from open to closed cup test methods. This is in line with recent changes in the rules of all major Classification Societies.

l. The use of the "A" factor for piping calculations for fluid power systems is to be the same as for all other systems, following the requirements of ANSI B31.1-1973.

m. Subpart 58.30 has been rewritten to clarify which systems are regulated.

n. The scope and title of Subpart 58.50 is to be reworded to clearly indicate the applicability of this subpart to all independent fuel tanks.

o. Part 63 is to be expanded to include requirements for the use of ANSI Z21.22 hot water safety valves. This proposed change parallels the action of various

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other jurisdictions and standards writing bodies.

p. Various typographical errors are to be corrected. These mainly involve references to various paragraphs of adopted Codes and Standards.

In consideration of the foregoing, it is proposed to amend Parts 32, 35, 50, 52, 53, 54, 56, 58 and 63 of Title 46 of the Code of Federal Regulations as follows:

PART 32—SPECIAL EQUIPMENT MACHINERY AND HULL REQUIREMENTS

1. In § 32.50–5, the heading has been revised and paragraph (a) is revoked and reserved to read as follows:

§ 32.50–5 Cargo pump gauges on tank vessels constructed on or after November 19, 1936—TB/ALL.

(a) [Reserved]

• • • • •

PART 35—OPERATIONS

§ 35.25–10 [Amended]

2. In § 35.25–10(a), change the figure "150° F" to read "140° F".

PART 50—GENERAL PROVISIONS

§ 50.25–30 [Amended]

3. In § 50.25–30, change the last word of the title from "pressures" to "pressure" and change the reference to § 56.35–10 in paragraph (a) to read "§ 56.35–15."

PART 52—POWER BOILERS

§ 52.01–1 [Amended]

4. The table in § 52.01–1(a) is amended by striking lines 8 through 10 which refer to PG–63 through PG–65 and by revising the 5th line to read: "PR–30 through PR–40 modified by ------ 52.10–15".

§ 52.01–90 [Amended]

5. In § 52.01–90(d) change "(Modified PG–5.5.1)" to read "(Modifies PG–5.5)" and in paragraph (e) strike "(Modifies PG–5.5.2)", the entire first sentence and revise the remaining sentence to read:

"Non-ferrous materials are not permitted for pipes up to the first joint on all outlets but are permitted for instrument piping and may be used in blowoff or drain service provided pressure is below 250 pounds per square-inch gage and temperature is below 400° F."

6. In § 52.01–100, by revising the title to read as follows:

§ 52.01–100 Openings and compensation (modifies PG–32 through PG–39, PG–43 through PG–55, replaces PG–42).

7. Add a new paragraph (h) to § 52.01–110 to read as follows:

§ 52.01–110 Water level indicators, water columns, gage glass connections, gage cocks, and pressure gages (modifies PG–60).

• • • • •

(h) (Modifies PG–60) Piping referred to in this section must meet the requirement of Part 56 of this subchapter.

§ 52.05–45 [Amended]

8. In § 52.05–45(b), revise the parenthetical phrase in the last line to read as follows: "(PW–41.1.1–PW–41.1.4)."

§ 52.10–15 [Amended]

9. In § 52.10–15, revise the parenthetical phrase in the heading to read as follows: "(modifies PR–30 through PR–40)".

10. Section 52.20–17 is added to read as follows:

§ 52.20–17 Opening between boiler and safety valve (Modifies PFT–44).

(a) When a discharge pipe is used, it must be installed in accordance with the requirements of Part 56 of this chapter.

PART 53—HEATING BOILERS

§ 53.10–3 [Amended]

11. In § 53.10–3(a), by revising the parenthetical phrase in the last line to read as follows: "(See HG–510 and HC–410 of the ASME Code.)"

PART 54—PRESSURE VESSELS

§ 54.01–1 [Amended]

12. In Table 54.01–1(a), revise the third line to read as follows:

U–1(d) replaced by ------ 54.01–5(a) and 54.01–15 and insert the following new line between the present eighth and ninth lines:
UG–28 modified by ------ 54.01–40.

13. Section 54.05–5(a) is amended by revising the sixth and seventh sentences to read as follows:

§ 54.05–5 Toughness test specimens.

(a) • • • Except where otherwise specified, transversely oriented specimens must be used. When longitudinal specimens are used, the required energy values may not be less than 1.5 times the values required for transversely oriented specimens. • • •

• • • • • •

14. Section 54.05–10 is amended by replacing the fourth and fifth sentences of paragraph (a) with one new sentence and by making an addition to the last sentence of paragraph (d) to read as follows:

§ 54.05–10 Certification of material toughness tests.

(a) • • • The long axis of the Charpy specimen must be perpendicular to the final direction of rolling.

• • • • • •

(d) • • • with the axis of the specimens parallel to the axis of the bar or shape.

15. In § 54.05–17, revise (a)(1), (2), and (3) to read as follows:

§ 54.05–17 Weld toughness test acceptance criteria.

• • • • • •

(a) • • •

(1) For weld metal specimens, not less than the transverse values required for the parent material.

(2) For heat affected zone specimens, when the specimens are transversely oriented, not less than the transverse values required for the parent material.

(3) For heat affected zone specimens, when the specimens are longitudinally oriented, not less than 1.5 times the transverse values required for the parent material.

• • • • • •

16. Section 54.05–20 is revised to read as follows:

§ 54.05–20 Impact test properties for service of 0° F and below.

(a) *Test energy.* The impact energies of each set of transverse Charpy specimens may not be less than the values shown in Table 54.05–20(a). Only one specimen in a set may be below the required average and the value of that specimen must be above the minimum impact value permitted on one specimen only. See § 54.05–5(c) for retest requirements.

TABLE 54.05–20(a).—*Charpy v-notch impact requirements*

Size of specimen	Minimum impact value required for average of each set of 3 specimens, foot-pounds [1]	Minimum impact value permitted on one specimen only of a set, foot-pounds
10 x 10 mm	20.0	13.5
10 x 7.5 mm	16.5	11.0
10 x 5 mm	13.5	9.0
10 x 2.5 mm	10.0	6.5

[1] Straight line interpolation for intermediate values is permitted.

(b) Transversely oriented Charpy V-notch impact specimens of ASTM A–203 nickel steels must exhibit energies not less than the values shown in § 54.05–20 (a). Requirements for 9 percent nickel steels are contained in § 54.25–20. Other nickel alloy steels, when specially approved by the Commandant, must exhibit a no-break performance when tested in accordance with the drop weight procedure. If, for such materials, there are data indicating suitable correlation with drop-weight tests, Charpy V-notch tests may be specially considered by the Commandant in lieu of dropweight tests. If the drop-weight test cannot be performed because of material thickness limitations (less than one-half inch), or product shape, or is otherwise inapplicable (because of heat treatment, chemistry etc.) other tests or test criteria will be specified by the Commandant.

(c) Where sufficient data are available to warrant such waiver, the Commandant may waive the requirements for toughness testing austenitic stainless steel materials. Where required, austenitic stainless steels are to be tested using the drop-weight procedure and must exhibit a no-break performance. Where data are available indicating suitable correlation of Charpy V-notch results with drop-weight NDT or no-break performance, Charpy V-notch tests may be specially considered by the Commandant in lieu

of dropweight tests. If the dropweight test cannot be performed because of material thickness limitations (less than one-half inch), or product shape, or is otherwise inapplicable (because of heat treatment, chemistry, etc.) other tests and/or test criteria will be specified by the Commandant.

§ 54.05–25 [Reserved]

17. Section 54.05–25 is revoked and reserved.

§ 54.10–17 [Amended]

18. In § 54.10–17, strike out the words "and (5) (ii)" in the first sentence.

§ 54.20–10 [Amended]

19. In § 54.20–10(a), insert a semicolon between the words "radiograph" and "and".

20. Section 54.25–15(b) is amended by making an addition to the last sentence to read as follows:

§ 54.25–15 Low temperature operation-high alloy steels (modifies VHA–23 (b) and UHA–51).

• • • • •

(b) • • • except that the Charpy V-notch testing acceptance criteria will be in accordance with UHT–6(a) (4) and (5) of the ASME Code."

• • • • •

PART 56—PIPING SYSTEMS AND APPURTENANCES

21. A new § 56.01–3 is added to read as follows:

§ 56.01–3 Power boiler external piping (Replaces 100.1.1, 100.1.2, 102.4.7, 111.6, 122.1, 132 and 133).

(a) Piping system components associated with power boilers are covered by the requirements of this part and §§ 52.01–105, 52.01–110, 52.01–115, and 52.01–120.

(b) Specific requirements for power boiler external piping and appurtenances, as defined in §§100.1.1 and 100.1.2, appearing in the various paragraphs of ANSI–B31.1, are, therefore, not adopted unless otherwise specifically indicated elsewhere in this part.

§ 56.01–5 [Amended]

22. The table in § 56.01–5(a) is amended by revising the first line and relocating it between the present third and fourth line to read as follows:

101 through 104.7 modified by ------ 56.07–10

§ 56.04–2 [Amended]

23. In Table § 56.04–2, under "Class B and C poisons [2], amended by striking out the lints "II ------ not permitted; and "II–L ------ not permitted" and inserting the following two lines in place thereof: "II ------ not permitted except inside cargo tanks approved for Class B and C poisons.", and "II–L ------ not permitted except inside cargo tanks approved for Class B and C poisons."

24. In § 56.07–10, the first and second sentence of paragraph (c) and the seventh sentence of paragraph (e) are revised to read as follows:

§ 56.07–10 Design conditions and criteria (modifies 101 through 104.7).

• • • • • •

(c) • • • In Class I, I–L, II–L and nuclear piping systems, where the effect of • • • Where these factors are not considered for such systems, the maximum allowable stress will be 80 percent of the tabulated value for all materials.

• • • • • •

(e) • • • For Class I, I–L, II–L and nuclear piping systems • • •.

25. A new § 56.20–1(d) is added to read as follows:

§ 56.20–1 General.

• • • • • •

(d) Where liquid trapped in a closed valve can be heated, and uncontrollable rise in pressure can result, means must be provided in the design, installation and operation of the valve to ensure that the pressure in the valve does not exceed that allowed by this part for the attained temperature (An example might be a flexible wedge gate valve, installed with the stem horizontal; should the valve be closed while liquid from testing, cleaning or condensation of fluid fills the valve this liquid would be trapped in the bonnet section of the closed valve). Any resulting penetration of the pressure wall of the valve must meet the requirements of this part and of drains in ANSI–B16.5.

§ 56.30–10 [Amended]

26. Section 56.30–10(b)(3) is amended by striking out the words "exceeding 4 inches nominal pipe size" in the first sentence.

(b) Revising the words "or Class II" in the first sentence to read ", Class II, or Class II–L".

(c) And striking out the second sentence entirely.

§ 56.30–20 [Amended]

27. In Table 56.30–20(c) the heading is revised and a second footnote is added to read as follows:

TABLE 56.30–20(c).—THREADED JOINTS [1] [2]:

• • • • • •

28. In § 56.50–15, paragraph (e) is revised to read as follows:

§ 56.50–15 Steam and exhaust piping.

• • • • • •

(e) Main and auxiliary steam stop valves must be readily accessible, operable by one person and arranged to seat against boiler pressure.

• • • • • •

§ 56.50–40 [Amended]

29. Section 56.50–40(a)(1) is amended by striking out the words "and drain" in the first sentence.

30. In § 56.50–60, strike out the last sentence of paragraph (f) and add new paragraphs (g) and (h) to read as follows:

§ 56.50–60 Cargo oil systems and fuel oil systems for boilers and internal combustion engines; transfer systems, and general arrangement.

• • • • • •

(g) Means for draining the cargo pumps and piping into the bilges are not permitted in the pump room.

(h) Test cocks must not be fitted to fuel oil or cargo oil tanks.

31. In § 56.50–97, paragraph (a) is revised to read as follows:

§ 56.50–97 Instrument, control and sampling piping (modifies 122.3).

(a) Instrument, control and sampling piping must comply with paragraph 122.3 of ANSI–B31.1 except that:

(1) Soldered type fittings may not be used

(2) The outside diameter of takeoff connections may not be less than 0.840 inches for service conditions up to 900 psi or 800° F, and 1.050 inches for conditions that exceed either of these limits.

• • • • • •

§ 56.50–105 [Amended]

32. In § 56.50–105(b)(3), strike out the period at the end of the second sentence and add the words "where the weld thickness does not exceed that exempted by this table."

33. In Table 56.50–105, by revising the title to read as follows:

TABLE 56.50–105—ACCEPTABLE MATERIALS AND TOUGHNESS TEST CRITERIA [1]

• • • • • •

§ 56.60–1 [Amended]

34. In Table 56.60–1(a):

(a) In the first item under "Casting", iron:" strike out "UCN–23" and insert "UCD–23" in place thereof;

(b) In Note 13 strike out "UCN–23" and insert "UCD–23" in place thereof;

(c) In Note 14 strike out "UCN3" and insert "UCD–3" in place thereof;

(d) In the second item under "Tubes, seamless and welded," revise the description of A334 to read as follows: "A334 Seamless and welded (no added filler metal) carbon and low alloy tubing for low temperature"; and

(e) In the final item, under "Castings", iron,": strike out "UCN–23" and insert "UCD–23" in place thereof.

35. In Table 56.60–1(b), by:

(a) Strike out the line "B16.2 C.I. Flanges and Fittings 250 lb." under ANSI Standards.

(b) Revise the line "B16.1 ------" under ANSI Standards to read: "B16.1 C.I. Flanges and Fittings—125 and 250 lbs."

(c) Under B16.3, B16.4 and B16.15, strike out "Scd." and insert "Threaded" in place thereof.

[2] Size limits are not applicable to hydraulic systems.

[1] Other material specifications for product forms acceptable under Part 54 for use at low temperatures may also be used for piping systems provided the applicable toughness requirements of this Table are also met.

V 4 0 1 6 5 APR 3 7 5 XUM

(d) Revise the address of the Fluid Controls Institute to read: "(Fluid Controls Institute, Inc., 12 Bank Street, Summit, New Jersey, 07901)"

(e) Strike out the following listed MSS Standards: SP-46, SP-48, SP-49, SP-50, SP-54, SP-59 and SP-63; and by

(f) Add the line "SP-69 Pipe Hangers and Supports—Selection and Application", under MSS Standards.

36. Section 56.60-2 (a) is amended by revising the second sentence to read as follows:

§ 56.60-2 Ferrous materials.

(a) * * * Further limitations on allowable stress values are contained in paragraphs 56.07-10(c) and (e).* * *

37. A new section 56.60-3 is added to read as follows:

§ 56.60-3 Ferrous Materials.

(a) Ferrous pipe used for salt water service must be protected against corrosion by hotdip galvanizing or by the use of extra heavy schedule material.

(b) (Reproduces 123.2.3(c)). Carbon or alloy steel having a carbon content of more than 0.35 percent may not be used in welded construction or be shaped by oxygen cutting process or other thermal cutting process.

38. In § 56.60-5 paragraphs (c) and (e) are revoked and reserved as follows:

§ 56.60-5 Steel (high temperature applications)

(c) [Reserved]

(e) [Reserved]

§ 56.60-10 [Amended]

39. In § 56.60-10(a), in the last sentences by striking out the words "and B16.2."

§ 56.60-15 [Amended]

40. In § 56.60-15(a)(1) is amended in the first sentence by striking out the words ", B16.2."

§ 56.60-25 [Amended]

41. In § 56.60-25(c) is amended by inserting the following sentence before the present final sentence: "Joint movements may not exceed the limits set by the joint manufacturer."

42. Section 56.70-5(a) is revised to read as follows:

§ 56.70-5 Material.

(a) *Filler metal.* All filler metal, including consummable insert material, must comply with the requirements of section IX, ASME Boiler and Pressure Vessel Code and § 57.02-4 of this subchapter.

43. A new § 56.70-3 is added to read as follows:

§ 56.70-3 Limitations.

(a) Backing rings. Backing strips used at longitudinal welded joints must be removed.

44. Section 56.70-10 is amended by inserting the words "or outside" after the word "inside" in the second sentence of (a)(1)(iii), by revising (a)(3) and by inserting an additional sentence in front of the first sentence of paragraph (b) to read as follows:

§ 56.70-10 Preparation (reproduces 127.3).

(a) * * *

(3) *Alignment.* The inside diameters of piping components to be joined must be aligned as accurately as practicable within existing commercial tolerances on diameters, wall thicknesses, and out of roundness. Alignment must be preserved during welding. Where ends are to be joined and the internal misalignment exceeds 1/16-inch, it is preferred that the component with the wall extending internally be internally trimmed (see Fig. 127.3.1) so that adjoining internal surfaces are approximately flush. However, this trimming must not reduce a piping component wall thickness below the minimum design thickness and the change in the contour may not exceed 30°.

(b) In making fillet welds, the weld metal must be deposited in such a way as to obtain adequate penetration into the base metal at the root of the weld. * * *

45. Section 56.70-15 is amended as follows:

a. By revising § 56.70-15(b)(1) to read as follows:

§ 56.70-15 Procedure.

(b) *Girth butt welds.* (1) (Reproduces 127.4.2(a)). Girth butt welds must be complete penetration welds and may be made with a single vee, double vee, or other suitable type of groove, with or without backing rings or consummable inserts."

b. In § 56.70-15(b)(2), by inserting: "* * * (note restrictions in subdivision (iv) of this subparagraph) * * *" between the words "ring" and "on" in the second sentence; and by inserting after the last sentence: "Ultrasonic testing may be utilized in lieu of radiographic examination if the procedures are approved."

c. In § 56.70-15(b)(4), by inserting the following sentence before the last sentence: "Their stopping and starting ends must be properly prepared by grinding or other suitable means so that they may be satisfactorily incorporated into the final weld."

d. By revising § 56.70-15 (b)(5), (b)(6), (c)(2) and (f) to read as follows:

(b) * * *

(5) (Reproduce 127.4(c)). When components of different outside diameters are welded together, the weld joint must be filled to the outside surface of the component having the larger diameter. There must be a gradual transition, not exceeding a slope of 1:3, in the weld between the two surfaces. To avoid unnecessary weld deposit, the outside surface of the component having the larger diameter must be tapered at an angle not to exceed thirty degrees with the axis of the pipe. (See Fig. 127.4.2).

(6) (Modifies 127.4.2(d)). As-welded surfaces are permitted, however, the surface of welds must be sufficiently free from coarse ripple, grooves, overlaps, abrupt ridges and valleys to meet the following:

(i) The surface condition of the finished welds must be suitable for the proper interpretation of radiographic and other nondestructive examinations when nondestructive examinations are required by § 56.95-10. In those cases where there is a question regarding the surface condition on the interpretation of a radiographic film, the film must be compared to the actual weld surface for interpretation and determination of acceptability.

(ii) Reinforcements are permitted in accordance with Table 56.70-15.

(iii) Undercuts must not exceed 1/32-inch and must not encroach on the minimum required section thickness.

(iv) If the surface of the weld requires grinding to meet the above criteria, care must be taken to avoid reducing the weld or base material below the minimum required thickness.

(c) *Seal welds.* * * *

(2) The limitation on cracks and undercutting set forth in § 56.70-15(b)(8) for girth welds are also applicable to seal welds.

(f) *Weld deject repairs (Reproduces 127.4.11c.* (1) All defects in welds requiring repair must be removed by flame or arc gouging, grinding, chipping, or machining. Repair welds must be made in accordance with the same procedure used for original welds or by another welding process if it is a part of a qualified procedure, recognizing that the cavity to be repaired may differ in contour and dimensions from the original joint. The types, extent and method of examination and limits of imperfections of repair welds must be the same as for the original weld.

(2) Preheating may be required for flame-gouging or arc-gouging on certain alloy materials of the air hardening type in order to prevent surface checking or cracking adjacent to the flame or arc-gouged surface.

e. In § 56.70-15(g)(2), by inserting the words "and F" after the words "Fig. 127.4.8D" in the last sentence.

f. In § 56.70-15(g)(3), in the first sentence by inserting the words "and F" after the words "Fig. 127.4.8D", and by inserting "t_c=dimension of partial penetration weld, inches." as a separate line after "$t_{c\,min}$=the smaller of t_c or t_n."

(g) In § 56.70-15(g)(4), by striking out the period at the end of the first sentence and inserting the words ", except as otherwise permitted in subparagraph 56.70-15(g)(7) of this paragraph."

(h) By adding a new § 56.70-15(g)(7) as follows:

(7) Branch connections 2 in. NPS and smaller that do not require reinforcement may be constructed as shown in Fig. 127.4.8F of ANSI B31.1. This construction is limited to use in Class I and II piping systems at a maximum design temperature of 750°F or a maximum pressure of 1025 psi."

(i) By adding a new Table 56.70-15 as follows:

§ 56.70-15 Procedure.

* * * * * *

TABLE 56.70-15.—*Reinforcement of girth and longitudinal butt welds*

Thickness of base metal (inches)	Maximum thickness of reinforcement for design temperature (inches) below 0° F. or above—		
	750° F.	350° to 750° F.	0° F. and above but less than 350° F.
Up to 1/8, inclusive	1/16	3/32	3/16
Over 1/8 to 3/16, inclusive	1/16	1/8	3/16
Over 3/16 to 1/4, inclusive	1/16	5/32	3/16
Over 1/4 to 1, inclusive	1/8	3/16	3/16
Over 1 to 2, inclusive	1/8	1/4	1/4
Over 2	1/32	(1)	(1)

(1) The greater of 1/4 in or 1/8 times the width of the weld in inches.

NOTES

1. For double welded butt joints, this limitation on reinforcement given above applies separately to both inside and outside surfaces of the joint.
2. For single welded butt joints, the reinforcement limits given above apply to the outside surface of the joint only.
3. The thickness of weld reinforcement is based on the thickness of the thinner of the materials being joined.
4. The weld reinforcement thicknesses must be determined for the higher of the abutting surfaces involved.
5. For boiler external piping use the column titled "Below 0° F. or above 750° F. for weld reinforcement thicknesses.

46. Section 56.80-15(e) is amended by inserting the word "heat" between the words "the" and "treatment" and by adding the following new paragraph (g) as follows:

§ 56.80-15 Heat treatment of bends and formed components.

* * * * * *

(g) (Reproduces 129.3.6). Austenitic stainless steel pipe that has been heated for bending or other forming may be used in the "as-bent" condition unless the design specification requires post bending heat treatment.

47. Section 56.85-10 is amended by revising paragraphs (a) and (b) and Table 56.85-10 and by revoking and reserving paragraph (d) to read as follows:

§ 56.85-10 Preheating.

(a) The minimum preheat temperatures listed in Table 56.85-10 for P-number materials groupings are mandatory minimum pre-heat temperatures. Preheat is required for Class I, I-L, I-N, II-N and II-L piping when the ambient temperature is below 50°F.

(b) (Modifies 131.2.2) When welding dissimilar materials the minimum preheat temperature may not be lower than the highest temperature listed in Table 56.85-10 for any of the materials to be welded or the temperature established in the qualified welding procedure.

* * * * * *

(d) [Reserved]

TABLE 56.85-10—PREHEAT AND POSTHEAT TREATMENT OF WELDS

ASME Sec. IX Nos.	Preheat required		Post heat treatment requirement (1)(2)			
	Minimum wall (3)(4) (inch)	Minimum temperature (5)(6)(° F.)	Minimum wall and other (3)(4)(17) (inch)	Temperature (7)(8)(9)(10)(11) (12) (° F.)	Time cycle: Hour per inch of wall (3)(4)	Time cycle: Minimum time within range (hour)
P-1(16)	All	50 (for .30 C. maximum or less) (15).	Over 5/8 in	1,100 to 1,200 (minimum) (maximum).	1	1
P-1(16)	All	175 minimum (for over .30 C.) (13) and wall thickness over 1 in.	do	do	1	1
P-3(15)	All walls	175 minimum	Over 1/2 in	1,200 to 1,350 (minimum) (maximum).	1	1
P-4(15)	Up to 5/8 in inclusive.	300 minimum	Over 1/2 in or over 4 in nom. size or.	1,350 to 1,400 (minimum) (maximum).	1	1
	Over 5/8 in	400 minimum	Over .15 C. maximum.			
P-5(15) (less than 5 cr.).	Up to 5/8	300 minimum	Over 1/2 in or over 4 in. nom. size or.	1,300 to 1,425 (minimum) (maximum).	1	1
	Over 5/8 in	400	Over 0.15 C. maximum			
P-5(15) (5 cr. and higher).	Up to 5/8 inclusive	300 minimum	All walls	do	1	2
	over 5/8 in	400	Over 0.15 C. maximum			
P-6	All walls	300 minimum (14).	All walls	1,400 to 1,500 (minimum) (maximum).	1	2
P-8	do	None required	do	None required		

For P-7, P-9A, P-9B, P-10C and other materials not listed the Preheat and Postheat Treatment is to be in accordance with the qualified procedure.

Notes Applicable To Table 56.85-10:

(1) Not applicable to dissimilar metal welds.

(2) When postheat treatment by annealing or normalizing is used, the postheat treatment temperatures must be in accordance with the qualified welding procedure.

(3) Wall thickness of a butt weld is defined as the thicker of the two abutting ends after end preparation including I.D. machining.

(4) The thickness of socket, fillet, and seal welds is defined as the throat thicknesses for pressure and nonpressure retaining welds.

(5) Preheat temperatures must be checked by use of temperature indicating crayons, thermocouple pyrometers, or other suitable method.

(6) For inert gas tungsten arc root pass welding lower preheat in accordance with the qualified procedure may be used.

(7) The maximum postheat treatment temperature listed for each P number is a recommended maximum temperature.

(8) Postheat treatment temperatures must be checked by use of thermocouple pyrometers or other suitable means.

(9) Heating rate for furnace, gas, electric resistance, and other surface heating methods must not exceed: (i) 600°F per hour for thicknesses 2 inches and under.

(ii) 600°F per hour divided by 1/2 the thickness in inches for thickness over 2 inches.

(10) Heating route for induction heating must not exceed:

(i) 600°F per hour for thickness less than 1½ inches (60 and 400 cycles).

(ii) 500°F per hour when using 60 cycles and 400°F per hour when using 400 cycles for thicknesses 1¼ inches and over.

(11) When local heating is used, the weld must be allowed to cool slowly from the postheat treatment temperature. A suggested method of retarding cooling is to wrap the weld with asbestos and allow to cool in still air. When furnace cooling is used, the pipe sections must be cooled in the furnace to 1000°F and may then be cooled further in still air.

(12) Local postheat treatment of butt welded joints must be performed on a circumferential band of the pipe. The minimum width of this band, centered on the weld, must be the width of the weld plus 2 inches.

Local postheat treatment of welded branch connections must be performed by heating a circumferential band of the pipe to which the branch is welded. The width of the heated band must extend at least 1 inch beyond the weld joining the branch.

(13) 0.30 C. max applies to specified ladle analysis.

(14) 600°F maximum interpass temperature.

(15) Welding on P-3, P-4, and P-5 with 3 Cr max. may be interrupted only if—

(i) At least 3/8 inch thickness of weld is deposited or 25 percent of welding groove is filled, whichever is greater;

(ii) The weld is allowed to cool slowly to room temperature; and

(iii) The required preheat is resumed before welding is continued.

(16) When attaching welding carbon steel non-pressure parts to steel pressure parts and the throat thickness of the fillet or partial or full penetration weld is 1/2 in. or less, post heat treatment of the fillet weld is not required for Class I and II piping if preheat to a minimum temperature of 175° F is applied when the thickness of the pressure part exceeds 3/4 in.

V 40 165 APR 3 75 XUM

(17) For Class I–L and II–L piping systems, relief from postweld heat treatment may not be dependent upon wall thickness. See also paragraphs 56.50–105(a)(3) and 56.50–105(b)(3) of this chapter.

§ 56.85–15 [Amended]

48. Section 56.85–15 as follows:

(a) By striking the first sentence of paragraph (a) and by inserting the words "pressure retaining" after "Where" in the existing second sentence.

(b) By amending the last sentence of § 56.85–15(d) to read "• • • band heating of welded joints in accordance with § 56.85–15(j)(3) and note (12) of Table 56.85–10."

(c) By revoking and reserving § 56.85–15(f), (g) and (h).

(d) In § 56.85–15(i), by revising the parenthetical expression to read "(Reproduces 131.3.4)" and by amending the last sentence to read "• • • wall thickness is ¾ in. or less, postheat treatment is not required."

(e) By revoking and reserving § 56.85–15(j)(1) and 56.85–15(j)(2).

(f) By revising § 56.85–15(j)(3) to read as follows:

§ 56.85–15 Postheat treatment.

• • • • • •

(j) • • •

(3) In local postheat treatment the entire band must be brought up to uniform specified temperature over the complete circumference of the pipe section, with a gradual diminishing of the temperature outward from the edges of the band.

• • • • • •

49. By revising Section 56.97–1:

§ 56.97–1 General (replaces 137).

(a) *Scope.* The requirements in this subpart apply to pressure tests of piping in lieu of 137 of ANSI–B31.1. Those paragraphs reproduced are so noted.

(b) *Leak tightness.* It is mandatory that the design, fabrication and erection of piping coordinated under the regulations in this subchapter demonstrate leak tightness. Except where otherwise permitted in this subpart, this requirement must be met by a hydrostatic leak test prior to initial operations. Where a hydrostatic test is not practicable, a pneumatic test (section 56.97–35) or initial service leak test (section 56.97–38) may be substituted if approved by the Commandant.

(1) At no time during the hydrostatic test may any part of the piping system be subjected to a stress greater than 90 percent of its yield strength (0.2 percent offset) at test temperature.

(2) Pneumatic tests may be used in lieu of the required hydrostatic test (except as permitted in subparagraph (3) below), only when—

(i) piping subassemblies or systems are so designed or supported that they cannot be safely filled with water;[1] or

(ii) piping subassemblies or systems are to be used in services where traces of the testing medium cannot be tolerated and, whenever possible, the piping subassemblies or system have been previously hydrostatically tested to the pressure required in paragraph 56.97–30(e).

(3) A pneumatic test at a pressure not to exceed 25 psig may be applied before a hydrostatic or a pneumatic test as a means of locating major leaks. The preliminary pneumatic test must be carried out in accordance with the requirements of section 56.97–35.

NOTE.—Compressed gas is hazardous when used as a testing medium. It is, therefore, recommended that special precautions for protection of personnel be taken whenever gas under pressure is used as the test medium.

(4) The hydrostatic test of the piping system, when conducted in accordance with the requirements of this part, is acceptable as the test for piping subassemblies and may also be used in lieu of any such test required by the material specification for material used in the piping subassembly or system provided the minimum test pressure required for the piping system is met, except where the installation would prevent performing any nondestructive examination required by the material specification to be performed subsequent to the hydrostatic or pneumatic test.

50. Section 56.97–25 is revised to read as follows:

§ 56.97–25 Preparation for testing (Reproduces 137.3).

(a) *Exposure of joints.* All joints including welds must be left uninsulated and exposed for examination during the test.

(b) *Addition of temporary supports.* Piping systems designed for vapor or gas may be provided with additional temporary supports, if necessary, to support the weight of the test liquid.

(c) *Restraint or isolation of expansion joints.* Expansion joints must be provided with temporary restraint, if required for the additional pressure load under test, or they must be isolated from the test.

(d) *Isolation of equipment not subjected to pressure test.* Equipment that is not to be subjected to the pressure test must be either disconnected from the piping subassembly or system or isolated by a blank flange or similar means. Valves may be used if the valve with its closure is suitable for the proposed test pressure.

(e) *Treatment of flanged joints containing blinds.* Flanged joints at which blinds are inserted to blank off other equipment during the test need not be tested.

(f) *Precautions against test medium expansion.* If a pressure test is to be maintained for a period of time and the test medium in the system is subject to thermal expansion, precautions must be taken to avoid excessive pressure. A small relief valve set to 1⅓ times the test pressure is recommended during the pressure test.

51. Section 56.97–30 is revised to read as follows:

§ 56.97–30 Hydrostatic tests (Reproduces 137.4).

(a) *Provision of air vents at high points.* Vents must be provided at all high points of the piping subassembly or system in the position in which the test is to be conducted to purge air pockets while the component or system is filling.

(b) *Test medium and test temperature.*

(1) Water must be used for a hydrostatic leak test.

(2) The temperature of the material and the test medium must be 70° or above.

(c) *Check of test equipment before applying pressure.* The test equipment must be examined before pressure is applied to ensure that it is tight and that all low-pressure filling lines and other items that should not be subjected to the test pressure have been disconnected or isolated by valves or other suitable means.

(d) *Examination for leakage after application of pressure.* Following the application of the hydrostatic test pressure for a minimum of 10 minutes (see § 56.97–30(g)), examination for leakage must be made of all joints, connections and of all regions of high stress, such as regions around openings and thickness-transition sections.

(e) *Minimum required hydrostatic test pressure.* Except as otherwise permitted in § 56.97–30(f) or § 56.97–40, piping systems must be subjected to a hydrostatic test pressure that at every point in the system is not less than 1.5 times the maximum allowable working pressure.

(f) *Maximum permissible hydrostatic test pressure.* (1) When a system is tested hydrostatically, the test pressure must not exceed the maximum test pressure of any component such as vessels, pumps, or valves in the system.

(2) At no time during the hydrostatic test may any part of the piping system be subjected to a stress greater than 90 percent of its yield strength (0.2 percent offset) at test temperature.

(g) *Hydrostatic test pressure holding time.* The hydrostatic test pressure must be maintained for a minimum total time of 10 minutes and for such additional time as may be necessary to conduct the examination for leakage required by paragraph 56.97–30(d).

52. Section 56.97–35 is revised to read as follows:

§ 56.97–35 Pneumatic tests (Replaces 137.5).

(a) *General Requirements.* When a pneumatic test is performed, it must be conducted in accordance with the requirements of this section.

(b) *Test medium and test temperature.* (1) The gas used as the test medium must not be flammable.

(2) The temperature of the material and the test medium must be 70°F or above.

(c) *Check of test equipment before applying pressure.* The test equipment must be examined before pressure is applied to ensure that it is tight and that all items that should not be subjected to the test pressure have been disconnected or isolated by valves or other suitable means.

(d) *Procedure for applying pressure.* The pressure in the system must gradually be increased to not more than one-half of the test pressure, after which the pressure is increased in steps of approximately one-tenth of the test pressure until the required test pressure has been reached.

(e) *Examination for leakage after application of pressure.* Following the application of pressure for the time specified in § 56.97–35(h), examination for leakage in accordance with paragraph 56.97–30(d) must be conducted.

(f) *Minimum required pneumatic test pressure.* Except as provided in § 56.97–35(g) or § 56.97–40, the pneumatic test pressure may not be less than 1.20 nor more than 1.25 times the maximum allowable working pressure of the piping subassembly system.

(g) *Maximum permissible pneumatic test pressure.* When a system is tested pneumatically, the test pressure may not exceed the maximum test pressure of any component such as vessels, pumps or valves in the system.

(h) *Pneumatic test pressure holding time.* The pneumatic test pressure must be maintained for a minimum total time of 10 minutes and for such additional time as may be necessary to conduct the examination for leakage required in paragraph 56.97–30(d).

53. A new § 56.97–38 is added to read as follows:

§ 56.97–38 Initial service leak test (Reproduces 137.7).

(a) An initial service leak test and inspection is acceptable when other types of test are not practical or when leak tightness is conveniently demonstrable due to the nature of the service. One example is turbine extraction piping where shut-off valves are not available for isolating a line and where temporary closures are impractical. Others may be systems for service water, low pressure condensate, plant and instrument air, etc., where checking out of pumps and compressors afford ample opportunity for leak tightness inspection prior to fullscale operation.

(b) The piping system must be gradually brought up to design pressure. After inspection of the piping system has proven that the installation is complete and all joints are leak-tight, the piping has met the requirements of section 56.97–1.

54. In § 56.97–40(c), the end of the sentence is revised to read: "• • • test, section 56.97–38."

PART 58—MAIN AND AUXILIARY MACHINERY AND RELATED SYSTEMS

55. Section 58.01–15 is amended by revising the figure "150° F" to read "140° F."

[1] These tests may be made with the item being tested partially filled with water, if desired.

56. In § 58.30–1(a) a new subparagraph (14) is added to read as follows:

§ 58.30–1 Scope.

• • • • • •

(a) • • •

(14) Any other hydraulic or pneumatic system on board that, in the judgment of the Commandant, constitutes a hazard to the seaworthiness of the ship or the safety of personnel either in normal operation or in case of failure.

• • • • • •

57. In § 58.30–1(b) is revised to read as follows:

§ 58.30–1 Scope.

• • • • • •

(b) Other fluid power and control systems do not have to comply with the detailed requirements of this Subpart but must meet the requirements of § 58.30–50.

58. In § 58.30–5(a); by revising the first sentence to read as follows:

§ 58.30–5 Design requirements.

(a) The requirements of Part 56 are also applicable, except as modified herein. • • •

§ 58.30–15 [Amended]

59. Section 58.30–15(d) is amended by: Placing a period after "6" in the first sentence and deleting the remainder of the sentence and changing the second sentence to read: "• • • acceptable to the Commandant using the allowable stress values specified in paragraph 56.07–10(e) of this subchapter."

60. Section 58.30–40 is revised to read as follows:

§ 58.30–40 Plans.

(a) Diagrammatic plans and lists of materials must be submitted for each of the fluid power and control systems listed in paragraph 58.30–1(a) that is installed on the vessel. Plan submission must be in accordance with Subpart 50.20 of this Subchapter and must include the following:

(1) The purpose of the system.

(2) Its location on the vessel.

(3) The maximum allowable working pressure.

(4) The fluid used in the system.

(5) The velocity of the fluid flow in the system.

(6) Details of the system components in accordance with paragraph 56.01–10(d) of this subchapter.

61. A new § 58.30–50 is added to read as follows:

§ 58.30–50 Requirements for miscellaneous fluid power and control systems.

(a) All fluid power and control systems installed on a vessel, except those listed in § 58.30–1(a), must meet the following requirements:

(1) Diagrams of the system providing the information required by § 58.30–40(a)(1) through (4) must be submitted. These are not approved but are needed for records and for evaluation of the system in accordance with § 58.30–1(a)(14).

(2) The hydraulic fluid used in the system must comply with § 58.30–10.

(3) The installed system must be tested in accordance with § 58.30–35(c)(2).

(4) All pneumatic cylinders must comply with § 48.30–30.

(5) Additional plans may be required for "fail-safe" equipment and for cargo hatch systems with alternate means of operation.

62. In § 58.50 the title is revised to read as follows:

§ 58.50 Independent fuel tanks.

• • • • • •

63. Section 58.50–1(a) is revised to read as follows:

§ 58.50–1 General requirements.

(a) The regulations in this subpart contain requirements for independent fuel tanks.

• • • • • •

64. A new § 58.30–50 is added to read as follows:

§ 58.30–50 Requirements for miscellaneous fluid power and control systems.

(a) All fluid power and control systems installed on a vessel, except those listed in paragraph 58.30–1(a), must meet the following requirements:

(1) Diagrams of the system providing the information required by § 58.30–40(a)(1) through (4) must be submitted. These are not approved but are needed for records and for evaluation of the system in accordance with § 58.30–1(a)(14).

(2) The hydraulic fluid used in the system must comply with § 58.30–10.

(3) The installed system must be tested in accordance with § 58.30–35(c)(2).

(4) All pneumatic cylinders must comply with § 58.30–30.

(5) Additional plans may be required for "fail-safe" equipment and for cargo hatch systems with alternate means of operation."

65. In § 58.50 the title is revised to read as follows:

§ 58.50 Independent fuel tanks.

• • • • • •

66. Section 58.50–1(a) is revised to read as follows:

§ 58.50–1 General requirements.

(a) The regulations in this subpart contain requirements for independent fuel tanks.

• • • • • •

PART 63—CONTROL SYSTEMS FOR AUTOMATIC AUXILIARY HEATING EQUIPMENT

67. In § 63.01–5 a new paragraph (f) is added to read as follows:

§ 63.01–5 Adoption of standards and specifications.

• • • • • •

(f) *American National Standards Institute (ANSI).* The standards of the American National Standards Institute,

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referenced in this part are adopted and form a part of this subchapter.

68. By revising Section 63.15–30 is revised to read as follows:

§ 63.15–30 Temperature-pressure relief devices.

(a) A suitable temperature-pressure relief valve must be provided which will operate to relieve the pressure in the water tank to prevent a pressure rise of more than 3 pounds per square inch above the maximum allowable working pressure and to prevent a temperature rise above 210°F with the heating elements operating continuously at the maximum rating.

(b) Temperature-pressure relief valves meeting the requirements of ANSI standard Z 21.22 must be utilized.

(46 U.S.C. 375, 391a, 416; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Dated: March 25, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.75-8372 Filed 4-2-75;8:45 am]

COST ACCOUNTING STANDARDS BOARD

[4 CFR Part 351]

DISCLOSURE STATEMENT

Basic Requirements

The Cost Accounting Standards Board today is proposing certain changes to its regulations. These changes pertain to the requirement for the filing of Disclosure Statements by prime contractors and subcontractors, revision of the procedures for the submission of changes to Disclosure Statements, and clarification of the requirement for reporting annual sales data.

Public Law 91–379, which applies to certain negotiated prime contracts and subcontracts, requires that contractors shall disclose in writing their cost accounting practices. The Disclosure Statement Forms, CASB–DS–1 and CASB–DS–2, have been designed to facilitate the meeting of this requirement by contractors. On February 29, 1972, the Board established an initial requirement for the submission of Disclosure Statements by contractors. This requirement provided that any company which, together with its subsidiaries received net awards of negotiated national defense prime contracts during Federal fiscal year 1971 totaling more than $30 million had to file a Disclosure Statement. Under that requirement, 94 companies submitted to the Government a total of 1,041 Disclosure Statements for their business units.

On October 4, 1973, the Board published a revision to the Disclosure Statement filing requirement providing that, effective April 1, 1974, any company which, together with its subsidiaries, received more than $10 million in negotiated national defense prime contracts of the type subject to Cost Accounting Standards in Federal fiscal year 1972 or 1973 was required to file a Disclosure Statement. Under that reduced threshold, by January 31, 1975, 60 additional companies had submitted 210 Disclosure Statements to the Government.

The purpose of this publication is first to propose that effective July 1, 1975, any company which together with its subsidiaries, received negotiated national defense prime contracts subject to Cost Accounting Standards totaling more than $10 million in Federal fiscal years 1974 or 1975, be required to submit a Disclosure Statement. Using statistics maintained by the Department of Defense, the Board estimates that about 24 companies which have not heretofore submitted Disclosure Statements would meet this requirement on the basis of the contracts they received in Federal fiscal years 1974 or 1975. The Board estimates that these companies would submit about 50 Disclosure Statements to the Government.

When the Board published its October 4, 1973, amendment to its disclosure regulations, it announced that future requirements might require the inclusion of the value of subcontract awards in determining whether or not a company met the requirement to make disclosure. Contractors and subcontractors were encouraged to begin to identify and accumulate the value of such awards separately. The Board is announcing today that beginning with Federal fiscal year 1976, firms shall include the amount of both prime contract and subcontract awards in the computation to determine whether or not a company meets the requirement to make disclosure.

The Board is also proposing today that effective July 1, 1976, any company which together with its subsidiaries, received negotiated national defense prime contracts and subcontracts subject to Cost Accounting Standards totaling more than $10 million in Federal fiscal year 1976 or which receives such awards in any subsequent Federal fiscal year, would be required to submit a Disclosure Statement. The submission of a statement by any company meeting the above requirements would be required prior to receipt of the first award subject to Cost Accounting Standards after the Federal fiscal year in which the company met the requirement.

Any company which has submitted or was required to submit a Disclosure Statement to the Government under the previously announced filing requirements by virtue of having received a covered contract shall remain subject to those requirements so long as it has any contract subject to Cost Accounting Standards. Disclosure Statements on file with the Government must be maintained in current form by these companies.

Section 351.120(d) of the Board's regulations now requires that whenever less than five items in the Disclosure Statement on file are changed, only a letter notice identifying the specific items being amended and the nature of the changes need be sent to the appropriate Government offices. That section further provides that whenever five or more items are changed, the entire Disclosure Statement must be resubmitted.

In some instances where five or more items have been changed and an entire Disclosure Statement has been resubmitted only a few pages in the Statement contain changes. Consequently, contractors contend they are experiencing unnecessary reproduction and submission costs for the unchanged pages. Also, Government offices are receiving the unchanged pages together with the pages on which changes have been made. The Board is therefore proposing a revision to its regulations to require contractors to submit only the Disclosure Statement pages on which changes have been made. Contractors would still be required to identify the items being changed. The proposed regulations would require the submission of a cover sheet and certification each time changes are made to Disclosure Statements. The proposal also would enable procurement agencies to issue regulations prescribing criteria under which a contractor may be required to submit a complete, updated Disclosure Statement.

The proposed changes to the regulations would apply to both forms of the Disclosure Statement—that being used by commercial contractors (DS–1) and the one being used by colleges and universities (DS–2). In the instructions for preparation and processing of Disclosure Statements, paragraph 6 of DS–1 and paragraph 5 of DS–2 deal with the subject of amendments. Those paragraphs would be superseded by the proposed change and would be modified when the forms are next reprinted.

The Board is also proposing clarifying amendments to § 351.120(d) of its regulations relating to procedures for reporting contractors' sales data in Disclosure Statement. Only when such data change would there be a need for reporting sales information.

The foregoing proposed changes are limited to those areas in which the Board considers clarification or change is warranted at the present time. From time to time the Board may announce further changes in the criteria for applicability of the disclosure requirement.

The Cost Accounting Standards Board solicits comments on the proposed amendments presented below. Interested persons should submit their comments to the Cost Accounting Standards Board, 441 G Street, NW., Washington, D.C. 20548. To be given consideration by the Board in its deliberations relative to this proposal, written submissions must arrive no later than June 6, 1975. All written submissions made pursuant to this notice will be made available to the public for inspection at the Board's offices during regular business hours.

The following modifications to Part 351 of the Board's regulations are proposed in view of the foregoing:

1. Delete § 351.40(e) and § 351.41 and add new § 351.40(e) and (f) as follows:

§ 351.40 Filing requirement.

* * * * * *

(e) Any company which together with its subsidiaries received net awards of negotiated national defense prime contracts subject to Cost Accounting Standards totaling more than $10 million in Federal fiscal year 1974 or 1975, must submit a completed Disclosure Statement.

(f) Effective July 1, 1976, any company which together with its subsidiaries received net awards of negotiated national defense prime contracts and subcontracts subject to Cost Accounting Standards totaling more than $10 million in Federal fiscal year 1976, or which receives such awards in any subsequent Federal fiscal year, must submit a completed Disclosure Statement.

§ 351.41 [Removed]

2. Delete § 351.50 (a) and (c) and modify § 351.50 by adding new paragraphs (a), (c) and (d) as follows:

§ 351.50 Contract Awards.

(a) Effective July 1, 1975, no relevant Federal agency shall award any national defense contract subject to this regulation to any contractor required to submit a Disclosure Statement under § 351.40, unless such submission has been made or post award submission has been authorized pursuant to § 331.60.

* * * * *

(c) Any company which has submitted a Disclosure Statement to the Government under previously effective filing requirements shall remain subject to this section so long as it has any contract subject to Cost Accounting Standards.

(d) Any company which was obligated to submit a Disclosure Statement to the Government under previously effective filing requirements by virtue of having received a covered contract shall be subject to this section so long as it has any contract subject to Cost Accounting Standards.

3. Revise § 351.120(d) and add a new paragraph (e) as follows:

§ 351.120 Amendment to Disclosure Statement.

* * * * *

(d) Amendments shall be submitted to the same offices, including the Cost Accounting Standards Board, to which submission would have to be made were an original Disclosure Statement being filed. Revised responses for Items 1.4.0 through 1.7.0, 8.1.0 or 8.2.0 must be submitted at the beginning of the contractor's fiscal year only if the response to an item in the Disclosure Statement on file requires a change. If the contractor's sales were such that it would check the same boxes in the Disclosure Statement, resubmission of responses concerning these particular items is not required.

(e) For each revision of the Disclosure Statement (addition, change or deletion), only the pages containing such revision shall be resubmitted. Each resubmission shall include a new cover sheet and a signed certification. In the first line of Item 0.4 of the cover sheet, companies shall enter the date of the revision. On the next line of Item 0.4 the date of the last cover sheet that was submitted shall be entered. The numbers of the pages being revised and submitted with the cover sheet shall be entered immediately above the certification. The upper right corner of each revised page being submitted shall be marked "Revised" and dated with the date shown in the first line of Item 0.4. Companies shall enter in the right margin of each page, an asterisk (*) alongside each line containing a revision. For continuation sheets, asterisks may be used in the right margin to identify revised material. Agencies may prescribe criteria under which submission of a complete, updated Disclosure Statement will be required.

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.75-8671 Filed 4-2-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20400; RM–2362]

FM BROADCAST STATIONS

Table of Assignments; Louisiana

In the matter of amendment of § 73.202 (b), Table of Assignments, FM Broadcast Stations. (Crowley, Louisiana) Docket No. 20400 RM–2362.

1. *Petitioner, Proposal and Comments.* (a) Petition for rule making filed January 30, 1974, by KSIG Broadcasting Co., Inc. proposing assignment of FM Channel 249A to Crowley, Louisiana, as its second FM assignment.

(b) This channel may be assigned without affecting any existing FM assignment. The transmitting antenna for a station operating on Channel 249A must be located south and east of the center of Crowley in order to meet the mileage separation requirements.

2. *Demographic Data.*—(a) *Location.* Crowley, the seat of Acadia Parish, is approximately 20 miles west of Lafayette and 48 miles east of Lake Charles.

(b) *Population: 1970 Census*—Crowley—16,104; Acadia Parish 52,109. 1960 Census—Crowley 15,617; Acadia Parish 49,931.

(c) *Present local broadcast service.* Local service is provided by petitioner's AM Station KSIG (Class IV, unlimited time) and KAJN (Class II, daytime AM). Crowley is assigned vacant FM Channel 275 for which three license applications are pending (BPH–8459, BPH–8616, and BPH–8803).

(d) *Economic conditions.* Petitioner alleges that the community is a growing one. It cites five examples of construction projects to support the allegation. Crowley is located in a region where the types of agricultural products grown command high market prices. Petitioner alleges that these facts indicate expansion of Crowley's economy in the future.

3. *Preclusions.* Adoption of petitioner's proposal would cause preclusion on Channels 248 and 249A. The preclusion that would occur on Channel 248 would affect a very small marshland area located along the Louisiana coast. This potentially precluded area contains no communities. The co-channel preclusion would affect an area in which there is only one community, Kaplan (pop. 5540) located in Vermilion Parish (pop. 43,071). Kaplan is presently without local aural broadcast service. Petitioner should, in its comments, address the question of whether an alternate FM channel is available for future assignment at Kaplan.

4. *Additional Considerations.* (a) We note that adoption of petitioner's request would result in the intermixture of classes of FM channels at Crowley. Petitioner should address this issue in its response comments.

(b) Petitioner states that an additional channel should be assigned to Crowley, Louisiana in order that immediate FM service be available at that community. Petitioner alleges that the second assignment is necessary because there are three applications pending for a license to operate on Crowley's currently assigned and unoccupied Channel 275 (BPH–8459, BPH–8616, and BPH–8803). The petitioner should cite Commission precedent for this action in its response comments.

(c) We also note that petitioner fails to state that it would apply for a license to operate on Channel 249A should it be assigned to Crowley. In order to comply with Commission policy, we request that petitioner and any other person come forward and affirmatively state that intention.

5. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as follows:

City	Channel No.	
	Present	Proposed
Crowley, La.	275	249A, 275

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained below and are incorporated herein.

7. Interested parties may file comments on or before May 16, 1975, and reply comments on or before June 4, 1975.

8. *It is ordered,* That the Secretary of the Commission shall send copies of this Notice of Proposed Rule Making to the construction permit applicants for Channel 275, KSIG Broadcasting Company, Inc., Rice Capital Broadcasting Company, and Southwest Louisiana Radio Broadcasting Company, Inc.

Adopted: March 18, 1975.

Released: March 26, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's

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Rules and Regulations, as set forth in the above notice of proposed rule making.

2. *Showings required.* Comments are invited on the proposal discussed in the above notice of proposed rule making. In initial comments, proponent will be expected to answer whatever questions are presented in the Notice. The proponent of the proposed assignment is expected to file comments even if he only resubmits or incorporates by reference its former pleadings. He should also restate his present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the above notice of proposed rule making. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of copies.* In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc.75-8479 Filed 4-2-75;8:45 am]

[47 CFR Part 73]

[Docket No. 20399; RM-2358]

FM BROADCAST STATIONS

Table of Assignments, New York

In the matter of amendment of § 73.202 (b), Table of assignments, FM Broadcast Stations. (Woodstock and Delhi, New York) Docket No. 20399, RM-2358.

1. On April 2, 1974, Woodstock Communications, Inc. (Communications), filed a petition with this Commission requesting the assignment of FM Channel 261A to Woodstock, New York. No other revisions in our Table of Assignments were proposed.

2. Public notice of the petition was given by the Commission on April 16, 1974. An opposition was timely filed by Hudson-Westchester Radio, Inc. (Radio Inc.), licensee of AM Station WGHQ and FM Station WGHQ-FM located at Kingston, New York. A timely reply to the opposition was filed by petitioner. The petition and the said timely filed responses will be considered in connection with the commencement of this rule making proceeding.[1]

3. Woodstock, New York (population 1,073[2]) is located in Ulster County (population 141,241). Woodstock has neither a standard broadcast station nor an FM channel assignment.

4. Woodstock is approximately 10 miles from Kingston, New York, which is the seat of Ulster County. The area's significant business activities are music recording, art galleries, manufacturing and tourism. A number of Woodstock's citizens work at nearby plants such as Ferroxcube and IBM.[3]

5. Radio Inc., in its opposition, points out that the transmitter location proposed by petitioner is halfway between Woodstock and Kingston and alleges that petitioner's goal in establishing the proposed station is to furnish an additional service to, and competition for the advertising dollar of, the citizens of Kingston. Radio Inc. suggests that the multiple Kingston stations are not presently economically healthy and that the additional service will therefore be inappropriate.[4] Radio Inc. goes on to maintain that Woodstock already has sufficient broadcast service from Kingston and that some of the Kingston stations' programming is specifically directed to the citizens of Woodstock. It combines this allegation with the fact that the assignment of Channel 261A to Woodstock would preclude its assignment to Delhi, New York, a community of 3,017 residents,[5] which has no FM assignment or AM service originating in it, to arrive at the proposal that Channel 261A be assigned to Delhi rather than to Woodstock.

6. Communications' response to the opposition asserts that Radio Inc. opposes the assignment of Channel 261A to Woodstock and recommends its assignment to Delhi solely to avoid competition for the advertising dollar in the Woodstock area of New York and that this is done at the proposed cost of depriving Woodstock's citizens of their own first local service. With respect to the allegation that the proposed Woodstock station would be in fact a Kingston station Communications announces that its proposed transmitter site, halfway between Woodstock and Kingston (five miles from each), has been chosen because it appears to be one of the most desirable locations, from an engineering viewpoint, to serve Woodstock and its contiguous area. It goes on to state that it expects the proposed station to be licensed to Woodstock and meet the requirement of such a license to serve that community. With regard to Radio Inc.'s proposal that Channel 261A be assigned to Delhi rather than to Woodstock, petitioner indicates that a need and present demand for a first local service has been demonstrated at Woodstock while neither has been proven in connection with the channel's possible assignment to Delhi. Petitioner claims, at any rate, that a channel other than Channel 261A can be found for assignment to Delhi if an interest in establishing a station in that community ultimately arises. The filing concludes by pointing out that Delhi receives, or will receive, five aural broadcast services from the communities of Oneonta and Walton, New York.

7. Our engineering study indicates that the proposed assignment of Channel 261A to Woodstock precludes further assignments solely on Channel 261A and that in an area west of Woodstock in which the only community larger than 2,500 persons is Delhi, New York. Assignment of the channel to Delhi, would, of course, preclude its assignment to Woodstock. Assignments on adjacent channels are presently precluded by existing assignments.

6. We have carefully considered the pleadings in this matter and have come to the tentative conclusion that both Woodstock and Delhi, New York may each merit a first local FM assignment. We are only being consistent with previously announced policies and findings when we point out that truly local broadcast service for any community is a service located within that community and/or licensed to that community. In

[1] Radio Inc. filed a late engineering response to petitioner's reply to the opposition. Communications filed a statement objecting to the late-filed engineering statement of Radio Inc. and in its turn filed a late supplement to the petition for rule making. The acceptance of the late-filed supplement was objected to by Radio Inc. Petitioner responded with a filing to the said objection of Radio Inc. In light of both parties' objections to late filings and the fact that all interested parties will have an opportunity to comment on the proposals as set forth in this rule making proceeding as well as the existence of our rules requiring timely filings we judge that it is inappropriate and unnecessary to consider any of the late filings tendered in this matter and will not do so.

[2] Population figures are from the 1970 U.S. Census.

[3] For a detailed history of the Woodstock area of New York see Appendix A to the petition for rule making in this proceeding.

[4] Kingston, New York has assigned FM Channels 232A and 249A—WGHQ-FM and WHVW-FM, respectively. WHVW-FM is licensed at Hyde Park, New York. Standard broadcast Stations WGHQ (daytime-only), WKNY and WKOT (daytime-only) are also licensed in the community which has a population of 25,544.

[5] Delhi is the seat of Delaware County, population 44,718.

light of the material presented in this case, neither Woodstock nor Delhi can be said to have a local broadcast voice. In view of the facts presently before us we find it in the public interest to propose the assignment of Channel 261A, in the alternative, to either Woodstock or Delhi, New York.

9. With the above material and public interest finding before us, we propose, for consideration, the following revisions in our FM Table of Assignments (§ 73.202(b) of our rules) with respect to the cities listed below:

City	Channel No.	
	Present	Proposed
Woodstock, N.Y.		261A
Delhi, N.Y.		
or		
Woodstock, N.Y.		
Delhi		261A

10. In commenting on the above proposals advocates of the assignment of Channel 261A to Woodstock should, if possible, indicate an FM assignment for Delhi. Advocates of the assignment of Channel 261A to Delhi should, if possible, indicate an FM assignment for Woodstock.

11. Comments in this proceeding must be filed on or before May 16, 1975; reply comments must be filed on or before June 4, 1975.

12. Authority for the institution of this rule making proceeding and the procedural rules and regulations governing it are set out below and incorporated by reference herein.

Adopted: March 18, 1975.

Released: March 26, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rule making above.

2. *Showings required.* Comments are invited on the proposal discussed in the notice of proposed rule making above. In initial comments, proponent will be expected to answer whatever questions are presented in the notice. The proponent of the proposed assignment is expected to file comments even if he only resubmits or incorporates by reference its former pleadings. He should also restate his present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc.75-8471 Filed 4-2-75;8:45 am]

[47 CFR Part 73]

[Docket No. 20398; RM-2306]

FM BROADCAST STATIONS

Table of Assignments; Oregon

In the matter of amendment of § 73.202 (b), Table of Assignments, FM Broadcast Stations. (Albany and Toledo, Oregon) Docket No. 20398, RM-2306.

1. *Petitioner, proposal and comments.* Notice of proposed rule making is hereby given concerning amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) as concerns Albany and Toledo, Oregon.

(a) A petition for rule making was filed on behalf of Linn-Benton Broadcasters, Inc. (LBBI) Albany, Oregon, proposing the delegation of unoccupied Channel 296A at Toledo, and the subsequent assignment of that channel to Albany. Public notice of the filing of the petition was issued on February 4, 1974 (Report No. 895).

(b) On February 5, 1974, a further pleading was filed on behalf of the petitioner. Entitled "Supplement to Petition for Rule Making", the document included a copy of a letter directed to the petitioner by Mr. Charles Farmer, owner of Class IV AM Station KTDO, Toledo, which indicated that KTDO had no immediate plans to seek authorization for operation of a station on the Channel 296A assignment in Toledo.

2. *Demographic data*—(a) *Albany*—(1) *Location.* Albany is the seat of Linn County, Oregon. It is located approximately 70 miles due south of Portland, Oregon, and 42 miles north of Eugene, Oregon.

(2) *Population.* Albany—18,181; Linn County—71,914 (1970 U.S. Census).

(3) *Local Broadcast Service.* Albany presently has three local aural services consisting of daytime-only AM Station KRKT, which is licensed to the petitioner; KWIL, an unlimited-time AM station; and KHPE, Channel 300, a Class C FM station. Both KWIL and KHPE are licensed to Albany Radio Corporation.

(4) *Industry.* National leader in the production of assorted varieties of grass seeds; lumber; non-metallic mineral mining (sand, gravel, and stone).

(5) *Economic.* Retail sales: Albany—$54,000,000; Linn County—$105,352,000. Albany is served by 3 banks and 2 savings and loan institutions. Bank deposits exceed $60,600,000.

3. *Proposed Service.* Petitioner states that a station operating on Channel 296A with maximum power and antenna height would provide Albany with a fourth local aural service and a third nighttime aural service. LBBI admits that the proposal raises a question of "intermixture" involving Class A and Class C FM stations, but justifies the request on the basis of an engineering study which reveals that no other channel is available for use in the Albany area.[1]

Assignment of Channel 296A to Albany would require the transmitter site to be located 7 miles south of Albany in order to satisfy the mileage separation requirements as to Channel 294 assigned to Oregon City, Oregon, but presently occupied by Station KQIV at Lake Oswego.

4. *Preclusions.*

295: In small area not already precluded by 296A at Toledo. There is no community with population of 1,000 or more in this area.

296A: New preclusion area is sparsely populated. With the exception of Cottage Grove (pop. 6,004) there is no community with population of 1,000 or more in this area. Cottage Grove is assigned 237A which is presently unoccupied.

297: No community with population of 1,000 or more in the new preclusion area.

298: No new significant preclusion area.

5. *Proposed Amendment to FM Table of Assignments.* (a) In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b),

[1] Cases considering this issue include: *Yakima, Wash.*, 42 F.C.C. 2d 548 (1973); *Lebanon, Mo.*, 43 F.C.C. 2d 1130 (1973); *Marion, Ohio*, 45 F.C.C. 2d 565 (1974); *Jackson, Tenn.*, 49 F.C.C. 2d 785 (1974). Compare *Tupelo, Miss.*, 42 F.C.C. 2d 884 (1973).

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with regard to the communities of Albany and Toledo, Oregon as follows:

City	Channel No.	
	Present	Proposed
Albany, Oreg.	300	300, 296A
Toledo, Oreg.	296A	

6. *Question Raised.* Comments on the following question are requested from all interested parties:

(a) whether the public interest, convenience, and necessity would be served by the "intermixture" of Class A and Class C FM channels as proposed.

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained below and are incorporated herein.

8. Interested parties may file comments on or before May 16, 1975, and reply comments on or before June 4, 1975.

Adopted: March 18, 1975.

Released: March 26, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the above notice of proposed rule making.

2. *Showings required.* Comments are invited on the proposal discussed in the above notice of proposed rule making. In initial comments, proponent will be expected to answer whatever questions are presented in the Notice. The proponent of the proposed assignment is expected to file comments even if he only resubmits or incorporates by reference its former pleadings. He should also restate his present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the above notice of proposed rule making. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.419 of the Commission's Rules and Regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc.75-8473 Filed 4-2-75;8:45 am]

[47 CFR Part 73]

[Docket No. 20401; RM-2363]

FM BROADCAST STATIONS

Table of Assignments, Mo.

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations; (Jefferson City, Missouri).

1. PETITIONER, PROPOSAL AND COMMENTS

Petitioner: George E. Bryant.

Proposal: Assign FM Channel 269A to Jefferson City, Missouri.

Comments: This channel may be assigned as proposed without affecting any existing assignments. However, the antenna must be located 3 miles west of Jefferson City.

2. LOCATION, POPULATION AND PRESENT AURAL SERVICE

Location: Jefferson City, the capital of Missouri, is located in Callaway and Cole counties and is the seat of the latter county. It lies near the center of the State approximately 105 miles west of St. Louis.

Population: Jefferson City 32,407; Callaway County 25,850; Cole County 46,228. (All population figures are from the 1970 U.S. Census.)

Present Aural Service: Jefferson City has two full-time AM stations (Class III, Station KLIK and Class IV Station KWOS) and 2 occupied commercial FM assignments (Class A Station KJMO and Class C Station KJFF).

3. PRECLUSION CONSIDERATIONS

Channels Precluded: No adjacent channel preclusion will result from the proposed assignment. However, the proposal would preclude future assignments of co-channel 269A to four communities with populations greater than 2,500 persons:

California, Mo. (pop. 3,105; Moniteau County 10,742), has no local aural service;

Columbia, Mo. (pop. 58,804; Boone County 80,911) is served locally by full-time Class IV AM Station KFRU; daytime-only AM Station KTGR; and Class A stations KTGR-FM and KFMZ(FM);

Mexico, Mo. (pop. 11,807; Andrian County 25,362) is served locally by full-time Class IV AM Station KXEO and Class C Station KWWR-FM; and

Centralia, Mo. (pop. 3,618; Boone County 80,811) has no local aural service.

Comments: Bryant indicates his awareness of the fact that the proposed assignment would provide Jefferson City with one assignment more than our population criteria call for at cities with populations of less than 50,000 persons (i.e., 1 or 2 assignments), but contends that area economic and growth statistics support such an assignment. We are told that as the capital of Missouri, Jefferson City's big industry has been government. In recent years, private industry with substantial payrolls have been attracted to Jefferson City by its central location, good roads, rail transportation and barge transportation on the Missouri River. Three newly located industries employ 1,956 persons. Information obtained by the petitioner from the Office of City Public Works for Jefferson City shows a 23.6 percent increase in the number of electric meters from 1966 to 1974. Bryant states that in the period from 1970 to 1973, retail sales increased 55 percent. He states that these population criteria are not immutable standards and cites cases in which the Commission has made assignments in excess of those called for by these criteria. However, the main reason given by the Commission for making most of those assignments was that the channel requested could not be assigned elsewhere. Channel 269A could be assigned to one of the above four communities if it is not assigned to Jefferson City. Mexico has an occupied assignment; Columbia has two occupied assignments; Bryant states that Channel 232A can be assigned to California if the transmitter site is located approximately 3 miles north or northwest of the community. Our concern is, therefore, with Centralia which has no local aural service. Bryant should, therefore, indicate whether there are channels available for assignment to this community.

4. We believe that Bryant has made a sufficient public interest showing to warrant issuance of a notice of proposed rule making.

5. Accordingly, the Commission proposes to amend § 73.202(b) of the Commission's Rules, the FM Table of Assignments as follows:

§ 73.202 Table of assignments.

• • • • • •

(b) • • •

City	Channel No:	
	Present	Proposed
Jefferson City, Mo.	261A, 295	261A, 295, 269A

• • • • • •

6. The Commission's authority to institute rule making proceedings; showing required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated into this Notice of Proposed Rule Making.

7. Interested parties may file comments on or before May 19, 1975, and reply comments on or before June 9, 1975.

Adopted: March 21, 1975.

Released: March 28, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rule making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal discussed in the notice of proposed rule making to which this Appendix is attached. In initial comments, proponent will be expected to answer whatever questions are presented in the Notice. The proponent of the proposed assignment is expected to file comments even if he only resubmits or incorporates by reference its former pleadings. He should also restate his present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc.75-8682 Filed 4-2-75;8:45 am]

[47 CFR Part 73]

[Docket No. 20350; RM-2345]

TELEVISION SERVICE FOR STATE OF NEW JERSEY

Order Extending Time for Filing Comments and Reply Comments

In the matter of petition for inquiry into the need for adequate television service for the State of New Jersey.

1. On January 30, 1975, the Commission adopted a notice of inquiry and notice of proposed rule making in the above-entitled proceeding. Publication was given in the Federal Register on February 12, 1975, 40 Fed. Reg. 6513. The dates for filing comments and reply comments are presently April 14 and May 14, 1975, respectively.

2. On March 20, 1975, Metromedia, Inc., by its attorneys, requested that the time for filing comments be extended to and including June 13, 1975. Metromedia states that the notice raises a number of fundamental and complex issues relating to the present level of television service enjoyed by New Jersey residents and various alternative methods for increasing such service. It adds that it intends to submit factual data relating to existing television program service, and technical limitations upon making additional and/or different television assignments, but that it cannot do so within the time period presently prescribed.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, *it is ordered*, That the dates for filing comments and reply comments are extended to and including June 13, 1975, and July 11, 1975, respectively.

4. The action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and §§ 0.281 and 1.46 of the Commission's rules.

Adopted: March 26, 1975.

Released: March 28, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-8681 Filed 4-2-75;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 335]

SECURITIES OF INSURED STATE NONMEMBER BANKS

Proposed Rule Making; Correction

In FR Doc. 75-5334 appearing in the issue of Wednesday, March 5, 1975 (40 FR 10376), make the following changes on the indicated pages:

1. Page 10378. In the tenth line of the paragraph headed "(dd)" (§ 335.2 (dd) (ii)) insert the term "pro rata" in lieu of "pro rate".

2. Page 10380. In the fifteenth line of the paragraph headed "(6)" (§ 335.4 (g)(6)(ii)) delete the word "and" following the designation "(ii)".

3. Page 10382. In the fourth line of the paragraph headed ("f") (§ 335.5 (c)(1) Notes—1(f)) insert the word "of" in lieu of "at".

4. Page 10383. In the seventh line of the paragraph headed "4." (Section 335.5 (c)(1) Notes—4) insert the item designation "Item 2" in lieu of "Item 3".

5. Page 10383. In the last line of the paragraph headed "7." (§ 335.5 (c)(1) Notes—7) insert the paragraph designation "(q)" in lieu of "(e)".

6. Page 10384. In the first line of the first paragraph headed "(4)" (§ 335.5 (d)(4)) insert the word "proxy" in lieu of "poxy".

7. Page 10385. In the sixth line of the first paragraph headed "(iii)" (§ 335.5 (g)(1)(iii)) insert the word "mailing" in lieu of "mailinng".

8. Page 10387. In the first line of the paragraph headed "4." (§ 335.5 (k)(4)) place parenthesis around the "4" and delete the "." following the "4".

9. Page 10388. In the seventh and eighth lines of the paragraph headed "(6)" (§ 335.5(1)(6)) insert the words "F-11 as specified in subparagraph (3) of this paragraph, or a fair and adequate sum—" in lieu of "F-11 as specified in paragraph (x)(3) o fthis section, or a fair and adequate sum—".

10. Page 10389. In the twelfth line of the second paragraph headed "(3)" (§ 335.6(f)(3)) insert the paragraph designation "§ 335.6(1)" in lieu of "section 335.6(1)".

11. Page 10390. In the first line of the paragraph headed "(1)" (§ 335.6(l)) insert the paragraph designation "(l)" in lieu of "(1)".

12. Page 10391. In the first and second lines of the undesignated paragraph beginning "For the purposes • • •" (§ 335.6

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(1)(2)(ii)) insert the words "For the purposes of this subparagraph (2), a director or committee member—" in lieu of "For the purposes of this paragraph (?)(2), a director or committee member—".

13. Page 10397. In the first line of the third paragraph under "General Instructions" (§ 335.41—General Instructions—Third Paragraph) insert the paragraph designation "(1)" in lieu of "(1)".

14. Page 10400. After the fourth line of the first paragraph of Item 11 (§ 335.41—Item 11) outline the tabular form with solid black lines.

15. Page 10400. In the first line of the second paragraph headed "(a)" (§ 335.42—Item 4) delete the paragraph designation "(a)".

16. Page 10407. After the fourth line of the first paragraph of Item 7 (§ 335.42—Item 7) outline the tabular form with solid black lines.

17. Page 10408. In the fourteenth line of the first paragraph headed "3." (§ 335.42—Item 14—Instruction 3) insert the word "item" in lieu of "ietm".

18. Page 10410. In the fourth line of the first paragraph under Item 5 (§ 335.42—Item 5) insert the word "information" in lieu of "informaiton".

19. Page 10412. Delete the portion of Form F-4 appearing on page 10412 and insert the following:

B. Capitalization and stockholders' equity

	(Date)	Amount
Debt:		
Federal funds purchased and securities sold under agreements to repurchase		$
Other liabilities for borrowed money		$
Bank acceptances outstanding		$
Mortgages payable		$
Total debt		$
Deferred credits: Minority interest		$
Capital notes and debentures		$
Stockholders' equity		$

	Shares issued or outstanding	Amount
Preferred stock (list separately convertible and nonconvertible preferred stock)		$
Common stock		$
Surplus		$
Undivided profits: Balance at beginning of current fiscal year		$
Prior period adjustments, if any (show credits and charges) separately		$
Net income (carried to 8, above)		$
Dividends: (State cash and stock dividends on common stock separately, indicating amount per share—dividends on preferred stocks may be shown in one amount)		$(.....)
Other credits (charges) (explain nature and amounts)		$
Balance at end of interim period		$
Reserve for contingencies and other capital reserves		$
Treasury stock: (Identify class of security, number of shares and basis at which stated)		$(.....)
Total stockholders' equity		$

Instructions. 1. The form and content shall conform generally with that in the balance sheet and notes thereto appearing in the annual report filed with the Corporation.

2. The number of shares of each class of securities reserved for conversion, warrants, options and other rights shall be separately disclosed.

*See General Instructions G(j) below

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this quarterly report to be signed on its behalf by the undersigned, thereunto duly authorized.

Date..... By.....
(Name of bank)
(Name and title of signing officer)

20. Page 10414. In the seventh line of the paragraph headed "(j)" (§ 335.44(G)(j)) insert the word "a" in lieu of the second "as".

21. Page 10416. In the sixth and seventh lines of the first paragraph headed "(1)" (§ 335.51—Item 3(a)(1)) insert the words "the management and indicate the action which he intends to oppose" in lieu of "the management in writing that he intends which he intends to oppose."

22. Page 10416. In the seventh line of fourth paragraph headed "(2)" (§ 335.51—Item 4(b)(2)) insert the form designation "F-5" in lieu of "4-6".

23. Page 10420. In the third line of the paragraph headed "(1)" (§ 335.51—Item 14—Paragraph (b)(1)) insert the item designations "1 and 3" in lieu of "3 and 4".

24. Page 10427. On the third line of the second paragraph headed "(b)" (§ 335.71—Number 23(b)) delete the comma and the remainder of the paragraph and insert a period following the word "date" in lieu thereof.

Dated: March 28, 1975.

HERBERT A. BIZAN,
Attorney.

[FR Doc.75-8634 Filed 4-2-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 213]

ALLOCATIONS FOR THE PERIOD BEGINNING MAY 1, 1975

Notice of Proposed Rulemaking

Under the Mandatory Oil Import Program established pursuant to Proclamation No. 3279, as amended, the next allocation period for imports not subject to license fees under section 3(a)(1)(i)-(ii) of the Proclamation will commence on May 1, 1975. Section 8 of the Proclamation provides that for this allocation period, the maximum levels of imports subject to allocation and license, to which license fees under section 3(a)(1)(i)-(ii) shall not be applicable, shall be reduced to eighty percent (80%) of the levels established during the calendar year 1973. In accordance with Proclamation No. 3279, as amended, the Federal Energy Administration (FEA) hereby proposes to amend Part 213 of Chapter II, Title 10 of the Code of Federal Regulations, to provide for the commencement of the next allocation period, and to reduce accordingly the levels of fee-exempt allocations.

Virtually no substantive changes are proposed with respect to regulations governing the current allocation period apart from those required by the Proclamation, although the closing date for applications for allocations has been changed from March 31 to April 21 preceding the allocation period, and § 213.28 (Canadian imports-Districts I-IV) has been revised to reflect amendments to § 213.33 which is currently in effect with respect to Canadian imports.

Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the proposed regulations set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box CQ, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation "Allocations For the Period Beginning May 1, 1975." Twenty-five copies should be submitted. All comments received by 4:30 e.d.t. April 15, 1975, and all relevant information, will be considered by the Federal Energy Administration before final action is taken on the proposed regulations. Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

The public hearing in this proceeding will be held at 9:30 a.m. on Monday, April 14, 1975 in Room 2105, 2000 M Street NW., Washington, D.C., in order to receive comments from interested persons on the matters set forth herein.

Any person who has an interest in the proposed amendments issued today, or who is a representative of a group or class of persons that has an interest in today's proposed amendments, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., Tuesday e.d.t. on April 8, 1975. Such a request may be hand delivered to Room 3309, Federal Building, 12th & Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state

why he is a proper representative of a group or class of persons that has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through April 11, 1975. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.d.t., April 10, 1975 and must submit 100 copies of his statement to Allocations Regulations Development Office, FEA, Room 2214, 2000 M Street NW., Washington D.C. before 4:30 p.m., e.d.t., on April 11, 1975.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearings, to Executive Communications, FEA, before 4:30 p.m., e.d.t., April 11, 1975. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area, Room 3400, Federal Building, 12th & Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

Since these proposed amendments merely implement Proclamation No. 3279, as amended, FEA does not anticipate that the comments received will lead to substantial changes in the final regulations. Therefore, in view of the fact that the amended regulations can become final only a few days prior to the April 21 deadline for application, importers are encouraged to file applications on the basis of these proposed amendments. FEA will hold such applications for processing as soon as the amended regulations become effective.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

(Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185; Trade Expansion Act of 1962, Pub. L. 87-794, as amended; Proclamation No. 3279, 24 FR 1781, as amended by Proclamation No. 4210, 38 FR 9645, Proclamation No. 4227, 38 FR 16195, Proclamation No. 4317, 39 FR 35103, Proclamation No. 4341, 40 FR 3956, and Proclamation No. 4355, 40 FR 10437)

In consideration of the foregoing, it is proposed to amend Part 213, Chapter II of Title 10 of the Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., March 31, 1975.

ROBERT E. MONTGOMERY, Jr.
General Counsel,
Federal Energy Administration.

1. Section 213.5 is amended in paragraph (a) to read as follows:

§ 213.5 Applications for allocations and licenses.

(a) Applications for all allocations not subject to license fee of imports of crude oil, unfinished oils, or finished products for the allocation period May 1, 1975 through April 30, 1976, except for applications made pursuant to § 213.10, must be filed with the Director in such form as he may prescribe, not later than April 21, 1975.

* * * * *

2. Section 213.9 is amended in paragraphs (a), (b), and (f) to read as follows:

§ 213.9 Allocations; petrochemical plants; Districts I-IV and District V.

(a) For the allocation period May 1, 1975 through April 30, 1976, each eligible person with a petrochemical plant in Districts I-IV shall receive an allocation not subject to license fee but subject to supplemental fee of imports of crude oil and unfinished oils equal to the average barrels per day of petrochemical plant inputs to his petrochemical plants in these districts during the calendar year 1974 multiplied by 11.2 percent × .80.

(b) For the allocation period May 1, 1975 through April 30, 1976, each eligible person with a petrochemical plant in District V shall receive an allocation not subject to license fee but subject to supplemental fee of imports of crude oil and unfinished oils equal to the average barrel per day of petrochemical plant inputs to his petrochemical plants in this district during the calendar year 1974, multiplied by 11.9 percent × .80.

* * * * *

(f) Pursuant to section 3A of Presidential Proclamation 3279, as amended by Proclamation 4175, interim allocations were made for the allocation period January 1, 1973 through December 31, 1973 to all persons who had received an allocation under former section 9 of Oil Import Regulation 1 (now § 213.9) for the allocation period January 1, 1972 through December 31, 1972. To the extent that such interim allocations were not charged against and deducted from the regular allocation made to a person pursuant to former section 9 for the allocation periods starting January 1, 1973 and extending through April 30, 1975, such interim allocation will be charged against and deducted from the allocation made under this section for the period May 1, 1975 through April 30, 1976.

3. Section 213.12 is amended in paragraphs (a), (b), and (e) to read as follows:

§ 213.12 Allocations; refiners; Districts I-IV and the Virgin Islands.

(a) For the allocation period May 1, 1975 through April 30, 1976, the Director shall make allocations not subject to license fee but subject to supplemental fee as provided in paragraph (b) of this section and within the quantities available under applicable levels established in Proclamation 3279, as amended, of imports into Districts I-IV among eligible persons having refinery capacity in these districts or the Virgin Islands. With respect to the Virgin Islands qualified refinery inputs shall be limited to crude oil charged to the refinery.

(b) Each eligible applicant shall receive an allocation not subject to license fee but subject to supplemental fee of imports of crude oil based on refinery inputs for the calendar year ending December 31, 1974. The allocation shall be computed according to the following schedule:

Average barrels per day input	Percent of input		Number of days
0 to 10,000	21.7		.....
10 to 30,000	13.0		.....
30 to 100,000	7.6		.....
100,000 plus	3.8	×	366

In addition, any imports of crude oil available for allocation pursuant to this section but not allocated pursuant to the above schedule shall be allocated to each eligible applicant in the same proportion that each eligible applicant's allocation as determined pursuant to the above schedule bears to the total of imports of crude oil allocated pursuant to the above schedule; however, no person shall receive an allocation in excess of 100 percent of such person's refinery inputs.

* * * * *

(e) Pursuant to section 3A of Presidential Proclamation 3279, as amended by Proclamation 4175, interim allocations were made for the allocation period January 1, 1973 through December 31, 1973 to all persons who had received an allocation under § 213.12 for the allocation period January 1, 1972 through December 31, 1972. To the extent that such interim allocations were not charged

V 40 65 APR 3 75 XUM

against and deducted from the regular allocation made to a person pursuant to § 213.12 for the allocation periods starting January 1, 1973 and extending through April 30, 1975, such interim allocation will be charged against and deducted from the allocation made under this section for the period May 1, 1975 through April 30, 1976.

• • • • •

4. Section 213.13 is amended in paragraphs (a), (b), and (e) to read as follows:

§ 213.13 Allocations; refiners; District V; Guam and American Samoa.

(a) For the allocation period May 1, 1975 through April 30, 1976, the Director shall allocate, as provided in paragraph (b) of this section and within the quantities available under applicable levels established in Proclamation 3279, as amended, imports into District V among eligible persons having refinery capacity in that district, Guam or American Samoa. With respect to Guam or American Samoa, qualified refinery inputs shall be limited to crude oil charged to the refinery.

(b) Each eligible applicant shall receive an allocation not subject to license fee but subject to supplemental fee of imports of crude oil based on refinery inputs for the calendar year ending December 31, 1974. The allocation shall be computed according to the following schedule:

Average barrels per day input		Percent of input	Number of days
0 to 10,000	×	67.5	
10 to 30,000	×	16.9	
30,000 plus	×	5.6	× 366

In addition, any imports of crude oil available for allocation pursuant to this section but not allocated pursuant to the above schedule shall be allocated to each eligible applicant in the same proportion that each eligible applicant's allocation as determined pursuant to the above schedule bears to the total of imports of crude oil allocated pursuant to the above schedule; however, no person shall receive an allocation in excess of 100 percent of such person's refinery inputs.

• • • • •

(e) Pursuant to section 3A of Presidential Proclamation 3279, as amended by Proclamation 4175, interim allocations were made for the allocation period January 1, 1973 through December 31, 1973 to all persons who had received an allocation under § 213.13 for the allocation period January 1, 1972 through December 31, 1972. To the extent that such interim allocations were not charged against and deducted from the regular allocation made to a person pursuant to § 213.13 for the allocation periods starting January 1, 1973 and extending through April 30, 1974, such interim allocation will be charged against and deducted from the allocation made under this section for the period May 1, 1975 through April 30, 1976.

• • • • •

5. Section 213.15 is amended in paragraph (d) to read as follows:

§ 213.15 Allocations of residual fuel oil—District I.

• • • • •

(d) For the allocation period May 1, 1974 through April 30, 1975, each eligible applicant under this section shall receive an allocation not subject to license fee but subject to supplemental fee of imports of residual fuel oil into District I to be used as fuel in District I computed according to the following formula:

Applicant's average B/D allocation made pursuant to §.213.15 for the allocation period May 1, 1974 through April 30, 1975.
Average B/D allocations made pursuant to § 213.15 to all applicants for the allocation period May 1, 1974 to April 30, 1975. × 2,320,000 B/D

• • • • •

6. Section 213.16 is amended in paragraph (a) to read as follows:

§ 213.16 Finished products.

(a) For the allocation period May 1, 1975 through April 30, 1976, there is allocated to the Department of Defense 16,000 average barrels per day of imports of finished products not subject to license fee but subject to supplemental fee into Districts I–IV and 6,000 average barrels per day of imports of finished products not subject to license fee but subject to supplemental fee into District V. For the same allocation period, there is allocated 15,000 average barrels per day of imports of finished products not subject to license fee but subject to supplemental fee into Districts I–IV pursuant to Section 9 of Proclamation No. 3279, as amended, as that relates to the long-term allocation in subparagraph (5) of paragraph (k) of section 11 of the Proclamation.

7. Section 213.20 is amended in subparagraph (2) of paragraph (a) as follows:

§ 213.20 Allocations of crude oil and unfinished oils—Puerto Rico.

(a) • • •

(2) For the allocation period May 1, 1975 through April 30, 1976, each eligible applicant under this paragraph shall receive an allocation not subject to license fee but subject to supplemental fee to import crude and unfinished oils into Puerto Rico computed according to the following formula:

Applicant's allocation pursuant to § 213.20(a) not subject to license fees of imports of crude and unfinished oils into Puerto Rico for the allocation period May 1, 1974 to April 30, 1975, expressed in B/D.
Total allocations pursuant to § 213.20(a) not subject to license fees of imports of crude and unfinished oils into Puerto Rico for the allocation period May 1, 1974 to April 30, 1975, expressed in B/D. × 181,777 B/D

• • • • • • •

8. Section 213.21 is amended in subparagraph (2) of paragraph (a) and in subparagraph (2) of paragraph (b) to read as follows:

§ 213.21 Allocations of finished products—Puerto Rico.

(a) • • •

(2) For the allocation period May 1, 1975 through April 30, 1976, each eligible application under this paragraph shall receive an allocation not subject to license fee but subject to supplemental fee to import finished products, other than residual fuel oil to be used as fuel in Puerto Rico, into Puerto Rico, computed according to the following formula:

Applicant's allocation pursuant to § 213.21(a) not subject to license fees of imports into Puerto Rico of finished products (other than residual fuel oil to be used as fuel in Puerto Rico) for the allocation period May 1, 1974 to April 30, 1975, expressed in B/D.
Total allocations pursuant to § 213.21(a) not subject to license fees of imports into Puerto Rico of finished products (other than residual fuel oil to be used as fuel in Puerto Rico) for the allocation period May 1, 1974 to April 30, 1975, expressed in B/D. × 1,150 B/D

(b) • • •

(2) For the allocation period May 1, 1975 through April 30, 1976, each eligible applicant under this paragraph shall receive an allocation not subject to license fee but subject to supplemental fee to import residual fuel oil to be used as fuel in Puerto Rico, into Puerto Rico, computed according to the following formula:

Applicant's allocation pursuant to § 213.21(b) not subject to license fees of imports into Puerto Rico of residual fuel oil to be used as fuel in Puerto Rico for the allocation period May 1, 1974 to April 30, 1975, expressed in B/D.
Total allocations pursuant to § 213.21(b) not subject to license fees of imports into Puerto Rico of residual fuel oil to be used as fuel in Puerto Rico for the allocation period May 1, 1974 to April 30, 1975, expressed in B/D. × 1,319 B/D

• • • • • • • •

9. Section 213.28 is revised as follows:

§ 213.28 Canadian imports—Districts I–IV.

(a) As used in this section, the term "Canadian imports" means imports from Canada of crude oil which has been produced in Canada and unfinished oils which have been derived from crude oil or natural gas produced in Canada and which have been transported into the United States by overland means or over waterways other than ocean waterways.

(b) To be eligible for an allocation of imports under this section, a person must have in Districts I–IV a facility capable of processing Canadian imports.

(c) The Director shall, in accordance with the terms of paragraph (d)(1) of this section make allocations for the allocation period May 1, 1975 through April 30, 1976 of not to exceed 677,600 average barrels daily of Canadian imports into Districts I–IV.

(d)(1) The Director shall make allocations not subject to license fees but subject to supplemental fee of Canadian imports to eligible applicants who received allocations of such imports for the period May 1, 1974 through April 30, 1975 pursuant to § 213.33 or from the Oil Import Appeals Board under § 213.26, or from both. Each such applicant shall be entitled to an allocation of Canadian imports calculated in accordance with the following formula:

Sum of each eligible applicant's allocation of Canadian imports for the allocation period May 1, 1975 to April 30, 1975, pursuant to § 213.33 and § 213.26, expressed in B/D.
Sum of all allocations of Canadian imports for the allocation period May 1, 1974 to April 30, 1975 pursuant to § 213.33 and § 213.26, expressed in B/D. × 677,600 B/D

(2) The Director shall issue before May 1, 1975 to each eligible applicant a license equal to one half of the allocation calculated pursuant to subparagraph (1) of this paragraph. Such licenses shall expire on October 31, 1975 unless extended by the Director. The Director shall issue before November 1, 1975 a second license to each eligible applicant equal to the remainder of the allocation calculated pursuant to subparagraph (1) of this paragraph. Such licenses shall expire on April 30, 1976.

(e)(1) Except as provided for in subparagraph (2) of this paragraph a person who imports Canadian imports must process all such imports in his own facility. For the purpose of this paragraph, blending by mechanical means does not constitute processing.

(2)(i) Canadian imports may be exchanged on a barrel for barrel basis for other Canadian imports but each person receiving crude oil or unfinished oils in the exchange must process the crude oil or unfinished oil received in his own facilities. Settlements, credits, monetary, or accounting adjustments reflecting the relative values of the oils involved in the exchange are permissible.

(ii) Canadian imports which are sold to meet the requirements of regulations published by the Federal Energy Administration shall not be subject to the provisions of paragraph (e) of this section.

(f) If a person who receives an allocation of Canadian imports under this section fails to import the total quantity of imports specified in the allocation, or if he fails to process all such imports (or Canadian imports received in exchange for such imports) in his facilities before July 1, 1976, or if he fails to meet the requirement of paragraph (e) of this section, then any allocation of Canadian imports for Districts I–IV to which such person may otherwise be entitled for the first allocation period beginning after April 30, 1976 shall be reduced by the Director by the amount of Canadian imports which such person has failed to import, or by the amount of Canadian imports and exchanged oil which such person has failed to process in his facilities before July 1, 1976 or by the amount of Canadian imports by which he failed to meet the requirements of paragraph (e) of this section, except that the Director need not make such a reduction to the extent that (1) such person demonstrates to the satisfaction of the Director that such failures were without such person's fault and were beyond his control, or (2) such person on or before September 1, 1975, in writing relinquishes all or part of an allocation made under this section and returns to the Director licenses issued thereunder.

(g) Any allocation relinquished by a person pursuant to paragraph (f) of this section shall be reallocated to all eligible applicants in the same proportion that each received an allocation under paragraph (d)(1) of this section.

(h) A person to whom an allocation is made by the Director under this section shall report and certify in writing to the Director, not later than July 15, 1975, (1) the total quantity of Canadian imports which that person imported during the period May 1, 1974 through April 30, 1975, pursuant to an allocation made under § 213.33 and (2) the quantity of such imports that were processed in his facilities before July 1, 1975. The amount so reported and certified shall be subject to verification by the Director. If a person to whom an allocation is made under this section fails to file by July 15, 1975 the written report and certification required by this paragraph, the Director shall suspend all licenses issued under an allocation made under this section until the written report and certification are received.

(i) An allocation made pursuant to this section shall not be sold, assigned or otherwise transferred.

(j) An application for an allocation under this section shall be made by letter or telegram to the Director, Oil Imports, P.O. Box 7414, Washington, D.C. 20044, unless an application has been previously filed. Applications must have been received by April 15, 1975. An application must contain the following information which shall be certified by an officer of the applicant:

V 40 65 APR 3 75 XUM

(1) The nature of each of the applicant's facilities in which Canadian imports will be processed.

(2) The location of each such facility.

(3) The total barrels of Canadian imports and other qualified imports processed in each such facility during the calendar year ending December 31, 1974.

10. Section 213.32 is amended in paragraph (d) to read as follows:

§ 213.32 Allocations of low sulphur residual fuel oil—District V.

• • • • •

(d) For the allocation period May 1, 1975 through April 30, 1976, each eligible applicant under this section shall receive an allocation not subject to license fee but subject to supplemental fee to import low sulphur residual fuel oil into District V to be used as fuel in District V computed according to the following formula:

Applicant's average B/D allocation made pursuant to § 213.32 for the allocation period May 1, 1974 through April 30, 1975.
Average B/D allocations made pursuant to § 213.32 to all applicants for the allocation period May 1, 1974 through April 30, 1975. × 60,480 B/D

• • • • •

11. Section 213.34 is amended in paragraphs (b) and (e) to read as follows:

§ 213.34 Allocations of No. 2 fuel oil—District I.

• • • • •

(b) For the allocation period May 1, 1975 through April 30, 1976, 40,000 barrels per day of imports of No. 2 fuel oil, which is manufactured in the Western Hemisphere from crude oil produced in the Western Hemisphere, will be available for allocations in District 1 to eligible persons having qualified terminal inputs of No. 2 fuel oil in this district.

• • • • •

(e) For the allocation period May 1, 1975 through April 30, 1976, each eligible applicant under this section shall receive an allocation of imports not subject to license fee but subject to supplemental fee into District I of No. 2 fuel oil according to the following formula:

Applicant's allocation of No. 2 fuel oil into District I made pursuant to § 213.34 or § 213.26 for the allocation period May 1, 1974 through April 30, 1975.
Total of all allocations of No. 2 fuel oil into District I made pursuant to § 213.34 or § 213.26 for the allocation period May 1, 1974 through April 30, 1975. × 40,000 B/D

• • • • •

12. Section 213.36 is amended in paragraphs (a), (c), and (d) to read as follows:

§ 213.36 Canadian imports, District V.

(a) For the allocation period May 1, 1975, through April 30, 1976, the Director shall allocate, as provided in paragraph (c) of this section, approximately 224,000 average barrels daily of Canadian imports into District V among eligible persons having refinery capacity in this district.

• • • • •

(c)(1) The Director shall make allocations not subject to license fee but subject to supplemental fee of Canadian imports to each eligible applicant for the allocation period beginning May 1 of each year on the basis of the pro rata share of the allocation of Canadian imports into District V made to each applicant for the calendar year 1973, relative to the total of all allocations of Canadian imports made to all applicants for the calendar year 1973.

(c)(2) The Director shall issue before May 1, 1975 to each eligible applicant a license equal to one half of the allocation calculated pursuant to subparagraph (1) of this paragraph. Such licenses shall expire on October 31, 1975 unless extended by the Director. The Director shall issue before November 1, 1975 a second license to each eligible applicant equal to the remainder of the allocation calculated pursuant to subparagraph (1) of this paragraph. Such licenses shall expire on April 30, 1976.

§ 213.38 Imports of Canadian natural gas products—Districts I–IV.

• • • • •

(c) For the allocation period May 1, 1975 through April 30, 1976, the Director shall make allocations not subject to license fee but subject to supplemental fee to eligible applicants in accordance with the following formula:

Eligible applicant's imports of Canadian natural gas products in 1973
Total of Canadian natural gas products imported by all eligible applicants in 1973 × 90,400 B/D

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DEPARTMENT OF LABOR

Office of Federal Contract Compliance

[41 CFR Chapter 60]

FEDERAL EQUAL EMPLOYMENT OPPORTUNITY BID CONDITIONS FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

New Format

Notice is hereby given that pursuant to sections 201, 205, 207, 301, and 303 of Executive Order 11246 (30 FR 12319), as amended, by Executive Order 11375 (32 FR 14303), it is proposed that the existing Model Federal Equal Employment Opportunity Bid Conditions be revised as set forth below. These proposed Bid Conditions, like the present Model Federal EEO Bid Conditions, would incorporate by reference the various negotiated affirmative action hiring and/or training plan (hometown plans) established pursuant to Executive Order 11246, as amended, and approved by the Office of Federal Contract Compliance. The proposed new Model Federal EEO Bid Conditions, if adopted, would be included in all nonexempt federal and federally assisted construction contracts awarded in areas presently covered by negotiated hometown plans or Part II of the present Model Federal EEO Bid Conditions. Federal contracting and administering agencies would be directed by the Director, Office of Federal Contract Compliance to use only the new Model Federal EEO Bid Conditions set forth below, if adopted in final form.

The principal distinction between the proposed format and the existing Bid Conditions is that the Bidder's Certification is deleted. Failure of a bidder to commit itself, prior to bid opening, to minimum affirmative action requirements by properly completing the Bidders' Certification requires rejection of the bid. Deletion of the Bidders' Certification requirement will eliminate the possibility of passing over an otherwise responsive low bidder because of its failure to properly complete the Certification. Other proposed changes will clarify prospective contractors' and subcontractors' obligations under the Bid Conditions.

Interested persons are invited to submit written comments, suggestions, or arguments concerning the proposed new Model Federal EEO Bid Conditions to Mr. Philip J. Davis, Director of the Office of Federal Contract Compliance, U.S. Department of Labor, Washington, D.C. 20210, on or before May 5, 1975.

The proposed new Model Federal EEO Bid Conditions read as follows:

BID CONDITIONS, AFFIRMATIVE ACTION REQUIREMENTS, EQUAL EMPLOYMENT OPPORTUNITY

For all Non-Exempt Federal and Federally-Assisted Construction Contracts to be Awarded in [ ]

NOTICE

EACH BIDDER, CONTRACTOR OR SUBCONTRACTOR (HEREINAFTER THE CONTRACTOR) MUST FULLY COMPLY WITH EITHER PART I OR PART II, AS APPLICABLE, OF THESE BID CONDITIONS AS TO EACH CONSTRUCTION TRADE HE INTENDS TO USE ON THIS CONSTRUCTION CONTRACT AND ALL OTHER CONSTRUCTION WORK (BOTH FEDERAL AND NON-FEDERAL) IN THE [ ] AREA DURING THE PERFORMANCE OF THIS CONTRACT OR SUBCONTRACT. THE CONTRACTOR COMMITS HIMSELF TO THE GOALS FOR MINORITY MANPOWER UTILIZATION IN EITHER PART I OR PART II, AS APPLICABLE, AND ALL OTHER REQUIREMENTS, TERMS AND CONDITIONS OF THESE BID CONDITIONS BY SUBMITTING A PROPERLY SIGNED BID.

Part I: The provisions of this Part I apply to contractors with respect to those construction trades for which they are parties to collective bargaining agreements with a labor organization or organizations and who together with such labor organizations have agreed to the [ ] Area Construction Program for equal opportunity (but only as to those trades as to which there are commitments by labor organizations to specific goals of minority manpower utilization) between [ ], together with all implementing agreements that have been and may hereafter be developed pursuant thereto, all of which documents are incorporated herein by reference and are hereinafter cumulatively referred to as the [ ] Plan.

Any contractor using one or more trades of construction employees must comply with either Part I or Part II of these Bid Conditions as to each such trade. Thus, a contractor may be in compliance with these conditions by his participation with his union in the [ ] Plan as to trade "A", provided there is set forth in the [ ] Plan a specific commitment by that union to a goal of minority manpower utilization for such trade "A", thereby meeting the provisions of this Part I, and by the contractor's commitment to Part II in regard to trade "B" in the instance in which it is not included in the [ ] Plan and, therefore, cannot meet the provisions of this Part I.

Part II: A. *Coverage.* The provisions of this Part II shall be applicable to those contractors who:

1. Are not or hereafter cease to be signatories to the [ ] Plan referred to in Part I hereof;

2. Are signatories to the [ ] Plan but are not parties to collective bargaining agreements;

3. Are signatories to the [ ] Plan but are parties to collective bargaining agreements with labor organizations who are not or hereafter cease to be signatories to the [ ] Plan;

4. Are signatories to the [ ] Plan but are parties to collective bargaining agreements with labor organizations who together have failed to execute a specific commitment to goals for minority manpower utilization as provided in the [ ] Plan; or

5. Are no longer participating in an affirmative action plan acceptable to the Director, OFCC, including the [ ] Plan.

6. Are signatories to the [ ] Plan but are parties to collective bargaining agreements with labor organizations who together have failed to make a good faith effort to comply with their obligations under the [ ] Plan and, as a result, have been placed under Part II of the Bid Conditions.

B. *Requirement—An Affirmative Action Plan.* Those contractors described in paragraphs 1 through 6 above will be eligible for award of a contract under these Bid Conditions pursuant to the goals and timetables for minority manpower utilization,[1] and specific affirmative action steps set forth in Sections B.1 and 2 of this Part II.

1. *Goals and Timetables.* The goals of minority manpower utilization required of the contractor are applicable to each trade not otherwise bound by the provisions of Part I hereof which will be used on the project in [ ] (hereinafter referred to as the [ ] area):

Goals of minority manpower utilization expressed in percentage terms

Until [ ]	[ ]	[ ] to [ ]	
From [ ] to [ ]	[ ]	[ ] to [ ]	
From [ ] to [ ]	[ ]	[ ] to [ ]	
From [ ] to [ ]	[ ]	[ ] to [ ]	
From [ ] to [ ]	[ ]	[ ] to [ ]	
From [ ] to [ ]	[ ]	[ ] to [ ]	

In the event that under a contract which is subject to these Bid Conditions any work is performed in a year later than the latest year for which acceptable goals of minority manpower utilization have been determined herein, the goals for [ ] shall be applicable to such work.

The percentage goals of minority manpower utilization above are expressed in terms of manhours of training and employment as a proportion of the total manhours to be worked by the bidder's contractor's and subcontractor's entire work force in that trade on all projects (both federal and non-federal) in the [ ] Area during the performance of its contract (i.e. the period beginning with the first day of work on the federal or federally assisted construction contract and ending with the last day of work).

The manhours of minority work and training must be substantially uniform throughout the length of the contract in each trade and minorities should be employed evenly on each of a contractor's projects. Nevertheless, failure of a contractor to employ minorities evenly on each of his projects shall not constitute noncompliance, provided that the percentage of minority manhours employed by the contractor in his aggregate work force in the [ ] area meets or exceeds his commitment to the goals for minority manpower utilization in this Part II and the contractor has not violated the Equal Opportunity Clause of this contract in the assignment of minorities to his projects. The transfer of minority employees or trainees from

[1] "Minority" is defined as including Negroes, Spanish Surnamed Americans, Orientals and American Indians, and includes both minority men and minority women.

V 40165 APR 3 75 XUM

employer-to-employer or from project-to-project for purpose of meeting the contractor's goal shall be a violation of these Bid Conditions. In meeting the goals of minority manpower utilization required of contractors pursuant to this Part II, every effort shall be made to find and employ qualified journeymen. However, apprentices and trainees shall be employed on all projects subject to the requirements of these Bid Conditions pursuant to Department of Labor regulations concerning labor standards provisions applicable to contracts covering federally financed and assisted construction.

In order that the nonworking hours of trainees and apprentices may be counted in meeting the goal, such trainees and apprentices must be employed by the contractor during the training period, the contractor must have made a commitment to employ the trainees at the completion of their training subject to the availability of employment opportunities, and the trainees must be trained pursuant to established training programs which must be the equivalent of the training programs now or hereafter provided for in the [ ] Plan with respect to the nature, extent, and duration of training offered.

The contractor shall be deemed to be in compliance with the requirements, terms, and conditions of this Part II if he meets or exceeds his commitment to the goals for minority manpower utilization in his aggregate work force in the [ ] area for each trade for which he is committed to a goal under this Part II. The contractor's commitment to the goals for minority manpower utilization as required by this Part II constitutes a commitment that he will make every good faith effort to meet such goals.

2. *Specific Affirmative Action Steps.* No contractor shall be found to be in noncompliance solely on account of his failure to meet his goals, but shall be given the opportunity to demonstrate that he has instituted all the specific affirmative action steps specified in this Part II and has made every good faith effort to make these steps work toward the attainment of his goals within the timetables, all to the purpose of expanding minority manpower utilization in his aggregate work force in the [ ] area. Contractors subject to this Part II who fail to achieve their commitments to the goals for minority manpower utilization must have engaged in affirmative action directed at increasing minority manpower utilization and which shall be at least as extensive and as specific as the following steps:

a. The contractor shall notify community organizations when the contractor has employment opportunities available and shall maintain records of the organizations' response.

b. The contractor shall maintain a file of the names and addresses of each minority worker referred to him and what action was taken with respect to each such referred worker, and if the worker was not employed by the contractor, the reasons therefor. If such worker was sent to the union hiring hall for referral or if such worker was not employed by the contractor, the contractor's file shall document this and the reasons therefor.

c. The contractor shall promptly notify the _____ (agency) when the union or unions with whom the contractor has a collective bargaining agreement has not referred to the contractor a minority worker sent by the contractor or the contractor has other information that the union referral process has impeded him in his efforts to meet his goal.

d. The contractor shall participate in training programs in the area, especially those funded by the Department of Labor.

e. The contractor shall disseminate his EEO policy within his own organization by including it in any policy manual, by publicizing it in company newspapers, annual reports, etc., by conducting staff, employee and union representatives' meetings to explain and discuss the policy; by posting of the policy; and by specific review of the policy with minority employees.

f. The contractor shall disseminate his EEO policy externally by informing and discussing it with all recruitment sources; by advertising in news media, specifically including minority news media and by notifying and discussing it with all subcontractors and suppliers.

g. The contractor shall make specific and constant both written and oral recruitment efforts directed at all minority organizations, schools with minority students, minority recruitment organizations and minority training organizations within the contractor's recruitment area.

h. The contractor shall make specific efforts to encourage present minority employees to recruit their friends and relatives.

i. The contractor shall validate all tests and other selection requirements as required by the Testing and Selection Order (41 CFR Part 60-3).

j. The contractor shall make every effort to promote afterschool, summer and vacation employment to minority youth.

k. The contractor shall develop on-the-job training opportunities and participate and assist in any association or employer-group training programs relevant to the contractor's employee needs consistent with its obligations under this Part II.

l. The contractor shall continually inventory and evaluate all minority personnel for promotion opportunities and encourage minority employees to seek such opportunities.

m. The contractor shall make sure that seniority practices, job classifications, etc., do not have a discriminatory effect.

n. The contractor shall make certain that all facilities and company activities are nonsegregated.

o. The contractor shall continually monitor all personnel activities to ensure that his EEO policy is being carried out.

p. The contractor shall solicit bids for subcontracts from available minority subcontractors engaged in the trades covered by these Bid Conditions, including circulation of minority contractor associations.

3. *Subsequent Signatory to the [ ] Plan.* Any contractors subject to the requirements of this Part II at the time of the submission of his bid who, together with the labor organization with whom he has a collective bargaining agreement, subsequently becomes a signatory to the [ ] Plan, either individually or through his association, will be deemed bound to his commitment to the [ ] Plan from that time until and unless he once again becomes subject to the requirements of Part II pursuant to Section A.1–6.

4. *Non-discrimination.* In no event may a contractor utilize the goals and affirmative action steps required by this Part II in such a manner as to cause or result in discrimination against any person on account of race, color, religion, sex or national origin.

Part III: Compliance and Enforcement: In all cases, the compliance of a contractor will be determined in accordance with his obligations under the terms of these Bid Conditions. Therefore, contractors who are governed by the provisions of either Part I or Part II shall be subject to the requirements of that Part regardless of the obligations of his prime contractor or lower tier subcontractors.

All contractors performing or to perform work on projects subject to these Bid Conditions hereby agree to inform their subcontractors of their respective obligations under the terms and requirements of these Bid Conditions, including the provisions relating to goals of minority employment and training.

A. *Contractors Subject to Part I.* A contractor covered by Part I of these Bid Conditions shall be deemed to be in compliance with Executive Order 11246, as amended, the implementing regulations and his obligations under Part I provided the contractor together with the labor organization or organizations with which the contractor has a collective bargaining agreement meet the goals for minority manpower utilization to which they committed themselves in the [ ] Plan, or can demonstrate that every good faith effort has been made to meet the goal. In that event, no formal sanctions or proceedings leading toward sanctions shall be instituted unless the Office of Federal Contract Compliance determines that the contractor has violated a substantial requirement in the [ ] Plan including the failure of such contractor to make a good faith effort to meet his fair share of the trade's goal for minority manpower utilization. Such failure shall be deemed to be noncompliance with the Equal Opportunity Clause of the contract, and shall be grounds for imposition of the sanctions and penalties provided for in Executive Order 11246, as amended.

The OFCC shall review Part I contractors' employment practices during the performance of the contract. Further, if OFCC determines that the [ ] Plan no longer represents effective affirmative action, it shall be solely responsible for any final determination of that question and the consequences thereof.

Where OFCC finds that a contractor failed to comply with the requirements of the [ ] Plan and his obligation under Part I of these Bid Conditions, it shall take such action and impose such sanctions as may be appropriate under the Executive Order and its regulations. When OFCC proceeds with such formal action it has the burden of proving that the contractor has not met the requirements of these Bid Conditions. The failure of the contractor to comply with his obligations under the Equal Opportunity Clause of his contract including failure to meet his fair share of his trade's goal shall shift to him the requirement to come forward with evidence to show that he has met the good faith requirements of these Bid Conditions by instituting at least the specific affirmative action steps listed in Part II, Section 2, and by making every good faith effort to make those steps work toward the attainment of his trade's goals within the timetables set forth in the [ ] Plan. The pendency of such formal proceedings shall be taken into consideration by federal agencies in determining whether such contractor can comply with the requirements of Executive Order 11246, as amended, and is therefore a "responsible prospective contractor" within the meaning of basic principles of Federal procurement law.

B. *Contractors Subject to Part II.* In regard to Part II of these Bid Conditions, if the contractor meets the goals set forth therein or can demonstrate that he has made every good faith effort to meet these goals, the contractor shall be presumed to be in compliance with Executive Order 11246, as amended, the implementing regulations and his obligations under Part II of these Bid Conditions. In that event, no formal sanctions or proceedings leading toward sanctions shall be instituted unless the agency

otherwise determines that the contractor is not providing equal employment opportunities in violation of the Equal Opportunity Clause of this contract.

Where the agency finds that the contractor failed to comply with the requirements of Executive Order 11246, as amended, the implementing regulations and the obligations under Part II of these Bid Conditions, the agency shall take such action and impose such sanctions as may be appropriate under the Executive Order and its regulations. When the agency proceeds with such formal action it has the burden of proving that the contractor has not met the requirements of these Bid Conditions. The contractor's failure to meet his goals shall however, shift to him the requirement to come forward with evidence to show that he has met the "good faith" requirements of these Bid Conditions by instituting at least the specific affirmative action steps listed in Part II, Sections 2 and by making every good faith effort to make those steps work toward the attainment of his goals within the timetables. The pendency of such formal proceedings shall be taken into consideration by federal agencies in determining whether such contractor can comply with the requirements of Executive Order 11246, as amended, and is therefore a "responsible prospective contractor" within the meaning of the basic principles of Federal procurement law.

C. *Obligations Applicable to Contractors Subject to Either Part I or Part II.* It shall be no excuse that the union with which the contractor has a collective bargaining agreement providing for exclusive referral failed to refer minority employees. Discrimination in referral for employment, even if pursuant to provisions of a collective bargaining agreement, is prohibited by the National Labor Relations Act, as amended, and Title VII of the Civil Rights Act of 1964. It is the policy of the Office of Federal Contract Compliance that contractors have a responsibility to provide equal employment opportunity if they wish to participate in federally-involved contracts. To the extent they have delegated the responsibility for some of their employment practices to a labor organization and, as a result, are prevented from meeting their obligations pursuant to Executive Order 11246, as amended, such contractors cannot be considered to be in compliance with Executive Order 11246 (as amended), its implementing rules and regulations.

Part IV: *General Requirements.* Contractors are responsible for informing their subcontractors, regardless of tier, as to their respective obligations under Parts I and II hereof, as applicable. Whenever a contractor subcontracts a portion of the work in any trade covered by these Bid Conditions, he shall include these Bid Conditions in such subcontracts and each subcontractor shall be bound by these Bid Conditions to the full extent as if he were the prime contractor. The contractor shall not be accountable for the failure of his subcontractor to fulfill his requirements. However, the prime contractor shall give notice to the Associate Assistant Regional Director of the Office of Federal Contract Compliance of the Department of Labor and to the contracting agency of any refusal or failure of any subcontractor to fulfill his obligations under these Bid Conditions. Failure of compliance by any subcontractor will be treated in the same manner as such failure by the prime contractor. Contractors hereby agree to refrain from entering into any contract or contract modification subject to Executive Order 11246, as amended, with a contractor debarred from, or who is determined not to be a "responsible" bidder for Government contracts and federally-assisted construction contracts pursuant to the Executive Order.

The contractor shall carry out such sanctions and penalties for violation of these Bid Conditions and the Equal Opportunity Clause including suspension, termination and cancellation of existing subcontracts as may be imposed or ordered pursuant to Executive Order 11246, as amended, and its implementing regulations by the agency or the Office of Federal Contract Compliance. Any contractor who fails to carry out such sanctions and penalties shall be deemed to be in noncompliance with these Bid Conditions and Executive Order 11246, as amended.

Nothing herein is intended to relieve any contractor during the term of his contract from compliance with Executive Order 11246, as amended, and the Equal Opportunity Clause of his contract, with respect to matters not covered in the [ ] Plan or in Part II of these Bid Conditions.

The procedures set forth in these Bid Conditions shall not apply to any contract which the head of the contracting or administering agency determines is essential to the national security and its award without following such procedures is necessary to the national security. Upon making such a determination, the agency head will notify, in writing, the Director of the Office of Federal Contract Compliance within thirty days.

Requests for exemptions from these Bid Conditions must be made in writing, with justification, to the Director, Office of Federal Contract Compliance, U.S. Department of Labor, Washington, D.C. 20210, and shall be forwarded through and with the endorsement of the agency head.

Contractors must keep such records and file such reports relating to the provisions of these Bid Conditions as shall be required by the contracting or administering agency or the Office of Federal Contract Compliance.

For the information of bidders, a copy of the [ ] Plan may be obtained from the contracting officer. A list of trades which are currently participating in the [ ] Plan may be obtained from OFCC, the contracting agency, or the administering agency.

Signed at Washington, D.C. this 17th day of March 1975.

RICHARD F. SCHUBERT,
Acting Secretary of Labor.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

PHILIP J. DAVIS,
Director, Office of Federal Contract Compliance.

[FR Doc.75-8659 Filed 4-2-75;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD Meetings

MARCH 28, 1975.

The USAF Scientific Advisory Board Study Group on Management and Support of Air Force Command, Control and Communications was instructed by the Secretary of the Air Force on March 12, 1975 to complete its report within 45 days. The Study Group was tasked to provide independent advice and insight into current and projected Air Force capabilities for research, development and acquisition of command, control and communications programs and systems and to develop alternatives for near- and far-term action to strengthen these capabilities. The study results will have a major impact on impending decisions concerning the reorganization and realignment of certain activities of the Air Force Systems Command. The Air Force installations possibly affected include Griffis AFB, New York, Hanscom AFB, Massachusetts, Wright-Patterson AFB, Ohio, and Kirtland AFB, New Mexico. USAF employees and other citizens at these locations and their Congressional representatives are already aware of the issues to be addressed and have expressed considerable concern over the outcome of the Study Group's proposals. Interested parties will have an opportunity to present their views at open meetings of the Study Group. Because of the importance of resolving these matters at the earliest possible date, the Study Group attempted to begin its work as soon as possible consistent with the need for timely notice to the public and the availability of the members to attend meetings.

The initial notices of the meetings of the Study Group published in the FEDERAL REGISTER on March 21 and March 24, 1975, fell from one to three days short of the 15 days notice specified in OMB Circular A-63, paragraph 8.b(3). However, in consideration of the welfare of the employees involved, it is essential that the Study Group move ahead as quickly as possible. In view of the above, and consistent with the specific provision in paragraph 8.b(3) concerning shorter notice in emergency situations, and the determination by the Department of the Air Force that the importance and urgency of the Study Group's tasks described above created such an emergency situation, the original notices did not meet the 15-day criteria. Special steps were also taken to inform interested employees and members of the general public through direct notice to their Congressional representatives.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-4648.

JAMES E. DAGWELL,
Chief, Documentation Management Branch, Directorate of Administration.

[FR Doc.75-8563 Filed 4-2-75;8:45 am]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON ACCURACY

Advisory Committee Meeting

The Defense Science Board Task Force on Accuracy will meet in closed session on 21 and 22 April at the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas in the Department of Defense.

The Task Force will undertake a review of the accuracy of U.S. and Soviet strategic offensive systems to determine the confidence that can be placed in our present estimates of accuracy and it will recommend an R&D program which can lead to improved accuracy.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically Subparagraph (I) thereof, and that accordingly this meeting will be closed to the public.

Dated: March 31, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

[FR Doc.75-8699 Filed 4-2-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[36-130-6292-2]

FRANKLIN COUNTY, WASH.

Off-Road Vehicle Area Designation and Closure of Lands to Motorized Vehicles

Notice is hereby given that in furtherance of the purpose of Executive Order 11644 (37 FR 2877, February 9, 1972) relating to the use of off-road vehicles on public lands and by authority of regulations under 43 CFR 6290 implementing Executive Order 11644, the following described lands under administration of the Bureau of Land Management are designated as closed to off-road motorized vehicles and motorized vehicle use excepting emergency, law enforcement, and federal or other government vehicles while being used for official or emergency purposes.

The area affected by this designation and closure notice is located approximately fifteen air miles northeast of Pasco, Washington, in the area known as Juniper Forest. This area is more specifically described as:

WILLAMETTE MERIDIAN

T. 10 N., R. 32 E.,
Sec. 6, portion of
T. 11 N., R. 32 E.,
Secs. 29, 32
Secs 20, 21, 28, 30, 31, and 33, portion of all.

The described area aggregates approximately 3,454 acres in Franklin County.

This area is unique to the state of Washington in that it contains the largest concentration of Western Juniper (Juniperus occidentalis) in association with barren sand dunes in the state. The use of national resource lands at Juniper Forest by motorized vehicles could damage unstable sand dunes and fragile vegetative resources. It is concluded that closure of the area is necessary to preserve this unique natural phenomenon. The area was previously closed to off-road vehicle use by notice of the Bureau of Land Management, Spokane, Washington, District Manager dated February 14, 1972.

This notice and further closure shall become effective on June 1, 1975.

The exterior boundaries of the closed area are fenced and vehicle closure signs are posted. Maps showing the closed area are posted in the Post Office and the Franklin County Courthouse in Pasco, Washington, and in the Spokane District Office of the Bureau of Land Management located in Room 551, U.S. Courthouse, Spokane, Washington.

Dated: March 27, 1975.

ALBERT L. MARTIN,
Acting District Manager.

[FR Doc.75-8653 Filed 4-2-75;8:45 am]

[NM 24947]

NEW MEXICO

Application

MARCH 27, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½ inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 22 S., R. 32 E.,
Sec. 2, SW¼NW¼, W½SW¼;
Sec. 11, NW¼NW¼, E½W½;
Sec. 14, E½W½, W½SE¼;
Sec. 23, W½E½;
Sec. 25, N½NW¼;
Sec. 26, N½NE¼.

These pipelines will convey natural gas across 4.826 miles of national resource lands in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, 1717 West Second Street, Roswell, NM 88201.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-8656 Filed 4-2-75;8:45 am]

[NM 25029]

NEW MEXICO

Application

MARCH 28, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½ inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 25 S., R. 28 E.,
Sec. 14, SW¼SW¼;
Sec. 23, NW¼NW¼.

This pipeline will convey natural gas across 0.233 miles of national resources lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P. O. Box 1397, 1717 West Second Street, Roswell, NM 88201.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-8655 Filed 4-2-75;8:45 am]

[NM 24948]

NEW MEXICO

Application

MARCH 28, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 26 S., R. 27 E.,
Sec. 11, SE¼SE¼, NE¼SE¼; NW¼SE¼;
Sec. 12, SW¼SW¼;
Sec. 13, W½W½.

These pipelines will convey natural gas across 1.699 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, P.O. Box 1397, Roswell, NM 88201.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-8654 Filed 4-2-75;8:45 am]

Fish and Wildlife Service

KARL SEETHALER AND CHUCK McADA

Endangered Species Permit; Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicants:

Karl Seethaler and Chuck McAda
Utah Cooperative Fishery Unit
Utah State University, UMC 52
Logan, Utah 84322

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one): ☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:
Investigations of the movements and ecological requirements of the Colorado Squawfish and Humpback Sucker in the Yampa and upper Green Rivers.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Karl Seethaler
Utah Cooperative Fishery Unit
Utah State University, UMC 52
Logan, Utah 84322

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

	HEIGHT	WEIGHT
☒ MR. ☐ MRS. ☐ MISS ☐ MS.	6' 0"	180 lbs
DATE OF BIRTH	COLOR HAIR	COLOR EYES
Jan. 21, 1934	Brown	Blue
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER	
(801) 752-4100 ext. 7685	559-38-3193	
OCCUPATION		
Graduate Assistant		

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
Utah Cooperative Fishery Unit
Utah State University, UMC 52

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Research Assistant
Utah Cooperative Fishery Unit
Utah State University, UMC 52
Logan, Utah 84322

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. Dr. Clair B. Stainaker, Asst. Unit Ldr., Coop. Fish Unit 752-4100

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
N/A

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Upper Colorado River Basin

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)
Colorado and Utah will issue permits pending issuance of a Federal permit.

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $ N/A

10. DESIRED EFFECTIVE DATE: Jan. 9, 1975

11. DURATION NEEDED: July 1, 1976

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
See attached contract and proposal

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In Ink): Karl Seethaler — DATE: Jan 16, 1975

3-700 10/74

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DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

OMB NO. 43-R1479

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Investigations of the movements and ecological requirements of the Colorado Squawfish and Humpback sucker in the upper Colorado River System.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Chuck McAda
Utah Cooperative Fishery Unit
Utah State University, UMC 52
Logan, Utah 84322

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ Amr. ☐ Wom. ☐ Miss ☐ Mr. | HEIGHT 6' 1" | WEIGHT 175 lbs.
DATE OF BIRTH: Dec. 9, 1952 | COLOR HAIR: Brown | COLOR EYES: Blue
PHONE NUMBER WHERE EMPLOYED: 752-4100 ext. 7685 | SOCIAL SECURITY NUMBER: 527-94-1965
OCCUPATION: Graduate Student
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:
Utah Cooperative Fishery Unit
Utah State University, UMC 52

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Research Assistant
Utah Cooperative Fishery Unit
Utah State University, UMC 52
Logan, Utah 84322
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. Dr. Richard S. Wydoski
Leader, Coop. Fish. Unit, 752-4100-7685
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
N/A

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED:
Upper Colorado River Basin

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)
Colorado and Utah will issue permits pending issuance of a Federal permit

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ N/A

10. DESIRED EFFECTIVE DATE: Jan. 9, 1975
11. DURATION NEEDED: July 1, 1976

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.11(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
See attached contract and proposal.

CERTIFICATION
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.
SIGNATURE (In ink): Chuck McAda | DATE: Jan 16 1975

3-200
8/74

INVESTIGATION OUTLINE

Title. Investigations of the Movements and Ecological Requirements of the Colorado Squawfish and Humpback Sucker in the Yamp and Upper Green Rivers.

Personnel. Clair B. Stalnaker, Assistant Leader, Utah Cooperative Fishery Unit. Richard S. Wydoski, Leader, Utah Cooperative Fishery Unit.

Two Graduate Assistants to be selected.

Cooperating Agencies. Utah Cooperative Fishery Unit, U.S.D.I., Utah State University, Utah Division of Wildlife Resources, Bureau of Sport Fisheries and Wildlife, U.S.D.I., National Park Service, U.S.D.I.

1. Spawning areas for the above endangered species will be delineated and ecological parameters described as related to reproductive success. Year-class strength of these two fishes will be evaluated and possible correlations with long-term turbidity, temperature, and sediment data being collected by the U.S. Geological Survey.

2. This agreement is subject to the condition that the Contractor shall not begin those phases of the prescribed research that may cause the death of any species listed by the Secretary as endangered or threatened until the Contractor shall have been issued the necessary permits to be excluded from the provisions of Section 9(a) of the Endangered Species Act of 1973.

3. *Principal Investigator.* Dr. Clair B. Stalnaker, Assistant Unit Leader, Utah Cooperative Fishery Unit, Logan, Utah 84321.

4. *Reporting.* A comprehensive final report will be prepared by the Project Leader and presented to the Coordinating Committee upon conclusion of the project.

5. *Payment.* In lieu of Articles III and IV of the General Provisions, the following shall apply:

a. Quarterly calendar reimbursement payments in arrears for amounts expended for salary of a graduate research assistant assigned to the project will be made upon receipt of an invoice in triplicate. The Contractor further agrees that no overhead or indirect costs will be required for this project. General supervision and administrative expenses or other overhead costs shall be considered to be part of the Contractor's previously consummated Cooperative Agreement, dated July 1, 1970, establishing the Utah Cooperative Unit. Final quarterly payment will be withheld upon receipt of the final project report.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before May 5, 1975 will be considered.

Dated: March 28, 1975.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-8494 Filed 4-2-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

EIGHTMILE BLUE CREEK UNITS-SIX RIVERS NATIONAL FOREST

Availability of Supplement to Draft Environmental Statement; Correction

Federal Register Document 75-6509 appearing at pages 11787 and 11788 in the FEDERAL REGISTER of March 13, 1975, is a notice of availability of a supplement to the draft environmental statement for Land Use Plans, Eightmile-Blue Creek Units, Six Rivers National Forest, California, USDA-FS-R5-DES (Adm)-75-5(S). The third paragraph of this notice briefly described the content of the supplement. The following changes should be made in this notice:

1. On page 11788, first line, first word "alternative" is corrected to read "alternatives."

2. The notice is revised to include additional information concerning the content of the supplement by adding the following sentence immediately at the end of the fourth line, page 11788:

Consideration of completion, noncompletion, or modification of the Dillon-Flint and Chimney Rock Sections of the Gasquet-Orleans Road has been added.

Dated: March 26, 1975.

T. W. KOSKELLA,
Deputy Regional Forester.

[FR Doc.75-8627 Filed 4-2-75;8:45 am]

Soil Conservation Service

LOWER AMAZON-FLAT CREEK WATERSHED PROJECT, OREGON

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the remaining planned channel construction in the lower Amazon-Flat Creek Watershed project, Lane County, Oregon.

The environmental assessment of this Federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. James W. Mitchell, State Conservationist, Soil Conservation Service, USDA, 1218 SW Washington Street, Portland, Oregon 97205, has determined that the preparation and review of an environmental impact statement is not needed for the remaining channel construction, lower Amazon-Flat Creek project.

The project concerns a plan for watershed protection, flood prevention, and irrigation. The planned works of improvement covered in this negative declaration include conservation land treatment and work on twenty-nine miles of previously modified channels and three miles of natural intermittent streams.

The environmental assessment file and the authorized work plan are available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA
1218 SW Washington Street
Portland, Oregon 97205

Single copy requests for the negative declaration should be directed to the above address.

No administrative action on implementation of the proposal will be taken until April 18, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives References Services)

Dated: March 26, 1975.

JOSEPH W. HAAS,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-8630 Filed 4-2-75;8:45 am]

POND CREEK WATERSHED, FLORIDA

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Supplemental Watershed Work Plan Agreement No. 4, Pond Creek Watershed, Santa Rosa County, Florida.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. W. L. Heard, State Conservationist, Soil Conservation Service, USDA, Room 590, Milner Building, P.O. Box 610, Jackson, Mississippi 39205, has determined that the preparation and review of an environmental impact statement is not needed at this time for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement covered by this negative declaration include conservation land treatment supplemented by four floodwater retarding structures, outlet channels for two of these structures totaling about 1.7 miles, and work on approximately 6.2 miles previously constructed channels on Coonewah Creek, a tributary of Town Creek.

The environmental assessment file is available for inspection regular working hours at the following location:

Soil Conservation Service, USDA
Room 590, Milner Building
Jackson, Mississippi 39205

Requests for copies of the negative declaration should be addressed to the above address.

No administrative action on implementation of the proposal will be taken until April 18, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

JOSEPH W. HAAS,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-8629 Filed 4-2-75;8:45 am]

Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the remaining planned channel construction in the lower Amazon-Flat Creek Watershed project, Lane County, Oregon.

The environmental assessment of this Federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. James W. Mitchell, State Conservationist, Soil Conservation Service, USDA, 1218 SW Washington Street, Portland, Oregon 97205, has determined that the preparation and review of an environmental impact statement is not needed for the remaining channel construction, lower Amazon-Flat Creek project.

The project concerns a plan for watershed protection, flood prevention, and irrigation. The planned works of improvement covered in this negative declaration include conservation land treatment and work on twenty-nine miles of previously modified channels and three miles of natural intermittent streams.

The environmental assessment file and the authorized work plan are available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA
1218 SW Washington Street
Portland, Oregon 97205

Single copy requests for the negative declaration should be directed to the above address.

No administrative action on implementation of the proposal will be taken until April 18, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives References Services)

Dated: March 26, 1975.

JOSEPH W. HAAS,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-8630 Filed 4-2-75;8:45 am]

POND CREEK WATERSHED, FLORIDA

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Supplemental Watershed Work Plan Agreement No. 4, Pond Creek Watershed, Santa Rosa County, Florida.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. W. L. Heard, State Conservationist, Soil Conservation Service, USDA, Room 590, Milner Building, P.O. Box 610, Jackson, Mississippi 39205, has determined that the preparation and review of an environmental impact statement is not needed at this time for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement covered by this negative declaration include conservation land treatment supplemented by four floodwater retarding structures, outlet channels for two of these structures totaling about 1.7 miles, and work on approximately 6.2 miles previously constructed channels on Coonewah Creek, a tributary of Town Creek.

The environmental assessment file is available for inspection regular working hours at the following location:

Soil Conservation Service, USDA
Room 590, Milner Building
Jackson, Mississippi 39205

Requests for copies of the negative declaration should be addressed to the above address.

No administrative action on implementation of the proposal will be taken until April 18, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

JOSEPH W. HAAS,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-8629 Filed 4-2-75;8:45 am]

YANTIC RIVER WATERSHED PROJECT, CONNECTICUT

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Yantic River Watershed Project, New London County, Connecticut, USDA-SCS-EIS-WS-(ADM)-75-1-D-CT.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and recreation. The planned works of improvement include conservation land treatment, supplemented by channel work, three water control structures, and recreation development. The channel work will involve about 1.3 miles which flows through an industrial, commercial, and urban area. The work consists of 0.8 miles of reinforced concrete channel and 0.4 miles of earth channel on previously modified and natural perennial channel and 0.1 miles of double-box reinforced concrete conduit on previously modified intermittent channel. The recreational development will provide 149,500 visitor-days of recreation annually.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA,
Mansfield Professional Park,
Storrs, Connecticut 06268

Copies of the draft environmental impact statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on

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Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Robert G. Halstead, State Conservationist, Soil Conservation Service, Mansfield Professional Park, Storrs, Connecticut 06268.

Comments must be received on or before May 22, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

JOSEPH W. HAAS,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

MARCH 26, 1975.

[FR Doc.75-8626 Filed 4-2-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

NATIONAL INDUSTRIAL ENERGY CONSERVATION COUNCIL

Public Meeting

A meeting of the National Industrial Energy Conservation Council will be held on Wednesday, May 7, 1975, from 10 a.m. to 12 noon in Room 4830, Main Commerce Building, 14th & Constitution Avenue NW., Washington, D.C. 20230.

The Council will meet to receive and comment upon a report from the Sub-Council on Public Awareness with particular reference to programs and plans for raising the level of public awareness as to the nature and extent of the energy problem and ways of addressing this problem. The Council will also transact other business which shall come before it at this meeting.

The public will be permitted to attend and a limited number of seats will be available for that purpose. To the extent that time permits, members of the public may present oral statements to the Council. Interested persons are also invited to file written statements with the Council before or after the meeting.

Persons who wish to attend the meeting should contact Robert M. Jackson, at the Office of Energy Programs, Room 2013, U.S. Department of Commerce, 14th & Constitution Avenue NW., Washington, D.C. 20230—(202) 967-3535.

HERBERT K. SCHMITZ,
Executive Director, National Industrial Energy Conservation Council.

[FR Doc.75-8731 Filed 4-2-75;8:45 am]

National Oceanic and Atmospheric Administration

CITICORP LEASING, INC.

MARCH 27, 1975.

Bareboat Charter of Vessels to a Company under Foreign Control; Continuation of Hearing and Extension of Comment Dates

Whereas, on December 2, 1974, the National Marine Fisheries Service published at 39 FR 41756 a notice of a receipt of applications submitted pursuant to sections 9 and 37 of the Shipping Act, 1916, as amended (46 USC 808, 835), for approval of the bareboat charter of two oil screw fishing vessels (KINGFISH and POMPANO) from Citicorp Leasing, Inc., 399 Park Avenue, New York, N.Y. 10022, to Whitney-Fidalgo Seafoods, Inc., 2360 Commodore Way, Seattle, Washington 98199;

Whereas, on January 14, 1975, there was published at 40 FR 2601 a notice of changes of hearing and comment dates in the above entitled matter rescheduling it to be held in Seattle, Washington on February 6, 1975;

Whereas, a hearing in the above entitled matter was held in Seattle, Washington, as rescheduled; and

Whereas, interested parties in Alaska have expressed a desire for a hearing to be held at a location in Alaska.

Now therefore, notice is hereby given that a continuation of the hearing in the above entitled matter will be held in Kodiak, Alaska, at a date and location to be determined later.

Parties who have expressed a desire to be present at the hearing will receive advance notification of its time, date, and location; and if time permits, advance notice will be published in the FEDERAL REGISTER.

Notice is also hereby given that the closing date of February 4, 1975, for submission of written comments is extended; and that interested persons may submit comments on the subject application to the Director, National Marine Fisheries Service, Washington, D.C. 20235 up to three days before the hearing is held.

Inquiries in regard to this notice may be addressed to the Hearing Officer, Mr. John H. Dunnigan, Staff Attorney, National Oceanic and Atmospheric Administration, 1700 Westlake Avenue North, Seattle, Washington 98109, telephone number: 206-442-4140.

JACK W. GEHRINGER,
Acting Director.

[FR Doc.75-8633 Filed 4-2-75;8:45 am]

OFFICE OF COASTAL ZONE MANAGEMENT

Public Hearing on Draft Environmental Impact Statement

Notice is hereby given that the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration (NOAA), U. S. Department of Commerce, will hold two public hearings for the purpose of receiving comments on the draft environmental impact statement pertaining to the coastal zone management program of the mid-coast segment, State of Maine, which has been submitted to the Secretary of Commerce for approval under the Coastal Zone Management Act of 1972, as amended. A hearing will be held at the Wiscasset Municipal Building, Wiscasset Maine, at 7:30 p.m., on May 5, 1975 and at the Ellsworth City Hall, Ellsworth Maine, at 7:30 p.m., on May 6, 1975. The views of members of the public and interested organizations are invited. Both written and oral statements will be accepted. Presentations will be scheduled on a first-come, first-served basis; but priority will be given to those who have prepared statements. Time will be alloted at the end of the meeting for those without statements who wish to be heard. In order that the maximum opportunity be afforded all those who wish to be heard, presentations may be limited to a maximum of ten minutes or as otherwise appropriate. No audio-visual equipment will be available. Office of Coastal Zone Management staff may wish to question speakers.

Persons or organizations wishing to be heard on this matter should contact the Office of Coastal Zone Management as soon as possible in order that an appearance schedule may be drawn up and definite times established for presentations. The address is: Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852, 301/496-8896.

Written comments may also be submitted by mail to the Office of Coastal Zone Management. Such written comments must be received before May 12, 1975 in order to be considered for inclusion in the final environmental impact statement.

Copies of the draft environmental impact statement may be obtained from the Office of Coastal Zone Management, and copies of the statement as well as of the Maine coastal zone management program, with supporting documents, are also available for inspection by the public at the following locations:

Eastern Mid-Coast Regional Planning Commission
423 Main Street
Rockland, Maine 04841

Hancock County Regional Planning Commission
69 Main Street
Ellsworth, Maine 04605

Penobscot Valley Regional Planning Commission
31 Central Street
Bangor, Maine 04401

Southern Mid-Coast Regional Planning Commission
52 Front Street
Bath, Maine 04530

Maine State Planning Office
184 State Street
Augusta, Maine 04330

OFFICE OF COASTAL ZONE MANAGEMENT
NOAA

FROM MARCH 21 TO MARCH 31
11400 Rockville Pike
Room 306
Rockville, Maryland 20852

FROM APRIL 2 TO MAY 21
3300 Whitehaven St., NW
Page 1 Building
Room 301
Washington, D.C. 20235

DEPARTMENT OF COMMERCE
Main Commerce Building
14th & Constitution NW
Room 7046
Washington, D.C. 20230

Comments should address the adequacy of the draft environmental impact statement as well as the desirability of the proposed program.

No verbatim transcript of the hearing will be maintained, but staff present will record the general thrust of remarks.

Following consideration of the comments received at this hearing, as well as written comments submitted to the Office of Coastal Zone Management, the Office of Coastal Zone Management will prepare the final environmental impact statement pursuant to the National Environmental Policy Act of 1969 and implementing CEQ guidelines.

R. L. CARNAHAN,
Acting Assistant Administrator for Administration.

[FR Doc.75-8608 Filed 4-2-75;8:45 am]

Office of the Secretary

VOLUNTARY ENERGY CONSERVATION: TESTING AND LABELING

Availability of Secretary's Report

Section 9.11 of the Procedures for a Voluntary Labeling Program for Household Appliances and Equipment to Effect Energy Conservation, 15 CFR Part 9, requires that the Secretary prepare an annual report of activities under the program.

A report on the first calendar year of the program has been prepared and is filed in the Central Reference and Records Inspection Facility, Room 7043, Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230. The report is available for public inspection at that location.

Issued: February 1975.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.75-8721 Filed 4-2-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

OCCUPATIONAL SAFETY AND HEALTH

Availability of Validated Sampling and Analytical Methods for Certain Substances

The National Institute for Occupational Safety and Health (NIOSH) and the Occupational Safety and Health Administration (OSHA) are engaged in a joint Standards Completion Project, the purpose of which is to issue completed standards for the chemical substances listed in Tables G-1, G-2, and G-3 of 29 CFR 1910.93 except for those substances for which criteria documents exist or are planned. As OSHA has declared (40 FR 4930), the exposure limits listed in § 1910.93 are not at issue, and no changes to these limits will be proposed or made in the standards issued as part of the Standards Completion Project. Rather, as stated by OSHA, the new standards will establish requirements for, among other things, monitoring employee exposure, medical surveillance and methods of compliance.

The National Institute for Occupational Safety and Health is engaged in validating sampling and analytical methods for use in monitoring the exposure of workers to the substances in the Tables referred to above. The sampling procedure is the method by which samples of various substances are collected while the analytical procedure is the method for measuring airborne concentrations of such substances where there is a need for such measurements in the workplace. These methods have been validated by NIOSH as meeting the accuracy requirements which the standards are expected to prescribe (See, for example, 29 CFR 1910.93q(d)(4), 39 FR 35890 at 35896). It is noted that OSHA will not require that any specific method be used and that a particular method is not the sole method which may be used to collect and analyze samples. NIOSH intends to modify its sampling and analytical methods as advancements in science and technology occur.

Notice is hereby given of the availability from NIOSH of a validated sampling and analytical method for the following chemical substances:

Substance	*Method No.*
Acetone	S1
2-Butanone	S3
Cyclohexanone	S19
Ethyl butyl ketone	S16
Hexone	S18
Methyl-n-amil ketone	S15
2-Pentanone	S20

A copy of the sampling and analytical method for any substance listed may be obtained by sending a request to Office of Technical Publications, NIOSH, Post Office Building, Cincinnati, Ohio 45202, specifying the substance and method number.

Dated: March 28, 1975.

EDWARD J. BAIER,
Acting Director, National Institute for Occupational Safety and Health.

[FR Doc.75-8622 Filed 4-2-75;8:45 am]

Food and Drug Administration

[DESI 11300; Docket No. FDC-D-692; NDA 11-528 etc.]

CHLORZOXAZONE IN COMBINATION WITH CODEINE PHOSPHATE AND ACETAMINOPHEN, AND IN COMBINATION WITH PREDNISOLONE AND ACETAMINOPHEN

Withdrawal of Approval of New Drug Applications

In a notice of opportunity for hearing (DESI 11300) which was published in the FEDERAL REGISTER of June 27, 1974 (39 FR 23290) pursuant to the Drug Efficacy Study, the Director of the Bureau of Drugs proposed to issue an order withdrawing approval of the drug products described below. The basis of the proposed action was the lack of substantial evidence that the products are effective for their labeled indications for use in minor musculo-skeletal disorders. No one contested the proposed action and approval of the new drug applications is now being withdrawn.

NDA 11-528; Parafon with Prednisolone Tablets containing chlorzoxazone, acetaminophen, and prednisolone; and

NDA 11-985; Parafon with Codeine Tablets containing chlorzoxazone, codeine phosphate and acetaminophen; both products formerly marketed by McNeil Laboratories, Inc., Camp Hill Road, Fort Washington, PA 19034.

All identical, related, or similar drug products, not the subject of an approved new drug application, are covered by the applications reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write the Food and Drug Administration, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

Neither the holder of the applications nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs, pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and under authority delegated to him (21 CFR 2.121), finds that on the basis of new information before him with respect to the drug products, evaluated together with the evidence available to him when the applications were approved, there is a lack of substantial evidence that the drug products will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to the foregoing finding, approval of new drug applications No. 11-528 and 11-985, and all amendments and supplements applying thereto is withdrawn effective April 14, 1975.

Shipment in interstate commerce of the above-listed products or of any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: March 27, 1975.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75-8621 Filed 4-2-75;8:45 am]

[DESI 8430; Docket No. FDC-D-719; NDA 8-430]

DIRECT SKY BLUE INJECTION

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

A notice (DESI 8430) was published in the FEDERAL REGISTER of November 7,

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1970 (35 FR 17213), pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, in which the Food and Drug Administration announced its conclusion that the drug product described below is probably effective for use as an aid in identification of regional lymph nodes for complete excision during surgery, for studies of lymphatic distribution, and to detect leakage from an injured lymphatic duct; and possibly effective in delineating the thoracic duct during surgery, but that additional evidence is required to establish its effectiveness. No such evidence having been submitted, the Director of the Bureau of Drugs now proposes to withdraw approval of the product. Persons desiring to request a hearing must do so by May 5, 1975.

NDA 8-430; Direct Sky Blue Injection formerly marketed by Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia, PA 19101.

On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), demonstrating the effectiveness of the drug.

Therefore, notice is given to the holder(s) of the new drug application(s) and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, Md. 20852.

In addition to the ground(s) for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in § 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR 310, 314), the applicant(s) and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before May 5, 1975, a written notice of appearance and request for hearing, and (2) on or before June 2, 1975, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 130.14 as published and discussed in detail in the FEDERAL REGISTER of March 13, 1974 (39 FR 9750), recodified as 21 CFR 314.200 on March 29, 1974 (39 FR 11680).

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration (HFC-20), Room 4-65, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 52 Stat. 1052-1053, as amended; 21 U.S.C. 355), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: March 27, 1975.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75-8618 Filed 4-2-75;8:45 am]

[DESI 12186; Docket No. FDC-D-694; NDA 12-186]

GASTROINTESTINAL DRUG CONTAINING OXETHAZAINE AND ALUMINUM HYDROXIDE GEL

Withdrawal of Pertinent Part of New Drug Application

A notice of opportunity for hearing (DESI 12186) was published in the FEDERAL REGISTER of July 16, 1974 (39 FR 26305) in which the Director of the Bureau of Drugs proposed to issue an order withdrawing approval of the drug product described below. The basis of the proposed action was the lack of substantial evidence that the product is effective for use in certain gastrointestinal disorders. The proposed action was not contested and approval of that product is now being withdrawn.

That part of NDA 12-186 pertaining to Oxaine Suspension containing oxethazaine and aluminum hydroxide gel; Wyeth Laboratories, Division American Home Products Corp., Post Office Box 8299, Philadelphia, PA 19101.

All identical, related, or similar drug products not the subject of an approved new drug application, are covered by the application reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write the Food and Drug Administration, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

The July 18, 1974 notice of opportunity for hearing also included Wyeth Laboratories' Oxaine M Suspension containing oxethazaine, aluminum hydroxide gel, and magnesium hydroxide. American Home Products Corporation (of which Wyeth Laboratories is a division) requested a hearing concerning Oxaine M and that specific product may continue to be marketed pending a ruling on the request for hearing.

No other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and under authority delegated to him (21 CFR 2.121), finds that on the basis of new information before him with respect to the drug, evaluated together with the evidence available when the application was approved, there is a lack of substantial evidence that the drug product will have the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing finding, approval of those parts of new drug application No. 12-186 pertaining to Oxaine Suspension and all amendments and supplements applying thereto is withdrawn effective April 14, 1975.

Shipment in interstate commerce of the above-listed product or of any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: March 27, 1975.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75-8620 Filed 4-2-75;8:45 am]

[DESI 9366; Docket No. FDC-D-696; NDA 9-366]

PIPRADROL HYDROCHLORIDE TABLETS

Notice of Withdrawal of Approval of New Drug Application

A notice of opportunity for hearing (DESI 9366) was published in the FEDERAL REGISTER of October 11, 1974 (39 FR 36628) pursuant to the Drug Efficacy Study in which the Director of the Bureau of Drugs proposed to issue an order withdrawing approval of the new drug application for the drug product described below containing pipradrol hydrochloride. The basis of the proposed action was the lack of substantial evidence that the product is effective for its labeled indications. The drug has been used to relieve depression. The proposed action was not contested and approval of the new drug application is now being withdrawn.

NDA 9-366; Meratran Tablets, containing 1.0 milligram or 2.5 milligrams pipradrol hydrochloride per tablet; Merrell-National Laboratories, Division of Richardson-Merrell, Inc., 110 Amity Road, Cincinnati, OH 45215.

All identical, related, or similar drug products, not the subject of an approved new drug application, are covered by the application reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write the Food and Drug Administration, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

Merrell-National Laboratories responded to the aforesaid notice, waived the opportunity for a hearing and stated that the product was deleted in June, 1974.

No other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and under authority delegated to him (21 CFR 2.121), finds that on the basis of new information before him with respect to the drug product, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug product will have the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing finding, approval of new drug application No. 9-366 and all amendments and supplements applying thereto is withdrawn effective on April 14, 1975.

Shipment in interstate commerce of the above-listed product or of any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: March 27, 1975.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75-8617 Filed 4-2-75;8:45 am]

[DESI 9410; Docket No. FDC-D-698; NDA 9-410]

TALBUTAL TABLETS (30 MG. AND 50 MG.)

Withdrawal of Approval of Pertinent Parts of New Drug Application

A notice of opportunity for a hearing was published in the FEDERAL REGISTER of September 17, 1974 (39 FR 33388) in which the Director of the Bureau of Drugs proposed to withdraw approval of talbutal tablets, described below, in strengths of 30 mg. and 50 mg. The basis of the proposed action was lack of substantial evidence that these strengths of talbutal are effective for their claimed uses. Talbutal has been used as a sedative. A hearing was not requested and this notice withdraws approval of 30 mg. and 50 mg. talbutal tablets. A notice stating that 120 mg. talbutal tablets are regarded as effective for patients with insomnia was also published in the FEDERAL REGISTER of September 17, 1974 (39 FR 33389). The 120 mg. strength is not affected by this notice.

NDA 9-410; Lotusate Tablets containing talbutal (30 mg. and 50 mg.); formerly marketed by Winthrop Laboratories, Division of Sterling Drug, Inc., 90 Park Avenue, New York, NY 10016.

Neither the holder of the application nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of an opportunity for hearing.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

The Director of the Bureau of Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and under the authority delegated to him (21 CFR 2.121) finds that on the basis of new information before him with respect to the drug product, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug product will have the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing finding, approval of those parts of NDA 9-410 providing for 30 mg. and 50 mg. talbutal tablets, and all amendments and supplements applying thereto, is withdrawn effective April 14, 1975.

Shipment in interstate commerce of the above-listed drug products or of any identical, related, or similar product, not the subject of an approved new drug application will then be unlawful.

Dated: March 27, 1975.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75-8619 Filed 4-2-75;8:45 am]

National Institutes of Health

ADVISORY COMMITTEE TO THE DIRECTOR

Amended Notice of Meeting

Notice is hereby given of a change in the meeting of April 14-15, 1975 of the Advisory Committee to the Director, NIH, which was published in the FEDERAL REGISTER on February 14, 1975, 40 FR 6811.

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This Committee was to have convened at 9 a.m. on April 14 and 15, but has been changed to 9 a.m. to 5 p.m. on May 1, and from 9 a.m. to 1 p.m. on May 2, 1975, National Institutes of Health, Building 1, 3rd floor in Wilson Hall.

The entire meeting will be open to the public from 9 a.m. to 5 p.m. on May 1, and from 9 a.m. to 1 p.m. on May 2 to discuss policy matters of concern to the Director, NIH. Attendance by the public will be limited to space available.

Dated: March 24, 1975.

R. W. LAMONT-HAVERS,
Acting Director,
National Institutes of Health.

[FR Doc.75-8709 Filed 4-2-75;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Child Health and Human Development, May 19-20, 1975, Building 31, Conference Room 4A21-23. This meeting will be open to the public from 9 a.m. to 3 p.m. on May 19 and 9 a.m. to 3 p.m. on May 20 for the presentation of individual research projects and general discussion of child health research priorities. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 3 p.m. to 5 p.m. on May 19 and from 3 p.m. to 5 p.m. on May 20 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, NICHD, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Gordon Gunoff, Special Assistant to the Acting Scientific Director, NICHD, Building 31, Room 2A-50, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-2133, will provide summaries of the meeting and a roster of Board members as well as substantive program information.

Dated: March 28, 1975.

R. W. LAMONT-HAVERS,
Acting Director,
National Institutes of Health.

[FR Doc.75-8716 Filed 4-2-75;8:45 am]

CANCER INSTITUTIONAL FELLOWSHIP REVIEW COMMITTEE

Establishment

The Director, National Institutes of Health, announces the establishment on March 20, 1975, of the advisory committee indicated below by the Director, National Cancer Institute, under the authority of section 410A(a) of the Public Health Service Act (42 U.S.C. 286e). Such advisory committee shall be governed by the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) setting forth standards governing the establishment and use of advisory committees.

Name: Cancer Institutional Fellowship Review Committee.

Purpose: The Committee provides to the Director, NCI and the Director, Division of Cancer Research Resources and Centers, advice concerning the technical merit of National Research Service Institutional Fellowship applications submitted to the National Cancer Institute in Fiscal Year 1975. This Committee will terminate on June 30, 1975.

Dated: March 25, 1975.

R. W. LAMONT-HAVERS,
Acting Director,
National Institute of Health.

[FR Doc.75-8715 Filed 4-2-75;8:45 am]

CLINICAL TRIALS REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Clinical Trials Review Committee, National Heart and Lung Institute, April 28-29, 1975, National Institutes of Health, Building 31, Conference Room 8. This meeting will be open to the public from 8:30 a.m. to 9 a.m. on April 28, 1975, to discuss an administrative report. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on April 28, 1975 from 9 a.m. to adjournment on April 29 for the review, discussion and evaluation of individual initial pending and renewal grant applications and individual contract proposals. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications and individual contract proposals containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications and proposals.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLI, National Institutes of Health, Building 31, Room 5A21, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Samuel M. Schwartz, Associate Director for Review, Division of Extramural Affairs, NHLI, Westwood Building, Room 655A, phone (301) 496-7351, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health)

Dated: March 21, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-8717 Filed 4-2-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON AGING

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Council on Aging, National Institute on Aging, April 23-24, 1975, Holiday Inn, Connecticut Room, 8120 Wisconsin Avenue, Bethesda, Maryland.

The entire meeting will be open to the public from 9 a.m. to 5 p.m. on April 23 and from 9 a.m. to adjournment on April 24 for the development of a plan for a research program on aging. Attendance by the public will be limited to space available.

Mr. Michael Machesko, Administrative Officer, National Institute on Aging, Building 31, Room 2A-04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-2859, will provide summaries of the meeting and a roster of Council members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, National Institutes of Health.)

Dated: March 24, 1975.

R. W. LAMONT-HAVERS,
Acting Director,
National Institutes of Health.

[FR Doc.75-8710 Filed 4-2-75;8:45 am]

NATIONAL COMMISSION ON DIABETES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Commission on Diabetes, April 30, May 1 and 2, 1975 (times below), at Philadelphia College of Physicians, 19 S. 22nd Street, Philadelphia, Pennsylvania 19103.

The entire meeting will be open to the public from 9 a.m. to 5 p.m. on April 30 in Mitchell Hall and 9 a.m. to 5 p.m. on May 1 in Thompson Hall and 9 a.m. to 12:30 p.m. on May 2 in Thompson Hall. On April 30 the Committee of the Commission on Scope and Impact of Diabetes will report. From 9 a.m. to 5 p.m. on May 1 the Commission will hear public testimony; from 9 a.m. to 12:30 p.m. on May 2 the Commission will meet in a planning session.

Any member of the public who wishes to appear before the Commission between 9 a.m. and 5 p.m. on May 1 shall file a written statement or detailed summary of his remarks with the Commission before 5 p.m. on April 25. Statements or summaries shall be sent or delivered to Mr. Victor Wartofsky, address below.

The time allotted to each participant will be determined by the Commission Chairman based upon the number of individuals who request an opportunity to make presentations.

Mr. Victor Wartofsky, Information Officer, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496-3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.847, National Institutes of Health)

Dated: March 28, 1975.

R. W. LAMONT-HAVERS,
Acting Director,
National Institutes of Health.

[FR Doc.75-8712 Filed 4-2-75;8:45 am]

PRESIDENT'S CANCER PANEL

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the President's Cancer Panel, National Cancer Institute, May 29, 1975, 9:30 a.m. to adjournment, National Institutes of Health, Building 31, Conference Room 8. This meeting will be open to the public from 9:30 a.m. to 12 noon for a report from the Director, National Cancer Institute, and a report from the Chairman, President's Cancer Panel. Attendance by the public will be limited to space available. The meeting will be closed to the public from 1:30 p.m. to adjournment for review and discussion of the proposed fiscal year 1977 budget in accordance with the provisions set forth in section 552(b)(5) of Title 5 U.S. Code and section 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish transcripts of the open meeting and roster of committee members.

Dr. Richard A. Tjalma, Executive Secretary, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5854) will provide substantive program information.

Dated: March 26, 1975.

THOMAS E. MALONE,
Associate Director for Extramural Research, National Institutes of Health.

[FR Doc.75-8713 Filed 4-2-75;8:45 am]

PRESIDENT'S CANCER PANEL

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the President's Cancer Panel, National Cancer Institute, May 13, 1975, 9:30 a.m. to adjournment, National Institutes of Health, Building 31, Conference Room 8. This meeting will be open to the public from 9:30 a.m. to 12 noon for a report from the Director, National Cancer Institute, and a report from the Chairman, President's Cancer Panel. Attendance by the public will be limited to space available. The meeting will be closed to the public from 1:30 p.m. to adjournment for review and discussion of the proposed fiscal year 1977 budget in accordance with the provisions set forth in section 552(b)(5) of Title 5 U.S. Code and section 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish transcripts of the open meeting and roster of committee members.

Dr. Richard A. Tjalma, Executive Secretary, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5854) will provide substantive program information.

Dated: March 26, 1975.

THOMAS E. MALONE,
Associate Director for Extramural Research, National Institutes of Health.

[FR Doc.75-8718 Filed 4-2-75;8:45 am]

PRIMATE RESEARCH CENTERS ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Primate Research Centers Advisory Committee, Division of Research Resources, May 5, 1975, National Institutes of Health, Building 31, C-Wing, Conference Room 6. This meeting will be open to the public from 9 a.m. to 10 a.m. for a presentation on the current status of primate breeding. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 10 a.m. until adjournment for the review, discussion and evaluation of initial pending grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. James Augustine, Information Officer, Division of Research Resources, Building 31, Room 5B39, Bethesda, Maryland 20014, 301/496-5545, will provide summaries of the meeting and rosters of Committee members. Dr. William J. Goodwin, Executive Secretary, Primate Research Centers Advisory Committee, Building 31, Room 5B30, Bethesda, Maryland 20014, 301/496-5451, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.306, National Institutes of Health)

Dated: March 26, 1975.

R. W. LAMONT-HAVERS,
Acting Director,
National Institutes of Health.

[FR Doc.75-8719 Filed 4-2-75;8:45 am]

RECOMBINANT DNA MOLECULE PROGRAM ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Recombinant DNA Molecule Program Advisory Committee on May 12-13, 1975, at the Holiday Inn, Pennsylvania Room, 8120 Wisconsin Avenue, Bethesda, Maryland 20014.

The entire meeting will be open to the public each day from 9 a.m. to adjournment to discuss: the status of research in the field, research studies required, the mechanisms by which such studies should be supported, and the identification of facilities and resources needed in their performance. Attendance by the public will be limited to space available.

Dr. William J. Gartland, Executive Secretary, National Institutes of Health, Westwood Building, Room 920, Bethesda, Maryland 20014, telephone (301) 496-7714, will provide summaries of the meeting, rosters of committee members and substantive program information.

Dated: March 28, 1975.

R. W. LAMONT-HAVERS,
Acting Director,
National Institutes of Health.

[FR Doc.75-8720 Filed 4-2-75;8:45 am]

SURGERY A STUDY SECTION

Amended Notice of Meeting

Notice is hereby given of a change in the meeting date, place, and time of the following National Institutes of Health Study Section which was published in the FEDERAL REGISTER on March 7, 1975 (40 FR 10704).

The Surgery A Study Section will meet as scheduled April 17-18, 1975 at Building 31, Bethesda, Maryland, the same location it was originally scheduled. However, they will hold an additional session on April 16, 1975 at 7:30 p.m. until adjournment at the Holiday Inn, Bethesda, Maryland. This session will be closed to the public. The open portion of this meeting will be held on April 17, 1975 at 8:30 a.m. for approximately one hour.

Dated: March 25, 1975.

THOMAS E. MALONE,
Associate Director for Extramural Research, National Institutes of Health.

[FR Doc.75-8718 Filed 4-2-75;8:45 am]

TRANSPLANTATION AND IMMUNOLOGY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Transplantation and Immunology Committee, National Institute of Allergy and Infectious Diseases, May 16, 1975, Building 31, Room 7A-24, National Institutes of Health, Bethesda, Maryland 20014.

This meeting will be open to the public from 10:30 a.m. to 2 p.m. on May 16, 1975 to discuss possible new transplantation and immunology collaborative programs. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)4 and 552(b)6, Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 8:30 a.m. to 10:30 a.m. and 2 p.m. to

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4 p.m. on May 16, 1975 for review, discussion and evaluation of individual contractor's performance and progress in the Transplantation and Immunology Branch program. Discussions will contain information of a proprietary and confidential nature, including detailed research protocols, designs and other technical information, financial data, such as salaries and personal information concerning individuals associated with existing contracts.

Mr. Robert Schreiber, Information Officer, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A-32, National Institutes of Health, Bethesda, Maryland 20014, phone 496-5717 will furnish rosters of committee members, summary of the meeting and other information pertaining to the meeting.

Dated: March 26, 1975.

R. W. LAMONT-HAVERS,
Acting Director,
National Institutes of Health.

[FR Doc.75-8711 Filed 4-2-75;8:45 am]

Office of Education

DOMESTIC MINING AND MINERAL AND MINERAL FUEL CONSERVATION FELLOWSHIPS

Proposed Criteria for Funding Applications for Fiscal Year 1975

Pursuant to the authority contained in Title IX, Part D, of the Higher Education Act of 1965, as amended (20 U.S.C. 1134n et seq.), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue the criteria set forth below which will be used to evaluate applications submitted by institutions of higher education under section 961 of Title IX, Part D of the Act.

Section 961(a) (1) of Part D of Title IX authorizes a fellowship program "to assist graduate students of exceptional ability who demonstrate a financial need for advanced study in domestic mining and mineral and mineral fuel conservation including oil, gas, coal, oil shale, and uranium."

Fellowships will be allocated to institutions of higher education which are approved on the basis of the criteria set forth below. These institutions in turn will recommend eligible students to the Commissioner for his selection. Two specific types of fellowships will be allocated and awarded: fellowships for graduate or professional study leading to an advanced degree and fellowships for research incident to the presentation of a doctoral dissertation. The latter type of fellowships will be awarded to students who have completed all course work required for granting of a doctoral or equivalent degree and comprehensive examinations where appropriate, and whose doctoral dissertation proposal has been approved. An institution of higher education may apply for an allocation of either or both types of fellowships.

The proposed criteria read as follows:

(a) The Commissioner will approve programs of study and allocate fellowships to such programs under Title IX, Part D of the Higher Education Act of 1965, as amended, on the basis of the following criteria:

(1) The extent to which the proposed training program is concerned with the following national priorities:

(i) Programs which are designed to improve surface and underground mining technology and which give due attention to mine safety and health and to the protection and restoration of the environment.

(ii) Programs to promote conservation and to develop improved secondary and tertiary recovery techniques for coal, oil, and gas.

(iii) Programs to promote mineral conservation through improved techniques and efficiency in metallic and non-metallic mineral extraction, process energy consumption, and recycling and secondary uses of metallic and non-metallic materials.

(iv) Programs to develop technologies to allow increased utilization of coal through gasification, liquefaction, and direct combustion.

(v) Programs to develop techniques to maximize the production of oil from oil shale deposits.

(vi) Programs to develop improved methods for discovery of new deposits of coal, oil, gas, oil shale, uranium, and/or alternative mineral fuel resources.

(2) The extent to which the proposed program has as a principal or significant objective the education of persons for domestic mining and mineral and mineral fuel conservation careers, and the extent to which such program is in effect and of high quality, or can readily be put into effect and may reasonably be expected to be of high quality.

(3) The extent to which it is demonstrated that the proposed program will achieve its objectives.

(4) The extent to which relevant supervised practicum, internship, or field research experiences are integrated into the proposed program of training.

(5) The extent to which the background, education, research interests, and experience of the faculty and administrative staff of the proposed program qualify them to plan and implement a successful program of domestic mining and mineral and mineral fuel conservation education.

(6) The extent to which the named director of the proposed program has clear responsibilities and time to devote to the program.

(7) The extent to which other institutional resources (such as facilities, equipment, libraries, etc.) are adequate to support the proposed program.

(8) The extent to which there is substantial evidence of realistic commitment to domestic mining and mineral and mineral fuel conservation education by those most involved in the proposed program, including the institution's administration.

(9) The extent to which specific evidence is provided which demonstrates past success of graduates from the program in entering careers in domestic mining and mineral and mineral fuel conservation.

(10) The extent to which procedures are planned to measure the effectiveness and success of the proposed program.

(11) The extent to which the program has developed criteria for identifying students with exceptional ability and financial need.

(b) Types of fellowships that will be awarded.

(1) Fellowships awarded for graduate or professional study leading to an advanced degree. Institutions may apply for an allocation of fellowships for periods of up to three years for study leading to a graduate or professional degree. Most of the fellowships of this type will be awarded for graduate study leading to a masters degree.

(2) Fellowships for research incident to the presentation of a doctoral dissertation. In making recommendations to the Commissioner, institutions receiving an allocation of fellowships of this type will be expected to give highest consideration to applicants whose dissertation topic is in one of the national priority areas listed above in paragraph (a) (1).

(c) Criteria for determining financial need. In determining whether a student has financial need for purposes of this fellowship program, the institution will consider the student's projected costs for the year including tuition, fees, books, materials and supplies, plus other reasonable costs that a student might have for room and board in comparison with what the student's resources might be.

(20 U.S.C. 1134n, 1134o)

Interested persons are invited to submit written comments, suggestions, or objections regarding these criteria to the Division of Training and Facilities, U.S. Office of Education, 7th and D Streets SW., Room 4674, ROB-3, Washington, D.C. 20202. Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m. and 4:30 p.m. All relevant material must be received not later than May 5, 1975.

(Catalog of Federal Domestic Assistance Number 13.567; Higher Education—Domestic Mining and Mineral and Mineral Fuel Conservation Fellowships)

Dated: March 13, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: March 31, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

[FR Doc.75-8668 Filed 4-2-75;8:45 am]

DOMESTIC MINING AND MINERAL AND MINERAL FUEL CONSERVATION FELLOWSHIPS

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 961 of Title IX, Part D of the Higher Education Act of 1965 as amended, applications are being accepted from institutions of higher education for grants for Domestic Mining and Mineral and Mineral Fuel Conservation fellowships. Processing of these applications will be subject to the availability of funds.

Applications must be received by the U.S. Office of Education Application Control Center on or before May 12, 1975.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW, Washington, D.C. 20202, Attention: 13.567—Domestic Mining and Mineral and Mineral Fuel Conservation Fellowships. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the epartment of Health, Education, and Welfare, or the U.S. Office of Education).

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Division of Training and Facilities, Bureau of Postsecondary Education, Office of Education, Room 4674, 7th & D St. SW., Washington, D.C. 20202.

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a) and the proposed Funding Criteria for Domestic Mining and Mineral and Mineral Fuel Conservation Fellowships published in this issue of the FEDERAL REGISTER.

(Catalog of Federal Domestic Assistance Number 13.567—Domestic Mining and Mineral and Mineral Fuel Conservation Fellowships)

Dated: March 12, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-8689 Filed 4-2-75;8:45 am]

FOREIGN LANGUAGE AND AREA STUDIES FELLOWSHIPS

Criteria for Funding Applications for Fiscal Year 1975

On pages 39899 and 39900 of the FEDERAL REGISTER of November 12, 1974, there was published a Notice of Proposed Rule Making which set forth criteria to be used in evaluating applications for a quota of fellowships for Fiscal Year 1975 under section 601(b) of the National Defense Education Act of 1958 as amended (20 U.S.C. 511(b)). Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed criteria.

No objections have been received and the proposed criteria are hereby adopted without change and are set forth below.

Effective date. The Notice of Proposed Rule Making was transmitted to Congress on November 6, 1974 pursuant to section 431(d) of the General Education Provisions Act. (20 U.S.C. 1232(d)). The time period set forth therein for congressional action has expired without such action having been taken. Therefore these criteria shall become effective on the date of their publication in the FEDERAL REGISTER.

(Catalog of Federal Domestic Assistance Programs: 13.434 Foreign Language and Area Studies—Fellowships)

Dated: March 16, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: March 31, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

The criteria read as follows: In addition to evaluation on the basis of the criteria found in the Office of Education General Provisions at 45 CFR 100a.26(b) the Commissioner will evaluate applications for quotas of foreign language and area studies fellowships from institutions of higher education in accordance with the following criteria:

(a) The quality of the institution's existing foreign language and area studies program as evidenced by course offerings, faculty, and library holdings;

(b) The degree to which the institution proposes to have intra-institutional cooperation with other foreign language and area programs and the nature and extent of coordination with the institution's professional schools and other special university programs;

(c) The degree of institutional commitment to the development of the program, as evidenced by faculty appointments, university scholarships and teaching assistantships, and funding of library acquisitions;

(d) The degree requirements of the institution's foreign language and area studies programs with special emphasis on the extent to which that degree requires proficiency in one or more foreign languages;

(e) The extent to which the institution's foreign language and area studies program provides extracurricular activities which enhance the student's foreign language proficiency and knowledge of the world area he is studying; and

(f) Lowest priority will be given to applications for fellowships in French, German, or Iberian Spanish.

(20 U.S.C. 511(b))

[FR Doc.75-8690 Filed 4-2-75;8:45 am]

TALENT SEARCH—SPECIAL SERVICES FOR DISADVANTAGED STUDENTS

Criteria for Funding Applications for Fiscal Year 1975

On pages 41536 and 41537 of the FEDERAL REGISTER of November 29, 1974, there was published a notice with regard to criteria for the selection of applications for funding for fiscal year 1975 under the Talent Search and Special Services for Disadvantaged Students Programs. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed criteria.

No comments, suggestions, or objections have been received; therefore, the criteria are hereby adopted without change and are set forth below.

Effective date. The Notice of Proposed Rule Making was transmitted to Congress on November 25, 1974, pursuant to section 431(d) of the General Education Provisions Act. (20 U.S.C. 1232(d)) The time period set forth therein for congressional action has expired without such action having been taken. Therefore these criteria shall become effective on the date of their publication in the FEDERAL REGISTER.

(Catalog of Federal Domestic Assistance Program Nos. 13.488 Talent Search, 13.482 Special Services for Disadvantaged Students)

Dated: March 3, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: March 31, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

CRITERIA FOR TALENT SEARCH

The Commissioner will select applicants to be funded under the Talent Search Program on the basis of the criteria set forth in 45 CFR 100a.26(b), as well as the following criteria:

(a) Continuation awards. A request for funds for the continuation of a project begun in a prior fiscal year and containing an approved multiyear work plan will be given priority over an application for the initiation of a new project. Requests for continuation awards will be approved only if (1) satisfactory progress, as indicated by site visits, progress reports and other relevant data, has been made in implementing the approved work program; (2) the project, in conformity with the funding criteria against which the original proposal was evaluated, is achieving the approved goals and objectives; and (3) the project has been successful, and continues to offer promise of success, in placing students suffering from financial or cultural need in postsecondary educational institutions.

Before any proposal for the continuation of a project is evaluated, all required reports, including fiscal audits, data collection forms, quarterly fiscal reports, and semi-annual and annual narrative reports must be received and accepted by the appropriate Office of Education staff.

(b) New awards. A request for funds for the initiation of a new project will be evaluated on the following criteria: (1) The extent to which the target area of the project is characterized by (i) high concentration of secondary school dropouts; (ii) low level of postsecondary school attendance; (iii) persons having family income at or below the Federal poverty level; and (iv) students from low-income families having low aspiration levels and special needs resulting from cultural isolation, language disabilities, and educational deficiencies;

(2) The scope and variety of methods to be used in the recruitment of Talent Search youth;

(3) Evidence of prior involvement with the community to be served;

(4) Evidence of the ability of the applicant to work with members of the academic community in the area to be served, especially in the area of admissions and financial aid, as reflected by previous and projected activities of the applicant;

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(5) The method to be utilized to impact upon the target community in terms of (1) expanding options for postsecondary opportunities; and (2) securing admissions and financial assistance for target students;

(6) A comprehensive plan for providing counseling services;

(7) A comprehensive plan outlining how other educational and community resources will be utilized in providing services which the Talent Search project cannot itself provide; and

(8) Evidence that the project staff is sensitive to the ethnic or racial backgrounds of project participants.

(c) National Demonstration Awards. The Commissioner will select a limited number of applications to be funded as Talent Search National Demonstration awards on the basis of the criteria specified in part (b) above and these additional criteria:

(1) The proposed project is national or inter-regional in scope, neither duplicates nor competes with existing regional or national programs, nor consolidates existing regional or inter-regional educational activities under the aegis of a single agency or institution;

(2) The proposal presents a clearly new or experimental technique or design for the recruitment of disadvantaged students for postsecondary education, and clearly demonstrates a degree of replicability, and provides for an evaluation of the results in such form as to be readily utilized by other educational programs concerned with the recruitment of disadvantaged students for postsecondary education;

(3) The proposed project would provide a service not readily available on a local or regional basis for that recruitment; and

(4) The proposed project would be able to provide a variety of educational opportunities and options for postsecondary educational careers for the disadvantaged.

It is expected that approved activities as set forth in a work plan for projects funded under this paragraph will be accomplished within a maximum 3-year period.

It is anticipated that awards made pursuant to this notice will be primarily grants. However, applications from profit-making organizations will be considered as unsolicited proposals and will be evaluated in accordance with the criteria set forth in this proposed rulemaking. Successful applications from profit-making organizations will be funded under contracts.

(20 U.S.C. 1070d-1)

CRITERIA FOR SPECIAL SERVICES FOR DISADVANTAGED STUDENTS

The Commissioner will select applicants to be funded under the Special Services for Disadvantaged Students Program on the basis of the criteria set forth in 45 CFR 100a.26(b), as well as the following criteria:

(a) Continuation awards. A request for funds for the continuation of a project begun in a prior fiscal year and containing an approved multi-year work plan will be given priority over an application for the initiation of a new project. Requests for continuation awards will be approved only if (1) satisfactory progress, as indicated by site visits, progress reports and other relevant data, has been made in implementing the approved work program; (2) the project, in conformity with the funding criteria against which the original proposal was evaluated, is achieving the approved goals and objectives; and (3) the project has been successful, and continues to offer promise of success, in enabling students to initiate, resume or continue their post-secondary education with adequate financial aid.

Before any proposal for the continuation of a project is evaluated all required reports, including fiscal audits, data collection forms, quarterly fiscal reports, and semi-annual and annual narrative reports must be received and accepted by the appropriate Office of Education staff.

(b) New awards. A request for funds for the initiation of a new project will be evaluated on the following criteria: (1) Evidence of the enrollment at the institution of physically disabled and/or low-income students who, by reason of deprived educational, cultural, or economic background, or physical handicap, or students who by reason of limited English-speaking ability, are in need of supportive special services to assist them to initiate, continue, or resume their postsecondary education;

(2) Evidence of the availability and distribution of financial assistance to meet the needs of low-income students enrolled in the applicant institution;

(3) Delineation of a clear and precise plan for the selection of students which must include a comprehensive assessment of the supportive services needed by the the student. In the event a project will include students who by reason of limited English-speaking ability are in need of bilingual supportive services, the proposal must include a plan whereby such students will be selected for participation in the project on the basis of the difficulty the student has in speaking and understanding instruction in the English language.

(4) Evidence of institutional policies in such areas as retention, grading, course options, and other administrative and academic policies which have as their purpose the maximization of a student's chances for a successful completion of postsecondary education;

(5) A work program including (i) a comprehensive counseling program, including student personal, career and academic counseling; (ii) special classes, remedial and other activities that have as their purpose the preparation of students to compete with sufficient academic skills at the institution; (iii) a comprehensive plan for providing tutorial services; (iv) a comprehensive plan to provide other services necessary to meet the educational needs of those students participating in the project; and/or (v) a comprehensive work program for students of limited English-speaking ability participating in the project which includes (a) provision for a program of English language instruction for students of limited English-speaking ability and usage participating in the project; and (b) necessary remedial instruction and tutoring, as well as personal, career and academic guidance and counseling, in order to permit students of limited English-speaking ability to pursue successfully postsecondary education;

(6) A comprehensive plan for staff selection and training;

(7) A comprehensive plan to orient the institutional community to the goals and objectives of the Special Services Program;

(8) A method of assessing and documenting the effects of the project services on the progress made by students participating in the project or former student participants of the project; and

(9) A comprehensive plan for the utilization of institution and community resources available to the project.

(c) National Demonstration Awards. The Commissioner will select a limited number of applications to be funded as Special Services for Disadvantaged Students National Demonstration awards on the basis of the criteria specified in part (b) above and these additional criteria:

(1) The proposed project is national or inter-regional in scope, neither duplicates nor competes with existing regional or national programs, nor consolidates existing regional or inter-regional educational activities under the aegis of a single agency or institution;

(2) The proposal presents a clearly new or experimental technique or design for the provision of special services for students from deprived educational, cultural, or economic backgrounds, students with physical disabilities, or students of limited English-speaking ability enrolled at the institution which is the beneficiary of the award, and clearly demonstrates a degree of replicability, and provides for an evaluation of the results in such a form as to be readily utilized by other educational programs concerned with the provision of special supportive services for eligible students enrolled at the institution;

(3) The proposed project would provide a service not readily available on a local or regional basis for those services; and

(4) The proposed project would be able to provide a variety of educational opportunities and options for postsecondary educational careers.

It is expected that approved activities as set forth in a work plan for projects funded under this paragraph will be accomplished within a maximum 3-year period.

It is anticipated that awards made pursuant to this notice will be primarily grants. However, applications from profit-making organizations will be considered as unsolicited proposals and will be evaluated in accordance with the criteria set forth in this proposed rulemaking. Successful applications from profit-making organizations will be funded under contracts.

(20 U.S.C. 1070d-1)

[FR Doc.75-8691 Filed 4-2-75;8:45 am]

Office of the Secretary

NATIONAL COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

Meeting

Notice is hereby given that the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research will meet on April 25 and 26, 1975, in Conference Room 6, C Wing, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014. The meeting will convene at 9 a.m. each day and will be open to the public, subject to the limitations of available space. This meeting will be held only if it is determined to be necessary at the meeting of the Commission on April 11, 12, and 13, 1975.

The agenda will include further discussion of research on the fetus and, time permitting, discussion of other issues identified in the legislative mandate to the Commission under Pub. L. 93-348.

Requests for information should be directed to Ms. Anne Ballard (301-496-7776), Room 125, Westwood Building, 5333 Westbard Avenue, Bethesda, Maryland 20014.

Dated: March 28, 1975.

CHARLES U. LOWE,
Executive Director, National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.

[FR Doc.75-8687 Filed 4-2-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-459-DR; Docket No. N.F.D.-254A]

TENNESSEE

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Tennessee, dated March 24, 1975, is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 22, 1975:

The counties of:

Coffee	Madison
Davidson	Obion
De Kalb	

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: March 27, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-8624 Filed 4-2-75;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N-75-272]

LAUREL MOUNTAIN VILLAGE SUBDIVISION

Hearing

In the matter of Laurel Mountain Village Subdivision, OILSR No. 0-3146-44-212, Docket No. 75-159.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Laurel Mountain Development Corporation, Alan Patterson, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued January 21, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Laurel Mountain Village Subdivision, located in Somerset County, Pennsylvania, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received February 7, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered* That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on April 4, 1975, at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before March 28, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: March 26, 1975.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-8625 Filed 4-2-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

WALT WHITMAN AND BENJAMIN FRANKLIN BRIDGE TOLLS

Inclusion of Documents

MARCH 26, 1975.

The Order of the Federal Highway Administrator, dated February 10, 1975, announced that the Administrator was considering reopening the record in this proceeding and directed that the Delaware River Port Authority submit certain documents for possible inclusion in the record. These documents were received and, further, pursuant to the Order of February 10, 1975, transmitted to all parties of record with opportunity afforded said parties to submit their comments, objections, and briefs concerning the documents.

The Administrator received comments from the City of Philadelphia, Motorists for Lower Tolls, the Automobile Club of Southern New Jersey, the Delaware River Port Authority and Public Counsel. After due consideration of these comments, the Administrator hereby determines that the following documents shall be labeled and made a part of the official record in this proceeding:

(1) Exhibit 136—Official Statement of the Delaware River Port Authority relating to the $47,815,000 bond issue, dated June 15, 1974.

(2) Exhibit 137—Financial Statement of the Delaware River Port Authority for calendar year 1974.

(3) Exhibit 138—Traffic counts by toll classes of vehicles—revenue classes of vehicular traffic.

(4) Exhibit 139—Delaware River Port Authority 1975 Capital and Operating Budget Report.

The inclusion of these documents in the official record will enable the Administrator to proceed to a final determination as to the reasonableness and justness of tolls to be charged for the transit of vehicles over bridges operated by the Delaware River Port Authority. All conditions and toll schedules heretofore established by the Administrator shall continue in effect on an interim basis.

Issued in Washington, D.C., on March 26, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.75-8668 Filed 4-2-75;8:45 am]

National Highway Traffic Safety Administration

MUSTANG AND COUGAR SEAT BACK PIVOT ARM HINGE PIN BRACKET FAILURES

Rescheduling of Pubic Proceeding

Pursuant to section 152 of the National Traffic and Motor Vehicle Safety Act of 1966 as amended (Pub. L. 93-492, 88 Stat. 1470; October 27, 1974), 15 U.S.C. 1412, the Associate Administrator, Motor Vehicle Programs, has made an initial determination that a defect relating to motor safety exists with respect to failures of seat back pivot arm hinge pin brackets in 1968 and 1969 Mustang and Cougar model automobiles manufactured by the Ford Motor Company because such failures can result in loss of vehicle control, accident, or personal injury.

A public proceeding initially set for April 8, 1975 (40 FR 12308) has been rescheduled at the request of Ford Motor Company for 10 a.m., April 22, 1975, in Room 6332, Department of Transportation Headquarters, 400 Seventh Street SW., Washington, D.C. 20590, at which Ford will be afforded an opportunity to present data, views and arguments to establish that the alleged defect does not exist or does not affect motor vehicle safety.

Interested persons are invited to participate through written or oral presentations. Persons wishing to make oral presentations are requested to notify Mrs. Nancy Martus, Office of Defects Investigation, National Highway Traffic Safety Administration, Washington, D.C. 20590, Telephone (202) 426-2850, before the close of business (4:15 p.m.) on April 18, 1975. A transcript will be kept and exhibits may be accepted. There will be no cross examination of witnesses.

The agency's investigative file in this matter is available for public inspection during regular working hours (7:45 a.m.-4:15 p.m.) in the Technical Reference Division, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590.

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(Sec. 152, Pub. L. 93-402, 88 Stat. 1470 (15 U.S.C. 1412); delegations of authority at 40 CFR §§ 1.51 and 501.8.)

Issued on March 31, 1975.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.75-8733 Filed 3-31-75;4:35 pm]

Office of the Secretary

[Notice 75-5]

INTERNATIONAL AVIATION POLICY REVIEW

Supplemental Notice for Public Participation

In the March 6, 1975 issue of the FEDERAL REGISTER (40 FR 10507), the Department of Transportation invited the public to submit comments on an International Aviation Policy Review.

This notice changes the room where those comments will be available for public inspection. The new complete address for public inspection is:

Department of Transportation
400 Seventh Street SW.
Room 10424
Washington, D.C. 20590

There is no change in the correspondence address, which continues to be:

Executive Secretariat
International Aviation Policy Review
c/o John B. Ryan
Department of Transportation
400 Seventh Street SW., Room 9217
Washington, D.C. 20590

Issued in Washington, D.C., on March 28, 1975.

ROBERT HENRI BINDER,
Assistant Secretary for Policy, Plans, and International Affairs.

[FR Doc.75-8731 Filed 4-2-75;8:45 am]

AD HOC ADVISORY GROUP ON PUERTO RICO

COMPACT OF PERMANENT UNION BETWEEN U.S. AND PUERTO RICO

Meeting

The Ad Hoc Advisory Group on Puerto Rico will hold a public meeting at 9:30 a.m. to 12 noon and from 1:30 p.m. to 4 p.m. as follows, Thursday, Friday and Saturday, May 8, 9 and 10, 1975, in Room 2010 of the New Executive Office Building, 726 Jackson Place NW., Washington, D.C., unless extended by the Co-Chairmen.

The purpose of the meeting will be to jointly review and discuss the draft "Compact of Permanent Union between Puerto Rico and the United States" as presented by the Puerto Rican delegation to the Advisory Group.

PETER J. GALLAGHER,
Executive Director.

[FR Doc.75-8708 Filed 4-2-75;8:45 am]

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

AMERICAN REVOLUTION BICENTENNIAL COUNCIL

Meeting

In FR Doc. 75-6299 appearing on page 11380 in the issue for Tuesday, March 11, 1975, notice was given pursuant to section 10(a) of the Federal Advisory Committee Act, (Pub. L. 92-463), of the April 7 meeting of the American Revolution Bicentennial Council. Notice is hereby given that the April 7 meeting will be held at the Braniff Place Hotel in Tucson, Arizona, from 9 a.m. to 5 p.m. Agenda items will include reports from the Subcommittees on July 4, 1976, and on Statement of Purpose, presentations on the Bicentennial Ethnic-Racial Council, BINET and the Bicentennial Activities of the Arizona Bicentennial Commission and the Tucson Bicentennial Commission.

The meeting will be open to the public on a space available basis. Further information can be obtained from Jane Shay, Executive Assistant to the Administrator, American Revolution Bicentennial Administration, 2401 E Street NW., Washington, D.C. 20276, telephone (202) 634-1881.

JOHN W. WARNER,
Administrator.

[FR Doc.75-8702 Filed 4-2-75;8:45 am]

ARMS CONTROL AND DISARMAMENT AGENCY

GENERAL ADVISORY COMMITTEE ON ARMS CONTROL AND DISARMAMENT

Meeting

Notice is hereby given in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770, 5 U.S.C. App. I) and paragraph 8b of Office of Management and Budget Circular No. A-63 (Revised) dated March 27, 1974, that a meeting of the General Advisory Committee on Arms Control and Disarmament is scheduled to be held on Thursday, May 8, 1975 from 9 a.m. to 5 p.m. and on Friday, May 9, 1975 from 9 a.m. to 3 p.m., at 2201 C Street NW., Washington, D.C., in Room 7516. The purpose of the meeting is for the Committee to receive classified briefings and hold classified discussions concerning continuing international negotiations and other arms control issues.

The meeting will be closed to the public. A determination has been made by the Director of the Arms Control and Disarmament Agency in accordance with section 10(d) of the Federal Advisory Committee Act and paragraph 8d(2) of Office of Management and Budget Circular No. A-63 (Revised) that the meeting will be concerned with matters of the type described in 5 U.S.C. 552(b)(1). This determination was made pursuant to a delegation of authority from the Office of Management and Budget dated June 25, 1973, issued under the authority of Executive Order 11769 dated February 21, 1974.

Dated: March 24, 1975.

SIDNEY D. ANDERSON,
Advisory Committee Management Officer.

[FR Doc.75-8669 Filed 4-2-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26494; Order 75-3-101]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to North Atlantic Air Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 27th day of March 1975.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement proposes fares over the North Atlantic to be effective April 1, 1975 through March 31, 1976.

Essentially, the agreement would hold first-class, economy-class, 14/21-day excursion, year-round group inclusive tour fares, and winter group inclusive tour fares to the levels previously agreed at Montreux, and would make relatively limited reductions from those levels in certain promotional fares.[1] The 22/45-day excursion fares between New York and London would be reduced by three percent, the Advance-Purchase Excursion (APEX) fares by 6 to 9 percent, and the affinity group fares by two percent. These percentage reductions become less as the structure extends outward to points beyond London. For example, between New York and Rome the affinity group fares remain at the Montreux level, the 22/45-day excursion fares are reduced by one to two percent, and the peak-season APEX fare is reduced by two percent. In addition, the winter group inclusive tour fare for U.S.-originating travel would be extended through May 22, 1975 and would be reintroduced for travel commencing September 16, 1975, at higher levels during these shoulder periods than those applying in the

[1] The Montreux fare agreement, which proposed new North Atlantic fares for the period November 1, 1974 through March 31, 1976 was approved by Order 74-10-106, October 21, 1974. However, that agreement was not implemented by the carriers due to the absence of an effective charter rate floor. Interim fares were approved for the period through March 31, 1975, by Orders 74-10-151 and 75-1-24. A comparison of the Montreux and proposed fares is set forth in the Appendices, which are filed as part of the original document.

winter season.[2] Finally, affinity group fares to Spain and Portugal would be reduced from Montreux levels by up to 8 percent for Madrid and from 2 to 10 percent for Lisbon, and one free stopover in each direction would be permitted for travel to Spain and Portugal on these fares.

The APEX fares are subject to substantially the same conditions contained in the Montreux agreement. Sales would be limited to 20 percent of each carrier's total weekly economy-class capacity, and the number of seats to be made available on any one flight cannot exceed 50 percent of the economy-class seating capacity of that flight or 80 seats, whichever is greater. Reservations, full payment, and issuance of tickets must be completed not later than two calendar months prior to commencement of outbound travel. A change in reservation, cancellation, or failure to use confirmed APEX space as ticketed (other than the death of a prospective passenger prior to departure time) is subject to a nonrefundable charge equal to 10 percent of the fare or $50, whichever is higher.

Finally, the agreement proposes the reintroduction of youth fares between the United States and Europe at levels generally reflecting the combination of normal U.S.-Canada fares and Canada-Europe youth fares.[3]

Order 75-2-29, dated February 6, 1975, established dates for the submission of carrier justifications and comments from any interested persons. Carrier justifications have been received and evaluated as well as the comments from interested persons and the matter now stands ready for Board decision.

All three of the U.S. IATA member carriers, National Airlines, Inc. (National), Pan American World Airways, Inc. (Pan American) and Trans World Airlines, Inc. (TWA), urge approval of the agreement both because of the alleged benefits to the public and the carriers alike and because of the fact that this agreement represents the best compromise attainable considering the divergent views of the many carriers involved. The carriers note that attempts to secure a North Atlantic fare agreement date back to June 1974 and that after many months of conference negotiation and interim agreements, the proposed structure was finally settled upon.

All three carriers urge approval of the agreement in toto, including the youth fares which are not proposed as an interlocked part of the structure. Pan American and TWA anticipate better results under the proposed versus the Montreux agreements without youth fares. Under the Montreux agreement, the anticipated return on investment based on present operating authority would have been 2.03 percent for Pan American and 4.7 percent for TWA. Under the basic fare structure here under consideration, these returns are expected to be 4.03 percent and 5.8 percent, respectively. National projects a virtually identical return under the Montreux or revised fare package: 19.6 percent and 19.4 percent for the forecast year.

Both Pan American and TWA lay particular stress on reintroduction of youth fares to and from the United States, essentially resting their argument on the drain through Canadian gateways of traffic and revenues which are the rightful entitlement of U.S. carriers. Pan American estimates that the proposed youth fares will generate a traffic increase of 156 million revenue passenger-miles, and a net revenue gain of $9.1 million. TWA estimates a traffic increase of 210 million revenue passenger-miles, and a net revenue gain of $10.2 million. Both further contend that the proposed residency requirements for sale of peak-season youth-fare traffic out of Canada would be ineffective from an enforcement standpoint and so will have little effect in reducing diversion of U.S.-Europe traffic through Canada.

Comments in opposition to the agreement have been submitted by the National Air Carrier Association (NACA), the International Air Carrier Association (IACA) and the Puget Sound Traffic Association. The American Society of Travel Agents, Inc. (ASTA) and the Department of Transportation (DOT) have filed comments supporting the agreement.[3a]

Essentially, NACA and IACA reiterate arguments made against previously agreed IATA fare structures for scheduled service, that the fares for normal services are too high and that those for excursion and other special-fare services are too low.[4] The latter are argued to be below full cost, require subsidization by normal-fare passengers, and threaten the ability of charter carriers to sustain economic charter services. NACA refers to repeated adjurations by the Board on the need for cost-related fares in scheduled service, and urges disapproval of those low-level fares designed to be charter competitive and an overall investigation of the North Atlantic fare structure.

The Department of Transportation (DOT) and the American Society of Travel Agents (ASTA) both urge approval of the agreement as the best of available alternatives; the latter acknowledging the need for the fare increases involved and also contending that disapproval would lead to a chaotic situation for carriers, agents, and the traveling public. The DOT states that, all things equal, it would be disposed to urge disapproval of the agreement as unresponsive to the basic need for a cost-related fare structure. However, it concludes that the proposed fare structure promises to be more compensatory than continuation of present fares or an open-rate situation and that, at improved load factors, Pan American could earn a reasonable return on investment. Finally, while opposing youth fares in principle, DOT suggests that the competitive situation *vis-a-vis* Canada and alleged diversion of this traffic through Canadian gateways may provide a sufficient basis for approval of youth fares for originating U.S. travel. Like NACA, the DOT also urges that the Board institute a formal investigation of the North Atlantic fare structure.

Finally, the Puget Sound Traffic Association requests that approval of the agreement be conditioned to require that fares between Seattle and Europe be no greater on a cents-per-mile basis than fares between Los Angeles and Europe; and that, in no event, should Seattle-Europe fares be greater on a per-mile basis than Vancouver-Europe fares. The Association cites the Board's decision in *Agreements Adopted by IATA Relating to North Atlantic Cargo Rates Case*, Docket 20522, as precedent; cites the fact that Seattle is common rated with more distant California gateways in IATA transpacific fare and rate agreements to Seattle's disadvantage; and that maintaining lower fares from Vancouver (only 92 miles distant from Seattle) will only serve to perpetuate an inequitable and unduly prejudicial practice.

The agreement here before us represents the culmination of negotiations first undertaken in June 1974 and continuing into January 1975. It was hammered out against a background of unprecedented general inflation, fuel prices which had escalated approximately 200 percent within a scant year, and a decline in traffic which achieved alarming proportions in the final quarter of 1974 and shows no sign of reversal in 1975. The year 1974 also saw the first absolute decline in traffic experienced in the post World War II era. Initially, an agreement was arrived at (known as the Montreux agreement) covering the off-peak winter season just past and the up-coming year from April 1, 1975 with which we are now concerned. This agreement was tied to imposition of an assured level of minimum charter rates but did not become effective because the latter did not materialize. In the interim period, carriers have implemented much of the Montreux agreement (not including the APEX fare) as it related to winter services.[5]

The Board's decision approving the Montreux agreement was made against the background of the unique economic

[2] The fares would also be available during the month of August for travel from the United States to points in the Azores, Canary Islands, and Madeira.

[3] The agreement provides in the event of disapproval of U.S.-originating youth fares, Canadian-originating youth fares during peak season shall not be available to holders of U.S. Passports unless they produce an official Canadian Immigrant Visa or Canadian Student Visa issued at least three months prior to the date of commencement of travel or documentary evidence of their residence in Canada for not less than three months.

[3a] The motions of Pan American and NACA for leave to file unauthorized documents are hereby denied.

[4] Specifically, the 22/45-day excursion fare, APEX fare, affinity fare, and youth fare.

[5] Orders 74-10-151 (October 30, 1974) and 75-1-24 (January 7, 1975).

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circumstances alluded to above and the conviction that disapproval would lead only to further deterioration in the financial position of our two major international carriers. The decision to approve the agreement, however, was taken not without considerable misgiving, despite the substantial increases in fare level considered essential by the Board in certain of the promotional fares, most notably the 22/45-day excursion fare. In essence, the Board concluded that while the Montreux package did not accomplish the longer-range objectives necessary to achieve a soundly based cost-related and nondiscriminatory fare structure, it represented an acceptable agreement for the immediate period ahead. We have since stated that, in our opinion, the lowest fare available on the North Atlantic should be that previously agreed to at Montreux for the restricted APEX service, and that the fare structure should not be one which produces an aggregate yield below that which would have resulted from the Montreux package. We have also since reiterated our view that affinity group fares to the Iberian peninsula should be set at levels comparable to other areas, and that youth fares should not be reinstated from the United States.

The agreement we are here called upon to approve does, in fact, propose fare levels below those contemplated in the Montreux agreement, and also proposes to reinstate youth fares (to which we speak subsequently). On the other hand, both Pan American and TWA project more favorable results than expected under the Montreux package even without youth fares. Pan American now anticipates a return of 4.03 percent on investment, versus 2.03 percent under the Montreux structure; TWA, 5.2 percent versus 4.7 percent. Both carriers have provided their justifications on the basis of their recently approved route realignment. Adjusting Pan American's load factor to that projected by TWA, 52.7 percent, would increase its return to 4.51 percent.[8] National, on the other hand, projects minimal changes in its return on investment under the new package; from 19.6 percent to 19.4 percent under the Montreux versus the present proposal.[9]

Evaluation of the agreement is admittedly more difficult than would normally be the case in view of the significant realignment of operations only very recently implemented by Pan American and TWA. There is, in a word, no historical comparison which would be of particular value in assessing the potential economies of the agreement. However, our review of the carriers' projections discloses nothing apparently unreasonable, nor anything that would dissuade us from the conclusion that the overall fare structure will be at least as remunerative as the Montreux package which we have previously approved. Certainly it promises to be substantially more remunerative than the fares in effect last summer and, undoubtedly, more remunerative than could result from an open-rate series of individual carrier filings.

We are also constrained to recognize that the agreement represents a compromise of quite different basic philosophies heightened by the fact that, contrary to the Montreux package, it is not predicated upon a controlled level of charter rates. We cannot ignore the practical fact that the European community and its national carriers hold the strong view that scheduled services must be priced competitively with charter services. The Board, on the other hand, is just as strongly of the opinion that an economically sound pricing system requires that scheduled and charter services each be priced independently according to the respective costs of each service. This obviously is a fundamental dichotomy of approach which calls for continuing study and analysis by all concerned. On the other hand, it does not, in our opinion, dispose of the immediate question of whether or not the agreement before us warrants approval.

In essence, we conclude that it would be unrealistic to expect that disapproval would advance a consensus between the U.S. and the European community on the basic approach which should be followed in pricing North Atlantic services. Accordingly, while we remain of the opinion that much needs to be done if the pricing structure is to be put on a sound economic footing, we have examined the specific provisions of the fare package from the point of view of the U.S. traveler and the U.S. carriers and are prepared to approve this one-year agreement (except as discussed hereafter).[10] Our action is based on a number of salient considerations in addition to those detailed in Order 74-10-106 on the Montreux package. The new agreement will afford the traveling public a range of prices that should prove useful to the carriers in seeking to restore traffic growth (even though the categories of different promotional fares are more prolix than we believe necessary). We are also concerned about providing the carriers with much needed additional revenue. In this regard, we cannot ignore the fact mentioned earlier that there has been a marked deterioration in the world-wide traffic situation since the Board approved the Montreux agreement in October. Our domestic carriers have responded to this traffic softening by proposing various discount fares in an effort to generate additional traffic without undue diversion of existing traffic, and a number of these proposals have been allowed to go into effect.[11] Traffic declines on the North Atlantic are considerably more severe than those which have been experienced domestically,[12] and fares somewhat lower than might otherwise be justifiable may be acceptable in the immediate period ahead. Moreover, we are not persuaded by the contention that charters will be unable to compete with APEX service. Our review of 1975 charter rates on file with the Board indicates that the peak-season differential generally ranges upward from $100 compared with the New York-London APEX fare. In light of the foregoing, we cannot find that the relatively modest decreases from the Montreux agreement in some of the promotional fares are unwarranted.

The exceptions to our approval relate to (1) affinity group fares to Spain and Portugal, (2) fares applicable to the Miami-London route, and (3) fares to and from Seattle. We have previously stated that we would be unable to approve a continuation of affinity group fares to the Iberian peninsula which are significantly out of line with comparable fares to other points in Europe.[13] The agreement here before us nevertheless perpetuates this disparity. Despite the general practice of common faring between Lisbon and London from New York, the Lisbon affinity group fares are proposed at levels $51, $54 and $101 below the London levels (winter, shoulder and peak season respectively) and result in discounts in excess of 50 percent from economy fares in all three seasons. In addition, while these fares to other points in Europe do not permit stopovers, one free stopover in each direction would be permitted for travel to Spain and Portugal. On the basis of our analysis, we conclude that the fare levels contemplated are not sufficient to cover the cost of providing the service, particularly when the circuity resulting from the stopover provision is taken into account.[14]

In approving the Montreux agreement, the Board expressed serious reservation about the level of Miami-London fares in light of National's projected return of 19.4 percent and the statement that it would earn 18.7 percent without the proposed increase. The increased fares were reluctantly approved in view of the possibility that selective disapproval might cause the total agreement to fall. We further noted that portions of the overall structure are not so easily severable, and that the effect of precluding fare increases to National could cause an adverse competitive impact upon Pan American and TWA as well as the foreign carriers. We have reconsidered our decision in light of the fact that National again projects a return under the proposed fares in excess of 19 percent and now conclude that this portion of the agreement should not be allowed to become effective. To accomplish this result, we will condition our approval of the New York-London fares (except APEX fares) to preclude their use in the construction of through fares between Florida and London.[15]

On the basis of our analysis, we are of the opinion that the Puget Sound Traffic Association has raised a valid point with respect to fares between Seattle and Europe. A comparison of the proposed fares between Seattle and London (4,799 miles), on the one hand, and between Vancouver and London (4,723 miles), on the other hand, indicates a discrepancy per passenger-mile which favors Vancouver over Seattle despite virtually the same length of haul. A similar comparison of fares to Rome produces a like result. Accordingly, we will impose a condition similar to that discussed above with respect to Florida fares whereby all transatlantic air fares proposed to/from New York (the U.S. fare construction point) will be disapproved insofar as they would be used in the construction of through fares to/from Seattle.[16]

Pan American and TWA argue forcefully that youth fares are an important ingredient of the total fare package. Both contend that the proof-of-Canadian-residency requirement on peak-period sales in Canada cannot be effectively enforced and that a substantial diversion of U.S.-originating youth-fare travel through Canada will continue. TWA estimates the potential value of this traffic to be an improvement in revenues of $10.3 million while Pan American projects a revenue improvement of $9.1 million representing increases in ROI of 1.7 and 1.2 percentage points, respectively. Both carriers will realize marginal results at best on the North Atlantic after interest payments even with the youth fares, and on a system basis both are in a loss position. In these circumstances, we conclude that it would not be prudent to accept the risk of a $19.4 million drain of revenues through Canadian gateways.

Canadian gateways are adjacent to the United States and readily accessible, and we are not persuaded that the Canadian residency requirement can, in fact, be effectively enforced since carriers would have no incentive to do so. Moreover, this requirement would, in any event, apply only during the three-month peak season. In these circumstances, we have concluded that approval is warranted to permit the U.S. carriers to compete for U.S. youth traffic on an equal footing.

Finally, the Board has concluded that it is now appropriate to institute an evidentiary proceeding on North Atlantic fares. The IATA agreements in recent years have rather steadily moved away from what the Board considers an economic, cost-based structure, despite our repeated admonitions, and there have been repeated challenges to the validity of the inter-relationship of the various fares within the structure. In our opinion, the need for an investigation of fare level and structure has been amply demonstrated; and we believe that it should be one of broad scope. In addition to the overall question of the promotional fare structure appropriate to adequate development of the market, the Board intends to explore such matters as the appropriate charge for stopovers on the various fares, the impact of circuitous travel on fare level, and the issue raised by the Seattle fares we are herewith disapproving. The Board will shortly issue an order of investigation which will specifically delineate the issues to be explored.

The Board, acting pursuant to sections 102, 204(a), 404(b), 412 and 1002 of the Act, makes the following findings:

1. It is not found that the following resolutions set forth in Agreement C.A.B. 24944 are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
24944:			
R-1	001b	North Atlantic Special Effectiveness Resolution (Tie-In)	1/2 N. Atlantic.
R-2	001dd	North Atlantic Escape for Normal and Special Fares (Revalidating and Amending).	1/2 N. Atlantic.
R-3	001nn	Special North Atlantic Escape for First-Class Fares and Conditions of Service (New).	1/2 N. Atlantic.
R-4	002	Standard Revalidation Resolution	1/2 N. Atlantic.
R-5	014a	Construction Rules for Passenger Fares (Revalidating and Amending).	1/2 N. Atlantic.
R-6	022f	JT12 and JT123 (North Atlantic) Special Rules for Sales of Passenger Air Transportation (Revalidating and Amending).	1/2 N. Atlantic.
R-9	022z	JT12 (North Atlantic) Special Rules for Sales of Passenger Air Transportation from TC2 to TC1 (Revalidating and Amending).	1/2 N. Atlantic.
R-11	060	Economy-Class Conditions of Service (Revalidating and Amending)	1/2 N. Atlantic.
R-31	002ff	North Atlantic Individual Youth Fares (New)	1/2 N. Atlantic.
R-33	002gg	North Atlantic Group Youth Fares USA-Israel (New)	1/2 N. Atlantic.

2. It is not found that the following resolutions set forth in Agreement C.A.B. 24944 are adverse to the public interest or in violation of the Act, provided that approval is subject to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
24944:			
R-6	015	North Atlantic Proportional Fares North American (Revalidating and Amending).	1/2 N. Atlantic.
R-7	016	North Atlantic Fare Development Program (Revalidating and Amending).	1/2 N. Atlantic.

3. It is not found that the following resolutions set forth in Agreement C.A.B. 24944 are adverse to the public interest or in violation of the Act except insofar as New York-London fares are used to construct through fares to and from points in Florida and insofar as transatlantic fares to and from New York are used to construct through fares to and from Seattle, Washington:

[8] National and TWA anticipate passenger load factors of 54.7 percent and 52.7 percent, respectively, while Pan American projects a load factor of only 47.6 percent. For the year 1974, National, Pan American and TWA had load factors of 50.6 percent, 50.8 percent and 51.5 percent, respectively.

[9] These rates of return result from revisions to National's original justification and are based on a yield reduction attributable to pro-rates of 5.15 percent. In its initial justification, National projected returns of 24.1 percent and 24.4 percent. These higher projections appear more reasonable in view of National's actual yield of 6.48 cents per revenue passenger-mile experienced in the fourth quarter of 1974.

[10] In connection with the APEX fare, we note that, although the passenger would be required to make his reservation, pay in full and receive his tickets not later than two months prior to travel, no protection is apparently afforded the passenger in the event a carrier alters itsschedules within the 60-day period. We will therefore condition our approval of this resolution to provide that, in the event of schedule changes not acceptable to the passenger, he will be given the option within the 60-day period to rebook over the same itinerary without penalty or to obtain a full refund.

[11] For example, the Board has recently permitted carriers to introduce Bicentennial excursion fares in all markets of 750 miles or more throughout the continental United States (Order 75-2-124), and has permitted a number of discount fares to/from the Florida market.

[12] Pan American and TWA combined traffic over the North Atlantic suffers an absolute decline of about 17 percent in 1974, compared with a modest 2.37 percent growth in domestic trunkline traffic (passenger miles).

[13] Order 74-10-151. These fares were first approved only for the period through January 1975. Our earlier approvals granted during a period of active IATA negotiations cannot be relied upon as justification for such an important structural deviation throughout the year.

[14] For example, one logical routing would be New York-Lisbon-Barcelona-Madrid-New York, a distance of 7,872 miles. The fare during the shoulder season would be $340 or 4.32 cents per passenger-mile before deducting agent's commission of seven percent, and 4.02 cents per passenger-mile after commission. On the other hand, we estimate that the cost of providing this trip at an average load factor of 52.5 percent would be 5.27 cents per passenger-mile. Even at a passenger load factor of 60 percent, the anticipated peak season revenue of 4.7 cents per passenger-mile would be less than the cost of providing the service.

[15] It is the Board's intention that the August 1, 1974 New York-London fare levels will be used for Florida-London construction purposes along with the proportionals here proposed which will be approved. We estimate that the resulting fares will produce a reduction of approximately 5 percent in National's revenue, and a reduction of 3.5 percentage points in its return on investment.

[16] We recognize that this action and that with respect to Florida-London fares and affinity group fares to and from Spain and Portugal will require recalculation of the many fares which provide the traveling public the full range of transatlantic services and, accordingly, will temporarily approve the agreement in this regard for one month to afford the carriers a period of time to resolve the matter.

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Agreement CAB	IATA No.	Title	Application
24944:			
R-10	054a	North Atlantic First-Class Fares	1/2 N. Atlantic.
R-12	054a	North Atlantic Economy-Class Fares	1/2 N. Atlantic.
R-13	070d	North Atlantic 14/21- and 14/45-Day Excursion Fares (Revalidating and Amending).	1/2 N. Atlantic.
R-14	070t	North Atlantic 14/21-Day Excursion Fares—Amman, Baghdad, Beirut, Cairo, Damascus, Jerusalem, Kuwait, Nicosia, Tehran (Revalidating and Amending).	1/2 N. Atlantic.
R-15	070x	North Atlantic 14/21-Day Excursion Fares—Amman, Baghdad, Beirut, Cairo, Damascus, Jerusalem, Kuwait, Nicosia, Tehran (Revalidating and Amending).	1/2 N. Atlantic.
R-17	071q	North Atlantic 22/45-Day Excursion Fares (Revalidating and Amending).	1/2 N. Atlantic.
R-34	095b	North Atlantic Fares for U.S. and Canadian Military Personnel and Dependents (Revalidating and Amending).	1/2 N. Atlantic.

4. It is not found that for the period April 1, 1975 through April 30, 1975, the following resolutions set forth in Agreement C.A.B. 24944 are adverse to the public interest or in violation of the Act insofar as New York-London fares are used to construct through fares to and from points in Florida and insofar as transatlantic fares to and from New York are used to construct through fares to and from Seattle, Washington. Effective May 1, 1975, these resolutions as they relate to the above construction of through fares are found to be adverse to the public interest and in violation of the Act:

Agreement CAB	IATA No.	Title	Application
24944:			
R-10	054a	North Atlantic First-Class Fares	1/2 N. Atlantic.
R-12	054a	North Atlantic Economy-Class Fares	1/2 N. Atlantic.
R-13	070d	North Atlantic 14/21- and 14/45-Day Excursion Fares (Revalidating and Amending).	1/2 N. Atlantic.
R-14	070t	North Atlantic 14/21-Day Excursion Fares—Amman, Baghdad, Beirut, Cairo, Damascus, Jerusalem, Kuwait, Nicosia, Tehran (Revalidating and Amending).	1/2 N. Atlantic.
R-15	070x	North Atlantic 14/21-Day Excursion Fares—Amman, Baghdad, Beirut, Cairo, Damascus, Jerusalem, Kuwait, Nicosia, Tehran (Revalidating and Amending).	1/2 N. Atlantic.
R-17	071q	North Atlantic 22/45-Day Excursion Fares (Revalidating and Amending).	1/2 N. Atlantic.
R-34	095b	North Atlantic Fares for U.S. and Canadian Military Personnel and Dependents (Revalidating and Amending).	1/2 N. Atlantic.

5. It is not found that the following resolutions set forth in Agreement C.A.B. 24944 are adverse to the public interest or in violation of the Act except insofar as New York-London fares are used to construct through fares to and from points in Florida and insofar as transatlantic fares to and from New York are used to construct through fares to and from Seattle, Washington, and provided further, that approval is subject to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
24944:			
R-18	075hh	North Atlantic 30-Day Winter Group Fares—Middle East (Revalidating and Amending).	1/2 N. Atlantic.
R-19	075i	North Atlantic Group Fares—Israel (Revalidating and Amending)	1/2 N. Atlantic.
R-20	075r	North Atlantic 8/21-Day Group Fares—Israel (Revalidating and Amending).	1/2 N. Atlantic.
R-21	075rr	North Atlantic 21-Day Group Fares—Amman, Baghdad, Cairo, Damascus, Jerusalem, Nicosia (Revalidating and Amending).	1/2 N. Atlantic.
R-23	076h	North Atlantic 4/9-Day Incentive Group Fares to Israel (Revalidating and Amending).	1/2 N. Atlantic.
R-25	084a	North Atlantic 21- and 28-Day Group Inclusive Tour Fares (Revalidating and Amending).	1/2 N. Atlantic.
R-26	084c	North Atlantic Winter Group Inclusive Tour Fares to Israel (Revalidating and Amending).	1/2 N. Atlantic.
R-27	084cc	North Atlantic Winter Group Inclusive Tour Fares to Middle East—(Revalidating and Amending).	1/2 N. Atlantic.
R-28	084p	North Atlantic 7/8-, 7/10- and 7/13-Day Group Inclusive Tour Fares—Europe (Revalidating and Amending).	1/2 N. Atlantic.
R-29	084pp	North Atlantic 6/16-Day Winter Group Inclusive Tour Fares—Africa (Revalidating and Amending).	1/2 N. Atlantic.

6. It is not found that for the period April 1, 1975 through April 30, 1975, the following resolutions set forth in Agreement C.A.B. 24944 are adverse to the public interest or in violation of the Act insofar as New York-London fares are used to construct through fares to and from points in Florida and insofar as transatlantic fares to and from New York are used to construct through fares to and from Seattle, Washington and provided further that approval is subject to conditions previously imposed by the Board. Effective May 1, 1975, these resolutions as they relate to the above construction of through fares are found to be adverse to the public interest and in violation of the Act:

Agreement CAB	IATA No.	Title	Application
24944:			
R-18	075hh	North Atlantic 30-Day Winter Group Fares—Middle East (Revalidating and Amending).	1/2 N. Atlantic.
R-19	075i	North Atlantic Group Fares—Israel (Revalidating and Amending)	1/2 N. Atlantic.
R-20	075r	North Atlantic 8/30-Day Group Fares—Israel (Revalidating and Amending).	1/2 N. Atlantic.
R-21	075rr	North Atlantic 21-Day Group Fares—Amman, Baghdad, Cairo, Damascus, Jerusalem, Nicosia (Revalidating and Amending).	1/2 N. Atlantic.
R-23	076h	North Atlantic 4/9-Day Incentive Group Fares to Israel (Revalidating and Amending).	1/2 N. Atlantic.
R-25	084a	North Atlantic 21- and 28-Day Group Inclusive Tour Fares (Revalidating and Amending).	1/2 N. Atlantic.
R-26	084c	North Atlantic Winter Group Inclusive Tour Fares to Israel (Revalidating and Amending).	1/2 N. Atlantic.
R-27	084cc	North Atlantic Winter Group Inclusive Tour Fares to Middle East—(Revalidating and Amending).	1/2 N. Atlantic.
R-28	084p	North Atlantic 7/8-, 7/10- and 7/13-Day Group Inclusive Tour Fares—Europe (Revalidating and Amending).	1/2 N. Atlantic.
R-29	084pp	North Atlantic 6/16-Day Winter Group Inclusive Tour Fares—Africa (Revalidating and Amending).	1/2 N. Atlantic.

7. It is not found that the following resolutions set forth in Agreement C.A.B. 24944 are adverse to the public interest or in violation of the Act to the extent that they would establish fares other than between the United States on the one hand, and Spain, Portugal, Madeira Islands, Canary Islands and the Azores on the other hand, and provided further, that approval is subject to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
24944:			
R-22	076e	North Atlantic Affinity Group Fares (revalidating and amending)	1/2 N. Atlantic.
R-24	076p	North Atlantic 14-Day Incentive Group Fares (revalidating and amending).	1/2 N. Atlantic.

8. It is not found that for the period April 1, 1975 through April 30, 1975, the following resolutions set forth in Agreement C.A.B. 24944 are adverse to the public interest or in violation of the Act to the extent that they would establish fares between the United States on the one hand, and Spain, Portugal, Madeira Islands, Canary Islands and the Azores on the other hand, and provided further, that approval is subject to conditions previously imposed by the Board. Effective May 1, 1975, these resolutions as they apply to transportation between the United States and the named foreign points are found to be adverse to the public interest and in violation of the Act:

Agreement CAB	IATA No.	Title	Application
24944:			
R-22	076e	North Atlantic Affinity Group Fares (revalidating and amending)	1/2 N. Atlantic.
R-24	076p	North Atlantic 14-Day Incentive Group Fares (revalidating and amending).	1/2 N. Atlantic.

9. It is not found that the following resolution set forth in Agreement C.A.B. 24944 is adverse to the public interest or in violation of the Act except insofar as transatlantic fares to and from New York are used to construct through fares to and from Seattle, Washington, and provided further, that approval is subject to the conditions hereinafter stated:

Agreement CAB	IATA No.	Title	Application
24944:			
R-16	071p	North Atlantic Advance-Purchase Excursion Fares (new)	1/2 N. Atlantic.

1. In the event a passenger discontinues his journey en route for any reason, the amount of the fare paid may be applied as a credit toward the purchase of transportation at the applicable fare calculated from the original point of origin.

2. Full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to travel.

3. In the event that, after issuance of the ticket, schedule changes by the carrier(s) create alterations to the ticketed itinerary which are not satisfactory to the passenger, the passenger will have the option either to cancel without incurring a penalty or to have his ticket reissued with the same origin and destination points, in accordance with the tariffs on file with the Board, without incurring a penalty.

10. It is not found that for the period of April 1, 1975 through April 30, 1975, the following resolution, set forth in Agreement C.A.B. 24944, is adverse to the public interest or in violation of the Act insofar as transatlantic fares to and from New York are used to construct through fares to and from Seattle, Washington, and provided further that approval is subject to the conditions hereinafter stated. Effective May 1, 1975 this resolution as it relates to the above construction of through fares is found to be adverse to the public interest and in violation of the Act:

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Agreement CAB	IATA No.	Title	Application
24944: R-16	071p	North Atlantic Advance-Purchase Excursion Fares (new)	1/2 N. Atlantic.

1. In the event a passenger discontinues his journey en route for any reason, the amount of the fare paid may be applied as a credit toward the purchase of transportation at the applicable fare calculated from the original point of origin.

2. Full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to travel.

3. In the event that, after issuance of the ticket, schedule changes by the carrier(s) create alterations to the ticketed itinerary which are not satisfactory to the passenger, the passenger will have the option either to cancel without incurring a penalty or to have his ticket reissued, with the same origin and destination points, in accordance with the tariffs on file with the Board, without incurring a penalty.

11. It is not found that the following resolutions set forth in Agreement C.A.B. 24944 affect air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
24944: R-30	092f	North Atlantic Individual Youth Fares (revalidating and amending).	1/2 N. Atlantic.
R-32	092g	North Atlantic Group Youth Fares, Canada/Mexico-Israel (revalidating and amending).	1/2 N. Atlantic.

Accordingly, it is ordered, That:

1. Those portions of Agreement C.A.B. 24944 set forth in finding paragraphs 1 and 3 above be and hereby are approved;

2. Those portions of Agreement C.A.B. 24944 set forth in finding paragraphs 2, 5 and 7 above be and hereby are approved subject to conditions previously imposed by the Board;

3. That portion of Agreement C.A.B. 24944 set forth in finding paragraph 9 above be and hereby is approved subject to the conditions stated therein;

4. Those portions of Agreement C.A.B. 24944 set forth in finding paragraph 4 above be and hereby are approved for the period April 1, 1975 through April 30, 1975. Effective May 1, 1975 those portions of Agreement C.A.B. 24944 set forth in finding paragraph 4 above be and hereby are disapproved;

5. Those portions of Agreement C.A.B. 24944 set forth in finding paragraphs 6 and 8 above be and hereby are approved for the period April 1, 1975 through April 30, 1975 subject to conditions previously imposed by the Board. Effective May 1, 1975, those portions of Agreement C.A.B. 24944 set forth in finding paragraphs 6 and 8 above be and hereby are disapproved;

6. That portion of Agreement C.A.B. 24944 set forth in finding paragraph 10 above be and hereby is approved for the period April 1, 1975 through April 30, 1975 subject to the conditions stated therein. Effective May 1, 1975, that portion of Agreement C.A.B. 24944 set forth in finding paragraph 10 above be and hereby is disapproved;

7. Jurisdiction is disclaimed with reference to those portions of Agreement C.A.B. 24944 set forth in pending paragraph 12 above;

8. The carriers are hereby authorized to file tariffs implementing the approved IATA resolutions on not less than one day's notice for effectiveness not earlier than April 1, 1975. The authority granted in this paragraph expires April 30, 1975;

9. Tariffs implementing the approvals contained in finding paragraphs 1, 2, 3, 5, 7 and 9 above shall be marked to expire March 31, 1976;

10. Tariffs implementing the limited duration approval contained in finding paragraphs 4, 6, 8 and 10 above shall be marked to expire April 30, 1975; and

11. The motion of the United States Department of Transportation to submit a late-filed document is hereby granted.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[*]

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-8536 Filed 4-2-75;8:45 am]

[Docket No. 24779]

INTERSTATE AND INTRASTATE FARES IN CALIFORNIA AND TEXAS MARKETS

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on May 14, 1975, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., March 27, 1975.

[SEAL] ROBERT L. PARK, *Chief Administrative Law Judge.*

[FR Doc.75-8532 Filed 4-2-75;8:45 am]

[*] Timm, member, filed a concurrence and dissent, which, along with appendices 1, 2, 3, and 4, is filed as part of the original document.

[1] Revisions to Purolator Sky Courier, Inc., Tariff C.A.B. No. 3.

[Docket 27686; Order 75-3-125]

PUROLATOR SKY COURIER, INC.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 31st day of March 1975.

By tariff revisions[1] filed February 28 and marked to become effective April 1, 1975, Purolator Sky Courier, Inc. (Purolator), an air freight forwarder, proposes, *inter alia*, to increase its excess-valuation charge from 15 to 25 cents for each $100, or fraction thereof, by which the declared value of a shipment exceeds 50 cents per pound or $50 per shipment, whichever is higher.

No justification has been submitted by the forwarder for the proposed charge.

Most major forwarders currently have in effect an excess-value charge of 15 cents per $100 on their domestic traffic. The Board has suspended, pending investigation, a number of previous proposals to increase excess-valuation charges above this level where no showing has been made that existing excess-value revenues do not cover the amount of claim expense stemming from the declarations of excess value.[2] Furthermore, the Board, after hearing in *Imperial Air Freight Services, Inc., Increased Excess Value Charges*, Docket 23538, found a proposed increase in the excess-valuation charge from 15 to 25 cents per $100 unlawful, essentially upon the above grounds, and ordered it canceled (Order 72-4-141, April 26, 1972). As noted above, Purolator has not submitted any data on the relationship between its excess-values revenues and losses attributable to declarations of excess valuation or any other statement supporting its proposal.

Upon consideration of all relevant factors, the Board finds that the proposed charge may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposal should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered that: 1. An investigation be instituted to determine whether the provisions in Rule No. 80(b) on 2nd Revised Page 5 of C.A.B. No. 3 (Sky Courier, Inc. Series) issued by Purolator Sky Courier, Inc., and rules, regulations, or practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful provisions and rules, regulations, or practices affecting such provisions;

[2] *E.g.*, Orders 73-8-89, 72-5-92, and prior orders cited therein. In all these cases, the suspended matter was canceled by the carriers.

2. Pending hearing and decision by the Board, Rule No. 80(b) on 2nd Revised Page 5 of C.A.B. No. 3 (Sky Courier, Inc. Series) issued by Purolator Sky Courier, Inc. is suspended, and its use deferred to and including June 29, 1975, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

3. The proceeding herein designated Docket 27686, be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariffs and served upon Purolator Sky Courier, Inc., which is hereby made a party to Docket 27686.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-8700 Filed 4-2-75;8:45 am]

[Docket No. 25908]

TRANSATLANTIC ROUTE PROCEEDING

Change in Date for Oral Argument

Notice is hereby given that the oral argument in this proceeding, heretofore scheduled to be held before the Board on April 9, 1975, (40 FR 8850, March 3, 1975), has been rescheduled to May 21, 1975, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C.

Dated at Washington, D.C., March 27, 1975.

[SEAL] ROBERT L. PARK, *Chief Administrative Law Judge.*

[FR Doc.75-8531 Filed 4-2-75;8:45 am]

[Docket No. 27621 etc.; Order 75-3-116]

UNITED AIR LINES INC.

Order of Suspension, Investigation, and Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of March 1975.

Priority reserved air freight rates proposed by United Air Lines, Inc., Dockets 27621, 27627.

Priority Reserved Air Freight Rates Investigation, Docket 26838.

Rules and practices relating to the acceptance and carriage of live animals in domestic air freight transportation, Docket 26310.

By tariff revisions filed February 28 and marked to become effective April 1, 1975, United Air Lines, Inc. (United) proposes a tariff establishing rates and rules for a new online priority reserved freight service. The proposed rates are 130 percent of the applicable westbound general commodity rates at the 100-, 1,000-, 2,000-, and 3,000-pound weight-breaks, and the minimum charge per shipment is set at 130 percent of the westbound 100-pound general commodity charge. Rates for so-called premium-rated commodities are to be established in effect by adding the regular freight premium to the priority freight rates.

The proposed service contains the following features:

1. Priority reserved air freight will be boarded ahead of regular air freight;

2. Subject to advance confirmation, a shipper may reserve online space on a requested flight(s);

3. Space may be reserved for shipments of any size, weight, or commodity which can presently be carried in regular space-available service;

4. Transportation is guaranteed aboard the requested flight(s), subject to a refund of the premium if the shipment is not transported as requested; and

5. In addition to the refund for failure to transport as requested, under certain conditions, the carrier will reserve space and provide priority boardings on the next flight on which reservable space is available.

Under United's proposal, a reservation for a shipment must be requested of the carrier not less than 6 hours nor more than 48 hours prior to the scheduled departure of the flight on which space is requested. The shipment must be tendered to the carrier's air freight terminal at least 90 minutes prior to the scheduled departure of the flight on which the shipper requests that the shipment be transported. In addition, a request by the shipper to cancel or amend a reservation must be received by the carrier not less than 6 hours prior to the scheduled departure of such flight from the origin of the shipment. The proposal bears an expiry date of August 31, 1975.

Complaints requesting suspension and investigation of United's proposal have been filed by the American Association of Zoological Parks and Aquariums (AAZPA) and the Zoological Action Committee (ZooAct),[1] and the Pet Industry Parties (PIP).

The complainants variously contend that (1) the proposed rates for warm-blooded animals would be set at 137 percent of the westbound general commodity rates, as opposed to a level of 130 percent for most other priority traffic; (2) the assessment of a 7 percent premium on top of a priority rate which is 30 percent higher than the applicable general commodity rate results in assessing live-animal shippers twice for the same services and that there is no cost justification for recouping these costs more than once; (3) the Board, by Order 75-1-80, previously suspended a United priority freight rate proposal that included such a "double" premium on certain traffic and questioned United's cost data as they relate to any premium in excess of 30 percent; and (4) the proposal also lacks cost justification as related to the "double" premium rates.

[1] AAZPA and Zoo Act filed a joint complaint.

The complainants further assert that (5) United's cost justification relies heavily on bald statements that its priority service involves "inherent increased cost," and the noncapacity costs for such services "will be significantly greater" than experienced for regular freight. But nowhere has United attempted, as required under the Board's Economic Regulations, to quantify or estimate its costs of proposed air express service versus air freight service. Rather, the carrier has relied heavily on findings involving services of REA Air Express—a service which has many characteristics which significantly differ from a single carrier online service as proposed by United; and (6) the proposed rules regarding the acceptance and carriage of live animals contain conflicting provisions and restrictions which are discriminatory on their face and are in derogation of United's obligation as a common carrier.

In support of its proposal, United contends, *inter alia*, that (1) the proposed service provides a means whereby extra-fast transportation is made available, pursuant to published tariffs, on an airport-to-airport basis; (2) the proposal provides guarantee and refund features consistent with Order 74-6-135; (3) both Continental and Western have similar priority freight rates currently in effect, and the proposed tariff matches the existing structure of these carriers; (4) directional and developmental rate reductions are not provided in the tariff because United believes that developmental rates of a directional nature are unwarranted in a priority reserved freight tariff; (5) the proposed priority rates are fully cost-justified and accurately reflect the value of the new service, (6) based upon an expected annual volume of 210,000 shipments at an average charge of $40.00 per shipment, the new service should produce $8.4 million annually, or $1.9 million more than United would obtain if this traffic moved at regular air freight rates; and (7) the proposed priority service is not intended as a substitute for regular air freight, but is intended to satisfy the need of any shipper requiring superior guaranteed service for shipment of a highly "time-sensitive" nature, and the proposal provides a basis for discussing a coordinated interline priority service.

In its answer to PIP's complaint, United asserts, *inter alia*, that the priority premium proposed for live animals does not constitute charging twice for the same services because (1) the carrier's proposal adds the premium for live animals to the basic premium, and (2) the priority services are not already subsumed under the services provided for regular freight. The carrier states, furthermore, that Continental and Western were permitted by the Board to apply the priority premium to the exception rating, resulting in even higher percentages for live animals. United also declares that commercial shippers, like PIP's members, will typically use regular service; that the validity of Parsons' cost figures relied upon by PIP has not yet been determined, and that such cost figures do not

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in fact uphold PIP's contention that live-animal handling costs are less than for general freight; that PIP is in error in stating that United currently has a reserved air freight service that is similar to the proposed priority service; and that United has clearly justified a 30 percent premium on the basis of costs. With respect to the complaint against Rules 14, 20, and 22, United asserts that identical rules were not suspended by the Board for general freight, although they were placed under investigation.

The Board has concluded that there are significant questions as to the legality of some of the proposed rates, and whether the proposed service is subject to unreasonable and discriminatory limitations. Among other things, the Board is concerned with (1) the high premiums for eastbound traffic, which vary to almost 100 percent above the regular rates; (2) the excessive premiums that would be effected in markets which have weight-breaks other than those proposed in this tariff; (3) the establishment of minimum charges per shipment at a level that results in rates as high as 500 percent above current minimum charges for regular freight; (4) the application of premium ratings on top of a priority rate which is at least 30 percent above the applicable general commodity rate; and (5) the adequacy of the cost justification in support of the proposed priority freight rates and charges.

More specifically, United's proposed priority rates, as stated, are priced at 130 percent of the applicable *westbound* general commodity rates at the 100-, 1,000-, 2,000-, and 3,000-pound weight-breaks. Since the carrier's eastbound rates in numerous markets are below its westbound rates, the proposed structure results in premiums substantially above 30 percent in these eastbound markets. In the Honolulu-to-Chicago market, for example, the proposed priority rates amount to rates of 35.4, 31.4, 36.8, and 46.2 percent above the rates at the 100-, 1,000-, 2,000-, and 3,000-pound weight-breaks, respectively. Moreover, the proposed rate structure results in premiums above current 200-, 250-, or 500-pound weight-breaks in any direction that are much higher than 30 percent. In some instances, these rates amount to over 100 percent above current levels.[2] United has not presented cost data to support rates of the above levels.

United's proposal provides for a minimum charge per shipment equal to 130 percent of the applicable westbound 100-pound general commodity charge. The proposed minimum charges result in excessively high charges (in both westbound and eastbound markets) ranging from 50 to over 500 percent above existing minimum charges, and appear arbitrary, excessive, and unjustifiably greater than costs, especially in the case of long-haul shipments of law weight,[3] as illustrated below:

Market	Existing minimum charge	Proposed minimum charge	Percentage increase
Boston to Honolulu	$17.00	$106.00	527.1
Chicago to Los Angeles	16.00	35.60	122.5
Los Angeles to Chicago	16.00	32.35	102.1

With respect to commodities that now are transported at exception ratings involving percentages above the general commodity rates, United's proposal would add those exception ratings to the 30 percent premium proposed. Thus, the rating for live animals would, in effect, be determined by applying the exception rating of 10 percent to the priority premium of 30 percent, arriving at a rate of almost 140 percent of the current general commodity rate.[4] But, to a certain extent, the current exception ratings reflect the cost of a priority handling.

Another example of where United's proposal would involve a premium of over 30 percent is those shipments moving at specific commodity rates. Such shipments would incur increases as high as over 100 percent if the shippers wished priority service.

United has submitted support for the 30 percent premium but does not even purport to cover those situations where the premiums would be in excess of 30 percent.

United's proposed tariff contains numerous rules regarding the acceptance of traffic, packaging, marking, etc. The Board's order of investigation in *Rules and Practices Relating to the Acceptance and Carriage of Live Animals in Domestic Air Freight Transportation*, Docket 26310, Order 74-1-79, as amended and clarified by Order 74-7-26, made it clear that the scope of that proceeding would include the provisions of tariffs, except as to rates, including rules, regulations, or practices affecting such provisions required to be filed by Order 73-6-103 as modified by Order 73-8-68 for application to live-animal shipments. A number of these rules, including those protested by the complainants, have been repeated in the instant tariff proposal, and it is the Board's intention that these provisions be included in the scope of Docket 26310.

In view of the foregoing and upon consideration of all relevant factors, the Board finds that the proposed tariff[5] may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that it should be suspended pending investigation. We shall consolidate such investigation, to the extent not included in Docket 26310, into Docket 26838, *Priority Reserved Air Freight Rates Investigation*, involving the priority rates of Continental Air Lines, Inc. and Western Air Lines, Inc.

On the basis of matter now before it, the Board believes that any premium in excess of a straight 30 percent above current rates at all weights now in effect, including minimum charges, would be excessive, and should not be permitted to become effective, pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

IT IS ORDERED, That:

1. An investigation be instituted to determine whether the rates, charges, and provisions in Tariff C.A.B. No. 245 issued by Airline Tariff Publishing Company, Agent, and rules, regulations, or practices affecting such rates, charges, and provisions, are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful rates, charges, and provisions, and rules, regulations, or practices affecting such rates, charges, and provisions;

2. Pending hearing and decision by the Board, the rates, charges, and provisions in Tariff C.A.B. No. 245 issued by Airline Tariff Publishing Company, Agent, are suspended and their use deferred to and including June 29, 1975, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

3. The investigation instituted herein is hereby consolidated into Docket 26838, *Priority Reserved Air Freight Rates Investigation;*

4. Except to the extent granted herein, the complaints of the American Association of Zoological Parks and Aquariums and the Zoological Action Committee in Docket 27621 and the Pet Industry Parties in Docket 27627 are hereby dismissed; and

5. Copies of this order shall be filed with the tariffs and served upon American Association of Zoological Parks and Aquariums and the Zoological Action Committee, which are hereby made parties to Docket 26838.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-8530 Filed 4-2-75;8:45 am]

[2] For example, in the Los Angeles-to-Honolulu market the proposed priority rates amount to 88.7 and 101.7 percent above current general commodity rates at the 250- and 500-pound weight-breaks.

[3] Conceptually, the basing of the minimum charge upon an assumed weight is not consistent with the Board's decision relating to general commodity rates in *Minimum Charges per Shipment of Air Freight*, Order 72-4-105, dated April 19, 1972.

[4] In fact, United's proposed priority rates for exception-rated commodities results in adding 30 percentage points to the exception rating percentage of the general commodity rates. For example, for live animals, the exception rating would be 107 percent, which multiplied by 130 percent equals 139.1 percent. The latter is practically equal to 110+30 percent, or 140 percent.

[5] It appears impracticable to suspend only a portion of the tariff.

ENVIRONMENTAL PROTECTION AGENCY

[(FRL 354-7) OPP-32000/219]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington DC 20460.

On or before June 2, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after June 2, 1975.

Dated: March 27, 1975.

JOHN B. RITCH, JR.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP-32000/219)

EPA File Symbol 11515-AR. ABC Chem. Corp., 14288 Meyers Rd., Detroit MI 48227. MODEREEN FOUR-WAY. Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625%; Alkyl (C8 7%, C10 8%, C12 46%, C14 24%, C16 10%, C18 5%) amino betaine 1.000%; Hydrogen chloride 8.000%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 718-RR. Atlas Mfg. Co., 2321 Beatrice St., Dallas TX 75208. 542 DISINFECTANT - CLEANER - SANITIZER - FUNGICIDE-DEODORANT. Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 5.0%; Sodium metasilicate 3.0%; Tetra sodium salt of ethylene diamine tetraacetic acid 1.8%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 12455-RG. Bell Lab., Inc., PO Box 5133, Madison WI 53705. "RO-TOX" READY TO USE RAT BAIT. Active Ingredients: 7-dehydrocholesterol 0.075%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 31969-U Canton Chem. Co., Inc., 165 Old Clyde Rd., PO Box 1323, Canton NC 28716. SOUTHERN PINE COPPER NAPHTHENATE WOOD PRESERVATIVE. Active Ingredients: Petroleum Distillate 90%; Copper Naphthenate 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 9404-T. Chase & Co., PO Box 1897, Sanford FL 32771. SUNNILAND NEMAGON GRANULES. Active Ingredients: 1,2 Dibromo-3 Chloropropane 16.6%; Other Halgenated C_3 Compounds 0.9%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 4450-GG. Chemex Industries Inc., PO Box 5072, Tampa FL 33605. CHEMEX FLYING & CRAWLING INSECTICIDE SPRAY. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.028%; d-trans Allethrin (allyl homolog of Cinerin I) 0.150%; Related compounds 0.012%; Aromatic petroleum hydrocarbons 0.272%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 4450-GL. Chemex Industries Inc. CHEMEX YARD & PATIO INSECTICIDE FOGGER. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.25%; Related compounds 0.034%. Method of Support: Application proceeds under 2(2) of interim policy PM17

EPA File Symbol 4450-GU. Chemex Industries Inc. CHEMEX WASP & HORNET INSECTICIDE FOGGER. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; Aromatic petroleum hydrocarbons 0.331; Petroleum distillate 26.375%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 9444-UR. Cline-Buckner, Inc., 16317 Piuma Ave., Cerritos CA 90701. PURGE CB-40 AEROSOL INSECT KILLER. Active Ingredients: Pyrethrins 0.50%; Tech Piperonyl Butoxide 1.00%; N-Octyl Bicycloheptene dicarboximide 1.00%; Petroleum Distillate 12.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 192-REE. Dexol Industries, 1450 W. 228th St., Torrance CA 90501. DEXOL RED SPIDER AND MITE SPRAY. Active Ingredients: 1 1-Bis (chlorophenyl)-2, 2, 2-trichloroethanol 0.046%. Method of Support: Application proceeds under 2(c) of interim policy. PM13

EPA File Symbol 11497-A. Enviro Chem. Corp., PO Box 29113, Dallas TX 75229. BIO-MINT DISINFECTANT. Active Ingredients: Isopropl Alcohol 25.50%; Soap 6.00%; o-Benzyl-p-Chlorophenol 4.50%; Methyl-Salicylate 3.00%; Pine Oil 1.6%. Method of Support: Application proceeds under 2(c) of interim policy. PM32

EPA Reg. No. 279-47. FMC Corp., Agricultural Chem. Div., 100 Niagra St., Middleport NY 14105. KOLOSPRAY FUNGICIDE (For use on Apples). Active Ingredients: Sulfur 81.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA Reg. No. 279-47. FMC Corp., Agricultural Chem. Div., 100 Niagra St., Middleport NY 14105. KOLOSPRAY FUNGICIDE (For use on Sugar Beets). Active Ingredients: Sulfur 81.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 2517-RO. Geisler Pet Products, Inc., 3902 Leavenworth St., Omaha NB 68105. GEISLER PET PRODUCTS INC. DOG FLEA & TICK SHAMPOO. Active Ingredients: Pyrethrins 0.055%; Technical Piperonyl Butoxide 0.110%; N-Octyl Bicycloheptene dicarboximide 0.166%; Petroleum distillates 0.266%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 32802-G. Howard Johnson's Enterprises, Inc., Railroad Ave., Viroqua WI 54665. HOWARD JOHNSON'S WEED & FEED. Active Ingredients: Dimethylamine salt of 2,4-Dichlorophenoxyacetic Acid (Equivalent to 1.0% 2,4-Dichlorophenoxyacetic acid) 1.20%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 4822-RUU. S. C. Johnson & Son, Inc., 1525 Howe St., Racine WI 53403. JOHNSON DEEP WOODS FORMULA OFF! PRESSURIZED FLY AND MOSQUITO REPELLENT. Active Ingredients: N,N-diethylmeta-toluamide 19.00%; other isomers 1.00%; di-n-propyl isocinchomeronate 0.50%; 2,3;4,5-bis (2-butylene) tetrahydro-2-furaldehyde 1.0%; n-octyl bicycloheptene dicarboximide 4.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 8220-EE. Lambert Kay, Div. of Carter-Wallace Inc., PO Box 11523, Santa Ana CA 92711. LAMBERT KAY'S BLOOMIN' FLEA COLLAR FOR DOGS. Active Ingredients: O,O-dimethyl-O-(3,5,6-trichloro-2-pyridyl) phosphate 15%. Method of Support: Application proceeds under 2(c) of interim policy. PM14

EPA File Symbol 524-GRL. Monsanto Co., Agricultural Products, 800 Lindbergh Ave., St. Louis MO 63166. LASSO 60% TECHNICAL SOLUTION HERBICIDE. Active Ingredients: Alachlor (2-chloro-2',6'-diethyl-N-(methoxymethyl) acetanilide) 60.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA File Symbol 524-GRA. Monsanto Co., Agricultural Products, 800 Lindbergh Ave., St. Louis MO 63166. LASSO 90% TECHNICAL SOLUTION HERBICIDE. Active Ingredients: Alachlor (2-chloro-2',6'-diethyl-N - (methoxymethyl) acetanilide) 90.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA File Symbol 1769-EAE. National Chemsearch, Div. of USAchem, Inc., 2730 Carl Rd., Irving TX 75062. GUARD-COTE. Active Ingredients: 2-n-octyl-4-isothiazolin-3-one 0.15%; Barium Metaborate Monohydrate 3.78%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 8047-GI. Poly Chem. Inc., 3005 37th St., Metairie LA 70001. WEED KILLER NO. 50. Active Ingredients: Sodium Meta Borate ($Na_2B_2O_4$) 4.29%; Sodium Chlorate ($NaClO_3$) 3.00%; Bromacil (5-bromo-3-sec - butyl - 6 - methyluracil) 0.15%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

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EPA File Symbol 655–LGN. Prentiss Drug & Chem. Co., Inc., 363 7th Ave., New York NY 10001. PRENTOX DIAZINON 5D INSECTICIDE DUST. Active Ingredients: 0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 5%. Method of Support: Application proceeds under 2(c) of interim policy. PM14

EPA File Symbol 1157–R. Rose Exterminator Co., 626 Potrero Ave., San Francisco CA 94110. ROSE'S VAPOR SPRAY CONCENTRATE. Active Ingredients: Pyrethrins 0.30%; Piperonyl Butoxide, Technical 1.50%; Petroleum Hydrocarbons 98.20%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 32184–L. Sani-Chem, Inc., 5775 Mt. Creek Dr., NE, Atlanta GA 30328. SANI-CHEM NO RINSE DISINFECTANT. Active Ingredients: Alkyl (C14 50%, C12 40%, C16 10%) dimethyl benzyl ammonium chloride 10.00%; Ethanol 2.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA Reg. No. 432–110. O M Scott & Sons, Marysville OH 43040. (SCOTTS) PROTURF SELECTIVE POA ANNUA CONTROL. Active Ingredients: Linuron [3-(3,4-dichlorophenyl)-1-methoxy-1-methylurea] 3.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 4000–AI. Southern Chem. Prod. Co., PO Box 205, Macon GA 31202. KLEEN TOWER ALGAECIDE–SLIMICIDE. Active Ingredients: n-Alkyl (C14 50%, C12 40%, C16 10%) Dimethyl Benzyl Ammonium Chloride 10.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 7547–EL. Western Chem. Co., 1345 Taney N. Kansas City MO 64116. FORMULA 612. Active Ingredients: Sodium salt of dichloro-s-triazinetrione dihydrate 22.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 34346–R. Western Lab., PO Box 594, Omaha NB 68101. FLY–OFF SPRAY OR WIPE. Active Ingredients: Pyrethrins 0.05%; Piperonyl butoxide, technical 0.12%; N-octyl bicycloheptene dicarboximide 0.20%; Di-n-propyl isocinchomeronate 0.50%; Mineral Oil 99.22%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 34346–E. Western Lab., PO Box 594, Omaha NB 68101. FLY OFF CONCENTRATE. Active Ingredients: Pyrethrins 0.50%; Piperonyl butoxide, technical 1.00%; N-octyl bicycloheptene dicarboximide 1.67%; Di-n-propyl isocinchomeronate 4.00%; Petroleum distillate 2.00%; Mineral Oil 90.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

[FR Doc.75-8293 Filed 4-2-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-334; Transmittal No. 12303; Docket Nos. 19129 and 19989]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order

By the Commission:

In the matter of American Telephone and Telegraph Company, revisions to tariffs F.C.C. No. 259, 260, 263 and 267; American Telephone and Telegraph Company and the Associated Bell System Companies, charges for interstate telephone service, Transmittal Nos. 10089, 11027 and 11637; American Telephone and Telegraph Company (Long Lines Department), Transmittal No. 11935; and revisions of the wide area telecommunications service (WATS) tariff F.C.C. No. 259. (See also 38 FR 7355)

1. The Commission on March 6, 1975 released a Memorandum Opinion and Order, FCC 75-253, which rejected tariff revisions filed by The American Telephone and Telegraph Company (AT&T). These revisions were designed to produce, without proper justification, a rate of return in excess of that prescribed by the Commission in Phase I, Docket 19129.[1] However, in the same Order we permitted AT&T to file new tariff revisions to reflect undisputed increased debt costs and changes in its capital structure.[2] We further designated for an expedited hearing the question of AT&T's present cost of equity and its proper rate of return.

2. Because we rejected the tariff, we had no filing before us and therefore could not consider and determine whether a hearing was required on issues such as rate structure revisions. We did state our view, however, that the public interest required that Phase II of Docket No. 19129 and the outstanding inquiries into Private Line Services (Docket No. 18128) and Wide Area Telecommunications Service (WATS) (Docket No. 19989) be concluded as rapidly as possible.

3. On March 7, 1975 AT&T filed Transmittal No. 12303 in response to the above-mentioned order. The tariff revisions accompanying the transmittal were designed to produce overall revenue increases of 4.3 percent in Message Telecommunications Service (MTS), 4.4 percent in WATS[3] and 4.4 percent in Private Line Service. The rate structure changes made in the instant filing are essentially the same as those contained in the rejected tariff revisions (Transmittal No. 12241). These changes are discussed in detail in paragraphs 4–6 of our March 6, 1975 Order and need not be repeated here.

4. After careful study of the new revisions, we believe that an investigation is warranted into the proposed rate structure of WATS and MTS.[4] Since the previous rate structures for both services are currently in hearing, it is appropriate to include the new revisions in the two open dockets, 19129 (MTS) and 11989 (WATS). Consistent with our previous view, however, no action is to be taken on these new issues which will significantly delay the resolution of the issues already pending in these dockets. Therefore, although we are including an inquiry into the new WATS and MTS rate structures into the respective proceedings, we shall leave to the discretion of the Administrative Law Judge presiding over each of these dockets whether the new filings can be considered in the current phase of the respective proceedings without significantly delaying the conclusion of that phase, or whether the new issues should be considered as a separate phase in these proceedings, to be addressed either concurrently or subsequent to the issuance of a decision on the existing hearing issues.

5. *Accordingly, it is ordered*, That revisions in the rate structure of MTS and WATS filed by AT&T in Transmittal No. 12303 are added to the issues under investigation in Dockets No. 19129 and 19989, respectively;

6. *It is further ordered*, That the Administrative Law Judges presiding over the proceedings in Dockets 19129 and 19989 shall, by subsequent orders, prescribe the procedures for investigation of such revisions;

7. *It is further ordered*, That, without in any way limiting the scope of the investigation, it shall include consideration of the following:

(1) Whether the charges, classifications, practices, and regulations published in the aforesaid tariff revisions are or will be just and reasonable within the meaning of section 201(b) of the Act;

(2) Whether such charges, classifications, practices and regulations are free from unjust and unreasonable discrimination and do not make or give any undue or unreasonable preference, prejudice, or disadvantage to any particular person, class of persons, or locality, within the meaning of section 202(a) of the Act;

(3) Whether the revised tariff schedules conform to the requirements of section 203 of the Act: and

(4) If any of such charges, classifications, practices, or regulations are found to be unlawful, whether the Commission, pursuant to section 205 of the Act, should prescribe charges, classifications, practices and regulations for the service governed by the tariffs, and if so, what should be prescribed.

Adopted: March 24, 1975.

Released: March 27, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-8683 Filed 4-2-75;8:45 am]

[FCC 75R-132; Docket Nos. 19744 and 19745; File Nos. BRCT-33 and BPCT-4453]

BELO BROADCASTING CORP. AND WADECO, INC.

Memorandum Opinion and Order

By the Review Board:

In re applications of Belo Broadcasting Corporation, WFAA–TV, Dallas, Texas, for renewal of broadcast license; Wadeco, Inc., Dallas, Texas, for construction permit for new television broadcast station. (See also 40 FR 3242)

[1] 38 FCC 2d 213 (1972).

[2] These tariffs went into effect on March 9, 1975.

[3] The revisions modify the previous pricing structure of MTS and WATS so as to increase some rates, particularly over shorter distances, and decrease others.

[4] Since the rate structure of Private Line Services remains essentially unchanged, we see no need to examine at the present time the changes made to AT&T Tariffs F.C.C. No. 260 and 267.

1. Now before the Review Board is a seventh motion to enlarge issues, filed December 11, 1974, by Belo Broadcasting Corporation (Belo), requesting addition of financial, air hazard, site suitability, Rule 1.514, and two misrepresentation issues against WADECO, Inc. (WADECO), as well as modification of a financial issue designated against WADECO.[1]

2. *Financial and Misrepresentation Issues.* In support of its requests, Belo relies on a recent WADECO amendment whereby WADECO amended its application to indicate net total cash available of $3,612,500, representing an increase in a loan commitment from Caruth C. Byrd from $3,000,000 to $3,500,000, as well as stock subscription agreements of $73,170 and paid-in capital of $126,830. This amendment also lists construction costs and first three months operating expenses of $3,260,250, including, *inter alia*, a new transmitter site and tower construction costs of $600,000.[2] Belo urges that the costs of tower construction as well as other expenses, are underestimated and that the loan increase is insufficient to cover WADECO's true costs of construction and operation. As to construction costs, Belo argues that, due to the size and configuration of the proposed site, a standard guying system cannot be used. The resulting increased cost, Belo contends, together with additional expenses for a transmitter building, land clearing, roads, power lines, and carport, add $257,000 to WADECO's estimate.[3] Belo also states that, under the terms of the Byrd agreement, one-eighth of the principal will have to be repaid at the end of the first year the loan is outstanding, and, thus, by Belo's calculations, one-eighth of the true tower construction costs would be $107,125. Finally, in this regard, Belo argues that first-year interest would amount to $119,960. Next, Belo also attacks various other WADECO cost estimates. Thus, Belo challenges WADECO's estimate of $625,000 for "down payment on equipment," arguing that this estimate is based on 1971 figures and can no longer be relied upon; similarly, Belo disputes WADECO's estimate of $1,618,250 for its first three months of operation on the grounds that inflation has "ballooned" television station operating costs. Belo also charges that WADECO has already exceeded its estimate of $150,000 for legal costs; that the budgeted $8,000 for engineering costs will have to be increased in view of WADECO's new proposal to build its own transmitter and studios; and that additional expenses incurred since WADECO's initial estimate of preoperating expenses have invalidated that original estimate.[4] And, Bello alleges, WADECO has failed to include first-year payments to its equipment supplier in the amount of $117,526. Accordingly, Belo concludes that WADECO has underestimated its costs by at least $443,000. With respect to available funds, Belo challenges WADECO's reliance on $200,000 in paid-in capital and stock subscription agreements; rather, asserts petitioner, only $148,000 is available[5] and more than that has already been spent, making WADECO presently insolvent.[6] Furthermore, Belo contends, interest on the $3,500,000 Byrd loan must be discounted over one year, rather than the three months calculated by WADECO, and adjusted for current interest rates, thereby reducing available loan money to $3,010,000. After deducting first-year principal repayments, concludes Belo, WADECO has only $2,720,500 to meet costs of construction and three months operating expenses of $3,703,860 and, therefore, a general financial issue must be specified.[7]

3. In opposition, WADECO initially criticizes the Belo petition for lack of specificity in allegations regarding the equipment down payment,[8] engineering costs, and inflation. Next, WADECO supplies an affidavit of its consulting engineer, in which he avers that he has received a firm estimate from a tower construction company stating that it will construct the required tower on WADECOs presently proposed site for $651,496.[9] In reference to the transmitter building, WADECO states that it has always proposed to lease rather than build but that, if it were to decide to build, adequate facilities could be constructed for $9,000. And, in this regard, WADECO asserts that Belo's allegations as to access roads, etc., also lack specificity and, at any rate, the items mentioned are either readily available or not needed.[10] Next, WADECO contends that all further legal costs will be deferred until six months after the proposed station begins operations and, therefore, this expense should not be included in calculating the cost of the first three months' operation.[11] Furthermore, according to WADECO, the life insurance payments and consulting fees paid to James Wade are already included in the pre-operating expense estimate and no further consulting fees are contemplated. Finally, in this regard, WADECO contends that Belo's calculations of payments due to WADECO's equipment supplier are incorrectly based on a one-year period, rather than the applicable three month period, citing *Orange Nine, Inc.*, 7 FCC 2d 788 (1967). Turning to Belo's attack on the funds available to WADECO, opposer alleges that the $52,000 deductions from available stock subscriptions proposed by Belo are incorrect because these issuances are attributable to pre-operating expenses; therefore, the alleged "loss of income" is offset by an equal reduction in expenses.[12] WADECO also contends that Belo has incorrectly computed the interest on the Byrd loan on a one-year basis instead of the required first three-month period and has ignored the one-year moratorium on principal repayments specified by the loan agreement. Finally, WADECO submits that it currently has $32,970 in outstanding and available stock subscriptions and therefore can in no sense be considered "insolvent".[13] In sum, WADECO concludes that the only valid cost adjustments are the $51,496 increase in the tower construction estimate and possibly $9,000 to erect a transmitter building, and WADECO's available funds are adequate to cover these increases.

4. The Broadcast Bureau supports addition of the requested financial issue on the basis of Belo's allegations regarding WADECO's estimates for tower construction, interest payments on equipment,

[1] Also before the Board are the following related pleadings: (a) opposition, filed January 10, 1975, by WADECO; (b) Broadcast Bureau's comments, filed January 10, 1975; and (c) reply, filed January 27, 1975, by Belo. Because Belo's petition is based on new information contained in two recent WADECO amendments and a recent hearing session, the Board believes that good cause for the late filing has been demonstrated.

[2] Other estimated expenses include:

Down payment on equipment	$625,000
Legal costs	150,000
Engineering costs	8,000
Pre-operating expenses	259,000
Three months cost of operation	1,618,250

[3] Two affidavits from its consulting engineer support Belo's figure.

[4] According to Belo, these new expenses include a $2,000 per month consulting fee to James Wade and $16,436 in insurance premiums to Wade.

[5] By Belo's analysis, 30,000 shares (at $1 dollar a share) will be issued without payment to Byrd as consideration for his new $3,500,000 commitment and 22,000 shares are to be issued without payment as consideration for "consulting services" to James Wade.

[6] And, in this regard, Belo also asks for a misrepresentation issue on the grounds that WADECO continues to assert that it presently has new and existing capital of $200,000 for construction and operation of the proposed station when, in fact, asserts Belo, WADECO has only the aforementioned $148,000.

[7] Belo also requests that, in view of the $500,000 increase in the Byrd loan commitment, a previously specified issue going to the availability of the $3,000,000 Byrd commitment be modified to take into account the increased commitment.

[8] WADECO states that because the equipment commitment letter has not been withdrawn, it may still be relied upon.

[9] WADECO concedes that this exceeds its original estimate of $600,000, but contends that its available funds are adequate to meet the increase. A copy of the tower manufacturer's letter is included.

[10] In support, WADECO relies on the affidavit of its consulting engineer which states that the proposed site is relatively flat and that the cost of site clearance would be minimal; that roads and carports will not need to be built; and that electrical power is available.

[11] A statement of counsel in support is attached.

[12] And in response to Belo's requested misrepresentation issue in this regard, note 6, *supra*, WADECO asserts that any change in the availability of stock subscription funds has been previously fully revealed and, therefore, can provide no basis for a misrepresentation issue.

[13] WADECO also supplies an affidavit from its secretary-treasurer indicating that it also has $21,540 available in "unrefunded investments."

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and attorney's fees. However, the Bureau opposes inquiry into the alleged increases due to inflation and interest rates. In reply, Belo initially argues that WADECO's opposition indicates a disproportionately high deferral of expenses to the second year of operation and that inquiry should be permitted on that basis as well as its first-year estimates.[14] Also, Belo asserts that WADECO's opposition indicates that a number of expenses have now been attributed to "pre-operating expenses" for the first time and now exceed the estimated $259,000.

5. The *Review* Board will deny the requested financial issue. In a renewal proceeding such as the one now under consideration, our analysis of WADECO's financial showing begins with the proposition that an applicant must establish its ability to meet its costs of construction and operation for a three-month period until the previously established revenues can be generated. *RKO General, Inc. (WOR–TV)*, 47 FCC 2d 827, 30 RR 2d 1155 (1974); and *Orange Nine, Inc., supra*. Thus, a number of Belo's allegations as to costs falling due beyond this period must be rejected. These include interest and principal payments on the Byrd loan,[15] payments to the equipment supplier, and the additional attorney's fees which have been deferred until six months after WADECO commences operations. Also, WADECO's cost estimates are not unreasonable on their face and, in our view, petitioner has failed to raise any sufficiently substantial and/or specific question as to those costs. *Cf. CBS, Inc.*, 49 FCC 2d 1214, — RR 2d — (1974). Thus, in response to Belo's allegations concerning the costs of tower construction, WADECO has supplied a detailed estimate from a tower construction firm which indicates that it will construct the proposed tower at a price ($651,496) far below the estimate supplied by Belo.[16] Moreover, while Belo's estimate of $227,000 expenses for additional facilities in connection with the tower is supported by affidavit, WADECO has supplied a detailed affidavit from its consulting engineer indicating that its guying proposal is feasible (see paragraph 9, *infra*), and that such facilities as roads and power hook-ups are readily available.[17] Similarly, as to the transmitter building, although WADECO has not provided the terms of its proposed lease arrangements, its surplus funds would easily absorb the cost.[18] Turning to Belo's allegations concerning inflation and interest rates, the Board notes that we have previously stated "that it would be difficult, if not impossible, for an applicant to predict future interest rates with any exactitude . . ."[19] and we, therefore, continue to believe that these fluctuations do not provide a basis for inquiry particularly where, as here, the applicant's initial projections were reasonable. We also consider this principle equally applicable to the rate of inflation and its effect on equipment prices, particularly where there has been no showing of substantially increased costs.[20] In this connection, we note that Belo concedes that it is unable to provide specific allegations. However, there is no indication that Belo could not have provided information as to increased costs of equipment in general. Accordingly, we conclude that Belo has failed to demonstrate an adequate basis for further inquiry into WADECO's costs of construction and first three months of operation. Nor can we agree with Belo's attack on the funds available to WADECO. First, as noted, WADECO proposes to rely on a loan commitment in the amount of $3,500,000 from Caruth C. Byrd and, after deducting $88,000 for the first three months interest on this loan, it represents $3,412,000 in funds available to WADECO.[21] In addition, even after deducting for shares issued without payment,[22] WADECO has $148,000 in outstanding stock subscriptions. Thus, by the Board's calculations, WADECO shows a total of $3,560,000 in available funds. Therefore, even after adding the $51,000 increased tower construction costs to WADECO's proposed costs of $3,260,250 (see para. 1 and note 2, *supra*), we calculate that WADECO shows a substantial surplus of over $200,000 in available funds. Furthermore, in this regard, we believe this cushion is sufficient to absorb any reasonable increase in expenditures. Finally, with respect to WADECO's second-year costs, we note that the average figures for revenues and profit in the Dallas area are substantial[23] and, in our view, more than adequate to meet second-year loan and equipment cost commitments.[24] For these reasons the requested financial issue will be denied.

Air Hazard Issue

6. Belo's request for an air hazard issue is based on a recent WADECO amendment whereby the FAA indicated that "further aeronautical study" would be necessary to determine whether the proposed WADECO tower would be a hazard to air navigation. Subsequently, on December 4, 1974, however, WADECO amended its proposal by reducing the height of its proposed tower and the FAA issued a "Determination of No Hazard to Air Navigation."[25] Accordingly, the Board is of the opinion that no further inquiry is warranted at this time.[26]

Site Suitability Issue

7. In support of its request for an issue going to the suitability of WADECO's proposed tower site, Belo initially reiterates its contention (paragraph 2, *supra*) that the site is too small for its proposed purpose if a standard guying system is used. Belo also alleges that WADECO has not shown access to the site in terms of easements and that an aerial photo indicates no buildings, roads, power or telephone lines are present and that extensive "clearing" of the area would be necessary before the site could be utilized as proposed. Accordingly, Belo believes that WADECO has failed to establish the suitability of its proposed site.

8. In opposition, WADECO asserts that Belo's allegations fail to demonstrate that the terrain, location, or size of the site present any insurmountable problem for construction of the proposed tower. Thus, WADECO again notes (paragraph 3, *supra*) that a qualified tower construction company has stated that it can readily construct on the proposed site and that a consulting engineer has

[14] In support of its request for inquiry into WADECO's second-year financing, Belo cites *Robert Cowan Wagner*, 38 FCC 2d 1187, 26 RR 2d 429 (1973); *5 KW, Inc.*, 33 FCC 2d 895, 23 RR 2d 1015 (1973); *Greenfield Broadcasting Corp.*, FCC 71–1049, 32 FCC 2d 135; and *A–C Broadcasters*, 10 FCC 2d 256, 11 RR 2d 359 (1967).

[15] WADECO has provided for three months' interest payments and it is also to be noted that payments on principal on the Byrd loan are subject to a one-year moratorium.

[16] In this regard, as demonstrated *infra*, we believe that sufficient total funds are available to WADECO to cover the approximately $50,000 increase over the estimate in its recent amendment. Also, we are given no reason to doubt that this estimate includes the necessary "engineering" costs.

[17] Moreover, costs of land clearance and other necessary improvements at the site can be paid for out of surplus funds.

[18] It also appears that WADECO's substantial pre-operational expense budget is sufficient to cover recent fees and insurance premiums to James Wade.

[19] See *Belo Broadcasting Corporation*, 44 FCC 2d 703, 29 RR 2d 238 (1974).

[20] With particular regard to the equipment down payment, we point out that in an earlier Memorandum Opinion and Order in this proceeding, 47 FCC 2d 706, 29 RR 2d 238 (1974), we rejected a previous Belo contention that the equipment supplier's letter was no longer valid. Belo has provided no new basis for challenging this conclusion.

[21] As noted earlier, the availability of this commitment is already in issue, and failure to satisfy this issue would warrant denial of the application. At this point, however, we will simply grant Belo's unopposed request to modify the availability issue to take into account the increased commitment for 3 to 3.5 million dollars.

[22] Because WADECO promptly informed the Commission of these commitments, no motive for deception is apparent; we will therefore deny the requested misrepresentation issue.

[23] See, in this regard, note 1 of the designation Order, FCC 73–542, released May 24, 1973.

[24] The cases relied upon by Belo in support of its request for inquiry into WADECO's second-year financing, note 14, *supra*, involve applications for new facilities or situations where the deferral of expenses was much greater than in the present situation.

[25] This amendment was accepted by the Presiding Judge by Memorandum Opinion and Order, FCC 75M–20, issued January 2, 1975.

[26] We note that the FAA ruling has been appealed and is not yet final. However, in the absence of some indication that the ruling will not routinely become final, we believe that specification of an issue at this time is premature.

averred that use of the site will not necessitate the building of roads and that electrical power is readily available. Furthermore, states Belo, access is easily obtained from a road "which lies only 1,000 feet to the south" of the site. The Bureau also opposes the requested inquiry.

9. The Board will deny the requested site suitability issue. In our view, Belo's allegations wholly fail to support its contention that WADECO's proposed site cannot accommodate its tower. First, the tower construction company provides unqualified assurance that it can construct as proposed, and, second, the consulting engineer indicates that the present site can accommodate the proposed tower, will not necessitate the building of roads, and that power connections are easily accessible. Finally, as to easements, as well as provision for site clearance, in the absence of specific allegations that they will not be forthcoming, we do not believe that this provides a basis for present inquiry.

Rule 1.514 and Misrepresentation Issues

10. Initially, Belo refers to a February 22, 1974, WADECO amendment which contains the $3,000,000 Byrd commitment. Belo notes that Byrd's attached "statement of assets and liabilities" lists non-liquid assets including "land—interests owned in land—city of Dallas . . ." amounting to $10,000,000. At hearing, Belo asserts, Byrd testified that, if needed to meet his commitment, he would sell certain of these lands, including a one-half interest in a tract of undeveloped land in Dallas. Further, notes Belo, at the hearing, a local real estate developer, Dallas Addison, appraised the tract. However, asserts Belo, under the terms of an agreement made in 1970 between Byrd and Raymond D. Nasher, a real estate developer, the latter holds a long-term lease under which he is to pay no rent until the tract is zoned commercially and is given until October 31, 1975, to request such zoning. And, Belo avers, only if commercial zoning is not forthcoming would Nasher's lease terminate. In Belo's view, this lease agreement clearly has an important bearing on Byrd's interest in the tract and its marketability and, therefore, should have been reported under Rule 1.514.[27] Moreover, Belo asserts, Addison's appraisal is deficient because he was not informed of the lease agreement beforehand. Finally, Belo argues that Byrd's testimony that he could readily liquidate his interest in the tract in question, while knowing of the lease agreement, amounts to a material misrepresentation. The Broadcast Bureau supports addition of the misrepresentation issue but opposes addition of the Rule 1.514 issue.[28]

11. The requested Rule 1.514 and misrepresentation issues will be denied. First, in the total circumstances as described above, we do not believe that the existence of the lease amounts to a lien or prior obligation upon Byrd's one-half interest in the tract. Belo has not supplied any specific allegations as to how the existence of the lease would hinder the sale of the land and the Board sees no factual basis for such a conclusion. In fact, the real estate appraiser, upon learning of the lease, testified that it actually increased the value of the land. Thus, the existence of the lease, whether or not it expires, will not apparently hinder the marketability of the land. Accordingly, we fail to see how this lease can be construed as a lieu or prior obligation which necessitated reporting under Rule 1.514. Similarly, as to the requested misrepresentation issue, Byrd's testimony that he could sell the tract has not been shown to be misleading; we will therefore not authorize any further inquiry into this matter.

12. *Accordingly, it is ordered*, That Belo Broadcasting Corporation's seventh motion to enlarge issues, filed December 11, 1974, is granted to the extent indicated herein, and is denied in all other respects; and

13. *It is further ordered*, That Issue 1(c) is modified to read as follows:

1(c) Whether the applicant will have available a $3,500,000 loan from Caruth C. Byrd, and, if so, the effect of the terms and conditions of that loan on the applicant's financial qualifications.

Adopted: March 21, 1975.

Released: March 27, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–8664 Filed 4–2–75;8:45 am]

[27] Section III, page 3 of FCC Form 301 requires, *inter alia*, that when the applicant relies upon non-liquid assets, a statement must be submitted showing the extent to which such assets have liens or prior obligations against them.

[28] In reference to the Rule 1.514 issue, the Bureau argues that Belo has failed to demonstrate that Byrd intended to rely on the particular tract in question at the time of the filing of the amendment showing non-liquid assets.

[Docket No. 20382; FCC 75–294]

CABLE TV, INC.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues and Order to Show Cause

In re applications of Cable TV, Inc., Linton, Indiana, CAC–319, IN010; Cable TV, Inc., Bloomfield, Indiana; CAC–320, IN008; Cable TV, Inc., Dugger, Indiana; Docket No. 20382, CAC–321, IN009; for certificates of compliance.

1. On May 5, 1972, Cable TV, Inc., filed the above-captioned applications for certificates of compliance to expand its carriage of television broadcast signals on the subject cable systems by the inclusion of the signal of Station WGN–TV (Ind., Channel 9), Chicago, Illinois.[1] On April 19, 1973, the applicant filed amendments to these applications requesting further that it be allowed to add the signal of Station WIIL–TV (ABC, Channel 38), Terre Haute, Indiana, to the subject cable systems.[2] Cable TV presently carries the following television broadcast signals on the above-mentioned cable systems:

WTWO (NBC, Channel 2), Terre Haute, Indiana; WTHI–TV (CBS, Channel 10), Terre Haute, Indiana; WIIL–TV (ABC, Channel 38), Terre Haute, Indiana;[3] WTTV (Ind., Channel 4), Bloomington, Indiana; WTIU (Educ., Channel 30), Bloomington, Indiana; WTVW (ABC, Channel 7), Evansville, Indiana; WRTV (NBC, Channel 6), Indianapolis, Indiana;[4] WISH–TV (CBS, Channel 8), Indianapolis, Indiana; WLWI (ABC, Channel 13), Indianapolis, Indiana; WHAS–TV (CBS, Channel 11), Louisville, Kentucky.

2. The community of Linton is located within both the Terre Haute, Indiana, smaller television market and the Indianapolis-Bloomington, Indiana, major television market (#16). Bloomfield is located only within the Indianapolis-Bloomington market, and Dugger is located only within the Terre Haute market. A more detailed discussion of the effect of these locations follows, *infra*. On June 16, 1972, Illiana Telecasting Corporation, licensee of Television Broadcast Station WTWO, Terre Haute, filed an "Objection to Application for Certificates of Compliance" in opposition to the above-described applications. Illiana contended that Bloomington, Indiana, was an inappropriate community upon which to base a major television market reference. It further argued that, notwithstanding the Bloomington market, the communities of Linton and Dugger are located outside any major television market. Therefore, it concluded, the applicant's proposed carriage of WGN–TV was inconsistent with the signal carriage provisions of Subpart D of the Commission's cable television rules. It further contended that the applicant could not rely upon any "grandfathered" right to carry this signal pursuant to former § 74.1105 of the Com-

[1] The population (1970 census) and number of subscribers (reported as of December 31, 1973) for each of the subject communities and cable systems is as follows:

	Population	Subscribers
Linton	5,439	1,632
Bloomfield	2,565	494
Dugger	1,120	106

[2] WIIL–TV began service on April 3, 1973. On August 28, 1973, the applicant filed a "Request for Special Temporary Authorization" to allow it to immediately initiate carriage of WIIL–TV on the subject cable systems. On December 21, 1973, the applicant filed a "Notice of Intent to Carry Local TV Signal" pursuant to the provisions of § 76.11(a) and subsequently added WIIL–TV to its systems at Linton and Dugger.

[3] WIIL–TV is presently carried on the systems in Linton and Dugger, as noted in footnote 2, *supra*, but it is not now carried in Bloomfield.

[4] Formerly WFBM–TV.

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mission's prior regulations because the notices provided by the applicant under that procedure were defective in that they failed to include reference to the system at Dugger and were not served as required upon the holder of a television broadcast station construction permit for Terre Haute (now WIIL–TV). On June 30, 1972, Sarkes Tarzian, Inc., licensee of Television Broadcast Station WTTV, Bloomington, filed a similar objection against these applications on essentially the same basis. On the same date, McGraw-Hill Broadcasting Co., licensee of Television Broadcast Station WRTV, Indianapolis,[4] filed an opposition to the above-mentioned objections. McGraw-Hill filed a further comment on October 19, 1973, in connection with Cable TV's amended request to carry WIIL–TV. In this later filing, it argued that the signal of WIIL–TV could not be carried on the Bloomfield cable system because that community was located outside of the Terre Haute market, but within the Indianapolis-Bloomington market. Having initiated service too recently to have been listed in the Commission's rules as "significantly viewed," it argued, WIIL–TV was not an appropriate station for carriage on that cable system under § 76.61 of the rules.

Cable TV, Inc., made several attempts, prior to initiation of the Commission's current cable regulations, to serve and file notices of operation and proposed signal carriage pursuant to the provisions of former § 74.1105 of the prior rules. Former § 74.1105 provided that no CATV system could commence operations or add carriage of a distant television broadcast signal (those not placing at least a predicted Grade B contour over the subject system) without serving appropriate notices on the licensees or permittees of stations placing predicted Grade B contours over the subject system and the licensees or permittees of 100 watt or higher power translators operating in the subject community, and filing copies of such notices with the Commission. Former § 74.1105 became effective in March 1966. The Commission's records reflect that applicant filed such notices on May 9, 1966, October 26, 1967, and March 29, 1972.[5] None of these notices make reference to the cable system at Dugger. Only the notices of March 1972 make reference to the carriage of KGN–TV. The 1966 and 1967 notices were apparently not served, as required, upon the construction permittees of three educational Television Broadcast Stations, WVUT, Vincennes, Indiana, WUSI–TV, Olney, Illinois, and WTIU, Bloomington, Indiana, all of which placed predicted Grade B contours over Linton, and in the cases of WVUT and WTIU over Bloomfield. A more complete description of these notices has been appended to this document.

4. The Commission notes that at the time of the applicant's 1967 notice the Terre Haute, Indiana, television market was ranked as the 99th largest in the United States.[7] Prior to this time it had not been ranked within the top 100 markets, nor has it subsequently.[8] Pursuant to the provisions of former § 74.1107, effective at that time, cable systems located within the predicted Grade A contour of a television broadcast station licensed to one of the 100 largest markets could not add carriage of distant signals without prior Commission approval upon appropriate showings. As all the communities here involved were within the predicted Grade A contours of Terre Haute stations in 1967, no distant signals could have been authorized in that year by the mere service and filing of § 74.1105 notices. The 1966 notice makes reference to the Linton system, so that only the signal of WHAS–TV, Louisville, added to this system pursuant to the 1967 notice, must be considered to have been carried in violation of former § 74.1107. The Bloomfield system, however, first initiated service pursuant to the 1967 notice, so that all of the distant signals carried on that system at that time could be considered in viqlation of that section.

5. In the context of our current signal carriage rules, permissible signal carriage on the subject systems would include the following:

For the system at Dugger: WTWO, WTHI–TV and WIIL–TV, Terre Haute (Section 76.59(a)(1)); and WTTV and WTIU, Bloomington (Sections 76.59(a)(6) and (2));

For the system at Linton: WTWO, WTHI–TV and WIIL–TV, Terre Haute; WTTV and WTIU, Bloomington (§ 76.61(a)(1)); WTVW, Evansville (§ 76.61(a)(5)); and WRTV, WISH–TV and WLWI, Indianapolis (§ 76.61(a)(4));

For the system at Bloomfield: All those signals listed above for the Linton system with the exception of WIIL–TV, Terre Haute, which is not currently listed as "significantly viewed" in Greene County. Carriage of any other existing or proposed signals would require justification pursuant to the grandfathering signal carriage provisions of § 76.65 of the Commission's rules. That section provides that signals lawfully carried or authorized as of March 31, 1972, need not be removed from cable systems even if their carriage is otherwise inappropriate under the current signal carriage regulations. A strict analysis of Cable TV's actions since 1966 with regard to the subject cable systems at Linton and Bloomfield forces the conclusion that of its existing signal carriage, only WHAS–TV, Louisville, cannot be considered consistent with either the provisions of the current signal carriage rules or the "grandfathering" rights established by § 76.65. The proposed carriage of WGN–TV would likewise be inappropriate on any of the subject systems since the current rules provide no justification for its carriage and the applicant's attempts to legitimize its carriage by means of § 74.1105 notices in March 1972, must be considered ineffective. Although Illiana's contention that Bloomington is an inappropriate major market reference must be rejected, it should be noted that carriage of WGN–TV on the Bloomfield and Linton systems would nonetheless be prohibited because WGN–TV is located in Chicago, the third closest top-25 market to Bloomfield (§ 76.61(b)(2)). The Dugger system is located in a smaller market and already carries the only independent television station to which it is entitled (§ 76.59). The notice procedures of former § 74.1105 were unavailable after February 1972 (*Greater Lawrence Community Antenna, Inc.*, FCC 73–205, 39 FCC 2d 935 (1973); *Tele-Media Company of Lake Erie*, FCC 74–120, 45 FCC 2d 395 (1974)), and the applicant apparently failed to serve its March 1972, notices on several parties specified by former Section 74.1105: the licensees of Television Broadcast Stations WVUT, Vincennes, Indiana, and WUSI–TV, Olney, Illinois, and the construction permittee of Station WIIL–TV, Terre Haute. Although our decisions in *Greater Lawrence* and *Tele-Media, supra*, provided waivers of the strict application of § 76.65 to allow carriage of the requested signals in those instances, no such relief is warranted here. In *Greater Lawrence* a defective notice had been filed as early as February 25, 1972, and a proper filing followed on March 6 pursuant to the Commission's direction. In *Tele-Media* a proper filing was made on March 1, only one day late, and several other factors supported waiver, such as the facts that the community there involved was barely inside any television market and none of the "local" television stations objected to the carriage of the signal in question. In the instant case the initial filing of notices was already late and the subsequent proper filing was not until March 29. Moreover, none of the extenuating factors presented in *Tele-Media* arise here. No "grandfathering" rights pursuant to § 76.65 can be accorded to carriage of any of the signals on the system at Dugger because of the applicant's apparent failure to provide any notices of its operations there at any time. Moreover, as the Dugger system first began service in 1969 without notice, its very operation appears to be improper.

6. The Commission finds that equitable considerations require the approval, *nunc pro tunc*, of Cable TV's existing signal carriage on its systems at Linton and Bloomfield. Cable TV apparently acted in good faith, albeit unsuccessfully, in attempting to serve and file § 74.1105 notices for these systems in 1966 and 1967. We note that the three parties that the applicant failed to serve with these notices were construction permittees at the time and that their predicted Grade B contours may have been more difficult for the applicant to have determined. We note further that none of these parties has subsequently opposed the applicant's operations or applications. With the exception of Station WHAS–TV, all of the signals presently carried on these two systems may be justified under the current rules.[9] The applicant's failure to meet the provisions of former § 74.1107 in 1967 should not require the deletion of WHAS–TV from these systems. In this context we note that the § 74.1105 notices served at that time generated no oppositions and even the present objections do not suggest removal of this signal. Moreover, Terre Haute's ranking as one of the 100 largest television markets at that time was singular and fleeting. Our often expressed reluctance to disrupt established viewing patterns further supports this conclusion.[10] In regard to the applicant's proposal to add the signal of Station WIIL–TV to its system at Bloomfield, we observe that, although the current Rules prevent our authorization of this signal at this time, there appears to be a likelihood that the signal is "significantly viewed" in Greene County and a showing to this effect by the applicant in the context of an amendment to our "significantly viewed" list (§ 76.54) would allow such authorization.

7. Cable TV's operations at Dugger must be considered a continuing violation of the Commission's rules. Its initiation of service there without notice was in derogation of our former Rules and its present signal carriage prohibits its certification at this time. Any authorization of its operations would have to be in the context of a request for special relief pursuant to the provisions of § 76.7. The Dugger cable system must be treated in all respects as a cable system that had not commenced operations prior to the effective date of our current cable regulations, March 31, 1972. It consequently must obtain a certificate of compliance, and meet all the qualifications of a new cable system in its application for such a certificate. *See Crystal Cablevision, Inc.*, FCC 74–948, 48 FCC 2d 713 (1974).

In view of the above, we find that a partial grant of the above-captioned applications for certificates of compliance for the applicant's cable systems at Linton and Bloomfield, Indiana, and a denial of the above-capitoned application for a certificate of compliance for Dugger, Indiana, would be consistent with the public interest. Furthermore, we find, *sua sponte*, that an Order requiring Cable TV, Inc., to show cause why it should not be ordered to cease and desist from operation of its cable television system at Dugger, Indiana, in violation of the Commission's rules, would be likewise consistent with and required by the public interest.

Accordingly, it is ordered, That the above-described objections and oppositions filed by Illiana Telecasting Corporation, Sarkes Tarzian, Inc., and McGraw-Hill, Inc., against the grant of the above-captioned applications for certificates of compliance, are granted.

It is further ordered, That the above-captioned "Application[s] for Certificate[s] of Compliance" for cable television systems at Linton and Bloomfield, Indiana, (CAC–319 and CAC–320) filed by Cable TV, Inc., are granted in part and denied in part to the extent indicated above, and appropriate certificates of compliance until March 31, 1977, be issued.

It is further ordered, That the above-captioned "Application for Certificate of Compliance" for a cable television system at Dugger, Indiana, (CAC–321) filed by Cable TV, Inc., is denied.

It is further ordered, That pursuant to sections 312 (b) and (c) and 409(a) of the Communications Act of 1934, as amended, 47 U.S.C. 312 (b) and (c), and 409(a), Cable TV, Inc., is directed to show cause why it should not be ordered to cease and desist from further violations of Part 76 of the Commission's rules and regulations on its cable television system at Dugger, Indiana.

It is further ordered, That Cable TV, Inc., is directed to appear and give evidence with respect to the matters described above at a hearing to be held at Washington, D.C., before an Administrative Law Judge at a time and place to be specified by subsequent Order, unless the hearing is waived in which event a written statement may be submitted.

It is further ordered, That Illiana Telecasting Corporation, Sarkes Tarzian, Inc., McGraw-Hill Broadcasting Company and the Chief, Cable Television Bureau are made parties to this proceeding.

It is further ordered, That the Secretary of the Commission SHALL SEND copies of this Order by Certified Mail to Cable TV, Inc.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPENDIX

Cable TV, Inc., filed the following notices, pursuant to former Section 74.1105 of the Commission's rules, on the dates indicated:

May 19, 1966. Notices of intention to operate CATV systems at Brazil, Linton, Jasonville and Worthington, Indiana, indicating proposed carriage of the following television broadcast signals:

WTWO, Terre Haute, Indiana; WAVE–TV Louisville, Kentucky;* WCIA, Champaign, Illinois;* WTTV, Indianapolis (Bloomington), Indiana; WFBM–TV (WRTV), Indianapolis, Indiana;* WTVW, Evansville, Indiana;* WISH–TV, Indianapolis, Indiana;* WTHI–TV, Terre Haute, Indiana; WLWI, Indianapolis, Indiana;* WFIE–TV, Evansville, Indiana.*

These notices were served upon the following stations: WTWO, WCIA, WAVE–TV, WTTV, WFBM–TV, WISH–TV, WTHI–TV and WLWI.

October 26, 1967. Notices of intention to operate CATV systems at Linton and Bloomfield, Indiana, indicating proposed carriage of the following television broadcast signals:

WTHI–TV, Terre Haute, Indiana; WTWO, Terre Haute, Indiana; WISH–TV, Indianapolis, Indiana;* WLWI, Indianapolis, Indiana;* WFBM–TV (WRTV), Indianapolis, Indiana;* WTTV, Bloomington, Indiana; WAVE–TV, Louisville, Kentucky;* WTVW, Evansville, Indiana;* WHAS–TV, Louisville, Kentucky.*

These notices were served on each of the above stations.

March 1, 1972. Notices of intention to add carriage of Stations WGN–TV, Chicago, Illinois, and WXIX–TV, Cincinnati, Ohio (Newport, Kentucky), to cable television operations at Linton and Bloomfield, Indiana.

These notices were served upon the following stations: WTWO and WTHI–TV, Terre Haute; and WTTV and WTIU, Bloomington.

These notices were returned to the applicant for failure to include the appropriate filing fees.

March 29, 1972. The above-described notices, originally filed on March 1, 1972, were resubmitted with the appropriate filing fees.

[FR Doc.75–8476 Filed 4–2–75;8:45 am]

[FCC 75–326; Docket No. 20397]

DEPARTMENT OF DEFENSE AND WESTERN UNION TELEGRAPH CO.

Memorandum Opinion and Order

By the Commission:

1. The Commission has before it a complaint filed on February 16, 1973 by the United States Department of Defense (DOD) against The Western Union Telegraph Company (WU) requesting a refund of alleged unreasonable rates and charges for the leased Technical Control Equipment (TCE) provided to it at Robins Air Force Base, Georgia. On November 3, 1972 WU filed certain revisions to its Tariff F.C.C. No. 254 (Transmittal No. 6814) which became effective on December 6, 1972. DOD alleges that these charges are in violation of section 201(b) of the Communications Act (47 U.S.C. section 201(b)). DOD further states, among other things, that WU charges include a sum for equipment which had been fully depreciated and an income tax allowance even though WU has not and does not pay any income tax. DOD further alleged that WU used a factor of 20.8 percent of Tariff Code 6792 and 16 percent for Tariff Code 6797. As a result of these charges based on an alleged inflated rate base and alleged exhorbitant rates of return, DOD claims that it was overcharged $4,224.21 for Tariff Code 6792 and $2,322.17 for Tariff Code 6797 TCE service through December 16, 1972. It therefore requests an order requiring WU to cease and desist from imposing these alleged unlawful rates and charges and for damages in the amount of $6,546.48 or such other amounts as may be shown by the evidence, plus interest.

2. WU's answer timely filed on May 6, 1974[1] denies DOD's allegations that it

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[4] McGraw-Hill's June 30 opposition was filed in the name of McGraw-Hill, Inc., the 100% owner of McGraw-Hill Broadcasting Co., the licensee of WRTV.

[5] Cable TV's notices of March 1972 were originally filed on March 1, but were rejected for failure to include the appropriate filing fees.

[7] American Research Bureau figures based on net weekly circulation as of November 1966, and March 1967.

[8] ARB net weekly circulation figures as of November 1966, and March 1966, show Terre Haute's ranking as 102. ARB statistics for 1968–1972 also indicate that Terre Haute was not within the 100 largest markets during that period. The Commission's listing of major markets, standardized in the 1972 cable rules, does not include Terre Haute.

[9] *See Monroe All-Channel Cablevision, Inc.*, FCC 74–200, 45 FCC 2d 764 (1974).

[10] *See e.g., LaFourche Communications, Inc.*, FCC 73–122, 39 FCC 2d 472 (1973).

[*] Signals that must be considered to have been "distant signals" on the subject cable systems as of the respective notice dates.

[1] WU requested, and without objection, was granted several extensions of time to file its Answer.

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APR 3 75
XUM

violated section 201(b) of the Act or made unreasonable charges for TCE service. It also states that only page 226 of the revisions filed under Transmittal No. 6214 relates to TCE and that the codes of service involved herein were discontinued as of August 31, 1973. It denies that it used an unreasonable rate of return for either tariff code. WU further states that its treatment of income tax must be viewed not only with regard to TCE, but also in the light of its private line services and other common carrier activities. WU argues that DOD's approach as to federal income taxes and rate development would result in reducing its earnings on its private line services to the point where it would not earn a fair return on such services or for its common carrier activities in general. WU further argues that under DOD's rationale DOD would receive a windfall through the application of tax differentials generated by other activities and services provided by WU. Moreover, WU asserts that DOD fails to show how it derived the sums claimed for damages. While contending that its method of rate making and rate of return were appropriate and reasonable, WU states that its treatment of income tax should not operate to require it to lower its rates, since it was not earning a fair rate of return for its private line services or its communications services as a whole during the period encompassed by the complaint. WU contends that DOD's complaint failed to state a cause of action or a *prima facie* violation of the Communications Act and should be denied or dismissed.

3. We reject WU's claim that DOD has failed to state a cause of action. The complainant identifies, with reasonable certainty, the nature of the service in question, and alleges sufficient facts to raise questions as to whether the total charges for TCE service were just and reasonable and not in violation of section 201(b) of the Act. Therefore, we shall set the complaint for hearing. In the expectation that the parties herein may be able to negotiate a settlement of their differences without the necessity to utilize our limited and taxed hearing resources, the Administrative Law Judge designated to preside over this proceeding is hereby instructed to provide a reasonable period before the date established for the commencement of these hearings, so that the parties have a further opportunity to reach such an accord in whole or in part.

4. Accordingly, pursuant to sections 201(b), 202(a), 206–209 of the Communications Act of 1934, as amended, this matter is designated for hearing at a time and place to be specified, and that the Administrative Law Judge to be designated to preside at the hearing shall, upon close of the record, prepare an initial decision which shall be subject to the submittal of exceptions and requests for oral argument as provided in 47 CFR §§ 1.276 and 1.277 after which the Review Board shall issue its decision as provided in 47 CFR § 0.365.

5. *It is further ordered*, That the issues in this proceeding shall be as follows:

(a) whether any charge, practice, classification, or regulation for TCE service provided by WU to DOD through December 16, 1972 was unjust or unreasonable within the meaning of section 201(b) of the Act;

(b) whether, in the light of the evidence adduced under the foregoing issue, DOD is entitled to monetary damages, and, if so, what damages and interest should be awarded; and

(c) to determine, in the light of the foregoing, whether any other action should be taken by the Commission and, if so, the nature thereof.

6. *It is further ordered*, That the United States Department of Defense, The Western Union Telegraph Company and the Chief, Common Carrier Bureau are hereby designated parties to this proceeding.

7. *It is further ordered*, That, DOD shall have the burden of proof as to the issues.

8. *It is further ordered*, That a copy of this order shall be served on the United States Department of Defense and The Western Union Telegraph Company.

Adopted: March 19, 1975.

Released: March 27, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-8685 Filed 4-2-75;8:45 am]

[Docket No. 20363; File No. BR-2690; FCC 75-306]

RADIO MARION, INC.

Application for Hearing

In re application of Radio Marion, Incorporated; Docket No. 20363, File No. BR-2690; for renewal of license for station WJAM-AM, Marion, Alabama.

1. We have before us for consideration: (i) the above-captioned license renewal application for Radio Station WJAM-AM, Marion, Alabama; (ii) a petition to deny that application, filed March 1, 1973, by Albert Turner, individually and as President of the Perry County Civic League (hereinafter petitioners)[1]; (iii) an opposition pleading, filed July 16, 1973, by the licensee; and (iv) a reply to that opposition from petitioners, filed September 7, 1973.[2]

2. Radio Station WJAM-AM is a five kilowatt station operating daytime only in Marion, Alabama, and is the only radio station licensed to either Marion or surrounding Perry County. Data from the United States Census Bureau indicates that in 1970, 58.9% of the residents in Perry County were Black (9,033 out of 15,383) and that 41.8% of the residents of Marion were Black (1,782 out of 4,289). Station WJAM's license expired on April 1, 1973, and the licensee timely-filed its renewal application on January 2, 1973. The timely-filed petition to deny seeks to raise the following issues: inadequate programming service to the station's Black community in both past and proposed programming and failure to ascertain adequately the needs of the community. As indicated below, we are persuaded that petitioners present several substantial and material questions of fact surrounding both the past and proposed operation of WJAM. Accordingly, we cannot make the required finding that the renewal of WJAM's license will serve the public interest.

ASCERTAINMENT

3. Petitioners make several allegations to the effect that the licensee's ascertainment survey is inadequate to satisfy the requirements of the Commission's *Primer*.[3] For instance, petitioners contend that WJAM did not provide information regarding the ethnic composition of the area of service as Questions 9 and 10 of the *Primer* require.[4] It is further alleged that in its application the licensee mentioned neither a group devoted to achieving bi-racial understanding, nor a

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[1] The standing of petitioners to file the instant petition to deny license renewal for Station WJAM-AM has not been challenged by the licensee and, finding that petitioners have met our requirements for standing, we accordingly will accept their petition as a timely-filed document entitling them to party-in-interest status.

[2] At the time petitioners filed their reply they also filed a Motion to Strike the licensee's amendment to the renewal application which had been filed on June 15, 1973. On March 15, 1973, the Commission requested additional information from the licensee regarding the subject application, and asked that the information be filed as an amendment to the application. Petitioners wish to have that amendment stricken, or in the alternative, have the Commission "grant such further and other relief as it may deem appropriate." Basically petitioners argue that this amendment represents an abuse of the Commission's rules that allow, as a matter of right, amendment of applications prior to designation for hearing (See § 1.522(a) of the Commission's rules, 47 CFR 1.522(a).) We are not persuaded that this amendment meets any of petitioners' arguments in support of its request and accordingly we will accept it and pass upon its content in the context of the subject application. Since the Commission generated this amendment, it cannot be stated that the licensee, through the amendment, is attempting to upgrade a deficient application. Further we do not feel that this amendment represents a pattern of dilatory conduct by the licensee, nor does our acceptance of it amount to allowing belated upgrading after a challenge has been initiated. *Chuck Stone v. FCC* 466. 2d 316 (D.C. Cir. 1972). The amended information was requested by the Commission before processing of the petition to deny had begun, even though the petition's filing preceded our March 15, 1973 letter.

[3] The *Report and Order* in the matter of *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650 (1971).

[4] According to petitioners, about 1,800 or 40% of Marion's 4,300 people are Black and 60% of the Perry County residents are Black (9,000 of 15,000). These figures comport with U.S. Census data (See Paragraph 2, *supra*).

group made up predominantly of Blacks, nor one whose primary purpose is to work with Black people. Petitioners assert that there is no way of determining whether the licensee even attempted to consult with a cross-section of community leaders. Petitioners fault the licensee's statement that leaders were chosen without regard for "age, race, sect, national origin, or creed." Petitioners feel that this attitude of the licensee ignores Question 13(a) of the *Primer*, which requires stations to consult with leaders who are representative of the composition of the community. Petitioners also allege that the licensee has failed to list the community leaders it attempted to consult in the ascertainment survey. It is further alleged that the licensee's ascertainment procedure was inadequate because the community leader survey was conducted through mailed questionnaires rather than face-to-face interviews. Petitioner states that only two of the 21 community leaders were Black, and neither of the Blacks consulted reside in Marion, the community of license. Petitioners' final point regarding ascertainment is that the WJAM survey was in the hands of Sarah M. Mullins, a part-time employee and copywriter, rather than a management-level employee as required by Question 11(a) of the *Primer*.

4. By letter dated March 15, 1973, the Commission brought to the licensee's attention several matters regarding its ascertainment efforts, including exclusive use of mailed questionnaires, without personal interviews, in the community leader survey. On June 15, 1973, the licensee amended the application in response to the Commission's letter and incorporated this amendment into its opposition pleading. According to the amendment, a new community leader and general public survey was conducted between April 19–26, 1973. In that survey, 22 community leaders were personally interviewed as were 25 members of the general public; of these 47 persons, 40.43 percent were Black. The licensee notes that this new survey is "in addition to prior ascertainment activities." (Amend. p. 2).

5. In their reply, petitioners argue that the licensee's two ascertainment efforts raise candor and good faith issues. Initially, petitioners note that both the petition to deny and the Commission's March 15th letter point out that mailed questionnaires to community leaders will not, standing alone, comply with the *Primer*. The *Primer* requirement for "personal consultations" was interpreted by the licensee to mean "personal mailed questionnaires" rather than questionnaires sent to "occupant." Petitioners find that this explanation "raises a serious question as to whether this licensee has not simply elected to callously disregard the Commission's requirements in the hope of escaping detection, only mending its ways when caught." (Reply p. 32). Also petitioners disagree with the licensees' statement that the new survey was "in addition to prior ascertainment activities" since, according to petitioners, 11 of the original 22 leaders were again contacted in the April 19–26 survey. While the licensee states that about 40 percent of the 47 persons interviewed in the second survey were Black, petitioners argue that the licensee should have submitted racial data for each individual rather than the group figures indicated. Additionally, petitioners contend that the licensee has failed to list the person or persons who actually conducted the survey and has failed to provide demographic material indicating the composition of the community.[5] Finally, petitioners argue that the second survey failed to fulfill the purpose of the *Primer*. Specifically, petitioners point out that the second survey, containing three pages, asked only one question out of eleven on community problems, and that appeared on the third page after the interviewee's signature.[6] Also, petitioners ask whether the questionnaire was used as the basis for discussion rather than the discussion itself, since, it seems to the petitioners, the interviewee completed the questionnaire rather than the licensee: "The licensee seems only to have substituted personal delivery of the questionnaire." (Reply p. 37).

6. The Communications Act requires that as a prerequisite to the grant of an application for renewal of a broadcast license, the Commission must find that the station will be operated to serve the public interest during the upcoming license term. The Commission has stated that the principal ingredient of the licensee's obligation to operate in the public interest is the diligent, positive, and continuing effort to discover and fulfill the tastes, needs, and desires of his community. *Report and Statement of Policy re: Commission En Banc Programming Inquiry*, 44 FCC 2303, 2316 (1960) (*1960 Programming Policy Statement*). In order to determine whether the licensee has met this obligation, the Commission designated Section IV-A (radio) and section IV-B (television) of Part I of the renewal application to require the licensee to state the methods he used to ascertain his community's needs and interests (i.e. problems), those problems which his station plans to meet during the coming license period, and typical illustrative programs which he will present to meet those problems. In a *Report and Order* released February 23, 1971, the Commission adopted the *Primer, supra*, wherein we sought to clarify our policies and provide guidelines for the fulfillment of our requirements with respect to the ascertainment process. The *Primer* prescribes the methods a licensee must employ to ascertain the needs and interests of his community. Briefly stated, he first must determine the composition of the community, indicating its economic, social, racial, ethnic, and other significant characteristics. Thereafter, he must consult with the leaders of the significant segments that comprise the community and with a random sample of the general public. The purpose of these consultations is to elicit from the interviewees what they believe to be the problems faced by the community. Having completed the surveys, the licensee must list all the problems ascertained and then evaluate them to determine which problems merit treatment by the station. Finally, the licensee must propose programming designed to meet those problems.

7. A review of the application for renewal of WJAM's license discloses that the licensee has failed both in its original ascertainment survey and in its amendment to submit any data indicating the racial composition of Marion and Perry County.[7] In its original application the licensee indicated that Marion has six international service clubs, three historical clubs, five local service clubs, five garden and home demonstration clubs, and eight Scout clubs. Additionally, the licensee pointed out that Judson College and Marion Institute are located in its city of license and that three major industries recently relocated in Marion. Finally, the licensee noted that the major source of income for persons within its service area comes from agriculture, education and forestry. Aside from this data, which comes from its original application, the licensee has provided no additional demographic statistics in its amendment. Except for the licensee's own population estimate, we have no information on the community's size and its minority, racial, or ethnic group breakdown. Also, this application, as amended, contains neither information on the existence of economic, professional, social, political, cultural or other significant groups nor any other factors or activities that make this particular area distinctive. We find the licensee's failure to mention any details concerning the area's Black population extraordinary in view of the large Black population within WJAM's service area. While we allow the licensee great discretion in formulating and submitting compositional information, we do require that an accurate picture of the community result. Without such information, we are unable to review the actual ascertainment efforts of the licensee since we are unable to determine whether a representative sample of community leaders and members of the general public have been contacted. Based upon the information before use we are unable to determine whether the licensee contacted such a sample.

8. In this case the licensee's original survey indicated that community leaders

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[5] In its original survey, the licensee indicated that Marion has a population of 6,000 and Perry County a population of 19,000. There was no breakdown of the racial composition of the area in either survey.

[6] The mailed questionnaire contained four questions on community problems out of nine questions altogether.

[7] In view of the wide discrepancies between licensee's submitted population data and the U.S. Census figures (Paragraph 2, *supra*), we must question licensee's care in preparing the scant compositional matter it did offer in support of its renewal application.

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APR 3 75
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were consulted without regard for "age, race, sect, national origin or creed," though Question and Answer 13(a) of the *Primer* clearly requires these factors to be taken into account to the extent they reflect the composition of the community. While the second survey apparently was not conducted with the same misplaced "neutrality" and included 22 community leaders and 25 members of the general public, the licensee merely submitted a list of 47 names with corresponding occupations and organization memberships for each interviewee. The licensee states that 40.43 percent of the 47 are Black. Such a survey is unacceptable since it does not separate community leaders from members of the general public, nor does it provide identifying racial or other compositional data on community leaders.

9. It is expected that licensees submit accurate ascertainment surveys, and the Commission adopted the *Primer* to this end. However, WJAM, whose original ascertainment survey was found unacceptable by the Commission, has once again failed to submit a properly documented survey.[8] This repeated failure to conform with the requirements of the *Primer* and to provide the Commission with data that adequately presents relevant information raises substantial and material questions of fact surrounding the licensee's ascertainment efforts, and we propose to inquire further into these efforts in an administrative hearing.[9]

PAST PROGRAMMING

10. Petitioners allege that the programming broadcast by Station WJAM–AM during its past license term was not responsive to the needs and interests of Perry County residents, particularly the county's Black population. More specifically, petitioners submit that their analysis of the station's program logs for 1970–1973 composite week reveals that WJAM devoted only 50 minutes to minority-oriented program.[10] According to petitioners, not only is WJAM's public service programming for the Black community inadequate, but those few programs were also broadcast in fringe time at early morning hours on Sunday; religious programs catering to White audiences, however, were more conveniently scheduled.[11] Petitioners further allege that all WJAM religious programs for Black audiences are paid for by members of the Black community, while some of the programs originating from local White churches are broadcast free of charge. Petitioners contend that the licensee disregards the wants, needs, and problems of Perry County Blacks, except for events of the most routine nature. For instance, after the 1971 integration of Perry County schools, Blacks organized a boycott closing the schools for several weeks. During this period a Black high school principal's house was shot up, and a bi-racial commission was created by court order to resolve this crisis. Petitioners allege that WJAM provided no coverage of the boycott, marches, meeting, demonstrations or shootings during this period.[12]

11. Petitioners point to several misleading or inconsistent statements made by WJAM in its renewal application. Though the licensee alleges that the "Hill Program" features a live Negro minister, petitioners contend that he is White. Petitioners also allege inconsistencies between WJAM's renewal application and its program log. While the licensee claims one hour 57 minutes of "public affairs" during the composite week, the program logs show only one hour 30 minutes of such programming, even including the licensee's sign-on and sign-off as public affairs presentations. Though the renewal application states that nine hours 31 minutes of "all other" programs were aired during the composite week, the petitioners claim that the program log for that week indicates only nine hours eleven minutes of such programs. Finally, petitioners allege that the licensee's listing of "Gospel Ship" as a typical and illustrative program for the license term, in language identical to its 1970 description, is highly misleading. In 1970, "Gospel Ship" was a two-hour Monday through Saturday music and public affairs program hosted by a Black announcer, Erskine Clemons. In 1973, however, "Gospel Ship" was a 15-minute Sunday religious program aired at 7:45 a.m.

12. As a final comment on WJAM's programming during the 1970–1973 license term, the petitioners point out that the licensee has failed to perform in accordance with its promise to the Commission at its last renewal in 1970:

	1970 proposal		Performance during composite week	
	Hours: minutes	Percent	Hours: minutes	Percent
News	8:30	10.37	9:28	11.37
Public affairs	6:45	8.22	1:37	2.34
All other	12:30	15.25	9:31	11.43

In addition, WJAM provided only 201 public service announcements during the composite week, though it had promised 275 per week in 1970.

13. In opposition, the licensee denies that it has ever "intentionally, accidentally, or otherwise provided only minimal broadcast service" to Perry County's Black community. In an affidavit attached to the licensee's opposition, Mr. Erle W. Hanna, General Manager of WJAM since August 1, 1971, states that since he has held that position, no Black has requested and been refused time to broadcast a program or announcement.[13] The licensee charges that petitioner's allegation that WJAM broadcast only one hour 35 minutes (later amended to 50 minutes) of programming aimed at the Black community is unsupported by any evidence or documentation. Mr. Hanna states that the three white churches in Marion have always sponsored and paid for the 11 A.M. worship service broadcasts.[14] In response to the allegations about specific programs made by petitioners, the licensee admits that "Tubbs Program" has been off the air from seven to eight months because the Tubbs Funeral Home cancelled the program it had sponsored. Mr. Hanna states

[8] The original survey efforts were conducted by a part-time employee and copywriter, contrary to the standards of the *Primer*, and in its amendment the licensee merely states that the second survey was conducted by "principals" but does not elaborate on who these principals are. Under these circumstances, we cannot dismiss petitioners' objections regarding WJAM's survey methods.

[9] Though eleven of the 22 community leaders consulted in the second survey were also interviewed in the original survey, we do not find any fault with that aspect of the survey. We agree with the petitioners that the licensee was overstating when it said the new survey was "in addition to prior ascertainment activities," but this does not evidence a lack of candor or good faith sufficient to justify further exploration in an administrative hearing.

[10] The programs involved were: "Gospel Ship" a 15-minute program aired at 7:45 a.m. on Sunday; "Word of God" a 15-minute program broadcast at 7:00 a.m. on Sunday; "Community Hour" a 15-minute program aired at 7:30 a.m. on Sunday; and the five minute "Tubbs Program" broadcast at 10:05 a.m. on Sunday. Originally, the petitioners also included the 45-minute program "Hill Program" as a presentation appealing to the Black community. However, when petitioners discovered that the program was hosted by a White man rather than a Black man as indicated by the licensee they revised downward the amount of programming appealing to Black audiences from one hour 35 minutes to 50 minutes. Petitioners also allege that both "Word of God" and "Tubbs Program" have been off the air for from seven to eight months, leaving only 30 minutes per week currently devoted to the Black community.

[11] Such religious programs include: "Time of Worship" (presented at 10:30 a.m. on Sunday); "Sunday Worship" (presented at 11:00 a.m. on Sunday); "Good News Program" (presented at 2:30 p.m. on Sunday); and "Morning Devotional" (presented at 8:15 a.m. each weekday).

[12] Petitioners claim that the licensee became estranged from the local Black community when WJAM discontinued the broadcast of local high school football games after Perry County schools and teams were integrated in 1971. These football broadcasts were replaced by baseball games played in an all-White private Little League, a programming change which the petitioners feel shows a disregard for the Blacks of Perry County.

[13] According to Mr. Hanna, petitioner Albert Turner has never set foot in his office during this time, though Hanna claims he is always willing to discuss radio programming with Mr. Turner or with anyone else.

[14] The licensee adds that on April 26, 1973, the Reverend Mr. Johnson of the Berean Baptist Church, a Black congregation in Marion, asked if WJAM would broadcast his church service at a similar time as it does the services of the local White churches. Mr. Hanna agreed as long as the broadcasts would be on a rotating basis with the other area congregations. However, Johnson stated that he would not start broadcasting his church's service until some time in the future. Mr. Hanna states that during his tenure as General Manager no Black minister has ever asked to appear on WJAM's 8:15 a.m. weekday "Morning Devotional."

that he is unaware of the program "Word of God," since it has not been aired since he has been General Manager. Mr. Hanna also admits that the host of "Hill Program" is a White male and not a "local Negro minister" as indicated in the license renewal application. Finally, commeting on the "Gospel Ship" allegation, the licensee states that although the program had been a two-hour, Monday-through-Saturday music and public affairs program, it is now a 15-minute Sunday morning religious program hosted by a Black announcer for several years. "Obviously, in preparing a portion of the renewal application, current exhibits were typed from former exhibits and are not correct. There was no intent to mislead the Commission, or the Petitioners." (Hanna affidavit p. 7). Despite the cancellation of certain programs, the licensee claims that it appeals to the Black population of Perry County by playing music of Black entertainers.

14. In conclusion, the licensee states that any person—regardless of race—who writes in or calls in a news item or announcement will have it aired.[15] Mr. Hanna adds that "(i)f the Black community does not feel that we are broadcasting their news items, then it's their fault. If they get the items to us they will be broadcast just as they have been in the past. There are only five people on our staff and we do not have the time to go out and gather news. We have to depend on anyone wanting news items broadcast getting them to us." (Hanna affidavit p. 9).[16]

15. The licensee denies that it failed to cover events surrounding the 1971 school crisis and submits a letter to this effect dated September 4, 1973, from Hilton J. Ishee, Assistant Superintendent of the Marion City Board of Education, to Erle Hanna of WJAM.[17] It is further pointed out that no one presently employed at WJAM worked there during the school boycott of 1971, and, further, Mr. E. H. Huntley, the General Manager at that time, is now deceased. In response to petitioners' comments on certain sports events, Mr. Hanna states that since WJAM operates day-time only, there is little public-interest value in recording football games played on Friday night for broadcast on Saturday morning. Furthermore, after only one game and part of another, the remainder of the 1971 football season was cancelled because of a shortage of players. The licensee alleges that Little League baseball games of an all-White private league were broadcast only a short time because WJAM often had to sign off the air before a game was completed. A secondary reason alleged for the cancellation of the Little League broadcasts was the unavailability of an announcer for the games.

16. Responding to petitioners' allegations that the licensee failed to perform as promised in 1970, Mr. Hanna states that a public affairs proposal of six hours and 45 minutes is too high for a small-town, daytime-only station. (He alleges that the previous general manager, who made this proposal in 1970, may have included programs that were not truly public affairs programs.) Mr. Hanna also maintains that the broadcast of 201 public service announcements during the composite week "is a far better record than most radio stations, daytime or full-time," even though the licensee had proposed 275 in its 1970 application. (Hanna affidavit p. 9).

17. In their reply pleading petitioners focus on one main point as indicative of the licensee's indifferent efforts to serve all listeners within its service area: "(T)he licensee attempts to shift to the Black community of Marion and Perry County the burden of seeking out broadcast services. The license does not recognize that it has an affirmative obligation to seek out members of the Black community and to attempt to provide programming for the Black community." (Reply p. 13) Petitioners find evidence of this attitude in Mr. Hanna's allegations that Blacks have never been refused air time, or that Blacks have never requested more time than is currently being broadcast, or that the licensee has always been willing to discuss programming with anyone. In addition to its alleged failure to fulfill its obligation to the community, petitioners contend that the licensee also fails to take seriously its obligation to scrupulously prepare its renewal application so that all items mentioned are accurate and clear. An example of this latter point is Mr. Hanna's affidavit wherein he states that the "Word of God" program "has not been on the air since (he has) been Manager," (Hanna affidavit p. 7) even though the program was logged as having been broadcast during the composite week (Sunday, October 17, 1971, 7 a.m.).

18. Petitioners contend that the licensee's reliance upon Black music as a method of reaching Black listeners should not be considered by the Commission in determining whether the station rendered service in the public interest to significant groups within its service area.[18] Regarding WJAM's alleged lack of coverage of the 1971 school crisis, petitioners argue that there remains a substantial and material question of fact since, by the licensee's own admission, no one now employed by the station was so employed at the time of the alleged events. The letter from Hilton Ishee fails to cure this deficiency since it is not in affidavit form setting forth specific allegations of fact sufficient to indicate that the licensee did in fact provide coverage or that such coverage was in the public interest. Finally, petitioners contend that the licensee has not adequately responded to the allegation that the 1970 programming proposals were not met during the license term, and therefore a substantial and material question of fact remains to be resolved in a hearing.

19. At the outset, we point to a fundamental misconception underlying petitioners' criticism of WJAM's program service: the apparent assumption that a station must divide its programming coverage according to the racial composition of its community. This theory, which has been specifically rejected by the Commission on a number of occasions,[19] overlooks the fact that the major portion of a station's programming may be directed to the public as a whole rather than to individual racial groups within that public. A licensee's primary obligation is to the community as a whole. Of course, in fulfilling that obligation, he may well choose, in his good faith discretion, to present particular programs designed to meet the specific problems of identifiable groups within the service area. The amount of such specifically-oriented programming need not be corrected to the representation of a particular group or groups in the population; rather, it is a function of the licensee's evaluation of the relative importance of all of the problems of the entire service area. And in making that evaluation a licensee is allowed broad discretion to use his good faith judgment. This policy has been consistently applied by the Commission in evaluating claims of inadequate programming in cases similar to the instant situation. For example, in *Capitol Broadcasting Company*, 38 FCC 1135, 1139 (1965), the Commission offered the following response to assertions that the renewal applicant had failed to serve the needs and interests of the Black community within its service area:

> There is no requirement that a licensee divide his programming so that, in Jackson for example, 55 percent would be of interest to the white community and 45 percent to the Negro, any more than

[15] Examples given are: "Trading Post," presented at 12:15 p.m. weekdays and Saturday; a community news program presented three times a day; and other news broadcasts.

[16] The licensee also offers the opinion of Mr. Obie Scott, the father of Mrs. Martin Luther King, Jr., as an indication of how Perry County's Black community approves of WJAM's programming. During the ascertainment survey Mr. Scott completed a questionnaire in which he stated that WJAM was doing a good job, though it has inadequate religious programs, and that to his knowledge no request for assistance to his group, the Marion Merchants Association, has ever been denied by the licensee.

[17] At the time of the school crisis, Mr. Ishee was principal of the Francis Marion High School. He states that during the crisis, E. H. Huntley, then General Manager of WJAM, gave daily coverage of the situation by interviewing Ishee, students, civil rights leaders, and law enforcement officers. Mr. Huntley, according to Mr. Ishee, recorded such interviews on magnetic tape and broadcast the recording daily.

[18] Petitioners feel that Obie Scott's opinion is not only general and conclusory in nature, but it offers no specific primary facts in support of the ultimate question of whether WJAM is serving the public interest. Petitioners further contend that the licensee relies only on selected excerpts of Mr. Scott's opinion.

[19] *Stone v. FCC*, 466 F.2d 316, rehearing denied 466 F.2d 331 (D. C. Cir. 1972); *Miami Valley Broadcasting Corp.*, 46 FCC 2d 177 (1974); *Time-Life Broadcasting, Corp.*, 33 FCC 2d 1081 (1972); and *Capitol Broadcasting Co.*, 38 FCC 1135 (1965).

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there is a requirement that each minority group (*e.g.*, Irish, Jewish, Polish, etc.) be afforded a specified portion of a Chicago TV station's time, proportionate to the group's percentage of the total Chicago population. Such a pattern of operation would be "broadcast segregation."

20. We reaffirm here our holding that separate programming for the minority and majority is not feasible and would, in fact, constitute a policy of segregation. However, we also recognize that the problems of minorities cannot be ignored. They must be taken into consideration by broadcasters in planning their program schedules to meet the needs and interests of the communities they are licensed to serve. *Time-Life Broadcasting Corp., supra.* As in certain other areas of a licensee's performance, we accord the licensee wide discretion in its programming practices. However, we do believe that in order to serve the public interest, a licensee must address some of the needs and interests present in its community as discovered in its ascertainment survey. In this programming a licensee must afford reasonable opportunity for the presentation of minority viewpoints. In the present case we are unable to conclude that this licensee has served the public interest through its past programming. The licensee has provided us with no information indicating presentation of programming conforming to our definition of "public affairs." Petitioners, by implication, have raised the possibility that "Community Hour" does contain conforming material. (Pet p.7). In any event, absent further description or explanation from the licensee, we are unable to resolve the questions raised without the benefit of an evidentiary hearing.

21. The licensee has indicated in its composite week logs that two hours and 55 minutes of programming were devoted to public affairs. (At the same time, in its renewal application, the licensee claims one hour 57 minutes of public affairs during that representative week.) Having carefully reviewed the instant application, its amendments, and the parties' pleadings in this case, we are unable to conclude that any of the programs cited by the licensee as public affairs programs are in fact public affairs programs. That is, none of WJAM's programs clearly deal with topics that fit our "public affairs" definition. On March 15, 1973, we informed the licensee by letter that four of its public affairs programs were incorrectly classified according to our program category definitions.[20] It remains our opinion that none of these programs are public affairs presentations. The following programs were logged as "public affairs" contrary to our interpretation of that classification: "Trading Post" (77 composite week minutes) which the licensee—in its June 15, 1973 amendments—admits was misclassified; the "sign-on" and "sign-off" of WJAM (28 composite week minutes); "Market Report" and "World News" (25 and 15 composite week minutes respectively) which are clearly news programs requiring classification as such; "Veterans Column" (15 minutes) which is described as providing aid and news to veterans, and "County Extension" (also 15 minutes) which, according to the licensee's description, would be more appropriately classified as news or educational rather than public affairs. Consequently, we find that WJAM presented no discernible public affairs programming during its composite week, which included over 83 on-the-air hours.

22. Turning to the licensee's list of typical and illustrative programs broadcast during the past license term (Exhibit No. 7), we again are unable to find any programming efforts designed to focus on local needs, interests and problems. Listed as public affairs programs—in addition to the logged items listed in Note 20, *supra*—were: "Civitan Day" (all day once yearly), "Full day of broadcast on WJAM by local Civitan Club;" and "Spelling Bee" (30 minutes once a year), "spelling contest." Our reading of both the above programs and the composite week logs indicates that the licensee scheduled no program in which local needs and interests were either discussed or presented in some fashion. We cannot renew—at least, not without further inquiry—the license of a station that appears to operate in such a fashion. We will require the assistance if a hearing before acting further in the instant application. At present we are unable to find that a grant of WJAM's renewal will serve the public interest.

DISCRIMINATORY PROGRAMMING

23. In addition to their general allegation that the licensee's past programming failed to serve the public interest, petitioners allege discriminatory programming practices by the licensee against Blacks in the community. From all the information available to us at this time, it appears that all religious programs designed to serve the Black community were paid for either by the ministers or religious organizations involved. The same was not true, however, for White religious broadcasts, many of which were carried by WJAM free of charge. The licensee acknowledges this practice and states that it has been followed since the station went on the air. The licensee also states that free air time recently has been offered to a Black congregation on a rotating basis with other White churches. The licensee further notes that at least one association of White ministers was paying for its time. There is no evidence that any group's request for time has been flatly denied or discriminatorily refused. (See affidavit of Mr. Hanna.) Also, petitioners contend that the licensee's failure to cover a local school boycott by Blacks shortly after Perry County schools were desegregated provides further evidence of racial discrimination in programming. The licensee responds with a letter from a local high school principal who states that the events were covered by WJAM and that he and others were interviewed by the station. On this issue, petitioners have clearly fallen far short of submitting specific allegations of fact supported by affidavits from person or persons with personal knowledge thereof sufficient to show that a grant of the application would be prima facie inconsistent with the public interest. Section 309(d)(1) of the Communications Act of 1934, as amended, 47 U.S.C. 309(d)(1). We believe that petitioners' allegations have failed to present a prima facie question of fact to which the licensee must respond. The licensee need not respond to general, unspecific allegations. We are not here presented with the factual situation found in *Storz Broadcasting Company*, 48 FCC 2d 1223 (1974) where a clear question of fact existed supported by affidavits from each party.[21]

LACK OF CANDOR

24. Petitioners have also charged the licensee with lack of candor and/or deceptive practices in connection with both the operation of WJAM and the completion of the subject renewal application. These allegations, however, fail to raise an issue for reasons discussed below. Initially, petitioners argue that several aspects of the licensee's past programming are deceptive. The 45-minute "Hill Program" is described by WJAM as featuring a "local-live Negro minister," which the licensee in its opposition admitted was incorrect. Additionally, though the licensee's General Manager states in his affidavit that the "Word of God" program has not been presented while he has been at the station, petitioners point out that this program is logged as having been broadcast during the composite week. Third, the length and type of programs in the licensee's log do not correspond to the station's claims in the application. Finally, the description of "Gospel Ship" in the licensee's application is highly misleading according to petitioners. While many of these allegations concern errors admitted by

[20] These four programs were: "Trading Post," "Tubbs Program," "Home Makers Club," and "Spelling Bee." We also note that on March 9, 1970, the Commission has sent WJAM a similar letter informing the licensee that four of its public affairs programs were incorrectly classified. Two of these four programs, "Tubbs Program" and "Home Makers Club," were again noted in our March 15, 1973, letter. It has therefore been brought to the licensee's attention on two separate occasions that its public affairs programming fails to meet our definition, yet, the licensee continues to categorize two of its programs as public affairs.

[21] Petitioners' charges of racial discrimination in programming high school football and Little League baseball games fail to raise substantial or material questions of fact. The broadcast of football games in 1971 became impossible when the school cancelled the games remaining on its schedule after the second game of the season, and the licensee cancelled baseball coverage when the games ran past station sign-off. In the absence of any challenge to these reasons by petitioners, we find that both instances fail to raise issues for hearing.

the licensee in its program descriptions, we do not believe they represent such a careless disregard of the public interest as to require further inquiry. This conclusion is not to suggest that repeated behavior of a similar nature will escape future administrative review, but only to point out the less substantial nature of these allegations by comparison with other charges made.

PROMISE VS. PERFORMANCE

25. Finally, we believe that petitioners' allegation regarding WJAM's public affairs performance during the composite week, as measured against its 1970 public affairs proposals, does merit further consideration in an administrative hearing. While prospective programming proposals are not "binding" to the last decimal point, they do represent one of the major aspects of the renewal application upon which this Commission places great reliance in making the statutory finding that a grant of the application would be in the public interest. These proposals cannot be disregarded during the license term without adequate and appropriate representations from the licensee regarding, for example, the changing needs of its service area. "In short, a licensee cannot disregard his proposals in the hope that he will simply be permitted to 'upgrade' when called to account." *KORD, Inc.*, 31 FCC 85, 88 (1961). Here the licensee's composite week public affairs programming varied substantially from its 1970 proposals.[22] The licensee's argument, contained in its opposition that the 1970 proposals exceed reasonable possibilities of performance hardly meets our objection. Percentages listed in the renewal application regarding future performance by a licensee must be lived up to, and if, as here, a licensee feels that his estimates cannot be achieved, it will be his obligation to so inform this Commission before such changes occur. Accordingly, we find that petitioners have raised a substantial and material question of fact necessitating further inquiry.

PROPOSED PROGRAMMING

26. Petitioners submit that the licensee's proposed public service programming will not serve the public interest due to reductions in broadcast time far below its 1970 proposals:

[22] In 1970, WJAM proposed to broadcast six hours, 45 minutes of public affairs programming (8.23 percent of its broadcast week) and during the composite week, according to the renewal application, broadcast one hour, 57 minutes (2.34 percent). However, as noted above, we are unable to conclude that any of the composite week public affairs programming conformed to our usage of the term "public affairs programming."

	1970 proposals		Performance during composite week		1973 proposals	
	Hours: Minutes	Percent	Hours: Minutes	Percent	Hours: Minutes	Percent
News	8:30	10.37	9:28	11.37	9:14	11.26
Public affairs	6:45	8.23	1:57	2.34	1:47	2.17
All other	12:30	15.25	9:31	11.43	9:11	11.20
Total	27:45	33.85	20:51	25.14	20:12	24.63
PSA's	275		201		210	

More specifically, petitioners argue that the licensee has not proposed programs to deal with specific problems as ascertained. Petitioners conclude that the licensee "has not proposed a single program in response to the needs it has ascertained." (Petition, p. 18) According to petitioners, the licensee has listed three primary needs that it has ascertained but none of the proposed programs in response to these needs meet the Commission's requirements and, therefore, a hearing should be held to determine whether the proposed programming is responsive to ascertained needs of the community.

27. The licensee's response to petitioners' objection to the proposed programming again points out that comparing 1973 proposals to those of 1970 is not meaningful since the 1970 proposals contained misclassified programs which accounted for the high hourly proposals. Nevertheless, the licensee argues that its proposals will sufficiently meet the area's needs and interests, which is the significant factor to be considered in evaluating proposed programming. Additionally, the licensee incorporates its June 15th amendment to the application, wherein are listed proposed programs (including their time, duration, and frequency) that will address specific ascertained needs and interests.

28. In their reply, petitioners note that the licensee has failed even to address the issue of proposed programming reductions and does not attempt to justify the inadequate proposals "in light of the virtual exclusion of blacks from the licensee's programming." (Reply p. 31) Petitioners argue that a hearing is required to explore whether these reductions will serve the public interest. Finally, petitioners contend that several of the proposed programs listed in the June 15th amendment are nowhere described—making their evaluation impossible.

29. In reviewing a licensee's programming proposals in the context of a petition to deny, several guidelines must be recalled. Initially, the *Primer* "requires the applicant to state the title, time segment, duration, and frequency of broadcast of the proposed broadcast matter." 27 FCC 2d 650, 675. Additionally, Question and Answer 29 notes that the applicant should describe "the community problem or problems" the proposed programs will address. "Statements such as 'programs will be broadcast from time to time to meet community problems,' or 'news, talk and discussion programs will be used to meet community problems,' are clearly insufficient. Applicants should note that they are expected to make a positive, diligent and continuing effort to meet community problems." *Ibid.*[23] Next, the programs proposed in response to the community's ascertained needs are largely left to the good faith discretion of the licensee in fulfilling its public interest obligation. "Absent evidence that the licensee's percentage proposals will not meet ascertained community problems or that the licensee has abused its discretion, the Commission will not seek to second guess the licensee." *Mahoning Valley Broadcasting Corp.*, 39 FCC 2d 52, 61 (1972). Our granting the licensee wide discretion in programming matters takes cognizance of the fact that not all problems ascertained merit treatment, nor can they be dealt with through the station's programming. Therefore, we focus our attention on the station's overall programming.

30. Petitioners have attacked the fact that WJAM's proposals for public affairs and other programs are significantly lower than those proposed in 1970 and even lower than the prograing carired in these categories during the composite week.[24] The Commission has never established a quantitative minimum standard to govern a particular program type. *Westinghouse Broadcasting Company, Inc.*, 31 RR 2d 1299 (1974); *RadiOhio, Inc.*, 38 FCC 2d 721 (1973), *affirmed sub nom Columbus Broadcasting Coalition v. FCC*, 505 F. 2d 320 (D.C. Cir., 1974). The amount of programming in any category is left to the good faith discretion of the licensee in responding to the ascertained needs and interests of the community. In its amended ascertainment survey, the licensee lists 30 problems of Marion and Perry County as mentioned by the 47 persons interviewed. The licensee provides the following descriptions for its proposed programs.[25]

"Trading Post"—a listing of lost and found items.

[23] In this regard, the licensee's initial proposed programming data contained in the application is "clearly insufficient." The application contained no specific programming plans as required by the *Primer*, and instead set out general intentions centering on nonprogramming efforts to meet community needs and interests. Since the proposed programming portion of the application was amended substantially, our focus will center upon the revised version.

[24] Petitioners' allegations regarding the decrease in PSA's for the coming license term do not raise a prima facie question of fact, for here, as in other areas of programming, the Commission will not play a numbers game absent specific facts to indicate that the public interest will not be served through the licensee's proposals. *Columbus Broadcasting Coalition v. FCC*, 505 F. 2d 320 (D.C. Cir. 1974).

[25] It should be pointed out that these descriptions are not taken from the licensee's amended survey but rather from Exhibit No. 7 in the application, which contains a listing of typical and illustrative programs carried during the past license term.

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"Community News"—"news of local interest/church announcements."

"Farm News"—"local farm news and market reports."

"Home Makers Club"—"Home making tips for housewives" (source: County Extension office)

"Veterans Column"—"aid for veterans/news of interest to Veterans, etc. (source: local Veterans Administration Office).

"County Extension"—"farming tips of local interest" (source: County Agent).

"Community Hour"—"A local colored minister talking on things of interest to blacks" (source: Perry County Civic League).

"Grand Old Gospel League"—no description given.

"Lee Funeral Home Program"—no description given.

"Editorials"—no description given.

"Civitan Day Program"—"full day of broadcast on WJAM by local Civitan Club."

31. As indicated above, 17 of the 30 ascertained problems will be addressed by the licensee's proposed programs. Close examination reveals the following: six problems will be dealt with solely through station editorials; four problems will be discussed through some combination of editorials and news reports; two problems will receive attention in PSA's; and the remaining five problems have separate and distinct programs proposed. Initially, we should point out that a station's use of editorials, news reports, and PSA's to meet ascertained needs of the community is permitted by our *Primer, supra*. However, the *Primer* does indicate that reliance upon editorials, news reports, and PSA's is a question of degree. Sole reliance will raise questions as to the adequacy of the proposals. The licensee's obligation to serve the needs and interests of its service area is greater than merely providing information on these problems through editorials, news reports, and PSA's. This conclusion "is founded on the recognition that our society is confronted with many complex problems that cannot be met by the brief comment afforded by announcements." 27 FCC 2d 650, 676. Also, as discussed above, the Commission affords the licensee wide discretion in proposing programs to meet community needs and interests. While the needs of minority groups within a station's service area need not be satisfied solely through programs designed specially for that group, the licensee's responsibility to serve the public interest does include an obligation to serve the special needs and interests of sizable minority groups existing within the station's service area. *Capitol Broadcasting Company*, 38 FCC 1135 (1966). In *Alabama Educational Television Commission*, 32 RR 2d 539, 554 (1975), we held that a licensee's failure to serve the needs and interests of a 30 percent minority community was "fundamentally irreconcilable with the obligations which the Communications Act places upon those who receive authorizations to use the airwaves." Here with a Black population outnumbering the White population in Perry County, the licensee will be held to an even higher obligation in terms of service to the "minority" community.

32. After careful review of the licensee's proposals and petitioners' allegations, we are persuaded that a substantial and material question of fact exists as to whether the licensee's proposed programming will adequately serve the public interest. Our conclusion in this regard largely rests on the fact that of the 30 ascertained needs and interests discovered by the licensee, only five problems will be given any attention in programming beyond editorials, news reports, or PSA's. Moreover, an analysis of the programs that will address these five problems provides little indication that WJAM will serve Marion and Perry County. Problem Number 12 (better educational facilities) will receive attention over WJAM from the local Civitan Club only once a year. We also fail to see how the area's employment situation will be adequately treated through "Trading Post" as described by the licensee. Similarly, "Veterans Column" as summarized seems to relate to the area drug problem only in a tenuous manner. Finally, with regard to Problem Number 9 (better race relations), the licensee has failed to even provide descriptions for two of the four proposed programs (i.e., "Grand Old Gospel Hour" and "Lee Funeral Home Program"). It appears to us that the licensee, after its ascertainment survey was completed, merely pitted present programs against ascertained problems. When no program existed, instead of creating new presentations to deal with problems (as envisioned by the *Primer*), the licensee merely indicated editorials, news reports, or PSA's, as dealing with certain ascertained needs. We have already indicated the licensee's unsatisfactory performance during the past license term in broadcasting to meet community needs. Now, with a cut in proposed public affairs programming—and with editorials, news reports, and PSA's providing the bulk of programming for ascertained needs—it is necessary to inquire further into WJAM's proposed programming at a hearing.

33. *Accordingly, it is ordered*, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned license renewal application, is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues: (1) To determine whether the composition of Marion and Perry County, Alabama is reflected to a reasonable degree in the licensee's community leader and general public surveys.

(2) To determine whether the ascertainment of community needs survey was conducted by appropriate personnel of Radio Marion, Incorporated.

(3) To determine whether the ascertainment survey conducted by Radio Marion, Incorporated reasonably could have been expected to disclose the needs, interests and problems of WJAM's service area.

(4) To determine whether Radio Marion, Incorporated—in the past license term (1970–1973)—has broadcast programming serving the needs, interests and problems of WJAM's service area.

(5) To determine whether Radio Marion, Incorporated's programming for the past license term reasonably conformed to its proposals as set forth in its 1970 renewal application.

(6) To determine whether Radio Marion, Incorporated's programming proposals as set forth in the subject renewal application reasonably will meet community needs, interests and problems as ascertained.

(7) To determine whether, in light of the evidence adduced pursuant to the foregoing issues, a grant of the subject license renewal application would serve the public interest, convenience and necessity.

34. *It is further ordered*, That the petition to deny the above-captioned license renewal application, filed by Albert Turner, individually and on behalf of the Perry County Civic League, is granted to the extent indicated above.

35. *It is further ordered*, That petitioners' Motion to Strike filed September 7, 1973, IS DENIED.

36. *It is further ordered*, That Albert Turner and the Perry County Civic League are made parties to the hearing ordered herein.

37. *It is further ordered*, That in accordance with section 309(e) of the Communications Act of 1934, as amended, the burden of proceeding with the introduction of evidence shall be on the parties respondent as to Issues (1) through (6). The burden of proceeding with respect to Issue (7), and the burden of proof with respect to all of the issues herein shall be upon Radio Marion, Incorporated.

38. *It is further ordered*, That, to avail themselves of the opportunity to be heard, Radio Marion, Incorporated and petitioners, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in the Order.

39. *It is further ordered*, That Radio Marion, Incorporated shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted March 11, 1975.

Released March 26, 1975.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.75-8475 Filed 4-2-75;8:45 am]

[Docket No. 20380; File No. 159-A-L-64; FCC 75-286]

SELMA FLYING SERVICE, INC.

Application for Hearing

In the matter of application of Selma Flying Service, Inc., for an aeronautical enroute station to be located at Selma, Alabama; Docket No. 20380, File No. 159-A-L-64.

1. Selma Flying Service, Inc. (Selma) has filed an application for an aeronautical enroute station to be located at Selfield Airport, Selma, Alabama. Aeronautical Radio, Inc. (ARINC) filed a petition to deny the Selma application on July 29, 1974. Selma opposed the ARINC petition to deny by a letter received at the Commission on August 19, 1974, to which ARINC replied on August 27, 1974. Selma, in turn, rebutted the ARINC reply of August 27, 1974, by a pleading submitted September 17, 1974.

2. This series of pleadings is unusual and, as ARINC points out in its reply of August 27, 1974, not fully in accord with the Commission's procedural rules.[1] Notwithstanding this objection, we believe it is necessary and desirable to treat as much of the pleadings received as we legally can in the interest of fully treating the fundamental policy and public interest questions raised by both ARINC and Selma in their respective filings.

3. Accordingly, we hereby waive the provisions of § 1.45 of the rules, on our own motion, in order to address the issues raised by these pleadings. The factual allegations made in the informal opposition and reply of Selma will not be treated except as they may be officially noticed. However, the public interest or policy arguments made by Selma will be treated as informal comments in support of its application. In so deciding, we are following a long standing practice of avoiding strict application of the Commission's procedural rules against applicants in the Safety Services who utilize communications which are ancillary to their businesses, especially in cases, such as the instant case, where such applicants are not represented by counsel and where service on all other parties in interest has been accomplished.

4. The pleadings associated with the Selma application raise policy and factual issues. Regarding policy considerations, ARINC sets forth at length in its pleadings, its own historical role in the development and operation of the aeronautical enroute system in the United States. It cannot be gainsaid that ARINC's historic role in such development and its current dominance of the system are very significant. In this connection, ARINC protests "private use of the aeronautical enroute service" by Selma. Whatever the merits of such arguments may be, they are not appropriate to this proceeding. ARINC does not deny that Selma is an eligible applicant in the enroute service. Arguments concerning the proper role of ARINC in this service relative to other applicants should be considered in context of a Notice of Inquiry or Notice of Proposed Rule Making. Consequently, we find that Selma is eligible to be licensed in the enroute service.

5. ARINC further protests the Selma application on the following grounds:

(a) Because existing ARINC service can adequately serve Selma, the application should be dismissed pursuant to § 87.291(b) of the rules.[2]

(b) Selma did not prosecute its application for an aeronautical advisory station in Dockets 19969–19970, released June 12, 1974 (FCC 74M–679) and the consideration of the current license may be barred for 12 months by Section 1.916 of the rules insofar as the application involves "service of the same kind to substantially the same area."

(c) Information on file with the Commission indicates Selma Flying Service may have engaged in the unlicensed operation of aeronautical advisory station KSP–8 held by the City of Selma after that license expired on September 13, 1971.

6. In its Petition to Deny, ARINC makes the following statements regarding the adequacy of existing [ARINC] service:

. . . ARINC has stations throughout Alabama including stations as near as Montgomery, Birmingham, and Tuscaloosa. In addition . . . the area of Selma is criss-crossed by ARINC aeronautical enroute networks. There is a network operating on 131.85 MHz coming from Birmingham to Montgomery to Meridian, crossing Selma directly. There is another network operating on 128.85 MHz coming in from Memphis to Montgomery and Mobile. Finally, there is a network on 130.2 MHz coming from Chattanooga to Montgomery to Mobile and on to New Orleans. Of course, to the extent that additional facilities may be necessary to meet the specific communications requirement of the applicant or others, ARINC stands ready to implement service, without delay, upon reasonable request pursuant to § 87.291(a) of the rules. From the information now supplied, it would appear that the aeronautical enroute communications requirements at Selma, Alabama, can be "adequately served" by existing ARINC stations, and the application should be dismissed.

7. ARINC is not a common carrier and, consequently, is not obligated to serve Selma on tariffed terms. Conversely, Selma Flying Service is not obligated to seek service from ARINC. Rather, as has already been noted, Selma is entitled and eligible to apply for an enroute station in its own right. In considering whether existing service is adequate, therefore, it is necessary to consider not only whether ARINC's existing system can adequately serve Selma operationally, but also whether financial or other service terms of present ARINC service offerings to Selma are adequate or are otherwise in accordance with the rules.

8. Section 87.291(a) of the rules defines the scope of service of aeronautical enroute stations. Among other things, this rule requires licensees of enroute stations to provide all necessary non-public service to any aircraft licensee "who makes cooperative arrangements for the operation and maintenance of the aeronautical enroute stations which are to furnish such service and for shared liability in the operation of such stations." Consequently, it is necessary to determine the financial or other provisions relating to shared liability in the operation of such stations as would furnish service to Selma and to determine whether or not these provisions are adequately related to costs. Consequently, an issue will be designated below to determine the facts regarding ARINC's service offering to Selma, pursuant to ARINC's obligation under § 87.291(a) of the rules and to determine whether or not such offering fulfills ARINC's duty to provide service to Selma.

9. It is undisputed that Selma did not prosecute its application for an aeronautical advisory station in Dockets 19969 and 19970. Selma attributes its failure to do so to the press of other business. In any event, no evidence exists that Selma was or is abusing the Commission's processes. Further, should Selma fail to prosecute its instant application, it can and will be dismissed for that reason in accordance with standard procedure. ARINC's contention that the aeronautical enroute and aeronautical advisory services are services of the same kind for purposes of § 1.916 of the rules is without merit nor does ARINC maintain that Selma does not intend to operate an aeronautical enroute station.

10. ARINC's contention that Selma Flying Service may have engaged in unlicensed operation of aeronautical advisory station KSP–8 is more problematical. We note, however, that the license for that station was held by the City of Selma and not by Selma Flying Service. Ordinarily, therefore, the City of Selma, as the licensee or former licensee of the station (after the license had expired) would be responsible for illegal operation of its station. Further, Selma states that no unlicensed operation has occurred under present management. In order to determine the facts regarding this matter, we will designate an issue below to determine whether or not such unlicensed

[1] Specifically, the Selma opposition to ARINC's petition to deny was not submitted within 10 days of the filing of the petition to deny, as required by § 1.45(a) of the rules. Further, no provision is made for a "reply to a reply" unless specifically requested or authorized by the Commission. See § 1.45(c) of the rules. Lastly, Selma's informal opposition and reply are unsupported by affidavit as required by section 309(d)(1) of the Communications Act and § 1.962(g) of the rules.

[2] This rule provides as follows:

"Only one aeronautical enroute station in the Domestic Service will be authorized at any one location and only one aeronautical enroute station in the International Service will be authorized at any one location. *For this purpose 'a location' means an area which can be adequately served by the particular station.*" (Emphasis supplied.)

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operation occurred; whether, if it did, it can fairly be charged to Selma and its present management; and, if so, whether such conduct was serious enough to disqualify Selma as a licensee of an aeronautical enroute station.

11. *Accordingly, it is ordered,* That the above-captioned application of Selma Flying Service is designated for hearing at a time and place to be specified in a subsequent Order on the following issues:

(a) To determine whether or not an existing station or stations can adequately serve Selfield Airport operationally within the meaning of § 87.291(b) of the Commission's rules.

(b) To determine the facts concerning the service offerings of ARINC to Selma, pursuant to ARINC's duty to provide service pursuant to § 87.291(a) of the Commission's rules.

(c) To determine whether or not ARINC's proposed charges are related to costs or are otherwise reasonable in accordance with the requirement for shared liability in the operation of such ARINC stations as would provide service to Selma.

(d) To determine, in light of the evidence adduced under issues (b) and (c) above, whether an existing ARINC station or stations will adequately serve Selma Flying Service in accordance with § 87.291 (a) and (b) of the rules.

(e) To determine whether or not Selma Flying Service is engaged in unlicensed operation of aeronautical advisory station KSP-8, held by the City of Selma after September 13, 1971.

(f) To determine, in light of the evidence adduced under issue (e) above, whether or not such unlicensed operation of station KSP-8 which may have occurred, is reasonably and fairly chargeable to the present management of Selma Flying Service.

(g) To determine in light of the evidence adduced under issue (f) above, whether such unlicensed operation of station KSP-8 which may reasonably and fairly be chargeable to the present management of Selma Flying Service is sufficiently grave to warrant denial of the present application.

(h) To determine in light of all of the evidence whether or not the grant of the application of Selma Flying Service would be in the public interest, convenience and necessity.

12. *It is further ordered,* That the burden of proof and the burden of proceeding with the introduction of evidence on issues (a), (b), (c), (d), and (e) is on Aeronautical Radio, Incorporated, and on issues (f) and (g) of Selma Flying Service. Issue (h) is conclusory.

13. *It is further ordered,* That the Petition to Deny filed herein by ARINC IS GRANTED to the extent indicated herein and in all other respects IS DENIED.

14. *It is further ordered,* That to avail themselves of an opportunity to be heard ARINC and Selma Flying Service, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this Order.

Adopted March 11, 1975.

Released March 25, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-8474 Filed 4-2-75;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311(p) (1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	Owner/operator and vessels
01015	A/S Rederiet Odfjell: *Bow Fagus.*
01074	Sigval Bergesen: *Solfonn, Isfonn, Rimfonn, Tindfonn, Barfonn, Frostfonn, Nordfonn.*
01168	Rederiaktiebolaget Sally: *Fanny, Finny.*
01232	Rolf Wigans Rederi A/S: *Gerwi.*
01805	Suisse-Atlantique-Societe D'Armement Maritime S.A.: *Cruzeiro do Sul.*
01935	Partnership Between Steamship Co. Svendborg Ltd. and Steamship Co. of 1912 Ltd.: *Margrethe Maersk.*
02492	Interstate Oil Transport Co.: *Atlantic 28, York River, Ocean 190.*
02982	The Shipping Corp. of India Ltd.: *Vishva Anurag.*
03139	Offshore Marine Ltd.: *Forties Shore.*
03276	Universe Tankships, Inc.: *Universe Guardian.*
03420	Dainichi Kaiun Kabushiki Kaisha: *Nissin Maru.*
03716	Dunbar & Sullivan Dredging Co.: *Offshore.*
03729	Halliburton Co.: *Halliburton OGA-100.*
03883	Ohio Barge Line, Inc.: *Barge OBL 1005, Barge OBL 1006, Barge OBL 1007, Barge OBL 1008, Boat Steel Rover.*
04002	Cie des Messageries Maritimes: *Licorne Oceane.*
04163	Cenac Towing Co., Inc.: *CTCO 2502.*
04420	Navigazione Alta Italia S.P.A.: *Nai Mario Perrone.*
04485	Fujiuramaru Gyogyo Kabushiki Kaisha: *Fujiuramaru No. 3.*
04997	Aliakmon Marine Enterprises Corp.: *Aliakmon Prosperity.*
05006	Star Kist Foods, Inc.: *Theresa Janene.*
05577	Far Eastern Shipping Co.: *Pavel Rybin, Pavlodar.*
05736	Flota Cubana de Pesca: *Rio Damuji, Cubanacan.*
05998	Navarino Shipping & Transport Co., Ltd.: *Activity, Father Panos, Tenacity, Loyalty, Trinity, Velocity.*
06995	Novorossiisk Shipping Co.: *Marshal Budyonyy.*
07151	Sea Containers Chartering Ltd.: *Herp.*
07166	Carnegie Shipping Co., Ltd.: *Castleton.*
07458	Transportes Navieros Eucatorianos: *Isla Puna.*
06301	Spearin, Preston & Burrows, Inc.: *Jackup Barge No. 1.*
06823	Conoco Shipping Co.: *Conoco Europe.*
09031	Union Mechling Corp.: *Jason, Argonaut.*
09244	System Fuels, Inc.: *Margaret D, Jimmie L, SFI 23, SFI 24.*
09420	Armadora Maritima Salvadorena S.A. de C.V.: *Carmen A.*
09539	Raymond-Klewit-Tidewater, a joint venture: *Loretta, Summerville, Cheboygan, JK-12, Mohawk, Placing Barge, Apache, Mount Pleasant.*
09543	Atlantic Bulk Carrier, Inc.: *Atlantic Faith.*
09637	B. E. Williamson, Allen Thomas, George Pine, a partnership: *CC-207.*
09663	Chatham Towing Co., Inc.: *Essex No. 6, Raymond Demere, E. O. Sikes.*
09794	Capital Dredge & Dock Corp.: *Ironwood, Western Brave, Relief, ABL-502, Cameron, Chlorine.*
09794	Capital Dredge & Dock Corp.: *Seneca 1349.*
09812	Flanders Shipping Co., Ltd.: *Five Boys.*
09832	Asperula Shipping Co., Ltd.: *Tomabi.*
09833	Arnica Shipping Co., Ltd.: *Fropadano.*
09913	Archangelic Shipping Corp.: *Apelos Protostatis.*
09919	Compania de San Hacienda S.A.: *Pacific Rainbow.*
09920	Saga Surf A/S: *Osco Surf.*
09921	Interessentskapet Stra: *Stra, Simos, Sefra.*
09922	Marianne Tankers, Inc.: *Marianne Conway.*
09923	Mirene Shipping, Inc.: *Mirene.*
09924	Jin Yang Fisheries Co., Ltd.: *Nam Yang No. 3.*
09927	Quadrant Shipping Co.: *World Provider.*
09928	Partrederiet Polyclipper: *Polyclipper.*
09929	Domino Tanker, Ltd.: *Carl Phillip.*
09934	South Tasman Shipping Co., Ltd.: *Nestos.*
09935	West Baltic Shipping Co., Ltd.: *Theofano Livanos.*
09936	South Ionian Shipping Co., Ltd.: *Evros.*
09937	Bering Shipping Co. Ltd.: *Atlantic Mermaid.*
09938	Aral Shipping Co., Ltd.: *Atlantic Eagle.*
09940	Pesquerias Marinenses, S.A.: *Playa de Mogor.*
09941	D. Manuel Nores Gonzales: *Villa de Maria.*
09942	Denfield Shipping Inc.: *Oceanid.*
09943	Rextar Transports Inc.: *Grand Rextar.*
09944	Menam Express Inc., S.A.: *Menam.*
09946	Pan Oriental Line Corp., Panama: *Shinjitsu Maru No. 5.*
09947	United Bulk Carriers Ltd.: *Andros City.*
09949	J. Vermaas' Scheepvaart Bedrijf B.V.: *Kortenaer.*
09950	Nichiyo Kisen Kabushiki Kaisha: *North Atlantic Maru.*

Certificate No.	Owner/operator and vessels
09952	Elfontana, Inc.: *Ferryship L.*
09953	Jebro Inc.: *MOL 952.*
09954	Fairview Shipping, Inc.: *George L.*
09956	Zuiko International Shipping Inc.: *Glorious Wako.*
09957	Ocean Oil Products, Inc.: *Golar Petrotrade.*
09958	North Seal S.A.: *Juanita Halkias.*
09959	Eger Tankers, Inc.: *Ferncrest.*
09960	Taishan Shipping Inc.: *Taishan.*
09961	Interessentskapet Saga Sailor: *Osco Sailor.*
09962	Golden Knight Shipping Inc.: *Golden Knight.*
09963	Green Bayou Terminal, Inc.: *Big John.*
09964	Pesquera Ojeda, S.A.: *Costa de Normandia.*
09965	Retwood International Inc.: *Retladawn.*
09967	Akrata Shipping Corp.: *Akrata.*
09969	White Sea Shipping Co., Ltd.: *Bermuda Sea.*
09970	Izui Gyogyo Kabushiki Kaisha: *Shinnan Maru No. 18.*
09971	Dong Il Shipping Co., Ltd.: *Daitoku Maru No. 31.*
09984	Messrs. Munster Shipping Co., Ltd.: *Annette.*
09985	Valocean Service, Inc.: *Dona Lolita.*
09986	Brilliant Line S.A.: *Brilliant Ace.*
09987	Navigators Bulk Transports Ltd.: *Andros Mariner.*
09988	Euro-Asian Lines (Panama) S.A.: *Young Star, Pan Glory.*
09989	Trans-World Tankship Co., Ltd.: *Astro Pegasus.*
09991	Laurel Ltd.: *Ocean Orion.*
09992	Amer-Sea Oy: *Finn-Amer.*
09993	Rederij "Jodine": *Jodine.*
09994	Pearl Navigation S.A.: *Eastern Pearl.*
09996	International Transportation, Inc.: *Ruth.*
09997	Robinia Shipping Co., S.A.: *Baranof.*
09999	E. K. Lito Shipping Co., S.A.: *Lito.*
10000	Aremar C.I.F.S.A.: *Aremar.*
10002	Kabushiki Kaisha Kaneshimeichi: *Kiyo Maru No. 38*
10003	Kamekichi Oyama: *Kiyo Maru No. 28.*
10004	Seifuku Sangyo Kabushiki Kaisha: *Seiyu Maru, Fukutoku Maru No. 7.*
10005	Kabushiki Kaisha Satoshoten: *Ryoyoshi Maru No. 7.*
10006	Taiyosuisan Kabushiki Kaisha: *Taiyo Maru No. 11.*
10007	Asturiana Armadora S.A.: *Michalis.*
10008	Armadora Castellana S.A.: *Mitsos.*
10009	T.S.C. International Ltd.: *Santal.*
10010	Aldrich Maritime Corp.: *Aldrich.*
10011	Refrigerated Express Service, Ltd.: *Fortuna Reefer.*
10014	Charters Maritime Corp.: *Crocus.*
10015	Fortune Bay Shipping Co. Ltd.: *Mihal L.*
10017	Shinko International Shipping, Inc.: *Glorious Shinko.*
10018	Rimini Shipping Corp.: *Rimini.*
10019	Jinyang Shipping Co. Ltd.: *Jinyang 11, Jinyang 13.*
10020	Kommanditttiyhtio Paikki Oy & Co.: *Pellos.*
10022	Toshiya Uchiyama: *Sinpo Maru No. 2.*
10025	Hansa Offshore (Sea) Pty. Ltd.: *Frankenfels, Frauenfels, Freienfels Aristotelis.*
10026	Dong un Fishery Development Co., Ltd.: *Wo Pyong Ho.*
10032	Dow Badische Co.: *TCB-309.*
10034	Bengal Shipping Co. Ltd.: *Atlantic Champion.*
10036	Lewis Lines Ltd.: *Davyton.*
10037	Karanfil Corp.: *Dimitris A. Lemos.*
10039	Waterwork Corp. S.A.: *Minotavors.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-8734 Filed 4-2-75;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and section 311(p) (1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/operator and vessels
01069	Union Industrielle et Maritime: *Christine.*
01092	Thor Dahls Hvalfangerselskap A/S: *Thorsdrake, Thorsorient.*
01151	Overseas Tankship Corp. *Chevron Liege.*
01235	I/S Gibisary: *Beth.*
01261	Interessentskapet Bulktrading: *Bardu.*
01323	Manchester Liners Ltd.: *Manchester Renown.*
01406	United Bulkcarriers S.A., Panama: *Capetan Yemelos.*
01410	Sociedad de Carga Oceanica S.A., Panama: *Angelos Lusis.*
01428	Ocean Transport & Trading Ltd.: *Troilus.*
01468	Northumbrian Shipping Co. Ltd.: *Caribbean Venture.*
01615	Stavros Shipping Co., Ltd.: *Stavros G. Livanos.*
01916	Desert Steamship Co.: *Desert Princess.*
02055	Conway Shipping Co., Ltd.: *Victor.*
02186	Ore Shipping Corp.: *Mathieson, Olin.*
02327	Weser Schiffahrts Agentur Gmbh: *Weser Agent.*
02330	Oriental Shipping Corp.: *Geranium.*
02462	Hellenic Lines, Ltd.: *Athinai, Hellas, Hellenic Destiny, Hellenic Glory, Hellenic Hero, Hellenic Laurel, Hellenic Leader, Hellenic Pioneer, Hellenic Spirit, Hellenic Spendor, Hellenic, Torch, Holandia, Iraklion, Italia, Livorno, Turkia.*
02568	Eaton Shipping Co., Ltd.: *Eaton.*
02889	Showa Kaiun K.K.: *Nittei Maru.*
02983	Avemaria Compania Naviera S.A., Panama: *Georgios A. Georgilis.*
03199	N.V. Motorscheepvaartmaatschappij "Santa Maria": *Santa Maria.*
03315	Afran Transport Co.: *Lagunillas.*
03389	Shell Tankers B.V.: *Koratia.*
03422	Daiwa Kaiun Kabushiki Kaisha: *Palau Maru.*
03471	Nippon Kisen Kabushiki Kaisha: *Houn Maru.*
03509	Taiyo Shosen K.K.: *Ocean Orion.*
03572	K/S A/S Krohn Brekkes Rederi & Co.: *Curling.*
03635	Hines, Inc.: *Larry Turner.*
03872	Silver Hope Shipping Co. Ltd., of Cyprus: *Silver Hope.*
03993	Partenreederei M.S. "Hannah Blumenthal": *Hannah Blumenthal.*
03998	Reederei Reith & Co.: *Elisabeth Reith.*
04050	A/S Uglands Rederi: *Carmencita.*
04276	Rivtow Straits Ltd: *Straits Traveller, Straits Water Skidder.*
04277	C. W. Blakeslee & Sons, Inc.: *Weeks No. 6, Scow Week No. 6.*
04283	Gulf of Georgia Towing Co., Ltd.: *Abitibi, Linden.*
04288	Horn-Linie: *Hornmeer.*
04354	Oil Transport Corp.: *Kissavos.*
04462	Empresa Nacional "Elcano" de la Marina Mercante S.A.: *Almirante F. Moreno, Almirante M. Vierna.*
04674	Pescanova S.A.: *Amarante.*
04803	Brent Towing Co., Inc.: *S. B. Thomas.*
04824	Ocean Oil Carriers, Inc.: *Golar Martita.*
04878	Leland Bowman: *BB-796, BB-797.*
05008	Star Kist Foods, Inc.: *Arequipa.*
05097	Esso Transport Co., Inc.: *Esso Australia.*
05349	Trans-Caribbean Lines, Inc.: *Mar Freeze, Ultra Freeze.*
05494	Moor Terminal & Barge Co., Inc.: *James W. Moor 100, Jimmy M.*
05529	Julio Zakzuk: *Don Alejo.*
05821	San Yang Navigation Co., Ltd.: *Sanshin Pioneer, Sanshin Victory.*
05942	Empresas Armadoras S.A., Panama: *Ioanna.*
06376	Cia Herlac de Navegacion S.A.: *Hikawa.*
06725	Geest Industries Ltd.: *Geestcape.*
06853	Shipping Co. Knud I. Larsen: *Carsten Sif, Hermann Sif, Ole Sif.*
07404	Hanseatic Shipmanagement Ltd.: *Reefer Merchant, Reefer Trader, Samossand.*
07506	Vivat Shipping Co., S.A.: *Atlantic Neptune.*
07516	Akitsu Gyogyo Kabushiki Kaisha: *Akitsu Maru.*
07582	Mess Co., S.A.: *Seisyo Maru No. 2.*
07875	Tonia Maritime Co., Ltd.: *Marytonia.*
07894	Selmaduro la Guaira S.A.: *Manaure.*
07935	Independent Lighterage Co.: *Elm, Oak.*
07971	Tanker Enterprises, Inc.: *Stolt Catalina.*
08226	Manchester Liners (Transport) Ltd.: *Manchester Zeal.*
08396	Travery S.A., Panama: *Kim.*
08401	Pacific Union Navigation S.A.: *Ryusho.*
08462	Whiteline Navigation Co., Ltd.: *Sacramento Venture.*
08799	N.V. Caribbean Bulk Carriers: *Alban.*
08833	General Metals of Tacoma, Inc.: *Klamath.*
08878	Sea Bird Navigation Inc.: *Fay.*
08895	Koberg Corp. Ltd.: *Sukumbi.*
08907	Interbank Shipping Corp.: *Night Train.*
08912	Drummond & Bronneck Inc.: Steve P Rados Inc. Garrison 8 International Corp.: *Barge No. 19.*

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Certificate No.	Owner/operator and vessels
08919---	Cape Freels Shipping Co., S.A., Monrovia: *Cape Freels.*
08957---	Sunvictor Maritime Co., Ltd.: *Sunvictor.*
08964---	Houlder Brothers & Co., Ltd.: *Chelwood.*
09031---	Union Maching Corp.: *Bob Fuqua.*
09125---	Garth Shipping Co. Ltd.: *Garthnewpark.*
09361---	OBC Lines Ltd.: *Noor-E-Raza, Raza.*
09545---	Maytide Line Co., Ltd.: *Tropical Mariner.*
09749---	Perseus Shipping Corp.: *Lloyd New York.*
09887---	Hyndae Enterprise Co., Ltd.: *Sobrino.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-8735 Filed 4-2-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8851]

ALABAMA POWER CO.

Tariff Change

MARCH 26, 1975.

Take notice that Alabama Power Company on March 19, 1975 tendered for filing proposed changes in its FPC Electric Tariff, Original Volume No. 1. The proposed changes to the Company's tariff constitute a change in the fuel cost adjustment clauses applicable to Revision No. 1—Rate Schedules REA–1 and MUN–1. The Company states that the revised fuel cost adjustment clauses are filed in accordance with and pursuant to FPC Order No. 517 in Docket No. R–479 issued November 13, 1974. Alabama requests that its proposed revised fuel cost adjustment clause be permitted to become effective on April 18, 1975, or the earliest date thereafter as permitted by existing contracts with affected municipal and cooperative customers.

Copies of the filing were served upon the public utility's jurisdictional customers, all parties of record in Docket No. E–8851, the Alabama Public Service Commission and the Southeastern Power Administration.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 16, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Provided however, that parties who have already been permitted to intervene in this proceeding need not file further petitions to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8568 Filed 4-2-75;8:45 am]

[Docket No. CI75-542]

AMERADA HESS CORP.

Application

MARCH 27, 1975.

Take notice that on March 12, 1975, Amerada Hess Corporation (Applicant), 1200 Milan, 6th Floor, Houston, Texas 77002, filed in Docket No. C175–542 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of casinghead gas to Warren Petroleum Company (Warren) from a well located in the Eunice-Monument Field, Lea County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that under a certain percentage-of-sales casinghead gas contract between Applicant and Warren, Applicant sells casinghead gas produced from a well located in the Eunice-Monument Field to Warren. The application indicates that said well was reclassified as a gas well in an oil pool by the New Mexico Oil Conservation Commission. Applicant states that as an oil well the casinghead gas produced therefrom was dedicated to a contract with Warren; however as a gas well the gas-well gas therefrom is dedicated to Northern Natural Gas Company pursuant to a Gas Purchase Contract dated June 21, 1974, on file with the Commission as Applicant's FPC Gas Rate Schedule No. 30.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 11, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8569 Filed 4-2-75;8:45 am]

[Docket No. RP74-61; PGA75-3]

ARKANSAS LOUISIANA GAS CO.

Proposed Change in Rates

MARCH 27, 1975.

Take notice that on March 18, 1975, Arkansas Louisiana Gas Company ("Arkla") tendered for filing Fifth Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1 to become effective May 1, 1975.

Arkla states that the instant filing was made pursuant to the purchased gas cost adjustment provisions of Arkla's tariff in order to reflect a change in Arkla's deferred cost adjustment pursuant to section 13 of the General Terms and Conditions of Arkla's FPC Gas Tariff, First Revised Volume No. 1.

Arkla states that it has submitted schedules containing computations supporting the rate changes to be effective May 1, 1975. Arkla further states that copies of its filing were served on Arkla's jurisdictional customers and the State Commission of Oklahoma and Kansas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 9, 1975. Protests will be considered by the Commission to determine appropriate action to be taken but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8570 Filed 4-2-75;8:45 am]

[Docket No. RP74-61; PGA 75-3]

ARKANSAS LOUISIANA GAS CO.

Filing of Revised Tariff Sheet

MARCH 27, 1975.

Take notice that on March 17, 1975 Arkansas Louisiana Gas Company (Arkla) tendered for filing Fifth Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1 to become effective May 1, 1975.

Arkla states that the instant filing was made pursuant to the purchased gas cost adjustment provisions of Arkla's tariff in order to reflect a change in Arkla's deferred cost adjustment pursuant to section 13 of the General Terms and Conditions of Arkla's FPC Gas Tariff, First Revised Volume No. 1.

Arkla submitted schedules containing computations purporting to support the rate changes to be effective May 1, 1975. Arkla states that copies of its filing were served on Arkla's jurisdictional customers and the State Commissions of Oklahoma and Kansas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission in acordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 9, 1975. Protests will be considered by the Commission to determine appropriate action to be taken but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8571 Filed 4-2-75;8:45 am]

[Docket No. IT-5959]

BONNEVILLE POWER ADMINISTRATOR

Application for Amendment of Presidential Permit

MARCH 26, 1975.

Take notice that Bonneville Power Administrator (Administrator), having his principal office at Portland, Oregon, filed an application with the Federal Power Commission in Docket No. IT–5959 on August 21, 1974, as subsequently supplemented, pursuant to Executive Order No. 10485, dated September 3, 1953, for further amendment of his Presidential Permit which authorizes certain facilities of Bonneville Power Administration, U.S. Department of the Interior (BPA), at the United States-Canadian border for the transmission of electric energy between the United States and Canada.

The Administrator's Presidential Permit, as signed by the President of the United States on October 27, 1945 and modified by the amendment signed by the Acting Chairman of the Federal Power Commission on November 30, 1965, authorizes the Administrator to construct, operate, maintain and connect one 230 kv transmission line and one 500 kv transmission line at the border between the State of Washington and the Province of British Columbia, Canada, near Blaine, Washington, where such lines interconnect overhead with the electric transmission system of British Columbia Hydro and Power Authority (B.C. Hydro) for the exchange of excess hydroelectric energy and the interchange of electric energy for emergency and breakdown relief. In his application, the Administrator states that BPA's 230 kv line has been retired and removed and that it has been replaced by a 500 kv line which occupies the right-of-way formerly utilized by the 230 kv line and interconnects with B.C. Hydro's facilities at the international border as did the 230 kv line. The aforedescribed changes in BPA's transmission facilities increase the firm capacity of the BPA–B.C. Hydro interconnection from 400,000 kw to 2,000,000 kw. The Administrator now seeks modification of his permit, as amended, for the purposes of securing, in substance, approval of the removal of the 230 kv line and authorization for the construction, operation, maintenance and connection of the additional 500 kv line. In the event that the subject application is granted, two adjacent overhead 500 kv lines will be covered by the Administrator's permit.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 18, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8572 Filed 4-2-75;8:45 am]

[Docket Nos. RP73-65; PGA75-5]

COLUMBIA GAS TRANSMISSION CORP.

Order Granting Interventions

MARCH 27, 1975.

On January 16, 1975, the Columbia Gas Transmission Corporation (Columbia) tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1 as follows: Nineteenth Revised Sheet No. 16; Sixth Revised Sheet No. 64 A; Tenth Revised Sheet No. 64 B.

Columbia's filing was noticed by the Commission on January 22, 1975, with protests and petitions to intervene due on or before February 7, 1975. An untimely petition to intervene was filed by Basin Petroleum Corporation.

Having reviewed the above petition to intervene, we believe that the petitioner has sufficient interest in the proceedings to warrant intervention.

The Commission finds: It is desirable and in the public interest to allow the above-named petitioner to intervene.

The Commission orders: (A) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8576 Filed 4-2-75;8:45 am]

[Docket No. CP75-262]

COLUMBIA GULF TRANSMISSION CO. AND TENNESSEE GAS PIPELINE COMPANY, A DIVISION OF TENNECO INC.

Application

MARCH 27, 1975.

Take notice that on March 6, 1975, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP75–262 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 40.6 miles of offshore pipeline facilities (referred to as Project 643) necessary to connect gas reserves in the West Cameron Blocks 642 and 643 area to Applicants' respective systems, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that the proposed facilities will be an extension of Applicants' existing 16.8 mile 30-inch diameter pipeline extending from East Cameron Block 273 to Applicants' jointly-owned Blue Water Project in Vermilion Block 245 (certificated in Docket No. CP73–48, 49 FPC 1307) and will consist of the following: (a) approximately 30.4 miles of 30-inch pipeline extending from the terminus of Applicants' existing 30-inch pipeline in East Cameron Block 273 to a point in West Cameron Block 601, and

(b) approximately 10.2 miles of 24-inch pipeline, forming a continuation of the pipeline described in (a) above, extending from an underwater connection in West Cameron Block 601[1] with said line to an existing producer platform in West Cameron Block 643 owned by Tenneco Oil Compay, *et al.*

[1] Should a central gathering pipeline platform be required in the future Applicants indicate that it would be installed at the intersection of the 24- and 30-inch pipelines in Block 601.

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These facilities are estimated by Applicants to cost $3,462,392 in the aggregate, which cost will be shared equally by Applicants and will be financed from funds on hand by Columbia Gulf and from funds on hand and borrowing upon revolving credit by Tennessee. In addition, Applicants state that they will share jointly and equally the 150,000 Mcf per day capacity in the proposed Project 643 facilities, as well as all operating costs associated therewith. It is stated that Columbia Gulf will design and construct, and Tennessee will operate the facilities.

The application indicates that Columbia Gulf transports gas purchased by Columbia Gas Transmission Corporation (Columbia Transmission). Columbia Gulf states that Columbia Transmission has purchase rights or options to 100 percent of the natural gas reserves in West Cameron Blocks 642 and 594 and East Cameron Blocks 370, 371 and 313. It is estimated that recoverable natural gas reserves of approximately 93,596,000 Mcf, with initial deliverability of 45,000 Mcf per day, will be available from Block 642 and that reserves of approximately 60,000,000 Mcf are available from Blocks 370 and 371. Columbia Gulf also states that Columbia Transmission has purchase rights to a ⅓ interest in West Cameron Block 595 which interest is estimated to represent approximately 50,000,000 Mcf of gas. In addition, it is stated that Columbia Transmission has purchase rights to partial interests in the gas from West Cameron Blocks 616 and 630 and East Cameron Blocks 335 and 373. The application indicates that Exxon Company, U.S.A., holds the major portion of the retained interest in these latter four blocks and that the estimated total of gas reserves underlying these blocks is 500,000,000 Mcf.

Tennessee states that of the reserves represented by Tenneco Oil Company's (Tenneco) 50 percent share in West Cameron Block 643 (which are estimated to approximate 113,417,000 Mcf of gas) 75 percent (or 85,063 Mcf) are committed to Tennessee, with an expected initial deliverability of 17,500 Mcf per day. Tennessee states that with respect to the 28,354,000 Mcf of gas retained by Tenneco, Tennessee will, upon receipt of the necessary authorization, transport such volume onshore for Tenneco.

Tennessee further states that it will actively negotiate with Texaco Inc. for the remaining 50 percent of the Block 643 reserves. Moreover, Tennessee indicates that it has a call on part of Tenneco's interest in reserves in East Cameron Block 354; on Texaco Inc.'s interest in West Cameron Blocks 576, 629, 638 and 648 and East Cameron Block 293; and on Odeco, *et al.'s* interest in East Cameron Block 351. Also, it is stated that Tennessee is negotiating with Tenneco for a commitment of the latter's 50 percent interest in East Cameron Block 374 and Vermilion Blocks 389 and 409.

All of the above blocks are in the vicinity of the proposed Project 643 pipeline. Applicants state that the capacity to be made available by the proposed facilities is necessary to enable them to attach, in early 1976, the gas reserves to be available in West Cameron Blocks 642 and 643, as well as additional reserves from the above-described nearby blocks as they become available, and to move such volumes through Applicants' Blue Water Project and then onshore to Applicants' respective pipeline systems.

With a view toward maximizing utilization of facilities in offshore Louisiana, § 2.65(b) of the Commission's General Policy and Interpretations provides that pipeline cost shall be included in cost-of-service at an average unit cost based upon a 60 percent load factor. Applicants request the Commission to waive the applicability of § 2.65(b) in the instant proceeding. In support of their request, Applicants urge that there is great potential for gas acquisition by both Applicants in the area of the proposed facilities and that Columbia Gulf proposes to attach some of those reserves (West Cameron Block 595 gas reserves) in the near future.

The application indicates that in keeping with Commission policy as expressed in Order Nos. 465 (48 FPC 1550) and 499 (50 FPC ——), Tennessee has extended advance payments to producers in order to stimulate natural gas exploration. Tennessee submits that its participation in Project 643 should be considered in terms of its advance payment program.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8574 Filed 4-2-75;8:45 am]

[Docket No. CP75-65]

COLUMBIA GULF TRANSMISSION CO.

Petition To Amend

MARCH 26, 1975.

Take notice that on March 10, 1975, Columbia Gulf Transmission Company (Petitioner), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP75-65 a petition to amend the order of the Commission issued in the subject docket on December 23, 1974 (52 FPC——), pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations thereunder (18 CFR 157.7 (b)), to include the amended definition of "gas-purchase facilities" and the increased budget-type expenditure limitations set forth in Order No. 522 issued January 16, 1975 (53 FPC——), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

On December 23, 1974, Petitioner was authorized to construct, during the period January 6, 1975, to January 1, 1976, and operate facilities necessary to take into its system gas purchased by Columbia Gas Transmission Corporation. Total expenditures for the facilities are limited to $7,000,000, with no single onshore project to exceed a cost of $1,000,000 and no single offshore project to exceed a cost of $1,750,000. Petitioner requests the Commission to amend the order issuing its certificate to allow it to construct and operate single gas-purchase facilities, as that term is redefined in Order No. 522, costing up to $1,500,000 onshore and $2,500,000 offshore, consistent with the increased budget-type expenditure limitations of Order No. 522.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 11, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8575 Filed 4-2-75;8:45 am]

[Docket No. RP74-32]

CONSOLIDATED GAS SUPPLY CORP.

Order Granting Late Intervention

MARCH 26, 1975.

On November 5, 1973, the Consolidated Gas Supply Corporation (Consolidated) tendered for filing certain proposed Tariff Sheets designed to implement the recovery of the fixed costs imbedded in its effective rates and charges which it would otherwise fail to recover because of the decrease in the volume of sales on which its rates are predicted as a result of gas shortage curtailments. Consolidated's filing was noticed by the Commission on December 26, 1973, with protests and petitions to intervene due on or before January 7, 1974.

Timely petitions to intervene were filed by Rochester Gas and Electric Corporation, New York State Electric and Gas Corporation, the Pavilion Natural Gas Company, Public Service Commission of New York, Niagara Mohawk Power Corporation, and Southern Tier Gas Corporation. Said petitioners were granted intervention by Commission order dated May 10, 1974. An untimely notice of intervention was filed by the Public Utilities Commission of Ohio on February 20, 1975.

Having reviewed the above late notice of intervention, we believe that the petitioner has sufficient interest in the proceedings to warrant intervention.

The Commission finds: It is desirable and in the public interest to allow the above-named petitioner to intervene.

The Commission orders: (A) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the notice of intervention; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8577 Filed 4-2-75;8:45 am]

[Docket No. E-8522]

DELMARVA POWER AND LIGHT CO.

Order Accepting Rate Settlement

MARCH 26, 1975.

On November 30, 1973, Delmarva Power and Light Company (Delmarva) and its two wholly-owned subsidiaries, Delmarva Power and Light Company of Maryland (Maryland) and Delmarva Power and Light Company of Virginia (Virginia) tendered for filing proposed changes in the intercompany Power Supply Agreement.[1] The present Agreement provides for a self-adjusting cost-of-service and is designed to allocate among the three companies the fixed charges and variable costs of generation and power supply, transmission, production, materials and supplies for the integrated system. The proposed changes would increase the rate of return contained in the agreement from 6.0 percent to 9 percent, reduce Delaware production expenses by $1,102,906, and increase Maryland and Virginia production expenses by $887,760 and $215,146 respectively based on 1973 figures. The Agreement effectuates no further change in the aggregate power supply costs of revenues. Delmarva requested an effective date of January 1, 1974, for the Agreement.

By Commission order issued December 28, 1973, the proposed changes were suspended for one day and made effective January 2, 1974, subject to refund. The record in this proceeding consists of Delmarva's direct and rebuttal evidence, Staff evidence and the evidence presented by the Delaware, Virginia and Maryland State commissions.

On January 7, 1975, Delmarva filed a Motion for Approval of Settlement with the Commission. The January 7, 1975, motion was noticed on January 22, 1975, with comments, protests or petitions to intervene due on or before February 7, 1975.

The Settlement provides that the over-all rate of return provided for in the Agreement as filed November 30, 1973, should be reduced from 9.0 percent to 8.625 percent. If the over-all return was applied to the capitalization listed in Appendix A, the return on common equity would be 12.58. The Settlement provides that the over-all 8.625 percent return is not to be considered a precedent for any future rate proceeding before any state commission. Finally, the Settlement provides that the settlement rates shall be effective January 2, 1974, and that Delmarva shall make the appropriate refunds if the Commission approves the Settlement.

Based upon our review of the record in this proceeding, including the filings made by Delmarva, the evidence presented by the parties and the settlement agreement itself, we find that the proposed settlement agreement is a just and reasonable resolution of the issues presented in this proceeding and should therefore be approved.

The Commision finds: Approval of the Settlement Agreement in this docket filed with this Commission on January 7, 1975, is just and reasonable and in the interest of the public in carrying out the provisions of the Federal Power Act.

The Commission orders: (A) the settlement agreement in this docket, filed with the Commission on January 7, 1975, is hereby approved and made effective as of January 2, 1974.

(B) The settlement agreement as filed by Delmarva on January 7, 1975, is hereby incorporated by reference.

(C) Delmarva shall file within 30 days from the date of this order revised rate schedules pursuant to, and in conformity with the settlement agreement.

(D) Delmarva is hereby required to make appropriate refunds, including interest at 7 percent per annum of any excess charges collected under the suspended rates.

(E) This order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims of contentions which may be made by the Commission, its staff, or any party or person affected by this order, in any proceeding now pending or hereinafter instituted by or against Delmarva or any person or party.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[1] See Appendix A for designations.

APPENDIX A

RATE SCHEDULE DESIGNATIONS

Dated: November 29, 1973.
Filed: November 30, 1973.

Designation:	Instrument
(1) Delmarva Power & Light Company of Maryland, Supplement No. 3 to Rate Schedule FPC No. 10.	Second supplemental power supply agreement.
(2) Delmarva Power & Light Company, Supplement No. 3 to Rate Schedule FPC No. 33 (concurs in (1) above.	Certificate of concurrence.
(3) Delmarva Power & Light Company of Virginia, Supplement No. 3 to Rate Schedule FPC No. 5 (concurs in (1) above).	Do.

	Amount	Ratio (percent)	Cost or allowance	Weighted return
Long term debt	$302,000,000	47.52	6.32	3.00
Preferred stock	105,000,000	16.52	6.68	1.10
Common equity	228,560,086	35.96	12.58	4.525
Total	635,560,086	100.00		

[FR Doc.75-8578 Filed 4-2-75;8:45 am]

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[Docket No. E-9294]

DETROIT EDISON CO.

Order Accepting Proposed Rate Increase for Filing, Suspending Use Thereof and Establishing Procedures

MARCH 27, 1975.

On February 28, 1975, Detroit Edison Company (Detroit), tendered for filing a proposed increase in rates to seven wholesale customers within the State of Michigan.[1] The proposed increase would result in approximately $7.6 million in added revenues to the company, based upon estimated sales for the year ending March 31, 1976. Detroit has requested an effective date of April 1, 1975 and explains that the proposed increase is made necessary by rapidly increasing costs and the inability to finance its construction program.

An examination of Detroit's filing indicates that the company claims a 9.77 percent rate of return with a return on common equity of 14.5 percent; makes a direct assignment of certain transmission facilities to wholesale customers; uses deferred fuel accounting; has proposed a change in the design of its rates; and has normalized the tax effect of capitalized items and interest associated with construction work in progress in its income tax computation. Included within Detroit's filing is a new fuel clause in purported compliance with Commission Order No. 517.

Notice of Detroit's proposed rate increase was issued on March 11, 1975 with protests and petitions to intervene due on or before March 21, 1975. No such protests or petitions have yet been received.

Our review indicates that the proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall suspend the proposed changes for sixty days and establish hearing procedures to determine the justness hearing procedures to determine the justness and reasonableness of Detroit's filing.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act, particularly sections 205, 206, 307, 308 and 309 thereof, that the Commission enter upon a hearing concerning the lawfulness of the proposed rates, charges and conditions of service contained in Detroit's rate increase application filed February 28, 1975.

(2) Good cause exists to accept for filing and suspend Detroit's proposed revised tariff sheets for sixty days, to become effective May 30, 1975, subject to refund.

The Commission orders: (A) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held on August 26, 1975, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the lawfulness of the rate charges and conditions of service contained in Detroit's rate increase application filed February 28, 1975.

(B) Pending a hearing and final decision thereon, Detroit's proposed revised tariff sheets are hereby accepted for filing, suspended for sixty days and the use thereof deferred until May 30, 1975.

(C) On or before July 8, 1975, the Commission Staff shall serve its prepared testimony and exhibits. On or before July 29, 1975, the Intervenor shall serve their testimony and exhibits. On or before August 15, 1975, Detroit shall serve its rebuttal testimony and exhibits.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(E) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8579 Filed 4-2-75;8:45 am]

[1] For Designations and listing of wholesale customers see Attachment A.

[Docket No. RP75-39]

EL PASO NATURAL GAS CO.

Order Granting Untimely Intervention

MARCH 27, 1975.

On December 16, 1974, El Paso Natural Gas Company (El Paso) tendered for filing a proposed change in rates which would increase jurisdictional revenues by approximately $70,000,000 annually. Notice of said rate filing was issued with comments, protests, and petitions due on or before January 6, 1975.

On February 28, 1975, Southern California Edison (Edison) submitted an untimely petition to intervene in the above-referenced docket. In support of its petition to intervene, Edison states it is one of the largest customers of Southern California Gas Company (a gas distributor largely supplied by El Paso), and as such, Edison has a substantial legal interest in the outcome of the pending rate case. Edison further states that it did not receive a copy of the notice of rate change until after the January 6, 1975 deadline for filing responses to the rate filing.

Our review indicates that Edison has a substantial interest in the disposition of these proceedings and that good cause exists to grant the instant untimely petition to intervene.

The Commission finds: It is desirable and in the public interest to allow the above named petitioner to intervene.

The Commission orders: (A) The above mentioned petitioner is hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of such intervenor shall be limited to matters affecting the rights and interests specifically set forth in its petition to intervene; and *Provided, further* That the admission of such intervenor shall not be construed as recognition that they might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8580 Filed 4-2-75;8:45 am]

[Docket No. CP75-270]

EL PASO NATURAL GAS CO.

Application

MARCH 26, 1975.

Take notice that on March 12, 1975, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas, 79978, filed an application in Docket No. CP75-270 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain tap facilities and the sale and delivery of gas to Southern Union Gas Company (Southern Union) for resale to the Pueblo of Laguna, a right-of-way grantor on El Paso's interstate system, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that in order for Southern Union to serve a number of unincorporated villages located on the Laguna Indian Reservation, El Paso proposes to install a total of three right-of-way grantor taps and to deliver additional volumes at two existing locations as follows:

Tap	Villages served	Natural gas requirements (each of the first full 3 years of operations)	
		Peak day (Thousand cubic feet at 14.73 lb/in²a)	Annual
Proposed:			
Casa Blanca	Casa Blanca, Paraje, Harrisburg	137	10,260
Seama	Seama, Philadelphia, New York	158	9,200
Old Laguna	Old Laguna, Paguate	400	25,760
Existing:			
Laguna-Acoma School	New Laguna, Encinal	133	7,950
Burnell Co. meter station	Mesita	34	7,000
Totals		862	60,170

El Paso states that all five taps are located on its 30-inch O.D. Permian-San Juan pipeline in Valencia County, New Mexico. The application indicates that El Paso will construct at each of the proposed tap locations a 1-inch tap and valve assembly with appurtenances at a total estimated cost of $3,180, which cost will be financed from working funds. It is stated that peak day deliveries during 1974 were 93 Mcf of gas at the existing Laguna-Acoma School tap and 46 Mcf of gas at the existing Burnell Company meter station tap.[1]

El Paso states that the instant proposals are necessary to accommodate a request for gas service which El Paso has received from the Pueblo of Laguna, Laguna Indian Tribe, located in Valencia County, a right-of-way grantor who has exercised a prior right to request such services. El Paso further states that it will sell and deliver the gas to Southern Union for resale and delivery to said right-of-way grantor for Priority 1 purposes at the five delivery points.

According to El Paso the sale and deliveries which are the subject of this application will be made in accordance with a service agreement in effect between El Paso and Southern Union and will be consistent with the priorities of service and curtailment provisions as prescribed by the Commission in Docket No. RP72-6 and in effect from time to time. The rates which shall apply to such sales and deliveries are those contained in rate schedules of El Paso's FPC Gas Tariff, Original Volume No. 1, or applicable superseding tariff.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be necessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8581 Filed 4-2-75;8:45 am]

[1] El Paso states that the industrial site has been vacated and deliveries are presently being made to domestic consumers only.

[Docket No. CI75-551]

EXCHANGE OIL & GAS CORP.

Application

MARCH 27, 1975.

Take notice that on March 14, 1975, Exchange Oil & Gas Corporation (Applicant), 16th Floor, 1010 Common Street, New Orleans, Louisiana 70112, filed in Docket No. CI75-551 an application pursuant to section 7(c) of the Natural Gas Act authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Gas Transmission Corporation (Texas Gas) from a portion of the Ship Shoal Block 23 Field, offshore, Terrebonne Parish, Louisiana, all as more fully set forth in the application which is on file and open to public inspection.

Applicant proposes to sell to Texas Gas natural gas from the Ship Shoal Block 23 Field for one year at a rate of 75 cents per Mcf at 14.73 psia, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant estimates sales volumes of 5,000 Mcf of gas per month. The application states Applicant originally made a sale of gas to Texas Gas for a sixty-day emergency period which ended February 17, 1975, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29). Applicant alleges its proposed sale is necessary to assist Texas Gas in maintaining adequate, continuous, and firm gas service on its pipeline system during 1975 and thereafter.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8582 Filed 4-2-75;8:45 am]

[Docket No. E-9327]

GULF STATES UTILITIES CO.

Service Agreement

MARCH 26, 1975.

Take notice that on March 17, 1975, the Gulf States Utilities Company (GSU) tendered for filing an agreement for Wholesale Electric Service with Houston County Electric Cooperative. This contract is for a three year period to continue thereafter on a year to year basis. The rate schedule included in this agreement is the schedule currently being considered in FPC Docket No. E-8121 and thus subject to be changed as a result of such proceeding. GSU states that this new contract form contains the same language as the agreement with Kirbyville Light and Power Company (FPC Schedule 110) which was accepted for filing by letter dated July 1, 1974, under Docket No. E-8817.

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[Docket No. CP75-271]

EL PASO NATURAL GAS CO.

Application

MARCH 26, 1975.

Take notice that on March 12, 1975, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas, 79978, filed an application in Docket No. CP75-271 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain tap facilities and the sale and delivery of gas to Southern Union Gas Company (Southern Union) for resale to the Pueblo of Laguna, a right-of-way grantor on El Paso's interstate system, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that in order for Southern Union to serve a number of unincorporated villages located on the Laguna Indian Reservation, El Paso proposes to install a total of three right-of-way grantor taps and to deliver additional volumes at two existing locations as follows:

GSU requests that the present agreement dated August 1, 1961, be cancelled concurrently with the acceptance of the agreement attached hereto.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 11, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8584 Filed 4-2-75;8:45 am]

[Docket No. E-8843]

HOLYOKE WATER POWER CO. AND HOLYOKE POWER AND ELECTRIC CO.

Further Extension of Procedural Dates

MARCH 26, 1975.

On March 20, 1975, the Chicopee Electric Light Department of Chicopee, Massachusetts, filed a motion to extend the procedural dates fixed by order issued August 9, 1974, as most recently modified by notice issued February 18, 1975, in the above-designated matter, pending Commission action on their settlement agreement. The motion states that the parties have been notified and have no objections.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of intervenor's testimony, May 19, 1975.
Service of company rebuttal, May 30, 1975.
Hearing, June 10, 1975 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8585 Filed 4-2-75;8:45 am]

[Docket No. E-9032]

INDIANAPOLIS POWER & LIGHT CO.

Application

MARCH 27, 1975.

Notice is hereby given that on March 20, 1975, Indianapolis Power & Light Company (Applicant) filed an application with the Commission seeking an order pursuant to section 204 of the Federal Power Act, authorizing the issuance of up to $51,000,000 principal amount of unsecured short-term promissory notes.

Applicant is incorporated under the laws of Indiana with its principal business office in Indianapolis, Indiana, and is primarily engaged in generating, distributing and selling electric energy within the City of Indianapolis, and adjacent communities, towns and rural areas.

Applicant proposes to issue the Notes from time to time after the authorization thereof by the Commission, with a final issue date for all such Notes of December 31, 1976, and a final maturity date of June 30, 1977. Each note will carry a maturity date of not more than twelve months after the date of issuance thereof. The notes to be issued to commercial paper dealers will be issued at the prevailing published discount rate, in various amounts, but not to exceed $35,500,000 aggregate principal amount and will have maturity dates of not more than nine months from the date of issuance thereof, excluding any days of grace. The notes issued to commercial banks will bear interest at a rate not to exceed the prevailing prime commercial lending rate of commercial banks.

The net proceeds to be received from the initial issuance of the notes will be applied to the payment of part of the cost of Applicant's 1974–1979 construction program. Construction expenditures are estimated to be $121,622,758 for 1975, $126,502,478 for 1976, and an aggregate of $447,381,074 for the years 1977, 1978 and 1979.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 21, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8586 Filed 4-2-75;8:45 am]

[Docket No. E-9023]

INTERSTATE POWER CO.

Filing of Stipulation and Settlement Agreement

MARCH 26, 1975.

Take notice that on March 19, 1975, Interstate Power Company (Interstate) submitted for filing for approval by the Commission, a proposed stipulation and settlement agreement for electric service from Interstate to thirteen firm municipal wholesale customers in Illinois, Iowa and Minnesota. This settlement has been reached by Interstate and Commission Staff pursuant to Settlement Conference held at the Commission offices on February 14, 1975, pursuant to notice. This settlement agreement provides for settlement of all issues arising in this rate proceeding.

The settlement allows Interstate an annual increase of $172,795. Interstate had sought an annual increase of $193,986. The settlement includes a revised cost of service, and First Revised Sheet No. 1, cancelling Original Sheet No. 1, which is Interstate's firm municipal Wholesale Rate 499, and a revised fuel adjustment clause in conformity with Commission Order 517, and a determination of fuel adjustment under current and proposed fuel adjustment clauses. Interstate in its settlement agreement proposes to refund any excess collected under its proposed rate, as provided for by Commission Order 513.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 25, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8587 Filed 4-2-75;8:45 am]

[Docket No. CP74-292]

INTERSTATE TRANSMISSION ASSOCIATES (ARCTIC), ET AL.

Supplement to Application

MARCH 26, 1975.

Take notice that on February 26, 1975, Interstate Transmission Associates (Arctic) (ITAA), Pacific Interstate Transmission Company (Pacific Interstate), 720 West Eighth Street, Los Angeles, California 90017, and Northwest Alaska Company (Northwest Alaska), 315 East Second South, Salt Lake City, Utah 84111, (collectively referred to as Applicants) filed in Docket No. CP74-292 the second supplement to their application filed in the subject docket on May 14, 1974, pursuant to section 7(c) of the Natural Gas Act by which supplement Applicants 1) amend previously filed Exhibit C (Partnership Officials) and Exhibit Z-I (Environmental Report); 2) initially submit Exhibit I (Market Data), Exhibit L (Financing), Exhibit N (Revenues-Expenses-Income), Exhibit O (Depreciation) and Exhibit P (Tariff and Cost of Service); and 3) request that the name Northwest Alaska Company be substituted for the name Northwest Energy Company in the application and first supplement thereto in the subject docket, all as more fully set forth in the supplement which is on file with the Commission and open to public inspection.

By their application of May 14, 1974, Applicants seek authorization to construct and operate, as a contract carrier

of natural gas, an 877-mile gas transmission system, as one in a series of interrelated projects, to make available to markets in the lower 48 states volumes of natural gas from northern Alaska and the Mackenzie Delta area of northern Canada. Applicants propose to transport the volumes of gas delivered to them by Canadian Arctic Gas Pipeline Limited for the account of Pacific Interstate and Northwest Alaska from a point near Kingsgate, British Columbia, to appropriate delivery points through the States of Idaho, Washington, Oregon and Nevada to a point on the California-Nevada border near Oasis, California.

Applicants state that Northwest Alaska and Northwest Energy Company filed on February 5, 1975, a motion to substitute Northwest Alaska for Northwest Energy Company as party applicant in Docket Nos. CP74-292 and CP74-293.

Applicants also state that ITAA will have a policy committee to make all determinations regarding the affairs of ITAA. The policy committee will consist of two members; one from Pacific Interstate and one from Northwest Alaska.

The application indicates that the Environmental Report contains supplementary information and certain corrections to the original Environmental Report, as supplemented, previously filed in this docket. Applicants state that most of the revisions reflect changes necessitated by the reduction in pipeline diameters proposed in the first supplement to the application. According to Applicants such revisions include revised compressor station locations, revised socio-economic considerations, and revised environmental impact. In addition, Applicants submit for the first time alternative pipeline routes between Lyons Ferry, Washington, and La Grande, Oregon. The route between these two points now preferred by Applicants differs from the route they initially preferred.

The market data submitted by Applicants indicate that three natural gas suppliers (Southern California Gas Company, Northwest Pipeline Corporation and El Paso Natural Gas Company) serving the area through which Applicants' proposed pipeline will pass face increasing gas shortages through 1984. Based on existing supply conditions, the data indicate that the proportion of said three suppliers' requirements which can be served will decline from 61 percent in 1975 to 28 percent in 1984.

In Exhibit L Applicants submit that based on 1974 costs with no provisions for escalation, an assumed debt interest rate of 10 percent and an equity return of 16 percent, $456,000,000 in first mortgage bonds and $152,300,000 of equity investment will provide the necessary permanent financing for the construction of the proposed facilities. Applicants anticipate that the equity will be contributed by Pacific Interstate and Northwest Alaska and that the bonds will be placed in private sale.

Under its *pro forma* tariff ITAA proposes to render transportation service on a cost-of-service basis. ITAA estimates that its cost-of-service will average approximately $120 million per year during the first seven years of operations (four years of partial operations and three years of full operations) and will total approximately $2.6 billion over the 25-year project life. Over those 25 years, ITAA estimates, the cost of transportation will average 0.029 cent per Mcf-mile which equals a unit cost of 26.4 cents per Mcf of gas delivered to the California border. Based upon those expected revenues, Applicant expects its return on equity will average approximately $23.5 million during the first three years of full operations.

In Exhibit O Applicant proposes an annual rate of depreciation of 4 percent which is based on the assumption that the gas purchase contracts relating to the instant project will have 25-year lives.

Any person desiring to be heard or to make any protest with reference to said supplement should on or before April 17, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed protests, petitions to intervene, or notices of intervention in the instant docket docket or in the consolidated proceeding in Docket No. CP75-96 need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8588 Filed 4-2-75;8:45 am]

[Project No. 2444]

LAKE SUPERIOR DISTRICT POWER CO.

Application for Surrender of Minor License

MARCH 27, 1975.

Public notice is hereby given that application for surrender of minor license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Lake Superior District Power Company of Ashland, Wisconsin (correspondence to: Mr. K. S. Austin, President, Lake Superior District Power Company, 101 West Second Street, Ashland, Wisconsin 54806 and Mr. Glen H. Bell, Aberg, Bell, Blake, and Metzner, S.C., 222 West Washington Avenue, Madison, Wisconsin 53703) for White River Project No. 2444 located on the White River, a tributary of the Bad River which flows into Lake Superior, in White River Township, Ashland County, Wisconsin near Ashland, Washburn and Odanah, Wisconsin.

The White River Project as licensed in an order issued May 3, 1966, for a term effective April 1, 1962, and expiring December 31, 1993, consists of an 800-foot long, 30-foot high earth dam with a concrete spillway and headrace section near the center. The concrete section contains two sluiceways controlled by radial gates 25 feet wide and 26½ feet high. The project also consists of a 45-acre reservoir at normal high water elevation 712.13 (U.S.G.S.); a 7-foot diameter redwood penstock from the dam to a steel surge tank at the powerhouse; a 39 by 60 foot powerhouse with two turbines rated at 900 hp each and each directly connected to a 500 kw generator; a substation; and appurtenant facilities.

Applicant states that the wood penstock collapsed when it was dewatered during an inspection on April 19, 1974, due to the reservoir being drawn down. Applicant states that it would not be economically feasible to perform the construction necessary to restore the plant to operation. Applicant therefore desires to surrender the subject license.

Applicant plans to remove all project structures and facilities, except the earth dam and the concrete portion of the spillway section. The dam and spillway will be retained for the State Highway 112 bridge which currently crosses the river utilizing these facilities.

The reservoir is not used for water supply, but is used by small boats and canoes, principally for fishing.

Any person desiring to be heard or to make protest with reference to said application should on or before May 12, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8589 Filed 4-2-75;8:45 am]

[Docket No. E-9063]

MISSOURI POWER AND LIGHT CO.

Compliance Filings

MARCH 27, 1975.

Take notice that on March 10, 1975 Missouri Power and Light Company (MP&L), pursuant to Paragraph (A) of the Order issued December 31, 1974 in the above-referenced docket, tendered what it alleges to be a revised fuel adjustment clause which is in compliance with FPC Order No. 517, along with revenue comparisons which purport to show the effect under MP&L's original proposed "MESWR" rate with the fuel adjustment clause not in compliance with Order No. 517, and the proposed "MESWR" rate with the fuel adjustment clause which is in conformance

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with Order No. 517. MP&L further states that since the fuel cost for the test year ended February 28, 1974 was approximately 38¢ M/Btu as compared to the 36¢ M/Btu fuel adjustment base as proposed in the original filing, a $.0004 or .04¢ was added to the basic tariff so the revenue produced under the "MESWR" rate would be the same using the fuel adjustment in compliance with Order No. 517 and the fuel adjustment as originally proposed.

On March 13, 1975 MP&L filed data intended to further clarify and revise its proposed fuel adjustment computations. The revisions submitted were as follows:

(2) Sales (S) shall be all Kwh sold, excluding inter-system sales. Where for any reason, billed system sales cannot be coordinated with fuel costs for the billing period, sales may be equated to the sum of (a) generation, (b) purchases, (c) interchange-in, less (d) energy associated with pumped storage operations, less (e) inter-system sales referred to in (1) (d) above.

Total sales will be computed by dividing the Kwh delivered to the System by $\frac{1}{(1-.025)}$ or 1.025 to reflect wholesale losses of 2.5 percent.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 9, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8590 Filed 4-2-75;8:45 am]

[Docket No. CP75-161]

NATURAL GAS PIPELINE CO. OF AMERICA

Petition To Amend

MARCH 26, 1975.

Take notice that on March 4, 1975, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP75-161, a petition to amend the order issued in said docket on February 14, 1975 (53 FPC ——), pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the Commission's regulations thereunder (18 CFR 157.7(b)), so as to include the construction and operation of budget-type facilities for the purposes stated in the expanded definition of gas purchase facilities in accordance with the Commission's Order No. 522 issued January 16, 1975, at Docket No. RM75-2 (53 FPC ——), all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

By order issued February 14, 1975, the Commission authorized Petitioner to construct during the calendar year 1975 and operate budget-type gas purchase facilities pursuant to § 157.7(b). By order No. 522 the Commission amended § 157.7 (b) to change the definition of gas purchase facilities to include not only the facilities necessary to connect the facilities of an independent producer or other similar seller with the system of Petitioner, but also the facilities necessary to connect the facilities of an independent or other similar seller with the system of another natural gas company authorized to transport gas for the account of or for the exchange of gas with Petitioner. Petitioner seeks to enlarge the definition of the gas purchase facilities that it is authorized to construct pursuant to the aforesaid February 14, 1975, order so as to correspond to the definition promulgated by Order 522.

Petitioner submits that the subject proposal will give Petitioner added flexibility and will serve to encourage the use of transportation and exchange agreements which can result in cost savings to the consumer.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 11, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8592 Filed 4-2-75;8:45 am]

[Project No. 287]

NORTH COUNTIES HYDRO-ELECTRIC CO.

Issuance of Annual License

MARCH 26, 1975.

On December 30, 1972, North Counties Hydro-Electric Company, Licensee for Dayton Project No. 287, located in La Salle County, Illinois, on the Fox River, filed an application for a new license under section 15 of the Federal Power Act and Commission Regulations thereunder §§ 16.1–16.6).

The license for Project No. 287 was issued effective April 11, 1924, for a period ending April 10, 1974. Since the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pursuant to section 15 of the Act, pending completion of Licensee's application, and Commission action thereon, it is appropriate and in the public interest to issue an annual license to North Counties Hydro-Electric Company for continued operation and maintenance of Project No. 287.

Take notice that an annual license is issued to North Counties Hydro-Electric Company (Licensee) under section 15 of the Federal Power Act for the period April 11, 1975, to April 10, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Dayton Project No. 287, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8593 Filed 4-2-75;8:45 am]

[Docket No. E-7777 (Phase II)]

PACIFIC GAS AND ELECTRIC CO.

Further Extension of Procedural Dates

MARCH 25, 1975.

On March 17, 1975, the Cities of Alameda, Healdsburg, Lodi Lompoc, Santa Clara and Ukiah, California (Cities), and the Northern California Power Agency jointly filed a motion to extend the procedural dates fixed by order March 14, 1974, as most recently modified by notice issued July 8, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objections.

Notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Cities and Northern California Power Agency testimony, June 3, 1975.
Service of staff's testimony, July 2, 1975.
Service of evidence rebuttal, August 5, 1975.
Hearing, August 19,1975 (10 a.m., e.s.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8594 Filed 4-2-75;8:45 am]

[Docket No. E-9316]

PACIFIC GAS AND ELECTRIC CO.

Tariff Filing

MARCH 26, 1975.

Take notice that on March 11, 1975, Pacific Gas and Electric Company (PGandE) tendered for filing an agreement between PGandE and Sierra Pacific Power Company (Sierra) dated November 11, 1974. The agreement specifies operating relationships which will be made necessary due to Sierra's construction of a 230 KV interconnection with Utah Power and Light Company (Utah), and Sierra's intention of establishing its own control area as defined by the IEE Standard No. 94, Definition of Terms for Automatic Generation and Control of Electric Power Systems.

In addition, PG&E states that the agreement contains provisions under which PGandE will furnish emergency assistance to Sierra in the form of sales of capacity and energy under certain conditions and that such emergency assistance will be made available to Sierra at its request if sufficient capacity and energy is available to PGandE, and service to PGandE's own customers or its commitments to other parties will not be impaired or jeopardized by furnishing of such emergency assistance.

The agreement further specifies that the rate schedule become effective as of the date of its execution; and, therefore, PGandE requests that the prior notice requirement contained in § 35.11 of the Commission's regulations under the Federal Power Act be waived to allow this agreement to become effective as of November 25, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practices and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8595 Filed 4-2-75;8:45 am]

[Project No. 77]

PACIFIC GAS AND ELECTRIC CO.

Issuance of Annual License

MARCH 26, 1975.

On May 1, 1970, Pacific Gas and Electric Company, Licensee for Potter Valley Project No. 77, located on the Eel and Russian Rivers in the Mendocino National Forest, Lake and Mendocino Counties, California, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6).

The license for Project No. 77 was issued effective April 15, 1922, for a period ending April 14, 1972. Since the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pursuant to section 15 of the Act, pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Pacific Gas and Electric Company, for continued operation and maintenance of Project No. 77.

Take notice that an annual license is issued to Pacific Gas and Electric Company (Licensee) under section 15 of the Federal Power Act for the period April 15, 1975, to April 14, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Project No. 77, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8596 Filed 4-2-75;8:45 am]

[Docket No. E-9328]

PACIFIC POWER & LIGHT CO.

Supplemented Agreement

MARCH 26, 1975.

Take notice that Pacific Power & Light Company (Pacific) on March 17, 1975, tended for filing, in accordance with § 35.13 of the Commission's regulations a supplement to Pacific's Surplus Energy Sales Agreement (designated FPC Rate Schedule No. 97) with the Department of Water Power of the City of Los Angeles (Los Angeles).

Pacific states that:

1. This supplement establishes the arrangement for the provisional delivery of surplus energy schedules by Pacific to Los Angeles and the return thereof upon request by Pacific,

2. these arrangements are made to protect Northwest firm power requirements and to assist in refilling of reservoirs,

3. there is no change in rates by this filing, and

4. no estimate of quantities of energy to be delivered or revenues to be derived therefrom can be made.

Pacific requests waiver of the Commission's notice requirements to permit the supplement to the rate schedule to become effective December 18, 1973, which it claims is the date of commencement of service.

A copy of this filing was supplied to the California Public Utility Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commissions rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 11, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8597 Filed 4-2-75;8:45 am]

[Docket No. RP67-18]

PANHANDLE EASTERN PIPE LINE CO.

Petition for Order Releasing Refunds Held in Escrow

MARCH 25, 1975.

Take notice that on February 21, 1975, Columbia Gas Transmission Corporation (Columbia), as successor to The Ohio Fuel Gas Company (Ohio Fuel), filed herein a petition requesting the Commission to issue an order releasing refunds held by Panhandle Eastern Pipe Line Company (Panhandle) pursuant to the Commission's order of July 5, 1967 in the above-referenced docket. The refunds in question total $285,633.64 plus interest pursuant to Panhandle's escrow agreements executed September 1, 1967, and April 19, 1968.

In its petition, Columbia states as follows:

I. On July 5, 1967, the Commission issued an order in Panhandle's Docket No. RP67-18 approving reduced rates and requiring refunds. The Commission order stated that:

(F) Panhandle shall make refunds to its jurisdictional customers in accordance with the provisions of the Agreement relating to refunds, except that it shall retain the amounts attributable to gas purchased by The Ohio Fuel Gas Company pending further order of the Commission.

As a result of the Commission order, on September 1, 1967, Panhandle filed an escrow agreement placing in escrow $270,249.58 (Attachment 1) to reflect its refund obligation to Ohio Fuel applicable to the period October 1, 1965, through June 30, 1967. The total refund obligation to Ohio Fuel is made up of the following:

(1) Refund of difference between reduced settlement rates of Panhandle and amounts paid for the period Jan. 1, 1967, through June 30, 1967	$144,390.70
(2) Refund due to the effect of deducting the balance in account 282 from rate base for the period Oct. 1, 1965, through Dec. 31, 1966	83,383.31
(3) Flow-through of Trunkline refund dollars per Trunkline's agreement as to rates in docket No. RP67-17, for the period Oct. 1, 1965, through Dec. 31, 1966	42,475.57
Total refund obligation placed in escrow	270,249.58

II. Ohio Fuel reflected the reduced rates of Panhandle in its Rate Reduction No. 1 effective January 1, 1967, which was filed with the Commission on February 16, 1968. Sheet 1 of Schedule 4 of Attachment 2, n. 1, details the Panhandle rates in effect before and after the Panhandle Settlement. Panhandle halted collection under its presettlement rates on June 30, 1967. Ohio Fuel's rate reduction and initial refund were made pursuant to the Stipulation and Agreement approved by the Commission's order issued January 25, 1968 in *The Ohio Fuel Gas Company*, Docket No. RP68-7, for the period November 1, 1966 through January 31, 1968. This fact is shown in Refund Report No. 1 in Docket No. RP66-7, letter of Ohio Fuel Gas Company to the Federal Power Commission dated March 19, 1968 (Attachment 3).

III. As noted previously Panhandle holds $270,249.58 in escrow which Attachment 1 details, showing the portion

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of the Panhandle refund which applies to the reduction of rates between January 1 and June 30, 1967. This subtotal under Section 1 of Attachment 1 is $144,390.70. It is this portion of the total Panhandle refund that was the subject of the Rate Reduction No. 1 in Ohio Fuel Docket No. RP66–7. Since Ohio Fuel customers have already received the benefit of the refund for the period January 1, 1967 through June 30, 1967, Columbia intends to retain the $144,390.70.

The remaining balance of $125,858.88 ($270,249.58 less $144,390.70) will be refunded to customers formerly supplied by Ohio Fuel (presently Columbia Zone 4). Columbia intends to flow-through all refunds in excess of $144,390.70 which are now subject to escrow agreements in this Docket. In addition to the escrow agreement executed by Panhandle on September 1, 1967, a second escrow agreement was also executed by Panhandle on April 19, 1968 (Attachment 4).

The settlement agreement in Docket No. RP67–18 dated April 10, 1967, approved by Commission order on July 5, 1967, provides in Article V that Panhandle shall refund the amounts collected during 1967 in its rates relating to the amount included for the potential increase in federal income taxes, if such an increase were not made effective on or before January 1, 1968. The April 19, 1968, escrow agreement was made to fulfill Panhandle's obligation to refund since no increase in federal income taxes was enacted for 1967. As set forth in Attachment 4, the amount placed in escrow applicable to Ohio Fuel is $15,384.06. This amount will be refunded by Columbia to customers formerly supplied by Ohio Fuel (presently Columbia's Zone 4).

V. Pursuant to Article IV of Ohio Fuel's Rate Settlement Agreement, as approved by the Commission order issued March 5, 1969, Ohio Fuel was not obligated to pass on refunds until they total $400,000. In addition, in the event refunds are retained more than 90 days, the Rate Settlement Agreement provided that said refunds be invested in short-term government securities and the interest earned thereon apportioned among the jurisdictional customers upon distribution. However, in order to timely flow-through the applicable amounts to be received from Panhandle, $141,242.94 plus earnings ($125,858.88—that portion of the amount covered by escrow agreement dated September 1, 1967, subject to refund by Columbia, and $15,384.06—per escrow agreement dated April 19, 1968), Columbia requests that it be allowed to place these amounts plus accrued earnings in Account 191 when received from Panhandle. In this manner, the benefit of these refunds will flow to Columbia's customers formerly supplied by Ohio Fuel (presently Columbia's Zone 4) in Columbia's next semiannual PGA calculation. It is also requested that Columbia be granted a waiver of the obligation to invest said refund amounts in short-term government securities.

Any person desiring to be heard and to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before April 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Columbia's petition is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–8598 Filed 4–2–75;8:45 am]

[Docket No. RP75–67]

PUBLIC UTILITIES COMMISSION OF OHIO

Gas Curtailments and Allocations; Extension of Time

MARCH 27, 1975.

On March 24, 1975, the Public Utilities Commission of Ohio filed a motion to extend the date for filing comments to the petition in the above-designated matter noticed March 11, 1975.

Upon consideration, notice is hereby given that the date for filing comments in the above matter is extended to and including April 28, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–8583 Filed 4–2–75;8:45 am]

[Docket Nos. RI75–84 and RI75–85]

SKELLY OIL COMPANY, ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates and Allowing Rate Changes To Become Effective Subject to Refund; Correction

March 14, 1975.

In the Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes to Become Effective Subject to Refund issued December 24, 1974 and Published in the FEDERAL REGISTER on January 7, 1975 (40 FR 1305):

APPENDIX "A" page 1306, Docket No. RI75–84 *Skelly Oil Company*. Under column headed "Supplement Number" change "12" to "13".

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–8599 Filed 4–2–75;8:45 am]

[Docket No. CP75–263]

SOUTHWEST GAS CORP.

Application

MARCH 26, 1975.

Please take notice that on February 7, 1975, Southwest Gas Corporation (Applicant) P.O. Box 1450, Las Vegas, Nevada, 89101, filed in Docket No. CP75–263 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities on its Northern Nevada transmission system near Lake Tahoe, Nevada, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authority to upgrade and replace certain existing transmission facilities, to construct and operate up to 20 taps, to install facilities for cathodic protection, to install up to five gates for the protection of priority 1 and 2 customers during peak periods on its Northern Nevada mainline transmission system, to install telemeter equipment and to install and maintain flow control equipment.

The application states that the construction and operation of the facilities will allow Applicant to fulfill its contractual obligations to furnish natural gas to its right-of-way grantors, to maintain and reinforce Applicant's existing transmission facilities, to upgrade such facilities when required by applicable law, to increase high-priority utilization of Applicant's existing gas supply and to make natural gas service available to isolated small-usage customers who have no available source of alternate fuel.

Applicant states that the aggregate cost of the proposed facilities will be approximately $300,000, which will be financed from funds on hand. Applicant further states that the instant proposal will not affect the status of any of its facilities and operations that are exempt from the provisions of the Natural Gas Act pursuant to section 1(c) of the Act.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–8600 Filed 4–2–75;8:45 am]

[Project No. 460]

TACOMA, CITY OF, WASHINGTON

Application for New Major License for Constructed Project

MARCH 26, 1975.

Public notice is hereby given that application for new major license was filed on November 5, 1974, under the Federal Power Act (16 U.S.C. 791a–825r) by City of Tacoma, Washington (correspondence to: A. J. Benedetti, Director of Public Utilities, P.O. Box 11007, Tacoma, Washington 98411), for its constructed Cushman Project No. 460, located in Mason and Pierce Counties, Washington, near the towns and cities of Hoodsport, Shelton, and Gig Harbor, on the North Fork Skokomish River. The project affects lands of the United States within Olympic National Forest, Skokomish Indian Reservation, and Olympic National Park.

The Cushman Project has a total installed capacity of 124,200 kw and consists of two developments:

Cushman No. 1 Development consists of: (1) Cushman No. 1 Dam, a 260-foot high, 400-foot long concrete arch dam (with 45-foot high thrust blocks) which is flanked on both sides by non-overflow gravity sections, and a 180-foot long earthfill dam with a core wall on the left bank; (2) a reservoir extending nine miles upstream and having a total storage of 453,350 acre-feet and a usable storage of 372,000 acre-feet at elevation 735 feet; (3) a power intake structure located upstream from the arch dam to the left of the river channel; (4) a 17-foot diameter pressure tunnel which extends 420 feet from the intake to two 12-foot diameter penstocks, which lead to Cushman No. 1 powerhouse; (5) Cushman No. 1 powerhouse which is approximately 134 feet long and 74 feet wide, containing two identical generating units each rated 21,600 kW; (6) a switchyard containing two 13.2-115 kV step-up transformer banks and four 115 kV circuit breakers; (7) two 115 kV transmission lines extending approximately five miles to the two transmission lines extending from Cushman No. 2; and (8) appurtenant facilities.

Cushman No. 2 Development consists of: (1) Cushman No. 2 Dam, a 230-foot high, 320-foot long concrete arch dam flanked by a low, gravity section on the left abutment and a thrust block on the right abutment; (2) a narrow reservoir with normal elevation at 480 feet extending approximately two miles upstream to the Cushman No. 1 powerhouse; (3) a power intake structure located on the left abutment; (4) a 17-foot diameter pressure tunnel extending 2.5 miles from the intake to three 12-foot diameter steel penstocks which lead to the Cushman No. 2 powerhouse; (5) Cushman No. 2 powerhouse which is approximately 181 feet long and 101 feet wide, containing three generating units each rated 27,000 kW; (6) a switchyard containing two 12.6–115 kV step-up transformer banks and four 115 kV circuit breakers; (7) two 115 kV transmission lines extending approximately 37 miles from Cushman No. 2 to the Pearl Street Substation located within the City of Tacoma; and (8) appurtenant facilities.

Power produced by this project is integrated into Applicant's electric system for use in the City of Tacoma, Washington.

928 acres of project lands have been designated by Applicant for public recreation and are or will be developed, operated and maintained by the State of Washington or private interests under leases or use permits. The Washington State Parks and Recreation Commission has developed the Lake Cushman State Park on 565 acres of project land. The Lake Cushman Resort Company will continue to operate its 10-acre development. Another entity, the Lake Cushman Company, has leases to develop 307 acres in four recreation areas. Current recreational facilities include camp and picnic units, boat ramps, and cabins. Additional camp units and boat camp units, as well as tennis courts and snowmobile facilities, are planned for these areas and two additional recreation areas.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 23, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by sections 308 and 309 of the Federal Power Act (16 U.S.C. § 825g, § 825h) and the Commission's rules of practice and procedure, specifically § 1.32(b) (18 CFR § 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein and if the applicant or initial pleader requests that the shortened procedure of § 1.32(b) be used. If an issue of substance is so raised or applicant or initial pleader fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–8573 Filed 4–2–75;8:45 am]

[Docket No. RP74–91–3]

TENNESSEE GAS PIPELINE CO.

Petition for Declaratory Order or Emergency Relief

MARCH 26, 1975.

Public notice is hereby given that on March 19, 1975, the City of Springfield, Tennessee, (Springfield), filed in Docket No. RP74–91–3, pursuant to § 1.7 of this Commission's rules of practice and procedure, a petition requesting that the Commission issue a declaratory order "to effectuate" the Commission's order of August 12, 1974, in the instant proceeding; or in the alternative, Springfield seeks emergency relief to have its curtailment period quantity entitlement (CPQE) for the April–October 1975 curtailment period increased from 156,201 Mcf to 283,867 Mcf.

On June 17, 1974, Springfield, which owns and operates a municipal gas distribution system and is totally dependent on Tennessee Gas Pipeline Company, A Division of Tenneco Inc. (Tennessee) for its gas supply, filed a petition for emergency relief and interim relief *pendente lite*, in the instant proceeding. In its initial filing Springfield stated that in submitting its "End Use Reports and Estimated Sales", in 1973, it had made an "honest mathematical error" in computing its requirements, and mistakenly stated its requirements for the April–October 1974 curtailment period at 156,201 Mcf whereas its actual takes in prior April–October periods exceeded the 156,201 figure. The correct figure, as set forth by Springfield was 283,867 Mcf. On August 12, 1974, the Commission issued an order[1] increasing Springfield's April–October 1974 CPQE to 283,867 Mcf.

Springfield states that Tennessee has refused, to date, to increase Springfield's April–October 1975 CPQE above the 156,201 Mcf. Springfield states that Tennessee has refused to increase its April–October CPQE "in view of the Commission's Opinion No. 712", which set volumetric limitations at the volumes estimated by Tennessee's customers in preparing market data for the CP73–115 proceeding. To this end Springfield re-

[1] Order granting Emergency Relief and Waiving Filing Requirement, Docket No. RP74–91–3, issued August 12, 1974.

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quests the Commission issue a declaratory order increasing its April–October CPQE to 283,867 Mcf.

In this event the Commission declines to grant Springfield's request for declaratory relief, it requests in the alternative that it be granted emergency relief on the same grounds as set forth in its June 17, 1974, filing. Springfield adds, that to limit it to an April–October CPQE of 156,201 Mcf would force Springfield to curtail high priority "human needs" customers prematurely; or require it to purchase penalty gas at $10.00 per Mcf. Either action; it is alleged, would cause Springfield and its consumers irreparable injury.

Additionally, Springfield requests the Commission grant its petition without the need for formal hearings since it "would result in a great saving of time and money to Springfield and all concerned", but that if the Commission decides formal hearings are necessary that it be granted interim relief *pendente lite* by increasing its April–October CPQE to 283,867 Mcf.

A shortened notice period in this proceeding may be in the public interest. Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition for leave to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8601 Filed 4-2-75;8:45 am]

[Docket No. RP74-39-8]

TEXAS EASTERN TRANSMISSION CORP.

Order Granting Extraordinary Relief After Further Consideration; Correction

MARCH 3, 1975.

In the Order Granting Extraordinary Relief after Further Consideration issued February 28, 1975, and Published in the FEDERAL REGISTER on March 4, 1975 40 FR 8999 Page 8999, 3rd column, paragraph 2, line 22: Change "that in" to "that the 1975 demand for nitrogen fertilizer will increase by well in" and Page 9003, 2nd column, ordering paragraph (D), subparagraph (1): Change "September 1, 1974" to "September 1, 1976".

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8602 Filed 4-2-75;8:45 am]

[Docket No. RP74-52]

TRANSWESTERN PIPELINE CO.

Postponement of Hearing

MARCH 26, 1975.

Take notice that on March 25, 1975, the Presiding Administrative Law Judge in the above-designated matter certified a proposed settlement agreement to the Commission. Pending Commission action on the above certification, the hearing scheduled for April 1, 1975, by notice issued February 12, 1975, is postponed until May 6, 1975, at 10 a.m. (E.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8603 Filed 4-2-75;8:45 am]

[Docket No. RP74-52]

TRANSWESTERN PIPELINE CO.

Order Granting Late Petition To Intervene

MARCH 26, 1975.

On February 25, 1975, Midwest Gas Users Association (Midwest) filed a petition for leave to intervene out of time in the above-captioned proceeding.

On December 28, 1973, Transwestern Pipeline Company (Transwestern) tendered for filing proposed changes in its FPC Gas Tariff. Transwestern's filing was noticed on January 14, 1974 with all comments, protests and petitions to intervene due on or before January 30, 1974.

In support of its petition Midwest states that it only recently became aware of the fact that zoning and rate design issues arising out of Transwestern's sales of gas may have a potentially adverse impact upon Cities Service Gas Company (Cities Service) who serves Midwest, and thus may require Midwest to pay increased costs for gas.

Midwest states that it is fully prepared to accept the record as it finds it and will be amenable to any future schedule established by the Commission. Midwest further states that its intervention will create no additional delays in the procedure.

The Commission finds: Participation by Midwest in this proceeding may be in the public interest and good cause exists for permitting such intervention.

The Commission orders: (A) The above-mentioned petitioner is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission, *Provided, however*, That the participation of such intervenor shall be limited to matters affecting the rights and interests specifically set forth in its petition to intervene; and *Provided, further*, That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The late intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofor established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8604 Filed 4-2-75;8:45 am]

[Docket No. RP74-89]

TRUNKLINE GAS CO.

Order Granting Interventions

MARCH 27, 1975.

On May 15, 1974, the Trunkline Gas Company (Trunkline) tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1. Trunkline's filing was noticed by the Commission on May 28, 1974, with protests and petitions to intervene due on or before June 6, 1974.

An untimely petition to intervene was filed by Central Indiana Gas Company, Inc., on March 3, 1975. Having reviewed the above petition to intervene, we believe that the petitioner has sufficient interest in the proceedings to warrant intervention.

The Commission finds: It is desirable and in the public interest to allow the above-named petitioner to intervene.

The Commission orders: (A) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however*, That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further*, That the admission of such intervenor shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8605 Filed 4-2-75;8:45 am]

[Docket No. E-9323]

VIRGINIA ELECTRIC AND POWER CO.

Cancellation of Supplemental Agreement

MARCH 26, 1975.

Take notice that on March 17, 1975, Virginia Electric and Power Company (Virginia) tendered for filing a cancellation of a supplemental agreement servicing Northern Neck Electric Cooperative (Northern Neck) from Virginia's Lottsburg Delivery Point. Virginia states that the delivery point load was transferred permanently by Northern Neck to Virginia's Garner Delivery Point and, accordingly, Supplement No. 80–7, dated March 20, 1967, for Lottsburg Delivery Point is cancelled effective March 4, 1975.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8606 Filed 4-2-75;8:45 am]

[Docket No. E-9143]

WEST TEXAS UTILITIES CO.

Filing of Revised Fuel Clause

MARCH 27, 1975.

Take notice that on March 20, 1975, West Texas Utilities Company (West Texas) tendered for filing a revised fuel adjustment clause in response to the Commission Secretary's letter of March 4, 1975. Said letter was written by the Secretary in response to West Texas' revised fuel adjustment clause filing of January 30, 1975.

West Texas states that the March 20, 1975, filing "is made in order to comply with the Commission's regulations contained in Order 517 . . ."

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8607 Filed 4-2-75;8:45 am]

FEDERAL RESERVE SYSTEM

ATCHISON COUNTY INVESTMENT CO.

Formation of Bank Holding Company

Atchison County Investment Company, Rockport, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of The Bank of Atchison County, Rockport, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 21, 1975.

Board of Governors of the Federal Reserve System, March 25, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-8635 Filed 4-2-75;8:45 am]

DAUPHIN DEPOSIT CORP.

Formation of Bank Holding Company

Dauphin Deposit Corporation, Harrisburg, Pennsylvania, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent of the voting shares of the successor by merger to Dauphin Deposit Bank and Trust Company, Harrisburg, Pennsylvania, with a resultant name change to Dauphin Deposit Trust Company. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Philadelphia. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 18, 1975.

Board of Governors of the Federal Reserve System, March 25, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-8636 Filed 4-2-75;8:45 am]

DETROITBANK CORP.

Acquisition of Bank

Detroitbank Corporation, Detroit, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of The Detroit Bank—Troy, Troy, Michigan, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 21, 1975.

Board of Governors of the Federal Reserve System, March 25, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-8637 Filed 4-2-75;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Order Approving Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to San Jacinto State Bank, Pasadena, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in Texas, controls 23 banks with aggregate deposits of $3.2 billion, representing approximately 8.2 per cent of the total commercial bank deposits in the State.[1] Consummation of this proposal would increase Applicant's share of Statewide deposits by approximately .1 of one per cent and would not have an appreciable effect upon the concentration of banking resources in the State.

Bank is the 28th largest of 144 banking organizations in the Houston banking market,[2] and holds approximately $44.5 million in deposits, or about .5 of one per cent of the total commercial bank deposits in the market. Applicant is the sixth largest banking organization in the Houston market and controls five subsidiary banks with approximately 4.0 per cent of the total market deposits. The three largest banking organizations in the market control, respectively, approximately 20, 18, and 9 per cent of total

[1] All banking data are as of June 30, 1974.

[2] The Houston banking market is approximated by the Houston SMSA (Standard Metropolitan Statistical Area), which encompasses Harris County and five adjacent counties.

V 40-65 APR 375

market deposits. Although Applicant and Bank operate in the same market, consummation of the proposal would not result in the elimination of significant existing competition. Applicant's closest subsidiary is approximately 12 miles west of Bank, and it appears that there is no significant service area overlap between it and Bank, nor is there any such overlap between Applicant's other subsidiaries in the market and Bank. Furthermore, it does not appear likely that significant competition would develop between Bank and any of Applicant's bank subsidiaries in the foreseeable future due to the large number of banks in the market and Texas branching law. Ease of entry into the market would not be significantly diminished as numerous medium-size banks remain as attractive entry vehicles for other bank holding companies. The Board concludes, therefore, that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are regarded as generally satisfactory and consistent with approval. Applicant's acquisition of Bank would give Bank access to Applicant's wide range of banking expertise, particularly in such areas as investment advisory services, trust services, and factoring, and would improve Bank's access to capital markets as a member of a bank holding company. Considerations relating to the convenience and needs of the community to be served lend weight toward approval. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[1] effective March 25, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-8638 Filed 4-2-75;8:45 am]

FIRST NATIONAL BOSTON CORP.

Proposed Retention of Certain Assets of the New York Data Center Division of Condura Corp.

First National Boston Corporation, Boston, Massachusetts, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain assets of the New York Data Center division of Condura Corporation, Chicago, Illinois, acquired by the 50 per cent owned indirect subsidiary of Applicant, First of Boston Computeristics, Inc., Boston, Massachusetts. Notices of the application were published on January 3 and 7, 1975, in The Boston Globe and The New York Times, respectively, newspapers circulated in Boston, Massachusetts and New York City. Applicant states that the proposed subsidiary engages in the activities of providing bookkeeping or data processing services for the internal operations of First National Boston Corporation and its subsidiaries; storing and processing banking, financial, or related economic data, such as performing payroll, accounts receivable or payable, or billing services for others; and providing all such other data processing services and engaging in all such other activities as are presently permissible as incidental activities under the regulations of the Board of Governors of the Federal Reserve System. In addition, activities of First of Boston Computeristics, Inc. have been expanded by licensing savings accounting programs to various banks throughout the United States. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 28, 1975.

Board of Governors of the Federal Reserve System, March 26, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-8639 Filed 4-2-75;8:45 am]

FORT SAM HOUSTON BANKSHARES, INC.

Formation of Bank Holding Company

Fort Sam Houston Bankshares, Incorporated, San Antonio, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent of the voting shares (less director's qualifying shares) of The National Bank of Fort Sam Houston at San Antonio, San Antonio, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 22, 1975.

Board of Governors of the Federal Reserve System, March 25, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-8640 Filed 4-2-75;8:45 am]

FRONTIER BANCORPORATION OF DENVER, INC.

Order Approving Formation of Bank Holding Company

Frontier Bancorporation of Denver, Inc., Denver, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 92.5 per cent of the voting shares of Frontier Bank of Denver, Denver, Colorado ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a recently organized corporation, was formed for the purpose of becoming a bank holding company through the acquisition of Bank, the 229th largest banking organization in Colorado, with deposits of approximately $5.4 million.[2] Bank is the 66th largest bank in the Denver banking market,[3] controlling less than .1 of one per cent of total deposits in commercial banks in that market. The purpose of the proposed transaction is to convert ownership in Bank from individuals to a corporation owned by essentially the same individuals. Since Applicant has no present operations or subsidiaries, consummation of the proposal would not eliminate existing or potential competition nor have an adverse effect on other area banks. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial condition and managerial resources of Applicant and Bank are regarded as generally satisfactory and the prospects of each appear favorable. Therefore, banking factors are consistent with approval of the application. Although there will be no immediate change or increase in the services offered by Bank upon consummation of the proposal, considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application. It is the Board's judgment that consummation of the proposed transaction is consistent with the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] effective March 26, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-8641; Filed 4-2-75;8:45 am]

MILLE LACS BANCSHARES, INC.

Formation of Bank Holding Company

Mille Lacs Bancshares, Inc., Onamia, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 96 per cent of the voting shares of First State Bank of Onamia, Onamia, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than April 28, 1975.

Board of Governors of the Federal Reserve System, March 26, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-8642 Filed 4-2-75;8:45 am]

OLD KENT FINANCIAL CORP.

Order Denying Acquisition of Bank

Old Kent Financial Corporation, Grand Rapids, Michigan, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of the successor by merger to National Lumberman's Bank and Trust Company, Muskegon, Michigan ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

By Order dated January 25, 1974, the Board of Governors denied the subject application (39 FR 5374). Thereafter, on August 9, 1974, the Board granted a Request for Reconsideration filed by Applicant, pursuant to § 262.3(g)(5) of the Board's rules of procedure (12 CFR 262.3(g)(5)), whereby the Board agreed to reconsider the application.

Notice of the Board's action agreeing to reconsider the application to acquire Bank has been given (39 FR 30080). The time for filing comments and views with respect to the application has expired. The Board has reconsidered the application, together with all comments received and the supplemental material submitted by Applicant in connection therewith, in light of the factors set forth in section 3(c) of the Act.

Applicant, the seventh largest banking organization in Michigan, controls four banks with aggregate deposits of approximately $858.3 million, representing about 3 per cent of the total deposits in commercial banks in the State.[1] Acquisition of Bank ($111.1 million in deposits) would increase Applicant's share of deposits in the State by less than one per cent and would not significantly increase the concentration of banking resources on a State-wide basis.

Bank, the second largest of three banks headquartered in the city of Muskegon, has about 24 per cent of the total commercial bank deposits in the Muskegon-Grand Haven banking market, and is the second largest of five banks in that market.[2] The first and third largest banks in the market (which are also headquartered in Muskegon) control, respectively, about 32 and 19 per cent of total deposits in commercial banks in the market. The fourth and fifth largest banks in the market are headquartered in Grand Haven and each control approximately 12 per cent of total deposits in commercial banks in the market.[2]

Applicant's lead bank, Old Kent Bank and Trust Company ("Old Kent"), is located in Grand Rapids, which is approximately 35 miles east of Muskegon. Old Kent (deposits of about $768 million) is the largest banking organization in the Grand Rapids banking market with 49 per cent of the commercial bank deposits in that market. Although Bank and Old Kent are located in separate banking markets, the Board, in its earlier Order with respect to this application, noted that Old Kent derived some loans, deposits and trust accounts from Bank's service area and that Bank derived deposits from Old Kent's service area. The Board concluded that consummation of the proposal would eliminate existing competition between Old Kent and Bank and the probability of increased competition developing between them in the future.

In connection with the reconsideration of this application, Applicant submitted in response to a Board request additional data that indicated the amount of business that both banking organizations obtained from each other's respective market areas, the geographic definition of which had been previously published by the Board.[4] On the basis of this new data, the Board believes that the amount of business that Old Kent obtains from Bank's market area is meaningful, especially for such banking services as commercial accounts, dairy, and farm accounts, large certificates of deposit and trust business. It further appears from the record that Old Kent is an active competitor in Bank's relevant market area for certain banking services. The influence of Old Kent in the relevant market is partially explained by Old Kent's significant position in the neighboring market and the television advertising pattern for the region. There are no television stations located along the lake shore and television coverage for the region is transmitted only from Grand Rapids. Old Kent advertises from the Grand Rapids stations throughout the Muskegon-Grand Haven area while banks located in the Muskegon-Grand Haven area do not appear to advertise extensively through those stations. The record shows that Old Kent has met with some success in obtaining certain business from the relevant market and, in the Board's view, Old Kent is in a position to exert an even greater competitive influence in Bank's market in the future. Accordingly, the Board concludes that consummation of the proposal would eliminate existing competition as well as the probability of increased competition developing between Bank and Old Kent in the future.

In its previous action on this application, the Board also concluded that consummation of the proposed acquisition would eliminate the likelihood that Applicant would enter the market *de novo* and thus would have an adverse effect on potential competition. In the reconsideration request, Applicant argued that the Board was in error in not taking into consideration an application filed with the Regional Administrator of National

[1] Voting for this Action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Holland and Wallich. Absent and not voting: Chairman Burns and Governor Coldwell.

[2] All banking data are as of December 31, 1974.

[3] The Denver banking market is defined as Adams, Arapahoe, Denver, and Jefferson Counties, and the City of Broomfield in Boulder County.

[1] Voting for this action: Governors Bucher, Holland, Wallich and Coldwell. Absent and not voting: Chairman Burns and Governors Mitchell and Sheehan.

[1] State banking data are as of June 30, 1974.

[2] The Muskegon-Grand Haven banking market is approximated by the Muskegon-Grand Haven Ranally Metro Area which consists of most of Muskegon County and the northwest corner of Ottawa County.

[3] Market data are as of June 30, 1974.

[4] Board Order dated January 25, 1974, denying the subject application (60 Federal Reserve *Bulletin* 133), and Board Order of October 2, 1974, approving the application of National Detroit Corporation, Detroit, Michigan, to acquire Grand Valley National Bank, Grandville, Michigan (39 FR 36510).

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Banks for the formation of a *de novo* national bank to be located in Norton Shores. However, that *de novo* application has now been withdrawn and the Board continues to be of the view that Norton Shores is a section of the relevant market which is capable of supporting new entry. In addition, the Board believes Applicant is one of the most likely entrants into the Muskegon-Grand Haven banking market in view of its relative size, its proximity to the market, and its penchant for expanding in western Michigan. Furthermore, Applicant has the resources and expertise to enter the relevant market *de novo*. In view of the foregoing, the Board reaffirms its conclusion that consummation of the proposed acquisition would have an adverse effect on potential competition in the Muskegon-Grand Haven banking market.

The Board previously concluded that competitive considerations relating to this application weighed sufficiently against approval that it should not be approved unless the anticompetitive effects were outweighed by considerations relating to the financial and managerial resources and future prospects of Applicant and Bank or the convenience and needs of the communities to be served. In addition to the foregoing, the Board expressed concern, and continues to be of the view, that approval of the proposed acquisition would perpetuate a trend whereby Applicant would become dominant in a four-county region in western Michigan (approximated by Kent, Ottawa, and Muskegon Counties, plus the lower one-third of Newaygo County). The Grand Rapids, Holland, Fremont and Muskegon-Grand Haven banking markets are all located within this four-county region. Applicant is the leading organization in the Grand Rapids market and has made significant acquisitions in the adjacent Holland and Fremont markets. As noted above, Applicant is already capable of exerting a competitive influence on the Muskegon-Grand Haven market by virtue of its significant presence in Grand Rapids. Applicant's proposal to acquire the second largest bank in the Muskegon-Grand Haven banking market would increase Applicant's share of the total deposits in the four-county region from 37 per cent to about 42 per cent, more than twice the share (18 per cent) of the second largest banking organization in the region.[1] In the Board's opinion, the subject proposal would inhibit competition by enhancing Applicant's significant position in the region, thereby increasing the size disparity among the banking organizations in this section of the State and increasing the concentration of banking resources in the region. Also, approval of this proposal would remove Bank as an entry vehicle for a bank holding company not already represented in the region—an alternative that, if accomplished, would serve to promote competition in the region. Further, in view of the fact that Applicant's resources are finite, consummation of the proposed acquisition would detract from Applicant's ability to enter and compete in other markets in the State outside of the western region of Michigan.

Accordingly, based on the foregoing and the facts of record, the Board continues to be of the view that the anticompetitive effects flowing from Applicant's proposal are such that approval of the subject application would not be in the public interest and that the application should be denied unless the anticompetitive effects of the proposal are outweighed by positive considerations in the record.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks are regarded as satisfactory and consistent with approval of the application. Bank has sound financial resources and has recently retained sufficient earnings to strengthen its capital position. In view of the foregoing, Bank appears to be a viable independent competitor and the importance of Applicant's proposed assistance by injecting equity capital into Bank is mitigated. While Applicant has the resources to assist Bank with management succession, it appears that any problems encountered by Bank in this area could be remedied by other less anticompetitive means than the proposed acquisition by Applicant. Accordingly, the Board does not regard considerations relating to the banking factors as providing significant weight toward approval of the application.

With respect to convenience and needs considerations, Applicant has indicated that it would effect changes in Bank's services in such areas as trust services, farm lending, international services, and services for larger commercial customers. However, no evidence has been presented that the banking needs of the public in the relevant market are not presently being met. Thus, in the Board's view, such considerations are consistent with, but do not lend substantial weight toward, approval of the application.

On the basis of the foregoing, the Board continues to find that anticompetitive effects flowing from Applicant's proposal are not outweighed by considerations relating to banking factors or relating to the convenience and needs of the community to be served.

Accordingly, on the basis of the record in this case and for the reasons set forth hereinbefore, the Board's Order of January 25, 1974, is hereby affirmed, and the subject application is denied.

By order of the Board of Governors,[2] effective March 26, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-8643 Filed 4-2-75;8:45 am]

[1] Regional data are as of June 30, 1974.

[2] Voting for this action: Governors Bucher, Holland, Wallich, and Coldwell. Absent and not voting: Chairman Burns and Governors Mitchell and Sheehan.

BANK OF NOVA SCOTIA

Formation of Bank Holding Company

The Bank of Nova Scotia, Toronto, Canada, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 75 per cent or more of the voting shares of Banco Mercantil, Hato Rey, Puerto Rico. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than April 8, 1975.

Board of Governors of the Federal Reserve System, April 1, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-8770 Filed 4-2-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[AA1921-Inq.-1]

BUTADIENE ACRYLONITRILE RUBBER FROM JAPAN

Inquiry and Hearing

Having received advice from the Treasury Department on March 24, 1975, that, during the course of determining whether to institute an investigation with respect to butadiene acrylonitrile rubber from Japan in accordance with section 201(c) of the Antidumping Act, 1921 (19 U.S.C. 160(c)), it concludes from the information available to it that there is substantial doubt whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of importation of this merchandise into the United States, the United States International Trade Commission on March 28, 1975, instituted inquiry AA1921-Inq.-1, under section 201(c)(2) of the Act, to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Relevant portions of the Treasury Department advice are as follows:

Information available to Treasury indicates that through 1973 and 1974 domestic production capacity has been at 95 percent utilization with imports from Japan during 1974 amounting to less than 1 percent of domestic consumption. U.S. production decreased in late 1974 and early 1975, but this would appear to be much more attributable to the decline in domestic automobile production than to imports from Japan.

Preliminarily, margins of sales at less than fair value appear to range from 20 to 35 percent on imports from Japan during 1974 of roughly $677,000. Total imports for 1974 were valued at approximately $7 million, with domestic production of $140 million during the same period.

Hearing. A public hearing in connection with the inquiry will be held in the Commission's Hearing Room, International Trade Commission Building, 8th and E Streets NW., Washington, D.C. 20436, beginning at 10 a.m., e.d.t., on Friday, April 11, 1975. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Commission in writing, at its office in Washington, D.C., not later than noon Wednesday, April 9, 1975.

Written statements. Interested parties may submit statements in writing in lieu of, and in addition to, appearance at the public hearing. A signed original and nineteen true copies of such statements should be submitted. To be assured of their being given due consideration by the Commission, such statements should be received no later than April 11, 1975.

By order of the Commission.

KENNETH R. MASON,
Secretary.

MARCH 31, 1975.

[FR Doc.75-8670 Filed 4-2-75;8:45 am]

[AA1921-145]

PORTABLE ELECTRIC TYPEWRITERS FROM JAPAN

Investigation and Hearing

Having received advice from the Treasury Department on March 19, 1975, that portable electric typewriters from Japan are being, or are likely to be, sold at less than fair value, the United States International Trade Commission on March 27, 1975, instituted investigation No. AA1921-145 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Commission's Hearing Room, International Trade Commission Building, 8th and E Streets NW., Washington, D.C. 20436, beginning at 10 a.m., e.d.t., on Tuesday, May 13, 1975. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Commission, in writing, at its office in Washington, D.C., not later than noon Friday, May 9, 1975.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

MARCH 28, 1975.

[FR Doc.75-8610 Filed 4-2-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

OFFICE OF STANDARDS DEVELOPMENT

Public Meeting

Notice is hereby given that the Office of Standards Development of the Nuclear Regulatory Commission will conduct a public meeting to discuss a working draft revision of its Regulatory Guide 8.8, "Information Relevant to Maintaining Occupational Radiation Exposures As Low As Practicable (Nuclear Reactors)". Regulatory Guide 8.8 was initially issued in July 1973.

Regulatory Guide 8.8 outlines the information needed by the NRC staff in license applications and safety analysis reports for nuclear reactors concerning the maintenance of occupational radiation doses as low as practicable. The working draft revision of the guide contains considerably more detailed information than the initial version and includes sections on management organization and policies, personnel qualifications and training, design, health physics programs, and health physics equipment, instrumentation, and facilities.

A copy of the "Working Draft, Revised Regulatory Guide 8.8" is available to members of the public at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Single copies may be obtained upon request addressed to the Acting Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

The public meeting to discuss the working draft revision of Regulatory Guide 8.8 will be held on April 25, 1975, in Rooms P-114/118 of the Commission's offices at 7920 Norfolk Avenue, Bethesda, Maryland. The meeting will start at 9:00 a.m. and end at 5:00 p.m.

The meeting is intended to provide opportunities for the NRC staff (1) to explain to NRC licensees and other interested persons its views on the information needed to permit the staff to evaluate applications for nuclear reactor licenses from the standpoint of maintaining occupational radiation exposures as low as practicable, as reflected in the working draft revision of the guide, and (2) to benefit from industry experience in the further development of the guide.

Interested persons are invited to attend the public meeting and ask questions or present oral or written statements on the working draft revision of the guide. Any person who intends to make an oral statement at this meeting should notify the Acting Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, by April 22, 1975. It is expected that such statements will be limited to 10 minutes.

Persons desiring additional information regarding the meeting should contact Mr. Robert E. Alexander of the Commission's Office of Standards Development, telephone (301) 443-6977.

Dated at Bethesda, Md. this 28th day of March 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Acting Director, Office of Standards Development.

[FR Doc.75-8803 Filed 4-2-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 31, 1975 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

ENVIRONMENTAL PROTECTION AGENCY

Survey of vegetation problems associated with refuse Landfills, single-time, landfill operators, Weiner, N., 395-4890.

NATIONAL SCIENCE FOUNDATION

Survey of Earned Doctorates Awarded in the United States, NSF-558, single-time, Doctorate recipients, Planchon, P., 395-3898.

U.S. CIVIL SERVICE COMMISSION

Complaint of Discrimination in the Federal Government, SF 2816, on Occasion, individuals, community and veterans affairs division, 395-3532.

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

Other Agencies, 1975 Vacation and Bicentennial Travel Intentions, Survey, USA-2, semi-annually, individuals, Caywood, D.P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Supplemental Application for School Assistance in Federally Affected Areas (Title I of Pub. L. 81-874), OE-4019-S, on occasion, local educational agencies, Lowry, R.L., 395-3772.

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Communities, Delphi Study, single-time, individuals, community and veterans affairs division, 395–3532.

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration Instructors File Update, 5000–13, weekly, cooperative instructors, Caywood, D. P., 395–3443.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, Survey of Portland Cement Concrete Pavement Practices, single-time, all State highway and selected local highway agencies, Strasser, A., 395–3880.

Federal Aviation Administration, Measuring the Effects of System Operating Policies on the Travel Behavior and Desires of Individuals, single-time, households, economics and general Government division, 395–3451.

Federal Aviation Administration, Suburban Transportation Service: Unmet Needs and Trip Priorities Questionnaire, single-time, households, economics and general Government division, 395–3451.

REVISIONS

VETERANS ADMINISTRATION

Computation of Loan Amount for Mobile Home Unit, 26–8641A, on occasion, lenders, Caywood, D.P., 395–3443.

Certificate of Disbursement—Mobile Home, 26–8646, on occasion, lender, Caywood, D.P., 395–3443.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, Application for an Airman Certificate and/or Rating, FAA 8310–2, on occasion, mechanics, repairmen, parachute riggers, Caywood, D.P., 395–3443.

EXTENSIONS

NATIONAL SCIENCE FOUNDATION

Higher Education Panel, on occasion, colleges, Planchon, P., 395–3896.

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration, Request for Temporary Qualification (Moisture Engineers) Surface Mines, 5000–8, on occasion, Evinger, S.K., 395–3648.

Mining Enforcement and Safety Administration, Request for Temporary Qualification Surface (High-Voltage Lines), 6–1455–H, on occasion, Evinger, S.K., 395–3648.

Mining Enforcement and Safety Administration, Request for Temporary Qualification (Electrical Work) (High Voltage), 5000–6, on occasion, Evinger, S. K., 395–3648.

Mining Enforcement and Safety Administration, Temporary Health and Safety Activity Certification for Surface Mining, 5000–4, on occasion, Evinger, S. K., 395–3648.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration, Bid Price Data (for Developing Price Trends in Highway Construction), PR–45, on occasion, Evinger, S. K. 395–3648.

Federal Highway Administration, Accounting Statement—Accrued Unbilled Costs (State Highways), PR–186, monthly, Evinger, S. K., 395–3644.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75–8730 Filed 4–2–75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

CASTLE INDUSTRIES, INC.

Suspension of Trading

MARCH 27, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants and units of Castle Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 2:30 p.m. (e.d.t.) on March 27, 1975 through midnight (e.d.t.) on April 5, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75–8672 Filed 4–2–75;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Proposed Amendments to Option Plan

Notice is hereby given that the Chicago Board Options Exchange, Inc. ("CBOE") has filed amendments to its Option Plan pursuant to Rule 9b–1 of the Securities Exchange Act of 1934 (17 CFR 240.9b–1). The CBOE proposes to amend Rule 13.3(b)(iii)(d), which concerns and would, according to CBOE, amend the net capital treatment applicable to proprietary account positions in short listed options that are "spread" either by a long listed option of the same class or by another security which is convertible into or exchangeable for the underlying security. The proposed amendments are being made for the reasons set forth in sections 3 and 4 of the CBOE's letter of February 6, 1975 commenting on the proposed amendments to Rule 15c3–1 of the Securities Exchange Act of 1934 (17 CFR 240.15c3–1) set forth in Release No. 11094 and are in conformity with the suggestions made by CBOE in that letter. A copy of this letter is available in the Commission's Public Reference Room under file number S7–533.

Under CBOE's present net capital rule, the long and short option contracts included in spread positions in proprietary accounts are treated, on a contract for contract basis, as follows; the market value of the long options is included in capital subject to a 30% deduction. The premium realized from the writing of the option on the short side of the spread is also included in capital, and the short option is subject to a deduction for the amount, if any, by which the exercise price of the long option exceeds the exercise price of the short option. CBOE is of the opinion that while this treatment protects against the larger risks on the short, CBOE is of the opinion that its defect is, in many instances, establishment of a spread service to increase a member firm's net capital when, in fact, the spread entails at least a limited degree of risk. The CBOE offers the following example to express their views regarding their proposed amendments. A member firm could purchase a July IBM 160 at 38 and sell an April IBM 160 at 32 (with the stock at 190) and thereby increase its capital by $2,060 (that is, by the $3,200 premium it receives from the sale of the April option less 30% of the market value of the July option). Moreover, the member's capital would, according to CBOE, be increased further if the price of IBM common stock should thereafter rise. For example, assume that the price of IBM common stock rose 30 points, that the July IBM 160's then sold at 62 and that the April's sold at 61. In this example, the capital of the member would increase by an additional $1,680 (that is, by the additional $2,400 in market value of the July option reduced by the 30% haircut, while there would be no deduction resulting from the increased value of the April option).

CBOE's amendment is intended to provide that the long option in a spread should be valued at not more than the amount by which the market value of the long option exceeds the market value of the short option (and in no event more than the exercise price of the short option). Under this approach, CBOE's preceding example suggests the member who purchased the July option at 38 and sold the April option at 32 would be required to deduct $180 from his net capital as a result of the transaction (since the July option would be valued at $600 and would be haircut by 30 percent) to reflect the limited risk inherent in the transaction—namely, the loss of the $600 paid for the July option in excess of the proceeds received in the writing of the April option.

With respect to spreads where the long option expires prior to the short, the proposed amendment, according to CBOE, is intended to prevent increments to capital in instances where the market value of the short exceeds the market value of the long. To accomplish this, the proposed amendment provides for a deduction on the short option of not less than 130 percent of the amount by which the market value of the short exceeds the market value of the long. Thus, if a member purchased the April option at 32 and sold the July option at 38, the capital deduction, according to CBOE, would be $780 (130 percent of $600) so long as both options remained outstanding and exercisable, and there would be a net decrease of $180 in net capital. When the April option expired, the July option, according to CBOE, would be treated as an uncovered short. However, so long as both positions remain outstanding, the risk that the spread in market values of the two options would widen, it is hoped by the CBOE, would be provided for the 130 percent deduction.

The proposed amendments will become effective upon the 30th day after this notice appears in the FEDERAL REGISTER, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the change in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the amendments to CBOE's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 10–54. The amendment is, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street NW., Washington, D.C.

Dated: March 27, 1975.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–8679; Filed 4–2–75;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Proposed Amendments to Option Plan

Notice is hereby given that the Chicago Board Options Exchange, Inc. ("CBOE") has filed amendments to its Option Plan pursuant to Rule 9b–1 of the Securities Exchange Act of 1934 (17 CFR 240.9b–1). The changes include two amendments to CBOE Rule 6.47, which deals with the priority on split price transactions, and an amendment to Interpretation .01 of Rule 6.42, which concerns the fractions in which bids and offers may be made with respect to certain low priced options.

The first proposed amendment to Rule 6.47 would, according to CBOE, exclude bids and offers in the Board Broker's book from being subject to the priority now afforded to split price orders. This proposed amendment by CBOE would have the effect of making absolute the priority afforded public customers' orders in the Board Broker's book under Rule 6.45. While CBOE believes that the concept of split price priority remains sound, it also believes that this priority should be subordinate to, rather than prevailing over, the priority accorded to public orders in the Board Broker's book. In other words, the proposed amendment intends to readdress the conflict between two types of priority and would make clear that public orders in the Board Broker's book have priority in a split price situation.

The second proposed amendment to Rule 6.47 is, according to CBOE, to provide that a member who purchases or sells a given number of options at a certain price may be accorded priority for the purchase or sale of a greater number of contracts than he purchased or sold in the previous transaction, as opposed to the present language which affords such priority only on a unit-for-unit basis. This proposed amendment, CBOE believes, is designed to provide an incentive to make a better market than other members in a trading crowd by enabling the member on the other side of the transaction to purchase from or sell to the member with priority a greater number of contracts than was involved in the first transaction.

The third proposed amendment to Interpretation .01 to Rule 6.42, will, according to CBOE, raise the option price below which trading in 1/16ths is permitted to $3.00 from the present $2.00. CBOE believes that its experience generally and with the split price priority rule in particular has shown that, in respect of options trading between $2.00 and $3.00, just as those trading below $2.00, 1/16ths is a more realistic interval. The proposed amendment is intended to provide investors with a greater flexibility in trading lower priced options and would permit Market-Makers to make better, tighter markets in lower priced options.

The proposed amendment will become effective upon the 30th day after this notice appears in the FEDERAL REGISTER, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the change in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the amendments to CBOE's plan either before or after they have become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 10–54. The amendments are, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW, Washington, D.C.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–8678 Filed 4–2–75;8:45 am]

[File No. 500–1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

MARCH 28, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 31, 1975 through April 9, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75–8673 Filed 4–2–75;8:45 am]

[File No. 500–1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

MARCH 27, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 28, 1975 through April 6, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–8674 Filed 4–2–75;8:45 am]

[File No. 500–1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

MARCH 27, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 28, 1975 through April 6, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–8675 Filed 4–2–75;8:45 am]

[Release No. 34–11288]

QUOTATION INFORMATION

Written Request Sent to Registered National Securities Exchanges

The Securities and Exchange Commission today announced that it had sent the following letter to all registered national securities exchanges:

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DEAR (PRESIDENT OF EACH NATIONAL SECURITIES EXCHANGE): As you are aware, the Commission, on February 2, 1972, in its statement on the Future Structure of the Securities Markets, announced certain regulatory initiatives it intended to effect to assist in the evolution towards a central market system for listed securities.[1] This statement was based on a number of years of hearings and special studies[2] and on the data and testimony submitted therein, as well as on the Commission's experience gained through the years of administering the Federal securities laws.

As "an essential step toward formation of a central market system," the Commission in its Policy Statement on the Structure of a Central Market System called for the "[i]mplementation of a nationwide disclosure or market information system to make universally available price and volume in all markets and quotations from all market makers."[3] The first steps in the development of such a system have already been taken. The Commission has adopted Rule 17a–15 under the Securities Exchange Act of 1934 (the "Act"), governing the reporting of market information on transactions in listed securities,[4] and has declared effective pursuant to that Rule a joint plan governing the reporting of last sale information on a consolidated basis.[5] Pursuant to that plan, a pilot phase of a consolidated last sale reporting system began on October 18, 1974 and work is proceeding toward full implementation of that system.

As you are also aware, the Commission republished for public comment proposed Rule 17a–14 under the Act which provides for the reporting of all bids and offers in listed securities by requiring national securities exchanges, national securities associations, and broker-dealers that are not members of any such organizations to make quotations in such securities available on a real-time, current and continuing basis in accordance with the terms and provisions of a plan filed with and declared effective by the Commission.[6] The Commission is deferring any further consideration of proposed Rule 17a–14, however, until it has had an opportunity to observe the effects of the action discussed below.

The Commission has determined that quotation information, such as that currently provided by some exchanges to their members, is essential to broker-dealers, whether members or not, in discharging their duty of reasonable diligence in the execution of customers' orders. A broker-dealer that is prohibited from access to that information is severely disadvantaged thereby. In addition, quotation information is of significant value to the market place as a whole insofar as a quotation reflects the considered judgment of a market professional as to various factors affecting the market, including the current price levels and size of buying and selling interest. Thus, restrictions on dissemination of that information detract from the efficiency of the market place in reflecting all available fundamental and market information respecting an issuer's securities. Finally, quotation information is of considerable value to investors, both individual and institutional, in determining the best market for execution and in understanding the market forces at work at any given time.

For these reasons, among others, the Commission believes that it is necessary and appropriate for the protection of investors, to ensure fair dealing in securities traded upon national securities exchanges, and to ensure the fair administration of such exchanges, that the rules and practices of such exchanges that restrict, are interpreted to restrict or have the effect of restricting, access to or use of such quotation information as is currently or may be in the future disseminated by such exchanges to any quotation vendor (i.e., any person, other than a market maker or specialist, who is engaged in the business of disseminating, on a real-time or current and continuing basis, quotations for listed securities, whether distributed through an electric communications network or displayed on a terminal or other device or otherwise) should be eliminated.

Accordingly, the Commission hereby formally requests, pursuant to the authority vested in it under the Securities Exchange Act of 1934, and particularly sections 2, 6, 10, 11, 17, 19 and 23 thereof,[7] to eliminate those which restrict, are interpreted to restrict or have the effect of restricting, access to or use of such quotation information as is currently, or may be in the future, disseminated by your exchange to any quotation vendor, with such changes to be effective on or before May 1, 1975.[8]

Because we believe that the interests of public investors require the prompt implementation of the above-described rule and/or practice changes, we request that your Board of Directors approve the requested changes not later than April 11, 1975, with such changes to become effective, after appropriate exchange procedures, not later than May 1, 1975. If the boards of directors of all the national securities exchanges registered with the Commission do not take such action on or before April 11, 1975, the Commission will commence appropriate proceedings promptly to determine whether it should exercise its authority to alter or supplement the rules and practices of exchanges in the manner described above. In that event, the Commission will afford you and other interested persons an opportunity to submit views, data and arguments in order to facilitate the Commission's consideration of whether to exercise its authority in this matter and whether to exercise it in the manner described above. The procedures for that purpose would be specified prior to the commencement of such proceeding.

For the Commission.

Sincerely,

RAY GARRETT, JR.,
Chairman.

The letters were sent to the American Stock Exchange, Inc., Boston Stock Exchange, Chicago Board Options Exchange, Inc., Cincinnati Stock Exchange, Detroit Stock Exchange, Midwest Stock Exchange, Inc., New York Stock Exchange, Inc., Pacific Stock Exchange, Inc., PBW Stock Exchange, Inc., Intermountain Stock Exchange and Spokane Stock Exchange.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

Dated: March 11, 1975.

[FR Doc.75–8680 Filed 4–2–75;8:45 am]

[File No. 500–1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

MARCH 27, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent), the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 28, 1975 through April 6, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–8676 Filed 4–2–75;8:45 am]

[File No. 500–1]

ZENITH DEVELOPMENT CORP.

Suspension of Trading

MARCH 27, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zenith Development Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 28, 1975 through April 6, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary

[FR Doc.75–8677 Filed 4–2–75;8:45 am]

[1] Securities and Exchange Commission, Statement on the Future Structure of the Securities Markets 7 (1972) (hereinafter cited as Market Structure Statement). The Commission first endorsed the concept of a central market system in the letter of transmittal accompanying the Institutional Investor Study, March 10, 1971.

[2] See, e.g., In the Matter of the Structure, Operation and Regulation of the Securities Markets, Securities and Exchange Commission File No. 4–147; Securities and Exchange Commission Institutional Investor Study Report, H.R. Doc. No. 92–64, 92d Cong., 1st Sess. (1971).

[3] Market Structure Statement, supra note 1, at 8–9 This position was reaffirmed by the Commission in 1973 in its Policy Statement on the Structure of a Central Market System (hereinafter cited as Policy Statement).

[4] Securities Exchange Act Release No. 9850 (November 8, 1972).

[5] Securities Exchange Act Release No. 10787 (May 10, 1974).

[6] Securities Exchange Act Release No. 10969 (August 14, 1974).

[7] 15 U.S.C. §§ 78b, f, j, k, q, s, w.

[8] The Commission does not view as a restriction reasonable charges for providing access to, or permitting use of, quotation information.

SMALL BUSINESS ADMINISTRATION

COLUMBUS DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Columbus District Advisory Council will meet at 9:30 a.m., (e.d.t.), Tuesday, May 6, 1975, at the Imperial House—Arlington, 1335 Dublin Road, Columbus, Ohio, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write Frank D. Ray, 34 North High Street, Columbus, Ohio 43215 (614) 469–7310.

Dated: March 24, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy, Small Business Administration.

[FR Doc.75–8664 Filed 4–2–75;8:45 am]

EDICT INVESTMENT CORP.

[License No. 06/06–5176]

Issuance of License To Operate as a Small Business Investment Company

On February 14, 1975, a notice was published in the FEDERAL REGISTER (40 FR 6838) stating that Edict Investment Corporation, located at 3453 Magazine Street, New Orleans, Louisiana 70115, had filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1975) for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given to the close of business on March 1, 1975, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 06/06–5176 to Edict Investment Corporation pursuant to section 301(d) of the Small Business Investment Act of 1958, as amended.

Dated: March 26, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75–8660 Filed 4–2–75;8:45 am]

[License No. 09/12–5149]

PALO ALTO CAPITAL CO.

License Surrender

Notice is hereby given that Palo Alto Capital Company (Palo Alto), 611 Hansen Way, Palo Alto, California 94303, has surrendered its license to operate as a small business investment company pursuant to 13 CFR 107.105 (1975).

Palo Alto, a California corporation, was licensed by SBA on October 16, 1969, to operate solely as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended, (15 U.S.C. 661 et seq.), and the SBA regulations issued thereunder.

The license surrender is pursuant to a certain Plan of Reorganization and Exchange Agreement (the Plan) entered into as of the 27th day of September 1974, by and between Palo Alto and its sole stockholder and Opportunity Capital Corporation of California (Opportunity), licensed by SBA to operate as a small business investment company on September 23, 1971, and located at 235 Montgomery Street, Suite 1226, San Francisco, California 94104. Under the Plan, all of the outstanding shares of stock of Palo Alto are to be acquired by Opportunity in exchange for stock of Opportunity, following which Palo Alto is to be merged with Opportunity.

The transactions contemplated by the Plan having been consummated and Palo Alto having been merged with and into Opportunity, the surrender by Palo Alto of its license is hereby accepted under the authority vested by the Act and pursuant to the cited regulation.

Dated: March 25, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75–8661 Filed 4–2–75;8:45 am]

[Declaration of Disaster Loan Area 1120]

RHODE ISLAND

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of January, because of the effects of a certain disaster, damage resulted to property located in the State of Rhode Island;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the City of Providence, Providence County, suffered damage or destruction resulting from a fire which occurred January 3, 1975.

Office: Small Business Administration, District Office, 57 Eddy Street, Providence, Rhode Island 02903.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to May 23, 1975. EIDL applications will not be accepted subsequent to December 24, 1975.

Dated: March 24, 1975.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.75–8663 Filed 4–2–75;8:45 am]

[License No. 06/06–0175]

SMALL BUSINESS INVESTMENT CAPITAL, INC.

Issuance of License To Operate as a Small Business Investment Company

On January 9, 1975, a notice was published in the FEDERAL REGISTER (40 FR 1798) stating that Small Business Investment Capital, Inc., 10003 New Benton Highway, Little Rock, Arkansas 72203, had filed an application with the Small Business Administration (SBA), pursuant to § 107.102 of the Rules and Regulations governing small business investment companies (13 CFR 107.102 (1975) for a license to operate as a small business investment company (SBIC).

Interested persons were given to the close of business January 24, 1975, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 06/06–0175 to Small Business Investment Capital, Inc., pursuant to section 301(c) of the Small Business Investment Act of 1958 as amended.

Dated: March 25, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75–8662 Filed 4–2–75;8:45 am]

VETERANS ADMINISTRATION

AUTOMOBILES AND ADAPTIVE EQUIPMENT FOR CERTAIN DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES

Standard Design and Test Criteria for Safety and Quality

Notice is hereby given of the proposed publication of the VA Standard Design and Test Criteria for Safety and Quality of Special Automotive Driving Aids (Adaptive Equipment) for Standard Passenger Automobiles for implementation of 38 U.S.C. 1903(d) which states that the adaptive equipment shall not be provided under chapter 39, title 38, United States Code unless it conforms to minimum standards of safety and quality prescribed by the Administrator.

The VA Standard Design and Test Criteria provides detailed information as to the scope, classification and limitations; applicable document references (Federal Motor Vehicle Safety Standards); VA Standards; installation on passenger automobiles; sampling and inspection by the manufacturer and VA test procedures.

Interested persons are invited to submit written comments regarding the VA Standard Design and Test Criteria to the following office. Testing equipment and techniques may also be viewed at the same site.

Director
VA Prosthetics Center
252 Seventh Avenue
New York, New York 10001

All relevant comments received before May 2, 1975 will be considered with a

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view to revision of the VA Standard Design and Test Criteria prior to publication.

Effective Date. Mandatory requirements that all Automotive Driving Aids for Passenger Automobiles as described in this VA Standard Design and Test Criteria are proposed for implementation on January 1, 1976.

By direction of the Administrator.

Dated: March 27, 1975.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

VA STANDARD DESIGN AND TEST CRITERIA FOR SAFETY AND QUALITY OF SPECIAL AUTOMOTIVE DRIVING AIDS (ADAPTIVE EQUIPMENT) FOR STANDARD PASSENGER AUTOMOBILES

Special automotive driving aids required	Right leg	Left leg	Both legs	Right arm	Left arm
A. Brake and accelerator			X		
B. Dimmer switch	X	X	X		
C. Left foot accelerator	X				
D. Parking brake		X	X	X	X
E. Steering assists [1]				X	X
F. Turn lever, right hand operated					X
G. Shift lever, left hand operated				X	

[1] Steering assists are add-on devices for use with standard automotive steering wheels, e.g., Spinner Knob, Quad Grip, Flat Quad Spinners, Open-Top Quad Spinner, Latch-Type Quad Spinner, Ring-Type Spinner, Yoke-Type Spinner, etc. These items might be useful to disabled drivers with nearly average upper extremity strength and mobility, but who require some assistance in steering a motor vehicle.

1.0 *Scope, Classification, and Limitations*—1.1 *Scope.* These standards relate to special automotive driving aids (adaptive equipment), other than those provided by the automobile manufacturer, for operating passenger automobiles used by handicapped drivers. Maximum safety and suitability to drivers and the general public is of primary concern.

1.2 *Classification.* Special automotive driving aids (adaptive equipment) includes a variety of devices to enable handicapped persons to drive automobiles. Devices covered in this standard are those specifically needed for safely operating an automobile as follows: *SPECIAL AUTOMOTIVE DRIVING AIDS REQUIRED FOR LOSS OR PARALYSIS OF LIMB.*

1.3 *Limitations.* These standards are limited to those hand control systems and devices and the foot control shown in 1.2 above. Passenger vehicles equipped with hand controls should also be equipped with an automatic transmission, with or without power steering, and with or without power brakes.

2.0 *Applicable Documents*—2.1 *Federal Motor Vehicle Safety Standards.* Federal Motor Vehicle Safety Standards were not originally promulgated to apply to the variety of special equipment used by handicapped drivers. Because the following FMVSS's establish desirable measures for adaptive automotive equipment they are interpreted in the document to cover *all* drivers.

2.1.1 *FMVSS No. 101* requires that all essential controls be within reach of the driver when restrained by a lap belt and upper torso constraint, and that these controls be appropriately identified.

2.1.2 *FMVSS No. 105* specifies requirements for hydraulic service brake, emergency brake, and parking brake systems intended to provide adequate braking performance under normal and emergency conditions.

2.1.3 *FMVSS No. 107* specifies that automobile surfaces which are in a position to reflect sunlight into the driver's eyes shall have a dull finish.

2.1.4 *FMVSS No. 124* establishes requirements for the return of a vehicle's throttle to the idle position when the driver removes his foot from the accelerator control, or in the event of a breakage or disconnection, in the accelerator control system.

2.1.5 *FMVSS No. 201* requires protection from internal impact, generally through the elimination of sharp surfaces and the use of padding. Adaptive control equipment installed to an automobile shall not diminish the effectiveness of existing internal protection, and shall be padded or otherwise designed to minimize injury to the driver or passenger upon impact.

2.1.6 *FMVSS No. 203* requires that steering systems yield forward in the event of frontal impact to minimize injuries to the driver.

2.1.7 *FMVSS No. 302* specifies the use of burn resistant materials in passenger compartments.

2.2 *Society of Automotive Engineers Standards and Recommended Practices.* SAE Standard J575(e) Test for Motor Vehicle Lighting Devices and Components (Corrosion Test, ASTM B117). SAE Recommended Practice J556 Automobile Wiring.

3.0. *Tentative Veterans Administration Standards*—3.1 *Qualifications.* Special automotive driving aids provided by the VA for veteran users shall be qualified by tests conducted periodically at VAPC. The tests set forth in the following sections shall be applied.

3.2 *Major Components.* Among major components to be tested are:

(a) Linkages.

(b) Terminal Brake and Accelerator Connectors.

(c) Control Lever.

(d) Attachment Hardware.

(e) Accessories, including Dimmer Switch, Horn Button, or any other adaption designed to operate automotive auxiliary equipment.

3.3 *Strength of Materials*—3.3.1 *Standard.* All components shall be constructed to prevent permanent deformation under the stress of normal usage which varies greatly depending on whether power brakes are used.

3.3.2 *Specification.* Fully assembled and installed hand control systems shall not be permanently deformed under a static load of 150 lbs. (667.2 newtons) applied to the handle of the Control Lever (FMVSS 105).

3.3.3 *Tests*—3.3.3.1 *Test 1.* A static load of 150 lbs. (667.2 newtons) is applied to the handle of the control lever to stimulate brake actuation of the adaptive system. The load shall remain on the control lever for a period of 30 to 35 seconds. Changes in alignment or deformation shall be determined by inspection and measurement.

3.3.3.2 *Test 2.* Fatigue life is simulated in the laboratory by applying 80% of the 150 lb. proof load, i.e., a 120 lb. (533.8 newton) force 250,000 times to actuate brake and accelerator controls of an assembled hand control system. One (1) complete cycle of brake and accelerator actuation shall be accomplished in 1.0–2.0 seconds to simulate average time responses required in driving an automobile. Periodic inspection of the test in intervals of 50,000 cycles are made, and changes in alignment, wear, or loosening of fasteners are recorded.

3.3.3.3 *Test 3.* In cases where Test 2 is not feasible (e.g. individual components or linkage sub-assemblies), acceptable strength is verified by generating a 4.6 g load (2.54 mm displacement at 30 Hz, i.e., ± 1.27 mm from zero reference) through the test sample on a laboratory shaker. The vibratory motion is maintained for 2 hours in each the axial and transverse direction of assembly. Components that could be adversely affected by the heat produced at 30 Hz (e.g. rubber parts) shall not be included in this cyclic test.

3.4 *Resistance to Corrosion*—3.4.1 *Standard.* All components of adaptive automotive driving aids shall be resistant to corrosion. In addition, the provisions of FMVSS No. 107 in regard to "specular gloss" shall apply. All components shall be plated or otherwise treated with glare-free industrial finishes. Each system or device submitted for evaluation shall be accompanied by a statement describing the finish material and process.

3.4.2 *Test 4.* A fully assembled sample unit shall be subjected to a salt spray (fog) test in accordance with the latest ASTM B 117, Method of Salt Spray (Fog) Testing, for a period of 50 hours, consisting of two periods of 24 hour exposure and 1 hour drying time each. (Reference SAE Standard J575 (e) "Test for Motor Vehicle Lighting Devices and Components"). Immediately after the preceding test has been completed, there shall be no evidence of sufficient corrosion to affect the proper functioning of the device or to soil hands or clothing.

3.5 *Fasteners*—3.5.1 *Standard.* All fasteners required for the assembly and complete installation of an adaptive control system in a particular *model* passenger automobile shall be provided by the manufacturer. Fasteners shall be designed or treated for resistance to vibration.

3.5.2 *Specification.* All fasteners of an assembled hand control system shall remain tightened securely within a 15% preload torque drop under vibratory motion producing a 4.6 g load (2.54 mm displacement at 30 Hz, i.e., ±1.27 mm from zero reference) in the axial and transverse direction of assembly.

3.5.3 *Test 5.* Resistance to vibration shall be tested in the laboratory by vibrating of the fully assembled control system, including all installation hardware. A vibratory force causing 2.54 mm displacement (±1.27 mm from zero reference) at 30 Hz shall be applied in the axial and transverse direction of the assembly for 80 minutes each. Locking torques of all fasteners shall be measured prior to testing, and changes in pre-load values shall be recorded after completion of the vibration test. The fasteners shall retain preload torques within a 15% allowable variation after testing.

3.6 *Electrical Components and Wiring*—3.6.1 *Standard.* All electrical components and wiring included on adaptive automotive control systems shall conform to applicable SAE Standards or SAE Recommended Practices, e.g., SAE J556—Automobile Wiring.

3.6.2 *Specification.* Two wire or single wire systems shall be termed respectively "insulated-return" and "ground-return" systems. All electrical systems shall be designed and packaged to protect the driver against injury resulting from accidental shock, short-circuits, electrical fires, etc.

3.6.3 *Test 6.* Electrical components and wiring shall be considered integral parts of a control system, and shall be tested for fatigue resistance and resistance to vibration during the performance of (3.3.3.2), Test 2, (3.3.3.3), Test 3 and (3.5.3) Test 5. Any loosening of assembly hardware, or damage sustained by an electrical component during testing shall disqualify the entire system from acceptance.

3.7 *Safety*—3.7.1 *Sharp Edges and Projections*—3.7.1.1 *Standard and Specification.* All adaptive automotive control systems shall be free of sharp edges and jagged projections to minimize injuries and damage to clothing of both handicapped and non-handicapped drivers (FMVSS 201).

3.7.1.2 *Test 7.* All fully assembled systems shall be visually inspected in a laboratory set-up (simulator). All hazardous features shall be a cause for rejection of a device.

3.7.2 *Conventional Use of Motor Vehicle*—3.7.2.1 *Standard.* All adaptive control devices shall be designed to permit the conventional use of the standard automotive controls by non-handicapped drivers.

3.7.2.2 *Specification.* Brake and accelerator pedals shall remain unobstructed after adaptive controls have been properly installed according to the manufacturer's instructions.

3.7.2.3 *Test 8.* Acceptability of a particular design shall be verified by observation in the laboratory, where it shall be clearly demonstrated that brake and accelerator connecting hardware shall not obstruct control pedals used by drivers in the normal mode.

3.7.3 *Neutral Position of Control System*—3.7.3.1 *Standard and Specification.* Hand control systems shall be balanced so that neither the brake nor the accelerator are actuated in the hands-off mode (FMVSS 124).

3.7.3.2 *Test 9.* Acceptability of a particular device shall be verified in the laboratory by means of a simulated automotive installation.

3.8 *Mode of Operation*—3.8.1 *Acceleration and Brake Motion*—3.8.1.1 *Standard and Specification.* Adaptive hand control systems shall be designed to require distinctly different motions for acceleration and brake actuation.

3.8.1.2 *Test 10.* Functional adequacy shall be verified by observation in the laboratory where it shall be evident that distinctly different motions for actuation of the accelerator and brake pedals are provided.

3.8.2 *Restriction of Accelerator Motion for Mechanically Linked Hand Controls*—3.8.2.1 *Standard and Specification.* Adaptive hand control systems shall not permit actuation of the accelerator by forward inertial movement of the driver.

3.8.2.2 *Test 11.* Acceptability of an adaptive automotive hand control system shall be verified by observation in the laboratory, where it shall be evident that the accelerator cannot be actuated by a forward push away from the driver.

4.0 *Installation of Adaptive Equipment to Passenger Automobiles*—4.1 *Method of Attachment*—4.1.1 *Standard.* Manufacturers shall specify the appropriate method of installation for each type of automobile for which his device is designed.

4.1.2 *Specification.* A brochure containing written and graphic instructions for installing each control system shall be provided by the manufacturer *for each type, year and make of automobile for which his product is intended.*

4.2 *Certified Installation.* Upon completion, the installation must be certified as complete and safe. The VA strongly urges that installation be accomplished by highly experienced auto mechanics who have familiarized themselves with these devices.

4.3 *Safety Features of the Automotive Steering Column.* Installation of an adaptive hand control system shall not interfere with the collapsibility of the steering column or any other safety features of the automobile. The collapse of a steering column in the event of a collision shall not expose the driver to hardware normally behind the steering wheel. In such cases, it is assumed that the driver impacts with the steering wheel (FMVSS 203).

4.4 *Alterations of the Passenger Vehicle.* The use of adaptive equipment shall not result in alterations of the passenger automobile which impair or reduce other safety features. Although it is desirable not to deface the interior, this desire is of secondary importance to assuring the secure attachment of all devices.

4.5 *Installation Instructions.* Complete installation instructions shall be packaged with each adaptive automotive control de-

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vice (4.1), including a parts list of components. The instructions shall be clear and free of ambiguity, and shall be supplemented by photos and illustrations to facilitate the installation of the device. The manufacturer's concern for proper installation shall be clearly stated. A source of assistance and/or information (phone number and address) shall be provided.

4.6 *Use Instructions.* Complete instructions on the operation and use of the driving controls shall be packaged with each driving aid. These instructions shall be supplemented by photos and illustrations as needed. Suitable caution on gaining familiarity with a new driving method shall be given prominence.

5.0 *Sampling and Inspection by the Manufacturer*—5.1 *Sampling.* Samples of adaptive automotive driving aids shall be submitted before the end of November of each year to be tested for contract qualifications. These samples shall be compatible with passenger type motor vehicles listed by the manufacturer of adaptive equipment for the calendar year ahead. The manufacturer shall supply the VA Prosthetics Center, New York, N.Y. 10001 with one (1) complete production sample of each device submitted for compliance testing, free of charge. These samples will not be returned to the manufacturer, nor will they be issued to handicapped drivers. Samples submitted for testing before the end of November which fail to qualify may be resubmitted after appropriate modifications for retesting within 90 days of the initial submission date. The VA Prosthetics Center will at times purchase production samples for additional testing, as required.

5.2 *Inspection by the Manufacturer.* In view of the implied seriousness of in-service failures, quality control inspections made by the manufacturer shall be 100% on every part packaged and commercially sold. Evidence of quality assurance shall be included with every item sold, and can be in the form of a seal, inspection stamp, tag, or any other legible identification. The responsibility of product liability rests with the manufacturer of every adaptive device. Uninspected items shall be returned to the manufacturer.

5.2.1 *Identification Marking.* All adaptive devices shall bear a serial number and the name and address of the manufacturer. This may be engraved or placed on a permanently affixed tag which will remain visible after installation of the components.

5.2.2 *Warranty.* A statement of warranty shall be packaged with each adaptive device, assuring the quality of materials and workmanship of the product for at least one (1) year from the date of installation. The warranty shall state that if defects are found during the warranty period, the device will be replaced or a refund made by the seller.

5.2.3 *Claims Made.* Advertising literature shall reveal the adaptive equipment manufacturer's name and address. All claims of approval by private groups, local, state or federal government shall be specific as to the approving agency and the acceptance test protocol. Such claims shall be documentable on request. Furthermore, all claims of scientific merit shall be clearly stated and documentable on request.

5.2.4. *Other Literature.* All promotional and technical literature shall clearly describe the types of driving aids available and the types of disabilities they will service.

6.0 *Distributors of Adaptive Automotive Control Equipment.* A distributor of adaptive automotive driving aids is subject to the same standard as the manufacturer with regard to claim of approval or scientific merit (see standard 5.2.3). All literature on driving aids furnished by the seller shall contain the seller's name and address.

7.0 *Test Procedure.*—7.1 *Static Testing (Test 1).* Static testing shall be conducted by applying a force of 150 lbs. (667.2 newtons) to the handle of the control lever. The force shall be directed to simulate brake actuation of the fully assembled adaptive control system. The test sample is mounted on a Laboratory Simulator and positioned within the test space of the test machine load frame (INSTRON or equivalent). The readout and recording instrumentation of the test machine shall indicate that the 150 lbs. (667.2 newtons force) is being applied for a period of 30 to 35 seconds. Changes in alignment, loosening of parts, or permanent deformations indicate failure of the complete system.

7.2 *Fatigue Life Cycling (Test 2).* Cycling is accomplished using a combination axial and torsional testing machine (INSTRON or equivalent). The testing machine is programmed to control a force of 120 lbs. (533.8 newtons) delivered by a hydraulic actuator to the handle of the Control Lever of a completely assembled adaptive automotive hand control system. The particular hand control system is fully assembled on a Laboratory Simulator and positioned within the test space of the test machine load frame. The readout and recording instrumentation of the test machine verifies that the required test load is applied to simulate brake and accelerator actuation within 1.0 to 2.0 seconds per cycle. Since the required motions for actuation of adaptive automotive brake and accelerator controls vary considerably for particular hand controls, the cyclic test machine shall be programmed to provide linear and rotary motion as needed. The test machine is biaxial, and therefore capable of applying and controlling axial and torsional loads simultaneously. A fatigue life cyclic test of 250,000 machine cycles shall be completed, applying mutually exclusive motions for acceleration and brake actuation. The cyclic program is monitored throughout the test with periodic inspection of test samples at intervals of 50,000 cycles, to either assure that satisfactory progress of fatigue life cycling is being made, or discontinue further testing.

7.3 *Resistance to Vibration (Tests 3, 5, and 6).* Resistance to vibration testing shall be conducted on individual components (under Test 3) or on the completely assembled adaptive automotive control system (Tests 5 and 6) installed in a laboratory simulator. The laboratory simulator, including the particular adaptive device, is mounted on a vibration testing machine for testing in the axial as well as transverse direction of component assembly. The vibration testing machine is set up to produce a 2.54 mm displacement (±1.27 mm from zero reference) at 30 Hz, resulting in an approximate 4.6 g load. All fasteners, wiring and hardware including resistance-to-vibration type coatings, etc., shall be included in simulating an installation of the particular device in a passenger automobile.

7.4 *Laboratory Simulator.* The laboratory simulator is a mechanical test jig that permits simulated set-up of a variety of adaptive automotive driving aids submitted to the VA Prosthetics Center, New York, N.Y., for evaluation or compliance testing. Essentially, the laboratory simulator includes a standard automotive steering wheel, accelerator pedal, brake pedal, as well as a rigid non-automotive steering column attached to part of a simulated fire wall. The jig shall be used to carry out Fatigue Life Testing (3.3.3.2 Test 2), Resistance to Corrosion Testing (3.4.2 Test 4), Resistance to Vibration Testing (3.5.3 Test 5), Testing of Electrical Components and Wiring (3.6.3 Test 6), as well as all other compliance tests depending on visual inspection of an assembly or mode of operation of the particular adaptive automotive system.

[FR Doc.75-8519 Filed 4-2-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

MARCH 28, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before April 14, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 2633 (Sub-No. E3) (Correction), filed May 12, 1974, published in the FEDERAL REGISTER February 13, 1975. Applicant: CROSSETT, INC., P.O. Box 946, Warren, Pa. 16365. Applicant's representative: M. A. Burgett (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, from Bolivar, Wellsville, Buffalo, and points within ten miles of Buffalo, Ithaca, Rochester, and Syracuse, N.Y., and points within five miles thereof, to points in that part of Ohio on or bounded by a line beginning at Lake Erie and extending along U.S. Highway 21 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Ohio-Pennsylvania State line, thence along Ohio-Pennsylvania State line to junction Ohio Highway 165, thence along Ohio Highway 165 to junction Ohio Highway 14, thence along Ohio Highway 14 to Lake Erie. The purpose of this filing is to eliminate the gateways of points in Erie County, Pa., and points within 15 miles thereof. The purpose of this correction is to expand the territorial description.

No. MC 2633 (Sub-No. E9) (Correction), filed May 12, 1974, published in the FEDERAL REGISTER February 13, 1975. Applicant: CROSSETT, INC., P.O. Box 946, Warren, Pa. 16365. Applicant's representative: M. A. Burgett (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, from those points in Ohio north and east of a line beginning at Lake Erie and extending along Ohio Highway 14 to junction Ohio Highway 165, thence along Ohio Highway 165 to the Ohio-Pennsylvania State line, to points in Tioga and Potter Counties, Pa. The purpose of this filing is to eliminate the gateways of Warren, Pa., and points within seven miles thereof, and Olean, N.Y. The purpose of this filing is to include the destination points.

No. MC 2633 (Sub-No. E10) (Correction), filed May 12, 1974, published in the FEDERAL REGISTER February 13, 1975. Applicant: CROSSETT, INC., P.O. Box 946, Warren, Pa. 16365. Applicant's representative: M. A. Burgett (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, from those points in Ohio on and east of a line beginning at Lake Erie and extending along U.S. Highway 14 to junction Ohio Highway 165, thence along Ohio Highway 165 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of Warren, Pa., and points within seven miles thereof, and Bolivar and Wellsville, N.Y. The purpose of this correction is to expand the territorial description.

No. MC 2633 (Sub-No. E12) (Correction), filed May 12, 1974, published in the FEDERAL REGISTER February 12, 1975. Applicant: CROSSETT, INC., P.O. Box 946, Warren, Pa. 16365. Applicant's representative: M. A. Burgett (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, from points in Erie and Crawford Counties, Pa., to points on the United States-Canada International Boundary line between and including Buffalo and Youngstown, N.Y. The purpose of this filing is to eliminate the gateways of Buffalo, Tonawanda, North Tonawanda, and those points between Buffalo and Tonawanda which are within two miles of the Niagara River, N.Y. The purpose of this correction is to expand the territorial description.

No. MC 2633 (Sub-No. E15) (Correction), filed May 12, 1974, published in the FEDERAL REGISTER February 12, 1975. Applicant: CROSSETT, INC., P.O. Box 946, Warren, Pa. 16365. Applicant's representative: M. A. Burgett (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except those named in Appendix XV thereof), from points in Beaver County, Pa., to points in Chautauqua, Erie, and Niagara Counties, N.Y. The purpose of this filing is to eliminate the gateway of Freedom, Pa. The purpose of this correction is to correctly describe the destination points.

No. MC 2368 (Sub-No. E49) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER February 25, 1975. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in that part of Virginia on, east, and north of a line beginning at the Virginia-Maryland State line and proceeding south along U.S. Highway 15 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction Interstate Highway 264, thence along Interstate Highway 264 to the Atlantic Ocean, to points in South Carolina on and south of Interstate Highway 26. The purpose of this filing is to eliminate the gateway of Richmond, Va. The purpose of this correction is to include Virginia as the origin state.

No. MC 2368 (Sub-No. E52) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER February 25, 1975. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in that part of Virginia on and south of a line beginning at the Virginia-West Virginia State line and proceeding east along Virginia Highway 311 to junction U.S. Highway 460 at Roanoke, Va., thence along U.S. Highway 460 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction Interstate Highway 264, thence along Interstate Highway 264 to the Atlantic Ocean, to points in the District of Columbia. The purpose of this filing is to eliminate the gateway of Richmond, Va. The purpose of this correction is to include Virginia as the origin state.

No. MC 3246 (Sub-No. E1), filed May 12, 1974. Applicant: MASTERTON TRANSFER CO. INC., 3000 Pennsylvania Ave., Warren, Pennsylvania. Applicant's representative: Ronald W. Malin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, machinery parts, iron* and *steel tanks, furnaces, boilers, steel shelving, and factory equipment* (except commodities requiring special equipment and commodities in bulk); (a) between points in Erie, Chautauqua, and Cattaraugus Counties, New York, on the one hand, and, on the other, points and places in New Jersey, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, Illinois, Michigan, District of Columbia, New York City, and Nassau and Suffolk Counties, New York, (b) between points in Chautauqua and Cattaraugus Counties, New York, on the one hand, and, on the other, points and places in Massachusetts, Connecticut, and Rhode Island, (Warren, Pa.)*; (2) *iron* and *steel tanks, machinery, machinery parts*, and such commodities requiring specialized handling or rigging because of size or weight, (a) between points in Erie, Chautauqua, and Cattaraugus Counties, New York, on the one

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hand, and, on the other, points and places in New Jersey, New York City, and Nassau and Suffolk Counties, New York, (b) between points in Ohio, on the one hand, and, on the other, points in New Jersey and New York, (c) from points in Massachusetts, Connecticut, and Rhode Island, to points in Ohio, Chautauqua and Cattaraugus Counties, New York, (d) from points in West Virginia, to points in Niagara, Erie, Chautauqua, Cattaraugus, Orleans, Genesee, Wyoming, Allegany, Monroe, Livingston, Wayne, Ontario, Yates, Steuben, Seneca, Schuyler, Chemung, Cayuga, Tompkins, Tioga, Oswego, Onondaga, Cortland, Broome, Jefferson, Lewis, Oneida, Madison, and Chenango Counties, New York, (e) from points in Delaware, Maryland, Virginia, and the District of Columbia, to points in Niagara, Orleans, Erie, Genesee, Wyoming, Chautauqua, Cattaraugus, and Allegany Counties New York, (f) from points in Indiana, Illinois, and Michigan, to points and places in New York and New Jersey. (Warren, Pa.)*.

(3) *Materials* (or use in, or incidental to, the construction and maintenance of telephone lines, when requiring specialized handling or rigging because of size or weight, (a) between points in Erie, Chautauqua, and, Cattaraugus, New York, on the one hand, and, on the other, points in New Jersey, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, Illinois, Michigan, District of Columbia, New York City, and Nassau and Suffolk Counties, New York, (b) between points in Pennsylvania situated on and south of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 422 to junction U.S. Highway 19 thence along U.S. Highway 19 to junction Pennsylvania Highway 488 near Portersville, Pa. thence along Pennsylvania Highway 488 via Prospect, Pa. to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 22, and thence along U.S. Highway 22 to junction U.S. Highway 220 in Duncansville, Pa., and thence on and west of the line extending along U.S. Highway 220 from junction U.S. Highway 22 to Duncansville, Pa. to the Pennsylvania-Maryland State line, on the one hand, and, on the other, points and places in Illinois and Michigan, (d) between points in Warren and McKean Counties, Pennsylvania, on the one hand, and, on the other, points in New Jersey, Massachusetts, Connecticut, Rhode Island, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, the District of Columbia and New York (except points in New York within 120 miles of Warren, Pennsylvania), (Warren, Pa.)*.

(4) *Machinery, machinery parts,* and *iron* and *steel tanks* (except commodities requiring special equipment, and commodities in bulk), (a) from points in Warren County, Pa., to points in New Jersey, Ohio, and New York State (except the New York State Counties of Erie, Chautauqua and Cattaraugus) (b) from points in Illinois, Indiana, Michigan, Ohio, Massachusetts, Rhode Island, Virginia, West Virginia, Delaware, New Jersey, Connecticut, Maryland, Washington, D.C., and New York (except Erie, Chautauqua and Cattaraugus Counties, N.Y.), to points in Warren County, Pennsylvania. (Warren, Pa., and Chautauqua or Cattaraugus Counties, N.Y.)* The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 9789 (Sub-No. E1), filed May 19, 1974. Applicant: DYER TRANSPORT, INC., P.O. Box 2744 Terminal Annex, Spokane, Wash. 99220. Applicant's representative: Roger L. Bond, P.O. Box 3010, St. Paul, Minn. 55165. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *machinery parts*, between points in Minnesota on and west of U.S. Highway 71, on the one hand, and, on the other, points in Idaho, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of the state of Idaho and that part of Montana west of a line extending from the boundary of the United States and Canada along U.S. Highway 89 to Livingston, Mont., thence east along U.S. Highway 10 to Laurel, Mont., thence south along U.S. Highway 310 to the Montana-Wyoming State line.

No. MC 9789 (Sub-No. E2), filed May 19, 1974. Applicant: DYER TRANSPORT, INC., P.O. Box 2744, Terminal Annex, Spokane, Wash. 99220. Applicant's representative: Roger L. Bond, P.O. Box 3010, St. Paul, Minn. 55165. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, (a) between points in Oregon west of the Cascade Mountains, on the one hand, and, on the other, points in Washington on and east of U.S. Highway 395 and the city of Clarkston, Washington; (b) between points in California on, north, and west of U.S. Highway 50, on the one hand, and, on the other, (1) points in Minnesota on and west of U.S. Highway 71, (2) points in Montana on and west of a line extending from the boundary of the United States and Canada along U.S. Highway 89 to Livingston, Mont., thence along U.S. Highway 10 to Laurel, Mont., thence along U.S. Highway 310 to the Montana-Wyoming State line; (c) between points in California on, north, and west of U.S. Highway 50 within the counties of Alameda, Contra Costa, Marin, Napa, Sacramento, San Francisco, and Solano, on the one hand, and, on the other, points in Oregon in the counties of Baker, Umatilla, Union, and Wallowa, and the towns of Ontario, Nyssa, and Vale, Oreg., and points in Washington in and east of Okanogan, Chelan, Douglas, Grant, and Benton Counties. The purpose of this filing is to eliminate the gateways of (a) Idaho; (b) (1) Idaho, and that part of Montana as described in paragraph (b) above, and (b) (2) Idaho; and (c) Idaho.

No. MC 9789 (Sub-No. E3), filed May 19, 1974. Applicant: DYER TRANSPORT, INC., P.O. Box 2744 Terminal Annex, Spokane, Wash. 99220. Applicant's representative: Roger L. Bond, P.O. Box 3010, St. Paul, Minn. 55165. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery;* (a) between points in California on and west of U.S. Highway 395, on the one hand, and, on the other, points in Idaho on and west of U.S. Highway 93 and points in Montana on and west of a line extending from the United States-Canada International Boundary line along U.S. Highway 89 to Livingston, Mont., thence along U.S. Highway 10 to Laurel, Mont., thence along U.S. Highway 310 to the Montana-Wyoming State line; (b) between points in California in and north of Monterey, Kings, Tulare, Fresno, and Mono Counties, on the one hand, and, on the other, points in Idaho; (c) between points in California in and south of Marin, Napa, Solano, Sacramento, Amador, and Alpine Counties, and the commercial zones of Santa Rosa, Petaluma, and Sonoma (all in Sonoma County), on the one hand, and, on the other, points in Oregon in and east of Baker, Umatilla, and Union Counties, and the points of Ontario, Nyssa, and Vale, Oreg., and points in Washington in and east of Okanogan, Chelan, Douglas, Grant, and Benton Counties; (d) between points in California in and south of San Luis Obispo, Kings, Fresno, and Mono Counties, on the one hand, and, on the other, points in Washington in Island, San Juan, Yakima, Kittitas, Skagit, Whatcom, Snohomish Counties, and the commercial zone of Seattle, Wash.; and (e) between points in California in and south of the counties of Ventura, Los Angeles, Mono, Inyo, and San Bernardino, on the one hand, and, on the other, points in Washington in King, Kitsap, Clallam, and Jefferson Counties (that portion lying east of the Olympic National Park only), and the commercial zone of the city of Tacoma, Wash. The purpose of this filing is to eliminate the gateways of: in (a), (c), (d), and (e) above, California (on and north of U.S. Highway 50); and Idaho; and in (b) above California (on and north of U.S. Highway 50).

No. MC 9789 (Sub-No. E4), filed May 19, 1974. Applicant: DYER TRANSPORT, INC., P.O. Box 2744 Terminal Annex, Spokane, Wash. 99220. Applicant's representative: Roger L. Bond, P.O. Box 3010, St. Paul, Minn. 55165. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of size or weight requires the use of special equipment, and of related machinery parts and related contractors' materials and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight requires special equipment; (2) *General commodities* (except motor vehicle and motor vehicle cabs and bodies, and except Classes A and B explosives), moving in the same vehicle and at the same time in mixed loads with commodities the transportation of which, because of size or weight, require the use of special equipment (otherwise authorized), when the mixed load moves on a single bill of lading from a single consignor; and (3) *Self-propelled vehicles*, each weighing 15,000 pounds or more (except motor vehicles as defined in Section 203 (a) (13) of the Interstate Commerce Act, and vehicles moving in driveaway service), and related machinery, tools, parts, and supplies moving in connection wherewith. Restriction: Restricted in (1), (2), and (3) to the transportation of such commodities as contractors' equipment, heavy and bulky articles, machinery and machinery parts, articles requiring specialized handling or rigging, and machinery, materials, supplies, and equipment, used or useful in road construction, mining, logging, and sawmill operations, and restricted against the transportation of boats, between points in Montana east of a line extending from the United States-Canada International Boundary line along U.S. Highway 89 to Livingston, Mont., thence along U.S. Highway 10 to Laurel, Mont., thence along U.S. Highway 310 to the Montana-Wyoming State line, on the one hand, and, on the other, points in Idaho in Boundary, Bonner, Kootenai, Benewah, Latah, Nez Perce, Lewis, Adams, Washington, Gem, Payette, Canyon, and Ada Counties. The purpose of this filing is to eliminate the gateways of Washington-Idaho State line and Oregon-Idaho State line.

No. MC 9789 (Sub-No. E5), filed May 19, 1974. Applicant: DYER TRANSPORT, INC., P.O. Box 2744 Terminal Annex, Spokane, Wash. 99220. Applicant's representative: Roger L. Bond, P.O. Box 3010, St. Paul, Minn. 55165. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heavy machinery*, the transportation of which, because of size or weight, requires the use of special equipment; (2) *Heavy machinery* (except motor vehicles and motor vehicle cabs and bodies, and except Classes A and B explosives), moving in the same vehicle and at the same time in mixed loads with commodities the transportation of which, because of size or weight, require the use of special equipment (otherwise authorized), when the mixed load moves on a single bill of lading from a single consignor; and (3) *Heavy machinery*, which is self-propelled and which individually weighs 15,000 pounds or more (except motor vehicles as defined in Section 203(a) (13) of the Interstate Commerce Act, and vehicles moving in a driveaway service), (Restricted in (1), (2), and (3) against the transportation of boats), between points in California (except points in Inyo, San Bernardino, Riverside, Orange, San Diego, and Imperial Counties), on the one hand, and, on the other, points in Montana lying on, east, and north of a line extending from the United States-Canada International Boundary line along U.S. Highway 89 to Livingston, Mont., thence along U.S. Highway 10 to Miles City, Mont., thence along U.S. Highway 12 to the Montana-South Dakota State line. The purpose of this filing is to eliminate the gateways of California (on and north of U.S. Highway 50), Idaho, and Oregon.

No. MC 9789 (Sub-No. E6), filed May 19, 1974. Applicant: DYER TRANSPORT, INC., P.O. Box 2744 Terminal Annex, Spokane, Wash. 99220. Applicant's representative: Roger L. Bond, P.O. Box 3010, St. Paul, Minn. 55165. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden skids, heavy timbers, wood piling, lumber* and *wood construction poles*, (a) between points in Montana, North Dakota, and Minnesota, on the one hand, and, on the other, points in Idaho, Washington, and that part of Oregon east of the Cascade Mountains, restricted to the transportation of those commodities listed above which require specialized handling, or are heavy and bulky, or are used or useful in road construction, mining, logging, and sawmill operations; and (b) between points in Oregon lying west of the Cascade Mountains, on the one hand, and, on the other, points in Montana, North Dakota, and Minnesota, restricted to the transportation of those commodities listed above, the transportation of which because of size or weight requires the use of special equipment, otherwise authorized, when the mixed load moves on a single bill of lading from a single consignor). The purpose of this filing is to eliminate the gateway of (a) that part of Montana west of a line extending from the boundary of the United States and Canada along U.S. Highway 89 to Livingston, Mont., thence along U.S. Highway 10 to Laurel, Mont., thence along U.S. Highway 310 to the Montana-Wyoming State line; and (b) Montana.

No. MC 9789 (Sub-No. E7), filed May 19, 1974. Applicant: DYER TRANSPORT, INC., P.O. Box 2744 Terminal Annex, Spokane, Wash. 99220. Applicant's representative: Roger L. Bond, P.O. Box 3010, St. Paul, Minn. 55165. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products; *machinery, equipment, materials*, and *supplies*, used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof (except the stringing and picking up of pipe in connection with the main or trunk pipelines), restricted to contractors' equipment, heavy and bulky articles, machinery and machinery parts, or articles requiring specialized handling or rigging, between points in Minnesota on and west of U.S. Highway 71, on the one hand, and, on the other, points in Idaho, Washington, and that part of Oregon lying east of the Cascade Mountains. The purpose of this filing is to eliminate the gateways of that part of Montana west of a line extending from the boundary the United States and Canada along U.S. Highway 89 to Livingston, Mont., thence along U.S. Highway 10 to Laurel, Mont., thence along U.S. Highway 310 to the Montana-Wyoming State line.

No. MC 9789 (Sub-No. E8), filed May 19, 1974. Applicant: DYER TRANSPORT, INC., P.O. Box 2744, Terminal Annex, Spokane, Wash. 99220. Applicant's representative: Roger L. Bond, P.O. Box 3010, St. Paul, Minn. 55165. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *machinery*, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof (except the stringing or picking up of pipe in connection with main or trunk pipelines), restricted to those commodities the transportation of which, because of size or weight, requires the use of special equipment, and of related parts, materials, and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight, require special equipment, or when moving in the same vehicle and at the same time in mixed loads with commodities the transportation of which, because of size or weight, requires the use of special equipment, otherwise authorized, but not including motor vehicles and motor vehicle cabs and bodies, or Classes A and B explosives, when the mixed loads moves on a single bill of lading from a single consignor, or, self-propelled vehicles, each weighing 15,000 pounds or more (Except motor vehicles as defined in Section 203(a) (13) of the Interstate Commerce Act, and except vehicles moving in driveaway service), and related machinery, tools, parts, and supplies moving in connection therewith, between points in Minnesota on and west of U.S. Highway 71, on the one hand, and, on the other, points in Oregon and Washington. The purpose of this filing is to eliminate the gateway of Montana.

No. MC 9789 (Sub-No. E9), filed July 3, 1974. Applicant: DYER TRANSPORT, INC., P.O. Box 3010, St. Paul, Minn. 55165. Applicant's representative: Roger L. Bond (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, between points in California in and north of Sonoma, Lake, Yolo, Sutter, Placer, and El Dorado Counties, on the one hand, and, on the other, points in the Spokane, Wash., commercial zone. The purpose of this filing is to eliminate the gateway of Idaho.

No. MC 21170 (Sub-No. E22), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority

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sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in containers, from Lawton, Mich., to points in that part of Iowa south and west of a line beginning at the Nebraska-Iowa State line and extending along U.S. Highway 20 to junction Iowa Highway 140, thence along Iowa Highway 140 to Kingsley, thence east via unmarked highway to Washta, thence northeast to junction Iowa Highway 7 to Aurelia, thence along Iowa Highway 7 to junction Iowa Highway 110, thence along Iowa Highway 110 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Iowa Highway 31, thence along Iowa Highway 31 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction Iowa Highway 183, thence along Iowa Highway 183 to junction Iowa Highway 37, thence along Iowa Highway 37 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Iowa Highway 48, thence along Iowa Highway 48 south and unmarked highway east via Bethesda, to junction U.S. Highway 71, thence along U.S. Highway 71 to Villisca, thence east and south on unmarked highway via Nodaway and Guss, to Gravity, to junction Iowa Highway 319, thence along Iowa Highway 319 to junction Iowa Highway 2, thence along Iowa Highway 2 to junction U.S. Highway 169, thence along U.S. Highway 169, to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Iowa Highway 213, thence along Iowa Highway 213 to junction Iowa Highway 273, thence along Iowa Highway 273 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction of unmarked highway, thence along junction of unmarked highway east of junction Iowa Highway 16 at Eldon, thence along Iowa Highway 16 to Utica, thence south via unmarked highway to Mt. Sterling, via Bonaparte, to the Iowa-Missouri State line. The purpose of this filing is to eliminate the gateway of that part of Missouri on and north of U.S. Highway 50, and on the west of U.S. Highway 63.

No. MC 21170 (Sub-No. E34), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods* (except frozen and commodities in bulk), from points in Brown, Clermont, and Hamilton Counties, Ohio, to points in that part of Missouri east and south of a line beginning at the Missouri-Iowa State line extending along US Highway 63 to junction US Highway 66, thence along US Highway 66 to the Missouri-Oklahoma State line (except that part of Missouri (1) east of a line beginning at the Iowa-Missouri State line extending along Missouri Highway 21 to junction Missouri Highway 16, thence along Missouri Highway 16 to the Missouri-Illinois State line, and (2) east of a line beginning at the Missouri-Tennessee State line and extending along Missouri Highway 79 to junction Interstate Highway 55, thence along Interstate Highway 55 to the Missouri-Arkansas State line), restricted to traffic originating at points in Brown, Clermont, and Hamilton Counties, Ohio, and destined to points in Missouri. The purpose of this filing is to eliminate the gateway of Collinsville, Ill.

No. MC 21170 (Sub-No. E47), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, from the facilities of the Pillsbury Corporation in New Albany, Ind., to points in Minnesota west of a line beginning at the Wisconsin-Minnesota State line and extending along Minnesota Highway 43 to the Minnesota-Iowa State line. The purpose of this filing is to eliminate the gateways of Aurora, Bolivar, Carthage, Clinton, Joplin, Neosho, St. Louis, Springfield, and Webb City, Mo., and that part of Missouri on and north of U.S. Highway 50 and on and west of U.S. Highway 63.

No. MC 21170 (Sub-No. E58), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, as defined in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, and hides, restricted to the transportation of such commodities as are dealt in by wholesale, retail, or chain grocery stores, from the plant site of Minden Beef Company at or near Minden, Nebr., to points in that part of Iowa east of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 59 to junction Iowa Highway 48, thence along Iowa Highway 48 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Iowa Highway 25, thence along Iowa Highway 25 to junction Iowa Highway 44, thence along Iowa Highway 44 to junction Iowa Highway 4, thence along Iowa Highway 4 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction Iowa Highway 89, thence along Iowa Highway 89 to junction Iowa Highway 210, thence along Iowa Highway 210 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Minnesota State line. The purpose of this filing is to eliminate the gateway of that part of Missouri on and north of U.S. Highway 50, and on the west of U.S. Highway 63.

No. MC-21170 (Sub-No. E72), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Rohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Hutchinson, Kans., to points in that part of Minnesota north and east of a line beginning at the Iowa-Minnesota State line and extending along Minnesota Highway 15 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Minnesota Highway 4, thence along Minnesota Highway 4 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to Richmond, thence north and west on unnumbered highway through St. Martin and New Munich to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction Minnesota Highway 108, thence along Minnesota Highway 108 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Minnesota Highway 34, thence along Minnesota Highway 34 to junction U.S. Highway 71, thence along U.S. Highway 71.to junction Minnesota Highway 113, thence along Minnesota Highway 113 to junction unnumbered highway, thence north on unnumbered highway through Naytahwaush to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 59, thence along U.S. Highway 59 to Lancaster, thence along unnumbered highway through Orleans to junction U.S. Highway 75, thence along U.S. Highway 75 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateways of Ackley, Belmond, Dubuque, Galt, Hampton, Marshalltown, Roland, Walker, and Waverly, Iowa.

No. MC-25798 (Sub-No. E21), (Correction), filed May 2, 1974, published in the Federal Register, May 22, 1974. Applicant: CLAY HYDER TRUCKING, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats* and *frozen meat products*, in containers, from (1) points in Texas, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Rhode Island, Virginia, and the District of Columbia, (2) points in Texas north of U.S. Highway 70 to points in New York on and east of New York Highway 14 and points in Pennsylvania on and east of U.S. Highway 219, and (3) points in Texas on and south of U.S. Highway 70, to points in New York west of New York Highway 14 and points in Pennsylvania west of U.S. Highway 219. The purpose of this filing is to eliminate the gateway of Hendersonville, N.C. The purpose of this correction is to include (3) above.

No. MC 29886 (Sub-No. E18), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wheeled tractors* (other than truck tractors), with or without attachments, and *crawler tractors*, set up, with loading and grading attachments, (1) from those points in Iowa on and north of Interstate Highway 80 to those points in Florida south and east of a line beginning at the Florida-Georgia State line and extending along Interstate Highway 75 to junction Florida Highway 24, thence along Florida Highway 24 to the Gulf of Mexico, and those in Iowa on and north of Interstate Highway 80 (those points in Michigan on and south of a line extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., thence along Business Route Interstate Highway 96 to Lansing, Mich., to junction U.S. Highway 127, thence along U.S. Highway 127 to junction unnumbered highway at Jackson, Mich., thence along unnumbered highway to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line)*; (2) from those points in Ohio on and north of U.S. Highway 40 and those in Pennsylvania on and west of U.S. Highway 219 to points in Arkansas, Louisiana, Texas, Oklahoma, and Kansas (Churubusco, Ind.)*; and (3) from points in Ohio and those in Pennsylvania on and west of U.S. Highway 219 to points in Minnesota, North Dakota, South Dakota, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Nevada, California, Oregon, Washington, Nebraska, and Arizona (Churubusco, Ind.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-29886 (Sub-No. E19), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicles* (except trailers and semi-trailers), in truckaway service, from Toledo, Ohio, to points in Arkansas, New Mexico, Texas and Wyoming (South Bend, Ind.*); (2) *Automobiles* (imported from foreign countries) from points in California to points in Indiana, South Carolina and that part of North Carolina west of a line beginning at the Virginia-North Carolina State line extending along US Highway 21 to junction US Highway 70, thence along US Highway 70 to junction US Highway 52, thence along US Highway 52 to the North Carolina-South Carolina State line, restricted to the transportation of vehicles which have been transported by said carrier, or by other carriers in initial movements from South Bend, Ind., and further restricted against the transportation of such vehicles which have had an immediately prior movement by water (South Bend, Ind.*); (3) *New automobiles* and *new trucks*, in secondary movements, in truckaway and driveaway service, from South Bend, Ind., to points in New Mexico, Arizona, and California (points in Texas*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 29886 (Sub-No. E40), filed May 31, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, which because of size or weight, require the use of special handling or special equipment, between those points in Illinois north of Interstate Highway 80, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateways of those points in that part of Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, thence along Business Interstate Highway 96 to Lansing, Mich., thence along U.S. Highway 127 to the Michigan-Ohio State line.

No. MC 29886 (Sub-No. E41), filed May 30, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction* and *earth moving machines* and *equipment* (except trailers designed to be drawn by truck tractors), from Lake, Porter, La Porte, St. Joseph, and Elkhart Counties, Ind., to points in Delaware, Maryland, the District of Columbia, West Virginia, and Virginia. The purpose of this filing is to eliminate the gateway of South Bend, Ind.

No. MC 29886 (Sub-No. E42), filed May 31, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction* and *earth moving machines and equipment* (except trailers designed to be drawn by a truck tractor), the transportation of which because of size or weight require the use of special equipment or special handling, and *self-propelled road construction* and *earth moving machines and equipment*, each weighing 15,000 pounds or more; (1) from points in Michigan to points in Tennessee (except those in Clay, Jackson, Putnam, White, Van Buren, Sequatchie, Hamilton, Bradley, Polk, McMinn, Meigs, Rhea, Bledsoe, Cumberland, Overton, Pickett, Scott, Fentress, Morgan, Roane, Monroe, Loudon, Anderson, Campbell, Clairborne, Union, Knox, Blount, Sevier, Jefferson, Grainger, Hancock, Hamblen, Hawkins, Greene, Cocke, Washington, Sullivan, Unicoi, Carter, and Johnson Counties), and those in Georgia on and west of a line beginning at the Tennessee-Georgia State line and extending along Interstate Highway 75 to junction Interstate Highway 20, thence along Interstate Highway 20 to the Georgia-South Carolina State line; (2) from points in Michigan to points in Alabama and Florida; (3) from those points in the Lower Peninsula of Michigan and those in the Upper Peninsula of Michigan on and east of U.S. Highway 41 to points in Florida, Alabama, Arizona, Utah, Nevada, and California; (4) from those points in Michigan on and south of U.S. Highway 10 to points in South Dakota and Montana and those in North Dakota on and south of U.S. Highway 2;

(5) from those points in Michigan on and west of a line beginning at the Indiana-Michigan State line and extending along Michigan Highway 66 to junction Michigan Highway 20, thence along Michigan Highway 20 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Interstate Highway 75, thence along Interstate Highway 75 to Lake Huron, to points in Maryland, Delaware, the District of Columbia, North Carolina, Tennessee, South Carolina, Georgia, and those in Virginia on and east of Interstate Highway 80; (6) from Lake, Porter, LaPorte, Saint Joseph, and Elkhart Counties, Ind., to points in Delaware, Maryland, the District of Columbia, West Virginia, and Virginia; and (7) from points in Pennsylvania to points in Minnesota, Wisconsin, Iowa, North Dakota, South Dakota, Nebraska, Montana, Wyoming, Colorado, Idaho, Utah, Arizona, Washington, Oregon, Nevada, and California. The purpose of this filing is to eliminate the gateway of those points in that part of Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96 to Lansing, Mich., thence along U.S. Highway 127 to the Michigan-Ohio State line, and South Bend, Ind.

No. MC-29886 (Sub-No. E43), filed May 31, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steam shovels, cranes, crawler-type shovels* and *cranes, straddle trucks, fork trucks*, and *self-propelled building, construction*, and *moving machinery*, which require special equipment and handling because of their weight and size, and *self-propelled steam shovels, cranes, crawler-type shovels*, and *cranes, straddle trucks, fork trucks*, and *self-propelled building, construction*, and *moving machinery*, each weighing 15,000 pounds or more; (1) from points in New Jersey, Vermont, Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, and New Jersey to points in Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Kansas, New Mexico, Colorado, Wyoming, Montana, Arizona, Utah, Idaho, Washington, Oregon, Nevada, and California, and those in Oklahoma (ex-

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cept those in McCurtain County), those in Benton, Carroll, Boone, Marion, Baxter, Fulton, Sharp, Izard, Stone, Searcy, Newton, Madison, Washington, Crawford, Franklin, Johnson, Pope, Van Buren, Cleburne, Sebastian, Logan, Conway, Yell, Scott, and Polk Counties, Ark., and those in Texas on and west of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 271 to junction Texas Highway 37, thence along Texas Highway 37 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Texas Highway 19, thence along Texas Highway 19 to junction Interstate Highway 45, thence along Interstate Highway 45 to junction Texas Highway 288, thence along Texas Highway 288 to the Gulf of Mexico (those points in New York on and west of a line beginning at Rochester, N.Y., and extending along U.S. Highway 15 to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 39, thence along New York Highway 39 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line and Benton Harbor, Mich.)*;

(2) from points in Pennsylvania to points in Minnesota, Iowa, North Dakota, Nebraska, South Dakota, Kansas, Oklahoma, Texas, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Washington, Oregon, Nevada, and California (between points in that part of Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, thence along Business Interstate Highway 96 to Lansing, Mich., thence along U.S. Highway 127 to the Michigan-Ohio State line and Benton Harbor, Mich.)*; (3) from those points in Pennsylvania on and east of U.S. Highway 219 to those points in Missouri in, north and west of Pike, Audrain, Callaway, Cole, Miller, Pulaski, Texas, and Howell Counties, and those in Arkansas on and west of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 67 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Interstate Highway 30, thence along Interstate Highway 30 to the Arkansas-Texas State line (same as in (2) above)*; and (5) from points in Ohio to points in Minnesota, South Dakota, North Dakota, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Washington, Oregon, Nevada, and California (same as in (2) above)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-29886 (Sub-No. E44), filed May 31, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steam shovels, cranes, crawler-type shovels* and *cranes, straddle trucks, fork trucks*, and *self-propelled building, construction*, and *moving machinery*, which because of size or weight, require the use of special equipment or special handling, and *self-propelled steam shovels, cranes, crawler-type shovels* and *cranes, straddle trucks, fork trucks*, and *self-propelled building, construction*, and *moving machinery*, each weighing 15,000 pounds or more; (1) from points in Indiana to points in Washington, Oregon, Idaho, Montana, North Dakota, Nevada, those in Minnesota on and west of a line beginning at the Wisconsin-Minnesota State line and extending along U.S. Highway 2 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 27, thence along Minnesota Highway 27 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to the Minnesota-South Dakota State line, those in Utah (except Grand, Emery, Wayne, San Juan, Garfield, and Kane Counties), those in California (except San Bernardino, Riverside, San Diego, and Imperial Counties), and those in Wyoming (except Goshen, Platte, Albany, and Laramie Counties), and (2) from Lake, Porter, LaPorte, and Saint Joseph Counties, Ind., to points in Virginia, West Virginia, Maryland, Delaware, and the District of Columbia. The purpose of this filing is to eliminate the gateways of those points in that part of Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, thence along Business Interstate Highway 96 to Lansing, Mich., thence along U.S. Highway 127 to the Michigan-Ohio State line, and Benton Harbor, Mich.

No. MC 29886 (Sub-No. E45), filed May 31, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steam shovels, cranes, crawler-type shovels* and *cranes, straddle trucks, fork trucks*, and *self-propelled building, construction*, and *moving machinery*, which because of size or weight require the use of special equipment or special handling, and *self-propelled steam shovels, cranes, crawler-type shovels* and *cranes, straddle trucks, fork trucks*, and *self-propelled building, construction*, and *moving machinery*, each weighing 15,000 pounds or more; (1) from points in Ohio on and north of U.S. Highway 30 to points in Oklahoma, Texas, Louisiana, and those in Arkansas on and west of U.S. Highway 65; (2) from points in Ohio to points in Iowa (except those in Muscatine, Scott, Louisa, Des Moines, Lee, Henry, Washington, Keokuk, Jefferson, Van Buren, Wapello, Davis, Appanoose, Monroe, Lucas, Wayne, Decatur, Clarke, Ringgold, Taylor, Page, and Fremont Counties), those in Nebraska (except those in Gage, Otoe, Johnson, Nemaha, Pawnee, and Richardson Counties), and those in Kansas on and west of a line beginning at the Nebraska-Kansas State line and extending along Kansas Highway 14 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Oklahoma State line;

(3) from those points in Wisconsin on and north of U.S. Highway 10 to those points in Kentucky on and east of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 431 to junction Western Kentucky Parkway, thence along Western Kentucky Parkway to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Tennessee State line; (4) from points in Wisconsin to those points in Kentucky on and east of a line beginning at the Kentucky-Ohio State line and extending along Interstate Highway 75 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Kentucky Highway 55, thence along Kentucky Highway 55 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line, and those in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 31E to junction U.S. Highway 431, thence along U.S. Highway 431 to junction U.S. Highway 43, thence along U.S. Highway 43 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateway of those points in that part of Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Route Interstate Highway 96, thence along Business Route Interstate Highway 96 to Lansing, Mich., and thence along U.S. Highway 127 to the Michigan-Ohio State line, and Benton Harbor, Mich.

No. MC 29886 (Sub-No. E46), filed May 31, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks, and self-propelled building, construction, and moving machinery*, which because of size or weight require the use of special equipment or special handling, and *self-propelled steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks, and self-propelled building, construction, and moving machinery*, each weighing 15,000 pounds or more; (1) from points in Wisconsin to points in Alabama, West Virginia, Maryland, the District of Columbia, Delaware, Virginia, North Carolina, South Carolina, Georgia, and Florida; (2) from those points in Iowa north of Interstate Highway 80 to points in North Carolina, South Carolina, Georgia, and those in Florida on and east of Florida Highway 71; (3) from points in Iowa to points in Maryland, Delaware, the District of Columbia, and those in West Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 21 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 21, thence along U.S. Highway 21 to the Virginia-North Carolina State line; and (4) from those points in Iowa on and north of Interstate Highway 80 to those points in Kentucky in and east of Hardin, Hart, Barren, and Monroe Counties, Ky., and those points in Tennessee in and east of Clay, Jackson, Putnam, White, Van Buren, Bledsoe, Rhea, Meigs, and Bradley Counties, Tenn. The purpose of this filing is to eliminate the gateways of those points in that part of Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, thence along Business Interstate Highway 96 to Lansing, Mich., thence along U.S. Highway 127 to the Michigan-Ohio State line.

No. MC-29886 (Sub-No. E47), filed May 31, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction* and *earthmoving machines and equipment* (except trailers designed to be drawn by a truck tractor), and *self-propelled road construction and earthmoving machines and equipment*, each weighing 15,000 pounds or more; (1) from points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, and New York to points in Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nebraska, Oregon, Washington, and California (those points in that portion of New York on and west of a line beginning at Rochester, N.Y., and extending along U.S. Highway 15 to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 39, thence along New York Highway 39 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line, and South Bend, Ind.)*;

(2) from points in Wisconsin to those points in Delaware, Maryland, the District of Columbia, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, and Alabama (except Colbert and Lauderdale Counties), and those points in Tennessee in and east of Sumner, Davidson, Williamson, Maury, and Giles Counties (those points in that portion of Michigan on and southwest of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, thence along Business Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line, and South Bend, Ind.)*; (3) from points in Indiana to points in Minnesota, North Dakota, South Dakota, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon, and Washington (South Bend, Ind.)*; (4) from those points in Indiana on and north of U.S. Highway 36 to points in Colorado and those in Nebraska on and north of a line beginning at the Iowa-Nebraska State line and extending along Nebraska Highway 92 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Nebraska-Kansas State line (South Bend, Ind.)*; and (5) from points in Missouri to points in Delaware, and Maryland, and the District of Columbia (same as in (2) above)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 29886 (Sub-No. E48), filed May 31, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Indiana 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks, and self-propelled building, construction, and moving machinery*, which because of size or weight require the use of special equipment or special handling, and *self-propelled steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks, and self-propelled building, construction, and moving machinery*, each weighing 15,000 pounds or more; (1) from points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, and New York to points in Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, Oregon, Washington, and California (those points in that portion of New York on and west of a line beginning at Rochester, N.Y., and extending along U.S. Highway 15 to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 39, thence along New York Highway 39 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line, and South Bend, Ind.)*;

(2) from points in Wisconsin to those points in Delaware, Maryland, the District of Columbia, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, and Alabama (except Colbert and Lauderdale Counties), and those points in Tennessee in and east of Sumner, Davidson, Williamson, Maury, and Giles Counties (those points in that portion of Michigan on and southwest of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, thence along Business Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line, and South Bend, Ind.)*; (3) from points in Indiana to points in Minnesota, North Dakota, South Dakota, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon, and Washington (South Bend, Ind.)*; (4) from those points in Indiana on and north of U.S. Highway 36 to points in Colorado and those in Nebraska on and north of a line beginning at the Iowa-Nebraska State line and extending along Nebraska Highway 92 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Nebraska-Kansas State line (South Bend, Ind.)*; and (5) from points in Missouri to points in Delaware, and Maryland, and the District of Columbia (same as in (2) above)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 31462 (Sub-No. E1) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER February 4, 1975. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Phenix City, Ala., on the one hand, and, on the other, Blytheville, Ark. The purpose of this filing is to eliminate the gateways of (1) any point in Missouri within 25 miles of Cairo, Ill; (2) any point in Georgia; and (3) any point in Tennessee. The purpose of this correction is to correct the territorial description.

No. MC 31462 (Sub-No. E20) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER February 12, 1975. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Alabama on and east of a line beginning at the Georgia-Alabama State line at Phenix City, Ala., extending along U.S. Highway 431 to Dothan, Ala., thence along Alabama Highway 52 to junction Alabama Highway 53, thence along Alabama Highway 53 to junction Alabama Highway 109, thence along Alabama Highway 109 to the Alabama-Florida State line, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateway of any point in Georgia; any point in Tennessee; Cairo, Ill., or any point within 25 miles thereof; and Burlington, Iowa, or any point within 50 miles thereof. The purpose of this correction is to correct a highway description.

No. MC 31462 (Sub-No. E27) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER January 30, 1975. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas, on the one hand, and, on the other, points in that part of South Dakota on and north of a line beginning at the South Dakota-Minnesota State line, thence along U.S. Highway 16 to junction U.S. Highway 385, thence along U.S. Highway 385 to Hot Springs, S. Dak., thence along U.S. Highway 18 to the South Dakota-Wyoming State line. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; and (2) any point which is both within 35 miles of Alden, Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71,

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thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River. The purpose of this correction is to correct the territorial description.

No. MC 31462 (Sub-No. E62) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER February 13, 1975. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Montana on and east of a line beginning at the United States-Canada International Boundary line extending along U.S. Highway 91 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Montana-Idaho State line, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate the gateways of (1) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; (2) Burlington, Iowa, or any point within 50 miles thereof; (3) Williston, N. Dak., or any point in North Dakota within 200 miles thereof; and (4) any point which is both within 35 miles of Alden, Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River. The purpose of this correction is to correct the territorial description.

No. MC 31462 (Sub-No. E82) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER January 28, 1975. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado, on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; (2) any point in Missouri within 50 miles of Burlington, Iowa; and (3) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof. The purpose of this correction is to reflect the correct States involved.

No. MC 31462 (Sub-No. E125) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER January 22, 1975. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateway of any point in Georgia. The purpose of this correction is to reflect the correct States involved.

No. MC 31462 (Sub-No. E143) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER February 11, 1975. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Illinois on, south, and west of a line beginning at the Illinois-Indiana State line extending along Illinois Highway 130 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Iowa State line, on the one hand, and, on the other, points in that part of the Upper Peninsula of Michigan west of a line beginning at Escanaba, Mich., extending along U.S. Highway 41 to Marquette, Mich. The purpose of this filing is to eliminate the gateways of Burlington, Iowa, and points within 50 miles thereof. The purpose of this correction is to correct a highway description.

No. MC 31462 (Sub-No. E148) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER February 11, 1975. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Illinois to points in Maine. The purpose of this filing is to eliminate the gateway of Ft. Wayne, Indiana, and points in Indiana within 40 miles thereof, and Hoosick Falls, N.Y. The purpose of this filing is to reflect correct "E" number—previously published as E158.

No. MC 31462 (Sub-No. E256) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER February 13, 1975. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Missouri to points in Maryland. The purpose of this filing is to eliminate the gateway of East St. Louis, Ill., and points within 50 miles thereof; and Fort Wayne, Ind., and points in Indiana within 40 miles thereof. The purpose of this correction is to correct the origin point.

No. MC 31462 (Sub-No. E257) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER February 18, 1975. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Maryland, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the Texas-Oklahoma State line extending along Texas Highway 37 to Tyler, thence along Texas Highway 155 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Texas Highway 21, thence along Texas Highway 21 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Alternate U.S. Highway 77, thence along Alternate U.S. Highway 77 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 181, thence along U.S. Highway 181 to Corpus Christi, Tex., the purpose of this filing is to eliminate the gateways of points in Okmulgee County, Okla.; Kansas City, Mo., and points within 30 miles thereof: and Fort Wayne, Ind., and points in Indiana within 40 miles thereof. The purpose of this correction is to expand the territorial description.

No. MC–31462 (Sub-No. E279) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER February 18, 1975. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in that part of the Lower Peninsula of Michigan on and west of a line beginning at Lake Huron extending along Michigan Highway 53 to Windsor, to points in that part of New Jersey on and south of a line beginning at the Delaware River extending along Interstate Highway 276 to junction U.S. Highway 130, thence along U.S. Highway 130 to junction New Jersey Highway 171, thence along New Jersey Highway 171 to New Brunswick, thence along New Jersey Highway 27 to Newark, thence along Interstate Highway 9 to junction U.S. Highway 9W, thence along U.S. Highway 9W to the New York-New Jersey State line. The purpose of this filing is to eliminate the gateway of Ft. Wayne, Ind., and points in Indiana within 40 miles thereof. The purpose of this correction is to correct the territorial description.

No. MC–31462 (Sub-No. E322) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER February 6,

1975. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Tennessee on and east of a line beginning at the Mississippi River, thence along Tennessee Highway 20 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Mississippi-Tennessee State line, on the one hand, and, on the other, points in that part of Missouri on and north of a line beginning at the Missouri-Oklahoma State line, thence along U.S. Highway 60 to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateway of any point in Missouri within 25 miles of Cairo, Ill. The purpose of this correction is to expand the territorial description.

No. MC 31462 (Sub-No. E322) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER February 6, 1975. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Missouri on and north of a line beginning at the Missouri-Illinois State line, thence along U.S. Highway 66 to the Missouri-Kansas State line, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateways of Burlington, Iowa, and points within 50 miles. The purpose of this correction is to redescribe the territorial descriptions.

No. MC 31462 (Sub-No. E333) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER February 6, 1975. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Missouri on and east of a line beginning at the Missouri-Iowa State line, thence along U.S. Highway 65 to the Missouri-Arkansas State line, on the one hand, and, on the other, points in that part of Montana bounded on, north, and east of a line beginning at the Montana-North Dakota State line on U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 89, thence along U.S. Highway 89 to Browning, thence from Browning along U.S. Highway 2 to junction U.S. Highway 91, thence along U.S. Highway 91 to the International Boundary line between the United States and Canada. The purpose of this filing is to eliminate the gateways of (1) Burlington, Iowa, and points within 50 miles thereof, (2) Allen, Minn., and points within 35 miles thereof, and (3) Williston, N. Dak., and points in North Dakota within 200 miles thereof. The purpose of this correction is to correct the territorial description.

No. MC 31462 (Sub-No. E352) (Correction), filed May 13 ,1974, published in the FEDERAL REGISTER, January 9, 1975. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Nebraska, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateways of (1) Burlington, Iowa, or any point in Iowa within 50 miles thereof, and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof. The purpose of this correction is to correct the territorial description.

No. MC 31462 (Sub-No. E375) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER, January 3, 1975. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in North Dakota, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateways of (1) Fort Wayne, Ind., or any point within 40 miles thereof, (2) Burlington, Iowa, or any point within 50 miles thereof, and (3) any point which is both within 35 miles of Alden, Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River. The purpose of this correction is to correct the territorial description.

No. MC 51146 (Sub-No. E1) (Correction), filed April 18, 1974, published in the FEDERAL REGISTER May 10, 1974, republished in the FEDERAL REGISTER June 3, 1974. Applicant: SCHNEIDER TRANSPORT, P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: D. R. Martin (same as above). In proposal No. 10: (A) *Paper and paper products* (except cardboard cartons and commodities in bulk), from points in Tennessee on and east of Tennessee Highway 13, to points in North Dakota, Montana, Idaho, Washington, Oregon, California (except points south of the southerly boundaries of Santa Cruz, Santa Clara, San Joaquin, Sacramento and Eldorado Counties), Nevada (except points south of U.S. Highway 50), Utah (except points south of Interstate Highway 80) and South Dakota (except points south of U.S. Highway 14), and Wyoming (except points in Laramie, Albany, Platte and Goshen Counties). (B) *Materials and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk), from points in the destination territory described in (A) above, to points in Tennessee on and east of Tennessee Highway 13. The purpose of this filing is to eliminate the gateway of Muncie, Ind. The purpose of this partial correction is to reflect the correct destination territory. The remainder of the letter-notice remains as previously published.

No. MC 51146 (Sub-No. E8) (Correction), filed May 5, 1974, published in the FEDERAL REGISTER October 23, 1974. Applicant: SCHNEIDER TRANSPORT, P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: D. R. Martin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cellulose materials and products, paper and paper products, and materials, equipment*, and *supplies*, used in the production and distribution of the above-described commodities (except those commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Chicago, Ill., on the one hand, and, on the other, points in Alabama (except Mobile and points in its commercial zone as defined by the Commission, and points on and north of U.S. Highway 78, including points in the commercial zones of points on U.S. Highway 78, as defined by the Commission), Illinois (except points north of a line from the Iowa-Illinois State line along U.S. Highway 6 to the intersection of Illinois Highway 23, thence along Illinois Highway 23 to the intersection of Illinois Highway 17.

Thence along Illinois Highway 17 to the Illinois-Indiana State line, and points in that part of the St. Louis-East St. Louis commercial zone within Illinois and points in Illinois on and south of U.S. Highway 460), Indiana (except points north and west of a line from the Illinois-Indiana State line along Indiana Highway 10 to the intersection of Indiana Highway 19, thence along Indiana Highway 19 to the Indiana-Michigan State line, and points in the Evansville commercial zone as defined by the Commission), Iowa (except points east of a line from the Mississippi River at Guttenberg, Iowa, along U.S. Highway 52 to the intersection of Iowa Highway 136, thence along Iowa Highway 136 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Mississippi River at Davenport, Iowa), Kentucky, Michigan (except points west of a line from the Indiana-Michigan State line along Michigan Highway 103 to the junction U.S. Highway 12, thence along U.S. Highway 12 to junction Michigan Highway 40, thence

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along Michigan Highway 40 to Lake Michigan at Holland, Mich.), Minnesota, Ohio, Pennsylvania, Tennessee (except points in Tennessee in the Memphis commercial zone), West Virginia, and Wisconsin (except points south of a line from Lake Michigan near Oconto, Wis., along Wisconsin Highway 22 to the junction U.S. Highway 29, thence along U.S. Highway 29 to the junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to the Wisconsin-Minnesota State line).

Restriction: The authority granted above is restricted against the transportation (a) of pulpboard, pulpboard products, and waste paper between points in Illinois, Indiana, Ohio, Kentucky, and Minnesota and points in that part of Michigan on and south of Michigan Highway 21; (b) paper and paper products originating at Lockland, Hamilton, Cincinnati, Middletown, and Cleveland, Ohio, and Florence, Ky., and points in their commercial zones as defined by the Commission; and (c) cardboard cartons from points in the described portions of Alabama, Arkansas, and Tennessee, and points in Kentucky to points in Minnesota, Wisconsin, Iowa, Illinois, Indiana, Ohio, Michigan, West Virginia, and Pennsylvania. (Chicago Heights, Ill.)*.

(2)(a) *Paper and paper products* from Hamilton, Ohio, to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Missouri, Arkansas, Louisiana, Mississippi, Illinois (except points south and east of a line from the Indiana-Illinois State line along Interstate Highway 74 to the intersection of U.S. Highway 57, thence along U.S. Highway 57 to the Illinois-Missouri State line, and except points in the Chicago, Ill., commercial zone as defined by the Commission), Maryland (except points west of a line from the Pennsylvania-Maryland State line along Interstate Highway 83 to junction Maryland Highway 2, thence along Maryland Highway 2 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Maryland-Virginia State line), Virginia (except points west of a line from the Maryland-Virginia State line along U.S. Highway 301 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Virginia-North Carolina State line), and North Carolina (except points west of U.S. Highway 301), and points in Kentucky (except points east of U.S. Highway 45) (Muncie, Ind.*); (b) *Materials and supplies* used in the manufacture and distribution of paper and paper products from the destination listed in (a) above to the origins listed in (a) above (Muncie, Ind.*).

(10) *Paper and paper products* (except commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), from the plant and warehouse sites of International Paper Company at or near Bastrop, La., to points in Ohio, Michigan, Wisconsin (except points west of a line from the Minnesota-Wisconsin State line along U.S. Highway 8 to the intersection of U.S. Highway 63, thence along U.S. Highway 63 to the Wisconsin-Minnesota State line), Illinois (except points south of a line from the Indiana-Illinois State line along Interstate Highway 74 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Illinois-Iowa State line), Indiana (except points west of a line from Vincennes, Ind., along U.S. Highway 41 to the Indiana-Kentucky State line, and except points in the Evansville commercial zone as defined by the Commission), Kentucky (except points west of U.S. Highway 41), Tennessee (except points west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 41 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Tennessee-Alabama State line). (Sulligent, Ala., and Chicago Heights, Ill.*). Restriction: The authority granted herein is restricted to the transportation of traffic originating at the plant and warehouse sites of International Paper Company and the authority granted above is restricted against the transportation of (a) pulpboard, pulpboard products, and waste paper between points in Illinois, Indiana, Ohio, Kentucky, and that part of Michigan on and south of Michigan Highway 21 and (b) cardboard cartons to points in Ohio, Michigan, Wisconsin, Illinois, and Indiana.

(18) *Paper and paper products* (except commodities or unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from the plant and warehouse sites of International Paper Company at or near Jay and Livermore Falls, Maine, to points in Minnesota, Iowa, Wisconsin, Michigan, Kentucky, Illinois (except points in that part of the St. Louis-East St. Louis commercial zone within Illinois and points in Illinois on and south of U.S. Highway 460), Tennessee (except points in Tennessee in the Memphis commercial zone), Indiana (except points in the Evansville commercial zone as defined by the Commission), Ohio (except points east of a line from Lake Erie near Ashtabula, Ohio, along Ohio Highway 46 to junction U.S. Highway 224, thence along U.S. Highway 224 to the Ohio-Pennsylvania State line), and West Virginia (except points east of a line beginning at the Pennsylvania-West Virginia State line extending along U.S. Highway 119 to junction U.S. Highway 250, thence along U.S. Highway 250 to the West Virginia-Virginia State line). (Midland, Pa., and Chicago Heights, Ill.*). Restriction: The authority granted herein is restricted to the transportation of traffic originating at the plant and warehouse sites of International Paper Company. (24)(b) *Materials and supplies* used in the manufacture and distribution of doors (except commodities in bulk, in tank vehicles) and *returned shipments of doors* from points in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Montana, Utah, Washington and Wyoming to New London, Wis. (Green Bay Wis.*).

(61) *Paper and paper products* (except commodities in bulk), from the plant site of the U.S. Plywood-Champion Paper, Inc., near Courtland, Ala., to points in Ohio, Pennsylvania, Minnesota, West Virginia (except points south of U.S. Highway 60), and Kentucky in and north of the Counties of Henderson, Davies, Hancock, Breckinridge (except points south of U.S. Highway 60), Meade, Bullitt (except points south of Kentucky Highway 44), Spencer, Anderson, Woodford, Jessamine, Madison, Estill, Lee, Breathitt (except points south and west of a line beginning at the intersection of the County line and Kentucky Highway 30, thence along Kentucky Highway 30 to junction Kentucky Highway 15, thence along Kentucky Highway 15 to the County line), Magoffin, Floyd (except points south of Kentucky Highway 80), and Pike (except points west of Kentucky Highway 80). (New Albany, Ind.*). Restriction: Restricted against the transportation of (a) pulpboard, pulpboard products and waste paper to points in Ohio and (b) cardboard cartons.

No. MC 51146 (Sub-No. E9) (Correction), filed May 9, 1974, published in the FEDERAL REGISTER September 6, 1974. Applicant: SCHNEIDER TRANSPORT, P.O. Box 2298, Green Bay, Wis. 54306. Applicants representative: D. F. Martin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (9)(a) *Paper and paper products* (except commodities in bulk), from points in Virginia on and east of Interstate Highway 95 (except points in Arlington, Fairfax and Prince William Counties, Va.), to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, points in that part of Kansas on and west of U.S. Highway 81, and points in that part of New Mexico on and north of U.S. Highway 54. Restriction: The operations authorized immediately above are restricted against the transportation of traffic originating at the excluded (i.e. "excepted") points in Virginia. (b) *Materials and supplies* used in the manufacture and distribution of the commodities in (a) above from points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, points in that part of Kansas on and west of U.S. Highway 81, and points in that part of New Mexico on and north of U.S. Highway 54 to points in Virginia on and east of Interstate Highway 95, (except points in Arlington, Fairfax,

and Prince William Counties) (Paxinos, Pa., and Muncie, Ind.*);

(21)(b) *Paper business forms* from points in New Hampshire on and north of U.S. Highway 2 (except Nashua and Merrimack), points in Vermont on and north of U.S. Highway 2 (except Gilman), points in New York on and north of a line from the Pennsylvania-New York State line along New York Highway 30 to junction New York Highway 29, thence along New York Highway 29 to junction New York Highway 153, thence along New York Highway 153 to the New York-Vermont State line (except points west of a line from Lake Ontario near Rochester, N.Y., south over unnumbered highway to the junction of U.S. Highway 15, thence along U.S. Highway 15 to the New York-Pennsylvania State line and except Lyons Falls, Plattsburg, Utica, and Gildenland Center, N.Y.), to points in that part of Virginia on and east of a line from the West Virginia-Virginia State line extending along U.S. Highway 11 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line (except points in Clark, Loudoun, Fauquier, Prince William, Fairfax, Arlington, Northampton, and Accomack Counties, Va.) (Mechanicsburg, Pa., and Paxinos, Pa.*);

(23)(b) *Paper business forms* from points in that part of New York on and north of a line beginning at the Pennsylvania-New York State line extending along New York Highway 30 to junction New York Highway 67, thence along New York Highway 67 to the New York-Vermont State line (except points west of a line from Lake Erie at Buffalo, N.Y., along U.S. Highway 20 to the junction of U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line), points in Vermont on and north of U.S. Highway 4 (except Gilman), points in that part of New Hampshire on and north of New Hampshire Highway 25 (except Nashua and Merrimack), and points in that part of Maine on and north of a line from the New Hampshire-Maine State line extending along U.S. Highway 2 to the junction of Alternate U.S. Highway 1, thence along Alternate U.S. Highway 1 to junction Maine Highway 3, thence along Maine Highway 3 to the Atlantic Ocean (except Lincoln, Millinocket, East Millinocket, Rumford, Westbrook, and Woodland), to points in North Carolina (except points in Currituck, Camden, Jackson, Swain, Macon, Graham, Clay, and Cherokee Counties). (Paxinos, Pa.*). Restriction: The operations authorized above are restricted against the transportation of traffic originating at the excluded (i.e. "excepted") points above.

(24) *Cellulose materials and products, paper and paper products, and materials, equipment* and *supplies* used in the production and distribution of the above-described commodities (except in each instance commodities in bulk), between points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, and those points in that part of New York on and north of Interstate Highway 84 (except points west of a line beginning at Lake Ontario at Oswego, N.Y., extending along New York Highway 57 to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line), on the one hand, and, on the other, points in Minnesota, Iowa, Wisconsin, points in that part of Michigan on and north of Michigan Highway 32, points in Illinois (except points in the Chicago commercial zone as defined by the Commission, points in that part of the St. Louis-East St. Louis commercial zone within Illinois, and points in Illinois on and south of U.S. Highway 460), Kentucky, West Virginia (except points in Brooke and Hancock Counties), Tennessee (except points in the Memphis commercial zone), Alabama (except Mobile and points in its commercial zone as defined by the Commission, and points on and north of U.S. Highway 78, including points in the commercial zones of points on U.S. Highway 78, as defined by the Commission), points in Indiana (except points east and north of a line from Lake Michigan at Gary, Ind., extending along Interstate Highway 65 to the junction of U.S. Highway 40).

Thence along U.S. Highway 40 to the Indiana-Ohio State line), points in Ohio on and south of U.S. Highway 40, points in that part of Pennsylvania on and south of a line beginning at the West Virginia-Pennsylvania State line extending along U.S. Highway 40 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 11, thence along U.S. Highway 11 to the Pennsylvania-Maryland State line (Paxinos, Pa.*). Restriction: The operations authorized immediately above are restricted against the transportation of traffic originating from Lyons Falls, Plattsburg, Utica, and Guilderland Center, New York, New Milford, Conn, Lee, Mass., Nashua and Merrimack, N.H., Gilman, Vt., and Lincoln Millinocket, East Millinocket, Rumford, Westbrook, and Woodland, Maine. (50)(b) *Paper business forms* from points in New York (except Lyons Falls, Plattsburg, Utica, and Guilderland Center), Vermont (except Gilman), New Hampshire (except Nashua and Merrimack, N.H.), Maine (except Lincoln, Millinocket, East Millinocket, Rumford, Westbrook, and Woodland), Massachusetts (except Lee), Connecticut (except New Milford), Rhode Island and points in that part of New Jersey on and north of a line from the Pennsylvania-New Jersey State line extending along U.S. Highway 22 to junction Interstate Highway 78 south of Newark, N.J., thence along Interstate Highway 78 to Upper Bay (except Hugesville) to points in New Hanover, Brunswick, Columbus, Robeson, Bladen, Pender, and Onslow Counties, N.C. (Mechanicsburg and Paxinos, Pa.*). Restriction. The operations authorized immediately above are restricted against the transportation of traffic originating at the excluded (i.e. "excepted") points in New York, New Jersey, Connecticut, Massachusetts, Maine, New Hampshire, and Vermont.

(51)(b) *Paper business forms* from points in New York on and north of a line from Lake Erie at Buffalo, N.Y., extending along U.S. Highway 20 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 67, thence along New York Highway 67 to New York-Vermont State line (except Lyons Falls, Plattsburg, Utica, and Gildenland Center), points in that part of Vermont on and north of U.S. Highway 4 (except Gilman), points in that part of New Hampshire on and north of New Hampshire Highway 25 (except Nashua and Merrimack), and points in that part of Maine in and north of Oxford, Androscoggin, Kennebec, and Lincoln Counties (except Lincoln, Millinocket, East Millinocket, Rumford, Westbrook, and Woodland), to points in that part of Maryland on and south of a line from the West Virginia-Maryland State line extending along U.S. Highway 240 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Chesapeake Bay at Baltimore and points in the District of Columbia (Mechanicsburg and Paxinos, Pa.*). Restriction: The operations authorized immediately above are restricted against the transportation of traffic originating at the excluded (i.e. "excepted") points in New York, Vermont, New Hampshire, and Maine. The purpose of this filing is to eliminate the gateways indicated by the asterisks above. The purpose of this partial correction is to correct discrepancies in the prior publication. The remainder of the letter-notice remains as previously published.

No. MC 51146 (Sub-No. E10) (Correction), filed May 9, 1974, published in the FEDERAL REGISTER August 23, 1974. Applicant: SCHNEIDER TRANSPORT, P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (20)(a) *Paper* and *paper products* (except commodities in bulk), from points in Indiana on and bounded by a line from the Ohio-Indiana State line along Indiana Highway 124 to the junction of U.S. Highway 24, thence along U.S. Highway 24 to the junction of U.S. Highway 31, thence along U.S. Highway 31 to the junction of Indiana Highway 46, thence along Indiana Highway 46 to the Indiana-Ohio State line, thence along the Indiana-Ohio State line to the Indiana Highway 124 the point of beginning to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, points in New York on and east of a line from Lake Ontario along an unnumbered highway to Rochester, thence along U.S. Highway 15, to the New York-Pennsylvania State line, points in North Carolina on and east of a line from the Virginia-North Carolina State line along U.S. Highway 258 to junction U.S. Highway 264, thence along U.S. High-

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way 264 to junction U.S. Highway 117, thence along U.S. Highway 117 to the Atlantic Ocean at Wilmington, N.C., points in Virginia on and east of a line beginning at the origin of U.S. Highway 301 on the Potomac River, thence along U.S. Highway 301 to its intersection with U.S. Highway 17, thence along U.S. Highway 17 to the Virginia-North Carolina State line, and points in the District of Columbia (Muncie, Ind.).*

(b) *Materials* and *supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk), from points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, points in New York on and east of a line from Lake Ontario, thence along an unnumbered highway to Rochester, thence along U.S. Highway 15 to the New York-Pennsylvania State line, points in North Carolina on and east of a line from the Virginia-North Carolina State line along U.S. Highway 258 to junction U.S. Highway 264, thence along U.S. Highway 264 to junction U.S. Highway 117, thence along U.S. Highway 117 to the Atlantic Ocean at Wilmington, N.C., and points in Virginia on and east of a line beginning at the origin of U.S. Highway 301 on the Potomac River, thence along U.S. Highway 301 to its intersection with U.S. Highway 17, thence along U.S. Highway 17 to the Virginia-North Carolina State line, and points in the District of Columbia to points in Indiana on and bounded by a line from the Ohio-Indiana State line along Indiana Highway 124 to the junction of U.S. Highway 24, thence along U.S. Highway 24 to the junction of U.S. Highway 31, thence along U.S. Highway 31 to the junction of Indiana Highway 46, thence along Indiana Highway 46 to the Indiana-Ohio State line to the junction of Indiana Highway 124 the point of beginning (Muncie, Ind.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to expand the territorial descriptions in 20 (a) and (b) above. The remainder of this letter-notice remains as previously published.

No. MC 51146 (Sub-No. E14) (Correction), filed November 2, 1974, republished in the FEDERAL REGISTER February 13, 1975. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Neil A. DuJardin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (40) *Paper* and *paper products* (except commodities in bulk), from points in the Lower Peninsula of Michigan on and west of U.S. Highway 27, to points in Maine, New Hampshire, Rhode Island, Delaware, Maryland, Virginia, North Carolina, South Carolina, Connecticut, Massachusetts (except points west of U.S. Highway 7), Vermont (except points west of U.S. Highway 7), New York (except points north and west of a line beginning at Hillburn, thence along Interstate Highway 87 to its intersection with U.S. Highway 44, thence along U.S. Highway 44 to the New York-Connecticut State line), New Jersey (except points north and west of a line beginning at the intersection of the Pennsylvania-New Jersey State line and Interstate Highway 78, thence along Interstate Highway 78 to its intersection with U.S. Highway 202, thence along U.S. Highway 202 to the New York-New Jersey State line), Alabama (except points north and west of a line beginning at the intersection of the Alabama-Mississippi State line and U.S. Highway 82, thence along U.S. Highway 82 to Tuscaloosa, thence along U.S. Highway 11 to the Alabama-Georgia State line), Louisiana (except points north of U.S. Highway 80), Mississippi (except points north of U.S. Highway 80), Texas (except points north and east of a line beginning at the intersection of the New Mexico-Texas State line and U.S. Highway 66, thence along U.S. Highway 66 to Amarillo, thence along U.S. Highway 287 to its intersection with U.S. Highway 83, thence along U.S. Highway 83 to its intersection with U.S. Highway 84, thence along U.S. Highway 84 to the Texas-Louisiana State line), and the District of Columbia. Restriction: The authority granted above is restricted against the transportation of pulpboard, pulpboard products, and waste products from points in Michigan on and south of Michigan Highway 21.

(42) *Paper* and *paper products* (except commodities in bulk), from Niles, Mich., to Memphis, Tenn., and points in Texas, Louisiana, Mississippi, Alabama, South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, New York (except points west of New York Highway 19), Arkansas (except points north of a line beginning at Fort Smith, thence along U.S. Highway 71 to its junction with Arkansas Highway 10, thence along Arkansas Highway 10 to Little Rock, thence along U.S. Highway 70 to the Arkansas-Tennessee State line), Oklahoma (except points north and east of a line beginning at the intersection of the Kansas-Oklahoma State line and U.S. Highway 77, thence along U.S. Highway 77 to Ponca City, thence along U.S. Highway 177 to its intersection with U.S. Highway 64, thence along U.S. Highway 64 to the Arkansas-Oklahoma State line), and points in Kansas (except those points north and east of a line beginning at the intersection of the Colorado-Kansas State line and U.S. Highway 50, thence along U.S. Highway 50 to Dodge City, thence along U.S. Highway 283 to the Oklahoma-Kansas State line). Restriction: The authority granted herein is restricted against the transportation of pulpboard, pulpboard products and waste paper. The purpose of this filing is to eliminate the gateways of the plant site of Laminated and Coated Products Division of St. Regis Paper Co., at Troy, Ohio in 1–7, 9–36, 38–48, and 50–70 above. Lexington, Ky., and the plant site of Laminated and Coated Products Division of St. Regis Paper Co., at Troy, Ohio in 37. Points in Little River County, Ark., in 8. Chicago Heights, Ill., and the plant site of Laminated and Coated Products Division of St. Regis Paper Co., at Troy, Ohio, in 49. The purpose of this partial correction is to: include Louisiana as a destination point in (40) above; and to include the exception of New York and to include Arkansas as a destination point in (42) above. The remainder of this letter-notice remains as previously published.

No. MC 61592 (Sub-No. E19), filed June 13, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plant site and storage facilities of North Star Steel Company at St. Paul, Minn., to St. Louis, Mo. The purpose of this filing is to eliminate the gateway of Davenport, Iowa.

No. MC 61592 (Sub-No. E76), filed July 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Parts* used in the manufacture of agricultural implements (except commodities in bulk, in tank vehicles), from points in Arizona, on and west of a line beginning at the Arizona-Nevada State line and extending along U.S. Highway 66 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Arizona-Mexico International Boundary line, California, Colorado on and north of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 6 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Nevada State line, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, to points in Illinois on and north of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of Davenport, Iowa.

No. MC 61592 (Sub-No. E109), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Crossett and Huttig, Ark., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, Montana, New Hampshire, New Jersey, New York, Ohio on and north of U.S. Highway 40, Pennsylvania, Rhode Island, Vermont, and Wisconsin. The purpose of this filing is to eliminate the gateway of Cass County (except Logansport), Ind.

No. MC 71902 (Sub-No. E1), filed June 4, 1974. Applicant: UNITED TRANSPORT, INC., P.O. Box 18547, Oklahoma City, Okla. 73118. Applicant's

representative: Robert E. Meadows (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobiles, trucks, bodies, cabs, chassis*, and *parts* thereof (when accompanying the vehicle for which they are intended), in secondary movements, in driveaway and truckaway service, between East St. Louis, Ill., on the one hand, and, on the other, points in Arizona and New Mexico (points in Oklahoma or Texas.)*; (2) *Automobiles, trucks, tractors, chassis, cabs, bodies*, and *parts* thereof (when accompanying the vehicle for which they are intended), in secondary movements, in truckaway or driveaway service, between points in Kansas, on the one hand, and, on the other, points in New Mexico (except San Juan County), and points in Arizona on and south of Interstate Highway 40 (points in Oklahoma or Texas.)*; (3) *Automobiles, trucks, cabs, chassis*, and *bodies*, in secondary movements, in driveaway or truckaway service, from Memphis, Tenn., to points in Kansas and points in Atchison, Holt, Andrews, Buchanan, Platte, Clay, Jackson, Case, Bates, Vernon, Barton, Jasper, Newton, and McDonald Counties, Mo. (points in Oklahoma)*; (4) *Automobiles* and *trucks*, in secondary movements, in truckaway and driveaway service, between Texarkana, Ark., on the one hand, and, on the other, points in Arizona, Kansas, Missouri, New Mexico, Oklahoma, and Texas (Texarkana, Tex.)*;

(5) *New foreign automobiles* and *trucks* (except trailers and experimental and show display tractors), in secondary movements, in truckaway service, (a) from points in Texas, to points in that part of Mississippi, south of Adams, Franklin, Lincoln, Lawrence, Jefferson Davis, Covington, Jones, and Wayne Counties, and (b) from points in that part of Texas south and west of Reeves, Ward, Crane, Upton, Reagan, Irion, Schleicher, Menard, Mason, Llano, Burnet, Williamson, Milan, Robertson, Madison, Houston, Trinity, San Jacinto, Liberty, and Chambers Counties, to points in Mississippi (Houston, Tex.)*; (6) *New automobiles, trucks*, and *tractors, vehicle cabs* and *bodies*, and *automobile show equipment* (when accompanying the display motor vehicle), in secondary movements, in truckaway and driveaway service, between points in Arizona (except Mohave County), on the one hand, and, on the other, points Arkansas, Colorado, Illinois, Iowa, Louisiana, Minnesota, Montana, Nebraska, South Dakota, and Wyoming (except Yellowstone Park, Teton, Lincoln, and Uinta Counties) (points in New Mexico)*; and (7) *New foreign automobiles* and *trucks* (except trailers), in secondary movements, in truckaway service, from points in that part of Texas south and east of Sabine, San Augustine, Angelina, Trinity, Houston, Madison, Robertson, Milan, Williamson, Travis, Hays, Guadalupe, Wilson, Atascosa, McMullen, Duval, Jim Hogg, and Starr Counties, on the one hand, and, on the other, points in Colorado and Wyoming (Houston, Tex.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 76065 (Sub-No. E1), filed May 27, 1974. Applicant: EHRLICH-NEWARK TRUCKING CO., INC., 505 West 37th Street, New York, N.Y. 10018. Applicant's representative: Norman Weiss, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose, on hangers, (except commodities in bulk), (1) from points in that part of Pennsylvania on, east, and south of a line beginning at the New Jersey-Pennsylvania State line thence along U.S. Highway 22 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to the Pennsylvania-Maryland State line, (2) from points in that part of Delaware located on and north of Delaware Highway 310 to Richmond and Newport News, Va., (3) *wearing apparel*, loose, on hangers, from New York, N.Y. and points in Hudson, Essex, Union, Passaic, and Middlesex Counties, N.J. to Norfolk, Newport News, Richmond, and Portsmouth, Va., (The purpose of this filing is to eliminate the gateway of Baltimore, Md.) (4) *wearing apparel*, loose, on hangers, from Portsmouth, Va. to New York, N.Y. and points in Hudson, Essex, Union, Passaic, and Middlesex Counties, N.J., (The purpose of this filing is to eliminate the gateway of Baltimore, Md.) (5) *wearing apparel*, loose, on hangers (except commodities in bulk), from points in that part of New Jersey on and south of U.S. Highway 22, and on and west of New Jersey Highway 18 and U.S. Highway 9 (except points in Atlantic, Salem, Gloucester, Cumberland, and Camden Counties) to Norfolk, Newport News, Richmond, and Portsmouth, Va., (The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.)

(6) *Wearing apparel*, loose, on hangers (except commodities in bulk), from Newport News and Richmond, Va. to points in that part of New Jersey on and south of U.S. Highway 22, and on and west of New Jersey Highway 18 and U.S. Highway 9 (except points in Atlantic, Salem, Gloucester, Cumberland, and Camden Counties), (The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.) (7) *materials and supplies* used in the manufacture of wearing apparel, when transported from and to plant sites of clothing and wearing apparel manufacturers (except commodities in bulk, from points in that part of New Jersey bounded by a line beginning at the Pennsylvania-New Jersey State line thence along U.S. Highway 22 to junction New Jersey Highway 18, thence along New Jersey Highway 18 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New Jersey Highway 50, thence along New Jersey Highway 50 to junction New Jersey Highway 49, thence along New Jersey Highway 49 to junction Interstate Highway 295 near Pennsville, N.J. to Newport News, Portsmouth, and Richmond, Va., (The purpose of this filing is to eliminate the gateway of Baltimore, Md.) (8) *materials and supplies* used in the manufacture of wearing apparel, when transported from and to plant sites of clothing and wearing apparel manufacturers (except commodities in bulk), from points in that part of Pennsylvania on, east, and south of a line beginning at the New Jersey-Pennsylvania State line, thence along U.S. Highway 22 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 83539 (Sub-No. E7), filed May 2, 1974. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, and parts thereof when moving in connection with such commodities, and *related contractors' materials* and *supplies*, between points in Missouri in and south of Platte, Clay, Ray, Caldwell, Livingston, Linn, Adair, Knox, and Clark Counties, Mo., on the one hand, and, on the other, points in Colorado (except those points east of a line extending from the Nebraska-Colorado State line on Colorado Highway 70 to Limon, Colo., and those points north of a line extending from Limon, Colo., on U.S. Highway 40 to the Colorado-Kansas State line. The purpose of this filing is to eliminate the gateway of Wichita, Kans.

No. MC 83835 (Sub-No. E45), filed May 14, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: William A. Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel tubing and pipe*, from the facilities of C F & I Steel Corporation at or near Pueblo, Colo., to points in Alabama, Kentucky, New York, Lower Michigan, Ohio, and Pennsylvania. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 83835 (Sub-No. E50), filed May 14, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: William A. Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal tubing and pipe*, requiring the use of special equipment; (a) from points in Utah, to points in Alabama, and points in Ohio on and east of Interstate Highway 71; (b) from points in Utah on and south of a line beginning at the Utah-Wyoming

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State line and extending along Interstate Highway 80 to junction Interstate Highway 80N thence along Interstate Highway 80N to junction U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Nevada-Utah State line; (c) from points in Utah on and south of a line beginning at the Utah-Colorado State line and extending along unnumbered highway south of Bonanza, Utah, to junction Utah Highway 88, thence along Utah Highway 88 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Utah Highway 73, thence along Utah Highway 73 to junction Utah Highway 199, thence along Utah Highway 199 to the Nevada-Utah State line to points in Ohio; (d) from points in Utah on and south of a line beginning at the Wyoming-Utah State line and extending along U.S. Highway 189 to junction Interstate Highway 80N, thence along Interstate Highway 80N to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Nevada-Wyoming State line, to points in New York; and (e) from points in Utah on and south of a line beginning at the Utah-Colorado State line and extending along U.S. Highway 50 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Utah Highway 26, thence along Utah Highway 26 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Nevada-Utah State line, to points in the lower part of Michigan. The purpose of this filing is to eliminate the gateways of Kansas, and Tulsa, Okla.

No. MC 83835 (Sub-No. E57), filed January 6, 1975. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: William Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials*, and *supplies* used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines including the stringing and picking up thereof, which are commodities, the transportation of which because of size or weight, require the use of special equipment, or self-propelled articles, each weighing 15,000 pounds or more, restricted to transportation on trailers, between points in Ohio and Pennsylvania, on the one hand, and, on the other, points in Alaska. The purpose of this filing is to eliminate the gateways of Illinois and Montana.

No. MC 83835 (Sub-No. E58), filed January 6, 1975. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: William Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' machinery, equipment, materials, and supplies* (except commodities in bulk), which are commodities the transportation of which because of size or weight, require the use of special equipment, or self-propelled articles, each weighing 15,000 pounds or more, restricted to transportation on trailers; (1) between points in Indiana, Ohio, and Pennsylvania, on the one hand, and, on the other, points in Wisconsin; (2) between points in Michigan, on the one hand, and, on the other, points in Indiana on and west of highways beginning at the Indiana-Lake Michigan line, thence along U.S. Highway 41 to the Indiana-Kentucky State line; and (3) between points in Michigan on and west of highways beginning at the Michigan-Green Bay line, thence along U.S. Highway 41 to the Michigan-Lake Superior line, on the one hand, and, on the other, points in Indiana, Ohio, and Pennsylvania. The purpose of this filing is to eliminate the gateway of Illinois.

No. MC 93980 (Sub-No. E3), filed May 22, 1974. Applicant: VANCE TRUCKING COMPANY, INC., Raleigh Road, Henderson, N.C. 27536. Applicant's representative: Edward C. Villalon, Suite 1032 Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Henderson, N.C., and points in North Carolina within 100 miles of Henderson, to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island and Vermont. The purpose of this filing is to eliminate the gateway of facilities of Union Camp Corp at Franklin, Va.

No. MC 93980 (Sub-No. E4), filed May 22, 1974. Applicant: VANCE TRUCKING COMPANY, INC., Raleigh Road, Henderson, N.C. 27536. Applicant's representative: Edward C. Villalon, Suite 1032 Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points within 100 miles of Henderson, N.C., that are on and north of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 301 to junction North Carolina Highway 561, thence along North Carolina Highway 561 to junction North Carolina Highway 308, thence along North Carolina Highway 308 to U.S. Highway 17, thence along U.S. Highway 17 to Edenton, N.C., to points in Alabama, Florida, Indiana, Kentucky, Louisiana, Mississippi, Ohio, Tennessee, West Virginia, and that part of Georgia south and west of a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 29 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction U.S. Highway 341 to Brunswick, Ga. The purpose of this filing is to eliminate the gateway of facilities of Union Camp Corp. at Franklin, Va.

No. MC 93980 (Sub-No. E5), filed May 22, 1974. Applicant: VANCE TRUCKING COMPANY, INC., Raleigh Road, Henderson, N.C. 27536. Applicant's representative: Edward C. Villalon, Suite 1032 Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points within 100 miles of Henderson, N.C., that are on and east of U.S. Highway 15, to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of facilities of Union Camp Corp at Franklin, Va.

No. MC 93980 (Sub-No. E6), filed May 22, 1974. Applicant: VANCE TRUCKING COMPANY, INC., Raleigh Road, Henderson, N.C. 27536. Applicant's representative: Edward C. Villalon, Suite 1032 Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points within 100 miles of Henderson, N.C., that are west of U.S. Highway 15, to points in Pennsylvania on and east of a line beginning at the Maryland State line and extending along Interstate Highway 83 to junction U.S. Highway 15, thence along U.S. Highway 15 to the New York State line. The purpose of this filing is to eliminate the gateway of facilities of Union Camp Corp at Franklin, Va.

No. MC 93980 (Sub-No. E7), filed May 22, 1974. Applicant: VANCE TRUCKING COMPANY, INC., Raleigh Road, Henderson, N.C. 27536. Applicant's representative: Edward C. Villalon, Suite 1032 Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in North Carolina within 100 miles of Henderson, N.C., that are on and east of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 301 to junction North Carolina Highway 58, thence along North Carolina Highway 58 to Trenton, N.C., to points in Ohio. The purpose of this filing is to eliminate the gateway of facilities of Union Camp Corp at Franklin, Va.

No. MC 93980 (Sub-No. E8), filed May 22, 1974. Applicant: VANCE TRUCKING COMPANY, INC., Raleigh Road, Henderson, N.C. 27536. Applicant's representative: Edward C. Villalon, Suite 1032 Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points within 100 miles of Henderson, N.C., on and east of U.S. Highway 1, to points in Ohio on and north of a line beginning at the Ohio-Pennsylvania State line along Ohio Highway 43 to junction U.S. Highway 30 to U.S. Highway 30S, thence to the Indiana State line. The purpose of this filing is to eliminate the gateway of facilities of Union Camp Corp at Franklin, Va.

No. MC 93980 (Sub-No. E9), filed May 22, 1974. Applicant: VANCE TRUCKING COMPANY, INC., Raleigh Road, Henderson, N.C. 27536. Applicant's representative: Edward C. Villalon, Suite 1032 Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in North Carolina within 100 miles of Henderson, N.C. on and east of a line beginning at the N.C.-Va. border south along U.S. Highway 301 to U.S. Highway 117 at Wilson, N.C., thence along U.S. Highway 117 to Goldsboro, N.C. and thence along U.S. Highway 70 to New Bern, N.C. to points in West Virginia on and north of a line beginning at the Va.-W. Va. border along U.S. Highway 250 to U.S. Highway 33 at Elkins, W. Va. and thence along U.S. Highway 33 to the Ohio-W. Va. border. The purpose of this filing is to eliminate the gateway of facilities of Union Camp Corp. at Franklin, Va.

No. MC 93980 (Sub-No. E10), filed May 22, 1974. Applicant: VANCE TRUCKING COMPANY, INC., Raleigh Road, Henderson, N.C. 27536. Applicant's representative: Edward C. Villalon, Suite 1032 Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Scotland Neck, N.C., to points in Alabama, Indiana, Kentucky, Louisiana, Mississippi, Ohio and to points in Georgia on, south and west of a line beginning at the Georgia-North Carolina State line south along U.S. Highway 19 to Gainesville, Ga., thence along U.S. Highway 129 to Athens, Ga., thence along U.S. Highway 441 to McRae, Ga. and thence along U.S. Highway 341 to Brunswick, Ga. The purpose of this filing is to eliminate the gateway facilities of Union Camp Corp. at Franklin, Va.

No. MC 93980 (Sub-No. E11), filed May 22, 1974. Applicant: VANCE TRUCKING COMPANY, INC., Raleigh Road, Henderson, N.C. 27536. Applicants' representative: Edward C. Villalon, Suite 1032 Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Nashville, N.C., to points in Ohio on and north of a line beginning at the Ohio-West Virginia line along Interstate Highway 70 west to Ohio Highway 13, thence along Ohio Highway 13 to Fredericktown, Ohio, thence west on Ohio Highway 95 to Marion, Ohio, thence west on U.S. Highway 30S to Delphos, Ohio and thence west on U.S. Highway 30 to the Indiana State line. The purpose of this filing is to eliminate the gateway of facilities of Union Camp Corp. at Franklin, Va.

No. MC 93980 (Sub-No. E12), filed May 22, 1974. Applicant: VANCE TRUCKING COMPANY, INC., Raleigh Road, Henderson, N.C. 27536. Applicant's representative: Edward C. Villalon, Suite 1032 Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in North Carolina within 100 miles of Henderson, N.C. on and east of a line beginning at the N.C.-Va. border south along U.S. Highway 301 to U.S. Highway 117 at Wilson, N.C., thence along U.S. Highway 117 to Goldsboro, N.C. and thence along U.S. Highway 70 to New Bern, N.C. to points in West Virginia on and north of a line beginning at the Va.-W. Va. border along U.S. Highway 250 to U.S. Highway 33 at Elkins, W. Va. and thence along U.S. Highway 33 to the Ohio-W. Va. border. The purpose of this filing is to eliminate the gateway of facilities of Union Camp Corp. at Franklin, Va.

No. MC 93980 (Sub-No. E13), filed May 22, 1974. Applicant: VANCE TRUCKING COMPANY, INC., Raleigh Road, Henderson, N.C. 27536. Applicant's representative: Edward C. Villalon, Suite 1032 Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Littleton, N.C., to points in the states of Alabama, Florida, Indiana, Louisiana, Ohio, Mississippi and that part of West Virginia on, north and west of a line along U.S. Highway 33 to Spencer, W. Va., thence south along U.S. Highway 119 to Charleston, W. Va. and thence west along U.S. Highway 60 to the Kentucky line. The purpose of this filing is to eliminate the gateway of facilities of Union Camp Corp. at Franklin, Va.

No. MC 93980 (Sub-No. E14), filed May 22, 1974. Applicant: VANCE TRUCKING COMPANY, INC., Raleigh Road, Henderson, N.C. 27536. Applicant's representative: Edward C. Villalon, Suite 1032 Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Louisburg, N.C., to points in West Virginia on and north of U.S. Highway 50 and points in Ohio on and north of a line beginning at the W. Va.-Ohio State line along U.S. Highway 35 to Jackson, Ohio, thence along Ohio Highway 124 to Hillsboro, Ohio and thence along U.S. Highway 50 to the Indiana State line. The purpose of this filing is to eliminate the gateway of facilities of Union Camp Corp. at Franklin, Va.

No. MC 95540 (Sub-No. E229), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, and *meats, meat products*, and *meat by-products*, as described in Section A of the Appendix to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from those points in California on and south of a line beginning at the Pacific Ocean and extending along California Highway 12 to junction California Highway 88, thence along California Highway 88 to the Nevada-California State line, to those points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along Pennsylvania Highway 10 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-New Jersey State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC 95540 (Sub-No. E462), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between points in Arizona, California, and New Mexico, on the one hand, and, on the other, points on, south, and east of a line beginning at the New York-Massachusetts State line and extending along New York Highway 23 to junction New York Highway 23A, thence along New York Highway 23A to junction Interstate Highway 87, thence along Interstate Highway 87 to junction Interstate Highway 84, thence along Interstate Highway 84 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction New York Highway 284, thence along New York Highway 284 to the New York-New Jersey State line. The purpose of this filing is to eliminate the gateway of Dothan, Ala.

No. MC 95540 (Sub-No. E708), filed May 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, not frozen, in mixed loads with citrus products, not canned, and not frozen, in vehicles equipped with mechanical refrigeration, from points in Florida to points in Kentucky (except Louisville and points in its commercial zone). The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC 95540 (Sub-No. E709), filed May 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, not frozen, in mixed loads with citrus products, not canned, and not frozen, in vehicles equipped with mechanical refrigeration, from those points in Florida on and east of a line beginning at

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the Gulf of Mexico and extending along Florida Highway 361 to junction U.S. Highway 221, thence along U.S. Highway 221 to the Georgia-Florida State line, to points in Arkansas. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC 95540 (Sub-No. E710), filed May 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, not frozen, in mixed loads with citrus products, not canned, and not frozen, in vehicles equipped with mechanical refrigeration, from those points in Florida on and east of a line beginning at the Gulf Coast and extending along U.S. Highway 98 to junction U.S. Highway 319, thence along U.S. Highway 319 to those points in Texas on and north of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 271 to junction Texas Highway 19/24, thence along Texas Highway 19/24 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Texas Highway 121, thence along Texas Highway 121 to junction U.S. Highway 377, thence along U.S. Highway 377 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction Park Highway 170, thence along Park Highway 170 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC 95540 (Sub-No. E711), filed May 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, not frozen, from those points in Florida on or east of U.S. Highway 231, to points in Missouri. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC 95540 (Sub-No. E712), filed May 17, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *meats, meat products*, and *meat by-products*, as described in Section A of the Appendix to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from those points in California on and south of Interstate Highway 80, to points in Maryland. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC 95540 (Sub-No. E713), filed May 17, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from those points in Virginia on and east of a line beginning at the North Carolina-Virginia State line and extending along Interstate Highway 85 to junction Interstate Highway 95, then Interstate Highway 95 to the District of Columbia-Virginia line, to those points in California on and south of a line beginning at the California-Nevada State line and extending along California Highway 266 to junction California Highway 168, then California Highway 168 to junction U.S. Highway 6/395, then U.S. Highway 6/395 to junction California Highway 120, then California Highway 120 to junction California Highway 26, then California Highway 26 to junction California Highway 12, then California Highway 12 to junction California Highway 29, then California Highway 29 to junction unnumbered highway, then unnumbered highways to the Pacific Ocean. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla., and Gulfport, Miss.

No. MC 95540 (Sub-No. E714), filed May 17, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from those points in New York on and east of a line beginning at the New Jersey-New York State line and extending along U.S. Highway 9W to junction U.S. Highway 202, then U.S. Highway 202 to junction Interstate Highway 684, then Interstate Highway 684 to junction Interstate Highway 84 to the New York-Connecticut State line. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla., and Gulfport, Miss.

No. MC 95540 (Sub-No. E715), filed May 17, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from those points in New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 1 to junction New Jersey Highway 33, then New Jersey Highway 33 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla., and Gulfport, Miss.

No. MC 95540 (Sub-No. E716), filed May 17, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from those points in North Carolina on and east of a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 17 to junction North Carolina Highway 50, then North Carolina Highway 50 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla., and Gulfport, Miss.

No. MC 95540 (Sub-No. E717), filed May 21, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from those points in South Carolina on and east of a line beginning at the North Carolina-South Carolina State line and extending along South Carolina Highway 905 to junction U.S. Highway 701, then U.S. Highway 701 to junction U.S. Highway 17, then U.S. Highway 17 to junction U.S. Highway 21, then U.S. Highway 21 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Jacksonville, Fla., and Gulfport, Miss.

No. MC 95540 (Sub-No. E719), filed May 20, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *The Commodities* classified as (a) meats, meat products, and meat by-products, in the Appendix to the report in *Modification of Permits-Packing House Products*, 48 M.C.C. 628, from Detroit, Mich., to those points in Louisiana on and southeast of a line beginning at the Gulf of Mexico and extending along unnumbered Louisiana Highway to junction U.S. Highway 167 (excluding Abbeville), thence along U.S. Highway 167 to junction Louisiana Highway 94, thence along Louisiana Highway 94 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction U.S. Highway 61 (excluding Baton Rouge), thence along U.S. Highway 61 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Louisiana Highway 41, thence along Louisiana Highway 41 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Louisiana-Mississippi State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC 95540 (Sub-No. E720), filed May 20, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from those points in South Carolina on and east of line beginning at the North Carolina-South Carolina State line and extending along Interstate Highway 95 to junction Interstate Highway 20, then Interstate Highway 20 to the Georgia-South Carolina State line. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla., and Gulfport, Miss.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-8728 Filed 4-2-75;8:45 am]

[Notice 734]

ASSIGNMENT OF HEARINGS

MARCH 31, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 119493 Sub 116, Monkem Company, Inc., now assigned April 4, 1975 at Omaha, Nebraska, is cancelled and the application is dismissed.

MC 42487 Sub 817, Consolidated Freightways Corporation of Delaware, now being assigned continued hearing July 28, 1975 (3 weeks) at Dallas, Texas in the Sheraton-Dallas Hotel, Southland Center, 2117 Live Oak.

MC 124947 Sub 33, Machinery Transports, Inc., application dismissed.

MC 140122 Sub 2, Snowball, Ltd., now assigned June 18, 1975, at Denver, Colo., is cancelled and application dismissed.

MC 124328 Sub 64, Brink's, Incorporated, now assigned April 21, 1975 at Washington, D.C., is postponed to May 19, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-12166, Jackson and Johnson, Inc.—Purchase (Portion)—Dressing Transport, Inc., now being assigned July 8, 1975 (1 day) at Buffalo, New York; in a hearing room to be later designated.

MC 134401 Sub 10, Sherwood W. Hume, DBA Hume Equipment Company, now being assigned July 9, 1975 (3 days) at Buffalo, New York; in a hearing room to be designated later.

MC 99569 Sub 4, Stott & Davis Motor Express, Inc., now being assigned July 14, 1975 (1 week) at Buffalo, New York; in a hearing room to be designated later.

MC-C-8392, Steigerwald's Western Tours, Inc.—Revocation of Certificate—, now being assigned July 7, 1975 (1 day) at Cleveland, Ohio; in a hearing room to be designated later.

MC 33446 Sub 3, The Redifer Bus Company, now being assigned July 9, 1975 (3 days) at Cleveland, Ohio; in a hearing room to be designated later.

MC 111966 Sub 29, Suwak Trucking Company, now being assigned July 14, 1975 (2 days), at Pittsburgh, Pennsylvania; in a hearing room to be designated later.

MC 1239 Sub 4, Pony Trucking, Inc., now being assigned July 16, 1975 (3 days) at Pittsburgh, Pennsylvania; in a hearing room to be designated later.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-8723 Filed 4-2-75;8:45 am]

[AB-96 (Sub-No. 1)]

BELLEFONTE CENTRAL RAILROAD CO.

Notice of Abandonment

MARCH 24, 1975.

Bellefonte Central Railroad Company, Abandonment Between Chemical and State College, in Centre County, Pennsylvania.

The Interstate Commerce Commission hereby gives notice that: 1. By order served February 7, 1975, applicant was required to publish a notice in Centre County, Pennsylvania, that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment it was determined that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the February 7, 1975, order and subsequent notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-8727 Filed 4-2-75;8:45 am]

[AB 28]

CENTRAL OF GEORGIA RAILROAD CO.

Notice of Abandonment

Central of Georgia Railroad Company. Abandonment of operations between Lafayette and Roanoke, in Chambers and Randolph Counties, Alabama.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Chambers and Randolph Counties, Ala., on or before April 4, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the Federal Register.

Dated at Washington, D.C., this 18th day of March, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[Notice AB 28]

CENTRAL OF GEORGIA RAILROAD COMPANY ABANDONMENT OF OPERATIONS BETWEEN LAFAYETTE AND ROANOKE, IN CHAMBERS AND RANDOLPH COUNTIES, ALABAMA

The Interstate Commerce Commission hereby gives notice that by order dated March 18, 1975, it has been determined that the proposed abandonment of operations of the Central of Georgia Railroad Company between Roanoke and Lafayette, in Chambers and Randolph Counties, a distance of 18.76 miles all in Alabama, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because environmental effects resulting from this action will include increased air pollution and energy consumption but the effects will be insignificant or beneficial based on specifics of the line and traffic, the availability of nearby alternate rail service in the area, and the presence of an adequate highway system throughout the region. Since abandonment of operations would not authorize physical removal of track or related rail structures, impacts related to disposal of the right-of-way and its future use would be avoided.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before April 21, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-8725 Filed 4-2-75;8:45 am]

[Rev. S.O. 994; I.C.C. Order 118, Amdt. 5]

CENTRAL RAILROAD COMPANY OF NEW JERSEY

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 118 (Central Railroad Company of New Jersey, Robert D. Timpany, Trustee) and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 118 be, and it is hereby, amended by sub-

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stituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., September 30, 1975, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 31, 1975, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 25, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-8729 Filed 4-2-75;8:45 am]

[AB 18 (Sub-No. 10)]

CHESAPEAKE AND OHIO RAILWAY CO.

Notice of Abandonment

Chesapeake and Ohio Railway Company. Abandonment of the Pomeroy Branch serving the stations of Union Furnace, Starr, New Plymouth, Oriand, Creola, McArthur, Dundas, Oreton, Hawks, Minerton, Vinton, Bidwell, Kerrs, Gallipolis, Kanauga, Cheshire, Middleport, Ambassador Siding and Pomeroy, all in Hocking, Vinton, Gallia and Meigs Counties, Ohio.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. ss 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in newspapers of general circulation in Hocking, Vinton, Gallia, and Meigs Counties, Ohio, on or before April 14, 1974 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the Federal Register.

Dated at Washington, D.C., this 20th day of March, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

[AB 18 (Sub-No. 10)]

CHESAPEAKE AND OHIO RAILWAY COMPANY ABANDONMENT OF THE POMEROY BRANCH

The Interstate Commerce Commission hereby gives notice that by order dated March 20, 1975, it has been determined that the proposed abandonment of the Chesapeake and Ohio Railway Company's line and track between Oldtown and Gallipolis, a distance of 62.84 miles, line and track near Pomeroy, a distance of 3.05 miles, and operations only between Gallipolis and Pomeroy, a distance of 17.8 miles, all in Hocking, Vinton, Gallia and Meigs Counties, Ohio, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2) (C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because adequate highways exist in the area to accommodate any increase in motor carrier traffic necessary to replace current rail operations, the resulting air pollution, intrusive noise, fuel consumption, and safety hazard alterations would be minor, and there are no historic or major ecological impacts involved.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 30, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-8726 Filed 4-2-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 31, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42965—*Joint Water-Rail Container Rates—Showa Line, Ltd.* Filed by Showa Line, Ltd. (No. 13), for itself and interested rail carriers. Rates on general commodities, from rail stations in the U.S. Atlantic and Gulf Seaboard, to ports in Peoples Republic of China.

Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-8722 Filed 4-2-75;8:45 am]

[Finance Docket No. 27827 etc.]

SOUTHERN RAILWAY CO.

Discontinuance and Change in Service

MARCH 24, 1975.

Finance Docket No. 27827, Southern Railway Company. Change in service of trains Nos. 1 and 2 between Atlanta, to three days a week.

Finance Docket No. 27828, Southern Railway Company. Discontinuance of operation of Trains Nos. 5 and 6 between Charlotte, N.C. and Atlanta, Ga., and change of service between Washington, D.C. and Charlotte, N.C.

Finance Docket No. 27829, Southern Railway. Discontinuance of Trains Nos. 7 and 8 between Washington, D.C. and Lynchburg, Va.

The Interstate Commerce Commission hereby gives notice that: 1. By order served February 25, 1975, a notice was published in the FEDERAL REGISTER that an environmental threshold assessment survey was made in the above-entitled proceedings and based on that assessment it was determined that these proceedings do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321; et seq. 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the February 25, 1975, order and subsequent notice. 3. These proceedings are now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-8724 Filed 4-2-75;8:45 am]

[Notice 34]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
D.B.A., Leo Trucking Serving, MC-123630 Sub 4	MC-123630 Sub-5	May 13, 1974
North East Express, Inc., MC-128960 Sub 20, 25	MC-128960 Sub-19	May 15, 1974
R & S Transfer, Inc., MC-134353 Sub 4	MC-134353 Sub-2	May 6, 1974
B-D-E Transport, Inc., MC-134606 Sub 11, 12	MC-134606 Sub-14	Do.
B-D-E Transport, Inc., MC-134606 Sub 12	MC-134606 Sub-15	May 13, 1974
Casket Distributors, Inc., MC-135152 Sub 9	MC-135152 Sub-10	May 16, 1974
D.B.A., Special Service, MC-135658 Sub 2	MC-135658 Sub-4	May 6, 1974

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-8730 Filed 4-2-75;8:45 am]

[Notice No. 26]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

MARCH 28, 1975.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d) (3) of the rules of practice which require that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d) (4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 200 (Sub-No. 272), filed March 3, 1975. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., Kansas City, Mo. 64106. Applicant's representative: Ivan E. Moody, 12th Floor, Temple Bldg., 903 Grand Ave., Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals in containers*, from Seaford and Lewes, Del., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, Wisconsin, and Wyoming, restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., or Philadelphia, Pa.

No. MC 2232 (Sub-No. 10), filed February 28, 1975. Applicant: CREGER FREIGHT LINES, INC., Old Tyburn Road & Corbin Lane, Morrisville, Pa. 17067. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tinware*, between New York, N.Y., and Trenton, N.J. and all intermediate points Princeton, N.J., Bristol, Pa., points in New Jersey within 25 miles of Elizabeth, N.J., those on New Jersey Highway 28 between Elizabeth and junction New Jersey Highway 28 and U.S. Highway 206, those on U.S. Highway 22 between Elizabeth and junction U.S. Highway 22 and 206, and those on U.S. Highway 206 between Trenton and junction U.S. Highways 206 and 22, between Philadelphia, Pa. and Newton Square, Pa. serving all intermediate points except those between Malvern and Newton Square, Pa., Bala-Cynwyd, Merion, Narberth, Radnor, Strafford, Brookline, Highland Park, Kirklyn, South Ardmore, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, New Jersey, New York, Virginia, and the District of Columbia.

NOTE.—The purpose of this application is to eliminate the gateways of Philadelphia, Pa. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 2900 (Sub-No. 272), filed March 3, 1975. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, Fla. 32203. Applicant's representative: S. E. Somers, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving McDonough, Ga., as an off-route point in connection with applicant's present regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 5470 (Sub-No. 102), filed March 4, 1975. Applicant: TAJON, INC., R.D. 5, Mercer, Pa. 16137. Applicant's representative: Don Cross, 918 Sixteenth St. NW., Suite 700, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mill refuse and scrap carbon*, in dump vehicles, from Morganton, N.C., to points in Buffalo, N.Y., Dearborn, Mich., Niagara Falls, N.Y., New Castle, Pa., Pittsburgh, Pa., and Saginaw, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Buffalo, N.Y.

No. MC 17812 (Sub-No. 3), filed March 3, 1975. Applicant: M. BURNS TRUCKING CO., a Corporation, 1860 Fall River Ave., Seekonk, Mass. 02771. Applicant's representative: Robert J. Burns (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copying, duplicating, and reproducing machines, parts, accessories and supplies* used in a reproducing systems, between Reading, Lexington, and Seekonk, Mass., on the one hand, and, on the other, points in Washington and Newport Counties, R.I.

NOTE.—Applicant states the requested authority can be tacked with its existing authority in its lead certificate at Reading, Lexington and Seekonk, Mass., to provide service between Washington and Lexington Counties, R.I. and points in Massachusetts within 25 miles of Boston. If a hearing is deemed necessary, applicant requests it be held at either Providence, R.I., Boston, Mass. or New Haven, Conn.

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No. MC 19227 (Sub-No. 207), filed February 26, 1975. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 N.W. 20th Street, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Monostrand post tensioning materials and accessories*, from the plant sites and facilities of VSL Corp. at or near Los Gatos, Calif., Grand Prairie, Tex., Miami, Fla. and Springfield, Va., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, Wisconsin and the District of Columbia; and (2) *material and supplies* used in the manufacture of (1) above, from the destination points named in (1) above, to the origin points named in (1) above.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 19227 (Sub-No. 208), filed February 26, 1975. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 N. W. 20th Street, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Monostrand post tensioning materials and accessories*, from the plant sites and facilities of VSL Corporation at or near Los Gatos, Calif., Grand Prairie, Tex., Miami, Fla. and Springfield, Va., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming; and (2) *materials and supplies* used in the manufacture of (1) above, from the destination points named above, to the origin points named above.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 19227 (Sub-No. 209), filed February 26, 1975. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 N.W. 20th Street, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Monostrand post tensioning materials and accessories*, from the plant sites and facilities of VSL Corporation at or near Los Gatos, Calif., Grand Prairie, Texas, Miami, Fla. and Springfield, Va., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee and Virginia; and (2) *materials and supplies* used in the manufacture of (1) above, from the destination points named above, to the origin points named above.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30844 (Sub-No. 533), filed February 21, 1975. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (1) from Muscatine and Iowa City, Iowa, Dixon, Ill., Geneva, Ohio, and North East, Pa., to the facility of Heinz U.S.A. at Jacksonville, Fla.; (2) from Dixon, Ill., Coloma, Mich., North East, Pa., and Geneva, Ohio, to the facility of Heinz U.S.A. at Arlington, Tex.; (3) from Dixon, Ill., to the facilities of Heinz U.S.A. at Harrison, N.J., and Mechanicsburg, Pa.; (4) from Dixon, Ill., Coloma, Mich., North East, Pa., and Geneva, Ohio, to the facility of Heinz U.S.A. at Greenville, S.C.; and (5) from the facility of Heinz U.S.A. at Greenville, S.C., to the facilities of Heinz U.S.A. at Arlington, Tex., Mechanicsburg, Pa., Iowa City, Iowa, Toledo, Ohio, Harrison, N.J., and points in Florida and North Carolina.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa. or Washington, D.C.

No. MC 36509 (Sub-No. 25), filed March 13, 1975. Applicant: LOOMIS ARMORED CAR SERVICE, INC., 808 Burlway Road, Burlingame, Calif. 94010. Applicant's representative: John L. Glovka (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline coupons*, between points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with the General Services Administration.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or San Francisco, Calif.

No. MC 45875 (Sub-No. 9), filed March 7, 1975. Applicant: FILM SERVICE, INC., 333 North 25th Street, Milwaukee, Wis. 53233. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Films and articles* associated with the exhibition of motion pictures, between Elk Grove Village, Ill. and Milwaukee, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis.

No. MC 52460 (Sub-No. 167), filed March 10, 1975. Applicant: ELLEX TRANSPORTATION, INC., 1420 West 35th Street, Tulsa, Okla. 74107. Applicants representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and liquid fertilizer materials*, in bulk, in tank vehicles, from the plantsite of Agrico Chemical Company at or near Verdigris, Okla., to points in Arkansas, Kansas, Louisiana, Missouri and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Tulsa or Oklahoma City, Okla.

No. MC 59206 (Sub-No. 22), filed March 3, 1975. Applicant: HOLLAND MOTOR EXPRESS, INC., 750 E. 40th Street, Holland, Mich. 49423. Applicant's representative: Charles J. Cooper, 750 E. 40th Street, Holland, Mich. 49423. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); Between Louisville, Ky., and Cincinnati, Ohio: From Louisville over Interstate Highway 71 to Cincinnati, serving no intermediate points, as an alternate route for operating convenience only.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 59247 (Sub-No. 7), filed December 26, 1974. Applicant: LINDEN MOTOR FREIGHT COMPANY, INC., 1300 Lower Road, Linden, N.J. 07036. Applicant's representative: William Biederman, 280 Broadway, New York, N.Y. 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber:* synthetic, crude or reclaimed; *resin:* compounds, liquid or dry; *plastics:* synthetic or liquid; and *plastic materials:* solids, lumps, granules, pellets, powder, flakes or liquids, from the plant site of Westchester Plastics, Division of Ametek, Inc., located at Nesquehoning, Pa., to points in New Jersey, Delaware, Connecticut, Rhode Island, Massachusetts, those that part of Maryland east of a line beginning at the Pennsylvania-Maryland State Boundary line and extending along Interstate Highway 83 (formerly U.S. Highway 111) to Baltimore, Md., thence along Maryland Highway 2 to Annapolis, Md., including points in Maryland on the Del-Mar Peninsula, and those points in that part of New York east and south of a line beginning at the New York-Vermont State Boundary line and extending westerly along New York Highway 7 to its intersection with New York Highway 22, thence northerly along New York Highway 22 to its intersection with New York Highway 372, thence along New York Highway 372 to its intersection with New York Highway 29, thence along New York Highway 29 to Saratoga Springs, thence along New York Highway 29 to Gloversville, thence southerly along New York Highway 30 to its intersection with New York Highway 7, thence along New York Highway 7 to its intersection with U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State Boundary line, including New York, N.Y. and points on Long Island, N.Y.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 61440 (Sub-No. 149), filed March 10, 1975. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Champlin, P.O. Box 82488, Oklahoma City, Okla. 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), serving the plant site and storage facilities of Federal-Mogul Corporation at or near Jacksonville, Ala., as an off-route point in connection with carrier's presently authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 61592 (Sub-No. 339), filed January 27, 1975. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Rural Route 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. Devine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood pallets, pallet parts, wood blocking and wood products* (except commodities in bulk), between the plantsite of Continental Box Company at or near Lemont, Ill. and points in Minnesota, Wisconsin, Iowa, Missouri, Indiana and Kentucky in non-radial movements.

NOTE.—Applicant intends to tack the authority requested above with its Sub-No. 42 at points in Cass County, Ind. (except Logansport) to serve points in the United States (except Minnesota, Wisconsin, Iowa, Missouri, Indiana, Kentucky, Hawaii, Alaska, and Birmingham, Ala. and points within 65 miles of Birmingham, Ala.). Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 64932 (Sub-No. 547), filed March 12, 1975. Applicant: ROGERS CARTAGE CO., a corporation, 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reprocessed sulphuric acid*, in bulk, in tank vehicles, from Lafayette, Ind., to points in Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 69116 (Sub-No. 173), filed February 24, 1975. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: Leonard R. Kofkin, 39n South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), between Decatur, Ill., and junction U.S. Highway 79 and Alternate U.S. Highway 41, serving no intermediate points, and serving the junction of U.S. Highway 40 and Illinois Highway 33, and the junction of U.S. Highway 79 and Alternate U.S. Highway 41 as points of joinder only: From Decatur over Illinois Highway 121 to junction Illinois Highway 32, thence over Illinois Highway 32 to junction Illinois Highway 33, thence over Illinois Highway 33 to junction Illinois Highway 130, thence over Illinois Highway 130 to junction Illinois Highway 1, thence over Illinois Highway 1 to Interstate Highway 64, thence over Interstate Highway 64 to junction U.S. Highway 41, thence over U.S. Highway 41 to junction Alternate U.S. Highway 41, thence over Alternate U.S. Highway 41 to junction U.S. Highway 41, thence over U.S. Highway 41 to junction Alternate U.S. Highway 41, thence over Alternate U.S. Highway 41 to junction U.S. Highway 79 (also from junction U.S. Highway 41 and the Pennyrile Parkway, over the Pennyrile Parkway to Hopkinsville, Ky.), and return over the same route, as alternate route for operating convenience only.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 69833 (Sub-No. 111), filed March 6, 1975. Applicant: ASSOCIATED TRUCK LINES, INC., Vandenberg Center, Grand Rapids, Mich. 49502. Applicant's representative: Harry Pohlad (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission), serving Topeka, Ind., as an off-route point in connection with its authorized regular route operations, from Fort Wayne, to Elkhart, Ind., over U.S. Highway 33, and from Angola, to South Bend, Ind., over U.S. Highway 20.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 73165 (Sub-No. 362), filed March 3, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, 830 North 33d St., Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Nucor Steel of Texas at or near Jewett, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 75320 (Sub-No. 180), filed February 24, 1975. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801. Applicant's representative: John A. Crawford, 700 Petroleum Building, P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Tulsa, Okla., and Fayetteville, Ark., serving no intermediate points: From Tulsa, Okla., over Oklahoma Highway 51 to the Arkansas-Oklahoma state line, thence over Arkansas Highway 244 to the junction of Arkansas Highway 59, thence over Arkansas Highway 59 to the junction of U.S. Highway 62, thence over U.S. Highway 62 to Fayetteville, Ark., and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Tulsa, Okla. or Little Rock, Ark.

No. MC 82492 (Sub-No. 119), filed March 5, 1975. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Rd., Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of or utilized by Farmland Foods, Inc., located at or near Crete, Nebr., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, North Dakota, Ohio, South Dakota, Wisconsin, and those points in Pennsylvania on and west of U.S. Highway 219 and those points in New York in and west of Allegany, Livingston and Monroe Counties, restricted to the transportation of traffic originating at the above origin and destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 83835 (Sub-No. 120), filed March 7, 1975. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum ingots, scrap and slag, and zinc and zinc alloy ingots and scrap;* and (2) *materials and supplies* used in the manufacture of articles in (1) above; parts (1) and (2) above, restricted against the transportation of commodities in bulk, (1) from Checotah, Okla. to points in Alabama, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, South Carolina, South Dakota, Tennessee, Texas, Wisconsin, and Arkansas; and (2) from the

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destinations in (1) above to Checotah, Okla.

NOTE.—If a hearing is deemed necessary, the applicant requests a consolidated hearing with Wise, Boelk, Midwest, Chem Haulers, R. L. Jeffries and H. J. Jeffries at Chicago, Ill. or Washington, D.C.

No. MC 84739 (Sub-No. 25), filed March 9, 1975. Applicant: SEVERSON TRANSPORT, INC., Route 1, Box 163, Edgerton, Wis. 53534. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen foodstuffs* (except in bulk), from Owensboro, Ky., to points in Minnesota, Wisconsin, Michigan, Illinois and Indiana, restricted to traffic originating at the plantsite of Ragu Foods, Inc. at Owensboro, Ky., and destined to points in the above named states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo or Rochester, N.Y.

No. MC 87379 (Sub-No. 14), filed March 3, 1975. Applicant: C. H. HOOKER TRUCKING CO., 1475 Roanoke Ave., Uhrichsville, Ohio 44683. Applicant's representative: James W. Muldoon, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material, equipment and supplies*, except commodities in bulk, used in the manufacture or distribution of clay products and plastic products, from points in the United States to points in Tuscarawas County, Ohio, Center Township, Carroll County, Ohio, and Junction City, Ohio.

NOTE.—Applicant holds contract carrier authority in MC 136851 Subs 2 and 3, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio, or Washington, D.C.

No. MC 95540 (Sub-No. 925), filed March 10, 1975. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive, NE., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from points in Minnesota and Wisconsin to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee, the above authority is restricted to transportation of traffic for the account of Land O'Lakes, Inc., originating at the plant sites and facilities of and used by Land O'Lakes, Inc., and destined to the above named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 95540 (Sub-No. 926), filed March 10, 1975. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive, NE., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks, P.O. Box 1636, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Hudson, Iowa, to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, restricted to transportation of traffic for the account of Land O'Lakes, Inc. and destined to the above named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 97394 (Sub-No. 14), filed March 10, 1975, Applicant: BOWLING GREEN EXPRESS, INC., P.O. Box 1111, Plum Springs Rd., Bowling Green, Ky. 42101. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site and storage facility of the Firestone Tire and Rubber Co., in Rutherford County, Tenn., located near Nashville, Tenn., as an off-route point in connection with carrier's authorized regular route operations between Nashville, Tenn., and Bowling Green, Ky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applican requests it be held at Nashville, Tenn.

No. MC 102806 (Sub-No. 21), filed February 20, 1975. Applicant: PETROLEUM TRANSPORTATION, INCORPORATED, P.O. Box 399, Gastonia, N.C. 28052. Applicant's representative: J. William Cain, Jr., 2001 Massachusetts Ave NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum* gas, in bulk, between points in York County, S.C., on the one hand, and, on the other, points in North Carolina, South Carolina, and points in that part of Tennessee on and east of U.S. Highway 27.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbia, S.C.

No. MC 103993 (Sub-No. 852), filed March 12, 1975. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Steele County, Minn., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Rochester, Minn.

No. MC 106497 (Sub-No. 112), filed March 3, 1975. Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912, (Business Rte. 1–44 east), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles, pipe fittings, valves, hydrants, and equipment, materials and supplies*, used or useful in the installation thereof, from the plantsites and storage facilities of Mueller Co., located at points in Marshall County, Ala., and Hamilton County, Tenn., to points in the United States (except Alaska and Hawaii); (2) *materials, equipment and supplies*, used in the manufacture and sale of the commodities described in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to the plantsites and storage facilities of Mueller Co., located at points in Marshall County, Ala., and Hamilton County, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Atlanta, Ga.

No. MC 106497 (Sub-No. 113), filed March 10, 1975. Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912 (Business Rte 1–44 east), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antipollution equipment and supplies and refuse handling and treatment equipment and supplies*, from points in Washington County, Okla., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., or Washington, D.C.

No. MC 106943 (Sub-No. 114), filed March 10, 1975. Applicant: EASTERN EXPRESS, INC., 1450 Wabash Ave., Terre Haute, Ind. 47808. Applicant's representative: Peter M. Witham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes transporting: *General commodities* (except Classes A and B explosives, livestock, grain, petroleum products in bulk, household goods as defined by the Commission and commodities requiring special equipment), serving Santa Claus, Ind., as an off-route point in conjunction with applicant's regular routes to and from Evansville, Ind.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Indianapolis, Ind.

No. MC 107010 (Sub-No. 54) (corrected), filed February 14, 1975, published in the FEDERAL REGISTER issue of March 13, 1975, and republished as corrected this issue. Applicant: BULK CARRIERS, INC., P.O. Box 423, Auburn, Nebr. 68305. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, bagged, from points in Richardson County, Nebr., to points in Iowa, Texas, Kansas, Missouri, Illinois, Tennessee, Arkansas, Colorado, North Dakota, South Dakota, Minnesota, Wisconsin, and Oklahoma.

NOTE.—The purpose of this correction is to add South Dakota as a destination point. If a hearing is deemed necessary, applicant requests it be held at either Lincoln or Omaha, Nebr.

No. MC 107012 (Sub-No. 216), filed March 6, 1975. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway and Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet and rug cushioning*, and *carpet padding*, from Norfolk, Va., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107295 (Sub-No. 761), filed February 24, 1975. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, composition board, hardboard, and particleboard*, from points in Missouri, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo. or Washington, D.C.

No. MC 107460 (Sub-No. 52), filed March 7, 1975. Applicant: WILLIAM Z. GETZ, INC., 3055 Yellow Goose Road, Lancaster, Pa. 17601. Applicant's representative: Donald D. Shipley (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal roofing and fabricated metal products*, from the plantsite of Fabral Corporation located at or near Lancaster, Pa., to points in Arizona, Arkansas, Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, under a continuing contract or contracts with Fabral Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 107515 (Sub-No. 975), filed February 28, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation under Section (b) (6) of the Act, when transported in mixed loads with bananas, from Charleston, S.C., to points in Georgia, Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin, restricted to the transportation of traffic having an immediate prior movement by water.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 126436 Sub Nos. 2, 3, and 5, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga.; Boston, Mass.; or Washington, D.C.

No. MC 107515 (Sub-No. 976), filed February 28, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30326. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of or utilized by Farmland Foods, Inc., at or near Crete, Nebr., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee, restricted to the transportation of traffic originating at the above origin and destined to the above-named destinations.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 126436 Sub Nos. 2, 3 and 5, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo.; St. Louis, Mo.; or Denver, Colo.

No. MC 108119 (Sub-No. 44), filed February 21, 1975. Applicant: E. L. MURPHY TRUCKING CO., a corporation, 3303 Sibley Memorial Highway, P.O. Box 3010, St. Paul, Minn. 55165. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from Missoula, Mont., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, West Virginia, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Minneapolis, Minn.

No. MC 108631 (Sub-No. 4), filed March 10, 1975. Applicant: BOB YOUNG TRUCKING, INC., Schoenersville Road at Industrial Drive, Bethlehem, Pa. 18017. Applicant's representative: Morris Mindlin, 1509 Easton Avenue, Bethlehem, Pa. 18017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Off-highway dump vehicles*, with or without bodies; (2) *accessories and parts* for such vehicles, restricted to commodities the transportation of which because of size, shape or weight requires the use of special equipment; and (3) *related parts and accessories* when their transportation is incidental to the transportation of commodities which by reason of size, shape or weight require special equipment, from Lower Macungie Township (Lehigh County), Pa., and Allentown (Lehigh County), Pa., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Allentown, Bethlehem, Easton or Philadelphia, Pa.

No. MC 109026 (Sub-No. 19), filed March 7, 1975. Applicant: MANNING MOTOR EXPRESS, INC., P.O. Box 685, Glasgow, Ky. 42141. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods, Classes A and B explosives, commodities in bulk, and articles requiring special equipment): Between Nashville, Tenn., and Russell Springs, Ky., over Interstate Highway 65 from Nashville, to junction with Cumberland Parkway north of Bowling Green, Ky., thence via Cumberland Parkway to Russell Springs, Ky., and return over the same route, serving all intermediate points between Glasgow, and Russell Springs.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 110563 (Sub-No. 155), filed March 7, 1975. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747 (Ohio Building), Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from York, Nebr., to points in Pennsylvania, New York, New Jersey, Maryland, Massachusetts, and the District of Columbia, restricted to traffic originating at York, Nebr.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Omaha or Lincoln, Nebr.

No. MC 111274 (Sub-No. 3), filed February 27, 1975. Applicant: ELMER C. SCHMIDGALL AND BENJAMIN G. SCHMIDGALL, doing business as SCHMIDGALL TRANSFER, a partnership, P.O. Box 249, Tremont, Ill. 61568. Applicant's representative: Frederick C.

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Schmidgall, 318 Lilac Lane, East Peoria, Ill. 61611. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fencing, fencing materials, farm buildings, and their materials and components*, from Morton, Ill., to points in Kansas, under contract with Morton Buildings, Inc. (formerly Interlocking Fence Co.).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 111729 (Sub-No. 519), filed March 3, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, moving in courier service (except household goods, commodities in bulk, explosives, articles of unusual value, commodities which because of size and weight require special equipment, and commercial papers, documents and written instruments as are used in the business of banks and banking institutions); (1) between points in Wisconsin, Illinois, Indiana, and Michigan; (2) between points in Wisconsin and Michigan, on the one hand, and, on the other, points in Minnesota and Iowa; (3) between points in Illinois and Indiana, on the one hand, and, on the other, points in Iowa, Missouri, Kentucky and Ohio; and (4) between points in Michigan, on the one hand, and, on the other, points in Ohio, restricted in (1) through (4) above against the transportation of packages weighing more than 50 pounds, with each package or article considered a separate and distinct shipment, and further restricted in (1) through (4) above against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location, in any one day.

NOTE.—Applicant states that it intends to tack the authority sought herein with its existing authority from and to points within 300 miles. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Lexington, Ky., and Indianapolis, Ind.

No. MC 111729 (Sub-No. 520), filed March 3, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, moving in courier service (except household goods, commodities in bulk, explosives, articles of unusual value, commodities which because of size or weight require special equipment, and commercial papers, documents and written instruments as are used in the business of banks and banking institutions); (1) between points in Iowa, Minnesota, North Dakota, and South Dakota; and (2) between points in South Dakota, on the one hand, and, on the other, points in Nebraska, restricted in (1) and (2) above against the transportation of packages weighing more than 50 pounds, with each package or article considered a separate and distinct shipment, and further restricted in (1) and (2) above against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location, in any one day.

NOTE.—Applicant states that it intends to tack the authority sought herein with its existing authority from and to points within 300 miles. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 111729 (Sub-No. 521), filed March 5, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, radioactive drugs, medical isotopes, test kits, and nuclear instruments*, (a) between Carlstadt, N.J., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee and Vermont; (b) between St. Louis, Mo., on the one hand, and, on the other, points in Alabama, Colorado, Florida, Georgia Louisiana, North Carolina, Oklahoma, South Carolina, and Tennessee; (c) between North Chicago, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, and the District of Columbia; and (d) between Dallas and Lubbock, Tex., on the one hand, and, on the other, points in New Mexico.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111812 (Sub-No. 515), filed March 6, 1975. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks, 900 West Delaware, Sioux Falls, S. Dak. 57104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery products*, from Cambridge, Norwood, and Mansfield, Mass., and Ashton, R.I., to Chicago, Ill.; Denver, Colo.; Salt Lake City, Utah; and points in Oregon, Washington, and California.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 111956 (Sub-No. 34), filed March 6, 1975. Applicant: SUWAK TRUCKING COMPANY, a corporation, 1105 Fayette Street, Washington, Pa. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper partitions*, from the plantsite of Cleve-Pak Corporation located at or near Eaton, Ind., to points in Ohio, Pennsylvania and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 112713 (Sub-No. 178), filed March 12, 1975. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Avenue, Shawnee Mission, Kans. 66207. Applicant's representative: John M. Records (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), serving Canon City and Penrose, Colo., as off-route points in connection with applicant's presently authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver or Colorado Springs, Colo.

No. MC 113267 (Sub-No. 318), filed March 7, 1975. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Road, P.O. Box 30130 AMF, Memphis, Tenn. 38130. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities owned or used by J. H. Filbert, Inc., located in Fulton, Cobb, Clayton, DeKalb, Fayette, Henry, Gwinnett, Douglas, and Rockdale Counties, Ga., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Mississippi, Nebraska, Ohio, Oklahoma, Tennessee and Wisconsin, restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113362 (Sub-No. 284), filed March 10, 1975. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Raymond W. Ellsworth, P.O. Box 227, Seneca, Pa. 16346. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, from the plantsite and storage facilities of Cadbury Corporation at Hazleton, Pa., to points in Indiana, Illinois, Ohio, Missouri, Michigan, Texas, Kansas, Colorado, Minnesota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant does not state a location.

No. MC 113362 (Sub-No. 285), filed March 10, 1975. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Hudson, Iowa, to points in Pennsylvania, West Virginia, Virginia, Maryland, Delaware, New Jersey, New York, Rhode Island, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, restricted to the transportation of traffic for the account of Land O'Lakes, Inc. originating at plantsites and facilities of and used by Land O'Lakes, Inc. and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 113855 (Sub-No. 314), filed March 5, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: James M. Sanden, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard, and wood products*, from points in Flathead County, Mont., to points in California, Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Billings, Mont.

No. MC 114533 (Sub-No. 318), filed March 3, 1975. Applicant: BANKERS DISPATCH CORPORATION, 1106 West 35th Street, Chicago, Ill. 60609. Applicant's representative: Warren W. Wallin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Eyeglasses, lenses, frames, and parts thereof*, between Joliet, Ill., on the one hand, and, on the other, points in Chesterton, Merrillville, La Porte, Valparaiso, Munster, and Hobart, Ind.; and (2) *restorative dentistry products*, between Topeka, Kans., on the one hand, and, on the other, points in Nebraska and Missouri; (b) between Wichita, Kans., on the one hand, and, on the other, points in Missouri; and (c) between Mission, Kans., on the one hand, and, on the other, points in Missouri.

NOTE.—Applicant holds contract carrier authority in MC 128616 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill.; Kansas City, Mo.; or Omaha, Nebr.

No. MC 115841 (Sub-No. 501), filed March 13, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Suite 200, 105 Vulcan Road, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs* (except commodities in bulk), from Owensboro, Ky., to points in the United States (except Alaska, Hawaii, and Kentucky), restricted to traffic originating at the plantsite and storage facilities of Ragu Foods, and destined to the named destination points.

NOTE.—Common control was approved in MC-F-7304. If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 115975 (Sub-No. 20), filed March 12, 1975. Applicant: C. B. W. TRANSPORT SERVICE, INC., P.O. Box 48, Wood River, Ill. 62095. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Oleomargarine, shortening, salad oils, cooking oils, animal fats, and refined vegetable oils*, in bulk, in tank vehicles, from St. Louis, Mo., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas; and (2) *animal fats and vegetable oils*, in bulk, in tank vehicles, from points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, to St. Louis, Mo., under a continuing contract or contracts with P V O International, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 116142 (Sub-No. 23), filed March 6, 1975. Applicant: BEVERAGE TRANSPORTATION, INC., 625 Eberts Lane, P.O. Box 423, York, Pa. 17405. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt and brewed beverages and related advertising materials*, from Volney (Oswego County), N.Y., to points in Maryland and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 116273 (Sub-No. 191), filed February 27, 1975. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Ave., Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and Asphalt products*, in bulk, in tank vehicles, from Warsaw, Ind., to points in Michigan.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 116519 (Sub-No. 30), filed February 27, 1975. Applicant: FREDERICK TRANSPORT LIMITED, Rural Route 6, Chatham Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass*, from Carleton, Mich., to ports of entry along the International Boundary line between the United States and Canada located in Michigan; (2) *animal feed, poultry feed, and ingredients thereof*, between Union Center, Wis., to ports of entry along the International Boundary line between the United States and Canada located in Michigan; (3) *steel silos and parts and components thereof*, from Kankakee, Dekalb, and Eureka, Ill.; to ports of entry along the International Boundary line between the United States and Canada located in Michigan and New York; (4) *steel*, from Youngstown, Ohio, to ports of entry along the International Boundary line between the United States and Canada located in Michigan and New York; (5) *steel tubing*, between ports of entry along the International Boundary line between the United States and Canada located in Michigan and New York, on the one hand, and, on the other, points in the United States (except Alaska, Arizona, California, Hawaii, Idaho, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming), the transportation herein shall be restricted to foreign commerce.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 116628 (Sub-No. 18), filed February 27, 1975. Applicant: SUBURBAN TRANSFER SERVICE, INC., P.O. Box 168, Rutherford, N.J. 07070. Applicant's representative: William P. Sullivan, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail department stores, and materials and supplies*, used in the operation of such stores, from Kalamazoo, Mich., and Newport, Ark., to points in Connecticut, Delaware, Georgia, Illinois, Massachusetts, New Jersey, New York, Pennsylvania, Texas, Virginia, and the District of Columbia, limited to the transportation of service to be performed under a continuing contract or contracts with Lord and Taylor of New York, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116763 (Sub-No. 304), filed February 19, 1975. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glazing units, glass and glass products;* and (b) *equipment, materials and supplies*, used in the manufacture, sales or distribution of commodities named in (1) above (except in bulk), between the plantsite of Fourco Glass Company Float Plant, Jerry Run, Fleming-

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ton District, Taylor County, W. Va., on the one hand, and, on the other, points in Georgia and Florida.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 117119 (Sub-No. 528), filed March 7, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728 Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Breader base mixes and flour compounds* (except in bulk), between Evansville, Ind. and Ponchatoula, La.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 117574 (Sub-No. 265), filed February 10, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, Pa. 17013. Applicant's representative: James W. Hagar, P.O. Box 1166, 100 Pine Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in, or used by, agricultural equipment, industrial equipment, and lawn and leisure product dealers (except commodities in bulk), from the facilities of Deere & Company in Rock Island County, Ill., and Scott County, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) *returned shipments* of the above-named commodities, from the destination states named in (1) above, to the facilities of Deere & Company named in (1) above, restricted in (1) above: (a) to traffic originating at the named facilities of Deere & Company, and (b) to traffic destined to the points named (except that the restriction in (b) above shall not apply to traffic moving in foreign commerce), and restricted in (2) above to traffic destined to the named facilities of Deere & Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 117644 (Sub-No. 39), filed March 7, 1975. Applicant: D & T TRUCKING CO., INC., P.O. Box 2611, New Brighton, Minn. 55112. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Hudson, Iowa, to points in Virginia, West Virginia, Maryland, Pennsylvania, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, under a continuing contract or contracts with Land O'Lakes, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 117644 (Sub-No. 40), filed March 9, 1975. Applicant: D & T TRUCKING CO., INC., 498 First St. NW., P.O. Box 12505, New Brighton, Minn. 55112. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Hudson, Iowa, to points in Ohio and Kentucky, under a continuing contract or contracts with Land O'Lakes, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 117765 (Sub-No. 186), filed March 10, 1975. Applicant: HAHN TRUCK LINE, INC., 5315 N. W. Fifth Street, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal products, chemicals, wood chips and charcoal starter*, in containers, from Jacksonville, Tex., to points in Arkansas, Louisiana, Missouri, Ohio and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 117815 (Sub-No. 240) (Correction), filed February 7, 1975 published in the FEDERAL REGISTER issue, March 13, 1975, and republished as corrected this issue. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site and storage facilities of or utilized by Farmland Foods, Inc., at or near Crete, Nebr., to points in Missouri, Kansas, Iowa, Illinois, Indiana, Kentucky, Ohio, Michigan, Wisconsin, and Minnesota, restricted to shipments originating at the named origin and destined to points in the named destination states.

NOTE.—The purpose of this republication is to correct the territorial description. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., or Omaha, Nebr.

No. MC 118922 (Sub-No. 12), filed March 3, 1975. Applicant: CARTER TRUCKING CO., INC., P.O. Box 126, Locust Grove, Ga. 30248. Applicant's representative: William Addams, Suite 232, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as used, sold or dealt in by wholesale, retail and chain grocery and food business houses (except commodities requiring refrigeration and commodities in bulk), from points in the United States, in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas (except points in Maine, New Hampshire, Vermont and Rhode Island), to the warehouse, storage, and distribution facilities of Colonial Stores, Inc. located at Atlanta and Thomasville, Ga., Columbia, S.C., Raleigh, N.C. and Norfolk, Va., under a continuing contract with Colonial Stores, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 119619 (Sub-No. 80), filed March 10, 1975. Applicant: DISTRIBUTORS SERVICE CO., a Corporation, 2000 W. 43rd Street, Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and storage facilities of the North Side Packing Co. at or near Pittsburgh, Pa., to points in Colorado, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Ohio, New York, New Jersey, Vermont, Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Delaware, Maryland, West Virginia, Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 119632 (Sub-No. 61), filed March 3, 1975. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, Ohio 43512. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles*, distributed or dealt in by food distributors or wholesale or retail grocers (except frozen foods and commodities in bulk), from the plantsites and warehouse facilities of Retail Merchants Consolidation & Distribution Center, a Division of Columbus Retail Merchants Delivery, Inc., located at or near Columbus, Ohio, to points in Illinois, Indiana, Kentucky, Lower Peninsula of Michigan, New York, Ohio, Pennsylvania and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 119726 (Sub-No. 57), filed March 6, 1975. Applicant: N.A.B. TRUCKING CO., INC., 3220 Bluff Road, Indianapolis, Ind. 46217. Applicant's representative: H. Frederick Heller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mattresses and box springs and bedding products*, from Memphis, Tenn., to points in Texas, Oklahoma, Arkansas, Mississippi, Louisiana, Tennessee, Alabama, and points in Missouri on and east of U.S. Highway 65, points in Illinois on and south of U.S. Highway 36, and points in Florida on and north of U.S. Highway 40.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 119789 (Sub-No. 240), filed March 6, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned pet food and canned seafood*, from Biloxi, Miss., to points in Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Biloxi, Miss., or Dallas, Tex.

No. MC 119875 (Sub-No. 4), filed March 3, 1975. Applicant: WAR HUNT TRUCKING CO., INC., R.D. 2, Wescoesville, Pa. 18106. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poles and accessories, fittings, fixtures and other articles*, in connection with the use thereof, when moving with shipment of poles, from the plantsite or facilities of Meyer Industries, Inc., at Hazleton, Pa., to points in Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 120257 (Sub-No. 23), filed March 3, 1975. Applicant: K. L. BREEDEN & SONS, INC., 401 Alamo St., Terrell, Tex. 75160. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as defined in 61 M.C.C. 209, *Descriptions in Motor Carrier Certificates*, from the plantsite and storage facilities of Georgetown Texas Steel Company located at or near Beaumont, Tex., to points in Alabama, Arkansas, Florida, Louisiana and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston, Beaumont, or Dallas, Tex.

No. MC 120788 (Sub-No. 2), filed February 21, 1975. Applicant: FULSANG'S MOTOR SERVICE, INC., 6031 South Lenzi, Hodgkins, Ill. 60527. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed matter*, from the facilities of the R. R. Donnelley & Sons Company at or near Dwight, Ill., to points in Idaho, Montana and Wyoming; (2) *materials, supplies and equipment* used in the manufacture or distribution of printed matter, from points in Idaho, Montana, and Wyoming, to the facilities of R. R. Donnelley & Sons Company at or near Dwight, Ill., restricted in (1) and (2) above to the transportation of shipments originating at or destined to the facilities of R. R. Donnelley & Sons Company; and (3) *office and household furniture, dry goods, hardware, foods, tires, automobile accessories, finished manufactured products* within a fifty (50) mile radius of 2617 Cottage Grove Avenue, Chicago, Ill., and to transport such property to or from any point outside of such authorized area of operation for a shipper or shippers within such areas; also, *office and household furniture, dry goods, hardware, foods, tires, automobile accessories, and finished manufactured products* to or from any point or points within the State of Illinois.

NOTE.—Applicant states that it currently holds all authority sought in Part (3) in a Certificate of Registration, and the only purpose of part (3) of the application is to convert applicant's said Certificate of Registration to a Certificate of Public Convenience and Necessity.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123255 (Sub-No. 48), filed February 24, 1975. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages (beer) and related advertising materials*, from South Volney, N.Y., to points in Connecticut Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont and West Virginia; and (2) *materials, supplies and equipment* used in the manufacture, sale and distribution of malt beverages, including *returned empty malt beverage containers*, from points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont and West Virginia to Volney, N.Y.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 61996 Sub No. 19 and others, therefore dual operations may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 123383 (Sub-No. 73), filed March 7, 1975. Applicant: BOYLE BROTHERS, INC., 941 South 2nd Street, Camden, N.J. 08103. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, conduit, aluminum products and extrusions*, (except commodities in bulk), from North Brunswick, N.J.; Phoenix, Ariz. and Winton and Burlington, N.C., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 123391 (Sub-No. 11), filed March 6, 1975. Applicant: MACHISE INTERSTATE TRANSPORTATION CO., a Corporation, 500 N. Egg Harbor Road, Hammonton, N.J. 08037. Applicant's representative: Morton E. Kiel, Suite 6193—5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petro-chemicals), in bulk, in tank vehicles, from Petty's Island, Paulsboro and Gloucester City, N.J., to points in Bucks, Philadelphia, Delaware, and Montgomery Counties, Pa., and points in New Castle County, Del.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 124078 (Sub-No. 637), filed March 13, 1975. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid pitch*, in bulk, from Lima, Ohio, to points in Alabama, California, Oregon, Texas and Wisconsin.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Cleveland, Ohio.

No. MC 124160 (Sub-No. 10), filed March 3, 1975. Applicant: SAVAGE BROTHERS INCORPORATED, 601 East Main Street, American Fork, Utah 84003. Applicant's representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, between points in Utah, Idaho, Colorado, Arizona, Wyoming, New Mexico, Nevada, California and Oregon.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 124211 (Sub-No. 258), filed March 6, 1975. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, Downtown Station, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motorcycles, recreational vehicles and machines, accessories and parts;* and (2) *equipment, materials and supplies*, used in the manufacture, distribution, or sale of the commodities named in (1) above, between points in

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Lancaster County, Nebr., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Omaha, Nebr.

No. MC 124211 (Sub-No. 259), filed March 6, 1975. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, pelts, skins, and parts thereof*, from points in Colorado, Iowa, Kansas, Minnesota, Missouri, and South Dakota, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124211 (Sub-No. 260), filed March 6, 1975. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, Downtown Station, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cellular products, rubber products, and accessories;* and (2) *commodities*, used in the production, distribution and sale of commodities named in (1) above, between points in Jefferson County, Ill.; points in Graves County, Ky.; and points in Mecklenburg County, N.C., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124692 (Sub-No. 148), filed March 6, 1975. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, Mont. 59801. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut log and wood buildings knocked down, and materials and supplies*, used in the construction, installation, and erection thereof, from points in Missoula County, Mont., to points in the United States in and west of Texas, Oklahoma, Missouri, Illinois, Indiana, and Michigan (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Missoula, Mont.

No. MC 124711 (Sub-No. 33), filed March 5, 1975. Applicant: BECKER AND SONS, INC., P.O. Box 1050, El Dorado, Kans. 67042. Applicant's representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and liquid fertilizer materials*, in bulk, in tank vehicles, from the plantsite of Agrico Chemical Company located at or near Verdigris, Okla., to points in Arkansas, Kansas, Louisiana, Missouri and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Tulsa, Okla., or Oklahoma City, Okla.

No. MC 124896 (Sub-No. 10), filed March 13, 1975. Applicant: WILLIAMSON TRUCK LINES, INC., Thorne & Ralson Streets, P.O. Box 3485, Wilson, N.C. 27893. Applicant's representative: Jack H. Blanshan, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of or utilized by Farmland Foods, Inc. located at or near Crete, Nebr., to points in Alabama, Delaware, the District of Columbia, Florida, Georgia, Kentucky, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, restricted to the transportation of traffic originating at the above origin and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 125313 (Sub-No. 2), filed January 23, 1975. Applicant: CLEVELAND SYRUP CORPORATION, a Corporation, 4999 Mead Avenue, Cleveland, Ohio 44127. Applicant's representative: Edwin C. Reminger, 731 Leader Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, corn syrup, and blends thereof, and liquid dextrose*, in bulk, in tank vehicles, from Cleveland, Ohio, to points in New York, on and between those east of a line beginning at Lake Ontario, and extending south along New York Highway 19 to the New York-Pennsylvania State Boundary line and embracing all points on and west of a line beginning at Lake Ontario and extending south along New York Highway 13 to the New York-Pennsylvania State Boundary line.

NOTE.—Applicant states that it intends to tack at points in New York on a line beginning at Lake Ontario and extending south along New York Highway 19 to the New York-Pennsylvania State Boundary line, to provide a through service from Cleveland, Ohio, to points in New York and points in Pennsylvania on, west, and south of a line beginning at the New York-Pennsylvania State line and extending south along U.S. Highway 219 to junction U.S. Highway 322, thence east along U.S. Highway 322 to junction U.S. Highway 220, thence south along U.S. Highway 220 to the Pennsylvania-Maryland State line, and points in West Virginia on, north and west of a line beginning at Huntington, W. Va., and extending east along U.S. Highway 60 to junction U.S. Highway 19, and thence north along U.S. Highway 19 to the West Virginia-Pennsylvania State line.

If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126276 (Sub-No. 115), filed March 4, 1975. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Rd., Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 127 N. Dearborn, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers and container ends*, from the plant site of American Can Company located at Detroit, Mich., to points in Indiana, Illinois, and Ohio, under a continuing contract with American Can Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 126305 (Sub-No. 69), filed March 6, 1975. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.D. 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic articles* (except in bulk), from the facilities of Instrument Systems Corporation, and American Cellophane & Plastic Films Corp., at or near Louisville, Ky., to points in Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Tennessee, Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas; and (2) *materials, equipment and supplies*, used or useful in the manufacture or sale of plastic articles, from points in Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Tennessee, Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas, to the facilities of Instrument Systems Corporation, and American Cellophane & Plastic Films Corp. at or near Louisville, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 126555 (Sub-No. 33), filed March 3, 1975. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 3000, Rapid City, S. Dak 57701. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bentonite clay and foundry molding sand treating compound*, in bulk, from the plantsite of American Colloid Company, near Belle Fourche, S. Dak., and Upton, Wyo., to points in Indiana, Michigan, Ohio and Wisconsin; (2) *bentonite clay, foundry molding sand treating compound, foundation water impedence boards and supplies*, used in the installation of foundation water impedence boards (except Mercer commodities used in oil fields), from the plantsite of American Colloid Co., near Belle Fourche, S. Dak., to points in North Dakota; (3) *bentonite clay and processed clay* (except Mercer description commodities as described in *Mercer Extension—Oil Field Commodities*, 74, M.C.C. 459, 544), from the plantsite of American Colloid Company, near Lovell, Wyo., to points in Kansas; (4) *bentonite clay and processed clay*, in bulk (except Mercer description commodities as described in *Mercer Extension—Oil Field Commodities*, 75 M.C.C. 459, 544), from the plantsite of American Colloid Company, near Lovell, Wyo., to points in Arkansas, Illinois, Indiana, Minnesota, Iowa, Nebraska, North Dakota and Wisconsin; and (5) *lignite coal*, treated and untreated, from the plantsite of American Colloid Company, at Gascoyne, N. Dak., to points in Minnesota, Ohio, Illinois, Iowa, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 125909 and Subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak., or Denver, Colo.

No. MC 126713 (Sub-No. 4), filed February 21, 1975. Applicant: GRAVES VAN LINES, INC., 411 West Lincoln, Salina, Kans. 67401. Applicant's representative: Harold H. Chase, 300 Plains Building, Salina, Kans. 67401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Norton, Phillips, Graham, Rooks, Trego, Ness, Rush, Stafford, Washington, Marshall, Republic, Jewell, Smith, Osborne, Mitchell, Pawnee, Cloud, Clay, Riley, Pottawatomie, Ellis, Russell, Lincoln, Ottawa, Geary, Wabaunsee, Ellsworth, Saline, Dickinson, Morris, Barton, Rice, McPherson, Marion, Chase, Lyon, Reno, Harvey and Sedgwick Counties, Kans., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Salina, Topeka, Wichita or Kansas City, Kans.

No. MC 127042 (Sub-No. 156), filed February 18, 1975. Applicant: HAGEN, INC., 3232 Hwy. 75 North, P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Edward A. O'Donnell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs* in vehicles equipped with mechanical refrigeration, from Cottage Grove and Ottawa, Ohio and Hoopeston, Ill., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 127042 (Sub-No. 157), filed February 18, 1975. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98-Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Edward A. O'Donnell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of or utilized by Farmland Foods, Inc., located at or near Crete, Nebr., to points in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Montana, Missouri, Nevada, North Dakota, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin and Wyoming, restricted to the transportation of traffic originating at the above origin, and destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 127505 (Sub-No. 73), filed March 3, 1975. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, Route 2, Mendota, Ill. 61342. Applicant's representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, Ill. 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead and lead alloys* (except commodities which because of size or weight require the use of special transportation equipment or in bulk), from Glover, Mo., to points in the United States (except Missouri, Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 128021 (Sub-No. 16), filed March 6, 1975. Applicant: DIVERSIFIED PRODUCTS TRUCKING CORPORATION, 309 Williamson Avenue, Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 37401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal, wood chips, vermiculite, lighter fluid, and fireplace logs, sawdust, and wax impregnated* (except commodities in bulk), from Belle, Mo., to points in North Dakota, South Dakota, Nebraska, Iowa, Kansas, Oklahoma, Arkansas, Minnesota, Kentucky, Texas, Louisiana, Colorado, New Mexico, Arizona, California, Utah, Nevada, Idaho, Oregon, Washington, Montana, and Wyoming; and (2) *materials and supplies*, used in the manufacture of charcoal, wood chips, vermiculite, lighter fluid, and fireplace logs, sawdust and wax impregnated (except commodities in bulk), from points in North Dakota, South Dakota, Nebraska, Iowa, Kansas, Oklahoma, Arkansas, Minnesota, Kentucky, Texas, Louisiana, Colorado, New Mexico, Arizona, California, Utah, Nevada, Idaho, Oregon, Washington, Montana, and Wyoming, to Belle, Mo., under contract with The Kingsford Company, Division of Clorox Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo. or Washington, D.C.

No. MC 128273 (Sub-No. 176), filed February 21, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 1403 South Horton St., Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from the plant sites and storage facilities of Potlatch Corporation at or near Orange and Anaheim, Calif., to points in Michigan, Ohio, Indiana, Illinois, Wisconsin, Minnesota, Louisiana and points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada and (2) *materials and supplies* used in the manufacture and distribution of paper and paper products in the reverse direction.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif., or Washington, D.C.

No. MC 128543 (Sub-No. 10), filed March 3, 1975. Applicant: CRESCO LINES, INC., 13900 South Keeler Ave., Crestwood, Ill. 60445. Applicant's representative: Edward G. Bazelon, 39 South La Salle St., Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe and pipe fittings, shapes, forms, strips, and wire*, from the plant site and warehouse facilities of Allied Tube and Conduit Corporation at Philadelphia, Pa., and points in its commercial zone, to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin and Wyoming; (2) *pipe and pipe fittings, wire and fencing and accessories therefor, and such commodities* as are used in the manufacture and distribution of pipe and pipe fittings, wire and fencing and accessories therefor, from points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia, to the plant site and warehouse facilities of Allied Tube and Conduit Corp. at Philadelphia, Pa., and points in its commercial zone; (3) *fencing and accessories therefor*, from the plant sites and warehouse facilities

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of Allied Tube and Conduit Corp. at Harvey and Blue Island, Ill., and Philadelphia, Pa., and points in their respective commercial zones, to points in the United States, (except Alaska and Hawaii); and (4) *pipe and pipe fittings, wire and fencing and accessories therefor, and such commodities* as are used in the manufacture and distribution of pipe and pipe fittings, wire and fencing and accessories therefor, from points in the United States, (except Alaska and Hawaii), to the plant sites and warehouse facilities of Allied Tube and Conduit Corp. at Harvey and Blue Island, Ill., and points in their respective commercial zones, under a continuing contract or contracts with Allied Tube and Conduit Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 128581 (Sub-No. 2), filed March 10, 1975. Applicant: SPEARS TRUCKING CO., INC., Owens Cross Roads, Ala. 35763. Applicant's representative: John Z. Higgs, Jr., 401 Franklin Street, S.E., Huntsville, Ala. 35801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cinder blocks, concrete blocks*, and *brick:* (1) from Franklin, Tenn., Decatur, Ala., and New Hope, Ala., to points in Alabama, Georgia, Kentucky, Mississippi, North Carolina and Tennessee; and (2) from points in Alabama, Georgia, Kentucky, Mississippi, North Carolina and Tennessee, to Franklin, Tenn., Decatur, Ala. and New Hope, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Huntsville or Birmingham, Ala.

No. MC 129742 (Sub-No. 9), filed February 28, 1975. Applicant: PUROLATOR COURIER LTD., 259 Lake Shore Boulevard, East, Toronto, Ontario, Canada. Applicant's representative: Russell S. Bernhard, 1625 K St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, moving in courier service (except household goods, commodities in bulk, explosives, articles of unusual value, and commodities which, because of their size and weight, require special equipment; and commercial papers, documents and written instrument as are used in the business of banks and banking institutions); (A) between the port of entry on the International Boundary line between the United States and Canada located at or near the St. Lawrence River and Rooseveltown, Ogdensburg, and Alexandria Bay, N.Y., on the one hand, and, on the other, points in New York; (B) between the port of entry on the International Boundary line between the United States and Canada located at or near the Niagara River and Lewiston, Niagara Falls and Buffalo, N.Y., on the one hand, and, on the other, points in New York; (C) between the port of entry on the International Boundary line between the United States and Canada located at or near Detroit, Port Huron and Sault Ste. Marie, Mich., on the one hand, and, on the other, points in Michigan; and (D) between the port of entry on the International Boundary line between the United States and Canada located at or near Pigeon River, Grand Marais, Rainy River, International Falls and Boudette, Minn., on the one hand, and, on the other, points in Minnesota. Restrictions: (1) No service shall be provided for the transportation of packages weighing more than 50 pounds and each package or article shall be considered a separate and distinct shipment; and (2) No service shall be provided for the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location, in any one day.

NOTE.—Applicant holds contract carrier authority in MC 129456 Sub-Nos. 1, 4, and 6, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., Buffalo, N.Y., or Detroit, Mich.

No. MC 129759 (Sub-No. 5), filed March 7, 1975. Applicant: TRIANGLE TRUCKING COMPANY, a Corporation, P.O. Box 490, McKees Rocks, Pa. 15136. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cable, pipe, tubing and wire*, from Trenton, N.J., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, Wisconsin, and the District of Columbia; (2) *materials, equipment, and supplies* used in the manufacture and sale of cable, pipe, tubing, and wire, from points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, Wisconsin, and the District of Columbia to Trenton, N.J.; (3) *cable, pipe, tubing, and wire*, from Lawrence, Kans, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (4) *materials, equipment, and supplies* used in the manufacture and sale of cable, pipe, tubing, and wire, from points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia to Lawrence, Kans., restricted to a transportation service to be performed under continuing contract or contracts with Crescent Wire and Cable Co., a division of TRW, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 133095 (Sub-No. 73), filed February 28, 1975. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats, frozen meats and cured meats*, from Ft. Worth, Dallas and Paris, Tex. and Little Rock, Ark., to Landover, Md., Newark, N.J., New York, N.Y. and Boston, Mass.

NOTE.—Applicant holds contract carrier authority in MC 136032, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 133095 (Sub-No. 74), filed February 28, 1975. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except in bulk), in vehicles equipped with mechanical refrigeration, from (1) Lynchburg, Tenn., to points in Texas on and east of U.S. Highway 277, and points in Louisiana; and (2) from points in Illinois (except Chicago, Lemont and Pekin) and points in Kentucky (except Louisville, Frankfort, Owensboro, Nicholasville and Camp Nelson), to points in Texas on and east of U.S. Highway 277, Baton Rouge and New Orleans, La. and points in Arkansas.

NOTE.—Applicant holds contract carrier authority in MC 136032, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 133095 (Sub-No. 75), filed March 6, 1975. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, from Dodge City, Kans., to points in Connecticut, Delaware, Kentucky, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC 136032 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 133566 (Sub-No. 48), filed March 11, 1975. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinhauer, 1224 17th Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen foodstuffs* (except commodities in bulk), from the plantsite and storage facilities of Ragu Foods, Inc. at or near Owensboro, Ky., to points in Georgia, Alabama, Mississippi, Louisiana, Oklahoma, Texas, Arkansas, Florida, Minnesota, Iowa, Wisconsin, Nebraska, Kansas, and Missouri, restricted to traffic originating at the above named plantsite and destined to the above named destination points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y. or Washington, D.C.

No. MC 134029 (Sub-No. 4), filed March 10, 1975. Applicant: SIGEL'S HAULING, INC., R.D. #5, P.O. Box 286, Cadiz, Ohio 43907. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies, and equipment* incidental to, or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of coal (except commodities in bulk), between points in Monroe, Belmont, Jefferson, Columbiana, Carroll, Harrison, Noble, Guernsey, Tuscarawas, Holmes, Coshocton, and Muskingham Counties, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 134454 (Sub-No. 8), filed March 3, 1975. Applicant: PRICE DELIVERY SERVICE, INC., 367 West Second Street, Dayton, Ohio 45401. Applicant's representative: David H. Beaver, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Concrete products, and pipe fittings*, from the plantsite of Price Brothers Company located in Hamilton County, Ohio, to points in Indiana, Kentucky, Michigan, and West Virginia; (2) *materials and supplies* incidental to the manufacture of concrete products and pipe fittings (except commodities in bulk and cement), from points in Kentucky, Illinois, Michigan and Pennsylvania, to the plantsite of Price Brothers Company located in Hamilton County, Ohio; and (3) *concrete pipe making equipment and forms*, between the plantsite of Price Brothers Company in Hamilton County, Ohio, on the one hand, and, on the other, the plantsite of Price Brothers Independent Concrete Company located at or near St. Louis, Mo., under a continuing contract or contracts with Price Brothers Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, or Dayton, Ohio.

No. MC 134477 (Sub-No. 91), filed March 10, 1975. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Hudson, Iowa, to points in Pennsylvania, West Virginia, Virginia, Maryland, Delaware, New Jersey, New York, Rhode Island, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, restricted to the transportation of traffic originating at the plantsites and facilities of and used by Land O'Lakes, Inc. and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134599 (Sub-No. 119), filed March 6, 1975. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crated office furniture and parts thereof, and related advertising sales and promotional materials* (except in bulk or which because of size and weight require special handling and special equipment), from the plantsite and facilities of Steelcase, Inc., located in Grand Rapids, Mich., to points in Montana, Wyoming, North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Maine, New Hampshire, Vermont, Rhode Island and West Virginia; and (2) *equipment, materials and supplies* utilized in the manufacture of office equipment (except in bulk, or which because of size and weight require special handling and special equipment), from points in Montana, Wyoming, North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Maine, New Hampshire, Vermont, Rhode Island, and West Virginia to the plantsite and facilities of Steelcase, Inc., located in Grand Rapids, Mich., under a continuing contract with Steelcase, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Salt Lake City, Utah, or Lincoln, Nebr.

No. MC 135185 (Sub-No. 22), filed March 10, 1975. Applicant: COLUMBINE CARRIERS, INC., 5925 East Evans Ave., P.O. Box 22198, Denver, Colo. 80222. Applicant's representative: Charles J. Kimball, 646 Metropolitan Bldg., 1612 Court Pl., Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, scouring and washing compounds, polishing and buffing compounds, disinfectants, deodorants, drugs and toilet preparations, insecticides, other household cleaning supplies, chemicals, hydraulic cement, sand, coal tar, adhesive tape, plastic synthetics, paint solvents, rubber cement, caulking and brazing compounds, varnish, paints* (liquid, paste or dry), *phosphoric acid and titanium dioxide, and materials, equipment and supplies* used in the manufacture and distribution of the above-described commodities, from the facilities of Lehn and Fink Products Co., a Division of Sterling Drug, Inc., located at or near Lincoln, Ill., to points in Wyoming, Montana, Arizona, Utah, Nevada, Idaho, Washington, Oregon, California, Colorado and New Mexico, under a continuing contract or contracts with Lehn & Fink Products Co., a Division of Sterling Drug, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 135687 (Sub-No. 3), filed March 12, 1975. Applicant: WEAVER TRANSPORTATION COMPANY, a Corporation, 5452 Oakdale Road, Smyrna, Ga. 30080. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard, Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from the plantsite of Chattahoochee Brick Company located in Fulton County, Ga., to points in Alabama, Florida, North Carolina, South Carolina, and Tennessee, under a continuing contract or contracts with Chattahoochee Brick Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 135917 (Sub-No. 3), filed February 19, 1975. Applicant: THE PORTSMOUTH TRUCKING COMPANY, 1200 Stambaugh Building, Youngstown, Ohio 44501. Applicant's representative: R. T. Beeghly (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aggregate products such as stone, slag, and sand and gravel handled in open dump truck equipment*, from points in Jackson County, Ohio, to points in Mason County, W. Va., under a continuing contract or contracts with Paul R. Coffey or Coffey Construction Company and American Electric Power Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Cleveland, Ohio, Columbus, Ohio or Pittsburgh, Pa.

No. MC 136032 (Sub-No. 8), filed February 18, 1975. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: K. Edward Wolcott, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drugs and medicine*, viz: intravenous solutions; nutritional and anticoagulant solutions; distilled water, plain or saline in glass or plastic containers; expendable administration sets, in vehicles equipped with mechanical refrigeration, (1) from Irvine and Glendale, Calif., to points in the United States on and east of U.S. Highway 85; and (2) between Irvine and Glendale, Calif., on the one hand, and, on the other, points in Milledgeville, Ga., under a continuing contract or contracts with

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McGaw Laboratories, Division of American Hospital Supply Corp.

NOTE.—Applicant holds common carrier authority in MC 33095 Sub 1 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga.; Washington, D.C.; or Los Angeles, Calif.

No. MC 136213 (Sub-No. 2), filed March 5, 1975. Applicant: MIDCO DISTRIBUTING, INC., P.O. Box 910, Middlebury, Ind. 46540. Applicant's representative: Henry U. Snavely, 410 Pine Street, Vienna, Va. 22180. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and *equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk), and (2) *deicing compounds* (except commodities in bulk), between points in the United States (except Alaska, Connecticut, Florida, Hawaii, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont), under continuing contract or contracts with Little Crow Milling Company, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Chicago, Ill.

No. MC 136786 (Sub-No. 69), filed March 12, 1975. Applicant: ROBCO TRANSPORTATION, INC., 309 5th Avenue NW., New Brighton, Minn. 55112. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of or utilized by Farmland Foods, Inc., located at or near Crete, Nebr., to points in Arizona, Arkansas, California, Colorado, Idaho, Louisiana, Montana, New Mexico, Nevada, Oklahoma, Oregon, Texas, Utah, Washington, Wyoming, Mississippi, Tennessee, Alabama, Georgia, Florida, South Carolina, North Carolina, Kentucky, Ohio, Pennsylvania, New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above origin and destined to the above-named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 138274 (Sub-No. 17), filed February 28, 1975. Applicant: SHIPPERS BEST EXPRESS INC., 2151 North Redwood Road, Salt Lake City, Utah 84116. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General mail order merchandise*, from St. Cloud, Minn., to points in Washington, California, Colorado, and Texas.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 139084 (Sub-No. 6), filed March 5, 1975. Applicant: BIG VALLEY SUPPLY & ENTERPRISES LTD., 8516 40th Street SE., Calgary, Alberta, Canada T2J 2V2. Applicant's representative: Earl H. Scudder, Jr., 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require the use of special equipment or handling; *self-propelled articles* (except automobiles, trucks and buses); *construction, industrial and material handling machinery, and equipment; parts and attachments* for the above; *machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and byproducts, between points in the United States including Alaska on the one hand, and, on the other, the ports of entry on the International Boundary line between the United States and Canada located in Minnesota, North Dakota, Montana, Idaho, Washington, and Alaska, restricted to traffic moving in foreign commerce, and further restricted against traffic destined to the facilities of Ferguson Supply Alberta Ltd., Percival Machinery Supply Co. (Calgary) Ltd., and Flextrac Nodwell Ltd., located at or near Calgary, Alberta, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Billings, Mont., Great Falls, Mont., Spokane, Wash., or Seattle, Wash.

No. MC 139196 (Sub-No. 8), filed February 28, 1975. Applicant: RAY WAGNER & SON TRUCKING CO., INC., Box 117, Owen, Wis. 54460. Applicant's representative: Ray Wagner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, feed supplements and farm supplies*, between the facilities of Wagner Feed Mill, Inc., at Owen, Wis., on the one hand, and, on the other, points in Illinois, Iowa, the Upper Peninsula of Michigan, Minnesota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 139317 (Sub-No. 3), filed March 3, 1975. Applicant: CHARIOT TRUCKING, INC., P.O. Box 361, Woodburn, Oreg. 97071. Applicant's representative: Philip G. Skofstad, 3076 E. Burnside, Portland, Oreg. 97214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Axles and component parts*, (a) from Montgomery, Ala., Los Angeles, Calif., and Kenton, Ohio, to Tualatin, Oreg., and Seattle, Wash., (b) from Montgomery, Ala., to Paragould, Ark.; (2) *trailer suspensions and steel springs*, from Springfield, Mo., to Paragould, Ark., Tualatin, Oreg., and Seattle, Wash.; (3) *cast spoke wheels and brake drums*, from Siloam Springs, Ark., and Dayton, Ohio, to Tualatin, Oreg., and Seattle, Wash.; (4) *fabricated steel parts, component trailer pieces, wheels, springs, axles and trailer parts*, between Paragould, Ark., and Tualatin, Oreg.; (5) *hydraulic cylinders*, from Lancaster, Tex., and Wilits, Calif., to Tualatin, Oreg., and Seattle, Wash.; (6) *steel wheels, hubs and drums*, from Detroit, Wyandotte, and Lansing, Mich., and Akron, Ohio, to Tualatin, Oreg., and Seattle, Wash.; (7) *aluminum wheels*, from Cleveland, Ohio, to Tualatin, Oreg., and Seattle, Wash.; (8) *air springs*, from Noblesville, Ind., to Tualatin, Oreg., and Seattle, Wash.; (9) *trailer suspensions*, from Paris, Ky., and Muskegon, Mich., to Tualatin, Oreg., and Seattle, Wash.; and (10) *trailer suspension parts*, from Warm Springs, Calif., to Tualatin, Oreg., and Seattle, Wash., under a continuing contract or contracts with Peerless Division, Royal Industries.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 139349 (Sub-No. 5), filed March 6, 1975. Applicant: SHARON TRUCKING CORP., 134 Garfield Avenue, Jersey City, N.J. 07305. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clothing*, and *materials and supplies* used in the manufacture of clothing (except commodities in bulk), between the plantsites of Manhattan Industries at Glen Rock, N.J., and Winnsboro, S.C., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Manhattan Industries.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 139495 (Sub-No. 42), filed February 20, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kansas 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen biscuits*, from Dallas, Tex., to Kansas City, Kans., Springfield, Mo., Little Rock, Ark., Tulsa, Okla., Evansville, Ind., Louisville, Ky., Kenova, W. Va., Columbus, Ohio, and Amarillo, Tex.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 43), filed February 27, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies*, used in reflective traffic markings (except in bulk), from Jackson, Miss., to points in Ohio, West Virginia, Virginia, Maryland, Pennsylvania, New York, New Jersey, Connecticut, Massachuetts, Vermont, New Hampshire, Maine, Rhode Island, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 45), filed March 7, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared frankfurters*, from Dallas, Tex., to points in Oklahoma, Kansas, Missouri, Colorado, Nebraska, and Utah.

NOTE.—Applicant holds contract carrier authority in MC 133106, and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139645 (Sub-No. 3) filed March 5, 1975. Applicant: SERVICE MOTOR FREIGHT, INC., 133 East Atlantic Ave., Lawnside, N.J. 08045. Applicant's representative: C. F. Schnee Jr., 140 Everett Ave., Newark, Ohio 43055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper products*, from the Parkway Industrial Center (Anne Arundel County), Md., to points in West Virginia.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 3094 and subs thereunder, therefore dual operations may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 139658 (Sub-No. 4), filed February 14, 1975. Applicant: HARRY POOLE, INC., 2322 Kensington Road, Macon, Ga. 31201. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone*, in bulk, in dump trucks, from points in Talladega County, Ala., to points in Georgia in and south of Troup, Meriwether, Pike, Lamar, Monroe, Bibb, Twiggs, Wilkinson, Johnson, Emanuel, Bulloch, Effingham, and Chatham Counties.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 139832 (Sub-No. 1) (Amendment), filed September 4, 1974, published in the FEDERAL REGISTER issue of October 24, 1974, and republished as amended this issue. Applicant: QUALITY CASKET CARRIERS, INC., 176 Eagle Point Road, Fox Lake, Ill. 60020. Applicant's representative: Harold Bell, 33 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated burial caskets and its components* using specialized trailers containing padded shelves and *equipment* to protect the uncrated caskets, between Chicago, Oak Park, Prophetstown, Ill., and Milwaukee, Wis., on the one hand, and, on the other, points in the United States (except Hawaii and Alaska), under a continuing contract or contracts with National Casket Co., The Merit Co., Brenner Casket Co., Curtis Casket Co., Chicago Casket Co., and Milwaukee Casket Co.

NOTE.—The purpose of this republication is to indicate applicant's broadened territorial request. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 140452 (Sub-No. 1), filed March 4, 1975. Applicant: ROSE BROTHERS TRUCKING, INC., Rural Route No. 1, Box 9, Terre Haute, Ind. 47803. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump trailers or dump trucks, (1) from points in Harrison, Tyler, Barbour, Upshur, Marion, and Lewis Counties, W. Va., to points in Harrison, Belmont, and Washington Counties, Ohio; (2) between points in Henderson, Daviess, McLean, Hopkins, Webster, Union, and Hancock Counties, Ky., on the one hand, and, on the other, points in Pike, Warrick, Spencer, Daviess, Perry, Gibson, and Dubois Counties, Ind.; and (3) from points in Spencer and Warrick Counties, Ind., to points in Vanderburgh County, Ind., restricted in (3) above to traffic having a subsequent movement by water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C. or Louisville, Ky.

No. MC 140467 (Sub-No. 2), filed March 6, 1975. Applicant: GREAT SOUTHERN HAULING, INC., 3600 Pine Forest Drive SE., Atlanta, Ga. 30354. Applicant's representative: Harry A. Sneed, 2171 Old Concord Road, Smyrna, Ga. 30080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural lime, sand, gravel and stone*, from points in Jefferson, Blount, and Knox Counties, Tenn., to points in Georgia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 140484 (Sub-No. 2), filed March 3, 1975. Applicant: LESTER COGGINS TRUCKING, INC., 2871 E. Edison Ave., P.O. Box 69, Fort Myers, Fla. 33902. Applicant's representative: Lester A. Coggins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic containers, and component parts thereof*, from Pinckney, Mich., to points in the United States (except Alaska & Hawaii); and (2) *materials and supplies*, used in the manufacture of plastic containers (except commodities in bulk), from points in the United States (except Alaska & Hawaii), to Pinckney, Mich.

NOTE.—Applicant holds contract carrier authority in MC 134443 and sub 1 thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 140497, filed December 10, 1974. Applicant: FIRST CHOICE CONTAINER HAULAGE CORP., East Broadway, Monticello, N.Y. 12701. Applicant's representative: Jay M. Zerin, 26 Court Street, Brooklyn, N.Y. 11242. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shipping containers and metal parts* used in the control and maintenance of said containers; *truck bodies and parts* for truck bodies; *truck trailers and parts* for trailers, between ports in New York, Brooklyn, and Staten Island, N.Y.; Newark and Jersey City, N.J.; Norfolk, Va.; Boston, Mass.; Philadelphia, Pa.; and West Point and Harrisburg, Pa., under a continuing contract or contracts with Fountain Welding Corporation, Quickway Metal Fabricators, Inc., and Gold March Industries.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 140544 (Sub-No. 2) (Correction), filed January 30, 1975, published in the FEDERAL REGISTER issue, February 27, 1975, and republished as corrected this issue. Applicant: ARLO R. MILLER AND WILLARD D. NEBEKER, a partnership, doing business as M & N TRUCKING, P.O. Box 267, Afton, Wyo. 83110. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metallic and non-metallic ores*, including but not restricted to phosphate and vanadium ore in bulk, in dump vehicles, (1) between points in Lincoln and Sublette Counties, Wyo.; and (2) between points in Lincoln and Sublette Counties, Wyo., on the one hand, and, on the other, points in Caribou and Bear Lake Counties, Idaho.

NOTE.—The purpose of this republication is to correct the territorial description in part (1) of this proceeding. If a hearing is deemed necessary, the applicant requests it be held at Boise, Idaho.

No. MC 140548 (Sub-No. 2), filed February 42, 1975. Applicant: FRANK PAGE, doing business as FRANK PAGE TRUCKING CO., P.O. Box 442, Buffalo, Okla. 73834. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, Okla.

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73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granulated minerals* (except in bulk, in tank vehicles); (1) from the plantsite of the Soil and Earth Products Co. near Salida, Colo., to points in Kansas on and west of U.S. Highway 81, and points in Oklahoma on and west of Interstate Highway 35; and (2) from points in Kansas on and west of U.S. Highway 81 to points in Oklahoma on and west of Interstate Highway 35.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla., or Wichita, Kans.

No. MC 140601 (Sub-No. 1), filed March 5, 1975. Applicant: BILLY FRANK, doing business as FRANK BROS., 349 Abbott Avenue, Hillsboro, Tex. 76645. Applicant's representative: Robert J. Birnbaum, P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asbestos cement pipe, and fittings and accessories* for asbestos cement pipe, from Hillsboro, Tex., to points in Arizona, Arkansas, California, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, and Texas; and (2) *materials, equipment and supplies* (except commodities in bulk) used in the manufacture of the commodities named in (1) above, from points in Arizona, Arkansas, California, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, and Texas, to Hillsboro, Tex., under a continuing contract or contracts with Certain-Teed Products Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 140601 (Sub-No. 2), filed March 5, 1975. Applicant: BILLY FRANK, doing business as FRANK BROS., 349 Abbott Avenue, Hillsboro, Tex. 76645. Applicant's representative: Robert J. Birnbaum, P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, and fittings and accessories*, for plastic pipe, from Waco, Tex., to points in Arizona, Arkansas, California, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, Tennessee and Texas; and (2) *materials, equipment and supplies* (except commodities in bulk), used in the manufacture of the commodities named in (1) above, from points in Arizona, Arkansas, California, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, Tennessee, and Texas, to Waco, Tex., under contract with Certainteed Products Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 140634, filed February 7, 1975. Applicant: NORTHERN CALIFORNIA MAGAZINE DISTRIBUTORS CORP., 5324 Chapman Drive, Newark, Calif. 94560. Applicant's representative: A. G. McGiboney, Box 3813, Hayward, Calif. 94544. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Magazines, books, newspapers, periodicals and parts thereof*: (1) Between San Jose, Calif. and Eureka, Calif.: From San Jose, Calif. over U.S. Highway 101 to Eureka, Calif., and return over the same route, serving San Mateo, San Francisco, Healdsburg, and Petaluma, Calif. as intermediate points; (2) Between Oakland, Calif. and the junction of California Highway 17 and U.S. Highway 101: From Oakland, Calif. over California Highway 17 to junction U.S. Highway 101, and return over the same route, serving no intermediate points, and serving the junction of California Highway 17 and U.S. Highway 101 for joinder purposes only; (3) Between Oakland, Calif. and Redding, Calif.: From Oakland, Calif. over Interstate Highway 80 to junction Interstate Highway 505, thence over Interstate Highway 505 to junction Interstate Highway 5, thence over Interstate Highway 5 to junction California Highway 273, thence over California Highway 273 to Redding, Calif., and return over the same route, serving Vallejo, Calif. as an intermediate point; (4) Between the junction of Interstate Highway 80 and Interstate Highway 505 and the junction of Interstate Highway 505 and Interstate Highway 5: From the junction of Interstate Highway 80 and Interstate Highway 505 over Interstate Highway 80 to Sacramento, Calif., thence over Interstate Highway 5 to junction Interstate Highway 505, and return over the same route, serving Sacramento, Calif. as an intermediate point, and serving the termini for joinder purposes only; (5) Between Oakland, Calif. and Sacramento, Calif.: From Oakland, Calif. over Interstate Highway 580 to junction Interstate Highway 5, thence over Interstate Highway 5 to Sacramento, Calif., and return over the same route, serving Stockton, Calif. as an intermediate point; (6) Between Sacramento, Calif. and the junction of California Highway 99 and Interstate Highway 5: From Sacramento, Calif. over California Highway 99 to junction Interstate Highway 5, and return over the same route, serving Chico, Calif. as an intermediate point, and serving the junction of California Highway 99 and Interstate Highway 5 for joinder purposes only; (7) Between Stockton, Calif. and Fresno, Calif.: From Stockton, Calif. over California Highway 99 to Fresno, Calif., and return over the same route, serving Modesto and Merced, Calif. as intermediate points, and serving Sonora, Calif. as an off-route point; (8) Between San Jose, Calif. and Seaside, Calif.: From San Jose, Calif. over California Highway 17 to junction California Highway 1, thence over California Highway 1 to Seaside, Calif., and return over the same route, serving Soquel, Calif. as an intermediate point; and (9) Between San Jose, Calif. and the junction of California Highway 1 and California Highway 152: From San Jose, Calif., over U.S. Highway 101 to Gilroy, Calif., thence over California Highway 152 to junction California Highway 1, and return over the same route, serving Gilroy as an intermediate point, and serving the junction of California Highway 152 and California Highway 1 for joinder purposes only.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Oakland, San Jose, or Hayward, Calif.

No. MC 140662 (Sub-No. 1), filed March 6, 1975. Applicant: RALPH KLINGE, an individual doing business as KLINGE TRUCKING, Box 31, Wright, Kans. 67882. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, from the plantsite and/or storage facilities of Holl-Tex, Inc., located at/or near Garden City, Kans., and the plantsite and/or storage facilities of HyPlains Dressed Beef, Inc., located at/or near Dodge City, Kans., to the plantsite and/or storage facilities of A. J. Hollander and Co., Inc. located at/or near Amarillo, Tex., under a continuing contract or contracts with A. J. Hollander and Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 140690 (Sub-No. 2), filed March 9, 1975. Applicant: DONALD R. SIMMONS, P.O. Box 71, Glenwood, Mo. 63541. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Missouri, to points in Iowa and Illinois, under a continuing contract or contracts with Missouri Mining, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 140692, filed February 24, 1975. Applicant: DENVER TRANS-CORP., 801 East Seventeenth Avenue, Denver, Colo. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and materials, supplies, equipment and ingredients*, used in the manufacture, packaging and distribution of foodstuffs, between Denver, Colo., on the one hand, and, on the other, points in Oklahoma, Arkansas, Tennessee, Texas, Louisiana, Mississippi, Alabama, and Georgia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 140704 (Sub-No. 1), filed March 11, 1975. Applicant: OKLAHOMA ASPHALT COMPANY, a corporation, 10838 East Newton Place, Tulsa, Okla. 74116. Applicant's representative: Louis J. Bodnar, 417 Couch Drive, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy equipment, and machinery*, including but not limited to bulldozers, cranes and motor graders (except oilfield equipment and supplies, including pipe, tanks, and tank materials), between points in Oklahoma, Kansas, Nebraska, Minnesota, Iowa, Missouri, Arkansas, New Mexico, Wisconsin, Illinois, Kentucky, Indiana, Ohio, Pennsylvania, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 140707 (Sub-No. 1), filed March 5, 1975. Applicant: HIGH PLAINS TRUCKING, INC., 119 South Main, Box 123, Yuma, Colo. 80759. Applicant's representative: Raymond M. Kelly, Jr., 450 Capitol Life Center, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sprinkler irrigation systems, sprinkler irrigation system parts and supplies, irrigation pipe*, and *farm machinery and equipment*, from points in Yuma County, Colo. and points in Washington County, Colo. on and east of Colorado Highway 63 and Washington County Road 27, to points in Kansas, Montana, Nebraska, North Dakota, South Dakota, Wyoming, points in Oklahoma on and west of Interstate Highway 35, and points in Texas on and west of Interstate Highways 35 and 35E and on and north of U.S. Highway 80; (2) *materials, supplies and equipment* used in the manufacture, servicing, sale and distribution of sprinkler irrigation systems, *such commodities* as are dealt in by retail farm implement and farm supply dealers, and *irrigation pipe*, from points in Indiana, Iowa, Kansas, Michigan, Nebraska, Ohio, Wisconsin, points in Illinois and Missouri on and north of Interstate Highway 70, points in Oklahoma on and west of Interstate Highway 35, and points in Texas on and west of Interstate Highway 35 and 35E and on and north of U.S. Highway 80, to points in Yuma County, Colo. and points in Washington County, Colo. on and east of Colorado Highway 63 and Washington County Road 27.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 140713, filed February 13, 1975. Applicant: SOUTHERN WAREHOUSE & CARTAGE, INC., 7301 NW. 36th Court, Miami, Fla. 33147. Applicant's representative: John P. Bond, 2766 Douglass Road, Miami, Fla. 33133. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods, commodities in bulk, commodities that require refrigeration, commodities that require special equipment), from Port Everglades, Fla., to points in Dade County, Fla., all shipments to have a prior movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Miami or Tampa, Fla.

No. MC 140716 (Sub-No. 1), filed March 3, 1975. Applicant: GREAT NORTHERN TRANSPORTATION COMPANY, a corporation, 901 Antietam, Detroit, Mich. 48226. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising material*, from Detroit, Mich., to points in Illinois, Indiana, Kentucky, Ohio, Pennsylvania, New York, Tennessee, West Virginia, Wisconsin, Maryland, and Virginia; and (2) *equipment, material, and supplies* used in and useful for the production and distribution of malt beverages, from Chicago, Dolton, and Streator, Ill.; Richmond, Ind.; Findlay, Whitehouse, and Zanesville, Ohio; Charleroi and Lancaster, Pa.; and Williamsburg, Va., to Detroit, Mich., restricted to a transportation service to be performed under a continuing contract or contracts with The Stroh Brewery Company, Detroit, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. MC 140724, filed March 3, 1975. Applicant: BURNING BAR SALES CO., INC., 6010 Yolanda Avenue, Tarzana, Calif. 91356. Applicant's representative: Donald Murchison, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn. to the International Boundary line between the United States and Canada, on the one hand, and, on the other, points in California and Colorado, under a continuing contract or contracts with Scott, Inc.; Royal Marine, Inc.; Kelly Pipe Company and Rossborough Manufacturing Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 140725, filed February 25, 1975. Applicant: NEW ENGLAND HOUSEHOLD MOVING & STORAGE, INC., 241 West Central Street, Natick, Mass. 01760. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Maine, New Hamsphire, Vermont, Massachusetts, Rhode Island, Connecticut and those points in New York on and east of the Hudson River and points in New York, N.Y. Commercial Zone and Port Newark, and Port Elizabeth, N.J., restricted to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating or containerization, or unpacking or decontainerization of such traffic between points mentioned above.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 140742, filed March 4, 1975. Applicant: A. VIZZI, INC., 17 Crescent Street, Keansburg, N.J. 07734. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing cement, rust prevention coating, asphalt emulsion, acoustical coatings, plasticizer, corking and glazing compounds, paint, weather stripping, floor covering compounds, adhesives, sewer pipe joint compounds, washers and gaskets and packing devices* (1) Between the plantsite and facilities of Mortel Company located at or near Kankakee, Ill., Griffin, Ga., Detroit, Mich., and Perth Amboy, N.J.; and (2) from Perth Amboy, N.J., to Framingham, Mass., and points in Maryland and Delaware, under a continuing contract or contracts with Mortell Company of Perth Amboy, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 140754, filed March 3, 1975. Applicant: KERRY L. BELL, doing business as BELL'S SHELL SERVICE, 703 Columbus Avenue, Washington Court House, Ohio 43160. Applicant's representative: James W. Muldoon, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked, disabled, repossessed and stolen motor vehicles, trailers and buses* (except trailers designed to be drawn by passenger automobiles); and (2) *replacement vehicles*, for wrecked, disabled, repossessed and stolen motor vehicles, trailers and buses (except trailers designed to be drawn by passenger automobiles), in towing service, between points in Fayette, Clark, Highland, Clinton, Ross, Madison, and Franklin Counties, Ohio, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Columbus or Cincinnati, Ohio, or Washington, D.C.

No. MC 140757, filed March 6, 1975. Applicant: SURE DELIVERY, a corporation, 715 South Avenue East, Cranford, N.J. 07016. Applicant's representative: Anthony C. Vance, Suite 501, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail, discount, appliance, furniture, and hardware stores, between Cranford and Edison, N.J., on the one hand, and, on the other, points in New York, N.Y., Richmond, Nassau, Suffolk, Orange, Rockland, Westchester, Sullivan, and Putnam Counties, N.Y.; Fairfield, New Haven, Hartford, and Litchfield Counties, Conn., under a con-

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tinuing contract or contracts with Best Brand Dealers Association.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Newark, N.J.

PASSENGER APPLICATIONS

No. MC 1515 (Sub-No. 203), filed January 16, 1975. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: R. M. Hannon, 371 Market Street, San Francisco, Calif. 94106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Alameda, Butte, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Lake, Lassen, Los Angeles, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Orange, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Tulare, Tuolumne, Ventura, Yolo, and Yuba, Counties, Calif., and those points in Coos, Douglas, Jackson and Josephine Counties, Oreg., and extending to points in the United States, including Alaska but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 29948 (Sub-No. 9) (Amendment), filed November 14, 1974, published in the FEDERAL REGISTER issue of January 9, 1975 and republished as amended this issue. Applicant: EMPIRE LINES, INC., West 1125 Sprague Avenue, Spokane, Wash. 99210. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular and regular routes, transporting: (A) Irregular routes: (1) *Passengers and their baggage* in the same vehicle with passengers, in charter operations, between points in Asotin, Chelan, Douglas, Ferry, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, and Stevens Counties, Wash.; and Benewah, Bonner, Boundary, Kootenai, Nez Perce, and Shoshone Counties, Idaho, on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii; and (2) *passengers and their baggage* in the same vehicle with passengers, in special operations in round trip, sight-seeing and pleasure tours, beginning and ending at points in Asotin, Chelan, Douglas, Ferry, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, and Stevens Counties, Wash.; and Benewah, Bonner, Boundary, Kootenai, Nez Perce, and Shoshone Counties, Idaho, and extending to points in the United States, including Alaska, but excluding Hawaii; and (B) Regular route: *passengers and their baggage and express and newspapers*, in the same vehicle with passengers, Between Wenatchee and Ellensburg, Wash.: From Wenatchee, Wash. over Washington State Highway 28 to Quincy, Wash., thence over Washington Highway 281 to George, Wash., thence over Interstate Highway 90 to Ellensburg, Wash., and return over the same route, serving all intermediate points. The purpose of this republication are to delete Whitman County, Wash. and Latah County, Idaho as destinations points in Part (A) (2) above; and to indicate that applicant seeks to transport express and newspapers in (B) above. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 139864 (Sub-No. 2), filed October 11, 1974. Applicant: WILLIE FRANKLIN FIELDS, doing business as FIELDS BUS RENTAL, 14802 Lee Highway, Gainesville, Va. 22065. Applicant's representative: Daniel B. Johnson, 1123 Munsey Building, 1329 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: *Passengers and their baggage*, Between Gainesville, Va. and the Friendship Annex of the National Security Agency at or near Friendship Airport, Anne Arundel County, Md., serving the intermediate points of Fairfax and Tysons Corner, Va. and serving the off route point of the National Security Agency at or near Ft. Meade, Md. over Maryland Highway 32: From Gainesville, Va. over U.S. Highway 29 to junction Interstate Highway 66; thence over Interstate Highway 66 to junction Virginia Highway 123; thence over Virginia Highway 123 to junction U.S. Highway 29; thence over U.S. Highway 29 to Fairfax, Va., thence over U.S. Highway 29 to junction Virginia Highway 123; thence over Virginia Highway 123 to junction Interstate Highway 66; thence over Interstate Highway 66 to junction Interstate Highway 495; thence over Interstate Highway 495 to junction U.S. Highway 7; thence over U.S. Highway 7 to Tysons Corner, Va.; thence over U.S. Highway 7 to junction Virginia Highway 123; thence over Virginia Highway 123 to junction Interstate Highway 495; thence over Interstate Highway 495 to junction Baltimore-Washington Parkway; thence over the Baltimore-Washington Parkway to junction Maryland Highway 46; thence over Maryland Highway 46 to junction Maryland Highway 170; thence over Maryland Highway 170 to junction Elkridge Landing Road, thence over Elkridge Landing Road to the Friendship Annex of the National Security Agency.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

BROKER APPLICATIONS

No. MC 130246 (Amendment), filed May 9, 1974, published in the FEDERAL REGISTER issue of September 12, 1974, and republished as amended this issue. Applicant: KEN—TOURS, ASSOCIATED, 402 Santa Rosa Ave., Santa Rosa, Calif. 95404. Applicant's representative: Eldon M. Johnson, The Hartford Building, 650 California Street, Suite 2808, San Francisco, Calif. 94108. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Santa Rosa and Kenwood, Calif., to sell or offer to sell the transportation of *passengers, as individuals and in groups, and their baggage*, by motor vehicle and in combination with rail, water and/or air carriers, from points in Humboldt, Lake, Marin, Mendocino, Napa and Sonoma Counties, Calif., to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—The purpose of this republication is to clarify the request for authority. If a hearing is deemed necessary, applicant requests it be held at either Santa Rosa or San Francisco, Calif.

No. MC 130304, filed March 5, 1975. Applicant: ARTELIA T. BRYANT, GLORIA A. McNEILL, AND LOLA L. RIDDICK, a partnership, doing business as, G. A. L.'s TRAVEL AGENCY, 618 Bernice Street, Durham, N.C. 27703. Applicant's representative: Mrs. Artelia T. Bryant (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce as a *broker* at Durham, N.C., to sell or offer to sell the transportation of *individual passengers and groups of passengers, and their baggage*, in sightseeing and pleasure tours, by motor, rail, water and air carriers, from points in Durham, Wilson and Wake Counties, N.C., to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Raleigh or Greensboro, N.C.

No. MC 130305, filed March 3, 1975. Applicant: LOUISE K. WHITEFIELD, doing business as, TRAVEL SOPHISTICATES, 9737 Lanshire Drive, Dallas, Tex. 75238. Applicant's representative: James E. Pulis, Jr., Ninth Floor, Two Eleven North, Ervay Building, Dallas, Tex. 75201. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Dallas, Tex., to sell or offer to sell the transportation of *Groups of passengers and their baggage*, in sightseeing and pleasure tours, by motor, rail, water and air carriers, beginning and ending at Dallas, Tex., and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at (1) Dallas, Tex.; (2) Fort Worth, Tex.; or (3) Houston, Tex.

No. MC 130306, filed March 11, 1975. Applicant: WOOSTER AUTOMOBILE CLUB, INC., 377 West Liberty Street, P.O. Box 777, Wooster, Ohio 44691. Applicant's representative: Gerald P. Wadkowski, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Wooster, Ohio and Orville, Ohio, to sell or offer to sell the transportation of *Passengers and their baggage*, in all expense round trip

tours, in special and charter operations, beginning and ending at points in Wayne and Holmes Counties, Ohio, and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Wooster, Mansfield or Columbus, Ohio.

FREIGHT FORWARDER APPLICATION

No. FF-84 (Sub-No. 1), filed March 3, 1975. Applicant: C. S. GREENE AND COMPANY, INC., Two Illinois Center, 233 North Michigan Avenue, Chicago, Ill. 60601. Applicant's representative: Abraham A. Diamond, Suite 454 Barristers Building, 29 S. La Salle Street, Chicago, Ill. 60603. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water, and express, in the transportation of *General commodities*, from points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin, to Jacksonville and Miami, Fla., restricted to the transportation of export traffic.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

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PART II

DEPARTMENT OF STATE

ADVISORY COMMITTEE MANAGEMENT

Proposed Rulemaking

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DEPARTMENT OF STATE

[22 CFR Part 8]

[Docket No. SD-111]

ADVISORY COMMITTEE MANAGEMENT

Notice of Proposed Rulemaking

Pursuant to section 8(a) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770, 5 U.S.C. App. I), Executive Order 11769 of February 21, 1974, and the Office of Management and Budget Circular No. A-63, Revised, March 27, 1974, which requires each agency to establish uniform guidelines and management controls for the agency's advisory committees, Chapter I of Title 22, Code of Federal Regulations, is amended by adding a new Part 8 entitled Advisory Committee Management.

The new Part 8 contains the Department of State's regulations for the establishment, operation, renewal and termination of its advisory committee. It also assigns responsibilities to State Department offices with respect to these matters.

Although this regulation is not subject to the rulemaking procedures of 5 U.S.C. 553, the Department is offering interested persons the opportunity to submit such written views, and comments as they may desire. All communications received on or before April 30, 1975, will be given consideration. Communications should be addressed to the Advisory Committee Management Officer, Management Systems Staff, Room 2238, Department of State, Washington, D.C. 20520.

The proposed Part 8 for Chapter I, Title 22 of the Code of Federal Regulations, is to read as set forth below:

Sec.
8.1 Authorities.
8.2 Policy.
8.3 Scope.
8.4 Definitions.
8.5 Creation of a committee.
8.6 Membership.
8.7 Security.
8.8 Chartering of committees.
8.9 Meetings of advisory committees.
8.10 Reports.
8.11 Records.
8.12 Financial records.
8.13 Availability of records.
8.14 Public inquiries.

§ 8.1 Authorities.

(a) *Regulatory Authorities.* (1) These regulations are issued to implement the Federal Advisory Committee Act, P.L. 92-463, which became effective January 5, 1973, and Office of Management and Budget Circular No. A-63 of March 27, 1974. These regulations also are in accordance with Executive Order 11769 of February 21, 1974, and the responsibilities of the Secretary of State under 22 U.S.C. 2656.

(2) These regulations apply to any advisory committee which provides advice to the Department of State or any officer of the Department. However, to the extent that an advisory committee is subject to particular statutory provisions, which are inconsistent with the Federal Advisory Committee Act, these regulations do not apply.

(b) *Delegated Authority.* (1) The Deputy Under Secretary for Management has been designated by the Secretary (Delegation of Authority No. 125 signed November 7, 1972) to have full responsibility for the Committee Management function.

(2) The Advisory Committee Management Officer in the Management Systems Staff administers the Committee Management Program for the Deputy Under Secretary for Management.

§ 8.2 Policy.

(a) Advisory Committees are to be used for obtaining advice and recommendations on matters for which they were established, and may be utilized only when the information sought is not otherwise efficiently and economically available.

(b) Unless provided otherwise by statute or Presidential directive, advisory committees shall be utilized solely for advisory functions and any decision taken pursuant to the advice or recommendation of an advisory committee is the responsibility of the appropriate Department officer. For the purposes of this provision, "Presidential directive" includes an executive order or executive memorandum.

(c) Meetings of advisory committees will be open to the public unless there is a compelling reason which requires nondisclosure of the subject matter in accordance with public law (5 U.S.C. 552 (b)).

§ 8.3 Scope.

(a) The Federal Advisory Committee Act applies to committees "established" by the Government and to committees "utilized" though not established by the Government.

(1) The President and the Congress, or the Department in consultation with the Office of Management and Budget, may *establish* a group which shall be known as an advisory committee for the purpose of obtaining advice or recommendations and which shall be subject to the Federal Advisory Committee Act throughout its existence.

(2) Though not established by the President or the Department, a group *utilized* for the purpose of obtaining advice or recommendations must file a charter prior to a meeting, and otherwise conform to the requirements of the Act during any meetings or other contacts with the Department.

(b) One requisite for coverage of either type (established or utilized) under the Federal Advisory Committee Act is that the group can be defined as a committee as set forth in the definition of a committee, as contained in § 8.4 of these regulations, and have all or most of the following characteristics:

(1) The purpose, objective or intent is that of providing advice to any officer or organizational component of the Department;

(2) Has regular or periodic meetings;

(3) Has fixed membership (membership may include more than one full time Federal officer or employee but is not comprised wholly of Government personnel);

(4) Has an organizational structure (e.g., officers) and a staff.

(c) Where a group provides some advice to an agency, but the group's advisory function is incidental to and inseparable from other operational functions such as making or implementing decisions, the Federal Advisory Committee Act does not apply.

(d) Where the advisory function of a group is separable from its operational function, the group is subject to the Act to the extent that it operates as an advisory committee.

§ 8.4 Definitions.

(a) The Federal Advisory Committee Act defines advisory committee as any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof, which is—

(1) Established by statute or reorganization plan, or

(2) Established or utilized by the President, or

(3) Established or utilized by one or more agencies, in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government, except a committee composed wholly of full-time officers and employees of the Government.

(b) A formal sub-group or sub-committee independently possesses significant requisites of an advisory committee, i.e., fixed membership, periodic meetings, et cetera.

(c) An informal sub-group or sub-committee is one that facilitates the activities of its advisory committee. For example, during a particular meeting, the advisory committe may divide itself into sub-groups to permit simultaneous discussion of different topics.

§ 8.5 Creation of a Committee.

(a) A bureau or an office designated or desiring to sponsor an advisory committee will prepare a memorandum to the Advisory Committee Management Officer setting forth the purpose, organization (including subgroups), proposed balanced membership (see § 8.6), and a justification for the need of the particular committee.

(b) The Advisory Committee Management Officer will review the request and will make an action recommendation to the Deputy Under Secretary for Management through the Director of the Management Systems Staff.

(c) If the Deputy Under Secretary for Management approves the request, it will be submitted to the Committee Management Secretariat of the Office of Management and Budget for approval. The OMB Secretariat will usually take action within 15 days.

(d) The Advisory Committee Management Officer will advise the sponsoring bureau or office of the approval for or rejection of the request to establish the advisory committee.

(e) After OMB approval the intent to establish an advisory committee, containing a description of the committee and a statement of why it is in the public interest to create it, will be published in the FEDERAL REGISTER at least 15 days prior to filing the committee charter.

§ 8.6 Membership.

(a) The act requires a balanced membership in terms of the points of view represented. Members are selected for their expertise in the committee's functions and should be chosen from different vocations having knowledge in the subject.

(b) It is Department policy that members will be selected without regard to national origin, religion, race, sex, or color.

(c) The committee office will keep the Advisory Committee Management Officer currently advised of a committee's membership including vacancies.

§ 8.7 Security.

(a) All officers and members of a committee must have a security clearance for the subject matter level of security at which the committee functions.

(b) The responsible committee office will provide the Advisory Committee Management Officer with each member's security clearance level and date of issue.

(c) The substantive office sponsoring an advisory committee is responsible for access to and removal from official premises of classified material in accordance with the Department's security regulations (5 FAM 940 and 973). Any questions arising involving security procedures are to be presented to the Office of Security for guidance and resolution.

§ 8.8 Chartering of committees.

(a) *Requirements.* (1) Each advisory committee, whether established or utilized, must have a charter approved by the Deputy Under Secretary of State for Management and filed with the Advisory Committee Management Officer, the Senate Foreign Relations Committee and the House Foreign Affairs Committee, and in the case of a Presidential advisory committee only with the Committee Management Secretariat of OMB before it can hold a meeting.

(2) Formal subgroups may be chartered separately or the requisite information set forth in the charter of the parent committee.

(3) Informal subgroups may not require a charter; however, the charter of the parent committee must cover this aspect of its organization.

(4) The Advisory Committee Management Officer will, at the time a charter is filed, furnish a copy of the filed charter to the Library of Congress.

(b) *Contents.* Each committee charter shall contain: the official name and acronym, if any; the objectives, scope of activity, and full description of duties; the authority for such functions; the Department official (by title) to whom the committee reports; the relationship to or with other committees; the committee organization, composition of membership and officers' responsibilities; a description of the type of minutes, with their certification of accuracy, and records to be maintained; the estimated annual operating costs in dollars and man-years, and the source and authority for these resources; the period of time that will be required by the committee to accomplish its stated purpose; the estimated number and frequency of meetings; the termination date; and the filing date of the charter.

(c) *Termination and Renewal.* (1) An existing advisory committee will be automatically terminated at the end of a 2-year period (i.e., date specified in charter) unless its charter is renewed, except for a statutory committee which has provisions providing to the contrary.

(2) The Deputy Under Secretary for Management will make a determination, based on a comprehensive review, whether or not a committee will be continued.

(3) The OMB Secretariat will be advised of the determination and reasons therefore 60 days prior to the charter expiration date of the committee. If the Secretariat concurs, the Advisory Committee Management Officer will publish in the FEDERAL REGISTER the Department's intent to continue those advisory committees so designated by the Deputy Under Secretary for Management.

(4) Each office responsible for an advisory committee it wishes to continue will prepare a new charter and submit it to the Advisory Committee Management Officer before October 1 biennially.

(5) No advisory committee shall meet, advise or make recommendations between the expiration date of its charter and the date its new charter is filed.

(d) *Amendments.* (1) The charter of a committee may be amended, as necessary, to reflect current information on organization, composition, activities, et cetera.

(2) A proposed amendment must be approved prior to any committee activity to which the proposed amendment relates.

§ 8.9 Meetings of advisory committees.

(a) *Applicability.* The term "meeting" covers any situation in which all or some of the members of an advisory committee convene with a representative of the Department to transact committee business or to discuss matters related to the committee. This is applicable to an advisory committee and to its subordinate components.

(b) *Designated Department Official.* (1) No advisory committee may hold a meeting in the absence of the designated full-time Department or other U.S. Government officer.

(2) The designated Department or other U.S. Government officer has the following responsibilities:

(i) Prepares or approves the agenda for all meetings;

(ii) Calls or approves in advance the calling of the meetings;

(iii) Adjourns any meeting whenever they determine that adjournment is in the public interest.

(c) *Notice of Meetings.* (1) All advisory committee meetings, open or closed, will be publicly announced except when the President of the United States determines otherwise for reasons of national security.

(2) Notice of each such meeting shall be published in the FEDERAL REGISTER and in a Department of State Press Release at least 15 days prior to the meeting date.

(3) The responsible committee office will prepare the notice and press release, obtaining clearances as set forth in (i) and (ii) below, and deliver to the Advisory Committee Management Officer for action:

(i) *Open meeting*—clearance within initiating office/bureau;

(ii) *Closed meeting*—clearance within initiating office/bureau including its legal adviser, and the Bureau of Public Affairs at the Bureau level.

(4) The Deputy Under Secretary for Management will determine if an advisory committee may hold a closed meeting, after a request for a meeting not open to the public is cleared by the Advisory Committee Management Officer and the Office of the Legal Adviser.

(5) After the clearances set forth in § 8.9(c) (3) and (4), a notification of meeting may also be provided by the office/bureau to any persons or organizations known to be interested in the activities of the committee.

(6) The office sponsoring the committee is responsible for meeting publishing date requirements. Overall normal processing time prior to a meeting date is 25 days for an open meeting and 47 days for a closed meeting.

(d) *Contents of Notice.* (1) The content of the Federal Register public notice and the Department of State press release will be identical.

(2) An *open meeting* announcement will state the name of the committee; the date, time, and place of the meeting; the agenda or summary thereof; that the meeting will be open to the public; the extent to which the public may participate in the meeting, either orally or in writing; seating space available; and the name and telephone number of a committee officer to whom inquiries may be directed, including arrangements for those attending if the meeting is in a secure building.

(3) A *closed meeting* announcement will state the name of the committee, the date of meeting and the reason or reasons which justify the closing of the meeting in the public interest.

(e) *Closed Meetings.* (1) An advisory cordance with the Federal Advisory Committee Act when the President or Department determines that the meeting is concerned with matters listed in section 552(b) of Title 5, United States Code.

(2) Any determination to close all or a part of a meeting must be based upon specific reasons. If a meeting is to cover separable matters, not all of which are within the exemptions of 5 U.S.C. 552(b), only the portion of the meeting dealing with exempt matters may be closed.

(3) When a meeting or portion of a meeting is to be closed to the public, the

V 40 65
APR 3 75
XUM

notice should state the reasons for the closing.

(4) The written request in accordance with § 8.9(c) 4) for a determination by the Deputy Under Secretary for Management that a committee may hold a closed meeting must be submitted at least 47 days before the scheduled date of the meeting unless the Deputy Under Secretary for Management determines that a shorter period of time is necessary.

(f) *Cancelled Meetings.* (1) The cancellation of a scheduled committee meeting must be publicized without delay.

(2) The responsible committee office will prepare a public notice and press release and hand-carry them to the Advisory Committee Management Officer as soon as the decision to cancel the meeting is made.

(3) The notice and press release will state the name of the advisory committee, identify the meeting that is cancelled, and state why it is cancelled. The FEDERAL REGISTER data, if known, concerning the announcement should be cited.

(g) *Rescheduled Meetings.* (1) When it is not feasible to hold an advisory committee meeting on the date that has been announced such meeting may be rescheduled for a later date by utilizing the same procedure as set forth in § 8.9(f) except the word rescheduled is substituted for cancelled.

(h) *Minutes.* (1) *Detailed minutes* of each advisory committee meeting, including subgroups, shall be kept.

(2) The minutes for an *open meeting* shall as a minimum cover the following items: the time and place of the meeting; a listing of advisory committee members and staff and agency employees present at the meeting; a complete summary of matters discussed and conclusions reached; copies of all reports received, issued, or approved by the advisory committee; a description of the extent to which the meeting was open to the public; an explanation of the extent of public participation, including a list of members of the public who presented oral or written statements; and an estimate of the number of members of the public who attended the meeting.

(3) The minutes for a *closed meeting* shall include all that is required for an open meeting except those items relating to the presence of the public.

(4) The chairman of each advisory committee shall certify the accuracy of the committee minutes.

§ 8.10 Reports.

(a) There are two categories of reports on advisory committees. One category is concerned with management and the other with advisory activities.

(b) Management reports include:

(1) *Comprehensive Review.* An annual review shall be conducted on a calendar year basis to determine the essentiality of the committee. The results of that Review are included in the Annual Report. The due date is *October 1.*

(2) *Annual Report.* A calendar year report which covers the status of the committee. It is a component report for the President's annual report to the Congress. The due date is *December 31.*

(3) *Report of Closed Meeting(s).* A summary of the activities and related matters discussed by a committee during a closed meeting shall be prepared annually. It is to be as informative as possible for the public consistent with section 552(b) policy of the Freedom of Information Act.

(4) *Other Reports.* Other management reports that may be required, such as requests from the Office of Management and Budget, Congressional Committees, et cetera, will be submitted in accordance with the requested due date.

(c) Advisory activities reports are reports issued by the committee. They are to be submitted, when prepared in final as a committee document or published, on a current basis.

(d) All reports are submitted to the Advisory Committee Management Officer.

(1) The Comprehensive Review is signed by the responsible committee officer and approved by the bureau/office policy making officer. It is submitted in original only.

(2) The Annual Report will be prepared on Standard Forms 248 and 249 in original and one copy. (Instructions for preparation are printed on the back of the forms.)

(3) The Report of Closed Meeting(s) is signed by the committee chairman and submitted in original and 8 copies.

(4) The advisory activities reports are submitted in 9 copies each, except Presidential advisory committee reports are submitted in 12 copies.

§ 8.11 Records.

(a) The records of an advisory committee consist of all papers and documents which are prepared for or by and/or made available to the committee, and are maintained by the office responsible for the committee. Such records are *inter alia* agenda, drafts, minutes, notices, press releases, reports, studies, transcripts, and working papers.

(b) The Advisory Committee Management Officer maintains the Department's official records relating to the management of all committees.

§ 8.12 Financial records.

Accurate records will be kept by the responsible committee office of all operating and salary costs of a committee. (See instruction item 17 on SF-248).

§ 8.13 Availability of records.

The records of a committee are to be made available upon request in accordance with the Department's regulations promulgated in accordance with the provisions of the Freedom of Information Act (40 Federal Register 7256–7259, February 19, 1975.)

§ 8.14 Public inquiries.

Public inquiries concerning the implementation of the Federal Advisory Committee Act and the management of the advisory committees of the Department should be addressed to the Advisory Committee Management Officer, Management Systems Staff, Department of State, Washington, D.C. 20520.

AUTHORITY: 22 U.S.C. 2658; Sec. 8(a) Federal Advisory Committee Act (Pub. L. 92–463); Executive Order 11769; and OMB Circular A–63, Rev.

For the Secretary of State.

LAWRENCE S. EAGLEBURGER,
Acting, Deputy Under Secretary for Management.

MARCH 24, 1975.

[FR Doc.75–8665 Filed 4–2–75;8:45 am]

V 40-65
APR 3 75

V 40-65

APR 3 75

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1975)

Title 2—Clemency	$ .70
Title 7—Agriculture (Parts 1000–1059)	4.35
Title 13—Business Credit and Assistance	3.60

[A Cumulative checklist of CFR issuances for 1975 appears in the first issue of the Federal Register each month under Title 1]

Order from Superintendent of Documents,
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66

federal register

April 4, 1975—Pages 15063–15376

FRIDAY, APRIL 4, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 66

Pages 15063–15376



PART I

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

NATIONAL FARM SAFETY WEEK, 1975—Presidential Proclamation 15063

CONCORDE SST—FAA hearing in Sterling, Virginia on draft environmental impact statement concerning proposed limited operations; 4–21–75 15119

PUBLIC INSPECTION OF DOCUMENTS—Treasury/IRS amends copying procedures 15090

MEDICAL ASSISTANCE PROGRAMS—HEW/SRS proposal on reporting cases of suspected fraud; comments by 5–5–75 15093

REAL ESTATE SECURITY—USDA/FmHA regulation on servicing and liquidation of loans; effective 4–4–75 15065

COMMUNITY DEVELOPMENT BLOCK GRANTS—HUD extends deadline for applications by urban counties; effective 4–4–75 15089

FEDERAL SAVINGS AND LOAN ASSOCIATIONS—FHLBB proposes increased loans for cooperative housing projects; comments by 5–5–75 15096

NUCLEAR MATERIAL—NRC proposes to require advance notice of some shipments; comments by 5–5–75 15098

(Continued inside)

PART II:

PROCEDURES AND RULES OF PRACTICE—FTC announces revisions and proposed revisions (6 documents) 15231

PART III:

EDUCATIONAL OPPORTUNITY GRANT PROGRAM—HEW/OE regulations on Family Contribution Schedules 15247

PART IV:

MINIMUM WAGES—Labor/ESA determination and index for Federal and Federally assisted construction (2 documents); effective 4–4–75 15259

V 40-66

APR 4 75

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

HUD/Office of Interstate Land Sales Registration; authority and organization; public information..... 14753; 4–2–75

DOT/FAA—Airworthiness directives; McDonnell Douglas Model DC–10–10, DC–10–10F, DC–10–30, DC–10–30F and DC–10–40 airplanes. 8544; 2–28–75

Requirements for use of X-ray devices;..... 10173; 3–5–75

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HIGHLIGHTS—Continued

MEETINGS—
HEW/OE: Advisory Council on Bilingual Education, 4–28 and 4–29–75..... 15118
FDA: Medical Radiation Advisory Committee, 4–18–75..... 15111
DOD: Defense Science Board Task Force on "Export of U.S. Technology; Implications to U.S. Defense", 4–23–75..... 15101
Interior/NPS: Southeast Regional Advisory Committee, 4–24 and 4–25–75..... 15105
NASA: Space Processing Ad Hoc Advisory Subcommittee, 4–21 through 4–23–75..... 15135
GSA: Regional Public Advisory Panel on Architectural and Engineering Services, 4–21–75..... 15131
CRC: Texas State Advisory Committee, 4–22–75..... 15120
EPA: Science Advisory Board Ecology Advisory Committee, 4–22–75..... 15124
Commerce/Travel Service: Travel Advisory Board Meeting, 4–8–75..... 15111

contents

THE PRESIDENT

PROCLAMATIONS
National Farm Safety Week, 1975.. 15063

EXECUTIVE AGENCIES

AGRICULTURAL MARKETING SERVICE
Rules
Egg research and consumer information; practice and procedure for formulating an order; correction..... 15065
Limitation of Handling:
Lemons grown in Calif. and Ariz..... 15065

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service; Commodity Exchange Authority; Farmers Home Administration; Packers and Stockyards Administration.

ALCOHOL, TOBACCO, AND FIREARMS BUREAU
Notices
Firearms; granting of relief..... 15100

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
Alaska Airlines, Inc. et al; correction..... 15120
Flying Tiger Line Inc..... 15119

CIVIL RIGHTS COMMISSION
Notices
Meetings, State advisory committees:
Texas..... 15120

COAST GUARD
Proposed Rules
Drawbridge operations:
New Jersey..... 15093

COMMERCE DEPARTMENT
See Domestic and International Business Administration; United States Travel Service.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS
Notices
Cotton textiles:
Yugoslavia..... 15121

COMMODITY EXCHANGE AUTHORITY
Rules
Commodity positions and daily trading; limits..... 15086

CUSTOMS SERVICE
Notices
Foreign currencies; certification of rates..... 15100

DEFENSE DEPARTMENT
Notices
Meetings:
Science Board task force..... 15101

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Notices
Scientific articles; duty-free entry:
Loyola University et al..... 15109
Meharry Medical College..... 15110
University of Nebraska..... 15111

EDUCATION OFFICE
Rules
Educational opportunity grant program; expected family contribution..... 15247
Notices
Desegregation of public education; application closing date.. 15118
Education accreditation and approval agents; lists (3 documents)..... 15115, 15117
Meetings:
Bilingual Education, Advisory Council on..... 15118

EMPLOYMENT STATISTICS ADMINISTRATION
Notices
Index to general wage determination decisions and modifications..... 15328
Minimum wages for Federal and federally assisted construction; general wage determination decisions, modifications, and supersedeas decisions..... 15260

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
Rules
Property management regulations; miscellaneous amendments..... 15091

ENVIRONMENTAL PROTECTION AGENCY
Proposed Rules
Air quality implementation plans:
New York..... 15094
Pennsylvania..... 15095
Water pollution; effluent guidelines for certain point source categories:
Seafood, canned and preserved.. 15096
Notices
Meetings:
Ecology Advisory Committee.... 15124
Pesticide permits:
Texas A&M University; use of sodium cyanide for predator control investigation..... 15126
Pesticide registration applications..... 15124

ENVIRONMENTAL QUALITY COUNCIL
Notices
Environmental impact statements; availability..... 15121

FARMERS HOME ADMINISTRATION
Rules
Real estate security; servicing and liquidations..... 15065
Notices
Disaster areas:
Louisiana (2 documents).. 15107, 15108
Wisconsin..... 15108

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directives:
Boeing..... 15085
Piper..... 15085
Rockwell International Corp. (2 documents)..... 15085, 15086
Vertol..... 15086
Transition areas..... 15086
Proposed Rules
Compartment interior materials toxic gas emission..... 15093
Transition areas..... 15094
Notices
FEDERAL AVIATION ADMINISTRATION
Notices
Concorde SST; environmental statement on proposed limited operations; hearing..... 15119

FEDERAL COMMUNICATIONS COMMISSION
Rules
Radio frequency devices; reorganization of rules; correction..... 15091

V 40-66 APR 4 75 XUM

CONTENTS

CONTENTS

Notices

Common carrier services information; domestic public radio services applications accepted for filing ---------- 15126

FEDERAL HOME LOAN BANK BOARD

Proposed Rules

Federal Savings and Loan System: Cooperative housing projects; loans ---------- 15096

FEDERAL MARITIME COMMISSION

Proposed Rules

Small claims; informal procedure for adjudication ---------- 15097

Notices

Agreements filed:
- American President Lines, Ltd. et al ---------- 15128
- Puerto Rican Forwarding Co., Inc. et al ---------- 15129

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
- Natural Gas Pipeline Co. of America ---------- 15130

FEDERAL TRADE COMMISSION

Rules

Procedures and rules of practice (3 documents) ---------- 15232

Proposed Rules

Procedures and rules of practice (3 documents) ---------- 15237

FOOD AND DRUG ADMINISTRATION

Rules

Color additives:
- Aluminum hydroxide et al ---------- 15087
- FD&C Red No. 40 ---------- 15087

Human drugs:
- Candicidin ---------- 15089
- Methicillin; pyrogens test ---------- 15088
- Zinc bacitracin ---------- 15088

Notices

ARTX telecommunication equipment; memoranda of understanding:
- Florida Health and Rehabilitative Services Department ---------- 15112
- Georgia Agriculture Department ---------- 15111
- Iowa Agriculture Department ---------- 15113
- New Jersey State Health Department ---------- 15113
- South Carolina Agriculture Department ---------- 15114
- Washington State Agriculture Department ---------- 15115

Meetings:
- Medical Radiation Advisory Committee ---------- 15111

GENERAL SERVICES ADMINISTRATION

Notices

Environmental impact statements preparation procedures ---------- 15131

Meetings:
- Architectural and Engineering Services Regional Public Advisory Panel ---------- 15131

Procurement:
- Automatic data processing equipment and data communications systems; privacy and budgetary certificates ---------- 15131

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Education Office; Food and Drug Administration; Public Health Service; Social and Rehabilitation Service.

HEARINGS AND APPEALS OFFICE

Notices

Applications, etc.:
- Affinity Mining Co ---------- 15105
- Eastern Associated Coal Corp ---------- 15105
- Kaiser Steel Corp ---------- 15106
- McCracken Coal Co ---------- 15106
- North American Coal Corp ---------- 15107
- Republic Steel Corp ---------- 15107

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Rules

Community development block grants; extension of application deadline ---------- 15089

IMMIGRATION AND NATURALIZATION SERVICE

Proposed Rules

Students, nonimmigrant; full course of study and off-campus employment ---------- 15092

INTERIOR DEPARTMENT

See Hearings and Appeals Office; National Park Service; Reclamation Bureau.

Rules

Procurement; determinations and findings ---------- 15091

INTERNAL REVENUE SERVICE

Rules

Documents; public inspection and copying ---------- 15090

INTERNATIONAL TRADE COMMISSION

Notices

Golf gloves; denial of hearing; final findings ---------- 15134

Watches and watch movements from insular possessions; determination of consumption and quotas for duty-free entry ---------- 15135

INTERSTATE COMMERCE COMMISSION

Notices

Fourth section applications for relief ---------- 15141

Hearing assignments ---------- 15141

Motor carriers:
- Applications and certain other proceedings ---------- 15141
- Temporary authority applications ---------- 15142

JUSTICE DEPARTMENT

See Immigration and Naturalization Service.

LABOR DEPARTMENT

See Employment Standards Administration; Manpower Administration; Occupational and Health Administration.

MANPOWER ADMINISTRATION

Notices

Employment transfer and business competition; determinations and applications ---------- 15139

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notices

Meetings:
- Space Processings Ad Hoc Advisory Subcommittee ---------- 15135

NATIONAL PARK SERVICE

Notices

Meetings:
- Southeast Regional Advisory Committee ---------- 15105

NUCLEAR REGULATORY COMMISSION

Proposed Rules

Physical protection of plants and materials; shipments of special nuclear material ---------- 15098

Notices

Applications, etc.:
- Consumers Power Co ---------- 15135
- Duke Power Co ---------- 15138
- Jersey Central Power & Light Co ---------- 15137
- Gulf States Utilities Co ---------- 15136
- Tennessee Valley Authority ---------- 15136
- Virginia Electric & Power Co ---------- 15137

Regulatory guide; issuance and availability ---------- 15136

OCCUPATIONAL HEALTH AND SAFETY ADMINISTRATION

Notices

Applications, etc.:
- Marathon Steel Co., et al ---------- 15139

PACKERS AND STOCKYARDS ADMINISTRATION

Notices

Stockyards, posting:
- Cleburne County Livestock Sales, Inc ---------- 15108
- Florida Agricultural Marketing Association, Inc ---------- 15108
- Tobesofkee Livestock ---------- 15109

PUBLIC HEALTH SERVICE

Notices

Authority delegation:
- Administrator, Health Services Administration ---------- 15118

RECLAMATION BUREAU

Notices

Power, reallocation; Parker-Davis and Colorado River Storage Projects ---------- 15101

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:
- Appalachian Power Co. et al ---------- 15139
- International Chemalloy Corp ---------- 15139

SOCIAL AND REHABILITATION SERVICE

Proposed Rules

Medical assistance program; fraud ---------- 15093

SMALL BUSINESS ADMINISTRATION

Proposed Rules

Loan policy; proposed fees ---------- 15098

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration.

TREASURY DEPARTMENT

See also Alcohol, Tobacco, and Firearms Bureau; Customs Service; Internal Revenue Service.

Notices

Notes, Treasury: Series N–1976 ---------- 15101

TRAVEL SERVICE

Notices

Meetings:
- Travel Advisory Board ---------- 15111

CORRECTION

In the table of contents of the issue for Tuesday, April 1, 1975, a rule on flammability standards for children's sleepwear was erroneously listed under the Federal Trade Commission. It should appear under the Consumer Product Safety Commission.

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

3 CFR
PROCLAMATIONS:
4361 ---------- 15063

7 CFR
910 ---------- 15065
1250 ---------- 15065
1872 ---------- 15065

8 CFR
PROPOSED RULES:
214 ---------- 15092

10 CFR
PROPOSED RULES:
73 ---------- 15098

12 CFR
PROPOSED RULES:
541 ---------- 15096
545 ---------- 15096

13 CFR
PROPOSED RULES:
120 ---------- 15098

14 CFR
39 (5 documents) ---------- 15085–15086
71 ---------- 15086
PROPOSED RULES:
25 ---------- 15093
71 ---------- 15094

16 CFR
1 (2 documents) ---------- 15232
2 ---------- 15235
3 ---------- 15234
4 ---------- 15236
PROPOSED RULES:
1 ---------- 15237
3 ---------- 15239
4 ---------- 15245

17 CFR
150 ---------- 15086

21 CFR
8 (2 documents) ---------- 15087
431 ---------- 15088
436 ---------- 15088
440 ---------- 15088
448 ---------- 15088
449 ---------- 15089

24 CFR
570 ---------- 15089

26 CFR
301 ---------- 15090

33 CFR
PROPOSED RULES:
117 ---------- 15093

40 CFR
PROPOSED RULES:
52 (2 documents) ---------- 15094, 15095
408 ---------- 15096

41 CFR
14–3 ---------- 15091
109–1 ---------- 15091

45 CFR
190 ---------- 15248
PROPOSED RULES:
250 ---------- 15093

46 CFR
PROPOSED RULES:
502 ---------- 15097

47 CFR
15 ---------- 15091

V 40 166
APR 4 75
XUM

CUMULATIVE LIST OF PARTS AFFECTED—APRIL

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during April.

3 CFR

PROCLAMATIONS:
2799 (Revoked by Proc. 4360) 14567
2937 (Revoked by Proc. 4360) 14567
2938 (Revoked by Proc. 4360) 14567
2942 (Revoked by Proc. 4360) 14567
2972 (Revoked by Proc. 4360) 14567
3314 (Revoked by Proc. 4360) 14567
4101 (Revoked by Proc. 4360) 14567
4346 (Amended by Proc. 4359) 14565
4359 14565
4360 14567
4361 15063

EXECUTIVE ORDERS:
11809 (See EO 11849) 14887
11828 (Amended by EO 11848) 14885
11847 14568
11848 14885
11849 14887

4 CFR

408 14737

PROPOSED RULES:
351 14942

5 CFR

890 14569
1001 14570

7 CFR

724 14737
731 14601
905 14889
907 14889
908 14890
910 15065
944 14891
991 14737
1250 15065
1872 15065
2710 14891

PROPOSED RULES:
401 14777
1002 14702
1004 14702
1033 14769
1823 14776

8 CFR

PROPOSED RULES:
214 15092

9 CFR

94 14571

10 CFR

211 14738

PROPOSED RULES:
73 15098
205 14605
211 14605
213 14948

12 CFR

563 14738
602 14571

PROPOSED RULES:
7 14767
335 14947
541 15096
545 15096

13 CFR

PROPOSED RULES:
107 14606
120 15098

14 CFR

39 ..... 14739, 14740, 14891, 14892, 15085–15086
71 ..... 14740, 14741, 15086
97 14893
288 14893
400 14572
401 14574
425 14578

PROPOSED RULES:
25 15093
71 ..... 14780, 14781, 15094
75 14781

15 CFR

350 14921
355 14925
500 14930

PROPOSED RULES:
803 14603

16 CFR

1 15233
2 15235
3 15234
4 15235
13 ..... 14579–14582, 14741, 14894–14904
302 14584

PROPOSED RULES:
1 15237
3 15239
4 15245

17 CFR

150 15086
200 14748

PROPOSED RULES:
275 14782

18 CFR

301 14749

PROPOSED RULES:
35 14606
101 14606
104 14606
154 14606
202 14606
204 14606

19 CFR

22 14749
113 14749
153 14591

20 CFR

10 14750
405 ..... 14591, 14934

PROPOSED RULES:
405 14934

21 CFR

8 15087
121 14905
123 14592
431 15088
436 15088

21 CFR—Continued

440 15088
444 14906
448 15088
449 15089
1030 14750

22 CFR

PROPOSED RULES:
8 15060

23 CFR

635 14906
662 14907

24 CFR

300 14753
570 15089
1700 14753
1914 14599–14601
1915 14754

25 CFR

43k 14592

26 CFR

301 15090

PROPOSED RULES:
1 14767

29 CFR

90 14908
2300 14593

32 CFR

856 14758

33 CFR

117 ..... 14594, 15093
380 14761

PROPOSED RULES:
117 14604
266 14872

36 CFR

7 14912

38 CFR

PROPOSED RULES:
1 14783

40 CFR

52 14595
65 14876
180 ..... 14496, 14597

PROPOSED RULES:
52 ..... 15094, 15095
408 15096

41 CFR

1–7 14913
1–12 14913
1–15 14913
1–30 14917
14–3 15091
109–1 15091

PROPOSED RULES:
Ch. 60 14953

42 CFR

57 14762

PROPOSED RULES:
57 14932

43 CFR

PROPOSED RULES:
4 14603
2650 14603

45 CFR

151 14762
154 14917
155 14918
190
249 14597
250 14597

PROPOSED RULES:
250 15248

46 CFR

380 14599
528 14599
533 14599

PROPOSED RULES:
32 14935
50 14935
52 14935
53 14935
54 14935
56 14935
58 14935
63 14935
502 15097

47 CFR

0 14764
15 15091

47 CFR—Continued

PROPOSED RULES:
73 14943–14947

49 CFR

1 14764
310 14919
571 14765
1033 ..... 14765, 14766

50 CFR

32 14920
33 ..... 14766, 14920

PROPOSED RULES:
17 14767
227 14777
251 ..... 14778, 14779

FEDERAL REGISTER PAGES AND DATES—APRIL

Pages	*Date*
14565–14735	Apr. 1
14737–14883	2
14885–15062	3
15063–15376	4

V 40 66
APR 4 75
XUM

presidential documents

presidential documents

Title 3—The President

PROCLAMATION 4361

National Farm Safety Week, 1975

By the President of the United States of America

A Proclamation

The demand for agricultural products is at an all-time high both here and abroad. In addition to supplying food for the tables of over 213 million Americans, America's farms and ranches are seen by many millions of people abroad as a source of nourishment. Our agricultural abundance is possible not only because of the blessings of fertile soil and advanced technology, but also because of the capable, hard-working, innovative people in whose hands these immense food and fiber resources are entrusted.

Maintenance of a high level of agricultural production is not without such impediments as shortages of some supplies needed for production, adverse weather and accidents. Farmers and ranchers may not be able to control shortages or nature. But they can do a great deal to control accidents which seriously injure and kill thousands of farm and ranch residents each year. Along with the human suffering and material losses to farm and ranch families, accidents handicap our efforts to feed and clothe our people and help alleviate hunger in the world. Maximum production will be possible only when accident numbers are reduced to a minimum.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning July 25, 1975, as National Farm Safety Week. During this week and the ensuing year, I urge all who live and work on the Nation's farms and ranches to plan for accident prevention and to implement their plans with intelligence and resolve. Further, I invite all who work with and serve our agricultural producers to back these personal accident prevention efforts with every possible encouragement and educational aid. Any strategy to reap full production from our agricultural enterprises must include planning for the safety of those who live and work on our farms and ranches, not only when in the field but also when at home, at play or on the Nation's public roads.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of April, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.75-8978 Filed 4-2-75;3:24 pm]

V 40-66 APR 4 75 XUM

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 686]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period April 6–12, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.986 Lemon Regulation 686.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues about the same as last week, with some supplies remaining from the holiday to be cleared up. Average f.o.b. price was $5.59 per carton the week ended March 29, 1975, compared to $5.63 per carton the previous week. Track and rolling supplies at 113 cars were down 25 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 1, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period April 6, 1975 through April 12, 1975, is hereby fixed at 235,000 cartons.

(2) As used in this section, "handled," and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: April 2, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–8086 Filed 4–3–75;8:45 am]

PART 1250—EGG RESEARCH AND CONSUMER INFORMATION ORDER

Rules of Practice and Procedure

Correction

In FR Doc. 75–7720, appearing at page 13198, in the issue of Tuesday, March 25, 1975, on page 13200 the heading for § 1250.8(d)(2) reading "(2) *Objectives.*" should read "(2) *Objection.*"

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER F—SECURITY SERVICING AND LIQUIDATIONS

[FmHA Instruction 465.1]

PART 1872—REAL ESTATE SECURITY

Subpart A—Servicing and Liquidation of Real Estate Security for Loans to Individuals and Certain Note-Only Cases

On pages 1253 through 1273 of the FEDERAL REGISTER of January 7, 1975, there was published a notice of proposed rulemaking to revise Subpart A of 7 CFR Part 1872 (38 FR 19385). This revision prescribes policies and procedures for servicing and liquidation of real estate loans and certain note-only cases. More responsibility and approval authority have been placed on the State Director, District Director, and County Supervisor so that the number of referrals to the National Office will be reduced.

Interested persons were given 30 days to submit comments, suggestions, or objections regarding this proposed revised Subpart A. No comments, suggestions or objections have been received. In addition to provisions contained in the proposal the following changes are now being made in § 1872.18:

1. Section 1872.18(b)(8) is changed to include transfer of property improved with RH funds to the person assuming the RH loan.

2. Section 1872.18(c)(2) is changed to delete a portion of the third sentence in subdivision (C)(ii).

3. Section 1872.18(g)(8) is changed to indicate when a new mortgage will be taken on transfers.

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Effective date. This revision is effective April 4, 1975.

Dated: March 28, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

As revised, Subpart A reads as follows:

Subpart A—Servicing and Liquidation of Real Estate Security for Loans to Individuals and Certain Note-Only Cases

Sec.

1872.1 General.
1872.2 Preservation of security property and protection of liens.
1872.3 Subordination of FmHA mortgage to permit refinancing, extension, reamortization, increase in amount of existing prior lien, or to permit a prior lien.
1872.4 Consent by partial release, subordination, or otherwise, to sale or other disposition of portion of or interest in security, except leases.
1872.5 Subordination of FmHA real estate mortgages to easements to the Bureau of Sport Fisheries and Wildlife.
1872.6 Subordination or FmHA's lien to the Commodity Credit Corporation's (CCC's) security interest taken for loans for farm storage and drying equipment.
1872.7 Consent to junior liens.
1872.8 Consent to borrower's granting lease of security.
1872.9 Transfer of upland cotton, peanut or tobacco allotments.
1872.10 Severance agreements.
1872.11 Disposition of proceeds of partial release, subordination, and consent transactions.
1872.12 Assignment and release of soil bank or similar program payments.
1872.13 Deceased borrower.
1872.14 Bankruptcy and insolvency.
1872.15 Servicing note-only cases.
1872.16 Release of FmHA mortgage without monetary consideration on basis of additional security or because of mutual mistake or nonexistence of evidence of indebtedness or valueless liens.
1872.17 Liquidation action.
1872.18 Transfer of real estate security.
1872.19 Voluntary conveyance of security to FmHA.
1872.20 Foreclosure by the Government.
1872.21 Taking liens on real estate as additional security in servicing FmHA loans.
1872.22 Assignment of promissory notes and security instruments outside the program.
1872.23 Cosigners—Rural Housing (RH) loans.
1872.24 Submission to National Office of certain partial release, subordination, consent, or other transactions.
1872.25 State supplements and reference to the OGC.
1872.26 Redelegation of authority.
1872.27 Nondiscrimination.
Exhibit A—Memorandum of Understanding between Bureau of Sport Fisheries and Wildlife and the Farmers Home Administration

AUTHORITY: (7 U.S.C. 1989); (42 U.S.C. 1480); (42 U.S.C.) (5 U.S.C. 301); delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70; delegations of authority by Director, OEO, 29 FR 14764, 33 FR 9850.

Subpart A—Servicing and Liquidation of Real Estate Security for Loans to Individuals and Certain Note-Only Cases

§ 1872.1 General.

(a) *Purpose.* The purpose of this subpart is to delegate authority and prescribe policies and procedures for servicing and liquidating real estate security for Farmers Home Administration (FmHA) loans to individuals including loans on leasehold interests, and certain note-only cases, except Rural Rental Housing (RRH) and Labor Housing (LH) loans to individuals operating under a loan agreement, or to Business and Industrial (B&I) loans. This subpart does not apply to loans subject to an FmHA Contract or Guarantee.

(b) *General policies.* Real estate security will be serviced in a manner to accomplish the loan objectives and protect the Government's financial interest. To accomplish these purposes, the real estate security will be serviced in accordance with the security instruments and related agreements, including any authorized modifications, provided the borrower has reasonable prospects of accomplishing the loan objectives, properly maintains and accounts for the security, and otherwise meets the loan obligation, including loan repayment, in a satisfactory manner. When the above conditions are not satisfied, or it is determined that the loans must be liquidated for other reasons, and sufficient legal grounds for liquidation exist, prompt action will be taken to liquidate the security to protect the Government's financial interest.

(c) *Borrower's responsibility.* Each borrower is responsible for repaying principal and interest on a timely basis pursuant to the loan documents, paying real estate taxes, providing adequate property insurance, maintaining, protecting, and accounting to the FmHA for all real estate security, and complying with other loan requirements.

(d) *County Supervisor responsibilities.* The County Supervisor is responsible for informing each borrower of his responsibilities in connection with the loan, seeing that the security is being properly maintained and accounted for, and for servicing the security in accordance with this Subpart. When a borrower fails to maintain, protect, or account for the security as required by the loan documents, or makes unauthorized disposition or use of any security, prompt action will be instituted to protect the FmHA's interest. The County Supervisor will obtain any legal advice he needs from the Office of the General Counsel (OGC) through the State Director. In cases that have been referred to the OGC for legal action, no further action will be taken by the County Supervisor or other MmHA personnel without prior clearance with the OGC. If the case has been referred to the U.S. Attorney, clearance with the U.S. Attorney will be obtained through the OGC.

(e) *Servicing insured loans—(1) Servicing actions.* Servicing actions for insured loans will be the same as for direct loans except that in voluntary conveyance, and foreclosure cases, when the insured note is not held in the county office, the Finance Office will be requested to obtain assignment of the insured loan to the insurance fund as provided in § 1872.19 and § 1872.20 respectively, and when an insured Farm Ownership (FO) mortgage running to the lender as mortgagee is not held by the FmHA under trust assignment, or declaration of trust, or in the insurance fund (called insured FO mortgage held by the lender in this subpart) and a written subordination or partial release or other servicing document is requested, the document will be executed by the holder on a form prepared or approved by the OGC. In such cases, contacts with the holder will be made by the State Director and the holder's execution of the document will constitute his consent.

(2) *Execution of documents by Government.* The County Supervisor is authorized to execute all necessary forms, satisfactions, releases, and other documents required to complete any transactions in this subpart after the action has been approved by the appropriate approval official. The documents will be executed in behalf of the United States in the following form:

(i) "United States of America," when the mortgage names the United States as mortgagee, or when a mortgage running to the lender is not under a trust or declaration of trust and the note is held by the insurance fund.

(ii) "United States of America, for Itself and as Trustee," when an FO mortgage is held by the FmHA under a trust assignment or declaration of trust, regardless of whether the note is held by a lender or by the insurance fund.

(f) *Consent of lienholders.* When this subpart requires the consent of other lienholders, before the FmHA consents to a transaction which affects the security of its lien, such consent will be obtained and furnished to the FmHA by the borrower. The consent will, unless otherwise provided in a state supplement, include agreement as to the disposition of any funds involved in the transaction.

(g) *Definitions.* Unless otherwise indicated, the term "FmHA loans," "FmHA accounts," "FmHA interests," "FmHA security," "FmHA debts," and similar terms apply to indebtedness owed to or insured by the United States of America acting through the FmHA, and to related security instruments. The term "note" includes any note, bond, assumption agreement, or other evidence of indebtedness. The term "mortgage" includes deeds of trust and similar real estate security instruments and chattel security instruments where appropriate.

"County Supervisor" means "County Supervisor" and "Assistant County Supervisor" when in the opinion of the County Supervisor the Assistant County Supervisor has been sufficiently trained to competently perform the required actions and has delegated such authority to the Assistant County Supervisor in writing.

§ 1872.2 Preservation of security property and protection of liens.

(a) *Inspection of security.* The County Supervisor will inspect farm real estate security every three years for accounts that are current. More frequent inspections will be made when a borrower is delinquent or otherwise in default or when problems exist involving the security property. Security on nonfarm tracts will be inspected only if liquidation action is likely to be taken, the property has been abandoned, when necessary to protect the interest of the Government, or whenever requested by the borrower. If all or part of the security is located in another County Office area, the County Supervisor for that area may be requested to inspect the property.

(b) *Action by FmHA for account of borrower.* When necessary to protect the interest of the Government, actions will be taken by FmHA for the account of the borrower as provided below. Any advances made for such purposes will be paid by Standard Form 1034, "Public Voucher for Purchases and Services Other Than Personal," and charged to the borrower's account.

(1) *Operation of security by lessee or caretaker.* When prior approval is obtained from the State Director in any case, or the District Director in nonforeclosure cases, the County Supervisor will take possession of the property and will enter into a lease or caretaker's agreement for the account of the borrower on the best terms obtainable but not to exceed one year. Lease or caretaker's agreements will not be used as an alternative for, or as a means of delaying prompt liquidation of the loan. Lease agreements will be entered into on Form FmHA 465–2, "Lease of Security Property," and caretaker's agreements on Form FmHA 465–3, "Caretaker's Agreement (Real Property Only)."

(2) *Taxes and assessments.* Real estate taxes and assessments will be handled in accordance with Part 1863 of this chapter.

(3) *Insurance.* For FmHA loans secured by liens on real estate, property insurance will be obtained and serviced in accordance with requirements for the kind of loan involved, Subpart A of Part 1806 of this chapter, and when appropriate Subpart B of Part 1806 of this chapter.

(4) *Maintenance.* In abandonment and pending liquidation cases, the State Director may authorize emergency repairs necessary to protect the interests of the FmHA. Such repairs will be properly documented on Form FmHA 424–1, "Development Plan." In all other cases, complete information concerning the borrower's failure to adequately maintain the security property and the State Director's recommendation for continuing the loan will be submitted to the National Office for prior authorization to advance funds for needed repairs. If there is a prior lien, expenditures for maintenance will not be made unless the prior lienholder refuses to make them. Evidence of his unwillingness to do so should be included in the case file.

(c) *Actions by third parties which affect security.* The borrower will be expected to protect his own interest in condemnation, trespass, quiet title and other cases affecting the security. Third party actions include court or other actions in which the security property is involved. When the County Supervisor learns of any action taken by third parties which materially affects the security interests of the Government, he will send complete information concerning the action, the County Office case file, and his recommendations to the State Director. When the Government or the County Supervisor is made a party to a court action, or when any suit is brought to condemn, impose a lien upon, or otherwise affect any part of the FmHA real estate security, information furnished by the County Supervisor will include a copy of the petition or complaint, if available to him, a statement of account, a current appraisal report, the name and address of borrower's attorney, if any, and any other pertinent information. The State Director will, in all litigation cases and in any other case where appropriate, after receiving the advice of the OGC, advise the County Supervisor of the actions to be taken to protect the Government's interest. When the State Director determines that foreclosure or other actions which would cause the borrower to lose possession of the property is imminent he may give consideration to making a subsequent loan, as appropriate, or approving a subordination to permit another lender to make a loan to satisfy such action when necessary to enable the borrower to retain the property, provided he has the ability and resources necessary to overcome the problems that caused the action, and, the third party agrees to postpone further action pending the processing of a subsequent loan or subordination. The State Director will notify the County Supervisor of the actions to be taken to protect the Government's interest.

(1) *Sale under prior lien foreclosure.* When a prior lien foreclosure sale is to be held and the State Director determines that a substantial net recovery on the Government's interest can be made by acquiring and reselling the security, he will authorize a bid in accordance with § 1872.20(b)(4)(vi) and (vii). Such bid may provide for payment of the prior lien indebtedness and costs incidental to the sale which must be paid from the sale proceeds. When under state law it is necessary, prior to such foreclosure, to acquire the prior lienholder's rights to protect the Government's junior lien interest, and in other situations when it is advantageous to the Government to pay the prior lien in full before the foreclosure sale, payment of the prior lien and required costs may be made with the advice of the OGC, provided the Government will obtain a greater recovery of the secured debt (not an inventory profit) than it could by bidding at the prior lien foreclosure sale, and the FmHA account after acquisition of the prior lien will be liquidated as provided in § 1872.17. Information clearly supporting the action as being to the Government's financial advantage must be documented and made as part of the file.

(i) *Lienholder debt.* The prior lienholder will be contacted to determine the amount of his indebtedness including the cost of foreclosure sale and whether payment by SF–1034 is acceptable to him if the Government is the successful bidder at the sale. If the prior lienholder requires a cash payment, SF–1034 will be processed in sufficient time for the County Supervisor to receive a U.S. Treasury check before the sale. Requesting the check, payment of the bid, and payment of any other costs by using SF–1034 will be in accordance with the applicable portions of § 1872.20. The costs will be charged to the borrower's account.

(ii) *Title evidence.* Title evidence will be obtained prior to making a bid on the property or acquiring the prior lienholders rights.

(iii) *Assignment.* An insured loan which is not held by the insurance fund will, whenever possible, be assigned to the insurance fund before the foreclosure sale. Otherwise, the assignment will be completed as soon as feasible after the foreclosure sale.

(iv) *Final reporting.* (A) When FmHA enters a bid or is the successful bidder at the foreclosure sale, reporting actions will be in accordance with § 1872.20 of this subpart.

(B) When the State Director determines that no bid will be entered by FmHA, the County Supervisor will nevertheless attend the sale and make a narrative report to the State Director outlining the results of the foreclosure sale and plans for future servicing of the account. A narrative report will be sent to the Finance Office when no recovery is made by the Government. If the Government is to rely on its redemption rights, that fact will be indicated in the report.

(v) *Servicing Government redemption rights.* If the Government did not have an opportunity or for other reasons did not protect its interest at the time of the foreclosure sale by a prior lienholder and has any redemption rights, the State Director will determine whether to redeem the property before the redemption period expires. Such determination will be made after considering all factors including the value of the property or changes in its value after the sale and any other pertinent information. This determination will be made at a time sufficiently prior to expiration of the redemption period to permit exercise of the Government's rights. If redemption of the property is appropriate, the State Director's recommendation, accompanied by complete information showing the basis for not acquiring the security at the sale and factors which justify redemption of the property, should be sent to the National Office for prior consideration. The report should be accompanied by an opinion of the OGC stating that the redemption is legally authorized. If it is

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decided not to redeem the property, the right of redemption may be sold for its value by the State Director. There is no authority to dispose of redemption rights without consideration.

(2) *Foreclosure sale subject to FmHA mortgage.* If a lien junior to the FmHA lien is foreclosed and the property is sold subject to the FmHA mortgage, the account will be transferred under § 1872.18, if appropriate. Otherwise, it will be liquidated as provided in § 1872.17.

(d) *Divorce actions.* When borrowers with loans on farm are involved in a divorce action, the County Supervisor will submit the case to the District Director after the final divorce decree has been granted for his advice or concurrence in servicing the account. When borrowers whose loans are secured by a mortgage on a nonfarm tract are involved in a divorce action, the County Office file will be submitted to the District Director for advice when the County Supervisor is uncertain of the servicing actions needed to protect the Government's interest or if continuation of the loan with the remaining borrower is not authorized. A subsequent loan made as a result of a divorce action will be handled in accordance with § 1872.18(b)(14).

(e) *Abandonment.* When a borrower has removed his personal property from the farm or home or the County Supervisor believes security property has been abandoned by the borrower, he will immediately check with the neighbors, relatives in the area, the local post office, utilities offices, schools, and other appropriate sources to determine if the family has moved from the area and, if so, whether a forwarding address can be determined. If the security property is not being maintained, and available information indicates that it has been abandoned, the County Supervisor will immediately report the facts to the State Director and request authority to take possession of the property pending liquidation, make emergency repairs needed to prevent further deterioration of the property, and to enter into a lease or caretaker's agreement on behalf of the borrower. If the security property is not in need of emergency repairs, Form FmHA 465–7, "Report on Real Estate Problem Case," will be prepared and submitted through the District Director to the State Director for his consideration.

§ 1872.3 Subordination of FmHA mortgage to permit refinancing, extension, reamortization, increase in amount of existing prior lien, or to permit a prior lien.

(a) *Reamortizing existing FmHA debts.* Existing FmHA loans may be reamortized to permit a loan of another lender in lieu of a subsequent loan of the kind involved with prior approval of the District Director or State Director as applicable. The reamortization of each existing loan may be made only within the remaining period of that loan. Authority to reamortize an account will be granted when it is determined that the borrower cannot reasonably be expected to meet installments due unless the account is reamortized. When a loan is reamortized it will be processed in accordance with Subpart A of Part 1861 of this chapter.

(b) *Use of other lenders' funds to reduce FmHA debts.* In connection with a subordination primarily for other purposes, funds of another lender may be used to pay on an FO, Soil and Water (SW), Recreation Loan (RL), Operating Loan (OL), or Emergency loan (EM) only to the extent that is necessary to accomplish the objectives of the FmHA loan involved and to establish the borrower's operations on a sound basis within his ability to pay. Also, when a borrower owes any of the aforementioned loans and a Rural Housing (RH) loan, the funds of another lender may be used to pay the amount delinquent on the RH loan or to refinance the total RH debt when necessary. It is not intended that the FmHA lien will be subordinated for removal of a delinquency that the borrower could be expected to pay within five years. It is also the policy to only permit payment of that portion of the FmHA debt that is necessary to avoid failure in connection with obtaining additional resources essential to success. This authority will be used in those cases that will provide for meeting the FmHA objectives as specified in § 1872.1(b) of this subpart. In such cases, the narrative justification and the case file will be sent to the National Office prior to development of the subordination.

(c) *Conditions for subordination.* A subordination may be granted subject to the following conditions:

(1) *Refinancing.* The borrower is unable to refinance the FmHA debt on terms which he can reasonably be expected to meet;

(2) *Objectives.* The transaction will further the objectives for which the FmHA loan was made;

(3) *Prior lien.* The terms and conditions of the prior lien will be such that the borrower can reasonably be expected to meet them, as well as all other debts;

(4) *Market value.* The amount of any prior lien plus the balance of the FmHA debt will not exceed the market value of the security; except for an FO, RL, Land Conservation and Development (LCD), or SW loan, it will not exceed the market value of the security or $225,000, whichever is less. When the FmHA indebtedness was not fully secured by the market value of the security before the transaction, a subordination may be granted only if the market value of the total security will be increased by an amount at least equal to the amount of the additional advance. The $225,000 limitation will not apply to loans if, because of fire, flood, windstorm, or other casualties, the subordination is necessary for land development or for the repair or replacement of essential buildings to put the property in livable and operable condition or to protect it against further deterioration. However, the subordination will not permit the total indebtedness to exceed the present market value of the security;

(5) *Stock.* An assignment of the beneficial interest in any stock required in connection with a loan will be obtained as collateral security, when possible, and when needed for security; and

(6) *Security.* The FmHA secured indebtedness after the subordination will be adequately secured or will not be adversely affected by the transaction.

(d) *Purposes of subordination.* A subordination may be granted to:

(1) *Refinance, extend, or reamortize.* Refinance, extend, or reamortize an existing prior lien provided the amount of the indebtedness secured by the prior lien, as of the date of the transaction, is not increased by more than reasonable costs incident to loan closing, plus funds for the purchase of any required stock.

(2) *Increase.* Increase the amount of prior lien or permit a new prior lien when the funds will be used:

(i) *Nonfarm tract.* On a nonfarm tract securing RH loans for purposes for which RH nonfarm loans are authorized subject to the limitations that would be applicable if an RH loan were made. When the mortgage includes nonfarm property larger than a minimum adequate site, the subordination may be granted on the excess land for purposes not inconsistent with the purposes for which the loan was made.

(ii) *Farm.* On a farm which secures an FO loan only or an FO and any other type FmHA loan, for any purpose for which an FO loan can be made. Also, an RL, SW, RH, or EM loan may be subordinated for development or enlargement purposes and for any purpose for which that type loan may be made. However, if the RH loan was made to finance a dwelling and the loan is secured only by the dwelling and dwelling site, the RH loan will be subordinated only for purposes for which an RH nonfarm loan may be made.

(3) *Requirements.* Any transaction approved under §1872.3(d)(2) (i) or (ii) must meet the following additional requirements:

(i) The proposed use of the funds will improve the borrower's ability to repay the FmHA loan(s) or is necessary to place the operation on a sound basis.

(ii) In the case of either an FO loan or OL loan, the use of the funds will not result in the farm being larger than a family farm or family farming operation.

(iii) Any proposed development will be planned and performed in accordance with Part 1804 of this chapter or in a manner directed by the creditor which reasonably attains the objectives of Part 1804 of this chapter and is concurred in by the State Director.

(iv) Funds to be used for development or to acquire land will be handled as prescribed for FO loan funds in Part 1803 of this chapter, except that if the creditor will not permit the use of a supervised bank account, arrangements satisfactory to the FmHA which will assure that the funds will be spent for the planned purposes may be substituted.

(v) In cases of land purchase or exchange of property, the FmHA will obtain a valid mortgage on such acquired land. Title clearance and loan closing will be required the same as for an initial or subsequent FO loan as appropriate. The mortgage will be recorded when the subordination is delivered to the other lender, or immediately after the other lender records its mortgage.

(e) *Request for subordination.* When a borrower requests the FmHA to subordinate a mortgage Form FmHA 465–1, "Application for Partial Release, Subordination, or Consent," will be prepared. If an agreement to give notice of foreclosure is required for approval of an initial FmHA loan, an agreement with a new prior lienholder will be obtained as required in § 1807.2(f)(5) of this chapter. In case of an insured FO mortgage held by the lender, the holder's consent will be obtained in accordance with § 1872.1(e). Any junior lienholder's consent to the transaction and use of the proceeds will be obtained as provided in § 1872.1(f) of this subpart.

(f) *Appraisal.* A current appraisal report will be prepared when property is to be purchased or exchanged, or when the existing appraisal report is more than two years old or is inadequate to make the determination required in this subpart. When an appraisal is required by FmHA in connection with a subordination being granted to the Federal Land Bank (FLB), the appraiser may recommend, or the loan approval official may find, the market value of the total security to be equal to the market value of the real estate plus the value of the FLB stock. This determination will be recorded on a separate sheet and attached to the appraisal report. When a subordination is granted in connection with an FO, SW, or RL loan to permit a loan by another lender, the FmHA appraiser is authorized to use the appraisal report prepared for the other lender in determining the recommended market value of the property in accordance with Subpart A of Part 1809 of this chapter.

(g) *Approval authority.* The County Supervisor and District Director are authorized to approve transactions under § 1872.3 when the total indebtedness against the security after the transaction is completed does not exceed $100,000 and $160,000 respectively. The County Supervisor, however, may not approve transactions that involve refinancing of an FmHA debt. The State Director is authorized to approve transactions that exceed the approval authority of the County Supervisor and District Director. When a new appraisal is required for a farm, the employee who appraises the property cannot approve the transaction. Also, the Assistant County Supervisor may not approve a transaction when the appraisal is made by the County Supervisor in the same office.

(h) *Processing.* When the approval of the transaction by the State Director is required or when the County Supervisor or District Director desires advice before his approval of the transaction, the borrower's case folder with current documents to support the applicable determinations such as, where appropriate, Forms FmHA 431–2, "Farm and Home Plan," FmHA 431–1, "Long-Time Farm and Home Plan," FmHA 431–3, "Family Budget," FmHA 422–1, "Appraisal Report (Farm Tract)," FmHA 422–8, "Property Information and Appraisal Report—Rural Housing Nonfarm Tract," FmHA 440–2, "County Committee Certification or Recommendation," other necessary forms, and Form FmHA 465–1 will be sent to the State Office. Form FmHA 440–2 will be completed in all cases involving a subordination for the purchase of additional land except when the borrower is indebted only for a section 502 or 504 RH loan. After approval of the transaction, it will be closed in accordance with State Supplements to the maximum extent possible as provided in § 1872.25. However, when legal advice on an individual case is necessary, Form FmHA 465–1, any subordination form furnished in connection therewith, the original or a copy of the FmHA mortgage, the refinancing mortgage or agreement, and related documents will be submitted to the OGC for review and preparation of the necessary instruments and closing instructions. The documents and closing instructions will be sent to the County Office. If the signature of the State Director is required on some of the instruments, the docket and closing instructions will be routed through the State Office. The transaction will be completed in accordance with the closing instructions.

§ 1872.4 Consent by partial release, subordination, or otherwise, to sale or other disposition of portion of or interest in security, except leases.

The consent of FmHA or other lienholders may be in the form of a partial release, subordination, or other form of a partial release, subordination, or other form of written consent, depending on the circumstances. The consent authorized herein is applicable to the disposition of security or an interest in the security rather than to a release of security granted to a mortgagor upon his reduction of the debt from regular or other personal funds. A formal release may not be delivered for 15 days after the payment is received unless such payment is made in the form of cash, money order, certified check, or check from a reputable lending agency. Releases not delivered will usually be voided 30 days after notification to the requesting party that the release is available.

(a) *Provisions of FmHA mortgages.* In all FmHA mortgages except RH loan mortgages prepared before October 1, 1950, and a few OL, EM, Special Livestock (SL), and Water Facilities (WF) loans mortgages, the borrower has agreed not to sell, transfer, assign, mortgage, or otherwise encumber the security or any portion of or interest in it, without the prior written consent of the mortgagee. Furthermore, even in the case of the few RH, OL, EM, SL, and WF loan mortgages not requiring FmHA consent, any property, or any part thereof or interest therein which is subject to the FmHA mortgage and which is disposed of by the borrower without consent remains subject to the mortgage lien. In all FmHA mortgages the borrower expressly agrees not to engage, without prior consent, in certain specified transactions, including the cutting or removal of timber, or mining or removal of gravel, oil, gas, coal, or other minerals, except small amounts used by the borrower for ordinary domestic purposes.

(b) *Consent and partial release and subordination forms.* When FmHA consent is requested, it will be given by approving a completed Form FmHA 465–1 if the transaction meets the conditions of § 1872.4(c). Also, when requested, the FmHA will give a written partial release or subordination on Form FmHA 460–1, "Partial Release," approved by the OGC. Written consent of any prior or junior lienholders will be obtained by the borrower and delivered to the FmHA if any proceeds are not to be applied on liens in accordance with their priorities. When an insured FO mortgage is held by the lender, his consent will be obtained only if a written partial release, subordination, or other written servicing document is requested. Any such consent will be obtained in accordance with § 1872.1(f).

(c) *Conditions of FmHA consent:* FmHA consent may be granted and a partial release or subordination executed if the consideration is adequate for the security property being disposed of, or rights granted; orderly repayment of the FmHA indebtedness will not be impaired; the transaction will not interfere with successful operation of any farming enterprise or other enterprise providing repayment ability of the borrower; the market value of the security is adequate to secure the unpaid balance of the FmHA debts, or if the market value of the security before the transaction was inadequate to fully secure the FmHA debts, the FmHA's security interest is not adversely affected; and the provisions of § 1872.4 (d) and (e) and § 1872.11 are complied with. Exceptions to the foregoing sentence are provided in § 1872.4(c) (1) and (2).

(1) *Condemnations.* The conditions of consent as stated in paragraph (c) that the consideration is adequate for the security property being disposed of, or rights granted, and that orderly repayment of the FmHA indebtedness will not be impaired will not apply in condemnation cases after final judgment or award which is not appealed.

(2) *Costs.* In any case of consent, partial release, or subordination the County Supervisor may authorize the borrower to use a portion of the proceeds to pay customary incidental costs appropriate to the transaction and reasonable in amount which the borrower cannot arrange to pay from personal funds or cannot have the purchaser pay, including real estate taxes which must be paid to consumate the transaction. Such costs may, for example, include the following

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in justifiable cases: Costs of title examination, surveys, abstracts, title insurance, reasonable attorney's fees, and recording fees, reasonable attorneys' fees and court costs in condemnation cases, costs necessary to determine the reasonableness of an offer or asking price, such as fees for appraisal of minerals, land, or timber when the necessary appraisal cannot be obtained without costs, real estate brokers' commissions when a borrower can reasonably expect to obtain proceeds in an amount at least equal to the commission in excess of what could otherwise be obtained, or additional income tax which the borrower is required to pay for the year because of the capital gain or mineral royalty payments on the transaction. The amount of the estimated tax on the particular transaction will be deposited in the supervised bank account. Any deposited funds not needed to pay the borrower's adjusted tax liability for the year of the transaction will immediately be applied on the account as an extra payment. In any state in which it is necessary to obtain the insured note from the lender to present to the recorder before a release of a portion of the land from the mortgage, the borrower must pay any costs for postage and insurance of the note while in transit. The County Supervisor will advise the borrower when he requests a partial release that he must pay such costs. If the borrower is unable to pay the costs from personal funds, they may be deducted from the sales proceeds. The amount of the charge will be based on the statement of actual costs furnished by the lender. A subordination approval will also include additional advances by the lender as necessary for taxes, insurance, emergency repairs for maintenance, and liquidation expenses.

(3) *Appraisals.* When the official authorized to approve the transaction is uncertain whether a proposed consideration is adequate or for any other reason considers an appraisal necessary to complete Form FmHA 465–1, or when the transaction involves more than $5,000, a new appraisal report will be obtained in accordance with the applicable appraisal procedure. However, a new appraisal report need not be obtained if there is an appraisal report not over two years old in the case file which will permit the official authorized to approve the transaction to make the proper determination of the market value of the property being retained and the market value of the portion to be released. When a new appraisal is not required, the appraiser will indicate his determination of values and the basis for it in the comments section of the existing appraisal report. The notation will be initialed and dated. When a new appraisal report is required, it will be completed to show the present market value of the property being retained. Also, the present market value of the property being released will be shown under the comments section of the same appraisal report. Information regarding sales of comparable properties used in arriving at the present market value of the property being released will be shown in the comments section or on an attached sheet.

(i) *Stationary units.* If timber or minerals including sand, gravel, or stone, which appear to be worth more than $2,000 are to be sold on the basis of the timber stand or the mineral deposit rather than the units to be removed, the borrower will be encouraged to obtain the assistance of a qualified technician other than an FmHA employee to advise him of the quality or value of the timber or minerals and the manner in which they should be sold. Generally, such assistance can be obtained from State or Federal employees who are located in the area.

(ii) *Units removed.* When timber or minerals, including sand, gravel, or stone, are to be sold on the basis of the units to be removed, or when an easement or a right-of-way is to be sold or granted, the employee authorized to make the appraisal may insert, date, and initial a notation on the existing appraisal report instead of making a new appraisal report. The notation should show the unit value of timber or minerals, or the value of the easement or right-of-way, based on the consideration being paid for similar items in the area, and the manner in which the remaining property will be affected. If the market value of the remaining property is significantly decreased, a market value appraisal of the remaining property usually will be required.

(d) *Authority of the County Supervisor and District Director.* The County Supervisor and District Director are authorized to approve transactions under § 1872.4, except those specifically reserved to the State Director as set forth in § 1872.4(e), when the total indebtedness against the security does not exceed $100,000 and $160,000, respectively. Also, when liquidation in accordance with § 1872.17 is not pending, the County Supervisor is authorized to approve transactions when the entire proceeds (other than costs authorized in § 1872.4(c)(2), or normal income as defined in § 1872.11(b) will be applied on the liens in the order of their priority. The employee who appraises the property cannot approve the transaction. For example, if the Assistant County Supervisor makes the appraisal, the transaction may be approved by the County Supervisor; if the County Supervisor makes the appraisal, the transactions may be approved by the District Director. In case of a three percent loan for forestry purposes, the application for consent or release involving the harvest or sale of forest products will be forwarded to the District Director for approval if the harvest or sale is not in strict accordance with provisions of the initially-approved forestry plan, future repayments on the three percent advance are scheduled on any basis other than equal annual installments, there is a lien on the forest land prior to the lien of the FmHA, or there is a delinquency on any FmHA real estate loan. The County Supervisor and District Director are also authorized to approve transactions involving exchange of all or part of the security for other real estate, use of all or part of the proceeds for development or enlargement or as provided in § 1872.4(d)(3), sale of a portion of the security, except security for RH loans on nonfarm tracts, for its market value and on terms of not less than 10 percent down, and payments not to exceed 10 annual installments of principal plus interest at not less than eight percent per annum or the rate on the borrower's note, whichever is greater, and sale of a portion of the security for RH loans on nonfarm tracts for its market value on terms of not less than 10 percent down, and payments not to exceed five annual installments of principal plus interest at not less than eight percent per annum or the rate on the borrower's note, whichever is greater, provided: The Government's security rights, including the right to foreclose, are not impaired, the downpayment and subsequent payments are applied to the FmHA debts, prior liens, or are used as authorized in this Subpart, any security instruments the borrower obtained in the transactions are assigned to the FmHA, the property sold is not released prior to full payment of the account or receipt of the sale price with proper application or release of such proceeds, and unless appropriate reamortization is made in accordance with § 1861.9, Subpart A of this Chapter, and the borrower understands and agrees that such sale proceeds will not affect his primary and continued obligation for making payments under the note. In any case in which the proceeds under § 1872.11(a) will not be applied on prior liens or FmHA accounts secured by real estate liens, the following requirements must be complied with:

(1) *Development or enlargement.* Use of any proceeds for development or enlargement must be necessary to improve the borrower's debt-paying ability and to place his operation on a sound basis or otherwise further the objectives of the loan. In the case of an FO or OL loan, the use of proceeds for such purposes will not result in making the farm larger than a family farm.

(2) *Development.* Any proposed development work will be in accordance with Part 1804 of this chapter.

(3) *Inadequately secured loans.* When FmHA loans secured by a lien on real estate will be adequately secured after the transaction, proceeds not to exceed an amount equal to the equity in the security may, with the consent of other lienholders, be applied to inadequately secured FmHA loans, to reduce them to the extent that the security is adequately or up to $2,500 may be used for development of nonowned land essential to the borrower's operation whether or not it is taken as security for the loan. If funds are used on nonowned land it must be determined that the improvements are essential to his operation or repayment ability and that the borrower has tenure arrangements that will justify the use of such proceeds on that land. Proceeds released for payments on other

FmHA debts will be applied as extra payments unless the District Director approves a specific written request from the borrower to apply proceeds on a delinquency or currently maturing installment because the borrower is otherwise unable to make such payments. That part of the proceeds not applied to any prior lien or inadequately secured FmHA loan must be applied to the FmHA lien on the security property of the highest priority if not used to develop or enlarge the security.

(4) *Funds.* Funds to be used for development or enlargement will be handled in the manner prescribed in Part 1803 of this Chapter.

(e) *State Director's authority.* The State Director is authorized to approve transactions (1) that exceed the approval authority of the County Supervisor and District Director, or (2) involving an easement or fee title right-of-way granted or conveyed without monetary compensation or for a token consideration if the Government's security interests are not adversely affected.

(f) *Processing.* When the approval of a transaction by the State Director is required, or the County Supervisor or District Director desires advice in connection with his approval of the transaction, the borrower's case folder, Form FmHA 465–1, and any other information pertinent to the transaction will be sent to the State Office. In an exchange of security, the provisions of this subpart applicable to a sale of a portion of the security will apply to the property being released. The provisions of Subpart A of Part 1821 of this chapter applicable to the purchase of land will apply to land being acquired in connection with FO, RL, and SW loans. The provisions of that subpart applicable to the title clearance, security, and appraisals will apply to lands being acquired in connection with other loans.

§ 1872.5 Subordination of FmHA real estate mortgages to easements to the Bureau of Sport Fisheries and Wildlife.

(a) *General.* The policies and procedures for subordinating FmHA mortgages on wetlands on which the Bureau of Sport Fisheries and Wildlife obtain easements for waterfowl nesting habitats are set forth herein. Appendix I "Memorandum of Understanding Between Bureau of Sport Fisheries and Wildlife and the Farmers Home Administration," outlines the procedure to follow in processing of such subordinations.

(b) *Authorization.* When a request for a subordination is received from the Bureau of Sport Fisheries and Wildlife, the County Supervisor will handle the request in accordance with the steps outlined in Appendix I and applicable portions of §1872.3.

§ 1872.6 Subordination of FmHA's lien to the Commodity Credit Corporation's (CCC's) security interest taken for loans for farm storage and drying equipment.

The CCC makes loans under its Farm Storage and Drying Equipment Loan Program for the purchase, construction, erection, remodeling, or installation of either farm storage or drying equipment or both and requires that a loan of $10,000 or more, or any loan at the discretion of the approving committee, be secured by a lien on the real estate. When the CCC proposes to make a loan to an FmHA borrower and requests a subordination of the FmHA real estate lien, the request will be handled on an individual case basis in accordance with the authorizations and requirements of §1872.3 of this subpart. A borrower's request for the FmHA's consent to severance agreement or other similar instrument for an item or items to be acquired with a CCC loan will be handled in accordance with §1872.10 of this subpart.

§ 1872.7 Consent to junior liens.

(a) *Policy.* As a general policy, FmHA borrowers will be discouraged from giving junior liens on real estate securing an FmHA loan to other creditors. When consent is requested by a borrower, the County Supervisor may consent by executing Form FmHA 465–1 or other form approved by OGC for use in the state provided: The loan is necessary for the successful operation of the borrower's security property or because of his financial condition; the terms of the junior lien debt are such that its payment will not likely jeopardize payment of the FmHA loan; any operating plans made with the junior lienholder are consistent with any plans made by the FmHA with the borrower; and the junior creditor agrees in writing that he will not foreclose his mortgage before a discussion with the County Supervisor and after giving a reasonable specified period of notice to the FmHA.

(b) *Servicing action.* When a junior lien is placed on any property without FmHA's consent, and consent may not be granted in accordance with the policy indicated in § 1872.7(a), the FmHA may continue with the loan as long as the borrower makes payments on FmHA loans as agreed, properly maintains the security, and meets all other conditions of the loan. The County Supervisor will continue to service the loan to protect the Government's security interest.

§ 1872.8 Consent to borrower's granting lease of security.

When consent to a lease is required by the security instruments and a borrower requests FmHA's consent to lease all or a portion of the security, or the County Supervisor discovers that a borrower is leasing the security without consent, Form FmHA 465–1 will be prepared when the County Supervisor recommends approval of the lease. That form will show the terms of the proposed lease and will specify the use of proceeds including any proceeds to be released to the borrower. When another lienholder's mortgage requires consent to lease, his consent will be obtained as provided in § 1871.1(f). FmHA consent to the lease may be granted on the basis of the situation at the time of the proposed action when: the lease or its terms will not adversely affect the repayment of the loan or the Government's rights under the mortgage, leasing is not an alternative to, or means of, delaying liquidation action, the operation of all or a portion of the security under the lease will not adversely affect any applicable crop allotments, the lease and use of any proceeds will further the objectives of the loan, liquidation is not pending and rental income sufficient to make regular payments under the note, pay taxes and insurance, and maintain the security is assigned to FmHA for these purposes unless such payments are otherwise reasonably assured, the lease is advantageous to the borrower and is not to the Government's disadvantage, and if foreclosure action has been approved, consent to lease and use of proceeds will be granted only under directions by the OGC. In cases where the borrower leases property without consent and consent may not be granted in accordance with the above provisions, or when further approval of a lease cannot be granted in accordance with the conditions of this subpart, the case will be serviced promptly in accordance with § 1872.17 of this subpart unless the borrower corrects the violation. Consent to lease will be subject to the additional conditions specified below for each kind of lease:

(a) *Leases of security for agricultural purposes*—(1) *County Supervisor's authority.* When liquidation in accordance with § 1872.17 is not pending, the County Supervisor is authorized to approve annual leases on all or part of the security for borrowers with:

(i) *RH or LH loans on farms, or SW, RL, or Other Real Estate (ORE) loans.* For the purposes of this subpart, leases for an annual term with option to the lessor to renew for a longer term and to cancel at least at the end of each year, will be considered annual leases. The FmHA will reserve the right to withdraw the consent at the end of any year should liquidation or other servicing action be required by FmHA.

(ii) *OL or FO loans.* OL or FO loans provided:

(A) Failure to personally operate the security to be leased is due to old age, poor health, or death in the family and the borrower or his family will continue to occupy the security as a home, or

(B) The part of the security to be leased is insignificant to total farm acreage and is surplus to the borrower's need, for example, a surplus building, wasteland, or a few acres of land inconveniently located or otherwise unsuitable and unnecessary for the successful operation of the farm by the borrower. This will also include the leasing of small allotment acreages that are not feasible for the borrower to operate because of special equipment needs, additional labor requirements, or other economical or management reasons. It must be determined that the leasing of these allotted acres will not reduce the borrower's operation to less than that of a family farm. This is not intended to cover substantial amounts of allotted crop acres that are an important part of the total farming operation. It must

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also be determined that the alloted acreage in question cannot be economically disposed of by the borrower in accordance with § 1872.4 and § 1872.9 of this subpart.

(2) *State Director's authority.* The State Director is authorized to approve leases when the following conditions exist:

(i) *Adverse conditions.* Failure to personally occupy as his home or operate EM, FO, or OL security is due to conditions beyond the borrower's control and it is determined that the borrower will reoccupy and resume personal operation of the property within a reasonable period of time generally not to exceed five (5) years.

(ii) *Pending liquidation.* Liquidation in accordance with § 1872.17 is pending and the lease is to protect the Government's interests. Form FmHA 465–2 will be used and the rental income will be applied to the FmHA secured debt as extra payments or to prior lien(s). However, when the value of the property is adequate to cover the secured debts and foreclosure action has not been approved, the proceeds may be applied on unsecured or undersecured FmHA debts.

(iii) *Time limit.* Consent is not granted for a period in excess of one year unless a lease with longer terms is determined to be in the best interest of the borrower and the Government. Any lease for a term of more than five (5) years will require prior concurrence of the National Office.

(3) *District Director's authority.* The District Director is authorized to approve leases on the same basis as the State Director provided consent is not given for more than four (4) years without further authorization from the State Office.

(b) *Lease of nonfarm tracts.* When a borrower who received an RH loan on a nonfarm tract no longer occupies the dwelling purchased, improved, or constructed and given as security for the RH loan, the loan will be serviced promptly for liquidation in accordance with § 1872.17, unless it is determined that the borrower vacated the dwelling for reasons beyond his control and intends personally to reoccupy the dwelling within a reasonable period usually not to exceed three (3) years.

(1) *County Supervisor's limit.* When it is determined that a borrower's request for permission to lease his RH security meets the conditions outlined above, the County Supervisor is authorized to approve the leasing for two (2) consecutive one-year periods.

(2) *District Director's limit.* When the borrower does not resume personal occupancy of the dwelling within two (2) years, the County Supervisor may submit the case file, Form FmHA 465–1, and his recommendations to the District Director who may consent to annual leasing for an additional two-year period or may require immediate liquidation. When the borrower is willing to voluntarily liquidate the account, or if foreclosure is contemplated, the District Director is authorized to approve the leasing pending liquidation. If the lease is for a term of more than one (1) month it will provide for cancellation by 30 days' notice.

(3) *State Director's authority.* Requests for leases exceeding the time limits above may be submitted to the State Director for consideration. However, any lease for a term of more than five (5) years will require the prior concurrence of the national office.

(c) *Leases of security under conditions other than specified in § 1872.8 (a), (b), (d), or (e).* The State Director is authorized to grant consent to the lease of the security provided:

(1) *Conditions.* The lease is advantageous to the Government and the borrower and will not adversely affect the borrower's personal operation of the farm securing any FmHA loan or the occupancy of the dwelling by a borrower with an RH loan on a nonfarm tract, and the land or building to be leased is surplus to the borrower's needs.

(2) *Time limit.* Consent for lease is not granted for more than five (5) years without prior approval of the National Office. In any such case recommended by the State Director, the County Office case file, the justification for a lease for a longer period of time, and the reasons why a lease is preferable to disposition of the property will be sent to the National Office for consideration.

(d) *Mineral leases.* The County Supervisor, unless restricted by a State Supplement, or liquidation is pending, and the State Director in any case, are each authorized to consent on behalf of the Government and to execute recordable forms and such other forms as may be necessary, under the following conditions:

(1) *Compensation damages.* The lessee agrees in the lease or elsewhere, or is liable without any agreement, to pay adequate compensation for any damage to the real estate surface, improvements, and growing crops. When an oil and gas lease provides for payment of damage to growing crops and contains other provisions which are generally included in so-called "standard" lease forms that are used in the area, the State Director may determine that it will not be necessary to obtain any additional agreement for payment of damages if the value of the security likely will not be lessened. Damage compensation will be assigned to the FmHA by the use of Form FmHA 443–16, "Assignment of Income from Real Estate Security," or to the prior lienholder. However, the crop damage payment liability requirement may be omitted or deleted from the lease on small nonfarm tract cases.

(2) *Assignments.* Royalty payments are adequate and are assigned on Form FmHA 443–16.

(3) *Lease amount.* The bonus and rentals are at least equal to any minimum amounts established by a State Supplement. All or a portion of delay rentals and bonus payments may be assigned on Form FmHA 433–16 if needed for protection of the Government's interests.

(4) *Lease forms.* The lease, subordination, or consent form is prepared by or is acceptable to the OGC. If standard lease forms are acceptable, the use of such forms may be authorized in a State Supplement.

(e) *Naval stores leases.* The County Supervisor, unless liquidation is pending, and the State Director in any case, are each authorized to execute Form FmHA 465–1 giving FmHA consent to the lease of naval stores and to execute such other forms on behalf of the FmHA as may be necessary. No lease may be consented to unless it requires operation consistent with approved naval stores practices in the community and any State Supplement on this subject. When naval stores are not managed or operated by the borrower, an assignment of the proceeds will be taken on Form FmHA 443–16.

§ 1872.9 Transfer of upland cotton, peanut or tobacco allotments.

(a) *General.* Agricultural Stabilization and Conservation Service (ASCS) regulations pursuant to approved legislation permits the transfer of upland cotton, peanut, or tobacco allotments by one or more of the following transactions: Sale, lease, or transfer by the owner to another farm owned or controlled by him. These regulations require, among other things, that no allotment may be transferred from a farm which is subject to a mortgage or other lien, unless the transfer is agreed to by the lienholders. It is the policy of the FmHA to approve the transfer of any crop allotments permitted by the ASCS regulations if the conditions and requirements of this subpart can be met. FmHA personnel should familiarize themselves with the state ASCS policies and requirements concerning the sale, lease, or transfer of allotments to assure compliance with established FmHA policies and servicing of security.

(b) *Authorization.* The County Supervisor is authorize to approve a transfer of upland cotton, peanut, or tobacco allotment by execution of a completed Form FmHA 465–1. He is also authorized to execute the lienholder or mortgagee agreement on appropriate ASCS forms provided for this purpose for those cases in which he approves a transfer.

(c) *Transfer by sale.* Crop allotments enhance the value of a farm mortgaged to the FmHA and constitute basic security for the FmHA loan. Accordingly, when a borrower whose farm is mortgaged to the FmHA inquires about the sale of any of his allotted acres or requests the FmHA to sign the required lienholder or mortgagee agreement, the request will be treated the same as for a sale of a portion of the security and approval of the sale can be granted only in accordance with the applicable conditions and requirements of § 1872.4 of this subpart. The sale proceeds may be used only as authorized in that subpart after obtaining the concurrence of the employee authorized to permit use of the proceeds for other than application on the secured debt.

(d) *Transfer of allotment by lease.* The County Supervisor's authority to approve a lease of all or a portion of an allotment for a one-year period is contingent upon compliance with the policy outlined in the introductory statement of § 1872.8, except that the third example of item when FmHA consent may be granted will not be applicable. If the one-year lease is approved, the lease proceeds may be used as normal income. Leases for a period of more than one (1) year will be granted only with the concurrence of the District Director. When a lease is for more than one (1) year, an assignment of the rental proceeds should be obtained for application on the appropriate FmHA debt in accordance with the distribution formula for regular payments as outlined in § 1861.3 of Subpart A, Part 1861, Subchapter E of this chapter.

(e) *Transfer of allotment by owner to other land owned or controlled by him.* A transfer by an owner to land owned or controlled by him is normally interpreted by the ASCS as a permanent transfer and can be avoided only by stipulating in the mortgagee approval that the transfer is to be considered as a lease for the appropriate number of years. This type of transfer will be approved only as a lease under conditions outlined in § 1872.9(d) to assure that the crop allotment on the security is not adversely affected.

§ 1872.10 Severance agreements.

When a borrower requests the FmHA's consent to a severance agreement or other instrument of similar effect under which an item or items to be acquired by him through other credit will not become a part of the real estate securing the FmHA debt, such as a silo, storage bin, bulk milk tank, irrigation or a nonfarm enterprise facility or recreational equipment, or other income-producing facilities, and such equipment or facilities will be subject to a chattel lien, Form FmHA 465–1 will be completed. The County Supervisor, if the value of the item does not exceed $25,000, the District Director, if the value of the item does not exceed $50,000, and the State Director in any case, are each authorized to give FmHA consent by executing Form FmHA 465–1 and any necessary severance agreements provided the following determination are made: The financing arrangements are sound and proper, the transaction will not adversely affect the FmHA's security position and will be within the borrower's debt-paying ability, and the facility is not in excess of the borrower's needs, is modest in cost and design, and is otherwise in line with FmHA financing policies. In any case in excess of the County Supervisor's approval authority, the County Supervisor will forward to the District Director the Form FmHA 465–1, the borrower's case file, and his recommendations regarding the request. The OGC will be requested to approve a severance agreement submitted by the borrower not previously approved for use in the State and, when necessary, issue closing instructions. The State Director may request the OGC to prepare a severance agreement instrument for use in the State.

§ 1872.11 Disposition of proceeds of partial release, subordination, and consent transactions.

(a) *Payment on FmHA account or prior lien or use for development or enlargement.* Proceeds from the sale of a portion of the security, the granting of an easement or right-of-way, proceeds from leases referred to in §1872.8(a)(2)(ii), royalties and damage compensation payments, except for compensation for damages for growing crops, the sale of timber that clearly depletes the Government's security, other than that harvested on a selective cutting basis as authorized in §1872.11(b), naval stores production not managed by or under the supervision of the borrower, and all similar transactions will be either released for payment on the prior lien, applied as an extra payment on the FmHA loan as provided in Subpart A, Part 1861, Subchapter E of this chapter, used for replacement or repair of damages for which compensation was paid, or used as provided in § 1872.4(c)(2) and § 1872.4(d) of this subpart.

(b) *Normal income.* Proceeds from leases authorized in §1872.8, except lease proceeds referred to in §1872.8(a)(2)(ii), bonuses and rentals under mineral leases, proceeds from the sale of timber that is harvested on a selective cutting basis that does not deplete the Government's security, or from naval stores production managed by or under the supervision of the borrower, compensation to the borrower for growing crops, labor, or services in cutting, loading, and hauling of security, and all similar transactions will be considered as normal income and may be used for the same purposes as for normal income security as outlined in Subpart A, Part 1871, Subchapter F of this chapter. When forestry products income is received by the borrower, even though it is considered normal income, the County Supervisor must determine that amount of such proceeds that may be released to the borrower. In making such a determination, protection of the Government's security position must be fully considered in light of the amount of forest resources remaining, the unpaid balance of the loan, and any other debts owed the FmHA.

(c) *Assignment.* Any proceeds to be paid to the FmHA subsequent to the time of closing the transaction and not otherwise assigned or made payable to the FmHA will be assigned by the use of Form FmHA 443–16 or other assignment form approved by the OGC.

§ 1872.12 Assignment and release of soil bank or similar program payments.

The County Supervisor may take an assignment on income to be received under a Soil Bank or similar contract to protect the financial interest of the Government or to facilitate loan servicing. The assignment of all or a portion of the income from the assignment may be released to the borrower by the County Supervisor when not to the financial detriment of the Government, and payments due on all FmHA loans have been made from other income or the income is urgently needed to meet emergency or other justifiable uses.

§ 1872.13 Deceased borrower.

Decreased borrower cases will be handled in accordance with the policy outlined in § 1871.39 of Subpart B, Part 1871, Subchapter F of this chapter.

§ 1872.14 Bankruptcy and insolvency.

Bankruptcy and insolvency cases will be handled in accordance with the policy outlined in § 1871.38 of Subpart B, Part 1871, Subchapter F of this chapter. The handling of bankruptcy cases varies from state to state. Therefore, the State Director will issue a state supplement for more specific guidance when it will expedite the handling of such cases.

§ 1872.15 Servicing note-only cases.

Each loan made on a note-only basis without mortgage security will be serviced in a manner consistent with the best interests of the FmHA.

(a) *Sale of real property on which improvements were made with note-only FmHA funds.* Any loan evidenced only by an unsecured note will be collected by voluntary means at the time of the sale of the property, if possible. If such collection is not possible, the loan may be assumed by the purchaser of the property on the terms of the note if such assumption is determined to be in the FmHA's best financial interest. If such collection or assumption cannot be effected, consideration should be given to settling the account in accordance with Part 1864, Subchapter E of this chapter, if it is eligible, obtaining judgment, or classifying it as collection-only. In case of a judgment sale, the State Director with the advice of the OGC and the U.S. Attorney will authorize an employee to attend the sale and if appropriate enter a bid on behalf of the Government in accordance with § 1872.20(b)(4)(vi) and (vii) of this subpart.

(b) *Assumption of note-only when real property securing another FmHA loan is involved.* When a borrower has an FmHA loan secured by real estate, and another FmHA loan evidenced only by a note, and the entire secured real estate debt is to be assumed, all or a part of the unsecured note up to the present market value of the property in excess of existing liens must be assumed as appropriate under § 1872.18 of this subpart, if approval of assumption of the secured note and transfer of the real estate is approved. If the entire note-only account is assumed, it may be assumed by use of Form FmHA 460–9, "Assumption Agreement (Same Terms-Eligible Transferee)," in accordance with the terms of the existing note. Otherwise, it may be assumed by use of Form FmHA 460–5, "Assumption Agreement (New Terms)," by an applicant who meets the eligibility requirements for the type of loan involved and on terms applicable to such a loan. Form

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FmHA 460–5 or Form FmHA 460–9 will be modified as appropriate, with the advice of OGC. The loan approval official may require a note-only loan being assumed to be secured by obtaining a new mortgage.

(c) *Deceased borrower cases.* When a borrower dies while owing an FmHA unsecured note, the case will be handled in accordance with the applicable policies in Subpart B, Part 1871, Subchapter F of this chapter. If it is determined that there are no assets in the estate from which the claim can be collected and there are no survivors or others who will assume the account and continue to make payments on the note in accordance with its terms, the account will be settled immediately in accordance with Part 1864, Subchapter E of this chapter.

§ 1872.16 Release of FmHA mortgage without monetary consideration on basis of additional security or because of mutual mistake or nonexistence of evidence of indebtedness or valueless liens.

(a) *Additional real estate, chattel, or miscellaneous security.* Real estate, chattel, or miscellaneous items which were taken as additional security for a loan secured by real estate may be released by the State Director without consideration before the loan is paid in full, if the market value of the remaining security for the loan is clearly adequate to secure the unpaid balance of the loan. No part of the FO, RL, SW, EM, or RH farm or the borrower's dwelling for an EM, RH, FO, or RL loan is considered as additional security for this purpose. This subpart does not cover basic security for OL and EM loans and only permits release of real estate for such loans, when it was taken as additional security. It must be determined that there is reasonable assurance that orderly payments can be made on the FmHA indebtedness and:

(1) *Release.* The release is needed to help finance the borrower's operations; or

(2) *Purposes.* The purposes for which the loan was made would be facilitated; or

(3) *Repayment.* The borrower's ability to repay the loan will be improved.

(b) *Release of real estate from mortgage because of mutual mistake.* Land or buildings included in the mortgage through mutual mistake, when substantiated by the factual situation, may be released from the mortgage by the State Director. The release is contingent on the State Director with the advice of the OGC determining that a mutual error existed at the time such property was included in the Government's mortgage.

(c) *No evidence of indebtedness.* The FmHA mortgage may be released by the County Supervisor in situations where there is no evidence of an existing indebtedness secured by the mortgage in the records of the FmHA County, State, or Finance Office.

(d) *Release of valueless liens.* State Directors are authorized to release FmHA mortgages or other liens which have no present or prospective value or when their enforcement would likely be ineffectual or uneconomical. This authority does not extend to valueless judgment liens or valueless statutory redemption rights except with the consent of the OGC. The following will be obtained:

(1) *Appraisal report.* A market value appraisal report on the security prepared by an FmHA employee authorized to make appraisals.

(2) *Lienholders.* The names of the holders of prior liens on the property and the amount secured by each lien which is prior to the FmHA. Such information will be recorded in the running case record of the borrower's County Office case folder and submitted to the State Director for his review.

§ 1872.17 Liquidation action.

When the County Supervisor, with the advice of the District Director and the County Committee, except the County Committee will not be used for servicing sections 502 and 504 RH loans, determines that continued servicing of the loan will not accomplish the objectives of the loan or that for other reasons further servicing cannot be justified under the policy stated in § 1872.1(b), liquidation of the account(s) will be accomplished as expeditiously as possible.

(a) *General.* When the borrower is willing to voluntarily liquidate the account immediately by selling the property and paying the account in full, transferring the total security with an assumption of all or the appropriate portion of the debt under § 1872.18, selling the property for not less than its present market value under § 1872.17(h), or, conveying the security to the FmHA under § 1872.19, the County Supervisor may give him 60 days to accomplish such action. If the property is to be sold or transferred for its present market value which is less than the total secured debts against it, the County Supervisor will appraise the property immediately. If the unpaid FmHA security debt and any prior lien does not exceed $100,000, the County Supervisor will establish the present market value of the security. Otherwise, he will obtain the concurrence of the District Director for secured debts of not more than $160,000 and the concurrence of the State Director if the secured debts exceed $160,000.

(b) *Problem case report.* If the borrower is unwilling to take any of the actions specified in § 1872.17(a) or fails to carry out any such actions within 60 days, the County Supervisor will complete Form FmHA 465–7 and send it to the State Office through the District Director so that the District Director's recommendation may be attached. In cases involving only a Section 502 or 504 RH loan, the County Committee's recommendation on Form FmHA 465–7 will not be obtained. If the State Director agrees that forced liquidation is appropriate, he should approve such liquidation. The State Director may give the borrower additional time to make the sale, transfer, or voluntary conveyance before sending the case to the OGC for initiation of foreclosure action.

(c) *Acceleration of account.* When the State Director approves forced liquidation, the account should be accelerated and the borrower notified even though he gives the borrower additional time to voluntarily liquidate the account. He should place a time limit on the borrower which usually should not exceed three months in the first instance. The original period fixed by the State Director plus any extensions granted by him should in no case exceed one (1) year without prior concurrence of the National Office. Prior to granting any extension after the original period fixed by him, the State Director will require the County Supervisor to report the steps taken by the borrower to liquidate the account. If a sale is involved, the County Supervisor's report should indicate whether the borrower's asking price is reasonable and whether the asking price is delaying the sale unreasonably. Acceleration or granting time for voluntary liquidation as provided for above will not preclude exercise of the authority in § 1872.17(g). However, the above authority should never be used for the purpose of extending the liquidation period under § 182.17(f).

(d) *Assignment.* When an insured loan case is sent to the OGC to initiate liquidation action, the insured note will be simultaneously assigned to the fund.

(e) *Multiple loans.* When a borrower is indebted to the FmHA for more than one type of FmHA loan, a thorough study should be made of each loan and of the effect liquidation of one or more of the loans would have on any other loan. When liquidation of one or more FmHA loans secured by real estate is necessary and it will jeopardize the repayment of or the accomplishment of the purposes of other FmHA loans, all FmHA loans should be liquidated. For example, on an OL and FO loan, the liquidation action will be started simultaneously, and the liquidation of real estate and chattel security will be coordinated to the extent possible. However, the chattel security will be liquidated in accordance with Subpart B, Part 1871 of Subchapter F except that when an account(s) is secured by both real estate and chattels and the account(s) will be transferred, such transfer(s) will be accomplished in accordance with § 1872.18 of this subpart.

(f) *Requirement.* An RH borrower who obtained a loan on a nonfarm tract, or any FO or RL borrower who, without FmHA consent, does not personally operate the farm or recreational facility, or when required by the mortgage, does not live on the security property, is violating his agreements with FmHA. Such a borrower, if available, will be promptly contacted in person by the County Supervisor and advised of the violation and that it will be necessary to liquidate the account by payment in full, by refinancing or otherwise, unless definite agreements are reached to remove the violation by reoccupying or resuming personal operation of the property as required by the loan documents, or consent for lease is granted as authorized in § 1872.8 of this Subpart. If the borrower is not available for personal contact or definite agreements cannot be reached or consent to a lease is not authorized, the County Supervisor will write to the borrower at his last known address, notifying him of the violation and advise him that, because of the violation, it will be necessary to liquidate the account. The County Supervisor may authorize the borrower a reasonable period of time (60 to 90 days) in which to correct the violation. If during such period the borrower fails to remove the violation or take appropriate action for liquidation of the account in full, the case will be handled in accordance with § 1872.17 (b) and (c).

(g) *Acceleration agreement.* When liquidation of the account is necessary because of failure to refinance, or for other reasons, and the remaining loan repayment period exceeds ten (10) years for real estate loans, or two (2) years for OL and EM loans, the State Director may, in lieu of foreclosure, permit the borrower to pay the account under an acceleration agreement. For real estate loans other than RH loans on nonfarm tracts, the term of the agreement will not exceed ten (10) years. For OL, EM, and RH nonfarm loans, the term of the agreement will not exceed five (5) years. In either case, the balance of the debt will be scheduled for repayment in equal annual or monthly amortized installments of combined principal and interest, except that if annual payments are required, the first installment may be less than a full amortized installment if it is due substantially less than a full year after the date of the agreement and the borrower will not be able to pay the full amount. If the borrower owes a small amount and the remaining period of the loan is ten (10) years or less for real estate loans and two (2) years or less for OL or EM loans, the State Director may authorize acceleration of the account for a shorter period, as appropriate. Interest will be at the rate shown in the note. The State Director will determine that authorization for repayment of the debt under an accelerated repayment agreement is necessary to protect the Government's financial interest and the borrower can reasonably be expected to meet the accelerated payments, and the borrower will continue to comply with other requirements of the loan and security instruments. When an understanding to accelerate is reached with the borrower, Form FmHA 465–11, "Accelerated Repayment Agreement," will be completed and executed. Separate Forms FmHA 465–11 will be used for each type of loan and for direct or insured loans. If the borrower fails to meet any installment when due as provided in such an agreement, foreclosure action will be initiated.

(h) *Cash sale.* When a cash sale of mortgaged real estate will result in the secured debts not being paid in full, the County Supervisor is authorized to approve the sale for not less than the present market value of the property established in accordance with § 1872.17(a) and to release the Government's liens, provided:

(1) *Substantial recovery.* A substantial recovery can be made on the FmHA secured indebtedness based on a recent appraisal report showing the present market value of the property.

(2) *Application.* All the proceeds are applied on the mortgage debts in accordance with their respective priorities except authorized costs as specified in § 1872.4(c)(2).

(3) *Release.* The FmHA liens are not released by the County Supervisor until receipt of the appropriate sale proceeds for application on the Government's claim. The release will be made on forms approved or prepared by the OGC. If the debt is not paid in full and a deficiency judgment is not to be obtained, the case will be reclassified to collection only if the debt cannot be settled under the provisions of Part 1864 Subchapter E and the requirements of FmHA regulations concerning case classifications can be met. When a case is reclassified to collection only, Form FmHA 404–1, "Case Reclassification," and Form FmHA 450–10, "Advice of Borrower's Change of Address or Name," will be sent to the Finance Office.

§ 1872.18 Transfer of real estate security.

When the mortgage requires the consent of FmHA to any proposed sale or other transfer of real estate security for FmHA loans, the borrower should be reminded that before firm agreements have been reached with a purchaser of all or a portion of the security, the borrower and purchaser should contact the County Supervisor concerning the proposed sale. If the proposed sale would not result in the FmHA account being paid in full at the time of the sale, the County Supervisor should explain thoroughly the requirements of this section and § 1872.4 or 1872.17 as appropriate. When the transferor is receiving a substantial downpayment in connection with the sale of his property, the purchaser should be required to contact other sources of credit to secure a loan for repayment of the FmHA loan in full. When real estate security, including water rights, is sold and the mortgage requires FmHA consent to the sale and the transaction cannot be approved under the appropriate sections of this subpart the account will be liquidated as required in § 1872.17.

(a) *Authority.* County Supervisors, District Directors, and State Directors are authorized to approve transfers with assumption of FmHA accounts to eligible or ineligible transferees in accordance with § 1872.18 and release of liability when the secured debts do not exceed $100,000, $160,000, and $225,000 respectively. State Directors also are authorized to approve such transfers to and assumptions by ineligible transferees regardless of the amount of the outstanding FmHA debts or the amount of prior liens. Proposed transfers to, and assumptions by, eligible transferees which will exceed the authorizations and limitation of the State Director for an initial or subsequent loan of the same type, will be submitted to the National Office for prior authorization for approval.

(b) *General policies.* The following general policies will be applicable when an FmHA borrower transfers or proposes to transfer real estate which is security for an FmHS loan(s) and the loan account(s) is to be assumed by use of either Form FmHA 460–9 or Form FmHA 460–5.

(1) *Agreement.* Form FmHA 465–5, "Transfer of Real Estate Security," will be completed to reflect the agreement between the transferor and the transferee.

(2) *Assignment.* If an insured loan is involved, when applicable, the Finance Office will have the insured not assigned to the fund when the assumption agreement changes the terms of the note.

(3) *Value.* All transfers will be based on present market value. When the total secured FmHA debt(s) exceeds the present market value, the transferee will assume an amount equal to the present market value as determined in accordance with § 1872.1(a), less prior liens. Otherwise, the transferee will assume the total FmHA secured debt(s).

(4) *Assumption agreement.* Notwithstanding that part of § 1807.2(f)(8) regarding the effect of a wife's signature on a promissory note, a deceased borrower's spouse will execute an assumption agreement when the spouse is not already liable for the indebtedness because of not having signed the note(s) or would be absolved from liability under State law after having signed the note(s). The assumption agreement, when required in such cases, will be completed and sent to the Finance Office. The interest rate and terms of the assumption agreement of such a spouse usually will remain the same as they were in the note(s). If, however, the number of years over which a note was amortized needs to be extended to be within the repayment ability of the assuming spouse, the reamortization period may be extended but cannot exceed the repayment period applicable to the kind of loan being assumed calculated from the date of the original note. Authorization to continue the loan at the interest rate and terms authorized by this paragraph are contingent on a determination by the approval official that such rates and terms are necessary to carry out the purpose of the loan, or to protect the financial interest of the Government.

(5) *Withdrawal of joint borrowers.* When one of the joint borrowers (including the jointly liable former spouse of a divorced borrower) withdraws from the operation and conveys his interest in the security property to the remaining borrower who desires to assume the total indebtedness, the assumption, except for RH loans, will be made on the basis of the existing note(s) by use of Form FmHA 460–9 or, in case of an ineligible transferee, on Form FmHA 460–5 on terms applicable to ineligible applicants. For RH loans, an assumption agreement is not required. However, Form FmHA 450–10 will be submitted to the Finance Office when the account will be continued

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with the remaining borrower(s) under a different name. In either case, the former spouse or previous joint owner will be released of liability for the indebtedness if the conditions of § 1872.18(f) are met, except when a divorce decree awarded the security property to one spouse would be responsible for playing spouse would be responsible for paying all or part of the mortgage payments.

(8) *Assumption with joint borrower.* When the spouse or another member of a borrower's family who is eligible for the kind of loan involved will assume the indebtedness with one or more of the existing borrowers, the assumption will be made on the same basis as the existing note(s) by use of Form FmHA 460–9. Such assumptions are frequently made in accordance with all or the applicable requirements of this § 1872.18 when an aged couple has a son or daughter who will assist in operating the farm or live in the RH house, help make the payments, and obtain title to the property individually or jointly with the borrower(s), or subject to a life estate reservation by the existing borrower(s).

(7) *Loan type.* The kind(s) of loan will remain the same for all loans except that loans which are transferred to ineligible applicants will be classified as ORE.

(8) *Conveyance of a portion of the security.* Generally, title to all FmHA real estate security, including water rights, must be conveyed to the transferee not later than the date of closing the transfer. However, a transfer of a portion of the FmHA real estate security with an assumption of the total indebtedness may be approved, provided: The portion of the FmHA security transferred has a present market value at least equal to the total indebtedness owed by the borrower or such indebtedness is reduced by a cash payment to the present market value of such property, the transaction is advantageous to the Government, and in cases of RH loans, the property improved with RH funds is conveyed to the person assuming the RH loan. In such a transaction, the transferor will be released from personal liability for the debt. The security he retained will be released from the Government's lien.

(9) *Multiple sales and assumption.* When a request is made by a borrower to transfer the real estate security as parcels to two or more transferees with assumption of a portion of the debt, the County Supervisor may send the proposed action to the State Director for consideration if the County Supervisor recommends that such a transaction would be advantageous to the Government. In such a case, the total debt must be assumed by the transferee even though a portion of the security property may be retained by the transferor. The County Supervisor will submit to the State Director the complete factual information concerning the transaction. It will include appraisal reports showing the present market value of each portion to be transferred and such value of the total unit before subdivision, the amount of indebtedness to be assumed by each transferee, and the case file with other pertinent information outlining the reasons for the proposed actions.

(10) *Dual security.* When the account(s) is secured by both chattel and real estate, all the chattel security must be transferred, sold, or liquidated by the time of the transfer or the real estate, except that in case of EM or SL security, the real estate security may be transferred without transfer or liquidation of the chattel security upon prior approval of the National Office.

(11) *Consent.* The written consent of any lienholder must be obtained if required.

(12) *Junior liens.* When the full amount of the FmHA debits assumed, there must be no liens, judgments, or other claims against the security which are junior to any FmHA liens being assumed unless the State Director determines that such liens, judgments, or claims will not adversely affect the Government's security interest and that the transferee's ability to pay the FmHA debt will not be impaired thereby.

(13) *Restriction.* When less than the full amount of the FmHA debt is being assumed, there must be no liens, judgments, or other claims against the security which are junior to any FmHA loans being assumed.

(14) *Loans.* An initial or subsequent loan for which the transferee is eligible may be made in connection with a transfer, subject to the policies and procedures governing the kind of loan being made. When the transfer is being made to an eligible FO applicant, FO loan funds may be used to pay equity. When real estate security for an RH loan is transferred to a person eligible under Subpart A, Part 1822 of Subchapter B for an RH loan to purchase such real estate, RH loan funds may be used to pay the equity. This, however, does not include income producing lands or buildings. In lieu of the subsequent loan of the kind involved, the Government's lien may be subordinated to (1) enable the transferor to take a first mortgage to secure the amount of his equity payment, or, (2) to permit another lender to furnish funds needed in connection with the transfer. In such cases, the subordination will be processed in accordance with the applicable provisions of § 1873.3. The transferor may convey title to the property by warranty deed or, when he agrees to take a first lien to secure his downpayment, he may sell the property by purchase contract or similar instrument that meets the conditions of § 1821.7(a)(2). In such cases, prior lienholders' agreements will be obtained in accordance with § 1807.3(f)(5). When necessary to settle a divorce action, a subsequent loan may be made or a subordination may be granted to permit the remaining borrower to obtain a loan in an amount not to exceed the equity in the property.

(15) *Payments.* If a payment to the transferor is to be made in connection with the transfer, the total FmHA debt must be assumed unless the payment received by the transferor is applied on a prior lien or to the portion of the transferor's FmHA debt not assumed. When the full amount of the FmHA secured debt is being assumed and other FmHA debts owed by the transferor are not adequately secured, the State Director may, as a condition of approving the transfer, require that all or a part of any equity payment be applied on such debts.

(16) *Downpayment.* An eligible transferee will make a downpayment on the FmHA secured debts if he is financially able. When a payment is required the transfer will not be closed nor the appropriate assumption agreement executed prior to receipt of such payment.

(17) *Date.* The effective date of the transfer will be the actual date the transfer is closed. This is the date on which Forms FmHA 460–5 or FmHA 460–9 are signed. In connection with the use of either form, the unpaid principal balance and accrued interest will be shown in Table 1 and the accrued interest will be computed from Form FmHA 451–26, "Transaction Record," Form FmHA 451–31, "Borrower Transaction Record," or the monthly payment account Status Report. If Form FmHA 460–9 is used, the transferee will be informed of the amount of principal and interest owed. He also will be advised of the total amount paid as of the closing date which has not been credited to the account, the amount that would be required to be paid to place the account on schedule as of the previous installment due date, and any accounts that must be paid to bring any monthly payments up to date.

(18) *Civil Rights Acts.* "When the property transferred will continue to be used for the same or a similar purpose for which federal financial assistance was extended, except for property involving only one or more of the following programs: FO and OL loans for farm purposes; RH 502, 504, and 523 Self Help loans; and EO, SW, and EM loans to individuals; the transferee will sign a Form FmHA 400–4, 'Nondiscrimination Agreement.'"

(c) *Transfer of loans to eligible applicants—(1) Eligibility.* A loan may be transferred to an applicant who meets the eligibility requirements for the kind of loan being assumed or whose situation after the transfer will satisfy such eligibility requirements. Also, an RH Senior Citizen loan may be transferred to anyone eligible for a Section 502 RH loan. An ORE loan may be transferred to an applicant who meets the eligibility requirements for an FO loan, or to an applicant who meets the eligibility requirements for an RH loan if it is a nonfarm tract and was security for an FH loan originally. An RH loan to a person of low or moderate income may be transferred to a person whose income is above moderate and who meets the other requirements of an eligible transferee. However, preference will ------ An above moderate loan may be transferred to an applicant whose income may not be in the above moderate category provided his income is sufficient to meet the terms of the loan. Such a loan, after the transfer, will continue

to be classified as above moderate. Special livestock or other emergency type loans no longer being made may be transferred to an applicant who meets current EM loan requirements. Any other type of loan for which there are no present authorizations or eligibility requirements may be transferred only with the advice of the National Office after considering the recommendation of the State Director and reviewing the case file.

(2) *Repayment and reamortization terms—(i) Form FmHA 460–9.* Except as noted below for RH loans, assumption of any FmHA loan may be approved without any change in the balance owed, interest rate, or other terms. In such cases Form FmHA 460–9 will be used. A loan may be transferred even though it is on schedule, ahead of schedule, or behind schedule. Whenever reasonably possible, any delinquency should be paid at the time of assumption. However, this is not required if the total FmHA debt to be assumed is within the debt paying ability of the transferee.

(A) Rural Housing Disaster (RHD) loans will be transferred at the current rate for section 502 loans unless the transferee is eligible for a RHD loan.

(B) Direct sections 502, 503, and direct Senior Citizen RH loans will be transferred at the current rate for section 502 loans.

(C) Low and moderate RH loans transferred to a person having an above-moderate income will be transferred at the current rate for an above-moderate section 502 loan.

(ii) *Form FmHA 460–5.* If an extension of the existing loan repayment period is necessary to enable the transferee to be successful, Form FmHA 460–5 will be used. The new repayment period will not exceed the repayment period for a new loan of the type involved; for example, FO—40 years, OL—7 years, and RH—33 years. If a new repayment period is used, the current interest rate for a new loan of the type involved will be used and any insurance charge applicable to such a loan will be provided for, except in assumptions by a surviving spouse under § 1872.18(b)(4). In determining the new repayment period and interest rate, (a) an ORE loan will be considered an FO or RH loan, as appropriate, if the applicant and the property meet the requirements of § 1872.18(c)(1), and (b) an SL or other emergency type loan no longer being made will be considered an EM loan.

(d) *Transfer of loans to ineligible transferees.* When a borrower sells or proposes to sell the real estate security to a person(s) who is not eligible to assume the indebtedness in accordance with §1872.18 (c) and the mortgage requires the Government's consent for the transaction, it will be the policy to permit assumption of the account by the ineligible transferee if it is in the best interest of the FmHA. Otherwise, the account will be immediately liquidated. Ineligible transferees may include a farming corporation or a farming partnership but do not include other corporations or partnerships, real estate brokers, or financing institutions. For any type of loan for which there are no existing authorizations or eligibility requirements in FmHA Instructions, the loan may be transferred under the requirements and conditions of this Subpart. If the approval official determines that it is in the best financial interest of the FmHA to transfer the account, he may consent to the transfer by assumption agreement provided:

(1) *Downpayment.* Each transferee is required to make as large a downpayment on the FmHA secured debt as he is financially able to make under the circumstances. However, no transfer to an ineligible applicant may be approved without at least ten (10) percent downpayment.

(2) *Terms—farm.* Except for RH loans on nonfarm tracts, the balance of the FmHA debt assumed is scheduled for repayment in not to exceed ten (10) years with amortized monthly or annual installments, and with interest to the borrower at the rate being charged for section 502 RH loans to moderate-income applicants at that time or at the rate of interest specified in the note being assumed, whichever is greater. When it has been definitely determined that a property cannot be transferred on terms of ten (10) years or less because of conditions in the area, the State Director may authorize a longer repayment term not to exceed fifteen (15) years. When the FmHA debt consists only of OL and EM operating type loans secured by real estate, the balance of the debt assumed will be scheduled for repayment in not more than five (5) years. In case of real estate loan transfers previously made on terms of not more than five (5) years and the borrower, because of crop failure, a natural disaster, or similar conditions beyond his control, is unable to meet the scheduled installments, an extension of the repayment period not to exceed a total of ten (10) years from the date of transfer may be authorized provided the County Committee and the State Director determine that the extended repayment period is necessary to prevent foreclosure action and the Government's interest will not be adversely affected. In such cases, the unpaid balance owed will be reamortized over the remaining period and the borrower will execute a replacement assumption agreement evidencing the debt.

(3) *Terms—nonfarm.* For RH loans secured by a lien on a nonfarm tract, the balance of the RH debt assumed will be scheduled for repayment in not more than five (5) years with amortized annual or monthly installments. Interests on the amount assumed will be charged at the rate currently applicable to above-moderate RH loans, including insurance charges, or at the rate of interest specified in the note being assumed, whichever is greater.

(4) *Payment.* The transferee has ability to pay the FmHA debt in accordance with the assumption agreement and the legal capacity to enter into the contract.

(5) *County Committee.* The County Committee, except for Section 502 and 504 RH loans, finds that the transferee will honestly endeavor to make payments in accordance with the assumption agreements, maintain the security property, and carry out his other obligations in connection with the loan.

(6) *Condition.* The transfer will not adversely affect the FmHA program in the area.

(e) *Consent of FmHA not required to transfer.* When the FmHA mortgage(s) does not require the Government's consent to the sale of the security and the borrower conveys or proposes to convey the security to a person who is ineligible or unwilling to assume the FmHA debt in accordance with § 1872.18 (c) or (d), the Government will not consent to the sale. In such a case, the County Supervisor will advise the State Director of the sale. If the account is delinquent or the loan is otherwise in default, the County Supervisor also will advise the State Director of the nature of the default, and any specific plans that may have been made to correct the default. If the State Director decides to continue with the account, it will be serviced in the name of the borrower and otherwise serviced in the usual manner.

(f) *Release of transferor from liability.* The policy of the FmHA is that the borrower (and any cosigner for an RH loan) will be released from personal liability to the FmHA when all of the real estate security for a loan is transferred under § 1872.18 (c) or (d) and the total outstanding debt or that portion of the debt equal to the present market value of the security is assumed. Borrowers, however, may not be released from personal liability to the FmHA when real estate securing loans, other than section 502 and 504 RH loans, is transferred to an ineligible transferee under § 1872.18(d) unless the debt assumed by the transferee is scheduled for repayment in not to exceed five (5) years from the date of the assumption agreement. Also, when the total outstanding debt is not assumed, the following conditions must be met:

(1) *Required certification—(i) Certification by County Committee.* The County Committee, except for section 502 and 504 RH loans, must execute a memorandum containing the following statement:

(Name of transferor and any cosigner) in our opinion do not have reasonable ability to pay all or a substantial part of the balance of the debt not assumed after considering their assets and income at the time of transfer. Transferors have cooperated in good faith, used due diligence to maintain the security against loss, and otherwise fulfilled the covenants incident to the loan to the best of their ability. Therefore, we recommend that the transferor and any cosigner be released of personal liability upon the transferees' assumption of that portion of the indebtedness equal to the present market value of the security.

(ii) *Certification by loan approval official.* The official approving the transfer

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section 502 and 504 RH loans must execute a statement containing the statement provided for in § 1872.18(f)(1)(i) when County Committee action was not required to authorize release of the borrower from personal liability to the FmHA.

(3) *Release.* For an RH loan involving a cosigner, the transferor may be released from personal liability only if the cosigner also can be released.

(j) *Continued liability.* When an ineligible transferee assumes an FmHA loan, other than a section 502 and 504 RH loan, scheduled for repayment in more than five (5) years from the date of the assumption agreement, the transferor must indicate that he will continue to be liable for the debt by signing an agreement as follows:

CONTINUED LIABILITY AGREEMENT OF PRESENT OBLIGOR

The undersigned hereby agree to remain personally liable for the indebtedness owed to the FmHA and assumed by _____ (assuming parties) under assumption agreement dated _____

_____

_____

(Date)

(The original of the signed agreement will be attached to the original assumption agreement, a copy filed in the transferee's County Office case folder, and a copy provided the transferor.)

(g) *Processing transfer by assumption of indebtedness.* When the transfer is not within the County Supervisor's approval authority, the docket with the transferor's case file will be sent to the District Director or State Office, as appropriate, for approval or disapproval.

(1) *Refund of unused funds, loan funds not advanced, transaction record.* Unexpended funds in the supervised bank account will be applied as a refund unless FO, SW, RL, RH, RRH, LH, or EM security is transferred to an eligible applicant and the funds are needed for completing planned development. Any obligation of, or request for loan funds not yet advanced will be cancelled. Form FmHA 451–36, Form FmHA 451–31 or the monthly payment account Status Report will be used to compute the unpaid balances due on the effective date of the transfer.

(2) *Preparation and distribution of transfer docket.*—(i) *Checking docket forms.* When the transfer docket forms shown in § 1872.18(g)(2)(iii) have been completed, the approval official will determine that the proposed transfer conforms to the applicable procedural requirements, each form is prepared correctly in accordance with Forms Manual Insert or other appropriate Subparts, and items such as names, addresses, and the amount of the indebtedness to be assumed are the same on all forms in which such items appear.

(ii) *Information on the availability of other credit.* The County Supervisor will record in the running case record the pertinent information concerning the negotiations made by an eligible transferee and the discussion by FmHA personnel with the applicant's creditors and other lenders. The investigation and availability of other credit for eligible transferees will be documented as required for the kind of loan being assumed. This must be sufficiently clear and adequate to establish that other credit is not available to pay the debt in full and make the transfer unnecessary. Any letters from lenders or other evidence which may have been obtained indicating that the applicant is unable to obtain satisfactory credit elsewhere will be included in the loan docket.

(iii) *Distribution of transfer docket forms.* The following table will be used as a guide in distributing the necessary forms.

FmHA Form No.	Name of form	Total number of copies	Signed by transferee	Transfer docket	Copy for transferee
440–3	Record of Actions	3		1	2
[1] 440–4	Nondiscrimination Agreement	2	1	1	2
440–1	Application for FmHA Services (with attachments)	1	1	1	
[2] 410–4	Application for Rural Housing Loans (Non-Farm Tract)	1		1	
[3] 440–5	Request for Verification of Employment	1		1	
465–5	Transfer of Real Estate Security	2	1	1	1
[4] 440–2	County Committee Certification or Recommendation	1		1	
[4] 465–2	Farm and Home Plan	1	1	1	1
[4] 431–1	Long-Time Farm and Home Plan	2	1	2	1
[4] 431–3	Family Budget	2	1	2	1
[4] 431–4	Business Analysis-Nonagricultural Enterprise	2	1	2	1
[4] 440–7	Appraisal Report (Farm Tract)	1		1	
465–3	Map of Property	1		1	
[4] 422–8	Property Information and Appraisal Report—Rural Housing Nonfarm Tract	1		1	
[4] 422–1	Valuation of Buildings	1		1	
[5] 440–9	Supplementary Payment Agreement	2	1	[6] 2	1
[4] 424–4	Development Plan	2	1	[6] 2	1
[5] 440–5	Assumption Agreement (New Terms)	4	1	1	1
[5] 440–9	Assumption Agreement (Same Terms—Eligible Transferee)	4	1	1	1
[5] 440–6	Release from Personal Liability	2		1	1
[4] 443–17	Agreement to Sell Nonessential Real Estate	2	1	1	1
[7] 440–21	Disclosure Statement for Loans Secured by Real Estate	2	1	1	1
[4] 440–43	Notice of Right to Rescind	2		1	1
[8] 451–70	Request for Statement of Account	3	1	1	[9] 2
		3		[10] 0 to FC	[9] 2
451–35	Status of Account	2		[9] 2	

[1] Original.
[2] Copy.
[3] When applicable.
[4] In addition to plan for the first full year, interim plan, if prepared, will be included in the docket.
[5] In record book.
[6] The original form will not be executed until date of closing the transfer.
[7] In right to rescind cases, original and sufficient copies for each person who has right to rescind in accordance with part 1866.
[8] Original and 1 copy to transferee: 2 copies to each other person who has right to rescind in accordance with part 1866. If the person exercises his right to rescind, he will sign one copy of the form and return it to the county office.

NOTE.—When requested prepare an additional copy for delivery to transferor.

(iv) *Other transfer docket items when applicable.* Other transfer docket items may include a mortgage title policy, title evidence, or report of lien search, foreclosure notice agreement, original or certified copy of deed to any property to be taken as additional security, purchase contract, or other instrument of ownership, and information on prior mortgage(s) and cosigner(s). When the County Supervisor is the approval official, he may, in lieu of including the document evidencing ownership, include a statement in the docket indicating that he has seen and reviewed the document. When less than the total amount of the indebtedness is assumed, the transferor's financial statement will be included. When an initial or subsequent loan is involved, include any additional forms required by the appropriate loan making subpart.

(3) *Collections and receipts.* During the period that a transfer is pending in the County Office, payments received by the Finance Office will continue to be applied to the transferor's account and Form FmHA 451–26 or Form FmHA 451–31 will be forwarded to the County Office. This includes any downpayments made in connection with the transfer for reducing the amount of the debt to be assumed. When the County Supervisor has received a payment on the account which is not included in the latest transaction record or monthly payment account status report, he should deduct such amounts from the total amount of principal and interest calculated from the latest information available before completing the assumption agreement and having it signed.

(i) *Transaction record.* When the borrower has made a direct payment to the Finance Office and there is no record of the payment in the County Office, the account will be assumed on the basis of the latest record in the County Office. In such cases, the application of the direct payment will be reversed from the account and the assumption agreement will be processed in the Finance Office. The Director of the Finance Office will contact the County Supervisor to determine the disposition of the proceeds from the direct payment.

(ii) *Identification.* For payments received on the date of transfer, Form FmHA 451–2, "Schedule of Remittances," will be prepared to show "Transfer in process for account owned by (borrower's name and case number) to be transferred to (name of transferee and case number, if known)." If the borrower number portion of the case number has not yet been assigned for a

transferee only the State and County portion of the case number will be shown. A statement for the information of the Finance Office will be attached to the assumption agreement showing the date of Form FmHA 451–2 and the amount paid.

(iii) *Payment.* When a payment is due on the assumption agreement shortly after the transfer is completed, such a payment should, if possible, be collected at the time of transfer and remitted in the name of the transferee.

(4) *Farm and home plans and financial statements.* When the transfer involves an ineligible transferee, Form FmHA 431–3 or Form FmHA 431–2 will be used with Tables A and J being completed in the same manner as for any other borrower but other tables and portions of the form will be completed only to the extent necessary to determine the debt-paying ability of the transferee and to give sufficient information for completing Table J. When a transfer is to be made for less than the amount of the indebtedness and a release of liability is involved, a current financial and income statement of transferor will be obtained on Form FmHA 431–3 or Form FmHA 431–2.

(5) *Appraisal report.* Form FmHA 422–1, FmHA 422–7, "Appraisal Report for Multiunit Housing," or FmHA 422–8 as appropriate will be obtained when (a) the amount to be assumed is less than the full amount of the indebtedness, (b) required in connection with an initial or subsequent FO, RL, SW, RH, RRH, or LH loan to be processed with the transfer, or (c) the loan approval official requests a current appraisal.

(6) *County Committee certification and recommendation.* The complete transfer docket, except for sections 502 and 504 RH loans, will be presented to the County Committee for review.

(i) *Applicants.* The transfer will be contingent upon the County Committee making its appropriate certification on Form FmHA 440–2 for an eligible applicant or when transfer is to an ineligible applicant, executing a memorandum containing the following statement:

In our opinion, the transferee, _____ (name of _____ will honestly endeavor to make transferee) payments in accordance with the assumption agreement, maintain the security, and carry out the other obligations in connection with the loan.

(ii) *Release.* When the County Committee recommends a release of the transferor and any cosigner from liability when real estate security is being transferred under § 1872.18 (c) or (d) with an assumption of less than the total debt, the provisions of § 1872.18(f)(1)(i) will be followed.

(7) *Property insurance.* The transferee will obtain property insurance in accordance with the requirement for the loan(s) involved. If the insurance is required, it may be obtained either by transfer of the existing coverage by the transferor or by acquisition of new coverage by the transferee. The insurance company will be notified by the County Supervisor immediately after completion of the transfer. When the full amount of the FmHA indebtedness is being assumed and an insurance premium has been advanced to the account, the transfer will not be completed until the amount of the premium has been charged to the transferor's account.

(8) *Title clearance and legal services.* Title clearance and legal services for closing transfers will be accomplished in accordance with Part 1807 Subchapter A of this chapter in case of a transfer involving an FO, RL, RH, RRH loan to an individual, LH, or SW loan not coded J or a LCD loan. Where the original repayment terms are altered, it may be necessary to obtain a new mortgage from the transferee to continue FmHA's lien on the transferred real estate. The advice of OGC will be obtained on a State-by-State basis and implemented through State regulations to provide for such new mortgage where required, and to further provide instructions on whether the original mortgage should be released. Title clearance and legal services for the above loans change are not required when a joint borrower conveys his interest in the security to the remaining borrower who assumes the total indebtedness on the same terms provided a subsequent loan or subordination is not involved. For all other kinds of loans being transferred, title clearance and loan closing services will not be required unless the approval official, with the advice of the OGC, determines that such services are needed in order to maintain the FmHA's security position or for other reasons. If other than an FmHA mortgage is involved which requires the mortgagee's consent to the transfer, such consent will be obtained.

(9) *Assumption agreement, release from personal liability, receipts.* When the full amount of the debt is assumed or a release from personal liability is otherwise approved under this Subpart and all of the security is being transferred, Forms FmHA 460–5 or FmHA 460–9, FmHA 451–1, "Acknowledgement of Cash Payment," and FmHA 465–8 will be completed and executed simultaneously with the closing of the transaction. The original (and signed copy for insured loan) Form FmHA 460–5 or Form FmHA 460–9 and, when applicable, Form FmHA 451–1 will be transmitted immediately to the Finance Office.

(10) *Transfer of unused development funds.* Any remaining funds not to be refunded that are in the transferor's supervised bank account will be transferred to the eligible transferee's supervised bank account simultaneously with the closing of the transfer for use in completing planned development.

(11) *Case folder.* The transferor's County Office case folder will be used for the transferee after adjustments have been made.

(12) *Nondiscrimination Agreement.* "When the property transferred will continue to be used for the same or similar purpose for which federal financial assistance was extended, except for property involving only one or more of the following programs: FO and OL loans for farm purposes; RH 502, 504, and 523 Self Help loans; and Economic Opportunity (EO), SW, and EM loans to individuals; the transferee will sign a Form FmHA 400–4.

(h) *Transfer not completed.* If for any reason the transfer is not completed, the Finance Office will be notified to resume servicing of the account in the name of the transferor.

§ 1872.19 Voluntary conveyance of security to FmHA.

When voluntary conveyance of security to the FmHA is determined to be appropriate, the voluntary conveyance docket will be assembled and approved by the County Supervisor or submitted with the borrower's County Office case folder(s) to the State Director or District Director, as appropriate. If voluntary conveyance is approved as being in the best financial interest of the Government by permitting a substantial recovery on the Government's loan, the State Director will send any title information or evidence of ownership of water rights held in the State Office to the County Office. When a prior lien(s) exist, such lien(s) will be paid by Standard Form 1034, only if it is determined that a substantially greater recovery on the Government's investment can be obtained, or the property is suitable for sale to an eligible applicant subject to the terms of the prior lien and the holder of the prior lien(s) will not agree and his concurrence is required for the Government to acquire the property and resell it subject to his lien(s). If the property is acquired subject to a prior lien(s), payment of installments on the prior lien may be made while title to the property is held by the Government. All junior liens on the property except FmHA liens and taxes and assessments which are or will become a lien on the property must be satisfied by the borrower without FmHA assistance, unless the State Director determines that payment of the junior liens by the Government voucher will better protect the Government's interests, considering all pertinent factors including the results of any delay that foreclosure action would involve. If a mortgage has been taken on the property to further secure other FmHA loans, all security not conveyed to the FmHA must be liquidated by the borrower and the sales proceeds applied on the secured debts in the order of their priority before the conveyance is closed. The word "property" as used in this subpart includes the real estate items which are considered real estate, items which customarily pass with the real estate in the change of ownership, and any irrigation equipment and other equipment such as bulk milk tanks, feed storage facilities which are normally considered chattel security if they are necessary for the successful operation of the farm, will enhance the sale of the farm, and are a part of the security for the loan involved in the conveyance.

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(a) *Authority.* The State Director, subject to the policies outlined in this Subpart, is authorized to approve a voluntary conveyance with or without release of personal liability. The State Director is authorized to consent to release of a borrower and any cosigner in connection with a voluntary conveyance as set forth in § 1872.18(f) which is applicable to a transfer. The County Supervisor and District Director are authorized to approve transactions under § 1872.19 on the same basis as the State Director provided the total debts against the security do not exceed $100,000 and $160,000 respectively.

(b) *Preparation, processing and distribution of voluntary conveyance docket.* When a borrower offers to voluntarily convey his property to the FmHA and agrees to carry out all the conditions contained in Form FmHA 465–4, "Offer to Convey Security," the form will be completed and he will signify his agreement by signing the form. A warranty deed on a state approved form or a deed meeting the requirements of § 1807.2(e) will be required and, whenever possible, completed and signed simultaneously with Form FmHA 465–4. However, it will not be recorded until the closing of the transaction. Also, if water rights are not fully conveyed in the dead, any necessary assignments of transfers of water stock, membership certificates, or other water right documents will be obtained simultaneously with the execution of Form FmHA 465–4 whenever possible but not later than the execution of the deed, and will be recorded, if necessary or appropriate, in connection with closing the transaction. When the borrower executes Form FmHA 465–4, a preliminary determination will be made by the County Supervisor as to whether the property constitutes a family farm as defined in Subpart A of Part 1821 of this chapter. Based on the recommendation of the County Supervisor, a decision will be made by the approval official at the time of acquisition of the property as to whether such property is suitable for sale under the terms and conditions of Subpart C, Part 1872, of Subchapter F to eligible applicants or as surplus property. If the voluntary conveyance is approved by the District Director or State Director, the County Supervisor will be notified of the determination and given instructions for selling the property in accordance with Subpart C of Part 1872 of this chapter.

(1) *Acceptance of offer.* Offers made and accepted are subject to the conditions outlined in Form FmHA 465–4.

(i) *Appraisal not required.* When the approval official determines that a borrower who is indebted only for a Section 502 or 504 RH loan has cooperated in good faith, used due diligence to maintain the property against loss, farmed in a workmanlike manner if engaged in a farming operation, and has otherwise fulfilled the covenants of the loan to the best of his ability, the approval official will immediately accept the offer for full satisfaction of the FmHA debt secured by the real estate. In such cases an appraisal of the security property will not be made. The borrower's account will be satisfied in accordance with § 1872.19(b)(10)(i) after the transaction has been closed.

(ii) *Appraisal required.* When a borrower indebted for any type loan other than a section 502 or 504 RH loan or when the approval official is unable to make the determination required by § 1872.19(b)(1)(i) for a section 502 or 504 RH borrower, offers to convey the property securing the loan to the FmHA, the approval official will make or request that an appraisal to be made of the property to be conveyed. The appraisal will reflect the market value of the property in its present condition. If the amount of the outstanding FmHA debts secured by a lien on the property, plus any prior liens exceeds the present market value of the security property, the County Committee, except for section 503 and 504 RH loans, must determine whether the borrower should be released of liability for any balance owed on the indebtedness. In such cases, the recommendation of the County Supervisor and the Committee certification required by § 1872.19(b)(4) will be submitted with the borrower's loan docket and Form FmHA 465–4 to the approval official for his consideration. If, however, the value of the security is equal to or exceeds the FmHA debts and any prior liens against the security property, the case will be handled in accordance with § 1872.19(b)(1)(i).

If, however, the value of the security is less than the FmHA debts and any prior liens against the security property and the approval official is unable to determine that a borrower, who is indebted only for a section 502 or 504 RH loan, meets the conditions of paragraph 1872.19(b)(1)(i) or the County Committee does not recommend that a borrower and any cosigner be released of liability for any balance owed on debts secured by the property being conveyed, the account will be handled in accordance with § 1872.19(b)(10)(ii) after the transaction has been closed.

(2) *Assignment of note to the insurance fund.* When an insured loan not held by the insurance fund is involved and the approval official decides to accept the offer to convey, he will request the Director, Finance Office, to have the insured loan assigned to the insurance fund.

(3) *Taxes.* When Form FmHA 465–4 is submitted to the approval official and it does not obligate the borrower to pay taxes and assessments which are a lien or will become a lien on the property, or water assessments or charges to protect the right to receive water, Standard Form 1034 will be attached thereto for the payment of any taxes and assessments which are due and payable. If Form FmHA 465–4 is accepted, the approval official will forward the voucher to the Finance Office.

(4) *County Committee's certification and recommendation.* When property is to be voluntarily conveyed for a credit on the borrower's account of less than the FmHA indebtedness secured by the property, the County Committee, except for sections 502 and 504 RH loans, will determine whether in its opinion the borrower should be released of liability for any balance owed on such indebtedness. If the County Committee recommends that the borrower and any cosigner be released of liability for such balance, it will make the following certification:

In our opinion

(Name of borrower(s) and any cosigner)

do not have reasonable debt-paying ability to pay all or a substantial part of the balance of the debt owed after the voluntary conveyance, taking into consideration their assets and income at the time of the conveyance. The borrower has cooperated in good faith, used due diligence to maintain the security property against loss, and has otherwise fulfilled the covenants incident to the loan to the best of his ability. Therefore, we recommend that the borrower and any cosigner be released of personal liability for any balance due on the secured indebtedness upon conveyance of the property to the Government.

(5) *Obtaining statement of account and refunding unused loan funds.* Any funds remaining in the supervised bank account will be applied as a refund on the loan prior to accepting the offer to convey. A statement of account will be requested by using Form FmHA 451–10 when a current transaction record or monthly payment account Status Report is not available.

(6) *Checking docket forms.* When the docket forms shown in § 1872.19(b)(7) have been completed, the approval official will determine that (a) each form is prepared correctly in accordance with the Form Manual Insert or other appropriate instructions, and (b) items such as names and addresses are the same on all forms.

(7) *Distribution of voluntary conveyance docket forms.* The following table will be used as a guide in distributing the necessary forms.

FmHA Form No.	Name of form	Total number of copies	Signed by borrower	Voluntary conveyance docket
465–4	Offer to Convey Security	2	[1] 2	[1] 2
[2] 422–1	Appraisal Report (Farm Tract)	1		[1] 1
422–3	Map of Property	1		[1] 1
[2] 422–8	Property Information and Appraisal Report—Rural Housing Nonfarm Tract.	1		[1] 1
[2] 431–2	Farm and Home Plan	1	[1] 1	[1] 1
[2] 431–3	Family Budget	1	[1] 1	[1] 1
451–10	Request for Statement of Account	2		[3] 1 (O to FO)
451–11	Statement of Account	2		[1] 2, [3] 1
[4] 465–6	Release from Personal Liability	2		[1] 2, [1] 1
465–2	Lease of Security Property	3		[1] 2, [3] 1

[1] Original. [2] Copy.
[3] When applicable.
[4] This form will be executed by the county supervisor after approval of the voluntary conveyance and the determination is made to release the borrower from personal liability.

(7) *Other voluntary conveyance docket items.* When a voluntary conveyance involves a release of liability under § 1872.19(b)(1)(ii), a current financial statement, and information relative to the present income of the borrower, and any cosigner, will be obtained. Ordinarily, this information will be recorded on either Form FmHA 431–2 or Form FmHA 431–3, whichever is more appropriate. The borrower's deed for voluntary conveyance of the property will be included in the conveyance docket and for cases handled under § 1872.19(b)(1)(ii), the County Committee's Certification and Recommendation narrative form will be completed in accordance with § 1872.19(b)(4) and included.

(8) *Title examination and closing instructions.* Upon acceptance of the borrower's offer, the County Supervisor will determine whether title clearance and closing of conveyance will be accomplished with the assistance of the designated attorney, title insurance company, or combination thereof, or by other method, as outlined in a State Supplement. The County Supervisor will notify the designated attorney or title insurance company to furnish title services in accordance with Part 1807, Subchapter A of this chapter. All junior liens except FmHA liens, taxes, and assessments to be advanced by the FmHA will be removed by the borrower, unless the State Director determines that payment of the junior liens by Government vouchers will better protect the Government's interests considering all pertinent factors including the results of any delay that foreclosure action would involve. Any additional title defects or encumbrances will be removed by the borrower except those recited in the FmHA mortgage or subsequently approved by the FmHA. When title defects or encumbrances will be removed as required, the title evidence will be submitted to the designated attorney or title insurance company by memorandum with Form FmHA 465–4, the deed of conveyance, any water right documents, the original or a conformed copy of the FmHA mortgage, any assignment instruments, and conformed copies of any remaining encumbrances such as mineral leases, agricultural leases, easements, rights-of-way, and partial releases. The transmittal memorandum will include a request for the preparation of necessary legal instruments, including any necessary separate instruments of assignment (which will become effective when the deed is recorded) pursuant to Form FmHA 465–4, and request a date for closing the conveyance. The designated attorney or title insurance company will determine the manner in which any necessary notices of assignment of leases will be given to the lessees. The assistance of the OGC will be obtained only in unusual or complex cases.

(9) *Closing of conveyance.* The State Director will issue a State Supplement containing general guidelines for closing a voluntary conveyance when it will expedite such closing. The conveyance transaction will be closed by the designated attorney or title insurance company representative. When an insured loan is involved and the note is not held by the insurance fund or in the county office, the Finance Office will be requested to repurchase and assign the borrower promissory note to the appropriate insurance fund. However, the conveyance transactions may be closed and deed recorded pending assignment of the insured note to the insurance fund. Expenses incident to the closing of the transaction, as authorized in the closing instructions, will be paid. After the designated attorney or title insurance company determines that the transaction has been properly closed, he will return all documents submitted to him to the County Supervisor and advise as to the date when title to the property was vested in the Government. The County Supervisor will forward a copy of this memorandum to the State Director and to the Finance Office. The County Supervisor will notify the District Director of completion of any conveyance which the District Director approved. Property insurance will be handled in accordance with Part 1806, Subchapter A of this chapter. The acquired property will be handled in accordance with Subpart C, Part 1872, Subchapter F of this chapter.

(10) *Indebtedness and inventory records.* The credit to be entered on the borrower's loan records will be either: (a) the total amount of the indebtedness owed on the account after all expense items have been charged thereto when the property is accepted in full satisfaction of the debt, or (b) the present market value of the security conveyed when the debt is not released from personal liability for the remaining balance owed on the debt. Immediately after the transaction is closed in accordance with the closing instructions and the amount of the credit to be allowed on the account is determined, Form FmHA 465–6, "Advice of Mortgaged Real Estate Acquired," will be completed and transmitted to the Finance Office by the County Supervisor for processing. Any assigned agricultural, mineral, or other lease on the property will be sent to the Finance Office along with Form FmHA 465–6. If an oral lease of the property or on a portion of the property exists, it will be reduced to writing on Form FmHA 465–2, and if possible its execution by the lessee will be obtained. A copy of the Form 465–2 will be sent to the Finance Office. After the Finance Office assigns an advice number to Form 465–2, and a contract number to the lease, it will advise the County Supervisor by memorandum with a copy to the State Office of such number for proper identification of the inventory property and lease.

(i) *Satisfied account.* The Finance Office or the County Supervisor, as appropriate, will stamp the borrower's note "Satisfied by surrender of security and release from liability" when the account is fully satisfied. The County Supervisor will take appropriate action to release the lien of record on the security property and deliver the satisfied note to the borrower.

(ii) *Unsatisfied account.* When the account is not fully satisfied by surrender of the security, the borrower will be classified as "collection-only" by processing Form FmHA 404–1 and Form FmHA 450–10 and submitting them to the Finance Office with Form 465–6. The remaining amount will be accelerated by written notice if grounds for acceleration exist. The Finance Office will retain the note(s) and send the County Office a current transaction record or Form FmHA 451–11. Upon receipt of the transaction record or Form FmHA 451–11 from the Finance Office, the loan record card will be reconciled with the statement of account and the account will be serviced as a collection-only case in accordance with Subpart A of Part 1861. In such cases, the FmHA mortgage will be released of public record, but not satisfied. The type of release to be used will be as prescribed by State Supplement.

§ 1872.20 Foreclosure by the Government.

Foreclosure action will be recommended when (1) liquidation has been decided upon, (2) a substantial net recovery can be obtained on the FmHA account(s), (3) foreclosure is determined to be the most practicable method of liquidation by which the interest of the FmHA can be protected or (4) failure to foreclose would adversely affect the FmHA program in the area. If these requirements cannot be met under the circumstances existing when foreclosure is first considered, but conditions change so that the requirements can be met at a later date, foreclosure will be instituted at a later date. When there is a prior lien(s) and the State Director has determined that foreclosure is necessary, he will contact the prior lienholder, either directly or through the County Supervisor, and give him an opportunity to institute the foreclosure proceedings, if he is in a position to do so, with the FmHA taking whatever action is necessary to protect the interests of the Government. If the prior lienholder is unable or unwilling to institute the foreclosure, the FmHA will institute foreclosure proceedings, subject to the prior lien if feasible. Whether foreclosure of the FmHA mortgage will be subject to the prior lien will depend upon such factors as the state law, the action or inaction of the prior lienholder, the condition of the prior lien account, the amount of the prior lien debt in relation to the total debt, and other factors. After issuance

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of the acceleration notice, account and security servicing actions other than acceptance of payment in full, voluntary conveyance, or permitting of transfer, including payments of insurance and taxes, will be taken only with the advice of the OGC. Expenses incident to the foreclosure action which are approved by the OGC for payment by the FmHA will be paid. If the OGC advises that a credit on the borrower's account or a Standard Form 1034 will not be acceptable for payment on the FmHA bid, the State Director will obtain a check from the Finance Office for making the payment. Standard Form 1034 will be used for this purpose and it will fully explain why it is necessary to immediately obtain a check for such payment.

(a) *Authority.* The State Director is authorized to approve foreclosures and to execute any necessary documents. After such approval, the County Supervisor will take appropriate action and execute all necessary forms for completion of the transaction, except as otherwise provided herein.

(b) *Processing*—(1) *Form FmHA 465–7 and recommendation for deficiency judgment.* If Form FmHA 465–7 has not been recently submitted to the State Office, and foreclosure is recommended in accordance with § 1872.17, the form will be completed, and if chattle security is involved, Form FmHA 455–1, "Request for Legal Action," and Form FmHA 455–3, "Evidence of Conversion," when appropriate, providing necessary supplementary information, will be attached to Form FmHA 465–7. The completed Form FmHA 465–7 will be forwarded with the County Office case file to the State Office through the District Director so the District Director's recommendation will be included. If it appears that the recovery to the Government from a sale by foreclosure will be insufficient to fully satisfy the indebtedness, the borrower's situation will be reviewed by the County Supervisor to determine if there is a possibility of making a further recovery on the account. The facts revealed by his review should be included in the recommendation made on Form FmHA 465–7. When foreclosure action does not automatically result in a deficiency judgment and there are other assets from which a substantial recovery can be made, the OGC will be requested by the State Director, on Form FmHA 465–7, to obtain such a judgment if legally permissible. No deficiency judgment may be sought if the borrower has received a moratorium on payments as provided for in § 1861.10 when the moratorium has previously been obtained on the section 502 or 504 RH loan being liquidated.

(2) *Appraisal report, additional instructions and withdrawal of funds in supervised bank account.* The State Director will obtain a present market value appraisal report unless there is a current appraisal report that can be relied on for completing Form FmHA 465–7. Any additional instructions and the case folder will be returned to the County Office. Also, when foreclosure is approved, the State Director will include any title information or evidence of ownership of water rights held in the State Office. Any order to the bank will be included for withdrawal of any funds remaining in the supervised bank account.

(3) *Foreclosure not approved.* If foreclosure is not approved, the State Director will instruct the County Supervisor on Form FmHA 465–7 on future servicing of the account. The original of Form FmHA 465–7 will be forwarded to the County Supervisor, a copy retained in the State Office, and a copy sent to the District Director.

(4) *Actions after approval of foreclosure.* When foreclosure action is approved, steps will be taken to consummate the foreclosure as follows:

(i) *Unused loan funds.* Any funds remaining in the supervised bank account will be refunded.

(ii) *Statement of account.* Form FmHA 451–10 will be forwarded to the Finance Office to obtain a statement of account when required for foreclosure action for each account to be included in the foreclosure and to request the Finance Office not to issue any statements of account to the borrower or apply any payments to the account until further notice.

(iii) *Issuance of acceleration notice.* When an FmHA account is in monetary default the State Director will date, sign, and forward the acceleration notice, if he has not already issued one in accordance with § 1872.17(c), to the borrower with two conformed copies to the County Supervisor, and the case folder and any necessary instructions. For all other types of default, the account will not be accelerated until review by the OGC. In such cases a State Supplement will be issued to prescribe the information to be assembled and sent to OGC. When the borrower is in the Armed Forces of the United States the acceleration notice will not be prepared until clearance is obtained from the OGC. A copy of Form FmHA 465–7 will be retained in the State Office and a copy will be forwarded to the District Director. Thereafter, except as otherwise provided in State Supplements, where state law requires acceptances of defaulted installments after acceleration, the County Supervisor will not accept payment of less than the full amount of the indebtedness but will notify the State Director of any such offer and ask for instructions.

(iv) *Cancellation of foreclosure action.* When it has been determined that foreclosure is warranted and circumstances change which, in the opinion of the State Director, makes liquidation of the account unnecessary, he may stop the action or request OGC to stop it. If the action is stopped, the account will be reinstated. The State and County Office records will be properly noted to indicate the situation and the borrower will be informed. The Finance Office will be notified. The OGC also will be informed of the situation if it has been consulted.

(v) *Forwarding docket to the OGC and institution of foreclosure action.* When the period provided by the acceleration notice expires, or, if one is not issued upon the advice of the OGC, the following action will be taken:

(A) If a direct loan is involved, the State Director will request the Finance Office to send the original or conformed copy of the note as required by State Supplement to the County Office. If an insured loan is involved and the note is not held by the insurance fund, or the County Office, the State Director will request the Finance Office to have the note assigned to an insurance fund. The Finance Office will send the original or conformed copy of the assigned note and related documents to the State Director with instructions as to any necessary action in connection with the assignment.

(B) The borrower's case folder, including a conformed copy of each FmHA note and any assumption or cosigner agreements involved and such additional information and copies as appropriate will be forwarded by the State Director to the OGC for instructions to complete the foreclosure action. Also, title evidence required by OGC will be obtained and furnished to it at that time so that an opinion can be issued as to whether the FmHA will obtain a title merchantable in fact if it is the successful bidder.

(C) Ordinarily, no curative action will be taken with respect to title defects before foreclosure sale. However, when for special reasons the State Director, with the advice of the OGC, determines it would be in the best interest of the FmHA to cure certain defects before the foreclosure sale, the State Director may authorize the necessary curative action.

(D) The expiration date of the property insurance will be called to the attention of OGC so that office will be aware of the fact that an additional cost will be incurred if the sale is not completed before the expiration date of insurance. A copy of the acceleration notice will be sent to the Finance Office. When it has been determined that a title merchantable in fact can be obtained, the OGC will advise the County Supervisor who will prepare and submit Standard Form 1034 to the Finance Office for payment of all real estate taxes and assessments including water assessments which are due and payable. The OGC also will request the Finance Office to send it a current statement of account which reflects the amount of vouchers it advised the County Supervisor to process in connection with the foreclosure.

(E) The OGC will, except in judicial foreclosure cases, route the docket through the State Office so any advertising notices and other needed documents may be prepared, or signed by the State Director when necessary if they were prepared by OGC.

(F) If the property is subject to redemption rights under State law, the State Director, in judicial foreclosure cases, will request through OGC that the provisions in the mortgage waiving the right of redemption be enforced.

(G) Title VI of the Civil Rights Act of 1964 applies as long as any real property continues to be used for the same or similar purposes for which the Federal financial assistance was extended. If the property being sold was subject to Title VI,

the advertisement of foreclosure sale should include a statement that the purchaser will be required to sign Form FmHA 400–4, if he intends to use the property for its original or similar purposes.

(vi) *Maximum bid.* The State Director will establish the maximum amount of the FmHA bid. Such bid will be either the present market value of the security or gross investment, whichever is less.

(A) In establishing the present market value, the State Director will consider (a) the effect that any outstanding mineral rights, easements, other interests, or title defects will have on the resale of the property, (b) any prior liens that will remain outstanding after the foreclosure sale, and (c) any other pertinent information affecting or indicating the value including the appraisal report.

(B) Gross investment means the amount of the FmHA secured indebtedness, including all advances made, or to be made, by the FmHA and charged to the mortgage debt before the foreclosure sale, plus the amount of any prior liens or other costs which the OGC advises must be paid from proceeds of the foreclosure sale before payment of the FmHA mortgage debts.

(vii) *Bidding.* The State Director or an employee designated by him is authorized to bid on behalf of the FmHA. In appropriate cases the State Director may request that the U.S. Marshall be designated. The State Director will inform the County Supervisor by memorandum as to the maximum amount to be bid and whether he or some other person is authorized to bid. A copy of this memorandum will be sent to the OGC. Ordinarily, the State Director will designate the County Supervisor to bid on behalf of the FmHA unless circumstances make it necessary or desirable to designate another person. In judicial foreclosures, the OGC will inform the U.S. Attorney of the maximum amount recommended by the FmHA to be bid and in appropriate cases that an FmHA employee will be available at the sale to make the bid. The FmHA employee will make only one bid and that will be for the authorized maximum bid. This bid will be made when no other party makes a bid or when it appears that the bidding has slowed down and likely will stop and result in the property being sold for less than the authorized maximum bid.

(viii) *Final Report on foreclosure sale.* Immediately after a foreclosure sale at which the bidder on behalf of the FmHA is an FmHA employee, the County Supervisor will furnish the OGC with a copy to the State Director, a narrative statement giving complete information relative to the sale, including a copy of Form FmHA 465–6 if sufficient information is available for completion of the form at that time. When the OGC receives a report of a foreclosure sale, whether from FmHA or the U.S. Attorney, he will furnish the County Supervisor any necessary instructions for completing the transactions and advise of any rights of the Government, considering privileges provided by law and any other pertinent information. As soon as practicable, the OGC will also furnish the County Supervisor a final report on any acquired property. The final report will include instructions concerning any additional steps which should be taken to complete the transaction. A copy of this report will be forwarded to the State Director.

(ix) *Completion of Form FmHA 465–6.* If the FmHA is the successful bidder at the foreclosure sale, Form FmHA 465–6 will be completed and forwarded to the Finance Office by the County Supervisor as soon as all information necessary for completion of the form is available, except the date the Government acquired title to the property, without waiting for the final report of the OGC. The form will be dated as of the date of the sale.

(x) *Leases.* If the sale is made subject to an agricultural, mineral, or other lease in which the lessor's interest is acquired by the FmHA through the sale, the original or a copy of the lease will be submitted to the Finance Office with Form FmHA 465–6 for processing in accordance with § 1872.19(b)(10). Any oral lease in effect at the time the Government acquires the property will be reduced to writing using Form FmHA 465–2 and its execution by the lessee will be obtained if possible. The County Supervisor will notify any lessee in writing that the Government has acquired the lessor's rights under the lease and will direct the lessee to remit all payments to the County Office. Payments to FmHA under a lease which by its terms were due and payable prior to the date of the foreclosure sale will be applied first on any delinquency claim resulting from the foreclosure and then on any other FmHA claim against the borrower. Any surplus remaining will be remitted to the borrower. Payments due and payable to the FmHA after the date of foreclosure will be collected and forwarded to the Finance Office as miscellaneous income. Receipts for collections made in accordance with this subpart will be issued to: "Lease proceeds from property formerly owned by (borrower's name and case number) and leased to (name of lessee)." After a foreclosure sale is held, if a redemption period is involved, and the borrower has possession of the property during such period, or a right to lease proceeds during the redemption period, a lease will not be obtained by the Government or be sent to the Finance Office until the redemption period has expired and the Government has a right to such proceeds.

(xi) *Deficiency judgment.* When a deficiency judgment is obtained, the account will be classified as a judgment case and the County Supervisor will send Form FmHA 455–20, "Notice of Judgment," to the Finance Office and the account will be serviced in accordance with Subpart B, Part 1871, Subchapter F of this Chapter. When action to obtain a deficiency judgment is pending at the time Form FmHA 465–6 is sent to the Finance Office, the fact that it is pending will be indicated on Form FmHA 465–6. When a deficiency judgment is not to be obtained the case will be reclassified to collection only if the debt cannot be settled under the provisions of Part 1864, Subchapter E of this Chapter, and the requirements of FmHA regulations concerning case classifications. When a case is to be reclassified to collection only, Forms FmHA 404–1 and FmHA 450–10 will be forwarded to the Finance Office.

(xii) *Property insurance.* Property insurance will be handled in accordance with Subpart B, Part 1806, Subchapter A of this Chapter.

§ 1872.21 Taking liens on real estate as additional security in servicing FmHA loans.

(a) *Liens.* In servicing FmHA loans, the best lien obtainable will be taken on any real estate owned by the borrower, including any real estate which already serves as security for another loan. Normally, the prior concurrence of the District Director will be obtained. Such liens will be taken only when:

(1) *Inadequate security.* Present security for the loan is not adequate to protect the interests of the FmHA, and

(2) *Equity.* The borrower has substantial equity in the real estate to be mortgaged and it is determined that the taking of such a mortgage will not prevent the making of an FmHA real estate loan, which may be needed in the foreseeable future.

(b) *Real estate.* Before taking real estate as additional security for the FmHA loan the following items will be documented in the running record:

(1) *Justification.* The facts justifying the taking of such real estate lien;

(2) *Value.* A conservative estimate of the present market value of the real estate to be mortgaged (It will not be necessary to submit an appraisal of the property to be mortgaged.);

(3) *Description.* A brief description of any existing liens on such property including the repayment terms and the unpaid balance on the debts secured by such existing liens, unless this is accurately reflected on a recent financial statement; and

(4) *Identification.* The name of the title holder and how title of the property is held. (Title evidence need not be required.)

(c) *Security form.* Each real estate lien taken as additional security for both FmHA direct and insured loans will be taken on Form FmHA 427–1(State), "Real Estate Mortgage for ----------," unless a State Supplement requires the use of a form of mortgage comparable to that which secures the existing loan(s) to be additionally secured. The notes evidencing both FmHA direct and insured loans for which the additional security will be taken will be described in the same mortgage.

§ 1872.22 Assignment of promissory notes and security instruments outside the program.

The policy described in Subpart A, Part 1871, Subchapter F of this chapter assigning notes and security instruments to third parties will apply to all loans

secured by real estate and when the State

[Docket No. 75–EA–4; Amdt. 39–2154]

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secured by real estate and when the State Director determines it is to the financial advantage of the Government or when the borrower has failed to refinance after an appropriate request. Payment of the FmHA debt in full will be collected and transmitted to the Finance Office at the time the assigned instruments are delivered. For insured loans, an assignment may be made on a non-insured basis after the note has been assigned to the insurance fund. The assignment will be effected on an assignment form furnished by the OGC which will include provisions (1) releasing the FmHA from liability as insurer, and (2) nullifying the provisions and covenants in the note and security instrument relating to the Government's rights and obligations as insurer and collection agent. The Government's endorsement of the promissory note will be made without recourse. The State Director will execute the assignment instruments unless he delegates authority to the County Supervisor in a State Supplement. At the time the assigned instruments are delivered, the County Supervisor will write "Insurance Contract Cancelled" across the face of the Government's insurance endorsement and will sign and date such cancellation.

§ 1872.23 Cosigners—Rural Housing (RH) loans.

A cosigner, as defined in § 1822.3(e), is personally liable for payment of the RH debt. The cosigner is not entitled to any interest in the security property or the rights of the borrower under the loan agreements or security instruments. However, he may pay the account in full and take any assignment of FmHA's interest.

(a) *Transfer or other servicing action.* In a case of a transfer, a cosigner may be given preference to assume the FmHA indebtedness as either an eligible or ineligible applicant, whichever is appropriate. Otherwise, the cosigner's status does not make inapplicable any conditions or provisions required for transactions authorized in this subpart.

(b) *Substitution or replacement of cosigner.* Any person, as determined by the County Supervisor, with ability to repay the RH loan in accordance with its terms, may be substituted for the other party who is previously obligated as cosigner on the loan. The new cosigner will execute an agreement to pay the balance owed on the RH debt. This agreement will be made in consideration of the release of the existing cosigner from personal liability. The original of the new cosigner's agreement will be attached to the original note and a copy will be attached to each copy of the note. The new agreement will be prepared by OGC.

(c) *Release of liability.* A cosigner of an RH note may be released from personal liability for the debt upon satisfactory substitution of a new cosigner. The release may be accomplished by modifying and using Form FmHA 465-8 with the advice of the OGC or on appropriate form prepared by the OGC.

§ 1872.24 Submission to National Office of certain partial release, subordination, consent, or other transactions.

The State Director may submit to the National Office for determination by the Administrator or his delegate any proposed transaction in which the conditions prescribed in the foregoing subparts for partial release, subordination, or consent by the FmHA cannot be satisfied, or any servicing action, that in the opinion of the State Director, is necessary for the protection of the Government's interest. The State Director must determine that either the FmHA secured indebtedness remaining after the transaction will be adequately secured, or the Government's security interest will not be adversely affected, and that the transaction and use of any proceeds will further the purposes for which the loan was made, improve the borrower's debt-paying ability, and permit necessary payment of reasonable costs and expenses incident to the transaction which the borrower is unable to pay from other sources. This Subpart is primarily intended to be used for those cases in which the use of the proceeds would be necessary for the borrower to retain the farm or rural residence that otherwise usually could not be accomplished. The State Director will submit to the National Office the full facts and justification for his recommendation and the County Office files. If the National Office approves the proposal, the returned material will, when legal assistance is needed, be submitted to OGC by the State Director for legal guidance in accomplishing the proposal.

§ 1872.25 State Supplements and reference to the OGC.

State Supplements will be prepared, with the advice of the OGC, as necessary, to carry out this Supplement, and forwarded to the National Office for prior approval. Whenever, in this Supplement, reference is made to advice or approval of the OGC it is contemplated that to the maximum extent possible the legal advice or approval may be stated in a general way whether included in State Supplements, State Bulletins, or other statements or explanations, rather than by the submission of individual matters to the OGC. It should be possible under such a plan to procure the most efficient legal assistance in handling real estate security servicing transactions.

§ 1872.26 Redelegation of authority.

The State Director is authorized to redelegate in writing any authority delegated to the State Director in this Subpart to one or more of the following State Office employees: Chief, Rural Housing, Chief, Farmer Programs, Chief, Community Programs, Rural Housing Specialist; Farmer Programs Specialist; and Community Programs Specialist. The State Director may also redelegate in writing to the Property Management Specialist the responsibility for carrying out liquidation actions and management of security property for those cases where a determination has been made that liquidation of a loan is necessary to protect the Government's interest.

§ 1872.27 Nondiscrimination.

Each instrument of conveyance for any transfer or foreclosure sale of real property subject to Title VI of the Civil Rights Act of 1964 will contain the following covenant:

The property described herein was obtained or improved through Federal financial assistance. This property is subject to the provisions of Title VI of the Civil Rights Act of 1964 and the regulations issued pursuant thereto for so long as the property continues to be used for the same or similar purposes for which the Federal financial assistance was extended.

EXHIBIT A—MEMORANDUM OF UNDERSTANDING BETWEEN BUREAU OF SPORT FISHERIES AND WILDLIFE AND THE FARMERS HOME ADMINISTRATION

MEMORANDUM OF UNDERSTANDING BETWEEN BUREAU OF SPORT FISHERIES AND WILDLIFE AND THE FARMERS HOME ADMINISTRATION

The purpose of this memorandum is to simplify and facilitate the obtaining by the Bureau of Sport Fisheries and Wildlife (Bureau) of subordination of mortgages held by the Farmers Home Administration (FmHA) on lands with respect to which the Bureau obtains a "Conveyance of Easement for Waterfowl Management Rights" (3-1916 Rev. April 1970). In order to accomplish this purpose it is agreed that:

1. In each case in which the Bureau proposes to take an easement from a landowner whose land is subject to a mortgage held by FmHA and the Bureau's proposal is acceptable to the landowner, the Bureau will notify the local FmHA County Supervisor. The notification will show the amount of consideration to be offered for the easement and the legal description of the land to be affected by the easement. Where there are existing drainage facilities on the land, the affected wetland areas that are to be excluded from coverage by the easement will be outlined on a map and furnished to FmHA and the landowner.

2. Where a subordination agreement is required, the FmHA County Supervisor will advise the designated local official of the Bureau as to whether the consideration is adequate from the standpoint of FmHA as mortgagee.

3. Where a subordination is required and the County Supervisor advises that the consideration is adequate, said easement form will be amended by: inserting at the end of the instrument the following: "In consideration of payment which is determined to be adequate from the standpoint of the FmHA as mortgagee, for the foregoing easement as provided in paragraph 5 thereof, the United States of America acting through FmHA hereby subordinates it mortgage dated ----------, recorded in Book ----, page ----, of the real estate records in ---------- County, State of ---------- to said easement.

Date

UNITED STATES OF AMERICA
By ----------
FmHA County Supervisor

4. Where a subordination is not required of FmHA, because of a waiver of the need for a subordination by the United States Attorney General, the Bureau nevertheless will send a copy of the agreement and the check for the easement consideration, which will include FmHA as a co-payee, to the FmHA County Supervisor.

5. In all cases where an FmHA mortgage is involved, the easement form will be amended by: inserting at the end of paragraph 5 an additional sentence as follows: "The check for the easement consideration will be made payable to the Farmers Home Administration (FmHA) and the landowners, as co-payees, and will be mailed to the FmHA to be applied to its mortgage unless applied on a prior mortgage debt or released for other use as permitted by FmHA regulations."

6. The Bureau and FmHA will issue such procedures or directives to their respective field offices as may be necessary to effectuate this memorandum of understanding.

Date: September 14, 1967.

A. V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

Date: August 29, 1967.

HOWARD BERTSCH,
Administrator, Farmers Home Administration.

[FR Doc.75-8829 Filed 4-3-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-NW-10-AD; Amdt. 39-2159]

PART 39—AIRWORTHINESS DIRECTIVE

Boeing Model 737-100 and -200 Series Airplanes

Recently Boeing conducted laboratory tests of the 737 ground spoiler actuators using Type IV Stauffer Aero Safe ER hydraulic fluid. The results from these tests show that with this hydraulic fluid and a loss of the system "A" hydraulic pressure, the ground spoiler actuator friction locking mechanism may release permitting the ground spoiler to float. This would result in an undesirable roll and/or excessive sink rate if occurring during a critical regime of flight. This is an initial action pending the completion of (1) the manufacturer's investigation, (2) the availability of modified ground spoiler actuators, and (3) FAA evaluation of the redesign of the actuators. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require the installation of warning placards prohibiting the use of Stauffer Aero Safe ER hydraulic fluid. The placards will be installed adjacent to the hydraulic pressure filling installation, the "A" hydraulic system reservoir and the ground service hydraulic module. The FAA will consider amending the AD to prescribe additional requirements when it is determined that such required actions will provide ground spoiler actuators with internal locking mechanisms that are not sensitive to hydraulic fluid friction characteristics.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING: Applies to Model 737-100/-200 series airplanes certificated in all categories. Compliance required as indicated.

To prevent an inadvertent deployment of ground spoilers in flight after the loss of system "A" hydraulic pressure, accomplish the following:

Within the next 100 hours time in service after the effective date of this AD, unless already accomplished, remove the existing placards, part numbers BACM10H6CY and BAC27DHY195, and install warning placards, part numbers BAC27DHY220 and BAC27-DHY221, or equivalent placards approved by the FAA assigned maintenance inspector, in accordance with the instructions contained in Boeing Service Bulletin 737-29-1029 dated December 20, 1974, or later revisions approved by the Chief, Engineering and Manufacturing Branch, Northwest Region, near the hydraulic pressure filling installation, on the hydraulic system "A" reservoir, and at the ground service hydraulic module. These placards warn that servicing the 737 airplane with Stauffer Aero Safe ER hydraulic fluid is prohibited. The improved lubricity characteristics of the ER fluid may permit the unlocking of the ground spoiler actuators in flight if/when hydraulic system "A" fails.

A subsequent amendment to this AD will include a type design change which incorporates ground spoiler actuators with internal locking mechanisms that are not sensitive to hydraulic fluid friction characteristics.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way, Seattle, Washington 98108.

This amendment becomes effective April 25, 1975.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

NOTE.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

Issued in Seattle, Washington on March 27, 1975.

C. B. WALK, JR.,
Director, Northwest Region.

[FR Doc.75-8778 Filed 4-3-75;8:45 am]

[Docket No. 75-EA-4; Amdt. 39-2154]

PART 39—AIRWORTHINESS DIRECTIVE

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 74-17-04. The AD prescribes the application of a Piper kit to certain aircraft in the vicinity of the windshield and over the fabric. Experience has indicated that applicability to cotton or linen fabric only is intended. The AD is being amended to reflect such restriction.

Since this amendment is less restrictive in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending AD 74-17-04 as follows:

Amend the applicability paragraph of AD 74-17-04, Amendment 39-1919, to read as follows:

PIPER. Applies to the following Models which are covered with cotton or linen at the critical area on top of the windshield where the fabric attaches to the channel: PA-12, Serial Numbers 12-2904 and higher, except 12-2907, 12-2911, 12-2914, 12-2915, 12-2917, 12-2925, 12-2950, 12-3028-S and 12-3901 through 12-3903; PA-14; PA-15; PA-16; PA-17, PA-20; and PA-22 airplanes, Serial Numbers 22-1 through 22-7999, certificated in all categories.

This amendment is effective April 9, 1975.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, New York, on March 26, 1975.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.75-8776 Filed 4-3-75;8:45 am]

[Airworthiness Docket No. 75-SW-20; Amdt. 39-2160]

PART 39—AIRWORTHINESS DIRECTIVES

Rockwell International Corp., General Aviation Division; Model 690A Airplanes

On one Model 690A aircraft an in-flight fire resulted from a leaking bleed air line which generated excessive heat, causing failure of the wire bundle insulation and a hydraulic line. Since this condition is likely to occur on other aircraft of the same type design, an Airworthiness Directive is being issued to require modification of the bleed air system on Rockwell International, General Aviation Division, Model 690A aircraft.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

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In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

ROCKWELL INTERNATIONAL CORPORATION, General Aviation Division. Applies to Model 690A airplanes, Serial Numbers 11100 through 11200.

Compliance required within 25 hours' time in service after the effective date of this AD, unless otherwise accomplished.

To minimize the possibility of bleed air loss failure and resultant leakage, accomplish the following:

Modify Model 690A airplanes in accordance with Rockwell International, General Aviation Division, Service Bulletin Number 147 dated November 27, 1974, except that the requirements of Paragraphs "c" and "e" may be ignored and the first item under "SUPPLY DATA" may be deleted, or later approved revision, or in accordance with an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration.

This amendment becomes effective on April 10, 1975.

(Secs. 313(a), 601 and 603; Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Fort Worth, Texas on March 27, 1975.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.75-8773 Filed 4-3-75;8:45 am]

[Airworthiness Docket No. 75-SW-15; Amdt. 39-2156]

PART 39—AIRWORTHINESS DIRECTIVES

Rockwell International Corp., General Aviation Division; Model 690A Airplanes

As a result of inspecting numerous Model 690A aircraft, the manufacturer found that the battery select switch disconnected the opposite battery from the one indicated on the switch. Therefore, if an overtemperature should occur in one battery and the pilot attempted to disconnect that battery from the line, the possibility exists that the good battery could be removed from operation and a battery fire would result from continued operation of the overheated battery, resulting in catastrophic loss of the aircraft. Since this condition is likely to exist in other airplanes of the same type design, an Airworthiness Directive is being issued to require inspection and correction of defective battery switching circuitry on Rockwell International Corporation, General Aviation Division Model 690A aircraft.

Since a situation exists that requires immediate adoption of this regulation it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

ROCKWELL INTERNATIONAL CORPORATION, General Aviation Division. Applies to Model 690A airplanes, Serial Numbers 11100 through 11200, 11202 through 11215, 11219 through 11237, and 11281 through 11283.

Compliance required within the next 25 hours time in service after the effective date of this AD, unless already accomplished.

To assure correct battery disconnect, accomplish the following:

(a) Check operation of the battery select switch in accordance with Rockwell International, General Aviation Division, Service Bulletin No. 149, dated February 20, 1975, or later approved revision or in accordance with an equivalent operational check approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration.

(b) If the check indicates incorrect connection, interchange Wires P42B22 and P38B22.

This amendment becomes effective on April 5, 1975.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Fort Worth, Texas on March 26, 1975.

A. M. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-8777 Filed 4-3-75;8:45 am]

[Docket No. 75-EA-12; Amdt. 39-2156]

PART 39—AIRWORTHINESS DIRECTIVES

Vertol Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 64-21-6 applicable to Vertol 107-II type helicopters.

There has been additional data submitted to the agency which permits a relaxation of the retirement life of the affected pitch housings.

Since this amendment is relaxatory in nature, notice and public procedure hereon are unnecessary and cause exists to make the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending AD 64-21-6 as follows:

Delete the figures "2500" in paragraph (g) and insert in lieu thereof "4000".

This amendment is effective April 9, 1975.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, New York, on March 26, 1975.

JAMES BISPO,
Acting Director, Eastern Region.

[FR Doc.75-8774 Filed 4-3-75;8:45 am]

[Airspace Docket No. 75-RM-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Transition Area

On February 24, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 7944) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the transition area of Wolf Point, Montana.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., June 19, 1975.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Aurora, Colorado, on April 7, 1975.

M. M. MARTIN,
Director, Rocky Mountain Region.

In § 71.181 (40 FR 441) the description of the Wolf Point, Mont. transition area is revised to read:

WOLF POINT, MONT.

That airspace extending upward from 700' above the surface within an 8.5-mile radius of the Wolf Point, Mont. NDB (latitude 48°06'16" N., longitude 105°36'05" W.); and that airspace extending upward from 1200' above the surface within a 12-mile radius of the Wolf Point NDB; and within 4.5 miles north and 9.5 miles south of the 264° bearing from the Wolf Point NDB extending from the 12-mile radius area to 18.5 miles northwest of the NDB, excluding that portion that overlies the Glasgow, Mont. transition area.

[FR Doc.75-8772 Filed 4-3-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY EXCHANGE AUTHORITY (INCLUDING COMMODITY EXCHANGE COMMISSION), DEPARTMENT OF AGRICULTURE

PART 150—ORDERS OF THE COMMODITY EXCHANGE COMMISSION

Conforming Amendments to Orders Prescribing Limits on Positions and Daily Trading in Certain Commodities

On November 11, 1974 notice was published in the FEDERAL REGISTER (39 FR 39731) that the Secretary of Agriculture was considering an amendment to the general regulations under the Commodity Exchange Act relating to "bona fide hedging transactions and positions," pursuant to section 404 of PL 93-463, enacted October 23, 1974.

Such a definition was issued, effective immediately in the FEDERAL REGISTER of March 12, 1975 (40 FR 11560).

Accordingly, pursuant to section 404 of PL 93-463, the definition of "bona fide hedging transactions and positions" as used in section 4a(3) of the Commodity Exchange Act, is no longer found in the Act, but now appears in the general regulations which are issued under the Act.

Sections 150.1(c), 150.2(c), 150.3(c), 150.4(c), 150.5(c), 150.10(c), and 150.11 (c) of the Orders of the Commodity Exchange Commission, presently contain references to "bona fide hedging transactions and positions as defined in section 4a(3) of the Commodity Exchange Act." This Commission is revising such references to make them conform to the said regulation issued by the Secretary of Agriculture.

In addition, this Commission is deleting from §§ 150.1 and 150.11 the special exemptions from limits on daily trading and positions for producers of livestock and poultry. Such trading and positions are exempted from such limits by the new amendment by the Secretary relating to "bona fide hedging transactions and positions."

Inasmuch as these amendments are only to conform certain references to the new regulations of the Secretary and to remove language which is redundant under the new regulation, it is found upon good cause that notice and public procedure thereon are unnecessary, and that the amendments should become effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. This amendment shall become effective April 4, 1975. As so revised, §§ 150.1(c), 150.2(c), 150.3(c), 150.4(c), 150.5(c), 150.10(c), and 150.11 (c) of the Orders of the Commodity Exchange Commission will read:

§ 150.1 Limits on position and daily trading in grain for future delivery.

* * * * *

(c) *Bona fide hedging.* The foregoing limits upon position and upon daily trading shall not be construed to apply to bona fide hedging transactions or positions, as provided in regulations issued pursuant to section 4a(3) of the Commodity Exchange Act (7 U.S.C. 6a (3)) and section 404 of Pub. L. 93-463.

* * * * *

§ 150.2 Limits on position and daily trading in cotton for future delivery.

* * * * *

(c) *Bona fide hedging; straddles.* The foregoing limits upon position and upon daily trading shall not be construed to apply to bona fide hedging transactions or positions, as provided in regulations issued pursuant to section 4a(3) of the Commodity Exchange Act (7 U.S.C. 6a (3)), and section 404 of Pub. L. 93-463, nor, except during the delivery month, to (1) net positions in any one future to the extent that they are shown to represent straddles between cotton futures or markets, or (2) purchases and sales of cotton which are shown to represent straddles or the closing of straddles between futures or markets.

* * * * *

§ 150.3 Limits on position and daily trading in rye for future delivery.

* * * * *

(c) *Bona fide hedging.* The foregoing limits upon position and upon daily trading shall not be construed to apply to bona fide hedging transactions or positions, as provided in regulations issued pursuant to section 4a(3) of the Commodity Exchange Act (7 U.S.C. 6a(3)) and section 404 of Pub. L. 93-463.

* * * * *

§ 150.4 Limits on position and daily trading in soybeans for future delivery.

* * * * *

(c) *Bona fide hedging.* The foregoing limits upon position and upon daily trading shall not be construed to apply to bona fide hedging transactions or positions, as provided in regulations issued pursuant to section 4a(3) of the Commodity Exchange Act (7 U.S.C. 6a(3)) and section 404 of Pub. L. 93-463.

* * * * *

§ 150.5 Limits on position and daily trading in eggs for future delivery.

* * * * *

(c) *Bona fide hedging.* The foregoing limits upon position and upon daily trading shall not be construed to apply to bona fide hedging transactions or positions, as provided in regulations issued pursuant to section 4a(3) of the Commodity Exchange Act (7 U.S.C. 6a(3)) and section 404 of Pub. L. 93-463.

* * * * *

§ 150.10 Limits on position and daily trading in potatoes for future delivery.

* * * * *

(c) *Bona fide hedging.* The foregoing limits upon position and upon daily trading shall not be construed to apply to bona fide hedging transactions or positions, as provided in regulations issued pursuant to section 4a(3) of the Commodity Exchange Act (7 U.S.C. 6a(3)) and section 404 of Pub. L. 93-463.

* * * * *

§ 150.11 Limits on position and daily trading in corn for future delivery.

* * * * *

(c) *Bona fide hedging.* The foregoing limits upon position and upon daily trading shall not be construed to apply to bona fide hedging transactions or positions, as provided in regulations issued pursuant to section 4a(3) of the Commodity Exchange Act (7 U.S.C. 6a(3)) and section 404 of Pub. L. 93-463.

* * * * *

(Section 4a as added by section 5, 49 Stat. 1492, and amended by section 1, 70 Stat. 630, and sections 2-4, 82 Stat. 26, 27)

Issued April 1, 1975.

COMMODITY EXCHANGE COMMISSION,
E. L. PETERSON,
Chairman designee for the Secretary of Agriculture.

JOSEPH J. SAUNDERS,
Member designee for the Attorney General.

SAMUEL B. SHERWIN,
Member designee for the Secretary of Commerce.

[FR Doc.75-8809 Filed 4-3-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

FD&C Red No. 40; Confirmation of Effective Date

An order was published in the FEDERAL REGISTER of December 23, 1974 (39 FR 44198) amending § 8.7201 to provide for safe use of the color additive FD&C Red No. 40 in cosmetics generally subject to certification (21 CFR 8.7201). The order also deleted from § 8.7201 the specific use of the additive in coloring dentifrices, since such use would be included under use in cosmetics generally.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), and (d), 74 Stat. 399-403; 21 U.S.C. 376 (b), (c), and (d)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections or requests for hearing were filed in response to the subject order. Accordingly, the amendment promulgated thereby became effective February 21, 1975.

Dated: March 14, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-8761 Filed 4-3-75;8:45 am]

PART 8—COLOR ADDITIVES

Subpart—Provisional Regulations

Postponement of Closing Dates and Deletion of Certain Color Additives from Provisional Listing

The Commissioner of Food and Drugs is postponing the closing date of December 31, 1974 for certain provisionally listed color additives upon request for such action and is deleting 13 color additives from the provisional list, effective January 1, 1975.

Pursuant to the provisions of Title II of the Color Additive Amendments of 1960 (sec. 203(a)(2), Pub. L. 86-618, 74 Stat. 404 (21 U.S.C. 376 note)) and under authority delegated to him (21 CFR 2.120), the Commissioner is authorized to postpone the closing date of a provisional listing of a color additive on his own initiative or upon the application of an interested person. Section 203(d)(1) of Title II requires promulgation, insofar as practical, of a current listing of color additives and the particular uses thereof deemed provisionally listed.

The Commissioner finds that, except for thirteen color additives—namely, aluminum hydroxide, barium sulfate, calcium carbonate, calcium sulfate, cornstarch, magnesium carbonate, magnesium oxide, magnesium trisilicate, silicic acid, silicon dioxide, talc, tin oxide, and zinc carbonate—postponement of the closing date for the currently provisionally listed color additives is consistent with the protection of the public health and with the objective of carrying to completion the scientific investigations

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necessary for making a determination as to the listing of such color additives, or specified uses thereof, under section 706 (b) of the Federal Food, Drug, and Cosmetic Act.

A notice was published in the FEDERAL REGISTER of October 8, 1974 (39 FR 36126) announcing that the provisional listing, with respect to 21 color additives on the so-called "Harvey list," would be retained only for those color additives for which color additive petitions or progress reports as provided for under § 8.501 (21 CFR 8.501), were submitted by December 31, 1974. Included in the "Harvey list" were the above-identified 13 color additives. However, the provisional listings of these 13 color additives are being terminated by this order, on the basis that no color additive petition or progress report has been submitted for any of these color additives; and the Food and Drug Administration is not aware of any studies in progress, or of any current interest, with respect to pursuing the listing of these 13 color additives under section 706(b) of the Federal Food, Drug, and Cosmetic Act.

Therefore, pursuant to the transitional provisions accompanying the Color Additive Amendments of 1960 to the Federal Food, Drug, and Cosmetic Act (sec. 203(a)(2), (d)(1), Title II, Pub. L. 86-618; 74 Stat. 404-405 (21 U.S.C. 376 note)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 8 is amended as follows:

§ 8.501 [Amended]

Section 8.501 is amended by:

1. Changing the closing dates for the color additives listed in paragraphs (a), (b), (c), (e), (f), and (g) to read, "December 31, 1975, or until a new closing date is established".

2. Deleting the items, "Aluminum hydroxide", "Barium sulfate (blanc fixe)", "Calcium carbonate", "Calcium sulfate", "Cornstarch", "Magnesium carbonate", "Magnesium oxide", "Magnesium trisilicate", "Silicic acid", "Silicon dioxide (silica)", "Talc", "Tin oxide", and "Zinc carbonate" from the list of color additives in paragraph (g).

Notice and public procedure and delayed effective date are not prerequisites to the promulgation of this order, since § 203(a)(2) of Pub. L. 86-618 provides for this issuance.

Effective date. This order is effective as of January 1, 1975.

(Sec. 203(a)(2), (d)(1), Title II, Pub. L. 86-618; 74 Stat. 404-405; 21 U.S.C. 376 note.)

Dated: March 17, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-8760 Filed 4-3-75;8:45 am]

PEPTIDE ANTIBIOTIC DRUGS

Zinc Bacitracin; Change in Method for Determining Zinc Content

In a notice published in the FEDERAL REGISTER of September 26, 1974 (39 FR 34561), the Commissioner of Food and Drugs proposed to amend 21 CFR Parts 431, 436, and 448 by providing a new official method for determining the zinc content of zinc bacitracin. This proposed method is more sensitive and more specific, and it can be performed in a shorter period of time than the method set out currently in the regulations. Interested persons were invited to submit their comments in response to the notice of proposed rule making on or before June 3, 1975. No comments were received. Accordingly, the Commissioner of Food and Drugs concludes that the antibiotic drug regulations should be amended as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Subchapter D is amended as follows:

PART 431—CERTIFICATION OF ANTIBIOTIC DRUGS

1. In Part 431 by amending § 431.53 (b)(1), by revising the last item in the table to read as follows:

§ 431.53 Fees.

. . . . . .

(b) . . .

(1) . . .

Test:	*Chargeable fee per test*
. . . . .	
Zinc content	36
. . . . .	

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

2. In part 436 by establishing new § 436.312, to read as follows:

§ 436.312 Atomic absorption method for determining the zinc content of zinc bacitracin.

(a) *Equipment.* An atomic absorbance spectrophotometer equipped with a zinc hollow-cathode discharge lamp, an air-acetylene flame, a nebulizer-burner system for introducing the sample solution into the flame, an optical dispersing device (such as a monochromator) for isolating a resonance line of zinc from others produced by the emission source, and a suitable radiation detector and recorder.

(b) *Preparation of working standard and sample solutions*—(1) *Working standard solutions.* Prepare a standard stock solution containing 10 milligrams of zinc per milliliter as follows: Weigh 3.11 grams of zinc oxide into a 250-milliliter volumetric flask, add 80 milliliters of 1*N* HCl, warm to dissolve, cool to room temperature, and dilute to volume with water. Dilute aliquots of this standard stock solution with 0.001*N* HCl to obtain three working standard solutions containing respectively 0.5, 1.5, and 2.5 micrograms of zinc per milliliter.

(2) *Sample solution.* Accurately weigh approximately 200 milligrams of the sample into a 100-milliliter volumetric flask. Dissolve and dilute to volume with 0.01*N* HCl. Transfer a 2.0-milliliter aliquot of this solution to a 200-milliliter volumetric flask and dilute to volume with 0.001*N* HCl.

(c) *Procedure.* Using 0.001*N* HCl as the blank, adjust the absorbance of the instrument to zero at a detection wavelength of 213.8 nanometers. Determine the absorbance of each standard solution and the sample solution at 213.8 nanometers.

(d) *Calculations.* Plot the absorbance versus the concentration of each of the working standard solutions. Draw a straight response line of best fit through these points. Read the concentration of zinc in micrograms per milliliter corresponding to the absorbance of the sample solution. Calculate the percent zinc in the sample as follows:

$$\text{Percent zinc} = \frac{C \times 100{,}000}{\text{Milligrams of sample} \times (100-m)}$$

where:

C = Concentration of zinc in the sample solution in micrograms per milliliter;

m = Percent moisture in the sample.

PART 448—PEPTIDE ANTIBIOTIC DRUGS

3. In Part 448:

a. Section 448.13(b)(5) is revised to read as follows:

§ 448.13 Zinc bacitracin.

. . . . . .

(b) . . .

(5) *Zinc content.* Proceed as directed in § 436.312 of this chapter.

b. Section 448.13a(b)(6) is revised to read as follows:

§ 448.13a Sterile zinc bacitracin.

. . . . . .

(b) . . .

(6) *Zinc content.* Proceed as directed in § 436.32 of this chapter.

Effective date. This order shall become effective May 5, 1975.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.)

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

MARCH 20, 1975.

[FR Doc.75-8758 Filed 4-3-75;8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 440—PENICILLIN ANTIBIOTIC DRUGS

Revision of Pyrogens Test for Methicillin

In a notice of proposed rule making published in the FEDERAL REGISTER of September 26, 1974 (39 FR 34562), the Commissioner of Food and Drugs proposed to amend 21 CFR Part 440 by increasing the methicillin content of the pyrogens test dose solution as necessary to provide adequate assurance for detection of pyrogen contamination. Interested persons were invited to submit their comments in response to the notice of

proposed rule making on or before June 3, 1975. No comments were received. Accordingly, the Commissioner of Food and Drugs concludes that the antibiotic drug regulations should be amended as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Part 440 is amended as follows:

1. In Subpart A by revising § 440.36a (b)(3) to read as follows:

§ 440.36a Sterile sodium methicillin.

. . . . . .

(b) . . .

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 60 milligrams of methicillin per milliliter.

. . . . . .

2. In Subpart C by revising § 440.236 (b)(3) to read as follows:

§ 440.236 Sodium methicillin for injection.

. . . . . .

(b) . . .

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 60 milligrams of methicillin per milliliter.

. . . . . .

Effective date. This order shall become effective May 5, 1975.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.)

Dated: March 20, 1975.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.75-8759 Filed 4-3-75;8:45 am]

PART 449—ANTIFUNGAL ANTIBIOTIC DRUGS

Candicidin; Change in Potency Assay Method

A notice was published in the FEDERAL REGISTER of November 1, 1972 (37 FR 23278), proposing to amend §§ 148v.3 and 148v.4 (now §§ 449.610a and 449.610c (21 CFR 449.610a and 449.610c) pursuant to recodification published in the FEDERAL REGISTER of May 30, 1974 (39 FR 18922)) of the antibiotic drug regulations by revising the potency assay method for candicidin vaginal ointment and candicidin vaginal capsules. The proposal provided for the addition of 0.1 percent butylated hydroxyanisole to both the *n*-hexane and the dimethylsulfoxide used in the extraction of candicidin. The notice afforded interested person an opportunity to submit written comments on the proposal. Comments were received from two antibiotic drug manufacturers.

1. One manufacturer was in agreement with the proposed method and provided data to demonstrate the improved assay results obtained with that method.

2. The second manufacturer objected to the proposed revisions primarily for technical reasons. In order to fully consider these comments, collaborative laboratory studies involving the Food and Drug Administration and the manufacturer were undertaken. As a result of these laboratory studies, the manufacturer notified the Hearing Clerk, Food and Drug Administration by letter of January 23, 1975, that they are withdrawing their earlier objections.

The Commissioner concludes that there are no objections to the proposal and that it should be adopted, with a minor technical change, as set forth below. This change provides for washing out the candicidin vaginal capsules with warm *n*-hexane after the ointment has been expressed and adding the washes to the separatory funnel.

Therefore, under provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under the authority delegated to the Commissioner (21 CFR 2.120), Part 449 (which includes the former Part 148v) is amended as follows:

1. By revising § 449.610a(b)(1) to read as follows:

§ 449.610a Candicidin vaginal ointment.

. . . . . .

(b) . . .

(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of *n*-hexane (containing 0.1 percent butylated hydroxyanisole). Shake the sample and *n*-hexane until homogeneous. Add 15 milliliters of dimethylsulfoxide (containing 0.1 percent butylated hydroxyanisole) and shake well. Allow the layers to separate. Remove the bottom layer and repeat the extraction procedure with a second 15-milliliter portion of dimethylsulfoxide (containing 0.1 percent butylated hydroxyanisole). Combine the extractives in a suitable volumetric flask and fill to volume with sterile distilled water. Further dilute an aliquot with sterile distilled water to the reference concentration of 0.06 microgram of candicidin per milliliter (estimated).

. . . . . .

2. By revising § 449.610c(b)(1) to read as follows:

§ 449.610c Candicidin vaginal capsules.

. . . . . .

(b) . . .

(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Remove the tips from two capsules and express the ointment from each capsule into a separatory funnel containing approximately 50 milliliters of *n*-hexane (containing 0.1 percent butylated hydroxyanisole). Wash out the capsules at least two times with 2- to 3-milliliter portions of warm (approximately 50° C) *n*-hexane (containing 0.1 percent butylated hydroxyanisole). Add the washes to the separatory funnel. Shake the sample and *n*-hexane until homogeneous. Add 15 milliliters of dimethylsulfoxide (containing 0.1 percent butylated hydroxyanisole) and shake well. Allow the layers to separate. Remove the bottom layer and repeat the extraction procedure with a second 15-milliliter portion of dimethylsulfoxide (containing 0.1 percent butylated hydroxyanisole). Combine the extractives in a suitable volumetric flask and fill to volume with sterile distilled water. Further dilute an aliquot with sterile distilled water to the reference concentration of 0.06 microgram of candicidin per milliliter (estimated).

. . . . . .

Effective date. This order shall become effective May 5, 1975.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.)

Dated: March 26, 1975.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.75-8756 Filed 4-3-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT

[Docket No. R-75-292]

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Extension of Application Deadline

On February 5, 1975, in 40 FR 5356, the Department amended § 570.300(a) of Title 24 of the Code of Federal Regulations which governs the deadlines for submission of applications for community development block grants under title I of the Housing and Community Development Act of 1974, Pub. Law 93-383. The part 570 regulation was published November 13, 1974 (39 FR 40136). The purpose of the first amendment was to allow the Secretary discretion to extend the deadline for particular cases in certain narrow circumstances. Subsequently, the need for additional deadline extensions has arisen because of changes in the scheduling and review of eligibility determinations affecting urban counties as entitlement applicants under Part 570. It was anticipated by HUD that such determinations could be accomplished in time to permit the urban counties to apply by April 15, 1975, the same time as other eligible applicants. The process of obtaining local certifications with respect to the authority of urban counties to undertake essential community development and housing assistance activities has necessitated an extension of the timetable orignally established by HUD for the acceptance and review of applications from urban counties. In addition, the form and content of cooperation agreements, where required, varied among urban counties, thereby delaying further the estimated schedules for urban county qualification. Therefore, § 570.300(a) is hereby revised to extend

V 40166 APR 4 75 XUM

the deadline for application submissions by urban counties. It is necessary that this amendment take effect at the earliest possible date so that those urban counties unable to meet the previously established deadlines can plan the completion of their work within the time remaining under the extended dates. Accordingly, the Assistant Secretary for Community Planning and Development finds good cause for foregoing usual public comment and notice procedure, and he finds further good cause that this amendment to the regulations should take effect on the date of publication. In connection with the environmental review of this technical change to the final Regulations, a Finding of Inapplicability has been made under HUD Handbook 1390.1, 38 FR 19182.

The section is amended as follows:

In Subpart D of Part 570, § 570.300 is revised to read as follows:

§ 570.300 Pre-submissions.

(a) *Timing of submission of applications.* The Secretary will establish from time to time the earliest and latest dates for submission of an application for each fiscal year. Applications, or draft materials relating to applications, received before the earliest date will be returned to the applicant without review. For fiscal year 1975, the earliest date for submission of an application shall be December 1, 1974; the latest date shall be April 15, 1975: *Provided, however,* That the Secretary may extend the April 15, 1975, deadline for submission of an application in particular cases in which, in his judgment, procedures mandated by state statute or regulation render submission of the application by April 15, 1975, impracticable, but in no event will submission of an application be accepted after May 30, 1975. Applicants wishing to request an extension of the April 15, 1975, deadline pursuant to this paragraph shall inform the appropriate HUD Area Office by March 1, 1975, giving the basis for the applicant's inability to file an application by April 15, 1975. No extension will be granted if the request for extension and the reasons therefor have not been received by HUD by March 1, 1975. *Provided, further,* That all counties which have been advised by HUD of either final qualification or preliminary recognition for qualification as urban counties under § 570.105 may have their deadline for submission of their applications extended to May 15, 1975; provided, however, that the request for such an extension has been received by the HUD Area Office by April 15, 1975. Cooperation agreements, where required for urban counties, shall be submitted not later than fifteen days after the date an application from an urban county has been received for processing in HUD. Prior to the earliest date for submission of an application for each fiscal year, HUD will provide all applicants with forms and instructions, including the actual or estimated entitlement amount. Entitlement applicants wishing to apply for discretionary grants shall follow the procedures described in Subpart E, Applications and Criteria for Discretionary Grants.

• • • • •

(Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d)).

Effective date. This amendment shall be effective on April 4, 1975.

DAVID O. MEEKER, Jr.,
Assistant Secretary for Community Planning and Development.

[FR Doc.75-8784 Filed 4-3-75;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 7350]

[Regs. on procedure and administration]

PART 301—PROCEDURE AND ADMINISTRATION

Inspection and Copying of Documents

This document adopts an amendment to the Procedure and Administration Regulations (26 CFR Part 301) under section 6104 of the Internal Revenue Code of 1954, relating to copying of documents, in order to liberalize the manner in which copies may be made of material that is otherwise available to the public for inspection, and to reflect the change in title of the Public Information Division and the Director, Public Affairs Division.

Currently, § 301.6104–1(e)(3) provides that copies of applications for exemption and supporting documents may be made manually but not photographically. Similarly, § 301.6104–2(c)(4) provides that, with the exception of copies made in the National Office and the Mid-Atlantic Regional Service Center, copies of information returns and annual reports of certain organizations and certain trusts may be made manually but not photographically. Under the amendment, photographic copies of such applications, information returns, and annual reports may be made at the place of inspection by a person who provides the equipment with which such copies are made. In addition, reference is currently made in paragraphs (d), (e), and (f) of § 301.6104–1 and paragraph (b) of § 301.6104–2 to the Public Information Division. Similarly, § 301.6104–2(c) refers to the Director, Public Affairs Division. The Public Information Division is now the Public Affairs Division, and the Director of the Public Affairs Division is now the Assistant to the Commissioner (Public Affairs). The above provisions in the regulations are amended to conform with such changes.

Adoption of amendment to the regulations. In order to liberalize the manner in which copies may be made and to revise the references to the Public Information Division or its Director, the following amendment to the Procedure and Administration Regulations (26 CFR Part 301) under section 6104 of the Internal Revenue Code of 1954 is hereby adopted:

PARAGRAPH 1. Section 301.6104–1 is amended by revising the first sentence of paragraph (d), the second sentence of paragraph (e)(1), the first sentence of paragraph (e)(3), and the last sentence of paragraph (f). The revised provisions read as follows:

§ 301.6104–1 Public inspection of applications for tax exemption.

• • • • •

(d) *Place of inspection.* Applications for exemption, together with any supporting documents, which are open to public inspection under section 6104(a)(1) shall be available for inspection on or after November 3, 1958, in the Public Affairs Division, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, regardless of when or where such applications were filed except for such applications as have been destroyed pursuant to Congressional authority. • • •

(e) *Procedure for public inspection of applications for exemption*—(1) *Request for inspection.* • • • If inspection at the National Office is desired, the request shall be made in writing to the Commissioner of Internal Revenue, Attention: Assistant to the Commissioner (Public Affairs), 1111 Constitution Avenue NW., Washington, D.C. 20224. • • •

• • • • •

(3) *Copies.* Notes may be taken of the material opened for inspection under this section, and copies may be made manually or, if a person provides the equipment, photographically at the place of inspection, subject to reasonable supervision with regard to the facilities and equipment to be employed. • • •

• • • • •

(f) *Statement of exempt status.* • • • Request for such information may be made in writing to the Commissioner of Internal Revenue, Attention: Assistant to the Commissioner (Public Affairs), 1111 Constitution Avenue NW., Washington, D.C. 20224, or to the district director with whom the organization's application for exemption was required to be filed.

PAR. 2. Section 301.6104–2 is amended by revising paragraph (b), the second sentence of paragraph (c)(1) and the second sentence of paragraph (c)(4). The revised provisions read as follows:

§ 301.6104–2 *Publicity of information on certain information returns and annual reports.*

• • • • •

(b) *Place of inspection.* Information furnished on the public portion of returns and annual reports (as described in paragraph (a) of this section) shall be available to any person in the National Office, Public Affairs Division, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, in the Office of the Director, Mid-Atlantic Regional Service Center, Philadelphia, Pa., and in the office of the district director of the district serving the principal place of business of the organization.

(c) *Procedure for public inspection*—(1) *Requests for inspection.* • • • If inspection at the National Office is desired, the request shall be made in writing to the Commissioner of Internal Revenue, Attention: Assistant to the Commissioner (Public Affairs), Washington, D.C. 20224. • • •

• • • • •

(4) *Copies.* • • • Copies may be made manually or, if a person provides the equipment, photographically at the place of inspection, subject to reasonable supervision with regard to the facilities and equipment to be employed. • • •

Because this Treasury decision constitutes a liberalization of policy with respect to rules of Departmental practice and procedure, it is found that it is unnecessary to issue this Treasury decision with notice and public proceure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; (26 U.S.C. 7805))

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: March 25, 1975.

ERNEST S. CHRISTIAN, Jr.,
Deputy Assistant Secretary of the Treasury.

[FR Doc.75-8847 Filed 4-3-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 14—DEPARTMENT OF THE INTERIOR

PART 14–3—PROCUREMENT BY NEGOTIATION

Determinations and Findings

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, Part 14–3 of Chapter 14 of Title 41 of the Code of Federal Regulations is hereby amended as stated herein.

It is the general policy of the Department of the Interior to allow time for interested parties to participate in the rulemaking process. However, the amendments herein are revisions in administrative procedures. Paragraph (i) of § 14–3.305–51 of 41 CFR is revised to provide that determinations and finding required to waive the audit of proposals will be signed by the contracting officer. Paragraph (m) of § 14–3.305–51 of 41 CFR is revised to provide that the determination, findings and authorization to make advance payments and the contract provisions relating to advance payments will be approved by the Assistant Director for Procurement, Office of Management Services. Because the amendments are entirely administrative in nature, the public rulemaking process is waived in this instance. Subpart 14–3.3 of 41 CFR, as published in the FEDERAL REGISTER of December 30, 1974 (39 FR 44982), is amended as stated below effective immediately.

Dated: March 27, 1975.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

Subpart 14–3.3—Determinations, Findings, and Authorities

1. Subpart 14–3.3 of 41 CFR is amended by revising §§ 14–3.305–51(i) and 14–3.305–51(m)(1) to read as follows:

§ 14–3.305–51 Summary of required determinations and findings.

• • • • • •

(i) Waiver of audit of proposals. The determination and findings required to waive the audit of proposals which exceed $100,000 pursuant to § 1–3.809(b) of this title will be signed by the contracting officer.

• • • • • •

(m) Advance payments. (1) The determination, findings, and authorization required to make advance payments pursuant to § 1–30.405 of this title will be signed by the contracting officer after the determination, findings, and authorization and the contract provisions relating to advance payments are approved by the Assistant Director for Procurement, Office of Management Services, as set forth in § 14–30.406 of this chapter. (See also §§ 1–30.410 and 1–30.414–2 of this title.)

• • • • • •

[FR Doc.75-8801 Filed 4-3-75;8:45 am]

CHAPTER 109—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

PART 109–1—INTRODUCTION

Miscellaneous Amendments

The Energy Research and Development Administration (ERDA) was established by the Energy Reorganization Act of 1974 (P.L. 93–438), and the creation of ERDA was made effective on January 19, 1975, by Executive Order 11834, dated January 15, 1975, published on January 17, 1975, at 40 F.R. 2971.

All rules and regulations in 41 CFR Chapter 109 were adopted by ERDA for all ERDA activities under the Energy Reorganization Act of 1974, the Federal Nonnuclear Energy Research and Development Act of 1974 (P.L. 93–577), and other applicable law and were redesignated as the Energy Research and Development Administration Property Management Regulations (ERDA–PMR) with changes as published on February 5, 1975, at 40 F.R. 5364.

Revisions to 41 CFR Chapter 109 are necessary to provide the proper authority for prescribing ERDA–PMR's, correct the procedure for obtaining copies of the ERDA–PMR's, and to establish authority for exemptions to the Federal Property and Administrative Services Act of 1949, as amended.

1. § 109–1.102 is revised to read as follows:

§ 109–1.102 Authority for prescribing ERDA–PMR.

The ERDA Property Management Regulations are prescribed by the Administrator or his designee and the head of any ERDA division or office having functional responsibility for the Regulations being prescribed, pursuant to the authority of the Energy Reorganization Act of 1974, and the Federal Property and Administrative Services Act of 1949, as amended.

2. § 109–1.104–2(a) is revised to read as follows:

§ 109–1.104–2 Copies.

(a) Copies of the FEDERAL REGISTER in which ERDA Property Management Regulations are published and the Code of Federal Regulations may be purchased by Federal Agencies and the public, at nominal cost, from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

• • • • • •

3. § 109–1.151 (a) is revised to read as follows:

§ 109–1.151 Exemptions.

(a) Section 602(d)(13) of the Federal Property and Administrative Services Act of 1949, as amended, provides that nothing in that Act shall impair or affect any authority of the Atomic Energy Commission. This includes the authority of AEC under the Atomic Energy Act of 1954, as amended, Public Law 85–804, and any other law. All authorities of the Atomic Energy Commission, except as noted in the Energy Reorganization Act of 1974, were transferred by that Act to the Energy Research and Development Administration.

• • • • • •

(Sec. 105, Energy Reorganization Act of 1974, Pub. L. 93–438)

Questions or comments concerning this notice may be directed to the Director of Procurement, ERDA.

Effective date. This notice is effective immediately.

Dated at Germantown, Maryland, this 28th day of March, 1975.

JOSEPH L. SMITH,
Director of Procurement.

[FR Doc.75-8747 Filed 4-3-75;8:45 am]

Title 47—Telecommunications

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC–74–1221]

PART 15—RADIO FREQUENCY DEVICES

Reorganization of Rules

Correction

In the correction to FR Doc. 75–5675 (40 FR 10673, Friday, March 7, 1975) appearing on page 13219 in the issue for Tuesday, March 25, 1975, the following changes should be made:

1. The material from the table in § 15.111 should read:

300	2,400 / F(kHz)
300	24,000 / F(kHz)

2. In the material from the table in § 15.184(c), the first line should read:

70 to 130 ---------- 125

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 214]

NONIMMIGRANT STUDENTS

Full Course of Study and Off-Campus Employment

Pursuant to section 553 of title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed amendment of 8 CFR 214.2(f) pertaining to nonimmigrant students, their pursuit of a full course of study, and their off-campus employment.

It is proposed to amend § 214.2(f) to incorporate into the regulations a definition of the term "full course of study" within the meaning of section 101(a)(15)(F)(i) of the Immigration and Nationality Act, as amended, and as used in 8 CFR Chapter I. It is proposed to further amend § 214.2(f) to make it clear that a nonimmigrant student may not engage in gainful off-campus employment in the United States without the prior approval of this Service. Corollary amendments are proposed in §§ 214.3(g) and 214.4(a).

In accordance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383), interested persons may submit to the Commissioner of Immigration and Naturalization, Room 7100–C, 425 Eye Street NW., Washington, D.C. 20536, written data, views, or arguments, in duplicate, with respect to the proposed rules. Such representations may not be presented orally in any manner whatsoever. All relevant material received by the close of business on May 1, 1975, will be considered.

In the light of the foregoing, it is proposed to amend Part 214 of 8 CFR Chapter I as follows:

1. It is proposed to amend § 214.2(f) by adding between the existing subparagraphs (1) and (2) a new subparagraph (1a), and by inserting between the heading and the existing first sentence of subparagraph (6), a new sentence, to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

• • • • • •

(f) *Students.* • • •

(1a) *Full course of study.* A "full course of study" as required by section 101(a)(15)(F)(i) of the Act means (i) post graduate study at a college or university, or undergraduate or post graduate study at a religious seminary, certified by an authorized official of the institution as a full course of study; (ii) undergraduate study at a college or university certified by an authorized official of the institution to consist of at least 12 hours of instruction per week, or its equivalent or (iii) study at a vocational, business, or language school, certified by an authorized official of the institution to consist of at least 20 clock hours of attendance per week if classroom instructions comprises the dominant part of the course of studies, or at least 25 hours per week if shop or laboratory work comprises the dominant part of the course of studies, or (iv) study at a secondary or primary school certified by an authorized official of the institution to consist of class attendance for not less than the minimum number of hours per week prescribed by such school for normal progress towards graduation. Also, to be deemed a full course of study the authorized school official must certify that the course of study will lead to the attainment of a specific educational objective. Except for post graduate study at a college or university, or undergraduate or post graduate study at a religious seminary, any class scheduled to commence at or after 6 p.m. shall not be counted in determining whether a student will pursue a full course of study unless a specific subject taught in such class is not offered or available in classes scheduled before 6 p.m. A school shall not issue Form I–20 to any student who will not be pursuing a full course of study as defined in this subparagraph. For purposes of this subparagraph, a college or university is an institution of learning which awards recognized degrees in educational programs above the level of a secondary school, and includes a community or junior college which awards such degrees. A college or university does not include a vocational, business or language school. A nonimmigrant admitted to the United States prior to July 1, 1975 under section 101(a)(15)(F)(i) of the Act or granted a change to that classification prior to that date, notwithstanding that he may not be taking a full course of study as defined in this subparagraph, may continue in that nonimmigrant classification until he completes the course of study at the school he was authorized to attend prior to that date, provided he continues to carry not less than what the school had considered to be a full course of study and he otherwise continues to maintain student status.

• • • • • •

(6) *Employment.* A nonimmigrant student is not permitted to engage in gainful off-campus employment in the United States, either for an employer or independently, unless his application to do so has first been approved by the Service. • • •

• • • • • •

2. In § 214.3, it is proposed to amend the second sentence of paragraph (g) to read as follows:

§ 214.3 Petitions for approval of schools.

• • • • • •

(g) *Reporting requirements.* Each approved school, upon receiving Service notification of arrival in the United States of a nonimmigrant student destined to that school, or Service notification of permission to attend the school, shall submit immediately to the office of the Service having jurisdiction over the area in which the institution is located a report, in writing, if the student fails to register personally at the school within 60 days of the time he was expected to do so. An immediate report shall also be made in the case of each nonimmigrant student who fails to carry a full course of study as defined in § 214.2(f)(1a), fails to attend classes to the extent normally required, or terminates his attendance at the institution. The report shall be made on Form I–20B.

• • • • • •

3. In § 214.4, it is proposed to amend paragraph (a) by adding a new subparagraph (3) and by redesignating existing subparagraphs (3) through (6) as (4) through (7), respectively, to read as follows:

§ 214.4 Withdrawal of school approval.

(a) *General.* The approval by the Service, pursuant to section 101(a)(15)(F) of the Act and this part, of a petition by a school or school system for the attendance of nonimmigrant students shall be withdrawn if the school or school system is no longer entitled to such approval for any reason including, but not limited to, the following: (1) Failure to submit reports required by § 214.3(g); (2) issuance of Certificates of Eligibility, Forms I–20, to students lacking scholastic, financial, or language requirements; (3) issuance of Certificates of Eligibility, Forms I–20, to students who will not be enrolled in or carry a full course of study as defined in § 214.2(f)(1a); (4) failure to operate as a bona fide institution of learning; (5) failure to employ qualified professional personnel; (6) failure to maintain proper facilities for instruction; or (7) failure to limit its advertising in the manner prescribed in § 214.3(f).

• • • • • •

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: April 1, 1975.

L. F. CHAPMAN, JR.,
Commissioner of Immigration and Naturalization.

[FR Doc.75–8783 Filed 4–3–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 250]

MEDICAL ASSISTANCE PROGRAM

Fraud in the Medical Assistance Program

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations revise 45 CFR 250.80(a)(4) published in the FEDERAL REGISTER of March 1, 1974 (39 FR 7930), which relate to procedures for detecting and acting on cases of suspected fraud in the medical assistance program under title XIX, Social Security Act.

At present State agencies must report to the Social and Rehabilitation Service each case of suspected fraud by a provider which has been referred by the State or local agency to law enforcement officials for appropriate action. Such reports must use a numbering system which does not disclose identity of the provider (unless SRS specifically requests such disclosure).

In order to facilitate the exchange of information between the Bureau of Health Insurance, Social Security Administration and the Medical Services Administration, SRS, about providers suspected of fraud in the Medicaid and Medicare (title XVIII) programs, the proposed change would require States to report to SRS by name and provider number providers suspected of fraud.

Prior to the adoption of the proposed revision in the regulations, consideration will be given to any comments, suggestions, or objections thereto which are received in writing by the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013, on or before May 5, 1975. Comments will be available for public inspection in Room 5326 of the Department's offices at 330 C Street SW., Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202–245–0950).

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: January 24, 1975.

JAMES S. DWIGHT, JR.,
Administrator, Social and Rehabilitation Service.

Approved: March 26, 1975.

CASPAR W. WEINBERGER,
Secretary.

Section 250.80(a)(4) of 45 CFR Part 250 is revised to read as follows:

§ 250.80 Fraud in the medical assistance program.

(a) *State plan requirements.* • • •

• • • • • •

(4) Provide that the State agency will establish and maintain procedures for reporting

(i) to the Regional Office, SRS, at the time an investigation is initiated, the name and provider number of each case of suspected fraud by a provider;

(ii) to the Central Office, SRS, on a quarterly basis both (A) the name and provider number of each case of suspected fraud by a provider which has been referred by the State or local agency to law enforcement officials for appropriate action and (B) the disposition thereof by such law enforcement officials.

• • • • • •

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

[FR Doc.75–8751 Filed 4–3–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 75–052]

DRAWBRIDGE OPERATION REGULATIONS PASSAIC RIVER, N.J.

Notice of Proposed Rule Making

At the request of the Board of Chosen Freeholders of Bergen and Passaic Counties, the Coast Guard is considering amending the regulations for the Gregory Avenue drawbridge across the Passaic River, mile 14.0, to permit the draw to be maintained in a permanently closed position. There have been no passages through the draw since May 5, 1972, and no potential water commerce is contemplated. The draws of the 2nd Street and 8th Street drawbridges immediately upstream of this bridge have been permitted to be maintained in the permanently closed position. Also, "Market Street" has been renamed "Second Street", and this change is made accordingly.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Third Coast Guard District, Governors Island, New York, N.Y. 10004. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Third Coast Guard District.

The Commander, Third Coast Guard District, will forward any comments received before May 6, 1975, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that 33 CFR Part 117 be amended by revising paragraph (f)(2) of § 117.225 to read as follows:

§ 117.225 Navigable waters in the State of New Jersey; bridges where constant attendance of draw tenders is not required.

• • • • • •

(f) • • •

(2) Passaic River, Passaic and Bergen Counties highway bridges at Gregory Avenue, Second Street and West Eighth Street, Passaic. The draws need not open for the passage of vessels, and paragraphs (b) through (e) of this section shall not apply to these bridges.

• • • • • •

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4)).

Dated: March 27, 1975.

W. E. CALDWELL,
Captain, U.S. Coast Guard, Acting Chief, Offe of Marine Environment and Systems.

[FR Doc.75–8805 Filed 4–3–75;8:45 am]

Federal Aviation Administration

[14 CFR Part 25]

[Docket No. 14230; Notice No. 74–38A]

COMPARTMENT INTERIOR MATERIALS TOXIC GAS EMISSION

Extension of Comment Period

By an Advance Notice of Proposed Rulemaking (ANPRM), Notice 74–38, published in the FEDERAL REGISTER on December 30, 1974 (39 FR 45044), the Federal Aviation Administration stated that it is considering rule making to establish standards governing the toxic gas emission characteristics of compartment interior materials used in transport category airplanes when subjected to fire conditions. In that Notice, the FAA stated that information presently available does not provide an adequate data base for development of toxicity standards and solicited the views of all interested persons with reference to a number of questions propounded in the notice.

By letter dated March 24, 1975, the Monsanto Fire Safety Center of the Monsanto Company, a manufacturer of chemicals and other products used in various aircraft applications, requested an extension of the comment period for Notice 74–38 for a reasonable time beyond March 31, 1975, so that it could obtain and evaluate information referred to in that Notice. In view of the complexity of the subject matter of the Notice, the FAA believes that the requested extension of time should be granted in order to permit receipt of all relevant data that can be provided.

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I find that the petitioner has shown a substantive interest in the proposed rule, that good cause exists for the extension, and that the extension is consistent with the public interest.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 11.45), the time within which comments on Notice 75-38 will be received is extended to June 2, 1975.

Issued in Washington, D.C., on March 31, 1975.

R. P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.75-8766 Filed 4-3-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-NW-06]

ALTERATION OF TRANSITION AREA

Notice of Proposed Rule Making

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Seattle, Washington, Transition Area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington, 98108. All communications received on or before May 5, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangement for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington, 98108.

A review of the controlled airspace around Seattle, Washington, disclosed that the existing Transition Areas are restrictive to efficient radar vectoring services. This amendment will incorporate many of the Transition Areas into standard 700' AGL and 1200' AGL Transition Areas, thereby affording more efficient use of the controlled airspace. This will permit better sequencing of aircraft and improved service to the users.

In consideration of the foregoing the FAA proposes the following airspace action:

In § 71.181 (40 FR 441) the description of the Seattle, Washington, Transition Area is amended to read as follows:

SEATTLE, WASHINGTON

That airspace extending upward from 700 feet above the surface bounded on the east by a line beginning at Latitude 49°00' N.; Longitude 122°21' W., to Latitude 48°40' N., Longitude 122°21' W., to Latitude 48°40' N., Longitude 122°05' W., Latitude 47°30' N., Longitude 121°48' W., to Latitude 47°10' N., Longitude 121°48' W., to Latitude 46°48' N., Longitude 122°15' W., on the south by a line extending to Latitude 46°42' N., Longitude 123°17' W., on the west by a line extending to Latitude 47°10' N., Longitude 123°17' W., to Latitude 47°10' N., Longitude 120°00' W., to Latitude 47°30' N., Longitude 120°00' W., to Latitude 48°17' N., Longitude 123°15' W., thence via the Canada/United States boundary to the point of beginning; that airspace extending upward from 1200' above the surface bounded on the north by a line beginning at Latitude 48°05' N., Longitude 123°40' W., to Latitude 48°05' N., Longitude 121°35' W., on the east by a line extending to the south via Longitude 121°35' W., to the south edge of V-204, on the south by the south edge V-204 and Latitude 46°30' to the east edge of V-27, on the west by east edge of V-27 to Longitude 123°40' W., to the point of beginning; that airspace east of Seattle extending upward from 9500' MSL bounded on the north by a line beginning at Latitude 48°00' N., Longitude 121°35' W., to Latitude 48°00' N., Longitude 121°00' W., thence south to Latitude 47°42' N., Longitude 121°00' W., thence east to Latitude 47°42' N., Longitude 119°43' W., on the east by a line extending south via Longitude 119°43' W., to the north edge of V-2N, on the south by the north edge of V-2N to Longitude 121°35' W., and on the west by Longitude 121°35' W., to the point of beginning.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington, on March 27, 1975.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.75-8779 Filed 4-3-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[355-3]

NEW YORK

Implementation Plan for Control of Indirect Sources of Air Contamination; Proposed Revision

On June 18, 1973 (38 FR 15834), the Administrator of the Environmental Protection Agency (EPA) promulgated under section 110 of the Clean Air Act, as amended, amendments to 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans. Those amendments were designed primarily to provide for long-term maintenance of the national ambient air quality standards. Among other requirements, states were directed to expand their present procedures for review of buildings or other facilities prior to construction or modification in order to include consideration of the air quality impact not only of pollutants emitted directly from stationary sources, but also of pollution arising from mobile source activity associated with such buildings or facilities (termed indirect sources).

Pursuant to an order of the U.S. Court of Appeals for the District of Columbia Circuit in the case of Natural Resources Defense Council, Inc. et al v. EPA, States were required to submit by August 15, 1973 plan revisions to comply with these new requirements involving indirect source review (38 FR 12920).

The Commissioner of the New York State Department of Environmental Conservation (NYSDEC), on August 15, 1973, proposed a revision to the State's plan which provided for a preconstruction review of indirect sources which commenced construction after November 3, 1973. On February 25, 1974 (39 FR 7283), EPA disapproved this proposed revision request because the requirements of 40 CFR 51.18(h) were not met and State procedures allowed the issuance of a provisional permit to construct if the owner or operator of the indirect source experienced undue hardships or delay in complying with normal State procedures. To correct these deficiencies on February 25, 1974 (39 FR 7270) and as amended on July 9, 1974 (39 FR 25272), EPA promulgated a regulation applicable in New York State which provided for preconstruction review of indirect sources of air pollution. This regulation is scheduled to become effective sometime after July 1, 1975 (39 FR 45014).

To correct the deficiencies in the plan revision request of August 15, 1973, the Commissioner of NYSDEC, on January 27, 1975, submitted a new request which consists of a newly adopted Part 203 of New York's Codes, Rules and Regulations entitled "Indirect Sources of Air Pollution". Public hearings were held by New York State on this regulation on October 15 and 17, 1974 and the regulation became effective on January 13, 1975.

The regulation provides for preconstruction review in the following instances:

(1) The construction or modification of any parking facility or any associated parking area in New York County;

(2) The construction or modification of any airport which results or may result in the following activity within ten years after completion of the construction or modification:

(i) In the case of a new airport, 50,000 or more aircraft operations per year by regularly scheduled air carriers, or use by 1,600,000 or more passengers per year;

(ii) In the case of a modified airport, an increase of 50,000 or more aircraft operations per year by regularly scheduled air carriers over the existing annual volume of aircraft operations, or an increase of 1,600,000 or more passengers per year;

(3) Within an urban area:

(i) The construction of any new parking facility, or other new indirect source with an associated parking area, which adds new parking capacity of 1,000 vehicles or more;

(ii) The modification of any parking facility or any associated parking area which, by itself or when added together with all parking capacity constructed subsequent to November 4, 1973 or the date the latest permit to construct has been issued for such facility or area, will produce parking capacity of 500 vehicles or more, unless such modification is permitted under the latest permit to construct;

(iii) The construction of any road or highway section on which the annual average of daily traffic volume within ten years of completion of construction exceeds or may exceed 20,000 vehicles;

(iv) The modification of any existing section of road or highway which increases or may increase the annual average of daily traffic volume within ten years of completion of modification by more than 10,000 vehicles;

(4) Outside an urban area:

(i) The construction of any new parking facility, or other new indirect source with an associated parking area, which adds new parking capacity of 2,000 vehicles or more;

(ii) The modification of any parking facility or of any associated parking area which, by itself or when added together with all parking capacity constructed subsequent to November 4, 1973 or the date the latest permit to construct has been issued for such facility or area, will produce parking capacity of 1,000 vehicles or more, unless such modification is permitted under the latest permit to construct;

(5) Whenever an indirect source or associated parking area is to be constructed or modified in planned incremental phases, the Commissioner may approve any or all such phases prior to the initiation of any such phase.

Urban areas are defined as those which may have a potential for violating any national ambient air quality standard in the 10-year period following standard attainment. A listing of these "urban areas" is given in § 203.2(e) of the regulation.

Procedurally, the regulation requires that all affected indirect sources be subject to a detailed analysis to show that operation of the source will not cause contravention of applicable national ambient air quality standards. The applicable national standards for a parking facility are the national standards for carbon monoxide. With regard to construction and modification of highway sections and airports the applicable ambient air quality standards are the national standards for carbon monoxide, photochemical oxidants and nitrogen dioxide.

Section 203.9 of the regulation describes the criteria by which the State will determine whether to issue indirect source permit to construct. This section requires prior to the issuance of the permit that it be shown that the operation of the indirect source will not: (1) Cause a violation of any applicable ambient air quality standard or, where a violation of such standard exists, increase the ambient concentration of the applicable pollutant or interfere with attainment or maintenance of such standard; (2) cause a violation of applicable portions of any control strategy of an applicable implementation plan approved or promulgated under the Clean Air Act and in effect at the time of the issuance of the permit; and (3) result in a violation of any of the provisions of New York's Codes, Rules and Regulations.

Preliminary analysis by the Regional Office indicates that the State regulation is more stringent than the EPA promulgation in the following ways:

(1) For highway sections and airports, the preconstruction review includes, in addition to a carbon monoxide and photochemical oxidant determination, a determination that the national standard for nitrogen dioxide will not be violated. The EPA review is limited to a showing that the national standards for carbon monoxide and photochemical oxidants will not be exceeded.

(2) In New York County, the preconstruction review for parking facilities will be required for all new or modified facilities, regardless of size. The EPA review is limited to new facilities having greater than 1,000 spaces and to modifications of facilities of 500 or more spaces.

This notice is issued as required by section 110 of the Clean Air Act to advise the public that comments may be submitted on whether the proposed implementation plan revision should be approved or disapproved. Only comments received within the 30-day public comment period will be considered. The Administrator's decision to approve or disapprove the proposed plan revision is based on whether it meets the requirements of § 110(a)(2)(A)–(H) and EPA regulations in 40 CFR Part 51.

Copies of the plan revision submission are available for public inspection during normal business hours at the Air Branch, EPA, Region II, 26 Federal Plaza, New York, New York 10007, Room 907 and at the New York State Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233. Copies are also available at the Freedom of Information Center, EPA, 401 M Street, S.W., Washington, D.C. 20460. All comments should be addressed to the Regional Administrator, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007 (42 U.S.C. 1857c-5).

Dated: March 28, 1975.

GERALD M. HANSLER,
Regional Administrator.

[FR Doc.75-9042 Filed 4-3-75;8:45 am]

[40 CFR Part 52]

[FRL 355-4]

PENNSYLVANIA

Approval of Compliance Schedules

Section 110 of the Clean Air Act, as amended, 42 U.S.C. section 1857c-5, and the implementing regulations of 40 CFR Part 51, require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. Each such plan is to contain legally enforceable compliance schedules setting forth the dates by which all stationary and mobile sources must be in compliance with any applicable requirement of the plan.

On May 31, 1972, pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator of the Environmental Protection Agency ("EPA") approved portions of the Pennsylvania State Implementation Plan (37 FR 10842).

Pursuant to 40 CFR 51.6, the Commonwealth of Pennsylvania submitted for EPA's approval revisions to the compliance schedule portion of its plan. This publication proposes that one of these revisions be approved. Other revisions were previously published in the FEDERAL REGISTER on August 22, 1974, (39 FR 30349), October 10, 1974 (39 FR 36481), and November 27, 1974 (39 FR 41363). The proposed revision establishes a date by which the air pollution source must attain compliance with the emission limitation of the State Implementation Plan. This date is indicated in the approval table below under the heading "Final Compliance Date." While the table below contains only the date of final compliance, the schedule itself includes interim dates which denote increments of progress toward final compliance in accordance with 40 CFR 51.15(c). Both the final and interim dates are federally enforceable by EPA pursuant to the Clean Air Act, as amended.

The "Effective Date" column in the table below refers to the date the compliance schedule becomes effective for purposes of Federal enforcement.

The complete text of the compliance schedule listed below is available for public inspection at the following locations:

Environmental Protection Agency
Region III
Curtis Building
Sixth and Walnut Streets
Philadelphia, Pa. 19106

Bureau of Air Quality & Noise Control
Pennsylvania Department of Environmental Resources
Box 2063
Fulton National Building, 18th Floor
Harrisburg, Pa. 17105

Freedom of Information Center
Environmental Protection Agency
401 M Street, SW
Washington, D.C. 20460

An Evaluation Report for the compliance schedule may be examined at the EPA Region III office indicated above.

The compliance schedule has been adopted by the Pennsylvania Department of Environmental Resources and submitted to EPA after notice and public hearing in accordance with procedural requirements of 40 CFR 51.4.

Interested parties may participate in the final rule making by submitting comments on whether the proposed revision to the Pennsylvania State Implementation Plan should be approved or disapproved as required by Section 110 of the

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Clean Air Act. To be considered, com-

III, Curtis Building, Sixth and Walnut

and Loan System (12 CFR Parts 541 and

ness use, or cooperative housing projects,

a loan specified in paragraph (a) of this

Clean Air Act. To be considered, comments must be postmarked on or before May 5, 1975. All public comments received in regard to the proposed revision will be available for public inspection at the EPA Region III office in Philadelphia, Pennsylvania and at the EPA Freedom of Information Headquarters in Washington, D.C. The Administrator's decision to approve or disapprove the proposed revision is based upon the requirements of Section 110(a)(2)(A–H) of the Clean Air Act as amended and the EPA regulations published in 40 CFR Part 51.

Comments should be directed to the Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, Attention: Eileen M. Glen.

(42 USC section 1857c–5)

Dated: March 24, 1975.

JOSEPH M. MANKO,
Acting Regional Administrator.

It is proposed to amend 40 CFR Part 52 as follows:

Section 52.2036(a) is amended by revising the table as follows:

§ 52.2036 Compliance Schedules.

(a) • • •

Source	Location	State regulation(s) involved	Date of adoption	Effective date	Final compliance date
West Penn Power Co., No. 73-679-V.	Order Armstrong County.	123.11, 123.22, 123.41...	July 20, 1973.	Immediately...	Apr. 30, 1975

[FR Doc.75–8843 Filed 4–3–75;8:45 am]

[40 CFR Part 408]

[FRL 354–6]

CANNED AND PRESERVED SEAFOOD PROCESSING

Point Source Category Effluent Limitations Guidelines and Standards; Notice of Availability

On January 30, 1975, the Agency published a notice of interim final rule making establishing effluent limitations and guidelines (40 FR 4582) and a notice of proposed rules for standards of performance for new sources and pretreatment standards for existing and new sources. (40 FR 4608) for the canned and preserved seafood processing point source category. Reference was made in the preambles to these notices of a technical report and an economic report prepared by the Agency in connection with the development of these regulations.

The report entitled "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Fish Meal, Salmon, Bottom Fish, Clam, Oyster, Sardine, Scallop, Herring and Abalone Segment of the Canned and Preserved Seafood Processing Point Source Category" details the analysis undertaken in support of the regulations and is available for inspection in the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis entitled "Economic Analysis of Interim Final Effluent Guidelines, Seafood Processing Industry" which discusses the possible economic effects of the regulation is also available for inspection at these locations. Copies of both of these documents have been sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 24202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Freedom of Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown.

All comments received on or before May 5, 1975 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated: March 26, 1975.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75–8844 Filed 4–3–75;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 541 and 545]

[No. 75–206]

FEDERAL SAVINGS AND LOAN SYSTEM

Loans on Cooperative Housing Projects

MARCH 5, 1975.

Summary. The following summary of the amendments proposed by this Resolution is provided for the reader's convenience and is subject to the full description in the preamble as well as the specific provisions in the regulations.

I. *Present situation.* Conventional loans by Federal associations to housing cooperatives are governed by § 545.6–1(b) and limited thereby to a loan-to-value ratio no greater than 80 percent.

II. *Proposed amendment.* Would authorize under certain conditions conventional loans to cooperative housing projects up to 95 percent of value.

The Federal Home Loan Bank Board considers it desirable to propose to amend Parts 541 and 545 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Parts 541 and 545) to add thereto provisions which would, respectively, define the term "cooperative housing project" and liberalize under certain conditions the loan-to-value ratios of conventional loans on cooperatives. Federal associations are currently authorized to make conventional cooperative housing loans with loan-to-value ratios of up to 80 percent under § 545.6–1(b); the purpose of the new provisions would be to authorize conventional loans of up to 95 percent loan-to-value ratios on certain cooperatives, defined as "cooperative housing projects", on a basis analogous to loans which Federal associations are authorized to make on condominiums.

The proposed amendments would comprise three parts: a new "cooperative housing project" definition to be added as § 541.10–4, a new specific provision for cooperative loans to be added to a revised § 545.6–1(b), loans on "other dwelling units", and a conforming amendment to § 545.6–7(b), loan percentage-limitations categories.

The new § 541.10–4 would define "cooperative housing project" as being owned by a non-profit corporation whose stock is held by the residents and whose sponsor is a non-profit organization having no identity of interest with the builder of the project.

The proposed revision of § 545.6–1(b) would divide it into three parts, for (i) regular 80 percent multi-unit loans, (ii) insured or guaranteed loans, and (iii) the new cooperative housing loans. The latter provision would authorize 90 and 95 percent loan-to-value ratios, provided that the requirements of §§ 545.6–1(a)(4) and (5) for 90 and 95 percent loans on single-family dwellings are met. These requirements include completed construction, limits on loan amounts, prepaid monthly charges, owner-occupancy certifications, percentage-of-assets limitations (all high-ratio loans, including cooperative housing project loans, share the same percentage limitation categories), and, in the case of 95 percent loans, private mortgage insurance or specific reserves. In addition, the proposed § 545.6–1(b)(1)(iii) would require maintenance of reserves as are required for comparable housing project loans insured by the Federal Housing Administration.

A cooperative housing project loan, like any other loan under § 545.6–1(b)(1), could be combined with a construction loan into a single loan, but under § 545.6–1(a)(4) and (5), as incorporated into § 545.6–1(b)(1), no disbursement of the permanent financing funds over 80 percent could be made until completion of construction and presale to the cooperative.

The maximum amount which could be invested in a cooperative loan under the proposal would be computed by locating the appropriate regulatory provision for a single-family dwelling loan in § 545.6–1(a), and then multiplying the limit provided for therein by the number of units in the cooperative. For example, a 95 percent loan on a 50-unit co-op could not exceed 50 times $42,000 ($50,000 in Alaska, Guam, or Hawaii) which is the loan limit for 95 percent single-family-dwelling loans under § 545.6–1(a)(5)(i)(a). A further proposed limitation on the maximum amount of the loan is a "per unit" ceiling for allocation of loan proceeds, which provides that the amount of the loan to be applied to any individual unit may not exceed the regulatory dollar limit.

Cooperative housing loans under the proposed § 545.6–1(b) would be treated as multi-family dwelling loans for percentage-of-asset-limitation purposes under the proposed revision to § 545.6–7(b); such loans would be released from the percentage limitations categories of §§ 545.6–1(a)(4) and (5) when the balances were reduced to 80 percent of value, but would continue to be included in the appropriate categories under § 545.6–7(c).

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend Part 541 by adding thereto a new § 541.10–4 as set forth below and to amend Part 545 by revising §§ 545.6–1(b)(1) and 545.6–7(b) to read as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street NW., Washington, D.C. 20552, by May 5, 1975, as to whether this proposal should be adopted, rejected or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.5 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.5).

1. A new § 541.10–4 would be added to read as follows:

§ 541.10–4 Cooperative housing project.

The term "cooperative housing project" means real estate comprising dwelling units for more than four families in the aggregate, designed primarily for residential use, which is owned by a nonprofit corporation whose stock is owned by the residents of the project and whose sponsor is a nonprofit organization which has no identity of interest with the builder of the project.

2. Section 545.6–1(b)(1) would be revised to read as follows:

§ 545.6–1 Lending powers.

• • • • • •

(b) *Other dwelling units; combination of dwelling units, including homes, and business property involving only minor or incidental business use;—(1) Monthly installment loans.* Subject to the limitations of § 545.6–7, monthly installment loans may be made on other dwelling units or combinations of dwelling units, including homes, and business property involving only minor or incidental business use, or cooperative housing projects, for amounts not in excess of:

(i) 80 percent (or if authorized by the members of such an association, not in excess of 90 percent) of the value thereof, repayable within 30 years;

(ii) the maximum percentage of value acceptable to the insuring or guaranteeing agency, in the case of an insured or guaranteed loan, and a repayment period acceptable to such agency; or

(iii) the amounts authorized in paragraphs (a)(4) and (5) of this section, and the repayment periods authorized in those paragraphs, in the case of cooperative housing project loans: *Provided*, That all the requirements of such paragraphs are met; and *Provided further*, That such cooperative housing projects shall be required to maintain at least such reserves as are required for comparable cooperative housing projects insured by the Federal Housing Administration. For purposes of compliance with this paragraph (b)(1)(iii), the term "single-family dwelling" in paragraph (a)(4)(i) of this section shall read "cooperative housing project"; the words "borrower is", in paragraph (a)(4)(iv)(b) of this section, shall read "stockholders of the cooperative housing project are"; and the loan limits of $55,000, or $68,750 in Alaska, Guam and Hawaii, in paragraph (a)(4)(ii)(a) of this section, and $42,000, or $50,000 in Alaska, Guam and Hawaii, in paragraph (a)(5)(i)(a) of this section, shall read "$55,000, or $68,750 with respect to dwelling units in Alaska, Guam and Hawaii, multiplied by the number of dwelling units" and "$42,000, or $50,000 with respect to dwelling units in Alaska, Guam and Hawaii, multiplied by the number of dwelling units", respectively: *Provided*, That the amount of the loan to be applied to any one dwelling unit may not exceed the applicable limitation per dwelling unit.

• • • • • •

3. Section 545.6–7(b) would be revised to read as follows:

§ 545.6–7 Percentage limitations on real estate loan investments.

• • • • • •

(b) *Percentage limitations for specific types of loans.* Real estate loan investments made under the authority of § 545.6–14 (land acquisition and development loans), § 545.6–16 (loans for housing for the aging), § 545.6–18 (urban renewal loans), § 545.6–20 (Foreign Assistance Act loans), § 545.6–3(c) (developed building lot loans), § 545.6–1(a)(4) and (5) (loans on single-family dwellings in excess of 80 percent of value), or § 545.6–1(a)(3)(iii) (loans to facilitate trade-in or exchange of homes) shall be subject to the respective percentage limitations contained in such sections. However, whenever the terms of a loan investment under §§ 545.6–16 or 545.6–18 would meet the requirements for a loan under § 545.6–1, it may be released from the percentage-limitation category in §§ 545.6–16 or 545.6–18 and, unless it is a loan specified in paragraph (a) of this section as not subject to any percentage limitation, allocated within an applicable percentage-limitation category in paragraph (c) of this section. A loan investment under § 545.6–1(a)(4) or (5) on a single-family dwelling within the association's regular lending area may be released from any percentage-limitation category when the loan balance has been reduced to not more than 80 percent of value. A loan investment under § 545.6–1(b)(1)(iii) on a cooperative housing project may be released from the percentage-limitation categories of § 545.6–1(a)(4) or (5) when the loan balance has been reduced to not more than 80 percent of value, but shall at all times be included in an appropriate percentage-limitation category of paragraph (c) of this section.

• • • • • •

(Sec. 5, 48 Stat., 132, as amended; 12 U.S.C. § 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071).

By the Federal Home Loan Bank Board,

[SEAL] GRENVILLE L. MILLARD JR.,
Assistant Secretary.

[FR Doc.75–8781 Filed 4–3–75;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 502]

[Docket No. 75–7]

INFORMAL PROCEDURE FOR ADJUDICATION OF SMALL CLAIMS

Notice of Proposed Rulemaking

In 1967 (Docket 65–33) the Commission instituted procedures under Subparts S and T, Part 502, 46 CFR whereby claims for reparations of $1,000 or less against carriers subject to the Shipping Act of 1916 could be adjudicated informally.

Following review and analysis of the claims settled during the period June, 1972 to January, 1975, the Commission has concluded that an increase in the ceiling from $1,000 to $5,000 is timely and proper. Analysis revealed that the $1,000 limit set in 1967 has been eroded by general economic pressures to the point that a new limit would be required to reestablish the relationship between the original ceiling and the costs of doing business. Further, it is felt that by offering informal proceedings to a larger number of claimants the Commission would advance the cause of expeditious regulatory action.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 USC 553) and sections 22 and 43 of the Shipping Act of 1916 (46 USC 820, 841(a)) § 502.301 *Policy* of Title 46 CFR is proposed to be amended by changing the $1,000 limitation in the first sentence thereof to read "$5,000".

Interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 4, 1975, an original and 15

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copies of their views and arguments pertaining to the proposed rules.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.75-8820 Filed 4-3-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[10 CFR Part 73]

PHYSICAL PROTECTION OF PLANTS AND MATERIALS

Advance Notice of Certain Shipments of Special Nuclear Material

On November 6, 1973, the Atomic Energy Commission published amendments to 10 CFR Part 73 which strengthened the security requirements for special nuclear material in transit. These amendments became effective on March 6, 1974. In order to assure that these requirements are fulfilled, the Commission needs advance notice of shipments involving certain quantities of special nuclear material, and notification of arrival of such shipments at their final destinations.

Accordingly, the Nuclear Regulatory Commission has under consideration amendments to its regulations in 10 CFR Part 73 to require that the Commission be informed seven days in advance of a shipment of quantities of special nuclear material specified in § 73.1(b)(2) of 10 CFR Part 73, and that it be notified upon arrival of such shipments.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 73 is contemplated. Interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section by May 5, 1975.

1. Paragraphs (c)(3) and (e) of § 73.36 are revised to read as follows:

§ 73.36 Miscellaneous requirements.

• • • • •

(c)(3) Each licensee who delivers special nuclear material to a carrier for transport or releases special nuclear material f.o.b. at the point where it is delivered to a carrier for transport shall also make arrangements with the consignee to be notified immediately by telephone, telegraph, or teletype, of the arrival of the shipment at its destination.

• • • • •

(e) Each licensee who receives a shipment of special nuclear material shall immediately notify by telephone and telegraph, or teletype, the person who delivered the material to a carrier for transport and the Director of the appropriate Nuclear Regulatory Commission Regional Office listed in Appendix A of the arrival of the shipment at its destination. When an Energy Research and Development Administration (ERDA) license-exempt contractor is the consignee, the licensee who is the consignor shall notify by telephone and telegraph, or teletype, the Director of the appropriate Nuclear Regulatory Commission Regional Office listed in Appendix A of the arrival of the shipment at its destination immediately upon being notified of the receipt of the shipment by the license-exempt contractor as arranged pursuant to paragraph (c)(3) of this section. In the event such a shipment fails to arrive at its destination at the estimated time, the consignee, if a licensee, or in the case of an export shipment, the licensee who exported the shipment, shall immediately notify by telephone and telegraph, or teletype, the Director of the appropriate Nuclear Regulatory Commission Regional Office listed in Appendix A of this part, and the licensee or other person who delivered the material to a carrier for transport. The licensee who made the physical protection arrangements shall also immediately notify by telephone and telegraph, or teletype, the Director of the appropriate Nuclear Regulatory Commission Regional Office listed in Appendix A of the action being taken to trace the shipment.

2. A new § 73.72 is added to read as follows:

§ 73.72 Requirement for advance notice of shipment of special nuclear material.

Each licensee who plans to import, export, transport, deliver to a carrier for transport in a single shipment, or take delivery of a single shipment free on board at the point where it is delivered to a carrier quantities of special nuclear material as specified in § 73.1(b)(2) shall notify the Director of the appropriate Nuclear Regulatory Commission Regional Office listed in Appendix A by U.S. Mail, postmarked at least seven days in advance of the shipping date. The information to be furnished in the advance notice prior to a shipment is specified in § 73.70(g).

(Sec. 161, Pub. Law 83-703, 68 Stat. 948 (42 U.S.C. 2201))

Dated at Washington, D.C., this 31st day of March, 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK, *Secretary of the Commission.*

[FR Doc.75-8749 Filed 4-3-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 120]

LOAN POLICY

Fees

The Small Business Administration (SBA) is considering amending its Business Loan Policy Regulations to authorize a lender to charge a small business concern applying for a loan to be made in participation with SBA a reasonable fee to be negotiated between applicant and lender, but not in excess of $200. The purpose of this fee is to reimburse the lender for the expense incurred in processing the loan application. Another amendment under consideration would provide an incentive to a lender to make longer term loans by allowing the lender to charge a borrower a fee, to be negotiable between borrower and lender, for providing such longer term loans. The fees to be authorized by these proposed amendments may be charged in addition to other fees permitted by §120.3(b)(5).

Inquiries with respect to these proposed amendments may be sent to the Associate Administrator for Finance and Investment, SBA, 1441 L Street, NW., Washington, D.C., 20416. All material received on or before May 5, 1975, will be considered.

Pursuant to the authority of section 5 of the Small Business Act, 72 Stat. 385, U.S.C. 634 and section 7 of the said Act, as amended, 72 Stat. 387, 15 U.S.C. 636 it is proposed to amend Part 120 in the manner set forth below:

Section 120.3(b)(5) is amended by revising the introductory paragraph and paragraph (i); paragraph (ii) is redesignated as paragraph (iv); and paragraphs (ii) and (iii) are added to read as follows:

§ 120.3 Terms and conditions of business loans and guarantees.

• • • • •

(b) *Charges and interest rates.* • • •

(5) *Applicants' and borrowers' fees.* Subject to the limitations of § 120.5(a)(2), a lender or associate may charge an applicant or borrower reasonable fees for necessary services actually performed at the request of the applicant or borrower; *provided, however,* that no applicant or borrower shall be required as a condition or requirement for obtaining a loan to pay any fees or charges to the lender, associate, or designee of either, or to purchase any goods or services (including insurance) from the lender, associate, or designee of either, except as hereinafter specified: *and further provided,* that a lending institution may not impose upon an applicant or borrower fees or charges any part of which defrays the lender's overhead costs, except as specifically authorized in paragraphs (b)(5)(i), (ii) and (iii) of this section.

(i) *Application preparation fees.* Notwithstanding the provisions of paragraph (b)(5) of this section, a lender or associate may charge an applicant reasonable fees for necessary services actually performed at the request of the applicant in the preparation of the loan application. If additional, supplemental, or revised financial statements, income projections, appraisals, abstracts of title, or other records are required for the processing of a loan, or as a condition of the disbursement thereof, a lender or an associate (with the consent of the applicant in either case) may prepare such documentation for a reasonable fee: *Provided, however,* That legible copies of any such documents shall be made available to the applicant, together with supporting work papers that the applicant may request. A lender shall also be entitled to reimbursement from the borrower for any expenses incurred for filing or recordation necessary to perfect a security interest in the assets of the borrower, including title insurance. The fees authorized hereunder may be charged whether or not the requested loan is actually approved by the Lender or SBA.

(ii) *Application processing fees.* Notwithstanding the provisions of paragraph (b)(5) of this section, a lending institution may charge a fee to cover the cost of processing an application for a loan which is proposed to be guaranteed by, or made in participation with, SBA: *Provided, however,* that the amount of any such fee shall be negotiable between applicant and lender, but shall not exceed $200. The fees authorized hereunder may be charged whether or not the requested loan is actually approved by the Lender or SBA.

(iii) *Maturity fees.* Notwithstanding the provisions of paragraph (b)(5) of this section, a lender may charge a borrower a fee on any loan made by lender which has a maturity of five years or more. Such fee may be charged in addition to interest charged and other fees authorized hereunder. The fee authorized hereunder shall be negotiable between lender and borrower but shall not exceed the percentages set forth in the following table:

Term of loan:	*Permitted fee (percent)*
Five years or more, but less than 7 years	2
7 years or more, but less than 9 years	3
9 years or more	4

The amount of the maturity fee shall be based on the actual amount of the loan to be disbursed to the borrower after reduction for all other fees and insurance charges under § 120.3(b)(5). The maturity fee is a one time fee only, to be charged at the time of actual loan disbursement(s). In the case of phased disbursements, the maturity fee charges shall be phased in accordance with actual loan disbursements. The maturity fee may be deducted from the amount to be disbursed to the borrower.

• • • • •

(Catalog of Federal Domestic Assistance Program No. 59012, Small Business Loans)

Dated: April 2, 1975.

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.75-9050 Filed 4-3-75;11:44 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

FIREARMS

Granting of Relief

Notice is hereby given that pursuant to 18 U.S.C., section 925(c), the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Arpen, Frank T., Jr., 8990 Diamond C Lane, Jacksonville, Florida, convicted on January 13, 1961, in the United States District Court, Southern District of Florida.

Baxter, Robert L., 14747 El Cariso Road, Victorville, California, convicted on September 7, 1945, in a General Court Martial, Camp Joseph T. Robinson, Arkansas; and on December 5, 1946, in the United States District Court, Eastern District of Arkansas.

Bostain, Rudie G., 414 Rosewood Street, Kelso, Washington, convicted on April 30, 1965, in the Circuit Court of the State of Oregon, Multnomah County; on December 26, 1968, and October 29, 1970, in the Superior Court, Cowlitz County, Washington.

Broadway, John E., 431 Arcade Boulevard, Sacramento, California, convicted on October 9, 1962, and on May 9, 1966, in the Superior Court of the State of California, In and For the County of Sacramento.

Coker, Robert B., 1305 Metro Drive, Apt. #165, Carrollton, Texas, convicted on April 8, 1959, in the Jackson County Circuit Court, Medford, Oregon.

Cook, Cecil N., Box 155, Lovelock, Nevada, convicted on January 31, 1969, in the District Court of the Eleventh Judicial District of the State of Montana, in and for the County of Lincoln.

Cowan, Cornelius, 5608 Springfield, Detroit, Michigan, convicted on October 8, 1957, in the Recorder's Court of the City of Detroit, Michigan.

Dearinger, Robert L., 911 Central, Kansas City, Kansas, convicted on April 9, 1965, in the First Judicial District Court of the State of Nevada, in and for Carson City; on December 16, 1966, in the Twenty-Ninth Judicial District Court, for the County of Wyandotte, Kansas; and on October 30, 1969, in the Leavenworth County Circuit Court, Leavenworth, Kansas.

Hand, Howard Jerome, Jr., Route 9, 426½ Old Mill Road, Clarksville, Tennessee, convicted on February 1, 1974, in the United States District Court, Middle District of Tennessee.

Harrell, Carlton Lee, P.O. Box 119, Jarratt, Virginia, convicted on July 8, 1971, Hustings Court, Richmond, Virginia.

Harris, Norman V., Jr., 107 Carrolls Avenue, Carrolls, Washington, convicted on August 12, 1971, in the Superior Court, Cowlitz County, Washington.

Heichel, John W., Sr., P.O. Box 262, New Buffalo, Michigan, convicted on October 31, 1947, in the Circuit Court, Porter County, Indiana; and on November 16, 1948, in the United States District Court for the Northern District of Indiana.

McBroom, Joseph E., 662 N.W. 7th, Apt. 8, Camas, Washington, convicted on February 10, 1966, in the Superior Court, Yakima County, Washington.

Matthews, Ray E., 6308 Butte, Boise, Idaho, convicted on May 9, 1973, in the District Court, Ada County, Idaho.

Maze, Robert P., Star Route B, Box 533, Palmer, Alaska, convicted on April 18, 1960, in the Superior Court, Fairbanks, Alaska; on April 21, 1966, and on January 27, 1967, in the Superior Court for the State of Alaska, Third Judicial District.

Minucie, Mike Thurman, Route 1, Ferrum, Virginia, convicted on December 16, 1928, on November 13, 1930, and on June 11, 1940, in the Franklin County Circuit Court, Virginia; on July 5, 1944, January 9, 1946, and on May 7, 1951, in the United States District Court for the Western District of Virginia.

Montano, Ricardo, 1232 Sanford, Muskegon Michigan, convicted on or about March 8, 1972; State of Michigan Circuit Court for the County of Wayne.

Montgomery, Rick C., 1729 Christina, Stockton, California, convicted on March 9, 1973, in the Municipal Court of California, County of San Joaquin.

Pelliccia, Emanuele, Jr., 153 So. Avenue 57, Apt. 10, Los Angeles, California, convicted on November 2, 1961, in the Superior Court, Los Angeles County, California.

Rajewich, William John, 1830 S. Street, Gering, Nebraska, convicted on or about November 6, 1969, and on May 3, 1972, in the United States District Court, District of Nebraska.

Richardson, Charles G., Highway 80, Hazel Green, Wisconsin, convicted on April 27, 1972, in the United States District Court, Western District, Wisconsin.

Risinger, Edmund L., Rt. 1, Box 108, Natalia, Texas, convicted on July 22, 1971, in the United States District Court, Western District of Texas.

Roup, Ronald V., Route 4, Box 675, Sequim, Washington, convicted on April 26, 1972, in the Superior Court, Clallam County, Washington.

Rumfelt, Veri Adaz, 705 Davidson Avenue, Lexington, North Carolina, convicted on November 28, 1959, in the Superior Court, Davidson County, North Carolina; and on November 18, 1971, in the United States District Court, Middle District of North Carolina, Salisbury Division.

Schrock, Nola, Box 165, Empire, Michigan, convicted on or about October 10, 1950, in the Court of Common Pleas, Ross County, Ohio.

Smith, Theodore C., 1739 El Codo Way, San Jose, California, convicted on November 13, 1968, in the Superior Court, Santa Clara County, California.

Spradlin, Charles L., 221 Park Hill Drive, La Grange, Georgia, convicted on or about September 15, 1970, in the United States District Court, Middle District of Georgia.

Vance, James Junior, Rt. 2, Box 13, Mimosa Trailer Park, Princeton, West Virginia, convicted on July 9, 1937, in the Mercer County Circuit Court, Princeton, West Virginia.

Wheeler, Thomas G., 848 So. Cowley, Spokane, Washington, convicted on or about May 8, 1970, in the Superior Court of the State of Washington for Whitman County.

Wilhite, Kenneth D., 2020 W. Irving Boulevard, #101, Irving, Texas, convicted on April 3, 1953, in the United States District Court for the Southern District of California.

Signed at Washington, D.C. this 19th day of March 1975.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.75-8804 Filed 4-3-75;8:45 am]

Customs Service

[T. D. 75-82]

FOREIGN CURRENCIES

Certification of Rates

MARCH 19, 1975.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 75-24 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Belgium franc:	
Mar. 10, 1975	$0.028975
Mar. 11, 1975	.029170
Mar. 12, 1975	.029000
Mar. 13, 1975	(1)
Mar. 14, 1975	.029100
France franc:	
Mar. 10, 1975	.2361
Mar. 11, 1975	.2382
Mar. 12, 1975	.2367
Mar. 13, 1975	.2369
Mar. 14, 1975	.2378
Japan yen:	
Mar. 10, 1975	.003494
Mar. 11, 1975	.003495
Netherlands guilder:	
Mar. 11, 1975	.4224
Mar. 12, 1975	.4203
Mar. 13, 1975	.4210
Mar. 14, 1975	.4212

[1] Use Quarterly Rate.

Norway krone:

Mar. 10, 1975	$0.2010
Mar. 11, 1975	.2039
Mar. 12, 1975	.2030
Mar. 13, 1975	.2026
Mar. 14, 1975	.2038

[SEAL] R. N. MARRA,
Director, Duty Assessment Division.

[FR Doc.75-8807 Filed 4-3-75;8:45 am]

Office of the Secretary

[Public Debt Series—No. 11-75]

7⅛ PERCENT TREASURY NOTES OF SERIES N-1976

Dated March 26, 1975

APRIL 2, 1975.

The Secretary of the Treasury announced on April 1, 1975, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 11-75, dated March 26, 1975, will be 7⅛ percent per annum. Accordingly, the notes are hereby redesignated 7⅛ percent Treasury Notes of Series N-1976. Interest on the notes will be payable at the rate of 7⅛ percent per annum.

DAVID MOSSO,
Deputy Fiscal Assistant Secretary.

[FR Doc.75-8974 Filed 4-3-75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DEFENSE SCIENCE BOARD TASK FORCE ON "EXPORT OF U.S. TECHNOLOGY; IMPLICATIONS TO U.S. DEFENSE"

Meeting

A task force of the Defense Science Board on "Export of U.S. Technology; Implications to U.S. Defense" will meet in closed session on 23 April 1975 in the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense. The task force will provide an assessment of the implications to U.S. defense of current and impending exports of U.S. technology to serve as a basis for determination of Defense policy.

In accordance with sec. 10(d) of appendix I, title 5, United States Code, it has been determined that this Defense Science Board task force meeting concerns matters listed in 5 U.S.C. 552(b), and specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

APRIL 1, 1975.

[FR Doc.75-8806 Filed 4-3-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

PARKER-DAVIS AND COLORADO RIVER STORAGE PROJECTS

Notice of Proposed Reallocation of Power

Pursuant to Public Law 83-373, May 28, 1954 (68 Stat. 143), and Public Law 84-485, April 11, 1956 (70 Stat. 105), and by virtue of authority under the Reclamation Project Act of 1939, August 4, 1939 (53 Stat. 1187, 1194, 1198), the Secretary of the Interior proposes to reallocate power from the Parker-Davis Project and the Southern Division of the Colorado River Storage Project (CRSP).

There are 254,000 kW of Parker-Davis Project power to be reserved or reallocated and 26,650 kW of CRSP power to be reallocated.

Public comments on the proposed reallocation to be made this year should be submitted in writing on or before June 3, 1975 to one of the following offices:

Chief, Division of Power
Bureau of Reclamation, Room 7612
Department of the Interior
Washington, D.C. 20240
Telephone: (202) 343-5337

Regional Supervisor of Power
Bureau of Reclamation, Room A-35
Department of the Interior
Lower Colorado Region
Boulder City, Nevada 89005
Telephone: (702) 293-8421

A detailed analysis of the proposed reallocation and the principles involved is reproduced below and also is available for public inspection at any of the above offices.

Dated: March 27, 1975.

JOHN C. WHITAKER,
Acting Secretary of the Interior.

PROPOSED ALLOCATION OF POWER FROM PARKER-DAVIS PROJECT AND SOUTHERN DIVISION OF COLORADO RIVER STORAGE PROJECT

I. POWER MARKETING AREA

The area in which power is marketed includes the State of Arizona, southern Nevada, and southeastern California.

II. BACKGROUND

A. *Parker-Davis Project.* Parker-Davis Project power was last allocated in 1962. At that time, it was estimated that 248,000 kW of capacity and associated energy were available to serve load after consideration was given to losses, reserves, and diversity. Of this amount, it was estimated that 32,475 kW of capacity would be utilized in connection with the Gila and Yuma Federal Reclamation projects. An additional 20,000 kW was reserved for these projects' uses in the future but was allocated and contracted out on the basis that it could be withdrawn as required for project use on 2 years' notice. (This quantity was later reduced to 19,500 kW when the Yuma Irrigation District, which had received a 500 kW withdrawable allocation, sold part of its distribution system to the Arizona Publice Service Company in 1968, and the 500 kW was withdrawn for project use.) Of the remaining capacity, 21,000 kW was under contract to two nonpreference customers, the Citizens Utilities Company and the California-Pacific Utilities Company, as part of the settlement of a claim adjudicated in the companies' favor based on the failure of the Department of the Interior to renew its contracts for power from Hoover Dam as provided in the Boulder Canyon Project Act of 1928. These contracts expire at midnight, December 31, 1977.

The remaining 174,525 kW of available capacity was allocated to and contracted for by preference customers on a permanent, nonwithdrawable basis for a 10-year period through December 31, 1972.

B. *Colorado River Storage Project (CRSP).* In March 1962 the Southern Division (SD) CRSP preference customers were allocated a total of 240,000 kW of power on a nonwithdrawable basis. Of this amount, 213,350 kW were placed under contract. The remaining allottees, for various reasons, never contracted for CRSP power and 26,650 kW of CRSP-SD remains available for reallocation to the Southern Division. In addition to the above, over 141,000 kW is under contract to the existing CRSP-SD customers on a withdrawable basis subject to recapture on April 1, 1976. The latter amount will revert to the Northern Division preference customers to meet 1976-77 contract commitments in accordance with the CRSP "General Power Marketing Criteria," approved December 4, 1962.

C. *Original Proposal.* In 1972 the Bureau of Reclamation proposed that the allocations of Parker-Davis power, both permanent and withdrawable, be renewed for another 10 years through December 31, 1982, and that the contracts for the sale of power be extended on that basis. In the same year, the Bureau also proposed to reallocate the remaining 26,650 kW of CRSP-SD power proportionately among the existing CRSP-SD preference customers. The Parker-Davis proposal was objected to by the Commissioner of Indian Affairs who argued that the existing allocation to the Colorado River Indian Reservation (CRIR) was neither fair nor in accordance with the law. This assertion and other considerations led to the decision by the Department of the Interior to renew the existing Parker-Davis contracts through March 31, 1976, and to postpone placing the additional CRSP power under contract to allow ample time to review the entire subject.

III. PROPOSED REALLOCATION OF SUMMER SEASON POWER

The proposed reallocation of Parker-Davis and CRSP-SD power is based on the principles set forth below:

A. *Power Available—1. Parker-Davis Project.* After reexamining plant capability and reevaluating requirements for regulation, reserves, plant use, losses, and load diversity, it has been determined

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that 254,000 kW are available to serve Parker-Davis loads.

2. *Colorado River Storage Project.* As stated previously, the total CRSP–SD summer season allocation is 240,000 kW, of which 213,350 kW are presently committed.

B. *Priority Uses (Parker-Davis).*—1. *Project Use.* In 1962 it was estimated that 32,475 kW were required for operation of irrigation, drainage, and relift pumps on reclamation projects, and this was increased by 500 kW in 1968. In 1972 the project use requirements were 38,975 kW. The larger amount was supplied without using any of the 19,500 kW of withdrawable allocations because of the diversity of the project loads.

The 39 MW was made up as follows:

	Load (megawatt)
Wellton-Mohawk irrigation and drainage district, plant No. 1	8
Wellton-Mohawk irrigation and drainage district plant No. 2	12
Wellton-Mohawk irrigation and drainage district plant No. 3	6
Project relift and drainage pumps	3
Construction camp site	1
Yuma-Mesa irrigation and drainage district	4
Gila project drainage pumps	1
Colorado River front work and levee system (CRFWLS)	7
	39

2. *Colorado River Indian Irrigation Project (CRIIP).* The CRIIP was authorized in the same Act of August 30, 1935, (49 Stat. 1028, 1039) that ratified construction of the Parker Dam Project following the Supreme Court decision in *United States* v. *Arizona* (295 U.S. 174 (1953)) that construction had been commenced without proper congressional authorization. One of the purposes of the Parker Dam Project, as stated in the authorizing act, is "the reclamation of * * * Indian reservations." It is logical to conclude, therefore, that CRIIP, as part of the Colorado River Indian Agency is included within this stated purpose and, therefore, has a priority claim to power from Parker Dam. The Office of the Solicitor has so held in 1973 and again in 1974, thus hopefully putting to rest 40 years of controversy on this point. It appears that the present summer irrigation pumping power requirement for this project is about 2,100 kw, which should be added to the present capacity used by the Federal projects (project use). Any additional power required for full irrigation development should be included as reserved power from Parker-Davis and sold as withdrawable power at this time.

3. *Future Uses.* A reasonable quantity of power should be reserved at this time for possible future uses by Federal projects, by CRIIP, and by other Indian irrigation projects bordering the Colorado River in the lower basin.

The Indian tribes on the Lower Colorado River have Winter Doctrine water rights in the mainstem with the expectation of future irrigation development. A reservation of a relatively small amount of power for this purpose may be found to be in keeping with the congressional purpose implied by the quoted reference to the reclamation of lands on Indian reservations in the 1935 Act, even though no further specific projects were in the planning stages at that time. By including such power in the reserved status, it will be recapturable on 2 years' notice to facilitate efficient planning for such developments.

It is estimated that a reservation of 18,300 kW will be adequate for future use by Federal reclamation projects, such as Yuma, Gila, and Colorado River Front Work and Levee System and/or Indian irrigation projects bordering the mainstem of the Lower Colorado River. This power would be allocated subject to withdrawal on 2 years' notice for any of the indicated purposes.

C. *Net Available for Allocation (Parker-Davis).* The following table summarizes the amounts available for allocation:

Load (megawatt)

	Existing	Proposed
Private utilities	[1] 21.0	
Future priority uses (withdrawable)	19.5	18.3
Permanent allocation	174.5	194.6
Total allocation	215.0	212.9
Current priority uses	30.0	41.1
Power available	254.0	254.0

[1] The existing contracts with the private utilities do not expire until Dec. 31, 1977; however, it has been determined that the 21.0 MW can be allocated to preference customers now by utilizing some interim power from other sources that contractually has been committed but is temporarily not required for load.

D. *Colorado River Indian Agency (CRIA).* The Colorado River Indian Agency should have a permanent allocation as a preference customer in addition to the power supply for the irrigation project discussed under III(B) above.

In view of the system's proximity to Parker Dam, the allocation would appropriately come from the Parker-Davis Project rather than CRSP–SD; however, since 750 kW of CRSP–SD summer season power is already under contract and cannot be unilaterally terminated, the CRSP–SD contract will continue, and the rest of CRIA requirements will come from Parker-Davis.

As to amounts, the Bureau of Indian Affairs (BIA) suggests that the summer season allocation should be 19,900 kW based on the estimated on-reservation loads in 1986. BIA relies heavily on statements in the 1933 contract with the Metropolitan Water District that the United States would use Parker Dam power for CRIA and the Gila or Parker-Gila Project. The Indians were not a party to this contract, and it created no enforceable rights in them. The then Reclamation District counsel stated in a 1938 memorandum that the provision was included to "avoid incurring the opposition of the Salt River Valley Water Users' Association to construction of the dam."

When Congress ratified the Parker Dam contracts in 1935, it had in mind the contracts for the construction of the dam, not this provision. The specific operative contract reference to the use of power on the reservation and the downstream projects was removed when the contract was amended in 1939, and Congress never dissented.

To set an allocation based on the foregoing would place CRIA in a far more advantageous position than any other preference customer, including other Indian tribes, and is not considered appropriate.

The 1973 load of CRIA was about 14,600 kW. Of this amount, 2,100 kW represents the on-reservation irrigation pumping requirements, leaving 12,500 kW. About one-half of this amount represents the remaining on-reservation requirements. It is proposed that the allocation of summer season power to CRIA be based on the current on-reservation nonirrigation load of about 6,250 kW (5,500 kW from Parker-Davis and 750 kW from CRSP). The allocation should be permanent rather than withdrawable, since it would not make much sense to withdraw from CRIA to serve its own irrigation loads.

E. *Ak-Chin Indian Community (Ak-Chins).* The Ak-Chin Indian Community should be given a fixed allocation of CRSP–SD power to cover its irrigation pumping load. The Ak-Chins did receive, for some summer seasons, about 5,000 kW of CRSP–SD power indirectly from Electrical District No. 3 (ED–3) as part of ED–3's withdrawable allocation. Under existing conditions, the Ak-Chins have no Federal power supply. This Indian community is entirely agricultural, and its economic well-being is tied to the success of this agricultural enterprise. The community, by its industrious efforts, has shown that an Indian reservation can operate a farming enterprise without substantial financial aid from the Federal Government. In fact, the Ak-Chins have frequently been cited as an example of unparalleled productivity and self-sufficiency. For these reasons, special consideration should be given the Ak-Chins, and it is proposed that they be given a permanent allocation of CRSP–SD summer season power of 5,500 kW.

F. *Queen Creek and San Tan Irrigation Districts.* These two irrigation districts should be given permanent allocations of CRSP–SD power. These two customers are the only ones in the CRSP power marketing area which have a withdrawable CRSP–SD allocation but no permanent allocation of any Federal power.

This should not bar them from receiving consideration for sharing in the additional power now available. Assigning them an allocation of approximately one-half of their current loads will place them roughly on parity with other preference customers.

G. *Existing Customers.* Each existing preference customer should be allocated power at least equal to, if not more than, its present Parker-Davis allocation (permanent and withdrawable), plus its present CRSP–SD permanent allocation.

There is a greater demand by preference customers for power than there is power available. In such a situation, dependability of supply and timing are important factors in enabling the Federal power to be put to use more effectively. Since the leadtime in planning for power supply is quite long, a customer should know whether or not it can rely on Federal power as early as possible in the planning process. Thus it can make plans for alternative sources of supply, if necessary. When the allocations were made in 1962 for both projects, consideration was given to the legal, policy, and equity aspects, and the allocations were made fairly and equitably. Consideration was given to requests from entities not now receiving power, and it was decided that it would not be in the public interest to make major alterations in the allocation scheme at this time. Therefore, it is proposed to allocate the remaining available power among existing preference customers.

IV. ALLOCATION

A. *Parker-Davis and CRSP Totals.* Since one-third of the preference customers with existing allocations utilize power from both projects simultaneously in amounts totalling about 70 percent of all power available for customer use, the total amount available from both projects should be allocated as a package. After deducting the amounts for each entity described above and the current priority uses, the remainder should be allocated in proportion to present allocations (permanent and withdrawable).

The following table illustrates the mechanical procedure used to determine the summer season reallocation (final quantities are shown in Table I):

	Present	Proposed
	kW	kW
Parker-Davis	254,000	254,000
CRSP–SD	213,350	240,000
Less:		
Ak-Chins		5,500
CRIA (nonirrigation)	4,070	6,250
Queen Creek Irrigation District		2,700
San Tan Irrigation District		1,300
Priority uses	38,975	41,100
Private utilities	21,000	
Total	64,045	56,850
Balance to be allocated	403,305	437,150

$$Y=\frac{437{,}150\ X}{403{,}305}$$

X=present customer allocation
Y=proposed customer reallocation

The total amounts thus reallocated are listed in column 10 of table I. The original allocations are listed in column 5 of are listed in table I.

B. *CRSP–SD Allocation.* The allocation to those customers which receive all of their power from CRSP–SD will be equal to the amounts calculated under IV(A) above. These amounts, along with the CRIA allocation, are then subtracted from the total CRSP power available and the remainder distributed proportionately.

The calculations shown below were used to determine the CRSP–SD summer season reallocations and the quantities are listed in Table I.

	Present	Proposed
	kilowatt	kilowatt
Total allocated	213,350	240,000
Less:		
Ak-Chins		5,500
CRIA	750	750
Queen Creek Irrigation District		2,700
San Tan Irrigation District		1,300
Customers with no Parker-Davis power	61,700	66,000
Total	62,450	77,150
Balance to be allocated	150,900	162,850

$$Y=\frac{162{,}850}{150{,}900}X$$

X=present customer allocation
Y=proposed customer reallocation

The X quantities are listed in column 4, and the Y quantities in column 9 of Table I.

C. *Parker-Davis Total Allocation.* 1. For those customers which have no CRSP–SD allocations, the Parker-Davis total allocation must be the amounts calculated under IV(A) above. The summer season amounts are tabulated in column 8 of Table I and the existing amounts in column 3 of Table I.

2. For those customers having allocations from both projects, the total Parker-Davis allocations will be the difference between the amounts calculated under IV(A) above and those under IV (B) above.

D. *Parker-Davis Permanent Allocation.* 1. For those customers having no withdrawable allocation, the permanent allocations will be those calculated under IV(C) above. The summer season quantities are listed in columns 1 and 6 of Table I.

2. After deducting from the total permanent allocations, amounts under IV (D)(1) above, the remainder should be distributed in proportion to existing allocations among the remaining customers, as shown below:

	Present	Proposed
	kilowatt	kilowatt
Total available (permanent)	234,500	225,700
Less:		
Arizona Electric Power Coop.	19,425	21,100
CRIA (nonirrigation)	2,005	5,500
Imperial Irrigation District	30,055	32,550
Mesa	9,590	10,450
Mohave Electric Coop.	2,515	2,700
Salt River project	30,000	33,000
Thatcher	310	350
Yuma Irrigation District	1,500	1,600
Private utilities	21,000	
Priority uses	38,975	41,100
Total	155,375	148,350
Balance to be allocated	79,125	87,350

$$Y=\frac{87{,}350\ X}{79{,}125}$$

X=present customer allocation
Y=proposed customer reallocation

E. *Parker-Davis Withdrawable Allocation.* The withdrawable allocation should now be the difference between the total Parker-Davis allocation under IV (C) above and the permanent allocation

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under IV(D) above. The summer amounts are listed in columns 2 and 7 of Table I.

V. WINTER SEASON ALLOCATIONS

The winter season allocations were calculated in a similar manner as under IV above and are listed in Table II.

VI. CONTRACTUAL ARRANGEMENTS

A. *Term of Contracts*—1. *Parker-Davis Project.* All Parker-Davis power will be placed under contract for a 10-year period through March 31, 1986.

2. *CRSP.* For those customers having existing long-term contracts, CRSP power will be for the term of the existing contract. For those without existing long-term contracts, the term will be through March 31, 1986.

B. *Deadline.* Each allottee must place its allocated amount(s) under contract by the end of the 1975–75 winter season or the allocation(s) will be rescinded.

TABLE I. *Summer Season Allocations*

Customer or load	Present allocation					Proposed allocation				
	Parker-Davis project		Total	CRSP	Total	Parker-Davis project		Total	CRSP	Total
	Permanent	Withdrawable				Permanent	Withdrawable			
	1	2	3	4	5	6	7	8	9	10
Ak-Chin Indian community									5,500	5,500
Arizona Electric Power Coop	19,425		19,425	12,300	31,725	21,100		21,100	13,300	34,400
Arizona Power Authority		3,085	3,085		3,085		3,300	3,300		3,300
Chandler Heights Citrus Irrigation District				400	400				450	450
Colorado River Indian Agency	2,005	1,315	3,320	750	4,070	5,500		5,500	750	6,250
DCRR of Nevada	45,060	8,080	53,140	28,500	81,640	49,800	8,000	57,800	30,700	88,500
Edwards Air Force Base	15,080	2,020	17,050		17,050	16,500	2,000	18,500		18,500
Electrical District No. 2				10,400	10,400				11,300	11,300
Electrical District No. 3				8,650	8,650				9,400	9,400
Electrical District No. 4				5,250	5,250				5,700	5,700
Electrical District No. 5 (Final)				3,250	3,250				3,500	3,500
Electrical District No. 5 (Maricopa)				1,700	1,700				1,850	1,850
Electrical District No. 6				6,250	6,250				6,800	6,800
Electrical District No. 7				4,950	4,950				5,350	5,350
Imperial Irrigation District	30,055		30,055		30,055	32,550		32,550		32,550
Littlefield Electric Coop				200	200				250	250
Maricopa County Mun. Water Construction				5,850	5,850				6,300	6,300
City of Mesa	9,590		9,590	4,850	14,440	10,450		10,450	5,200	15,650
Mohave Electrical Coop	2,515		2,515	400	2,915	2,700		2,700	450	3,150
Navajo Tribal Utilities Authority				2,500	2,500				2,700	2,700
Ocotillo Water Construction District				1,200	1,200				1,300	1,300
Queen Creek Irrigation District									2,700	2,700
Roosevelt Irrigation District				5,200	5,200				5,600	5,600
Roosevelt Water Construction District				2,500	2,500				2,700	2,700
City of Safford				1,200	1,200				1,300	1,300
Salt River Project	30,000		30,000	101,900	131,900	33,000		33,000	109,950	142,950
San Carlos Irrigation Project	14,025	2,020	16,045	1,750	17,795	15,400	2,000	17,400	1,900	19,300
San Tan Irrigation District									1,300	1,300
Town of Thatcher	310		310	550	860	350		350	600	950
Wellton-Mohawk Irrigation and Drain District	2,005	1,010	3,015	250	3,265	2,200	1,000	3,200	300	3,500
Williams Air Force Base				2,200	2,200				2,400	2,400
Yuma Irrigation District	1,500		1,500		1,500	1,600		1,600		1,600
Yuma Proving Ground	3,005	2,020	5,025	400	5,425	3,450	2,000	5,450	450	5,900
Priority uses	38,975		38,975		38,975	41,100		41,100		41,100
Private utilities	21,000		21,000		21,000					
Total	234,500	19,500	254,000	213,350	467,350	235,700	18,300	254,000	240,000	494,000

TABLE II. *Winter Season Allocations*

Customer or load	Present allocation					Proposed allocation				
	Parker-Davis project		Total	CRSP	Total	Parker-Davis project		Total	CRSP	Total
	Permanent	Withdrawable				Permanent	Withdrawable			
	1	2	3	4	5	6	7	8	9	10
Ak-Chin Indian Community									3,300	3,300
Arizona Electric Power Coop	14,870		14,870	500	15,370	16,200		16,200	1,400	17,600
Arizona Power Authority		2,275	2,275		2,275		2,650	2,650		2,650
Chandler Heights Citrus Irrigation District				150	150				200	200
Colorado River Indian Agency	1,505	985	2,490	400	2,890	4,200		4,200	400	4,600
DCRR of Nevada	33,810	6,060	39,870	11,450	51,320	36,300	6,000	42,300	17,600	59,900
Edwards Air Force Base	11,270	1,515	12,785		12,785	13,450	1,500	14,950		14,950
Electrical District No. 2				3,850	3,850				4,500	4,500
Electrical District No. 3				1,400	1,400				1,650	1,650
Electrical District No. 4				2,100	2,100				2,450	2,450
Electrical District No. 5 (Final)				1,500	1,500				1,750	1,750
Electrical District No. 5 (Maricopa)				700	700				800	800
Electrical District No. 6										
Electrical District No. 7				700	700				800	800
Imperial Irrigation District	22,535		22,535		22,535	26,300		26,300		26,300
Littlefield Electric Coop				100	100				150	150
Maricopa County Mun. Water Construction				1,300	1,300				1,500	1,500
City of Mesa	7,190		7,190	1,650	8,840	8,000		8,000	2,300	10,300
Mohave Electric Coop	1,890		1,890	200	2,090	2,200		2,200	250	2,450
Navajo Tribal Utility Authority				1,000	1,000				1,150	1,150
Ocotillo Water Construction District				500	500				600	600
Queen Creek Irrigation District										
Roosevelt Irrigation District				1,000	1,000				1,150	1,150
Roosevelt Water Construction District				950	950				1,100	1,100
City of Stafford				350	350				400	400
Salt River project	22,500		22,500	29,550	52,050	22,500		22,500	33,250	55,750
San Carlos Irrigation Project	10,515	1,515	12,030	350	12,380	11,950	1,500	13,450	1,600	14,450
San Tan Irrigation District										
Town of Thatcher	220		220	200	420	250		250	250	500
Wellton-Mohawk Irrigation & Drain District	1,505	760	2,265	100	2,365	1,850	750	2,600	150	2,750
Williams Air Force Base				550	550				650	650
Yuma Irrigation District	1,125		1,125		1,125	1,300		1,300		1,300
Yuma Proving Ground	2,255	1,515	3,770	200	3,970	2,900	1,500	4,400	250	4,650
Priority uses	24,700		24,700		24,700	24,700		24,700		24,700
Private utilities	15,750		15,750		15,750					
Total	171,350	14,625	185,975	60,750	246,725	172,100	13,900	186,000	84,000	270,000

[FR Doc.75–8697 Filed 4–3–75;8:45 am]

National Park Service

SOUTHEAST REGIONAL ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Southeast Regional Advisory Committee will be held at 8:30 a.m., e.d.t., on April 24 and 3 p.m. on April 25 at the Holiday Inn, Airport & I–95, Jacksonville, Florida.

The purpose of the Southeast Regional Advisory Committee is to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the Southeast Region of the National Park Service.

The members of the Advisory Committee are as follows:

Mrs. Ann Smith Bedsole (chairman), Mobile, Alabama
Mr. Tutt S. Bradford, Maryville, Tennessee
Mr. Robert Gable, Frankfort, Kentucky
The Very Reverend Monsignor Michael V. Gannon, Gainesville, Florida
Mr. Alfredo Heres Gonzalez, Santurce, Puerto Rico
Honorable Donald Kincaid, Lenoir, North Carolina
Dr. John King, Jackson, Mississippi
Mr. Charles Edward Lee, Columbia, South Carolina
Mrs. Jane Hurt Yarn, Atlanta, Georgia

The matters to be discussed at this meeting are: (1) Cumberland Island National Seashore planning and operations, (2) Wilderness Program status and (3) Establishment of Canaveral National Seashore and Tuskegee Institute National Historic Site.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 25 persons will be able to attend. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements, may contact Paul C. Swartz, Chief, Cooperative Activities Division, Southeast Regional Office, at 404/526–7560. Minutes of the meeting will be available for public inspection 4 weeks after the meeting at the office of the Southeast Region, 3401 Whipple Avenue, Atlanta, Georgia.

Dated: March 14, 1975.

PAUL C. SWARTZ,
Chief, Cooperative Activities Division, Southeast Region, National Park Service.

[FR Doc.75–8748 Filed 4–3–75;8:45 am]

Office of Hearings and Appeals

[Docket No. M 75–95]

AFFINITY MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), Affinity Mining Company has filed a petition to modify the application of 30 CFR 75.200 to its Keystone No. 5 Mine, Midway, Raleigh County, West Virginia.

30 CFR 75.200 provides in pertinent part:

Each operator shall undertake to carry out on a continuing basis a program to improve the roof control system of each coal mine and the means and measures to accomplish such system. The roof and ribs of all active underground roadways, travelways, and working places shall be supported or otherwise controlled adequately to protect persons from falls of the roof or ribs. A roof control plan and revisions thereof suitable to the roof conditions and mining system of each coal mine and approved by the Secretary shall be adopted and set out in printed form on or before May 29, 1970. The plan shall show the type of support and spacing approved by the Secretary. * * *

1. In January 1975, Petitioner submitted its proposed roof control plan which included a "Special Plan" (a copy is attached hereto as Exhibit A)[1] for use in those areas of the mine which had a solid sandstone roof.

2. The aforesaid "Special Plan" was contained in prior Keystone No. 5 mine roof control plans submitted by Petitioner and approved by MESA.

3. The provisions of the Special Plan include:

a. Line posts are to be installed as space permits to within 5 feet of the face during the loading cycle. Supports near the face may be repositioned to facilitate operation of the equipment provided at least a double row of supports is installed on the side opposite the row being removed.

b. No person is to advance in by roof supports.

c. The intersection may be fully bolted.

d. Temporary supports and the sequence of installation of roof bolts shall conform to schematic diagrams submitted by Petitioner and approved by MESA.

e. When loose, broken, or drummy roof is encountered, the roof shall be supported by installing crossbars or according to the spot bolting permit.

f. When mining with conventional equipment, temporary supports shall be installed as shown upon completion of the loading cycle.

4. On February 14, 1975, MESA approved Petitioner's proposed roof control plan, but only after it had deleted the "Special Plan" for said sandstone roof from the proposed plan for the reason that Petitioner is not presently mining in the sandstone roof area.

5. Petitioner is not now mining in an area of sandstone roof, but engineering studies from core drillings indicate that Petitioner will be mining in areas of solid sandstone roof within the next three (3) to six (6) months (see areas indicated on Exhibit B attached).[2]

6. Petitioner's "Special Plan" is proposed and intended only for use in the solid sandstone roof areas.

7. Petitioner requests that its roof control plan approved under 30 CFR 75.200 be modified to include the "Special Plan" for use only in areas of solid sandstone roof for the reason that use of said "Special Plan" in areas of solid sandstone roof would provide at least the same degree of safety to the miners in said mine than if the roof control plan approved on February 14, 1975, by MESA under 30 CFR 75.200 were strictly complied with.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 5, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MARCH 27, 1975.

[FR Doc.75–8795 Filed 4–3–75;8:45 am]

[Docket No. M 75–95]

EASTERN ASSOCIATED COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861 (c) (1970), Eastern Associated Coal Corp. has filed a petition to modify the application of 30 CFR 75.305 to its Joanne Mine, Rachel, West Virginia.

30 CFR 75.305 provides in pertinent part:

In addition to the preshift and daily examinations required by this Subpart D, examinations for hazardous conditions, including tests for methane, and for compliance with the mandatory health or safety standards, shall be made at least once each week by a certified person designated by the operator in the return of each split of air where it enters the main return, on pillar falls, at seals, in the main return, at least one entry of each intake and return aircourse in its entirety, idle workings, and, insofar as safety considerations permit, abandoned areas.

In support of its petition, Petitioner states:

1. The Joanne Mine was originally opened in 1917, and since that time it has changed ownership numerous times during which there were several lengthy idle periods due to extended work stoppages, bankruptcies and several fires.

2. Petitioner purchased the mine in 1969 and operated it until a mine fire occurred in January 1974, at which time the mine was temporarily sealed. The mine was reopened in June 1974 for recovery work followed by the resumption of operations.

3. On January 27, 1975, Petitioner was issued Notice No. 1 RLA for an alleged

[1] Exhibit A will be available for inspection at the address contained in the last paragraph of the notice.

[2] Exhibit B will be available for inspection at the address contained in the last paragraph of the notice.

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violation of 30 CFR 75.305 as a result of Petitioner's failure to conduct weekly examinations of at least one entry in its entirety on either of the two main return air courses between the East Run Shaft and No. 1 shaft bottom, and Old 1 West and the No. 4 shaft bottom. Said notice also states "hazardous roof conditions causes said areas to be unsafe for travel."

4. The Old 1 West area was developed between 1949 and 1965; it passes through very bad fault areas; the return airways were not roof bolted or adequately supported by the developing operator; and the draw slate top in the returns has deteriorated causing massive falls throughout the area making safe travel impossible.

5. The airways between the East Run Shaft and the No. 1 shaft bottom were developed between 1949 and 1953; these return airways are in the same condition as those of the Old 1 West area described in paragraph 4 *supra*.

6. Because of ventilation problems and the hazards involved with rehabilitating these two sets of return airways, Petitioner added two new airshafts in the west side of the mine to provide adequate ventilation of the active workings.

7. It is impossible to use mechanical equipment to rehabilitate either of the said two return airways. To handle the material by hand would require years of work, and it would involve unnecessary risks to the miners involved.

8. In the alternative to specific compliance with 30 CFR 75.305, Petitioner proposes to establish and maintain five special ventilation check points which would be examined weekly by a qualified person. Petitioner proposes to establish said check points at the following locations (see attached map)[1]:

(1) outby end of 2 North Mains, i.e., the inby end of Old 1 West near survey station 9999;

(2) one block outby old 2 right overcasts on left side return;

(3) one block outby old 2 Right overcasts on right side return;

(4) all approaches of East Run Air Shaft; and

(5) All approaches of No. 1 air shaft.

9. Weekly methane and air quantity readings will be made at each check point by a qualified person; the readings will be recorded as required by 30 CFR 75.305; access to and from the five check points will be kept properly supported and in a condition which is safe for travel; and a date board will be located at each station for the purpose of recording the initials, date and time of each examination.

10. Petitioner respectfully requests that its petition for modification, as set forth hereinabove, be granted for the reason that it will provide no less than the same degree of safety to the miners at the Joanne Mine than if 30 CFR 75.305 were strictly complied with, and in fact, Petitioner asserts that the proposed alternate system would provide a greater degree of safety to the miners at said mine.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 5, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.75-8796 Filed 4-3-75;8:45 am]

[1] The map attached to the petition is available for inspection at the address contained in the last paragraph of the notice.

[Docket No. M 75-99]

KAISER STEEL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), Kaiser Steel Corporation has filed a petition to modify the application of 30 CFR 75.1704-1(a) to its York Canyon No. 1 Mine, Colfax County, New Mexico.

30 CFR 75.1704-1(a) provides:

Except in situations where the height of the coalbed is less than 5 feet, escapeways should be maintained at a height of at least 5 feet (excluding necessary roof support) and the travelway in such escapeway should be maintained at a width of at least 6 feet. In those situations where the height of the coalbed is less than 5 feet, the escapeway should be maintained to the height of the coalbed (excluding any necessary roof support) and the travelway in such escapeways should be maintained at a width of at least 5 feet.

Petitioner seeks to modify that part of said standard which requires that a six (6) foot wide travelway be maintained to the working face.

(1) Petitioner proposes to drive two entries on fifty (50) foot centers, with the "intake" being eight (8) feet wide and the "return" (with conveyor belt) being twelve (12) feet wide, with crosscuts on five hundred (500) foot centers. The conveyor belt tailpiece would then be installed as close to the outby rib line of the last open crosscut as feasible. An extensible belt conveyor system would then be used to transport coal from the face to the last open crosscut where the coal would be transferred to the section conveyor belt. Roof bolts would then be installed as the miner progresses using hand held hydraulic drills. Ventilation would be by auxiliary fans and vent tubing.

(2) Petitioner seeks said modification to allow for the development of an eight (8) foot wide intake entry inby the last open crosscut. The extensible belt conveyor system is five (5) feet wide; thus allowing three (3) feet for an escapeway. It is Petitioner's belief that the twelve (12) foot wide entry and the eight (8) foot wide entry outby the last open crosscut will satisfy the requirements prescribed in Standard 30 CFR 75.1704-1(a).

(3) Petitioner believes the alternate method will at all times guarantee no less than the same measure of protection afforded the miners at the affected mine by Standard 30 CFR 75.1704-1(a), and further believes the application of the standard results in diminution of safety to miners in the affected mines.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 5, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.75-8797 Filed 4-3-75;8:45 am]

[Docket No. M 75-97]

McCRACKEN COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), McCracken Coal Company has filed a petition to modify the application of 30 CFR 75.523-1(a)(2) to its McCracken Mine, West Lebanon, Pennsylvania.

30 CFR 75.523-1(a)(2) provides:

—(a) Except as provided in paragraphs (b) and (c) of this section, all self-propelled electric face equipment which is used in the active workings of each underground coal mine on and after March 1, 1973, shall, in accordance with the schedule of time specified in paragraph (a) (1) and (2) of this section, be provided with a device that will quickly deenergize the tramming motors of the equipment in the event of an emergency. The requirements of this paragraph (a) shall be met as follows:

(2) On and after March 31, 1974, for all other types of self-propelled electric face equipment.

In support of its petition to secure a waiver of the foregoing mandatory standard, Petitioner states:

(1) Petitioner's short wall cutting machine is equipped with a Jeffrey drum-type controller. This sealed machine has been approved as gas-proof by the Bureau of Mines.

(2) A hazard would be created if a "panic bar" (deenergizing device) were installed on the cutting machine.

(3) Since only two men (the owner and a workman) work in the subject mine, the application of Petitioner's alternate method will not result in a diminution of safety in the mine.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 5, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

MARCH 27, 1975.

[FR Doc.75-8798 Filed 4-3-75;8:45 am]

[Docket No. M 75-96]

NORTH AMERICAN COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), the North American Coal Corporation has filed a petition to modify the application of 30 CFR 75.1405 to its Jensie Mine, Powhatan Point, Ohio.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

In support of its petition, Petitioner states:

(1) This petition pertains only to supply cars at the subject mine. These supply cars are flat bed cars similar to mine cars in use at this mine. The supply cars are loaded outside in the mine yard and dropped into the mine via a 1,700 ft. slope with a 17° pitch. Supplies are then pulled on rail by locomotive to areas of the mine as needed.

(2) Petitioner's alternate coupling method will provide much greater protection for the miners than automatic couplers required by 30 CFR 75.1405 by eliminating the possibility of the cars uncoupling when they are dropped down the slope into the mine.

(3) Schematic diagrams[1] accompanying the petition show two slightly different methods of raising and lowering the coupling pin. Both systems have been tried and work successfully. These systems consist of a lever attached to the coupling pin which is enclosed in a slotted cylinder allowing the pin to be raised and lowered without personnel going between the cars. Where necessary a specially designed hook will be used to remotely align the link.

(4) A training and retraining program will be initiated in which all personnel required to work in and around these cars will be properly trained in the operation of the foregoing coupling device. A record will be kept of this training.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 5, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

MARCH 27, 1975.

[FR Doc.75-8799 Filed 4-3-75;8:45 am]

[1] The diagrams will be available for inspection at the address contained in the last paragraph of the notice.

[Docket No. M 75-94]

REPUBLIC STEEL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), Republic Steel Corporation has filed a petition to modify the application of 30 CFR 75.305 to its Clyde Mine, Uniontown, Pennsylvania.

30 CFR 75.305 provides in pertinent part:

In addition to the preshift and daily examinations required by this subpart D, examinations for hazardous conditions, including tests for methane, and for compliance with the mandatory health or safety standards, shall be made at least once each week by a certified person designated by the operator in the return of each split of air where it enters the main return, on pillar falls, at seals, in the main return, at least one entry of each intake and return aircourse in its entirety, idle workings, and, insofar as safety considerations permit, abandoned areas.

(1) Modification of this mandatory safety standard is sought in light of the fact that Petitioner's Clyde Mine is an old mine with many worked out areas. Many of the return air courses were developed 40 years ago prior to the use of roof bolting for roof control. The Commonwealth of Pennsylvania has issued orders on air course inspection which conflict with the orders issued by the Federal Mining Enforcement and Safety Administration.

To require restoration of the aforementioned return air courses to travelable condition would be an almost impossible task, necessitating exorbitant expenditures and years of work to complete.

(2) *Alternate Method.* Petitioner asserts that only one alternate method is both practicable and feasible and would at all times guarantee the personnel at Clyde Mine no less than the same measure of protection afforded by the mandatory standard. This alternate method requires the construction of two methane monitoring stations, one in each of the Ross shaft returns. Total intake air from the Ross shaft fan will be monitored at four strategic locations. A continuous methane monitor I-500 Module analyzer is in operation at Ross Shaft Portal Service Building. If at any time the methane concentration exceeds .5 percent in the return upcast an audible alarm sounds; a telephone is automatically dialed at the mine office and in a private home occupied by an employee of Petitioner; a recording plays a message warning of the concentration. The alarm and telephones must be manually shut off at the monitoring station.

The aforementioned detecting, recording, and warning system, in combination with the monitoring stations in the return air courses, would assure satisfaction with the standard set forth in 30 CFR 75.305. Further, the return air from the return air courses in question would at no time have any effect on the present active workings at Clyde Mine.

Additional guidelines would be as follows:

A. The monitoring stations and continuous methane monitor analyzer will, at all times, be maintained in proper working condition.

B. A date board or book will be located at each measuring station and air and methane readings will be taken and recorded.

C. Examinations will be made daily at each monitoring station by a properly qualified person.

D. The number of employees who work in this area is minimal. Each man is able to reach a separate split of air in a reasonable period of time. Each man working in this area is required to carry a one-hour, self-rescuing device on his person at all times.

E. A diagram showing the air flow direction in this area will be posted at the measuring stations and at other strategic locations.

(3) *Measure of Protection.* The detecting, recording and warning method working in combination with the monitoring stations hereinabove described will assure that the criteria in 30 CFR 75.305 will be satisfied. The net effect will be that the mandatory safety standard will be met as though the return air courses were capable of being traveled. The alternate method at all times guarantees no less than the same measure of protection afforded the miners at Clyde Mine as provided by the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 5, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES C. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.75-8800 Filed 4-3-75;8:45 am]

DEPARTMENT OF AGRICULTURE

[Notice of Designation No. A180]

Farmers Home Administration

LOUISIANA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following parishes in Louisiana as a result of natural disasters consisting of:

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Franklin—Drought June 10 to August 20, 1974. Excessive rainfall August 21 to October 15, 1974.
Morehouse—Excessive rainfall August 15 to September 1 and October 1 to December 31, 1974. Hailstorm May 26, 1974.
Ouachita—Excessive rainfall May 1 to 31 and September 1 to October 31, 1974.
Richland—Excessive rainfall September 1 to December 14, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Edwin Edwards that such designation be made.

Applications for Emergency loans must be received by this Department no later than May 19, 1975, for physical losses and December 19, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 28th day of March, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-8829 Filed 4-3-75;8:45 am]

[Notice of Designation No. A184]

LOUISIANA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following parishes in Louisiana as a result of a natural disaster consisting of:

Caldwell—Excessive rainfall March 1 to December 12, 1974.
DeSoto—Excessive rainfall January 1 to May 31 and August 16 to November 20, 1974. (Hurricane Carmen occurred September 8, 9, and 10, 1974.) Drought July 1 to August 15, 1974. Cool weather September 1-7, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Edwin Edwards that such designation be made.

Applications for Emergency loans must be received by this Department no later than May 27, 1975, for physical losses and December 26, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 28th day of March, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-8826 Filed 4-3-75;8:45 am]

[Notice of Designation No. A179]

WISCONSIN

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Wisconsin:

Ashland — Iron
Bayfield

The Secretary has found that this need exists as a result of a natural disaster consisting of drought July 1 through 31 and early frosts and/or freezes from August 31 through September 3, 1974, in all three counties and hailstorms July 17 and 18, 1974, in Bayfield County.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Patrick J. Lucey that such designation be made.

Applications for Emergency loans must be received by this Department no later than May 19, 1975, for physical losses and December 19, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 28th day of March, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-8827 Filed 4-3-75;8:45 am]

Packers and Stockyards Administration

CLEBURNE COUNTY LIVESTOCK SALES, INC., RANBURNE, ALABAMA, ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. *et seq.*), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302, on the respective dates specified below.

Facility No., name, location of stockyard, and date of posting

ALABAMA

AL-186 Cleburne County Livestock Sales, Inc., Ranburne, February 21, 1975.

ARIZONA

AZ-108 West Chandler Dairy Auction, Chandler, December 5, 1974.
AZ-100 Arizona Livestock Auction, Inc., Phoenix, February 12, 1975.

GEORGIA

GA-178 R & T Livestock Co., Millen, February 17, 1975.

KANSAS

KS-200 Leavenworth Livestock Auction, Company, Leavenworth, February 7, 1975.

OKLAHOMA

OK-193 Meeker Livestock Market, Meeker, February 3, 1975.

TEXAS

TX-310 Bowie Livestock Commission, Inc., Bowie, February 21, 1975.
TX-308 Rio Livestock Sales, Inc., Rio Grande City, December 6, 1974.
TX-309 Nixon Livestock Commission, Inc., Nixon, February 2, 1975.

Done at Washington, D.C., this 31st day of March, 1975.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.75-8833 Filed 4-3-75;8:45 am]

FLORIDA AGRICULTURAL MARKETING ASSOCIATION, INC., BELLE GLADE, FLORIDA, ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility No., name, location of stockyard, and date of posting

FL-101 Florida Agricultural Marketing Association, Inc., Belle Glade, Fla., February 25, 1960.
KS-170 Osage City Livestock Sales Pavilion, Osage City, Kans., March 31, 1950.
KY-113 Farmers Livestock Market of Glasgow, Inc., Glasgow, Ky., December 11, 1959.
KY-122 Lebanon Stockyard, Inc., Lebanon, Ky., December 19, 1959.
MI-105 Thumb Auction Markets, Inc., Caro, Mich., April 24, 1959.
MI-116 Escanaba Livestock Auction, Escanaba, Mich., March 5, 1969.
MN-132 Montevideo Sales Company, Montevideo, Minn., April 19, 1960.
OK-168 Shawnee-Tecumseh Livestock Auction, Shawnee, Okla., August 11, 1970.
SD-154 Webster Livestock Exchange, Webster, S. Dak., May 20, 1959.
TN-101 Athens Livestock Auction Co., Athens, Tenn., May 15, 1959.
TX-213 Lubbock Livestock Auction Company, Lubbock, Tex., November 14, 1958.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly depositing a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective April 4, 1975.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.).

Done at Washington, D.C. this 31st day of March, 1975.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.75-8831 Filed 4-3-75;8:45 am]

TOBESOFKEE LIVESTOCK, MACON, GEORGIA, ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

GA-179 Tobesofkee Livestock, Macon, Ga.
KY-113 Farmers Livestock Market of Glasgow, Inc., Glasgow, Ky.
MN-166 Perham Livestock Auction, Perham, Minn.
MN-167 Simon Horse Co., Rosemount, Minn.
MO-239 South Central Livestock Market, Inc., Vienna, Mo.
MT-118 Falls Livestock Exchange, Great Falls, Mont.
OK-194 Tonkawa Auction Center, Tonkawa, Okla.
TN-173 Athens Livestock Auction Company, Inc., Athens, Tenn.
TX-311 Lone Star Livestock Commission Co., San Antonio, Tex.
VA-148 Southampton Livestock Sales, Inc., Courtland, Va.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, by April 21, 1975.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 31st day of March, 1975.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.75-8832 Filed 4-3-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

LOYOLA UNIVERSITY OF CHICAGO ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of EMI Scanner Systems pursuant to sec. 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00253-33-90000. Applicant: Loyola University of Chicago, Foster G. McGaw Hospital, 2160 South First Avenue, Maywood, Illinois 60513. Article: EMI Scanner System, with Magnetic Tape Storage Unit. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for research to improve the detection of intracranial and intraorbital lesions with Computerized Tomography with the adjunct of different contrast media to enhance the absorption coefficient. These studies are being carried out with patients, as well as with animals. Also studies for improving the resolution and detail by way of different computer programs applied to the basic principle will be done. The article will also be used in an intensive training program in Neuroradiology in affiliation with other Neurological disciplines (Neurology, Neurosurgery, Ophthalmology and Neuropathology). Application received by Commissioner of Customs: December 6, 1974. Advice submitted by the Department of Health, Education, and Welfare on: March 14, 1975. Article ordered: November 30, 1973.

Docket number: 75-00256-33-90000. Applicant: Hahnemann Medical College and Hospital, Diagnostic Radiology, 230 N. Broad Street, Philadelphia, Pa. 19102. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for research of diseases of the brain and neurological diseases which include the following:

(1) Evaluation of cerebral underdevelopment of children with malnutrition and the changes during the phenomenon of catch up brain growth which accompanies proper nutrition,

(2) Research to clarify the relationships that exist between cerebral changes occurring in aging as measured by computerized transaxial tomography, measure psychological behavior attained by both current observation studies and past psychiatric history, and sociocultural evaluations,

(3) Evaluation of the etiology and physical and behavioral changes in retarded and handicapped children. Application received by Commissioner of Customs: December 10, 1974. Advice submitted by the Department of Health, Education, and Welfare on: March 14, 1975. Article ordered: November 16, 1973.

Docket number: 75-00258-33-90000. Applicant: Northwestern Memorial Hospital, Superior Street and Fairbanks Court, Chicago, Illinois 60611. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for comparative studies between the results of the computerized tomogram and other neuroradiologic investigative methods of patients with suspected intracranial disease. Application received by Commissioner of Customs: December 10, 1974. Advice submitted by the Department of Health, Education, and Welfare on: March 14, 1975. Article ordered: January 23, 1974.

Docket number: 75-00262-33-90000. Applicant: William Beaumont Hospital, 3601 West 13 Mile Road, Royal Oak, Michigan 48072. Article: EMI Scanner System with Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for studies of human subjects whose symptoms strongly suggest the presence of neurological disease, including patients with suspected tumors, congenital malformations of the skull and brain, and patients who have suffered traumatic injuries to the cranium. The patients will be studied to determine the feasibility of diagnosing brain disease with the article. The article will also be used to train radiologists and radiologic technologists on its operating principles and applications.

Application received by Commissioner of Customs: December 10, 1974. Advice submitted by the Department of Health, Education, and Welfare on: March 14, 1975. Article ordered: September 11, 1974.

Docket number: 75-00263-33-90000. Applicant: St. Anthony Hospital, 601 N.W. 9th Street, Oklahoma City, Oklahoma 73102. Article: EMI Scanner System with Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for studies of the human brain in vivo. Studies will be made comparing the accuracy of computerized axial tomography with conventional neurologic examination which includes Arteriography, Pneumography and Nuclear Scans. The article will also be used to familiarize neurosurgical and

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radiology residents with the operations of the article as well as the results that can be expected. In addition, it will be used to train the attending and the housestaff of the hospital. Application received by Commissioner of Customs: December 10, 1974. Advice submitted by the Department of Health, Education, and Welfare on: March 14, 1975. Article ordered: April 4, 1974.

Docket number: 75-00266-33-90000. Applicant: University of Chicago Hospitals and Clinics, 950 East 59th Street, Chicago, Illinois 60637. Article: EMI Scanner System with Magnetic Tape System. Manufacturer: EMI, Limited, United Kingdom. Intended use of article: The article will be used to study a variety of tumors and diseases of the human brain. Scans of patients with brain disease established and diagnosed by standard, approved means, such as angiography and surgical biopsy will be compared with the scans of apparently normal subjects. The article will also be used in teaching and training resident physicians in Radiology, Neurosurgery, Neurology and Ophthalmology, as well as medical students, in the diagnosis of brain diseases by computerized axial tomography. Application received by Commissioner of Customs: December 10, 1974. Advice submitted by the Department of Health, Education, and Welfare on: March 14, 1975. Article ordered: December 12, 1973.

Docket number: 75-00268-33-90000. Applicant: St. John's Hospital, 14 Bartlett Street, Lowell, Mass. 01852. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in research projects to develop new techniques of neuroradiologic diagnosis and optimum patterns of study for patients with symptoms referable to the central nervous system. Application received by Commissioner of Customs: December 10, 1974. Advice submitted by the Department of Health, Education, and Welfare on: March 14, 1975. Article ordered: October 11, 1974.

Docket number: 75-00278-33-90000. Applicant: Sutter Community Hospitals, 2820 L Street, Sacramento, CA 95816. Article: EMI Scanning System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The effectiveness of the article will be compared with current methods for evaluation of neurological disorders. The article is also intended to be used in a teaching program to assist residents in neurology and neurosurgery in better understanding of the gross pathology, growth patterns and areas of involvement of central nervous system neoplasm, brain contusions and hemorrhage and degenerative conditions such as hydrocephalus and atrophy. Application received by Commissioner of Customs: December 17, 1974. Advice submitted by the Department of Health, Education, and Welfare on: March 14, 1975. Article ordered: February 19, 1974.

Docket number: 75-00299-99-90000. Applicant: University of Mississippi Medical Center, 2500 North State Street, Jackson, Mississippi 39216. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to demonstrate and analyze certain physical properties of normal cerebral tissues and a wide variety of pathological lesions involving the brain and related structures without patient hazard or even discomfort. The article will also be used to teach technologists and physicians how to make the computerized radiological images now possible. It will be used to teach Radiologists, Neurologists, Neurosurgery (SIC) and other physicians, how to make the computerized radiological images now possible. It will be used to teach these professionals how to integrate the knowledge gained into current medical practice with the object of decreasing patient morbidity and mortality, and to increase the quality of medical care. Application received by Commissioner of Customs: December 31, 1974. Advice submitted by the Department of Health, Education, and Welfare on: March 14, 1975. Article ordered: August 13, 1974.

Comments: No comments have been recieved with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purpose as these articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article is a newly developed system which is designed to provide precise transverse axial X-ray tomography. The Department of Health, Education, and Welfare (HEW) advised in its respectively cited memoranda that the sensitivity and the non-invasive methodology of each article are pertinent to the purposes for which each foreign article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to any of the articles to which the foregoing applications relate for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.75-8763 Filed 4-3-75;8:45 am]

MEHARRY MED. COLLEGE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to sec. 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00245-33-46040. Applicant: Meharry Medical College, 1005 18th Avenue North, Nashville, Tennessee 37208. Article: Electron Microscope, Model EM 301 and accessories. Manufacturer: Philip Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in part to carry out research programs in developmental immunology and keloid formation. The article will also be used in the training of pre- and postdoctoral students in the techniques of ultrastructural research.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (October 25, 1974). Reasons: The foreign article has a specified resolving power of 3 Angstroms (Å) point to point and is equipped with a eucentric goniometer stage with ±60° tilt and more than 360° rotation in the specimen phase while providing a guaranteed point to point resolution of 8Å. The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU-4C electron miscroscope supplied by the Adam David Company. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated March 3, 1975 that the characteristics of the foreign article described above are pertinent to the applicant's research studies. HEW further advises that the EMU-4C did not have a scientifically equivalent goniometer stage nor resolution when the article was ordered. We, therefore, find that the EMU-4C was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75-8765 Filed 4-3-75;8:45 am]

UNIVERSITY OF NEBRASKA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to sec. 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00209-33-43780. Applicant: University of Nebraska, College of Pharmacy, 42nd and Dewey Avenue, Omaha, Nebraska 68105. Article: Dianorm Equilibrium Dialysing System. Manufacturer: Innovativ-Medizin AG, Switzerland. Intended use of article: The article is intended to be used to study the interactions between low molecular weight compounds (less than 1000) to relatively higher molecular weight biopolymers (greater than 40,000 to 50,000). Specifically, the interactions of drugs to plasma and/or tissue proteins will be investigated. The direct application of the article will include experiments designed to elucidate and characterize the interactions of drugs to tissue proteins and various protein constitutents of the plasma, e.g., albumin and the globulin fraction. The following parameters will be studied: The affinity and strength of drug binding to these proteins, the number of sites to which the drug is bound to the biopolymer, and the nature of these binding sites. The article will also be used in the following courses: Pharmaceutics 687 (Bachelor's Thesis in Pharmacy), Pharmaceutics 899 (Master's Thesis in Pharmacy) and Pharmaceutics 999 (Doctoral Dissertation in Pharmacy).

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is capable of handling samples less than one millimeter in volume. It is also capable of processing 20 samples simultaneously and it provides a high membrane area to cell volume ratio. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 14, 1975 that the features described above are pertinent to the applicant's intended use. HEW also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75-8764 Filed 4-3-75;8:45 am]

United States Travel Service

TRAVEL ADVISORY BOARD

Meeting and Agenda

As noted in the FEDERAL REGISTER dated March 7, 1975, Volume 40, page 10703, a meeting of the Travel Advisory Board of the U.S. Department of Commerce will be held on April 8, 1975, at 9:30 a.m., in Room 4830, of the Main Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C. 20230.

Established in July, 1968, the Travel Advisory Board consists of senior representatives of 15 U.S. travel industry segments who are appointed by the Secretary of Commerce to serve two year terms.

Members advise the Secretary of Commerce and Assistant Secretary of Commerce for Tourism on policies and programs designed to accomplish the purposes of the International Travel Act of 1961, as amended.

Agenda items are as follows:

1. Report on USTS legislation
   a. Domestic tourism development
   b. Extension of the International Travel Act
2. Bicentennial—how should USTS support the Bicentennial?
3. International report on the Pacific Area Travel Association (PATA)
4. Status of the World Tourism Organization (WTO)
5. Fly U.S. Flag Program
6. Adjournment

A limited number of seats—approximately 14—will be available to observers from the public and the press. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available, the presentation of oral statements will be allowed.

Robert Jackson, Director of Information Services, of the United States Travel Service, Room 1525, U.S. Department of Commerce, Washington, D.C. (telephone 202/967-4987) will respond to public requests for information about the meeting.

C. LANGHORNE WASHBURN,
Assistant Secretary for Tourism,
U.S. Department of Commerce.

[FR Doc.75-8923 Filed 4-3-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MEDICAL RADIATION ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; 5 U.S.C. App. I), the Food and Drug Administration announces the following public advisory committee meeting and other required information in accordance with provisions set forth in § 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
Medical Radiation Advisory Committee.	April 18, 8 p.m., Holiday Inn, Delaware Room, 8120 Wisconsin Ave., Bethesda, Md.; April 19, 9 a.m., Room T-400, Bldg. 4, 12720 Twinbrook Pkwy., Rockville, Md.	Open—William S. Cole, M.D. (HFX-4), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-6220.

Purpose. Advises and consults with the Bureau of Radiological Health in the formulation of policy and the development of a coordinated program related to application of ionizing radiation in the healing arts.

Agenda. Review of the recommendations of the Subcommittee on the Division of Training and Medical Applications.

Agenda items are subject to change as priorities dictate.

Dated: March 31, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-8757 Filed 4-3-75;8:45 am]

[FDA-225-75-4041]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the Georgia Department of Agriculture

Pursuant to a notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Georgia Dept. of Agriculture on February 19, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE GEORGIA DEPARTMENT OF AGRICULTURE AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance and protection of FDA-rented ARTX Telecommunication Equipment located in Room 314, Agriculture Building, Capitol Square, Atlanta, Georgia.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and

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the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addresses other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used *only* for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* Georgia Department of Agriculture, Agricultural Building, Capitol Square, Atlanta, Georgia.

V. *Liaison Officers.* For Georgia Dept. of Agriculture: Clifton Ward, Assistant Commissioner, Consumer Protection.

Address: Georgia Department of Agriculture, Agricultural Building, Capitol Square, Atlanta, Georgia. Telephone No.: (404) 656-3600.

For FDA: George B. White, Director, Atlanta District. Address: 880 W. Peachtree St., NW. Atlanta, GA 30309. Telephone No.: (404) 526-3216.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Georgia Department of Agriculture:

CLIFTON A. WARD,
Assistant Commissioner, Consumer Protection.

Date: February 19, 1975.

Approved and accepted for the Food and Drug Administration:

M. D. KINSLOW,
Regional Food and Drug Director, Region IV.

Date: February 19, 1975.

Effective date. This memorandum of understanding became effective February 19, 1975.

Dated: March 31, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-8755 Filed 4-3-75;8:45 am]

[FDA-225-75-4023]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the Florida Department of Health and Rehabilitative Services

Pursuant to a notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Florida Department of Health and Rehabilitative Services (Division of Health) on January 31, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING

BETWEEN THE

FLORIDA DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES (DIVISION OF HEALTH)

AND THE

FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance and protection of FDA-rented ARTX Telecommunication Equipment located in Room 247 of the Division of Health, 1217 Pearl Street, Jacksonville, Florida 32201.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities. (NOTE: *There will be no need for your agency to share the terminal with any other agency in Florida at the present time. A terminal is also being placed in the Florida Department of Agriculture in Tallahassee.* It is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.)

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished. (*This is not necessary for your agency since your department will be the sole user to the terminal.*)

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state. (*Not necessary for your agency.*)

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user. (*Not necessary with your agency*)

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addresses other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies. (*Not necessary*)

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used *only* for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* Florida Department of Health and Rehabilitative Services, Division of Health, 1217 Pearl Street, Jacksonville, Florida 32201.

V. *Liaison Officers.* For Florida Department of Health and Rehabilitative Services: Dr. E. Charlton Prather, Director, Division of Health Address: 1217 Pearl Street, Jacksonville, FL 32201. Telephone No.: (904) 354-3961.

For FDA: Adam J. Trujillo, Director, Orlando District, Address: 7200 Lake Ellenor Drive, Orlando, FL 32809. Telephone No.: (305) 855-0900.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Florida Dept. of Health and Rehabilitative Services: *s/ E. C. Prather, M.D.*, Director, Florida Division of Health. Date: *January 29, 1975*

Approved and accepted for the Food and Drug Administration: *s/ M. D. Kinslow*, Regional Food and Drug Director, Atlanta Field Office. Date: *January 31, 1975*

Effective date: This Memorandum of Understanding became effective January 31, 1975.

Dated: March 25, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-8169 Filed 4-3-75;8:45 am]

[FDA-225-75-4031]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the Iowa Department of Agriculture

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Iowa Department of Agriculture on February 4, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING

BETWEEN THE

IOWA DEPARTMENT OF AGRICULTURE

AND THE

FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance and protection of FDA-rented ARTX Telecommunication Equipment located in the State Chemical Laboratory, Iowa Department of Agriculture, East 7th & Court, Des Moines, Iowa 50319.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addresses other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used *only* for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* Iowa Department of Agriculture, State Capitol, Des Moines, Iowa 50319.

V. *Liaison Officers.* For Iowa Dept. of Agriculture: J. D. Hook, Admin., State Chemical Lab. Address: E. 7th & Court., Des Moines, Iowa 50319. Telephone No.: (515) 281-5861.

For FDA: Dwight P. Ringhausen, Asst. to Director for Federal, State & Industry Affairs. Address: 1009 Cherry Street, Kansas City, Missouri 64106. Telephone No.: (816) 374-3817.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Iowa Dept. of Agriculture: *s/R. H. Lounsberry*, Iowa Secretary of Agriculture. Date: *February 4, 1975.*

Approved and accepted for the Food and Drug Administration: *s/ Lloyd E. Claiborne*, Regional Food and Drug Director, Region VII. Date: *January 29, 1975.*

Effective date: This Memorandum of Understanding became effective February 4, 1975.

Dated: March 25, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-8168 Filed 4-3-75;8:45 am]

[FDA-225-75-4032]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the New Jersey State Department of Health

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the New Jersey State Department of Health on February 14, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING

BETWEEN THE

NEW JERSEY STATE DEPARTMENT OF HEALTH

AND THE

FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance and protection of FDA-rented ARTX Telecommunication Equipment located in the office complex of the Drug Control Program, 1911 Princeton Avenue, Trenton, New Jersey.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime food and drug regulatory agencies, there are a number of other

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agencies with food and drug responsibilities in each state where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts).

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA).

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used *only* for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* New Jersey Department of Health, P.O. Box 1540, Trenton, New Jersey 08625.

V. *Liaison Officers.* For New Jersey Dept. of Health: Donald J. Foley, Chief, Drug Control Program. Address: 1911 Princeton Ave., Trenton, New Jersey 08638. Telephone No.: (609) 292-1180.

For FDA: Edward H. Wilkens, Dir., Domestic Inv. Branch, Newark District. Address: 1180 Raymond Blvd., Newark, New Jersey 07102. Telephone No.: (201) 645-6230.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the New Jersey Dept. of Health: *s/ Joanne E. Finley, M.D., M.P.H.,* State Commissioner of Health, N.J. State Dept. of Health. Date: *February 14, 1975.*

Approved and accepted for the Food and Drug Administration: *s/ Clifford G. Shane,* Regional Director, FDA, Region II. Date: *January 29, 1975.*

Effective date. This Memorandum of Understanding became effective February 14, 1975.

Dated: March 25, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-8165 Filed 4-3-75;8:45 am]

[FDA-225-75-4016]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the South Carolina Department of Agriculture

Pursuant to a notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the South Carolina Department of Agriculture on February 19, 1974. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING

BETWEEN THE

SOUTH CAROLINA DEPARTMENT OF AGRICULTURE

AND THE

FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance and protection of FDA-rented ARTX Telecommunication Equipment located in Room 212, Laboratory Building, 1101 Williams Street, Columbia, South Carolina 29211.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used *only* for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* South Carolina Department of Agriculture, Wade Hampton Office Building, P.O. Box 11280, Columbia, South Carolina 29211.

V. *Liaison Officers.* For South Carolina Dept. of Agriculture: Truluck Kelly, Director, Laboratory Division. Address: Wade Hampton Office Building, P.O. Box 11280, Columbia, South Carolina 29211. Telephone No.: (803) 758-7470.

For FDA: George R. White, Director, Atlanta District. Address: 880 W. Peachtree St., NW., Atlanta, GA 30309. Telephone No.: (404) 526-3218.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the South Carolina Dept. of Agriculture: *s/ Truluck Kelly,* Director of the Laboratory. Date: *February 10, 1975.*

Approved and accepted for the Food and Drug Administration: *s/ M. D. Kinslow,* Regional Food and Drug Director, Region IV. Date: *February 19, 1975.*

Effective date: This Memorandum of Understanding became effective February 19, 1975.

Dated: March 25, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-8167 Filed 4-3-75;8:45 am]

[FDA-225-75-4025]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the Washington State Department of Agriculture

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Washington State Department of Agriculture on January 24, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING

BETWEEN THE

WASHINGTON STATE DEPARTMENT OF AGRICULTURE

AND THE

FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance and protection of FDA-rented ARTX Telecommunication Equipment located in the Dairy and Food Division, of the State Department of Agriculture.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used *only* for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* Washington State Department of Agriculture, 406 General Administration Bldg., Olympia, Washington.

V. *Liaison Officers.* For Washington State Dept. of Agriculture: *Clarence Gehrman, Supr. Dairy & Food Division.* Address: 406 General Administration Bldg., Olympia, Washington. Telephone No. (206) 753-5042.

For FDA: *J. Kenneth Kinney, Federal-State Liaison Officer.* Address: 5003 Federal Office Bldg., Seattle, WA 98174. Telephone No.: (206) 442-5304.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Washington State Dept. of Agriculture: *s/Clarence Gehrman,* Supervisor, Dairy Food Div. Date: *January 24, 1975.*

Approved and accepted for the Food and Drug Administration: *s/James W. Swanson,* Regional Food & Drug Director, Seattle Field Office, Region X. Date: *January 23, 1975.*

Effective date. This Memorandum of Understanding became effective January 24, 1975.

Dated: March 25, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-8166 Filed 4-3-75;8:45 am]

Office of Education

NATIONALLY RECOGNIZED ACCREDITING AGENCIES AND ASSOCIATIONS

List

For the purposes of determining eligibility for Federal assistance, pursuant to Pub. L. 82-550 and subsequent legislation, the U.S. Commissioner of Education hereby publishes a list of nationally recognized accrediting agencies and associations which he determines to be reliable authorities as to the quality of training offered by educational institutions either in a geographical area or in a specialized field, and the general scope of recognition granted to the accrediting bodies.

This list supersedes the list previously promulgated by the Commissioner of Education on February 14, 1973, 38 FR 4428-4430.

AGENCIES AND ASSOCIATIONS RECOGNIZED FOR THEIR GENERAL ACCREDITATION OF COLLEGES AND UNIVERSITIES.

Commission on Higher Education, Middle States Association of Colleges and Secondary Schools.

Commission on Independent Secondary Schools, Commission on Institutions of Higher Education, Commission on Public Secondary Schools, Commission on Vocational Technical Institutions, New England Association of Schools and Colleges.

Commission on Institutions of Higher Education, Commission on Secondary Schools, North Central Association of Colleges and Secondary Schools.

Commission on Higher Schools, Northwest Association of Schools and Colleges.

Commission on Colleges, Commission on Occupational Education Institutions, Southern Association of Colleges and Schools.

Accrediting Commission for Junior Colleges, Accrediting Commission for Secondary Schools, Accrediting Commission for Senior Colleges and Universities, Western Association of Schools and Colleges.

Board of Regents, The University of the State of New York (for institutions within New York State registered by the Office of Higher Education, the State Education Department).

AGENCIES AND ASSOCIATIONS RECOGNIZED FOR THEIR SPECIALIZED ACCREDITATION OF SCHOOLS OR PROGRAMS.

ARCHITECTURE

National Architectural Accrediting Board, Inc. (5-year programs leading to a professional degree).

ART

Commission on Accrediting, National Association of Schools of Art (professional schools and programs).

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ASSISTANT TO THE PRIMARY CARE PHYSICIAN

Council on Medical Education, American Medical Association, in cooperation with the Joint Review Committee on Educational Programs for the Assistant to the Primary Care Physician, which is sponsored by the American Academy of Family Physicians, American Academy of Pediatrics, American College of Physicians and American Society of Internal Medicine (programs for the assistant to the primary care physician).

BIBLE COLLEGE EDUCATION

American Association of Bible Colleges (3-year institutes and 4- and 5-year colleges).

BLIND AND VISUALLY HANDICAPPED EDUCATION

National Accreditation Council for Agencies Serving the Blind and Visually Handicapped (residential schools for the blind).

BLOOD BANK TECHNOLOGY

Council on Medical Education, American Medical Association, in cooperation with the National Accrediting Agency for Clinical Laboratory Sciences, which is sponsored by the American Society for Medical Technology and the American Society of Clinical Pathologists, and in collaboration with the American Association of Blood Banks (programs for the specialist in blood bank technology).

BUSINESS

American Assembly of Collegiate Schools of Business (baccalaureate and master's degree programs).

Accrediting Commission, Association of Independent Colleges and Schools (private junior and senior colleges of business, and private business schools).

CERTIFIED LABORATORY ASSISTANT EDUCATION

Council on Medical Education, American Medical Association, in cooperation with the National Accrediting Agency for Clinical Laboratory Sciences, which is sponsored by the American Society for Medical Technology and the American Society of Clinical Pathologists (educational programs for the certified laboratory assistant).

CHIROPRACTIC

Commission on Accreditation, Council on Chiropractic Education (programs leading to the D.C. degree).

CLINICAL PASTORAL EDUCATION

Association for Clinical Pastoral Education, Inc. (professional training centers).

COSMETOLOGY

Cosmetology Accrediting Commission (cosmetology schools and programs).

CYTOTECHNOLOGY

Council on Medical Education, American Medical Association, in cooperation with the National Accrediting Agency for Clinical Laboratory Sciences, which is sponsored by the American Society for Medical Technology and the American Society of Clinical Pathologists (educational programs for the cytotechnologist).

DENTISTRY

Council on Dental Education, American Dental Association (programs leading to D.D.S. or D.M.D. degrees, advanced dental specialty programs, rotating and mixed internship and general practice residency programs and programs in dental hygiene, dental assisting and dental technology).

DIETETICS

Dietetic Internship Board, American Dietetic Association (coordinated undergraduate programs in dietetics and dietetic internships).

ENGINEERING

Engineers' Council for Professional Development (first professional degree programs in engineering, graduate programs leading to advanced entry into the engineering profession and associate and baccalaureate degree programs in engineering technology).

FORESTRY

Society of American Foresters (professional schools).

FUNERAL SERVICE EDUCATION

Commission of Schools, American Board of Funeral Service Education (independent schools and collegiate departments).

HISTOLOGIC TECHNOLOGY

Council on Medical Education, American Medical Association, in cooperation with the National Accrediting Agency for Clinical Laboratory Sciences, which is sponsored by the American Society for Medical Technology and the American Society of Clinical Pathologists (programs for the histologic technician).

HOME STUDY EDUCATION

Accrediting Commission, National Home Study Council (private correspondence schools).

HOSPITAL ADMINISTRATION

Accrediting Commission on Graduate Education for Hospital Administration (graduate programs).

JOURNALISM

Accrediting Committee, American Council on Education for Journalism (baccalaureate professional programs).

LANDSCAPE ARCHITECTURE

Board of Landscape Architectural Accreditation, American Society of Landscape Architects (first professional degree programs).

LAW

Section of Legal Education and Admissions to the Bar, American Bar Association (professional schools).

LIBRARIANSHIP

Committee on Accreditation, American Library Association (5-year programs leading to the master's degree).

MEDICAL ASSISTANT

Accrediting Bureau of Medical Laboratory Schools (private medical assistant educational institutions and programs).

Council on Medical Education, American Medical Association, in cooperation with the Curriculum Review Board, American Association of Medical Assistants (1- and 2-year medical assistant programs).

MEDICAL LABORATORY TECHNICIAN EDUCATION

Accrediting Bureau of Medical Laboratory Schools (technical schools and programs).

Council on Medical Education, American Medical Association, in cooperation with the National Accrediting Agency for Clinical Laboratory Sciences, which is sponsored by the American Society for Medical Technology and the American Society of Clinical Pathologists (technical programs).

MEDICAL RECORD EDUCATION

Council on Medical Education, American Medical Association, in cooperation with the Education and Registration Committee, American Medical Record Association (programs for medical record administrators and medical record technicians).

MEDICAL TECHNOLOGY

Council on Medical Education, American Medical Association, in cooperation with the National Accrediting Agency for Clinical Laboratory Sciences, which is sponsored by the American Society for Medical Technology and the American Society of Clinical Pathologists (professional programs).

MEDICINE

Liaison Committee on Medical Education, representing the Council on Medical Education, American Medical Association, and the Executive Council, Association of American Medical Colleges (programs leading to the M.D. degree).

MUSIC

National Association of Schools of Music (baccalaureate and graduate degree programs).

NUCLEAR MEDICINE TECHNOLOGY

Council on Medical Education, American Medical Association, in cooperation with the Joint Review Committee on Educational Programs in Nuclear Medicine Technology, which is sponsored by the American College of Radiology, American Society of Clinical Pathologists, American Society for Medical Technology, American Society of Radiologic Technologists, Society of Nuclear Medicine Technologists and Society of Nuclear Medicine (programs for the nuclear medicine technologist and nuclear medicine technician).

NURSING

Approval of Schools Committee, American Association of Nurse Anesthetists (professional schools of nurse anesthesia).

Accrediting Review Board, National Association for Practical Nurse Education and Service, Inc. (practical nurse programs).

Board of Review for Diploma Programs, Board of Review for Associate Degree Programs, Board of Review for Baccalaureate and Higher Degree Programs, Board of Review for Practical Nursing Programs, National League for Nursing (professional, technical and practical nurse programs).

OCCUPATIONAL THERAPY

Council on Medical Education, American Medical Association, in cooperation with the Accreditation Committee, American Occupational Therapy Association (professional programs).

OCCUPATIONAL, TRADE AND TECHNICAL EDUCATION

Accrediting Commission, National Association of Trade and Technical Schools (private trade and technical schools).

OPTOMETRY

Council on Optometric Education, American Optometric Association (professional programs).

OSTEOPATHIC MEDICINE

American Osteopathic Association (programs leading to the D.O. degree).

PHARMACY

American Council on Pharmaceutical Education (professional schools).

PHYSICAL THERAPY

Council on Medical Education, American Medical Association, in cooperation with the Committee on Accreditation in Education, American Physical Therapy Association (professional programs).

PODIATRY

Council on Podiatry Education, American Podiatry Association (baccalaureate and graduate degree programs).

PSYCHOLOGY

Committee on Accreditation, American Psychological Association (doctoral and internship programs in clinical and counseling psychology and doctoral programs in school psychology).

PUBLIC HEALTH

Council on Education for Public Health (graduate professional schools of public health).

RABBINICAL AND TALMUDIC EDUCATION

Accreditation Commission, Association of Advanced Rabbinical and Talmudic Schools (rabbinical and Talmudic schools).

RADIOLOGIC TECHNOLOGY

Council on Medical Education, American Medical Association, in cooperation with the Joint Review Committee on Education in Radiologic Technology, which is sponsored by the American College of Radiology and the American Society of Radiologic Technologists (2-year programs for radiologic technologists and radiation therapy technologists).

RESPIRATORY THERAPY

Council on Medical Education, American Medical Association, in cooperation with the Joint Review Committee for Respiratory Therapy Education, which is sponsored by the American Association for Respiratory Therapy, American College of Chest Physicians, American Society of Anesthesiologists and American Thoracic Society (programs for respiratory therapists and respiratory therapy technicians).

SOCIAL WORK

Commission on Accreditation, Council on Social Work Education (master's and baccalaureate degree programs).

SPEECH PATHOLOGY AND AUDIOLOGY

American Boards of Examiners in Speech Pathology and Audiology, American Speech and Hearing Association (master's degree programs).

TEACHER EDUCATION

National Council for Accreditation of Teacher Education (baccalaureate and graduate degree programs).

THEOLOGY

Commission on Accrediting, Association of Theological Schools in the United States and Canada (graduate professional schools).

VETERINARY MEDICINE

Council on Education, American Veterinary Medical Association (programs leading to D.V.M. or V.M.D. degrees).

AGENCIES AND ASSOCIATIONS RECOGNIZED FOR THEIR GENERAL PREACCREDITATION OF COLLEGES AND UNIVERSITIES

Middle States Association of Colleges and Secondary Schools, Commission on Higher Education ("Candidate for Accreditation").

New England Association of Schools and Colleges, Commission on Independent Secondary Schools ("Recognition of Candidacy for Accreditation," "Correspondent") Commission on Institutions of Higher Education ("Candidate for Accreditation").

Commission on Public Secondary Schools ("Recognition of Candidacy for Accreditation"), Commission on Vocational Technical Institutions ("Recognized Candidate for Accreditation").

North Central Association of Colleges and Secondary Schools, Commission on Institutions of Higher Education ("Candidate for Accreditation").

Northwest Association of Schools and Colleges, Commission on Higher Schools ("Candidate for Accreditation").

Southern Association of Colleges and Schools, Commission on Colleges ("Candidate for Accreditation"), Commission on Occupational Education Institutions ("Affiliate").

Western Association of Schools and Colleges, Accrediting Commission for Junior Colleges ("Candidate for Accreditation"), Accrediting Commission for Secondary Schools ("Candidate for Accreditation"), Accrediting Commission for Senior Colleges and Universities ("Candidate for Accreditation").

AGENCIES AND ASSOCIATIONS RECOGNIZED FOR THEIR SPECIALIZED PREACCREDITATION OF SCHOOLS OR PROGRAMS

American Association of Bible Colleges ("Associate").

Approval of Schools Committee, American Association of Nurse Anesthetists ("Preaccreditation," "Provisional Accreditation").

Commission on Accrediting, Association of Theological Schools in the United States and Canada ("Authorization of Self-Study").

Council on Dental Education, American Dental Association ("Accreditation Eligible," "Reasonable Assurance," "Preliminary Approval").

Council on Optometric Education, American Optometric Association ("Accreditation Eligible," "Preliminary Approval").

American Osteopathic Association ("Preaccreditation Status," "Provisional Approval").

Council on Education, American Veterinary Medical Association ("Reasonable Assurance of Accreditation").

Accreditation Commission, Association of Advanced Rabbinical and Talmudic Schools ("Correspondent," "Candidate").

Commission on Accreditation, Council on Chiropractic Education ("Correspondent Status," "Conditionally Approved," "Provisionally Approved").

Commission on Accreditation, Council on Social Work Education ("Candidacy").

Engineering Technology Committee, Engineers' Council for Professional Development ("Candidate for Accreditation," "Reasonable Assurance of Accreditation").

Liaison Committee on Medical Education ("Reasonable Assurance," "Provisional Approval").

Commission on Accrediting, National Association of Schools of Art ("Candidacy Status").

Board of Review for Diploma Programs, Board of Review for Associate Degree Programs, Board of Review for Baccalaureate and Higher Degree Programs, National League for Nursing ("Reasonable Assurance of Accreditation").

Dated: March 28, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-8815 Filed 4-3-75;8:45 am]

STATE AGENCIES RECOGNIZED FOR THE APPROVAL OF PUBLIC POSTSECONDARY VOCATIONAL EDUCATION

List

For the purposes of determining eligibility for Federal assistance, pursuant to section 438(b) of the Higher Education Act of 1965 as amended by Pub. L. 92-318, the U.S. Commissioner of Education hereby publishes a list of State agencies which he determines to be reliable authorities as to the quality of public postsecondary vocational education in their respective States.

Colorado State Board for Community Colleges and Occupational Education
Florida State Board of Education
Indiana State Board of Vocational and Technical Education
Iowa State Board of Public Instruction
Kansas State Department of Education
Kentucky State Department of Education
Minnesota State Board for Vocational-Technical Education
Missouri State Board for Vocational Education
Montana Board of Public Education
New Mexico State Board of Education
New York State Education Department
South Dakota State Board of Vocational-Technical Education

Dated: March 28, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-8816 Filed 4-3-75;8:45 am]

ACCREDITING BODIES AND STATE AGENCIES RECOGNIZED BY THE COMMISSIONER OF EDUCATION AS RELIABLE AUTHORITY FOR THE APPROVAL OF NURSE EDUCATION

List

For the purposes of determining eligibility for Federal assistance, pursuant to the Nurse Training Act, as amended (42 U.S.C. 298(b)), the U.S. Commissioner of Education hereby publishes a list of recognized accrediting bodies, and of State agencies, which he determines to be reliable authorities as to the quality of training offered by schools and programs for diploma, associate degree, and baccalaureate and graduate degrees in nursing.

This list supersedes the list previously promulgated by the Commissioner on June 18, 1970, 35 FR 10051.

REGIONAL ACCREDITING COMMISSIONS FOR HIGHER EDUCATION

Commission on Higher Education, Middle States Association of Colleges and Secondary Schools.
Commission on Institutions of Higher Education, New England Association of Schools and Colleges.
Commission on Institutions of Higher Education, North Central Association of Colleges and Secondary Schools.
Commission on Higher Education, Northwest Association of Schools and Colleges.
Commission on Colleges, Southern Association of Colleges and Schools.
Accrediting Commission for Junior Colleges, Accrediting Commission for Senior Colleges and Universities, Western Association of Schools and Colleges.

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NATIONAL SPECIALIZED ACCREDITING AGENCIES

Board of Review for Diploma Programs, Board of Review for Associate Degree Programs, Board of Review for Baccalaureate and Higher Degree Programs, National League for Nursing.

STATE AGENCIES

California Board of Nursing Education and Nurse Registration.
Iowa Board of Nursing.
Louisiana State Board of Nurse Examiners.
Missouri State Board of Nursing.
Montana State Board of Nursing.
New Hampshire Board of Nursing Education and Nurse Registration.
New York Board of Regents.
West Virginia Board of Examiners for Registered Nurses.

Dated: March 28, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-8617 Filed 4-3-75;8:45 am]

DESEGREGATION OF PUBLIC EDUCATION

Notice of Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in Title IV of the Civil Rights Act of 1964, 78 Stat. 246, as amended (42 U.S.C. 2000c–2000c–9), applications for awards are being accepted from State educational agencies, institutions of higher education, and school boards under §§ 403 (technical assistance), 404 (training institutes), and 405 (grants to school boards), respectively, of the Act.

Applications must be submitted to the Regional Office of the Office of Education serving the area in which the applicant is located and must be received by that Regional Office on or before May 16, 1975.

The addresses are as follows:

REGIONAL OFFICES OF EDUCATION

REGION I

(Boston)—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont:
U.S. Office of Education, Equal Educational Opportunity, John Fitzgerald Kennedy Federal Bldg., Government Center, Boston, Massachusetts 02203.

REGION II

(New York City)—New York, New Jersey, Puerto Rico and Virgin Islands:
U.S. Office of Education, Equal Educational Opportunity, Federal Bldg., 26 Federal Plaza, New York, New York 10007.

REGION III

(Philadelphia)—Delaware, District of Columbia, Maryland, Pennsylvania, Virginia and West Virginia:
U.S. Office of Education, Equal Educational Opportunity, P.O. Box 13716, Philadelphia, Pennsylvania 19101.

REGION IV

(Atlanta)—Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee:
U.S. Office of Education, Equal Educational Opportunity, 50 7th Street NE., Atlanta, Georgia 30323.

REGION V

(Chicago)—Illinois, Indiana, Minnesota, Michigan, Ohio and Wisconsin:
U.S. Office of Education, Equal Educational Opportunity, 300 South Wacker Drive, Chicago, Illinois 60606.

REGION VI

(Dallas)—Arkansas, Louisiana, New Mexico, Oklahoma and Texas:
U.S. Office of Education, Equal Educational Opportunity, 1114 Commerce Street, Dallas, Texas 75202.

REGION VII

(Kansas City)—Iowa, Kansas, Missouri and Nebraska:
U.S. Office of Education, Equal Educational Opportunity, New Federal Office Bldg., 601 East 12th Street, Kansas City, Missouri 64106.

REGION VIII

(Denver)—Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming:
U.S. Office of Education, Equal Educational Opportunity, 1961 Stout Street, Denver, Colorado 80202.

REGION IX

(San Francisco)—Arizona, California, Hawaii, Nevada, American Samoa, Guam and the Trust Territory of the Pacific Islands:
U.S. Office of Education, Equal Educational Opportunity, 50 Fulton Street, Room 359, San Francisco, California 94102.

REGION X

(Seattle)—Alaska, Idaho, Oregon and Washington:
U.S. Office of Education, Equal Educational Opportunity, Arcade Plaza Bldg.—M/S 628, 1321 Second Avenue, Seattle, Washington 98101.

A. *Applications sent by mail.* An application sent by mail will be considered to have been received on time by the Regional Office if:

(1) The application was sent by registered or certified mail not later than May 12, 1975, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by the appropriate Regional Office mail room. (In establishing the date of receipt, the Commissioner will reply on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, the U.S. Office of Education or the Regional Offices.)

B. *Hand delivered applications.* An application to be hand delivered must be taken to the appropriate U.S. Office of Education Regional Office at the address listed above in this notice. No application will be accepted after the normal close of business time by a U.S. Office of Education Regional Office on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the appropriate Regional Office.

D. *Applicable regulations.* Awards under this program are subject to the Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a) and Subparts A, B, D, and E of the proposed regulations for this program published as a notice of proposed rule making on March 17, 1975, at 40 FR 12243–50.

(Catalog of Federal Domestic Assistance Program number 13.406, Civil Rights Technical Assistance and Training Program)

Dated: March 28, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-8606 Filed 4-3-75;8:45 am]

ADVISORY COUNCIL ON BILINGUAL EDUCATION

Public Meeting

Notice is hereby given pursuant to section 10 (a) (2) of the Federal Advisory Committee Act (Public Law 92-463), that a meeting of the Advisory Committee on the Education of Bilingual Children will be held from 9 a.m. to 5 p.m. on Monday, April 28, and on Tuesday, April 29, 1975 from 9 a.m. to 5 p.m. The Council will meet in the Office of Civil Rights Conference Room on the 5th Floor of the RKO Building located at the Government Center, Bulfinch Place, Boston, Massachusetts.

The Advisory Council on Bilingual Education is established pursuant to section 732 of the Bilingual Education Act (20 U.S.C. 880b-11) to advise the Secretary of Health, Education, and Welfare and the Commissioner of Education concerning matters arising in administration of the Bilingual Education Act.

The meeting shall be opened to the public. The proposed agenda for the Committee meeting is:

1. Council report on position paper and draft.
2. Annual Report to the Commissioner
3. New Business

Records shall be kept of all proceedings, and shall be available for public inspection at Room 3600, Regional Office Building #3, 7th and D Streets SW., Washington, D.C. 20202.

Signed at Washington, D.C. on March 27, 1975.

JOHN C. MOLINA,
Director, Division of Bilingual Education.

[FR Doc.75-8742 Filed 4-3-75;8:45 am]

Public Health Service

ADMINISTRATOR, HEALTH SERVICES ADMINISTRATION

Delegation of Authority

Notice is hereby given that on March 19, 1975, the Assistant Secretary for Health made the following delegation to the Administrator, Health Services Administration. This delegation supersedes the delegation made to the Administrator, Health Services Administration, on July 29, 1974.

I hereby redelegate to the Administrator, Health Services Administration, the following authorities under the Health Maintenance Organization Act of 1973 (Pub. L. 93-222) which were delegated to me by the Secretary. Unless otherwise noted, the citations below refer to sections of the Public Health Service Act, as amended by Pub. L. 93-222:

1. Authority under section 1303 to authorize grants and contracts for feasibility surveys;
2. Authority under section 1304 to authorize grants, contracts, and to make loan guarantees for planning and for initial development costs;
3. Authority under section 1305 to make loans and loan guarantees for initial operation costs;
4. Authority under section 6 of Pub. L. 93-222 for provision of Health Services for Indians and domestic agricultural migratory and seasonal workers;
5. Authority under section 1308.

The above authorities may be redelegated, except for those subsections specifically referred to below.

6. Authority under section 1308(a)2A, (b)3, (c), (d), and (e) relating to loan guarantees and loans. This authorization may not be redelegated.

Dated: March 19, 1975.

R. MOURE,
Executive Officer.

[FR Doc.75-8794 Filed 4-3-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

CONCORDE SUPERSONIC TRANSPORT AIRCRAFT

Draft Environmental Impact Statement Public Hearing

The Federal Aviation Administration will hold a public hearing in Sterling Park, Virginia on April 21, 1975 on the draft environmental impact statement prepared in connection with a proposal by British Airways and Air France to amend their operations specifications to permit those carriers to conduct limited commercial air service to and from the United States with the Concorde airplane under Part 129 of the Federal Aviation Regulations (14 CFR Part 129). This hearing is for the purpose of assisting the FAA in making a determination on the proposal and will afford interested persons the opportunity to present views, data and arguments regarding the substance and issues associated with this proposal and identified in the draft environmental impact statement.

The hearing will be conducted in Sterling Middle School, West Holley Avenue, Sterling Park, Virginia, convening at 6 p.m. This hearing is in addition to the hearings announced by the notice appearing in 40 FR 11933, published March 14, 1975.

The hearing will be informal in nature and will be conducted by a designated representative of the Administrator. The hearing will not be evidentiary or judicial in nature. There will be no cross-examination or other adjudicatory procedure applied to the presentations. However, interested persons wishing to make rebuttal statements will be given an opportunity to do so at the conclusion of the presentations in the same order in which the initial statements are made.

Interested persons are invited to attend the hearing and to participate by making oral or written statements. Written statements should be submitted in duplicate and will be made a part of the record. Persons wishing to make oral statements at the hearing must notify the FAA and indicate the amount of time required for their initial statements. Presentations will be scheduled on a first-come-first-served basis, as time may permit. Requests to be heard should be addressed:

Director, Flight Standards Service (AFS–1)
Attention: Concorde EIS
Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, D.C. 20591

In addition, persons not participating in the hearing are invited to submit relevant written comments to the same address.

The closing date for submitting comments is May 6, 1975.

A transcript of the hearing will be made and anyone may purchase a copy of it from the reporter.

A limited number of copies of the draft environmental impact statements will be available at the hearing. Also, the draft environmental impact statement can be reviewed at the Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C., at the Sterling Public Library, 304 Sterling Boulevard, Sterling Park, Virginia, and at the FAA Regional Office, Federal Building, JFK International Airport, Jamaica, New York. Copies may be obtained by writing to the Federal Aviation Administration, Attention: AFS–1 (Concorde EIS), 800 Independence Avenue, S.W., Washington, D.C. 20591.

Issued in Washington, D.C., on April 2, 1975.

F. A. MEISTER,
Associate Administrator for Policy Development and Review (Acting).

[FR Doc.75-9013 Filed 4-3-75;9:08 am]

CIVIL AERONAUTICS BOARD

[Docket No. 27451; Order 75-3-127]

FLYING TIGER LINE INC.

Certificate Amendment; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 31st day of March, 1975.

Application of The Flying Tiger Line Inc. for an amendment of its certificate of public convenience and necessity for route 100.

By application filed January 28, 1975, The Flying Tiger Line Inc. (FTL) requests that condition (4) of its certificate for route 100 be amended so as to authorize the carrier to transport, at the expense of the shipper, one or more attendants in connection with any shipment provided that such attendant may be transported only when actually accompanying the shipment and may not be transported from the destination of the shipment to its origin or otherwise.[1] Contemporaneously, FTL filed a petition seeking the issuance of an order to show cause why its certificate should not be amended as requested.

Under the pertinent terms of condition (4) of its certificate, FTL may now transport one or more attendants with each shipment of live animals, live birds, and live reptiles where necessary to protect such animals, other cargo, the aircraft, or its crew.[2] The grant of the carrier's certificate amendment application would eliminate the present limitations on categories of shipments and permit FTL to transport attendants in connection with any shipment, irrespective of the nature of the commodity transported or of the identity of the shipper involved.

In support of its application, the carrier states that, unlike FTL, Airlift International, Inc. (Airlift), the other domestic all-cargo carrier, has been authorized to permit attendants with any shipment provided only that the attendant actually accompany the shipment and travel at the shipper's expense,[3] and that both FTL's and Seaboard's international certificates allow the carriage of attendants in accordance with applicable IATA Resolutions.[4] The carrier also states that on six occasions in the past 10 months it has been requested to carry cargo attendants with nonanimate traffic and in each instance it has had to seek *ad hoc* emergency exemption authority in order to carry these attendants; and that the requirement of obtaining an exemption (1) is cumbersome and involves unnecessary expenses in the form of legal and Board filing fees,[5] (2) creates uncertainty on the shipper's part as to whether FTL's services will be available in situations where there may be no alternative air freight service due to the hazardous nature of the shipment, and (3) may raise serious security problems, where shipments of nuclear material are concerned and reference is made to the specific movement of such material on specific dates. FTL states further that, in some instances, cargo attendants are required to accompany shipments pursuant to the regulations of other government agencies; and that the recently enacted Transportation

[1] FTL formerly held authority such as that now requested in the form of a temporary exemption (see 42 C.A.B. 901 (1965)). However, this exemption authority was granted for a period to terminate 60 days after final decision on FTL's application for certificate amendment in docket 16072. When the latter application was dismissed as stale by order 73–1–56 on Jan. 18, 1973, FTL's exemption authority automatically expired 60 days thereafter.

[2] See order 71–11–33.

[3] See orders 73–3–56/59.

[4] See orders E–23230 and 69–4–90.

[5] FTL alleges that the Board's filing fee of $300 significantly dilutes FTL's revenues and in some cases may result in a nonprofitable operation.

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Safety Act of 1974 (which will prohibit the carriage of radioactive material on any passenger-carrying aircraft unless those materials are intended for use in, or incident to, research, or medical diagnosis or treatment), together with the Atomic Energy Commission's (AEC) recent proposal[6] to require two armed guards with all air shipments of certain quantities of nuclear material, will require operators of all-cargo equipment to carry armed attendants in an increased number of situations. In order to meet the growing demand for cargo attendant requests that is likely to accompany the newly proposed AEC regulations as well as recently enacted legislation in this field, FTL requests that the Board act on this matter with expedition.

Northwest Airlines, Inc. (Northwest), filed an answer to FTL's request stating that it does not oppose grant of the authority requested by FTL provided such authority is limited to those cases in which such attendants are required by Federal regulations and a reporting requirement outlining the use made of the authority is imposed.

Subsequently, FTL filed a reply together with a motion for leave to file an unauthorized document.[7]

Upon consideration of the pleadings and all the relevant facts, we have decided to issue an order to show cause why the Board should not allow FTL to transport attendants, at the shipper's expense, in connection with any shipment provided that such attendant may be transported only when actually accompanying the shipment and may not be transported from the destination of the shipment to its origin or otherwise.[8]

The facts and circumstances which we have tentatively found to support our ultimate conclusion are as follows. We tentatively find that the shipping public will receive certain advantages from the improved services, and that there will be little if any adverse impact on other carriers. To require the carrier to resort to individual exemption applications each time it needs attendants to comply with Federal regulations or as required for the safety or security or proper handling of the shipment creates an undue burden on the carrier in order to provide a service which can be provided without limitations by its principal competitors. There is also advantage to the Board in being relieved of the necessity of processing a number of individual applications. Furthermore, we tentatively find that requiring FTL to submit quarterly reports, as suggested by Northwest, would be unduly burdensome. In this connection, we note that FTL is not now required to file such reports for carrying cargo attendants accompanying shipments of live animals, live birds, and live reptiles. Finally, the lack of any real opposition to FTL's application lends support to our decision that the show-cause procedure is appropriate. Northwest offers no reason why FTL should be required to operate under different conditions and reporting requirements from its competitors. To impose such a discriminatory burden on FTL without good cause would be unfair and not in the public interest.[9]

Interested persons will be given 30 days following the date of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and amending condition (4) of the certificate of public convenience and necessity of The Flying Tiger Line Inc. for route 100 so as to read as follows:

4. The holder may transport, at the expense of the shipper, one or more attendants with any shipment provided that such attendant may be transported only when actually accompanying the shipment and may not be transported from the destination of the shipment to its origin or otherwise;

2. Any interested person having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 30 days after the date of adoption of this order, file with the Board and serve upon all persons listed in paragraph 6 a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections; [10]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein;

5. The motion of The Flying Tiger Line Inc. to file an otherwise unauthorized document in docket 27451 be and it hereby is granted; and

6. A copy of this order shall be served upon Airlift International, Inc.; Alaska Airlines, Inc.; Allegheny Airlines, Inc.; American Airlines, Inc.; Braniff Airways, Inc.; Continental Air Lines, Inc.; Delta Air Lines, Inc.; Eastern Air Lines, Inc.; The Flying Tiger Line Inc.; Frontier Airlines, Inc.; Hughes Airwest; National Airlines, Inc.; North Central Airlines, Inc.; Northwest Airlines, Inc.; Ozark Air Lines, Inc.; Pan American World Airways, Inc.; Piedmont Aviation, Inc.; Southern Airways, Inc.; Texas International Airlines, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; Department of Army; Department of Navy; Department of Air Force; Department of Transportation; Atomic Energy Commission; National Aeronautics and Space Administration; and the U.S. Postal Service.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-8821 Filed 4-3-75;8:45 am]

[Docket 27588; Order 75-3-61]

ALASKA AIRLINES, INC., ET AL.

Order Denying Stay

Correction

In FR Doc. 75-7716 appearing at page 13237 in the issue for Tuesday, March 25, 1975, make the following changes:

1. On page 13238, the first column, the fifth line, the word "reuse" should read "refuse".

2. On page 13238, the first column, the asterisks preceding footnote 3 should be removed and footnote 3 should be placed at the bottom of the column.

COMMISSION ON CIVIL RIGHTS

TEXAS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Texas State Advisory Committee (SAC) to this Commission will convene at 6 p.m. on April 22, 1975 at the Holiday Inn, 801 Calhoun, Houston, Texas 77001.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southwestern Regional Office of the Commission, Room 231, New Moore

[6] See 39 FR 40067 (Nov. 13, 1974).

[7] We will grant the motion.

[8] Our action herein will not result in a major Federal action significantly affecting the quality of the environment within the meaning of the National Environmental Policy Act of 1969. In most instances, if not in all, the cargo attendants will be transported on FTL's regularly scheduled flights.

[9] We further find that FTL is a citizen of the United States within the meaning of the Act and is fit, willing, and able properly to perform the transportation proposed herein and to conform to the Board's rules, regulations, and requirements thereunder.

[10] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections, and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

Building, 106 Broadway, San Antonio, Texas 78205.

The purpose of this meeting is to discuss the status of school finance Texas Legislature will be reviewed. Other parts of the Conference will consider the overall problems in school finance reform in Texas.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 1, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-8788 Filed 4-3-75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA

Entry or Withdrawal from Warehouse for Consumption

APRIL 1, 1975.

On March 11, 1965, there was published in the FEDERAL REGISTER (30 FR 3336) a letter of March 8, 1965 from the Chairman of the Interagency Textile Administrative Committee to the Commissioner of Customs, prohibiting entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products, produced or manufactured in Yugoslavia and exported from Yugoslavia for which that Government had not issued a visa. One of the requirements is that each visa must include the signature of an official authorized to issue visas. The Government of the Socialist Federal Republic of Yugoslavia has requested that Anka Lomic and Nebojsa Krnjajic be authorized to issue visas in place of Nikola Agic, Dusan Maric, Anoka Stritar, and Nedeljok Carman.

Accordingly, there is published below a letter of April 1, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the directive of March 8, 1965, effective on April 4, 1975. Facsimiles of the signatures of the two newly-designated officials are filed as part of the original document with the Office of the Federal Register. A complete list of officials currently authorized to issue visas for cotton textiles and cotton textile products exported to the United States from Yugoslavia is enclosed with the letter to the Commissioner of Customs.

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

APRIL 1, 1975.

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive of March 8, 1965 from the Chairman, Interagency Textile Administrative Committee, that directed you to prohibit, under certain specified conditions, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Yugoslavia, for which the Government of the Socialist Federal Republic of Yugoslavia had not issued an appropriate visa. One of the requirements is that each visa include the signature of an official authorized to issue visas.

Under the provisions of the Bilateral Cotton Textile Agreement of December 31, 1970, as amended, between the Governments of the United States and the Socialist Federal Republic of Yugoslavia, and in accordance with Executive Order 11651 of March 3, 1972, the directive of March 8, 1965 is amended, effective on April 4, 1975, to authorize Anka Lomic and Nebojsa Krnjajic to issue visas in place of Nikola Agic, Dusan Marc, Anoka Stritar, and Nedeljok Carman. A complete list of officials currently authorized to issue visas is enclosed.

The actions taken with respect to the Government of the Socalist Federal Republic of Yugoslavia and with respect to imports of cotton textiles and cotton textile products from Yugoslavia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

Officials of the Government of the Socialist Federal Republic of Yugoslavia Authorized to Issue Visas for Exports of Cotton Textiles and Cotton Textile Products to the United States

STEVAN M. ZEC,
ANKA LOMIC,
NEBOJSA KRNJAJIC.

[FR Doc.75-8810 Filed 4-3-75;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality from March 24 through March 28, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this Federal Register notice of availability (May 19, 1975). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: David Ward, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, (202) 447-3853.

ANIMAL AND PLANT HEALTH INSPEC. SERVICE

Draft

Veterinary Biologics Laboratory, Ames, Iowa, March 24: The statement concerns the construction of the Veterinary Biologics Laboratory on a new site to replace and upgrade the present facilities in Ames, Iowa. Adverse impacts include air and noise pollution and odor due to solid waste disposal, land use change, and the presence of microorganisms causing diseases in animals (49 pages). (ELR Order No. 50398.)

Final

1975 Addendum to 1974 Gypsy Moth EIS, March 28: The statement, a 1975 draft addendum to the USDA 1974 Gypsy Moth EIS, refers to the continued suppression and/or regulation of the gypsy moth. In 1975 action is proposed in Connecticut, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Virginia. Carbaryl, trichlorfon, and Bacillus thuringiensis will be used on approximately 116,200 acres. Comments made by: EPA, USDA, DOC, HEW, DOI, and agencies of several States, and concerned citizens and organizations. (ELR Order No. 50443.)

FOREST SERVICE

Draft

Shafer Butte Planning Unit, Boise National Forest, Ada County, Boise, Idaho, March 24: The statement refers to the land use plan for the 98,500-acre Shafer Butte Planning Unit of Boise National Forest. Balanced resources use is given emphasis in the plan. Watershed, visual quality, and recreation as noncommodity items or nonconsumptive resource activities are complemented. Wildlife habitat improvement or maintenance is stressed. Consumptive demands are mixed to the extent the land base can meet and support. (ELR Order No. 50400.)

Central Nevada Unit, Toiyabe National Forest, Nev., March 28: Several. (ELR Order No. 50442.)

Malheur, Umatilla, and Wallow-Whitman National Forest's Herbicide, Oregon and Washington, March 24: The statement concerns the use of the herbicides 2,4-D, 2,4,5-T, Dicamba, and Picloram on the three National Forests located in Northeast Oregon and Southeast Washington. Adverse impacts include harmful effects on non-target species and the alteration of wildlife habitat. (ELR Order No. 50403.)

Mount Butler—Dry Creek Planning Unit, Siskiyou National Forest, Curry County, Oreg., March 27: The proposed action consists of a land use plan for management of a largely roadless, 22,100 acre Planning Unit on the Siskiyou National Forest. The plan recommends land allocations to sustain a high level of timber harvest, develop the Unit's recreation potential, and protect resources. The opportunity for future statutory wilderness designation for the roadless areas in the Unit will eventually be pre-empted by implementation of the plan, and suitable

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habitat for the northern spotted owl, a bird on the state threatened list, will be reduced by approximately 60% (135 pages). (ELR Order No. 50429.)

Chelan Planning Unit, Snoqualmie and Wenatchee National Forests, Kings, Snohomish, and Chelan Counties, Wash., March 24: The statement concerns a proposed allocation to remove the moratorium on commodity production placed on portions of Chelan Planning Unit by the Roadless Area Review and Evaluation in 1971–72. New Study Areas will remain under the management activity moratorium until intensive wilderness studies can be conducted (108 pages). (ELR Order No. 50396.)

Final

Fall Cankerworm Spraying, Va., Prince William County, Va., March 26: Proposed is the suppression of fall cankerworm infestations on 514 acres of wooded residential area in Prince William County, Virginia. The eis discusses the aerial application of bacterial insecticide Bacillus thuringiensis. Adverse impacts discussed in the eis include the noise effects from project aircraft and the temporary displacement of wildlife. Comments made by: USDA, DOD, HEW, EPA, DOI, TVA, and State agencies. (ELR Order No. 50418.)

Soleduck Planning Unit, Olympic National Forest, Wash., March 27: Proposed is the implementation of a land use plan for the 133,299 acre Soleduck Planning Unit of the Olympic National Forest. Under the proposal two undeveloped roadless areas Elk Reade and Rugged Ridge, would be allocated to full multiple use management. The Mt. Baldy area would also be subject to full multiple use, but will remain roadless, with timber harvested by operations which do not require roads. The primary impacts will be those which result from the development of undeveloped areas. Comments made by: DOI, COE, HUD, DOT, USDA, EPA, and State and local agencies and organizations. (ELR Order No. 50432.)

Eagle Lake Recreation, Monongahela National Forest, Pocahontas County, W. Va., March 25: The statement refers to the proposed construction of a 47 acre lake on Hills Creek, in order to provide fishing, minor flood control, and day use recreation. Also proposed is a 50 unit campground, to be constructed 3 miles east of the lake. Impacts of the action will include the loss of 1.5 miles of native trout stream and 106 acres of wildlife habitat; and those resulting from increased visitor use (137 pages). Comments made by: AHP, COE, USDA, State agencies, and organizations. (ELR Order No. 50412.)

SOIL CONSERVATION SERVICE

Draft

Texas, March 25: Elm Creek Watershed Project. (ELR Order No. 50414.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, (202) 967–4335.

ECONOMIC DEVELOPMENT ADMINISTRATION

Final

Yamhill County Bridge, Yamhill County, Oreg., March 27: Proposed is the construction of a bridge and connecting approaches across the Willamette River at Mile 62.8. Approximately 84 acres of land will be committed to the project. Comments made by: USDA, USCG, COE, EPA, DOI, State, and local agencies. (ELR Order No. 50440.)

Draft

Estuarine Sanctuary Grant Award, Duplin River, McIntosh County, Ga., March 28: (ELR Order No. 50475.)

DEPARTMENT OF DEFENSE

Final

Alaska, March 24: Parachute Drop Zone and Assault Landing Strip, Fort Richardson. (ELR Order No. 50401.)

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN–PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314. (202) 693–6861.

Draft

Ponce Harbor, Puerto Rico (2), March 27: The statement is a revised draft concerning the construction of a main channel 36 feet deep from the Caribbean Sea up to the authorized Federal project at Ponce Harbor and modifying and deepening the channel and turning basin. Virtually all of the benthic organisms in the proposed channel will be destroyed. There will be a temporary increase in turbidity and siltation in the construction area and some temporary turbidity in the disposal area. (Jacksonville District.) (ELR Order No. 50426.)

Hoonah Small Boat Harbor, Supplement, Alaska, March 24: The statement is a supplement to a final EIS filed with CEQ 13 November 1970. The proposed project consists of constructing rubblemound breakwaters aggregating 2,790 feet, dredging an entrance channel 1,200 feet long, and constructing a diversion dike 2,125 feet long. The project will result in the alteration of 56 acres of natural marine habitat and 24 acres of natural intertidal habitat for disposal of dredge material and a partial or total elimination of a salmon run to Gartina Creek. (Anchorage District.) (ELR Order No. 50404.)

Moline, Illinois, Local Flood Protection, Rock Island County, Ill., March 25: The proposed plan would provide flood protection for 362 acres of the City of Moline from the Mississippi River through construction of levees and floodwalls. The project would require commitment of 14 acres of land, including a marsh between 16th and 20th Streets. (Rock Island District.) (ELR Order No. 50417.)

Chelsea Flood Protection, Iowa River, Tama County, Iowa, March 24: Proposed is the construction of 3.8 miles of earth levees, nine feet high, and 60 feet of 3-foot, precast I-wall at Chelsea, Iowa to protect 300 acres from Iowa River floods with 100-year frequency occurrences. Seventy-six acres of agricultural land and six acres of creek-bottom land will be committed to the project (Rock Island District) (33 pages). (ELR Order No. 50406.)

West Des Moines-Des Moines Flood Protection, Polk County, Iowa, March 25: Proposed is the refurbishing of existing levees and the construction of new levees along the north bank of Raccoon River, the west bank of Walnut Creek, and the north bank of Jordan Creek to protect West Des Moines and Des Moines, Iowa from 200-year floods. Levee construction will result in the loss of 20 acres of vegetation, not including the vegetation loss resulting from construction on the newly-protected low-lying land. The levees will also alter the aesthetic quality of trails and nature areas coinciding with levee alignment (Rock Island District). (ELR Order No. 50416.)

Union Township Drainage District, Lewis County, Mo., March 24: Proposed is the improvement of 7 miles of earthen levee, pumping station outlet modifications, railroad closure structures, and road ramp raises for purposes of flood control. Adverse impacts include the loss of productivity of the 25 acres of cropland needed for borrow, the loss and disruption of the benthic organisms, the clearing of one acre of bottomland woods, and construction disruption (Rock Island District) (25 pages). (ELR Order No. 50409.)

Deep Creek Flood Control Project, Edgecombe County, N.C., March 24: Proposed is a project for flood control consisting of the construction of a dike and drainage appurtenances on the north and south sides of Speed, N.C., relocation and channel excavation of 3,300 feet of Knight Swamp, snagging and clearing 8.3 miles of Deep Creek, and enlarging 2,800 feet of Deep Creek to approximately 80-ft bottom width. Adverse impacts include loss of two acres of swamp habitat, loss of stream habitat, loss of 0.9 mile of natural stream section, and the conversion of 31 acres of pine and hardwood to grass habitat. (Wilmington District). (ELR Order No. 50405.)

Chetco, Coquille and Roque River Estuaries and Por, Oreg., March 24: The statement concerns the maintenance dredging of Chetco, Coquile, and Rogue River Estuaries and Port Orford, Oregon. Adverse impacts include disruption and removal of river bottom habitat and organisms, resuspension of bottom sediments, smothering of aquatic and terrestrial habitat and organisms during disposal, the possible shoaling of Battle Rock Historical site, and augmented housing shortages (Portland District). (ELR Order No. 50402.)

Saw Mill Run, Pittsburgh (2), Allegheny County, Pa., March 25: Proposed is the widening and deepening and minor realignment of 5,600 feet of Saw Mill Run through the West End Section of the City of Pittsburgh for purposes of flood control. The project would result in temporary increases in traffic, noise dust, exhaust emissions, erosion, stream turbidity, and sedimentation. Eight families would be displaced by the project (Pittsburgh District). (ELR Order No. 50413.)

Chippewa River Eau Claire, Flood Control, Eau Claire County, Wis., March 25: Proposed is the construction of a series of floodwalls, levees, and road raises through flood prone areas along the Chippewa and Eau Claire Rivers, Wisconsin. The project would result in a reduction and alteration of streambank vegetation and aesthetics. About 200 trees and other streambank vegetation which have value as wildlife habitat would be removed (St. Paul District). (ELR Order No. 50415.)

Final

Newburgh Bank Revetment, Ohio River, Ind., March 24: The project proposes a riverbank revetment needed for bank stabilization on the Ohio River in the Newburgh area. The revetment procedure will include stabilizing the bank with stone protection. The project is 1.1 miles in length. Increases in water turbidity will occur with loss of aquatic life (69 pages). Comments made by: DOI, EPA, DOC, USDA, USCG, AHP, State, and local agencies and citizen groups. (ELR Order No. 50408.)

Hunting Island Beach, Beaufort County, S.C., March 26: The statement refers to the proposed renourishment of Hunting Island Beach. The project involves the renourishment of the 10,000-foot feeder beach to help stabilize the shore with material taken from the mouth of Fripp Inlet. Adverse impacts include a temporary reduction of recreational activity, mechanical disturbance and smothering of the benthic community along the beach and in the borrow area, and a temporary increase in water turbidity (Charleston District) (27 pages). Comments made by: USDA, EPA, HEW, DOI, DOT, AHP, one State agency, and one private organization. (ELR Order No. 50419.)

R.D. Bailey Lake, Guyandotte River, Wyoming and Mingo Counties, W. Va., March 26: The statement refers to the construction and operation of a multiple purpose lake on the Guyandotte River near the Mingo-Wyoming County line. Project purposes are flood control, water quality control, area redevelopment, general recreation and fish and wildlife recreation. Adverse impacts include the relocation of 33 businesses, 530 residential units, 11 churches, 3 schools, and 2 post offices, the inundation of about 7 miles of the Guyandotte River and 510 acres of land at seasonal pool, and construction problems with soil erosion, stream sedimentation, stream turbidity, dust, and noise (Huntington District). Comments made by: USDA, FPC, EPA, DOI, USCG, AHP, and State agencies. (ELR Order No. 50425.)

Pleasants Power Stations, Units No. 1 and 2, Pleasants County, W. Va., March 27: The statement refers to the construction, operation and maintenance of a new power generation facility on the Ohio River, Pleasants County, West Virginia. The new facilities will consist of a proposed coal-fired plant consisting of two steam operated electric generator units. Adverse impacts are increased noise pollution, use of land for plant operation, increased river traffic, discharge of station waste into the Ohio River, and use of chemical additives to waste used in station systems (Huntington Distict) (607 pages). Comments made by: EPA, DOI, USDA, DOC, FPC, USCG, DOT, AHP, State, and local agencies and concerned citizens. (ELR Order No. 50434.)

Port Washington Small Boat Harbor, Wis., March 24: The statement refers to the proposed construction of rubble mound breakwaters in order to form a 13.5 acre small boat harbor. Construction activities and the dredging of 80,000 cu. yds. of material will adversely affect aquatic life. The project will increase the recreational-navigation potential of the Harbor. Comments made by: EPA, DOI, HUD, and State agencies. (ELR Order No. 50397.)

NAVY

Contact: Mr. Peter M. McDavitt, Special Assistant to the Assistant Secretary of the Navy (Installations and Logistics), Washington, D.C. 20350. (202) 692–3227.

Final

Outlying Helicopter Fields, Whiting Field, Santa Rosa County, Fla., March 26: Proposed is the acquisition in fee of two tracts of land totaling 780.5 acres, and the construction of two helicopter outlying fields. Site 1 is 10 miles west of NAS Whiting Field; Site 2 is 8 miles east of the Field. The fields will be used for training operations. Adverse impact will include the removal of 207 acres from soybean production and 433 acres from timber production. Comments made by: DOD, EPA, DOI, and one State agency. (ELR Order No. 50422.)

Navy Family Housing, Charleston, S.C., March 26: Proposed is the construction of 526 units of Navy family housing at the Naval Weapons Station, Charleston, South Carolina. The project would include recreational and play areas, sidewalk, streets, storm drainage, landscaping and utilities. Eighty acres of wildlife habitat and timber land will be committed to the project. Comments made by: EPA, AHP, DOI, HEW, USDA, and one State agency. (ELR Order No. 50427.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630 Waterside Mall, Washington, D.C. 20460, (202) 755–0940.

Draft

New Shoreham Treatment Facilities, R.I., March 27: Proposed is a municipal collection system and an extended aeration system as the method of wastewater treatment for Rock Island. The preferred plan is to sewer the old harbor area and to develop subsurface disposal systems in New Harbor. Adverse impacts include temporary construction disruption, noises and odors from the plant, and the visual impact of the concrete outfall. (ELR Order No. 50439.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Acting Director, Office of Environmental Quality, Room 7206, 451 7th Street SW., Washington, D.C. 20410, (202) 755–6295.

Draft

Modular Integrated Utility Systems, March 25: The statement assesses the environmental impact from installation and operation of the Modular Integrated Utility Systems in a generic sense. The impacts were evaluated by use of a hypothetical housing development and were found to be less harmful to the environment than conventional utility systems. (ELR Order No. 50410.)

Santa Rosa Urban Renewal, Sonoma County, Calif., March 27: The Santa Rosa Center Urban Renewal Project entails the development of a major regional shopping center covering 12 blocks (30 acres) in the business center of downtown Santa Rosa. The project is being developed in three phases, with land use being for government, institutional, commercial, and retail purposes. In addition to temporary construction disruption, the project will have adverse impacts on air quality, noise levels, and circulation patterns, due to increases in traffic. The project is also subject to possible seismic hazards. (ELR Order No. 50437.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, (202) 343–3891.

Draft

Ute Mountain Ute Tribal Lands Mineral Lease, Montezuma County, Colo., March 27: The statement concerns the approval of a lease of Ute Mountain Ute Tribal Lands to Mobil Oil Corporation for the purpose of exploration and possible mining of uranium and related minerals. The plan consists of a four-year exploration phase, a four-year development phase and approximately twelve years of mining and processing. The biological community and aesthetics of the area will be noticeably and adversely impacted (73 pages). (ELR Order No. 50431.)

BONNEVILLE POWER ADMINISTRATION

Draft

Southwestern Power Administration, Construction and Maintenance, March 27: Proposed is the maintenance and construction of additions to Southwestern Power Administration's electric transmission system including transmission lines, substations, and related structures in Oklahoma, Arkansas, Missouri, and parts of Texas, Kansas and Louisiana. The land occupied by structures will be unavailable for other uses during the life of the facility, and homes and other buildings will be displaced. The project will also be detrimental to wildlife habitat (55 pages). (ELR Order No. 50427.)

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Final

Proposed Santee National Wilderness Area, Clarendon County, S.C., March 26: The statement refers to the proposed legislative designation of 13 islands in Lake Marion, which encompass 163 acres which are presently part of the Santee National Wildlife Refuge, as wilderness within the National Wilderness Preservation System. Some future management options would thereby be removed (47 pages). Comments made by: DOI and one State agency. (ELR Order No. 50420.)

GEOLOGICAL SURVEY

Draft

Bell Ayr South Mine, Amax Coal Co., Campbell County, Wyo., March 25: Proposed is the approval of a strip mining and reclamation plan fo Belle Ayr South Mine, Amax Coal Company. The plan poposes expansion of the existing operation from 3.1 million to 15 million tons per year. The land surface, vegetation, and coal bed aquifers will be destroyed in the area mined, and there will be a permanent reduction in productivity on the 3,018 acres. (ELR Order No. 50411.)

NATIONAL PARK SERVICE

Draft

Pecos National Monument, Proposed Master Plan, San Miguel County, N. Mex., March 27: The statement concerns the proposed master plan and development concept plan for Pecos National Monument. The plan includes introduction of a major visitor facility structure, employee housing, archeological workshop housing, materials and equipment yard, water and sewerage systems and attendant roads and parking. Legislation is proposed to authorize addition of two adjoining parcels of land to be donated, totaling 23.5 acres and to increase the ceiling of development (63 pages). (ELR Order No. 50430.)

BUREAU OF LAND MANAGEMENT

Final

OCS Offshore Central Gulf, March 27: (ELR Order No. 50435.)

INTERNATIONAL BOUNDARY AND WATER COMM.

Contact: Mr. T. R. Martin, ARA/Mex., State Department, Room 3906 A, Washington, D.C. 20520, (202) 632–1317.

Draft

Rio Grande Canal Project Improvements, Texas and New Mexico, March 27: (ELR Order No. 50441.)

NUCLEAR REGULATORY COMMISSION

Contract: Mr. A. Giambusso, Director of Division of Reactor Licensing, P–722, NRC, Washington, D.C. 20545, (301) 973–7373.

Draft

Cherokee Nuclear Stations, Units 1, 2, and 3, Cherokee County, S.C., March 27: The proposed action is the issuance of a construction permit to the Duke Power Company for the construction of the Cherokee Nuclear Station Units 1, 2 and 3. The stations will employ three identical pressurized water reactors to produce up to approximately 3817 MWt each. A steam turbine generator will use this heat to provide 1260 MWe of electrical power capacity per unit. Water for cooling will be obtained from and discharged to the Broad River. A total of 2263 acres will be utilized for the site, displacing about 17 families. The cooling tower blowdown and chemical effluents from the station will increase the dissolved solids concentration in the Broad River. (ELR Order No. 50436.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street SW., Washington, D.C. 20590, (202) 426–4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

Overpass of I–95, Blythe Island, Glynn County, Ga., March 27: The proposed project is located on Blythe Island, Glynn County, Georgia, and affects an area located between

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the Turtle River on the northeast to approximately 6,000 feet to the southwest along I-95. The overpass will be a grade separation structure with or without an interchange and access roads. Two or three residences may be displaced. (ELR Order No. 50428.)

Nebraska 370, Bellevue, Sarpy County, Nebr., March 24: Proposed is the improvement of two segments of approximately 1.25 miles of Nebraska 370 within the City of Bellevue from two to four lanes. The additional right-of-way for construction will require acquisition of two residences, two businesses, and the relocation of three mobile homes. Since a motel, one church, 73 homes and a number of businesses exceed the design noise levels, a full detailed study of all noise abatement measures will be made. (ELR Order No. 50407.)

Gaines County Airport, Tex., Gaines County, Tex., March 27: Proposed is the acquisition of 400 acres of land for the construction of an airport 2 miles south of the city limits of Seminole. The plan includes construction of two runways, connecting taxiways, and apron and lighting. Increased air pollution will result. (ELR Order No. 50438.)

STH 35 (Lang Drive), La Crosse, La Crosse County, Wis., March 26: Proposed is the reconstruction of 1.13 miles of STH 35 (Lang Drive) from La Crosse Street to St. Andrews Street, along the existing alignment. The roadway will be widened from two to four lanes and raised above 100-year flood levels in an effort to keep this traffic corridor open during future floods from both the La Crosse and Mississippi Rivers. The roadway embankment material will be obtained by constructing a lake in the La Crosse River floodplain. The project will displace nine acres of marsh (90 pages). (ELR Order No. 50424.)

Final

U.S. 95, Between Coeur d' Alene and Bellgrove, Kootenai County, Idaho, March 24: The project involves the improvement of a section of U.S. 95 between Coeur d' Alene and Bellgrove. The improvement would involve construction of approximately 12.5 miles of roadway. Adverse impacts include the loss of some forest land, wildlife habitat and wetlands, the displacement of families and businesses, and temporary construction inconveniences. The project will be constructed in three stages and will cost approximately seven million dollars (142 pages). Comments made by: USDA, COE, EPA, and State and local agencies. (ELR Order No. 50395.)

U.S. 641, Murray, Calloway County, Ky., March 24: The statement refers to the proposed construction of US 641 from Sycamore St. to Utterback Rd. The 4-lane facility will have a length of 2.1 miles. Adverse impacts are increased noise pollution, and the displacement of 10 families and 3 businesses. Comments made by: HEW, EPA, DOI, TVA, and one State and one local agency. (ELR Order No. 50399.)

US 277-82, Spur 447, Wichita Falls, Wichita County, Tex., March 27: The statement concerns the construction of an 8.95 mile 4-lane divided highway, providing a controlled access facility for U.S. 277-82 and Spur 447. The highway would connect Edison Street, a recently completed 4-lane arterial, on the east end and U.S. 277-82 on the west end. The project will displace 160 families, 27 businesses, and 2 non-profit organizations (126 pages). Comments made by: DOT, HEW, HUD, USDA, DOI, and State and local agencies. (ELR Order No. 50433.)

U.S. COAST GUARD

Final

Arcata Airport, McKinleyville, Humboldt County, Calif., March 26: The proposed action provides for the establishment of a new Search and Rescue (SAR) air station in McKinleyville, California. Included in the project are hangar, utility buildings, bachelor enlisted quarters, site paving and walkways, jet refueling system, communications antenae, and taxiway lighting. There will be some visual impact and the possibility of hydrological impact because of the facility. There will be secondary impacts involving the scarce housing supply and future sewage tie-in requests for the McKinleyville system. Comments made by: EPA, DOI, and State and local agencies. (ELR Order No. 50423.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-8767 Filed 4-3-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

Science Advisory Board

[FRL 355-2]

ECOLOGY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Ecology Advisory Committee of the Science Advisory Board will be held beginning at 9:00 a.m., April 22, 1975, in the Conference Building, Building 38, Gulf Breeze Environmental Research Laboratory, Sabine Island, Gulf Breeze, Florida.

This is the second meeting of the Committee. The agenda includes review of the Laboratory's research program, pesticides—effects associated with the estuarine and marine environments; progress reports on the Committee's study on the health of the environment; and member items of interest.

The meeting is open to the public. Any member of the public wishing to attend, participate, or obtain additional information, should contact Dr. J. Frances Allen, Executive Secretary, Ecology Advisory Committee, (703) 557-7720.

JOHN BUCKLEY,
Acting Assistant Administrator for Research and Development.

MARCH 28, 1975.

[FR Doc.75-8848 Filed 4-3-75;8:45 am]

[(FRL 354-8) OPP-32000/220]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street SW., Washington D.C. 20460.

On or before June 3, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after June 3, 1975.

Dated: March 27, 1975.

JOHN B. RITCH, JR.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP-32000/220)

EPA Reg. No. 1526-374. Arizona Agrochemical Co., PO Box 21537, Phoenix AZ 85036. DIBROM 8EC. Active Ingredients: Naled (1,2-dibromo-2, 2-dichloroethyl dimethyl phosphate) 58%; Xylene 20%. Method of Support: Application proceeds under 2(c) of interim policy. PM16.

EPA File Symbol 35376-R. A. T. S. Laboratories Inc., 936 Ledge Rd., Medina OH 44256. SUPER SHIELD 5 DAY FLY REPELLENT. Active Ingredients: Butoxypolypropylene Glycol 10.00%; Piperonyl Butoxide Technical Equivalent to 0.8% (Butylcarbityl) (6-propylpiperonyl)-ether and to 0.2% related compounds] 1.00%; Pyrethrins 0.25%; Petroleum Distillate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM17.

EPA File Symbol 36532-E. Better Water Corp., 500 C Allied Dr., Nashville TN 37211. BIO-110. Active Ingredients: Poly[oxyethylene (dimethyliminio)ethylene(dimethyliminio)-ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 36532-G. Better Water Corp., 500 C Allied Dr., Nashville TN 37211. BIO-POOL. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene (dimethyliminio)-ethylene dichloride] 10.0% Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 6950-UN. Cessco, Inc., 3534 Central Ave., Charlotte NC 28205. CESSCO 10 A CONCENTRATED INSECTICIDE. Active Ingredients: 2,2-dichlorovinyl dimethyl phosphate 9.2%; Related compounds 0.7%; Petroleum distillate 80.0%; 1,1,1-trichloroethane 60.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM13.

EPA File Symbol 6950-UR. Cessco, Inc., PO Box 12452, Charlotte NC 28205. CESSCO ACCUDOSE 20. Active Ingredients: 2,2-Dichlorovinyl Dimethyl Phosphate 18.6%; Related Compounds 1.4%. Method of Support: Application proceeds under 2(c) of interim policy. PM13.

EPA File Symbol 5736-LR. DuBois Chemicals, Div. of Chemed Corp., 3630 E. Kemper Rd., Sharonville OH 45241. SLIME FREE A BACTERIOSTAT AND ALGAECIDE. Active Ingredients: n-Alkyl (60% C14, 5% C12, 30% C14, 5% C18) dimethyl benzyl ammonium chloride 12.50%; Bis (Tri-n-Butyltin) Oxide 2.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM33.

EPA File Symbol 5736-UI. DuBois Chemicals, Div. Chemed Corp., 3630 E. Kemper Rd., Sharonville OH 45241. X-PEL ALGAECIDE. Active Ingredients: Dehydroabietylamine Acetate 6.25%; Alkyl (70% C18, 27% C16, 3% C14) Trimethyl Ammonium Chloride 3.125%; Dialkyl (47% C12, 18% C14, 10% C18, 9% C10, 8% C16, 8% C8) Dimethyl Ammonium Chloride 3.125%. Method of Support: Application proceeds under 2(c) of interim policy. PM33.

EPA File Symbol 9199-GU. Constantine's Nursery & Garden, Inc., PO Box 119, Maumee OH 43537. CONSTANTINE'S WEED KILLER AND FERTILIZER. Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic Acid 0.90%; Isooctyl Ester of Silvex 2-(2,4,5-Trichlorophenoxy) Propionic Acid 0.75%. Method of Support: Application proceeds under 2(c) of interim policy. PM33.

EPA File Symbol 36534-E. Crown Chemical Co., 5280 Merrick Rd., Massapequa LI NY 11758. HYDROCIDE 6. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene(dimethyliminio) (ethylene dichloride)] 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 36534-G. Crown Chemical Co., 5280 Merrick Rd., Massapequa LI NY 11758. HYDROCIDE 5. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene(dimethyliminio) ethylene dichloride] 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 4643-EO. Dearborn Chemical Div., Chemed Corp., 300 Genesee St., Lake Zurich IL 60047. DEARCIDE 716 OXIDIXING MICROBICIDE. Active Ingredients: Trichloroisocyanuric Acid 21.25%; Potassium Peroxymonosulfate 22.90%; Potassium Disulfate 9.35%. Method of Support: Application proceeds under 2(c) interim policy. PM34.

EPA File Symbol 3770-GEG. Economy Products Co., Inc., PO Box 427, Shenandoah IA 51601. DAIRY FOG 20% VAPONA INSECTICIDE CONCENTRATE. Active Ingredients: 2,2-Dichlorovinyl Dimethyl Phosphate 18.6%; Related Compounds 1.4%; Aromatic Petroleum Hydrocarbons 75.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM13.

EPA Reg. No. 270-37. Farnam Co., Inc., PO Box 21447, Phoenix AZ 85036. FARNAM WIPE FLY PROTECTANT. Active Ingredients: Pyrethrins 0.20%; Piperonyl Butoxide Technical [Equivalent to 0.40% (butylcarbityl) (6-Propylpiperonyl) ether and 0.10% of related compounds] 0.50%; Di-n-propyl Isocinchomeronate 1.00%; Oil of Citronella 2.00%; Butoxypolypropylene Glycol 20.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA Reg. No. 270-96. Farnam Co., Inc., PO Box 21447, Phoenix AZ 85036. SUPER-SHEEN WIPE WIPE-ON FLY REPELLENT AND COAT BRIGHTENER. Active Ingredients: Pyrethrins 0.20%; Piperonyl Butoxide Technical [Equivalent to 0.40% (Butylcarbityl) (6-Propylpiperonyl] Ether and 0.10% of related compounds] 0.50%; di-n-propyl Isocinchomeronate 1.00%; Butoxypolypropylene Glycol 20.00%; Isopropyl Lanolin Ester 1.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 779-OT. Faesy & Besthoff, Inc., 143 River Rd., Edgewater NJ 07020. LAWN GRANULAR FUNGICIDE. Active Ingredients: 4,6 - Dichloro - N-(2-chlorophenyl)-1,3,5-triazin-2-amine 5%. Method of Support: Application proceeds under 2(c) of interim policy. PM21.

EPA File Symbol 25881-A. Láspar, Ltd., 3236 N. 11th St., Philadelphia PA 19140. NO ALGAE SWIMMING POOL ALGAECIDE. Active Ingredients: Alkyl (C14 60%, C12 25%, C16 15%) Dimethyl Benzyl Ammonium Chloride 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM24.

EPA Reg. No. 618-56. Merck Chemical Div., Merck & Co., Inc., Rahway NJ 07065. 2% LIQUID GIBREL. Active Ingredients: Potassium Gibberellate 2%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA Reg. No. 72-89. Miller Chemical & Fertilizer Corp., PO Box 333, Hanover PA 17331. MILLER KILMITE-40 (40% TEPP). Active Ingredients: Tetraethylpyrophosphate 40%. Method of Support: Application proceeds under 2(c) of interim policy. PM16.

EPA File Symbol 524-GRT. Monsanto Co., Agricultural Products, 800 N. Lindbergh Ave., St. Louis MO 63166. GLYPHOSINE TECHNICAL GRADE. Active Ingredients: N,N-bis (phosphonomethyl)-glycine 95.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM25.

EPA File Symbol 524-GRU. Monsanto Co., Agricultural Products, 800 N. Lindbergh Ave., St. Louis MO 63166. LASSO EC HERBICIDE. Active Ingredients: Alachlor (2-chloro-2', 6'-diethyl-N-(methoxymethyl) acetanilide) 45.7%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 1769-EAG. National Chemsearch, 2727 Chemsearch Blvd., PO Box 2170, Irving TX 75060. SELECT-TROL. Active Ingredients: Diethanolamine salt of 2-(2 - Methyl - 4-chlorophenoxy) Propionic acid 6.0%; Diethanolamine salt of 2,4-Dichlorophenoxyacetic acid 6.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM23.

EPA File Symbol 358-RLO. Nott Mfg. Co., Pleasant Valley NY 12569. STRYCHNINE ALKALOID N.F. Active Ingredients: Strychnine Alkaloid 100%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 33576-GN. Olin Water Services, Olin Corp., 120 Long Ridge Rd., Stamford CT 06904. OLIN 7080. Active Ingredients: 2,2-Dibromo-3-nitrilopropionamide 20%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA Reg. No. 2545-59. Research Products Co., PO Box 1057, 1835 East North St., Salina KS 67401. DETIA GAS-EX-B. Active Ingredients: Aluminum Phosphide 57%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 8597-U. Swimrite Inc., 15330 Cabard St., Van Nuys CA 91406. SWIMRITE CALIFORNIA CHLORINE. Active Ingredients: Trichloro-S-Triazinetrione 70%; Sodium Carbonate 30%. Method of Support: Application proceeds under 2(c) of interim policy. PM34.

EPA File Symbol 148-RENI. Thompson-Hayward Chemical Co., 5200 Speaker Rd., Kansas City KS 66106. CAPTAN SULFUR 15-50 DUST. Active Ingredients: Captan (cis-N-((Trichloromethyl) - thio)-4-cyclohexene-1,2-dicarboximide) 15%; Sulfur 50%. Method of Support: Application proceeds under 2(c) of interim policy. PM22.

EPA File Symbol 148-RENT. Thompson-Hayward Chemical Co. BOTRAN 6% DUST. Active Ingredients: 2,6-Dichloro-4-nitroaniline 6%. Method of Support: Application proceeds under 2(c) of interim policy. PM21.

EPA File Symbol 148-RERE. Thompson-Hayward Chemical Co. DIAZINON 4 DUST. Active Ingredients: 0,0-diethyl 0-(2-isopropyl - 6 - methyl - 4-pyrimidinyl) phosphorothioate 4%. Method of Support: Application proceeds under 2(c) of interim policy. PM14.

EPA File Symbol 148-RERN. Thompson-Hayward Chemical Co. BOTRAN SULFUR 6-25. Active Ingredients: 2,6-Dichloro-4-nitroaniline 6%; Sulfur 25%. Method of Support: Application proceeds under 2(c) of interim policy. PM22.

EPA File Symbol 148-RERR. Thompson-Hayward Chemical Co. CAPTAN-BOTRAN 10-5 DUST. Active Ingredients: Captan (2,6-Dichloro-4-nitroaniline) 10%; N-[trichloromethyl) thio] -4-cyclohexene 1,2, dicarboximide 5%. Method of Support: Application proceeds under 2(c) of interim policy. PM21.

EPA File Symbol 10352-RI. Union Carbide Corp., 270 Park Ave., New York NY 10017. BIOCIDAL FORMULA I. Active Ingredients: Glutaraldehyde 20.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM33.

EPA File Symbol 10352-RO. Union Carbide Corp., 270 Park Ave., New York NY 10017. BIOCIDAL FORMULA II. Active Ingredients: Glutaraldehyde 2.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM33.

EPA File Symbol 1386-LIO. Universal Cooperatives Inc., 111 Glamorgan St., Alliance OH 44601. UNICO BUSAN 30. Active Ingredients: 2 - (Thiocyanomethylthio) benzothiazole 30%. Method of Support: Application proceeds under 2(c) of interim policy. PM22.

EPA Reg. No. 7401-255. Voluntary Purchasing Groups, Inc., PO Box 460, Bonham TX 75418. HI-YIELD 5 LB. MALATHION. Active Ingredients: Malathion (0,0-diethyl dithiophosphate of diethyl mercaptosuccinate) 56%; Aromatic Petroleum Derivatives 32%. Method of Support: Application proceeds under 2(c) of interim policy. PM16.

EPA File Symbol 15265-I. Wausau Chemical Corp., 2001 N. River Dr., Wausau WI 54401. ROLAR BRAND FORMULA NUMBER 39 CHLORINATED CLEANER. Active Ingredients: Sodium Hypochlorite 3.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM34.

EPA File Symbol 15265-O. Wausau Chemical Corp. ROLAR BRAND FORMULA NUMBER 60 CHLORINATED C.I.P. CLEANER. Active Ingredients: Sodium Dichloro-s-Triazinetrione Dihydrate 2.95%. Method of Support: Application proceeds under 2(c) of interim policy. PM34.

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EPA File Symbol 15265–T. Wausau Chemical Corp. ROLAR BRAND FORMULA NUMBER 21 CHLORINATED C.I.P. CLEANER. Active Ingredients: Sodium Hypochlorite 1.75%. Method of Support: Application proceeds under 2(c) of interim policy. PM34.

EPA File Symbol 5427–AE. Wright Chemical Corp., 1319 Wabansia Ave., Chicago IL 60622. WRICO NRA. Active Ingredients: Octyl dodecyl dimethylammonium chloride 25.0%; Isopropyl alcohol 12.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 5427–AG. Wright Chemical Corp., 1319 W. Wabansia Ave., Chicago IL 60622. WRICO TDL. Active Ingredients: 2,2-Dibromo-3-nitrilopropionamide 20%. Method of Support: Application proceeds under 2(c) of interim policy. PM26.

EPA File Symbol 10238–EN. Zimmite Corp., 810 Sharon Dr., Westlake OH 44145. CHEMTROL NO. 20. Active Ingredients: 2,2-Dibromo-3-nitrilopropionamide 5%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 10238–ER. Zimmite Corp., 810 Sharon Dr., Westlake OH 44145. CHEMTROL NO. 21. Active Ingredients: 2,2-Dibromo-3-nitrilopropionamide 20%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 7885–UE. Zoe Chemical Co., 1801 Falmouth Ave., New Hyde Park NY 11040. AUTOMATIC INDOOR FOGGER. Active Ingredients: Pyrethrins 0.2%; Piperonyl Butoxide, Technical [Equivalent to 0.64% (butylcarbityl) (6-propyl-piperonyl) ether and 0.16% related compounds] 0.8%; Petroleum Distillate 14.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

[FR Doc.75-8859 Filed 4-3-75;8:45 am]

[FRL 355–5; OPP–50011]

TEXAS A & M UNIVERSITY

Experimental Use Permit To Use Sodium Cyanide To Investigate Effectiveness of SCSLEM for Predator Control

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), the Environmental Protection Agency (EPA) announces that it has issued an experimental use permit to the Department of Wildlife and Fisheries Sciences of the Texas A & M University. This permit (No. 35899–EXP–1G) was issued in conjunction with an EPA contract also awarded to the Applicant; this contract (No. 68–01–2835) will conduct certain tests using sodium cyanide in the sodium cyanide spring-loaded ejector mechanism (SCSLEM) to determine its effectiveness as a tool to curtail sheep losses due to predation. The permit is in accordance with 40 CFR 162.19 as promulgated in the FEDERAL REGISTER on January 31, 1974 (39 FR 3939).

This program began on FEBRUARY 24, 1975, and will expire on AUGUST 31, 1975. However, it may be revoked at any time for violation of the terms thereof, or to avoid deleterious effects on the environment.

Interested persons may submit written comments with reference to this notice to the FEDERAL REGISTER Section, Technical Services Division (WH–569), Office of Pesticide Programs, EPA, 401 M St. SW., Room E–421, Washington, D.C. 20460. Three copies of the comments must be submitted to facilitate the work of EPA and others interested in reviewing them. The comments must bear the identifying notation OPP–50011. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday. Persons wishing to review the contract and the permit issued in relation to it may do so from 8:30 a.m. to 4 p.m. Monday through Friday. However, it is requested that appointments be made in advance by contacting the Registration Division (WH–567), Office of Pesticide Programs, EPA, prior to visiting EPA Headquarters; the telephone number to be used in arranging appointments is 202/755–4851.

PROGRAM FOR EXPERIMENTAL USE OF SODIUM CYANIDE SPRING-LOADED EJECTOR MECHANISM (SCSLEM) FOR PREDATOR CONTROL

I. PURPOSE

Sodium cyanide will be used in the spring-loaded ejector mechanism (SCSLEM) in an experimental program which will be located on a 22,000 acre ranch in Pecos County, Texas. Data from this program and from the other EPA-approved experimental use programs will be evaluated by EPA in order to make a decision regarding the possible registration of sodium cyanide in the spring-loaded ejector mechanism.

II. OBJECTIVES

A. To determine the efficacy of the SCSLEM as a predator control tool in a sheep ranching operation;

B. To determine if a correlation exists between numbers of coyotes and losses of sheep to predation;

C. To determine the selectiveness of the SCSLEM for target animals; and

D. To determine the level of coyote control achieved by sheep producers in Pecos County using various control techniques and relate this to sheep losses.

III. BRIEF DESCRIPTION OF PROGRAM

A. The program will involve two flocks of sheep, each containing 100 pregnant ewes. One flock will be established in an experimental area treated with SCSLEM's. The other flock will be placed in an untreated area where no predator control techniques will be employed.

B. Daily counts will be made of both flocks and records kept indicating the cause of death (when discernable) of all sheep, their age, sex, and condition.

C. The total number of devices and capsules for the entire program will not exceed 200 devices and 1,000 capsules.

D. Devices will be placed in the experimental area and in the eight (8) square mile buffer zone immediately surrounding it. These will be inspected daily throughout the study period. The SCSLEM's will be placed along ravines, trails, and other coyote travel lanes. At the conclusion of the study, all devices will be collected and stored in a safe place.

E. Reports will be made on a monthly basis. There will also be a final report to be submitted to EPA for review and comment within a month of the completion of field operations. The final report is to be submitted to EPA by September 30, 1975.

Dated: March 28, 1975.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-8845 Filed 4-3-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 747]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

MARCH 31, 1975.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's Rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20216–CD–P–75, General Telephone Company of the Northwest, Inc. (KUC860), C.P. to add Loc. #2 to operate on 152.78 MHz to be located 5.5 miles NE. of East Wenatchee, Washington at the intersection of Badger Mountain and Clark Roads.

21297–CD–P–75, Radio fone of Georgia, Inc., C.P. for a new 1-way station to operate on 152.24 MHz located 600 North Lee Street, Valdosta, Georgia.

21298–CD–P–75, Meriden Telephone Company (New), C.P. for a new station to operate on 152.51 MHz to be located 1.7 miles Northeast of Meriden.

21299–CD–P–75, General Communications Company (KUC849), C.P. to replace transmitter operating on 35.22 MHz located on Route 50, 2 miles east of Clarksburg, West Virginia.

21300–CD–P–75, The Ohio Bell Telephone Company (KUO560), C.P. to change antenna system at Loc. #2 operating on 152.84 MHz located ¾ miles North of the intersection of Route 23 and Eckel Road, Perrysburg, Ohio.

21304–CD–P–75, Radio Telephone, Inc. (KRM948), C.P. to add Loc. #2 to operate on 158.70 MHz to be located 6 miles NW. of Serat Mountain, Hapeville, Georgia.

21305–CD–P–75, Northwest Mutual Aid Telephone Corporation (KAI928), C.P. to change antenna system and replace transmitter operating on 152.69 MHz located 2 miles North and 0.25 mile east of Epping, North Dakota.

21306–CD–P–75, Penasco Valley Telephone Cooperative, Inc. (KEK282), C.P. to change antenna system, replace transmitter operating on 152.54 MHz and add facilities to operate on 152.75 MHz to be located Aprox. 4 miles North of Artesia off Highway #285, Artesia, New Mexico.

21307–CD–P–75, South Central Bell Telephone Company (KIA960), C.P. to change antenna system and add facilities to operate on 454.375 MHz. at Loc. #2: 1500 Beacon Parkway, east, Birmingham, Alabama.

21308–CD–TC–75, Mountain Home Telephone Co., Inc., Consent to Transfer of Control from Calvin Ozeschin, et al, Transferor to Century Telephone Enterprises, Inc., Transferee. Station: KLB773, Mountain Home, Arkansas.

21309–CD–AL–75, M. O. Bobes d/b/a Mobile Telephone Service of Wheeling, West Virginia Consent to Assignment of License from M. O. Bobes d/b/a Mobile Telephone Service of Wheeling, West Virginia, Assignor to Mobile Telephone Service of Wheeling, West Virginia, Inc., Assignee. Station: KQK775 & KSV893, Wheeling, West Virginia.

21309–CD–AL–(5)–75, Empire Paging Corporation, consent to assignment of license from Empire Paging Corporation, assignor to Tri-State Radio Corporation, assignee, Stations, KUO631 and KEC744, Atlantic City, New Jersey, KEC746, Cape May, New Jersey, KUO615, Marshalltown, Delaware and KGA800, Wilmington, Delaware.

Major Amendment

20617–CD–P–75, Island Telepage Systems, Oak Harbor, Washington, (New), Amend to change base frequency 454.250 MHz. to read 454.300 MHz and to add second transmitting site at Lummi Island, Washington to operate on same frequency; change the antenna system at the proposed Blyn Mountain, Washington site. All other particulars are to remain the same as reported on PN #726, dated November 4, 1974.

Correction

21258–CD–P–(4)–75, New Dawn Communications, Inc. (KCB892), correct to read: 21258–CD–P–(6)–75, New Dawn Communications, Inc. (KCB892), C.P. for additional base facilities to operate on 152.18 and 152.21 MHz and repeater facilities to operate on 459.275 and 459.300 MHz located at 35 Hardy Road, Falmouth, Maine and Control facilities to operate on 454.275 and 454.300 MHz located at 32 Cook Street, Auburn, Maine.

21260–CD–P–(2)–75, Santa Cruz Telephone Answer and Radio Service, correct entry to include the addition of frequency 454.325 MHz at Loc. #1. All other particulars to remain as previously reported on PN #745, dated March 17, 1975.

21268–CD–AL–75 (KLF531), correct station location to read Groton, Connecticut. All other particulars to remain as previously reported on PN #745, dated March 17, 1975.

Island Telepage Systems (New), Delete Major amendment to 20618–CD–P–75 previously reported on PN #746 March 24, 1975, due to Applicant inadvertent reference to File number 20618–CD–P–75 in Major amendment.

Informatives

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding Ex Parte presentations by reason of potential electrical interference.

C & C Communications Co., Vancouver, Washington, 21541–C2–P–74; Maron O. Scott, Chehalis, Washington, 20262–CD–P–75; Gulf Central Communications & Electronics, Inc., Nr. Kaplan, Louisiana, 21543–C2–P–74; Jennings Mobilfone, Nr. Jennings, Louisiana, 20002–CD–P–75; Gulf Central Communications & Electronics, Inc., Lafayette, Louisiana, 20252–CD–P–75.

RURAL RADIO

60297–CR–P–75, The Mountain States Telephone and Telegraph Company (New), C.P. for a new rural subscriber station to operate on 158.01 MHz to be located 5.3 Miles SSW. of Scofield, Utah.

POINT-TO-POINT MICROWAVE RADIO SERVICE

3080–CF–P–75, MCI Telecommunications Corporation (WPY77), 9.3 Miles NW. of Greer, Arizona. Lat. 34°06'33" N., Long. 109°34'27" W. C.P. to add frequency 6380.7H towards Pinal Peak, Arizona on azimuth 231°55'.

3081–CF–P–75, Same (New), 8.0 Miles South of Miami, Arizona. Lat. 33°16'56" N., Long. 110°49'14" W. C.P. for a new station on 6167.6H MHz towards Greer, Arizona on azimuth 51°13'.

3052–CF–P–75, American Telephone and Telegraph Company (KGN87), 0.5 mile SW. of Faulkner, Maryland. Lat. 38°26'02" N., Long. 76°58'58" W. C.P. to add 3910V MHz towards Westwood, Maryland on azimuth 44°19'.

3053–CF–P–75, Same (KGN78), 1.4 miles SW. of Westwood, Maryland. Lat. 38°38'47" N., Long. 76°43'04" W. C.P. to add 3870V MHz towards Faulkner, Maryland; on azimuth 224°29'; add 3870H MHz towards Prince Frederick, Maryland on azimuth 141°35'.

3054–CF–P–75, Same (KGN95), 4.0 miles South of Prince Frederick, Maryland, Lat. 38°26'46" N., Long. 76°32'58" W. C.P. to add 3910H MHz towards Westwood, Maryland on azimuth 321°41'; 3910V MHz towards Trappe, Maryland on azimuth 97°04'.

3055–CF–P–75, Same (KGO60), 0.7 mile South of Trappe, Maryland. Lat 38°38'29" N., Long. 76°03'30" W. C.P. to add 3870V MHz towards Prince Frederick, Maryland on azimuth 247°22'; 3870H MHz towards Denton, Maryland on azimuth 38°28'.

3056–CF–P–75, Same (KGP39), 2 Miles NE. of Denton, Maryland. Lat. 38°54'19" N., Long. 75°47'23" W. C.P. to add 3910H MHz towards Trappe, Maryland on azimuth 218°38'; 3910V MHz towards Blackiston, Delaware on azimuth 14°37'.

3057–CF–P–75, Same (KGP42), 1.85 miles SE. of Blackiston, Delaware. Lat. 39°15'20" N., Long. 75°40'20" W. C.P. to add freqs. 3870V MHz towards Quinton, New Jersey on azimuth 39°19'; 3870V MHz towards Denton, Maryland on azimuth 194°41'.

3058–CF–P–75, Same (KEM73), 2 miles SE. of Quinton, New Jersey. Lat. 39°31'49" N., Long. 75°22'53" W. C.P. to add freq. 3910V MHz towards Blackiston, Delaware on azimuth 219°30'.

2779–CF–ML–75, RCA Alaska Communications, Inc. (WGF62), Bird Creek, Alaska. Lat. 60°57'52" N., Long. 149°26'19" W. Mod. of License to change polarization from Horizontal to Vertical on freq. 2125.4 MHz towards Bird Point, Alaska on azimuth 284°00'.

3051–CF–ML–75, American Telephone and Telegraph Company (KKW32), 4.8 miles West of Los Lunas, New Mexico. Lat. 34°-47'50" N., Long. 106°49'10" W. Mod. of License to change polarization from Vertical to Horizontal on freq. 4198 MHz towards Scholle, New Mexico on azimuth 141°28'.

3061–CF–P–75, The Chesapeake and Potomac Telephone Company of Maryland (New), 24 S. Centre Street, Cumberland, Maryland. Lat. 39°39'03" N., Long. 78°45'39" W. C.P. for a new station on freq. 11035.0V MHZ towards a new point of communication at Dans Rock, Maryland on azimuth 237°07'.

3062–CF–P–75, Same (New), On Dana Rock Road, adjacent to Lookout Tower, 3 miles East of Midland, Maryland. Lat. 39°34'57" N., Long. 78°53'50" W. C.P. for a new station on 10735.0V MHz towards a new point of communication at Martin Mountain, Maryland on azimuth 59°02'; 11485.0V MHz towards a new point of communication at Cumberland, Maryland on azimuth 57°01'.

3063–CF–P–75, Same (New), Sideling Hill, on U.S. 40, 7.7 miles West of Hancock, Maryland. Lat. 39°41'17" N., Long. 78°18'-02" W. C.P. for a new station on 10735.0V MHz towards a new point of communication at Clear Spring, Maryland on azimuth 98°58'; 10735.0V MHz towards a new point of communication at Martin Mountain, Maryland on azimuth 274°27'.

3064–CF–P–75, Same (New), Martin Mountain, 3.5 miles West of Flintstone and 0.2 mile North of U.S. 40, Maryland. Lat. 39°-42'26" N., Long. 78°37'39" W. C.P. for a new station on freq. 11625.0V MHz towards a new point of communication at Sideling Hill, Maryland on azimuth 94°14'; 11625.0V MHz towards a new point of communication at Dans Rock, Maryland on azimuth 239°12'.

3065–CF–P–75, Same (New), 2.5 miles West of Clear Spring, Maryland. Lat. 39°38'50" N., Long. 77°58'11" W. C.P. for a new station on 11625.0V MHz towards a new point of communication at Hagerstown, Maryland on azimuth 91°26'; 11625.0V MHz towards a new point of communication at Sideling Hill, Maryland on azimuth 279°11'.

3066–CF–P–75, Same (New), 120 W. Antietam Street, Hagerstown, Maryland. Lat. 39°38'-32" N., Long. 77°43'28" W. C.P. for a new station on 10735.0V MHz towards Clear Spring, Maryland on azimuth 271°35'.

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3062-CF-AL-(1)-75, The Ohio Bell Telephone Company, Consent to Assignment of Radio Station License from the Ohio Bell Telephone Company, Assignor to General Telephone Company of Ohio, Assignee, for station KQH48, Bryon, Ohio.

2942-CF-P-75, Eastern Microwave, Inc. (WPX 31), 4 Miles ESE. of Attica, New York. Lat. 42°50'12" N., Long. 78°12'20" W. C.P. to add 6049.0H MHz toward Springwater, New York on azimuth 115°57'.

2949-CF-P-75, American Television Relay, Inc. (KNK67), 4.1 Miles SSW. of Palm Desert, California. Lat. 33°31'22" N., Long. 116°25'30" W. C.P. to change point of communications from Eagel Mtn., California to Desert Center, California, existing frequencies uncharged.

3014-CF-MP-75, Eastern Microwave, Inc. (WQR73), Pittsburgh, Pennsylvania. Lat. 40°26'46" N., Long. 79°57'51" W. Mod. of C.P. (9383-C1-P-73), (a) to delete West View, Pennsylvania, McKees, Penna.; and Universal, Penna. as points of communications, (b) to change name of point of communications from Mt. Lebanon, Penna. to Castle, Penna., (c) change polarity to 11665.0V MHz and 11345.0V MHz toward Bethel Park, Penna, (d) change polarity to 11665.0V MHz and 11345.0V MHz toward Etna, Penna.

3015-CF-MP-75, Same (WQR74), 2.0 Miles South of Bethel Park, Pennsylvania. Mod. of C.P. (9385-C1-P-73) to, (a) delete West Homestead, Pennsylvania as a point of communications, (b) change coordinates of Washington, Penna. receive site to Lat. 40°06'12" N., Long. 80°13'34" W.

3016-CF-MP-75, Same (WDD62), 0.9 Mile SE. of Bell Point Hill, Pennsylvania. Lat. 40°32'09" N., Long. 79°31'59" W. Mod. of C.P. (9384-C1-P-73) to delete Scottdale, Pennsylvania as a point of communication.

3067-CF-P-75, Microwave Communications, Corp. (KNM53), St. John Mtn., 27 miles West of Willows, California. Lat. 39°26'05" N., Long. 122°41'32" W. C.P. to change Frequency 6004.5V MHz to 5945.2V MHz toward (KHSL-TV) in Chico, California.

3069-CF-P-75, American Television & Communications Corp. (New), Winter Haven, Florida. Lat. 28°00'46" N., Long. 81°45'45" W. C.P. for a new station on 11665.0V 11345.0V MHz and 11505.0V MHz toward Mulberry, Florida on azimuth 247°13'.

3070-CF-P-75, Same (New), Mulberry, Florida. Lat. 27°56'08" N., Long. 81°58'09" W. C.P. for a new station on 10975.0V MHz, 10615.0V MHz and 1135.0V MHz toward Plant City, Florida and Lakeland, Florida. Lat. 28°00'03" N., Long. 82°07'38" respectively.

3071-CF-P-75, Same (New) Plant City, Florida. Lat. 28°00'03" N. Long. 82°07'38" W. C.P. for a new station on 11385.0V MHz, 11545.0V MHz and 11225.0V MHz toward Brandon, Florida on azimuth 244°03'.

3072-CF-P-75, Same (New), Brandon, Florida. Lat. 27°55'32" N., Long. 82°18'04" W. C.P. for a new station on 10775.0V MHz, 11095.0V MHz and 10935.0V MHz toward Ruskin, Florida on azimuth 202°54' and toward Mullis City, Florida on azimuth 299°00'.

3073-CF-P-75, American Television & Communications Corp. (New), Mullis City, Florida. Lat. 28°22'22" N., Long. 82°31'59" W. C.P. for a new station on 11425.0V MHz, 11585.0V MHz and 11265.0V MHz toward Safety Harbor, Florida on azimuth 250°07'.

3074-CF-P-75, Same (New), Safety Harbor, Florida. Lat. 27°59'07" N., Long. 82°42'05" W. C.P. for a new station on 10735.0V MHz, 10895.0V MHz and 11055.0V MHz toward Largo, Florida on azimuth 231°33'.

3075-CF-P-75, Same (New), Largo, Florida. Lat. 27°53'14" N., Long. 82°50'25" W. C.P. for a new station on 11665.0V MHz, 11345.0V MHz and 11505.0V MHz toward St. Petersburg, Florida on azimuth 126°58'.

3076-CF-P-75, Same. (New), Ruskin, Florida. Lat. 27°42'24" N., Long. 82°24'18" W. C.P. for a new station on 11665.0V MHz, 11345.0V MHz and 11505.0V MHz toward Bradenton, Florida, on azimuth 204°42'.

3118-CF-A1-(4)-75, Application for Consent to Assignment of Radio Station License from Yankee Microwave Corporation, Inc., Assignor, to Karlen Communications, Inc., Assignee, for the following stations: KYZ85, Mt. Washington, New Hampshire; WYZ86 Moose Hill, Maine; WQQ54, Blinn Hill, Maine; and WAH541, Saddleback Mtn., New Hampshire.

3095-CF-ML-75, American Telephone and Telegraph Company (KIM52), 4.0 miles NE. of Leopold, Indiana. Lat. 38°07'27" N., Long. 86°31'09" W. Mod. of License to change polarity from Horizontal to Vertical on frequencies directed towards Schnellville, Indiana.

3093-CF-P-75, Southwestern Bell Telephone Company (KKB37), 1116 Houston Street, Fort Worth, Texas. Lat. 32°44'57" N., Long. 97°19'43" W. C.P. to correct coordinates, transmission path and add 3730H MHz towards Roanoke, RS, Texas on azimuth 04°41'.

3099-CF-P-75, The Southern New England Telephone Company (New), 39 West Street, Danbury, Connecticut. Lat. 41°23'34" N., Long. 73°27'16" W. C.P. for a new station on 11095.0V and 11095.0H MHz towards a new point of communication located at Moses Mountain, Connecticut on azimuth 194°46'.

3100-CF-P-75, Same (New), Moses Mountain, 2.4 miles SW. of City of Danbury, Connecticut. Lat. 41°21'34" N., Long. 73°27'58" W. C.P. for a new station on 11545.0V and 11545.0H MHz towards Danbury, Connecticut on azimuth 14°46'; 11505.0V and 11505.0H MHz towards Norwalk, Connecticut on azimuth 166°07'.

3101-CF-P-75, Same (KCE72), 430 John Street, Bridgeport, Connecticut. Lat. 41°10'34" N., Long. 73°11'43" W. C.P. for adding 11565V MHz towards Norwalk, Connecticut on azimuth 252°08'.

3102-CF-P-75, Same (KTQ40), Willard Road, Norwalk, Connecticut. Lat. 41°07'42" N., Long. 73°23'26" W. C.P. to add 11065V MHz and 11055H MHz towards Moses Mountain, Danbury, Connecticut on azimuth 346°10'; 11115V MHz towards Bridgeport, Connecticut on azimuth 72°00'.

Major Amendments

1478-CF-P-75, RCA Alaska Communications, Inc. (WJM35), Duncan Canal, Alaska. Application amended to change site location at Duncan Canal to Lat. 56°45'20" N., Long. 133°10'21" W. and change azimuth of radio path to 54°29' towards Petersburg, Mtn., passive reflector and 300°18' towards Kake North, passive reflector. (Rest remain the same as reported on Public Notice dated November 18, 1974.)

Corrections

2403-CF-P/ML-75, Southern Pacific Communications Company (WOF52), Correct entry to read: 1.3 miles North of McKiddyville, Oklahoma. Lat. 35°06'06" N., Long. 97°11'56" W. C.P. and Mod. of License to correct station location to that shown above and to change frequency to 11385.0V MHz on azimuth 160°23' towards Byars, Oklahoma.

MULTIPOINT DISTRIBUTION SERVICE

Major Amendments

1432-C5-P-72, Microband Corporation of America (New), amended to change applicant to "Microband-MTC West Coast, Inc." Station location: Anaheim, California. All other particulars remain the same as reported by Public Notice date 9-20-71.

1792-C5-P-72, Microband Corporation of America (New), amended to change applicant to "Microband-MTC West Coast, Inc." Station location: Seattle, Washington. All other particulars remain the same as reported by Public Notice date 10-21-71.

6234-C5-P-71, Microband Corporation of America (New), amended to change applicant to "Microband-MTC West Coast, Inc." Station location: San Francisco, California. All other particulars remain the same as reported by Public Notice date 5-10-71.

2815-C5-P-72, Microwave Transmission Corporation (New), amended to change applicant to "Microband-MTC West Coast, Inc." Station Location: Portland, Oregon. All other particulars remain the same as reported by Public Notice date 11-17-71.

Informative

The above amendments reflect a joint venture by Microband Corporation of America and Microwave Transmission Corporation to resolve mutually exclusive applications in these cities. Upon grant of the above applications, it is requested that the remaining applications in each city be dismissed. These amendments do not affect the applications' status under the "cut-off" rule. (SEE Notice of Proposed Rule Making in Docket No. 19905, 44FCC2d556.)

APPLICATIONS FILED PURSUANT TO SECTION 214 OF THE COMMUNICATION ACT OF 1934, AS AMENDED:

TELEPHONE WIRE FACILITIES

W-P-C-349, American Telephone and Telegraph Company and Southwestern Bell Telephone Company Informal (Section 63.-03), To equip for operation 2 pairs in an existing coaxial cable between Kansas City, Missouri and Mission, Kansas.

W-P-C-350, American Telephone and Telegraph Company and Southern Bell Telephone and Telegraph Company Formal (Section 63.01), To equip an existing spare coaxial cable pair for L4 carrier operation between: Polk City, Florida-Windermere, Florida; Jacksonville, Florida-Ellisville, Florida; and Ojus, Florida-Windermere, Florida.

W-P-C-351, South Central Bell Telephone Company Formal (Section 63.06), Blanket authority to supplement existing facilities in applicants' operating area.

W-P-D-42, The Ohio Bell Telephone Company Formal (63.62(F) and 63.505), To discontinue cable television channel service in the communities of Canton, Louisville, North Canton, and the Plain, Perry, Jackson and Canton Townships. Facilities will be purchased by cable television operator Warner CCC, Inc.

[FR Doc.75-8686 Filed 4-3-75;8:45 am]

FEDERAL MARITIME COMMISSION

[FMC-142(a)]

AMERICAN PRESIDENT LINES, LTD. AND OYAMA SHIPPING COMPANY, LTD.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before April 24, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

American President Lines, Ltd. and Oyama Shipping Co., Ltd.

Notice of agreement filed by:

Mr. D. J. Morris
Assistant Director of Pricing
American President Lines, Ltd.
601 California Street
San Francisco, California 94108

Agreement No. 10157 is a transshipment agreement between American President Lines, Ltd. and Oyama Shipping Co., Ltd. applying to the transportation of containerized cargo moving under through bills of lading from Philippine Islands ports of call of Oyama to ports of call of APL on the Pacific Coast of the United States with transshipment at Hong Kong or ports in Japan.

By order of the Federal Maritime Commission.

Dated: April 1, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-8818 Filed 4-3-75;8:45 am]

[Docket No. 75-8]

PUERTO RICAN FORWARDING CO., INC. ET AL.

Possible Violations of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933; Investigation and Hearing

Puerto Rican Forwarding Company, Inc. (PRF) had been operating as a tariffed Non-Vessel Operating Common Carrier (NVOCC) in the Puerto Rican trades since the early 1960's and as a licensed independent ocean freight forwarder since May 17, 1966. European Container Service (ECS), a division of PRF was also a tariffed NVOCC in the European Trades but was not a freight forwarder.

PRF surrendered its freight forwarder's license on June 16, 1972 and cancelled its NVOCC tariff on September 1, 1972. ECS also cancelled its NVOCC tariff on September 1, 1972. Contemporaneously, Seatrain Lines, Inc. (Seatrain), entered into an agreement with Transmodal Associates, Inc. (Transmodal), a newly created company owned by the owners of PRF and ECS, whereby Transmodal would be a sales agent of Seatrain for less than trailerload freight (LTL) in both the New York/Puerto Rico and New York/United Kingdom and Continent trades. Furthermore, Seatrain and PRF agreed that PRF was to be the agent for Seatrain to receive cargo, consolidate and strip containers, and perform certain LTL services exclusively for Seatrain. Seatrain maintained that these agreements were not subject to section 15 of the Shipping Act, 1916, because Transmodal and PRF were not persons subject to the Act as would be required to establish jurisdiction.

On or about October 1, 1974 the Puerto Rico Maritime Shipping Authority (PRMSA) initiated service in the Puerto Rico/East and Gulf Coast trades, and Sea-Land Service, Inc. (Sea-Land), Seatrain Lines, Inc., and Transamerican Trailer Transport, Inc. (TTT) withdrew.

From about October 9, 1974 until on or about December 9, 1974, PRF continued to perform the above described services in the Puerto Rican trade, ostensibly as agent for Seatrain. During this period of time PRF shipped containers and trailers via PRMSA's respective services at Port Elizabeth and Staten Island.

On the basis of bills of lading and other information it appears that PRF, as shipper and consignee, may have shipped containers and trailers at freight all kinds (FAK) rates, when in fact their shipments did not qualify for such rates under the terms of PRMSA's tariff because of failure to meet cargo mix requirements.

The Commission has determined that a proceeding should be instituted pursuant to sections 18(a) and 22 of the Shipping Act, 1916, and section 2 of the Intercoastal Shipping Act, 1933, to determine whether PRF was operating as an NVOCC in the Puerto Rican Trade without a tariff on file and/or whether any of PRF's shipments were in violation of rules or regulations related to FAK shipments as set forth in Item 15940 of PRMSA's Tariff, FMC-F No. 1, Second Revised Page 419, Note 1.

It also appears that PRMSA and PRF may be further violating the express terms of PRMSA's tariff pertaining to freight of all kinds. This rule requires, among other things, that the shipper must furnish the carrier a complete manifest of the contents of each trailer, showing the number of packages, description of goods and gross weight of each article. PRMSA was unable to produce these documents when so requested by Commission investigators.

Therefore, it is the determination of the Commission that the proceeding hereby instituted further investigate, pursuant to section 2 of the Intercoastal Shipping Act, 1933, and section 16, of the Shipping Act, 1916, whether PRF and PRMSA did violate provisions of PRMSAs tariff, and if so, whether by these violations PRMSA allowed PRF to obtain transportation at less than the regular rates or charges then established.

During December 1974, PRF filed an NVOCC tariff in the Puerto Rican trade to become effective January 20, 1975. Because of Seatrain's continued relationship with ECS, a corporate affiliate of PRF, the Commission is of the opinion that the proceeding should also determine, pursuant to section 15 of the Shipping Act, 1916, whether the agreement(s) between Seatrain on the one hand, and Transmodal, PRF, or ECS on the other is subject to that section, and if so, whether such agreement(s) should be approved, disapproved, or modified after public investigation and hearing.

It is therefore ordered, That pursuant to section 22 of the Shipping Act, 1916, a proceeding is hereby instituted to determine whether PRF, Transmodal, ECS, PRMSA, and/or Seatrain, have violated and/or are continuing to violate various provisions of the Shipping Act, 1916, and/or the Intercoastal Shipping Act, 1933, as set forth below.

It is further ordered, That pursuant to section 18(a) of the Shipping Act, 1916, a determination shall be made as to whether PRF was operating as an NVOCC without a tariff on file with this Commission.

It is further ordered, That pursuant to section 2 of the Intercoastal Shipping Act, 1933, a determination shall be made as to whether PRF, its principal, Seatrain, and/or PRMSA violated any of the rules or regulations set forth in or, related to Item 15940 of PRMSA's tariff FMC-F No. 1.

It is further ordered, That pursuant to section 16 of the Shipping Act, 1916, a determination shall be made as to whether PRF obtained or is obtaining transportation by water for property at less than the rates or charges which would otherwise be applicable at any time since October 1, 1974.

It is further ordered, That a determination shall be made as to whether any agreement or agreements between Seatrain on the one hand, and Transmodal, PRF, and/or ECS on the other, are subject to section 15 of the Shipping Act, 1916, and if so, whether they should be approved, disapproved or modified.

It is further ordered, That pursuant to section 16 Second of the Shipping Act, 1916, a determination shall be made as to whether PRMSA allowed any person to obtain transportation for property at less than the regular rates or charges which would otherwise be applicable.

It is further ordered, That Puerto Rico Forwarding Company, Inc., Transmodal Associates, Inc., including its division European Container Service, the Puerto Rico Maritime Shipping Authority and Seatrain Lines, Inc. are hereby made respondents to this proceeding.

It is further ordered, That this matter be assigned for public hearing and decision by an Administrative Law Judge of the Commission's Office of Administrative Law Judges, and that the hearing commence on or before October 1, 1975.

It is further ordered, That (1) a copy of this order be forthwith served upon

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the respondents named herein and upon the Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER; and (2) the respondents and Hearing Counsel be duly served with notice of time and place of the hearing.

It is further ordered, That any person other than respondents and Hearing Counsel having an interest and desiring to participate in this proceeding shall file a petition for leave in accordance with Rule 5(1) (46 CFR § 502.72) of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.75-8819 Filed 4-3-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP75-269]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

MARCH 27, 1975.

Take notice that on March 13, 1975, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP75-269 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to sell and deliver an additional 147,368 Mcf of natural gas per day to certain of its existing customers under Rate Schedules WS-1 and WS-2 and to construct related facilities, all as set out more fully in the application, which is on file with the Commission and open to public inspection.

Applicant states that the application further implements arrangements for the funding of exploration and development by Shell Oil Company (Shell) of gas reserves underlying offshore Louisiana. Applicant indicates it made an advance payment to Shell of $40 million in return for the right to purchase natural gas produced from these reserves. Applicant states that its customers, in turn, reimbursed Applicant for $36,362,667 of the $40 million, in consideration for the right to purchase during the winter season the customers' proportionate shares of deliverability from the Shell reserves, in accordance with agreements between Applicant and participating customers.

The application states that Applicant has subsequently made available winter service to those customers not originally participating in the Shell funding arrangement from that portion of deliverability from the Shell reserves attributable to the funds advanced by Applicant to Shell and not reimbursed by funding customers. Applicant states further that customers who participate in funding the Shell advances will receive service under Rate Schedule WS-1 while non-funding customers will receive service under Rate Schedule WS-2, bearing a rate consisting of the WS-1 rate plus a surcharge reflecting the financing costs associated with the unreimbursed Shell advances.

Applicant indicates that it is presently seeking authorization to offer 52,632 Mcf per day of winter service by an application filed March 29, 1974, in Docket No. CP74-260, as subsequently amended. Applicant states this service is being implemented during the 1974-75 winter under temporary authorization granted by Commission order on November 27, 1974.

The application states it is now anticipated that deliverability from the Shell reserves will attain 200,000 Mcf per day during the winter season of 1975-76. Accordingly, commencing with the 1975-76 winter season, Applicant seeks authorization to sell and deliver an additional 147,368 Mcf per day to winter service customers. Applicant indicates 100 days of winter service at 200,000 Mcf per day will be available to winter service customers, but service can be scheduled by the customers over a 120-day period starting December 1. Applicant projects that this service will commence December 1, 1975; however, the service would not be implemented until, in Applicant's judgment, deliveries from the Shell reserves can be maintained at the level of 200,000 Mcf per day or above. Such proposed sales and deliveries are requested to be in the daily quantities shown on the following table:

Share of 200,000 M ft³ per day winter service for 1975-76

COMPANY	Pro rata share	M ft³ (1,000 Btu/ft.³)
Rate schedule WS-1:		
Associated Natural Gas Co.	0.00129	258
Central Illinois Light Co.	0.00078	156
Illinois Power Co.	0.03750	7,500
Iowa Power & Light Co.	0.00578	1,156
Kaskaskia Gas Co.	0.00046	92
Nashville, Ill., city of	0.00071	142
North Shore Gas Co.	0.04497	8,994
Northern Illinois Gas Co.	0.35423	70,846
Northern Indiana Public Service	0.13520	27,040
Peoples Gas, Light, & Coke Co., The	0.31431	62,862
Peoples Natural Gas Division	0.00115	230
Pinckneyville, Ill., city of	0.00087	174
Salem, Ill., city of	0.00144	288
Sullivan, Ill., city of	0.00025	50
United Cities Gas Co.	0.00133	266
Wellman, Iowa, town of	0.00024	48
Wisconsin Southern Gas Co., Inc.	0.00856	1,712
Rate schedule WS-2:		
Interstate Power Co.	.00882	1,764
Iowa Electric Light & Power Co.	.01165	2,330
Iowa-Illinois Gas & Electric Co.	.05409	10,818
Iowa Southern Utilities Co.	.00209	418
Mississippi River Transmission Corp.	.01343	2,686
North Central Public Service Co.	.00013	26
Perryville, Mo., city of	.00072	144

Applicant states that winter service gas will be utilized primarily to serve residential and small commercial customers. The application indicates this is primarily winter space heating load to meet residential growth and to alleviate existing waiting lists for new service.

Applicant proposes to make these sales pursuant to the terms of its Rate Schedules WS-1 and WS-2; however, Applicant proposes to revise the rate provision of these rate schedules to provide for billing and payment under a monthly demand charge applied uniformly throughout the year, and discontinue the carrying charge component of the presently effective rates. Applicant states it will continue to apply its present rate-making procedure of offsetting the Winter Service revenues against the costs used in the development of basic DMQ-1 sales rates.

Applicant indicates that the sales rates for the proposed service are derived by classifying such cost of service to demand and commodity cost components utilizing an unmodified Seaboard[1] cost classification. Applicant states that in its development of the cost of service data, a 10.34 percent overall rate of return which produces a 15.25 percent return on equity and a 5 percent depreciation rate is used.

Applicant proposes to construct approximately 12.14 miles of 36 inch pipeline and 11.94 miles of 30-inch pipeline in Effingham, Grundy, Cook and Lake Counties, Illinois, partially looping its Gulf Coast pipeline. Applicant asserts the additional facilities are necessary to accommodate the increased quantities of pipeline flow gas from the Shell reserves and, in addition, maintain current flows of storage gas between Applicant's storage fields and the terminus of its system during the winter heating season. Applicant estimates that the additional mainline facilities will cost $9,953,000.

Applicant states that as of December 31, 1974, no exact plan for financing facilities proposed in this application had been finally determined and no firm financing commitments had been made. Applicant sets forth in the application a detailed description of cash funds from outside sources required in the current period to finance these facilities, other facilities certificated but which have not been permanently financed, requirements for normal construction and other corporate obligations and advances which total approximately $135,000,000. Applicant states that financing these requirements will be done on an interim basis with a combination of funds obtained under lines of credit entered into with several banks, with short-term borrowings from Peoples Gas Company (Applicant's parent) and through the issuance of commercial paper.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 16, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

[1] Atlantic Seaboard Corporation, et al. Docket No. G-1384, et al., 11 FPC 43.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by secs. 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-8591 Filed 4-3-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 8, April 21, 1975, from 8:30 a.m. to 3 p.m., Room 2225, Building 41, Denver Federal Center, Denver, Colorado. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the proposed year term fixed price contract for selected projects in the State of Colorado.

Frank and open discussion of the professional qualifications of the firms being considered is essential to insure selection of the best qualified firms. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b)(5), the meeting will not be open to the public."

MICHAEL J. NORTON, *Regional Administrator.*

[FR Doc.75-8782 Filed 4-3-75;8:45 am]

[FPMR Temp. Reg. E-38]

AUTOMATIC DATA PROCESSING EQUIPMENT AND DATA COMMUNICATIONS SYSTEMS

Privacy and Budgetary Certifications Needed for Agency Procurement Requests

1. *Purpose.* This regulation continues the certification requirements previously stated in FPMR Temporary Regulation E-34. These certifications are in addition to the information required by FPMR 101-32.203, 101-32.404, and 101-35.203. This regulation also includes information and requirements related to the Privacy Act of 1974 (Pub. L. 93-579), pending the issuance of guidelines and regulations by the Office of Management and Budget (OMB) pursuant to the provisions of the Act.

2. *Effective date.* This regulation is effective April 4, 1975.

3. *Expiration date.* This regulation expires September 30, 1975, unless sooner revised or superseded.

4. *Applicability.* The provisions of this regulation apply to all Federal agencies.

5. *Background.* GSA issued FPMR Temporary Regulation E-34 on October 1, 1974, which required, for an interim period, agency certifications of privacy safeguards and budgetary approval. Subsequently, the Privacy Act of 1974 was passed by the Congress and signed by the President December 31, 1974. Sections 3 and 4 of this Act become effective September 27, 1975. The remaining sections were effective upon enactment.

6. *Procedures.* If a proposed Agency Procurement Request (APR), a request for a data communications system or service, or a request for ADP services involve a procurement action meeting either or both of the criteria in a and b, below, the certifications indicated in paragraph 7, below, must be provided to GSA with the APR, the data communications request, and/or the request for ADP services before GSA can act on the request. When neither of the criteria in a nor b is met, the APR and/or the data communications request should so indicate.

a. An ADP system, a teleprocessing system, a data communications system, or any augmentation thereto, which will be used for the storage, retrieval, processing, or transfer of "personal information" other than routine employment-related information on agency employees; e.g., payroll or accounting.

b. An ADP, teleprocessing, or data communications system which constitutes all or part of a contemplated procurement of any system in excess of $25 million in "system's life cost."

NOTE.—The term "personal information" means any system of records pertaining to identifiable individuals which are indexed or from which information can be retrieved by the name assigned to each individual or some identifying number or symbol. The term "system's life cost" in this instance means the total dollar value of the hardware, vendor-supplied software, and maintenance over the life of the system.

7. *Certifications.* Each APR, request for a data communications system or service, or request for ADP services meeting the criteria in paragraph 6, above, shall include a certification by the head of the agency or his authorized designee that:

a. The procurement has been included in the agency's budget program plan submitted to the Office of Management and Budget (OMB) and was not disallowed either by OMB or the Congress for the fiscal year in which the award is anticipated and/or was included in the budget to be submitted to the Congress. A statement should be included indicating whether the object of the procurement was explicitly or implicitly described in the documentation provided to OMB and/or the Congress with sufficient detail to the relevant portion of the document including, if applicable, a cross-reference to submissions made pursuant to OMB Circular A-11 and Federal Management Circular 74-2. If the budgetary amendment or budget request was outside the normal budget cycle, an indication of this fact and the date of its submission to OMB shall be provided. (Procurements of less than $50,000 do not require a budget certification.);

b. Adequate measures to safeguard "personal information" have been incorporated into the system's design;

c. The provisions of section 7 of the Privacy Act of 1974 will be complied within the design, development, operation, or maintenance of the system; and

d. All provisions of the Privacy Act of 1974 have been considered with respect to ADP systems and/or data communications systems or services being acquired which are to be operational on or after September 27, 1975.

8. *Documentation, retention, and review.* Each agency shall retain documentation supporting the information provided with the APR and/or data communications request. Agencies should be aware that in certain instances review of these files may be required.

9. *Privacy Act of 1974.* In addition to the criteria outlined in this regulation and the specific certifications required, agencies should ensure that the Act is considered with respect to any new ADP and/or data communications systems to be procured.

10. *Effect on other issuances.* This regulation cancels FPMR Temporary Regulation E-34 and Supplement 1 thereto. It also supplements requirements expressed in FPMR 101-32.203, 101-32.404, and 101-35.203.

11. *Agency comments.* Agency comments shall be submitted to the General Services Administration (CP), Washington, D.C. 20405, no later than April 30, 1975.

ARTHUR F. SAMPSON, *Administrator of General Services.*

MARCH 31, 1975.

[FR Doc.75-8792 Filed 4-3-75;8:45 am]

[GSA Order Adm 1095.1]

ENVIRONMENTAL IMPACT STATEMENTS

Preparation Procedures

Notice is hereby given that the General Services Administration in accordance with the National Environmental Policy Act of 1969 (Pub. L. 91-190) has adopted uniform procedures for preparing environmental impact statements. This procedure was published as a proposed order in the FEDERAL REGISTER on April 16, 1974 (39 FR 13722). Interested persons were given 45 calendar days to submit written data, views, or objections.

V 40166 APR 475

No written objections were received and the proposed procedures were adopted with minor modifications.

Dated: March 26, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

ENVIRONMENTAL CONSIDERATIONS IN DECISIONMAKING

1. *Purpose.* a. This order prescribes the uniform procedures to be followed in implementing the laws, Executive orders, and directives with respect to all major GSA actions which significantly affect the quality of the human environment. These laws, Executive orders, and directives include the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et. seq.), hereinafter referred to as NEPA; Executive Order 11514 of March 5, 1970, entitled "Protection and Enhancement of Environmental Quality"; section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f); Executive Order 11593 of May 13, 1971, entitled "Protection and Enhancement of the Cultural Environment"; Executive Order 11752 of December 17, 1973, entitled "Prevention, Control, and Abatement of Environmental Pollution at Federal Facilities"; and the Guidelines issued by the Council on Environmental Quality (CEQ) for preparing environmental impact statements, hereinafter referred to as the Guidelines, published in the FEDERAL REGISTER August 1, 1973, 38 FR 20550, and amended in the FEDERAL REGISTER on August 7, 1973, 38 FR 21265.

b. This order provides a basis for the publication, when required, of service and staff office orders and instructions explicitly directed toward the particular activities and personnel of each organization. Publication by the Public Buildings Service of its orders and instructions will complete GSA's primary implementation of § 1500.3 of the Guidelines.

2. *Background.* Section 102 of NEPA directed all Federal agencies (a) to utilize a systematic, interdisciplinary approach which will ensure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment; (b) to develop methods and procedures which will ensure that environmental concerns, effects, and values are given appropriate consideration with economic and technical issues in decisionmaking; and (c) to prepare detailed statements on recommendations or reports for legislative proposals and other major Federal actions that may significantly affect the quality of the human environment. Executive Order 11514 effectuates the purpose of NEPA, and the revised Guidelines for implementing NEPA have been issued by CEQ.

3. *Role of the environmental impact statement process.* The environmental impact statement process is a means of coordinating active consideration of environmental concerns throughout the GSA planning, action development, and review processes. Environmental enhancement, protection, and restoration shall be regarded as primary responsibilities. Through serious consideration of alternatives, adverse environmental effects must be avoided or minimized. The process shall be used to reassess ongoing actions as NEPA applies to those actions approved prior to January 1, 1970, and to assess future actions to avoid or minimize adverse effects.

4. *Responsibilities.*—a. *External to GSA.* (1) *Council on Environmental Quality.* Under section 202 of NEPA, CEQ is responsible for reviewing and appraising the environmental programs and activities of the Federal Government. CEQ will determine the extent to which these programs and activities are contributing to the achievement of NEPA's policy and make recommendations to the President with respect thereto.

(2) *Environmental Protection Agency (EPA).* Pursuant to section 309 of the Clean Air Act, as amended, EPA is responsible for the review of agency activities and proposed legislation and regulations if these would result in environmental impact on any activities under the authority of the EPA Administrator.

(3) *Advisory Council on Historic Preservation.* The Council is charged in section 202 of the National Historic Preservation Act of 1966 with advising the President and the Congress in the field of historic preservation and with commenting on Federal, federally assisted, and federally licensed undertakings which affect properties listed in the National Register of Historic Places.

b. *Internal GSA.* (1) *Deputy Administrator for Special Projects.* The Deputy Administrator for Special Projects acts for the Administrator on environmental matters. However, the distribution of environmental materials may be made by the Commissioner of the Public Buildings Service.

(2) *Director of Environmental Affairs.* The Director is responsible for the initiation and direction of GSA's nationwide environmental programs. He has review responsibility on all phases of the environmental impact statement process and represents GSA on environmental policy matters in dealings with entities outside the agency.

(3) *General Counsel.* The General Counsel has responsibility for interpreting statutes, Executive orders, guidelines, and regulations, and for reviewing impact statements to ensure compliance with the above authorities.

(4) *Other.* Responsibilities within the services and staff offices are to be delineated in their corresponding orders where required.

5. *Preparation of the environmental assessment.* Any major GSA action which may significantly affect environmental quality shall be carefully evaluated, and an environmental assessment of the action shall be prepared. From this assessment a determination can be made to develop an environmental impact statement or a negative declaration. Those GSA actions and activities which are covered by NEPA include, but are not limited to:

a. Major actions which would result from recommendations or favorable reports on legislation, including requests for appropriations, originating both within and outside the agency when GSA has primary responsibility for implementing the legislation;

b. Major actions which would result from establishment or modification of rules, regulations, procedures, and policies;

c. New and continuing actions by GSA, including grants, loans, and other funding assistance, new construction, real property actions, leases, permits, easements, and licenses; and

d. Major actions which would result from new technology, research, and development, based on the size of GSA's investment, likelihood of widespread application, potential environmental impacts, and degree that continued investment will foreclose alternatives.

6. *Decision to prepare an environmental impact statement.* Subsequent to an environmental assessment, if there is doubt whether a statement should be prepared, or if the proposed action is likely to be environmentally controversial, a statement shall be prepared. It must be recognized that many Federal decisions seem of limited environmental consequence when viewed individually but are of significant consequence when viewed collectively. When GSA is responsible for all such decisions, a GSA statement will be filed covering the entire complex of decisions and actions.

7. *Specific criteria.* As required by § 1500.6(c) of the Guidelines, the services and staff offices must review the typical classes of actions that they undertake and develop specific criteria and methods for identifying those actions likely to require environmental statements and those actions likely not to require environmental statements. The specific criteria, if applicable to existing actions and activities, shall be transmitted by the Heads of Services and Staff Offices to the Director of Environmental Affairs (PWA) upon request or as new agency activities arise which could qualify under the Guidelines.

ATTACHMENT

CHAPTER 1. DEFINITIONS

1. *Environment.* The whole complex of physical, social, cultural, and aesthetic factors which affect individuals and communities and ultimately determine their form, character, relationship, and survival.

2. *Resources.* All actions and ideas, as well as living and nonliving materials devoted to the action.

3. *Public entities.* Any Federal, State, or local offices and legislatures, and any public or semipublic agencies.

4. *Relevant A–95 clearinghouse.* Clearinghouse(s) listed in OMB Circular No. A–95 (Revised) clearinghouse directory for the geographical area in which the GSA action is to take place. (OMB through its Circular No. A–95 (Revised) established this system of clearinghouses to facilitate intergovernmental and intragovernmental communication.)

5. *Corresponding service and staff office orders and instructions.* Service and staff office orders and instructions which provide

guidelines, delineate procedures, and assign responsibilities relevant to the personnel and activities of the appropriate organization.

6. *Environmental assessment.* An evaluation occurring early in the approval process of the potential environmental impact of a project or activity. (The assessment begins when the planning on the project or activity is first initiated and ends with a decision to prepare either a full environmental impact statement or a negative declaration.)

7. *Environmental impact statement.* A detailed statement which, pursuant to section 102(2)(C) of NEPA, identifies and analyzes, among other things, the anticipated environmental impact of a proposed GSA action and discusses how the adverse effects will be mitigated.

8. *Negative declaration.* An official administrative decision stating that an analysis of the environmental assessment has been made and that the proposed action is not considered a major GSA action having a significant impact on the environment, and, therefore, will not require the preparation of an environmental impact statement. (The declaration must also include a summary of any known environmental impacts.)

9. *Significant environmental effects.* Socioeconomic and physical effects which may be beneficial and/or detrimental to the environment, even if the net effect is believed to be beneficial. (These effects may be influenced by the geographical location of the subject project or action. Significant detrimental effects include those that degrade the environment, curtail its range of uses, or sacrifice its long term productivity to serve only man's short term needs.)

10. *Comments.* All formal reactions by public and private entities to the proposed action and to the environmental impact statement.

11. *Areas of jurisdiction by law or special expertise.* Specific Federal agencies identified by appendix II of the Guidelines as competent to comment on environmental impact statements which have bearing on particular environmental concerns. (GSA's areas of jurisdiction by law or special expertise include energy and natural resources conservation (design and operation of buildings); property management; redevelopment and construction in built-up areas; historic, architectural, and archeological preservation; and any other areas designated by the Council on Environmental Quality.)

12. *Lead agency.* The Federal agency which has primary authority for committing the Federal Government to a course of action with significant environmental impact.

CHAPTER 2. ENVIRONMENTAL IMPACT STATEMENT PROCESS, CONTENT, AND FORMAT

1. *Environmental assessment.* The preparation of an environmental assessment shall begin within the service or staff office in the early stages of planning an action. (See figure 2–1.)[1] As the action develops, the assessment shall be prepared by all involved, using interdisciplinary expertise to ensure complete assessment and full consideration of the range of environmental factors in the development of the action to make certain that:

a. Commitments are not made to courses of action that will unnecessarily complicate reconciliation with environmental factors;

b. Environmentally desirable alternatives are not inadvertently foreclosed; and

c. Negative environmental impacts are minimized.

2. *Lead agency.* a. If there is a question concerning the primary responsibility for statement preparation, the matter shall be referred to the Director of Environmental Affairs (PWA) for resolution by CEQ. However, it is possible for a statement to be submitted jointly by all agencies concerned, with the comments being returned to a single designated official.

b. If GSA is the "lead agency" and one or more other agencies have partial responsibility for the action, the other agencies shall be requested to provide to the responsible GSA official such information as may be necessary to prepare a suitable and complete environmental impact statement. If another agency is designated to be the "lead agency," the criteria for statement preparation for that agency shall apply. Thus, GSA should consider its planned action in relation to those of other agencies in the area, as well as those actions jointly undertaken by GSA and other Federal agencies.

3. *Clearinghouse consultation.* The relevant A–95 clearinghouse (as defined in chap. 1–4) shall be notified of plans for the project or action at the earliest practicable point. Thus, any comments germane to the decision to prepare an environmental impact statement or to the early planning of the action may be promptly received and incorporated.

4. *Decision to prepare an environmental impact statement or negative declaration.* a. As soon as it is determined that an environmental impact statement will be necessary, the service or staff office developing the action shall begin preparation of the statement.

b. If, however, after completion of a full environmental assessment it is concluded that the action will have no significant adverse environmental impact, the service or staff office shall:

(1) Prepare a negative declaration which will have the environmental assessment as an attachment, obtain concurrence on the negative declaration from the Director of Environmental Affairs (PWA) and the Office of General Counsel (L), and forward the negative declaration to the Commissioner, PBS (P).

(2) Continue development of the action, and in the spirit of environmental enhancement, monitor the action for any subsequent development which may necessitate the preparation of an environmental impact statement.

(3) Maintain a copy of its negative declaration in a file available for public inspection. The original declaration shall be maintained in the Environmental Affairs office.

c. The Deputy Administrator for Special Projects shall reconcile any differences concerning the decision to prepare an environmental impact statement that may arise between the Director of Environmental Affairs and the services or staff offices.

5. *Environmental impact statement format.* a. Draft and final environmental impact statements shall be prepared in clear black type.

b. A cover page containing all essential information to facilitate subsequent identification and retrieval shall be prepared for each statement. Figure 2–5[2] is a suggested format.

c. The format of the summary sheet accompanying each statement is specified in appendix I of the Guidelines.

6. *Draft environmental impact statement preparation and content.* a. The draft shall describe in detail the environmental implications of a proposed GSA action and satisfy the substantive requirements of the final statement to the fullest extent possible. The minimum content requirements for an environmental impact statement are set out in section 1500.8 of the Guidelines. They require discussion of the following points:

(1) The action itself;

(2) The purpose of the action;

(3) The environmental setting;

(4) The relation, when appropriate, to other Federal actions in this area;

(5) The cumulative effects of the action;

(6) The probable impact of the action, including the national and international impact, when appropriate;

(7) The alternatives, including those outside of the agency's authority and the alternative of taking no action;

(8) Adverse effects, including a discussion of how they will be mitigated;

(9) Short and long term use of the environment; and

(10) The irreversible and irretrievable commitments.

b. Preparation of the draft environmental impact statement shall include input from all relevant disciplinary areas. Specialists to be consulted may include urban planners, land use planners, space planners, landscape architects, transportation experts, interior designers, design architects, engineers, sociologists, economists, psychologists, demographers, or any other experts, public or private, deemed necessary for full consideration of all relevant environmental factors. The solicitation of expert assistance from any public or private entity during the preparation of a GSA environmental impact statement does not detract from GSA responsibility for scope and content of the statement and the judgment relevant to GSA actions on the project.

c. Each statement shall show that the particular economic and technical benefits of the proposed action have been assessed against the environmental effects.

d. When the Head of Service or Staff Office or the Regional Administrator deems it appropriate, public meetings shall be held during the course of development of the action, either before the draft statement is prepared or at least 15 days following issuance of the draft statement. The agency's decision to hold a public meeting shall be based on the magnitude of the action, the complexity of the issue, and the extent of previous public involvement and interest. The Head of Service or Staff Office or Regional Administrator shall determine the best method of notifying the public that a public meeting is to be held.

e. When the service or staff office or regional office has completed the preliminary draft statement, it shall be transmitted to the Office of General Counsel (L) and to the Director of Environmental Affairs (PWA) for review and comment. The statement shall be revised as indicated in their comments and resubmitted to the same offices for concurrence. The Head of the appropriate Service or Staff Office or Regional Administrator shall then forward the statement to the Deputy Administrator for Special Projects (P) for distribution as indicated in par. 7.

f. The Head of Service or Staff Office or Regional Administrator shall determine the extent of newspaper coverage and select the newspaper(s) which would most adequately inform the reading public in the area of the action that a GSA draft environmental impact statement has been prepared. Notice should be published at least once and should include how and where copies of the Statement may be obtained. The paper(s) may be a weekly and very local in nature. If the action is not local in character, the Head of Service or Staff Office or Regional Administrator shall determine the best method of publicizing the availability for review of the environmental impact statement. The Director of Information in the Central Office and the Regional Administrators in the regions must clear notices regarding any GSA activity under their jurisdiction as provided in the GSA Administrative Manual, 6–2 (OAD P 5410.1).

[1] Filed as part of the original document.

[2] Filed as part of the original document.

V 40 166 APR 4 75 XUM

7. *Distribution of draft environmental impact statements.* The service or staff office or regional office responsible for the preparation of an environmental impact statement shall be responsible for compiling a list for its distribution. (See appendix II of the Guidelines.)

a. Included in this list shall be:

(1) The Council on Environmental Quality (5 copies);

(2) The relevant A–95 clearinghouse, appropriate elected officials, all State and local agencies that would be interested in the action;

(3) Federal agencies directly related to the specific action;

(4) EPA (7 copies);

(5) All other Federal agencies competent to comment owing to legal jurisdiction or special expertise (for reference, see appendix II of Guidelines);

(6) Any group or individual that requests a copy of the environmental statement; and

(7) Any entity, group, or individual that the Director of Environmental Affairs decides should be included.

b. The Deputy Administrator for Special Projects shall transmit copies of the statement to CEQ, the Governor and Senators from the affected State, the Congressman from the affected district, and any other appropriate officials. The service or staff office planning the action shall distribute copies to the remaining groups and individuals.

8. *Commenting period.* The service or staff office or regional office preparing the statement shall, in consultation with the Director of Environmental Affairs, establish a time limit of not less than 45 calendar days for comments on each draft. In establishing this time limit, the service or staff office or regional office should keep in mind the magnitude and complexity of the statement and the extent of citizen interest in the proposed action. For the purpose of establishing the minimum review period, the impact statement received by CEQ during a given week (Monday through Friday) will be recorded as filed with CEQ on the Friday of the following week. Upon request, GSA may extend the commenting period for up to 15 calendar days, whenever practicable. It may be assumed that entities that have not responded by the close of the commenting period do not wish to comment.

9. *Consideration of comments.* The service or staff office or regional office shall carefully reconsider its action in relation to the relevant and substantive comments received on the draft environmental impact statement, and shall make every attempt to reconcile its action with respect to any divergent recommendations by:

a. Altering its current plan of action;

b. Working with the commenting entities to develop mutually acceptable plans or workable compromises; and

c. Working with any additional entities or private groups to initiate additional projects or programs designed to mitigate environmental impacts.

If in the opinion of the Deputy Administrator for Special Projects (P) a substantial environmental consideration was not adequately dealt with in the draft statement, the draft shall be considered incomplete, and consideration shall be given to issuing a supplementary statement as provided in par. 13 or to issuing a new draft statement.

10. *Final environmental impact statement preparation and content.* a. The final statement shall consist of all the information in the draft statement and information on any developments that arise subsequent to the filing of the draft. All substantive comments made on the draft statement shall be attached to the final statement, insofar as feasible, and the substantive comments must be addressed in the text through revisions and additions or by direct reference. Additionally, wherever a conflict exists, efforts to reconcile differences shall be described, including the activities listed in par. 9.

b. When completed, the preliminary final statement shall be transmitted to the Office of General Counsel (L) and to the Director of Environmental Affairs (PWA) for review and comment. The statement shall be revised in accordance with their comments and resubmitted to them for concurrence. The Head of the appropriate Service or Staff Office or Regional Administrator who prepared the statement shall then forward the statement to the Deputy Administrator for Special Projects (P) for distribution as indicated in par. 11.

11. *Distribution of the final environmental impact statement.* a. Copies of the final statement shall be sent simultaneously and free of charge to:

(1) All entities that offered substantive comments on the draft;

(2) The Environmental Protection Agency;

(3) The relevant A–95 clearinghouse;

(4) The principal whose project is the subject of the statement; and

(5) The Council on Environmental Quality (5 copies).

b. The Deputy Administrator for Special Projects shall transmit copies of the statement to CEQ and other appropriate officials. The service or staff office which is planning the action shall make the remainder of the distribution.

c. All members of the public who request a copy shall receive one if feasible. When it is not feasible to comply with requests for copies, the Director of Environmental Affairs shall consult with CEQ in devising alternative arrangements. Under no circumstances shall a charge be affixed greater than the cost of reproduction.

12. *Moratorium period.* The services and staff offices and regional offices shall take no administrative action in prosecution of any phase of the subject action within 90 calendar days of the commencement of the review period on the draft (see par. 8) or within 30 calendar days of CEQ's receipt of the final statement. The above 90- and 30-day periods may run concurrently to the extent that they overlap. The Deputy Administrator for Special projects shall receive all requests for reducing the minimum time requirements. If after weighing all considerations he deems the request justied, he shall instruct the Director of Environmental Affairs to consult with the Council on Environmental Quality in arriving at alternative arrangements. Each organization shall be responsible for defining in its orders what action will not constitute "an administrative action in prosecution of the action" for each of its typical classes of action for which environmental impact statements are often prepared.

13. *Supplementary statements.* The service or staff office or regional office shall supplement or amend draft and final statements when substantial changes are made in the proposed action (unless these changes are made to decrease the environmental impact), when changes are made which significantly increase the adverse environmental impact, or when significant new information becomes available concerning the environmental impact of the action. The service or staff office or regional office shall distribute these supplements or amendments pursuant to par. 11, and the Director of Environmental Affairs (PWA) shall consult with CEQ regarding the necessity of reestablishing appropriate commenting or review periods.

14. *Recommendations or favorable reports on proposals for legislation.* a. If GSA makes a recommendation or favorable report on a legislative proposal the subject of which is the primary responsibility of GSA, then GSA must determine the environmental impact of that proposal. If in the opinion of the Head of a Service or Staff Office, the Director of Environmental Affairs (PWA), or the Deputy Administrator for Special Projects (P), the proposal may have significant environmental impact, an environmental impact statement shall be prepared on the proposal consistent with the provisions of § 1500.12(b) of the Guidelines.

b. Where possible, the final statement shall be available to the Congress, CEQ, EPA, and the public at the time the legislation is submitted to the Congress. If time is a constraint, the draft statement may be used.

15. *Early notice system.* a. Each service and staff office and regional office shall keep available for public inspection a current list of its contemplated actions for which environmental impact statements are being prepared. A copy of the current list shall be transmitted to the Director of Environmental Affairs (PWA) on the last workday prior to March 9, June 9, September 9, and December 9 of each year.

b. Each service and staff office and regional office shall also maintain for public inspection a current list of its actions for which negative declarations have been made and shall transmit them pursuant to a, above.

c. The Director of Environmental Affairs shall compile the aforementioned lists and transmit composite agency lists for the previous quarter to the CEQ by March 15, June 15, September 15, and December 15 of each year.

d. The Director of Environmental Affairs shall promptly notify CEQ if an action is listed as one for which an environmental impact statement is being prepared and at a later date a decision is made that only a negative declaration is needed.

16. *Commenting on environmental impact statements prepared by other agencies.* Upon receipt in GSA of a draft statement prepared by another agency, the Director of Environmental Affairs shall forward the statement to those GSA offices competent to comment on it. Those offices shall then provide input for the Director of Environmental Affairs' official reply. Comments shall be specific, substantive, and factual, following the format of the draft statement. Within GSA's areas of jurisdiction by law or special expertise, GSA shall assess the degree of environmental impact and the acceptability of that impact. GSA may recommend modifications or alternatives to a project. (See section 1500.9e of the Guidelines.)

17. *Supplementary guidelines.* The CEQ Guidelines, upon which this order is based, may be supplemented as required by CEQ. The Guidelines became effective on January 28, 1974, and are effective for all draft and final impact statements filed with the Council after that date.

[FR Doc.75–8793 Filed 4–3–75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[337–37]

GOLF GLOVES

Denial of Request for Rehearing, and of Transmission of Final Findings and Report to the President

On April 1, 1975, the United States International Trade Commission denied the request for rehearing in investigation No. 337–37 filed with it on March 26, 1975, by complainants Anthony J. Antonious and the Ajac Glove Corp. The request stated no good cause for rehearing.

The Commission hereby gives notice of the transmission to the President of its final findings and report with respect to investigation No. 337–37.

By order of the Commission.

Issued: April 1, 1975.

KENNETH R. MASON,
Secretary.

[FR Doc.75–8812 Filed 4–3–75;8:45 am]

WATCHES AND WATCH MOVEMENTS FROM INSULAR POSSESSIONS

Determination of Apparent United States Consumption and of Quotas for Duty-Free Entry

In accordance with headnote 6(c) of schedule 7, part 2, subpart E, of the Tariff Schedules of the United States (TSUS), the International Trade Commission has determined that the apparent United States consumption of watch movements for the calendar year 1974 was 51,019 thousand units, and that the number of watches and watch movements, the product of the Virgin Islands, Guam, and American Samoa, which may be entered free of duty during the calendar year 1975 under headnote 6(b) of said subpart E of the TSUS is as follows:

	Thousand units
Virgin Islands	4,960
Guam	472
American Samoa	237

By order of the Commission.

KENNETH R. MASON,
Secretary.

APRIL 1, 1975.

[FR Doc.75–8813 Filed 4–3–75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (75–25)]

SPACE PROCESSING AD HOC ADVISORY SUBCOMMITTEE

Meeting

The NASA Space Processing Ad Hoc Advisory Subcommittee of the Applications Steering Committee will meet at NASA Headquarters, 600 Independence Avenue SW, Washington, DC, on April 21–23, 1975. The meetings will be held in Room 226B of FOB 10B from 8:30 a.m. to 4:30 p.m. on each day.

The subcommittee will discuss, evaluate, and categorize the proposals submitted to NASA in response to the Space Processing Rocket Experiment Project Announcement of Opportunity (OA–74–1).

The professional qualifications of the proposers, will be candidly discussed and appraised throughout the subcommittee meetings. Discussion of these matters in a public session would invade the privacy of the proposers as well as inhibit a free exchange of ideas between subcommittee members.

Since the subcommittee sessions will be concerned throughout with matters listed in 5 U.S.C. 552(b)(6), as described above, it is hereby determined that the sessions should be closed to the public.

For further information, please contact Dr. James H. Bredt at Area Code 202, 755–3848.

DUWARD L. CROW,
Assistant Administrator for DOD and Interagency Affairs.

MARCH 27, 1975.

[FR Doc.75–8787 Filed 4–3–75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–255]

CONSUMERS POWER CO.

Issuance of Amendment To Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Provisional Operating License No. DPR–20 issued to Consumers Power Company which revised Technical Specifications for operation of the Palisades Plant, located in Covert Township, Van Buren County, Michigan. The amendment is effective as of its date of issuance.

This amendment requires the next steam generator tube inspection to be conducted at the end of not more than 90 effective full power days or more than nine calendar months from the date of initial criticality after February 1975, whichever occurs first. The amendment also imposes limits on reactor power level and reactor coolant minimum flow for various reactor coolant pump combinations, with an overall power limitation of 2100 MWt. In addition, the amendment revises section 4.14 of the technical specifications by deleting paragraphs 4.14.1 and 4.14.4, two one-time requirements which have been satisfied. The remaining paragraphs of specification 4.14 are renumbered.

The amendment relates to two prior FEDERAL REGISTER notices. On February 3, 1975, 40 FR 4968, the Commission published in the FEDERAL REGISTER a notice of consideration of a license amendment proposed by the license which would have eliminated the requirement, in the license at that time, for a steam generator tube inspection within six months from the date of initial criticality after the August 1974 shutdown. The proposed amendment would have preserved, however, the alternative requirement, also in the license at that time, for such an inspection at the end of no more than 90 effective full power days following the August 1974 shutdown. No request for hearing or petition for leave to intervene was filed in response to the February 3, 1975 notice.

On February 6, 1975, the Commission issued an Order for Modification of License which was published in the FEDERAL REGISTER on February 10, 1975, 40 FR 6241. This Order required Consumers Power Company to follow certain specified tube inspection and plugging procedures prior to further reactor operation, and to submit the results thereof together with a proposal for the conduct of future operations, including a recommended schedule for the next steam generator tube inspection. No request for a hearing or petition for leave to intervene was filed in response to the February 6, 1975 Order.

As discussed in the Commission's Safety Evaluation related to this action, the licensee has complied with the provisions of the February 6 Order. Extensive steam generator tube inspections have been conducted and approximately 280 additional tubes have been plugged. The additional tube plugging is expected to result in a reduction of reactor coolant flow of approximately 1%. The new limits on reactor power level and reactor coolant minimum flow have been specified in order to take into account the anticipated reduction of coolant flow.

The amendment will allow a maximum interval of nine months prior to the next steam generator tube inspection. This is about the same interval effectively allowed between the last two inspections, which occurred in May–June 1974 and February–March 1975, respectively.

The Commission has found that the amendment involves no significant hazards consideration not described or implicit in the FEDERAL REGISTER notice of February 3, 1975, the Order published in the FEDERAL REGISTER on February 10, 1975, or both.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated March 10, 1975, (2) Amendment No. 13 to License No. DPR–20, with Change No. 17, (3) the Commission's related Safety Evaluation, and (4) the February 3 and February 10, 1975 FEDERAL REGISTER notices and documents referenced therein. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 28th day of March 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.75–8803 Filed 4–3–75;8:45 am]

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[Dockets Nos. 50-458 and 50-459]

GULF STATES UTILITIES COMPANY (RIVER BEND STATION, UNITS 1 & 2)

Additional Hearing Session

Please take notice that an additional session of the public evidentiary hearing in this construction permit proceeding will be held before the Atomic Safety and Licensing Board at 9:30 a.m. e.d.t., on April 17, 1975 at the following location:

Room 1202, 12th Floor
Landow Building
7910 Woodmont Avenue
Bethesda, Maryland 20014

This session will be a continuation of the four days of hearings conducted in Baton Rouge and St. Francisville, Louisiana, March 24-27, 1975, and will concern only a limited number of subject matters remaining to be covered in areas that first arose during the Louisiana sessions.

As set forth in this Board's February 28 Notice of Hearing, the issues being considered are those environmental and site suitability issues prescribed in the Commission's regulations concerning construction permits and pre-construction permit activities (10 CFR § 50.10 (e)(1), (e)(2)(ii)). The radiological health and safety issues will be considered at a separate public hearing session to be scheduled later.

It is so ordered.

For the Atomic Safety and Licensing Board.

THOMAS W. REILLY,
Chairman.

Issued at Bethesda, Maryland this 31st day of March, 1975.

[FR Doc.75-8750 Filed 4-3-75;8:45 am]

REGULATORY GUIDE

Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 5.49, "Internal Transfers of Special Nuclear Material," describes acceptable methods for controlling and documenting transfers of special nuclear material within a plant site in order to meet the requirements of the Commission's regulations.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 5.49 will, however, be particularly useful in evaluating the need for an early revision if received by June 5, 1975.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 5 Regulatory Guides currently being developed include the following:

Mass Calibration Techniques for Nuclear Material Control
Calibration and Error Estimation Methods for Nondestructive Assay
Management Review of Materials and Plant Protection Programs and Activities
Protection of Nuclear Power Plants Against Industrial Sabotage
Measurement Control Program for Special Nuclear Material Control and Accounting
Monitoring Transfers of Special Nuclear Material
Considerations for Determining the Systematic Error of Special Nuclear Material Accounting Measurement
Interior Intrusion Alarm Systems
Preparation of Uranyl Nitrate Solution as a Working Standard
Shipping and Receiving Control of Special Nuclear Materials
Barrier Design and Placement
Nondestructive Assay of U-235 Content of Unpoisoned Low-Enrichment Uranium Fuel Rods
Methods for the Accountability of Uranium Dioxide
Internal Security Audit Procedures
Standard Format and Content for the Physical Protection Section of a License Application (For Facilities Other Than Nuclear Power Plants)
Nondestructive Assay of Plutonium-Bearing Fuel Rods
Training and Qualifying Personnel for Performing Measurement Associated with the Control and Accounting of Special Nuclear Material
Auditing of Measurement Control Program
Reconciliation of Statistically Significant Shipper-Receiver Differences
Prior Measurement Verification
Verification of Prior Measurements by NDA
Nondestructive Assay of High-Enrichment Uranium Scrap by Active Neutron Interrogation
Control and Accounting for Highly Enriched Uranium in Waste
Considerations for Determining the Random Error of Special Nuclear Material Accounting Measurement
Use of Closed Circuit TV for Area Surveillance
Preparation of Working Calibration and Test Materials for Analytical Laboratory Measurement Control Programs—Part 1: Plutonium Nitrate Solution.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 26th day of March 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Acting Director,
Office of Standards Development.

[FR Doc.75-8746 Filed 4-3-75;8:45 am]

[Docket Nos. 50-327 and 50-328]

TENNESSEE VALLEY AUTHORITY, SEQUOYAH NUCLEAR PLANTS, UNITS 1 AND 2

Notice of Issuance of Amendments To Provisional Construction Permits and Availability of Atomic Safety and Licensing Appeal Board Decision

Notice is hereby given that pursuant to a Decision issued by the Atomic Safety and Licensing Appeal Board on February 27, 1975, the Nuclear Regulatory Commission has issued Amendment No. 3 to Provisional Construction Permit No. CPPR-72 and Amendment No. 3 to Provisional Construction Permit No. CPPR-73 issued to the Tennessee Valley Authority for construction of the Sequoyah Nuclear Plant, Units 1 and 2, located in Hamilton County, Tennessee. The Decision modifies the construction permits to require compliance with the applicable federal and Tennessee water quality standards. Any decisions or actions taken by the Atomic Safety and Licensing Appeal Board in connection with this Decision may be reviewed by the Commission.

A copy of the Decision dated February 27, 1975, Amendment No. 3 to Provisional Construction Permit No. CPPR-72, Amendment No. 3 to Provisional Construction Permit No. CPPR-73, and the Tennessee Valley Authority's Final Environmental Statement are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and in the Chattanooga Public Library, 601 McCalley Street, Chattanooga, Tennessee 37403.

The above noted documents are also available at the Office of Urban and Federal Affairs, Suite 1025, Andrew Jackson State Office Building, Nashville, Tennessee 39219; the Chattanooga Area Regional Council of Governments, 423 James Building, 735 Broad Street, Chattanooga, Tennessee 37402; and the Southeast Tennessee Development District, 423 James Building, 731 Broad Street, Chattanooga, Tennessee 37402.

The Nuclear Regulatory Commission has found that the provisions of these amendments comply with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR Chapter I and has concluded that the issuance of these amendments will not be inimical to the common defense and security or to the health and safety of the public.

The record developed in the public hearing in the above captioned matter modified in certain respects the contents of the Final Environmental Statement relating to the construction of the Sequoyah Nuclear Plant, Units 1 and 2, prepared by the Tennessee Valley Authority. Pursuant to the provisions of § 51.52(b)(3) of 10 CFR Part 51, the Final Environmental Statement is deemed modified to the extent that the conditions relating to environmental matters contained in the Decision are different from those contained in the Final Environmental Statement issued February 1974. As required by § 51.52(b)(3) of 10 CFR Part 51, a copy of the Decision which modified the Final Environmental Statement has been transmitted to the Council on Environmental Quality and distributed to the Environmental Protection Agency and other interested agencies and persons in accordance with § 51.26(c) of 10 CFR Part 51.

Single copies of the Decision, Amendment No. 3 to Provisional Construction Permit No. CPPR-72, Amendment No. 3 to Provisional Construction Permit No. CPPR-73, and the Final Environmental Statement may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 27th day of March 1975.

For the Nuclear Regulatory Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch 2-2, Division of Reactor Licensing.

[FR Doc.75-8744 Filed 4-3-75;8:45 am]

[Docket Nos. 50-280 and 50-281]

VIRGINIA ELECTRIC & POWER CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 5 to Facility Operating Licenses No. DPR-32 and DPR-37 issued to Virginia Electric & Power Company (licensee) which revised Technical Specifications for operation of the Surry Power Station, Units 1 and 2, located in Surry County, Virginia. The amendments are effective as of the date of issuance.

The amendments revise the provisions in the Technical Specifications for the fuel residence time for Unit 1, Cycles 1 and 2 from 15,500 to 26,000 EFPH and Unit 2, Cycle 1 core from 10,000 to 17,000 EFPH, pursuant to licensee's application for amendment dated October 17, 1974, supplemented by his application dated February 25, 1975.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. A prenotice was issued on November 20, 1974, (39 FR 40810) for the licensee's request of October 17, 1974. No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for amendment dated October 17, 1974, as supplemented February 25, 1975, (2) Amendments No. 5 to Licenses No. DPR-32 and DPR-37, with Changes No. 20 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Swem Library, College of William & Mary, Williamsburg, Virginia 23185.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 27th day of March 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.75-8745 Filed 4-3-75;8:45 am]

[Docket No. 50-219]

JERSEY CENTRAL POWER & LIGHT CO.

Proposed Issuance of Amendment To Provisional Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Provisional Operating License No. DPR-16 issued to Jersey Central Power & Light Co. (the licensee) for operation of Oyster Creek Nuclear Generating Station, a boiling water reactor located in Ocean County, New Jersey, and currently authorized for operation at power levels up to 1930 MWt.

The amendment would revise provisions in the Technical Specifications in accordance with the licensee's applications for license amendments dated March 25, 1975, and March 29, 1975. The amendment would modify operating limits in the Technical Specifications based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 10 CFR Part 50, § 50.46. The amendment would modify various limits established in accordance with the Commission's Interim Acceptance Criteria, and would, with respect to Oyster Creek Nuclear Generating Station, terminate the further restrictions imposed by the Commission's December 27, 1974, Order for Modification of License, and would impose instead, limitations established in accordance with the Commission's Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors, 10 CFR Part 50, § 50.46.

The proposed license amendment would also modify the Technical Specifications to account for changes in: (1) Limiting safety system settings for the neutron flux scram and for the neutron flux control rod block, (2) the operability requirements for the local power range monitors, and (3) the fuel cladding integrity safety limit.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By May 5, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to G. F. Trowbridge, Esquire, Shaw, Pittman, Potts, Trowbridge & Madden, Barr Building, 910 17th Street NW., Washington, D.C. 20006, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct

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of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) the applications for amendments dated March 25, 1975 and March 29, 1975, (2) the Commission's Order of Modification of License and the Documents referred to in the Order dated December 27, 1974 (published in the FEDERAL REGISTER on January 9, 1975 (40 FR 1764)), (3) NRC Report Regarding the EXXON Nuclear Company ECCS Model, dated March 6, 1975, which are available for public inspection at the Commission's Public Document Room 1717 H Street NW., Washington, D.C. 20555, and at the Ocean County Library, 15 Hooper Avenue, Toms River, New Jersey 08753. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland this April 1, 1975.

FOR THE NUCLEAR REGULATORY COMMISSION,

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-8862 Filed 4-3-75;8:45 am]

[Docket Nos. STN 50-491, STN 50-492 and STN 50-493]

DUKE POWER CO.

Availability of NRC Draft Environmental Statement for Cherokee Nuclear Station, Units 1, 2, and 3

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Division of Reactor Licensing related to the proposed Cherokee Nuclear Station, Units 1, 2, and 3 to be constructed by the Duke Power Company in Cherokee County, South Carolina is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and in the Cherokee County Library, Gaffney, South Carolina 29340. The Draft Statement is also being made available at the State Clearinghouse, Office of the Governor, Division of Administration, Edgar A. Brown State Office Building, Columbia, South Carolina 29201 and at the South Carolina Appalachian Council of Governments, Drawer 6668, 211 Century Drive, Greenville, South Carolina 29606. Copies of the Commission's Draft Environmental Statement (NUREG-75/017) may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

The Applicant's Environmental Report, as supplemented, submitted by the Duke Power Company is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on July 9, 1974 (39 FR 26472).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by June 6, 1975. Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Cherokee County Library, Gaffney, South Carolina 29340. Upon consideration of comments submitted with respect to the draft environmental statement, the Staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested persons of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Rockville, Maryland, this 26th day of March, 1975.

For the Nuclear Regulatory Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects Branch 4, Division of Reactor Licensing.

[FR Doc.75-8743 Filed 4-3-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 18895; 70-5338]

APPALACHIAN POWER CO., ET AL.

Proposed Issuance and Sale of Common Stock by Subsidiary to Holding Company and Capital Contributions to Subsidiary

MARCH 28, 1975.

In the Matter of Appalachian Power Co., 40 Franklin Road, Roanoke, Virginia 24009, Indiana & Michigan Electric Co., 2101 Spy Run Avenue, Fort Wayne, Indiana 46801, and American Electric Power Co., Inc., 2 Broadway, New York, New York 10004.

Notice is hereby given that American Electric Power Company, Inc. ("AEP"), a registered holding company, and Appalachian Power Company ("Appalachian") and Indiana & Michigan Electric Company ("I&M"), its subsidiary electric utility companies, have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to sections 6(b), 9(a), 10, 12(b) and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and rules 43 and 50(a)(3) promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the post-effective amendment to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By orders dated June 29, 1973 and October 8, 1974 (Holding Company Act Release Nos. 18013 and 18597), this Commission, among other things, authorized AEP to make cash capital contributions from time to time prior to June 30, 1975, to I&M up to $100,000,000. It is now proposed that AEP be permitted to increase contributions to I&M to a total amount of $125,000,000.

It is also proposed that AEP make additional investment in the equity of Appalachian in the form of the purchase from time to time prior to June 30, 1975 of a total of 750,000 shares of common stock, no par value, of Appalachian for a consideration of $40 a share, or a total consideration of $30,000,000. As of March 7, 1975, Appalachian had 30,000,000 shares of its common stock authorized of which there were outstanding 9,937,000 shares.

The proceeds from the capital contributions and the sale of common stock are to be used by I&M and Appalachian to finance their construction programs and for the payment of short-term notes issued in connection therewith. I&M and Appalachian estimate construction expenditures for 1975 at $80,000,000 and $140,000,000 respectively. The State Corporation Commission of Virginia, the Public Service Commission of West Virginia and the Public Service Commission of Tennessee have jurisdiction over the proposed issue and sale by Appalachian of its common stock to AEP. No other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 21, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personnally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations

promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-8786 Filed 4-3-75;8:45 am]

[File No. 500-1]

INTERNATIONAL CHEMALLOY CORP.

Suspension of Trading

MARCH 18, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of International Chemalloy Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 2:1g P.M. (e.d.t.) on March 18, 1975 through midnight (e.d.t.) on March 27, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-8785 Filed 4-3-75;8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Notice of Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing on or before April 18, 1975 to: Deputy Assistant Secretary for Manpower, 601 D Street NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 31st day of March, 1975.

BEN BURDETSKY,
Deputy Assistant Secretary for Manpower.

Applications received during the week ending March 28, 1975

Name of applicant	Location of enterprise	Principal product or activity
Cianbro Corp.	Pittsfield, Maine	General construction and production of transit concrete and bituminous concrete.
C. N. Brown Co.	South Paris, Maine	Retail gasoline stations and heating oil distribution.
Round Hill Foods, Inc. (Tenant of New Oxford municipal authority).	Adams County, Pa.	Turkey processing.
Miller-Picking of Mississippi, Inc.	Hattiesburg, Miss.	Industrial, institutional and commercial air conditioning equipment.
Aeroquip Corp. (Tenant of Jackson County).	Gainesboro, Tenn.	Production of hydraulic couplings.
Dalwal Tool Co., Inc.	Whittington, Ill.	Rebuilding of rotary drill bits used in coal mining.
Tom W. Kaufman Co.	Carrollton, Ohio	Manufacture of deep drawn tanks and panels, and fabrication of stainless pipe and liquid containers.
Huffman Farm Supply	Minier, Ill.	Sale and construction of grain storage, drying, and handling facilities and related products.
Dearco, Inc.	Shawano, Wis.	Retail and wholesale paint, glass and related products and services.
Stanley G. Booker	Kalamazoo, Mich.	Restaurant.
I-69 Industrial Park, Inc.	Marion, Ind.	Distribution for glass bottle manufacturers.
Lazy Days Campground	West Bend, Wis.	Campground.
Goers Brothers, Inc.	Shawano, Wis.	Auto sales and services.
Ecological Research Associates, Inc.	Hereford, Tex.	Manufacture of hymeth gas and residue for cattle feed supplement or fertilizer.
Rice County Metal Casting Co. (Tenant of city of Lyons).	Lyons, Kans.	Production of gray iron castings.
Ridgeview Manor Nursing Home	Walden, Mo.	Nursing home.
Tract Handcraft, Inc. (Tenant of city of Webster).	Webster, S. Dak.	Manufacture of bedspreads, draperies, tablecloths, pillows.
Bocals, Inc.	Martin, N. Dak.	Manufacture of grain trailers, pickup tow hitches and line bottom trailers.

[FR Doc.75-8698 Filed 4-3-75;8:45 am]

Occupational Safety and Health Administration

[V-73-31; V-74-30]

MARATHON STEEL COMPANY, ET AL.

Grant of Variance

I. *Background.* The following companies have made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance, and for an interim order pending a decision on the application for a variance, from the safety standards prescribed in 29 CFR 1926.451(a)(4), (5), and (10). The standards set general requirements for scaffolding. Companies affected by this application are:

Marathon Steel Co.
(formerly Allison Steel Manufacturing Co.)
P.O. Box 6598
Phoenix, Arizona 85005

Chattanooga Boiler & Tank Co.
1011 East Main Street
Chattanooga, Tennessee 37401

Fisher Tank & Welding Co.
Third and Booth Streets
Chester, Pennsylvania 19013

Nooter Corp.
1400 South Third Street
St. Louis, Missouri 63166

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Wyatt Division
U.S. Industries
P.O. Box 3052
Houston, Texas 77001

Brown Minneapolis Tank & Fabricating Co.
P.O. Box 3670
St. Paul, Minnesota 55165

Chicago Bridge & Iron Co.
901 West 22nd Street
Oak Brook, Illinois 60521

Graver Tank & Mfg. Co.
4809 Tod Avenue
East Chicago, Indiana 46312

Universal Tank & Iron Works
11221 W. Rockville Road
Indianapolis, Indiana 46231

Pittsburgh-Des Moines Steel Co.
Neville Island
Pittsburgh, Pennsylvania 15225

Caldwell Tanks, Inc.
P.O. Box 19108
4000 Tower Road
Louisville, Kentucky 40219

Western Petro-Chem Services, Inc.
1947 East 223rd Street
Carson, California 90810

The Bishopric Products Co.
4413 Kings Run Drive
Cincinnati, Ohio 45232.

The places of employment affected by these applications are all construction projects where the applicants are engaged in construction operations.

Notice of applications submitted by the first 10 applicants, and of the granting of interim orders, was published in the FEDERAL REGISTER on October 26, 1973 (38 FR 29658). Notice of applications submitted by the remaining three applicants, and of the granting of interim orders, was published in the FEDERAL REGISTER on June 3, 1974 (39 FR 19541). The notices invited interested persons, including employers and employees who believe they would be affected by the grant or denial of the applications for variance, to submit written data, views, and arguments regarding the applications. In addition, affected employers and employees were notified of their right to request a hearing on a particular application for variance. No written comments or requests for a hearing have been received.

II. *Facts.* The applicants' business, which is part of the tank building industry, involves the erection of relatively large steel plate segments of circumferential rings. Due to the unique nature of the construction involved, special procedures, including special scaffolding, have been developed. For example, as opposed to more conventional scaffolds, tank scaffolds must be highly portable and have a relatively low density of occupancy by workmen. These scaffolds are raised up the shell of the tank as new rings of steel are added and work is completed at the level below.

Most plate structures are fabricated from standard length plates obtained from steel mills. These plates, each approximately 31.416 feet long, normally have brackets welded to them while they are on the ground prior to being placed into position on the tank wall. Scaffolding and guardrail supports are then attached to these brackets. If the applicants were to comply with § 1926.451(a)(5) which requires that guardrail supports be at intervals not to exceed 8 feet, and Table L–3 in § 1926.451(a)(10) which sets the maximum permissible span (distance between planking supports) for 2 x 10 inch full thickness undressed lumber at 10 feet, they assert it would be necessary to lay out each steel plate into sections with the brackets located approximately 7.854 feet apart. Instead, the applicants wish to lay out the plate into three equal sections with brackets located approximately 10′ 6″ apart.

The planks used on the scaffolds by the applicants are rough full-dimensioned 2″ x 12″ x 12′ planks of Douglas Fir or Southern Yellow Pine of Select Structural Grade. The Douglas Fir has a fiber stress of 1,900 and a modulus of elasticity of 1,900,000, while the Southern Yellow Pine has a 2,500 fiber stress and a modulus of elasticity of 2,000,000. These characteristics of both types of planking meet the requirements of Scaffold Grade in § 1926.451(a)(10).

The tank scaffolds do not have toeboards as required by § 1926.451(a)(4) and (5). Instead, applicants have stated that most tools are placed in well-designed "loose tool" containers provided for that purpose. The area directly below and far enough away from the base of the scaffold to contain anything that falls from above is roped off. Because the contour of the steel plates of the tank face is curved and the adjacent edge of the scaffold platform is straight, there is an open space between them. As a result, applicants have installed taut wire rope on the scaffold brackets that extends midway between the innermost edge of the scaffold platform and the curved plate structure of the tank face to serve as a safety line in lieu of an inner guardrail assembly.

According to the applicants, less than 10 percent of the plank surface on the scaffold serves as a work location at any one time, and is normally occupied by approximately one person per 30 feet of scaffold length. About one-third of the employees work alone on the scaffolds, and the others work in groups of 2 or 3 with only one group located within a 10′6″ bracket span. The employees carry their tools and equipment from one location to the next as work progresses.

III. *Decision.* Section 1926.451(a)(4) and (5) requires toeboards with a minimum height of 4″ on all open sides and ends of platforms more than 10 feet above the ground or floor. This is intended to keep tools and equipment from falling off the scaffold injuring people below. The applicants' system of keeping most tools in containers and roping off the area under and in close proximity to the scaffold accomplishes this purpose and thus provides a place of employment as safe as that required by the toeboard requirements of § 1926.451(a)(4) and (5).

Table L–3 in § 1926.451(a)(10) sets the maximum permissible span between planking supports at 10 feet for 2 x 10 inch or wider planks of full thickness undressed lumber. The applicants have proposed to use 2″ x 12″ x 12′ full thickness Douglas Fir or Southern Yellow Pine of Select Structural Grade on 10′ 6″ spans. The 12″ width provides a modulus for nominal section of 5.06 and a collapse point of 900 lbs as compared to a modulus of 4.8 and collapse point of 700 lbs for a 10″ width of the planking. This approximately 25 percent greater strength in span, together with the limited number of employees on a plank at one time provides planking at least as strong and safe as that which would be obtained by complying with the span requirements contained in Table L–3 of § 1926.451(a)(10).

Section 1926.451(a)(5) also requires that guardrail supports be placed at no more than 8 foot intervals. While applicants could comply with this requirement by attaching guardrail supports to the scaffolds, the applicants normally attach the guardrail supports, as well as the scaffolding supports to the brackets which are welded to the steel plates at 10′ 6″ intervals. This practice affords considerably more stable attachments for the guardrail assembly than would exist with wooden 2 x 4s attached to the scaffold at 8 foot intervals. Moreover, the wire rope cables used for guardrails and the angle irons used for supports are at least as strong as the wooden 2 x 4s permitted by § 1926.451(a)(5). Therefore, it is determined that the guardrail assemblies supported by the brackets at 10′ 6″ intervals are as safe as those required by § 1926.451(a)(5).

IV. *Order.* Pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, section 107 of the Contract Work Hours and Safety Standards Act, as amended (83 Stat. 96; 40 U.S.C. 333), 29 CFR Part 1905, 29 CFR 1926.2, and Secretary of Labor's Order No. 12–71 (36 FR 8754), it is ordered that the above listed applicants be, and they are hereby, authorized to use the scaffolds described in their applications in their tank-building process at all construction projects where the applicants are engaged in construction operations, provided that:

(a) The applicants' loose tools and equipment shall be kept in well-designed tool containers. This does not include fit-up bar, key plates, key channels, or long handled maul which may be placed on the scaffold plank during the time they are required for work. The loose tool containers shall be secured to prevent their upset or dislodgment from the scaffold area.

(b) Areas beneath and far enough away from the base of the scaffold to contain anything that falls from above shall be roped off and posted with clearly visible signs stating: "Danger Overhead Work."

(c) A taut wire rope supported on the scaffold brackets shall be installed at the scaffold plank level between the innermost edge of the scaffold platform and the curved plate structure of the tank shell to serve as a safety line in lieu of an inner guardrail assembly. In the event the open space on either side of the rope exceeds 12″, a second wire rope appropriately placed, or guarding in accordance with 29 CFR 1926.451(a)(5), shall be installed.

(d) Not more than 3 employees shall be working on a 10′6″ span of scaffold planking at any time.

(e) The maximum distance between brackets to which scaffolding and guardrail supports are attached shall be 10′6″. These brackets shall be welded to the steel plates.

(f) Scaffold planks of rough full-dimensioned 2″ x 12″ x 12′ Douglas Fir or Southern Yellow Pine of Select Structural Grade shall be used. The Douglas Fir shall have at least a 1,900 fiber stress and 1,900,000 modulus of elasticity, while the Yellow Pine shall have at least 2,500 fiber stress and 2,000,000 modulus of elasticity.

(g) All planking shall be secured from movement or overlapped in accordance with § 1926.451(a)(12).

(h) Guardrails shall be constructed of taut wire rope, and shall be supported by angle irons attached to brackets welded to the steel plates. These guardrails shall be at least of equivalent strength, stability and height as those required for the 8 foot span of 2″ x 4″ wood rails by 29 CFR 1926.451(a)(5). Guardrail supports shall be located at no greater than 10′6″ intervals.

(i) As soon as possible, the applicants shall give notice to affected employees of the terms of this order by the same means used to inform them of the application for variance.

Effective date. This order shall become effective on April 4, 1975, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, D.C. this 28th day of March, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75–8811 Filed 4–3–75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No, 7351]

ASSIGNMENT OF HEARINGS

APRIL 1, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 129631, Sub 44, Pack Transport, Inc., now being assigned June 18, 1975 (3 days), at Denver, Colorado, in a hearing room to be designated later.

MC 111812, Sub 509, Midwest Coast Transport, Inc., MC 112822, Sub 343, Bray Lines Incorporated, and MC 117119, Sub 516, Willis Shaw Frozen Express, Inc., now assigned April 10, 1975, at Salt Lake City, Utah, will be held at Salt Palace, 100 South Temple West.

MC 134370, Sub 12, Osborne Trucking Co., Inc., now assigned April 14, 1975, at Denver, Colo., will be held at the Holiday Inn, Bryant Street & West 20th.

MC–F–11787, O. N. C. Freight System—Purchase William Louis Damon, d.b.a. Damon Freight Lines, now assigned April 21, 1975, at Albuquerque, N. Mex., will be held at The Holiday Inn East, 12901 Central NE.

MC 107304, Sub 10, Transway, Inc., now being assigned July 8, 1975 (9 days), at New Orleans, Louisiana, in a hearing room to be designated later.

MC 139649, Station Wagon Service, Inc., now being assigned July 8, 1975 (4 days), at Newark, New Jersey, in a hearing room to be designated later.

MC 134501, Sub 14, UFT Transport Company, now assigned June 19, 1975, at St. Louis, Missouri, is cancelled and the application is dismissed.

MC 139193, Sub 19, Roberts & Oake, Inc., now being assigned June 19, 1975 (2 days), at St. Louis, Missouri, in a hearing room to be designated later.

MC 107295, Sub 751, Pre-Fab Transit Co., application dismissed.

EX PARTE No. 277 (Sub-No. 3), Adequacy of Intercity Rail Passenger Service, Continued to April 16, 1975, at Boston, Mass., May 7, 1975, at San Francisco, Ca., May 12, 1975, at Los Angeles, Ca., and May 15, 1975, at Fort Worth, Texas, in hearing rooms to be later designated, June 9, 1975, at The Offices of The Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–8835 Filed 4–3–75;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 1, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before April 21, 1975.

FSA No. 42966—*Iron or Steel Plate or Sheet from East St. Louis, Illinois.* Filed by Southwestern Freight Bureau, Agent, (No. B–525), for and on behalf of Missouri-Kansas-Texas Railroad Company. Rates on iron or steel plate or sheet, in carloads, as described in the application, from East St. Louis, Illinois, to Houston, Texas. Grounds for relief—Market competition. Tariff—Supplement 111 to Southwestern Freight Bureau, Agent, tariff 301–F, I.C.C. No. 5098. Rates are published to become effective on April 28, 1975.

FSA No. 42967—*Joint Water-Rail Container Rates—A. P. Moller-Maersk Line.* Filed by A. P. Moller-Maersk Line (No. 1), for itself and interested rail carriers. Rates on general commodities, between rail carriers terminals on the U.S. Atlantic and Gulf Coasts, and ports in the Philippines, Hong Kong, Taiwan, Thailand, Singapore, Malaya, Japan, Korea, and Indonesia. Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–8836 Filed 4–3–75;8:45 am]

[Notice No. 5]

MOTOR CARRIER APPLICATIONS FOR TACKING AND GATEWAY ELIMINATION IN FINANCE PROCEEDINGS

APRIL 2, 1975.

The following notices are supplemental materials to the Section 5(2) finance applications listed below wherein each applicant requests (1) to tack certain authorities in its respective pending finance application, and (2) to concurrently eliminate the gateway in order to provide the described direct service.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

Protests to the granting of the requested authority must be filed with the Commission on or before May 5, 1975. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in this noticed portion of the finance proceeding.

A protest should comply with section 247(d) of the Commission's General Rules of Practice. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative or applicant if no representative is named.

MC–F–11961—Brada Miller Freight System, Inc.—Purchase (Portion)—Sims Motor Transport Lines, Inc.

MC–F–12327—Byrnes Long Island Motor Cargo, Inc.—Purchase (Portion)—All Island Delivery Service, Inc.

MC–F–12331—Aero Trucking, Inc.—Purchase (Portion)—Miller's Motor Freight, Inc.

MC–F–12391—Ace Doran Hauling & Rigging Co.—Purchase (Portion)—Fred Carpenter, Inc.

No. MC 29079 (Sub-No. 82), filed March 17, 1975. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, Kokomo, Ind. 46901. Applicant's representative: Edward K. Wheeler, 704 Southern Building, 15th and H Streets NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (1) between points in Illinois on the one hand, and, on the other, points in New York on and west of U.S.

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Highway 62, those in Pennsylvania on and west of U.S. Highway 219 and those in West Virginia on and north of U.S. Highway 40; (2) between Holland, Grand Rapids, and Lansing, Mich. and points in Michigan on a line beginning at Holland, Mich., and extending along Michigan Highway 21 to Grand Rapids, thence along U.S. Highway 16 to Lansing, thence southerly along U.S. Highway 27 to the Michigan-Indiana State Boundary line, including points within said territory, on the one hand, and, on the other, points in New York on and west of U.S. Highway 62, those in Pennsylvania on and west of U.S. Highway 219 and those in that part of West Virginia on and north of U.S. Highway 40; and (3) between Louisville, Ky. on the one hand, and, on the other, points in New York on and west of U.S. Highway 62, those in Pennsylvania on and west of U.S. Highway 219, and those in that part of West Virginia on and north of U.S. Highway 40. The purpose of this filing is to eliminate a gateway at Columbiana, Ohio. This application is a gateway elimination request filed pursuant to the Commission's Policy Statement in Ex Parte No. 55 (Sub-No. 6) noticed in the FEDERAL REGISTER issue of December 9, 1974; and is directly related to MC-F-11961 pending on petition.

MC 99369 (Sub-No. 3) (Correction), filed January 31, 1975, published in the FEDERAL REGISTER issue of March 4, 1975, and republished as corrected, this issue. Applicant: BYRNES L.I. MOTOR CARGO, INC., 136 Allen Boulevard, Farmingdale, N.Y. 11735. Applicant's representative: Robert R. Redmon, 5530 Wisconsin Avenue, Suite 1145, Chevy Chase, Md. 20015. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, automobiles, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in New Jersey within 15 miles of Columbus Circle, N.Y. The purpose of this filing is to eliminate the gateway at New York, N.Y. This application is a gateway elimination requests filed pursuant to the Commission's Policy Statement in Ex Parte No. 55, Sub-No. 8, noticed in the FEDERAL REGISTER issue of December 9, 1974; and directly related to MC-F-12327 published in the FEDERAL REGISTER of October 10, 1974.

NOTE.—The purpose of this republication is to indicate the correct docket number assigned to this proceeding as MC 99369 (Sub-No. 3), in lieu of MC 99396 (Sub-No. 3), as previously published.

No. MC 60014 (Sub-No. 38), filed January 20, 1975. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, by reason of their size or weight require the use of special equipment, (a) from points in Maryland, Delaware, Pennsylvania, New Jersey, New York, Virginia, West Virginia, and the District of Columbia, to points in the United States (except Alaska, Hawaii, Connecticut, Delaware, Maryland, New Jersey, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia). The purpose of this filing is to eliminate the gateway of York, Pa. and points within 10 miles thereof. (b) From points in Connecticut, Rhode Island and New Hampshire, to points in the United States (except Alaska, Hawaii, Connecticut, Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia). The purpose of this filing is to eliminate the gateway of York, Pa. and points within 10 miles thereof. (c) From points in Indiana, Illinois, Michigan, Ohio, and Wisconsin, to points in the United States (except Alaska, Hawaii, Connecticut, Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia and the District of Columbia). The purpose of this filing is to eliminate the gateway of York, Pa. and points within 10 miles thereof.

(2) *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, and which are included in the "twilight zone" as defined in *National Automobile Transporters Association* v. *Rowe Transfer*, 64 M.C.C. 229, from points in Maine, to points in the United States (except Alaska, Hawaii, Connecticut, Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia). The purpose of this filing is to eliminate the gateway of York, Pa. and points within 10 miles thereof. This application is a gateway elimination request filed pursuant to the Commission's Policy Statement in Ex Parte No. 55 (Sub-No. 8), noticed in the FEDERAL REGISTER issue of December 9, 1974, and is directly related to MC-F-12331 published in the FEDERAL REGISTER of October 17, 1974. *HEARING:* On the 28th day of April, 1975, at 9:30 a.m. Local Time, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 112304 (Sub-No. 87) (Amendment), filed December 16, 1974, published in the FEDERAL REGISTER issue of March 6, 1975, and republished, in part, as amended, this issue. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of size or weight require the use of special equipment, between points in Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island, on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, Ohio, West Virginia, and those in Pennsylvania west of U.S. Highway 15. The purpose of this filing is to eliminate the gateways of points in New York within 75 miles of Syracuse and any point in Ohio. (3A) *Iron and steel articles* which because of size or weight require the use of special equipment, from the plantsites of the Jones & Laughlin Steel Corporation located in Putnam County, Ill., to points in Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateways of points in Ohio and points in New York within 75 miles of Syracuse. This application is a gateway elimination request filed pursuant to the Commission's Policy Statement in Ex Parte No. 55 (Sub-No. 8), noticed in the FEDERAL REGISTER issue of December 9, 1974, and is directly related to MC-F-12391 published in the FEDERAL REGISTER of March 5, 1975.

NOTE.—The purpose of this partial republication is to indicate in (1) above, applicant seeks authority to points in Pennsylvania west of U.S. Highway 15 in lieu of east as previously published; and add part (3A). The rest of the notice remains as originally published.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-8836 Filed 4-3-75;8:45 am]

[Notice No. 34]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 31, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 22139 (Sub-No. 14TA), filed March 20, 1975. Applicant: ROBERT ZAPORA, doing business as R. F. ZAPORA MOTOR TRANS., 22 Auburn Road, Hooksett, N.H. 03106. Applicant's representative: Arthur J. Piken, Esq., One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gas*, in bulk, in tank vehicles, from Portsmouth and Newington, N.H., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, for 180 days. Supporting shipper: SEA-3, Inc., One State Street, Boston, Mass. 02109. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Bldg., Concord, N.H. 03301.

No. MC 25869 (Sub-No. 125TA), filed March 20, 1975. Applicant: NOLTE BROS. TRUCK LINE, INC., 6217 Gilmore Avenue, Omaha, Nebr. 68107. Applicant's representative: Bruce A. Bullock, Suite 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, from York, Nebr., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, for 180 days. Supporting shipper: Sunflower Beef Packers, Inc., G. Merritt Otoupal, Traffic Manager, P.O. Box 355, York, Nebr. 68467. Send protests to: Carroll Russell, District Supervisor, Suite 620 Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 50069 (Sub-No. 497TA) (Correction), filed February 27, 1975, published in the FEDERAL REGISTER issue of March 12, 1975, and republished as corrected this issue. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals, rolling processing fluids, and lubricating oils*, in bulk, in tank vehicles, from Columbus, Ohio, to points in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio Pennsylvania, South Carolina, Texas, Tennessee, Virginia, West Virginia, and Wisconsin; and (2) *ingredients, and raw materials used in the manufacture of liquid chemicals, rolling processing fluids and lubricating oils*, in bulk, in tank vehicles, from points in Smackover, Ark., Savannah, Ga., Itasca, McCook, Cicero, and Chicago, Ill., Hammond, Jeffersonville, Indianapolis, Ft. Wayne, and Plymouth, Ind., Ashland, Ky., Elkridge, Md., Austin, Minn., St. Louis, Mo., Weehawken, N.J., Buffalo, N.Y., Bradford, Marcus, Hook, Petrolia, Franklin, and Philadelphia, Pa., Houston, Tex., Norfolk, Va., Milwaukee, Cudahy, and Madison, Wis., and Lake Charles, La., to the plantsites of the Ironsides Company of Columbus Ohio, for 180 days. Supporting shipper: The Ironsides Company, 270 West Mound St., P.O. Box 1999, Columbus, Ohio 43216. Send protests to: Keigh D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604. The purpose of this republication is to clarify the territorial description.

No. MC 92550 (Sub-No. 7TA), filed March 19, 1975. Applicant: J. G. STROCK, doing business as SAFEWAY MOTOR FREIGHT COMPANY, 846 Willard NE., Warren, Ohio 44483. Applicant's representative: J. G. Strock (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel rods*, from Cleveland and Struthers, Ohio, to New Brighton, Pa., for 180 days. Supporting shipper: Brainard Rivet Company, 222 Harry Street, Girard, Ohio 44420. Send protests to: James Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 116073 (Sub-No. 315TA), filed March 19, 1975. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Travel trailers and 5th wheel travel trailers*, from the plantsite of Wilderness Industries, Inc., at or near Merced, Calif., to Junction City, Medford, Klamath Falls, Grants Pass, Coos Bay, Florence, Eugene, Salem, and Redmond, Oreg., Spokane, Blaine, Everett, Tacoma, Longview, and Yakima, Wash., Las Vegas, and Sparks, Nev., Boise, Idaho, and Spanish Forks, Utah, for 180 days. Supporting shipper: Wilderness Industries, Inc., 2047 Grogan Ave., Merced, Calif., 95340. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 107403 (Sub-No. 935TA), filed March 21, 1975. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank vehicles, from Clintondale, Pa., to points in Pennsauken, N.J., for 180 days. Supporting shipper: Clintondale Mills, R.D. #1, Box 365, Mill Hall, Pa. 17715. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 107496 (Sub-No. 995TA), filed March 21, 1975. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Weed killing compounds* (liquid), in bulk, in tank vehicles, from the plantsite and storage facilities of Monsanto Company near Muscatine, Iowa, to points in Delaware, Illinois, Missouri, Nebraska, Ohio, Indiana, and Minnesota (except points in the East St. Louis, Ill., St. Louis, Missouri Commercial Zone), for 180 days. Supporting shipper: Monsanto Company, 800 North Lindbergh, St. Louis, Mo. 63166. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 113908 (Sub-No. 337TA) (Correction), filed March 12, 1975, published in the FEDERAL REGISTER issue of March 26, and republished as corrected this issue. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Neutral spirits, distilled spirits and alcohol*, in bulk, from Roberta, Ga., to Chicago, Ill., for 180 days. Supporting shipper: Monarch Wine Company of Georgia, P.O. Box 6847, Atlanta, Ga. 30315. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut Street, Kansas City, Mo. 64106. The purpose of this republication is to state the correct docket number.

No. MC 113908 (Sub-No. 338TA), filed March 20, 1975. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wine and wine* products, in bulk; (2) *Neutral spirits, distilled spirits and alcohol*, in bulk, from (1) Westfield, N.Y., to points in Roberta, Ga.; (2) from Roberta, Ga., to points in Westfield, N.Y., for 180 days. Supporting shipper: Monarch Wine Company of Georgia, P.O. Box 6847, Atlanta, Ga. 30315. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 116763 (Sub-No. 308TA), filed March 14, 1975. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*,

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by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or distributed by health and beauty aid distributors and wholesalers, from the facilities of Supreme Distributors Company at or near Detroit, Mich., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and Washington, D.C., for 180 days. Supporting shipper: Supreme Distributors Company, 4220 Grandy, Detroit, Mich. 48207. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Office Bldg., 550 Main Street, Cincinnati, Ohio 45202.

No. MC 116829 (Sub-No. 14TA), filed March 24, 1975. Applicant: CLARK TRANSFER, INC., P.O. Box 190, Route 130 & Dulty Lane, Burlington, N.J. 08016. Applicant's representative: David A. Sutherlund, 1140 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Displays and exhibits*, between points in the United States (except Alaska and Hawaii). Restrictions: (1) Restricted to shipments moving to or from places of exhibition or storage; (2) Restricted against the transportation of displays or exhibits in demonstration trailers, and (3) Restricted against the transportation of experimental and show display tractors, farm, construction and excavating equipment, for 180 days. Supporting shippers: There as approximately 28 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, 428 East State St., Room 204, Trenton, N.J. 08608.

No. MC 117765 (Sub-No. 187TA), filed March 21, 1975. Applicant: HAHN TRUCK LINE, INC., 5315 NW. Fifth St., 5315 Box 75215, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-Frozen foodstuffs*, in containers, from the plantsite of Woldert Canning Company, Lindale, Tex., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, and Wisconsin, restricted to traffic originating at the facilities of Woldert Canning Company, Lindale, Tex., and destined to named states, for 180 days. Supporting shipper: Woldert Canning Company, Dan C. Woldert, Manager, Partner, 818 W. Erwin Street, P.O. Box 1448, Tyler, Tex. 75701. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240, Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 118922 (Sub-No. 13TA), filed March 21, 1975. Applicant: CARTER TRUCKING CO., INC., P.O. Box 126, Locust Grove, Ga. 30248. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as used, sold, or dealt in by wholesale, retail and chain grocery and food business houses (except commodities requiring refrigeration and except commodities in bulk), from points in Massachusetts, Connecticut, New York, Pennsylvania, Maryland, New Jersey, Illinois, Indiana, Ohio, Kentucky, and the District of Columbia, to the warehousing, storage and distribution facilities of Colonial Stores, Inc., at Atlanta and Thomasville, Ga., Columbia, S.C., Raleigh, N.C., and Norfolk, Va., for 180 days. Supporting shipper: Colonial Stores, Incorporated, 2251 N. Sylvan Road, East Point, Ga. 30344. Send protests to: William L. Scroggs, District Supervisor, 1252 West Peachtree Street NW., Room 546, Atlanta, Ga. 30309.

No. MC 123329 (Sub-No. 24TA), filed March 20, 1975. Applicant: H. M. TRIMBLE & SONS, LTD., 4056 Ogden Road SE., Calgary, Alberta, Canada. Applicant's representative: D. S. Vincent, P.O. Box 3500, 535 7th Avenue SW., Calgary, Alberta, Canada T2P 2P9. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Napthenic acid*, in bulk, in tank vehicles, from Marcus Hook, Pa., to the Ports of Entry at or near Portal, N. Dak., on the Canada-United States International Boundary line for delivery to the destination points of Calgary, Edmonton, Lethbridge, Medicine Hat and Red Deer, all in Alberta, Canada, for 180 days. Supporting shipper: Amoco Canada Petroleum Co., Ltd., Room 231, Bentall Bldg., 444 7th Ave. SW., Calgary, Alberta, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 124579 (Sub-No. 14TA), filed March 21, 1975. Applicant: WIKEL BULK EXPRESS, INC., Route 2, Huron, Ohio 44839. Applicant's representative: Robert E. Wikel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, from the facilities of Chester, Inc., at or near Brookston and Boone Grove, Ind., to points in Michigan and Ohio, for 180 days. Supporting shipper: Chester, Inc., P.O. Box 276, Brookston, Ind. 47923. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit Street, Toledo, Ohio 43604.

No. MC 124692 (Sub-No. 149TA), filed March 21, 1975. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, Mont. 59801. Applicant's representative: Charles E. Johnson, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut log and wood buildings, knocked down, and materials and supplies used in the construction, installation and erection thereof*, from Missoula County, Mont., to points in the United States in and west of Texas, Oklahoma, Missouri, Illinois, Indiana and Michigan (except Alaska and Hawaii), for 180 days. Supporting shipper: Real Log Homes, Inc., P.O. Box 1520, Route 2, Missoula, Mont. 59801. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 125120 (Sub-No. 6TA), filed March 20, 1975. Applicant: TWIN STATE SAND & GRAVEL CO., INC., Elm Street, West Lebannon, N.H. 03784. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rock salt*, in bulk, from Turland, Vermont, to points in Washington, Clinton, Essex, and Warren Counties, N.Y., under a continuing contract with Cargill, Incorporated of Minneapolis, Minn., for 180 days. Supporting shipper: Cargill, Inc., Cargill Bldg., Minneapolis, Minn. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Bldg., Concord, N.H. 03301.

No. MC 125375 (Sub-No. 14TA), filed March 21, 1975. Applicant: F. B. GUEST, doing business as F. B. G. TRANSPORT, Route No. 5, Box 298, Covington, Ga. 30209. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cottage cheese*, from Watertown, N.Y., to Charlotte and Raleigh, N.C., under a continuing contract with Borden, Inc., applicant intends to tack with MC 125375, Subs 8 and 10, for 180 days. Supporting shipper: Borden, Inc., Dairy & Services Division, Northern Division, 165 North Washington Ave., Columbus, Ohio 43215. Send protests to: William L. Scroggs, District Supervisor, 1252 West Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 129891 (Sub-No. 1TA), filed March 21, 1975. Applicant: INTERSTATE TRUCKING CO., Connelly Mill Road, Delmar, Md. 19904. Applicant's representative: L. P. Stradley (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone, sand and gravel*, in bulk, in dump vehicles, between points in Berks, Chester, Delaware, Lancaster, Montgomery Counties, Pa., on the one hand, and, on the other, points in Kent and Sussex Counties, Del.; Caroline, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico and Worcester Counties, Md.; and Accomack and Northampton Counties, Va.; under a continuing contract or contracts with the Interstate Amiesite Corporation, Concordville, Pa., for 180 days. Supporting shipper: L. P. Stradley, Vice President, The Interstate Amiesite Corporation, Route 202, ½ Mile S. of Rt. 1, Concordville, Pa. 19331. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814–B Federal Bldg., Baltimore, Md. 21201.

No. MC 133646 (Sub-No. 17TA), filed March 20, 1975. Applicant: YELLOWSTONE MOLASSES SERVICE, INC., P.O. Box 404, Billings, Mont. 59103. Applicant's representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, from Minn-Dak Farmers Cooperative, at or near Wahpeton, N. Dak., and the Red River Valley Cooperative at or near Hillsboro, N. Dak., to points in South Dakota, Nebraska, Minnesota, Montana, Iowa, and Wisconsin, for 180 days. Supporting shippers: Minn-Dak Farmers Cooperative, Wahpeton, N. Dak. 58075. The Red River Valley Cooperative, Inc., Box 43, Hillsboro, N. Dak. 58045. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 134484 (Sub-No. 6TA), filed March 21, 1975. Applicant: EDWARDS BROS., INC., 1875 North Holmes, Idaho Falls, Idaho 83401. Applicant's representative: Dennis M. Olsen, 485 "E" Street, Idaho Falls, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, fresh including frozen*, from the Counties of Jefferson and Bonneville, State of Idaho, to the states of Minnesota, South Dakota, Nebraska, Iowa, Wisconsin, Illinois, and Kansas, for 180 days. Supporting shippers: Golden Valley Packers, Inc., P.O. Box 208, Roberts, Idaho. Benner Tea Company, 3400 Mount Pleasant, Burlington, Iowa. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, 550 West Fort, Box 07, Boise, Idaho 83724.

No. MC 135291 (Sub-No. 1TA), filed March 21, 1975. Applicant: ROSS & HOGLUND, INC., 1522 Occidental Avenue South, Seattle, Wash. 98134. Applicant's representative: George Kargianis, 2120 Pacific Bldg., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in California, to points in Oregon and Washington, applicant intends to tack with MC 135291, for 180 days. Supporting shippers: Colonial Fruit & Produce Co., 1179 Dock Street, Tacoma, Wash., Rogge Commission Company, P.O. Box 24144, Seattle, Wash. 98134. Rosella's Fruit & Produce Co., Inc., 1540 Occidental Ave., South, Seattle, Wash. 98134. United Fruit & Produce Co., Inc., 1500 Occidental Ave., South, Seattle, Wash. 98134. Consolidated Fruit & Produce Co., Inc., 1916 Occidental Ave., South, Seattle, Wash. 98134. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 585 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 136008 (Sub-No. 51TA), filed March 21, 1975. Applicant: JOE BROWN COMPANY, INC., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Bldg., 3535 NW. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, (1) from the plantsites of Southwestern Coal Co., at Spadra, Ark., and Buckhorn Co., Ltd., at Prairie View, Ark., to the plantsites of Kingsford Co., at Dothan, Ala., Belle, Mo., and Burnside, Ky.; and (2) from the plantsite of Southwestern Coal Co., at Spadra, Ark., to the plantsite of Sherwin-Williams Co., at Coffeyville, Kans., for 180 days. Supporting shippers: Kingsford Co., LaVern N. Forseph, T. M., P.O. Box 1033, Louisville, Ky. 40201. Sherwin-Williams Company, Wayne Livingston, Pur., Agt., P.O. Box 855, Coffeyville, Kans. 67337. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 139123 (Sub-No. 6TA), filed March 20, 1975. Applicant: GLOUCESTER DISPATCH, INC., P.O. Box 127, Kelly Road, Plaistow, N.H. 03865. Applicant's representative: Ignatius C. Goode (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, frozen foods*, in boxes, cartons, packages, but not in bulk, from Brockton, Mass., to points in Alabama, Delaware, District of Columbia, Florida, Georgia, Louisiana, Maryland, Michigan, North Carolina, New Jersey, New York, Ohio, Pennsylvania, South Carolina, and Virginia, for 180 days. Supporting shipper: Howard Johnson Company, 309 Battles St., Brockton, Mass. 02401. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Bldg., Concord, N.H. 03301.

No. MC 139134 (Sub-No. 3TA), filed March 21, 1975. Applicant: KENNEDY MOTORS, INC., 1305 S. Mountain Avenue, Monrovia, Calif. 91016. Applicant's representative: Frederick J. Coffman, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Long Beach and Wilmington, Calif., and their respective commercial zones, to points in Idaho, Montana, Oregon, and Washington, for 180 days. Supporting shippers: There are approximately 9 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Walter W. Strakosch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1312, Federal Bldg., 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 140585 (Sub-No. 1TA), filed March 20, 1975. Applicant: MID-PENN TRANSPORTATION, INC., 1100 Lafayette Street, York, Pa. 17405. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum, petroleum products, vehicle body sealer and sound deadening compounds*, from points in McKees Rocks and New Kensington, Pa., to points in Delaware, Maryland, New Jersey, New York, North Carolina, South Carolina, and Virginia, for 180 days. Supporting shipper: Quaker State Oil Refining Corporation, P.O. Box 989, Oil City, Pa. 16301. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 140709 (Sub-No. 1TA), filed March 18, 1975. Applicant: FANKHAUSER BROTHERS, INC., 139 Hillside, El Dorado, Kans. 67042. Applicant's representative: Clyde Christey, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and liquid feed supplements*, from the plantsite and/or storage facilities of Farmland Industries, Inc., at or near Muncle, Kans., to points in Missouri and Oklahoma, for 180 days. Supporting shipper: Farmland Industries, Inc., P.O. Box 7305, Kansas City, Mo. 64116. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 140733 TA (Correction), filed March 12, 1975, published in the FEDERAL REGISTER issue of March 26, 1975, and republished as corrected this issue. Applicant: DWANE L. FORD, doing business as D & G TRUCKING, 424 Canyon, Nampa, Idaho 83651. Applicant's representative: F. L. Sigloh, P.O. Box 7651, Boise, Idaho 83707. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Insulation and insulation materials made of styrofoam, urethane, rock wool, fiberglass, cellulose and minerals;* (2) *Materials and supplies used in the manufacture and installation of insulation*, from Kansas City, Kans., and Kansas City, Mo., Tacoma, Wash., Portland, Oreg., Chilton, Tex., Santa Clara, Compton, Torrance, and Fontana, Calif., to points in Ada, Canyon, Gem, Payette,

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FRIDAY, APRIL 4, 1975

Washington, Adams, Boise, Owyhee, Elmore, Buster, Camas, Blaine, Gooding, Jerome, and Twin Falls, Counties, Idaho, and Malheur County, Oreg., for 180 days. Supporting shippers: Tempco Contracting & Supply Corp., 5023 Gage St., Boise, Idaho 83704. Action Insulation, 1177 W. Wright St., Boise, Idaho. Broadway Insulation, 1175 Wright St., Boise, Idaho 83706. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, 550 West Fort St., Box 07, Boise, Idaho 83724. The purpose of this republication is to clarify the territorial description.

No. MC 140774 (Sub-No. 1TA), filed March 19, 1975. Applicant: HERMAN J. ROBINSON AND JAMES H. ROBINSON, doing business as HERMAN'S & SONS ARCO, Route 50, Salisbury, Md. 21801. Applicant's representative: Charles E. Creager, Esq., 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, inoperative, stolen, abandoned, repossessed and replacement vehicles and parts therefor, and mobile cranes*, in truckaway service, between points in Wicomico, Worchester, Somerset, Caroline, Talbot, Dorchester, Queen Annes, and Kent Counties, Md., and Kent and Sussex Counties, Del., on the one hand, and, on the other, Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Massachusetts, New York, New Jersey, Delaware, Maryland, Pennsylvania, District of Columbia, Virginia, West Virginia, Ohio, North Carolina, South Carolina, Georgia, Alabama, Florida, and Mississippi, for 180 days. Supporting shippers: There are approximately 12 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, Room 317, 12 & Constitution Ave. NW., Washington, D.C. 20423.

No. MC 140772 (Sub-No. 1TA), filed March 20, 1975. Applicant: JOHN H. THOMASON, doing business as DIXIE AIR FREIGHT, P.O. Box 823, August, Ga. 30903. Applicant's representative: Virgil H. Smith, 1587 Phoenix Blvd., Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, Classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment), between points in Bush Field, Richmond County, Ga., on the one hand, and, on the other, points in Richmond, Columbia, McDuffie, Lincoln Wilkes, Oglethorpe, Elbert, Green, Taliaferro, Hancock, Warren, Glascock, Washington, Jefferson, Burke, Jenkins, Emanuel, Johnson, Bullock, Chandler, and Screven Counties, Ga., and points in Aiken, Barnwell, Allendale, Bamberg, Hampton, Orangeburg, Edgefield, Saluda, McCormick, Greenwood, Newberry, and Abbeville Counties, S.C. Restriction: Restricted to traffic having an immediate prior or subsequent movement by air, over irregular routes, for 180 days. Supporting shippers: There are approximately 8 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 546, Atlanta, Ga. 30309.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.75-8837 Filed 4-3-75;8:45 am]

federal register

FRIDAY, APRIL 4, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 66

PART II

FEDERAL TRADE COMMISSION

■

PROCEDURES AND RULES OF PRACTICE

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Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 1—GENERAL PROCEDURES

Miscellaneous Amendments

The Commission announces the following rules, which are effective April 4, 1975, to implement the initial stages of trade regulation rule proceedings pursuant to the authority of Pub. L. 93–637. Under separate announcement these rules are supplemented by proposed rules further implementing that authority. Subpart B is redesignated as Subpart C and a new Subpart B is added. The amendments to redesignated Subpart C, Rules and Rulemaking, are made to eliminate references to the Flammable Fabrics Act and to reflect the promulgation of the new Subpart B for trade regulation rules.

Part 1 of Title 16 is amended as set forth below.

1. Subpart B is redesignated as Subpart C and a new Subpart B is added to read as follows:

Subpart B—Rules and Rulemaking Under Section 18(a)(1)(B) of the FTC Act As Amended by Public Law 93–637

Sec.

1.7 Scope of rules in this subpart.
1.8 Nature, authority and use of trade regulation rules.
1.9 Initiation of a trade regulation rule proceeding.
1.10 Investigations and conferences.
1.11 Initial notice.
1.13 Rulemaking proceeding.
1.15 Petition for amendment to or repeal of a rule.
1.16 Petition for exemption from trade regulation rule.

AUTHORITY: Pub. L. 93–637.

§ 1.7 Scope of rules in this subpart.

The rules in this subpart apply to and govern proceedings for the promulgation of rules as provided in section 18(a)(1)(B) of the Federal Trade Commission Act as amended by Pub. L. 93–637 only. Such rules shall be known as trade regulation rules. All other rulemaking proceedings shall be governed by the rules in the remainder of this part.

§ 1.8 Nature, authority and use of trade regulation rules.

For the purpose of carrying out the provisions of the Federal Trade Commission Act, the Commission is empowered to promulgate trade regulation rules which define with specificity acts or practices which are unfair or deceptive acts or practices in or affecting commerce. Such rules may include requirements prescribed for the purpose of preventing such acts or practices. A violation of a rule shall constitute an unfair or deceptive act or practice in violation of section 5(a)(1) of that Act, unless the Commission otherwise expressly provides in its rule. However, the respondent in an adjudicative proceeding may show that his conduct does not violate the rule, or assert any other defense to which he is legally entitled.

§ 1.9 Initiation of a trade regulation rule proceeding.

Trade regulation rule proceedings may be commenced by the Commission upon its own initiative or pursuant to written petition filed with the Secretary by any interested person stating reasonable grounds therefor. If the Commission determines to commence a trade regulation rule proceeding pursuant to the petition, the petitioner shall be mailed a copy of the public notices issued under §§ 1.11 and 1.12. Any person whose petition is not deemed by the Commission sufficient to warrant commencement of a rulemaking proceeding shall be notified of that determination and may be given an opportunity to submit additional data.

§ 1.10 Investigations and conferences.

The Commission at any time may conduct such investigations, make such studies and hold such conferences as it may deem necessary. All or any part of any such investigation may be conducted under the provisions of Subpart A of Part 2 of this Chapter.

§ 1.11 Initial notice.

A trade regulation rule proceeding shall commence with an initial notice of proposed rulemaking. Such notice shall be published in the Federal Register and, to the extent practicable, otherwise made available to interested persons. The initial notice shall include: (a) the terms or substance of the proposed rule or a description of the subjects and issues involved; (b) reference to the legal authority under which the rule is proposed; (c) a statement describing with particularity the reason for the rule; (d) an invitation to all interested persons to propose disputed issues of specific fact, in contrast to legislative fact, that are material and necessary to resolve; and (e) an invitation to all interested persons to comment on the proposed rule.

§ 1.13 Rulemaking proceeding.

(a) *Written comments.* After commencement of a trade regulation rule proceeding, the Commission shall accept written submissions of data, views, and arguments on all issues of fact, law, and policy. Written comments other than under subsection (b) of this section shall be accepted until ten (10) days before commencement of the informal hearing.

(b) *Comments proposing disputed issues of specific fact, in contrast to legislative fact, that are material and necessary to resolve.* Written comments which propose disputed issues of specific fact, in contrast to legislative fact, that are material and necessary to resolve shall be accepted for a period of sixty (60) days after publication of the initial notice.

§ 1.15 Petition for amendment to or repeal of a rule.

(a) *Petition for substantive amendment to or repeal of a rule.* The procedures for petitions for substantive amendments to or repeal of a rule shall be the same as for the issuance thereof.

(b) *Petition for nonsubstantive amendment of a rule.* When the Commission, for good cause, finds that notice and public procedure relating to a petition for nonsubstantive amendment of a rule or such an amendment proposed by the Commission itself are impractical, unnecessary, or contrary to the public interest, it may dispense with the procedures of this subpart and publish the nonsubstantive amendment of the rule along with the above finding and a brief statement of the reasons therefor.

§ 1.16 Petition for exemption from trade regulation rule.

Any person to whom a rule would otherwise apply may petition the Commission for an exemption from such rule. The procedures for determining such a petition shall be those of Subpart C of these rules.

Subpart C—Rules and Rulemaking

2. Subpart C is redesignated as Subpart I, and a new Subpart C is redesignated from Subpart B; §§ 1.11 through 1.16 are redesignated as §§ 1.21 through 1.26, and §§ 1.21, 1.22 and 1.24 are revised to read as follows:

§ 1.21 Scope of the rules in this subpart.

The rules in this subpart apply to and govern procedures for the promulgation of rules, including quantity limit rules, rules authorized under the Wool Products Labeling Act of 1939, the Fur Products Labeling Act, and the Textile Fiber Products Identification Act, and rules under the Fair Packaging and Labeling Act except to the extent that objections to orders relating to the issuance, amendment, or repeal of rules under the latter Act are required by statute to be determined on the record after opportunity for an agency hearing. The rules in this subpart do not apply to the promulgation of industry guides, general statements of policy, or rules of agency organization, procedure, or practice, or rules governed by the procedures of Subpart B of this part.

§ 1.22 Rulemaking.

(a) *Nature and authority.*—For the purpose of carrying out the provisions of the statutes administered by it, the Commission is empowered to promulgate rules and regulations applicable to unlawful trade practices. Such rules and regulations express the experience and judgment of the Commission, based on facts of which it has knowledge derived from studies, reports, investigations, hearings, and other proceedings, or within official notice, concerning the substantive requirements of the statutes which it administers.

(b) *Scope.*—Rules may cover all applications of a particular statutory provision and may be nationwide in effect, or they may be limited to particular areas or industries or to particular product or geographic markets, as may be appropriate.

(c) *Use of rules in adjudicative proceedings.*—Where a rule is relevant to any issue involved in an adjudicative proceeding thereafter instituted, the Commission may rely upon the rule to resolve such issue, provided that the respondent shall have been given a fair hearing on the applicability of the rule to the particular case.

§ 1.24 Rules applicable to wool, fur, and textile fiber products and rules promulgated under the Fair Packaging and Labeling Act.

Rules having the force and effect of law are authorized under section 6 of the Wool Products Labeling Act of 1939, section 8 of the Fur Products Labeling Act, section 7 of the Textile Fiber Products Identification Act, and sections 4, 5, and 6 of the Fair Packaging and Labeling Act.

Subpart J—Economic Surveys, Investigations and Reports

3. Subpart J is redesignated from Subpart C and § 1.21 is redesignated as § 1.91 of this subpart.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46), Pub. L. No. 93–637, Sec. 202 (Jan. 4, 1975).)

By direction of the Commission, dated March 11, 1975.

[SEAL] VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75–8489 Filed 4–2–75;8:45 am]

PROCEDURES AND RULES OF PRACTICE

Miscellaneous Amendments

The Commission announces the following amendments to 16 CFR Chapter I. The amendments are effective April 4, 1975.

PART 1—GENERAL PROCEDURES

Subpart A—Industry Guidance

1. Section 1.4(b) is revised to provide for confidential treatment in appropriate circumstances of information contained in formal written objections or comments on requests for advice concerning proposed mergers. Section 1.4(b) is revised to read as follows:

Section 1.4 Public disclosure.

* * * * *

(b) All requests for advice submitted under § 1.2 concerning proposed mergers, together with supporting materials, will be placed on the public record as soon after they are received as circumstances permit, except for information for which confidential classification has been requested, with a showing of justification therefor, and which the Commission, with due regard to statutory restrictions, its rules, and the public interest, has determined should not be made public. Within thirty (30) days after such requests and materials are placed on the public record, any person may file formal written objections or comments with the Secretary of the Commission. Such objections or comments shall be placed on the public record except for information for which confidentiality has been requested, with a showing of justification therefor, and which the Commission with due regard to statutory restrictions, its rules, and the public interest, has determined should not be made public. Additionally, any communications, written or oral, concerning such proposed mergers, received by any individual member of the Commission, or by an employee involved in the decisional process, will be placed on the public record immediately after their receipt. In the case of an oral communication, the member or employee shall immediately furnish the Commission with a memorandum setting forth the full contents of such communication and the circumstances thereof, and such memorandum will immediately be placed on the public record. Any advice given under § 1.3 concerning proposed mergers, together with a statement of supporting reasons, will be published when given.

Subpart G—Injunctive and Condemnation Proceedings

3. Section 1.61 is revised to take into account the Commission's expanded injunctive authority granted under the Trans-Alaska Pipeline Authorization Act, Pub. L. 93–153 section 408(f).

Section 1.61 is revised to read as follows:

§ 1.61 Injunctions.

In those cases where the Commission has reason to believe that it would be to the interest of the public, the Commission will apply to the courts for injunctive relief, pursuant to the authority granted in section 13 of the Federal Trade Commission Act.

Subpart I—Procedures for Implementation of the National Environmental Policy Act of 1969

Sections 1.81–1.86 are revisions (1) to accord with the National Council on Environmental Quality's revised Guidelines on "Preparation of Environmental Impact Statements", (2) to integrate provisions relating to rules and guides and those relating to legislative matters, and (3) to expand §§ 1.83–1.84 into three sections, each ot deal with a discrete segment of the Environmental Act chronology and duties. A proposed revision of §§ 1.81–1.86 was published December 6, 1973, 38 FR 33618. The differences in the proposed rules and the rules adopted appear in § 1.82(c) with the substitution of "emergency action makes * * *" for peditious action is in the public interest," and in § 1.84(c) with the substitution of "emergency action makes * * *" for "emergencies make * * *".

4. Section 1.81 (a) and (b) are revised to read as follows:

§ 1.81 Authority and definition.

(a) This subpart is issued pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91–190 (NEPA), as implemented by Executive Order 11514 and by "Preparation of Environmental Impact Statements: Guidelines," issued by the Council on Environmental Quality (CEQ), 40 CFR 1500.1, et seq. (1973) (CEQ Guidelines).

(b) As used in this subpart, "environmental impact statement" means a detailed statement, as provided for in NEPA, Executive Order 11514, and CEQ Guidelines, on:

(1) The environmental impact of a proposed action;

(2) Any adverse environmental effects which cannot be avoided should the proposal be implemented;

(3) Alternatives to the proposed action;

(4) The relationship between local short-term uses of man's environment and enhancement of long-term productivity; and

(5) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

* * * * * *

5. Section 1.82 is revised to read as follows:

§ 1.82 Declaration of policy.

(a) No Commission rule or guide which is a major action significantly affecting the environment will be promulgated unless an environmental impact statement has been prepared for consideration in the decisionmaking, and

(b) No Commission legislative proposal or Commission legislative report on a proposal in an area in which the Commission has primary responsibility, concerning a matter significantly affecting the environment, will be submitted to Congress without an accompanying environmental impact statement, except that

(c) An environmental impact statement will not be prepared when the Commission finds that emergency action is necessary. In such instance, the Commission will consult with CEQ and develop a statement promptly after the action, in accordance with CEQ Guidelines, 40 CFR 1500.11(e).

(d) Nothing in this procedure shall be construed as stating or implying that section 102(2)(C) of NEPA applies to: any investigation made by the Commission for law enforcement purposes; any process or order issued by the Commission in connection with any type of investigation; any agreement of voluntary compliance or consent decree entered into by the Commission; or any adjudicatory proceedings commenced by the Commission.

6. Section 1.83 (a) and (b) are revised and new paragraphs (c) and (d) are added to read as follows:

§ 1.83 Draft environmental impact statements: availability and comment.

(a) Staff proposals recommending the initiation of a rule or guide proceeding, as well as staff evaluations of legislative proposals and legislative reports in an area in which the Commission has primary responsibility, shall include an assessment of the anticipated environmental impact, based on CEQ Guidelines, 40 CFR 1500.6 (a), (b).

(b) Upon the determination of the Commission that a matter subject to paragraph (a) of this section is a major action having a significant effect on the quality of the human environment, it

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shall prepare a draft environmental impact statement. In legislative matters, a copy of the draft environmental impact statement, together with the legislative proposal, shall be submitted to the Office of Management and Budget (OMB), in accordance with applicable provisions of OMB Circular No. A–19. In rule or guide proceedings, and in legislative matters not subject to OMB Circular No. A–19, the draft environmental impact statement shall be

(1) Transmitted to CEQ for listing in the weekly FEDERAL REGISTER notice of draft environmental impact statements;

(2) In rule or guide proceedings, placed in the public record to which it pertains; in legislative matters, placed in a public record to be established, containing the legislation or legislative report to which it pertains; these will be available to the public through the Office of the Assistant Secretary for Legal and Public Records, Federal Trade Commission, Washington, D.C. 20580;

(3) Published in full with the appropriate proposed rule, guide, legislation, or legislative report in the FEDERAL REGISTER;

(4) Forwarded to the Environmental Protection Agency's Office of Federal Activities (EPA) and to the National Technical Information Service of the Department of Commerce, Springfield, Virginia 22151 (NTIS);

(5) Circulated to appropriate Federal, State, and local agencies with jurisdiction by law or special expertise, by means, where appropriate, of Office of Management and Budget (OMB) Clearinghouse Mechanism No. A-95 (revised);

(6) Circulated to appropriate private organizations and individuals;

(7) In the case of legislation, transmitted to Congress together with the proposed legislation or report to which it pertains.

(c) Forty-five (45) days will be allowed for comment on the draft environmental impact statement, calculated from the date of inclusion in CEQ's weekly Federal Register list of draft environmental impact statements. Comments on draft environmental impact statements may be in any reasonable form, addressed to the Office of the Secretary, Federal Trade Commission, Washington, D.C. 20580, with copies to CEQ as it shall direct. Upon request by a commenting party, the Commission may in its discretion grant an extension of up to fifteen (15) days, or such longer period as the complexity of the issues may warrant.

(d) A public list will be maintained in the Office of the Secretary of all draft and all final environmental impact statements, and will be forwarded quarterly to CEQ.

7. Sections 1.84 (a) and (b) are revised and new paragraph (c) is added to read as follows:

§ 1.84 Final environmental impact statements.

(a) After the close of the comment period, the Commission will consider the comments received on the draft environmental impact statement and will put the draft environmental impact statement into final form, attaching the comments received (or summaries if response was exceptionally voluminous).

(b) Upon Commission approval of the final environmental impact statement and the matter for which it was prepared, the final environmental impact statement will be

(1) Forwarded to all parties which commented on the draft environmental impact statement and to other interested parties, if practicable;

(2) Placed in the public record of the rule or guide proceeding or legislative matter to which it pertains;

(3) Forwarded to EPA, NTIS, and CEQ;

(4) Distributed in any other way which the Commission, in consultation with CEQ, deems appropriate;

(5) Published in the FEDERAL REGISTER, together with the final rule or guide, or legislative proposal or report;

(6) In legislative matters, transmitted to Congress.

(c) In rule and guide proceedings, thirty (30) days will be allowed for comment on the final environmental impact statement, calculated from the date of inclusion in CEQ's weekly FEDERAL REGISTER list of final environmental impact statements. In no event will a final rule or guide be promulgated prior to ninety (90) days after notice of the draft environmental impact statement, except where emergency action makes such time periods impossible.

8. Section 1.85 is revised to read as follows:

§ 1.85 Implementing procedures.

(a) The General Counsel is designated the official responsible for the Commission's environmental impact statements and for otherwise coordinating the Commission's efforts to improve environmental quality. He will provide assistance to the staff in determining when an environmental impact statement is needed and in its preparation, and after review he will refer environmental impact statements to the Commission with recommendations.

(b) The Commission will determine finally whether an action complies with NEPA.

(c) The Directors of the Bureaus of Consumer Protection and Competition will establish procedures for their bureaus to assure that every proposed rule and guide is reviewed to assess the need for an environmental impact statement and that, where need exists, an environmental impact statement is developed.

(d) The General Counsel will establish procedures to assure that every legislative proposal and legislative report on a matter for which the Commission has primary responsibility is reviewed to assess the need for an environmental impact statement and that, where need exists, an environmental impact statement is developed.

9. Section 1.86 is added to read as follows:

§ 1.86 Effect on prior actions.

With respect to proceedings already in progress, the Commission recognizes that it will not be possible to comply fully with the procedures here outlined and, in particular, that it will not be possible in every instance to include within the record all of the material relating to the environmental impact of the contemplated action which might otherwise be developed. Nonetheless, it is the policy of the Commission to apply these procedures to the fullest extent possible to proceedings which are already in progress.

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

Subpart C—Prehearing Procedures; Motions; Interlocutory Appeals; Summary Decisions

Section 3.21 is amended to expand public access to prehearing conferences and clarify the provision relating to stenographic reporting.

10. Section 3.21(c) is revised to read as follows:

§ 3.21 Prehearing conferences.

* * * * *

(c) *Public access and reporting.* Prehearing conferences shall be public unless the Administrative Law Judge determines in his discretion that the conference (or any part thereof) shall be closed to the public. The Administrative Law Judge shall have discretion to determine whether a prehearing conference shall be stenographically reported.

Subpart G—Reports of Compliance

11. Section 3.61(f) is revised to provide for confidential treatment in appropriate circumstances of information contained in formal written objections or comments on applications for approval of proposed divestitures, acquisitions or similar transactions subject to Commission review under outstanding orders.

Section 3.61(f) is revised to read as follows:

§ 3.61 Reports of compliance.

* * * * *

(f) All applications for approval of proposed divestitures, acquisitions, or similar transactions subject to Commission review under outstanding orders, together with supporting materials, will be placed on the public record as soon after they are received as circumstances permit, except for information for which confidential classification has been requested, with a showing of justification therefor, and which the Commission, with due regard to statutory restrictions, its rules, and the public interest, has determined should not be made public. Within thirty (30) days after such requests and materials are placed on the public record, any person may file formal written objections or comments with the Secretary of the Commission. Such objections or comments shall be placed on the public record except for information for which confidentiality has been requested, with a showing of justification therefor, and which the Commission with due regard to statutory restrictions, its rules, and the public interest, has determined should not be made public. Additionally, any communications, written or oral, concerning such proposed transactions, received by any individual member of the Commission, or by any employee involved in the decisional process, will be placed on the public record immediately after their receipt. In the case of an oral communication, the member or employee shall immediately furnish the Commission with a memorandum setting forth the full contents of such communication and the circumstances thereof, and such memorandum will immediately be placed on the public record. All responses to applications for approval of proposed divestitures, acquisitions, or similar transactions subject to Commission review under outstanding orders, together with a statement of supporting reasons, will be published when made.

PART 4—MISCELLANEOUS RULES

12. Section 4.1(b)(4) is revised to eliminate the requirement for filing affidavits in a case in which a former Commission member or employee is prohibited under § 4.1(b) from appearing or participating in a Commission proceeding or investigation, and his partner(s) or associate(s) desire to appear or participate therein without utilizing his services. The amendment also dispenses with the need for special assurances that the disqualified former employee will not share in the revenues from such representation.

Section 4.1(b)(4) is revised to read as follows:

§ 4.1 Appearances.

* * * * *

(b) * * *

(4) In any case in which a former member or employee of the Commission is prohibited under this section from appearing or participating in a Commission proceeding or investigation, his services shall not be utilized in any respect in such matter nor shall the matter be discussed with him in any manner by any partner or legal or business associate.

* * * * *

13. Section 4.2(a) is revised to make clear that documents addressed to the Administrative Law Judge are to be filed with the Secretary; paragraph (c) is revised to reduce the number of documents required to be filed, and paragraph (d)(1) is revised to require specific identifying information on motions or other papers filed in adjudicative proceedings.

Section 4.2 (a), (c), and (d)(1) are revised to read as follows:

§ 4.2 Requirements as to form and filing of documents other than correspondence.

(a) ***Filing.*** Except as otherwise provided, all documents submitted to the Commission including those addressed to the Administrative Law Judge shall be filed with the Secretary of the Commission: provided, however, that in any instance informal applications or requests may be submitted directly to the official in charge of any office of the Commission or to the Director, Deputy Director, or Assistant Director of the appropriate bureau or office or to the Administrative Law Judge.

* * * * *

(c) *Copies.* Twenty (20) copies of a notice of intention to appeal and of all briefs before the Commission shall be filed; ten (10) copies of all other documents shall be filed, with the exception of notices of appearances and reports of compliance, as to which only two (2) copies of each need be filed. As to admissions and answers thereto, only one copy need be filed.

(d) *Form.* (1) Documents filed with the Secretary of the Commission, other than briefs in support of appeals from initial decisions, shall be printed, typewritten, or otherwise processed in permanent form and on good unglazed paper. A motion or other paper filed in an adjudicative proceeding shall contain a caption setting forth the title of the case, the docket number, and a brief descriptive title indicating the purpose of the paper.

* * * * *

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46), 80 Stat. 383, as amended, 81 Stat. 54 (5 U.S.C. 552))

By direction of the Commission dated March 11, 1975.

[SEAL] VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75–8488 Filed 4–2–75;8:45 am]

PROCEDURES AND RULES OF PRACTICE

Miscellaneous Amendments

The Commission hereby announces its determination to abolish Part 2 proposed complaint and consent order procedures. Under these procedures a proposed complaint was served upon a respondent with a notice that he had 30 days to settle the matter by consent agreement. The primary purpose of the procedures was to encourage a proposed respondent to enter into a settlement containing effective relief and thereby avoid expensive and time consuming litigation. The Commission has concluded, however, that the procedures have too often proven to be a source of unnecessary delay and has therefore determined to eliminate them.

This decision does not affect the Commission's policy of encouraging settlements and discouraging litigation where a consent agreement is in the public interest. Opportunity to negotiate such agreements will continue to be available during the investigative stage, and, in appropriate circumstances, after complaint has issued.

To effectuate the Commission's determination, the following amendments, revisions, and additions to Parts 2, 3, and 4 of the Commission's rules of practice are adopted and made effective April 4, 1975.

PART 2—NONADJUDICATIVE PROCEDURES

Subpart A—Investigations

1. Section 2.14(a) is revised to read as follows:

§ 2.14 Disposition.

(a) When the facts disclosed by an investigation indicate that corrective action is warranted, and the matter is not subject to informal nonadjudicative disposition pursuant to § 2.21 or to a consent settlement pursuant to Subpart C of this part, further proceedings may be instituted pursuant to the provisions of Part 3 of this chapter.

* * * * *

Subpart C—Consent Order Procedure

2. Sections 2.31 through 2.35 are revised to read as follows:

§ 2.31 Opportunity to submit a proposed consent order.

(a) Where time, the nature of the proceeding, and the public interest permit, any individual, partnership, or corporation being investigated shall be afforded the opportunity to submit thrugh the operating Bureau or Regional Office having responsibility in the matter a proposal for disposition of the matter in the form of a consent order agreement executed by the party being investigated and complying with the requirements of § 2.32, for consideration by the Commission in connection with a proposed complaint submitted by the Commission's staff.

(b) After a complaint has been issued, the consent order procedure described in this part will not be available except as provided in § 3.25(b).

§ 2.32 Agreement.

Every agreement shall contain, in addition to an appropriate order, either an admission of the proposed findings of fact and conclusions of law submitted simultaneously by the Commission's staff or an admission of all jurisdictional facts and an express waiver of the requirement that the Commission's decision contain a statement of findings of fact and conclusions of law. In addition, every agreement shall contain waivers of further procedural steps and of all rights to seek judicial review or otherwise to challenge or contest the validity of the order. The agreement shall also contain provisions that the complaint may be used in construing the terms of the order, and that no agreement, understanding, representation, or interpretation not contained in the order or the aforementioned agreement may be used to vary or to contradict the terms of the order; that the order shall have the same force and effect and may be altered, modified, or set aside in the same manner provided by statute for other orders; that the order shall become final upon service; that the agreement shall not become a part of the public record unless

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and until it is accepted by the Commission; and that the Commission may withdraw its acceptance of the agreement if comments or views submitted to the Commission within sixty (60) days after such acceptance disclosure facts or considerations which indicate that the order contained in the agreement is inappropriate, improper, or inadequate. In addition, in appropriate circumstances the agreement may contain a statement that the signing thereof is for settlement purposes only and does not constitute an admission by any party that the law has been violated as alleged in the complaint.

§ 2.33 Compliance procedure.

The Commission may in its discretion require that a proposed agreement containing an order to cease and desist be accompanied by an initial report signed by the respondent setting forth in precise detail the manner in which the respondent will comply with the order when and if entered. Such report will not become part of the public record unless and until the accompanying agreement and order are accepted by the Commission. At the time any such report is submitted a respondent may request confidentiality for any portion thereof with a precise showing of justification therefor, and the Commission with due regard to statutory restrictions, its rules, and the public interest will act upon such request.

§ 2.34 Disposition.

Upon receiving an executed agreement conforming with the requirements of § 2.32, the Commission may: (1) Accept it; (2) reject it and issue its complaint; or (3) take such other action as it may deem appropriate. If an agreement is accepted, the Commission will place the order contained therein and any initial report of compliance submitted pursuant to § 2.33 on the public record, and at the same time, will make available an explanation of the provisions of the order and the relief to be obtained thereby and any other information which it deems helpful in assisting interested persons to understand the terms of the order. The Commission will publish the agreement, order and explanation in the Federal Register. For a period of sixty (60) days after placement of the order on the public record and issuance of the statement, the Commission will receive and consider any comments or views concerning the order that may be filed by any interested persons. Thereafter, within thirty (30) days, the Commission may either withdraw its acceptance of the agreement and so notify the other party, in which event it will take such other action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require), and decision, in disposition of the proceeding.

§ 2.35 Confidentiality.

All negotiations and communications under this subpart will constitute a part of the confidential records of the Commission, except to the extent otherwise specifically provided therein.

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

Subpart C—Prehearing Procedures; Motions; Interlocutory Appeals; Summary Decisions

3. Section 3.25 is added to read as follows:

§ 3.25 Consent agreement settlements.

(a) The Administrative Law Judge may, in his discretion and without suspension of prehearing procedures, hold conferences for the purpose of supervising negotiations for settlement of the case by way of consent agreement.

(b) A proposal to settle a matter in adjudication by consent agreement shall be submitted by way of a motion by a respondent or jointly by a respondent and counsel representing the Commission to withdraw the matter from adjudication for the purpose of considering the proposed consent agreement. Such motion shall be accompanied by the consent agreement executed by the respondent and conforming to the requirements of § 2.32; the consent agreement itself, however, shall not be placed on the public record unless and until it is accepted by the Commission as provided herein. If the motion is not opposed, the Administrative Law Judge shall within fifteen (15) days after service of such motion certify the matter to the Commission, with any recommendation he may make. If the motion is opposed, the Administrative Law Judge may certify the matter to the Commission together with his recommendation if it appears that there is a likehood of settlement. The filing of a motion to withdraw a matter from adjudication and certification thereof to the Commission shall not stay proceedings before the Administrative Law Judge unless the Administrative Law Judge or the Commission shall so order.

(c) Upon certification of a motion to withdraw a matter from adjudication pursuant to subsection (b), the Commission may, if it is satisfied that there is a likelihood of settlement, issue an order withdrawing the matter from adjudication for the purpose of considering the proposed consent agreement. In such event, the Commission will treat the matter as being in a nonadjudicative status and may consult with and receive advice without regard to the requirements of § 4.7.

(d) After the matter has been withdrawn from adjudication, the Commission may (1) accept the agreement; (2) reject it and return the matter to adjudication for further proceedings; or (3) take such other action as it may deem appropriate. If an agreement is accepted, the Commission will place it on the public record, together with any initial report of compliance submitted pursuant to § 2.33, and at the same time, will make available an explanation of the provisions of the order and the relief to be obtained thereby and any other information which it deems helpful in assisting interested persons to understand the terms of the order. For a period of sixty (60) days after placement of the order on the public record and issuance of the statement, the Commission will receive and consider any comments or views concerning the order that may be filed by any interested persons. Thereafter, within thirty (30) days, the Commission may either withdraw its acceptance of the agreement and so notify the other party, in which event it will return the matter to adjudication for further proceedings or take such other action as it may consider appropriate, or issue and serve its decision in disposition of the proceeding.

(e) This rule will not preclude the settlement of the case by regular adjudicatory process through the filing of an admission answer or submission of the case to the Administrative Law Judge on a stipulation of facts and an agreed order.

PART 4—MISCELLANEOUS RULES

4. Section 4.9(b) (10), (12), and (14) are revised to read as follows:

§ 4.9 Public records.

* * * * *

(b) The public records of the Commission which are routinely available for inspection and copying include:

* * * * *

(10) Agreements containing orders after acceptance by the Commission pursuant to §§ 2.34 and 3.25(d), and assurances of voluntary compliance which are accepted under § 2.21 of this chapter (excluding matters disposed of under § 1.34 of this chapter);

* * * * *

(12) Reports of compliance and supplemental materials in connection therewith filed pursuant to the rules in this chapter or to a provision in an order of the Commission, and reports of compliance filed pursuant to assurances of voluntary compliance which are accepted under § 2.21 of this chapter (excluding matters disposed of under § 1.34 of this chapter), except as provided in § 2.33 and in § 4.9(b)(13), shall be available at the principal office of the Commission for inspection and copying by the public when received, unless at such time of filing the filing party requests confidentiality in whole or in part and submits satisfactory reasons therefor, and the Commission, with due regard for statutory restrictions, its rules and the public interest, grants the request; and

* * * * *

(14) Comments filed under §§ 2.34 and 3.25(d) of this chapter concerning proposed consent agreements;

* * * * *

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46), 80 Stat. 383, as amended, 81 Stat. 54 (5 U.S.C. 552))

By direction of the Commission dated March 11, 1975.

[SEAL] VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75-8490 Filed 4-2-75;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 1]

TRADE REGULATIONS RULEMAKING PROCEDURES

Notice of Proposed Rulemaking

The Commission proposes the following rules to implement its trade regulation rulemaking authority under Pub. L. 93-637. These rules supplement rules published under separate announcement which are effective on publication. Comments on these proposed rules shall be received by the Commission through May 5, 1975. Such comments should be addressed to the Secretary, Federal Trade Commission, Washington, D.C. 20580.

The following rules would replace the existing Subpart B and establish procedures for the promulgation of trade regulation rules pursuant to Pub. L. 93-637.

Accordingly, it is proposed to amend Part 1 of Title 16 as set forth below:

Subpart B—Rules and Rulemaking Under Section 18(a)(1)(B) of the FTC Act as Amended by Public Law 93-637

1. Section 1.12 is added to read as follows:

§ 1.12 Final notice.

A final notice of proposed rulemaking shall be published in the FEDERAL REGISTER, and to the extent practicable, otherwise made available to interested persons. The final notice may include: (a) Designated issues which are to be considered in accordance with § 1.13(d)(5) and (6); (b) the time and place of an informal hearing; (c) instructions to interested persons seeking to make oral presentations; (d) a requirement that interested persons who desire to avail themselves of the procedures of § 1.13(d)(5) and (6) with respect to any issue designated in paragraph (a) of this section must identify their interests with respect to those issues in such manner as may be established by the presiding officer; and (e) an incorporation by reference of the contents of the initial notice.

2. Section 1.13 is amended by adding paragraphs (c) through (h) as follows:

§ 1.13 Rulemaking proceeding.

* * * * *

(c) *Presiding officer.* Upon commencement of a proposed trade regulation rule proceeding, the Commission shall appoint a presiding officer who shall be responsible for the orderly conduct of the rulemaking proceeding. He shall have all powers necessary to that end including the following: (1) To publish a final notice in accordance with § 1.12 or issue any other public notice that may be necessary for the orderly conduct of the rulemaking proceeding; (2) to designate, modify, or delete issues for consideration in accordance with § 1.13(d)(5) and (6); (3) to set the time and place of the informal hearing and to change any time periods prescribed in this subpart; (4) to prescribe rules or issue rulings to avoid unnecessary costs or delay. Such rulings may include, but are not limited to, the imposition of reasonable time limits on each person's oral presentation and requirements that any examination, including cross-examination, which a person may be entitled to conduct or have conducted under this subpart be conducted in such a manner as the presiding officer shall determine to be appropriate and to be required for a full and true disclosure with respect to any issue designated for consideration in accordance with § 1.13(d)(5) and (6); (5) to make rules and rulings limiting the representation of interested persons for the purpose of examination, including cross-examination, and governing the manner in which such examination is limited, including the selection of a representative from among a group of persons with the same or similar interests; (6) to compel the attendance of persons or the production of documents or to obtain responses to written questions; (7) to require testimony at the informal hearing to be under oath; (8) to require that oral presentations at the informal hearing be submitted in writing in advance of presentation; and (9) to certify questions to the Commission for its determination. Applications for review of a ruling will not be entertained by the Commission prior to its review of the record pursuant to § 1.14, unless the presiding officer certifies in writing to the Commission that a ruling involves a controlling question of law or policy as to which there is substantial ground for difference of opinion and that an immediate review of the ruling may materially advance the ultimate termination of the proceeding or subsequent review will be an inadequate remedy and the Commission permits review. Certification of such rulings shall not stay the rulemaking proceeding unless the presiding officer or the Commission shall so order.

(d) *Informal hearings.* An informal hearing with the opportunity for oral presentations on all issues shall be conducted by the presiding officer. In addition, if an issue is designated pursuant to these rules for consideration in accordance with § 1.13(d)(5) and (6), the informal hearing on such issues shall be conducted in accordance with those subsections. For all other issues the presiding officer may in his discretion employ, in whole or in part, the procedures of those subparagraphs.

(1) *Designation of issues for consideration in accordance with § 1.13(d)(5) and (6).* The presiding officer may at any time on his own motion or pursuant to a written petition by interested persons, modify the issues designated pursuant to § 1.12(a). No such petition shall be considered unless good cause is shown why any such proposed issue could not have been proposed pursuant to § 1.13(b).

(2) *Nature of issues for consideration in accordance with § 1.13(d)(5) and (6).*—(i) *Issues that must be considered in accordance with § 1.13(d)(5) and (6).* The only issues that must be designated for consideration in accordance with paragraphs (d)(5) and (6) of this section are disputed issues of specific fact, in contrast to legislative fact, that are determined by the Commission or the presiding officer to be material and necessary to resolve.

(ii) *Issues that may be considered in accordance with § 1.13(d)(5) and (6).* The Commission and the presiding officer retain the power to designate any other issues for consideration in accordance with paragraphs (d)(5) and (6) of this section.

(3) *Identification of interests.* Not later than twenty (20) days after publication of the final notice each interested person who desires to avail himself of the procedures of paragraphs (d)(5) and (6) of this section shall notify the presiding officer in writing of his particular interest with respect to each issue designated for consideration in accordance with those subsections. In the event that new issues are designated, each interested person shall promptly notify the presiding officer of his particular interest with respect to each such issue.

(4) *Examination and cross-examination by the staff of the Commission.* The staff of the Commission may examine, including cross-examine, persons making oral presentations subject only to the discretion of the presiding officer.

(5) *Examination and cross-examination by interested persons.*—(i) *In general.* The presiding officer shall conduct or allow to be conducted examination, including cross-examination of oral presentations and the presentation of rebuttal submissions relevant to the issues designated for consideration in accordance with paragraphs (d)(5) and (6) of this section. Examination, including cross-examination, shall be allowed to the extent to which it is appropriate and is required for a full and true disclosure with respect to those issues. Requests for an opportunity to examine, including cross-examine, shall be accompanied by a specific justification therefor. In determining whether or not to grant such requests the presiding officer shall take into account the following considerations:

(A) The extent to which a full and true disclosure with respect to any designated issue can be achieved through rebuttal submissions or the presentation of additional oral submissions;

(B) The extent to which there are circumstantial guarantees of the trustworthiness of the presentations;

(C) Whether a particular person's presentation is required for the resolution of the designated issues; and

(D) Whether a dispute concerns facts in contrast to the inferences and conclusions to be drawn from facts.

(ii) *Selection of representatives for cross-examination.* After consideration of the information supplied in response to the final notice, the presiding officer shall identify groups of persons with the same or similar interests in the proceeding. Such groups may be required to select a single representative for the purpose of examination, including cross-examination. If a group is unable to select a representative then the presiding

V 40-166 APR 4 75 XUM

officer shall select a representative of each such group.

(iii) *Inability to select representative for examination, including cross-examination.* No person shall be denied the opportunity to conduct, or have conducted, examination, including cross-examination, under paragraph (d) (5) (i) of this section if he is a member of a group as described in paragraph (d) (5) (ii) of this section and is unable to agree upon group representation with other group members after a good faith effort to do so and seeks to present substantial and relevant issues which will not be adequately presented by the group representative. In that event he shall be allowed to conduct or have conducted any examination, including cross-examination, to which he is entitled on issues designated for consideration in accordance with paragraphs (d) (5) and (6) of this section and which affect his particular interest.

(iv) *Conduct of examination and cross-examination by presiding officer.* The presiding officer may conduct any examination, including cross-examination, to which a person may be entitled. For that purpose he may require submissions of written requests for presentation of questions to any person making oral presentations and shall determine whether to ask such questions or any other questions. All requests for presentation of questions shall be placed in the rulemaking record.

(6) *Requests to compel the attendance of persons or the production of documents or to obtain responses to written questions.* During the course of the rulemaking proceeding the presiding officer shall entertain requests from interested persons to compel the attendance of persons or the production of documents or to obtain responses to written questions on behalf of the Commission's staff or any interested person. The presiding officer may require the payment of a fee to any person to whom such requests are directed in accordance with § 4.5 of this chapter. Requests to compel the attendance of persons or the production of documents or to obtain responses to written questions shall contain a statement showing the general relevancy of the material, information or presentation, and the reasonableness of the scope of the request, together with a showing that such material, information or presentation is not available by voluntary methods and cannot be obtained through examination, including cross-examination, of oral presentations or the presentation of rebuttal submissions, and is appropriate and required for a full and true disclosure with respect to the issues designated for consideration in accordance with paragraphs (d) (5) and (6) of this section.

(e) *Written transcript.* A verbatim transcript shall be made of the informal hearing which transcript shall be placed in the rulemaking record.

(f) *Summary and findings.* After the close of the informal hearing, the presiding officer shall prepare a summary of the record, both written and oral, relating to the issues designated for consideration in accordance with paragraphs (d) (5) and (6) of this section and make initial factual findings and conclusions as to these issues and other findings and conclusions as he sees fit.

(g) *Staff recommendations.* The staff shall make recommendations to the Commission in a report based on the rulemaking record and taking into account the presiding officer's findings of fact. Such report shall contain its analysis of the record and its recommendations as to the form of the final rule.

(h) *Post record comment.* The findings and conclusions of the presiding officer as well as the staff report shall be the subject of public comment for a period of sixty (60) days after the staff recommendations are placed in the rulemaking record. Such comments shall be confined to information already in the record and may include requests for review by the Commission of determinations made by the presiding officer.

3. Section 1.14 is added to read as follows:

§ 1.14 Promulgation.

(a) The Commission shall review the rulemaking record including the summary, findings, and conclusions of the presiding officer as to the issues designated for consideration in accordance with § 1.13(d) (5) and (6), the verbatim transcript of the informal hearing, the report and recommendations of the staff and any public comments thereon, to determine what form of rule, if any, it should promulgate. The Commission may issue, modify, or decline to issue any rule. Where it believes that it should have further information or additional views of interested persons as to the form and content of the rule, it may withhold final action pending the receipt of such additional information or views. If it determines to issue a rule, it shall adopt a Statement of Basis and Purpose to accompany the rule. If it determines not to issue a rule, it may adopt and publish an explanation for not doing so. The Statement of Basis and Purpose to accompany a rule promulgated under this subpart shall include (1) a statement as to the prevalence of the acts or practices treated by the rule, (2) a statement as to the manner and context in which such acts or practices are unfair or deceptive, and (3) a statement as to the economic effect of the rule, taking into account the effect on small businesses and consumers.

(b) The final rule and Statement of Basis and Purpose shall be published in the FEDERAL REGISTER not less than thirty (30) days prior to the effective date of the rule except where the Commission for good cause found and published with the rule sets an earlier effective date.

Sections 1.17 through 1.20 are added as follows:

§ 1.17 Compensation for representation in rulemaking proceedings.

(a) *Purpose of compensation.* The Commission may provide compensation to any person who has or represents an interest which would not otherwise be adequately represented in a rulemaking proceeding, and representation of which is necessary for a fair determination of the rulemaking proceeding taken as a whole, and who is unable effectively to participate in such proceeding because such person cannot afford to pay costs of making oral presentations, conducting cross-examination, and making rebuttal submissions in such proceeding.

(b) *Level of funding.* At or after the time of the initial notice of proposed rulemaking, the Commission may announce a tentative total level of funding for compensation for participation in that proceeding.

(c) *Applications.* An application for compensation for participation in a rulemaking proceeding may be filed at any time after the publication of the initial notice of proposed rulemaking. An application for compensation shall be filed prior to the time when the costs for which compensation is sought are incurred. Such application shall contain the following:

(1) A description of the interest the applicant has or represents in the rulemaking proceeding;

(2) A statement of the reasons representation of such interest is necessary for a fair determination of the proceeding taken as a whole taking into account the number and complexity of the issues involved, and the importance of a fair, balanced representation of all interests;

(3) The reasons why such interest would not otherwise be adequately represented in the proceeding;

(4) A statement of the reasons the applicant is unable effectively to participate in the rulemaking proceeding without financial assistance including information relating to:

(i) The economic stake of the interest involved as compared with the costs of participation;

(ii) The feasibility of contributions to the costs of participation by individual representatives of the interests;

(iii) The resources of the applicant, or of the interest represented by the applicant;

(5) Insofar as possible, a specific statement of the expenses to be incurred for which compensation is sought, including an estimate of the total anticipated expenses; and

(6) A statement of the applicant's organizational and financial status in such form as the Commission may prescribe.

(d) *Determination of applications.*—(1) *By the presiding officer.* The presiding officer shall consider applications for compensation filed under this section and forward initial findings to the Director of the Bureau of Consumer Protection as to whether the applicant meets the criteria of paragraph (a) of this section. In connection with his determination the presiding officer may conduct such inquiry of the applicant or require the production of such documents as he deems necessary.

(2) *By the Director of the Bureau of Consumer Protection.* The Director of the Bureau of Consumer Protection shall review applications and the initial findings of the presiding officer and determine, in his discretion, to what extent compensation shall be authorized under this section.

(e) *Payment of compensation.*—(1) *In general.* The Commission will compensate the applicant only for those authorized expenses actually incurred. Appropriate proof of actual expenditures may be required by the Commission. The Commission may make any payments under this section in advance where necessary to permit effective participation in the rulemaking proceeding. Payment will be conditioned upon the execution by the applicant of an appropriate agreement setting forth the terms and conditions of the compensation.

(2) *Attorneys' Fees; Expert Witness Fees.* Attorneys' fees at a rate in excess of $50 per hour will be considered presumptively unreasonable and compensation will not be provided for such excess in the absence of sufficient justification. Experts and consultants will be compensated a rate not to exceed the highest rate at which experts and consultants to the Commission are compensated.

§ 1.18 Public availability of rulemaking record.

(a) *Rulemaking record.* For the purposes of these rules the term "rulemaking record" includes the rule, its Statement of Basis and Purpose, the verbatim transcript of the informal hearing, written submissions, and any other information which the Commission considers relevant to the rule.

(b) *Public availability of written submissions.* Written submissions commenting on the proposed rule as well as the verbatim transcript of the informal hearing, shall be made publicly available except when the presiding officer, for good cause shown, determines that it is in the public interest to allow any such submissions to be received in camera subject to the provisions of § 4.11 of this chapter.

§ 1.19 Modification of a rule by the Commission at the time of judicial review.

In the event that a reviewing court determines under section 18(e) (2) of the Federal Trade Commission Act, as amended by Pub. L. 93-637, to allow further submissions and presentations on the rule, the Commission may modify or set aside its rule or make a new rule by reason of the additional submissions and presentations. Such modified or new rule shall then be filed with the court together with an appropriate Statement of Basis and Purpose and the return of such submissions and presentations.

§ 1.20 Expeditious procedure.

Any or all of the procedures established in this subpart may be dispensed with by the Commission, to the extent that they are not otherwise required by law, when it finds, for good cause, that such procedures are impractical, unnecessary, or contrary to the public interest. In that case the Commission shall publish with the rule or amendment a brief statement of its reasons for dispensing with any such procedures.

By direction of the Commission dated March 11, 1975.

[SEAL] VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75-8491 Filed 4-3-75;8:45 am]

[16 CFR Part 3]

RULES GOVERNING DISCOVERY AND COMPULSORY PROCESS IN ADJUDICATIVE PROCEEDINGS

Proposed Rule Changes

The Federal Trade Commission is considering a general revision of its rules governing discovery and compulsory process in adjudicative proceedings to adopt a system modeled on the Federal Rules of Civil Procedure, with modifications adapted to the Commission's structure.

The proposed rules would, among other changes, allow discovery to be initiated in most instances by the parties to the proceeding, without the requirement of obtaining the permission of the presiding administrative law judge. They would add to the list of available methods of discovery between parties written interrogatories and requests for production of documents.

Under the proposed rules, discovery from Commission counsel supporting an administrative complaint is treated as discovery from a party, and discovery from the remainder of the Commission is classified as discovery from a nonparty. Particularly in the context of the proposed liberalized discovery between parties, this approach reflects the distinct functions which various segments of the Commission perform in an adjudicative proceeding.

The proposed rules are promulgated under the authority granted by the Federal Trade Commission Act, 15 U.S.C. section 41 et seq.

Written comments on the proposed rules will be received by the Commission on or before May 5, 1975. Comments should be filed in duplicate and addressed to the Secretary, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580.

Comments from the Commission's administrative law judges, operating bureaus, and regional offices will be received in the same manner as comments from members of the public.

All comments, including those received from the Commission's staff, will be available for public inspection during normal business hours at the Division of Legal and Public Records, Room 130, Federal Trade Commission Building, Pennsylvania Avenue and Sixth Street NW., Washington, D.C.

The proposed changes are set forth below.

Subpart D—Discovery; Compulsory Process

1. Sections 3.33 through 3.38 are revised and incorporated into proposed §§ 3.31-9, 3.31-11, and 3.31-12 as set forth below.

§ 3.31-10 [Redesignated]

2. The present § 3.31 is proposed to be redesignated as § 3.31-10.

3. Sections 3.31-1 through 3.31-9 and 3.31-11 and 3.31-12 are proposed to read as follows:

§ 3.31-1 Definitions governing discovery.

(a) The following definitions shall apply to the rules of discovery for Commission adjudicative proceedings, infra, §§ 3.31-2 through 3.31-13:

(1) "Party" means each respondent named in the complaint, Commission complaint counsel, and any intervenor under the provisions of § 3.14.

(2) "Person" means any natural person, corporation (including a corporation as defined in section 4 of the Federal Trade Commission Act), partnership, or unincorporated association not a party to the proceeding or an officer, director, partner, or employee of a party; and any government agency, or officer or employee thereof.

(3) "Government agency" means any unit of government, Federal or State, including, unless otherwise indicated, the Commission itself with the exception of complaint counsel.

(4) "Complaint counsel" means, for purposes of a particular adjudicative proceeding, all Commission counsel responsible for supporting the allegations of the complaint in the adjudicative proceeding, in their capacity as complaint counsel in that proceeding.

(b) Discovery which may be sought from a party by any of the means provided by §§ 3.31-2 through 3.31-12 shall, as to discovery sought from complaint counsel, extend to all documents which are within the possession, custody, and control of the Commission, and all information within the knowledge of complaint counsel, which relate to the allegations of the complaint at issue. It shall not extend to documents or information relating to proceedings against other respondents whether or not similar as to their legal bases, to other proceedings against the same respondent or respondents, or to other Commission investigations or non-adjudicative activities; and all such documents or information shall be sought only in accordance with the procedures provided for discovery from persons not parties. For purposes of seeking discovery from the Commission other than complaint counsel, the Secretary of the Commission shall be deemed to have possession, custody, and control of all documents in the possession, custody, and control of the Commission and shall also be the Commission's agent for the service of all motions under §§ 3.31-5 and 3.31-6 for the taking of depositions of Commission officers or employees other than complaint counsel.

(c) Nothing contained herein or in §§ 3.31-2 through 3.31-12 shall in any way alter or affect any restriction upon discovery of documents within the possession and control of, or information within the knowledge of, the Commission (including complaint counsel) or any

V 40 166
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other government agency, or alter or affect any privilege or other exemption from discovery of such documents or information, heretofore or hereafter established by statute, rule, regulation or precedent of judicial or administrative body, except insofar as such restriction, privilege, or exemption is solely dependent upon a Commission rule abolished by the promulgation of these discovery rules.

(d) Nothing contained herein shall prevent the Administrative Law Judge presiding over an adjudicative proceeding, on motion or sua sponte, from placing such limits upon the kind or amount of discovery to be had, or the period of time during which discovery may be carried out, as shall be consistent with justice and the public interest in an expeditious resolution of the proceeding.

(e) These amended discovery rules, including this section and §§ 3.31–2 through 3.31–12, shall take effect on ----------, 1975. They govern all discovery in Commission adjudicative proceedings initiated after they take effect and also all further discovery in such proceedings then pending except to the extent that in the opinion of the Administrative Law Judge or the Commission their application in a particular proceeding would not be feasible or would work injustice, in which event the former discovery rules apply.

§ 3.31–2 General provisions governing discovery.

(a) *Discovery methods.* Parties may obtain discovery by one or more of the following methods: depositions upon oral examination or written questions; written interrogatories; production of documents or things for inspection and other purposes; and requests for admission. Unless the Administrative Law Judge orders otherwise under paragraph (c) of this section or § 3.31–1, the frequency of use of these methods is not limited.

(b) *Scope of discovery.* Unless otherwise limited by order of the Administrative Law Judge in accordance with these rules, the scope of discovery is as follows:

(1) *In general.* Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending proceeding, whether it relates to the allegations of the complaint or to the defense of any respondent, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

(2) *Trial preparation: Materials.* (i) Subject to the provisions of paragraph (b)(3) of this section, a party may obtain discovery of documents and tangible things otherwise discoverable under paragraph (b)(1) of this section and prepared in anticipation of litigation or for hearing by or for another party or by or for that other party's representative (including his attorney, consultant, or agent) only upon a showing that the party seeking discovery has substantial need of the materials in the preparation of his case and that he is unable without undue hardship to obtain the substantial equivalent of the materials by other means. In ordering discovery of such materials when the required showing has been made, the Administrative Law Judge shall protect against disclosure of the mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of a party concerning the litigation.

(ii) A party may obtain without the required showing a statement concerning the action or its subject matter previously made by that party. Upon request, a person not a party may obtain without the required showing a statement concerning the action or its subject matter previously made by that person. If the request is refused, the person may move the Administrative Law Judge for an order. For purposes of this paragraph, a statement previously made is (A) a written statement signed or otherwise adopted or approved by the person making it, or (B) a stenographic, mechanical, electrical, or other recording, or a transcription thereof, which is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded.

(3) *Hearing preparation: Experts.* Discovery of facts known and opinions held by experts, otherwise discoverable under the provisions of paragraph (b)(1) of this section and required or developed in anticipation of litigation or for hearing, may be obtained only as follows:

(i) (A) A party may through interrogatories require any other party to identify each person whom the other party expects to call as an expert witness at hearing, to state the subject matter on which the expert is expected to testify, and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. (B) Upon motion, the Administrative Law Judge may order further discovery by other means, subject to such restrictions as to scope as the Administrative Law Judge may deem appropriate.

(ii) A party may discover facts known or opinions held by an expert who has been retained or specially employed by another party in anticipation of litigation or preparation for hearing and who is not expected to be called as a witness at hearing, only upon a showing of exceptional circumstances under which it is impracticable for the party seeking discovery to obtain facts or opinions on the same subject by other means.

(iii) The Administrative Law Judge may require as a condition of discovery that the party seeking discovery pay the expert a reasonable fee for time spent in responding to discovery under paragraphs (b)(3)(i)(B) and (b)(3)(ii) of this section.

(c) *Protective orders.* Upon motion by a party or by the person from whom discovery is sought, and for good cause shown, the Administrative Law Judge may make any order which may appear necessary and appropriate for the protection of the public interest or which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following: (1) That the discovery not be had; (2) that the discovery may be had only on specified terms and conditions, including a designation of the time or place; (3) that the discovery may be had only by a method of discovery other than that selected by the party seeking discovery; (4) that certain matters not be inquired into, or that the scope of the discovery be limited to certain matters; (5) that discovery be conducted with no one present except persons designated by the Administrative Law Judge; (6) that a deposition after being sealed be opened only by order of the Administrative Law Judge; (7) that a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way; (8) that the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the Administrative Law Judge.

If the motion for a protective order is denied in whole or in part, the Administrative Law Judge may, on such terms and conditions as are just, order that any party or person provide or permit discovery.

(d) *Sequence and timing of discovery.* Unless the Administrative Law Judge upon motion, for the convenience of parties and witnesses and in the interests of justice, orders otherwise, methods of discovery may be used in any sequence and the fact that a party is conducting discovery, whether by deposition or otherwise, shall not operate to delay any other party's discovery.

(e) *Supplementation of responses.* A party who has responded to a request for discovery with a response that was complete when made is under no duty to supplement his response to include information thereafter acquired, except as follows:

(1) A party is under a duty seasonably to supplement his response with respect to any question directly addressed to (i) the identity and location of persons having knowledge of discoverable matters, and (ii) the identity of each person expected to be called as an expert witness at hearing, the subject matter on which he is expected to testify, and the substance of his testimony.

(2) A party is under a duty seasonably to amend a prior response if he obtains information upon the basis of which (i) he knows that the response was incorrect when made, or (ii) he knows that the response though correct when made is no longer true and the circumstances are such that a failure to amend the response is in substance a knowing concealment.

(3) A duty to supplement responses may be imposed by order of the Administrative Law Judge, agreement of the parties, or at any time prior to hearing through new requests for supplementation of prior responses.

§ 3.31–3 Persons before whom deposition may be taken.

(a) *Within the United States.* Within the United States or within a territory or insular possession subject to the dominion of the United States, depositions shall be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held, or before such person as the parties may stipulate under § 3.31–4.

(b) *In foreign countries.* In a foreign country, depositions may be taken (1) on notice before a person authorized to administer oaths in the place in which the examination is held, either by the law thereof or by the law of the United States, or (2) before a person commissioned by the Administrative Law Judge, and a person so commissioned shall have the power by virtue of his commission to administer any necessary oath and take testimony, or (3) before such person as the parties may stipulate under § 3.31–4, or (4) pursuant to a letter rogatory. A commission or a letter rogatory shall be issued on application and notice and on terms that are just and appropriate. It is not requisite to the issuance of a commission or a letter rogatory that the taking of the deposition in any other manner is impracticable or inconvenient; and both a commission and a letter rogatory may be issued in proper cases. A notice or commission may designate the person before whom the deposition is to be taken either my name or descriptive title. A letter rogatory may be addressed "To the Appropriate Authority in [here name the country]." Evidence obtained in response to a letter rogatory need not be excluded merely for the reason that it is not a verbatim transcript or that the testimony was not taken under oath or for any similar departure from the requirements for depositions taken within the United States under these rules.

§ 3.31–4 Stipulations regarding discovery procedure.

Unless the Administrative Law Judge orders otherwise, the parties may by written stipulation (a) provide that depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used like other depositions, and (b) modify the procedures provided by these rules for other methods of discovery, except that stipulations extending the time provided in §§ 3.31–8, –9, and –10 for responses to discovery may be made only with the approval of the Administrative Law Judge.

§ 3.31–5 Depositions upon oral examination.

(a) *When depositions may be taken.* After service of the complaint, any party may take the testimony of any person, including a party, by deposition upon oral examination. Leave of the Administrative Law Judge, granted with or without notice, must be obtained only if the plaintiff seeks to take a deposition prior to the expiration of 30 days after service of the complaint upon any respondent, except that leave is not required (1) if a respondent has served a notice of taking deposition or otherwise sought discovery, or (2) if special notice is given as provided in paragraph (b)(2) of this section. The attendance of witnesses may be compelled by subpoena as provided in § 3.31–12.

(b) *Notice of examination: General requirements; special notice; Non-stenographic recording; production of documents and things; depositions of organization.*

(1) A party desiring to take the deposition of any person other than a person described in paragraph (b)(2) of this section upon oral examination shall give reasonable notice in writing to every other party to the action. Reasonable notice is defined to be not less than 10 days, but the Administrative Law Judge may designate a shorter or longer time. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. If a subpoena duces tecum is to be served on the person to be examined, the designation of the materials to be produced as set forth in the subpoena shall be attached to or included in the notice.

(2) A party desiring to take the deposition of an officer or employee of the Commission other than complaint counsel, or of an officer or employee of another government agency, or to obtain documents, or other physical exhibits in the custody, control and possession of such officer or employee, shall proceed by written motion to the Administrative Law Judge, filed in accordance with the provisions of § 3.22(a), for leave to apply for a subpoena under § 3.31–12. Such a motion shall be granted only upon a showing that the information expected to be obtained thereby is within the scope of discovery permitted by § 3.31–2(b) and cannot be obtained without undue hardship by alternative means. No motion for an order or subpoena for production of documents grounded upon § 4.11 of this chapter or upon the Freedom of Information Act shall be entertained by the Administrative Law Judge.

(3) The Administrative Law Judge may upon motion order that the testimony at a deposition be recorded by other than stenographic means, in which event the order shall designate the manner of recording, preserving, and filing the deposition, and may include other provisions to assure that the recorded testimony will be accurate and trustworthy.

(4) The notice to a party deponent may be accompanied by a request made in compliance with § 3.31–9 for the production of documents and tangible things at the taking of the deposition. The procedure of § 3.31–9 shall apply to the request.

(5) A party may in his notice and in a subpoena name as the deponent a public or private corporation or a partnership or association or governmental agency and describe with reasonable particularity the matters on which examination is requested. In that event, the organization so named shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which he will testify. A subpoena shall advise a nonparty organization of its duty to make such a designation. The persons so designated shall testify as to matters known or reasonably available to the organization. This paragraph (b)(5) does not preclude taking a deposition by any other procedure authorized in these rules.

(c) *Examination and cross-examination; record of examination; oath; objections.* (1) Examination and cross-examination of witnesses may proceed as permitted at the hearing under the provisions of § 3.43. The officer before whom the deposition is to be taken shall put the witness on oath and shall personally, or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically or recorded by any other means ordered in accordance with paragraph (b)(4) of this section. If requested by one of the parties, the testimony shall be transcribed.

(2) All objections made at time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections. In lieu of participating in the oral examination, parties may serve written questions in a sealed envelope on the party taking the deposition and he shall transmit them to the officer, who shall propound them to the witness and record the answers verbatim.

(d) *Motion to terminate or limit examination.* At any time during the taking of the deposition, on motion of a party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the Administrative Law Judge may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and man-

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ner of the taking of the deposition as provided in § 3.31-2(c). If the order made terminates the examination, it shall be resumed thereafter only upon the order of the Administrative Law Judge. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order.

(e) *Submission to witness; changes; signing.* When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness within 30 days of its submission to him, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed unless on a motion to suppress under § 3.31-7(d)(4) the Administrative Law Judge holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(f) *Certification and filing by officer; exhibits; copies; notice of filing.* (1) (i) The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope indorsed with the title of the action and marked "Deposition of [here insert name of witness]" and shall promptly file it with the Secretary of the Commission.

(ii) Documents and things produced for inspection during the examination of the witness, shall, upon the request of a party, be marked for identification and annexed to and returned with the deposition, and may be inspected and copied by any party, except that (A) the person producing the materials may substitute copies to be marked for identification, if he affords to all parties fair opportunity to verify the copies by comparison with the originals, and (B) if the person producing the materials requests their return, the officer shall mark them, give each party an opportunity to inspect and copy them, and return them to the person producing them, and the materials may then be used in the same manner as if annexed to and returned with the deposition. Any party may move for an order that the original be annexed to and returned with the deposition to the Secretary of the Commission, pending final disposition of the case.

(2) Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

(3) The party taking the deposition shall give prompt notice of its filing to all other parties.

§ 3.31-6 Depositions upon written questions.

(a) *Serving questions; notice.* (1) After service of the complaint, any party may take the testimony of any person, including a party, by deposition upon written questions, except that the deposition by written questions of an officer or employee of the Commission other than complaint counsel, or the deposition of an officer or employee of another government agency, may be taken only with leave of the Administrative Law Judge given in response to a motion and upon a showing as specified by § 3.31-5(b)(2). The attendance of witnesses may be compelled by the use of subpoena as provided in § 3.31-12.

(2) A party desiring to take a deposition upon written questions shall serve them upon every other party with a notice stating (i) the name and address of the person who is to answer them, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs, and (ii) the name or descriptive title and address of the officer before whom the deposition is to be taken. A deposition upon written questions may be taken of a public or private corporation or a partnership or association or governmental agency in accordance with the provisions of § 3.31-5(b)(5).

(3) Within 30 days after the notice and written questions are served, a party may serve cross questions upon all other parties. Within 10 days after being served with cross questions, a party may serve redirect questions upon all other parties. Within 10 days after being served with redirect questions, a party may serve recross questions upon all other parties. The Administrative Law Judge may for cause shown enlarge or shorten the time.

(b) *Officer to take responses and prepare record.* A copy of the notice and copies of all questions served shall be delivered by the party taking the deposition to the officer designated in the notice, who shall proceed promptly, in the manner provided by § 3.31-5 (c), (e), and (f), to take the testimony of the witness in response to the questions and to prepare, certify, and file or mail the deposition, attaching thereto the copy of the notice and the questions received by him.

(c) *Notice of filing.* When the deposition is filed the party taking it shall promptly give notice thereof to all other parties.

§ 3.31-7 Use of depositions in adjudicative proceedings.

(a) *Use of depositions.* At hearing or upon the hearing of a motion or an interlocutory proceeding, any part or all of a deposition, so far as admissible under the rules of evidence applied as though the witness were then present and testifying, may be used against any party who was present or represented at the taking of the deposition or who had reasonable notice thereof, in accordance with any of the following provisions:

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of deponent as a witness.

(2) The deposition of a party or of anyone who at the time of taking the deposition was an officer, director, or managing agent, or a person designated under §§ 3.31-5(b)(5) or 3.31-6(a) to testify on behalf of a public or private corporation, or partnership or association or governmental agency which is a party or on behalf of complaint counsel may be used by an adverse party for any purpose.

(3) The deposition of a witness, whether or not a party, may be used by any party for any purpose if the Administrative Law Judge finds: (i) that the witness is dead; or (ii) that the witness is out of the United States, unless it appears that the absence of the witness was procured by the party offering the deposition; or (iii) that the witness is unable to attend or testify because of age, illness, infirmity, or imprisonment; or (iv) that the party offering the deposition has been unable to procure the attendance of the witness by subpoena; or (v) upon application and notice, that such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally at hearing, to allow the deposition to be used.

(4) If only part of a deposition is offered in evidence by a party, an adverse party may require him to introduce any other part which ought in fairness to be considered with the part introduced, and any party may introduce any other parts.

Substitution of parties does not affect the right to use depositions previously taken; and, when a complaint has been dismissed and another complaint involving the same subject matter is afterward brought against the same parties or their representatives or successors in interest, all depositions lawfully taken and duly filed in the former proceeding may be used in the latter as if originally taken therefor.

(b) *Objections to admissibility.* Subject to the provisions of § 3.31-3(b) and paragraph (d)(3) of this section, objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying.

(c) *Effect of taking or using depositions.* A party does not make a person his own witness for any purpose by taking his deposition. The introduction in evidence of the deposition or any part thereof for any purpose other than that of contradicting or impeaching the deponent makes the deponent the witness of the party introducing the deposition,

but this shall not apply to the use by any adverse party of a deposition under paragraph (a)(2) of this section: At the hearing any party may rebut any relevant evidence contained in a deposition whether introduced by him or by any other party.

(d) *Effect of Errors and Irregularities in Depositions.* (1) *As to notice.* All errors and irregularities in the notice for taking a deposition are waived unless written objection is promptly served upon the party giving the notice.

(2) *As to disqualification of officer.* Objection to taking a deposition because of disqualification of the officer before whom it is to be taken is waived unless made before the taking of the deposition begins or as soon thereafter as the disqualification becomes known or could be discovered with reasonable diligence.

(3) *As to taking of deposition.* (i) Objections to the competency of a witness or to the competency, relevancy, or materiality of testimony are not waived by failure to make them before or during the taking of the deposition, unless the ground of the objection is one which might have been obviated or removed if presented at that time.

(ii) Errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of parties, and errors of any kind which might be obviated, removed, or cured if promptly presented, are waived unless reasonable objection thereto is made at the taking of the deposition.

(iii) Objections to the form of written questions submitted under § 3.31-6 are waived unless served in writing upon the party propounding them within the time allowed for serving the succeeding cross or other questions and within 5 days after service of the last questions authorized.

(4) *As to completion and return of deposition.* Errors and irregularities in the manner in which the testimony is transcribed or the deposition is prepared, signed, certified, sealed, indorsed, transmitted, filed, or otherwise dealt with by the officer under §§ 3.31-5 and -6 are waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is, or with due diligence might have been, ascertained.

§ 3.31-8 Interrogatories to parties.

(a) *Availability; procedures for use.* (1) Any party may serve upon any other party written interrogatories to be answered by the party served or, if the party served is a corporation or a partnership or association, by any officer or agent or if complaint counsel, by any one of complaint counsel, who shall furnish such information as is available to the party. Interrogatories may, without leave of the Administrative Law Judge, be served upon complaint counsel after service of the complaint and upon the respondent or respondents with or after service of the complaint upon that party.

(2) Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections signed by the attorney making them. The party upon whom the interrogatories have been served shall serve a copy of the answers, and objections if any, within 30 days after the service of the interrogatories, except that a respondent may serve answers or objections within 45 days after service of the complaint upon that respondent. The Administrative Law Judge may allow a shorter or longer time. The party submitting the interrogatories may move for an order under § 3.31-11(a) with respect to any objection to or other failure to answer an interrogatory.

(b) *Scope; use at hearing.* (1) Interrogatories may relate to any matters which can be inquired into under § 3.31-2(b), and the answers may be used to the extent permitted by the rules of evidence.

(2) An interrogatory otherwise proper is not necessarily objectionable merely because an answer to the interrogatory involves an opinion or contention that relates to fact or the application of law to fact, but the Administrative Law Judge may order that such an interrogatory need not be answered until after designated discovery has been completed or until a pretrial conference or other later time.

(c) *Option to Produce Records.* Where the answer to an interrogatory may be derived or ascertained from the records of the party upon whom the interrogatory has been served or from an examination, audit or inspection of such records, or from a compilation, abstract or summary based thereon, and the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served, it is a sufficient answer to such interrogatory to specify the records from which the answer may be derived or ascertained and to afford to the party serving the interrogatory reasonable opportunity to examine, audit or inspect such records and to make copies, compilations, abstracts or summaries.

§ 3.31-9 Production of documents and things for inspection and other purposes.

(a) *Scope.* Any party may serve on any other party a request (1) to produce and permit the party making the request, or someone acting on his behalf, to inspect and copy, any designated documents (including writings, drawings, graphs, charts, photographs, phono-records, and other data compilations from which information can be obtained, translated, if necessary, by the party upon whom the request is served through detection devices into reasonably usable form), or to inspect and copy, test, or sample any tangible things which constitute or contain matters within the scope of § 3.31-2(b) and which are in the possession, custody or control of the party upon whom the request is served.

(b) *Procedure.* (1) The request may, without leave of the Administrative Law Judge, be served upon complaint counsel after service of the complaint and upon the respondent or respondents with or after service of the complaint upon that respondent. The request shall set forth the items to be inspected either by individual item or by category, and describe each item and category with reasonable particularity. The request shall specify a reasonable time, place, and manner of making the inspection and performing the related acts.

(2) The party upon whom the request is served shall serve a written response within 30 days after the service of the request, except that a respondent may serve a response within 45 days after service of the complaint upon that respondent. The Administrative Law Judge may allow a shorter or longer time. The response shall state, with respect to each item or category, that inspection and related activities will be permitted as requested, unless the request is objected to, in which event the reasons for objection shall be stated. If objection is made to part of an item or category, the part shall be specified. The party submitting the request may move for an order under Section 3.31-11 with respect to any objection to or other failure to respond to the request or any part thereof, or any failure to permit inspection as requested.

§ 3.31-11 Failure to make discovery: sanctions.

(a) *Motion for order compelling discovery.* A party, upon reasonable notice to other parties and all persons affected thereby, may apply to the Administrative Law Judge for an order compelling discovery as follows:

(1) *Motion.* (i) If a deponent fails to answer a question propounded or submitted under § 3.31-5 or § 3.31-6, or a corporation or other entity fails to make a designation under § 3.31-5(b)(5) or § 3.31-6(a), or a party fails to answer an interrogatory submitted under § 3.31-8, or if a party, in response to a request for inspection submitted under Section 3.31-9, fails to respond that inspection will be permitted as requested or fails to permit inspection as requested, the discovering party may move for an order compelling an answer, or a designation, or an order compelling inspection in accordance with the request. When taking a deposition on oral examination, the proponent of the question may complete or adjourn the examination before he applies for an order.

(ii) If the Administrative Law Judge denies the motion in whole or in part, he may make such protective order as he would have been empowered to make on a motion made pursuant to § 3.31-2(c).

(2) *Evasive or incomplete answer.* For purposes of this subdivision an evasive or incomplete answer is to be treated as a failure to answer.

(b) *Failure to comply with order.* If a party or an officer or agent of a party or

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a person designated under § 3.31–5(b)(5) or § 3.31–6(a) to testify on behalf of a party fails to obey an order to provide or permit discovery, including an order made under paragraph (a) of this section, the Administrative Law Judge may make such orders in regard to the failure as are just, and among others the following:

(1) Infer that the admission, testimony, documents or other evidence would have been adverse to the party;

(2) Rule that for the purposes of the proceeding the matter or matters concerning which the order or subpoena was issued be taken as established adversely to the party;

(3) Rule that the party may not introduce into evidence or otherwise rely, in support of any claim or defense, upon testimony by such party, officer, or agent, or the documents or other evidence;

(4) Rule that the party may not be heard to object to introduction and use of secondary evidence to show what the withheld admission, testimony, documents, or other evidence would have shown;

(5) Rule that a pleading, or part of a pleading, or a motion or other submission by the party, concerning which the order or subpoena was issued, be stricken, or that a decision of the proceeding be rendered against the party, or both.

(c) (i) Action under paragraph (b) of this section may be taken by written or oral order issued in the course of the proceeding or by inclusion in an initial decision of the Administrative Law Judge or an order or opinion of the Commission. It shall be the duty of parties to seek and the Administrative Law Judge to grant such of the means of relief listed in paragraph (b) of this section or other appropriate relief as may be sufficient to compensate for the lack of testimony, documents, or other evidence withheld by a party. If in the Administrative Law Judge's opinion such relief would not be sufficient, or in the case of a subpoena or other discovery order against a person, not a party, would be inappropriate, and if the party who obtained the subpoena or other discovery order so requests, he shall certify to the Commission a request that court enforcement of the subpoena or other discovery order be sought.

(ii) Any request for enforcement of a subpoena or other discovery order against a party certified by an Administrative Law Judge to the Commission shall contain a statement that the party who obtained the subpoena or other discovery order has sought relief of the type listed in paragraph (b) hereof and that the Administrative Law Judge finds that such relief would be insufficient under the circumstances.

§ 3.31–12 Subpoenas.

(a) *Issuance of subpoenas ad testificandum and duces tecum.* Subpoenas requiring a person to appear and depose or testify and subpoenas requiring a person to depose or testify and to produce specified documents or other tangible things, at the taking of a deposition or at a hearing, shall be issued by the Administrative Law Judge, signed and sealed but otherwise in blank, to a party requesting it, who shall fill each subpoena in before service.

(b) *Form of subpoenas duces tecum.* Subpoenas duces tecum shall specify as exactly as possible the documents or physical exhibits to be produced. When the subpoena is sought for discovery purposes, the documents or physical exhibits sought shall constitute or contain matters within the scope of examination permitted by § 3.31–2(b), and the subpoena shall be subject to the provisions of § 3.31–2(c) and of paragraph (c) of this section.

(c) *Objections to subpoenas duces tecum.* The person to whom a subpoena duces tecum is directed may, within 10 days after the service thereof, or such other time as the Administrative Law Judge shall allow, serve upon the attorney designated in the subpoena and file with the Secretary of the Commission written objection to inspection or copying of any or all of the material sought. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials except pursuant to an order of the Administrative Law Judge. The party serving the subpoena may, if objection has been made, move upon notice to the person to whom the subpoena is directed, within 20 days or such other time as the Administrative Law Judge shall allow after service of the objections, for an order directing compliance with the subpoena or any part thereof. The party upon whom the subpoena is served may move within the time allowed for service of objections or within 20 days after service of a motion for an order directing compliance, or such other time as the Administrative Law Judge shall allow, for an order quashing or modifying the subpoena upon any ground contained in § 3.31–2 (b) or (c).

(d) *Objections to subpoenas for non-party Commission records or for records or personnel of other government agencies.* (1) Subpoenas duces tecum served upon the Commission or Commission officials or employees other than complaint counsel or upon other government agencies or their officials or employees shall be subject to objection and motion to quash or modify as provided in paragraph (c) of this section and upon the further ground, if applicable, that the information contained in these materials or their substantial equivalent as evidence could be obtained without undue hardship by alternative means.

(2) Subpoenas ad testificandum served upon the Commission or Commission officials or employees other than complaint counsel or upon other government agencies or their officials or employees shall include a statement of the subject matter of the testimony sought, and shall be subject to objection and motion to quash or limit as provided in paragraph (c) of this section, and upon the further grounds, if applicable, that such testimony would be contrary to the public interest, or that the information or evidence sought could be obtained without undue hardship by alternative means.

Subpart C—Prehearing Procedures; Motions; Interlocutory Appeals; Summary Decisions

4. Sections 3.21(b) and 3.23(a) are revised to conform with the proposed substantive and formal changes in §§ 3.31–3.38.

§ 3.21 Prehearing conferences.

* * * * *

(b) *Subpoenas.* Prehearing conferences may be convened for the purpose of accepting returns on *subpoenas duces tecum* issued pursuant to the provisions of § 3.31–12.

§ 3.23 Interlocutory appeals.

* * * * *

(a) *Appeals without a determination by the Administrative Law Judge.* The Commission may, in its discretion, entertain interlocutory appeals where a ruling of the Administrative Law Judge: (1) Requires the disclosure of documents within the possession, custody and control of the Secretary of the Commission or information within the knowledge of Commission personnel other than complaint counsel; (2) requires the appearance of other government officials or the disclosure of the records of another government agency; (3) suspends an attorney from participation in a particular proceeding pursuant to § 3.42(d); or (4) grants or denies an application for intervention pursuant to the provisions of § 3.14. Appeal from such a ruling may be sought by filing with the Commission an application for review, not to exceed fifteen (15) pages, within five (5) days after notice of the Administrative Law Judge's ruling. Answer thereto may be filed within five (5) days after service of the application for review. The application for review should specify the person or party taking the appeal; should designate the ruling or part thereof from which appeal is being taken; and should specify under which provisions hereof review is being sought. The Commission upon its own motion may enter an order staying the return date of an order for discovery pursuant to §§ 3.31–1 through 3.31–12 of these rules which will require the disclosure of documents within the possession, custody and control of the Secretary of the Commission or information within the knowledge of Commission personnel other than complaint counsel, or the appearance of other government officials or the disclosure of the records of another government agency, and such order may place the matter on the Commission's docket for review. Any order placing the matter on the Commission's docket for review will set forth the scope of the review and the issues which will be considered and will make provision for the filing of briefs if deemed appropriate by the Commission.

§ 3.32 [Redesignated]

5. Section 3.39 is proposed to be redesignated as § 3.32.

Subpart E—Hearings

6. Section 3.41(f) is revised to conform with the redesignation of § 3.39 as proposed § 3.32.

§ 3.41 General rules.

* * * * *

(f) Requests for an order requiring a witness to testify or provide other information and granting immunity under Title 18, Section 6002, of the United States Code, shall be disposed of in accordance with § 3.32.

By direction of the Commission dated March 11, 1975.

[SEAL] VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75–8492 Filed 4–3–75;8:45 am]

[16 CFR Part 4]

RULES OF PRACTICE AND PROCEDURE

Separation of Functions and Ex Parte Communications

Notice is hereby given that the Federal Trade Commission, pursuant to section 6 of the Federal Trade Commission Act, 38 Stat. 721 (15 U.S.C. 46) (1970) and 5 U.S.C. 552 (1970), 80 Stat. 383, as amended, 81 Stat. 54 (formerly section 3 of the Administrative Procedure Act) is proposing a revision of § 4.7 of its rules of practice and procedure, 16 CFR 4.7.

Under the proposal, present § 4.7 would be revised to separate and distinguish restrictions on ex parte communications between, on the one hand, Commission decisionmakers and staff investigators and prosecutors of an adjudicative proceeding or a factually related adjudicative proceeding, and between, on the other hand, Commission decisionmakers and persons outside the Commission. Proposed § 4.7(a) would concern the first type of communications and would incorporate language which conforms to the "separation of functions" provision of 5 U.S.C. 554(d) (formerly section 5 (c) of the Administrative Procedure Act). Proposed § 4.7(b) would focus exclusively on the second type of communications, would expand the prohibition to include any communication "about" an adjudicative proceeding, as distinguished from "the merits" of the proceeding, except for an ex parte communication authorized by law or the Commission's Rules or a request for information about the status of a proceeding, and would substitute the phrase "a member of a Commissioner's personal staff" for the present phrase "any employee involved in the decisional process in such a proceeding". Proposed § 4.7(c) would eliminate the requirement of present § 4.7 (c) that the Commission be informed of the substance of a prohibited ex parte communication, would provide that any such communication be placed on the public records of the Commission, but not considered as part of the record in the proceeding for purposes of decision unless introduced into evidence and would retain a discretionary right of the Commission to take such further action for a violation of the section as it may deem appropriate.

Section 4.7 would be revised to read as follows:

§ 4.7 Separation of functions and ex parte communications.

(a) No Commission employee or agent who has performed an investigative or prosecuting function for the Commission in connection with an adjudicative proceeding shall, in that or a factually related adjudicative proceeding, participate or advise in any decision therein of the Administrative Law Judge or of the Commission except as a witness or as counsel in public proceedings.

(b) No person not employed by the Commission shall communicate about an adjudicative proceeding to the Administrative Law Judge presiding therein, to a Commissioner or to a member of a Commissioner's personal staff except to the extent required for the disposition of ex parte matters as authorized by law or as authorized by the Commission's Rules to be disposed of on an ex parte basis. A request for information with respect to the status of an adjudicative proceeding shall not be deemed to be a communication prohibited by this subsection.

(c) If a communication is made in violation of paragraphs (a) or (b) of this section, the recipient thereof shall file a copy of the pertinent part of such communication, if written, or a summary of such communication, if oral, with the Secretary for inclusion in the docket binder of the case to which it pertains and it shall be made part of the public records of the Commission. However, such communications will not be considered by the Commission as part of the record for purposes of decision unless introduced into evidence. The Commission may take such further action as it may deem appropriate for violation of this section.

Written comments on the foregoing proposed revision of § 4.7 may be sent to the Secretary, Federal Trade Commission, Pennsylvania Avenue and 6th Street NW., Washington, D.C. 20580 on or before May 5, 1975. Such comments will be entered on the public records of the Commission and will be available for inspection in Room 130 at the above address during normal business hours.

By direction of the Commission dated March 11, 1975.

[SEAL] VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75–8493 Filed 4–3–75;8:45 am]

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federal register

FRIDAY, APRIL 4, 1975
WASHINGTON, D.C.
Volume 40 ■ Number 66

PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Expected Family Contribution For Academic Year 1975–1976

V 40 I 66

APR 4 75 XUM V

death of a spouse whose income was included on the application, or divorce or separation of the parents of a dependent student, the Commissioner may require the submission of a new application and may require the submission of documentation of the change in family circumstances.

(20 U.S.C. 1070a)

Dated: March 31, 1975.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: April 1, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

[FR Doc.75-8966 Filed 4-3-75;8:45 am]

sion, subject to the provisions therein of the following: Adjusted gross income

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 190—BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Expected Family Contribution for Academic Year 1975–1976

A notice of proposed rule making was published in the FEDERAL REGISTER on July 2, 1974 (39 FR 24481), to amend Subparts C and D of Part 190 of Title 45 of the Code of Federal Regulations dealing with the Family Contribution Schedules for the Basic Educational Opportunity Grant Program. Such amendments were to apply for academic year 1975–1976. The key provisions of these amendments were essentially as follows:

1. Subpart C set forth the method to be used in determining the expected family contribution for dependent students which is used to determine a student's grant under the Basic Educational Opportunity Grant Program. It established procedures for determining the expected family contribution from parental income and assets, including the allowances to be made against income and assets and the rates of contribution against income and assets after such allowances have been made, and the expected contribution from the effective income of the dependent student and from the dependent student's assets.

2. Subpart D set forth the methods to be used in determining the expected family contribution for independent students. It established the definition of the independent student and further set forth procedures for determining the expected family contribution from the effective income of the independent student, the contribution from the income of the independent student including allowances against such income and the rates of contribution to be used in determining the contribution from the income after the allowances have been made, and the rates to be used in determining the contribution from the assets of the independent student.

Interested parties were invited to submit written comments, suggestions, or objections with regard to the proposed Family Contribution Schedules. In addition, as required by section 411(a)(3)(A)(ii) of the Higher Education Act of 1965, as amended (20 U.S.C. 1070a(a)(3)(A)(ii)), the schedules were submitted to the President of the Senate and the Speaker of the House and hearings on these Schedules were held by the Senate Subcommittee on Education on October 3, 1974, and by the House Special Subcommittee on Education on September 30, 1974.

Comments from the public, as well as Congressional comments, centered around four main issues in the Schedules: the treatment of assets; the treatment of "effective income of the student;" the level of the family size offsets; and the treatment of independent students who leave their jobs to pursue postsecondary education.

During the first two years of Program operations, the treatment of assets in the family contribution schedules has raised considerable Congressional and public concern. During the first year of program operation, the 1973–1974 academic year, the amount of assets which were considered in the formula was that amount which remained after deductions for any debts against the assets and an asset reserve of $7,500. This treatment was revised in 1974–75 to provide for an offset against the contribution from assets in those cases where allowable deductions from income exceeded the family's income. This revised treatment reduced the problems for families with a relatively high asset position and low annual incomes, such as farmers and small business owners.

Despite those changes however, concern was still expressed regarding those families who have the bulk of their assets in home equity. This is particularly true for many families with low and lower-middle incomes who by reason of a substantial home equity may not qualify for assistance under this program. To alleviate this situation, the asset reserve has been raised from the current $7,500 to a $10,000 level. Because the median home equity of all dependent applicants according to the latest program statistics on the 1974–75 Basic Grant applicants is $10,535, raising the asset reserve to $10,000 will, we believe, bring it more into line with general experience and expectations.

A second major concern was expressed regarding the treatment of effective income of the student which is defined by law to be any amount paid to or on behalf of the student under the Social Security Act which would not be paid if he were not a student and one-half of any amount of educational benefits paid through the Veterans Administration. While few objections were raised to the treatment of V.A. benefits, the treatment of social security benefits is of major concern, in that many families receiving social security benefits are dependent on these funds for family maintenance. For the lowest income families, social security benefits often represent their sole financial support.

In response to the concern expressed with regard to the treatment of effective income of the student, the Schedules were changed during the 1974–75 academic year to provide, in those cases where the allowable offsets against the total family income exceeded the amount of that income, a deduction from the effective income of the student to offset this negative amount. Although this changed treatment partially alleviated the problems affecting social security recipients, it did not remove all of the inequities for many student recipients. Consequently, for the 1975–76 academic year, the treatment of the effective income of the student is changed to include such income as regular family income for purposes of computing the family contribution. As such, the effective income of the student is subject to the same treatment and assessment rates as the regular family income. In this context, it should be noted that the effective income of the student as specified in the legislation includes both social security benefits and benefits from the Veterans Administration. Therefore, any modification proposed to alleviate the problems affecting social security recipients must necessarily have the same impact on recipients of Veterans educational assistance.

In making adjustments in the treatment of the student's effective income, the social security income will be collected for the base year rather than the year subsequent to the base year, which has been the case in the past. This change has been made because under the new treatment of social security income it is not essential that the educational benefits for social security recipients be separately collected. Further, the social security payments for the total family rarely differ from one year to the next, regardless of whether a student is enrolled in school. In addition, this change will contribute to a simplification of instructions for the completion of the application form, as well as the reduction of the complexity of the form itself.

The comments on the family size offsets dealt with the proper rate of increase to be applied to current offsets in order to reflect rising costs. In order to establish a standard for determining the amount of subsistence expenses, the Basic Grant Program adopted during the initial year of operation the "Weighted Average Thresholds at the Low Income Level" published by the Bureau of Census as a reasonable approximation of family expenses. These expenses are based on the food cost of families of a given size and make certain assumptions about the additional expenses of shelter and other family needs. These base line data have been up-dated annually to accommodate the increases in the Consumer Price Index as published by the Department of Labor. For the 1975–76 academic year, the family size offsets used during the 1974–75 academic year have been increased by 11.9 percent to reflect the rise in cost of living expenses from November 1973 to October 1974. The percentage increase is taken from the published Department of Labor Consumer Price Index Statistics.

A fourth major concern dealt with the treatment of the independent student who was employed on a full-time basis in the base year but who left his job in order to pursue postsecondary education. For the 1974–75 academic year, the independent student's eligibility is calculated based on base year 1973 income data. The only provisions which would allow the independent student to file a Basic Grant application using estimated current year (1974) income data are: (1) The inability of the applicant to pursue normal income producing activities due to disability or natural disaster, (2) the separation or divorce of the applicant since the time the Basic Grant application was filed, and, (3) the death of a spouse whose income was included in the calculation of the family contribution. Therefore, the independent applicant who was employed on a full-time basis and earned income in the base year has often been determined to be ineligible for Basic Grant assistance, even though the income earned during that time was no longer available.

In response to this concern, the regulations have been amended to include a provision which would permit independent student applicants who were not students in the base year, who were employed for at least 35 hours per week for a minimum of 30 weeks during the base year and who will not be comparably employed during the current year to file a Basic Grant application using estimated current year income data.

In order to improve the organization of the regulations, the criteria under which an applicant may use the estimated income of the tax year subsequent to the base year has been incorporated as part of the regulations governing the family contribution schedules. Specifically, that portion of § 190.16 dealing with dependent students has been incorporated into Subpart C as § 190.39, and that portion of § 190.16 dealing with independent students has been incorporated into Subpart D as § 190.48. Section 190.16 has been revised to cross reference this change.

It should further be noted that, in view of the pressing need to incorporate the provisions dealing with the use of estimated income for the independent student as part of the student application process for the 1975–76 academic year, and in view of the fact that the change for the independent student has already received Congressional review, it has been determined in accordance with 5 U.S.C. 553(b) that resort to proposed rule making procedures with respect to this provision would be impracticable and contrary to the public interest. Since the family contribution schedules are required to be submitted annually for Congressional approval and public comment, there will be additional opportunity to make further modifications if subsequent program experience and public comments warrant additional modifications.

The Family Contribution Schedules, as published, also contained some technical inaccuracies and omissions. These inaccuracies and omissions have been corrected in this publication of the regulations.

In light of the foregoing, Part 190 of Title 45 of the Code of Federal Regulations is amended by the revision of § 190.16 and of Subparts C and D as set forth below.

Effective date. Pursuant to section 431(d) of the General Education Provisions Act, as amended, (20 U.S.C. 1232(d)) these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section further provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(Catalog of Federal Domestic Assistance No. 13.539, Basic Educational Opportunity Grant Program)

Dated: February 26, 1975.

T. H. BELL,
Commissioner of Education.

Approved: March 31, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

1. Section 190.16 of Title 45 of the Code of Federal Regulation is revised to read as follows:

§ 190.16 Extraordinary circumstances affecting the expected family contribution determination—cross reference.

The Commissioner will make adjustments to a student's expected family contribution because of extraordinary circumstances in accordance with § 190.39 for dependent students and § 190.48 for independent students.

(20 U.S.C. 1070a)

2. Subparts C and D of Part 190 of Title 45 of the Code of Federal Regulations are revised to read as follows:

Subpart C—Expected Family Contribution for Dependent Students

§ 190.31 Indicators of financial strength.

"Expected family contribution" with respect to each dependent student means the amount which the family of that student may reasonably be expected to contribute toward the cost of his education for an academic year. Each of the following elements of financial strength will be considered in determining the family contribution for dependent students:

(a) The amount of the effective income of the student.

(b) The amount of the effective income of the student's parent(s).

(c) The number of dependents of the student's parent(s).

(d) The number of dependents of the student's parent(s) who are in attendance, on at least a half-time basis, in a program of postsecondary education.

(e) The amount of assets of the student.

(f) The amount of assets of the student's parent(s).

(g) Unusual expenses of the student and the unusual expenses of the student's parent(s). Such unusual expenses shall be limited to medical and dental expenses and expenses arising from catastrophe.

(h) The additional expenses incurred in providing an income when two parents are employed or when a family is headed by a single parent.

(20 U.S.C. 1070a(a)(3)(B)(ii)).

§ 190.32 Special definitions.

For purposes of this subpart:

(a)(1) "Annual adjusted family income" for any base year means the sum of the following: Adjusted gross income as defined in section 62 of the Internal Revenue Code of the student's parents, whether or not the parents file an income tax return, investment income of the student's parents upon which no Federal income tax is required to be paid such as interest on municipal and State bonds, other income of the parents upon which no Federal income tax is required to be paid such as child support payments, income of the parents received under income maintenance programs including welfare benefits, social security benefits paid to the student's parents except those educational benefits paid on account of the student or other members of the student's family, and Veteran's benefits paid to the student's parents except those educational benefits paid on account of the student or other members of the student's family under Chapter 35 of Title 38 of the United States Code.

(2) In the case of the student whose parents are divorced, or separated, only the income as described in subparagraph (1) of paragraph (a) of this section of the parent who provides more than one-half of the student's support for the base year shall be considered in determining the annual adjusted family income. If no parent provides more than one-half of the support of the student, only the income as described in subparagraph (1) of paragraph (a) of this section of the parent who provides the greater amount of that student's financial support in the base year shall be considered in determining the annual adjusted family income.

(3) In the case of the student whose parents are married, and not separated and file separate returns for Federal income tax purposes, the income as described in subparagraph (1) of paragraph (a) of this section of both parents shall be combined to determine the annual adjusted family income for that student.

(b) "Assets" means cash on hand including amounts in checking accounts, savings accounts and trusts, the current market value at the time of application of stocks, bonds, any other securities, real estate, home (if owned), income producing property, business equipment and business inventory which are held by the student's parents and by the student.

(c) "Base year" means the tax year for which information is requested by the Commissioner for the purpose of determining family income.

(d) "Dependent student" means any student who does not qualify as an independent student as defined in § 190.42(a).

(e) "Effective income of the student" means any amount paid to, or on account of, the student for the base year under the Social Security Act which would not be paid if he were not a student, (i.e., under section 202(d) of title II of the Social Security Act, 42 U.S.C. 402(d)), and one-half of any amount to be paid the student for the academic year for which Basic Grant Assistance is re-

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quested under chapter 34 of title 38, United States Code (Veterans Educational Assistance—38 U.S.C. 1651 et seq.) and chapter 35 of title 38, United States Code, War Orphans' and Widows' Education Assistance—38 U.S.C. 1700 et seq.).

(20 U.S.C. 1070a(a)(3)(B)(iv))

(f) "Effective family income" of a student's parents means the annual adjusted family income received for the base year minus the Federal income tax paid or payable with respect to such income during the base year.

(20 U.S.C. 1070a(a)(3)(B)(iii))

(g) "Employment expenses offset" means an allowance to meet expenses relating to employment where both parents are employed or where one parent qualifies as a surviving spouse or as head of a household under section 2 of the Internal Revenue Code.

(h) "Expenses arising from catastrophe" means those types and amounts of casualty losses which may be deducted under section 165(c)(3) of the Internal Revenue Code which were incurred during the base year by the student, the parents of the student and the parents' dependents.

(20 U.S.C. 1070a(a)(3)(B)(ii)(V))

(i) "Family size offset" means an allowance to meet subsistence expenses, including food, shelter, clothing, and other basic needs of a family. For purposes of this part the "Weighted Average Threshold at the Low Income Level," as developed by the Social Security Administration shall be used as a basis to determine the amount for the family size offset.

(j) "Federal income tax" means the tax on income paid to the U.S. Government under chapter 2 of the Internal Revenue Code and the tax on income paid to the Governments of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands under the laws applicable to those jurisdictions.

(20 U.S.C. 1070a(a)(3)(B)(iii))

(k) "Medical expenses" means those types of medical and dental expenses, except premiums for medical insurance, that may be deducted under section 213 of the Internal Revenue Code which were incurred during the base year by the student, the parents of the student and the parents' dependents.

(l) "Net assets" means the current market value of the assets included in paragraph (b) of this section, minus the outstanding liabilities (indebtedness) against such assets at the time of application.

(m) "Parent" means the mother or father of the student, unless any other person, except the student's spouse, provides more than one-half of the student's support and claims or is eligible to claim the student as an exemption for Federal income tax purposes for the base year, in which case such person shall be considered the parent.

(n) "Student's parents' dependents" means any of the following persons for whom the parents provide or will provide during the calendar year in which the student applies to have his expected family contribution determined more than one-half of support: (1) Any other children of the student's parents; (2) any other persons related to the student's parents by blood or marriage; or (3) any person living with the parents.

(20 U.S.C. 1070a(a)(3)(B) unless otherwise noted)

§ 190.33 The expected family contribution for dependent students from parents' and student's effective income.

The expected family contribution for dependent students from parents' and student's effective income for each grant shall be an amount determined in the following manner:

(a) Determine the effective family income of the student's parents.

(b) Add to the amount determined in paragraph (a) of this section the effective income of the student as defined in § 190.32(e).

(c) Determine discretionary income by deducting from the amount calculated in paragraph (b) of this section the following:

(1) *Family size offset.* A family size offset is the amount specified in the following table. Family size includes the student, the student's parents and the student's parents' dependents. If the parents are divorced or separated, family size shall include the student and any parent whose income is taken into account for the purpose of computing the annual adjusted family income and that parent's dependents.

FAMILY SIZE OFFSET

Family size	*Dollar amount*
2	3400
3	4100
4	5200
5	6150
6	6950
7	7700
8	8500
9	9300
10	10100
11	10850
12	11650

(2) *Unusual expenses.* The amount by which the sum of medical and dental expenses and losses resulting from catastrophes incurred in the base year and not compensated by insurance exceeds 20 percent of effective family income. Unusual expenses may be deducted if they were incurred by the student, the student's parents and/or the student's parents' dependents.

(3) *Employment expense offset.* An employment expense offset in an amount equal to 50 percent of the adjusted gross income earned in the base year by the parent earning the lesser income if both parents are employed, or 50 percent of the adjusted gross income earned in the base year of a parent qualifying as surviving spouse or as head of household as defined in section 2 of the Internal Revenue Code, but in no case shall such an offset exceed $1,500. The expense may be claimed only if the income of both parents or the income of the surviving spouse or head of household is taken into account for the purposes of computing the annual adjusted family income.

(d) To determine the expected family contribution from parental income the following rates shall be applied to discretionary income:

$0	(No contribution expected.)
$1 to 4,999	20 percent of Discretionary Income.
$5,000 or more	$1,000 plus 30 percent of Discretionary Income in excess of 5,000.

(20 U.S.C. 1070a(a)(3)(B).)

§ 190.34 [Reserved]

§ 190.35 Computation of standard expected contribution from parents' assets.

(a) Except as provided for in paragraph (b) of this section, the expected contribution from parental assets shall be an amount determined in the following manner:

(1) Determine the net assets owned by the parents.

(2) Deduct an asset reserve of $10,000 from net assets as determined in subparagraph (1) of paragraph (a) of this section.

(3) The contribution from parental assets shall be an amount equal to 5 percent of the remainder obtained in subparagraph (2) of paragraph (a) of this section.

(b)(1) Where the calculations required by § 190.33(c) produce an amount of negative discretionary income as defined in subparagraph (2) of this paragraph, the expected contribution from parents' assets, calculated in subparagraph (3) of paragraph (a) of this section, shall be reduced by the amount of such negative discretionary income.

(2) The amount of negative discretionary income is the amount by which the sum of deductions for offsets and expenses set forth in § 190.33(c)(1) through § 190.33(c)(3) exceeds the amount of income determined in § 190.33(b).

(c) If the student's parents are divorced or separated only the assets of the parent whose income is taken into account for the purpose of computing annual adjusted family income shall be considered.

(20 U.S.C. 1070a(a)(3)(B).)

§ 190.36 Computation for expected contribution from parents' income, student's effective income, and parents' assets, adjusted for number of family members attending institutions of postsecondary education.

(a) For each grant the amount expected from parents' income and student's effective income as determined in § 190.33 shall be added to the amount expected from parents' assets as determined in § 190.35.

(b) For each grant the combined expectation calculated on the basis of the above formula shall be further adjusted in the following manner to take into consideration the number of family members who will be in attendance, on at least a half-time basis, in programs of

postsecondary education during the academic year for which basic grant assistance is required:

Number of family members attending institutions of postsecondary education	*Expected contribution from combined contribution per student*
1	100 percent of contribution from the amount determined in paragraph (a) of this section.
2	70 percent of contribution from the amount determined in paragraph (a) of this section.
3	50 percent of contribution from the amount determined in paragraph (a) of this section.
4 or more	40 percent of contribution from the amount determined in paragraph (a) of this section.

Family members include the student, the student's parents and the student's parents' dependents. When the student's parents are divorced or separated and are filing separate returns for Federal income tax purposes, family members shall include the student and any parent whose income is taken into account for the purpose of computing annual adjusted family income and that parents' dependents.

(20 U.S.C. 1070a(a)(3)(B))

§ 190.37 Computation of expected contribution from student's assets.

For each grant the contribution from the student's assets shall be an amount equal to 33 per centum of his net assets as defined in § 190.32(l).

(20 U.S.C. 1070a(a)(3)(B).)

§ 190.38 Computation of the total expected family contribution.

For each grant the total expected family contribution shall be the sum of:

(a) The expected contribution from discretionary income and parents' assets as determined in § 190.36, and

(b) The expected contribution from the student's assets as determined in § 190.37.

(20 U.S.C. 1070a).

§ 190.39 Extraordinary circumstances affecting the expected family contribution determination for dependent students.

(a) An applicant may submit an application to the Commissioner, for determination of the applicant's expected family contribution, (or, if such an application has previously been submitted, may submit a new application) which shall use as the base year for this purpose the tax year subsequent to the base year established by the Commissioner if:

(1) A parent whose income was included in the calculation of expected family contribution as determined in § 190.33 has died in the base year or the tax year subsequent to the base year, or

(2) A parent whose income was included in the calculation of the expected family contribution as determined in § 190.33 has experienced loss of employment of at least ten (10) weeks during the tax year subsequent to the base year, or

(3) A parent whose income was included in the calculation of the expected family contribution as determined in § 190.33 has been unable to pursue normal income-producing activities for a period of at least ten (10) weeks during the tax year by reason of: (i) disability or, (ii) loss or damage to income-producing property as a result of natural disaster, or

(4) The parents of a dependent student applicant have become separated or divorced since the time the student submitted his application.

(b) An application submitted pursuant to paragraph (a) of this section shall include the annual adjusted family income and effective student income received for the newly established base year, i.e., the tax year subsequent to the original base year. If necessary, an estimate of the annual adjusted family income and the effective student income shall be provided for the remainder of such year.

(20 U.S.C. 1070a(a)(3)(B)(i)(V))

Subpart D—Expected Family Contribution for Independent Students

§ 190.41 Indicators of financial strength.

"Expected Family Contribution" with respect to each independent student means the amount which that student, and his or her spouse, if any, may reasonably be expected to contribute toward the cost of his or her education for an academic year. Each of the following elements of financial strength will be considered in determining the family contribution for independent students:

(a) The amount of effective income of the independent student.

(b) The amount of annual adjusted family income of the independent student and the independent student's spouse.

(c) The number of persons whom the independent student can claim as an exemption.

(d) The number of dependents of the independent student who in addition to the student will be in attendance, on at least a half-time basis, in a program of postsecondary education.

(e) The amount of the assets of the independent student and his or her spouse.

(f) The unusual expenses of the independent student, and his or their dependents. Such unusual expenses shall be limited to medical and dental expenses and expenses arising from catastrophic

(g) The additional expenses incurred in providing an income where both the independent student and his spouse are employed or where the independent student qualifies as a surviving spouse or as head of a household under section 2 of the Internal Revenue Code.

(20 U.S.C. 1070a(a)(3)(C).)

§ 190.42 Special definitions.

For the purposes of this subpart:

(a) "Independent Student" means a student who:

(1) Has not and will not be claimed as an exemption for Federal income tax purposes by any person except his or her spouse for the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested,

(2) Has not received and will not receive financial assistance of more than $600 from his or her parent(s) in the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested, and

(3) Has not lived or will not live for more than 2 consecutive weeks in the home of a parent during the calendar year in which aid is received and the calendar year prior to the academic year for which aid is requested.

(b) (1) "Annual Adjusted Family Income" for any base year means the sum of the following: Adjusted gross income as defined in section 62 of the Internal Revenue Code of the student and the student's spouse, whether or not the student or the student's spouse files an income tax return, investment income upon which no Federal income tax is required to be paid such as interest on municipal and State bonds, other income of the student and the student's spouse upon which no Federal income tax is required to be paid such as child support payments, income of the student and the student's spouse received under income maintenance programs including welfare benefits, social security benefits except those benefits paid to or on account of the student included in paragraph (f) of this section, and veteran's benefits except those veteran's benefits paid to the independent student under chapters 34 and 35 of title 38 of the United States Code.

(2) In the case of the student who is divorced, or is separated only the student's own income shall be considered in determining the annual adjusted family income.

(3) In the case where the student and his spouse are married and not separated but file separate returns for Federal income tax purposes, the income as described in paragraph (b)(1) of this section of both the applicant and spouse shall be combined to determine the annual adjusted family income for that student.

(c) "Assets" means cash on hand including amounts in checking accounts, savings accounts and trusts, the current market value at the time of application of stocks, bonds, and other securities, real estate, home (if owned), income producing property, business equipment and business inventory which are held by the independent student and/or his spouse.

(d) "Base year" means the tax year for which information is requested by the Commissioner for the purpose of determining family income.

(e) "Dependent" means the independent student's spouse and any of the following persons for whom the student or his spouse provides or will provide during the calendar year in which the student applies to have his expected family contribution determined more than one-half of support:

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(1) Any children of the student or his spouse; (2) any other persons related to the student or his spouse by blood or marriage; or (3) any person living with the student and his spouse.

(f) The "effective income of the student" means any amount paid to, or on account of, the student for the base year under the Social Security Act which would not be paid if he were not a student; (i.e., under section 202(d) of title II of the Social Security Act, 42 U.S.C. 402(d)) and one-half of any amount to be paid the student for the academic year for which Basic Grant assistance is requested under chapter 34 of title 38, United States Code (Veterans Educational Assistance—38 U.S.C. 1651 et seq.) and chapter 35 of title 38, United States Code (War Orphans' and Widows' Education Assistance—38 U.S.C. 1700 et seq.). The amount of the effective income of the student is the amount to be received during the academic year for which basic grant assistance is requested.

(g) "Effective family income" means the annual adjusted family income received during the base year minus the Federal income tax paid or payable with respect to such income.

(h) "Employment expense offset" means an allowance to meet expenses relating to employment where both the independent student and his or her spouse are employed or where the independent student qualifies as a surviving spouse or as head of a household under section 2 of the Internal Revenue Code.

(i) "Expenses arising from catastrophe" means those types and amounts of casualty losses which may be deducted under section 165(c)(3) of the Internal Revenue Code which were incurred by the independent student and his dependents during the base year.

(j) "Family size offset" means an allowance to meet subsistence expenses, including food, shelter, clothing, and other basic needs of the independent student and his dependents. For purposes of this part the "Weighted Average Thresholds at the Low Income Level," as developed by the Social Security Administration, shall be used as a basis to determine the amount fof the family size offset except in the case of a single independent student, where an amount estimated to be equal to living expenses during periods of nonenrollment shall be utilized.

(k) "Federal income tax" means the tax on income paid to the U.S. Government under chapter 2 of the Internal Revenue Code and the tax on income paid to the Governments of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands under the laws applicable to those jurisdictions.

(20 U.S.C. 1070a(a)(3)(B)(iii))

(l) "Medical expenses" means those types of medical and dental expenses, except premiums for medical insurance, that may be deducted under section 213 of the Internal Revenue Code, which were incurred by the independent student and his dependents during the base year.

(m) "Net assets" means the current market value at the time of application of the assets included in paragraph (c) of this section minus the outstanding liabilities (indebtedness) against such assets.

(20 U.S.C. 1070a(a)(3)(C))

§ 190.43 The expected family contribution for independent students from annual adjusted family income.

The expected family contribution of the independent student from annual adjusted family income shall be an amount determined in the following manner:

(a) Determine effective family income by subtracting from the annual adjusted family income the amount of Federal income tax paid or payable with respect to such income.

(b) Add to the amount determined in paragraph (a) of this section the effective income of the student as defined in § 190.42(f).

(c) Determine discretionary income by deducting from the amount calculated in paragraph (b) of this section the following:

(1) *Family size offset.* A family size offset is the amount specified in the following table. Family size includes the student and his dependents. If the student is divorced or separated, family size shall include any person whose income is taken into account for the purpose of computing the annual adjusted family income and his or her dependents.

FAMILY SIZE OFFSET

Family size	*Dollar amount*
2	3400
3	4100
4	5200
5	6150
6	6950
7	7700
8	8500
9	9300
10	10100
11	10850
12	11650

An offset of $950 shall be made for the single independent student.

(2) *Unusual expenses.* The amount by which the sum of medical and dental expenses, and losses resulting from catastrophes incurred in the base year and not compensated by insurance, exceeds 20 percent of effective family income. Unusual expenses may be deducted if they were incurred by the independent student and his dependents during the base year.

(3) *Employment expense offset.* An employment expense offset in an amount equal to 50 percent of the adjusted gross income earned in the base year by either a married independent student or the student's spouse, whoever earns the lesser, or 50 percent of the adjusted gross income earned during the base year by an independent student qualifying as a surviving spouse or as head of household as defined in section 2 of the Internal Revenue Code, but in no case shall such an offset exceed $1,500.

(d) Determine the expected family contribution from the family income of the independent student and his or her spouse by applying the following rates to discretionary income:

(1) 75 percent of discretionary income for the single independent student with no dependents;

(2) 50 percent of discretionary income for the married independent student with no dependents other than spouse; and

(3) 40 percent of discretionary income for the independent student who has dependents other than spouse.

(20 U.S.C. 1070a(a)(3)(C))

§ 190.44 [Reserved]

§ 190.45 Computation of expected contribution from the assets of the independent student and his or her spouse.

(a) Except as provided for in paragraph (b) of this section, the expected contribution from the assets of the independent student and his or her spouse shall be determined in the following manner:

(1) Determine the total amount of net assets owned by the student and the student's spouse.

(2) The contribution from assets shall be an arount equal to 33 percent of the amount determined in subparagraph (1) of paragraph (a) of this section.

(b) (1) If the calculations required by § 190.43(c) produce an amount of negative discretionary income as defined in subparagraph (2) of this paragraph the expected contribution from the assets of the student and his spouse calculated in paragraph (a) of this section shall be reduced by the amount of such negative discretionary income.

(2) The amount of negative discretionary income is the amount by which the sum of deductions for offsets and expenses set forth in § 190.43(c) exceeds the amount of income determined in § 190.43(b).

§ 190.46 Computation for expected contribution from annual adjusted family income and assets adjusted for number of family members attending institutions of postsecondary education.

(a) For each grant the amount expected from family income as determined in § 190.43 shall be added to the amount expected from assets as determined in § 190.45.

(b) For each grant the combined expectation calculated on the basis of the above formula shall be further adjusted in the following manner to take into consideration the number of family members who will be in attendance, on at least a half-time basis, in programs of postsecondary education during the academic year for which basic grant assistance is requested:

Number of family members attending institutions of postsecondary education	*Expected contribution from combined contribution per student*
1	100 percent of contribution from the amount determined in paragraph (a) of this section.
2	70 percent of contribution from the amount determined in paragraph (a) of this section.
3	50 percent of contribution from the amount determined in paragraph (a) of this section.
4 or more	40 percent of contribution from the amount determined in paragraph (a) of this section.

Family members shall include any person whose income is taken into account for the purpose of computing the annual adjusted family income and his or her dependents.

§ 190.47 Computation of the total expected family contribution.

For each grant the total expected family contribution shall be the expected contribution from discretionary income and assets, as determined in § 190.46.

§ 190.48 Extraordinary circumstances affecting the expected family contribution determination for the independent student.

(a) An applicant may submit an application to the Commissioner, for determination of the applicant's expected family contribution, (or, if such an application has previously been submitted, may submit a new application) which shall use as the base year for this purpose the tax year subsequent to the base year established by the Commissioner if:

(1) A spouse whose income was included in the calculation of expected family contribution as determined in § 190.43 has died in the base year or the tax year subsequent to the base year, or

(2) A spouse whose income was included in the calculation of the expected family contribution as determined in § 190.43 has experienced loss of employment of at least ten (10) weeks during the tax year subsequent to the base year, or

(3) An applicant or spouse whose income was included in the calculation of the expected family contribution as determined in § 190.43 has been unable to pursue normal income-producing activities for a period of at least 10 weeks during the tax year subsequent to the base year by reason of: (i) Disability or (ii) loss or damage to income-producing property as a result of natural disaster, or

(4) The applicant has become separated or divorced since the time he submitted his application, or

(5) The applicant was employed for at least 35 hours per week for a minimum of 30 weeks during the base year and will not be comparably employed during the tax year subsequent to the base year.

(b) An application submitted pursuant to paragraph (a) of this section shall include the annual adjusted family income and effective student income received for the newly established base year, i.e., the tax year subsequent to the original base year. If necessary, an estimate of the annual adjusted family income and the effective student income shall be provided for the remainder of such year.

(20 U.S.C. 1070a(a)(3)(B)(i)(V))

APPENDIX

The following discussion is intended to provide additional explanation of the procedures for calculating the expected family contribution for dependent and independent students.

Also included is further explanation of §§ 190.39 and 190.48, extraordinary circumstances affecting the expected family contribution determination for dependent and independent students, which have been incorporated into the family contribution schedules to establish specific conditions under which an applicant may file an application using estimated income rather than base year income information.

EXPECTED FAMILY CONTRIBUTION FOR DEPENDENT STUDENTS, ACADEMIC YEAR 1975–76, SUMMARY OF CALCULATIONS

1.	Parents' adjusted gross income in 1974	
	a. Amount earned by father	
	b. Amount earned by mother	
2.	Total other family income in 1974	+
3.	One-half of Veterans Educational Benefits (to be received between July 1, 1975 and June 30, 1976)	+
4.	Annual Adjusted Income (lines 1+2+3)	=
5.	Parents' Federal Income Tax paid for 1974	
6.	Effective family income in 1974	=
7.	Family size offset	+
8.	Unusual expenses	+
9.	Employment expense offset	+
10.	Total offsets against income (lines 7+8+9)	
11.	Discretionary income (line 6 minus line 10)	
12.	If line 11 is a positive amount, multiply discretionary income by applicable rate ($1—$4,999@20%; $5,000 or more, $1,000+30% of amount in excess of $5,000) to obtain standard contribution from income. If line 11 is a negative amount, enter 0	
13.	Determine net assets of parents)	
14.	Subtract asset reserve	−$10,000
15.	Available parental assets (line 13 minus line 14)	
16.	Multiply available parental assets by 0.05	
17.	Enter line 16 as standard contribution from available parental assets. If line 16 is negative, enter 0	
18.	If line 11 is a negative amount, enter that amount as a positive number; otherwise enter 0	
19.	Subtract line 18 from line 17 to obtain contribution from parental assets. If negative number enter 0	
20.	Add lines 12 and 19 to obtain contribution from family income and parental assets	
21.	Multiply line 20 by multiple student rate to determine expected family contribution for each member in postsecondary education	
22.	Determine net assets of student	
23.	Multiply student's net assets by 0.33	
24.	Student Eligibility Index equals sums of lines 21 and 23	

EXPLANATION OF CALCULATION [1]

1. *Parents' adjusted gross income in 1974 (line 1).* All income which is available to the parents should be considered in the evaluation of parental ability to support the cost of postsecondary education. The most valid reference for parental income subject to Federal income tax is the adjusted gross income item in the family's Federal income tax return. This information is readily available to most families, and the information can be verified by referring to the IRS forms actually filed by the parents.

If it may be assumed that family income will be measured on an annual basis, which year of family income shall be used? Parents provide from their current income for the education of their children. However, if we attempted to use current year information, a parent would have to estimate the amount of income which he will receive during a year in which a child is a student since application for aid is made before the student enrolls for a particular year of study. A study by Orwig and Jones shows that income received during the tax year prior to the year in which the student is applying for aid is the best practical indicator of the income from which a student's actual expenses will be paid.[2] If estimates of the income received during the actual year of attendance are provided by parents, middle income families systematically underestimate their earnings, and lower income families systematically overestimate their earnings. The amount to be entered here, therefore, is from the previous year's Federal income tax form. In addition, item one requests that the income earned through employment by the father and mother be reported separately. This information is used to determine whether or not the family is eligible for the employment expense offset.

2. *Total other family income in 1974 (line 2).* Information on other family income must also be collected since this income does clearly contribute to family financial strength and may represent a considerable portion of the parental income of many Basic Grant recipients. Elements of other family income are: Income from tax exempt bonds, that portion of pensions on which no Federal income tax is required, welfare benefits, social security benefits (including those benefits paid to or on account of the student or other educational benefits paid to other members of the family), child support payments which are received for all children for whom the parents provide more than one-half support,

[1] Reference numbers are keyed to the line numbers in preceding summary.

[2] Orwig and Jones, "Can Financial Need Analysis Be Simplified?" The American College Testing Program, Iowa City, Iowa, 1970—p. 11.

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income of families which didn't file income tax returns, that portion of capital gains on which no Federal income tax is required, etc.

3. *One-half of Veterans educational benefits (line 3).* One-half of that amount of veterans readjustment benefits, and/or war orphan's benefits paid to or on behalf of the applicant because he is a student, to be received between July 1, 1975 and June 30, 1976. The amount to be entered on line 3 is calculated as follows: Multiply the monthly amount of benefits times the number of months for which these payments are expected to be received between July 1, 1975 and June 30, 1976, and divide the results by two (2).

4. *Annual adjusted income in 1974 (line 4).* Annual adjusted income is the sum of parents' adjusted gross income (line 1) plus other family income (line 2) and one-half of Veterans educational benefits (line 3).

5. *Parents' Federal income tax paid for 1974 (line 5).* The legislation requires that a deduction be made, from annual adjusted income, for the amount of Federal income tax paid on income received during the base year.

6. *Effective family income in 1974 (line 6).* The result of subtracting Federal income tax paid (line 5) from the annual adjusted income (line 4) is effective family income and is the base for calculating expected contribution from parental income.

7. *Family size offset (line 7).* In addition to taxes, a family has basic subsistence expenses which must be met before any contribution from income can be expected. These expenses will vary depending on size of the family involved. For purposes of the basic grant program the "Weighted Average Thresholds At the Low Income Level," developed by the Social Security Administration and published by the Bureau of the Census, have been used as a reasonable approximation of basic family expenses.[2] These expenses are based on the food costs of a family of a given size, and make certain assumptions about the additional expenses of shelter and other family needs. The amounts determined in this manner are called "Family Size Offsets."

These base line data have been updated annually to accommodate the increase in the Consumer Price Index as published by the Department of Labor. For the 1975–76 academic year, the family size offsets used during the 1974–75 academic year have been increased by 11.9 percent to reflect the rise in cost of living expenses from November 1973 to October 1974, and then rounded to facilitate calculation. The percentage increase is taken from the latest published Department of Labor Consumer Price Index statistics.

FAMILY SIZE OFFSETS

Family size	DOLLAR AMOUNT
2	8400
3	4100
4	5200
5	6150
6	6950
7	7700
8	8500
9	9300
10	10100
11	10850
12	11650

8. *Unusual expenses (line 8).* The Basic Grant program is required by law to take into consideration two kinds of unusual expenses, those arising from a "catastrophe" and "unusual medical expenses." It is proposed to use the Internal Revenue Service definitions of medical and dental expenses and casualty loss in determining "unusual expenses" for the Basic Grant program. The use of Internal Revenue Service definitions avoid the need for creating a new definition of expenses which would be used only by the Basic Grants program. However, some distinction must be made between expenses which may be itemized for income tax purposes, and those itemized expenses which are "unusual" as used for the Basic Grant legislation.

For purposes of the Basic Grant program, those items which may be included as unusual expenses are:

1. Those medical and dental expenses (not compensated by insurance or otherwise) which may be listed as "medicine and drugs" on line 2 of Schedule A, Form 1040 of the Internal Revenue Service and those expenses which may be listed as "Other Medical and Dental Expenses" on line 6 of Schedule A, Form 1040. The gross amount of all such medical, dental and drug expenses is to be used in the Basic Grant calculation.

2. Those casualty or theft loss(es) permitted by the Internal Revenue Service (Form 1040, Schedule A, line 29).

The amount of unusual expenses which may be deducted from effective family income (line 6 of this illustration) is that amount of unusual expenses (as defined above) in excess of 20 percent of effective family income. This exclusion is designed to confine claims for such expenses to those which are genuinely unusual.

9. *Employment expense of offset (line 9).* constructing budgets which recognize expenses for families, due provision must be made for the expenses of the breadwinner which occur as a result of employment itself. Some expenses for clothing, transportation, and other items are attributable to occupational needs. When both parents work, additional employment expenses are incurred. Also, if a household is headed by a single parent, the costs associated with that employment are greater than for a comparable worker who has the economic advantage of a nonemployed spouse. Therefore in the determination of family contribution an "Employment Expense Offset" has been constructed to treat more equitably the income of the two parent family where both parents work, or the single parent household. It is recognized that both of these types of families will occur frequently in the lower income families where Basic Grant eligibility is greatest. The offset provides that 50 percent of the earnings of that parent with the lesser earnings, or 50 percent of the earnings of the single parent, will be protected from any contribution toward education. The maximum offset is $1,500 and would thus assure that up to $30 a week would be available for the additional expenses which these parents face.

10. *Total offsets against income (line 10).* The sum of line 7 (family size offset) plus line 8 (unusual expenses) plus line 9 (employment expense offset) is the total amount which can be deducted from effective family income (line 6) in order to determine discretionary parental income.

11. *Discretionary income (line 11).* The income which remains after allowance has been made for family living expenses, Federal income taxes, unusual expenses and the employment expense offset may be identified as discretionary income. This income is available for the purchases of goods and services which enhance the standard of living of the family including the cost of postsecondary education. This income may be a positive or negative amount. If the discretionary income is a positive amount, some contribution will be expected in accordance with step 12. If the discretionary income is a negative amount, no contribution from income will be expected.

12. *Standard income contribution (line 12).* If line 11 is a positive amount a standard contribution from income can be determined. A contribution of 20 percent is expected from the first $5000 of discretionary income. When discretionary income exceeds $5000, the expected income contribution is $1000 plus 30 percent of the amount in excess of $5000. The contribution rates will generally be at the 20 percent level for most of the income range where Basic Grant eligibility will occur.

These contribution rates appear reasonable in terms of the several demands made on family income, especially in light of the fact that the cost of supporting the student for the academic year is included in the cost of education and does not have to be met from the general budget resources.

13. *Net assets of parents* (line 13).—For purposes of Basic Grants, the following types of assets will be considered: Equity in farm, business, home, other real estate, stocks, bonds, other investments, savings accounts, etc. Since equity is being measured, debts against the stated assets will be deducted in evaluating the net worth of these assets.

14. *Asset reserve (line 14).* In order to determine the amount of parental assets which can be considered in determining a contribution for educational purposes, an asset reserve of $10,000 is subtracted from the net assets of the parents. Since families accumulate assets for several purposes including retirement, future consumption, and the postsecondary education of their children, a portion of assets should be reserved from any contribution toward postsecondary education, and remaining assets be assessed at some rate less than 100 percent. This $10,000 asset reserve would also allow for emergencies and retirement needs.

15. *Available parental assets (line 15).* Subtracting line 14 (asset reserve) from line 13 (net assets of parents) results in available parental assets. If this is a negative amount, enter zero since there is no provision in the formula for a treatment of negative assets.

16. *Asset assessment rate (line 16).*—Once the available parental assets have been determined, a contribution rate of 5 percent will be assessed on the parents' net worth in excess of $10,000. Because the value of assets grows, this rate of asset assessment will generally leave the family's asset position largely unimpaired.

A 5% rate is equal to or below current real estate and savings account appreciation rates, and therefore seems reasonable.

17. *Parental contribution from assets (line 17).* The result of multiplying the amount of net assets times the asset assessment rate represents the parental contribution from assets.

18. *Adjustment for negative discretionary income of the family (line 18).* In the event that the family has negative income, that is if the family's income is less than the sum of the various offsets against income, the support of basic family needs must be given priority over the support of post-secondary education. Therefore, the amount of the negative discretionary income of the family (as computed in line 11) is preserved to be subtracted from any contribution from parental assets as calculated above.

19. *Offset from parental assets contribution for negative discretionary income (line 19).* The total measure of available family resources in a particular year is the assessment of both income and assets of the family. This procedure takes into consideration the interdependent relationship between assets and income. In the event that there is a negative assessment of income (e.g. offsets allowed

[2] From "Weighted Average Thresholds At the Low Income Level" in 1972 by size of family and sex of head, by farm-nonfarm residence; current population reports, consumer income, characteristics of the low-income population; 1972 series p. 60, No. 91; December 1973.

(line 10) exceed total effective income (line 6)), the amount of negative assessment should be taken into account when determining the total measure of available family resources. This can be accomplished by offsetting the negative income component (line 18) against the expected parental contribution from assets (line 17). The resulting amount (if positive) represents the expected parental contribution from assets for educational purposes.

20. (*line 20*). Adding line 12 (family income component) to line 19 (parental asset component) provides the parental income and asset components of the eligibility index.

21. *Multiple student adjustment (line 21).* Adding the family income contribution to the parental asset contribution and the other parental asset contribution results in the expected contribution from parents with one family member in postsecondary education. Some adjustments must then be made for those families in which more than one family member will be enrolled in postsecondary education for the academic year 1975–76.)

Since each student has an allowance for costs of attendance, the family's discretionary income is effectively increased when there is more than one family member in postsecondary education. In order to determine the appropriate percentages, the contributions expected from different family sizes were compared. These investigations indicated that 140 percent of the contribution for one student would be a reasonable assessment against the family with two students. Thus, each student would receive 70 percent of the contribution which the family would make if there were only one student in the family. Similarly, 150 percent of the single student contribution seemed adequate for the family with three children in postsecondary education; each student could expect 50 percent of the single student contribution. For families with four or more students, each family will be assessed 40 percent of the single student contribution for each child in postsecondary education.

The following table summarizes the treatment of families with different numbers of family members in postsecondary education:

Number of students	Contribution per student as a percent of standard contribution	Family contribution for all students as a percent of standard contribution
	Percent	*Percent*
1	100	100
2	70	140
3	50	150
4 or more	40	160+

22. *Net assets of the student (line 22).* The applicant's net assets would be defined in the same fashion as the assets of the parents. Debts against these assets would be deducted. Trust funds in the student's name would be included if the student is not legally restricted from having access to these funds.

23. *Student asset assessment rate (line 23).* In determining a fair treatment of student assets the theory of the major need analysis systems has been followed; i.e., that because the student himself is the direct beneficiary of postsecondary education, he should be expected to invest a greater portion of his resources in meeting his educational costs than should be expected from his parents.

For the Basic Grants program, one-third of the student's assets (recalculated each year) would be expected. This method is simple and provides a modest reserve for the student.

The result of multiplying the student's net assets (line 22) by the student asset assessment rate (.33) is that amount expected from student assets for educational purposes.

24. *Total family contribution* (line 24).—The total expected family contribution for a dependent student is determined by adding line 21 plus 23. A resulting Student Eligibility Index of 1200 or less means a student is eligible for a Basic Grant on the basis of financial need. Of course, before a student can receive a grant, he or she must be enrolled in an eligible program of study offered by an eligible institution of postsecondary education.

EXPECTED FAMILY CONTRIBUTION FOR INDEPENDENT STUDENTS, ACADEMIC YEAR 1975–76 SUMMARY OF CALCULATIONS

1.	Adjusted gross income of applicant (and spouse) in 1974	
	a. Amount earned by applicant	
	b. Amount earned by spouse	
2.	Total other family income in 1974	+
3.	One-half of Veterans Educational Benefits (to be received between July 1, 1975 and June 30, 1976)	+
4.	Annual adjusted income (lines 1+2+3)	=
5.	Federal Income Tax Paid for 1974	
6.	Effective family income	=
7.	Family size offset	+
8.	Unusual Expenses	+
9.	Employment expense offset	+
10.	Total offsets against income (lines 7+8+9)	
11.	Discretionary income (line 6 minus line 10)	
12.	If line 11 is a positive amount, multiply discretionary income by applicable rate to obtain standard contribution from income. If line 11 is a negative amount enter 0	
13.	Determine net assets of applicant (and spouse)	
14.	Multiply amount of assets of applicant (and spouse) entered in line 13 by 0.33 to obtain standard contribution from assets	
15.	If line 11 is a negative number, enter as a positive number; otherwise enter 0	
16.	Subtract line 15 from line 14 to obtain standard contribution from student assets. If negative number, enter 0	
17.	Add lines 12 and 16 to obtain standard contribution from income and assets	
18.	Multiply standard contribution by multiple student rate to determine expected family contribution for each member in postsecondary education	
19.	Student Eligibility Index equals line 18	

EXPECTED FAMILY CONTRIBUTION FOR INDEPENDENT STUDENTS ACADEMIC YEAR 1975–76

Explanation of calculations.[1] For the purposes of the Basic Grants program, independent (self-supporting) student status may be claimed if the applicant:

(1) Has not been and will not be claimed as an exemption for Federal income tax purposes by any person except his or her spouse for the calendar year(s) 1974, 1975, 1976, and

[1] Reference numbers are keyed to line items of preceding summary.

(2) Has not received and will not receive financial assistance of more than $600 (in cash or kind) from his or her parent(s) in the calendar year(s) 1974, 1975, and 1976, and

(3) Has not lived or will not live for more than two consecutive weeks in the home of a parent during the calendar year(s) 1974, 1975, and 1976.

Once a student has been determined to meet all of these criteria and is defined as an independent student, his expected family contribution is calculated according to the process outlined below.

1. *Adjusted gross income of applicant (and spouse) (line 1).* All income which is available to the applicant (and spouse) should be considered in the evaluation of ability to support the cost of postsecondary education. The most valid reference for taxable income is the adjusted gross income item as reported on the Federal income return. This information is readily available and can be verified by referring to the IRS forms actually filed.

The decision as to which year's income is to be considered is a difficult one for independent students. Traditionally, a student's income may vary considerably from year to year. While it may be preferable to ask the student to estimate his earnings for the current year, recent studies have shown that estimated income is not a reliable base for determining student financial need. Since the Basic Grant system requires essentially no verification or intervention from financial aid officers, serious reservations exist to the categoric use of estimated income for all independent applicants. Therefore, it has been determined that the adjusted gross income to be considered is that amount entered on the previous year's Federal Income Tax Return. This also has the advantage of being consistent with the data collected for dependent students and assures that the eligibility index for all students is determined from the same base.

However, as a result of lengthy discussions and the experience gained during the first two years of program operation, the independent student may be permitted to report estimated income under special circumstances. Specifically, the independent student who applies for a Basic Grant for the 1975–76 academic year will be permitted to file using estimated 1975 income (rather than actual 1974 information) if that applicant was employed on a *full-time* basis during the base year and left that employment to enroll in postsecondary education.

In addition, item one requests that the income earned through employment by the applicant and his or her spouse be reported separately. This information is used to determine whether or not the family is eligible for the employment expense offset.

2. *Total other income of applicant (and spouse) in 1974 (line 2).* Information on other income (that income which is *not* included in 1974 Adjusted Gross Income) of the independent student must also be collected since this income does clearly contribute to financial strength and may represent a considerable portion of the income of many Basic Grant recipients. Elements of other income are: Income from tax exempt bonds, that portion of pensions on which no Federal income tax is required, that portion of capital gains on which no Federal income tax is required, welfare benefits, social security benefits, child support payments, veteran's disability, income of persons who did not file income tax returns, etc.

3. *One-half of Veterans Educational Benefits (line 3).* One-half of that amount of veterans readjustment benefits and/or Widow's War Orphan's benefits, paid to or on behalf of the applicant because he is a student, to be received between July 1, 1975 and June 30, 1976. The amount to be entered on line 3 is calculated as follows:

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Multiply the monthly amount of these benefits times the number of months for which these payments are expected to be received between July 1, 1975 and June 30, 1976, and divide the result by two (2).

4. *Annual adjusted income of applicant (and spouse) (line 4).*—Annual adjusted income is the sum of adjusted gross income (line 1), and other family income (line 2) and one-half of veterans educational benefits (line 3).

5. *Federal income tax paid by applicant (and spouse) (line 5).* The legislation requires that a deduction be made, from annual adjusted income, for the amount of Federal income tax paid on income received during 1974.

6. *Effective family income (line 6).* The result of subtracting Federal income tax paid (line 5) from the annual adjusted family income (line 4) is effective family income.

7. *Family size offset (line 7).* In addition to taxes, there are basic subsistence expenses which must be met before any contribution from income can be expected. These expenses will vary depending on the size of the family involved. For the single independent student, this offset is $3950 which covers the student's summer living expenses. Using the same base for deriving family size offsets as is used for multiple member families (weighted average thresholds at the low-income level) and adjusting for an 11.9 percent increase in the cost of living, the family size offset for a single member family is $2649 per year. Generally, a student is in school for approximately 65 percent of the year (two 16-week semesters plus a 2-week break between semesters). Since his expenses during this 34-week academic year are covered in his cost of attendance, the $950 offset provides for his expenses during that period of time when he is not in school.

For married independent students and those with additional dependents, the family size offset is the same as that for the parent's of dependent students:

FAMILY SIZE OFFSETS

Family size	*Dollar amount*
2	3400
3	4100
4	5200
5	6150
6	6950
7	7700
8	8500
9	9300
10	10100
11	10850
12	11650

8. *Unusual expense (line 8).* The Basic Grants program is required by law to take into consideration at least two kinds of unusual expenses, those arising from a "catastrophe" and "unusual medical expenses." It is proposed to use the Internal Revenue Service definitions for medical and dental expenses and casualty loss(es) to constitute "unusual expenses" for the Basic Grants program. The use of Internal Revenue Service definitions avoids the need for creating a new definition of expenses which would be used only by the Basic Grants program. However, some distinction must be made between expenses which may be itemized for income tax purposes, and those itemized expenses which are "unusual" for Basic Grants.

For purposes of the Basic Grants program those items which may be included as unusual expenses are:

1. Those medical and dental expenses incurred during the base year (not compensated by insurance or otherwise) which may be listed as "medicine and drugs" on line 2 of Schedule A, Form 1040 of the Internal Revenue Service and those expenses which may be listed as "Other Medical and Dental Expenses" on line 6 of Schedule A, Form 1040. The gross amount of all medical, dental and drug expenses may be listed.

2. In addition, those casualty or theft loss(es) incurred during the base year permitted by the Internal Revenue Service (Form 1040, Schedule A, line 29).

The amount of unusual expenses which may be deducted is that amount of unusual expenses (as defined above) in excess of 20 percent of the effective family income. This exclusion is designed to confine claims for such expenses to those which are genuinely unusual.

9. *Employment expense offset (line 9).* In constructing budgets which recognize minimum expenses for families, provision must be made for the expenses of the breadwinner which occur as a result of employment itself. Some expenses for clothing, transportation, food, and other items are attributable to occupational needs. When two persons work, additional employment expenses are incurred. Also, if a household is headed by a single person, the costs associated with that employment are greater than for a comparable worker who has the economic advantage of a nonemployed spouse. Therefore, in the determination of family contribution an "Employment Expense Offset" has been constructed to treat more equitably the income of the two-person family where both persons work during the base year, or the single person who heads a household during the base year. It is recognized that both of these types of families will occur frequently in the lower income families where Basic Grants eligibility is greatest. The offset provides that 50 percent of the earnings of that person with the lesser earnings, or 50 percent of the earnings of the single head of household, will be protected from any contribution toward education. The maximum offset would be $1,500 and would thus assure that up to $30 a week would be available for the additional expenses which these persons face.

10. *Total offsets from income (line 10).* The sum of line 7 (family size offset) plus line 8 (unusual expenses) plus line 9 (employment expense offset) is the total amount which can be deducted from effective family income (line 6) in order to determine discretionary income.

11. *Discretionary income (line 11).* The income which remains after adjustment has been made for family living expenses, Federal income taxes, unusual expenses and the employment expense offset may be identified as discretionary income. This income is available for the purchase of goods and services which enhance the standard of living of the family, including postsecondary education. This income may be a positive or negative amount. If the discretionary income is a positive amount, a contribution from income will be expected in accordance with step 12. If the discretionary income is a negative amount, no contribution from income will be expected.

12. *Standard income contribution (line 12).* If line 11 is a positive amount a standard contribution from income can be determined. Because of the direct benefits of postsecondary education received by the independent student, the expected contribution rate for such students from income has traditionally been much greater than the rate applied to the discretionary income of the parents of dependent students. In fact, the independent student has usually been expected to use all of his discretionary income for educational purposes.

In developing a system for the Basic Grants program, it was felt that a 100 percent contribution rate was excessive, especially for independent students with family responsibilities.

The following income contribution schedule was developed to accommodate these responsibilities:

(a) 75 percent of discretionary income for the single independent student with no dependents;

(b) 50 percent of discretionary income for the married independent student with no dependents other than spouse;

(c) 40 percent of discretionary income for the married independent student who has dependents other than spouse.

13. *Net assets of applicant (and spouse) (line 13).* For purposes of Basic Grants, the following types of assets will be considered: Equity in farm, business, home, other real estate, stocks, bonds, other investments, savings accounts, etc. Since equity is being measured, debts against the stated assets will be deducted in evaluating the net worth of these assets.

14. *Asset contribution rate (line 14).* In determining a fair treatment of student assets, it has been assumed that since a student is the direct beneficiary of postsecondary education, he should be expected to invest a portion of his resources in meeting his educational costs. Therefore, one-third of the student's assets (recalculated each year) would be expected. This method is simple and provides a modest reserve for the student. The result of multiplying the student's net assets (line 13) by the student assets assessment rate is that amount expected from student assets for educational purposes.

15. *Adjustment for negative discretionary income of the applicant (and spouse) (line 15).* In the event that the family has negative income, that is if the family's income is less than the sum of the various offsets against income, the support of basic family needs must be given priority over the support of postsecondary education. Therefore, the amount of the negative discretionary income of the applicant (and spouse) (as computed in line 11) is preserved to be subtracted from any contribution from the student's assets as calculated above.

16. *Offset from applicant's (and spouse's) asset contribution for negative discretionary income (line 16).* The total measure of available family resources in a particular year is the assessment of both the income and assets of the applicant (and spouse). This procedure takes into consideration the interdependent relationship between assets and income. In the event that there is a negative assessment of income (e.g. offsets allowed (line 10) exceed total effective income (line 6)), the amount of negative assessment should be taken into account when determining the total measure of available family resources. This can be accomplished by offsetting the negative income component (line 15) against the independent student's assets (line 14). The resulting amount if positive, represents the applicant's (and spouse's) contribution from assets for educational purposes.

17. *Standard contribution from income and assets (line 17).* The amount of standard contribution from the applicant's and spouse's income (line 12) and the amount of contribution from the assets of the applicant and spouse (line 16) are added here to determine the amount of expected family contribution from income and assets for Basic Grants purposes.

18. *Multiple student adjustment (line 18).*—Adding the contribution from annual adjusted family income to the asset contribution results in the expected contribution for one family member in postsecondary education from family income and assets. Some adjustment must then be made for those families in which more than one family member will be enrolled in postsecondary education for the academic year 1975–76.

The adjustments used for the dependent student may also be used for the independent student. The use of the same adjustments for both groups of students assures consistency of treatment, and implements the general principle that a family with more than one person in postsecondary education should contribute less per person than a family with only one member engaged in such study.

19. *Total family contribution (line 19).*—The total expected family contribution for an independent student equals the amount calculated on line 18. A resulting Student Eligibility Index of 1200 or less means a student is eligible for a Basic Grant on the basis of financial need. Of course, before a student can receive a grant, he or she must be enrolled in an eligible program of study offered by an eligible institution of postsecondary education.

(Subpart 1 of Part A of title IV of the Higher Education Act of 1965, as amended (20 U.S.C. 1070a))

Extraordinary circumstances affecting the expected family contribution determination for dependent and independent students §§ 190.39 and 190.48. For purposes of determining expected family contribution for the Basic Grant Program, it was determined that the most accurate indicator of annual adjusted family income is the amount reported on the Federal Income Tax Return for the year preceding the year for which aid is requested. However, it was recognized that extraordinary circumstances could occur which would substantially affect the expected family contribution which was calculated on the basis of the preceding year's income. Therefore, this regulation establishes the conditions under which an applicant may request a determination of expected family contribution which uses the current tax year as the base year and reflects these extraordinary circumstances. These conditions are listed below.

In the event of the death of the applicant's parent(s) or spouse, whose income was included in the determination of expected family contribution, the applicant may immediately request that his expected family contribution be calculated using the current tax year as the base year.

A different situation exists in those cases where the parent or spouse of the applicant whose income was included in the determination of his expected family contribution suffers a loss of employment.

A similar situation occurs when the applicant's parent or spouse whose income was included in the determination of expected family contribution is unable to pursue normal income-producing activities due to disability or loss or damage to income-producing property due to natural disaster.

For applicants who experience such situations as described above, there will be a requirement of a 10-week waiting period before the applicant can request a calculation of expected family contribution using the current tax year as the base year. This loss of employment or inability to pursue normal income-producing activities must be of at least 10 weeks in duration and must occur during the tax year subsequent to the base year.

Another situation occurs when the parents of an applicant, or the applicant himself, have become separated or divorced since the time the application was submitted. In such cases an applicant may request a determination of his expected family contribution using the current tax year as the base year.

An independent applicant may also file an application using estimated current year income data if he was employed on a full-time basis during the base year and is unable to pursue comparable employment during the tax year. Such employment must have been of at least 35 hours per week for a minimum of 30 weeks during the base year. This change is intended to alleviate problems of the independent student who by reason of his earnings during the base year has often been determined ineligible for Basic Grant assistance.

In all cases where a request is made to vary from the standard base year, the applicant will be required to submit a regular application providing all necessary information, indicating the amount of income received to the date of the request and an estimate of the amount of the income to be received for the remainder of that year as well as any other pertinent information the Commissioner may require. Along with this application, the student will be required to submit a Supplemental Form which indicates the conditions under which such recomputation of family contribution is requested.

[FR Doc.75-8696 Filed 4-3-75;8:45 am]

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FRIDAY, APRIL 4, 1975

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PART IV

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions; Index

V 40 166

APR 4 75

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective April 4, 1975, without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

New General Wage Determination Decision Nos. IL75–2052 and IL75–2055 for the State of Illinois.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State:

Alaska:	
AK75–5033	Mar. 7, 1975
Arkansas:	
AR75–4058	Feb. 28, 1975
California:	
CA75–5020, CA75–5021	Feb. 14, 1975
CA75–5022, CA75–5023	Feb. 28, 1975
Iowa:	
IA75–4034, IA75–4042	Jan. 31, 1975
Kansas:	
KS75–4061, KS75–4062, KS 75–4064, KS75–4065	Mar. 14, 1975
Maryland:	
AE–2076	Mar. 15, 1974
Michigan:	
AR–3150	Oct. 11, 1974
Missouri:	
MO75–4059	Feb. 28, 1975
New Mexico:	
AQ–16	Aug. 10, 1975
NM75–4002	Jan. 10, 1975
Ohio:	
AR–3034, AR–3035, AR–3036, AR–3037, AR–3038	Aug. 23, 1974
AR–3172, AR–3173	Nov. 22, 1974
Oklahoma:	
AR–68	Dec. 13, 1974
AR–93	Dec. 27, 1974
Pennsylvania:	
AQ–2043	Feb. 22, 1974
AQ–2046	Mar. 8, 1974
AQ–2070	Mar. 15, 1974
AQ–2079, AQ–2084	Mar. 29, 1974
AQ–2121	May 24, 1974
AR–2033, AR–2034	Sept. 27, 1974
AR–2036	Sept. 20, 1974
AR–2037, AR–2038	Aug. 30, 1974
AR–2039	Sept. 27, 1974
AR–2045, AR–2046	Oct. 18, 1974
AR–2092	Nov. 29, 1974
AR–2094	Dec. 13, 1974
AR–2099, AR–2098	Dec. 27, 1974
PA75–3015	Feb. 14, 1975
PA75–3017	Feb. 21, 1975
PA75–3021	Mar. 21, 1975
PA75–3023	Mar. 14, 1975
Texas:	
TX75–4009	Jan. 17, 1975
TX75–4022, TX75–4024	Jan. 24, 1975
Virginia:	
AM–1874, AM–1875	Aug. 20, 1971
AM–9320	May 19, 1972
AP–406	July 28, 1972
AP–805	May 4, 1973
AQ–2020	Oct. 5, 1973

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State; Supersedeas Decision numbers are in parentheses following the number of the decisions being superseded:

Alabama:	
AQ–4060(AL75–1043)	Jan. 25, 1974
Arkansas:	
AR75–4019(AR75–4073)	Jan. 17, 1975
Connecticut:	
AR–3099(CT75–2057)	Aug. 12, 1974
NY75–3010(CT75–5045)	Jan. 24, 1975
Iowa:	
IA75–4045(IA75–4074)	Jan. 31, 1975
Massachusetts:	
AQ–3082(MA75–2054)	Nov. 2, 1973
Missouri:	
AQ–94(MO75–4075)	May 3, 1974
Ohio:	
AR–3048(OH75–2056)	Aug. 2, 1974
Oregon:	
AR–1016(OR75–5042)	Aug. 16, 1974
Pennsylvania:	
AQ–2060(PA75–3028), AQ–2058(PA75–3029)	Mar. 8, 1974
AQ–2060(PA75–3030)	Feb. 15, 1974
South Dakota:	
AR–1056(SD75–5043)	Dec. 30, 1974
AR–1027(SD75–5044)	Aug. 30, 1974

Signed at Washington, D.C., this 28th day of March 1975.

RAY J. DOLAN,
Assistant Administrator
Wage and Hour Division.

Page 2

DECISION NO. IL75-2052

	Basic Hourly Rates	Fringe Benefit Payments: H & W	Pension	Vacation	Apr. Tr.
ELECTRICIANS (Cont'd)					
Kankakee County & Remainder of Ford & Iroquois Counties	$9.56	.35	.30		
ELEVATOR CONSTRUCTORS:					
Kankakee County:					
Constructors	9.97	.445	.29	3%+ab	.02
Helpers	70%JR	.445	.29	3%+ab	.02
Helpers (Prob.)	50%JR				
GLAZIERS:					
Piper City & North thereof in Ford County & Area East of Cabery in Kankakee County	7.65	.24	.30		.01
Remainder of Kankakee County	8.95	.40	.30		.005
Remainder of Ford County	8.585	.40	.30		
IRONWORKERS:			.60		.05
Ford County	8.70	.50	.50		.03
Iroquois & Kankakee Counties	9.70				
LATHERS:		.30	.20		.01
Ford County	8.64	.35		0	.01
LEADBURNERS	9.25				
PAINTERS:					
Ford County:		.30			.06
Brush	7.45	.30			.06
Paperhanging	7.75	.30			.06
Structural Steel	7.95				
Iroquois & Kankakee Counties:		.40	.25		
Brush & Roller	8.45	.40	.25		
Spray	9.70				
PLASTERERS:		.30			.025
Ford County	8.715	.35			
Iroquois & Kankakee Counties	9.60				
PLUMBERS & STEAMFITTERS:		.30	.50		.12
Ford County	7.95	.35	.50		.05
Iroquois & Kankakee Counties	10.00				
ROOFERS:		.35	.10		.02
Ford County	8.93			3%	
Iroquois County	8.35				
Kankakee County	9.60				

Page 2

NEW DECISION

STATE: Illinois COUNTIES: Ford, Iroquois and Kankakee

DATE: Date of Publication

DESCRIPTION NUMBER: IL75-2052

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefit Payments: H & W	Pension	Vacation	Apr. Tr.
ASBESTOS WORKERS	$10.36	.58	.67		.05
BOILERMAKERS:					
Kankakee County:		.40	.90	4%	.01
Boilermakers	8.75	.40	.90	4%	.01
Helpers	8.65				
Ford & Iroquois Counties:		.40	.65		.01
Boilermakers	8.55				
BRICKLAYERS; STONEMASONS; MARBLE SETTERS; TERRAZZO WORKERS & TILE SETTERS:					
Kankakee County:					
Bricklayers; Stonemasons; Marble Setters; Tile & Terrazzo Workers	9.80	.35			
South of Roberts in Ford County:					
Bricklayers & Stonemasons	8.925	.30			.02
Marble-Tile & Terrazzo Workers	9.10				
Remainder of Ford County:					
Bricklayers & Stonemasons	9.80	.35	.40		.02
Marble Setters	8.70	.45			
Terrazzo & Tile Workers	9.10				
Iroquois County:					
Bricklayers & Stonemasons	9.80	.35	.40		.02
Marble-Tile & Terrazzo Workers	8.70	.45			
CARPENTERS:					
Ford County:					
Carpenters & Soft Floor Layers	8.815	.30	.60		.08
Millwrights & Piledrivermen	9.165	.30	.60		.08
Iroquois & Kankakee Counties:					
Carpenters; Millwrights; Soft Floor Layers & Piledrivermen	9.56	.35	.30		
CEMENT MASONS:					
Ford County	9.275	.30			.025
Iroquois & Kankakee Counties	8.95	.30			
ELECTRICIANS:					
Twps. of Fountain Creek, Love Joy & Prairie Green in Iroquois County	8.77	.30		12%+.30	.25%
Area S. of Roberts Twps. in Ford County, Twps. of Artesia, Pigeon Grove & Lode in Iroquois County	9.40	.30		12%+.20	.4%

V 40166
APR 4 75
XUM

DECISION NO. IL75-2052

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
SHEET METAL WORKERS:					
Ford County	$8.925	.375	.30		.02
Iroquois & Kankakee Counties	8.36	.25	.25	3%	.01
SPRINKLER FITTERS	9.40	.50	.70		.08
TRUCK DRIVERS:					
Kankakee County & Remainder of Iroquois County:					
2-3 Axle Trucks	6.70	d12.50	d11.00		
4-Axle Trucks	6.90	d12.50	d11.00		
5-Axle Trucks	7.10	d12.50	d11.00		
6-Axle Trucks	7.25	d12.50	d11.00		
Northern ½ of Ford County:					
2-3 Axle Trucks	6.60	d15.00	d19.00		
4-Axle Trucks	6.75	d15.00	d19.00		
5-Axle Trucks	6.95	d15.00	d19.00		
6-Axle Trucks	7.15	d15.00	d19.00		

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgivng Day; F-Christmas Day.

FOOTNOTES:
a.-Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular rate to vacation pay credit for employee who has worked in business less than 5 years.
b.-Six Paid Holidays: A through F.
c.-Nine Paid Holidays; A through F plus Washington's Birthday, Good Friday & Xmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, & the regular scheduled work immediately preceding and following the holiday.
d.-Per Week Per Employee

DECISION NO. IL75-2052

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
KANKAKEE COUNTY					
UNSKILLED	$ 7.42	.30	.20		.035
SEMI-SKILLED	7.62	.30	.20		.035
SKILLED	7.82	.30	.20		.035
FORD & IROQUOIS COUNTIES					
UNSKILLED	7.29	.30	.20		.035
SEMI-SKILLED	7.49	.30	.20		.035
SKILLED	7.69	.30	.20		.035

LABORERS - KANKAKEE, FORD & IROQUOIS COUNTIES

UNSKILLED: Common Laborer; carpenter tenders; tool cribmen firemen or salamander tenders; flagmen, gravel bo men; dumpmen & spotters; form handlers; material patchers; landscapers; unloading explosives; laying of sod; planting of trees; asphalt plant laborers; wrecking laborers; writer of scale tickest; fire shop laborers; fireproofing laborers; janitors; wrecking-dismantling buildings; wallmen & housemovers; driving of stakes; stringlines for all machinery

SEMI-SKILLED: Handling of materials treated with oil, creosote, asphalt or any foreign material, truck laborers; cement handlers; chloride handlers; the unloading and laborers w/steel workers 7 rebars; concrete workers (wet); tunnel helpers in free air; batch dumpers; mason & plasterer tenders & material wheelers kettlemen & tarmen; tank cleaners; plastic installers; scaffold workers; motorized buggies or motorized unit used for wet concrete or handling of building materials laborers w/dewatering systems; all sewer workers plus depth; rod & chainmen with land surveyors; vibrator operators; mortar mixer operator; cement silica, clay, fly ash, lime & plasters; handlers (bulk or bag); cofferdam workers plus depth; (on concrete paving) placing, cutting & trying or reinforcing; deck hand; dredge hand & shore laborers; bankmen on floating plant; asphalt workers w/machine; asphalt raker; grade checker

SKILLED: Dynamite man or blasters; caisson workers plus depth; gunnite; nozzle men leadman on sewer work; welders; cutters; burners; torchmen; chain saw operator; jackhammer & drill operators; layout man; steel form setters (street & highway); air tamping hammerman; signal man on crane, concrete saw operator; screenman on asphalt pavers; laborers tending masons w/hot materials are used: multiple concrete duct-leadmen; curb asphalt machine operator; ready-mix scalemen; portable or temporary plant; laborers handling masterplate or similar materials; laser beam operator; coring machine operator

DECISION NO. IL75-2052

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
KANKAKEE COUNTY					
CLASS I	$10.30	.50	.70	.20	.05
CLASS II	9.00	.50	.70	.20	.05
CLASS III	7.95	.50	.70	.20	.05
CLASS IV	6.75	.50	.70	.20	.05

POWER EQUIPMENT OPERATORS: KANKAKEE COUNTY

CLASS I: Asphalt plant, asphalt spreader, auto-grad, batch plant, Benoto (requires two engineers), boiler & throttle valve, caisson rigs, central redi-mix plant, combination backhoe front end-loader machine, compressor & throttle valve, concrete breaker (truck mounted), conveyor, concrete paver, concrete placer, concrete tower, cranes (all), derricks (all), grader, elevating, grouting machines, highlift shovels or front endloader 2½ yd. & over, hoists, one, two & three drum, hoists, two & three, drum, hoists, two tugger one floor, hydraulic boom trucks, locomotives (all), mechanic, motor patrol, pile driverc & skid rig, post-hole digger, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), pumporetes, squeeze cretes - screw types pumps, Cyrsum bulker & pump, rock drill (self-propelled), rock drill (truck mounted), scoopes - tractor drawn, slip form paver, straddle buggies, tournapull, tractor with boom & side boom, trenching machines

CLASS II: Boilers, bulldozers, broom all power propelled, concrete mixer (2 bag & over), conveyor portable, forklift truck greaser engineer, highlift shovels or front endloaders under 2½ yd., hoists, automatic, hoists, all elevators, hoists, tugger single drum, rollers, all, steam generators, stone crushers, tractors, all, winch trucks with "A" frame

CLASS III: Air compressor - small 150 & under (1) to 5 not to exceed a total of 300 ft.), Air compressor - large over 150, corbination - small equipment opr., generators under & over 50 KW, heaters, mechanical, pumps, over 3" (1 to 3 not to exceed a total of 300 ft.), pumps, well points, welding machines (2 through 5), winches, 4 small electric drill winches

CLASS IV: Oilers

DECISION NO. IL75-2052

POWER EQUIPMENT OPERATORS: FORD & IROQUOIS COUNTIES	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 8.575	.30	.50		.05
CLASS II	8.475	.30	.50		.05
CLASS III	8.30	.30	.50		.05
CLASS IV	6.55	.30	.50		.05

POWER EQUIPMENT OPERATORS: FORD & IROQUOIS COUNTIES

CLASS I: Master Mechanic

CLASS II: Utility Operator

CLASS III: Power cranes, Draglines, Electric overhead cranes, Shovels, Gradall, Mechanics, Repair and Maintenance of all equipment, Tractor highlift shovel, Forklifts, Tournamixer, 2 drums machine or 2 cogo hoist, Cableways, Tower machines, Motor Patrol, Boom tractor, Boom or winch truck, Truck Crane, Tournapull, Tractor operating scoops, Bulldozer, Push Tractor, Finishing machine on Asphalt, Large rollers & rollers on asphalt, Gravel Macadam & Brick surface, Ross carrier or similar machine, Asphalt Plant Engineer or Pug Mill, Two (2) air compressors, Hetherington paver operator, Farm tractor with ½ yard bucket and/or backhoe attachment, Trench machines cutting over 24," Dredging equipment, Central mix plant engineer, concrete spreader, Air compressors 200 cu. ft. or over, Standard or Dinkey locomotives, Scoopmobiles, Euclid loader, Soil cement machine, Mixers 1½5 capacity or less, Trench Machine cutting 24" & under, Backfiller, Elevating machine, Power Blade, Asphalt Plant Engineer, Well drilling Machines, Paint Machine, Pipe Cleaning Machine, Pipe wrapping machine, Pipe Bending Machine, Apsco paver, Boring Machine, w/o winch, Head equipment, Greasers, Barber Green Loaders, Formless paver, Farm Tractor with less than half-yard bucket and other attachments except backhoe, Well Point System

CLASS IV: Power Sub-Grader, Bull Float, Form Grader, Finishing machine, Pavement breaker, Rock Crushers, One drum machine, air compressor less than 20 cu. ft. capacity. Concrete pump, Gunnite machine, Air Tuggers, Truck crane drivers, House Elevators when used for temporary heat, Small rollers on earth, Engine tenders, Fireman on pain pots, Fireman, Wagon Drill, Flexaplane, Conveyor, 2 to 4 Water Pumps, Siphon & Pulsometer, Switchman, Fireman on Asphalt plants, Distrbutor operator on trucks, Tampers, Power Broom, Post Hole Digger, Self Propelled Concrete Saw, Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser

15262 NOTICES 15263

DECISION NO IL75-2052

TRUCK DRIVERS-S.E. CORNER OF IROQUOIS CO. & SOUTHERN ½ OF FORD COUNTY	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	8.10	.45	a13.00		
GROUP II	8.50	.45	a13.00		
GROUP III	8.70	.45	a13.00		

TRUCK DRIVERS-S. E. CORNER OF IROQUOIS CO., & SOUTHERN ½ OF FORD COUNTY

GROUP I:
Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machins including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, toole, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II:
2 or 3 exle trucks hauling more than 9 ton, but hauling less than 16 tons: A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes: Fork lifts over 6,000 lb. capecity; winch trucks; 4-axle combination units: ticket writers

GROUP III:
2-3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers.

FOOTNOTES:
a.-Per Week Per Employee.

NEW DECISION

STATE: Illinois
DECISION NUMBER: IL75-2055
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTIES: Adams, Brown & Pike
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$10.48	.45	.62		
BOILERMAKERS	9.15	.60	1.00		.01
BRICKLAYERS:					
Bricklayers; Stonemasons; Marble Setters; Terrazzo Workers; Tile Setters; Pointers; Caulkers & Cleaners	8.50		.20		
CARPENTERS:					
Adams County:					
Carpenters & Soft Floor Layers	7.60	.45	.25		
Millwrights & Piledrivermen	7.85	.45	.25		
Brown & Pike Counties:					
Carpenters & Soft Floor Layers	7.25	.45	.25		.02
Millwrights	7.50	.45	.25		.02
Piledriverman	7.75	.45	.25		.02
CEMENT MASONS	7.00		.30		
ELECTRICIANS:					
Electricians	8.60	.30	1%		.2%
Cable Splicers	8.95	.30	1%		.2%
ELEVATOR CONSTRUCTORS:					
Constructors	8.535	.445	.29	3%+a&b	.02
Helpers	70%JR	.445	.29	3%+a&b	.02
Helpers (Prob.)	50%JR				
GLAZIERS	7.55	.25	.15		
IRONWORKERS:					
Brown County, Pike County & the Southeast corner of Adams County	8.90	.45	.60		.05
Remainder of Adams County	8.54	.40	.30		
LATHERS:					
Brown & Pike Counties	8.40				
LEADBURNERS	9.25	.35		c	.01
PAINTERS:					
Adams & Brown Counties:					
Brush	6.60				
Spray	7.60				
Pike County:					
Commercial	8.55	.35	.15		
Industrial	8.80	.35	.15		

DECISION NO. IL75-2055

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PLASTERERS	$7.65		1.00		.01
PLUMBERS & STEAMFITTERS:					
Adams & Brown Counties	8.40	.35	.45	.25	.03
Pike County	7.96	.30	.55		
ROOFERS	7.65				
SHEET METAL WORKERS:					
Adams & Pike Counties	8.40	.25	.20		.03
Brown County	8.72	.35	.25	.25	.03
SPRINKLER FITTERS	9.40	.50	.70		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAY: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

b. Six paid holidays: A through F.

c. Nine paid holidays; A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calender days prior to the Holiday, and the regular scheduled work immediately preceding and following the holiday.

DECISION NO. IL75-2055

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
ADAMS COUNTY					
UNSKILLED	$6.54	.30	.15		.035
SEMI-SKILLED	6.74	.30	.15		.035
SKILLED	6.89	.30	.15		.035
BROWN & PIKE COUNTIES					
UNSKILLED	6.39	.30	.30		.035
SEMI-SKILLED	6.59	.30	.30		.035
SKILLED	6.74	.30	.30		.035

LABORERS - ADAMS, BROWN & PIKE COUNTIES

UNSKILLED: All sewer workers plus depth pay, Asphalt Plant Laborers; Bankmen on Floating Plant; Batch Dumpers; Carpenter Tenders; Cleaning Lumber; Cofferdam Workers plus depth pay; Deck Hand, Dredge Hand and Shore Laborer; Dispatchers; Driving of Stakes, Scringlines for all machinery; Fencing Laborers; Firemen or Salamander Tenders; Fireproofing Laborers; Fire Shop Laborers; Flagmen; Form Handlers; Gravel Box Men, Dumpmen & Spotters; Janitors; Laborers w/dewatering Systems; Landscapers; Laying of Sod; Material Checkers & Handlers; Pit Men; Plastic Installers; Planting of & Removal of Trees; Rip-Rap Men; Rod & Chainmen Scaffold Workers; Tool Cribmen; Track Laborers; Unloading Explosives; Unloading & Carrying Lath & Re-Bars; Wrecking, Dismantling Buildings, Wallmen & House-movers; Wrecking Laborers; Writer of Scale Tickets.

SEMI-SKILLED: Asphalt Workers w/machine; Asphalt Raker & Layers; Cement Handlers Cement Silicia, Clay, Fly Ash, Lime & Plasters, Handlers (Bulk or Bag) Chain Saw; Chloride Handlers; Concrete Workers (Hot) Grade Checker; Handling of materials treated w/ oil, creosote, asphalt and/or any foreign material harmful to skin or clothing; Kettle Tar Man; On Concrete Paving, Placing, Cutting and Tying of Reinforcing; Signal Man on Crane; Tank Cleaners; Tunnel Helpers in free air.

SKILLED: Air Tamping Hammerman; Caisson Workers plus depth pay; Concrete Burning Machine Operator; Concrete Saw Operator; Coring Machine Operator; Gunnits Nozzle Men; Jackhammer & Drill Operators; Laborers handling Masterplate or similar materials; Laborers tending Masons w/hot material or where foreign materials are used; Laser Beam Operator; Layout Man and/or Tile Layer; Leadman on Sewer Work; Lutemen; Mason Tenders; Mortar Mixer Operators; Motorized Buggies or Motorized Unit used for wet concrete or handling of Building Materials; Multiple Concrete Duct - Leadman; Plasterer Tenders; Ready Mix Scalemen, Portable or Temporary Plant; Screenman on Asphalt Pavers; Steel Form Setters-Street & Highway; Vibrator Operators; Welders, Cutters, Burners and Torchmen.

DECISION NO. IL75-2055

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
CLASS I	$ 8.90	.30	.40		.05
CLASS II	8.025	.30	.40		.05
CLASS III	7.55	.30	.40		.05

POWER EQUIPMENT OPERATORS:

CLASS I - Asphalt screed man, Aspoo concrete spreaders, Asphalt pavers, Asphalt rollers on bituminous concrete, athey loaders, backfillers, crane type, backhoes, cableways, cherry pickers, claim shell, C.M.E. & similar type autograde formless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derrick, derrick boats, draglines, earth augeror boring machines, levating graders eingeers on dredge, gravel processing machines, high list or fork lists, hoist w/two drums or two or more loadlines locomotives (all) mechanics, motar graders or auto patrols, operators or levelman on dredges, operators power boat, operators pug mill (asphalt plants), orange peels, overhead cranes, paving mixers, piledrivers, pipe wrapping & painting machines, push dozers, or push cats, rock orushers, ross carriers or similar machines, scoope, skimmer, 2 cu. yd. capacity & under, sheep foot foller (self propelled) shovels, skimmer scoops, test holedrilling machines, tower cranes, tower machines, tower mixers, track type and loaders, track type fork lists or high lifts, track jacks & tamper, tractor, sideboom, trenching machine, ditching machine, tunnelluggers, wheel type end loaders, winch cat, scoops, all or tournapull.

CLASS II - Asphalt boosters & heaters, asphalt distributors, asphalt plant fireman, oiler on 2 paving mixers when used in tandem boom or winch truck, building elevator, bull floats or flexplanes, concrete finishing machines, conorete saws, self propeller, concrete saws, self propeller, conorete spreader machines, gravel or stone spreader, power operated, head equipment greaser, hoist automatic, hoist w/1 drum & 1 load line, mud jacks, post holediggers, mechanical, road or street sweeper-self propelled, seaman tiller, straw machine, vibratory compactor, well drill machines scissors hoist.

CLASS III - Air compressor*, air compressors, track or self-propelled, asphalt plant engineers, bulk cement batching plants, conveyors,* concrete mixers (except plant, paver, tower) firemen, generators*, greasers, helper on single paving mixer, light plants*, mechanic helpers, mechanical heaters*, oilers, power from graders, power sub-graders, pug mills, when used for other than asphalt operation, rollers (except bituminous concrete) tractors w/o power attachments regardless of size of type) truck crane oiler & driver 1 (man), water pumps*, welding machines (one 300 amp. or over*)* welding machines*

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS. WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

DECISION NO. IL75-2055

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
GROUP I	8.10	.45	a13.00		
GROUP II	8.50	.45	a13.00		
GROUP III	8.70	.45	a13.00		

TRUCK DRIVERS

GROUP I:
Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II:
2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons: A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III:
2-3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers.

FOOTNOTES:
a.-Per Week Per Employee.

MODIFICATIONS PAGE 2

DECISION NO AR75-4038 - Mod. #2
(40 FR 8704 - February 28, 1975)
Pulaski County, Arkansas

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Changes:					
LABORERS:					
Group I	$5.37	.15	.20		.04
Group II	5.62	.15	.20		.04
Group III	5.72	.15	.20		.04
Group IV	5.77	.15	.20		.04
Group V	5.87	.15	.20		.04
Group VI	6.02	.15	.20		.04
Roofers	6.55		.05		

DECISION #AK75-5033 - Mod. #2
(40 FR 10885 - March 7, 1975)
Statewide, Alaska

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Changes:					
Roofers					
Area I	$12.30	.55	1.15		.10
Area II and III	12.00	.55	1.15		.10
Truck Drivers					
Group 1	10.92	.73	2.10		.10
Group 2	10.98	.73	2.10		.10
Group 3	10.45	.73	2.10		.10
Group 4	11.30	.73	2.10		.10
Group 5	11.70	.73	2.10		.10
Group 6	12.01	.73	2.10		.10
Group 7	12.30	.73	2.10		.10
Group 8	12.61	.73	2.10		.10
Group 9	12.92	.73	2.10		.10
Group 10	13.23	.73	2.10		.10
Group 11	13.54	.73	2.10		.10
Group 12	13.85	.73	2.10		.10
Group 13	14.15	.73	2.10		.10
Group 14	11.44	.73	2.10		.10
Group 15	10.17	.73	2.10		.10
Group 16	10.60	.73	2.10		.10
Group 17	11.28	.73	2.10		.10
Group 18	11.54	.73	2.10		.10
Group 19	11.81	.73	2.10		.10
Group 20	12.08	.73	2.10		.10
Group 21	12.25	.73	2.10		.10
Group 22	11.22	.73	2.10		.10
Group 23	10.34	.73	2.10		.10

MODIFICATIONS PAGE 4

DECISION #CA75-5022 - Mod. #1
(40 FR 8707 - February 28, 1975)
Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Changes:					
Boilermakers	$9.95	.65	1.00	.50	.02
Bricklayers; Stonemasons Los Angeles County (Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd. including Long Beach); Orange County	9.33	.70	.90		.07
Los Angeles County (except Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South Rosecrans Blvd. including Long Beach)	9.33	.70	.90		.07
Electricians					
Imperial County	9.55	.50	12%+.80		
Cable Splicers	9.83	.50	12%+.80		
Line Construction					
Ventura County					
Groundman	9.24	.70	12%+.55		.02
Lineman	10.42	.70	12%+.55		.02
Cable Splicers	11.46	.70	12%+.55		.02
Roofers					
Imperial County	8.39	.40	.50	1.00	
Sheet Metal Workers					
Los Angeles County (Remaining Portion)	10.63	.84	1.35		.02
Power Equipment Operators					
Dredging (Hydraulic Suction Dredges)	9.78	.95	1.50	.30	.04
Leverman	9.26	.95	1.50	.30	.04
Watch Engineer; Welder	8.84	.95	1.50	.30	.04
Deckmate					
Winchman (stern winch on dredge)	8.77	.95	1.50	.30	.04

MODIFICATIONS PAGE 3

DECISION #CA75-5020 - Mod. #2
(40 FR 6916 - February 14, 1975)
San Diego County, California

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Changes:					
Boilermakers	$9.95	.65	1.00	.50	.02
Power Equipment Operators Dredging (Hydraulic Suction Dredges)	9.78	.95	1.50	.30	.04
Leverman	9.26	.95	1.50	.30	.04
Watch Engineer; Welder	8.84	.95	1.50	.30	.04
Deckmate					
Winchman (stern winch on dredge)	8.77	.95	1.50	.30	.04
Bargeman; Deckhand; Fireman - Oiler; Leverhand (Clamshell Dredges)	8.29	.95	1.50	.30	.04
Leverman	9.78	.95	1.50	.30	.04
Watch Engineer	9.26	.95	1.50	.30	.04
Deckmate	8.84	.95	1.50	.30	.04
Bargemate					
Bargeman; Deckhand; Fireman - Oiler	8.29	.95	1.50	.30	.04

DECISION #CA-75-5021 - Mod. #2
(40FR 6922 - February 14, 1975)
San Diego County, California

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Changes:					
Boilermakers	9.95	.65	1.00	.50	.02

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DECISION NO. CA75-5022 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Bargeman; Deckhand; Fireman - Oiler; Levesehand (Clamshell Dredges)	$8.29	.95	1.50	30	.04
Leverman	9.78	.95	1.50	.30	.04
Watch Engineer	9.26	.95	1.50	.30	.04
Deckmate	8.84	.95	1.50	.30	.04
Bargemate	8.77	.95	1.50	.30	.04
Bargeman; Deckhand; Fireman - Oiler	8.29	.95	1.50	.30	.04
Sheet Metal Workers Inyo, Kern, Los Angeles (North of line between Gorman and Big Pines) and Mono Counties	9.47	.84	1.35		.02

DECISION #CA75-5023 - Mod. #1
(40 FR 8717 - February 28, 1975)
Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California

Change:

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Boilermakers	$9.95	.65	1.00	.50	.02
Bricklayers; Stonemasons Los Angeles County (Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd., including Long Beach); Orange County	9.33	.70	.90		.07
Los Angeles County (except Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd., including Long Beach)	9.33	.70	.90		.07
Electricians Imperial County Electricians	9.55	.50	1%+.80		
Cable Splicers	9.83	.50	1%+.80		
Roofers Imperial County	8.39	.40	.50	1.00	
Sheet Metal Workers Kern, Los Angeles (North of line between Gorman and Big Pines)	9.47	.84	1.35		.02
Los Angeles County (Remaining Portion)	10.63	.84	1.35		.02

DECISION #IA75-4034--MOD. #4
(40-FR-4823--January 31, 1975)
Black Hawk County (City of Waterloo & abutting municipalities), Iowa

CHANGE:
Building Construction:

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Ironworkers: Ornamental; Reinforcing; Structural	$9.10				.02

DECISION #IA75-4042--MOD. #4
(40-FR-4843--January 31, 1975)
Pottawattamie County (City of Council Bluffs & the area within 3 miles from the city limits), Iowa

CHANGE:
Building Construction:

Drywall Tapers & Finishers	$7.94	.35		.50	.01

DECISION #KS75-4061 - Mod. #1
(40 FR 12034 - March 14, 1975)
Leavenworth County, Kansas

Change:

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$10.02	.40	.70		.02
CEMENT MASONS (Building Construction)	8.725	.40	.50	.25	
ELECTRICIANS: Zone 2 - Remainder of County	9.50	.40	1%+.50		.05
ELEVATOR CONSTRUCTORS	9.45	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
LATHERS	9.10	.30			
PLASTERERS	9.65	.30			
ROOFERS: Roofers	8.80	.30	.60		.04
Helpers:					
1st 6 mos.	5.24	.30	.60		.04
2nd 6 mos.	5.69	.30	.60		.04
3rd 6 mos.	6.13	.30	.60		.04
4th 6 mos.	6.58	.30	.60		.04
5th 6 mos.	7.02	.30	.60		.04
6th 6 mos.	7.47	.30	.60		.04
7th 6 mos.	7.91	.30	.60		.04
SHEET METAL WORKERS	9.905	.35	.50	.75	.02

DECISION #KS75-4062 - Mod. #1
(40 FR 12038 - March 14, 1975)
Shawnee County, Kansas

Change:

ELECTRICIANS: Electricians	$9.50	.40	1%+.50		.05
Cable splicers	10.45	.40	1%+.50		.05
ROOFERS FLAT, SLATE & TILE; DAMPROOFERS AND WATERPROOFERS	8.36	.30	.60		
ROOFERS WORKING IN PITCH, TAR OR CREOSOTE, COAL	9.21	.30	.60		

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #KS75-4064 - Mod. #1 (40 FR 12045 - March 14, 1975) Shawnee County, Kansas					
Change: ROOFERS FLAT, SLATE AND TILE, DAMPPROOFERS AND WATERPROOFERS	$8.36	.30	.60		
ROOFERS WORKING IN PITCH, COAL, TAR OR CREOSOTE	9.21	.30	.60		
DECISION #KS75-4063 - Mod. #1 (40 FR 12048 - March 14, 1975) Sedgwick County, Kansas					
Change: SHEET METAL WORKERS	$9.35	.35	.40		.01

DECISION NO AQ-2076 - Mod. #1 (39 FR 10069 - March 15, 1974) Frederick County, Maryland	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CHANGE:					
Bricklayers	$5.50				
DECISION #AR-3150 - Mod. #2 (39 FR 36759 - October 11, 1974) Alcona, Alpena, Montmorency, Oscoda & Presque Isle Counties, Michigan					
Changes:					
Asbestos Workers	$ 9.31	.66	.95		.02
Ironworkers:					
Structural and Ornamental	9.03	6%	1½	1%	.07
Laborers:					
Laborers	5.50	.40	.30		.04
Mortar Mixers, Vibrator; Layers of Non-mettalic pipe; Plasters Tenders; Caisson & Sewer Workers	5.65	.40	.30		.04
Lathers	7.85	.54	.10	.50	.01
Millwrights	7.97	.50	.40		.02
Piledriverman	7.92	.50	.40		.02
Plumbers and Steamfitters: Alpena, Montmorency and Presque Isle Counties	10.00	.35	.25		
Roofers	7.45				
Sheet Metal Workers	9.69	.40	.75		
Sprinkler Fitters	9.65	.50	.70		.08

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #MO75-4059 - Mod. #1 (40 FR 8740 - February 25, 1975) Cass, Clay, Jackson, Platte and Ray Counties, Missouri; and Johnson and Wyandotte Counties, Kansas					
Changes:					
ASBESTOS WORKERS	$10.02	.40	.70		.02
CEMENT MASONS (Building Construction):					
Cement Masons	8.725	.40	.50	.25	
Composition	8.975	.40	.50	.25	
ELEVATOR CONSTRUCTORS	9.45	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.20	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FOOTNOTES: a-Employer contributes 4% of basic hourly rate for over 5 years' service, and 2% of basic hourly rate for 6 months to 5 years as vacation Pay Credit; b-Paid Holidays: New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day.					
LATHERS	9.10	.20			
ROOFERS:					
Roofers	8.80	.30	.60		.04
SHEET METAL WORKERS	9.905	.35	.50	.75	.02
DECISION NO. AQ-18 - Mod. #3 (38 FR 21714 - August 10, 1973) Statewide, New Mexico					
Change:					
Ironworkers, structural	$6.53	.35	.50		

DECISION NO. NM75-4002 - Mod. #5 (40 FR 2391 - January 10, 1975) Statewide, New Mexico	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CHANGE:					
ELECTRICIANS:					
Zone VII					
Zone 7-A	$8.10	.30	1%		.01
Zone 7-B	8.45	.30	1%		.01
Zone 7-C	8.60	.30	1%		.01
Zone 7-D	8.85	.30	1%		.01
CABLE SPLICERS:					
Zone VI					
Zone 6-A	8.45	.30	1%		.01
Zone 6-B	8.80	.30	1%		.01
Zone 6-C	8.95	.30	1%		.01
Zone 6-D	9.20	.30	1%		.01
SHEET METAL WORKERS:					
Zone 2	7.90	.29	.25		.005
SOFT FLOOR LAYERS:					
Zone 1	6.41	.24			.01
ELECTRICIANS:					
Zone V					
Zone 5-A	8.00	.25	1%		1/2%
Zone 5-B	8.30	.25	1%		1/2%
CABLE SPLICERS:					
Zone IV					
Zone 4-A	8.25	.25	1%		1/2%
Zone 4-B	8.55	.25	1%		1/2%

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3034 - Mod. #1 (39 FR 30776 - August 23, 1974) Clark County, Ohio					
Changes:					
Asbestos Workers	$ 9.97	.35	.60		.01
Carpenters & Soft Floor Layers	8.45	.35	.35		.02
Millwrights & Piledrivermen	8.75	.35	.35		.02
Elevator Constructors	9.715	.445	.29	3%+a+b	.02
Elevator Constructors' helpers	6.80	.445	.29	3%+a+b	.02
Elevator Constructors' helpers (Prob.)	4.86				
Glaziers	9.08				.01
Painters, brush	7.50		.25		
Structural Steel	8.05		.25		
Swing Stage	7.85		.25		
Sandblasting	8.30		.25		
Spray	8.20		.25		
Plumbers & Steamfitters	10.01	.35	.60		.04
Sprinkler Fitter	9.80	.50	.70		.08
DECISION #AR-3035 - Mod. #1 (39 FR 30778 - August 23, 1974) Cuyahoga & Lake Counties, Ohio					
Changes:					
Elevator Constructors	$10.265	.445	.29	3%+a+b	.02
Elevator Constructors' helpers	7.185	.445	.29	3%+a+b	.02
Elevator Constructors' helpers (Prob.)	5.13				

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3036 - Mod. #2 (39 FR 30780 - August 23, 1974) Franklin, Madison & Pickaway Counties, Ohio					
Changes:					
Asbestos Workers	$10.39	.30	.85		.02
Carpenters	8.60	.35	.20		.02
Millwrights & Piledrivermen	8.90	.35	.20		.02
Electricians - Pickaway Co. the Townships of Deer Creek, Perry, Pickaway, Salt Creek and Wayne	9.55	.29	1%		.02
Elevator Constructors	9.715	.445	.29	3%+a+b	.02
Elevator Constructors' helpers	6.80	.445	.29	3%+a+b	.02
Elevator Constructors' helpers (Prob.)	4.86				
Plumbers & Steamfitters	10.42	.55	.80		.05
Roofers	9.275	.60	.65		.02
Sheetmetal Workers	9.21	.45	.51		.05
Sprinkler Fitter	9.80	.50	.70		.08

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3037 - Mod. #1 (39 FR 30782 - August 23, 1974) Greene & Montgomery Counties, Ohio					
Changes:					
Asbestos Workers	$ 9.97	.35	.60		.01
Bricklayers & Stonemasons	8.63	.45	.50	.37	.01
Electricians, Communications Installers and Linemen-Within 11 mile radius from 3rd and Main Streets Dayton	9.88	.45	1%+.75		½of1%
Beyond the 11 mile radius from 3rd and Main Streets, Dayton	10.11	.45	1%+.75		½of1%
Elevator Constructors	9.62	.445	.29	3%+a+b	.02
Elevator Constructors' helpers	6.73	.445	.29	3%+a+b	.02
Elevator Constructors' helpers (Prob.)	4.81				
Glaziers	9.08				.01
Painters:					
Brush & Rollers	9.43	.40	.40		.02
Structural Steel & Swing Stage	9.83	.40	.40		.02
Spray and Sandblasting	9.93	.40	.40		.02
Paperhanging	9.68	.40	.40		.02
Plumbers & Steamfitters:					
Townships of Miami, Cedarville, Ross, Jefferson, Ceasar Creek, New Jasper in Green County	10.01	.35	.60		.04
Remainder of Green County and all of Montgomery County	10.11	.35	.70		.03
Sheetmetal Workers	9.80	.40	.60		.12
Sprinkler fitters	9.80	.50	.70		.08

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3038 - Mod. #1 (39 FR 30784 - August 23, 1974) Hamilton & Clermont Counties, Ohio					
Changes:					
Bricklayers	$10.095	.45	.35		.01
Carpenters	9.75	.45	.55		.025
Electricians & Linemen	10.00	.60	1%+.30		.5%
Elevator Constructors	9.62	.445	.29	3%+a+b	.02
Elevator Constructors' helper	6.73	.445	.29	3%+a+b	.02
Elevator Constructors' helper (prob.)	4.81				
Ironworkers, reinforcing	9.445	.55	1.05		.02
Plumbers and Gasfitters	9.92	.65	.90		.05
Resilient Floor Layers	8.20	.45	.55		.05
Sprinkler Fitters	9.80	.50	.70		.08

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3172 - Mod. #1 (39 FR 41102 - November 22,1974) Erie, Huron, Ottawa & Sandusky Counties, Ohio					
Change:					
Asbestos Workers: Sandusky, Ottawa Counties and Western half of Erie County	$10.58	.35	.15		.02
Boilermakers	11.10	.30	.50		.01
Electricians: Southern half of Huron County (Townships of Richmond, New Haven, Ripley and Greenwich)	9.70	.33	1%+.25		.1%
Elevator Constructors: Erie & Huron Counties					
Elevator Constructors	10.265	.445	.29	3%+a+b	.02
Elevator Constructors' helpers	7.185	.445	.29	3%+a+b	.02
Elevator Constructors' helpers (Prob.)	5.13				
Ottawa and Sandusky Counties					
Elevator Constructors	10.42	.445	.29	3%+a+b	.02
Elevator Constructors' helpers	7.29	.445	.29	3%+a+b	.02
Elevator Constructors' helpers (Prob.)	5.21				
Glaziers - Ottawa & Sandusky Counties	9.125	.50	.45		.01
Millwrights & Piledrivermen: Erie County, West of B. & O. tracks and Ottawa and Sandusky Counties	10.25	.50	.55		.04
Painters: Ottawa County:					
Brush, paperhangers, drywall tapers and finishers	8.99	.50	.40		
Open structural steel-brush	9.24	.50	.40		
Spray, sandblasting & pressure cleaning	9.54	.50	.40		
Plumbers: Erie & Huron Counties	9.945	.45	.80		.025
Ottawa and Sandusky Counties	10.535	.55	.75		.06
Roofers	10.63	.25	.50		.005
Sheet metal Workers; Ottawa Co.	10.425	.55	.60		.045

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3173 - Mod. #1 (39 FR 41105 - November 22, 1974) Hancock County, Ohio					
Change:					
Asbestos Workers	$10.58	.35	.50		.02
Boilermakers	11.10	.50	.60		.01
Carpenters (Remaining part of County)	10.25	.55	.50		.04
Elevator Constructors	10.42	.495	.29	b+c+3%	.02
Elevator Constructors' helper	7.29	.495	.29	b+c+3%	.02
Elevator Constructors' helper (prob.)	5.21				
Line Construction					
Linemen	11.16	.35	7%	a	1 of 7%
Cable Splicers	11.41	.35	7%	a	1 of 7%
Millwrights & Piledrivermen	10.25	.55	.50		.04
Plasterers	10.40	.55			.01
Plumbers & Steamfitters	10.535	.55	.75	f	.06
Sheetmetal Worker	10.425	.55	.60		.045

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION NO. AR-88 - Mod. #3 (39 FR 43454 - December 13, 1974) Pittsburg County, Oklahoma					
CHANGE: BRICKLAYERS-Stonemasons	$7.00	.30	.40		.05
DECISION NO. AR-93 - Mod. #2 (39 FR 44903 - December 27, 1974) Wagoner County, Oklahoma					
CHANGE: CARPENTERS:					
Carpenters	$7.60		.25		.01
Millwrights-Piledrivermen	8.10		.25		.01

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Decision #AQ-2043 - Mod. # 5 (39 FR 7011 - February 22, 1974) Venango County, Pennsylvania					
Change:					
Line Construction:					
Lineman, dynamiteman, heavy equipment operator	$9.50	.20	1%		3/8%
Groundman, winch truck driver	6.74	.20	1%		3/8%
Groundman	6.46	.20	1%		3/8%
Decision #AQ-2046 - Mod. #6 (39 FR 9338 -- March 8, 1974) Elk County, Pennsylvania					
Change:					
Electricians	8.75	.45	1%+.25		1%
Line Construction:					
Lineman, dynamiteman, heavy equipment operator	9.50	.20	1%		3/8%
Groundman, winch truck driver	6.74	.20	1%		3/8%
Groundman	6.46	.20	1%		3/8%

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-2070 - Mod. #4 (39 FR 10070 - March 15, 1974) Sullivan County, Pennsylvania					
Change:					
Electricians:					
Eastern part of County	$ 9.15	.30	1% + .35		.03
Cement masons	8.45				
Line Construction:					
Lineman, dynamite man, heavy equipment operator	9.50	.20	1%		3/8 of 1%
Groundman, winch truck driver	6.74	.20	1%		3/8 of 1%
Groundman	6.46	.20	1%		3/8 of 1%
Sheet metal workers	8.97	.55	.40		.04
Decision #AQ-2079 --Mod. #4 (39 FR 11803 --March 29, 1974) Lycoming County, Pennsylvania					
Change:					
Cement masons	8.45				
Lathers	8.675		.20		.01
Line Construction:					
Lineman, dynamiteman, heavy equipment operator	9.50	.20	1%		3/8 of 1%
Groundman, Winch truck driver	6.74	.20	1%		3/8 of 1%
Groundman	6.46	.20	1%		3/8 of 1%

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-2084 - Mod. #6 (39 FR 11808 - March 29, 1974) Bedford County, Pennsylvania					
Change:					
Cement masons	$ 8.15	1.00			
Elevator constructors	9.54	.445	.29	3% +c +d	.02
Elevator constructors' helpers	6.68	.445	.29	3% +c +d	.02
Elevator constructors' helpers (Prob)	4.77				
Line Constructioo:					
Lineman	10.82	.30	1%		3/8 of 1%
Groundmao	6.49	.30	1%		3/8 of 1%
Winch truck operator	7.57	.30	1%		3/8 of 1%
Plasterers	8.50				.01
Sheet metal workers	9.18	.83	.50		.01
DECISION #AQ-2121 - Mod. #6 (39 FR 18398 - May 24, 1974) Forest and McKean Counties, Pennsylvania					
Change:					
Electricians:					
McKean County	$ 8.75	.45	1% + .25		1%
Line Construction:					
Lineman, dynamite man, heavy equipment operator	9.50	.20	1%		3/8 of 1%
Groundman, winch truck driver	6.74	.20	1%		3/8 of 1%
Groundman	6.46	.20	1%		3/8 of 1%

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2033 - Mod. #2 (39 FR 35048-September 27, 1974) Allegheny County, Pennsylvania					
Change:					
Electricians	$10.10	.35	1%+.20	.60	.05
Elevator Constructors	9.54	.445	.29	3%+a+b	.02
Elevator Constructors' Helpers	6.68	.445	.29	3%+a+b	.02
Elevator Constructors' Helpers (Prob.)	4.77				
Line Construction					
Linemen	10.82	.30	1%		3/8 of 1%
Groundman	6.49	.30	1%		3/8 of 1%
Winch truck operator	7.57	.30	1%		3/8 of 1%
Ironworkers					
Structural and Reinfrocing	9.225	.785	.775		.03
Landscape laborer	4.85	.30	.30		
Skilled landscape laborers	5.00	.30	.30		
Plasterers	8.94	.37	.70		
Painters (Commercial)					
Brush	9.05	.50	.20		
Paperhangers	9.10	.50	.20		
Spray	9.55	.50	.20		
Painters (Industrial)					
Brush	9.35	.50	.20		
Sprayu	9.85	.50	.20		
Sheet Metal Workers	9.28	.70	.90		.03
DECISION #AR-2034 - Mod. #3 (39 FR 35051-September 27, 1974) Armstrong County, Pennsylvania					
Change:					
Elevator Constructors	9.54	.445	.29	3%+a+b	.02
Elevator Constructors' Helpers	6.68	.445	.29	3%+a+b	.02
Elevator Constructors' Helpers (Prob.)	4.77				
Electricians	10.10	.35	.20+1%	.60	.05
Plasterers	8.94	.37	.70		
Line Construction					
Linemen	10.82	.30	1%		3/8 of 1%
Groundman	6.49	.30	1%		3/8 of 1%
Winch Truck operator	7.57	.30	1%		3/8 of 1%

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2036 - Mod. #3 (39 FR 33988-September 20, 1974) Bulter and Fayette Counties, Pennsylvania					
Change:					
Bricklayers and Stonemasons:					
Remainder of County	$9.16	.45	.64		
Electricians:					
Fayette County	10.10	.35	.20+1%	.60	.05
Ironworkers	9.225	.785	.775		.03
Plasterers	8.94	.37	.70		
Line Construction					
Linemen	10.82	.30	1%		3/8 of 1%
Groundman	6.49	.30	1%		3/8 of 1%
Winch truck operator	7.57	.30	1%		3/8 of 1%
Sheet Metal Workers	9.18	.70	.90		.03
DECISION #AR-2037 - Mod. #3 (39 FR 31859 - August 30, 1974) Indiana County, Pennsylvania					
Change:					
Electricians	10.10	.35	.20+1%	.60	.05
Elevator Constructors	9.54	.445	.29	3%+a+b	.02
Elevator Constructors' Helpers	6.68	.445	.29	3%+a+b	.02
Elevator Constructors' Helpers (Prob.)	4.77				
Line Construction					
Linemen	10.82	.30	1%		3/8 of 1%
Groundman	6.49	.30	1%		3/8 of 1%
Winch truck operators	7.57	.30	1%		3/8 of 1%
Ironworkers					
Structural and Reinforcing	9.225	.785	.775		.03
Plasterers	8.50				.01

DECISION #AR-2038 - Mod. #3
(39 FR 31862 - August 30, 1974)
Westmoreland County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Bricklayers and Stonemasons:					
Scottsdale	$9.16	.45	.64		
Electricians	10.10	.35	.20+1%	.60	.03
Elevator Constructors	9.54	.445	.29	3%+a+b	.02
Elevator Constructors' Helpers	6.68	.445	.29	3%+a+b	.02
Elevator Constructors' Helpers (Prob.)	4.77				
Ironworkers	9.225	.785	.775		.03
Line Construction					
Linemen	10.82	.30	1%		3/8 of 1%
Groundman	6.49	.30	1%		3/8 of 1%
Winch truck operator	7.57	.30	1%		3/8 of 1%
Plasterers	8.94	.37	.70		

DECISION #AR-2039 - Mod. #3
(39 FR 35054 - Sept. 27, 1974)
Washington County, Pennsylvania

Change:					
Electricians	$ 10.10	.35	.20 + 1%	.60	.05
Elevator Constructors	9.54	.445	.29	3% + b +c	.02
Elevator Constructors' helpers	6.68	.445	.29	3% + b +c	.02
Elevator Constructors' helpers (Prob.)	4.77				
Ironworkers:					
Structural & Reinforcing	9.225	.785	.775		.03
Line Construction:					
Linemen	10.82	.30	1%		3/8 of 1%
Groundman	6.49	.30	1%		3/8 of 1%
Winch truck operator	7.57	.30	1%		

DECISION #AR-2045 - Mod. #2
(39 FR 37345 - October 18, 1974)
Lawrence County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Bricklayers & Stonemasons	$ 9.02	.45	.63		
Line Construction:					
Linemen	9.50	.20	1%		3/8 of 1%
Groundman, winch truck driver	6.74	.20	1%		3/8 of 1%
Groundman	6.46	.20	1%		3/8 of 1%
Sheet metal workers	9.02	.45	.63		
Electricians	9.85	8%	1% + .19	1.00	1-1/2%

DECISION #AR-2046 - Mod. #2
(39 FR 37349 - October 18, 1974)
Mercer County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Asbestos workers	$ 10.24	.35	.50		.02
Electricians	9.90	.35	1% + .45		.01
Glaziers	8.97	.40	.20		
Ironworkers:					
Structural, Ornamental and Reinforcing	9.37	.40	.85		.05
Line Construction:					
Lineman, dynamite man, heavy equipment operator	9.50	.20	1%		3/8 of 1%
Groundman, winch truck driver	6.74	.20	1%		3/8 of 1%
Groundman	6.46	.20	1%		3/8 of 1%
Marble Setters, Tile Setters & Terrazzo workers	8.865				
Sheet metal workers	9.45	.35	.40		.03

DECISION #AR-2092 - Mod. #2
(39 FR 41701 - Nov. 29, 1974)
Lackawanna, Wayne, and Wyoming Counties, Pennsylvania

Change:					
Elevator constructors	$ 9.04	.445	.29	3% +a +b	.02
Elevator constructors' helpers	6.33	.445	.29	3% +a +b	.02
Elevator constructors' helpers (Prob.)	4.52				
Line Construction:					
Lineman, dynamite man	9.50	.20	1%		3/8 of 1%
Groundman-truck drivar	6.74	.20	1%		3/8 of 1%
Groundman	6.46	.20	1%		3/8 of 1%

DECISION #AR-2094 - Mod. #1
(39 FR 43491 - Dec. 13, 1974)
Erie County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Carpenters & Soft Floor layers	$ 8.80	.30	.30		.02
Cement Masons	9.12	.30	.25		.015
Elevator Constructors	9.21	.445	.29	3% +b +c	.02
Elevator Constructors' helpers	6.45	.445	.29	3% +b +c	.02
Elevator Constructors' helpers (Prob.)	4.605				
Line Construction:					
Lineman, dynamite man, heavy equipment operator	9.50	.20	1%		3/8 of 1%
Groundman, winch truck driver	6.74	.20	1%		3/8 of 1%
Groundman	6.46	.20	1%		3/8 of 1%
Millwrights	8.95	.30	.30		.02
Piledrivermen	8.95	.30	.30		.02
Roofers	8.19	.30	.30		
Sheet metal workers	9.18	.70	.80		.055
Truck Drivers	5.75	d	e	f.	

FOOTNOTES:
d. Employer contributes $69.94 per month to Health and Welfare fund.
e. Employer contributes $14.00 per week to a pension fund.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Decision #AR-2099 - Mod. #3 (39 FR 44931 - December 27, 1974) Adams & York Counties, Pennsylvania					
Change:					
Elevator Constructors	$9.08	.445	.29	3%+a+b	.02
Elevator Constructors helpers	6.36	.445	.29	3%+a+b	.02
Elevator constructors helpers (Prob.)	4.54				
Line Construction:					
Linemen, cable splicer	9.48	.30	1%		3/8 of 1%
Winch truck op.	6.64	.30	1%		3/8 of 1%
Groundman	5.69	.30	1%		3/8 of 1%
Sheet metal workers	9.18	.83	.50		.01
DECISION #AR-2098 - Mod. #1 (39 FR 44928 - Dec. 27, 1974) Crawford County, Pennsylvania					
Change:					
Bricklayers & Stonemasons	$ 9.38	.30			
Cement masons	9.38	.30			
Electricians	9.80	.40	1%		1/2 of 1%
Line Construction:					
Lineman, dynamite man, heavy equipment operator	9.50	.20	1%		3/8 of 1%
Groundman-truck driver	6.74	.20	1%		3/8 of 1%
Groundman	6.46	.20	1%		3/8 of 1%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Decision # PA75--3015 - Mod. #2 (40 FR 6974, February 14, 1975) Northampton County, Pennsylvania					
Change:					
Sheet metal workers	9.18	.83	.50		.01
DECISION # PA75-3017 - Mod. #1 (40 FR 7854 - February 21, 1975) Schuylkill County, Pennsylvania					
Change:					
Roofers; composition:					
Remainder of County	$ 9.15	.45	.25	d	
Line Construction:					
Linemen, heavy equipment operators	9.50	.20	1%		3/8 of 1%
Groundman, truck driver	6.74	.20	1%		3/8 of 1%
Groundman	6.49	.20	1%		3/8 of 1%
DECISION # PA75-3021 - Mod. #1 (40 FR 12947 - March 21, 1975) Cameron, Clarion, Clearfield, Jefferson Counties, Pennsylvania					
Change:					
Plasterers					
Clearfield and Jefferson	8.94	.37	.70		
Ironworkers					
Clarion County	9.225	.785	.775		.03
DECISION #PA75 -3023 - Mod. #1 (40 FR 12055 - March 14, 1975) Beaver County, Pennsylvania					
Change:					
Ironworkers:					
Structural & Ornamental	$ 9.225	.785	.775		.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #TX75-4009 - Mod. #5 (40 FR 3168 - January 17, 1975) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties, Texas					
Change:					
Electricians:					
Zone 1:					
Electricians	$9.03	4%	5%		7/10%
Cable splicers	9.93	4%	5%		7/10%
DECISION #TX75-4022 - Mod. #3 (40 FR 3927 - January 24, 1975) Bell, Bosque, Coryell, Falls, Hill & McLennan Counties, Texas					
Change:					
Building Construction:					
Painters:					
Zone 1:					
Brush	5.85				
Boiler pipes & steel, structural steel, window jacks, roofs, stage work, smoke stack, water towers, boatswain chair	6.35				
Ames tools for dry walls	6.45				
Spray work & self feeding rollers	6.60				
Steam cleaning, sandblasting & hazardous work	6.95				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #TX75-4024 - Mod. #4 (40 FR 3931 - January 24, 1975) El Paso County, Texas					
Change:					
Electricians:					
Electricians	$8.00	.25	1%		1/2%
Cable splicers	8.25	.25	1%		1/2%

DECISION NO. AM-1878 - Mod. #1
(36 FR 16342 - August 20, 1971)
The counties of Albemarle, Culpeper, Fauquier, Fluvanna, Louisa, Madison, Orange, Prince William and Rappahannock, Virginia.

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Ironworkers Reinforcing Helper	$2.10				
Laborers, Unskilled	2.10				
Landscape Worker	2.10				
Truck Drivers:					
Heavy Duty 7 Cu. Yds. & Under	2.10				
Single Rear Axle	2.10				
Power Equipment Operators:					
Tractor Utility	2.10				

DECISION NO. AM-1875 - Mod. #2
(36 FR 16343 - August 20, 1971)
The counties of Alleghany, Augusta, Bath, Clarke, Frederick, Highland, Page, Rockbridge, Shenandoah, Rockingham and Page, Virginia.

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Guardrail Erector	$2.10				
Laborers, Unskilled	2.10				
Landscape Worker	2.10				
Powderman Helper	2.10				
Sign Erector	2.10				
Truck Drivers, Heavy Duty 7 Cu. Yd. and under	2.10				
Tractor Utility	2.10				

DECISION NO. AM-9329 - Mod. #1
(37 FR 10267 - May 19, 1972)
Augusta County, Virginia

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Truck Drivers	$2.10				

DECISION NO. AP-406 - Mod. #1
(37 FR 15234 - July 28, 1972)
The counties of Clark, Frederick, Rockingham, Shenandoah and Warren, Virginia.

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers	$2.10				

DECISION NO. AP-805 - Mod. #2
(38 FR 11279 - May 4, 1973)
The counties of Accomack, Greensville, Isle of Wight, James City, Nansemond, Northampton, Southampton, Surry, Sussex and York. The cities of Emporia, Franklin, Suffolk and Williamsburg, Virginia.

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Truck Drivers, single rear axle	$2.10				

DECISION NO. AP-2020 - Mod. #1
(38 FR 27744 - October 5, 1973).
The counties of Bland, Buchanan, Dickenson, Grayson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise and Wythe. The cities of Bristol and Norton, Virginia.

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers, unskilled	$2.10				
Truck Drivers, heavy duty 7 cu. yds. and under	2.10				

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SUPERSEDEAS DECISION

STATE: Alabama COUNTY: See below
DECISION NUMBER: AL75-1043 DATE: Date of Publication
Supersedes Decision No. AG-4060 dated January 25, 1974 39 FR 3374
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

Counties: Mobile, Baldwin, Conecuh, Washington, and Escambia	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Air Conditioning mechanic	4.85				
Bricklayers	6.00				
Carpenters	4.00				
Cement masons	4.81				
Dry wall hangers	4.50				
Dry wall finishers	4.85				
Dry wall sanders	2.25				
Electricians	4.66				
Laborers:					
Unskilled	2.10				
Mason tender	2.25				
Painters	5.00				
Plumbers	6.00				
Roofers	6.45				
Sheet metal workers	3.50				
Soft floor layers	4.00				
Tile setters	4.00				
Truck drivers	2.76				
POWER EQUIPMENT OPERATORS:					
Backhoe	4.00				
Bulldozers	4.00				
Dragline	3.75				
Asphalt spreader	4.25				
Roller	3.75				
Front end loaders	4.50				

SUPERSEDEAS DECISION

STATE: Arkansas COUNTY: Union
DECISION NO.: AR75-4073 DATE: Date of Publication
Supersedes Decision No. AR75-4019, dated January 17, 1975 in 40 FR 3090
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.45	.25	.30		.02
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS	7.10				
CARPENTERS:					
Carpenters	7.00	.25			.04
Millwrights & piledrivermen	7.50	.25			.04
CEMENT MASONS	6.91	.15			.03
ELECTRICIANS:					
Electrical contracts $20,000 or less:					
Electricians	7.40		1%		1/4%
Cable splicers	7.70		1%		1/4%
Electrical contracts over $20,000:					
Electricians	8.12		1%		1/4%
Cable splicers	8.42		1%		1/4%
IRONWORKERS	7.95	.30	.35		.04
LABORERS:					
Group I	5.37	.15	.20		.04
Group II	5.62	.15	.20		.04
Group III	5.72	.15	.20		.04
Group IV	5.77	.15	.20		.04
Group V	5.87	.15	.20		.04
Group VI	6.02	.15	.20		.04

LABORERS CLASSIFICATION DEFINITIONS

Group I - Construction laborers, concrete laborers, wrecking laborers, mechanic laborers, excavating laborers

Group II - Semi-skilled laborers; pipelayers, concrete and clay and mechanical tool; cement mixer, wet or dry, finishers and plasterers, mason tender, mortar mixer, asphalt raker and shovelers, creosote wood handlers, and chuck tenders

Group III - Air jack operators, shorers, bracers and cribbers (wood or steel) spademan, kemper and other pneumatic concrete placer operator

Group IV - Steel form setters, curb and gutters, grout and cement muckers

Group V - Swinging scaffold, wagon drill operator, burners

Group VI - Nozzleman (gunite grout, cement and sandblaster)

DECISION NO. AR75-4073

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Electrical contracts $20,000 or less:					
Lineman	$8.40		1%		1/4%
Operator	8.15		1%		1/4%
Truck driver (pick-up & jeep)	7.30		1%		1/4%
Groundman	7.30		1%		1/4%
Electrical contracts over $20,000.00:					
Lineman	9.12		1%		1/4%
Operator	8.87		1%		1/4%
Truck driver (pickup & jeep)	7.87		1%		1/4%
Groundman	7.87		1%		1/4%
PLASTERERS	7.40				.02
PLUMBERS & PIPEFITTERS	8.42		.55		.05
POWER EQUIPMENT OPERATORS:					
Group I	8.70	.25	.25		
Group II	7.86	.25	.25		
Group III	7.48	.25	.25		
Group IV	6.29	.25	.25		
Group V	5.90	.25	.25		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

Group I - Cranes, draglines, and shovels equipped with 100 foot boom including jib or over, or a lifting capacity of 100 tons or over, and/or attachments five (5) cubic yards or over, as rated by the manufacturer, and operators of all tower, climbing cranes, and derricks required to work 25 feet or over from the ground

Group II - Cranes, draglines, and shovels equipped with less than 100 foot of boom including jib, or a lifting capacity less than 100 tons, and/or attachments less than 5 cubic yards, as rated by the manufacturer, all backhoes capable of a 360 degree swing, all derricks, floating, tractor or truck types, all piledrivers, land or floating, all overhead and traveling cranes, all cableways, cherry pickers or tractors with swinging boom attachments, whirley, paving mixers with boom gradealls, scrapers or pulls in tandem, all above equipment irrespective of motive power, leaverman (engineer), hydraulic and bucket dredges, irrespective of size, mechanics and/or welders, blacksmith

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POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

Group III - All bulldozers, all front end loaders, all sidebooms, all push scrapers, all motor graders, all hydraulic backhoes not capable of 360 degree swing, all trenching machines, wheel, bucket, chain, or conveyor types regardless of size of motive power, all backfillers, all central mixing plants, mixers 10S and larger and concrete spreaders, all boiler firemen high or low pressure, all asphalt spreaders, rollers and finishing machines, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable, tool, core drill or chum drill, water well and foundation drilling machines, regardless of size, regardless of motive power, first assistant engineer (dredge) boat and dredge tender operator

Group IV - Oilerdriver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A frame trucks, forklifts, skytrucks, dirt rollers of all types and pull tractors, regardless of size, elevator operators inside and outside when used for carrying workmen from floor to floor and handling building material, Lad-A- Vator, conveyor, batch plant, concrete mixers below 10S, pumpcrete, spray machine and pressure grout machine, air compressors, regardless of size. All Light Equipment, in multiple units four or more, all dewatering pumps when used in connection with well point systems, second assistant engineer (dredge)

Group V - All welding machines, light plants, pumps, space heaters, in units less than 4, irrespective of size, irrespective of motive power, equipment greaser, oiler, mechanic helper, asphalt distributor, chip spreader, form grader, end dump Euclid and like equipment, third assistant engineer (dredge), safety boat operator, oiler on dredge

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS	$8.55		.05		
SHEET METAL WORKERS	7.25	3%+.40	.25		.05
SPRINKLER FITTERS	8.35	.50	.70		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: Connecticut COUNTY: New Haven
DECISION NO.: CT75-2057 DATE: Date of Publication
Supersedes Decision No. AR-3098, dated August 12, 1974 in 39 FR 29747
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4-stories), heavy and highway construction.

5-CONN-1-2-3-W (1 of 4)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.92	.60	.53		
Boilermakers	10.00	.60	10%		.01
Bricklayers, cement masons-finishers, Marble setters, plasterers, stonemasons, terrazzo workers, tile setters (Building Only):					
Devon to the Orange Town Line and the Indian River in Milford	9.40	.35+.15	.50		
Ansonia-Derby	9.10	.50	.50	a	
Meriden	9.15	.50	.50		
Beacon Falls-Middlebury-Mixville-Naugatuck-Prospect-Waterbury-Marion-Wolcott-Thomaston-Woodbury-Watertown	9.36	.35+.20	.55	b	
Remainder of County	9.35	.35+.15	.50		
Bricklayers, cement masons-finishers, stonemasons (Heavy & Highway Only):					
Milford	8.50	.50	.50	o	
Remainder of County	8.45	.50	.50	o	
Carpenters, soft floor layers, millwrights, piledrivermen (building only):					
Ansonia, Seymour, Derby, Orange Milford and that part of Orange from Orange Center Road West to	8.80	.50	.50	d	
Milford and the Oyster River	9.35	.50	.30	e	
Wallingford-Meriden	9.30	.50	.30		.05
Cheshire-Middlebury-Prospect-Southbury-Waterbury-Wolcott-Beacon Falls-Naugatuck-Bethany	9.35	.50	.30	f	.03
Remainder of County	9.30	.50	.30		
Carpenters, Piledrivermen (Heavy & Highway Only)	9.05	.50	.30	o	
Electricians:					
Beacon Falls-Middlebury-Naugatuck-Oxford-Prospect-Seymour-Southbury-Waterbury-Wolcott	9.55	.57	1%+.60	g	1/8of1%
Milford	9.80	.43	1%+.20		1/8of1%
Remainder of County	9.26	.70	1%+.40		1/8of1%

DECISION NO. CT75-2057 (2 of 4)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Elevator Constructors	$ 8.60	.39	.26	2½%+h+j	.02
Elevator Constructors' helpers	6.02	.39	.26	2½%+h+j	.02
Elevator Constructors' helpers (Prob.)	4.30				
Glaziers	8.785	.95	.465		
Glaziers (Wallingford)	8.71	.52	.47		
Ironworkers:					
Structural, Ornamental & Reinforcing	10.05	.55	.74	k	.04
Lathers:					
Beacon Falls-Bethany-Cheshire-Meriden-Middlebury-Naugatuck-Oxford-Prospect-Southbury-Waterbury-Wolcott	8.75	.25	.15		.01
Remainder of County	9.57	.50	.30		.01
Lead burners	9.25	.35		l	.01
Line Construction:					
Linemen	10.16	.40	1%	m	3/8of1%
Equipment operator	9.48	.40	1%	m	3/8of1%
Groundman, truck driver	7.32	.40	1%	m	3/8of1%
Marble setters' helpers, terrazzo workers' helpers, tile setters' helpers	8.00	.35	.15+.35		
Painters:					
Brush:					
Ansonia-Beacon Falls-Derby-Oxford-Seymour	8.50	.35	.55	n	.01
Milford (Remainder of Township)	8.20	.35	.40		.02
Cheshire-Guilford-Madison-Meriden-Wallingford	7.90	.55	.30		
Milford (Up to Gulf Street)	8.10	.35	.55	o	.02
Remainder of County	8.20	.35	.40		.02
High & Tank: Ansonia-Beacon Falls-Derby-Oxford-Seymour	9.00	.35	.55	n	.01
Structural Steel: Ansonia-Beacon Falls-Derby-Oxford-Seymour	9.50	.35	.55	n	.01
Spray: Ansonia-Beacon Falls-Derby Oxford-Seymour	12.00	.35	.55	n	.01
Cheshire-Guilford-Madison-Meriden-Wallingford	11.21	.55	.30		
Milford (up to Gulf Street)	10.10	.35	.55	o	.02
Remainder of County	10.80	.35	.40		.02
Commercial & Industrial: Middlebury-Naugatuck-Prospect-Roxbury-Southbury-Waterbury-Wolcott	7.10	.35	.30		

15290 NOTICES 15288 NOTICES 15291 15289

DECISION NO CT75-2057

5-CONN-1-2-3-W 3 of 4

Painters (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Bridge: (Entire County)					
Brush	$ 9.525	.35	.525		.01
Spray	13.025	.35	.525		.01
Plumbers & Steamfitters:					
Milford	9.39	.55	.50	.38	.01
Ansonia-Beacon Falls-Bethany-Naugatuck-Oxford-Prospect-Seymour	10.05	.55	.50	.16+p	.10
Middlebury-Southbury-Waterbury-Wolcott-South Britain	9.32	.55+.08	.50	.48+q	.08
Cheshire-Meriden-Wallingford	10.05	.55	.50	r	.03
Remainder of County	9.50	.55	.46+.50	s	.02
Roofers:					
Cheshire-Meriden-Prospect, Wallingford-Wolcott:					
Composition	8.50	.425	.55	.40	
Slate and Tile	9.00	.425	.55	.40	
Remainder of County:					
Composition, Kettlemen	9.25	.80	.45		
Sheet Metal Workers	9.20	.50	.51		.05
Sprinkler fitters	9.46	.50	.70		.08
Waterproofers:					
Cheshire-Meriden-Prospect-Wallingford-Wolcott	8.50	.425	.55	.40	
Remainder of County	9.25	.80	.45		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Thanksgiving Day; E-Christmas Day

FOOTNOTES:

a. Paid Holidays: D and Good Friday

b. Paid Holidays: C and D

c. Paid Holidays: A through F, plus Good Friday

d. Paid Holidays: C, D and E

e. Paid Holidays: B through D, plus Good Friday, provided the employee has been employed 14 consecutive days immediately prior to the holiday.

f. Paid Holidays: B through E

g. The last 4 regular working hours prior to Christmas shall be a paid holiday

h. Employer contributes 4% basic hourly rate for 5 years or more of serivce or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit

j. Paid Holidays: A through F

k. Last 4 hours on Christmas Eve is a paid holiday, if employee has worked 5 consecutive days prior to Christmas Eve

l. Paid Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 full days during the 120 calendar days prior to the Holiday, and the regular scheduled work days immediately preceding and following the Holiday

m. Nine (9) Paid Holidays: A through F, Washington's Birthday and Good Friday, plus one (1) floating holiday per year, provided the employee has been employed for a period of 10 working days prior to the holiday and works the scheduled work days immediately preceding and following the holiday

n. Paid Holidays: B through E providing the employee works the day before and the day after the holiday

o. Paid Holidays: C and D providing the employee works the day before and the day after the holiday

p. Paid Holidays: Last working day before Christmas Day; last working day before New Year's Day and Labor day and Thanksgiving

q. Paid Holidays: B and D and ½ day paid holiday the Friday after Thanksgiving and the last working day before Christmas.

r. Paid Holiday: Labor Day

s. 2 Paid Holidays: C and D and ½ day paid holiday the Friday after Thanksgiving

LABORERS: BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Laborers: (Building):						
Laborers, carpenters tenders, wrecking laborers	6.90	.50	.40		.05	
Jackhammer op., masons tenders, mortar mixer, pipe layers, plasterer tenders & power buggy	7.15	.50	.40		.05	
Air track operators, wagon drill ops. and sandblasters	7.40	.50	.40		.05	
Open Air Caisson, Cylindrical Work and Boring Crew:						
Bottom man	7.40	.50	.40		.05	
Top man	6.90	.50	.40		.05	
Laborers (Heavy and Highway):						
Laborers	6.90	.50	.40		.05	
Asphalt rakers, adzemen, bracers, burners, concrete and power buggy operators, concrete saw op., chain saw op., fence and guard rail erectors, form setters, mortar mixers, pipeleyers, riprap and drywall builders, stone spreaders, masons tenders, pneumatic drill operators, tool operators, wagon drill op., tree trimmers, tree toppers, mulchers, chippers, stumpers & all operations connected there with	7.15	.50	.40		.05	
Air track operators, block pavers, rammers, curb setters	7.40	.50	.40		.05	
Powdermen and blasters	7.65	.50	.40		.05	

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Hoisting Structural Steel, Setting Stone, Derrick, Pile Driver, Hoisting Engineer 2 drums and over	$3.97	.30	.50+a	b		
Tower Crane, Dragline, Gradall, Kohering Scooper Loader and/or Hoe, Hoisting Engineer (all types of equipment where a drum and cable are used to hoist, pull, or drag material regardless of motive power or operation), Front End Loader - 7 cy. or over, Master Mechanic, Shovel, Fork Lift - over 4 ft. lift	8.86	.30	.50+a	b		
Maintenance Engineer	8.76	.30	.50+a	b		
Vibratory Hammer, Front End Loader - 3 cy. up to 7 cy., Coleman Loader and Screening Plant or similar equipment, Welder, Joy Drill - limited to Joy Heavy Weight Champion or equivilent, Mucking Machine, Pumpcrete Machine, Sock Boring Machine, Post Hole Digger, Wall Digger, Conveyors - regardless of motive power, High Pressure Portable Boiler, Central Mix Op., Combination Hoe and Loader over 1/4 yd.	8.60	.30	.50+a	b		
Compressor Battery Operator	8.49	.30	.50+a	b		
Asphalt Spreader	8.44	.30	.50+a	b		
Buildozer, Grader Operator, Scraper Pan Operator, Carry-All Operators	8.39	.30	.50+a	b		
Combination Hoe and Loader Machine, Concrete Mixer Op. - 5 bags or over, Front End Loader under 3 cy., Powerstone Spreader Op.	8.33	.30	.50+a	b		
Air and Steam Valve Operator	8.31	.30	.50+a	b		
Generator Op., Compressor Op., Pump and Well Point Op.	8.21	.30	.50+a	b		
Steam Jenny Op., Fork Lift Op. not over 4 ft.	8.23	.30	.50+a	b		
Mechanical Heater Operator	8.12	.30	.50+a	b		
Roller Operator	8.18	.30	.50+a	b		

CT75-2057 P. 7 SW-CONN-1-8

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Dinky Machine Operator, Power Pavement Breaker Operator	$8.02	.30	.50+a	b		
Fireman (High Pressure)	7.91	.30	.50+a	b		
Oiler	7.54	.30	.50+a	b		
Crane with boom, excluding Jib, over 150 feet - .25 extra						
Crane with boom, excluding Jib, over 200 feet - .50 extra						

PAID HOLIDAYS (Where applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.
b. Seven (7) paid holidays: A through F and Good Friday.

CT75-2057 P. 8 SW-CONN-2-3-X

POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Class 1	9.57	.40	.50/a	b	.05	
Class 2	9.45	.40	.50/a	b	.05	
Class 3	9.17	.40	.50/a	b	.05	
Class 4	9.00	.40	.50/a	b	.05	
Class 5	8.88	.40	.50/a	b	.05	
Class 6	8.72	.40	.50/a	b	.05	
Class 7	8.55	.40	.50/a	b	.05	
Class 8	8.17	.40	.50/a	b	.05	
Class 9	8.25	.40	.50/a	b	.05	
Class 10	8.57	.40	.50/a	b	.05	
Class 11	8.86	.40	.50/a	b	.05	
Class 12	7.86	.40	.50/a	b	.05	
Class 13	8.15	.40	.50/a	b	.05	

Crane with 150 ft. boom-additional 25¢ per hour.
Crane with 200 ft. boom-additional 50¢ per hour.

PAID HOLIDAYS (where applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE: a. Employer contributes 20¢ per hour to Supplemental Unemployment Fund.
b. Seven (7) paid holidays: A thru F and Good Friday.

CLASSIFICATIONS: Class 1--Erecting and handling structural steel, front end loader (7 cubic yds. or over).
Class 2--Piledriver, power shovel and crane, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, kohering loader (skooper), master mechanic.
Class 3--Drill (Joy heavy weight champion or equivalent), side boom, loader (Euclid), mucking machine, pumpcrete, rock and earth boring machine post and well digger, hammer (vibratory), central mix operator, combination hoe & loader (over ½ yd.).
Class 4--Asphalt spreader.
Class 5--Front end loader (3 yds. or over), grader, power stone spreader, combination hoe and loader.
Class 6--Asphalt roller, bulldozer, carryall, maintenance engineer, concrete mixer (5 bags and over), welder.
Class 7--Front end loader (under 3 yds.), roller power chipper, fork lift, finishing machine, asphalt plant, power pavement breaker, dinky machine.
Class 8--Compressor, pump operator.
Class 9--Fireman, high pressure.
Class 10--Well point system.
Class 11--Compressor battery operator.
Class 12--Oiler.
Class 13--Batch plant, bulk cement plant.

CT75-2057 P. 9 1-TR-SW-CONN-1-2-3-H

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
Class 1	6.57	a	b	c		
Class 2	6.67	a	b	c		
Class 3	6.77	a	b	c		
Class 4	6.72	a	b	c		
Class 5	6.82	a	b	c		
Class 6	6.87	a	b	c		

Paid Holidays (where applicable): A-New Year's Day; B-Memorial Day; C-Declaration Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes: a. $16.80 per week for employees employed over 16 hours and 42¢ per hour for employees employed less than 16 hours during the week.

b. $23.00 per week for employees employed over 16 hours and 57½¢ per hour for employees employed less than 16 hours during the week.

c. Seven holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.

Classifications: Class 1--Two axle trucks, Helpers.
Class 2--Three axle trucks, Two axle ready mix.
Class 3--Four axle trucks, Heavy duty trailer-up to 40 tons.
Class 4--Three axle ready-mix.
Class 5--Four axle ready-mix, Specialized earth moving equipment other than conventional type on-the-road trucks and semi-trailers (including Euclids).
Class 6--Heavy duty trailer-40 tons and over.

SUPERSEDEAS DECISION

STATE: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania and Rhode Island
DECISION NUMBER: CT75-5045 DATE: Date of Publication
Supersedeas Decision No. NY75-3010 dated 1-24-75 in 40 FR 3881
DESCRIPTION OF WORK: All dredging on the Atlantic Coast from the Canadian Border to the Southerly Border of the State of Maryland and tributary waters emptying into the Atlantic Ocean, the C & D Canal, Baltimore City and Baltimore County, Maryland, but excluding Boston Harbor and the Chesapeake Bay.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Dipper and Clamshell Dredges:					
Operator	$ 8.38	.25	.25	5% + a	
Craneman	8.08	.25	.25	5% + a	
Deckhand; tug deckhand	6.22	.25	.25	5% + a	
Engineer	8.30	.25	.25	5% + a	
Fireman; oiler	6.45	.25	.25	5% + a	
Maintenance engineer	7.92	.25	.25	5% + a	
Mate	7.24	.25	.25	5% + a	
Rodman; scowman	6.12	.25	.25	5% + a	
Welder	7.76	.25	.25	5% + a	
Hydraulic Dredges:					
Boiler; dredge carpenter; blacksmith; electrician; welder	7.76	.25	.25	5% + a	
Derrick operator	8.08	.25	.25	5% + a	
Deckhand; shoreman	6.12	.25	.25	5% + a	
Engineer	8.08	.25	.25	5% + a	
Fireman; oiler	6.45	.25	.25	5% + a	
Leverman	8.19	.25	.25	5% + a	
Maintenance engineer	7.92	.25	.25	5% + a	
Spider barge operator	7.66	.25	.25	5% + a	
Tug deckhand	6.22	.25	.25	5% + a	
Mate	7.24	.25	.25	5% + a	
Tug Boats:					
Tug engineer	7.31	.25	.25	5% + a	
Tug deckhand	6.22	.25	.25	5% + a	
Drill Boats:					
Engineers	9.01	.25	.25	b	
Blasters	9.13	.25	.25	b	
Firemen	8.66	.25	.25	b	
Drillers, Welders or Machinists	9.02	.25	.25	b	
Oilers	8.48	.25	.25	b	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; plus Washington's Birthday and Veteran's Day
b. 8 paid holidays, A through F plus Washington's Birthday and Veteran's Day; 6-1/2 days vacation with pay for 104 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Webster (City of Fort Dodge)
DECISION NO.: IA75-4074 DATE: Date of Publication
Supersedeas Decision No. IA75-4045, dated January 31, 1975, in 40-FR-4850.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), and Heavy and Highway Construction.

BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.87	.525	.48		
BOILERMAKERS	8.90	.70	1.00		.02
BRICKLAYERS - STONEMASONS	7.24		.40		
CARPENTERS:					
Carpenters;Piledrivermen	7.20				
Millwrights	6.75				
CEMENT MASONS	6.50				
ELECTRICIANS	8.28	.35	1%		1%
ELEVATOR CONSTRUCTORS	8.46	.445	.29	3% + a	
ELEVATOR CONSTRUCTORS' HELPERS	70% JR	.445	.29	3% + a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50% JR				
FOOTNOTE: a-Employer contributed 4% of the basic hourly rate for over 5 years of service & 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit. Paid Holidays: New Years' Day;Memorial Day;Independence Day;Labor Day;Thanksgiving Day;Christmas Day.					
IRONWORKERS:Ornamental;Reinforcing; Structural	8.20	.275	.64		.02
LABORERS:					
Common Laborers	4.85				
Machine & Air Tool Ops.	5.10				
Mortar Mixers	5.05				
LATHERS	7.10				
LINE CONSTRUCTION:					
Cable Splicers;Lineman;Welder; Technicians;All rigs setting assembled "H" fixtures & steel transmission structures.	8.28	.35	1%		4%
Groundman;Truck Driver(without winch);Experienced(Not less than 6 months).	5.38	.35	1%		4%
Groundman;Truck Driver(With winch)	5.55	.35	1%		4%
Blaster;Special Equipment Op.(Hole Digging Machines,all tractors, transmission lines equipment other than assembled "H" fixtures).	6.62	.35	1%		4%
Groundman--1st 6 months.	4.55	.35	1%		4%

Page 2

DECISION NO. IA75-4074

BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Brush; Drywall finishers; Rollers	5.45				
Paperhangers	5.70				
Spray	5.95				
PLASTERERS	4.425				
PLUMBERS-STEAMFITTERS	9.05	.30	.50		.10
ROOFERS	5.50				
SPRINKLER FITTERS	9.40	.50	.70		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
POWER EQUIPMENT OPERATORS:					
GROUP 1	$8.15	.40	.40		.03
GROUP 2	8.04	.40	.40		.03
GROUP 3	7.325	.40	.40		.03
GROUP 4	7.05	.40	.40		.03

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower crane; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen).
GROUP 2 - 1 and 2 drum hoists; air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm Type Tractors (with loaders, backhoes, attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group #1; Motor patrol; Bulldozers; Push cat; Truck cranes & cherry pickers (15 tons and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist cage operated; Second man on locomotive.
GROUP 3 - Tractors (under 35 h.p.) with or without attachments; Endloader (under 35 h.p.) with or without attachments; Air compressors (over 125 c.f.m.); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than above Group #2); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8".
GROUP 4 - Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators.

DECISION NO. MA75-4074

HEAVY AND HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS; PILEDRIVERMEN	$6.25	.31			
CEMENT MASONS	6.00				
LABORERS:					
GROUP 1	5.15	.30	.10		
GROUP 2	4.90	.30	.10		
GROUP 3	4.65	.30	.10		
GROUP 4	4.50	.30	.10		
GROUP 5	4.40	.30	.10		

CLASSIFICATION DEFINITIONS

LABORERS

GROUP 1 - Sandblasters; Powderman & blaster; Pipelayer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond & core drills, powered by air, all work performed by laborers working from a bos'n chair, swinging stage, life belt, tag line or block & tackle; Drill op. of air track, wagon drills & similar drills.

GROUP 2 - Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Potmen (not mechanical); Bull float, hand operated; Scalers; Timbermen; Underpinning & shoring; Caissons (over 12') Grade checker & cutting torches on demolition work.

GROUP 3 - Power buggyman; Concrete & paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker & jointer & painter; Timber & chain-saw man; Mechanical grouter; Boring machine; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete (on or off the job); Powdermen helpers.

GROUP 4 - Form tamper; Air, gas & electric tool op.; vibrator, barco hammer, paving breaker, spader, tamper, electric drills, hammer & jack hammer; Tree groundmen; Chuck tender; Drill helpers tool room men & checker; Sandblaster helper; Concrete processing material & monitors; Cement finishers helpers.

GROUP 5 - Fence erectors; Handling & placing of metal mesh, dowel bars, reinforcing bars & chairs; Dumpmen & spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching & planting of trees, shrubs & flowers; Water boy; Common laborer; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work.

DECISION NO. I.75-4074

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:					
GROUP 1	$7.30	.40	.40		.03
GROUP 2	6.90	.40	.40		.03
GROUP 3	6.50	.40	.40		.03
TRUCK DRIVERS	6.34	.35			

CLASSIFICATIONS DEFINITIONS
POWER EQUIPMENT OPERATORS

GROUP 1 - Power Shovel, Crane, Backhoe and Dragline; Central Mix Plant Operator; Dredge Engineer; Dredge Leverer; Paver or Spreader Operator; Hoisting Engineer (Steel Erection); Motor Patrol; Piledriver Machine; Concrete Mixer; Tow or Push Boat Operator; Master Mechanic; C.M.I. PAVER; C.M.I. Subgrader (or equivalent); Asphalt Plant; Front Endloader; Scraper; Bulldozer; Push cat; Tractor Pulling Scraper; Sideboom Tractor; Churn or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Screed; Asphalt Heater-Planer Unit; Asphalt Roller; Self-Propelled Elevating Grader or similar machine; Spreader (Concrete); Horizontal Boring Machine; Mechanics-Welders; Group Equipment Greaser; Concrete Pump; Self-Propelled Curb Machine.

GROUP 2 - Concrete Curb Breaker; Concrete Widening Machine; Paving Breaker; Barber-Greene, Hales Loader or similar machine; Tractor Pulling Ripper, Disc, Sheepsfoot or Flat Roller; Self-Propelled Sheepsfoot Roller; Self-Propelled Roller (other than asphalt); Distributor; Screening and Washing Plant; Self-Propelled Vibrating Compactor; Trenching Machine (other than above); Skael Placing Machine; Conveyor; Finishing Machine (on concrete); Flexplane; Bull Float; Form Grader.

GROUP 3 - Boiler; Mechanical Broom; Oiler or Mechanics Helper or Group Greaser helper; Farm-type Tractor (pulling disc, harrow or roller); Welding Machine; Pump Operator (other than dredge); Boom and Winch Truck; Compressor; Tank Car Heater (combination boiler and booster); Pumps on Well Points and Deep Wells for Dewatering; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat Operator; Batch Plant (Dry).

SUPERSEDEAS DECISION

STATE: Massachusetts
COUNTY: Hampden
DECISION NO.: MA75-4054
DATE: Date of Publication
Supersedes Decision No. AQ-3034, dated November 2, 1973 in 38 FR 30361.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$9.50	.44	.45		.01
Bricklayers	9.55	.55	.55		.03
Carpenters; Soft floor layers	9.15	.35	.50		.02
Cement masons	6.90				
Drywall applicator	7.50				
Drywall finisher	7.50				
Electricians:					
Holyoke, Chester	9.76	.45	17+.20		.01
Remainder of County	8.29	.48	17+.15	.43	a
Glaziers	7.41				
Ironworkers: structural, ornamental, & reinforcing	9.11	.55	1.40		.09
Laborers:					
Laborers	7.00	.50	.45		.05
Mason tenders	7.25	.50	.45		.05
Lathers	8.45	.45	.25		.01
Painters, brush	8.32	.50	.35		.03
Plasterers	9.55	.55	.55		.03
Plumbers	9.39	.57	.75	c	.01
Roofers	8.695	.59	.61		
Sheet metal workers	8.81	.75	.97		.02
Power Equipment Operators:					
Backhoe	8.80	.45	.60	b	.05
Bulldozer	8.40	.45	.60	b	.05
Crane	8.80	.45	.60	b	.05
Gradall	8.80	.45	.60	b	.05
Grader	8.60	.45	.60	b	.05
Oiler	6.42	.45	.60	b	.05
Paver	8.40	.45	.60	b	.05
Roller	8.40	.45	.60	b	.05
Trenching machine	8.80	.45	.60	b	.05

PAID HOLIDAYS:
A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. $.15 per man per week
b. 8 paid holidays: A through F, Veterans' Day, & Columbus Day
c. 1 paid holiday: Independence Day provided the employee has been employed 7 days prior to the holiday for the same employer.

SUPERSEDEAS DECISION

STATE: Missouri

COUNTIES: Franklin, Jefferson, Lincoln, St. Charles and Warren and St. Louis City and County

DECISION NO.: MO75-4075

DATE: Date of Publication

Supersedes Decision No. AQ-94, dated May 3, 1974, in 39 FR 15649.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

DECISION NO. MO75-4075

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$10.48	.45	.62		
BRICKLAYERS & STONEMASONS	8.25	.52	.70	.65	.02
CARPENTERS:					
Zone 1 - Franklin, Jefferson, St. Charles Counties and St. Louis City & County	9.26	.40	.50		
Zone 2 - Warren County:					
Contracts $100,000.00 & under	7.35	.30	.30		
Contracts over $100,000.00	8.66	.30	.30		
Zone 3 - Lincoln County	8.66	.30	.30		
CEMENT MASONS:					
Zone 1 - Franklin, Lincoln & Warren Counties:					
Projects of less than $100,000.00	8.40	.75	.60		
Projects $100,000.00 or over	9.10	.75	.60		
Zone 2 - Jefferson, St. Charles Counties and St. Louis City & Co.	9.10	.75	.60		
ELECTRICIANS	8.93	5%	1%+5%	15%	1%
ELEVATOR CONSTRUCTORS	9.24	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FOOTNOTES: a-Employer contributes 4% of basic hourly rate for over 5 years' servic and 2% of basic hourly rate for 6 months to 5 years as vacation Pay Credit; b-Paid Holidays; New Year's Day ; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.					
GLAZIERS	8.41	.42	.78	8%+c	.01
FOOTNOTE: c-Paid Holidays; New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Friday After Thanksgiving Day, Christmas Day.					
IRONWORKERS	8.975	.55	.70		.05
LABORERS:					
Zone 1 - 3 and 4 stories (St. Louis City and County):					
General laborer	8.075	.40	.75		.03
Wrecking	7.95	.40	.75		.03
Plumber laborers	8.45	.40	.75		.03
Dynamiter or powderman	8.575	.40	.75		.03
Zone 2 - 2 stories and under (St. Louis City and County)	6.775	.40	.60		
Zone 3 - Lincoln, Warren and St. Charles Counties	7.575	.50	.45		
Zone 4 - Jefferson County:					
Laborers	6.65	.30	.30		
Powderman	7.00	.30	.30		
Mason tenders, plaster tenders	6.95	.30	.30		
Zone 5 - Franklin County:					
Contracts $100,000.00 or less:					
General laborer	5.25	.40	.25		
Mason tenders, plumber laborer, plaster tenders	5.45	.40	.25		
Contracts over $100,000.00:					
General laborer	6.75	.40	.25		
Mason tenders, plumber laborers plaster tenders	6.95	.40	.25		
LATHERS	9.475				.01
MARBLE SETTERS	8.79	.325	.50		
MARBLE SETTERS' HELPERS	8.48				
PAINTERS:					
Zone 1 - Franklin, St. Charles, & Warren Counties:					
Brush, paperhangers; drywall tapers	7.50	.20			
Spray, steel, sandblaster, pot tenders	8.625	.20			
Zone 2 - Jefferson County and St. Louis City and County:					
Brush	8.83	.30	.30	.21	
Spray	10.33	.30	.30	.21	
Zone 3 - Lincoln County					
Brush	4.35				
Spray	5.50				
PIPEFITTERS:					
Zone 1 - Jobs within the boundaries of the City of St. Louis and St. Louis County	8.80	2.775	.90		
Zone 2 - Jobs within twenty miles beyond the boundary line of St. Louis County	9.18	2.775	.90		
Zone 3 - Jobs more than twenty miles beyond the boundary line of St. Louis County	9.36	2.775	.90		
PLASTERERS	9.25	.325	.50		.03
PLUMBERS	9.445	.50	.50	.80	
PLUMBERS & PIPEFITTERS (Lincoln County)	9.36	2.775	.90		

NOTICES

DECISION NO. MO75-4075

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
ZONE 1 - St. Louis County:					
Group 1	8.52	.35	.40		
Group 2	7.97	.35	.40		
Group 3	7.52	.35	.40		
Group 4:					
(a)	9.32	.35	.40		
(b)	10.07	.35	.40		
(c)	10.52	.35	.40		
(d)	11.27	.35	.40		
(e)	9.02	.35	.40		
(f)	8.02	.35	.40		
(g)	8.52	.35	.40		

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (ZONE 1)

Group 1 - Backhoe, cableway, crane, crawler or truck, crane, hydraulic-truck or cruiser mounted-16 tons & over, crane, locomotive, derrick, steam, derrick car & derrick boat, dragline, dredge, gradall, crawler or tire mounted, locomotive, gas, steam & other powers, piledriver, land or floating, scoop, skimmer, shovel, power (steam, gas, electric or other powers), switch boat, whirley, air tugger w/air compressor, anchor placing barge, asphalt spreader, athey force feed loader (self-propelled), backfilling machine, boat operator-push boat or tow boat (job site), boiler, high pressure breaking in period, boom truck placing or erecting, boring machine footing foundation, bullfloat, cherry picker, combination concrete hoist & mixer such as mixermobile, compressors, two, not more than 20 ft. apart, com-pressors, not more than five ft. apart, compressor-welder combination, concrete breaker (truck or tractor mounted), concrete pump, such as a pumpcrete machine, concrete spreader, conveyor, large (not self-propelled) hoisting or moving brick and concrete into, or into and on floor level, one or both, crane, hydraulic-rough terrain, self-propelled, crane hydraulic-truck or cruiser mounted-under 16 tons, drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other sources including concrete breakers, jackhammers and barco equipment-no engineer re-quired), elevating grader, engine man, dredge, excavator or powerbelt machine, finishing machine, self-propelled oscillating screed, forklift, grader, road with power blade, highlift, hoist, concrete and brick (brick cages on concrete skips operating in or on tower, tower-mobile, or similar equipment), hoist stack, hydro-hammer, lad-a-vator, hoisting brick or concrete, loading machine (such as barber-greene), mechanic, on job site, mixer, paving, mixermobile, mucking machine, pipe cleaning machine, pipe wrapping machine, plant asphalt, plant, concrete producing or ready-mix job site, plant, heating-job site, plant mixing-job site, plant, power, generating-job site, pump, self-powered, over 2" (one operator will operate two), pumps, electric submersible, one through three, over 4", quad-track, roller, asphalt, top or subgrade, scoop tractor drawn, spreader box, sub-grader, tie tamper, tractor-crawler, or wheel type with or without power unit, power take-offs, and attachments regardless of size, trenching machine, tunnel boring machine, vibrating machine, automatic propelled, welding machines (gasoline or diesel) more than one but not over four (regardless of size), well drilling machine.

POWER EQUIPMENT OPERATORS CONTD:

Group 2 - Air tugger w/plant air, boiler, for power or heating on construction projects, boiler, temporary, compressor, air-one, compressor, air (mounted on truck), concrete saw, self-propelled, conveyor, large (not self-propelled) moving brick and concrete (distributing) on floor level, curb finishing machine, ditch paving machine, elevator (building construction or alteration) endless chain hoist, fireman, form gradar, generator, one over 30 KW or any number developing over 30 KW; greaser, hoist, one drum regardless of size (except brick or concrete), lad-a-vator, other hoisting, manlift, mixer, asphalt, over 8 cu. ft. capacity, mixer, if two or more mixers of one bag capacity or less are used by one employer on job, an operator is required, mixer, with outside loader, 2 bag capacity or more, mixer, with side loader, regardless of size, not psver, oiler on dredge, oiler on truck crane, pug mill operator, pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work, sweeper, street, welding machine, one over 400 amp.; winch operating from truck.

Group 3 - Boat operator-outboard motor (job site), conveyor (such as con-vay-it) regardless of how used, oiler, sweeper, floor

Group 4 - (a)Air pressure, oiler engineer, operating under ten pounds. (b)Air pressure, oiler engineer operating over ten pounds. (c)Air pressure engineer operating under ten pounds. (d)Air pressure engineer operating over ten pounds. (e)Crane-pile driving with leads, crane using rock socket tool, dragline-7 cu. yds. & over, shovel, power-7 cu. yds. and over, crane, climbing (such as linden), derrick, diesel, gas, electric hoisting material and erecting steel-150' or more above ground, hoist, three or more drums, scoop, tandem, tractor, tandem crawler. (f)Heater. (g)Mud jack(where mud jack is used in conjunction with an air compressor, operator).

Crane, with boom (including jib) over 100' from pin to pin (add 1c per foot to maximum of 75c) above basic rate for crane.

Work in tunnel or tunnel shaft, .25c above base rate.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
ZONE 2 - Franklin, Jefferson, Lincoln, St. Charles and Warren Counties:					
Group 1	8.50	.35	.40		.02
Group 2	8.30	.35	.40		.02
Group 3	8.10	.35	.40		.02
Group 4:					
(a)	7.50	.35	.40		.02
(b)	8.75	.35	.40		.02
(c)	9.25	.35	.40		.02
(d)	9.00	.35	.40		.02

NOTICES

S74 RDA 96104

DECISION NO. MO75-4075

	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	Apr. Yr.
ROOFERS:					
Composition; slate and tile	7.80	.27	.30		.03
Mattlemen	5.60	.27	.30	8%	.03
SHEET METAL WORKERS	8.36	5%	7%		.02
SOFT FLOOR LAYERS	8.38	.50	.35	.50	.13
SPRINKLER FITTERS	10.51	.50	.70		.07
TERRAZZO WORKERS	9.55				
TILE SETTERS	8.71	.325	.50		
TILE SETTERS HELPERS	6.98	.325	.40		
TRUCK DRIVERS:					
Truck or trailers of a water level capacity of 11.99 cu. yds. or less fork lift trucks, job site ambulances, pick-up trucks, flat bed trucks	6.99	d	e	f&g	
Truck or trailers of a water level capacity of 12.0 cu. yds. up to 22.0 cu. yds. including euclids, speedace & similar equipment of same capacity	7.19	d	e	f&g	
Truck or trailers of a water level capacity of 22.0 cu. yds & over including euclids, speedace & all flats, flat bed trailers & boom trucks, & similar equipment of same capacity	7.29	d	e	f&g	

FOOTNOTES: d-Employer contribution of $12.50 per week; e-Employer contribution of $12.00 per week; f-Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Friday After Thanksgiving Day, Christmas Day; g-Paid vacation of 3 days for 600 hours of service in any one contract year, 4 days paid vacation for 800 hours of service in any one contract year, 5 days paid vacation for 1,000 hours of service in any one contract year.

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

DECISION NO. MO73-4073 CLASSIFICATION DEFINITIONS Page 5

POWER EQUIPMENT OPERATORS (ZONE 2):

Group 1 - Asphalt finishing machine & trench widening spreader, asphalt plant console operator, autograder, automatic slipform paver, backhoe, blade operator-all types; boat operator-tow, boiler-2, central mix concrete plant operator, clamshell operator, concrete mixer paver, crane operator, derrick, or derrick trucks, ditching machine, dozer operator, dragline operator, dredge booster pump, dredge engineman, dredge operator, drill cat with compressor mounted on cat, drilling or boring machine rotary self-propelled, highloader, hoisting engine-2 active drums, lauchhammer wheel, locomotive operator-standard gauge, mechanics and welders, mucking machine, piledriver operator, pitman crane operator, push cat operator, quad trac, scoop operator-all types; shovel operator sideboom cats, skimmer scoop operator, trenching machine operator, truck crane operator, push cat operator, quad trac, scoop operator-all types; shovel operator, sideboom cats, skimmer scoop operator, trenching machine operator, truck drane operator, push cat operator, quad trac, scoop operator-all types; shovel operator,

DECISION NO. OH75-2056

BRICKLAYERS & STONEMASONS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 28 - The remainder of SENDI'A of WYANDOT Counties					
Bricklayers	$ 9.45	.50	.30		.01
Sewer Bricklayers	9.45	.50	.30		.01
ZONE 29 - HARRISON County and the remainder of JEFFERSON County	8.58	.45			.02
ZONE 30 - HOCKING & PERRY Counties	8.00	.20			
ZONE 31 - JACKSON & VINTON Cos.	9.00				
ZONE 32 - KNOX & LICKING Counties	8.75	.45	.50		.02
ZONE 33 - LAWRENCE County	9.00				
ZONE 34 - LORAIN County and the remainder of MEDINA County	9.95		.30		.01
ZONE 35 - LUCAS County, the remainder of FULTON County and in WOOD County, the Townships of Lake Perrysburg and Ross	10.335	.55	.40		.01
ZONE 36 - MAHONING County, excluding Smith Township	9.20	.45	.15		.02
ZONE 37 - MORGAN & MUSKINGUM Cos.	8.50	.45	.55		
ZONE 38 - PORTAGE County					
Bricklayers	9.94	.50	.40		.02
Sewer Bricklayers	10.19	.50	.40		.02
ZONE 39 - SUMMIT County					
Bricklayers	9.94	.50	.40		.02
Sewer Bricklayers	10.19	.50	.40		.02
ZONE 40 - TRUMBULL County	9.15	.45	.20		.02
ZONE 41 - WASHINGTON County and the remainder of NOBLE County	8.26	.45			.03
ZONE 42 - The remainder of WOOD and HENRY Counties	10.06	.55	.45		.01
CARPENTERS & PILEDRIVERMEN					
ZONE 1 - ADAMS, FAYETTE, GALLIA, HIGHLAND, JACKSON, LAWRENCE, MEIGS, PIKE, ROSS, & SCIOTO COS.					
Carpenters	8.18	.40	.50		.03
Piledrivermen	8.45	.40	.50		.03
ZONE 2 - ALLEN, AUGLAIZE, COSHOCTON, DELAWARE, FAIRFIELD, FRANKLIN, GUERNSEY, HARDIN, HOLMES, KNOX, LICKING, MARION, MERCER, MORGAN, MORROW, MUSKINGUM, NOBLE, PERRY, PICKAWAY, PUTNAM					

DECISION NO. OH75-2056

CARPENTERS & PILEDRIVERMEN (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 2 (CONT'D)					
UNION, VANWERT, & WYANDOT Cos., and the Eastern ½ of MADISON Co.					
Carpenters	$ 8.60	.35	.20		.02
Piledrivermen	8.90	.35	.20		.02
ZONE 2A - CHAMPAIGN, CLARK, & LOGAN Counties and the Western ½ of MADISON County					
Carpenters	8.45	.35	.35		.02
Piledrivermen	8.75	.35	.35		.02
ZONE 3 - ASHLAND, CRAWFORD, ERIE, HURON, LORAIN AND RICHLAND Counties					
Carpenters	9.41	.45	.40		.04
Piledrivermen	10.30	.47	.80		.03
ZONE 3A - OTTAWA, SANDUSKY & SENECA Counties and city of Fostoria in WOOD & HANCOCK Counties					
Carpenters	9.41	.45	.40		.04
Piledrivermen	10.25	.55	.50		.04
ZONE 4 - ASHTABULA, CUYAHOGA, GEAUGA & LAKE Counties					
Carpenters	10.50	.47	.60		.03
Piledrivermen	10.30	.47	.80		.03
ZONE 5 - ATHENS County					
Carpenters	8.85	.30			.02
Piledrivermen	8.90	.30			.02
ZONE 5A - HOCKING, VINTON & WASHINGTON Counties					
Carpenters	8.60	.30	.25		.02
Piledrivermen	8.85	.30	.25		.02
ZONE 6 - BELMONT, COLUMBIANA, HARRISON, JEFFERSON & MONROE Counties					
Carpenters	8.65	.40	.50		.01
Piledrivermen	9.15	.40	.50		.01
ZONE 7 - BROWN, BUTLER, CLERMONT, CLINTON, HAMILTON & WARREN Counties					
Carpenters	9.75	.45	.55		.025
Piledrivermen	9.75	.45	.55		.025

DECISION NO. OH75-2056

CARPENTERS & PILEDRIVERMEN (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 8 - CARROLL, STARK, TUSCARAWAS & WAYNE Counties					
Carpenters	$ 8.62	.40	.30		.02
Piledrivermen	9.05	.40	.30		.02
ZONE 9 - DARKE, GREEN, MIAMI, MONTGOMERY, PREBLE & SHELBY Cos.					
Carpenters	8.24	.45	.90		.03
Piledrivermen	8.24	.45	.90		.03
ZONE 10 - DEFIANCE, HENRY PAULDING, & WILLIAMS Counties					
Carpenters	8.82	.50	.25		
Piledrivermen	10.25	.55	.50		.04
ZONE 11 - FULTON, HANCOCK, LUCAS & WOOD Counties excluding the city of Fostoria in HANCOCK and WOOD Counties					
Carpenters	10.25	.55	.50		.04
Piledrivermens	10.25	.55	.50		.04
ZONE 12 - MAHONING & TRUMBULL Cos.					
Carpenters	9.02	.40	.50		.02
Piledrivermen	9.76	.40	.50		.02
ZONE 13 - MEDINA, PORTAGE & SUMMIT Counties					
Carpenters	9.95	.40	.35		.02
Piledrivermen	10.30	.47	.80		.03
CEMENT MASONS					
ZONE 1 - CUYAHOGA, GEAUGA, LAKE & LORAIN Counties	9.14	.49			.02
ZONE 2 - ALLEN, ASHTABULA, COLUMBIANA, DEFIANCE, ERIE, FULTON, HARDIN, HANCOCK, HENRY, HURON, LUCAS, MAHONING, MEDINA, OTTAWA, PAULDING, PORTAGE PUTNAM, SANDUSKY, SENECA, STARK, SUMMIT, TRUMBULL, VAN WERT, WILLIAMS & WOOD Counties	8.69	.49			.02
ZONE 3 - Remainder of Counties	8.34	.49			.02

DECISION NO. OH75-2056

ELECTRICIANS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 1 - ADAMS & SCIOTO Counties, in JACKSON County all but Coal, Jackson, Liberty, Milton and Washington Townships, and in PIKE County the Townships of Camp Creek, Marion, Newton, Scioto, Sunfish and Union	$ 9.28	.30	1%+.20	.37	.04
ZONE 2 - ALLEN, AUGLAIZE, HARDIN, LOGAN, MERCER, SHELBY, & VAN WERT Counties, and in WYANDOT County West of Crane, Pitt, & Tymochtee Townships	9.54	.32	1%+.37		.04
ZONE 3 - ASHLAND, CRAWFORD, MARION, MORROW & RICHLAND Counties, the remainder of WYANDOT County, in KNOX County the North ½ including Clinton, Howard, Liberty, Monroe, and Union Townships, and in HURON County the Townships of Greenwich, New Haven, Richmond and Ripley	9.70	.33	1%+.25		.1%
ZONE 4 - In ASHTABULA County, all but Colebrook, Orwell, Wayne, Williamsfield & Windsor Townships	10.45	.45	1%+.50		.2%
ZONE 5 - ATHENS, MEIGS, MONROE, NOBLE & WASHINGTON Counties and in VINTON County that portion East of Clinton, Elk and Swan Townships	8.55	.30	1%+.62	1.02	.04
ZONE 6 - BELMONT County	8.80	.30	1%+.17	.69	.04
ZONE 7 - BROWN, CLERMONT & HAMILTON Counties					
Within 18 Mi. of Hamilton County Court House	10.00	.60	1%+.30		.5%
From 18 to 21 Miles	10.30	.60	1%+.30		.5%
From 21 to 25 Miles	10.40	.60	1%+.30		.5%
Over 25 Miles	10.55	.60	1%+.30		.5%

15304 NOTICES 15302
15305 NOTICES 15303

DECISION NO. OH75-2056

ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 8 - BUTLER County & WARREN County exoluding Clear Creek, Franklin and Wayne Townships Within City limits of Hamilton or Middleton	10.10	.30	1%+.50		.125%
Outside city limits West of Interstate 75	$10.45	.30	1%+.50		.125%
Outside city limits East of Interstate 75	10.65	.30	1%+.50		.125%
ZONE 9 - CHAMPAIGN & CLARK Cos. & in MADISON County the Townships of Paint, Pike, Somerford, Stokes and Union	8.85	.45	1%+.35		.02
ZONE 10 - CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY & PREBLE Cos. and the remainder of WARREN Co.					
Within 11 Mi. radius of 3rd & Main Streets, Dayton	9.88	.45	1%+.75		.5%
Beyond 11 Mi. radius	10.11	.45	1%+.75		.5%
ZONE 11 - COLUMBIANA County except the Townships of Butler, Fairfield, Knox, Perry, Salem & Unity	9.36	5%	1%	8%	1%
ZONE 12 - COSHOCTON County & in TUSCARAWAS County the South ½ including the Townships of Auburn, Clay, Rush and York	9.30	.29	1%	a	.5%
FOOTNOTE: a. One paid holiday, Labor Day					
ZONE 13 - CUYAHOGA County and in LORAIN County the Township of Columbia, and in GEAUGA County the Townships of Bainbridge, Chester and Russell	10.51	.50	1%+.37		.02
ZONE 14 - DEFIANCE, FULTON, HANCOCK, HENRY, LUCAS, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS & WOOD Counties	10.75	.30	1%+.55		.1%

DECISION NO. OH75-2056

ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 15 - DELAWARE, FAIRFIELD, FRANKLIN, & UNION Counties, the remainder of MADISON County and PICKAWAY County exoluding Deer Creek, Perry, Rickaway, Salt Creek and Wayne Townships	$ 9.33	.28	1%+.60		.06
ZONE 16 - ERIE County and the remainder of HURON County	10.35	.48	1%		.1%
ZONE 17 - FAYETTE, HIGHLAND, HOCKING, & ROSS Counties and the remainder of JACKSON, PICKAWAY, PIKE & VINTON Counties	9.55	.29	1%		.02
ZONE 18 - GALLIA & LAWRENCE Cos.	8.90	.30	1%+.32	1.02	.04
ZONE 19 - GUERNSEY County	8.90	.29	1%		
ZONE 20 - HARRISON & JEFFERSON Cos. and CARROLL County South of Fox, Harrison, Rose & Washington Townships	10.80	6%	1%+6%	8%	.2%
ZONE 21 - HOLMES & STARK Cos., the remainder of CARROLL & TUSCARAWAS Counties, In COLUMBIANA County Knox Township, In MAHONING County Smith Townships, and WAYNE County South of Baughman, Chester Green and Wayne Townships	9.90	.30	1%+.10		.3%
ZONE 22 - LAKE County and in GEAUGA County all but Auburn, Bainbridge, Chester, Middlefield, Parkman, Russell & Troy Townships	10.48	.40	1%+.50		.3%
ZONE 23 - LICKING County and the remainder of KNOX County	9.40	.28	1%+.33		.03
ZONE 24 - The remainderof LORAIN County and in MEDINA County the Townships of Litchfield, and Liverpool	10.45	.42	1%+.50		.1%
ZONE 25 - MAHONING County exloudin Milton & Smith Townships, in TRUMBULL County the Townships of Hubbard & Liberty and COLUMBIANA County the Townships of Butler, Fairfield, Perry, Salem & Unity	10.26	.40	5%		.3%

DECISION NO. OH75-2056

ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 26 - SUMMIT County, the remainder of MEDINA & WAYNE Countiee and PORTAGE County exoluding the Townships of Charleston, Edinburg, Freedom, Hiram, Palmyra, Paris & Windham	$10.08	.37	1%+.50		.2%
ZONE 27 - MORGAN, MUSKINGUM & PERRY Counties	9.05	.29	1%		.02
ZONE 28 - The remainder of ASHTABULA, PORTAGE & TRUMBULL Counties, In GEAUGA County the Townships of Auburn, Middlefield, Parkman and Troy, and in MAHONING County the Township of Milton	10.40	.40	5%		.1%
IRONWORKERS:					
ZONE 1 - ADAMS, BROWN, CLERMONT & HAMILTON Counties and the South half of BUTLER & WARREN Counties					
Structural & Ornamental	9.995	.55	.55		.03
Reinforcing	9.445	.55	1.05		.02
ZONE 2 - ALLEN, AUGLAIZE, CLINTON, DARKE, GREENE, MERCER, MIAMI, MONTGOMERY, PREBLE & SHELBY Cos., the North half of BUTLER & WARREN Cos., the West two-thirds of CHAMPAIGN & LOGAN Cos., the West three-fourths of CLARK Co. and the West four-fifths of HIGHLAND Co.					
Dayton Metropolitan Area	9.51	.55	.65		.02
Remainder of Zone 2	9.66	.55	.65		.02
ZONE 3 - ASHLAND, CARROLL, COSHOCTON, HOLMES, RICHLAND, STARK, TUSCARAWAS, & WAYNE Cos.	9.47	.50	.50		.02
ZONE 4 - CUYAHOGA, ERIE, GEAUGA, HURON, LAKE, LORAIN, MEDINA, & SUMMIT Cos., and ASHTABULA Co. except the North-East Quarter, and PORTAGE Co. except the Ravena Ordinance Depot	9.17	.50	.80	1.00	.03

DECISION NO. OH75-2056

IRONWORKERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 5 - Remainder of ASHTABULA County	$ 9.15	.78	.69		.13
ZONE 6 - ATHENS, MEIGS, MORGAN, NOBLE, & WASHINGTON Cos.	8.89	.55	.85		.01
ZONE 7 - BELMONT, GUERNSEY, HARRISON, JEFFERSON, & MONROE Cos.	8.95	.60	.50	5%	.03
ZONE 8 - COLUMBIANA, MAHONING & TRUMBULL Cos. and the Ravena Ordinance Depot in PORTAGE Co.	9.37	.40	.85		.05
ZONE 9 - CRAWFORD, FAYETTE, HARDIN, HOCKING, JACKSON, KNOX, MARION, MORROW, MUSKINGUM, PERRY, PIKE, ROSS, VINTON & WYANDOT Cos. and the remainder of CHAMPAIGN, CLARK, HIGHLAND & LOGAN Cos.	9.50	.55	.98		.04
ZONE 10 - DELAWARE, FAIRFIELD, LICKING, MADISON					
PICKAWAY & UNION Cos.	9.40	.55	.98		.04
ZONE 11 - FRANKLIN County	9.25	.55	.98		.04
ZONE 12 - DEFIANCE, PAULDING, PUTNAM, VAN WERT & WILLIAMS Cos.	9.70	.55	.55		.01
ZONE 13 - FULTON, HANCOCK, HENRY, LUCAS, OTTAWA, SANDUSKY, SENECA, & WOOD Cos.	10.32	.55	7½%		.04
ZONE 14 - GALLIA, LAWRENCE, & SCIOTO Cos	10.01	.55	.55		.01
LINEMEN:					
ZONE 1 - ADAMS, ATHENS, GALLIA, LAWRENCE, MEIGS, & SCIOTO Cos., JACKSON Co. except Coal, Jackson, Liberty, Milton & Washington Townships, PIKE Co., the Townships of Camp Creek, Marion, Newton, Scioto, Sunfish & Union, and that part of VINTON Co. East of Clinton, Elk, & Swan Townships	9.06	.30	1%+.17	1.02	.04
ZONE 2 - ALLEN, AUGLAIZE, HARDIN, LOGAN, MERCER, SHELBY, VAN WERT & remainder of WYANDOT County	9.54	.32	1%+.37		.04

15306 NOTICES 15307
15304 NOTICES 15305
XUM 574 RPA 96104

DECISION NO. OH75-2056

LINEMEN (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
ZONE 3 - ASHLAND, CRAWFORD, MARION, MORROW, & RICHLAND Cos., in HURON Co. the Townships of Greenwich, New Haven Richmond, & Ripley, The North Half of KNOX Co. including the Townships of Clinton, Howard, Liberty, Monroe, & Union, and the East half of WYANDOT Co. including the Townships of Crane, Pitt & Tymochtee	$ 9.40	.33	1%+.25		.25%
ZONE 4 - ASHTABULA Co. except the Townships of Colebrook, Orwell, Wayne, Willamsfield, & Windsor	10.45	.45	1%+.50		.2%
ZONE 5 - BELMONT County	8.80	.30	1%+.17	.69	.04
ZONE 6 - BROWN, CLERMONT, & HAMILTON Counties					
Within 18 Mi. of Hamilton County Court House	10.00	.60	1%+.30		.5%
From 18 to 21 Miles	10.30	.60	1%+.30		.5%
From 21 to 25 Miles	10.40	.60	1%+.30		.5%
Over 25 Miles	10.55	.60	1%+.30		.5%
ZONE 7 - BUTLER Co. & WARREN CO. except the Townships of Clear Creek, Franklin, & Wayne within city limits of cities of Hamilton and Middleton	10.10	.30	1%+.50		.125%
West of Interstate 75	10.45	.30	1%+.50		.125%
East of Interstate 75	10.65	.30	1%+.50		.125%
ZONE 8 - CHAMPAIGN, CLARK, DELAWARE, FRANKLIN, MADISON, & UNION Cos. and PICKAWAY Co. except the Townships of Deer Creek, Perry, Pickaway, Salt Creek, and Wayne	10.26		1%		.25%
ZONE 9 - CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, & PREBLE Cos. and the remainder of WARREN Co.					
Within 11 Mi. radius of 3rd & Main Streets, Dayton	9.88	.45	1%+.75		.5%
Beyond 11 Mi. radius	10.11	.45	1%+.75		.5%
ZONE 10 - COLUMBIANA Co. except the Townships of Bulter, Knox, Fairfield, Perry, Salem & Unity	9.36	5%	1%	8%	1%

DECISION NO. OH75-2056

LINEMEN (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
ZONE 11 - CONNEAUT Co. and the South half of TUSCARAWAS Co. including the Townships of Auburn, Clay, Rush, & York	$ 9.30	.29	1%	a	.5%
FOOTNOTE: a. One paid holiday, Labor Day					
ZONE 12 - CUYAHOGA Co., and in GEAUGA Co. the Townships of Bainbridge, Chester, & Russell	11.08	.30	1%		.25%
ZONE 13 - DEFIANCE, FULTON, HANCOCK, HENRY, LUCAS, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS & WOOD Cos.	11.16	.35	1%	b	.25%
FOOTNOTE: b. 6 paid holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, & Christmas Day providing the employee worked the day before and the scheduled work days next following such holiday (except excused absences).					
ZONE 14 - ERIE Co. and the remainder of HURON County	10.35	.48	1%		.1%
ZONE 15 - FAIRFIELD & LICKING Cos. and the Remainder of KNOX Co.	9.73	.30	1%		.50%
ZONE 16 - FAYETTE, HIGHLAND, HOCKING & ROSS Cos. and the remainder of JACKSON, PICKAWAY, PIKE, & VINTON Cos.	9.55	.29	1%		.02
ZONE 17 - GUERNSEY, MORGAN, MUSKINGUM & PERRY Cos.	9.05	.28	1%		
ZONE 18 - HARRISON, & JEFFERSON Cos. and CARROLL Co. South of Fox, Harrison, Rose & Washington Townships	10.80	6%	7%	8%	.2%
ZONE 19 - HOLMES & STARK Cos., the remainder of CARROLL & TUSCARAWAS Cos., Knox Township in COLUMBIANA Co., and WAYNE Co. South of Baughman, Chester, Green & Wayne Townships	9.90	.30	1%+.10		.25%

DECISION NO. OH75-2056

LINEMEN (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
ZONE 20 - LAKE Co. & GEAUGA Co. except the Townships of Auburn, Bainbridge, Chester, Middlefield, Parkman, Russell & Troy	10.48	.40	1%+.50		.25%
ZONE 21 - LORAIN Co. & in MEDINA Co. the Townships of Litchfield & Liverpool	10.45	.43	1%+.50		.1%
ZONE 22 - MAHONING & TRUMBULL Cos. the remainder of ASHTABULA Co., in COLUMBIANA Co. the Townships of Butler, Fairfield, Perry, Salem & Unity, in GEAUGA Co. the Townships of Auburn, Middlefield, Parkman, & Troy, and in PORTAGE Co. the Townships of Charlestom, Edinburg, Freedom, Hiram, Nelson, Palmyra, Paris & Windham	10.75	.30	1%		
ZONE 23 - MONROE, NOBLE & WASHINGTON Counties	8.55	.30	1%+.62	1.02	.04
ZONE 24 - SUMMIT Co. and the remainder of MEDINA, PORTAGE & WAYNE Cos.	10.08	.37	1%+.50		.2%
PAINTERS					
ZONE 1 - ADAMS, HIGHLAND, JACKSON, PIKE & SCIOTO Counties					
Brush	8.35		.20		
Spray	9.35		.20		
ZONE 2 - ALLEN, AUGLAIZE, DEFIANCE, HARDIN, MERCER, PAULDING, PUTNAM, SHELBY, VAN WERT & WILLIAMS Counties	7.95	.50	.15		.01
ZONE 3 - ASHLAND, CRAWFORD, MARION MORROW, AND RICHLAND Counties					
Brush	7.70		.20		
Structural Steel	8.20		.20		
Spray	8.45		.20		
ZONE 4 - ASHTABULA County					
Brush	7.77	.25	.10		
Spray	8.05	.25	.10		
ZONE 5 - ATHENS & HOCKING Counties	7.15				

DECISION NO. OH75-2056

PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
ZONE 6 - BELMONT, COLUMBIANA, HARRISON, JEFFERSON & MONROE Counties	$ 6.30	.20	.10		
ZONE 7 - BROWN, CLERMONT & HAMILTON Counties					
Brush	9.55		.15		
Spray	9.80		.15		
ZONE 8 - BUTLER & WARREN Counties					
Brush	7.98				
Spray	8.48				
ZONE 9 - CARROLL, HOLMES, STARK, TUSCARAWAS AND WAYNE COUNTIES					
Brush	7.97	.55	.30		.02
Spray	8.47	.55	.30		.02
Structural Steel	8.69	.55	.30		.02
ZONE 10 - CHAMPAIGN, CLARK AND LOGAN Counties					
Brush	7.10	.10	.25		
Structural Steel	7.65	.10	.25		
ZONE 11 - CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY & PREBLE Counties					
Brush	9.43	.40	.40		.02
Structural Steel	9.83	.40	.40		.02
Spray	9.93	.40	.40		.02
ZONE 12 - COSHOCTON County					
Brush	4.85				
Spray	5.35				
ZONE 13 - CUYAHOGA, GEAUGA & LAKE Counties and PORTAGE and SUMMIT Counties North at the Ohio Turnpike					
Brush	9.62	.48	.39		.03
Structural Steel and Spray	10.32	.48	.39		.03
ZONE 14 - DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, MADISON, PICKAWAY AND UNION Counties	9.15	.30	.15		
ZONE 15 - ERIE, HANCOCK, HURON, SANDUSKY, SENECA AND WYANDOT Counties					
Brush	7.30	.40	.50		
Spray and Structural Steel	7.80	.40	.50		

15306 NOTICES 15307 NOTICES 15308 15309 MAX 574 RRA 40196

DECISION NO. OH75-2056 Page 16

PLUMBERS & STEAMFITTERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 1 - ADAMS, ATHENS, GALLIA, HIGHLAND, JACKSON, LAWRENCE, MEIGS, PIKE, SCIOTO, & VINTON Cos.	$ 9.12	.25	.30		.05
ZONE 2 - ALLEN, ASHLAND, HANCOCK, HARDIN, MERCER, & VAN WERT Cos.	9.95	.35	.50		.05
ZONE 3 - ASHLAND, KNOX, MORROW, & RICHLAND Cos.	10.105	.45	.80		.025
ZONE 4 - ASHTABULA, CUYAHOGA, GEAUGA & LAKE Cos., MEDINA Co. N. of Rt. 18 & Smith Rd. & SUMMIT Co. N. of Rt. 303					
Plumbers	10.23	.55	.70		.02
Pipefitters	10.12	.75	.70		.02
ZONE 5 - BUTLER Co. & MONROE Co. North of Rt. 78	8.55	.35	5%	10%	.04
ZONE 6 - BROWN, CLERMONT, HAMILTON & WARREN Cos.					
Plumbers	9.92	.65	.90		.05
Steamfitters	9.90	.70	.975		.06
ZONE 7 - BUTLER Co. North Half	10.15	.45	.50		.05
ZONE 8 - BUTLER Co. South Half	9.61	.55	.65		.01
ZONE 9 - CARROLL Co. & Stark Co. Canton & Vicinity	9.22	.35	.50	8	.05
FOOTNOTE: a. one paid holiday, Labor Day					
ZONE 10 - CHAMPAIGN, CLARK & LOGAN Cos.; GREENE Co. the Twps. Cedarville, Ceasar Creek, New Jasper, Jefferson, and Rose, and MADISON Co. West of Rt. 38 including the City of London	10.01	.35	.60		.04
ZONE 11 - CLIFTON, DARKE, FAYETTE, KIRBY, MONTGOMERY, PREBLE & SHELBY Counties and the Remainder of GREENE County	10.11	.35	.70		.03
ZONE 12 - COLUMBIANA & MAHONING Counties and in TRUMBULL County Robbard and Liberty Townships, Youngstown Municipal Airport and the Filtration Plant of the Mahoning Valley Sanitary District	10.25	.35	.40		.04

DECISION NO. OH75-2056 Page 18

POWER EQUIPMENT OPERATORS: ZONE 1 - Columbiana, Mahoning and Trumbull Counties	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.87	.50	.50		.12
CLASS II	9.18	.50	.50		.12
CLASS III	8.02	.50	.50		.12
CLASS IV	8.41	.50	.50		.12
CLASS V	8.31	.50	.50		.12
CLASS VI	10.14	.50	.50		.12

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

CLASS I - Asphalt plaver heater, Austin western & similar type, Back hoe, Patch plant-portable concrete, Ben bullet-automatic, Backfiller w/drag attachment, Boat derrick, Boats-tug, Boring mach. attached to tractor, Bulldozer, Caisson drill, Caisson builder & similar types, Cable placer & layer, Carrier-crawler, C.M.I. road burner or scoop, Chicago boom, Compactor w/blade attached, Concrete Carryall - scraper or scoop, Crane-stationary or climbing, Crane-electric spreader finisher belt, Crane-truck, Crane-tower, Derrick-boom, Derrick-car, overhead, Crane-side boom, Crane-truck (rubber), Double rig, Drag line, Dredge, Dragon-wheel (not trencher or Ditchmatic), Fork lift, Franzia pile, Gradall, Drill-heavy or similar type, self-propelled, High lift, Hoist-carryall, Hoist-Grader-patrol, Gravity, Gravity-self propelled, High lift, Jacksall, Jumbo mach., Koehring & Mixermobile, Loader-front end, Locomotive or Mucker, Lull-telescoping vehicle, Loader-Elevating, Loader-scraper, Mechanic as helper, Motor dig harvester w/dual, Motor patrol, Place crane mach., Post finisher mach., Power-road conveyor, Power-self type, Screed, Spreader, Stonecrusher, Tie puller & loader, Tie tamper, Tractor-double boom, Tractor w/attachments, Trench-boom, Trench-hoe-assigned to job, Trench mach., Tunnel machine (Shaft 21 feet or similar), Valley

CLASS II - Asphalt plant, Batching machine, Boring mach., Chip harvester w/o tank, Clearing mach.-pipeline type, Coating mach.-pipeline type, Concrete batch plant, Concrete finisher, Concrete placer or spreader, Concrete spreader, Curbster, Concrete mach., Lift walk behind, Form line mach., Grease truck op., Grout pump, Gunite mach., Hook bolting mach., Hydraulic scaffold, Paving breaker, Pipe dream, Pot fireman, Power broom, Refrigeration plant, Saxon derrick, Seeding mach., Self-propelled mobile vibrator compactor or roller, Soil stabilizer (pump type), Spray cure mach.-Self propelled, Saw blower mach., Sub-grader, Tube finisher or broom C.M. or similar type of Tamper Hoist

CLASS III - Batch plant-job related, Boiler op., Compressor (125 CFM or over), Curb builder (self propelled), Generator-steam, Jack-hydraulic-power driver, Mixer-concrete, Mucking mach., Pan puller, Pulverizer, Pump, Road finishing mach. (pull type), Roller-Sew-concrete-self propelled, Signal man, spray cure Mach.-solar powered, Spreader (side driver shoulder attachment), Tractor, Trencher-Ro-Dig, Water mix, Compressor under 125CFM, Conveyor, Conveyor 42 feet or under other than service-portable, Drill wagon, Fireman,

DECISION NO. OH75-2056 Page 15

PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 16 - PUTNAM, SENECA, UNION, ODELL AND WOOD Counties	$ 8.99	.55	.40		
Brush	9.54	.55	.40		
Spray	9.24	.55	.40		
Structural Steel					
ZONE 17 - GALLIA, LAWRENCE, MEIGS, & VINTON Counties	6.85				
Brush	8.00				
Spray					
ZONE 18 - GUERNSEY County	6.00				
Brush	6.50				
Structural Steel					
ZONE 19 - KNOX, LICKING, MUSKINGUM & PERRY Counties	5.80				
Brush	6.50				
Structural Steel	6.45				
Bridge					
ZONE 20 - LORAIN County	9.05				
Brush	9.55				
Spray	9.05				
Structural Steel & Bridge					
ZONE 21 - MARION & TRUMBULL Counties and the Revna, Ordinance Depot in PORTAGE County			.40		
Brush	9.47	.40	.40		
Spray	10.17	.40			
ZONE 22 - MEDINA Co. & PORTAGE & SUMMIT Cos. South of the Ohio Turnpike excluding the Revna Ordinance Depot in PORTAGE Co.					
Brush	7.89	.55	.20		
Spray	8.39	.55	.20		
Structural Steel	8.14	.55	.20		
ZONE 23 - MORGAN, MORSE & WASHINGTON Cos.	8.53		.10		.01
ZONE 24 - ROSS County	7.00				
Brush	7.25				
Spray					

DECISION NO. OH75-2056 Page 17

PLUMBERS & STEAMFITTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 13 - COSHOCTON, GUERNSEY, HOCKING & TUSCARAWAS Counties	$ 8.64	.35	.35		.04
ZONE 14 - CRAWFORD & WYANDOT Counties	10.105	.45	.80		.025
ZONE 15 - DEFIANCE, FULTON, HARDIN, HENRY, LUCAS, OTTAWA, PAULDING, PUTNAM, SANDUSKY, WILLIAMS AND WOOD Counties	10.535	.55	.75		.06
ZONE 16 - DELAWARE, FAIRFIELD, FRANKLIN, HOCKING, MARION, PICKAWAY, ROSS & UNION Counties and the remainder of MADISON	10.42	.55	.80		.05
ZONE 17 - ERIE & HURON Counties	10.105	.45	.80		.025
ZONE 18 - HANCOCK & JEFFERSON Counties	10.46	.50	7%	6%	.05
ZONE 19 - LICKING County	9.67	.55	.80		.05
ZONE 20 - LORAIN County	10.105	.45	.80		.025
ZONE 21 - MORGAN, MOBIE & WASHINGTON Counties and the Remainder of MONROE County	8.90	.35	.35		.045
ZONE 22 - MUSKINGUM & PERRY Counties	9.07	.35	.35		.02
ZONE 23 - PORTAGE County and the remainder of MEDINA & SUMMIT Counties	9.86	.514	.70		.04
ZONE 24 - The Remainder of TRUMBULL County	10.05	.571	.55		.01
ZONE 25 - WAYNE County and STARK County Massilon and Vicinity	9.38	.40	.30		.03

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DECISION OH75-2056
Heavy and Highway Construction

LABORERS	ZONE 1 Basic Hourly Rates	ZONE 2 Basic Hourly Rates	ZONE 3 Basic Hourly Rates
GROUP I	$ 7.81	7.13	6.70
GROUP II	7.935	7.255	6.825
GROUP III	8.01	7.33	6.90
GROUP IV	8.16	7.48	7.05
GROUP V	8.46	7.48	7.35
FRINGE BENEFITS FOR ALL ZONES AND ALL CLASSIFICATIONS:			
$.50 - Health & Welfare			
.30 - Pension			
.02 - Apprentice Training			

CLASSIFICATION DEFINITIONS
LABORERS

GROUP I - Laborers(construction), plant laborers or yardmen, right-of-way laborers, landscape laborer, utility man or handyman, joint setter, flagman, carpenter helper, waterproofing laborer, slurry seal, seal coating, surface treatment or road mix laborer, riprap laborer and grouter, asphalt laborer, dump man (batch trucks), guardrail and fence installers, mesh handlers and placers, concrete curing applicator, scaffold erector.
GROUP II - Asphalt raker, concrete puddler, kettle man (pipeline), all machine driven tools, mason tender, mortar mixer, sheeting and shoring man, surface grinder man, power buggy or power wheelbarrow.
GROUP III- Form setter, bottom man, welder helper (pipeline), concrete saw man, cutting with burning torch, pipelayer, hand spiker (railroad), car pusher (without air), underground man (working in sewer and waterline, repairing and reconditioning), tunnel laborer (without air) and caissen, cofferdam (below 25 feet deep), air track and wagon drill.
GROUP IV - Blaster, powder man, muckers, wrencher (mechanical joints and utility pipeline), yarner, top lander.
GROUP V - Curb setter and cutter, miner without air, concrete crew in tunnels, utility pipeline tapper, gunnite nozzle man, waterline caulker.

ZONE DEFINITIONS

Zone 1 - Cuyahoga, Geauga and Lake Counties
Zone 2 - Ashtabula, Erie, Huron, Lorain, Lucas, Mahoning, Medina, Ottawa, Portage, Stark, Summit, Trumbull and Wood Counties.
Zone 3 - Remainder of Counties.

Heavy and Highway Power Equipment Operators
ZONE 2 - Ashtabula, Cuyahoga, Erie, Geauga, Lake, Lorain, Medina, Portage, and Summit Counties
ZONE 3 - Remainder of State.

DECISION OH75-2056

	ZONE 2 Basic Hourly Rates	ZONE 3 Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS A	$ 9.78	$ 9.04	.46	.80		.11
CLASS B	9.68	8.92	.46	.80		.11
CLASS C	8.64	7.88	.46	.80		.11
CLASS D	8.17	7.45	.46	.80		.11
CLASS E	7.43	6.45	.46	.80		.11

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

CLASS A - Air compressor on steel erection, Asphalt plant engineer (Cleveland District only), Boiler Op., compressor or generator when mounted on rig, Cableways, combination concrete mixer and tower, Concrete plants (over 4 yds. cap.), Concrete pumps, Cranes (all types inc. A frames, boom trucks, cherry pickers), Derricks, Draglines, Dredge (dipper clam or suction), Elevation grader or euclid loader, Floating equipment (all types), Helicopter crew (hoist or winch), Hoes (all types), Hoisting engines (including shaft & tunnel work), Industrial type tractor, Jet engine dryer (D8 or D9) diesel tractor, Locomotives (standard guage), Maintenance Op. Class A, Mixer (paving single or double drum), Mucking mach., Multiple scraper, piledriving mach. (all types), Power shovel, Quad 9 (double pusher), Refrigerating mach. (freezer operation), Rotary drill on caisson work, slip form paver, Tower derricks, Tree shredder, Trench mach. (over 24" wide), Truck mounted concrete pump, Tug boat, Tunnel mach., Mining mach., Wheel excavator.
CLASS B - Asphalt paver, Automatic subgrade mach. self propelled (CNI type), Boring mach. Op. (more than 48"), Bulldozers, Endloader, Kolman Loader (production type-dirt), Lead grease man, Maintenance Op. Class B (in Zone 2 Portage & Summit Cos. only), Power grader, Power scraper, Push cat, Trench mach.(24" wide & under)
CLASS C - Air compressor on tunnel work (low-pressure), Asphalt plant engineer, Locomotive (narrow guage), Concrete mixers (more than 1 bag cap.), Mixers (1 bag cap. - side loader), Power boiler over 15 lb. pressure, Pump Op. installing and operating well points, Pumps (4" & over discharge), Rollers (asphalt), Utility Op. (small equipment), Welding mach. & generators.
CLASS D - Back fillers, Bar (joint & mesh installing mach.), Batch plant, Boring mach. Op. (48" or less), Bull floats, Burlap & curing mach., Compressors (portable, sewer, hvy, & hwy.), Concrete plant (4 yd. & under cap.), concrete saw (multiple), Conveyors (Hwy.), Crusher, Deckhand, Drill highway (w/integral power), Farm type tractors w/att Finishing mach., Firemen (floating equipment, all types), Fork lift (hwy.), Form trenchers, Hydro hammer, Hydro seeder, Pavement breaker, Plant mixers, Post driver, Post hole digger (power auger), Power brush burner, Power form handling Equip., Road widening trencher, Rollers (brick, grade, macadam), self propelled power spreader, self-propelled power subgrader, Steam firemen, Tractor (pulling sheepfoot roller or grader), Vibratory compactor (w/integral power).
CLASS E - Drum firemen (asphalt plant), Helpers, Inboard-outboard motor boat-launch, Oil heaters (asphalt plant), Oilers, Power driven heaters, Pumps (under 4" discharge) Signalmen, Tire repairmen.

DECISION NO. OH75-2056

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 1 CUYAHOGA, LAKE AND GEAUGA COUNTIES					
CLASS I	$6.25	a15.00	a15.00	b&c	
CLASS II	6.40	a15.00	a15.00	b&c	
CLASS III	6.63	a15.00	a15.00	b&c	
CLASS IV	6.75	a15.00	a15.00	b&c	

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS

CLASS I - Straight and dump trucks (including asphalt), warehousemen, straight fuel trucks
CLASS II - Semi fuel trucks, semi pole drivers (hauling steel pipe), semi tractor drivers
CLASS III- Ready-mix, agitator or bulk concrete drivers, dry batch trucks
CLASS IV - Euclids, darts, tank asphalt spreaders, low boys, carryalls, tournarocker, high-lifts, fork lifts, extra long trailers and semi-pole trailers (except when handling steel pipe), double hook-up tractor trailers including team track and and railroad siding, semi-tractor and tri-axle trailer, tag along trailer, expandable trailer, loads or towing requiring road permits

ZONE 2 Remainder of State					
CLASS I	$6.67	a16.00	a6.00		
CLASS II	6.72	a16.00	a6.00		
CLASS III	6.77	a16.00	a6.00		
CLASS IV	6.87	a16.00	a6.00		
CLASS V	7.14	a16.00	a6.00		

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS

CLASS I - 4-wheel service trucks, 4 wheel dump trucks, batch trucks, oil distributors, asphalt distributors
CLASS II - Tandems
CLASS III-Semi-tractor trucks, pole trailers, fuel trucks, asphalt-oil sprayber man when operated from cab
CLASS IV - All trucks five axle and over
CLASS V - Euclid wagons, Euclid end-dumps, low boys, heavy duty equipment over 12 cu. yd. capacity when used exclusively for transportation, truck mechanics

FOOTNOTES
a. Per week per employee.
b. Seven paid holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and National Election Day.
c. One week's vacation for 1 year of service, 2 weeks for 5 years of service, 3 weeks for 10 years of service and 4 weeks for 17 years of service

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SUPERSEDEAS DECISION

STATE: Oregon COUNTIES: Clackamas, Multnomah and Washington

DECISION NUMBER: OR75-5042 DATE: Date of Publication

Supersedas Decision No. AR-1016 dated August 16, 1974, in 39 FR 29910

DESCRIPTION OF WORK; Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS	$ 9.42	.50	.55		.08
CARPENTERS:					
Carpenter	7.79	.55	.65	.35	.03
Drywall applicator	7.24	.55	.65	.35	.03
CEMENT MASONS	7.14	.35	.35	.20	.03
ELECTRICIANS	9.60	.45	1% + .40		.02
LABORERS	6.55	.50	.65	.35	.07
PAINTERS:					
Brush	7.77	.35	.45	.30	.03
Drywall finishers	7.81	.40	.40	.50	.06
PLUMBERS	9.37	.70	1.00		.08
POWER EQUIPMENT OPERATORS:					
Asphalt roller	7.86	.55	.85	.35	.05
Blade, finish	8.16	.55	.85	.35	.05
Loader, 4 cu. yds., but less than 6 cu. yds.	8.56	.55	.85	.35	.05
ROOFERS	9.05	.45	.75		
SHEET METAL WORKERS	8.27	.55	.41	.57	.04
SOFT FLOOR LAYERS	7.735	.45	.45		.05
TILE SETTERS	8.04	.35	.35		.25

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTIES: Bedford, Jefferson, Clinton, Elk, Franklin, Fulton, Huntingdon, Mifflin & Potter

DECISION NO.: 75-PA-3028 DATE: Date of Publication

Supersedes Decision No. AQ-2060, dated March 8, 1974, in 39 FR 3874.

DESCRIPTION OF WORK: Heavy and Highway Construction.

PA-5-Lab-2-3-M

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Carpenters	$8.51	7%	7%		
Cement Masons	7.525	.4515	75¢+.4515		
Piledrivermen	8.79	5%	7%		
Carpenter - Welder	8.86	7½%	7%		
LABORERS (Heavy and Highway Construction)					
Class 1	6.64	.40	.40		
Class 2	6.86	.40	.40		
Class 3	7.15	.40	.40		
Class 4	7.29	.40	.40		
Class 5	7.60	.40	.40		
Class 6	8.75	.40	.40		
Class 7	6.62	.40	.40		
Class 8	6.86	.40	.40		
Class 9	7.15	.40	.40		
Class 10	7.29	.40	.40		
Class 11	7.60	.40	.40		

DECISION NO. PA75-3028 Page 2

LABORERS

Class 1: Construction Laborer (including tenders handling Salamanders, L.P. gas heaters or similar, etc.), Air or electric Impactor Wrench, Air Tamper Operator, Asphalt Tampers, Batchorman (weigh), Blaster's Helper, Blower Man (bulk cement), Brakeman, Coffer Dam, Concrete Pitman, Puddler (including Vibrator Operator. Drill Runner's Helper (includes drill mounted on truck, track or similar and Dewey drills (spots - clean-up and helps to maintain), Fence Construction, Form Stripper and Mover, Hydro-jet Blaster Nozzlemen, Manually moved Emulsion Sprayer, Radio actusted traffic control operator (non-automatic), Rip Rap work, Scaffolds and runways (as per agreement of record), Sheeters and Shorers, Structural Concrete Top Surfacer, Walk Behind Street Sweeper, Welder's Helper (pipeline), Wood Chipper

Class 2: Asphalt, Batch and Concrete Plant Operator (manually operated), Asphalt Rakers, Burner, Caisson Men (open air), Carryable Pumps, Chain Saw Operator, Chipping Hammer or similar (air or otherwise), Combination Tamper and Vibrator, Concrete Buster (paving breaker), Cribbing (concrete or steel), Curb Machine Operator (asphalt and concrete)(walk behind), Earth Drill, Fork Lift (walk behind), Form Setter (road forms line man), Handyman, Highway Slab Reinforcement Placers (including joint and basket setter), Hydraulic Pipe Pusher, Jack Hammer Operator, Liner Plates (tile or vitrified clay), Manually operated Diamond Head Core Drill, Mechanical Joint Sealer, Dope Pot, and Tar Kettle, Mortar Mixer (hand or machine), Pin Drivers or Puller (power-highway), Pipe layers, Plant set-up, Maintenance Man, Portable single unit Conveyor, Post Hole Auger (2 or 4 cycle)(hand operated), Power Fence Operator, Power Wheelbarrows and Buggies, Rail Porter, or similar, Screed Operator, Signal Man, Whacker, All Railroad Track Work: Adzing Machine, Ballast Router, Bolting Machine, Power Jacks, Rail Drills, Railroad Brakemen, Rail Saws, Spike Drivers, Spike Pullers, Tamping Machine

Class 3: Cement Mortar Lining Car Pusher, Cement Mortar Mixer (pipe relining), Cement Saw Operator (walk behind), Form Setter (road forms-lead man), Grout Machine Operator, Gunnite (nozzle and machine man), Paving Block Rammers, Wagon Drill (air track or similar) Operators, Walk Behind Power Rollers (1 or 2 barrel), Walk Behind Roller and Tamper, Walk Behind Ditching Machine (trencher or similar)

Class 4: Blacksmith, Blaster, Brick and Block Pavers (wood, belgain and asphalt), Curb Cuttera and Setters, Manhole or Catch Basin Builder (brick, block, concrete or any prefabrication)

Class 5: Multi-plate Pipe (aligning and securing) Placing Wire Mesh on Gunite projects, Reinforcing steel placers (bending, aligning and securing), Welder, elevated roadway drainage

Class 6: Welder (pipeline)

Class 7: Tunnel and Shaft Work (Inside); Change House Attendent

Class 8: Muckers, Brakemen and all other labor (includes installation of utility lines), Signal Man, Drill Runner Helper

Class 9: Miners and Drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment and jumbos)

Class 10: Caisson and Tunnel Men under pressure (0-18 pounds)

Class 11: Reinforcing steel placers (bending, aligning and securing)

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JEFFERSON COUNTY

PA-2-PEO-2-3-J

HEAVY AND HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASS I	$8.88	.50	.50		.09	
CLASS II	8.62	.50	.50		.09	
CLASS III	6.26	.50	.50		.09	
CLASS IV	5.81	.50	.50		.09	
CLASS V	5.66	.50	.50		.09	

JEFFERSON COUNTY

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

CLASS I: Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhow - 360 Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary, Climbing Tower Crane) Derrick, Derrick, Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Guage) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (self contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar Whirley, Serapers, and Dozer, D-8 or larger

CLASS II: Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd.) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180 Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Syychronized) Concrete Belt Placer (S.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy,) Job Work Boar (Powered) Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Rose Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator

CLASS III: Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal

CLASS IV: Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader Concrete Mixer (1 cy. and under with Skip Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material Hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Crout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boar (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tile Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (When hoistind and placing)

CLASS V: Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helpers, Oiler, Power Broom, Side Delivery Shoulder Spreader

JEFFERSON COUNTY

PA-2-TD-23-G

TRUCK DRIVERS (Heavy and Highway Construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Class 1	$6.40	7.3%	4.2%		
Class 2	6.55	7.3%	4.2%		
Class 3	6.64	7.3%	4.2%		
Class 4	6.73	7.3%	4.2%		
Class 5	6.71	7.3%	4.2%		
Class 6	6.46	7.3%	4.2%		
Class 7	6.50	7.3%	4.2%		

JEFFERSON COUNTY

TRUCK DRIVERS

Class 1: Truck under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pickup and similar equipment, parts man and warehousemen)

Class 2: Trucks over 33,000 lbs. gross load catergory (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease), Ready-mix Concrete trucks with towed or built-in attachments (10c per hour additional to respactive size truck, Tar and asphalt distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.) Tandem-axle Ready-mixed Concrete trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)

Class 3: Tri-axle trucks, Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 feet width (such as euclids: end or belly dump, single twin-engined or tandem: Athey wagon: Pay loader, Tournawagons, and similar equipment when not self-loaded rated under forty-five tons), (Tri-axle Ready-Mixed Concrete trucks (such as agitators, barrel, redi-mix concrete trucks, etc.), Tar and asphalt trailer trucks

Class 4: Heavy off-the-road equipment (rated at forty-five tons or over), bottom or belly-dump trucks

Class 5: Heavy duty trailer, such as low boy, Hi-boy, Pole trailer, A-Frames (when used for transporting materials), Dumpsters, Ross Carriers, Form trucks, Dual-purpose trucks (when load has been loaded or unloaded with truck, winch, loading, hauling and unloading), Mechanical tailgate trucks, Bucket self-loading trucks, Farm tractors (when pulling and hauling), Fork lift trucks (in storage areas and warehouses)

Class 6: Single-axle Ready-mixed Concrete trucks (such as agitators, barrel, redi-mix Concrete trucks, etc.)

Class 7: Trucks with dolly or trailer

REMAINING COUNTIES

PA-5-Td-2--3-A

TRUCK DRIVERS (Heavy and Highway Construction)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Class 1	$6.15	7.3%	4.2%		
Class 2	6.35	7.3%	4.2%		
Class 3	6.46	7.3%	4.2%		
Class 4	6.55	7.3%	4.2%		
Class 5	6.51	7.3%	4.2%		
Class 6	6.20	7.3%	4.2%		
Class 7	6.31	7.3%	4.2%		

REMAINING COUNTIES

TRUCK DRIVERS

Class 1: Truck under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pickup and similar equipment, parts man and warehousemen)

Class 2: Trucks over 33,000 lbs. gross load catergory (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease), Ready-mix Concrete trucks with towed or built-in attachments (10c per hour additional to respective size truck, Tar and asphalt distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.) Tandem-axle Ready-mixed Concrete trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)

Class 3: Tri-axle trucks, Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 feet width (such as euclids: end or belly dump, single twin-engined or tandem: Athey wagon: Pay loader, Tournawagons, and similar equipment when not self-loaded rated under forty-five tons), (Tri-axle Ready-Mixed Concrete trucks (such as agitators, barrel, redi-mix concrete trucks, etc.), Tar and asphalt trailer trucks

Class 4: Heavy off-the-road equipment (rated at forty-five tons or over), bottom or belly-dump trucks

Class 5: Heavy duty trailer, such as low boy, Hi-boy, Pole trailer, A-Frames (when used for transporting materials), Dumpsters, Ross Carriers, Form trucks, Dual-purpose trucks (when load has been loaded or unloaded with truck, winch, loading, hauling and unloading), Mechanical tailgate trucks, Bucket self-loading trucks, Farm tractors (when pulling and hauling), Fork lift trucks (in storage areas and warehouses)

Class 6: Single-axle Ready-mixed Concrete trucks (such as agitators, barrel, redi-mix Concrete trucks, etc.)

Class 7: Trucks with dolly or trailer

REMAINING COUNTIES

PA-5-PEO-2-3-G

HEAVY AND HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
CLASS I	$8.59	.50	.50		.09	
CLASS II	8.31	.50	.50		.09	
CLASS III	5.97	.50	.50		.09	
CLASS IV	5.48	.50	.50		.09	
CLASS V	5.37	.50	.50			

REMAINING COUNTIES

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

CLASS I: Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhow - 360 Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick, Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard-Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Guage) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (self contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar Whirley, Scrapers, and Dozer, D-8 or larger

CLASS II: Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd.) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180 Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (S.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy,) Job Work Boat (Powered) Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator

CLASS III: Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal

CLASS IV: Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader Concrete Mixer (1 cy. and under with Skip Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material Hauling only) Fork-lift (Ridden or self-propelled) Form line Machine, Generator, Crout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tile Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (When hoistind and placing)

CLASS V: Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helpers, Oiler, Power Broom, Side Delivery Shoulder Spreader

V 574 RPA XUM 69104 V

SUPERSEDEAS DECISION

STATE: Pennsylvania
DECISION NO.: 75-PA-3029
Supersedes Decision No. AQ-2058, dated March 8, 1974, in 39 FR 9410.
DESCRIPTION OF WORK: Heavy and Highway Construction.

COUNTIES: Armstrong, Blair, Cameron, Centre, Clarion, Clearfield, Crawford, Forest, Greene, Indiana, McKean, Venango, & Warren

DATE: Date of Publication

PA--42-Lab-2-3-A

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Carpenters:					
Armstrong & Greene Counties	$8.85	7½%	7%		
Remaining Counties	8.51	7½%	7%		
Carpenter-Welders:					
Armstrong & Greene Counties	9.20	7½%	7%		
Remaining Counties	8.86	7½%	7%		
Cement Masons	7.525	.4515	.75+.4515		
Piledrivermen	8.79	5%	7%		
LABORERS:					
(Heavy & Highway Construction)					
Class 1	6.76	.40	.40		
Class 2	6.98	.40	.40		
Class 3	7.29	.40	.40		
Class 4	7.41	.40	.40		
Class 5	7.60	.40	.40		
Class 6	8.75	.40	.40		
Class 7	6.74	.40	.40		
Class 8	6.98	.40	.40		
Class 9	7.29	.40	.40		
Class 10	7.41	.40	.40		
Class 11	7.60	.40	.40		

LABORERS

Class 1: Construction Laborer (including tenders handling Salamanders, L.P. gas heaters or similar, etc.), Air or electric Impactor Wrench, Air Tamper Operator, Asphalt Tampers, Batchelorman (welch), Blaster's Helper, Blower Man (bulk cement), Brakeman, Coffer Dam, Concrete Pitman, Puddler including Vibrator Operator, Drill Runner's Helper (includes drill mounted on truck, track or similar and Davey drills (spots - clean-up and helps to maintain), Fence Construction, Power Stripper and Mover, Hydro-jet Blaster Nozzlemen, Manually moved Emulsion Sprayer, Radio actuated traffic control operator (non-automatic), Rip Rap work, Scaffolds and runways (as per agreement of record), Sheeters and Shorers, Structural Concrete Top Surfacer, Walk Behind Street Sweeper, Welder's Helper (pipeline), Wood Chipper

Class 2: Asphalt, Batch and Concrete Plant Operator (manually operated), Asphalt Rakers, Burner, Caisson Men (open air), Carryable Pumps, Chain Saw Operator, Chipping Hammer or similar (air or otherwise), Combination Tamper and Vibrator, Concrete Buster (paving breaker), Cribbing (concrete or steel), Curb Machine Operator (asphalt and concrete)(walk behind), Earth Drill, Fork Lift (walk behind), Form Setter (road forms line man), Handyman, Highway Slab Reinforcement Placers (including joint and basket setter), Hydraulic Pipe Pusher, Jack Hammer Operator, Liner Plates (tile or vitrified clay), Manually operated Diamond Head Core Drill, Mechanical Joint Sealer, Dope Pot, and Tar Kettle, Mortar Mixer (hand or machine), Pin Drivers or Puller (power-highway), Pipe Layers, Plant set-up, Maintenance Men, Portable single unit Conveyor, Post Hole Auger (2 or 4 cycle)(hand operated), Power Fence Operator, Power Wheelbarrows and Buggies, Rail Porter, or similar, Screed Operator, Signal Man, Whacker, All Railroad Track Work: Adzing Machine, Ballast Router, Bolting Machine, Power Jacks, Rail Drills, Railroad Brakemen, Rail Saws, Spike Drivers, Spike Pullers, Tamping Machine

Class 3: Cement Mortar Lining Car Pusher, Cement Mortar Mixer (pipe relining), Cement Saw Operator (walk behind), Form Setter (road forms-lead man), Grout Machine Operator, Gunnite (nozzle and machine man), Paving Block Rammers, Wagon Drill (air track or similar) Operators, Walk Behind Power Rollers (1 or 2 barral), Walk Behind Roller and Tamper, Walk Behind Ditching Machine (trencher or similar)

Class 4: Blacksmith, Blaster, Brick and Block Pavers (wood, belgain and asphalt), Curb Cutters and Setters, Manhole or Catch Basin Builder (brick, block, concrete or any prefabrication)

Class 5: Multi-plate Pipe (aligning and securing) Placing Wire Mesh on Gunite projects, Reinforcing steel placers (bending, aligning and securing), Welder, elevated roadway drainage

Class 6: Welder (pipeline)

Class 7: Tunnel and Shaft Work (Inside); Change House Attendent

Class 8: Muckers, Brakemen and all other labor (includes installation of utility lines), Signal Man, Drill Runner Helper

Class 9: Miners and Drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment and jumbos)

Class 10: Caisson and Tunnel Men under pressure (0-18 pounds)

Class 11: Reinforcing steel placers (bending, aligning and securing)

COUNTIES: Armstrong, Blair, Centre, Crawford, Greene, Indiana, McKean, Venango & Warren

PA-2-PEO-2-3-J

HEAVY AND HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASS I	$8.88	.50	.50		.09	
CLASS II	8.62	.50	.50		.09	
CLASS III	6.26	.50	.50		.09	
CLASS IV	5.81	.50	.50		.09	
CLASS V	5.66	.50	.50		.09	

COUNTIES: Armstrong, Blair, Centre, Crawford, Greene, Indiana, McKean, Venango & Warren

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

CLASS I: Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhow - 360 Swing, Cableway, Caiseon Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick, Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Guage) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (self contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar Whirley, Scrapers, and Dozer, D-8 or larger

CLASS II: Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd.) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180 Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy.) Job Work Boar (Powered) Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator

CLASS III: Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal

CLASS IV: Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader Concrete Mixer (1 cy. and under with Skip Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material Hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Crout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boar (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tile Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (When hoistind and placing)

CLASS V: Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helpers, Oiler, Power Broom, Side Delivery Shoulder Spreader

V 574 RDA XUM 6104 V

COUNTIES: Armstrong, Blair, Centre, Crawford, Greene, Indiana McKean, Venango & Warren

PA-2-TD-23-C

TRUCK DRIVERS (Heavy and Highway Construction)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Class 1	$6.40	7.3%	4.2%		
Class 2	6.55	7.3%	4.2%		
Class 3	6.64	7.3%	4.2%		
Class 4	6.73	7.3%	4.2%		
Class 5	6.71	7.3%	4.2%		
Class 6	6.46	7.3%	4.2%		
Class 7	6.50	7.3%	4.2%		

COUNTIES: Armstrong, Blair, Centre, Crawford, Greene, Indiana, McKean, Venango & Warren

TRUCK DRIVERS

Class 1: Truck under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pickup and similar equipment, parts man and warehousemen)

Class 2: Trucks over 33,000 lbs. gross load catergory (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease), Ready-mix Concrete trucks with towed or built-in attachments (10c per hour additional to respective size truck, Tar and asphalt distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.) Tandem-axle Ready-mixed Concrete trucks (such as agitators, barrel, redi-mix concrate trucks, etc.)

Class 3: Tri-axle trucks, Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 feet width (such as euclids; end or belly dump, single twin-engined or tandem: Athey wagon: Pay loader, Tournewagons, and similer equipment when not self-loaded rated under forty-five tons), (Tri-axle Ready-Mixed Concrete trucks (such as agitators, barrel, redi-mix concrete trucks, etc.). Tar and asphalt trailer trucks

Class 4: Heavy off-the-road equipment (rated at forty-five tons or over), bottom or belly-dump trucks

Class 5: Heavy duty trailer, such as low boy, Hi-boy, Pole trailer, A-Frames (when used for transporting materials), Dumpsters, Ross Carriers, Form trucks, Dual-purpose trucks (when load has been loaded or unloaded with truck, winch, loading, hauling and unloading), Mechanical tailgate trucks, Bucket self-loading trucks, Farm tractors (when pulling and hauling), Pork lift trucks (in storage areas and warehouses)

Class 6: Single-axle Ready-mixed Concrete trucks (such as agitators, barrel, redi-mix Concrete trucks, etc.)

Class 7: Trucks with dolly or trailer

COUNTIES: Cameron, Clarion, Clearfield & Forest

PA-5-PEO-2-3-C

HEAVY AND HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
CLASS I	$8.59	.50	.50		.09	
CLASS II	8.31	.50	.50		.09	
CLASS III	5.97	.50	.50		.09	
CLASS IV	5.48	.50	.50		.09	
CLASS V	5.37	.50	.50			

COUNTIES: Cameron, Clarion, Clearfield & Forest

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

CLASS I: Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhow - 360 Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick, Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Guage) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (self contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar Whirley, Scrapers, and Dozer, D-8 or larger

CLASS II: Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd.) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180 Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (S.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy.) Job Work Boat (Powered) Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator

CLASS III: Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal

CLASS IV: Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader Concrete Mixer (1 cy. and under with Skip Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material Hauling only) Fork-lift (Ridden or self-propelled) Form line Machine, Generator, Crout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tile Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (When hoistind and placing)

CLASS V: Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helpers, Oiler, Power Broom, Side Delivery Shoulder Spreader

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COUNTIES: Cameron, Clarion, Clearfield & Forest

PA-5-Td--2--3-A

TRUCK DRIVERS (Heavy and Highway Construction)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Class 1	$6.15	7.3%	4.2%		
Class 2	6.35	7.3%	4.2%		
Class 3	6.46	7.3%	4.2%		
Class 4	6.55	7.3%	4.2%		
Class 5	6.51	7.3%	4.2%		
Class 6	6.20	7.3%	4.2%		
Class 7	6.31	7.3%	4.2%		

COUNTIES: Cameron, Clarion, Clearfield & Forest

TRUCK DRIVERS

Class 1: Truck under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pickup and similar equipment, parts man and warehousemen)

Class 2: Trucks over 33,000 lbs. gross load catergory (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease), Ready-mix Concrete trucks with towed or built-in attachments (10c per hour additional to respective size truck, Tar and asphalt distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.) Tandem-axle Ready-mixed Concrete trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)

Class 3: Tri-axle trucks, Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 feet width (such as euclids: end or belly dump, single twin-engined or tandem: Athey wagon: Pay loader, Tournawagons, and similar equipment when not self-loaded rated under forty-five tons), (Tri-axle Ready-Mixed Concrete trucks (such as agitators, barrel, redi-mix concrete trucks, etc.), Tar and asphalt trailer trucks

Class 4: Heavy off-the-road equipment (rated at forty-five tons or over), bottom or belly-dump trucks

Class 5: Heavy duty trailer, such as low boy, Hi-boy, Pole trailer, A-Frames (when used for transporting materials), Dumpsters, Ross Carriers, Form trucks, Dual-purpose trucks (when load has been loaded or unloaded with truck, winch, loading, hauling and unloading), Mechanical tailgate trucks, Bucket self-loading trucks, Farm tractors (when pulling and hauling), Fork lift trucks (in storage areas and warehouses)

Class 6: Single-axle Ready-mixed Concrete trucks (such as agitators, barrel, redi-mix Concrete trucks, etc.)

Class 7: Trucks with dolly or trailer

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTIES: Butler, Cambria, Erie, Fayette, Mercer, Washington, Westmoreland, Lawrence & Mercer
DECISION NO.: 75-PA-3030
DATE: Date of Publication
Supersedes Decision No. AQ-2062, dated February 15, 1974, 39 FR 6011.
Description of work: Heavy & Highway Construction.

PA-26--Lab-2--3-A

Heavy & Highway Construction:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Carpenters (Counties)					
Butler, Washington, Westmoreland, Fayette, Erie, Lawrence, Mercer	$8.85	7¾%	7%		
Cambria & Somerset	8.51	7¾%	7%		
Carpenter-welder (Counties)					
Butler, Washington, Westmoreland, Fayette, Erie, Lawrence & Mercer	9.20	7¾%	7%		
Cambria & Somerset	8.86	7¾%	7%		
Cement Masons	7.525	.4515	.75% + .4515		
Piledrivermen	8.79	5%	5% 7%		
Ironworkers	6.925	.785	.775		
Butler, Fayette, Lawrence, Mercer, Washington & Westmoreland					
Landscape Laborers	4.85	.30	.30		
Skilled Landscape Laborer	5.00	.30	.30		
Cambria, Erie & Somerset					
Landscape Laborers	4.75	.30	.30		
Skilled Landscape Laborers	4.90	.30	.30		
LABORERS					
Heavy & Highway Construction					
Class 1	6.91	.40	.40		
Class 2	7.10	.40	.40		
Class 3	7.41	.40	.40		
Class 4	7.33	.40	.40		
Class 5	7.60	.40	.40		
Class 6	8.75	.40	.40		
Class 7	6.91	.40	.40		
Class 8	7.15	.40	.40		
Class 9	7.41	.40	.40		
Class 10	7.53	.40	.40		
Class 11	7.60	.40	.40		

LABORERS

Class 1: Construction Laborer (including tenders handling Salamanders, L.P. gas heaters or similar, etc.), Air or electric Impactor Wrench, Air Tamper Operator, Asphalt Tampers, Batchman (weigh), Blaster's Helper, Blower Man (bulk cement), Brakeman, Coffer Dam, Concrete Pitman, Puddler including Vibrator Operator, Drill Runner's Helper (includes drill mounted on truck, track or similar and Davey drills (spots - clean-up and helps to maintain), Fence Construction, Form Stripper and Mover, Hydro-jet Blaster Nozzlemen, Manually moved Emulsion Sprayer, Radio activated traffic control operator (non-automatic), Rip Rap work, Scaffolds and runways (as per agreement of record), Sheeters and Shorers, Structural Concrete Top Surfacer, Walk Behind Street Sweeper, Welder's Helper (pipeline), Wood Chipper

Class 2: Asphalt, Batch and Concrete Plant Operator (manually operated), Asphalt Rakers, Burner, Caisson Men (open air), Carryable Pumps, Chain Saw Operator, Chipping Hammer or similar (air or otherwise), Combination Tamper and Vibrator, Concrete Buster (paving breaker), Cribbing (concrete or steel), Curb Machine Operator (asphalt and concrete)(walk behind), Earth Drill, Fork Lift (walk behind), Form Setter (road forms line man), Handyman, Highway Slab Reinforcement Placers (including joint and basket setter), Hydraulic Pipe Pusher, Jack Hammer Operator, Liner Plates (tile or vitrified clay), Manually operated Diamond Head Core Drill, Mechanical Joint Sealer, Dope Pot, and Tar Kettle, Mortar Mixer (hand or machine), Pin Drivers or Puller (power-highway), Pipe Layers, Plant set-up, Maintenance Men, Portable single unit Conveyor, Post Hole Auger (2 or 4 cycle)(hand operated), Power Fence Operator, Power Wheelbarrows and Buggies, Rail Porter, or similar, Screed Operator, Signal Man, Whacker, All Railroad Track Work: Adzing Machine, Ballast Router, Bolting Machine, Power Jacks, Rail Drills, Railroad Brakemen, Rail Saws, Spike Drivers, Spike Pullers, Tamping Machine

Class 3: Cement Mortar Lining Car Pusher, Cement Mortar Mixer (pipe relining), Cement Saw Operator (walk behind), Form Setter (road forms-lead man), Grout Machine Operator, Gunnite (nozzle and machine man), Paving Block Rammers, Wagon Drill (air track or similar) Operators, Walk Behind Power Rollers (1 or 2 barrel), Walk Behind Roller and Tamper, Walk Behind Ditching Machine (trencher or similar)

Class 4: Blacksmith, Blaster, Brick and Block Pavers (wood, belgain and asphalt), Curb Cutters and Setters, Manhole or Catch Basin Builder (brick, block, concrete or any prefabrication)

Class 5: Multi-plate Pipe (aligning and securing) Placing Wire Mesh on Gunite projects, Reinforcing steel placers (bending, aligning and securing), Welder, elevated roadway drainage

Class 6: Welder (pipeline)

Class 7: Tunnel and Shaft Work (Inside): Change House Attendent

Class 8: Muckers, Brakemen and all other labor (includes installation of utility lines), Signal Man, Drill Runner Helper

Class 9: Miners and Drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment and jumbos)

Class 10: Caisson and Tunnel Men under pressure (0-18 pounds)

Class 11: Reinforcing steel placers (bending, aligning and securing)

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PA-2-TO-23-G

TRUCK DRIVERS (Heavy and Highway Construction)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Class 1	$6.40	7.3%	4.2%		
Class 2	6.55	7.3%	4.2%		
Class 3	6.64	7.3%	4.2%		
Class 4	6.73	7.3%	4.2%		
Class 5	6.71	7.3%	4.2%		
Class 6	6.46	7.3%	4.2%		
Class 7	6.50	7.3%	4.2%		

TRUCK DRIVERS

Class 1: Truck under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pickup and similar equipment, parts man and warehousemen)

Class 2: Trucks over 33,000 lbs. gross load catergory (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease), Ready-mix Concrete trucks with towed or built-in attachments (10c per hour additional to respective size truck, Tar and asphalt distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.) Tandem-axle Ready-mixed Concrete trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)

Class 3: Tri-axle trucks, Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 feet width (such as euclids: and or belly dump, single twin-engined or tandem: Athey wagon: Pay loader, Tournawagons, and similar equipment when not self-loaded rated under forty-five tons), (Tri-axle Ready-Mixed Concrete trucks (such as agitators, barrel, redi-mix concrete trucks, etc.), Tar and asphalt trailer trucks

Class 4: Heavy off-the-road equipment (rated at forty-five tons or over), bottom or belly-dump trucks

Class 5: Heavy duty trailer, such as low boy, Hi-boy, Pole trailer, A-Frames (when used for transporting materials), Dumpsters, Rosa Carriers, Form trucks, Dual-purpose trucks (when load has been loaded or unloaded with truck, winch, loading, hauling and unloading), Mechanical tailgate trucks, Bucket self-loading trucks, Farm tractors (when pulling and hauling), Fork lift trucks (in storage areas and warehouses)

Class 6: Single-axle Ready-mixed Concrete trucks (such as agitators, barrel, redi-mix Concrete trucks, etc.)

Class 7: Trucks with dolly or trailer

PA-2-PEO-2-3-J

HEAVY AND HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
CLASS I	$8.88	.50	.50		.09	
CLASS II	8.62	.50	.50		.09	
CLASS III	6.26	.50	.50		.09	
CLASS IV	5.81	.50	.50		.09	
CLASS V	5.66	.50	.50		.09	

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

CLASS I: Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhow - 360 Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick, Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Guage) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (self contained) Quad-Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar Whirley, Scrapers, and Dozer, D-8 or larger

CLASS II: Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd.) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180 Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (S.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy.) Job Work Boat (Powered) Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Rosa Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator

CLASS III: Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal

CLASS IV: Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader Concrete Mixer (1 cy. and under with Skip Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material Hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Crout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tile Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (When hoistind and placing).

CLASS V: Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helpers, Oiler, Power Broom, Side Delivery Shoulder Spreader

15326 NOTICES 15324
15327 NOTICES 15325

SUPERSEDEAS DECISION

STATE: South Dakota COUNTY: Minnehaha
DECISION NUMBER: SD75-5043 DATE: Date of Publication
Supersedes Decision No. AR-1056 dated December 20, 1974, in 39 FR 44190
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.53	.35	.40		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons	7.50	.23	.30	.50	
CARPENTERS:					
Carpenters, Piledrivermen	7.51		.20		.05
Millwrights	8.47		.20		.05
CEMENT MASONS	8.40				
ELECTRICIANS:					
0 miles through 30 miles from Sioux Falls Post Office					
Electricians	8.17	.30	1%	6%	1½%
Cable Splicers	8.99	.30	1%	6%	1½%
Over 30 miles from Sioux Falls Post Office					
Electricians	8.77	.30	1%	6%	1½%
Cable Splicers	9.59	.30	1%	6%	1½%
ELEVATOR CONSTRUCTORS	9.18	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	5.79				
LABORERS:					
Laborers	4.35				
Mortar mixers, Paving breakers, Jack hammer operator	4.45				
Nozzleman (gunite, sandblast and shotcrete)	4.60				
LATHERS	6.83				.01
PAINTERS:					
Brush	6.07				
Spray	6.57				
Tapers	6.32				
PLASTERERS	7.53				.01

Page 2

DECISION NO. SD75-5043

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS; Steamfitters	8.365	.32	.15	.17	.03
SHEET METAL WORKERS	7.92		.15	.35	
SPRINKLER FITTERS	7.85	.50	.70		.08
WELDER: Receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

SUPERSEDEAS DECISION

STATE: South Dakota COUNTIES: Meade and Pennington
DECISION NUMBER: SD75-5044 DATE: Date of Publication
Supersedes Decision No. AR-1027 dated August 30, 1974, in 39 FR 3186
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.53	.35	.40		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons	7.60				
CARPENTERS:					
Carpenters, Acoustical and Drywall Applicators	7.71		.30		.05
Piledrivermen	8.21		.30		.05
Millwrights	7.96		.30		.05
CEMENT MASONS	6.175	.20			
ELECTRICIANS:					
Within 15 miles radius of Rapid City Post Office					
Electricians	7.85	.30	1%	6%	1½%
Cable Splicers	8.40	.30	1%	6%	1½%
Outside of 15 miles radius of Rapid City Post Office					
Electricians	8.25	.30	1%	6%	1½%
Cable Splicers	8.80	.30	1%	6%	1½%
ELEVATOR CONSTRUCTORS	9.18	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
IRONWORKERS:					
Fence Erectors; Ornamental; Reinforcing; Sheater; Structural	7.10	.40	.65		.10
LABORERS:					
Laborers	3.96	.20	.05		
Power Tool Operator or all Mechanical Air, Gas, Electrical Tools, including self-propelled Buggies, Wagon and Air Track Drills; Pipe Layer (non-metallic); Sandblasting; Mortar Mixer; Mason Tender; Plaster Tender	4.21	.20	.05		
Gunnite Nozzlemen; Powdermen; Miner; Timberman	4.46	.20	.05		
PAINTERS:					
Brush	5.25				.005
Drywall Finishers and Tapers	5.40				.005
All painting over 30 ft.; Paint Mitt; Sandblasting; Spray Steel (structural); Swing Stage; Windowjack	5.75				.005

Page 2

DECISION NO. SD75-5044

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLASTERERS	$6.55				
PLUMBERS; Steamfitters	7.74	.30	.20		.03
SHEET METAL WORKERS	7.64				.005
SPRINKLER FITTERS	7.85	.50	.70		.08
RIGGERS; WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.					

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through P.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Docket Clerk Holloway

[FR Doc.75-8522 Filed 4-3-75;8:45 am]

XUM 574 RBA 69104

INDEX TO GENERAL WAGE DETERMINATION DECISIONS AND MODIFICATIONS AS OF MARCH 7, 1975

There is set forth below an index to general wage determination decisions and modifications as published in the FEDERAL REGISTER pursuant to the Davis-Bacon and related Acts. The index lists general wage determination decisions and modifications by State and county. An updated index is published on the first Friday of each month.

The index is published for the convenience of the public and the Department of Labor will endeavor to keep it accurate and up to date. In the event the data in the index and published general decisions do not coincide, the published general decisions shall control.

ALABAMA

STATEWIDE
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
Decision #AQ-4088 (Hw)(Excluding Airport Construction)
39 FR 10085 - 3/15/74
Mod. #1 - 40 FR 2373 - 1/10/75
AUTAUGA COUNTY
(D) - See Statewide
(Hw) - See Statewide
BALDWIN COUNTY
Decision #AQ-4060 (R)
39 FR 3374 - 1/25/74
Mod. #1 - 40 FR 7773 - 2/21/75
(Hw) - See Statewide
BARBOUR COUNTY
(D) - See Statewide
(Hw) - See Statewide
BIBB COUNTY
(D) - See Statewide
(Hw) - See Statewide
BLOUNT COUNTY
Decision #AM-448 (R)
36 FR 16359 - 8/20/71
Mod. #1 - 40 FR 7773 - 2/21/75
(D) - See Statewide
(Hw) - See Statewide
BULLOCK COUNTY
(D) - See Statewide
(Hw) - See Statewide
BUTLER COUNTY
(D) - See Statewide
(Hw) - See Statewide
CALHOUN COUNTY
(Hw) - See Statewide
(D) - See Statewide
CHAMBERS COUNTY
(D) - See Statewide
(Hw) - See Statewide
CHEROKEE COUNTY
(D) - See Statewide
(Hw) - See Statewide
CHILTON COUNTY
(D) - See Statewide
(Hw) - See Statewide
CHOCTAW COUNTY
(D) - See Statewide
(Hw) - See Statewide
CLARK COUNTY
(D) - See Statewide
(Hw) - See Statewide

ALABAMA (Cont'd.

CLAY COUNTY
(D) - See Statewide
(Hw) - See Statewide
CLEBURNE COUNTY
(D) - See Statewide
(Hw) - See Statewide
COFFEE COUNTY
(D) - See Statewide
(Hw) - See Statewide
COLBERT COUNTY
Decision #AL75-1022 (B)
40 FR 6912 - 2/14/75
Mod. #1 - 40 FR 8693 - 2/28/75
(D) - See Statewide
(Hw) - See Statewide
CONECUH COUNTY
(D) - See Statewide
(Hw) - See Statewide
(R) - See Baldwin County
COOSA COUNTY
(D) - See Statewide
(Hw) - See Statewide
COVINGTON COUNTY
(D) - See Statewide
(Hw) - See Statewide
CRENSHAW COUNTY
(D) - See Statewide
(Hw) - See Statewide
CULLMAN COUNTY
(D) - See Statewide
(Hw) - See Statewide
DALE COUNTY
(D) - See Statewide
(Hw) - See Statewide
DALLAS COUNTY
(D) - See Statewide
(Hw) - See Statewide
DE KALB COUNTY
(D) - See Statewide
(Hw) - See Statewide
ELMORE COUNTY
(D) - See Statewide
(Hw) - See Statewide
ESCAMBIA COUNTY
(D) - See Statewide
(Hw) - See Statewide
ETOWAH COUNTY
(D) - See Statewide
(Hw) - See Statewide

ABBREVIATIONS

(B)—Building Construction.
(D)—Dredging Construction.
(F)—Flood Control Construction.
(H)—Heavy Construction.
(Hw)—Highway Construction.
(R)—Residential Construction.
Mod.—Modification.
(HE)—Heavy Engineering.

ALABAMA (Cont'd.

FAYETTE COUNTY
(D) - See Statewide
(Hw) - See Statewide
FRANKLIN COUNTY
(D) - See Statewide
(Hw) - See Statewide
GENEVA COUNTY
(D) - See Statewide
(Hw) - See Statewide
GREENE COUNTY
(D) - See Statewide
(Hw) - See Statewide
HALE COUNTY
(D) - See Statewide
(Hw) - See Statewide
HENRY COUNTY
(D) - See Statewide
(Hw) - See Statewide
HOUSTON COUNTY
(D) - See Statewide
(Hw) - See Statewide
JACKSON COUNTY
(D) - See Statewide
(Hw) - See Statewide
JEFFERSON COUNTY
Decision #AR-4043 (B)
39 FR 35918 - 10/4/74
Mod. #1 - 39 FR 41655 - 11/29/74
Mod. #2 - 39 FR 42804 - 12/6/74
Mod. #3 - 40 FR 2373 - 1/10/75
Mod. #4 - 40 FR 6899 - 2/14/75
(D) - See Statewide
(R) - See Blount County
(Hw) - See Statewide
LAMAR COUNTY
(D) - See Statewide
(Hw) - See Statewide
LAUDERDALE COUNTY
(B) - See Colbert County
(D) - See Statewide
(Hw) - See Statewide
LAWRENCE COUNTY
Decision #AL75-1027 (B)
40 FR 8701 - 2/28/75
(D) - See Statewide
(Hw) - See Statewide
LEE COUNTY
(D) - See Statewide
(Hw) - See Statewide
LIMESTONE COUNTY
(B) - See Lawrence County
(D) - See Statewide
(Hw) - See Statewide

(LE)—Light Engineering.
(U)—Utility.
(S&W)—Sewer and Water.

Signed at Washington, D.C., this 28th day of March 1975.

RAY J. DOLAN,
Assistant Administrator
Wage and Hour Division.

ALABAMA (cont'd)

LOWNDES COUNTY
(D) - See Statewide
(Hw) - See Statewide
MACON COUNTY
(D) - See Statewide
(Hw) - See Statewide
MADISON COUNTY
Decision #AL75-1028 (B)
40 FR 8703 - 2/28/75
(D) - See Statewide
(Hw) - See Statewide
MARENGO COUNTY
(D) - See Statewide
(Hw) - See Statewide
MARION COUNTY
(D) - See Statewide
(Hw) - See Statewide
MARSHALL COUNTY
(D) - See Statewide
(Hw) - See Statewide
MOBILE COUNTY
Decision #AL75-1023 (B)
40 FR 6913 - 2/14/75
(Hw) - See Statewide
(D) - See Statewide
(R) - See Baldwin County
MONROE COUNTY
(D) - See Statewide
(Hw) - See Statewide
MONTGOMERY COUNTY
Decision #AP-184 (B)
38 FR 11244 - 5/4/73
Mod. #1 - 38 FR 13103 - 5/18/73
Mod. #2 - 39 FR 24781 - 7/5/74
Mod. #3 - 39 FR 36709 - 10/11/74
Decision #AQ-4082 (R)
39 FR 8100 - 3/1/74
Mod. #1 - 40 FR 7773 - 2/21/75
(D) - See Statewide
(Hw) - See Statewide
MORGAN COUNTY
(B) - See Lawrence County
(D) - See Statewide
(Hw) - See Statewide
PERRY COUNTY
(D) - See Statewide
(Hw) - See Statewide
PICKENS COUNTY
(D) - See Statewide
(Hw) - See Statewide

ALABAMA (Cont'd)

PIKE COUNTY
(D) - See Statewide
(Hw) - See Statewide
RANDOLPH COUNTY
(D) - See Statewide
(Hw) - See Statewide
RUSSELL COUNTY
(D) - See Statewide
(Hw) - See Statewide
SAINT CLAIR COUNTY
(D) - See Statewide
(Hw) - See Statewide
(R) - See Blount County
SHELBY COUNTY
(D) - See Statewide
(Hw) - See Statewide
(R) - See Blount County
SUMTER COUNTY
(D) - See Statewide
(Hw) - See Statewide
TALLADEGA COUNTY
(D) - See Statewide
(Hw) - See Statewide
(R) - See Blount County
TALLAPOOSA COUNTY
(D) - See Statewide
(Hw) - See Statewide
TUSCALOOSA COUNTY
Decision #AQ-4125 (B)
39 FR 20911 - 6/14/74
Mod. #1 - 39 FR 33147 - 9/13/74
Mod. #2 - 39 FR 41655 - 11/29/74
Mod. #3 - 40 FR 2373 - 1/10/75
Mod. #4 - 40 FR 6899 - 2/14/75
(D) - See Statewide
(Hw) - See Statewide
WALKER COUNTY
(D) - See Statewide
(Hw) - See Statewide
WASHINGTON COUNTY
(D) - See Statewide
(Hw) - See Statewide
(R) - See Baldwin County
WILCOX COUNTY
(D) - See Statewide
(Hw) - See Statewide
WINSTON COUNTY
(D) - See Statewide
(Hw) - See Statewide

ALASKA

STATEWIDE
Decision #AK75-5033 (B,H,Hw,R)
40 FR 10885 - 3/7/75

ARIZONA

STATEWIDE
Decision #AR-1008 (B,H,Hw)
39 FR 28773 - 8/9/74
Mod. #1 - 39 FR 33147 - 9/13/74
Mod. #2 - 39 FR 35903 - 10/4/74
Mod. #3 - 40 FR 2374 - 1/10/75
Mod. #4 - 40 FR 3081 - 1/17/75
Mod. #5 - 40 FR 6899 - 2/14/75
APACHE COUNTY
Decision #AZ75-5003 (R)
(Navajo and Hopi Indian Reservations in Apache, Coconino and Navajo Cos.
40 FR 3868 - 1/24/75
(B,H,Hw) - See Statewide
COCHISE COUNTY
(B,H,Hw) - See Statewide
COCONINO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
GILA COUNTY
(B,H,Hw) - See Statewide
GRAHAM COUNTY
(B,H,Hw) - See Statewide
GREENLEE COUNTY
(B,H,Hw) - See Statewide
MARICOPA COUNTY
(B,H,Hw) - See Statewide
Decision #AR-1009 (R)
39 FR 28781 - 8/9/74
Mod. #1 - 39 FR 31772 - 8/30/74
Mod. #2 - 39 FR 33148 - 9/13/74
Mod. #3 - 40 FR 2374 - 1/10/75
Mod. #4 - 40 FR 6899 - 2/14/75
Mod. #5 - 40 FR 7773 - 2/21/75
MOHAVE COUNTY
(B,H,Hw) - See Statewide
NAVAJO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
PIMA COUNTY
Decision #AR-1010 (R)
39 FR 28787 - 8/9/74
Mod. #1 - 39 FR 33148 - 9/13/74
Mod. #2 - 39 FR 2375 - 1/10/75
Mod. #3 - 40 FR 6900 - 2/14/75
PINAL COUNTY
(B,H,Hw) - See Statewide
SANTA CRUZ COUNTY
(B,H,Hw) - See Statewide
YAVAPAI COUNTY
(B,H,Hw) - See Statewide
YUMA COUNTY
(B,H,Hw) - See Statewide

ARKANSAS

STATEWIDE
Decision #AR-71 (Construction, Alteration, and/or repair of streets, highways, runways, and Water & Sewer Utilities)
39 FR 40409 - 11/15/74
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
ARKANSAS COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
Decision #AR75-5032 (F)
40 FR 8707 - 2/28/75
ASHLEY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
BAXTER COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
BENTON COUNTY
(H,Hw) - See Statewide
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BOONE COUNTY
(H,Hw) - See Statewide
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BRADLEY COUNTY
(H,Hw) - See Statewide
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CALHOUN COUNTY
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CARROLL COUNTY
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CHICOT COUNTY
(H,Hw) - See Statewide
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ARKANSAS (CONT'D

CLARK COUNTY
(H,Hw) (D) - See Statewide
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CLAY COUNTY
(H,Hw) - See Statewide
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CLEBURNE COUNTY
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CLEVELAND COUNTY
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COLUMBIA COUNTY
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CONWAY COUNTY
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CRAIGHEAD COUNTY
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CRAWFORD COUNTY
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CRITTENDEN COUNTY
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(D) - See Statewide
(F) - See Arkansas County
CROSS COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
DALLAS COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
DESHA COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

V 574 RRA XUM V 4019

ARKANSAS (Cont'd)

DREW COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
FAULKNER COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
FRANKLIN COUNTY
(H,Hw) - See Statewide
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FULTON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
GARLAND COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
GRANT COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
GREENE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
HEMPSTEAD COUNTY
(H,Hw) - See Statewide
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(F) - See Arkansas County
HOT SPRING COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
HOWARD COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
INDEPENDENCE COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County
IZARD COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.)

JACKSON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
JEFFERSON COUNTY
(H,Hw,U) - See Statewide
(F) - See Arkansas County
JOHNSON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LAFAYETTE COUNTY
(H,Hw) - See statewide
(D) - See Statewide
(F) - See Arkansas County
LAWRENCE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LEE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LINCOLN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LITTLE RIVER COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LOGAN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LENOKE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MADISON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MARION COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

MILLER COUNTY
(H,Hw) - See Statewide
(D) - see Statewide
(F) - See Arkansas County
MISSISSIPPI COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MONROE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MONTGOMERY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
NEVADA COUNTY
(D) - See Statewide
(H,Hw) - See Statewide
(F) - See Arkansas County
NEWTON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - Arkansas County
OUACHITA COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PERRY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PHILLIPS COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PIKE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
POINSETT COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
POLK COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

POPE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PRAIRIE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PULASKI COUNTY
(H,Hw,U) - See Statewide
(F) - See Arkansas County
Decision #AR75-405B (B)
40 FR 8704 - 2/28/75
Decision #AR75-4018 (R)
40 FR 3089 - 1/17/75
RANDOLPH COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
ST. FRANCIS COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SALINE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SCOTT COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SEARCY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SEBASTIAN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
SEVIER COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SHARP COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

STONE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
UNION COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
Decision #AR75-4019 (B)
40 FR 3090 - 1/17/75
Mod. #1 - 40 FR 6900 - 2/14/75
VAN BUREN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
WASHINGTON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
WHITE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
WOODRUFF COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
YELL COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

CALIFORNIA

ALAMEDA COUNTY
Decision #CA75-5015 (B,H,Hw,D)
40 FR 5989 - 2/7/75
Decision #5016 (R)
40 FR 6005 - 2/7/75
ALPINE COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
AMADOR COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
BUTTE COUNTY
(B,H,Hw,D) - Alameda County
CALAVERAS COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
COLUSA COUNTY
(B,H,Hw,D) - See Alameda County
CONTRA COSTA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
DEL NORET COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
ELDORADO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
FRESNO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
GLENN COUNTY
(B,H,Hw,D) - See Alameda County
HUMBOLDT COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
IMPERIAL COUNTY
Decision #CA75-5022 (B,D,H,Hw)
40 FR 8707 - 2/28/75
Decision #CA75-5023 (R)
40 FR 8717 - 2/28/75
INYO COUNTY
(B,H,Hw,D) - See Imperial County
KERN COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County

CALIFORNIA (Cont'd)

KING COUNTY
(B,H,Hw,D) - See Alameda County
LAKE COUNTY
(B,H,Hw,D) - See Alameda County
LASSEN COUNTY
(B,H,Hw,D) - See Alameda County
LOS ANGELES COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
MADERA COUNTY
(B,H,Hw,D) - See Alameda County
MARIN COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
MARIPOSA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
MENDOCINO COUNTY
(B,H,Hw, D) - See Alameda County
MERCED COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
MODOC COUNTY
(B,H,Hw,D) - See Alameda County
MONO COUNTY
(B,H,Hw,D) - See Imperial County
MONTEREY COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
NAPA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
NEVADA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
ORANGE COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
PLACER COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
PLUMAS COUNTY
(B,H,Hw,D) - See Alameda County
RIVERSIDE COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SACRAMENTO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN BENITO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN BERNARDINO COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SAN DIEGO COUNTY
Decision #CA75-5020 (B,H,Hw,D)
40 FR 6916 - 2/14/75
Mod. #1 - 40 FR 10871 - 3/7/75

CALIFORNIA (Cont'd.)

SAN DIEGO COUNTY (Cont'd.)
Decision #CA75-5021 (R)
40 FR 6922 - 2/14/75
Mod. #1 - 40 FR 10871 - 3/7/75
SAN FRANCISCO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN JOAQUIN COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN LUIS OBISPO COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SAN MATEO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SANTA BARBARA COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SANTA CLARA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SANTA CRUZ COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SHASTA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SIERRA COUNTY
(B,H,Hw,D) - See Alameda County
SISKIYOU COUNTY
(B,H,Hw,D) - See Alameda County
SOLANO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SONOMA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
STANISLAUS COUNTY
(B,H,Hw,D) - See Alameda County
SUTTER COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
TEHAMA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
TRINITY COUNTY
(B,H,Hw,D) - See Alameda County
TULARE COUNTY
(B,H,Hw,D) - See Alameda Cuunty
TUOLUMNE COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
VENTURA COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County

CALIFORNIA (Cont'd)

YOLO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
YUBA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County

COLORADO

STATEWIDE
Decision #AR-1022 (Hw)
39 FR 30673 - 8/23/74
Mod. #1 - 34910 - 9/27/74
Mod. #2 - 39 FR 38800 - 11/1/74
ADAMS COUNTY
Decision #CO75-5007 (B,H)
40 FR 4792 - 1/31/75
(Hw) - See Statewide
Decision #AQ-1099 (R)
39 FR 14123 - 4/19/74
ALAMOSA COUNTY
(Hw) - See Statewide
ARAPAHOE COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
ARCHULETA COUNTY
(Hw) - See Statewide
BACA COUNTY
(Hw) - See Statewide
BENT COUNTY
(Hw) - See Statewide
BOULDER COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
CHAFFEE COUNTY
(Hw) - See Statewide
CHEYENNE COUNTY
(Hw) - See Statewide

COLORADO (cont'd)

CLEAR CREEK
(B,H) - See Adams County
(Hw) - See Statewide
CONEJOS COUNTY
(Hw) - See Statewide
COSTILLA COUNTY
(Hw) - See Statewide
CROWLEY COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DELTA COUNTY
Decision #CO75-5030 (B,H)
40 FR 8730 - 2/28/75
(Hw) - See Statewide
DENVER COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
DOLORES COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EAGLE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EL PASO COUNTY
(Hw) - See Statewide
Decision #CO75-5009 (B,H)
40 FR 3869 - 1/24/75
FREMONT COUNTY
(Hw) - See Statewide
GARFIELD COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
GILPIN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GRAND COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GUNNISON COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
HINSDALE COUNTY
(Hw) - See Statewide
HUERFANO COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide

COLORADO (Cont'd)

JEFFERSON COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
KIOWA COUNTY
(Hw) - See Statewide
KIT CARSON COUNTY
(Hw) - See Statewide
LAKE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LA PLATA COUNTY
(Hw) - See Statewide
LARIMER COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LAS ANIMAS COUNTY
Decision #CO75-5027 (B,H)
40 FR 8724 - 2/28/75
(Hw) - See Statewide
LINCOLOLN COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MESA COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MINERAL COUNTY
(Hw) - See Statewide
MOFFAT COUNTY
(Hw) - See Statewide
MONTEZUMA COUNTY
(Hw) - See Statewide
MONTROSE COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MORGAN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
OTERO COUNTY
(B,H) - See Las Animas County
(Hw) - See Statewide
OURAY COUNTY
(Hw) - See Statewide
PARK COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
PHILLIPS COUNTY
(Hw) - See Statewide
PITKIN COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
PROWERS COUNTY
(Hw) - See Statewide
PUEBLO COUNTY
(Hw) - See Statewide
(B,H) - See Las Animas County

COLORADO (Cont'd)

RIO BLANCO COUNTY
(Hw) - See Statewide
RIO GRANDE COUNTY
(Hw) - See Statewide
ROUTT COUNTY
(Hw) - See Statewide
SAGUACHE COUNTY
(Hw) - See Statewide
SAN JUAN COUNTY
(Hw) - See Statewide
SAN MIGUEL COUNTY
(Hw) - See Statewide
SEDGWICK COUNTY
(Hw) - See Statewide
SUMMIT COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
TELLER COUNTY
(Hw) - See Statewide
WASHINGTON COUNTY
(Hw) - See Statewide
WELD COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
YUMA COUNTY
(Hw) - See Statewide

CONNECTICUT

FAIRFIELD COUNTY
Decision #AR-3094 (B,H,Hw,R)
39 FR 29730 - 8/16/74
Mod. #1 - 39 FR 31773 - 8/30/74
Mod. #2 - 39 FR 35904 - 10/4/74
Mod. #3 - 39 FR 43458 - 12/13/74
Mod. #4 - 39 FR 44153 - 12/20/74
Decision #NY75-3010 (D)
40 FR 3881 - 1/24/75
HARTFORD COUNTY
Decision #AR-3095 (B,H,Hw)
39 FR 29735 - 8/16/74
Mod. #1 - 39 FR 31773 - 8/30/74
Mod. #2 - 39 FR 35904 - 10/4/74
Mod. #3 - 39 FR 41109 - 11/22/74
Decision #AQ-3096 (R)
39 FR 5961 - 2/15/74
(D) - See Fairfield County
LITCHFIELD COUNTY
Decision #AR-3096 (B,H,Hw,R)
39 FR 29739 - 8/16/74
Mod. #1 - 39 FR 31773 - 8/30/74
Mod. #2 - 39 FR 35904 - 10/4/74
MIDDLESEX COUNTY
Decision #AR-3097 (B,H,Hw)
39 FR 29743 - 8/16/74
Mod. #1 - 39 FR 31773 - 8/30/74
Mod. #2 - 39 FR 35904 - 10/4/74
Mod. #3 - 41109 - 11/22/74
(D) - See Fairfield County
NEW HAVEN COUNTY
Decision #AR-3098 (B,H,Hw)
39 FR 29747 - 8/16/74
Mod. #1 - 39 FR 31773 - 8/30/74
Mod. #2 - 39 FR 35905 - 10/4/74
(D) - See Fairfield County
NEW LONDON COUNTY
Decision #AR-3099 (B,H,Hw,R)
39 FR 29752 - 8/16/74
Mod. #1 - 39 FR 31773 - 8/30/74
Mod. #2 - 39 FR 35905 - 10/4/74
Mod. #3 - 39 FR 41109 - 11/22/74
(D) - See Fairfield County
TOLLAND COUNTY
Decision #AR-3100 (B,H,Hw)
39 FR 29756 - 8/16/74
Mod. #1 - 39 FR 31773 - 8/30/74
Mod. #2 - 39 FR 35905 - 10/4/74
Mod. #3 - 39 FR 41109 - 11/22/74
WINDHAM COUNTY
Decision #AR-3101 (B,H,Hw,R)
39 FR 29760 - 8/16/74
Mod. #1 - 39 FR 31773 - 8/30/74
Mod. #2 - 39 FR 35906 - 10/4/74
Mod. #3 - 39 FR 41109 - 11/22/74

DELAWARE

STATEWIDE
Decision #NY75-3010 (D)
40 FR 3881 - 1/24/75
Decision #DE75-3001 (B,H,Hw)
40 FR 930 - 1/3/75
KENT COUNTY
(B,H,Hw) - See Statewide
NEW CASTLE COUNTY
(B,H,Hw,D) - See Statewide
SUSSEX COUNTY
(B,H,Hw,D) - See Statewide

FLORIDA

ALACHUA COUNTY
Decision #AR-4026 (B)
39 FR 31791 - 8/30/74
Mod. #1 - 39 FR 38080 - 10/25/74
Mod. #2 - 39 FR 40404 - 11/15/74
Mod. #3 - 40 FR 77774 - 2/21/75
Decision #AQ-4031 (Hw)
38 FR 31092 - 11/9/73
BAKER COUNTY
Decision #AQ-4004 (Hw)
38 FR 22841 - 8/24/73
BAY COUNTY
Decision #FL75-1012 (B)
40 FR 4805 - 1/31/75
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
Decision #AQ-4030 (Hw)
38 FR 29727 - 10/26/73
Mod. #1 - 38 FR 31098 - 11/9/73
BRADFORD COUNTY
(Hw) - See Alachua County
BREVARD COUNTY (Cape Kennedy
Kennedy Space Flight Center &
Patrick AFB only)
Decision #AQ-4121 (B,H,Hw)
HW39 FR 20300 - 6/7/74
Mod. #1 - 39 FR 38080 - 10/25/74
Mod. #2 - 40 FR 8694 - 2/28/75
Decision #AR-4068 (D)
39 FR 44915 - 12/27/74
(Remainder of County)
Decision #AQ-4006 (Hw)
38 FR 22842 - 8/24/73
Mod. #1 - 39 FR 5047 - 2/8/74
BROWARD COUNTY
Decision #AQ-4003 (Hw)
38 FR 22841 - 8/24/73
Decision #FL75-1011 (B,H)
40 FR 3886 - 1/24/75
Mod. #1 - 40 FR 8694 - 2/28/75
(D) - See Brevard County
CALHOUN COUNTY
(Hw) - See Bay County
CHARLOTTE COUNTY
Decision #AQ-4019 (Hw)
38 FR 27703 - 10/5/73
(D) - See Brevard County
CITRUS COUNTY
Decision #AR-4000 (R)
39 FR 24775 - 7/5/74
Mod. #1 - 39 FR 36711 - 10/11/74
Decision #AQ-4039 (Hw)
38 FR 33203 - 11/30/73
(D) - See Brevard County
CLAY COUNTY
(Hw) - See Baker County
COLLIER COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County

FLORIDA (cont'd)

COLUMBIA COUNTY
(Hw) - See Alachua County
DADE COUNTY
Decision #FL75-1018 (B)
40 FR 6018 - 2/7/75
Decision #AR-4050 (R)
39 FR 38077 - 10/25/74
Mod. #1 - 39 FR 40404 - 11/15/74
(D) - See Brevard County
(Hw) - See Broward County
DESOTO COUNTY
Decision #AR-4065 (R)
39 FR 43468 - 12/13/74
Decision #AQ-4017 (Hw)
38 FR 27718 - 10/5/73
DIXIE COUNTY
(D) - See Brevard County
(Hw) - See Alachua County
DUVAL COUNTY
Decision #FL75-1016 (B)
40 FR 4807 - 1/31/75
(D) - See Brevard County
(Hw) - See Baker County
ESCAMBIA COUNTY
Decision #FL75-1024 (B)
40 FR 7801 - 2/21/75
Decision #AP-178 (R)
38 FR 11259 - 5/4/73
Mod. #1 - 39 FR 15604 - 5/3/74
(D) - See Bay County
Decision #FL75-1030 (Hw)
40 FR 10891 - 3/7/75
FLAGLER COUNTY
(D) - See Brevard County
(Hw) - See Baker County
FRANKLIN COUNTY
(D) - See Bay County
(Hw) - See Bay County
GADSDEN COUNTY
Decision #AP-179 (R)
38 FR 11260 - 5/4/73
Mod. #1 - 39 FR 15604 - 5/3/74
(Hw) - See Bay County
GILCHRIST COUNTY
(Hw) - See Alachua County
GLADES COUNTY
(HW) - See Charlotte County
GULF COUNTY
(D) - See Bay County
(Hw) - See Bay County
HAMILTON COUNTY
(Hw) - See Alachua County
HARDEE COUNTY
(R) - See Desoto County
(Hw) - See Desoto County
HENDRY COUNTY
(Hw) - See Charlotte County

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FLORIDA (Cont'd.)

HERNANDO COUNTY
(Hw) - See Citrus County
(R) - See Citrus County
(D) - See Brevard County
HIGHLANDS COUNTY
(R) - See DeSoto County
(Hw) - See DeSoto County
HILLSBOROUGH COUNTY
Decision #FL75-1010 (B)
40 FR 3884 - 1/24/75
Decision #AQ-4018 (Hw)
38 FR 27703 - 10/5/73
(D) - See Brevard County
(R) - See Citrus County
HOLMES COUNTY
(Hw) - See Bay County
INDIAN RIVER COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
JACKSON COUNTY
(Hw) - See Bay County
JEFFERSON COUNTY
(D) - See Bay County
(R) - See Gadsden County
(Hw) - See Bay County
LAFAYETTE COUNTY
(Hw) - See Alachua County
LAKE COUNTY
Decision #AR-4033 (R)
39 FR 33157 - 9/13/74
Mod. #1 - 39 FR 34910 - 9/27/74
Mod. #2 - 40 FR 7774 - 2/21/75
(Hw) - See Brevard Co. (Remainder of Co.)
LEE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
LEON COUNTY
Decision #AR-4028 (B)
39 FR 31795 - 8/30/74
(Hw) - See Bay County
(R) - See Gadsden County
LEVY COUNTY
(D) - See Brevard County
(Hw) - See Citrus County
LIBERTY COUNTY
(Hw) - See Bay County
MADISON COUNTY
(R) - See Gadsden County
(Hw) - See Alachua County
MANATEE COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
MARION COUNTY
(Hw) - See Citrus County
MARTIN COUNTY
Decision #AQ-4092 (B)
39 FR 10993 - 3/22/74
Mod. #1 - 39 FR 17652 - 5/17/74
Mod. #2 - 39 FR 26558 - 7/19/74
(D) - See Brevard County
(Hw) - See Broward County

FLORIDA (cont'd)

MONROE COUNTY
(D) - See Brevard County
(Hw) - See Broward County
NASSAU COUNTY
(D) - See Brevard County
(Hw) - See Baker County
OKALOOSA COUNTY
(B) - See Escambia County
(D) - See Bay County
(Hw) - See Escambia County
Decision #AP-180 (R)
38 FR 11260 - 5/4/73
Mod. #1 - 39 FR 15604 - 5/3/74
OKEECHOBEE COUNTY
(Hw) - See DeSoto County
ORANGE COUNTY
Decision #FL75-1009 (B)
40 FR 3882 - 1/24/75
(Hw) - See Brevard Co. (Remainder of County)
(R) - See Lake County
OSCEOLA COUNTY
(Hw) - See Brevard Co. (Remainder of (County)
(R) - See Lake County
PALM BEACH COUNTY
(D) - See Brevard County
(B) - See Martin County
(Hw) - See Broward County
PASCO COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
(R) - See Citrus County
PINELLAS COUNTY
Decision #AQ-4100 (B)
39 FR 13425 - 4/12/74
Mod. #1 - 39 FR 26558 - 7/19/74
(D) - See Brevard County
(Hw) - See Hillsborough County
(R) - See Citrus County
POLK COUNTY
(Hw) - See DeSoto County
(R) - See DeSoto County
PUTNAM COUNTY
(Hw) - See Baker County
ST. JOHNS COUNTY
(D) - See Brevard County
(Hw) - See Baker County
ST. LUCIE COUNTY
(D) - See Brevard County
(Hw) - See Broward County
SANTA ROSA COUNTY
(B) - See Escambia County
(D) - See Bay County
(Hw) - See Escambia County
(R) - See Okaloosa County

FLORIDA (Cont'd)

SARASOTA COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
SEMINOLE COUNTY
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See Lake County
SUMTER COUNTY
(Hw) - See Citrus County
(R) - See Citrus County
SUWANNEE COUNTY
(Hw) - See Alachua County
TAYLOR COUNTY
(D) - See Brevard County
(R) - See Gadsden County
(Hw) - See Alachua County
UNION COUNTY
(Hw) - See Alachua County
VOLUSIA COUNTY (Except Cape Kennedy, Kennedy Space Flight Center & Patrick Air Force Base only and including Melabar Radar Site)
Decision #AR-4001 (B)
39 FR 24776 - 7/5/74
Mod. #1 - 39 FR 26558 - 7/19/74
Mod. #2 - 39 FR 27391 - 7/26/74
Mod. #3 - 39 FR 31774 - 8/30/74
Mod. #4 - 40 FR 5972 - 2/7/75
(B,H,Hw) - See Brevard Co. (Cape Kennedy,Etc)
(D) - See Brevard County
(Hw) - See Brevard County (Remainder of Co.)
WAKULLA COUNTY
(D) - See Bay County
(Hw) - See Bay County
WALTON COUNTY
(B) - See Escambia County
(D) - See Bay County
(Hw) - See Bay County
(R) - See Okaloosa County
WASHINGTON COUNTY
(Hw) - See Bay County

GEORGIA

STATEWIDE
Decision #AR-4038 (Hw)
39 FR 34984 - 9/27/74
Mod. #1 - 39 FR 36711 - 10/11/74
APPLING COUNTY
(Hw) - See Statewide
ATKINSON COUNTY
(Hw) - See Statewide
BACON COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd)

BAKER COUNTY
Decision #AQ-4089 (R)
39 FR 10067 - 3/15/74
Mod. #1 - 40 FR 3083 - 1/17/75
(Hw) - See Statewide
BALDWIN COUNTY
(Hw) - See Statewide
BANKS COUNTY
(Hw) - See Statewide
BARROW COUNTY
Decision #AQ-4108 (R)
39 FR 14841 - 4/26/74
(Hw) - See Statewide
BARTOW COUNTY
(Hw) - See Statewide
BEN HILL COUNTY
(Hw) - See Statewide
BERRIEN COUNTY
(Hw) - See Statewide
BIBB COUNTY
(Hw) - See Statewide
BLECKLEY COUNTY
(Hw) - See Statewide
BRANTLEY COUNTY
(Hw) - See Statewide
BROOKS COUNTY
(Hw) - See Statewide
BRYAN COUNTY
(Hw) - See Statewide
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Decision #AQ-4058 (R)
39 FR 3394 - 1/25/74
BULLOCH COUNTY
(R) - See Bryan County
(Hw) - See Statewide
BURKE COUNTY
Decision #AQ-4085 (R)
39 FR 9333 - 3/8/74
(Hw) - See Statewide
BUTTS COUNTY
(Hw) - See Statewide
CALHOUN COUNTY
(Hw) - See Statewide
(R) - See Baker County
CAMDEN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
CANDLER COUNTY
(Hw) - See Statewide
CARROLL COUNTY
(Hw) - See Statewide
CATOOSA COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

CHARLTON COUNTY
Decision #AR-4037 (R)
39 FR 33919 - 9/20/74
Mod. #1 - 40 FR 3088 - 1/17/75
CHATHAM COUNTY
Decision #AR-4064 (B)
39 FR 42817 - 12/6/74
(R) - See Bryan County
(Hw) - See Statewide
CHATTAHOOCHEE COUNTY
Decision #AQ-4086 (R)
39 FR 9334 - 3/8/74
Mod. #1 - 40 FR 3083 - 1/17/75
(Hw) - See Statewide
CHATTOOGA COUNTY
(Hw) - See Statewide
CHEROKEE COUNTY
(Hw) - See Statewide
CLARKE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
CLAY COUNTY
(R) - See Baker County
(Hw) - See Statewide
CLAYTON COUNTY
Decision #GA75-1019 (B)
40 FR 6020 - 2/7/75
Decision #AQ-4052 (R)
39 FR 2328 - 1/18/74
Mod. #1 - 40 FR 3861 - 1/24/75
Decision #AR-4051 (H)
39 FR 38797 - 11/1/74
(Hw) - See Statewide
CLINCH COUNTY
(Hw) - See Statewide
COBB COUNTY
(B) - See Clayton County
(R) - See Clayton County
(H) - See Clayton County
(Hw) - See Statewide
COFFEE COUNTY
(Hw) - See Statewide
COLQUITT COUNTY
(Hw) - See Statewide
COLUMBIA COUNTY
(R) - See Burke County
(Hw) - See Statewide
COOK COUNTY
(Hw) - See Statewide
COWETA COUNTY
(Hw) - See Statewide
CRAWFORD COUNTY
(Hw) - See Statewide
CRISP COUNTY
(Hw) - See Statewide
DADE COUNTY
(Hw) - See Statewide
DAWSON COUNTY
(Hw) - See Statewide
DECATUR COUNTY
(Hw) - See Statewide
(R) - See Baker County

GEORGIA (Cont'd.)

DEKALB COUNTY
(B)(R) - See Clayton County
(H) - See Clayton County
(Hw) - See Statewide
DODGE COUNTY
(Hw) - See Statewide
DOOLY COUNTY
(Hw) - See Statewide
DOUGHERTY COUNTY
(Hw) - See Statewide
(R) - See Baker County
DOUGLAS COUNTY
(Hw) - See Statewide
EARLY COUNTY
(Hw) - See Statewide
(R) - See Baker County
ECHOLS COUNTY
(Hw) - See Statewide
EFFINGHAM COUNTY
(R) - See Bryan County
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(R) - See Barrow County
EMANUEL COUNTY
(Hw) - See Statewide
EVANS COUNTY
(R) - See Bryan County
(Hw) - See Statewide
FANNIN COUNTY
(Hw) - See Statewide
FAYETTE COUNTY
(Hw) - See Statewide
FLOYD COUNTY
(Hw) - See Statewide
FORSYTH COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
FULTON COUNTY
(B,H,R) - See Clayton County
(Hw) - See Statewide
GILMER COUNTY
(Hw) - See Statewide
GLASCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
GLYNN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
GORDON COUNTY
(Hw) - See Statewide
GRADY COUNTY
(Hw) - See Statewide
(R) - See Baker County
GREENE COUNTY
(Hw) - See Statewide
(R) - See Barrow County

GEORGIA (Cont'd.)

GWINNETT COUNTY
(R) - See Clayton County
(H) - See Clayton County
(Hw) - See Statewide
HABERSHAM COUNTY
(Hw) - See Statewide
HALL COUNTY
Decision #GA75-1025 (B)
40 FR 8691 - 2/21/75
(Hw) - See Statewide
HANCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
HARALSON COUNTY
(Hw) - See Statewide
HARRIS COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
HART COUNTY
(Hw) - See Statewide
(R) - See Barrow County
HEARD COUNTY
(Hw) - See Statewide
HENRY COUNTY
(Hw) - See Statewide
HOUSTON COUNTY
(Hw) - See Statewide
IRWIN COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
JASPER COUNTY
(Hw) - See Statewide
JEFF DAVIS COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(R) - See Burke County
JENKINS COUNTY
(Hw) - See Statewide
(R) - See Burke County
JOHNSON COUNTY
(Hw) - See Statewide
JONES COUNTY
(Hw) - See Statewide
LAMAR COUNTY
(Hw) - See Statewide
LANIER COUNTY
(Hw) - See Statewide
LAURENS COUNTY
Decision #AQ-4124 (B)
39 FR 20912 - 6/14/74
(Hw) - See Statewide
LEE COUNTY
(Hw) - See Statewide
(R) - See Baker County
LIBERTY COUNTY
(R) - See Bryan County
(D) - See Bryan County
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
(R) - See Burke County

GEORGIA (Cont'd.)

LONG COUNTY
(R) - See Bryan County
(Hw) - See Statewide
LOWNDES COUNTY
(Hw) - See Statewide
LUMPKIN COUNTY
(Hw) - See Statewide
MCDUFFIE COUNTY
(Hw) - See Statewide
(R) - See Burke County
MCINTOSH COUNTY
(D) - See Bryan County
(Hw) - See Statewide
MACON COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MADISON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MARION COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MERIWETHER COUNTY
(R) - See Chattahoochee County
(Hw) - See Statewide
MILLER COUNTY
(Hw) - See Statewide
(R) - See Baker County
MITCHELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
MONROE COUNTY
(Hw) - See Statewide
MONTGOMERY COUNTY
(Hw) - See Statewide
MORGAN COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MURRAY COUNTY
(Hw) - See Statewide
MUSCOGEE COUNTY
(R) - See Chattahoochee County
(Hw) - See Statewide
NEWTON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OCONEE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OGLETHORPE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
PAULDING COUNTY
(Hw) - See Statewide
PEACH COUNTY
(Hw) - See Statewide
PICKENS COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
(R) - See Charlton County
PIKE COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

POLK COUNTY
(Hw) - See Statewide
PULASKI COUNTY
(Hw) - See Statewide
PUTNAM COUNTY
(Hw) - See Statewide
QUITMAN COUNTY
(Hw) - See Statewide
(R) - See Baker County
RABUN COUNTY
(Hw) - See Statewide
RANDOLPH COUNTY
(Hw) - See Statewide
(R) - See Baker County
RICHMOND COUNTY
Decision #GA75-1005 (B)
40 FR 3091 - 1/17/75
Mod. #1 - 40 FR 6900 - 2/14/75
(Hw) - See Statewide
(R) - See Burke County
ROCKDALE COUNTY
(Hw) - See Statewide
SCHLEY COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SCREVEN COUNTY
(Hw) - See Statewide
SEMINOLE COUNTY
(Hw) - See Statewide
(R) - See Baker County
SPALDING COUNTY
(Hw) - See Statewide
STEPHENS COUNTY
(Hw) - See Statewide
STEWART COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SUMTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALBOT COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALIAFERRO COUNTY
(R) - See Burke County
(Hw) - See Statewide
TATTNALL COUNTY
(Hw) - See Statewide
TAYLOR COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TELFAIR COUNTY
(Hw) - See Statewide
TERRELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
THOMAS COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

TIFT COUNTY
(Hw) - See Statewide
TOOMBS COUNTY
(Hw) - See Statewide
TOWNS COUNTY
(Hw) - See Statewide
TREUTLEN COUNTY
(Hw) - See Statewide
TROUP COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TURNER COUNTY
(Hw) - See Statewide
TWIGGS COUNTY
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
UPSON COUNTY
(Hw) - See Statewide
WALKER COUNTY
(Hw) - See Statewide
WALTON COUNTY
(Hw) - See Statewide
(R) - See Barron County
WARE COUNTY
Decision #GA75-1008 (B)
40 FR 3093 - 1/17/75
(R) - See Charlton County
(Hw) - See Statewide
WARREN COUNTY
(Hw) - See Statewide
(R) - See Burke County
WASHINGTON COUNTY
(Hw) - See Statewide
(R) - See Burke County
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
WHEELER COUNTY
(Hw) - See Statewide
WHITE COUNTY
(Hw) - See Statewide
WHITEFIELD COUNTY
(Hw) - See Statewide
WILCOX COUNTY
(Hw) - See Statewide
WILKES COUNTY
(R) - See Burke County
(Hw) - See Statewide
WILKINSON COUNTY
(Hw) - See Statewide
WORTH COUNTY
(Hw) - See Statewide

GUAM

GUAM
Decision #AR-1029 (B,H,Hw,R)
39 FR 32448 - 9/6/74

HAWAII

STATEWIDE
Decision #HI75-5002 (B,H,Hw,D)
40 FR 3888 - 1/24/75

IDAHO

STATEWIDE
Decision #ID75-5024 (B,H,Hw)
40 FR 7803 - 2/21/75
ADA COUNTY
Decision #AQ-1029 (R)
38 FR 24513 - 9/7/73
Mod. #1 - 38 FR 26543 - 9/21/73
(B,H,Hw) - See Statewide
ADAMS COUNTY
(B,H,Hw) - See Statewide
BANNOCK COUNTY
(B,H,Hw) - See Statewide
BEAR LAKE COUNTY
(B,H,Hw) - See Statewide
BENEWAH COUNTY
(B,H,Hw) - See Statewide
BINGHAM COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BOISE COUNTY
(B,H,Hw) - See Statewide
BONNER COUNTY
(B,H,Hw) - See Statewide
BONNEVILLE COUNTY
(B,H,Hw) - See Statewide
BOUNDARY COUNTY
(B,H,Hw) - See Statewide
BUTTE COUNTY
(B,H,Hw) - See Statewide
CAMAS COUNTY
(B,H,Hw) - See Statewide
CANYON COUNTY
(B,H,Hw) - See Statewide
CARIBOU COUNTY
(B,H,Hw) - See Statewide
CASSIA COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
(B,H,Hw) - See Statewide
CLEARWATER COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
ELMORE COUNTY
(B,H,Hw) - See Statewide
FRANKLIN COUNTY
(B,H,Hw) - See Statewide

IDAHO (Cont'd)

FREMONT COUNTY
(B,H,Hw) - See Statewide
GEM COUNTY
(B,H,Hw) - See Statewide
GOODING COUNTY
(B,H,Hw) - See Statewide
IDAHO COUNTY
(B,H,Hw) - See Statewide
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JEROME COUNTY
(B,H,Hw) - See Statewide
KOOTENAI COUNTY
(B,H,Hw) - See Statewide
LATAH COUNTY
(B,H,Hw) - See Statewide
LEMHI COUNTY
(B,H,Hw) - See Statewide
LEWIS COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MINIDOKA COUNTY
(B,H,Hw) - See Statewide
NEZ PERCE COUNTY
(B,H,Hw) - See Statewide
ONEIDA COUNTY
(B,H,Hw) - See Statewide
OWYHEE COUNTY
(B,H,Hw) - See Statewide
PAYETTE COUNTY
(B,H,Hw) - See Statewide
POWER COUNTY
(B,H,Hw) - See Statewide
SHOSHONE COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TWIN FALLS COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

ILLINOIS

ADAMS COUNTY
Decision #AR-3059 (H,Hw)
39 FR 28030 - 8/2/74
Mod. #1 - 40 FR 3861 - 1/24/75
ALEXANDER COUNTY
Decision #AR-3062 (H,Hw)
39 FR 28041 - 8/2/74
Mod. #1 - 40 FR 3862 - 1/24/75
Decision #IL75-2036 (D)
40 FR 6023 - 2/7/75
BOND COUNTY
Decision #IL75-2015 (H,Hw)
40 FR 6927 - 2/14/75
BOONE COUNTY
Decision #AR-3055 (H,Hw)
39 FR 28014 - 8/2/74
Mod. #1 - 39 FR 33148 - 9/13/74
Mod. #2 - 39 FR 44904 - 12/27/74
BROWN COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
BUREAU COUNTY
Decision #IL75-2035 (B)
40 FR 5961 - 2/7/75
Mod. #1 - 40 FR 8694 - 2/21/75
Decision #AR-3056 (H,Hw)
39 FR 28018 - 8/2/74
Mod. #1 - 40 FR 925 - 1/3/75
CALHOUN COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
CARROLL COUNTY
(H,Hw) - See Bureau County
CASS COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
CHAMPAIGN COUNTY
Decision #AR-3170 (B)
39 FR 40421 - 11/15/74
Decision #AR-3058 (H,Hw)
39 FR 28027 - 8/2/74
Mod. #1 - 39 FR 30665 - 8/23/74
Mod. #2 - 40 FR 3084 - 1/17/75
CHRISTIAN COUNTY
(H,Hw) - See Adams County
Decision #IL75-2041 (B)
40 FR 7769 - 2/21/75
CLARK COUNTY
(H,Hw) - See Champaign County
CLAY COUNTY
Decision #AR-3060 (H,Hw)
39 FR 28033 - 8/2/74
Mod. #1 - 40 FR 3861 - 1/24/75
CLINTON COUNTY
(H,Hw) - See Bond County
COLES COUNTY
(H,Hw) - See Champaign County
COOK COUNTY
Decision #AR-3064 (B,H,Hw,R)
39 FR 28800 - 8/9/74
Mod. #1 - 39 FR 42806 - 12/6/74

ILLINOIS

COOK COUNTY (Cont'd)
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
Mod. #1 - 39 FR 44161 - 12/20/74
CRAWFORD COUNTY
(H,Hw) - See Clay County
CUMBERLAND COUNTY
(H,Hw) - See Champaign County
DEKALB COUNTY
(H,Hw) - See Boone County
DEWITT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
DOUGLAS COUNTY
(H,Hw) - See Champaign County
DU PAGE COUNTY
Decision #AR-3168 (B,R)
39 FR 40424 - 11/15/74
(H,Hw) - See Boone County
EDGAR COUNTY
(H,Hw) - See Champaign County
EDWARDS COUNTY
(H,Hw) - See Clay County
EFFINGHAM COUNTY
(H,Hw) - See Clay County
FAYETTE COUNTY
(H,Hw) - See Clay County
FORD COUNTY
Decision #IL75-2001 (H,Hw)
40 FR 934 - 1/3/75
FRANKLIN COUNTY
(H,Hw) - See Alexander County
FULTON COUNTY
Decision #AQ-3057 (H,Hw)
39 FR 28022 - 8/2/74
Mod. #1 - 40 FR 3084 - 1/17/75
GALLATIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
GREENE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
GRUNDY COUNTY
(H,Hw) - See Ford County
HAMILTON COUNTY
(H,Hw) - See Clay County
HANCOCK COUNTY
(H,Hw) - See Fulton County
HARDIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
HENDERSON COUNTY
(H,Hw) - See Fulton County
HENRY COUNTY
(H,Hw) - See Bureau County
IROQUOIS COUNTY
(H,Hw) - See Ford County
JACKSON COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County

ILLINOIS (Cont'd)

JASPER COUNTY
(H,Hw) - See Clay County
JEFFERSON COUNTY
(H,Hw) - See Clay County
JERSEY COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
JO DAVIESS COUNTY
(H,Hw) - See Bureau County
JOHNSON COUNTY
(H,Hw) - See Alexander County
KANE COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
KANKAKEE COUNTY
(H,Hw) - See Ford County
KENDALL COUNTY
(H,Hw) - See Boone County
KNOX COUNTY
(H,Hw) - See Fulton County
LAKE COUNTY
(B,R) - See Du Page County
(D) - See Cook County
(H,Hw) - See Boone County
LA SALLE COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LAWRENCE COUNTY
(H,Hw) - See Clay County
LEE COUNTY
(H,Hw) - See Bureau County
LIVINGSTON COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LOGAN COUNTY
(H,Hw) - See Adams County
MCDONOUGH COUNTY
(H,Hw) - See Fulton County
MCHENRY COUNTY
(H,Hw) - See Fulton County
McLEAN COUNTY
(H,Hw) - See Ford County
MACON COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
MACAUPIN COUNTY
(H,Hw) - See Bond County
MADISON COUNTY
Decision #IL75-2016 (B,R)
40 FR 6931 - 2/14/75
(H,Hw) - See Bond County

ILLINOIS (Cont'd)

MARION COUNTY
(H,Hw) - See Clay County
MARSHALL COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
MASON COUNTY
(H,Hw) - See Adams County
MASSAC COUNTY
(H,Hw) - See Alexander County
MENARD COUNTY
(H,Hw) - See Adams County
MERCER COUNTY
(H,Hw) - See Fulton County
MONROE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
MONTGOMERY COUNTY
(H,Hw) - See Bond County
MORGAN COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
MOULTRIE COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
OGLE COUNTY
(H,Hw) - See Bureau County
PEORIA COUNTY
Decision #AR-3069 (B,R,D)
39 FR 28813 - 8/9/74
Mod. #1 - FR 42806 - 12/6/74
(H,Hw) - See Fulton County
PERRY COUNTY
(H,Hw) - See Alexander County
PIATT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
PIKE COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
POPE COUNTY
(H,Hw,D) - See Alexander County
PULASKI COUNTY
(H,Hw,D) - See Alexander County
PUTNAM COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
RANDOLPH COUNTY
(H,Hw,D) - See Alexander County
RICHLAND COUNTY
(H,Hw) - See Clay County
ROCK ISLAND COUNTY
Decision #AR-3175 (B)
39 FR 43469 - 12/13/74
(H,Hw) - See Bureau County
SAINT CLAIR COUNTY
(B,R) - See Madison County
(H,Hw) - See Bond County
(D) - See Alexander County

ILLINOIS (Cont'd)

SALINE COUNTY
(H,Hw) - See Alexander County
SANGAMON COUNTY
Decision #AR-3072 (B,R)
39 FR 28822 - 8/9/74
Mod. #1 - 39 FR 43459 - 12/13/74
(H,Hw) - See Adams County
SCHUYLER COUNTY
(H,Hw) - See Adams County
SCOTT COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
SHELBY COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
STARK COUNTY
(H,Hw) - See Fulton County
STEPHENSON COUNTY
(H,Hw) - See Bureau County
TAZEWELL COUNTY
(B,R,D) - See Peoria County
(H,Hw) - See Fulton County
UNION COUNTY
(H,Hw,D) - See Alexander County
VERMILLION COUNTY
(H,Hw) - See Champaign County
(B) - See Champaign County
WABASH COUNTY
(H,Hw) - See Clay County
WARREN COUNTY
(H,Hw) - See Fulton County
WASHINGTON COUNTY
(H,Hw) - See Bond County
WAYNE COUNTY
(H,Hw) - See Clay County
WHITE COUNTY
(H,Hw) - See Clay County
WHITESIDE COUNTY
(H,Hw) - See Bureau County
WILL COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
WILLIAMSON COUNTY
Decision #IL75-2043 (B)
40 FR 8736 - 2/28/75
(H,Hw) - See Alexander County
WINNEBAGO COUNTY
Decision #IL75-2044 (B)
40 FR 10893 - 3/7/75
(H,Hw) - See Bureau County
WOODFORD COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County

INDIANA

ADAMS COUNTY
Decision #IN75-2037 (H,Hw)
40 FR 7814 - 2/21/75
ALLEN COUNTY
Decision #IN75-2017 (B)
40 FR 6024 - 2/7/75
Mod. #1 - 40 FR 10871 - 3/7/75
Decision #AQ-3000 (R)
39 FR 22341 - 8/17/73
(H,Hw) - See Adams County
BARTHOLOMEW COUNTY
Decision #IN75-2018 (B)
40 FR 4809 - 1/31/75
Mod. #1 - 40 FR 10871 - 3/7/75
Decision #IN75-2046 (H,Hw)
40 FR 7831 - 2/21/75
BENTON COUNTY
Decision #IN75-2019 (B)
40 FR 6027 - 2/7/75
Mod. #1 - 40 FR 10871 - 3/7/75
Decision #IN75-2038 (H,Hw)
40 FR 7820 - 2/21/75
BLACKFORD COUNTY
Decision #IN75-2039 (H,Hw)
40 FR 7824 - 2/21/75
BOONE COUNTY
Decision #AP-668 (R)
38 FR 13247 - 5/18/74
(H,Hw) - See Bartholomew County
BROWN COUNTY
(H,Hw) - See Bartholomew County
CARROLL COUNTY
(H,Hw) - See Benton County
CASS COUNTY
(H,Hw) - See Benton County
CLARK COUNTY
Decision #IL75-2036 (D)
40 FR 6023 - 2/7/75
(H,Hw) - See Bartholomew County
CLAY COUNTY
(H,Hw) - See Bartholomew County
CLINTON COUNTY
(H,Hw) - See Benton County
CRAWFORD COUNTY
(H,Hw) - See Bartholomew County
(D) - See Clark County
DAVIESS COUNTY
(H,Hw) - See Bartholomew County
DEARBORN COUNTY
Decision #IN75-2020 (B)
40 FR 4812 - 1/31/75
Mod. #1 - 40 FR 10872 - 3/7/75
(H,Hw) - See Bartholomew County

INDIANA (cont'd)

DECATUR COUNTY
(H,Hw) - See Bartholomew County
DEKALB COUNTY
(H,Hw) - See Adams County
DELAWARE COUNTY
Decision #IN75-2045 (B)
40 FR 7808 - 2/21/75
(H,Hw) - See Blackford County
DUBOIS COUNTY
(H,Hw) - See Bartholomew County
ELKHART COUNTY
(H,Hw) - See Adams County
FAYETTE COUNTY
(H,Hw) - See Blackford County
FLOYD COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
FOUNTAIN COUNTY
(H,Hw) - See Bartholomew County
FRANKLIN COUNTY
(H,Hw) - See Bartholomew County
FULTON COUNTY
(H,Hw) - See Benton County
GIBSON COUNTY
(H,Hw) - See Bartholomew County
GRANT COUNTY
Decision #IN75-2022 (B)
40 FR 6032 - 2/7/75
Mod. #1 - 40 FR 10872 - 3/7/75
(H,Hw) - See Blackford County
GREENE COUNTY
(H,Hw) - See Bartholomew County
HAMILTON COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
HANCOCK COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
HARRISON COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
HENDRICKS COUNTY
(H,Hw) - See Bartholomew County
(R) - See Boone County
HENRY COUNTY
(H,Hw) - See Blackford County
HOWARD COUNTY
(H,Hw) - See Benton County
HUNTINGTON COUNTY
(H,Hw) - See Adams County
JACKSON COUNTY
(H,Hw) - See Bartholomew County
JASPER COUNTY
(H,Hw) - See Benton County
JAY COUNTY
(H,Hw) - See Blackford County

INDIANA (Cont'd)

JEFFERSON COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
JENNINGS COUNTY
(H,Hw) - See Bartholomew County
JOHNSON COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
KNOX COUNTY
(H,Hw) - See Bartholomew County
KOSCIUSKO COUNTY
(H,Hw) - See Adams County
LAGRANGE COUNTY
(H,Hw) - See Adams County
LAKE COUNTY
Decision #IN75-2023 - (B,H,Hw)
40 FR 6035 - 2/7/75
Mod. #1 - 40 FR 10872 - 3/7/75
Decision #AQ-3095 (D)
39 FR 5982- 2/15/74
Mod. #1 - 39 FR 44161 - 12/20/74
LAPORTE COUNTY
Decision #IN75-2024 (B,H,Hw)
40 FR 6039 - 2/7/75
Mod. #1 - 40 FR 10872 - 3/7/75
(D) - See Lake County
LAWRENCE COUNTY
(H,Hw) - See Bartholomew County
MADISON COUNTY
(H,Hw) - See Blackford County
MARION COUNTY
Decision #IN75-2025 (B)
40 FR 4815 - 1/31/75
Mod. #1 - 40 FR 10872 - 3/7/75
(R) - See Boone County
(H,Hw) - See Blackford County
MARSHALL COUNTY
(H,Hw) - See Adams County
MARTIN COUNTY
(H,Hw) - See Bartholomew County
MIAMI COUNTY
(H,Hw) - See Benton County
MONROE COUNTY
Decision #IN75-2026 (B)
40 FR 4817 - 1/31/75
Mod. #1 - 40 FR 10872 - 3/7/75
(H,Hw) - See Bartholomew County
MONTGOMERY COUNTY
(H,Hw) - See Bartholomew County
MORGAN COUNTY
(R) - See Boone County
(H,Hw) - See Bartholomew County
NEWTON COUNTY
(H,Hw) - See Benton County
NOBLE COUNTY
(H,Hw) - See Adams County

INDIANA (Cont'd.)

OHIO COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
ORANGE COUNTY
(H,Hw) - See Bartholomew County
OWEN COUNTY
(H,Hw) - See Bartholomew County
PARKE COUNTY
(H,Hw) - See Bartholomew County
PERRY COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
PIKE COUNTY
(H,Hw) - See Bartholomew County
PORTER COUNTY
Decision #IN75-2027 (B,H,Hw)
40 FR 6044 - 2/7/75
Mod. #1 - 40 FR 10873 - 3/7/75
(D) - See Lake County
POSEY COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
PULASKI COUNTY
(H,Hw) - See Benton County
PUTNAM COUNTY
(H,Hw) - See Bartholomew County
RANDOLPH COUNTY
(H,Hw) - See Blackford County
RIPLEY COUNTY
(H,Hw) - See Bartholomew County
RUSH COUNTY
(H,Hw) - See Blackford County
SAINT JOSEPH COUNTY
Decision #IN75-2028 (B,H,Hw)
40 FR 6049 - 2/7/75
Mod. #1 - 40 FR 10873 - 3/7/75
SCOTT COUNTY
(H,Hw) - See Bartholomew County
SHELBY COUNTY
(R) - See Boone County
(H,Hw) - See Blackford County
SPENCER COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
STARKE COUNTY
(H,Hw) - See Adams County
STEUBEN COUNTY
(H,Hw) - See Adams County
SULLIVAN COUNTY
(H,Hw) - See Bartholomew County
SWITZERLAND COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County

INDIANA (Cont'd)

TIPPECANOE COUNTY
(B,H,Hw) - See Benton County
TIPTON COUNTY
(H,Hw) - See Benton County
UNION COUNTY
(H,Hw) - See Blackford County
VANDERBURGH COUNTY
Decision #IN75-2029 (B)
40 FR 4820 - 1/31/75
Mod. #1 - 40 FR 10873 - 3/7/75
(D) - See Clark County
(H,Hw) - See Bartholomew County
VERMILLION COUNTY
(H,Hw) - See Bartholomew County
VIGO COUNTY
Decision #IN75-2030 (B)
40 FR 6053 - 2/7/75
Mod. #1 - 40 FR 10873 - 3/7/75
(H,Hw) - See Bartholomew County
WABASH COUNTY
(H,Hw) - See Benton County
WARREN COUNTY
(H,Hw) - See Bartholomew County
WARRICK COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
WASHINGTON COUNTY
(H,Hw) - See Bartholomew County
WAYNE COUNTY
(H,Hw) - See Blackford County
WELLS COUNTY
(H,Hw) - See Adams County
WHITE COUNTY
(H,Hw) - See Benton County
WHITLEY COUNTY
(H,Hw) - See Adams County

IOWA

ADAIR COUNTY
None
ADAMS COUNTY
None
ALLAMAKEE COUNTY
None
APPANOOSE COUNTY
Decision #AR-73 (Hw)
39 FR 38797 - 11/1/74
Mod. #1 - 40 FR 4786 - 1/31/75
AUDUBON COUNTY
None
BENTON COUNTY
Decision #AR-74 (Hw)
39 FR 38798 - 11/1/74
BLACK HAWK COUNTY
Decision #IA75-4034 (B,H,Hw)(City of Waterloo & abutting Municipalities
40 FR 4823 - 1/31/75
Mod. #1 - 40 FR 6900 - 2/14/75
BOONE COUNTY
None
BREMER COUNTY
None
BUCHANAN COUNTY
None
BUENA VISTA COUNTY
None
BUTLER COUNTY
None
CALHOUN COUNTY
None
CARROLL COUNTY
Decision #AM-6712 (H,Hw)
37 FR 7429 - 4/14/72
Mod. #1 - 39 FR 40404 - 11/15/74
CASS COUNTY
(H,Hw) - See Carroll County
CEDAR COUNTY
None
CERRO GORDO COUNTY (MASON CITY)
Decision #IA75-4035 (B,H,Hw)
40 FR 4826 - 1/31/75
Mod. #1 - 40 FR 6901 - 2/14/75
CHEROKEE COUNTY
None
CHICKASAW COUNTY
None
CLARKE COUNTY
None

IOWA (Cont'd)

CLAY COUNTY
(H,Hw) - See Carroll County
CLAYTON COUNTY
None
CLINTON COUNTY (City of Clinton and abutting municipalities)
Decision #IA75-4036 (B,H,Hw)
40 FR 4828 - 1/31/75
Mod. #1 - 40 FR 6900 - 2/14/75
CRAWFORD COUNTY
(H,Hw) - See Carroll County
DALLAS COUNTY
None
DAVIS COUNTY
(Hw) - See Appanoose County
DECATUR COUNTY
None
DELAWARE COUNTY
None
DES MOINES COUNTY (City of Burlington and Abutting Municipalities; and Burlington Ordnance Plant)
Decision #IA75-4037 (B,H,Hw)
40 FR 4831 - 1/31/75
Mod. #1 - 40 FR 6901 - 2/14/75
DICKINSON COUNTY
None
DUBUQUE COUNTY (City of Dubuque and abutting municipalities)
Decision #IA75-4038 (B,H,Hw)
40 FR 4834 - 1/31/75
EMMET COUNTY
None
FAYETTE COUNTY
None
FLOYD COUNTY
None
FRANKLIN COUNTY
None
FREMONT COUNTY
Decision #NE75-4054 (Channel Stabilization)
40 FR 8739 - 2/28/75
GREENE COUNTY
None
GRUNDY COUNTY
None

IOWA (Cont'd)

GUTHRIE COUNTY
None
HAMILTON COUNTY
None
HANCOCK COUNTY
None
HARDIN COUNTY
None
HARRISON COUNTY
(Chann. Stab.) - See Fremont Co.
HENRY COUNTY
None
HOWARD COUNTY
(H,Hw) - See Carroll County
HUMBOLDT COUNTY
None
IDA COUNTY
None
IOWA COUNTY
(Hw) - See Benton County
JACKSON COUNTY
None
JASPER COUNTY
None
JEFFERSON COUNTY
(Hw) - See Appanoose County
JOHNSON COUNTY (City of Iowa City and abutting municipalities)
Decision #IA75-4039 (B,H)
40 FR 4836 - 1/31/75
Mod. #1 - 40 FR 6902 - 2/14/75
(Hw) - See Benton County
JONES COUNTY
None
KEOKUK COUNTY
(Hw) - See Benton County
KOSSUTH COUNTY
None
LEE COUNTY
None
LINN COUNTY
Decision #IA75-4040 (B,H,Hw)
40 FR 4839 - 1/31/75
Mod. #1 - 40 FR 6902 - 2/14/75

IOWA (Cont'd.)

LOUISA COUNTY
None
LUCAS COUNTY
None
LYON COUNTY
None
MADISON COUNTY
None
MAHASKA COUNTY
(Hw) - See Benton County
MARION COUNTY
None
MARSHALL COUNTY
None
MILLS COUNTY
(Channel Stab.) - See Freemont Co.
MITCHELL COUNTY
None
MONONA COUNTY
(H,Hw) - See Carroll County
(Channel Stab.) - See Freemont Co.
MONROE COUNTY
None
MONTGOMERY COUNTY
None
MUSCATINE COUNTY
O'BRIEN COUNTY
(H,Hw) - See Carroll County
OSCEOLA COUNTY
(H,Hw) - See Carroll County
PAGE COUNTY
None
PALO ALTO COUNTY
None
PLYMOUTH COUNTY
None
POCAHONTAS COUNTY
None
POLK COUNTY
Decision #IA75-4041 (B,H,Hw)
40 FR 4841 - 1/31/75
Mod. #1 - 40 FR 6903 - 2/14/75
POTTAWATTAMIE COUNTY (City of Council Bluffs and the area within 3 miles from the City Limits)
Decision #IA75-4042 (B,H,Hw)
40 FR 4843 - 1/31/75
Mod. #1 - 40 FR 6903 - 2/14/75
(Chann. Stab.) - See Freemont County

IOWA (Cont'd.)

POWESHIEK COUNTY
(Hw) - See Benton County
RINGGOLD COUNTY
(H,Hw) - See Carroll County
SAC COUNTY
None
SCOTT COUNTY
Decision #IA75-4043 (B,H,Hw)
40 FR 4845 - 1/31/75
Mod. #1 - 40 FR 6903 - 2/14/75
SHELBY COUNTY
None
SIOUX COUNTY
None
STORY COUNTY (City of Ames and abutting municipalities)
Decision #IA75-4044 (B,H,Hw)
40 FR 4848 - 1/31/75
Mod. #1 - 40 FR 6904 - 2/14/75
TAMA COUNTY
(Hw) - See Benton County
TAYLOR COUNTY
(H,Hw) - See Carroll County
UNION COUNTY
None
VAN BUREN COUNTY
(Hw) - See Appanoose County
WAPELLO COUNTY
(Hw) - See Appanoose County
WARREN COUNTY
None
WASHINGTON COUNTY
(Hw) - See Benton County
WAYNE COUNTY
None
WEBSTER COUNTY (City of Fort Dodge)
Decision #IA75-4045 (B,H,Hw)
40 FR 4850 - 1/31/75
Mod. #1 - 40 FR 6904 - 2/14/75
WINNEBAGO COUNTY
None
WINNESHIEK COUNTY
None

IOWA (Cont'd.)

WOODBURY COUNTY (City of Sioux City and abutting municipalities)
Decision #IA75-4046 (B)
40 FR 4852 - 1/31/75
Mod. #1 - 40 FR 6905 - 2/14/75
(Chann. Stab.) - See Freemont Co.
WORTH COUNTY
None
WRIGHT COUNTY
None

KANSAS

ALLEN COUNTY
Decision #KS75-4051 (Hw,W&S)
40 FR 6056 - 2/7/75
Mod. #1 - 40 FR 7775 - 2/21/75
ANDERSON COUNTY
(Hw, W&S) - See Allen County
ATCHISON COUNTY
Decision #MO75-4060 (D)
40 FR 10898 - 3/7/75
(Hw, W&S) - See Allen County
BARBER COUNTY
Decision #KS75-4053 (Hw, W&S)
40 FR 6058 - 2/7/75
Mod. #1- 40 FR 7775 - 2/21/75
BARTON COUNTY
(Hw, W&S) - See Barber County
BOURBON COUNTY
(Hw, W&S) - see Allen County
BROWN COUNTY
(Hw, W&S) - See Allen County
BUTLER COUNTY
(Hw, W&S) - See Allen County
CHASE COUNTY
(Hw, W&S) - See Allen County
CHAUTAUQUA COUNTY
(Hw, W&S) - See Allen County
CHEROKEE COUNTY
(Hw, W&S) - See Allen County
CHEYENNE COUNTY
(Hw, W&S) - See Barber County
CLARK COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

CLAY COUNTY
(Hw, W&S) - See Allen County
CLOUD COUNTY
(Hw, W&S) - See Allen County
COFFEY COUNTY
(Hw, W&S) - See Allen County
COMANCHE COUNTY
(Hw, W&S) - See Barber County
COWLEY COUNTY
(Hw, W&S) - See Allen County
CRAWFORD COUNTY
(Hw, W&S) - See Allen County
DECATUR COUNTY
(Hw, W&S) - See Barber County
DICKINSON COUNTY
(Hw, W&S) - See Allen County
DONIPHAN COUNTY
(D) - See Atchison County
(Hw, W&S) - See Allen County
DOUGLAS COUNTY
Decision #AR-83 (Hw)
39 FR 41666 - 11/29/74
EDWARDS COUNTY
(Hw, W&S) - See Barber County
ELK COUNTY
(Hw, W&S) - See Allen County
ELLIS COUNTY
(Hw, W&S) - See Barber County
ELLSWORTH COUNTY
(Hw, W&S) - See Barber County
FINNEY COUNTY
(Hw, W&S) - See Barber County
FORD COUNTY
(Hw, W&S) - See Barber County
FRANKLIN COUNTY
(Hw, W&S) - See Allen County
GEARY COUNTY
(Hw, W&S) - See Allen County
Decision #AQ-88 (R)
39 FR 11791 - 3/29/74
GOVE COUNTY
(Hw, W&S) - See Barber County
GRAHAM COUNTY
(Hw, W&S) - See Barber County
GRANT COUNTY
(Hw, W&S) - See Barber County
GRAY COUNTY
(Hw, W&S) - See Barber County
GREELEY COUNTY
(Hw, W&S) - See Barber County
GREENWOOD COUNTY
(Hw, W&S) - See Allen County

KANSAS (Cont'd.)

HAMILTON COUNTY
(Hw, W&S) - See Barber County
HARPER COUNTY
(Hw, W&S) - See Allen County
HARVEY COUNTY
(Hw, W&S) - See Allen County
HASKELL COUNTY
(Hw, W&S) - See Barber County
HODGEMAN COUNTY
(Hw, W&S) - See Barber County
JACKSON COUNTY
(Hw, W&S) - See Allen County
JEFFERSON COUNTY
(Hw) - See Douglas County
JEWELL COUNTY
(Hw, W&S) - See Barber County
JOHNSON COUNTY
Decision #MO75-4059 (B,H,Hw)
40 FR 8740 - 2/28/75
Decision #AQ-62 (R)
38 FR 32388 - 11/23/73
KEARNY COUNTY
(Hw, W&S) - See Barber County
KINGMAN COUNTY
(Hw, W&S) - See Allen County
KIOWA COUNTY
(Hw, W&S) - See Barber County
LABETTE COUNTY
(Hw, W&S) - See Allen County
LANE COUNTY
(Hw, W&S) - See Barber County
LEAVENWORTH COUNTY
Decision #AQ-36 (B)
38 FR 28511 - 10/24/73
Mod. #1 - 38 FR 31754 - 11/16/73
Mod. #2 - 39 FR 33911 - 9/20/74
(Hw) - See Douglas County
(D) - See Atchison County
LINCOLN COUNTY
(Hw, W&S) - See Barber County
LINN COUNTY
(Hw, W&S) - See Allen County
LOGAN COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

LYON COUNTY
(Hw, W&S) - See Allen County
McPHERSON COUNTY
(Hw, W&S) - See Allen County
MARION COUNTY
(Hw, W&S) - See Allen County
MARSHALL COUNTY
(Hw, W&S) - See Allen County
MEADE COUNTY
(Hw, W&S) - See Barber County
MIAMI COUNTY
(Hw) - See Douglas County
MITCHELL COUNTY
(Hw, W&S) - See Barber County
MONTGOMERY COUNTY
(Hw, W&S) - See Allen County
MORRIS COUNTY
(Hw, W&S) - See Allen County
MORTON COUNTY
(Hw, W&S) - See Barber County
NEMAHA COUNTY
(Hw, W&S) - See Allen County
NEOSHO COUNTY
(Hw, W&S) - See Allen County
NESS COUNTY
(Hw, W&S) - See Barber County
NORTON COUNTY
(Hw, W&S) - See Barber County
OSAGE COUNTY
(Hw, W&S) - See Allen County
OSBORNE COUNTY
(Hw, W&S) - See Barber County
OTTAWA COUNTY
(Hw, W&S) - See Allen County
PAWNEE COUNTY
(Hw, W&S) - See Barber County
PHILLIPS COUNTY
(Hw, W&S) - See Barber County
POTTAWATOMIE COUNTY
(Hw, W&S) - See Allen County
PRATT COUNTY
(Hw, W&S) - See Barber County
RAWLINS COUNTY
(Hw, W&S) - See Barber County

V 57 RRA XUM V 4019

KANSAS (Cont'd.)

RENO COUNTY
(Hw, W&S) - See Allen County
REPUBLIC COUNTY
(Hw, W&S) - See Allen County
RICE COUNTY
(Hw, W&S) - See Barber County
RILEY COUNTY
(Hw, W&S) - See Allen County
(R) - See Geary County
ROOKS COUNTY
(Hw, W&S) - See Barber County
RUSH COUNTY
(Hw, W&S) - See Barber County
RUSSELL COUNTY
(Hw, W&S) - See Barber County
SALINE COUNTY
(Hw, W&S) - See Allen County
SCOTT COUNTY
(Hw, W&S) - See Barber County
SEDGWICK COUNTY
Decision #AP-533 (R)
38 FR 16573 - 6/22/73
Decision #AP-532 (B)
38 FR 13922 - 5/25/73
Mod. #1 - 38 FR 20166 - 7/27/73
Mod. #2 - 38 FR 27163 - 9/28/73
Decision #KS75-4052 (Hw, W&S)
40 FR 6057 - 2/7/75
Mod. #1 - 40 FR 7775 - 2/21/75
SEWARD COUNTY
(Hw, W&S) - See Barber County
SHAWNEE COUNTY
Decision #AQ-32 (B)
38 FR 27169 - 9/28/73
Mod. #1 - 39 FR 26559 - 7/19/74
Decision #AQ-33 (R)
38 FR 27172 - 9/28/74
(Hw) - See Douglas County

KANSAS (Cont'd.)

SHERIDAN COUNTY
(Hw, W&S) - See Barber County
SHERMAN COUNTY
(Hw, W&S) - See Barber County
SMITH COUNTY
(Hw, W&S) - See Barber County
STAFFORD COUNTY
(Hw, W&S) - See Barber County
STANTON COUNTY
(Hw, W&S) - See Barber County
STEVENS COUNTY
(Hw, W&S) - See Barber County
SUMNER COUNTY
(Hw, W&S) - See Allen County
THOMAS COUNTY
(Hw, W&S) - See Barber County
TREGO COUNTY
(Hw, W&S) - See Barber County
WABAUNSEE COUNTY
(Hw, W&S) - See Allen County
WALLACE COUNTY
(Hw, W&S) - See Barber County
WASHINGTON COUNTY
(Hw, W&S) - See Allen County
WICHITA COUNTY
(Hw, W&S) - See Barber County
WILSON COUNTY
(Hw, W&S) - See Allen County
WOODSON COUNTY
(Hw, W&S) - See Allen County
WYANDOTTE COUNTY
(B,H,Hw) - See Johnson COunty
(R) - See Johnson County
(D) - See Atchison County

KENTUCKY

ADAIR COUNTY
Decision #AR-4054 (H,Hw)
39 FR 39697 - 11/8/74
Mod. #1 - 39 FR 44907 - 12/27/74
Mod. #2 - 40 FR 3085 - 1/17/75
ALLEN COUNTY
Decision #AR-4053 - (H,Hw)
39 FR 39694 - 11/8/74
Mod. #1 - 40 FR 3085 - 1/17/75
ANDERSON COUNTY
Decision #AR-4055 (H,Hw)
39 FR 39700 - 11/8/74
Mod. #1 - 40 FR 3086 - 1/17/75
BALLARD COUNTY
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
(H,Hw) - See Allen County
BARREN COUNTY
(H,Hw) - See Adair County
BATH COUNTY
(H,Hw) - See Anderson County
Decision #AQ-4066 (R)
39 FR 4305 - 2/1/74
BELL COUNTY
(H,Hw) - See Adair County
Decision #AQ-4126 (B)
39 FR 22359 - 6/21/74
BOONE COUNTY
Decision #AR-4056 (H,Hw)
39 FR 39703 - 11/8/74
Mod. #1 - 40 FR 3082 - 1/17/75
Mod. #2 - 40 FR 4786 - 1/31/75
Decision #AR-4034 (B)
39 FR 33158 - 9/13/74
Mod. #1 - 40 FR 10877 - 3/7/75
Decision #1L73-2036 (D)
40 FR 6023 - 2/7/75
BOURBON COUNTY
(Hw,H) - See Anderson County
(R) - See Bath County
BOYD COUNTY
Decision #AR-4047 (B)
39 FR 38824 - 11/1/74
Mod. #1 - 40 FR 10878 - 3/7/75
(H,Hw) - See Anderson County
(D) - See Boone County
BOYLE COUNTY
(H,Hw) - See Anderson County
BRACKEN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
BREATHITT COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd.)

BRECKINRIDGE COUNTY
Decision #AP-183 (R)
38 FR 11278 - 5/4/73
(H,Hw) - See Anderson County
(D) - See Boone County
BULLITT COUNTY
(D) - See Boone County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
BUTLER COUNTY
(H,Hw) - See Allen County
CALDWELL COUNTY
(H,Hw) - See Allen County
CALLOWAY COUNTY
(H,Hw) - See Allen County
CAMPBELL COUNTY
(B,H,Hw,D) - See Boone County
CARLISLE COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
CARROLL COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
CARTER COUNTY
(H,Hw) - See Anderson County
CASEY COUNTY
(H,Hw) - See Adair County
CHRISTIAN COUNTY
(H,Hw) - See Allen County
CLARK COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
CLAY COUNTY
(H,Hw) - See Adair County
CLINTON COUNTY
(H,Hw) - See Adair County
CRITTENDEN COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
CUMBERLAND COUNTY
(H,Hw) - See Adair County
DAVIESS COUNTY
Decision #AQ-4122 (B)
39 FR 20281 - 6/7/74
(H,Hw) - See Allen County
(D) - See Boone County
EDMONSON COUNTY
(H,Hw) - See Allen County
ELLIOTT COUNTY
(H,Hw) - See Anderson County
ESTILL COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd.)

FAYETTE COUNTY
Decision #AR-4018 (B)
39 FR 28836 - 8/9/74
Mod. #1 - 39 FR 32442 - 9/6/74
Mod. #2 - 39 FR 40406 - 11/15/74
Mod. #3 - 40 FR 10875 - 3/7/75
(H,Hw) - See Anderson County
(R) - See Bath County
FLEMING COUNTY
(H,Hw) - See Anderson County
FLOYD COUNTY
Decision #AR-4002 (B)
39 FR 24777 - 7/5/74
(H,Hw) - See Adair County
FRANKLIN COUNTY
Decision #AQ-4101 (B)
39 FR 14113 - 4/19/74
Mod. #1 - 39 FR 30665 - 8/23/74
Mod. #2 - 39 FR 38803 - 11/1/74
Mod. #3 - 40 FR 10879 - 3/7/75
(H,Hw) - See Anderson County
FULTON COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
GALLATIN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
GARRARD COUNTY
(H,Hw) - See Adair County
GRANT COUNTY
(H,Hw) - See Anderson County
GRAVES COUNTY
(H,Hw) - See Allen County
GRAYSON COUNTY
(H,Hw) - See Anderson County
GREENE COUNTY
(H,Hw) - See Adair County
GREENUP COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
HANCOCK COUNTY
(H,Hw) - See Allen County
(D) - See Boone County

KENTUCKY (Cont'd)

HARDIN COUNTY
(B) - See Jefferson County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
HARLAN COUNTY
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
HART COUNTY
(H,Hw) - See Adair County
HENDERSON COUNTY
Decision #AR-4025 (B)
39 FR 31796 - 8/30/74
Mod. #1 - 40 FR 10877 - 3/7/75
(H,Hw) - See Allen County
(D) - See Boone County
HENRY COUNTY
(H,Hw) - See Anderson County
HICKMAN COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
HOPKINS COUNTY
(H,Hw) - See Allen County
JACKSON COUNTY
(H,Hw) - See Adair County
JEFFERSON COUNTY
Decision #AR-4016 (B)
39 FR 28833 - 8/9/74
Mod. #1 - 39 FR 38803 - 11/1/74
Mod. #2 - 40 FR 10875 - 3/7/75
(D) - See Boone County
(R) - See Breckinridge County
(H,Hw) - See Anderson County
JESSAMINE COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

KENTUCKY (Cont'd.)

JOHNSON COUNTY
(H,Hw) - See Anderson County
KENTON COUNTY
(B,H,Hw,D) - See Boone County
KNOTT COUNTY
(H,Hw) - See Adair County
KNOX COUNTY
(H,Hw) - See Adair County
LARUE COUNTY
(H,Hw) - See Anderson County
LAUREL COUNTY
(H,Hw) - See Adair County
LAWRENCE COUNTY
(H,Hw) - See Johnson County
LEE COUNTY
(H,Hw) - See Adair cOunty
LESLIE COUNTY
(H,Hw) - See Adair County
LETCHER COUNTY
(H,Hw) - See Adair County
LEWIS COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
LINCOLN COUNTY
(H,Hw) - See Adair county
LIVINGSTON COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
LOGAN COUNTY
(H,Hw) - See Allen County
LYON COUNTY
(H,Hw) - See Allen County
McCRACKEN COUNTY
Decision #AR-4014 (B)
39 FR 28044 - 8/2/74
Mod. #1 - 39 FR 30665 - 8/23/74
Mod. #2 - 39 FR 40406 - 11/15/74
Mod. #3 - 40 FR 10874 - 3/7/75
(D) - See Boone County
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

McCREARY COUNTY
(H,Hw) - See Adair County
McLEAN COUNTY
(H,Hw) - See Allen County
MADISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MAGOFFIN COUNTY
(H,Hw) - See Adair County
MARION COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
MARSHALL COUNTY
(H,Hw) - See Allen County
MARTIN COUNTY
(H,Hw) - See Adair County
MASON COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
MEADE COUNTY
(H,Hw) - See Anderson County
(B) - See Jefferson County
(R) - See Breckinridge County
(D) - See Boone County
MENIFEE COUNTY
(H,Hw) - See Adair County
MERCER COUNTY
(H,Hw) - See Anderson County
METCALFE COUNTY
(H,Hw) - See Adair County
MONROE COUNTY
(H,Hw) - See Adair County
MONTGOMERY COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MORGAN COUNTY
(H,Hw) - See Anderson County
MUHLENBERG COUNTY
(H,Hw) - See Allen County

MUX

KENTUCKY (Cont'd)

NELSON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
NICHOLAS COUNTY
(H,Hw) - See Anderson County
OHIO COUNTY
(H,Hw) - See Allen County
OLDHAM COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
OWEN COUNTY
(H,Hw) - See Anderson County
OWSLEY COUNTY
(H,Hw) - See Adair County
PENDLETON COUNTY
(B)(D) - See Boone County
(D) - See Boone County
PERRY COUNTY
(H,Hw) - See Adair County
PIKE COUNTY
(B) - See Floyd County
(H,Hw) - See Adair County
POWELL COUNTY
(H,Hw) - See Adair County
PULASKI COUNTY
(H,Hw) - See Adair County
ROBERTSON COUNTY
(H,Hw) - See Anderson County
ROCKCASTLE COUNTY
(H,Hw) - See Adair County
ROWAN COUNTY
(H,Hw) - See Anderson County
RUSSELL COUNTY
(H,Hw) - See Adair County
SCOTT COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
SHELBY COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County

KENTUCKY (Cont'd.)

SIMPSON COUNTY
(H,Hw) - See Allen County
SPENCER COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
TAYLOR COUNTY
(H,Hw) - See Allen County
TODD COUNTY
(H,Hw) - See Allen County
TRIGG COUNTY
(H,Hw) - See Allen County
TRIMBLE COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
UNION COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
WARREN COUNTY
Decision #AR-4023 (B)
39 FR 32449 - 9/6/74
Mod. #1 - 40 FR 10876 - 3/7/75
(H,Hw) - See Allen County
WASHINGTON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
WAYNE COUNTY
(H,Hw) - See Adair County
WEBSTER COUNTY
(H,Hw) - See Allen County
WHITLEY COUNTY
(H,Hw) - See Adair County
WOLFE COUNTY
(H,Hw) - See Adair County
WOODFORD COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

LOUISIANA

STATEWIDE
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
Decision #LA75-4033 (B,Hw,R)
40 FR 3898 - 1/24/75
Mod. #1 - 40 FR 6907 - 2/14/75
Mod. #2 - 40 FR 7775 - 2/21/75
Mod. #3 - 40 FR 8695 - 2/28/75
ACADIA PARISH
Decision #AR75-5032 (F)
40 FR 8706 - 2/20/75
(B,Hw,U) - See Statewide
ALLEN PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ASCENSION PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ASSUMPTION PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
AVOYELLES PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
BEAUREGARD PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
BIENVILLE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
BOSSIER PARISH
(B,R) - See Statewide
(D) - See Statewide
(F) - See Acadia Parish
(Hw) - See Statewide
CADDO PARISH
(D) - See Statewide
(B,R) - See Statewide
(Hw) - See Statewide
CALCASIEU PARISH
(D) - See Statewide
(F) - See Acadia Parish
(Hw) - See Statewide
(B,R) - See Statewide

LOUISIANA (Cont'd)

CALDWELL PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
CAMERON PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
CATAHOULA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
CLAIBORNE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
CONCORDIA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
DE SOTO PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
EAST BATON ROUGE PARISH
(D) - See Statewide
(B)(Hw) - See Statewide
EAST CARROLL PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
EAST FELICIANA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
EVANGELINE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
FRANKLIN PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
GRANT PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
IBERIA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide

LOUISIANA (Cont'd)

IBERVILLE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
JACKSON COUNTY
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
JEFFERSON PARISH
Decision #AR-3 (R)
39 FR 25777 - 7/12/74
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
JEFFERSON DAVIS PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
LAFAYETTE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
LAFOURCHE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
LA SALLE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
LINCOLN PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
LIVINGSTON PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
MADISON PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
MOREHOUSE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
NATCHITOCHES PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ORLEANS PARISH
(D) - See Statewide
(B)(Hw) - See Statewide
(R) - See Jefferson Parish
OUACHITA PARISH
(D) - See Statewide
Decision #AQ-116 (R)
39 FR 22397 - 6/21/74
(B)(Hw) - See Statewide

LOUISIANA (Cont'd)

PLAQUEMINES PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
(R) - See Jefferson Parish
POINTE COUPEE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
RAPIDES PARISH
(D) - See Statewide
(B)(Hw) - See Statewide
RED RIVER PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
RICHLAND PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
SABINE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ST. BERNARD PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
(R) - See Jefferson Parish
ST. CHARLES PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ST. HELENA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ST. JAMES PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ST. JOHN THE BAPTIST PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ST. LANDRY PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ST. MARTIN PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ST. MARY PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide

LOUISIANA (Cont'd)

ST. TAMMANY PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
TANGIPAHOA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
TENSAS PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
TERREBONNE CUNNTY
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
UNION PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
VERMILION COUNTY
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
VERNON PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
WASHINGTON PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
WEBSTER PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
WEST BATON ROUGE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
WEST CARROLL PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
WEST FELICIANA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
WINN PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide

MAINE

ANDROSCOGGIN COUNTY
None
AROOSTOOK COUNTY
None
CUMBERLAND COUNTY
Decision #NY75-3010 (D)
40 FR 3881 - 1/24/75
FRANKLIN COUNTY
None
HANCOCK COUNTY
(D) - See Cumberland County
KENNEBEC COUNTY
None
KNOX COUNTY
(D) - See Cumberland County
LINCOLN COUNTY
(D) - See Cumberland County
OXFORD COUNTY
None
PENOBSCOT COUNTY
None
PISCATAQUIS COUNTY
None
SAGADAHOC COUNTY
(D) - See Cumberland County
SOMERSET COUNTY
None
WALDO COUNTY
(D) - See Cumberland County
WASHINGTON COUNTY
(D) - See Cumberland County
YORK COUNTY
(D) - See Cumberland County

MARYLAND

ALLEGANY COUNTY
Decision #AR-2091 (B)
39 FR 41651 - 11/29/74
Mod. #1 - 40 FR 928 - 1/3/75
Decision #AR-2084 (H,Hw)
40 FR 41125 - 11/22/74
ANNE ARUNDEL COUNTY
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Decision #AR-2086 (H,H)
39 FR 41127 - 11/22/74
Mod. #1 - 40 FR 928 - 1/3/75
Decision #AR-2085 (Hw)
39 FR 41100 - 11/22/74
BALTIMORE CITY
Decision #AR-2053 (Hw)
39 FR 34905 - 9/27/74
Mod. #1 - 40 FR 928 - 1/3/75
Decision #AR-2093 (B,H)
39 FR 44162 - 12/20/74
Mod. #1 - 40 FR 928 - 1/3/75
Decision #AQ-2072 (R)
39 FR 8122 - 3/1/74
Decision #NY75-3010 (D)
40 FR 3881 - 1/24/75
BALTIMORE COUNTY
Decision #AR-2052 (Hw)
39 FR 34904 - 9/27/74
(B,H) - See Baltimore County
(R) - See Baltimore County
CALVERT COUNTY
(D) - See Anne Arundel County
(Hw) - See Anne Arundel
CAROLINE COUNTY
(Hw) - See Anne Arundel County
CARROLL COUNTY
(Hw) - See Anne Arundel County
CECIL COUNTY
(R) - See Baltimore City
CHARLES COUNTY
(Hw) - See Anne Arundel County
(D) - See Anne Arundel County
DORCHESTER COUNTY
(D) - See Anne Arundel County
FREDERICK COUNTY
Decision #AQ-2076 (R)
39 FR 10069 - 3/15/74
(Hw) - See Anne Arundel County
GARRETT COUNTY
(B,H,Hw) - See Allegany County
HARFORD COUNTY
(B,H) - See Baltimore City
(R) - See Baltimore City
(D) - See Anne Arundel County
(Hw) - See Anne Arundel County
HOWARD COUNTY
(B,H) - See Baltimore County
(Hw) - See Anne Arundel County
(R) - See Baltimore City
KENT COUNTY
(D) - See Anne Arundel County

MARYLAND (Cont'd.)

MONTGOMERY COUNTY
Decision #MD75-3003 (B)
40 FR 937 - 1/3/75
(Hw) - See Anne Arundel County
PRINCE GEORGES COUNTY
(B) - See Montgomery County
(Hw) - See Anne Arundel County
(D) - See Anne Arundel County
QUEEN ANNES COUNTY
(D) - See Anne Arundel County
ST. MARYS COUNTY
(Hw) - See Anne Arundel County
(D) - See Anne Arundel County
SOMERSET COUNTY
(D) - See Anne Arundel County
TALBOT COUNTY
(D) - See Anne Arundel County
WASHINGTON COUNTY
(Hw) - See Anne Arundel County
WICOMICO COUNTY
Decision #AQ-2075 (R)
39 FR 10068 - 3/15/74
Mod. #1 - 39 FR 14849 - 4/26/74
(D) - See Anne Arundel County
WORCESTER COUNTY
(D) - See Baltimore County
Decision #AR-2012 (B)
39 FR 27991 - 8/2/74

MASSACHUSETTS

BARNSTABLE COUNTY
Decision #MA75-2002 (B,H,Hw, & Marine)
40 FR 3095 - 1/17/75
Mod. #1 - 40 FR 7776 - 2/21/75
Decision #NY75-3010 (U)
40 FR 3881 - 1/24/75
BERKSHIRE COUNTY
Decision #MA75-2003 (B,H,Hw)
40 FR 3099 - 1/17/75
Mod. #1 - 40 FR 6908 - 2/21/75
BRISTOL COUNTY
Decision #MA75-2004 (B,H,Hw,R, & Marine)
40 FR 3103 - 1/17/75
Mod. #1 - 40 FR 7776 - 2/21/75
(D) - See Barnstable County
DUKES COUNTY
(D) - See Barnstable County
ESSEX COUNTY
Decision #MA75-2005 (B,H,Hw, & Marine)
40 FR 3107 - 1/17/75
Mod. #1 - 40 FR 7777 - 2/21/75
(D) - See Barnstable County
FRANKLIN COUNTY
Decision #MA75-2006 (B,H,Hw)
40 FR 3112 - 1/17/75
Mod. #1 - 40 FR 7777 - 2/21/75
HAMPDEN COUNTY
Decision #MA75-2007 (B,H,Hw)
40 FR 3116 - 1/17/75
Mod. #1 - 40 FR 7778 - 2/21/75
Decision #AQ-3032 (R)
39 FR 30361 - 11/2/73
Mod. #1 - 38 FR 33205 - 11/30/73
Mod. #2 - 39 FR 4274 - 2/1/74
HAMPSHIRE COUNTY
Decision #MA75-2008 (B,H,Hw)
40 FR 3121 - 1/17/75
Mod. #1 - 40 FR 7778 - 2/21/75
MIDDLESEX COUNTY
Decision #Ma75-2009 (B,H,Hw,R, & Marine)
40 FR 3125 - 1/17/75
Mod. #1 - 40 FR 6909 - 2/14/75
(D) - See Barnstable County
NANTUCKET COUNTY
(D) - See Barnstable County
NORFOLK COUNTY
Decision #MA75-2010 (B,H,Hw,R)
40 FR 3129 - 1/17/75
Mod. #1 - 40 FR 7779 - 2/21/75
(D) - See Barnstable County

MASSACHUSETTS

PLYMOUTH COUNTY
Decision #MA75-2011 (B,Hw,Hw,R)
40 FR 31333- 1/17/75
Mod. #1 - 40 FR 7779 - 2/21/75
SUFFOLK COUNTY
Decision #MA75-2012 (B,H,Hw,R,R, & Marine)
40 FR 3137 - 1/17/75
Mod. #1 - 40 FR 7780 - 2/21/75
WORCESTER COUNTY
Decision #MA75-2013 (B,H,Hw,R)
40 FR 3141 - 1/17/75
Mod. #1 - 40 FR 7780 - 2/21/75

MICHIGAN

STATEWIDE
Decision #AR-3141 (Hw, W&S)
39 FR 30765 - 8/23/74
Mod. #1 - 39 FR 41109 - 11/22/74
Mod. #2 - 39 FR 41658 - 11/29/74
Mod. #3 - 40 FR 10879 - 3/7/75
ALCONA COUNTY
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
Mod. #1 - 39 FR 44161 - 12/20/74
(Hw, W&S) - See Statewide
(B,H) - See Alpena County
ALGER COUNTY
Decision #AR-3177 (B,H)
39 FR 44164 - 12/20/74
Mod. #1 - 40 FR 929 - 1/3/75
Mod. #2 - 40 FR 8695 - 2/28/75
(D) - See Alcona County
(Hw, W&S) - See Statewide
ALLEGAN COUNTY
Decision #AR-3102 (B,H)
39 FR 29784 - 8/16/74
Mod. #1 - 39 FR 33152 - 9/13/74
Mod. #2 - 39 FR 33911 - 9/20/74
Mod. #3 - 39 FR 34920 - 9/27/74
Mod. #4 - 40 FR 7781 - 2/21/75
Decision #AM-398 (R)
36 FR 15891 - 8/18/71
(Hw, W&S) - See Statewide
(D) - See Alcona County
ALPENA COUNTY
Decision #AR-3150 (B,H)
39 FR 36759 - 10/11/74
Mod. #1 - 40 FR 7795 - 2/21/75
(Hw, W&S) - See Statewide
ANTRIM COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
ARENAC COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARAGA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARRY COUNTY
(Hw, W&S) - See Statewide
BAY COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
BENZIE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

BERRIEN COUNTY
Decision #AR-3164 (B,H)
39 FR 37338 - 10/18/74
Mod. #1 - 40 FR 7796 - 2/21/75
Decision #AM-399 (R)
36 FR 15892 - 8/18/71
(D) - See Alcona County
(Hw, W&S) - See Statewide
BRANCH COUNTY
Decision #AM-401 (R)
36 FR 15894 - 8/18/71
(Hw, W&S) - See Statewide
CALHOUN COUNTY
Decision #AR-3106 (B,H)
39 FR 29797 - 8/16/74
Mod. #1 - 39 FR 33154 - 9/13/74
Mod. #2 - 39 FR 33912 - 9/20/74
Mod. #3 - 39 FR 34922 - 9/27/74
Mod. #4 - 40 FR 7782 - 2/21/75
Decision #AM-400 (R)
36 FR 15892 - 8/18/71
(Hw, W&S) - See Statewide
CASS COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
CHARLEVOIX COUNTY
Decision #AR-3122 (B,H)
39 FR 29850 - 8/16/74
Mod. #1 - 39 FR 33155 - 9/13/74
Mod. #2 - 39 FR 33916 - 9/20/74
Mod. #3 - 39 FR 34922 - 9/27/74
Mod. #4 - 40 FR 7793 - 2/21/75
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHEBOYGAN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHIPPEWA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CLARE COUNTY
(Hw, W&S) - See Statewide
CLINTON COUNTY
(Hw, W&S) - See Statewide
CRAWFORD COUNTY
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

DELTA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
DICKINSON COUNTY
(Hw, W&S) - See Statewide
EATON COUNTY
Decision #AM-8041 (R)
36 FR 24027 - 12/17/71
(Hw, W&S) - See Statewide
EMMET COUNTY
Decision #AR-3108 (B,H)
39 FR 29803 - 8/16/74
Mod. #1 - 39 FR 33155 - 9/13/74
Mod. #2 - 39 FR 33912 - 9/20/74
Mod. #3 - 39 FR 35908 - 10/4/74
Mod. #4 - 40 FR 7783 - 2/21/75
(D) - See Alcona County
(Hw, W&S) - See Statewide
GENESEE COUNTY
Decision #AR-3109 (B,H,R)
39 FR 29807 - 8/16/74
Mod. #1 - 39 FR 33912 - 9/20/74
Mod. #2 - 39 FR 35908 - 10/4/74
Mod. #3 - 40 FR 7784 - 2/21/75
(Hw, W&S) - See Statewide
GLADWIN COUNTY
(Hw) - See Statewide
GOGEBIC COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRAND TRAVERSE COUNTY
Decision #AR-3111 (B,H)
39 FR 29814 - 8/16/74
Mod. #1 - 39 FR 33913 - 9/20/74
Mod. #2 - 39 FR 35909 - 10/4/74
Mod. #3 - 39 FR 41657 - 11/29/74
Mod. #4 - 40 FR 7785 - 2/21/75
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRATIOT COUNTY
(Hw, W&S) - See Statewide
HILLSDALE COUNTY
(Hw, W&S) - See Statewide
HOUGHTON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
HURON COUNTY
Decision #AR-3112 (B,H)
39 FR 29817 - 8/16/74
Mod. #1 - 39 FR 31774 - 8/30/74
Mod. #2 - 39 FR 33913 - 9/20/74
Mod. #3 - 39 FR 35910 - 10/4/74
Mod. #4 - 40 FR 7786 - 2/21/75
(D) - See Alcona County
(Hw, W&S) - See Statewide
INGHAM COUNTY
Decision #AR-3113 (B,H)
39 FR 8/16/74
Mod. #1 - 39 FR 33154 - 9/13/74

MICHIGAN (Cont'd.)

INGHAM COUNTY (Cont'd.)
Mod. #2 - 39 FR 33914 - 9/20/74
Mod. #3 - 39 FR 35910 - 10/4/74
Mod. #4 - 40 FR 7787 - 2/21/75
(Hw, W&S) - See Statewide
(R) - See Eaton County
IONIA COUNTY
(Hw, W&S) - See Statewide
IOSCO COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
IRON COUNTY
(Hw, W&S) - See Statewide
ISABELLA COUNTY
(Hw, W&S) - See Statewide
JACKSON COUNTY
(Hw, W&S) - See Statewide
KALAMAZOO COUNTY
Decision #AR-3114 (B,H)
39 FR 29823 - 8/16/74
Mod. #1 - 39 FR 33914 - 9/20/74
Mod. #2 - 39 FR 35910 - 10/4/74
Mod. #3 - 40 FR 7788 - 2/21/75
(Hw, W&S) - See Statewide
(R) - See Branch County
KALKASKA COUNTY
(Hw, W&S) - See Statewide
KENT COUNTY
Decision #AR-3054 (B,H)
39 FR 25858 - 7/12/74
Mod. #1 - 39 FR 33155 - 9/13/74
Mod. #2 - 39 FR 34920 - 9/27/74
Mod. #3 - 40 FR 3862 - 1/24/75
Decision #AM-402 (R)
36 FR 15895 - 8/18/71
(Hw, W&S) - See Statewide
KEWEENAW COUNTY
(B,H) - See Alger County
(Hw, W&S) - See Statewide
LAKE COUNTY
(Hw, W&S) - See Statewide
LAPEER COUNTY
(B,H,R) - See Genessee County
(Hw, W&S) - See Statewide
LEELANAU COUNTY
(B,H) - See Grand Traverse County
(Hw, W&S) - See Statewide
LENAWEE COUNTY
(Hw, W&S) - See Statewide
LIVINGSTON COUNTY
(Hw, W&S) - See Statewide
LUCE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MACKINAC COUNTY
(B,H) - See Alger County
(Hw, W&S) - See Statewide
MACOMB COUNTY
Decision #AR-3121 (B,H,R)
39 FR 29846 - 8/16/74
Mod. #1 - 39 FR 33916 - 9/20/74
Mod. #2 - 39 FR 35913 - 10/4/74
Mod. #3 - 40 FR 7792 - 2/21/74
(D) - See Alcona County
(Hw, W&S) - See Statewide

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MICHIGAN (Cont'd.)

MANISTEE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MARQUETTE COUNTY
Decision #AR-3178 (R)
39 FR 44166 - 12/20/74
(D) - See Alcona County
(B,H) - Alger County
(Hw,W&S) - See Statewide
MASON COUNTY
Decision #AR-3116 (B,H)
39 FR 29830 - 8/16/74
Mod. #1 - 39 FR 33914 - 9/20/74
Mod. #2 - 39 FR 35911 - 10/4/74
Mod. #3 - 40 FR 7789 - 2/21/75
(D) - See Alcona County
MECOSTA COUNTY
(Hw, W&S) - See Statewide
MENOMINEE COUNTY
(D) - See Alcona COunty
(Hw, W&S) - See Statewide
MIDLAND COUNTY
(Hw, W&S) - See Statewide
MISSAUKEE COUNTY
(Hw, W&S) - See Statewide
MONROE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MONTCALM COUNTY
(Hw, W&S) - See Statewide
(R) - See Kent County
MONTMORENCY COUNTY
(B,H) - See Alpena County
(Hw, W&S) - See Statewide
MUSKEGON COUNTY
Decision #AR-3117 (B,H)
39 FR 29833 - 8/16/74
Mod. #1 - 39 FR 33915 - 9/20/74
Mod. #2 - 39 FR 35912 - 10/4/74
Mod. #3 - 39 FR 36716 - 10/11/74
Mod. #4 - 40 FR 7790 - 2/21/75
Decision #AM-403 (R)
36 FR 15896 - 8/18/71
(D) - See Alcona County
(Hw, W&S) - See Statewide
NEWAYGO COUNTY
(Hw, W&S) - See Statewide
OAKLAND COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OCEANA COUNTY
(B,H,R) - See Muskegon County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OGEMAW COUNTY
(Hw, W&S) - See Statewide
ONTONAGON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

OSCEOLA COUNTY
(Hw, W&S) - See Statewide
OSCODA COUNTY
(B,H) - See Alpena County
(Hw, W&S) - See Statewide
OTSEGO COUNTY
(Hw, W&S) - See Statewide
OTTAWA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
(R) - See Allegan County
PRESQUE ISLE COUNTY
(B,H) - See Alpena County
(D) - See Alcona County
(Hw, W&S) - See Statewide
ROSCOMMON COUNTY
(Hw, W&S) - See Statewide
SAGINAW COUNTY
Decision #AR-3148 (B,H,R)
39 FR 36754 - 10/11/74
Mod. #1 - 40 FR 7794 - 2/21/75
(Hw, W&S) - See Statewide
SAINT CLAIR COUNTY
Decision #AR-3165 (B,H,R)
39 FR 37341 - 10/18/74
Mod. #1 - 39 FR 43464 - 12/13/74
Mod. #2 - 40 FR 7797 - 2/21/75
(Hw, W&S) - See Statewide
SAINT JOSEPH COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
SANILAC COUNTY
(B,H) - See Saint Clair County
(D) - See Alcona County
(Hw, W&S) - See Statewide
SCHOOLCRAFT COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
SHIAWASSEE COUNTY
(B,H,R) - See Genessee County
(Hw, W&S) - See Statewide
TUSCOLA COUNTY
(B,H) - See Saginaw County
(D) - See Alcona County
(Hw, W&S) - See Statewide
VAN BUREN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
WASHTENAW COUNTY
Decision #AR-3120 (B,H,R)
39 FR 29843 - 8/16/74
Mod. #1 - 39 FR 33916 - 9/20/74
Mod. #2 - 39 FR 35913 - 10/4/74
Mod. #3 - 40 FR 7791 - 2/21/75
WAYNE COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
WEXFORD COUNTY
(Hw, W&S) - See Statewide

MINNESOTA

AITKIN COUNTY
Decision #AR-3053 (H,Hw)
39 FR 25873 - 7/12/74
Mod. #1 - 39 FR 31775 - 8/23/74
Mod. #2 - 39 FR 38805 - 11/1/74
Mod. #3 - 39 FR 44908 - 12/27/74
ANOKA COUNTY
Decision #AR-3053 (B,R)
39 FR 39705 - 11/8/74
(H,Hw) - See Aitkin County
BECKER COUNTY
Decision #AQ-3104 (H,Hw)
39 FR 9369 - 3/8/74
BELTRAMI COUNTY
Decision #AR-3147 (H,Hw)
39 FR 36704 - 10/11/74
BENTON COUNTY
(H,Hw) - See Aitkin County
BIG STONE COUNTY
Decision #AQ-3105 (H,Hw)
39 FR 9370 - 3/8/74
BLUE EARTH COUNTY
(H,Hw) - See Aitkin County
BROWN COUNTY
None
CARLTON COUNTY
(H,Hw) - See Aitkin County
CARVER COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
CASS COUNTY
(Hw) - See Becker County
CHIPPEWA COUNTY
(Hw) - See Big Stone County
CHISAGO COUNTY
(H,Hw) - See Aitkin County
CLAY COUNTY
(Hw) - See Becker County
CLEAR WATER COUNTY
(H,Hw) - See Beltrami County
COOK COUNTY
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
(H,Hw) - See Aitkin County
COTTONWOOD COUNTY
Decision #AQ-3134 (H,Hw)
39 FR 935 - 3/8/74
CROW WING COUNTY
(H,Hw) - See Aitkin County
DAKOTA COUNTY
(B,R) - Spe Anoka County
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.)

DODGE COUNTY
(H,Hw) - See Aitkin County
DOUGLAS COUNTY
(H,Hw) - See Big Stone County
FAIRBAULT COUNTY
(H,Hw) - See Aitkin County
FILLMORE COUNTY
(H,Hw) - See Aitkin County
FREEBORN COUNTY
(H,Hw) - See Aitkin County
GOODHUE COUNTY
(H,Hw) - See Aitkin County
GRANT COUNTY
(H,Hw) - See Big Stone County
HENNEPIN COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
HOUSTON COUNTY
(H,Hw) - See Aitkin County
HUBBARD COUNTY
(H,Hw) - See Becker County
ISANTI COUNTY
(H,Hw) - See Aitkin County
ITASKA COUNTY
(H,Hw) - See Aitkin County
JACKSON COUNTY
(H,Hw) - See Aitkin County
KANABEC COUNTY
(H,Hw) - See Aitkin County
KANDIYOHI COUNTY
(H,Hw) - See Big Stone County
KITTSON COUNTY
(H,Hw) - See Beltrami County
KOOCHICHING COUNTY
(H,Hw) - See Aitkin County
LAC QUI PARLE COUNTY
(H,Hw) - See Big STone County
LAKE COUNTY
(H,Hw) - See Aitkin County
(D) - See Cook County
LAKE OF THE WOODS COUNTY
(H,Hw) - See Beltrami County
LE SHUEUR COUNTY
(H,Hw) - See Aitkin County
LINCOLN COUNTY
(H,Hw) - See Cottonwood County

MINNESOTA (Cont'd.)

LYON COUNTY
(H,Hw) - See Cottonwood County
MCLEOD COUNTY
(H,Hw) - See Aitkin County
MAHNOMEN COUNTY
(H,Hw) - See Beltrami County
MARSHALL COUNTY
(H,Hw) - See Beltrami County
MARTIN COUNTY
(H,Hw) - See Aitkin County
MEEKER COUNTY
(H,Hw) - See Aitkin County
MILLE LACS COUNTY
(H,Hw) - See Aitkin County
MORRISON COUNTY
(H,Hw) - See Aitkin County
MOWER COUNTY
(H,Hw) - See Aitkin County
MURRAY COUNTY
(H,Hw) - See Cottonwood County
NICOLLET COUNTY
(H,Hw) - See Aitkin County
NOBLES COUNTY
(H,Hw) - See Aitkin County
NORMAN COUNTY
(H,Hw) - See Beltrami County
OLMSTEAD COUNTY
(H,Hw) - See Aitkin County
OTTER TAIL COUNTY
(H,Hw) - See Becker County
PENNINGTON COUNTY
(H,Hw) - See Beltrami County
PINE COUNTY
(H,Hw) - See Aitkin County
PIPESTONE COUNTY
(H,Hw) - See Cottonwood County
POLK COUNTY
(H,Hw) - See Beltrami County
POPE COUNTY
(H,Hw) - See Big Stone County
RAMSEY COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
RED LAKE COUNTY
(H,Hw) - See Beltrami County
REDWOOD COUNTY
(H,Hw) - See Cottonwood County
RENVILLE COUNTY
None
RICE COUNTY
(H,Hw) - See Aitkin County
ROCK COUNTY
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.)

ROSEAU COUNTY
(H,Hw) - See Beltrami County
SAINT LOUIS COUNTY
(D) - See Cook County
(H,Hw) - See Aitkin County
Decision #MN75-2042 (B,R)
40 FR 7837 - 2/21/75
SCOTT COUNTY
(H,Hw) - See Aitkin County
(B,R) - See Anoka County
SHERBURNE COUNTY
(H,Hw) - See Anoka County
SIBLEY COUNTY
(H,Hw) - See Aitkin County
STEARNS COUNTY
(H,Hw) - See Aitkin County
STEELE COUNTY
(H,Hw) - See Aitkin County
STEVENS COUNTY
(H,Hw) - See Big Stone County
SWIFT COUNTY
(H,Hw) - See Big Stone County
TODD COUNTY
(Hw) - See Becker County
TRAVERSE COUNTY
(H,Hw) - See Big Stone County
WABASHA COUNTY
(H,Hw) - See Aitkin County
WADENA COUNTY
(H,Hw) - See Becker County
WASECA COUNTY
(H,Hw) - See Aitkin County
WASHINGTON COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
WATONWAN COUNTY
None
WILKIN COUNTY
(H,Hw) - See Becker County
WINONA COUNTY
(H,Hw) - See Aitkin County
WRIGHT COUNTY
(H,Hw) - See Aitkin County
YELLOW MEDICINE COUNTY
(H,Hw) - See Cottonwood County

MISSISSIPPI

STATEWIDE
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
Decision #AR75-5032 (F)
40 FR 8706 - 2/28/75
Decision #AR-4066 (Hw, S&W)
39 FR 44167 - 12/20/74
Mod. #1 - 40 FR 3086 - 1/17/75
Mod. #2 - 40 FR 5977 - 2/7/75
ADAMS COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
ALCORN COUNTY
(Hw, W&S) - See Statewide
(D) - See Statewide
(F) - See Statewide
AMITE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
ATTALA COUNTY
(Hw, W&S) - See Statewide
(D) - See Statewide
(F) - See Statewide
BENTON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
BOLIVAR COUNTY
(Hw, W&S) - See Statewide
(D) - See Statewide
(F) - See Statewide
CALHOUN COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
CARROLL COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
CHICKASAW COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
CHOCTAW COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
CLAIBORNE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
CLARKE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide

MISSISSIPPI (cont'd)

CLAY COUNTY
(Hw, W&S) - See Statewide
COAHOMA COUNTY
Decision #AR-4024 (R)
39 FR 31771 - 8/30/74
Mod. #1 - 40 FR 3086 - 1/17/75
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
COPIAH COUNTY
Decision #AQ-4120 (B)
39 FR 20302 - 6/7/74
(D) - See Statewide
(F)(Hw, S&W) - See Statewide
COVINGTON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
DE SOTO COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
FORREST COUNTY
Decision #MS75-1007 (R)
40 FR 3147 - 1/17/75
Decision #MS75-1020 (B)
40 FR 5966 - 2/7/75
Mod. #1 - 40 FR 7798 - 2/21/75
(D)(F) - See Statewide
(Hw, W&S) - See Statewide
FRANKLIN COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
GEORGE COUNTY
Decision #AP-174 (R)
38 FR 10584 - 4/27/73
Mod. #1 - 39 FR 8102 - 3/1/74
(D,F,Hw, S&W) - See Statewide
GREENE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
GRENADA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
HANCOCK COUNTY
Decision #MS75-1013 (B,H,Hw,S&W)
40 FR FR 4864 - 1/31/75
(D,F) - See Statewide
(R) - See George County
HARRISON COUNTY
(B,H,Hw, S&W) - See Statewide
(R) - See George County
(D) - See Statewide
(F) - See Statewide

MISSISSIPPI (cont'd)

HINDS COUNTY
Decision #AR-4030 (B)
39 FR 32454 - 9/6/74
Mod. #1 - 39 FR 38806 - 11/1/74
Mod. #2 - 39 FR 41658 - 11/29/74
(R) - See Copiah County

(D,F) - See Statewide
(Hw, W&S) - See Statewide
HOLMES COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
HUMPHREYS COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
ISSAQUENA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
ITAWAMBA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
JACKSON COUNTY
(D) - See Statewide
(F) - See Statewide
(B,H,Hw,W&S) - See Hancock County
(R) - See George County
JASPER COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
JEFFERSON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
JEFFERSON DAVIS COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
JONES COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
(R) - See Forest County
KEMPER COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
LAFAYETTE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide

MISSISSIPPI (cont'd)

LAMAR COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
LAUDERDALE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
LAWRENCE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
LEAKE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
(R) - See Copiah County
LEE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
LEFLORE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
LINCOLN COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
LOWNDES COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
MADISON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
(R) - See Copiah County
MARION COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
MARSHALL COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
MONROE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
MONTGOMERY COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide

MISSISSIPPI (Cont'd)

NESHOBA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
NEWTON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
NOXUBEE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
OKTIBBEHA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw,W&S) - See Statewide
PANOLA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
PEARL RIVER COUNTY
(D) - See Statewide
(F) - See Statewide
(B,H,Hw,W&S) - See Hancock County
(R) - See George County
PERRY COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
PIKE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
PONTOTOC COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
PRENTISS COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
QUITMAN COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
RANKIN COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
(R) - See Copiah County

MISSISSIPPI (Cont'd)

SCOTT COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
(R) - See Copiah County
SHARKEY COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
SIMPSON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
(R) - See
SMITH COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
(R) - See Copiah County
STONE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
(R) - See George County
SUNFLOWER COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
(R) - See Coahoma County
TALLAHATCHIE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
TATE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
TIPPAH COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
TISHOMINGO COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
TUNICA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
UNION COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide

MISSISSIPPI (Cont'd)

WALTHALL COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
WARREN COUNTY
Decision #AQ-4112 (B)
39 FR 16978 - 5/10/74
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
(R) - See Coahoma County
WASHINGTON COUNTY
Decision #AQ-4072 (B)
39 FR 5933 - 2/15/74
(D) - See Statewide
(F) - See Statewide
(R) - See Coahoma County
(Hw, W&S) - See Statewide
WAYNE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
WEBSTER COUNTY
(Hw, W&S) - See Statewide
(D) - See Statewide
(F) - See Statewide
WILKINSON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
WINSTON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
YALOBUSHA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
YAZOO COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw, W&S) - See Statewide
(R) - See Copiah County

MISSOURI

STATEWIDE
Decision #AR-79 (H,Hw)
39 FR 40449 - 11/15/74
Mod. #1 - 39 FR 42807 - 12/6/74
ADAIR COUNTY
(H,Hw) - See Statewide
ANDREW COUNTY
Decision #MO75-4060 (D)
40 FR 10898 - 3/7/75
(H,Hw) - See Statewide
ATCHISON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
AUDRAIN COUNTY
(H,Hw) - See Statewide
BARRY COUNTY
(Hw) - See Statewide
BARTON COUNTY
(H,Hw) - See Statewide
BATES COUNTY
(H,Hw) - See Statewide
BENTON COUNTY
(H,Hw) - See Statewide
BOLLINGER COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
BUCHANAN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
BUTLER COUNTY
(Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
CALLAWAY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CAMDEN COUNTY
(H,Hw) - See Statewide
CAPE GIRARDEAU COUNTY
Decision #IL75-2036 (D)
40 FR 6023 - 2/7/75
(H,Hw) - See Statewide
CARROLL COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CARTER COUNTY
(Hw) - See Statewide

MISSOURI (Cont'd.)

CASS COUNTY
Decision #MO75-4059 (B)
40 FR 8740 - 2/28/75
Decision #AQ-62 (R)
38 FR 32388 - 11/23/74
(H,Hw) - See Statewide
CEDAR COUNTY
(H,Hw) - See Statewide
CHARITON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CHRISTIAN COUNTY
(Hw) - See Statewide
CLARK COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(B,R) - See Cass County
(D) - See Andrew County

(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See STatewide
COLE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
COOPER COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
DADE COUNTY
(H,Hw) - See Statewide
DALLAS COUNTY
(H,Hw) - See Statewide
DAVIESS COUNTY
(H,Hw) - See Statewide
DE KALB COUNTY
(H,Hw) - See Statewide
DENT COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
DUNKLIN COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
GASCONADE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
GENTRY COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
(H,Hw) - See Statewide

MISSOURI (CONT'D

GRUNDY COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HICKORY COUNTY
(H,Hw) - See Statewide
HOLT COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWARD COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWELL COUNTY
(Hw) - See Statewide
IRON COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(B,R) - See Cass County
(D) - See Andrew County

(H,Hw) - See Statewide
JASPER COUNTY
None
JEFFERSON COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LACLEDE COUNTY
(H,Hw) - See Statewide
LAFAYETTE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
LAWRENCE COUNTY
(H,Hw) - See Statewide
LEWIS COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
LIVINGSTON COUNTY
(H,Hw) - See Statewide
LINN COUNTY
(H,Hw) - See Statewide
MC DONALD COUNTY
(H,Hw) - See Statewide
MACON COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARIES COUNTY
(H,Hw) - See Statewide

XUM

MISSOURI (CONT'D)

MARION COUNTY
(H,Hw) - See Statewide
MERCER COUNTY
(H,Hw) - See Statewide
MILLER COUNTY
(H,Hw) - See Statewide
MISSISSIPPI COUNTY
(D) - See Cape Girardeau County
(Hw) - See Statewide
MONITEAU COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MONROE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NEW MADRID COUNTY
(H,Hw) - See Statewide
NEWTON COUNTY
(H,Hw) - See Statewide
NODAWAY COUNTY
(H,Hw) - See Statewide
OREGON COUNTY
(Hw) - See Statewide
OSAGE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
OZARK COUNTY
(Hw) - See Stateride
PEMISCOT COUNTY
(Hw) - See Statewide
PERRY COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
PETTIS COUNTY
(H,Hw) - See Statewide
PHELPS COUNTY
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PLATTE COUNTY
(H,Hw) - See Cass County
(D) - See Andrew County
(B,R) - See Cass County
POLK COUNTY
(H,Hw) - See Statewide

MISSOURI (CONT'D)

PULASKI COUNTY
(Hw, H) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RALLS COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RAY COUNTY
(B,R) - See Cass County
(H,Hw) - See Statewide
(D) - See Andrew County
REYNOLDS COUNTY
(Hw) - See Statewide
RIPLEY COUNTY
(Hw) - See Statewide
ST. CHARLES COUNTY
Decision #AQ-91 (B)
39 FR 14157 - 4/19/74
(D) - See Andrew County
Decision #AQ-94 (R)
39 FR 15649 - 5/3/74
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
ST. CLAIR COUNTY
(H,Hw) - See Statewide
ST. FRANCOIS COUNTY
(H,Hw) - See Statewide
ST. LOUIS COUNTY
(B,R) - See St. Charles County
(D) - See Cape Girardeau County
(D) - See Andrew County
(H,Hw) - See Statewide
ST. GENEVIEVE COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SALINE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
SCHUYLER COUNTY
(H,Hw) - See Statewide
SCOTLAND COUNTY
(H,Hw) - See Statewide
SCOTT COUNTY
(D) - See Cape Girardeau County
(Hw) - See Statewide
SHANNON COUNTY
(Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STODDARD COUNTY
(Hw) - See Statewide

MISSOURI (Cont'd)

STONE COUNTY
(Hw) - See Statewide
SULLIVAN COUNTY
(H,Hw) - See Statewide
TANEY COUNTY
(Hw) - See Statewide
TEXAS COUNTY
(Hw) - See Statewide
VERNON COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
WORTH COUNTY
(H,Hw) - See Statewide
WRIGHT COUNTY
(Hw) - See Statewide

MONTANA

STATEWIDE
Decision #MT75-5012 (B)
40 FR 6059 - 2/7/75
Mod. #1 - 40 FR 8695 - 2/28/75
Mod. #2 - 40 FR 10880 - 3/7/75
Decision #MT75-5017 (H,Hw)
40 FR 6081 - 2/7/75
Mod. #1 - 40 FR 8696 - 2/28/75
Mod. #2 - 40 FR 10881 - 3/7/75
BEAVERHEAD COUNTY
(B,H,Hw) - See Statewide
BIG HORN COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BROADWATER COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
CARTER COUNTY
(B,H,Hw) - See Statewide
CASCADE COUNTY
Decision #MT75-5029 (R)
40 FR 7841 - 2/21/75
Mod. #1 - 40 FR 10882 - 3/7/75
(B,H,Hw) - See Statewide
CHOUTEAU COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
DANIELS COUNTY
(B,H,Hw) - See Statewide
DAWSON COUNTY
(B,H,Hw) - See Statewide
DEER LODGE COUNTY
(B,H,Hw) - See Statewide
Decision #MT75-5019 (R)
40 FR 6103 - 2/7/75
Mod. #1 - 40 FR 8696 - 2/28/75
Mod. #2 - 40 FR 10881 - 3/7/75
FALLON COUNTY
(B,H,Hw) - See Statewide
FERGUS COUNTY
(B,H,Hw) - See Statewide
FLATHEAD COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
GALLATIN COUNTY
(B,H,Hw) - See Statewide
(R) - See Deerlodge County
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GLACIER COUNTY
(B,H,Hw) - See Statewide

MONTANA (CONT'D)

GOLDEN VALLEY COUNTY
(B,H,Hw) - See Statewide
GRANITE COUNTY
(B,H,Hw) - See Statewide
HILL COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JUDITH BASIN COUNTY
(B,H,Hw) - See Statewide
LAKE COUNTY
(B,H,Hw) - See Statewide
LEWIS & CLARK COUNTY
(B,H,Hw) - See Statewide
LIBERTY COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MC CONE COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MEAGHER COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
MISSOULA COUNTY
(B,H,Hw) - See Statewide
MUSSELSHELL COUNTY
(B,H,Hw) - See Statewide
PARK COUNTY
(B,H,Hw) - See Statewide
PETROLEUM COUNTY
(B,H,Hw) - See Statewide
PHILLIPS COUNTY
(B,H,Hw) - See Statewide
PONDERA COUNTY
(B,H,Hw) - See Statewide
POWDER RIVER COUNTY
(B,H,Hw) - See Statewide
POWELL COUNTY
(B,H,Hw) - See Statewide
PRAIRIE COUNTY
(B,H,Hw) - See Statewide
RAVALLI COUNTY
(B,H,Hw) - See Statewide

MONTANA (CONT'D)

RICHLAND COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
ROSEBUD COUNTY
(B,H,Hw) - See Statewide
SANDERS COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
SHERIDAN COUNTY
(B,H,Hw) - See Statewide
SILVERBOW COUNTY
(R) - See Deerlodge County
(B,H,Hw) - See Statewide
STILLWATER COUNTY
(B,H,Hw) - See Statewide
SWEET GRASS COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TOOLE COUNTY
(B,H,Hw) - See Statewide
TREASURE COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
WHEATLAND COUNTY
(B,H,Hw) - See Statewide
WIBAUX COUNTY
(B,H,Hw) - See Statewide
YELLOWSTONE COUNTY
(B,H,Hw)- See Statewide

NEBRASKA

STATEWIDE (Except Douglas & Sarpy)
Decision #AR-92 (H,Hw)
39 FR 44917 - 12/27/74
ADAMS COUNTY
(H,Hw) - See Statewide
ANTELOPE COUNTY
(H,Hw) - See Statewide
ARTHUR COUNTY
(H,Hw) - See Statewide
BANNER COUNTY
Decision #AQ-79 (3)
39 FR 5933 - 2/15/74
(H,Hw) - See Statewide
BLAINE COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
BOX BUTTE COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
BOYD COUNTY
Decision #NE75-4054 (Channel Stabilization)
40 FR 8739 - 2/28/75
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BUFFALO COUNTY
(H,Hw) - See Statewide
BURT COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Statewide
BUTLER COUNTY
(H,Hw) - See Statewide
CASS COUNTY
(Chann. Stab.) - See Boyd County
Decision #AR-59 (H,Hw)
39 FR 36705 - 10/11/74
Mod. #1 - 39 FR 38691 - 10/25/74
Mod. #2 - 39 FR 41984 - 11/20/74
Mod. #3 - 40 FR 43864 - 9/13/74
Mod. #4 - 40 FR 7798 - 2/21/75
CEDAR COUNTY
Decision #AQ-93 (B)
39 FR 15653 - 5/3/74
(H,Hw) - See Statewide
(Chann. Stab.) - See Boyd County
CHASE COUNTY
(H,Hw) - See Statewide
CHERRY COUNTY
(H,Hw) - See Statewide
CHEYENNE COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
COLFAX COUNTY
(H,Hw) - See Statewide

NEBRASKA (Cont'd.)

CUMING COUNTY
(B) - See Cedar County
(H,Hw) - See Statewide
CUSTER COUNTY
(H,Hw) - See STatewide
DAKOTA COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Statewide
DAWES COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
DAWSON COUNTY
(H,Hw) - See Statewide
DEUEL COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
DIXON COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Statewide
DODGE COUNTY
(H,Hw) - See Statewide
DOUGLAS COUNTY
Decision #NE75-4055 (B)
40 FR 8745 - 2/28/75
Decision #94 (R)
39 FR 44918 - 12/27/74
Mod. #1 - 40 FR 3862 - 1/24/75
Mod. #2 - 40 FR 6909 - 2/14/75
Mod. #3 - 40 FR 8697 - 2/28/75
(Chann. Stab.) - See Boyd County
DUNDY COUNTY
(H,Hw) - See Statewide
FILLMORE COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FRONTIER COUNTY
(H,Hw) - See Statewide
FURNAS COUNTY
(H,Hw) - See Statewide
GAGE COUNTY
(H,Hw) - See Statewide
GARDEN COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
GARFIELD COUNTY
(H,Hw) - See Statewide
GOSPER COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREELEY COUNTY
(H,Hw) - See Statewide

NEBRASKA (Cont'd)

HALL COUNTY
Decision #AQ-24 (B)
38 FR 24486 - 9/7/73
Mod. #1 - 38 FR 30330 - 11/2/73
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HARLAN COUNTY
(H,Hw) - See Statewide
HAYES COUNTY
(H,Hw) - See Statewide
HITCHOCK COUNTY
(H,Hw) - See Statewide
HOLT COUNTY
(H,Hw) - See Statewide
HOOKER COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
KEARNEY COUNTY
(H,Hw) - See Statewide
KIETH COUNTY
(H,Hw) - See Statewide
KEYAPAHA COUNTY
(H,Hw) - See Statewide
KIMBALL COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
(Chann. Stab.) - See Boyd County
LANCASTER COUNTY
Decision #AR-76 (B)
39 FR 40462 - 11/15/74
Mod. #1 - 40 FR 10882 - 3/7/75
Decision #AM-6140 (R)
36 FR 21736 - 11/12/71
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
LOGAN COUNTY
(H,Hw) - See Statewide
LOUP COUNTY
(H,Hw) - See Statewide
MC PHERSON COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MERRICK COUNTY
(H,Hw) - See Statewide

NEBRASKA (Cont'd.)

MORRILL COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
NANCE COUNTY
(H,Hw) - See Statewide
NEMAHA COUNTY
Decision #NO75-4060 (D)
40 FR 10898 - 3/7/75
(H,Hw) - See Statewide
(Chann. Stab.) - See Boyd County
NUCKOLLS COUNTY
(H,Hw) - See Statewide
OTOE COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Statewide
PAWNEE COUNTY
(H,Hw) - See Statewide
PERKINS COUNTY
(H,Hw) - See Statewide
PHELPS COUNTY
(H,Hw) - See Statewide
PIERCE COUNTY
(B) - See Cedar County
(H,Hw) - See Statewide
PLATTE COUNTY
(H,Hw) - See Statewide
POLK COUNTY
(H,Hw) - See Statewide
RED WILLOW COUNTY
(H,Hw) - See Statewide
RICHARDSON COUNTY
(Chann. Stab.) - See Boyd County
(D) - See Nemaha County
(H,Hw) - See Statewide
ROCK COUNTY
(H,Hw) - See Statewide
SALINE COUNTY
(H,Hw) - See Statewide
SARPY COUNTY
(Chann. Stab.) - See Boyd County
(B,R) - See Douglas County
(H,Hw) - See Statewide
SAUNDERS COUNTY
(H,Hw) - See Statewide
(H,Hw) - See Cass County
SCOTTS BLUFF COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
SEWARD COUNTY
(H,Hw) - See Statewide
SHERIDAN COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
SHERMAN COUNTY
(H,Hw) - See Statewide
SIOUX COUNTY
(B) - See Banner County
(H,Hw) - See Statewide

NEBRASKA (Cont'd)

STANTON COUNTY
(B) - See Cedar County
(H,Hw) - See Statewide
THAYER COUNTY
(H,Hw) - See Statewide
THOMAS COUNTY
(H,Hw) - See Statewide
THURSTON COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Statewide
VALLEY COUNTY
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Douglas County

(Chann. Stab.) - See Boyd County
WAYNE COUNTY
(B) - See Cedar County
(H,Hw) - See Statewide
WEBSTER COUNTY
(H,Hw) - See Statewide
WHEELER COUNTY
(H,Hw) - See Statewide
YORK COUNTY
(H,Hw) - See Statewide

NEVADA

STATEWIDE (Excluding the Nevada Test Site & Tonopah Test Range)
Decision #AR-1057 (B,H,Hw)
39 FR 43473 - 12/13/74
CHURCHILL COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
Decision #AR-1058 (R)(Excluding the Nevada Test Site)
39 FR 44168 - 12/20/74
(B,H,Hw) - See Statewide
Decision #NV75-5005 (B,H,Hw)(Nevada Site including the Tonopah Test Ran
40 FR 3918 - 1/24/75
Mod. #1 - 40 FR 7799 - 2/21/75
DOUGLAS COUNTY
(B,H,Hw) - See Statewide
ELKO COUNTY
(B,H,Hw) - See Statewide
ESMERALDA COUNTY
(B,H,Hw) - See Statewide
EUREKA COUNTY
(B,H,Hw) - See Statewide
HUMBOLDT COUNTY
(B,H,Hw) - See Statewide
LANDER COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LYON COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
NYE COUNTY
(B,H,Hw) - See Clark County (Nevada Test Site)
(B,H,Hw) - See Statewide
ORMSBY COUNTY
(B,H,Hw) - See Statewide
PERSHING COUNTY
(B,H,Hw) - See Statewide
STOREY COUNTY
(B,H,Hw) - See Statewide
WASHOE COUNTY
Decision #AR-1059 (R)
39 FR 44172 - 12/20/74
(B,H,Hw) - See Statewide
WHITE PINE COUNTY
(B,H,Hw) - See Statewide

NEW HAMPSHIRE

BELKNAP COUNTY
None
CARROLL COUNTY
None
CHESHIRE COUNTY
None
COOS COUNTY
None
GRAFTON COUNTY
None
HILLSBORO COUNTY
Decision #AR-3142 (B,H,Hw,R & Marine)
39 FR 35021 - 9/27/74
Mod. #1 - 39 FR 36717 - 10/11/74
Mod. #2 - 40 FR 7799 - 2/21/75
MERRIMACK COUNTY
Decision #AR-3143 (B,H,Hw, & Marine)
39 FR 35024 - 9/27/74
Mod. #1 - 39 FR 36717 - 10/11/74
Mod. #2 - 40 FR 7799 - 2/21/75
ROCKINGHAM COUNTY
Decision #NY75-3010 (D)
40 FR 3881 - 1/24/75
Decision #AR-3144 (B,H,Hw, R & Marine)
39 FR 35027 - 9/27/74
Mod. #1 - 39 FR 36718 - 10/11/74
Mod. #2 - 40 FR 7799 - 2/21/75
STRAFFORD COUNTY
Decision #AR-3145 (B,H,Hw, & Marine)
39 FR 35031 - 9/27/74
Mod. #1 - 39 FR 36718 - 10/11/74
Mod. #2 - 40 FR 7799 - 2/21/75
SULLIVAN COUNTY
None

NEW JERSEY

ATLANTIC COUNTY
Decision #AR-2077 (B,H,Hw)
39 FR 40467 - 11/15/74
Mod. #1 - 39 FR 42812 - 12/6/74
Mod. #2 - 39 FR 43645 - 12/13/74
Mod. #3 - 40 FR 5980 - 2/7/75
Decision #NY75-3010 (D)
40 FR 3881 - 1/24/75
BERGEN COUNTY
Decision #AR-2078 (B,H,Hw)
39 FR 40473 - 11/15/74
Mod. #1 - 39 FR 42811 - 12/6/74
Mod. #2 - 39 FR 44156 - 12/20/74
Mod. #3 - 40 FR 5981 - 2/7/75
(D) - See Atlantic County
BURLINGTON COUNTY
Decision #AR-2080 (B,H,Hw)
39 FR 41130 - 11/22/74
Mod. #1 - 39 FR 43645 - 12/13/74
Mod. #2 - 39 FR 44156 - 12/20/74
Mod. #3 - 40 FR 5981 - 2/7/75
(D) - See Atlantic County
CAMDEN COUNTY
Decision #AR-2081 (B,H,Hw)
39 FR 41139 - 11/22/74
Mod. #1 - 40 FR 5981 - 2/7/75
(D) - See Atlantic County
CAPE MAY COUNTY
(B,H,Hw,D) - See Atlantic County
CUMBERLAND COUNTY
Decision #AR-2082 (B,H,Hw)
39 FR 41146 - 11/22/74
Mod. #1 - 39 FR 43645 - 12/13/74
Mod. #2 - 39 FR 44156 - 12/20/74
Mod. #3 - 40 FR 5981 - 2/7/75
(D) - See Atlantic County
ESSEX COUNTY
Decision #AR-2083 (B,H,Hw)
39 FR 41153 - 11/22/74
Mod. #1 - 40 FR 5982 - 2/7/75
(D) - See Atlantic County
GLOUCESTER COUNTY
(B,H,Hw) - See Camden County
(D) - See Atlantic County
HUDSON COUNTY
Decision #AR-2087 (B,H,Hw)
39 FR 41671 - 11/29/74
Mod. #1 - 40 FR 5982 - 2/7/75
(D) - See Atlantic County
HUNTERDON COUNTY
Decision #AR-2076 (B,H,Hw)
39 FR 40393 - 11/15/74
Mod. #1 - 39 FR 42812 - 12/6/74
Mod. #2 - 40 FR 5980 - 2/7/75
(D) - See Atlantic County
MERCER COUNTY
Decision #AR-2088 (B,H,Hw)
39 FR 41677 - 11/29/74
Mod. #1 - 39 FR 44157 - 12/20/74
Mod. #2 - 40 FR 5982 - 2/7/75
(D) - See Atlantic County

NEW JERSEY (Cont'd.)

MIDDLESEX COUNTY
Decision #AR-2040 (B,H,Hw)
39 FR 33164 - 9/13/74
Mod. #1 - 39 FR 34923 - 9/27/74
Mod. #2 - 40 FR 5977 - 2/7/75
(D) - See Atlantic County
MONMOUTH COUNTY
Decision #AR-2089 (B,H,Hw)
39 FR 41685 - 11/29/74
Mod. #1 - 40 FR 5983 - 2/7/75
(D) - See Atlantic County
MORRIS COUNTY
Decision #AR-2041 (B,H,Hw)
39 FR 33172 - 9/13/74
Mod. #1 - 39 FR 34924 - 9/27/74
Mod. #2 - 39 FR 42810 - 12/6/74
Mod. #3 - 40 FR 5978 - 2/7/75
(D) - See Atlantic County
OCEAN COUNTY
Decision #AR-2090 (B,H,Hw)
39 FR 41693 - 11/29/74
Mod. #1 - 40 FR 5983 - 2/7/75
(D) - See Atlantic County
PASSAIC COUNTY
Decision #AR-2042 (B,H,Hw)
39 FR 33179 - 9/13/74
Mod. #1 - 39 FR 34924 - 9/27/74
Mod. #2 - 39 FR 41659 - 11/29/74
Mod. #3 - 39 FR 42811 - 12/6/74
Mod. #4 - 40 FR 5978 - 2/7/75
Mod. #5 - 40 FR 8697 - 2/28/75
(D) - See Atlantic County
SALEM COUNTY
Decision #AR-2073 (B,H,Hw)
39 FR 40371 - 11/15/74
Mod. #1 - 40 FR 5979 - 2/7/75
(D) - See Atlantic County
SOMERSET COUNTY
Decision #AR-2043 (B,H,Hw)
39 FR 32456 - 9/6/74
Mod. #1 - 39 FR 34925 - 9/27/74
Mod. #2 - 39 FR 42810 - 12/6/74
Mod. #3 - 40 FR 5979 - 2/7/75
(D) - See Atlantic County
SUSSEX COUNTY
Decision #AR-2075 (B,H,Hw)
39 FR 40380 - 11/15/74
Mod. #1 - 39 FR 42811 - 12/6/74
Mod. #2 - 40 FR 5980 - 2/7/75
(D) - See Atlantic County
UNION COUNTY
Decision #AR-2044 (B,H,Hw)
39 FR 32464 - 9/6/74
Mod. #1 - 39 FR 34925 - 9/27/74
Mod. #2 - 39 FR 41659 - 11/29/74
Mod. #3 - 39 FR 42811 - 12/6/74
Mod. #4 - 40 FR 5979 - 2/7/75
(D) - See Atlantic County
WARREN COUNTY
Decision #AR-2074 (B,H,Hw)
39 FR 40378 - 11/15/74
Mod. #1 - 39 FR 42811 - 12/6/74
Mod. #2 - 40 FR 5980 - 2/7/75

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NEW MEXICO

STATEWIDE
Decision #AQ-18 (Streets, Highways, Utilities and Light Engineering Construction)
38 FR 21714 - 8/10/73
Mod. #1 - 38 FR 22853 - 8/24/73
Mod. #2 - 39 FR 32443 - 9/6/74
Decision #NM75-4002 (Building, including residential in McKinley, Santa Fe, San Juan & Bernalillo Cos.) and Heavy engineering construction.
40 FR 2391 - 1/10/75
Mod. #1 - 40 FR 3863 - 1/24/75
Mod. #2 - 40 FR 4786 - 1/31/75
Mod. #3 - 40 FR 8697 - 2/28/75
BERNALILLO COUNTY
(B,H,Hw,R) - See Statewide
CATRON COUNTY
(B,H,Hw) - See Statewide
CHAVES COUNTY
(B,H,Hw) - See Statewide
COLFAX COUNTY
(B,H,Hw) - See Statewide
CURRY COUNTY
(B,H,Hw) - See Statewide
DE BACA COUNTY
(B,H,Hw) - See Statewide
DONA ANA COUNTY
(B,H,Hw) - See Statewide
Decision #NM75-4014 (R)
40 FR 3148 - 1/17/75
EDDY COUNTY
(B,H,Hw) - See Statewide
GRANT COUNTY
(B,H,Hw) - See Statewide
GUADALUPE COUNTY
(B,H,Hw) - See Statewide
HARDING COUNTY
(B,H,Hw) - See Statewide
HIDALGO COUNTY
(B,H,Hw) - See Statewide
LEA COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LOS ALAMOS COUNTY
(B,H,Hw) - See Statewide
LUNA COUNTY
(B,H,Hw) - See Statewide
McKINLEY COUNTY
(R) - See San Juan County
(B,H,Hw,R) - See Statewide
MORA COUNTY
(B,H,Hw) - See Statewide

NEW MEXICO (Cont'd.)

OTERO COUNTY
(B,H,Hw) - See Statewide
QUAY COUNTY
(B,H,Hw) - See Statewide
RIO ARRIBA COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
SANDOVAL COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
Decision #NM75-5004 (Navajo Indian Reservation)(R)
40 FR 3921 - 1/24/75
(B,H,Hw,R) - See Statewide
SAN MIGUEL COUNTY
(B,H,Hw) - See Statewide
SANTE FE COUNTY
(B,H,Hw,R) - See Statewide
SIERRA COUNTY
(B,H,Hw) - See Statewide
SOCORRO COUNTY
(B,H,Hw) - See Statewide
TAOS COUNTY
(B,H,Hw) - See Statewide
TORRANCE COUNTY
(B,H,Hw) - See Statewide
UNION COUNTY
(B,H,Hw) - See Statewide
VALENCIA COUNTY
(B,H,Hw) - See Statewide

NEW YORK

ALBANY COUNTY
Decision #AR-2064 (B,H,Hw)
39 FR 36799 - 10/11/74
Mod. #1 - 39 FR 38807 - 11/1/74
Mod. #2 - 40 FR 3864 - 1/24/75
ALLEGANY COUNTY
None
BRONX COUNTY
Decision #AR-2101 (B,H,Hw)
39 FR 44925 - 12/27/74
Mod. #1 - 40 FR 5984 - 2/7/75
Mod. #2 - 40 FR 7799 - 2/21/75
Decision #NY75-3016 (R)
40 FR 7852 - 2/21/75
Decision #NY75-3010 (D)
40 FR 3881 - 1/24/75
BROOME COUNTY
Decision #AR-2017 (B,H,Hw)
39 FR 29888 - 8/16/74
Mod. #1 - 39 FR 36718 - 10/11/74
Mod. #2 - 40 FR 3863 - 1/24/75
Mod. #3 - 40 FR 8697 - 2/28/75
CATTARAUGUS COUNTY
None
CAYUGA COUNTY
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
Mod. #1 - 39 FR 44161 - 12/20/74
CHAUTAUGUA COUNTY
Decision #AR-2014 (B,H,Hw)
39 FR 28735 - 8/9/74
Mod. #1 - 40 FR 3863 - 1/24/75
(D) - See Cayuga County
CHEMUNG COUNTY
None
CHENANGO COUNTY
None
CLINTON COUNTY
None
COLUMBIA COUNTY
None
CORTLAND COUNTY
None
DELAWARE COUNTY
None

NEW YORK (Cont'd)

DUTCHESS COUNTY
Decision #AR-2072 (B,H,Hw)
39 FR 40480 - 11/15/74
Mod. #1 - 40 FR 3865 - 1/24/75
(D) - See Bronx County
ERIE COUNTY
Decision #AR-3006 (B,H,Hw)
39 FR 44178 - 12/20/74
(D) - See Cayuga County
ESSEX COUNTY
None
FRANKLIN COUNTY
(D) - See Cayuga County
FULTON COUNTY
None
GENESEE COUNTY
None
GREENE COUNTY
None
HAMILTON COUNTY
None
HERKIMER COUNTY
None
JEFFERSON COUNTY
Decision #AR-2059 (B,H,Hw)
39 FR 36773 - 10/11/74
Mod. #1-40 FR 3865 - 1/24/75
(D) - See Cayuga County
KINGS COUNTY
(B,H,Hw,R,D) - See Bronx County
LEWIS COUNTY
None
LIVINGSTON COUNTY
None
MADISON COUNTY
None

NEW YORK (Cont'd)

MONROE COUNTY
Decision #AR-2065 (B,H,Hw)
39 FR 36803 - 10/11/74
Mod. #1 - 40 FR 3864 - 1/24/75
Mod. #2 - 40 FR 5984 - 2/7/75
(D) - See Cayuga County
MONTGOMERY COUNTY
None
NASSAU COUNTY
Decision #NY75-3013 (B,H,Hw)
40 FR 6939 - 2/14/75
(D) - See Bronx County
NEW YORK COUNTY
(B,H,Hw,R,D) - See Bronx County
NIAGARA COUNTY
Decision #NY75-3014 (B,H,Hw)
40 FR 6944 - 2/14/75
(D) - See Cayuga County
ONEIDA COUNTY
Decision #AR-2066 (B,H,Hw)
39 FR 36808 - 10/11/74
ONONDAGA COUNTY
Decision #AR-2067 (B,H,Hw)
39 FR 36814 - 10/11/74
Mod. #1 - 40 FR 4791 - 1/31/75
Mod. #2 - 40 FR 5984 - 2/7/75
ONTARIO COUNTY
None
ORANGE COUNTY
Decision #AR-2063 (B,H,Hw)
39 FR 36792 - 10/11/74
(D) - See Bronx County
ORLEANS COUNTY
(D) - See Cayuga County
OSWEGO COUNTY
(D) - See Cayuga County
OTSEGA COUNTY
None
PUTNAM COUNTY
None
QUEENS COUNTY
(B,H,Hw,R) - See Bronx County

NEW YORK (Cont'd)

RENSSELAER COUNTY
Decision #AR-2068 (B,H,Hw)
39 FR 36818 - 10/11/74
Mod. #1 - 39 FR 38808 - 11/1/74
RICHMOND COUNTY
(B,H,Hw,R,D) - See Bronx County
ROCKLAND COUNTY
(D) - See Bronx County
ST LAWRENCE COUNTY
(D) - See Cayuga County
SARATOGA COUNTY
Decision #AR-2097 (B,H,Hw)
39 FR 44919 - 12/27/74
SCHENECTADY COUNTY
Decision #AR-2011 (B,H,Hw)
38 FR 27402 - 7/26/74
Mod. #1 - 38 FR 21028 - 8/3/74
SCHOHARIE COUNTY
None
SCHUYLER COUNTY
None
SENECA COUNTY
None
STEUBEN COUNTY
Decision #AR-2069 (B,H,Hw)
39 FR 38827 - 11/1/74
SUFFOLK COUNTY
Decision #NY75-3012 (B,H,Hw)
40 FR 6934 - 2/14/75
(D) - See Bronx County
SULLIVAN COUNTY
None
TIOGA COUNTY
None

NEW YORK (cont'd)

TOMPKINS COUNTY
None
ULSTER COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
Decision #AQ-2128 (B,H,Hw)
39 FR 24163 - 6/28/74
(D) - See Cayuga County
WESTCHESTER COUNTY
Decision #AR-2021 (B,H,Hw)
39 FR 33979 - 9/20/74
Mod. #1 - 40 FR 10882 - 3/7/75
(D) - See Bronx County
WYOMING COUNTY
None
YATES COUNTY
None

NORTH CAROLINA

STATEWIDE
Decision #NC75-1015 (H,Hw)
40 FR 4857 - 1/31/75
Decision #NC75-1002 (Sewer & Water)
40 FR 3149 - 1/17/75
ALAMANCE COUNTY
Decision #AQ-4078 (R)
39 FR 7010 - 2/22/74
(Sewer & Water, H,Hw) - See Statewide
ALEXANDER COUNTY
(Sewer & Water, H,Hw) - See Statewide
ALLEGHANY COUNTY
(Sewer & Water, H,Hw) - See Statewide
ANSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ASHE COUNTY
(Sewer & Water, H,Hw) - See Statewide
AVERY COUNTY
Decision #AR-4017 (B)
39 FR 28739 - 8/9/74
Mod. #1 - 39 FR 43466 - 12/13/74
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

BEAUFORT COUNTY
Decision #NC75-3008 (D)
40 FR 3094 - 1/17/75
(Sewer & Water, H,Hw) - See Statewide
BERTIE COUNTY
Decision #AQ-4079 (R)
39 FR 7010 - 2/22/74
Mod. #1 - 40 FR 3087 - 1/17/75
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
BLADEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
BRUNSWICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
Decision #AR-4031 (R)
39 FR 32441 - 9/6/74
BUNCOMBE COUNTY
Decision #AR-4005 (B)
39 FR 24778 - 7/5/74
Mod. #1 - 39 FR 43465 - 12/13/74
Decision #NC75-1014 (R)
40 FR 6111 - 2/7/75
(Sewer & Water, H,Hw) - See Statewide
BURKE COUNTY
Decision #AQ-4105 (B)
39 FR 14842 - 4/26/74
Decision #AQ-4117 (R)
39 FR 18397 - 5/24/74
(Sewer & Water, H,Hw) - See Statewide
CABARRUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CALDWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CAMDEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
CARTERET COUNTY
Decision #AQ-4083 (R)
39 FR 8101 - 3/1/74
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CASWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CATAWBA COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
CHATHAM COUNTY
Decision #AR-4044 (R)
39 FR 36822 - 10/11/74
Mod. #1 - 40 FR 3087 - 1/17/75
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
(Sewer & Water, H,Hw) - See Statewide

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NORTH CAROLINA (Cont'd)

CHOWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
CLAY COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLEVELAND COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
COLUMBUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CRAVEN COUNTY
(R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
CUMBERLAND COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
CURRICTUCK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
DARE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
DAVIDSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
DAVIE COUNTY
(Sewer & Water, H,Hw) - See Statewide
DUPLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
DURHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
EDGECOMBE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
FORSYTH COUNTY
Decision #AR-4019 (R)
39 FR 29702 - 8/16/74
(Sewer & Water, H,Hw) - See Statewide
FRANKLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
GASTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
GATES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
GRAHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
GRANVILLE COUNTY
(Sewer & Water, H,Hw) - See Statewide
GREENE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
GUILFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County

NORTH CAROLINA (Cont'd.)

HALIFAX COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
HARNETT COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
HAYWOOD COUNTY
(R) - See Buncombe County
(R) - See Cumberland County
(Sewer & Water, H,Hw) - See Statewide
HENDERSON COUNTY
R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
HERTFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
HOKE COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
HYDE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
IREDELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
JACKSON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
JOHNSTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
JONES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
LEE COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
LENOIR COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
LINCOLN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Burke County
MCDOWELL COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MACON COUNTY
(Sewer & Water, H,Hw) - See Statewide
MADISON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MARTIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
MECKLENBURG COUNTY
Decision #AP-161 (B)
38 FR 5753 - 3/2/73
Mod. #1 - 38 FR 7166 - 3/16/73
Mod. #2 - 38 FR 31770 - 11/16/73
(Sewer & Water, H,Hw) - See Statewide
MITCHELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
(B) - See Avery County

NORTH CAROLINA (Cont'd.)

MONTGOMERY COUNTY
(Sewer & Water, H,Hw) - See Statewide
MOORE COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
NASH COUNTY
(Sewer & Water, H,Hw) - See Statewide
NEW HANOVER COUNTY
(R) - See Brunswick County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
NORTHAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
ONSLOW COUNTY
Decision #AR-4048 (B)
39 FR 38078 - 10/25/74
(Sewer & Water, H,Hw) - See Statewide
(R) - See Brunswick County
ORANGE COUNTY
(Sewer & Water, H,Hw) - See Statewide
PAMLICO COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
PASQUOTANK COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PENDER COUNTY
(B) - See Brunswick County
(D) - See Beaufort County
(R) - See Brunswick County
(Sewer & Water, H,Hw) - See Statewide
PERQUIMANS COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PERSONS COUNTY
(Sewer & Water, H,Hw) - See Statewide
PITT COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
POLK COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
RANDOLPH COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
RICHMOND COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROBESON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROCKINGHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance Coonty
ROWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
RUTHERFORD COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

SAMPSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Chatham County
SCOTLAND COUNTY
(Sewer & Water, H,Hw) - See Statewide
STANLY COUNTY
(Sewer & Water, H,Hw) - See Statewide
STOKES COUNTY
(Sewer & Water, H,Hw) - See Statewide
SURRY COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Forsyth County
SWAIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
TRANSYLVANIA COUNTY
Decision #AR-4042 (B)
39 FR 34906 - 9/27/74
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
TYRRELL County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
UNION COUNTY
(Sewer & Water, H,Hw) - See Statewide
VANCE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WAKE COUNTY
Decision #AQ-4032 (B)
38 FR 31093 - 11/9/73
Mod. #1 - 39 FR 5066 - 2/8/74
(Sewer & Water, H,Hw) - See Statewide
WARREN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WASHINGTON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
WATAUGA COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
WAYNE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
WILKES COUNTY
Decision #AR-4063 (B)
39 FR 42803 - 12/6/74
Mod. #1 - 40 FR 3087 - 1/17/75
Mod. #2 - 40 FR 5984 - 2/7/75
(Sewer & Water, H,Hw) - See Statewide
WILSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
YADKIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
YANCEY COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH DAKOTA

STATEWIDE
Decision #AR-1053 (Hw)
39 FR 42823 - 12/6/74
ADAMS COUNTY
(Hw) - See Statewide
BARNES COUNTY
(Hw) - See Statewide
BENSON COUNTY
(Hw) - See Statewide
BILLINGS COUNTY
(Hw) - See Statewide
BOTTINEAU COUNTY
(Hw) - See Statewide
BOWMAN COUNTY
(Hw) - See Statewide
BURKE COUNTY
(Hw) - See Statewide
BURLEIGH COUNTY
(Hw) - See Statewide
Decision #ND75-5031 (B)
40 FR 8747 - 2/28/75
CASS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
CAVALIER COUNTY
(Hw) - See Statewide
DICKEY COUNTY
(Hw) - See Statewide
DIVIDE COUNTY
(Hw) - See Statewide
DUNN COUNTY
(Hw) - See Statewide
EDDY COUNTY
(Hw) - See Statewide
EMMONS COUNTY
(Hw) - See Statewide
FOSTER COUNTY
(Hw) - See Statewide
GOLDEN VALLEY COUNTY
(Hw) - See Statewide

NORTH DAKOTA (Cont'd)

GRAND FORKS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
GRANT COUNTY
(Hw) - See Statewide
GRIGGS COUNTY
(Hw) - See Statewide
HETTINGER COUNTY
(Hw) - See Statewide
KIDDER COUNTY
(Hw) - See Statewide
LAMOURE COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MCHENRY COUNTY
(Hw) - See Statewide
MCINTOSH COUNTY
(Hw) - See Statewide
MCKENZIE COUNTY
(Hw) - See Statewide
MCLEAN COUNTY
(Hw) - See Statewide
MERCER COUNTY
(Hw) - See Statewide
MORTON COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
MOUNTRAIL COUNTY
(Hw) - See Statewide
NELSON COUNTY
(Hw) - See Statewide
OLIVER COUNTY
(Hw) - See Statewide
PEMBINA COUNTY
(Hw) - See Statewide
RANSOM COUNTY
(Hw) - See Statewide
RENVILLE COUNTY
(Hw) - See Statewide
RICHLAND COUNTY
(Hw) - See Statewide
(B) - See Burleigh County

NORTH DAKOTA (Cont'd)

ROLETTE COUNTY
(Hw) - See Statewide
SARGENT COUNTY
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SIOUX COUNTY
(Hw) - See Statewide
SLOPE COUNTY
(Hw) - See Statewide
STARK COUNTY
(Hw) - See Statewide
STEELE COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
STUTSMAN COUNTY
(Hw) - See Statewide
TOWNER COUNTY
(Hw) - See Statewide
TRAILL COUNTY
(Hw) - See Statewide
WALSH COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WARD COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WELLS COUNTY
(Hw) - See Statewide
WILLIAMS COUNTY
(Hw) - See Statewide

OHIO

STATEWIDE
Decision #AR-3048 (H,Hw)
39 FR 27992 - 8/2/74
Mod. #1 - 39 FR 29722 - 8/16/74
Mod. #2 - 39 FR 34927 - 9/27/74
Mod. #3 - 39 FR 37330 - 10/18/74
Mod. #4 - 39 FR 40406 - 11/15/74
Mod. #5 - 40 FR 4787 - 1/31/75
ADAMS COUNTY
Decision #IL75-2036 (D)
40 FR 6023 - 2/7/75
(H,Hw) - See Statewide
ALLEN COUNTY
Decision #OH75-2034 (B)
40 FR 5967 - 2/7/75
(H,Hw) - See Statewide
ASHLAND COUNTY
(H,Hw) - See Statewide
ASHTABULA COUNTY
Decision #AR-3169 (B,R)
39 FR 40401 - 11/15/74
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
Mod. #1 - 39 FR 44161 - 12/20/74
(H,Hw) - See Statewide
ATHENS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
AUGLAIZE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BELMONT COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
BUTLER COUNTY
Decision #AR-3033 (B)
39 FR 30774 - 8/23/74
Decision #AP-683 (R)
38 FR 14049 - 5/25/73
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CHAMPAIGN COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #AR-3034 (B)
39 FR 30776 - 8/23/74
DEcision #AP-684 (R)
38 FR 14049 - 5/25/73
(H,Hw) - See Statewide
CLERMONT COUNTY
Decision #AM-685 (R)
38 FR 14050 - 5/25/73
(B) - See Hamilton County
(D) - See Adams County
(H,Hw) - See Statewide

OHIO (Cont'd)

CLINTON COUNTY
(H,Hw) - See Statewide
COLUMBIANA COUNTY
(H,Hw) - See Statewide
COSHOCTON COUNTY
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
CUYAHOGA COUNTY
Decision #AR-3035 (B,R)
39 FR 30778 - 8/23/74
(H,Hw) - See Statewide
DARKE COUNTY
(H,Hw) - See Statewide
DEFIANCE COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
Decision #AM-420 (R)
36 FR 15963 - 8/18/71
Mod. #1 - 38 FR 4630 - 2/16/73
(H,Hw) - See Statewide
ERIE COUNTY
Decision #AR-3172 (B)
39 FR 41102 - 11/22/74
(D) - See Ashtabula County
(H,Hw) - See Statewide
FAIRFIELD COUNTY
(R) - See Delaware County
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
Decision #AR-3036 (B)
39 FR 30780 - 8/23/74
Mod. #1 - 39 FR 37330 - 10/18/74
(D) - See Delaware County
(H,Hw) - See Statewide
FULTON COUNTY
(B) - See Lucas County
(H,Hw) - See Statewide
GALLIA COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
GEAUGA COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
Decision #AR-3037 (B)
39 FR 30782 - 8/23/74
Decision #AM-422 (R)
36 FR 15965 - 8/18/71
Mod. #1 - 37 FR 8619 - 4/28/72
(H,Hw) - See Statewide
GUERNSEY COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
Decision #AR-3038 (B)
39 FR 30784 - 8/23/74
(D) - See Adams County
(R) - See Clermont County
(H,Hw) - See Statewide

OHIO (Cont'd)

HANCOCK COUNTY
Decision #AR-3173 (B)
39 FR 41105 - 11/22/74
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HIGHLAND COUNTY
(H,Hw) - See Statewide
HOCKING COUNTY
(H,Hw) - See Statewide
HOLMES COUNTY
(H,Hw) - See Statewide
HURON COUNTY
(B) - See Erie County
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(B,R) - See Cuyahoga County
(D) - See Ashtabula County
(B,H,Hw) - See Statewide
LAWRENCE COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
LICKING COUNTY
Decision #AR-3039 (B)
39 FR 30786 - 8/23/74
(H,Hw) - See Statewide
(R) - See Delaware County
LOGAN COUNTY
(H,Hw) - See Statewide
LORAIN COUNTY
Decision #AR-3040 (B,R)
39 FR 30663 - 8/23/74
(D) - See Ashtabula County
(H,Hw) - See Statewide
LUCAS COUNTY
Decision #AR-3041 (B)
39 FR 30788 - 8/23/74
Mod. #1 - 39 FR 38810 - 11/1/74
(D) - See Ashtabula County
(H,Hw) - See Statewide
MADISON COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide

OHIO (Cont'd)

MAHONING COUNTY
Decision #AR-3042 (B,R)
39 FR 30790 - 8/23/74
Mod. #1 - 40 FR 7799 - 2/21/75
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MEIGS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MERCER COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
MIAMI COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
MONROE COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(B) - See Greene County
(R) - See Greene County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
MORROW COUNTY
(H,Hw) - See Statewide
MUSKINGUM COUNTY
Decision #AR-3043 (B)
39 FR 30792 - 8/23/74
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
OTTAWA COUNTY
(R) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
PAULDING COUNTY
(H,Hw) - See Statewide
PERRY COUNTY
(H,Hw) - See Statewide
PICKAWAY COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide
PIKE COUNTY
Decision #AR-3176 (B)
39 FR 43451 - 12/13/74
Mod. #1 - 40 FR 3087 - 1/17/75
Mod. #2 - 40 FR 5985 - 2/7/75
(H,Hw) - See Statewide
PORTAGE COUNTY
Decision #AR-3044 (B,R)
39 FR 30794 - 8/23/74
(H,Hw) - See Statewide

OHIO (Cont'd.)

PREBLE COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RICHLAND COUNTY
(H,Hw) - See Statewide
ROSS COUNTY
(B) - See Pike County
(H,Hw) - See Statewide
SANDUSKY COUNTY
(R) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
SCIOTO COUNTY
(B) - See Pike County
(D) - See Adams County
(H,Hw) - See Statewide
SENECA COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STARK COUNTY
Decision #AR-3045 (B,R)
39 FR 30796 - 8/23/74
(H,Hw) - See Statewide
SUMMITT COUNTY
Decision #AR-3046 (B,R)
39 FR 30798 - 8/23/74
Mod. #1 - 39 FR 34927 - 9/27/74
(H,Hw) - See Statewide
TRUMBULL COUNTY
Decision #AR-3047 (B,R)
39 FR 30800 - 8/23/74
(H,Hw) - See Statewide
TUSCARAWAS COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
VAN WERT COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
VINTON COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(R) - See Butler County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WILLIAMS COUNTY
(H,Hw) - See Statewide
WOOD COUNTY
(H,Hw) - See Statewide
WYANDOT COUNTY
(H,Hw) - See Statewide

OKLAHOMA

STATEWIDE (Except the City of Muskogee)
Decision #AQ-124 (Constr., alteration, and/or repair of streets, highways, runways, erosion control structures, well drilling, and water and sewer utilities)
39 FR 24194 - 6/28/74
ADAIR COUNTY
Decision #OK75-4057 (B,H,Hw)
40 FR 10897 - 3/7/75
(H,Hw) - See Statewide
ALFALFA COUNTY
(H,Hw) - See Statewide
ATOKA COUNTY
(H,Hw) - See Statewide
BEAVER COUNTY
(H,Hw) - See Statewide
BECKHAM COUNTY
(H,Hw) - See Statewide
BLAINE COUNTY
(H,Hw) - See Statewide
BRYAN COUNTY
(H,Hw) - See Statewide
Decision #OK75-4016 (R)
40 FR 3151 - 1/17/75
CADDO COUNTY
(H,Hw) - See Statewide
CANADIAN COUNTY
(H,Hw) - See Statewide
Decision #OK75-4049 (B)
40 FR 6112 - 2/7/75
Mod. #1 - 40 FR 7799 - 2/21/75
Decision #AP-304 (R)
37 FR 15789 - 8/4/72
Mod. #1 - 37 FR 28799 - 12/28/72
Mod. #2 - 38 FR 4078 - 2/9/73
CARTER COUNTY
(H,Hw) - See Statewide
CHEROKEE COUNTY
(B) - See Muskogee County
(H,Hw) - See Statewide
CHOCTAW COUNTY
(H,Hw) - See Statewide
CIMARRON COUNTY
(H,Hw) - See Statewide
CLEVELAND COUNTY
(H,Hw) - See Statewide
(R) - See Oklahoma County
(B) - See Oklahoma County
COAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
Decision #OK75-4017 (R)
40 FR 3152 - 1/17/75
Decision #AR-80 (B)
39 FR 41107 - 11/22/74
Mod. #1 - 39 FR 44157 - 12/20/74
Mod. #2 - 40 FR 3866 - 1/24/75
COTTON COUNTY
(H,Hw) - SEe Statewide
CRAIG COUNTY
(H,Hw) - See Statewide

OKLAHOMA (Cont'd.)

CREEK COUNTY
(H,Hw) - See Tulsa County
(R) - See Statewide
CUSTER COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(H,Hw) - See Statewide
GARFIELD COUNTY
Decision #AR-85 (B)
39 FR 42801 - 12/6/74
Mod. #1 - 40 FR 6905 - 2/14/75
(H,Hw) - See Statewide
GARVIN COUNTY
(H,Hw) - See Statewide
GRADY COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREER COUNTY
(H,Hw) - See Statewide
HARMON COUNTY
(H,Hw) - See Statewide
HARPER COUNTY
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
JOHNSTON COUNTY
(H,Hw) - See Statewide
KAY COUNTY
(H,Hw) - See Statewide
KINGFISHER COUNTY
(H,Hw) - See Statewide
KIOWA COUNTY
(H,Hw) - See Statewide
LATIMER COUNTY
(H,Hw) - See Statewide
LEFLORE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
(R) - See Oklahoma County
(B) - See Oklahoma County
LOGAN COUNTY
(H,Hw) - See Statewide
LOVE COUNTY
(H,Hw) - See Statewide
McCLAIN COUNTY
(B) - See Oklahoma County
(H,Hw) - See Statewide
McCURTAIN COUNTY
(H,Hw) - See Statewide

OKLAHOMA (cont'd)

MCINTOSH COUNTY
Decision #AR-89 (B)
39 FR 43456 - 12/13/74
Mod. #1 - 40 FR 6906 - 2/14/75
(H,Hw) - See Statewide
MAJOR COUNTY
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MAYES COUNTY
(H,Hw) - See Statewide
MURRAY COUNTY
(H,Hw) - See Statewide
MUSKOGEE COUNTY
(B) - See Adair County

NOBLE COUNTY
(H,Hw) - See Statewide
NOWATA COUNTY
(H,Hw) - See Statewide
OKFUSKEE COUNTY
(H,Hw) - See Statewide
OKLAHOMA COUNTY
Decision #OK75-4049 (B)
40 FR 6112 - 2/7/75
Mod. #1 - 40 FR 7799 - 2/21/75
Decision #AP-304 (R)
37 FR 15789 - 8/4/72
Mod. #1 - 37 FR 28799 - 12/28/72
Mod. #2 - 38 FR 4078 - 2/9/73
OKMULGEE COUNTY
(H,Hw) - See Statewide
OSAGE COUNTY
(H,Hw) - See Statewide
(R) - See Tulsa County
OTTAWA COUNTY
(H,Hw) - See Statewide
PAWNEE COUNTY
(H,Hw) - See Statewide
PAYNE COUNTY
(H,Hw) - See Statewide
PITTSBURG COUNTY
Decision #AR-88 (B)
39 FR 43454 - 12/13/74
Mod. #1 - 40 FR 2381 - 1/10/75
Mod. #2 - 40 FR 6906 - 2/14/75
(H,Hw) - See Statewide
PONTOTOC COUNTY
(H,Hw) - See Statewide
POTTAWATOMIE COUNTY
(H,Hw) - See Statewide
(B,R) - See Oklahoma County

PUSHMATAHA COUNTY
(H,Hw) - See Statewide
ROGER MILLS COUNTY
(H,Hw) - See Statewide

OKLAHOMA (Cont'd)

ROGERS COUNTY
(H,Hw) - See Statewide
SEMINOLE COUNTY
(B) - See Oklahoma County
(H,Hw) - See Statewide
SEQUOYAH COUNTY
(H,Hw) - See Statewide
STEPHENS COUNTY
(H,Hw) - See Statewide
TEXAS COUNTY
(H,Hw) - See Statewide
TILLMAN COUNTY
(H,Hw) - See Statewide
TULSA COUNTY
Decision #OK75-4050 (B)
40 FR 6115 - 2/7/75
Mod. #1 - 40 FR 7800 - 2/21/75
Mod. #2 - 40 FR 10882 - 3/7/75
(H,Hw) - See Statewide
Decision #OK75-4015 (R)
40 FR 3150 - 1/17/75
WAGONER COUNTY
Decision #AR-93 (B)
39 FR 44903 - 12/27/74
Mod. #1 - 40 FR 5985 - 2/7/75
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WASHITA COUNTY
(H,Hw) - See Statewide
WOODS COUNTY
(H,Hw) - See Statewide
WOODWARD COUNTY
(H,Hw) - See Statewide

XUM 574 RRA 9610 V

OREGON

STATEWIDE
Decision #OR75-5014 (B,H,Hw,D)
40 FR 6117 - 2/7/75
BAKER COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CLACKAMAS COUNTY
Decision #AR-1016 (R)
39 FR 29910 - 8/16/74
(B,H,Hw,D) - See Statewide
CLATSOP COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COOS COUNTY
(B,H,Hw,D) - See Statewide
CROOK COUNTY
(B,H,Hw,D) - See Statewide
CURRY COUNTY
(B,H,Hw,D) - See Statewide
DESCHUTES COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
GILLIAM COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(H,Hw,B,D) - See Statewide
HARNEY COUNTY
(B,H,Hw,D) - See Statewide
HOOD RIVER COUNTY
(H,Hw,B,D) - See Statewide
JACKSON COUNTY
(H,Hw,B,D) - See Statewide
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
JOSEPHINE COUNTY
(B,H,Hw,D) - See Statewide
KLAMATH COUNTY
(B,H,Hw,D) - See Statewide
LAKE COUNTY
(B,H,Hw,D) - See Statewide
LANE COUNTY
Decision #AR-1015 (R)
39 FR 29702 - 8/16/74
(B,H,Hw,D) - See Statewide
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
LINN COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Lane County

OREGON (Cont'd.)

MALHEUR COUNTY
(B,H,Hw,D) - See Statewide
MARION COUNTY
(R) - See Lane County
(B,H,Hw,D) - See Statewide
MORROW COUNTY
(B,H,Hw,D) - See Statewide
MULTNOMAH COUNTY
(R) - See Clackamas County
(B,H,Hw,D) - See Statewide
POLK COUNTY
(B,H,Hw,D) - See Statewide
SHERMAN COUNTY
(B,H,Hw,D) - See Statewide
TILLAMOOK COUNTY
(B,H,Hw,D) - See Statewide
UMATILLA COUNTY
(B,H,Hw,D) - See Statewide
UNION COUNTY
(B,H,Hw,D) - See Statewide
WALLOWA COUNTY
(B,H,Hw,D) - See Statewide
WASCO COUNTY
(B,H,Hw,D) - See Statewide
WASHINGTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clackamas County
WHEELER COUNTY
(B,H,Hw,D) - See Statewide
YAMHILL COUNTY
(B,H,Hw,D) - See Statewide

PENNSYLVANIA

ADAMS COUNTY
Decision #AR-2029 (H,Hw)
39 FR 31853 - 8/30/74
Mod. #1 - 39 FR 41660 - 11/29/74
Mod. #1 - 39 FR 43466 - 12/13/74
Decision #AR-2099 (B)
39 FR 44931 - 12/27/74
Mod. #1 - 40 FR 4790 - 1/31/75
Mod. #2 - 40 FR 5986 - 2/7/75
ALLEGHENY COUNTY
Decision #AR-2033 (B)
39 FR 35048 - 9/27/74
Mod. #1 - 39 FR 44157 - 12/20/74
Decision #AQ-2049 (R)
39 FR 5043 - 2/8/74
(H,Hw) - See Beaver County
ARMSTRONG COUNTY
Decision #AQ-2058 (H,Hw)
39 FR 9410 - 3/8/74
Mod. #1 - 39 FR 2237 - 6/21/74
Mod. #2 - 39 FR 33918 - 9/20/74
Decision #AR-2034 (B)
39 FR 35051 - 9/27/74
Mod. #1 - 39 FR 44157 - 12/20/74
Mod. #2 - 40 FR 4789 - 1/31/75
BEAVER COUNTY
Decision #AQ-2059 (H,Hw)
39 FR 6004 - 2/15/74
Mod. #1 - 39 FR 22370 - 6/21/74
Mod. #2 - 39 FR 26562 - 7/19/74
Mod. #3 - 39 FR 28008 - 8/2/74
Mod. #4 - 39 FR 33918 - 9/20/74
Decision #AR-2035 (B)
39 FR 40487 - 11/15/74
Mod. #1 - 39 FR 44912 - 12/27/74
BEDFORD COUNTY
Decision #AQ-2060 (H,Hw)
39 FR 9410 - 3/8/74
Mod. #1 - 39 FR 22372 - 6/21/74
Mod. #2 - 39 FR 33918 - 9/20/74
Decision #AQ-2084 (B)
39 FR 11808 - 3/29/74
Mod. #1 - 39 FR 13411 - 4/12/74
Mod. #2 - 39 FR 20919 - 6/14/74
Mod. #3 - 39 FR 28008 - 8/2/74
Mod. #4 - 39 FR 37332 - 10/18/74
Mod. #5 - 39 FR 44158 - 12/20/74
BERKS COUNTY
Decision #AR-2027 (B)
39 FR 31850 - 8/30/74
Mod. #1 - 39 FR 44911 - 12/27/74
Mod. #2 - 40 FR 5986 - 2/7/75
(H,Hw) - See Adams County
BLAIR COUNTY
Decision #AQ-2083 (B)
39 FR 12578 - 4/5/74
Mod. #1 - 39 FR 20919 - 6/14/74
Mod. #2 - 39 FR 28008 - 8/2/74
Mod. #3 - 39 FR 29725 - 8/16/74
Mod. #4 - 39 FR 37331 - 10/18/74
Mod. #5 - 39 FR 44158 - 12/20/74

PENNSYLVANIA (Cont'd)

BLAIR COUNTY (Cont'd.)
(H,Hw) - See Armstrong County
BRADFORD COUNTY
(H,Hw) - See Adams County
BUCKS COUNTY
Decision #PA75-3011 (B)
40 FR 4781 - 1/31/75
Decision #AR-2068 (H)
39 FR 25905 - 7/12/74
Mod. #1 - 39 FR 28012 - 8/2/74
Mod. #2 - 39 FR 38814 - 11/1/74
Decision #AR-2028 (H,Hw)
39 FR 33984 - 9/20/74
BUTLER COUNTY
Decision #AR-2036 (B)
39 FR 33988 - 9/20/74
Mod. #1 - 39 FR 41111 - 11/22/74
Mod. #2 - 39 FR 44912 - 12/27-74
Decision #AQ-2062 (H,Hw)
39 FR 6011 - 2/15/74
Mod. #1 - 39 FR 14121 - 4/19/74
Mod. #2 - 39 FR 22373 - 6/21/74
Mod. #3 - 39 FR 33918 - 9/20/74
CAMBRIA COUNTY
Decision #AQ-2081 (B)
39 FR 11805 - 3/29/74
Mod. #1 - 39 FR 20919 - 6/14/74
Mod. #2 - 39 FR 28008 - 8/2/74
Mod. #3 - 39 FR 37331 - 10/18/74
Mod. #4 - 39 FR 44158 - 12/20/74
Mod. #5 - 40 FR 4790 - 1/31/75
(H,Hw) - See Butler County
CAMERON COUNTY
(H,Hw) - See Bedford County
CARBON COUNTY
(H,Hw) - See Adams County
CENTRE COUNTY
Decision #AQ-2061 (H,Hw)
39 FR 6008 - 2/15/74
Mod. #1 - 39 FR 9357 - 3/8/74
Mod. #2 - 39 FR 14121 - 4/19/74
Mod. #3 - 39 FR 22373 - 6/21/74
Mod. #4 - 39 FR 33918 - 9/20/74
CHESTER COUNTY
(H,Hw,R) - See Bucks County
Decision #AR-2003 (B)
39 FR 25895 - 7/12/74
Mod. #1 - 39 FR 28012 - 8/2/74
Mod. #2 - 39 FR 38813 - 11/1/74
CLARION COUNTY
(H,Hw) - See Bedford County
CLEARFIELD COUNTY
(H,Hw) - See Centre County
CLINTON COUNTY
(H,Hw) - See Bedford County
COLUMBIA COUNTY
(H,Hw) - See Adams County
CRAWFORD COUNTY
Decision #AR-2098 (B)
39 FR 44928 - 12/27/74
(H,Hw) - See Armstrong County

PENNSYLVANIA (Cont'd.)

CUMBERLAND COUNTY
Decision #AR-2009 (B)
39 FR 26619 - 7/19/74
Mod. #1 - 39 FR 29725 - 8/16/74
Mod. #2 - 39 FR 40406 - 11/15/74
Mod. #3 - 40 FR 4789 - 1/31/74
Mod. #4 - 40 FR 5986 - 2/7/75
(H,Hw) - See Adams County
DAUPHIN COUNTY
(H,Hw) - See Adams County
(B) - See Cumberland County
DELAWARE COUNTY
Decision #AR-2002 (B)
39 FR 25892 - 7/12/74
Mod. #1 - 39 FR 28012 - 8/2/74
Mod. #2 - 39 FR 38813 - 11/1/74
Mod. #3 - 40 FR 10082 - 3/7/75
(R,H,Hw) - See Bucks County
ELK COUNTY
Decision #AQ-2046 (B)
39 FR 9338 - 3/8/74
Mod. #1 - 39 FR 18408 - 5/24/74
Mod. #2 - 39 FR 20919 - 6/14/74
Mod. #3 - 39 FR 28008 - 8/2/74
Mod. #4 - 39 FR 37333 - 10/18/74
Mod. #5 - 39 FR 44158 - 12/20/74
(H,Hw) - See Bedford County
ERIE COUNTY
Decision #AR-2094 (B)
39 FR 43491 - 12/13/74
(H,Hw) - SEe Butler County
FAYETTE COUNTY
(B) - See Butler County
(H,Hw) - See Butler County
FOREST COUNTY
Decision #AQ-2121 (B)
39 FR 18398 - 5/24/74
Mod. #1 - 39 FR 20920 - 6/14/74
Mod. #2 - 39 FR 28008 - 8/2/74
Mod. #3 - 39 FR 37332 - 10/18/74
Mod. #4 - 39 FR 38812 - 11/1/74
Mod. #5 - 39 FR 44911 - 12/27/74
(H,Hw) - See Bedford County
FRANKLIN COUNTY
Decision #AR-2001(B)
39 FR 24803 - 7/5/74
Mod. #1 - 39 FR 26562 - 7/19/74
Mod. #2 - 39 FR 28010 - 8/2/74
Mod. #3 - 39 FR 40406 - 11/15/74
Mod. #4 - 39 FR 44157 - 12/20/74
(H,Hw) - See Bedford County
FULTON COUNTY
(H,Hw) - See Bedford County
GREENE COUNTY
(H,Hw) - See Centre County
HUNTINGDON COUNTY
(H,Hw) - See Bedford County
INDIANA COUNTY
Decision #AR-2037 (B)
39 FR 31859 - 8/30/74
Mod. #1 - 39 FR 44912 - 12/27/74
Mod. #2 - 40 FR 4789 - 1/31/74
(H,Hw) - See Armstrong County
JEFFERSON COUNTY
(H,Hw) - See Centre County

PENNSYLVANIA (Cont'd.)

JUNIATA COUNTY
(H,Hw) - See Adams County
(B) - See Cumberland County
LACKAWANNA COUNTY
Decision #AR-2092 (B)
39 FR 41701 - 11/29/74
Mod. #1 - 40 FR 5982 - 2/7/75
LANCASTER COUNTY
Decision #AR-2030 (B)
39 FR 31857 - 8/30/74
Mod. #1 - 39 FR 40406 - 11/15/74
Mod. #2 - 39 FR 44912 - 12/27/74
Mod. #3 - 40 FR 4789 - 1/31/75
Mod. #4 - 40 FR 5986 - 2/7/75
(H,Hw) - See Adams County
LAWRENCE COUNTY
Decision #AR-2045 (B)
39 FR 37345 - 10/18/74
Mod. #1 - 39 FR 44913 - 12/27/74
(H,Hw) - See Butler County
LEBANON COUNTY
Decision #AQ-2080 (B)
39 FR 12571 - 4/5/74
Mod. #1 - 39 FR 24785 - 7/5/74
Mod. #2 - 39 FR 26564 - 7/19/74
Mod. #3 - 39 FR 37331 - 10/18/74
Mod. #4 - 39 FR 40407 - 11/15/74
Mod. #5 - 40 FR 4789 - 1/31/75
Mod. #6 - 40 FR 5986 - 2/7/75
LEHIGH COUNTY
Decision #PA75-3019 (B)
40 FR 8755 - 2/28/75
(H,Hw) - See Adams County
LUZERNE COUNTY
Decision #PA75-3018 (B)
40 FR 7856 - 2/21/75
(H,Hw) - See Adams County
LYCOMING COUNTY
Decision #AQ-2079 (B)
39 FR 11803 - 3/29/74
Mod. #1 - 39 FR 30667 - 8/23/74
Mod. #2 - 39 FR 40407 - 11/15/74
(H,Hw) - See Adams County
MC KEAN COUNTY
(H,Hw) - See Adams County
(B) - See Forest County
MERCER COUNTY
Decision #AR-2046 (B)
39 FR 37349 - 10/18/74
Mod. #1 - 39 FR 44913 - 12/27/74
(H,Hw) - See Butler County
MIFFLIN COUNTY
(H,Hw) - See Bedford County
MONROE COUNTY
(H,Hw) - See Adams County
MONTGOMERY COUNTY
Decision #AR-2004 (B)
39 FR 25898 - 7/12/74
Mod. #1 - 39 FR 28012 - 8/2/74
Mod. #2 - 39 FR 37333 - 10/18/74
Mod. #3 - 39 FR 38811 - 11/1/74
(H,Hw,R) - See Bucks County
MONTOUR COUNTY
(H,Hw) - See Adams County
NORTHAMPTON COUNTY
Decision #PA75-3015 (B)
40 FR 6947 - 2/14/75
Mod. #1 - 40 FR 8698 - 2/28/75

PENNSYLVANIA (Cont'd.)

NORTHUMBERLAND COUNTY
Decision #AR-2095 (B)
39 FR 43494 - 12/13/74
(H,Hw) - See Adams County
PERRY COUNTY
(H,Hw) - See Adams County
PHILADELPHIA COUNTY
Decision #AR-2005 (B)
39 FR 25902 - 7/12/74
Mod. #1 - 39 FR 28012 - 8/2/74
Mod. #2 - 39 FR 38814 - 11/1/74
Decision #NY75-3010 (D)
40 FR 3881 - 1/24/75
(H,Hw,R) - See Bucks County
PIKE COUNTY
(H,Hw) - See Adams County
POTTER COUNTY
(H,Hw) - See Bedford County
SCHUYKILL COUNTY
Decision #PA75-3017 (B)
40 FR 7854 - 2/21/75
(H,Hw) - See Adams County
SNYDER COUNTY
(H,Hw) - See Adams County
SOMERSET COUNTY
(H,Hw) - See Butler County
SULLIVAN COUNTY
Decision #AQ-2070 (B)
39 FR 10070 - 3/15/74
Mod. #1 - 39 FR 26562 - 7/19/74
Mod. #2 - 39 FR 44911 - 12/27/74
Mod. #3 - 40 FR 4789 - 1/31/75
(H,Hw) - See Adams County
SUSQUEHANNA COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
TIOGA COUNTY
(H,Hw) - See Adams County
UNION COUNTY
(H,Hw) - See Adams County
VENANGO COUNTY
Decision #AQ-2043 (B)
39 FR 7011 - 2/22/74
Mod. #1 - 39 FR 18408 - 5/24/74
Mod. #2 - 39 FR 20919 - 6/14/74
Mod. #3 - 39 FR 28008 - 8/2/74
Mod. #4 - 39 FR 41110 - 11/22/74
(H,Hw) - See Armstrong County
WARREN COUNTY
Decision #AQ-2085 (B)
39 FR 14115 - 4/19/74
Mod. #1 - 39 FR 20920 - 6/14/74
Mod. #2 - 39 FR 28008 - 8/2/74
Mod. #3 - 39 FR 37332 - 10/18/74
Mod. #4 - 39 FR 38811 - 11/1/74
Mod. #5 - 39 FR 44911 - 12/27/74
(H,Hw) - See Armstrong county

PENNSYLVANIA (Cont'd.)

WASHINGTON COUNTY
Decision #AR-2039 (B)
39 FR 35054 - 44912 - 9/27/74
Mod. #1 - 39 FR 44912 - 12/27/74
(H,Hw) - See Butler County
WAYNE COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
WESTMORELAND COUNTY
Decision #AR-2038 (B)
39 FR 31862 - 8/30/74
Mod. #1 - 39 FR 44913 - 12/27/74
Mod. #2 - 40 FR 4790 - 1/31/75
(H,Hw) - See Butler County
WYCOMING COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
YORK COUNTY
(B,H,Hw) - See Adams Co. (Excluding New Cumberland Depot)
(B) - See Cumberland County (New Cumberland Depot)
(H,Hw) - See Adams County (New Cumberland Depot)

PUERTO RICO

PUERTO RICO
Decision #AR-2016 (R)
39 FR 28859 - 8/9/74
Decision #AQ-2052 (B)
39 FR 5161 - 2/8/74
Decision #AQ-2019 (H,Hw)
38 FR 24847 - 9/14/73
Mod. #1 - 39 FR 27395 - 7/26/74

RHODE ISLAND

STATEWIDE
Decision #NY75-3010 (D)
40 FR 3881 - 1/24/75
BRISTOL COUNTY
Decision #R175-2031 (B,H,Hw,R,& Marine)
40 FR 6128 - 2/7/75
(D) - See Statewide
KENT COUNTY
(B,H,Hw, & Marine) - See Bristol County
(D) - See Statewide
NEWPORT COUNTY
Decision #R175-2032 (B,H,Hw,R & Marine)
40 FR 6132 - 2/7/75
(D) - See Statewide
PROVIDENCE COUNTY
(B,H,Hw, R & Marine) - See Bristol Co.
(D) - See Statewide
WASHINGTON COUNTY
Decision #R175-2033 (B,H,Hw,R & Marine)
40 FR 6124 - 2/7/75
(D) - See Statewide

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SOUTH CAROLINA

STATEWIDE
Decision SC75-1003 (H,Hw)
40 FR 3153 - 1/17/75
Decision #AP-157 (Sewer & Water)
38 FR 4619 - 2/16/73
ABBEVILLE COUNTY
Decision #AR-4003 (B)
39 FR 26554 - 7/19/74
(Sewer & Water, H,Hw) - See Statewide
AIKEN COUNTY
Decision #SC75-1029 (R)
40 FR 10900 - 3/7/75
(Sewer & Water, H,Hw) - See Statewide
ALLENDALE COUNTY
Decision #AR-4006 (R)
39 FR 24780 - 7/5/74
(Sewer & Water, H,Hw) - See Statewide
ANDERSON COUNTY
Decision #SC75-1004 (R)
40 FR 3154 - 1/17/75
(Sewer & Water, H,Hw) - See Statewide
BAMBERG COUNTY
(R)-See Allendale County
(Sewer & Water, H,Hw) - See Statewide
BARNWELL COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
BEAUFORT COUNTY
Decision #SC75-1026 (B)
40 FR 8692 - 2/28/75
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
(Sewer & Water, H,Hw) - See Statewide
BERKELEY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
Decision #SC75-1021 (R)
40 FR 7859 - 2/21/75
Decision #AR-4045 (B)
39 FR 37327 - 10/18/74
Mod. #1 - 39 FR 41662 - 11/29/74
Mod. #2 - 40 FR 3087 - 1/17/75
Mod. #3 - 40 FR 4790 - 1/31/75
CALHOUN COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
CHARLESTON COUNTY
(B) - See Berkeley County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Berkeley County
CHEROKEE COUNTY
Decision #SC75-1017 (R)
40 FR 4785 - 1/31/75
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
CHESTER COUNTY
Decision #AR-4009 (B)
39 FR 25778 - 7/12/74
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd)

CHESTERFIELD COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLARENDON COUNTY
Decision #AR-4052 (R)
40 FR 39671 - 11/8/74
(Sewer & Water,H,Hw) - See Statewide
COLLETON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
Decision #AR-4052 (R)
39 FR 39671 - 11/8/74
DARLINGTON COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DILLON COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DORCHESTER COUNTY
(R) - See Berkeley County
(Sewer & Water, H,Hw) - See Statewide
EDGEFIELD COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
FAIRFIELD COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
FLORENCE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
GEORGETOWN COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
GREENVILLE COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
GREENWOOD COUNTY
(Sewer & Water, H,Hw) - See Statewide
HAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
HORRY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
JASPER COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
KERSHAW COUNTY
(Sewer & Water, H,Hw) - See Statewide
LANCASTER COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
LAURENS COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
(R) - See Clarendon County
(Sewer & Water H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.)

LEXINGTON COUNTY
Decision #AR-4049 (R)
39 FR 38078 - 10/25/74
Decision #AR-4004 (B)
39 FR 24779 - 7/5/74
Mod. #1 - 39 FR 43466 - 12/13/74
(Sewer & Water, H,Hw) - See Statewide
McCORMICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
MARION COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
MARLBORO COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
NEWBERRY COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
OCONEE COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
ORANGEBURG COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Allendale County
PICKENS COUNTY
(R)- See Anderson County
(Sewer & Water, H,Hw) - See Statewide
RICHLAND COUNTY
(Sewer & Water, H,Hw) - See Statewide
(B) - See Lexington County
(R) - See Lexington County
SALUDA COUNTY
(Sewer & Water, H,Hw) - See Statewide
SPARTANBURG COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
SUMTER COUNTY
Decision #AQ-4097 (B)
39 FR 12581 - 4/5/74
(Sewer & Water, H,Hw) - See Statewide
(R) - See Clarendon County
UNION COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
(B) - See Abbeville County
WILLIAMSBURG COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
YORK COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH DAKOTA

STATEWIDE
Decision #SD75-5013 (H,Hw)
40 FR 4858 - 1/31/75
AURORA COUNTY
(H,Hw) - See Statewide
BEADLE COUNTY
(H,Hw) - See Statewide
BENNETT COUNTY
(H,Hw) - See Statewide
BON HOMME COUNTY
(H,Hw) - See Statewide
BROOKINGS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BRULE COUNTY
(H,Hw) - See Statewide
BUFFALO COUNTY
(H,Hw) - See Statewide
BUTTE COUNTY
(H,Hw) - See Statewide
CAMPBELL COUNTY
(H,Hw) - See Statewide
CHARLES MIX COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
CODINGTON COUNTY
(H,Hw) - See Statewide
CORSON COUNTY
(H,Hw) - See Statewide
CUSTER COUNTY
(H,Hw) - See Statewide
DAVISON COUNTY
(H,Hw) - See Statewide
DAY COUNTY
(H,Hw) - See Statewide
DEUEL COUNTY
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
DOUGLAS COUNTY
(H,Hw) - See Statewide
EDMUNDS COUNTY
(H,Hw) - See Statewide
FALL RIVER COUNTY
(H,Hw) - See Statewide
FAULK COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREGORY COUNTY
(H,Hw) - See Statewide
HAAKON COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (CONT'D.)

HAMLIN COUNTY
(H,Hw) - See Statewide
HAND COUNTY
(H,Hw) - See Statewide
HANSON COUNTY
(H,Hw) - See Statewide
HARDING COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(H,Hw) - See Statewide
HYDE COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JERAULD COUNTY
(H,Hw) - See Statewide
JONES COUNTY
(H,Hw) - See Statewide
KINGSBURY COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(H,Hw) - See Statewide
LAWRENCE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
LYMAN COUNTY
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
Mc COOK COUNTY
(H,Hw) - See Statewide
Mc PHERSON COUNTY
(H,Hw) - See Statewide
MEADE COUNTY
Decision #AR-1027 (B)
39 FR 31866 - 8/30/74
(H,Hw) - See Statewide
MELLETTE COUNTY
(H,Hw) - See Statewide
MINER COUNTY
(H,Hw) - See Statewide
MINNEHAHA COUNTY
Decision #AR-1056 (B)
39 FR 44190 - 12/20/74
Decision #AQ-1091 (R)
39 FR 8146 - 3/1/74
Mod. #1 - 39 FR 14856 - 4/26/74
(H,Hw) - See Statewide
MOODY COUNTY
(H,Hw) - See Statewide
PENNINGTON COUNTY
(H,Hw) - See Statewide
PERKINS COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd.)

POTTER COUNTY
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
SANBORN COUNTY
(H,Hw) - See Statewide
SHANNON COUNTY
(H,Hw) - See Statewide
SPINK COUNTY
(H,Hw) - See Statewide
STANLEY COUNTY
(H,Hw) - See Statewide
SULLY COUNTY
(H,Hw) - See Statewide
TODD COUNTY
(H,Hw) - See Statewide
TRIPP COUNTY
(H,Hw) - See Statewide
TURNER COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
WALWORTH COUNTY
(H,Hw) - See Statewide
WASHABAUGH COUNTY
(H,Hw) - See Statewide
YANKTON COUNTY
(H,Hw) - See Statewide
ZIEBACH COUNTY
(H,Hw) - See Statewide

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TENNESSEE

STATEWIDE
Decision #AR75-5032 (F)
40 FR 8706 - 2/28/75
Decision #AR-4046 (Hw)
40 FR 940 - 1/3/75
ANDERSON COUNTY
Decision #AR-4061 (B) (Oak Ridge and Atomic Energy Commission)
39 FR 42826 - 12/6/74
Mod. #1 - 40 FR 3088 - 1/17/75
Mod. #2 - 40 FR 6910 - 2/14/75
(Hw) - See Statewide
(F) - See Statewide
BEDFORD COUNTY
(F) - See Statewide
(Hw) - See Statewide
BENTON COUNTY
(F) - See Statewide
(Hw) - See Statewide
BLEDSOE COUNTY
(F) - See Statewide
(Hw) - See Statewide
BLOUNT COUNTY
(F) - See Statewide
(Hw) - See Statewide
BRADLEY COUNTY
(F) - See Statewide
(Hw) - See Statewide
CAMPBELL COUNTY
(F) - See Statewide
(Hw) - See Statewide
CANNON COUNTY
(F) - See Statewide
(Hw) - See Statewide
CARROLL COUNTY
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
(F) - See Statewide
(Hw) - See Statewide
CARTER COUNTY
Decision #AP-104 (B)
37 FR 13915 - 7/14/72
Decision #AQ-4128 (R)
39 FR 24198 - 6/28/74
(F) - See Statewide
(Hw) - See Statewide
CHEATHAM COUNTY
Decision #AQ-4061 (R)
39 FR 3426 - 1/25/74
Mod. #1 - 40 FR 7800 - 2/21/75
(F) - See Statewide
(Hw) - See Statewide
CHESTER COUNTY
(F) - See Statewide
(Hw) - See Statewide
CLAIBORNE COUNTY
(F) - See Statewide
(Hw) - See Statewide

TENNESSEE (CONT'D.)

CLAY COUNTY
(F) - See Statewide
(Hw) - See Statewide
COCKE COUNTY
(F) - See Statewide
(Hw) - See Statewide
COFFEE COUNTY
(F) - See Statewide
(Hw) - See Statewide
CROCKETT COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
CUMBERLAND COUNTY
(F) - See Statewide
(Hw) - See Statewide
DAVIDSON COUNTY
Decision #AR-4021 (B)
39 FR 31868 - 8/30/74
Mod. #1 - 39 FR 38815 - 11/1/74
Mod. #2 - 39 FR 42813 - 12/6/74
Mod. #3 - 40 FR 3088 - 1/17/75
Mod. #4 - 40 FR 6910 - 2/14/75
(R) - See Cheatham County
(F) - See Statewide
(Hw) - See Statewide
DECATUR COUNTY
(F) - See Statewide
(Hw) - See Statewide
DEKALB COUNTY
(F) - See Statewide
(Hw) - See Statewide
DICKSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County
DYER COUNTY
Decision #AQ-4073 (B)
39 FR 5947 - 2/15/74
Mod. #1 - 39 FR 9357 - 3/8/74
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
FAYETTE COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
FENTRESS COUNTY
(F) - See Statewide
(Hw) - See Statewide
FRANKLIN COUNTY
(F) - See Statewide
(Hw) - See Statewide
GIBSON COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
(B) - See Dyer County

TENNESSEE (Cont'd)

GILES COUNTY
(F) - See Statewide
(Hw) - See Statewide
GRAINGER COUNTY
(F) - See Statewide
(Hw) - See Statewide
GREENE COUNTY
(F) - See Statewide
(Hw) - See Statewide
GRUNDY COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAMBLEN COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAMILTON COUNTY
Decision #AR-4062 (B,H)
39 FR 42828 - 12/6/74
Mod. #1 - 40 FR 3088 - 1/17/75
Mod. #2 - 40 FR 6910 - 2/14/75
Mod. #3 - 40 FR 8698 - 2/28/75
(F) - See Statewide
(Hw) - See Statewide
HANCOCK COUNTY
(F) - See Statewide
(Hw) - See Statewide
HARDEMAN COUNTY
(D) - See Carroll County
(Hw) - See Statewide
(F) - See Statewide
HARDIN COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAWKINS COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAYWOOD COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
HENDERSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
HENRY COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
HICKMAN COUNTY
(F) - See Statewide
(Hw) - See Statewide
HOUSTON COUNTY
(F) - See Statewide
(Hw) - See Statewide
HUMPHREYS COUNTY
(F) - See Statewide
(Hw) - See Statewide
JACKSON COUNTY
(F) - See Statewide
(Hw) - See Statewide

TENNESSEE (CONT'D)

JEFFERSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
JOHNSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
KNOX COUNTY
Decision #AR-4026 (B)
39 FR 31869 - 8/30/74
Mod. #1 - 39 FR 38815 - 11/1/74
Mod. #2 - 39 FR 42813 - 12/6/74
Mod. #3 - 40 FR 3088 - 1/17/75
Mod. #4 - 40 FR 6910 - 2/14/75
Decision #AQ-4051 (R)
39 FR 2321 - 1/18/74
(F) - See Statewide
(Hw) - See Statewide
LAKE COUNTY
Decision #AQ-4074 (R)
39 FR 5947 - 2/15/74
(F) - See Statewide
(Hw) - See Statewide
LAUDERDALE COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
LAWRENCE COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County
LEWIS COUNTY
(F) - See Statewide
(Hw) - See Statewide
LINCOLN COUNTY
(F) - See Statewide
(Hw) - See Statewide
LOUDON COUNTY
(F) - See Statewide
(Hw) - See Statewide
MC MINN COUNTY
(F) - See Statewide
(Hw) - See Statewide
MC NAIRY COUNTY
(F) - See Statewide
(Hw) - See Statewide
MACON COUNTY
(F) - See Statewide
(Hw) - See Statewide
MADISON COUNTY
Decision #AQ-4094 (B)
39 FR 10997 - 3/22/74
Mod. #1 - 39 FR 34929 - 9/27/74
Mod. #2 - 40 FR 3088 - 1/17/75
Mod. #3 - 40 FR 6910 - 2/14/75
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
MARION COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Statewide

TENNESSEE (Cont'd)

MARSHALL COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County
MAURY COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County
MEIGS COUNTY
(F) - See Statewide
(Hw) - See Statewide
MONROE COUNTY
(F) - See Statewide
(Hw) - See Statewide
MONTGOMERY COUNTY
(F) - See Statewide
(Hw) - See Statewide
MOORE COUNTY
(F) - See Statewide
(Hw) - See Statewide
MORGAN COUNTY
(F) - See Statewide
(Hw) - See Statewide
OBION COUNTY
(R) - See Lake County
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
OVERTON COUNTY
(F) - See Statewide
(Hw) - See Statewide
PERRY COUNTY
(F) - See Statewide
(Hw) - See Statewide
PICKETT COUNTY
(F) - See Statewide
(Hw) - See Statewide
POLK COUNTY
(F) - See Statewide
(Hw) - See Statewide
PUTNAM COUNTY
(F) - See Statewide
(Hw) - See Statewide
RHEA COUNTY
(F) - See Statewide
(Hw) - See Statewide
ROANE COUNTY
(B) - See Anderson Co. (Oak Ridge and Atomic Energy Commission)
(F) - See Statewide
(Hw) - See Statewide
ROBERTSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (Cont'd)

RUTHERFORD COUNTY
Decision #AQ-4114 (B)
39 FR 16980 - 5/10/74
Mod. #1 - 39 FR 28013 - 8/2/74
Mod. #2 - 39 FR 29726 - 8/16/74
Mod. #3 - 39 FR 31782 - 8/30/74
Mod. #4 - 40 FR 3088 - 1/17/75
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County
SCOTT COUNTY
(F) - See Statewide
(Hw) - See Statewide
SEQUATCHIE COUNTY
(F) - See Statewide
(Hw) - See Statewide
SEVIER COUNTY
(F) - See Statewide
(Hw) - See Statewide
SHELBY COUNTY
Decision #TN75-1006 (B,H, & Utility)
40 FR 3155 - 1/17/75
Mod. #1 - 40 FR 6911 - 2/14/75
Decision #AP-152 (R)
38 FR 4176 - 2/9/73
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
SMITH COUNTY
(F) - See Statewide
(Hw) - See Statewide
STEWART COUNTY
(F) - See Statewide
(Hw) - See Statewide
SULLIVAN COUNTY
Decision #AM-8623 (B)
37 FR 12013 - 6/16/72
Mod. #1 - 37 FR 23065 - 10/27/72
Mod. #2 - 39 FR 11815 - 3/29/74
Mod. #3 - 39 FR 17655 - 5/17/74
(F) - See Statewide
(Hw) - See Statewide
(R) - See Carter County
SUMNER COUNTY
(Hw) - See Statewide
(F) - See Statewide
(R) - See Cheatham County
TIPTON COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
TROUSDALE COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (cont'd)

UNICOI COUNTY
(F) - See Statewide
(Hw) - See Statewide
UNION COUNTY
(F) - See Statewide
(Hw) - See Statewide
VAN BUREN COUNTY
(F) - See Statewide
(Hw) - See Statewide
WARREN COUNTY
(F) - See Statewide
(Hw) - See Statewide
WASHINGTON COUNTY
Decision #AP-100 (B)
37 FR 13419 - 7/7/72
Mod. #1 - 37 FR 17316 - 8/25/72
Mod. #2 - 37 FR 22708 - 10/20/72
(R) - See Carter County
(F) - See Statewide
(Hw) - See Statewide
WAYNE COUNTY
(F) - See Statewide
(Hw) - See Statewide
WEAKLEY COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
WHITE COUNTY
(F) - See Statewide
(Hw) - See Statewide
WILLIAMSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County
WILSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County

TEXAS (Cont'd)

CARSON COUNTY
(B) - See Armstrong County
(H,Hw) - See Statewide
(R) - See Armstrong County
CASS COUNTY
(H,Hw) - See Statewide
CASTRO COUNTY
(H,Hw) - See Statewide
CHEROKEE COUNTY
(H,Hw) - See Statewide
CHILDRESS COUNTY
(B) - See Armstrong County
(H,Hw) - See Statewide
(J) - See Aransas County
(R) - See Statewide
ANDREWS COUNTY
(H,Hw) - See Statewide
ANGELINA COUNTY
(H,Hw) - See Statewide
ARANSAS COUNTY
(H,Hw) - See Statewide
Decision #AA-4013 (D)
39 FR 27397 - 7/26/74
ARCHER COUNTY
(H,Hw) - See Statewide
ARMSTRONG COUNTY
Decision #TX75-4020 (B)
40 FR 3922 - 1/24/75
Mod. #2 - 40 FR 5987 - 2/7/75
(H,Hw) - See Statewide
Decision #TX75-4021 (R)
40 FR 3925 - 1/24/75
Mod. #1 - 40 FR 5988 - 2/7/75
ATASCOSA COUNTY
(H,Hw) - See Statewide
AUSTIN COUNTY
(H,Hw) - See Statewide
BAILEY COUNTY
(H,Hw) - See Statewide
Decision #TX75-4003 (R)
40 FR 3158 - 1/17/75
BANDERA COUNTY
(H,Hw) - See Statewide
BASTROP COUNTY
Decision #AR-1 (R)
39 FR 24809 - 7/5/74
(H,Hw) - See Statewide
BAYLOR COUNTY
(H,Hw) - See Statewide
BEE COUNTY
Decision #TX75-4004 (R)
40 FR 3160 - 1/17/75
(H,Hw) - See Statewide
BELL COUNTY
(H,Hw) - See Statewide
Decision #TX75-4022 (B)
40 FR 3927 - 1/24/75
Mod. #1 - 40 FR 8699 - 2/28/75

TEXAS (Cont'd)

CRANE COUNTY
(H,Hw) - See Statewide
Decision #TX75-4006 (R)
40 FR 3163 - 1/17/75
CROCKETT COUNTY
(H,Hw) - See Statewide
CROSBY COUNTY
(H,Hw) - See Statewide
CULBERSON COUNTY
(H,Hw) - See Statewide
DALLAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
DALLAS COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
DAWSON COUNTY
(H,Hw) - See Statewide
DEAF SMITH COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
DELTA COUNTY
(H,Hw) - See Statewide
DENTON COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
DE WITT COUNTY
(H,Hw) - See Statewide
DICKENS COUNTY
(H,Hw) - See Statewide
DIMMIT COUNTY
Decision #TX75-4010 (B,R)
40 FR 3172 - 1/17/75
(H,Hw) - See Statewide
DONLEY COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
DUVAL COUNTY
(H,Hw) - See Statewide
EASTLAND COUNTY
(H,Hw) - See Statewide
ECTOR COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
EDWARDS COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
EL PASO COUNTY
Decision #TX75-4024 (B)
40 FR 3931 - 1/24/75
Mod. #1 - 40 FR 7800 - 2/21/75
Mod. #2 - 40 FR 8699 - 2/28/75
(H,Hw) - See Statewide
ERATH COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

HOPKINS COUNTY
(H,Hw) - See Statewide
HOUSTON COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
Decision #TX75-4027 (B,R)
40 FR 3936 - 1/24/75
Mod. #1 - 40 FR 5988 - 2/7/75
(H,Hw) - See Statewide
HUDSPETH COUNTY
(H,Hw) - See Statewide
HUNT COUNTY
(R) - See Collin County
(R)(B) - See Statewide
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
IRION COUNTY
(H,Hw) - See Statewide
JACK COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JEFF DAVIS COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
Decision #TX75-4012 (B,R)
40 FR 3175 - 1/17/75
Mod. #1 - 40 FR 7800 - 2/21/75
Mod. #2 - 40 FR 8698 - 2/28/75
(D) - See Aransas County
(H,Hw) - See Statewide
JIM HOGG COUNTY
(H,Hw) - See Statewide
(B,R) - See Dimmit County
JIM WELLS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
JONES COUNTY
(H,Hw) - See Statewide
KARNES COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

KAUFMAN COUNTY
(R&B) - See Collin County
(H,Hw) - See Statewide
KENDALL COUNTY
(H,Hw) - See Statewide
KENEDY COUNTY
Decision #TX75-4028 (B)
40 FR 3938 - 1/24/75
Mod. #1 - 40 FR 8699 - 2/28/75
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
KNOX COUNTY
(H,Hw) - See Statewide
LAMAR COUNTY
(H,Hw) - See Statewide
LAMB COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
LAMPASAS COUNTY
(H,Hw) - See Statewide
LA SALLE COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
LAVACA COUNTY
(H,Hw) - See Statewide
LEE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County

TEXAS (Cont'd)

FALLS COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
FANNIN COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
FISHER COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
FOARD COUNTY
(H,Hw) - See Statewide
FORT BEND COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FREESTONE COUNTY
(H,Hw) - See Statewide
FRIO COUNTY
(H,Hw) - See Statewide
GAINES COUNTY
(H,Hw) - See Statewide
GALVESTON COUNTY
Decision #TX75-4025 (B)
40 FR 3933 - 1/24/75
Mod. #1 - 40 FR 5988 - 2/7/75
Mod. #2 - 40 FR 7800 - 2/21/75
Mod. #3 - 40 FR 8699 - 2/28/75
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
GARZA COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
GILLESPIE COUNTY
(H,Hw) - See Statewide
GLASSCOCK COUNTY
(H,Hw) - See Statewide
GOLIAD COUNTY
(H,Hw) - See Statewide
GONZALES COUNTY
(H,Hw) - See Statewide
GRAY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
GRAYSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
GREGG COUNTY
Decision #TX75-4026 (B)
40 FR 3935 - 1/24/75
(H,Hw) - See Statewide

TEXAS (Cont'd)

GRIMES COUNTY
(H,Hw) - See Statewide
GUADALUPE COUNTY
(H,Hw) - See Statewide
HALE COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HALL COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HANSFORD COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HARDEMAN COUNTY
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRIS COUNTY
(B) - See Galveston County
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
HARRISON COUNTY
Decision #AR-82 (B)
39 FR 41652 - 11/29/74
Mod. #1 - 40 FR 3867 - 1/24/75
Mod. #2 - 40 FR 8698 - 2/28/75
(H,Hw) - See Statewide
HARTLEY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HAYS COUNTY
(H,Hw) - See Statewide
HEMPHILL COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HENDERSON COUNTY
(H,Hw) - See Statewide
HIDALGO COUNTY
(R,B) - See Cameron County
(H,Hw) - See Statewide
HILL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
HOCKLEY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HOOD COUNTY
(B) - See Collin County
Decision #TX75-4011 (R)
40 FR 3173 - 1/17/75
(H,Hw) - See Statewide

V 40166
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TEXAS (Cont'd)

LEON COUNTY
(H,Hw) - See Statewide
LIBERTY COUNTY
(H,Hw) - See Statewide
LIMESTONE COUNTY
(H,Hw) - See Statewide
LIPSCOMB COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
LIVE OAK COUNTY
(H,Hw) - See Statewide
LLANO COUNTY
(H,Hw) - See Statewide
LOVING COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
LUBBOCK COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
Decision #TX75-4029 (B)
40 FR 3940 - 1/24/75
Mod. #1 - 40 FR 8699 - 2/28/75
LYNN COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
McCULLOCH COUNTY
(H,Hw) - See Statewide
McLENNAN COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
McMULLEN COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

MASON COUNTY
(H,Hw) - See Statewide
MATAGORDA COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
(D) - See Aransas County
MAVERICK COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MENARD COUNTY
(H,Hw) - See Statewide
MIDLAND COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
MILAM COUNTY
(H,Hw) - See Statewide
MILLS COUNTY
(H,Hw) - See Statewide
MITCHELL COUNTY
(H,Hw) - See Statewide
MONTAGUE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
MOORE COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
MORRIS COUNTY
(H,Hw) - See Statewide
MOTLEY COUNTY
(H,Hw) - See Statewide
NACOGDOCHES COUNTY
(H,Hw) - See Statewide
NAVARRO COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

NEWTON COUNTY
(H,Hw) - See Statewide
NOLAN COUNTY
(H,Hw) - See Statewide
NUECES COUNTY
(B) - See Kleberg County
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
OCHILTREE COUNTY
(R) (B) - See Armstrong County
(H,Hw) - See Statewide
OLDHAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
ORANGE COUNTY
(R)(B) - See Jefferson County
(Hw) - See Statewide
(D) - See Aransas County
PALO PINTO COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
PANOLA COUNTY
(H,Hw) - See Statewide
PARKER COUNTY
(H,Hw) - See Statewide
(R) - See Hood County
PARMER COUNTY
(H,Hw) - See Statewide
PECOS COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
POLK COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
PRESIDIO COUNTY
(H,Hw) - See Statewide
RAINS COUNTY
(H,Hw) - See Statewide
RANDALL COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
REAGAN COUNTY
(H,Hw) - See Statewide
REAL COUNTY
(H,Hw) - See Statewide
RED RIVER COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

REEVES COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
REFUGIO COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
ROBERTSON COUNTY
(H,Hw) - See Statewide
ROCKWALL COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
RUNNELS COUNTY
(H,Hw) - See Statewide
RUSK COUNTY
(H,Hw) - See Statewide
SABINE COUNTY
(H,Hw) - See Statewide
SAN AUGUSTINE COUNTY
(H,Hw) - See Statewide
SAN JACINTO COUNTY
(H,Hw) - See Statewide
SAN PATRICIO COUNTY
(R) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
SAN SABA COUNTY
(H,Hw) - See Statewide
SCHLEICHER COUNTY
(H,Hw) - See Statewide
SCURRY COUNTY
(H,Hw) - See Statewide
SHACKELFORD COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
SHERMAN COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
SMITH COUNTY
(H,Hw) - See Statewide
SOMERVELL COUNTY
(H,Hw) - See Statewide
STARR COUNTY
(H,Hw) - See Statewide
(B)(R) - See Cameron County
STEPHENS COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

STERLING COUNTY
(H,Hw) - See Statewide
STONEWALL COUNTY
(H,Hw) - See Statewide
SUTTON COUNTY
(H,Hw) - See Statewide
SWISHER COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
TARRANT COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
Decision #AQ-117 (R)
39 FR 22400 - 6/21/74
TAYLOR COUNTY
Decision #TX75-4030 (B)
40 FR 3941 - 1/24/75
Mod. #1 - 40 FR 8699 - 2/28/75
(H,Hw) - See Statewide
TERRELL COUNTY
(H,Hw) - See Statewide
TERRY COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
THROCKMORTON COUNTY
(H,Hw) - See Statewide
TITUS COUNTY
(H,Hw) - See Statewide
TOM GREEN COUNTY
Decision #TX75-4048 (B)
40 FR 5971 - 2/7/75
Mod. #1 - 40 FR 10883 - 3/7/75
(H,Hw) - See Statewide
TRAVIS COUNTY
Decision #TX75-4031 (B)
40 FR 3942 - 1/24/75
Mod. #1 - 40 FR 8700 - 2/28/75
(R) - See Bastrop County
(H,Hw) - See Statewide
TRINITY COUNTY
(H,Hw) - See Statewide
TYLER COUNTY
(H,Hw) - See Statewide
UPSHUR COUNTY
(H,Hw) - See Statewide
UPTON COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
UVALDE COUNTY
(H,Hw) - See Statewide
VAL VERDE COUNTY
(H,Hw) - See Statewide
VAN ZANDT COUNTY
(H,Hw) - See Statewide
VICTORIA COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
WALKER COUNTY
(H,Hw) - See Statewide
(R) - See Brazoria County

TEXAS (Cont'd.)

WALLER COUNTY
(H,Hw) - See Statewide
WARD COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WASHINGTON COUNTY
(H,Hw) - See Statewide
WEBB COUNTY
(B,R) - See Dimmit County
(H,Hw) - See STatewide
WHARTON COUNTY
(H,Hw) - See Statewide
WHEELER COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
WICHITA COUNTY
Decision #TX75-4013 (R)
40 FR 3177 - 1/17/75
Decision #TX75-4056 (B)
40 FR 8755 - 2/28/75
(H,Hw) - See Statewide
WILBARGER COUNTY
(H,Hw) - See Statewide
WILLACY COUNTY
(R)(B) - See Cameron County
(H,Hw) - See Statewide
(D) - See Aransas County
WILLIAMSON COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
WILSON COUNTY
(H,Hw) - See Statewide
WINKLER COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WISE COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
WOOD COUNTY
(H,Hw) - See Statewide
YOAKUM COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
YOUNG COUNTY
(H,Hw) - See Statewide
ZAPATA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
ZAVALA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide

UTAH

STATEWIDE
Decision #UT75-5026 (B,H,Hw)
40 FR 7860 - 2/21/75
BEAVER COUNTY
(B,H,Hw) - See Statewide
BOX ELDER COUNTY
(B,H,Hw) - See Statewide
CACHE COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
DAGGETT COUNTY
(B,H,Hw) - See Statewide
DAVIS COUNTY
(B,H,Hw) - See Statewide
DUCHESNE COUNTY
(B,H,Hw) - See Statewide
EMERY COUNTY
(B,H,Hw) - See Statewide
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GRAND COUNTY
(B,H,Hw) - See Statewide
IRON COUNTY
(B,H,Hw) - See Statewide
JUAB COUNTY
(B,H,Hw) - See Statewide
KANE COUNTY
(B,H,Hw) - See Statewide
MILLARD COUNTY
(B,H,Hw) - See Statewide
MORGAN COUNTY
(B,H,Hw) - See Statewide
PIUTE COUNTY
(B,H,Hw) - See Statewide
RICH COUNTY
(B,H,Hw) - See Statewide
SALT LAKE COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
(B,H,Hw) - See Statewide
SANPETE COUNTY
(B,H,Hw) - See Statewide
SEVIER COUNTY
(B,H,Hw) - See Statewide
SUMMIT COUNTY
(B,H,Hw) - See Statewide
TOOELE COUNTY
(B,H,Hw) - See Statewide
UNITAH COUNTY
(B,H,Hw) - See Statewide
UTAH COUNTY
(B,H,Hw) - See Statewide
WASATCH COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

UTAH (Cont'd)

WAYNE COUNTY
(B,H,Hw) - See Statewide
WEBER COUNTY
(B,H,Hw) - See Statewide

VERMONT

Statewide (Except Rutland County)
Decision #AQ-3184 (Hw)
39 FR 24203 - 6/28/74
Mod. #1 - 39 FR 27397 - 7/26/74
ADDISON COUNTY
(Hw) - See Statewide
BENNINGTON COUNTY
(Hw) - See Statewide
CALEDONIA COUNTY
(Hw) - See Statewide
CHITTENDEN COUNTY
(Hw) - See Statewide
ESSEX COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
GRAND ISLE COUNTY
(Hw) - See Statewide
LAMOILLE COUNTY
(Hw) - See Statewide
ORANGE COUNTY
(Hw) - See Statewide
ORLEANS COUNTY
(Hw) - See Statewide
RUTLAND COUNTY
None
WASHINGTON COUNTY
(Hw) - See Statewide
WINDHAM COUNTY
(Hw) - See Statewide
WINDSOR COUNTY
(Hw) - See Statewide

V 57 4 RRA 96104 V
XUM

VIRGINIA (Cont'd)

CULPEPER COUNTY
(Hw) - See Albemarle County
CUMBERLAND COUNTY
(Hw) - See Amherst County
DANVILLE CITY
(Hw) - See Amherst County
DINWIDDIE COUNTY
(Hw) - See Bland County
DUNMORE COUNTY
(Hw) - See Amelia County
EMPORIA CITY
(Hw) - See Accomack County
ESSEX COUNTY
(Hw) - See Caroline County
FAIRFAX COUNTY
(D) - See Accomack County
FAIRFAX CITY
(B) - See Alexandria City
(D) - See Accomack County
FALLS CHURCH CITY
(B) - See Alexandria City
FAUQUIER COUNTY
(Hw) - See Albemarle County
FLOYD COUNTY
(Hw) - See Bedford County
FLUVANNA COUNTY
(Hw) - See Albemarle County
FORT MONROE CITY
(B,H,HAS) - See York County
(Hw) - See Chesapeake City
FRANKLIN CITY
(Hw) - See Accomack County
FRANKLIN COUNTY
(Hw) - See Bedford County
FREDERICK COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County

VIRGINIA (Cont'd)

FREDERICKSBURG CITY
(Hw) - See Caroline County
GALAX CITY
(Hw) - See Bedford County
GILES COUNTY
(Hw) - See Bedford County
GLOUCESTER COUNTY
(Hw) - See Amherst County
GOOCHLAND COUNTY
(D) - See Accomack County
GRAYSON COUNTY
(Hw) - See Amelia County
GREENE COUNTY
(Hw) - See Bland County
GREENSVILLE COUNTY
(Hw) - See Albemarle County
HALIFAX COUNTY
(Hw) - See Accomack County
HAMPTON CITY
(Hw) - See Amherst County
Decision #AQ-2103 (R)
39 FR 14119 - 4/19/74
Mod. #1 - 15612 - 5/3/74
(B,H,HAS) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
HANOVER COUNTY
(Hw) - See Amelia County
HARRISONBURG CITY
(Hw) - See Alleghany County
HENRICO COUNTY
Decision #WA75-3006 (B)
40 FR 946 - 1/3/75
(Hw) - See Amelia County

VIRGINIA (Cont'd)

BRISTOL CITY
(Hw) - See Bland County
BRUNSWICK COUNTY
(Hw) - See Amelia County
BUCHANAN COUNTY
(Hw) - See Bland County
BUCKINGHAM COUNTY
(Hw) - See Amherst County
BUENA VISTA CITY
(Hw) - See Alleghany County
CAMPBELL COUNTY
(Hw) - See Amherst County
CAROLINE COUNTY
Decision #AQ-2031 (Hw)
38 FR 33258 - 11/30/73
CARROLL COUNTY
(Hw) - See Bedford County
CHARLES CITY COUNTY
(Hw) - See Amelia County
CHARLOTTE COUNTY
(Hw) - See Amherst County
CHARLOTTSVILLE CITY
(Hw) - See Albemarle County
CHESAPEAKE CITY
Decision #WA75-3005 (B)
40 FR 944 - 1/3/75
Decision #AP-494 (Hw)
38 FR 7693 - 3/23/73
(D) - See Accomack County
CHESTERFIELD COUNTY
(Hw) - See Amelia County
CLARKE COUNTY
Decision #AQ-406 (R)
37 FR 15234 - 7/28/72
(Hw) - See Alleghany County
CLIFTON FORGE CITY
(Hw) - See Alleghany County
COLONIAL HEIGHTS CITY
(Hw) - See Amelia County
COVINGTON CITY
(Hw) - See Alleghany County
CRAIG COUNTY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

PAGE COUNTY
(Hw) - See Alleghany County
PATRICK COUNTY
(Hw) - See Bedford County
PETERSBURG CITY
(Hw) - See Amelia County
PITTSYLVANIA COUNTY
(Hw) - See Amherst County
PORTSMOUTH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
POWHATAN COUNTY
(Hw) - See Amelia County
PRINCE EDWARD COUNTY
(Hw) - See Amherst County
PRINCE GEORGE COUNTY
(Hw) - See Amelia County
PRINCE WILLIAM COUNTY
(Hw) - See Albemarle County
(D) - See Accomack County
PULASKI COUNTY
(Hw) - See Bedford County
RADFORD CITY
(Hw) - See Bedford County
RAPPAHANNOCK COUNTY
(Hw) - See Albemarle County
RICHMOND CITY
(R) - See Henrico County
(Hw) - See Amelia County
RICHMOND COUNTY
(Hw) - See Caroline County
ROANOKE CITY
(Hw) - See Bedford County
ROANOKE COUNTY
(Hw) - See Bedford County
ROCKBRIDGE COUNTY
(Hw) - See Alleghany County
ROCKINGHAM COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County
RUSSELL COUNTY
(Hw) - See Bland County
SALEM CITY
(Hw) - See Bedford County
SCOTT COUNTY
(Hw) - See Bland County
SHENANDOAH COUNTY
(Hw) - See Alleghany County
(R) - See Clarke County
SMYTH COUNTY
(Hw) - See Bland County
SOUTHAMPTON COUNTY
(Hw) - See Accomack County

VIRGINIA (Cont'd.)

SOUTH BOSTON CITY
(Hw) - See Amherst County
SPOTSYLVANIA COUNTY
(Hw) - See Caroline County
STAUNTON CITY
(Hw) - See Alleghany County
STAFFORD COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
SUFFOLK CITY
(Hw) - See Accomack County
SURRY COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
SUSSEX COUNTY
(Hw) - See Accomack County
TAZEWELL COUNTY
(Hw) - See Bland County
VIRGINIA BEACH CITY
Decision #AM-432 (R)
37 FR 10266 - 7/19/72
(Hw,B) - See Chesapeake City
(D) - See Accomack County
WARREN COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County
WASHINGTON COUNTY
(Hw) - See Bland County
WAYNESBORO CITY
(Hw) - See Alleghany County
WESTMORELAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
WILLIAMSBURG CITY
(Hw) - See Accomack County
WINCHESTER CITY
(Hw) - See Alleghany County
WISE COUNTY
(Hw) - See Bland County
WYTHE COUNTY
(Hw) - See Bland County
YORK COUNTY
Decision #WA75-3004 (B,H,SAW)
40 FR 941 - 1/3/75
(R) - See James City
(Hw) - See Accomack County
(D) - See Accomack County

VIRGINIA

ACCOMACK COUNTY
Decision #AP-805 (Hw)
38 FR 11279 - 5/4/73
Mod. #1 - 38 FR 13127 - 5/18/73
Decision #WA75-3008 (U)
40 FR 3094 - 1/17/75
ALBEMARLE COUNTY
Decision #AM-1874 (Hw)
36 FR 16342 - 8/20/71
ALEXANDRIA CITY
Decision #WA75-3003 (B)
40 FR 937 - 1/3/75
ALLEGHANY COUNTY
Decision #AM-1875 (Hw)
36 FR 16343 - 8/20/71
Mod. #1 - 37 FR 5169 - 3/10/72
AMELIA COUNTY
Decision #AR-2032 (Hw) -
39 FR 31871 - 8/30/74
AMHERST COUNTY
Decision #AQ-2032 (Hw)
38 FR 32259 - 11/30/73
APPOMATTOX COUNTY
(Hw) - See Amherst County
ARLINGTON COUNTY
(B) - See Alexandria City
(D) - See Accomack County
AUGUSTA COUNTY
Decision #AM-9320 (R)
37 FR 10267 - 5/19/72
(Hw) - See Alleghany County
BATH COUNTY
(Hw) - See Alleghany County
BEDFORD CITY
(Hw) - See Bedford County
BEDFORD COUNTY
Decision #AQ-2021 (Hw)
38 FR 27744 - 10/5/73
BLAND COUNTY
Decision #AQ-2020 (Hw)
38 FR 27744 - 10/5/73
BOTETOURT COUNTY
(Hw) - See Bedford County

VIRGINIA

BRISTOL CITY
(Hw) - See Bland County
BRUNSWICK COUNTY
(Hw) - See Amelia County
BUCHANAN COUNTY
(Hw) - See Bland County
BUCKINGHAM COUNTY
(Hw) - See Amherst County
BUENA VISTA CITY
(Hw) - See Alleghany County
CAMPBELL COUNTY
(Hw) - See Amherst County
CAROLINE COUNTY
Decision #AQ-2031 (Hw)
38 FR 33258 - 11/30/73
CARROLL COUNTY
(Hw) - See Bedford County
CHARLES CITY COUNTY
(Hw) - See Amelia County
CHARLOTTE COUNTY
(Hw) - See Amherst County
CHARLOTTSVILLE CITY
(Hw) - See Albemarle County
CHESAPEAKE CITY
Decision #WA75-3005 (B)
40 FR 944 - 1/3/75
Decision #AP-494 (Hw)
38 FR 7693 - 3/23/73
(D) - See Accomack County
CHESTERFIELD COUNTY
(Hw) - See Amelia County
CLARKE COUNTY
Decision #AQ-406 (R)
37 FR 15234 - 7/28/72
(Hw) - See Alleghany County
CLIFTON FORGE CITY
(Hw) - See Alleghany County
COLONIAL HEIGHTS CITY
(Hw) - See Amelia County
COVINGTON CITY
(Hw) - See Alleghany County
CRAIG COUNTY
(Hw) - See Bedford County

VIRGINIA (Cont'd.)

HENRY COUNTY
(Hw) - See Bedford County
HIGHLAND COUNTY
(Hw) - See Alleghany County
HOPEWELL CITY
(Hw) - See Amelia County
ISLE OF WIGHT COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
JAMES CITY COUNTY
Decision #AP-407 (R)
37 FR 15235 - 7/28/72
(Hw) - See Accomack County
(D) - See Accomack County
KING AND QUEEN COUNTY
(Hw) - See Caroline County
KING GEORGE COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
KING WILLIAM COUNTY
(Hw) - See Caroline County
LANCASTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
LEE COUNTY
(Hw) - See Bland County
LOUDOUN COUNTY
(Hw) - See Albemarle County
LOUISA COUNTY
(Hw) - See Albemarle County
LUNENBURG COUNTY
(Hw) - See Amelia County
LYNCHBURG CITY
(Hw) - See Amherst County
MADISON COUNTY
(Hw) - See Albemarle County
MARTINSVILLE CITY
(Hw) - See Bedford County

VIRGINIA (Cont'd.)

MATHEWS COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MECKLENBURG COUNTY
(Hw) - See Amelia County
MIDDLESEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MONTGOMERY COUNTY
(Hw) - See Bedford County
NANSEMOND COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
NELSON COUNTY
(Hw) - See Amherst County
NEW KENT COUNTY
(Hw) - See Amelia County
NEWPORT NEWS CITY
(B,H,HAS) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
(R) - See Hampton City
NORFOLK CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
NORTHAMPTON COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
NORTON CITY
(Hw) - See Bland County
NORTHUMBERLAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
NOTTOWAY COUNTY
(Hw) - See Amelia County
ORANGE COUNTY
(Hw) - See Albemarle County

V40166
APR 475
XUM

WASHINGTON

STATEWIDE
Decision #WA75-5025 (B,H,Hw,D)
40 FR 7868 - 2/21/75
ADAMS COUNTY
(B,H,Hw,D) - See Statewide
ASOTIN COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CHELAN COUNTY
(B,H,Hw,D) - See Statewide
CLALLAM COUNTY
Decision #AR-1030 (R)
39 FR 34017 - 9/20/74
Mod. #1 - 40 FR 929 - 1/3/75
(H,Hw,B,D) - See Statewide
CLARK COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COWLITZ COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw, D)- See Statewide
FERRY COUNTY
(B,H,Hw, D) - See Statewide
FRANKLIN COUNTY
(B,H,Hw,D) - See Statewide
GARFIELD COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
GRAYS HARBOR COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
ISLAND COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KING COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
KITSAP COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KITTITAS COUNTY
(B,H,Hw,D) - See Statewide
KLICKITAT COUNTY
(B,H,Hw,D) - See Statewide

WASHINGTON (Cont'd)

LEWIS COUNTY
(B,H,Hw,D) - See Statewide
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
MASON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
OKANOGAN COUNTY
(B,H,Hw,D) - See Statewide
PACIFIC COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
PEND OREILLE COUNTY
(B,H,Hw,D) - See Statewide
PIERCE COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SAN JUAN COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
SKAGIT COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
SKAMANIA COUNTY
(B,H,Hw,D) - See Statewide
SNOHOMISH COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SPOKANE COUNTY
(B,H,Hw,D) - See Statewide
STEVENS COUNTY
(B,H,Hw,D) - See Statewide
THURSTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WAHKIAKUM COUNTY
(B,H,Hw,D) - See Statewide
WALLA WALLA COUNTY
(B,H,Hw,D) - See Statewide
WHATCOM COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WHITMAN COUNTY
(B,H,Hw,D) - See Statewide
YAKIMA COUNTY
Decision #AQ-1109 (R)
39 FR 18416 - 5/24/74
(B,H,Hw,D) - See Statewide

WASHINGTON, D. C.

WASHINGTON, D. C.
Decision #DC75-3002 (B,Hw,W&S)
40 FR 948 - 1/3/75
Decision #HD75-3008 (D)
40 FR 3094 - 1/17/75

WEST VIRGINIA

STATEWIDE
Decision #WV75-3009 (H,Hw)
40 FR 4883 - 1/31/75
Mod. #1 - 40 FR 10883 - 3/7/75
BARBOUR COUNTY
Decision #WV75-3007 (B)
40 FR 6136 - 2/7/75
Mod. #1 - 40 FR 8700 - 2/28/75
Mod. #2 - 40 FR 10883 - 3/7/75
(H,Hw) - See Statewide
BERKELEY COUNTY
(H,Hw) - See Statewide
(B) - See Barbour County
BOONE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
BRAXTON COUNTY
(H,Hw) - See Statewide
BROOKE COUNTY
(H,Hw) - See Statewide
CABELL COUNTY
(B) - See Barbour County
Decision #1L75-2036 (D)
40 FR 6023 - 2/7/75
(H,Hw) - See Statewide
CALHOUN COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CLAY COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
DODDRIDGE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
FAYETTE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GILMER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREENBRIER COUNTY
(H,Hw) - See Statewide
HAMPSHIRE COUNTY
(H,Hw) - See Statewide
HANCOCK COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
HARDY COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Barbour County

WEST VIRGINIA (Cont'd)

JEFFERSON COUNTY
(H,Hw) - See Statewide
KANAWHA COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
Decision #AR-2058 (R)
39 FR 35948 - 10/4/74
Mod. #1 - 39 FR 44913 - 12/27/74
(H,Hw) - See Statewide
LEWIS COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
LOGAN COUNTY
(H,Hw) - See Statewide
MC DOWELL COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MARSHALL COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MASON COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
(D) - See Cabell County
MERCER COUNTY
(H,Hw) - See Statewide
MINERAL COUNTY
(H,Hw) - See Statewide
MINGO COUNTY
(H,Hw) - See Statewide
MONONGALIA COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MONROE COUNTY
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NICHOLAS COUNTY
(H,Hw) - See Statewide
OHIO COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
PENDLETON COUNTY
(H,Hw) - See Statewide
PLEASANT COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Barbour County

WISCONSIN

STATEWIDE
Decision #WI75-2047 (Hw)
40 FR 8757 - 2/26/75
ADAMS COUNTY
(Hw) - See Statewide
ASHLAND COUNTY
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
Mod. #1 - 39 FR 44161 - 12/20/74
(Hw) - See Statewide
Decision #AR-3151 (B,R)
39 FR 36706 - 10/11/74
BARRON COUNTY
(B) - See Polk County
(Hw) - See Statewide
BAYFIELD COUNTY
(D) - See Ashland County
(Hw) - See Statewide
(B,R) - See Ashland County
BROWN COUNTY
Decision #AR-3153 (B)
39 FR 36825 - 10/11/74
(D) - See Ashland County
(Hw) - See Statewide
BUFFALO COUNTY
(Hw) - See Statewide
BURNETT COUNTY
(Hw) - See Statewide
CALUMET COUNTY
(Hw) - See Statewide
CHIPPEWA COUNTY
(Hw) - See Statewide
(B,R) - See Eau Clair County
CLARK COUNTY
(Hw) - See Statewide
COLUMBIA COUNTY
(Hw) - See Statewide
CRAWFORD COUNTY
(Hw) - See Statewide
DANE COUNTY
(Hw) - See Statewide
Decision #AR-3155 (B,R)
39 FR 36829 - 10/11/74
DODGE COUNTY
(Hw) - See Statewide
DOOR COUNTY
(D) - See Ashland County
(Hw) - See Statewide
DOUGLAS COUNTY
(B,R)D) - See Ashland County
(Hw) - See Statewide
DUNN COUNTY
(B) - See Polk County
(Hw) - See Statewide
EAU CLAIRE COUNTY
Decision #AR-3154 (B,R)
39 FR 36827 - 10/11/74
(Hw) - See Statewide

WISCONSIN (Cont'd.)

FLORENCE COUNTY
(Hw) - See Statewide
FOND DU LAC COUNTY
(Hw) - See Statewide
FOREST COUNTY
(Hw) - See Statewide
GRANT COUNTY
(Hw) - See Statewide
GREEN COUNTY
(B) - See Rock County
(Hw) - See Statewide
GREEN LAKE COUNTY
(Hw) - See Statewide
(B) - See Winnebago County
IOWA COUNTY
(B() - See Dane County
(Hw) - See Statewide
IRON COUNTY
(D) - See Ashland County
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
JUNEAU COUNTY
(Hw) - See Statewide
Decision #AR-3158 (B)
39 FR 36835 - 10/11/74
KENOSHA COUNTY
(Hw) - See Statewide
Decision #AR-3159 (B,R)
39 FR 36837 - 10/11/74
Mod. #1 - 39 FR 41662 - 11/29/74
KEWAUNEE COUNTY
(D) - See Ashland County
(Hw) - See Statewide
LA CROSSE COUNTY
Decision #AR-3160 (B,R)
39 FR 36839 - 10/11/74
(Hw) - See Statewide
LA FAYETTE COUNTY
(Hw) - See Statewide
LANGLADE COUNTY
(B) - See Marathon County
(Hw) - See Statewide
LINCOLN COUNTY
(B) - See Marathon County
(Hw) - See Statewide
MANITOWOC COUNTY
(Hw) - See Statewide
MARATHON COUNTY
Decision #AR-3161 (B)
39 FR 36840 - 10/11/74
(Hw) - See Statewide
MARINETTE COUNTY
(D) - See Ashland County
MARQUETTE COUNTY
(B) - See Winnebago County
(Hw) - See Statewide
MENOMINEE COUNTY
(Hw) - See Statewide

WISCONSIN (Cont'd.)

MILWAUKEE COUNTY
Decision #AR-3162 (B,R)
39 FR 36843 - 10/11/74
(Hw) - See Statewide
MONROE COUNTY
(Hw) - See Statewide
OCONTO COUNTY
(D) - See Ashland County
(Hw) - See Statewide
ONEIDA COUNTY
(Hw) - See Statewide
OUTAGAMIE COUNTY
(Hw) - See Statewide
OZAUKEE COUNTY
(B,R) - See Milwaukee County
(D) - See Ashland County
(Hw) - See Statewide
PEPIN COUNTY
(B,R) - See Eau Claire County
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
POLK COUNTY
Decision #AR-3152 (B)
39 FR 36823 - 10/11/74
(Hw) - See Statewide
PORTAGE COUNTY
(Hw) - See Statewide
PRICE COUNTY
(Hw) - See Statewide
RACINE COUNTY
Decision #AR-3163 (B,R)
39 FR 36845 - 10/11/74
(D) - See Ashland County
(Hw) - See Statewide
RICHLAND COUNTY
(Hw) - See Statewide
ROCK COUNTY
Decision #AR-3156 (B)
39 FR 36831 - 10/11/74
(Hw) - See Statewide
RUSK COUNTY
(Hw) - See Statewide
SAINT CROIX COUNTY
(B) - See Polk County
(Hw) - See Statewide
SAUK COUNTY
(B) - See Dane County
(Hw) - See Statewide
SAWYER COUNTY
(Hw) - See Statewide
SHAWANO COUNTY
(Hw) - See Statewide
SHEBOYGAN COUNTY
(D) - See Ashland County
TAYLOR COUNTY
(Hw) - See Statewide
TREMPEALEAU COUNTY
(Hw) - See Statewide

WISCONSIN (Cont'd.)

VERNON COUNTY
(Hw) - See Statewide
VILAS COUNTY
(Hw) - See Statewide
WALWORTH COUNTY
(Hw) - See Statewide
WASHBURN COUNTY
(Hw) - See Statewide
WASHINGTON COUNTY
(B,R) - See Milwaukee County
(Hw) - See Statewide
WAUKESHA COUNTY
(B,R) - See Milwaukee County
(Hw) - See Statewide
WAUPACA COUNTY
(B) - See Winnebago County
(H,Hw,W&S) - See Statewide
WASHARA COUNTY
(B) - See Winnebago County
(Hw) - See Statewide
WINNEBAGO COUNTY
Decision #AR-3157 (B)
39 FR 36833 - 10/11/74
(Hw) - See Statewide
WOOD COUNTY
(Hw) - See Statewide

WYOMING

STATEWIDE
Decision #WY75-5011 (Hw)
40 FR 4879 - 1/31/75
ALBANY COUNTY
(Hw) - See Statewide
BIG HORN COUNTY
(Hw) - See Statewide
CAMPBELL COUNTY
(Hw) - See Statewide
CARBON COUNTY
(Hw) - See Statewide
CONVERSE COUNTY
Decision #WY75-502B (B,H)
40 FR 7887 - 2/21/75
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GOSHEN COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
HOT SPRINGS COUNTY
(Hw) - See Statewide
JOHNSON COUNTY
(Hw) - See Statewide
LARAMIE COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
NATRONA COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
NIOBRARA COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
PARK COUNTY
(Hw) - See Statewide
PLATTE COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SUBLETTE COUNTY
(Hw) - See Statewide
SWEETWATER COUNTY
(Hw) - See Statewide
TETON COUNTY
(Hw) - See Statewide
UINTA COUNTY
(Hw) - See Statewide
WASHAKIE COUNTY
(Hw) - See Statewide
WESTON COUNTY
(Hw) - See Statewide
YELLOWSTONE NATIONAL PARK
(Hw) - See Statewide

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V 40166 APR 475 XUM



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V 40-66

APR 4 75

V 40 67

federal register

April 7, 1975—Pages 15377–15859

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Pages 15377–15859

PART I

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

MEMORANDUM FOR THE SECRETARY OF STATE—Determination under Section 502(b) of the Trade Act of 1974 15377

TRUSTS AND RETIREMENT BENEFITS—NCUA proposal allowing Federal credit unions to provide new services; comments by 5–9–75 15404

BUSINESS AND INDUSTRIAL LOANS—USDA/FmHA proposes prohibition of guaranteed funds to certain individuals 15382

RETAIL GASOLINE SALES—FEA hearing 4–24–75 on markups to reflect increased non-product costs 15401

GROUND-FAULT CIRCUIT INTERRUPTERS—Labor/OSHA proposes to revoke requirement for personnel on construction sites; comments by 5–7–75 15390

PRESCRIPTION DRUGS—HEW/FDA proposal on labeling format; comments by 6–6–75 15392

PART II:

HOUSING ASSISTANCE PAYMENTS—HUD determination of income eligibility and gross family contribution; effective 4–7–75 15541

PART III:

SUBSCRIPTION TELEVISION—
FCC adopts programing regulations; effective 5–27–75 15546
FCC proposal on use of series type programs; comments by 5–23–75; reply comments by 6–27–75 15574
FCC inquiry into exclusivity practices; comments by 9–26–75; reply comments by 10–30–75 15576

PART IV:

FAIR MARKET RENTS—HUD sets forth schedule for existing housing; effective 4–7–75 15579

(Continued inside)

APR 7 75

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

ACTION—ACTION Cooperative Volunteer Program; adoption..... 10670; 3–7–75

Daily List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

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FEDERAL REGISTER, VOL. 40, NO. 67—MONDAY, APRIL 7, 1975

HIGHLIGHTS—Continued

MEETINGS—
CPSC: Commission staff with representatives of the upholstered furniture industry, 4–14–75..... 15438
DOD/Defense Communications Agency: Scientific Advisory Group, 5–29 and 5–30–75..... 15406
HEW/NIH: Principal Investigators or Project Coordinators, 5–16–75..... 15427
Labor/OSHA: Standards Advisory Committee on Hazardous Materials Labeling, 4–22 and 4–23–75..... 15468
NASA: Ad Hoc Advisory Committee to Evaluate Proposals for Participation in the Scientific Definition of Explorer-Class Payloads, 4–28 through 4–30–75..... 15458
Research and Technology Advisory Council Committee on Aeronautical Propulsion, 4–24 and 4–25–75..... 15458
National Advisory Committee on Oceans and Atmosphere: 4–14 and 4–15–75..... 15458
USDA/OEO: Citizens Advisory Committee on Civil Rights, 6–3 through 6–5–75..... 15418

contents

THE PRESIDENT

Presidential Documents Other Than Executive Orders and Proclamations

Memorandum of March 24, 1975; Determination under Section 502(b) of the Trade Act of 1974.. 15377

EXECUTIVE AGENCIES

AGRICULTURAL MARKETING SERVICE

Rules

Grade standards:
Grapes (Mechanically harvested American, Eastern type)..... 15379

Proposed Rules

Milk marketing orders:
Middle Atlantic and New York-New Jersey areas, correction.. 15390
Tobacco (flue cured); inspection and price support service; allocation of, extension of time..... 15390

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Commodity Credit Corporation; Equal Opportunity Office; Farmers Home Administration; Forest Service; Rural Electrification Administration.

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:
Pan American World Airways, Inc..... 15430

CIVIL SERVICE COMMISSION

Rules

Employment practices; age discrimination..... 15379
Excepted service:
Agriculture Department..... 15379
Defense Department..... 15379
Export-Import Bank of United States..... 15379
International Trade Commission..... 15379
Transportation Department..... 15379

COMMERCE DEPARTMENT

See Maritime Administration.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Notices

Man-made textiles:
Korea, Republic of (2 documents)..... 15436
Wool and man made textiles:
China, Republic of..... 15436

COMMODITY CREDIT CORPORATION

Proposed Rules

Loan and purchase program:
Rice..... 15390

CONSUMER PRODUCT SAFETY COMMISSION

Notices

Meetings:
Upholstered furniture flammability..... 15438

CUSTOMS SERVICE

Rules

Virgin Islands; entry and clearance of aircraft..... 15386

Proposed Rules

Bonded merchandise; authority granted private carriers..... 15389
Bonds and licenses; cartmen or lightermen..... 15389

DEFENSE COMMUNICATIONS AGENCY

Notices

Meeting:
Scientific Advisory Group..... 15406

DEFENSE DEPARTMENT

See Defense Communications Agency.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Notices

Environmental statements:
International nuclear power export activities..... 15438

ENVIRONMENTAL PROTECTION AGENCY

Rules

Pesticide chemicals; tolerances and exemptions:
Cycloheximide..... 15387
Notices
Marine sanitation device standards:
Minnesota..... 15439
Texas..... 15439
Pesticides; registration applications..... 15439

EQUAL OPPORTUNITY OFFICE

Notices

Meeting:
Citizens Advisory Committee on Civil Rights..... 15418

FARMERS HOME ADMINISTRATION

Proposed Rules

Business and industrial loan, guaranteed..... 15405

Notices

Disaster areas:
Arkansas..... 15416
Georgia..... 15416
Mississippi..... 15416
Missouri..... 15417
Nebraska..... 15417
Texas..... 15417
Wisconsin (2 documents)..... 15417

FEDERAL AVIATION ADMINISTRATION

Rules

Airworthiness directives:
Lycoming..... 15384
Sikorsky..... 15384
Transition area; correction..... 15385

Proposed Rules

Control zones and transition areas (5 documents)..... 15399, 15400

FEDERAL COMMUNICATIONS COMMISSION

Rules

Cable television system operations, subscription cablecast..... 15546

Proposed Rules

Cable television, subscription; use of series type programs..... 15574

Notices

Television programming exclusivity; inquiry..... 15576

FEDERAL DISASTER ASSISTANCE ADMINISTRATION

Notices

Disaster areas:
Georgia..... 15427
Kentucky..... 15428
Tennessee (2 documents)..... 15428

V 40-67 APR 7 75 XUM

CONTENTS

FEDERAL ENERGY ADMINISTRATION
Proposed Rules
Mandatory petroleum price regulations:
Markup on retail gasoline sales to reflect increased product costs, hearing ---- 15401

FEDERAL HOME LOAN BANK BOARD
Rules
Federal Savings and Loan System:
Service corporation debt and investment limitations ---- 15382

FEDERAL MARITIME COMMISSION
Proposed Rules
Tariff filing; terminal barge operators ---- 15401

FEDERAL POWER COMMISSION
Proposed Rules
Air pollution standards; electric utility questionnaire on meeting, extension of time ---- 15402
Energy; month power statement, extension of time ---- 15402
Notices
Gas; nonproducing reservoirs in Federal domain in Gulf of Mexico ---- 15441
Hearings, etc.:
Allegheny Power Service Corp ---- 15441
Burton, John R ---- 15441
Cohn, Herbert B ---- 15442
Columbia Gas Transmission Corp ---- 15443
Connecticut Light & Power Co ---- 15443
Cook, Donald C ---- 15443
Electric Energy Inc ---- 15444
El Paso Natural Gas Co ---- 15443
Georgia Power Co ---- 15444
Kansas Power & Light Co ---- 15445
Kopper, R. M ---- 15449
Lone Star Gas Co ---- 15445
McCulloch Interstate Gas Corp ---- 15445
Malony, Gerald P ---- 15444
Montana-Dakota Utilities Co ---- 15446
Natural Gas Pipeline Co. of America ---- 15446
New England Power Co ---- 15446
Northwest Pipeline Corp ---- 15447
Ohio Power Co ---- 15447
Pacific Gas & Electric Co ---- 15448
Pacific Power & Light Co ---- 15448
Panhandle Eastern Pipe Line Co ---- 15448
Patterson, George V ---- 15444
Public Service Co. of Oklahoma (3 documents) ---- 15448, 15449
Texas Eastern Transmission Corp ---- 15449
Texas Gas Transmission Corp ---- 15450
Tillinghast, John ---- 15445
Transcontinental Gas Pipe Line Corp ---- 15451
Transwestern Pipeline Co ---- 15451
Weinert, Hilda B ---- 15444
Whitman, Robert O ---- 15449

FEDERAL RESERVE SYSTEM
Notices
Applications, etc.:
American Corp ---- 15452
Board of Governors ---- 15453
Cullen Bankers, Inc ---- 15453
Darien Bancorporation, Inc ---- 15454
First Commercial Banks Inc ---- 15454
Pannational Group Inc ---- 15455
Republic of Texas Corp ---- 15455

FEDERAL TRADE COMMISSION
Rules
Prohibited trade practices:
Bagatelle International Ltd., et al ---- 15385
Hydro-Air Engineering, Inc ---- 15386

FISH AND WILDLIFE SERVICE
Notices
Endangered species permits; applications (3 documents) ---- 15407–15410

FOOD AND DRUG ADMINISTRATION
Proposed Rules
Human drugs:
Labeling format for prescription-drug advertisements ---- 15392
Notices
Memorandum of understanding:
California Department of Health ---- 15421
Illinois Department of Public Health ---- 15421
Indiana State Board of Health ---- 15422
Louisiana Health and Human Resources Administration ---- 15423
Minnesota Department of Agriculture ---- 15423
New Hampshire Department of Health and Welfare ---- 15424
New Mexico Department of Agriculture ---- 15425
New Mexico Environmental Improvement Agency ---- 15425
Wyoming Department of Agriculture ---- 15426

FOREST SERVICE
Notices
Environmental statements, availability, etc.:
Colville, Okanogan, and Wenatchee National Forests ---- 15418

GEOLOGICAL SURVEY
Notices
Outer Continental Shelf; Pacific area ---- 15411

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Food and Drug Administration; National Institutes of Health; Social and Rehabilitation Service.
Notices
Organization, functions, and authority delegations:
Transportation Barriers Compliance Board ---- 15427

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See Federal Disaster Assistance Administration; Interstate Land Sales Registration Office; Low Income Housing Office.

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)
Notices
Applications, etc.:
Lois Coal Co ---- 15455

INTERIOR DEPARTMENT
See also Fish and Wildlife Service; Geological Survey; Land Management Bureau.
Notices
Environmental statements, availability, etc.:
Bonneville Power Administration ---- 15415
Pecos National Monument, N. Mex ---- 15415
Southwestern Power Administration ---- 15415

INTERNAL REVENUE SERVICE
Notices
Authority delegation:
Assistant Regional Commissioner of Internal Revenue, et al ---- 15406
Regional Commissioners; revoked ---- 15406

INTERNATIONAL TRADE COMMISSION
Notices
Broom corn brooms; report to President ---- 15456
President's list of eligible articles; generalized system of preferences ---- 15456

INTERSTATE COMMERCE COMMISSION
Rules
Accounts, uniform system:
Elimination of mail and express revenue accounts for railroad companies ---- 15388
Proposed Rules
Annual reports:
Added or expanded disclosure requirements ---- 15402
Notices
Committee renewal:
Pipeline Advisory Committee ---- 15473
Hearing assignments ---- 15469
Motor carriers:
Irregular route property carriers; gateway elimination ---- 15473
Temporary authority applications (3 documents) ---- 15470, 15473
Transfer proceedings ---- 15469

INTERSTATE LAND SALES REGISTRATION OFFICE
Notices
Hearings, etc.:
East Bay Point, Inc ---- 15428
Park Shore on Gulf ---- 15428

LABOR DEPARTMENT
See Occupational Safety and Health Administration.

LAND MANAGEMENT BUREAU
Notices
Applications, etc.:
Colorado ---- 15406

LOW INCOME HOUSING OFFICE
Rules
Housing Assistance Payments Programs:
Determination of income for eligibility and gross family contribution ---- 15541
Fair market rents ---- 15579

CONTENTS

MARITIME ADMINISTRATION
Notices
List of vessels:
Free world and Polish arriving in Cuba ---- 15419

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE
Notices
Meeting ---- 15458

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
Notices
Meetings:
Research and Technology Advisory Council Committee on Aeronautical Propulsion ---- 15458
Space Science Steering Committee ---- 15458

NATIONAL CREDIT UNION ADMINISTRATION
Proposed Rules
Retirement benefit plans:
Trustee and custodial services ---- 15404

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Notices
Motor vehicle safety standards:
Tachographs on school buses ---- 15429
Motor vehicle safety standards, exemptions:
Automobili Lamborghini ---- 15429

NATIONAL INSTITUTES OF HEALTH
Notices
Meeting:
Principal Investigators or Project Coordinators ---- 15427

NATIONAL TRANSPORTATION SAFETY BOARD
Notices
Aircraft accident; investigation and hearing ---- 15469

NUCLEAR REGULATORY COMMISSION
Notices
Applications, etc.:
Illinois Power Co ---- 15459
Northern States Power Co ---- 15459
Yankee Atomic Electric Co ---- 15459

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
Proposed Rules
Occupational safety standards:
Ground-fault circuit protection, proposed revocation of standard ---- 15390
Notices
Meeting:
Standards Advisory Committee on Hazardous Materials Labeling ---- 15468
State plans for enforcement of standards:
Georgia, et al ---- 15468
Iowa ---- 15468
Mississippi ---- 15469

RURAL ELECTRIFICATION ADMINISTRATION
Notices
Loan guarantees proposed:
East Ascension Telephone Co. Inc ---- 15418

SECURITIES AND EXCHANGE COMMISSION
Notices
Displays on interrogation systems; interpretation of requirements ---- 15461
Hearings, etc.:
Berkshire Capital Fund, Inc. et al ---- 15460
Diamond Growth Fund, Inc ---- 15461
Georgia Power Co ---- 15463
I.T.S. Industries, LTD ---- 15463
Ohio Edison Co. et al. (2 documents) ---- 15463, 15464
Option Clearing Corp ---- 15465
Standard and Poor's Intercapital Income Securities, Inc. et al ---- 15467

SMALL BUSINESS ADMINISTRATION
Notices
Applications, etc.:
Sun Capital Corp ---- 15467
Meetings:
Boise District Advisory Council ---- 15467

SOCIAL AND REHABILITATION SERVICE
Rules
Medical assistance programs:
Reasonable differential between costs of skilled nursing and intermediate care facility; correction ---- 15388

TRANSPORTATION DEPARTMENT
See Federal Aviation Administration; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT
See also Customs Service; Internal Revenue Service.
Notices
Antidumping:
Lock-in amplifiers and parts from United Kingdom ---- 15406

V 40 67 APR 7 75 XUM

FEDERAL REGISTER

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

3 CFR

DOCUMENTS OTHER THAN EXECUTIVE ORDERS AND PROCLAMATIONS
Memorandum of March 24, 1975 ... 15377

5 CFR
213 (5 documents) ... 15379
300 ... 15379
302 ... 15380
315 ... 15380

7 CFR
51 ... 15381
PROPOSED RULES:
29 ... 15390
1002 ... 15390
1004 ... 15390
1421 ... 15390
1842 ... 15405

10 CFR
PROPOSED RULES:
212 ... 15401

12 CFR
545 ... 15382
PROPOSED RULES:
701 ... 15404
721 ... 15404
745 ... 15404

14 CFR
39 (2 documents) ... 15384
71 ... 15385
PROPOSED RULES:
71 (5 documents) ... 15399, 15400

16 CFR
13 (2 documents) ... 15385, 15386

18 CFR
PROPOSED RULES:
Ch. 1 ... 15402
141 ... 15402

19 CFR
6 ... 15386
PROPOSED RULES:
112 (2 documents) ... 15389
113 ... 15389

21 CFR
PROPOSED RULES:
1 ... 15392
3 ... 15392

24 CFR
800 ... 15580
801 ... 15580
802 ... 15580
803 ... 15580
804 ... 15580
880 ... 15580
881 ... 15580
882 ... 15580
883 ... 15580
888 ... 15580
889 ... 15542

29 CFR
PROPOSED RULES:
1910 ... 15390
1926 ... 15390

40 CFR
180 ... 15387

45 CFR
250 ... 15388

46 CFR
PROPOSED RULES:
550 ... 15401

47 CFR
73 ... 15546
76 ... 15546
PROPOSED RULES:
76 ... 15574

49 CFR
1201 ... 15388
PROPOSED RULES:
1241 ... 15402
1249 ... 15402
1250 ... 15402
1251 ... 15402

CUMULATIVE LIST OF PARTS AFFECTED—APRIL

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during April.

3 CFR
PROCLAMATIONS:
2799 (Revoked by Proc. 4360) ... 14567
2937 (Revoked by Proc. 4360) ... 14567
2938 (Revoked by Proc. 4360) ... 14567
2942 (Revoked by Proc. 4360) ... 14567
2972 (Revoked by Proc. 4360) ... 14567
3314 (Revoked by Proc. 4360) ... 14567
4101 (Revoked by Proc. 4360) ... 14567
4346 (Amended by Proc. 4359) ... 14565
4359 ... 14565
4360 ... 14567
4361 ... 15063
EXECUTIVE ORDERS:
11809 (See EO 11849) ... 14887
11828 (Amended by EO 11848) ... 14885
11847 ... 14568
11848 ... 14885
11849 ... 14887
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS
Memorandum of March 24, 1975 ... 15377

4 CFR
408 ... 14737
PROPOSED RULES:
351 ... 14942

5 CFR
213 ... 15379
300 ... 15379
302 ... 15380
315 ... 15380
890 ... 14569
1001 ... 14570

7 CFR
51 ... 15381
724 ... 14737
731 ... 14601
905 ... 14889
907 ... 14889
908 ... 14890
910 ... 15065
944 ... 14891
991 ... 14737
1250 ... 15065
1872 ... 15065
2710 ... 14891
PROPOSED RULES:
29 ... 15390
401 ... 14777
1002 ... 14702, 15390
1004 ... 14702, 15390
1033 ... 14769
1421 ... 15390
1823 ... 14776
1842 ... 15405

8 CFR
PROPOSED RULES:
214 ... 15092

9 CFR
94 ... 14571

10 CFR
211 ... 14738
PROPOSED RULES:
73 ... 15098
205 ... 14605

10 CFR—Continued
211 ... 14605
212 ... 15401
213 ... 14948

12 CFR
545 ... 15382
563 ... 14738
602 ... 14571
PROPOSED RULES:
7 ... 14767
335 ... 14947
541 ... 15096
545 ... 15098
701 ... 15404
721 ... 15404
745 ... 15404

13 CFR
PROPOSED RULES:
107 ... 14606
120 ... 15098

14 CFR
39 ... 14739, 14740, 14891, 14892, 15085–15086, 15384
71 ... 14740, 14741, 15086, 15385
97 ... 14893
288 ... 14893
400 ... 14572
401 ... 14574
425 ... 14578
PROPOSED RULES:
25 ... 15093
71 ... 14780, 14781, 15094, 15399, 15400
75 ... 14781

15 CFR
350 ... 14921
355 ... 14925
500 ... 14930
PROPOSED RULES:
803 ... 14603

16 CFR
1 ... 15232, 15233
2 ... 15235
3 ... 15234, 15236
4 ... 15235, 15236
13 ... 14579–14582, 14741, 14894–14904, 15385, 15386
302 ... 14584
PROPOSED RULES:
1 ... 15237
3 ... 15239
4 ... 15245

17 CFR
150 ... 15086
200 ... 14748
PROPOSED RULES:
275 ... 14782

18 CFR
301 ... 14749
PROPOSED RULES:
Ch. I ... 15402
35 ... 14606
101 ... 14606
104 ... 14606
141 ... 15402
154 ... 14606

18 CFR—Continued Page
202 ... 14606
204 ... 14606

19 CFR
6 ... 15386
22 ... 14749
113 ... 14749
153 ... 14591
PROPOSED RULES:
112 ... 15389
113 ... 15389

20 CFR
10 ... 14750
405 ... 14591, 14934
PROPOSED RULES:
405 ... 14934

21 CFR
8 ... 15087
121 ... 14905
123 ... 14592
431 ... 15088
436 ... 15088
440 ... 15088
444 ... 14906
448 ... 15088
449 ... 15089
1030 ... 14750

22 CFR
1 ... 15392
3 ... 15392
PROPOSED RULES:
8 ... 15060

23 CFR
635 ... 14906
662 ... 14907

24 CFR
300 ... 14753
570 ... 15089
800 ... 15580
801 ... 15580
802 ... 15580
803 ... 15580
804 ... 15580
880 ... 15580
881 ... 15580
882 ... 15580
883 ... 15580
888 ... 15580
889 ... 15542
1700 ... 14753
1914 ... 14599–14601
1915 ... 14754

25 CFR
43k ... 14592

26 CFR
301 ... 15090
PROPOSED RULES:
1 ... 14767

29 CFR
90 ... 14908
2300 ... 14593
PROPOSED RULES:
1910 ... 15390
1926 ... 15390

V 40 67
APR 7 75
XUM

32 CFR
856 14758
33 CFR
117 ..... 14594, 15093
380 14761
PROPOSED RULES:
117 ..... 14604, 15903
266 14872
36 CFR
7 14912
38 CFR
PROPOSED RULES:
1 14783
40 CFR
52 14595
65 14876
180 ..... 14496, 14597, 15387
PROPOSED RULES:
52 ..... 15094, 15095
408 15096
41 CFR
1–7 14913
1–12 14913
1–15 14913
1–30 14917
14–3 15091
109–1 15091
PROPOSED RULES:
Ch. 60 14953

42 CFR
57 14762
PROPOSED RULES:
57 14932
43 CFR
PROPOSED RULES:
4 14603
2650 14603
45 CFR
151 14762
154 14917
155 14918
190 15248
249 14597
250 ..... 14597, 15388
PROPOSED RULES:
250 15093
46 CFR
380 14599
528 14599
533 14599
PROPOSED RULES:
32 14935
50 14935
52 14935
53 14935
54 14935
56 14935
58 14935
63 14935
502 15097
550 15401

47 CFR
0 14764
15 15091
73 15546
76 15546
PROPOSED RULES:
73 14943–14947
76 15574
49 CFR
1 14764
310 14919
571 14765
1033 ..... 14765, 14766
1201 15388
PROPOSED RULES:
1241 15402
1249 15402
1250 15402
1251 15402
50 CFR
32 14920
33 ..... 14766, 14920
PROPOSED RULES:
17 14767
227 14777
251 ..... 14778, 14779

FEDERAL REGISTER PAGES AND DATES—APRIL

Pages	Date
14565–14735	Apr. 1
14737–14883	2
14885–15062	3
15063–15376	4
15077–15859	7

presidential documents

Title 3—The President

MEMORANDUM OF MARCH 24, 1975

Determination Under Section 502(b) of the Trade Act of 1974

[Presidential Determination No. 75–11]

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, March 24, 1975.

Pursuant to the authority vested in me under the Trade Act of 1974 (hereinafter "the Act"), I hereby determine on the basis of a review conducted by interested agencies of the Executive Branch of each of the relevant investment disputes that, in the case of each country listed below, good faith negotiations to provide prompt, adequate, and effective compensation under the applicable provisions of international law are in progress, or such country is otherwise taking steps to discharge its obligations under international law, as prescribed in Section 502(b)(4)(D)(ii) of the Act:

Afghanistan
Argentina
Bangladesh
Bolivia
Central African Republic
Congo (Brazzaville)
Dahomey
Egypt
El Salvador
Ethiopia
India
Morocco
Pakistan
Sri Lanka
Sudan
Syria
Tanzania
Zaire

In accordance with Section 502(b)(4) of the Act I am furnishing a copy of this determination to the Senate and House of Representatives.

This Determination shall be published in the FEDERAL REGISTER.

Gerald R. Ford

[FR Doc.75–9178 Filed 4–4–75;11:02 am]

V 40 67 APR 7 75 XUM

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that the position of Special Assistant for Congressional Relations, Office of the Principal Deputy, Office of the Assistant Secretary of Defense (International Security Affairs) is revoked, and that the position of Special Assistant to the Assistant Secretary of Defense (International Security Affairs), Department of Defense, Office of the Secretary is excepted under Schedule C.

Effective April 7, 1975, § 213.3306(a) (22) is added and § 213.3306(a) (42) is revoked as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* • • •

(22) Special Assistant to the Assistant Secretary of Defense (International Security Affairs).

• • • • • •

(42) [Revoked].

• • • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–8969 Filed 4–4–75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that one additional position of Confidential Assistant to the Assistant Secretary for Marketing and Consumer Services and one position of Confidential Assistant to the Administrator, Foreign Agricultural Service, are excepted under Schedule C.

Effective April 7, 1975, § 213.3313(a)–(9) is amended and (e)(3) is added as set out below.

§ 213.3313 Department of Agriculture.

(a) *Office of the Secretary.* • • •

(9) Two Confidential Assistants to the Assistant Secretary for Marketing and Consumer Services.

• • • • • •

(e) *Foreign Agricultural Service.* • • •

(3) One Confidential Assistant to the Administrator.

• • • • • •

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–58, Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–8968 Filed 4–4–75;8:45 am]

PART 213—EXCEPTED SERVICE

International Trade Commission

Section 213.3339 is amended to show that one position of Staff Assistant to a Commissioner is excepted under Schedule C.

Effective April 7, 1975, § 213.3339(f) is amended as set out below.

§ 213.3339 U.S. International Trade Commission.

• • • • • •

(f) One position of Staff Assistant to each of four Commissioners.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58; Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–8971 Filed 4–4–75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one additional position of Special Assistant to the Secretary is excepted under Schedule C.

Effective April 7, 1975, § 213.3394(a)(2) is amended as set out below.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* • • •

(2) Two Special Assistants to the Secretary.

• • • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–8972 Filed 4–4–75;8:45 am]

PART 213—EXCEPTED SERVICE

Export-Import Bank of the United States

Section 213.3342 is amended to show that one position of Vice President for Public Affairs is excepted under Schedule C.

Effective April 7, 1975, § 213.3342(n) is added as set out below.

§ 213.3342 Export-Import Bank of the United States.

• • • • • •

(n) One Vice President for Public Affairs.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–8970 Filed 4–4–75;8:45 am]

CIVIL SERVICE EMPLOYMENT

Age Discrimination

Under authority of Pub. L. 93–259, Fair Labor Standards Amendments of 1974, which amended the Age Discrimination in Employment Act of 1967, Parts 300, 302 and 315 of title 5 of the Code of Federal Regulations are amended to prohibit Federal personnel actions which discriminate on the basis of age, and provide for the acceptance and processing of discrimination complaints.

Effective April 7, 1975, §§ 300.102 through 104, 302.202 and 315.806 are amended as set out below:

PART 300—EMPLOYMENT (GENERAL)

Subpart A—Employment Practices

1. Section 300.102 is revised to read as follows:

§ 300.102 Policy.

This Subpart is directed to implementation of the policy that competitive employment practices:

(a) Be practical in character and as far as possible relate to matters that fairly test the relative capacity and fitness of candidates for the jobs to be filled;

(b) Result in selection from among the best qualified candidates;

(c) Be developed and used without discrimination because of race, color, religion, sex, age, national origin, partisan political affiliation or other nonmerit grounds; and

(d) Insure to the candidate opportunity for appeal or administrative review, as appropriate.

2. Section 300.103 is revised to read as follows:

V 40 67 APR 7 75 XUM

§ 300.103 Basic requirements.

(a) *Job analysis.* Each employment practice of the Federal Government generally, and of individual agencies, shall be based on a job analysis to identify:

(1) The basic duties and responsibilities;

(2) The knowledges, skills, and abilities required to perform the duties and responsibilities; and

(3) The factors that are important in evaluating candidates. The job analysis may cover a single position or group of positions, or an occupation or group of occupations, having common characteristics.

(b) *Relevance.* (1) There shall be a rational relationship between performance in the position to be filled (or in the target position in the case of an entry position) and the employment practice used. The demonstration of rational relationship shall include a showing that the employment practice was professionally developed. A minimum educational requirement may not be established except as authorized under section 3308 of title 5, United States Code.

(2) In the case of an entry position the required relevance may be based upon the target position when—

(i) The entry position is a training position or the first of a progressive series of established training and development positions leading to a target position at a higher level; and

(ii) New employees, within a reasonable period of time and in the great majority of cases, can expect to progress to a target position at a higher level.

(c) *Equal employment opportunity.* An employment practice shall not discriminate on the basis of race, color, religion, sex, age, national origin, partisan political affiliation, or other nonmerit factor. This requirement is generally met when an employment practice is relevant to performance in the position to be filled (or in the target position in the case of an entry position).

3. Section 300.104 is revised to read as follows:

§ 300.104 Appeals, grievances and complaints.

(a) *Employment practices.* (1) A candidate who believes that an employment practice which was applied to him and which is administered or required by the Commission violates a basic requirement in section 330.103 is entitled to appeal to the Commission.

(2) An appeal shall be in writing, shall set forth the basis for the candidate's belief that a violation occurred, and shall be filed with the Board of Appeals and Review, U.S. Civil Service Commission, Washington, D.C. 20415, no later than 15 days from the date the employment practice was applied to the candidate or the date he became aware of the results of the application of the employment practice. The board may extend the time limit in this subparagraph for good cause shown by the candidate.

(3) An appeal shall be processed in accordance with Subpart D of Part 772 of this chapter.

(b) *Examination ratings.* A candidate may file an appeal with the Commission from his examination rating or the rejection of his application. The appeal shall be filed and processed in accordance with instructions in chapter 337 of the Federal Personnel Manual.

(c) *Complaints and grievances to an agency.* (1) a candidate may file a complaint with an agency when he believes that an employment practice which was applied to him and which is administered or required by the agency discriminates against him on the basis of race, color, religion, sex or national origin; or age, provided that at the time of the alleged discriminatory action the candidate was at least 40 years of age but less than 65 years of age. The complaint shall be filed and processed in accordance with Subparts B and E of Part 713 of this chapter.

(2) Except as provided in subparagraph (1) of this paragraph, an employee may file a grievance with an agency when he believes that an employment practice which was applied to him and which is administered or required by the agency violates a basic requirement in section 300.103. The grievance shall be filed and processed under the agency grievance system, or a negotiated grievance system, established in accordance with Subpart C of Part 771 of this chapter.

(5 U.S.C. secs. 3301, 3302, 7151, 7154, E.O. 10577; E.O. 11478; 3 CFR 1954–1958 Comp., p. 218, 3 CFR 1969 Comp.)

PART 302—EMPLOYMENT IN THE EXCEPTED SERVICE

Subpart B—Eligibility Standards

4. Section 302.202 is revised to read as follows:

§ 302.202 Qualification requirements.

Before making an appointment to a position covered by this Part, each agency shall establish qualification standards such as those relating to experience and training, citizenship, minimum age, physical condition, etc., which shall relate to the duties to be performed. An agency may delegate the establishment of standards relating to a group of positions or a specific position to the appropriate administrative level or subdivision of the agency and that level or subdivision may amend or modify the standards in accordance with the needs of the locality in which the position is located, but the agency shall determine that each standard established is in conformity with this Part. Each agency shall make its standards a matter of record in the appropriate office of the agency, and shall furnish information concerning the standards for a position to an applicant on his request. Each agency shall apply the standards for a position uniformly to all applicants, except for such waivers as are provided in this Part for a preference eligible. An agency shall not include a minimum educational requirement in qualification standards, except for a scientific, technical, or professional position the duties of which the agency decides cannot be performed by a person who does not have a prescribed minimum education. An agency shall not establish a maximum age requirement for any position. Each agency shall make a part of its records the reasons for its decision under this section, and shall furnish those reasons to an applicant on his request. The qualification standards shall include:

(a) A provision for waiver by the agency of requirements as to age, height, and weight for each preference eligible when the requirements are not essential to the performance of the duties of the position; and

(b) A provision for waiver by the agency of physical requirements for each preference eligible when the agency, after giving due consideration to the recommendation of an accredited physician, finds that the applicant is physically able to discharge the duties of the position.

(5 U.S.C. 1302, 3301, 3302; E.O. 10577; 3 CFR, 1954–1958 Comp., p. 218.)

PART 315—CAREER AND CAREER CONDITIONAL EMPLOYMENT

Subpart H—Probation

5. In § 315.806, paragraphs (a) and (b)(1) are revised as follows:

§ 315.806 Appeal rights to the Commission.

(a) *Right of appeal.* An employee may appeal to the Commission in writing an agency's decision to terminate him under § 315.804 or § 315.805 only as provided in paragraphs (b) and (c) of this section. The Commission's review is confined to the issues stated in paragraphs (b) and (c) of this section.

(b) *On discrimination.* (1) An employee may appeal under this subparagraph a termination which he alleges was based on discrimination because of race, color, religion, sex, or national origin; or age, *Provided,* That at the time of the alleged discriminatory action the employee was at least 40 years of age but less than 65 years of age. The Commission refers the issue of discrimination to the agency for investigation of that issue and a report thereon to the Commission.

• • • • •

(5 U.S.C. 1302, 3301, 3302; E.O. 10577; 3 CFR, 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-8067 Filed 4-4-75;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

United States Standards for Grades of Mechanically Harvested American (Eastern Type) Grapes for Processing and Freezing[1]

On June 25, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 22958) regarding the issuance of United States Standards for Grades of Mechanically Harvested American (Eastern Type) Grapes for Processing. These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

Statement of considerations leading to the issuance of the grade standards. The United States Standards for American (Eastern Type) Bunch Grapes for Processing and Freezing were issued July 5, 1943. Since that time there have been many changes in the grape industry. In the 1960's mechanical harvesters were introduced to the vineyards. Since machine harvesting results in shattered berries, berries completely removed from the bunch, the application of these standards would result in the entire crop failing to meet any grade. This prompted the industry to request that the USDA develop new standards for mechanically harvested grapes for processing and freezing.

In 1969 and subsequent harvest seasons studies were conducted in the States of Pennsylvania, New York, Michigan, Arkansas and Washington. From data collected in these studies standards were developed that would be applicable to machine harvested grapes. These standards were published in the FEDERAL REGISTER under notice of proposed rulemaking on June 25, 1974. Copies of the proposed standards were distributed to individuals and to groups and organizations of grape growers and processors. In order to provide the industry ample time to study and apply these proposed standards a full harvest season was allowed for comments which ended December 30, 1974.

Only one written comment was received from a processor in response to the proposal. Most of the views expressed in the letter were considered favorable, however, there was unfavorable response concerning the maturity requirements for the U.S. No. 1 and U.S. No. 2 grades, as in their opinion, the proposal excludes all varieties classified as American (Eastern Type) Grapes, except for one variety. In addition, they indicated that if unattached petioles were to be considered as foreign material, the tolerance for foreign material would not be realistic. USDA standardization specialists met with National Grape Cooperative Association Inc. (Welch Foods Inc.) representatives to discuss the proposal and review the findings of studies conducted. National Grape used the proposal as the basis of grower-processor contracts during the 1974 season.

The following changes from the published proposal should result in standards, with reasonable requirements, that are compatible with industry practices.

1. Within the tolerance for total defects a restrictive tolerance of one-half of one percent for dissimilar varieties is added to each grade, which would prevent the mixing of varieties with high soluble solids with varieties that normally have low solids.

2. A definition for unattached petioles is added to the standards. This is needed to establish a uniform interpretation as to what constitutes an unattached petiole since they are not considered as foreign material.

3. The phrase "unless otherwise specified" is incorporated in the definitions for "mature" and "fairly well matured." By including this phrase it will enable the standards to be applied to all varieties classified as American (Eastern Type) Grapes which would permit wider use of these standards.

4. The damage requirement for pulp discoloration is deleted. The degree of discoloration described in the definition of damage is considered not to have any significant effect on the processing quality of the grapes.

5. The word freezing is added to the title of the standards at the request of a processor.

After consideration of all relevant matters presented by interested persons, including the proposal set forth in the aforesaid notice, the following U.S. Standards for Grades of Mechanically Harvested American (Eastern Type) Grapes for Processing and Freezing are hereby promulgated pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended, 7 U.S.C. 1621–1627).

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

Subpart—United States Standards for Grades of Mechanically Harvested American (Eastern Type) Grapes for Processing and Freezing

GENERAL

Sec.
51.2150 General.

GRADES

51.2151 U.S. No. 1.
51.2152 U.S. No. 2.

TOLERANCES

51.2153 Tolerances.

DEFINITIONS

51.2154 Mature.
51.2155 Fairly well matured.
51.2156 Foreign material.
51.2157 Similar varietal characteristics.
51.2158 Unattached petioles.
51.2159 Damage.
51.2160 Serious damage.
51.2161 Classification of defects.

AUTHORITY: Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

Subpart—United States Standards for Grades of Mechanically Harvested American (Eastern Type) Grapes for Processing and Freezing

GENERAL

§ 51.2150 General.

(a) These standards apply to American (Eastern Type) Grapes which have been mechanically harvested and are to be processed.

(b) The grade of a lot of mechanically harvested grapes shall be determined on the basis of a composite sample.

GRADES

§ 51.2151 U.S. No. 1.

"U.S. No. 1" consists of grapes and juice which meet the following requirements:

(a) Basic requirements:
(1) Mature; and,
(2) Similar varietal characteristics.

(b) Free from:
(1) Decay;
(2) Visible mold;
(3) Immature berries;
(4) Sunburn;
(5) Freezing;
(6) Attached insects or insect injury; and,
(7) Foreign material.

(c) Free from damage by any cause. (See § 51.2159)

(d) For tolerances. (See § 51.2153)

§ 51.2152 U.S. No. 2.

"U.S. No. 2" consists of grapes and juice which meet the requirements of the U.S. No. 1 grade except:

(a) Berries shall be at least fairly well matured; and,

(b) Increased tolerances for defects and foreign material. (See § 51.2153)

TOLERANCES

§ 51.2153 Tolerances.

(a) No tolerance is provided in these standards for grapes which fail to meet the maturity requirement.

(b) In order to allow for variations incident to proper culture, harvesting and handling in each of the foregoing grades, tolerances, by weight, other than for maturity, are set forth in Table I.

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TABLE I

	U.S. No. 1 (percent by weight)	U.S. No. 2 (percent by weight)
A. Total defects	10	10.
1. Serious damage (included in "A").	6	6.
(a) Berries affected by mold or decay (included in "1").	3	3.
(b) Dissimilar varieties (included in "1").	½ of 1	½ of 1.
(c) Berry moth, attached insects or other insect injury (included in "1").	½ of 1	1.
B. Foreign material	3	4.
(a) Leaves, petioles, or other plant parts, except for unattached petioles (included in "B").	3	4.
(b) All other foreign material (included in "B").	½ of 1	½ of 1.

DEFINITIONS

§ 51.2154 Mature.

"Mature" means that representative samples of grapes and juice from containers in a lot shall test, unless otherwise specified, not less than 15.5 percent soluble solids, as determined by an approved refractometer.

§ 51.2155 Fairly well matured.

"Fairly well matured" means that representative samples of grapes and juice from containers in a lot shall test, unless otherwise specified, not less than 14.5 percent soluble solids, as determined by an approved refractometer.

§ 51.2156 Foreign material.

"Foreign material" means sticks, stones, leaves, petioles or other plant parts or other extraneous material.

§ 51.2157 Similar varietal characteristics.

"Similar varietal characteristics" means grapes having same characteristic skin and pulp color.

§ 51.2158 Unattached petioles.

"Unattached petioles" means petioles that are completely devoid of their leaf.

§ 51.2159 Damage.

"Damage" means any specific defect described in § 51.2161, Table II; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the processing quality of the grapes.

§ 51.2160 Serious damage.

"Serious damage" means any specific defect described in § 51.2161, Table II; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the processing quality of the grapes.

§ 51.2161 Classification of defects.

TABLE II

Defects	Damage	Serious damage
Dried berries.	When berries are dry and shriveled to the extent that practically no moisture is present within the berries.	
Discoloration.	See serious damage.	When darker than plate 7.5 RP ¾ in the Munsell Book of Color[1]
Sunburn	do	When sunken, discolored, and dried area caused by sunburn affects the skin or flesh of the grape.
Decay or mold.	do	Any visible decay or mold on the grape skin or penetrating the flesh.
Insects or insect injury.	do	Any insect injury penetrating the flesh or any insect attached to the grape.
Immature berries.	do	When berries are hard and green and generally small.

[1] This color plate may be purchased from the Munsell Color Co., 2441 North Calvert St., Baltimore, Md. 21218.

The United States Standards for Grades of Mechanically Harvested American (Eastern Type) Grapes for Processing and Freezing contained in the subpart shall become effective May 15, 1975.

Dated: April 1, 1975.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.75-8752 Filed 4-4-75;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 75-232]

PART 545—OPERATIONS

Service Corporation Debt and Investment Limitations

Summary. The following summary of the amendments adopted by this Resolution is provided for the reader's convenience and is subject to the full provisions of this Resolution, including the provisions in the preamble thereof and in the amended regulations set forth below.

I. *Debt Limitations.*—A. Present regulation—Unsecured debt from parent savings and loan associations to their "b–2 type" service corporations is not included in the net worth base for determining maximum debt limitations.

B. Amended regulation—Unsecured debt from a 25 percent-or-more stockholder in a "b–2 type" service corporation is added to the net worth base for determining maximum debt limitations; such unsecured debt continues to count as part of the unsecured and total debt computations.

II. *Debt Treatment of Entities Within a Consolidation.*—A. Clarification—No service corporation or subsidiary may separately exceed the debt limit imposed on the consolidated net worth.

III. *Investment Limitations.*—A. Present regulation—Permits a Federal association to make "conforming loans" to service corporations and joint ventures if the Federal association's net worth is at least 5 percent of savings and scheduled items do not exceed 2.5 percent of specified assets.

B. Amended regulation—Permits Federal associations having scheduled items in excess of 2.5 percent but having net worth of at least 5 percent to apply for approval to make such "conforming loans"; approvals are delegated to Principal Supervisory Agents.

The Federal Home Loan Bank Board considers it advisable to amend § 545.9–1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.9–1) in order to effect certain revisions and clarifications with respect to the Board's service corporation debt and investment limitations.

On June 5, 1974, the Board, in part, amended the debt limitations for b–2 type service corporations, which are corporations owned by fewer than 5 associations or in which one association owns more than 40 percent of the stock (Board Resolution No. 74–518; 39 FR 20678). Before the June 5 amendments, the limitation on type b–2 service corporation unsecured debt was computed as an amount equal to the lesser of (1) 1 percent of the assets of the service corporation's stockholders or (2) the total of stock and unsecured debt invested by stockholders; unsecured debt owed to a stockholder was not counted within the unsecured debt limitations. The June 5 amendments liberalized the unsecured debt limitation by adding retained earnings to the computation base and by raising the allowable maximum unsecured debt to 2 times the base, but at the same time it removed unsecured debt owed to stockholders from the base and included unsecured debt owed to stockholders within the unsecured debt limitations. Similar revisions were made in the June 5 amendments to the secured and unsecured debt limitations for b–2 type service corporations.

Upon further consideration, the Board considers it desirable to include unsecured debt owed to stockholders in the bases for computing both the permissible secured and unsecured debt in order to provide more flexibility in capitalizing service corporations. This new inclusion of such debt in the unsecured and secured debt bases is limited to unsecured debt owed to a holder of at least 25 percent of the service corporation's stock. However, unsecured and secured debt owed to any stockholders would continue to be included within the limitations on such debt.

The service corporation debt limitations are applicable to the consolidated statement of a service corporation and its subsidiaries under § 545.9–1(b)(3)(i). In order to clarify the application of these limitations on separate entities within the consolidation, and thus to forestall a possible interpretation of the regulations which would allow for selective over-leveraging by certain of such entities, the Board considers it desirable to add a new § 545.9–1(b)(3)(i)(e) to require that the debt of each entity shall not exceed the applicable debt limitations. For purposes of new § 545.9–1(b)(3)(i)(e), the internal debt from a service corporation to its subsidiary is excluded from the subsidiary's debt computation because such internal debt is cancelled out in the consolidated statement.

Paragraph 545.9–1(c), the service corporation investment provision, is amended by adding thereto a new paragraph (c)(4) to provide for an exception from the scheduled items limitation on investment set forth in paragraph (c)(2) of § 545.9–1. The latter paragraph provides, in part, that a Federal association's ratio of scheduled items to specified assets may not exceed 2.5 percent in order for the association to be authorized to make additional service corporation investment in the form of conforming loans. New § 545.9–1(c)(4) authorizes an association with scheduled items exceeding such ratio but with net worth of at least 5 percent of withdrawable accounts to apply for an exception to the limitation if it can document good management policies and operating results. The Board believes that in this way associations which have suffered substantial increases in scheduled items as a result of local economic problems will not be penalized for conditions that are not related to their particular management policies.

Applications for exceptions under new § 545.9–1(c)(4) shall be filed with the Principal Supervisory Agent of the district in which the principal office of the applicant is located, with a copy to the Director, Office of Examinations and Supervision. The Principal Supervisory Agent has 30 days to notify the applicant that approval has been withheld, after which the application would be deemed approved. Cases in which approval is withheld shall be processed to the Board for its decision.

Accordingly, the Federal Home Loan Bank Board hereby amends § 545.9–1 by revising paragraphs (b)(3)(i) (*a*), (b) and (c) and (c)(2) thereof, and by adding new paragraphs (b)(3)(i)(*e*) and (c)(4) thereto to read as set forth below, effective April 7, 1975.

Since the above amendments relieve restrictions, the Board hereby finds that notice and public procedure with respect to said amendments are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b).

§ 545.9–1 Service corporations.

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(b) *Other service corporations.* In addition to investment in a service corporation which meets the requirements of paragraph (a) of this section, a Federal association which has a charter in the form of Charter N or Charter K (rev.) may invest in the capital stock, obligations, or other securities of any service corporation organized under the laws of the State, District, Commonwealth, territory, or possession in which the home office of the association is located if:

• • • • • •

(3) The following limitations are complied with:

(i) If less than 5 savings and loan associations (including any Federal association) hold capital stock in such corporation or one such association holds more than 40 percent of such stock, such corporation, including any subsidiary, does not incur or have outstanding at any time debt in excess of the following limitations:

(*a*) In the case of all unsecured debt (to holders of its capital stock and to others), an amount equal to 2 times the total of its consolidated net worth plus unsecured debt to holders of at least 25 percent of its capital stock;

(*b*) In the case of all secured and unsecured debt (to holders of its capital stock and to others), except as permitted by paragraph (b)(3)(i)(c) of this section, an amount equal to 10 times the total of its consolidated net worth plus unsecured debt to holders of at least 25 percent of its capital stock; and

(*c*) In the case of all secured and unsecured debt (to holders of its capital stock and to others), if such corporation, including any subsidiary thereof, is engaged solely in the activities specified in paragraph (a)(4)(i)(*a*) of this section, an amount of debt equal to 20 times the total of its consolidated net worth plus unsecured debt to holders of at least 25 percent of its capital stock;

• • • • • •

(*e*) In computing "consolidated net worth" for purposes of paragraph (b)(3)(i) of this section, the debt of each separate entity (the net worth of which is to be consolidated) shall not exceed the applicable debt limitation: *Provided*, That, for purposes of this paragraph (b)(3)(i)(*e*), a service corporation's loans to its subsidiary need not be computed as debt.

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(c) *Amount of investment.* • • •

(2) In addition to amounts which may be invested within the limitation set forth in paragraph (c)(1) of this section, a Federal association which has a net worth of at least 5 percent of withdrawable accounts and which has a ratio of scheduled items (other than assets acquired in a merger instituted for supervisory reasons) to specified assets of not more than 2.5 percent (except as provided in paragraph (c)(4) of this section) may loan additional amounts to service corporations, or any subsidiaries thereof, and to joint ventures of such service corporations or subsidiaries, as follows:

• • • • • •

(4) A Federal association which has a net worth of at least 5 percent of withdrawable accounts may apply to the Board for an exception from the scheduled items limitation in paragraph (c)(2) of this section. The application shall be supported by appropriate information evidencing the association's sound investment, lending, appraisal, and underwriting policies and favorable operating results. Such application shall be filed with the Principal Supervisory Agent of the district in which the home office of the applicant is located, with a copy to the Director, Office of Examinations and Supervision, 320 First Street, NW., Washington, D.C. 20552. Such application will be deemed to be approved if, by the close of 30 calendar days after the date of its receipt by the Principal

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Supervisory Agent, such Principal Supervisory Agent has not notified the applicant that approval has been withheld. If approval by the Principal Supervisory Agent is withheld, the Principal Supervisory Agent shall promptly cause the application to be submitted to the Board for its decision. The Principal Supervisory Agent may request additional information after receipt of the application, but need not consider such additional information from the applicant which is received by the Principal Supervisory Agent less than 5 calendar days before the end of the 30 calendar day period. As used in this paragraph (c)(4), the term "Principal Supervisory Agent" has the same meaning as in § 545.14(a)(3)(i).

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071).

Dated: March 12, 1975.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.75-6940 Filed 4-4-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-EA-6; Amdt. 39-2156]

PART 39—AIRWORTHINESS DIRECTIVES

Lycoming Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Lycoming aircraft engines.

There have been reports of failures of the Woodruff keys located in the oil pump impellers as a result of certain prior alterations involving the installation of hardened drive impellers, including steel impellers. It appears the excessive wear contributed to such failures.

Since this deficiency can exist or develop in aircraft engines of similar type design, an airworthiness directive is being issued which will require an inspection within the oil pump assembly and replacement where necessary of the oil pump drive shaft and drive impeller.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by issuing a new Airworthiness Directive as follows:

LYCOMING. Applies to O-360, HO-360, HIO-360, VO-360-A1A, VO-360-A1B, VO-360-B1A, IVO-360-A1A, O-540 and IO-540 series Lycoming engines (listed in Lycoming Service Bulletin No. 381A) and the same series engines overhauled/remanufactured by Lycoming between December 18, 1972 and December 10, 1974 and the same series engines overhauled after December 18, 1972 at facilities other than the manufacturer, in which the provisions of Lycoming Service Instruction No. 1272 have been incorporated.

Applicable models	Applicable serial Nos.			Excepted serial Nos.
O-360-C2D, HO-360-B1A, -B1B	L-15550-36A 19846-36A.	through	L-	L-19817-36A, L-19818-36A.
HIO-360-A1A, -B1A	L-10179-51A 13551-51A.	through	L-	L-12257-51A, L-12727-51A, L-12853-51A, L-12890-51A, L-12902-51A through L-12904-51A, L-12919-51A, L-12965-51A through L-13005-51A, L-13079-51A, L-13084-51A through L-13040-51A, L-13124-51A through L-13128-51A, L-13170-51A through L-13174-51A, L-13257-51A through L-13262-51A, L-13280-51A through L-13283-51A.
HIO-360-D1A	L-10179-51A 13512-51A.	through	L-	
HIO-360-C1A	L-10179-51A 13372-51A.	through	L-	L-11378-51A, L-12193-51A, L-12445-51A, L-12763-51A, L-12845-51A, L-12847-51A through L-12849-51A, L-12895-51A, L-12897-51A, L-12898-51A, L-12901-51A, L-12912-51A, L-12914-51A through L-12916-51A, L-12918-51A, L-13080-51A through L-13079-51A, L-13041-51A, L-13042-51A, L-13119-51A through L-13122-51A, L-13149-51A through L-13148-51A, L-13271-51A through L-13275-51A.
HIO-360-C1B	L-10179-51A 13551-51A.	through	L-	
O-540-B4C5	L-14527-40 17105-40A.	through	L-	
IO-540-K1B5	L-10536-48 13725-48.	through	L-	

For the Lycoming O-360, HO-360, HIO-360, VO-360-A1A, VO-360-A1B, VO-360-B1A and IVO-360-A1A series engines listed above, compliance is required within the next 10 hours in service after the effective date of this AD or before the engines have accumulated 400 hours in service, whichever occurs later, unless already accomplished. For the Lycoming O-540 and IO-540 series engines listed above, compliance is required within the next 50 hours in service after the effective date of this AD or before the engines have accumulated 400 hours in service, whichever occurs later, unless already accomplished.

To prevent oil pump failures inspect and replace when necessary the oil pump drive shaft and drive impeller in accordance with Lycoming Service Bulletin No. 381A or later revision approved by Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

The manufacturer's inspections and replacement procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received this document from the manufacturer, may obtain copies upon request to Avco Lycoming Division Service Department, Williamsport, Pennsylvania 17701. These documents may also be examined at the Engineering and Manufacturing Branch, Federal Aviation Administration, Eastern Region, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its Eastern Region Headquarters.

This amendment is effective April 9, 1975.

(Sec. 313(a), 601 and 603 of the Federal Aviation Act of 1958 [49 U.S.C. 1354(a), 1421 and 1423], and sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Jamaica, N.Y., on March 26, 1975.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.75-8775 Filed 4-4-75;8:45 am]

[Docket No. 74-SW-38; Amdt. 39-2163]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky S-61L, S-61N, S-61NM, and S-61R Helicopters Certificated in All Categories

Amendment 39-1971 (39 FR 33791), AD 74-20-7, as amended by Amendment 39-1989 (39 FR 36856), established replacement times for modified and original main rotor blades to prevent operation with fatigue cracks in the spars of blades of S-61 series helicopters certificated in all categories, and provided for the extension of the service life limits for certain rotor blades which had been altered, inspected, and maintained in accordance with Sikorsky Service Bulletin No. 61B15-6G. After Amendment 39-1989 was issued, the manufacturer issued a revised Service Bulletin No. 61B-15-6H which incorporated a change in the inspection criteria.

The agency has determined that the inspection criteria set forth in Sikorsky Service Bulletin No. 61B15-6H rather than No. 61B15-6G, should be used if service life limits are extended. Therefore, the AD is being revised to change the references from Sikorsky Service Bulletin No. 61B15-6G to Sikorsky Service Bulletin No. 61B15-6H.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days after the date of publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1971 (39 FR 33791), AD 74-20-7, as amended by

Amendment 39-1989 (39 FR 36856) is further amended as follows:

Wherever the AD refers to the Sikorsky Service Bulletin, delete "No. 61B15-6G" and insert in its place:

No. 61B15-6H

This amendment becomes effective April 16, 1975.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Burlington, Massachusetts, on March 25, 1975.

WILLIAM E. CROSBY,
Acting Director,
New England Region.

[FR Doc.75-8850 Filed 4-4-75;8:45 am]

[Airspace Docket No. 75-GL-16]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Transition Area; Correction

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to correct the geographic coordinates of the Truax Airport as cited for the Madison, Wisconsin transition area.

The coordinates for the Truax Airport, as currently stated in the description of the Madison, Wisconsin transition area are incorrect. They are corrected herein.

Since this correction is minor in nature and imposes no new burden on the public, compliance with the notice and public procedure provisions of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective immediately as hereinafter set forth:

In § 71.181 (40 FR 533, Jan. 2, 1975) the transition area is amended by correcting the coordinates for the Truax Airport, Madison, Wisconsin to read as latitude 43°08'15" N., longitude 89°20'-10" W.

(Sec. 307(a) of the Federal Aviation Act of 1958 [49 U.S.C. 1348]; sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]).

Issued in Des Plaines, Illinois on March 17, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.75-8849 Filed 4-4-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2639]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Bagatelle International Ltd., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly: § 13.30 Composition of goods: § 13.30–100 Wool Products Labeling Act; § 13.73 Formal regulatory and statutory requirements: § 13.73–70 Wool Products Labeling Act. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements: § 13.533–20 Disclosures. Subpart—Importing, manufacturing, selling, and/or transporting flammable wear or other merchandise: § 13.1060 Importing, manufacturing, selling, and/or transporting flammable wear or other merchandise. Subpart—Misbranding or mislabeling: § 13.1185 Composition: § 13.1185–90 Wool Products Labeling Act; § 13.1212 Formal regulatory and statutory requirements: § 13.1212–90 Wool Products Labeling Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 Composition: § 13.1590–90 Wool Products Labeling Act; § 13.1623 Formal regulatory and statutory requirements: § 13.1623–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 Composition: § 13.1845–80 Wool Products Labeling Act; § 13.1852 Formal regulatory and statutory requirements: § 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68)

In the Matter of Bagatelle International Ltd., a Corporation and Sidney Weinstein, Individually and as an Officer of Said Corporation, and Irving Weinstein, Individually and as an Officer of Said Corporation

Consent order requiring a New York City importer of wool blend fabrics and clothing manufacturer, among other things, to cease misbranding its wool products and importing wool products into the United States without filing bond with the Secretary of the Treasury in a sum double the value of said wool products and any duty on them.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

It is ordered, That respondent Bagatelle International Ltd., a corporation, its successors and assigns, and its officers, and Sidney Weinstein, individually and as an officer of said corporation, and Irving Weinstein, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through a corporation, subsidiary, division or any other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising or offering for sale in commerce, or the transportation or causing to be transported in Commerce, or the importation into the United States of any wool product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any wool product, which has been advertised or offered for sale in commerce; and in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce of wool products, as the terms "commerce" and "wool products" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by Section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Bagatelle International Ltd., a corporation, its successors and assigns, and its officers, and Sidney Weinstein, individually and as an officer of Bagatelle International Ltd., and Irving Weinstein, individually and as an officer of Bagatelle International Ltd., and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division, or other device, do forthwith cease and desist from:

1. Importing or participating in the importation of wool products into the United States except upon filing bond with the Secretary of the Treasury in a sum double the value of said wool products and any duty thereon, conditioned upon compliance with the provisions of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents notify, by registered mail, each of their customers that purchased the wool products which gave rise to this complaint of the fact that such products were misbranded.

It is further ordered, That each individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and his affiliation with a new business or employment. Such notice shall include each individual respondent's current business address and a statement as to the nature of the business or employment in which he is engaged, as well as a description of his duties and responsibilities.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the

[1] Copies of the Complaint, Decision and Order, filed with the original document.

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Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

The Decision and Order was issued by the Commission February 18, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75-8961 Filed 4-4-75;8:45 am]

[Docket C-2636]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Hydro-Air Engineering, Inc.

Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements: § 13.533–20 Disclosures. Subpart—Dealing on exclusive and tying basis: § 13.670 Dealing on exclusive and tying basis: § 13.670–10 Clayton Act, Sec. 3; § 13.670–20 Federal Trade Commission Act. Subpart—Enforcing dealings or payments wrongfully: § 13.1045 Enforcing dealings or payments wrongfully.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 3, 38 Stat. 731; 15 U.S.C. 14)

In the Matter of Hydro-Air Engineering, Inc., a Corporation

Consent order requiring a St. Louis, Mo., manufacturer and distributor of truss fabricating equipment and truss connecting plates, among other things to cease tying the sale of wood roof truss connecting plates and/or engineering services to the sale, lease or license of fabricating equipment.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

I. For purposes of this Order, the following definitions shall apply:

A. The term "respondent" refers to Hydro-Air Engineering, Inc., a corporation, and its subsidiaries, affiliates, successors, assigns, officers, agents, representatives and employees.

B. The term "truss fabricating equipment" refers to all machinery and equipment sold, leased, or licensed by respondent to be used in the assembly, production and construction of wood roof trusses used in the construction of residences, multiple dwellings, commercial or industrial buildings and farm structures.

C. The term "truss connecting plates" refers to all metal plates bearing any number of nails or other sharp devices used to permanently connect the joints of wood roof trusses used in the construction of residences, multiple dwellings, commercial or industrial buildings and farm structures.

D. The term "engineering services" refers to design specification services provided by respondent in connection with the assembly, production and construction of wood roof trusses, and the selection and designation of truss connecting plates deemed necessary for the proper support of said trusses.

[1] Copies of the Complaint, Decision and Order, filed with the original document.

II. *It is ordered*, That respondent, directly or indirectly through any corporate or other device, in connection with the sale, lease or license of truss fabricating equipment, truss connecting plates and/or engineering services in the United States shall, within thirty (30) days after entry of this Order, cease and desist from:

1. Offering, entering into or enforcing any agreement or provision of any agreement, express or implied, which in any way requires or obligates any purchaser, lessee or licensee of respondent's truss fabricating equipment, as a condition to the execution or continuation of a purchase, lease or license agreement with respect to such equipment, to purchase or agree to purchase all or any part of such purchaser's, lessee's or licensee's requirements of truss connecting plates and/or engineering services from respondent or from any source designated by respondent.

2. Offering, allowing or granting a price discount, rental or royalty reduction, rebate, or other valuable consideration on or with respect to the sale, lease or license of respondent's truss fabricating equipment which is in any way based upon purchases of truss connecting plates and/or engineering services from respondent or from any source designated by respondent.

3. Requiring any of its purchasers, lessees or licensees of truss fabricating equipment to purchase truss connecting plates and any other products from respondent or from any source designated by respondent.

III. *It is further ordered*, That respondent shall:

1. Within thirty (30) days after entry of this Order, mail a letter on its stationery, signed by the officers of the respondent and enclosing a copy of this Order, to all of its purchasers, lessees, and/or licensees of truss fabricating equipment who have purchased truss connecting plates from it during the twenty-four (24) months preceding entry of this Order which informs each such purchaser, lessee or licensee of the prohibitive terms of this Order.

2. Notify, during the five (5) year period after entry of this Order, each new prospective purchaser, lessee or licensee of its truss fabricating equipment (excluding replacement parts) of the prohibitive terms of this Order on its first written proposal to each such new prospective purchaser, lessee or licensee.

3. Within ten (10) days after entry of this Order, provide a copy of this Order to each of its salesmen, sales agents and sales representatives.

4. Within thirty (30) days after entry of this Order, and continuing thereafter, make available its manuals concerning its standard wood roof truss designs, including updated standard wood roof truss designs, to any truss fabricator desiring such manuals; nothing contained in this Order shall prohibit respondent from charging a reasonable fee for such manuals.

5. Within sixty (60) days after entry of this Order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this Order.

6. Notify the Commission at least thirty (30) days prior to any proposed corporate change such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the Order.

The Decision and Order was issued by the Commission February 13, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75-8962 Filed 4-4-75;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 75-86]

PART 6—AIR COMMERCE REGULATIONS

Entry and Clearance of Aircraft in the Virgin Islands

On November 20, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 40772) which proposed to amend Part 6 of the Customs Regulations (19 CFR Part 6) by adding a new section, § 6.14, and by amending § 6.1(a) to make applicable to aircraft in the Virgin Islands of the United States the navigation laws of the United States extended to the Virgin Islands by Executive Order No. 9170, dated May 21, 1942, and the regulations issued under such laws which are applicable to aircraft in the United States. It was further proposed to amend Part 6, Customs Regulations, by amending paragraphs (1) and (3)(ii) of § 6.2(d) to provide that Customs Form 7507, General Declaration, shall be used as the permit to proceed in lieu of Customs Form 4449, Permit to Proceed, which has been abolished.

Interested persons were given 30 days from the date of publication of the notice to submit relevant written data, views, or arguments regarding the proposal. No comments were received.

It has been determined that the proposed amendments should be adopted as set forth in the notice of proposed rulemaking except for a change in the numerical designation of the new section from § 6.14 to § 6.25. Section 6.14 is being reserved for possible later use in setting forth landing or entry and clearance requirements of more widespread application.

Accordingly, with this one change, the proposed amendments to Part 6, Customs Regulations (19 CFR Part 6), are adopted as set forth below.

Effective date. This amendment shall become effective May 7, 1975.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: March 27, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

1. Paragraph (a) of § 6.1 is amended to read as follows:

§ 6.1 Scope and definitions.

(a) The regulations in this part shall not be applicable in the islands of Guam, Midway, American Samoa, Wake, Kingman Reef, and Johnson Island and other insular possessions not specified herein. The regulations shall be applicable to aircraft flying to and from the Virgin Islands of the United States in accordance with § 6.25.

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§ 6.2 [Amended]

2. Subparagraphs (1) and (3)(ii) of § 6.2(d) are amended by substituting the words "a permit to proceed on Customs Form 7507" for the words "a permit on Customs Form 4449".

3. Part 6 is also amended by adding a new § 6.25 to read as follows:

§ 6.25 Flights to and from the Virgin Islands; provisions applicable.

(a) *Flights between the Virgin Islands and a place other than a State, the District of Columbia, or Puerto Rico.* Aircraft arriving in the Virgin Islands from a place other than a State, the District of Columbia, or Puerto Rico are subject to the provisions of this part which are applicable to aircraft arriving in a State from a place other than a State, the District of Columbia, or Puerto Rico. Aircraft departing from the Virgin Islands for a place other than a State, the District of Columbia, or Puerto Rico are subject to the provisions of this part which are applicable to aircraft departing from a State for a place other than a State, the District of Columbia, or Puerto Rico.

(b) *Flights from a State, the District of Columbia, or Puerto Rico to the Virgin Islands.* Aircraft on flights from a State, the District of Columbia, or Puerto Rico to the Virgin Islands are subject to the provisions of this part which are applicable to aircraft on a flight between two States except that aircraft transporting merchandise to the Virgin Islands subject to Bureau of the Census regulations requiring shipper's export declarations (15 CFR Part 30) must obtain permission to depart from the district director of Customs. Permission to depart shall not be granted until a complete manifest and required shipper's export declarations are filed unless the aircraft departs under bond pursuant to the incomplete manifest procedure (15 CFR 30.34) which requires the filing of a complete manifest and shipper's export declarations not later than the seventh business day after departure.

(c) *Flights from the Virgin Islands to a State, the District of Columbia, or Puerto Rico.* (1) Aircraft which are not inspected by Customs officers in the Virgin Islands are subject upon departure from the Virgin Islands for a State, the District of Columbia, or Puerto Rico to the provisions of this part which are applicable to aircraft departing from a State for a place outside the United States.

(2) Upon arrival in a State, the District of Columbia, or Puerto Rico from the Virgin Islands, aircraft which were not inspected by Customs officers in the Virgin Islands are subject to the provisions of this part which are applicable to aircraft arriving in a State from a place outside the United States.

(3) Aircraft on a flight from the Virgin Islands to a State, the District of Columbia, or Puerto Rico which were inspected by Customs officers in the Virgin Islands are subject upon departure from the Virgin Islands and upon arrival in the State, the District of Columbia, or Puerto Rico only to the provisions of this part which are applicable respectively to aircraft departing for or arriving in a State from another State.

(4) For the purpose of this section, the term "inspected by Customs officers in the Virgin Islands" means whatever supervision of the aircraft is deemed necessary by the district director of Customs to protect the revenue and enforce the laws administered by the United States Customs Service, including the collection of duty and taxes on articles purchased in the Virgin Islands.

(5) In the case of aircraft arriving in a State, the District of Columbia, or Puerto Rico from the Virgin Islands which were inspected there by Customs officers, the aircraft commander shall be prepared to present evidence of such inspection to Customs officers upon request. The evidence of inspection in the Virgin Islands shall be as follows:

(i) For aircraft registered in the United States of domestic origin or of foreign origin if duty paid and proceeding in ballast or solely with cargo or passengers or both from the Virgin Islands, a certificate on Customs Form 7507, General Declaration, endorsed by the Customs officers who inspected the aircraft in the Virgin Islands. The commander shall present the certificate in duplicate to the inspecting officers in the Virgin Islands, who will endorse the port of inspection thereon, date and sign the certificate and return the original to the commander. The commander or his representative shall retain the certificate for a reasonable time after termination of the flight to a State, the District of Columbia, or Puerto Rico, for presentation to Customs officers upon request, and then it may be destroyed or otherwise disposed of at the discretion of the commander or his representative.

(ii) For aircraft registered in the United States but of foreign origin and not duty paid and proceeding in ballast, the permit to proceed on Customs Form 7507, required by § 6.2(d)(3)(ii), endorsed with the port and date of inspection by the inspecting officers in the Virgin Islands. For aircraft registered in a foreign country and proceeding in ballast, the permit to proceed on Customs Form 7507, required by § 6.2(d)(1), endorsed with the port and date of inspection by the inspecting officers in the Virgin Islands.

(iii) For aircraft proceeding with residue cargo or residue passengers or both, the permit to proceed required by § 6.9 or any other Customs form used to cover the transportation of the residue cargo or passengers, endorsed with the port and date of inspection and signed by the inspecting officers in the Virgin Islands.

(Sec. 36, 49 Stat. 1616 (48 U.S.C. 1406i))

(R.S. 251, as amended, sec. 624, 46 Stat. 759, sec. 1109 72 Stat. 799, as amended (19 U.S.C. 66, 1624, 49 U.S.C. 1509))

[FR Doc.75-8983 Filed 4-4-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 356-4; PP4F1541/R18]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCE FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Cycloheximide

On September 27, 1974, notice was given (39 FR 34706) that The Upjohn Co., Kalamazoo, MI 49001, had filed a petition (PP 4F1541) for a pesticide tolerance with the Environmental Protection Agency (EPA). This petition proposed extension of the existing tolerance for residues of the plant regulator cycloheximide (3-[2-(3,5-dimethyl-2-oxocyclohexyl)-2-hydroxyethyl] glutarimide) in or on the raw agricultural commodity oranges at 0.1 part per million to include all citrus fruits.

The data submitted in the petition and other relevant material have been evaluated. The plant regulator is considered useful for the purpose for which the tolerance is sought. Residues of cycloheximide are not likely to result in eggs, meat, milk, and poultry, and § 180.6(a)(3) applies. The proposed amendment to the regulation will protect the public health.

Any person adversely affected by this regulation may on or before May 7, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street, SW, East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on April 7, 1975, Part 180, Subpart C, is amended by revising § 180.336 to read as follows:

Dated: April 1, 1975.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

(Sec. 408(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)))

§ 180.336 Cycloheximide; tolerances for residues.

A tolerance of 0.1 part per million is established for residues of the plant regulator cycloheximide (3-[2-(3,5-dimethyl-2-oxocyclohexyl)-2-hy-

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droxyethyl) glutarimide) in or on the raw agricultural commodity citrus fruits.

* * * * *

[FR Doc.75-8998 Filed 4-4-75;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Reasonable Differential Between Costs of Skilled Nursing and Intermediate Care Facility Services

Correction

In FR Doc. 75-8397, in the issue of Tuesday, April 1, 1975, appearing at page 14598, the roman numeral "XVII" in the eighth line of § 250.30(b)(3)(iii) in the third column on page 14598, should be changed to read "XVIII".

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

[No. 32130 (Sub-No. 6)]

PART 1201—UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

Elimination of Mail and Express Revenue Accounts

By notice of proposed rulemaking dated November 27, 1974, and published in the FEDERAL REGISTER on December 3, 1974 (39 FR 41867), this Commission made public that it had under consideration the elimination of the separate mail and express revenue accounts from the Uniform System of Accounts for Railroad Companies and the incorporation of those revenues into the freight revenue account. All interested parties were given the opportunity to submit their views and comments in writing by January 10, 1975.

Our present accounting system requires separate account disclosure for mail and express revenues. However, conditions which led to the separate account disclosure of these revenues no longer exist. The amount of mail and express traffic and revenues has diminished to the extent that separate account disclosure for these revenues is no longer warranted. Mail and express revenues are minor in comparison to other categories of freight.

This Commission believes mail and express revenues should be incorporated under the freight revenue account as prescribed in the uniform system of accounts for other modes of transportation.

The public notification of the proposed rulemaking in the FEDERAL REGISTER provided that any person desiring to participate could do so by filing, within a prescribed time, written statements of facts, views or arguments. Comments were received from three respondents, and they are summarized below:

Association of American Railroads and The Family Lines System[1] unequivocally support the Commission's proposed revision.

Penn Central Transportation Company supports the proposed revisions on the condition that arrangements are established to continue reporting mail and express revenues via freight commodity statistics. In addition, the carrier suggests that the effective date be postponed until January 1, 1976, due to difficulties in accounting and reporting.

Reporting Freight Commodity Statistics: Presently, the Commission publishes statistics for freight commodities handled at tariff rates. Freight commodities handled at contract rates have been excluded from the freight commodity statistics. Revenues currently accounted for in mail and express revenue accounts Nos. 106 and 107 represent revenues based on contract rates. Elimination of these revenue accounts will result in contract rate revenues being included with tariff rate revenues in the freight revenue account. Since contract rate revenues have been excluded from the freight commodity statistics in the past, the Commission believes a consistent application should be maintained and such revenues will continue to be excluded from the freight commodity statistics. Further, mail and express revenues are minor in comparison to other categories of freight revenue and represent an insignificant portion of total freight service revenues.

The capability for accumulating and publishing statistical information regarding mail and express revenues already exists. When the Commission determines that publication of such information will provide meaningful and relevant statistics, the Freight Commodity Statistics will be amended accordingly.

Effective date. Our proposal contemplates an effective date of January 1, 1975, due to the minimal accounting and reporting changes required. Any carrier which can demonstrate that an undue hardship will be sustained as a result of adopting the proposed revisions may request an extension from the Bureau of Accounts of the Commission.

We find that the revision to the Commission's accounting regulations reflected below should be approved and adopted effective January 1, 1975.

We further find that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

At a general session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 19th day of March.

Consideration having been given to the matters involved in this proceeding, and the said Commission, on the date hereof, having made and filed a report herein containing its findings and conclusions, which report is hereby made a part hereof:

It is ordered, That Part 1201 of Title 49 of The Code of Federal Regulations be, and it is hereby revised to read as shown below to the above mentioned report.

It is further ordered, That the prescribed amendments shall be effective January 1, 1975.

And it is further ordered, That service of this order shall be made on all railroads; and to the Governor of every State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

(49 U.S.C. 20)

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "Railway Operating Revenue Accounts—Transportation Revenue Accounts", after line item "105 Parlor and chair car" delete:

106 Mail.
107 Express.

RAILWAY OPERATING REVENUE ACCOUNTS

The text of account "101 Freight" is amended by adding paragraphs (D) and (E) and Note (H). As amended the text reads:

101 Freight.

* * * * *

(d) This account shall include the revenue from the transportation of mail at established rates for specified routes; from the use of railway post-office cars when in carrier's service transporting mails; from the use of special mail facities; and from bonuses for special mail transportation. To this account shall be charged fines and penalties imposed by the Government when not collected from agents or employees.

(e) This account shall include the revenue from transportation of express matters and from use of facilities on trains and at stations incident to such transportation. When a railway company transacts an express business through its regular railway organization, the revenue therefrom shall be credited to this account.

* * * * *

NOTE H: When contracts for express privileges provide specific amounts for the rent of facilities at stations, such amounts shall be included in revenue account 142, "Rents of buildings and other property."

106, 107 [Deleted]

The title and text of account "106 Mail" is deleted.

The title and text of account "107 Express" is deleted.

[FR Doc.75-9007 Filed 4-4-75;8:45 am]

[1] These are The Seaboard Coastline Railroad Company, Louisville and Nashville Railroad Company, Clinchfield Railroad Company and Georgia Railroad Company.

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 112]

CARRIERS, CARTMEN, AND LIGHTERMEN

Proposed Amendment Regarding Expansion of Authority Granted to Private Carriers in Transportation in Bond of Their Own Merchandise

Notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), and sections 551, 565, and 624, 46 Stat. 742, as amended, 747, as amended, and 759 (19 U.S.C. 1551, 1565, 1624), it is proposed to amend § 112.11(a)(4)(iii) of the Customs regulations (19 CFR 112.11(a)(4)(iii)) to expand the authority granted to private carriers in the transportation of their own bonded merchandise.

Presently, § 112.11(a)(4)(iii) of the Customs regulations (19 CFR 112.11(a)(4)(iii)) only permits a private carrier to carry his own bonded merchandise from the port of importation or port of entry for warehouse to his own bonded warehouse for physical deposit. Private carriers have advised the United States Customs Service that this limitation has resulted in an extravagant consumption of fuel and use of vehicles by prohibiting possible "two-way" hauling operations that could be instituted if this limitation was removed.

In order to conserve fuel and to better utilize the vehicles and equipment of private carriers, it is proposed to amend § 112.11(a)(4)(iii) of the Customs regulations by also permitting a private carrier to transport his own merchandise under bond from his Customs bonded warehouse to another Customs bonded warehouse for physical deposit or, if for exportation, to transport his own merchandise under bond from his Customs bonded warehouse to a Customs bonded warehouse at the port of exportation.

Accordingly, it is proposed to amend § 112.11(a)(4)(iii) of the Customs Regulations (19 CFR 112.11(a)(4)(iii)) to read as follows:

§ 112.11 Carriers which may be authorized.

(a) * * *
(4) * * *

(iii) The merchandise is to be transported from the port of importation or port of entry for warehouse to the private carrier's Customs bonded warehouse for physical deposit, or from the private carrier's Customs bonded warehouse to another Customs bonded warehouse for physical deposit, or, if for exportation, from a Customs bonded warehouse of which the private carrier is the proprietor to a Customs bonded warehouse at the port of exportation.

* * * * *

Prior to the adoption of the foregoing proposal, consideration will be given to any relevant data, views, or arguments which are submitted to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received on or before May 7, 1975.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)) at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: March 27, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-8981 Filed 4-4-75;8:45 am]

[19 CFR Parts 112, 113]

CARRIERS, CARTMEN, AND LIGHTERMEN, CUSTOMS BONDS

Termination of a Customs Cartman's or Lighterman's Bond and the Duration of a License

Notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), and sections 551, 565, 623, and 624, 46 Stat. 742, as amended, 747, as amended, 759, as amended (19 U.S.C. 1551, 1565, 1623, 1624), it is proposed to amend § 112.26 of the Customs Regulations (19 CFR 112.26), relating to the duration of the license of a customhouse cartman or lighterman, and to add a new provision, § 113.56 (19 CFR 113.56), relating to the termination of the bond required as a condition of the customhouse cartage or lighterage license, the Bond of Customs Cartman or Lighterman, Customs Form 3855.

The purpose of the proposed changes is to provide a procedure by which the Bond of Customs Cartman or Lighterman, Customs Form 3855, may be terminated, to provide for the notification of the cartman or lighterman when the termination is requested by the surety without the consent of the principal (the cartman or lighterman), and to provide the cartman or lighterman with an opportunity to achieve compliance with the lawful bonding requirements by furnishing a new bond. The changes emphasize that the Bond of Customs Cartman or Lighterman, Customs Form 3855, is a requirement for maintaining a customhouse cartman's or lighterman's license.

Accordingly, it is proposed to amend Parts 112 and 113 of the Customs Regulations (19 CFR Parts 112, 113) as set forth below:

PART 112—CARRIERS, CARTMEN, AND LIGHTERMEN

It is proposed to amend § 112.26 to read as follows:

§ 112.26 Duration of license.

A license issued in accordance with this subpart shall remain in force and effect until the license is suspended, revoked, or terminated pursuant to § 112.30 or until the required bond is terminated pursuant to § 113.56 of this chapter.

PART 113—CUSTOMS BONDS

It is proposed to amend Part 113 by amending the centerheading which appears before § 113.51 and by adding a new section, § 113.56, to read as follows:

Subpart F—Assessment of Damages and Cancellation or Termination of Bond

* * * * *

§ 113.56 Termination of Bond of Customs Cartman or Lighterman.

(a) *Termination by cartman or lighterman.* A customhouse cartman or lighterman may terminate the Bond of Customs Cartman or Lighterman, Customs Form 3855, by filing with the district director by whose office the bond was approved a request for termination. The termination shall take effect on the date requested if the date is subsequent to the date of receipt of the request. If no termination date is requested or the termination date requested is prior to the date of receipt of the request, the termination shall take effect on the date of receipt of the request by the district director.

(b) *Termination by surety.* A surety may, with or without the consent of the principal, terminate the Bond of Customs Cartman or Lighterman, Customs Form 3855, on which it is obligated by filing with the district director by whose office the bond was approved a request for termination. The termination shall take effect on the 60th day after approval by the district director. The district director will notify both the surety and

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principal that the request for termination has been approved. If a new bond with good and sufficient sureties is not furnished by the cartman or lighterman prior to the effective date of the termination of the bond, the customhouse cartman's or lighterman's license will terminate concurrently with the bond.

Data, views, or arguments with respect to the foregoing proposals may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20226. To insure consideration of such communications, they must be received on or before May 7, 1975.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)) at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: March 27, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-8662 Filed 4-4-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 29]

ALLOCATION OF TOBACCO INSPECTION SERVICE

Eligibility for Price Support; Extension of Time to File Comments

Notice is hereby given that the Department is extending the period for comments to the proposed amendment of its regulations relating to tobacco inspection and price support services with regard to flue-cured tobacco (FR Doc. 75-5819) appearing at page 10160 in the FEDERAL REGISTER of March 5, 1975. The date has been extended from March 25, 1975, to April 15, 1975.

All persons who desire to submit written data views, or arguments for consideration in connection with these proposals may file the same and four copies with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than April 15, 1975.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., this 2nd day of April 1975.

E. L. PETERSON,
Administrator, Agricultural Marketing Service.

[FR Doc.75-8667 Filed 4-4-75;8:45 am]

[7 CFR Parts 1002, 1004]

[Docket Nos. AO-160-A50, AO-71-A67]

MILK IN THE MIDDLE ATLANTIC AND NEW YORK-NEW JERSEY MARKETING AREAS

Decision on Proposed Amendment to Marketing Agreements and to Order

Correction

In FR Doc. 75-8029 appearing at page 14701 as the Part II in the issue of Tuesday, April 1, 1975, the following changes should be made:

1. In the fourth complete paragraph in the middle column on page 14720, delete the third line and insert in lieu of the following:
"order to continue the pooling of re".

2. On page 14725, in the sixth line of § 1004.11, "§ 1004.7(c) (6)" should read "§ 1004.7(c) (5)".

Commodity Credit Corporation

[7 CFR Part 1421]

LOAN AND PURCHASE PROGRAM FOR 1975-CROP RICE

Loan Maturity Date

Notice is hereby given that the Executive Vice President, Commodity Credit Corporation, United States Department of Agriculture, proposes to make a determination and issue regulations on the loan maturity date for 1975-crop rice.

Recommendations, views and comments are requested as to whether all loans should mature on April 30, 1976, or on demand, as in past years, or whether a longer period should be adopted wherein loans would mature on demand, but not later than twelve months beginning with the month of disbursement. In either case, the final date for making loans will be March 31, 1976.

Prior to making the determination and issuing related regulations, consideration will be given to any recommendations, views and comments received not later than May 7, 1975. Recommendations, views and comments should be submitted in writing to the Director, Cotton, Rice and Oilseeds Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250.

All written submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday, in Room 5725 South Building, 14th and Independence Avenue SW., Washington, D.C.

Signed at Washington, D.C. on April 1, 1975.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.75-8673 Filed 4-4-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Parts 1910, 1926]

[Docket No. S-102]

GROUND-FAULT CIRCUIT PROTECTION

Revocation of Standard

Pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593, (29 U.S.C. 655)) (hereinafter called the Act), section 107 of the Contract Work Hours and Safety Standards Act (83 Stat. 96, (40 U.S.C. 333)), Secretary of Labor's Order No. 12-71 (36 FR 8754), and 29 CFR Part 1911, it is proposed to amend 29 CFR 1910.309 and 29 CFR 1926.400 by revoking the requirement of ground fault circuit protection for personnel on construction sites.

I. *Background.* In accordance with section 6(a) of the Act (84 Stat. 1593, (29 U.S.C. 655(a))), the 1971 National Electrical Code (hereinafter called NEC) (NFPA 70-1971, ANSI C1-1971) has been adopted as a national consensus standard in §§ 1910.309 and 1926.400. Section 210-7 of the NEC contains the following provision:

> All 15- and 20-ampere receptacle outlets on single-phase circuits for construction sites shall have approved ground-fault circuit protection for personnel. This requirement shall become effective on January 1, 1974.

On November 8, 1973, the Advisory Committee on Construction Safety and Health recommended to the Assistant Secretary of Labor for Occupational Safety and Health the suspension of the January 1, 1974, effective date of section 210-7 of the NEC pending further study. Additionally, on November 12, 1973, the National Constructors Association petitioned the Assistant Secretary to postpone the effective date of the regulation. On December 4, 1973, notice was published in the FEDERAL REGISTER (38 FR 33397) amending §§ 1910.309 and 1926.400, by adding paragraph (c) to § 1910.309 and paragraph (h) to § 1926.400, to suspend the January 1, 1974, effective date pending reconsideration of the requirement.

In order to obtain the information necessary for a reconsideration of the requirement, a notice of public hearing was published in the FEDERAL REGISTER on December 10, 1973 (38 FR 33983), and the issues subject to comment were listed on December 26, 1973 (38 FR 35235). A public hearing was held on February 26, 1974.

After evaluating the comments received in response to the FEDERAL REGISTER notices and the evidence submitted at the hearing, an advance notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 20499). This action was taken on the assumption that there was a need for ground-fault circuit interrupters (GFCI's) when an employee used electricity in any wet, damp, or conductive location.

After evaluating all the comments and evidence received in response to the FEDERAL REGISTER notices, a first draft of a proposed ground-fault circuit protection standard was prepared and submitted to the Advisory Committee on Construction Safety and Health at its October 30, 1974, meeting. This draft would have required ground-fault circuit interrupters for all 120-volt receptacle outlets on the temporary wiring of construction sites, which were used by employees. Additional evidence was submitted at this meeting, and a motion was passed to continue to hold the ground-fault circuit protection standard in abeyance, until an unbiased, independent study was conducted on the need and efficacy of GFCI's.

II. *Issues.* The entire record submitted has raised a number of issues relating to the standard. The major issues are discussed separately as follows:

(a) *Nuisance tripping.* One issue about the requirement for ground-fault circuit interrupters was that these devices were subject to nuisance tripping. Nuisance tripping occurred, it was claimed, when the GFCI's would often trip to open the circuit. Some commenters claimed that there were instances of tripping where no cause could be found. Other commenters claimed that GFCI's tripped constantly. However, some commenters submitted reports of studies of sites where GFCI's were used with few problems. The Atomic Energy Commission and the Army Corps of Engineers, who require GFCI's on the construction sites of their contractors, report that the GFCI's were operating with only minor problems. For example, the Corps of Engineers states, " * * * this survey shows that 294 contractors performing various types of construction work are using ground-fault circuit protection. All units were reported to be operating to the satisfaction of the contractors." Some municipalities adopted the ground-fault circuit protection standard before January 1, 1974, and other municipalities have accumulated experience through currently enforcing this standard. Those municipalities that reported results of this experience claimed that initially there were problems, but after learning how to use and apply the GFCI's, the contractors have been using them successfully.

Commenters who claimed that GFCI's tripped excessively defined nuisance tripping as "an unwanted interruption from an unknown or nonhazardous situation." The commenters gave examples of situations which caused tripping, such as wet cord connectors and equipment, broken light bulbs, capacitive leakage of long cords, and the use of too many tools on one GFCI. They further claimed that these conditions were nonhazardous. However, other commenters pointed out that the GFCI's tripped only when performing their intended purpose. They stated that any leakage to ground sufficient to cause a GFCI to trip was potentially hazardous. Some of the accidents submitted into the record were cases in which the victim contacted a wet cord connector, a wet grounded tool, or a broken light bulb. Furthermore, it was shown that the capacitive leakage of cords several hundred feet in length would not be sufficient to cause a GFCI to trip, unless the cord were completely immersed in water. Some recommended that portable GFCI's be used, as this would provide protection with interruption to only the immediate user of the portable GFCI.

(b) *Trip level.* Another issue raised by the commenters, which was closely related to "nuisance tripping" was that of the trip level of the GFCI unit. Many commenters claimed that a nominal level of 5 mA was too low and contributed to the "nuisance tripping." Two commenters conducted a test program on existing jobsites in the State of Washington. Based on that study, they concluded that a level of 20–25 mA was needed to keep the GFCI's operating. However, as the pictures and slides of the test sites showed, and as other commenters pointed out, each GFCI protected a duplex receptacle, which served a multitude of cords and connected equipment. As many as eight tools could have been powered by each GFCI. The combined leakage of that many tools could easily trip a 5 mA GFCI. It was claimed by the Washington State study that plugging in a single cord and/or tool caused some GFCI's to trip. However, it was also shown that leakage currents of cords in good condition was much less than that required to trip a 5 mA device—typically 0.1 mA for 100 feet of cord in air, and less than 0.5 mA for 100 feet of cord totally immersed in water. But leakage measurements of submerged dry-type (e.g., molded case) cord connectors were of sufficient value to trip any recommended GFCI and to be very hazardous. Insulating boots on the connectors or sealing connectors yielded leakage values less than 0.1 mA.

Other commenters stated that the trip level could be raised to 20 mA or more with no danger to personnel, claiming that this level is below the electrocution threshold. However, other commenters claimed that a 5 mA trip level is necessary for the safety of personnel. They gave examples of cases in which the leakage current could be limited to 17 or 18 mA by the fault impedance. This 17 or 18 mA level is above the let-go current level for the average man and could possibly stop his breathing. They, therefore, concluded that a 20 mA device in this case would not trip to protect the employee. These commenters claimed that the nominal trip level should be below the let-go current threshold, which is 9 mA for men and 6 mA for women, for maximum safety.

Some commenters expressed concern that many GFCI's tripped well under 5 mA (i.e., 2.5 mA or less). It was also stated that some defective devices had to be returned to the manufacturer due to unreliable performance. Other comments suggested a minor change in the trip level tolerance to 5 mA±1 mA. They claimed that this requirement could minimize "nuisance tripping."

(c) *Alternate methods.* Many commenters claimed that there were alternate methods of protecting employees from the hazards associated with portable electric tools. They claimed that grounding and double insulation of tools provided adequate protection, and some suggested that regularly testing tools would insure that these other methods were operational. A few commenters claimed that as long as the tool was grounded no shock would be felt in the event of a fault to its frame. However, commenters supporting the use of GFCI's claimed that an adequate system of equipment grounding was very difficult to maintain especially on construction sites, and that GFCI's were meant to backup the grounding conductor. Evidence submitted showed that often equipment is used ungrounded or with the equipment ground defeated. Some of the reports of accidents submitted were cases of electrocution in which the tool was grounded. One accident occurred when a tool that had been carefully tested before use developed a fault to its frame during actual use. In this case, the grounding conductor broke and contacted the hot conductor. Some commenters stated that neither grounding nor double insulation protects against all possible faults. They claimed that these methods cannot provide protection against contact with energized parts due to damage to the cords or their connectors, nor against electric shock from wet attachment caps or receptacles.

(d) *Accident data.* Some commenters claimed that there was no need for a GFCI standard because there were only a few accidents occurring which would be prevented by GFCI's. Others claimed that the accidents that have occurred happened because existing standards were not followed. Several commenters claimed that their strict adherence to standards has prevented many accidents and has contributed to their safety record. One association reported over one billion man-hours with only one fatality which could have been prevented by the use of a GFCI.

A total of 52 fatal accidents which could have been prevented by the use of GFCI's on construction sites was found by studying all the data submitted. This data covered the period from January 1970 to September 1974; however, these figures do not represent all of this type of electrocution occurring during this period. The details given in these reports were often very sketchy, and it was not always reported whether the equipment grounding conductor was present. Included with this data was a survey conducted by OSHA which yielded usable data from 18 states. A total of 31 fatal accidents on construction sites, which could have been prevented by the use of a GFCI, was accumulated from reports submitted directly from these states.

(e) *Economic impact.* Many commenters claimed that this standard would have a severe economic impact. Some

V 40167 APR 7 75 XUM

commenters claimed it would cost hundreds of thousands of dollars for large companies to comply. They claimed that these costs would not be offset by any substantial gain in safety. Others claimed that the costs were not unrealistic and that protection could be provided at a cost of $25 for each man that used portable electrical tools. However, no commenter gave a supported figure.

III. *Conclusions.* An analysis of the entire record on the subject of ground-fault circuit interrupters for use on the temporary wiring on construction sites raises many questions as to the necessity for GFCI's and the need for further research. For example, the question of what the ground-fault current trip level should be has yielded various values. Some authorities recommend 5 mA ±1, others suggest values as high as 20 or 30 mA and another commenter would allow the level to be established by a testing authority. Each of these arguments has merit, yet the wide range of recommendations would suggest that further data, study, and analysis is needed on this parameter of GFCI's.

The question as to whether or not the equipment grounding technique presently required on construction sites would adequately protect employees from hazardous electrical shock, and therefore render the use of GFCI's as redundant, was not resolved. Here a comparison of the effectiveness of both equipment grounding and GFCI systems indicates that when a person's body resistance is at a low value (approximately 500 ohms) and the equipment grounding resistance is assumed to be one ohm, the equipment grounding system may not be totally effective. Yet this is the extreme case and perhaps not a very frequent one. However, when the body resistance is higher, the GFCI might be considered as a redundant and therefore unnecessary protective system.

Of the several comments received which addressed the subject of cost to implement GFCI's on the temporary wiring at construction sites, none provided substantiating data. Most commenters indicated that the cost would be high. Acceptance of this data would have to be based on various assumptions. One such assumption is that an existing temporary wiring system be completely reworked, including all new wire and electrical components such as switchgear, conduit, panel boxes, receptacles, etc. Those commenters which indicated low cost, also failed to substantiate their claims. No estimate of actual cost which could be considered valid was presented. Without this data the economic impact on the affected parties is difficult to gauge and the cost/benefit relationship of GFCI's cannot be ascertained. If in fact the high cost (31 million dollars) is correct, then perhaps this money might be expended on some other consideration which would yield greater safety at construction sites.

The number of fatalities which could have been prevented by using GFCI's on construction was submitted in data which was incomplete, inconclusive or possibly irrelevant. The data submitted varied from one fatality in over one billion man-hours of construction to as many as 31 fatalities over a 4½-year period of construction work. Again, the cost/benefit relationship is difficult to gauge without accurate data to support it.

Serious questions were raised as to the reliability of GFCI's. Some commenters reported that their units would cause numerous "nuisance trips" without apparent cause. Such nuisance tripping would result in "downtime" which is understandably objectionable; and until a determination is made as to the cause of these nuisance trips, the question of the reliability of GFCI's will be difficult to answer.

Therefore, based on an analysis of the record developed up to this point, OSHA proposes to revoke the requirement that GFCI's be used on construction sites, in view of the issues discussed above and because such a requirement has not been shown to be necessary to the safety and health of employees. Such a revocation could be changed if there is a later determination that complete and accurate information is available which warrants mandatory utilization of GFCI's on construction sites.

IV. *Public participation.* Interested persons are invited to submit written data, views, and arguments concerning the proposed revocation. Comments must be postmarked before May 7, 1975, and submitted to: Docket Officer, Docket No. S-102, OSHA, Department of Labor, Room 220, 1726 M Street, NW., Washington, D.C. 20210. All written comments will be available for public inspection and copying at the above address.

Specifically, written data, views, and arguments are requested with respect to:

(1) The necessity for GFCI's in addition to existing protective measures;

(2) The experience with GFCI's required under State regulations and/or municipal codes;

(3) Injury and/or fatality statistics specifically related to the lack of GFCI's;

(4) Cost of utilizing GFCI's on temporary wiring on construction sites; and

(5) Reliability of GFCI's in terms of tripping levels.

Additionally, interested persons may file with the Docket Officer by June 6, 1975, written objections to the proposed revocation and request an informal hearing on the objections. These objections shall comply with the following:

(1) The objections must include the name and address of the objector;

(2) The objections must be postmarked by June 6, 1975;

(3) The objections must state the grounds therefor;

(4) Each objection must be separately stated and numbered; and

(5) The objections must be accompanied by a summary of the evidence proposed to be adduced at the requested hearing.

V. *Proposal.* Accordingly, pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593, (29 U.S.C. 655)), section 107 of the Contract Work Hours and Safety Standards Act (83 Stat. 96; (40 U.S.C. 333)), Secretary of Labor's Order No. 12-71 (36 FR 8754), and 29 CFR Part 1911, it is proposed to amend Parts 1910 and 1926 of Title 29 of the Code of Federal Regulations as follows:

1. In 29 CFR Part 1910, § 1910.309(c) would be amended to read as follows:

§ 1910.309 National Electrical Code.

* * * * *

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, the requirement in section 210-7 of the National Electrical Code that all 15- and 20-ampere receptacle outlets on single-phase circuits for construction sites have approved ground-fault circuit protection for personnel shall not be applicable.

2. In 29 CFR Part 1926, § 1926.400(h) would be amended to read as follows:

§ 1926.400 General Requirements.

* * * * *

(h) Notwithstanding any other provision of this part, the requirement in section 210-7 of the National Electrical Code that all 15- and 20-ampere receptacle outlets on single-phase circuits for construction sites have approved ground-fault circuit protection for personnel shall not be applicable.

(Sec. 6(b), Pub. L. 91-596, 84 Stat. 1593 (29 U.S.C. 655); sec. 107, Pub. L. 91-54, 83 Stat. 96 (40 U.S.C. 333); Secretary of Labor's Order No. 12-71, 36 FR 8754).)

Signed at Washington, D.C. this 1st day of April, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-8067 Filed 4-4-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 1, 3]

LABELING FOR PRESCRIPTION DRUGS USED IN MAN

Proposed Format for Prescription-Drug Advertisements

The primary objective of prescription drug labeling is to provide the essential information the practitioner needs to use the drug safely and effectively in the care of patients. After reviewing whether this objective is being met, the Commissioner of Food and Drugs has determined that significant improvements can and should be made in drug labeling. Improvement can be accomplished by revising the format now contained in § 3.74 (21 CFR 3.74), by providing standards with regard to the kind of information that must be included under each of the specific section headings, by eliminating extraneous information which can best be obtained from the published literature, by providing explicit information on indications of use, and by replacing generalities with specifics. To improve prescription drug labeling, the Commissioner of Food and Drugs is proposing regulations designating a required format and the kinds of information that shall appear under each section heading.

In proposing these regulations, the Commissioner emphasizes that the principles enunciated in this document are based on past experience and precedent. The purpose of these labeling guidelines is not to establish new regulatory requirements, but to provide standards so that all package inserts can be brought up to the level of the best ones written in the past.

In this proposal, the section heading "Actions" for prescription drug labeling set forth in § 3.74, which the Commissioner proposes to revoke, has been replaced by a new section entitled "Clinical Pharmacology" under proposed new § 1.112 (21 CFR 1.112). This heading more accurately describes the information required. Likewise, the "Indications" section of the labeling has been changed to "Indications and Usage," and specific instructions have been provided for describing the indications, the optimal usage of the drug, and the limitations of use. The "Adverse Reactions" section of the labeling in proposed § 1.112(c)(7) requires that pertinent information derived from experience with the class of drugs, e.g., thiazide diuretics, phenothiazines, be included as well as information on the specific drug. In addition, the Commissioner is proposing that the frequency of adverse reactions be enumerated as approximate estimates; precise percent figures will not be permitted unless there is scientific evidence from well-controlled trials substantiating such figures and when the inclusion of percent figures does not falsely imply a greater degree of accuracy than actually exists. The Food and Drug Administration will continue to require the use of prominently displayed box warnings for special problems that clearly warrant such a warning.

Information relating to possible hazards of use in pregnant women and in children has been moved from the "Warnings" section of the prescription drug labeling to the "Precautions" section. The proposed regulations on pregnancy precautions in § 1.112(c)(6) go into considerable detail, including proposed specific phraseology. This detail is believed necessary in view of past experience with confusing and inconsistent labeling relating to use in pregnancy. Pregnancy precautions are the one section in the package insert where statements on clinical usage are almost routinely based on animal data, and it is believed that such statements will be most helpful to the physician if the language is consistent in all package inserts.

Physicians need accurate information on the differences in action, mode of administration, therapeutic usefulness, and frequency and character of adverse effects among drugs used for the same indication. However, to avoid giving physicians possibly erroneous and incomplete information, the Commissioner proposes to limit such comparative statements to situations where they are based upon substantial evidence derived from adequate and well-controlled studies designed for that specific purpose. Exceptions may be made by waiver where there is significant evidence in the scientific literature substantiating such claims.

The "Clinical Studies" and "References" sections set out in § 3.74(b) have been eliminated from the package insert in proposed new § 1.112. Except in unusual situations specifically approved by the Food and Drug Administration, this type of information is properly included in other types of labeling such as brochures. No clinical studies or references cited in such labeling may refer to indications or uses not stated in the package insert.

To assure that the reader of the labeling, package insert or other information brochure is aware of the date of the latest revision, the Commissioner is proposing a revision of § 1.106(b)(5) (21 CFR 1.106(b)(5)) to require that the date be placed prominently in the top right hand corner of the first page of such text material.

The Commissioner is also proposing that a new paragraph (b)(7) be added to § 1.106 to require that the name and place of business of the manufacturer, packer or distributor appear in the package insert or other informational brochure.

A proposal was published in the FEDERAL REGISTER of August 22, 1972 (37 FR 16877) to revise the advertising regulations pertaining to the use of comparative safety and effectiveness claims by amending § 1.106(e)(6)(ii) and (vii). The proposal stated that such claims may properly be used in advertising for a new drug or a certified antibiotic only where they have been approved by the Food and Drug Administration on the basis of data contained in an application, and that for other prescription drugs such claims must be supported by substantial evidence or substantial clinical experience. The Commissioner has given further consideration to this proposal and concludes that it should be revised and reproposed herein to state that comparative safety and effectiveness claims may properly be used in advertising for a new drug, certified antibiotic or licensed biologic only when such representations have been approved as part of the labeling in a new drug or antibiotic application or biologic license on the basis of data contained in the application. For all other prescription drugs, such claims may be made only when the claims are proved by substantial evidence derived from adequate and well-controlled studies as defined in § 314.111(a)(5)(ii) (21 CFR 314.111(a)(5)(ii)) and are included in the labeling. Exceptions may be made by waiver when there is other scientific evidence substantiating such claims which can be accepted as adequate. This revision will make the advertising proposal consistent with the labeling proposal.

The labeling requirements proposed will eventually be applicable to the labeling of all prescription drugs, including biologics, except for any prescription drugs that are subject to the specific labeling requirements for in vitro diagnostic products in Part 328 (21 CFR 328). After the effective date of the final order on this proposed regulation, the labeling requirements would apply to all drugs as they are initially approved through the new drug application procedures or antibiotic procedures, and to biologic products as they are licensed. For prescription drugs that are currently being marketed, except for biologics and antibiotics, labeling would be revised either through old drug monographs or through procedures published pursuant to a notice in the FEDERAL REGISTER. For biologics and antibiotics, labeling would be revised upon specific notice by the Food and Drug Administration. Ample time will be allowed for effecting such changes. Recalls of old labeling will not ordinarily be required.

The package insert is a document having significant scientific, medical, legal, and administrative importance. It directly affects what may lawfully be included in advertising. Because of the significance of this proposal, the Commissioner invites comment from all persons having an interest in this subject.

In order to develop a format and standards for the content of each labeling section that are as meaningful and helpful to practitioners as possible, a draft of this proposal was circulated to pharmaceutical associations and to a wide segment of the medical community through a number of medical associations and interested individual physicians. A copy of the draft was placed on public display in the office of the Hearing Clerk, Food and Drug Administration, and notice of its availability was published in the FEDERAL REGISTER of March 7, 1974 (39 FR 8946). The draft was sent to all who requested it.

Fifty-nine comments on the draft were received from physicians, professional societies, drug manufacturers, trade associations, and individual consumers. The comments have all been reviewed and a number of the suggested changes are included in these proposed regulations. All comments are on file in the office of the Hearing Clerk, and will be reviewed again when additional comments are received on the proposal. Those comments not previously addressed or not satisfactorily addressed, as indicated by additional comments, will be answered at the time the final order is published. The major issues addressed in the comments, other than those dealing with scientific and medical problems, were of a legal nature. The Commissioner has concluded that it is advisable to address the following such comments at this time:

1. Several comments raised the question of the legal status of the package insert and the precise role that the insert is intended to play in the practice of medicine. The comments contended that court decisions have shown that use of a drug for an indication not in the package insert may expose the physician to some form of legal jeopardy. The comments stated that to maintain the Food and Drug Administration's credibility in its professed concern with the legal impact of the package insert on the practice of medicine, the Food and Drug Administration must recognize that this is the case and act to protect physicians and

V 40167 APR 7 75 XUM

their patients in this area. The comments recommended that the proposed regulations be revised to require an appropriate statement in package inserts that, in addition to the conditions of use which the manufacturer may recommend to physicians in compliance with the law and Food and Drug Administration regulations, there are other conditions of use for which the drug may be regarded as safe and effective on the basis of the experience of critical physicians using the drug in the practice of medicine over a period of years.

The Commissioner stated in a separate notice of proposed rule making published in the FEDERAL REGISTER of August 15, 1972 (37 FR 16503), concerning the use of a drug for conditions not included in its labeling, that the labeling is not intended either to preclude the physician's use of his best judgment in the interest of the patient or to impose liability if he does not follow the package insert. The Commissioner clearly recognizes that the labeling of a marketed drug does not always contain all the most current information available to physicians relating to the proper use of the drug in good medical practice. Advances in medical knowledge and practice inevitably precede labeling revision by the manufacturer and formal labeling approval by the Food and Drug Administration. Good medical practice and patient interests thus require that physicians be free to use drugs according to their best knowledge and judgment. Certainly, where a physician uses a drug for a use not in the approved labeling, he has the responsibility to be well informed about the drug and to base such use on a firm scientific rationale or on sound medical evidence, and to maintain adequate medical records of the drug's use and effects, but such usage in the practice of medicine is not in violation of the Federal Food, Drug, and Cosmetic Act. This position will be restated in the final order on the August 15, 1972 proposal which will be published in the near future. The liability of a physician in his use of a drug depends upon all of the facts surrounding that use, and not upon whether or not the indication is in the package insert.

The Commissioner concludes, however, that it is neither lawful nor in the interest of good patient care for the package insert to contain references to indications or usages for which substantial evidence of safety and effectiveness is not available. Physicians clearly have access to new information on drugs through the medical literature, scientific meetings, postgraduate courses, and professional contacts with colleagues. The package insert is not intended under the law to serve as a totally current repository of all such information. It is intended instead to be an authoritative document which contains only those indications and usages based upon substantial evidence of safety and effectiveness. Before a new indication can be included in the package insert, the law requires that substantial evidence based on adequate and well-controlled clinical trials supporting the safety and effectiveness of the new indication be developed by the manufacturer and be submitted to, and approved by, the Food and Drug Administration. Until the standard of substantial evidence is met, there is no legal basis for including in the package insert any suggestion of other uses for which the drug may be regarded as safe and effective.

2. One comment raised the question of what effect the proposed regulations would have on the Drug Efficacy Study Implementation program which permits possibly effective and probably effective indications to be used pending submission of additional evidence of effectiveness and further action. The proposed labeling regulations make no provision for the continued use of any indications for use rated as less than "effective".

The Commissioner advises that the requirement in § 3.81 (21 CFR 3.81) that labeling of drugs reviewed in the Drug Efficacy Study and containing indications with less-than-effective ratings include an appropriate qualification is not affected by this proposed regulation. The qualifying statements will continue to be required until the indication either has been removed or has been approved on the basis of data submitted to the Food and Drug Administration. These regulations are not incompatible.

3. Several comments objected to the statement in the "Adverse Reactions" section of the prescription drug labeling in proposed § 1.112(c)(7)(i) which requires the listing of adverse reactions that occur with the subject drug and with drugs of the same chemical or pharmacological class, if applicable. The comments described this as an objectionable attempt to require class labeling.

The Commissioner concludes that it is essential to the safe use of a drug for the physician to know all adverse effects that are likely to occur with a drug. Where drugs are closely related chemically or parmacologically, the inclusion of all adverse reaction information, whether or not all such reactions have been reported with the specific drug, is medically sound. There are many times when the labeling of such drugs should be essentially identical and may be called class labeling. Without this provision, new drugs in a class may enter the market with the appearance of increased safety over already marketed products merely because of insufficient marketing experience with the new drug. Class labeling is currently in effect for a number of drugs and will become more commonplace in the future.

4. Several objections were received on proposed § 1.112(c)(6)(ii), which provides for patient brochures or printed instructions for the patient. The comments contended that section 503(b)(2) of the act (21 U.S.C. 353(b)(2)) exempts a drug dispensed by filling or refilling a prescription of a practitioner from certain labeling requirements under stated conditions, including the condition, as stated in the act, that "* * * the drug bears a label containing * * * and, if stated in the prescription, the name of the patient, and the directions for use and cautionary statements, if any, contained in such prescription. * * *" and if these conditions, among others, are met, the drug as dispensed on prescription is exempt from the requirements of the act that its labeling bear adequate directions for use and adequate warnings. The comments question the authority of the Food and Drug Administration to establish labeling requirements from which a drug is exempt by the act.

The Commissioner disagrees with this contention. Section 505 of the act (21 U.S.C. 355) provides that a new drug application (NDA) may be approved only if it is shown to be safe and effective in use under the conditions set out in its labeling, and section 201(p) (21 U.S.C. 321(p)) similarly provides an exemption from the requirement of an NDA only if the drug is generally recognized as safe and effective under the conditions of use set out in its labeling. Moreover, both sections 502(a) (21 U.S.C. 352(a)) and 505(d) prohibit prescription drug labeling that is false or misleading in any particular, and section 201(n) explicitly provides that the failure to reveal material facts can be misleading. Accordingly, the act requires the Commissioner to make a determination that the information contained in the labeling for a prescription drug is sufficient to assure the safe and effective use of that drug by consumers. The Commissioner concludes that such a determination may well require specific information to be provided to consumers about the drug, as has already been required for the oral contraceptives in § 310.501 (21 CFR 310.501).

The primary purpose of the provision in section 503(b)(2) of the act exempting a prescription drug from adequate directions for use and warnings was to avoid self-diagnosis and self-administration of drugs that require professional supervision for safe use. The requirement of printed patient information does not contradict this purpose. The purpose of such information is to ensure safe and effective use of a prescription drug by consumers after it has been prescribed by the physician. Nothing in the legislative history of section 503(b) or in the act itself suggests that Congress intended to preclude a requirement of labeling directed to the patient to promote safe and effective use of the drug.

5. A comment questioned the legal authority for withdrawing approval of drugs that are safe, effective, and not misbranded for failure to comply with the various ambiguous requirements embodied in the proposal.

The Commissioner anticipates that the need to withdraw approval of new drug applications for failure to comply with the labeling requirements will not often occur, and will in any event be undertaken only in compliance with the statute. As revised labeling is submitted to the Food and Drug Administration for review, where deficiencies are encountered they will be brought to the attention of applicants, and the labeling will not be approved until all problems are resolved. Only where the labeling under which a drug is marketed continues to violate section 505(e) of the act will withdrawal of approval be instituted.

6. Several comments objected to the proposed revisions of § 1.105 (21 CFR 1.105), contending that it proposes to establish "on the basis of a waiver" a requirement for prior approval of the content of an advertisement. The comments state that this requirement appears to be directly contrary to the provision in section 502(n) of the act that, except in extraordinary circumstances, prior approval by the Secretary of the content of any advertisement shall not be required.

The Commissioner advises that the purpose of this proposal is to set forth definitively to the industry the requirements for making comparative safety or effectiveness claims in drug advertisements. The purpose of the waiver of the requirement for drugs for which new drug or antibiotic application approvals are not required is to provide a procedure for the rare circumstances in which it may be appropriate to permit a comparative claim without substantial evidence of effectiveness. These exceptions cannot be addressed broadly and must be reviewed on an individual basis. This does not establish a procedure for preclearance of the content of an advertisement, but rather a mechanism for determining whether information is available to support a comparative claim. The alternative to this approach would be to prohibit all comparative claims where there is a lack of substantial evidence of effectiveness.

7. Objection was raised to the proposed revisions of § 1.105 on the grounds that "substantial evidence" applies only to new drugs and antibiotics and that the provisions of the act conferring jurisdiction over prescription drug advertisements does not include any requirement for "substantial evidence."

The Commissioner notes that the Supreme Court in the recent decisions in "Weinberger v. Hynson, Westcott and Dunning, Inc.," 412 U.S. 609 (1973) and "Weinberger v. Bentex Pharmaceuticals, Inc., 412 U.S. 645 (1973), made it clear that the requirement of substantial evidence applies to the definition of a "new drug" in section 201(p) of the act. Thus, a drug is generally recognized as safe and effective only if there is a body of evidence equivalent to that required for approval of new drugs and antibiotics, supporting all claims made for that drug in labeling and advertising. Accordingly, all effectiveness claims for any drug are subject to the substantial evidence standard.

8. Several objections were raised to the provision in the "How Supplied" section in the draft proposal that would permit the optional listing of other dosage forms and potencies of the drug available on the market. The basis for the objections were that this practice could be misleading to the prescriber in that it would imply equivalency to other firms' products when such was not necessarily the case. It was also contended that the practice could be confusing to the prescriber in regard to how the product was supplied by the firm whose package insert contains the information. The Commissioner agrees that this section could cause confusion and has therefore deleted the provision from § 1.112(c)(10) that would allow the optional listing of other commercially available dosage forms.

9. Objections were raised to the proposed inclusion of the requirement for the new labeling format in § 1.106(b)(4) which pertains to all labeling including promotional labeling, rather than in § 1.106(b)(3) which pertains only to labeling on or within the package, on the grounds that, if all promotional labeling had to comply with proposed new § 1.112, the net effect would be a requirement for premarketing clearance of the form and content of all labeling.

The Commissioner rejects this comment. Proposed § 1.112 properly applies to all labeling (except reminder-piece labeling) and therefore should be referenced in § 1.106(b)(4). This does not alter existing Food and Drug Administration policy in this area. The application of the requirements of the proposed § 1.112 to all labeling (except reminder-piece labeling) does not in any way impose a new requirement for premarketing clearance of the form or content of labeling. The current regulations do not require preclearance of all labeling if the parts of the labeling furnishing directions, warnings, and information for use of the drug are the same in language and emphasis as labeling approved or permitted, and if any other parts of the labeling are consistent with and not contrary to such approved or permitted labeling.

These regulations shall be effective 6 months after the date of the final order, except that § 1.106(b)(5) and (7) shall not be effective until printing plates are revised in the normal course of business or until 12 months after the date of the final order, whichever occurs first. After the effective date of the final regulations, all new or pending applications for new drugs or antibiotics and license applications for biologics shall be in the format and shall contain the information specified in § 1.112. For prescription drugs that are being marketed, except for biologics and drugs subject to section 507 of the Federal Food, Drug, and Cosmetic Act, the labeling shall be revised in accordance with § 1.112 at the time old drug monographs are promulgated or upon specific notification by the Food and Drug Administration published in the FEDERAL REGISTER. For prescription drugs which are biologics or subject to section 507 of the Federal Food, Drug, and Cosmetic Act, the labeling shall be revised upon specific notice by the Food and Drug Administration published in the FEDERAL REGISTER. Ample time will be allowed for effecting such changes. Recalls of old labeling will not ordinarily be required.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 503, 505, 506, 507, 701, 52 Stat. 1050–53, 1055–1056, as amended, 55 Stat. 851, 59 Stat. 463, as amended; 21 U.S.C. 352, 353, 355, 356, 357, 371) and to the provisions of the Public Health Service Act (sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262), and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes that Parts 1 and 3 be amended as follows:

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

By amending § 1.105 by adding a new sentence to paragraph (e)(6)(ii) and (vii); as revised § 1.105 (e)(6)(ii) and (vii) reads as follows:

§ 1.105 Prescription drug advertisements.

* * * * * * *

(e) * * *

(6) * * *

(ii) Contains a drug comparison that represents or suggests that a drug is safer or more effective than another drug in some particular when it has not been demonstrated to be safer or more effective in such particular by substantial evidence or substantial clinical experience. Advertising for a prescription drug may not either directly or by implication, e.g., by use of comparative test data or reference to published reports, represent that the drug is safer or more effective than another drug or contain a quantitative statement of safety or effectiveness (a) unless the representation has been approved as part of the labeling in a new drug or antibiotic application or biologic license, or (b) if the drug is not a new drug or certified or released antibiotic, or biologic, unless the representation of safety or effectiveness is proved by substantial evidence derived from adequate and well-controlled studies as defined in § 314.111(a)(5)(ii) of this chapter, unless this requirement is waived on the basis of a showing that it is not reasonably applicable to the drug or essential to the validity of the investigation and that an alternative method of investigation constitutes adequate scientific substantiation.

* * * * * *

(vii) Contains favorable data or conclusions from nonclinical studies of a drug, such as in laboratory animals or in vitro, in a way that suggests they have clinical significance when in fact no such clinical significance has been demonstrated. Data which demonstrate activity or effectiveness for a prescription drug in animal or in vitro tests and which have not been shown by adequate and well-controlled clinical studies to be pertinent to clinical use may be used in advertising only under the following circumstances: In vitro data for antiinfective drugs may be included in the brief summary or full disclosure portion of the advertisement, but not in the promotional portion of the advertisement, if such data are immediately preceded by the statement "The following in vitro data are available but their clinical significance is unknown." For other classes of drugs, in vitro and animal data which have not been shown by adequate and well-controlled clinical studies as defined

V 40 67 APR 7 75 XUM

in § 314.111(a) (5) (ii) of this chapter to be pertinent to clinical use may be used in the brief summary or full disclosure portion of the advertisement, but not in the promotional portion of the advertisement, only on the basis of a waiver after a showing that such requirements are not reasonably applicable to the drug or essential to the validity of the investigation and that an alternative method of investigation constitutes adequate scientific substantiation.

2. By amending § 1.106 by adding a new paragraph (b) (4) (iii), by revising paragraph (b) (5), and by adding a new paragraph (b) (7) as follows:

§ 1.106 Drugs and devices, directions for use.

* * * * * *

(b) * * *

(4) * * *

(iii) The information required, and in the format specified by § 1.112 or, where applicable, § 328.10 of this chapter.

(5) All labeling, except labels and cartons (unless such labeling contains information required by paragraph (b) (3) (i) of this section in lieu of a package insert) bearing adequate information for use of the drug also bears the date of the issuance or date of the latest revision of such labeling prominently placed in the top right hand corner of the first page of the text of such labeling.

(6) [Reserved]

(7) All labeling described in paragraph (b) (4) of this section bears conspicuously the name and place of business of the manufacturer, packer, or distributor.

3. By adding a new § 1.112 to read as follows:

§ 1.112 Labeling for prescription drugs used in man.

(a) Prescription drug labeling furnishing adequate information for the safe and effective use of a drug as required under § 1.106(b) (4), except for products subject to Part 328 of this chapter, shall contain the information required, shall be in the format specified, and shall meet the following general criteria:

(1) Labeling shall contain the essential scientific information needed for safe and effective use of the drug.

(2) Labeling shall be informative and accurate and not be promotional in tone or false or misleading in any particular.

(3) Labeling shall be based whenever possible on data derived from human experience. There may be no implied claims or suggestions of drug use where there is inadequate evidence of safety and effectiveness. Conclusions based on animal data but necessary for safe and effective use of the drug in humans shall be identified as such and included with human data in the appropriate section of the labeling, headings for which are listed in paragraph (b) of this section.

(b) Labeling shall ordinarily contain information in the format and order and with the section headings as follows:

Description
Clinical Pharmacology
Indications and Usage
Contraindications
Warnings
Precautions
Adverse Reactions
Overdosage
Dosage and Administration
How Supplied

The following section heading may be used where appropriate:

Animal Pharmacology and/or Animal Toxicology

Any section or subsection of the labeling may be omitted if clearly nonapplicable.

(c) The specific information appearing under each section heading listed in paragraph (b) of this section shall be as follows:

(1) *Description.* (i) Under this section heading, the labeling shall contain:

(*a*) The proprietary name and the established name, if any, as defined in section 502(e) (2) of the act, of the drug product;

(*b*) The type of dosage form and the route of administration to which the labeling applies;

(*c*) The same qualitative and/or quantitative ingredient information as required for labels;

(*d*) If the product is sterile, a statement of that fact;

(*e*) The pharmacological or therapeutic class of the drug product;

(*f*) The chemical name and structural formula.

(ii) When appropriate, other important chemical or physical information, such as physical constants, pH, etc., should also be included.

(2) *Clinical pharmacology.* (i) Under this section heading, the labeling shall contain a concise factual summary of the clinical pharmacology and actions of the drug in man. The summary may include information based on in vitro and/or animal data when such information is essential in describing the biochemical and/or physiological mode of action of the drug or is otherwise pertinent to human therapeutics. Pharmacokinetic information which is important to safe and effective use of the drug shall be included, if known, e.g., degree and rate of absorption, pathways of biotransformation, rate or half-time of elimination, concentration in body fluids associated with therapeutic and/or toxic effects, degree of binding to plasma proteins, and degree of uptake by a particular organ. Inclusion of pharmacokinetic information shall be restricted to that which relates to clinical use of the drug. If the pharmacological mode of action of the drug is unknown or if important metabolic or pharmacokinetic data in man are unavailable, this shall be stated.

(ii) Data which demonstrate activity or effectiveness in in vitro or animal tests and which have not been shown by adequate and well-controlled clinical studies to be pertinent to clinical use may be included under this section of the labeling only under the following circumstances. In vitro data for anti-infective drugs may be included if such data are immediately preceded by the statement "The following in vitro data are available but their clinical significance is unknown." For other classes of drugs, in vitro and animal data which have not been shown by adequate and well-controlled clinical studies, as defined in § 314.111(a) (5) (ii) of this chapter, to be pertinent to clinical use may be used only on the basis of a waiver after a showing that such requirements are not reasonably applicable to the drug or essential to the validity of the investigation and that an alternative method of investigation constitutes adequate scientific substantiation.

(3) *Indications and usage.* (i) Under this section heading, the labeling shall state explicitly:

(*a*) That the drug is indicated in the treatment, prevention, or diagnosis of a recognized disease or condition, e.g., penicillin is indicated for the treatment of pneumococcal pneumonia; or

(*b*) That the drug is indicated for the treatment, prevention, or diagnosis of an important manifestation of a disease or condition, e.g., chlorothiazide is indicated for the treatment of edema in patients with congestive heart failure; or

(*c*) That the drug is indicated for the relief of symptoms associated with a disease or syndrome, e.g., chlorpheniramine is indicated for the symptomatic relief of nasal congestion in patients with vasomotor rhinitis. If the drug is used for a particular indication only in conjunction with a primary mode of therapy, e.g., diet, surgery, or some other drug, the drug shall be labeled as an adjunct to such mode of therapy. All such indications shall be supported by substantial evidence based on adequate and well-controlled studies as defined in § 314.111(a) (5) (ii) of this chapter.

(ii) The following additional information shall also be included under this section of the labeling:

(*a*) The limitations of usefulness of the drug. Where evidence is available to support the safety and effectiveness of the drug only in selected subgroups of the larger population with a disease, syndrome, or symptom under consideration, e.g., patients with mild disease or patients in a special age group, this shall be stated. Any specific tests needed for selection or monitoring of the patients who need the drug shall be stated, e.g., microbe susceptibility tests. Information on the approximate kind, degree, and duration of improvement to be anticipated shall be given when available and shall be based on adequate and well-controlled studies as defined in § 314.111(a) (5) (ii) of this chapter unless this requirement is waived on the basis of a showing that it is not reasonably applicable to the drug or essential to the validity of the investigation and that an alternative method of investigation constitutes adequate scientific substantiation.

(*b*) If safety considerations are such that the drug should be reserved for certain situations, this information shall be included, e.g., cases refractory to other drugs.

(*c*) If there are specific conditions which should be met before the drug is used on a long term basis, e.g., demonstration of responsiveness to the drug in a short term trial, these conditions shall

be stated; or if the indications for long term use are different from those of short term use, the specific indications for each use shall be stated.

(*d*) If there is a common belief that the drug may be effective for a certain use or if there is a common use of the drug for that condition, but the preponderance of evidence related to such use indicates that the drug is ineffective, the package insert shall state that there is a lack of evidence that the drug is effective for that use.

(*e*) Any statements comparing the safety or effectiveness, either greater or lesser, of the drug with other agents for the same indication shall be supported by substantial evidence derived from adequate and well-controlled studies as defined in § 314.111(a) (5) (ii) of this chapter unless this requirement is waived on the basis of a showing that it is not reasonably applicable to the drug or essential to the validity of the investigation and that an alternative method of investigation constitutes adequate scientific substantiation.

(4) *Contraindications.* Under this section heading, the labeling shall state those situations in which the drug should not be used because the risk of use clearly outweighs any possible benefit. Such situations include: Administration of the drug to patients known to have a hypersensitivity to it; use of the drug in patients who, because of their particular age, sex, concomitant therapy, disease state, or other condition, have a substantial risk of being harmed by it; or continued use of the drug in the face of an unacceptably hazardous adverse reaction. Known hazards and not theoretical possibilities shall be listed, e.g., if hypersensitivity to the drug has not been demonstrated, it should not be listed as a contraindication. If no contraindications are known, this section of the labeling shall state: "None."

(5) *Warnings.* Under this section heading, the labeling shall state serious adverse reactions and potential safety hazards, limitations in use imposed by them, and steps which should be taken if they occur. A warning shall be included in labeling as soon as there is reasonable evidence of an association of a serious hazard with a drug; a causal relationship need not have been proved. A specific warning relating to a use not provided for under the "Indications and Usage" section of the labeling may be required if the drug is commonly prescribed for a disease or condition, and there is lack of substantial evidence of effectiveness for that disease or condition, and such usage is associated with serious risk or hazard. Special problems, particularly those which may lead to death or serious injury, may be required to be placed in a prominently displayed box. Such box warnings shall ordinarily be based on clinical data and not animal experiments. When box warnings are required, their location will be specified by the Food and Drug Administration. The frequency of these serious adverse reactions and, if pertinent, the approximate mortality and morbidity rates for patients sustaining the reaction shall be expressed as provided under the "Adverse Reactions" section of the labeling.

(6) *Precautions.* Under this section heading, the labeling shall contain the following subsections as appropriate for the drug product:

(i) General: Under this subsection of the labeling shall be listed any special care to be exercised by the practitioner for safe and effective use of the drug, e.g., precautions concerning drug abuse or use of other drugs that may be harmfully additive.

(ii) Information for the patient: Under this subsection of the labeling, information to be given to patients for safe and effective use of the drug shall be included, e.g., precautions concerning driving or use of drugs that may be harmfully additive. Any printed patient information shall be referenced under the "Precautions" section of the labeling and, when appropriate, reprinted at the end of the package insert.

(iii) Essential laboratory tests: Under this subsection of the labeling shall be listed laboratory tests which are needed to follow the patient's response or to identify possible adverse reactions.

(iv) Clinically significant drug interactions: This subsection of the labeling shall provide specific practical guidance to the physician on avoiding and/or handling clinically significant drug interactions which may occur in vivo in patients taking the drug. Specific other drugs or classes of drugs with which the drug under consideration may interact in vivo shall be listed, and the mechanism(s) of the interaction briefly described. Information in this subsection of the labeling shall be limited to that pertinent to clinical use of the drug in patients. Drug interactions supported only by animal or in vitro experiments should not be included. Drug incompatibilities, i.e., drug interactions which may occur when drugs are mixed in vitro, as in a solution for intravenous administration, shall be discussed under "Dosage and Administration" rather than under this subsection of the labeling.

(v) Carcinogenesis, mutagenesis, impairment of fertility: The labeling shall state whether long term studies in animals have been performed to evaluate carcinogenic potential and, if so, state the species and results. When reproduction studies or other data in animals reveal a problem or potential problem concerning mutagenesis or impairment of fertility, in either males or females, this information shall be included. Any precautionary statement on these topics should include practical, relevant advice to the physician on the significance of these animal findings, which usually will be to the effect that use of the drug should be limited to patients in whom the benefits clearly exceed the potential hazards. If there is evidence from human data that the drug may be carcinogenic or mutagenic or that it impairs fertility, this information shall be included under the "Warnings" section of the labeling. Also, under "Precautions," the labeling shall state: "See 'Warnings' section for information on carcinogenesis, mutagenesis and impairment of fertility."

(vi) Pregnancy: For drugs not absorbed systemically, this subsection of the labeling shall be omitted. For all other drugs, this subsection of the labeling shall state whether the drug is in category A, B, C, D, E, or X, followed by the required statement delineating the types of studies done or not done and the data derived from such studies as follows:

(*a*) Pregnancy category A. When adequate reproduction studies in animals have been performed and well-controlled trials relating to fetal risk in the human are available, and both animal and human data are negative for fetal abnormalities, the labeling shall state: "Pregnancy category A. Reproduction studies have been performed in (*kind of animals*) and have revealed no evidence of impaired fertility or harm to the fetus due to (*name of drug*). In addition, studies in pregnant women (describe the studies briefly if desired) have shown that (*name of drug*) does not increase the risk of fetal abnormalities when administered during the (*first, second, and/or third (or all) trimester(s)*) of pregnancy. (*Name of drug*) is without established risk to the fetus in the (*first, second, and/or third (or all) trimester(s)*) of pregnancy when used in the recommended dosage."

(*b*) Pregnancy category B. When adequate reproduction studies in animals are negative for fetal abnormalities and well-controlled trials relating to fetal risk in the human are not available, but investigational or marketing experience has not produced any positive evidence of adverse effects on the fetus (a common situation for post-1962 prescription drugs), the labeling shall state: "Pregnancy category B. Reproduction studies have been performed in (*kind of animals*) and have revealed no evidence of impaired fertility or harm to the fetus due to (*name of drug*). There are no well-controlled studies in pregnant women, but (*investigational or marketing*) experience does not include any positive evidence of adverse effects on the fetus. Although there is no clearly defined risk, such experience cannot exclude the possibility of infrequent or subtle damage to the fetus. (*Name of drug*) should be used in pregnant women only when clearly needed."

(*c*) Pregnancy category C. When neither adequate reproduction studies in animals nor well-controlled trials relating to fetal risk in humans are available, but investigational or marketing experience has not produced any positive evidence of adverse effects on the fetus (a common situation for pre-1962 prescription drugs), the labeling shall state: "Pregnancy category C. Adequate reproduction studies have not been performed in animals to determine whether this drug affects fertility in males or females, has teratogenic potential, or has other adverse effects on the fetus. There are no well-controlled studies in pregnant women, but (*investigational or marketing*) experience does not include any positive evidence of adverse effects on the fetus. Although there is no clearly

V 40 67
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defined risk, such experience cannot exclude the possibility of infrequent or subtle damage to the human fetus. (*Name of drug*) should be used in pregnant women only when clearly needed."

(d) Pregnancy category D. When adequate reproduction studies in animals have demonstrated fetal abnormalities but there is no positive evidence of fetal risk based on adverse reaction reports from investigational or marketing experience, and the benefit-risk considerations are such that use of the drug may be necessary in pregnant women, the labeling shall state: "Pregnancy category D. (*Name of drug*) has been shown to be teratogenic in (*name(s) of species*) when given in doses (*number*) times the highest dose recommended for human use. (Describe the animal data as appropriate). There are no well-controlled studies in pregnant women, but (*investigational or marketing*) experience does not include any positive evidence of adverse effects on the fetus. Since such experience cannot exclude possibility of fetal damage, (*name of drug*) should be used during pregnancy only if the benefit clearly justifies the potential risk to the fetus."

(e) Pregnancy category E. When there is positive evidence of fetal risk based on adverse reaction data from investigational or marketing experience or well-controlled studies in humans, but the benefit-risk considerations are such that use of the drug may be necessary in pregnant women, i.e., when the drug is needed in a life-threatening situation or serious disease where safer drugs cannot be utilized or are ineffective, under "Precautions", the labeling shall state: "Pregnancy category E. See 'Warnings' section." Under "Warnings", the labeling shall state: "(*Name of drug*) can cause fetal damage when administered to pregnant women. (Describe the human data and pertinent animal data.) If this drug must be used during pregnancy, or if the patient becomes pregnant while taking this drug, the patient should be apprised of the potential risks to the fetus, and the possibility of termination of the pregnancy should be discussed in light of those risks."

(f) Pregnancy category X. When animals or well-controlled studies in humans have demonstrated fetal abnormalities and/or there is positive evidence of fetal risk based on adverse reaction reports from investigational or marketing experience, and the benefit-risk considerations are such that use of the drugs will never be necessary in pregnant women, i.e., when safer drugs or other forms of therapy are available, under "Precautions", the labeling shall state: "Pregnancy category X. See 'Contraindications' section." Under "Contraindications", the labeling shall state: "(*Name of drug*) can cause fetal damage when administered to pregnant women. (Describe the human data and pertinent animal data). (*Name of drug*) is contraindicated in women who are or may become pregnant. If this drug is used during pregnancy, or if the patient becomes pregnant while taking this drug, the patient should be apprised of the potential risks to the fetus, and the possibility of termination of the pregnancy should be discussed in light of those risks."

(g) Any situation concerned with use of the drug in pregnancy which is not covered by one of the previous pregnancy categories shall be considered on an ad hoc basis by the sponsor and the Food and Drug Administration.

(vii) Labor and delivery: If the drug has a recognized use during labor or delivery, this subsection of the labeling shall contain information on the effect of this drug on the fetus, on the duration of labor, and on the possibility that forceps delivery or other intervention will be necessary. If no such data are available, this subsection of the labeling shall state, as appropriate: "It is not known whether use of this drug during labor or delivery has immediate or delayed adverse effects on the fetus, or whether it prolongs the duration of labor or increases the possibility of forceps delivery or other obstetrical intervention."

(viii) Nursing mothers: For drugs absorbed systemically, information with respect to excretion of the drug in human milk and effects on the nursing infant shall be described, when known. If there are no data, this shall be indicated with the following statement: "It is not known whether this drug is excreted in human milk. As a general rule, nursing should not be undertaken while a patient is on a drug since many drugs are excreted in human milk." If an adverse effect has been noted in animal offspring, this shall be described.

(ix) Pediatric use: Specific pediatric indications, if any, shall be described under the "Indications and Usage" section of the labeling, and appropriate pediatric dosage shall be stated under the "Dosage and Administration" section of the labeling. Pediatric usage for indications approved for adults shall be based on adequate and well-controlled studies as defined in § 314.111(a)(5)(ii) of this chapter unless this requirement is waived on the basis of a showing that it is not reasonably applicable to the drug or essential to the validity of the investigation and that an alternative method of investigation constitutes adequate scientific substantiation. If this requirement cannot be met, the following statement shall be included under this subsection of the labeling: "Safety and effectiveness in children below the age of (...) have not been established." If use of the drug in premature or neonatal infants, or in older children, is associated with a specific hazard, this shall be described in this subsection of the labeling; or, if appropriate, the hazard shall be included in the "Contraindications" or "Warnings" section of the labeling and reference to it made in this subsection of the labeling.

(*7*) *Adverse reactions.* An adverse reaction is an undesirable effect reasonably associated with the use of the drug, which may occur as part of the pharmacological action of the drug or may be unpredictable in its occurrence.

(i) This section of the labeling shall include a listing of the adverse reactions which occur with the subject drug and with drugs of the same chemical or pharmacologic class, if applicable. Specific information on the severity and mechanism of the important adverse reactions associated with the drug, as well as information on the clinical management of such reactions, shall be included.

(ii) In this listing, adverse reactions may be categorized by organ system, by severity of the reaction, by frequency, or by toxicological mechanism, as appropriate. The approximate frequency of each adverse reaction shall be expressed in rough estimates or orders of magnitude essentially as follows: "The most frequent adverse reaction(s) to (*name of drug*) is (are) (*list reactions*). This (These) occur(s) in about (e.g., one-third of patients; one in 30 patients; less than one-tenth of patients). Less frequent adverse reactions are (*list reactions*) which occur in approximately (e.g., one in 100 patients). Other adverse reactions, which occur rarely, in approximately (e.g., one in 1,000 patients), are (*list reactions*)." Percent figures will not ordinarily be permissible; exception to this may be made when percent figures are documented by adequate and well-controlled studies as defined in § 314.111(a)(5)(ii) of this chapter and upon a showing that such figures appropriately reflect general experience and do not falsely imply a greater degree of accuracy than actually exists.

(iii) Any potentially fatal adverse reaction shall be placed under the "Warnings" section of the labeling or, if appropriate, the "Contraindications" section of the labeling.

(iv) Any claim comparing the subject drug with other drugs in terms of frequency, severity, or character of adverse reactions shall be based on substantial evidence derived from adequate and well-controlled studies as defined in § 314.111(a)(5)(ii) of this chapter unless this requirement is waived on the basis of a showing that it is not reasonably applicable to the drug or essential to the validity of the investigation and that an alternative method of investigation constitutes adequate scientific substantiation.

(*8*) *Overdosage.* This section of the labeling shall describe the signs, symptoms, and laboratory findings of overdosage and the general principles of treatment. It shall include specific information, if available, on emergency treatment, antidotes, and the value of therapeutic measures such as forced emesis or diuresis or dialysis.

(*9*) *Dosage and administration.* This section of the labeling shall state the recommended usual dose, the usual dosage range, and, where appropriate, an upper limit beyond which the drug should not be prescribed; dosages shall be stated for each indication when appropriate. It shall include the intervals recommended between doses, the optimal method of titrating dosage, the usual duration of treatment, and any modification of dosage needed in special patient populations, e.g., in children, in geriatric age groups, or in patients with renal or hepatic disease. Specific tables or nomographs may be included to clarify dosage schedules. This section shall also contain specific direction on dilution, preparation, and administration of the dosage form, if needed; storage conditions for stability of the drug or reconstituted drug, where important; and essential information on drug incompatibilities if the drug is mixed in vitro with other drugs.

(*10*) *How supplied.* This section of the labeling shall include information on the available dosage forms to which the labeling applies and for which the manufacturer or distributor is responsible. Such information shall ordinarily include:

(i) The potency of the dosage form, e.g., 10 mg. tablets, in metric system and, if the apothecary system is used, it shall be placed in parentheses after the metric designation;

(ii) The units of issue of the dosage form, e.g., bottles of 100;

(iii) Appropriate information to facilitate identification of the dosage forms, such as shape, color, coating, scoring, National Drug Code, etc.; and

(iv) Special handling and storage conditions.

(*11*) *Animal pharmacology and/or animal toxicology.* In most cases, the labeling will not include this section. Significant animal data necessary for safe and effective use of the drug in humans shall ordinarily be included in one or more of the sections of the labeling described above, as appropriate. If the pertinent animal data cannot be appropriately incorporated into other sections of the labeling, this one may be used.

(d) The date of issuance or the date of the latest revision as required by § 1.106(b)(5) shall be placed prominently in the top right hand corner of the first page of the text of such labeling.

(e) "Clinical Studies" and "References" sections shall not be used in the labeling unless by waiver or unless the citation is in lieu of a detailed description of a subject that is of limited interest but nonetheless important, as for example, a complex assay procedure. Reference to a specific important clinical study(s) may be made in the text of the package insert when this is essential to an understandable presentation of the available information. Such references shall be used in rare circumstances only. No clinical studies or references cited in labeling may refer to indications or uses not stated in the "Indications" section.

(f) A waiver of the requirements of § 314.111(a)(5)(ii) of this chapter pursuant to this section or § 1.105(e)(6)(ii) and (vii) shall be requested by submitting pertinent data, information and rationale in writing, in triplicate, to the Director, Bureau of Drugs, Food and Drug Administration or, where applicable, the Director, Bureau of Biologics, Food and Drug Administration. Such waiver shall be granted or denied in writing by such Director or his designee.

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

§ 3.74 [Revoked]

4. In Part 3 by revoking § 3.74.

Interested persons may, on or before June 6, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: March 18, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-8754 Filed 4-4-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-GL-12]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Marion, Indiana.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before May 7, 1975 will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become a part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

The controlled airspace at Marion, Indiana, has been reviewed and was found to need revision to protect the present approach procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

§ 71.171 [Amended]

1. In § 71.171 (40 FR 354), the following control zone is amended to read:

MARION, INDIANA

Within a 5-mile radius of the Marion Municipal Airport, (Latitude 40°29'27" N., Longitude 85°40'43" W.); and within 2.5 miles each side of the Marion VOR 042°, 211° and 320° radials; extending from the 5-mile radius to 6 miles northeast and northwest and 5.5 miles southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airman. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

§ 71.181 [Amended]

2. In § 71.181 (40 FR 441), the following transition area is amended to read:

MARION, INDIANA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Marion Municipal Airport, Marion, Indiana (Latitude 40°29'27" N., Longitude 85°40'43" W.); and within 3 miles each side of the Marion VOR 042°, 211° and 320° radials, extending from the 5-mile radius to 8 miles northeast, southwest and northwest of the VOR.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)])

Issued in Des Plaines, Illinois, on March 10, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.75-8852 Filed 4-4-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-EA-17]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Martinsburg, W. Va., Transition Area (40 FR 536).

A review of the airspace requirements for the Martinsburg, W. Va., terminal area indicates that alteration of the transition area is required to reflect the current transition area requirements for IFR arrivals and departures at Martinsburg Municipal Airport.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before May 7, 1975 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

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Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Martinsburg, West Virginia, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations so as to alter the description of the Martinsburg, W. Va. Transition Area by adding, "and within a 15-mile radius of the center of the airport, extending clockwise from a 223° bearing to a 336° bearing from the airport."

(Sec. 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Jamaica, N.Y., on March 20, 1975.

DUANE W. FREER,
Director, Eastern Region.

[FR Doc.75-8653 Filed 4-4-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-GL-11]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Terre Haute, Indiana.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before May 7, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conference must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A standard instrument approach procedure has been developed for the Arthur Airport, Brazil, Indiana. Accordingly, it is necessary to alter the Terre Haute, Indiana transition area to adequately protect the aircraft executing this approach.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

§ 71.181 [Amended]

In § 71.181 (40 FR 441), the following transition area is amended to read:

TERRE HAUTE, INDIANA

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Hulman Field (Latitude 39°27'07" N., Longitude 87°18'29" W.); within 5 miles southeast and 9 miles northwest of the Terre Haute VORTAC 051° radial, extending from the VORTAC to 13 miles northeast and within 7 miles southeast and 8 miles northwest of the Terre Haute VORTAC 230° radial, extending from the VORTAC to 23 miles southwest; within a 5-mile radius of the Sky King Airport (Latitude 39°28'06" N., Longitude 87° 22'38" W.); within a 5-mile radius of the Arthur Airport (Latitude 39°26'36" N., Longitude 87°06'09" W.).

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Des Plaines, Illinois on March 14, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.75-8655 Filed 4-4-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-GL-14]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Delaware, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before May 7, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

An instrument approach procedure has been developed for the Delaware Municipal Airport. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this approach procedure by designating a transition area at Delaware, Ohio.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

§ 71.181 [Amended]

In § 71.181 (40 FR 441), the following transition area is added:

DELAWARE, OHIO

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Delaware Municipal Airport (Latitude 40°16'46" N., Longitude 83°06'22" W.); and within 2 miles either side of the 090° bearing from the airport extending from the 6-mile radius to 8 miles east of the airport.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Des Plaines, Illinois, on March 17, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.75-8651 Filed 4-4-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-GL-9]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Winamac, Indiana.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before May 7, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the

Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018.

A new instrument approach procedure has been developed for the Arens Airport. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this approach procedure by designating a transition area at Winamac, Indiana.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

§ 71.181 [Amended]

In § 71.181 (40 FR 441), the following transition area is added:

WINAMAC, INDIANA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Arens Airport (Latitude 41°06'35" N., Longitude 86°36'45" W.); within 2 miles each side of the Knox VORTAC 173° radial extending from the 5-mile radius area to 10 miles south of the VORTAC.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)])

Issued in Des Plaines, Illinois, on March 17, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.75-8654 Filed 4-4-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

GASOLINE

Proposed Review of Markup on Retail Sales To Reflect Increased Non-Product Costs; Public Hearing

On February 20, 1975, the Federal Energy Administration issued a notice of a proposal to review the amount which may be added to the retail selling price of gasoline to reflect increased non-product costs of retail dealers. The notice appeared at 40 FR 8109, February 25, 1975. In that notice, the FEA requested written comment, and particularly financial and economic data, which would support either maintenance of the 3 cent increment presently allowed or an upward or downward adjustment in that amount. The FEA stated that if, after review of written comment a modification of the regulation authorizing a 3 cent price increase to cover non-product cost increases appeared appropriate, a public hearing would be held.

The FEA has now decided to hold a public hearing in this matter prior to making any tentative decision based on written comment submitted. This decision is based, in part, upon the large number of written comments received (over 200) and the wide range of suggestions for modification of the 3 cent rule, running from total elimination of the 3 cents now authorized for increased non-product costs to further increases of 1 cent, 2 cents, or 3 cents. In addition, most comments provided cost-increase and other financial data with respect to individual service stations without relating such data to the overall or net change in non-product costs per gallon of gasoline sold. The information provided is useful, but the FEA also seeks available data which would show net overall changes in non-product costs, on a per gallon basis, either for individual stations or for groups of stations on the state, regional or national level.

The FEA has therefore concluded that it is necessary and appropriate to seek further comment on this matter at this time through public hearing procedures. In particular, the FEA seeks comment which will assist the FEA in evaluating the question at issue through cost data that is quantified, insofar as possible, on a local, regional or, especially, on a national basis.

The public hearing in this matter will be held at 9:30 a.m., e.d.t., on Thursday, April 24, 1975, and will be continued, if necessary, on Friday, April 25, 1975, at Room 3000, 12th and Pennsylvania Ave., NW., Washington, D.C., in order to receive comments from interested persons.

Any person who has an interest in this matter, or who is a representative of a group or class of persons that has an interest in this matter, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.d.t., on Wednesday, April 16, 1975. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Ave. NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is a proper representative of a group or class of persons that has such a interest; and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through Wednesday, April 23, 1975. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.d.t., Friday, April 18, 1975 and must submit 100 copies of his statement to Executive Communications, FEA, Room 3309, 12th and Pennsylvania Ave. NW., Washington, D.C. 20461, before 4:30 p.m., e.d.t., on Wednesday, April 23, 1975.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of any person presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearings, to Executive Communications, FEA, before 4:30 p.m., e.d.t., Monday, April 21, 1975. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area, Room 3400, Federal Building, 12th and Pennsylvania Ave., NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

Issued in Washington, D.C., April 2, 1975.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.75-8977 Filed 4-3-75;9:18 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 550]

[Docket No. 75-9]

TERMINAL BARGE OPERATORS IN PACIFIC SLOPE STATES IN FOREIGN AND DOMESTIC COMMERCE OF UNITED STATES

Proposed Filing of Tariffs

Notice is hereby given that the Federal Maritime Commission is considering the addition of a new Part 550 of Title 46 which will establish regulations covering the filing of tariffs by terminal barge operators in Pacific Slope States in the foreign and domestic commerce of the United States.

On January 2, 1975, Congress enacted Pub. L. 93-606 which adds a new section 3 to the Shipping Act, 1916. This legislation requires the filing of rates and charges for the barging and affreighting of containers and containerized cargoes by barge between points in the United States solely with the Federal Maritime Commission under certain specific circumstances and in accordance with rules and regulations to be promulgated by the Commission within 120 days of its enactment.

Therefore, it is ordered, That pursuant to the provisions of section 4 of the

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Administrative Procedure Act (5 U.S.C. 553) sections 3, 16(a), 18(b) and 43 of the Shipping Act, 1916 (46 U.S.C. 1160, 817 and 841(a)), and section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844), notice is hereby given that the Federal Maritime Commission is considering adding a new Part 550 to 46 CFR to read as follows

§ 550.1 Scope.

(a) The rules and regulations set forth in this part cover the filing of tariffs by terminal barge operators in Pacific Slope States in the foreign and domestic commerce of the United States.

(b) Terminal barge operators moving containers or containerized cargo by barge between points in the continental United States shall file a schedule of their rates, charges and services solely with the Federal Maritime Commission where:

(1) The cargo is moving between a point in a foreign country or a noncontiguous State, territory, or possession and a point in the United States,

(2) The transportation by barge between points in the United States is furnished by a terminal operator as a service substitute in lieu of a direct vessel call by the common carrier by water transporting the containers or containerized cargo under a through bill of lading,

(3) Such terminal operator is a Pacific Slope State, municipality, or other public body or agency subject to the jurisdiction of the Federal Maritime Commission, and the only one furnishing the particular circumscribed barge service on January 2, 1975,

(4) Such terminal operator is in compliance with the rules and regulations of the Federal Maritime Commission for the operation of such barge service.

(c) The terminal operator providing such services shall be subject to the provisions of the Shipping Act, 1916.

§ 550.2 Tariff filing requirements.

(a) Terminal barge operators, subject to this part shall comply with the tariff filing requirements of (1) General Order 13 (46 CFR Part 536) with respect to publication of rates, charges and services for cargo moving in the foreign commerce of the United States, and; (2) Tariff Circular 3 (46 CFR Part 531) with respect to the publication of rates, charges and services for cargo moving in the domestic offshore commerce of the United States.

(b) Tariff(s) filed pursuant to Section 550.2(a), shall specifically provide that the rates charged are based upon factors normally considered by a regular commercial operator in the same service.

§ 550.3 Effective date.

This part shall become effective on _____. Any completely new tariff or completely reissued tariff made on or after said date must comply in all respects with this part.

It is further ordered, That notice of this Order be published in the FEDERAL REGISTER; and

It is further ordered, That all interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 14, 1975, an original and 15 copies of their views or arguments pertaining to the proposed rule. All suggestions for changes in the text as set out above should be accompanied by drafts of the language thought necessary to accomplish the desired change and by statements and arguments in support thereof.

And it is further ordered, That all future notice issued by or on behalf of the Commission in this proceeding be published in the FEDERAL REGISTER, and in addition be mailed directly to all persons who notify the Secretary, Federal Maritime Commission, of their desire to receive such notice.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.75-8984 Filed 4-4-75;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. RM75-23]

MONTHLY POWER STATEMENT

Extension of Time

MARCH 28, 1975.

On March 25, 1975, the East Central Area Reliability Council filed a motion to extend the date for filing comments in the above-designated rulemaking fixed by notice issued March 6, 1975 (40 FR 11896, March 14, 1975). On March 26, 1975, Monongahela Power Company, the Potomac Edison Company and West Penn Power Company jointly filed a similar motion.

Upon consideration, notice is hereby given that the date for filing comments in the above matter is extended to and including May 7, 1975.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-8921 Filed 4-4-75;8:45 am]

[18 CFR Ch. 1]

[Docket No. RM75-18]

ELECTRIC UTILITY QUESTIONNAIRE

Plans and Costs for Meeting Current Air Pollution Standards; Extension of Time

MARCH 28, 1975.

On March 25, 1975, the East Central Area Reliability Council filed a motion to extend the date for filing comments in the above-designated rulemaking. On the same date, Monongahela Power Company, the Potomac Edison Company, and West Penn Power Company jointly filed a similar motion. On March 26, 1975, the Alabama Power Company also filed for an extension.

Upon consideration, notice is hereby given that the date for filing comments in the above matter is extended to May 1, 1975.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-8922 Filed 4-4-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1241, 1249, 1250, 1251]

[No. 36141]

ANNUAL REPORTS FOR CERTAIN CARRIERS

Proposed Corporate Disclosure Requirements

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 21st day of March 1975.

This proceeding is being instituted on our own motion to consider adding or expanding certain disclosure requirements in the annual reports for certain carriers in all transportation modes under our jurdisdiction. (Appendix A.) These revisions shall also apply to holding companies considered to be carriers pursuant to provisions of section 5(3) of the Interstate Commerce Act.

The proposed revisions will affect disclosure in four areas, all of which pertain to the ownership of and control over corporations: Corporate structure, stock ownership, interlocking corporate relationships and debtholdings.

Corporate structure. Basic to the ability to regulate a company is a clear understanding of its corporate structure: Who really owns or "controls" the carrier and whom the carrier owns or "controls." The proposed revisions set forth requirements which will give us the required information of the corporate structure. In this area we also propose to adopt the four-digit industry Standard Industrial Classification (SIC) codes and short titles to identify principal business activities. The use of these codes should provide uniformity in determining the category in which the company's principal business activity falls.

Stock ownership. As a regulatory agency, we must also know who holds significant blocks of outstanding voting stock of carriers under our jurisdiction. It was demonstrated in a recent study [1] on corporate disclosure that the use of multiple nominees obscures the true identity of stockholders. The study showed that of the top 30 security holders of a large class I railroad, as reported to this Commission, 11 were nominees representing four banks not even mentioned in the ownership report. The holdings of these four banks totaled almost 25 percent of all shares voted at that company's annual meeting. The proposed revisions will clarify the requirements of this Commission and yield the needed information.

Interlocking corporate relationships. Another lever of control which can be exercised is through interlocking corporate relationships. A study done by the Securities and Exchange Commission, "Institutional Investor Study," concluded that some institutions have

[1] "Study on Disclosure of Corporate Ownership," prepared by the Subcommittees on Intergovernmental Relations, and Budgeting, Management, and Expenditures, of the Committee on Government Operations, United States Senate, December 27, 1973, p. 5.

personnel and business relationships which may tend to reinforce any power already conferred through stock holdings. It was found these interlocks provide institutions, such as major banks, with levers of control throughout the industries in which they hold major blocks of stocks. We believe information concerning interlocking corporate relationships is necessary to help assess the total effect of all areas of control.

Also in the area of interlocking corporate relationships, we propose to require disclosure of contracts (exceeding $50,000) between the respondent and any business or financial organization affiliated with its (the respondent's) officers and directors. This information will help the Commission enforce section 10 of the Clayton Antitrust Act which requires such contracts to be made with "the bidder whose bid is the most favorable to such common carrier, to be ascertained by competitive bidding under regulations to be prescribed by rule or otherwise by the Interstate Commerce Commission."

Debtholdings. The last area of possible control has been identified recently as debtholdings. Senator Lee Metcalf, whose staff has been actively studying corporate control, testified on September 18, 1974, before the Subcommittee on Foreign Commerce and Tourism of the Senate Commerce Committee regarding a proposed Foreign Investment Review Act, that his staff's hearings and studies have brought to light the importance of debtholdings as levers of control. Major corporate creditors are not only able to influence the policies and operations of a corporation through representation on the board of directors like equity holders, but are also able to limit normal corporate activities through contractual restrictions in loan indentures. The proposed revisions will give us needed information concerning major creditors.

The attached proposed disclosures (Appendix B) contain the data we believe is needed in the four areas of corporate control. Some of the information in this rulemaking is already received by this Commission. However, in order to consolidate all data relevant to corporate control, we have listed the requirements in this rulemaking. No duplicate information will be reported elsewhere in the annual reports.

Upon consideration of the above described matters and good cause appearing therefor:

It is ordered, That a proceeding be, and it is hereby, instituted under the authority of sections 20, 204, 313 and 412 of the Interstate Commerce Act and pursuant to sections 553 and 559 of the Administrative Procedure Act with a view to adopting the proposed regulations set forth in Appendix B of this notice, and for the purpose of taking such other and further action as the facts and circumstances may justify and require.

It is further ordered, That all carriers listed in Appendix A be, and they are hereby, made respondents in this proceeding.

It is further ordered, That no oral hearing be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that respondents or any other interested parties may participate in this proceeding by submitting for consideration written statements of fact, views, and arguments on the subjects mentioned above, or any other subjects pertaining to this proceeding.

It is further ordered, That any interested persons wishing to submit written statements of fact, views, or arguments shall file an original (and, if possible, 15 copies) of such representations with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, by May 5, 1975, and that all such statements will be considered as evidence and as a part of the record in this proceeding.

It is further ordered, That written material or suggestions submitted shall be made available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C., during regular business hours.

And it is further ordered, That service of this Notice shall be made on all affected carriers; and to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation; and that notice of this proceeding shall be given to the general public by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and by delivering a copy thereof to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

NOTE: This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

[No. 36141]

APPENDIX A—AFFECTED CARRIERS

I. Annual, Special, or Periodic Reports—Carriers Subject to Part I of the Interstate Commerce Act (49 CFR Part 1241).

A. Class I Railroads.
B. Electric Railways.
C. Express Companies.
D. Pipeline Companies.
E. Refrigerator Car Lines.

II. Reports of Motor Carriers (49 CFR Part 1249).

A. Class I Carriers of Property.
B. Motor Carrier Holding Companies.
C. Class I Carriers of Passengers.

III. Reports of Water Carriers (49 CFR Part 1250).

A. Class A Inland and Coastal Waterways.
B. Maritime Carriers.

IV. Reports of Class A Freight Forwarders (49 CFR Part 1251).

[No. 36141]

APPENDIX B—CORPORATE DISCLOSURE REGULATIONS

DEFINITIONS

Annual Reporting. The term "annual reporting" means as of December 31 of each calendar year, or accounting year of thirteen four-week periods (as defined in §§ 1240.4, 1240.5, and 1249.3 of Title 49 CFR).

Control. The term "control" (including the terms "controlling," "controlled by" and "under common control with") means the possession, direct or indirect, of the power to direct or cause the direction of the management or policies of a person, natural or artificial. Sources of power may include, but are not limited to: equity security ownership; debt holdings; sole or partial voting arrangements; common directors, officers, or stockholders; or lease, purchase, lines of credit, supply, distribution, or operating agreements.

Financing Lease. The term "financing lease" shall refer to any lease which during the noncancellable lease period, either (1) covers 75 percent or more of the economic life of the property or (2) has terms which assure the lessor of a full recovery of the fair market value (which would normally be represented by his investment) of the property at the inception of the lease plus a reasonable return on the use of the assets invested subject only to limited risk in the realization of the residual interest in the property and the credit risks generally associated with secured loans.

Parent of Respondent. "Parent of respondent" shall refer to every firm, holding company or other person or combination of persons who ultimately control the respondent, as well as any intermediary controlling entity.

ANNUAL REPORTING REQUIREMENTS

I. *Corporate structure.* A. For each respondent, parent of respondent, subsidiaries (and/or organizations controlled) of the respondent, joint ventures involved in by the respondent, and subsidiaries (and/or organizations controlled) of joint ventures involved in by the respondent, the following information shall be submitted:

1. Name and address.
2. Basis of control.
3. Principal business activities.

a. List and describe by four-digit SIC code and short title each industry in which the respondent's activities generated 10 percent of gross revenues or $5 million dollars (during the reporting year). Four-digit industry SIC codes and short titles are listed in the most recent Standard Industrial Classification Manual as published by the Executive Office of the President, Office of Management and Budget.

b. Four-digit SIC codes and short titles should be listed in order of significance relative to the total activities of respondent, based upon the percentage of gross revenues generated within each four-digit industry.

4. Copy of the latest balance sheet and income statement and consolidated balance sheet and income statement, if available.

5. A copy of any chart or other graphic material showing the relationship of the respondent to such parents, subsidiaries, and other organizations listed.

B. In addition to subparagraph (A) above, list every corporation, partnership, or other business organization in which the respondent owns more than five percent of the outstanding voting securities or other ownership interests and indicate the percentage so owned.

II. *Voting Stock Ownership.* A. In descending order, the 30 largest holders of voting shares (not to include any holder with less than one-tenth of one percent of the outstanding shares) in the respondent, identified as to

1. Name.
2. Address.
3. Type (bank, broker, holding company, individual or other specified category).

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4. The number of voting shares held (as of the end of the reporting period) and its percentage relationship to total outstanding shares. (If some shares—such as preferred issues—carry limited voting rights describe the limitation and the number of shares affected.)

(In determining the number of shares held, all nominee and other accounts of each shareholder, including accounts held by depository trust companies, such as (CEDE & CO., SICOVAN, Pacific Coast Stock Exchange Clearing Corp., Midwest Stock Exchange Clearing Corp.) shall be aggregated and reported as one account in the name of the bank, broker, holding company, individual or other identified shareholder.)

B. With respect to each of the 30 largest holders, the number of shares (and percentage relationship to total outstanding voting shares) over which the holder has

1. Sole voting power.

2. Shared voting power (if voting power is shared with any of the thirty largest shareholders, identify the shareholder and the number of shares held).

3. No voting power under any circumstances.

C. With respect to shares over which the stockholder has no voting power, the name and address of the person(s) empowered to vote the ten largest blocks of stock, the number of shares and the percentage of stock in relation to the total outstanding voting shares.

D. With respect to the 30 largest holders of voting shares in any parent, holding company or other organization or person controlling the respondent, provide the information required in subparagraphs (A), (B), and (C) above.

III. *Affiliations of Officers and Directors.* A. The name, address and social security number of each of the principal officers and each director, trustee, partner or person exercising similar functions, of the respondent and parent together with his title and position with the respondent and with any parent, holding company, person, or combination of persons, controlling the respondent, and with any subsidiary of the respondent and any other company, firm or organization which the respondent controls.

B. For each of the officials named under subparagraph (A) above, list the principal occupation or business affiliation if other than listed in subparagraph (A), and all affiliations with any other business or financial organizations, firm or partnership.

C. A list of each contract, agreement or other business arrangement exceeding an aggregate value of fifty thousand dollars entered into between the respondent and any business or financial organizations, firm or partnership named in subparagraph (B) above, identifying the parties, amounts, dates and product or service involved.

D. A list of each contract, agreement or other business arrangement in excess of $600 entered into during the reporting period (other than compensation related to position with respondent) between the respondent and each officer and director listed in subparagraph (A) identifying the parties, amounts, dates and product or service involved. In addition, provide the same information with respect to professional services for each firm, partnership or organization with which the officer or director is affiliated.

IV. *Debt holdings.* A. A description of each long-term debt (debt due after one year) of the respondent, including the name and address of the creditor, the character of the debt, nature of the security, if any, the date of origin, the date of maturity, the total amount of the debt, the rate of interest, the total amount of interest to be paid, and a copy of any and all restrictive covenants attached to the indebtedness (where such indebtedness is widely held, such as bonds and debentures, provide the name of the trustee in place of the creditor).

I. With respect to each holder of more than five percent of each issue reported provide the name, address and type of holder—bank, broker, holding company, individual or other specified category and amount of debt held.

B. A description of each short-term debt (under one year) excluding accounts payable of the respondent, including the name and address of the creditor, nature and character of the liability, period of the debt, rate of interest, total amount of such short-term debt, nature of the security, and date when debt was paid, or date when such debt must be paid, and a copy of any and all restrictive covenants attached to the indebtedness.

C. A description of each financing lease arrangement, equipment trust, conditional sales contract, or major liability with respect to the capital assets of the respondent and involving aggregate payments in excess of one million dollars and a copy of any and all restrictive covenants attached to the indebtedness.

[FR Doc.75-9008 Filed 4-4-75;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Parts 701, 721, 745]

EMPLOYEE RETIREMENT BENEFIT PLANS

Proposed Rulemaking

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766, and section 209, 84 Stat. 1014, 12 U.S.C. 1789, is proposing to amend Part 701 by revising § 701.19, Part 721 by adding a new § 721.4, and Part 745 by amending § 745.2(d)(1), by redesignating § 745.9 as § 745.9–1 and adding a new § 745.9–2, as set forth below.

The following outline relating to the amendments proposed herein is provided for the reader's convenience and is subject to the specific provisions in the regulations.

I. *Present regulations.* Section 701.19 permits Federal credit unions to make provision for reasonable retirement benefits for employees but prohibits the self-administration of retirement plans. Part 721 makes no provisions for Federal credit unions to act as trustees or custodians of qualified pension plans or individual retirement accounts (IRA's). Section 745.2(d)(1) makes reference to § 20.2031–7 of the Federal Estate Tax Regulations which is applicable to the estates of decedents dying on or before December 31, 1970. In addition, Part 745 does not provide express provisions for insurance coverage of qualified trusts and IRA's. Nonvested or contingent interests in such accounts would be insured up to $40,000 in the aggregate.

II. *Proposed regulations.* Section 701.19 would be amended to permit Federal credit unions to individually provide trustee or custodial services for qualified trusts or IRA's for their employees or to collectively, with other credit unions, provide additional types of benefit plans. Section 721.4 authorizes Federal credit unions to provide trustee or custodial services for qualified trusts or IRA's for their members or groups or organizations of their members provided the funds are invested solely in, (1) share accounts of, or (2) share accounts of and obligations issued by, the particular Federal credit union. The amendment to § 745.2(d)(1) is technical only and is for the purpose of referencing the IRS regulation applicable to estates of decedents dying after December 31, 1970. The new § 745.9–2 will provide separate insurance coverage for interests in qualified trusts or IRA's.

III. *Purpose of proposed changes.* Through the enactment of the Employee Retirement Income Security Act of 1974 (hereinafter Act), federally-insured credit unions are now recognized as trustees or custodians of certain qualified pension plans, and IRA's. The possibility of significant credit union involvement in providing trustee or custodial services warrants regulatory recognition of authority to perform such services both for Federal credit union members and employees. Parts 701 and 721 are amended to reflect these changes. In addition, Part 745 is amended to extend insurance coverage to facilitate the investment of employee retirement benefit funds and to provide insurance protection to persons with interests in trusteed or custodial funds maintained in a qualified trust or IRA.

The Administrator does not intend to issue comprehensive regulations relating to the operation and requirements of pension plans under the Act. Such matters are properly within the jurisdiction of other agencies specifically named in that Act. Generally speaking, Title I of the Act, which covers such areas as participation, vesting, funding and fiduciary responsibility, is within the jurisdiction of the Secretary of Labor. The Secretary of the Treasury is responsible for implementing the provisions of Title II, amendments to the Internal Revenue Code. The jurisdiction, administration and enforcement provisions contained in Title III are within the responsibility of both the Secretary of Labor and the Secretary of the Treasury. Finally, the plan termination insurance provisions of Title IV are administered by the Pension Benefit Guaranty Corporation, a corporation established within the Department of Labor. Therefore, the tenor of the Administrator's regulations is to require compliance with applicable regulations issued by the above named authorities. Questions relating to specific provisions of the law should be submitted to the respective agency authorized or empowered to implement such provisions. Questions concerning interpretations and effect of pension regulations should also be directed to the responsible agency. For those plans which must be covered by plan termination insurance and contingent liability insurance, inquiries should be directed to the Pension Benefit Guaranty Corporation.

It was originally intended that the regulations would be issued effective immediately since they were generally limited to authorizing the performance of certain activities and did not encompass procedures, conditions or requirements which would be subject to the

jurisdiction of other Federal, and in some cases, state agencies. However, the Act, and the regulations of the other agencies, many of which have not been finalized, will cover areas totally unfamiliar to Federal credit unions and will present additional issues which have not been resolved. Therefore, the Administrator has deemed it advisable to issue proposed regulations in order to permit public comment. It is anticipated that such a course of action will enable the Administrator to provide additional guidance in a finalized regulation.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to the Administrator, National Credit Union Administration, 2025 M Street, NW., Washington, D.C. 20456. Comments received prior to May 9, 1975, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for public inspection during normal business hours at the foregoing address.

HERMAN NICKERSON, Jr.,
Administrator.

APRIL 2, 1975.

1. Section 701.19 of the regulations relating to retirement benefits is amended to read as follows:

§ 701.19 Retirement benefits for employees of Federal Credit Unions.

(a) Federal credit unions may make provision for reasonable retirement benefits for employees and for officers who are compensated in conformance with the Act and the bylaws, either individually or collectively with other credit unions. In those cases where a Federal credit union is to be a plan trustee or custodian, the plan must be maintained in accordance with the provisions of § 721.4 of this chapter. When the trustee is to be a party other than a Federal credit union, the employee benefit plan must be maintained in accordance with the requirements of this section.

(b) Employee benefit plans pursuant to which retirement benefits are maintained shall comply with the laws governing retirement plans and such rules and regulations as may be promulgated by the Secretary of the Treasury, relating to qualified plans, the Secretary of Labor, or any other Federal or state authority exercising jurisdiction over such plans.

(c) Defined benefit plans shall be covered by plan termination insurance provided by the Pension Benefit Guaranty Corporation in accordance with Title IV of the Employee Retirement Income Security Act of 1974.

(d) In addition to the plan termination insurance required by paragraph (c) of this section, provision shall be made for providing defined benefit plans with insurance protection against the liability imposed by subtitle D of Title IV of the Employee Retirement Income Security Act of 1974, from any source approved for such purposes by the Pension Benefit Guaranty Corporation.

(e) For purposes of this section, the term "defined benefit plan" has the same meaning as that stated in section 3(35) of the Employee Retirement Income Security Act of 1974.

(f) No Federal credit union shall occupy the position of a fiduciary, as defined in the Employee Retirement Security Act of 1974 and rules and regulations promulgated thereunder by the Secretary of Labor, unless provision has been made for appropriate liability insurance as provided under section 410(b) of the Employee Retirement Income Security Act of 1974.

2. Part 721 of the regulations relating to incidental powers is amended by adding a new § 721.4 to read as follows:

§ 721.4 Trustees and custodians of employee Retirement Benefit Plans.

(a) A Federal credit union is authorized to act as trustee or custodian under any written trust instrument or custodial agreement created or organized in the United States and forming part of a pension plan which qualifies or qualified for specific tax treatment under section 401(d), (f) or 408 of the Internal Revenue Code, for its members or groups or organizations of its members, provided the funds of such plans are invested solely in (1) share accounts of, or (2) share accounts of and obligations issued by, the Federal credit union. All funds held in such fiduciary capacity must be maintained in accordance with applicable laws and rules and regulations promulgated by the Secretary of Labor, the Secretary of the Treasury or any other authority exercising jurisdiction over such trusts or custodial accounts. The Federal credit union shall maintain individual records for each participant and shall show in detail all transactions relating to the funds of each participant.

(b) Any plan pursuant to which a Federal credit union provides trustee or custodial services shall expressly authorize the investment of funds as provided in paragraph (a) of this section. The investment of funds shall be made in accordance with the written instructions of a person, committee, corporation or organization other than the Federal credit union or any person acting in his capacity as a director, employee or agent of the Federal credit union.

(c) The plan shall provide for the appointment of a successor trustee or custodian by a person, committee, corporation or organization other than the Federal credit union or any person acting in his capacity as a director, employee or agent of the Federal credit union, upon notice from the Federal credit union or the Administrator that the Federal credit union is unable to continue to act as trustee or custodian.

§ 745.2 [Amended]

3. Section 745.2(d)(1) of the regulations relating to valuation of trust interests is amended by deleting "20.2031–7" as it appears after both the "§" and "26 CFR" and inserting in lieu thereof "20.2031–10".

§ 745.9 [Redesignated]

4. Section 745.9 of the regulations relating to trust accounts is redesignated § 745.9–1.

5. Part 745 of the regulations relating to clarification and definition of account insurance coverage is amended by adding a new § 745.9–2 to read as follows:

§ 745.9–2 Qualified trusts and individual retirement accounts.

The interest of a participant or designated beneficiary in a trust or custodial share account maintained pursuant to a pension plan which qualifies or qualified for specific tax treatment under sections 401 (d), (f), or 408 of the Internal Revenue Code shall be insured up to $40,000 separately from other deposit or share accounts of the participant or designated beneficiary. The interest of a participant or designated beneficiary, with respect to amounts contributed by an employer under a 401 (d) or (f) plan, shall be evaluated and insured as if the interest had fully vested as of the date of liquidation of the credit union.

(Sec. 120, 73 Stat. 635 (12 U.S.C. 1766); sec. 209, 84 Stat. 1014 (12 U.S.C. 1789))

[FR Doc.75-9009 Filed 4-4-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[FmHA Instructions 449.1 and 449.2]

[7 CFR Part 1842]

BUSINESS AND INDUSTRIAL LOANS

Ineligible Loan Purposes

Notice is hereby given that the Farmers Home Administration has under consideration the proposed amendment to § 1842.14(b) of Part 1842, Chapter XVIII, Title 7, Code of Federal Regulations (39 FR 34264). It is proposed that § 1842.14(b) be amended to prohibit guaranteed loan funds from being paid or distributed to one who owns or has an interest in a business if such person retains his equity in the business.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendments to the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6315, South Building, Washington, D.C. 20250, on or before May 7, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch during regular business hours (8:15 a.m. to 4:45 p.m.).

As amended, § 1842.14(b) will read as as follows:

§ 1842.14 Ineligible loan purposes.

* * * * * *

(b) For distribution or payment to the owner, partners, shareholders or beneficiaries of the applicant or members of their families when such persons shall retain any portion of their equity in the business.

* * * * * *

(7 U.S.C. 1989; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.)

Dated: April 2, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-8989 Filed 4-4-75;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 77 (Rev. 7)]

ASSISTANT REGIONAL COMMISSIONERS ET AL.

Authority to Issue Statutory Notices of Deficiency

1. The authority granted to the Commissioner of Internal Revenue, Assistant Regional Commissioners (Appellate) and District Directors by 26 CFR 301.7701-9, 26 CFR 301.6212-1 and 26 CFR 301.6861-1 to sign, and send to the taxpayer by registered or certified mail any statutory notice of deficiency is hereby delegated to the following officials:

a. Assistant Regional Commissioners and Executive Assistants (Employee Plans and Exempt Organizations); b. Chiefs and Assistant Chiefs of Appellate Branch Offices; c. Director of International Operations; d. Service Center Directors; e. Assistant District Directors; f. Assistant Service Center Directors; g. Chiefs of Audit Divisions; h. Chiefs of Correspondence Audit Branch; and i. Chiefs of Employee Plans and Exempt Organizations Divisions.

2. This authority may be redelegated only by District Directors, and the Director of International Operations, but not lower than to Reviewers or Conferees, Grade GS-9, in district Audit Divisions, and Reviewers, Grade GS-12, in Employee Plans and Exempt Organizations Divisions.

3. This Order supersedes Delegation Order No. 77 (Rev. 6), issued June 22, 1972.

Date of issue: March 31, 1975.

Effective date: April 30, 1975.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.75-9011 Filed 4-4-75;8:45 am]

[Revocation Notice Order No. 73]

REGIONAL COMMISSIONERS

Delegation of Authority Regarding Issuance of Notices to Common Parent of Consolidated Group; Revocation

Authority to issue notices to a common parent of a consolidated group where there has been a failure to include the income of all the subsidiaries in a consolidated income tax return.

1. Delegation Order No. 73 delegated authority to Regional Commissioners to issue notices required by § 24.18(a) of Regulations 129 and § 1.1502-18(a) of Regulations under the 1954 Code.

2. Since the authority to issue such notices is no longer needed. Delegation Order No. 73, issued May 25, 1959, is hereby revoked.

Date of issue and effective date: March 31, 1975.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.75-9010 Filed 4-4-75;8:45 am]

Office of the Secretary

LOCK-IN AMPLIFIERS AND PARTS THEREOF FROM THE UNITED KINGDOM

Determination of Sales at Less than Fair Value

Information was received on April 17, 1974, that lock-in amplifiers from the United Kingdom were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). The "Antidumping Proceeding Notice" was amended to include "parts thereof" on August 13, 1974 (39 FR 29009). For the purposes of this notice, the term "lock-in amplifiers and parts thereof" means an entire lock-in amplifier or the constituent components of a lock-in amplifier imported for the assembly of lock-in amplifiers in the United States.

A "Withholding of Appraisement Notice" was published in the FEDERAL REGISTER of January 6, 1975 (40 FR 1084).

I hereby determine that for the reasons stated below, lock-in amplifiers and parts thereof from the United Kingdom are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this determination is based. Analysis of information from all sources reveals that the basis of comparison for fair value purposes is between the exporter's sales price and adjusted home market price of similar merchandise.

Exporter's sales price was calculated on the basis of the resale price in the United States, with deductions for air freight, insurance, U.S. duty, customs brokerage and clearance charges, inland freight, selling expenses in the United States, and commissions. Assembly costs in the United States were also deducted from the sales price of the model which was imported in kit form.

Home market price was calculated on the basis of an ex-factory price to unrelated purchasers, with a deduction for selling expenses. For comparisons involving the model imported in kit form, assembly costs in the home market were deducted.

Using the above criteria, the exporter's sales price was found to be lower than the adjusted home market price of such or similar merchandise.

The United States International Trade Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

Dated: April 1, 1975.

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-8848 Filed 4-4-75;8:45 am]

DEPARTMENT OF DEFENSE

Defense Communications Agency

DCA SCIENTIFIC ADVISORY GROUP

Closed Meeting

The DCA Scientific Advisory Group will hold a closed meeting on May 29 and 30, 1975, in the Defense Communications Agency, Director's Conference Room at Headquarters, Defense Communications Agency, 8th Street and South Courthouse Road, Arlington, Virginia.

The agenda items will be group discussions on MSO Architecture, Planning and Operations—The Current, Transition Planning, R&D, Billing Strategies and ADP Security.

Any person desiring information about the advisory group may telephone (area code 202-692-1765) or write Chief Scientist-Associate Director, Technology, Headquarters, Defense Communications Agency, 8th Street and South Courthouse Road, Arlington, Virginia 22204.

This meeting is closed because the material to be discussed is classified requiring protection in the interest of National Defense. (Freedom of Information Act, 5 U.S.C. 552(b)(1)).

KENNETH R. MILKS,
Senior Chief Radioman, USN, Committee Management Officer.

[FR Doc.75-8963 Filed 4-4-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 22484]

COLORADO

Pipeline Application

MARCH 28, 1975

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Occidental Oil Shale, Inc., P.O. Box 2999, 2372 G Road, Grand Junction, Colorado 81501, has applied for a right-of-way for a pipeline across the following lands:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 7 S., R. 97 W., Sec. 25: NE¼SW¼, S½SW¼, NW¼SE¼, Garfield County, Colorado.

The pipeline is temporary with an estimated life of about five years. The purpose is to connect the Occidental Oil Shale Mine with a tank site.

The purposes of this notice are: To inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application; and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed pipeline right-of-way to file their objections in this office. Any persons asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objection must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, within thirty days from the date of this notice.

EVERETT K. WEEDIN,
Chief, Branch of Land Operations.

[FR Doc.75-8964 Filed 4-4-75;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: J. A. Bergeron, V.M.D., Managing Director, Duke University Primate Facility, Durham, North Carolina 27705.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

OMB NO. 42-R1470

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Importation of 13 lemurs from Madagascar by a student presently conducting field studies there These animals have been collected (or rescued) during 18 months of field work and would not survive if returned to the wild.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Dr. J. A. Bergeron
Managing Director
Duke University Primate Facility
Durham, NC 27705
919/489-3364

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.

HEIGHT	WEIGHT
5'6"	145#

DATE OF BIRTH	COLOR HAIR	COLOR EYES
3 June 1939	Brn	Brn

PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER
919/489-3364	214-36-8322

OCCUPATION
Veterinarian

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
Duke University Primate Facility

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
The Duke University Primate Facility is devoted to the breeding and genetic studies of prosimian primates for behavior and genetic studies.

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. 919/489-3364
Dr. J. A. Bergeron, Managing Director

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Duke University Primate Facility
Durham, NC 27705

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)
Copies of letter and telegram attached

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE: Immediately

11. DURATION NEEDED: Until April, 1975

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
See attached documents covering information requested under 50 CFR, 17.23

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (Do not sign in blank) DATE: 21 Jan. 1975

J. A. Bergeron

3-200
10/74

Attachment to application for permit. Information required under 50 CFR 17.23.

1) The animals involved are Mouse Lemurs (*Microcebus murinus*) and *Lemur fulvus collaris* or Collared Lemur. The number of mouse lemurs is 12 or 13 and I do not know the sexes or ages. The *L.f. collaris* is a male and is a young adult.

2) Attached to this application is a copy of a letter sent to the Director of the Department of Waters and Forests in Madagascar and a telegram; this is the only available documentation. There is no seller; the animals will be shipped or brought back by Mr. Robert Jay Russell.

3) The justification is rather straightforward; if the animals are not brought back here they will be turned loose in the forest in Madagascar and undoubtedly will die. Attached to this application is a statement about the Duke University Primate Facility which covers the types of research, the animals housed, an indication of the breeding success, and a bibliography. The list of animals is not updated, but there are now 225 animals in the colony all born within the last year (that is all additional animals).

4) Attached is a paper which is a galley proof of the final paper published in *Prosimian Biology*, 1974. This paper describes the DUPF and the management policies.

5) The animals are currently in captivity in Madagascar and have been for some time. They were not actively trapped, but were rescued and treated by Mr. Russell; many have physical abnormalities which would prevent their surviving in the wild.

6) This is adequately covered above.

7) (i) This is covered in the paper mentioned in "4" above.

(ii) This is covered in the papers mentioned in "3 & 4" above.

(iii) Our willingness to cooperate in any breeding or conservation program is well known throughout the scientific community.

(iv) I cannot provide a description of the containers used for shipping, but I am sure that they will be more than adequate. Hopefully the animals will be brought directly to the DUPF where they can be properly cared for.

Submitted by:
J. A. BERGERON,
V.M.D., Managing Director, Duke University Primate Facility.
JANUARY 21, 1975.

DIRECTOR,
Fish and Wildlife Service,
U.S. Department of the Interior,
Washington, D.C. 20240
Attention: Mr. Marshall Stinnett, Division of Law Enforcement.

DEAR SIR: Enclosed is an urgent application for the importation of several lemurs from Madagascar. The lemurs are being imported by a student of mine, Mr. Robert Jay Russell. He has collected the animals over an 18 month period while doing field work in Madagascar. Mr. Russell has had the permission of the Malagasy government to conduct his field studies. The animals he has in captivity are not animals that have been actively captured, but are animals which he has rescued; animals that were in some way injured or unable to survive in the wild. Mr. Russell has apparently obtained permission from the Malagasy government to bring these animals home with him (see attached telegram).

I have attached to this letter an application for a permit to import these animals in my name. Also attached is a brief outline of the information requested in section 17.23 of 50 CFR. In some cases it is impossible to

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be very specific; if you need any clarification please call me.

Thank you for your consideration.

Sincerely yours,

J. A. Bumgardner,
V.M.D., Managing Director, Primate Facility, Assistant Professor, Anatomy and Zoology.

Enclosure:

Date: March 24, 1975.

To: Chief, Division of Law Enforcement.
From: Assistant Chief, Office of Endangered Species and International Activities.
Subject: Endangered Species Importation Permit Application—Lemurs-Dr. J. A. Bergeron.

Our review of the information submitted by Dr. Bergeron under the cover of his January 21, 1974 Form 3-200 left some questions still unresolved. This subject was discussed with Mr. Hester of your staff on Friday, March 14, 1975. We felt it unwise to publish the application in the FEDERAL REGISTER until this information had been obtained and, in order to prevent additional delay in processing of the application, elected to solicit the information by telephone.

The following questions and answers thereto were received from Dr. David Anderson, Animal Supervisor of Duke University's Primate Facility. Dr. Anderson was acting in Mr. Bergeron's stead who was not available. This memo should be incorporated into and considered a part of the subject application. The questions and Dr. Anderson's response are paraphrased below:

1. Q. How will the primates in question be shipped?

A. It is intended that the Lemurs will be shipped in wooden boxes similar to those used for other shipments of these animals. The dimensions would be approximately 16x24x12 inches.

2. Q. Where will the animals be housed?

A. The floor plan shown on the article entitled "A Prosimian Research Colony" which accompanied the application depicts a floor plan on page 202. It's planned that the animals will be housed in Room 010 of that facility.

3. Q. What type research is planned—will it be lethal?

A. The plans for these animals do not involve lethal research. The research involved will be behavioral—probably centering around Circadian Rhythm questions. The animals will be incorporated into the colony presently in existence.

EARL B. BAYSINGER.

1. A description of the duties of the managing director of the Primate Facility as described by Dr. F. M. Cleaveland, University Provost, in January, 1973.

"The managing director is responsible for carrying out the long-range scientific policies of the Duke University Primate Facility (DUPF). Responsibility for policy formulation rests with a policy committee chaired by the director and composed of the senior investigators conducting major research involving the DUPF. These senior investigators also hold positions as associate directors of the DUPF. The long-range scientific policies of the DUPF have been carefully spelled out in the various documents accompanying requests for financial support of the DUPF from agencies such as the National Science Foundation, Wenner-Gren Foundation, and others. These policies will be presented once more in a document to accompany another application for funds to support operation of the DUPF.

The managing director shall be responsible for administering the affairs of DUPF, including the hiring and firing of support personnel, and the formulation, defense, and management of the budget. He shall also be responsible for all matters associated with the maintenance of the Facility including attending to the health and care of the animals. In consultation with the policy committee, he shall be responsible for coordinating the research programs of senior investigators and junior investigators (including his own), as well as the research of undergraduate, graduate, and post-graduate students. Decisions about the precise manner in which research at the DUPF is carried out, about which research programs are feasible, and about which proposals are in accord with the long-range scientific policies of the DUPF shall be made by the managing director in consultation with the policy committee.

The managing director will represent the DUPF in all relationships with department chairmen, members of the University central administration, and with granting agencies. He will be responsible for coordinating efforts to obtain financial support to operate the facility. Administratively he is appointed by and reports to the provost of the University."

2. Present Staff.

Support staff

Jan A. Bergeron, V.M.D., Managing Director
David Anderson, Primate Facility Supervisor
Jane Hurlburt, Secretary
Clyde Bittle, Animal Caretaker
Part-time student help

Major users

Jan A. Bergeron, V.M.D., Assistant Professor, Departments of Anatomy and Zoology
Matt Cartmill, Ph. D., Assistant Professor, Departments of Anatomy and Anthropology
William Hylander, D.D.S., Ph. D., Assistant Professor, Departments of Anatomy and Anthropology
Peter H. Klopfer, Ph. D., Professor, Department of Zoology

Others

Dr. Joseph Bailey, Acting Chairman, Department of Zoology
Dr. Ernestine Friedl, Chairman, Department of Anthropology
Dr. J. David Robertson, Chairman, Department of Anatomy

3. List of Animals.

	Number in colony			Number born in colony			Number in colony, 6 years or longer
	Total	Male	Female	Total	Male	Female	
Galago crassicaudatus crassicaudatus	25	14	11	20	12	8	10
Galago crassicaudatus argentatus	34	11	23	25	10	15	8
Lemur fulvus fulvus	10	7	3	6	5	1	6
Lemur fulvus rufus	18	9	9	14	7	7	6
Lemur fulvus albifrons	10	5	5	6	3	3	0
Lemur fulvus collaris	3	2	1	1	1	0	2
Lemur fulvus hybrids	22	11	21	22	11	21	3
Lemur macaco	7	4	3	3	2	1	4
Lemur catta	14	7	7	11	5	6	4
Lemur variegatus	8	4	4	1	1	0	2
Hapalemur griseus	2	1	1	0	0	0	0
Propithecus verreauxi coquereli	5	2	3	2	1	1	2
Microcebus murinus	0	5	4	3	3	0	0
Cheirogaleus medius	7	4	3	4	3	1	0
Total	194	86	93	127	64	63	49

Seventy percent of the animals presently housed have been born in the colony. Twenty-seven percent of the animals have been maintained for six years or longer.

4. Current users
Faculty

J. A. Bergeron:

My broad research interests include comparative aspects of anatomy and pathology. My specific research interests are the development of the hematopoietic, reticulo-endothelial, and urinary systems.

For the last five years I have been involved in the collection of baseline hematological, clinical chemistry, and pathological data on prosimians. I am also interested in the conservation of non-human primates and their management in captivity.

Much of my time is devoted to the administrative and management details of the Primate Facility, thus leaving little time for active research. Fortunately the routine health care of the animals affords me some contact with the laboratory.

Matt Cartmill:

Dr. Cartmill is engaged in research into the origin and adaptive significance of some of the anatomical features that distinguish primates from other mammals. At present, he is working on three related projects that involve the resources at the Primate Facility.

The first of these projects attempts to quantify the relationship between body size and frictional characteristics of volar pads among primates. Cartmill (1972) and others have suggested that claws should be adaptively superior to flattened nails of the primate type in locomotion on sloping or vertical supports of large size. But data recently collected at the Duke Primate Facility show that small lemurs must be able to climb on larger vertical supports than Cartmill and others had predicted; the superiority of claws to flattened nails in this situation may not be significant. Cartmill is measuring coefficients of friction by placing animals on sloping boards and tilting them until the animals slide. Torpid cheirogaleines and juveniles of larger prosimian species must be used in these experiments; active adults will leap off the surface before the sliding point is reached. This project therefore requires access to cheirogaleines and to breeding groups of larger species.

The second of Cartmill's current projects is a behavioral study, comparing the ways in which clawless primates and clawed marsupials (*Didelphis*) orient their grasping hands and feet in moving on branches of varying diameter and angulaton. The primates used in this comparison are *Microcebus* and *Cheirogaleus;* since their hands and feet are similar in shape and proportions to those of *Didelphis*, the comparison controls for most of the relevant variables other than the presence of claws.

Cartmill's third project is purely anatomical investigation of the basicranial and pharyngeal arteries of strepsirhine prosimians, attempting to establish the presently uncertain homologies of the major extravertebral artery that supplies the brain in cheirogaleines and lorises. The point is of considerable importance in assessing the evolutionary relationships of the extant primates. Since injected specimens must be used, and since it is impossible to inject fixed material properly, fresh cadavers are necessary. Although this research is not sufficiently urgent to warrant killing rare prosimians for this purpose, Dr. Cartmill's association with the Primate Facility allows him to inject animals that have died of other causes when they become available.

William Hylander:

Until recently, my research has centered largely on the functional and adaptive significance of the cranio-facial region in various human populations. However, one of the major reasons for my coming to Duke University was the opportunity to extend my studies of the cranio-facial region to non-human primates; in particular, the prosimians that are housed in the Duke Primate Facility.

My principal interests at this time relate primarily to feeding mechanisms in mammals, with particular emphasis on members of the order *Primates*. My research plans for the future will follow along basically two lines. One relates to refining current theories regarding mammalian jaw mechanics, and the other relates to elucidating the functional and adaptive significance of the masticatory apparatus in certain extant primates. It is primarily the later line of research which involves usage of the Duke Primate Facility.

The diet of certain primates, e.g. *Propithecus, Colobus,* and *Alouatta,* includes a large portion of mature leaves; and these animals are characterized by rather distinctive features of the masticatory apparatus (teeth, jaws, and muscles of mastication). Initially, my plans are to analyze the chewing mechanisms of the above leaf eaters and of other closely related forms that are more generalized in regards to dietary preferences, e.g. *Lemur, Cercopithecus,* and *Cebus.* This analysis will consist of detailed dissections of the masticatory apparatus, a gross and radiographic examination of the skull (including the dentition), and a histological examination of the temporomandibular joint among members of the above genera. In addition, observations of the feeding behavior of these primates under captive conditions will be made. This analysis will assist in determining whether rather distantly related primates with similar dietary preferences exhibit morphological and/or functional convergence of the masticatory apparatus.

The second phase of my research will deal exclusively with the dynamics of chewing. This portion of the study will involve the use of living specimens and will require the utilization of specialized techniques, such as an electromyographic analysis of the muscles of mastication, and a cinefluorographic analysis of jaw movements during mastication.

The Duke University Primate Facility is critical for the implementation of the above research plan for primarily two reasons, the first being that it affords the opportunity to develop the above techniques in the Duke area, thus allowing me to fulfill my teaching obligations simultaneously. Secondly, two important prosimian genera that are considered critical for this study are housed in the Duke Primate Facility (i.e. *Propithecus* and *Lemur*). Although *Lemur* could conceivably be studied at other institutions, the Duke Primate Facility has the only living specimens of *Propithecus* in this country. Some of the above mentioned genera that are essential for this study are not housed in the Primate Facility; therefore, these animals will be studied at various regional primate facilities and zoos.

Richard Kay:

Animals at the Primate Facility will be used for x-ray cine studies of jaw movement during chewing and its relationship to molar structure and wear. The prosimians may provide evidence for understanding the evolution of the primate masticatory apparatus since living prosimians bear a general morphological resemblance to Eocene fossil primates currently under study.

Peter Klopfer:

The purposes of our studies are first, to uncover the factors that determine whether a mother will care for her young, whether that care is restricted exclusively to her own or extends to alien youngsters, and whether differences in the character and quality of her care have long-term effects. From the standpoint of the infant, we are interested in knowing how a separation from the mother affects its development under circumstances where a surrogate mother may or may not be available. Secondly, we intend to examine the long-term results of different rearing conditions. All of this is to be studied against the different social background provided by three particular species of *Lemur: catta, fulvus,* and *variegatus.* These three, while similar in their morphology, and, we assume, their physiology, are neither truly sympatric nor similar in their patterns of maternal care. In *catta,* animals other than the mother may contact the infant before it is a week old and independent exploration begins before it has aged three weeks. In *fulvus,* however, except for the male, other animals are generally prevented by the mother from taking over the infant until four weeks after its birth, simultaneously with the commencement of independent explorations by the infant. The *variegatus* infant, finally, is denied early contact of any kind, except with the mother, until it is fully mobile, at about seven-eight weeks. Before this, it received only intermittent attention even from its mother.

What is the significance of these different patterns of care? Are the more commonly reared *catta* infants better buffered from the trauma of parental separation? Are the "independent" *variegatus* better able to invade and colonize new areas? These queries represent the direction in which these studies will lead.

I. The first set of specific questions with which our earlier studies dealt (and continue to deal) are:

1. What are the proximate factors determining whether a mother will recognize neonatal young?

2. What determines whether she will accept them?

3. What determines whether she will discriminate between her own and alien young?

4. How do specific differences in maternal responses influence the infant's response to separation from its mother?

5. How do individual differences in maternal behavior influence the infant's development?

6. What determines the success of surrogate mothers?

The particular ultimate variables we expect (for reasons discussed below) to be of primary importance include:

1. the usual size of the social unit of the species

2. age structure and peer-superior relations

3. degree of motor precocity at birth

4. post-natal rate of development

II. The specific questions to which we expect to devote ourselves for the period covered by this proposal are:

1. How do lemurs of the three species (*catta, fulvus, variegatus*) differ in their responses to

a. novel habitats

b. novel foods

c. novel objects

2. Do the differences noted in (1) correspond to the differences displayed by the three species in their usual environment?

3. Are the differences in (1) resistant to alterations in the mode of rearing, i.e. are they attributable to the unique rearing patterns displayed by each of the three species?

Graduate Students:

Lori Alterman (Anthropology): Primary structure of the alpha, beta, and delta chains of primate hemoglobins. Presently completing research at New York University.

Norman Budnitz (Zoology): Social organization among lemurs. Recently returned from field studies in Madagascar. Thesis in preparation.

Anne Clark (Biology—University of Chicago) Olfactory communication in galagos.

John Conley (Anthropology): Activity cycles in lemurs. Presently working with Donald Sade at Punta Santiago, Puerto Rico.

Dorian Coppenhaver (Zoology): Primary structure of hemoglobins of lemurs. Presently completing research at New York University.

Andrew Hamilton (Anthropology): Cytogenetic studies of lemurs.

George Mason (Anatomy): Erythrocyte enzymes and polymorphic serum proteins. Thesis in preparation.

Lee McGeorge (Zoology): Vocalization and communication in lemurs. Presently conducting field work in Madagascar.

Jay Rumsey (Anatomy): Physiological and behavioral activity cycles of cheirogaleing lemurs. Presently conducting field studies in Madagascar.

Laura Vick (Anthropology—University of North Carolina): Interpersonal bonds and pair-bonding among lemurs.

Undergraduate Students:

Thomas Howard (Zoology): Vaginal cytology of galagos.

Lee Simpson (Zoology): Sex-related behavior of neonates.

Robert Walters (Zoology): Bone marrow cell distribution of galagos.

Richard Weber (Zoology): Screening for naturally occurring blood-group antibodies in prosimians.

Post-doctoral Students:

Ann Rosenkoetter (Oregon Regional Primate Center): Olfactory communications in lemurs. Beginning summer, 1974.

5. Past users

Visiting scholars and postdoctoral fellows:

D. Covalt-Dunning, Ph.D. (Zoology): Postdoctoral fellow. Work involves studies of echolocation in galagos. Presently Assistant Professor, Department of Zoology, West Virginia University, Morgantown, West Virginia.

D. Drews, Ph.D. (Psychology): Postdoctoral fellow. Studies of dominance relations in galagos. Presently Assistant Professor, Department of Psychology, Juniata College, Huntington, Pennsylvania.

William Wilson, Ph.D. (Psychology): Professor of Psychology, University of Connecticut. Studies of vocalization in *Lemur catta* and their instrumental control.

Billy M. Seay, Ph.D. (Psychology): Associate Professor of Psychology, Louisiana State University, Baton Rouge, Louisiana. Studies of social behavior in *Propithecus verreauxi coquereli.*

Graduate Students:

Peter H. Nute, Ph.D. (Anatomy): "Genetic and Evolutionary Studies of Hemoglobins and Transferrins in the Primates." Postdoctoral studies at Division of Medical Genetics, University of Washington, Seattle. Presently faculty member, University of Washington.

Leon M. Rosenson, Ph.D. (Zoology): "Social Behavior of the Greater Bushbaby." Postdoctoral studies at University of Sussex, Sussex, England. Presently Assistant Professor, Department of Natural Sciences, Stockton State College, Pomona, New Jersey.

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Joathan E. Harrington, Ph.D. (Zoology): "Olfactory Communication in *Lemur fulvus*." Presently postdoctoral fellow, Rockefeller University, New York.

Thomas J. Oliver, Ph.D. (Anthropology): "Microevolution in Kenya Baboons." Presently faculty member, Department of Anatomy, University of Western Australia, Nedlands, Australia.

Robert W. Sussman, Ph.D. (Anthropology): "An Ecological Study of Two Madagascan Primates: *Lemur fulvus rufus* and *Lemur catta*." Presently Assistant Professor, Department of Anthropology, Washington University, St. Louis.

Richard C. Wiggins, Ph.D. (Anatomy): "The Alpha-Chains of the Hemoglobin of *Pongo pygmaeus*." Presently research associate, Child Development Center, School of Medicine, University of North Carolina.

Stanley E. Grode, M.A. (Anatomy): "A Study of Brachial Marking in *Hapalemur griseus* and *Lemur catta*."

Undergraduate Students:

Richard Allen: Analysis of red cell enzymes of primates.

Robert Allen: Serum and red cell proteins of primates. Presently a medical student at the University of Virginia.

David Anderson: Behavior of *Lemur variegatus*. Presently Colony Supervisor of Duke University Primate Facility.

Nancy Borstelman: Social behavior and communication in primates. (Special student from Stanford University.)

Robert R. Boyles: Observational learning in galagos.

Charles F. Chandler, Jr.: Peer relations and sexual development in lemurs.

Diane Feldman: Observational learning in lemurs (Special Graduate Student).

Lorry van Hasteren: Social behavior of *Hapalemur griseus*. Hematological studies of infant and juvenile prosimians.

Tim Keith-Locke: Maternal care in lemurs (Special Graduate Student).

Pamela Roberts: Social behavior in galagos.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before May 7, 1975, will be considered.

Dated: March 28, 1975.

LOREN K. PARCHER,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-8780 Filed 4-4-75;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. Lion Country Safari, Inc., Post Office Box 400, Kings Mills, Ohio 45034. Milton Tennant, Zoological Manager.

FEBRUARY 17, 1975.

BUREAU OF SPORT FISHERIES AND WILDLIFE
Department of the Interior,
Washington, D.C.

In compliance with Pub. L. 93-205, section 10(a) and the Code of Federal Regulations, Title 50, Subpart c, §§ 17.23 and 13.12a, it is requested that permission be granted Lion Country Safari Inc., to transfer four (4) South African cheetah from its park in California to its park in Ohio.

1. Applicant's name: Lion Country Safari Inc., P.O. Box 400, Kings Mills, Ohio 45034. Attention: Milton Tennant (513)-398-9010.

2. Applicant is a public corporation: Mr. Harry Shuster President, Lion Country Safari Inc., 8800 Moulton Parkway, Laguna Hills, California 92653, (714)-837-1200.

3. Location where permitted activity is to be conducted: Lion Country Safari Inc., P.O. Box 400, Kings Mills, Ohio 45034, (513)-398-9010.

4. Name of species: South African cheetah, *Acinonyx jubatus;* Number-four (4); Sex-2.2; Age-6.5 years; have been in the country for six years.

5. Statement of justification: The California park has a viable group of cheetah and by transferring four presently non-breeders would attempt establishing a breeding group in Ohio.

6. Description of facility: An area adjoining the park's entertainment area has been set aside for quarters. See attached diagram. This area is approximately 10,000 sq. ft. with suitable heated winter shelter.

7. Technical available expertise: Lion Country Safari Inc. has three breeding groups at three of their parks with each group having at least one successful litter. Information concerning these successes is freely circulated amongst all our parks. In addition, the Zoological Manager and assistant have both been active in the care and management of the cheetah at the California park which led to successful births.

8. Lion Country Safari Inc. is willing to contribute data to cheetah studbook and cooperate in breeding programs.

9. Cheetah will be transported by air carrier in crates of appropriate size. Flight time is approximately six hours and will be scheduled so as to eliminate any waiting time at either end.

10. I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

MILTON TENNANT,
Zoological Manager.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before May 7, 1975, will be considered.

Dated: April 1, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-8930 Filed 4-4-75;8:45 am]

MARINE MAMMAL PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit has been received under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407).

Applicant. Thomas R. Loughlin, M.A., Doctoral graduate student, Department of Biology, University of California, Los Angeles, California 90024.

FEBRUARY 25, 1975.

DIRECTOR, FISH AND WILDLIFE SERVICE,
Department of the Interior,
Washington, D.C. 20235.

1. Application for Scientific Research Permit under the Marine Mammal Protection Act of 1972.

2. 25 February, 1975.

3. The applicant is *not* a partnership or a corporate entity, nor are any marine mammals to be taken or imported, utilized or displayed, by a party other than the applicant.

4. (a) The proposed research program entails a behavioral and ecological study of the sea otter, *Enhydra lutris lutris*, as it occurs along the central California coast. Adult and juvenile animals of both sexes are to be captured (see Section 5(e) for capture details) and tagged. The tags will include permanent anodized aluminum cattle ear tags (Wild and Ames, Mar. Res. Tech. Rep. No. 20, Ca. Fish and Game, 1974) which will be attached to the webb of the rear flipper. The animals will also be tagged with telemetric devices attached to a collar which will fit around the animal's neck. Care has been taken in the design of the collar to make the unit as small as possible to facilitate the requirement for grooming by the sea otter. The animals will also be weighed and measured upon capture. After tagging procedures the animals will be released as near to the capture site as possible.

The telemetric device includes an electromagnetic and a sonic transmitter. The electronic utilizes a variable frequency oscillator (VFO) which will be monitored while the animal is on or near the surface. Subsurface movements will be monitored by the sonic transmitter. The collar unit will be designed to disintegrate after a maximum of five months in sea water.

Information gained from this study will include home range, 24 hour activity cycles, diurnal versus nocturnal foraging strategies, depth of dives and intraspecies dispersal parameters.

The study will be restricted primarily to animals which occur in the northern sector of the existing range, specifically the area including Hopkin's Marine Station (present study center) Pacific Grove, California, to Point Sur, 40 miles to the south. This area represents approximately one-fourth of the area of the existing sea otter range in Central California.

A minimum of 15 animals are to be radio tagged during the study period.

The study will be conducted from June, 1972, through June, 1977.

(a) A list of sponsors and cooperating institutions follows:

Dr. J. Lee Kavanau, Professor of Biology, University of California, Los Angeles. Applicant's major graduate advisor and project leader.

Dr. George Bartholomew, Professor of Biology, University of California, Los Angeles. Member of applicant's doctorate graduate committee and technical advisor.

Dr. Donald Abbott, Assistant Director, Hopkin's Marine Station, Pacific Grove, California. Cooperating institution.

(c) No formal research proposal has been prepared. Refer to Section 4(a) for project description.

(d) The proposed research responds directly with recomendations by the California Fish and Game (Bissel and Hubbard 1968, Ca. Fish and Game) and the goals of the Marine Mammal Commission (Mar. Mamm. Comm. Mimeo, August 1974). The study will add to the knowledge concerning potential or actual sea otter-abalone conflicts in California, investigate the use of sonic tags for behavioral and ecological investigations, and provide carcasses found during the study to scientific institutions for additional studies. The project will also help to determine the life history and survival mechanisms of the sea otter which will facilitate decisions relevant to management.

(e) Any dead specimens, skeletons, or other remains will be deposited in the Vertebrate Museum, University of California, Los Angeles.

5. (a) The species to be captured is the sea otter, *Enhydra lutris lutris*. A minimum of 15 and a maximum of 40 animals are requested for capture and tagging. This represents at most 2.5 percent of the estimated present population of 1,600 animals in the California population (Miller, 1974, Mar. Resources Leaflet No. 7, State of California).

(b) Male and female adult and juvenile animals will be taken. Mature males attain a maximum size of 86 pounds and 65 inches. Males average larger than females. Juvenile animals are defined here as those weighing at least 30 pounds and more than one year old.

(c) The capture dates are planned for June through September, 1975, January through March, 1976, June through September, 1976, and January through March, 1977, in the area of and adjacent to Hopkin's Marine Station, Pacific Grove, California.

(d) A total of 1,600 animals was estimated for the entire California population by the California Department of Fish and Game in June, 1974. Wild and Ames (1974) report a maximum of 110 sea otters within the immediate area of the proposed study.

(e) The method of capture will be the same as that described by Wild and Ames (1974, Mar. Res. Tech. Report No. 20, Ca. Fish and Game). The following description is taken from their report. A diver-held sea otter trap (Figure 1) is maneuvered beneath a sea otter rafting in the kelp. Upon encountering the otter from below, the drawstring is pulled thereby closing the net and trapping the otter. Carbon dioxide inflatable floats help to support the device at the surface the assisting boat arrives. The otter is then removed from the device, tagged, and released.

(f) Qualifications of individuals performing the capture follows:

Thomas R. Loughlin, M.A., Doctoral graduate student, University of California, Los Angeles. Previous (1973) capture of harbor seals (*Phoca vitulina*) in Humboldt Bay, California.

Daniel Costa, Doctoral graduate student University of California, Santa Cruz.

Technical assistance from the staff of the California Department of Fish and Game, Marine Resources Region, Monterey, California.

(g) The capture is *not* to be done by a contractor.

(h) The animals to be captured will *not* be imported.

(i) There will be no marine mammal products imported under this permit.

6. None of the animals captured will be transported to any other location under this permit. All animals will be released on the capture site.

7. None of the animals captured under this permit will be retained after capture; therefore, plans for care or maintenance of the animals after capture are not applicable.

8. None of the animals captured in this permit will be used for public display.

9. The sea otter, *Enhydra lutris*, is listed as an endangered species pursuant to the Endangered Species Act of 1969. The need for this animal is justified because of the type and amount of information that will be gained by the study. The present status of the sea otter in California is perilous due to the stress the animal may be placing on the abalone and clam fisheries in the state. Adequate management can not occur unless sufficient behavioral and ecological information is available. The present study is designed to furnish in part some of the data required to facilitate appropriate management practices as well as to improve on our general knowledge of the biology of the sea otter. Due to these reasons an alternate species would not be appropriate for this study.

10. For the year preceding the date of the application, no sea otters were captured, transported, maintained, or displayed, or utilized for scientific research by the applicant.

11. I hereby certify that the foregoing information is complete, true, and correct to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining a permit under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and regulations promulgated thereunder, and that any false statement may subject me to the criminal penalties of 18 U.S.C. 1001, or to penalties provided under the Marine Mammal Protection Act of 1972.

THOMAS R. LOUGHLIN,
Department of Biology, University of California, Los Angeles, California 90024.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW, Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before May 7, 1975, will be considered.

Dated: April 1, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-8939 Filed 4-4-75;8:45 am]

Geological Survey

[OCS Order No. 11]

OIL AND GAS PRODUCTION RATES

Prevention of Waste, and Protection of Correlative Rights

Notice is hereby given that pursuant to 30 CFR 250.11 the Chief, Conservation Division, Geological Survey, has approved OCS Order No. 11 for the Pacific Area as set forth below, effective May 1, 1974.

Copies of OCS Order No. 11 may be obtained from the Oil and Gas Supervisor, Pacific Area, 7744 Federal Building, 300 N. Los Angeles Street, Los Angeles, California 90012.

By FEDERAL REGISTER notice, dated September 5, 1974, comments were solicited concerning the content of the proposed Order. As a result of this solicitation, four comments were received, two of which recommended changes in specific provisions of the Order, another did not believe the Order was necessary, and the third party found nothing objectionable in the Order.

All comments were considered during preparation of the final version published below. Modification in the Order from the earlier version is as follows:

Subparagraph 3.A.(1) Modification was made to allow operators six months in which to submit an initial Maximum Efficient Rate (MER) for reservoirs producing prior to the date of the Order.

Subparagraph 3.B.(1) This was also changed to permit the operators a six-month period in which to submit a request for Maximum Production Rate (MPR) for wells producing prior to the date of the Order.

Subparagraph 12.B A clarification was made in this part to indicate a well completion may be in a single or in commingled reservoirs.

Subparagraph 14.B This provision was simplified, but the requirements concerning producing a well within 200 feet from a property line remain the same.

Appendix A. This part of the Order was also modified to reflect the possibility of having commingled reservoirs within a well completion.

W. A. RADLINSKI,
Acting Director.

CONSERVATION DIVISION, PACIFIC AREA

[OCS Order No. 11]

Effective May 1, 1975

OIL AND GAS PRODUCTION RATES, PREVENTION OF WASTE, AND PROTECTION OF CORRELATIVE RIGHTS

This Order is established pursuant to the authority prescribed in 30 CFR 250.1, 30 CFR 250.11, and in accordance with all other applicable provisions of 30 CFR Part 250, and the notice appearing in the FEDERAL REGISTER, dated December 5, 1970 (35 FR 18558), to provide for the prevention of waste and conservation of the natural resources of the Outer Continental Shelf, and the protection of correlative rights therein. This Order shall be applicable to all oil and gas wells on Federal leases in the Outer Continental Shelf

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of the Pacific Area. All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.12(b). References in this Order to approvals, determinations, and requirements for submitting of information or applications for approval are to those granted, made, or required by the Oil and Gas Supervisor or his delegated representative.

1. *Definition of Terms.* As used in this Order, the following terms shall have the meanings indicated:

A. *Waste of Oil and Gas.* The definition of waste appearing in 30 CFR 250.2(h) shall apply, and includes the failure to timely initiate enhanced recovery operations where such methods would result in an increased ultimate recovery of oil or gas under sound engineering and economic principles. Enhanced recovery operations refers to pressure maintenance operations, secondary and tertiary recovery, cycling, and similar recovery operations which alter the natural forces in a reservoir to increase the ultimate recovery of oil or gas.

B. *Correlative Rights.* The opportunity afforded each lessee or operator to produce without waste his just and equitable share of oil and gas from a common source of supply.

C. *Maximum Efficient Rate (MER).* The maximum sustainable daily oil or gas withdrawal rate from a reservoir which will permit economic development and depletion of that reservoir without detriment to ultimate recovery.

D. *Maximum Production Rate (MPR).* The approved maximum daily rate at which oil may be produced from a specified oil well completion or the maximum approved daily rate at which gas may be produced from a specified gas well completion.

E. *Interested Party.* The Operators and lessees, as defined in 30 CFR 250.2 (f) and (g), of the lease or leases involved in any proceeding initiated under this Order.

F. *Reservoir.* An oil or gas accumulation which is separated from and not in oil or gas communication with any other such accumulation.

G. *Competitive Reservoir.* A reservoir as defined herein containing one or more producible or producing well completions on each of two or more leases, or portions thereof, in which the lease or operating interests are not the same.

H. *Property Line.* A boundary dividing leases, or portions thereof, in which the lease or operating interest is not the same. The boundaries of federally approved unit areas shall be considered property lines. The boundaries dividing leased and unleased acreage shall be considered property lines for the purpose of this Order.

I. *Oil Reservoir.* A reservoir that contains hydrocarbons predominantly in a liquid (single-phase) state.

J. *Oil Well Completion.* A well completed in an oil reservoir or in the oil accumulation of an oil reservoir with an associated gas cap.

K. *Gas Reservoir.* A reservoir that contains hydrocarbons predominantly in a gaseous (single-phase) state.

L. *Gas Well Completion.* A well completed in a gas reservoir or in the gas cap of an oil reservoir with an associated gas cap.

M. *Oil Reservoir with an Associated Gas Cap.* A reservoir that contains hydrocarbons in both a liquid and a gaseous state (two-phase).

N. *Producible Well Completion.* A well which is physically capable of production and which is shut-in at the wellhead or at the surface, but not necessarily connected to production facilities, and from which the operator plans future production.

2. *Classification of Reservoirs.*—A. *Initial Classification.* Each producing reservoir shall be classified by the operator, subject to approval by the Supervisor, as an oil reservoir, an oil reservoir with an associated gas cap, or a gas reservoir.

(1) The initial classification of each reservoir from which production is commenced subsequent to the date of this Order shall be submitted for approval with the initial submittal of MER data for the reservoir.

(2) Each reservoir from which production commenced on or prior to the date of this Order shall be classified by the operator, based on existing reservoir conditions. Such classification shall be determined and submitted to the Supervisor within six (6) months of the date of this Order.

B. *Reclassification.* A reservoir may be reclassified by the Supervisor, on his own initiative or upon application of an operator, during its productive life when information becomes available showing that such reclassification is warranted.

3. *Oil and Gas Production Rates.*—A. *Maximum Efficient Rate (MER).* The operator shall propose a maximum efficient rate (MER) for each producing reservoir based on sound engineering and economic principles. When approved at the proposed or other rate, such rate shall not be exceeded, except as provided in paragraph 4 of this Order.

(1) *Submittal of Initial MER.* Within 45 days after the date of first production or such longer period as may be approved, the operator shall submit a Request for Reservoir MER (Form 9–1866) with appropriate supporting information. Within six months after the date of this Order, the operator shall submit a Request for Reservoir MER (Form 9–1866) with appropriate supporting information for each reservoir from which production commenced prior to the date of this Order.

(2) *Revision of MER.* The operator may request a revision of an MER by submitting the proposed revision to the Supervisor on a Request for Reservoir MER (Form 9–1866) with appropriate supporting information. The operator shall obtain approval to produce at test rates which exceed an approved MER when such testing is necessary to substantiate an increase in the MER.

(3) *Review of MER.* The MER for each reservoir will be reviewed by the operator annually, or at such other required or approved interval of time. The results of the review, with all current supporting information shall be submitted on a Request for Reservoir MER (Form 9–1866).

(4) *Effective Date of MER.* The effective date of an MER, or revision thereof, will be determined by the Supervisor and shown on a Request for Reservoir MER (Form 9–1866) when the MER is approved. The effective date for an initial MER shall be the first day following the completion of an approved testing period. The effective date for a revised MER shall be the first day following the completion of an approved testing period, or if testing is not conducted, the date the revision is approved.

B. *Maximum Production Rate (MPR).* The operator shall propose a maximum production rate (MPR) for each producing well completion in a reservoir together with full information on the method used in its determination. When an MPR has been approved for a well completion, that rate shall not be exceeded, except as provided in paragraph 4 of this Order. The MPR shall be based on well tests and any limitations imposed by (1) well tubing, safety equipment, artificial lift equipment, surface back pressure, and equipment capacity; (2) sand producing problems: (3) producing gas-oil and water-oil ratios; (4) relative structural position of the well with respect to gas-oil or water-oil contacts; (5) position of perforated interval within total production zone; and (6) prudent operating practices. The MPR established for each well completion shall not exceed 110 percent of the rate demonstrated by a well test unless justified by supporting information.

(1) *Submittal of Initial MPR.* Within six months after the date of this Order, the operator shall submit a Request for Well Maximum Production Rate (MPR) (Form 9–1867), with the results of the potential test on a Well Potential Test Report (Form 9–1868). Thereafter, the operator shall have 30 days from the date of first continuous production within which to conduct a potential test, as specified under subparagraphs 5.B and 6.B of this Order, on all new and reworked well completions. Within 15 days after the date of the potential test, the operator shall submit a proposed MPR for the individual well completion on a Request for Well Maximum Production Rate (MPR) (Form 9–1867), with the results of the potential test on a Well Potential Test Report (Form 9–1868). Extension of the 30-day test period may be granted. The effective date for any approved initial MPR shall be the first day following the test period. During the 30-day period allowed for testing, or any approved extensions thereof, the operator may produce a new or reworked well completion at rates necessary to establish the MPR. The operator shall report the total production obtained during the test period and approved extensions thereof, on the Well Potential Test Report (Form 9–1868).

(2) *Revision of MPR Increase.* If necessary to test a well completion at rates above the approved MPR to determine whether the MPR should be increased, notification of intent to test the well at such higher rates, not to exceed a stated maximum rate during a specified test period, shall be filed with the Supervisor. Such tests may commence on the day following the date of filing notification, unless otherwise ordered by the Supervisor. If an operator determines that the MPR should be increased he shall submit, within 15 days after the specified test period, a proposed increased MPR on a Request for Well Maximum Production Rate (MPR) (Form 9–1867), and any other available data to support the requested revision, including the results of the potential test and the total production obtained during the test period on a Well Potential Test Report (Form 9–1868). Prior to approval of the proposed increased MPR, the operator may produce the well completion at a rate not to exceed the proposed increased MPR of the well. The effective date for any approved increased MPR shall be the first day following the test period. If testing rates or increased MPR rates result in production from the reservoir in excess of the approved MER, this excess production shall be balanced by underproduction from the reservoir under the provisions of subparagraph 4.B of this Order.

(3) *Revision of MPR Decrease.* When the quarterly test rate for an oil well completion or the semi-annual test rate for a gas well completion required under subparagraphs 5.C and 6.C of this Order is less than 90 percent of the existing approved MPR for the well, a new reduced MPR will be established automatically for that well completion equal to 110 percent of the test rate submitted. The effective date for the new MPR for such well completion shall be the first day of the quarter following the required date of submittal of periodic well-test results under subparagraphs 5.C and 6.C of this Order. Also, the operator may notify the Supervisor on a Request for Well Maximum Production Rate (MPR) (Form 9–1867) of, or the Supervisor may require, a downward revision of a well MPR at any time when the well is no longer

capable of producing its approved MPR on a sustained basis. The effective date for such reduced MPR for a well completion shall be the first day of the month following the date of notification.

(4) *Continuation of MPR.* If submittal of the results of a quarterly well test for an oil completion or a semi-annual well test for a gas well completion, as provided for in subparagraphs 5.C and 6.C of this Order, cannot be timely, continuation of production under the last approved MPR for the well may be authorized, provided an extension of time in which to submit the test results is requested and approved in advance.

(5) *Cancellation of MPR.* When a well completion ceases to produce, is shut-in pending workover, or any other condition exists which causes the assigned MPR to be no longer appropriate, the operator shall notify the Supervisor accordingly on a Request for Well Maximum Production Rate (MPR) (Form 9–1867), indicating the date of last production from the well, and the MPR will be canceled. Reporting of temporary shutins by the operator for well maintenance, safety conditions, or other normal operating conditions is not required, except as is necessary for completion of the Monthly Report of Operations (Form 9–152).

C. *MER and MPR Relationship.* The withdrawal rate from a reservoir shall not exceed the approved MER and may be produced from any combination of well completions subject to any limitations imposed by the MPR established for each well completion. The rate of production from the reservoir shall not exceed the MER although the summation of individual well MPR's may be greater than the MER.

4. *Balancing of Production.*—A. *Production Variances.* Temporary well production rates, resulting from normal variations and fluctuations exceeding a well MPR or reservoir MER shall not be considered a violation of this Order, and such production may be sold or transfered pursuant to paragraph 8 of this Order. However, when normal variations and fluctuations result in production in excess of a reservoir MER, any operator who is overproduced shall balance such production in accordance with subparagraph 4.B below. Such operator shall advise the Supervisor of the amount of such excess production from the reservoir for the month at the same time as Form 9–152 is filed for that month.

B. *Balancing Periods.* As of the first day of the month following the month in which this Order becomes effective, all reservoirs shall be considered in balance. Balancing periods for overproduction of a reservoir MER shall end on January 1, April 1, July 1, and October 1 of each year. If a reservoir is produced at a rate in excess of the MER for any month, the operator who is overproduced shall take steps to balance production during the next succeeding month. In any event, all overproduction shall be balanced by the end of the next succeeding quarter following the quarter in which the overproduction occurred. The operator shall notify the Supervisor at the end of the month in which he has balanced the production from an overproduced reservoir.

C. *Shut-in for Overproduction.* Any operator in an overproduction status in any reservoir for two successive quarters which has not been brought into balance within the balancing period shall be shut-in from that reservoir until the actual production equals that which would have occurred under the approved MER.

D. *Temporary Shut-in.* If, as the result of storm, hurricanes, emergencies, or other conditions peculiar to offshore operations, an operator is forced to curtail or shut-in production from a reservoir, the Supervisor may, on request, approve makeup of all or part of this production loss.

5. *Oil Well Testing Procedures.*—A. *General.* Tests shall be conducted for not less than four consecutive hours. Immediately prior to the 4-hour test period, the well completion shall have produced under stabilized conditions for a period of not less than six consecutive hours. The 6-hour pretest period shall not begin until after recovery of a volume of fluid equivalent to the amount of fluids introduced into the formation for any purpose. Measured gas volumes shall be adjusted to the standard conditions of the 15.25 psia and 60° F for all tests. When orifice meters are used, a specific gravity shall be obtained or estimated for the gas and a specific gravity correction factor applied to the orifice coefficient. The Supervisor may require a prolonged test or retest of a well completion if such test is determined to be necessary for the establishment of a well MPR or a reservoir MER. The Supervisor may approve test periods of less than four hours and pretest stabilization periods of less than six hours for well completions, provided that test reliability can be demonstrated under such procedures.

B. *Potential Test.* Test data to establish or to increase an oil well MPR shall be submitted on a Well Potential Test Report (Form 9–1868). The total production obtained from all tests during the test period shall be reported on such form.

C. *Quarterly Test.* Tests shall be conducted on each producing oil well completion quarterly, and test results shall be submitted on a Quarterly Oil Well Test Report (Form 9–1869). Testing periods and submittal dates shall be as follows:

Testing period	Latest date for submittal of test results	For quarter beginning
Sept. 11 to Dec. 10	Dec. 10	Jan. 1
Dec. 11 to Mar. 10	Mar. 10	Apr. 1
Mar. 11 to June 10	June 10	July 1
June 11 to Sept. 10	Sept. 10	Oct. 1

There shall be a minimum of 45 days between quarterly tests for an oil well completion.

6. *Gas Well Testing Procedures.*—A. *General.* Testing Procedures for gas well completions shall be the same as those specified for oil well completions in subparagraph 5.A except for the initial test which shall be a multi-point back-pressure test as described in paragraph 6.D.

B. *Potential Test.* Test data to establish or to increase a gas well MPR shall be submitted on a Well Potential Test Report (Form 9–1868).

C. *Semi-annual Test.* Tests shall be conducted on each producing gas well completion semi-annually, and test results shall be submitted on a Semi-annual Gas Well Test Report (Form 9–1870). Testing periods and submittal dates shall be as follows:

Testing period	For submittal of test results	For semi-annual period beginning
June 11 to Dec. 10	Dec. 10	Jan. 1
Dec. 11 to June 10	June 10	July 1

There shall be a minimum of 90 days between semi-annual tests for a gas well completion.

D. *Back-Pressure Tests.* A multi-point back-pressure test to determine the theoretical open-flow potential of gas wells shall be conducted within thirty days after connection to a pipeline. If bottom-hole pressures are not measured, such pressures shall be calculated from surface pressures using the method, or other similar method, found in the Interstate Oil Compact Commission (IOCC) Manual of Back-Pressure Testing of gas wells. The results of all back-pressure tests conducted by the operator shall be filed with the Supervisor, including all basic data used in determining the test results. The Supervisor may waive this requirement if multi-point back-pressure test information has previously been obtained on a representative number of wells in a reservoir.

7. *Witnessing Well Tests.* The Supervisor may have a representative witness any potential or periodic well tests on oil and gas well completions. Upon request, an operator shall notify the appropriate District office of the time and date of well tests.

8. *Sale or Transfer of Production.* Oil and gas produced pursuant to the provisions of this Order, including test production, may be sold to purchasers or transferred as production authorized for disposal hereunder.

9. *Bottom-Hole Pressure Tests.* Static bottom-hole pressure test shall be conducted annually on sufficient key wells to establish an average reservoir pressure in each producing reservoir unless a different frequency is approved. The operator may be required to test specific wells. Results of bottom-hole pressure tests shall be submitted within 60 days after the date of the test.

10. *Flaring and Venting of Gas.* Oil- and gas-well gas shall not be flared or vented, except as provided herein.—A. *Small-Volume or Short-Term Flaring or Venting.* Oil- and gas-well gas may be flared or vented in small volumes or temporarily without the approval of the Supervisor in the following situations:

(1) *Gas Vapors.* When gas vapors are released from storage and other low pressure production vessels if such gas vapors cannot be economically recovered or retained.

(2) *Emergencies.* During temporary emergency situations, such as compressor or other equipment failure, or the relief of abnormal system pressures.

(3) *Well Purging and Evaluation Tests.* During the unloading or cleaning up of a well and during drillstem, producing, or other well evaluation tests not exceeding a period of 24 hours.

B. *Approval for Routine or Special Well Tests.* Oil- and gas-well gas may be flared or vented during routine and special well tests, other than those described in paragraph A above, only after approval of the Supervisor.

C. *Gas-Well Gas.* Except as provided in A and B above, gas-well gas shall not be flared or vented.

D. *Oil-Well Gas.* Except as provided in A and B above, oil-well gas shall not be flared or vented unless approved by the Supervisor. The Supervisor may approve an application for flaring or venting of oil-well gas for periods not exceeding one year if (1) the operator has initiated positive action which will eliminate flaring or venting, or (2) the operator has submitted an evaluation supported by engineering, geologic, and economic data indicating that rejection of an application to flare or vent the gas will result in an ultimate greater loss of equivalent total energy than could be recovered for beneficial use from the lease if flaring or venting were allowed.

E. *Content of Application.* Applications under paragraph D above for existing operations, as of the date of this Notice, shall be filed within three months from the effective date of this Order. Applications under paragraph D(2) above shall include all appropriate engineering, geologic, and economic

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date in an evaluation showing that absence of approval to flare or vent the gas will result in premature abandonment of oil and gas production or curtailment of lease development. Applications shall include an estimate of the amount and value of the oil and gas reserve that would not be recovered if the application to flare or vent were rejected and an estimate of the total amount of oil to be recovered and associated gas that would be flared or vented if the application were approved.

11. *Disposition of Gas.* The disposition of all gas produced from each lease shall be reported monthly on, or attached to, Form 9–152. The report shall be submitted in the following manner:

	Oil-well gas (thousand cubic feet)	Gas-well gas (thousand cubic feet)
Sales		
Fuel		
Injected [1]		
Flared		
Vented		
Other (specify)		
Total		

[1] Gas produced from the lease and injected on or off the lease.

12. *Multiple and Selective Completions.*—A. *Number of Completions.* A well bore may contain any number of producible completions when justified and approved.

B. *Numbering Well Completions.* Well completions made after the date of this Order shall be designated using numerical and alphabetical nomenclature. Once designated as a reservoir, or commingled reservoirs completion, the well completion number shall not change. Appendix A contains a detailed explanation of procedures for naming well completions.

C. *Packer Tests.* Multiple and selective completions shall be equipped to isolate the respective producing reservoirs. A packer test or other appropriate reservoir isolation test shall be conducted prior to or immediately after initiating production and annually thereafter on all multiply completed wells. Should the reservoirs in any multiply completed well become intercommunicative the operator shall make repairs and again conduct reservoir isolation tests unless some other operational procedure is approved. The results of all tests shall be submitted on a Packer Test (Form 9–1871) within 30 days after the date of the test.

D. *Selective Completions.* Completion equipment may be installed to permit selective reservoir isolation or exposure in a well bore through wireline or other operations. All selective completions shall be designated in accordance with subparagraph 12.B when the application for approval of such completions is filed.

E. *Commingling.* Commingling of production from two or more separate reservoirs within a common well bore may be permitted if it is determined that, collectively, the ultimate recovery will not be decreased. An application to commingle hydrocarbons from multiple reservoirs within a common well bore shall be submitted for approval and shall include all pertinent well information, geologic and reservoir engineering data, and a schematic diagram of well equipment. For all competitive reservoirs, notice of the application shall be sent by the applicant to all other operators of interest in the reservoirs prior to submitting the application to the Supervisor. The application shall specify the well completion number to be used for subsequent reporting purposes.

13. *Gas-Cap Well Completions.* All existing and future wells completed in the gas cap of a reservoir which has been classified and approved as an associated oil reservoir shall be shut-in until such time as the oil is depleted or the reservoir is reclassified as a gas reservoir; provided, however, that production from such wells may be approved when (1) it can be shown that such gas-cap production would not lead to waste of oil and gas, or (2) when necessary to protect correlative rights unless it can be shown that this production will lead to waste of oil and gas.

14. *Location of Wells.*—A. *General.* The location and spacing of all exploratory and development wells shall be in accordance with approved programs and plans required in 30 CFR 250.17 and 250.34. Such location and spacing shall be determined independently for each lease or reservoir in a manner which will locate wells in the optimum structural position for the most effective production of reservoir fluids and to avoid the drilling of unnecessary wells.

B. *Distance from Property Line.* An operator may drill exploratory or development wells at any location on a lease in accordance with approved plans; provided that no well drilled and completed after the date of this Order in which the completed interval is less than 200 feet from a property line shall be produced unless approved by the Supervisor. An operator requesting approval to produce a well in which the completed interval is located closer than 200 feet from a property line shall furnish the Supervisor with letters expressing acceptance or objection from operators of offset properties.

15. *Enhanced Oil and Gas Recovery Operations.* Operators shall timely initiate enhanced oil and gas recovery operations for all competitive and noncompetitive reservoirs where such operations would result in an increased ultimate recovery of oil or gas under sound engineering and economic principles. A plan for such operations shall be submitted with the results of the annual MER review as required in paragraph 3A(3) of this Order.

16. *Competitive Reservoir Operations.* Development and production operations in a competitive reservoir may be required to be conducted under either pooling and drilling agreements or unitization agreements when the Conservation Manager determines, pursuant to 30 CFR 250.50 and delegated authority, that such agreements are practicable and necessary or advisable and in the interest of conservation.

A. *Competitive Reservoir Determination.* The Supervisor shall notify the operators when he has made a preliminary determination that a reservoir is competitive as defined in this Order. An operator may request at any time that the Supervisor make a preliminary determination as to whether a reservoir is competitive. The operators, within thirty (30) days of such preliminary notification or such extension of time as approved by the Supervisor, shall advise of their concurrence with such determination, or submit objections with supporting evidence. The Supervisor will make a final determination and notify the operators.

B. *Development and Production Plans.* When drilling and/or producing operations are conducted in a competitive reservoir, the operators shall submit for approval a plan governing the applicable operations. The plan shall be submitted within ninety (90) days after a determination by the Supervisor that a reservoir is competitive or within such extended period of time as approved by the Supervisor. The plan shall provide for the development and/or production of the reservoir, and may provide for the submittal of supplemental plans for approval by the Supervisor.

(1) *Development Plan.* When a competitive reservoir is still being developed or future development is contemplated, a development plan may be required in addition to a production plan. This plan shall include the information required in 30 CFR 250.34. If agreement to a joint development plan cannot be reached by the operators, each shall submit a separate plan and any differences may be resolved in accordance with paragraph 17 of this Order.

(2) *Production Plan.* A joint production plan is required for each competitive reservoir. This plan shall include (a) the proposed MER for the reservoir; (b) the proposed MPR for each completion in the reservoir; (c) the percentage allocation of reservoir MER for each lease involved; and (d) plans for secondary recovery or pressure maintenance operations. If agreement to a joint production plan cannot be reached by the operators, each shall submit a separate plan, and any differences may be resolved in accordance with paragraph 17 of this Order.

C. *Unitization.* The Conservation Manager shall determine when conservation will be best served by unitization of a competitive reservoir, or any reservoir reasonably delineated and determined to be productive, in lieu of a development and/or production plan or when the operators and lessees involved have been unable to voluntarily effect unitization. In such cases, the Conservation Manager may require that development and/or production operations be conducted under an approved unitization plan. Within six (6) months after notification by the Conservation Manager that such a unit plan is required, or within such extended period of time as approved by the Conservation Manager, the lessees and operators shall submit a proposed unit plan for designation of the unit area and approval of the form of agreement pursuant to 30 CFR 250.51.

17. *Conferences, Decisions and Appeals.* Conferences with interested parties may be held to discuss matters relating to applications and statements of position filed by the parties relating to operations conducted pursuant to this Order. The Supervisor or Conservation Manager may call a conference with one or more, or all, interested parties on his own initiative or at the request of any interested party. All interested parties shall be served with copies of the Supervisor's or Conservation Manager's decisions. Any interested party may appeal decisions of the Supervisor or Conservation Manager pursuant to 30 CFR 250.81. Decisions of the Supervisor or Conservation Manager shall remain in effect and shall not be suspended by reason of any appeal, except as provided in that regulation.

APPENDIX A

Subparagraph 12.B *"Numbering Well Completions.* Well completions made after the date of this Order shall be designated using numerical and alphabetical nomenclature. Once designated as a reservoir or commingled reservoirs completion, the well completion number shall not change.° ° ° "

The intent of this Subparagraph is not necessarily to change the existing well completion names but to change the method of naming well completions after the effective date of this Order in order to insure that a completion in a given reservoir(s) and a specific well bore will be assigned a unique name and will retain the name permanently. For further clarification, the following guidelines and examples are offered:

1. Each well bore will have a distinct, permanent number.

2. Each reservoir or commingled reservoirs completion in a well bore will have a unique permanent designation which includes the well bore number in its nomenclature.

3. For the purpose of this Subparagraph, a "completion" is defined as all perforations in a given reservoir(s) in a specific well bore and is not necessarily associated with a tubing string or strings.

4. If more than one completion is made in a well bore, an alphabetical suffix must be used in the nomenclature to differentiate between completions.

5. An alphabetical prefix may be utilized to designate the platform from which the well will be produced.

Example No. 1. The first well drilled from the A Platform is a single completion.

WELL No. A–1

(Should an operator wish to use an alphabetical suffix with a single completion, he may do so.)

Example No. 2: A well drilled by a mobile rig need not carry an alphabetical prefix.

WELL No. 1

(If the well is later connected to and produced from a production platform, the well shall be redesignated to reflect an alphabetical prefix.)

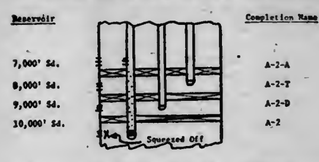
Example No. 3: The second well drilled from the A Platform is a triple completion.

1st completion	2d completion	3d completion
A–2	A–2–D	A–2–T

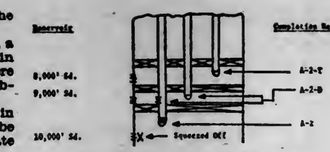
(In the above example, the letters "D" and "T" were used in naming the second and third completions utilizing current industry practice, although the intent is not to restrict operators to the use of these particular alphabetical suffixes. Any alphabetical suffix may be used as long as it is unique to the completion in that reservoir or commingled reservoirs.

Example No. 4: The drawing is shown to illustrate the fact that once a completion in a specific well bore is designated in a given reservoir(s), it will retain that name permanently. Let us consider the A–2 completion shown in Example No. 3. Should a recompletion be made in a different reservoir(s) at a later date, it shall be renamed; however, the production from the reservoir(s) associated with the original A–2 completion will always be identified with the A–2 completion. Once the A–2 completion in the 10,000' sand is squeezed and plugged off and the recompletion made to the 7,000' sand, the completion in the 7,000' sand would be designated A–2–A (or some other alphabetical suffix other than the "D" or "T" presently associated with other completions in the 9,000' and 8,000' sands).

The Sundry notice (Form 9–331) submitted to obtain approval for the workover shall be the vehicle for naming the new completion.



Example No. 5: If the A–2 completion in Example No. 4 had been recompleted from the 10,000' sand to the 9,000' sand (where the A–2–D is currently completed), the completion would still be named A–2–D as both tubing strings would be considered one completion for purposes of this Order.



[FR Doc.75–8741 Filed 4–4–75;8:45 am]

Office of the Secretary

[INT DES 75–19]

BONNEVILLE POWER ADMINISTRATION PARTICIPATION IN REGIONAL INTERUTILITY COOPERATION

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bonneville Power Administration has prepared a Draft Environmental Statement covering BPA Participation in Regional Interutility Cooperation.

This statement covers the continued participation by BPA in regional programs of interutility cooperation, including the performance of functions such as providing bulk power transmission, providing peaking resources from hydro, providing load growth and forced outage reserves, coordinating power operations, and marketing power.

Copies of the draft statement are available for inspection in the library of the Headquarters Office of BPA, 1002 NE. Holladay Street, Portland, Oregon 97232; the Washington, D.C. Office in the Interior Building, Room 5600; and the following Area Offices: Idaho Falls Area Office, 531 Lomax Street, Idaho Falls, Idaho 83401; Portland Area Office, 919 NE. 19th, Room 201, Portland, Oregon 97232; Seattle Area Office, 415–1st Avenue North, Room 250, Seattle, Washington 98109; Spokane Area Office, Room 561, U.S. Court House, W. 920 Riverside Avenue, Spokane, Washington 99201; and the Walla Walla Area Office, West 101 Poplar, Walla Walla, Washington 99362.

A limited number of copies are also available and may be obtained by writing to the Environmental Office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208 or to any of the Area Offices at the above addresses. Comments on the draft statement should be sent to the Environmental Office by May 19, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

APRIL 1, 1975.

[FR Doc.75–8876 Filed 4–4–75;8:45 am]

[INT DES 75–15]

PECOS NATIONAL MONUMENT, NEW MEXICO

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for a proposed master plan and development concept plan for Pecos National Monument, New Mexico, and invites written comment on or before May 22, 1975.

The draft environmental statement considers development patterns and management goals for administration of the monument. Development and use proposals include land classification, land acquisitions, construction of a visitor center with attendant parking area and access road, a visitor lunch-ground, tour trails, modification to and obliteration of existing structures and a support base area including living, storage and maintenance facilities.

Copies are available from or for inspection at the following locations:

Southwest Regional Office
National Park Service
Old Santa Fe Trail
Post Office Box 728
Santa Fe, New Mexico 87501

Pecos National Monument
Post Office Drawer 11
Pecos, New Mexico 37552

Chaco Center
Anthropology Building, Room 240
University of New Mexico
Post Office Box 26176
Albuquerque, New Mexico 87125

Dated: March 25, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary to the Interior.

[FR Doc.75–8875 Filed 4–4–75;8:45 am]

[INT DES 75–16]

SOUTHWESTERN POWER ADMINISTRATION; GENERAL CONSTRUCTION AND MAINTENANCE PROGRAM

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Southwestern Power Administration has prepared a draft environmental statement covering its General Construction and Maintenance Program.

Copies of the draft environmental statement are available for inspection in the Office of Assistant Secretary—Energy and Minerals, U.S. Department of the Interior, Room 6654, Interior Building, "C" Street, between 18th and 19th Streets NW., Washington, D.C. 20240, and in the Office of the Administrator, Southwestern Power Administration, Room 3402, Page Belcher Federal Building, 333 West 4th Street, Tulsa, Oklahoma, 74101.

A limited number of single copies aer available and may be obtained by writing to the Administrator, Southwestern Power Administration, P.O. Drawer 1619, Tulsa, Oklahoma, 74101.

Dated: March 25, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75–8877 Filed 4–4–75;8:45 am]

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DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Designation No. A181]

ARKANSAS

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in 14 counties in Arkansas as a result of various natural disasters. The following chart lists the counties, natural disasters, and the dates on which the disasters occurred.

Arkansas—14 counties

County	Drought	Excessive rainfall	Freeze	Cool weather	Hail	Tornado
Chicot	May 1 to June 15, 1974.	Oct. 15 to Dec. 1, 1974.				
Clay	June 1 to July 31, 1974.	Apr. 1 to May 31 and July 24 to 31, 1974.	Sept. 15 to 31, 1974.	Aug. 1 to 31, 1974.		
Craighead	July 1 to Sept. 1, 1974.	Apr. 1 to May 31, 1974.	Oct. 15, 1974	Aug. 5 to Sept. 15, 1974.		
Crittenden	June 1 to July 15, 1974.	Jan. 1 to Apr. 30, 1974.			May 15 and June 15, 1974.	
Cross		May 1 to June 18, 1974.				
Greene		Aug. 15 to Sept. 30, 1974.		Aug. 5 to Sept. 28, 1974.		
Lafayette	Apr. 20 to July 24, 1974.	Apr. 21 and 22, 1974 and Aug. 27, 1974 to Feb. 25, 1975.				
Lee	July 1 to Aug. 30 1974.	May 19 to July 15, 1974 and Nov. 15, 1974 to Jan. 24, 1975.				
Lincoln		Aug. 26 to Sept. 3 and Oct. 15 to Nov. 30, 1974.				
Mississippi		May 5 to June 12, 1974.		Aug. 5 to 26, 1974.		
Phillips	July 15 to Aug. 31, 1974.	May 14 to June 15, 1974, flooding—May 14 and 15, 1974.				
Poinsett		May 10 to June 12, 1974.		Aug. 5 to 26, 1974.		
St. Francis	July 1 to Aug. 2, 1974.	June 6 to 18 and Aug. 2 to Dec. 30, 1974.		Aug. 2 to Sept. 10, 1974.		Feb. 22, 1975
Woodruff	July 1 to Aug. 31, 1974.	Apr. 1 to June 15 and Sept. 1 to Dec. 31, 1974.				

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor David Pryor that such designation be made.

Applications for Emergency loans must be received by this Department no later than May 22, 1975, for physical losses and December 24, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 28th day of March, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-8826 Filed 4-4-75;8:45 am]

[Designation No. A185]

GEORGIA

Designation of Emergency Area

The Secretary of Agriculture has found that a general need for agricultural credit exists in Union County, Georgia, as a result of a natural disaster consisting of drought from September 1 through October 30 and an early freeze October 3, 1974.

Therefore, the Secretary has designate dthis area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor George Busbee that such designation be made.

Applications for Emergency loans must be received by this Department no later than May 27, 1975, for physical losses and December 26, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule make and invite public participation.

Done at Washington, D.C., this 1st day of April 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-8990 Filed 4-4-75;8:45 am]

[Amendments to Designation Nos. A057, A071, A078, A098, A114, and A127]

MISSISSIPPI

Designation of Emergency Areas

The Secretary of Agriculture has found that an additional general need for agricultural credit exists in seven counties in Mississippi as a result of various natural disasters. The following chart shows the counties, the natural disasters, and dates on which the natural disasters occurred.

Mississippi—7 counties, 1974 (amendments)

County	Excessive rainfall	Cloudy, cool weather with intermittent frost	Drought
Bolivar	Sept. 5 to Nov. 15	Sept. 5 to Nov. 15	
Coahoma	Nov. 1 to Dec. 31	Sept. 1 to 30	July 1 to Aug. 31.
Lee	do	Oct. 4 to 30	
Sunflower	Oct. 1 to Dec. 31		
Tallahatchie	Oct. 1 to Dec. 31 (with flooding).		
Tunica	Oct. 1 to Dec. 31		
Yasoo			July 9 to Aug. 31.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Bill Waller that such designation be made.

Applications for Emergency loans must be received by this Department no later than May 27, 1975, for physical losses and December 26, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 1st day of April 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-8996 Filed 4-4-75;8:45 am]

[Designation No. A163]

MISSOURI

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Missouri as a result of natural disasters consisting of:

Dent—Excessive rainfall March 1 through June 10, 1974. Freeze March 23 and 24, 1974. Drought June 11 through August 15, 1974.

Pike—Severe storms and flooding May 17 through June 9, 1974. Drought June 25 through July 20, 1974. Killing frost October 1 through 4, 1974. Excessive rainfall November 1 through 15, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Christopher S. Bond that such designation be made.

Applications for Emergency loans must be received by this Department no later than May 27, 1975, for physical losses and December 26, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 1st day of April 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-8991 Filed 4-4-75;8:45 am]

[Designation No. A066, Amdt. 1]

NEBRASKA

Designation of Emergency Areas

The Secretary of Agriculture has found that an additional general need for agricultural credit exists in Greeley County, Nebraska, as a result of a natural disaster consisting of frosts September 3 and 13, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor J. James Exon that such designation be made.

Applications for Emergency loans must be received by this Department no later than May 27, 1975, for physical losses and December 26, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 1st day of April 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-8992 Filed 4-4-75;8:45 am]

[Designation No. A128, Amdt. 1, and A073, Amdt. 1]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has found that an additional general need for agricultural credit exists in the following counties in Texas as a result of a natural disaster consisting of:

Limestone—Excessive rainfall with flooding and intermittent windstorms and lightning from October 1 through December 31, 1974.

Oldham—Cold weather August 28 through October 31, 1974. Excessive rainfall September 1 through October 31, 1974. Early freeze October 8 and 9, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for Emergency loans must be received by this Department no later than May 27, 1975, for physical losses and October 14, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 1st day of April 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-8993 Filed 4-4-75;8:45 am]

[Designation Number A162]

WISCONSIN

Designation of Emergency Area

The Secretary of Agriculture has found that a general need for agricultural credit exists in Waupaca County, Wisconsin, as a result of a natural disaster consisting of excessive rainfall May 1 to May 31, drought July 1 to September 1, and an early frost September 21 and 22, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Patrick J. Lucey that such designation be made.

Applications for Emergency loans must be received by this Department no later than May 27, 1975, for physical losses and December 26, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

V 40 67 APR 7 75 XUM

Done at Washington, D.C., this 1st day of April 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-8994 Filed 4-4-75;8:45 am]

[Designation No. A101, Amdt. 2]

WISCONSIN

Designation of Emergency Area

The Secretary of Agriculture has found that an additional general need for agricultural credit exists in Portage County, Wisconsin, as a result of a natural disaster consisting of drought from June 9 through July 24, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Patrick J. Lucey that such designation be made.

Applications for Emergency loans must be received by this Department no later than May 27, 1975, for physical losses and December 26, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 1st day of April 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-8995 Filed 4-4-75;8:45 am]

Forest Service

VEGETATION MANAGEMENT USING SELECTIVE HERBICIDES ON THE COLVILLE, OKANOGAN, AND WENATCHEE NATIONAL FORESTS, WASHINGTON

Availability of Draft Addendum

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft addendum to the final environmental statement for vegetation management using selective herbicides on the Colville, Okanogan, and Wenatchee National Forests, Washington, for the period July 1, 1975 through June 30, 1976. USDA-FS-R6-DES(Adm) 75-14.

The draft addendum concerns a proposed use of herbicides 2,4-D, 2,4,5-T, Dalapon, and Monosodium acid methanearsenate (MSMA) to reduce the competition from native vegetation where it hampers forest management activities in eastern Washington. The proposed uses of the herbicides are for reforestation site preparation, plantation release, noxious weed control, and thinning and weeding of conifer plantations.

This draft addendum was transmitted to CEQ on March 31, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th & Independence Ave., SW.
Washington, D.C. 20250

USDA, Forest Service
Pacific Northwest Region
319 S.W. Pine Street
Portland, Oregon 97208

Colville National Forest
Federal Building
Colville, Washington 99114

Okanogan National Forest
Federal Building
P.O. Box 950
Okanogan, Washington 98840

Wenatchee National Forest
Federal Building
P.O. Box 811
Wenatchee, Washington 98801

A limited number of single copies are available upon request to Regional Forester T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208.

Copies of the draft addendum have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Written comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Written comments concerning the proposed action and requests for additional information should be addressed to Mr. T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208. Comments must be received by May 31, 1975 in order to be considered in the preparation of the final addendum.

CURTIS L. SWANSON,
Regional Environmental Coordinator.

MARCH 31, 1975.

[FR Doc.75-8952 Filed 4-4-75;8:45 am]

Office of Equal Opportunity

CITIZENS ADVISORY COMMITTEE ON CIVIL RIGHTS

Public Meeting

Pursuant to the provisions of the Federal Advisory Committee Act of October 6, 1972. (Pub. L. 92-463, 86 Stat. 770-776), notice is hereby given that a public meeting of the USDA Citizens Advisory Committee on Civil Rights will be held on June 3, 4, 5, 1975, at Atlanta, Georgia. The meeting will convene at 9 a.m. on each day and adjourn at 12 noon on June 5, 1975. The meeting is open to the public.

The purpose of the meeting is to discuss certain Equal Employment Opportunity matters with USDA officials and begin preparation of a final report to the Secretary of Agriculture.

Further information concerning this meeting may be obtained by contacting the Acting Director, Office of Equal Opportunity, Washington, D.C. 20250. Interested persons may file written statements with the Committee before or after the meeting.

Done at Washington, D.C. this 25th day of March 1975.

MILES S. WASHINGTON, JR.,
Acting Director,
Office of Equal Opportunity.

[FR Doc.75-8997 Filed 4-4-75;8:45 am]

Rural Electrification Administration

EAST ASCENSION TELEPHONE COMPANY, INC.

Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures set forth in REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the FEDERAL REGISTER, September 16, 1974, (Vol. 39 No. 180, pages 33228-33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $7,700,000 to East Ascension Telephone Company, Inc., Gonzales, Louisiana. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. Fred N. Banker, Jr., President, East Ascension Telephone Company, Inc., 913 South Burnside Avenue, Gonzales, Louisiana 70737.

To assure consideration, proposals must be submitted (within 30 days of the date of this notice) to Mr. Fred N. Banker, Jr. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as the East Ascension Telephone Company, Inc., and REA deem appropriate. Prospective lenders are advised that financing for this project is available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 1st day of April 1975.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.75-8874 Filed 4-4-75;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report 127]

FREE WORLD AND POLISH FLAG VESSELS

List of vessels arriving in Cuba since January 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through March 10, 1975, exclusive of those vessels that called at Cuba on United States Government approved noncommercial voyages and those listed in Section 2. Pursuant to established United States Government policy, the listed vessels are ineligible to carry United States Government-financed cargoes from the United States.

FLAG OF REGISTRY, NAME OF SHIP	Gross tonnage
Total, all flags (185 ships)	1,450,951
Cypriot (79 ships)	694,528
Aegis Banner	9,025
Aegis Eternity	8,614
Aegis Fame	9,241
Aegis Force	8,957
Aegis Hope (Previous trips to Cuba as the Huntsmore—British)	5,678
Aegis Loyal	11,035
Aegis Might	8,160
Aegis Storm	21,700
Aegis Thunder	22,704
Aftadelfos	8,136
Aghia Thalassini	8,120
Aghios Georgios	8,377
Akrotiri (previous trips to Cuba as the Anemone)	7,168
Aktis	8,682
Alamar	12,299
Alevandros Skoutaris	8,280
Allartos	6,020
Alma	9,097
Alpa	9,159
Amarilis	8,959
**Andriana I (previous trips to Cuba as the Rowanmore—British)	8,274
Antigoni	3,174
Antonios	8,202
Areti	8,560
Aris (previous trips to Cuba as the Aris II)	9,561
Armar	9,559
*Arosa	10,250
Athenian Democracy (tanker)	8,675
Barasco	9,242
Begonia	6,576
Byron (tanker)	8,720
Camelia	8,111
Castalia	7,641
Charalambos (tanker)	10,315
Degedo	9,079
E. D. Papalios	7,431
Eftyhia (previous trips to Cuba—Greek)	10,347
Elpida	8,382
Enaxris	9,212
*Felicie	9,030
Fulvia	10,360
George N. Papalios	9,071
Georgios C (previous trips to Cuba as the Huntsfield—British and Cypriot)	9,483
Georgios T	9,646
Hymettus (tanker)	12,037
Iokasti	5,496
**Irene's Pride (ex-Kika, Panama—Previous trips to Cuba as the Santa Lucia—Italian)	9,278
Iris	8,479
Ismini	7,141
Kiki (previous trips to Cuba as the Gardenia)	9,723
*Lefteris	8,695
Magnolia	7,249
Margaret H	8,482
**Miesto (Ex-Urdazuri II—previous trips to Cuba as the Meike—Netherlands)	500
Mimis N. Papalios	9,069
Mimosa	8,782
Miss Papalios	9,241
Mitera Assimina	7,731
Nea Hellas	9,241
Nike	9,689
Northern Ice	4,100
Panachrantos	6,307
Pantazis Calas	9,618
Petunia	7,843
Protoapostolos	8,130
Protomachos	9,218
Ravens	8,039
Reifens	8,071
Rothens	8,106
Salvia	8,671
Seafarer	8,116
Skipper	8,786
Takis Alexakos	9,249
Theoskepasti	6,618
Torenia	8,077
Turbinia	10,541
Venturer	9,070
Violetta	8,510
Zinnia	7,114
Somali (36 ships)	300,788
Agate Islands	8,738
*Amber	7,337
Amber Islands	8,947
Atlantic Ocean	9,077
Ber Sea	8,167
Coral Islands (previous trips to Cuba—British)	8,932
Dawn Grandeur	8,877
Delima	7,870
Eastglory (previous trips to Cuba—British)	8,898
Feihang	8,684
Feita	8,661
Flores Sea	9,107
**Fortune Enterprize (previous trips to Cuba—British)	7,696
**Golden Bridge (previous trips to Cuba—British)	7,897
Hemisphere (previous trips to Cuba—British)	8,748
Jade Islands	10,250
**Jollity (previous trips to Cuba—British)	8,626
**Kinross (previous trips to Cuba—British)	5,258
Marble Islands	8,797
Mindanao Sea	8,871
Minfung	5,960
Mingwei	8,280
Moluoca Sea	8,871
Nebula (previous trips to Cuba—British)	8,773
**New East Sea (previous trips to Cuba—British)	9,384
Onyx Islands	8,486
Opal Islands	9,063
*Palm Islands	9,000
*Patricia	8,871
Sea Pioneer	9,532
**Seasage (previous trips to Cuba—British)	3,794
*Star	9,135
Topaz Islands	8,998
**Venice (previous trips to Cuba—British)	8,504
*Uliang	9,265
**Yungiutaton (previous trips to Cuba—British)	5,414
Polish (12 ships)	85,579
Bytom	5,967
Chopin	9,231
Chorzow	7,239
Energetyk	10,654
Grodziec	3,487
Huta Zgoda	6,860
Hutnik	10,632
Kopalnia Siemianowice	7,262
Kopalnia Wujek	7,033
Piast	3,184
Rejowiec	3,401
Transportowiec	10,629
Yugoslav (8 ships)	56,988
Agrum	2,449
Bar	8,699
Centinje	8,120
Niksic	9,916
Piva	7,441
Plod	4,707
Tara	7,441
Ulcinj	8,215
French (7 ships)	49,285
*Bertrand Delmas	10,080
Captain Kermadec (Ex-Capitaine Nemo, Ex-Atlanta—previous trips to Cuba as the Enee)	1,232
Circe	2,874
*Correze	11,740
*Dina	10,407
*Emmanuel Delmas	10,078
Nelee	2,874
Netherlands (7 ships)	8,294
Antarctic	1,384
*Coolhaven	1,500
Leo Polaris	1,528
Markab II	790
Megrez (previous trips to Cuba as the Gerda)	1,190
Rochab	787
Tempo	1,115
British (6 ships)	51,715
Arctic Ocean	8,701
Cheung Chau	8,566
Ivory Islands	9,718
Mystic	6,656
Sea Moon	9,085
Steed	8,989

NOTE: The SUCCESSOR has been removed from Cypriot flag registry since it has been transferred to the People's Republic of China, and has been renamed the DING HAI.

V 40167 APR 7 75 XUM

Office of Education

ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Meeting

Notice is hereby given, pursuant to Public Law 92-463, that the Advisory Council on Vocational Education will hold a meeting on April 21-22, 1975, in Room 3000, Donohoe Building, 400 Maryland Avenue, SW., Washington, D.C. 20202.

The purpose of the Council is to advise the President, the Congress, and the Secretary of Health, Education, and Welfare on the administration of vocational education and on the preparation of general regulations and policy matters relating to vocational education.

The meeting will begin at 9:00 a.m. on April 21 and will adjourn at 5:00 p.m. on April 22. The meeting will be open to the public.

The agenda will include discussion of the Council's annual report to the President and the Congress, and the Council's evaluation of the Vocational Education Amendments of 1968.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Council Office, Suite 1100, 425 13th Street, NW., Washington, D.C. 20004.

Dated: April 2, 1975.

ROBERT E. TAYLOR,
Executive Director,
Advisory Council on Vocational Education.

[FR Doc.75-8996 Filed 4-4-75;8:45 am]

Office of Human Development

ADVISORY COMMITTEE ON CHILD DEVELOPMENT

Meeting

Notice is hereby given, pursuant to Public Law 92-463, that the Advisory Committee on Child Development will hold a meeting on April 21-22, 1975, in Room 3000, Donohoe Building, 400 Maryland Avenue, SW., Washington, D.C. 20202.

The purpose of the Committee is to advise the Secretary of Health, Education, and Welfare and the Director of the Office of Child Development on matters relating to child development.

The meeting will begin at 9:00 a.m. on April 21 and will adjourn at 5:00 p.m. on April 22. The meeting will be open to the public.

The agenda will include discussion of the Committee's annual report to the Secretary and the Director, and the Committee's evaluation of the Child Development Associate Consortium.

Records shall be kept of all Committee proceedings and shall be available for public inspection at the Committee Office, Suite 1100, 425 13th Street, NW., Washington, D.C. 20004.

Dated: April 2, 1975.

ROBERT E. TAYLOR,
Executive Director,
Advisory Committee on Child Development.

[FR Doc.75-8997 Filed 4-4-75;8:45 am]

Social Security Administration

SOCIAL SECURITY ADVISORY COUNCIL

Meeting

Notice is hereby given that the Social Security Advisory Council will hold a meeting on April 21-22, 1975, in Room 4000, Donohoe Building, 400 Maryland Avenue, SW., Washington, D.C. 20202.

The purpose of the Council is to advise the Secretary of Health, Education, and Welfare and the Commissioner of Social Security on matters relating to the Social Security program.

The meeting will begin at 9:00 a.m. on April 21 and will adjourn at 5:00 p.m. on April 22. The meeting will be open to the public.

The agenda will include discussion of the Council's annual report to the Secretary and the Commissioner, and the Council's evaluation of the Social Security Amendments of 1972.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Council Office, Suite 1100, 425 13th Street, NW., Washington, D.C. 20004.

Dated: April 2, 1975.

ROBERT E. TAYLOR,
Executive Director,
Social Security Advisory Council.

[FR Doc.75-8998 Filed 4-4-75;8:45 am]

Office of Education

ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Meeting

Notice is hereby given, pursuant to Public Law 92-463, that the Advisory Council on Vocational Education will hold a meeting on April 21-22, 1975, in Room 3000, Donohoe Building, 400 Maryland Avenue, SW., Washington, D.C. 20202.

The purpose of the Council is to advise the President, the Congress, and the Secretary of Health, Education, and Welfare on the administration of vocational education and on the preparation of general regulations and policy matters relating to vocational education.

The meeting will begin at 9:00 a.m. on April 21 and will adjourn at 5:00 p.m. on April 22. The meeting will be open to the public.

The agenda will include discussion of the Council's annual report to the President and the Congress, and the Council's evaluation of the Vocational Education Amendments of 1968.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Council Office, Suite 1100, 425 13th Street, NW., Washington, D.C. 20004.

Dated: April 2, 1975.

ROBERT E. TAYLOR,
Executive Director,
Advisory Council on Vocational Education.

[FR Doc.75-8996 Filed 4-4-75;8:45 am]

Office of Human Development

ADVISORY COMMITTEE ON CHILD DEVELOPMENT

Meeting

Notice is hereby given, pursuant to Public Law 92-463, that the Advisory Committee on Child Development will hold a meeting on April 21-22, 1975, in Room 3000, Donohoe Building, 400 Maryland Avenue, SW., Washington, D.C. 20202.

The purpose of the Committee is to advise the Secretary of Health, Education, and Welfare and the Director of the Office of Child Development on matters relating to child development.

The meeting will begin at 9:00 a.m. on April 21 and will adjourn at 5:00 p.m. on April 22. The meeting will be open to the public.

The agenda will include discussion of the Committee's annual report to the Secretary and the Director, and the Committee's evaluation of the Child Development Associate Consortium.

Records shall be kept of all Committee proceedings and shall be available for public inspection at the Committee Office, Suite 1100, 425 13th Street, NW., Washington, D.C. 20004.

Dated: April 2, 1975.

ROBERT E. TAYLOR,
Executive Director,
Advisory Committee on Child Development.

[FR Doc.75-8997 Filed 4-4-75;8:45 am]

Social Security Administration

SOCIAL SECURITY ADVISORY COUNCIL

Meeting

Notice is hereby given that the Social Security Advisory Council will hold a meeting on April 21-22, 1975, in Room 4000, Donohoe Building, 400 Maryland Avenue, SW., Washington, D.C. 20202.

The purpose of the Council is to advise the Secretary of Health, Education, and Welfare and the Commissioner of Social Security on matters relating to the Social Security program.

The meeting will begin at 9:00 a.m. on April 21 and will adjourn at 5:00 p.m. on April 22. The meeting will be open to the public.

The agenda will include discussion of the Council's annual report to the Secretary and the Commissioner, and the Council's evaluation of the Social Security Amendments of 1972.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Council Office, Suite 1100, 425 13th Street, NW., Washington, D.C. 20004.

Dated: April 2, 1975.

ROBERT E. TAYLOR,
Executive Director,
Social Security Advisory Council.

[FR Doc.75-8998 Filed 4-4-75;8:45 am]

Flag of registry:	*Gross tonnage*
Greek (6 ships)	48,246
Aegis Legend (previous trips to Cuba—Cypriot)	8,814
Andromachi (previous trips to Cuba as the Penelope—Greek)	6,712
**Demis (previous trips to Cuba as the Annunciation Day—Cypriot)	7,831
**Despina A. II (Ex-Good-luck—previous trips to Cuba—Cypriot)	6,906
**Kavo Crossos (Ex-Triaena—previous trips to Cuba as the Lambros M. Fatsis and the La Hortensia—British)	9,486
Mareantes	8,497
Argentine (5 ships)	41,762
Entre Rios	7,381
Fletero	7,907
Pampa Argentina	9,495
Patagonia Argentina	9,645
Rio Atuel	7,634
Panamanian (4 ships)	25,986
**Chung Thai (previous trips to Cuba as the Cleopatra—Cypriot)	8,150
**Golden Falcon (previous trips to Cuba as the Kites—Cypriot)	9,519
*Holstenkamp	4,199
*Holstenland	4,118
Italian (3 ships)	36,079
Aldermine (tanker)	12,597
Elia (tanker)	11,021
San Nicola (tanker)	12,461
Singapore (3 ships)	18,015
*Cilaos	2,404
**Hwa Chu (previous trips to Cuba—British)	9,091
Tong Hoe	6,520
Lebanese (2 ships)	7,111
Antonis	6,259
**Cedar Freeze (Ex-Drame Oumar—previous trips to Cuba as the Neva—French)	852
Moroccan (2 ships)	4,739
El Mansour Bi Llah	1,525
Marrakech	3,214
Danish (1 ship)	500
*Anne Mac (tanker)	500
Guatemalan (1 ship)	2,239
**Peten (previous trips to Cuba as the Magister—British)	2,239
Ivory Coast (1 ship)	7,422
*Tabou	7,422
Pakistani (1 ship)	8,708
*Maulabakah (previous trips to Cuba as the Phoenician Dawn and the East Breeze—British)	8,708
Saudi Arabia (1 ship)	2,967
*Blue Ocean (previous trips to Cuba as the Danae—French)	2,967

*Added to Report No. 126 appearing in the FEDERAL REGISTER issue of Oct. 3, 1974.

**Ships appearing on the list which have made no trips to Cuba under their present registry.

SEC. 2. In accordance with approved procedures, the following vessels listed in this section which called at Cuba after January 1, 1963, have reaquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance;

(a) That such vessels will not, thenceforth, be employed in the Cuban trade so long as it remains the policy of the United States Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuban trade, except as provided in paragraph (c) and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuban trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY
NAME OF SHIP

a. Since last report:
None.
b. Previous reports:

Flag of registry:	*Number of ships*
British	49
Cypriot	13
Danish	1
Finnish	4
French	4
German (West)	1
Greek	31
Israeli	1
Italian	15
Japanese	1
Kuwaiti	1
Lebanese	9
Liberian	1
Moroccan	2
Norwegian	5
Singapore	1
Somali	2
Spanish	6
Swedish	1
Yugoslav	2
Total	150

SEC. 3. The following vessels have been removed from this list since they have been broken up, sunk or wrecked.

a. Since last report:

Flag of registry:	*Gross tonnage*
Arion (Cypriot)	5,245
Artigas (Cypriot)	5,841
Dorine Papallos (Cypriot)	8,424
Granikos (Cypriot)	7,473
Protoklitos (Cypriot)	7,984
Silver Hope (Cypriot)	5,319

b. Previous Reports:

Flag of registry:	*Broken up, Sunk or Wrecked*
British	38
Cypriot	98
Finnish	6
French	1
Greek	22
Italian	5
Japanese	1
Lebanese	37
Maltese	3
Polish	9
Monaco	1
Moroccan	1
Norwegian	1
Pakistani	1
Panamanian	9
Singapore	1
Somali	4
South African	2
Swedish	1
Yugoslav	7
Total	248

SEC. 4. The ships listed in Section 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through March 10, 1975. (See table below:)

Flag of registry	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	Total
Cypriot		1	17	27	42	66	115	199	172	86	96	147	971
British	133	190	126	101	78	62	45	53	18	10	6	6	818
Lebanese	64	91	58	26	16	16	4	1					275
Greek	99	27	23	27	29	7			1	1		3	217
Italian	16	20	24	11	11	10	15	13	9				129
Yugoslav	12	11	15	10	14	9	6	7	9	5	9	9	116
Somali					2	11	7	4	6	6	23	25	84
French	8	9	9	10	10	4	2	5	2	2	1	7	69
Netherlands		4	2							8	17	26	57
Finnish	1	4	5	11	12	8	2	1					44
Spanish	9	17											26
Moroccan	9	13	1							1		1	25
Maltese		2	6	1	4	8	1	2					24
Norwegian	14	10										7	24
Argentine													7
Swedish	3	3											6
Panamanian												5	5
Singapore									1			4	5
Kuwaiti		2	1										3
Danish	1											1	2
Israeli			2										2
Japanese	1					1							2
German (West)	1												1
Italian			1										1
Ivory Coast												1	1
Monaco				1									1
Subtotal	371	394	290	224	218	204	197	285	219	119	152	242	2,915
Polish	18	16	12	10	11	7	2	3	4				83
Grand total	389	410	302	234	229	211	199	288	223	119	152	242	2,998

NOTE: Trip totals in Section 4 exceed ship totals in Section 1 and 2 because some of the ships made more than one trip to Cuba. Monthly totals subject to revision as additional data becomes available.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

Dated: April 1, 1975.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.75-8834 Filed 4-4-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FDA-225-75-4029]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the California Department of Health

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the California Department of Health on February 26, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE CALIFORNIA DEPARTMENT OF HEALTH AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance and protection of FDA rented ARTX Telecommunication Equipment located in Room 400, Food and Drug Section, 714 P Street, Sacramento, California.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out of service.

10. That the system will be used only for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* California Department of Health, 714-744 P Street, Sacramento, California 95814.

V. *Liaison Officers.* For California Dept. of Health: C. P. Bryson, Chief, Food & Drug Section. Address: 714-744 P Street, Sacramento, California 95814. Telephone No.: (916) 445-2264.

For FDA: D. R. Kleber, Jr., Assistant Regional Director for Compliance. Address: Federal Office Bldg., 50 Fulton St., San Francisco, CA 94102. Telephone No.: (415) 556-4353.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the California Department of Health:

LOYD H. FORREST,
Chief, Financial Management Services.

Date: February 18, 1975.

Approved and accepted for the Food and Drug Administration:

IRWIN B. BEACH,
Regional Food and Drug Director, FDA, Region IX.

Date: February 26, 1975.

Effective date. This Memorandum of Understanding became effective February 26, 1975.

Dated: March 31, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-8867 Filed 4-4-75;8:45 am]

[FDA-225-75-4013]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the Illinois Department of Public Health

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Illinois Department of Pub-

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lic Health on January 23, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance and protection of FDA-rented ARTX Telecommunication Equipment located in the Department of Public Health, Consumer Health Protection, Third Floor, 535 West Jefferson St., Springfield, Illinois.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agencies.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape, and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used only for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* Illinois Department of Public Health, 535 West Jefferson Street, Springfield, Illinois 62761.

V. *Liaison Officers.* For Illinois Dept. of Public Health: Donovan D. Vance, Adm. Officer, Consumer Health Protection. Address: 535 West Jefferson Street, Springfield, Illinois 62761. Telephone No.: (217) 782-6550.

For FDA: Owen B. Lamb, Director, Compliance Branch. Address: DHEW/PHS/Food and Drug Administration, Rm. 1222, Main Post Office, 433 W. Van Buren St., Chicago, Illinois 60607. Telephone No.: (312) 353-7362.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Illinois Dept. of Public Health:

JOYCE C. LASHOF, M.D.,
Director,
Department of Public Health.

Date: January 22, 1975.

Approved and accepted for the Food and Drug Administration:

ANTHONY C. CELESTE,
Acting Regional Director,
Region V.

Dated: January 23, 1974.

Effective date. This Memorandum of Understanding became effective January 23, 1975.

Dated: March 31, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-8869 Filed 4-4-75;8:45 am]

[FDA-225-75-4012]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the Indiana State Board of Health

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697) stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Indiana State Board of Health on January 28, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE INDIANA STATE BOARD OF HEALTH AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance and protection of FDA-rented ARTX Telecommunication Equipment located in the Bureau of Food and Drugs, Division of Retail and Manufactured Foods, 1330 West Michigan St., Indianapolis, Indiana.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverages for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used only for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* Indiana State Board of Health, Division of Retail and Manufactured Foods, Bureau of Food and Drugs, 1330 West Michigan Street, Indianapolis, Indiana 46206.

V. *Liaison Officers.* For Indiana State Board of Health: Mr. Dale Hardy, Director, Division of Retail and Manufactured Foods. Address: 1330 West Michigan Street, Indianapolis, Indiana 46206. Telephone No.: (317) 633-6510. For FDA: William L. Schwemer, Consumer Safety Officer.

Address: DHEW/PHS/Food and Drug Administration, 1560 E. Jefferson Ave., Detroit, MI 48207. Telephone No.: (313) 226-6260. VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Indiana State Board of Health:

DALE HARDY,
Director,
Division of Retail and Manufactured Foods.

Date: January 28, 1975.

Approved and accepted for the Food and Drug Administration:

ANTHONY C. CELESTE,
Acting Regional Food and Drug Director, Region V.

Date: January 21, 1975.

Effective date. This Memorandum of Understanding became effective January 28, 1975.

Dated: March 31, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc. 75-8868 Filed 4-4-75; 8:45 am]

[FDA-225-75-4036]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the Louisiana Health and Human Resources Administration, Division of Health

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Louisiana Health and Human Resources Administration, Division of Health on February 4, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE LOUISIANA HEALTH & HUMAN RESOURCES ADMINISTRATION, DIVISION OF HEALTH AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance and protection of FDA-rented ARTX Telecommunication Equipment located in the State Office Building, 325 Loyola Avenue, P.O. Box 60630, New Orleans, Louisiana 70160.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Subsequent Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used only for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* Louisiana Health and Human Resources Administration, Division of Health, State Office Building, 325 Loyola Avenue, P.O. Box 60630, New Orleans, Louisiana 70160.

V. *Liaison Officers.* For Louisiana Health and Human Resources Administration Division of Health: Leo W. Spath, Admin., Food & Drug Control Unit, (504) 527-8311, Raleigh J. Richard, Admin., Milk & Dairy Prod. Unit, (504) 527-5211, and Charles E. Bishop, (Acting) Admin., Occupational Health Unit, (504) 527-5113.

Address: 325 Loyola Avenue, P.O. Box 60630, New Orleans, Louisiana 70160.

For FDA: J. L. Perrin, Prog. Mgr. for Intergovt. Relations.

Address: 3032 Bryan St., Dallas, TX, Telephone No.: (214) 749-3951.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Louisiana Health and Human Resources Administration, Division of Health:

J. M. BRUCE, M.D.,
Director.

Date: February 4, 1975.

Approved and accepted for the Food and Drug Administration:

JAMES E. ANDERSON,
Acting Regional Food and Drug Director.

Date: January 31, 1975.

Effective date. This Memorandum of Understanding became effective February 4, 1975.

Dated: March 26, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-8335 Filed 4-4-75;8:45 am]

[FDA-225-75-4011]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the Minnesota Department of Agriculture

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

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The Food and Drug Administration executed a Memorandum of Understanding with the Minnesota Department of Agriculture on January 29, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE MINNESOTA DEPARTMENT OF AGRICULTURE AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance and protection of FDA-rented ARTX telecommunication Equipment located in Room 420, State Office Bldg.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used *only* for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* Minnesota Department of Agriculture, State Office Building, Saint Paul, Minnesota 55155.

V. *Liaison Officers.* For Minnesota Department of Agriculture: Rollin M. Denniston, Ph.D., Dept. Administrator.

Address: State Office Building, Saint Paul, Minnesota 55155, Telephone No.: (612) 296-2896.

For FDA: Martin V. Bergerson, Consumer Safety Officer, DHEW/PHS/Food and Drug Administration.

Address: 240 Hennepin Ave., Minn., MN 55401, Telephone No.: (612) 725-2121.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Minnesota Department of Agriculture:

JOHN WEPALD,
Commissioner,
Minnesota Department of Agriculture.

Date: January 29, 1975.

Approved and accepted for the Food and Drug Administration:

ANTHONY C. CELESTE,
Acting Regional Food and Drug Director, Region V.

Date: January 21, 1975.

Effective date. This Memorandum of Understanding became effective January 29, 1975.

Dated: March 26, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-8837 Filed 4-4-75;8:45 am]

[FDA-225-75-4014]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the New Hampshire Department of Health and Welfare

Pursuant to a notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the New Hampshire Department of Health and Welfare, Division of Health, on February 19, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE NEW HAMPSHIRE DEPARTMENT OF HEALTH & WELFARE DIVISION OF HEALTH AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance and protection of FDA-rented ARTX Telecommunication Equipment located in the Division of Health, State Laboratory Building, Hazen Drive, Concord, New Hampshire.

II. *Background.* The FDA, Assistant Secretary of Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of agreement:* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverages for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment of other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used only for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* New Hampshire Department of Health & Welfare, Division of Public Health, 61 South Spring Street, Concord, New Hampshire 03301.

V. *Liaison officers.* For New Hampshire Department of Health and Welfare: Gilman K. Crowell, Chief, Consumer Protection—Public Health. Address: New Hampshire Department of Health & Welfare, Division of Public Health, 61 South Spring Street, Concord, New Hampshire 03301. Telephone No. (603) 271-2747.

For FDA: Richard J. Davis, Deputy Regional Food & Drug Director/HFR-1100. Address: 585 Commercial St., Boston, MA 02109. Telephone No.: (617) 223-5066.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the New Hampshire Dept. of Health and Welfare:

GILMAN CROWELL,
Director, Consumer Protection (P.H.).

Date: February 19, 1975.

Approved and accepted for the Food and Drug Administration:

A. J. BEEBE,
Regional Food and Drug Director.

Date: February 19, 1975.

Effective date. This Memorandum of Understanding became effective February 19, 1975.

Dated: March 31, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-8866 Filed 4-4-75;8:45 am]

[FDA-225-75-4010]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the New Mexico Department of Agriculture

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the New Mexico Department of Agriculture on January 30, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UDERSTANDING BETWEEN THE NEW MEXICO DEPARTMENT OF AGRICULURE AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance and protection of FDA-rented ARTX Telecommunication Equipment located in Room 366, Agriculture & Home Economics Building, Campus of New Mexico State University, Las Cruces, New Mexico 88003.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used only for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* New Mexico Department of Agriculture, Office of the Director, Box 3189, Las Cruces, New Mexico 88003.

V. *Liaison Officers.* For Terminal Agency: Dr. William P. Stephens, Director, New Mexico Department of Agriculture. Address: Office of the Director, Box 3189, Las Cruces, New Mexico 88003. Telephone No.: (505) 646-3007.

For FDA: J. L. Perrin, Prog. Mgr. for Intergovt. Relations. Address: 3032 Bryan St., Dallas, TX 75204. Telephone No.: (214) 749-3951.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the New Mexico Department of Agriculture:

WILLIAM P. STEPHENS,
Director,
New Mexico Department of Agriculture.

Dated: January 30, 1975

Approved and accepted for the Food and Drug Administration:

JAMES E. ANDERSON,
Acting Regional Food and Drug Director.

Date: January 21, 1975.

Effective date. This Memorandum of Understanding became effective January 30, 1975.

Dated: March 31, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-8864 Filed 4-4-75;8:45 am]

[FDA-225-75-4015]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the New Mexico Environmental Improvement Agency

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the New Mexico Environmental Improvement Agency on January 24, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and

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protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE NEW MEXICO ENVIRONMENTAL IMPROVEMENT AGENCY AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance and protection of FDA-rented ARTX Telecommunication Equipment located in Food Quality Division, Plaza de Desira, 621 Old Santa Fe Trail, Santa Fe, New Mexico.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used *only* for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* New Mexico Environmental Improvement Agency, P.O. Box 2348—Room 506, Santa Fe, New Mexico 87503.

V. *Liaison Officers.* For New Mexico Environmental Improvement Agency: Mr. Gerald L. Martino, Chief, Food Quality Div.

Address: P.O. Box 2348, Room 506, Santa Fe, New Mexico 87503, Telephone No.: (505) 827-5271.

For FDA: J. L. Perrin, Prog. Mgr. for Intergovt. Relations.

Address: 3032 Bryan St., Dallas, TX 75204, Telephone No.: (214) 749-3951.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the New Mexico Environmental Improvement Agency:

Stephen M. Borland,
Environmental Program Manager.

Date: January 24, 1975.

Approved and accepted for the Food and Drug Administration:

James E. Anderson,
Acting Regional Food and Drug Director.

Date: January 21, 1975.

Effective date. This Memorandum of Understanding became effective January 24, 1975.

Dated: March 26, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-8336 Filed 4-4-75;8:45 am]

[FDA-225-75-4030]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the Wyoming Department of Agriculture

Pursuant to a notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drug issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Wyoming Department of Agriculture on January 27, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE WYOMING DEPARTMENT OF AGRICULTURE AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance and protection of FDA-rented ARTX Telecommunication Equipment located in the assigned office area of the Wyoming Department of Agriculture.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To suport financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used only for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* Wyoming Department of Agriculture, 2219 Carey Avenue, Cheyenne, Wyoming 82002.

V. *Liaison Officers.* For Wyoming Dept. of Agriculture: Ralph Shauger, Admin. Officer. Address: 2219 Carey Avenue, Cheyenne, Wyoming 82002. Telephone No.: (307) 777-7321.

For FDA: John R. Vodneck, Program Analyst, Food and Drug Administration, Address: 500 U.S. Customhouse, Denver, Colorado 80202. Telephone No.: (303) 837-4917.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Wyoming Department of Agriculture:

JACK HERTZLER,
Commissioner.

Date: January 27, 1975.

Approved and accepted for the Food and Drug Administration:

E. PITT SMITH,
Deputy Regional Food and Drug Director.

Date: January 23, 1975.

Effective date. This Memorandum of Understanding became effective January 27, 1975.

Dated: March 31, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-8865 Filed 4-4-75;8:45 am]

National Institutes of Health

PRINCIPAL INVESTIGATORS OR PROJECT COORDINATORS

Meeting

Notice is hereby given of the meeting of the Principal Investigators or Project Coordinators involved in the State/Territorial Health Department Cervical Cancer Screening Projects, sponsored by the Detection, Diagnosis & Pretreatment Evaluation Branch, Division of Cancer Control and Rehabilitation, National Cancer Institute. The meeting will be held on May 16, 1975, NIH, Bldg. 31, B Wing, Room 5.

This meeting will be open to the public from 9 a.m. to 5 p.m. on Friday, May 16, 1975 to discuss program progress. Attendance by the public will be limited to space available.

For additional information, please contact: James L. McQueen, D.V.M., Dr. P.H., Blair Building, Room 626A, Division of Cancer Control and Rehabilitation, National Cancer Institute, National Institutes of Health, Bethesda, Maryland 20014, (301) 427-7990.

Dated: March 24, 1975.

R. W. LAMONT-HAVERS,
Acting Director, National Institutes of Health.

[FR Doc.75-8963 Filed 4-4-75;8:45 am]

Office of the Secretary

OFFICE OF THE ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT; ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Statement of Mission and Organization

Part 1 of the Statement of Organization, Functions, and Delegation of Authority of the Department of Health, Education, and Welfare, Office of the Secretary is amended to add a new Subchapter to Chapter 1R, Office of the Assistant Secretary for Human Development. This new Subchapter 1R01002, describes the mission and organization of the Architectural and Transportation Barriers Compliance Board. While the Board is not technically a component of the Department of Health, Education, and Welfare, this statement is published in the FEDERAL REGISTER to explain the nature of the participation of the Assistant Secretary for Human Development as Chairman of the Board. The new Subchapter 1R01002 reads as follows:

1R01002.00 *Mission.* The Architectural and Transportation Barriers Compliance Board is established under section 502 of the Rehabilitation Act of 1973, as amended by Pub. L. 93-516. It is responsible for ensuring compliance with standards governing accessibility by the physically handicapped to buildings and facilities receiving Federal funds in accordance with the Architectural Barriers Act of 1968. The Board also investigates and examines methods of eliminating the architectural, transportation, and attitudinal barriers confronting the handicapped; determines what measures are being taken by Federal, State, and local governments and by other public or non-profit agencies to eliminate such barriers; and reports to the President and Congress on ways of eliminating these barriers, present efforts toward elimination, and further legislative and administrative steps needed to ensure elimination.

1R01002.10 *Organization.* The Architectural and Transportation Barriers Compliance Board is composed of the heads of each of the following departments or agencies (or their designees whose positions are executive level IV or higher): Department of Health, Education, and Welfare; Department of Transportation; Department of Housing and Urban Development; Department of Labor; Department of the Interior; Department of Defense; General Services Administration; United States Postal Service; and Veterans' Administration. The Rehabilitation Act Amendments of 1974 (P.L. 93-516) designate the Secretary, Department of Health, Education, and Welfare, as the permanent Chairman of the Board.

There is also established an administrative organization in support of the Board which shall provide the following functions: research and planning; dissemination of information; and compliance functions. In addition, there shall be a Consumer Advisory Panel appointed by the Board to provide it with guidance, advice and recommendations in carrying out its functions.

The Assistant Secretary for Human Development serves as the Chairman of the Architectural and Transportation Barriers Compliance Board and coordinates the activities of the Board.

Dated: March 31, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-8973 Filed 4-4-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-460-DR; Docket No. NFD 255]

GEORGIA

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on March 29, 1975, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Georgia resulting from tornadoes, high winds, and heavy rains which occurred on March 24, 1975, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Georgia.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Thomas P. Credle, HUD Region IV, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area of the State of Georgia to have been adversely affected by this declared major disaster:

The County of:
Fulton

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: March 29, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-8924 Filed 4-4-75;8:45 am]

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[FDAA-461-DR; Docket No. NFD 256]

KENTUCKY

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on March 29, 1975, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Kentucky resulting from severe storms and flooding beginning about March 10, 1975, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Kentucky.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Thomas P. Creede, HUD Region IV, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Kentucky to have been adversely affected by this declared major disaster:

The Counties of:

Allen	Metcalfe
Bell	Pulaski
Calloway	Simpson
Christian	Warren
Graves	Whitley
Knox	

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: March 29, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-8925 Filed 4-4-75;8:45 am]

[FDAA-459-DR; Docket No. NFD 256]

TENNESSEE

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Tennessee, dated March 24, 1975, and amended on March 27, 1975, is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 22, 1975:

The Counties of:

Giles	McNairy
Lauderdale	

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: March 28, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-8927 Filed 4-4-75;8:45 am]

[FDAA-459-DR; Docket No. NFD 25F]

TENNESSEE

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Tennessee, dated March 24, 1975, and amended on March 27, 1975, and March 28, 1975, is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 22, 1975:

The Counties of:

Dyer	Weakley
Lake	

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: March 31, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-8926 Filed 4-4-75;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N-75-273]

EAST BAY POINT

Hearing

In the matter of East Bay Point, OILSR No. 0-2644-09-786, Docket No. Y-1060, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d).

Notice is hereby given that: 1. East Bay Point, Inc., Adam J. Whitley, III, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a notice of proceedings and opportunity for hearing issued February 26, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b) (1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for East Bay Point, located in Bay County, Florida, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received March 10, 1975, in response to the notice of proceedings and opportunity for hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street SW., Washington, D.C., on April 14, 1975 at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before April 7, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the respondent forthwith pursuant to 24 CFR 1720.440.

Dated: March 28, 1975.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-8929 Filed 4-4-75;8:45 am]

[Docket No. N-75-274]

PARK SHORE UNIT #4

Hearing

In the matter of Park Shore Unit No. 4, OILSR No. 0-2860-09-839, Docket No. Y-990, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d).

Notice is hereby given that: 1. Park Shore on the Gulf, Raymona L. Lutgert, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a notice of proceedings and opportunity for hearing issued February 26, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Park Shore Unit No. 4, located in Collier County, Florida, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received March 11, 1975, in response to the notice of proceedings and opportunity for hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street SW., Washington, D.C., on April 16, 1975 at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before April 9, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: March 28, 1975.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-8928 Filed 4-4-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. EX 75-1; Notice 2]

AUTOMOBILI LAMBORGHINI

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards

The National Highway Traffic Safety Administration has decided to grant Automobili Ferruccio Lamborghini S.p.A., an exemption until May 1, 1975, from compliance with two Federal motor vehicle safety standards, on grounds of substantial economic hardship.

Notice of the petition was published on February 5, 1975 (40 FR 5387) and an opportunity offered for comment. The exemptions requested are for the Espada model only.

Lamborghini manufactured 412 vehicles in the 12-month period before it filed its petition. It requested an exemption until May 1, 1975 from Standard No. 212 and the minimum headlamp mounting height requirement of Standard No. 108. Standard No. 108 requires that headlamps be mounted not less than 24 inches above the ground. Recent front suspension modifications intended to improve roadholding have lowered the vehicle 55 millimeters and created a compliance problem. Lamborghini intends to bring its vehicles into compliance by installation of a device that raises the heights of the headlamps when they are switched on. An immediate changeover, however, would create a loss of $225,977 in parts inventory and downtime. Standard No. 212 requires that a windshield retain not less than 75 percent of its periphery in a 30 mph frontal barrier crash. The Espada windshield retains only 50 percent to 55 percent of its periphery. Denial of the exemption petition for Standard No. 212 would create a loss similar to that resulting from a denial of Standard No. 108. Company financial data for the last three years indicate a net profit after taxes of $125,500 (1971), $128,900 (1972) and $226,000 (1973). It believes an exemption would be in the public interest because of the effect that a denial would have upon individuals selling and servicing Lamborghinis in the United States.

One comment was received on the petition, supporting it. The NHTSA notes that the period for which the exemptions are sought is short, and that they are sought for only one of several of the company's vehicle lines. It appears that a loss in parts inventory and downtime would cause Lamborghini substantial economic hardship. Because of the small number of vehicles involved, the Administrator does not believe they will present a hazard to the motoring public.

For the reasons discussed above, the NHTSA finds that the exemptions requested are in the public interest and consistent with the objectives of the National Traffic and Motor Vehicle Safety Act of 1966. Automobili Ferruccio Lamborghini S.p.A is hereby granted for its Espada model NHTSA Temporary Exemption No. 75-1 expiring May 1, 1975 for Motor Vehicle Safety Standards No. 108, 49 CFR 571.108 (minimum headlamp mounting height requirements only), and No. 212, 49 CFR 571.212.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.51)

Issued on April 2, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75-9107 Filed 4-3-75;3:22 pm]

TACHOGRAPHS ON SCHOOL BUSES

Response to Petition

This notice denies a petition from the Sangamo Electric Company to initiate a rule making proceeding to establish a new Federal motor vehicle safety standard to require that tachographs be installed in all new school buses.

In its petition of December 6, 1974, Sangamo stated that such a standard would be consistent with the Motor Vehicle and Schoolbus Safety Amendments of 1974, Pub. L. 93-492, and would come within section 103(i)(1)(A)(vi) of the National Traffic and Motor Vehicle Safety Act, (15 U.S.C. 1392(i)(1)(A)(vi)). The tachograph, or recording speedometer, records the school bus' speed, distance travelled, and engine and vehicle starts and stops against a time scale showing hours and minutes. By comparing a given chart against a model or against previous charts it can be determined whether a bus driver has followed the proper route, made all appropriate stops, stopped at stop signs and grade crossings and stayed within speed limits. Sangamo emphasizes the psychological advantages of the instrument, claiming that the knowledge that his actions are being recorded makes a driver more careful.

Sangamo submitted with its petition accident data tending to show that tachographs in school buses have a favorable impact on school bus accident rates. This evidence consists largely of a comparison of New York school bus accident data and that of other States. New York law requires tachographs on most buses and about three quarters of N.Y. school buses are so equipped, whereas no other State requires them. New York State's school bus accident record does appear better than that of most other States. However, the procedures for school bus accident data collection and processing vary widely. More important, operating conditions also vary and there are a great number of factors which might account for whatever differences exist. The NHTSA intends to study the N.Y. experience in order to enumerate and weight these factors and to determine whether broader research by the agency would be worthwhile.

Tachographs are commonly used by trucking companies for primarily economic reasons. The charts provide a method of insuring that drivers take proper routes, do not make unauthorized side trips, and do not abuse their vehicles. Tachographs can also be used as evidence in defense of a trucking company or driver sued over an accident, cited for speeding, or accused of violating ICC regulations. While there is some data suggesting that trucking companies that use tachographs have better records than those that do not, the data is not controlled to eliminate factors such as type of operation, average length of haul, and type of trucks. It appears likely to the NHTSA that tachographs are used by those companies which are better run, economically stronger, and more safety-conscious, and that the data reveals correlation, not causation.

Based on information available to date, the NHTSA regards the safety benefits of tachographs as still speculative. Although the New York data are encouraging, a broader cross-section of experience is needed to justify the imposition of such a costly requirement on every school bus manufactured or sold in this country. Many in-vehicle school bus fatalities occur in catastrophic collisions, often with other large vehicles or trains, in situations where it is questionable whether the type of drive behavior recorded by a tachograph is a causative factor.

Economic considerations also justify declining to initiate rulemaking now on this petition. The Motor Vehicle and Schoolbus Safety Amendments of 1974 direct the NHTSA to issue Federal motor vehicle safety standards in eight areas of school bus performance. These mandated standards will substantially increase the cost of new buses to school districts and school bus operators. Especially difficult burdens would therefore be imposed if additional expenses of $200 per vehicle plus $15 to 30 per year in maintenance and chart costs were required.

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Of course, if tachographs provide economic benefits to school bus operators comparable to those provided to truckers, the net cost would be lower. The NHTSA expects that some school districts and school bus operators will adopt the use of tachographs, and then may develop data that proves tachographs have a positive influence on school bus safety. In that event the NHTSA will certainly consider requiring tachographs on school buses.

The Bureau of Motor Carrier Safety of the Federal Highway Administration is considering requiring tachographs on intercity buses and on trucks carrying hazardous cargoes. If adopted, such a rule would probably produce additional data which might justify future rule making by the NHTSA. The agency will examine the BMCS docket periodically for such material.

For these reasons the petition of the Sangamo Electric Company is denied.

(Secs. 103, 119, Publ. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392; 1407); Sec. 106, 202, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1410a, 1892), delegations of authority at 49 CFR 1.51 and 49 CFR 501.8).

Issued on March 31, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-8978 Filed 4-2-75;11:24 am]

CIVIL AERONAUTICS BOARD

[Docket 21114, et al.; Order 75-4-4]

PAN AMERICAN WORLD AIRWAYS, INC. AND TRANS WORLD AIRLINES, INC.

Reconsideration and Labor Issues

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 1st day of April, 1975.

By Order 75–1–133, January 30, 1975, the Board granted various suspension and exemption requests and approved an agreement between Pan American World Airways and Trans World Airlines under which the carriers would eliminate duplicative services and make other adjustments to their Pacific and Transatlantic route systems in order to alleviate the severe and continuing financial problems in their international operations. The Board also held that on the basis of the record then before it that there was insufficient evidence to support (1) disapproval of the agreement and related applications on the basis of adverse labor impact, or (2) the imposition of labor protective provisions. Consequently, the Board provided an opportunity for interested parties to file further pleadings with respect to the question of the impact on the employees of Pan American and TWA resulting from the implementation of the agreement, and of the financial impact on Pan American and TWA which may result from the imposition of labor protective provisions. We will address the petitions for reconsideration and the responses relating to labor impact separately below.[2]

I. PETITIONS FOR RECONSIDERATION

Petitions requesting reconsideration in whole or in part of Order 75–1–133 were filed by Northwest Airlines,[3] National Airlines, the City and Chamber of Commerce of Philadelphia, and The Flying Tiger Line. In addition, the Master Executive Counsel of Pan American (PAA–MEC) pilots filed a pleading styled "Motion to correct order 75–1–133" which requests that the Board eliminate the PAA–MEC from the list of objectors to the agreement and make it clear that PAA–MEC urges expeditious approval of the Pan American-TWA proposal.[4] Finally, the International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America (IBT) filed a statement pursuant to Order 75–1–133 which contains arguments in the nature of requests for reconsideration and will be dealt with in this section.[5]

Answers in opposition to the petitions were filed by Pan American and TWA.

Upon consideration of the requests for reconsideration, the answers thereto, and all the relevant facts we have decided to deny the petitions. For the reasons stated below, we believe that the petitions fail to establish error in the Board's decision in Order 75–1–133 and fail to present any matters that otherwise would require us to modify the findings and conclusions made in that order.

National. National reasserts the claims made in its initial pleadings that approval of the agreement will place Pan American in a worse position on the Atlantic than it is today, which result is not in the public interest; and that the Board's action in Order 75–1–133 "raises the specter" for prejudice to applicants in the Transatlantic Route Proceeding, Docket 25908. Both of these matters were addressed by the Board in Order 75–1–133 and no new matters or arguments are presented by National to warrant a different conclusion from that earlier taken by the Board. Specifically, while we recognize that Pan American will not be benefited to the same extent as TWA over the Atlantic, when the agreement is viewed as a whole Pan American will receive substantial and needed financial improvements which are approximately equal to those which will inure to TWA.[6] In addition, we have provided for termination of our approval upon final decision in the Transatlantic Route Proceeding to minimize conflict with that case. In any event, as we noted in Order 75–1–133, no applicants in that proceeding have prosecuted applications involving the four European points which were the subject of our exemption award (Vienna, Barcelona, Nice and Casablanca); the Board will not rely upon interim exemption operations in considering grant of certificate authority; and the Board's ability to place the exemption points on the routes of other carriers is in no way compromised by our action in Order 75–1–133.

Finally, we reject National's claim that the factual bases for our decision have been altered in light of recent developments relating to the joint applicants and the Government of Iran for the same reasons stated in Order 75–2–108 rejecting a similar contention made by Northwest. Any claim that the factual bases for our decision has been altered by the negotiations between Pan American and Iran is entirely premature. No agreement has as yet been reached, let alone filed with the Board for approval. With respect to the TWA-Iran aircraft sale, while the transaction may temporarily improve the carrier's cash-flow position it by no means ameliorates the financial problems facing the carrier.[7]

Philadelphia. Philadelphia raises essentially the same arguments made in its original pleadings with regard to the impact of the agreement on Philadelphia service to Frankfurt and London. These claims have already been addressed by the Board at pp. 10–11 of Order 75–1–133. Philadelphia also requests a shorter term of approval with regard to that part of the agreement involving Philadelphia-London. While providing for a maximum term of two years, the Board's approval was keyed to a final decision in the Transatlantic case. That case is in its last stages and will shortly be ripe for Board decision.[8] Hence, it is likely that

[1] The Indianapolis Airport Authority filed an answer to the applications of Pan American and TWA together with a motion for leave to file an unauthorized document. The pleading was filed eleven days after the date answers were to be filed and in our view good cause has not been shown why Indianapolis or its counsel could not have met the filing date. Consequently, we will deny the motion. In any event, the matters raised regarding the need for hearings were dealt with adequately in Order 75–1–133. Indianapolis has not petitioned for reconsideration of those findings.

[2] Northwest's petition for reconsideration was disposed of by the Board by Order 75–2–108.

[3] Since PAA–MEC's position is now noted for the record we do not believe that further Board action in this regard is required.

[4] The matters raised by IBT relating to impact on labor and the appropriateness of labor protective provisions will be dealt with *infra*, in the labor section of this order.

[5] When we objected in Order 74–11–24 to the "all-or-nothing" aspect of the original agreement, we were then faced with a request for expeditious processing of an agreement which by virtue of the controversial Los Angeles-Honolulu turnaround request, could not be processed expeditiously. However, the amended agreement approved by Order 75–1–133 eliminated this controversial aspect and in our view was proper for nonhearing expeditious consideration.

[6] Moreover, TWA alleges that the transaction actually resulted in a book loss to the carrier.

[7] Briefs to the Board were filed March 5, 1975, and the case is awaiting oral argument before the Board.

the Board's approval of the instant agreement will terminate within two years. We find no sound basis for reducing the term of our approval, which is already of short duration, as to the whole or any part of the agreement.[9]

The Flying Tiger Line (FTL). FTL requests reconsideration of Order 75–1–133 to the extent that the Board rejected FTL's proposed condition on Pan American's operations to Taiwan and Okinawa.[10] The condition imposed by the Board was designed to limit Pan American's Taiwan/Okinawa-U.S. service to that provided by TWA in markets affecting Northwest. This condition was imposed for the principal purpose of avoiding significant impact on Northwest and FTL, and it remains our view that the condition will accomplish this purpose.

FTL's proposed condition fails to address, as FTL readily admits, the impact on Northwest and consequently is not appropriate to meet that objective. Further, FTL has not established a factual basis to conclude that it will experience any diversion from Pan American's Taiwan/Okinawa service as conditioned by Order 75–1–133.[11]

[8] Philadelphia requests the Board to correct the statement of its position. As set forth in its pleadings Philadelphia opposes approval of the agreement without a hearing unless conditions are imposed (1) requiring Pan American to provide daily nonstop or one-stop single-plane service in the Philadelphia-London market, and (2) requiring a U.S.-flag carrier to provide daily nonstop or one-stop service in the Philadelphia-Frankfurt market.

[9] FTL's proposed condition would read as follows: "No flight serving both a point or points in the United States and a point or points in Okinawa or Taiwan shall operate via any point in Japan and/or Alaska."

[10] In view of FTL's failure to show potential injury it is unnecessary to comment on the validity of FTL's interpretation as to Pan American's right to operate single-plane service between U.S. points permitted by the Board's condition, on the one hand, and Taiwan and Okinawa, on the other hand, via nontraffic stops at nonpermissible points. We note, however, that the case cited by FTL as being dispositive of the issue (Order 72–5–82), is distinguishable from the hypothetical itineraries given by FTL in its petition. FTL states that Pan American might be able to evade the condition by operating a Taiwan/Okinawa-destined flight from a permissible U.S. point via a nontraffic stop at a nonpermissible point (Tokyo, for example) and transloading to that flight passengers arriving at Tokyo from New York (also a nonpermissible point). Order 72–5–82 is limited to its unique facts and to the carriage of mail. It involved two FTL flights to the Orient, one from San Francisco and one from New York, which had a nontraffic stop at Anchorage, at which point mail from one flight was "transloaded" to the other flight to continue its journey. The Board there held that "the traffic involved plainly could be transported by Flying Tiger on any flight which began at the point of origin of the traffic and continued to the point of destination" and that the nontraffic stop at Anchorage did not involve "a break in the through journey." Unlike FTL's Anchorage operation, in FTL's hypothetical Pan American operation the traffic could not be transported on a flight which began from the point of origin (New York) and continued to Taiwan and Okinawa, the point of destination, under the terms of the Board's condition.

International Brotherhood of Teamsters. IBT asserts, inter alia, that the Board's public interest findings were legally deficient because they failed to properly address the impact on labor; and that the Board did not make satisfactory findings of unusual circumstances and undue burden to support its exemption awards.

In our view, the Board's findings as to the public interest and in support of the exemption awards are fully consistent with legal and statutory requirements. As we stated in Order 75–1–133 and again in Order 75–2–108, Pan American and TWA have been faced with severe financial difficulties which threaten the stability of these carriers and place in jeopardy the continued existence of Pan American and impair the viability of TWA's international operations. These are unusual circumstances which affect the operations of both carriers and present a serious transportation need justifying expeditious approval of the agreement and the grant of the exemption and suspension applications. Any significant delay, such as would occur if an evidentiary hearing was held, would be an undue burden on the carriers and would have been tantamount to disapproval of the entire proposal. It is difficult to imagine more compelling circumstances justifying the use of the Board's exemption powers.

With respect to the impact on labor the Board held that in light of the basis of the record then before it no showing had been made to justify disapproval of the agreement or imposition of labor protective provisions.

Further pleadings on this issue have been filed, and, while we do not believe that the impact on labor warrants disapproval of the agreement, as we discuss in section II below, it is our view that the potential impact on labor of the full implementation of the agreement warrants imposition of conditions for the protection of employees.

Finally, a few housekeeping matters remain. Order 75–1–133 amended Pan American's Approved Service Plans for route 132 by adding Hong Kong and Bangkok and for routes 130 and 132 by adding Colombo, Sri Lanka pursuant to the carrier's request in its application in Docket 27255. Pan American, however, does not presently hold certificate authority to serve those points on those particular routes and the carrier did not request exemption authority to serve those points in its various applications. Accordingly, we will amend Order 75–1–133 to delete from Pan American's amended Approved Service Plans for route 132 the points Hong Kong; Bangkok, Thailand; and Colombo, Sri Lanka and for route 130 the point Colombo, Sri Lanka. In addition, the schedules filed by Pan American pursuant to the approvals set forth in Order 75–1–133 do not contemplate service to Bombay, India. Consequently, we will include Bombay in the list of points on the Approved Service Plan for route 130 to which service may be suspended.

II. LABOR ISSUES

Responses to the labor issues pursuant to Order 75–1–133 were filed by the IBT; the Air Line Pilots Association (ALPA);[12] the Flight Engineers' International Association, AFL–CIO (FEIA); the International Association of Machinists and Aerospace Workers (IAM); the PAA–MEC; the Master Executive Council of TWA pilots (TWA–MEC); Pan American; TWA; and the Transport Workers Union–AFL–CIO (TWU). Answers and replies to the above pleadings were filed by FEIA, TWU, TWA–MEC, PAA–MEC, ALPA, IBT, IAM, Pan American, and TWA.[13]

In general, the labor parties argue that implementation of the approved agreement will impact substantially on all classes of employees of both carriers; that the number of employees affected by either dismissals, displacements, or transfers could exceed 1,000; that the Board should either set for hearing the issue of labor impact to resolve the conflicting contentions of labor and the carriers or impose standard labor protective provisions; and that the cost of imposing labor protective conditions will offset only about 20 percent of the total benefits to be derived from the agreement. In this latter regard, ALPA claims that the total cost to TWA of imposing the labor protective provisions of the type imposed in the Allegheny-Mohawk Merger case (Order 72–4–31) would amount to about $4.7 million annually or a total of $14.1 million for three years, which compares with expected two-year benefits in excess of $50 million.[14]

Pan American and TWA assert that the impact of the agreement on their

[11] ALPA filed an amendment to its comments on March 11, 1975 together with a motion for leave to file. We will grant ALPA's motion.

[12] On February 13, 1975 the IBT filed a motion for extension of time to file responses to the labor pleadings and a request that the Board direct Pan American and TWA to file certain information. By Order 75–2–82 the Board provided for the filing of answers, and in light of our determination herein to impose labor protective provisions no additional information is needed for the record. We will dismiss IBT's motion. In addition, the IAM moved on February 14, 1975 for an opportunity to respond to the labor pleadings which request was also mooted by Order 75–2–82, and for an order requiring the applicants to maintain the status quo as to employee status. (The latter request was renewed by motion filed February 27, 1975.) In view of our action herein, which is to be applied retroactively, IAM's motion will be dismissed as moot.

[13] ALPA and PAA–MEC request that full Allegheny-Mohawk labor protective provisions be imposed as to TWA but that only the dismissal provisions be applied to Pan American. Other Pan American union representatives, however, request that all of the standard labor protective provisions also be applied to Pan American. IBT requests more comprehensive labor provisions based upon the Railpax provisions. Similar requests were made and rejected by the Board in the Allegheny-Mohawk and Delta-Northeast merger cases. Nothing raised by IBT in its pleadings justifies a reversal of the Board's conclusions as set forth at pp. 22–24 of Order 72–4–31, 32 which apply with equal force to the instant case.

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respective labor forces will be minimal. Pan American claims that only 12 job opportunities will be affected. While TWA states that "233 fewer pilots and 334 few flight attendants would be needed by TWA in its operations," it contends that no flight personnel will be "discharged." Pan American estimates that the direct cost impact of labor protective provisions will amount to about $242,000 annually; while the indirect costs may reach into the millions. TWA estimates costs related to labor protective provisions at around $12 million for 36 months.

Upon consideration of the foregoing pleadings and all of the relevant facts the Board has decided that the special and unusual circumstances of this case warrant the imposition of the labor protective provisions set forth in the appendix retroactive to the date the agreement was filed (December 17, 1974), as a condition to approval of the agreement.[24]

As the courts have held, the impact on employees is a legitimate public-interest factor to be weighed along with other public interest factors in determining the course of regulatory action. However, the showing required to warrant the extraordinary exercise of the Board's discretionary power to invoke labor protective conditions is "not broadly one of general employee welfare" [25] but rather a showing that such conditions are needed to "obtain the degree of stability in air transportation that freedom from industrial strife will provide." [26] Thus, it is the Board's view that general considerations of equity and employee welfare are not sufficient justifications for the imposition of employee protective conditions but that the extent of employee impact must be so great as to jeopardize the continued stability and efficiency of the operations of the affected carriers in terms of the on-going relationship between a carrier and its labor force such that there is a realistic threat of service disruption.

The Board has with only one exception declined to impose labor protective conditions in suspension and deletion cases because these cases usually do not result in adverse labor impact, or if such impact does result it is localized rather than systemwide, and thus does not threaten to impair the stability or efficiency of the affected carrier.

It is our view that the labor parties have met their burden of demonstrating that implementation of the agreement approved by Order 75–1–133 will have a widespread and systemwide adverse effect on the employees of both carriers such that the extraordinary exercise of the Board's discretion to impose labor protective provisions is necessary to prevent labor strife and disruption which could impair the continued stability and efficiency of Pan American and TWA. Any such labor disruptions at this time could negate the financial improvements which the carriers will derive from the proposal in this case as well as from other austerity measures the carriers are undertaking.

Although the suspensions of service and other service cutbacks involving Pan American and TWA are limited in time and do not affect either carrier's basic certificate authority, the total impact on employees of both carriers from dismissals, displacements, and furloughs could well exceed 1000 persons. ALPA estimates that 312 TWA pilots and 78 Pan American pilots will be affected by the agreement either by dismissal or displacement. Other classes of employees, including flight engineers, mechanics, cabin crews, and stock clerks will also be affected. Even TWA recognizes that as many as 233 pilot jobs, 334 flight attendant jobs, and 40 mechanic jobs will be affected by the agreement, although the carrier claims that no persons will be discharged. Existence of dismissals is not the sole prerequisite for labor protective conditions, for adverse employee impact can arise by several other means. In this connection, the language of the Board in the Seven States Area Investigation [27] regarding the effect of large-scale suspension authorizations, such as we have in this case, is worthy of note:

> The record clearly indicates that the suspensions and deletions will lead to the abolishment of a substantial number of station positions and that the employees thereby displaced, even if retained in the carriers' domestic systems, must transfer to other stations by exercise of their seniority rights to dislocate or "bump" employees at such other points, such employees relocating by bumping still other employees by exercise of seniority rights, with the attendant dislocation. When each "bump" along the chain is seen to entail the risk of moving expenses not covered by contract, of loss upon emergency sale of homes, and of possible diminution of income resulting from transfer to lower paying jobs within the same seniority category, it cannot be doubted that, even if no employee terminations occur, the deletions and suspensions present a strong likelihood of employee loss.

While we recognize that the impact on Pan American employees is not as extensive as that which affects TWA's labor force, we find, nonetheless, that there is a widespread and systemwide impact which requires labor protective conditions.

One of the factors which the Board has historically considered as militating against the imposition of labor conditions is the extent to which the costs of such conditions to the carriers will vitiate the benefits to be derived from the Board's action. We have closely examined the contentions of the carriers that imposition of labor protective provisions could have a serious financial impact on them and find these allegations to be without merit. ALPA estimates that the cost to TWA of labor protective provisions could amount to about $4.7 million annually. TWA estimates that the cost over a 36-month perod will exceed $12 million. Pan American claims that the annual direct cost of labor conditions will reach about $242,000, while indirect costs may rim into millions of dollars. When these figures are contrasted against the approximate annual net benefits estimated by the applicants of about $25 million per carrier which will result from the agreement, the cost of mitigating the substantial adverse impact on the carriers' labor forces is a small price to pay. And if, as the carriers claim, there will be no adverse impact on employees then the provisions "will simply be inoperative and will not result in hardship to anyone." [28]

The cases cited by the carriers for the proposition that the Board "traditionally refused to impose labor conditions in suspension cases" are distinguishable from the instant case. Most of the cited cases involved suspensions of only one or a few points. Thus, the Frontier suspension (Order 72–1–100) involved only one point, Chicago; and the Southern Airways suspension involved only the point Mobile, Alabama. In the Braniff-North Central Suspension/Replacement case, Order E–26342, only two points were involved, Sioux Falls, South Dakota and Sioux City, Iowa, and the Board noted that Braniff had voluntarily executed an agreement with labor. In the Southwest-UAL suspension, 15 CAB 61 (1952), only two points were involved and no factual showing of labor impact was made. The Caribair suspension, Order 69–10–157, involved suspension at four Caribbean points for only six months. The Slick suspension, 26 CAB 779 (1958), involved a carrier in virtual financial extremis. In addition, Slick was not receiving revenue improvement from the suspension to offset the cost of labor conditions. Unlike the foregoing cases and unlike ordinary suspension cases, we find the facts in this case to present special and unique circumstances warranting the extraordinary exercise of our discretionary power to impose labor protective conditions.

We have considered conditions less comprehensive than the Board's standard labor protective provisions, such as conditions providing only for dismissal protection or for priority in hiring, and have concluded that such conditions fall short of the protective coverage needed to mitigate the impact of agreement. In this connection, it is noted that all parties have uniformly rejected so-called labor protective guidelines similar to those set forth in Order 71–12–45, since the priority-in-hiring protection afforded by those guidelines is illusory at a time when carrier hiring is reduced. We are mindful of the suggestion of the TWA-MEC in its reply, that as an alternative to labor provisions the Board should consider allowing the parties a 60-day period in which to negotiate provisions suitable to all parties. In light of the positions taken by both carriers in opposition to Board-imposed labor provisions, we are doubtful that such an approach would have any practical effect other than delaying resolution of this issue. However, we would be amenable to modifying this order if the parties are able to get together and agree upon a different form of condition satisfactory to all concerned.

Finally, we find that a hearing on the matters raised is not necessary. Although there are conflicting factual assertions by the opposing factions, even if each presentation is held in a light most favorable to it, we find that the public interest requires the action we are taking herein.

Accordingly, *It is ordered*, That: 1. The motion of the Indianapolis Airport Authority for leave to file an unauthorized document be and it hereby is denied;

2. The motion of the Air Line Pilots Association for leave to file an amended answer be and it hereby is granted;

3. The motions of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers and the International Association of Machinists and Aerospace Workers be and they hereby are dismissed;

4. The petitions for reconsideration of National Airlines; The Flying Tiger Line; the City and Chamber of Commerce of Philadelphia; and the International Brotherhood of Teamsters be and they hereby are denied;

5. Amended Approved Service Plans-Foreign Air Transportation for routes 130 and 132 shall be issued to Pan American in the form attached hereto; and

6. It is just and reasonable, and in the public interest, to attach to the Board's approval in Order 75–1–133 of the agreement between Pan American and TWA and the grant of exemption and suspension authority the following conditions:

Pan American and TWA shall be subject to the labor protective provisions set forth in the Appendix: *Provided*, That jurisdiction is hereby retained to make such amendments, modifications, and additions to the labor protective provisions herein imposed as circumstances and the public interest may from time to time require: *Provided, further*, That jurisdiction is hereby retained for purposes of imposing if necessary, by subsequent order, such reporting requirements as may be appropriate in order to obtain data concerning, on the one hand, the extent to which affected employees are benefited by our imposition of labor protective provisions, and, on the other, the costs incurred by the carriers as a result of the labor protective provisions: and *Provided further*, Application of the labor protective provisions shall be retroactive to the date on which the agreement approved by Order 75–1–133 was signed.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX—LABOR PROTECTIVE PROVISIONS

Section 1. The fundamental scope and purpose of the conditions hereinafter specified are to provide for compensatory allowances to employees who may be affected by the implementation of agreement between Pan American World Airways and Trans World Airlines in Docket 27114 approved by Order 75–1–133, and it is the intent that such conditions are to be restricted to those changes in employment due to and resulting from such agreement. Fluctuations, rises and falls, and changes in volume or character of employment brought about by other causes are not covered by or intended to be covered by these provisions.

Section 2(a). The term "carrier" as used herein refers to either Pan American or TWA.

(b). The term "employee" as used herein shall mean an employee of the carriers other than a temporary or part-time employee.

(c). The term "agreement" as used herein shall mean except as otherwise indicated, the agreement between Pan American and TWA signed on December 17, 1974, and approved by the Board by Order 75–1–133, January 30, 1975.

Section 3(a). Subject to the applicable conditions set forth herein, no employee of either of the carriers involved in the agreement who is continued in service shall as a result of the agreement be placed in a worse position with respect to compensation than he occupied immediately prior to his displacement so long as he is unable in the normal exercise of his seniority rights under existing agreements, rules, and practices to obtain a position producing compensation equal to or exceeding the compensation of the position held by him immediately prior to such date, except, however, that if he fails to exercise his seniority rights to secure another available position, which does not require a change in residence, to which he is entitled under the working agreement and which carries a rate of pay and compensation exceeding those of the position which he elects to retain, he shall thereafter be treated for the purposes of this section as occupying the position which he elects to decline.

(b). The protection afforded by the foregoing paragraph is hereby designated as a "displacement allowance" which shall be determined in each instance in the manner hereinafter described. Any employee entitled to such an allowance is hereinafter referred to as a "displaced" employee.

(c). Each displacement allowance shall be a monthly allowance determined by computing the total compensation received by the employee and his total time paid for during the last 12 months in which he performed service immediately preceding the date of his displacement (such 12 months being hereinafter referred to as the "test period") and by dividing separately the total compensation and the total time paid for by 12, thereby producing the average monthly compensation and average monthly time paid for, which shall be the minimum amounts used to guarantee the displaced employee; and if his compensation in his current position is less in any month in which he performs work than the aforesaid average compensation, he shall be paid the difference, less compensation for any time lost on account of voluntary absences to the extent that he is not available for service equivalent to his average monthly time during the test period, but he shall be compensated in addition thereto at the rate of the position filled for any time worked in excess of the average monthly time paid for during the test period.

(d). The protection afforded herein shall only apply to displacements occurring during the effective term of approval as set forth in Order 75–1–133, as may be amended by Board order, and occurring within a period of 3 years from the date on which the agreement was approved (referred to herein as the claim period); and the period during which this protection is to be given (referred to herein as the protective period) shall extend for a period of 4 years from the date on which the employee is displaced.

Section 4(a). Any employee of either of the carriers participating in the agreement who is deprived of employment as a result of said agreement shall be accorded an allowance (hereinafter termed a "dismissal allowance"), based on length of service, which shall be a monthly allowance equivalent in each instance to 60 percent of the average monthly compensation of the employee in question during the last 12 months of his employment in which he earned compensation prior to the date he is first deprived of employment as a result of the agreement. This dismissal allowance will be made to each eligible employee, while unemployed, during a period beginning at the date he is first deprived of employment as a result of the agreement and extending in each instance for a length of time determined and limited by the following schedule:

Length of service, years:	*Period of payment, months*
1 and less than 2	6
2 and less than 3	12
3 and less than 5	18
5 and less than 10	36
10 and less than 15	48
15 and over	60

In the case of an employee with less than 1 year of service such employee shall not be covered by the benefits provided in this section, but shall receive such benefits, and only such benefits, as are provided by section 6.

(b). For the purpose of these provisions, the length of service of the employee shall be determined from the date he last acquired an employment status with the employing carrier and he shall be given credit for 1 month's service for each month in which he performed any service (in any capacity whatsoever) and 12 such months shall be credited as 1 year's service. The employment status of an employee shall not be interrupted by furlough in instances where the employee has a right to and does return to service when called. In determining length of service of an employee acting as an officer or other official representative of an employee organization he will be given credit for performing service while so engaged on leave of absence from the service of the carrier: *Provided*, That in calculating the dismissal allowance for such an employee, such allow-

[24] These labor provisions are patterned after the Allegheny-Mohawk labor conditions as set forth in Appendix B of Order 72–4–91, 32. Section 3 of the Allegheny-Mohawk conditions relating to integration of seniority lists is not applicable to the present circumstances. Section 13 of the conditions herein imposed excludes from the applicability of the labor conditions employees stationed outside of the United States who are not citizens of the United States. This is consistent with Board policy regarding the applicability of labor protective provisions to foreign nationals. See, Panagra Acquisition Case, 45 CAB 426 (1966); North Atlantic Route Transfer Case, 12 CAB 124 (1950).

[25] Kent v. Civil Aeronautics Board, 204 F 2d 269, 275 (2nd Cir. 1962).

[26] Id.; see also United States v. Lowden, 308 U.S. 225, 230 (1939).

[27] Service between the U.S. and eight (Azores, Lisbon, Barcelona, Nice, Rome, Madrid, Casablanca, Austria) European points will be suspended under the agreement while single-plane service will be eliminated in three markets (Chicago/Los Angeles/Philadelphia-London).

[28] 30 CAB 473, 476 (1960).

[29] West Coast-Empire Merger Case, 15 CAB 971, 975 (1952).

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ance shall be based upon the compensation paid such employee by the carrier during his last 12 months of service on the company payroll and not on the compensation he may have been paid by the employee representative organization.

(c). An employee shall not be regarded as deprived of employment in case of his resignation, death, or retirement on account of age or disability in accordance with the current rules and practices applicable to employees generally, dismissal for justifiable cause in accordance with the rules, or furlough because of reduction in forces due to seasonal requirements of the service; nor shall any employee be regarded as deprived of employment as the result of the agreement who is not deprived of his employment within 3 years from the effective date of said agreement.

(d). Each employee receiving a dismissal allowance shall keep his employer informed of his address and the name and address of any other person by whom he may be regularly employed.

(e). The dismissal allowance shall be paid to the regularly assigned incumbent of the position abolished. If the position of an employee is abolished while he is absent from service, he will be entitled to the dismissal allowance when he is available for service. The employee temporarily filling said position at the time it was abolished will be given a dismissal allowance on the basis of said position until the regular employee is available for service and thereafter shall revert to his previous status and will be given a dismissal allowance accordingly if any is due.

(f). An employee receiving a dismissal allowance shall be subject to call to return to service after being notified in accordance with the working agreement, and such employee may be required to return to the service of the employing carrier for other reasonably comparable employment for which he is physically and mentally qualified and which does not require a change in his place of residence, if his return does not infringe upon the employment rights of other employees under the working agreement.

(g). If an employee who is receiving a dismissal allowance returns to service the dismissal allowance shall cease while he is so reemployed and the period of time during which he is so reemployed shall be deducted from the total period for which he is entitled to receive a dismissal allowance. During the time of such reemployment, however, he shall be entitled to protection in accordance with the provisions of section 3.

(h). If an employee who is receiving a dismissal allowance obtains other employment, his dismissal allowance shall be reduced to the extent that the sum total of his earnings in such employment plus his allowance and any unemployment insurance benefit (or similar benefit) exceed the amount upon which his dismissal allowance is based: *Provided*, That this shall not apply to employees with less than 1 year's service.

(i). A dismissal allowance shall cease prior to the expiration of its prescribed period in the event of—

1. Failure without good cause to return to service after being notified of a position for which he is eligible and as provided in paragraphs (f) and (g).
2. Resignation.
3. Death.
4. Retirement or on account of age or disability in accordance with the current rules and practices applicable to employees generally.
5. Dismissal for justifiable cause.

Section 5. An employee affected by the agreement shall not during the applicable protective period be deprived of benefits attaching to his previous employment, such as hospitalization, relief, and the like.

Section 6. Any employee eligible to receive a dismissal allowance under section 4 hereof may, at his option, resign and (in lieu of all other benefits and protections provided in these provisions) accept in a lump sum a separation allowance determined in accordance with the following schedule:

Length of service (year):

	allowance months' Separation pay
1 and less than 2	3
2 and less than 3	6
3 and less than 5	9
5 and over	12

In the case of employees with less than 1 year's service, 5 days' pay, at the straight time rate per working day of the position last occupied, for each full month in which they performed service will be paid as the lump sum.

(a) Length of service shall be computed as provided in section 4.

(b) One month's pay shall be computed by multiplying by 30 the calendar daily rate of pay received by the employee in the position last occupied prior to the time the agreement was approved.

Section 7(a). Any employee who is retained in the service of Pan American or TWA (or who is later restored to service from the group of employees entitled to receive a dismissal allowance) who is required to change the point of his employment as a result of the agreement, and is therefore required to move his place of residence, shall be reimbursed for all expenses of moving his household and other personal effects and for the traveling expenses of himself and members of his family, including living expenses for himself and his family and his own actual wage loss during the time necessary for such transfer, and for a reasonable time thereafter (not to exceed 2 working days), used in securing a place of residence in his new location. The exact extent of the responsibility of the carrier under this provision and the ways and means of transportation shall be agreed upon in advance between the carrier and the affected employee or his representative. No claims for expenses under this section shall be allowed unless they are incurred during the period in which Board approval of the agreement is effective and within 3 years from the date of the approval by the Board of the agreement, and the claim must be submitted within 90 days after the expenses are incurred.

(b) Changes in place of residence subsequent to the initial change caused by the agreement which grow out of the normal exercise of seniority in accordance with working agreements are not comprehended within the provisions of this section.

Section 8(a). The following provisions shall apply, to the extent they are applicable in each instance, to any employee who is retained in the service of the carriers involved in this agreement (or who is later restored to such service from the group of employees entitled to receive a dismissal allowance) who is required to change the point of his employment as a result of such agreement and is therefore required to move his place of residence.

1. If the employee owns his own home in the locality from which he is required to move, he shall at his option be reimbursed by the carrier for any loss suffered in the sale of his home for less than its fair value. In each case the fair value of the home in question shall be determined as of a date sufficiently prior to the approval date of the agreement to be unaffected thereby; *Provided, however*, That if the home is not sold within a substantial period after approval of the agreement, then the fair value of the home shall be determined as of a date as closely related to the date of a sale as possible, with an agreed-upon adjustment being made to exclude any effect of the agreement on such fair value. The carrier shall in each instance be afforded an opportunity to purchase the home at such fair value before it is sold by the employee to any other party.

2. If the employee is under a contract to purchase his home, the carrier shall protect him against loss to the extent of the fair value of any equity he may have in the home and in addition shall relieve him from any further obligations under his contract.

3. If the employee holds an unexpired lease of a dwelling occupied by him as his home, the carrier shall protect him from all loss and cost in securing the cancellation of his said lease.

(b). Changes in place of residence subsequent to the initial change caused by the agreement which grow out of the normal exercise of seniority in accordance with working agreements are not comprehended within the provisions of this section.

(c). No claim for loss shall be paid under the provisions of this section which is not presented within 3 years after the date on which the agreement is approved.

(d). Should a controversy arise in respect to the value of the home, the loss sustained in its sale, the loss under contract for purchase, loss and cost in securing termination of lease, or any other question in connection with these matters, it shall be decided through joint conference between the employee or his representative and the carrier, and, in the event they are unable to agree, the dispute may be referred by either party to a board of three competent real estate appraisers, selected in the following manner: One to be selected by the employee or his representative and one by the carrier, respectively; these two shall endeavor by agreement within 10 days after their appointment to select the third appraiser, or to select some person authorized to name the third appraiser, or to select some person authorized to name the third appraiser; and in the event of failure to agree, then the Chairman of the National Mediation Board shall be requested to appoint the third appraiser. A decision of a majority of the appraisers shall be required and said decision shall be final and conclusive. The salary and expenses of the third or neutral appraiser, including the expenses of the appraisal board, shall be borne equally by the parties to the proceedings. All other expenses shall be paid by the party incurring them, including the salary of the appraiser selected by such party.

Section 9. If either carrier, on or after December 17, 1974, shall rearrange or adjust its forces in anticipation of the agreement, with the purpose or effect of depriving an employee of benefits to which he should be entitled under these provisions as an employee immediately affected by the agreement, these provisions shall apply to such an employee as of the date when he is so affected.

Section 10. If requested in writing by any employee or employees of either carrier or the authorized representative of such employee or employees, the date and place of a meeting between said employees or their representatives and the representatives of the carriers to settle problems of the rearrangement of such employees arising out of and because of the agreement shall be agreed upon within 10 days after such request is received by the carrier. The meeting shall commence within 30 days from the date the request is received by the carrier.

In the event of a failure to agree upon a settlement of a problem or of problems presented at the meeting, the unsettled problems may be submitted by either party for adjustment in accordance with section 12.

Section 11. No employee of either carrier shall, as a condition of eligibility for the protection afforded by the terms of this order be required to accept employment that is not within the class, craft, or field of endeavor in which he was employed by either carrier on the date the agreement was approved by the Board.

Section 12(a). In the event that any dispute or controversy (except as to matters arising under section 9) arises with respect to the protections provided herein, which cannot be settled by the parties within 20 days after the controversy arises, it may be referred by any party to an arbitrator selected from a panel of seven names furnished by the National Mediation Board for consideration and determination. The parties shall select the arbitrator from such panel by alternatively striking names until only one remains, and he shall serve as arbitrator. Expedited hearings and decisions will be expected, and a decision shall be rendered within 90 days after the controversy arises, unless an extension of time is mutually agreeable to all parties. The salary and expenses of the arbitrator shall be borne equally by the carrier and (i) the organization or organizations representing the employee or employees, or (ii) if unrepresented, the employee or employees or group or groups of employees. The decision of the arbitrator shall be final and binding on the parties.

(b). The above condition shall not apply if the parties by mutual agreement determine that an alternative method for dispute settlement or an alternative procedure for selection of an arbitrator is appropriate in their particular dispute. No party shall be excused from complying with the above condition by reason of having suggested an alternative method or procedure, unless and until that alternative method or procedure shall have been agreed to by all the parties.

Section 13. The benefits of the foregoing sections shall not apply to employees stationed outside the United States who are not citizens of the United States.

[Route 130; issued pursuant to Order 75-4-4]

APPROVED SERVICE PLAN-FOREIGN AIR TRANSPORTATION (AS AMENDED)

PACIFIC

Pan American World Airways, Inc.

Segment 1—Between the coterminal points Bangor, Maine, New York, N.Y.-Newark, N.J., and San Francisco and Los Angeles, Calif.; the intermediate points Hilo and Honolulu, Hawaii; Midway Island; Wake Island; and Guam; and (a) beyond the intermediate point Guam, the intermediate points Manila, Philippines; Hong Kong; Saigon, Vietnam; Singapore; Denpasar and Djakarta, Indonesia; Kuala Lumpur, Malaysia; Bangkok, Thailand; Rangoon, Burma; Calcutta and Delhi, India; and the terminal point Karachi, Pakistan; and (b) beyond the intermediate point Guam, the intermediate points Tokyo and Osaka, Japan; Hong Kong; Saigon, Vietnam; Singapore; Denpasar and Djakarta, Indonesia; Kuala Lumpur, Malaysia; and the intermediate point Bangkok, Thailand.

Segment 2—Between the coterminal points Bangor, Maine, New York, N.Y.-Newark, N.J., and San Francisco and Los Angeles, Calif., the intermediate points Hilo and Honolulu, Hawaii; Pago Pago, American Samoa, Suva, Fiji; Noumea, New Caledonia; Auckland, New Zealand; and Sydney, Melbourne, and Darwin, Australia; Denpasar and Djakarta, Indonesia; and beyond to the intermediate and terminal points in segment 1.

Segment 3—Between the coterminal points Bangor, Maine, New York, N.Y.-Newark, N.J., and San Francisco and Los Angeles, Calif., and the intermediate points Society Islands; Noumea, New Caledonia; Auckland, New Zealand; and Sydney, Australia.

Segment 4—Between the coterminal points Bangor, Maine and New York, N.Y.-Newark, N.J., the intermediate points Fairbanks, Alaska, and Tokyo, Japan, and the terminal point Osaka, Japan.

Segment 5—Between the terminal point Los Angeles-Ontario-Long Beach, California; the intermediate points Hilo and Honolulu, Hawaii; Agana, Guam; Naha, Okinawa; Taipei, Taiwan; Hong Kong; Bangkok, Thailand; and beyond Bangkok, Thailand; the terminal point Bombay, India.

1. The holder may, on flights serving New York, N.Y.-Newark, N.J., Los Angeles or San Francisco, Calif., on the one hand, and Japan, on the other hand, without compliance with the Board's regulations governing nonstop service or suspensions of service, omit service to one or more of the following points on any or all flights: Midway Island, Wake Island, or Guam;

2. The holder may grant stopover privileges at any of the points in the United States named herein to passengers traveling between any of these points, on the one hand, and the various overseas and foreign points named herein, on the other hand: *Provided*, That the holder shall not carry stopover traffic between Hilo and Honolulu, Hawaii;

3. The holder shall not, on flights operated over segment 4, engage in air transportation between Portland, Ore., and Seattle-Tacoma, Wash., on the one hand, and points in or beyond Japan, on the other hand;

4. In conformance with the operations sought to be conducted by it, Pan American is authorized, subject to applicable regulations and to further order of the Board, to suspend service to Calcutta, India, until July 21, 1975, to Wake Island and Rangoon, Burma, until October 22, 1975, and to Bombay, India;

5. The authority granted herein to serve Kuala Lumpur, Malaysia, shall be restricted to all-cargo service only;

6. The authority to serve Bangor, Maine, is limited to the carriage of property on a permissive basis and shall terminate on January 21, 1977;

7. The authority to serve Naha, Okinawa, and Taipei, Taiwan, on segment 5 shall be subject to the condition that Pan American shall not perform single-plane service (including single-flight number) in any Taiwan/Okinawa city-pair market currently authorized in the certificates of Northwest which did not receive single-plane service by TWA as reflected in TWA's general schedule No. 5i on file with the Board effective November 1, 1974;

8. The authority over segment 5 shall be effective for two years or until 90 days after final Board decision in Docket 25908, whichever first occurs;

9. The authority granted herein shall become effective on April 2, 1975.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPROVED SERVICE PLAN—FOREIGN AIR TRANSPORTATION (AS AMENDED)

NORTH ATLANTIC

[Route 132, Part II; Issued pursuant to Order 75-4-4]

Pan American World Airways, Inc.

Segment 1—Between the coterminal points Los Angeles and San Francisco, California; Portland, Oregon; Seattle, Washington; Chicago, Illinois; Detroit, Michigan; Washington, D.C.-Baltimore, Maryland; Philadelphia, Pennsylvania; New York, New York; Boston, Massachusetts; Bangor, Maine; McGuire Air Force Base, New Jersey; and Dover Air Force Base, Delaware.

The following intermediate points: Keflavik, Iceland; Shannon, Ireland; Glasgow, Scotland; London and Mildenhall, England; Brussels, Belgium; Amsterdam, Holland; Copenhagen, Denmark; Cologne/Dusseldorf, Frankfurt, Nuremburg, Stuttgart, and Munich, Germany; Rome, Italy; Prague, Czechoslavakia; Vienna, Austria; and

(a) beyond Vienna; the intermediate points Budapest, Hungary; Belgrade, Yugoslavia; Bucharest, Rumania; Istanbul and Ankara, Turkey; Tehran, Iran; Karachi, Pakistan; Delhi, India; and the terminal point Calcutta, India; and (b) beyond Vienna, the intermediate points Belgrade, Yugoslavia; Istanbul and Ankara, Turkey; and Bierut, Lebanon; and (i) beyond Beirut, the intermediate points Damascus, Syria; Tehran, Iran; Karachi, Pakistan; Delhi, India; and the terminal point Calcutta, India; and (ii) beyond Beirut, the intermediate points Baghdad, Iraq.; Karachi, Pakistan; Delhi, India; and the terminal point Calcutta.

Segment 2—Between the coterminal points Los Angeles and San Francisco, California; Portland, Oregon; Seattle, Washington; Chicago, Illinois; Detroit, Michigan; Washington, D.C.-Baltimore, Maryland; Philadelphia, Pennsylvania; New York, New York; Boston, Massachusetts; Bangor, Maine; McGuire Air Force Base, New Jersey; and Dover Air Force Base, Delaware.

The following intermediate points: Keflavik, Iceland; Shannon, Ireland; Glasgow, Scotland; London and Mildenhall, England; Brussels, Belgium; Amsterdam, Holland; Copenhagen, Denmark; Oslo and Bergen, Norway; Stockholm, Sweden; Hamburg, Frankfurt, Hanover and Berlin, Germany; Warsaw, Poland; Helsinki, Finland; Leningrad, U.S.S.R., and the terminal point Moscow, U.S.S.R.

Segment 3—Between the coterminal points Los Angeles and San Francisco, California; Portland, Oregon; Seattle, Washington; Chicago, Illinois; Detroit, Michigan; Washington, D.C.-Baltimore, Maryland; Philadelphia, Pennsylvania; New York, New York; Boston, Massachusetts; Bangor, Maine; McGuire Air Force Base, New Jersey; and Dover Air Force Base, Delaware.

The following intermediate points: Shannon, Ireland; Glasgow, Scotland; London and Mildenhall, England; Paris, France; Frankfurt, Germany; Rome, Italy; Istanbul and Ankara, Turkey; and Beirut, Lebanon; and (a) beyond Beirut, the intermediate points Damascus, Syria; Tehran, Iran; Karachi, Pakistan; Delhi, India; and the terminal point Calcutta, India; and (b) beyond Beirut, the intermediate points Baghdad, Iraq; Karachi, Pakistan; Delhi, India; and the terminal point Calcutta, India.

1. Notwithstanding the above provisions, Pan American is authorized, to engage in air transportation directly between all points included in this service plan located within Germany; *Provided*, That Pan American shall serve Hanover only on flights originating at Hanover and terminating at Berlin, or originating at Berlin and terminating at Hanover;

2. In conformance with the operations sought to be conducted by it, Pan American is authorized, subject to applicable regulations and to further order of the Board, to suspend service to the following foreign points designated in the above service plan:

(a) On Segment (1): (1) Budapest, Hungary; (2) Baghdad, Iraq, until December 20, 1976; (3) Calcutta, India, until July 21, 1975; (4) Belgrade, Yugoslavia, until Jan-

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uary 8, 1976; (5) Bucharest, Romania, until January 8, 1976; (6) Keflavik, Iceland, until January 8, 1976; (7) Glasgow, Scotland, until January 8, 1976; and (8) Vienna, Austria, for a two year period or until 90 days after final Board decision in Docket 25908, whichever first occurs, unless sooner terminated by the Board;

(b) On Segment (2): (1) Leningrad, U.S.S.R.; (2) Bergen, Norway, until October 31, 1974 and on a seasonal basis from approximately November 1 to May 15 of each year; (3) Stockholm, Sweden, until January 8, 1976; (4) Oslo, Norway, until January 8, 1976; (5) Glasgow, Scotland, until January 8, 1976; and (6) Keflavik, Iceland, until January 8, 1976; and (7) Helsinki, Finland, until January 8, 1976; and

(c) On Segment (3): (1) Baghdad, Iraq, until December 20, 1976; (2) Calcutta, India, until July 21, 1975; (3) Glasgow, Scotland, until January 8, 1976; and (4) Paris, France, for a two year period or until 90 days after final Board decision in Docket 25908, whichever first occurs, unless sooner terminated by the Board;

3. The operation of all services authorized by this order shall be subject to the receipt of necessary authorizations from the appropriate authorities of the foreign governments concerned;

4. The authority granted herein to serve Hanover, Germany, shall be restricted to the carriage of persons and property only on shuttle flights between Hanover and Berlin, Germany, and shall not constitute approval of such flights for mail purposes;

5. The authority granted herein to serve Nuremburg, Germany, shall be restricted to flights within Germany;

6. McGuire AFB, Dover AFB, and Mildenhall AB, shall be served only on a flagstop basis for the carriage of property moving on government bills of lading in common carriage transatlantic services; and the three bases may also be served for the carriage of all classes of mail other than air mail and air parcel post as specified in Order E-20139;

7. The authority granted herein to serve Glasgow, Scotland and London, England, on segment (3) shall be restricted as follows:

(a) Glasgow may not be served on flights to or from the U.S. coterminal points Los Angeles, San Francisco, Seattle or Portland;

(b) Service to Glasgow and London on flights to and from the U.S. coterminal points Chicago, Detroit, Washington, Baltimore, Philadelphia, New York, and Boston shall be restricted to the carriage of cargo and mail only, and shall be without traffic rights between Glasgow and London, and between Glasgow and London, on the one hand, and Paris and Rome, on the other hand;

8. Service to Frankfurt, Germany, on segment 3 shall be restricted to flights for the carriage of cargo and mail only and shall be without traffic rights between Frankfurt and Paris;

9. Service between Los Angeles, San Francisco, Portland, and Seattle via a Polar Route to Paris via London shall be without traffic rights between Paris and London;

10. The authority to serve Bangor, Maine is limited to the carriage of property on a permissive basis and shall terminate on January 21, 1977;

11. Pan American is authorized to suspend service at Shannon, Ireland, until April 25, 1976, or 90 days after final Board decision in Docket 25908, whichever occurs first, unless sooner terminated by the Board; and

12. The authority to serve Rome, Italy, on segment 1 shall be effective for two years or until 90 days after final Board decision in Docket 25908, whichever first occurs, unless sooner terminated by the Board;

The authority granted herein shall become effective on April 2, 1975.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-8980 Filed 4-4-75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF CHINA

Entry or withdrawal from Warehouse for Consumption

APRIL 4, 1975.

On October 4, 1974, there was published in the FEDERAL REGISTER (39 FR 35838) a letter of September 26, 1974 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, implementing those provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of China, which establish export limitations for wool and man-made fiber textile products in certain categories, produced or manufactured in the Republic of China, for the agreement year which began on October 1, 1974.

Pursuant to paragraph 12(a) of the bilateral agreement, the United States Government agreed, effective on March 26, 1975 (40 FR 13333), to increase the sublimit established in the current agreement year for men's and boys' knit suits (TSUSA 380.0420 and 380.8143) within Category 224 from 200,000 pounds to 330,000 pounds. Inasmuch as that amount has now been fully utilized, the Government of the Republic of China has further requested, and the United States Government has acceded to the request, that the sublimit be increased an additional 70,000 pounds for the twelve-month period which began on October 1, 1974.

Accordingly, there is published below a letter of April 4, 1975, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, directing that the level of restraint established within Category 224 for men's and boys' knit suits (TSUSA 380.0420 and 380.8143) be increased 70,000 pounds for the twelve-month period which began on October 1, 1974.

Goods exported to the United States from the Republic of China on or before January 31, 1975 will be permitted entry, effective on April 8, 1975. Goods licensed by the Government of the Republic of China on or before January 31, 1975, but exported to the United States subsequent to that date, will be permitted entry upon receipt of a letter of authorization from the Commercial Attache, Embassy of the Republic of China, Van Ness Center, 4301 Connecticut Avenue, NW., Washington, D.C. 20008. All such entries will be subject to the limit of the 70,000 pound increase.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance U.S. Department of Commerce.

COMMISSIONER OF CUSTOMS
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive further amends, but does not cancel, the directive issued to you on September 26, 1974 by the Chairman, Committee for the Implementation of Textile Agreements, regarding imports into the United States of wool and man-made fiber textile products in certain categories, produced or manufactured in the Republic of China, and exported to the United States during the twelve-month period which began on October 1, 1974. The directive of September 26, 1974 was previously amended on March 25, 1975.

Under the provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of China, and in accordance with Executive Order 11651 of March 3, 1972, you are directed further to increase the level of restraint established within Category 224 for TSUSA Numbers 380.0420 and 380.8143 in the directive of September 26, 1974, as amended, by 70,000 pounds.

To the extent of this increase, man-made fiber textile products classified in TSUSA Numbers 380.0420 and 380.8143 which have been exported to the United States from the Republic of China on or before January 31, 1975 shall be permitted entry, effective on April 8, 1975. Shipments which have been licensed by the Government of the Republic of China on or before January 31, 1975, but exported to the United States subsequent to that date, will be released upon authorization of the Government of the Republic of China. You will be notified of these by separate letter.

The actions taken with respect to the Government of the Republic of China and with respect to imports of man-made fiber textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.75-9153 Filed 4-4-75;9:12 am]

CERTAIN MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or withdrawal from Warehouse for Consumption

APRIL 3, 1975.

On March 5, 1974, there was published in the FEDERAL REGISTER (39 FR 8375) a letter of February 27, 1974, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, which directed that visas issued by the Government of the Republic of Korea on and after January 1, 1974, for man-made fiber textile products in Category 224, exported to the United States from the Republic of Korea, should specify a designated subcategory classification within Category 224. The purpose of this notice is to announce that the subclassifications are being amended as follows: (1) Category 224—Suits (TSUSA 380.8143 and 380.0420); (2) Category 224—Coats (TSUSA 380.8103 and 380.0402); and (3) Category 224—Other (all remaining TSUSA numbers included in Category 224 and TSUSA 380.0428 and 380.8165). The amended subclassifications will become effective on May 1, 1975, for man-made fiber textile products in Category 224, exported from the Republic of Korea on and after May 1, 1975. Man-made fiber textile products in Category 224, exported from the Republic of Korea prior to May 1, 1975, will be permitted entry without the amended subclassifications, provided the subclassifications indicated are those specified in the letter of February 27, 1974.

There is published below a letter of April 3, 1975, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the directive of February 27, 1974.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

APRIL 3, 1975.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This letter amends, but does not cancel, the directive issued to you by the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit entry of man-made fiber textile products in Category 224, produced or manufactured in the Republic of Korea, for which accompanying visas, did not carry a designated subcategory classification.

Under the provisions of the Wool and Man-Made Fiber Textile Agreement of January 4, 1972, as amended, between the Governments of the United States and the Republic of Korea, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, the directive of February 27, 1974 is hereby amended to require that, effective on May 1, 1975, visas accompanying man-made fiber textile products in Category 224, exported to the United States from the Republic of Korea on and after May 1, 1975, should specify one of the following amended subcategory classifications: 1) Category 224—Suits (TSUSA 380.8143 and 380.0420); 2) Category 224—Coats (TSUSA 380.8103 and 380.0402); and 3) Category 224—Other (all remaining TSUSA numbers included in Category 224 and TSUSA 380.0428 and 380.8165). Visas for man-made fiber textile products in Category 224 exported to the United States from the Republic of Korea prior to May 1, 1975, will not be required to carry the amended subcategory classifications, provided the subclassifications shown are those specified in the directive of February 27, 1974.

The actions taken with respect to the Governments of the Republic of Korea and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.75-9036 Filed 4-4-75;8:45 am]

CERTAIN MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or withdrawal from Warehouse for Consumption

APRIL 3, 1975.

On October 4, 1974, there was published in the FEDERAL REGISTER (39 FR 35840) a letter of September 26, 1974 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs establishing levels of restraint applicable to certain specified categories of wool and man-made fiber textile products produced or manufactured in the Republic of Korea and exported to the United States during the twelve-month period which began on October 1, 1974.

The level of restraint established for Category 224 (other wearing apparel, knit, whether or not ornamented) includes a sublimit of 1,282,051 pounds for suits classified in TSUSA 380.8143. This sublimit should also have included suits classified in TSUSA 380.0420, which is part of Category 224, but which was inadvertently omitted from the letter of September 26, 1974.

Further, in the Category 224 sublimit, established for suit-type coats (TSUSA 380.8103 and 380.8107), TSUSA 380.0402 should be substituted for TSUSA 380.8107. TSUSA 380.8107 now covers "other coats, including jackets, of man-made fiber," and will no longer be subject to the suit-coat sublimit under Category 224.

Accordingly, there is published below a letter of April 8, 1975, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that suits classified in TSUSA 380.0420, produced or manufactured in the Republic of Korea and exported to the United States during the twelve-month period which began on October 1, 1974, should also be subject to the sublimit established for suits within Category 224. The level published below has not been adjusted to reflect any charges made to TSUSA 380.0420. These have amounted to 114,172 pounds during the period October 1, 1974 through January 31, 1975. An adjustment to account for entries made during the period extending from February 1, 1975 through April 7, 1975, will be transmitted to the Commissioner of Customs when that amount is determined.

The Commissioner is further directed, effective on April 8, 1975, to charge entries in TSUSA 380.0402, in addition to TSUSA 380.8103, to the sublimit established for Category 224 for the twelve-month period which began on October 1, 1974. An adjustment to account for entries in TSUSA 380.0402 during the period October 1, 1974 through April 7, 1975, will be furnished to the Commissioner of Customs when the amount is determined. Entries in TSUSA 380.8107 will not be charged to the sublimit for Category 224 during the twelve-month period which began on October 1, 1974.

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance U.S. Department of Commerce.

APRIL 3, 1975.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive issued to you on September 26, 1974 by the Chairman, Committee for the Implementation of Textile Agreements, regarding imports into the United States of wool and man-made fiber textile products in certain categories, produced or manufactured in the Republic of Korea.

Under the provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of January 4, 1972, as amended, between the Governments of the United States and the Republic of Korea, and in accordance with Executive Order 11651 of March 3, 1972, you are directed, effective on April 8, 1975, to amend the TSUSA designations set forth within the sublimit for Category 224/part 222 in the directive of September 26, 1974 as follows:

Category	*12-month level of restraint*
224/part 222 (only T.S.U.S.A. Nos. 380.0428 and 380.8165.	5,580,692 pounds (of which not more than 1,282,051 pounds may be in T.S.U.S.A. Nos. 380.8143 and 380.0420 and not more than 769,231 pounds may be in T.S.U.S.A. Nos. 380.8103 and 380.0402).

Charges to TSUSA 380.0420 have amounted to 114,172 pounds during the period beginning on October 1, 1974 and extending through January 31, 1975. Adjustments to account for the period between February 1, 1975 and April 7, 1975, will be made to you by letter.

Charges in TSUSA 380.0402 during the period, October 1, 1974 through April 7, 1975, will also be made to you by letter.

Entries in TSUSA 380.8107 will not be charged to the sublimit for Category 224 for the twelve-month period which began on October 1, 1974.

The actions taken with respect to the Government of the Republic of Korea and with

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respect to imports of man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.75-9035 Filed 4-4-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

FLAMMABILITY OF UPHOLSTERED FURNITURE

Meeting

The Consumer Product Safety Commission gives notice that the Commissioners and members of the staff of the Commission will meet with representatives of the Upholstered Furniture Industry on Monday, April 14, 1975, at 10 a.m., in the CPSC Hearing Room, 6th Floor, 1750 K Street, Washington, D.C.

The purpose of the meeting is to discuss, in general, industry approaches to the issue of the flammability of upholstered furniture. The meeting was requested by letter dated March 12, 1975, from Mr. Hampton Powell, President of the Lane Company, Inc., on behalf of several members of the upholstered furniture industry.

A notice of finding that a flammability standard or other regulation under the Flammable Fabrics Act may be needed for upholstered furniture was published in the FEDERAL REGISTER of November 29, 1972 (39 FR 25239). The Commission staff, in conjunction with the National Bureau of Standards, is proceeding with the development of a flammability standard, but has not yet presented a draft to the Commission for approval. The specific provisions of the draft of the standard under development, therefore, will not be discussed at this meeting.

The meeting is open to the public, but space is limited. Persons wishing to attend the meeting should notify the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, telephone (202) 634-7700. A copy of the March 12, 1975, request for the meeting can be obtained from the Office of the Secretary.

Dated: April 2, 1975.

SADYE E. DUNN,
Secretary.
Consumer Product Safety Commission.

[FR Doc.75-9075 Filed 4-4-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

INTERNATIONAL NUCLEAR POWER EXPORT ACTIVITIES

Preparation of Environmental Statement

On August 3, 1974, the United States District Court for the District of Columbia in the case of "Sierra Club et al. v. Atomic Energy Commission et al" ordered the Atomic Energy Commission (AEC) to be the lead agency in preparing an Environmental Statement on the international nuclear power export process. The Statement was to be prepared in implementation of AEC's responsibilities under the National Environmental Policy Act (NEPA).

No injunction was issued by the Court in the above proceeding. Accordingly, there is no legal bar to proceeding with international nuclear power export activities during the period of preparation of the Environmental Statement. Nevertheless, in order to provide as full and complete an analysis as possible, AEC determined that an examination should be made as to whether proceeding with international nuclear power export activities during the period of Statement preparation would be consistent with its NEPA responsibilities, or would prejudice its ability to make an objective review in the Environmental Statement and take whatever action might be appropriate in light thereof.

Subsequent to the Court order and the commencement of the preparation of this interim analysis, the Energy Reorganization Act of 1974 (Pub. L. 93-438) was enacted. This Act, as effectuated by Executive Order No. 11834 (40 FR 2971) abolished the AEC and transferred its functions to two newly created agencies, the Energy Research and Development Administration (ERDA) and the Nuclear Regulatory Commission. As a result of this reorganization, ERDA has assumed AEC's operational functions and responsibilities, including the responsibility to be the lead agency for preparation of the Environmental Statement. In addition, ERDA has assumed responsibility for implementing AEC's decision to review international nuclear power export activities during the period of preparation of the Environmental Statement. Consequently, this interim environmental analysis has been undertaken by ERDA.

The review encompassed in the present document relates to significant international nuclear power export activities conducted between July 1, 1974 and August 30, 1975. These activities include the entering into of Agreements for Cooperation, the execution of uranium enrichment services contracts, the delivery of special nuclear material power reactor fuel under previously executed uranium enrichment services contracts, and the issuance of export licenses for power reactors and special nuclear material fuel for foreign power reactors.

As applied to continuation of the international nuclear power export activities during the interim period, ERDA, in proposing to make the determination at hand, has considered and balanced the following factors:

1. Whether it is likely that the continuation of international nuclear power export activities during the prospective review period will give rise to a significant adverse impact on the environment; the nature and extent of this impact, if any, and whether redress of any adverse environmental effect can reasonably be effected should modification, suspension, or termination of these activities result from the Environmental Statement.

2. Whether continuation of international nuclear power export activities during the review period would foreclose subsequent adoption of alternatives.

3. The effect upon the public interest of a moratorium on international nuclear power export activities.

4. Whether the additional irretrievable commitment of resources involved with international nuclear power export activities conducted during the interim review period might affect the eventual decision reached on the NEPA review.

The results of the examination are set forth in a document entitled "Proposed Findings Supporting Determination in Regard to International Nuclear Power Export Activities Pending Preparation of an Environmental Statement." Based on these ERDA proposes to determine that:

1. Continuation of international nuclear power export activities during the period of preparation of the Environmental Statement will not give rise to a significant adverse environmental impact in the United States or on the high seas during the limited period of the NEPA review. The environmental impacts anticipated to occur in the future due to a continuation of such activities during the interim period will be redressable should the full NEPA review of international nuclear power export activities indicate that a different course of action is advisable.

2. The ability of the United States to adopt modifications to the international nuclear power export process will not be foreclosed significantly by continuing international nuclear power export activities during the limited period of NEPA review.

3. Should continuation of international nuclear power export activities be consistent with the outcome of the full NEPA program review, the termination of such activities until such review is completed would adversely affect the public interest since it would (a) detrimentally impact on U.S. political interests abroad by (1) calling into question U.S. international commitments, (2) disrupting the scheduled production of electric power abroad, (3) being inconsistent with U.S. policy to promote cooperation in the overall energy area and (4) significantly injuring the credibility of the U.S. as an energy supplier abroad; and (b) further aggravate the current deficit in the U.S. balance of payments and cause a loss of millions of dollars of revenue to American industry.

4. The expenditure of resources by ERDA during the limited period of NEPA review ($210.56 million) while not insubstantial is, except for $0.43 million, fully recovered in the charges to foreign customers when product deliveries are made. The expenditure of such resources will not be of such magnitude as to constitute an irrevocable commitment to the continuation of the international nuclear power export process; nor will it affect the eventual outcome of the full NEPA review.

Upon consideration and balancing of the above factors, ERDA proposes to determine that international nuclear power export activities should be continued during the limited period of the NEPA review.

A copy of the Proposed Findings document is available for public inspection at ERDA's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545. Copies may be obtained upon request addressed to W. H. Pennington, Office of the Assistant Administrator for Environment and Safety, U.S. Energy Research and Development Administration, Washington, D.C. 20545.

Interested persons who desire to submit written comments or suggestions for the Administrator's consideration in connection with this examination and the Administrator's final determination and findings thereon should send them to Mr. Pennington on or before May 5, 1975. Copies of comments received by ERDA may be examined at ERDA's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545.

Dated at Washington, D.C., this 4th day of April 1975.

NELSON F. SIEVERING, Jr.
Assistant Administrator for International Affairs.

[FR Doc.75-9163 Filed 4-4-75;10:15 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 356-6]

MARINE SANITATION DEVICE STANDARD FOR MINNESOTA

Receipt of Petition

Notice is hereby given that a petition has been received from the State of Minnesota that the waters of the Great Lakes within Minnesota be designated a no-discharge zone and that the Administrator, Environmental Protection Agency, by regulation completely prohibit the discharge from a vessel of any sewage (whether treated or not) into such waters. Such action is requested pursuant to section 312(f)(4) of Pub. L. 92-500.

Comments and views regarding this requested action may be filed within 45 days from the date of this notice. Such communications, or requests for a copy of the applicant's petition, should be addressed to the Director, Criteria and Standards Division (WH-451), Office of Water Planning and Standards, OWHM, Room 737 East Tower, Waterside Mall, Washington, D.C. 20460.

Dated: April 1, 1975.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.75-9000 Filed 4-4-75;8:45 am]

[FRL 356-5]

MARINE SANITATION DEVICE STANDARD FOR THE STATE OF TEXAS

Receipt of Petition

Notice is hereby given that the State of Texas has petitioned the Administrator, Environmental Protection Agency, to determine that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels within the State of Texas are reasonably available for the State's fresh waters or will be available in the State within a time frame sufficient to adequately administer the intent of the Federal Water Pollution Control Act Amendments of 1972. This action is requested pursuant to section 312(f)(3) of Pub. L. 92-500.

On behalf of the petition, the Executive Director of the Texas Water Quality Board certifies that legislation has been introduced which, if passed by the Texas legislature, will provide the establishment of an adequate number of pump-out facilities to service all vessels that may be reasonably anticipated to require such services; that vessel sewage from each designated pump-out facility is required, or will be required by State statute, to receive adequate treatment in accordance with existing rules and regulations of the Environmental Protection Agency; and that hearings have been held by the Texas Water Quality Board to consider regulations governing the collection and discharge of sewage on and from boats on the inland fresh waters of Texas.

Comments and views regarding this requested action may be filed within 45 days of the date of publication of this notice. Such communications, or requests for a copy of the applicant's petition, should be addressed to the Director, Criteria and Standards Division (WH-451), Office of Water Planning and Standards, OWHM, Room 737, East Tower, Waterside Mall, Washington, D.C. 20460.

Dated: April 1, 1975.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.75-8999 Filed 4-4-75;8:45 am]

[FRL 355-1; OPP-32000/221]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street SW., Washington D.C. 20460.

On or before June 6, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after June 6, 1975.

Dated: March 27, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-32000/221)

EPA File Symbol 14651-RT. Agricultural Enterprises, Inc., PO Box O, Fremont NB 68025. SUPER AGRI-TEAM LIVESTOCK & DAIRY SPRAY WITH VAPONA AND CIODRIN. Active Ingredients: 2,2-Dichlorovinyl dimethyl phosphate 0.93%; Related Compounds 0.07%; Dimethyl phosphate of alpha-methylbenzyl 3-hydroxycis-crotonate 0.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 241-EUE. American Cyanamid Co., Agricultural Div., PO Box 400, Princeton NJ 08540. ABATE 70% CONCENTRATE INSECTICIDE. Active Ingredients: 0, 0'-(thiodi-4,1-phenylene) 0,0,0',0'-tetramethyl bis (phosphorothioate) 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM15.

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EPA File Symbol 34771–R. Axon Corp., PO Box 171223, Memphis TN 38117. AXON ATRAZINE (TECHNICAL GRADE). Active Ingredients: Atrazine (2-Chloro-4-ethylamino-6-isopropylamino-s-triazine) 95%; Related active triazine compounds 5%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 39149–R. Beaumont Chem. Co., PO Box 509, Beaumont TX 77704. 74% CHLORDANE EMULSIFIABLE CONCENTRATE. Active Ingredients: Technical Chlordane (Equivalent to 44.4% octachloro-4, 7-methanotetrahydroindane and 29.6% related compounds) 74%; Aliphatic Petroleum Hydrocarbons 18%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 6136–ER. Bixon Chem. Co., 50–19 97th Pl., Corona NY 11368. NON-SELECTIVE GRANULAR WEED KILLER. Active Ingredients: Bromacil (5-Bromo-3-sec-butyl-6-methyluracil) 4.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 7875–G. Boaters Choice, Inc., 8805 S.W. 129 Terrace, Miami FL 33176. BOATERS CHOICE TOILET CHEMICAL. Active Ingredients: Formaldehyde 5.77%. Method of Support: Application proceeds under 2(c) of interim policy. PM33.

EPA File Symbol 35894–R. The Candlework Inc., 4120 Park Ave., St. Louis MO 63110. STOP THE BUG. Active Ingredients: Ceylon Citronella 2%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 36135–R. Carnation Co., 5045 Wilshire Blvd., Los Angeles CA 90036. CRL DRIONE INSECTICIDE SPRAY. Active Ingredients: Pyrethrins 0.1%; Piperonyl Butoxide, Technical (Equivalent to 0.8% of (butylcarbityl) (6-propylpiperonyl) ether and 0.2% of related compounds) 1.0%; Silica Gel. 4.0%; Petroleum Distillate 4.9%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 7216–UN. Chem Lab Products, Inc., 2650 E. Coronado, Anaheim CA 92806. KEM TEK FEEDER TABLETS–81. Active Ingredients: Trichloro-s-triazinetrione 90%. Method of Support: Application proceeds under 2(c) of interim policy. PM34.

EPA File Symbol 9443–LT. Chemscope Corp., 1909 Hi-Line Dr., PO Box 10752, Dallas TX 75207. CHEMSCOPE INSECTICIDE PYRETHRIN SPACE SPRAY. Active Ingredients: Pyrethrins 0.4%; Piperonyl butoxide, technical (Equivalent to 1.28% (butylcarbityl) (6-propylpiperonyl) ether and 0.32% related compounds) 1.6%; Deodorized kerosene 96.4%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 909–TA. Cooke Lab. Products, PO Box 877, 4759 S. Durfee Ave., Pico Rivera CA 90660. COOKE TERMITE BARRIER. Active Ingredients: Chlordane, technical (Equivalent to 27% octachloro-4, 7-methanotetrahydroindane and 18% related compounds) 45%; Petroleum hydrocarbon distillate 49%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 35132–U. Custom-Pak, Inc., 14800 Miles Ave., Cleveland OH 44128. CUSTOM PAK HI-CIDE 210 WATER TREATMENT MICROBIOCIDE. Active Ingredients: Didecyl dimethyl ammonium chloride 50%; Isopropyl alcohol 20%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA Reg. No. 121–3. Cutter Lab., Inc., 4th & Parker Sts., Berkeley CA 94710. CUTTER INSECT REPELLENT FOAM. Active Ingredients: N, N-Diethyl-meta-toluamide 21.56%; Other Isomers 1.13%; Dimethyl Phthalate 1.12%; Butyl dimethyl dihydro gamma-pyrone carboxylate 0.94%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA Reg. No. 677–313. Diamond Shamrock Corp., Agricultural Chem. Div., 300 Union Commerce Bldg., Cleveland OH 44115. BRAVO 6F FUNGICIDE (For use on potatoes). Active Ingredients: Chlorothalonil (tetrachloroisophthalonitrile) 54.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM21.

EPA Reg. No. 677–313. Diamond Shamrock Corp., Agricultural Chem. Div., 300 Union Commerce Bldg., Cleveland OH 44115. BRAVO 6F FUNGICIDE (For use on onions). Active Ingredients: Chlorothalonil (tetrachloroisophthalonitrile) 54.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM21.

EPA File Symbol 5736–LN. DuBois Chem., Div. of Chemed Corp., 3630 E. Kemper Rd., Sharonville OH 45241. GAX–8 ANTIMICROBIAL. Active Ingredients: 2,2-Dibromo-3-nitrilopropionamide 20%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 11694–GN. Dymon Inc., PO Box 6175, Kansas City KS 66106. AQUA MIST SBP–1382 0.25T AQUEOUS INSECTICIDE SPRAY. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 14953–G. Engineering Chem. Services, Inc., 40 Fulton St., New Brunswick NJ 08902. E C S TREATMENT NO. L–115. Active Ingredients: Sodium dimethyldithiocarbamate 2.76%; Sodium 2-mercaptobenzothiazole 0.24%. Method of Support: Application proceeds under 2(c) of interim policy. PM33.

EPA File Symbol 7368–GL. Georgia-Pacific Corp., 2425 Malt Ave., Los Angeles CA 90040. TOP CLOR II. Active Ingredients: Sodium Hypochlorite 10.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM34.

EPA File Symbol 3396–A. Guarantee Exterminating Co., 4811 Carnegie Ave., Cleveland OH 44103. SUPER-TOX ROACH SPRAY. Active Ingredients: 0,0-Diethyl 0-(2 - isopropyl - 6 - methyl-4-pyrimidinyl) phosphorothioate 0.500%; Pyrethrins 0.052%; Piperonyl Butoxide, Technical (Equivalent to 0.209% of (butylcarbityl) (6-propylpiperonyl) ether and 0.052% of related compounds) 0.261%; Petroleum Distillate 98.606%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 11037–RL. Hacienda Enterprises, 565 Charles St., San Jose CA 95112. HACIENDA LIQUID COPPER FUNGICIDE SPRAY. Active Ingredients: Copper Oleate 15.0%; Xylene 79.4%. Method of Support: Application proceeds under 2(c) of interim policy. PM22.

EPA Reg. No. 5905–236. Helena Chem. Co., Clark Tower, 5100 Poplar Ave., Suite 2900, Memphis TN 38137. HELENA TOXAPHENE SPRAY 8–E. Active Ingredients: Toxaphene (Technical Chlorinated Camphene Chlorine content 67% to 69%) 71.0%; Xylene 16.1%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 12188–E. Holder's Pest Control Co., 5617 SW Freeway, Houston TX 77027. HOLDER'S 74% CHLORDANE EMULSIFIABLE CONCENTRATE. Active Ingredients: Technical Chlordane (Equivalent to 44.4% octachloro-4, 7-methanotetrahydroindane and 29.6% related compounds) 74%; Petroleum Distillates 20%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 3635–ENO. Oxford Chem., PO Box 80202, Atlanta GA 30341. OXFORD 1202. Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 34%. Method of Support: Application proceeds under 2(c) of interim policy. PM34.

EPA File Symbol 1812–ERA. Parramore & Griffin Co., Inc., PO Box 188, Valdosta GA 31601. PYRETHRUM-PIPERONYL BUTOXIDE 0.2–2 FOGGING SPRAY. Active Ingredients: Pyrethrins 0.20%; Piperonyl butoxide technical (Equivalent to 1.8% (butylcarbityl) (6-propylpiperonyl) ether and 0.2% related compounds) 2.00%; Petroleum distillate 97.80%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 10031–U. Petersen Seeds, 204 S. Elm St., Gordon NB 69343. PETERSEN'S GOPHER-RODENT KILLER 3. Active Ingredients: Strychnine 0.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 10031–G. Petersen Seeds. PETERSEN'S GOPHER-RODENT KILLER 2. Active Ingredients: Strychnine 0.62%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 10031–E. Petersen Seeds. PETERSEN'S GOPHER-RODENT KILLER 1. Active Ingredients: Strychnine 0.39%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 10031–L. Petersen Seeds. PETERSEN'S GOPHER-RODENT KILLER 4. Active Ingredients: Strychnine 0.44%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 9215–T. Pool Water Products, 11601 Anabel Ave., Garden Grove CA 92643. ALL-CLEAR JUMBO TABLETS. Active Ingredients: Trichloro-s-Triazinetrione 100%. Method of Support: Application proceeds under 2(c) of interim policy. PM 34.

EPA File Symbol 491–EER. Selig Chem. Industries, 840 Selig Dr. S.W., Atlanta GA 30336. MR. TRIPLE ZERO WEED KILLER. Active Ingredients: Heavy Aromatic Solvent 93.10%; Bromacil (5-Bromo-3-sec-butyl-6-methyluracil) 1.52%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 10663–EG. Sentry Chem. Co., 1481 Rock Mt. Blvd., Stone Mountain GA 30083. SL–55. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene(dimethyliminio)-ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 10663–ER. Sentry Chem. Co. Super AL–JAX. Active Ingredients: Poly [oxyethylene(dimethyliminio) ethylene (dimethyliminio) -ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 10663–EE. Sentry Chem. Co. SL–22. Active Ingredients: Disodium cyanodithioimidocarbonate 3.66%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA File Symbol 30–EE. W. R. Sweeney Mfr., Inc., 312–16 S. Broadway, Salisbury MO 65281. STRYCHNINE ALKALOID N. F. POWDER. Active Ingredients: Strychnine Alkaloid 100%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 550–RNE. Van Waters & Rogers, PO Box 3200, San Francisco CA 94119. GUARDSMAN WATER WEED KILLER. Active Ingredients: Xylene 96.4%. Method of Support: Application proceeds under 2(c) of interim policy. PM34.

EPA File Symbol 7368–UG. Zoe Chem. Co., 1801 Falmouth Ave., New Hyde Park NY 11040. HOUSE PLANT & GARDEN INSECT SPRAY. Active Ingredients: Pyrethrins 0.056%; Rotenone 0.006%; Other Cube Resins 0.016%; Pine Oils 0.900%; Petroleum Distillate 0.406%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

[FR Doc.75–8560 Filed 4–4–75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E–8923]

ALLEGHENY POWER SERVICE CORP.

Tendered Tariff Sheets

MARCH 28, 1975.

Take notice that on March 21, 1975, Allegheny Power Service Corporation (Allegheny) tendered for filing copies of First Revised Original Sheets 11, 12, 14 and 15 to Monongahela Power Company's FPC Electric Tariff Original Volume No. 1. Allegheny states that the purpose of its filing is to conform the fuel clause in Monongahela's tariff to the requirements of the Commission set forth in the Commission's Order at Docket No. R–479 dated November 13, 1974. Allegheny proposes to make Revised Sheets 11 and 12 effective March 1, 1975 and Sheets 14 and 15 effective on January 1, 1976, as provided for in a settlement agreement at this docket.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 11, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–8886 Filed 4–4–75;8:45 am]

[Docket No. ID–1734]

JOHN R. BURTON

Supplemental Application

MARCH 28, 1975.

Take notice that on March 21, 1975, John R. Burton (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following position:

Secretary, Indiana & Michigan Power Company, Public Utility.

Indiana & Michigan Power Company, whose principal office is located in Bridgman, Michigan is a wholly-owned subsidiary of Indiana & Michigan Electric Company which owns and operates the Donald C. Cook Nuclear Plant in Bridgman, Michigan which, when completed, will have two 1100 megawatt generating units. All of Indiana & Michigan Power Company's available electrical energy will be sold to Indiana & Michigan Electric Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–8897 Filed 4–4–75;8:45 am]

[Docket No. RI75–112]

CERTAIN PRODUCER AND PIPELINE RESPONDENTS[1]

Requiring Identification of Reservoirs by Pipeline Respondents and Setting Date for Prehearing Conference

MARCH 28, 1975.

By order dated February 20, 1975, we instituted an Investigation Of Status Of Nonproducing Dedicated Reserves in the Federal Domain in the Gulf of Mexico. The respondents were ordered to present testimony and evidence on the issues enumerated therein at a public hearing set on April 22, 1975. On March 10, 1975, Shell Oil Company (Shell) a producer respondent, filed a motion requesting a prehearing conference to assist in determining the order of witnesses to appear for cross-examination and thus save travel expense and time. We consider Shell's point to be well taken and one which will facilitate an orderly presentation of witnesses.

On March 11, 1975, C&K Petroleum Company (C&K) filed a request for clarification of the evidentiary requirements imposed by the order on a respondent who owns an interest in the subject reservoir but is not the operator. C&K states that it is common practice for offshore blocks to be owned by several parties with only one of them doing the actual development work. C&K further alleges that where it is not the operator it usually has no first-hand knowledge relating to why the reservoir is nonproducing and that any evidence it could supply relating to reservoirs where it is a nonoperator interest owner would be repetitive of the operators' testimony. Accordingly, C&K requests that nonoperator interest owners be relieved of the burden of submitting evidence as to reservoirs where it is not the operator. No answer in response to C&K's motion has been filed with the Commission.

On March 20, 1975, Kewanee Oil Company (Kewanee) filed a motion requesting relief from the burden of submitting evidence stating that since it is not the operator of any block or reservoir any evidence it could file would be repetitive of the operator's evidence.

As stated in the order of February 20, 1975, we seek evidence to verify (1) the identification, location and volumes of reserves in nonproducing status claimed by interstate pipeline companies and (2) to determine the economic and engineering feasibility of placing such nonproducing reserves on producing status as soon as practicable.

Consistent with our need to obtain complete and comprehensive information on the issues enumerated above, inter alia, we believe that the burden on nonoperator interest owners alluded to by C&K and Kewanee in their motions can be substantially relieved under the following guidelines. The operator of each reservoir shall be required to submit testimony and evidence on the total gas reserve volumes in the reservoir setting forth the names and interests of the nonoperator interest-owners. This information should be readily available to the operator without imposing a substantial administrative burden.

Similarly the operator of each reservoir shall be required to submit testimony and evidence as to the economic and engineering feasibility of placing such nonproducing reserves on producing status as soon as practicable.

Thus the operator of each reservoir has the primary responsibility for submitting the required evidence pertaining to that reservoir. The nonoperator interest owner must only then state under oath his agreement with and concurrence in the testimony and evidence submitted by the operator for that reservoir.

However, to insure complete and accurate information on each reservoir, the nonoperator interest owner if he disagrees with the gas reserves estimate or economic and engineering analysis submitted by the operator must then submit testimony and evidence setting forth his estimate of dedicated gas reserves and/or economic and engineering analysis of the reservoir.

On March 12, 1975, Kerr-McGee Corporation (Kerr-McGee) a producer respondent, filed a motion to require further identification of reservoirs by pipeline respondents, for an extension of time for compliance, for postponement of the hearing and for a prehearing conference. Kerr-McGee requests that the reservoirs in question be identified with greater particularity by the pipelines in their testimony prior to the time Kerr-McGee is to file its direct testimony and evidence.

[1] See Appendices A and B for names of the respondents hereto.

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On March 13, 1975, Burmah Oil Development Corporation, Inc. (Burmah), a producer respondent, also filed a motion which requested that the pipeline purchasers include in their testimony and evidence a more definitive identification of the reservoirs and sands involved prior to the submission of a response by Burmah. No answers in response to Kerr-McGee's or Burmah's motions have been filed with the Commission.

Although we are of the opinion that much of the clarifying information necessary to provide a more definitive identification of each reservoir included in the investigation can be gained by direct communication between the producer respondent and its pipeline purchaser, in the interest of clarity and certainty of identity we will require the pipeline respondents in their testimony and evidence to identify the reservoirs in addition to the designations in Appendix C of the February 20, 1975, order by (1) lease number; (2) well name; (3) the measured depth interval on a specified well log where each such asserted reservoir occurs in each well; and (4) fault block identification if necessary. To allow for the additional administrative burden this requirement might impose on the respondent pipelines the date set for them to file direct testimony and evidence has been extended until April 11, 1975, as provided in the Secretary's notice issued March 17, 1975.

To further aid in ascertaining all dedicated nonproducing reservoirs in the Gulf of Mexico Federal Domain the producer respondents are required to report reservoirs and reserves dedicated by them to the pipeline respondents which were not listed in Appendix C, of the February 20, 1975 order, and which were either unknown to the pipeline or for which the pipeline lacked the information necessary to determine whether or not a particular reservoir was on production.

Gulf Oil Corporation (Gulf) in its motion of March 19, 1975, points out that some of the reserves listed as proved reserves by the pipeline respondents on Form No. 15 may be considered by it and other producer respondents to be probable or potential reserves and carried as such on its company's records. If so, such reserves should be specifically identified and designated as such in the producer respondents' testimony and evidence submitted on the reservoirs which are the subject of this investigation.

In addition to Kerr-McGee's request for an extension of time for filing testimony, Continental Oil Company (Continental) by motion dated March 12, 1975, Shell by motion dated March 13, 1975, Gulf by motion dated March 19, 1975 and Getty Oil (Getty) by motion dated March 20, 1975 also requested an extension of time for filing testimony. The extensions requested by these motions run from two weeks to over 60 days. We have by Notice of the Secretary issued March 17, 1975 granted the producer respondents an extension of time for filing direct testimony until May 2, 1975. That date represents a five week extension from the original filing date and three weeks after the pipeline respondents' testimony is due. It will in our opinion provide sufficient additional time for the submission of complete and comprehensive evidence by the producer respondents. As set forth in the notice of the Secretary issued March 17, 1975, the hearing is postponed until May 20, 1975.

The Commission finds. (1) The motions of Shell and Kerr-McGee filed on March 9, 1975, and March 12, 1975, respectively, insofar as they seek a prehearing conference should be granted.

(2) The motions of Kerr-McGee and Burmah filed on March 12, 1975, and March 13, 1975, respectively, insofar as they request a more definitive identification of reservoirs by pipeline respondents should be granted.

The Commission orders. (A) On May 8, 1975, a prehearing conference shall be held in accordance with § 1.18 of the Commission's rules of practice and procedure to resolve the issues herein in a hearing room of the Federal Power Commission, Washington, D.C. 20426, at 10 a.m. (e.d.t.).

(B) The pipeline respondents designated in Appendix A of the order issued February 20, 1975, are required in their testimony and evidence to identify the reservoirs by (1) lease number, (2) well name, (3) the measured depth interval on a specified well log where each such asserted reservoir occurs in each well, and (4) fault block identification if necessary.

(C) The motion filed by C&K on March 11, 1975, insofar as it seeks clarification of the order of February 20, 1975 is granted, and the responses hereinabove set forth constitute our clarification thereof, and in all other respects said order remains in full force and effect.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A—PIPELINE COMPANY RESPONDENTS

FEDERAL DOMAIN—GULF OF MEXICO

Columbia Gas Transmission Corporation
Consolidated Gas Supply Corporation
Michigan-Wisconsin Pipe Line Company
Natural Gas Pipeline Company of America
Sea Robin Pipeline Company
Southern Natural Gas Company
Tennessee Gas Pipeline Company
Texas Eastern Transmission Corporation
Texas Gas Transmission Corporation
Transcontinental Gas Pipe Line Corporation
Trunkline Gas Company
United Gas Pipe Line Company

APPENDIX B—PRODUCER RESPONDENTS

FEDERAL DOMAIN—GULF OF MEXICO

Amerada Hess Corporation
Amoco Production Company
Aquitaine Oil Corporation
Argonaut Petroleum Corporation
Ashland Oil and Refining Company
Atlantic-Richfield Company
Burmah Oil Development Corporation, Inc.
Cabot Corporation
California Company, Div. of Chevron Oil Company
Canadian Superior Oil (U.S.), Ltd.
Charter Resources
Chevron Oil Company
Cities Service Oil Company
C & K Offshore Company
C & K Petroleum Company
ONG Producing Company
Columbia Gas Development Corporation
Consolidated Gas Supply Corporation
Continental Oil Company
Dixilyn Corporation
Esser Royalty Company
Exchange Oil & Gas Company
Exxon Company
Felmont Oil Corporation
Forest Oil Corporation
General American Oil Company of Texas
General Crude Oil Company
Getty Oil Company
Gulf Oil Corporation
Hamilton Brothers Oil Company
Hamilton Brothers Petroleum Company
Hassie Hunt Trust
Highland Resources, Incorporated
Hunt Oil Company
Hunt Petroleum Corporation
Juniper Petroleum
Kerr-McGee Corporation
Kewanee Oil Company
The Louisiana Land and Exploration Company
Marathon Oil Corporation
Midwest Oil Corporation
Mobil Oil Corporation
Newmont Oil Company
Occidental Petroleum Corporation
Ocean Drilling & Exploration Corporation
The Offshore Company
Oil & Gas Futures, Inc.
Oil & Gas Futures, Inc. of Texas
Pelto Oil Company
Pennzoil Producing Company
Phillips Petroleum Company
Placid Oil Company
River Corporation
Shell Oil Company
Signal Oil and Gas Company
Skelly Oil Company
Southern Natural Gas Company
Sun Oil Company
Superior Oil Company
Tenneco Oil Company, Inc.
Tennessee Gas Supply Company
Texas Eastern Transmission Corporation
Texas Gas Exploration Corporation
Transocean Oil Company, Inc.
Texaco, Inc.
Union Oil Company of California
Union Texas Petroleum, Div. of Allied Chemical
Warren American Oil Company

[FR Doc.75-8919 Filed 4-4-75;8:45 am]

[Docket No. ID-1346]

HERBERT B. COHN

Supplemental Application

MARCH 28, 1975.

Take notice that on March 21, 1975, Herbert B. Cohn (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following position:

Vice President & Director, Indiana & Michigan Power Company, Public Utility.

Indiana & Michigan Power Company, whose principal office is located in Bridgman, Michigan is a wholly-owned subsidiary of Indiana & Michigan Electric Company which owns and operates the Donald C. Cook Nuclear Plant in Bridgman, Michigan which, when completed, will have two 1100 megawatt generating units. All of Indiana & Michigan Power Company's available electrical energy will be sold to Indiana & Michigan Electric Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-8895 Filed 4-4-75;8:45 am]

[Dockets Nos. RP74-82, RP74-81]

COLUMBIA GAS TRANSMISSION CORP. AND COLUMBIA GAS TRANSMISSION CO.

Extension of Procedural Dates

MARCH 28, 1975.

On March 18, 1975, UGI Corporation filed a motion to extend the procedural dates fixed by order issued May 31, 1974, as most recently modified by notice issued March 4, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor's testimony, May 1, 1975.
Service of Intervenor's rebuttal, May 15, 1975.
Hearing, June 3, 1975 (10 a.m., e.d.t.).

MARY B. KIDD, *Acting Secretary.*

[FR Doc.75-8887 Filed 4-4-75;8:45 am]

[Docket No. E-9639]

CONNECTICUT LIGHT AND POWER CO.

Purchase Agreement

MARCH 28, 1975.

Take notice that on March 24, 1975, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed Purchase Agreement with respect to Cos Cob Gas Turbine Units, dated February 19, 1975 between (1) CL&P and (2) Public Service Company of New Hampshire (PSNH).

CL&P states that the Purchase Agreement provides for a sale to PSNH of a specified percentage of capacity and energy from three gas turbine generating units (Cos Cob Unit Nos. No 10, 11 and 12) during the period from March 1, 1975 to April 30, 1975, together with related transmission service.

CL&P states that questions as to PSNH's Capability Responsibility obligation, under the terms of the New England Power Pool (NEPOOL) Agreement, during the term of this Purchase Agreement affected the amounts of gas turbine capacity that could be purchased by PSNH and thus delayed execution of the agreement until a date which prevented the filing of such rate schedule more than thirty days prior to the proposed effective date.

CL&P therefore requests that, in order to permit PSNH to receive urgently needed capacity, the Commission, pursuant to § 35.11 of its regulations, waive the thirty-day notice period and permit the rate schedule filed to become effective on March 1, 1975.

CL&P states that the capacity charge rate for the proposed service is the same rate as that used for other gas turbine capacity sold during this capability period; the monthly transmission charge is equal to one-twelfth of the estimated annual average unit cost of transmission service on the systems of the Northeast Utilities Companies multiplied by the number of kilowatts of winter capability which PSNH is entitled to receive. The variable maintenance charge was arrived at through negotiations.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut, and PSNH, Manchester, New Hampshire.

CL&P further states that the filing is in accordance with Part 35 of the Commission's regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-8888 Filed 4-4-75;8:45 am]

[Docket No. ID-1335]

DONALD C. COOK

Supplemental Application

MARCH 28, 1975.

Take notice that on March 21, 1975, Donald C. Cook (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following position:

President & Director, Indiana & Michigan Power Company, Public Utility.

Indiana & Michigan Power Company, whose principal office is located in Bridgman, Michigan, is a wholly owned subsidiary of Indiana & Michigan Electric Company. Indiana & Michigan Power Company owns and operates the Donald C. Cook Nuclear Plant in Bridgman, Michigan, which, when completed, will have two 1100 megawatt generating units. All of Indiana & Michigan Power Company's available electrical energy will be sold to Indiana & Michigan Electric Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-8892 Filed 4-4-75;8:45 am]

[Docket No. RP72-6]

EL PASO NATURAL GAS CO.

Postponement of Hearing

MARCH 27, 1975.

On March 25, 1975, Pioneer Natural Gas Company, Southern Union Gas Company, Southwest Gas Corporation, and Southwest Natural Gas Consumers jointly filed a motion to postpone the hearing date fixed by order issued March 21, 1975, in the above-designated matter. The motion states that all parties have been notified and that El Paso Natural Gas Company and the Staff Counsel have stated that they are not opposed.

Notice is hereby given that the hearing date in the above matter is postponed until April 8, 1975, at 10 a.m. (e.d.t.). Any written testimony may be submitted at the hearing.

By direction of the Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-8890 Filed 4-4-75;8:45 am]

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[Docket No. E-9267]

ELECTRIC ENERGY, INC.

Motion To Waive Notice Requirements

MARCH 28, 1975.

Take notice that on March 24, 1975, Electric Energy, Inc. (Electric) filed a motion at this docket requesting waiver of the thirty day notice requirement of § 35.3(a) of the Commission's regulations in connection with changes in Electric's Rate Schedules FPC No. 3 and FPC No. 4. The company seeks leave to implement those rate schedules on April 1, 1975, or on the date upon which the Commission considers the subject motion. Electric states that the rate schedules involved were filed with the Commission by letter dated February 14, 1975, but on March 10, the Commission found certain deficiencies in that filing and directed submission of corrective materials, which were filed on March 24, 1975.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8892 Filed 4-4-75;8:45 am]

[Docket No. ID-1398]

GEORGE V. PATTERSON

Supplemental Application

MARCH 28, 1975.

Take notice that on March 21, 1975, George V. Patterson (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following position:

Vice President & Director, Indiana & Michigan Power Company, Public Utility.

Indiana & Michigan Power Company, whose principal office is located in Bridgman, Michigan is a wholly-owned subsidiary of Indiana & Michigan Electric Company which owns and operates the Donald C. Cook Nuclear Plant in Bridgman, Michigan which, when completed, will have two 1100 megawatt generating units. All of Indiana & Michigan Power Company's available electrical energy will be sold to Indiana & Michigan Electric Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8894 Filed 4-4-75;8:45 am]

[Docket No. E-9091]

GEORGIA POWER CO.

Extension of Procedural Dates

MARCH 27, 1975.

On March 24, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued December 26, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objections.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of staff's testimony, June 10, 1975.
Service of intervenor's testimony, July 1, 1975.
Service of company rebuttal, July 22, 1975.
Hearing, August 19, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8891 Filed 4-4-75;8:45 am]

[Docket No. ID-1549]

GERALD P. MALONEY

Supplemental Application

MARCH 28, 1975.

Take notice that on March 21, 1975, Gerald P. Maloney (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following position:

Vice President & Director, Indiana Michigan Power Company, Public Utility.

Indiana & Michigan Power Company, whose principal office is located in Bridgman, Michigan, is a wholly-owned subsidiary of Indiana & Michigan Electric Company. Indiana & Michigan Power Company owns and operates the Donald C. Cook Nuclear Power Plant in Bridgman, Michigan, which, when completed, will have two 1100 megawatt generating units. All of Indiana & Michigan Power Company's available electrical energy will be sold to Indiana & Michigan Electric Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8893 Filed 4-4-75;8:45 am]

[Dockets Nos. G-2730; G-2760]

HILDA B. WEINERT AND JANE W. BLUMBERG, ET AL.

Petitions To Amend

MARCH 31, 1975.

Take notice that on March 17, 1975, the Estate of Hilda B. Weinert, Deceased, by Jane W. Blumberg, Independent Executrix, Jane W. Blumberg, Leila A. Bauchman Goddard, John A. Bauchman and James B. Bauchman (Petitioners), c/o H. H. Weinert Estate, 208 N. Austin Street Building, Seguin, Texas 78155, filed in Dockets Nos. G-2730 and G-2760 petitions to amend the certificates of public convenience and necessity issued in said dockets pursuant to section 7(c) of the Natural Gas Act to sell natural gas in interstate commerce for resale to Natural Gas Pipeline Company of America (Natural) and Transcontinental Gas Pipe Line Corporation (Transco), respectively, from the La Gloria Field, Brooks and Jim Wells Counties, Texas, all as more fully set forth in the petitions to amend, which are on file with the Commission and open to public inspection.

Petitioners state that by virtue of the settlement proposal in the proceedings in Docket No. G-2730, et al., concerning the La Gloria Field gas supply, they have amended their gas sales contract with Natural as of August 31, 1974, and have entered into a new contract with Transco dated November 7, 1974. Petitioners, accordingly, request that the Commission amend the order issuing the certificate in Docket No. G-2730 in order that the sale of gas to Natural continue in accordance with the amended contract and the settlement agreement, and that the Commission amend the order issuing the certificate in Docket No. G-2760 in order that Petitioners be authorized to sell gas to Transco in accordance with the gas purchase contract of November 7, 1974.

The petition in Docket No. G-2760 states that Petitioners request a change in rate level for the sale to Transco to the nationwide rate prescribed by § 2.56a of the Commission's general policy and interpretations (18 CFR 2.56a).

Any person desiring to be heard or to make any protest with reference to said petitions to amend should on or before April 18, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8896 Filed 4-4-75;8:45 am]

[Docket No. ID-1528]

JOHN TILLINGHAST

Notice of Supplemental Application

MARCH 28, 1975.

Take notice that on March 21, 1975, John Tillinghast (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following position:

Vice President & Director, Indiana & Michigan Power Company, Public Utility.

Indiana & Michigan Power Company, whose principal office is located in Bridgman, Michigan is a wholly-owned subsidiary of Indiana & Michigan Electric Company which owns and operates the Donald C. Cook Nuclear Plant in Bridgman, Michigan which, when completed, will have two 1100 megawatt generating units. All of Indiana & Michigan Power Company's available electrical energy will be sold to Indiana & Michigan Electric Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8898 Filed 4-4-75;8:45 am]

[Docket No. E-9331]

KANSAS POWER AND LIGHT CO.

Filing of Proposed Changes

MARCH 31, 1975.

Take notice that on March 19, 1975, The Kansas Power and Light Company (Kansas) tendered for filing a newly executed Participation Power Service Schedule dated February 28, 1975, with Central Kansas Power Company, Inc. (Central Kansas) for electric service to Central Kansas. Kansas states that this is a renewal of a similar schedule dated April 2, 1974, and designated KPL Rate Schedule FPC No. 123 Supplement No. 6. The proposed effective date is June 1, 1975.

Kansas further states that copies of this filing have been served upon Central Kansas and the Kansas State Corporation Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8899 Filed 4-4-75;8:45 am]

[Docket No. CP75-191]

LONE STAR GAS CO.

Petition To Amend

MARCH 28, 1975.

Take notice that on March 5, 1975, Lone Star Gas Company (Petitioner), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP75-191 a petition to amend the order of the Commission issued in the subject docket on March 25, 1975 (53 FPC), pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(c) of the regulations thereunder (18 CFR 157.7(c)), by requesting a waiver of subparagraph (2) (i) of § 157.7(c) to permit an increase in the total and single project budget-type expenditure limitations, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued in the instant docket on March 25, 1975, Petitioner was granted budget-type authorization to construct and rearrange, from the date of the order through December 31, 1975, and to operate the proposed facilities for sales and deliveries of natural gas. The total expenditures for the facilities authorized are limited to a maximum of $300,000.

Because of alleged increases in the costs of labor and materials in recent years, Petitioner requests that the Commission waive the $300,000 limitation and approve a $500,000 limitation on the total estimated costs of facilities constructed through the end of 1975 pursuant to the budget-type authority granted by the aforesaid order.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 16, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8901 Filed 4-4-75;8:45 am]

[Docket No. RP75-78]

McCULLOCH INTERSTATE GAS CORP.

Filing of Tariff Sheets

MARCH 31, 1975.

Take notice that on March 19, 1975, McCulloch Interstate Gas Corporation (McCulloch) tendered for filing the following sheets to its FPC Gas Tariff, First Revised Volume No. 1.

Original Sheet No. 7
Fifth Revised Sheet No. 11
Cancel Original Sheet No. 12
First Revised Sheet No. 29
First Revised Sheet No. 30
First Revised Sheet No. 32

In its filing McCulloch Interstate states that the purpose of these amendments is to provide the basis for an increase in the heat content of the natural gas delivered by McCulloch Interstate to Colorado Interstate Gas Company (McCulloch Interstate's only FPC jurisdictional customer) from the present upper 1030 Btu limit to a new upper limit of 1200 Btu and to convert the FPC Gas Tariff into decatherms, or millions of Btus (MMBtu) in order to convert the higher heating value of the gas to be delivered.

McCulloch Interstate says this change is not, in any way, expected to increase the rate applicable to the number of decatherms or millions of Btus, delivered to Colorado Interstate. Instead, McCulloch Interstate asserts it is expected to

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pave the way for certain economies in McCulloch Interstate's operations and to provide the basis for possible future reductions in the cost of McCulloch Interstate's natural gas deliveries subject to FPC jurisdiction.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8, 1.10. All such petitions or protests should be filed on or before April 11, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8903 Filed 4-4-75;8:45 am]

[Docket No. CP75-227]

MONTANA-DAKOTA UTILITIES CO.

Formal Hearing and Establishing Procedures

MARCH 28, 1975.

On February 10, 1975, Montana-Dakota Utilities Company (Applicant) filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Northern Gas Company (Northern Gas), an intrastate company, all as more fully set forth in the filed application.

Specifically, Applicant seeks authorization to sell gas commencing April 1, 1975, to Northern Gas for resale at a rate of 38.88 cents per Mcf, an annual quantity of natural gas equal to 6,000 Mcf per day to be delivered at Riverton Dome, Fremont County, Wyoming. The purpose of this sale, according to Applicant, is to provide gas to Applicant's customers on Applicant's intrastate natural gas system (Sheridan system) serving the communities of Kaycee, Buffalo and Sheridan in Johnson and Sheridan Counties, Wyoming. Applicant states that Northern Utilities, Inc. (Northern Utilities), an affiliate of Northern Gas, will sell an equivalent amount of gas to Applicant to supply the Sheridan system. Applicant further states that Northern Utilities is the current supplier of gas to Applicant for use in its Sheridan system, but that Northern Utilities can no longer supply said gas due to depletion of its own gas reserves.

Applicant declared that there are no facilities required to implement the subject sale. Applicant points out that a condition for the implementation of the subject proposal is that none of the gas purchased by the parties involved shall be transported in interstate commerce and that all gas purchased will be resold, transported, used and consumed wholly within Wyoming. Applicant states that without this condition, Northern Gas and Northern Utilities, both intrastate companies, would not have agreed to the proposals contained herein.

Applicant states that the proposed jurisdictional sale to Northern Gas at Riverton Dome Field will have minimal effect on its gas supply. It acknowledges, however, that the proposed sale will reduce its presently adjusted reserve life index of 14.3 years to 13.8 years. Applicant presently is curtailing deliveries to its interstate customers and it is anticipated that there will be increased curtailment in the future on Applicant's system. Accordingly, we believe that an evidentiary hearing should be held to determine whether the public convenience and necessity requires the certificate of Applicant's proposal in light of its present and future gas supply as well as all other public interest issues that may be involved in determining whether or not to issue the requested certificate.

The Commission finds. Good cause exists to set for formal hearing Applicant's request for a certificate of public convenience and necessity and to establish procedures for that hearing, all as hereafter ordered.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly section 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held in this proceeding on April 8, 1975, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, for the purpose of hearing and determining the issues in Applicant's request for a certificate of public convenience and necessity.

(B) On or before April 4, 1975, Applicant and any other parties in support of Applicant's request for a certificate of public convenience and necessity shall file testimony and exhibits comprising their cases-in-chief in support of their position and shall serve such proposed evidence on all parties, including Commission staff, in this proceeding.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge—See, Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission rules of practice and procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8918 Filed 4-4-75;8:45 am]

[Docket No. RP74-96]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Further Extension of Procedural Dates

MARCH 27, 1975.

On March 21, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued June 28, 1974, as most recently modified by notice issued January 16, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objections.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of intervenor's testimony, April 28, 1975.
Service of company rebuttal, May 12, 1975.
Hearing, May 28, 1975 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8908 Filed 4-4-75;8:45 am]

[Dockets Nos. E-8641, E-8251, E-8169, and E-8476]

NEW ENGLAND POWER CO.

Order Granting Late Intervention

MARCH 28, 1975.

On February 26, 1974, the New England Power Company (NEPCO) tendered for filing a proposed rate increase to its primary service for resale customers (Rate R-8) and a petition for emergency relief by way of waiver of the Commission's rules and regulations to permit its new Rate R-8 to become effective, subject to refund on April 1, 1974. NEPCO's filing was noticed by the Commission on March 4, 1974, with protests and petitions to intervene due on or before March 15, 1974.

On March 6, 1975, Green Mountain Power Corporation (Green Mountain) tendered a late petition to intervene in this proceeding. Green Mountain asserts, inter alia, that its interests are not adequately represented by existing parties, and that granting its petition will in no way delay this proceeding.

Having reviewed the subject petition, we believe that Green Mountain's participation in this proceeding will be in the public interest.

The Commission finds. It is desirable and in the public interest to permit Green Mountain to intervene in this proceeding.

The Commission orders. (A) Green Mountain is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8904 Filed 4-4-75;8:45 am]

[Dockets Nos. RP72-154, RP74-72, PGA75-4, and 75-4A]

NORTHWEST PIPELINE CORP.

Proposed PGA Rate Increase and Granting Intervention

MARCH 31, 1975.

On February 14, 1975, Northwest Pipeline Corporation (NPC) tendered for filing a proposed change in rates[1] pursuant to the Purchased Gas Cost Adjustment provision of its FPC Gas Tariff, Original Volume No. 1 and to reflect a Demand Charge Credit adjustment. On February 28, 1975, Northwest Pipeline Corporation (NPC) filed a revision[2] to its February 14th filing to reflect the elimination of certain producer increases included in the February 14 filing and to reflect a change in the method of determining changes in its purchased gas costs. On March 5, 1975, Northwest tendered for filing additional tariff sheets[3] to reflect changes in Northwest's purchase patterns and corresponding changes in the method of determining the annual cost of purchased gas and excluding certain purchases from the operation of its PGA clause.

Notice of these three filings was issued on February 20, March 11, and March 12, 1975. The People of the State of California and the California Public Utilities Commission filed a timely notice of intervention. By notice issued March 21, 1975, we extended the period for comment or petition to intervene until March 27, 1975.

The February 28 and March 5 filings replace the original filing of February 14, 1975. We shall accordingly act only on those two filings and grant Northwest's request to substitute Sixth Revised Sheet No. 10 for Seventh Revised Sheet No. 10.

The increase proposed by Northwest reflects an annualized decrease in the cost of purchased gas and a surcharge adjustment to recover the balance in Northwest's unrecovered purchased gas cost account (including an amount attributable to and being collected on behalf of El Paso Natural Gas Company which Northwest agreed to collect at divestiture and had not finished collecting at the time of Northwest's last semi-annual PGA filing). The surcharge also is to recover producer increases pursuant to Opinion No. 699–H and interest costs of $239,000. This interest is on amounts included in Northwest's unrecovered purchased gas cost account for the period from November 1 through November 17, 1974. The proposed increase also represents recovery of certain demand charge credits pursuant to Northwest's tariff.

We believe that in all respects except for the attempt to recover interest attributable to unrecovered purchased gas costs for the period from November 1 through November 17, 1974, the proposed increase is just and reasonable. We shall accept the filing and permit it to become effective as conditioned herein. We do not believe, however, that Northwest should be permitted to collect interest attributable to its unrecovered purchased gas costs for the period from November 1 through November 17, 1974.

This approval is also subject to any rate adjustments and/or refunds which may be required as a result of further orders in Docket No. R–389–B or of any appeals of such orders to the Courts. Such rate adjustments and/or refunds shall, of course, be governed by the provisions of Northwest's PGA clause and § 154.38(d)(4) of the regulations.

Northwest requests special permission to include the interest expense attributable to the unrecovered cost for that period, stating that it should not be required to absorb this cash flow burden because of events beyond its control. Northwest relies on alleged similar circumstances to the circumstances underlying our grant of permission to Northern Natural Gas Company by order issued October 21, 1974 to collect interest on amounts in its deferred purchased gas cost account. We do not believe that the circumstances are similar.

Northwest's PGA clause provides for semi-annual adjustments for changes in its purchased gas costs on April 1 and October 1 of each year. Northwest filed, on October 4, 1974, a revised tariff sheet which it requested to become effective November 1, 1974. We granted an exception to the semi-annual requirement in Northwest's tariff because of the magnitude of the increase Northwest would otherwise have to bear until its next semi-annual change provided by its tariff.[4] However, because of problems its distributor customers alleged with regard to passing through Northwest's increase, we did not grant waiver of the notice requirement of the regulations. Instead of requiring Northwest to bear the entire cost from November 1, 1974 until April 1, 1975, we permitted Northwest to increase its rates effective November 18, 1974 and to include the amounts it could not recover between November 1 and November 17 in its unrecovered purchased gas cost account. This special permission to permit the increase to become effective on other than the dates provided by Northwest's tariff was in recognition of the magnitude of the amounts involved and the cost to Northwest if it were to be required to absorb the cost until its next semi-annual adjustment date. We believe that under these circumstances, Northwest is whole and that the surcharge to recover the interest costs should be eliminated from Northwest's proposed increase.

The filing of March 5, 1975, proposes to modify its tariff so that Northwest may reflect certain changes in its purchase patterns, determine the annualized cost of purchased gas based on this change in purchase patterns, and to exclude from the operation of its PGA clause certain gas to be sold under an incremental pricing arrangement. We believe that these changes are reasonable and we shall accept the tariff sheets and permit them to become effective April 1, 1975.

The Commission finds. (1) Good cause exists to accept for filing the tariff sheets filed by Northwest on February 28 and March 5, 1975, and permit them to become effective April 1, 1975, as hereinafter conditioned.

(2) Good cause exists to permit the intervention of the California Public Utilities Commission.

The Commission orders. (A) The tariff sheets filed by Northwest on February 28 and March 5, 1975 are hereby accepted for filing and permitted to become effective April 1, 1975; *Provided, however,* That Northwest shall, within 15 days of the issuance of this order, file a revised tariff sheet which eliminates the surcharge to recover interest for the period from November 1 through November 17, 1974.

(B) The California Public Utilities Commission is permitted to intervene subject to the rules and regulations of the Commission; *Provided, however,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders entered in this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8917 Filed 4-4-75;8:45 am]

[Project No. 2751]

OHIO POWER CO.

Application for Preliminary Permit Unconstructed Project

MARCH 31, 1975.

Public notice is hereby given that application for preliminary permit has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by the Ohio Power Company (correspondence to: Frank N. Bien, Executive Vice President, Ohio Power Company, 301 Cleveland Avenue, SW., Canton, Ohio 44702 and A. Joseph Dowd, Esq., Vice President and General Counsel, American Electric Power Service Corporation, Two Broadway, New York, New York 10004) for proposed Project No. 2751, to be known as Gallipolis Hydroelectric Project, located in Gallia County, Ohio, on the

[1] Seventh Revised Sheet No. 10.
[2] Sixth Revised Sheet No. 10.
[3] Second Revised Sheet Nos. 56 and 57 and First Revised Sheet No. 56.
[4] *Northwest Pipeline Corporation,* Docket Nos. RP72-154 and CP72-332, issued October 30, 1974, mimeo at 3.

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Ohio River. The project affects navigable waters of the United States and lands of the U.S. and would utilize water from a government dam.

The Gallipolis Project would consist of a powerhouse constructed at the west end (Ohio side) of the U.S. Corps of Engineers' Gallipolis Locks and Dam. The proposed powerhouse would have an installation of low head generating units totaling approximately 40,000 kW. Normal pool elevation of the Gallipolis reservoir is 538 feet. Applicant states that the installation would be similar to Applicant's proposed Racine Hydroelectric Project No. 2570 located immediately upstream (Mile 237). The installation would be coordinated with the proposed replacement and modernization of the Corps' existing Gallipolis Locks and Dam recommended by the Board of Rivers and Harbors. A four mile-long 69 kV transmission line would connect this generating facility with the American Electric Power System. No construction is authorized under the preliminary permit.

Applicant proposes to market the electric power developed by the project to meet the loads and expected load growth of its customers in the State of Ohio.

Any person desiring to be heard or to make protest with reference to said application should on or before June 9, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8906 Filed 4-4-75;8:45 am]

[Project No. 178]

PACIFIC GAS AND ELECTRIC CO.

Issuance of Annual License

MARCH 28, 1975.

On May 1, 1972, Pacific Gas and Electric Company, Licensee for Kern Canyon Project No. 178, located in Kern County, California, on the Kern River, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6).

The license for Project No. 178 was issued effective April 30, 1925 for a period ending April 29, 1975. In order to authorize the continued operation and maintenance of the Project pursuant to section 15 of the Act, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Pacific Gas and Electric Company for continued operation and maintenance of Project No. 178.

Take notice that an annual license is issued to Pacific Gas an Electric Company (Licensee) under section 15 of the Federal Power Act for the period April 30, 1975 to April 29, 1976 or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Kern Canyon Project No. 178 subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8907 Filed 4-4-75;8:45 am]

[Docket No. E-9338]

PACIFIC POWER & LIGHT CO.

Initial Rate Filing

MARCH 31, 1975.

Take notice that Pacific Power & Light Company (Pacific) on March 20, 1975, tendered for filing a new rate schedule for hourly coordination of projects in the Mid-Columbia River. Participants in the agreement include all of the Federal agencies and public and private utilities that have rights in the seven Mid-Columbia hydroelectric projects.

Pacific states that this agreement provides for moment-by-moment coordination of the seven hydroelectric projects on the Mid-Columbia stretch of the Columbia River; namely, Grand Coulee, Chief Joseph, Wells, Rocky Reach, Rock Island, Wanapum and Priest Rapids. The Company explains that this coordination is designed to obtain increased amounts of electric power and energy from the total system of projects, enhance non-power uses by reducing the extent and rate of fluctuations of river levels, and to provide scheduling flexibility. Pacific states that no estimate of quantities of energy to be delivered or revenues derived therefrom can be made until experience has been obtained from operation under this agreement.

Pacific requests waiver of the Commission's notice requirements to permit the rate schedule to become effective January 30, 1973, which it claims to be the date of commencement of service.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8908 Filed 4-4-75;8:45 am]

[Docket No. RP75-77]

PANHANDLE EASTERN PIPE LINE CO.

Change in Tariff

MARCH 28, 1975.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle), on March 14, 1975 tendered for filing proposed changes to its F.P.C. Gas Tariff, Original Volume No. 2. Panhandle states that such changes are due to an amendment to the Gas Exchange Agreement with Kansas-Nebraska Natural Gas Company, Inc., this agreement being authorized by the Commission Order of June 19, 1970 in the above referenced docket. Panhandle proposes an effective date of April 11, 1975.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C., in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 7, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8906 Filed 4-4-75;8:45 am]

[Docket No. E-9334]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Termination of Rate Schedule

MARCH 28, 1975.

Take notice that on March 21, 1975 Public Service Company of Oklahoma (PSCO) tendered for filing a notice on cancellation of Supplement No. 24 to Rate Schedule FPC No. 116. PSCO states that the rate schedule is an agreement between PSCO and Southwestern Electric Power Company (SEPCO). The termination date is May 31, 1975.

A copy of the filing has been sent to SEPCO, and to the Corporation Commission of Oklahoma.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8910 Filed 4-4-75;8:45 am]

[Docket No. E-9335]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Termination of Rate Schedule

MARCH 28, 1974.

Take notice that on March 21, 1975 Public Service Company of Oklahoma (PSCO) tendered for filing a notice on cancellation of Supplement No. 1 to Rate Schedule FPC No. 186. PSCO states that the rate schedule is an agreement between PSCO and Union Electric Company (Union). The termination date is May 31, 1975.

A copy of the filing has been sent to Union, and to the Corporation of Oklahoma.

Any person desiring to be heard or to protest sail filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8911 Filed 4-4-75;8:45 am]

[Docket No. E-9336]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Termination of Rate Schedule

MARCH 28, 1975.

Take notice that on March 21, 1975 Public Service Company of Oklahoma (PSCO) tendered for filing a notice on cancellation of Supplement No. 2 to Rate Schedule FPC No. 186. PSCO states that the rate schedule is an agreement between PSCO and Associated Electric Cooperative, Inc. (AECI). The termination date is May 31, 1975.

A copy of the filing has been sent to AECI, and to the Corporation Commission of Oklahoma.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-8909 Filed 4-4-75; 8:45 am]

[Docket No. ID-1563]

R. M. KOPPER

Supplemental Application

MARCH 28, 1975.

Take notice that on March 21, 1975, R. M. Kopper (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following position:

Executive Vice President & Director, Indiana Michigan Power Company, Public Utility.

Indiana & Michigan Power Company, whose principal office is located in Bridgman, Michigan is a wholly-owned subsidiary of Indiana & Michigan Electric Company which owns and operates the Donald C. Cook Nuclear Plant in Bridgman, Michigan which, when completed, will have two 1100 megawatt generating units. All of Indiana & Michigan Power Company's available electrical energy will be sold to Indiana & Michigan Electric Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8912 Filed 4-4-75;8:45 am]

[Docket No. ID-1240]

ROBERT O. WHITMAN

Supplemental Application

MARCH 28, 1975.

Take notice that on March 21, 1975, Robert O. Whitman (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following position:

Treasurer & Director, Indiana & Michigan Power Company, Public Utility.

Indiana & Michigan Power Company, whose principal office is located in Bridgman, Michigan is a wholly-owned subsidiary of Indiana & Michigan Electric Company which owns and operates the Donald C. Cook Nuclear Plant in Bridgman, Michigan which, when completed, will have two 1100 megawatt generating units. All of Indiana & Michigan Power Company's available electrical energy will be sold to Indiana & Michigan Electric Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8912 Filed 4-4-475;8:45 am]

[Docket No. CP75-145]

TEXAS EASTERN TRANSMISSION CORP.

Petition To Amend Certificate of Public Convenience and Necessity

MARCH 28, 1975.

Take notice that on March 14, 1975, Texas Eastern Transmission Corporation (Petitioner) filed in Docket No. CP75-145 a petition to amend the order issued in said docket on January 20, 1975, pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)), so as to increase the total annual cost limitations for budget-type gas purchase facilities authorized in said order to $10,000,000 and the single project cost limitations to $1,500,000 and $2,500,000 for onshore and offshore projects, respectively, and so as to expand the definition of authorized budget-type

V 40 67 APR 75 XUM

gas purchase facilities to include those facilities which connect producers' facilities with the facilities of another natural gas company authorized to transport for the account of or exchange with Petitioner gas purchased by Petitioner, all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

The petition states by the January 20, 1975, order in the instant docket Petitioner is presently authorized to construct, during the calendar year 1975, and operate gas purchase facilities necessary to transport and receive into its main pipeline system supplies of natural gas available from producing areas located adjacent to said system, at a total cost limitation of $2,000,000 and single project cost limitations of $500,000 for both onshore and offshore projects. Petitioner requests the above described increase in total annual cost limitation and single project cost limitations and an expanded definition of budget-type gas purchase facilities stating that such a request is within the contemplation of the Commission's Order No. 522, issued January 16, 1975, in Docket No. RM75-2, Budget-type Applications—Gas Purchase Facilities (18 CFR 2.58, 157.7(b)).

Petitioner alleges that the increased cost limitations and expanded definition of gas purchase facilities will afford it additional flexibility in securing new gas supplies and in moving such gas supplies to market under transportation and exchange arrangements with other companies.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 15, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this petition if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Petitioner to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8913 Filed 4-4-75;8:45 am]

[Docket No. RP72-64]

TEXAS GAS TRANSMISSION CORP.

Suspending Proposed Tariff Provisions, Waiving Notice Requirements, Establishing Hearing and Conference Procedures

MARCH 28, 1975.

On September 30, 1974, Texas Gas Transmission Corporation (Texas Gas) submitted for filing, pursuant to section 4 of the Natural Gas Act, Third Revised Sheet No. 91, Fifth Revised Sheet No. 92, Third Revised Sheet No. 92-B, and Second Revised Sheet No. 92-C to Texas Gas' FPC Gas Tariff, Third Revised Volume No. 1. The revised tariff sheets reflect the priorities-of-service during periods of curtailed deliveries prescribed by Commission Order No. 467-B issued March 2, 1973, that are now in effect on the Texas Gas system as well as a continuation of the provision for the recovery of demand charge adjustments.

On March 18, 1975, Texas Gas filed a motion requesting the Commission to (1) place the above-numbered revised tariff sheets in effect on April 1, 1975, and (2) convene a conference in this proceeding on April 3, 1975, with a deferral of any scheduling of the service of testimony and a hearing until a later date. Texas Gas, in its motion, avers that at a meeting between it and its customers on February 25, 1975, it was generally agreed that the possibility of settlement should be explored.

Texas Gas proposes that its tariff filing become effective on April 1, 1975, because the currently effective tariff provisions relating to priority-of-service and demand charge adjustments, as contained in the Third Stipulation and Interim Agreement approved by the Commission's order issued March 29, 1974, expire on March 31, 1975. In the event that the Commission suspends any or all of the proposed tariff sheets, Texas Gas requests the assignment of such earlier effective date as necessary in order that they may be made effective, after suspension, on April 1, 1975. It also requests a waiver of the notice requirements of § 154.22 of the Commission's regulations under the Natural Gas Act.

Texas Gas states that its filing was made at this time pursuant to the provisions of Article VI of its aforementioned settlement agreement in order that the various parties could enter settlement negotiations well in advance of the proposed effective date of April 1, 1975.

Pursuant to our Notice published in the FEDERAL REGISTER petitions for and notices of intervention were due on or before October 16, 1974. A timely joint protest was filed by General Motors Corporation and The Brick Institute of America (General Motors and BIA). Columbia Gas Transmission Corporation (Columbia) filed a timely petition for leave to intervene,[1] request for hearing and suspension. Union Hospital, Inc., of Terre Haute, Indiana, also filed a timely petition for leave to intervene. On March 20, 1975, the Mississippi Public Service Commission filed a notice of intervention out of time; and petitions for leave to intervene out of time were filed by the following: Aluminum Company of America, on February 11, 1975; W. R. Grace and Company, on February 24, 1975, as supplemented March 14, 1975; and The Babcock & Wilcox Company, on March 18, 1975. Additionally, Mississippi Power & Light Company filed a protest out of time on November 8, 1974, requesting hearing if a satisfactory settlement is not reached.

General Motors and BIA oppose several aspects of Texas Gas' proposed Order No. 467-B curtailment priorities, especially the assumption herein that interruptible natural gas customers can convert more easily to alternate fuels than firm customers, and request that this filing be suspended for five months. Columbia asserts that the 467-B curtailment sequence and its implementation by Texas Gas has not been shown to be justified. It requests suspension of the filing and formal hearing for the purpose of determining a permanent curtailment plan for Texas Gas.

Although a portion of Texas Gas' tariff filing contains priorities-of-service for curtailment that are consistent with our Statement of Policy in Order No. 467-B issued March 2, 1973, objections have been raised and formal hearing requested in regard to these proposed tariff provisions as well as those relating to the recovery of demand charge adjustments. Therefore, we are of the view that we should suspend the effectiveness of Texas Gas' entire tariff filing until April 1, 1975.

We are mindful that Texas Gas and certain interveners previously have filed evidentiary support for their respective positions in regard to these proposed tariff provisions among others, that was submitted on December 5, 1973, for transcription into the hearing record on December 18, 1973. Such precedes the Commission's order approving the interim settlement between Texas Gas and its customers issued March 29, 1974. However, Texas Gas, additionally, should submit evidence in the form of testimony and exhibits showing the current impact on its customers of implementing the proposed Order No. 467-B priorities-of-service, together with a filing of end-use data reflecting any changes therein since prior filings that have been found to be appropriate as a result of the review of such data by the data verification committee. In order to avoid a repetition of evidence already submitted, all parties may designate which part or parts, if any, of previously filed testimony that they wish to retain in support of their positions regarding the instant filing.

[1] Since Columbia already had been admitted as a party to this proceeding, the additional request for leave to intervene was not necessary.

As indicated, Texas Gas has requested a waiver of the 60-day notice requirement of § 154.22 of our regulations under the Natural Gas Act with regard to tariff filings because the Commission's approval of its currently effective priorities-of-service during curtailment and provision for recovery, demand charge adjustments expires on March 31, 1975, and Article VI of its interim settlement agreement requires the filing of a permanent curtailment plan six months prior to April 1, 1975, in order to facilitate settlement negotiations among the various parties herein.

Based upon the pleadings before us, we conclude that good cause has been shown to warrant waiver of our aforesaid notice requirements for Texas Gas' tariff filing and to schedule an informal conference. In order to insure an expedited trial of the issues in this proceeding, however, we shall set dates for the filing of testimony and the commencement of cross-examination.[2]

The Commission finds. (1) Third Revised Sheet No. 91, Fifth Revised Sheet No. 92, Third Revised Sheet No. 92-B, and Second Revised Sheet No. 92-C to Texas Gas' FPC Gas Tariff, Third Revised Volume No. 1, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the revised tariff sheets set forth in paragraph (1) above be accepted for filing as of the date of issuance of this order, be suspended, and the use thereof deferred as herein provided.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearing concerning the lawfulness of the proposed provisions in Texas Gas' FPC Gas Tariff and that the issues in this proceeding be scheduled for hearing in accordance with the procedures hereinafter set forth.

(4) The participation of the above-named petitioners in this proceeding may be in the public interest.

The Commission orders. (A) Third Revised Sheet No. 91, Fifth Revised Sheet No, 92, Third Revised Sheet No. 92-B, and Second Revised Sheet No. 92-C to Texas Gas' FPC Gas Tariff, Third Revised Volume No. 1, are hereby accepted for filing as of the date of issuance of this order.

(B) The tariff sheets set forth in paragraph (A) above are hereby suspended and the use thereof deferred until April 1, 1975, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) An informal conference among Texas Gas, and all parties to the proceeding shall be held on April 3, 1975, at 10 a.m., (e.d.t.); at the offices of the Federal Power Commission, Washington, D.C., to be presided over by the Commission Staff.

(D) The notice requirements of § 154.22 of the Commission's regulations under the Natural Gas Act are hereby waived.

(E) On or before April 25, 1975, Texas Gas shall file and serve its case-in-chief with respect to the proposed changes in its FPC Gas Tariff, which shall include evidence in the form of testimony and exhibits showing the current impact on its customers of implementing the proposed Order No. 467-B priorities-of-service, along with a filing of end-use data reflecting any changes therein since prior filings found to be appropriate as a result of the review of such data by the data verification committee.

(F) On or before May 9, 1975, interveners shall file testimony and exhibits comprising their cases-in-chief providing evidentiary support of their respective positions in regard to the issues arising from the proposed tariff provisions in Texas Gas' FPC Gas Tariff.

(G) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, and 15 thereof the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter D, a public hearing shall be held in this proceeding on May 20, 1975, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, Washington, D.C., for the purpose of incorporating into the record the testimony and exhibits previously distributed and the commencement of cross-examination.

(H) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge—see Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control these proceedings, in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

(I) The above-named petitioners are hereby permitted to become interveners in this proceeding subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8916 Filed 4-4-75;8:45 am]

[2] On March 26, 1975, an answer to Texas Gas' motion was filed by General Motors Corporation. Our determination of the issues involved in Texas Gas' tariff filing and motion in this order, in essence, grants the relief requested in General Motors' answer.

[Dockets Nos. RP75-3, RP74-48]

TRANSCONTINENTAL GAS PIPE LINE CORPORATION

Extension of Procedural Dates

MARCH 27, 1975.

On March 18, 1975, Transcontinental Gas Pipe Line Corporation filed a motion to extend the procedural dates fixed by order issued August 30, 1974, as most recently modified by notice issued February 27, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of intervenor's testimony, April 24, 1975.
Service of company rebuttal, May 14, 1975.
Hearing, May 28, 1975 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-8914 Filed 4-4-75;8:45 am]

[Docket No. RP74-52; PGA75-2]

TRANSWESTERN PIPELINE CO.

Filing and Suspending Higher Alternate PGA Rate Increase and Accepting Without Suspension Lower Alternate PGA Rate Increase

MARCH 31, 1975.

On February 14, 1975, Transwestern Pipeline Company (Transwestern) tendered for filing a proposed increase in rates and charges[1] of (1) $14 million to reflect increased purchased gas costs and (2) a revised surcharge to recover the balance in the deferred purchased gas account. The proposed effective date is April 1, 1975. Transwestern also filed an alternate rate increase[2] which eliminates the impact of costs related to that portion of small producer purchases in excess of the rate levels prescribed in Opinion No. 699-H. Transwestern requests an April 1, 1975, effective date for this rate increase in the event the Commission suspends the higher alternate increase for one day.

The filing was noticed with comments due on or before March 19, 1975. No comments have been received.

Our review of the higher alternate rate increase filing, as set forth in the tariff sheets listed in Footnote 1, indicates that it contains small producer purchases at rates in excess of the rate levels established in Opinion No. 699-H.[3] Therefore, the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept the higher rate alternate

[1] Revised Second Revised Sheet Nos. 3-A and 3-B to FPC Gas Tariff, First Revised Volume No. 1.

[2] Second Revised Sheet Nos. 3-A and 3-B to FPC Gas Tariff, First Revised Volume No. 1.

[3] Issued December 4, 1974, in Docket No. R-389-B.

V 40 67 APR 7 75 XUM

rate increase for filing, suspend it for one day until April 2, 1975, when it shall be permitted to become effective, subject to refund.

With regard to the issue of small producer purchases, we note that the Supreme Court has recently remanded the small producer rulemaking in order for the Commission to enunciate the standards in determining the justness and reasonableness of the prices for small producer purchases.[4] Accordingly, we believe it would be premature to establish a hearing schedule at this time.

Our review of Transwestern's lower alternate filing indicates that it contains claimed increased purchased gas costs other than those purchased gas costs associated with that portion of small producer purchases in excess of the rate levels prescribed in Opinion No. 699–H and that such costs are justified and comply with the standards set forth in Docket No. R–406. Accordingly, we shall accept for filing Transwestern's lower alternate rate increase, set forth in the tariff sheets listed in Footnote of this order, to become effective April 1, 1975.

This effectuation of the aforementioned rate increases is also subject to any rate adjustments and/or refunds which may be required as a result of further orders in Docket No. R–389–B or of any appeals of such orders to the Courts. Such rate adjustments and/or refunds shall, of course, be governed by the provisions of Transwestern's PGA clause and § 154.38(d) (4) of the regulations.

The Commission finds. It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that;

(1) Transwestern's higher alternate rate increase set forth in footnote 1 above be suspended for one day until April 2, 1975, when it shall become effective, subject to refund.

(2) The lower alternate rate increase reflected in the tariff sheets listed in footnote 2 of this order containing claimed increased purchased gas costs other than those increased purchased gas costs associated with that portion of small producer purchases in excess of the rate levels prescribed in Opinion No. 699–H be approved as being in compliance with the standards set forth in Docket No. R–406.

The Commission orders. (A) Transwestern's higher alternate rate increase reflected in the tariff sheets listed in footnote 1 of this order is accepted for filing, and suspended for one day until April 2, 1975, when it shall become effective, subject to refund, pending further Commission action.

(B) Transwestern's lower alternate rate increase reflected in the tariff sheets listed in footnote 2 of this order is accepted for filing to become effective April 1, 1975.

(C) The effectuation of the aforementioned rate increases is also subject to any rate adjustments and/or refunds which may be required as a result of further orders in Docket No. R–389–B or of any appeals of such orders to the Courts. Such rate adjustments and/or refunds shall, of course, be governed by the provisions of Transwestern's PGA clause and § 154.38(d) (4) of the regulations.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–8915 Filed 4–4–75;8:45 am]

[4] "Federal Power Commission v. Texaco, Inc., et al.," Dockets Nos. 72–1490 and 73–1491, Opinion issued June 10, 1974.

FEDERAL RESERVE SYSTEM

AMERICAN CORP.

Approving Formation of Bank Holding Company, Retention of an Industrial Bank, and Engaging in Insurance Agency Activities

American Corporation, North Platte, Nebraska, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) of formation of a bank holding company through the acquisition of an additional 57.6 percent of the voting shares of American Security Bank, North Platte, Nebraska ("Bank"). At the same time, Applicant has applied, pursuant to section 4(c) (8) of the Act (12 U.S.C. 1843 (c) (8)) and § 225.4(b) of the Board's Regulation Y, for approval to retain 95.6 percent of the shares of American State Savings Company, North Platte, Nebraska ("Company"), a company operating as an industrial bank, and also to continue to act as insurance agent for the sale of credit related insurance. These activities have previously been determined by the Board to be closely related to banking (12 CFR 225.4(a) (2) and (9) (ii)).

Notice of receipt of the applications, affording an opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (39 FR 34116). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

As a result of the proposed transaction, Applicant, which presently owns 22.5 percent of the shares of Bank, would increase its ownership to about 80 percent of the outstanding shares of Bank. With approximately 1.5 percent of the market's commercial bank deposits, Bank (deposits of $1.2 million) [1] ranks eighth among nine commercial banks located in the relevant banking market.[2] The shares of Bank which Applicant would acquire are currently held by individuals who are also shareholders of Applicant. The proposal to acquire Bank, therefore, represents merely a restructuring of the existing ownership of Bank from individuals to a corporation. Since the Applicant has no commercial banking subsidiaries the acquisition of Bank by Applicant would have no adverse effects on competition, and the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and Bank are satisfactory and consistent with approval of the application. Similarly, considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Boards judgment that consummation of the proposal to acquire Bank by Applicant would be consistent with the public interest and that the application should be approved.

To gether with its application to acquire Bank, Applicant is seeking approval under section 4(c) (8) of the Act to continue to hold shares of Company, an industrial bank, and to act as insurance agent for the sale of credit related insurance. Company (savings deposits of $4.1 million) is one of the nine industrial loan and investment companies authorized under Nebraska law to issue certificates of indebtedness and to make consumer and real estate loans. To a limited extent Company competes with the commercial banks operating in the relevant market for savings type deposits and certain loans. However, the amount of such competition does not appear to be meaningful in view of the uninsured status of Company's deposits and small amount of loans in the market accounted for by Company. In addition, in connection with this proposal, it is noted that Applicant currently owns Company and the principal shareholders of Applicant are also the principal shareholders of Bank. Accordingly, on the basis of the facts of record, the Board concludes that no significant existing or future competition would be eliminated as a result of this transaction.

Furthermore, Applicant's continuing to act as insurance agent for the sale of insurance related to extensions of credit by Bank and Company would enable Applicant to continue to offer the customers of Bank and Company a convenient source of insurance services, which factor the Board regards as being in the public interest. It does not appear that the offering of such services by Applicant would have any significant adverse effect on existing or future competition. Moreover, with regard to both activities, there is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the considerations affecting the competitive factors under section 3(c) of the Act and the balance of public interest factors under section 4(c) (8) of the Act both favor approval of the applications.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made before the thirtieth calendar day following the effective date of this Order or later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's insurance agency and industrial loan activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of the holding company or any of its subsidiaries as the Board finds necessary to insure compliance with the provisions and purposes of the Act and to the Board's regulations and orders issued thereunder or to prevent evasion thereof.

By order of the Board of Governors,[3] effective March 31, 1975.

[SEAL] THEODORE E. ALLISON, *Secretary of the Board.*

[FR Doc. 75–8954 Filed 4–4–75; 8:45 am]

[1] All banking data are as of June 30, 1974.

[2] The relevant banking market is approximated by Lincoln County.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Bucher, Holland and Wallich. Absent and not voting: Governors Sheehan and Coldwell.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Establishment of Branch

The Board of Governors has approved a proposal by the Federal Reserve Bank of Atlanta to establish a branch office at Miami, Florida. Below is the text of a press release regarding the branch:

The Board of Governors of the Federal Reserve System announced today its approval of a proposal by the Federal Reserve Bank of Atlanta to establish a branch office at Miami, Florida.

A Federal Reserve facility for check collection and for distribution of currency and coin has been in operation in Miami since mid-1971. This facility—to be designated a branch—will expand its operations in phases to include the maintenance of member bank reserve accounts and a fiscal agency function for the sale of Treasury securities.

The additional functions will begin later this year at a date to be announced by the Federal Reserve Bank of Atlanta.

The new branch will be the first established by the Federal Reserve since 1927 when offices were opened at San Antonio (July 5) and Charlotte (December 1). The branch will provide service in the same area now served by the Miami facility—the 13 southern Florida counties of Broward, Charlotte, Collier, Dade, Glades, Hendry, Indian River, Lee, Martin, Monroe, Okeechobee, Palm Beach and St. Lucie.

In authorizing the establishment of the branch, the Board noted the rapid growth that has occurred in recent years in southern Florida. The estimated population of the Miami metropolitan area is about 1.45 million persons compared with approximately 1.12 million in 1968. There are currently more than 260 commercial banks in the area to be served by the branch compared with about 150 banks when the Miami facility was authorized in 1970.

The new branch will be the 25th to be operated by the 12 Federal Reserve Banks. In addition, the Federal Reserve operates separate check processing centers at Lewiston, Maine; Windsor Locks, Connecticut; Cranford, New Jersey; Jericho, New York; Columbia, South Carolina; Columbus, Ohio; Indianapolis, Des Moines and Milwaukee (beginning April 1).

Board of Governors of the Federal Reserve System, March 31, 1975.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.75–8960 Filed 4–4–75;8:45 am]

CULLEN BANKERS, INC.

Approving Formation of Bank Holding Company

Cullen Bankers, Inc., Houston, Texas, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) of formation of a bank holding company through acquisition of 100 percent or more of the voting shares of Cullen Center Bank & Trust, Houston, Texas ("Cullen Bank") and of Citizens National Bank of Dallas, Dallas, Texas ("Citizens Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant was recently organized for the purpose of becoming a bank holding company through acquisition of Cullen Bank (about $214.3 million in deposits) and Citizens Bank (about $62.2 million in deposits).[1] Upon consummation of the proposed transaction, Applicant would become the 18th largest banking organization in Texas and would control approximately 0.7 percent of the total deposits in commercial banks in the State. Consummation of the instant proposal would produce no undesirable effect on Statewide concentration, and could result in more vigorous competition by introducing an additional banking organization to compete with the State's larger bank holding companies.

[1] All banking data are as of June 30, 1974.

Cullen Bank is the eighth largest of 143 banking organizations in the Houston banking market,[2] where it controls approximately 2.3 per cent of the total deposits in commercial banks in that market. Citizens Bank is the 12th largest of 99 banking organizations competing in the Dallas banking market,[3] where it controls approximately 0.8 per cent of market deposits. Dallas is approximately 245 miles distant from Houston, and it does not appear that either bank derives significant amounts of loans or of deposits from the other's banking market. Accordingly, it does not appear that consummation of the proposed transaction would eliminate any significant existing competition between the banks. Moreover, due to the distance involved and the restrictive State branching laws, as well as the fact that banks are now under common control, it does not appear that any significant competition would develop between banks in the future. Accordingly, the Board concludes that consummation of the proposed transaction would not have a significant adverse effect on existing or potential competition.

The financial, managerial resources, and future prospects of Applicant, which are dependent upon those of the two banks to be acquired, are considered generally satisfactory and consistent with approval of the application, particularly in view of Applicant's commitment to improve and maintain the capital adequacy of both Cullen Bank and Citizens Bank. Accordingly, banking factors are regarded as being consistent with approval of the application. Considerations relating to the convenience and needs of the community to be served are consistent with approval. It is the Board's judgment that consummation of the proposal would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[4] effective March 31, 1975.

[SEAL] THEODORE E. ALLISON, *Secretary of the Board.*

[FR Doc.75–8955, Filed 4–4–75;8:45 am]

[2] The Houston banking market is approximated by the Houston SMSA, which is comprised of Harris County and five neighing counties.

[3] The Dallas banking market is approximated by the Dallas RMA which is comprised of Dallas County and portions of six adjacent counties.

[4] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, Wallich and Coldwell. Absent and not voting: Chairman Burns and Governor Sheehan.

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DARIEN BANCORPORATION, INC.

Approving Formation of Bank Holding Company

Darien Bancorporation, Inc., Darien, Wisconsin, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 93.67 percent of the voting shares of The Farmers State Bank, Darien, Wisconsin ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a non-operating company recently organized for the purpose of becoming a bank holding company through acquisition of Bank. Bank (deposits of $4.7 million) is the only bank in Darien (population of approximately 850 persons), an agriculturally oriented community located in the southeastern portion of Wisconsin. Upon acquisition of Bank, Applicant would control the 514th largest bank in Wisconsin, with less than one-half of 1 percent of total deposits in commercial banks in the State.[1]

Bank is the smallest of thirteen banks in the relevant banking market (approximated by Walworth County), holding 2.6 percent of the total commercial bank deposits therein. A principal of Applicant also owns slightly less than 5 percent of the voting shares of First Holding Company, Inc., Waukesha, Wisconsin ("First Holding"), a registered bank holding company. First Holding controls 6 banks with aggregate deposits of $235.8 million, representing 1.8 percent of the total deposits in commercial banks in Wisconsin, and ranks as the State's sixth largest banking organization. One of First Holding's subsidiary banks, First National Bank of Elkhorn, Elkhorn, Wisconsin (deposits of $23.8 million), is the largest banking organization in the relevant banking market with approximately 12 percent of total market deposits. However, from the facts of record, it appears that consummation of the proposal would not eliminate significant existing or potential competition, nor have an adverse effect on other area banks. Furthermore, inasmuch as the proposed transaction is essentially a reorganization of Bank's ownership from individuals to a corporation owned by the same individuals, it is concluded that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, which will depend upon those of Bank, are considered to be satisfactory. Applicant proposes to service the debt incurred as a result of the consummation of this proposal over an 11-year period through dividends of Bank. In light of the past earnings of Bank and its anticipated growth, the projected earnings of Bank appear to provide Applicant with the necessary financial flexibility to meet its annual debt servicing requirements while maintaining an adequate capital position for Bank. Therefore, considerations relating to banking factors are consistent with approval of the application. Applicant proposes to increase Bank's agricultural and consumer loan services, extend banking hours, and expand Bank's present physical facilities. Therefore, considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It has been determined that consummation of the transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Secretary of the Board, acting pursuant to delegated authority from the Board of Governors, effective March 31, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-8956 Filed 4-4-75;8:45 am]

[1] All banking data are as of June 30, 1974.

FIRST COMMERCIAL BANKS INC.

Approving Acquisition of FCB Life Insurance, Ltd.

First Commercial Banks, Inc., Albany, New York, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of FCB Life Insurance, Ltd., Phoenix, Arizona ("FCB"), a company that would engage de novo in the activity of underwriting, as reinsurer, credit life and credit accident and health insurance directly related to extensions of credit by Applicant's credit-granting subsidiaries. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (40 FR 2515). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, the thirteenth largest banking organization in New York State, has five subsidiary banks with 118 banking offices and controls aggregate deposits of approximately $1.5 billion, representing approximately 1.1 percent of the total deposits in commercial banks in the State.[1] Applicant also engages in leasing activities and investment advisory services through nonbank subsidiaries.

FCB will engage de novo in the activity of underwriting, as reinsurer, credit life and credit accident and health insurance directly related to extensions of credit by Applicant's subsidiary banks. FCB will be qualified to underwrite insurance directly only in Arizona, and accordingly, the insurance sold by Applicant's subsidiaries in New York will be directly underwritten by an unaffiliated insurance company qualified to do business in New York and will thereafter be assigned or ceded to FCB under a reinsurance agreement. Since this proposal involves a de novo acquisition, consummation of the transaction would not have any adverse effects on existing or potential competition in any relevant market.

Credit life and credit accident and health insurance is generally made available by banks and other lenders and is designed to assure repayment of a loan in the event of death or disability of the borrower. In connection with the addition of the underwriting of such insurance to the list of permissible activities for bank holding companies, the Board has stated:

> To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which the applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally, such a showing would be made by projected reductions in rates or increase in policy benefits due to bank holding company performance of this service.

Applicant has stated that following consummation of the acquisition, FCB will offer reduced premiums and increased policy benefits for the credit insurance policies which it reinsures. The increased policy benefits will include more liberal provisions relating to age restrictions and elimination of automatic termination of coverage in the event of delinquency. With regard to the reductions in premiums, the Board has considered Applicant's proposed new rates in light of New York's existing statutory rate structure, which is one of the lowest in the nation and which bases maximum rates that may be charged for credit insurance upon average volume of insurance in force. Under Applicant's proposal, insurance sales by Applicant's subsidiary banks will be aggregated for purposes of determining the maximum prima facie rates permissible under New York law, with the result being a reduction in the maximum premium rates that may be charged by certain of Applicant's subsidiary banks. Applicant has committed to reduce further those rates below the new applicable maximum. Thus, Applicant's proposal involves rate reductions for credit life insurance ranging from 12.2 percent to 2.3 percent at three subsidiary banks, and the maintenance of the existing rates at the other two subsidiary banks, which rates are currently 13.5 percent and 11.4 percent, respectively, below the maximum rates permitted by New York State law. Further, under Applicant's proposal the premiums charged for credit accident and health insurance (14-day retroactive coverage) will be reduced 5.9 percent and 6.3 percent at two of Applicant's subsidiary banks, and maintained at existing levels at the remaining banks. In view of New York's rate structure being one of the lowest in the nation, and the fact that Applicant will charge rates at or below the State maximums, the Board finds that Applicant's proposal is procompetitive and in the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York, pursuant to authority hereby delegated.

By order of the Board of Governors,[2] effective March 31, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-8957 Filed 4-4-75;8:45 am]

[1] Banking data are as of June 30, 1974.

PANNATIONAL GROUP INC.

Approving Acquisition of Bank

PanNational Group Inc., El Paso, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of The First National Bank of Waco, Waco, Texas ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourteenth largest banking organization in Texas, controls five banks with aggregate deposits of $386.5 million, representing about 1 percent of the total deposits in commercial banks in Texas.[1] Acquisition of Bank ($131 million in deposits) would increase Applicant's share of commercial bank deposits in the State by approximately .3 of 1 percentage point and Applicant would become the State's twelfth largest banking organization.

Bank is the largest bank in the Waco banking market (approximated by McLennan County) and controls about 33 percent of total market deposits. Applicant's closest banking subsidiary is located in another banking market approximately 100 miles north of Bank. No competition exists between Bank and Applicant's closest subsidiary bank, and it is unlikely that any will develop in the future due, in part, to the distances involved. Additionally, the Waco banking market does not appear to be attractive for de novo entry since the population of the relevant banking market has declined 1.7 percent between 1960 and 1970. Accordingly, on the basis of the foregoing and other facts of record, it appears that consummation of the proposed acquisition would have no significant adverse effects upon existing or potential competition within the market.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are regarded as generally satisfactory and consistent with approval. Affiliation with Applicant should enable Bank to expand and improve banking services presently being offered. Accordingly, the Board regards considerations relating to the convenience and needs of the community to be served as being consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application to acquire Bank should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[2] effective March 31, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-8958 Filed 4-4-75;8:45 am]

[1] All banking data are as of June 30, 1974, and reflect holding company formations and acquisitions approved through February 28, 1975.

[2] Voting for this action: Governors Bucher, Holland, Wallich, and Coldwell. Absent and not voting: Chairman Burns and Governors Mitchell and Sheehan.

REPUBLIC OF TEXAS CORP.

Acquisition of Bank

Republic of Texas Corporation, Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 829 voting shares through a rights offering of the First National Bank of Plano, Plano, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 28, 1975.

Board of Governors of the Federal Reserve System, March 31, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-8959 Filed 4-4-75;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

LOIS COAL CO.

Applications for Renewal Permits Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

ICP DOCKET NO. 4176-000, LOIS COAL COMPANY, Mine No. 1, Mine ID No. 44 03462 0, Grundy, Virginia 24614, ICP Permit No. 4176-001—R-3 (Stacy's Spinner Loading Machine, Ser. No. 206), ICP Permit No. 4176-004—R-3 (Royal Cutting Machine, Ser. No. 63), ICP Permit No. 4176-005—R-3 (Bailey's Battery Powered Tractor, Ser. No. 78).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman
Interim Compliance Panel.

MARCH 31, 1975.

[FR Doc.75-8963 Filed 4-4-75;8:45 am]

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INTERNATIONAL TRADE COMMISSION

BROOM CORN BROOMS

Report to the President

APRIL 1, 1975.

In accordance with Executive Order 11377 of October 23, 1967 (copy attached), to assist the President in the exercise of his authority under headnote 3 to schedule 7, part 8, subpart A, of the Tariff Schedules of the United States (79 Stat. 948; 19 U.S.C. 1202), the U.S. International Trade Commission herein reports its judgment as to the estimated domestic consumption of broom corn brooms for the year 1974, the basis for that estimate, and information on U.S. consumption, production, imports, and exports of other types of brooms considered to be competitive with broom corn brooms. For convenience, the Commission also reports corresponding data for broom corn brooms for the years 1965 and 1973; and data for competitive brooms for 1968 and 1974.

Estimated consumption of Broom Corn Brooms. In the judgment of the Commission, consumption in the calendar years 1965, 1973, and 1974 of brooms wholly or in part of broom corn was as shown in the table below:

BROOMS WHOLLY OR IN PART OF BROOM CORN: U.S. CONSUMPTION, 1965, 1973, AND 1974

[In dozens]

Type of broom	1965 [1]	1973 [2]	1974
Whiskbrooms of a kind provided for in TSUS items 750.26 to 750.28, inclusive, of the tariff schedules	470,612	436,514	410,246
Other brooms of a kind provided for in TSUS items 750.29 to 750.31, inclusive, of the tariff schedules	2,578,905	2,554,894	2,460,646

[1] As reported to the President on May 2, 1968.
[2] As reported to the President on Mar. 21, 1974.

Basis for the Commission's judgment with respect to broom corn brooms. The Commission estimated consumption of broom corn brooms in 1974 by the same methods it used to estimate consumption in its previous reports pursuant to Executive Order 11377. Apparent annual consumption was determined by adding the quantity of shipments by domestic producers to the quantity of imports and subtracting therefrom the quantity of exports. Data on imports were obtained from the U.S. Customs Service, Department of the Treasury; data on shipments and exports were estimated from responses to questionnaires sent to all known domestic producers of broom corn brooms.

The data for each of the components used in the computation of apparent annual consumption of broom corn brooms was as shown in the table below:

WHISKBROOMS PROVIDED FOR IN TSUS ITEMS 750.26 TO 750.28 AND OTHER BROOMS PROVIDED FOR IN TSUS ITEMS 750.29 TO 750.31: U.S. PRODUCERS' SHIPMENTS, IMPORTS, EXPORTS, AND APPARENT CONSUMPTION, 1965, 1970, AND 1974

[In dozens]

Item	1965 [1]	1973 [2]	1974
Whiskbrooms of a kind provided for in TSUS items 750.26 to 750.28, inclusive:			
U.S. producers' shipments	318,691	288,202	294,985
Imports	152,606	164,093	116,227
Exports	765	782	966
Apparent consumption	470,612	436,514	410,246
Other brooms of a kind provided for in TSUS items 750.29 to 750.31, inclusive:			
U.S. producers' shipments	2,596,457	2,351,674	2,255,941
Imports	296,527	205,799	229,281
Exports	14,259	2,573	4,576
Apparent consumption	2,578,905	2,554,894	2,460,646

[1] As reported to the President on May 2, 1968.
[2] As reported to the President on Mar. 21, 1974.

Brooms considered competitive with broom corn brooms. As reported to the President on May 23, 1969, the Commission concluded that whiskbrooms of all fibers other than broom corn are competitive with whiskbrooms made of broom corn, and that upright brooms of all fibers other than broom corn are competitive with upright broom corn brooms. The Commission further concluded that push brooms 16 inches or less in width generally are competitive with upright broom corn brooms. The "competitive" brooms identified above are generally used for the same purpose as, and are generally substitutable for, broom corn brooms.

The Commission estimates that domestic shipments, imports, exports, and apparent consumption in 1968 [1] and 1974 of the brooms considered to be competitive with broom corn brooms was as shown in the table below:

[1] As reported to the President on May 23, 1969.

BROOMS, COMPETITIVE WITH BROOM CORN BROOMS; ESTIMATED U.S. PRODUCERS' SHIPMENTS, IMPORTS, EXPORTS, AND APPARENT CONSUMPTION, 1968 AND 1974

[In thousands of dozens]

Type of broom	Domestic shipments		Imports		Exports		Apparent consumption	
	1968	1974	1968	1974	1968	1974	1968	1974
Whiskbrooms:								
Plastic fiber	36	75	8	62	(1)	2	44	135
Other fiber	59	[2] 1		2	(1)	(1)	59	[2] 3
Other (upright) brooms:								
Plastic fiber	198	470	131	79	6	25	315	523
Other fiber	95	41		2	2	(1)	93	43
Push brooms (16 in. or less in width)	269	159		25	1	2	269	182

[1] Less than 500 doz.
[2] The absence of any substantial production in 1974 of whiskbrooms of fibers other than plastics or broom corn is attributable in large measure to the substitution of plastics for these "other fibers" in the production of whiskbrooms since 1968.

Source: Compiled from data furnished by domestic producers and official statistics of the Bureau of the Census.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.75-8814 Filed 4-4-75;8:45 am]

[TA-503(a)-1 and 332-74]

PRESIDENT'S LIST OF ARTICLES WHICH MAY BE DESIGNATED AS ELIGIBLE ARTICLES FOR PURPOSES OF A GENERALIZED SYSTEM OF PREFERENCES

Investigations and Hearings

On March 24, 1975, the President, pursuant to section 503(a) and 131(a) of the Trade Act of 1974 (hereinafter referred to as "the Act"), furnished the United States International Trade Commission (hereinafter referred to as "the Commission") a list of articles (hereinafter referred to as "the GSP list") which will be considered for designation as eligible articles for purposes of the Generalized System of Preferences set forth in Title V of the Act. The GSP list is published in paragraph I of his "Notice of Articles which will be Considered for Designation as Eligible Articles for Purposes of the Generalized System of Preferences" (40 FR 13455-13475). Countries designated by the President in Executive Order of March 24, 1975, as beneficiary developing countries are listed in paragraph II-A of the President's notice; countries identified in the Executive Order as under consideration for designation as beneficiary developing countries are listed in paragraph II-B.

In accordance with section 503(a) and 131 of the Act, the President requested that the Commission provide him with its advice, with respect to each article, as to the probable economic effect on industries producing like or directly competitive articles and on consumers of the elimination of U.S. import duties, pursuant to Title V of the Act, on imports of the articles listed (in paragraph I) from those countries designated as beneficiary developing countries (paragraph II-A). Pursuant to section 332(g) of the Tariff Act of 1930, as amended, the President further requested that the Commission provide him with advice such as is provided for under section 131 of the Act, with respect to each article, as to the probable economic effect on industries producing like or directly competitive articles and on consumers of the elimination of U.S. import duties on imports of the listed articles both from those countries designated as beneficiary developing countries (paragraph II-A) and from those countries being considered for designation as beneficiary developing countries (paragraph II-B).

I. *Investigation instituted.*—In accordance with the President's request and the provisions of sections 503(a) and 131(b) of the Act and section 332(g) of the Tariff Act of 1930, as amended, the Commission has instituted investigations for the purposes of obtaining, to the extent practicable, information of the kind described in section 131(d) of the Act for use in connection with the preparation of advice requested by the President.

II. *Procedure for conduct of hearings and submission of written views.*—A. *Public hearings.* In connection with a list of articles on which concessions may be granted by the United States in international trade negotiations that was furnished to the Commission by the President on January 14, 1975, the Commission gave notice of an investigation (No. TA-131(b)-1) and hearings on January 20 and March 3, 1975 (40 FR 3517 and 10717). In the notices the Commission announced that public hearings would be held in the following places (among others) commencing at 10 a.m. on the dates indicated:

Places	*Dates—1975*
Rooms 206 and 208 McGraw Hill Building 1221 Avenue of the Americas New York, New York	April 1
J. F. Kennedy Building Room 2003A Cambridge and Sudbury Boston, Massachusetts	April 3
Hearing Room U.S. International Trade Commission 8th and E Streets, NW. Washington, D.C.	April 8
U.S. Court of Claims Court Room 219 South Dearborn Chicago, Illinois	April 8
31st Floor Reception Room A. J. C. Federal Building 1240 East 9th Street Cleveland, Ohio	April 10
U.S. Tax Court Room 597, 5th Floor U.S. Federal Building and Court House 19th and Stout Streets Denver, Colorado	April 14
ICC Hearing Room, Suite 620 Union Pacific Building 1110 North 14th Street Omaha, Nebraska	April 16
Auditorium (Room 140) Federal Office Building 601 E. 12th Street Kansas City, Missouri	April 18

Public hearings will also be held at the specified places in the following cities commencing at 10 a.m. on the dates indicated.

Places	*Dates—1975*
World Trade Building Lecture Hall 1520 Texas Avenue Houston, Texas	April 22
World Trade Center International Room Suite 241—Upper Concourse 333 South Flower Los Angeles, California	April 24
U.S. Tax Court—Room 1112 Federal Building 1000 Liberty Avenue Pittsburgh, Pennsylvania	April 29
Court Room 859 Federal Building 231 West Lafayette Detroit, Michigan	May 1
City of Miami Commission Chambers Dinner Key 3500 Pan American Drive Miami, Florida	May 5
City Council Chambers Room 201 Camden City Hall 6th & Market Streets Camden, New Jersey	May 7
Augusta, Maine	May 8

Further notice will be published in the FEDERAL REGISTER as to the name and location of the hearing room in Augusta.

Parties wishing to testify with respect to the subject matter of any of the investigations relating to the probable economic effect of actions which may be taken under the Act (TA-131(b)-1, TA-503(a)-1 and 332-74) may appear at any of the hearings hereinabove announced. All of the hearings will continue until all interested parties have been heard.

I. To assure their being given proper consideration in arranging the hearing calendar, requests to appear at the public hearing should be filed in writing with the Secretary of the Commission at least one week prior to the commencing date of the hearing in the city at which the appearance is to be made.

N.B. Those who have already made requests to appear with respect to the international trade negotiations need not file a request to appear with respect to the generalized system of preferences unless they wish to appear at different times with respect to the two matters. Parties testifying with respect to all investigations at one appearance are requested to present their testimony separately to the extent feasible.

Such requests shall contain the following information: a. A description of the article or articles on which testimony will be presented, including, if possible, the item number or numbers in the Tariff Schedules of the United States [1] covering the article or articles.

b. An indication whether testimony will be presented with respect to the international trade negotiations (Inv. No. TA-131(b)-1) and/or the generalized system of preferences (Inv. Nos. TA 503(a)-1 and 332-74).

c. The name and organization of the witness or witnesses who will testify, and the name, address, telephone number, and organization of the person filing the request.

d. A statement indicating whether the testimony to be presented will be on behalf of importers, domestic producers, consumers, or other interests.

e. A statement of the aggregate time desired for presentation of oral testimony by all witnesses for whose appearances the request is filed.

2. *Allotment of time.*—Because of the extensive scope of the President's list and the GSP list, limitation of time for the presentation of oral testimony is in the public interest. Accordingly, in scheduling appearances at the hearing the time to be allotted to witnesses for the presentation or oral testimony will be limited as circumstances require. Supplemental written statements will be allowed in all cases, and should be submitted at the time of presentation of oral testimony.

3. *Notification of date of appearance.*—Persons who have properly filed requests to appear will be individually notified, in advance, of the date on which they will be scheduled to present oral testimony and of the time allotted for presentation of such testimony.

4. *Order of hearings.*—To the extent practicable the hearings at each city will follow the order of the Tariff Schedules of the United States, beginning with Schedule 1, Animal and Vegetable products.

5. *Questioning of witnesses will be limited to members of the Commission and its staff.*—B. *Written information and views in lieu of appearances at the public hearings may be submitted by interested persons.* A signed original and nineteen true copies of such statements should be submitted. Business data which it is desired shall be treated as confidential shall be submitted on separate sheets, each clearly marked at the top "Business Confidential". All written statements, except for confidential business data, will be made available for inspection by interested persons. To be assured of consideration by the Commission, written statements in lieu of appearances should be submitted at the earliest practicable

[1] The Tariff Schedules of the United States Annotated (1975) is for sale by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402; it is also available for inspection without charge at any field office of the U.S. Customs Service or the Department of Commerce and at depository libraries.

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date, but not later than the date of the closing of the public hearings.

III. *Communications to be addressed to Secretary.*—All communications regarding the Commission's investigation should be addressed to the Secretary, United States International Trade Commission, Washington, D.C. 20436.

By direction of the United States International Trade Commission.

Issued: April 2, 1975.

KENNETH R. MASON,
Secretary.

[FR Doc.75-8778 Filed 4-4-75;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

AGENDA REVISION

Meeting

APRIL 2, 1975.

The following is a revised agenda for NACOA's April meeting, previously announced in the FEDERAL REGISTER of March 13, 1975, (40 FR 11819):

MONDAY, APRIL 14

Morning beginning at 9 a.m.
Climate, food, and contingency planning—Department of Agriculture and NOAA.
Work session on NACOA's Fourth Annual Report.
Afternoon
Continuation of work on NACOA report.

TUESDAY, APRIL 15

Morning beginning at 9:00 a.m.
Briefing on the Global Atmospheric Research Project—U.S. Committee on GARP.
Fisheries management under an extended resource jurisdiction—NOAA.
States report on the Sea Grant Program—NOAA.
Afternoon
Continuation of work on NACOA report.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. Telephone: (202) 967-3343.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.75-8979 Filed 4-4-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (75-27)]

AD HOC ADVISORY SUBCOMMITTEE TO EVALUATE PROPOSALS FOR PARTICIPATION IN THE SCIENTIFIC DEFINITION OF EXPLORER-CLASS PAYLOADS

Meeting

One section of the NASA Ad Hoc Advisory Subcommittee on the Space Science Steering Committee to evaluate proposals for participation in the scientific definition of Explorer-Class payloads will meet at the Goddard Space Flight Center in Greenbelt, Maryland during April. On April 28, 29, and 30, 1975, Subcommittee Section E (Infrared) will meet in Room 201 of Building 26 from 8:30 a.m. to 4:30 p.m. The meetings of other subcommittee sections will be advertised in the FEDERAL REGISTER and convened in the near future.

The Subcommittee sections will discuss, evaluate and categorize proposals for participation on Mission Definition Teams which will define Explorer-Class Infrared Payloads. Throughout the Subcommittee sessions, the professional qualifications of the proposers and their potential scientific contributions to the Mission Definition Teams will be candidly discussed and appraised. Discussion of these matters in a public session would invade the privacy of the proposers and the other individuals involved. The meeting will be closed to members of the public.

Since the Subcommittee session will be concerned throughout with matters listed in 5 U.S.C. 552(b)(6), it is hereby determined that the session will be closed to the public.

For further information please contact Dr. Nancy Boggess at 202/755-3688.

DUWARD L. CROW,
Assistant Administrator for DOD and Interagency Affairs.

APRIL 1, 1975.

[FR Doc.75-8938 Filed 4-4-75;8:45 am]

[Notice 75-26]

RESEARCH AND TECHNOLOGY ADVISORY COUNCIL COMMITTEE ON AERONAUTICAL PROPULSION

Meeting

The NASA Research and Technology Advisory Council Committee on Aeronautical Propulsion will meet on April 24-25, 1975, at the Langley Research Center, Hampton, Virginia 23665. The meeting will be held in Conference Room 200 of Building 1212. Members of the public will be admitted on a first-come, first-served basis up to the seating capacity of the room, which is about 95 persons including Committee members and other participants.

The NASA Research and Technology Advisory Council Committee on Aeronautical Propulsion was established to advise NASA's senior management in the areas of aeronautical propulsion research and technology. The Committee studies issues, pinpoints critical problems, determines gaps in needed technology, points out desirable goals and objectives, summarizes the state of the art, assesses ongoing work, and makes recommendations to help NASA plan and carry out a program of greatest benefit to the nation. There are 12 members on the Aeronautical Propulsion Committee. The current Chairman is Mr. Hillard E. Barrett.

The following list sets forth the approved agenda and schedule for the meeting. For further information, please contact Mr. Harrry W. Johnson, Area Code 202, 755-3003.

APRIL 24, 1975

Time	*Topic*
8:15 a.m.	Introductory Remarks by Chairman (Purpose: To review agenda and transmit information of interest from latest meeting of Research and Technology Advisory Council.)
8:30 a.m.	Report by Executive Secretary (Purpose: To update Committee on NASA organization, policy, current budget status and allocations, FY 1977 program plans, and to review previous Committee recommendations and NASA response.)
9:30 a.m.	Special Group Reports (Purpose: To review the results from ad hoc panels and special inter-center groups studying hydrocarbon fuels, energy conservation, and the "Outlook for Aeronautics.")
10:45 a.m.	Discussion of Research Center Highlight Reports (Purpose: To discuss points of interest from Center Highlights Reports previously distributed to Committee members.)
12:30 p.m.	Propulsion/Airframe Integration Research Program (Purpose: To review the status of the NASA Propulsion/Airframe Integration Research Program.)
1:30 p.m.	Hypersonic Research Program (Purpose: To assess the state of the art of hypersonic air-breathing propulsion and to review plans for a hypersonic research aircraft.)
3:30 p.m.	Aircraft Emissions in the Atmosphere (Purpose: To review the status and plans of NASA research activities to measure and assess the interaction of aircraft emissions in the atmosphere.)

APRIL 25, 1975

8:15 a.m.	NASA's Role in Aeronautical Propulsion (Purpose: To review the issues relating to NASA's role in aeronautical propulsion, particularly with reference to advanced technology propulsion system demonstrator programs and cost sharing.)
10:45 a.m.	Committee Discussion and Recommendations (Purpose: To summarize comments and recommendations from this meeting to transmit to the NASA Research and Technology Advisory Council.)
1:00 p.m.	Aircraft Noise Research Laboratory Tour (Purpose: To familiarize the Committee with the capabilities of the Aircraft Noise Research Laboratory and to review briefly the overall plans and programs for this major research test facility.)
2:00 p.m.	Discussions and Recommendations—Continuation (Purpose: Complete discussion from morning session and establish tentative major topics, place and date for next Committee meeting.)
3:00 p.m.	Adjournment.

DUWARD L. CROW,
Assistant Administrator for DOD and Interagency Affairs Aeronautics and Space Administration.

APRIL 1, 1975.

[FR Doc.75-8939 Filed 4-4-75;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[Docket No. SA-448]

AIRCRAFT ACCIDENT; WASHINGTON, D.C.

Accident Investigation Hearing

Notice is hereby given that the National Transportation Safety Board will conduct an accident investigation hearing, beginning at 9:30 a.m. (local time) on April 15, 1975, in the South Cotillion Room of the Sheraton Park Hotel, Washington, D.C. The hearing will be held in connection with the Safety Board's investigation of an accident involving a Wolfe Industries, Inc., Beech HE-90 King Air, N57V, on the American University Campus, Washington, D.C., on January 25, 1975.

WILLIAM B. HENDRICKS,
Hearing Officer.

APRIL 3, 1975.

[FR Doc.75-9074 Filed 4-4-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Dockets Nos. 50-461; 50-462]

ILLINOIS POWER CO. (CLINTON POWER STATION UNITS 1 AND 2)

Order Setting Second Prehearing Conference

Please take notice that the Atomic Safety and Licensing Board will hold the Second Prehearing Conference in the above-captioned proceeding on Tuesday, April 29, 1975, at 10 a.m., local time, in the County Board Room, Champaign County Courthouse Annex, Courthouse Square, Urbana, Illinois 61801. This Prehearing Conference shall deal with the following matters:

1. Pending motions including Applicant's Motion for Hearing;
2. The status of the hearing before the Illinois Pollution Board on the Section 401 certification question;
3. The status of discovery;
4. Establishment of schedule for further action and the evidentiary hearing; and
5. Such other matters which may aid in the orderly disposition of the proceeding.

The attorneys for the respective parties are directed to confer in advance of the prehearing conference, in such manner as they deem appropriate, and to report to the Board at said conference on any stipulations regarding matters in controversy, and on any other mutually agreeable procedures to expedite this proceeding.

Members of the public are invited to attend the prehearing conference on April 29, 1975, as well as the evidentiary hearing which will be held at a later date to be fixed by the Board. Members of the public wishing to make a limited appearance pursuant to § 2.715(a) of the Commission's[1] rules of practice, 10 CFR Part 2, may identify themselves at this prehearing conference, but oral or written statements to be presented by persons making a limited appearance will not be received at this conference. The Board will receive such statements later at the evidentiary hearing.

Notice of the date of the commencement of the evidentiary hearing in this proceeding will be given both by publication in the local news media and in the FEDERAL REGISTER, and by Notice sent by mail directly to all members of the public who have requested to be notified.

It is so ordered.

Issued at Bethesda, Maryland this 1st day of April, 1975.

For the Atomic Safety and Licensing Board.

ROBERT M. LAZO,
Chairman.

[FR Doc.75-8861 Filed 4-4-75;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO. (MONTICELLO NUCLEAR GENERATING PLANT, UNIT 1)

Resumption of Hearing

Please take notice that the public hearing being held before an Atomic Safety and Licensing Board to consider the conversion of Northern States Power Company's provisional operating license for the Monticello Nuclear Generating Plant to a full term operating license, will resume on Tuesday, May 6, 1975, at 10 a.m., local time, in Courtroom No. 2, United States Federal Courthouse, 316 North Roberts Street, Saint Paul, Minnesota 55101.

The evidentiary hearing on this matter has been in recess since November 15, 1974, awaiting completion of the preparation of certain written direct testimony. As stated in the original "Notice of Hearing on a Facility Operating License" published by the Commission in the FEDERAL REGISTER on December 27, 1972 (37 FR 28544), conversion of the provisional license which was issued by AEC in September 1970, would authorize the company to operate the Monticello facility at its presently licensed power level of 545 megawatts (electric) for a period of 40 years from June 19, 1967—the date the AEC construction permit was issued. The plant uses a boiling water reactor and is located on a 1385 acre site on the west bank of the Mississippi River about three miles west of Monticello.

The license conversion proceeding has been consolidated with a hearing on environmental matters related to operation of the plant which was ordered by the AEC in accordance with its regulations implementing the National Environmental Policy Act.

It is so ordered.

Issued this 1st day of April, 1975, at Bethesda, Maryland.

For the Atomic Safety and Licensing Board.

ROBERT M. LAZO,
Chairman.

[FR Doc.75-8860 Filed 4-4-75;8:45 am]

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

Proposed Issuance of Amendment To Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-3 issued to Yankee Atomic Electric Company (the licensee) for operation of the Yankee Nuclear Power Station (Yankee-Rowe), located in Rowe, Massachusetts.

The amendment would add a new Section F "Control Rod Drop" to the Technical Specifications and delete the control rod surveillance program included as a license requirement by Changes Nos. 104 and 106, dated November 18, 1972, and March 30, 1973, respectively, in accordance with the licensee's application dated February 18, 1975.

The presently specified control rod surveillance was imposed on November 18, 1972, to provide a confirmatory program for verifying the reliability of a new set of control rods. This program involves unusually frequent shutdown of the reactor (every 12 weeks) to carry out control rod drop testing. On the basis that the results of this program have shown that the new control rods continued to function reliably, the licensee has proposed to replace the present control rod surveillance program with surveillance requirements that are similar to those that we now approve for presently licensed facilities. The proposed changes would also provide for an increase in the limiting rod drop time from 2.4 to 2.5 seconds, since the 2.5 second rod drop time is the value assumed in the licensee's reanalysis of accidents for operation with the present Core XI which we have previously reviewed and approved.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By May 7, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice

[1] In accordance with the Energy Reorganization Act of 1974, Pub. L. 93-438, the Nuclear Regulatory Commission (NRC) was established on January 19, 1975. The NRC assumed the licensing and regulatory functions of the former Atomic Energy Commission.

V 4067 APR 75 XUM

and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Frederic Greenmand, Esquire, New England Electric System, 20 Turnpike Road, Westboro, Massachusetts 01581, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendments dated March 7, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. The license amendments and the Safety Evaluation, when issued, may be inspected at the above location and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 31st day of March 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.75-8960 Filed 4-4-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3762]

BERKSHIRE CAPITAL FUND, INC. AND, BERKSHIRE GROWTH FUND, INC.

Application for an Order of Exemption

Notice is hereby given that Berkshire Capital Fund, Inc. ("Capital") and Berkshire Growth Fund, Inc. ("Growth"), 700 South Street, Pittsfield, Massachusetts 01201, (collectively referred to as "Applicants"), open-end, diversified management investment companies registered under the Investment Company Act of 1940 ("Act"), filed and application on February 7, 1975, and amendments thereto on March 17, 1975 and March 25, 1975 pursuant to section 17(b) of the Act for an order exempting from the provisions of section 17(a) of the Act the proposed sale by Growth of substantially all of its assets to Capital in exchange for shares of common stock of Capital and pursuant to section 6(c) of the Act for an order exempting from the provisions of Rule 22c-1 under the Act the determination of net asset values, for purposes of the exchange, at the close of business on the business day immediately preceding the closing date of the proposed transaction. All interested persons are referred to the application on file with the Commission for a statement of the matters contained therein, which are summarized below.

The investment objective of Capital is capital appreciation, consistent with preservation of principal and reasonable income. The investment objective of Growth is to seek growth of capital. Berkshire Management & Research Corporation ("Adviser") serves as investment adviser to each Applicant. The Board of Directors and officers of Growth and Capital are identical. Accordingly, Applicants may be deemed to be under common control, and therefore, Applicants may be deemed to be affiliated persons of each other within the meaning of section 2(a) (3) of the Act.

Growth and Capital have entered into an Agreement and Plan of Reorganization (the "Agreement") providing for (1) the transfer by Growth of substantially all of its assets to Capital in exchange for shares of common stock of Capital and (2) the subsequent dissolution of Growth. The Agreement has been approved by the Boards of Directors of each Applicant and contains the condition that it must be further approved by a two-thirds majority of all outstanding shares of Growth and by a majority of the outstanding voting securities of Capital.

Prior to the closing date of the Agreement ("Closing Date") Growth and Capital will distribute to their respective shareholders substantially all net investment income and realized capital gains since the close of their last fiscal years in excess of any loss carryforwards. The number of shares of common stock of Capital to be transferred to Growth will be computed by dividing the net asset value of Growth by the net asset value per share of Capital, in each case as of the close of trading on the New York Stock Exchange on the last day such Exchange is open for unrestricted trading prior to the Closing Date.

As of December 31, 1974, Capital and Growth had, respectively, net assets of $2,247,428 and $1,202,939, tax loss carryforwards of $251,013 and $1,454,167 and unrealized depreciation of $1,232,574 and $555,347. No adjustments in the aggregate net asset values of Applicants will be made to compensate shareholders for any potential Federal income tax impact which may result from the differences between the Applicants in the percentage of each Applicant's realized or unrealized capital losses to its net asset value and in the amount of each Applicant's tax loss carryforward. Applicants assert that the terms of the Agreement without such adjustments are fair and reasonable in view of the substantial loss carryforward and unrealized depreciation of each Applicant.

Section 17(a). Section 17(a) of the Act, in pertinent part, provides that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such person, acting as principal, knowingly to sell to or purchase from such registered company any security or other property.

Section 17(b) of the Act provides that the Commission, upon application, may exempt a proposed transaction from the provision of section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicants contend that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned. The aggregate expenses of the Applicants in effecting the reorganization are estimated at $22,000. Under the Agreement, such expenses are the obligation of Capital in the event that the reorganization is carried out and the obligation of both Applicants in proportion to their respective net asset value as of December 31, 1974 in the event that the reorganization is not carried out. The Adviser has informed the Applicants that it will bear all such expenses in either event. Applicants believe that the consummation of the transaction will result in the reduction of certain costs, including fees of attorneys, auditors and custodians, expenses of shareholder meetings, proxy statements, and preparation of shareholder reports and franchise taxes. In the opinion of management of Applicants, the investment portfolios of each is compatible and comparable and is subject to combination without requiring the sale of any securities in either portfolio.

Applicants state that the proposed transaction is consistent with the investment policies of each Applicant and with the general purposes and policies of the Act.

Rule 22c-1. Rule 22c-1 promulgated under section 22(c) of the Act provides, in pertinent part, that no registered investment company issuing any redeemable security, no person designated in such issuer's prospectus as authorized to consummate transactions in any such security, and no principle underwriter of, or dealer in, any such security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicants state that the literal requirements of Rule 22c-1 may not be met by the proposed transaction if such rule is deemed to apply to transactions involving the exchange of stock for assets because the net asset values per share of Capital and Growth for purposes of the exchange are to be determined as of the close of trading on the New York Stock Exchange on the day immediately preceding the Closing Date on which such exchange is open for trading.

It is contended by Applicants that the prohibition of Rule 22c-1 is intended to apply primarily to daily sales and redemptions rather than the type of transaction contemplated by the Agreement.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 21, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following April 21, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-8943 Filed 4-4-75;8:45 am]

[811-1556]

DIAMOND GROWTH FUND, INC.

Proposal To Terminate Registration

Notice is hereby given that the Commission proposes, pursuant to section 8 (f) of the Investment Company Act of 1940 (the "Act"), to declare by order upon its own motion that Diamond Growth Fund, Inc. ("Diamond"), 3634 Balboa Street, San Francisco, California 94121, registered under the Act on November 2, 1967, as an open-end, diversified, management investment company, has ceased to be an investment company.

The Commission's records indicate that pursuant to a legal suit instituted by the Commission against Diamond and other defendants on October 13, 1972, for a preliminary injunction to enjoin the defendants from engaging in certain alleged acts and practices in violation of federal securities laws, the United States District Court for the Northern District of California on January 8, 1973, appointed a receiver for Diamond, and, on June 20, 1974, ordered the distribution of Diamond's assets. Marketable securities in Diamond's portfolio and other miscellaneous assets were sold and after providing for the expenses of administrating the receivership and claims of creditors, Diamond's net assets in the amount of $16,331, were distributed to Diamond's shareholders.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 22, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Diamond Growth Fund, Inc. at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter will be issued as of course following April 22, unless the Commission thereafter orders a hearing upon requests or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-8944 Filed 4-4-75;8:45 am]

[Release No. 34-11317]

DISPLAYS ON INTERROGATION SYSTEMS

Interpretation of Requirements

Rule 17a-15 under the Securities Exchange Act of 1934 (the "Rule"), governing the reporting of market information on transactions in listed securities, was adopted by the Securities and Exchange Commission on November 8, 1972.[1] Pursuant to that rule a joint industry plan (the "Plan") designed to implement a consolidated transaction reporting system (the "consolidated system") was filed with and declared effective by the Commission as of May 17, 1974.[2] Since that time the Commission has received a number of requests for interpretations with respect to various provisions of the Rule, particularly as regards displays of last sale information on interrogation systems. In order to assist all persons in their understanding of, and compliance with, the Rule, the Commission has authorized the publication of this interpretative release setting forth its current views as to the requirements of the Rule with respect to interrogation systems.

Question 1: In light of the fact that full implementation of the consolidated system, originally scheduled for February 21, 1975, has been delayed, and that the Consolidated Tape Association ("CTA") now proposes to implement the consolidated system in stages,[3] are vendors of market transaction information ("vendors") required by the Rule and the Plan to display consolidated data on their interrogation systems prior to the availability of a high speed data transmission line?

Interpretative Response: No. Vendors become obligated under the rule to display consolidated last sale data on interrogation devices only after the commencement of Phase II of the consolidated system.[4] Phase II of the Plan, as described therein, contemplates the full implementation of the consolidated system, and includes three elements: namely, the reporting and dissemination of last sale data with respect to eligible securities to be included in Network A,[5] the reporting and dissemination of last sale data with respect to eligible securities to be included in Network B,[6] and the availability of last sale data with respect to transactions in all eligible securities to vendors by means of a high speed line permitting them to receive this information on a current basis, regardless of

[1] Securities Exchange Act Release No. 9850 (November 8, 1972).

[2] Securities Exchange Act Release No. 10787 (May 10, 1974).

[3] See Securities Exchange Act Release No. 11273 (March 3, 1975).

[4] Joint Industry Plan, Section VIII.

[5] Network A will report trades in New York Stock Exchange ("NYSE") listed securities which occur on any of the participating exchanges or in the third market.

[6] Network B will report trades in American Stock Exchange and certain regionally listed securities.

V 40 67 APR 7 75 XUM

any delay in the dissemination of this information over Network A and Network B, for the purpose of servicing interrogation devices? Thus, until the consolidated system is fully implemented, including an operational high speed data transmission line, vendors have no obligations under the Rule or the Plan to display consolidated data on interrogation devices? Vendors, of course, may wish, on a voluntary basis, to receive consolidated last sale data with respect to eligible securities prior to implementation of a high speed line, and every effort should be made to enable them to do so.

Question 3: What are the minimum display requirements under the rule for interrogation systems once the high speed line is operational and Phase II of the consolidated system is in effect?

Interpretative Response: Interrogation systems must be able to display the most recent last sale price as reported in the consolidated system, accompanied by, absent an exemption, a market identifier indicating the marketplace in which the most recent last sale occurred, and, in addition, simultaneously or upon separate inquiry, by some non-misleading display of volume. A display of volume which is either (i) the volume associated with the most recent last sale in the consolidated system, or (ii) cumulative volume on a consolidated basis will be deemed non-misleading and in compliance with the Rule.

Question 3: Certain types of market interrogation equipment are capable, using cathode ray tubes, of displaying multiple bits of information concerning a given security at any one time. In addition to last sale price and volume, these devices are capable of displaying simultaneously such items as opening price, previous day's close, high and low for the trading day, etc. Once the minimum requirements of the rule are met, are there any restrictions imposed by the Rule or the Plan on the other information displayed?

Interpretative Response: The Commission believes that a display which presents, for a given security, the most recent last sale and volume on a consolidated basis and other information (e.g., high, low, previous day's close, etc.) on some other basis, such as the primary market for that security, is potentially misleading. Such problems could be avoided by ensuring that, if a request for consolidated information is made on a device which provides multiple bits of information on a cathode ray tube display, all fields on the screen except for the most recent last sale price, volume, market identifier, and tick symbol remain blank unless presented on a consolidated basis.

If a vendor is not capable, as a technical matter, of eliminating all non-consolidated data from a comprehensive display, cannot eliminate such data without losing the individual market information, or is capable of displaying consolidated and non-consolidated data simultaneously under circumstances which prevent the display from being misleading, such a vendor may maintain a mixed display of consolidated and non-consolidated information. However, if such a mixed display is presented, vendors must make full and complete disclosure to all possible users of the system as to which of the information displayed is presented on a consolidated basis and which is based on last sale reports from a particular named market center.

Question 4: May vendors continue to display on interrogation devices market information for a particular security solely based on last sale reports from an individual market center?

Interpretative Response: Yes, provided that the interrogation device is capable, upon inquiry, of displaying the minimum consolidated information required by the Rule, including the most recent last sales prices as reported in the consolidated system.

Question 5: May vendors continue to provide monitoring displays based solely on last sale reports from an individual market center, including those which display (i) last prices and ticks for a selected list of securities, (ii) the most recent five trades in a selected list of securities, and (iii) those securities which have exceeded or fallen beneath a preselected price?

Interpretative Response: Yes, provided the display is not misleading and that the interrogation device is capable, upon inquiry, of displaying the minimum consolidated information required by the Rule for each security in the monitoring display. Vendors are not required, but are encouraged, to make available monitoring displays based on last sale data as reported in the consolidated system.

Question 6: May vendors employ market interrogation equipment which is not capable of displaying a market identifier for the last sale as reported in the consolidated system?

Interpretative Response: No, unless the Commission has exempted the vendor from the operation of the Rule or unless the equipment is capable of reporting:

1. The last sale in any given security, regardless of market center in which it takes place and whether or not that market center is identified, and

2. The last sale price in each market center in which such security is traded, upon specific inquiry for each such market center's last sale information as to that security?

Requests for exemptions from the market identifier requirements of the Rule will be treated by the Commission on a case-by-case basis. Among the factors which the Commission will consider in determining whether compliance with the Rule with respect to a particular device is not necessary in the public interest or for the protection of investors are the number of non-complying devices in service, whether the vendor can offer to its subscribers equipment which does comply with the Rule's market identification requirements, and the degree to which non-complying equipment is being or will be phased out according to a reasonable timetable established by the vendor.

Question 7: If a vendor chooses to display multiple bits of information concerning a given security (e.g., open high, low) on a consolidated basis on market interrogation equipment, must each such bit of information be accompanied by a market identifier?

Interpretative Response: No. A market identifier is required to identify only the market of origin of the most recent last sale as reported in the consolidated system. However, vendors should take steps to ensure full disclosure to brokers, dealers and investors that all information in the display is presented on a consolidated basis and that the market identifier shown relates only to the most recent last sale as reported in the system.

Question 8: Must vendors, in complying with the market identification requirements of the Rule with respect to interrogation systems, employ as market identifiers the alphabetic symbols used to identify the market of origin of trades on a moving, real-time last sale reporting system (i.e., moving ticker)?

Interpretative Response: No. Any type of symbol, whether alphabetical, numerical or otherwise, may be used by vendors to identify the market of origin of consolidated last sale reports so long as such symbols are not misleading and the market place associated with each symbol is clearly identified.

Question 9: Are there any restrictions on the symbols used to interrogate for last sale in the consolidated system?

Interpretative Response: No. Vendors may use the consolidated tape ticker symbol (the old NYSE symbol in the case of an NYSE listed security) to interrogate for last sale information from the NYSE and some other symbol to interrogate for consolidated data. However, any symbol which differs from the consolidated tape symbol which is used to interrogate for consolidated data must be simple and easy for brokers and investors to use. Thus, use of the tape symbol followed by a large number of numeric or alphabetic symbols to interrogate for consolidated data, when a substantially more convenient method of inquiry is available on the same device for interrogating non-consolidated information, would not comply with rule 17a-15.

Moreover, all vendors are not required to use an identical symbol to interrogate for consolidated data. Each vendor must provide full disclosure of the method by which last sale information on a consolidated basis may be obtained from his particular equipment.

Question 10: Must interrogation systems which display market averages such as the Dow Jones Industrial Average or the Standard & Poor's 500, together with consolidated data, compute such averages for display purposes based on all last sale reports contained in the consolidated system?

Interpretative Response: No. Vendors may continue to display market averages in the same manner they do currently.

Question 11: Are vendors required under the Rule to display on interrogation devices last sale reports for all securities reported on Networks A and B, and would the exclusion of a security (or all securities) listed solely on one particular exchange constitute a violation of the Rule's prohibition against discrimination on the basis of marketplace?

Interpretative Response: If a particular security trades in only one market center, reports of sales of such security are not required by the rule to be displayed on interrogation devices, since no exclusion would be made "based on the market in which a transaction was executed." On the other hand, if information as to any multiply-traded security is displayed with respect to any market, then regardless of volume or investor interest, information as to that security from all markets must be carried by vendors, since failure to do so would constitute a prohibited exclusion based on market of execution.[10] Thus, in order for vendors to comply with the Rule, all dually traded securities for which information from any market place is carried must be displayed on a consolidated basis on interrogation systems. Any security which is traded in only one market place need not be displayed, or may be displayed solely with respect to that market place.

Question 12: May vendors display on interrogation devices a moving last sale reporting display ("moving ticker") which presents last sale reports from only one market center?

Interpretative Response: No. Individual market center oriented moving tickers are not permissible, even when displayed on interrogation devices which are capable of presenting, for an individual security, the minimum consolidated information required by the Rule. The Rule requires that a moving ticker must include last sale reports from all markets. Since a moving ticker does not lose its character as such when presented on a cathode ray tube rather than on a wall display, any moving ticker displayed on an interrogation device must include last sale reports from all markets.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

MARCH 28, 1975.

[FR Doc.75-8951 Filed 4-4-75;8:45 am]

[1] Joint Industry Plan, Section V.

[2] See Securities Exchange Act Release No. 11273 (March 3, 1975) at 7-8.

[3] See Securities Exchange Act Release No. 10636 (September 12, 1973).

[10] See Rule 17a-15(b). The non-exclusion provisions of the Rule also apply to brokers and dealers. Rule 17a-15(f).

[70-5658]

GEORGIA POWER CO.

Proposal To Sell Entire Interest in Certain Transmission Facilities

Notice is hereby given that Georgia Power Company ("Georgia"), 270 Peachtree Street, NW., Atlanta, Georgia 30303, an electric utility subsidiary of The Southern Company, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(d) of the Act and Rule 44 thereunder as applicable to the following proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

The instant transaction is proposed as part of an ongoing effort to implement the January 6, 1975, Integrated Transmission System Agreement ("transmission agreement") between Georgia and the Oglethorpe Electric Membership Corporation ("Oglethorpe"), an electric membership corporation organized under Georgia law (HCAR No. 18750 dated December 31, 1974). The transmission agreement provides for the establishment of an integrated transmission system to be operated by Georgia and Oglethorpe, wherein each party is required to make an aggregate investment in transmission facilities proportionate to its load on the system.

Pursuant to the transmission agreement Georgia proposes to sell to Oglethorpe, on a scheduled closing date of April 30, 1975, certain transmission facilities for an aggregate sales price of approximately $21 million. The original cost, net of depreciation, of these transmission facilities is approximately $17.4 million. Georgia expects to obtain from its first mortgage bond trustee a release of such transmission facilities from the lien of Georgia's first mortgage indenture. It is stated that the proceeds of the sale will be applied to the payment of Georgia's short-term indebtedness incurred to finance its construction program. A request by Georgia to increase its short-term debt authorization to $350 million through March 31, 1976, has been filed with the Commission (File No. 70-5629).

A statement of the fees, expenses and commissions incurred or to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that no State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 25, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-8945 Filed 4-4-75;8:45 am]

[File No. 500-1]

I.T.S. INDUSTRIES, LTD.

Suspension of Trading

MARCH 31, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of I.T.S. Industries, Ltd. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 3 p.m. (e.d.t.) on March 31, 1975 through midnight (e.d.t.) on April 9, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Assistant Secretary.*

[FR Doc.75-8946 Filed 4-4-75;8:45 am]

[70-5640]

OHIO EDISON CO.

Proposed Acquisition of a City Electric System

Notice is hereby given that Ohio Edison Company ("Ohio Edison"), 47 North Main Street, Akron, Ohio, 44308, an electric utility company and a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a)(1) and 10 of the Act as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Ohio Edison proposes to acquire the electrical system ("system") of the City of East Palestine, Ohio ("City"). It is stated that on January 27, 1975, Ohio Edison and the City entered into an agreement, subject to receipt of required regulatory approvals, providing for the conveyance by the City and purchase by Ohio Edison of certain property constituting the electric system of the City and providing for the right to use certain other property essential to the operation of the system by Ohio Edison. The system to be acquired is presently being used to serve approximately 2,900 customers and includes, among other facilities, four steam generating units, a diesel generator, 750 transformers, a substation, 658 street lights, 45.5 miles of primary wire and 30.7 miles of secondary wire.

It is stated that the city advertised the sale of the system to the highest and best bidder and that Ohio Edison submitted a bid of $3,080,000 plus the cost to the city of net additions to the system since March 31, 1973. It is further stated that Ohio Edison's bid was accepted on November 25, 1974, and that there were no other bids. Ohio Edison states that it predicated the amount of its bid on its estimate of the present value to Ohio Edison of the property to be purchased.

Upon acquisition by Ohio Edison, it is proposed that the system be operated for a time by Ohio Edison to serve the city's customers. Ohio Edison also proposes to make the changes necessary to permit service to be furnished to the City and its customers from Ohio Edison's own distribution system. It is estimated that the work required to make the initial connection between the city distribution system and Ohio Edison's system will take approximately two years, after which operation of the city generating

V 40 67
APR 7 75

plant will be eventually discontinued. It is stated that the city is surrounded by an area presently being served by Ohio Edison.

Ohio Edison estimates that for the first full year of operation by it beginning April 1, 1975, the operating revenue from the system would be approximately $1,400,000 based upon an estimated sale of 36,400,000 KWH. This compares with approximately $841,307 in revenue in 1974 based on 30,680,000 KWH sales, excluding certain service to municipal accounts. Ohio Edison states it has not made any detailed estimate of net operating income to be derived from the system as the investment involved would not warrant the work and expense involved in making such an estimate. Ohio Edison anticipates, however, that the system will soon be operated as a part of its integrated system and that the costs of and income from the property should be comparable to its other similar operations.

Ohio Edison states that the rates to be charged by it will be the rates specified in the bid for the property, this being formerly the rates for retail service in comparable communities. Ohio Edison states that the substitution of its service will result in no substantial change in the bills of the customers to be served, as the City has recently adopted substantially the same rates as the rates Ohio Edison will charge.

The property to be acquired will be recorded on Ohio Edison's books on the basis of the properties' cost, to the extent the original cost can be determined. The difference, if any, between the purchase price of such property and such original cost will be treated in accordance with the accounting regulations of the Federal Power Commission and the Public Utilities Commission of Ohio.

It is stated that the Public Utilities Commission of Ohio and the Federal Power Commission have jurisdiction over certain accounting matters in connection with the proposed transaction and that no other state or federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the proposed transaction are estimated at $3,400, including legal fees of $1,000.

Notice is further given that any interested person may, not later than April 23, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-8948 Filed 4-4-75;8:45 am]

[70-5654]

OHIO EDISON CO. AND PENNSYLVANIA POWER CO.

Construction of Sludge Disposal Facilities Financed by Sale of Revenue Bonds and Issuance of Pollution Control Notes and Guaranty in Connection Therewith

Notice is hereby given that Ohio Edison Company ("Ohio Edison" 47 North Main Street, Akron, Ohio 44308), an electric utility company and a registered holding company, and its electric utility subsidiary, Pennsylvania Power Company ("Pennsylvania") 1 East Washington Street, New Castle, Pennsylvania 16103, have filed an application-declaration with this Commission designating sections 6, 7 and 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 44(b)(3) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Ohio Edison, Pennsylvania Power Company ("Pennsylvania"), The Cleveland Electric Illuminating Company, Duquesne Light Company and The Toledo Edison Company (collectively referred to as the "CAPCO companies") are joining in the construction of two coal-fired generating units, Bruce Mansfield Plant Units Nos. 1 and 2, ("units") to be located on the Ohio River near Shippingport, Pennsylvania, which will be owned by them as tenants in common, except that The Toledo Edison Company will not share in the ownership of Unit No. 1. Under present allocations, Ohio Edison will own 60 percent of Unit No. 1 and 39.3 percent of Unit No. 2 and Pennsylvania will own 4.2 percent of Unit No. 1 and 6.8 percent of Unit No. 2.

Under the Pennsylvania Industrial and Commercial Development Law, the Beaver County Industrial Development Authority ("Authority") is authorized to enter into agreements providing for the construction and financing by it of industrial development projects and the sale thereof to industrial occupants. The CAPCO companies have entered into such an agreement (the "agreement") with the Authority with respect to the construction and financing of pollution control and waste disposal equipment and facilities for the units.

The Authority has heretofore issued and sold two series of the Authority's Pollution Control Revenue Bonds with respect to Ohio Edison and Pennsylvania. Now the Authority is expected to issue a third and fourth series of bonds (the "Series C Bonds" and "Series D Bonds," respectively) (collectively, the "bonds"). The bonds are to be issued and sold to finance the cost of sludge disposal equipment and land ("facilities") for the units. The facilities are estimated to cost a total of $79,400,000, Ohio Edison's share of this amount being approximately $39,420,000 and Pennsylvania's share being approximately $4,370,000.

Under the agreement the CAPCO companies will transfer to the Authority their respective interests in the facilities, subject to the liens of their respective first mortgage indentures, and will be reimbursed for their cost of acquiring and constructing the property so transferred. During the course of construction of the facilities, title thereto will be in the Authority. Upon the completion of each such portion, title to that portion will vest in the CAPCO companies.

The bonds will be issued pursuant to indentures supplemental to separate trust indentures between the Authority and The Cleveland Trust Company, as Trustee ("Trustee") dated as of June 1, 1973. The bonds will be sold at such time, in such amounts, at such interest rates and for such prices as Ohio Edison and Pennsylvania, respectively, may approve. Although the Authority will be the issuer of the bonds, as required to exempt the interest thereon from federal income taxation, the credit of the Authority will not be pledged to the payment on the bonds.

It is expected that the principal amount of Series C Bonds to be issued will be $24,825,000 and $2,750,000 for Ohio Edison and Pennsylvania, respectively. The Series C Bonds will be issued to The Chase Manhattan Bank, N.A. ("Chase"), acting as agent for itself and other commercial banks and will have a maturity of 18 months. Interest on the Series C Bonds will be at a rate equal to 80% of the Chase's prime rate in effect from time to time, provided, however, that if a favorable Internal Revenue Service ruling ("ruling") as to exemption of interest on the bonds from federal income tax is not received, the interest rate will be retroactively adjusted equal to 130 percent of such prime rate, plus any interest or penalties that may be due from the banks because of having treated the interest on the Series C Bonds as tax exempt.

The Authority will pay a one-time fee to the banks equal to ¼ of 1 percent of the principal amount of the Series C Bonds and the portion of this cost related to the Series C Bonds being issued with respect to Ohio Edison and Pennsylvania will be allocated to and borne separately by them. The Authority will also pay a commitment fee of ½ of 1 percent per annum with respect to amounts committed by the banks to purchase the Series C Bonds. The cost of this commitment fee will be allocated and borne separately by Ohio Edison and Pennsylvania in proportion to the Series C Bonds to be issued with respect to each of them.

It is planned that the Series C Bonds will be issued pending the receipt of the ruling referred to above. After receipt of the ruling, the Series D Bonds will be issued as refunding bonds to retire the Series C Bonds. It is expected that the Series D Bonds will be sold through investment bankers acting as underwriters in a public offering.

Concurrently, with the issuance and delivery by the Authority of the Series C Bonds and similarly upon the issuance and delivery of the Series D Bonds, Ohio Edison and Pennsylvania will each execute and deliver its pollution control note ("note") payable directly to the Trustee. Interest on such notes will be at the rates and will be payable at times corresponding to the rates of interest and times of payment on the bonds. The notes provide, among other things, that the amounts due thereunder must be paid whether or not the facilities are completed or perform satisfactorily and whether or not they are damaged or destroyed. The notes will be secured by a second lien on each company's interest in the facilities. It is stated that since the Series D Bonds will only be issued after receipt of the ruling, authority to issue concomitant notes will be requested by further amendment in this proceeding.

In conjunction with the issuance of the Series C Bonds and in addition to issuing the notes, Ohio Edison and Pennsylvania propose to each execute and deliver a Guaranty and Purchase Agreement to the banks. It is stated that the major purpose of this document is to place the banks in the position they would have been had they made direct loans to the companies in the event a favorable ruling is not received.

The proceeds from the Series C Bonds with respect to Ohio Edison and Pennsylvania will be placed in a separate escrow account for use in connection with construction and financing of the facilities. Ohio Edison and Pennsylvania intend to account for transactions related to the notes in conformity with the Uniform System of Accounts.

It is stated that the Public Utilities Commission of Ohio and the Pennsylvania Public Utility Commission have jurisdiction over the proposed transactions and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions are estimated at $13,000, including legal fees of $8,000.

Notice is further given that any interested person may, not later than April 21, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS, *Assistant Secretary.*

[FR Doc.75-8947 Filed 4-4-75;8:45 am]

OPTIONS CLEARING CORPORATION

Proposed Amendments to Option Plans

Notice is hereby given that the Chicago Board Options Exchange, Inc. ("CBOE") and the American Stock Exchange, Inc. ("AMEX"), have filed proposed changes in their respective option plans pursuant to rule 9b-1 under the Securities Exchange Act of 1934 (17 CFR 240.9b-1). The changes concern amendments to the by-laws and rules of the Options Clearing Corporation ("OCC"). The OCC proposes to amend the following provisions of its by-laws and rules:

By-Laws: Article I, Section 1(z); Article VI, Sections 3(a) and 3(f);[1] Article VI, Sections 12(f), 13(e) and 13(f).

Rules: Rules 601, 902, 1104, 1105(a) and (c), 1106(a), (b) and (c).

In addition OCC proposes new paragraphs (iii) and (jjj) of Article I, section 1 of the By-Laws and proposed new rule 611. In accordance with the authorization contained in section 22 of the Participant Exchange Agreement dated January 3, 1975, a copy of which has previously been filed with the Commission and is available in the Commission's Public Reference Room.

[1] Formerly Section 3(e)—proposed to be redesignated as 3(f) in connection with proposed amendments transmitted for filing on February 19, 1975 to the Commission.

1. *Technical Changes.* The proposed amendments to Article VI, sections 12(f), 13(e) and 13(f) of the by-laws accommodate those provisions to the possibility that positions may be moved from one account to another pursuant to the by-laws and rules, without special authorization from the Clearing Members for which the accounts are maintained. For example, rule 1106(a) provides that upon the suspension of a Clearing Member, the Corporation will use its best efforts to transfer long positions (segregated long positions, under the proposed amendments discussed below) in the suspended Clearing Member's customers' account to another Clearing Member. The Corporation interprets rule 1106(a) as permitting such transfers without special authorization from the suspended Clearing Member. However, Article VI, section 12(f) might possibly be interpreted as requiring such authorization. OCC believes the purpose of the proposed amendments discussed under this subheading is to prevent such inconsistencies by expressly recognizing that the by-laws and rules themselves may furnish sufficient authority for certain position transfers.

2. *Change in Exercise Settlement Date.* The proposed amendment to Rule 902 was adopted at the request of the Dividend Division of the Securities Industry Association. Its effect is to move the exercise settlement date up one business day, from the fifth business day following the assignment date to the fifth business day following the exercise date. OCC is of the opinion that in its present form rule 902 has created operational problems for dividend processors, because a Clearing Member which files an exercise notice on the day prior to an ex-date, and therefore has the right to receive a dividend, will not be entitled to delivery of the underlying securities until the day after the record date. Automatic dividend processing systems are programmed on the presumption that persons receiving delivery of securities after the record date are not entitled to the dividend; and for that reason, dividends on securities delivered pursuant to the exercise of exchange-traded options must be processed manually. The proposed amendment to rule 902 would eliminate the necessity of manual processing by causing exercises made on the day before an ex-date to settle on the record date since record date is usually 5 days after ex-date.

3. *New Margin Provisions.* The remainder of the proposed by-laws and rule changes filed herewith, according to OCC, established a new method for margining short options positions at the Clearing Corporation level.

Under the existing margin provisions of rule 601, Clearing Members are not permitted to offset any portion of the value of the long positions in a customers' account against the margin required for short positions in that account. Thus, even though a customer may not yet have paid his Clearing Member in full for a long option or may have used a long option "spread" margin treatment, the Clearing Member is unable to use them to

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APR 7 75

reduce its clearing margin requirements.

This, according to OCC, has created a problem for Clearing Members since the new customer margin rules which were recently adopted by CBOE, Amex and the New York Stock Exchange went into effect. These new customer margin rules of the exchanges provide, in effect, that where a listed option is carried in a short position in a customer's account and the account is also long, the listed option that expires at the same time as or after the expiration date for the short option, the customer's margin requirement need not exceed the amount, if any, by which the exercise price of the long option exceeds the exercise price of the short option. Accordingly, under the customer margin rules, if the exercise price of the long option is the same as or longer than the exercise price of the short option, no customer margin is required, and if the exercise price of the long option exceeds the exercise price of the short, the maximum amount of margin will be the difference in their exercise prices. Moreover, as the market price of the short option increases additional margin or "mark-to-the-market" payments are not required from the customer.

In contrast, the clearing margin required to be deposited with the Clearing Corporation by Clearing Members under present rule 601 is never less than the current market value of the short option included within the spread. If the market value of the short increases (as has been the case for many options in the past few months), the amount of margin required to be deposited with the Clearing Corporation increases pro tanto.

Consequently, in a bull market a Clearing Member that maintains a significant number of spread margin positions for its customers may find itself hardpressed by the increased clearing margin requirements, since it would have no practical ability to obtain additional margin deposits from customers. (Under the typical margin agreements between brokers and their customers, the Clearing Member would have the right to call for additional margin. However, it would be contrary to the expectations of both the broker and the customer at the time the customer effects a spread transaction that additional margin might be called for as the spread becomes more profitable and less risky from the customer's point of view.) If the problem were to become acute, as it might in a very steadily rising market, Clearing Members might be forced to liquidate customers' short positions or to take other action which might affect customers' interests. Accordingly, OCC urges the Commission to take action on the new margin proposals filed herewith as promptly as practical.

The filed proposals would, in essence, permit every Clearing Member to instruct the Clearing Corporation as to the long positions carried in customers' and firm accounts which are to be deemed to be "segregated." Any long position as to which the Clearing Corporation receives a segregation instruction will remain in the control of the Clearing Corporation "free of any charge, lien or claim of any kind" in favor of the Clearing Corporation or any person claiming through it and, OCC submits, should satisfy the "control location" provisions of rule 15c3-3 in the manner contemplated by subparagraph (c) (2) of that rule.

If the Clearing Corporation does not receive segregation instructions as to an option contract held in a long position in a customers' or firm account—all long positions in market makers and specialists accounts will be deemed to be unsegregated—that contract will be treated as unsegregated and will be subject to a lien of the Clearing Corporation. It is expected that such unsegregated options in the customers' account will be those for which the Clearing Member does not receive full payment from his customer and those which have been identified as the long "leg" of a spread receiving spread margin treatment under the exchanges' customer margin rules to the extent such options are not "excess margin securities" within the meaning of rule 15c3-3. Thus, the Clearing Corporation would have a lien on long options used as part of a spread for margin purposes—that is, such options would not be deemed to be "fully paid"—so long as the Clearing Member is not required to reduce such options to its control as an excess margin security.

In addition to allowing Clearing Members to hypothecate with the Clearing Corporation options that have not yet been paid for or which are part of spreads, the proposed new margin rules filed herewith would serve, OCC believes, three other purposes. First, they would subject all of the Clearing Members' accounts at the Clearing Corporation to the same margin computation. Second, the new segregated positions would enable the Clearing Corporation to eliminate "firm non-lien accounts" and thus simplify reporting programming. Third, the adoption of the proposed rules would enable the Clearing Corporation to increase the clearing margin required on uncovered short positions without hardship to Clearing Members.

OCC submitted copies of a memorandum transmitted to Clearing Members explaining the operation of the proposed new rules. (Copies of this memorandum may be obtained by contacting the Commission's Public Reference Room.) As noted in the memorandum, it is the Clearing Corporation's intention to increase the margin requirements on short positions to 130% of the aggregate market value of such positions reduced by 70% of the market value of the unsegregated long options of the same class (or 35% of excess long value from other classes). However, for those Clearing Members who will not immediately be able to utilize the "unsegregated long position" aspect of the proposed rules, the Clearing Corporation's intention is to impose initially a margin requirement of 110 percent of the market value of short option contracts and to increase this requirement in one or more stages until it reaches the 130% level.

In order to accomplish the foregoing, the following changes have been proposed. New subparagraphs (iii) and (jjj) of Article I, Section 1 of the By-Laws would define the terms "segregated long position" and "unsegregated long position." The amendment to subparagraph (z) of Article I, Section 1 of the By-Laws would eliminate the existing distinction between a "firm lien account" and a "firm non-lien account." The proposed amendment to Article VI, Section 3(a) of the By-Laws would give the Clearing Corporation a lien on unsegregated long positions in firm accounts and would eliminate the lien on segregated long positions in those accounts. The proposed amendment to Article VI, section 3(a)—which would be renumbered 3(f) upon the adoption of other pending proposals—would give the Clearing Corporation a lien on unsegregated long positions maintained in customers' accounts. The proposed amendments to rule 601 would change that rule almost in its entirety and would provide for the new margin computation that will be applicable to all accounts. (The last paragraph of rule 601 has not been amended except for the addition of the last sentence thereof.) Rule 611 is entirely new and would provide the manner and time of filing segregation instructions with the Clearing Corporation. In addition, the rule would provide that segregated long positions which have been fully paid will be maintained by the Clearing Corporation free of lien. The rule would also provide the manner in which the Clearing Corporation will reduce long positions in an account—as between segregated and unsegregated—upon the closing out or exercise of such positions. The proposed amendment to rule 1104 would add clauses (iii) and (iv) thereof so as to make it clear that the proceeds from the closing out of unsegregated long positions and exercised contracts in the customers' account would be applied only to the payment of the Clearing Member's obligations arising out of that account. (These changes are in addition to the proposed OCC amendment to rule 1104 that was filed with Mr. Navin's letter of February 19, 1975, and noticed on 40 FR 12719, March 20, 1975.) Rules 1105 and 1106 would provide for the different treatment of segregated and unsegregated positions upon the suspension of a Clearing Member.

In addition, the amendment to rule 1106 would make it clear that segregated long positions of a suspended Clearing Member can be exercised by a person having authority to act on behalf of that Member, and that (unless the Clearing Corporation stipulates otherwise) the resulting exercised contracts are to be closed out as provided in rule 1107.

The proposed amendment will become effective upon the 30th day after this notice appears in the FEDERAL REGISTER, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the change in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the amendment to CBOE's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 10-54. The amendment is, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW., Washington, D.C.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

APRIL 1, 1975.

[FR Doc.75-8950 Filed 4-4-75;8:45 am]

[812-3752]

STANDARD & POOR'S/INTERCAPITAL INCOME SECURITIES, INC. AND DR. IRWIN FRIEND

Application for Exemption

Notice is hereby given that Standard & Poor's InterCapital Income Securities, Inc. ("S&P"), 1775 Broadway, New York, New York 10019, registered under the Investment Company Act of 1940 ("Act") as a diversified closed-end company, and Dr. Irwin Friend, Rodney L. White Center for Financial Research, 343 Vance Hall, University of Pennsylvania, Philadelphia, Pennsylvania 19104, a director of S&P (hereinafter collectively referred to as "Applicants") have filed an application on January 17, 1975, and an amendment on March 6, 1975, for an order of the Commission pursuant to section 6(c) of the Act declaring that Dr. Friend shall not be deemed an interested person of S&P within the meaning of section 2(a)(19) of the Act solely by reason of his status as director of PMI Investment Corporation ("PMI"), a registered broker-dealer under the Securities Exchange Act of 1934 ("Exchange Act"). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

PMI was originally organized in December, 1972 to be a holding company of two mortgage insurance companies, PMI Mortgage Insurance Co. and PMI Mortgage Insurance Co. of California (hereinafter collectively referred to as the "Mortgage Insurance Companies"). In September, 1973, PMI and the Mortgage Insurance Companies were acquired by Allstate Insurance Company ("Allstate"). After the acquisition, PMI and PMI Mortgage Insurance Company became direct subsidiaries of Allstate, PMI Mortgage Insurance Company of California became a direct subsidiary of PMI Mortgage Insurance Co., and PMI commenced doing business as a "matchmaker", that is, as a person who brings together buyers and sellers of whole mortgages on residential properties.

PMI anticipates that at some time in the future it may commence acting as a matchmaker in connection with the placement of "participations" in whole mortgages. Because it considered that such mortgage participations may be deemed to be securities within the meaning of the Exchange Act and that its matchmaking activities may subject it to the registration provisions of that Act, PMI registered as a broker-dealer under the Exchange Act.

Section 2(a)(19) of the Act, in pertinent part, defines an "interested person" of an investment company to include any broker or dealer registered under the Exchange Act or any affiliated person of such broker or dealer. Dr. Friend is a director of PMI. He is, therefore, an affiliated person of PMI under section 2(a)(3) of the Act, and, hence, an interested person of S&P under section 2(a)(19) of the Act.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Dr. Friend is Richard K. Mellon, Professor of Finance and Professor of Economics and Finance at The Wharton School of the University of Pennsylvania, and is also Director of the Rodney L. White Center for Financial Research at the University of Pennsylvania.

Applicants state that, aside from his Directorships in PMI and the Mortgage Insurance Companies, Dr. Friend is not affiliated and has never had any business connections with Allstate, PMI or any other affiliated person of any of said companies. As director of PMI and the Mortgage Insurance Companies, Dr. Friend receives approximately $7,000 per annum in directors fees plus actual travel expenses, an insubstantial portion of his gross income.

S&P's investment policy dictates that S&P is to invest all of its assets in fixed income securities and is precluded from purchasing interests in real estate, except that it may invest in marketable securities secured by real estate or interests therein. Applicants state that since the mortgage participations proposed to be the subject of PMI's matchmaking business are not expected to be marketable, S&P will have no occasion to do business with PMI. Furthermore, S&P undertakes that it will not, under any circumstances, do any business with PMI so long as Dr. Friend is a director of S&P and a director of PMI.

S&P believes that it would be inherently misleading to stockholders and unfair to Dr. Friend to identify him as an interested director of S&P since it implies the existence of a question of actual or potential conflict of interest which, Applicants claim, does not in fact exist. Applicants further state that it would be appropriate to treat Dr. Friend as a disinterested director in those instances when the S&P directors vote on a matter which requires majority approval by disinterested directors.

Notice is further given that any interested person may, not later than April 22, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided, by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following April 22, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commissions own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-8949 Filed 4-4-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

BOISE DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Boise District Advisory Council will meet at 10:15 a.m. (m.d.t.), Monday, April 14, 1975, at the Royal Restaurant "Executive Room," 1112 Main Street, in Boise, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write Oliver T. Davis, Small Business Administration, 216 North Eighth Street, Boise, Idaho 83701, (208) 342-2516.

Dated: March 27, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy,
Small Business Administration.

[FR Doc.75-8966 Filed 4-4-75;8:45 am]

SUN CAPITAL CORP.

Filing of Application for Transfer of Control of a Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA), pursuant to § 107.701 of the Regulations governing

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APR 7 75

small business investment companies (13 CFR 107.701 (1975)), for the transfer of control of Sun Capital Corporation (SUN), P.O. Box 10309, Pittsburgh, Pennsylvania 15236, a Federal licensee under the Small Business Investment Act of 1958, as amended (the Act), License No. 03/03-0054.

SUN was licensed on March 9, 1964. Its present combined paid-in capital and surplus is $861,925 with 93,547 shares, issued and outstanding, held by 65 stockholders, of whom Peter L. Snyder owns and/or controls in excess of 50 percent. This proposed transfer of control is subject to and contingent upon, the approval of SBA.

The applicant, Puritan Investors Corporation (Puritan), with offices at 99 Soundview Drive, Port Washington, New York, is exchanging a number of its shares of stock with Peter L. Snyder to receive a sufficient number of Sun's stock to give Puritan 55.07 percent of the issued and outstanding stock of the licensee. The principal office of the licensee will continue to be located in Pittsburgh, Pennsylvania.

The proposed new officers and directors of the applicant are as follows:

Peter L. Snyder, President & Director.
Albert Raisin, Vice President & Director.
Allan Salovin, Secretary.
Francis S. McMichael, Director.

The single largest stockholder in Puritan is Albert Raisin.

Matters involved in SBA's consideration of the application include the general business reputation and character of the new owner and management, and the probability of successful operations of Sun under their management and control, including adequate profitability and financial soundness, in accordance with the Act and regulations.

Notice is hereby given that any interested person may, on or before April 22, 1975, submit to SBA, in writing, relevant comments on the transfer of control. Any such communication should be addressed to:

Deputy Associate Administrator
for Investment
1441 L Street, NW.
Washington, D.C. 20416

A copy of this notice shall be published by the transferee in newspapers of general circulation in Pittsburgh, Pennsylvania.

Dated: March 25, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-8965 Filed 4-4-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON HAZARDOUS MATERIALS LABELING

Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Standards Advisory Committee on Hazardous Materials Labeling, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656) will hold its seventh meeting on April 22 and 23, 1975. The location of the meeting is Conference Room B, Departmental Auditorium, Constitution Avenue and 14th Street, NW., Washington, D.C. The meeting will begin at 10 a.m. on the 22nd and 9 a.m. on the 23rd and will be open to the public.

The proposed agenda for this meeting calls for the full Committee to consider Subgroup working papers on labeling and placarding systems and worker training. Agenda items are subject to change as priorities dictate.

Future meeting dates for the Standards Advisory Committee on Hazardous Materials Labeling are May 8–9 and May 29–30, 1975. The meeting on May 8–9 will be held in the Dupont Room of the Dupont Plaza Hotel, 1500 New Hampshire Avenue, NW., Washington, D.C. The meeting on May 29–30 will be held in Conference Room B of the Departmental Auditorium Constitution Avenue and 14th Street, NW., Washington, D.C. Times for these meetings will be the same as indicated for the April 22–23, 1975, meeting. The Committee will finalize its recommendations and approve the final report during these meetings.

Any member of the public wishing to submit written presentations or recommendations to the Committee may do so by filing such a statement, together with 20 duplicate copies, with the Committee Management Officer at least seven days prior to the meeting date. These statements will be submitted to the Committee members and will be included in the record of the meeting.

The Committee Chairman may permit oral statements before the Committee by interested persons if time permits. Anyone desiring to make an oral presentation should submit a written request to the Committee Management Officer at least seven days before the meeting. The request must have the name and address of the person wishing to appear, the capacity in which he will appear, a short summary of the intended presentation, and the approximate amount of time required for his presentation. These requests will be submitted to the Chairman for his consideration.

All materials which have been submitted to or developed by the Committee, as well as the official record of all Committee proceedings, are available for public inspection and copying at the Committee Management Office. Any copying will be done at the cost of 10¢ per page. However, no arrangement will be made to supply Committee materials to the public at any meeting site.

Any questions concerning Committee activities or requests for copies of Committee materials should be addressed to: Ms. Nancy L. Hucke, Committee Management Officer, Occupational Safety and Health Administration, 1726 M Street NW., Room 200, Washington, D.C. 20210, Phone: 202/961-2248, 2487.

Signed at Washington, D.C. this 4th day of April, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-9154 Filed 4-4-75;9:21 am]

STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Withdrawal of Georgia, New Hampshire and Pennsylvania Plans

Notice is hereby given that the States of Georgia, New Hampshire and Pennsylvania have elected to withdraw their requests for the approval of their occupational safety and health plans by the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary).

The submission of the Georgia plan to the Assistant Secretary for his approval was published in the FEDERAL REGISTER on February 7, 1973 (38 FR 3556). By letter dated April 27, 1973, Governor Jimmy Carter officially notified John H. Stender, Assistant Secretary of Labor for Occupational Safety and Health, of Georgia's intent to withdraw its plan from further consideration by the Assistant Secretary.

The submission of the New Hampshire plan to the Assistant Secretary for his approval was published in the FEDERAL REGISTER on June 8, 1973 (38 FR 15107). By letter dated October 16, 1973, Governor Meldrin Thompson notified Assistant Secretary John H. Stender of New Hampshire's decision to withdraw its plan from further consideration by the Assistant Secretary.

The submission of the Pennsylvania plan to the Assistant Secretary for his approval was published in the FEDERAL REGISTER on February 1, 1973 (38 FR 3123). By letter dated March 21, 1973, Governor Milton Shapp notified Peter Brennan, Secretary of Labor, of Pennsylvania's intent to withdraw its plan from further consideration for approval by the Assistant Secretary.

These actions do not preclude the States of Georgia, New Hampshire and Pennsylvania from resubmitting occupational safety and health plans under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) at any future date.

(Sec. 18 Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C. this 24th day of March 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-8934 Filed 4-4-75;8:45 am]

STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Iowa Plan

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Assistant Regional Directors for Occupational Safety and Health (hereinafter called the Assistant Regional Director) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On July 20, 1973, notice was published in the FEDERAL REGISTER, 38 FR 19368, of the approval of the Iowa plan and the adoption of Subpart J to Part 1952 containing the decision.

The Iowa plan provides for the adoption of Federal standards as State standards (by reference after comments and public hearing). Section 1952.163 of Subpart J sets forth the State's schedule for the adoption of Federal standards. By letter dated December 31, 1974, from Jerry L. Addy, Commissioner of Labor to Joseph A. Reidinger, Assistant Regional Director for Occupational Safety & Health Administration, and incorporated as part of the plan, the State submitted State standards comparable to 29 CFR 1926.451(d)(8), 1926.500(d)(1), 1926.914(e) (39 FR 19470, June 3, 1974); 1926.750(b)(2) (39 FR 24361, July 2, 1974); 1910.21(f)(31), 1910.21(g)(16), 1910.25(c)(1)(iii)(c), 1910.25(c)(2)(iv)(c)(1), 1910.28(b)(12), 1910.31, 1910.37(q)(6), 1910.66, 1910.66(c)(22)(i), 1910.66(c)(22)(vii), 1910.68(b)(4), 1910.68(c)(5)(iv)(c), 1910.94(a)(2)(iii), 1910.94(b)(5)(i)(a), 1910.94(d)(9)(iv), 1910.95, 1910.96(b)(2)(iii), 1910.103(b)(3)(iii)(e), 1910.103(c)(3)(ii)(d), 1910.107(a)(5), 1910.109(i)(2)(iii)(c), 1910.109(d)(6)(i)(a), 1910.110(b)(14)(xvi), 1910.115, 1910.147, 1910.157(c)(4)(iii), 1910.157(d)(4)(iii), 1910.168(a)(15), 1910.178(c)(2), 1910.179(g)(3)(vii), 1910.180(f)(1), 1910.213(p)(4), 1910.215, 1910.217(b)(7)(vii), 1910.221, 1910.246, 1910.252(a)(6)(vi)(a)(6), 1910.252(b)(2)(iii)(b)(2), 1910.254, 1910.261(e)(11), 1910.262(b)(22), 1910.262(m), 1910.263(l)(9)(ix), 1910.265(a)(2), 1910.266(a)(2), 1910.266(c)(2)(vii), 1910.268, 1910.308(a), 1910.308(d), 1910.309(a), 1910.309(b), (39 FR 19468, June 3, 1974); 1910.93q (39 FR 5896, October 4, 1974). These standards, which are contained in Chapter 88 of the Code of Iowa (1973), were promulgated after public comment requested on November 1, 1974, hearings held on December 2, 1974, and resolution adopted by the Iowa Bureau of Labor on December 3, 1974, pursuant to Chapter 17a of the Code. The standards were effective on December 3, 1974, and notice of their adoption was published by the State on January 4, 1975.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards it has been determined that the State standards are identical to the Federal standards, and are hereby approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Assistant Regional Director, Room 3000 Federal Office Building, 911 Walnut, Kansas City, Missouri; the Iowa Bureau of Labor, East 7th and Court Avenue, 4th Floor, Des Moines, Iowa; and Office of the Associate Assistant Secretary for Regional Programs, Room 850, 1726 M Street NW., Washington, D.C. 20210.

4. *Public participation.* Under § 1953.2(c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Iowa State plan as a proposed change and making the Assistant Regional Director's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards and are therefore deemed to be at least as effective.

2. The standards were adopted in accordance with the procedural requirements of State law and further public participation would be unnecessary.

This decision is effective April 7, 1975.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Kansas City, Missouri this 17th of March 1975.

J. A. REIDINGER,
Assistant Regional Director.

[FR Doc.75-8936 Filed 4-4-75;8:45 a.m.]

STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Withdrawal of Mississippi Plan

Notice is hereby given that the State of Mississippi has elected to withdraw its request for the approval of its occupational safety and health plan by the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary). The original submission of the plan to the Assistant Secretary for his approval was published in the FEDERAL REGISTER on February 20, 1973 (38 FR 4696). Following preliminary review of the plan, the State resubmitted its plan to the Assistant Secretary, which resubmission was published in the FEDERAL REGISTER on September 10, 1974 (39 FR 32670).

By letter dated January 23, 1975, Governor Bill Waller formally notified John H. Stender, Assistant Secretary of Labor for Occupational Safety and Health, of his withdrawal of support for the proposed plan and requested that approval of the plan be given no further consideration.

This action does not preclude the State of Mississippi from resubmitting an occupational safety and health plan under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) at any future date.

(Sec. 18 Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C. this 24th day of March 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-8935 Filed 4-4-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 736]

ASSIGNMENT OF HEARINGS

APRIL 2, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 32882 Sub 71, Mitchell Bros. Truck Lines, MC 106497 Sub 86, Parkhill Truck Company and MC 125433 Sub 44, F-B Truck Line Company, now being continued to May 19, 1975, at the Offices Of the Interstate Commerce Commission, Washington, D.C.

MC 71459 Sub 49, O.N.C. Freight Systems, now being assigned April 21, 1975, at Albuquerque, N. Mex., at The Holiday Inn East, 12901 Central, N.E.

I & S 9031, Increased Fares, Baltimore and Ohio Railroad Company, now being assigned May 13, 1975 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 2860 Sub 144, National Freight, Inc., now assigned April 15, 1975 at Washington, D.C., is postponed to May 20, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 129480 Sub 14, Tri-Line Expressways Ltd., now being assigned June 23, 1975 (1 week) at Denver, Colorado; in a hearing room to be designated later.

MC 123407 Sub 218, Sawyer Transport, Inc., now being assigned April 28, 1975 (3 days) at St. Paul, Minnesota, in Court Room No. 2 Federal Building & Courthouse, Kellogg and Robert Street.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-9001 Filed 4-4-75;8:45 am]

[Notice No. 260]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

APRIL 7, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27,

V 40 67
APR 7 75

1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 28, 1975.

Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75490. By order entered March 17, 1975, the Motor Carrier Board approved the transfer to Murty Van, Inc., Hialeah, Fla., of the operating rights set forth in Certificate No. MC-107947, issued August 6, 1964, to O'Dare's Horse Transport, Inc., Hialeah, Fla., authorizing the transportation of show horses and race horses, and equipment and supplies used in their care and display, between points in Massachusetts, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia; and livestock, other than ordinary livestock, and in the same vehicle with such livestock, mascots, personal effects of attendants, trainers, and exhibitors, and supplies and equipment used in the care and exhibition of such animals, between points in the above-specified states, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Ohio, and Tennessee; and between points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Ohio, and Tennessee. Stuart P. Pierson, Suite 1100, 1660 L Street NW., Washington, D.C. 20036, attorney for applicants.

No. MC-FC-75574. By order of March 14, 1975 the Motor Carrier Board approved the transfer to ATA, Inc., doing business as America Interstate Travel, Worthington, Ohio, of License No. MC 130112 issued November 11, 1970, to George A. Hauch, doing business as Hauch Tours, Columbus, Ohio, authorizing it to engage in operations as a broker of passengers and their baggage, in special or charter operations, beginning and ending at points in Franklin County, Ohio, and extending to points in the United States, including Alaska and Hawaii. Thomas E. Palmer, 140 East Town St., Columbus, Ohio, 43215, attorney for applicants.

No. MC-FC-75707. By order entered March 17, 1975 the Motor Carrier Board approved the transfer to LeClair Livestock Trucking, Inc., Billings, Mont., of the operating rights set forth in Certificate No. MC 140067, issued March 14, 1975, to R. L. Bertolins Refrigerated Trucks, Inc., Billings, Mont., authorizing the transportation of meats, from Billings, Mont., to Salt Lake City and Murray, Utah, Reno, Nev., and points in California; fresh meats, from Billings, Mont., to the storage facilities of Best Meats, Inc., at or near Tampa, Fla., restricted to traffic originating at the plant site and storage facilities of Midland Packing Co., Inc. at Billings, Mont.; and livestock, other than ordinary, between points in Montana, on the one hand, and, on the other, points in Idaho, Washington, Oregon, California, Nevada, Utah, Arizona, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, and Nebraska. James P. Murphy, 2512 3rd Ave., N., P.O. Box 1914, Billings, Mont. 59103, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-9002 Filed 4-4-75;8:45 am]

[Notice No. 35]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 2, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a (a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 11722 (Sub-No. 41TA), filed March 25, 1975. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 635, Zillah, Wash. 98953. Applicant's representative: Douglas A. Wilson, 303 East D Street, Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coir yarn, sisal burlap, poly, plastic, paper, fibre, wire, steel, hemp and jute fabric products*, from points in Tacoma, Seattle and Vancouver, Wash.; and Portland, Oreg., to points in Yakima, Benton and Kittitas Counties, Wash.; and Polk, Clackamas, Washington, Yamhill, Lane and Malhuer Counties, Oreg.; and points in San Joaquin, Sutter, Yuba and Sacramento Counties, Calif.; and Ada, Canyon, Gem, Boundary, Payette, Washington, Elmore, Jerome and Twin Falls Counties, Idaho, and between points in Yakima, Benton and Kittitas Counties, Wash.; and Polk, Clackamas, Washington, Yamhill, Lane and Malhuer Counties, Oreg.; and San Joaquin, Sutter, Yuba and Sacramento Counties, Calif.; and Ada, Canyon, Gem, Boundary, Payette, Washington, Elmore, Jerome and Twin Falls Counties, Idaho, for 180 days. Supporting shippers: Hop Growers Supply, Inc., P.O. Box 325, Toppenish, Wash. 98948. S. S. Steiner, Inc., P.O. Box 1347, Yakima, Wash. 98907. Washington State Hop Producers, Inc., P.O. Box 225, Yakima, Wash. 98901. John I. Haas, Inc., P.O. Box 1441, Yakima, Wash. 98907. Porto Corporation, 4200 Columbia Way, Vancouver, Wash. 98661. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 136711 (Sub-No. 19TA), filed March 24, 1975. Applicant: DAVID G. McCORKLE, doing business as McCORKLE TRUCK LINE, 2780 S. High, P.O. Box 95181, Oklahoma City, Okla. 73109. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Bldg., 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, (1) from the plantsites of Southwestern Coal Co., at Spadra, Ark., and Buckhorn Coal Co., Ltd, at Prairie View, Ark., to the plantsites of Kingsford Co., at Dothan, Ala.; Belle, Mo.; and Burnside, Ky.; and (2) from the plantsite of Southwestern Coal Co., Spadra, Ark., to the plantsite of Sherwin-Williams Company at Coffeyville, Kans., for 180 days. Supporting shippers: Kingsford Co., LaVern N. Forseph, T.M., P.O. Box 1033, Louisville, Ky. 40201. Sherwin-Williams Company, Wayne Livingston, Pur. Agt., P.O. Box 855, Coffeyville, Kans. 67337. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 110525 (Sub-No. 1119TA), filed March 21, 1975. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Ave., Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay slurry*, in bulk, in tank vehicles, from Huber, Ga., to points in Ashland, Ohio, for 180 days. Supporting shipper: General Latex & Chemical Company, 1526 Cleveland Ave., Ashland, Ohio 44805. Send protests to: Peter R. Guman, District Supervisor, Federal Bldg., Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

No. MC 114457 (Sub-No. 227TA), filed March 24, 1975. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead and lead alloys* (except commodities which because of size or weight require use of special equipment), from Glover, Mo., to points in California, Florida, Georgia, Illinois, Indiana, Louisiana, Minnesota, Massachusetts, New Jersey, New York, Pennsylvania, Texas, West Virginia and Wisconsin for 180 days. Supporting shipper: American Smelting and Refining Company, Suite 2506, 720 Olive Street, St. Louis, Mo. 63101. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 414 Federal Bldg., & U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 125512 (Sub-No. 10TA) (Correction), filed March 14, 1975, published in the FEDERAL REGISTER issue of March 26, 1975, and republished as corrected this issue. Applicant: ELTON F. BURISH, Route 2, Box 58A, Marathon, Wis. 54448. Applicant's representative: Nancy Johnson, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, (1) from Bessemer, Mich., to Tomahawk and Rothchild, Wis., for Iron Wood Products Corp.; (2) from South Range, Mich., to Green Bay, Wis., for Northern Hardwoods Division/Copper Range Company, for 180 days. Supporting shippers: Iron Wood Products Corp., P.O. Box 26, Bessemer, Mich. 49911. Northern Hardwoods Division/Copper Range Company, 300 W. Memorial Ave., Houghton, Mich. 49911. Send protests to: Barney L. Hardin, District Supervisor, 139 W. Wilson St., Room 202, Madison, Wis. 53703. The purpose of this republication is to state the address in which the protests are to be sent, which was omitted in the previous publication.

No. MC 125543 (Sub-No. 9TA), filed March 25, 1975. Applicant: PERISHABLE SERVICES, INC., 770 Springdale Road, Waukesha, Wis. 53187. Applicant's representative: Frank M. Coyne, 25 West Main Street, Madison, Wis. 53703. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail food houses, from Beaver Dam, Wis., to points in the State of Illinois on and north of Interstate Highway 80, except points contained within the Chicago, Illinois Commercial Zone, for 180 days. Supporting shipper: Beaver Dam Wholesale Company, 770 N. Springdale Road, Waukesha, Wis. 53187. Send protests to: John E. Ryden, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 133977 (Sub-No. 21TA), filed January 23, 1975, published in the FEDERAL REGISTER issue of February 10, 1975, and republished as corrected this issue. Applicant: GENE'S, INC., 10115 Brookville Salem Road, Clayton, Ohio 45315. Applicant: GENE'S, INC., 10115 Brookberry, 9th Floor, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities dealt in by a retail distributor of pizza ingredients, fish, potatoes, and fish and potato ingredients and equipment, materials and supplies used in the manufacture of pizza ingredients, fish, potatoes, and fish and potato ingredients*, (1) from Kettering, Ohio to the Cassano Pizza King and London Bobby Stores at Quincy, Ill.; Hannibal, Mo.; Madison and Keokuk, Iowa, Lexington, Louisville and Maysville, Ky.; Erie, Pa.; and Detroit, Mich., and (2) from Detroit, Mich.; Chicago and Springfield, Ill.; St. Louis, Mo.; and Pittsburgh, Pa., to Kettering, Ohio. Restricted: to service in dual refrigerated compartmented trailers, for 180 days. Supporting shipper: Cassano Enterprises, Inc., 1700 East Stroop Road, Dayton, Ohio 45429. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B FOB, 550 Main St., Cincinnati, Ohio 45202. The purpose of this republication is to correct the territorial description.

No. MC 134538 (Sub-No. 3 TA), filed March 24, 1975. Applicant: JOHN L. CLARK, Route 3, Montpelier, Ohio 43543. Applicant's representative: Michael Marshall Briley, 1200 Edison Plaza, 300 Madison Ave., Toledo, Ohio 43604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* contained in piggy-back trailers loaded or empty, having an immediately prior or subsequent movement by rail, between Montpelier, Ohio, on the one hand, and, on the other, points in Wood, Lucas, Erie, Ottawa, Henry, Sandusky, Paulding, and Van Wert Counties, Ohio; between Montpelier, Ohio, on the one hand, and, on the other, points in Lagrange, Steuben, Noble, De Kalb, Allen, and Whitley Counties, Ind.; and between Montpelier, Ohio, on the one hand, and, on the other, points in Berrien, Cass, St. Joseph, Branch, Hillsdale, Lenawee, Monroe, Washtenaw, Jackson, Calhoun, Kalamazoo, Van Buren, Allegan, Barry, Eaton, Ingham, Livingston, Genesee, Shiawassee, Clinton, Ionia, Kent, Ottawa, and Muskegon Counties, Mich., restricted in each and every case to the transportation of piggy-back trailers loaded or empty, having an immediately prior or subsequent movement by rail, for 180 days. Supporting shippers: There are approximately 7 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 135550 (Sub-No. 3TA), filed March 25, 1975. Applicant: MILLER BROS. TRUCK LINE, P.O. Box 1049, Salmon, Idaho 83467. Applicant's representative: William S. Richards, 1515 Walker Bank Bldg., P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, liquid commodities in bulk, and commodities requiring special equipment, between Idaho Falls, Idaho and the junction of U.S. Highway 91 (Interstate 15) and Montana Highway 324, serving no intermediate points and serving the point of Idaho Falls, Idaho, for the purpose of joinder only, with the authority of Lee M. Jawkes, doing business as Lee Hawkes Transfer, Certificate No. MC-39729. Applicant requests authority to join the applied for authority with its existing regular-route authority in Docket No. MC 135550 Sub. 1 at the junction of U.S. Highway 91 (Interstate 15) and Montana Highway 324 in order to provide service to authorized service points on U.S. Highway 91 (Interstate 15) and the authorized service points of Butte and Missoula, Montana. Applicant further requests that the restrictions against interlining and tacking be negated, for 180 days. Supporting shipper: Whitfield Transportation, Inc., 414 W. 500 South, Salt Lake City, Utah. Send protests to: C. W. Campbell, Interstate Commerce Commission, 550 West Fort Street, Box 07, Boise, Idaho 83724.

No. MC 136249 (Sub-No. 8 TA), filed March 25, 1975. Applicant: JAMES R. GALBRAITH, INC., 1735 13th Ave., South, Clinton, Iowa 52732. Applicant's representative: George W. Pillers, Jr., Executive Plaza Bldg., 1127 N. 2nd Street, Clinton, Iowa 52732. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising material*, from points in the Minneapolis-St. Paul, Minnesota Commercial Zone and Omaha, Nebr., to Dubuque, Iowa, for 180 days. Supporting shipper: Clemens Beverage, Inc., 311 3rd Street, Dubuque, Iowa 52001. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 136605 (Sub-No. 3TA), filed March 24, 1975. Applicant: DAVIS BROS., DIST., INC., 2024 Trade Street, P.O. Box 1027, Missoula, Mont. 58901. Applicant's representative: W. E. Seliski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials and supplies* (except commodities in bulk, in tank vehicles), from points on the International Boundary between Canada

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and the United States at or near Sweetgrass and Roosville, Mont., to points in Montana and Washington, applicant will tack this authority with pending authority from Canadian authorities to provide a thru service from Canada, for 180 days. Supporting shipper: Thikn Thin Building Materials, 620 Charles St., Billings, Mont. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. P.O. Bldg., Billings, Mont. 59101.

No. MC 138844 (Sub-No. 4TA), filed March 24, 1975. Applicant: GAS INCORPORATED, 87 Industrial Ave., East, Lowell, Mass. 01853. Applicant's representative: John T. Hildemann, P.O. Box 4327, Jersey City, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Newington, N.H., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont, for 180 days. Supporting shipper: SEA-3, Inc., One State Street, Boston, Mass. Send protests to: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, 150 Causeway St., Room 501, Boston, Mass. 02114.

No. MC 139134 (Sub-No. 4TA), filed March 25, 1975. Applicant: KENNEDY MOTORS, INC., 1305 South Mountain Ave., P.O. Box 919, Monrovia, Calif. 91016. Applicant's representative: Frederick J. Coffman, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and frozen vegetables*, from the facilities utilized by San Juan Packers, Inc., located at or near La Conner, Everson and Bellingham, Wash., to points in Arizona, California, Idaho, Nevada, Oregon and Utah, for 180 days. Supporting shipper: San Juan Packers, Inc., P.O. Box 487, Bellingham, Wash. 98225. Send protests to: Walter W. Strakosch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1312 Federal Bldg., 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 139341 (Sub-No. 2TA), filed March 24, 1975. Applicant: J. J. PERRY, JR. and EDWARD BAILEY, doing business as P & G TRUCKING COMPANY, Rural Free Delivery, Horn Lake, Miss. 38637. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Bldg., P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid brewer's grain effluent*, in bulk, in tank vehicles, from the facilities of the Joseph Schlitz Brewing Company, Memphis, Tenn., to the facilities of Murphy Products Co., Inc., at or near Burlington, Wis., for 180 days. Supporting shipper: Murphy Products Co., Inc., 124 South Dodge, Burlington, Wis. 53105. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Office Bldg., 167 North Main Street, Memphis, Tenn. 38103.

No. MC 139432 (Sub-No. 2TA), filed March 24, 1975. Applicant: SUNRISE TRANSPORTATION, INC., J 9850 East Highway 120, Manteca, Calif. 95336. Applicant's representative: Thomas M. Loughlan, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank truck equipment, from the Amstar Corporation, Spreckels Sugar Division plant near Serape, Ariz., to Astar Corporation, Spreckels Sugar Division plants in or near Woodland, Mendota, Spreckels and Manteca, Calif., under a continuing contract or contracts with Amstar Corporation, Spreckels Sugar Division, for 180 days. Supporting shipper: Amstar Corporation, Spreckels Sugar Division, 50 California Street, San Francisco, Calif. 84111. Send protests to: A. J. Rodriquez, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102.

No. MC 140719 (Sub-No. 1TA), filed March 25, 1975. Applicant: HAY ENTERPRISES, INC., P.O. Box 110, Martha, Ky. 41159. Applicant's representative: David B. Whites, Main Cross and Perry, Louisa, Ky. 41320. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from Lawrence County, Ky., to points in Lawrence County, Ohio, for 180 days. Supporting shipper: Carson Hay, President, Dorsa Industries, Inc., P.O. Box 584, Ashland, Ky. 41101. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, 222 Bakhaus Bldg., 1500 West Main Street, Lexington, Ky. 40505.

No. MC 140728 (Sub-No. 1TA), filed March 24, 1975. Applicant: LAWRENCE BRUNS, Rural Route, Lennox, S. Dak. 57039. Applicant's representative: Mark Menard, 307 West Fourteenth, Sioux Falls, S. Dak. 57105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and supplies*, from Sioux Falls, S. Dak., to points in South Dakota, Minnesota, Iowa and that part of Nebraska lying east of Highway 81, for the account of Terrace Park Dairy, Sioux Falls, S. Dak., for 180 days. Supporting shipper: Terrace Park Dairy, 1501 West Tenth Street, Sioux Falls, S. Dak. 57102. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 140729 (Sub-No. 1TA), filed March 24, 1975. Applicant: RUSS EDIGER TRUCKING, INC., 5001 W. 40th Street, Sioux Falls, S. Dak. 57105. Applicant's representative: M. Mark Menard, 307 West Fourteenth, Sioux Falls, S. Dak. 57102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and supplies*, from Sioux Falls, S. Dak., to points in South Dakota, Minnesota, Iowa and that part of Nebraska lying east of Highway 81, for 180 days. Supporting shipper: Terrace Park Dairy, 1501 West Tenth Street, Sioux Falls, S. Dak. 57102. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 140771 TA, filed March 19, 1975. Applicant: MAC TRUCK LINES, INC., 6051 North Brookline, Oklahoma City, Okla. 73112. Applicant's representative: Charles Nesbitt, 1703 N. Hudson, Oklahoma City, Okla. 73103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission and distribution of natural gas or petroleum, and their products and by-products; and *machinery, equipment, materials and supplies* used in repair, service, maintenance and dismantling of pipe lines, except in connection with main or trunk pipe lines, between points in Oklahoma, Texas, Louisiana (South of U.S. Highway 190); Arkansas (West of U.S. Highway 65); Kansas (West of U.S. Highway 81); New Mexico (East of U.S. Highway 285); Colorado (East of U.S. Highway 285, South of Denver, East of U.S. Highway 85 North of Denver); Wyoming; Utah (North of U.S. Highway 50); and North Dakota (West of U.S. Highway 83), for 180 days. Supporting shippers: Midwest Mud Co., Jack Anderson, Sec., Treas., 6051 N. Brookline, Oklahoma City, Okla. 73112. Hoover & Bracken Oil, Properties, Inc., G. Carl Hale, 3232 Liberty Bank Tower, Oklahoma City, Okla. 73102. Long & Atteberry, Inc., James E. Long, Pres., 1st National Center East, Oklahoma City, Okla. 73102. Jake L. Hamon, Oil Producer, Howard W. Shaw, Prod., Supt., Midland, Tex. Boviard Supply Co., J. J. Donohu, Sales Manager, 2609 1st National Center, Oklahoma City, Okla. 73102. Wessely Energy Corp., James H. Montgomery, V. P., 2001 Bryan Tower, Suite 953, Dallas, Tex. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240, Old Post Office Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 140776 TA, filed March 20, 1975. Applicant: ROBERT L. GARAFOLI AND DONALD J. SALYER, doing business as D. J. SALYER TRUCKING, 84 Manchester Street, Concord, N.H. 03301. Applicant's representative: Mr. Cleveland, 16 Centre Street, Concord, N.H. 03301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight requires the use of special equipment, between points in Maine, New Hampshire, Vermont and Massachusetts, for 180 days. Supporting shippers: There are approximately 6 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Bldg., Concord, N.H. 03301.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-9004 Filed 4-4-75;8:45 am]

PIPELINE ADVISORY COMMITTEE ON VALUATION

Certification and Establishment

The Interstate Commerce Commission in compliance with the Federal Advisory Committee Act (Pub. L. 92-463) has been granted approval by appropriate authority to renew its advisory committee known as the Pipeline Advisory Committee on Valuation. Continuation of this advisory committee is in the public interest since it will afford all interested parties with the opportunity to submit data and information appropriate to the determination of annual price/cost indices for pipeline facilities and equipment. Furthermore, it will provide all interested parties with an opportunity to attend, appear before, or file statements at any future scheduled meetings of this committee.

NATURE AND PURPOSE OF COMMITTEE

The committee will provide the Bureau of Accounts with data and information needed by the Commission to determine annual price/cost indices for pipeline facilities and equipment. These indices are vital to the Commission in determining:

(1) Original (basic) valuations of all oil pipelines as required by section 19a of the Interstate Commerce Act.

(2) Annual valuations for each pipeline which the Commission must do to comply with the requirement of section 19a that on completion of such original valuations it shall keep itself informed of all new construction, extensions, and improvements in each such pipeline and all changes in the investment and the valuation.

In certain cases valuations have been the basis upon which the Commission has determined the reasonableness of pipeline rates, and those valuations are certified by the Commission to the Department of Justice for its use in determining compliance by the pipelines with the oil pipeline Consent Decree.

These valuations are also used by state and local authorities in the regulation of pipeline rates and in the taxation of pipeline properties.

The committee will serve in an advisory capacity only; completely independent and final calculation of data and information submitted by the committee will be made by the Commission's Bureau of Accounts.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-9003 Filed 4-4-75;8:45 am]

TEMPORARY AUTHORITY TERMINATION

[NOTICE #36]

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
May Trucking Co., MC-128527 Sub 30	MC-128527 Sub-36	Mar. 29, 1974
Bankers Dispatch Corp., MC-128616 Sub 12	MC-128616 Sub-13	Apr. 18, 1974
Dixon Brothers, Inc., MC-128685 Sub 14	MC-128685 Sub-15	Apr. 23, 1974
Diaz Motor Freight, Inc., MC-129826 Sub 5	MC-129826 Sub-6	Apr. 9, 1974
C. B. Transportation, Inc., MC-129413 Sub 9	MC-129413 Sub-8	Apr. 23, 1974
Polar Transport, Inc., MC-129600 Sub 11	MC-129600 Sub-13	Apr. 18, 1974
Davison Transport, Inc., MC-129784 Sub 5	MC-129784 Sub-6	Mar. 29, 1974
Hely Truck Lines, Inc., MC-133119 Sub 21, 24	MC-133119 Sub-26	May 1, 1974
North Star Transport, Inc., MC-134145 Sub 34	MC-134145 Sub-36	Apr. 18, 1974
Bestway Express, Inc., MC-134400 Sub 5	MC-134400 Sub-7	Apr. 9, 1974

Temporary authority application	Final action or certificate or permit	Date
Schults Transit, Inc., MC-134631 Sub 15	MC-134631 Sub-16	Apr. 18, 1974
DBA, Dziak Produce Co., MC-134721 Sub 4	MC-134721 Sub-5	Apr. 11, 1974
Ashcraft Trucking, Inc., MC-135052 Sub 3	MC-135052 Sub-4	Apr. 16, 1974
G. P. Sullivan Co., MC-126066 Sub 6	MC-126066 Sub-7	Apr. 12, 1974
Martin Transit, Inc., MC-126453 Sub 3	MC-126453 Sub-9	Apr. 18, 1974
DBA, Cumbers & Tolter Scenic Railroad, MC-136541	MC-136541 Sub-1	Apr. 9, 1974
DBA, Price's Transportation, MC-136685	MC-136685 Sub-1	Apr. 12, 1974
Consolidated Parcel Service, Inc., MC-126746 Sub 1	MC-126746 Sub-2	Apr. 19, 1974
DBA, Lee Contract Carriers, MC-136848	MC-136848 Sub-1	June 10, 1974
JFT, Inc., MC-136896	MC-136896 Sub-1	Apr. 23, 1974
DBA, Blue Hen Delivery Co., MC-126014 Sub 1	MC-126014 Sub-2	Apr. 9, 1974
Superior Molasses Service, Inc., MC-136116 Sub 2	MC-136116 Sub-1	Apr. 15, 1974

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-9000 Filed 4-4-75;8:45 am]

[Notice No. 35]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Joe Brown Co., Inc., MC-126008 Sub 9	MC-126008 Sub-10	May 13, 1974
Waldorf Transportation Co., Inc., MC-126485 Sub 2	MC-126485 Sub-3	May 6, 1974
Green Mountain Carriers, Inc., MC-126647 Sub 1	MC-126647 Sub-2	May 17, 1974
Rebco Transportation, Inc., MC-126786 Sub 23	MC-126786 Sub-29	May 10, 1974
Southern Idaho Transport, Inc., MC-126832	MC-126832 Sub-1	May 17, 1974
DBA, Schnib Brothers Trucking, MC-128085	MC-128085 Sub-1	May 16, 1974
Lemmens & Co., Inc., MC-126128 Sub 1	MC-126128 Sub-2	May 13, 1974
Dana Corporation, MC-126268	MC-126268 Sub-1	May 9, 1974
Goshen Transport, Inc., MC-126372 Sub 1	MC-126372 Sub-2	May 3, 1974
DBA, Mary's Wrecker Service, MC-126561 Sub 1	MC-126561	May 23, 1974
Northern Gas, Inc., MC-126758 Sub 1	MC-126758 Sub-2	May 8, 1974
DBA, Tee Jay Delivery, MG-126766 Sub 1	MC-126766 Sub-2	May 23, 1974
DBA, Deem Trucking, MC-126889 Sub 1	MC-126889 Sub-2	May 23, 1974

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-8839 Filed 4-4-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

MARCH 31, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before April 17, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 95540 (Sub-No. E721), filed May 20, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's repre-

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sentative: Clyde W. Carver, Suite 212, 5299 Roswell Rd., N.E., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from those points in North Carolina east of U.S. Highway 301 to those points in Nevada on and south of a line beginning at the Nevada-Utah State line and extending along U.S. Highway 60/50 to junction Nevada Highway 51, then Nevada Highway 51 to junction Interstate Highway 40, then Interstate Highway 40 to junction Nevada Highway 49, then Nevada Highway 49 to junction Nevada Highway 34, then Nevada Highway 34 to the Nevada-California State line. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla., and Gulfport, Miss.

No. MC 95540 (Sub-No. E724), filed May 17, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd., N.E., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except in bulk and except meats, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), from points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC 95540 (Sub-No. E727), filed May 17, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd., N.E., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, not frozen, in vehicles equipped with mechanical refrigeration (except in bulk and except meats, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), from points in Texas, to those points in Kentucky on and east of a line beginning at the Kentucky-Ohio State line and extending along Kentucky Highway 11 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction Kentucky Highway 15, thence along Kentucky Highway 15 to junction Kentucky Highway 11, thence along Kentucky Highway 11 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 229, thence along Kentucky Highway 229 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC 95540 (Sub-No. E731), filed May 17, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd., N.E., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruit drinks* and *frozen juices*, from points in Florida (except those in Jacksonville County), to points in Maine. The purpose of this filing is to eliminate the gateway of Bridgeton, N.J.

No. MC 95540 (Sub-No. E735), filed May 17, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd., N.E., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in South Carolina, to points in California. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla., and Gulfport, Miss.

No. MC 95540 (Sub-No. E738), filed May 17, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd., N.E., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from those points in New Jersey on and south of New Jersey Highway 33, to those points in Texas on and south of a line beginning at the Texas-Louisiana State line and extending along Texas Highway 21 to junction Texas Highway 294, thence along Texas Highway 293 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Texas Highway 158, thence along Texas Highway 158 to junction Texas Highway 59, thence along Texas Highway 59 to junction County Road 181, thence along County Road 181 to junction Texas Highway 115, thence along Texas Highway 115 to junction Texas Highway 128, thence along Texas Highway 128 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla., and Gulfport, Miss.

No. MC 95540 (Sub-No. E739), filed May 17, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. N.E., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from those points in Virginia on and south of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Interstate Highway 64, thence along Interstate Highway 64 to the Chesapeake Bay, to those points in Nevada on and south of a line beginning at the Nevada-California State line and extending along U.S. Highway 40 to junction U.S. Highway alternate 95, thence along U.S. Highway Alternate 95 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Nevada-Utah State line. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla., and Gulfport, Miss.

No. MC 95540 (Sub-No. E740), filed May 17, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd., N.E., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, not frozen, in vehicles equipped with mechanical refrigeration (except in bulk and except meats, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), from Brownsville, Tex., to Mackinaw City, Mich. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC 95540 (Sub-No. E741), filed May 17, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd., N.E., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, *coconuts*, and *pineapples*, when moving in the same vehicle and at the same time with bananas, from those points in Pennsylvania east of U.S. Highway 15 to those points in Mississippi on and south of a line beginning at the Mississippi-Alabama State line and extending along U.S. Highway 98 to junction Mississippi Highway 26, thence along Mississippi Highway 26 to the Mississippi-Georgia State line. The purpose of this filing is to eliminate the gateway of Jacksonville, Fla.

No. MC 95540 (Sub-No. E742), filed May 17, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd., N.E., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from those points in North Carolina east of U.S. Highway 301 to points in Oklahoma on and west of U.S. Highway 283. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla., and Gulfport, Miss.

No. MC 95540 (Sub-No. E743), filed May 17, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd., N.E., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from those points in North Carolina on and east of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 301 to junction U.S. Highway 3, then U.S. Highway 3 to junction U.S. Highway 258, then U.S. Highway 258 to the North Carolina-Virginia State line, to those points in Texas on and west of a line beginning at the Louisiana-Texas State line and extending along Texas Highway 21 to junction Texas Highway 103, then Texas Highway 103 to junction U.S. Highway 287, then U.S. Highway 287 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Jacksonville, Fla., and Gulfport, Miss.

No. MC 95540 (Sub-No. E744), filed May 17, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd., N.E., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from those points in New Jersey on and south of a line beginning at the Delaware-New Jersey State line and extending along Interstate Highway 295 to junction New Jersey Highway 49, excluding Deepwater, then New Jersey Highway 49 to junction New Jersey Highway 50, then New Jersey Highway 50 to junction County Road 585, then County Road 585 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla., and Gulfport, Miss.

No. MC 95540 (Sub-No. E745), filed May 17, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd., N.E., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from those points in New Jersey on and south of a line beginning at the New York-New Jersey State line and extending along U.S. Highway 19 to junction New Jersey Highway 27, then New Jersey Highway 27 to junction U.S. Highway 1, then U.S. Highway 1 to the New Jersey-Pennsylvania State line, to those points in Arizona on and west of a line beginning at the New Mexico-Arizona State line and extending along U.S. Highway 80 to junction Interstate Highway 10, then Interstate Highway 10 to junction Interstate Highway 8, then Interstate Highway 8 to the California-Arizona State line. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla., and Gulfport, Miss.

No. MC 95540 (Sub-No. E746), filed May 17, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd., N.E., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, not frozen, in mixed loads with citrus products, not canned, and not frozen, in vehicles equipped with mechanical refrigeration, from those points in Florida on and east of a line beginning at the Florida-Georgia State line and extending along U.S. Highway 221 to junction Florida Highway 361, then Florida Highway 361 to the Gulf of Mexico, to those points in Texas north of a line beginning at the Texas-Arkansas State line and extending along U.S. Highway 59 to junction Texas Highway 155, then Texas Highway 155 to junction U.S. Highway 271, then U.S. Highway 271 to junction Texas Highway 31, then Texas Highway 31 to junction U.S. Highway 84, then U.S. Highway 84 to junction Texas Highway 16, then Texas Highway 16 to junction U.S. Highway 190, then U.S. Highway 190 to junction U.S. Highway 87, then U.S. Highway 87. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC 96719 (Sub-No. E1), filed February 6, 1975. Applicant: THRASHER TRUCKING COMPANY, P.O. Box 116, Monahans, Texas 79765. Applicant's representative: Mike Cotten, P.O. Box 1148, Austin, Texas 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, *equipment* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, but excluding pipe stringing, or picking up in connection with the construction or dismantling of pipe lines; *machinery*, *materials*, *supplies*, and *equipment* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; *machinery* and *equipment* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and *materials* and *supplies* (not including sulphur) used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job, construction, plant (including refining, manufacturing, and processing plant) sites or storage sites; *machinery*, *equipment*, *materials*, and *supplies* used in, or in connection with, the drilling of water wells; *machinery*, *equipment*, *materials*, and *supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; *earth drilling machinery and equipment*, and *machinery equipment*, *materials*, and *supplies* and *pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resuting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in New Mexico on the one hand, and, on the other, Jasper, Lone Star, Bond, Teneha, and Orange, Tex. The purpose of this filing is to eliminate the gateway of points in that part of Texas on, west and south of a line extending in a southerly direction from the Oklahoma-Texas State line along U.S. Highway 81 to San Antonio, Tex., thence in an easterly direction along U.S. Highway 90 to Houston.

No. MC 96719 (Sub-No. E2), filed February 8, 1975. Applicant: THRASHER TRUCKING COMPANY, P.O. Box 116, Monahans, Texas 79765. Applicant's representative: Mike Cotten, P.O. Box 1148, Austin, Texas 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, *equipment* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, but excluding pipe stringing, or picking up in connection with the construction or dismantling of pipe lines; *machinery*, *materials*, *supplies*, and *equipment* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; *machinery* and *equipment* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and *materials* and *supplies* (not including sulphur) used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job, construction, plant (including refining, manufacturing, and processing plant) sites or storage sites;

Machinery, *equipment*, *materials*, and *supplies* used in, or in connection, with the drilling of water wells; *machinery*, *equipment*, *materials*, and *supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; *earth drilling machinery* and

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equipment, and *machinery equipment, materials, supplies*, and *pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, (1) between Lone Star and Bond, Texas, on the one hand, and, on the other, points in Oklahoma located on and west of U.S. Highway 81, (2) between Tenaha, Tex., and points in Oklahoma on, west and north of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 177 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 77 along U.S. Highway 77 to the Oklahoma-Texas State line, (3) between Jasper, Tex., and points in Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line thence along Oklahoma Highway 99 to junction U.S. Highway 377, thence along U.S. Highway 377 to the Oklahoma-Texas State line; (4) between Orange, Tex., and points in Oklahoma on and west of U.S. Highway 75. The purpose of this filing is to eliminate the gateways of points in Texas on, west and south of a line extending in a southerly direction from the Oklahoma-Texas State line along U.S. Highway 81 to San Antonio, Tex., thence in an easterly direction along U.S. Highway to Heuston.

No. MC 96719 (Sub-No. E3), filed February 6, 1975. Applicant: THRASHER TRUCKING COMPANY, P.O. Box 116, Monahans, Tex. 79765. Applicant's representative: Mike Cotten, P.O. Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment* and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof; *machinery* and *equipment* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and *materials* and *supplies* (not including sulphur) used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job, construction, plant (including refining, manufacturing, and processing plant) sites or storage sites;

Machinery, equipment, materials, and *supplies* used in, or in connection with, the drilling of water wells; *machinery, equipment, materials*, and *supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells between points in Lea and Eddy Counties, N. Mex., on the one hand, and, on the other, Jasper, Lone Star, Bond, Tenaha, and Orange, Tex. The purpose of this filing is to eliminate the gateways of points in that part of Texas on and west of U.S. Highway 81, not including those in Bexar and Tarrant Counties, Tex.

No. MC 96719 (Sub-No. E4), filed February 6, 1975. Applicant: THRASHER TRUCKING COMPANY, P.O. Box 116, Monahans, Tex. 79765. Applicant's representative: Mike Cotten, P.O. Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies*, and *equipment* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in New Mexico and that part of Texas on, west and south of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 81 to junction U.S. Highway 90, thence along U.S. Highway 90 to Houston, Tex. on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateways of points in Oklahoma.

No. MC 96719 (Sub-No. E5), filed February 6, 1975. Applicant: THRASHER TRUCKING COMPANY, P.O. Box 116, Monahans, Tex. 79765. Applicant's representative: Mike Cotten, P.O. Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies, and equipment* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, (1) between Orange and Jasper, Tex., on the one hand, and, on the other, points in Kansas; (2) between Tenaha, Tex., on the one hand, and, on the other points in Kansas on and west of a line beginning at the Missouri-Kansas State line, thence along U.S. Highway 59 to junction Kansas Highway 4, thence along Kansas Highway 4 to junction Kansas Highway 99.

Thence along Kansas Highway 99 to the Kansas-Oklahoma State line; (3) between Lone Star and Bond, Tex., on the one hand, and, on the other, points in Kansas on and west of a line beginning at the Nebraska-Kansas State line thence along U.S. Highway 77 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of points in that part of Texas on, west and south of a line extending in a southerly direction from the Oklahoma-Texas State line along U.S. Highway 81 to San Antonio, Tex., thence in an easterly direction along U.S. Highway 90 to Houston and points in Oklahoma.

No. MC 96719 (Sub-No. E6), filed February 6, 1975. Applicant: THRASHER TRUCKING COMPANY, P.O. Box 116, Monahans, Tex. 79765. Applicant's representative: Mike Cotten, P.O. Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery and equipment, and machinery*, equipment, materials, supplies and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Arizona on and north of U.S. Highway 66, on the one hand, and, on

the other, points in Oklahoma and that points in that part of Texas on, west and south of a line beginning at the Oklahoma-Texas State line thence along U.S. Highway 81 to junction U.S. Highway 90, thence along U.S. Highway 90 to Houston, Tex. The purpose of this filing is to eliminate the gateways of points in New Mexico on and north of U.S. Highway 66.

No. MC 96719 (Sub-No. E7), filed February 6, 1975. Applicant: THRASHER TRUCKING COMPANY, P.O. Box 116, Monahans, Tex. 79765. Applicant's representative: Mike Cotten, P.O. Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Arizona on and north of U.S. Highway 66, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateways of points in New Mexico on and north of U.S. Highway 66 and Oklahoma.

No. MC 97619 (Sub-No. E8), filed February 6, 1975. Applicant: THRASHER TRUCKING COMPANY, P.O. Box 116, Monahans, Tex. 79765. Applicant's representative: Mike Cotten, P.O. Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Arizona on and north of U.S. Highway 66 on the one hand, and, on the other, Jasper, Lone Star, Bond, Tenaha, and Orange, Texas. The purpose of this filing is to eliminate the gateways between points in Texas on, west and south of a line extending in a southerly direction from the Oklahoma-Texas State line along U.S. Highway 81 to San Antonio, Tex., thence in an easterly direction along U.S. Highway 90 to Houston and points in New Mexico on and north of U.S. Highway 66.

No. MC 96719 (Sub-No. E9), filed February 6, 1975. Applicant: THRASHER TRUCKING COMPANY, P.O. Box 116, Monahans, Tex. 79765. Applicant's representative: Mike Cotten, P.O. Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies, and equipment* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells. From Kansas City, Mo. to points in Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line thence along Oklahoma Highway 18 to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to junction Oklahoma Highway 99, thence along Oklahoma Highway 99 to junction Oklahoma Highway 7, thence along Oklahoma Highway 7 to junction Oklahoma Highway 7 to junction Oklahoma Highway 48, thence along Oklahoma Highway 48 to junction Oklahoma Highway 78, thence along Oklahoma Highway 78, to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateways points in Kansas on and east of Kansas Highway 23 and on and west of U.S. Highway 77.

No. MC 96719 (Sub-No. E10), filed February 6, 1975. Applicant: THRASHER TRUCKING COMPANY, P.O. Box 116, Monahans, Tex. 79765. Applicant's representative: Mike Cotten, P.O. Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies, and equipment* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, From Kansas City, Mo., to points in Arizona on and north of U.S. Highway 66. The purpose of this filing is to eliminate the gateways of points in Kansas on and east of Kansas Highway 23 and, on and west of U.S. Highway 77, points in Oklahoma and points in New Mexico on and north of U.S. Highway 66.

No. MC 103926 (Sub-No. E1), filed May 31, 1974. Applicant: W. T. MAYFIELD SONS TRUCKING CO., P.O. Box 947, Mableton, Ga. 30059. Applicant's representative: Paul M. Daniell, Suite 1600 1st Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Prestressed* and *precast concrete* and *prestressed and precast concrete products*, from Charlotte, N.C., to points in Alabama, points in that part of Tennessee on and west of U.S. Highway 41, points in that part of Florida west of the Suwanee River, and points in that part of Florida in and south of Pinellas, Hillsborough, Polk, Osceola, and Indian River Counties, Fla. (Fulton County, Ga.)*; and (B) *Contractors' metal tanks*, setup, requiring special equipment and handling, not limited to such tanks as are intended solely for use by contractors; (1) from points in that part of Florida east of the Apalachicola River, to points in Kentucky; (2) from points in that part of North Carolina in and east of Yancey, McDowell, and Rutherford Counties, to points in Mississippi, (3) between points in Alabama, on the one hand, and, on the other, points in that part of North Carolina north and east of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 52 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 321, thence along U.S. Highway 321 to the North Carolina-Tennessee State line.

(4) Between points in that part of North Carolina west and south of U.S.

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Highway 52, on the one hand, and, on the other, points in that part of Alabama west and south of a line beginning at the Alabama-Tennessee State line and extending along Interstate Highway 65 to junction Interstate Highway 20, thence along Interstate Highway 20 to the Alabama-Georgia State line, (5) from points in that part of South Carolina on, east, and south of a line beginning at the South Carolina-Georgia State line and extending along Interstate Highway 95 to junction Interstate Highway 26, thence along Interstate Highway 26 to Charleston, to points in that part of Kentucky on and west of Interstate Highway 65, (6) from points in that part of South Carolina north and east of a line beginning at the South Carolina-North Carolina State line and extending along Interstate Highway 95 to junction U.S. Highway 521, thence along U.S. Highway 521 to Georgetown, to points in that part of Kentucky on and west of U.S. Highway 231, (7) from points in Richland, Calhoun, and Lexington Counties, S.C., to points in that part of Kentucky on and west of U.S. Highway 231, (8) from points in that part of North Carolina on, east, and north of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 701 to junction U.S. Highway 74, thence along U.S. Highway 74 to Wilmington, to points in that part of Kentucky on and west of U.S. Highway 231.

(9) from points in that part of North Carolina on and east of U.S. Highway 1 to points in that part of Kentucky on and west of U.S. Highway 45, (10) between points in that part of South Carolina on and bounded by a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 1 to the North Carolina-Georgia State line, thence along the North Carolina-Georgia State line to Interstate Highway 95, thence along Interstate Highway 95 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to U.S. Highway 1, on the one hand, and, on the other, points in that part of Tennessee on and west of a line beginning at the Alabama-Tennessee State line and extending along Tennessee Highway 13 to junction U.S. Highway 79, thence along U.S. Highway 79 to the Tennessee-Kentucky State line, (11) between points in Mecklenburg County, N.C., on the one hand, and, on the other, points in that part of Tennessee on and west of the Tennessee River, (12) between points in that part of North Carolina on and east of U.S. Highway 1, on the one hand, and, on the other, points in that part of Tennessee on and west of U.S. Highway 41, (13) between points in that part of South Carolina on, south, and east of a line beginning at the South Carolina-Georgia State line and extending along Interstate Highway 95 to junction Interstate Highway 26, thence along Interstate Highway 26 to Charleston, on the one hand, and, on the other, points in that part of Alabama on and north of U.S. Highway 78.

(14) Between points in that part of South Carolina bounded by a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 301 to the South Carolina-Georgia State line, thence along the South Carolina-Georgia State line to junction U.S. Highway 1, thence along U.S. Highway 1 to the South Carolina-North Carolina State line, thence along the South Carolina-North Carolina State line to U.S. Highway 301, on the one hand, and, on the other, points in that part of Alabama on and north of U.S. Highway 80, (15) between points in that part of South Carolina on and west of South Carolina Highway 72, on the one hand, and, on the other, points in that part of Alabama on and south of U.S. Highway 78, (16) from points in South Carolina to points in Mississippi, (17) from points in Florida west of the Suwanee River, to points in North Carolina (except those in Columbus, Brunswick, Bladen, Pender, Hanover, and Onslow Counties, N.C.), (18) from points in Florida east of the Suwanee River, to points in Mississippi on and north of Interstate Highway 20, (19) from points in Florida east of the Apalachicola River, to points in Alabama on and north of a line formed by U.S. Highway 280 extending from the Georgia-Alabama State line to Birmingham, Ala., thence along U.S. Highway 11 to Tuscaloosa, Ala., thence along U.S. Highway 82 to the Alabama-Mississippi State line, (20) from points in Florida west of the Suwanee River and east of the Apalachicola River to points in that part of Mississippi on and north of a line formed by U.S. Highway 82 extending from the Arkansas-Mississippi State line at Greenville, Miss., extending eastward to the Trace National Parkway, thence along the Trace National Parkway to junction U.S. Highway 78 and thence along U.S. Highway 78 to the Mississippi-Alabama State line, (21) from points in South Carolina on and east of Interstate Highway 95 to those points in Tennessee on and east of a line formed by the Georgia-Tennessee State line to Murfreesboro, Tenn., and thence along U.S. Highway 231 to the Kentucky-Tennessee State line (Newman, Ga.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 106398 (Sub-No. E29) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER, October 29, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, when transported on wheeled undercarriages equipped with hitch-ball connector, from points in Arizona, California, Nevada, New Mexico, and Utah, to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia, restricted against the transportation of trailers or mobile homes designed to be drawn by passenger automobiles and oil field and industrial buildings. The purpose of this filing is to eliminate the gateway of any point in California, Nevada, Utah, Arizona or New Mexico. The purpose of this correction is to omit the commodity restriction.

No. MC 106398 (Sub-No. E58) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER November 4, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, in sections, when transported on wheeled undercarriages equipped with hitch-ball connector, from points in New York and Massachusetts to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia. The purpose of this filing is to eliminate the gateway of any points in New York or Massachusetts. The purpose of this correction is to omit the restriction.

No. MC 106398 (Sub-No. E72) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER November 4, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, in sections, when transported on wheeled undercarriages equipped with hitch-ball connector, from points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Florida, Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, Colorado, New Mexico, Utah, Arizona, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of any point in Louisiana, Mississippi,

Alabama, Georgia, South Carolina, North Carolina, Tennessee, Arkansas, Missouri, Illinois, Kentucky, West Virginia, Virginia, Pennsylvania, Ohio, Indiana, Michigan, Wisconsin, or Iowa. The purpose of this correction is to omit the restriction.

No. MC 106398 (Sub-No. E143) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER October 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board* (except in bulk), from the plant site of U.S. Plywood-Champion Papers, Inc., near Oxford, Miss., to points in Minnesota, Wisconsin, and Michigan. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corporation at Charleston, Ill. The purpose of this correction is to correct the "E" number, previously published as E144.

No. MC 106401 (Sub-No. E3) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER October 24, 1974. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, N.C. 28234. Applicant's representative: Thomas G. Sloan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (1) from points in Buncombe, McDowell, Burke, Caldwell, Catawba, and Mecklenburg Counties, N.C. (except points on U.S. Highway 29 between the Gaston-Mecklenburg County line and Charlotte, N.C., points on North Carolina Highway 49 between Charlotte and the Mecklenburg-Cabarrus County line, points on U.S. Highway 70 between the Iredell-Catawba County line and Hickory, points on U.S. Highway 321 between Hickory and the junction of Alternate U.S. Highway 321 and points on Alternate U.S. Highway 321 between the junction of U.S. Highway 321 and Valmead), to Corning and New York, N.Y., Hagerstown, Md., Danville, Lynchburg, and Winchester, Va., points in Bergen, Burlington, Cumberland, Essex, Gloucester, Hudson, Mercer, Middlesex, and Passaic Counties, N.J., and points in Pennsylvania east of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 522 to Selinsgrove, Pa., and thence along U.S. Highway 11 to the Pennsylvania-New York State line, including points on the indicated portions of the highway specified:

(2) from points in Iredell, Rowan, Cabarrus, and Stanly Counties, N.C. (except points on North Carolina Highway 49 between the Mecklenburg-Cabarrus County line and the junction of unnumbered highway just south of Concord, points on unnumbered highway between the junction of North Carolina Highway 49 and Concord, points on Alternate U.S. Highway 29 between Concord and the junction of U.S. Highway 29, points on U.S. Highway 29 between the junction of Alternate U.S. Highway 29 and the Rowan-Davidson County line, and points on U.S. Highway 70 between Salisbury and the Iredell-Catawba County line), to New York, N.Y., Hagerstown, Md., Winchester, Va., and points in Bergen, Burlington, Cumberland, Essex, Gloucester, Hudson, Mercer, Middlesex, and Passaic Counties, N.J., and points in Pennsylvania east of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 522 to Selinsgrove, Pa., and thence along U.S. Highway 11 to the Pennsylvania-New York State line, including points on the indicated portions of the highway specified. Restriction: The authority described above is restricted against the transportation of uncrated store fixtures, uncrated hotel equipment, and uncrated kitchen equipment, to New York, N.Y. The purpose of this filing is to eliminate the gateways of Charlotte, N.C., points in Essex County, N.J., and Nicholson, Pa. The purpose of this correction is to include the restriction.

No. MC 106401 (Sub-No. E8) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER October 24, 1974. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, N.C. 28234. Applicant's representative: Thomas G. Sloan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Corning and New York, N.Y., Hagerstown, Md., Danville, Lynchburg, Roanoke, and Winchester, Va., points in Bergen, Burlington, Cumberland, Essex, Gloucester, Hudson, Mercer, Middlesex, and Passaic Counties, N.J., and points in Pennsylvania east of a line from the Maryland-Pennsylvania State line along U.S. Highway 522 to Selinsgrove, Pa., and thence along U.S. Highway 11 to the Pennsylvania-New York State line, including points on the indicated portions of the highway specified, to points in Abbeville, Aiken, Anderson, Cherokee, Chester, Chesterfield, Darlington, Dillon, Florence, Greenville, Greenwood, Kershaw, Lancaster, Laurens, Lee, Lexington, Marion, Marlboro, Newberry, Oconee, Pickens, Richland, Spartanburg, Sumter, Union, and York Counties, S.C. (except points on U.S. Highway 123 between the Georgia-South Carolina State line and Greenville), points on U.S. Highway 29 between the Georgia-South Carolina State line and Lyman, points on Alternate U.S. Highway 29 between Lyman and the South Carolina-North Carolina State line, points on U.S. Highway 1 between the Georgia-South Carolina State line and the South Carolina-North Carolina State line, points on U.S. Highway 76 between Columbia and Florence, points on U.S. Highway 15 between Sumter and its junction with U.S. Highway 52 near Society Hill, and points on U.S. Highway 52 between Florence and the junction of U.S. Highway 1 just south of Cheraw, S.C. Restriction: The authority described above is restricted against the transportation of uncrated store fixtures, uncrated hotel equipment, and uncrated kitchen equipment, from New York, N.Y. The purpose of this filing is to eliminate the gateways of Nicholson, Pa., Newark, N.J., and Albermarle or Charlotte, N.C., and points within 10 miles thereof. The purpose of this correction is to include the restriction.

No. MC 106401 (Sub-No. E9) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER October 24, 1974. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, N.C. 28234. Applicant's representative: Thomas G. Sloan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

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routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between points in Russell County, Ala., on the one hand, and, on the other, Hagerstown, Md., Danville, Lynchburg, Roanoke, and Winchester, Va., points in Bergen, Burlington, Cumberland, Essex, Gloucester, Hudson, Mercer, Middlesex, and Passaic Counties, N.J., and points in that part of Pennsylvania east of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 522 to Selinsgrove, Pa., and thence along U.S. Highway 11 to the Pennsylvania-New York State line, including points on the indicated portions of the highways specified; (2) between points in Russell County, Ala., on the one hand, and, on the other, Corning and New York, N.Y. Restriction: The authority described above is restricted against the transportation of uncrated store fixtures, uncrated hotel equipment, and uncrated kitchen equipment, to or from New York, N.Y. The purpose of this filing is to eliminate the gateways of Columbus, Ga., Graniteville, S.C., Pineville, N.C., points in Essex County, N.J., and points in Pennsylvania within 75 miles of Corning, N.Y. The purpose of this correction is to include the restriction.

No. MC 106401 (Sub-No. E21) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER October 31, 1974. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, N.C. 28234. Applicant's representative: Thomas G. Sloan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) between points in Georgia (except Atlanta), on and south of a line from the South Carolina-Georgia State line along Interstate Highway 85 to the junction of U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Georgia State line, on the one hand, and, on the other, Hagerstown, Md., Danville, Lynchburg, Roanoke, and Winchester, Va., points in Bergen, Burlington, Cumberland, Essex, Gloucester, Hudson, Mercer, Middlesex, and Passaic Counties, New Jersey, and points in that part of Pennsylvania east of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 522 to Selinsgrove, Pa., and thence along U.S. Highway 11 to the Pennsylvania-New York State line, including points on the indicated portions of the highways specified; (2) between points in Georgia (except Atlanta), bounded by a line from Dawsonville, along U.S. Highway 19 to Atlanta, thence along U.S. Highway 78 to the Georgia-Alabama State line, thence along the Georgia-Alabama State line to the junction of U.S. Highway 278.

Thence along U.S. Highway 278 to the junction of Georgia Highway 113, thence along Georgia Highway 113 to the junction of U.S. Highway 411, thence along U.S. Highway 411 to the junction of Georgia Highway 20, thence along Georgia Highway 20 to the junction of Georgia Highway 5, thence along Georgia Highway 5 to the junction of Georgia Highway 53, thence along Georgia Highway 53 to Dawsonville the point of beginning, on the one hand, and, on the other, Hagerstville, Md., Danville, Lynchburg, and Winchester, Va., points in Bergeh, Burlington, Cumberland, Essex, Gloucester, Hudson, Mercer, Middlesex, and Passaic Counties, N.J., and points in that part of Pennsylvania east of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 522 to Selinsgrove, Pa., and thence along U.S. Highway 11 to the Pennsylvania-New York State line, including points on the indicated portions of the highways specified; (3) between points in Georgia bounded by a line beginning at the South Carolina-Georgia State line along Interstate Highway 85 to Atlanta, thence along U.S. Highway 19 to Palonaga, thence along Georgia Highway 115 to the junction of Georgia Highway 254, thence along Georgia Highway 254 to the junction of U.S. Highway 23, thence along U.S. Highway 23 to the junction of Georgia Highway 17, thence along Georgia Highway 17 to the junction of U.S. Highway 123, thence along U.S. Highway 123 to the Georgia-South Carolina State line, thence along the Georgia-South Carolina State line to the junction of Interstate Highway 85 the point of beginning, on the one hand, and, on the other, Hagerstown, Md., Winchester, Va., points in Bergen, Burlington, Cumberland, Essex, Gloucester, Hudson, Mercer, Middlesex, and Passaic Counties, N.J., and points in that part of Pennsylvania east of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 522 to Selinsgrove, Pa., and thence along U.S. Highway 11 to the Pennsylvania-New York State line, including points on the indicated portions of the highways specified; (3) between points in Georgia north of a line from the Alabama-Georgia State line along U.S. Highway 278 to the junction of Georgia Highway 113, thence along Georgia Highway 113 to the junction of U.S. Highway 411, thence along U.S. Highway 411 to the junction of Georgia Highway 20, thence along Georgia Highway 20 to the junction of Georgia Highway 5, thence along Georgia Highway 5 to the junction of Georgia Highway 53, thence along Georgia Highway 53 to the junction of U.S. Highway 19, thence along U.S. Highway 19 to the junction of Georgia Highway 115, thence along Georgia Highway 115 to the junction of Georgia Highway 254, thence along Georgia Highway 254 to the junction of U.S. Highway 23, thence along U.S. Highway 23 to the junction of Georgia Highway 17, thence along Georgia Highway 17 to the junction of U.S. Highway 123, thence along U.S. Highway 123 to the Georgia-South Carolina State line, on the one hand, and, on the other, points in Bergen, Burlington, Cumberland, Essex, Gloucester, Hudson, Mercer, Middlesex, and Passaic Counties, N.J., and points in that part of Pennsylvania east of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 522 to Selinsgrove, Pa., and thence along U.S. Highway 11 to the Pennsylvania-New York State line, including points on the indicated portions of the highways specified; (5) between points in Georgia (except Atlanta), on and south of a line from the Georgia-South Carolina State line along Interstate Highway 20 to the junction of U.S. Highway 78, thence along U.S. Highway 78 to the Georgia-Alabama State line, on the one hand, and, on the other, Corning, N.Y.; and (6) between points in Georgia (except Atlanta), on the one hand, and, on the other, New York, N.Y. Restriction: The authority described above is restricted against the transportation of uncrated store fixtures, uncrated hotel equipment, and uncrated kitchen equipment, to or from New York, N.Y. The purpose of this filing is to eliminate the gateways of Pineville, N.C., Graniteville, S.C., points in Essex County, N.J., and Nicholson, Pa. The purpose of this correction is to include the restriction.

No. MC 106401 (Sub-No. E27) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER November 12, 1974. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, N.C. 28234. Applicant's representative: Thomas G. Sloan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from points in Alamance, Burke, Cabarrus, Caldwell, Catawba, Chatham, Cumberland, Davidson, Davie, Durham, Forsyth, Guilford, Granville, Harnett, Iredell, McDowell, Mecklenburg, Moore, Orange, Randolph, Rowan, Stokes, Surry, and Stanly Counties, N.C. (except points on U.S. Highway 29 between the Gaston-Mecklenburg County line and Charlotte, points on Highway 49 between Charlotte and the junction of unnumber Highway just south of Concord), points on unnumbered Highway between junction of North Carolina Highway 49 and Concord; points on Alternate U.S. Highway 29 between Concord and junction of U.S. Highway 29; points on U.S. Highway 29 between junction of Alternate U.S. Highway 29 and High Point; points on Alternate U.S. Highway 29 between High Point and Greensboro.

Points on Alternate U.S. Highway 70 between Greensboro and junction of U.S. Highway 70; points on U.S. Highway 70 between junction of Alternate U.S. Highway 70 and Durham; points on U.S. Highway 15 between Durham and Oxford; points on U.S. Highway 158 between Oxford and the Granville-Vance County line; points on U.S. Highway 220 between the Montgomery-Randolph County line and the junction of U.S. Highway 231, south of Randleman; points on U.S. Highway 311 between junction of U.S. Highway 220 and High Point; points on U.S. Highway 70 between Durham and junction of U.S. Highway 54 (formerly unnumbered U.S. Highway); points on North Carolina Highway 54 between junction of U.S. Highway 70 and the Durham-Wake County line; points on U.S. Highway 29 between Greensboro and the Guilford-Rockingham County line; points on U.S. Highway 70 between Salisbury and Hickory; points on U.S. Highway 321 between Hickory and junction of Alternate U.S. Highway 321; and points on Alternate U.S. Highway 321 between junction of U.S. Highway 321 to Valmead; to points in Russell County, Ala. The purpose of this filing is to eliminate the gateways of Graniteville, S.C., and Columbus, Ga. The purpose of this correction is to correctly describe the highway descriptions.

No. MC 106920 (Sub-No. E29) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER February 4, 1975. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream*, and *buttermilk* (except concentrated whole milk and concentrated skim milk), in bulk, in tank vehicles, from points in Wisconsin east of a line beginning at the Minnesota-Wisconsin State line, and extending along Wisconsin Highway 35 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Wisconsin Highway 35, thence along Wisconsin Highway 35 to junction U.S. Highway 53, thence along U.S. Highway 53 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to junction Wisconsin Highway 71, thence along Wisconsin Highway 71 to junction Wisconsin Highway 21, thence along Wisconsin Highway 21 to junction Wisconsin Highway 173, thence along Wisconsin Highway 173 to junction Wisconsin Highway 73, thence along Wisconsin Highway 73 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to junction U.S. Highway 10, thence along U.S. Highway 10 to Lake Michigan, to points in Kentucky north and east of a line beginning at the Ohio-Kentucky State line and extending along Interstate Highway 65 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateways of Drake, Mercer, and Auglaize Counties, Ohio. The purpose of this correction is to expand the territorial description.

No. MC 106920 (Sub-No. E56) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER February 13, 1975. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Breman, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products* under Section B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packinghouse Products*, 48 M.C.C. 628, from those points in Texas on and west of a line beginning at the Gulf of Mexico and extending along Texas Highway 356 to junction Interstate Highway 37, thence along Interstate Highway 37 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Alternate Highway 77, thence along U.S. Alternate Highway 77 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 21, thence along Texas Highway 21 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 14, thence along Texas Highway 14 to junction Interstate Highway 45, thence along Interstate Highway 45 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Texas-Oklahoma State line, to points in Virginia on and north of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 460 to junction Virginia Highway 42, thence along Virginia Highway 42 to junction Virginia Highway 311, thence along Virginia Highway 311 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 58, thence along U.S. Highway 58 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio. The purpose of this correction is to redescribe the authority description.

No. MC 106920 (Sub-No. E82) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER February 19, 1975. Applicant: RIGGS FOODS EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* classified as dairy products under Section B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 48 M.C.C. 629, from points in Illinois north of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 34 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Illinois-Indiana State line, to points in Georgia on and south of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway Alternate 27 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction U.S. Highway 129, thence along U.S. Highway 129 to the Georgia-North Carolina State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio. The purpose of this correction is to correct the territorial description.

No. MC 107295 (Sub-No. E205), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings* complete, knocked down or in sections, from points in Wisconsin to points in Colorado, Montana, Nevada, New Mexico, Utah, and to points in that part of Wyoming located in and south of Lincoln, Sweetwater, Carbon, Albany, and Laramie Counties. The purpose of this filing is to eliminate the gateway of points in Wapello County, Iowa.

No. MC 107515 (Sub-No. E55), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen edible meat*, in vehicles equipped with mechanical refrigeration, from Nogales, Ariz., to Maryland, Delaware, District of Columbia, New Jersey, Connecticut, Massachusetts, and points in that part of New York on, south, or east of a line beginning at Lake Ontario and extending along New York Highway 98 to junction New York Highway 16, thence along New York Highway 16 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Rocky Mount, N.C.

No. MC 107515 (Sub-No. E548), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, from Nogales, Ariz., to points in Illinois on or east of U.S. Highway 51, points in Wisconsin on or east of U.S. Highway 41, points in the Lower Peninsula of Michigan, points in Indiana, West Virginia, Virginia, and Pennsylvania. Restriction: The operations authorized herein are restricted against the transportation of traffic originating at Nashville, Tenn. The purpose of this filing is to eliminate the gateway of Madison, Tenn.

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No. MC 107515 (Sub-No. E549), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, in vehicles equipped with mechanical refrigeration, from Nogales, Ariz., to Kentucky, Indiana, Ohio, Lower Peninsula of Michigan, Memphis, Tenn., that portion of Mississipi on, north, or east of a line beginning at the Alabama-Mississipi State line and extending along Interstate Highway 20 to junction Mississippi Highway 15, thence along Mississipi Highway 15 to junction Mississippi Highway 6, thence along Mississipi Highway 6 to junction Interstate Highway 55, thence along Interstate Highway 55 to the Mississippi-Tennessee State line, W. Memphis, Tenn., and points in Arkansas on or east of Interstate Highway 55. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC 107515 (Sub-No. E579), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from points in California on and south of a line beginning at the California-Nevada State line extending along Interstate Highway 80 to junction California Highway 20, thence along California Highway 20 to the Pacific Ocean, to points in Tennessee and Kentucky. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC 107515 (Sub-No. E580), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California on and south of a line beginning at the California-Nevada State line and extending along U.S. Highway 6 to junction California Highway 120, thence along California Highway 120 to junction Interstate Highway 205, thence along Interstate Highway 205 to junction Interstate Highway 580, thence along Interstate Highway 580 to junction Interstate Highway 80, thence along Interstate Highway 80 to San Francisco, Calif., to Detroit, Mich. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC 107515 (Sub-No. E581), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from points in California on and south of a line beginning at the California-Nevada State line and extending along Interstate Highway 40/U.S. Highway 66 to junction California Highway 58, thence along California Highway 58 to junction California Highway 99, thence along California Highway 99 to junction California Highway 166, thence along California Highway 166 to the Pacific Ocean, to all points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC 107515 (Sub-No. E582), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat, meat products*, and *meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from points in California, to points in Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Tennessee (except Memphis and its commercial zone), Vermont, Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Booneville, Miss.

No. MC 107515 (Sub-No. E583), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat, meat products*, and *meat by-products*, from points in California on and south of a line beginning at the California-Oregon State line and extending along U.S. Highway 395 to junction California Highway 36, thence along California Highway 36 to junction California Highway 44, thence along California Highway 44 to junction California Highway 299, thence along California Highway 299 to the Pacific Ocean, to all points in New York. The purpose of this filing is to eliminate the gateway of Booneville, Miss.

No. MC 107515 (Sub-No. E588), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from New Orleans and points in Louisiana, to points in California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, and that part of Arizona on and north of a line extending from the Arizona-New Mexico State line and on U.S. Highway 70 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Interstate Highway 10 to the Colorado-Arizona State line. The purpose of this filing is to eliminate the gateway of Gilestown, Tenn.

No. MC 107515 (Sub-No. E589), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from points in Cooke County, Ill., and Lake County, Ind., to points in that part of California on or south of a line beginning at the Nevada-California State line and extending along California Highway 88 to junction California Highway 12 to junction Interstate Highway 80, thence along Interstate Highway 80 to San Francisco and to points in Marin County, Calif. (except points which are both north of California Highway 168 and on or east of U.S. Highway 295). The purpose of this filing is to eliminate the gateway of Covington, Tenn.

No. MC 107515 (Sub-No. E590), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk) (in vehicles equipped with mechanical refrigeration) from Cook, Will, Lake, and DuPage Counties, Ill., and Lake County, Ind., to points in Arizona. The purpose of this filing is to eliminate the gateway of Dyersburg, Tenn.

No. MC 107515 (Sub-No. E591), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk), in vehicles equipped with mechanical refrigeration, from Cook, Lake, Will, and Du Page Counties, Ill., and Lake County, Ind., to points in Clark County, Nev. The purpose of this filing is to eliminate the gateway of Dyersburg, Tenn.

No. MC 107515 (Sub-No. E596), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California, to points in West Virginia. The purpose of this filing is to eliminate the gateways of Atlanta and Gainesville, Ga.

Chalmette, La., to California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, and that part of Arizona on and north of a line extending from the Arizona-New Mexico State line and on U.S. Highway 70 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Interstate Highway 10 to the Colorado-Arizona State line. The purpose of this filing is to eliminate the gateway of Gilestown, Tenn.

No. MC 107515 (Sub-No. E597), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen seafood*, when moving at the same time and in the same vehicle with commodities the transportation of which is subject to economic regulation, from points in Delaware to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; and from points in Maryland (except points in Baltimore, Md., commercial zone as defined by the Commission), to points in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington. Restricted to traffic originating in Delaware and Maryland (except points in the Baltimore, Md., commercial zone as defined by the Commission). The purpose of this filing is to eliminate the gateway of any point in Tennessee (except Memphis and its commercial zone).

No. MC 108380 (Sub-No. E7), filed June 5, 1974. Applicant: JOHNSTON'S FUEL LINERS, INC., P.O. Box 100, Newcastle, Wyo. 81701. Applicant's representative: C. W. Burnette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, from Billings and Laurel, Mont., to points in South Dakota north of U.S. Highway 212, points in Nebraska, and points in that part of Colorado on and east of a line beginning at the Wyoming-Colorado State line extending along Interstate Highway 25 to Denver, Colo., thence along U.S. Highway 285 to the Colorado-New Mexico State line. The purpose of this filing is to eliminate the gateway of Butte County, S. Dak.

No. MC 108380 (Sub-No. E10), filed June 5, 1974. Applicant: JOHNSTON'S FUEL LINERS, INC., P.O. Box 100, Newcastle, Wyo. 82701. Applicant's representative: C. W. Burnette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products;* (1) from points in that part of Wyoming located on and west of a line beginning at the Wyoming-Montana State line, extending along the west county lines of Campbell, Converse, and Albany Counties, and on and east of a line beginning at the Wyoming-Montana State line, extending along U.S. Highway 310 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction Wyoming Highway 789 to Lander, Wyo., thence along Wyoming Highway 28 to Farson, Wyo., thence along U.S. Highway 187 to junction Interstate Highway 80 to Wyoming Highway 430 to the Wyoming-Colorado State line, to points in Montana located in and east of Hill, Blaine, Phillips, Petroleum, Musselshell, Yellowstone, and that part of Big Horn located on and east of Montana Highway 47 and Interstate Highway 90; and (2) from points in that part of Wyoming located in and east of Campbell, Converse, and Albany Counties, to points in that part of Montana located on and west of a line beginning at the United States-Canada International Boundary line extending south along the east county lines of Phillips, Petroleum, Musselshell, and Yellowstone County lines to the junction of the east Yellowstone County line and U.S. Highway 94, thence along U.S. Highway 94 to junction Montana Highway 47, thence along Montana Highway 47 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Montana-Wyoming State line, and on, east, and north of a line beginning at the United States-Canada International Boundary line, extending along U.S. Highway 89 to Great Falls, Mont., thence along U.S. Highway 91 to Helena, Mont., thence along U.S. Highway 287 to junction U.S. Highway 10, thence along U.S. Highway 10 through Livingston to Billings, Mont., thence along U.S. Highway 87 to the Montana-Wyoming State line. The purpose of this filing is to eliminate the gateway of the Pipeline Terminal located approximately ten miles south of Sheridan, Wyo.

No. MC 108380 (Sub-No. E11), filed June 5, 1974. Applicant: JOHNSTON'S FUEL LINERS, INC., P.O. Box 100, Newcastle, Wyo. 82701. Applicant's representative: C. W. Burnette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum based urea*, dry, in bags or in bulk, *petroleum based urea solutions*, and *petroleum based ammonium nitrate solutions*, in bulk, in tank vehicles, from points in Montana on and east of a line beginning at the United States-Canada International Boundary line extending along Montana Highway 241 to junction U.S. Highway 2, thence along Montana Highway 376 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction Montana Highway 19, thence along Montana Highway 19 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Interstate Highway 90, thence along Interstate Highway 90 to U.S. Highway 310, thence along U.S. Highway 310 to the Montana-Wyoming State line, and points in Wyoming on and east of a line beginning at the Montana-Wyoming State line, extending along Wyoming Highway 120 to Thermopolis, thence along U.S. Highway 20 to Shophoni, thence along U.S. Highway 20 to the western boundary of Natrona County, Wyo., thence along the western boundary of Natrona County, to its junction with U.S. Highway 287, thence along U.S. Highway 287 to Rawlins.

Thence along Wyoming Highway 71 to the Colorado-Wyoming State line, to points in Arizona on, east, and south of a line beginning at the Arizona-New Mexico State line, extending along U.S. Highway 66 to junction U.S. Highway 666, thence along U.S. Highway 666 to Springerville, thence south and west on U.S. Highway 60 to Phoenix, thence south and west on U.S. Highway 80 to the Arizona-California State line, points in Colorado on and east of the east County lines of Routt, Eagle, Lake, Chaffee, Saguache, Rio Grande, and Conejos Counties, points in Kansas, and points in that part of New Mexico on and east of a line beginning at the Colorado-New Mexico State line, extending along U.S. Highway 285 to Santa Fe, thence along U.S. Highway 85 to Albuquerque, thence on, south, and east of U.S. Highway 66 to the New Mexico-Arizona State line, points in Oklahoma and points in Texas. The purpose of this filing is to eliminate the gateway of the plant site of Wycon Chemical Co., near Cheyenne, Wyo.

No. MC 108449 (Sub-No. E56), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 W. County Rd. C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Noyes, Minn., to points in Illinois. The purpose of this filing is to eliminate the gateways of Grand Forks, N. Dak., and St. Cloud and Minneapolis, Minn., and Dubuque, Iowa.

No. MC 108449 (Sub-No. E64), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minnesota 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum* products as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, from Wrenshall, Minn., to points in Montana. The purpose of this filing is to eliminate the gateway of Jamestown, N. Dak.

No. MC 108449 (Sub-No. E65), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minnesota 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, from Wrenshall, Minn., to points in Wyoming. The purpose of this filing is to eliminate the gateways of Superior, Wis., McGregor, Minn., and Aberdeen, S. Dak.

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No. MC 108449 (Sub-No. E66), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minnesota 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, from Wrenshall, Minn., to points in South Dakota. The purpose of this filing is to eliminate the gateway of Superior, Wis., and McGregor, Minn.

No. MC 108449 (Sub-No. E67), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 W. County Rd. C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, from Rhinelander, Wis., to points in North Dakota. The purpose of this filing is to eliminate the gateway of McGregor, Wis.

No. MC 108449 (Sub-No. E68), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 W. County Rd. C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Rhinelander, Wis., to points in Iowa (except those in Delaware, Dubuque, Jones, Jackson, Cedar, Clinton, and Scott Counties). The purpose of this filing is to eliminate the gateway of Spring Valley, Minn.

No. MC 108449 (Sub-No. E69), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Rd. C, St. Paul, Minnesota, 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the Williams Bros. Pipe Line Company terminal in the town of Kronenwetter, Marathon County, Wis., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Eau Claire, Wis.

No. MC 108449 (Sub-No. E76), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Rd. C, St. Paul, Minnesota 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Alexandria, Minn., and points within five miles thereof, to points in Wyoming. The purpose of this filing is to eliminate the gateway of Aberdeen, S. Dak.

No. MC 108449 (Sub-No. E77), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Rd., C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Alexandria, Minn., and points within 10 miles thereof, to points in Montana. The purpose of this filing is to eliminate the gateway of Jamestown, N. Dak.

No. MC 108449 (Sub-No. E78), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Rd., C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Marshall, Minn., to points in Nebraska, except those in Burt, Cuming, Madison, Pierce, Stanton, Thurston, Dakota, Dixon, Wayne, Knox, Antelope, Holt, Boyd, Cedar, Rock, Brown, Keyapaha, and Cherry Counties. The purpose of this filing is to eliminate the gateway of Spencer, Iowa.

No. MC 108449 (Sub-No. E79), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 W. County Rd. C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Marshall, Minn., to points in Montana. The purpose of this filing is to eliminate the gateway of Aberdeen, S. Dak.

No. MC 108449 (Sub-No. E80), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 W. County Rd. C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from the terminal of Duluth Petroleum Products, about eight miles from Duluth, Minn., and points within two miles thereof, to points in Nebraska. The purpose of this filing is to eliminate the gateways of Minneapolis, Minn.

No. MC 108449 (Sub-No. E81), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minnesota, 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the site of the Duluth Petroleum Products terminal, about eight miles from Duluth, Minn., and points within two miles thereof, to points in Montana. The purpose of this filing is to eliminate the gateway of Jamestown, N. Dak.

No. MC 108449 (Sub-No. E82), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minnesota, 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, to points in Iowa. The purpose of this filing is to eliminate the gateway of St. Paul, Minn.

No. MC 109692 (Sub-No. E2), filed January 31, 1975. Applicant: GRAIN BELT TRANSPORTATION CO., 340 North James St., Kansas City, Kans. 66118. Applicant's representative: Lucy Kennard Bell, Suite 910 Fairfax Bldg., 101 W. Eleventh St., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, perishable commodities, liquid commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), between Kansas City, Kans., Kansas City, Mo., and St. Joseph, Mo., on the one hand, and, on the other, points in that part of Nebraska on and west of a line beginning at the adjoining county lines of Pawnee and Gage Counties., Nebr., at the Kansas-Nebraska State line, thence north to its junction with Nebraska Highway 8 near Liberty, Nebr., thence along Nebraska Highway 8 to junction Nebraska Highway 5–34A, thence along Nebraska Highway 5–34A to junction Nebraska Highway 4, thence along Nebraska Highway 4 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Nebraska unnumbered highway at Filley, Nebr., thence along Nebraska unnumbered highway to junction Nebraska Highway 41, thence along Nebraska Highway 41 to junction Nebraska Highway 43, thence along Nebraska Highway 43 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction Nebraska Highway 43, thence along Nebraska Highway 43 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Nebraska Highway S–13B, thence along Nebraska Highway S–13B to junction U.S. Highway 6, thence along U.S. Highway 6 to junction

Nebraska Highway 31, thence along Nebraska Highway 31 to junction Nebraska Highway 36, thence along Nebraska Highway 36 to junction Nebraska unnumbered highway 2 miles east of Arlington, Nebr., thence along Nebraska unnumbered highway to junction Nebraska unnumbered highway four miles north of Spiker, Nebr., thence along Nebraska unnumbered highway to junction Nebraska unnumbered highway eight miles west of Herman, Nebr., thence along Nebraska unnumbered highway to junction U.S. Highway 73 at Macy, Nebr., and thence north on an imaginary line from Macy, Nebr., to the Nebraska-Iowa State line. The purpose of this filing is to eliminate the gateways of Hollenburg, Kans., and points in Nebraska and Kansas within 20 miles thereof and Lanham, Nebr., and points in Nebraska within 15 miles thereof.

No. MC 110817 (Sub-No. E6), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies*, and *equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, except the picking up or stringing of pipe in connection with main or trunk pipelines; (2) *Earth drilling machinery* and *equipment*, and *machinery, equipment, materials, supplies*, and *pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities to or from holes or wells; and (3) *Machinery, equipment, materials*, and *supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in Nevada, on the one hand, and, on the other, points in Alabama. The purpose of this filing is to eliminate the gateway of any point in Oklahoma or Texas.

No. MC 110817 (Sub-No. E8), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery*, materials, supplies, and equipment incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, except the picking up or stringing of pipe in connection with main or trunk pipe lines; (2) *Earth* drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities to or from holes or wells; and (3) *Machinery, equipment, materials*, and *supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in Mississippi, on the one hand, and, on the other, points in Nevada. The purpose of this filing is to eliminate the gateway of any point in Oklahoma or Texas.

No. MC 110817 (Sub-No. E7), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies*, and *equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, except the picking up or stringing of pipe in connection with main or trunk pipe lines; (2) *Earth drilling machinery* and *equipment*, and *machinery, equipment, materials, supplies*, and *pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities to or from holes or wells; and (3) *Machinery, equipment, materials*, and *supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in Florida, on the one hand, and, on the other, points in Nevada. The purpose of this filing is to eliminate the gateways of (1) any point in Mississippi, and (2) any point in Texas or Oklahoma.

No. MC 110817 (Sub-No. E9), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies*, and *equipment* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; (2) *Earth drilling machinery* and *equipment*, and *machinery, equipment, materials, supplies*, and *pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities to or from holes or wells; and (3) *Machinery, equipment, materials*, and *supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in Arizona. The purpose of this filing is to eliminate the gateway of any point in Texas.

No. MC 110817 (Sub-No. E10), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies*, and *equipment* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; (2) *Earth drilling machinery* and *equipment*, and *machinery, equipment, materials, supplies*, and *pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities to or from holes or wells; and (3) *Machinery, equipment, materials*, and *supplies*, used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights

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of way, between points in Florida, on the one hand, and, on the other, points in Illinois and Missouri. The purpose of this filing is to eliminate the gateway of any point in Alabama.

No. MC 110817 (Sub-No. E11), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Profesional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies*, and *equipment* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; (2) *Earth drilling machinery* and *equipment* and *machinery, equipment, materials, supplies*, and *pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities to or from holes or wells; and (3) *Machinery, equipment, materials*, and *supplies*, used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in Arkansas on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateway of any point in Texas or Oklahoma.

No. MC 110817 (Sub-No. E12), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies*, and *equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; (2) *Earth drilling machinery* and *equipment*, and *machinery, equipment, materials, supplies*, and *pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities to or from holes or wells; and (3) *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in Mississippi, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateway of any point in Oklahoma or Texas.

No. MC 110817 (Sub-No. E13), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery*, materials, supplies, and equipment, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroluem; (2) Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities to or from holes or wells; and (3) *Machinery, equipment, materials*, and *supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, between points in Louisiana, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateway of any point in Texas or Oklahoma.

No. MC 110817 (Sub-No. E14), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies*, and *equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; (2) *Earth drilling machinery* and *equipment*, and *machinery, equipment, materials, supplies*, and *pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities to or from holes or wells; and (3) *Machinery, equipment, materials*, and *supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in Alabama, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateway of any point in Texas or Oklahoma.

No. MC 110817 (Sub-No. E15), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery*, materials, supplies, and equipment, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; (2) *Earth drilling machinery* and *equipment*, and *machinery, equipment, materials, supplies*, and *pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities to or from holes or wells; and (3) *Machinery, equipment, materials*, and *supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in Florida, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateway of any point in Texas or Oklahoma.

No. MC 110817 (Sub-No. E31), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials*, and *supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and *machinery, equipment, materials*, and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines (including the stringing and picking up thereof), (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells; (3) *Machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas and petroleum and their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, between points in Florida, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of any point in Texas.

No. MC 110817 (Sub-No. E32), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and and *machinery, equipment, materials* and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines (including the stringing and picking up thereof), (2) *Earth drilling machinery and equipment, and machinery, equipment, materials*, and *supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells; (3) *Machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, between points in Alabama, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate the gateway of any point in Texas.

No. MC 110817 (Sub-No. E33), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials, and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines (including the stringing and picking up thereof); (2) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells; (3) *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, between points in Florida, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of any point in Texas.

No. MC 110817 (Sub-No. E34), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and machinery, equipment, materials, and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines (including the stringing and picking up thereof); (2) *earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells; (3) *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, between points in Oklahoma, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of any point in Texas.

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No. MC 110817 (Sub-No. E36), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; (2) *earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells; (3) *machinery, equipment, materials*, and supplies, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, between points in Illinois, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateway of any point in Texas or Oklahoma.

No. MC 110817 (Sub-No. E37), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies and equipment*, incidental to, or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; (2) *earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells; (3) *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, between points in Tennessee, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateway of any point in Texas or Oklahoma.

No. MC 110817 (Sub-No. E38), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; (2) *earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells; (3) *machinery, equipment, materials*, and supplies, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, between points in Missouri, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateway of any point in Texas or Oklahoma.

No. MC 110817 (Sub-No. E39), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; (2) *earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells; (3) *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, between points in Tennessee, on the one hand, and, on the other, points in Arizona. The purpose of this filing is to eliminate the gateway of any point in Texas or Oklahoma.

No. MC 110817 (Sub-No. E40), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; (2) earth *drilling machinery and equipment*, and *machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells; (3) *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, between points in Missouri, on the one hand, and, on the other, points in Arizona. The purpose of this filing is to eliminate the gateways of any point in Texas or Oklahoma.

No. MC 110817 (Sub-No. E41), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials supplies and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; (2) *earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and

equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells; (3) *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, between points in Illinois, on the one hand, and, on the other, points in Arizona. The purpose of this filing is to eliminate the gateways of any point in Texas or Oklahoma.

No. MC 110817 (Sub-No. E42), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; (2) *earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies and pipe*, incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells; (3) *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, between points in Tennessee, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateways of any point in Texas or Oklahoma.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

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V 40 67
APR 7 75
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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OFFICE OF LOW INCOME HOUSING

■

Section 8 Housing Assistance Payments Program—Determination of Income for Eligibility and Gross Family Contribution

Interim Regulations

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Title 24—Housing and Urban Development

CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-823]

PART 889—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—DETERMINATION OF INCOME FOR ELIGIBILITY AND GROSS FAMILY CONTRIBUTION

Interim Regulations

The Department of Housing and Urban Development (HUD) is hereby publishing interim regulations to amend Title 24 of the Code of Federal Regulations by adding a new Part 889 to Chapter VIII. HUD is rearranging and renumbering the other Parts within Chapter VIII; therefore all references below are to the new Part numbers.

Part 889 sets forth the policies and procedures for making the following determinations with respect to Eligible Families under the Section 8 Housing Assistance Payments Program: (1) The Family's Annual Income (as defined in § 889.102 of the regulations) for purposes of determining whether the Family is a Lower-Income Family or a Very Low-Income Family (as defined in § 889.102 of the regulations), and (2) the portion of the Family's Annual Income to be paid by the Family (Gross Family Contribution) under the Section 8 Program. These policies and procedures will be applicable in making such determinations for purposes of initial occupancy as well as in connection with periodic or interim reexamination of Family income, composition, and the extent of medical or other unusual expenses.

The method for determination of the Gross Family Contribution under this Part 889 results in an annual Gross Family Contribution for each Eligible Family in an amount equal to 15 to 25 percent of the Family's Annual Income. The actual percentage, or Gross Family Contribution rate, will vary with the Family's Annual Income, number of Minors and extent of Medical Expenses and Unusual Expenses.

HUD has determined that the public interest would be served by making the provisions of Part 889 effective upon publication to avoid unnecessary delay in the implementation of the Section 8 Housing Assistance Payments Program. Therefore, HUD has found that good cause exists for making these regulations effective upon publication on an interim basis.

Written comments and suggestions will be received until May 6, 1975. HUD will make such modifications as it deems appropriate in the final regulations. Comments should be submitted to the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C., 20410. A copy of each communication will be available for public inspection during regular business hours at the above address.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the address set forth in the preceding paragraph.

Accordingly, the interim regulations shall read as follows:

Sec.
889.101 General.
889.102 Definitions.
889.103 Determination of income for eligibility.
889.104 Computation of annual income.
889.105 Computation of gross family contribution on a monthly basis.

AUTHORITY: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); sec. 5(b) of U.S. Housing Act of 1937 (42 U.S.C. 1437 c(b)); sec. 8 of U.S. Housing Act of 1937 (42 U.S.C. 1437(f)).

§ 889.101 General.

(a) *Purpose and scope.* This Part sets forth the policies and procedures for determining Income for Eligibility, including Very Low-Income Family determinations, and the Gross Family Contribution for Eligible Families under the Section 8 Housing Assistance Payments Program—New Construction (24 CFR, Part 880), Substantial Rehabilitation, (24 CFR, Part 881), Existing Housing (24 CFR, Part 882) and Housing Finance and Development Agencies (24 CFR, Part 883). These policies and procedures shall be applicable in making such determinations for purposes of initial occupancy as well as in connection with periodic or interim reexaminations of Family income, composition, and the extent of medical or other unusual expenses.

(b) *Method for determining portion of family's annual income to be paid by family.* The method for determining the portion of the Family's Annual Income to be paid by the Family (Gross Family Contribution) under this Part 889 results in an annual Gross Family Contribution for each Eligible Family in an amount equal to 15 to 25 percent of the Family's Annual Income. The actual percentage, or Gross Family Contribution rate, will vary with the Family's Annual Income, number of Minors and extent of Medical Expenses and Unusual Expenses.

§ 889.102 Definitions.

Annual income. The anticipated total annual income of an Eligible Family from all sources for the 12-month period following the date of determination of income, computed in accordance with § 889.104.

Annual income after allowances. The Annual Income less:

(a) $300 for each Minor, and

(b) Medical expenses which exceed 3 percent of the Annual Income, and

(c) Unusual expenses.

Eligible family. See 24 CFR, 880.102, 881.102, 882.102, and 883.202, respectively.

Exceptional medical or other expenses. Medical Expenses, and/or Unusual Expenses, as defined in this section, which exceed 25 percent of the Annual Income.

Gross family contribution. See 24 CFR, 880.102, 881.102, 882.102, and 883.202, respectively.

HUD. The Department of Housing and Urban Development or its designee.

Income for eligibility. The anticipated total annual income of a family for the 12-month period following the date of determination of income, computed in accordance with § 889.103.

Large very low-income family. A very low-income family which includes six or more Minors.

Lower-income family. A Family whose income does not exceed 80 percent of the median income for the area as determined by HUD with adjustments for smaller or larger Families, except that HUD may establish income limits higher or lower than 80 percent on the basis of its findings that such variations are necessary because of the prevailing levels of construction costs, unusually high or low incomes, or other factors.

Medical expenses. Those medical expenses which are to be anticipated during the 12-month period for which the Annual Income is computed, and which are not covered by insurance (however, premiums for such insurance may be included as medical expenses).

Minor. A member of the Family household (excluding foster children) other than the Family head or spouse, who is under 18 years of age or is a full-time student.

Monthly income. One-twelfth of the annual income.

Monthly income after allowances. One-twelfth of the Annual Income After Allowances.

Public assistance. Welfare or other payments to families or individuals, based on need, which are made under programs funded, separately or jointly, by Federal, State or local governments.

Unusual expenses. Amounts paid by the Family for the care of Minors under 13 years of age or for the care of disabled or handicapped Family household members, but only where such care is necessary to enable a Family member to be gainfully employed, and the amount allowable as Unusual Expenses shall not exceed the amount of income from such employment.

Very large lower-income family. A lower-income family which includes eight or more Minors.

Very low-income family. A Family whose incomes does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller or larger Families.

§ 889.103 Determination of income for eligibility.

For purposes of determining whether a Family is a Lower-Income Family or a Very Low-Income Family, income shall be determined in accordance with § 889.104, except that where a family has Net Family Assets in excess of $5,000, income shall include the actual amount of income, if any, derived from all of the Net Family Assets or 10 percent of the value of all such assets, whichever is greater. For purposes of this section, Net Family Assets means value of equity in real property, savings, stocks, bonds, and other forms of capital investment. The value of necessary items such as furniture and automobiles shall be excluded.

§ 889.104 Computation of annual income.

(a) Except as provided in paragraph (b) of this section, all payments from all sources received by the Family head (even if temporarily absent) and each additional member of the Family household who is not a Minor shall be included in the Annual Income of a Family. Income shall include, but not be limited to:

(1) The gross amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses;

(2) The net income from operation of a business or profession or from rental or real or personal property (for this purpose, expenditures for business expansion or amortization of capital indebtedness shall not be deducted to determine the net income from a business);

(3) Interest and dividends;

(4) The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits and other similar types of periodic receipts;

(5) Payments in lieu of earnings, such as unemployment and disability compensation, workmen's compensation and severance pay (but see paragraph (b) (3) of this section).

(6) Public Assistance. If the Public Assistance payment includes an amount specifically designated for shelter and utilities which is subject to adjustment by the Public Assistance Agency in accordance with the actual cost of shelter and utilities, the amount of Public Assistance income to be included as income shall consist of:

(i) The amount of the allowance or grant exclusive of the amount specifically designated for shelter and utilities, plus

(ii) The maximum amount which the Public Assistance Agency could in fact allow for the Family for shelter and utilities,

(7) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from persons not residing in the dwelling;

(8) All regular pay, special pay and allowances of a member of the Armed Forces (whether or not living in the dwelling) who is head of the Family or spouse (but see paragraph (b) (5) of this section).

(b) The following items shall not be considered as income:

(1) Casual, sporadic or irregular gifts;

(2) Amounts which are specifically for or in reimbursement of the cost of medical expenses;

(3) Lump-sum additions to Family assets, such as inheritances, insurance payments (including payments under health and accident insurance and workmen's compensation), capital gains and settlement for personal or property losses (but see § 889.103);

(4) Amounts of educational scholarships paid directly to the student or to the educational institution, and amounts paid by the Government to a veteran for use in meeting the costs of tuition, fees, books and equipment. Any amounts of such scholarships, or payments to veterans, not used for the above purposes of which are available for subsistence are to be included in income;

(5) The special pay to a serviceman head of a Family away from home and exposed to hostile fire;

(6) Relocation payments made pursuant to Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

(7) Foster child care payments;

(8) The value of coupon allotments for the purchase of food pursuant to the Food Stamp Act of 1964 which is in excess of the amount actually charged the eligible household;

(9) Payments received pursuant to participation in the following volunteer programs under the ACTION Agency:

(i) National Volunteer Antipoverty Programs which include VISTA, Service Learning Programs and Special Volunteer Programs.

(ii) National Older American Volunteer Programs for persons aged 60 and over which include Retired Senior Volunteer Programs, Foster Grandparent Program, Older American Community Services Program, and National Volunteer Program to Assist Small Business Experience, Service Corps of Retired Executive (SCORE) and Active Corps of Executives (ACE).

(c) If the circumstances are such that it is not feasible reasonably to anticipate a level of income over a 12-month period, a shorter period may be used subject to a redetermination at the end of such period.

§ 889.105 Computation of gross family contribution on a monthly basis.

(a) *Families for whom contribution is based on 15 percent ratio.* The monthly Gross Family Contribution shall be 15 percent of the Family's Monthly Income if the Family is:

(1) A Large Very Low-Income Family, or

(2) A Very Large Lower-Income Family; or

(3) A Family which has Exceptional Medical or Other Expenses.

(b) *Other eligible families.* In the case of other Eligible Families, the monthly Gross Family Contribution shall be 25 percent of the Family's Monthly Income After Allowances but in no event less than 15 percent of the Family's Monthly Income.

Effective date. These interim regulations shall be effective April 7, 1975.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

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PART III

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL COMMUNICATIONS COMMISSION

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Subscription Television Program Rules and Proposed Rules Relative to Subscription Use of Series Type Programs

■

Inquiry Into Exclusivity Practices of Subscription and Conventional TV Operations

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Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 18893, 19554; FCC 75-369]

PART 73—RADIO BROADCAST SERVICES

PART 76—CABLE TELEVISION SERVICE

Subscription and Conventional TV Operations

In the matter of Part 76, Subpart G, of the Commission's rules and regulations pertaining to the cablecasting of programs for which a per-program or per-channel charge is made, Docket No. 19554; Amendment of §§ 73.643(b)(2) and 74.1121(a)(2) of the Commission's rules and regulations pertaining to the showing of sports events on over-the-air subscription television or by cablecasting, Docket No. 18893.

First report and order.

Introduction

1. This proceeding, commenced by a notice of proposed rulemaking released July 24, 1972,[1] and expanded in scope by a further notice of proposed rulemaking released August 12, 1974,[2] inquiries into how the Commission can best regulate subscription cablecast cable television system operations and over-the-air subscription television stations in the public interest. Or, put more concretely, how can these operations be so regulated that their subscribers receive the maximum quantity, quality, and diversity of programming without the service they receive impairing the service supplied to the viewing public by conventional advertiser supported television broadcast stations.

2. The discussion below is subdivided as follows:

	Para.
Introduction	1
Summary of comments received	23
Broadcast television	25
Broadcast subscription television	47
Cable television	51
Subscription cable television	74
Motion picture and television program production industries	86
Sports interests	104
Theatre owners and operators	119
Miscellaneous individuals and groups	125
Discussion and resolution of proceeding	
Purpose of rules	144
Jurisdiction	147
General discussion	152
Feature film rules	160
Sports rules	186
Series rules	209
Ninety percent advertising rules	212
Application of rules to leased channel programming	214
Preemption of local regulation of subscription television operations	216
Rulemaking proceeding to remain open	218

3. Subscription television broadcasting involves the broadcasting of a scrambled television signal which, on payment of a fee, subscribers are authorized to unscramble. Subscription cablecasting involves the closed-circuit cable television system distribution of non-broadcast programming for which the cable television system subscriber is charged an additional program or channel fee beyond the regular monthly fee for the system's television signal reception service. Subscription cablecasting may either be undertaken by the system operator or by an independent entrepreneur, who contracts with the system operator for the distribution of his programming. The Commission has, in its regulations, distinguished between subscription cablecasting and regular cablecasting for which no additional per-program or per-channel charge is made.

4. Technically, the systems for distributing subscription cablecasting, guarding against unauthorized access to the programming, and billing for it are varied. Perhaps the simplest method is to distribute the programming on one or more of the channels on a cable television system that cannot be received on conventional television receiving sets. Those system subscribers who wish to receive the additional programming are supplied with a device which converts the programming to a channel receivable on a conventional television set. Those ordering the service are typically billed $5–7 monthly for the additional channel of programming received. Other systems in use or under development permit a separate charge to be made for each program viewed. These systems either require the subscriber to purchase a ticket for each program in advance, which, when inserted into the decoding device in the subscriber's home, provides access to the programming or utilizes the return communications capacity of the system or a telephone connection to activate a central computer facility which releases the programming through the subscriber's decoding device and performs the billing functions. At the time of the second oral argument in this proceeding (October 23–25, 1974), there were approximately 100,000 subscribers in the United States receiving pay cable television service.

5. As with subscription cable systems, there are a variety of technical systems under consideration for use in connection with subscription television stations. Whatever the specific configuration of the system, however, it is basically intended to permit access to subscription programming only by those who have paid for it. Although no subscription television station is now on the air broadcasting subscription programming, applications have been granted to permit such operations in Newark, New Jersey; Milwaukee, Wisconsin; and Boston, Massachusetts. Applications are pending to operate subscription stations in a number of other cities.

6. Although pay cable television system operations are of relatively recent origin and there are no operating TV stations, efforts have been in progress for almost forty years to establish a legally, technically, and economically sound system for the mass distribution of feature films and other programming through a system of subscription television. The Commission's concern with subscription television issues dates back to at least 1950, when the WOR–TV facilities in New York City were used for an early pay television test. In 1952, Commission approval for a nationwide system of subscription television was sought. In 1955, a rulemaking proceeding was commenced to look into the matter. In 1961, an experimental over-the-air subscription operation was authorized to operate in Hartford, Connecticut.[3]

7. Debate in these early proceedings appears to have focused largely on the following questions:

If subscription service were instituted, would the public continue to receive the same service it had previously obtained free?

Would part of the public, including especially the poor, be deprived of programming to which it previously had free access?

Would subscription television cause the closing of theatres, sports arenas, concert halls, and other places of public assembly, adding to the decay of urban centers?

Would subscription television operations occupy frequency space that might be better used for other purposes?

Would the advent of pay television operations result in impairment or the total destruction of free broadcast operations?

Would subscription service result in the creation of new and diverse programming?

Would it contain more educational and culturally enlightening programming than is found on free television?

Would it enable people to see movies, sports, and other entertainment in their homes at lower cost than they would incur in going out to see them?

Would the competition provided to conventional television result in an upgrading of the programming found on conventional television?

Is there a public interest in providing a forum for the televising of programming free from the influence of commercial advertisers?

Would it provide a method for distributing programming that did not have mass audience appeal?

Under the free enterprise system, do not program producers have a right to market their product through avenues other than on conventional television?

Would not a system of direct payment television be preferable to a government funded and influenced system of public broadcasting?

Would not the development of a pay system of program distribution help to cut back the network domination of program production and dissemination?

[1] Notice of proposed rulemaking and memorandum opinion and order in Docket 19554, FCC 72–652, 35 FCC 2d 893 (1972).

[2] Further notice of proposed rulemaking and order for oral argument in Docket 19554, FCC 74–878, 48 FCC 2d 453 (1974).

[3] The early history of the Commission's concern with this issue is reflected in the following document: Notice of proposed rulemaking in Docket 11279, FCC 55–165, 20 FR 968 (1955); Notice of further proceeding, FCC 57–530, 22 FR 3758 (1957); First Report in Docket 11279, FCC 57–1153, 23 FCC 532 (1957); Second Report in Docket 11279, FCC 58–182, released February 27, 1968; Third Report in Docket 11279, FCC 59–217, 26 FCC 265 (1959); Further Notice of proposed rulemaking and notice of inquiry in Docket 11279, FCC 66–268, 7 RR 2d 1501, released March 24, 1966; Order setting oral argument and Second further notice of proposed rulemaking in Docket 11279, FCC 67–891, released July 31, 1967; Report to the FCC by its Subscription Television Committee, FCC 67–819, 10 RR 2d 1617, released July 14, 1967.

Would not rules limiting the operation of pay television systems violate the First Amendment?

8. In its Fourth Report and Order in Docket 11279,[4] released in December of 1968, the Commission concluded that subscription television operations subject to appropriate regulation, could add significantly to the quality and diversity of television programming available to the American public and rules were adopted authorizing and regulating over-the-air subscription television station operations.

9. The rules adopted regulating STV operations essentially provided that:

Sports events regularly telecast in the community during the preceding two years may not be shown;

Feature films more than two years old may not be shown, except that 12 films a year that are more than 10 years old may be shown;

No series type of program may be shown;

Commercial advertising announcements may not be shown; and

No more than 90 percent of the total programming carried may consist of feature films and sports events combined.[5]

10. Although in Docket 11279 there was some mention of wired pay television systems, its principal focus was on over-the-air operations. On December 12, 1968, the same day the over-the-air subscription television rules were adopted, the Commission issued its Notice of proposed rulemaking and notice of inquiry in Docket 18397,[6] commencing a broad ranging inquiry into the CATV industry and its regulation. In this document, the subject of pay television operations received only brief and passing mention. Subsequently, the Commission adopted rules in Docket 18397 regulating and to some extent requiring cable system program origination.[7] In response to petitions for reconsideration of this decision, rules virtually identical to those earlier applied to over-the-air subscription television were applied to cable program originations for which "per-program or per-channel charge is made."[8]

11. In response to this action, further reconsideration petitions were received. The principal requests came from the Association of Maximum Service Telecasters, urging generally that the rules should be applied to all cablecast programming regardless of the absence of a per-program or per-channel charge, and by the Motion Picture Association of America, alleging that the rules were overly restrictive and would aggravate the already difficult economic situation of motion picture film producers by denying them an outlet for their feature films. The MPAA petition received strong support from the United States Department of Justice, which asked that the rules be eliminated or that less anticompetitive rules be adopted. The National Association of Theatre Owners, alleging that it was not aware that subscription rules were under consideration in Docket No. 18397, did not seek reconsideration of the rules until after they were re-codified in connection with the February 1972, Cable Television Report and Order.[9] In its reconsideration petition, NATO argued that the rules had been adopted in violation of the Administrative Procedure Act because proper notice had not been given and that the growth of pay cable operations threatened the continued viability of theatre operations as well as the restaurants and other businesses that depend on theatre patrons for their survival.[10]

12. With this background in mind, the present proceeding was commenced, both to lay to rest all questions as to whether the proper procedure had been followed in adopting the rules and to ascertain whether the rules, originally formulated without regard to cable television operations, were subject to improvement. The Commission indicated that it felt the central issue was not the desirability vel non of cable pay TV, but rather "how pay-cablecasting can best be regulated to provide a beneficial supplement to over-the-air broadcasting without at the same time undermining the continued operation of that 'free' television service." In addition to addressing this general issue, comments were invited with respect to the following specific questions:

(a) What are the legal, technical, and economic differences between over-the-air subscription television and pay cablecasting?

(b) Are there, as the Department of Justice suggests, means of protecting the viewing public by less restrictive means than the existing rules?

(c) Are the rules appropriate for and how should they be administered with respect to access and leased channel cablecasting for which there is a per-program or per-channel charge and not subject to the control of a cable television operator?

(d) Have there been significant and relevant changes in the motion picture industry that should be reflected in the rules?[11]

13. With a decision in this proceeding not yet having been made, the Commission concluded it would be advantageous to receive additional written and oral comment in this proceeding. By its Further notice of proposed rulemaking and order for oral argument,[12] the Commission requested the comment of interested parties on a number of specific rule making proposals relating to the feature film and sports rules. In addition the scope of the proceeding, previously concerned only with subscription cablecasting regulation, was expanded to consider changes in the rules applicable to subscription television stations.

14. The specific alternative proposals on which additional comment were sought are set forth more fully in the further notice but briefly included the following with respect to feature films:

(a) A rule permitting pay use of films until they are 3, 4, or 5 years old;

(b) A rule permitting pay use of a film for a fixed period (9, 18, or 24 months) after first pay use.

(c) A rule prohibiting pay use of all but a fixed number (10?, 20?, 30?) of films between two and ten years old. Those "wild card" films available for use as an exemption to the basic prohibition would be available for pay use for a fixed period of time after first pay use.

(d) A rule prohibiting subscription television or broadcast television from obtaining exclusive use of a feature film for more than one year at a time and requiring that use in one medium be followed by use in the other medium.

15. Specific proposals were also set forth regarding the manner in which sports programming should be regulated. The existing rule essentially provides that sports events may not be subscription cablecast if televised "live on a non-subscription, regular basis in the community during the two years preceding their proposed cablecast." In practice the rule works as follows: events are broken into categories of specific and non-specific events. Specific events are generally those specifically identifiable by name and significance, e.g., the Super Bowl or the World Series. Non-specific events would generally be regular season games—the 162 regular season games of major league baseball or the 82 regular season games of a NBA basketball team. Application of the rule to specific events is relatively simple. If the event was on free television in the community during each of the two preceding years, it may not be shown on a pay basis. If the event was televised in only one of the two years, that is not considered "regularly" telecast and the event is available for pay use. Thus, in actuality the event need be off free television only one year before it is available on a pay basis.

16. Non-specific events are further categorized in accordance with existing sports and broadcast practice. Each separate category, as for example home games or away games, is then looked at separately. If a "substantial" number of games in the category were broadcast in each of the preceding two years, then none of the games in that category may be used on a pay basis.

17. Finally, a separate rule restricts use of specific events like the Olympics, which do not occur every year but which were telecast when the event last occurred.

[4] FCC 68–1174, 15 FCC 2d 466 (1968).

[5] *Id.* The rules governing the presentation of sports programming on over-the-air subscription television were subsequently modified. The principal change being a prohibition against subscription use of sports events regularly telecast in the community during the preceding *five years*. Report and Order in Docket 18893, FCC 72–263, 34 FCC 2d 271 (1972).

[6] FCC 68–1176, 15 FCC 2d 417 (1968).

[7] First Report and Order in Docket 16397, FCC 69–1170, 20 FCC 2d 201 (1969).

[8] Memorandum Opinion and Order in Docket 18397, FCC 70–677, 23 FCC 2d 825 (1970).

[9] FCC 72–108, 36 FCC 2d 141. (1972).

[10] NATO also questioned the jurisdiction of the Commission to adopt rules regulating subscription cablecasting operations and sought judicial review of their adoption. National Association of Theatre Owners v. FCC, Docket 18397 420 F. 2d 194 (D.C. Cir. 1969), cert. denied, 397 U.S. 92 (1970).

[11] Notice of proposed rulemaking and memorandum opinion and order in Docket 19554, supra note 1, at 898.

[12] Supra note 2.

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18. As the result of changes adopted in Docket 18893,[13] the rules governing the use of sports programming on over-the-air STV stations are somewhat different than the cable rules. Although the rules basically follow the same concepts, they differ in the following respects:

No event televised in the preceding five years may be used on a pay basis,

"Regularly" is defined as telecast in any one of the preceding five years in contrast to the prior rule requiring use in each of the preceding years,

New events never previously telecast are not immediately available for pay use if they are the result of a restructuring of the sport,

The rules are applied to events that might be used on a pay basis on a same day delayed basis as well as to live events.

19. With respect to this existing pattern of regulation, we sought comment on the following specific questions:

What should be the definition of a "substantial" number of games?

Under the rules, events must be placed in categories. Among the categories are home games, away games, and games of the week. Do the rules now permit or should they permit additional categories such as weekend and weekday games, day and night games, and East and West Coast games? If there are additional categories, what criteria should be used in establishing the categories? What if events fall into more than one category?

Should all sports be treated alike or should there be distinctions between professional and amateur sports, major sports and minor sports, team sports and individual sports?

Generally, should the changes adopted in Docket 18893, supra., which are now applicable only to STV stations be applied to pay cablecasting? [14]

20. Finally, with respect to the manner in which use of non-specific events should be regulated, we questioned whether it would be possible to develop rules (1) permitting subscription use of all events for which local broadcasters had a right of first refusal at prices consistent with those paid for similar events and which had not been accepted for broadcast use, or (2) permitting subscription use of at least a percentage of those events in a category which a substantial number but not all were being broadcast.

21. The scope of the proceeding was further expanded to give specific consideration to two further matters not previously considered. The first related to the alleged warehousing of feature film product. During the earlier course of this proceeding, pay cable interests had expressed their concern that the intended operation of the existing rules was being frustrated by the pre-emptive purchase of feature films by national television networks in an anti-competitive effort to deprive pay operations of feature films and so drive from the market at an early date a potential new competitive force. It was said that the networks were purchasing films with exclusive rights against pay use, before the films were two years old and even though they did not themselves intended to make use of the films until two or three years after the rights were initially obtained. Comment was sought on whether rules should be adopted by the Commission regulating such film purchasing practices.

22. The final matter on which comment was sought was prompted by a rule making petition filed by the National Association of Theatre Owners. It concerned the question of whether rules should be adopted requiring persons commencing pay cable operations to give advance notice to the Commission so that the Commission would be informed as to the growth and development of such operations.

Summary of Comments

23. Initial comments and reply comments in this proceeding were filed November 1 and November 29, 1972, respectively. Oral argument before the Commission en banc was held on November 5, 6, and 7, 1973. Comments and reply comments in response to the further notice were filed September 23 and October 4, 1974, with the second oral argument taking place October 23, 24, and 25, 1974. In response to the initial notice, some 40 comments and reply comments were received totaling over 800 pages. Some 56 persons appeared at the initial argument. In response to the further notice, comments from over 100 persons were received totaling over 1,500 pages. Eighty-two individuals appeared and spoke at the second oral argument.

24. For purposes of reviewing the comments submitted, we have found it useful to divide them into the following categories:

1. Broadcast television
2. Broadcast subscription television
3. Cable television
4. Subscription cable television enterpreneurs
5. Motion picture and television program production industry
6. Sports interests
7. Theater owners and operators
8. Miscellaneous individuals and groups

Broadcast television. 25. Comments were received from 14 broadcast interests including comments from the National Association of Broadcasters, the Association of Maximum Service Telecasters, and the three major networks—ABC, CBS, and NBC.

26. Each of the broadcast parties reiterates the basic arguments against the initiation of direct payment forms of television program distribution: that the subscription method of distribution carries with it sufficient economic potential for it to out-bid and remove programming from over-the-air conventional or free television, forcing viewers to pay a direct charge for what it now obtains free, depriving those unconnected to the system and those without money to pay for the programming of access to it, and impairing the ability of free television to originate local programming and news of service to the public.

27. Many of the broadcast interests argue that cable television unfairly competes with broadcast television because cable operators are permitted to carry broadcast television signals for which they pay nothing.[15] Even assuming that the pending copyright legislation is passed by Congress, the compulsory license fee contained in the proposed legislation is only a token payment and would not alter the unequal competitive status enjoyed by the cable industry. Additionally, it is argued that since cable operators are not obligated to provide news and public interest type programming as are broadcasters, cable is able to channel more of its revenues into bidding up the price of programming than are broadcasters. Because of these competitive advantages, it is asserted that pay interests ought not be allowed to siphon programming away from broadcast television. The present programming restrictions are a proper quid pro quo for cable's free use of broadcast signals, and necessary to provide broadcasters with the revenue needed to support unprofitable news and public interest programs.

28. Some of the comments are critical of the cable industry for failing to fulfill its promise to supply its subscribers with innovative and diverse programming. It is said that the present rules should be retained to encourage diverse programming and discourage reliance on feature films and sports programs which are already abundantly supplied over conventional television. The rules, it is argued, should encourage cable to supplement conventional television, not siphon away its programs.

29. With regard to the economic ability of pay cablecast operations to outbid advertiser supported television for popular program material, several parties point out championship boxing bouts and Evel Knievel's recent stunt as illustrations of how the economic clout of pay interests can remove such events from broadcast coverage and restrict viewers to only those who can get to a closed circuit outlet and can afford to pay the price of admission. To indicate the extent of this economic clout, ABC cites the March, 1974, Report of Standard Research Institute, which predicted that by 1980 the number of pay subscribers, both cable and STV, will reach 11,805,000, and pay revenue will reach $1.67 billion; more than the combined program expenses of the three television networks in 1973. In its illustration of the point, NBC uses the following examples: Six

[13] Report and Order in Docket 18893, FCC 72-263, 34 FCC 2d 271 (1972).

[14] See paragraph 24 of the further notice, supra note 2. We stated in footnote 11 of that document that the remaining petitions for reconsideration of our Report and Order in Docket 18893, FCC 72-263, 24 FCC 2d 271 (1972), would be considered in this proceeding. The portions of those petitions which remain pending relate to the STV sports rules. We have considered the petitions as part of our general consideration of the STV rules and will therefore terminate the proceeding in Docket 18893.

[15] In its comments, CBS stated that if cable television were required to pay its fair share for the television programming it carries, antisiphoning measures would be undesirable and inconsistent with our system of free enterprise.

million cable homes could raise over $43 million to compete for pro football rights if $1 were charged for each regular game and 25 percent of subscribers watched, and $3 were charged for the Super Bowl and 50 percent of subscribers watched. According to the NAB comments, by serving four million subscribers and imposing an additional monthly fee of $1, cable television could take in $1 million more revenue than free television derives from its broadcast of all NFL games and the World Series.

30. The most comprehensive attempt to develop a methodology for making this comparison is contained in the reply comments of the American Broadcasting Company. If there developed a formula for estimating the pay cable dollars available for the purchase of any particular program. The formula, in somewhat simplified terms, is as follows:

(Total households) x (percent of households with tv sets) x (percent of housholds with tv sets that are cable tv subscribers) x (percent of cable tv subscribers that have pay cable option available) x (percent of subscribers with pay option that are pay subscribers) x (percent of pay subscribers that view program in question) x (charge to subscriber for program) x (percent of subscription charge passed through to program supplier) = (total national pay cable dollars available for the purchase of program in question).

ABC's own assumptions as to the state of the pay cable television industry in 1980 are as follows:

Total household	75,400,000
TV set penetration (percent)	97
CATV penetration (percent)	35
CATV penetration with pay tv potential (percent)	80
Pay subscriber penetration of systems with pay potential (percent)	15
Percent of pay subscribers viewing program (percent)	50
Charge to subscriber for program	$2.25
Percent of pay fee collected passed on to program producers (percent)	35

In the circumstance posited by ABC, slightly more than 1.5 million homes would pay $2.25 each for a particular program making available slightly more than $1.2 million dollars to the pay cable industry for the purchase of the program in question. This, ABC suggests, compares with the $1.5 million dollars a network might pay for two showings of a "blockbuster" feature film like "Love Story" during a five-year period, and with the $1 million dollars that might be paid for a movie of somewhat less appeal.

31. In sum, and based on the kind of analysis presented by ABC, the broadcast interests conclude that pay cable operations will have more money than television stations or television networks to purchase programming and, being creatures of a competitive economic system, will inevitably purchase much of the best programming now broadcast on free television and leave free television only with what is left over. The growth projections of NCTA and other cable interests are discounted by broadcasters who claim the projections look only to the short run and incorrectly assume that penetration rates and subscriber rates will remain static. They assert that once the pay interests obtain a foothold, the industry will grow rapidly, the percentage of potential subscribers who actually subscribe will increase because good programs will have been siphoned away from conventional broadcasting, and subscription rates will go up.

32. Because of this potential for program siphoning from free to pay television, the broadcast interests conclude that there is a clear need for regulation. Ample legal authority to enact regulations is said to be found in "U.S. v. Southwestern Cable Company", 392 U.S. 157 (1968) upholding the Commission's authority to regulate cable television broadcast signal carriage; in "General Telephone Company of California v. FCC" 413 F. 2d 390 (D.C. Cir. 1969) upholding the Commission's authority to regulate the provision of cable television facilities by telephone common carriers; and in "National Association of Theatre Owners v. FCC", 420 F. 2d 194 (D.C. Cir. 1969), cert. denied, 397 U.S. 92 (1970) affirming the Commission's authority to authorize and regulate over-the-air subscription television stations. The broadcast interests contend that, at least, regulation of program siphoning is reasonably ancillary to the performance of the Commission's duties. The NAB and others assert that the Communications Act of 1934 is a statutory mandate to prevent program siphoning in order to protect the public interest and facilitate an efficient, nationwide communications network. Furthermore, it is argued by some that since the 1934 Act contemplated only conventional television service, the Commission should obtain Congressional guidance before it promulgates any rule which would permit pay interests to use programming now found on conventional television.

33. All of the broadcast interests urge that the existing rules be retained or strengthened. With regard to feature films, the broadcasters claim that pay interests now have available to them all of the film product that they need. ABC points out that in the 1973 oral arguments, cable interests stated that they needed 4–8 feature films each month to operate successfully. Citing statistics from Paul Kagan Associates, publisher of "The Pay TV Newsletter," ABC states that pay interests now have available over 20 feature films each month. The availability of adequate film product is demonstrated by the dramatic growth of the pay cable industry—pay cable subscribers have increased from 16,000 in March of 1973, to over 100,000 as of September, 1974. Because of the danger of siphoning and the lack of need for more product by pay interests, the broadcast interests are unanimously opposed to any relaxation of the feature film rule.

34. Although the broadcast parties generally urge that the existing rules be retained, the following specific alterations are suggested. The existing rules apply only to cablecast programming distributed for a per-program or per-channel charge. It is suggested that the rules ought also to apply to cablecast programming distributed without any additional charge on the grounds that the same potential for program siphoning exists here as in the per-channel or per-program charge area. It is also suggested that pay operations be limited to one channel on cable television systems, and that pay cable be required to originate a substantial number of hours of non-pay programming to equalize pay cable's role with that of STV. ABC proposes a modification to the present two-year feature film rule. It would require that prior to the pay exhibition of a feature film, such film must be licensed for conventional television broadcast not later than 25 to 30 months after theatrical release. This would prevent rest and re-release and would insure that feature films reach conventional television within a short period after their theatrical run.

35. All four feature film proposals included in the Commission's further notice are rejected because the broadcasters claim they would result in delay between theater and conventional television exhibition at best, and at worst would completely remove some films from the television market. It is asserted that the average time taken by feature films to reach conventional television put forth by the program producers is misleading because of the inclusion of a few blockbuster films which weights the average on the long side. In 1974, ABC claims to have purchased 28 feature films which averaged 29 months between theater release and their broadcast period. The exclusion of a few blockbuster films would shorten this period. Therefore, the broadcast interests claim that the present two-year rule reflects actual market distribution practice and any relaxation of it would at least delay the broadcast use of feature films. The NAB asserts that the two-year rule actually aids pay interests because it encourages program producers to make films available for home pay exhibition before the two-year period runs. Any relaxation of the rule would delay the conventional broadcast use of a film and would interfere with the public's ability to see the film when its appeal is still fresh.

36. It is claimed that any shrinkage of the eight-year period between a feature film's second and tenth year after theatrical release during which home pay use is now banned would encourage program producers to withhold at least the best films from conventional television use. Since network exhibition of a film diminishes its value for pay use, the broadcasters claim that the program producers will distribute their best films in the following manner: Theatrical release—home pay release—rest—second run theatrical release—second run home pay release * * * Thus the film would never reach conventional television. The fact that a very few blockbuster films like "The Godfather" do not reach home pay

V 40 67 APR 7 75 XUM

distribution during the present two-year period does not outweigh the benefit to the public of having such films offered via conventional television on the earliest possible date.

37. Independent broadcasters in particular oppose any relaxation of the present ten-year rule. Metromedia claims that older films constitute between 25 and 40 percent of the programming on three of its television stations. Statistics submitted by the NAB indicate that during a three-week period, 66 percent of all the films broadcast by Washington, D.C. and Baltimore television stations were ten years or older. The figure was 79 percent to 92 percent for the three independent stations in those markets. Kaiser Broadcasting states that it holds rights to 5,036 films of which 4,512 are more than ten years old. Metromedia has devised an economic model which indicates that a pay cable operation with only 5,500 subscribers would have the economic potential to outbid television broadcast stations like WTTG, Washington, D.C., which pays an average of $1200 for the films it shows.

38. The broadcast interests contend that the large number of feature films "available" for broadcast use is misleading. Metromedia claims that only about one-half of the older films available are suitable for television broadcast use; and only about 23 percent could be called desirable. It is asserted that these few desirable older films would be siphoned by the pay operators should the present ten-year restriction be relaxed. Metromedia claims that talk of simultaneous use of older feature films by pay and conventional broadcast interests is unsound. It would be in the best interest of both the program producers and the pay operators to maximize revenues by withholding the best older films from conventional television for exclusive pay use.

39. Among the broadcast interests only ABC proposed a change in the present rule prohibiting subscription use of all series type programs. ABC proposed a rule which would permit subscription use of non-network series which have not been shown on conventional television for five years, and all original productions which are innovative and diverse.

40. A number of broadcast interests suggest that the existing rule requiring that no more than 90 percent of subscription cablecasting consist of feature films and sports combined be amended to a requirement permitting less use of films and sports events. This is alternatively suggested as necessary to restrict the amount of program siphoning that might take place or as necessary to encourage the development of a more diversified type of programming offering. ABC, for example, would have us lower to no more than 60 percent sports and films combined.

41. With regard to the sports rule, there was unanimous support among the broadcast interests for amending the cable rule to comply with that now in effect for STV. They contend that the danger of sports siphoning is even more apparent with regard to pay cable than STV because of cable's multichannel capability.

42. Although the broadcast interests agree that the sports rule should be strengthened, there is a wide range of opinion as to the amendments which should be made. The MST comments proposed a ban on all sports carriage within one week of the occurrence of the event. ABC would retain the existing STV rule for specific events and have the Commission consider requests by pay interests to carry non-specific events on an ad hoc basis rather than attempt to refine the existing rule. Another proposal along this line would ban pay use of the four major sports except where a showing is made that pay carriage would not affect the sport's availability on conventional television.

43. The opinion of what should constitute a substantial number of non-specific sports events ranges from 10 percent, MST, to 25 percent, Metromedia and NAB. The remainder game proposal contained in the further notice is generally regarded by broadcast interests as unworkable. It is contended that sports events are not fungible because of differing spectator interests in teams and the differing times at which games are played. Thus the remainder game concept would result in all the most desirable games being placed on pay operations, leaving the least desirable games for conventional television broadcast. The right of first refusal concept is also rejected by the broadcasters because of the administrative difficulty in determining the reasonableness of an offer. CBS, however, advocates the right of first refusal concept when applied to new sports events. There is absolute agreement among broadcast interests that no new categories of sports events be recognized. Any further categorization, it is asserted, would increase the ability of pay interests to carry sports programming.

44. The broadcast interests generally deny that "warehousing" of feature films takes place. It is admitted that in a very few instances a network may contract for exclusivity during a portion of the two-year period after a film's theatrical release, but this only occurs when the film is scheduled for early network exhibition. Such exclusivity protection, it is argued, is necessary to protect the film's value to the network. ABC asserts that of all feature films to which it purchased rights between August 1, 1969, and July 31, 1974, only two were not telecast. It is charged that the proposal made by NCTA to ban all exclusivity arrangements would benefit only the pay interests, since the usual market distribution pattern makes feature films available to pay interests before conventional broadcast interests.

45. The broadcast interests supported the proposal that pay operations be required to notify the Commission prior to the commencement of their activities. Such notification would assist the Commission in assessing the development of pay cable television operations.

46. The proposal to suspend the subscription rules for four years which was submitted by NCTA and supported by many other cable interests and program suppliers is fiercely opposed by the broadcasting interests. Metromedia characterizes the proposal as an "insidious trap." It is argued that, should the Commission suspend the rules, they would never again be given effect because entrenched pay interests would meet any attempt to reinstate the rules with arguments that to do so would disrupt established viewing habits of subscribers and would interfere with the economic expectations of the pay cable investors who will have invested billions of dollars on the basis of the status quo.

Broadcast subscription television. 47. Four parties with interests in over-the-air subscription stations filed comments in this proceeding. Each of these comments is brief and suggests essentially that the program content regulations applicable to subscription cablecasting and to subscription broadcasting should be the same. The STV interests also support the proposed requirement that cable television systems provide notification to the Commission within thirty days of the commencement of subscription programming.

48. Pay Television Corporation states that the alternatives contained in the further notice involve complicated formulas which would inhibit the free flow of competition for product and contends that the present rules should remain unchanged. However, the comments provided by Mr. Robert S. Block suggest several alternatives to the existing rules.

49. Mr. Block favors a three-to-nine-year rule for feature films with a provision that a film would be available for subscription use after the three-year availability period if a contract had been signed for its network exhibition. Additionally, a film would continue to be available to pay interests after the three-year period if the film had been made available in good faith to conventional television and no contract had been signed for its telecast. Mr. Block believes that the three-year period should begin to run not from the date on which a film is initially shown in any theaters, as under the present rules, but only after the film has been generally released in the top 25 metropolitan areas in the country. As to films over nine years old, Mr. Block sees no public interest in restricting their subscription use.

50. With regard to sports, Mr. Block proposes a rule which would average the number of games telecast in a specific market over the previous five years prior to proposed STV or pay cable showing. The remainder of games in the "home" and "away" categories would then be made available for pay use. To resolve the concern of those who feel that such a rule would eliminate the possibilities of conventional television expansion, Mr. Block suggests that provision be made such that a ten percent increase in games be made available each year, over the five-year average, to conventional television, which would have the option to

accept or reject the added number of games.

Cable television. 51. The views of the cable television industry in this proceeding were set forth in comments filed by the National Cable Television Association (NCTA), various state and regional cable television associations, and over 20 individual cable television system owners and operators. In general, the position of the cable television industry is that the Commission has no jurisdiction to impose the pay cable rules and that the rules violate the antitrust laws, the Copyright Act and the Communications Act insofar as the rules discourage competition.[16] Furthermore, it is asserted that the existing cable rules constitute an impermissible restraint on free speech in violation of the First Amendment. In the broadcast area, regulations which affect speech are justified solely on the ground that there is a technical limitation to the availability of frequency space. "National Broadcasting Company v. United States," 319 U.S. 190 (1943), "Red Lion Broadcasting Company v. FCC," 295 U.S. 367 (1969), "National Association of Theater Owners v. FCC," 420 F. 2d 194 (D.C. Cir. 1969). In the subscription cable area, frequency space is not used so content regulations cannot be sustained. If the rules do not violate the First Amendment on their face, it is argued that because they certainly restrain speech there must be at least most compelling evidence that they are essential to preserve the objectives of the Communications Act. Available evidence indicates that no such showing can be made. Absent any hard evidence that the public would suffer, there should be no pay Cable restrictions. The cable industry asserts that a record based on actual marketplace experience is required to justify restrictions on pay cable programming. Therefore the present rules must be at least suspended to allow the marketplace to determine whether restrictive rules are needed to protect the public.

52. It is argued by pay cable proponents that subscription operations are needed to make cable television viable, especially in urban markets where broadcast signals are available. Pay operations are regarded as necessary in many cases to provide the gross revenue base cable systems need to build and provide other non-broadcast services. Revenues obtained from subscription programming are essential if advanced cable systems in the larger markets are to be constructed and comply with the requirements of the rules. As with conventional television, cable television must provide entertainment programming like feature films and sports events to support less profitable news, special interest and public service programming. The present restrictions, it is argued, do not permit an adequate supply of entertainment programming to attract subscribers. This situation in turn adversely affects the willingness of investors to finance cable operations. The California Community Television Association points to a large demand for more "G" rated feature films on the subscription operation serving San Diego. However, the present program restrictions force the operator to carry a large number of "R" rated films which do not have family appeal. The TM Communications Company claims that it has reached only between 9 and 16 percent pay penetration on its systems because there is not enough film product to attract subscribers. Telecable Corporation asserts that after careful study, it has decided not to introduce subscription service on any of the systems it operates because of the lack of sufficient product to attract subscribers. Because the program restrictions restrict the market to which programming may be sold, thereby reducing the return to the program creator, it is argued that the rules stifle creative effort; a loss shared by the general public.

53. Arguments that development of direct payment forms of television distribution will prejudice the poor are incorrect according to cable interests. Pay systems, rather than requiring payment for what is now available free will make available box office films, sports, educational, and cultural programming which is either not now available at all except to a very few, or which is available only upon payment of high box office prices and the parking, baby sitting and other expenses attendant thereto.

54. The NCTA asserts that it is impossible to offer irrefutable proof against the broadcasters' siphoning predictions because it is impossible to prove a negative, i.e. that siphoning will not occur. Therefore, the burden of proof should be placed on the broadcast interests.

55. Although the NCTA agrees that it is not in the public interest to allow programs now seen on conventional television to be removed from that medium, it claims that no factual basis presently exists to support any rules restricting pay cable exhibition of feature films and series type programs. There are presently only some 89,000[17] pay cable subscribers. But even with one million subscribers, the NCTA claims that a maximum of $2,400,000 would be available for the purchase of 8 feature films nationwide in any given month. This works out to be $300,000 per film. In 1973, the average film sold to the networks for two runs brought $750,000 to $800,000 and an additional $250,000 to $350,000 was obtained from the independent stations in syndication. This evidence indicates that there is no danger of siphoning in the foreseeable future. The NCTA claims that the broadcasters' predictions of the economic power of pay cable ignores the high capital and labor costs to the cable industry; the division of revenues among program supplier, channel lessee, and system operator; the multiplicity of operators purchasing different programs; and the impossibility that all subscribers would want to watch the same programs. But even if pay cable had the magnitude of economic resources in the future to buy up features, the motion picture suppliers would never permit exclusive use by pay interests. The exhibition of feature films on conventional television, regardless of prior showings in the theater and on pay cable, will continue to be a critical source of income for the motion picture companies.

56. On the issue of siphoning, Viacom International Inc., points to a Stanford Research Institute study which predicted that pay television viewers in 1985 will not spend more than seven percent of their viewing hours watching pay programming. This indicates that the effect of pay cable on conventional television will be slight, if there is any effect at all. In support of this view, the California Community Television Association states that only six tenths of one percent of California television households are pay cable subscribers. These figures show that the conventional television audience is not now, nor is it likely to be, threatened by pay cable. With its vast viewing audience in tact, conventional television will continue to have the economic resources to provide the quality of programming which it now delivers. The extent of these economic resources is demonstrated by several recent network film purchases: $10 million for "The Godfather," $5 million for "Gone With The Wind," and $3 million for "The Poseidon Adventure."

57. The NCTA states that the broadcast interests speak much of delay with regard to feature films, but that is not the issue. It asserts that the basis for the Commission's pay television and pay cable rules has been the concern of depriving the public of programming it now receives free. For the first-time in the further notice, the Commission raised the issue of delay. The Commission should not, it is said, establish regulatory precedent that it will regulate the timing of which programming is shown on broadcast television. The Commission does not restrict theatrical runs to force movies to reach conventional television earlier, and no more reason exists, it is argued, to restrict the length of time feature films are used by pay cable. In any case, the NCTA states that pay cable exhibition of feature films without restraint will not delay the exhibition of feature films on conventional television. The average time between first theatrical release and first telecast has remained at five years and two months for the

[16] By way of underlining the importance of antitrust policies, NCTA quotes the following language from "United States v. Topco Associates, Inc.", 405 U.S. 596, 610 (1972): "Antitrust laws in general, and the Sherman Act in particular, are the Magna Charta of free enterprise. They are as important to the preservation of economic freedom and our free enterprise system as the Bill of Rights is to the protection of our fundamental personal freedoms. And the freedom guaranteed each and every business, no matter how small, is the freedom to compete—to assert with vigor, imagination, devotion, and ingenuity whatever economic muscle it can muster. Implicit in such freedom is the notion that it cannot be foreclosed with respect to one sector of the economy because certain private citizens or groups believe that such foreclosure might promote greater competition in a more important sector of the economy."

[17] Other estimates place this figure at 100,000.

V 40 67 APR 7 75 XUM

seven television seasons since 1967–68. The imposition of the present two-year rule has not hastened the market process by which feature films reach conventional television.

58. Additionally, the cable interests join the program suppliers in stating that the present rules ignore the fact that any significant increase in demand for feature film and series product will result in an increase in the supply of such program product. The supply of programming is elastic. Production studios are in difficult economic straits and unemployment among actors and production personnel is chronically high. With increased outlets for its programming, the program software industry would gird itself for increased production to meet the demand. This increase in supply would aid not only the subscription cable industry, but also provide more programming and particularly more general audience programming for both theaters and broadcasters. Any argument that more programming cannot be produced is refuted by the recent increase in made-for-television movies.

59. The cable television interests are unanimous in their opinion that the existing rules which generally prohibit use of feature films more than two years after their first general theatrical release are overly restrictive and result in the better films never becoming available for pay cable use because they continue to be used in theaters for the whole two-year period. The NCTA states that the pay rules in effect "warehouse" feature films because of the restrictions placed on their use. It claims that since there is no rationale for the feature film and series rules, the NCTA is opposed to all of the alternatives listed in the further notice as well as to the existing rule. Most cable interests agree with the position of the NCTA, although a few specific alternative proposals were advanced.

60. TM Communications Company favors the first proposal set out in the further notice as the one freeing the most films for pay use. It suggests a five-year rule with the caveat that pay use of a film would be limited to a 24-month period from its first pay cable use.

61. Cablecom-General, Inc., favors the second proposal contained in the further notice. It suggests that a film should be made available for pay use for a period of time related to the length of its theatrical run. Then conventional television should be allowed the same amount of time to exhibit the film, after which there should be no restrictions on its use.

62. TelePrompTer Corporation agrees with the position of the NCTA that all feature film restrictions on pay use should be removed. Moreover, it suggests that the Commission should prohibit a film's use by conventional television until pay interests have had an adequate opportunity to exhibit it. TelePrompTer states that there should be a "window" for pay use—for instance a floating one year rule—during which pay interests would have exclusive use of a film between its theatrical run and its exhibition on conventional television. The NCTA rejects the "window" concept, whether or not it is for exclusive pay use. It states that such a rule unfairly affects subscribers of new systems built after the window has closed.

63. Cable television interests contend that the series and feature film rules are unnecessary and self-defeating because there exists considerable quantities of unsold program product that could be used by pay cable operations without withdrawing any product from broadcast use. Comments filed in Docket 18179 (concerning limitations of exclusive purchases of programming by broadcast stations) indicate that there is substantial program product available for broadcast use which remains unsold. Of the 54 separate series programs placed in syndication in the top 50 markets between 1965 and 1970, 5.1 percent of the markets remained unsold and of the 31 feature film packages placed in syndication, 32.1 percent of the markets were unsold. Of the many thousands of films over ten years old, subscription cable may only use 12 films a year under existing rules, although it is clear most of these films will not have broadcast exposure during that time.

64. The NCTA contends that there should be no limitation on the exhibition of feature films by pay cable after network exhibition. Once the film has been shown on network television or even contracted for, there can be no hypothetical concern about siphoning or delay. There is a large supply of feature films available for both broadcast and pay cable use. According to NCTA's study of the Detroit market, for example, the five television stations in that market televised 2,271 films during the 12-month period. Of the 18,000 films available in the market, 15,729 were not televised. Similar situations exist in the markets of Houston, Sacramento, Syracuse, San Antonio, Orlando/Daytona Beach, Cedar Rapids/Waterloo, Portland/Poland Springs, Sioux Falls/Mitchell, Amarillo and Washington. The anti-warehousing rule proposed by the NCTA (see paragraph 68, infra) would insure unrestricted simultaneous use of older films by pay interests and conventional television because the film producers will be anxious to exploit both markets. In response to the contention of Metromedia (see paragraph 38, supra.) that there are only a very limited number of suitable older films available for broadcast use, the NCTA asserts that in a recent 12-month period all of the Washington, D.C. television stations purchased only 530 film titles. With something like 18,000 titles available, it is claimed that there is an abundance of quality film product available for both conventional television and pay use.

65. The NCTA and many other cable interests would have the Commission abandon its series rule altogether. The California Community Television Association states that at least pay cable should be allowed to carry series which have been rejected by conventional television. This proposal is somewhat in line with that of ABC (see paragraph 39, supra.). Viacom International, Inc., proposes that pay interests be allowed to develop their own series programs. It states that pay cable provides an opportunity to air series programs with less than mass audience appeal.

66. Cable interests submit that the sports rules are overly restrictive because there is a significant number of sports events which will not be broadcast and which the rules prohibit subscription television systems from using. The NCTA suggests that the existing two-year rule be retained but not expanded to five years as it has been for STV. For non-specific events, the network or local broadcaster should be granted a right of first refusal to the larger of the number of games in a given category telecast in either of the last two years. All games in a category above the two-year high-water mark, remainder games, could be licensed to pay cable without first giving broadcasters the right of first refusal. In this way all sports events could be made available to the public, either by broadcasters or pay interests. The NCTA points out that the Commission's recent Home Box Office letter [18] demonstrates that the use of remainder games by pay cable has no adverse impact on conventional television and results in the public having the opportunity to watch events not televised. Additionally, Cablecom-General states that there should be no restrictions on delayed pay cablecasting of sports events.

67. With regard to the question of whether the Commission's pay cable and STV rules should be the same, most of the cable interests which commented on this issue were of the opinion that because STV involves the use of the broadcast spectrum the STV rules should be considered separately from the cable television rules. However, it is urged that, if new cable rules are adopted, they apply equally to all forms of cable communication, whether it be subscription cable, multipoint distribution service, laser, closed circuit or any other technology which is developed. With regard to the broadcasters' proposal that the subscription cable rules be extended to programming for which no additional charge is made, the cable interests reply that they have been engaged for some time in such cablecasting and no evidence has been presented to suggest why the subscription rules should be extended to this type of programming.

68. Those cable interests which commented upon the warehousing issue assert that broadcast interests should be prohibited from withholding feature films from pay cable by way of exclusivity contracts. The NCTA claims that broadcasters now use exclusivity contracts to warehouse films before they are two years old and after they are ten years old. Thus, warehoused films may be withheld from pay cable during much of the time now left open for

[18] Letter from the Commission to Home Box Office, Inc., September 17, 1974.

cable by the Commission's rules. To guard against such warehousing, the NCTA proposes the following rule:

Networks shall not in the licensing of feature films restrict by contract or otherwise their exhibitions on pay cable except that a reasonable period of exclusivity can be contracted for, provided it does not commence more than thirty days preceding the first network broadcast under the initial network contract.

The NCTA also proposes the following rule to protect against warehousing by cable interests:

Cable companies shall not in the licensing of feature films for pay cable restrict by contract or otherwise limit their broadcast over the air.

69. The California Community Television Association agrees that broadcast interests must be prohibited from purchasing unreasonable period of exclusivity, and additionally, proposes that the broadcast interests be required to make available to pay cable any film in which they have a financial interest.

70. TelePrompTer Corporation states that the NCTA proposal does not go far enough to protect pay cable from the "predatory practices" of the broadcast industry.[19] TelePrompTer asserts that the networks have purchased "The Godfather," "Fiddler on the Roof," "The Poseidon Adventure," "Love Story" and "Patton" in an effort to kill the infant pay cable industry,[20] and proposes a rule which would prohibit the exhibition of a film by conventional television until pay cable has had an adequate opportunity to exhibit it.

71. As to the proposed requirement that cable systems notify the Commission prior to instituting pay service which was incorporated into Docket 19554 by the further notice, most cable interests are of the opinion that such information could more easily be procured with minor revisions of the Commission's present Form 325. Aurovideo, Inc., expressed concern that if objections could be filed to the proposed notification and such objections would stay a cable system's right to provide pay service, the result would be tantamount to requiring Commission permission to provide pay service. Such a requirement has already been rejected by the Commission. See paragraphs 32–35, "Clarification of rules and notice of proposed rulemaking," FCC 74–384, 46 FCC 2d 175 (1974). Viacom International Inc., specifically opposed the petition for rulemaking initially filed by the National Association of Theater Owners (RM–2371), stating that the proposed rule would place an unnecessary burden upon cable system operators and that the proposal was an attempt by the theater owners to use the Commission's process to obtain competitive information.

72. The general substance and tenor of the industries' comments are perhaps well summed up in the following statement from the comments of Columbia Cable Systems, Inc., et al.:

The immediate effects of § 76.225 are threefold. First, the freedom of both buyers and sellers of programming covered by the rule to buy and sell such programming in the open market is unlawfully and unjustifiably restrained. "See Klor's, Inc. v. Broadway-Hale Stores, Inc.," 359 U.S. 207 (1959). Second, the rule undermines existing policies favoring competition in the distribution and licensing of programming in the movie and sports industries. "See e.g., Bigelow v. RKO Radio Pictures, Inc.," 327 U.S. 251 (1946); "United States v. Loew's, Inc.," 371 U.S. 38 (1962). And third, and ultimately, by withholding from pay cablecasters the essential resource—programming—without which they cannot compete with broadcasters, the rule preserves, and strengthens, the existing monopoly position of many broadcasters and, particularly, of the networks. Each of these aspects of § 76.225, whether taken individually or collectively, would, if they were the result of private as opposed to governmental conduct, constitute a violation of the antitrust laws. "See Silver v. New York Stock Exchange," 373 U.S. 341 (1963). These restrictions on the ability of pay cablecasters to freely compete with broadcasters are directly in conflict with the procompetitive policy of the Communications Act and with Congressional policy favoring competition unless expressly excluded, and may only be imposed upon a compelling showing that they are required to effectuate, and will not obstruct, objectives of the Communications Act.

. . . . . .

The restrictions imposed upon pay cablecasting by § 76.225 rest upon the Commission's assumption that pay cablecasting, at some point in the future, may result in the siphoning of programs from "free" television, thereby depriving viewers of some programming which they might otherwise receive without charge. This assumption, to date, is totally unsupported by any documented evidence and is founded, essentially, upon speculation.

73. Because there is allegedly no evidence to support pay cable restrictions, at least as to feature films and series type programs, the cable interests led by the NCTA propose a four-year moratorium on such rules after which time the networks and broadcast interests should be required to justify any proposed restrictions on pay cable service. It is claimed that such a four-year period would allow the marketplace time to determine whether any restrictions on the pay use of feature films and series programs are necessary to protect the public interest. Cablecom-General, Inc., suggests that the Commission undertaken its own study during the proposed moritorium period to assess the possible effects of pay cable programming on conventional television service.

Subscription cable television entrepreneurs. 74. Comments were received from five subscription cable television entrepreneurs. The comments of this group generally reflect those submitted by the cable television interests, asserting that the Commission has no jurisdiction to impose the cable television program restrictions and, in any case, the restrictions with regard to feature films and series programs are not needed to protect the public interest, and the restrictions with regard to sports programs should be relaxed to permit pay cable carriage of events not televised.

75. In addition to the anti-trust and constitutional issues raised by the cable television interests (paragraph 72, supra) and the Justice Department (paragraph 124, infra), Home Box Office, Inc., et al., asserts that the subscription rules are constitutionally defective in that they are vague and overboard. "NAACP v. Button," 371 U.S. 415 (1963), "United States v. Robel," 309 U.S. 258 (1967). The over-breadth of the rules is demonstrated by the fact that they prohibit the pay cable exhibition of feature films and sports events even when there is no danger of siphoning, the evil against which the rules were designed to guard. HBO points out that the rules frustrate its desire to exhibit "Butch Cassidy and the Sundance Kid" even though ABC has contracted to show the film in 1976. Pay cable exhibition of the film could in no way affect its exhibition on conventional television. In the sports area, the rules operate to withhold from pay cable hundreds of events which conventional television has no desire to telecast. As to the issue of vagueness, HBO points to § 76.225(a) (2) of the rules which prohibits the subscription cablecast of sports events which "have been televised live on a nonsubscription, regular basis." The Commission has never provided concrete guidance as to how this rule will be applied in specific circumstances, thereby making compliance with the rule an impossibility.

76. The pay cable interests state that they provide a unique form of entertainment, even when the same product is available in theaters and on conventional television, and that this diverse entertainment opportunity should not be denied the public on the speculative ground that to do so might in the future affect conventional television. Optical Systems Corporation points out that "There are several distinct features of pay cable programming, particularly feature films, which fulfill the desires of many American families: The opportunity to see feature films in the privacy and security of one's own home in their original form; uninterrupted by commercials; at the viewer's convenience; and most significant, at a cost for the entire family that is less than a single child's admission ticket to a movie theater." With regard to the siphoning issue, Warner Communi-

[19] Referring to a December 20, 1973, letter of Mr. Everett Ehrlick of ABC to the then Chairman, Dean Burch, TelePrompTer states:

Thus, for example, "Diamonds Are Forever" was contractually barred from pay cable during all but the first three months of the two year up-front period permitted by the Commission's rules even though ABC was not licensed to broadcast the film until three years after initial theatrical release. Of the 142 films covered by Mr. Ehrlick's letter, exactly half were barred from pay cable during at least part of the two-year period following initial theatrical release. The effect of such prohibitions was to reduce the period allowed to pay cable by 17.4 months—or almost ⅔rds of the time allotted to pay cable by the Commission's rules. Mr. Ehrlick's somewhat muted suggestion that exclusivity of this sort is necessary to ensure that films be properly "rested" before network showing is obviously ludicrous when viewed in the context of a pay cable industry with 70,000 subscribers. Note, moreover, that the contracts entered into by ABC do not provide for exclusivity against in-flight exhibition, armed forces network exhibition, or closed-circuit hotel distribution, each of which has larger audiences than pay cable.

[20] TelePrompTer claims that the intent of the networks to harm the pay cable industry is indicated by the fact that NBC will actually lose money on its airing of "The Godfather."

to programming other than feature films the producer. This estimate is based on 91. Even if delay does result in some

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cations, Inc., states that pay cable now reaches only about two tenths of one percent of the nation's television homes, and all pay cable operations have been operating at losses. Under these circumstances, Warner questions the ability of pay cable, now or in the foreseeable future, to outbid conventional television for programming.

77. The subscription cable entrepreneurs cite lack of sufficient film product as one of the most important restraints on their continued growth. Optical Systems Corporation states that 104 feature films are required each year by a pay cable operation. It says that from September, 1972, to August, 1973, only 370 feature films were released. Of these only 114 were acceptable for pay cable showing, the rest having "X" or "hard R" ratings, or being undubbed foreign films, etc. Of these 114 acceptable films, only 89 were made available to Optical by the film owners. Many of the 89 films, particularly the better ones, had theatrical runs lasting most of the two-year period which the rules allow for pay cable exhibition. But even if the two-year rule were relaxed to a three or four-year rule, Optical asserts that very little new product would be made available for pay use because most of the acceptable film product of the past two years has already been exhibited by subscription systems. Pay cable must have access to the vast number of films over two years old in order to fill its program schedules. Optical attributes most of its subscriber disconnects to the lack of sufficient quantity and quality of feature films, particularly family oriented films.

78. Optical asserts that films over ten years old can neither be purchased from their producers nor distributed to subscribers at the rate of only 12 per year. It states that these older films can only be purchased in large packages and must be exhibited in film festival type blocks of 20 to 30 a week along with at least two current movies. Because of these marketplace realities and the restrictions placed on older films by the rules, Optical states that it has never purchased or exhibited feature films over 10 years old.

79. Commenting on the series program rule, Home Box Office suggests that the rule should be changed so that it bars at the most only series which have been distributed by a national television network within the two years preceeding the date of the proposed cablecast. It claims that the present rule bans any type of innovative or special interest series program, as well as series which have been rejected by conventional television.

80. Because none of the four alternatives to the present feature film rule contained in the further notice would adequately meet their product needs, the pay cable interests consider the alternatives unacceptable. Instead, they favor the proposal of the NCTA and other cable interests that the feature film and series program rules be suspended for at least four years during which time the effects of unrestricted film use could be studied. Since the results of such action would not occur overnight, it is claimed that the Commission would have plenty of time to take remedial action should harmful effects develop.

81. Home Box Office, Inc., states that both alternatives to the present sports rule contained in the further notice would be more acceptable than the existing rule, and that the second alternative is better than the first because it would free more sports events for pay cable use. However, HBO claims that both alternatives still suffer from overbreadth because they would deny to pay cable some games which would not appear on conventional television. HBO supports a rule which would give a right of first refusal to conventional television only as to those games which have been previously telecast. Regardless of the number of games which had been telecast in the past in any given category, such a rule would allow pay cable to carry any games which conventional television elected not to carry during the forthcoming season. Thus the public would not have to wait one year or three years or five years for an opportunity to view games not seen on conventional television.

82. In response to several questions presented for discussion in the further notice, HBO states the following:

The base period for the cable television sports rule should remain the same and not be increased to five years as it was in the STV rule.

The "substantial number" of games necessary to invoke the sports rule's prohibition of pay cable carriage should be 75 percent.

The Commission should recognize additional categories of events on a ad hoc basis. The categories presently recognized are sufficient in most situations.

The sports rule should be applied no differently to a situation in which a team's telecasts fall into more than one category than if they fall into only one category.

No distinctions should be made between professional and amateur sports, major sports and minor sports, team sports and individual sports.

Additionally, HBO suggests that, if the sports rule is not significantly altered, the Commission should clarify the status of post-season or playoff games in the various sports.

83. On the warehousing issue, Optical Systems Corporation states that the following warehousing instances have been reported:

1. That early in 1974, CBS acquired 4 films from MGM under a contract that prohibited pay cable exhibition during at least portions of the 2-year available exhibition period. These films were "Slither," "Soylent Green," "They Only Kill Their Master," and "Pat Garrett and Billy the Kid." In fact, Optical was informed by the distributor of these films, soon after they were licensed by CBS, that they would no longer be available for pay cable exhibition;

2. That NBC acquired "Day of the Dolphin" by a pre-release contract that prohibited pay cable exhibition during the entire two year period, and through the broadcast period. In fact, "Day of the Dolphin" has never been made available to pay cable;

3. That "Cabaret" and "Papillion" were excluded from pay cable exhibition by arrangement between ABC and Allied Artists. Neither film was ever made available to Optical;

4. That the "French Connection", which was first released theatrically on October 7, 1971, was sold to CBS in October 1972 with an exclusivity clause that barred any pay cable exhibition subsequent to October 7, 1973. This, despite the fact that the license precluded the network from showing the film until October of 1975.

5. Exclusivity provisions can be implied where films that originally were made available to pay cable have been "yanked", i.e. removed from pay cable availability prior to the expiration of the two year period. This is the case with the following films: "Poseidon Adventure"; "Slither"; "Soylent Green"; "Charlotte's Web"; "Young Winston"; "1776"; "Valachi Papers"; "Shamus"; "Godspell"; "40 Carats"; "The Stone Killer"; "Oklahoma Crude"; "Lost Horizon"; "Dillinger"; "Crazy Joe"; "Summer Wishes Winter Dreams"; and "The Getaway";

6. Coincidently, no films produced or financed for theatrical release by ABC have been made available to pay cable. These films include such titles as: "Cabaret"; "Kotch"; "Charley"; "They Shoot Horses Don't They?"; "Straw Dogs"; "Take the Money and Run"; "Song of Norway"; "Junior Bonner"; and "The Torch."

7. Despite numerous requests, theatrical films produced by Cinema Center Films, a CBS-subsidiary, were never made available to pay cable. These films include: "Little Big Man"; "Scrooge"; "The War Between Men and Women"; "The Boys in the Band"; "Prime Cut"; "A Man Called Horse"; "The Reivers"; and "Blue Water White Death."

To guard against such anticompetitive practices, Optical submits that the Commission should prohibit any arrangement, by contract or otherwise, whereby commercial broadcasters preclude the licensors of feature films the right to license those films for exhibition on non-broadcast media. Alternatively, the Commission could reach the same result by interpreting the "financial interest rule" (§ 73.658(j)(ii)) to preclude the television networks from obtaining exclusivity rights against other, non-broadcast media. Home Box Office states that broadcast exclusivity against pay cable should be limited to a maximum period of 30-days prior to the first presentation by the broadcast purchaser, plus the run of the contract, provided that the contract is not unnecessarily long.

84. In summary, the position of the subscription cable television entrepreneurs is reflected in the following statement of Home Box Office:

Pay cable needs access to feature films and sports at this stage of its development. Because the market for specialized programming is still being plumbed, and its shape and directions are still unknown, there is little specialized programming of suitable quality • • •. not only would the public be forbidden to experience a new dimension in entertainment, it would be absolutely denied the right to see those feature films which either will not appear on the networks or will appear at inconvenient times or several years hence and would be deprived permanently of the large warehouse of sporting events which do not reach conventional television. The public should not be asked to pay a penalty to protect broadcasting, particularly where that penalty is not necessary to achieve the objective.

Finally, putting aside all of these positive reasons why pay cable should not be limited

to programming other than feature films and sports, the answer is that the Constitution, the Communication's Act and the antitrust laws require that the question be posed in the converse—the beginning presumption must be that pay cable may carry any programming it wishes; and the question must be why should pay cable be limited, not why not. The proper legal point of departure is that pay cable is not to be restricted in any manner unless there is clear and convincing evidence of a direct, adverse affect upon the totality of television service.

Motion picture and television program production industries. 85. Comments in this proceeding were received from MCA, Inc., and a group of motion picture industry entities which includes The Motion Picture Association of America, Inc., and various program suppliers and copyright owners. The basic position of these program suppliers is that the rules restricting the use of feature films and series programs by subscription cable television are contrary to the public interest, are based on erroneous assumptions of fact, violate the First Amendment, exceed the Commission's statutory authority and are contrary to the antitrust laws. To the extent that these arguments were discussed by the cable television interests and the subscription entrepreneurs, they will not be repeated here. However, a number of points made by the program suppliers sheds additional light upon the issues in this proceeding.

86. The program suppliers assert that subscription cable television will not replace either the theatrical or the conventional television outlet for motion pictures, but will expand the total audience which will see feature films. At the same time, it will furnish an incentive for the production of high-quality programs and of programs for minority tastes. Rather than siphoning product from conventional television, the program suppliers argue that the introduction of the new cable television market will decrease the cost of film product to theaters and television and increase the supply of feature films.

87. The program suppliers state that the unrestricted showing of feature films by subscription cable television will not result in the siphoning of these films from conventional television. This conclusion is based on (1) a comparison of the relative size and economic importance of the conventional television and pay cable markets and the dependence of producers on revenues from conventional television; (2) hard data concerning the average time period that elapses between the general theatrical release of a feature film and its first showing on network television; and (3) the emergence of a new form of motion picture—the made-for-TV movie—which has replaced the theatrical feature as the dominant movie shown on network television and which demonstrates the elasticity of supply of feature film product.

88. MCA claims that the potential sale of a feature film to pay cable at the present time would earn at most $27,000 for the producer. This estimate is based on a subscription to the film by 30 percent of the total pay cable homes and a $2 charge by the cable system split 50–50 with the producer. This contrasts with the estimated average price of a feature film sold to conventional television during 1973 of approximately $800,000 for network showing and $250,000 to $350,000 for showing by local stations in syndication. MCA argues that these figures conclusively disprove any assertion that pay cable will be able to outbid or siphon movies away from conventional television.

89. The program suppliers state that as a general rule, motion pictures made for theatrical exhibition will be licensed in sequence to (1) theaters, (2) subscription television, (3) networks, and (4) local stations. This distribution is consistent with the historical pattern of motion picture distribution. In the Joint Comments of the Program Suppliers, it is stated that "It is impossible to imagine any reason other than insanity which would cause a distributor to continue licensing the picture indefinitely for Family Choice Cable after the revenue from this market has dried up—and when a pot of gold can be gained from a network exhibition."

90. The program suppliers also assert that unrestricted feature film distribution will not result in delay to conventional television. Statistics are provided which indicate that the average (mean) number of months which elapsed between the theatrical general release of a film and its first showing on network television for the last seven years was 61.95 months—more than five years—and that during the 1973–74 season this figure has even increased to 62.26 months. The median age of theatrical features shown on commercial television during the same seven-year period was 51 months and that age has increased during the 1973–74 season to 54 months. During the 1972–73 season, the average age of blockbusters was 71.56 months and the median age was 60 months. During the 1973–74 season, the average age of blockbusters had declined slightly to 69.8 months while the median age had increased to 65 months. Looking at these figures from a different angle, the program suppliers state that during the 1973–74 season, 101 movies out of a total of 115 theatrical movies shown for the first time on commercial television—88 percent—were over two years old. The program suppliers regard as unpersuasive the statement of ABC (see paragraph 35, supra.) that contracts for 28 feature films entered into by it in 1974 show an average elapsed time between theatrical exhibition and permissible broadcast period of 29 months. The program suppliers assert that the ABC data is apparently based only on availability dates and not telecast dates; and that the more reliable guide is the entire schedule for the 1973–74 season. During that season ABC telecast 42 features with an average elapsed period of 70.43 months from theatrical release.

91. Even if delay does result in some instances from unrestricted pay cable exhibition of feature films, the program suppliers claim that the potential audience for these films would not decrease. A correlation analysis demonstrated with regard to 1,027 features covered by national Nielson ratings that the time lapse between the first general theatrical release of each motion picture and its first showing on conventional television had no significant impact on its popularity with television viewers. Therefore, it is argued that delay would reduce neither the popularity of the feature with the viewing public nor the income generated for conventional television.

92. Finally, the program suppliers claim that any increase in demand for film product created by subscription markets will be met by an increase in the supply of such product because of the present unused capacity of the film production industry. The best proof of the elasticity of supply, they state, is the recent and accelerated trend toward made-for-television films. In 1970, such features constituted only about 20 percent of all movies telecast by the networks. Today, they constitute more than 60 percent. Furthermore, it is noted that because these features are specially made for network television, they cannot be withheld from the networks and are subject neither to siphoning nor delay.

93. The program suppliers urge the Commission to allow a free feature film program market to exist without regulation in order to permit the gathering of experience from which policy decisions by the Commission may be made and regulations, if warranted, be issued. Because of the present lack of experience with regard to pay cable television, the program suppliers do not favor adoption of any one of the four alternatives proposed in the further notice.

94. The first alternative, which would extend the present two-year rule to three, four or five years, is preferred by the program suppliers to the existing rule, but they claim that many desirable features would still not be made available to pay cable. Features such as "Sound of Music," "Romeo and Juliet," "2001," "Gone with the Wind," "Bonnie and Clyde," "Harold and Maude," the Disney features and many others are more than three, four or five years old. A five-year rule would not free many of these pictures for pay cable use. The suppliers submit that any time period geared to theatrical release is unworkable and arbitrary in that the date of theatrical release triggers a most unreliable time clock for determining the end of the film's theatrical life. Additionally, they state that any revision of the two-year rule makes no provision for "grandfathering" or for systems not in being. Assuming the adoption of a revised two to ten year rule effective January 1, 1975, the program suppliers ask what provision would be made for films more than two, three or four years

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old that have never been shown on pay cable? Further, what provision would be made for systems which come into being thereafter? Depending on the starting date, they would be barred completely from showing a substantial number of features, or have a choice of a number of features with fore-shortened availability periods. The problem is particularly acute, they say, in light of the fact that there are only a relative handful of pay cable subscribers today—some 90,000.

95. The second alternative, the provision of a window for pay cable's use of a film commencing on the date of its first pay cable exhibition, is criticized by the program suppliers as being overly rigid and not taking into consideration the various requirements of each specific feature and the need for varying the time periods for the showing of a particular feature by a particular cable system. Also, they state that the effect of such a rule would be to require the smaller operators to accommodate their choice of features and the timing of their exhibition to the selection and scheduling of dominant cable operators. Moreover, cable systems which may not even have been in existence at the time a feature was first exhibited for pay would never get a chance to play it.

96. In the view of the program suppliers, the basic shortcoming of the third, or "wild card," alternative is that the wild cards will necessarily be blockbusters and that the rule would deny pay cable access to other movies, some of which will be needed to appeal to more specialized audience tastes, which now would be barred by the current two-year rule. They argue additionally that there is no basis in fact or logic for determining the number of wild cards; that the alternative does not provide for systems not in being which would be precluded from showing wild cards previously exhibited on other systems; that there is no basis in fact or logic for determining the permissible limited period of use; that large cable systems would control the selection and timing of exhibition of wild cards; and that as a consequence of the foregoing, the Commission and the affected industries would necessarily be embroiled in frequent and protracted waiver requests.

97. The fourth alternative, which would expose a feature film to cyclical bidding by cable and television interests, is impractical in the opinion of the program suppliers because it is incompatible with the business economics of sequential motion picture distribution by which feature films move from the theaters to subscription exhibition to networks and finally to local stations.

98. Commenting on the proposal of ABC (see paragraph 34, supra.) which would allow a feature film to be shown on pay cable only after a license has been issued to a network for a showing within 25–30 months from theatrical release, the program suppliers claim that such a rule would greatly strengthen the monopsony position of the networks. Networks could bar a feature from pay cable entirely by failing to make a contract for its exhibition within two years.

99. The program suppliers also urge the Commission to abandon its restrictions on the pay cable exhibition of films over ten years old. They claim that under the restraints of the present rule, pay cable systems have not been able to experiment with the offering of a channel of classical or older films, or group of older films which cater to minority tastes. In answer to the assertion of Metromedia (see paragraph 37, supra.) that a relaxation of the ten year rule would permit pay cable to outbid local television stations for this older film product, the program suppliers state that the absence of an unregulated market for the carrying of these features by cable systems has made any assumption of what a viewer would be willing to pay for such older features pure guesswork. Additionally, they claim that Metromedia's assertion (see paragraph 38, supra.) that only some 20 percent of the supply of older films are suitable for broadcast use serves to strengthen the argument that at least the large unused part of the supply of older films should be made available to pay cable and not be barred as it is under the present rules. The suppliers note that the comments of Metromedia listed as undesirable films on opera such as "Aida"; historical drama such as "Abraham Lincoln"; foreign productions such as Ingmar Bergman's "Virgin Spring"; the French classic "The Umbrellas of Cherbourg" and the Russian "Ballad of a Soldier"; ballet type films including Balanchine's "Midsummer Night's Dream" and the "Bolshoi Ballet '67"; films appealing to minorities such as "Malcolm X"; and "The Adventures of Chico"; pictures of religious and human interest such as "Albert Schweitzer"; films appealing to juveniles such as "Penrod and Sam"; and many others which would be marketable by pay cable. The program suppliers contend that it is no answer to say that features which cannot be sold to television shall be available to pay cable only upon a convincing showing to the Commission that bona fide attempts have been made to sell the films on reasonable terms for conventional television broadcasting and that they have been refused. They submit that if the Commission should let itself be led along the path of waivers and exceptions, it would end up in a quagmire. Such a procedure would make the Commission the reluctant arbiter as to which pictures are suitable for television and which ones are not, as to the price at which they should be offered and as to whether the negotiations were conducted in good faith.

100. The program suppliers contend that there is no danger that series programming will be siphoned from conventional television should the present restrictions be removed. They claim that producers of such programs simply will not and, indeed, cannot transfer a series that has received favorable ratings on the network to the more limited subscription market. The potential network losses would be staggering compared to the potential reward from pay cable either now or in the foreseeable future. Further, all network series contracts give the purchaser an option for the next television seasons. These options will extend for a period of five years or more and will prevent the transfer of the series to other media. Similarly, the producer is completely dependent on syndication revenues when a successful series has completed its network run and is ready for re-runs on conventional television. The producers would not sacrifice the essential revenues returned by syndication sales for a speculative audience that might or might not materialize from the pay cable market. Moreover, the suppliers claim that it is highly questionable whether the public would be willing to pay to view re-runs of series previously seen on conventional television.

101. With regard to the Commission's suggestion in its further notice that the progression of films be plotted on charts through the distribution chain under various regulatory schemes, the program suppliers conclude that it would be impossible to plot any valid and meaningful data on such charts. Because of the many imponderables and unpredictable reactions of the public to a particular feature, they claim that it is impossible to plot or forecast with any degree of accuracy the path which a motion picture will actually take in the course of its distribution.

102. Of the program suppliers, only MCA supplied comments on the warehousing issue. It states that its experience is that pay cable has not been excluded from the use of feature films by pre-emptive buying of the networks. A review of MCA's agreements licensing feature films to networks since 1970 shows that they do not grant exclusivity during the two-year period of availability. Nonetheless, MCA recommends as a prophylactic measure that the Commission adopt a rule which would simply provide that the networks and television broadcast licensees on the one hand, and cable systems on the other hand, may not enter into agreements for the licensing of feature films which restrict their showing on the other medium.

103. With regard to the major issues of this proceeding, the following quotation from the comments of MCA summarizes the position of the program producers:

> The Commission has recognized that the development of a viable cable television industry as a supplement to conventional broadcast service, offering a diversity of choice to the viewing public, is in the public interest. Cable Television Report and Order, 36 FCC 2d 143 (1972). It has also recognized that CATV program origination is in the public interest and should be encouraged. First Report and Order, 20 FCC 2d 201 (1969). However, the rules which it adopted have fettered the development of a Family Choice Cable service be restricting the sale and distribution of feature film and series programs where a per-program or per-channel charge is made. These restrictions were based on the premise that it is necessary to protect conventional television against "siphoning" of programs by Family Choice Cable.

MCA submits that there is no factual or evidentiary basis which supports the present restrictions on the sale and distribution of feature films and series programs to Family Choice Cable. The evidence previously presented by MCA and other program suppliers and updated for the present proceeding conclusively demonstrates that the threat of "siphoning" is purely speculative, without rational foundation, and asserted solely as a protectionist device to insulate the broadcasting industry from free market competition. The ultimate issue is not "siphoning" but rather whether the public will be given a choice and whether there will be competition in the marketplace by another distribution medium for the attention and favor of the viewing audience.

Further, the evidence fails to establish any basis for the assertion that feature films would be unreasonably delayed in their exhibition on conventional television if the present restrictions were removed. Indeed, if "delay" rather than "siphoning" were to become the asserted rationale for the rules, their anti-competitive bias would become even more obvious and their claimed public interest justification even less valid.

Moreover, there can be no rationale which justifies the absolute ban on the showing of all series type programs by Family Choice Cable. Such an absolute ban can only frustrate the Commission's expressed and basic objective of augmenting the public's choice of programs through new types of services.

For these reasons MCA urges the Commission immediately to repeal or suspend for at least four years the present restrictions on the showing of feature films and the absolute ban on series type programs by Family Choice Cable. At that time, based on the free play of market forces, the Commission would be in a position to examine and judge the evidence and to determine what restrictions, if any, are required in the public interest. Of course, the Commission could always act sooner if remedial action appeared warranted.

Such a free and unrestricted period is the only method of obtaining sound answers to the myriad questions posed in the further notice. All of the alternatives suggested by the Commission are necessarily based on conjecture and speculation as to how the marketplace would or may develop. Untested by the crucible of experience, the imposition of restrictions can only serve to limit competition and to deny freedom of choice to the viewing public.

Sports interests. 104. During the initial phase of this proceeding, the only filing from a sports team owner, league, or related interest was filed by the National Hockey League. A number of other persons from the world of sports appeared at one or the other of the oral proceedings, including representatives of, or individuals connected with professional baseball, hockey, basketball, bowling, duckpin bowling, golf, and tennis. In response to the further notice written comments were received from the Commissioner of Baseball, the National Hockey League, the National Basketball Association, and California Sports, Inc. (operator of the Los Angeles Lakers franchise of the National Basketball Association, the Los Angeles Kings franchise of the National Hockey League and The Forum, a sports arena in Los Angeles).

105. In its initial filing in this proceeding, the National Hockey League's comments were largely directed toward changes in various specific aspects of the existing rules. Included were the following suggestions:

(a) Explicit authorization for the subscription showing of those games in a category of events, as for example away games, beyond those broadcast on conventional television.

(b) If the broadcast of a substantial number of games in a category precludes use of the remaining games on a subscription basis, then the definition of substantial should be high, e.g., 50 percent of the events in the category.

(c) In addition to the home and away game categories discussed when the existing rules were adopted, the inclusion of further categories such as weekday and weekend games, East Coast and West Coast Hockey games.

(d) Events shown live and those shown on a delayed basis should be treated differently.

(e) New events should be available for subscription use. More particularly, events resulting from the establishment of new sports franchisees should not be unavailable for subscription use for a five year period.

106. Although pressing these specific changes in the details of the existing rules, the NHL in a more philosophical vein appears to suggest that the reasons for the existing pattern of sports broadcasts, including the need to preserve gate receipts, the need for broadcast exposure to develop team loyalty, and the inability to clear broadcast time on local stations, would continue to exist and dictate broadcast patterns even if the Commission had no subscription television rules.

107. In its comments in response to the further notice, the NHL responded specifically to the questions raised in Paragraph 24, as follows:

(a) If the Commission is to retain the substantial number concept, substantial should be defined at a figure no less than 50 percent. The rationale for retaining the concept at all, however, is questioned. The NHL questions the wisdom, for example, in a market with no independent station of protecting all away games; in a market where a team must purchase television time to get on the air at all, of protecting all away games for conventional broadcast. And in a situation in which 90 percent of the games are broadcast, not allowing the pay use of the remaining 10 percent.

(b) The use of the existing as well as additional categories of events is supported. As evidence that the use of home and away game division comports with existing broadcast practices, the following review of hockey broadcasts scheduled during the 1973–1974 regular season is presented:

	Home	Percent	Away	Percent
Atlanta	0	0	20	51
Boston	39	100	31	80
Buffalo	4	10	22	56
California	0	0	0	0
Chicago	0	0	39	100
Detroit	0	0	28	72
Los Angeles	0	0	15	38
Minnesota	3	7	27	69
New York Islanders	0	0	16	38
New York Rangers	0	0	29	74
Philadelphia	0	0	32	82
Pittsburgh	0	0	13	33
St. Louis	0	0	30	77

Similar patterns, it is urged, can be found in other categories. For example, because of line charges and time differences, it is said, that Eastern Time Zone teams do not televise West Coast games. A similar pattern is also said to exist in the telecasting of weekday and weekend hockey games—half of the games and half of the telecasts taking place on either Saturday or Sunday.

(c) With respect to the extension of those changes in the rules adopted for STV stations in Docket 18893 to subscription cable, the NHL suggests that there is no need for the extension of the anti-siphoning period to five years, that games broadcast as the result of Pub. L. 93–107 should not trigger the anti-siphoning period, that the protected period should not apply to new events, or be triggered by the broadcast of a tape delayed event unless it is obvious that the tape delay is merely a ruse to avoid the impact of these rules.

108. With respect to the specific proposals for regulating the carriage of sports events set forth in the further notice, the NHL objects to the right of first refusal concept as embroiling the Commission in disputes as to the reasonableness of offers, and to the idea of only permitting pay use of a fraction of the "remainder" games as an unnecessary attempt to protect from siphoning games which will not in any case be broadcast.

109. The National Basketball Association and California Sports, Inc. comments include many of the same points made by the NHL. California Sports notes particularly that in any delineation of categories, the Commission should not assume that broadcast patterns for all sports will be the same but should realize that each is sui generis. It is also particularly concerned that the rules not in any way prohibit the use of remainder games on a pay basis, stating:

> Protecting "remainder" games for "free" television constitutes the grossest form of bootstrapping by conventional television broadcasters. They start by demanding "anti-siphoning" rules to protect their existing monopoly; then they claim some preemptive right to similar "remainder" games even though not previously telecast by them, thus extending their monopolistic grip to new products as well.

110. The NBA comments suggest that the "substantial" number definition be a number no less than 33⅓ percent of the events in a category, that all remainder games should be available for pay use, and that in any event, games offered for broadcast at a fair price and not accepted should be available for pay use.

111. The Comments of the Commissioner of Baseball focus principally on two points. The first being that rules relating to the carriage of sports on a pay basis by cable television systems need to be related to rules under consideration relating to the importation of sports on distant signal channels carried by cable television systems.[21] Distant signal sports carriage, it is said, will both disrupt pay use of sports and may at the same time so undermine the financial strength of sports teams as to drive them toward pay distribution of sports events.

112. The second major point is that any new rules should be experimental and tentative because there simply does not now exist "enough reliable market data to make sensible prediction and decision on how the development of pay

[21] Notice of proposed rulemaking in Docket 19417, FCC 72–109, 36 FCC 2d 641 (1972).

V 40 67
APR 7 75
XUM

cable will affect broadcast viewing patterns; sports gate receipts; the value of over-the-air broadcast packages; advertiser response; and, finally the financial health of broadcasters, professional team sports, and the cable industry." During this experimental period, it is suggested that the following rules be in force:

Section 76.225 a) (2):

A. *Specific events.* A specific event shall not be available for cablecasting in a community where the event has been televised live on a nonsubscription basis for the preceding two (2) years.

B. *Nonspecific events.* The number of nonspecific events of a team which shall be available for pay cablecasting in a community shall be the average number of games of that team not televised live on a nonsubscription basis in the community during the two (2) years preceding their proposed cablecast: *Provided,* That, notwithstanding the number of games telecast in the prior two years, any sports team may make available number of its games for cablecasting.

113. This rule would maintain the existing situation with respect to specific events and, with respect to non-specific events, would generally permit pay use of that number of nonspecific games not shown on free, over-the-air television in the two preceding years. That is, sports teams could sell for pay use those games not sold for over-the-air broadcast. The Commissioner of Baseball terms these games the "overage." In order to avoid penalizing those teams that have in the past made the maximum number of their games available to over-the-air television and to permit these teams to participate in the experiment, an exception to the general rule would permit pay use of a specified, limited number of games of these teams no matter what the prior broadcast pattern. Baseball notes that in the past, something over 40 percent of all major league professional baseball games have not been broadcast and that there is no reason why pay use of these games should not be permitted.[25] Anticipating the argument that the rule proposed could allow pay use of the best games leaving the less attractive games for conventional broadcast, baseball urges that the problem is largely a theoretical one but one which the Commission should monitor for during the course of the experimental period.

114. To the extent the Commission rejects this approach and maintains its model, it is suggested that the definition of "substantial" should be a percentage approaching or greater than 50 percent, that the relevant categories should be increased to include day/night and weekday/weekend games, and that the existing two year period should not be extended to a five year period for nonspecific events.

115. During the initial oral argument in this proceeding, a number of additional points were made by sports interests which should be briefly mentioned. The Professional Bowlers Association made the point that it has been attempting to obtain regular network television coverage but has had only limited success. Those tournaments televised have been the high prize money tournaments during the first quarter of the year. Bowlers would like to have exposure during the rest of the year as well, so that if networks do not purchase tournaments during the rest of the year then these events should be available for use by pay systems.

116. A number of sports interests including particularly basketball, note the precarious financial position of some of their franchisees and urge that, insofar as time is unavailable on local stations to broadcast all their games and because pay use of some games could prevent the financial failure of the teams, all games not broadcast should be available for pay use. Likewise hockey, as a relatively new sport, finds itself in a financial bind, needing whatever additional revenues it can obtain. Fears that games will be withdrawn from broadcast use are discounted both because experiments with pay distribution of hockey games show speculation as to the financial attractiveness of this outlet to be greatly exaggerated and because it is essential to the success of a professional team that it obtain the maximum public exposure in order to generate fan interest.

117. The Duckpin Bowlers state that in spite of attempts to obtain broadcast coverage, they have had no success even as part of a sports anthology program. The Duckpin Bowlers concern, accordingly, is not with the rules prohibiting pay use of events regularly televised in the past but with the possibility that, as a new event, Commission approval might have to be obtained before pay use would be authorized.[26] It is suggested that whatever burden they would have to meet be clearly spelled out or, better yet, that the rules be limited to the four major sports covered in the recent anti-blackout legislation (Pub. L. 93–107).

118. The spokesman for the PGA Tournament Players Division and the Women's Tennis Association make the point that there is now a need for new markets for owners of television rights to sports events. Ten years ago, it is said, it was possible to find the "network window" for many sports events. Today this is seldom the case. The major sports, by expanding their schedules and otherwise restructuring, have blanketed the networks. Stations do not now want more sports events. Thus, the rules should be so structured that the minor sports which obtain only occasional broadcast exposure are not denied a market for their programming.

Theater owners and operators. 119. The interests of the theater owners and operators in this proceeding were represented by the National Association of Theatre Owners, Inc., (NATO).[27] NATO asserts that motion picture theaters provide public service contributions that are unique in a community and cannot be replaced by any electronic service. They provide a place for the people in a community (including underprivileged and handicapped children, convalescing war veterans, and the elderly) to be entertained and diverted away from their homes and institutions. Theaters are said to be the magnet that attracts people into the downtown areas of cities in the evening hours and the presence of theater patrons in these areas attracts other people who are not attending a theater. Thus, the vitality of a city is kept alive by the theaters and the other businesses such as restaurants, which thrive on theater patrons.

120. Theater owners are opposed to the development of cable television systems distributing feature films because these systems, in competition with theaters for patrons, pose an economic threat to continued profitable theater operations. If theaters fail, the community will lose the unique benefits of having theaters and the failure of theaters would lead to continued inner city decline. According to NATO's analysis of the situation, if cable systems are authorized to exhibit on pay television channels the same movies upon which theaters must rely to sustain their operations, the motion picture theater industry would be seriously, if not fatally, undermined. It is said that there are far from enough quality motion pictures now available, and if those pictures and the revenues they generate had to be shared with cable systems, the theaters' already marginal profits would evaporate entirely and the flow of revitalizing new capital into the industry would quickly terminate. Simple competition would not be fair. Cable systems, it is said, will be able to present motion pictures to

[25] The pattern of planned telecasts of baseball games during the 1973 season was as follows:

	Number of games telecast	Home games telecast	Away games telecast
Atlanta Braves	48	0	48
Baltimore Orioles	52	8	44
Boston Red Sox	65	17	48
California Angels	30	0	30
Chicago Cubs	148	81	67
Chicago White Sox	129	81	48
Cincinnati Reds	25	5	20
Cleveland Indians	32	0	32
Detroit Tigers	40	12	28
Houston Astros	20	0	20
Kansas City Royals	28	0	28
Los Angeles Dodgers	22	0	22
Milwaukee Brewers	30	10	20
Minnesota Twins	30	0	30
New York Mets	112	58	54
New York Yankees	69	37	32
Oakland Athletics	22	0	22
Philadelphia Phillies	70	24	46
Pittsburgh Pirates	38	0	38
St. Louis Cardinals	29	0	29
San Diego Padres	0	0	0
San Francisco Giants	22	0	22
Texas Rangers	22	0	22
	1,093	321	772

[26] Section 73.643(b) (2) of the rules applicable to programming carried on over-the-air STV stations, states in pertinent part: "Determination as to whether new sports events that are not the result of the restructuring of existing sports may be shown on a subscription basis will be made by the Commission as such new events occur."

[27] NATO consists of 42 state and regional theater organizations and motion picture theaters and represents more than 8,000 theaters and theater circuits, according to its comments.

the public at a lower cost than that which could be sustained by the motion picture theater industry. Some systems are offering feature films at 20 cents per person per film,[28] a price that cannot be met by the motion picture theater industry under the present structure. This allegedly unfair situation is said to result from cable systems amortizing their construction costs as part of the regular monthly subscription fee for basic CATV service and including no percentage in their pay TV charge to cover the cost of construction. Because theaters cannot do this, they are said to suffer from an unfair competitive disadvantage. Additionally, the theater owners charge that the Commission's distant signal carriage rules and franchise fee limitations amount to financial subsidization and economic protectionism which exacerbates the unfair competitive advantage which cable television has over the theaters.

121. NATO states that pay TV revenues are not essential to the viability of cable and it, therefore, urges the Commission to adopt a regulation which would prohibit cable systems from showing on a pay TV channel any motion picture that had been released for theatrical exhibition. As an alternative, and assuming the Commission is determined to authorize some form of cable pay TV motion picture exhibition, NATO suggests the adoption of a rule which would prohibit the pay cable showing of any feature film until one year after the date of the film's first theater exhibition or 90 days after the date, within that one year period, when such film was last exhibited in the community in which the cable system operates.

122. This alternative position is justified, NATO asserts, because the theater industry lives off about ten pictures a year, the rest being essentially fill-in. More pictures are needed. Pay cable operations also need film product, but the theatrical promotion of the films is essential to successful pay cable use. The proposed rule, intended to rationalize the distribution process and protect theatrical access to feature films, would essentially codify the existing distribution system, preserving the maximum number of outlets for each film, and permit the distribution of films first to theaters, second to pay cable, and third to broadcast television.

123. NATO claims that the Commission's present rules could upset the established feature film distribution pattern by forcing movie suppliers to forego completion of normal theatrical distribution in order to meet the Commission's deadline for sale of a film to pay television within two years after its first theatrical release. Therefore, NATO urges the Commission not to adopt any deadline for introduction of films to pay television. Without such a deadline, distributors could preserve all their potential markets and would not be forced to choose distribution to one at the expense of another. Of the alternatives set forth in the further notice, NATO looks most favorably upon the second one which would permit pay use of a feature film in a particular market for a specified period after its first pay exhibition in the market. This alternative, NATO argues, would best prevent the siphoning of feature films from theaters through the distribution of such films to pay television at an earlier time than would otherwise be the case.

124. In its comments in this proceeding, the Department of Justice questions the authority of the Commission to adopt rules designed to protect theater owners. It says that "Many forms of nonbroadcast entertainment and communications compete to some extent with broadcasting. Congress, however, has not conferred upon the Commission either the jurisdiction or the authority to balance these non-broadcast related interests in regulating the broadcast and related industries." To this argument, NATO replies that the Justice Department has urged and the Commission has adopted rules in other proceedings where it was determined that such action would benefit the general public. Specifically cited is the Commission's adoption of equal employment opportunity rules which were supported by Justice because of the contribution they would make "* * * toward reducing and ending discrimination in other industries." 16 RR 2d 1561, 1563. Similarly, it is stated that failure to adopt appropriate subscription cablecasting rules would have a serious and adverse impact on the future quality of urban life in the United States and that this provides ample justification for adoption of the rule suggested.

Miscellaneous individuals and groups. 125. The Department of Justice in its comments urges that the restrictions on pay cablecasting cannot be supported at this point in time as necessary to preserve even a minimum amount of over-the-air broadcasting necessary to satisfy the public interest, that the organization of pay cablecasting programs by local program sources does not, on its face, threaten any valid Commission policy, and that, in view of the nascent status of the pay cablecasting industry, no empirical evidence exists which would indicate that allowing pay cablecasters to provide popular programming will have any serious adverse effects on over-the-air broadcasting. According to the Department, if pay cablecasting is allowed to provide attractive programs and subsequent experience indicates that the public interest is threatened as a result thereof, there will be time enough for the Commission and/or Congress to act on the basis of accumulated experience. Such a course of action which allows a new industry the opportunity to compete with established interests would, it is said, seem much more consistent with the competitive policies embodied in the Communications Act and this nation's general competitive policy than adoption of a policy which cripples a new industry in its attempt to offer new services because of speculative fears as to possible effects upon established firms.

126. The Justice Department states that the Commission's restrictive policy with regard to pay programming frustrates its goal of achieving program diversity and acts as a significant deterrent to investment in pay cable. The Department points out that the Commission has repeatedly recognized the value of promoting competition in communications services in other areas subject to its jurisdiction and urges the Commission to take the same pro-competitive position with respect to subscription cable television. See e.g.: "In the Matter of Allocation of Microwave Frequencies Above 890 Mcs," Docket No. 11866, 27 FCC 359 (1959), 29 FCC 825 (1960); "Computer Services Inquiry," Docket No. 16979, 28 FCC 2d 291 (1970); "Specialized Common Carrier Decision," Docket No. 18920, 29 FCC 2d 870 (1971); "Domestic Satellite Decision," Docket No. 16495, 35 FCC 2d 844 (1972); and "In the Matter of An Inquiry Relative to the Future Use of the Frequency Band 806–960 MHz," Docket No. 18262, 46 FCC 2d 752 (1974). The department asserts that the Commission's present restrictive policy is protectionist in outlook and fails to recognize the public benefits to be derived from free competition between pay cable and conventional television.

127. At the oral phase of this proceeding, it was urged that the Commission interfere with the free operations of the market place only with the greatest reluctance and it was suggested that we look at other areas such as energy or transportation policy to see examples of the disasterious effects of government interference with the incentives of the market place.

128. The Department notes that there are technical and legal considerations that require the Commission to approach pay cablecasting not merely as a variant of pay television but as an entirely separate communications problem, particularly because no spectrum space is used in the operation of pay cable systems. It suggests that the Commission's jurisdiction to regulate non-broadcast cable program services conducted by channel lessees is highly questionable. Finding no evidence that the provision of popular programs by local pay cablecasting systems or lessees would, either on its face or on the basis of experience, threaten a valid Commission policy, it is questioned whether the Supreme Court decisions in "United States v. Southwestern Cable Co. 392 U.S. 157 (1968) and United States v. Midwest Video Corporation", 406 U.S. 649 (1972) support the Commission's attempt to adopt the rules proposed in this proceeding.

129. The fear of program siphoning, the Department asserts, ignores the fact that program material is not fixed in amount. It sees no evidence that the creative and financial capabilities of the

[28] NATO uses cable pay TV operation in San Diego as an example. This, it is said, involves the offering of current movies for as little as $1.50 for the whole family, for the whole week. According to NATO, no San Diego theater would be able to long withstand this kind of competition.

V 40 167 APR 7 75 XUM

program production industry will not be able to meet almost any predictable demand which pay cable and conventional television together might engender. In any case, siphoning will not take place overnight, but over a long period of time. The Department suggests that a five-year suspension of the program rules would place the Commission in a position to obtain hard, empirical information upon which it could base any future actions with respect to pay cable that might be shown to be necessary or desirable. The Department claims that the Commission has placed upon the proponents of pay cable the burden of proving a negative—that its development will not harm the public interest—rather than following the policy set out in "FCC v. Sanders Bros. Radio Station," 309 U.S. 470 (1940), which imposed strict burdens of showing public harm upon parties seeking to block new competition in broadcasting.

130. The Department's comments conclude that if leased channel operations are to succeed, there is no practical open alternative to raising the necessary revenues through per-program or per-channel charges; that the combined effect of restricting cablecasting advertising and prohibiting the carriage of most types of conventional popular programs on a per-program or per-channel charge basis will be to eliminate the economic base and the financial incentives for independent commercial leased channel operations; and that an alternative policy which allowed cable system operators and channel lessees to engage in unrestricted pay cablecasting would appear to better promote both the goals of diversity of programming and local source origination. It suggests that the Commission consider, as a minimum, a phased schedule under which pay cablecasters would be relieved of the present restrictions.

131. Comments were filed by representatives of several cities, among them San Diego and New York. These comments generally favor the relaxation or total elimination of the Commission's pay cable program restrictions until a clear need for such restrictions has been demonstrated. It is stated that subscription cable television has the potential to bring new and diverse programming to city residents and should not be impeded on the basis of unproven fears that pay cable may some time in the future adversely affect conventional television. It is urged that the Commission allow pay cable television to compete freely in the marketplace, thereby encouraging and preserving consumer choice in the broad area of entertainment.

132. Several representatives of the financial community filed comments in this proceeding. Their comments reflect the view that in order to expand, the cable television industry must improve its profitability. Cable television stocks have declined far more than the general market and the equity market is virtually closed to most cable television companies. Similarly, debt financing is all but impossible to obtain in most cases. Additional revenues from rate increases will not provide enough capital for new investment. This means that added revenues and profits must be derived from the sale of new services. In addition, these services may add sufficient income in new urban systems where saturations may be relatively low to make them economically viable. At this time, the financial interests assert, pay cablecasting seems like the most feasible of the services that are possible. Therefore, they advocate a relaxation in the Commission's pay cable program rules in order to make more and better product available to subscription cable which would, in turn, improve the chances of profitability for cable television. In support of its request for a relaxation of the subscription rules, Paul Kagan Associates, Inc., an investment advisory firm, states that it projects only about 2,250,000 pay cable subscribers by 1980, generating revenues of $90 million for the purchase of programming. Such an amount was equal to six percent of commercial television's program budget in 1973. Kagan concludes that there is no danger of program siphoning from conventional television to pay cable in the foreseeable future and that the Commission's program restrictions are not warranted.

133. The Office of Telecommunications Policy (OTP) is of the view that the development of new programming and other information services that can be offered over cable should not be impeded by government-established barriers to the consumers' opportunity to purchase those services. In its comments, OTP states that the national interest, in fostering competition and in avoiding governmental restrictions on the free flow of entertainment and information, requires that the imposition of restrictions be based on evidence that the threatened injuries complained of are substantially probable in the absence of such restrictions. It asserts that the burden of proving injury to the public in the absence of programming restrictions should be on the proponents of such restrictions, and that they have not met that burden.

134. OTP concludes that pay cable television presents no credible threat to the public's continued reception of broadcast entertainment programming and recommends an experimental suspension of the Commission's pay cable program restrictions, with the exception of the sports rule.

135. Numerous comments were filed by representatives of minority groups and cultural organizations. The general tenor of these comments is that the subscription cable television program rules should be relaxed in order to further the development of cable television which will lead to increased minority access to and participation in the cable television medium and more diverse programming catering to minority tastes and interests. In its comments, the Metropolitan Opera claims that pay cable must be given access to mass entertainment programs such as sports and feature films in order to attract the wide audience base which is necessary to support programming of less than mass audience appeal. The National Black Media Coalition urges the Commission to remove all program restrictions from pay cable because pay cable will make black and minority oriented programming economically viable; will increase the outlets for product created by black talent and stimulate minority employment in the television industry; will provide black people with inexpensive access to movies, cultural and sports events; will open up new opportunities for black ownership and control of communications mediums; will help make the cable industry viable enough to support the kinds of access programming consistently advocated before the Commission by black groups; and will stimulate healthy competition within the communications industry.

136. The minority interests assert that conventional television is not responsive to minority tastes because conventional television serves advertisers who demand programs with mass audience appeal. They state that specialized and minority taste programming is more likely to be presented on pay cable than conventional television because pay programming will be based directly upon the intensity of consumer desire for particular programs. By purchasing programming directly, pay cable subscribers will be able to attract programs tailored to individual interests. Additionally, pay cable will stimulate the production of programs which will be available to both conventional television and pay cable and lower the cost of programs to each medium because of the additional revenue available for its purchase.

137. It is claimed that the development of pay cable will promote diversity of ownership in communications properties because cable television lacks the barriers of limited spectrum space and of high capital outlay which have prohibited minority entrepreneurial activity in other communications industries. Once the basic cable system has been constructed, the cost to the minority entrepreneur of leasing channel space on which to carry subscription operations is relatively low.

138. Finally, it is asserted that pay cable can both increase the productivity of the performing arts and open access to cultural entertainment to many middle and lower income families. Pay cable will afford the producers of cultural entertainment an expanded audience and new sources of revenue in the form of subscription or per program charges. The viewing public will benefit by having an opportunity to enjoy cultural entertainment at lower prices than live performances.

139. Instead of its present program restrictions, the National Citizens Committee for Broadcasting urges the Commission to adopt the following forms of public interest regulation:

1. A requirement that pay cable operators present a minimum of 25 percent cultural and educational programming.
2. Franchising guidelines that give weight to such factors as minority participation in ownership.

3. Clarification that FCC EEO affirmative action guidelines apply specifically to pay cable operations.
4. FCC adoption of reasonable ranges for pay TV subscription and program charges, or requirement for local hearings on initial charges and any subsequent increases.

Such a regulatory scheme, it is argued, would promote diversity in program content, diversity in ownership, equal employment opportunities, and inexpensive access to movies, sports and cultural events.

140. The comments of the American Civil Union likewise argue against the imposition of pay cable program content restrictions. Describing itself as an enthusiastic supporter of the advent of subscription television, the ACLU expresses its opposition to all anti-siphoning restrictions as unwarranted intrusion of government regulation on program content, constituting a form of censorship. It urges that free competition will allow enterprising programmers to search out new audiences, including minority audiences, and provide a new avenue for the development of program diversity. Its comments also urge the right of open access by all originators of program and content services to the pay electronic carrier systems.

141. Two manufacturers of cable television equipment filed comments in this proceeding. The comments of General Instruments Corporation and The Magnavox Company reflect the view that a substantial relaxation or elimination of the Commission's subscription rules is necessary for the development of profitable subscription operations and such profits are necessary for the viability of the cable television industry. The manufacturers state that the successful implementation of pay cable services is absolutely essential to maintain the viability of the growth and development of modern urban cable television operations and equally essential to serve as a spur to greater research and development to improve existing technology and create new technology that will make the broadband communications network of cable a reality in the next decade. They contend that the development of subscription television will preserve the competitive technological position of the United States, enhance the growth of new social services and provide new employment in the economy. Should the Commission not suspend its subscription rules entirely, General Instruments favors the Commission's first feature film alternative—a five-year rule with no restrictions on films over ten years old. As to sports, it suggests that all events not carried by conventional television be made available for subscription use.

142. Various members of the staff of the Cable Television Information Center of The Urban Institute and associates of the Rand Corporation filed comments on their own behalf. Their comments do not necessarily reflect the views of the respective organizations. While agreeing that it is appropriate for the Commission to promulgate rules designed to prevent program siphoning, these parties assert that the Commission's present rules go beyond preventing siphoning and are not justified. It is stated that the present rules provide exclusive or severely restricted markets for product to television broadcast licensees. Allocation of these broad markets by the Commission is unsound policy, and represents an excessively protectionist type of conduct in which regulators have often engaged in the past and of which they should be more wary. They argue that it would be far more appropriate for the Commission to adopt a rule which focuses with precision on siphoning of programs rather than on allocating broad categories of programming to the exclusive domain of broadcast television. A rule is suggested which would:

Require that two years after a theatrical feature film has been shown anywhere in the U.S. on pay cable, it must be sold for a prime time showing on conventional television either on a network or on a local station in the community located in a major market, if it is to continue to be shown on pay cable in that community; provided that each cable system has a certain number of "wildcard" exemptions that could be shown for pay each year, irrespective of whether sold to conventional television, and provided further that neither a pay cable entrepreneur nor a conventional television licensee can obtain or enforce an exclusivity contract against the other service;

Permit cable casting of events in a sports category in an amount that maintains for conventional television the highest number of games shown on conventional television in the community in any one of the last five years;

Eliminate the ban of series programming on pay cable;

Eliminate the ninety percent restriction on feature film and sports programming.

143. The foregoing review of comments summarizes the various positions and arguments which were presented to the Commission as part of this proceeding. Because of the vast number of comments submitted, only a few of the more comprehensive comments have been given specific mention. However, we believe that the views of each party to this proceeding are fairly represented in our summarization.

Discussion and Resolution of Proceeding

Purpose. 144. The fundamental issue that we have considered throughout the Commission's many deliberations concerning subscription television "is whether subscription television would provide a beneficial supplement to the program choices now available to the public and an increase of financial resources which would facilitate significant increases in the numbers of services available to the public under the present system; or whether it would seriously impair the capacity of the present system to continue to provide advertiser-financed programming of the present or foreseeable quantity and quality, free of direct charge to the public." [3] We believe that the existing conventional television structure performs a valuable service to the public and that our statutory mandate to act in the public interest requires that we strive to maintain the public's ability to receive the informational and entertainment programming now provided by conventional television at no direct cost. We also believe that the public interest requires that we encourage the development of alternative media which will increase the number of program choices available to American households. Indeed, section 303(g) of the Communications Act of 1934, as amended, states that the Commission shall "Study new uses for radio, provide for experimental uses of frequencies, and generally encourage the larger and more effective use of radio in the public interest." It is these two public interest considerations, maintenance of existing sources of programming and development of additional sources, that we must weigh in this proceeding. Our goal is to strike a balance between the two which best serves the long-range interests of the entire public.

145. Because conventional television is confined to a finite broadcast spectrum and must depend upon advertiser support, the programming it provides is limited in quantity and must appeal to the tastes of a broad majority of the viewing public. Since conventional television often cannot, because of its nature, cater to minority tastes and interests, we encourage the development of new technologies which promise viewing diversity. Subscription television promises to bring both diversity of programming and diversity of format to those who are willing to pay a direct charge for the service. Neither STV nor cable television must attract advertiser support with programming having a broad mass appeal. Cable television, with its abundant channel capacity, is particularly able to program for audiences with specialized interests. Subscription television's potential to expand the public's program choices, to supplement the programming now provided by conventional television, gives it an important role to play in our national communications structure. It is this supplemental role that our subscription programming rules are designed to promote, while at the same time insuring that the public's reliance on conventional television is not unreasonably impaired.

146. Since 1955 the Commission has been engaged in weighing the arguments of those who claim that subscription television, left unrestrained, will topple the existing conventional television structure, and those who assert that subscription television should be given the opportunity to freely compete with the established conventional television structure. During the course of this debate, the Commission has authorized over-the-air subscription television service and promulgated rules designed to insure that subscription television evolves to supplement present conventional television service and not supplant that service. In so doing, we have recognized that the public interest requires both the maintenance of the existing conventional television structure and the development

[3] First Report in Docket 11279, FCC 57-1153, 23 FCC 532, 542 (1957).

V 40 67 APR 7 75 XUM

of alternative sources of television programming, and have sought to establish the kind of regulatory framework in which both conventional television and subscription television can coexist." In Docket 19554 we have undertaken an extensive review of that framework to determine whether our present subscription programming rules are appropriate in light of our regulatory goals. This review has led us to the conclusion that a number of changes are warranted.

Jurisdiction. 147. The Commission has been given broad authority to regulate "interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States a rapid, efficient, nationwide wire and radio communication service with adequate facilities at reasonable charges * * *."[25] Notwithstanding this broad authority, several parties to this proceeding assert that it is not within the Commission's jurisdiction to place restrictions on subscription programming, particularly with regard to cable television, and that such restrictions are violative of the freedom of speech clause of the First Amendment. It is also asserted that the present program restrictions are vague and overbroad, and that they violate the policy of the anti-trust laws.

148. These jurisdictional and Constitutional questions were decided in favor of the Commission in "National Association of Theatre Owners v. Federal Communications Commission," 420 F 2d 194 (D. C. Cir. 1969). In upholding the Commission's program restrictions with regard to over-the-air subscription television, the circuit court said, "it seems obvious that the Commission sought only to insure the continuing economic vitality of free television and not to affect the ideas which could be presented on either free or subscription television. Thus, when the net effect of the program restrictions is considered, it seems quite likely that the public in STV areas will receive more rather than less diversity of expression in its television programming." At 208. As to vagueness and overbreadth, the court stated that the Commission's regulations were within the limits set by the courts. The court concluded that "the Commission found that STV would be a beneficial supplement to present television offerings *Provided*, That neither service could acquire sufficient economic power to drive the other from the marketplace. The program restrictions are designed to preserve this balance and to insure against programming duplication * * *" At 208.

149. Although the Commission's rules governing the programming of subscription cable television have not been specifically considered by the courts, the Supreme Court's decision in "United States v. Midwest Video Corp", 406 U.S. 649 (1968), provides ample justification for the action which we have taken. At issue before the court was the propriety of the Commission's now defunct mandatory origination rule. Like subscription cablecasting, the local originations required by the Commission's rule under attack did not make use of the broadcast spectrum. The Supreme Court stated, "But the regulation is not the less, for that reason, reasonably ancillary to the Commission's jurisdiction over broadcast services. The effect of the regulation, after all, is to assure that in the retransmission of broadcast signals viewers are provided suitable diversified programming * * *." At 669. Upholding the origination rule, the court said, "In sum, the regulation preserves and enhances the integrity of broadcast signals and therefore is 'reasonably ancillary to the effective performance of the Commission's various responsibilities for the regulation of television broadcasting.'" At 670. We believe that it is even more clear in the case of our subscription programming rules that the action we have taken is designed to enhance the integrity of broadcast signals and is a proper execution of our responsibility under section 2(b) of the Communications Act of 1934, as amended.[26]

150. The remaining question concerns the effect of the program restrictions upon competition between subscription and conventional television. That our rules affect competition between the two forms of television is apparent and uncontroverted. The proper question is not whether our rules affect competition, but whether the public interest considerations which underlie the rules outweigh the public interest considerations in support of unfettered competition. This Commission has consistently stated that unregulated competition by cable television and both forms of subscription television could have serious adverse effects upon the existing conventional television structure and we have taken steps to shield that structure from what we regard to be destructive competition. In the "Second Report and Order in Docket 14895," et al., FCC 66–220, 2 FCC 2d 725, 736 (1966), we said "our determination to adopt the carriage and nonduplication requirements rested on two basic grounds: (1) That failure to carry local stations and duplication of their programs are unfair competitive practices, which are inconsistent with the supplementary role of CATV * * *, and (2) that these requirements were necessary to ameliorate the risk that the burgeoning CATV industry would have a future adverse impact on television broadcast service, both existing and potential * * *." Upholding the cable television rules, the Supreme Court in "United States v. Southwestern Cable Co.", 392 U.S. 157, 175, (1968), concluded that "The Commission has reasonably found that the achievement of each of these purposes (regarding the structure of conventional television) is 'placed in jeopardy by the unregulated explosive growth of CATV.'" (citation omitted). The rationale underlying the cable television signal carriage and nonduplication rules is similar to that of the subscription program restrictions. In both instances, the public interest in maintaining the conventional television structure has outweighed the interest in unregulated competition.[27]

151. A number of parties to this proceeding suggest that the Commission obtain Congressional guidance before it establishes any policy which would permit subscription interests to use programming now found on conventional television. Similar suggestions were presented prior to our authorization of over-the-air subscription television in 1968. In a letter dated September 3, 1968, to the Honorable Harley O. Staggers, Chairman of the House Committee on Interstate and Foreign Commerce, then Chairman Rosel H. Hyde of this Commission stated:

> Subscription television has been the subject of formal Commission consideration for some 13 years and, in view of that background and the present circumstances, the Commission has found it necessary to determine its future course of action. We believe that we cannot, consistent with our responsibilities to the public, continue to delay resolution of this important question. Indeed, further substantial delay in this matter would constitute, in effect, a failure of the administrative process. We therefore propose to take up the matter for consideration at an early date looking toward further Commission action on the long-pending issues before the end of this year.[28]

In the six years since our STV decision, Congress has not seen fit to establish guidelines with regard to subscription television. We now have substantial evidence before us which indicates that the subscription television rules should be revised. We believe that this evidence cannot be ignored and that our responsibility to the public requires today's action. We emphasize, however, that our action today does not foreclose the opportunity for judicial review or full congressional review should such action be considered appropriate.

General discussion. 152. In our further notice, the scope of this proceeding was expanded to include three new issues; the warehousing of feature films, the appropriateness of revising the over-the-air subscription rules as well as the cable rules, and the need for a reporting procedure for new subscription cable operations. The warehousing issue will be discussed in conjunction with our consideration of feature films, paragraphs 180–182, infra. The remaining issues are discussed in the succeeding paragraphs.

[25] See paragraphs 10 and 11, supra.
[26] 47 U.S.C. 1.
[27] *See* paragraphs 10 through 14 of Memorandum Opinion and Order in Docket 20018, et al., FCC 74–1278, 49 FCC 2d 1078 (1974). Reaffirming our intent to preempt regulation of access channels, we concluded that our jurisdiction over cable television extends to non-broadcast services because they are "reasonably ancillary" to our jurisdiction over broadcasting.
[28] As we have previously stated, "Our concern, as it must be, is with the over-all public interest and not with protection of any existing service as such. It may well be that competition between conventional and subscription TV for viewing audience and program material may result in improved and more varied fare, both for subscription viewers and those who continue to rely on conventional television. But we also emphasize that we regard the preservation of conventional television service and the continued availability of good program material to the free service as extremely important considerations." Further notice of proposed rulemaking and notice of inquiry in Docket 11279, 7 RR 2d 1501, 1508 (1966).

153. The arguments in opposition to making the over-the-air and cable subscription rules uniform are based primarily on the theory that since STV operations make use of the broadcast spectrum where cable operations do not, the two services are not susceptible to uniform regulation. It is asserted that the cable rules need not be as strict as the STV rules. We must reject this argument. The subscription program restrictions placed on both STV and cable operations are meant to insure that programs now provided over conventional television are not siphoned away to subscription television. The rationale behind the anti-siphoning rules applies equally to both forms of subscription service, and whether the broadcast spectrum is used is not an issue. Special obligations are placed on STV operations by §§ 73.642, 73.643 (c) and (d), and 76.644 of the rules which result from STV's use of the broadcast spectrum. But with regard to subscription programming, we see no justifiable distinction between over-the-air and cable operations which would warrant unequal treatment under our rules. Therefore, we have decided that our subscription program restrictions should be applied uniformly to both STV and cable operations.

154. The suggestion, advanced by theater owners and supported by many parties to this proceeding, that the Commission require notice prior to the commencement of subscription cable operations merits serious consideration. Whereas STV operations require licensing by the Commission, there is presently no Commission requirement that cable operators advise the Commission as to their subscription activities. We recognize that some reporting procedure is necessary to keep the Commission informed as to the growth and development of subscription cable operations. The Commission's Annual Report of Cable Television Systems (Form 325) would seem to be the appropriate vehicle through which to obtain the needed information without materially adding to the paperwork burden now placed on cable operators by our rules. However, in light of our intention to undertake a wholesale review of Form 325, as we are now doing as to the Cable Television Annual Financial Report (Form 326),[29] we have decided to defer action on the subscription notice proposal and take up the matter in a separate proceeding along with other proposed revisions of Form 325.[30]

155. The comments contain a number of suggestions which would expand the scope of the subscription rules and place additional obligations upon subscription entrepreneurs. Broadcast interests have long contended that the subscription program limitations should apply to all cable casting; not just cablecasting for which a per-channel or per-program charge is made.[31] It is argued that all forms of cablecasting have the potential to siphon programming from conventional television and that cable interests could easily circumvent the present anti-siphoning rules by incorporating cablecasting fees into the charges assessed for regular subscriber service.

156. We believe that there is little likelihood that the anti-siphoning rules will be circumvented in the manner suggested above. In light of the fact that fewer than fifty percent of cable subscribers now choose to subscribe to a pay channel where one is offered, it seems unlikely that system operators could incorporate special subscription fees into basic subscriber charges without incurring major subscriber losses among those not wanting the additional subscription service. On the other hand, our policy of encouraging origination cablecasting is furthered by permitting cable operators to supplement their origination programming with some feature films, sports events and series programs. It seems most unlikely that sufficient revenues could be generated by such programs to pose a siphoning threat. Therefore, we will decline to make our anti-siphoning rules applicable to origination cablecasting for which no special charge is made. Should it come to our attention at a future date that the intent of the anti-siphoning rules is being frustrated in the manner suggested by the broadcast interests, we will at that time consider broadening the applicability of the rules.

157. Many broadcast interests suggest that pay operations be limited to one channel on cable television systems, and that pay cable operators be required to originate a substantial number of hours of nonpay programming to equalize pay cable's role with that of over-the-air subscription television. As we pointed out in paragraph 153, supra, both pay cable and STV present siphoning potential, and the program restrictions should apply uniformly to both services. There are substantial differences between the two services, however, and we have adopted regulations tailored to the particular characteristics of each. Since STV makes use of scarce spectrum space, § 73.642 of our rules limits STV to one station per market and § 73.643(c) requires a minimum number of hours of non-subscription programming. Cable television, on the other hand, does not make use of broadcast frequencies and has extensive channel potential. Substantial public service obligations are placed upon cable television by §§ 76.251 and 76.253 of the rules, which require that channel space and production facilities be made available for government, educational and public use. We see no interest to be served by restricting the number of subscription channels to one per cable system and by requiring non-subscription programming on pay channels where sufficient channel space is available to meet public service programming needs.

158. It is suggested that the anti-siphoning rules be made applicable to all forms of subscription program distribution, including Multipoint Distribution Service (MDS), laser and closed circuit systems. The transmission of program material to hotels and similar locations is presently the subject of a rule making proceeding in Docket 19671 [32] and the question of whether the anti-siphoning rules should cover these other distribution services will be considered in the context of that proceeding. Therefore, we will confine our decision in the instant proceeding to cable television and STV service.

159. Finally, it is suggested that the Commission's rules require a minimum amount of educational and cultural programming on subscription cable channels, encourage minority participation in subscription cablecasting, regulate the rates which may be charged for subscription programming, and establish various other requirements directed toward minority interests. Although these suggestions might be appropriate for Commission consideration, we are not disposed to expand the scope of this proceeding into areas not germane to the subject of program siphoning. Our long pending study of the subscription program rules should not be further delayed by consideration of tangential issues. We think the better course is to take up these other issues as part of a separate proceeding initiated by an appropriate petition for rule making.[33]

Feature films. 160. Cable television proponents devote a great deal of attention in their comments to the proposal that the feature film program restrictions be suspended until the alleged siphoning potential of subscription television is substantiated. It is submitted that the siphoning argument propounded by the broadcast interests is speculative; that no evidence has been presented indicating that siphoning has ever taken place; and that program restrictions should not be imposed until their need has been

[29] Notice of proposed rulemaking in docket 20247, FCC 74–1270, 49 FCC 2d 911 (1974).
[30] The Commission is currently considering rules which would require the maintenance of program logs for cablecasting activities. Notice of proposed rulemaking in Docket 19128, FCC 71–45, 27 FCC 2d 18 (1971).
[31] See, "MST Petition for Reconsideration" of Memorandum Opinion and Order in Docket 18893 filed by the Association of Maximum Service Telecasters, Inc., on August 6, 1970, and paragraph 34, supra.
[32] Notice of inquiry and notice of proposed rule making and Memorandum Opinion and Orders in Docket 19671, FCC 73–73, 39 FCC 2d 527 (1973).
[33] This is consistent with our statement in paragraph 23 of memorandum opinion and order in Docket 20018, et al., supra note 30, where we denied a request of the National Black Media Coalition for reconsideration of the Clarification of cable television rules and notice of proposed rule making and inquiry, FCC 74–384, 46 FCC 2d 175 (1974). There the Coalition had asked for new rules applicable to channel lessees regarding nondiscrimination in hiring and programming.

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clearly established. In reply to these arguments, subscription opponents contend that the siphoning potential of subscription television has been clearly established and that prophylactic measures should be taken now rather than later when siphoning will have taken place and the imposition of program restrictions will disrupt the established viewing habits of subscription television patrons.

161. We have studied the evidence and have concluded that preventative measures are needed to avert the potential ill effects of siphoning before they are actually felt. We have previously stated that "Remedial action in this area should not wait upon the threat becoming actuality * * * Protection of the public requires that action be taken at a time when it involves no disruption of existing patterns."[27] When the STV rules were adopted in 1968, we said:

> We cannot agree with those who urge that the type of programming that STV will show is known, that it is clear that it will not siphon from free TV, and that therefore no rule is necessary. The ultimate path that STV will follow is not clearly known * * *. We would be remiss in our duties if we did not take regulatory steps to afford some assurance that free TV will continue to be available in ample quantity and quality.[28]

The six years since that statement was made have not provided us with a clear picture as to the effects of subscription television upon conventional broadcasting. The cable television industry is still in its early stage of development; the first STV station has yet to become fully operational. However, our experience since 1968 substantiates the basic conclusion upon which the program restrictions were premised—that subscription programming will consist largely of feature films, series and sports events, all of which are mainstays of conventional television programming. Whatever cable television and STV might become in the future, and we believe that their potential to serve the public is great, the evidence clearly shows that a primary element of subscription programming will continue to be programs which have broad public appeal similar to what is found on conventional television. The availability of this programming to conventional television should be maintained to preserve the quantity and quality of programming now delivered to the public by the conventional system.

162. We have not been persuaded that a moratorium on the feature film provision is appropriate. The evidence indicates that many of the films shown on conventional television are desired for subscription exhibition and that reasonable restrictions are required to insure that subscription television continues to be an optional alternative to conventional television and does not become the exclusive television outlet for feature films. Even at its present subscriber strength, subscription cable television could delay the exhibition of films on conventional television. The film producer has an economic incentive to exploit the subscription market prior to a film's sale to conventional television. As subscribers become more numerous, subscription runs, and reruns, will become more lengthy. At some point, the potential subscription audience will be sufficiently large to cause the permanent withdrawal of at least the most popular films from conventional television. While some delay of the conventional exhibition of feature films may be unavoidable because subscription exhibitions of new films may take place before conventional exhibitions, just as theater exhibitions now precede television exhibitions, long delays or complete withdrawal from the conventional market can, and should, be avoided. Consistent with subscription television's supplementary role, the public's choice to view films either on subscription or conventional television should be maintained. Our rules are designed to maintain that choice while providing for the orderly development of both the subscription and conventional television industries. We believe that the existing regulatory framework for subscription programming should be retained, even though the industry is not fully developed, so that subscription entrepreneurs can exercise their business judgment with reasonable certainty as to the rules of the game. The evidence before us demonstrates that our concern with feature film siphoning is real, not imagined, and that the protection afforded the public by our rules will increase in importance along with the growth of the subscription industry. We intended to proceed with our established policy in an orderly fashion, refining our rules as we gain experience. Our experience to date suggests that our existing rules should be revised in several areas, and these revisions will be discussed in the succeeding paragraphs.

163. The present feature film rule is applied to all cable television systems and STV stations without regard to the conventional television markets in which they are located. The new feature film rule, like the existing sports rule, will take a market approach for determining when a program is available for subscription use. The relevant television market for STV stations and cable television systems will be defined somewhat differently, reflecting the Commission's respective regulations governing the operation of the two services.

164. For purposes of our new subscription rules, the market of an STV station is defined to include all commercial television broadcast stations which place a Grade A contour entirely over the community to which the STV station is licensed. This is consistent with § 73.642 of the rules, which states that an STV authorization will be issued only for a station the principal community of which is located entirely within the Grade A contours of five or more commercial television broadcast stations, including the station of the applicant. The rules regard these stations as "local," i.e., they provide television service to the community of the STV operation." The market of a cable television system is defined to include all commercial television broadcast stations which are required to be carried by the system upon request of the respective stations pursuant to Subpart D of Part 76 of the Commission's rules. These "must carry" stations are considered to be "local" stations by the cable television signal carriage rules, i.e., these stations generally are licensed to serve the audience located within the community served by the cable system upon which carriage is required." In the very rare case where the signal carriage rules do not require a cable system to carry any commercial television broadcast stations, compliance with the subscription program rules will not be required.

165. For STV stations and cable television systems subject to the "must carry" requirements of the signal carriage rules, subscription use of feature films will be limited to four situations. The first is when the film to be cablecast or broadcast is less than three years old. This new provision provides an additional year during which films may be exhibited by subscription television. We have determined that the present two-year rule does not provide sufficient time for the subscription exhibition of some feature films. While most films conclude their theatrical run twelve to eighteen months after theatrical release, some "blockbuster" films run considerably longer. Even for the average film, the present rule generally allows for only a six to twelve month subscription run. Because of scheduling practices and various other difficulties, we think that such a period is unduly restrictive. By expanding the feature film rule to permit subscription use of films during the first three years after their theatrical release, we believe that almost all films will be allowed some subscription exposure, and most films will be available for twelve to eighteen months. For the rare case where a film runs for three years in theaters, its subscription use may be permitted by the other provisions of the film rule.

166. We believe that the three year provision provides a reasonable balance between the interest in allowing for subscription exposure of new films and the interest in their timely exposure over conventional television. Few films are televised before they are three years old, and most are four years or older before their first telecast. Therefore, we expect our new rule to provide for an adequate period for the subscription use of most new films without detracting from the public's ability to view them over conventional television.

167. The term "feature film" refers to a film which is produced to be released in theaters where an admission fee is charged. A movie which is produced specifically for television exhibition is not a "feature film" for purposes of our rules.

[27] Memorandum opinion and order, in Docket 18397, supra note 8, at 828.

[28] Fourth report and order, supra note 4, at 556.

[29] See paragraphs 155–179, Fourth Report and Order in Docket 11279, supra note 4, at 515–523.

[30] See paragraphs 78–87, Cable Television Report and Order, supra note 9, at 173–176.

The age of a feature film for the purpose of our rules will be computed from the date of general release in theaters. By "general release" we mean the first showing of a feature film in theaters on a non-reserved seat basis with continuous performances in several theaters throughout the United States. "General release" does not include special situations such as the first run "road show" or "reserved performance" showing of a feature film, which means the showing of a film on an exclusive basis at usually one theater in an area, with non-continuous performances where the theater is cleared after each showing, usually at prices greater than the normal general release admission price.

168. The second situation in which a feature film will be available for subscription use is when the film is available for telecast by a conventional broadcast station located in the market of the subscription station or cable system. When a film becomes available for conventional television exhibition, the issue of program siphoning disappears, as does the need for anti-siphoning restrictions. In such a situation, the public interest in receiving a film over conventional television has been realized and there is no longer any justification for restricting the exhibition of the film by subscription television. Since the public is able to view the film over conventional television at no charge, those who choose to pay a special fee to view the film over subscription television should not be prevented from doing so by our rules.

169. To determine when a film is available for conventional telecast, the rules look to whether a conventional broadcast station in the market has a present contractual right to exhibit the film. A film under contract, but which is not available for exhibition until some future date, will not be considered as available for telecast. This distinction between films which are under contract and those which are available for telecast is necessary to remove any incentive on the part of the program producer to demand film contracts which call for long periods between contract date and first telecast availability date during which the films could be sold for exclusive subscription exhibition. Therefore, the subscription exhibition of a film will be restricted to the period between the date specified in the television contract at which the film may be first exhibited, and the date at which the film may no longer be televised. If the television contract calls for a certain number of conventional telecasts during a specified period, the rules will allow for subscription exhibition from the film's "availability date" for first conventional telecast to the date when the broadcaster's right to telecast the film is terminated.

170. For the purposes of this provision, a conventional television station affiliated with a television network will be deemed to hold a present contractual right to exhibit a film if the network to which it is affiliated holds such a right. Where a television station may exhibit a film provided by a television network, or where the station itself contracts for the film's exhibition, siphoning cannot result and there is no need for subscription restrictions. Therefore, our rule will permit the subscription use of films which are available over conventional television pursuant to either local station contracts or network contracts.

171. The foregoing "under contract" provision is premised upon the existing pattern of feature film distribution. Comments filed in this and other proceedings indicate that films are generally sold to conventional television individually or in packages for extended periods and multiple showings or runs. A typical feature film contract might provide for five to seven showings of a film during a five to six year period, or for 120 showings of a fifty-film group during the same period." We do not expect this pattern to change as a result of the operation of our subscription rules. Indeed, if the provisions of film contracts are altered, our conclusions underlying the subscription rules may become invalid, requiring refinements in the rules. Therefore, we intend to watch closely for modifications in feature film contracts which might place the effectiveness of our rules in question. Should new patterns of feature film distribution develop, such as a contraction or expansion of the customary length of availability periods in relation to the number of permitted showings, we may be required to take a second look at our subscription rules and if necessary, adjust them to reflect the change in circumstances.

172. The third situation in which a feature film will be available for subscription use is when the film has been in general theatrical release for ten years and has not been exhibited over conventional television in the market for three years prior to its proposed subscription exhibition. This provision is designed to replace the existing provision which limits the number of older films which may be exhibited by subscription television to one film per month. It is argued that the present rule is overbroad because it does not permit the subscription exhibition of thousands of older films which are not desired for conventional television exhibition. The comments of Metromedia indicate that only one half of the films outstanding are suitable for conventional television exhibition, and that only about 23 percent could be called desirable. (See paragraph 38, supra.) Therefore, it is claimed that the present rule precludes the subscription use of many films which are not wanted by and would never appear on conventional television. Since these films are not shown over conventional television and siphoning is not at issue, it is said that our rules should not restrict their subscription use. We agree with this contention and we have adjusted our rules accordingly.

173. Our new provision applies only to feature films which are more than ten years old. Generally, by the time a film is ten years old it has completed its theatrical run and has been available for both network and syndication exhibition for several years. If such a film has received no conventional television exposure in a market over a three-year period, it is reasonable to expect that the film is not particularly desirable to television stations in that market or that it will never be made available for conventional telecast. An example of such films would be those which are not rated for family viewing. If we find, however, that our rules are being used to keep desirable films off conventional television, it may be necessary for us to revise these rules.

174. Feature films are typically made available for purchase by conventional television during or immediately after their theatrical run. Motion picture interests claim that film producers are required to sell their product to television as soon as possible in order to obtain needed revenue. It is said that many films do not generate enough revenue in theaters to cover their production costs, and that producers depend upon television sales to recover their expenditures. Because producers are anxious to sell their works to television, desirable films generally have been purchased for television exhibition soon after their theatrical run, although they are often rested for some time before they are actually telecast. If a film is purchased by a television network, it is generally offered for sale for local syndication soon after the expiration of the network contract or even during the network contract. Older films not under either a network or syndication contract are typically those which are undesirable to stations in the market or which will never be made available for television exhibition. This marketing pattern indicates that films not exhibited over conventional television for a significant period of time are not highly desirable and that their use by subscription interests will have little or no effect on conventional television programming. We have decided that a film over ten years old which has not been exhibited in the market for a period of three years is, as a general rule, either undesirable or permanently unavailable to conventional television stations in the market and should not be precluded from subscription use. The record indicates that economic pressures will not permit film producers to withhold desirable films from the conventional television market for three years in order to sell them for exclusive subscription use. We are persuaded that those films which have not been exhibited by conventional television for this period of time need not be precluded from the subscription market should sufficient demand develop to warrant their exhibition on a subscription basis.

175. Once a film has been exhibited on a subscription basis pursuant to the provision discussed in the preceding paragraph, our rules will not preclude subsequent subscription showings even though the film is occasionally exhibited over conventional television. The rules assume that any film over ten years old

[31] See paragraph 2, Further notice of proposed rulemaking in Docket 18179, FCC 71-42, 27 FCC 2d 13, 14 (1971).

V 40 I 67 APR 7 75 XUM

and not exhibited in the market over conventional television during the past three years is generally undesirable for conventional exhibition. But to the extent that there may be some conventional television market for these films, our rules should not discourage their sale to conventional television by precluding subscription exhibitions for three years after each conventional telecast. Therefore, the new rules will leave such films available to both conventional and subscription television once it has been established that they are not generally desirable for conventional exhibition and they have been exhibited by subscription television.

176. We believe that this provision accomplishes our objective to prevent siphoning and does not unfairly restrict the film product available for subscription use. Absent evidence to the contrary, it is unreasonable to assume that motion picture interests will forego potential revenues from conventional television for a period of at least three years in order to "save" an older film for the subscription market. Such action seems particularly unlikely where the motion picture interest may sell his product to conventional and subscription television simultaneously pursuant to our new rules. On the other hand, this new provision will make available for subscription use thousands of older films which have not been exhibited over conventional television and which were previously precluded from subscription exhibition. We wish to make absolutely clear, however, that our intent is not to encourage the withholding of films from conventional television. Our conclusion is that film producers and distributors will not seek to withhold their product from the conventional television market. Should this conclusion be placed in question, we may be required to lengthen the quired hiatus period or otherwise revise the rule to ensure its effectiveness.

177. Foreign language films constitute the fourth category of feature films made available for subscription use by the new rules.[a] We have consistently encouraged the dissemination of foreign language programming and in the case of cable television signal carriage have determined that foreign language programming would have no significant impact upon local television service.[a] Similarly, we foresee little likelihood that the unrestricted subscription use of foreign language films will have a significant impact upon conventional television programming. Therefore, we are not prepared to restrict the subscription use of foreign language films at this time. We recognize, however, that there are some television broadcast stations, such as the Spanish language stations in the southwest, which televise primarily foreign language programs. Should it be demonstrated that foreign language films are being siphoned away from these broadcast stations by subscription operations, we will consider remedial action on an ad hoc basis.

178. We believe that the foregoing provisions focus sharply on the problem of feature film siphoning, provide adequate protection against that eventuality, and make available sufficient feature film product to satisfy the needs of the subscription television industry. However, we realize that there will be instances where the new rules will preclude the subscription exhibition of feature films which would in any case not be shown over conventional television. Therefore, we have retained the waiver policy announced in paragraph 287 of the Fourth report and order.[a] Pursuant to this policy, waivers will be granted upon a convincing showing to the Commission that a film desired for subscription exhibition is not desired for exhibition over conventional television in the market, or that the owner of the film, even absent the existence of subscription television, would not make the film available to conventional television.

179. Subscription entrepreneurs will be required to maintain public files listing each feature film exhibited, the date of its exhibition and the provision of these rules pursuant to which it was exhibited. When a film is exhibited pursuant to the "under contract" provision, the station or network serving the market and holding a present contractual right to exhibit the film must also be specified. These records are needed to preserve data relative to the subscription use of feature films and to afford the Commission and members of the public an opportunity to ensure that compliance with the rules is being achieved.

180. In the further notice of this proceeding, we asked for comment on the alleged warehousing of feature film product by television networks. Subscription interests have expressed concern that the intended operation of our rules is being frustrated by the preemptive purchase of feature films by national networks and by their purchase of exclusive rights to some films which they have no intention of ever exhibiting. In reply to these allegations, network officials have stated that it is not their policy or intention to negotiate exclusive contracts for films which unnecessarily impinge upon the ability of subscription operations to exhibit them.[a] We assume the sincerity of these expressions and will expect the networks to refrain from demanding exclusivity provisions in their feature film contracts with producers which preclude subscription exhibition of films for an unreasonable length of time prior to their network showing.

181. Notwithstanding this denial of warehousing practices by the national television networks, the question of warehousing alludes to a larger, more fundamental question. That is, should the Commission's rules prohibit or limit in any way the purchase of exclusive rights to programming by conventional television as against subscription television? The effect of our anti-siphoning rules is to reserve programming for use by conventional television. Without these restrictions, programs now found on conventional television might be bid away by subscription interests, thereby threatening the established broadcast structure. But having restricted the use of programming by subscription television in order to conserve conventional television programming, should we then allow conventional television to further restrict the programming available to subscription television by demanding exclusive rights to programs? Or, does the public interest require, in addition to the anti-siphoning protection afforded conventional television, measures which limit or prohibit conventional television from excluding the subscription industry from access to programs which conventional television holds present or future rights to exhibit and where the danger of siphoning is not present?

182. In Docket 18179 we established an inquiry with respect to the availability of programming to commercial television stations and cable systems. In the

[a] Foreign language films for purposes of this provision include all films with predominantly non-English discourse. Such films would include domestic films dubbed in a foreign language, but not foreign produced films dubbed in English. In Puerto Rico, films with English discourse will be considered to be foreign language films. "See, Cable Television Company of Puerto Rico," FCC 74-497, 46 FCC 2d 1096 (1974).

[a] See paragraph 96 of "Cable Television Report and Order," supra note 9, at 180-181.

[a] Supra note 4, at 557.

[a] Mr. Everett Erlick, speaking for the American Broadcasting Company, stated ABC's policy as follows: "If we do not have the right to telecast a title within two years following first theatre exhibition, we do not seek exclusivity against pay cable during that two year period. Where we do acquire broadcast rights within 30 months or less, we will seek exclusivity for up to 6 months as a reasonable resting period prior to permissible play date. Where the permissible play date is 30 months or later after theatrical exhibition, we negotiate reasonable exclusivity provisions subject to the Commission's two year rule." October 25, 1974 oral argument transcript at page 1503.

In written comments filed on October 25, 1974, the policy of CBS, Inc., was stated as follows: "In its most recent major feature film negotiation (completed July, 1974) CBS agreed to waive any exclusivity against pay cable exhibition for a period of two years after the theatrical release date of each film involved. It is our present intention, as a matter of policy, to apply the pattern established in that transaction to our other feature film purchases, except in cases where CBS acquired the right to broadcast, and expects to broadcast, a particular film within or very shortly after two years from the date of theatrical release. In such cases, the network will seek exclusivity for a reasonable period in advance of the expected broadcast of the film." At page 2.

The policy of the National Broadcasting Company, Inc., was stated in written comments filed on September 20, 1974: "The NBC Television Network does not attempt to prevent a film supplier from licensing pay cable within the two year period permitted by the rule where the film is not available to the network until subsequent to that two-year period. Furthermore, the usual feature film contract which NBC has recently been entering into calls for about two plays over about two or three years from the date the producer agrees to make the film available to us, so there is no possibility of 'warehousing.'" At page 21.

further notice in that proceeding we sought comments on whether the Commission should prohibit exclusive program contracts vis-a-vis television stations and cable systems.[a] In a separate document to be issued today, we are commencing a new proceeding inquiring into the question of whether the Commission should adopt rules restricting the ability of conventional television networks and stations to require program exclusivity against subscription operations. We intend to thoroughly explore the warehousing issue as well as the more general question of program exclusivity. Should the evidence demonstrate that measures are required to prevent unreasonable restraints on the program product available to the subscription television industry, we will consider adopting new rules designed to limit or remove such restraints.

183. In adopting the foregoing rules, we are not unmindful of the comments of the National Association of Theatre Owners (NATO) which suggest that we adopt rules designed to protect the motion picture theaters in the United States from subscription television competition. Their urging that we take such action raises the question of whether our jurisdiction extends to the adoption of rules of this type and, assuming the regulations suggested do not exceed our jurisdiction, whether a case has been made for their adoption.

184. Concerning the first of these questions, the Department of Justice has stated in its comments that "Congress has not conferred upon the Commission either the jurisdiction or the authority to balance these non-broadcast related interests in regulating the broadcast and related interests." NATO's acknowledgement that there is question as to the extent of the Commission's jurisdiction is brief and its support for such jurisdiction principally relies on analogy to the Commission's adoption of equal employment opportunity rules. In taking its actions in the area of equal employment, NATO notes, the Commission acknowledged the contribution the rules would make "toward reducing and ending discrimination in other industries." 16 RR 2d 1561, 1563. Reference is also made to "Report of Subcommittee No. 6, Select Committee on Small Business, 89th Cong. 2d Sess.," wherein the Commission was urged to consider the interests of small businesses in adopting advertising regulations.

185. We find, however, no evidence of any substantial sort that NATO's dire predictions of the collapse of urban centers will in fact occur, and thus need not resolve the jurisdictional question. In the absence of any stronger showing than has been made, we do not think it necessary to proceed further in this area and are not adopting the rules which the theater owners have suggested.

186. *Sports.* Most parties agree that some restrictions are needed to insure that the quantity and quality of sports events now shown over conventional television is not diminished by subscription operations. Unlike feature films which have continuous audience appeal, sports events have substantial entertainment value only at the time of their occurrence. Thus, with regard to sports events, our anti-siphoning rules must address the question of which programs should be reserved for conventional television rather than when they should be reserved, as was the case with feature films.

187. In keeping with our established policy, the new sports rules are designed to restrict the subscription exhibition of events which have been regularly televised in a community on a non-subscription basis, thereby assuring the public that the events now viewed over conventional television are not siphoned away to subscription operations. In determining whether a sports event has been televised in a community on a nonsubscription basis, the existing rules consider only those commercial television broadcast stations which place a Grade A contour over the entire community. This standard has been retained for purposes of the STV rule, but a new standard has been adopted for purposes of the cable television rule. Consistent with the television market definition incorporated in the cable television feature film rule (paragraph 164, supra), in determining whether a sports event has been televised in a community on a nonsubscription basis, the new cable sports rule will consider all commercial television broadcast stations which are required to be carried on the cable system upon demand pursuant to the cable television signal carriage rules. Accordingly, an event will be considered to have been broadcast in the market of an STV station if the community to which the station is licensed lies wholly within the Grade A contour of a nonsubscription commercial television station broadcasting the event. An event will be considered to have been broadcast in the market of a cable television system if the event was broadcast by a nonsubscription commercial television station which the cable system is required to carry upon demand of the station pursuant to the signal carriage rules.

188. The original sports rules for both STV and subscription cable television restricted the live subscription use of events which had been previously shown live over conventional television. In the 1972 Report and Order in Docket 18893, the sports rule applied to STV was revised to limit subscription use of events, either live or on a same-day delayed basis, which had been previously televised, either live or on a same-day delayed basis.[a] These changes were made because the Commission was concerned about situations where the delayed exhibition of an event amounts in effect to a "live" showing. Thus, in paragraph 13, the Commission stated:

> It is clear, for example, that instant replays [taped delays] could siphon sporting events just as surely as live showing of those events could. Thus, as MST states, the entire World Series could be put on instant replay over STV under the proposed rules regardless of the fact that this event had in the past been regularly shown over conventional television.[a]

With regard to providing anti-siphoning protection to events which had been previously televised on a delayed basis, Mr. John R. Fitzgerald in his comments pointed out that certain events had been televised in New York on a one or one-half hour delayed basis and that these events should be protected from siphoning. Noting this, the Commission said, "Thus, we think it clear that protection should be given in the type of situation mentioned by Fitzgerald where the delayed viewing of the event is virtually like viewing it live."[a]

189. We remain of the opinion that where the delayed exhibition of an event is "virtually like viewing it live," the anti-siphoning rules should treat the event as if it were exhibited live. However, when the delayed exhibition occurs after the event has been played, the exhibition is no longer virtually like a live exhibition and the rules should recognize that fact. Since the public interest in viewing a sporting event is greatest at the time the event is actually being played, our rules should encourage its live exhibition over conventional television. On the other hand, a few people might be willing to pay to view an event after its conclusion and we see no reason to preclude this opportunity. These considerations have persuaded us that the best course is to make the anti-siphoning rules applicable only to live exhibitions, but to define the term "live" as any telecast or cablecast that is simultaneous with the actual occurrence of the event or the delayed tape showing of which is begun while the event is still in progress. Thus, the rules will permit the delayed subscription exhibition of any sports event, and will not proscribe the live subscription exhibition of an event which was previously televised on a delayed basis over conventional television. We feel that this provision best serves the vast majority of people who would rather view a sporting event live, as well as those who would still be interested in viewing the event after its result is known.

190. Some confusion may develop in applying our definition of live telecasts to events such as auto races, golf matches and the Olympics, which take place over an extended period of time. Typically, only portions of such events are televised and the telecasts often occur on a delayed basis because of such factors as time zone differentials. This is especially true of telecasts of the Olympic games. Consistent with our statement

[a] Further notice of proposed rulemaking in Docket 18179, FCC 71-42, 27 FCC 2d 13 (1971). The issue of availability of programming to cable systems was later deleted from the inquiry in a Second further notice of Rulemaking in Docket 18179, 37 Fed. Reg. 7531 (1972).

[a] Supra note 13, at 274-276.

[a] Id., at 274.

[a] Id., at 276.

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in paragraph 295 of the Fourth Report and Order in Docket 11279,[40] and our discussion in the preceeding paragraph, if a substantial portion of such games or matches are telecast, and the telecasts take place during the period in which the events are actually taking place (this period may extend over several days in the case of the Olympics), the events will be considered to have been telecast live for purposes of the rules. What will constitute a "substantial portion" of a particular event cannot be narrowly defined due to the diverseness of the events to which the term will be applied. In this area, we must leave it to the parties involved to apply a standard of reasonableness. Should disputes arise, we will consider them on an ad hoc basis.

191. The new sports rules continue to define sports events as indicated in paragraph 292 of the Fourth Report and Order in Docket 11279,[41] and to divide events into two groups; specific events, such as the baseball World Series or the Football Super Bowl, and nonspecific events, such as regular season football or baseball games. The examples listed in paragraph 294 of the Fourth Report and Order in Docket 11279,[42] with two exceptions, continue to represent the type of events which will be regarded as specific events within the meaning of the new rules, although the list is by no means exhaustive. The two exceptions are the college basketball National Invitational Tournament (NIT) and professional basketball's NBA championship games. Consistent with our treatment of the NCAA basketball championships, only the final and semi-final games of the NIT playoffs will be regarded as specific events. With respect to the NBA playoffs, only the final seven game series will be regarded as a specific event. For the reasons set out in the succeeding paragraph, the events leading up to these final NIT and NBA playoff games will be treated as non-specific events.

192. We previously recognized in paragraph 297 of the Fourth Report and Order in Docket 11279,[43] that certain playoff games such as the NBA and NHL playoffs are customarily regarded as features of the regular sports season and should be classified as non-specific events rather than specific events. The features which we regard as distinguishing non-specific playoff events, such as the NHL playoffs, from specific playoff events, such as the World Series, are the number of games played and the period of time consumed during the playoffs. For instance, the Stanley Cup hockey playoffs involve as many as sixty-one games and cover a period as long as six weeks. Such contests are distinguished from the World Series, which involves a maximum of seven games and is scheduled to cover a period of less than two weeks. Therefore, except as indicated in the previous paragraph, we will treat these games as non-specific events.

193. Subscription exhibition of specific events is limited to those which have not been broadcast live over conventional television in the market during any one of the five seasons preceding the proposed subscription exhibition. Application of the five-year standard to cable as well as STV operations is consistent with our findings discussed in paragraphs 8 through 10 of the Report and Order in Docket 18893.[44] We have used the term "season" rather than "year". Thus, the rule looks back over the previous five sport seasons rather than the previous five one-year period or calendar years. As to specific events which do not have commonly defined seasons and recur on an irregular basis, such as heavyweight title boxing matches, they will be treated as set forth in paragraph 40 of the Report and Order in Docket 18893.[45] If a regularly recurring event takes place at intervals of more than one year, such as the Olympic games, the event will be precluded from subscription exhibition if it has been broadcast over conventional television in the market during any one of the ten years preceding the proposed subscription exhibition.

194. When the STV sports rules were amended in Docket 18893, subscription exhibition of new events brought about by restructuring of existing sports was proscribed for a period of five years after their first occurrence.[46] The rules were not made applicable to new events not brought about by restructuring of existing sports. The Commission indicated that it would defer action as to entirely new events until its need had been demonstrated. Discussion of this matter in Docket 18893 centered around new specific events such as the Super Bowl, and no mention was made of new non-specific events such as those played by an expansion team pursuant to a new franchise.

195. While we are persuaded that the existing STV rules applicable to new specific events should be retained and applied to cable operations, we have decided to take a different approach with regard to new nonspecific events. A five-year prohibition of the subscription exhibition of all games played by a newly franchised sports team would be overly restrictive. On the other hand, the public interest would not be served if all such games were reserved for exhibition on a subscription basis to the exclusion of conventional telecasts. In order to provide some possibility for subscription television exposure of new non-specific events brought about by a restructuring of an existing sport, while preserving for the public an opportunity to view a portion of these games on conventional television, we have decided to treat these events in a similar manner as those played by previously existing teams. The manner in which this will be accomplished is set out below in paragraph 201.

196. With regard to existing non-specific events, we have departed from the all or nothing approach taken by the present rules and have adopted modified "remainder games" provisions. The concept of "substantial number" has been retained to distinguish between games regularly televised and games not regularly televised, but the watershed has been specifically set at twenty-five percent. The concept of "categories" has also been retained, but categories of events in each sport for purposes of the rules will be limited to the following: Preseason home, pre-season away, regular season home and regular season away. The four categories that we have specified are generally recognized, and to allow for the application of additional categories would introduce a large element of uncertainty into the sports rules and would likely lead to much confusion.

197. The old "games of the week" category has been eliminated because such games do not usually exist in their own right, but are so called only as a promotional term in relation to their network exhibition. Most games of the week cannot be forecast from league schedules, but come into being only upon their designation by the networks. We have not provided for a category of post-season home or away games with regard to non-specific events because the number of such events to be played by a particular team or individual in any given season cannot be foretold, but generally is determined by some type of playoff procedure. (See our discussion of post-season non-specific events in paragraph 192, supra.) Since the new rules assume that the number of events to be played in a category is known in advance of their occurrence and allow for the subscription exhibition of some percentage of this number, non-specific playoff games cannot be easily introduced into our formulae. We have not found a way to completely resolve this problem, but the best procedure seems to be that adopted in the original STV rules.[47] There it was determined to regard non-specific playoff games as part of the regular season rather than a separate category of events. If non-specific playoff events are exhibited by subscription interests, we will expect them to arrange their schedules so that the limitations prescribed by our rules are not exceeded. For instance, if our rules permit the subscription exhibition of twenty percent of the events in a certain category and prior to the playoffs twenty percent have been exhibited, at least five playoff games must be scheduled before an additional game may be exhibited by the subscription operation.

198. We realize that this is not a perfect solution for the handling of non-specific playoff games, but lacking a more suitable alternative, we must trust in the good faith of the parties involved to apply our rules in a manner consistent with their intent. By placing playoff

[40] Supra note 4, at 560.
[41] Id, at 559.
[42] Id, at 559, 560. See, also footnote 13 of Report and Order in Docket 18893, FCC 72-263, 34 FCC 2d 271, 284 (1972).
[43] Supra note 4, at 561.
[44] Supra note 13, at 273-274.
[45] Id, at 281.
[46] Report and Order in Docket 18893, Id, at 282-286.
[47] See paragraph 297 of Fourth Report and Order in Docket 11279, supra note 4, at 561.

games in the regular season category, we have left open the possibility of "frontloading," i.e., arranging telecasts so that most conventional telecasts take place during the early part of the season, leaving the more popular end-of-season events for exhibition on a subscription basis. It is not our intent that frontloading take place. We expect that the uncertainty as to whether a particular team will reach the playoffs, or if it does, as to whether it will be eliminated at an early stage of the playoffs, will discourage temptations to frontload conventional telecasts. Should our expectations prove wrong, and should we discern the development of a trend to frontload conventional telecasts and "backload" subscription exhibitions, we will be required to take whatever additional action is appropriate to preserve the intended operation of the rules.

199. The number of non-specific events which may be exhibited on a subscription basis during any sports season will depend upon the number of such events shown over conventional television during the preceding "highwater mark" season; that is, that season among the preceding five seasons when the largest number of events in the relevant category were broadcast. All, or some, of the events not broadcast over conventional television in the highwater mark season—the remainder games—will be available for subscription exhibition, depending upon the level of previous conventional broadcasts. If less than twenty-five percent of the events in a category were broadcast live over conventional television in the market during the highwater mark season, the number of events available for subscription exhibition shall be equal to the number of remainder games in the highwater mark season.

200. If twenty-five percent or more of the events in a category were broadcast live over conventional television in the market during the highwater mark season, the number of events available for subscription exhibition shall be equal to fifty percent of the remainder games in the highwater mark season. This provision relaxes the present restriction which prohibits altogether the subscription exhibition of games in a category of events of which a substantial number were previously carried by conventional television. To discourage a gradual siphoning away of these games from conventional television to subscription television, the events available for subscription exhibition will be reduced when the number of games conventionally televised is reduced from previous seasons. Thus, where twenty-five percent or more of the games in a category have been broadcast live over conventional television in the highwater mark season and the number of games in the category to be broadcast in the current season is a reduction from the number of events broadcast in the highwater mark season, the number of events in the category which may be exhibited on a subscription basis in the current season shall be reduced in proportion to the reduction in events broadcast. Consider the following example: Forty games in a category consisting of eighty games were carried by conventional television in the market in the highwater mark season. This leaves forty as the number of remainder games at the five year highwater mark, of which fifty percent, or twenty, are left for subscription exhibition. Thirty-four games were conventionally televised in the market last season and only thirty-two will be televised in the current season. The twenty games otherwise available for subscription exhibition during the current season must be reduced in proportion to the reduction in the number of games conventionally televised, a reduction of twenty percent in this case. Therefore, only sixteen games will be available for subscription exhibition in the current season. Of course, there may be many cases where the number of games televised is voluntarily reduced by a conventional television station for reasons completely unrelated to program siphoning. Upon a proper showing that this is the case, we will be disposed to grant a waiver of the proportional reduction provision.

201. As we pointed out in paragraph 195, supra, new teams which result from the restructuring of existing sports must be treated in a special manner. With no previously established pattern of telecasts in the market, the first season games played by a new or transferred team in an existing sports league are not susceptible to allocation between conventional and subscription television pursuant to our formulae set forth above. Therefore, we must substitute an alternate telecast history for such new teams which can be applied by our rules in lieu of an actual telecast history. We have decided that the average of all telecasts, by category, of games played by teams in the league of the new team will provide a reasonable basis for allocating events between conventional and subscription television during the team's initial seasons of play. During the new team's first season of play, subscription exhibition of its games will be determined from the previous season's average of telecasts in the category of all events played in the league. In the second season of play, subscription exhibitions will be determined from either the league average of telecasts which was used the previous season, or the previous season's actual telecasts of games played by the new team, depending upon which figure represents the highwater mark in the category. This procedure will continue through the new team's fifth season of play, using the highwater mark of actual telecasts and the league average figure applied the first season to determine allowable subscription exhibitions. In the sixth season, subscription exhibitions will be determined by the highwater mark of actual telecasts during the previous five seasons in the same manner as for the older teams in the league.

202. The dichotomous nature of our non-specific events rule reflects what we perceive to be different public interest considerations attached to events which have been regularly televised and those which have not. The public is most interested in the continuation of conventional television coverage of events regularly televised in previous years, and less interested in the telecasting of those events which have received only intermittent coverage. The existing sports rule seeks to give effect to this distinction, but in the process of applying the rule, considerable confusion has resulted because of the many subjective responses which may be given to the question of whether events have been "regularly" televised. Our new rule continues to distinguish between events regularly televised and those not regularly televised, and also establishes a definite standard for making the distinction. The new rule permits the subscription exhibition of all remainder games where the category of events in question has not received substantial conventional television coverage, and only half of the remainder games where the category of events has received substantial coverage. The remainder games not made available for subscription exhibition allow for expanded conventional telecasts of those events which have been most often televised in the past and which, presumedly, the public has the greatest interest in viewing. This rule, we believe, provides for reasonable subscription exhibition of sports events without diminishing the public's opportunities to view events on conventional television.

203. We have established twenty-five percent as the watershed between a substantial and an insubstantial number of telecasts. Twenty-five percent is no magic number, but rather a reasonable figure to distinguish between a substantial number and an insubstantial number of events. Some pre-determined figure is necessary for the administration of our sports rules. Because of the more or less arbitrary nature of the twenty-five percent figure, we intend to apply the rules flexibly in certain situations. Consider this hypothetical: a conventional independent television station historically has telecast approximately twenty percent of the Yankee away baseball games in its market. Last season a television network affiliate in the same market telecast one Yankee away game as a network game of the week which resulted in more than twenty-five percent of the Yankee away games having been telecast in the market last season. Should this happenstance severely diminish the Yankee away games available for pay exhibition during the next five seasons? Possibly not. Therefore, presented with situations similar to our hypothetical and where the public interest would not suffer, we will consider granting waivers to permit the subscription exhibition of more events than would be permitted by a strict application of our rules.

204. It has been alleged that any rule which permits the subscription exhibition of remainder games will result in the best events, in terms of popularity, location and time of occurrence, being purchased for subscription exhibition, leaving the less attractive events for conventional exhibition. To guard against this eventuality, we have considered allowing con-

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ventional broadcast stations and networks to preempt certain events which they would like to carry. We would permit conventional television to choose the events it wishes to televise and preclude these events from being exhibited on a subscription basis.

205. Having studied the merits of this proposal, we have concluded that a preemption provision would add unwarranted complexity to the rules and might produce anomalous results. Therefore, at least for the present, we have decided not to include such a provision in our rules. We are nonetheless concerned that the quality of events offered to conventional television might be reduced. Should this happen, we might be required to include the concept of preemption in the rules. For the present, we will trust in the good faith of the parties involved to conduct their operations in accordance with the spirit as well as the letter of the rules.

206. One final matter with regard to sports events must be discussed. We have been advised that some sports teams pay for local television coverage of away games in order to gain media exposure and promote attendance at home games. It is submitted that the anti-siphoning rules are not meant to reserve events for conventional television at the expense of the sport promoter, and that events televised in whole or in part at the expense of the local team should not be figured into the anti-siphoning formulae.

207. This example points out potential problems which will be encountered as the anti-siphoning rules are applied in real-life situations. Although solutions to anticipated problems such as this might be incorporated into the rules, every potential problem cannot be provided for in advance without rendering the rules unduly complicated. Therefore, we will leave problems such as that mentioned above for resolution by the Commission on an ad hoc basis. As we have repeatedly stated during the course of this discussion, we intend to closely monitor the operation of the rules and we expect to grant waivers in appropriate circumstances. We believe that the new sports rules clear up many of the ambiguities present in the existing rules, but some problem areas remain. The rules have been drafted for general application and they are unavoidably imprecise in several areas. We have not sought to define all of our terms with absolute specificity, for to do so would build in rigidity which would be incompatible with the unsettled environment in which the sports rules must operate. We intend that the rules be administered flexibly, but in a manner consistent with their purpose. If necessary, we will resolve uncertainties and make adjustments in later actions. By this policy, we hope to maximize the amount of sports programming made available to the public by both conventional and subscription services.

208. The foregoing paragraphs set out the manner in which the terms "sports events," "new sports events," "specific events," "non-specific events," "live telecast" and "category" will be construed. Additionally, the legislative history contained in the Fourth Report and Order in Docket 11279, and the Report and Order in Docket 18893, unless modified herein, will be given effect in our administration of the new sports rules.

Series type programs. 209. The comments filed in this proceeding evidence a striking paucity of information with respect to series type programs. The comments which address the issue at all generally fall within two categories—those urging retention of the existing rule, and those urging its deletion. The evidence in favor of retention is sparse, and proponents of the opposite point of view argue that this very lack of evidence is sufficient grounds for the Commission to reach a decision to delete the series rule.

210. There is considerable agreement that the proscription contained in the existing rule is overly broad. ABC, one of the few parties taking an intermediate position between retention and deletion of the series rule, states in its comments that the present rule discourages the presentation of new and innovative programming on subscription operations, and suggests that the rule might be modified without creating a substantial risk of siphoning programs from conventional television. The testimony of representatives of The Motion Picture Association of America, Inc., indicates the existence of a large quantity of unused talent and production capacity which could produce series programming for subscription exhibition without affecting the availability of such programming to conventional television. This evidence suggests that, at the very least, subscription interests should be able to exhibit series programs produced especially for the subscription market, and that perhaps restrictions on series programs are not required to prevent siphoning.

211. Based on the sparse record before us, we are reluctant to either delete or engage in a wholesale revision of the present series rule. Series programs constitute a large portion of conventional television programming, and any step which might affect the continued availability of that programming to conventional television viewers should not be taken lightly. Therefore, we will not now revise the rule beyond allowing for the subscription exhibition of any new series, no episode of which has been exhibited on conventional television. To determine whether restrictions are needed with regard to series previously shown over conventional television, and, if so, what form they should take, we have invited additional comments on the series question in a second further notice of proposed rulemaking in Docket 19554,[55] issued concurrently with this First Report. The limited action which we have taken today does not represent a final determination of the series issue, and additional action will be taken if called for on the basis of our continuing inquiry into the matter.

Ninety percent and advertising rules. 212. The present rules prohibit subscription operations from devoting more than ninety percent of their subscription programming hours to feature films and sports combined. We believe that this provision has been successful in encouraging diverse and innovative programming such as that now provided on many subscription cable television channels. Therefore, we will retain the ninety percent provision, but will not increase it. We believe that feature films and sports will continue to be the staples of subscription operations and that rules requiring a substantial decrease in the amount of this programming would result in "a harshness that could spell the death knell of STV before it even began."[56]

213. Existing rules, both as to over-the-air STV and subscription cable operations, prohibit the presentation of commercial advertising other than for promotions of other subscription programs. Retention of these rules, which were initially adopted to assure that subscription operations provided a different and diverse type of programming from that found on advertiser supported television, has produced little dissent and we see no reason not to retain our original view that such restrictions on the presentation of commercial advertising are desirable. We do note the oral argument testimony of Mr. Laird Kelly, Director of Community Medical Cablecasting, an organization which offers continuing medical educational programming to practicing physicians. Mr. Kelly stated that distribution of this high cost programming would be facilitated if its support were to be shared by a combination of commercial advertisers and subscribers rather than only one or the other.[57] It is not our intention, in retaining the advertising limitation, to preclude the presentation of specialized programming of this type. However, based on the comments received in the course of this proceeding, we believe the type of programming referred to by Mr. Kelly to be sufficiently unique that it is better dealt with on an ad hoc special relief basis than by attempting to fashion an exemption to the general rule.

Application of rules to leased channel programming. 214. In the initial notice in this proceeding, we asked the following questions:

> Are the rules appropriate for and how should they be administered with respect to access and leased channel cablecasting for which there is a per-program or per-channel charge and not subject to the control of the cable television operator? At paragraph 12.

Although in the filings received there was little comment on this matter, it requires resolution. Insofar as our concern is with the impact that subscription television operations will have on conventional over-the-air broadcasting, our concern extends equally to programming distributed by a cable system operator himself or to that which another entrepreneur distributes over his facilities on a leased channel basis. Like rules must logically apply to each.

215. In administering these rules, at least two alternatives are open to us. We can charge the cable operator with assuring his own compliance and that of others using his facilities or we can ourselves look directly only to that individual or entity exercising "editorial" control over the programming, be it system operator or channel lessee. While the existing rules on the subject are not altogether clear, having been adopted prior to our leased channel requirements, we have, on at least one occasion, looked to the entity exercising direct content control or compliance with our rules. See letter dated September 17, 1974 to Home Box Office, Inc. concerning carriage of Yankee baseball games. Because our authority to regulate the content of subscription programming appears to fall squarely within the bounds of "U.S. v. Southwestern Cable Co.", 392 U.S. 157 (1968), as "reasonably ancillary to the effective performance of the Commission's various responsibilities for the regulation of television broadcasting," we see no jurisdictional bar to looking directly to channel lessees for compliance. Further, direct application of the rules in fairer to all involved and likely to be more effective in achieving compliance because the entity making the programming choices must do so with knowledge that he, rather than the cable operator whose facilities he uses, will be held accountable for compliance with the rules. We have accordingly drafted the rules that we have adopted to make clear that both channel lessees and cable system operators are subject to their requirements.

Preemption of local regulation of subscription television operations. 216. As a final matter, we note that a number of cable television franchises contain provisions purporting to regulate subscription cable television or to ban the service entirely. We have specifically stated that "• • • the Commission has preempted the field of pay television cablecasting so that local franchise terms (purporting to regulate subscription cablecasting) are inoperative • • •"[58] In paragraph 130 of the Cable Television Report and Order, the Commission stated:

> • • • it is this Commission that must make the decisions as to conditions to be imposed on the operation of pay cable channels; and we have already taken steps in that direction. (See § 76.225). Federal regulation is thus clearly called for.[59]

217. Although we have not ourselves undertaken the regulation of rates for the sale of subscription programming, we regard our prior statements concerning the regulation of subscription operations as preempting local regulation of rates as well as program content. We do not believe that regulation of subscription rates is either practicable or necessary at this time. The competitive alternatives to subscription television are plentiful, including most particularly free television, motion picture theatres, live sports, and other entertainment events. As we said with respect to over-the-air subscription rates:

> The public is free to subscribe or not to subscribe to STV services. We believe that the marketplace will regulate the charges that are paid and that if they are excessive, the operations will not succeed • • •"[60]

In any case, we believe that the complex nature of subscription cablecasting and broadcasting, with implications not coincident with state boundaries, dictates that its regulation emanate from a single source, and that determinations as to when and how to regulate the service must be made at the federal level.

Rulemaking proceeding to remain open. 218. Our action today is the result of some twenty years of study and consideration during which time every aspect of subscription television and its possible effects upon the conventional broadcast structure has been scrutinized and debated. The rules we have adopted here mark our second major attempt to design a regulatory program to ensure that the public's access to programming now delivered by conventional television is not diminished by subscription operations. We very clearly recognize, however, that, in a complex matter such as this, there may be gaps which remain to be filled or particular provisions that need to be refined. In some areas we have expressed our concerns but chosen not to adopt rules until further experience provides a better indication of their need and direction. With respect to series programming, we have explicitly sought further comment. We are concerned that not merely the letter of our rules but their spirit be carried out and believe it appropriate to continue to keep a careful watch on developments to be sure that this occurs. We have thus denominated this document as a First Report and Order in this proceeding and are leaving the proceeding open to be a repository for comments on how the rules operate and whether they achieve their intended goals, and to facilitate our taking prompt further action should that become necessary. For now, we are convinced that our rules reflect a fair and reasonable effort to provide for the orderly development of subscription television while preserving for the public the benefits now derived from the conventional broadcast structure.

Authority for adoption of the rules herein is contained in sections 2, 4(i) and (j), 303, 307, 308, and 309 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, That effective May 27, 1975, Parts 73 and 76 of the Commission's rules and regulations are amended as set forth below.

It is further ordered, That the proceeding in Docket 18893 is terminated.

It is further ordered, That the proceeding in Docket 19554 is retained open.

(Secs. 2, 4, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1066, 1082, 1083, 1084, 1085; (47 U.S.C. 152, 154, 303, 307, 308, 309))

Adopted: March 20, 1975.

Released: April 4, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[61]
[SEAL] VINCENT J. MULLINS,
Secretary.

Parts 73 and 76 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

1. Section 73.643 is revised to read as follows:

§ 73.643 General operating requirements.

Subscription television broadcast programming shall comply with the following requirements:

(a) Feature films shall not be broadcast except as provided in this paragraph.

(1) A feature film may be broadcast if—

(i) The film has been in general release in theaters anywhere in the United States for three (3) years or less prior to its proposed broadcast;

(ii) A conventional television broadcast station licensed in the market of the subscription television broadcast station holds a present contractual right to exhibit the film. For purposes of this subdivision, a television station affiliated with a television network will be deemed to hold a present contractual right to exhibit a film if the network to which it is affiliated holds such a right;

NOTE: The manner in which the term "present contractual right" will be construed is explained in paragraphs 169 and 170, "First Report and Order in Docket 19554," FCC 75-369, 40 FR 75540.

(iii) The film has been in general release in theaters anywhere in the United States for more than ten (10) years prior to its proposed subscription broadcast and the film has not been exhibited over conventional television in the market of the subscription television broadcast station for three (3) years prior to its proposed subscription broadcast. Once a film has been broadcast in the market pursuant to this subdivision or cablecast on a subscription basis pursuant to § 76.225(a)(1)(iii), such film may thereafter be broadcast on a subscription basis in the market without regard to its subsequent exhibition over conventional television;

(iv) The film is in a foreign language;

(2) Feature films otherwise excluded by this paragraph may be broadcast

[55] FCC 75-370, 40 FR 15568.

[56] Fourth Report and Order in Docket 11279, supra note 4, at 564.

[57] Transcript of oral argument in Docket 19554, Vol. 4, pp. 640-644.

[58] Time-Live Broadcast, Inc., FCC 71-946, 31 FCC 2d 747 (1971).

[59] FCC 72-108, 36 FCC 2d 143, 193 (1972). See also, Clarification of rules and notice of proposed rulemaking, FCC 74-384, 46 FCC 2d 175, 186 (1974).

[60] Fourth Report and Order in Docket 11279, supra note 4, at 548.

[61] Commissioner Hooks concurring in the result; Dissenting and concurring statements of Commissioner Robinson filed as part of the original document.

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upon a convincing showing to the Commission that they are not desired for exhibition over conventional television in the market or that the owners of the broadcast rights to the films, even absent the existence of subscription television, would not make the films available to conventional television.

(3) Every subscription television broadcast station over which a feature film is broadcast pursuant to this paragraph shall maintain for public inspection a file listing the title of the film, the date on which it was broadcast and the provision of this paragraph pursuant to which it was broadcast. When a feature film is broadcast pursuant to subparagraph (1)(ii) of this paragraph, the station or network, serving the market and holding a present contractual right to exhibit the film shall be specified. These files shall be retained for a period of two years.

(b) Sports events shall not be broadcast live except as provided in this paragraph.

(1) A specific event may be broadcast if the event has not been broadcast live over conventional television in the market of the subscription television broadcast station during any one of the five (5) seasons preceding the proposed subscription broadcast. If a regularly recurring event takes place at intervals of more than one year (e.g., summer Olympic games), the event shall not be broadcast on a subscription basis if it has been broadcast live over conventional television in the market of the subscription television broadcast station during any one of the ten (10) years preceding the proposed subscription broadcast.

(2) New specific sports events that result from the restructuring of existing sports shall not be broadcast on a subscription basis until five (5) seasons after their first occurrence. Thereafter, subscription broadcasts shall be governed by paragraph (b)(1) of this section.

(3) The number of non-specific events which may be broadcast on a subscription basis in any given season shall be determined as follows:

(i) If less than twenty-five (25) percent of the events in a category of non-specific events were broadcast live over conventional television in the market of the subscription television broadcast station during each of the five (5) seasons preceding the proposed subscription broadcast, the number of events in the category broadcast on a subscription basis shall not exceed the number of events in the category not conventionally broadcast in that season among the preceding five (5) seasons when the largest number of events in the category were broadcast over conventional television.

(ii) If twenty-five (25) percent or more of the events in a category of non-specific events were broadcast live over conventional television in the market of the subscription television broadcast station during any one of the five (5) seasons preceding the proposed subscription broadcast, the number of events in the category broadcast on a subscription basis shall not exceed fifty (50) percent of the number of events in the category not broadcast in that season among the preceding five (5) seasons when the largest number of events in the category were broadcast over conventional television. However, if the number of events in the category to be broadcast over conventional television in the current season is a reduction from the number of events broadcast in that season among the preceding five (5) seasons when the largest number of events in the category were broadcast, the number of events in the category which may be broadcast on a subscription basis pursuant to this subparagraph shall be reduced in proportion to the reduction in events broadcast over conventional television.

NOTE: The manner in which this paragraph will be administered and in which "sports events," "new sports events," "specific events," "non-specific events," "live telecast" and "category" will be construed is explained in paragraphs 186–208 of the First Report and Order in Docket 19554, FCC 75–369, 40 FR 15540.

(c) No series type of program with interconnected plot or substantially the same cast of principal characters, any episode of which has been broadcast over conventional television, shall be broadcast.

(d) No commercial advertising announcements shall be carried during subscription television operations except for promotion of subscription television broadcast programs before and after such programs.

(e) Not more than 90 percent of the total subscription programming hours shall consist of feature films and sports events combined. The percentage calculations may be made on a yearly basis, but, absent a showing of good cause, the percentage of such programming hours may not exceed 95 percent of the total subscription programming hours in any calendar month.

(f) Any television broadcast station licensee or permittee authorized to broadcast subscription programs shall broadcast in addition to its subscription broadcasts, at least the minimum hours of nonsubscription programming required by § 73.651.

(g) Except as they may be otherwise waived by the Commission in authorizations issued hereunder, the rules and policies applicable to regular television broadcast stations are applicable to subscription television operations.

NOTE: As referred to in this section, "the market" of a subscription broadcast station includes all commercial broadcast stations which place a Grade A contour over the entire community to which the subscription station is licensed.

2. Section 76.225 is revised to read as follows:

§ 76.225 Subscription cablecasting.

Cable television system operators or channel lessees engaging in origination or access cablecasting operations for which a per-program or per channel charge is made shall comply with the following requirements:

(a) Feature films shall not be cablecast by a cable television system subject to the mandatory signal carriage requirements of Subpart D of this Part 76, except as provided in this paragraph.

(1) A feature film may be cablecast if—

(i) The film has been in general release in theaters anywhere in the United States for three (3) years or less prior to its proposed cablecast;

(ii) A conventional television broadcast station licensed in the market of the cable television system holds a present contractual right to exhibit the film. For purposes of this subdivision, a television station affiliated with a television network will be deemed to hold a present contractual right to exhibit a film if the network to which it is affiliated holds such a right;

NOTE: The manner in which the term "present contractual right" will be construed is explained in paragraphs 169 and 170, First Report and Order in Docket 19554, FCC 75–369, 40 FR 15540.

(iii) The film has been in general release in theaters anywhere in the United States for more than ten (10) years prior to its proposed cablecast and the film has not been exhibited in the market of the cable television system over conventional television for three (3) years prior to its proposed cablecast. Once a film has been cablecast in the market pursuant to this subdivision, or broadcast on a subscription basis pursuant to § 73.643(a)(1)(iii), such film may thereafter be cablecast in the market without regard to its subsequent exhibition over conventional television;

(iv) The film is in a foreign language;

(2) Feature films otherwise excluded by this paragaph may be cablecast upon a convincing showing to the Commission that they are not desired for exhibition over conventional television in the market of the cable television system, or that the owners of the broadcast rights to the films, even absent the existence of subscription television, would not make the films available to conventional television.

(3) Every cable television system over which a feature film is cablecast pursuant to this paragraph shall maintain for public inspection a file listing the title of the film, the date on which it was cablecast and the provision of this paragraph pursuant to which it was cablecast. When a feature film is cablecast pursuant to subparagraph (1)(ii) of this paragraph, the station or network serving the market and holding a present contractual right to exhibit the film shall be specified. These files shall be retained for a period of two years.

(b) Sports events shall not be cablecast live by a cable television system subject to the mandatory signal carriage requirements of Subpart D of Part 76, except as provided in this paragraph.

(1) A specific event may be cablecast if the event has not been broadcast live over conventional television in the market of the cable television system during any one of the five (5) seasons preceding the proposed cablecast. If a regularly recurring event takes place at intervals of more than one year (e.g., summer Olympic games), the event shall not be cablecast if it has been broadcast live over conventional television in the market during any one of the ten (10) years preceding the proposed cablecast.

(2) New specific sports events that result from the restructuring of existing sports shall not be cablecast until five (5) seasons after their first occurrence. Thereafter, subscription cablecasts shall be governed by paragraph (b)(1) of this section.

(3) The number of non-specific events which may be cablecast in any given season shall be determined as follows:

(i) If less than twenty-five (25) percent of the events in a category of non-specific events were broadcast live over conventional television in the market of the cable television system during each of the five (5) seasons preceding the proposed cablecast, the number of events in the category cablecast shall not exceed the number of events in the category not broadcast in that season among the preceding five (5) seasons when the largest number of events in the category were broadcast.

(ii) If twenty-five (25) percent or more of the events in a category of non-specific events were broadcast live over conventional television in the market of the cable television system during any one of the five (5) seasons preceding the proposed cablecast, the number of events in the category cablecast shall not exceed fifty (50) percent of the number of events in the category not broadcast in that season among the preceding five (5) seasons when the largest number of events in the category were broadcast. However, if the number of events in the category to be broadcast in the current season is a reduction from the number of events broadcast in that season among the preceding five (5) seasons when the largest number of events in the category were broadcast, the number of events in the category which may be cablecast pursuant to this subparagraph shall be reduced in proportion to the reduction in events broadcast.

NOTE: The manner in which this paragraph will be administered and in which "sports events," "new sports events," "specific events," "non-specific events," "live telecast," and "category" will be construed is explained in paragraphs 186-208 of the "First Report and Order in Docket 19554," FCC 75–369, 40 FR 15540.

(c) No series type of program with interconnected plot or substantially the same cast of principal characters, any episode of which has been broadcast over conventional television, shall be cablecast by a cable television system subject to the mandatory signal carriage requirements of Subpart D of this Part 76.

(d) Not more than ninety (90) percent of the total cablecast programming hours shall consist of feature films and sports events combined. The percentage calculations may be made on a yearly basis, but absent a showing of good cause, the percentage of such programming hours may not exceed ninety-five (95) percent of the total cablecast programming hours in any calendar month.

(e) No commercial advertising announcements shall be carried on subscription channels during such operations except before and after such programs for promotion of other programs for which a per-program or per-channel charge is made.

NOTE: As referred to in this section, "the market" of a cable television system includes all commercial broadcast stations which must be carried by the cable television system upon request pursuant to Subpart D of this Part 76.

[FR Doc.75–8856 Filed 4–4–75;8:45 am]

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12. In accordance with the provisions

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 76]

[Docket No. 19554; FCC 75-370]

CABLE TELEVISION SERVICE

Cablecasting of Programs for Which a Per-Program or Per-Channel Charge Is Made

Second further notice of proposed rulemaking. In the matter of amendment of Part 76, Subpart G, of the Commission's rules and regulations pertaining to the Cablecasting of Programs for which a Per-Program or Per-Channel Charge is Made.[1] Docket No. 19554.

1. The so-called anti-siphoning rules for feature films, sports, and series type programs were adopted for over-the-air subscription television service (STV) in 1968.[1a] In 1970, virtually the same rules were adopted for cablecasting for which a per-program or a per-channel charge is made.[2] The sports rule for STV was amended in March 1972 but a similar amendment for pay cablecasting was deferred.[3]

2. The present proceeding began on July 24, 1972, with the release of a Notice of proposed rulemaking[4] which invited comments on possible amendments to the anti-siphoning rules for pay cablecasting. The scope of the proceeding was later enlarged to consider whether changes should also be made in the STV rules.[5] In a First report and order[6] adopted March 20, 1975, essentially identical anti-siphoning rules for both pay cablecasting and STV were adopted. These new rules modify the previous feature film and sports rules in important respects and relax the rule for series type programs by permitting pay TV to show series that have not been previously shown on conventional television.

3. The former series rule stated that no series type of program with interconnected plot or substantially the same cast of principal characters may be transmitted by STV or by pay cablecasting. In relaxing that rule, we questioned whether such a rule was needed at all, and referred to the paucity of information which we had on the subject. We also stated that we were simultaneously with the adoption of the First report and order adopting the present Second further notice of proposed rulemaking in the hope of developing information that would provide a basis for a decision as to whether a series rule is necessary to serve the public interest and, if so, whether it should be modified from its present form.

4. Although the record in this proceeding contains much material concerning feature films and sports, relatively little appears about series. Mostly, those supporting the series rule merely made the assertion that it was necessary to prevent siphoning of series type programs from conventional television. Those who opposed the rule generally stated that it should be deleted since there was no evidence of a need for it.

5. Some comments, rather than supporting retention of the rule or outright deletion of it, pointed to the possibility of a middle ground. Thus, ABC agreed that the rule was overly broad and suggested that it might be modified without creating a substantial risk of siphoning. Observing that the basic purpose of the rule was to produce innovative programming on pay TV and that the series rule barred innovation that could be presented, ABC proposed that there be no ban on the showing of original innovative programming. However, it warned that the Commission should be alert to the possibility that talent presently associated with series programming for conventional television might be siphoned to the making of such programs for pay TV with resultant detriment to the public interest. ABC suggested that if such a trend were to occur, the Commission should take corrective action if necessary. Program producers, although favoring deletion of the rule on the grounds that it was unnecessary, at least for the foreseeable future, indirectly pointed to a middle ground by arguing that the absolute prohibition of series is contrary to the public interest since it bars exhibition of series for limited audiences—such as educational audiences or minority groups—that could be successfully produced for pay TV although not for conventional television.

6. Consistent with its view, ABC suggested a rule that would retain a ban on the pay TV showing of off-network series because, if carried on pay TV, there would be a risk of siphoning from conventional television. It also suggested that the rule prohibit the showing of any non-network series program (e.g., Wild Kingdom) that had appeared on conventional television during any one of the five years immediately preceding proposed pay TV showing in order to prevent siphoning of such programs that are produced for syndication and are widely available for conventional television.

7. Since, as previously stated, we wish to develop information on which to base a decision as to whether a rule is necessary or what kind of rule may be necessary, we invite comments on the following proposal which lies between a complete ban of series programming and having no rule at all. This proposal, which is modeled after the rule adopted today for feature film showings on pay TV, would read as follows for pay cablecasting:

§ 76.225 Subscription cablecasting.

* * * * * * *

(e) Series type programs shall not be cablecast by a cable television system except as provided in this paragraph.

(1) The series has never been purchased for broadcast over conventional television;

(2) A conventional television broadcast station licensed in the market holds a present contractual right to exhibit the series. For purposes of this subparagraph, a television station affiliated with a television network will be deemed to hold a present contractual right to exhibit a series if the network with which it is affiliated holds such a right;

(3) The series has not been exhibited in the market over conventional television for three (3) years prior to its proposed cablecast;

(4) The series consists of fifty (50) or fewer episodes.

NOTE: For purposes of this paragraph, the exhibition of any episode of a series shall constitute the exhibition of the series.[7]

8. The rationale underlying the foregoing proposal is as follows: *Paragraph* (e)(*1*). This provision is intended to permit pay TV to compete with conventional TV for new series that have not appeared on conventional TV and to produce series programs especially for pay TV. It is founded on the view, supported by evidence in the record in this docket, that there are sufficient unused resources within the program production industry to serve both pay TV and conventional TV markets. *Paragraph* (e)(2). As was the case with the feature film rule, this provision reflects the policy that programs that are available on conventional television cannot be siphoned and thus ought not be restricted as to their subscription use. *Paragraph* (e)(3). This provision is directed to the situation where a series that appeared on network television has concluded its network run but has not been purchased by individual stations for a second run in syndication. The rationale of this provision is that if the series has not been purchased for a period of three years, it may be assumed that it is not subject to siphoning and that it should be available for use by pay TV. *Paragraph* (e)(*4*). Most series are first run on network television on a pilot basis and many are dropped after a short time because of low audience ratings. In most such cases, the series are not syndicated to local stations not only because of their poor ratings on network television but also because they consist of too few episodes to make syndication worthwhile. Because of this, there appears to be no reason to exclude such series from the subscription market since there would apparently be no siphoning from conventional TV.

9. As mentioned previously, the series rule defines a series type program as one with an interconnected plot or substantially the same cast of principal characters. Although the rule proposed above contains no definition of the term, if such a rule were adopted, it would, of necessity, have to contain such a definition. In paragraph 334 of the "Fourth Report and Order in Docket No. 112798"[8] we stated, in adopting the rule, that variety shows such as the "Ed Sullivan Show" or the "Bob Hope Show" were not series type programs for the purposes of the rule. The same would have been true for host shows such as the "Merv Griffin Show." Parties are invited to comment on whether, if a modified series rule is adopted, the definition of "series type program" should remain as it is in the present rule, should be expanded from what it is, or should be otherwise modified. Thus, for example, should that term include such a program as "Police Story" which has no interconnected plot or substantially the same cast of principal characters but which, nevertheless, has a continuity of theme—police episodes?

10. Comments are not only invited on the above-mentioned proposal, and on that of ABC, but on the basic question of whether an anti-siphoning rule is necessary for series programs. It is hoped that by focusing on this particular aspect of siphoning, we shall obtain sufficient information on which to base a decision as to whether to delete or modify the present rule on this subject.

11. All interested persons are invited to file written comments on the matters discussed above on or before May 23, 1975, and reply comments on or before June 27, 1975. In reaching a decision in this matter, the Commission may take into account any other relevant information before it, in addition to the comments invited by this notice.

12. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, replies, pleadings, briefs or other documents filed in this proceeding shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters in Washington, D.C. Authority for the rulemaking proposal herein is contained in sections 4 (i), 303, and 403 of the Communications Act of 1934, as amended.

Adopted: March 20, 1975.

Released: April 4, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[9]

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.75-8857 Filed 4-4-75;8:45 am]

[1] This proceeding also deals with amending the over-the-air subscription television rules as well as the pay cablecasting rules.

[1a] Fourth report and order in Docket No. 11279, 15 F.C.C. 2d 466 (1968).

[2] Memorandum opinion and order in Docket No. 18397, 23 F.C.C. 2d 825 (1970).

[3] Report and order in Docket No. 18893, 34 F.C.C. 2d 271 (1972).

[4] Notice of proposed rule making and memorandum opinion and order in Docket No. 19554, 35 F.C.C. 2d 893 (1972).

[5] Further notice of proposed rule making and order for oral argument in Docket No. 19554, 48 F.C.C. 2d 433 (1974).

[6] First report and order in Docket No. 19554 FCC 75-369, ____ F.C.C. 2d ____ (1975).

[7] A similar rule is proposed for STV with appropriate editorial changes.

[8] Commissioner Hooks concurring in the result; Commissioner Robinson dissenting for the reasons set forth in his statement attached to the First Report and Order, FCC 75-369, on Pay Cable Television.

[9] Commissioner Hooks concurring in the result; Commissioner Robinson dissenting for the reasons set forth in his statement attached to the First Report and Order, FCC 75-369, on Pay Cable Television.

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chased.[13] ABC indicated that while it had

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FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20402; FCC 75-371]

SUBSCRIPTION AND CONVENTIONAL TV OPERATIONS

Inquiry Into Exclusive Practices

In the matter of inquiry into policies and practices concerning the exclusive purchase of television program product and the ability of conventional television stations, subscription television stations, cable television systems, and subscription cable television operations to obtain programming, Docket No. 20402.

1. On this day the Commission adopted comprehensive new rules governing the use of programming by subscription television stations and cable television operations.[1] These rules, popularly referred to as "anti-siphoning rules," are designed to ensure that subscription television [2] provides a beneficial supplement to conventional broadcast television without at the same time undermining the continued operation of that television service. The practical effect of the rules is to restrict the programming available to subscription television so that the kind of programming now found on conventional television is not siphoned away to subscription operations, thereby forcing the public to pay a special fee for the same kind of programs now delivered by conventional television without a direct charge.

2. In adopting the new anti-siphoning rules the Commission concluded that the public interest in maintaining the present conventional television structure outweighed the interest in free competition between subscription and conventional television for program product.[3] However, having issued rules which significantly restrict the programming available to subscription television, we expressed concern that the programming available to subscription television might be further restricted by operation of exclusive contracts between conventional television interests and program producers.[4] Therefore, we determined to establish a new proceeding inquiring into the subject of exclusivity against subscription television.

3. The purpose of this notice is to commence an in-depth exploration dealing with the effects of exclusive contracts entered into either by conventional or subscription television interests which give one form of television service exclusive use of program material vis-a-vis the other, and to elicit comments of interested persons on this subject. Our primary concern is that the programming made available to subscription television may be severely and unduly limited by the combined effects of our anti-siphoning rules and exclusive program contracts. For reasons we consider to be of great importance and which are fully set forth in the Fourth Report and Order in Docket 11279[5] and the First Report and Order in Docket 19554,[6] we have not found it in the public interest to allow unfettered marketplace competition to allocate feature film program product between subscription and conventional television operations. Given the effects of our rules on the ability of subscription television to obtain feature film programming, we are concerned that private program exclusivity practices not unnecessarily further restrict the availability of programming. The purpose of this proceeding is to obtain a factual record and an analysis of the relevant issues in order to determine if further rule making should be undertaken.

4. Although the factual setting with which this proceeding is concerned is new, the Commission's concern with the scope of exclusive program rights held by its licensees is not. In 1968, the Commission initiated Docket 18179, which commenced a study of non-network television programming practices and their effects upon television broadcast stations.[7] In 1971, the scope of Docket 18179 was expanded to include an inquiry into the duration of exclusive program contracts and their effects upon both broadcast television stations and the emerging cable television industry.[8] The first study resulted in the Commission's adoption of Section 73.658(m) which restricts the territory which may be covered by exclusive non-network program arrangements.[9] The second portion of Docket 18179 is presently pending before the Commission.

5. In the further notice of proposed rulemaking and order for oral argument in Docket 19554, the Commission requested comments on the alleged preemptive purchase of feature films by national networks.[10] That inquiry was precipitated by complaints from cable television interests who stated that feature films were being "warehoused" by the networks, i.e. it was said that the networks were purchasing exclusive rights to feature films during periods when the films would otherwise be available for subscription use under the Commission's rules, and for terms longer than necessary to preserve conventional television audiences. In the further notice we inquired as to whether such practices actually existed and whether rules were called for to inhibit them.

6. In adopting the new subscription programming rules, the Commission declined to issue rules addressing the warehousing problem. Since warehousing of feature films is but one element of the much broader exclusivity question, we left the subject of warehousing for more detailed study as part of the instant proceeding. (Footnote 4, supra.) The inquiry which we have initiated by this notice will deal with many of the same issues taken up in earlier proceedings, but will focus on the effects of exclusive contracts upon subscription television vis-a-vis conventional television, and particularly on how these effects relate to our antisiphoning rules. The basic issue posed in this proceeding is whether the degree of exclusivity now generally contracted for is necessary for the well being of conventional broadcasters, and whether this degree of exclusivity, when viewed in conjunction with the Commission's antisiphoning regulations, will markedly inhibit the development of subscription television services. We are concerned with two closely related but separable issues—the first relating to alleged warehousing of feature film product and the second to exclusivity provisions of network and local station contracts. Our concern with the alleged warehousing of film product was articulated in our earlier further notice in Docket 19554.[11]

> • • • pay cable interests have expressed their concern that the intended operation of our existing rules is being frustrated by the pre-emptive purchase of feature films by national networks. That is, the networks are said to be buying films with exclusive rights against pay use before the films are two years old even though they do not themselves intend to make use of the films until two or three years after the rights are initially obtained.

After referring to prior attempts to discourage unreasonable periods of exclusivity, e.g., Docket 18179, we went on to state that:

> If it is true that significant program purchases are being made solely to foreclose pay system use and not with any need or intent to use the program within a reasonable period of time, this could well tend to frustrate the operation of the rules now under consideration.

7. In connection with the proceedings in Docket 19554, each of the three national television networks placed in the record statements of the policies they proposed to follow in purchasing exclusive feature film rights against pay cable television operations. Each denied that conscious attempts were made to "warehouse" feature films. Each, however, indicated that it intended to obtain what it considered a "reasonable" degree of exclusivity or clearance prior to its own exhibition of the films it purchased.[12] ABC indicated that while it had a general policy of not seeking exclusivity vis-a-vis pay cable during the two-year period following first theater exhibition unless it obtained the right to telecast the film within that period, if the anti-siphoning rules were changed "we would clearly have to reconsider the wisdom and reasonableness of such judgment in light of the financial considerations that attend our acquisition and exhibition of feature films." [13]

8. Through this inquiry we seek answers to the question of whether the purchase of such contractual exclusivity in advance of the first broadcast exhibition of a film is simply an effort by broadcasters to protect their legitimate rights in programming purchased, or whether such provisions may have the effect of stifling an emerging competitive medium beyond the degree necessary to protect rights in the product purchased. As we said in the further notice of proposed rulemaking in Docket 18179, FCC 71-42, 27 FCC 2d 13, para. 3 (1971):

> The issue is somewhat analogous to that in the motion picture field where the courts have held that clearances are reasonable only "when not unduly extended in area or duration" and are not reasonable "if in excess of what is reasonably necessary to protect the licensee in the run granted." U.S. v. Paramount Pictures, Inc., 66 F. Supp. 323, 70 F. Supp. 53 (S.D.N.Y., 1947), noted with approval by the Supreme Court, 334 U.S. 131, 145, 147, (1948).

9. The second major focus of this inquiry concerns the question of what measure of contractual exclusivity, if any, is appropriate as between the conventional and subscription television services. Comments filed in Docket 19554 have suggested that such exclusivity should be prohibited. For example, the comments of MCA Inc., a major producer and distributor of theatrical feature films, state the following:

> It would seem reasonable to anticipate that in light of the grossly disparate economic positions and leverage of conventional television and particularly the networks as compared with emerging Family Choice Cable systems, and the economic need of producers to obtain the television income for film use, that network pressures for exclusivity against pay cable will in the future be effectively exercised. This will be especially true if the two year rule is eliminated or modified. To preclude such an event, it is recommended that the Commission adopt a rule which would simply provide that the networks and television broadcast licensees on the one hand, and cable systems on the other hand, may not enter into agreements for the licensing of feature films which restricts their showing on the other medium.

10. Because of the nature of the rules adopted in Docket 19554, the issue of the permissibility of exclusive contracts has increased in importance. In order to assure against program siphoning, we have provided that the more desirable feature films over three years past their first theatrical release may not be shown on a pay basis unless already under contract to a national television network or a local conventional television station and available for broadcast. Because the films, as a matter of contractual right, are available for free broadcast the possibility of siphoning is eliminated. There is no guarantee in this rule, however, that any of the film product in question will actually be made available for subscription use because such availability depends on the contracts in question being non-exclusive, or at least having a limited amount of exclusivity.

11. We did not, in adopting this rule, in fact, intend that it guarantee subscription television interests access to the films in question. Rather, we saw no public interest or siphoning reason for not allowing their subscription use and envisaged that the interplay of market forces would determine whether the contracts in question were exclusive or not. We do recognize, however, that so long as the public interest benefits of conventional broadcasting are not impaired and the public continues to have the films in question available on a non-subscription basis, that there is a public interest in fostering an alternative system whereby film product may be made available free of commercial interruption and with the additional flexibility of viewing times which subscription operations may make possible.

12. The foregoing discussion sets forth the subject matter and issues of this proceeding. As a starting point for consideration by commenting parties, we raise the following specific questions upon which we would like to receive comments:

a. Would it be within the jurisdiction or authority of the Federal Communications Commission to adopt rules restricting exclusivity rights between subscription and conventional television?

b. How pervasive is the practice of negotiating exclusive program contracts by conventional television interests against subscription operations, and vice versa?

c. How much program product made available to subscription operations pursuant to our anti-siphoning rules will likely be under exclusive conventional television contracts?

d. In terms of both time and geography, what degree of program exclusivity, if any, is reasonably necessary to protect the legitimate interests of conventional broadcasters? Of subscription operators?

e. If the operation of the marketplace does not eliminate, or at least limit, conventional broadcasters' exclusivity against subscription television, what, if anything, does this indicate about the economic potential of subscription operations to siphon programming? In considering whether the market will eliminate exclusivity, is it appropriate to compare the overall program purchasing resources of the different media in a particular market or is it more appropriate to look to per capita revenues and program expenses?

f. Will the operation of normal market forces result in the elimination of or limitations on exclusive contracts between subscription and conventional television? If not, why not? If so, what are the specific economic factors that will cause this to occur?

g. What, if any, impact would the elimination of exclusive contracts, either by operation of Commission rules or through marketplace competition, have on the ability of conventional television stations to serve the public?

h. What impact does subscription use of a film have on subsequent broadcast audiences? Does it, like prior theatrical promotion and exhibition, tend to increase the broadcast audience or does it decrease the broadcast audience?

i. If exclusivity restrictions are in the public interest, should they apply to all programming or just some kinds of programming, e.g., feature films?

j. If the Commission adopts some form of exclusivity restriction, should it be directed to both conventional and subscription interests, or just one or the other?

k. Should all exclusivity between conventional and subscription interests be prohibited, or should the periods of allowable exclusivity be restricted, e.g., to six months before each exhibition of the program? Should the zones of protection similarly be restricted, e.g., to within thirty-five miles of the broadcast station or cable system exhibiting the program?

l. What are the relevant anti-trust implications of existing or foreseeable exclusivity arrangements? Given that conventional broadcasters are competing for advertiser revenues and subscription television is competing for consumer revenues, can the two mediums be considered "substantial competitors," F.T.C. v. Motion Picture Adv. Co., 344 U.S. 392 (1952)?

13. The foregoing are just some of the

In reaching a decision in this matter, the

Authority for the inquiry herein is con-

[1] First Report and Order in Docket 19554, FCC 75-369. — FCC 2d — (1974).

[2] Throughout this notice, where not otherwise indicated, we have used the term "subscription television" to refer to both over-the-air subscription television and subscription cable television operations.

[3] Supra note 1, at para. 150.

[4] Id, at paras. 180–182.

[5] FCC 68-1174, 15 FCC 2d 466 (1968)

[6] Supra., n. 1

[7] Notice of proposed rulemaking in Docket 18179, FCC 68-511, 33 FR 7158.

[8] Further notice of proposed rulemaking in Docket 18179, FCC 71-42, 27 FCC 2d 13 (1971). The issue of availability of programming to cable systems was later deleted from the inquiry in a Second further notice of rulemaking in Docket 18179, 37 FR 7531 (1972).

[9] First Report and Order in Docket 18179, FCC 73-806, 42 FCC 2d 175 (1973).

[10] FCC 74-878, 48 FCC 2d 453 (1974).

[11] Further notice of proposed rulemaking and Order for Oral Argument in Docket 19554, FCC 74-878, 48 FCC 2d 453, paras. 29–30 (1974).

[12] The statements of the three networks were set forth in the First Report and Order in Docket 19554 and are repeated here for the sake of convenience:

Mr. Everett Erlick, speaking for the American Broadcasting Company, stated ABC's policy as follows: "If we do not have the right to telecast a title within two years following first theatre exhibition, we do not seek exclusivity against pay cable during that two year period. Where we do acquire broadcast rights within 30 months or less, we will seek exclusivity for up to 6 months as a reasonable resting period prior to permissible play date. Where the permissible play date is 30 months or later after theatrical exhibition, we negotiate reasonable exclusivity provisions subject to the Commission's two year rule." October 25, 1974 oral argument transcript at page 1503.

In written comments filed on October 25, 1974, the policy of CBS, Inc., was stated as follows: "In its most recent major feature film negotiation (completed July, 1974) CBS agreed to waive any exclusivity against pay cable exhibition for a period of two years after the theatrical release date of each film involved. It is our present intention, as a matter of policy, to apply the pattern established in that transaction to our other feature film purchases, except in cases where CBS acquired the right to broadcast, and expects to broadcast, a particular film within or very shortly after two years from the date of theatrical release. In such cases, the network will seek exclusivity for a reasonable period in advance of the expected broadcast of the film." At page 2.

The policy of the National Broadcasting Company, Inc., was stated in written comments filed on September 20, 1974: "The NBC Television Network does not attempt to prevent a film supplier from licensing pay cable within the two year period permitted by the rule where the film is not available to the network until subsequent to that two-year period. Furthermore, the usual feature film contract which NBC has recently been entering into calls for about two plays over about two or three years from the date the producer agrees to make the film available to us, so there is no possibility of "'warehousing.'" At page 21.

[13] Letter of December 20, 1973, to former Chairman Burch.

MONDAY, APRIL 7, 1975
WASHINGTON, D.C.

V 40167 APR 75 XUM V

13. The foregoing are just some of the questions which must be considered as part of this proceeding. We invite interested parties to address themselves to the above questions and to offer any additional information which may be pertinent to our study. We emphasize that we have reached no final or tentative conclusions in this matter.

In view of the foregoing, Notice of inquiry in Docket 20402 is hereby announced. All interested persons are invited to file written comments on or before September 26, 1975, and reply comments on or before October 30, 1975. In reaching a decision in this matter, the Commission may take into account any other relevant information before it, in addition to the comments invited by this notice.

In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, replies, pleadings, briefs or other documents filed in this proceeding shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters in Washington, D.C.

Authority for the inquiry herein is contained in sections 4(i), 303, and 403 of the Communications Act of 1934, as amended.

Adopted: March 20, 1975.

Released: April 4, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-8858 Filed 4-4-75;8:45 am]

[1] Commissioner Hooks concurring in the result.

federal register

MONDAY, APRIL 7, 1975
WASHINGTON, D.C.
Volume 40 ■ Number 67
PART IV

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Low Income Housing

■

FAIR MARKET RENTS FOR HOUSING ASSISTANCE PAYMENTS PROGRAMS

Section 8 Existing Housing and
Section 23 Existing Housing

V 40-67 APR 7 75 XUM

Title 24—Housing and Urban Development

CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-311]

FAIR MARKET RENTS FOR HOUSING ASSISTANCE PAYMENTS PROGRAMS

Section 8 Existing Housing and Section 23 Existing Housing

Notice was given on January 9, 1975 at 40 FR 1901, that the Department of Housing and Urban Development (HUD) was proposing to amend Title 24, Chapter VIII, Part 1280 of the Code of Federal Regulations by adding a § 1280.102, which sets forth the regulations concerning Fair Market Rents for existing housing (including the Housing Finance and Development Agencies Program), and a Schedule B which sets forth such Fair Market Rents.

Interested parties were invited to submit written comments concerning the proposed regulations and Fair Market Rents, and HUD received more than 70 comments in response. Most of the comments expressed concern that the Schedule B rents were not high enough with respect to specific housing market or submarket areas. All comments were seriously considered in HUD's final evaluation of the Schedule B rents. As a result of these comments and the HUD evaluation, the Schedule B rents for over 100 market areas have been revised.

HUD is renumbering all Parts within Chapter VIII, including changing the Part number for the regulations below from Part 1280 to Part 888. All references below are to the new Part numbers.

The Schedule B Fair Market Rents set forth below are also to be applicable to housing utilized under the Section 23 Housing Assistance Payments Program—Existing Housing, 24 CFR, Part 802, formerly Part 1274. Therefore, for purposes of the Section 23 program, these Fair Market Rents supersede the rents set forth in Schedule B of 24 CFR, Part 803, formerly Part 1279, Section 23 Housing Assistance Payments Program—Fair Market Rents and Contract Rents Automatic Annual Adjustment Factors, as published in the FEDERAL REGISTER on July 8, 1974 at 39 FR 25120.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the office of Rules Docket Clerk, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C.

Effective Date—These regulations and schedules shall become effective April 7, 1975.

(Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); sec. 5(b) of the U.S. Housing Act of 1937 (42 U.S.C. 1437f).)

1. HUD is recodifying all Parts within Chapter VIII as follows:

Name	New part No.	Old part No.
Section 23 housing assistance payments program:		
New construction	800	1272
Substantial rehabilitation	801	1276
Existing housing	802	1274
Fair market rents and contract rents, automatic annual adjustment factors	803	1279
Low rent housing, homeownership opportunities	804	1270
Section 8 housing assistance payments program:		
New construction	880	1273
Substantial rehabilitation	881	1277
Existing housing	882	1275
Housing finance and development agencies	883	1278
Fair market rents and contract rent, automatic annual adjustment factors	888	1280

2. Section 888.102 and Schedule B are added to read as follows:

§ 888.102 Fair Market Rents for Existing Housing.

(a) *Purpose and Applicability.* Schedule B of this Part sets forth the Fair Market Rents, as determined by HUD, for the Section 8 Housing Assistance Payments Program for Existing Housing (including Housing Finance and Development Agencies Program, 24 CFR, Part 883). (See 24 CFR 881.102 for the definition of Fair Market Rents.)

(b) *Categories.* These Fair Market Rents are established by unit size and by two structural categories, i.e., non-elevator buildings and elevator buildings.

(c) *Geographic Area.* The Fair Market Rents for existing housing are established by county as specified in Schedule B. Uniform schedules are established for (1) all counties within each standard metropolitan statistical area as defined by the Office of Management and Budget in April, 1974, and (2) other counties within individual blocks of counties grouped by the U.S. Bureau of Census into entities with population of over 250,000 for purposes of special statistical summaries.

DAVID M. DEWILDE,
Acting Assistant Secretary for Housing Production and Mortgage Credit/FHA Commissioner.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BANGOR,MAINE INSURING OFFICE						
SMSA: LEWISTON-AUBURN, ME						
COUNTY:ANDROSCOGGIN	00201	NON-ELEVATOR:	124	140	165	190	206
STATE:ME		ELEVATOR:	136	154	182	209	227
SMSA: PORTLAND, ME							
COUNTY:CUMBERLAND	00201	NON-ELEVATOR:	124	140	165	190	206
STATE:ME		ELEVATOR:	136	154	182	209	227
COUNTY:YORK	00201	NON-ELEVATOR:	124	140	165	190	206
STATE:ME		ELEVATOR:	136	154	182	209	227
NON SMSA COUNTIES							
COUNTY:AROOSTOOK	00101	NON-ELEVATOR:	116	132	155	171	186
STATE:ME		ELEVATOR:	127	145	171	188	205
COUNTY:FRANKLIN	00202	NON-ELEVATOR:	116	132	155	171	186
STATE:ME		ELEVATOR:	127	145	171	188	205
COUNTY:HANCOCK	00101	NON-ELEVATOR:	116	132	155	171	186
STATE:ME		ELEVATOR:	127	145	171	188	205
COUNTY:KENNEBEC	00202	NON-ELEVATOR:	124	140	165	182	198
STATE:ME		ELEVATOR:	136	154	182	200	218
COUNTY:KNOX	00202	NON-ELEVATOR:	116	132	155	171	186
STATE:ME		ELEVATOR:	127	145	171	188	205
COUNTY:LINCOLN	00202	NON-ELEVATOR:	116	132	155	171	186
STATE:ME		ELEVATOR:	127	145	171	188	205
COUNTY:OXFORD	00202	NON-ELEVATOR:	116	132	155	171	186
STATE:ME		ELEVATOR:	127	145	171	188	205
COUNTY:PENOBSCOT	00101	NON-ELEVATOR:	124	140	165	182	198
STATE:ME		ELEVATOR:	136	154	182	200	218
COUNTY:PISCATAQUIS	00101	NON-ELEVATOR:	116	132	155	171	186
STATE:ME		ELEVATOR:	127	145	171	188	205
COUNTY:SAGADAHOC	00202	NON-ELEVATOR:	124	140	165	182	198
STATE:ME		ELEVATOR:	136	154	182	200	218

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V 40167 APR 7 75 XUM

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BANGOR, MAINE INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:SOMERSET	00202	NON-ELEVATOR:	116	132	155	171	186
STATE:ME		ELEVATOR:	127	145	171	188	205
COUNTY:WALDO	00101	NON-ELEVATOR:	116	132	155	171	186
STATE:ME		ELEVATOR:	127	145	171	188	205
COUNTY:WASHINGTON	00101	NON-ELEVATOR:	116	132	155	171	186
STATE:ME		ELEVATOR:	127	145	171	188	205

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BOSTON, MASSACHUSETTS AREA OFFICE							
SMSA: BOSTON, MA							
COUNTY:MIDDLESEX	00903	NON-ELEVATOR:	165	187	220	253	286
STATE:MA		ELEVATOR:	182	206	242	278	315
COUNTY:NORFOLK	00904	NON-ELEVATOR:	165	187	220	253	286
STATE:MA		ELEVATOR:	182	206	242	278	315
COUNTY:SUFFOLK	00906	NON-ELEVATOR:	165	187	220	253	286
STATE:MA		ELEVATOR:	182	206	242	278	315
SMSA: BROCKTON, MA							
COUNTY:PLYMOUTH	00905	NON-ELEVATOR:	150	172	204	237	269
STATE:MA		ELEVATOR:	165	189	225	260	296
SMSA: LAWRENCE-HAVERHILL, MA-NH							
COUNTY:ESSEX	00902	NON-ELEVATOR:	150	172	204	237	269
STATE:MA		ELEVATOR:	165	189	225	260	296
SMSA: NEW BEDFORD, MA							
COUNTY:BRISTOL	00901	NON-ELEVATOR:	135	153	180	207	225
STATE:MA		ELEVATOR:	149	168	198	228	248
SMSA: PITTSFIELD, MA							
COUNTY:BERKSHIRE	00604	NON-ELEVATOR:	135	153	180	207	225
STATE:MA		ELEVATOR:	149	168	198	228	248
SMSA: SPRINGFIELD-CHICOPEE-HOLYOKE, MA-CT							
COUNTY:HAMPDEN	00505	NON-ELEVATOR:	135	153	180	207	225
STATE:MA		ELEVATOR:	149	168	198	228	248
COUNTY:HAMPSHIRE	00505	NON-ELEVATOR:	135	153	180	207	225
STATE:MA		ELEVATOR:	149	168	198	228	248
SMSA: WORCESTER, MA							
COUNTY:WORCESTER	00907	NON-ELEVATOR:	135	153	180	207	225
STATE:MA		ELEVATOR:	149	168	198	228	248
NON SMSA COUNTIES							
COUNTY:BARNSTABLE	00910	NON-ELEVATOR:	132	150	178	197	216
STATE:MA		ELEVATOR:	145	165	195	217	237

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BOSTON, MASSACHUSETTS AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:DUKES	00410	NON-ELEVATOR:	132	150	178	197	216
STATE:MA		ELEVATOR:	145	165	195	217	237
COUNTY:FRANKLIN	00506	NON-ELEVATOR:	142	161	190	209	228
STATE:MA		ELEVATOR:	156	177	209	230	251
COUNTY:NANTUCKET	00410	NON-ELEVATOR:	132	150	178	197	216
STATE:MA		ELEVATOR:	145	165	195	217	237

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BURLINGTON, VERMONT INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:ADDISON	00301	NON-ELEVATOR:	120	136	160	176	192
STATE:VT		ELEVATOR:	132	149	176	194	211
COUNTY:BENNINGTON	00604	NON-ELEVATOR:	120	136	160	176	192
STATE:VT		ELEVATOR:	132	149	176	194	211
COUNTY:CALEDONIA	00301	NON-ELEVATOR:	120	136	160	176	192
STATE:VT		ELEVATOR:	132	149	176	194	211
COUNTY:CHITTENDEN	00301	NON-ELEVATOR:	120	136	160	176	192
STATE:VT		ELEVATOR:	132	149	176	194	211
COUNTY:ESSEX	00301	NON-ELEVATOR:	120	136	160	176	192
STATE:VT		ELEVATOR:	132	149	176	194	211
COUNTY:FRANKLIN	00301	NON-ELEVATOR:	120	136	160	176	192
STATE:VT		ELEVATOR:	132	149	176	194	211
COUNTY:GRAND ISLE	00301	NON-ELEVATOR:	120	136	160	176	192
STATE:VT		ELEVATOR:	132	149	176	194	211
COUNTY:LAMOILLE	00301	NON-ELEVATOR:	120	136	160	176	192
STATE:VT		ELEVATOR:	132	149	176	194	211
COUNTY:ORANGE	00301	NON-ELEVATOR:	120	136	160	176	192
STATE:VT		ELEVATOR:	132	149	176	194	211
COUNTY:ORLEANS	00301	NON-ELEVATOR:	120	136	160	176	192
STATE:VT		ELEVATOR:	132	149	176	194	211
COUNTY:RUTLAND	00301	NON-ELEVATOR:	120	136	160	176	192
STATE:VT		ELEVATOR:	132	149	176	194	211
COUNTY:WASHINGTON	00301	NON-ELEVATOR:	120	136	160	176	192
STATE:VT		ELEVATOR:	132	149	176	194	211
COUNTY:WINDHAM	00506	NON-ELEVATOR:	137	156	185	205	225
STATE:VT		ELEVATOR:	151	172	204	226	247

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RULES AND REGULATIONS
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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BURLINGTON, VERMONT INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:WINDSOR	00301	NON-ELEVATOR:	120	136	160	176	192
STATE:VT		ELEVATOR:	132	149	176	194	211

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
HARTFORD, CONNECTICUT AREA OFFICE							
SMSA: BRIDGEPORT, CT							
COUNTY:FAIRFIELD	01311	NON-ELEVATOR:	152	173	205	237	258
STATE:CT		ELEVATOR:	167	191	226	261	284
SMSA: HARTFORD, CT							
COUNTY:HARTFORD	00501	NON-ELEVATOR:	145	165	195	225	246
STATE:CT		ELEVATOR:	159	181	215	248	271
COUNTY:TOLLAND	00501	NON-ELEVATOR:	145	165	195	225	246
STATE:CT		ELEVATOR:	159	181	215	248	271
SMSA: NEW HAVEN, CT							
COUNTY:NEW HAVEN	00503	NON-ELEVATOR:	137	156	185	214	234
STATE:CT		ELEVATOR:	151	172	204	235	257
SMSA: NEW LONDON-GROTON-NORWICH, CT							
COUNTY:NEW LONDON	00504	NON-ELEVATOR:	132	150	178	205	224
STATE:CT		ELEVATOR:	145	165	195	226	247
NON SMSA COUNTIES							
COUNTY:LITCHFIELD	00502	NON-ELEVATOR:	128	146	173	191	210
STATE:CT		ELEVATOR:	141	160	190	211	231
COUNTY:MIDDLESEX	00502	NON-ELEVATOR:	128	146	173	191	210
STATE:CT		ELEVATOR:	141	160	190	211	231
COUNTY:WINDHAM	00504	NON-ELEVATOR:	132	150	178	205	224
STATE:CT		ELEVATOR:	145	165	195	226	247

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MANCHESTER, NEW HAMPSHIRE AREA OFFICE							
SMSA: MANCHESTER, NH							
COUNTY:HILLSBOROUGH	00408	NON-ELEVATOR:	131	148	175	201	219
STATE:NH		ELEVATOR:	144	163	193	221	241
COUNTY:MERRIMACK	00408	NON-ELEVATOR:	131	148	175	201	219
STATE:NH		ELEVATOR:	144	163	193	221	241
NON SMSA COUNTIES							
COUNTY:BELKNAP	00408	NON-ELEVATOR:	131	148	175	201	219
STATE:NH		ELEVATOR:	144	163	193	221	241
COUNTY:CARROLL	00408	NON-ELEVATOR:	119	136	160	185	203
STATE:NH		ELEVATOR:	130	149	176	204	223
COUNTY:CHESHIRE	00506	NON-ELEVATOR:	137	156	185	205	225
STATE:NH		ELEVATOR:	151	172	204	226	247
COUNTY:COOS	00301	NON-ELEVATOR:	120	136	160	176	192
STATE:NH		ELEVATOR:	132	150	176	194	211
COUNTY:GRAFTON	00301	NON-ELEVATOR:	120	136	160	176	192
STATE:NH		ELEVATOR:	132	150	176	194	211
COUNTY:ROCKINGHAM	00408	NON-ELEVATOR:	131	148	175	201	219
STATE:NH		ELEVATOR:	144	163	193	221	241
COUNTY:STRAFFORD	00202	NON-ELEVATOR:	131	148	175	193	210
STATE:NH		ELEVATOR:	144	163	193	212	231
COUNTY:SULLIVAN	00301	NON-ELEVATOR:	131	148	175	193	210
STATE:NH		ELEVATOR:	144	163	193	212	231

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
PROVIDENCE, RHODE ISLAND INSURING OFFICE							
SMSA: PROVIDENCE-PAWTUCKET-WARWICK, RI-MA							
COUNTY:BRISTOL	00409	NON-ELEVATOR:	135	153	180	207	226
STATE:RI		ELEVATOR:	148	168	198	228	248
COUNTY:KENT	00409	NON-ELEVATOR:	135	153	180	207	226
STATE:RI		ELEVATOR:	148	168	198	228	248
COUNTY:PROVIDENCE	00409	NON-ELEVATOR:	135	153	180	207	226
STATE:RI		ELEVATOR:	148	168	198	228	248
NON SMSA COUNTIES							
COUNTY:NEWPORT	00410	NON-ELEVATOR:	132	150	178	197	216
STATE:RI		ELEVATOR:	145	165	195	217	237
COUNTY:WASHINGTON	00410	NON-ELEVATOR:	132	150	178	197	216
STATE:RI		ELEVATOR:	145	165	195	217	237

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RULES AND REGULATIONS
RULES AND REGULATIONS
RULES AND REGULATIONS

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ALBANY,NEW YORK INSURING OFFICE							
SMSA: ALBANY-SCHENECTADY-TROY, NY							
COUNTY:ALBANY	00601	NON-ELEVATOR:	125	143	169	187	205
STATE:NY		ELEVATOR:	138	157	186	206	226
COUNTY:MONTGOMERY	00602	NON-ELEVATOR:	125	143	169	187	205
STATE:NY		ELEVATOR:	138	157	186	206	226
COUNTY:RENSSELAER	00602	NON-ELEVATOR:	125	143	169	187	205
STATE:NY		ELEVATOR:	138	157	186	206	226
COUNTY:SARATOGA	00602	NON-ELEVATOR:	125	143	169	187	205
STATE:NY		ELEVATOR:	138	157	186	206	226
COUNTY:SCHENECTADY	00602	NON-ELEVATOR:	125	143	169	187	205
STATE:NY		ELEVATOR:	138	157	186	206	226
SMSA: BINGHAMTON, NY-PA							
COUNTY:BROOME	01101	NON-ELEVATOR:	107	123	145	168	184
STATE:NY		ELEVATOR:	118	135	160	185	202
COUNTY:TIOGA	01101	NON-ELEVATOR:	107	123	145	168	184
STATE:NY		ELEVATOR:	118	135	160	185	202
SMSA: POUGHKEEPSIE, NY							
COUNTY:DUTCHESS	01310	NON-ELEVATOR:	143	163	193	213	234
STATE:NY		ELEVATOR:	157	179	212	235	257
SMSA: SYRACUSE, NY							
COUNTY:MADISON	00702	NON-ELEVATOR:	130	148	175	203	221
STATE:NY		ELEVATOR:	143	163	193	223	243
COUNTY:ONONDAGA	00702	NON-ELEVATOR:	130	148	175	203	221
STATE:NY		ELEVATOR:	143	163	193	223	243
COUNTY:OSWEGO	00702	NON-ELEVATOR:	130	148	175	203	221
STATE:NY		ELEVATOR:	143	163	193	223	243
SMSA: UTICA-ROME, NY							
COUNTY:HERKIMER	00703	NON-ELEVATOR:	103	117	139	161	176
STATE:NY		ELEVATOR:	113	129	153	177	194

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ALBANY,NEW YORK INSURING OFFICE							
SMSA: UTICA-ROME, NY							
COUNTY:ONEIDA	00703	NON-ELEVATOR:	103	117	139	161	176
STATE:NY		ELEVATOR:	113	129	153	177	194
NON SMSA COUNTIES							
COUNTY:CAYUGA	00705	NON-ELEVATOR:	125	143	169	187	205
STATE:NY		ELEVATOR:	138	157	186	206	226
COUNTY:CHENANGO	01102	NON-ELEVATOR:	106	120	143	159	174
STATE:NY		ELEVATOR:	116	132	157	174	191
COUNTY:CLINTON	00603	NON-ELEVATOR:	100	114	135	150	165
STATE:NY		ELEVATOR:	110	125	149	165	182
COUNTY:COLUMBIA	00604	NON-ELEVATOR:	102	116	138	153	168
STATE:NY		ELEVATOR:	112	128	152	168	185
COUNTY:CORTLAND	00705	NON-ELEVATOR:	125	143	169	187	205
STATE:NY		ELEVATOR:	138	157	186	206	226
COUNTY:DELAWARE	01102	NON-ELEVATOR:	106	120	143	159	174
STATE:NY		ELEVATOR:	116	132	157	174	191
COUNTY:ESSEX	00603	NON-ELEVATOR:	100	114	135	150	165
STATE:NY		ELEVATOR:	110	125	149	165	182
COUNTY:FRANKLIN	00704	NON-ELEVATOR:	92	106	126	139	153
STATE:NY		ELEVATOR:	102	116	138	153	168
COUNTY:FULTON	00603	NON-ELEVATOR:	100	114	135	150	165
STATE:NY		ELEVATOR:	110	125	149	165	182
COUNTY:GREENE	00604	NON-ELEVATOR:	102	116	138	153	168
STATE:NY		ELEVATOR:	112	128	152	168	185
COUNTY:HAMILTON	00603	NON-ELEVATOR:	100	114	135	150	165
STATE:NY		ELEVATOR:	110	125	149	165	182
COUNTY:JEFFERSON	00704	NON-ELEVATOR:	92	106	126	139	153
STATE:NY		ELEVATOR:	102	116	138	153	168

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ALBANY,NEW YORK INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:LEWIS	00704	NON-ELEVATOR:	92	106	126	139	153
STATE:NY		ELEVATOR:	102	116	138	153	168
COUNTY:OTSEGO	01102	NON-ELEVATOR:	106	120	143	159	174
STATE:NY		ELEVATOR:	116	132	157	174	191
COUNTY:SCHOHARIE	00603	NON-ELEVATOR:	100	114	135	150	166
STATE:NY		ELEVATOR:	110	125	149	165	182
COUNTY:ST LAWRENCE	00704	NON-ELEVATOR:	92	106	126	139	153
STATE:NY		ELEVATOR:	102	116	138	153	168
COUNTY:SULLIVAN	01309	NON-ELEVATOR:	136	155	184	204	223
STATE:NY		ELEVATOR:	150	171	202	224	245
COUNTY:TOMPKINS	00705	NON-ELEVATOR:	125	143	169	187	205
STATE:NY		ELEVATOR:	138	157	186	206	226
COUNTY:ULSTER	01309	NON-ELEVATOR:	136	155	184	204	223
STATE:NY		ELEVATOR:	150	171	202	224	245
COUNTY:WARREN	00603	NON-ELEVATOR:	105	132	154	170	184
STATE:NY		ELEVATOR:	116	145	169	187	202
COUNTY:WASHINGTON	00603	NON-ELEVATOR:	100	114	135	150	165
STATE:NY		ELEVATOR:	110	125	149	165	182

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BUFFALO,NEW YORK AREA OFFICE							
SMSA: BUFFALO, NY							
COUNTY:ERIE	00801	NON-ELEVATOR:	130	148	175	203	221
STATE:NY		ELEVATOR:	143	163	193	223	243
COUNTY:NIAGARA	00801	NON-ELEVATOR:	130	146	175	203	221
STATE:NY		ELEVATOR:	143	163	193	223	243
SMSA: ELMIRA, NY							
COUNTY:CHEMUNG	01102	NON-ELEVATOR:	106	120	143	159	174
STATE:NY		ELEVATOR:	116	132	157	174	191
SMSA: ROCHESTER, NY							
COUNTY:LIVINGSTON	00701	NON-ELEVATOR:	142	162	191	221	241
STATE:NY		ELEVATOR:	156	178	211	243	266
COUNTY:MONROE	00701	NON-ELEVATOR:	142	162	191	221	241
STATE:NY		ELEVATOR:	156	178	211	243	266
COUNTY:ONTARIO	00701	NON-ELEVATOR:	142	162	191	221	241
STATE:NY		ELEVATOR:	156	178	211	243	266
COUNTY:ORLEANS	00701	NON-ELEVATOR:	142	162	191	221	241
STATE:NY		ELEVATOR:	156	178	211	243	266
COUNTY:WAYNE	00701	NON-ELEVATOR:	142	162	191	221	241
STATE:NY		ELEVATOR:	156	178	211	243	266
NON SMSA COUNTIES							
COUNTY:ALLEGANY	00802	NON-ELEVATOR:	92	106	126	139	153
STATE:NY		ELEVATOR:	102	116	138	153	168
COUNTY:CATTARAUGUS	00802	NON-ELEVATOR:	92	106	126	139	153
STATE:NY		ELEVATOR:	102	116	138	153	168
COUNTY:CHAUTAUQUA	00802	NON-ELEVATOR:	92	106	126	139	153
STATE:NY		ELEVATOR:	102	116	138	153	168
COUNTY:GENESEE	00802	NON-ELEVATOR:	92	106	126	139	153
STATE:NY		ELEVATOR:	102	116	138	153	168

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V 6104 1967 RRA 757

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BUFFALO,NEW YORK AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:SCHUYLER	01102	NON-ELEVATOR:	106	120	143	159	174
STATE:NY		ELEVATOR:	116	132	157	174	191
COUNTY:SENECA	00705	NON-ELEVATOR:	125	143	169	187	205
STATE:NY		ELEVATOR:	138	157	186	206	226
COUNTY:STEUBEN	01102	NON-ELEVATOR:	106	120	143	159	174
STATE:NY		ELEVATOR:	116	132	157	174	191
COUNTY:WYOMING	00802	NON-ELEVATOR:	92	106	126	139	153
STATE:NY		ELEVATOR:	102	116	138	153	168
COUNTY:YATES	00705	NON-ELEVATOR:	125	143	169	187	205
STATE:NY		ELEVATOR:	138	157	186	206	226

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
CAMDEN,NEW JERSEY AREA OFFICE							
SMSA: ATLANTIC CITY, NJ							
COUNTY:ATLANTIC	01403	NON-ELEVATOR:	111	127	150	174	190
STATE:NJ		ELEVATOR:	122	139	165	191	209
SMSA: PHILADELPHIA, PA-NJ							
COUNTY:BURLINGTON	01404	NON-ELEVATOR:	134	152	180	209	237
STATE:NJ		ELEVATOR:	147	168	199	230	260
COUNTY:CAMDEN	01405	NON-ELEVATOR:	134	152	180	209	237
STATE:NJ		ELEVATOR:	147	168	199	230	260
COUNTY:GLOUCESTER	01405	NON-ELEVATOR:	134	152	180	209	237
STATE:NJ		ELEVATOR:	147	168	199	230	260
SMSA: TRENTON, NJ							
COUNTY:MERCER	01401	NON-ELEVATOR:	126	144	170	197	215
STATE:NJ		ELEVATOR:	139	158	187	217	236
SMSA: VINELAND-MILLVILLE-BRIDGETON, NJ							
COUNTY:CUMBERLAND	01403	NON-ELEVATOR:	111	127	150	174	190
STATE:NJ		ELEVATOR:	122	139	165	191	209
SMSA: WILMINGTON, DE-NJ-MD							
COUNTY:SALEM	01411	NON-ELEVATOR:	119	136	161	186	202
STATE:NJ		ELEVATOR:	131	149	177	204	223
NON SMSA COUNTIES							
COUNTY:CAPE MAY	01402	NON-ELEVATOR:	133	151	179	198	217
STATE:NJ		ELEVATOR:	146	166	197	218	239
COUNTY:OCEAN	01402	NON-ELEVATOR:	133	151	179	198	217
STATE:NJ		ELEVATOR:	146	166	197	218	239

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

RULES AND REGULATIONS

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
NEW YORK-NEW YORK AREA OFFICE							
SMSA: NASSAU-SUFFOLK, NY							
COUNTY:NASSAU	01306	NON-ELEVATOR:	150	171	202	234	266
STATE:NY		ELEVATOR:	164	188	223	258	292
COUNTY:SUFFOLK	01306	NON-ELEVATOR:	150	171	202	234	266
STATE:NY		ELEVATOR:	164	188	223	258	292
SMSA: NEW YORK CITY, NY							
COUNTY:BRONX	01305	NON-ELEVATOR:	165	187	220	253	286
STATE:NY		ELEVATOR:	182	206	242	278	315
COUNTY:KINGS	01305	NON-ELEVATOR:	165	187	220	253	286
STATE:NY		ELEVATOR:	182	206	242	278	315
COUNTY:NEW YORK	01302	NON-ELEVATOR:	165	187	220	253	286
STATE:NY		ELEVATOR:	182	206	242	278	315
COUNTY:PUTNAM	01308	NON-ELEVATOR:	165	187	220	253	286
STATE:NY		ELEVATOR:	182	206	242	278	315
COUNTY:QUEENS	01303	NON-ELEVATOR:	165	187	220	253	286
STATE:NY		ELEVATOR:	182	206	242	278	315
COUNTY:RICHMOND	01304	NON-ELEVATOR:	165	187	220	253	286
STATE:NY		ELEVATOR:	182	206	242	278	315
COUNTY:ROCKLAND	01308	NON-ELEVATOR:	165	187	220	253	286
STATE:NY		ELEVATOR:	182	206	242	278	315
COUNTY:WESTCHESTER	01308	NON-ELEVATOR:	165	187	220	253	286
STATE:NY		ELEVATOR:	182	206	242	278	315
NON SMSA COUNTIES							
COUNTY:ORANGE	01309	NON-ELEVATOR:	136	155	184	209	223
STATE:NY		ELEVATOR:	150	171	202	229	245

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
NEWARK-NEW JERSEY AREA OFFICE							
SMSA: ALLENTOWN-BETHLEHEM-EASTON, PA-NJ							
COUNTY:WARREN	01414	NON-ELEVATOR:	113	129	153	169	186
STATE:NJ		ELEVATOR:	124	142	168	186	204
SMSA: JERSEY CITY, NJ							
COUNTY:HUDSON	01312	NON-ELEVATOR:	120	137	163	188	206
STATE:NJ		ELEVATOR:	132	151	179	207	226
SMSA: LONG BRANCH-ASBURY PARK, NJ							
COUNTY:MONMOUTH	01320	NON-ELEVATOR:	146	166	196	217	238
STATE:NJ		ELEVATOR:	160	182	216	239	262
SMSA: NEW BRUNSWICK-PERTH AMBOY-SAYREVILLE, NJ							
COUNTY:MIDDLESEX	01319	NON-ELEVATOR:	155	176	209	231	253
STATE:NJ		ELEVATOR:	170	194	230	254	278
SMSA: NEW YORK CITY, NY							
COUNTY:BERGEN	01308	NON-ELEVATOR:	165	187	220	253	286
STATE:NJ		ELEVATOR:	182	206	242	278	315
SMSA: NEWARK, NJ							
COUNTY:ESSEX	01315	NON-ELEVATOR:	142	162	191	212	232
STATE:NJ		ELEVATOR:	156	178	211	233	255
COUNTY:MORRIS	01316	NON-ELEVATOR:	142	162	191	212	232
STATE:NJ		ELEVATOR:	156	178	211	233	255
COUNTY:SOMERSET	01316	NON-ELEVATOR:	142	162	191	212	232
STATE:NJ		ELEVATOR:	156	178	211	233	255
COUNTY:UNION	01317	NON-ELEVATOR:	142	162	191	212	232
STATE:NJ		ELEVATOR:	156	178	211	233	255
SMSA: PATERSON-CLIFTON-PASSAIC, NJ							
COUNTY:PASSAIC	01314	NON-ELEVATOR:	153	174	206	238	270
STATE:NJ		ELEVATOR:	168	192	227	262	297
NON SMSA COUNTIES							
COUNTY:HUNTERDON	01318	NON-ELEVATOR:	148	169	200	221	243
STATE:NJ		ELEVATOR:	163	186	220	244	267

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

RULES AND REGULATIONS

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
NEWARK, NEW JERSEY AREA OFFICE							
NON SMSA COUNTIES							
COUNTY: SUSSEX	01310	NON-ELEVATOR:	148	169	200	221	243
STATE: NJ		ELEVATOR:	163	186	220	244	267

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BALTIMORE, MARYLAND AREA OFFICE							
SMSA: BALTIMORE, MD							
COUNTY: ANNE ARUNDEL	01603	NON-ELEVATOR:	124	141	168	194	220
STATE: MD		ELEVATOR:	136	155	184	213	242
COUNTY: BALTIMORE	01602	NON-ELEVATOR:	124	141	168	194	220
STATE: MD		ELEVATOR:	136	155	184	213	242
COUNTY: BALTIMORE CY	01601	NON-ELEVATOR:	124	141	168	194	220
STATE: MD		ELEVATOR:	136	155	184	213	242
COUNTY: CARROLL	01603	NON-ELEVATOR:	124	141	168	194	220
STATE: MD		ELEVATOR:	136	155	184	213	242
COUNTY: HARFORD	01603	NON-ELEVATOR:	124	141	168	194	220
STATE: MD		ELEVATOR:	136	155	184	213	242
COUNTY: HOWARD	01603	NON-ELEVATOR:	124	141	168	194	220
STATE: MD		ELEVATOR:	136	155	184	213	242
SMSA: WASHINGTON, DC-MD-VA							
COUNTY: CHARLES	01606	NON-ELEVATOR:	150	180	210	240	270
STATE: MD		ELEVATOR:	165	198	231	264	297
SMSA: WILMINGTON, DE-NJ-MD							
COUNTY: CECIL	01411	NON-ELEVATOR:	119	136	161	186	202
STATE: MD		ELEVATOR:	131	149	177	204	223
NON SMSA COUNTIES							
COUNTY: ALLEGANY	06207	NON-ELEVATOR:	75	86	102	113	124
STATE: MD		ELEVATOR:	83	95	112	125	137
COUNTY: CALVERT	01609	NON-ELEVATOR:	99	113	134	148	162
STATE: MD		ELEVATOR:	109	124	147	163	179
COUNTY: CAROLINE	01610	NON-ELEVATOR:	102	117	138	153	168
STATE: MD		ELEVATOR:	113	128	152	169	185
COUNTY: DORCHESTER	01610	NON-ELEVATOR:	102	117	138	153	168
STATE: MD		ELEVATOR:	113	128	152	169	185

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BALTIMORE, MARYLAND AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:FREDERICK	01609	NON-ELEVATOR:	99	113	134	148	162
STATE:MD		ELEVATOR:	109	124	147	163	179
COUNTY:GARRETT	06207	NON-ELEVATOR:	75	86	102	113	124
STATE:MD		ELEVATOR:	83	95	112	125	137
COUNTY:KENT	01610	NON-ELEVATOR:	102	117	138	153	168
STATE:MD		ELEVATOR:	113	128	152	169	185
COUNTY:QUEEN ANNES	01610	NON-ELEVATOR:	102	117	138	153	168
STATE:MD		ELEVATOR:	113	128	152	169	185
COUNTY:SOMERSET	01610	NON-ELEVATOR:	102	117	138	153	168
STATE:MD		ELEVATOR:	113	128	152	169	185
COUNTY:ST MARYS	01609	NON-ELEVATOR:	99	113	134	148	162
STATE:MD		ELEVATOR:	109	124	147	163	179
COUNTY:TALBOT	01610	NON-ELEVATOR:	102	117	138	153	168
STATE:MD		ELEVATOR:	113	128	152	169	185
COUNTY:WASHINGTON	01609	NON-ELEVATOR:	99	113	134	148	162
STATE:MD		ELEVATOR:	109	124	147	163	179
COUNTY:WICOMICO	01610	NON-ELEVATOR:	102	117	138	153	168
STATE:MD		ELEVATOR:	113	128	152	169	185
COUNTY:WORCESTER	01610	NON-ELEVATOR:	102	117	138	153	168
STATE:MD		ELEVATOR:	113	128	152	169	185

PREPARED BY HUD - EHAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
CHARLESTON, WEST VIRGINIA INSURING OFFICE							
SMSA: CHARLESTON, WV							
COUNTY:KANAWHA	04802	NON-ELEVATOR:	90	103	122	141	154
STATE:WV		ELEVATOR:	99	113	134	155	170
COUNTY:PUTNAM	04802	NON-ELEVATOR:	90	103	122	141	154
STATE:WV		ELEVATOR:	99	113	134	155	170
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH							
COUNTY:CABELL	04801	NON-ELEVATOR:	86	98	117	135	148
STATE:WV		ELEVATOR:	95	108	128	149	163
COUNTY:WAYNE	04801	NON-ELEVATOR:	86	98	117	135	148
STATE:WV		ELEVATOR:	95	108	128	149	163
SMSA: PARKERSBURG-MARIETTA, WV-OH							
COUNTY:WIRT	06002	NON-ELEVATOR:	95	108	129	143	157
STATE:WV		ELEVATOR:	104	119	141	157	172
COUNTY:WOOD	06002	NON-ELEVATOR:	95	108	129	143	157
STATE:WV		ELEVATOR:	104	119	141	157	172
SMSA: STEUBENVILLE-WEIRTON, OH-WV							
COUNTY:BROOKE	06205	NON-ELEVATOR:	83	95	113	131	143
STATE:WV		ELEVATOR:	92	105	124	144	158
COUNTY:HANCOCK	06205	NON-ELEVATOR:	83	95	113	131	143
STATE:WV		ELEVATOR:	92	105	124	144	158
SMSA: WHEELING, WV-OH							
COUNTY:MARSHALL	06205	NON-ELEVATOR:	83	95	113	131	143
STATE:WV		ELEVATOR:	92	105	124	144	158
COUNTY:OHIO	06205	NON-ELEVATOR:	83	95	113	131	143
STATE:WV		ELEVATOR:	92	105	124	144	158
NON SMSA COUNTIES							
COUNTY:BARBOUR	06101	NON-ELEVATOR:	87	99	117	130	143
STATE:WV		ELEVATOR:	95	109	129	143	157
COUNTY:BERKELEY	01701	NON-ELEVATOR:	87	99	117	130	143
STATE:WV		ELEVATOR:	95	109	129	143	157

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RULES AND REGULATIONS
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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
CHARLESTON-WEST VIRGINIA INSURING OFFICE						
NON SMSA COUNTIES						
COUNTY:BOONE STATE:WV	04803 NON-ELEVATOR: ELEVATOR:	68 75	78 86	93 102	103 113	113 126
COUNTY:BRAXTON STATE:WV	04803 NON-ELEVATOR: ELEVATOR:	68 75	78 86	93 102	103 113	113 126
COUNTY:CALHOUN STATE:WV	04803 NON-ELEVATOR: ELEVATOR:	68 75	78 86	93 102	103 113	113 126
COUNTY:CLAY STATE:WV	04803 NON-ELEVATOR: ELEVATOR:	68 75	76 86	93 102	103 113	113 126
COUNTY:DODDRIDGE STATE:WV	06101 NON-ELEVATOR: ELEVATOR:	87 95	99 109	117 129	130 143	143 157
COUNTY:FAYETTE STATE:WV	04803 NON-ELEVATOR: ELEVATOR:	68 75	78 86	93 102	103 113	113 126
COUNTY:GILMER STATE:WV	04803 NON-ELEVATOR: ELEVATOR:	68 75	78 86	93 102	103 113	113 126
COUNTY:GRANT STATE:WV	01701 NON-ELEVATOR: ELEVATOR:	87 95	99 109	117 129	130 143	143 157
COUNTY:GREENBRIER STATE:WV	04803 NON-ELEVATOR: ELEVATOR:	68 75	78 86	93 102	103 113	113 126
COUNTY:HAMPSHIRE STATE:WV	01701 NON-ELEVATOR: ELEVATOR:	87 95	99 109	117 129	130 143	143 157
COUNTY:HARDY STATE:WV	01701 NON-ELEVATOR: ELEVATOR:	87 95	99 109	117 129	130 143	143 157
COUNTY:HARRISON STATE:WV	06101 NON-ELEVATOR: ELEVATOR:	87 95	99 109	117 129	130 143	143 157
COUNTY:JACKSON STATE:WV	04803 NON-ELEVATOR: ELEVATOR:	68 75	78 86	93 102	103 113	113 126

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
CHARLESTON-WEST VIRGINIA INSURING OFFICE						
NON SMSA COUNTIES						
COUNTY:JEFFERSON STATE:WV	01701 NON-ELEVATOR: ELEVATOR:	87 95	99 109	117 129	130 143	143 157
COUNTY:LEWIS STATE:WV	06101 NON-ELEVATOR: ELEVATOR:	87 95	99 109	117 129	130 143	143 157
COUNTY:LINCOLN STATE:WV	04803 NON-ELEVATOR: ELEVATOR:	68 75	78 86	93 102	103 113	113 126
COUNTY:LOGAN STATE:WV	04804 NON-ELEVATOR: ELEVATOR:	68 75	78 86	93 102	103 113	113 126
COUNTY:MARION STATE:WV	06101 NON-ELEVATOR: ELEVATOR:	87 95	99 109	117 129	130 143	143 157
COUNTY:MASON STATE:WV	04803 NON-ELEVATOR: ELEVATOR:	68 75	78 86	93 102	103 113	113 125
COUNTY:MCDOWELL STATE:WV	04702 NON-ELEVATOR: ELEVATOR:	72 79	82 90	97 107	108 119	119 131
COUNTY:MERCER STATE:WV	04702 NON-ELEVATOR: ELEVATOR:	72 79	82 90	97 107	108 119	119 131
COUNTY:MINERAL STATE:WV	06207 NON-ELEVATOR: ELEVATOR:	75 83	86 95	102 112	113 125	124 137
COUNTY:MINGO STATE:WV	04804 NON-ELEVATOR: ELEVATOR:	68 75	78 86	93 102	103 113	113 126
COUNTY:MONONGALIA STATE:WV	06101 NON-ELEVATOR: ELEVATOR:	87 95	99 109	117 129	130 143	143 157
COUNTY:MONROE STATE:WV	04803 NON-ELEVATOR: ELEVATOR:	68 75	78 86	93 102	103 113	113 125
COUNTY:MORGAN STATE:WV	01701 NON-ELEVATOR: ELEVATOR:	87 95	99 109	117 129	130 143	143 157

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
CHARLESTON-WEST VIRGINIA INSURING OFFICE						
NON SMSA COUNTIES						
COUNTY:MORGAN STATE:WV	04803 NON-ELEVATOR: ELEVATOR:	68 75	78 86	93 102	103 113	113 126
COUNTY:NICHOLAS STATE:WV	04803 NON-ELEVATOR: ELEVATOR:	68 75	78 86	93 102	103 113	113 126
COUNTY:OHIO STATE:WV	06101 NON-ELEVATOR: ELEVATOR:	87 95	99 109	117 129	130 143	143 157
COUNTY:PENDLETON STATE:WV	04803 NON-ELEVATOR: ELEVATOR:	68 75	78 86	93 102	103 113	113 126
COUNTY:PLEASANTS STATE:WV	06101 NON-ELEVATOR: ELEVATOR:	87 95	99 109	117 129	130 143	143 157
COUNTY:POCAHONTAS STATE:WV	04803 NON-ELEVATOR: ELEVATOR:	68 75	78 86	93 102	103 113	113 126
COUNTY:PRESTON STATE:WV	06101 NON-ELEVATOR: ELEVATOR:	87 95	99 109	117 129	130 143	143 157
COUNTY:PUTNAM STATE:WV	06101 NON-ELEVATOR: ELEVATOR:	87 95	99 109	117 129	130 143	143 157
COUNTY:RALEIGH STATE:WV	04803 NON-ELEVATOR: ELEVATOR:	68 75	78 86	93 102	103 113	113 126
COUNTY:RANDOLPH STATE:WV	04803 NON-ELEVATOR: ELEVATOR:	68 75	78 86	93 102	103 113	113 126
COUNTY:ROANE STATE:WV	04803 NON-ELEVATOR: ELEVATOR:	68 75	78 86	93 102	103 113	113 126
COUNTY:SUMMERS STATE:WV	04803 NON-ELEVATOR: ELEVATOR:	68 75	78 86	93 102	103 113	113 126
COUNTY:TAYLOR STATE:WV	06101 NON-ELEVATOR: ELEVATOR:	87 95	99 109	117 129	130 143	143 157
COUNTY:TUCKER STATE:WV	04803 NON-ELEVATOR: ELEVATOR:	68 75	78 86	93 102	103 113	113 126
COUNTY:TYLER STATE:WV	06101 NON-ELEVATOR: ELEVATOR:	87 95	99 109	117 129	130 143	143 157
COUNTY:UPSHUR STATE:WV	04803 NON-ELEVATOR: ELEVATOR:	68 75	78 86	93 102	103 113	113 126
COUNTY:WAYNE STATE:WV	04803 NON-ELEVATOR: ELEVATOR:	68 75	78 86	93 102	103 113	113 126
COUNTY:WEBSTER STATE:WV	04803 NON-ELEVATOR: ELEVATOR:	68 75	78 86	93 102	103 113	113 126
COUNTY:WETZEL STATE:WV	04803 NON-ELEVATOR: ELEVATOR:	68 75	78 86	93 102	103 113	113 126
COUNTY:WIRT STATE:WV	04803 NON-ELEVATOR: ELEVATOR:	68 75	78 86	93 102	103 113	113 126
COUNTY:WOOD STATE:WV	04803 NON-ELEVATOR: ELEVATOR:	68 75	78 86	93 102	103 113	113 126
COUNTY:WYOMING STATE:WV	04804 NON-ELEVATOR: ELEVATOR:	68 75	78 86	93 102	103 113	113 126

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
CHARLESTON-WEST VIRGINIA INSURING OFFICE						
NON SMSA COUNTIES						
COUNTY:NICHOLAS	04803	NON-ELEVATOR:	68	76	93	103	113
STATE:WV		ELEVATOR:	75	86	102	113	125
COUNTY:PENDLETON	01701	NON-ELEVATOR:	87	99	117	130	143
STATE:WV		ELEVATOR:	95	109	129	143	157
COUNTY:PLEASANTS	06002	NON-ELEVATOR:	93	106	125	139	153
STATE:WV		ELEVATOR:	102	116	138	153	168
COUNTY:POCAHONTAS	04803	NON-ELEVATOR:	68	78	93	103	113
STATE:WV		ELEVATOR:	75	86	102	113	125
COUNTY:PRESTON	06101	NON-ELEVATOR:	87	99	117	130	143
STATE:WV		ELEVATOR:	95	109	129	143	157
COUNTY:RALEIGH	04803	NON-ELEVATOR:	68	78	93	103	113
STATE:WV		ELEVATOR:	75	86	102	113	125
COUNTY:RANDOLPH	06101	NON-ELEVATOR:	87	99	117	130	143
STATE:WV		ELEVATOR:	95	109	129	143	157
COUNTY:RITCHIE	06002	NON-ELEVATOR:	93	106	125	139	153
STATE:WV		ELEVATOR:	102	116	138	153	168
COUNTY:ROANE	04803	NON-ELEVATOR:	68	78	93	103	113
STATE:WV		ELEVATOR:	75	86	102	113	125
COUNTY:SUMMERS	04803	NON-ELEVATOR:	68	78	93	103	113
STATE:WV		ELEVATOR:	75	86	102	113	125
COUNTY:TAYLOR	06101	NON-ELEVATOR:	87	99	117	130	143
STATE:WV		ELEVATOR:	95	109	129	143	157
COUNTY:TUCKER	06101	NON-ELEVATOR:	87	99	117	130	143
STATE:WV		ELEVATOR:	95	109	129	143	157
COUNTY:TYLER	06207	NON-ELEVATOR:	75	86	102	113	124
STATE:WV		ELEVATOR:	83	95	112	125	137

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
CHARLESTON-WEST VIRGINIA INSURING OFFICE						
NON SMSA COUNTIES						
COUNTY:UPSHUR	06101	NON-ELEVATOR:	87	99	117	130	143
STATE:WV		ELEVATOR:	95	109	129	143	157
COUNTY:WEBSTER	04803	NON-ELEVATOR:	68	78	93	103	113
STATE:WV		ELEVATOR:	75	86	102	113	125
COUNTY:WETZEL	06207	NON-ELEVATOR:	75	86	102	113	124
STATE:WV		ELEVATOR:	83	95	112	125	137
COUNTY:WYOMING	04803	NON-ELEVATOR:	68	78	93	103	113
STATE:WV		ELEVATOR:	75	86	102	113	125

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
PHILADELPHIA, PENNSYLVANIA AREA OFFICE							
SMSA: ALLENTOWN-BETHLEHEM-EASTON, PA-NJ							
COUNTY:CARBON	01413	NON-ELEVATOR:	113	129	153	169	186
STATE:PA		ELEVATOR:	124	142	168	186	204
COUNTY:LEHIGH	01413	NON-ELEVATOR:	113	129	153	169	186
STATE:PA		ELEVATOR:	124	142	168	186	204
COUNTY:NORTHAMPTON	01414	NON-ELEVATOR:	113	129	153	169	186
STATE:PA		ELEVATOR:	124	142	168	186	204
SMSA: BINGHAMTON, NY-PA							
COUNTY:SUSQUEHANNA	01101	NON-ELEVATOR:	107	123	145	168	184
STATE:PA		ELEVATOR:	118	135	160	185	202
SMSA: HARRISBURG, PA							
COUNTY:CUMBERLAND	01501	NON-ELEVATOR:	102	116	138	160	175
STATE:PA		ELEVATOR:	112	128	152	176	192
COUNTY:DAUPHIN	01501	NON-ELEVATOR:	102	116	138	160	175
STATE:PA		ELEVATOR:	112	128	152	176	192
COUNTY:PERRY	01501	NON-ELEVATOR:	102	116	138	160	175
STATE:PA		ELEVATOR:	112	128	152	176	192
SMSA: LANCASTER, PA							
COUNTY:LANCASTER	01502	NON-ELEVATOR:	101	115	137	158	173
STATE:PA		ELEVATOR:	111	127	150	174	190
SMSA: NORTHEAST, PA							
COUNTY:LACKAWANNA	01202	NON-ELEVATOR:	92	106	126	140	153
STATE:PA		ELEVATOR:	102	116	138	154	168
COUNTY:LUZERNE	01201	NON-ELEVATOR:	92	106	126	140	153
STATE:PA		ELEVATOR:	102	116	138	154	168
COUNTY:MONROE	01415	NON-ELEVATOR:	92	106	126	140	153
STATE:PA		ELEVATOR:	102	116	138	154	168
SMSA: PHILADELPHIA, PA-NJ							
COUNTY:BUCKS	01407	NON-ELEVATOR:	134	152	180	209	237
STATE:PA		ELEVATOR:	147	168	199	230	260

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
PHILADELPHIA, PENNSYLVANIA AREA OFFICE							
SMSA: PHILADELPHIA, PA-NJ							
COUNTY:CHESTER	01409	NON-ELEVATOR:	134	152	180	209	237
STATE:PA		ELEVATOR:	147	168	199	230	260
COUNTY:DELAWARE	01410	NON-ELEVATOR:	134	152	180	209	237
STATE:PA		ELEVATOR:	147	168	199	230	260
COUNTY:MONTGOMERY	01408	NON-ELEVATOR:	134	152	180	209	237
STATE:PA		ELEVATOR:	147	168	199	230	260
COUNTY:PHILADELPHIA	01406	NON-ELEVATOR:	134	152	180	209	237
STATE:PA		ELEVATOR:	147	168	199	230	260
SMSA: READING, PA							
COUNTY:BERKS	01412	NON-ELEVATOR:	109	125	148	171	187
STATE:PA		ELEVATOR:	120	137	163	188	206
SMSA: WILLIAMSPORT, PA							
COUNTY:LYCOMING	01001	NON-ELEVATOR:	99	113	134	149	164
STATE:PA		ELEVATOR:	109	124	148	164	180
SMSA: YORK, PA							
COUNTY:ADAMS	01503	NON-ELEVATOR:	113	129	153	177	193
STATE:PA		ELEVATOR:	124	142	168	195	213
COUNTY:YORK	01503	NON-ELEVATOR:	113	129	153	177	193
STATE:PA		ELEVATOR:	124	142	168	195	213
NON SMSA COUNTIES							
COUNTY:BRADFORD	01102	NON-ELEVATOR:	106	120	143	159	174
STATE:PA		ELEVATOR:	116	132	157	174	191
COUNTY:CENTRE	01001	NON-ELEVATOR:	99	113	134	149	164
STATE:PA		ELEVATOR:	109	124	148	164	180
COUNTY:CLINTON	01001	NON-ELEVATOR:	99	113	134	149	164
STATE:PA		ELEVATOR:	109	124	148	164	180
COUNTY:COLUMBIA	01202	NON-ELEVATOR:	92	106	126	139	153
STATE:PA		ELEVATOR:	102	116	138	153	168

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

RULES AND REGULATIONS

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
PHILADELPHIA,PENNSYLVANIA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:CHESTER	01504	NON-FLEVATOR: 88	100	119	136	151
STATE:PA		FLEVATOR: 97	110	141	152	166
COUNTY:FRANKLIN	01505	NON-FLEVATOR: 79	91	108	120	132
STATE:PA		FLEVATOR: 87	100	119	132	145
COUNTY:JUNIATA	01505	NON-FLEVATOR: 79	91	108	120	132
STATE:PA		FLEVATOR: 87	100	119	132	145
COUNTY:LEBANON	01505	NON-FLEVATOR: 79	91	108	120	132
STATE:PA		FLEVATOR: 87	100	119	132	145
COUNTY:MIFFLIN	01505	NON-FLEVATOR: 79	91	108	120	132
STATE:PA		FLEVATOR: 87	100	119	132	145
COUNTY:MONTOUR	01505	NON-FLEVATOR: 79	91	108	120	132
STATE:PA		FLEVATOR: 87	100	119	132	145
COUNTY:NORTHUMBRLND	01505	NON-FLEVATOR: 79	91	108	120	132
STATE:PA		FLEVATOR: 87	100	119	132	145
COUNTY:PIKE	01202	NON-FLEVATOR: 92	106	126	139	153
STATE:PA		FLEVATOR: 102	116	136	153	168
COUNTY:SCHUYLKILL	01415	NON-FLEVATOR: 74	84	101	112	123
STATE:PA		FLEVATOR: 81	93	111	123	136
COUNTY:SNYDER	01505	NON-FLEVATOR: 79	91	108	120	132
STATE:PA		FLEVATOR: 87	100	119	132	145
COUNTY:SULLIVAN	01001	NON-FLEVATOR: 99	113	134	149	164
STATE:PA		FLEVATOR: 109	124	148	164	180
COUNTY:TIOGA	01102	NON-FLEVATOR: 106	120	143	159	174
STATE:PA		FLEVATOR: 116	132	157	174	191
COUNTY:UNION	01505	NON-FLEVATOR: 79	91	108	120	132
STATE:PA		FLEVATOR: 87	100	119	132	145
COUNTY:WAYNE	01202	NON-FLEVATOR: 92	106	126	139	153
STATE:PA		FLEVATOR: 102	116	136	153	168

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
PHILADELPHIA,PENNSYLVANIA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:WYOMING	01202	NON-FLEVATOR: 92	106	126	139	153
STATE:PA		FLEVATOR: 102	116	136	153	168

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
PITTSBURGH, PENNSYLVANIA AREA OFFICE							
SMSA: ALTOONA, PA							
COUNTY:BLAIR	01504	NON-ELEVATOR:	88	100	119	138	151
STATE:PA		ELEVATOR:	97	110	131	152	166
SMSA: ERIE, PA							
COUNTY:ERIE	00901	NON-ELEVATOR:	98	112	133	154	168
STATE:PA		ELEVATOR:	108	123	146	169	185
SMSA: JOHNSTOWN, PA							
COUNTY:CAMBRIA	06201	NON-ELEVATOR:	79	91	108	125	137
STATE:PA		ELEVATOR:	87	100	119	138	151
COUNTY:SOMERSET	06201	NON-ELEVATOR:	79	91	108	125	137
STATE:PA		ELEVATOR:	87	100	119	138	151
SMSA: PITTSBURGH, PA							
COUNTY:ALLEGHANY	06202	NON-ELEVATOR:	110	126	149	173	196
STATE:PA		ELEVATOR:	121	138	164	190	215
COUNTY:BEAVER	06204	NON-ELEVATOR:	110	126	149	173	196
STATE:PA		ELEVATOR:	121	138	164	190	215
COUNTY:WASHINGTON	06204	NON-ELEVATOR:	110	126	149	173	196
STATE:PA		ELEVATOR:	121	138	164	190	215
COUNTY:WESTMORELAND	06203	NON-ELEVATOR:	110	126	149	173	196
STATE:PA		ELEVATOR:	121	138	164	190	215
NON SMSA COUNTIES							
COUNTY:ARMSTRONG	06206	NON-ELEVATOR:	91	104	123	137	150
STATE:PA		ELEVATOR:	100	114	135	150	165
COUNTY:BEDFORD	01504	NON-ELEVATOR:	88	100	119	138	151
STATE:PA		ELEVATOR:	97	110	131	152	166
COUNTY:BUTLER	06206	NON-ELEVATOR:	91	104	123	137	150
STATE:PA		ELEVATOR:	100	114	135	150	165
COUNTY:CAMERON	01001	NON-ELEVATOR:	99	113	134	149	164
STATE:PA		ELEVATOR:	109	124	148	164	180

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
PITTSBURGH, PENNSYLVANIA AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:CLARION	06206	NON-ELEVATOR:	91	104	123	137	150
STATE:PA		ELEVATOR:	100	114	135	150	165
COUNTY:CLEARFIELD	01001	NON-ELEVATOR:	99	113	134	149	164
STATE:PA		ELEVATOR:	109	124	148	164	180
COUNTY:CRAWFORD	00903	NON-ELEVATOR:	94	108	128	142	156
STATE:PA		ELEVATOR:	104	119	141	156	172
COUNTY:ELK	01001	NON-ELEVATOR:	99	113	134	149	164
STATE:PA		ELEVATOR:	109	124	148	164	180
COUNTY:FAYETTE	06207	NON-ELEVATOR:	80	92	109	122	134
STATE:PA		ELEVATOR:	88	101	120	134	147
COUNTY:FOREST	00903	NON-ELEVATOR:	94	108	128	142	156
STATE:PA		ELEVATOR:	104	119	141	156	172
COUNTY:FULTON	01504	NON-ELEVATOR:	88	100	119	138	151
STATE:PA		ELEVATOR:	97	110	131	152	166
COUNTY:GREENE	06207	NON-ELEVATOR:	80	92	109	122	134
STATE:PA		ELEVATOR:	88	101	120	134	147
COUNTY:HUNTINGDON	01504	NON-ELEVATOR:	88	100	119	138	151
STATE:PA		ELEVATOR:	97	110	131	152	166
COUNTY:INDIANA	06206	NON-ELEVATOR:	91	104	123	137	150
STATE:PA		ELEVATOR:	100	114	135	150	165
COUNTY:JEFFERSON	01001	NON-ELEVATOR:	99	113	134	149	164
STATE:PA		ELEVATOR:	109	124	148	164	180
COUNTY:LAWRENCE	00903	NON-ELEVATOR:	94	108	128	142	156
STATE:PA		ELEVATOR:	104	119	141	156	172
COUNTY:MCKEAN	00802	NON-ELEVATOR:	92	106	126	139	153
STATE:PA		ELEVATOR:	102	116	138	153	168

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
PITTSBURGH,PENNSYLVANIA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:MERCER STATE:PA	00903	NON-ELEVATOR:	94	108	128	142	156
		ELEVATOR:	104	119	141	156	172
COUNTY:POTTER STATE:PA	00802	NON-ELEVATOR:	92	106	126	139	153
		ELEVATOR:	102	116	138	153	168
COUNTY:VENANGO STATE:PA	00903	NON-ELEVATOR:	94	108	128	142	156
		ELEVATOR:	104	119	141	156	172
COUNTY:WARREN STATE:PA	00903	NON-ELEVATOR:	94	108	128	142	156
		ELEVATOR:	104	119	141	156	172

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
RICHMOND,VIRGINIA AREA OFFICE						
SMSA: KINGSPORT-BRISTOL TN-VA						
COUNTY:BRISTOL STATE:VA	04701	NON-ELEVATOR:	97	111	132	146	161
		ELEVATOR:	107	122	145	161	177
COUNTY:SCOTT STATE:VA	04701	NON-ELEVATOR:	97	111	132	146	161
		ELEVATOR:	107	122	145	161	177
COUNTY:WASHINGTON STATE:VA	04701	NON-ELEVATOR:	97	111	132	146	161
		ELEVATOR:	107	122	145	161	177
SMSA: LYNCHBURG, VA							
COUNTY:AMHERST STATE:VA	01801	NON-ELEVATOR:	109	124	147	162	178
		ELEVATOR:	119	136	161	179	196
COUNTY:APPOMATTOX STATE:VA	01801	NON-ELEVATOR:	109	124	147	162	178
		ELEVATOR:	119	136	161	179	196
COUNTY:CAMPBELL STATE:VA	01801	NON-ELEVATOR:	109	124	147	162	178
		ELEVATOR:	119	136	161	179	196
COUNTY:LYNCHBURG STATE:VA	01801	NON-ELEVATOR:	109	124	147	162	178
		ELEVATOR:	119	136	161	179	196
SMSA: NEWPORT NEWS-HAMPTON, VA							
COUNTY:GLOUCESTER STATE:VA	02001	NON-ELEVATOR:	110	126	149	165	181
		ELEVATOR:	121	138	164	181	199
COUNTY:HAMPTON STATE:VA	02001	NON-ELEVATOR:	110	126	149	165	181
		ELEVATOR:	121	138	164	181	199
COUNTY:JAMES CITY STATE:VA	02001	NON-ELEVATOR:	110	126	149	165	181
		ELEVATOR:	121	138	164	181	199
COUNTY:NEWPORT NEWS STATE:VA	02001	NON-ELEVATOR:	110	126	149	165	181
		ELEVATOR:	121	138	164	181	199
COUNTY:WILLIAMSBURG STATE:VA	02001	NON-ELEVATOR:	110	126	149	165	181
		ELEVATOR:	121	138	164	181	199
COUNTY:YORK STATE:VA	02001	NON-ELEVATOR:	110	126	149	165	181
		ELEVATOR:	121	138	164	181	199

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
WASHINGTON,D.C. AREA OFFICE						
SMSA: BALTIMORE, MD						
COUNTY:ANNE ARUNDEL	05201	NON-ELEVATOR:	120	138	165	183	202
		ELEVATOR:	132	152	182	202	223
COUNTY:BALTIMORE	05201	NON-ELEVATOR:	120	138	165	183	202
		ELEVATOR:	132	152	182	202	223
COUNTY:CARROLL	05201	NON-ELEVATOR:	120	138	165	183	202
		ELEVATOR:	132	152	182	202	223
COUNTY:HARFORD	05201	NON-ELEVATOR:	120	138	165	183	202
		ELEVATOR:	132	152	182	202	223
COUNTY:HOWARD	05201	NON-ELEVATOR:	120	138	165	183	202
		ELEVATOR:	132	152	182	202	223
COUNTY:QUEEN ANNES	05201	NON-ELEVATOR:	120	138	165	183	202
		ELEVATOR:	132	152	182	202	223
SMSA: BALTIMORE CITY, MD	05202	NON-ELEVATOR:	120	138	165	183	202
		ELEVATOR:	132	152	182	202	223
SMSA: CHARLES COUNTY, MD	05203	NON-ELEVATOR:	120	138	165	183	202
		ELEVATOR:	132	152	182	202	223
SMSA: FREDERICK, MD	05204	NON-ELEVATOR:	120	138	165	183	202
		ELEVATOR:	132	152	182	202	223
SMSA: WASHINGTON, D.C.-MD-VA							
COUNTY:CALVERT	05205	NON-ELEVATOR:	120	138	165	183	202
		ELEVATOR:	132	152	182	202	223
COUNTY:CHARLES	05205	NON-ELEVATOR:	120	138	165	183	202
		ELEVATOR:	132	152	182	202	223
COUNTY:MONTGOMERY	05205	NON-ELEVATOR:	120	138	165	183	202
		ELEVATOR:	132	152	182	202	223
COUNTY:PRINCE GEORGES	05205	NON-ELEVATOR:	120	138	165	183	202
		ELEVATOR:	132	152	182	202	223
COUNTY:ALEXANDRIA	05205	NON-ELEVATOR:	120	138	165	183	202
		ELEVATOR:	132	152	182	202	223
COUNTY:ARLINGTON	05205	NON-ELEVATOR:	120	138	165	183	202
		ELEVATOR:	132	152	182	202	223
COUNTY:CLARKE	05205	NON-ELEVATOR:	120	138	165	183	202
		ELEVATOR:	132	152	182	202	223
COUNTY:FAIRFAX	05205	NON-ELEVATOR:	120	138	165	183	202
		ELEVATOR:	132	152	182	202	223
COUNTY:FAIRFAX CITY	05205	NON-ELEVATOR:	120	138	165	183	202
		ELEVATOR:	132	152	182	202	223
COUNTY:FALLS CHURCH	05205	NON-ELEVATOR:	120	138	165	183	202
		ELEVATOR:	132	152	182	202	223
COUNTY:FAUQUIER	05205	NON-ELEVATOR:	120	138	165	183	202
		ELEVATOR:	132	152	182	202	223
COUNTY:LOUDOUN	05205	NON-ELEVATOR:	120	138	165	183	202
		ELEVATOR:	132	152	182	202	223
COUNTY:MANASSAS CITY	05205	NON-ELEVATOR:	120	138	165	183	202
		ELEVATOR:	132	152	182	202	223
COUNTY:MANASSAS PARK	05205	NON-ELEVATOR:	120	138	165	183	202
		ELEVATOR:	132	152	182	202	223
COUNTY:PRINCE WILLIAM	05205	NON-ELEVATOR:	120	138	165	183	202
		ELEVATOR:	132	152	182	202	223
COUNTY:STAFFORD	05205	NON-ELEVATOR:	120	138	165	183	202
		ELEVATOR:	132	152	182	202	223

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
WASHINGTON,D.C. AREA OFFICE						
SMSA: WASHINGTON, D.C.-MD-VA						
COUNTY:WARREN STATE:VA	05205	NON-ELEVATOR:	97	111	132	146	161
		ELEVATOR:	107	122	145	161	177
SMSA: WILMINGTON, DE-MD							
COUNTY:CECIL STATE:MD	05206	NON-ELEVATOR:	120	138	165	183	202
		ELEVATOR:	132	152	182	202	223
SMSA: WILMINGTON, DE-NJ-MD							
COUNTY:NEW CASTLE STATE:DE	05207	NON-ELEVATOR:	120	138	165	183	202
		ELEVATOR:	132	152	182	202	223
SMSA: YORK, PA							
COUNTY:YORK STATE:PA	05208	NON-ELEVATOR:	94	108	128	142	156
		ELEVATOR:	104	119	141	156	172

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
RICHMOND, VIRGINIA AREA OFFICE							
SMSA: NORFOLK-PORTSMOUTH, VA							
COUNTY:CHESAPEAKE	02003	NON-ELEVATOR:	110	126	149	165	181
STATE:VA		ELEVATOR:	121	138	164	181	199
COUNTY:NANSEMOND	02003	NON-ELEVATOR:	110	126	149	165	181
STATE:VA		ELEVATOR:	121	138	164	181	199
COUNTY:NORFOLK	02002	NON-ELEVATOR:	110	126	149	165	181
STATE:VA		ELEVATOR:	121	138	164	181	199
COUNTY:PORTSMOUTH	02003	NON-ELEVATOR:	110	126	149	165	181
STATE:VA		ELEVATOR:	121	138	164	181	199
COUNTY:SUFFOLK	02003	NON-ELEVATOR:	110	126	149	165	181
STATE:VA		ELEVATOR:	121	138	164	181	199
COUNTY:VA BEACH	02003	NON-ELEVATOR:	110	126	149	165	181
STATE:VA		ELEVATOR:	121	138	164	181	199
SMSA: PETERSBURG-COLONIAL HEIGHTS, VA							
COUNTY:COLONIAL HTS	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:DINWIDDIE	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:HOPEWELL	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:PETERSBURG	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:PRINCEGEORGE	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
SMSA: RICHMOND, VA							
COUNTY:CHARLES CITY	01901	NON-ELEVATOR:	115	145	170	195	215
STATE:VA		ELEVATOR:	127	160	187	215	237
COUNTY:CHESTERFIELD	01901	NON-ELEVATOR:	115	145	170	195	215
STATE:VA		ELEVATOR:	127	160	187	215	237

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
RICHMOND, VIRGINIA AREA OFFICE							
SMSA: RICHMOND, VA							
COUNTY:GOOCHLAND	01901	NON-ELEVATOR:	115	145	170	195	215
STATE:VA		ELEVATOR:	127	160	187	215	237
COUNTY:HANOVER	01901	NON-ELEVATOR:	115	145	170	195	215
STATE:VA		ELEVATOR:	127	160	187	215	237
COUNTY:HENRICO	01901	NON-ELEVATOR:	115	145	170	195	215
STATE:VA		ELEVATOR:	127	160	187	215	237
COUNTY:POWHATAN	01901	NON-ELEVATOR:	115	145	170	195	215
STATE:VA		ELEVATOR:	127	160	187	215	237
COUNTY:RICHMOND	01901	NON-ELEVATOR:	115	145	170	195	215
STATE:VA		ELEVATOR:	127	160	187	215	237
SMSA: ROANOKE, VA							
COUNTY:BOTETOURT	01802	NON-ELEVATOR:	99	113	134	155	169
STATE:VA		ELEVATOR:	109	124	147	170	186
COUNTY:CRAIG	01802	NON-ELEVATOR:	99	113	134	155	169
STATE:VA		ELEVATOR:	109	124	147	170	186
COUNTY:ROANOKE	01802	NON-ELEVATOR:	99	113	134	155	169
STATE:VA		ELEVATOR:	109	124	147	170	186
COUNTY:SALEM	01802	NON-ELEVATOR:	99	113	134	155	169
STATE:VA		ELEVATOR:	109	124	147	170	186
NON SMSA COUNTIES							
COUNTY:ACCOMACK	01610	NON-ELEVATOR:	102	117	138	153	168
STATE:VA		ELEVATOR:	113	128	152	169	185
COUNTY:ALBEMARLE	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:ALLEGHANY	01802	NON-ELEVATOR:	99	113	134	155	169
STATE:VA		ELEVATOR:	109	124	147	170	186
COUNTY:AMELIA	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
RICHMOND,VIRGINIA AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:AUGUSTA	01701	NON-ELEVATOR:	87	99	117	130	143
STATE:VA		ELEVATOR:	95	109	129	143	157
COUNTY:BATH	01701	NON-ELEVATOR:	87	99	117	130	143
STATE:VA		ELEVATOR:	95	109	129	143	157
COUNTY:BEDFORD	01801	NON-ELEVATOR:	109	124	147	162	178
STATE:VA		ELEVATOR:	119	136	161	179	196
COUNTY:BLAND	04702	NON-ELEVATOR:	72	82	97	108	119
STATE:VA		ELEVATOR:	79	90	107	119	131
COUNTY:BRUNSWICK	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:BUCHANAN	04702	NON-ELEVATOR:	72	82	97	108	119
STATE:VA		ELEVATOR:	79	90	107	119	131
COUNTY:BUCKINGHAM	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:BUENA VISTA	01701	NON-ELEVATOR:	87	99	117	130	143
STATE:VA		ELEVATOR:	95	109	129	143	157
COUNTY:CAROLINE	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:CARROLL	02303	NON-ELEVATOR:	80	91	108	120	132
STATE:VA		ELEVATOR:	88	100	119	132	145
COUNTY:CHARLOTTE	01801	NON-ELEVATOR:	109	124	147	162	178
STATE:VA		ELEVATOR:	119	136	161	179	196
COUNTY:CHARLOTTESVL	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:CLARKE	01701	NON-ELEVATOR:	87	99	117	130	143
STATE:VA		ELEVATOR:	95	109	129	143	157

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
RICHMOND,VIRGINIA AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:CLIFTONFORGE	01802	NON-ELEVATOR:	99	113	134	155	169
STATE:VA		ELEVATOR:	109	124	147	170	186
COUNTY:COVINGTON	01802	NON-ELEVATOR:	99	113	134	155	169
STATE:VA		ELEVATOR:	109	124	147	170	186
COUNTY:CULPEPER	01609	NON-ELEVATOR:	99	113	134	148	162
STATE:VA		ELEVATOR:	109	124	147	163	179
COUNTY:CUMBERLAND	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:DANVILLE	01801	NON-ELEVATOR:	109	124	147	162	178
STATE:VA		ELEVATOR:	119	136	161	179	196
COUNTY:DICKENSON	04702	NON-ELEVATOR:	72	82	97	108	119
STATE:VA		ELEVATOR:	79	90	107	119	131
COUNTY:EMPORIA	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:ESSEX	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:FAUQUIER	01609	NON-ELEVATOR:	99	113	134	148	162
STATE:VA		ELEVATOR:	109	124	147	163	179
COUNTY:FLOYD	01802	NON-ELEVATOR:	99	113	134	155	169
STATE:VA		ELEVATOR:	109	124	147	170	186
COUNTY:FLUVANNA	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:FRANKLN CITY	01802	NON-ELEVATOR:	99	113	134	155	169
STATE:VA		ELEVATOR:	109	124	147	170	186
COUNTY:FRANKLIN	02004	NON-ELEVATOR:	78	89	106	117	129
STATE:VA		ELEVATOR:	86	98	116	129	142

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
RICHMOND,VIRGINIA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:FREDERICK	01701	NON-ELEVATOR:	87	99	117	130	143
STATE:VA		ELEVATOR:	95	109	129	143	157
COUNTY:FREDERICKSBG	01609	NON-ELEVATOR:	99	113	134	148	162
STATE:VA		ELEVATOR:	109	124	147	163	179
COUNTY:GALAX	02303	NON-ELEVATOR:	80	91	108	120	132
STATE:VA		ELEVATOR:	88	100	119	132	146
COUNTY:GILES	01802	NON-ELEVATOR:	99	113	134	155	169
STATE:VA		ELEVATOR:	109	124	147	170	186
COUNTY:GRAYSON	02303	NON-ELEVATOR:	80	91	108	120	132
STATE:VA		ELEVATOR:	88	100	119	132	146
COUNTY:GREENE	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:GREENSVILLE	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:HALIFAX	01801	NON-ELEVATOR:	109	124	147	169	178
STATE:VA		ELEVATOR:	119	136	161	179	196
COUNTY:HARRISONBURG	01701	NON-ELEVATOR:	87	99	117	130	143
STATE:VA		ELEVATOR:	95	109	129	143	157
COUNTY:HENRY	01802	NON-ELEVATOR:	99	113	134	155	169
STATE:VA		ELEVATOR:	109	124	147	170	186
COUNTY:HIGHLAND	01701	NON-ELEVATOR:	87	99	117	130	143
STATE:VA		ELEVATOR:	95	109	129	143	157
COUNTY:ISLE OFWIGHT	02004	NON-ELEVATOR:	78	89	106	117	129
STATE:VA		ELEVATOR:	86	98	116	129	142
COUNTY:KING GEORGE	01609	NON-ELEVATOR:	99	113	134	148	163
STATE:VA		ELEVATOR:	109	124	147	163	179

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
RICHMOND,VIRGINIA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:KING WILLIAM	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:KING + QUEEN	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:LANCASTER	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:LEE	04702	NON-ELEVATOR:	72	82	97	108	119
STATE:VA		ELEVATOR:	79	90	107	119	131
COUNTY:LEXINGTON	01701	NON-ELEVATOR:	87	99	117	130	143
STATE:VA		ELEVATOR:	95	109	129	143	157
COUNTY:LOUISA	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:LUNENBURG	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:MADISON	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:MARTINSVILLE	01802	NON-ELEVATOR:	99	113	134	155	169
STATE:VA		ELEVATOR:	109	124	147	170	186
COUNTY:MATHEWS	02004	NON-ELEVATOR:	78	89	106	117	129
STATE:VA		ELEVATOR:	86	98	116	129	142
COUNTY:MECKLENBURG	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:MIDDLESEX	02004	NON-ELEVATOR:	78	89	106	117	129
STATE:VA		ELEVATOR:	86	98	116	129	142
COUNTY:MONTGOMERY	01802	NON-ELEVATOR:	99	113	134	155	169
STATE:VA		ELEVATOR:	109	124	147	170	186

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
RICHMOND,VIRGINIA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:NELSON	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:NEW KENT	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:NORTHAMPTON	02004	NON-ELEVATOR:	78	89	106	117	129
STATE:VA		ELEVATOR:	86	98	116	129	142
COUNTY:NORTHUMBERLA	02004	NON-ELEVATOR:	78	89	106	117	129
STATE:VA		ELEVATOR:	86	98	116	129	142
COUNTY:NOTTOWAY	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:ORANGE	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:PAGE	01802	NON-ELEVATOR:	99	113	134	155	169
STATE:VA		ELEVATOR:	109	124	147	170	186
COUNTY:PATRICK	01802	NON-ELEVATOR:	99	113	134	155	169
STATE:VA		ELEVATOR:	109	124	147	170	186
COUNTY:PITTSYLVANIA	01802	NON-ELEVATOR:	99	113	134	155	169
STATE:VA		ELEVATOR:	109	124	147	170	186
COUNTY:POWHATAN	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:PRINCE EDWARD	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:PRINCE GEORGE	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:PULASKI	01802	NON-ELEVATOR:	99	113	134	155	169
STATE:VA		ELEVATOR:	109	124	147	170	186

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
RICHMOND,VIRGINIA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:RAPPAHANNOCK	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:RICHMOND	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:ROANOKE	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:ROCKBRIDGE	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:ROCKINGHAM	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:RUSSELL	01802	NON-ELEVATOR:	99	113	134	155	169
STATE:VA		ELEVATOR:	109	124	147	170	186
COUNTY:SCOTT	01802	NON-ELEVATOR:	99	113	134	155	169
STATE:VA		ELEVATOR:	109	124	147	170	186
COUNTY:SHENANDOAH	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:SMYTH	01802	NON-ELEVATOR:	99	113	134	155	169
STATE:VA		ELEVATOR:	109	124	147	170	186
COUNTY:SOUTHAMPTON	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:SPOTSYLVANIA	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:STAFFORD	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:SURRY	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
RICHMOND,VIRGINIA AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:NELSON	01801	NON-ELEVATOR:	109	124	147	162	178
STATE:VA		ELEVATOR:	119	136	161	179	196
COUNTY:NEW KENT	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:NORTHAMPTON	01610	NON-ELEVATOR:	102	117	138	153	168
STATE:VA		ELEVATOR:	113	128	152	169	185
COUNTY:NORTHUMBERLD	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:NORTON	04702	NON-ELEVATOR:	72	82	97	108	119
STATE:VA		ELEVATOR:	79	90	107	119	131
COUNTY:NOTTOWAY	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:ORANGE	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:PAGE	01701	NON-ELEVATOR:	87	99	117	130	143
STATE:VA		ELEVATOR:	95	109	129	143	157
COUNTY:PATRICK	01802	NON-ELEVATOR:	99	113	134	155	169
STATE:VA		ELEVATOR:	109	124	147	170	186
COUNTY:PITTSYLVANIA	01801	NON-ELEVATOR:	109	124	147	162	178
STATE:VA		ELEVATOR:	119	136	161	179	196
COUNTY:PRINCEEDWARD	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:PULASKI	01802	NON-ELEVATOR:	99	113	134	155	169
STATE:VA		ELEVATOR:	109	124	147	170	186
COUNTY:RADFORD	01802	NON-ELEVATOR:	99	113	134	155	169
STATE:VA		ELEVATOR:	109	124	147	170	186

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
RICHMOND,VIRGINIA AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:RAPPAHANNOCK	01609	NON-ELEVATOR:	99	113	134	148	162
STATE:VA		ELEVATOR:	109	124	147	163	179
COUNTY:RICHMOND	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:ROCKBRIDGE	01701	NON-ELEVATOR:	87	99	117	130	143
STATE:VA		ELEVATOR:	95	109	129	143	157
COUNTY:ROCKINGHAM	01701	NON-ELEVATOR:	87	99	117	130	143
STATE:VA		ELEVATOR:	95	109	129	143	157
COUNTY:RUSSELL	04702	NON-ELEVATOR:	72	82	97	108	119
STATE:VA		ELEVATOR:	79	90	107	119	131
COUNTY:SHENANDOAH	01701	NON-ELEVATOR:	87	99	117	130	143
STATE:VA		ELEVATOR:	95	109	129	143	157
COUNTY:SMYTH	04702	NON-ELEVATOR:	72	82	97	108	119
STATE:VA		ELEVATOR:	79	90	107	119	131
COUNTY:SOUTH BOSTON	01801	NON-ELEVATOR:	109	124	147	162	178
STATE:VA		ELEVATOR:	119	136	161	179	196
COUNTY:SOUTHAMPTON	02004	NON-ELEVATOR:	78	89	106	117	129
STATE:VA		ELEVATOR:	86	98	116	129	142
COUNTY:SPOTSLYVANIA	01609	NON-ELEVATOR:	99	113	134	148	162
STATE:VA		ELEVATOR:	109	124	147	163	179
COUNTY:STAFFORD	01609	NON-ELEVATOR:	99	113	134	148	162
STATE:VA		ELEVATOR:	109	124	147	163	179
COUNTY:STAUNTON	01701	NON-ELEVATOR:	87	99	117	130	143
STATE:VA		ELEVATOR:	95	109	129	143	157
COUNTY:SURRY	02004	NON-ELEVATOR:	78	89	106	117	129
STATE:VA		ELEVATOR:	86	98	116	129	142

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
RICHMOND,VIRGINIA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:SUSSEX	01902	NON-ELEVATOR:	114	133	157	181	198
STATE:VA		ELEVATOR:	126	146	173	200	218
COUNTY:TAZEWELL	04702	NON-ELEVATOR:	72	82	97	108	119
STATE:VA		ELEVATOR:	79	90	107	119	131
COUNTY:WARREN	01701	NON-ELEVATOR:	87	99	117	130	143
STATE:VA		ELEVATOR:	95	109	129	143	157
COUNTY:WAYNESBORO	01701	NON-ELEVATOR:	87	99	117	130	143
STATE:VA		ELEVATOR:	95	109	129	143	157
COUNTY:WESTMORELAND	01902	NON-ELEVATOR:	116	133	157	181	198
STATE:VA		ELEVATOR:	128	146	173	200	218
COUNTY:WINCHESTER	01701	NON-ELEVATOR:	87	99	117	130	143
STATE:VA		ELEVATOR:	96	109	129	143	157
COUNTY:WISE	04702	NON-ELEVATOR:	72	82	97	108	119
STATE:VA		ELEVATOR:	79	90	107	119	131
COUNTY:WYTHE	01802	NON-ELEVATOR:	99	113	134	155	169
STATE:VA		ELEVATOR:	109	124	147	170	186

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
WASHINGTON,D.C. AREA OFFICE						
SMSA: WASHINGTON, DC-MD-VA						
COUNTY:WASHINGTON	01604	NON-ELEVATOR:	150	180	210	240	270
STATE:DC		ELEVATOR:	165	198	231	264	297
COUNTY:MONTGOMERY	01605	NON-ELEVATOR:	150	180	210	240	270
STATE:MD		ELEVATOR:	165	198	231	264	297
COUNTY:PRINCE GEORG	01606	NON-ELEVATOR:	150	180	210	240	270
STATE:MD		ELEVATOR:	165	198	231	264	297
COUNTY:ALEXANDRIA	01607	NON-ELEVATOR:	150	180	210	240	270
STATE:VA		ELEVATOR:	165	198	231	264	297
COUNTY:ARLINGTON	01607	NON-ELEVATOR:	150	180	210	240	270
STATE:VA		ELEVATOR:	165	198	231	264	297
COUNTY:FAIRFAX	01608	NON-ELEVATOR:	150	180	210	240	270
STATE:VA		ELEVATOR:	165	198	231	264	297
COUNTY:FAIRFAX CITY	01608	NON-ELEVATOR:	150	180	210	240	270
STATE:VA		ELEVATOR:	165	198	231	264	297
COUNTY:FALLS CHURCH	01608	NON-ELEVATOR:	150	180	210	240	270
STATE:VA		ELEVATOR:	165	198	231	264	297
COUNTY:LOUDOUN	01608	NON-ELEVATOR:	150	180	210	240	270
STATE:VA		ELEVATOR:	165	198	231	264	297
COUNTY:PRINCE WILLIA	01608	NON-ELEVATOR:	150	180	210	240	270
STATE:VA		ELEVATOR:	165	198	231	264	297

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
WILMINGTON, DELAWARE INSURING OFFICE							
SMSA: WILMINGTON, DE-NJ-MD							
COUNTY:NEW CASTLE	01411	NON-ELEVATOR:	119	136	161	186	202
STATE:DE		ELEVATOR:	131	149	177	204	223
NON SMSA COUNTIES							
COUNTY:DE SUSSEX	01610	NON-ELEVATOR:	102	117	138	153	168
STATE:DE		ELEVATOR:	113	128	152	169	185
COUNTY:KENT	01610	NON-ELEVATOR:	102	117	138	153	168
STATE:DE		ELEVATOR:	113	128	152	169	185

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ATLANTA, GEORGIA AREA OFFICE							
SMSA: ALBANY, GA							
COUNTY:DOUGHERTY	03701	NON-ELEVATOR:	86	98	117	129	142
STATE:GA		ELEVATOR:	95	108	128	142	156
COUNTY:LEE	03701	NON-ELEVATOR:	86	98	117	129	142
STATE:GA		ELEVATOR:	95	108	128	142	156
SMSA: ATLANTA, GA							
COUNTY:BUTTS	04003	NON-ELEVATOR:	132	150	178	204	233
STATE:GA		ELEVATOR:	145	165	196	224	256
COUNTY:CHEROKEE	04003	NON-ELEVATOR:	132	150	178	204	233
STATE:GA		ELEVATOR:	145	165	196	224	256
COUNTY:CLAYTON	04003	NON-ELEVATOR:	132	150	178	204	233
STATE:GA		ELEVATOR:	145	165	196	224	256
COUNTY:COBB	04003	NON-ELEVATOR:	132	150	178	204	233
STATE:GA		ELEVATOR:	145	165	196	224	256
COUNTY:DE KALB	04001	NON-ELEVATOR:	132	150	178	204	233
STATE:GA		ELEVATOR:	145	165	196	224	256
COUNTY:DOUGLAS	04003	NON-ELEVATOR:	132	150	178	204	233
STATE:GA		ELEVATOR:	145	165	196	224	256
COUNTY:FAYETTE	04003	NON-ELEVATOR:	132	150	178	204	233
STATE:GA		ELEVATOR:	145	165	196	224	256
COUNTY:FORSYTH	04003	NON-ELEVATOR:	132	150	178	204	233
STATE:GA		ELEVATOR:	145	165	196	224	256
COUNTY:FULTON	04002	NON-ELEVATOR:	132	150	178	204	233
STATE:GA		ELEVATOR:	145	165	196	224	256
COUNTY:GWINNETT	04003	NON-ELEVATOR:	132	150	178	204	233
STATE:GA		ELEVATOR:	145	165	196	224	256
COUNTY:HENRY	04003	NON-ELEVATOR:	132	150	178	204	233
STATE:GA		ELEVATOR:	145	165	196	224	256

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ATLANTA:GEORGIA AREA OFFICE							
SMSA: ATLANTA, GA							
COUNTY:NEWTON	04003	NON-ELEVATOR:	132	150	178	206	233
STATE:GA		ELEVATOR:	146	165	196	226	256
COUNTY:PAULDING	04003	NON-ELEVATOR:	132	150	178	206	233
STATE:GA		ELEVATOR:	146	165	196	226	256
COUNTY:ROCKDALE	04001	NON-ELEVATOR:	132	150	178	206	233
STATE:GA		ELEVATOR:	146	165	196	226	256
COUNTY:WALTON	04003	NON-ELEVATOR:	132	150	178	206	233
STATE:GA		ELEVATOR:	146	165	196	226	256
SMSA: AUGUSTA, GA-SC							
COUNTY:COLUMBIA	02901	NON-ELEVATOR:	112	129	152	176	193
STATE:GA		ELEVATOR:	124	141	167	194	211
COUNTY:RICHMOND	02901	NON-ELEVATOR:	112	129	152	176	193
STATE:GA		ELEVATOR:	124	141	167	194	211
SMSA: CHATTANOOGA, TN-GA							
COUNTY:CATOOSA	04401	NON-ELEVATOR:	99	113	134	155	169
STATE:GA		ELEVATOR:	109	124	147	171	186
COUNTY:DADE	04401	NON-ELEVATOR:	99	113	134	155	169
STATE:GA		ELEVATOR:	109	124	147	171	186
COUNTY:WALKER	04401	NON-ELEVATOR:	99	113	134	155	169
STATE:GA		ELEVATOR:	109	124	147	171	186
SMSA: COLUMBUS, GA-AL							
COUNTY:CHATTAHOOCHEE	03901	NON-ELEVATOR:	97	110	130	144	158
STATE:GA		ELEVATOR:	106	121	143	160	175
COUNTY:COLUMBUS	03901	NON-ELEVATOR:	97	110	130	144	158
STATE:GA		ELEVATOR:	106	121	143	160	175
SMSA: MACON, GA							
COUNTY:BIBB	03801	NON-ELEVATOR:	86	98	117	134	147
STATE:GA		ELEVATOR:	95	108	128	149	162

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ATLANTA:GEORGIA AREA OFFICE							
SMSA: MACON, GA							
COUNTY:HOUSTON	03801	NON-ELEVATOR:	86	98	117	134	147
STATE:GA		ELEVATOR:	95	108	128	149	162
COUNTY:JONES	03801	NON-ELEVATOR:	86	98	117	134	147
STATE:GA		ELEVATOR:	95	108	128	149	162
COUNTY:TWIGGS	03801	NON-ELEVATOR:	86	98	117	134	147
STATE:GA		ELEVATOR:	95	108	128	149	162
SMSA: SAVANNAH, GA							
COUNTY:BRYAN	03001	NON-ELEVATOR:	80	91	108	125	137
STATE:GA		ELEVATOR:	88	100	119	137	150
COUNTY:CHATHAM	03001	NON-ELEVATOR:	80	91	108	125	137
STATE:GA		ELEVATOR:	88	100	119	137	150
COUNTY:EFFINGHAM	03001	NON-ELEVATOR:	80	91	108	125	137
STATE:GA		ELEVATOR:	88	100	119	137	150
NON SMSA COUNTIES							
COUNTY:APPLING	03001	NON-ELEVATOR:	80	91	108	125	137
STATE:GA		ELEVATOR:	88	100	119	137	150
COUNTY:ATKINSON	03001	NON-ELEVATOR:	80	91	108	125	137
STATE:GA		ELEVATOR:	88	100	119	137	150
COUNTY:BACON	03001	NON-ELEVATOR:	80	91	108	125	137
STATE:GA		ELEVATOR:	88	100	119	137	150
COUNTY:BAKER	03701	NON-ELEVATOR:	78	89	106	117	129
STATE:GA		ELEVATOR:	86	98	116	129	142
COUNTY:BALDWIN	03801	NON-ELEVATOR:	78	89	106	122	134
STATE:GA		ELEVATOR:	86	98	116	135	147
COUNTY:BANKS	04004	NON-ELEVATOR:	89	102	121	134	147
STATE:GA		ELEVATOR:	98	112	133	147	162
COUNTY:BARROW	04004	NON-ELEVATOR:	89	102	121	134	147
STATE:GA		ELEVATOR:	98	112	133	147	162

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ATLANTA GEORGIA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:BARTON	04005	73	84	100	111	122
STATE:GA		81	92	110	122	134
COUNTY:BEN HILL	03701	78	89	106	117	129
STATE:GA		86	98	116	129	142
COUNTY:BERRIEN	03701	78	89	106	117	129
STATE:GA		86	98	116	129	142
COUNTY:BLECKLEY	03801	78	89	106	122	134
STATE:GA		86	98	116	135	147
COUNTY:BRANTLEY	03103	86	98	116	129	141
STATE:GA		94	108	128	142	155
COUNTY:BROOKS	03701	78	89	106	117	129
STATE:GA		86	98	116	129	142
COUNTY:BULLOCH	03001	80	91	108	125	137
STATE:GA		88	100	119	137	150
COUNTY:BURKE	02903	90	103	122	135	148
STATE:GA		99	113	134	149	163
COUNTY:CALHOUN	03701	78	89	106	117	129
STATE:GA		86	98	116	129	142
COUNTY:CAMDEN	03103	86	98	116	129	141
STATE:GA		94	108	128	142	155
COUNTY:CANDLER	03001	80	91	108	125	137
STATE:GA		88	100	119	137	150
COUNTY:CARROLL	04006	92	104	125	139	153
STATE:GA		101	114	138	153	167
COUNTY:CHARLTON	03103	86	98	116	129	141
STATE:GA		94	108	128	142	155

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ATLANTA GEORGIA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:CHATTOOGA	04402	77	88	104	116	127
STATE:GA		85	97	115	128	140
COUNTY:CLARKE	04004	98	112	133	147	162
STATE:GA		108	123	146	162	178
COUNTY:CLAY	03701	78	89	106	117	129
STATE:GA		86	98	116	129	142
COUNTY:CLINCH	03701	78	89	106	117	129
STATE:GA		86	98	116	129	142
COUNTY:COFFEE	03001	80	91	108	125	137
STATE:GA		88	100	119	137	150
COUNTY:COLQUITT	03701	78	89	106	117	129
STATE:GA		86	98	116	129	142
COUNTY:COOK	03701	78	89	106	117	129
STATE:GA		86	98	116	129	142
COUNTY:COWETA	04006	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:CRAWFORD	03801	78	89	106	122	134
STATE:GA		86	98	116	135	147
COUNTY:CRISP	03801	78	89	106	122	134
STATE:GA		86	98	116	135	147
COUNTY:DAWSON	04005	73	84	100	111	122
STATE:GA		81	92	110	122	134
COUNTY:DECATUR	03701	78	89	106	117	129
STATE:GA		86	98	116	129	142
COUNTY:DODGE	03801	78	89	106	122	134
STATE:GA		86	98	116	135	147

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ATLANTA:GEORGIA AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:DOOLY	03801	NON-ELEVATOR:	78	89	106	122	134
STATE:GA		ELEVATOR:	86	98	116	135	147
COUNTY:EARLY	03701	NON-ELEVATOR:	78	89	106	117	129
STATE:GA		ELEVATOR:	86	98	116	129	142
COUNTY:ECHOLS	03701	NON-ELEVATOR:	78	89	106	117	129
STATE:GA		ELEVATOR:	86	98	116	129	142
COUNTY:ELBERT	04004	NON-ELEVATOR:	89	102	121	134	147
STATE:GA		ELEVATOR:	98	112	133	147	162
COUNTY:EMANUEL	02903	NON-ELEVATOR:	90	103	122	135	148
STATE:GA		ELEVATOR:	99	113	134	149	163
COUNTY:EVANS	03001	NON-ELEVATOR:	80	91	108	125	137
STATE:GA		ELEVATOR:	88	100	119	137	150
COUNTY:FANNIN	04005	NON-ELEVATOR:	73	84	100	111	122
STATE:GA		ELEVATOR:	81	92	110	122	134
COUNTY:FLOYD	04005	NON-ELEVATOR:	73	84	100	111	122
STATE:GA		ELEVATOR:	81	92	110	122	134
COUNTY:FRANKLIN	04004	NON-ELEVATOR:	89	102	121	134	147
STATE:GA		ELEVATOR:	98	112	133	147	162
COUNTY:GILMER	04005	NON-ELEVATOR:	73	84	100	111	122
STATE:GA		ELEVATOR:	81	92	110	122	134
COUNTY:GLASCOCK	02903	NON-ELEVATOR:	90	103	122	135	148
STATE:GA		ELEVATOR:	99	113	134	149	163
COUNTY:GLYNN	03103	NON-ELEVATOR:	95	108	128	142	155
STATE:GA		ELEVATOR:	103	119	141	156	171
COUNTY:GORDON	04402	NON-ELEVATOR:	77	88	104	116	127
STATE:GA		ELEVATOR:	85	97	115	128	140

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ATLANTA:GEORGIA AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:GRADY	03701	NON-ELEVATOR:	78	89	106	117	129
STATE:GA		ELEVATOR:	86	98	116	129	142
COUNTY:GREENE	04004	NON-ELEVATOR:	89	102	121	134	147
STATE:GA		ELEVATOR:	98	112	133	147	162
COUNTY:HABERSHAM	04005	NON-ELEVATOR:	73	84	100	111	122
STATE:GA		ELEVATOR:	81	92	110	122	134
COUNTY:HALL	04004	NON-ELEVATOR:	89	102	121	134	147
STATE:GA		ELEVATOR:	98	112	133	147	162
COUNTY:HANCOCK	03801	NON-ELEVATOR:	78	89	106	122	134
STATE:GA		ELEVATOR:	86	98	116	135	147
COUNTY:HARALSON	04005	NON-ELEVATOR:	73	84	100	111	122
STATE:GA		ELEVATOR:	81	92	110	122	134
COUNTY:HARRIS	03901	NON-ELEVATOR:	88	100	118	131	144
STATE:GA		ELEVATOR:	96	110	130	145	159
COUNTY:HART	04004	NON-ELEVATOR:	89	102	121	134	147
STATE:GA		ELEVATOR:	98	112	133	147	162
COUNTY:HEARD	03901	NON-ELEVATOR:	88	100	118	131	144
STATE:GA		ELEVATOR:	96	110	130	145	159
COUNTY:IRWIN	03701	NON-ELEVATOR:	78	89	106	117	129
STATE:GA		ELEVATOR:	86	98	116	129	142
COUNTY:JACKSON	04004	NON-ELEVATOR:	89	102	121	134	147
STATE:GA		ELEVATOR:	98	112	133	147	162
COUNTY:JASPER	03801	NON-ELEVATOR:	78	89	106	122	134
STATE:GA		ELEVATOR:	86	98	116	135	147
COUNTY:JEFF DAVIS	03001	NON-ELEVATOR:	80	91	108	125	137
STATE:GA		ELEVATOR:	88	100	119	137	150

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ATLANTA-GEORGIA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:JEFFERSON	02903	NON-ELEVATOR:	90	103	122	135	148
STATE:GA		ELEVATOR:	99	113	134	149	163
COUNTY:JENKINS	02903	NON-ELEVATOR:	90	103	122	135	148
STATE:GA		ELEVATOR:	99	113	134	149	163
COUNTY:JOHNSON	03801	NON-ELEVATOR:	78	89	106	122	134
STATE:GA		ELEVATOR:	86	98	116	135	147
COUNTY:LAMAR	04006	NON-ELEVATOR:	84	96	114	126	139
STATE:GA		ELEVATOR:	92	105	125	139	152
COUNTY:LANIER	03701	NON-ELEVATOR:	78	89	106	117	129
STATE:GA		ELEVATOR:	86	98	116	129	142
COUNTY:LAURENS	03801	NON-ELEVATOR:	78	89	106	122	134
STATE:GA		ELEVATOR:	86	98	116	135	147
COUNTY:LIBERTY	03001	NON-ELEVATOR:	80	91	108	125	137
STATE:GA		ELEVATOR:	88	100	119	137	150
COUNTY:LINCOLN	02903	NON-ELEVATOR:	90	103	122	135	148
STATE:GA		ELEVATOR:	99	113	134	149	163
COUNTY:LONG	03001	NON-ELEVATOR:	80	91	108	125	137
STATE:GA		ELEVATOR:	88	100	119	137	150
COUNTY:LOWNDES	03701	NON-ELEVATOR:	86	98	117	129	142
STATE:GA		ELEVATOR:	95	108	128	142	156
COUNTY:LUMPKIN	04005	NON-ELEVATOR:	73	84	100	111	122
STATE:GA		ELEVATOR:	81	92	110	122	134
COUNTY:MACON	03801	NON-ELEVATOR:	78	89	106	122	134
STATE:GA		ELEVATOR:	86	98	116	135	147
COUNTY:MADISON	04004	NON-ELEVATOR:	89	102	121	134	147
STATE:GA		ELEVATOR:	98	112	133	147	162

PREPARED BY HUD - EMAD (CO). FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ATLANTA-GEORGIA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:MARION	03901	NON-ELEVATOR:	88	100	118	131	144
STATE:GA		ELEVATOR:	96	110	130	145	159
COUNTY:MCDUFFIE	02903	NON-ELEVATOR:	90	103	122	135	148
STATE:GA		ELEVATOR:	99	113	134	149	163
COUNTY:MCINTOSH	03103	NON-ELEVATOR:	86	98	116	129	141
STATE:GA		ELEVATOR:	94	108	128	142	156
COUNTY:MERIWETHER	03901	NON-ELEVATOR:	88	100	118	131	144
STATE:GA		ELEVATOR:	96	110	130	145	159
COUNTY:MILLER	03701	NON-ELEVATOR:	78	89	106	117	129
STATE:GA		ELEVATOR:	86	98	116	129	142
COUNTY:MITCHELL	03701	NON-ELEVATOR:	78	89	106	117	129
STATE:GA		ELEVATOR:	86	98	116	129	142
COUNTY:MONROE	03801	NON-ELEVATOR:	78	89	106	122	134
STATE:GA		ELEVATOR:	86	98	116	135	147
COUNTY:MONTGOMERY	03001	NON-ELEVATOR:	80	91	108	125	137
STATE:GA		ELEVATOR:	88	100	119	137	150
COUNTY:MORGAN	04004	NON-ELEVATOR:	89	102	121	134	147
STATE:GA		ELEVATOR:	98	112	133	147	162
COUNTY:MURRAY	04402	NON-ELEVATOR:	77	88	104	116	127
STATE:GA		ELEVATOR:	85	97	115	128	140
COUNTY:OCONEE	04004	NON-ELEVATOR:	89	102	121	134	147
STATE:GA		ELEVATOR:	98	112	133	147	162
COUNTY:OGLETHORPE	04004	NON-ELEVATOR:	89	102	121	134	147
STATE:GA		ELEVATOR:	98	112	133	147	162
COUNTY:PEACH	03801	NON-ELEVATOR:	78	89	106	122	134
STATE:GA		ELEVATOR:	86	98	116	135	147

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ATLANTA-GEORGIA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:PICKENS	04005	73	84	100	111	122
STATE:GA		81	92	110	122	134
COUNTY:PIERCE	03103	86	98	116	129	141
STATE:GA		94	108	128	142	156
COUNTY:PIKE	04006	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:POLK	04005	73	84	100	111	122
STATE:GA		81	92	110	122	134
COUNTY:PULASKI	03601	78	89	106	122	134
STATE:GA		86	98	116	135	147
COUNTY:PUTNAM	03601	78	89	106	122	134
STATE:GA		86	98	116	135	147
		88	100	118	131	144
		96	110	130	145	159
COUNTY:QUITMAN	03901	73	84	100	111	122
STATE:GA		81	92	110	122	134
COUNTY:RABUN	04005	78	89	106	117	129
STATE:GA		86	98	116	129	142
COUNTY:RANDOLPH	03701	78	89	106	117	129
STATE:GA		86	98	116	129	142
COUNTY:SCHLEY	03901	80	91	108	125	137
STATE:GA		88	100	119	137	150
COUNTY:SCREVEN	03001	78	89	106	122	134
STATE:GA		86	98	116	135	147
COUNTY:SEMINOLE	03701	78	89	106	117	129
STATE:GA		86	98	116	129	142
COUNTY:SPALDING	04006	82	94	112	125	137
STATE:GA		101	114	138	153	167

PREPARED BY HUD - EMAD (CO). FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ATLANTA-GEORGIA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:STEPHENS	04004	89	102	121	134	147
STATE:GA		98	112	133	147	162
COUNTY:STEWART	03901	88	100	118	131	144
STATE:GA		96	110	130	145	159
COUNTY:SUMTER	03901	97	110	130	144	158
STATE:GA		106	121	143	160	175
COUNTY:TALBOT	03901	88	100	118	131	144
STATE:GA		96	110	130	145	159
COUNTY:TALIAFERRO	02903	90	103	122	135	148
STATE:GA		99	113	134	149	163
COUNTY:TATTNALL	03001	80	91	108	125	137
STATE:GA		88	100	119	137	150
COUNTY:TAYLOR	03801	78	89	106	122	134
STATE:GA		86	98	116	135	147
COUNTY:TELFAIR	03801	78	89	106	122	134
STATE:GA		86	98	116	135	147
COUNTY:TERRELL	03701	78	89	106	117	129
STATE:GA		86	98	116	129	142
COUNTY:THOMAS	03701	86	98	117	129	142
STATE:GA		95	108	128	142	156
COUNTY:TIFT	03701	78	89	106	117	129
STATE:GA		86	98	116	129	142
COUNTY:TOOMBS	03001	80	91	108	125	137
STATE:GA		88	100	119	137	150
COUNTY:TOWNS	04005	73	84	100	111	122
STATE:GA		81	92	110	122	134

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ATLANTA-GEORGIA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:TOWNS	04005	82	94	112	125	137
STATE:GA		101	114	138	153	167
COUNTY:TREUTLEN	03701	78	89	106	117	129
STATE:GA		86	98	116	129	142
COUNTY:TROUP	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:TURNER	03701	78	89	106	117	129
STATE:GA		86	98	116	129	142
COUNTY:TWIGGS	03701	78	89	106	117	129
STATE:GA		86	98	116	129	142
COUNTY:UNION	04004	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:UPSON	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:WALKER	04004	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:WALTON	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:WARE	03901	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:WARREN	03701	78	89	106	117	129
STATE:GA		86	98	116	129	142
COUNTY:WASHINGTON	03701	78	89	106	117	129
STATE:GA		86	98	116	129	142
COUNTY:WAYNE	03901	78	89	106	117	129
STATE:GA		86	98	116	129	142
COUNTY:WEBSTER	03701	78	89	106	117	129
STATE:GA		86	98	116	129	142
COUNTY:WHEELER	03701	78	89	106	117	129
STATE:GA		86	98	116	129	142
COUNTY:WHITE	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:WHITFIELD	04004	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:WILCOX	03901	78	89	106	117	129
STATE:GA		86	98	116	129	142
COUNTY:WILKES	03601	78	89	106	122	134
STATE:GA		86	98	116	135	147
COUNTY:WILKINSON	03701	78	89	106	117	129
STATE:GA		86	98	116	129	142
COUNTY:WORTH	03901	78	89	106	117	129
STATE:GA		86	98	116	129	142

PREPARED BY HUD - EMAD (CO). FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ATLANTA-GEORGIA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:WORTH	03901	78	89	106	117	129
STATE:GA		86	98	116	129	142
ATLANTA-GEORGIA AREA OFFICE						
SMSA COUNTIES						
COUNTY:BARROW	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:BARTOW	04004	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:BIBB	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:BULLOCH	03901	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:BURKE	03901	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:CAMDEN	03901	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:CARROLL	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:CATOOSA	04004	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:CHATHAM	03901	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:CHATTOOGA	04004	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:CHEROKEE	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:CLARKE	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:CLAYTON	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:COBB	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:COLUMBIA	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:COWETA	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:DADE	04004	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:DAWSON	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:DEKALB	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:DOUGHERTY	03901	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:DOUGLAS	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:EARLY	03901	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:EFFINGHAM	03901	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:FANNIN	04004	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:FAYETTE	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:FLOYD	04004	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:FORSYTH	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:FULTON	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:GLYNN	03901	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:GORDON	04004	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:GRADY	03901	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:GWINNETT	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:HABERSHAM	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:HALL	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:HARALSON	04004	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:HARRIS	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:HART	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:HEARD	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:HENRY	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:HOUSTON	03901	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:JACKSON	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:JASPER	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:JEFFERSON	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:JENKINS	03901	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:JOHNSON	03901	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:LAMAR	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:LAURENS	03901	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:LIBERTY	03901	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:LINCOLN	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:LONG	03901	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:LOWNDES	03901	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:LUMPKIN	04004	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:MACON	03901	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:MADISON	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:MARION	03901	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:MCDUFFIE	03601	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:MCINTOSH	03901	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:MERIWETHER	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:MILLER	03901	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:MITCHELL	03901	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:MONROE	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:MONTGOMERY	03901	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:MORGAN	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:MURRAY	04004	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:MUSCOGEE	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:NEWTON	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:OCONEE	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:OGLETHORPE	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:PAULDING	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:PEACH	03103	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:PICKENS	04005	73	84	100	111	122
STATE:GA		81	92	110	122	134
COUNTY:PIERCE	03103	86	98	116	129	141
STATE:GA		94	108	128	142	156
COUNTY:PIKE	04006	84	96	114	126	139
STATE:GA		92	105	125	139	152
COUNTY:POLK	04005	73	84	100	111	122
STATE:GA		81	92	110	122	134
COUNTY:PULASKI	03601	78	89	106	122	134
STATE:GA		86	98	116	135	147
COUNTY:PUTNAM	03601	78	89	106	122	134
STATE:GA		86	98	116	135	147
		88	100	118	131	144
		96	110	130	145	159
COUNTY:QUITMAN	03901	73	84	100	111	122
STATE:GA		81	92	110	122	134
COUNTY:RABUN	04005	78	89	106	117	129
STATE:GA		86	98	116	129	142
COUNTY:RANDOLPH	03701	78	89	106	117	129
STATE:GA		86	98	116	129	142
COUNTY:SCHLEY	03901	80	91	108	125	137
STATE:GA		88	100	119	137	150
COUNTY:SCREVEN	03001	78	89	106	122	134
STATE:GA		86	98	116	135	147
COUNTY:SEMINOLE	03701	78	89	106	117	129
STATE:GA		86	98	116	129	142
COUNTY:SPALDING	04006	82	94	112	125	137
STATE:GA		101	114	138	153	167

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ATLANTA,GEORGIA AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:TREUTLEN	03801	NON-ELEVATOR:	78	89	106	122	134
STATE:GA		ELEVATOR:	86	98	116	135	147
COUNTY:TROUP	03901	NON-ELEVATOR:	88	100	118	131	144
STATE:GA		ELEVATOR:	96	110	130	145	159
COUNTY:TURNER	03701	NON-ELEVATOR:	78	89	106	117	129
STATE:GA		ELEVATOR:	86	98	116	129	142
COUNTY:UNION	04005	NON-ELEVATOR:	73	84	100	111	122
STATE:GA		ELEVATOR:	81	92	110	122	134
COUNTY:UPSON	04006	NON-ELEVATOR:	84	96	114	126	139
STATE:GA		ELEVATOR:	92	105	125	139	152
COUNTY:WARE	03103	NON-ELEVATOR:	86	98	116	129	141
STATE:GA		ELEVATOR:	94	108	128	142	155
COUNTY:WARREN	02903	NON-ELEVATOR:	90	103	122	135	148
STATE:GA		ELEVATOR:	99	113	134	149	163
COUNTY:WASHINGTON	03801	NON-ELEVATOR:	78	89	106	122	134
STATE:GA		ELEVATOR:	86	98	116	135	147
COUNTY:WAYNE	03001	NON-ELEVATOR:	80	91	108	125	137
STATE:GA		ELEVATOR:	88	100	119	137	150
COUNTY:WEBSTER	03901	NON-ELEVATOR:	88	100	118	131	144
STATE:GA		ELEVATOR:	96	110	130	145	159
COUNTY:WHEELER	03801	NON-ELEVATOR:	78	89	106	122	134
STATE:GA		ELEVATOR:	86	98	116	135	147
COUNTY:WHITE	04005	NON-ELEVATOR:	73	84	100	111	122
STATE:GA		ELEVATOR:	81	92	110	122	134
COUNTY:WHITFIELD	04402	NON-ELEVATOR:	77	88	104	116	127
STATE:GA		ELEVATOR:	85	97	115	128	140

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ATLANTA,GEORGIA AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:WILCOX	03801	NON-ELEVATOR:	78	89	106	122	134
STATE:GA		ELEVATOR:	86	98	116	135	147
COUNTY:WILKES	02903	NON-ELEVATOR:	90	103	122	135	148
STATE:GA		ELEVATOR:	99	113	134	149	163
COUNTY:WILKINSON	03801	NON-ELEVATOR:	78	89	106	122	134
STATE:GA		ELEVATOR:	86	98	116	135	147
COUNTY:WORTH	03701	NON-ELEVATOR:	78	89	106	117	129
STATE:GA		ELEVATOR:	86	98	116	129	142

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BIRMINGHAM, ALABAMA AREA OFFICE							
SMSA: BIRMINGHAM, AL							
COUNTY:JEFFERSON	04101	NON-ELEVATOR:	90	130	145	155	170
STATE:AL		ELEVATOR:	99	143	160	171	187
COUNTY:SHELBY	04101	NON-ELEVATOR:	90	130	145	155	170
STATE:AL		ELEVATOR:	99	143	160	171	187
COUNTY:ST CLAIR	04101	NON-ELEVATOR:	90	130	145	155	170
STATE:AL		ELEVATOR:	99	143	160	171	187
COUNTY:WALKER	04101	NON-ELEVATOR:	90	130	145	155	170
STATE:AL		ELEVATOR:	99	143	160	171	187
SMSA: COLUMBUS, GA-AL							
COUNTY:RUSSELL	03901	NON-ELEVATOR:	97	110	130	144	158
STATE:AL		ELEVATOR:	106	121	143	160	176
SMSA: FLORENCE, AL							
COUNTY:COLBERT	04301	NON-ELEVATOR:	74	85	101	112	123
STATE:AL		ELEVATOR:	82	93	111	123	135
COUNTY:LAUDERDALE	04301	NON-ELEVATOR:	74	85	101	112	123
STATE:AL		ELEVATOR:	82	93	111	123	135
SMSA: GADSDEN, AL							
COUNTY:ETOWAH	04102	NON-ELEVATOR:	68	78	93	103	113
STATE:AL		ELEVATOR:	75	86	102	113	125
SMSA: HUNTSVILLE, AL							
COUNTY:LIMESTONE	04302	NON-ELEVATOR:	95	120	135	145	165
STATE:AL		ELEVATOR:	105	132	149	160	182
COUNTY:MADISON	04302	NON-ELEVATOR:	95	120	135	145	165
STATE:AL		ELEVATOR:	105	132	149	160	182
COUNTY:MARSHALL	04302	NON-ELEVATOR:	95	120	135	145	165
STATE:AL		ELEVATOR:	105	132	149	160	182
SMSA: MOBILE, AL							
COUNTY:BALDWIN	12201	NON-ELEVATOR:	105	125	140	151	168
STATE:AL		ELEVATOR:	116	138	154	166	185

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BIRMINGHAM, ALABAMA AREA OFFICE							
SMSA: MOBILE, AL							
COUNTY:MOBILE	12201	NON-ELEVATOR:	105	125	140	151	168
STATE:AL		ELEVATOR:	116	138	154	166	185
SMSA: MONTGOMERY, AL							
COUNTY:AUTAUGA	03601	NON-ELEVATOR:	95	110	125	141	160
STATE:AL		ELEVATOR:	105	121	138	155	176
COUNTY:ELMORE	03601	NON-ELEVATOR:	95	110	125	141	160
STATE:AL		ELEVATOR:	105	121	138	155	176
COUNTY:MONTGOMERY	03601	NON-ELEVATOR:	95	110	125	141	160
STATE:AL		ELEVATOR:	105	121	138	155	176
SMSA: TUSCALOOSA, AL							
COUNTY:TUSCALOOSA	04104	NON-ELEVATOR:	89	102	121	134	147
STATE:AL		ELEVATOR:	98	112	133	147	162
NON SMSA COUNTIES							
COUNTY:BARBOUR	03602	NON-ELEVATOR:	86	98	116	129	141
STATE:AL		ELEVATOR:	94	108	128	142	155
COUNTY:BIBB	04104	NON-ELEVATOR:	89	102	121	134	147
STATE:AL		ELEVATOR:	98	112	133	147	162
COUNTY:BLOUNT	04102	NON-ELEVATOR:	68	78	93	103	113
STATE:AL		ELEVATOR:	75	86	102	113	125
COUNTY:BULLOCK	03601	NON-ELEVATOR:	75	86	102	118	129
STATE:AL		ELEVATOR:	83	95	112	130	142
COUNTY:BUTLER	03602	NON-ELEVATOR:	86	98	116	129	141
STATE:AL		ELEVATOR:	94	108	128	142	155
COUNTY:CALHOUN	04102	NON-ELEVATOR:	68	78	93	103	113
STATE:AL		ELEVATOR:	75	86	102	113	125
COUNTY:CHAMBERS	03901	NON-ELEVATOR:	88	100	118	131	144
STATE:AL		ELEVATOR:	96	110	130	145	159

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BIRMINGHAM,AL ARAMA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:CHEROKEE STATE:AL	04102 NON-ELEVATOR: ELEVATOR:	68 75	78 86	93 102	103 113	113 125
COUNTY:CHILTON STATE:AL	04104 NON-ELEVATOR: ELEVATOR:	89 98	102 112	121 133	134 147	147 162
COUNTY:CHOCTAW STATE:AL	12101 NON-ELEVATOR: ELEVATOR:	88 96	100 110	118 130	131 145	144 159
COUNTY:CLARKE STATE:AL	12202 NON-ELEVATOR: ELEVATOR:	82 90	94 103	111 123	129 142	141 155
COUNTY:CLAY STATE:AL	04102 NON-ELEVATOR: ELEVATOR:	68 75	78 86	93 102	103 113	113 125
COUNTY:CLEBURNE STATE:AL	04005 NON-ELEVATOR: ELEVATOR:	73 81	84 92	100 110	111 122	122 134
COUNTY:COFFEE STATE:AL	03602 NON-ELEVATOR: ELEVATOR:	86 94	98 108	116 128	129 142	141 155
COUNTY:CONECUH STATE:AL	12202 NON-ELEVATOR: ELEVATOR:	82 90	94 103	111 123	129 142	141 155
COUNTY:COOSA STATE:AL	03601 NON-ELEVATOR: ELEVATOR:	75 83	86 95	102 112	118 130	129 142
COUNTY:COVINGTON STATE:AL	03602 NON-ELEVATOR: ELEVATOR:	86 94	98 108	116 128	129 142	141 155
COUNTY:CRENSHAW STATE:AL	03602 NON-ELEVATOR: ELEVATOR:	86 94	98 108	116 128	129 142	141 155
COUNTY:CULLMAN STATE:AL	04102 NON-ELEVATOR: ELEVATOR:	68 75	78 86	93 102	103 113	113 125
COUNTY:DALE STATE:AL	03602 NON-ELEVATOR: ELEVATOR:	86 94	98 108	116 128	129 142	141 155

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BIRMINGHAM,AL ARAMA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:DALLAS STATE:AL	03601 NON-ELEVATOR: ELEVATOR:	75 83	86 95	102 112	118 130	129 142
COUNTY:DE KALB STATE:AL	04902 NON-ELEVATOR: ELEVATOR:	77 85	88 97	104 115	116 128	127 140
COUNTY:ESCAMBIA STATE:AL	03501 NON-ELEVATOR: ELEVATOR:	100 110	114 125	135 148	156 172	170 187
COUNTY:FAYETTE STATE:AL	04104 NON-ELEVATOR: ELEVATOR:	89 98	102 112	121 133	134 147	147 162
COUNTY:FRANKLIN STATE:AL	04301 NON-ELEVATOR: ELEVATOR:	74 82	85 93	101 111	112 123	123 135
COUNTY:GENEVA STATE:AL	03602 NON-ELEVATOR: ELEVATOR:	86 94	98 108	116 128	129 142	141 155
COUNTY:GREENE STATE:AL	04104 NON-ELEVATOR: ELEVATOR:	89 98	102 112	121 133	134 147	147 162
COUNTY:HALE STATE:AL	04104 NON-ELEVATOR: ELEVATOR:	89 98	102 112	121 133	134 147	147 162
COUNTY:HENRY STATE:AL	03602 NON-ELEVATOR: ELEVATOR:	84 94	98 108	116 128	129 142	141 155
COUNTY:HOUSTON STATE:AL	03602 NON-ELEVATOR: ELEVATOR:	84 94	98 108	116 128	129 142	141 155
COUNTY:JACKSON STATE:AL	04402 NON-ELEVATOR: ELEVATOR:	77 85	88 97	104 115	116 128	127 140
COUNTY:LAMAR STATE:AL	04104 NON-ELEVATOR: ELEVATOR:	89 98	102 112	121 133	134 147	147 162
COUNTY:LAWRENCE STATE:AL	04301 NON-ELEVATOR: ELEVATOR:	74 82	85 93	101 111	112 123	123 135

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BIRMINGHAM,AL ARAMA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:LAWRENCE STATE:AL	04301 NON-ELEVATOR: ELEVATOR:	74 82	85 93	101 111	112 123	123 135
COUNTY:LEE STATE:AL	04104 NON-ELEVATOR: ELEVATOR:	89 98	102 112	121 133	134 147	147 162
COUNTY:LIMESTONE STATE:AL	04104 NON-ELEVATOR: ELEVATOR:	89 98	102 112	121 133	134 147	147 162
COUNTY:LOWNDES STATE:AL	04104 NON-ELEVATOR: ELEVATOR:	89 98	102 112	121 133	134 147	147 162
COUNTY:MACON STATE:AL	04104 NON-ELEVATOR: ELEVATOR:	89 98	102 112	121 133	134 147	147 162
COUNTY:MADISON STATE:AL	04402 NON-ELEVATOR: ELEVATOR:	77 85	88 97	104 115	116 128	127 140
COUNTY:MARENGO STATE:AL	04104 NON-ELEVATOR: ELEVATOR:	89 98	102 112	121 133	134 147	147 162
COUNTY:MARION STATE:AL	04104 NON-ELEVATOR: ELEVATOR:	89 98	102 112	121 133	134 147	147 162
COUNTY:MARSHALL STATE:AL	04402 NON-ELEVATOR: ELEVATOR:	77 85	88 97	104 115	116 128	127 140
COUNTY:MONROE STATE:AL	04104 NON-ELEVATOR: ELEVATOR:	89 98	102 112	121 133	134 147	147 162
COUNTY:MORGAN STATE:AL	04104 NON-ELEVATOR: ELEVATOR:	89 98	102 112	121 133	134 147	147 162
COUNTY:PERRY STATE:AL	04104 NON-ELEVATOR: ELEVATOR:	89 98	102 112	121 133	134 147	147 162
COUNTY:PICKENS STATE:AL	04104 NON-ELEVATOR: ELEVATOR:	89 98	102 112	121 133	134 147	147 162
COUNTY:PIKE STATE:AL	03602 NON-ELEVATOR: ELEVATOR:	84 94	98 108	116 128	129 142	141 155
COUNTY:RANDOLPH STATE:AL	04104 NON-ELEVATOR: ELEVATOR:	89 98	102 112	121 133	134 147	147 162
COUNTY:RUSSELL STATE:AL	04104 NON-ELEVATOR: ELEVATOR:	89 98	102 112	121 133	134 147	147 162
COUNTY:ST CLAIR STATE:AL	04104 NON-ELEVATOR: ELEVATOR:	89 98	102 112	121 133	134 147	147 162
COUNTY:SUMTER STATE:AL	04104 NON-ELEVATOR: ELEVATOR:	89 98	102 112	121 133	134 147	147 162
COUNTY:TALLADEGA STATE:AL	04104 NON-ELEVATOR: ELEVATOR:	89 98	102 112	121 133	134 147	147 162
COUNTY:TUSCALOOSA STATE:AL	04104 NON-ELEVATOR: ELEVATOR:	89 98	102 112	121 133	134 147	147 162
COUNTY:WALKER STATE:AL	04104 NON-ELEVATOR: ELEVATOR:	89 98	102 112	121 133	134 147	147 162
COUNTY:WASHINGTON STATE:AL	03602 NON-ELEVATOR: ELEVATOR:	84 94	98 108	116 128	129 142	141 155
COUNTY:WILCOX STATE:AL	03602 NON-ELEVATOR: ELEVATOR:	84 94	98 108	116 128	129 142	141 155
COUNTY:WINSTON STATE:AL	04102 NON-ELEVATOR: ELEVATOR:	68 75	78 86	93 102	103 113	113 125

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BIRMINGHAM,AL ARAMA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:WINSTON STATE:AL	04102 NON-ELEVATOR: ELEVATOR:	68 75	78 86	93 102	103 113	113 125

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SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE 8- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BIRMINGHAM,ALABAMA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:LEE	03901	NON-ELEVATOR:	88	100	118	131	144
STATEIAL		ELEVATOR:	96	110	130	145	159
COUNTY:LOWNDES	03601	NON-ELEVATOR:	75	86	102	118	129
STATEIAL		ELEVATOR:	83	95	112	130	142
COUNTY:MACON	03601	NON-ELEVATOR:	75	86	102	118	129
STATEIAL		ELEVATOR:	83	95	112	130	142
COUNTY:MARENGO	12101	NON-ELEVATOR:	88	100	118	131	144
STATEIAL		ELEVATOR:	96	110	130	145	159
COUNTY:MARION	04104	NON-ELEVATOR:	89	102	121	134	147
STATEIAL		ELEVATOR:	98	112	133	147	162
COUNTY:MONROE	12202	NON-ELEVATOR:	82	94	111	129	141
STATEIAL		ELEVATOR:	90	103	123	142	156
COUNTY:MORGAN	04302	NON-ELEVATOR:	95	108	128	148	162
STATEIAL		ELEVATOR:	104	119	141	163	178
COUNTY:PERRY	03601	NON-ELEVATOR:	75	86	102	118	129
STATEIAL		ELEVATOR:	83	95	112	130	142
COUNTY:PICKENS	04104	NON-ELEVATOR:	89	102	121	134	147
STATEIAL		ELEVATOR:	98	112	133	147	162
COUNTY:PIKE	03602	NON-ELEVATOR:	86	98	116	129	141
STATEIAL		ELEVATOR:	94	108	128	142	155
COUNTY:RANDOLPH	03901	NON-ELEVATOR:	88	100	118	131	144
STATEIAL		ELEVATOR:	96	110	130	145	159
COUNTY:SUMTER	12101	NON-ELEVATOR:	88	100	118	131	144
STATEIAL		ELEVATOR:	96	110	130	145	159
COUNTY:TALLADEGA	04102	NON-ELEVATOR:	68	78	93	103	113
STATEIAL		ELEVATOR:	75	86	102	113	125

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE 8- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BIRMINGHAM,ALABAMA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:TALLAPOOSA	03601	NON-ELEVATOR:	75	86	102	118	129
STATEIAL		ELEVATOR:	83	95	112	130	142
COUNTY:WASHINGTON	12202	NON-ELEVATOR:	82	94	111	129	141
STATEIAL		ELEVATOR:	90	103	123	142	156
COUNTY:WILCOX	12202	NON-ELEVATOR:	82	94	111	129	141
STATEIAL		ELEVATOR:	90	103	123	142	155
COUNTY:WINSTON	04104	NON-ELEVATOR:	89	102	121	134	147
STATEIAL		ELEVATOR:	98	112	133	147	162

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
CORAL GABLES-FLORIDA INSURING OFFICE						
SMSA: FORT LAUDERDALE-HOLLYWOOD, FL						
COUNTY:BROWARD	03301	NON-ELEVATOR:	161	183	217	260	273
STATE:FL		ELEVATOR:	177	202	238	275	300
SMSA: FORT MYERS, FL							
COUNTY:LEE	03307	NON-ELEVATOR:	121	138	163	180	197
STATE:FL		ELEVATOR:	133	151	179	198	217
SMSA: MIAMI, FL							
COUNTY:DADE	03302	NON-ELEVATOR:	160	182	214	299	282
STATE:FL		ELEVATOR:	176	201	237	274	310
SMSA: WEST PALM BEACH, FL							
COUNTY:PALM BEACH	03305	NON-ELEVATOR:	135	154	182	210	229
STATE:FL		ELEVATOR:	148	169	200	231	252
NON SMSA COUNTIES							
COUNTY:CHARLOTTE	03307	NON-ELEVATOR:	121	138	163	180	197
STATE:FL		ELEVATOR:	133	151	179	198	217
COUNTY:COLLIER	03308	NON-ELEVATOR:	95	109	129	143	157
STATE:FL		ELEVATOR:	105	120	142	157	172
COUNTY:GLADES	03308	NON-ELEVATOR:	95	109	129	143	157
STATE:FL		ELEVATOR:	105	120	142	157	172
COUNTY:HENDRY	03308	NON-ELEVATOR:	95	109	129	143	157
STATE:FL		ELEVATOR:	105	120	142	157	172
COUNTY:MARTIN	03308	NON-ELEVATOR:	95	109	129	143	157
STATE:FL		ELEVATOR:	105	120	142	157	172
COUNTY:MONROE	03308	NON-ELEVATOR:	95	109	129	143	157
STATE:FL		ELEVATOR:	105	120	142	157	172

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
COLUMBIA:SOUTH CAROLINA AREA OFFICE						
SMSA: AUGUSTA, GA-SC						
COUNTY:AIKEN	02901	NON-ELEVATOR:	112	129	152	176	193
STATE:SC		ELEVATOR:	124	141	167	194	211
SMSA: CHARLESTON, SC							
COUNTY:BERKELEY	02902	NON-ELEVATOR:	106	121	143	165	181
STATE:SC		ELEVATOR:	117	133	157	182	199
COUNTY:CHARLESTON	02902	NON-ELEVATOR:	106	121	143	165	181
STATE:SC		ELEVATOR:	117	133	157	182	199
COUNTY:DORCHESTER	02902	NON-ELEVATOR:	106	121	143	165	181
STATE:SC		ELEVATOR:	117	133	157	182	199
SMSA: COLUMBIA, SC							
COUNTY:LEXINGTON	02701	NON-ELEVATOR:	102	117	138	160	175
STATE:SC		ELEVATOR:	113	128	152	176	192
COUNTY:RICHLAND	02701	NON-ELEVATOR:	102	117	138	160	175
STATE:SC		ELEVATOR:	113	128	152	176	192
SMSA: GREENVILLE, SC							
COUNTY:GREENVILLE	02601	NON-ELEVATOR:	87	99	117	134	148
STATE:SC		ELEVATOR:	96	109	129	149	163
COUNTY:PICKENS	02601	NON-ELEVATOR:	87	99	117	134	148
STATE:SC		ELEVATOR:	96	109	129	149	163
COUNTY:SPARTANBURG	02601	NON-ELEVATOR:	87	99	117	134	148
STATE:SC		ELEVATOR:	95	109	129	149	163
NON SMSA COUNTIES							
COUNTY:ABBEVILLE	02602	NON-ELEVATOR:	75	86	102	113	124
STATE:SC		ELEVATOR:	83	95	112	125	137
COUNTY:ALLENDALE	02903	NON-ELEVATOR:	90	103	122	135	148
STATE:SC		ELEVATOR:	99	113	134	149	163
COUNTY:ANDERSON	02602	NON-ELEVATOR:	75	86	102	113	124
STATE:SC		ELEVATOR:	83	95	112	125	137

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
NON SMSA COUNTIES						
COUNTY:BARNWELL	02902	NON-ELEVATOR:	87	99	117	134	148
STATE:SC		ELEVATOR:	96	109	129	149	163
COUNTY:BEAUFORT	02902	NON-ELEVATOR:	87	99	117	134	148
STATE:SC		ELEVATOR:	96	109	129	149	163
COUNTY:BERKELEY	02902	NON-ELEVATOR:	87	99	117	134	148
STATE:SC		ELEVATOR:	96	109	129	149	163
COUNTY:CALHOUN	02701	NON-ELEVATOR:	87	99	117	134	148
STATE:SC		ELEVATOR:	95	109	129	149	163
COUNTY:CHEROKEE	02601	NON-ELEVATOR:	75	86	102	113	124
STATE:SC		ELEVATOR:	83	95	112	125	137
COUNTY:CHESTER	02701	NON-ELEVATOR:	90	103	122	135	148
STATE:SC		ELEVATOR:	99	113	134	149	163
COUNTY:CHESTERFIELD	02701	NON-ELEVATOR:	75	86	102	113	124
STATE:SC		ELEVATOR:	83	95	112	125	137

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
NON SMSA COUNTIES						
COUNTY:CHEROKEE	02902	NON-ELEVATOR:	87	99	117	134	148
STATE:SC		ELEVATOR:	96	109	129	149	163
COUNTY:CLARENDON	02902	NON-ELEVATOR:	87	99	117	134	148
STATE:SC		ELEVATOR:	96	109	129	149	163
COUNTY:COLLETON	02902	NON-ELEVATOR:	87	99	117	134	148
STATE:SC		ELEVATOR:	96	109	129	149	163
COUNTY:DARLINGTON	02701	NON-ELEVATOR:	87	99	117	134	148
STATE:SC		ELEVATOR:	95	109	129	149	163
COUNTY:DILLON	02701	NON-ELEVATOR:	87	99	117	134	148
STATE:SC		ELEVATOR:	95	109	129	149	163
COUNTY:EDGEFIELD	02701	NON-ELEVATOR:	87	99	117	134	148
STATE:SC		ELEVATOR:	95	109	129	149	163
COUNTY:FAIRFIELD	02701	NON-ELEVATOR:	87	99	117	134	148
STATE:SC		ELEVATOR:	95	109	129	149	163
COUNTY:FLORENCE	02701	NON-ELEVATOR:	87	99	117	134	148
STATE:SC		ELEVATOR:	95	109	129	149	163
COUNTY:GEORGETOWN	02902	NON-ELEVATOR:	87	99	117	134	148
STATE:SC		ELEVATOR:	96	109	129	149	163
COUNTY:GREENWOOD	02701	NON-ELEVATOR:	87	99	117	134	148
STATE:SC		ELEVATOR:	95	109	129	149	163
COUNTY:HAMPTON	02902	NON-ELEVATOR:	87	99	117	134	148
STATE:SC		ELEVATOR:	96	109	129	149	163
COUNTY:HORRY	02902	NON-ELEVATOR:	87	99	117	134	148
STATE:SC		ELEVATOR:	96	109	129	149	163
COUNTY:JASPER	02902	NON-ELEVATOR:	87	99	117	134	148
STATE:SC		ELEVATOR:	96	109	129	149	163
COUNTY:KERSHAW	02701	NON-ELEVATOR:	87	99	117	134	148
STATE:SC		ELEVATOR:	95	109	129	149	163
COUNTY:LANCASTER	02701	NON-ELEVATOR:	87	99	117	134	148
STATE:SC		ELEVATOR:	95	109	129	149	163
COUNTY:LAURENS	02701	NON-ELEVATOR:	87	99	117	134	148
STATE:SC		ELEVATOR:	95	109	129	149	163
COUNTY:LEE	02701	NON-ELEVATOR:	87	99	117	134	148
STATE:SC		ELEVATOR:	95	109	129	149	163
COUNTY:MARION	02701	NON-ELEVATOR:	87	99	117	134	148
STATE:SC		ELEVATOR:	95	109	129	149	163
COUNTY:MARLBORO	02701	NON-ELEVATOR:	87	99	117	134	148
STATE:SC		ELEVATOR:	95	109	129	149	163
COUNTY:MCCORMICK	02602	NON-ELEVATOR:	75	86	102	113	124
STATE:SC		ELEVATOR:	83	95	112	125	137
COUNTY:NEWBERRY	02701	NON-ELEVATOR:	87	99	117	134	148
STATE:SC		ELEVATOR:	95	109	129	149	163
COUNTY:OCONEE	02601	NON-ELEVATOR:	87	99	117	134	148
STATE:SC		ELEVATOR:	96	109	129	149	163
COUNTY:ORANGEBURG	02902	NON-ELEVATOR:	87	99	117	134	148
STATE:SC		ELEVATOR:	96	109	129	149	163
COUNTY:PICKENS	02601	NON-ELEVATOR:	87	99	117	134	148
STATE:SC		ELEVATOR:	96	109	129	149	163
COUNTY:SALUDA	02701	NON-ELEVATOR:	87	99	117	134	148
STATE:SC		ELEVATOR:	95	109	129	149	163
COUNTY:UNION	02701	NON-ELEVATOR:	87	99	117	134	148
STATE:SC		ELEVATOR:	95	109	129	149	163
COUNTY:WILLIAMSBURG	02902	NON-ELEVATOR:	87	99	117	134	148
STATE:SC		ELEVATOR:	96	109	129	149	163
COUNTY:YORK	02701	NON-ELEVATOR:	87	99	117	134	148
STATE:SC		ELEVATOR:	95	109	129	149	163

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
COLUMBIA,SOUTH CAROLINA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:BAMBERG	02903	NON-ELEVATOR:	90	103	122	135	148
STATE:SC		ELEVATOR:	99	113	134	149	163
COUNTY:BARNWELL	02903	NON-ELEVATOR:	90	103	122	135	148
STATE:SC		ELEVATOR:	99	113	134	149	163
COUNTY:BEAUFORT	02903	NON-ELEVATOR:	90	103	122	135	148
STATE:SC		ELEVATOR:	99	113	134	149	163
COUNTY:CALHOUN	02702	NON-ELEVATOR:	81	93	110	122	134
STATE:SC		ELEVATOR:	89	102	121	135	148
COUNTY:CHEROKEE	02602	NON-ELEVATOR:	75	86	102	113	124
STATE:SC		ELEVATOR:	83	95	112	125	137
COUNTY:CHESTER	02904	NON-ELEVATOR:	82	94	111	123	135
STATE:SC		ELEVATOR:	90	103	123	142	155
COUNTY:CHESTERFIELD	02801	NON-ELEVATOR:	80	92	109	121	133
STATE:SC		ELEVATOR:	89	101	120	133	146
COUNTY:CLARENDON	02702	NON-ELEVATOR:	81	93	110	122	134
STATE:SC		ELEVATOR:	89	102	121	135	148
COUNTY:COLLETON	02903	NON-ELEVATOR:	90	103	122	135	148
STATE:SC		ELEVATOR:	99	113	134	149	163
COUNTY:DARLINGTON	02801	NON-ELEVATOR:	80	92	109	121	133
STATE:SC		ELEVATOR:	89	101	120	133	146
COUNTY:DILLON	02801	NON-ELEVATOR:	80	92	109	121	133
STATE:SC		ELEVATOR:	89	101	120	133	146
COUNTY:EDGEFIELD	02903	NON-ELEVATOR:	90	103	122	135	148
STATE:SC		ELEVATOR:	99	113	134	149	163
COUNTY:FAIRFIELD	02702	NON-ELEVATOR:	81	93	110	122	134
STATE:SC		ELEVATOR:	89	102	121	135	148

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
COLUMBIA,SOUTH CAROLINA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:FLORENCE	02801	NON-ELEVATOR:	80	92	109	121	133
STATE:SC		ELEVATOR:	89	101	120	133	146
COUNTY:GEORGETOWN	02801	NON-ELEVATOR:	80	92	109	121	133
STATE:SC		ELEVATOR:	89	101	120	133	146
COUNTY:GREENWOOD	02602	NON-ELEVATOR:	75	86	102	113	124
STATE:SC		ELEVATOR:	83	95	112	125	137
COUNTY:HAMPTON	02903	NON-ELEVATOR:	90	103	122	135	148
STATE:SC		ELEVATOR:	99	113	134	149	163
COUNTY:HORRY	02801	NON-ELEVATOR:	80	92	109	121	133
STATE:SC		ELEVATOR:	89	101	120	133	146
COUNTY:JASPER	03001	NON-ELEVATOR:	80	91	108	125	137
STATE:SC		ELEVATOR:	88	100	119	137	150
COUNTY:KERSHAW	02702	NON-ELEVATOR:	81	93	110	122	134
STATE:SC		ELEVATOR:	89	102	121	135	148
COUNTY:LANCASTER	02404	NON-ELEVATOR:	82	94	111	129	141
STATE:SC		ELEVATOR:	90	103	123	142	155
COUNTY:LAURENS	02602	NON-ELEVATOR:	75	86	102	113	124
STATE:SC		ELEVATOR:	83	95	112	125	137
COUNTY:LEE	02702	NON-ELEVATOR:	81	93	110	122	134
STATE:SC		ELEVATOR:	89	102	121	135	148
COUNTY:MARION	02801	NON-ELEVATOR:	80	92	109	121	133
STATE:SC		ELEVATOR:	89	101	120	133	146
COUNTY:MARLBORO	02801	NON-ELEVATOR:	80	92	109	121	133
STATE:SC		ELEVATOR:	89	101	120	133	146
COUNTY:MCCORMICK	02903	NON-ELEVATOR:	90	103	122	135	148
STATE:SC		ELEVATOR:	99	113	134	149	163

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
COLUMBIA, SOUTH CAROLINA AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:NEWBERRY	02702	NON-ELEVATOR:	81	93	110	122	134
STATE:SC		ELEVATOR:	89	102	121	135	148
COUNTY:OCONEE	02602	NON-ELEVATOR:	75	86	102	113	124
STATE:SC		ELEVATOR:	83	95	112	125	137
COUNTY:ORANGEBURG	02702	NON-ELEVATOR:	81	93	110	122	134
STATE:SC		ELEVATOR:	89	102	121	135	148
COUNTY:SALUDA	02903	NON-ELEVATOR:	90	103	122	135	148
STATE:SC		ELEVATOR:	99	113	134	149	163
COUNTY:SUMTER	02702	NON-ELEVATOR:	81	93	110	122	134
STATE:SC		ELEVATOR:	89	102	121	135	148
COUNTY:UNION	02602	NON-ELEVATOR:	75	86	102	113	124
STATE:SC		ELEVATOR:	83	95	112	125	137
COUNTY:WILLIAMSBURG	02801	NON-ELEVATOR:	80	92	109	121	133
STATE:SC		ELEVATOR:	89	101	120	133	146
COUNTY:YORK	02404	NON-ELEVATOR:	82	94	111	129	131
STATE:SC		ELEVATOR:	90	103	123	142	155

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
GREENSBORO, NORTH CAROLINA AREA OFFICE							
SMSA: ASHEVILLE, NC							
COUNTY:BUNCOMBE	02501	NON-ELEVATOR:	81	93	110	122	134
STATE:NC		ELEVATOR:	89	102	121	135	148
COUNTY:MADISON	02501	NON-ELEVATOR:	81	93	110	122	134
STATE:NC		ELEVATOR:	89	102	121	135	148
SMSA: BURLINGTON, NC							
COUNTY:ALAMANCE	02304	NON-ELEVATOR:	94	107	127	140	154
STATE:NC		ELEVATOR:	103	117	139	154	169
SMSA: CHARLOTTE, NC							
COUNTY:GASTON	02401	NON-ELEVATOR:	114	130	154	177	194
STATE:NC		ELEVATOR:	125	143	169	195	213
COUNTY:MECKLENBURG	02401	NON-ELEVATOR:	114	130	154	177	194
STATE:NC		ELEVATOR:	125	143	169	195	213
COUNTY:UNION	02401	NON-ELEVATOR:	114	130	154	177	194
STATE:NC		ELEVATOR:	125	143	169	195	213
SMSA: FAYETTEVILLE, NC							
COUNTY:CUMBERLAND	02104	NON-ELEVATOR:	104	119	141	163	178
STATE:NC		ELEVATOR:	115	131	155	179	195
SMSA: GREENSBORO--WINSTON-SALEM--HIGH POINT, NC							
COUNTY:DAVIDSON	02302	NON-ELEVATOR:	80	91	108	120	132
STATE:NC		ELEVATOR:	88	100	119	132	145
COUNTY:FORSYTH	02302	NON-ELEVATOR:	80	91	108	120	132
STATE:NC		ELEVATOR:	88	100	119	132	145
COUNTY:GUILFORD	02301	NON-ELEVATOR:	80	91	108	120	132
STATE:NC		ELEVATOR:	88	100	119	132	145
COUNTY:RANDOLPH	02302	NON-ELEVATOR:	80	91	108	120	132
STATE:NC		ELEVATOR:	88	100	119	132	145
COUNTY:STOKES	02302	NON-ELEVATOR:	80	91	108	120	132
STATE:NC		ELEVATOR:	88	100	119	132	145

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
GREENSBORO, NORTH CAROLINA AREA OFFICE							
SMSA: GREENSBORO--WINSTON-SALEM--HIGH POINT, NC							
COUNTY:YADKIN	02302	NON-ELEVATOR:	80	91	108	120	132
STATE:NC		ELEVATOR:	88	100	119	132	145
SMSA: NORFOLK-PORTSMOUTH, VA							
COUNTY:CURRITUCK	02003	NON-ELEVATOR:	110	126	149	165	181
STATE:NC		ELEVATOR:	121	138	164	181	199
SMSA: RALEIGH, NC							
COUNTY:DURHAM	02101	NON-ELEVATOR:	125	143	169	195	213
STATE:NC		ELEVATOR:	138	157	186	214	234
COUNTY:ORANGE	02101	NON-ELEVATOR:	125	143	169	195	213
STATE:NC		ELEVATOR:	138	157	186	214	234
COUNTY:WAKE	02101	NON-ELEVATOR:	125	143	169	195	213
STATE:NC		ELEVATOR:	138	157	186	214	234
SMSA: WILMINGTON, NC							
COUNTY:BRUNSWICK	02201	NON-ELEVATOR:	88	100	118	131	144
STATE:NC		ELEVATOR:	96	110	130	145	159
COUNTY:NEW HANOVER	02201	NON-ELEVATOR:	88	100	118	131	144
STATE:NC		ELEVATOR:	96	110	130	145	159
NON SMSA COUNTIES							
COUNTY:ALEXANDER	02402	NON-ELEVATOR:	85	97	115	128	140
STATE:NC		ELEVATOR:	93	107	126	140	154
COUNTY:ALLEGHANY	02303	NON-ELEVATOR:	80	91	108	120	132
STATE:NC		ELEVATOR:	88	100	119	132	145
COUNTY:ANSON	02403	NON-ELEVATOR:	76	87	103	115	126
STATE:NC		ELEVATOR:	84	96	114	126	138
COUNTY:ASHE	02303	NON-ELEVATOR:	80	91	108	120	132
STATE:NC		ELEVATOR:	88	100	119	132	145
COUNTY:AVERY	02501	NON-ELEVATOR:	81	93	110	122	134
STATE:NC		ELEVATOR:	89	102	121	135	148

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
GREENSBORO, NORTH CAROLINA AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:BEAUFORT	02103	NON-ELEVATOR:	101	115	136	151	165
STATE:NC		ELEVATOR:	111	126	150	166	182
COUNTY:BERTIE	02004	NON-ELEVATOR:	78	89	106	117	129
STATE:NC		ELEVATOR:	86	98	116	129	142
COUNTY:BLADEN	02104	NON-ELEVATOR:	104	119	141	163	178
STATE:NC		ELEVATOR:	115	131	155	179	195
COUNTY:BURKE	02402	NON-ELEVATOR:	85	97	115	128	140
STATE:NC		ELEVATOR:	93	107	126	140	154
COUNTY:CABARRUS	02403	NON-ELEVATOR:	76	87	103	115	126
STATE:NC		ELEVATOR:	84	96	114	126	138
COUNTY:CALDWELL	02402	NON-ELEVATOR:	85	97	115	128	140
STATE:NC		ELEVATOR:	93	107	126	140	154
COUNTY:CAMDEN	02004	NON-ELEVATOR:	78	89	106	117	129
STATE:NC		ELEVATOR:	86	98	116	129	142
COUNTY:CARTERET	02201	NON-ELEVATOR:	88	100	118	131	144
STATE:NC		ELEVATOR:	96	110	130	145	159
COUNTY:CASWELL	01801	NON-ELEVATOR:	109	124	147	162	178
STATE:NC		ELEVATOR:	119	136	161	179	196
COUNTY:CATAWBA	02402	NON-ELEVATOR:	85	97	115	128	140
STATE:NC		ELEVATOR:	93	107	126	140	154
COUNTY:CHATHAM	02104	NON-ELEVATOR:	104	119	141	163	178
STATE:NC		ELEVATOR:	115	131	155	179	195
COUNTY:CHEROKEE	04402	NON-ELEVATOR:	77	88	104	116	127
STATE:NC		ELEVATOR:	85	97	115	128	140
COUNTY:CHOWAN	02004	NON-ELEVATOR:	78	89	106	117	129
STATE:NC		ELEVATOR:	86	98	116	129	142

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
GREENSBORO,NORTH CAROLINA AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:CLAY	02501	NON-ELEVATOR:	81	93	110	122	134
STATE:NC		ELEVATOR:	89	102	121	135	148
COUNTY:CLEVELAND	02402	NON-ELEVATOR:	85	97	115	128	140
STATE:NC		ELEVATOR:	93	107	126	140	154
COUNTY:COLUMBUS	02201	NON-ELEVATOR:	88	100	118	131	144
STATE:NC		ELEVATOR:	96	110	130	145	159
COUNTY:CRAVEN	02201	NON-ELEVATOR:	88	100	118	131	144
STATE:NC		ELEVATOR:	96	110	130	145	159
COUNTY:DARE	02103	NON-ELEVATOR:	101	115	136	151	165
STATE:NC		ELEVATOR:	111	126	150	166	182
COUNTY:DAVIE	02304	NON-ELEVATOR:	94	107	127	140	154
STATE:NC		ELEVATOR:	103	117	139	154	169
COUNTY:DUPLIN	02201	NON-ELEVATOR:	88	100	118	131	144
STATE:NC		ELEVATOR:	96	110	130	145	159
COUNTY:EDGECOMBE	02102	NON-ELEVATOR:	78	89	106	117	129
STATE:NC		ELEVATOR:	86	98	116	129	142
COUNTY:FRANKLIN	02102	NON-ELEVATOR:	78	89	106	117	129
STATE:NC		ELEVATOR:	86	98	116	129	142
COUNTY:GATES	02004	NON-ELEVATOR:	78	89	106	117	129
STATE:NC		ELEVATOR:	86	98	116	129	142
COUNTY:GRAHAM	02501	NON-ELEVATOR:	81	93	110	122	134
STATE:NC		ELEVATOR:	89	102	121	135	148
COUNTY:GRANVILLE	02102	NON-ELEVATOR:	78	89	106	117	129
STATE:NC		ELEVATOR:	86	98	116	129	142
COUNTY:GREENE	02103	NON-ELEVATOR:	101	115	136	151	165
STATE:NC		ELEVATOR:	111	126	150	166	182

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
GREENSBORO,NORTH CAROLINA AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:HALIFAX	02102	NON-ELEVATOR:	78	89	106	117	129
STATE:NC		ELEVATOR:	86	98	116	129	142
COUNTY:HARNETT	02104	NON-ELEVATOR:	104	119	141	163	178
STATE:NC		ELEVATOR:	115	131	155	179	195
COUNTY:HAYWOOD	02501	NON-ELEVATOR:	81	93	110	122	134
STATE:NC		ELEVATOR:	89	102	121	135	148
COUNTY:HENDERSON	02501	NON-ELEVATOR:	81	93	110	122	134
STATE:NC		ELEVATOR:	89	102	121	135	148
COUNTY:HERTFORD	02004	NON-ELEVATOR:	78	89	106	117	129
STATE:NC		ELEVATOR:	86	98	116	129	142
COUNTY:HOKE	02104	NON-ELEVATOR:	104	119	141	163	178
STATE:NC		ELEVATOR:	115	131	155	179	195
COUNTY:HYDE	02103	NON-ELEVATOR:	101	115	136	151	165
STATE:NC		ELEVATOR:	111	126	150	166	182
COUNTY:IREDELL	02403	NON-ELEVATOR:	76	87	103	115	126
STATE:NC		ELEVATOR:	84	96	114	126	138
COUNTY:JACKSON	02501	NON-ELEVATOR:	81	93	110	122	134
STATE:NC		ELEVATOR:	89	102	121	135	148
COUNTY:JOHNSTON	02103	NON-ELEVATOR:	101	115	136	151	165
STATE:NC		ELEVATOR:	111	126	150	166	182
COUNTY:JONES	02201	NON-ELEVATOR:	88	100	118	131	144
STATE:NC		ELEVATOR:	96	110	130	145	159
COUNTY:LEE	02104	NON-ELEVATOR:	104	119	141	163	178
STATE:NC		ELEVATOR:	115	131	155	179	195
COUNTY:LENOIR	02201	NON-ELEVATOR:	88	100	118	131	144
STATE:NC		ELEVATOR:	96	110	130	145	159

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RULES AND REGULATIONS

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
GREENSBORO.NORTH CAROLINA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:LINCOLN	02404	NON-ELEVATOR:	82	94	111	129	141
STATE:NC		ELEVATOR:	90	103	123	142	156
COUNTY:MACON	02501	NON-ELEVATOR:	81	93	110	122	134
STATE:NC		ELEVATOR:	89	102	121	135	148
COUNTY:MARTIN	02103	NON-ELEVATOR:	101	115	136	151	165
STATE:NC		ELEVATOR:	111	126	150	166	182
COUNTY:MCDOWELL	02501	NON-ELEVATOR:	81	93	110	122	134
STATE:NC		ELEVATOR:	89	102	121	135	148
COUNTY:MITCHELL	02501	NON-ELEVATOR:	81	93	110	122	134
STATE:NC		ELEVATOR:	89	102	121	135	148
COUNTY:MONTGOMERY	02304	NON-ELEVATOR:	94	107	127	140	154
STATE:NC		ELEVATOR:	103	117	139	154	169
COUNTY:MOORE	02304	NON-ELEVATOR:	94	107	127	140	154
STATE:NC		ELEVATOR:	103	117	139	154	169
COUNTY:NASH	02102	NON-ELEVATOR:	78	89	106	117	129
STATE:NC		ELEVATOR:	86	98	116	129	142
COUNTY:NORTHAMPTON	02102	NON-ELEVATOR:	78	89	106	117	129
STATE:NC		ELEVATOR:	86	98	116	129	142
COUNTY:ONSLOW	02201	NON-ELEVATOR:	80	100	118	131	144
STATE:NC		ELEVATOR:	96	110	130	145	159
COUNTY:PAMLICO	02201	NON-ELEVATOR:	80	100	118	131	144
STATE:NC		ELEVATOR:	96	110	130	145	159
COUNTY:PASQUOTANK	02004	NON-ELEVATOR:	78	89	106	117	129
STATE:NC		ELEVATOR:	86	98	116	129	142
COUNTY:PENDER	02201	NON-ELEVATOR:	80	100	118	131	144
STATE:NC		ELEVATOR:	96	110	130	145	159

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
GREENSBURG.NORTH CAROLINA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:PERQUIMANS	02004	NON-ELEVATOR:	78	89	106	117	129
STATE:NC		ELEVATOR:	86	98	116	129	142
COUNTY:PERSON	02102	NON-ELEVATOR:	78	89	106	117	129
STATE:NC		ELEVATOR:	86	98	116	129	142
COUNTY:PITT	02103	NON-ELEVATOR:	101	115	136	151	165
STATE:NC		ELEVATOR:	111	126	150	166	182
COUNTY:POLK	02402	NON-ELEVATOR:	75	86	102	113	124
STATE:NC		ELEVATOR:	83	95	112	125	137
COUNTY:RICHMOND	02403	NON-ELEVATOR:	76	87	103	115	126
STATE:NC		ELEVATOR:	84	96	114	126	138
COUNTY:ROBESON	02104	NON-ELEVATOR:	104	119	141	163	178
STATE:NC		ELEVATOR:	115	131	155	179	195
COUNTY:ROCKINGHAM	02303	NON-ELEVATOR:	80	91	108	119	132
STATE:NC		ELEVATOR:	88	100	119	132	146
COUNTY:ROWAN	02403	NON-ELEVATOR:	76	87	103	115	126
STATE:NC		ELEVATOR:	84	96	114	126	138
COUNTY:RUTHERFORD	02402	NON-ELEVATOR:	85	97	115	128	140
STATE:NC		ELEVATOR:	93	107	126	140	154
COUNTY:SAMPSON	02104	NON-ELEVATOR:	104	119	141	163	178
STATE:NC		ELEVATOR:	115	131	155	179	195
COUNTY:SCOTLAND	02403	NON-ELEVATOR:	76	87	103	115	126
STATE:NC		ELEVATOR:	84	96	114	126	138
COUNTY:STANLY	02403	NON-ELEVATOR:	76	87	103	115	126
STATE:NC		ELEVATOR:	84	96	114	126	138
COUNTY:SURRY	02303	NON-ELEVATOR:	80	91	108	120	132
STATE:NC		ELEVATOR:	88	100	119	132	146

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
GREENVILLE.SOUTH CAROLINA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:ABBEVILLE	02404	NON-ELEVATOR:	82	94	111	129	141
STATE:SC		ELEVATOR:	90	103	123	142	156
COUNTY:ANDERSON	02501	NON-ELEVATOR:	81	93	110	122	134
STATE:SC		ELEVATOR:	89	102	121	135	148
COUNTY:CHEROKEE	02501	NON-ELEVATOR:	81	93	110	122	134
STATE:SC		ELEVATOR:	89	102	121	135	148
COUNTY:CHESTER	02103	NON-ELEVATOR:	101	115	136	151	165
STATE:SC		ELEVATOR:	111	126	150	166	182
COUNTY:CHESTERFIELD	02501	NON-ELEVATOR:	81	93	110	122	134
STATE:SC		ELEVATOR:	89	102	121	135	148
COUNTY:CLARENDON	02501	NON-ELEVATOR:	81	93	110	122	134
STATE:SC		ELEVATOR:	89	102	121	135	148
COUNTY:DARLINGTON	02304	NON-ELEVATOR:	94	107	127	140	154
STATE:SC		ELEVATOR:	103	117	139	154	169
COUNTY:DILLON	02304	NON-ELEVATOR:	94	107	127	140	154
STATE:SC		ELEVATOR:	103	117	139	154	169
COUNTY:EDGEFIELD	02102	NON-ELEVATOR:	78	89	106	117	129
STATE:SC		ELEVATOR:	86	98	116	129	142
COUNTY:FAIRFIELD	02102	NON-ELEVATOR:	78	89	106	117	129
STATE:SC		ELEVATOR:	86	98	116	129	142
COUNTY:FLORENCE	02201	NON-ELEVATOR:	80	100	118	131	144
STATE:SC		ELEVATOR:	96	110	130	145	159
COUNTY:GREENVILLE	02201	NON-ELEVATOR:	80	100	118	131	144
STATE:SC		ELEVATOR:	96	110	130	145	159
COUNTY:GREENWOOD	02004	NON-ELEVATOR:	78	89	106	117	129
STATE:SC		ELEVATOR:	86	98	116	129	142
COUNTY:HAMPTON	02201	NON-ELEVATOR:	80	100	118	131	144
STATE:SC		ELEVATOR:	96	110	130	145	159

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
GREENVILLE.SOUTH CAROLINA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:HORRY	02004	NON-ELEVATOR:	78	89	106	117	129
STATE:SC		ELEVATOR:	86	98	116	129	142
COUNTY:JASPER	02102	NON-ELEVATOR:	78	89	106	117	129
STATE:SC		ELEVATOR:	86	98	116	129	142
COUNTY:KERSHAW	02103	NON-ELEVATOR:	101	115	136	151	165
STATE:SC		ELEVATOR:	111	126	150	166	182
COUNTY:LANCASTER	02402	NON-ELEVATOR:	75	86	102	113	124
STATE:SC		ELEVATOR:	83	95	112	125	137
COUNTY:LAURENS	02403	NON-ELEVATOR:	76	87	103	115	126
STATE:SC		ELEVATOR:	84	96	114	126	138
COUNTY:LEE	02104	NON-ELEVATOR:	104	119	141	163	178
STATE:SC		ELEVATOR:	115	131	155	179	195
COUNTY:MARION	02303	NON-ELEVATOR:	80	91	108	119	132
STATE:SC		ELEVATOR:	88	100	119	132	146
COUNTY:MARLBORO	02403	NON-ELEVATOR:	76	87	103	115	126
STATE:SC		ELEVATOR:	84	96	114	126	138
COUNTY:NEWBERRY	02402	NON-ELEVATOR:	85	97	115	128	140
STATE:SC		ELEVATOR:	93	107	126	140	154
COUNTY:OCONEE	02104	NON-ELEVATOR:	104	119	141	163	178
STATE:SC		ELEVATOR:	115	131	155	179	195
COUNTY:PICKENS	02403	NON-ELEVATOR:	76	87	103	115	126
STATE:SC		ELEVATOR:	84	96	114	126	138
COUNTY:SALUDA	02403	NON-ELEVATOR:	76	87	103	115	126
STATE:SC		ELEVATOR:	84	96	114	126	138
COUNTY:UNION	02303	NON-ELEVATOR:	80	91	108	120	132
STATE:SC		ELEVATOR:	88	100	119	132	146

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
GREENSBORO, NORTH CAROLINA AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:SWAIN	02501	NON-ELEVATOR:	81	93	110	122	134
STATE:NC		ELEVATOR:	89	102	121	135	148
COUNTY:TRANSYLVANIA	02501	NON-ELEVATOR:	81	93	110	122	134
STATE:NC		ELEVATOR:	89	102	121	135	148
COUNTY:TYRRELL	02103	NON-ELEVATOR:	101	115	136	151	166
STATE:NC		ELEVATOR:	111	126	150	166	182
COUNTY:VANCE	02102	NON-ELEVATOR:	78	89	106	117	129
STATE:NC		ELEVATOR:	86	98	116	129	142
COUNTY:WARREN	02102	NON-ELEVATOR:	78	89	106	117	129
STATE:NC		ELEVATOR:	86	98	116	129	142
COUNTY:WASHINGTON	02103	NON-ELEVATOR:	101	115	136	151	166
STATE:NC		ELEVATOR:	111	126	150	166	182
COUNTY:WATAUGA	02402	NON-ELEVATOR:	85	97	115	128	140
STATE:NC		ELEVATOR:	93	107	126	140	154
COUNTY:WAYNE	02103	NON-ELEVATOR:	101	115	136	151	166
STATE:NC		ELEVATOR:	111	126	150	166	182
COUNTY:WILKES	02303	NON-ELEVATOR:	80	91	108	120	132
STATE:NC		ELEVATOR:	88	100	119	132	146
COUNTY:WILSON	02102	NON-ELEVATOR:	78	89	106	117	129
STATE:NC		ELEVATOR:	86	98	116	129	142
COUNTY:YANCEY	02501	NON-ELEVATOR:	81	93	110	122	134
STATE:NC		ELEVATOR:	89	102	121	135	148

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
JACKSON, MISSISSIPPI AREA OFFICE							
SMSA: BILOXI-GULFPORT, MS							
COUNTY:HANCOCK	12202	NON-ELEVATOR:	82	94	111	129	141
STATE:MS		ELEVATOR:	90	103	123	142	155
COUNTY:HARRISON	12202	NON-ELEVATOR:	82	94	111	129	141
STATE:MS		ELEVATOR:	90	103	123	142	155
COUNTY:STONE	12202	NON-ELEVATOR:	82	94	111	129	141
STATE:MS		ELEVATOR:	90	103	123	142	155
SMSA: JACKSON, MS							
COUNTY:HINDS	12001	NON-ELEVATOR:	91	104	123	142	156
STATE:MS		ELEVATOR:	100	114	135	157	171
COUNTY:RANKIN	12001	NON-ELEVATOR:	91	104	123	142	156
STATE:MS		ELEVATOR:	100	114	135	157	171
SMSA: MEMPHIS, TN-AR							
COUNTY:DE SOTO	04201	NON-ELEVATOR:	119	136	161	186	203
STATE:MS		ELEVATOR:	131	150	177	205	223
NON SMSA COUNTIES							
COUNTY:ADAMS	12304	NON-ELEVATOR:	70	80	95	106	116
STATE:MS		ELEVATOR:	77	88	105	116	128
COUNTY:ALCORN	04301	NON-ELEVATOR:	74	85	101	112	123
STATE:MS		ELEVATOR:	82	93	111	123	135
COUNTY:AMITE	12304	NON-ELEVATOR:	70	80	95	106	116
STATE:MS		ELEVATOR:	77	88	105	116	128
COUNTY:ATTALA	12002	NON-ELEVATOR:	69	79	94	104	115
STATE:MS		ELEVATOR:	76	87	103	115	126
COUNTY:BENTON	04204	NON-ELEVATOR:	81	93	110	122	134
STATE:MS		ELEVATOR:	89	102	121	135	148
COUNTY:BOLIVAR	11901	NON-ELEVATOR:	69	79	94	104	115
STATE:MS		ELEVATOR:	76	87	103	115	126

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
JACKSON,MISSISSIPPI AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:CALHOUN	04103	NON-ELEVATOR:	75	86	102	113	124
STATE:MS		ELEVATOR:	83	95	112	125	137
COUNTY:CARROLL	11901	NON-ELEVATOR:	69	79	94	104	115
STATE:MS		ELEVATOR:	76	87	103	115	126
COUNTY:CHICKASAW	04103	NON-ELEVATOR:	75	86	102	113	124
STATE:MS		ELEVATOR:	83	95	112	125	137
COUNTY:CHOCTAW	04103	NON-ELEVATOR:	75	86	102	113	124
STATE:MS		ELEVATOR:	83	95	112	125	137
COUNTY:CLAIBORNE	12002	NON-ELEVATOR:	69	79	94	104	115
STATE:MS		ELEVATOR:	76	87	103	115	126
COUNTY:CLARKE	12101	NON-ELEVATOR:	88	100	118	131	144
STATE:MS		ELEVATOR:	96	110	130	145	159
COUNTY:CLAY	04103	NON-ELEVATOR:	75	86	102	113	124
STATE:MS		ELEVATOR:	83	95	112	125	137
COUNTY:COAHOMA	04204	NON-ELEVATOR:	81	93	110	122	134
STATE:MS		ELEVATOR:	89	102	121	135	148
COUNTY:COPIAH	12002	NON-ELEVATOR:	69	79	94	104	115
STATE:MS		ELEVATOR:	76	87	103	115	126
COUNTY:COVINGTON	12101	NON-ELEVATOR:	88	100	118	131	144
STATE:MS		ELEVATOR:	96	110	130	145	159
COUNTY:FORREST	12101	NON-ELEVATOR:	97	110	130	144	158
STATE:MS		ELEVATOR:	107	121	143	158	174
COUNTY:FRANKLIN	12304	NON-ELEVATOR:	70	80	95	106	116
STATE:MS		ELEVATOR:	77	88	105	116	128
COUNTY:GEORGE	12202	NON-ELEVATOR:	82	94	111	129	141
STATE:MS		ELEVATOR:	90	103	123	142	155

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
JACKSON,MISSISSIPPI AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:GREENE	12202	NON-ELEVATOR:	82	94	111	129	141
STATE:MS		ELEVATOR:	90	103	123	142	155
COUNTY:GRENADA	11901	NON-ELEVATOR:	69	79	94	104	115
STATE:MS		ELEVATOR:	76	87	103	115	126
COUNTY:HOLMES	12002	NON-ELEVATOR:	69	79	94	104	115
STATE:MS		ELEVATOR:	76	87	103	115	126
COUNTY:HUMPHREYS	11901	NON-ELEVATOR:	69	79	94	104	115
STATE:MS		ELEVATOR:	76	87	103	115	126
COUNTY:ISSAQUENA	11901	NON-ELEVATOR:	69	79	94	104	115
STATE:MS		ELEVATOR:	76	87	103	115	126
COUNTY:ITAWAMBA	04103	NON-ELEVATOR:	75	86	102	113	124
STATE:MS		ELEVATOR:	83	95	112	125	137
COUNTY:JACKSON	12202	NON-ELEVATOR:	82	94	111	129	141
STATE:MS		ELEVATOR:	90	103	123	142	155
COUNTY:JASPER	12101	NON-ELEVATOR:	88	100	118	131	144
STATE:MS		ELEVATOR:	96	110	130	145	159
COUNTY:JEFFERSON	12304	NON-ELEVATOR:	70	80	95	106	116
STATE:MS		ELEVATOR:	77	88	105	116	128
COUNTY:JEFFERSON DA	12306	NON-ELEVATOR:	65	74	88	98	108
STATE:MS		ELEVATOR:	71	81	97	108	118
COUNTY:JONES	12101	NON-ELEVATOR:	88	100	118	131	144
STATE:MS		ELEVATOR:	96	110	130	145	159
COUNTY:KEMPER	12101	NON-ELEVATOR:	88	100	118	131	144
STATE:MS		ELEVATOR:	96	110	130	145	159
COUNTY:LAFAYETTE	04204	NON-ELEVATOR:	81	93	110	122	134
STATE:MS		ELEVATOR:	89	102	121	135	148

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE A- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
JACKSON-MISSISSIPPI AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:LAMAR	12101	NON-ELEVATOR:	88	100	118	131	144
STATE:MS		ELEVATOR:	96	110	130	145	159
COUNTY:LAUDERDALE	12101	NON-ELEVATOR:	88	100	118	131	144
STATE:MS		ELEVATOR:	96	110	130	145	159
COUNTY:LAWRENCE	12306	NON-ELEVATOR:	65	74	88	98	108
STATE:MS		ELEVATOR:	71	81	97	108	118
COUNTY:LEAKE	12002	NON-ELEVATOR:	69	79	94	104	115
STATE:MS		ELEVATOR:	76	87	103	115	126
COUNTY:LEE	04103	NON-ELEVATOR:	75	86	102	113	124
STATE:MS		ELEVATOR:	83	95	112	125	137
COUNTY:LEFLORE	11901	NON-ELEVATOR:	92	106	125	139	153
STATE:MS		ELEVATOR:	101	117	138	153	168
COUNTY:LINCOLN	12306	NON-ELEVATOR:	65	74	88	98	108
STATE:MS		ELEVATOR:	71	81	97	108	118
COUNTY:LOWNDES	04103	NON-ELEVATOR:	75	86	102	113	124
STATE:MS		ELEVATOR:	83	95	112	125	137
COUNTY:MADISON	12002	NON-ELEVATOR:	69	79	94	104	115
STATE:MS		ELEVATOR:	76	87	103	115	126
COUNTY:MARION	12306	NON-ELEVATOR:	65	74	88	98	108
STATE:MS		ELEVATOR:	71	81	97	108	118
COUNTY:MARSHALL	04204	NON-ELEVATOR:	81	93	110	122	134
STATE:MS		ELEVATOR:	89	102	121	135	148
COUNTY:MONROE	04103	NON-ELEVATOR:	75	86	102	113	124
STATE:MS		ELEVATOR:	83	95	112	125	137
COUNTY:MONTGOMERY	11901	NON-ELEVATOR:	69	79	94	104	115
STATE:MS		ELEVATOR:	76	87	103	115	126

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
JACKSON-MISSISSIPPI AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:NESHOBA	12101	NON-ELEVATOR:	88	100	118	131	144
STATE:MS		ELEVATOR:	96	110	130	145	159
COUNTY:NEWTON	12101	NON-ELEVATOR:	88	100	118	131	144
STATE:MS		ELEVATOR:	96	110	130	145	159
COUNTY:NOXUBEE	04103	NON-ELEVATOR:	75	86	102	113	124
STATE:MS		ELEVATOR:	83	95	112	125	137
COUNTY:OKTIBBEHA	04103	NON-ELEVATOR:	75	86	102	113	124
STATE:MS		ELEVATOR:	83	95	112	125	137
COUNTY:PANOLA	04204	NON-ELEVATOR:	81	93	110	122	134
STATE:MS		ELEVATOR:	89	102	121	135	148
COUNTY:PEARL RIVER	12306	NON-ELEVATOR:	65	74	88	98	108
STATE:MS		ELEVATOR:	71	81	97	108	118
COUNTY:PERRY	12101	NON-ELEVATOR:	88	100	118	131	144
STATE:MS		ELEVATOR:	96	110	130	145	159
COUNTY:PIKE	12306	NON-ELEVATOR:	65	74	88	98	108
STATE:MS		ELEVATOR:	71	81	97	108	118
COUNTY:PONTOTOC	04103	NON-ELEVATOR:	75	86	102	113	124
STATE:MS		ELEVATOR:	83	95	112	125	137
COUNTY:PRENTISS	04103	NON-ELEVATOR:	75	86	102	113	124
STATE:MS		ELEVATOR:	83	95	112	125	137
COUNTY:QUITMAN	04204	NON-ELEVATOR:	81	93	110	122	134
STATE:MS		ELEVATOR:	89	102	121	135	148
COUNTY:SCOTT	12002	NON-ELEVATOR:	69	79	94	104	115
STATE:MS		ELEVATOR:	76	87	103	115	126
COUNTY:SHARKEY	11901	NON-ELEVATOR:	69	79	94	104	115
STATE:MS		ELEVATOR:	76	87	103	115	126

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE C- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
JACKSON-MISSISSIPPI AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:SCOTT	12002	NON-ELEVATOR:	69	79	94	104	115
STATE:MS		ELEVATOR:	76	87	103	115	126
COUNTY:SHARKEY	11901	NON-ELEVATOR:	69	79	94	104	115
STATE:MS		ELEVATOR:	76	87	103	115	126
COUNTY:SIMPSON	12306	NON-ELEVATOR:	65	74	88	98	108
STATE:MS		ELEVATOR:	71	81	97	108	118
COUNTY:SMITH	12306	NON-ELEVATOR:	65	74	88	98	108
STATE:MS		ELEVATOR:	71	81	97	108	118
COUNTY:STONE	12306	NON-ELEVATOR:	65	74	88	98	108
STATE:MS		ELEVATOR:	71	81	97	108	118
COUNTY:SUNFLOWER	04204	NON-ELEVATOR:	81	93	110	122	134
STATE:MS		ELEVATOR:	89	102	121	135	148
COUNTY:TALLAHATCHIE	04204	NON-ELEVATOR:	81	93	110	122	134
STATE:MS		ELEVATOR:	89	102	121	135	148
COUNTY:TATE	04204	NON-ELEVATOR:	81	93	110	122	134
STATE:MS		ELEVATOR:	89	102	121	135	148
COUNTY:TIPPAH	04103	NON-ELEVATOR:	75	86	102	113	124
STATE:MS		ELEVATOR:	83	95	112	125	137
COUNTY:TISHOMINGO	04103	NON-ELEVATOR:	75	86	102	113	124
STATE:MS		ELEVATOR:	83	95	112	125	137
COUNTY:TUNICA	04204	NON-ELEVATOR:	81	93	110	122	134
STATE:MS		ELEVATOR:	89	102	121	135	148
COUNTY:UNION	04103	NON-ELEVATOR:	75	86	102	113	124
STATE:MS		ELEVATOR:	83	95	112	125	137
COUNTY:WALTHALL	12306	NON-ELEVATOR:	65	74	88	98	108
STATE:MS		ELEVATOR:	71	81	97	108	118
COUNTY:WARREN	04204	NON-ELEVATOR:	81	93	110	122	134
STATE:MS		ELEVATOR:	89	102	121	135	148
COUNTY:WASHINGTON	04204	NON-ELEVATOR:	81	93	110	122	134
STATE:MS		ELEVATOR:	89	102	121	135	148
COUNTY:WAYNE	12306	NON-ELEVATOR:	65	74	88	98	108
STATE:MS		ELEVATOR:	71	81	97	108	118
COUNTY:WEBSTER	12002	NON-ELEVATOR:	69	79	94	104	115
STATE:MS		ELEVATOR:	76	87	103	115	126
COUNTY:WILKINSON	12306	NON-ELEVATOR:	65	74	88	98	108
STATE:MS		ELEVATOR:	71	81	97	108	118
COUNTY:WINSTON	12306	NON-ELEVATOR:	65	74	88	98	108
STATE:MS		ELEVATOR:	71	81	97	108	118
COUNTY:YALOBUSHA	04103	NON-ELEVATOR:	75	86	102	113	124
STATE:MS		ELEVATOR:	83	95	112	125	137
COUNTY:YAZOO	12306	NON-ELEVATOR:	65	74	88	98	108
STATE:MS		ELEVATOR:	71	81	97	108	118

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE C- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
JACKSON-MISSISSIPPI AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:WEBSTER	12002	NON-ELEVATOR:	69	79	94	104	115
STATE:MS		ELEVATOR:	76	87	103	115	126
COUNTY:WILKINSON	12306	NON-ELEVATOR:	65	74	88	98	108
STATE:MS		ELEVATOR:	71	81	97	108	118
COUNTY:WINSTON	12306	NON-ELEVATOR:	65	74	88	98	108
STATE:MS		ELEVATOR:	71	81	97	108	118
COUNTY:YALOBUSHA	04103	NON-ELEVATOR:	75	86	102	113	124
STATE:MS		ELEVATOR:	83	95	112	125	137
COUNTY:YAZOO	12306	NON-ELEVATOR:	65	74	88	98	108
STATE:MS		ELEVATOR:	71	81	97	108	118

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
JACKSON,MISSISSIPPI AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:SIMPSON	12002	NON-ELEVATOR:	69	79	94	104	115
STATE:MS		ELEVATOR:	76	87	103	115	126
COUNTY:SMITH	12002	NON-ELEVATOR:	69	79	94	104	115
STATE:MS		ELEVATOR:	76	87	103	115	126
COUNTY:SUNFLOWER	11901	NON-ELEVATOR:	69	79	94	104	115
STATE:MS		ELEVATOR:	76	87	103	115	126
COUNTY:TALLAHATCHIE	11901	NON-ELEVATOR:	69	79	94	104	115
STATE:MS		ELEVATOR:	76	87	103	115	126
COUNTY:TATE	04204	NON-ELEVATOR:	81	93	110	122	134
STATE:MS		ELEVATOR:	89	102	121	135	148
COUNTY:TIPPAH	04204	NON-ELEVATOR:	81	93	110	122	134
STATE:MS		ELEVATOR:	89	102	121	135	148
COUNTY:TISHOMIGO	04301	NON-ELEVATOR:	74	85	101	112	123
STATE:MS		ELEVATOR:	82	93	111	123	135
COUNTY:TUNICA	04204	NON-ELEVATOR:	81	93	110	122	134
STATE:MS		ELEVATOR:	89	102	121	135	148
COUNTY:UNION	04103	NON-ELEVATOR:	75	86	102	113	123
STATE:MS		ELEVATOR:	83	95	112	125	135
COUNTY:WALTHALL	12306	NON-ELEVATOR:	65	74	88	98	108
STATE:MS		ELEVATOR:	71	81	97	108	118
COUNTY:WARREN	12002	NON-ELEVATOR:	69	79	94	104	115
STATE:MS		ELEVATOR:	76	87	103	115	126
COUNTY:WASHINGTON	11901	NON-ELEVATOR:	69	79	94	104	115
STATE:MS		ELEVATOR:	76	87	103	115	126
COUNTY:WAYNE	12101	NON-ELEVATOR:	80	92	110	122	134
STATE:MS		ELEVATOR:	90	100	118	131	144
			90	110	130	145	159

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
JACKSON,MISSISSIPPI AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:WEBSTER	04103	NON-ELEVATOR:	75	86	102	113	124
STATE:MS		ELEVATOR:	83	95	112	125	137
COUNTY:WILKINSON	12306	NON-ELEVATOR:	70	80	95	106	116
STATE:MS		ELEVATOR:	77	88	105	116	128
COUNTY:WINSTON	12101	NON-ELEVATOR:	88	100	118	131	144
STATE:MS		ELEVATOR:	96	110	130	145	159
COUNTY:YALOBUSHA	11901	NON-ELEVATOR:	69	79	94	104	115
STATE:MS		ELEVATOR:	76	87	103	115	126
COUNTY:YAZOO	12002	NON-ELEVATOR:	69	79	94	104	115
STATE:MS		ELEVATOR:	76	87	103	115	126

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
JACKSONVILLE,FLORIDA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:ALACHUA	03102	NON-ELEVATOR:	95	109	129	143	157
STATE:FL		ELEVATOR:	106	120	142	157	172
SMSA: JACKSONVILLE, FL							
COUNTY:BAKER	03101	NON-ELEVATOR:	101	115	136	157	172
STATE:FL		ELEVATOR:	111	126	150	173	189
COUNTY:CLAY	03101	NON-ELEVATOR:	101	115	136	157	172
STATE:FL		ELEVATOR:	111	126	150	173	189
COUNTY:DUVAL	03101	NON-ELEVATOR:	101	115	136	157	172
STATE:FL		ELEVATOR:	111	126	150	173	189
COUNTY:NASSAU	03101	NON-ELEVATOR:	101	115	136	157	172
STATE:FL		ELEVATOR:	111	126	150	173	189
COUNTY:ST JOHNS	03101	NON-ELEVATOR:	101	115	136	157	172
STATE:FL		ELEVATOR:	111	126	150	173	189
SMSA: PENSACOLA, FL							
COUNTY:ESCAMBIA	03501	NON-ELEVATOR:	110	125	148	172	187
STATE:FL		ELEVATOR:	121	138	163	189	206
COUNTY:SANTA ROSA	03501	NON-ELEVATOR:	110	125	148	172	187
STATE:FL		ELEVATOR:	121	138	163	189	206
SMSA: TALLAHASSEE, FL							
COUNTY:LEON	03401	NON-ELEVATOR:	105	120	142	157	172
STATE:FL		ELEVATOR:	116	132	156	173	189
COUNTY:WAKULLA	03401	NON-ELEVATOR:	105	120	142	157	172
STATE:FL		ELEVATOR:	116	132	156	173	189
NON SMSA COUNTIES							
COUNTY:BAY	03401	NON-ELEVATOR:	95	109	129	143	157
STATE:FL		ELEVATOR:	105	120	142	157	172
COUNTY:BRADFORD	03103	NON-ELEVATOR:	86	98	116	129	141
STATE:FL		ELEVATOR:	94	108	128	142	155

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
JACKSONVILLE,FLORIDA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:CALHOUN	03401	NON-ELEVATOR:	95	109	129	143	157
STATE:FL		ELEVATOR:	105	120	142	157	172
COUNTY:COLUMBIA	03103	NON-ELEVATOR:	86	98	116	129	141
STATE:FL		ELEVATOR:	94	108	128	142	155
COUNTY:DIXIE	03102	NON-ELEVATOR:	95	109	129	143	157
STATE:FL		ELEVATOR:	105	120	142	157	172
COUNTY:FLAGLER	03203	NON-ELEVATOR:	91	104	123	137	150
STATE:FL		ELEVATOR:	100	114	135	150	165
COUNTY:FRANKLIN	03401	NON-ELEVATOR:	95	109	129	143	157
STATE:FL		ELEVATOR:	105	120	142	157	172
COUNTY:GADSDEN	03401	NON-ELEVATOR:	95	109	129	143	157
STATE:FL		ELEVATOR:	105	120	142	157	172
COUNTY:GILCHRIST	03102	NON-ELEVATOR:	95	109	129	143	157
STATE:FL		ELEVATOR:	105	120	142	157	172
COUNTY:GULF	03401	NON-ELEVATOR:	95	109	129	143	157
STATE:FL		ELEVATOR:	105	120	142	157	172
COUNTY:HAMILTON	03103	NON-ELEVATOR:	86	98	116	129	141
STATE:FL		ELEVATOR:	94	108	128	142	155
COUNTY:HOLMES	03401	NON-ELEVATOR:	95	109	129	143	157
STATE:FL		ELEVATOR:	105	120	142	157	172
COUNTY:JACKSON	03401	NON-ELEVATOR:	95	109	129	143	157
STATE:FL		ELEVATOR:	105	120	142	157	172
COUNTY:JEFFERSON	03401	NON-ELEVATOR:	95	109	129	143	157
STATE:FL		ELEVATOR:	105	120	142	157	172
COUNTY:LAFAYETTE	03103	NON-ELEVATOR:	86	98	116	129	141
STATE:FL		ELEVATOR:	94	108	128	142	155

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
JACKSONVILLE,FLORIDA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:LEVY	03102	NON-ELEVATOR:	95	109	129	143	157
STATE:FL		ELEVATOR:	105	120	142	157	172
COUNTY:LIBERTY	03401	NON-ELEVATOR:	96	109	129	143	157
STATE:FL		ELEVATOR:	105	120	142	157	172
COUNTY:MADISON	03401	NON-ELEVATOR:	95	109	129	143	157
STATE:FL		ELEVATOR:	105	120	142	157	172
COUNTY:MARION	03102	NON-ELEVATOR:	95	109	129	143	157
STATE:FL		ELEVATOR:	105	120	142	157	172
COUNTY:OKALOOSA	03501	NON-ELEVATOR:	100	114	135	156	170
STATE:FL		ELEVATOR:	110	125	148	172	187
COUNTY:PUTNAM	03102	NON-ELEVATOR:	95	109	129	143	157
STATE:FL		ELEVATOR:	105	120	142	157	172
COUNTY:SUWANNEE	03103	NON-ELEVATOR:	96	98	116	129	141
STATE:FL		ELEVATOR:	94	108	128	142	155
COUNTY:TAYLOR	03401	NON-ELEVATOR:	95	109	129	143	157
STATE:FL		ELEVATOR:	105	120	142	157	172
COUNTY:UNION	03103	NON-ELEVATOR:	96	98	116	129	141
STATE:FL		ELEVATOR:	94	108	128	142	155
COUNTY:WALTON	03501	NON-ELEVATOR:	100	114	135	156	170
STATE:FL		ELEVATOR:	110	125	148	172	187
COUNTY:WASHINGTON	03401	NON-ELEVATOR:	95	109	129	143	157
STATE:FL		ELEVATOR:	105	120	142	157	172

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LOUISVILLE,KENTUCKY AREA OFFICE						
SMSA: CINCINNATI, OH-KY-IN						
COUNTY:BOONE	05802	NON-ELEVATOR:	115	131	156	180	205
STATE:KY		ELEVATOR:	124	144	171	198	225
COUNTY:CAMPBELL	05802	NON-ELEVATOR:	115	131	156	180	205
STATE:KY		ELEVATOR:	124	144	171	198	225
COUNTY:KENTON	05802	NON-ELEVATOR:	115	131	156	180	205
STATE:KY		ELEVATOR:	124	144	171	198	225
SMSA: CLARKSVILLE-HOPKINS TN-KY							
COUNTY:CHRISTIAN	04502	NON-ELEVATOR:	90	103	122	135	148
STATE:KY		ELEVATOR:	99	113	134	149	163
SMSA: EVANSVILLE, IN-KY							
COUNTY:HENDERSON	05102	NON-ELEVATOR:	81	92	109	122	134
STATE:KY		ELEVATOR:	89	101	120	134	147
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH							
COUNTY:BOYD	04801	NON-ELEVATOR:	86	98	117	135	148
STATE:KY		ELEVATOR:	95	108	128	149	163
COUNTY:GREENUP	04801	NON-ELEVATOR:	86	98	117	135	148
STATE:KY		ELEVATOR:	95	108	128	149	163
SMSA: LEXINGTON, KY							
COUNTY:BOURBON	04901	NON-ELEVATOR:	96	110	130	151	164
STATE:KY		ELEVATOR:	106	121	143	166	181
COUNTY:CLARK	04901	NON-ELEVATOR:	96	110	130	151	164
STATE:KY		ELEVATOR:	106	121	143	166	181
COUNTY:FAYETTE	04901	NON-ELEVATOR:	96	110	130	151	164
STATE:KY		ELEVATOR:	106	121	143	166	181
COUNTY:JESSAMINE	04901	NON-ELEVATOR:	96	110	130	151	164
STATE:KY		ELEVATOR:	106	121	143	166	181
COUNTY:SCOTT	04901	NON-ELEVATOR:	96	110	130	151	164
STATE:KY		ELEVATOR:	106	121	143	166	181

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LOUISVILLE,KENTUCKY AREA OFFICE							
SMSA: LEXINGTON, KY							
COUNTY:WOODFORD	04901	NON-ELEVATOR:	96	110	130	151	164
STATE:KY		ELEVATOR:	106	121	143	166	181
SMSA: LOUISVILLE, KY-IN							
COUNTY:BULLITT	05001	NON-ELEVATOR:	107	122	144	167	182
STATE:KY		ELEVATOR:	117	134	159	183	200
COUNTY:JEFFERSON	05001	NON-ELEVATOR:	107	122	144	167	182
STATE:KY		ELEVATOR:	117	134	159	183	200
COUNTY:OLDHAM	05001	NON-ELEVATOR:	107	122	144	167	182
STATE:KY		ELEVATOR:	117	134	159	183	200
SMSA: OWENSBORO, KY							
COUNTY:DAVIESS	05101	NON-ELEVATOR:	102	116	137	159	173
STATE:KY		ELEVATOR:	112	127	151	174	191
NON SMSA COUNTIES							
COUNTY:ADAIR	04902	NON-ELEVATOR:	61	70	83	93	102
STATE:KY		ELEVATOR:	67	77	92	102	112
COUNTY:ALLEN	04503	NON-ELEVATOR:	67	77	92	102	112
STATE:KY		ELEVATOR:	74	85	101	112	123
COUNTY:ANDERSON	04901	NON-ELEVATOR:	96	110	130	151	164
STATE:KY		ELEVATOR:	106	121	143	166	181
COUNTY:BALLARD	10202	NON-ELEVATOR:	76	87	103	115	126
STATE:KY		ELEVATOR:	84	96	114	126	138
COUNTY:BARREN	04503	NON-ELEVATOR:	67	77	92	102	112
STATE:KY		ELEVATOR:	74	85	101	112	123
COUNTY:BATH	04901	NON-ELEVATOR:	96	110	130	151	164
STATE:KY		ELEVATOR:	106	121	143	166	181
COUNTY:BELL	04602	NON-ELEVATOR:	72	82	97	108	119
STATE:KY		ELEVATOR:	79	90	107	119	131

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LOUISVILLE,KENTUCKY AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:BOYLE	04902	NON-ELEVATOR:	61	70	83	93	102
STATE:KY		ELEVATOR:	67	77	92	102	112
COUNTY:BRACKEN	05803	NON-ELEVATOR:	102	116	137	159	173
STATE:KY		ELEVATOR:	112	127	151	174	191
COUNTY:BREATHITT	04902	NON-ELEVATOR:	61	70	83	93	102
STATE:KY		ELEVATOR:	67	77	92	102	112
COUNTY:BRECKINRIDGE	05002	NON-ELEVATOR:	98	112	133	147	161
STATE:KY		ELEVATOR:	108	123	146	162	177
COUNTY:BUTLER	04503	NON-ELEVATOR:	67	77	92	102	112
STATE:KY		ELEVATOR:	74	85	101	112	123
COUNTY:CALDWELL	05102	NON-ELEVATOR:	79	90	107	119	130
STATE:KY		ELEVATOR:	87	99	117	130	143
COUNTY:CALLOWAY	10202	NON-ELEVATOR:	76	87	103	115	126
STATE:KY		ELEVATOR:	84	96	114	126	138
COUNTY:CARLISLE	10202	NON-ELEVATOR:	76	87	103	115	126
STATE:KY		ELEVATOR:	84	96	114	126	138
COUNTY:CARROLL	05803	NON-ELEVATOR:	102	116	137	159	173
STATE:KY		ELEVATOR:	112	127	151	174	191
COUNTY:CARTER	04804	NON-ELEVATOR:	68	78	93	103	113
STATE:KY		ELEVATOR:	75	86	102	113	125
COUNTY:CASEY	04902	NON-ELEVATOR:	61	70	83	93	102
STATE:KY		ELEVATOR:	67	77	92	102	112
COUNTY:CLAY	04902	NON-ELEVATOR:	61	70	83	93	102
STATE:KY		ELEVATOR:	67	77	92	102	112
COUNTY:CLINTON	04503	NON-ELEVATOR:	67	77	92	102	112
STATE:KY		ELEVATOR:	74	85	101	112	123

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LOUISVILLE,KENTUCKY AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:CHITTENDON	05102	NON-ELEVATOR:	79	90	107	119	130
STATE:KY		ELEVATOR:	87	99	117	130	143
COUNTY:CUMBERLAND	04503	NON-ELEVATOR:	67	77	92	102	112
STATE:KY		ELEVATOR:	74	85	101	112	123
COUNTY:EDMONSON	04503	NON-ELEVATOR:	67	77	92	102	112
STATE:KY		ELEVATOR:	74	85	101	112	123
COUNTY:ELLIOTT	04804	NON-ELEVATOR:	68	78	93	103	113
STATE:KY		ELEVATOR:	75	86	102	113	125
COUNTY:ESTILL	04901	NON-ELEVATOR:	96	110	130	151	164
STATE:KY		ELEVATOR:	106	121	143	166	181
COUNTY:FLEMING	05803	NON-ELEVATOR:	102	116	137	159	173
STATE:KY		ELEVATOR:	112	127	151	174	191
COUNTY:FLOYD	04804	NON-ELEVATOR:	68	78	93	103	113
STATE:KY		ELEVATOR:	75	86	102	113	125
COUNTY:FRANKLIN	04901	NON-ELEVATOR:	96	110	130	151	164
STATE:KY		ELEVATOR:	106	121	143	166	181
COUNTY:FULTON	10202	NON-ELEVATOR:	76	87	103	115	124
STATE:KY		ELEVATOR:	84	96	114	126	138
COUNTY:GALLATIN	05803	NON-ELEVATOR:	102	116	137	159	173
STATE:KY		ELEVATOR:	112	127	151	174	191
COUNTY:GARRARD	04902	NON-ELEVATOR:	61	70	83	93	102
STATE:KY		ELEVATOR:	67	77	92	102	112
COUNTY:GRANT	05803	NON-ELEVATOR:	102	116	137	159	173
STATE:KY		ELEVATOR:	112	127	151	174	191
COUNTY:GRAVES	10202	NON-ELEVATOR:	76	87	103	115	124
STATE:KY		ELEVATOR:	84	96	114	126	138

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LOUISVILLE,KENTUCKY AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:GRAYSON	05002	NON-ELEVATOR:	98	112	133	147	161
STATE:KY		ELEVATOR:	108	123	146	162	177
COUNTY:GREEN	04902	NON-ELEVATOR:	61	70	83	93	102
STATE:KY		ELEVATOR:	67	77	92	102	112
COUNTY:HANCOCK	05102	NON-ELEVATOR:	79	90	107	119	130
STATE:KY		ELEVATOR:	87	99	117	130	143
COUNTY:HARDIN	05002	NON-ELEVATOR:	98	112	133	147	161
STATE:KY		ELEVATOR:	108	123	146	162	177
COUNTY:HARLAN	04402	NON-ELEVATOR:	72	82	97	108	119
STATE:KY		ELEVATOR:	79	90	107	119	131
COUNTY:HARRISON	04901	NON-ELEVATOR:	96	110	130	151	164
STATE:KY		ELEVATOR:	106	121	143	166	181
COUNTY:HART	05002	NON-ELEVATOR:	98	112	133	147	161
STATE:KY		ELEVATOR:	108	123	146	162	177
COUNTY:HENRY	05002	NON-ELEVATOR:	98	112	133	147	161
STATE:KY		ELEVATOR:	108	123	146	162	177
COUNTY:HICKMAN	10202	NON-ELEVATOR:	76	87	103	115	124
STATE:KY		ELEVATOR:	84	96	114	126	138
COUNTY:HOPKINS	05102	NON-ELEVATOR:	79	90	107	119	130
STATE:KY		ELEVATOR:	87	99	117	130	143
COUNTY:JACKSON	04902	NON-ELEVATOR:	61	70	83	93	102
STATE:KY		ELEVATOR:	67	77	92	102	112
COUNTY:JOHNSON	04804	NON-ELEVATOR:	68	78	93	103	113
STATE:KY		ELEVATOR:	75	86	102	113	125
COUNTY:KNOTT	04902	NON-ELEVATOR:	61	70	83	93	102
STATE:KY		ELEVATOR:	67	77	92	102	112

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LOUISVILLE,KENTUCKY AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:KNOX	04602	NON-ELEVATOR:	72	82	97	108	119
STATE:KY		ELEVATOR:	79	90	107	119	131
COUNTY:LARUE	05002	NON-ELEVATOR:	98	112	133	147	161
STATE:KY		ELEVATOR:	108	123	146	162	177
COUNTY:LAUREL	04602	NON-ELEVATOR:	72	82	97	108	119
STATE:KY		ELEVATOR:	79	90	107	119	131
COUNTY:LAWRENCE	04804	NON-ELEVATOR:	68	78	93	103	113
STATE:KY		ELEVATOR:	75	86	102	113	125
COUNTY:LEE	04902	NON-ELEVATOR:	61	70	83	93	102
STATE:KY		ELEVATOR:	67	77	92	102	112
COUNTY:LESLIE	04902	NON-ELEVATOR:	61	70	83	93	102
STATE:KY		ELEVATOR:	67	77	92	102	112
COUNTY:LETCHER	04902	NON-ELEVATOR:	61	70	83	93	102
STATE:KY		ELEVATOR:	67	77	92	102	112
COUNTY:LEWIS	05803	NON-ELEVATOR:	102	116	137	159	173
STATE:KY		ELEVATOR:	112	127	151	174	191
COUNTY:LINCOLN	04902	NON-ELEVATOR:	61	70	83	93	102
STATE:KY		ELEVATOR:	67	77	92	102	112
COUNTY:LIVINGSTON	10202	NON-ELEVATOR:	76	87	103	115	126
STATE:KY		ELEVATOR:	84	96	114	126	138
COUNTY:LOGAN	04503	NON-ELEVATOR:	67	77	92	102	112
STATE:KY		ELEVATOR:	74	85	101	112	123
COUNTY:LYON	10202	NON-ELEVATOR:	76	87	103	115	126
STATE:KY		ELEVATOR:	84	96	114	126	138
COUNTY:MADISON	04901	NON-ELEVATOR:	96	110	130	151	169
STATE:KY		ELEVATOR:	106	121	143	166	181

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LOUISVILLE,KENTUCKY AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:MAGOFFIN	04902	NON-ELEVATOR:	61	70	83	93	102
STATE:KY		ELEVATOR:	67	77	92	102	112
COUNTY:MARION	05002	NON-ELEVATOR:	98	112	133	147	161
STATE:KY		ELEVATOR:	108	123	146	162	177
COUNTY:MARSHALL	10202	NON-ELEVATOR:	76	87	103	115	126
STATE:KY		ELEVATOR:	84	96	114	126	138
COUNTY:MARTIN	04804	NON-ELEVATOR:	68	78	93	103	113
STATE:KY		ELEVATOR:	75	86	102	113	125
COUNTY:MASON	05803	NON-ELEVATOR:	102	116	137	159	173
STATE:KY		ELEVATOR:	112	127	151	174	191
COUNTY:MCCRACKEN	10202	NON-ELEVATOR:	76	87	103	115	126
STATE:KY		ELEVATOR:	84	96	114	126	138
COUNTY:MCCREARY	04602	NON-ELEVATOR:	72	82	97	108	119
STATE:KY		ELEVATOR:	79	90	107	119	131
COUNTY:MCLEAN	05102	NON-ELEVATOR:	79	90	107	119	130
STATE:KY		ELEVATOR:	87	99	117	130	143
COUNTY:MEADE	05002	NON-ELEVATOR:	98	112	133	147	161
STATE:KY		ELEVATOR:	108	123	146	162	177
COUNTY:MENIFEE	04902	NON-ELEVATOR:	61	70	83	93	102
STATE:KY		ELEVATOR:	67	77	92	102	112
COUNTY:MERCER	04901	NON-ELEVATOR:	96	110	130	151	169
STATE:KY		ELEVATOR:	106	121	143	166	181
COUNTY:METCALFE	04503	NON-ELEVATOR:	67	77	92	102	112
STATE:KY		ELEVATOR:	74	85	101	112	123
COUNTY:MONROE	04503	NON-ELEVATOR:	67	77	92	102	112
STATE:KY		ELEVATOR:	74	85	101	112	123

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LOUISVILLE:KENTUCKY AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:MONTGOMERY	04901	NON-ELEVATOR:	96	110	130	151	169
STATE:KY		ELEVATOR:	106	121	143	166	181
COUNTY:MORGAN	04902	NON-ELEVATOR:	61	70	83	93	102
STATE:KY		ELEVATOR:	67	77	92	102	112
COUNTY:MUHLENBERG	05102	NON-ELEVATOR:	79	90	107	119	130
STATE:KY		ELEVATOR:	87	99	117	130	143
COUNTY:NELSON	05002	NON-ELEVATOR:	98	112	133	147	161
STATE:KY		ELEVATOR:	108	123	146	162	177
COUNTY:NICHOLAS	04901	NON-ELEVATOR:	96	110	130	151	169
STATE:KY		ELEVATOR:	106	121	143	166	181
COUNTY:OHIO	05102	NON-ELEVATOR:	79	90	107	119	130
STATE:KY		ELEVATOR:	87	99	117	130	143
COUNTY:OWEN	05803	NON-ELEVATOR:	102	116	137	159	173
STATE:KY		ELEVATOR:	112	127	151	174	191
COUNTY:OWSLEY	04902	NON-ELEVATOR:	61	70	83	93	102
STATE:KY		ELEVATOR:	67	77	92	102	112
COUNTY:PENDLETON	05803	NON-ELEVATOR:	102	116	137	159	173
STATE:KY		ELEVATOR:	112	127	151	174	191
COUNTY:PERRY	04902	NON-ELEVATOR:	61	70	83	93	102
STATE:KY		ELEVATOR:	67	77	92	102	112
COUNTY:PIKE	04804	NON-ELEVATOR:	68	78	93	103	113
STATE:KY		ELEVATOR:	75	86	102	113	125
COUNTY:POWELL	04901	NON-ELEVATOR:	96	110	130	151	169
STATE:KY		ELEVATOR:	106	121	143	166	181
COUNTY:PULASKI	04902	NON-ELEVATOR:	61	70	83	93	102
STATE:KY		ELEVATOR:	67	77	92	102	112

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LOUISVILLE:KENTUCKY AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:ROBERTSON	05803	NON-ELEVATOR:	102	116	137	159	173
STATE:KY		ELEVATOR:	112	127	151	174	191
COUNTY:ROCKCASTLE	04902	NON-ELEVATOR:	61	70	83	93	102
STATE:KY		ELEVATOR:	67	77	92	102	112
COUNTY:ROWAN	04804	NON-ELEVATOR:	68	78	93	103	113
STATE:KY		ELEVATOR:	75	86	102	113	125
COUNTY:RUSSELL	04902	NON-ELEVATOR:	61	70	83	93	102
STATE:KY		ELEVATOR:	67	77	92	102	112
COUNTY:SHELBY	05002	NON-ELEVATOR:	98	112	133	147	161
STATE:KY		ELEVATOR:	108	123	146	162	177
COUNTY:SIMPSON	04503	NON-ELEVATOR:	67	77	92	102	112
STATE:KY		ELEVATOR:	74	85	101	112	123
COUNTY:SPENCER	05002	NON-ELEVATOR:	98	112	133	147	161
STATE:KY		ELEVATOR:	108	123	146	162	177
COUNTY:TAYLOR	04902	NON-ELEVATOR:	61	70	83	93	102
STATE:KY		ELEVATOR:	67	79	92	102	112
COUNTY:TODD	04502	NON-ELEVATOR:	90	103	132	135	148
STATE:KY		ELEVATOR:	99	113	134	149	163
COUNTY:TRIGG	04502	NON-ELEVATOR:	90	103	132	135	148
STATE:KY		ELEVATOR:	99	113	134	149	163
COUNTY:TRIMBLE	05002	NON-ELEVATOR:	98	112	133	147	161
STATE:KY		ELEVATOR:	108	123	146	162	177
COUNTY:UNION	05102	NON-ELEVATOR:	79	90	107	119	130
STATE:KY		ELEVATOR:	87	99	117	130	143
COUNTY:WARREN	04503	NON-ELEVATOR:	67	77	92	102	112
STATE:KY		ELEVATOR:	74	85	101	112	123

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LOUISVILLE,KENTUCKY AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:WASHINGTON STATE:KY	05002	NON-ELEVATOR:	98	112	133	147	161
		ELEVATOR:	108	123	146	162	177
COUNTY:WAYNE STATE:KY	04602	NON-ELEVATOR:	72	82	97	108	119
		ELEVATOR:	79	90	107	119	131
COUNTY:WEBSTER STATE:KY	05102	NON-ELEVATOR:	72	90	107	119	130
		ELEVATOR:	79	99	117	130	143
COUNTY:WHITLEY STATE:KY	04602	NON-ELEVATOR:	72	82	97	108	119
		ELEVATOR:	79	90	107	119	131
COUNTY:WOLFE STATE:KY	04902	NON-ELEVATOR:	61	70	83	93	102
		ELEVATOR:	67	77	92	102	112

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
KNOXVILLE,TENNESSEE AREA OFFICE						
SMSA: CHATTANOOGA, TN-GA						
COUNTY:HAMILTON STATE:TN	04401	NON-ELEVATOR:	99	113	134	155	169
		ELEVATOR:	109	124	147	171	186
COUNTY:MARION STATE:TN	04401	NON-ELEVATOR:	99	113	134	155	169
		ELEVATOR:	109	124	147	171	186
COUNTY:SEQUATCHIE STATE:TN	04401	NON-ELEVATOR:	99	113	134	156	169
		ELEVATOR:	109	124	147	171	186
SMSA: KINGSPORT-BRISTOL TN-VA							
COUNTY:HAWKINS STATE:TN	04701	NON-ELEVATOR:	97	111	132	146	161
		ELEVATOR:	107	122	145	161	177
COUNTY:SULLIVAN STATE:TN	04701	NON-ELEVATOR:	97	111	132	146	161
		ELEVATOR:	107	122	145	161	177
SMSA: KNOXVILLE, TN							
COUNTY:ANDERSON STATE:TN	04601	NON-ELEVATOR:	99	113	134	155	169
		ELEVATOR:	109	124	147	171	186
COUNTY:BLOUNT STATE:TN	04601	NON-ELEVATOR:	99	113	134	155	169
		ELEVATOR:	109	124	147	171	186
COUNTY:KNOX STATE:TN	04601	NON-ELEVATOR:	99	113	134	155	169
		ELEVATOR:	109	124	147	171	186
COUNTY:UNION STATE:TN	04601	NON-ELEVATOR:	99	113	134	155	169
		ELEVATOR:	109	124	147	171	186
NON SMSA COUNTIES							
COUNTY:BLEDSOE STATE:TN	04402	NON-ELEVATOR:	77	88	104	116	127
		ELEVATOR:	85	97	115	128	140
COUNTY:BRADLEY STATE:TN	04402	NON-ELEVATOR:	85	97	114	128	140
		ELEVATOR:	94	107	125	141	154
COUNTY:CAMPBELL STATE:TN	04602	NON-ELEVATOR:	72	82	97	108	119
		ELEVATOR:	79	90	107	119	131

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LOUISVILLE,KENTUCKY AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:WASHINGTON STATE:KY	05002	NON-ELEVATOR:	98	112	133	147	161
		ELEVATOR:	108	123	146	162	177
COUNTY:WAYNE STATE:KY	04602	NON-ELEVATOR:	72	82	97	108	119
		ELEVATOR:	79	90	107	119	131
COUNTY:WEBSTER STATE:KY	05102	NON-ELEVATOR:	72	90	107	119	130
		ELEVATOR:	79	99	117	130	143
COUNTY:WHITLEY STATE:KY	04602	NON-ELEVATOR:	72	82	97	108	119
		ELEVATOR:	79	90	107	119	131
COUNTY:WOLFE STATE:KY	04902	NON-ELEVATOR:	61	70	83	93	102
		ELEVATOR:	67	77	92	102	112

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
KNOXVILLE,TENNESSEE AREA OFFICE						
SMSA: CHATTANOOGA, TN-GA						
COUNTY:HAMILTON STATE:TN	04401	NON-ELEVATOR:	99	113	134	155	169
		ELEVATOR:	109	124	147	171	186
COUNTY:MARION STATE:TN	04401	NON-ELEVATOR:	99	113	134	155	169
		ELEVATOR:	109	124	147	171	186
COUNTY:SEQUATCHIE STATE:TN	04401	NON-ELEVATOR:	99	113	134	156	169
		ELEVATOR:	109	124	147	171	186
SMSA: KINGSPORT-BRISTOL TN-VA							
COUNTY:HAWKINS STATE:TN	04701	NON-ELEVATOR:	97	111	132	146	161
		ELEVATOR:	107	122	145	161	177
COUNTY:SULLIVAN STATE:TN	04701	NON-ELEVATOR:	97	111	132	146	161
		ELEVATOR:	107	122	145	161	177
SMSA: KNOXVILLE, TN							
COUNTY:ANDERSON STATE:TN	04601	NON-ELEVATOR:	99	113	134	155	169
		ELEVATOR:	109	124	147	171	186
COUNTY:BLOUNT STATE:TN	04601	NON-ELEVATOR:	99	113	134	155	169
		ELEVATOR:	109	124	147	171	186
COUNTY:KNOX STATE:TN	04601	NON-ELEVATOR:	99	113	134	155	169
		ELEVATOR:	109	124	147	171	186
COUNTY:UNION STATE:TN	04601	NON-ELEVATOR:	99	113	134	155	169
		ELEVATOR:	109	124	147	171	186
NON SMSA COUNTIES							
COUNTY:BLEDSOE STATE:TN	04402	NON-ELEVATOR:	77	88	104	116	127
		ELEVATOR:	85	97	115	128	140
COUNTY:BRADLEY STATE:TN	04402	NON-ELEVATOR:	85	97	114	128	140
		ELEVATOR:	94	107	125	141	154
COUNTY:CAMPBELL STATE:TN	04602	NON-ELEVATOR:	72	82	97	108	119
		ELEVATOR:	79	90	107	119	131

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
KNOXVILLE,TENNESSEE AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:CARTER STATE:TN	04701	NON-ELEVATOR: ELEVATOR:	88 97	101 111	120 132	133 146	146 160
COUNTY:CLAIBORNE STATE:TN	04602	NON-ELEVATOR: ELEVATOR:	72 79	82 90	97 107	108 119	119 131
COUNTY:COCKE STATE:TN	04602	NON-ELEVATOR: ELEVATOR:	72 79	82 90	97 107	108 119	119 131
COUNTY:CUMBERLAND STATE:TN	04602	NON-ELEVATOR: ELEVATOR:	72 79	82 90	97 107	108 119	119 131
COUNTY:FENTNESS STATE:TN	04602	NON-ELEVATOR: ELEVATOR:	72 79	82 90	97 107	108 119	119 131
COUNTY:GRAINGER STATE:TN	04602	NON-ELEVATOR: ELEVATOR:	72 79	82 90	97 107	108 119	119 131
COUNTY:GREENE STATE:TN	04701	NON-ELEVATOR: ELEVATOR:	88 97	101 111	120 132	133 146	146 160
COUNTY:GRUNDY STATE:TN	04402	NON-ELEVATOR: ELEVATOR:	77 85	88 97	104 115	116 128	127 140
COUNTY:HAMBLEN STATE:TN	04602	NON-ELEVATOR: ELEVATOR:	79 87	90 99	107 118	119 131	131 144
COUNTY:HANCOCK STATE:TN	04701	NON-ELEVATOR: ELEVATOR:	80 97	101 111	120 132	133 146	146 160
COUNTY:JEFFERSON STATE:TN	04602	NON-ELEVATOR: ELEVATOR:	76	86	97 107	108 119	119 131
COUNTY:JOHNSON STATE:TN	04701	NON-ELEVATOR: ELEVATOR:	88 97	101 111	120 132	133 146	146 160
COUNTY:LOUDON STATE:TN	04602	NON-ELEVATOR: ELEVATOR:	72 79	82 90	97 107	108 119	119 131

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
KNOXVILLE,TENNESSEE AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:HAWKINS STATE:TN	04402	NON-ELEVATOR: ELEVATOR:	85 94	97 107	114 126	128 141	140 154
COUNTY:HEIGS STATE:TN	04402	NON-ELEVATOR: ELEVATOR:	77 85	88 97	104 115	116 128	127 140
COUNTY:MONROE STATE:TN	04602	NON-ELEVATOR: ELEVATOR:	72 79	82 90	97 107	108 119	119 131
COUNTY:MORGAN STATE:TN	04602	NON-ELEVATOR: ELEVATOR:	72 79	82 90	97 107	108 119	119 131
COUNTY:PERRY STATE:TN	04503	NON-ELEVATOR: ELEVATOR:	67 74	77 85	92 101	102 112	112 123
COUNTY:PICKETT STATE:TN	04503	NON-ELEVATOR: ELEVATOR:	67 74	77 85	92 101	102 112	112 123
COUNTY:POLK STATE:TN	04402	NON-ELEVATOR: ELEVATOR:	77 85	88 97	104 115	116 128	127 140
COUNTY:RHEA STATE:TN	04402	NON-ELEVATOR: ELEVATOR:	77 85	88 97	104 115	116 128	127 140
COUNTY:ROANE STATE:TN	04602	NON-ELEVATOR: ELEVATOR:	72 79	82 90	97 107	108 119	119 131
COUNTY:SCOTT STATE:TN	04602	NON-ELEVATOR: ELEVATOR:	72 79	82 90	97 107	108 119	119 131
COUNTY:SEVIER STATE:TN	04602	NON-ELEVATOR: ELEVATOR:	72 79	82 90	97 107	108 119	119 131
COUNTY:UNICUI STATE:TN	04701	NON-ELEVATOR: ELEVATOR:	88 97	101 111	120 132	133 146	146 160
COUNTY:WASHINGTON STATE:TN	04701	NON-ELEVATOR: ELEVATOR:	88 97	101 111	120 132	133 146	146 160

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
KNOXVILLE,TENNESSEE AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:UNION STATE:TN	04602	NON-ELEVATOR: ELEVATOR:	72 79	82 90	97 107	108 119	119 131
COUNTY:VAN BUREN STATE:TN	04602	NON-ELEVATOR: ELEVATOR:	72 79	82 90	97 107	108 119	119 131
COUNTY:WARREN STATE:TN	04602	NON-ELEVATOR: ELEVATOR:	72 79	82 90	97 107	108 119	119 131
COUNTY:WHITE STATE:TN	04602	NON-ELEVATOR: ELEVATOR:	72 79	82 90	97 107	108 119	119 131
COUNTY:WILLIAMSON STATE:TN	04701	NON-ELEVATOR: ELEVATOR:	88 97	101 111	120 132	133 146	146 160
COUNTY:WILSON STATE:TN	04701	NON-ELEVATOR: ELEVATOR:	88 97	101 111	120 132	133 146	146 160
MEMPHIS,TENNESSEE AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:CROCKETT STATE:TN	04402	NON-ELEVATOR: ELEVATOR:	77 85	88 97	104 115	116 128	127 140
COUNTY:DECATUR STATE:TN	04402	NON-ELEVATOR: ELEVATOR:	77 85	88 97	104 115	116 128	127 140
COUNTY:DYER STATE:TN	04402	NON-ELEVATOR: ELEVATOR:	77 85	88 97	104 115	116 128	127 140
COUNTY:FAYETTE STATE:TN	04602	NON-ELEVATOR: ELEVATOR:	72 79	82 90	97 107	108 119	119 131
COUNTY:GIBSON STATE:TN	04402	NON-ELEVATOR: ELEVATOR:	77 85	88 97	104 115	116 128	127 140
COUNTY:HARDEMAN STATE:TN	04402	NON-ELEVATOR: ELEVATOR:	77 85	88 97	104 115	116 128	127 140
COUNTY:HARDIN STATE:TN	04402	NON-ELEVATOR: ELEVATOR:	77 85	88 97	104 115	116 128	127 140
COUNTY:HAYWOOD STATE:TN	04402	NON-ELEVATOR: ELEVATOR:	77 85	88 97	104 115	116 128	127 140
COUNTY:HENDERSON STATE:TN	04402	NON-ELEVATOR: ELEVATOR:	77 85	88 97	104 115	116 128	127 140
COUNTY:HENRY STATE:TN	04402	NON-ELEVATOR: ELEVATOR:	77 85	88 97	104 115	116 128	127 140
COUNTY:LAKE STATE:TN	04402	NON-ELEVATOR: ELEVATOR:	77 85	88 97	104 115	116 128	127 140
COUNTY:LAUDERDALE STATE:TN	04402	NON-ELEVATOR: ELEVATOR:	77 85	88 97	104 115	116 128	127 140
COUNTY:MCNAIRY STATE:TN	04402	NON-ELEVATOR: ELEVATOR:	77 85	88 97	104 115	116 128	127 140
COUNTY:MADISON STATE:TN	04402	NON-ELEVATOR: ELEVATOR:	77 85	88 97	104 115	116 128	127 140
COUNTY:OBION STATE:TN	04402	NON-ELEVATOR: ELEVATOR:	77 85	88 97	104 115	116 128	127 140
COUNTY:TIPTON STATE:TN	04402	NON-ELEVATOR: ELEVATOR:	77 85	88 97	104 115	116 128	127 140
COUNTY:WEAKLEY STATE:TN	04402	NON-ELEVATOR: ELEVATOR:	77 85	88 97	104 115	116 128	127 140

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MEMPHIS,TENNESSEE AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:TIPTON STATE:TN	04402	NON-ELEVATOR: ELEVATOR:	77 85	88 97	104 115	116 128	127 140
COUNTY:WEAKLEY STATE:TN	04402	NON-ELEVATOR: ELEVATOR:	77 85	88 97	104 115	116 128	127 140

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MEMPHIS,TENNESSEE INSURING OFFICE						
SMSA: MEMPHIS, TN-AR						
COUNTY:SHELBY	04201	NON-ELEVATOR:	119	136	161	186	203
STATE:TN		ELEVATOR:	131	150	177	205	223
COUNTY:TIPTON	04201	NON-ELEVATOR:	119	136	161	186	203
STATE:TN		ELEVATOR:	131	150	177	205	223
NON SMSA COUNTIES							
COUNTY:BENTON	04502	NON-ELEVATOR:	90	103	122	135	148
STATE:TN		ELEVATOR:	99	113	134	149	163
COUNTY:CARROLL	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:CHESTER	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:CROCKETT	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:DECATUR	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:DYER	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:FAYETTE	04204	NON-ELEVATOR:	81	93	110	122	134
STATE:TN		ELEVATOR:	89	102	121	135	148
COUNTY:GIBSON	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:HARDEMAN	04204	NON-ELEVATOR:	81	93	110	122	134
STATE:TN		ELEVATOR:	89	102	121	135	148
COUNTY:HARDIN	04301	NON-ELEVATOR:	74	85	101	112	123
STATE:TN		ELEVATOR:	82	93	111	123	136
COUNTY:HAYWOOD	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MEMPHIS,TENNESSEE INSURING OFFICE						
NON SMSA COUNTIES						
COUNTY:HENDERSON	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:HENRY	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:LAKE	10202	NON-ELEVATOR:	76	87	103	115	126
STATE:TN		ELEVATOR:	84	96	114	126	138
COUNTY:LAUDERDALE	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:MADISON	04203	NON-ELEVATOR:	81	92	100	122	134
STATE:TN		ELEVATOR:	89	101	110	134	147
COUNTY:MCNAIRY	04301	NON-ELEVATOR:	74	85	101	112	123
STATE:TN		ELEVATOR:	82	93	111	123	135
COUNTY:OBION	10202	NON-ELEVATOR:	76	87	103	115	126
STATE:TN		ELEVATOR:	84	96	114	126	138
COUNTY:WEAKLEY	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MEMPHIS,TENNESSEE INSURING OFFICE						
NON SMSA COUNTIES						
COUNTY:MOORE	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:OVERTON	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:PERRY	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:TIPTON	04201	NON-ELEVATOR:	119	136	161	186	203
STATE:TN		ELEVATOR:	131	150	177	205	223
COUNTY:WAYNE	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
NASHVILLE, TENNESSEE INSURING OFFICE						
SMSA: NASHVILLE, TN						
COUNTY:DAVIDSON	04201	NON-ELEVATOR:	119	136	161	186	203
STATE:TN		ELEVATOR:	131	150	177	205	223
COUNTY:RUTHERFORD	04201	NON-ELEVATOR:	119	136	161	186	203
STATE:TN		ELEVATOR:	131	150	177	205	223
COUNTY:SUMNER	04201	NON-ELEVATOR:	119	136	161	186	203
STATE:TN		ELEVATOR:	131	150	177	205	223
COUNTY:WILLIAMSON	04201	NON-ELEVATOR:	119	136	161	186	203
STATE:TN		ELEVATOR:	131	150	177	205	223
COUNTY:WILSON	04201	NON-ELEVATOR:	119	136	161	186	203
STATE:TN		ELEVATOR:	131	150	177	205	223
NON SMSA COUNTIES							
COUNTY:BEDFORD	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:CANNON	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:CHEATHAM	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:CLAY	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:COFFEE	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:DE KALB	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:DICKSON	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:FENTRESS	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:GRUNDY	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:HICKMAN	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:HOUSTON	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:HUMPHREYS	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:JACKSON	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:LAWRENCE	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:LEWIS	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:LINCOLN	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:MACON	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:MARSHALL	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:MAURY	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:MONTGOMERY	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:MOORE	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:OVERTON	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:PERRY	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:PICKETT	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:ROBERTSON	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:SMITH	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:STEWART	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:TROUSDALE	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:WARREN	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134
COUNTY:WHITE	04203	NON-ELEVATOR:	73	84	100	111	122
STATE:TN		ELEVATOR:	81	92	110	122	134

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
NASHVILLE, TENNESSEE INSURING OFFICE							
SMSA: CLARKVILLE-HOPKINS TN-KY							
COUNTY:MONTGOMERY	04502	NON-ELEVATOR:	90	103	122	135	148
STATE:TN		ELEVATOR:	99	113	134	149	163
SMSA: NASHVILLE-DAVIDSON, TN							
COUNTY:CHEATHAM	04501	NON-ELEVATOR:	109	124	147	169	185
STATE:TN		ELEVATOR:	119	136	161	186	203
COUNTY:DAVIDSON	04501	NON-ELEVATOR:	109	124	147	169	185
STATE:TN		ELEVATOR:	119	136	161	186	203
COUNTY:DICKSON	04501	NON-ELEVATOR:	109	124	147	169	185
STATE:TN		ELEVATOR:	119	136	161	186	203
COUNTY:ROBERTSON	04501	NON-ELEVATOR:	109	124	147	169	185
STATE:TN		ELEVATOR:	119	136	161	186	203
COUNTY:RUTHERFORD	04501	NON-ELEVATOR:	109	124	147	169	185
STATE:TN		ELEVATOR:	119	136	161	186	203
COUNTY:SUMNER	04501	NON-ELEVATOR:	109	124	147	169	185
STATE:TN		ELEVATOR:	119	136	161	186	203
COUNTY:WILLIAMSON	04501	NON-ELEVATOR:	109	124	147	169	185
STATE:TN		ELEVATOR:	119	136	161	186	203
COUNTY:WILSON	04501	NON-ELEVATOR:	109	124	147	169	185
STATE:TN		ELEVATOR:	119	136	161	186	203
NON SMSA COUNTIES							
COUNTY:BEDFORD	04504	NON-ELEVATOR:	77	88	104	116	127
STATE:TN		ELEVATOR:	85	97	115	128	140
COUNTY:CANNON	04503	NON-ELEVATOR:	67	77	92	102	112
STATE:TN		ELEVATOR:	74	85	101	112	123
COUNTY:CLAY	04503	NON-ELEVATOR:	67	77	92	102	112
STATE:TN		ELEVATOR:	74	85	101	112	123
COUNTY:COFFEE	04504	NON-ELEVATOR:	77	88	104	116	127
STATE:TN		ELEVATOR:	85	97	115	128	140

PREPARED BY HUD - EHAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
NASHVILLE, TENNESSEE INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:DE KALB	04503	NON-ELEVATOR:	67	77	92	102	112
STATE:TN		ELEVATOR:	74	85	101	112	123
COUNTY:FRANKLIN	04302	NON-ELEVATOR:	95	108	128	148	162
STATE:TN		ELEVATOR:	104	119	141	163	178
COUNTY:GILES	04504	NON-ELEVATOR:	77	88	104	116	127
STATE:TN		ELEVATOR:	85	97	115	128	140
COUNTY:HICKMAN	04504	NON-ELEVATOR:	77	88	104	116	127
STATE:TN		ELEVATOR:	85	97	115	128	140
COUNTY:HOUSTON	04502	NON-ELEVATOR:	90	103	122	135	148
STATE:TN		ELEVATOR:	99	113	134	149	163
COUNTY:HUMPHREYS	04502	NON-ELEVATOR:	90	103	122	135	148
STATE:TN		ELEVATOR:	99	113	134	149	163
COUNTY:JACKSON	04503	NON-ELEVATOR:	67	77	92	102	112
STATE:TN		ELEVATOR:	74	85	101	112	123
COUNTY:LAWRENCE	04504	NON-ELEVATOR:	77	88	104	116	127
STATE:TN		ELEVATOR:	85	97	115	128	140
COUNTY:LEWIS	04504	NON-ELEVATOR:	77	88	104	116	127
STATE:TN		ELEVATOR:	85	97	115	128	140
COUNTY:LINCOLN	04302	NON-ELEVATOR:	95	108	128	148	162
STATE:TN		ELEVATOR:	104	119	141	163	178
COUNTY:MACON	04503	NON-ELEVATOR:	67	77	92	102	112
STATE:TN		ELEVATOR:	74	85	101	112	123
COUNTY:MARSHALL	04504	NON-ELEVATOR:	77	88	104	116	127
STATE:TN		ELEVATOR:	85	97	115	128	140
COUNTY:MAURY	04504	NON-ELEVATOR:	77	88	104	116	127
STATE:TN		ELEVATOR:	85	97	115	128	140

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
NASHVILLE, TENNESSEE INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:MOORE	04504	NON-ELEVATOR:	77	88	104	116	127
STATE:TN		ELEVATOR:	85	97	115	128	140
COUNTY:OVERTON	04503	NON-ELEVATOR:	67	77	92	102	112
STATE:TN		ELEVATOR:	74	85	101	112	123
COUNTY:PUTNAM	04503	NON-ELEVATOR:	67	77	92	102	112
STATE:TN		ELEVATOR:	74	85	101	112	123
COUNTY:SMITH	04503	NON-ELEVATOR:	67	77	92	102	112
STATE:TN		ELEVATOR:	74	85	101	112	123
COUNTY:STEWART	04502	NON-ELEVATOR:	90	103	122	135	148
STATE:TN		ELEVATOR:	99	113	134	149	163
COUNTY:TROUSDALE	04503	NON-ELEVATOR:	67	77	92	102	112
STATE:TN		ELEVATOR:	74	85	101	112	123
COUNTY:VAN BUREN	04503	NON-ELEVATOR:	67	77	92	102	112
STATE:TN		ELEVATOR:	74	85	101	112	123
COUNTY:WARREN	04503	NON-ELEVATOR:	67	77	92	102	112
STATE:TN		ELEVATOR:	74	85	101	112	123
COUNTY:WAYNE	04301	NON-ELEVATOR:	74	85	101	112	123
STATE:TN		ELEVATOR:	82	93	111	123	135
COUNTY:WHITE	04503	NON-ELEVATOR:	67	77	92	102	112
STATE:TN		ELEVATOR:	74	85	101	112	123

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
TAMPA, FLORIDA INSURING OFFICE							
SMSA: DAYTONA BEACH, FL							
COUNTY:VOLUSIA	03203	NON-ELEVATOR:	100	114	135	150	165
STATE:FL		ELEVATOR:	110	125	149	165	182
SMSA: LAKELAND-WINTER HAVEN, FL							
COUNTY:POLK	03306	NON-ELEVATOR:	99	113	134	148	162
STATE:FL		ELEVATOR:	109	124	147	163	179
SMSA: MELBOURN-TITUSVILLE-COCOA, FL.							
COUNTY:BREVARD	03202	NON-ELEVATOR:	119	136	161	178	195
STATE:FL		ELEVATOR:	131	149	177	196	214
SMSA: ORLANDO, FL							
COUNTY:ORANGE	03201	NON-ELEVATOR:	114	130	154	177	194
STATE:FL		ELEVATOR:	125	143	169	195	213
COUNTY:OSCEOLA	03201	NON-ELEVATOR:	114	130	154	177	194
STATE:FL		ELEVATOR:	125	143	169	195	213
COUNTY:SEMINOLE	03201	NON-ELEVATOR:	114	130	154	177	194
STATE:FL		ELEVATOR:	125	143	169	195	213
SMSA: SARASOTA, FL							
COUNTY:SARASOTA	03307	NON-ELEVATOR:	121	138	163	180	197
STATE:FL		ELEVATOR:	133	151	179	198	217
SMSA: TAMPA-ST PETERSBURG, FL							
COUNTY:HILLSBOROUGH	03303	NON-ELEVATOR:	109	124	147	170	186
STATE:FL		ELEVATOR:	120	136	162	187	205
COUNTY:PASCO	03303	NON-ELEVATOR:	109	124	147	170	186
STATE:FL		ELEVATOR:	120	136	162	187	205
COUNTY:PINELLAS	03304	NON-ELEVATOR:	109	124	147	170	186
STATE:FL		ELEVATOR:	120	136	162	187	205
NON SMSA COUNTIES							
COUNTY:CITRUS	03306	NON-ELEVATOR:	99	113	134	148	162
STATE:FL		ELEVATOR:	109	124	147	163	179

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RULES AND REGULATIONS

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
TAMPA, FLORIDA INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:DE SOTO	03307	NON-ELEVATOR:	121	138	163	180	197
STATE:FL		ELEVATOR:	133	151	179	198	217
COUNTY:HARDEE	03307	NON-ELEVATOR:	121	138	163	180	197
STATE:FL		ELEVATOR:	133	151	179	198	217
COUNTY:HERNANDO	03306	NON-ELEVATOR:	99	113	134	148	162
STATE:FL		ELEVATOR:	109	124	147	163	179
COUNTY:HIGHLANDS	03308	NON-ELEVATOR:	95	109	129	143	157
STATE:FL		ELEVATOR:	105	120	142	157	172
COUNTY:INDIAN RIVER	03308	NON-ELEVATOR:	95	109	129	143	157
STATE:FL		ELEVATOR:	105	120	142	157	172
COUNTY:LAKE	03203	NON-ELEVATOR:	91	104	123	137	150
STATE:FL		ELEVATOR:	100	114	135	150	165
COUNTY:MANATEE	03307	NON-ELEVATOR:	121	138	163	180	197
STATE:FL		ELEVATOR:	133	151	179	198	217
COUNTY:OKEECHOBEE	03308	NON-ELEVATOR:	95	109	129	143	157
STATE:FL		ELEVATOR:	105	120	142	157	172
COUNTY:ST LUCIE	03308	NON-ELEVATOR:	95	109	129	143	157
STATE:FL		ELEVATOR:	105	120	142	157	172
COUNTY:SUMTER	03203	NON-ELEVATOR:	91	104	123	137	150
STATE:FL		ELEVATOR:	100	114	135	150	165

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
CHICAGO, ILLINOIS AREA OFFICE							
SMSA: CHICAGO, IL							
COUNTY:COOK	07201	NON-ELEVATOR:	165	187	220	253	286
STATE:IL		ELEVATOR:	182	206	242	278	315
COUNTY:DU PAGE	07202	NON-ELEVATOR:	165	187	220	253	286
STATE:IL		ELEVATOR:	182	206	242	278	315
COUNTY:KANE	07203	NON-ELEVATOR:	165	187	220	253	286
STATE:IL		ELEVATOR:	182	206	242	278	315
COUNTY:LAKE	07204	NON-ELEVATOR:	165	187	220	253	286
STATE:IL		ELEVATOR:	182	206	242	278	315
COUNTY:MCHENRY	07205	NON-ELEVATOR:	165	187	220	253	286
STATE:IL		ELEVATOR:	182	206	242	278	315
COUNTY:WILL	07205	NON-ELEVATOR:	165	187	220	253	286
STATE:IL		ELEVATOR:	182	206	242	278	315
SMSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL							
COUNTY:ROCK ISLAND	07401	NON-ELEVATOR:	126	144	170	197	215
STATE:IL		ELEVATOR:	139	158	187	217	236
SMSA: ROCKFORD, IL							
COUNTY:BOONE	07601	NON-ELEVATOR:	117	134	158	183	200
STATE:IL		ELEVATOR:	129	147	174	202	220
COUNTY:WINNEBAGO	07601	NON-ELEVATOR:	117	134	158	183	200
STATE:IL		ELEVATOR:	129	147	174	202	220
NON SMSA COUNTIES							
COUNTY:CARROLL	07403	NON-ELEVATOR:	106	121	143	158	174
STATE:IL		ELEVATOR:	116	133	157	174	191
COUNTY:DE KALB	07208	NON-ELEVATOR:	120	137	162	179	197
STATE:IL		ELEVATOR:	132	151	178	197	216
COUNTY:GRUNDY	07208	NON-ELEVATOR:	120	137	162	179	197
STATE:IL		ELEVATOR:	132	151	178	197	216

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SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
CHICAGO,ILLINOIS AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:JO DAVIESS	07501	NON-ELEVATOR:	95	108	129	143	157
STATE:IL		ELEVATOR:	104	119	141	157	172
COUNTY:KANKAKEE	07207	NON-ELEVATOR:	106	121	143	158	174
STATE:IL		ELEVATOR:	116	133	157	174	191
COUNTY:KENDALL	07208	NON-ELEVATOR:	120	137	162	179	197
STATE:IL		ELEVATOR:	132	151	178	197	216
COUNTY:LEE	07602	NON-ELEVATOR:	109	125	148	164	179
STATE:IL		ELEVATOR:	120	137	163	180	197
COUNTY:OGLE	07602	NON-ELEVATOR:	109	125	148	164	179
STATE:IL		ELEVATOR:	120	137	163	180	197
COUNTY:STEPHENSON	07602	NON-ELEVATOR:	109	125	148	164	179
STATE:IL		ELEVATOR:	120	137	163	180	197
COUNTY:WHITESIDE	07403	NON-ELEVATOR:	106	121	143	158	174
STATE:IL		ELEVATOR:	116	133	157	174	191

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
CINCINNATI,OHIO INSURING OFFICE							
SMSA: CINCINNATI, OH-KY-IN							
COUNTY:CLERMONT	05802	NON-ELEVATOR:	115	131	154	180	205
STATE:OH		ELEVATOR:	126	144	171	198	225
COUNTY:HAMILTON	05801	NON-ELEVATOR:	115	131	156	180	205
STATE:OH		ELEVATOR:	126	144	171	198	225
COUNTY:WARREN	05802	NON-ELEVATOR:	115	131	156	180	205
STATE:OH		ELEVATOR:	126	144	171	198	225
SMSA: DAYTON, OH							
COUNTY:GREENE	05901	NON-ELEVATOR:	120	137	162	187	205
STATE:OH		ELEVATOR:	132	151	178	206	225
COUNTY:MONTGOMERY	05901	NON-ELEVATOR:	120	137	162	187	205
STATE:OH		ELEVATOR:	132	151	178	206	225
COUNTY:PREBLE	05901	NON-ELEVATOR:	120	137	162	187	205
STATE:OH		ELEVATOR:	132	151	178	206	225
SMSA: HAMILTON-MIDDLETOWN, OH							
COUNTY:BUTLER	05803	NON-ELEVATOR:	104	119	141	163	178
STATE:OH		ELEVATOR:	114	130	155	179	195
NON SMSA COUNTIES							
COUNTY:ADAMS	05803	NON-ELEVATOR:	104	119	141	163	178
STATE:OH		ELEVATOR:	114	130	155	179	195
COUNTY:BROWN	05803	NON-ELEVATOR:	104	119	141	163	178
STATE:OH		ELEVATOR:	114	130	155	179	195
COUNTY:CLINTON	05803	NON-ELEVATOR:	104	119	141	163	178
STATE:OH		ELEVATOR:	114	130	155	179	195
COUNTY:HIGHLAND	05803	NON-ELEVATOR:	104	119	141	163	178
STATE:OH		ELEVATOR:	114	130	155	179	195

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
CLEVELAND, OHIO INSURING OFFICE							
SMSA: AKRON, OH							
COUNTY:PORTAGE	06301	NON-ELEVATOR:	125	142	168	194	212
STATE:OH		ELEVATOR:	137	156	185	214	233
COUNTY:SUMMIT	06301	NON-ELEVATOR:	125	142	168	194	212
STATE:OH		ELEVATOR:	137	156	185	214	233
SMSA: CANTON, OH							
COUNTY:CARROLL	06303	NON-ELEVATOR:	97	110	131	152	166
STATE:OH		ELEVATOR:	106	121	144	167	182
COUNTY:STARK	06302	NON-ELEVATOR:	97	110	131	152	166
STATE:OH		ELEVATOR:	106	121	144	167	182
SMSA: CLEVELAND, OH							
COUNTY:CUYAHOGA	06304	NON-ELEVATOR:	119	136	162	188	213
STATE:OH		ELEVATOR:	131	150	178	207	235
COUNTY:GEAUGA	06305	NON-ELEVATOR:	119	136	162	188	213
STATE:OH		ELEVATOR:	131	150	178	207	235
COUNTY:LAKE	06305	NON-ELEVATOR:	119	136	162	188	213
STATE:OH		ELEVATOR:	131	150	178	207	235
COUNTY:MEDINA	06305	NON-ELEVATOR:	119	136	162	188	213
STATE:OH		ELEVATOR:	131	150	178	207	235
SMSA: LIMA, OH							
COUNTY:PUTNAM	06401	NON-ELEVATOR:	95	108	129	149	163
STATE:OH		ELEVATOR:	104	119	141	164	179
SMSA: LORAIN-ELYRIA, OH							
COUNTY:LORAIN	06306	NON-ELEVATOR:	121	138	163	189	206
STATE:OH		ELEVATOR:	133	152	180	208	227
SMSA: MANSFIELD, OH							
COUNTY:RICHLAND	06308	NON-ELEVATOR:	101	115	137	158	173
STATE:OH		ELEVATOR:	111	127	151	174	190
SMSA: STEUBENVILLE-WEIRTON, OH-WV							
COUNTY:JEFFERSON	06205	NON-ELEVATOR:	83	95	113	131	143
STATE:OH		ELEVATOR:	92	105	124	144	158

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
CLEVELAND, OHIO INSURING OFFICE							
SMSA: TOLEDO, OH-MI							
COUNTY:FULTON	06502	NON-ELEVATOR:	110	126	149	172	188
STATE:OH		ELEVATOR:	121	138	164	189	207
COUNTY:LUCAS	06501	NON-ELEVATOR:	110	126	149	172	188
STATE:OH		ELEVATOR:	121	138	164	189	207
COUNTY:OTTAWA	06502	NON-ELEVATOR:	110	126	149	172	188
STATE:OH		ELEVATOR:	121	138	164	189	207
COUNTY:WOOD	06501	NON-ELEVATOR:	110	126	149	172	188
STATE:OH		ELEVATOR:	121	138	164	189	207
SMSA: YOUNGSTOWN-WARREN, OH							
COUNTY:MAHONING	00902	NON-ELEVATOR:	106	121	143	165	181
STATE:OH		ELEVATOR:	116	133	157	182	199
COUNTY:TRUMBULL	00902	NON-ELEVATOR:	106	121	143	165	181
STATE:OH		ELEVATOR:	116	133	157	182	199
NON SMSA COUNTIES							
COUNTY:ASHLAND	06307	NON-ELEVATOR:	99	113	135	149	164
STATE:OH		ELEVATOR:	109	125	148	164	180
COUNTY:ASHTABULA	06307	NON-ELEVATOR:	99	113	135	149	164
STATE:OH		ELEVATOR:	109	125	148	164	180
COUNTY:COLUMBIANA	06303	NON-ELEVATOR:	88	100	119	132	145
STATE:OH		ELEVATOR:	97	110	131	145	160
COUNTY:CRAWFORD	06308	NON-ELEVATOR:	101	115	137	158	173
STATE:OH		ELEVATOR:	111	127	151	174	190
COUNTY:DEFIANCE	07002	NON-ELEVATOR:	95	108	129	143	157
STATE:OH		ELEVATOR:	104	119	141	157	172
COUNTY:ERIE	06307	NON-ELEVATOR:	99	113	135	149	164
STATE:OH		ELEVATOR:	109	125	148	164	180
COUNTY:HANCOCK	06502	NON-ELEVATOR:	99	113	135	149	164
STATE:OH		ELEVATOR:	109	125	148	164	180

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION S	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
CLEVELAND, OHIO INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY: HARRISON	06207	NON-ELEVATOR:	77	88	105	116	128
STATE: OH		ELEVATOR:	85	97	115	128	141
COUNTY: HENRY	06502	NON-ELEVATOR:	99	113	135	149	164
STATE: OH		ELEVATOR:	109	125	148	164	180
COUNTY: HOLMES	06303	NON-ELEVATOR:	88	100	119	132	145
STATE: OH		ELEVATOR:	97	110	131	145	160
COUNTY: HURON	06307	NON-ELEVATOR:	99	113	135	149	164
STATE: OH		ELEVATOR:	109	125	148	164	180
COUNTY: PAULDING	07002	NON-ELEVATOR:	95	108	129	143	157
STATE: OH		ELEVATOR:	104	119	141	157	172
COUNTY: SANDUSKY	06502	NON-ELEVATOR:	99	113	135	149	164
STATE: OH		ELEVATOR:	109	125	148	164	180
COUNTY: SENECA	06502	NON-ELEVATOR:	99	113	135	149	164
STATE: OH		ELEVATOR:	109	125	148	164	180
COUNTY: TUSCARAWAS	06303	NON-ELEVATOR:	88	100	119	132	145
STATE: OH		ELEVATOR:	97	110	131	145	160
COUNTY: WAYNE	06307	NON-ELEVATOR:	99	113	135	149	164
STATE: OH		ELEVATOR:	109	125	148	164	180
COUNTY: WILLIAMS	07002	NON-ELEVATOR:	95	108	129	143	157
STATE: OH		ELEVATOR:	104	119	141	157	172
COUNTY: WYANDOT	06308	NON-ELEVATOR:	101	115	137	158	173
STATE: OH		ELEVATOR:	111	127	151	174	190

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION S	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
COLUMBUS, OHIO AREA OFFICE							
SMSA: COLUMBUS, OH							
COUNTY: DELAWARE	06001	NON-ELEVATOR:	112	128	151	175	191
STATE: OH		ELEVATOR:	123	140	166	192	210
COUNTY: FAIRFIELD	06004	NON-ELEVATOR:	112	128	151	175	191
STATE: OH		ELEVATOR:	123	140	166	192	210
COUNTY: FRANKLIN	06001	NON-ELEVATOR:	112	128	151	175	191
STATE: OH		ELEVATOR:	123	140	166	192	210
COUNTY: MADISON	06003	NON-ELEVATOR:	112	128	151	175	191
STATE: OH		ELEVATOR:	123	140	166	192	210
COUNTY: PICKAWAY	06001	NON-ELEVATOR:	112	128	151	175	191
STATE: OH		ELEVATOR:	123	140	166	192	210
SMSA: DAYTON, OH							
COUNTY: MIAMI	05901	NON-ELEVATOR:	120	137	162	187	205
STATE: OH		ELEVATOR:	132	151	178	206	225
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH							
COUNTY: LAWRENCE	04801	NON-ELEVATOR:	86	98	117	135	148
STATE: OH		ELEVATOR:	95	108	128	149	163
SMSA: LIMA, OH							
COUNTY: ALLEN	08401	NON-ELEVATOR:	95	108	129	149	163
STATE: OH		ELEVATOR:	104	119	141	164	179
COUNTY: AUGLAIZE	06401	NON-ELEVATOR:	95	108	129	149	163
STATE: OH		ELEVATOR:	104	119	141	164	179
COUNTY: VAN WERT	06401	NON-ELEVATOR:	95	108	129	149	163
STATE: OH		ELEVATOR:	104	119	141	164	179
SMSA: PARKERSBURG-MARIETTA, WV-OH							
COUNTY: WASHINGTON	06002	NON-ELEVATOR:	95	108	129	143	157
STATE: OH		ELEVATOR:	104	119	141	157	172
SMSA: SPRINGFIELD, OH							
COUNTY: CHAMPAIGN	05902	NON-ELEVATOR:	93	106	126	146	160
STATE: OH		ELEVATOR:	102	117	139	161	176

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION S	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
COLUMBUS,OHIO AREA OFFICE							
SMSA: SPRINGFIELD, OH							
COUNTY:CLARK	05902	NON-ELEVATOR:	93	106	126	146	160
STATE:OH		ELEVATOR:	102	117	139	161	176
SMSA: WHEELING, WV-OH							
COUNTY:BELMONT	06205	NON-ELEVATOR:	83	95	113	131	143
STATE:OH		ELEVATOR:	92	105	124	144	158
NON SMSA COUNTIES							
COUNTY:ATHENS	06002	NON-ELEVATOR:	95	108	129	143	157
STATE:OH		ELEVATOR:	104	119	141	157	172
COUNTY:COSHOCTON	06303	NON-ELEVATOR:	88	100	119	132	145
STATE:OH		ELEVATOR:	97	110	131	145	160
COUNTY:DARKE	05902	NON-ELEVATOR:	93	106	126	146	160
STATE:OH		ELEVATOR:	102	117	139	161	176
COUNTY:FAYETTE	06003	NON-ELEVATOR:	84	96	114	127	139
STATE:OH		ELEVATOR:	93	106	126	140	153
COUNTY:GALLIA	04803	NON-ELEVATOR:	70	80	95	106	116
STATE:OH		ELEVATOR:	77	88	105	116	128
COUNTY:GUERNSEY	06004	NON-ELEVATOR:	92	105	125	139	152
STATE:OH		ELEVATOR:	102	116	138	153	167
COUNTY:HARDIN	06401	NON-ELEVATOR:	95	108	129	149	163
STATE:OH		ELEVATOR:	104	119	141	164	179
COUNTY:HOCKING	06002	NON-ELEVATOR:	95	108	129	143	157
STATE:OH		ELEVATOR:	104	119	141	157	172
COUNTY:JACKSON	06003	NON-ELEVATOR:	84	96	114	127	139
STATE:OH		ELEVATOR:	93	106	126	140	153
COUNTY:KNOX	06308	NON-ELEVATOR:	101	115	137	158	173
STATE:OH		ELEVATOR:	111	127	151	174	190
COUNTY:LICKING	06004	NON-ELEVATOR:	92	105	125	139	152
STATE:OH		ELEVATOR:	102	116	138	153	167

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION S	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
COLUMBUS,OHIO AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:LOGAN	05902	NON-ELEVATOR:	93	106	126	146	160
STATE:OH		ELEVATOR:	102	117	139	161	176
COUNTY:MARION	06003	NON-ELEVATOR:	84	96	114	127	139
STATE:OH		ELEVATOR:	93	106	126	140	153
COUNTY:MEIGS	04803	NON-ELEVATOR:	70	80	95	106	116
STATE:OH		ELEVATOR:	77	88	105	116	128
COUNTY:MERCER	06401	NON-ELEVATOR:	95	108	129	149	163
STATE:OH		ELEVATOR:	104	119	141	164	179
COUNTY:MONROE	06207	NON-ELEVATOR:	77	88	105	116	128
STATE:OH		ELEVATOR:	85	97	115	128	141
COUNTY:MORGAN	06002	NON-ELEVATOR:	95	108	129	143	157
STATE:OH		ELEVATOR:	104	119	141	157	172
COUNTY:MORROW	06308	NON-ELEVATOR:	101	115	137	158	173
STATE:OH		ELEVATOR:	111	127	151	174	190
COUNTY:MUSKINGUM	06004	NON-ELEVATOR:	92	105	125	139	152
STATE:OH		ELEVATOR:	102	116	138	153	167
COUNTY:NOBLE	06002	NON-ELEVATOR:	95	108	129	143	157
STATE:OH		ELEVATOR:	104	119	141	157	172
COUNTY:PERRY	06004	NON-ELEVATOR:	92	105	125	139	152
STATE:OH		ELEVATOR:	102	116	138	153	167
COUNTY:PIKE	06003	NON-ELEVATOR:	84	96	114	127	139
STATE:OH		ELEVATOR:	93	106	126	140	153
COUNTY:ROSS	06003	NON-ELEVATOR:	84	96	114	127	139
STATE:OH		ELEVATOR:	93	106	126	140	153
COUNTY:SCIOTO	04804	NON-ELEVATOR:	70	80	95	106	116
STATE:OH		ELEVATOR:	77	88	105	116	128

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION S	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
COLUMBUS, OHIO AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:SHELBY	05902	NON-ELEVATOR:	93	106	126	146	160
STATE:OH		ELEVATOR:	102	117	139	161	176
COUNTY:UNION	06003	NON-ELEVATOR:	84	96	114	127	139
STATE:OH		ELEVATOR:	93	106	126	140	153
COUNTY:VINTON	06003	NON-ELEVATOR:	84	96	114	127	139
STATE:OH		ELEVATOR:	93	106	126	140	153

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION S	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DETROIT, MICHIGAN AREA OFFICE							
SMSA: ANN ARBOR, MI							
COUNTY:WASHTENAW	06605	NON-ELEVATOR:	155	174	209	241	263
STATE:MI		ELEVATOR:	171	194	230	265	289
SMSA: BAY CITY, MI							
COUNTY:BAY	06701	NON-ELEVATOR:	122	139	164	190	208
STATE:MI		ELEVATOR:	134	153	181	209	228
SMSA: DETROIT, MI							
COUNTY:LAPEER	06603	NON-ELEVATOR:	133	151	179	207	234
STATE:MI		ELEVATOR:	146	166	197	227	258
COUNTY:LIVINGSTON	06603	NON-ELEVATOR:	133	151	179	207	234
STATE:MI		ELEVATOR:	146	166	197	227	258
COUNTY:MACOMB	06602	NON-ELEVATOR:	133	151	179	207	234
STATE:MI		ELEVATOR:	146	166	197	227	258
COUNTY:OAKLAND	06603	NON-ELEVATOR:	133	151	179	207	234
STATE:MI		ELEVATOR:	146	166	197	227	258
COUNTY:ST CLAIR	06603	NON-ELEVATOR:	133	151	179	207	234
STATE:MI		ELEVATOR:	146	166	197	227	258
COUNTY:WAYNE	06601	NON-ELEVATOR:	133	151	179	207	234
STATE:MI		ELEVATOR:	146	166	197	227	258
SMSA: FLINT, MI							
COUNTY:GENESEE	06604	NON-ELEVATOR:	127	145	172	198	216
STATE:MI		ELEVATOR:	140	159	189	218	238
COUNTY:SHIAWASSEE	06604	NON-ELEVATOR:	127	145	172	198	216
STATE:MI		ELEVATOR:	140	159	189	218	238
SMSA: SAGINAW, MI							
COUNTY:SAGINAW	06701	NON-ELEVATOR:	122	139	164	190	208
STATE:MI		ELEVATOR:	134	153	181	209	228
SMSA: TOLEDO, OH-MI							
COUNTY:MONROE	06501	NON-ELEVATOR:	110	126	149	172	188
STATE:MI		ELEVATOR:	121	138	164	189	207

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DETROIT,MICHIGAN AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:ALCONA	06702	NON-ELEVATOR:	109	125	148	164	179
STATE:MI		ELEVATOR:	120	137	163	180	197
COUNTY:ALPENA	06702	NON-ELEVATOR:	109	125	148	164	179
STATE:MI		ELEVATOR:	120	137	163	180	197
COUNTY:ARENAC	06702	NON-ELEVATOR:	109	125	148	164	179
STATE:MI		ELEVATOR:	120	137	163	180	197
COUNTY:GLADWIN	06702	NON-ELEVATOR:	109	125	148	164	179
STATE:MI		ELEVATOR:	120	137	163	180	197
COUNTY:HURON	06702	NON-ELEVATOR:	109	125	148	164	179
STATE:MI		ELEVATOR:	120	137	163	180	197
COUNTY:IOSCO	06702	NON-ELEVATOR:	109	125	148	164	179
STATE:MI		ELEVATOR:	120	137	163	180	197
COUNTY:LENAWEE	06502	NON-ELEVATOR:	99	113	135	149	164
STATE:MI		ELEVATOR:	109	125	148	164	180
COUNTY:MIDLAND	06702	NON-ELEVATOR:	109	125	148	164	179
STATE:MI		ELEVATOR:	120	137	163	180	197
COUNTY:MONTMORENCY	06702	NON-ELEVATOR:	109	125	148	164	179
STATE:MI		ELEVATOR:	120	137	163	180	197
COUNTY:OGEMAW	06702	NON-ELEVATOR:	109	125	148	164	179
STATE:MI		ELEVATOR:	120	137	163	180	197
COUNTY:OSCODA	06702	NON-ELEVATOR:	109	125	148	164	179
STATE:MI		ELEVATOR:	120	137	163	180	197
COUNTY:PRESQUE ISLE	06702	NON-ELEVATOR:	109	125	148	164	179
STATE:MI		ELEVATOR:	120	137	163	180	197
COUNTY:SANILAC	06605	NON-ELEVATOR:	155	176	209	241	263
STATE:MI		ELEVATOR:	171	194	230	265	289

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DETROIT,MICHIGAN AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:TUSCOLA	06702	NON-ELEVATOR:	109	125	148	164	179
STATE:MI		ELEVATOR:	120	137	163	180	197

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION S	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
GRAND RAPIDS,MICHIGAN INSURING OFFICE							
SMSA: BATTLE CREEK, MI							
COUNTY:BARRY	06902	NON-ELEVATOR:	110	125	147	162	178
STATE:MI		ELEVATOR:	121	138	162	178	196
COUNTY:CALHOUN	06902	NON-ELEVATOR:	110	125	147	162	178
STATE:MI		ELEVATOR:	121	138	162	178	196
SMSA: GRAND RAPIDS, MI							
COUNTY:KENT	06801	NON-ELEVATOR:	125	145	165	185	210
STATE:MI		ELEVATOR:	138	161	182	204	231
COUNTY:OTTAWA	06801	NON-ELEVATOR:	125	145	165	185	210
STATE:MI		ELEVATOR:	138	161	182	204	231
SMSA: JACKSON, MI							
COUNTY:JACKSON	06902	NON-ELEVATOR:	119	140	162	180	205
STATE:MI		ELEVATOR:	131	154	178	198	226
SMSA: KALAMAZOO, MI							
COUNTY:KALAMAZOO	06903	NON-ELEVATOR:	131	149	176	204	222
STATE:MI		ELEVATOR:	144	164	194	224	245
COUNTY:VAN BUREN	06903	NON-ELEVATOR:	131	149	176	204	222
STATE:MI		ELEVATOR:	144	164	194	224	245
SMSA: LANSING, MI							
COUNTY:CLINTON	06901	NON-ELEVATOR:	139	158	187	216	234
STATE:MI		ELEVATOR:	153	174	206	238	259
COUNTY:EATON	06901	NON-ELEVATOR:	139	158	187	216	234
STATE:MI		ELEVATOR:	153	174	206	238	259
COUNTY:INGHAM	06901	NON-ELEVATOR:	139	158	187	216	234
STATE:MI		ELEVATOR:	153	174	206	238	259
COUNTY:IONIA	06901	NON-ELEVATOR:	139	158	187	216	234
STATE:MI		ELEVATOR:	153	174	206	238	259
SMSA: MUSKEGON-MUSKEGON HEIGHTS, MI							
COUNTY:MUSKEGON	06802	NON-ELEVATOR:	97	110	131	152	166
STATE:MI		ELEVATOR:	106	121	144	167	182

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION S	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
GRAND RAPIDS,MICHIGAN INSURING OFFICE							
SMSA: MUSKEGON-MUSKEGON HEIGHTS, MI							
COUNTY:OCEANA	06802	NON-ELEVATOR:	97	110	131	152	166
STATE:MI		ELEVATOR:	106	121	144	167	182
NON SMSA COUNTIES							
COUNTY:ALGER	07803	NON-ELEVATOR:	97	110	131	145	159
STATE:MI		ELEVATOR:	106	121	144	160	175
COUNTY:ALLEGAN	06802	NON-ELEVATOR:	97	110	131	152	166
STATE:MI		ELEVATOR:	106	121	144	167	182
COUNTY:ANTRIM	06802	NON-ELEVATOR:	97	110	131	152	166
STATE:MI		ELEVATOR:	106	121	144	167	182
COUNTY:BARAGA	07803	NON-ELEVATOR:	97	110	131	145	159
STATE:MI		ELEVATOR:	106	121	144	160	175
COUNTY:BENZIE	06802	NON-ELEVATOR:	97	110	131	152	166
STATE:MI		ELEVATOR:	106	121	144	167	182
COUNTY:BERRIEN	07102	NON-ELEVATOR:	111	127	150	166	182
STATE:MI		ELEVATOR:	122	139	165	183	201
COUNTY:BRANCH	06902	NON-ELEVATOR:	108	124	147	162	178
STATE:MI		ELEVATOR:	119	136	161	179	196
COUNTY:CASS	07102	NON-ELEVATOR:	111	127	150	166	182
STATE:MI		ELEVATOR:	122	139	165	183	201
COUNTY:CHARLEVOIX	06802	NON-ELEVATOR:	97	110	131	152	166
STATE:MI		ELEVATOR:	106	121	144	167	182
COUNTY:CHEBOYGAN	06702	NON-ELEVATOR:	109	125	148	164	179
STATE:MI		ELEVATOR:	120	137	163	180	197
COUNTY:CHIPPEWA	06702	NON-ELEVATOR:	109	125	148	164	179
STATE:MI		ELEVATOR:	120	137	163	180	197
COUNTY:CLARE	06702	NON-ELEVATOR:	109	125	148	164	179
STATE:MI		ELEVATOR:	120	137	163	180	197

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
GRAND RAPIDS,MICHIGAN INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:LAKE	06802	NON-ELEVATOR:	97	110	131	152	166
STATE:MI		ELEVATOR:	106	121	144	167	182
COUNTY:LEELANAU	06802	NON-ELEVATOR:	97	110	131	152	166
STATE:MI		ELEVATOR:	106	121	144	167	182
COUNTY:LUCE	06702	NON-ELEVATOR:	109	125	148	164	179
STATE:MI		ELEVATOR:	120	137	163	180	197
COUNTY:MACKINAC	06702	NON-ELEVATOR:	109	125	148	164	179
STATE:MI		ELEVATOR:	120	137	163	180	197
COUNTY:MANISTEE	06802	NON-ELEVATOR:	97	110	131	152	166
STATE:MI		ELEVATOR:	106	121	144	167	182
COUNTY:MARQUETTE	07803	NON-ELEVATOR:	107	121	144	160	175
STATE:MI		ELEVATOR:	118	133	158	176	193
COUNTY:MASON	06802	NON-ELEVATOR:	97	110	131	152	166
STATE:MI		ELEVATOR:	106	121	144	167	182
COUNTY:MECOSTA	06802	NON-ELEVATOR:	97	110	131	152	166
STATE:MI		ELEVATOR:	106	121	144	167	182
COUNTY:MENOMINEE	07803	NON-ELEVATOR:	97	110	131	145	159
STATE:MI		ELEVATOR:	106	121	144	160	175
COUNTY:MISSAUKEE	06802	NON-ELEVATOR:	97	110	131	152	166
STATE:MI		ELEVATOR:	106	121	144	167	182
COUNTY:MONTCALM	06802	NON-ELEVATOR:	97	110	131	152	166
STATE:MI		ELEVATOR:	106	121	144	167	182
COUNTY:NEWAYGO	06802	NON-ELEVATOR:	97	110	131	152	166
STATE:MI		ELEVATOR:	106	121	144	167	182
COUNTY:ONTONAGON	08002	NON-ELEVATOR:	88	100	119	132	145
STATE:MI		ELEVATOR:	97	110	131	145	160

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
GRAND RAPIDS,MICHIGAN INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:CRAWFORD	06702	NON-ELEVATOR:	109	125	148	164	179
STATE:MI		ELEVATOR:	120	137	163	180	197
COUNTY:DELTA	07803	NON-ELEVATOR:	97	110	131	145	159
STATE:MI		ELEVATOR:	106	121	144	160	175
COUNTY:DICKINSON	07803	NON-ELEVATOR:	97	110	131	145	159
STATE:MI		ELEVATOR:	106	121	144	160	175
COUNTY:EMMET	06802	NON-ELEVATOR:	97	110	131	152	166
STATE:MI		ELEVATOR:	106	121	144	167	182
COUNTY:GOGEBIC	08002	NON-ELEVATOR:	88	100	119	132	145
STATE:MI		ELEVATOR:	97	110	131	145	160
COUNTY:GRATIOT	09702	NON-ELEVATOR:	78	89	106	118	129
STATE:MI		ELEVATOR:	86	98	116	129	142
COUNTY:GRD TRAVERSE	06802	NON-ELEVATOR:	107	121	144	160	175
STATE:MI		ELEVATOR:	118	133	158	176	193
COUNTY:HILLSDALE	06902	NON-ELEVATOR:	108	124	147	162	178
STATE:MI		ELEVATOR:	119	136	161	179	196
COUNTY:HOUGHTON	07803	NON-ELEVATOR:	97	110	131	145	159
STATE:MI		ELEVATOR:	106	121	144	160	175
COUNTY:IRON	07803	NON-ELEVATOR:	97	110	131	145	159
STATE:MI		ELEVATOR:	106	121	144	160	175
COUNTY:ISABELLA	06702	NON-ELEVATOR:	109	125	148	164	179
STATE:MI		ELEVATOR:	120	137	163	180	197
COUNTY:KALKASKA	06802	NON-ELEVATOR:	97	110	131	152	166
STATE:MI		ELEVATOR:	106	121	144	167	182
COUNTY:KEWEENAW	07803	NON-ELEVATOR:	97	110	131	145	159
STATE:MI		ELEVATOR:	106	121	144	160	175

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION S	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
GRAND RAPIDS,MICHIGAN INSURING OFFICE						
NON SMSA COUNTIES						
COUNTY:OSCEOLA STATE:MI	06802	NON-ELEVATOR: ELEVATOR:	97 106	110 121	131 144	152 167	166 182
COUNTY:OTSEGO STATE:MI	06702	NON-ELEVATOR: ELEVATOR:	109 120	125 137	148 163	164 180	179 197
COUNTY:ROSCOMMON STATE:MI	06702	NON-ELEVATOR: ELEVATOR:	108 120	125 137	148 163	164 180	179 197
COUNTY:SCHOOLCRAFT STATE:MI	07803	NON-ELEVATOR: ELEVATOR:	97 106	110 121	131 144	145 160	159 175
COUNTY:ST JOSEPH STATE:MI	07102	NON-ELEVATOR: ELEVATOR:	111 122	127 139	150 165	165 181	182 201
COUNTY:WEXFORD STATE:MI	06802	NON-ELEVATOR: ELEVATOR:	97 106	110 121	131 144	152 167	166 182

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION S	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
INDIANAPOLIS,INDIANA AREA OFFICE						
SMSA: ANDERSON, IN						
COUNTY:MADISON STATE:IN	05701	NON-ELEVATOR: ELEVATOR:	105 115	120 132	142 156	164 180	179 197
SMSA: CINCINNATI, OH-KY-IN							
COUNTY:DEARBORN STATE:IN	05802	NON-ELEVATOR: ELEVATOR:	115 126	131 144	156 171	180 198	205 225
SMSA: EVANSVILLE, IN-KY							
COUNTY:GIBSON STATE:IN	05102	NON-ELEVATOR: ELEVATOR:	81 89	92 101	109 120	122 134	134 147
COUNTY:POSEY STATE:IN	05102	NON-ELEVATOR: ELEVATOR:	81 89	92 101	109 120	122 134	134 147
COUNTY:VANDERBURGH STATE:IN	05102	NON-ELEVATOR: ELEVATOR:	81 89	92 101	109 120	122 134	134 147
COUNTY:WARRICK STATE:IN	05102	NON-ELEVATOR: ELEVATOR:	81 89	92 101	109 120	122 134	134 147
SMSA: FORT WAYNE, IN							
COUNTY:ADAMS STATE:IN	07001	NON-ELEVATOR: ELEVATOR:	123 135	140 154	166 182	191 211	209 230
COUNTY:ALLEN STATE:IN	07001	NON-ELEVATOR: ELEVATOR:	123 135	140 154	166 182	191 211	209 230
COUNTY:DE KALB STATE:IN	07001	NON-ELEVATOR: ELEVATOR:	123 135	140 154	166 182	191 211	209 230
COUNTY:WELLS STATE:IN	07001	NON-ELEVATOR: ELEVATOR:	123 135	140 154	166 182	191 211	209 230
SMSA: GARY-HAMMOND-EAST CHICAGO, IN							
COUNTY:LAKE STATE:IN	07206	NON-ELEVATOR: ELEVATOR:	115 126	131 144	155 170	179 197	196 215
COUNTY:PORTER STATE:IN	U7206	NON-ELEVATOR: ELEVATOR:	115 126	131 144	155 170	179 197	196 215

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE							
SMSA: INDIANAPOLIS, IN							
COUNTY:BOONE	05602	NON-ELEVATOR:	122	139	164	190	215
STATE:IN		ELEVATOR:	134	153	181	209	237
COUNTY:HAMILTON	05602	NON-ELEVATOR:	122	139	164	190	215
STATE:IN		ELEVATOR:	134	153	181	209	237
COUNTY:HANCOCK	05602	NON-ELEVATOR:	122	139	164	190	215
STATE:IN		ELEVATOR:	134	153	181	209	237
COUNTY:HENDRICKS	05602	NON-ELEVATOR:	122	139	164	190	215
STATE:IN		ELEVATOR:	134	153	181	209	237
COUNTY:JOHNSON	05602	NON-ELEVATOR:	122	139	164	190	215
STATE:IN		ELEVATOR:	134	153	181	209	237
COUNTY:MARION	05601	NON-ELEVATOR:	122	139	164	190	215
STATE:IN		ELEVATOR:	134	153	181	209	237
COUNTY:MORGAN	05602	NON-ELEVATOR:	122	139	164	190	215
STATE:IN		ELEVATOR:	134	153	181	209	237
COUNTY:SHELBY	05602	NON-ELEVATOR:	122	139	164	190	215
STATE:IN		ELEVATOR:	134	153	181	209	237
SMSA: LAFAYETTE-WEST LAFAYETTE, IN							
COUNTY:TIPPECANOE	05501	NON-ELEVATOR:	120	137	162	179	197
STATE:IN		ELEVATOR:	132	151	178	197	216
SMSA: LOUISVILLE, KY-IN							
COUNTY:CLARK	05001	NON-ELEVATOR:	107	122	144	167	182
STATE:IN		ELEVATOR:	117	134	159	183	200
COUNTY:FLOYD	05001	NON-ELEVATOR:	107	122	144	167	182
STATE:IN		ELEVATOR:	117	134	159	183	200
SMSA: MUNCIE, IN							
COUNTY:DELAWARE	05701	NON-ELEVATOR:	105	120	142	164	179
STATE:IN		ELEVATOR:	115	132	156	180	197

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE							
SMSA: SOUTH BEND, IN							
COUNTY:MARSHALL	07101	NON-ELEVATOR:	120	137	162	187	205
STATE:IN		ELEVATOR:	132	151	178	206	225
COUNTY:ST JOSEPH	07101	NON-ELEVATOR:	120	137	162	187	205
STATE:IN		ELEVATOR:	132	151	178	206	225
SMSA: TERRE HAUTE, IN							
COUNTY:CLAY	05201	NON-ELEVATOR:	109	125	148	171	187
STATE:IN		ELEVATOR:	120	137	163	188	205
COUNTY:SULLIVAN	05201	NON-ELEVATOR:	109	125	148	171	187
STATE:IN		ELEVATOR:	120	137	163	188	205
COUNTY:VERMILLION	05201	NON-ELEVATOR:	109	125	148	171	187
STATE:IN		ELEVATOR:	120	137	163	188	205
COUNTY:VIGO	05201	NON-ELEVATOR:	109	125	148	171	187
STATE:IN		ELEVATOR:	120	137	163	188	205
NON SMSA COUNTIES							
COUNTY:BARTHOLOMEW	05603	NON-ELEVATOR:	114	130	154	170	187
STATE:IN		ELEVATOR:	125	143	169	187	205
COUNTY:BENTON	05501	NON-ELEVATOR:	120	137	162	179	197
STATE:IN		ELEVATOR:	132	151	178	197	216
COUNTY:BLACKFORD	05701	NON-ELEVATOR:	105	120	142	164	179
STATE:IN		ELEVATOR:	115	132	156	180	197
COUNTY:BROWN	05603	NON-ELEVATOR:	114	130	154	170	187
STATE:IN		ELEVATOR:	125	143	169	187	205
COUNTY:CARROLL	05501	NON-ELEVATOR:	120	137	162	179	197
STATE:IN		ELEVATOR:	132	151	178	197	216
COUNTY:CASS	05603	NON-ELEVATOR:	114	130	154	170	187
STATE:IN		ELEVATOR:	125	143	169	187	205
COUNTY:CLINTON	05501	NON-ELEVATOR:	120	137	162	179	197
STATE:IN		ELEVATOR:	132	151	178	197	216

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:CRAWFORD	05002	100	114	136	151	165
STATE:IN		110	126	149	166	182
FLEVATOR:						
FLEVATOR:						
COUNTY:DAVIESS	05102	81	92	109	122	134
STATE:IN		89	101	120	134	147
FLEVATOR:						
FLEVATOR:						
COUNTY:DECATUR	05603	114	130	154	170	187
STATE:IN		125	143	169	187	205
FLEVATOR:						
FLEVATOR:						
COUNTY:DUBOIS	05102	81	92	109	122	134
STATE:IN		89	101	120	134	147
FLEVATOR:						
FLEVATOR:						
COUNTY:ELKHART	07102	111	127	150	166	182
STATE:IN		122	139	165	183	201
FLEVATOR:						
FLEVATOR:						
COUNTY:FAYETTE	05803	104	119	141	163	178
STATE:IN		114	130	155	179	195
FLEVATOR:						
FLEVATOR:						
COUNTY:FOUNTAIN	05501	120	137	162	179	197
STATE:IN		132	151	178	197	216
FLEVATOR:						
FLEVATOR:						
COUNTY:FRANKLIN	05803	104	119	141	163	178
STATE:IN		114	130	155	179	195
FLEVATOR:						
FLEVATOR:						
COUNTY:FULTON	07102	111	127	150	166	182
STATE:IN		122	139	165	183	201
FLEVATOR:						
FLEVATOR:						
COUNTY:GRANT	05701	105	120	142	164	179
STATE:IN		115	132	156	180	197
FLEVATOR:						
FLEVATOR:						
COUNTY:GREENE	05201	109	125	148	171	187
STATE:IN		120	137	163	188	205
FLEVATOR:						
FLEVATOR:						
COUNTY:HARRISON	05002	100	114	136	151	165
STATE:IN		110	126	149	166	182
FLEVATOR:						
FLEVATOR:						
COUNTY:HENRY	05701	105	120	142	164	179
STATE:IN		115	132	156	180	197
FLEVATOR:						
FLEVATOR:						

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:HOWARD	05603	114	130	154	170	187
STATE:IN		125	143	169	187	205
FLEVATOR:						
FLEVATOR:						
COUNTY:HUNTINGTON	07002	95	108	129	143	157
STATE:IN		104	119	141	157	172
FLEVATOR:						
FLEVATOR:						
COUNTY:JACKSON	05603	114	130	154	170	187
STATE:IN		125	143	169	187	205
FLEVATOR:						
FLEVATOR:						
COUNTY:JASPER	07207	106	121	143	158	174
STATE:IN		116	133	157	174	191
FLEVATOR:						
FLEVATOR:						
COUNTY:JAY	05701	105	120	142	164	179
STATE:IN		115	132	156	180	197
FLEVATOR:						
FLEVATOR:						
COUNTY:JEFFERSON	05002	100	114	136	151	165
STATE:IN		110	126	149	166	182
FLEVATOR:						
FLEVATOR:						
COUNTY:JENNINGS	05603	114	130	154	170	187
STATE:IN		125	143	169	187	205
FLEVATOR:						
FLEVATOR:						
COUNTY:KNOX	05102	81	92	109	122	134
STATE:IN		89	101	120	134	147
FLEVATOR:						
FLEVATOR:						
COUNTY:KOSCIUSKO	07102	111	127	150	166	182
STATE:IN		122	139	165	183	201
FLEVATOR:						
FLEVATOR:						
COUNTY:LA PORTE	07207	106	121	143	158	174
STATE:IN		116	133	157	174	191
FLEVATOR:						
FLEVATOR:						
COUNTY:LAGRANGE	07102	111	127	150	166	182
STATE:IN		122	139	165	183	201
FLEVATOR:						
FLEVATOR:						
COUNTY:LAWRENCE	05403	114	130	154	170	187
STATE:IN		125	143	169	187	205
FLEVATOR:						
FLEVATOR:						
COUNTY:MARTIN	05102	81	92	109	122	134
STATE:IN		89	101	120	134	147
FLEVATOR:						
FLEVATOR:						

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SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:MIAMI STATE:IN	05603	NON-ELEVATOR: ELEVATOR:	114 125	130 143	154 169	170 187	187 206
COUNTY:MONROE STATE:IN	05603	NON-ELEVATOR: ELEVATOR:	114 125	130 143	154 169	170 187	187 205
COUNTY:MONTGOMERY STATE:IN	05501	NON-ELEVATOR: ELEVATOR:	120 132	137 151	162 178	179 197	197 216
COUNTY:NEWTON STATE:IN	07207	NON-ELEVATOR: ELEVATOR:	106 116	121 133	143 157	158 174	174 191
COUNTY:NOBLE STATE:IN	07002	NON-ELEVATOR: ELEVATOR:	95 104	108 119	129 141	143 157	157 172
COUNTY:OHIO STATE:IN	05803	NON-ELEVATOR: ELEVATOR:	104 114	119 130	141 155	163 179	178 195
COUNTY:ORANGE STATE:IN	05002	NON-ELEVATOR: ELEVATOR:	100 110	114 126	136 149	151 166	165 182
COUNTY:OWEN STATE:IN	05603	NON-ELEVATOR: ELEVATOR:	114 125	130 143	154 169	170 187	187 205
COUNTY:PARKE STATE:IN	05201	NON-ELEVATOR: ELEVATOR:	109 120	125 137	148 163	171 188	187 205
COUNTY:PERRY STATE:IN	05102	NON-ELEVATOR: ELEVATOR:	81 89	92 101	109 120	122 134	134 147
COUNTY:PIKE STATE:IN	05102	NON-ELEVATOR: ELEVATOR:	81 89	92 101	109 120	122 134	134 147
COUNTY:PULASKI STATE:IN	07207	NON-ELEVATOR: ELEVATOR:	106 116	121 133	143 157	158 174	174 191
COUNTY:PUTNAM STATE:IN	05603	NON-ELEVATOR: ELEVATOR:	114 125	130 143	154 169	170 187	187 205

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:RANDOLPH STATE:IN	05701	NON-ELEVATOR: ELEVATOR:	105 115	120 132	142 156	164 180	179 197
COUNTY:RIPLEY STATE:IN	05803	NON-ELEVATOR: ELEVATOR:	104 114	119 130	141 155	163 179	178 195
COUNTY:RUSH STATE:IN	05603	NON-ELEVATOR: ELEVATOR:	114 125	130 143	154 169	170 187	187 205
COUNTY:SCOTT STATE:IN	05002	NON-ELEVATOR: ELEVATOR:	100 110	114 126	136 149	151 166	165 182
COUNTY:SPENCER STATE:IN	05102	NON-ELEVATOR: ELEVATOR:	81 89	92 101	109 120	122 134	134 147
COUNTY:STARKE STATE:IN	07207	NON-ELEVATOR: ELEVATOR:	106 116	121 133	143 157	158 174	174 191
COUNTY:STEUBEN STATE:IN	07002	NON-ELEVATOR: ELEVATOR:	95 104	108 119	129 141	143 157	157 172
COUNTY:SWITZERLAND STATE:IN	05803	NON-ELEVATOR: ELEVATOR:	104 114	119 130	141 155	163 179	178 195
COUNTY:TIPTON STATE:IN	05603	NON-ELEVATOR: ELEVATOR:	114 125	130 143	154 169	170 187	187 205
COUNTY:UNION STATE:IN	05803	NON-ELEVATOR: ELEVATOR:	104 114	119 130	141 155	163 179	178 195
COUNTY:WABASH STATE:IN	07002	NON-ELEVATOR: ELEVATOR:	95 104	108 119	129 141	143 157	157 172
COUNTY:WARREN STATE:IN	05501	NON-ELEVATOR: ELEVATOR:	120 132	137 151	162 178	179 197	197 216
COUNTY:WASHINGTON STATE:IN	05002	NON-ELEVATOR: ELEVATOR:	100 110	114 126	136 149	151 166	165 182

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SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION S	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:WAYNE	05701	NON-ELEVATOR:	105	120	142	164	179
STATE:IN		ELEVATOR:	115	132	156	180	197
COUNTY:WHITE	05501	NON-ELEVATOR:	120	137	162	179	197
STATE:IN		ELEVATOR:	132	151	178	197	216
COUNTY:WHITLEY	07002	NON-ELEVATOR:	95	108	129	143	157
STATE:IN		ELEVATOR:	104	119	141	157	172

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION S	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MILWAUKEE, WISCONSIN AREA OFFICE							
SMSA: APPLETON-OSHKOSH, WI							
COUNTY:CALUMET	07801	NON-ELEVATOR:	116	132	156	180	197
STATE:WI		ELEVATOR:	127	146	172	198	217
COUNTY:OUTAGAMIE	07801	NON-ELEVATOR:	116	132	156	180	197
STATE:WI		ELEVATOR:	127	145	172	198	217
COUNTY:WINNEBAGO	07801	NON-ELEVATOR:	116	132	156	180	197
STATE:WI		ELEVATOR:	127	145	172	198	217
SMSA: DULUTH-SUPERIOR, MN-WI							
COUNTY:DOUGLAS	08001	NON-ELEVATOR:	93	106	126	146	160
STATE:WI		ELEVATOR:	102	117	139	161	176
SMSA: GREEN BAY, WI							
COUNTY:BROWN	07802	NON-ELEVATOR:	105	120	142	164	179
STATE:WI		ELEVATOR:	115	132	156	180	197
SMSA: KENOSHA, WI							
COUNTY:KENOSHA	07701	NON-ELEVATOR:	121	138	163	189	206
STATE:WI		ELEVATOR:	133	152	180	208	227
SMSA: LA CROSSE, WI							
COUNTY:LA CROSSE	08101	NON-ELEVATOR:	96	109	130	144	158
STATE:WI		ELEVATOR:	105	120	143	158	174
SMSA: MADISON, WI							
COUNTY:DANE	07702	NON-ELEVATOR:	146	166	195	223	243
STATE:WI		ELEVATOR:	161	183	215	245	267
SMSA: MILWAUKEE, WI							
COUNTY:MILWAUKEE	07703	NON-ELEVATOR:	133	151	179	206	234
STATE:WI		ELEVATOR:	146	166	197	227	257
COUNTY:OZAUKEE	07704	NON-ELEVATOR:	133	151	179	206	234
STATE:WI		ELEVATOR:	146	166	197	227	257
COUNTY:WASHINGTON	07704	NON-ELEVATOR:	133	151	179	206	234
STATE:WI		ELEVATOR:	146	166	197	227	257

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE 8- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MILWAUKEE, WISCONSIN AREA OFFICE							
SMSA: MILWAUKEE, WI							
COUNTY:WAUKESHA	07704	NON-ELEVATOR:	133	151	179	206	234
STATE:WI		ELEVATOR:	146	166	197	227	257
SMSA: MINNEAPOLIS-ST PAUL, MN							
COUNTY:ST CROIX	08204	NON-ELEVATOR:	144	164	194	224	254
STATE:WI		ELEVATOR:	159	181	214	247	280
SMSA: RACINE, WI							
COUNTY:RACINE	07701	NON-ELEVATOR:	133	150	176	194	211
STATE:WI		ELEVATOR:	146	165	194	213	232
NON SMSA COUNTIES							
COUNTY:ADAMS	07705	NON-ELEVATOR:	101	115	137	152	167
STATE:WI		ELEVATOR:	111	127	151	167	183
COUNTY:ASHLAND	08002	NON-ELEVATOR:	88	100	119	132	145
STATE:WI		ELEVATOR:	97	110	131	145	160
COUNTY:BARRON	08002	NON-ELEVATOR:	88	100	119	132	145
STATE:WI		ELEVATOR:	97	110	131	145	160
COUNTY:BAYFIELD	08002	NON-ELEVATOR:	88	100	119	132	145
STATE:WI		ELEVATOR:	97	110	131	145	160
COUNTY:BUFFALO	08101	NON-ELEVATOR:	96	109	130	144	158
STATE:WI		ELEVATOR:	105	120	143	158	174
COUNTY:BURNETT	08204	NON-ELEVATOR:	102	117	138	153	168
STATE:WI		ELEVATOR:	112	128	152	169	185
COUNTY:CHIPPEWA	08002	NON-ELEVATOR:	88	100	119	132	145
STATE:WI		ELEVATOR:	97	110	131	145	160
COUNTY:CLARK	07901	NON-ELEVATOR:	108	123	145	161	177
STATE:WI		ELEVATOR:	118	135	160	177	194
COUNTY:COLUMBIA	07705	NON-ELEVATOR:	101	115	137	152	167
STATE:WI		ELEVATOR:	111	127	151	167	183

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE 8- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MILWAUKEE, WISCONSIN AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:CRAWFORD	07501	NON-ELEVATOR:	95	108	129	143	157
STATE:WI		ELEVATOR:	104	119	141	157	172
COUNTY:DODGE	07705	NON-ELEVATOR:	101	115	137	152	167
STATE:WI		ELEVATOR:	111	127	151	167	183
COUNTY:DOOR	07802	NON-ELEVATOR:	105	120	142	164	179
STATE:WI		ELEVATOR:	115	132	156	180	197
COUNTY:DUNN	08002	NON-ELEVATOR:	88	100	119	132	145
STATE:WI		ELEVATOR:	97	110	131	145	160
COUNTY:EAU CLAIRE	08002	NON-ELEVATOR:	108	123	145	161	177
STATE:WI		ELEVATOR:	118	135	160	177	194
COUNTY:FLORENCE	07803	NON-ELEVATOR:	97	110	131	145	159
STATE:WI		ELEVATOR:	106	121	144	160	175
COUNTY:FOND DU LAC	07705	NON-ELEVATOR:	101	115	137	152	167
STATE:WI		ELEVATOR:	111	127	151	167	183
COUNTY:FOREST	07803	NON-ELEVATOR:	97	110	131	145	159
STATE:WI		ELEVATOR:	106	121	144	160	175
COUNTY:GRANT	07501	NON-ELEVATOR:	95	108	129	143	157
STATE:WI		ELEVATOR:	104	119	141	157	172
COUNTY:GREEN	07602	NON-ELEVATOR:	109	125	148	164	179
STATE:WI		ELEVATOR:	120	137	163	180	197
COUNTY:GREEN LAKE	07705	NON-ELEVATOR:	101	115	137	152	167
STATE:WI		ELEVATOR:	111	127	151	167	183
COUNTY:IOWA	07705	NON-ELEVATOR:	101	115	137	152	167
STATE:WI		ELEVATOR:	111	127	151	167	183
COUNTY:IRON	08002	NON-ELEVATOR:	88	100	119	132	145
STATE:WI		ELEVATOR:	97	110	131	145	160

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MILWAUKEE, WISCONSIN AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:JACKSON	08101	NON-ELEVATOR:	96	109	130	144	158
STATE:WI		ELEVATOR:	105	120	143	158	174
COUNTY:JEFFERSON	07705	NON-ELEVATOR:	101	115	137	152	167
STATE:WI		ELEVATOR:	111	127	151	167	183
COUNTY:JUNEAU	08101	NON-ELEVATOR:	96	109	130	144	158
STATE:WI		ELEVATOR:	105	120	143	158	174
COUNTY:KEWAUNEE	07802	NON-ELEVATOR:	105	120	142	164	179
STATE:WI		ELEVATOR:	115	132	156	180	197
COUNTY:LAFAYETTE	07501	NON-ELEVATOR:	95	108	129	143	157
STATE:WI		ELEVATOR:	104	119	141	157	172
COUNTY:LANGLADE	07901	NON-ELEVATOR:	108	123	145	161	177
STATE:WI		ELEVATOR:	118	135	160	177	194
COUNTY:LINCOLN	07901	NON-ELEVATOR:	108	123	145	161	177
STATE:WI		ELEVATOR:	118	135	160	177	194
COUNTY:MANITOWOC	07802	NON-ELEVATOR:	105	120	142	164	179
STATE:WI		ELEVATOR:	115	132	156	180	197
COUNTY:MARATHON	07901	NON-ELEVATOR:	108	123	145	161	177
STATE:WI		ELEVATOR:	118	135	160	177	194
COUNTY:MARINETTE	07803	NON-ELEVATOR:	97	110	131	145	159
STATE:WI		ELEVATOR:	106	121	144	160	175
COUNTY:MARQUETTE	07705	NON-ELEVATOR:	101	115	137	152	167
STATE:WI		ELEVATOR:	111	127	151	167	183
COUNTY:MENOMINEE	07803	NON-ELEVATOR:	97	110	131	145	159
STATE:WI		ELEVATOR:	106	121	144	160	175
COUNTY:MONROE	08101	NON-ELEVATOR:	96	109	130	144	158
STATE:WI		ELEVATOR:	105	120	143	158	174

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MILWAUKEE, WISCONSIN AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:OCONTO	07803	NON-ELEVATOR:	97	110	131	145	159
STATE:WI		ELEVATOR:	106	121	144	160	175
COUNTY:ONEIDA	07901	NON-ELEVATOR:	108	123	145	161	177
STATE:WI		ELEVATOR:	118	135	160	177	194
COUNTY:PEPIN	08002	NON-ELEVATOR:	88	100	119	132	145
STATE:WI		ELEVATOR:	97	110	131	145	160
COUNTY:PIERCE	08204	NON-ELEVATOR:	102	117	138	153	168
STATE:WI		ELEVATOR:	112	128	152	169	185
COUNTY:POLK	08204	NON-ELEVATOR:	102	117	138	153	168
STATE:WI		ELEVATOR:	112	128	152	169	185
COUNTY:PORTAGE	07901	NON-ELEVATOR:	108	123	145	161	177
STATE:WI		ELEVATOR:	118	135	160	177	194
COUNTY:PRICE	07901	NON-ELEVATOR:	108	123	145	161	177
STATE:WI		ELEVATOR:	118	135	160	177	194
COUNTY:RICHLAND	07705	NON-ELEVATOR:	101	115	137	152	167
STATE:WI		ELEVATOR:	111	127	151	167	183
COUNTY:ROCK	07602	NON-ELEVATOR:	109	125	148	164	179
STATE:WI		ELEVATOR:	120	137	163	180	197
COUNTY:RUSK	08002	NON-ELEVATOR:	88	100	119	132	145
STATE:WI		ELEVATOR:	97	110	131	145	160
COUNTY:SAUK	07705	NON-ELEVATOR:	101	115	137	152	167
STATE:WI		ELEVATOR:	111	127	151	167	183
COUNTY:SAWYER	08002	NON-ELEVATOR:	88	100	119	132	145
STATE:WI		ELEVATOR:	97	110	131	145	160
COUNTY:SHAWANO	07803	NON-ELEVATOR:	97	110	131	145	159
STATE:WI		ELEVATOR:	106	121	144	160	175

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION S	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MILWAUKEE, WISCONSIN AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:SHEBOYGAN	07705	NON-ELEVATOR:	101	115	137	152	167
STATE:WI		ELEVATOR:	111	127	151	167	183
COUNTY:TAYLOR	07901	NON-ELEVATOR:	108	123	145	161	177
STATE:WI		ELEVATOR:	118	135	160	177	194
COUNTY:TREMPEALEAU	08101	NON-ELEVATOR:	103	116	136	150	164
STATE:WI		ELEVATOR:	113	128	150	165	180
COUNTY:VERNON	08101	NON-ELEVATOR:	96	109	130	144	158
STATE:WI		ELEVATOR:	105	120	143	158	174
COUNTY:VILAS	07901	NON-ELEVATOR:	108	123	145	161	177
STATE:WI		ELEVATOR:	118	135	160	177	194
COUNTY:WALWORTH	07705	NON-ELEVATOR:	101	115	137	152	167
STATE:WI		ELEVATOR:	111	127	151	167	183
COUNTY:WASHBURN	08002	NON-ELEVATOR:	88	100	119	132	145
STATE:WI		ELEVATOR:	97	110	131	145	160
COUNTY:WAUPACA	07803	NON-ELEVATOR:	97	110	131	145	159
STATE:WI		ELEVATOR:	106	121	144	160	175
COUNTY:WAUSHARA	07705	NON-ELEVATOR:	101	115	137	152	167
STATE:WI		ELEVATOR:	111	127	151	167	183
COUNTY:WOOD	07901	NON-ELEVATOR:	108	123	145	161	177
STATE:WI		ELEVATOR:	118	135	160	177	194

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION S	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MINNEAPOLIS-ST.PAUL, MINNESOTA AREA OFFICE							
SMSA: DULUTH-SUPERIOR, MN-WI							
COUNTY:ST LOUIS	08001	NON-ELEVATOR:	93	106	126	146	160
STATE:MN		ELEVATOR:	102	117	139	161	176
SMSA: FARGO-MOORHEAD, ND-MN							
COUNTY:CLAY	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:MN		ELEVATOR:	112	128	152	169	185
SMSA: MINNEAPOLIS-ST PAUL, MN							
COUNTY:ANOKA	08203	NON-ELEVATOR:	144	164	194	224	254
STATE:MN		ELEVATOR:	159	181	214	247	280
COUNTY:CARVER	08201	NON-ELEVATOR:	144	164	194	224	254
STATE:MN		ELEVATOR:	159	181	214	247	280
COUNTY:CHISAGO	08203	NON-ELEVATOR:	144	164	194	224	254
STATE:MN		ELEVATOR:	159	181	214	247	280
COUNTY:DAKOTA	08203	NON-ELEVATOR:	144	164	194	224	254
STATE:MN		ELEVATOR:	159	181	214	247	280
COUNTY:HENNEPIN	08201	NON-ELEVATOR:	144	164	194	224	254
STATE:MN		ELEVATOR:	159	181	214	247	280
COUNTY:RAMSEY	08202	NON-ELEVATOR:	144	164	194	224	254
STATE:MN		ELEVATOR:	159	181	214	247	280
COUNTY:SCOTT	08203	NON-ELEVATOR:	144	164	194	224	254
STATE:MN		ELEVATOR:	159	181	214	247	280
COUNTY:WASHINGTON	08203	NON-ELEVATOR:	144	164	194	224	254
STATE:MN		ELEVATOR:	159	181	214	247	280
COUNTY:WRIGHT	08201	NON-ELEVATOR:	144	164	194	224	254
STATE:MN		ELEVATOR:	159	181	214	247	280
SMSA: ROCHESTER, MN							
COUNTY:OLMSTED	08205	NON-ELEVATOR:	122	139	164	182	200
STATE:MN		ELEVATOR:	134	153	181	200	220

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

RULES AND REGULATIONS

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MINNEAPOLIS-ST.PAUL,MINNESOTA AREA OFFICE							
SMSA: ST CLOUD, MN							
COUNTY:BENTON	08206	NON-ELEVATOR:	128	146	173	191	210
STATE:MN		ELEVATOR:	141	161	190	210	231
COUNTY:SHERBURNE	08206	NON-ELEVATOR:	128	146	173	191	210
STATE:MN		ELEVATOR:	141	161	190	210	231
COUNTY:STEARNS	08206	NON-ELEVATOR:	128	146	173	191	210
STATE:MN		ELEVATOR:	141	161	190	210	231
NON SMSA COUNTIES							
COUNTY:AITKIN	08207	NON-ELEVATOR:	82	93	111	123	135
STATE:MN		ELEVATOR:	90	102	122	135	149
COUNTY:BECKER	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:MN		ELEVATOR:	112	128	152	169	185
COUNTY:BELTRAMI	08207	NON-ELEVATOR:	82	93	111	123	135
STATE:MN		ELEVATOR:	90	102	122	135	149
COUNTY:BIG STONE	08207	NON-ELEVATOR:	82	93	111	123	135
STATE:MN		ELEVATOR:	90	102	122	135	149
COUNTY:BLUE EARTH	08206	NON-ELEVATOR:	128	146	173	191	210
STATE:MN		ELEVATOR:	141	161	190	210	231
COUNTY:BROWN	08206	NON-ELEVATOR:	128	146	173	191	210
STATE:MN		ELEVATOR:	141	161	190	210	231
COUNTY:CARLTON	08002	NON-ELEVATOR:	88	100	119	132	145
STATE:MN		ELEVATOR:	97	110	131	145	160
COUNTY:CASS	08207	NON-ELEVATOR:	82	93	111	123	135
STATE:MN		ELEVATOR:	90	102	122	135	149
COUNTY:CHIPPEWA	08207	NON-ELEVATOR:	82	93	111	123	135
STATE:MN		ELEVATOR:	90	102	122	135	149
COUNTY:CLEARWATER	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:MN		ELEVATOR:	112	128	152	169	185

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MINNEAPOLIS-ST.PAUL,MINNESOTA AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:COOK	08002	NON-ELEVATOR:	88	100	119	132	145
STATE:MN		ELEVATOR:	97	110	131	145	160
COUNTY:COTTONWOOD	08207	NON-ELEVATOR:	82	93	111	123	135
STATE:MN		ELEVATOR:	90	102	122	135	149
COUNTY:CROW WING	08206	NON-ELEVATOR:	128	146	173	191	210
STATE:MN		ELEVATOR:	141	161	190	210	231
COUNTY:DODGE	08205	NON-ELEVATOR:	122	139	164	182	200
STATE:MN		ELEVATOR:	134	153	181	200	220
COUNTY:DOUGLAS	08207	NON-ELEVATOR:	82	93	111	123	135
STATE:MN		ELEVATOR:	90	102	122	135	149
COUNTY:FARIBAULT	08206	NON-ELEVATOR:	128	146	173	191	210
STATE:MN		ELEVATOR:	141	161	190	210	231
COUNTY:FILLMORE	08205	NON-ELEVATOR:	122	139	164	182	200
STATE:MN		ELEVATOR:	134	153	181	200	220
COUNTY:FREEBORN	08205	NON-ELEVATOR:	122	139	164	182	200
STATE:MN		ELEVATOR:	134	153	181	200	220
COUNTY:GOODHUE	08204	NON-ELEVATOR:	102	117	138	153	168
STATE:MN		ELEVATOR:	112	128	152	169	185
COUNTY:GRANT	08207	NON-ELEVATOR:	82	93	111	123	135
STATE:MN		ELEVATOR:	90	102	122	135	149
COUNTY:HOUSTON	08101	NON-ELEVATOR:	96	109	130	144	158
STATE:MN		ELEVATOR:	105	120	143	158	174
COUNTY:HUBBARD	08207	NON-ELEVATOR:	82	93	111	123	135
STATE:MN		ELEVATOR:	90	102	122	135	149
COUNTY:ISANTI	08204	NON-ELEVATOR:	102	117	138	153	168
STATE:MN		ELEVATOR:	112	128	152	169	185

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION S	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MINNEAPOLIS-ST.PAUL,MINNESOTA AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:ITASCA	08002	NON-ELEVATOR:	88	100	119	132	145
STATE:MN		ELEVATOR:	97	110	131	145	160
COUNTY:JACKSON	08701	NON-ELEVATOR:	104	119	141	156	171
STATE:MN		ELEVATOR:	114	130	155	171	188
COUNTY:KANABEC	08204	NON-ELEVATOR:	102	117	138	153	168
STATE:MN		ELEVATOR:	112	128	152	169	185
COUNTY:KANDIYOHI	08206	NON-ELEVATOR:	128	146	173	191	210
STATE:MN		ELEVATOR:	141	161	190	210	231
COUNTY:KITTSON	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:MN		ELEVATOR:	112	128	152	169	185
COUNTY:KOOCHICHING	08002	NON-ELEVATOR:	88	100	119	132	145
STATE:MN		ELEVATOR:	97	110	131	145	160
COUNTY:LAC QUI PARL	08207	NON-ELEVATOR:	82	93	111	123	135
STATE:MN		ELEVATOR:	90	102	122	135	149
COUNTY:LAKE	08002	NON-ELEVATOR:	88	100	119	132	145
STATE:MN		ELEVATOR:	97	110	131	145	160
COUNTY:LAKE OF WOOD	08207	NON-ELEVATOR:	82	93	111	123	135
STATE:MN		ELEVATOR:	90	102	122	135	149
COUNTY:LE SUEUR	08206	NON-ELEVATOR:	128	146	173	191	210
STATE:MN		ELEVATOR:	141	161	190	210	231
COUNTY:LINCOLN	08701	NON-ELEVATOR:	104	119	141	156	171
STATE:MN		ELEVATOR:	114	130	155	171	188
COUNTY:LYON	08701	NON-ELEVATOR:	104	119	141	156	171
STATE:MN		ELEVATOR:	114	130	155	171	188
COUNTY:MAHNOMEN	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:MN		ELEVATOR:	112	128	152	169	185

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION S	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MINNEAPOLIS-ST.PAUL,MINNESOTA AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:MARSHALL	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:MN		ELEVATOR:	112	128	152	169	185
COUNTY:MARTIN	08206	NON-ELEVATOR:	128	146	173	191	210
STATE:MN		ELEVATOR:	141	161	190	210	231
COUNTY:MCLEOD	08206	NON-ELEVATOR:	128	146	173	191	210
STATE:MN		ELEVATOR:	141	161	190	210	231
COUNTY:MEEKER	08206	NON-ELEVATOR:	128	146	173	191	210
STATE:MN		ELEVATOR:	141	161	190	210	231
COUNTY:MILLE LACS	08204	NON-ELEVATOR:	102	117	138	153	168
STATE:MN		ELEVATOR:	112	128	152	169	185
COUNTY:MORRISON	08206	NON-ELEVATOR:	128	146	173	191	210
STATE:MN		ELEVATOR:	141	161	190	210	231
COUNTY:MOWER	08205	NON-ELEVATOR:	122	139	164	182	200
STATE:MN		ELEVATOR:	134	153	181	200	220
COUNTY:MURRAY	08701	NON-ELEVATOR:	104	119	141	156	171
STATE:MN		ELEVATOR:	114	130	155	171	188
COUNTY:NICOLLET	08206	NON-ELEVATOR:	128	146	173	191	210
STATE:MN		ELEVATOR:	141	161	190	210	231
COUNTY:NOBLES	08701	NON-ELEVATOR:	104	119	141	156	171
STATE:MN		ELEVATOR:	114	130	155	171	188
COUNTY:NORMAN	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:MN		ELEVATOR:	112	128	152	169	185
COUNTY:OTTER TAIL	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:MN		ELEVATOR:	112	128	152	169	185
COUNTY:PENNINGTON	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:MN		ELEVATOR:	112	128	152	169	185

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION S	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MINNEAPOLIS-ST.PAUL,MINNESOTA AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:PINE	08204	NON-ELEVATOR:	102	117	138	153	168
STATE:MN		ELEVATOR:	112	128	152	169	185
COUNTY:PIPESTONE	08701	NON-ELEVATOR:	104	119	141	156	171
STATE:MN		ELEVATOR:	114	130	155	171	188
COUNTY:POLK	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:MN		ELEVATOR:	112	128	152	169	185
COUNTY:POPE	08207	NON-ELEVATOR:	82	93	111	123	135
STATE:MN		ELEVATOR:	90	102	122	135	149
COUNTY:RED LAKE	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:MN		ELEVATOR:	112	128	152	169	185
COUNTY:REDWOOD	08207	NON-ELEVATOR:	82	93	111	123	135
STATE:MN		ELEVATOR:	90	102	122	135	149
COUNTY:RENVILLE	08207	NON-ELEVATOR:	82	93	111	123	135
STATE:MN		ELEVATOR:	90	102	122	135	149
COUNTY:RICE	08204	NON-ELEVATOR:	102	117	138	153	168
STATE:MN		ELEVATOR:	112	128	152	169	185
COUNTY:ROCK	08701	NON-ELEVATOR:	104	119	141	156	171
STATE:MN		ELEVATOR:	114	130	155	171	188
COUNTY:ROSEAU	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:MN		ELEVATOR:	112	128	152	169	185
COUNTY:SIBLEY	08206	NON-ELEVATOR:	128	146	173	191	210
STATE:MN		ELEVATOR:	141	161	190	210	231
COUNTY:STEELE	08205	NON-ELEVATOR:	122	139	164	182	200
STATE:MN		ELEVATOR:	134	153	181	200	220
COUNTY:STEVENS	08207	NON-ELEVATOR:	82	93	111	123	135
STATE:MN		ELEVATOR:	90	102	122	135	149

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION S	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MINNEAPOLIS-ST.PAUL,MINNESOTA AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:SWIFT	08207	NON-ELEVATOR:	82	93	111	123	135
STATE:MN		ELEVATOR:	90	102	122	135	149
COUNTY:TODD	08207	NON-ELEVATOR:	82	93	111	123	135
STATE:MN		ELEVATOR:	90	102	122	135	149
COUNTY:TRAVERSE	08207	NON-ELEVATOR:	82	93	111	123	135
STATE:MN		ELEVATOR:	90	102	122	135	149
COUNTY:WABASHA	08205	NON-ELEVATOR:	122	139	164	182	200
STATE:MN		ELEVATOR:	134	153	181	200	220
COUNTY:WADENA	08207	NON-ELEVATOR:	82	93	111	123	135
STATE:MN		ELEVATOR:	90	102	122	135	149
COUNTY:WASECA	08205	NON-ELEVATOR:	122	139	164	182	200
STATE:MN		ELEVATOR:	134	153	181	200	220
COUNTY:WATONWAN	08206	NON-ELEVATOR:	128	146	173	191	210
STATE:MN		ELEVATOR:	141	161	190	210	231
COUNTY:WILKIN	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:MN		ELEVATOR:	112	128	152	169	185
COUNTY:WINONA	08101	NON-ELEVATOR:	96	109	130	144	158
STATE:MN		ELEVATOR:	105	120	143	158	174
COUNTY:YELLOW MEDIC	08207	NON-ELEVATOR:	82	93	111	123	135
STATE:MN		ELEVATOR:	90	102	122	135	149

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

RULES AND REGULATIONS

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION S	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SPRINGFIELD, ILLINOIS INSURING OFFICE							
SMSA: BLOOMINGTON-NORMAL, IL							
COUNTY:MCLEAN	07302	NON-ELEVATOR:	109	125	148	164	179
STATE:IL		ELEVATOR:	120	137	163	180	197
SMSA: CHAMPAIGN-URBANA, IL							
COUNTY:CHAMPAIGN	05401	NON-ELEVATOR:	122	139	164	190	208
STATE:IL		ELEVATOR:	134	153	181	209	228
SMSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL							
COUNTY:HENRY	07401	NON-ELEVATOR:	126	144	170	197	215
STATE:IL		ELEVATOR:	139	156	187	217	236
SMSA: DECATUR, IL							
COUNTY:MACON	05301	NON-ELEVATOR:	115	131	155	179	196
STATE:IL		ELEVATOR:	126	144	170	197	215
SMSA: PEORIA, IL							
COUNTY:PEORIA	07301	NON-ELEVATOR:	126	144	170	197	215
STATE:IL		ELEVATOR:	139	158	187	217	236
COUNTY:TAZEWELL	07301	NON-ELEVATOR:	126	144	170	197	215
STATE:IL		ELEVATOR:	139	158	187	217	236
COUNTY:WOODFORD	07301	NON-ELEVATOR:	126	144	170	197	215
STATE:IL		ELEVATOR:	139	158	187	217	236
SMSA: ST LOUIS, MO-IL							
COUNTY:CLINTON	10102	NON-ELEVATOR:	116	133	157	182	206
STATE:IL		ELEVATOR:	128	146	173	200	227
COUNTY:MADISON	10101	NON-ELEVATOR:	116	133	157	182	206
STATE:IL		ELEVATOR:	128	146	173	200	227
COUNTY:MONROE	10102	NON-ELEVATOR:	116	133	157	182	206
STATE:IL		ELEVATOR:	128	146	173	200	227
COUNTY:ST CLAIR	10102	NON-ELEVATOR:	116	133	157	182	206
STATE:IL		ELEVATOR:	128	146	173	200	227
SMSA: SPRINGFIELD, IL							
COUNTY:MENARD	05301	NON-ELEVATOR:	115	131	155	179	196
STATE:IL		ELEVATOR:	126	144	170	197	215

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION S	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SPRINGFIELD, ILLINOIS INSURING OFFICE							
SMSA: SPRINGFIELD, IL							
COUNTY:SANGAMON	05301	NON-ELEVATOR:	115	131	155	179	196
STATE:IL		ELEVATOR:	126	144	170	197	215
NON SMSA COUNTIES							
COUNTY:ADAMS	10001	NON-ELEVATOR:	96	109	130	144	158
STATE:IL		ELEVATOR:	105	120	143	158	174
COUNTY:ALEXANDER	10202	NON-ELEVATOR:	78	89	106	118	129
STATE:IL		ELEVATOR:	86	98	116	129	142
COUNTY:BOND	10107	NON-ELEVATOR:	87	99	118	131	144
STATE:IL		ELEVATOR:	96	109	130	144	158
COUNTY:BROWN	10001	NON-ELEVATOR:	96	109	130	144	158
STATE:IL		ELEVATOR:	105	120	143	158	174
COUNTY:BUREAU	07403	NON-ELEVATOR:	106	121	143	158	174
STATE:IL		ELEVATOR:	116	133	157	174	191
COUNTY:CALHOUN	10107	NON-ELEVATOR:	87	99	118	131	144
STATE:IL		ELEVATOR:	96	109	130	144	158
COUNTY:CASS	05301	NON-ELEVATOR:	115	131	155	179	196
STATE:IL		ELEVATOR:	126	144	170	197	215
COUNTY:CHRISTIAN	05301	NON-ELEVATOR:	115	131	155	179	196
STATE:IL		ELEVATOR:	126	144	170	197	215
COUNTY:CLARK	05201	NON-ELEVATOR:	109	125	148	171	187
STATE:IL		ELEVATOR:	120	137	163	188	205
COUNTY:CLAY	10107	NON-ELEVATOR:	87	99	118	131	144
STATE:IL		ELEVATOR:	96	109	130	144	158
COUNTY:COLES	05401	NON-ELEVATOR:	122	139	164	190	208
STATE:IL		ELEVATOR:	134	153	181	209	228
COUNTY:CRAWFORD	05201	NON-ELEVATOR:	109	125	148	171	187
STATE:IL		ELEVATOR:	120	137	163	188	205

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE 8- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION S	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SPRINGFIELD:ILLINOIS INSURING OFFICE						
NON SMSA COUNTIES						
COUNTY:CUMBERLAND	05401	NON-ELEVATOR:	122	139	164	190	208
STATE:IL		ELEVATOR:	134	153	181	209	228
COUNTY:DE WITT	05301	NON-ELEVATOR:	115	131	155	179	196
STATE:IL		ELEVATOR:	126	144	170	197	215
COUNTY:DOUGLAS	05401	NON-ELEVATOR:	122	139	164	190	208
STATE:IL		ELEVATOR:	134	153	181	209	228
COUNTY:EDGAR	05401	NON-ELEVATOR:	122	139	164	190	208
STATE:IL		ELEVATOR:	134	153	181	209	228
COUNTY:EDWARDS	05102	NON-ELEVATOR:	81	92	109	142	134
STATE:IL		ELEVATOR:	89	101	120	134	147
COUNTY:EFFINGHAM	10107	NON-ELEVATOR:	87	99	118	131	144
STATE:IL		ELEVATOR:	96	109	130	144	158
COUNTY:FAYETTE	10107	NON-ELEVATOR:	87	99	118	131	144
STATE:IL		ELEVATOR:	96	109	130	144	158
COUNTY:FORD	05401	NON-ELEVATOR:	122	139	164	190	208
STATE:IL		ELEVATOR:	134	153	181	209	228
COUNTY:FRANKLIN	10108	NON-ELEVATOR:	90	103	123	136	149
STATE:IL		ELEVATOR:	100	114	135	150	164
COUNTY:FULTON	07302	NON-ELEVATOR:	111	126	148	170	185
STATE:IL		ELEVATOR:	122	139	163	187	204
COUNTY:GALLATIN	05102	NON-ELEVATOR:	81	92	109	122	134
STATE:IL		ELEVATOR:	89	101	120	134	147
COUNTY:GREENE	10107	NON-ELEVATOR:	87	99	118	131	144
STATE:IL		ELEVATOR:	96	109	130	144	158
COUNTY:HAMILTON	05102	NON-ELEVATOR:	81	92	109	122	134
STATE:IL		ELEVATOR:	89	101	120	134	147

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE 8- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION S	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SPRINGFIELD:ILLINOIS INSURING OFFICE						
NON SMSA COUNTIES						
COUNTY:HANCOCK	10001	NON-ELEVATOR:	96	109	130	144	158
STATE:IL		ELEVATOR:	105	120	143	158	174
COUNTY:HARDIN	10202	NON-ELEVATOR:	78	89	106	118	129
STATE:IL		ELEVATOR:	86	98	116	129	142
COUNTY:HENDERSON	10001	NON-ELEVATOR:	96	109	130	144	158
STATE:IL		ELEVATOR:	105	120	143	158	174
COUNTY:IROQUOIS	07207	NON-ELEVATOR:	106	121	143	158	174
STATE:IL		ELEVATOR:	116	133	157	174	191
COUNTY:JACKSON	10108	NON-ELEVATOR:	90	103	123	136	149
STATE:IL		ELEVATOR:	100	114	135	150	164
COUNTY:JASPER	10107	NON-ELEVATOR:	87	99	118	131	144
STATE:IL		ELEVATOR:	96	109	130	144	158
COUNTY:JEFFERSON	10108	NON-ELEVATOR:	90	103	123	136	149
STATE:IL		ELEVATOR:	100	114	135	150	164
COUNTY:JERSEY	10107	NON-ELEVATOR:	87	99	118	131	144
STATE:IL		ELEVATOR:	96	109	130	144	158
COUNTY:JOHNSON	10202	NON-ELEVATOR:	78	89	106	118	129
STATE:IL		ELEVATOR:	86	98	116	129	142
COUNTY:KNOX	07302	NON-ELEVATOR:	109	125	148	164	179
STATE:IL		ELEVATOR:	120	137	163	180	197
COUNTY:LA SALLE	07208	NON-ELEVATOR:	120	137	162	179	197
STATE:IL		ELEVATOR:	132	151	178	197	216
COUNTY:LAWRENCE	05102	NON-ELEVATOR:	81	92	109	122	134
STATE:IL		ELEVATOR:	89	101	120	134	147
COUNTY:LIVINGSTON	07208	NON-ELEVATOR:	120	137	162	179	197
STATE:IL		ELEVATOR:	132	151	178	197	216

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION S	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SPRINGFIELD,ILLINOIS INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:LOGAN	05301	NON-ELEVATOR:	115	131	155	179	196
STATE:IL		ELEVATOR:	126	144	170	197	215
COUNTY:MACOUPIN	10107	NON-ELEVATOR:	87	99	118	131	144
STATE:IL		ELEVATOR:	96	109	130	144	158
COUNTY:MARION	10107	NON-ELEVATOR:	87	99	118	131	144
STATE:IL		ELEVATOR:	96	109	130	144	158
COUNTY:MARSHALL	07302	NON-ELEVATOR:	109	125	148	164	179
STATE:IL		ELEVATOR:	120	137	163	180	197
COUNTY:MASON	05301	NON-ELEVATOR:	115	131	155	179	196
STATE:IL		ELEVATOR:	126	144	170	197	215
COUNTY:MASSAC	10202	NON-ELEVATOR:	78	89	106	118	129
STATE:IL		ELEVATOR:	86	98	116	129	142
COUNTY:MCDONOUGH	07302	NON-ELEVATOR:	109	125	148	164	179
STATE:IL		ELEVATOR:	120	137	163	180	197
COUNTY:MERCER	07403	NON-ELEVATOR:	106	121	143	158	174
STATE:IL		ELEVATOR:	116	133	157	174	191
COUNTY:MONTGOMERY	10107	NON-ELEVATOR:	87	99	118	131	144
STATE:IL		ELEVATOR:	96	109	130	144	158
COUNTY:MORGAN	05301	NON-ELEVATOR:	115	131	155	179	196
STATE:IL		ELEVATOR:	126	144	170	197	215
COUNTY:MOULTRIE	05301	NON-ELEVATOR:	115	131	155	179	196
STATE:IL		ELEVATOR:	126	144	170	197	215
COUNTY:PERRY	10108	NON-ELEVATOR:	90	103	123	136	149
STATE:IL		ELEVATOR:	100	114	135	150	164
COUNTY:PIATT	05401	NON-ELEVATOR:	122	139	164	190	208
STATE:IL		ELEVATOR:	134	153	181	209	228

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION S	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SPRINGFIELD,ILLINOIS INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:PIKE	10001	NON-ELEVATOR:	96	109	130	144	158
STATE:IL		ELEVATOR:	105	120	143	158	174
COUNTY:POPE	10202	NON-ELEVATOR:	78	89	106	118	129
STATE:IL		ELEVATOR:	86	98	116	129	142
COUNTY:PULASKI	10202	NON-ELEVATOR:	78	89	106	118	129
STATE:IL		ELEVATOR:	86	98	116	129	142
COUNTY:PUTNAM	07208	NON-ELEVATOR:	120	137	162	179	197
STATE:IL		ELEVATOR:	132	151	178	197	216
COUNTY:RANDOLPH	10108	NON-ELEVATOR:	90	103	123	136	149
STATE:IL		ELEVATOR:	100	114	135	150	164
COUNTY:RICHLAND	10107	NON-ELEVATOR:	87	99	118	131	144
STATE:IL		ELEVATOR:	96	109	130	144	158
COUNTY:SALINE	05102	NON-ELEVATOR:	81	92	109	122	134
STATE:IL		ELEVATOR:	89	101	120	134	147
COUNTY:SCHUYLER	10001	NON-ELEVATOR:	96	109	130	144	158
STATE:IL		ELEVATOR:	105	120	143	158	174
COUNTY:SCOTT	05301	NON-ELEVATOR:	115	131	155	179	196
STATE:IL		ELEVATOR:	126	144	170	197	215
COUNTY:SHELBY	05301	NON-ELEVATOR:	115	131	155	179	196
STATE:IL		ELEVATOR:	126	144	170	197	215
COUNTY:STARK	07302	NON-ELEVATOR:	109	125	148	164	179
STATE:IL		ELEVATOR:	120	137	163	180	197
COUNTY:UNION	10202	NON-ELEVATOR:	78	89	106	118	129
STATE:IL		ELEVATOR:	86	98	116	129	142
COUNTY:VERMILION	05401	NON-ELEVATOR:	122	139	164	190	208
STATE:IL		ELEVATOR:	134	153	181	209	228

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SPRINGFIELD:ILLINOIS INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:WABASH	05102	NON-ELEVATOR:	81	92	109	122	134
STATE:IL		ELEVATOR:	89	101	120	134	147
COUNTY:WARREN	07302	NON-ELEVATOR:	109	125	148	164	179
STATE:IL		ELEVATOR:	120	137	163	180	197
COUNTY:WASHINGTON	10108	NON-ELEVATOR:	90	103	123	136	149
STATE:IL		ELEVATOR:	100	114	135	150	164
COUNTY:WAYNE	10107	NON-ELEVATOR:	87	99	118	131	144
STATE:IL		ELEVATOR:	96	109	130	144	158
COUNTY:WHITE	05102	NON-ELEVATOR:	81	92	109	122	134
STATE:IL		ELEVATOR:	89	101	120	134	147
COUNTY:WILLIAMSON	10108	NON-ELEVATOR:	90	103	123	136	149
STATE:IL		ELEVATOR:	100	114	135	150	164

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ALBUQUERQUE:NEW MEXICO INSURING OFFICE							
SMSA: ALBUQUERQUE, NM							
COUNTY:BERNALILLO	12901	NON-ELEVATOR:	108	122	145	167	182
STATE:NM		ELEVATOR:	118	135	159	183	200
COUNTY:SANDOVAL	12902	NON-ELEVATOR:	108	122	145	167	182
STATE:NM		ELEVATOR:	118	135	159	183	200
NON SMSA COUNTIES							
COUNTY:CATRON	12802	NON-ELEVATOR:	84	95	113	125	137
STATE:NM		ELEVATOR:	92	105	124	137	150
COUNTY:CHAVES	12802	NON-ELEVATOR:	84	95	113	125	137
STATE:NM		ELEVATOR:	92	105	124	137	150
COUNTY:COLFAX	12902	NON-ELEVATOR:	100	114	135	149	163
STATE:NM		ELEVATOR:	110	126	148	164	179
COUNTY:CURRY	10901	NON-ELEVATOR:	80	91	108	125	136
STATE:NM		ELEVATOR:	88	100	119	137	150
COUNTY:DE BACA	10901	NON-ELEVATOR:	80	91	108	125	136
STATE:NM		ELEVATOR:	88	100	119	137	150
COUNTY:DONA ANA	12802	NON-ELEVATOR:	84	95	113	125	137
STATE:NM		ELEVATOR:	92	105	124	137	150
COUNTY:EDDY	12802	NON-ELEVATOR:	84	95	113	125	137
STATE:NM		ELEVATOR:	92	105	124	137	150
COUNTY:GRANT	12802	NON-ELEVATOR:	84	95	113	125	137
STATE:NM		ELEVATOR:	92	105	124	137	150
COUNTY:GUADALUPE	10901	NON-ELEVATOR:	80	91	108	125	136
STATE:NM		ELEVATOR:	88	100	119	137	150
COUNTY:HARDING	10901	NON-ELEVATOR:	80	91	108	125	136
STATE:NM		ELEVATOR:	88	100	119	137	150
COUNTY:HIDALGO	12802	NON-ELEVATOR:	84	95	113	125	137
STATE:NM		ELEVATOR:	92	105	124	137	150

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RULES AND REGULATIONS
RULES AND REGULATIONS

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ALBUQUERQUE:NEW MEXICO INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:LEA	12802	NON-ELEVATOR:	84	95	113	125	137
STATE:NM		ELEVATOR:	92	105	124	137	150
COUNTY:LINCOLN	12802	NON-ELEVATOR:	84	95	113	125	137
STATE:NM		ELEVATOR:	92	105	124	137	150
COUNTY:LOS ALAMOS	12902	NON-ELEVATOR:	100	114	135	149	163
STATE:NM		ELEVATOR:	110	126	148	164	179
COUNTY:LUNA	12902	NON-ELEVATOR:	100	114	135	149	163
STATE:NM		ELEVATOR:	110	126	148	164	179
COUNTY:MCKINLEY	12902	NON-ELEVATOR:	100	114	135	149	163
STATE:NM		ELEVATOR:	110	126	148	164	179
COUNTY:MORA	12902	NON-ELEVATOR:	100	114	135	149	163
STATE:NM		ELEVATOR:	110	126	148	164	179
COUNTY:OTERO	12802	NON-ELEVATOR:	84	95	113	125	137
STATE:NM		ELEVATOR:	92	105	124	137	150
COUNTY:QUAY	10901	NON-ELEVATOR:	80	91	108	125	136
STATE:NM		ELEVATOR:	88	100	119	137	150
COUNTY:RIO ARRIBA	12902	NON-ELEVATOR:	100	114	135	149	163
STATE:NM		ELEVATOR:	110	126	148	164	179
COUNTY:ROOSEVELT	10901	NON-ELEVATOR:	80	91	108	125	136
STATE:NM		ELEVATOR:	88	100	119	137	150
COUNTY:SAN JUAN	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:NM		ELEVATOR:	97	111	131	145	158
COUNTY:SAN MIGUEL	12902	NON-ELEVATOR:	100	114	135	149	163
STATE:NM		ELEVATOR:	110	126	148	164	179
COUNTY:SANTE FE	12902	NON-ELEVATOR:	100	114	135	149	163
STATE:NM		ELEVATOR:	110	126	148	164	179

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ALBUQUERQUE:NEW MEXICO INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:SIERRA	12802	NON-ELEVATOR:	84	95	113	125	137
STATE:NM		ELEVATOR:	92	105	124	137	150
COUNTY:SOCORRO	12802	NON-ELEVATOR:	84	95	113	125	137
STATE:NM		ELEVATOR:	92	105	124	137	150
COUNTY:TAOS	12902	NON-ELEVATOR:	100	114	135	149	163
STATE:NM		ELEVATOR:	110	126	148	164	179
COUNTY:TORRANCE	12902	NON-ELEVATOR:	100	114	135	149	163
STATE:NM		ELEVATOR:	110	126	148	164	179
COUNTY:UNION	10901	NON-ELEVATOR:	80	91	108	125	136
STATE:NM		ELEVATOR:	88	100	119	137	150
COUNTY:VALENCIA	12902	NON-ELEVATOR:	100	114	135	149	163
STATE:NM		ELEVATOR:	110	126	148	164	179

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DALLAS, TEXAS AREA OFFICE							
SMSA: DALLAS, TX							
COUNTY:COLLIN	11301	NON-ELEVATOR:	123	140	165	191	216
STATE:TX		ELEVATOR:	135	154	182	210	238
COUNTY:DALLAS	11301	NON-ELEVATOR:	123	140	165	191	216
STATE:TX		ELEVATOR:	135	154	182	210	238
COUNTY:DENTON	11301	NON-ELEVATOR:	123	140	165	191	216
STATE:TX		ELEVATOR:	135	154	182	210	238
COUNTY:ELLIS	11301	NON-ELEVATOR:	123	140	165	191	216
STATE:TX		ELEVATOR:	135	154	182	210	238
COUNTY:KAUFMAN	11301	NON-ELEVATOR:	123	140	165	191	216
STATE:TX		ELEVATOR:	135	154	182	210	238
COUNTY:ROCKWALL	11301	NON-ELEVATOR:	123	140	165	191	216
STATE:TX		ELEVATOR:	135	154	182	210	238
SMSA: KILLEEN-TEMPLE, TX							
COUNTY:BELL	11401	NON-ELEVATOR:	92	105	124	138	151
STATE:TX		ELEVATOR:	101	115	137	152	166
COUNTY:CORYELL	11401	NON-ELEVATOR:	92	105	124	138	151
STATE:TX		ELEVATOR:	101	115	137	152	166
SMSA: SHERMAN-DENISON, TX							
COUNTY:GRAYSON	11303	NON-ELEVATOR:	79	90	107	119	130
STATE:TX		ELEVATOR:	87	99	117	130	143
SMSA: TYLER, TX							
COUNTY:SMITH	11602	NON-ELEVATOR:	74	85	101	112	123
STATE:TX		ELEVATOR:	82	93	111	123	135
SMSA: WACO, TX							
COUNTY:MCLENNAN	11401	NON-ELEVATOR:	92	105	124	138	151
STATE:TX		ELEVATOR:	101	115	137	152	166
NON SMSA COUNTIES							
COUNTY:ANDERSON	11602	NON-ELEVATOR:	74	85	101	112	123
STATE:TX		ELEVATOR:	82	93	111	123	135

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DALLAS, TEXAS AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:CAMP	11701	NON-ELEVATOR:	65	74	88	98	108
STATE:TX		ELEVATOR:	71	81	97	108	118
COUNTY:CHEROKEE	11602	NON-ELEVATOR:	74	85	101	112	123
STATE:TX		ELEVATOR:	82	93	111	123	135
COUNTY:COOKE	11303	NON-ELEVATOR:	79	90	107	119	130
STATE:TX		ELEVATOR:	87	99	117	130	143
COUNTY:DELTA	11301	NON-ELEVATOR:	123	140	165	191	216
STATE:TX		ELEVATOR:	135	154	182	210	238
COUNTY:FALLS	11401	NON-ELEVATOR:	92	105	124	138	151
STATE:TX		ELEVATOR:	101	115	137	152	166
COUNTY:FANNIN	11303	NON-ELEVATOR:	79	90	107	119	130
STATE:TX		ELEVATOR:	87	99	117	130	143
COUNTY:FRANKLIN	11602	NON-ELEVATOR:	74	85	101	112	123
STATE:TX		ELEVATOR:	82	93	111	123	135
COUNTY:FREESTONE	11401	NON-ELEVATOR:	92	105	124	138	151
STATE:TX		ELEVATOR:	101	115	137	152	166
COUNTY:GREGG	11602	NON-ELEVATOR:	74	85	101	112	123
STATE:TX		ELEVATOR:	82	93	111	123	135
COUNTY:HENDERSON	11602	NON-ELEVATOR:	74	85	101	112	123
STATE:TX		ELEVATOR:	82	93	111	123	135
COUNTY:HILL	11401	NON-ELEVATOR:	92	105	124	138	151
STATE:TX		ELEVATOR:	101	115	137	152	166
COUNTY:HOPKINS	11303	NON-ELEVATOR:	79	90	107	119	130
STATE:TX		ELEVATOR:	87	99	117	130	143
COUNTY:HUNT	11303	NON-ELEVATOR:	79	90	107	119	130
STATE:TX		ELEVATOR:	87	99	117	130	143

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION &	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DALLAS, TEXAS AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:LAMAR	11701	NON-ELEVATOR:	65	74	88	98	108
STATE:TX		ELEVATOR:	71	81	97	108	118
COUNTY:LIMESTONE	11401	NON-ELEVATOR:	92	105	124	138	151
STATE:TX		ELEVATOR:	101	115	137	152	166
COUNTY:MILAM	11502	NON-ELEVATOR:	85	97	115	128	140
STATE:TX		ELEVATOR:	93	107	126	140	154
COUNTY:NAVARRO	11303	NON-ELEVATOR:	79	90	107	119	130
STATE:TX		ELEVATOR:	87	99	117	130	143
COUNTY:RAINS	11303	NON-ELEVATOR:	79	90	107	119	130
STATE:TX		ELEVATOR:	87	99	117	130	143
COUNTY:RED RIVER	11701	NON-ELEVATOR:	65	74	88	98	108
STATE:TX		ELEVATOR:	71	81	97	108	118
COUNTY:RUSK	11602	NON-ELEVATOR:	74	85	101	112	123
STATE:TX		ELEVATOR:	82	93	111	123	135
COUNTY:TITUS	11701	NON-ELEVATOR:	65	74	88	98	108
STATE:TX		ELEVATOR:	71	81	97	108	118
COUNTY:UPSHUR	11602	NON-ELEVATOR:	74	85	101	112	123
STATE:TX		ELEVATOR:	82	93	111	123	135
COUNTY:VAN ZANDT	11303	NON-ELEVATOR:	79	90	107	119	130
STATE:TX		ELEVATOR:	87	99	117	130	143
COUNTY:WOOD	11602	NON-ELEVATOR:	74	85	101	112	123
STATE:TX		ELEVATOR:	82	93	111	123	135

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION &	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
FORT WORTH, TEXAS INSURING OFFICE							
SMSA: ABILENE, TX							
COUNTY:CALLAHAN	11201	NON-ELEVATOR:	82	94	111	129	141
STATE:TX		ELEVATOR:	90	103	123	142	155
COUNTY:JONES	11201	NON-ELEVATOR:	82	94	111	129	141
STATE:TX		ELEVATOR:	90	103	123	142	155
COUNTY:TAYLOR	11201	NON-ELEVATOR:	82	94	111	129	141
STATE:TX		ELEVATOR:	90	103	123	142	155
SMSA: DALLAS, TX							
COUNTY:HOOD	11301	NON-ELEVATOR:	123	140	165	191	216
STATE:TX		ELEVATOR:	135	154	182	210	238
COUNTY:JOHNSON	11301	NON-ELEVATOR:	123	140	165	191	216
STATE:TX		ELEVATOR:	135	154	182	210	238
COUNTY:PARKER	11301	NON-ELEVATOR:	123	140	165	191	216
STATE:TX		ELEVATOR:	135	154	182	210	238
COUNTY:TARRANT	11301	NON-ELEVATOR:	123	140	165	191	216
STATE:TX		ELEVATOR:	135	154	182	210	238
COUNTY:WISE	11301	NON-ELEVATOR:	123	140	165	191	216
STATE:TX		ELEVATOR:	135	154	182	210	238
SMSA: SAN ANGELO, TX							
COUNTY:TOM GREEN	11201	NON-ELEVATOR:	82	94	111	129	141
STATE:TX		ELEVATOR:	90	103	123	142	155
SMSA: WICHITA FALLS, TX							
COUNTY:CLAY	10801	NON-ELEVATOR:	90	103	122	141	154
STATE:TX		ELEVATOR:	99	113	134	155	170
COUNTY:WICHITA	10801	NON-ELEVATOR:	90	103	122	141	154
STATE:TX		ELEVATOR:	99	113	134	155	170
NON SMSA COUNTIES							
COUNTY:ARCHER	10801	NON-ELEVATOR:	90	103	122	141	154
STATE:TX		ELEVATOR:	99	113	134	155	170

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION &	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
FORT WORTH,TEXAS INSURING OFFICE						
NON SMSA COUNTIES						
COUNTY:BAYLOR STATE:TX	10801	NON-ELEVATOR: ELEVATOR:	90 99	103 113	122 134	141 155	154 170
COUNTY:BOSQUE STATE:TX	11401	NON-ELEVATOR: ELEVATOR:	92 101	105 115	124 137	138 152	151 166
COUNTY:BROWN STATE:TX	11201	NON-ELEVATOR: ELEVATOR:	82 90	94 103	111 123	129 142	141 155
COUNTY:COKE STATE:TX	11201	NON-ELEVATOR: ELEVATOR:	82 90	94 103	111 123	129 142	141 155
COUNTY:COLEMAN STATE:TX	11201	NON-ELEVATOR: ELEVATOR:	82 90	94 103	111 123	129 142	141 155
COUNTY:COMANCHE STATE:TX	11201	NON-ELEVATOR: ELEVATOR:	82 90	94 103	111 123	129 142	141 155
COUNTY:CONCHO STATE:TX	11201	NON-ELEVATOR: ELEVATOR:	82 90	94 103	111 123	129 142	141 155
COUNTY:CROCKETT STATE:TX	11101	NON-ELEVATOR: ELEVATOR:	87 95	99 109	117 129	136 149	148 163
COUNTY:EASTLAND STATE:TX	11201	NON-ELEVATOR: ELEVATOR:	82 90	94 103	111 123	129 142	141 155
COUNTY:ERATH STATE:TX	11303	NON-ELEVATOR: ELEVATOR:	79 87	90 99	107 117	119 130	130 143
COUNTY:FOARD STATE:TX	10801	NON-ELEVATOR: ELEVATOR:	90 99	103 113	122 134	141 155	154 170
COUNTY:HAMILTON STATE:TX	11401	NON-ELEVATOR: ELEVATOR:	92 101	105 115	124 137	138 152	151 166
COUNTY:HARDEMAN STATE:TX	10801	NON-ELEVATOR: ELEVATOR:	90 99	103 113	122 134	141 155	154 170

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION &	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
FORT WORTH,TEXAS INSURING OFFICE						
NON SMSA COUNTIES						
COUNTY:HASKELL STATE:TX	11201	NON-ELEVATOR: ELEVATOR:	82 90	94 103	111 123	129 142	141 155
COUNTY:IRION STATE:TX	11201	NON-ELEVATOR: ELEVATOR:	82 90	94 103	111 123	129 142	141 155
COUNTY:JACK STATE:TX	10801	NON-ELEVATOR: ELEVATOR:	90 99	103 113	122 134	141 155	154 170
COUNTY:KIMBLE STATE:TX	11201	NON-ELEVATOR: ELEVATOR:	82 90	94 103	111 123	129 142	141 155
COUNTY:KNOX STATE:TX	11201	NON-ELEVATOR: ELEVATOR:	82 90	94 103	111 123	129 142	141 155
COUNTY:LAMPASAS STATE:TX	11401	NON-ELEVATOR: ELEVATOR:	92 101	105 115	124 137	138 152	151 166
COUNTY:MASON STATE:TX	11201	NON-ELEVATOR: ELEVATOR:	82 90	94 103	111 123	129 142	141 155
COUNTY:MCCULLOCH STATE:TX	11201	NON-ELEVATOR: ELEVATOR:	82 90	94 103	111 123	129 142	141 155
COUNTY:MENARD STATE:TX	11201	NON-ELEVATOR: ELEVATOR:	82 90	94 103	111 123	129 142	141 155
COUNTY:MILLS STATE:TX	11201	NON-ELEVATOR: ELEVATOR:	82 90	94 103	111 123	129 142	141 155
COUNTY:MONTAGUE STATE:TX	11303	NON-ELEVATOR: ELEVATOR:	79 87	90 99	107 117	119 130	130 143
COUNTY:PALO PINTO STATE:TX	11303	NON-ELEVATOR: ELEVATOR:	79 87	90 99	107 117	119 130	130 143
COUNTY:REAGAN STATE:TX	11101	NON-ELEVATOR: ELEVATOR:	87 95	99 109	117 129	136 149	148 163

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
FORT WORTH, TEXAS INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:RUNNELS	11201	NON-ELEVATOR:	82	94	111	129	141
STATE:TX		ELEVATOR:	90	103	123	142	156
COUNTY:SAN SABA	11201	NON-ELEVATOR:	82	94	111	129	141
STATE:TX		ELEVATOR:	90	103	123	142	156
COUNTY:SCHLEICHER	11201	NON-ELEVATOR:	82	94	111	129	141
STATE:TX		ELEVATOR:	90	103	123	142	156
COUNTY:SHACKLEFORD	11201	NON-ELEVATOR:	82	94	111	129	141
STATE:TX		ELEVATOR:	90	103	123	142	156
COUNTY:SOMERVELL	11303	NON-ELEVATOR:	79	90	107	119	130
STATE:TX		ELEVATOR:	87	99	117	130	143
COUNTY:STEPHENS	11201	NON-ELEVATOR:	82	94	111	129	141
STATE:TX		ELEVATOR:	90	103	123	142	156
COUNTY:STERLING	11201	NON-ELEVATOR:	82	94	111	129	141
STATE:TX		ELEVATOR:	90	103	123	142	156
COUNTY:SUTTON	11201	NON-ELEVATOR:	82	94	111	129	141
STATE:TX		ELEVATOR:	90	103	123	142	156
COUNTY:THROCKMORTON	10801	NON-ELEVATOR:	90	103	122	141	154
STATE:TX		ELEVATOR:	99	113	134	155	170
COUNTY:WILBARGER	10801	NON-ELEVATOR:	90	103	122	141	154
STATE:TX		ELEVATOR:	99	113	134	155	170
COUNTY:YOUNG	10801	NON-ELEVATOR:	90	103	122	141	154
STATE:TX		ELEVATOR:	99	113	134	155	170

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
HOUSTON, TEXAS INSURING OFFICE							
SMSA: BEAUMONT-PORT ARTHUR-ORANGE, TX							
COUNTY:HARDIN	12501	NON-ELEVATOR:	86	98	116	134	147
STATE:TX		ELEVATOR:	94	108	128	148	162
COUNTY:JEFFERSON	12501	NON-ELEVATOR:	86	98	116	134	147
STATE:TX		ELEVATOR:	94	108	128	148	162
COUNTY:ORANGE	12501	NON-ELEVATOR:	86	98	116	134	147
STATE:TX		ELEVATOR:	94	108	128	148	162
SMSA: BRYAN-COLLEGE STATION, TX							
COUNTY:BRAZOS	11502	NON-ELEVATOR:	85	97	115	128	140
STATE:TX		ELEVATOR:	93	107	126	140	154
SMSA: GALVESTON-TEXAS CITY, TX							
COUNTY:GALVESTON	12503	NON-ELEVATOR:	84	96	114	132	144
STATE:TX		ELEVATOR:	92	105	125	145	158
SMSA: HOUSTON, TX							
COUNTY:BRAZORIA	12502	NON-ELEVATOR:	115	131	155	179	203
STATE:TX		ELEVATOR:	126	144	170	197	223
COUNTY:FORT BEND	12502	NON-ELEVATOR:	115	131	155	179	203
STATE:TX		ELEVATOR:	126	144	170	197	223
COUNTY:HARRIS	12502	NON-ELEVATOR:	115	131	155	179	203
STATE:TX		ELEVATOR:	126	144	170	197	223
COUNTY:LIBERTY	12502	NON-ELEVATOR:	115	131	155	179	203
STATE:TX		ELEVATOR:	126	144	170	197	223
COUNTY:MONTGOMERY	12502	NON-ELEVATOR:	115	131	155	179	203
STATE:TX		ELEVATOR:	126	144	170	197	223
COUNTY:WALLER	12502	NON-ELEVATOR:	115	131	155	179	203
STATE:TX		ELEVATOR:	126	144	170	197	223
NON SMSA COUNTIES							
COUNTY:ANGELINA	11402	NON-ELEVATOR:	74	85	101	112	123
STATE:TX		ELEVATOR:	82	93	111	123	135

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
HOUSTON, TEXAS INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:AUSTIN	12503	NON-ELEVATOR:	84	96	114	132	144
STATE:TX		ELEVATOR:	92	105	125	145	158
COUNTY:BURLESON	11502	NON-ELEVATOR:	85	97	115	128	140
STATE:TX		ELEVATOR:	93	107	126	140	154
COUNTY:CHAMBERS	12503	NON-ELEVATOR:	84	96	114	132	144
STATE:TX		ELEVATOR:	92	105	125	145	158
COUNTY:COLORADO	12503	NON-ELEVATOR:	84	96	114	132	144
STATE:TX		ELEVATOR:	92	105	125	145	158
COUNTY:GRIMES	11502	NON-ELEVATOR:	85	97	115	128	140
STATE:TX		ELEVATOR:	93	107	126	140	154
COUNTY:HOUSTON	11602	NON-ELEVATOR:	74	85	101	112	123
STATE:TX		ELEVATOR:	82	93	111	123	135
COUNTY:JASPER	12503	NON-ELEVATOR:	84	96	114	132	144
STATE:TX		ELEVATOR:	92	105	125	145	158
COUNTY:LEON	11502	NON-ELEVATOR:	85	97	115	128	140
STATE:TX		ELEVATOR:	93	107	126	140	154
COUNTY:MADISON	11502	NON-ELEVATOR:	85	97	115	128	140
STATE:TX		ELEVATOR:	93	107	126	140	154
COUNTY:MATAGORDA	12503	NON-ELEVATOR:	84	96	114	132	144
STATE:TX		ELEVATOR:	92	105	125	145	158
COUNTY:NACOGDOCHES	11602	NON-ELEVATOR:	74	85	101	112	123
STATE:TX		ELEVATOR:	82	93	111	123	136
COUNTY:NEWTON	12503	NON-ELEVATOR:	84	96	114	132	144
STATE:TX		ELEVATOR:	92	105	125	145	158
COUNTY:POLK	12503	NON-ELEVATOR:	84	96	114	132	144
STATE:TX		ELEVATOR:	92	105	125	145	158

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
HOUSTON, TEXAS INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:ROBERTSON	11502	NON-ELEVATOR:	85	97	115	128	140
STATE:TX		ELEVATOR:	93	107	126	140	154
COUNTY:SABINE	11603	NON-ELEVATOR:	69	79	94	104	115
STATE:TX		ELEVATOR:	76	87	103	115	126
COUNTY:SAN AUGUSTIN	11603	NON-ELEVATOR:	69	79	94	104	115
STATE:TX		ELEVATOR:	76	87	103	115	126
COUNTY:SAN JACINTO	12503	NON-ELEVATOR:	84	96	114	132	144
STATE:TX		ELEVATOR:	92	105	125	145	158
COUNTY:SHELBY	11603	NON-ELEVATOR:	69	79	94	104	115
STATE:TX		ELEVATOR:	76	87	103	115	126
COUNTY:TRINITY	11602	NON-ELEVATOR:	74	85	101	112	123
STATE:TX		ELEVATOR:	82	93	111	123	135
COUNTY:TYLER	12503	NON-ELEVATOR:	84	96	114	132	144
STATE:TX		ELEVATOR:	92	105	125	145	158
COUNTY:WALKER	12503	NON-ELEVATOR:	84	96	114	132	144
STATE:TX		ELEVATOR:	92	105	125	145	158
COUNTY:WASHINGTON	12503	NON-ELEVATOR:	84	96	114	132	144
STATE:TX		ELEVATOR:	92	105	125	145	158
COUNTY:WHARTON	12503	NON-ELEVATOR:	84	96	114	132	144
STATE:TX		ELEVATOR:	92	105	125	145	158

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION &	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LITTLE ROCK, ARKANSAS AREA OFFICE							
SMSA: FAYETTEVILLE-SPRINGDALE, AR							
COUNTY:BENTON	10402	NON-ELEVATOR:	79	90	107	119	130
STATE:AR		ELEVATOR:	87	99	117	130	143
COUNTY:WASHINGTON	10402	NON-ELEVATOR:	79	90	107	119	130
STATE:AR		ELEVATOR:	87	99	117	130	143
SMSA: FORT SMITH, AR-OK							
COUNTY:CRAWFORD	10501	NON-ELEVATOR:	68	78	93	107	118
STATE:AR		ELEVATOR:	75	86	102	118	129
COUNTY:SEBASTIAN	10501	NON-ELEVATOR:	68	78	93	107	118
STATE:AR		ELEVATOR:	75	86	102	118	129
SMSA: LITTLE ROCK-NORTH LITTLE ROCK, AR							
COUNTY:PULASKI	10401	NON-ELEVATOR:	95	108	128	148	162
STATE:AR		ELEVATOR:	104	119	141	163	178
COUNTY:SALINE	10401	NON-ELEVATOR:	95	108	128	148	162
STATE:AR		ELEVATOR:	104	119	141	163	178
SMSA: MEMPHIS, TN-AR							
COUNTY:CRITTENDEN	04201	NON-ELEVATOR:	119	136	161	186	203
STATE:AR		ELEVATOR:	131	150	177	205	223
SMSA: PINE BLUFF, AR							
COUNTY:JEFFERSON	10403	NON-ELEVATOR:	77	88	104	116	127
STATE:AR		ELEVATOR:	85	97	115	128	140
SMSA: TEXARKANA, TX-AR							
COUNTY:LITTLE RIVER	11701	NON-ELEVATOR:	65	74	88	98	108
STATE:AR		ELEVATOR:	71	81	97	108	118
COUNTY:MILLER	11701	NON-ELEVATOR:	65	74	88	98	108
STATE:AR		ELEVATOR:	71	81	97	108	118
COUNTY:BOWIE	11701	NON-ELEVATOR:	65	74	88	98	108
STATE:TX		ELEVATOR:	71	81	97	108	118
NON SMSA COUNTIES							
COUNTY:ARKANSAS	10403	NON-ELEVATOR:	77	88	104	116	127
STATE:AR		ELEVATOR:	85	97	115	128	140

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION &	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LITTLE ROCK, ARKANSAS AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:ASHLEY	11901	NON-ELEVATOR:	69	79	94	104	115
STATE:AR		ELEVATOR:	76	87	103	115	126
COUNTY:BAXTER	10301	NON-ELEVATOR:	81	93	110	128	140
STATE:AR		ELEVATOR:	89	102	121	140	154
COUNTY:BOONE	10301	NON-ELEVATOR:	81	93	110	128	140
STATE:AR		ELEVATOR:	89	102	121	140	154
COUNTY:BRADLEY	11901	NON-ELEVATOR:	69	79	94	104	115
STATE:AR		ELEVATOR:	76	87	103	115	126
COUNTY:CALHOUN	11901	NON-ELEVATOR:	69	79	94	104	115
STATE:AR		ELEVATOR:	76	87	103	115	126
COUNTY:CARROLL	10301	NON-ELEVATOR:	81	93	110	128	140
STATE:AR		ELEVATOR:	89	102	121	140	154
COUNTY:CHICOT	11901	NON-ELEVATOR:	69	79	94	104	115
STATE:AR		ELEVATOR:	76	87	103	115	126
COUNTY:CLARK	10402	NON-ELEVATOR:	67	77	92	102	112
STATE:AR		ELEVATOR:	74	85	101	112	123
COUNTY:CLAY	04202	NON-ELEVATOR:	76	87	103	115	126
STATE:AR		ELEVATOR:	84	96	114	126	138
COUNTY:CLEBURNE	10402	NON-ELEVATOR:	67	77	92	102	112
STATE:AR		ELEVATOR:	74	85	101	112	123
COUNTY:CLEVELAND	10403	NON-ELEVATOR:	77	88	104	116	127
STATE:AR		ELEVATOR:	85	97	115	128	140
COUNTY:COLUMBIA	11901	NON-ELEVATOR:	69	79	94	104	115
STATE:AR		ELEVATOR:	76	87	103	115	126
COUNTY:CONWAY	10402	NON-ELEVATOR:	67	77	92	102	112
STATE:AR		ELEVATOR:	74	85	101	112	123

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

LITTLE ROCK,ARKANSAS AREA OFFICE
NON SMSA COUNTIES

REGION &	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
COUNTY:HOWARD	11701	NON-FLEVATOR:	65	74	88	98	108
STATE:AR		FLEVATOR:	71	81	97	108	118
COUNTY:INDEPENDENCE	10402	NON-FLEVATOR:	67	77	92	102	112
STATE:AR		FLEVATOR:	74	85	101	112	123
COUNTY:IZARD	10402	NON-FLEVATOR:	67	77	92	102	112
STATE:AR		FLEVATOR:	74	85	101	112	123
COUNTY:JACKSON	10403	NON-FLEVATOR:	77	88	104	116	127
STATE:AR		FLEVATOR:	85	97	115	128	140
COUNTY:JOHNSON	10402	NON-FLEVATOR:	67	77	92	102	112
STATE:AR		FLEVATOR:	74	85	101	112	123
COUNTY:LAFAYETTE	11701	NON-FLEVATOR:	65	74	88	98	108
STATE:AR		FLEVATOR:	71	81	97	108	118
COUNTY:LAWRENCE	04202	NON-FLEVATOR:	76	87	103	115	126
STATE:AR		FLEVATOR:	84	96	114	126	138
COUNTY:LEE	04202	NON-FLEVATOR:	76	87	103	115	126
STATE:AR		FLEVATOR:	84	96	114	126	138
COUNTY:LINCOLN	10403	NON-FLEVATOR:	77	88	104	116	127
STATE:AR		FLEVATOR:	85	97	115	128	140
COUNTY:LOGAN	10501	NON-FLEVATOR:	68	78	93	107	118
STATE:AR		FLEVATOR:	75	86	102	118	129
COUNTY:LONOKE	10403	NON-FLEVATOR:	77	88	104	116	127
STATE:AR		FLEVATOR:	85	97	115	128	140
COUNTY:MADISON	10602	NON-FLEVATOR:	79	90	107	119	130
STATE:AR		FLEVATOR:	87	99	117	130	143
COUNTY:MARION	10301	NON-FLEVATOR:	81	93	110	128	140
STATE:AR		FLEVATOR:	89	102	121	140	154

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

LITTLE ROCK,ARKANSAS AREA OFFICE
NON SMSA COUNTIES

REGION &	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
COUNTY:CRAIGHEAD	04202	NON-FLEVATOR:	76	87	103	115	126
STATE:AR		FLEVATOR:	84	96	114	126	138
COUNTY:CROSS	04202	NON-FLEVATOR:	76	87	103	115	126
STATE:AR		FLEVATOR:	84	96	114	126	138
COUNTY:DALLAS	11901	NON-FLEVATOR:	69	79	94	104	115
STATE:AR		FLEVATOR:	76	87	103	115	126
COUNTY:DESHA	11901	NON-FLEVATOR:	69	79	94	104	115
STATE:AR		FLEVATOR:	76	87	103	115	126
COUNTY:DREW	11901	NON-FLEVATOR:	69	79	94	104	115
STATE:AR		FLEVATOR:	76	87	103	115	126
COUNTY:FAULKNER	10402	NON-FLEVATOR:	67	77	92	102	112
STATE:AR		FLEVATOR:	74	85	101	112	123
COUNTY:FRANKLIN	10501	NON-FLEVATOR:	68	78	93	107	118
STATE:AR		FLEVATOR:	75	86	102	118	129
COUNTY:FULTON	10402	NON-FLEVATOR:	67	77	92	102	112
STATE:AR		FLEVATOR:	74	85	101	112	123
COUNTY:GARLAND	10402	NON-FLEVATOR:	67	77	92	102	112
STATE:AR		FLEVATOR:	74	85	101	112	123
COUNTY:GRANT	10403	NON-FLEVATOR:	77	88	104	116	127
STATE:AR		FLEVATOR:	85	97	115	128	140
COUNTY:GREENE	04202	NON-FLEVATOR:	76	87	103	115	126
STATE:AR		FLEVATOR:	84	96	114	126	138
COUNTY:HEMPSTEAD	11701	NON-FLEVATOR:	65	74	88	98	108
STATE:AR		FLEVATOR:	71	81	97	108	118
COUNTY:HOTSPRING	10402	NON-FLEVATOR:	67	77	92	102	112
STATE:AR		FLEVATOR:	74	85	101	112	123

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

FEDERAL REGISTER, VOL. 40, NO. 67—MONDAY, APRIL 7, 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LITTLE ROCK,ARKANSAS AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:RANDOLPH	0420	NON-FLEVATOR:	74	87	103	115	126
STATE:AR		FLEVATOR:	84	96	114	126	138
COUNTY:SCOTT	1050	NON-FLEVATOR:	68	78	93	107	118
STATE:AR		FLEVATOR:	75	86	102	118	129
COUNTY:SEARCY	1030	NON-FLEVATOR:	81	93	110	128	140
STATE:AR		FLEVATOR:	89	102	121	140	154
COUNTY:SEVIER	1170	NON-FLEVATOR:	65	74	88	98	108
STATE:AR		FLEVATOR:	71	81	97	108	118
COUNTY:SHARP	1040	NON-FLEVATOR:	67	77	92	102	112
STATE:AR		FLEVATOR:	74	85	101	112	123
COUNTY:ST FRANCIS	0420	NON-FLEVATOR:	74	87	103	115	126
STATE:AR		FLEVATOR:	84	96	114	126	138
COUNTY:STONE	1040	NON-FLEVATOR:	67	77	92	102	112
STATE:AR		FLEVATOR:	74	85	101	112	123
COUNTY:UNION	1190	NON-FLEVATOR:	69	79	94	104	115
STATE:AR		FLEVATOR:	76	87	103	115	126
COUNTY:VAN BUREN	1040	NON-FLEVATOR:	67	77	92	102	112
STATE:AR		FLEVATOR:	74	85	101	112	123
COUNTY:WHITE	1040	NON-FLEVATOR:	77	88	104	116	127
STATE:AR		FLEVATOR:	85	97	115	128	140
COUNTY:WOODRUFF	1040	NON-FLEVATOR:	77	88	104	116	127
STATE:AR		FLEVATOR:	85	97	115	128	140
COUNTY:YELL	1050	NON-FLEVATOR:	68	78	93	107	118
STATE:AR		FLEVATOR:	75	86	102	118	129

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

FEDERAL REGISTER, VOL. 40, NO. 67—MONDAY, APRIL 7, 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LITTLE ROCK,ARKANSAS AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:MISSISSIPPI	0420	NON-FLEVATOR:	74	87	103	115	126
STATE:AR		FLEVATOR:	84	96	114	126	138
COUNTY:MONROE	1040	NON-FLEVATOR:	77	88	104	116	127
STATE:AR		FLEVATOR:	85	97	115	128	140
COUNTY:MONTGOMERY	1040	NON-FLEVATOR:	67	77	92	102	112
STATE:AR		FLEVATOR:	74	85	101	112	123
COUNTY:NEVADA	1170	NON-FLEVATOR:	65	74	88	98	108
STATE:AR		FLEVATOR:	71	81	97	108	118
COUNTY:NEWTON	1030	NON-FLEVATOR:	81	93	110	128	140
STATE:AR		FLEVATOR:	89	102	121	140	154
COUNTY:OUACHITA	1190	NON-FLEVATOR:	69	79	94	104	115
STATE:AR		FLEVATOR:	76	87	103	115	126
COUNTY:PERRY	1040	NON-FLEVATOR:	67	77	92	102	112
STATE:AR		FLEVATOR:	74	85	101	112	123
COUNTY:PHILLIPS	0420	NON-FLEVATOR:	74	87	103	115	126
STATE:AR		FLEVATOR:	84	96	114	126	138
COUNTY:PIKE	1040	NON-FLEVATOR:	67	77	92	102	112
STATE:AR		FLEVATOR:	74	85	101	112	123
COUNTY:POINSETT	0420	NON-FLEVATOR:	74	87	103	115	126
STATE:AR		FLEVATOR:	84	96	114	126	138
COUNTY:POLK	1050	NON-FLEVATOR:	68	78	93	107	118
STATE:AR		FLEVATOR:	75	86	102	118	129
COUNTY:POPE	1040	NON-FLEVATOR:	67	77	92	102	112
STATE:AR		FLEVATOR:	74	85	101	112	123
COUNTY:PRAIRIE	1040	NON-FLEVATOR:	77	88	104	116	127
STATE:AR		FLEVATOR:	85	97	115	128	140

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LUBBOCK,TEXAS INSURING OFFICE						
SMSA: AMARILLO, TX						
COUNTY:POTTER	10901	NON-ELEVATOR:	78	89	106	122	134
STATE:TX		ELEVATOR:	86	98	116	135	147
COUNTY:RANDALL	10901	NON-ELEVATOR:	78	89	106	122	134
STATE:TX		ELEVATOR:	86	98	116	135	147
SMSA: EL PASO, TX							
COUNTY:EL PASO	12801	NON-ELEVATOR:	104	121	143	165	181
STATE:TX		ELEVATOR:	117	133	157	182	199
SMSA: LUBBOCK, TX							
COUNTY:LUBBOCK	11001	NON-ELEVATOR:	82	94	111	129	141
STATE:TX		ELEVATOR:	90	103	123	142	155
SMSA: MIDLAND, TX							
COUNTY:MIDLAND	11101	NON-ELEVATOR:	87	99	117	136	148
STATE:TX		ELEVATOR:	95	109	129	149	163
SMSA: ODESSA, TX							
COUNTY:ECTOR	11101	NON-ELEVATOR:	87	99	117	136	148
STATE:TX		ELEVATOR:	95	109	129	149	163
NON SMSA COUNTIES							
COUNTY:ANDREWS	11101	NON-ELEVATOR:	87	99	117	136	148
STATE:TX		ELEVATOR:	95	109	129	149	163
COUNTY:ARMSTRONG	10901	NON-ELEVATOR:	78	89	106	122	134
STATE:TX		ELEVATOR:	86	98	116	135	147
COUNTY:BAILEY	11001	NON-ELEVATOR:	82	94	111	129	141
STATE:TX		ELEVATOR:	90	103	123	142	155
COUNTY:BORDEN	11101	NON-ELEVATOR:	87	99	117	136	148
STATE:TX		ELEVATOR:	95	109	129	149	163
COUNTY:BREWSTER	11101	NON-ELEVATOR:	87	99	117	136	148
STATE:TX		ELEVATOR:	95	109	129	149	163
COUNTY:BRISCOE	10901	NON-ELEVATOR:	78	89	106	122	134
STATE:TX		ELEVATOR:	86	98	116	135	147

PREPARED BY HUD - EHAD (CO). FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LUBBOCK,TEXAS INSURING OFFICE						
NON SMSA COUNTIES						
COUNTY:CARSON	10901	NON-ELEVATOR:	78	89	106	122	134
STATE:TX		ELEVATOR:	86	98	116	135	147
COUNTY:CASTRO	10901	NON-ELEVATOR:	78	89	106	122	134
STATE:TX		ELEVATOR:	86	98	116	135	147
COUNTY:CHILDRESS	10801	NON-ELEVATOR:	90	103	122	141	154
STATE:TX		ELEVATOR:	99	113	134	155	170
COUNTY:COCHRAN	11001	NON-ELEVATOR:	82	94	111	129	141
STATE:TX		ELEVATOR:	90	103	123	142	155
COUNTY:COLLINGSWORT	10901	NON-ELEVATOR:	78	89	106	122	134
STATE:TX		ELEVATOR:	86	98	116	135	147
COUNTY:COTTLE	10801	NON-ELEVATOR:	90	103	122	141	154
STATE:TX		ELEVATOR:	99	113	134	155	170
COUNTY:CRANE	11101	NON-ELEVATOR:	87	99	117	136	148
STATE:TX		ELEVATOR:	95	109	129	149	163
COUNTY:CROSBY	11001	NON-ELEVATOR:	82	94	111	129	141
STATE:TX		ELEVATOR:	90	103	123	142	155
COUNTY:CULBERSON	12802	NON-ELEVATOR:	81	93	110	122	134
STATE:TX		ELEVATOR:	89	102	121	135	148
COUNTY:DALLAM	10901	NON-ELEVATOR:	78	89	106	122	134
STATE:TX		ELEVATOR:	86	98	116	135	147
COUNTY:DAWSON	11101	NON-ELEVATOR:	87	99	117	136	148
STATE:TX		ELEVATOR:	95	109	129	149	163
COUNTY:DEAF SMITH	10901	NON-ELEVATOR:	78	89	106	122	134
STATE:TX		ELEVATOR:	86	98	116	135	147
COUNTY:DICKENS	11001	NON-ELEVATOR:	82	94	111	129	141
STATE:TX		ELEVATOR:	90	103	123	142	155

PREPARED BY HUD - EHAD (CO). FEBRUARY 1975

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6 — COUNTY GROUP — 0 BEDROOMS — 1 BEDROOM — 2 BEDROOMS — 3 BEDROOMS — 4+BEDROOMS

LUBBOCK,TEXAS INSURING OFFICE
NON SMSA COUNTIES

COUNTY:HOWARD	11101	NON-FLEVATOR:	87	99	117	136	148
STATE:TX		FLEVATOR:	95	109	129	149	163
COUNTY:HUDSPETH	12802	NON-FLEVATOR:	81	93	110	122	134
STATE:TX		FLEVATOR:	89	102	121	135	148
COUNTY:HUTCHINSON	10901	NON-FLEVATOR:	78	89	106	122	134
STATE:TX		FLEVATOR:	86	98	116	135	147
COUNTY:JEFF DAVIS	12802	NON-FLEVATOR:	81	93	110	122	134
STATE:TX		FLEVATOR:	89	102	121	135	148
COUNTY:KENT	11001	NON-FLEVATOR:	82	94	111	129	141
STATE:TX		FLEVATOR:	90	103	123	142	155
COUNTY:KING	11201	NON-FLEVATOR:	82	94	111	129	141
STATE:TX		FLEVATOR:	90	103	123	142	155
COUNTY:LAMA	11001	NON-FLEVATOR:	82	94	111	129	141
STATE:TX		FLEVATOR:	90	103	123	142	155
COUNTY:LIPSCOMA	10901	NON-FLEVATOR:	78	89	106	122	134
STATE:TX		FLEVATOR:	86	98	116	135	147
COUNTY:LOVING	11101	NON-FLEVATOR:	87	99	117	136	148
STATE:TX		FLEVATOR:	95	109	129	149	163
COUNTY:LYNN	11001	NON-FLEVATOR:	82	94	111	129	141
STATE:TX		FLEVATOR:	90	103	123	142	155
COUNTY:MARTIN	11101	NON-FLEVATOR:	87	99	117	136	148
STATE:TX		FLEVATOR:	95	109	129	149	163
COUNTY:MITCHELL	12201	NON-FLEVATOR:	76	87	103	120	131
STATE:TX		FLEVATOR:	84	96	114	132	144
COUNTY:MOORE	10901	NON-FLEVATOR:	78	89	106	122	134
STATE:TX		FLEVATOR:	86	98	116	135	147

PREPAREN AY HUD - EMAD (CO), FEAHUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6 — COUNTY GROUP — 0 BEDROOMS — 1 BEDROOM — 2 BEDROOMS — 3 BEDROOMS — 4+BEDROOMS

LUBBOCK,TEXAS INSURING OFFICE
NON SMSA COUNTIES

COUNTY:DONLEY	10901	NON-FLEVATOR:	78	89	106	122	134
STATE:TX		FLEVATOR:	86	98	116	135	147
COUNTY:FISHER	11201	NON-FLEVATOR:	82	94	111	129	141
STATE:TX		FLEVATOR:	90	103	123	142	155
COUNTY:FLOYD	11001	NON-FLEVATOR:	82	94	111	129	141
STATE:TX		FLEVATOR:	90	103	123	142	155
COUNTY:GAINES	11101	NON-FLEVATOR:	87	99	117	136	148
STATE:TX		FLEVATOR:	95	109	129	149	163
COUNTY:GARZA	11001	NON-FLEVATOR:	82	94	111	129	141
STATE:TX		FLEVATOR:	90	103	123	142	155
COUNTY:GLASSCOCK	11101	NON-FLEVATOR:	87	99	117	136	148
STATE:TX		FLEVATOR:	95	109	129	149	163
COUNTY:GRAY	10901	NON-FLEVATOR:	78	89	106	122	134
STATE:TX		FLEVATOR:	86	98	116	135	147
COUNTY:HALE	11001	NON-FLEVATOR:	82	94	111	129	141
STATE:TX		FLEVATOR:	90	103	123	142	155
COUNTY:HALL	10901	NON-FLEVATOR:	78	89	106	122	134
STATE:TX		FLEVATOR:	86	98	116	135	147
COUNTY:HANSFORD	10901	NON-FLEVATOR:	78	89	106	122	134
STATE:TX		FLEVATOR:	86	98	116	135	147
COUNTY:HARTLEY	10901	NON-FLEVATOR:	78	89	106	122	134
STATE:TX		FLEVATOR:	86	98	116	135	147
COUNTY:HEMPHILL	10901	NON-FLEVATOR:	78	89	106	122	134
STATE:TX		FLEVATOR:	86	98	116	135	147
COUNTY:HOCKLEY	11001	NON-FLEVATOR:	82	94	111	129	141
STATE:TX		FLEVATOR:	90	103	123	142	155

PREPAREN AY HUD - EMAD (CO), FEAHUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6 — COUNTY GROUP — 0 BEDROOMS — 1 BEDROOM — 2 BEDROOMS — 3 BEDROOMS — 4+BEDROOMS

LUBBOCK,TEXAS INSURING OFFICE
NON SMSA COUNTIES

COUNTY:MOTLEY STATE:TX	11001	NON-FLEVATOR: FLEVATOR:	82 90	94 103	111 123	129 142	141 155
COUNTY:NOLAN STATE:TX	11201	NON-FLEVATOR: FLEVATOR:	82 90	94 103	111 123	129 142	141 155
COUNTY:OCHILTREE STATE:TX	10901	NON-FLEVATOR: FLEVATOR:	78 86	89 98	106 116	122 135	134 147
COUNTY:OLDHAM STATE:TX	10901	NON-FLEVATOR: FLEVATOR:	78 86	89 98	106 116	122 135	134 147
COUNTY:PARMER STATE:TX	10901	NON-FLEVATOR: FLEVATOR:	78 86	89 98	106 116	122 135	134 147
COUNTY:PECOS STATE:TX	11101	NON-FLEVATOR: FLEVATOR:	87 95	99 109	117 129	136 149	148 163
COUNTY:PRESIDIO STATE:TX	12802	NON-FLEVATOR: FLEVATOR:	81 89	93 102	110 121	122 135	134 148
COUNTY:REEVES STATE:TX	11101	NON-FLEVATOR: FLEVATOR:	87 95	99 109	117 129	136 149	148 163
COUNTY:ROBERTS STATE:TX	10901	NON-FLEVATOR: FLEVATOR:	78 86	89 98	106 116	122 135	134 147
COUNTY:SCURRY STATE:TX	11201	NON-FLEVATOR: FLEVATOR:	82 90	94 103	111 123	129 142	141 155
COUNTY:SHERMAN STATE:TX	10901	NON-FLEVATOR: FLEVATOR:	78 86	89 98	106 116	122 135	134 147
COUNTY:STONEWALL STATE:TX	11201	NON-FLEVATOR: FLEVATOR:	82 90	94 103	111 123	129 142	141 155
COUNTY:SWISHER STATE:TX	10901	NON-FLEVATOR: FLEVATOR:	78 86	89 98	106 116	122 135	134 147

PREPARED BY HUD - EMAD (CO). FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6 — COUNTY GROUP — 0 BEDROOMS — 1 BEDROOM — 2 BEDROOMS — 3 BEDROOMS — 4+BEDROOMS

LUBBOCK,TEXAS INSURING OFFICE
NON SMSA COUNTIES

COUNTY:TERRELL STATE:TX	11101	NON-FLEVATOR: FLEVATOR:	87 95	99 109	117 129	136 149	148 163
COUNTY:TERRY STATE:TX	11001	NON-FLEVATOR: FLEVATOR:	82 90	94 103	111 123	129 142	141 155
COUNTY:UPTON STATE:TX	11101	NON-FLEVATOR: FLEVATOR:	87 95	99 109	117 129	136 149	148 163
COUNTY:WARD STATE:TX	11101	NON-FLEVATOR: FLEVATOR:	87 95	99 109	117 129	136 149	148 163
COUNTY:WHEELER STATE:TX	10901	NON-FLEVATOR: FLEVATOR:	78 86	89 98	106 116	122 135	134 147
COUNTY:WINKLER STATE:TX	11101	NON-FLEVATOR: FLEVATOR:	87 95	99 109	117 129	136 149	148 163
COUNTY:YOAKUM STATE:TX	11001	NON-FLEVATOR: FLEVATOR:	82 90	94 103	111 123	129 142	141 155

PREPARED BY HUD - EMAD (CO). FEBRUARY 1975

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
NEW ORLEANS,LOUISIANA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:ALLEN	12402	NON-FLEVATOR:	88	101	120	138	151
STATE:LA		FLEVATOR:	97	111	132	152	166
COUNTY:ASSUMPTION	12305	NON-FLEVATOR:	78	89	106	117	129
STATE:LA		FLEVATOR:	86	98	116	129	142
COUNTY:BEAUREGARD	12402	NON-FLEVATOR:	88	101	120	138	151
STATE:LA		FLEVATOR:	97	111	132	152	166
COUNTY:CAMERON	12402	NON-FLEVATOR:	88	101	120	138	151
STATE:LA		FLEVATOR:	97	111	132	152	166
COUNTY:E FELICIANA	12304	NON-FLEVATOR:	70	80	95	106	116
STATE:LA		FLEVATOR:	77	88	105	116	128
COUNTY:EVANGELINE	12401	NON-FLEVATOR:	70	80	95	106	116
STATE:LA		FLEVATOR:	77	88	105	116	128
COUNTY:IBERIA	12401	NON-FLEVATOR:	70	80	95	106	116
STATE:LA		FLEVATOR:	77	88	105	116	128
COUNTY:IBERVILLE	12304	NON-FLEVATOR:	70	80	95	106	116
STATE:LA		FLEVATOR:	77	88	105	116	128
COUNTY:JEFFERSON DA	12402	NON-FLEVATOR:	88	101	120	138	151
STATE:LA		FLEVATOR:	97	111	132	152	166
COUNTY:LAFOURCHE	12305	NON-FLEVATOR:	78	89	106	117	129
STATE:LA		FLEVATOR:	86	98	116	129	142
COUNTY:PLAQUEMINES	12305	NON-FLEVATOR:	78	89	106	117	129
STATE:LA		FLEVATOR:	86	98	116	129	142
COUNTY:POINTE COUPE	12304	NON-FLEVATOR:	70	80	95	106	116
STATE:LA		FLEVATOR:	77	88	105	116	128
COUNTY:ST CHARLES	12305	NON-FLEVATOR:	78	89	106	117	129
STATE:LA		FLEVATOR:	86	98	116	129	142

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
NEW ORLEANS,LOUISIANA AREA OFFICE						
SMSA: BATON ROUGE, LA						
COUNTY:ASCENSION	12304	NON-FLEVATOR:	117	134	158	183	200
STATE:LA		FLEVATOR:	129	147	174	201	220
COUNTY:E BATON ROUG	12301	NON-FLEVATOR:	117	134	158	183	200
STATE:LA		FLEVATOR:	129	147	174	201	220
COUNTY:LIVINGSTON	12304	NON-FLEVATOR:	117	134	158	183	200
STATE:LA		FLEVATOR:	129	147	174	201	220
COUNTY:W BATON ROUG	12301	NON-FLEVATOR:	117	134	158	183	200
STATE:LA		FLEVATOR:	129	147	174	201	220
SMSA: FAYETTEVILLE-SPRINGDALE, AR							
COUNTY:WASHINGTON	12306	NON-FLEVATOR:	65	74	88	98	108
STATE:LA		FLEVATOR:	71	81	97	108	118
SMSA: LAFAYETTE, LA							
COUNTY:LAFAYETTE	12401	NON-FLEVATOR:	70	80	95	106	116
STATE:LA		FLEVATOR:	77	88	105	116	128
SMSA: LAKE CHARLES, LA							
COUNTY:CALCASIEU	12402	NON-FLEVATOR:	88	101	120	138	151
STATE:LA		FLEVATOR:	97	111	132	152	166
SMSA: NEW ORLEANS, LA							
COUNTY:JEFFERSON	12303	NON-FLEVATOR:	103	118	140	161	183
STATE:LA		FLEVATOR:	114	130	153	177	201
COUNTY:ORLEANS	12302	NON-FLEVATOR:	103	118	140	161	183
STATE:LA		FLEVATOR:	114	130	153	177	201
COUNTY:ST BERNARD	12303	NON-FLEVATOR:	103	118	140	161	183
STATE:LA		FLEVATOR:	114	130	153	177	201
COUNTY:ST TAMMANY	12303	NON-FLEVATOR:	103	118	140	161	183
STATE:LA		FLEVATOR:	114	130	153	177	201
NON SMSA COUNTIES	12401	NON-FLEVATOR:	70	80	95	106	116
COUNTY:ACADIA							
STATE:LA		FLEVATOR:	77	88	105	116	128

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
NEW ORLEANS, LOUISIANA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:ST HELENA	12304	NON-FLEVATOR: 70	80	95	106	116
STATE:LA		FLEVATOR: 77	88	105	116	128
COUNTY:ST JAMES	12305	NON-FLEVATOR: 78	89	106	117	129
STATE:LA		FLEVATOR: 86	98	116	129	142
COUNTY:ST JOHN THE	12305	NON-FLEVATOR: 78	89	106	117	129
STATE:LA		FLEVATOR: 86	98	116	129	142
COUNTY:ST LANDRY	12401	NON-FLEVATOR: 70	80	95	106	116
STATE:LA		FLEVATOR: 77	88	105	116	128
COUNTY:ST MARTIN	12401	NON-FLEVATOR: 70	80	95	106	116
STATE:LA		FLEVATOR: 77	88	105	116	128
COUNTY:ST MARY	12401	NON-FLEVATOR: 70	80	95	106	116
STATE:LA		FLEVATOR: 77	88	105	116	128
COUNTY:TANGIPAHOA	12306	NON-FLEVATOR: 65	74	88	98	108
STATE:LA		FLEVATOR: 71	81	97	108	118
COUNTY:TERREBONNE	12305	NON-FLEVATOR: 78	89	106	117	129
STATE:LA		FLEVATOR: 86	98	116	129	142
COUNTY:VERMILLION	12401	NON-FLEVATOR: 70	80	95	106	116
STATE:LA		FLEVATOR: 77	88	105	116	128
COUNTY:W FELICIANA	12304	NON-FLEVATOR: 70	80	95	106	116
STATE:LA		FLEVATOR: 77	88	105	116	128

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
OKLAHOMA CITY,OKLAHOMA AREA OFFICE						
SMSA: LAWTON, OK						
COUNTY:COMANCHE	10801	NON-FLEVATOR: 90	103	122	141	154
STATE:OK		FLEVATOR: 99	113	134	155	170
SMSA: OKLAHOMA CITY, OK						
COUNTY:CANADIAN	10701	NON-FLEVATOR: 103	118	140	161	176
STATE:OK		FLEVATOR: 114	130	153	177	194
COUNTY:CLEVELAND	10701	NON-FLEVATOR: 103	118	140	161	176
STATE:OK		FLEVATOR: 114	130	153	177	194
COUNTY:MCCLAIN	10701	NON-FLEVATOR: 103	118	140	161	176
STATE:OK		FLEVATOR: 114	130	153	177	194
COUNTY:OKLAHOMA	10701	NON-FLEVATOR: 103	118	140	161	176
STATE:OK		FLEVATOR: 114	130	153	177	194
COUNTY:POTTAWATOMIE	10701	NON-FLEVATOR: 103	118	140	161	176
STATE:OK		FLEVATOR: 114	130	153	177	194
NON SMSA COUNTIES						
COUNTY:ALFALFA	10702	NON-FLEVATOR: 75	86	102	113	124
STATE:OK		FLEVATOR: 83	95	112	125	137
COUNTY:BEAVER	10901	NON-FLEVATOR: 78	89	106	122	134
STATE:OK		FLEVATOR: 86	98	116	135	147
COUNTY:BECKHAM	10702	NON-FLEVATOR: 75	86	102	113	124
STATE:OK		FLEVATOR: 83	95	112	125	137
COUNTY:BLAINE	10702	NON-FLEVATOR: 75	86	102	113	124
STATE:OK		FLEVATOR: 83	95	112	125	137
COUNTY:CADDO	10801	NON-FLEVATOR: 90	103	122	141	154
STATE:OK		FLEVATOR: 99	113	134	155	170
COUNTY:CARTER	10703	NON-FLEVATOR: 63	72	86	95	105
STATE:OK		FLEVATOR: 69	79	94	105	115
COUNTY:CIMARRON	10901	NON-FLEVATOR: 78	89	106	122	134
STATE:OK		FLEVATOR: 86	98	116	135	147

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
OKLAHOMA CITY,OKLAHOMA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:KAY	10603	NON-FLEVATOR:	73	84	100	111	122
STATE:OK		FLEVATOR:	81	92	110	122	134
COUNTY:KINGFISHER	10702	NON-FLEVATOR:	75	86	102	113	124
STATE:OK		FLEVATOR:	83	95	112	125	137
COUNTY:KIOWA	10801	NON-FLEVATOR:	90	103	122	141	154
STATE:OK		FLEVATOR:	99	113	134	155	170
COUNTY:LINCOLN	10702	NON-FLEVATOR:	75	86	102	113	124
STATE:OK		FLEVATOR:	83	95	112	125	137
COUNTY:LOGAN	10702	NON-FLEVATOR:	75	86	102	113	124
STATE:OK		FLEVATOR:	83	95	112	125	137
COUNTY:LOVE	10703	NON-FLEVATOR:	63	72	86	95	105
STATE:OK		FLEVATOR:	69	79	94	105	115
COUNTY:MAJOR	10702	NON-FLEVATOR:	75	86	102	113	124
STATE:OK		FLEVATOR:	83	95	112	125	137
COUNTY:MARSHALL	11303	NON-FLEVATOR:	79	90	107	119	130
STATE:OK		FLEVATOR:	87	99	117	130	143
COUNTY:MURRAY	10703	NON-FLEVATOR:	63	72	86	95	105
STATE:OK		FLEVATOR:	69	79	94	105	115
COUNTY:NOBLE	10702	NON-FLEVATOR:	75	86	102	113	124
STATE:OK		FLEVATOR:	83	95	112	125	137
COUNTY:PAYNE	10603	NON-FLEVATOR:	73	84	100	111	122
STATE:OK		FLEVATOR:	81	92	110	122	134
COUNTY:PONTOTOC	10703	NON-FLEVATOR:	63	72	86	95	105
STATE:OK		FLEVATOR:	69	79	94	105	115
COUNTY:ROGER MILLS	10702	NON-FLEVATOR:	75	86	102	113	124
STATE:OK		FLEVATOR:	83	95	112	125	137

RULES AND REGULATIONS

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
OKLAHOMA CITY,OKLAHOMA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:COTTON	10801	NON-FLEVATOR:	90	103	122	141	154
STATE:OK		FLEVATOR:	99	113	134	155	170
COUNTY:CUSTER	10702	NON-FLEVATOR:	75	86	102	113	124
STATE:OK		FLEVATOR:	83	95	112	125	137
COUNTY:DEWEY	10702	NON-FLEVATOR:	75	86	102	113	124
STATE:OK		FLEVATOR:	83	95	112	125	137
COUNTY:GARFIELD	10702	NON-FLEVATOR:	75	86	102	113	124
STATE:OK		FLEVATOR:	83	95	112	125	137
COUNTY:GARVIN	10703	NON-ELEVATOR:	63	72	86	95	105
STATE:OK		FLEVATOR:	69	79	94	105	115
COUNTY:GRADY	10703	NON-FLEVATOR:	63	72	86	95	105
STATE:OK		FLEVATOR:	69	79	94	105	115
COUNTY:GRANT	10702	NON-FLEVATOR:	75	86	102	113	124
STATE:OK		FLEVATOR:	83	95	112	125	137
COUNTY:GREER	10801	NON-FLEVATOR:	90	103	122	141	154
STATE:OK		FLEVATOR:	99	113	134	155	170
COUNTY:HARMON	10801	NON-FLEVATOR:	90	103	122	141	154
STATE:OK		FLEVATOR:	99	113	134	155	170
COUNTY:HARPER	10702	NON-FLEVATOR:	75	86	102	113	124
STATE:OK		FLEVATOR:	83	95	112	125	137
COUNTY:JACKSON	10801	NON-FLEVATOR:	90	103	122	141	154
STATE:OK		FLEVATOR:	99	113	134	155	170
COUNTY:JEFFERSON	10801	NON-FLEVATOR:	90	103	122	141	154
STATE:OK		FLEVATOR:	99	113	134	155	170
COUNTY:JOHNSTON	10703	NON-FLEVATOR:	63	72	86	95	105
STATE:OK		FLEVATOR:	69	79	94	105	115

RULES AND REGULATIONS

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION &	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
OKLAHOMA CITY, OKLAHOMA AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:SEMINOLE	10703	NON-ELEVATOR:	63	72	86	95	105
STATE:OK		ELEVATOR:	69	79	94	105	115
COUNTY:STEPHENS	10801	NON-ELEVATOR:	90	103	122	141	154
STATE:OK		ELEVATOR:	99	113	134	155	170
COUNTY:TEXAS	10901	NON-ELEVATOR:	78	89	106	122	134
STATE:OK		ELEVATOR:	86	98	116	135	147
COUNTY:TILLMAN	10801	NON-ELEVATOR:	90	103	122	141	154
STATE:OK		ELEVATOR:	99	113	134	155	170
COUNTY:WASHITA	10702	NON-ELEVATOR:	75	86	102	113	124
STATE:OK		ELEVATOR:	83	95	112	125	137
COUNTY:WOODS	10702	NON-ELEVATOR:	75	86	102	113	124
STATE:OK		ELEVATOR:	83	95	112	125	137
COUNTY:WOODWARD	10702	NON-ELEVATOR:	75	86	102	113	124
STATE:OK		ELEVATOR:	83	95	112	125	137

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION &	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SAN ANTONIO, TEXAS AREA OFFICE							
SMSA: AUSTIN, TX							
COUNTY:HAYS	11501	NON-ELEVATOR:	130	148	175	202	220
STATE:TX		ELEVATOR:	143	162	192	222	242
COUNTY:TRAVIS	11501	NON-ELEVATOR:	130	148	175	202	220
STATE:TX		ELEVATOR:	143	162	192	222	242
SMSA: BROWNSVILLE-HARLINGEN-SAN BENITO, TX							
COUNTY:CAMERON	12701	NON-ELEVATOR:	67	77	92	106	116
STATE:TX		ELEVATOR:	74	85	101	117	128
SMSA: CORPUS CHRISTI, TX							
COUNTY:NUECES	12702	NON-ELEVATOR:	95	108	128	148	162
STATE:TX		ELEVATOR:	104	119	141	163	178
COUNTY:SAN PATRICIO	12702	NON-ELEVATOR:	95	108	128	148	162
STATE:TX		ELEVATOR:	104	119	141	163	178
SMSA: LAREDO, TX							
COUNTY:WEBB	12703	NON-ELEVATOR:	100	114	135	149	164
STATE:TX		ELEVATOR:	110	125	148	164	180
SMSA: MC ALLEN-PHARR-EDINBURG, TX							
COUNTY:HIDALGO	12701	NON-ELEVATOR:	67	77	92	106	116
STATE:TX		ELEVATOR:	74	85	101	117	128
SMSA: SAN ANTONIO, TX							
COUNTY:BEXAR	12601	NON-ELEVATOR:	91	104	123	142	156
STATE:TX		ELEVATOR:	100	114	135	157	171
COUNTY:COMAL	12602	NON-ELEVATOR:	91	104	123	142	156
STATE:TX		ELEVATOR:	100	114	135	157	171
COUNTY:GUADALUPE	12601	NON-ELEVATOR:	91	104	123	142	156
STATE:TX		ELEVATOR:	100	114	135	157	171
NON SMSA COUNTIES							
COUNTY:ARANSAS	12703	NON-ELEVATOR:	100	114	135	149	164
STATE:TX		ELEVATOR:	110	125	148	164	180

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

SAN ANTONIO,TEXAS AREA OFFICE
NON SMSA COUNTIES

REGION 6	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
COUNTY:FAYETTE STATE:TX	12503	NON-FLEVATOR: FLEVATOR:	84 92	96 105	114 125	132 145	144 158
COUNTY:FRIO STATE:TX	12602	NON-FLEVATOR: FLEVATOR:	80 88	91 100	108 119	120 132	132 145
COUNTY:GILLESPIE STATE:TX	12602	NON-FLEVATOR: FLEVATOR:	80 88	91 100	108 119	120 132	132 145
COUNTY:GOLIAD STATE:TX	12602	NON-FLEVATOR: FLEVATOR:	80 88	91 100	108 119	120 132	132 145
COUNTY:GONZALES STATE:TX	12602	NON-FLEVATOR: FLEVATOR:	80 88	91 100	108 119	120 132	132 145
COUNTY:JACKSON STATE:TX	12602	NON-FLEVATOR: FLEVATOR!	80 88	91 100	108 119	120 132	132 145
COUNTY:JIM HOGG STATE:TX	12703	NON-FLEVATOR: FLEVATOR!	100 110	114 125	135 148	149 164	164 180
COUNTY:JIM WELLS STATE:TX	12703	NON-FLEVATOR: FLEVATOR:	100 110	114 125	135 148	149 164	164 180
COUNTY:KARNES STATE:TX	12602	NON-FLEVATOR: FLEVATOR:	80 88	91 100	108 119	120 132	132 145
COUNTY:KENDALL STATE:TX	12602	NON-FLEVATOR: FLEVATOR:	80 88	91 100	108 119	120 132	132 145
COUNTY:KENEDY STATE:TX	12703	NON-FLEVATOR: FLEVATOR:	100 110	114 125	135 148	149 164	164 180
COUNTY:KERR STATE:TX	12602	NON-FLEVATOR: FLEVATOR:	80 88	91 100	108 119	120 132	132 145
COUNTY:KINNEY STATE:TX	12602	NON-FLEVATOR: FLEVATOR:	80 88	91 100	108 119	120 132	132 145

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

SAN ANTONIO,TEXAS AREA OFFICE
NON SMSA COUNTIES

REGION 6	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
COUNTY:ATASCOSA STATE:TX	12602	NON-FLEVATOR: FLEVATOR:	80 88	91 100	108 119	120 132	132 145
COUNTY:BANDERA STATE:TX	12601	NON-FLEVATOR: FLEVATOR:	91 100	104 114	123 135	142 157	156 171
COUNTY:BASTROP STATE:TX	11502	NON-FLEVATOR: FLEVATOR:	85 93	97 107	115 126	128 140	140 154
COUNTY:BEE STATE:TX	12703	NON-FLEVATOR: FLEVATOR:	100 110	114 125	135 148	149 164	164 180
COUNTY:BLANCO STATE:TX	11502	NON-FLEVATOR: FLEVATOR!	85 93	97 107	115 126	128 140	140 154
COUNTY:BROOKS STATE:TX	12703	NON-FLEVATOR: FLEVATOR!	100 110	114 125	135 148	149 164	164 180
COUNTY:BURNET STATE:TX	11502	NON-FLEVATOR: FLEVATOR:	85 93	97 107	115 126	128 140	140 154
COUNTY:CALDWELL STATE:TX	11502	NON-FLEVATOR! FLEVATOR:	85 93	97 107	115 126	128 140	140 154
COUNTY:CALHOUN STATE:TX	12602	NON-FLEVATOR: FLEVATOR:	80 88	91 100	108 119	120 132	132 145
COUNTY:DE WITT STATE:TX	12602	NON-FLEVATOR: FLEVATOR:	80 88	91 100	108 119	120 132	132 145
COUNTY:DIMMIT STATE:TX	12703	NON-FLEVATOR: FLEVATOR:	100 110	114 125	135 148	149 164	164 180
COUNTY:DUVAL STATE:TX	12703	NON-FLEVATOR: FLEVATOR:	100 110	114 125	135 148	149 164	164 180
COUNTY:EDWARDS STATE:TX	12602	NON-FLEVATOR: FLEVATOR:	80 88	91 100	108 119	120 132	132 145

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION &	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SAN ANTONIO,TEXAS AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:KLEBERG	12703	NON-ELEVATOR:	100	114	135	149	164
STATE:TX		ELEVATOR:	110	125	148	164	180
COUNTY:LA SALLE	12703	NON-ELEVATOR:	100	114	135	149	164
STATE:TX		ELEVATOR:	110	125	148	164	180
COUNTY:LAVACA	12602	NON-ELEVATOR:	80	91	108	120	132
STATE:TX		ELEVATOR:	88	100	119	132	145
COUNTY:LEE	11502	NON-ELEVATOR:	85	97	115	128	140
STATE:TX		ELEVATOR:	93	107	126	140	154
COUNTY:LIVE OAK	12703	NON-ELEVATOR:	100	114	135	149	164
STATE:TX		ELEVATOR:	110	125	148	164	180
COUNTY:LLANO	11502	NON-ELEVATOR:	85	97	115	128	140
STATE:TX		ELEVATOR:	93	107	126	140	154
COUNTY:MAVERICK	12602	NON-ELEVATOR:	80	91	108	120	132
STATE:TX		ELEVATOR:	88	100	119	132	145
COUNTY:MCMULLEN	12703	NON-ELEVATOR:	100	114	135	149	164
STATE:TX		ELEVATOR:	110	125	148	164	180
COUNTY:MEDINA	12602	NON-ELEVATOR:	80	91	108	120	132
STATE:TX		ELEVATOR:	88	100	119	132	145
COUNTY:REAL	12602	NON-ELEVATOR:	80	91	108	120	132
STATE:TX		ELEVATOR:	88	100	119	132	145
COUNTY:REFUGIO	12703	NON-ELEVATOR:	100	114	135	149	164
STATE:TX		ELEVATOR:	110	125	148	164	180
COUNTY:STARR	12703	NON-ELEVATOR:	100	114	135	149	164
STATE:TX		ELEVATOR:	110	125	148	164	180
COUNTY:UVALDE	12602	NON-ELEVATOR:	80	91	108	120	132
STATE:TX		ELEVATOR:	88	100	119	132	145

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION &	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SAN ANTONIO,TEXAS AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:VAL VERDE	12602	NON-ELEVATOR:	80	91	108	120	132
STATE:TX		ELEVATOR:	88	100	119	132	145
COUNTY:VICTORIA	12602	NON-ELEVATOR:	80	91	108	120	132
STATE:TX		ELEVATOR:	88	100	119	132	145
COUNTY:WILLACY	12703	NON-ELEVATOR:	100	114	135	149	164
STATE:TX		ELEVATOR:	110	125	148	164	180
COUNTY:WILLIAMSON	11502	NON-ELEVATOR:	85	97	115	128	140
STATE:TX		ELEVATOR:	93	107	126	140	154
COUNTY:WILSON	12602	NON-ELEVATOR:	80	91	108	120	132
STATE:TX		ELEVATOR:	88	100	119	132	145
COUNTY:ZAPATA	12703	NON-ELEVATOR:	100	114	135	149	164
STATE:TX		ELEVATOR:	110	125	148	164	180
COUNTY:ZAVALA	12602	NON-ELEVATOR:	80	91	108	120	132
STATE:TX		ELEVATOR:	88	100	119	132	145

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION &	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SHREVEPORT, LOUISIANA INSURING OFFICE							
SMSA: ALEXANDRIA, LA							
COUNTY:GRANT	11801	NON-ELEVATOR:	74	85	101	117	128
STATE:LA		ELEVATOR:	82	93	111	129	141
COUNTY:RAPIDES	11801	NON-ELEVATOR:	74	85	101	117	128
STATE:LA		ELEVATOR:	82	93	111	129	141
SMSA: MONROE, LA							
COUNTY:OUACHITA	11801	NON-ELEVATOR:	74	85	101	117	128
STATE:LA		ELEVATOR:	82	93	111	129	141
SMSA: SHREVEPORT, LA							
COUNTY:BOSSIER	11601	NON-ELEVATOR:	92	105	124	144	157
STATE:LA		ELEVATOR:	101	115	137	158	173
COUNTY:CADDO	11601	NON-ELEVATOR:	92	105	124	144	157
STATE:LA		ELEVATOR:	101	115	137	158	173
COUNTY:WEBSTER	11601	NON-ELEVATOR:	92	105	124	144	157
STATE:LA		ELEVATOR:	101	115	137	158	173
NON SMSA COUNTIES							
COUNTY:AVOYELLES	11801	NON-ELEVATOR:	74	85	101	117	128
STATE:LA		ELEVATOR:	82	93	111	129	141
COUNTY:BIENVILLE	11603	NON-ELEVATOR:	69	79	94	104	115
STATE:LA		ELEVATOR:	76	87	103	115	126
COUNTY:CALDWELL	11801	NON-ELEVATOR:	74	85	101	117	128
STATE:LA		ELEVATOR:	82	93	111	129	141
COUNTY:CATAHOULA	11801	NON-ELEVATOR:	74	85	101	117	128
STATE:LA		ELEVATOR:	82	93	111	129	141
COUNTY:CLAIBORNE	11603	NON-ELEVATOR:	69	79	94	104	115
STATE:LA		ELEVATOR:	76	87	103	115	126
COUNTY:CONCORDIA	12304	NON-ELEVATOR:	70	80	95	106	116
STATE:LA		ELEVATOR:	77	88	105	116	128

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION &	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SHREVEPORT, LOUISIANA INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:DE SOTO	11603	NON-ELEVATOR:	69	79	94	104	115
STATE:LA		ELEVATOR:	76	87	103	115	126
COUNTY:EAST CARROLL	11801	NON-ELEVATOR:	74	85	101	117	128
STATE:LA		ELEVATOR:	82	93	111	129	141
COUNTY:FRANKLIN	11801	NON-ELEVATOR:	74	85	101	117	128
STATE:LA		ELEVATOR:	82	93	111	129	141
COUNTY:JACKSON	11801	NON-ELEVATOR:	74	85	101	117	128
STATE:LA		ELEVATOR:	82	93	111	129	141
COUNTY:LA SALLE	11801	NON-ELEVATOR:	74	85	101	117	128
STATE:LA		ELEVATOR:	82	93	111	129	141
COUNTY:LINCOLN	11801	NON-ELEVATOR:	74	85	101	117	128
STATE:LA		ELEVATOR:	82	93	111	129	141
COUNTY:MADISON	11801	NON-ELEVATOR:	74	85	101	117	128
STATE:LA		ELEVATOR:	82	93	111	129	141
COUNTY:MOREHOUSE	11801	NON-ELEVATOR:	74	85	101	117	128
STATE:LA		ELEVATOR:	82	93	111	129	141
COUNTY:NATCHITOCHES	11603	NON-ELEVATOR:	69	79	94	104	115
STATE:LA		ELEVATOR:	76	87	103	115	126
COUNTY:RED RIVER	11603	NON-ELEVATOR:	69	79	94	104	115
STATE:LA		ELEVATOR:	76	87	103	115	126
COUNTY:RICHLAND	11801	NON-ELEVATOR:	74	85	101	117	128
STATE:LA		ELEVATOR:	82	93	111	129	141
COUNTY:SABINE	11603	NON-ELEVATOR:	69	79	94	104	115
STATE:LA		ELEVATOR:	76	87	103	115	126
COUNTY:TENSAS	11801	NON-ELEVATOR:	74	85	101	117	128
STATE:LA		ELEVATOR:	82	93	111	129	141

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION &	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SHREVEPORT, LOUISIANA INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:UNION	11801	NON-ELEVATOR:	74	85	101	117	128
STATE:LA		ELEVATOR:	82	93	111	129	141
COUNTY:VERNON	12402	NON-ELEVATOR:	88	101	120	138	151
STATE:LA		ELEVATOR:	97	111	132	152	166
COUNTY:WEST CARROLL	11801	NON-ELEVATOR:	74	85	101	117	128
STATE:LA		ELEVATOR:	82	93	111	129	141
COUNTY:WINN	11801	NON-ELEVATOR:	74	85	101	117	128
STATE:LA		ELEVATOR:	82	93	111	129	141
COUNTY:CASS	11701	NON-ELEVATOR:	65	74	88	98	108
STATE:TX		ELEVATOR:	71	81	97	108	118
COUNTY:HARRISON	11603	NON-ELEVATOR:	69	79	94	104	115
STATE:TX		ELEVATOR:	76	87	103	115	126
COUNTY:MARION	11603	NON-ELEVATOR:	69	79	94	104	115
STATE:TX		ELEVATOR:	76	87	103	115	126
COUNTY:MORRIS	11701	NON-ELEVATOR:	65	74	88	98	108
STATE:TX		ELEVATOR:	71	81	97	108	118
COUNTY:PANOLA	11603	NON-ELEVATOR:	69	79	94	104	115
STATE:TX		ELEVATOR:	76	87	103	115	126

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION &	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
TULSA, OKLAHOMA INSURING OFFICE							
SMSA: FORT SMITH, AR-OK							
COUNTY:LE FLORE	10501	NON-ELEVATOR:	68	78	93	107	118
STATE:OK		ELEVATOR:	75	86	102	118	129
COUNTY:SEQUOYAH	10501	NON-ELEVATOR:	68	78	93	107	118
STATE:OK		ELEVATOR:	75	86	102	118	129
SMSA: TULSA, OK							
COUNTY:CREEK	10601	NON-ELEVATOR:	97	111	131	152	166
STATE:OK		ELEVATOR:	107	122	144	167	183
COUNTY:MAYES	10601	NON-ELEVATOR:	97	111	131	152	166
STATE:OK		ELEVATOR:	107	122	144	167	183
COUNTY:OSAGE	10601	NON-ELEVATOR:	97	111	131	152	166
STATE:OK		ELEVATOR:	107	122	144	167	183
COUNTY:ROGERS	10601	NON-ELEVATOR:	97	111	131	152	166
STATE:OK		ELEVATOR:	107	122	144	167	183
COUNTY:TULSA	10601	NON-ELEVATOR:	97	111	131	152	166
STATE:OK		ELEVATOR:	107	122	144	167	183
COUNTY:WAGONER	10601	NON-ELEVATOR:	97	111	131	152	166
STATE:OK		ELEVATOR:	107	122	144	167	183
NON SMSA COUNTIES							
COUNTY:ADAIR	10602	NON-ELEVATOR:	79	90	107	119	130
STATE:OK		ELEVATOR:	87	99	117	130	143
COUNTY:ATOKA	10703	NON-ELEVATOR:	63	72	86	95	105
STATE:OK		ELEVATOR:	69	79	94	105	115
COUNTY:BRYAN	11303	NON-ELEVATOR:	79	90	107	119	130
STATE:OK		ELEVATOR:	87	99	117	130	143
COUNTY:CHEROKEE	10602	NON-ELEVATOR:	79	90	107	119	130
STATE:OK		ELEVATOR:	87	99	117	130	143
COUNTY:CHOCTAW	11701	NON-ELEVATOR:	65	74	88	98	108
STATE:OK		ELEVATOR:	71	81	97	108	118

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
TULSA,OKLAHOMA INSURING OFFICE NON SMSA COUNTIES							
COUNTY:COAL	10703	NON-ELEVATOR:	63	72	86	95	105
STATE:OK		ELEVATOR:	69	79	94	105	115
COUNTY:CRAIG	10302	NON-ELEVATOR:	71	81	96	107	117
STATE:OK		ELEVATOR:	78	89	106	118	129
COUNTY:DELAWARE	10602	NON-ELEVATOR:	79	90	107	119	130
STATE:OK		ELEVATOR:	87	99	117	130	143
COUNTY:ELLIS	10702	NON-ELEVATOR:	75	86	102	113	124
STATE:OK		ELEVATOR:	83	95	112	125	137
COUNTY:HASKELL	10501	NON-ELEVATOR:	68	78	93	107	118
STATE:OK		ELEVATOR:	75	86	102	118	129
COUNTY:HUGHES	10703	NON-ELEVATOR:	63	72	86	95	105
STATE:OK		ELEVATOR:	69	79	94	105	115
COUNTY:LATIMER	10501	NON-ELEVATOR:	68	78	93	107	118
STATE:OK		ELEVATOR:	75	86	102	118	129
COUNTY:MCCURTAIN	11701	NON-ELEVATOR:	65	74	88	98	108
STATE:OK		ELEVATOR:	71	81	97	108	118
COUNTY:MCINTOSH	10603	NON-ELEVATOR:	73	84	100	111	122
STATE:OK		ELEVATOR:	81	92	110	122	134
COUNTY:MUSKOGEE	10602	NON-ELEVATOR:	79	90	107	119	130
STATE:OK		ELEVATOR:	87	99	117	130	143
COUNTY:NOWATA	10603	NON-ELEVATOR:	73	84	100	111	122
STATE:OK		ELEVATOR:	81	92	110	122	134
COUNTY:OKFUSKEE	10702	NON-ELEVATOR:	75	86	102	113	124
STATE:OK		ELEVATOR:	83	95	112	125	137
COUNTY:OKMULGEE	10603	NON-ELEVATOR:	73	84	100	111	122
STATE:OK		ELEVATOR:	81	92	110	122	134

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
TULSA,OKLAHOMA INSURING OFFICE NON SMSA COUNTIES							
COUNTY:OTTAWA	10302	NON-ELEVATOR:	71	81	96	107	117
STATE:OK		ELEVATOR:	78	89	106	118	129
COUNTY:PAWNEE	10603	NON-ELEVATOR:	73	84	100	111	122
STATE:OK		ELEVATOR:	81	92	110	122	134
COUNTY:PITTSBURG	10501	NON-ELEVATOR:	68	78	93	107	118
STATE:OK		ELEVATOR:	75	86	102	118	129
COUNTY:PUSHMATAHA	10501	NON-ELEVATOR:	68	78	93	107	118
STATE:OK		ELEVATOR:	75	86	102	118	129
COUNTY:WASHINGTON	10603	NON-ELEVATOR:	73	84	100	111	122
STATE:OK		ELEVATOR:	81	92	110	122	134

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DES MOINES, IOWA INSURING OFFICE							
SMSA: CEDAR RAPIDS, IA							
COUNTY:LINN	07402	NON-ELEVATOR:	125	143	169	196	213
STATE:IA		ELEVATOR:	138	157	186	215	235
SMSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL							
COUNTY:SCOTT	07401	NON-ELEVATOR:	126	144	170	197	215
STATE:IA		ELEVATOR:	139	158	187	217	236
SMSA: DES MOINES, IA							
COUNTY:POLK	09301	NON-ELEVATOR:	133	151	179	207	225
STATE:IA		ELEVATOR:	146	166	197	227	248
COUNTY:WARREN	09301	NON-ELEVATOR:	133	151	179	207	225
STATE:IA		ELEVATOR:	146	166	197	227	248
SMSA: DUBUQUE, IA							
COUNTY:DUBUQUE	07501	NON-ELEVATOR:	107	122	146	161	177
STATE:IA		ELEVATOR:	118	134	161	177	195
SMSA: OMAHA, NE-IA							
COUNTY:POTTAWATTAMI	09401	NON-ELEVATOR:	130	148	176	203	221
STATE:IA		ELEVATOR:	143	163	193	223	243
SMSA: SIOUX CITY, IA-NE							
COUNTY:WOODBURY	09001	NON-ELEVATOR:	107	122	146	161	177
STATE:IA		ELEVATOR:	118	134	161	177	195
SMSA: WATERLOO, IA							
COUNTY:BLACK HAWK	09201	NON-ELEVATOR:	114	131	155	179	196
STATE:IA		ELEVATOR:	125	144	171	197	216
NON SMSA COUNTIES							
COUNTY:ADAIR	09302	NON-ELEVATOR:	98	111	132	147	161
STATE:IA		ELEVATOR:	107	123	145	161	177
COUNTY:ADAMS	09402	NON-ELEVATOR:	93	106	126	140	154
STATE:IA		ELEVATOR:	102	117	139	154	169
COUNTY:ALLAMAKEE	07501	NON-ELEVATOR:	95	108	129	143	157
STATE:IA		ELEVATOR:	104	119	141	157	172

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DES MOINES, IOWA INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:APPANOOSE	09302	NON-ELEVATOR:	98	111	132	147	161
STATE:IA		ELEVATOR:	107	123	145	161	177
COUNTY:AUDUBON	09402	NON-ELEVATOR:	93	106	126	140	154
STATE:IA		ELEVATOR:	102	117	139	154	169
COUNTY:BENTON	07402	NON-ELEVATOR:	125	143	169	196	213
STATE:IA		ELEVATOR:	138	157	186	215	235
COUNTY:BOONE	09302	NON-ELEVATOR:	98	111	132	147	161
STATE:IA		ELEVATOR:	107	123	145	161	177
COUNTY:BREMER	09201	NON-ELEVATOR:	104	119	141	163	178
STATE:IA		ELEVATOR:	114	130	155	179	195
COUNTY:BUCHANAN	09201	NON-ELEVATOR:	104	119	141	163	178
STATE:IA		ELEVATOR:	114	130	155	179	195
COUNTY:BUENA VISTA	09101	NON-ELEVATOR:	93	106	126	140	154
STATE:IA		ELEVATOR:	102	117	139	154	169
COUNTY:BUTLER	09201	NON-ELEVATOR:	104	119	141	163	178
STATE:IA		ELEVATOR:	114	130	155	179	195
COUNTY:CALHOUN	09101	NON-ELEVATOR:	93	106	126	140	154
STATE:IA		ELEVATOR:	102	117	139	154	169
COUNTY:CARROLL	09101	NON-ELEVATOR:	93	106	126	140	154
STATE:IA		ELEVATOR:	102	117	139	154	169
COUNTY:CASS	09402	NON-ELEVATOR:	93	106	126	140	154
STATE:IA		ELEVATOR:	102	117	139	154	169
COUNTY:CEDAR	07402	NON-ELEVATOR:	125	143	169	196	213
STATE:IA		ELEVATOR:	138	157	186	215	235
COUNTY:CERRO GORDO	09201	NON-ELEVATOR:	104	119	141	163	178
STATE:IA		ELEVATOR:	114	130	155	179	195

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RULES AND REGULATIONS
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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DES MOINES,IOWA INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:CHEROKEE	09001	NON-ELEVATOR:	94	107	127	141	155
STATE:IA		ELEVATOR:	103	118	140	156	171
COUNTY:CHICKASAW	09201	NON-ELEVATOR:	104	119	141	163	178
STATE:IA		ELEVATOR:	114	130	155	179	195
COUNTY:CLARKE	09302	NON-ELEVATOR:	98	111	132	147	161
STATE:IA		ELEVATOR:	107	123	145	161	177
COUNTY:CLAY	09101	NON-ELEVATOR:	93	106	124	140	154
STATE:IA		ELEVATOR:	102	117	139	154	169
COUNTY:CLAYTON	07501	NON-ELEVATOR:	95	108	129	143	157
STATE:IA		ELEVATOR:	104	119	141	157	172
COUNTY:CLINTON	07403	NON-ELEVATOR:	106	121	143	158	174
STATE:IA		ELEVATOR:	116	133	157	174	191
COUNTY:CRAWFORD	09001	NON-ELEVATOR:	94	107	127	141	155
STATE:IA		ELEVATOR:	103	118	140	156	171
COUNTY:DALLAS	09302	NON-ELEVATOR:	98	111	132	147	161
STATE:IA		ELEVATOR:	107	123	145	161	177
COUNTY:DAVIS	09302	NON-ELEVATOR:	98	111	132	147	161
STATE:IA		ELEVATOR:	107	123	145	161	177
COUNTY:DECATUR	09302	NON-ELEVATOR:	98	111	132	147	161
STATE:IA		ELEVATOR:	107	123	145	161	177
COUNTY:DELAWARE	07501	NON-ELEVATOR:	95	108	129	143	157
STATE:IA		ELEVATOR:	104	119	141	157	172
COUNTY:DES MOINES	10001	NON-ELEVATOR:	106	120	143	158	174
STATE:IA		ELEVATOR:	117	132	157	174	191
COUNTY:DICKINSON	09101	NON-ELEVATOR:	93	106	126	140	154
STATE:IA		ELEVATOR:	102	117	139	154	169

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DES MOINES,IOWA INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:EMMET	09101	NON-ELEVATOR:	93	106	126	140	154
STATE:IA		ELEVATOR:	102	117	139	154	169
COUNTY:FAYETTE	09201	NON-ELEVATOR:	104	119	141	163	178
STATE:IA		ELEVATOR:	114	130	155	179	195
COUNTY:FLOYD	09201	NON-ELEVATOR:	104	119	141	163	178
STATE:IA		ELEVATOR:	114	130	155	179	195
COUNTY:FRANKLIN	09201	NON-ELEVATOR:	104	119	141	163	178
STATE:IA		ELEVATOR:	114	130	155	179	195
COUNTY:FREMONT	09402	NON-ELEVATOR:	93	106	126	140	154
STATE:IA		ELEVATOR:	102	117	139	154	169
COUNTY:GREENE	09101	NON-ELEVATOR:	93	106	126	140	154
STATE:IA		ELEVATOR:	102	117	139	154	169
COUNTY:GRUNDY	09201	NON-ELEVATOR:	104	119	141	163	178
STATE:IA		ELEVATOR:	114	130	155	179	195
COUNTY:GUTHRIE	09101	NON-ELEVATOR:	93	106	126	140	154
STATE:IA		ELEVATOR:	102	117	139	154	169
COUNTY:HAMILTON	09101	NON-ELEVATOR:	93	106	126	140	154
STATE:IA		ELEVATOR:	102	117	139	154	169
COUNTY:HANCOCK	09201	NON-ELEVATOR:	104	119	141	163	178
STATE:IA		ELEVATOR:	114	130	155	179	195
COUNTY:HARDIN	09201	NON-ELEVATOR:	104	119	141	163	178
STATE:IA		ELEVATOR:	114	130	155	179	195
COUNTY:HARRISON	09402	NON-ELEVATOR:	93	106	126	140	154
STATE:IA		ELEVATOR:	102	117	139	154	169
COUNTY:HENRY	10001	NON-ELEVATOR:	96	109	130	144	158
STATE:IA		ELEVATOR:	105	120	143	158	174

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DES MOINES,IOWA INSURING OFFICE						
NON SMSA COUNTIES						
COUNTY:HOWARD	07501	NON-ELEVATOR:	95	108	129	143	157
STATE:IA		ELEVATOR:	104	119	141	157	172
COUNTY:HUMBOLDT	09101	NON-ELEVATOR:	93	106	126	140	154
STATE:IA		ELEVATOR:	102	117	139	154	169
COUNTY:IDA	09001	NON-ELEVATOR:	94	107	127	141	155
STATE:IA		ELEVATOR:	103	118	140	156	171
COUNTY:IOWA	07402	NON-ELEVATOR:	125	143	169	196	213
STATE:IA		ELEVATOR:	138	157	186	215	235
COUNTY:JACKSON	07501	NON-ELEVATOR:	95	108	129	143	157
STATE:IA		ELEVATOR:	104	119	141	157	172
COUNTY:JASPER	09302	NON-ELEVATOR:	98	111	132	147	161
STATE:IA		ELEVATOR:	107	123	145	161	177
COUNTY:JEFFERSON	09302	NON-ELEVATOR:	98	111	132	147	161
STATE:IA		ELEVATOR:	107	123	145	161	177
COUNTY:JOHNSON	07402	NON-ELEVATOR:	125	143	169	196	213
STATE:IA		ELEVATOR:	138	157	186	215	235
COUNTY:JONES	07402	NON-ELEVATOR:	125	143	169	196	213
STATE:IA		ELEVATOR:	138	157	186	215	235
COUNTY:KEOKUK	09302	NON-ELEVATOR:	98	111	132	147	161
STATE:IA		ELEVATOR:	107	123	145	161	177
COUNTY:KOSSUTH	09201	NON-ELEVATOR:	104	119	141	163	178
STATE:IA		ELEVATOR:	114	130	155	179	195
COUNTY:LEE	10001	NON-ELEVATOR:	103	117	139	154	169
STATE:IA		ELEVATOR:	113	129	153	169	186
COUNTY:LOUISA	07403	NON-ELEVATOR:	104	121	143	158	174
STATE:IA		ELEVATOR:	114	133	157	174	191

PREPARED BY HUD - EHAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DES MOINES,IOWA INSURING OFFICE						
NON SMSA COUNTIES						
COUNTY:LUCAS	09302	NON-ELEVATOR:	98	111	132	147	161
STATE:IA		ELEVATOR:	107	123	145	161	177
COUNTY:LYON	08701	NON-ELEVATOR:	104	119	141	156	171
STATE:IA		ELEVATOR:	114	130	155	171	188
COUNTY:MADISON	09302	NON-ELEVATOR:	98	111	132	147	161
STATE:IA		ELEVATOR:	107	123	145	161	177
COUNTY:MAHASKA	09302	NON-ELEVATOR:	98	111	132	147	161
STATE:IA		ELEVATOR:	107	123	145	161	177
COUNTY:MARION	09302	NON-ELEVATOR:	98	111	132	147	161
STATE:IA		ELEVATOR:	107	123	145	161	177
COUNTY:MARSHALL	09302	NON-ELEVATOR:	105	119	142	158	173
STATE:IA		ELEVATOR:	116	131	156	174	190
COUNTY:MILLS	09402	NON-ELEVATOR:	93	106	124	140	154
STATE:IA		ELEVATOR:	102	117	139	154	169
COUNTY:MITCHELL	09201	NON-ELEVATOR:	104	119	141	163	178
STATE:IA		ELEVATOR:	114	130	155	179	195
COUNTY:MONONA	09001	NON-ELEVATOR:	94	107	127	141	155
STATE:IA		ELEVATOR:	103	118	140	156	171
COUNTY:MONROE	09302	NON-ELEVATOR:	98	111	132	147	161
STATE:IA		ELEVATOR:	107	123	145	161	177
COUNTY:MONTGOMERY	09402	NON-ELEVATOR:	93	106	124	140	154
STATE:IA		ELEVATOR:	102	117	139	154	169
COUNTY:MUSCATINE	07403	NON-ELEVATOR:	106	121	143	158	174
STATE:IA		ELEVATOR:	116	133	157	174	191
COUNTY:O BRIEN	09001	NON-ELEVATOR:	94	107	127	141	155
STATE:IA		ELEVATOR:	103	118	140	156	171

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DES MOINES,IOWA INSURING OFFICE						
NON SMSA COUNTIES						
COUNTY:IOSCEOLA	08701	NON-FLEVATOR:	104	119	141	156	171
STATE:IA		FLEVATOR:	114	130	155	171	188
COUNTY:PAGE	09402	NON-FLEVATOR:	93	106	126	140	154
STATE:IA		FLEVATOR:	102	117	139	154	169
COUNTY:PALO ALTO	09101	NON-FLEVATOR:	93	106	126	140	154
STATE:IA		FLEVATOR:	102	117	139	154	169
COUNTY:PLYMOUTH	09001	NON-FLEVATOR:	94	107	127	141	155
STATE:IA		FLEVATOR:	103	118	140	156	171
COUNTY:POCAHONTAS	09101	NON-FLEVATOR:	93	106	126	140	154
STATE:IA		FLEVATOR:	102	117	139	154	169
COUNTY:POWESHIEK	09302	NON-FLEVATOR:	98	111	132	147	161
STATE:IA		FLEVATOR:	107	123	145	161	177
COUNTY:RINGGOLD	09302	NON-FLEVATOR:	98	111	132	147	161
STATE:IA		FLEVATOR:	107	123	145	161	177
COUNTY:SAC	09101	NON-FLEVATOR:	93	106	126	140	154
STATE:IA		FLEVATOR:	102	117	139	154	169
COUNTY:SHELBY	09402	NON-FLEVATOR:	93	106	126	140	154
STATE:IA		FLEVATOR:	102	117	139	154	169
COUNTY:SIOUX	09001	NON-FLEVATOR:	94	107	127	141	155
STATE:IA		FLEVATOR:	103	118	140	156	171
COUNTY:STORY	09302	NON-FLEVATOR:	108	122	145	162	177
STATE:IA		FLEVATOR:	119	134	160	178	195
COUNTY:TAMA	09302	NON-FLEVATOR:	98	111	132	147	161
STATE:IA		FLEVATOR:	107	123	145	161	177
COUNTY:TAYLOR	09402	NON-FLEVATOR:	93	106	126	140	154
STATE:IA		FLEVATOR:	102	117	139	154	169

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DES MOINES,IOWA INSURING OFFICE						
NON SMSA COUNTIES						
COUNTY:UNION	09302	NON-FLEVATOR:	98	111	132	147	161
STATE:IA		FLEVATOR:	107	123	145	161	177
COUNTY:VAN BUREN	09302	NON-FLEVATOR:	98	111	132	147	161
STATE:IA		FLEVATOR:	107	123	145	161	177
COUNTY:APPELLO	09302	NON-FLEVATOR:	98	111	132	147	161
STATE:IA		FLEVATOR:	107	123	145	161	177
COUNTY:WASHINGTON	07403	NON-FLEVATOR:	106	121	143	158	174
STATE:IA		FLEVATOR:	116	133	157	174	191
COUNTY:WAYNE	09302	NON-FLEVATOR:	98	111	132	147	161
STATE:IA		FLEVATOR:	107	123	145	161	177
COUNTY:WEBSTER	09101	NON-FLEVATOR:	102	117	139	154	169
STATE:IA		FLEVATOR:	112	129	153	169	186
COUNTY:WINNEBAGO	09201	NON-FLEVATOR:	104	119	141	163	178
STATE:IA		FLEVATOR:	114	130	155	179	195
COUNTY:WINNESHIEK	07501	NON-FLEVATOR:	95	108	129	149	157
STATE:IA		FLEVATOR:	104	119	141	157	172
COUNTY:WORTH	09201	NON-FLEVATOR:	104	119	141	163	178
STATE:IA		FLEVATOR:	114	130	155	179	195
COUNTY:WRIGHT	09101	NON-FLEVATOR:	93	106	126	140	154
STATE:IA		FLEVATOR:	102	117	139	154	169

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
KANSAS CITY,KANSAS AREA OFFICE						
SMSA: KANSAS CITY, MO-KS						
COUNTY:JOHNSON STATE:KS	09801	NON-ELEVATOR: ELEVATOR:	123 135	140 154	166 182	191 211	217 239
COUNTY:WYANDOTTE STATE:KS	09802	NON-ELEVATOR: ELEVATOR:	123 135	140 154	166 182	191 211	217 239
COUNTY:CASS STATE:MO	09801	NON-ELEVATOR: ELEVATOR:	123 135	140 154	166 182	191 211	217 239
COUNTY:CLAY STATE:MO	09802	NON-ELEVATOR: ELEVATOR:	123 135	140 154	166 182	191 211	217 239
COUNTY:JACKSON STATE:MO	09803	NON-ELEVATOR: ELEVATOR:	123 135	140 154	166 182	191 211	217 239
COUNTY:PLATTE STATE:MO	09802	NON-ELEVATOR: ELEVATOR:	123 135	140 154	166 182	191 211	217 239
SMSA: ST JOSEPH, MO							
COUNTY:BUCHANEN STATE:MO	09806	NON-ELEVATOR: ELEVATOR:	85 94	97 107	115 127	128 141	141 155
COUNTY:ANDREW STATE:MO	09806	NON-ELEVATOR: ELEVATOR:	85 94	97 107	115 127	128 141	141 155
SMSA: SPRINGFIELD, MO							
COUNTY:CHRISTIAN STATE:MO	10301	NON-ELEVATOR: ELEVATOR:	96 107	110 122	131 144	152 167	166 183
COUNTY:GREENE STATE:MO	10301	NON-ELEVATOR: ELEVATOR:	96 107	110 122	131 144	152 167	166 183
NON SMSA COUNTIES							
COUNTY:ATCHISON STATE:MO	09806	NON-ELEVATOR: ELEVATOR:	85 94	97 107	115 127	128 141	141 155

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
KANSAS CITY,KANSAS AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:BARRY STATE:MO	10301	NON-ELEVATOR: ELEVATOR:	83 92	95 105	113 124	131 144	143 158
COUNTY:BARTON STATE:MO	10302	NON-ELEVATOR: ELEVATOR:	73 80	83 91	99 109	110 121	121 133
COUNTY:BATES STATE:MO	09806	NON-ELEVATOR: ELEVATOR:	85 94	97 107	115 127	128 141	141 155
COUNTY:BENTON STATE:MO	09806	NON-ELEVATOR: ELEVATOR:	85 94	97 107	115 127	128 141	141 155
COUNTY:CALDWELL STATE:MO	09806	NON-ELEVATOR: ELEVATOR:	85 94	97 107	115 127	128 141	141 155
COUNTY:CAMDEN STATE:MO	09901	NON-ELEVATOR: ELEVATOR:	103 113	118 129	139 153	155 170	169 186
COUNTY:CARROLL STATE:MO	09806	NON-ELEVATOR: ELEVATOR:	85 94	97 107	115 127	128 141	141 155
COUNTY:CEDAR STATE:MO	10302	NON-ELEVATOR: ELEVATOR:	73 80	83 91	99 109	110 121	121 133
COUNTY:CHARITON STATE:MO	09901	NON-ELEVATOR: ELEVATOR:	103 113	118 129	139 153	155 170	169 186
COUNTY:CLINTON STATE:MO	09806	NON-ELEVATOR: ELEVATOR:	85 94	97 107	115 127	128 141	141 155
COUNTY:DADE STATE:MO	10301	NON-ELEVATOR: ELEVATOR:	83 92	95 105	113 124	131 144	143 158
COUNTY:DALLAS STATE:MO	10301	NON-ELEVATOR: ELEVATOR:	83 92	95 105	113 124	131 144	143 158
COUNTY:DAVIESS STATE:MO	09806	NON-ELEVATOR: ELEVATOR:	85 94	97 107	115 127	128 141	141 155

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
KANSAS CITY,KANSAS AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:ILLIVINGSTON	09806	NON-FLEVATOR:	85	97	115	128	141
STATE:MO		FLEVATOR:	94	107	127	141	155
COUNTY:MCDONALD	10302	NON-FLEVATOR:	73	83	99	110	121
STATE:MO		FLEVATOR:	80	91	109	121	133
COUNTY:MERCER	09806	NON-FLEVATOR:	85	97	115	128	141
STATE:MO		FLEVATOR:	94	107	127	141	155
COUNTY:MILLER	09901	NON-FLEVATOR:	103	118	139	155	169
STATE:MO		FLEVATOR:	113	129	153	170	186
COUNTY:MORGAN	09901	NON-FLEVATOR:	103	118	139	155	169
STATE:MO		FLEVATOR:	113	129	153	170	186
COUNTY:NEWTON	10302	NON-FLEVATOR:	73	83	99	110	121
STATE:MO		FLEVATOR:	80	91	109	121	133
COUNTY:NODAWAY	09806	NON-FLEVATOR:	85	97	115	128	141
STATE:MO		FLEVATOR:	94	107	127	141	155
COUNTY:PETTIS	09806	NON-FLEVATOR:	85	97	115	128	141
STATE:MO		FLEVATOR:	94	107	127	141	155
COUNTY:POLK	10301	NON-FLEVATOR:	83	95	113	131	143
STATE:MO		FLEVATOR:	92	105	124	144	158
COUNTY:PULASKI	10104	NON-FLEVATOR:	90	103	123	136	149
STATE:MO		FLEVATOR:	100	114	135	150	164
COUNTY:PUTNAM	09901	NON-FLEVATOR:	103	118	139	155	169
STATE:MO		FLEVATOR:	113	129	153	170	186
COUNTY:SALINE	09806	NON-FLEVATOR:	85	97	115	128	141
STATE:MO		FLEVATOR:	94	107	127	141	155
COUNTY:1ST CLAIR	10302	NON-FLEVATOR:	73	83	99	110	121
STATE:MO		FLEVATOR:	80	91	109	121	133

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
KANSAS CITY,KANSAS AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:DE KALB	09806	NON-FLEVATOR:	85	97	115	128	141
STATE:MO		FLEVATOR:	94	107	127	141	155
COUNTY:GENTRY	09806	NON-FLEVATOR:	85	97	115	128	141
STATE:MO		FLEVATOR:	94	107	127	141	155
COUNTY:GRUNDY	09806	NON-FLEVATOR:	85	97	115	128	141
STATE:MO		FLEVATOR:	94	107	127	141	155
COUNTY:HARRISON	09806	NON-FLEVATOR:	85	97	115	128	141
STATE:MO		FLEVATOR:	94	107	127	141	155
COUNTY:HENRY	09806	NON-FLEVATOR:	85	97	115	128	141
STATE:MO		FLEVATOR:	94	107	127	141	155
COUNTY:HICKORY	10301	NON-FLEVATOR:	83	95	113	131	143
STATE:MO		FLEVATOR:	92	105	124	144	158
COUNTY:HOLT	09806	NON-FLEVATOR:	85	97	115	128	141
STATE:MO		FLEVATOR:	94	107	127	141	155
COUNTY:JASPER	10302	NON-FLEVATOR:	73	83	99	110	121
STATE:MO		FLEVATOR:	80	91	109	121	133
COUNTY:JOHNSON	09806	NON-FLEVATOR:	85	97	115	128	141
STATE:MO		FLEVATOR:	94	107	127	141	155
COUNTY:LACLEDE	10104	NON-FLEVATOR:	90	103	123	136	149
STATE:MO		FLEVATOR:	100	114	135	150	164
COUNTY:LAFAYETTE	09806	NON-FLEVATOR:	85	97	115	128	141
STATE:MO		FLEVATOR:	94	107	127	141	155
COUNTY:LAWRENCE	10301	NON-FLEVATOR:	83	95	113	131	143
STATE:MO		FLEVATOR:	92	105	124	144	158
COUNTY:LINN	09901	NON-FLEVATOR:	103	118	139	155	169
STATE:MO		FLEVATOR:	113	129	153	170	186

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 7	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
KANSAS CITY,KANSAS AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:STONE	10301	NON-ELEVATOR:	83	95	113	131	143
STATE:MO		ELEVATOR:	92	105	124	144	158
COUNTY:SULLIVAN	09901	NON-ELEVATOR:	103	118	139	155	169
STATE:MO		ELEVATOR:	113	129	153	170	186
COUNTY:TANEY	10301	NON-ELEVATOR:	83	95	113	131	143
STATE:MO		ELEVATOR:	92	105	124	144	158
COUNTY:VERNON	10302	NON-ELEVATOR:	73	83	99	110	121
STATE:MO		ELEVATOR:	80	91	109	121	133
COUNTY:WEBSTER	10301	NON-ELEVATOR:	83	95	113	131	143
STATE:MO		ELEVATOR:	92	105	124	144	158
COUNTY:WORTH	09806	NON-ELEVATOR:	85	97	115	120	141
STATE:MO		ELEVATOR:	94	107	127	141	155

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 7	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
OMAHA,NEBRASKA AREA OFFICE						
SMSA: LINCOLN, NE						
COUNTY:LANCASTER	09501	NON-ELEVATOR:	118	135	160	185	203
STATE:NE		ELEVATOR:	130	149	176	204	223
SMSA: OMAHA, NE-IA							
COUNTY:DOUGLAS	09401	NON-ELEVATOR:	130	148	175	203	221
STATE:NE		ELEVATOR:	143	163	193	223	243
COUNTY:SARPY	09401	NON-ELEVATOR:	130	146	175	203	221
STATE:NE		ELEVATOR:	143	163	193	223	243
SMSA: SIOUX CITY, IA-NE							
COUNTY:DAKOTA	09001	NON-ELEVATOR:	107	122	146	161	177
STATE:NE		ELEVATOR:	118	134	161	177	195
NON SMSA COUNTIES							
COUNTY:ADAMS	08901	NON-ELEVATOR:	90	102	121	135	148
STATE:NE		ELEVATOR:	99	113	134	148	163
COUNTY:ANTELOPE	08901	NON-ELEVATOR:	90	102	121	135	148
STATE:NE		ELEVATOR:	99	113	134	148	163
COUNTY:ARTHUR	08901	NON-ELEVATOR:	90	102	121	135	148
STATE:NE		ELEVATOR:	99	113	134	148	163
COUNTY:BANNER	08801	NON-ELEVATOR:	88	100	119	132	145
STATE:NE		ELEVATOR:	97	110	131	145	160
COUNTY:BLAINE	08901	NON-ELEVATOR:	90	102	121	135	148
STATE:NE		ELEVATOR:	99	113	134	148	163
COUNTY:BOONE	08901	NON-ELEVATOR:	90	102	121	135	148
STATE:NE		ELEVATOR:	99	113	134	148	163
COUNTY:BOX BUTTE	08801	NON-ELEVATOR:	88	100	119	132	145
STATE:NE		ELEVATOR:	97	110	131	145	160
COUNTY:BOYD	08901	NON-ELEVATOR:	90	102	121	135	148
STATE:NE		ELEVATOR:	99	113	134	148	163

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
OMAHA-NEBRASKA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:BROWN STATE:NE	08901	NON-ELEVATOR:	90	102	121	135	140
		ELEVATOR:	99	113	134	148	163
COUNTY:BUFFALO STATE:NE	08901	NON-ELEVATOR:	99	112	133	149	163
		ELEVATOR:	109	123	146	164	179
COUNTY:BURT STATE:NE	09402	NON-ELEVATOR:	93	106	126	140	154
		ELEVATOR:	102	117	139	154	169
COUNTY:BUTLER STATE:NE	09501	NON-ELEVATOR:	93	104	124	140	160
		ELEVATOR:	102	117	139	161	176
COUNTY:CASS STATE:NE	09402	NON-ELEVATOR:	93	106	126	140	164
		ELEVATOR:	102	117	139	154	169
COUNTY:CEDAR STATE:NE	09001	NON-ELEVATOR:	94	107	127	141	155
		ELEVATOR:	103	118	140	156	171
COUNTY:CHASE STATE:NE	13104	NON-ELEVATOR:	102	117	138	153	168
		ELEVATOR:	112	128	152	169	185
COUNTY:CHERRY STATE:NE	08901	NON-ELEVATOR:	90	102	121	135	148
		ELEVATOR:	99	113	134	148	163
COUNTY:CHEYENNE STATE:NE	08801	NON-ELEVATOR:	88	100	119	132	145
		ELEVATOR:	97	110	131	145	160
COUNTY:CLAY STATE:NE	08901	NON-ELEVATOR:	90	102	121	135	148
		ELEVATOR:	99	113	134	148	163
COUNTY:COLFAX STATE:NE	09402	NON-ELEVATOR:	93	106	126	140	154
		ELEVATOR:	102	117	139	154	169
COUNTY:CUMING STATE:NE	09001	NON-ELEVATOR:	94	107	127	141	155
		ELEVATOR:	103	118	140	156	171
COUNTY:CUSTER STATE:NE	08901	NON-ELEVATOR:	90	102	121	135	148
		ELEVATOR:	99	113	134	148	163

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
OMAHA-NEBRASKA AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:DAWES STATE:NE	08801	NON-ELEVATOR:	88	100	119	132	145
		ELEVATOR:	97	110	131	145	160
COUNTY:DAWSON STATE:NF	08901	NON-ELEVATOR:	90	102	121	135	148
		ELEVATOR:	99	113	134	148	163
COUNTY:DEUEL STATE:NE	08801	NON-ELEVATOR:	88	100	119	132	145
		ELEVATOR:	97	110	131	145	160
COUNTY:DIXON STATE:NF	09001	NON-ELEVATOR:	94	107	127	141	155
		ELEVATOR:	103	118	140	156	171
COUNTY:DODGE STATE:NE	09402	NON-ELEVATOR:	93	106	126	140	154
		ELEVATOR:	102	117	139	154	169
COUNTY:DUNDY STATE:NE	13104	NON-ELEVATOR:	102	117	138	153	168
		ELEVATOR:	112	128	152	169	185
COUNTY:FILLMORE STATE:NE	09501	NON-ELEVATOR:	93	104	126	146	160
		ELEVATOR:	102	117	139	161	176
COUNTY:FRANKLIN STATE:NE	08901	NON-ELEVATOR:	90	102	121	135	148
		ELEVATOR:	99	113	134	148	163
COUNTY:FRONTIER STATE:NE	08901	NON-ELEVATOR:	90	102	121	135	148
		ELEVATOR:	99	113	134	148	163
COUNTY:FURNAS STATE:NF	08901	NON-ELEVATOR:	90	102	121	135	148
		ELEVATOR:	99	113	134	148	163
COUNTY:GAGE STATE:NE	09501	NON-ELEVATOR:	93	106	126	146	160
		ELEVATOR:	102	117	139	161	176
COUNTY:GARDEN STATE:NE	08801	NON-ELEVATOR:	88	100	119	132	145
		ELEVATOR:	97	110	131	145	160
COUNTY:GARFIELD STATE:NF	08901	NON-ELEVATOR:	90	102	121	135	148
		ELEVATOR:	99	113	134	148	163

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
OMAHA,NEBRASKA AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:GOSPER	08901	NON-ELEVATOR:	90	102	121	135	148
STATE:NE		ELEVATOR:	99	113	134	148	163
COUNTY:GRANT	08901	NON-ELEVATOR:	90	102	121	135	148
STATE:NE		ELEVATOR:	99	113	134	148	163
COUNTY:GREELEY	08901	NON-ELEVATOR:	90	102	121	135	148
STATE:NE		ELEVATOR:	99	113	134	148	163
COUNTY:HALL	08901	NON-ELEVATOR:	99	112	133	149	163
STATE:NE		ELEVATOR:	109	123	146	164	179
COUNTY:HAMILTON	08901	NON-ELEVATOR:	90	102	121	135	148
STATE:NE		ELEVATOR:	99	113	134	148	163
COUNTY:HARLAN	08901	NON-ELEVATOR:	90	102	121	135	148
STATE:NE		ELEVATOR:	99	113	134	148	163
COUNTY:HAYES	08901	NON-ELEVATOR:	90	102	121	135	148
STATE:NE		ELEVATOR:	99	113	134	148	163
COUNTY:HITCHCOCK	08901	NON-ELEVATOR:	90	102	121	135	148
STATE:NE		ELEVATOR:	99	113	134	148	163
COUNTY:HOLT	09001	NON-ELEVATOR:	94	107	127	141	155
STATE:NE		ELEVATOR:	103	118	140	156	171
COUNTY:HOOKER	08901	NON-ELEVATOR:	90	102	121	135	148
STATE:NE		ELEVATOR:	99	113	134	148	163
COUNTY:HOWARD	08901	NON-ELEVATOR:	90	102	121	135	148
STATE:NE		ELEVATOR:	99	113	134	148	163
COUNTY:JEFFERSON	09501	NON-ELEVATOR:	93	106	126	146	160
STATE:NE		ELEVATOR:	102	117	139	161	176
COUNTY:JOHNSON	09501	NON-ELEVATOR:	93	106	126	146	160
STATE:NE		ELEVATOR:	102	117	139	161	176

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
OMAHA,NEBRASKA AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:KEARNEY	08901	NON-ELEVATOR:	90	102	121	135	148
STATE:NE		ELEVATOR:	99	113	134	148	163
COUNTY:KEITH	08901	NON-ELEVATOR:	90	102	121	135	148
STATE:NE		ELEVATOR:	99	113	134	148	163
COUNTY:KEYA PAHA	09001	NON-ELEVATOR:	94	107	127	141	155
STATE:NE		ELEVATOR:	103	118	140	156	171
COUNTY:KIMBALL	08801	NON-ELEVATOR:	88	100	119	132	145
STATE:NE		ELEVATOR:	97	110	131	145	160
COUNTY:KNOX	09001	NON-ELEVATOR:	94	107	127	141	155
STATE:NE		ELEVATOR:	103	118	140	156	171
COUNTY:LINCOLN	08901	NON-ELEVATOR:	90	102	121	135	148
STATE:NE		ELEVATOR:	99	113	134	148	163
COUNTY:LOGAN	08901	NON-ELEVATOR:	90	102	121	135	148
STATE:NE		ELEVATOR:	99	113	134	148	163
COUNTY:LOUP	08901	NON-ELEVATOR:	90	102	121	135	148
STATE:NE		ELEVATOR:	99	113	134	148	163
COUNTY:MADISON	09001	NON-ELEVATOR:	94	107	127	141	155
STATE:NE		ELEVATOR:	103	118	140	156	171
COUNTY:MCPHERSON	08901	NON-ELEVATOR:	90	102	121	135	148
STATE:NE		ELEVATOR:	99	113	134	148	163
COUNTY:MERRICK	08901	NON-ELEVATOR:	90	102	121	135	148
STATE:NE		ELEVATOR:	99	113	134	148	163
COUNTY:MORRILL	08801	NON-ELEVATOR:	88	100	119	132	145
STATE:NE		ELEVATOR:	97	110	131	145	160
COUNTY:NANCE	08901	NON-ELEVATOR:	90	102	121	135	148
STATE:NE		ELEVATOR:	99	113	134	148	163

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RULES AND REGULATIONS
V 40 NO 67

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
OMAHA-NEBRASKA AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:NEMAHA	09501	NON-ELEVATOR:	93	106	126	146	160
STATE:NE		ELEVATOR:	102	117	139	161	176
COUNTY:NUCKOLLS	08901	NON-ELEVATOR:	90	102	121	135	148
STATE:NE		ELEVATOR:	99	113	134	148	163
COUNTY:OTOE	09501	NON-ELEVATOR:	93	106	126	146	160
STATE:NE		ELEVATOR:	102	117	139	161	176
COUNTY:PAWNEE	09501	NON-ELEVATOR:	93	106	126	146	160
STATE:NE		ELEVATOR:	102	117	139	161	176
COUNTY:PERKINS	13104	NON-ELEVATOR:	102	117	138	153	168
STATE:NE		ELEVATOR:	112	128	152	169	185
COUNTY:PHELPS	08901	NON-ELEVATOR:	90	102	121	135	148
STATE:NE		ELEVATOR:	99	113	134	148	163
COUNTY:PIERCE	09001	NON-ELEVATOR:	94	107	127	141	155
STATE:NE		ELEVATOR:	103	118	140	156	171
COUNTY:PLATTE	09402	NON-ELEVATOR:	93	106	126	140	154
STATE:NE		ELEVATOR:	102	117	139	154	169
COUNTY:POLK	09501	NON-ELEVATOR:	93	106	126	146	160
STATE:NE		ELEVATOR:	102	117	139	161	176
COUNTY:RED WILLOW	08901	NON-ELEVATOR:	90	102	121	135	148
STATE:NE		ELEVATOR:	99	113	134	148	163
COUNTY:RICHARDSON	09501	NON-ELEVATOR:	93	106	126	146	160
STATE:NE		ELEVATOR:	102	117	139	161	176
COUNTY:ROCK	09001	NON-ELEVATOR:	94	107	127	141	155
STATE:NE		ELEVATOR:	103	118	140	156	171
COUNTY:SALINE	09501	NON-ELEVATOR:	93	106	126	146	160
STATE:NE		ELEVATOR:	102	117	139	161	176

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
OMAHA-NEBRASKA AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:SAUNDERS	09402	NON-ELEVATOR:	93	106	126	140	154
STATE:NE		ELEVATOR:	102	117	139	154	169
COUNTY:SCOTTS BLUFF	08801	NON-ELEVATOR:	88	100	119	132	145
STATE:NE		ELEVATOR:	97	110	131	145	160
COUNTY:SEWARD	09501	NON-ELEVATOR:	93	106	126	146	160
STATE:NE		ELEVATOR:	102	117	139	161	176
COUNTY:SHERIDAN	08801	NON-ELEVATOR:	88	100	119	132	145
STATE:NE		ELEVATOR:	97	110	131	145	160
COUNTY:SHERMAN	08901	NON-ELEVATOR:	90	102	121	135	148
STATE:NE		ELEVATOR:	99	113	134	148	163
COUNTY:SIOUX	08801	NON-ELEVATOR:	88	100	119	132	145
STATE:NE		ELEVATOR:	97	110	131	145	160
COUNTY:STANTON	09001	NON-ELEVATOR:	94	107	127	141	155
STATE:NE		ELEVATOR:	103	118	140	156	171
COUNTY:THAYER	09501	NON-ELEVATOR:	93	106	126	146	160
STATE:NE		ELEVATOR:	102	117	139	161	176
COUNTY:THOMAS	08901	NON-ELEVATOR:	90	102	121	135	148
STATE:NE		ELEVATOR:	99	113	134	148	163
COUNTY:THURSTON	09001	NON-ELEVATOR:	94	107	127	141	155
STATE:NE		ELEVATOR:	103	118	140	156	171
COUNTY:VALLEY	08901	NON-ELEVATOR:	90	102	121	135	148
STATE:NE		ELEVATOR:	99	113	134	148	163
COUNTY:WASHINGTON	09402	NON-ELEVATOR:	93	106	126	140	154
STATE:NE		ELEVATOR:	102	117	139	154	169
COUNTY:WAYNE	09001	NON-ELEVATOR:	94	107	127	141	155
STATE:NE		ELEVATOR:	103	118	140	156	171

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
OMAHA, NEBRASKA AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:WEBSTER	08901	NON-ELEVATOR:	90	102	121	135	148
STATE:NE		ELEVATOR:	99	113	134	148	163
COUNTY:WHEELER	08901	NON-ELEVATOR:	90	102	121	135	148
STATE:NE		ELEVATOR:	99	113	134	148	163
COUNTY:YORK	09501	NON-ELEVATOR:	93	106	126	146	160
STATE:NE		ELEVATOR:	102	117	139	161	176

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ST. LOUIS, MISSOURI AREA OFFICE							
SMSA: COLUMBIA, MO							
COUNTY:BOONE	09901	NON-ELEVATOR:	103	118	139	155	169
STATE:MO		ELEVATOR:	113	129	153	170	186
SMSA: ST LOUIS, MO-IL							
COUNTY:FRANKLIN	10105	NON-ELEVATOR:	116	133	157	182	206
STATE:MO		ELEVATOR:	128	146	173	200	227
COUNTY:JEFFERSON	10105	NON-ELEVATOR:	116	133	157	182	206
STATE:MO		ELEVATOR:	128	146	173	200	227
COUNTY:ST CHARLES	10105	NON-ELEVATOR:	116	133	157	182	206
STATE:MO		ELEVATOR:	128	146	173	200	227
COUNTY:ST LOUIS	10104	NON-ELEVATOR:	116	133	157	182	206
STATE:MO		ELEVATOR:	128	146	173	200	227
COUNTY:ST LOUIS CTY	10103	NON-ELEVATOR:	116	133	157	182	206
STATE:MO		ELEVATOR:	128	146	173	200	227
NON SMSA COUNTIES							
COUNTY:ADAIR	09901	NON-ELEVATOR:	116	132	155	171	186
STATE:MO		ELEVATOR:	128	145	171	188	205
COUNTY:AUDRAIN	09901	NON-ELEVATOR:	103	118	139	155	169
STATE:MO		ELEVATOR:	113	129	153	170	186
COUNTY:BOLLINGER	10201	NON-ELEVATOR:	81	92	109	122	134
STATE:MO		ELEVATOR:	89	101	120	134	147
COUNTY:BUTLER	10201	NON-ELEVATOR:	81	92	109	122	134
STATE:MO		ELEVATOR:	89	101	120	134	147
COUNTY:CALLAWAY	09901	NON-ELEVATOR:	116	132	155	171	186
STATE:MO		ELEVATOR:	128	145	171	188	205
COUNTY:CAPE GIRARDE	10201	NON-ELEVATOR:	81	92	109	122	134
STATE:MO		ELEVATOR:	89	101	120	134	147
COUNTY:CARTER	10201	NON-ELEVATOR:	81	92	109	122	134
STATE:MO		ELEVATOR:	89	101	120	134	147

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ST.LOUIS,MISSOURI AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:LINCOLN	10104	NON-FLEVATOR:	90	103	123	136	149
STATE:MO		FLEVATOR:	100	114	135	150	164
COUNTY:MACON	09901	NON-FLEVATOR:	103	118	139	155	169
STATE:MO		FLEVATOR:	113	129	153	170	186
COUNTY:MADISON	10104	NON-FLEVATOR:	90	103	123	136	149
STATE:MO		FLEVATOR:	100	114	135	150	164
COUNTY:MARIES	10104	NON-FLEVATOR:	90	103	123	136	149
STATE:MO		FLEVATOR:	100	114	135	150	164
COUNTY:MARION	10001	NON-FLEVATOR:	96	109	130	144	158
STATE:MO		FLEVATOR:	105	120	143	158	174
COUNTY:MISSISSIPPI	10201	NON-FLEVATOR:	81	92	109	122	134
STATE:MO		FLEVATOR:	89	101	120	134	147
COUNTY:MONITEAU	09901	NON-FLEVATOR:	103	118	139	155	169
STATE:MO		FLEVATOR:	113	129	153	170	186
COUNTY:MONROE	09901	NON-FLEVATOR:	103	118	139	155	169
STATE:MO		FLEVATOR:	113	129	153	170	186
COUNTY:MONTGOMERY	10104	NON-FLEVATOR:	90	103	123	136	149
STATE:MO		FLEVATOR:	100	114	135	150	164
COUNTY:NEW MADRID	10201	NON-FLEVATOR:	81	92	109	122	134
STATE:MO		FLEVATOR:	89	101	120	134	147
COUNTY:OREGON	10301	NON-FLEVATOR:	83	95	113	131	143
STATE:MO		FLEVATOR:	92	105	124	144	158
COUNTY:OSAGE	09901	NON-FLEVATOR:	103	118	139	155	169
STATE:MO		FLEVATOR:	113	129	153	170	186
COUNTY:OZARK	10301	NON-FLEVATOR:	83	95	113	131	143
STATE:MO		FLEVATOR:	92	105	124	144	158

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ST.LOUIS,MISSOURI AREA OFFICE						
NON SMSA COUNTIES						
COUNTY:CLARK	10001	NON-FLEVATOR:	96	109	130	144	158
STATE:MO		FLEVATOR:	105	120	143	158	174
COUNTY:COLE	09901	NON-FLEVATOR:	103	118	139	155	169
STATE:MO		FLEVATOR:	113	129	153	170	186
COUNTY:COOPER	09901	NON-FLEVATOR:	103	118	139	155	169
STATE:MO		FLEVATOR:	113	129	153	170	186
COUNTY:CRAWFORD	10104	NON-FLEVATOR:	90	103	123	136	149
STATE:MO		FLEVATOR:	100	114	135	150	164
COUNTY:DENT	10104	NON-FLEVATOR:	90	103	123	136	149
STATE:MO		FLEVATOR:	100	114	135	150	164
COUNTY:DOUGLAS	10301	NON-FLEVATOR:	83	95	113	131	143
STATE:MO		FLEVATOR:	92	105	124	144	158
COUNTY:DUNKLIN	10201	NON-FLEVATOR:	81	92	109	122	134
STATE:MO		FLEVATOR:	89	101	120	134	147
COUNTY:GASCONADE	10104	NON-FLEVATOR:	90	103	123	136	149
STATE:MO		FLEVATOR:	100	114	135	150	164
COUNTY:HOWARD	09901	NON-FLEVATOR:	103	118	139	155	169
STATE:MO		FLEVATOR:	113	129	153	170	186
COUNTY:HOWELL	10301	NON-FLEVATOR:	83	95	113	131	143
STATE:MO		FLEVATOR:	92	105	124	144	158
COUNTY:IRON	10104	NON-FLEVATOR:	90	103	123	136	149
STATE:MO		FLEVATOR:	100	114	135	150	164
COUNTY:KNOX	09901	NON-FLEVATOR:	103	118	139	155	169
STATE:MO		FLEVATOR:	113	129	153	170	186
COUNTY:LEWIS	10001	NON-FLEVATOR:	96	109	130	144	158
STATE:MO		FLEVATOR:	105	120	143	158	174

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ST.LOUIS,MISSOURI AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:PEMISCOT	10201	NON-ELEVATOR:	81	92	109	122	134
STATE:MO		ELEVATOR:	89	101	120	134	147
COUNTY:PERRY	10106	NON-ELEVATOR:	90	103	123	136	149
STATE:MO		ELEVATOR:	100	114	135	150	164
COUNTY:PHELPS	10106	NON-ELEVATOR:	90	103	123	136	149
STATE:MO		ELEVATOR:	100	114	135	150	164
COUNTY:PIKE	10106	NON-ELEVATOR:	90	103	123	136	149
STATE:MO		ELEVATOR:	100	114	135	150	164
COUNTY:RALLS	10001	NON-ELEVATOR:	96	109	130	144	158
STATE:MO		ELEVATOR:	105	120	143	158	174
COUNTY:RANDOLPH	09901	NON-ELEVATOR:	103	118	139	155	169
STATE:MO		ELEVATOR:	113	129	153	170	186
COUNTY:REYNOLDS	10106	NON-ELEVATOR:	90	103	123	136	149
STATE:MO		ELEVATOR:	100	114	135	150	164
COUNTY:RIPLEY	10201	NON-ELEVATOR:	81	92	109	122	134
STATE:MO		ELEVATOR:	89	101	120	134	147
COUNTY:SCHUYLER	09901	NON-ELEVATOR:	103	118	139	155	169
STATE:MO		ELEVATOR:	113	129	153	170	186
COUNTY:SCOTLAND	09901	NON-ELEVATOR:	103	118	139	155	169
STATE:MO		ELEVATOR:	113	129	153	170	186
COUNTY:SCOTT	10201	NON-ELEVATOR:	81	92	109	122	134
STATE:MO		ELEVATOR:	89	101	120	134	147
COUNTY:SHANNON	10301	NON-ELEVATOR:	83	95	113	131	143
STATE:MO		ELEVATOR:	92	105	124	144	158
COUNTY:SHELBY	09901	NON-ELEVATOR:	103	118	139	155	169
STATE:MO		ELEVATOR:	113	129	153	170	186

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ST.LOUIS,MISSOURI AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:ST FRANCOIS	10106	NON-ELEVATOR:	90	103	123	136	149
STATE:MO		ELEVATOR:	100	114	135	150	164
COUNTY:STE GENEVIEV	10106	NON-ELEVATOR:	90	103	123	136	149
STATE:MO		ELEVATOR:	100	114	135	150	164
COUNTY:STODDARD	10201	NON-ELEVATOR:	81	92	109	122	134
STATE:MO		ELEVATOR:	89	101	120	134	147
COUNTY:TEXAS	10106	NON-ELEVATOR:	90	103	123	136	149
STATE:MO		ELEVATOR:	100	114	135	150	164
COUNTY:WARREN	10106	NON-ELEVATOR:	90	103	123	136	149
STATE:MO		ELEVATOR:	100	114	135	150	164
COUNTY:WASHINGTON	10106	NON-ELEVATOR:	90	103	123	136	149
STATE:MO		ELEVATOR:	100	114	135	150	164
COUNTY:WAYNE	10201	NON-ELEVATOR:	81	92	109	122	134
STATE:MO		ELEVATOR:	89	101	120	134	147
COUNTY:WRIGHT	10301	NON-ELEVATOR:	83	95	113	131	143
STATE:MO		ELEVATOR:	92	105	124	144	158

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 7	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
TOPEKA,KANSAS INSURING OFFICE						
SMSA: TOPEKA, KS						
COUNTY:JEFFERSON STATE:KS	09804 NON-ELEVATOR:	110	126	149	172	188
	ELEVATOR:	121	138	164	189	207
COUNTY:OSAGE STATE:KS	09804 NON-ELEVATOR:	110	126	149	172	188
	ELEVATOR:	121	138	164	189	207
COUNTY:SHAWNEE STATE:KS	09804 NON-ELEVATOR:	110	126	149	172	188
	ELEVATOR:	121	138	164	189	207
SMSA: WICHITA, KS						
COUNTY:BUTLER STATE:KS	09701 NON-ELEVATOR:	102	117	138	160	175
	ELEVATOR:	112	128	152	176	192
COUNTY:SEDGWICK STATE:KS	09701 NON-ELEVATOR:	102	117	138	160	175
	ELEVATOR:	112	128	152	176	192
NON SMSA COUNTIES						
COUNTY:ALLEN STATE:KS	10302 NON-ELEVATOR:	73	83	99	110	121
	ELEVATOR:	80	91	109	121	133
COUNTY:ANDERSON STATE:KS	09805 NON-ELEVATOR:	89	101	120	133	147
	ELEVATOR:	98	111	132	147	161
COUNTY:ATCHISON STATE:KS	09805 NON-ELEVATOR:	89	101	120	133	147
	ELEVATOR:	98	111	132	147	161
COUNTY:BARBER STATE:KS	09702 NON-ELEVATOR:	78	89	106	118	129
	ELEVATOR:	86	98	116	129	142
COUNTY:BARTON STATE:KS	09601 NON-ELEVATOR:	84	96	114	127	139
	ELEVATOR:	93	106	126	140	153
COUNTY:BOURBON STATE:KS	10302 NON-ELEVATOR:	73	83	99	110	121
	ELEVATOR:	80	91	109	121	133
COUNTY:BROWN STATE:KS	09805 NON-ELEVATOR:	89	101	120	133	147
	ELEVATOR:	98	111	132	147	161
COUNTY:CHASE STATE:KS	09702 NON-ELEVATOR:	78	89	106	118	129
	ELEVATOR:	86	98	116	129	142

PREPARED BY HUD - EMAD (CO). FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 7	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
TOPEKA,KANSAS INSURING OFFICE						
NON SMSA COUNTIES						
COUNTY:CHAUTAUQUA STATE:KS	09702 NON-ELEVATOR:	78	89	106	118	129
	ELEVATOR:	86	98	116	129	142
COUNTY:CHEROKEE STATE:KS	10302 NON-ELEVATOR:	73	83	99	110	121
	ELEVATOR:	80	91	109	121	133
COUNTY:CHEYENNE STATE:KS	09601 NON-ELEVATOR:	84	96	114	127	139
	ELEVATOR:	93	106	126	140	153
COUNTY:CLARK STATE:KS	09702 NON-ELEVATOR:	78	89	106	118	129
	ELEVATOR:	86	98	116	129	142
COUNTY:CLAY STATE:KS	09601 NON-ELEVATOR:	84	96	114	127	139
	ELEVATOR:	93	106	126	140	153
COUNTY:CLOUD STATE:KS	09601 NON-ELEVATOR:	84	96	114	127	139
	ELEVATOR:	93	106	126	140	153
COUNTY:COFFEY STATE:KS	09805 NON-ELEVATOR:	89	101	120	133	147
	ELEVATOR:	98	111	132	147	161
COUNTY:COMANCHE STATE:KS	09702 NON-ELEVATOR:	78	89	106	118	129
	ELEVATOR:	86	98	116	129	142
COUNTY:CORLEY STATE:KS	09702 NON-ELEVATOR:	78	89	106	118	129
	ELEVATOR:	86	98	116	129	142
COUNTY:CRAWFORD STATE:KS	10302 NON-ELEVATOR:	73	83	99	110	121
	ELEVATOR:	80	91	109	121	133
COUNTY:DECATUR STATE:KS	09601 NON-ELEVATOR:	84	96	114	127	139
	ELEVATOR:	93	106	126	140	153
COUNTY:DICKINSON STATE:KS	09601 NON-ELEVATOR:	84	96	114	127	139
	ELEVATOR:	93	106	126	140	153
COUNTY:DONIPHAN STATE:KS	09805 NON-ELEVATOR:	89	101	120	133	147
	ELEVATOR:	98	111	132	147	161

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
TOPEKA-KANSAS INSURING OFFICE NON SMSA COUNTIES						
COUNTY:DOUGLAS STATE:KS	09804	NON-ELEVATOR: 110	124	149	172	188
		ELEVATOR: 121	138	164	189	207
COUNTY:EDWARDS STATE:KS	09702	NON-ELEVATOR: 78	89	106	118	129
		ELEVATOR: 84	96	116	129	142
COUNTY:ELK STATE:KS	09702	NON-ELEVATOR: 78	89	106	118	129
		ELEVATOR: 86	98	116	129	142
COUNTY:ELLIS STATE:KS	09601	NON-ELEVATOR: 84	96	114	127	139
		ELEVATOR: 93	104	124	140	153
COUNTY:ELLSWORTH STATE:KS	09601	NON-ELEVATOR: 84	96	114	127	139
		ELEVATOR: 93	104	124	140	153
COUNTY:FINNEY STATE:KS	09702	NON-ELEVATOR: 78	89	106	118	129
		ELEVATOR: 86	98	116	129	142
COUNTY:FORD STATE:KS	09702	NON-ELEVATOR: 78	89	106	118	129
		ELEVATOR: 86	98	116	129	142
COUNTY:FRANKLIN STATE:KS	09805	NON-ELEVATOR: 89	101	120	133	147
		ELEVATOR: 98	111	132	147	161
COUNTY:GEARY STATE:KS	09805	NON-ELEVATOR: 89	101	120	133	147
		ELEVATOR: 98	111	132	147	161
COUNTY:GOVE STATE:KS	09601	NON-ELEVATOR: 84	96	114	127	139
		ELEVATOR: 93	106	126	140	153
COUNTY:GRAHAM STATE:KS	09601	NON-ELEVATOR: 84	96	114	127	139
		ELEVATOR: 93	106	126	140	153
COUNTY:GRANT STATE:KS	09702	NON-ELEVATOR: 78	89	106	118	129
		ELEVATOR: 86	98	116	129	142
COUNTY:GRAY STATE:KS	09702	NON-ELEVATOR: 78	89	106	118	129
		ELEVATOR: 86	98	116	129	142

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
TOPEKA-KANSAS INSURING OFFICE NON SMSA COUNTIES						
COUNTY:GREELEY STATE:KS	09601	NON-ELEVATOR: 84	96	114	127	139
		ELEVATOR: 93	104	126	140	153
COUNTY:GREENWOOD STATE:KS	09702	NON-ELEVATOR: 78	89	106	118	129
		ELEVATOR: 86	98	116	129	142
COUNTY:HAMILTON STATE:KS	09702	NON-ELEVATOR: 78	89	106	118	129
		ELEVATOR: 86	98	116	129	142
COUNTY:HARPER STATE:KS	09702	NON-ELEVATOR: 78	89	106	118	129
		ELEVATOR: 86	98	116	129	142
COUNTY:HARVEY STATE:KS	09702	NON-ELEVATOR: 78	89	106	118	129
		ELEVATOR: 86	98	116	129	142
COUNTY:HASKELL STATE:KS	09702	NON-ELEVATOR: 78	89	106	118	129
		ELEVATOR: 86	98	116	129	142
COUNTY:HODGEMAN STATE:KS	09702	NON-ELEVATOR: 78	89	106	118	129
		ELEVATOR: 86	98	116	129	142
COUNTY:JACKSON STATE:KS	09805	NON-ELEVATOR: 89	101	120	133	147
		ELEVATOR: 98	111	132	147	161
COUNTY:JEWELL STATE:KS	09601	NON-ELEVATOR: 84	96	114	127	139
		ELEVATOR: 93	106	126	140	153
COUNTY:KEARNY STATE:KS	09702	NON-ELEVATOR: 78	89	106	118	129
		ELEVATOR: 86	98	116	129	142
COUNTY:KINGMAN STATE:KS	09702	NON-ELEVATOR: 78	89	106	118	129
		ELEVATOR: 86	98	116	129	142
COUNTY:KIOWA STATE:KS	09702	NON-ELEVATOR: 78	89	106	118	129
		ELEVATOR: 86	98	116	129	142
COUNTY:LABETTE STATE:KS	10302	NON-ELEVATOR: 73	83	99	110	121
		ELEVATOR: 80	91	109	121	133

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7 — COUNTY GROUP — 0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4+BEDROOMS

TOPEKA,KANSAS INSURING OFFICE
NON SMSA COUNTIES

COUNTY:LANE STATE:KS	09601	NON-FLEVATOR: FLEVATOR:	84 93	96 106	114 126	127 140	139 153
COUNTY:LEAVENWORTH STATE:KS	09804	NON-FLEVATOR: FLEVATOR:	110 121	126 138	149 164	172 189	188 207
COUNTY:LINCOLN STATE:KS	09601	NON-FLEVATOR: FLEVATOR:	84 93	96 106	114 126	127 140	139 153
COUNTY:LINN STATE:KS	09805	NON-FLEVATOR: FLEVATOR:	89 98	101 111	120 132	133 147	147 161
COUNTY:LOGAN STATE:KS	09601	NON-FLEVATOR: FLEVATOR:	84 93	96 106	114 126	127 140	139 153
COUNTY:LYON STATE:KS	09805	NON-FLEVATOR: FLEVATOR:	89 98	101 111	120 132	133 147	147 161
COUNTY:MARION STATE:KS	09702	NON-FLEVATOR: FLEVATOR:	78 86	89 98	106 118	118 129	129 142
COUNTY:MARSHALL STATE:KS	09805	NON-FLEVATOR: FLEVATOR:	89 98	101 111	120 132	133 147	147 161
COUNTY:MCPHERSON STATE:KS	09601	NON-FLEVATOR: FLEVATOR:	84 93	96 106	114 126	127 140	139 153
COUNTY:MEADE STATE:KS	09702	NON-FLEVATOR: FLEVATOR:	78 86	89 98	106 118	118 129	129 142
COUNTY:MIAMI STATE:KS	09805	NON-FLEVATOR: FLEVATOR:	89 98	101 111	120 132	133 147	147 161
COUNTY:MITCHELL STATE:KS	09601	NON-FLEVATOR: FLEVATOR:	84 93	96 106	114 126	127 140	139 153
COUNTY:MONTGOMERY STATE:KS	10302	NON-FLEVATOR: FLEVATOR:	73 80	83 91	99 109	110 121	121 133

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7 — COUNTY GROUP — 0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4+BEDROOMS

TOPEKA,KANSAS INSURING OFFICE
NON SMSA COUNTIES

COUNTY:MORRIS STATE:KS	09601	NON-FLEVATOR: FLEVATOR:	84 93	96 106	114 126	127 140	139 153
COUNTY:MORTON STATE:KS	09702	NON-FLEVATOR: FLEVATOR:	78 86	89 98	106 118	118 129	129 142
COUNTY:NEMAHA STATE:KS	09805	NON-FLEVATOR: FLEVATOR:	89 98	101 111	120 132	133 147	147 161
COUNTY:NEOSHO STATE:KS	10302	NON-FLEVATOR: FLEVATOR:	73 80	83 91	99 109	110 121	121 133
COUNTY:NESS STATE:KS	09601	NON-FLEVATOR: FLEVATOR:	84 93	96 106	114 126	127 140	139 153
COUNTY:NORTON STATE:KS	09601	NON-FLEVATOR: FLEVATOR:	84 93	96 106	114 126	127 140	139 153
COUNTY:OSBORNE STATE:KS	09601	NON-FLEVATOR: FLEVATOR:	84 93	96 106	114 126	127 140	139 153
COUNTY:OTTAWA STATE:KS	09601	NON-FLEVATOR: FLEVATOR:	84 93	96 106	114 126	127 140	139 153
COUNTY:PAWNEE STATE:KS	09702	NON-FLEVATOR: FLEVATOR:	78 86	89 98	106 118	118 129	129 142
COUNTY:PHILLIPS STATE:KS	09601	NON-FLEVATOR: FLEVATOR:	84 93	96 106	114 126	127 140	139 153
COUNTY:POTTAWATOMIE STATE:KS	09805	NON-FLEVATOR: FLEVATOR:	89 98	101 111	120 132	133 147	147 161
COUNTY:PRATT STATE:KS	09702	NON-FLEVATOR: FLEVATOR:	78 86	89 98	106 116	118 129	129 142
COUNTY:RAWLINS STATE:KS	09601	NON-FLEVATOR: FLEVATOR:	84 93	96 106	114 126	127 140	139 153

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
TOPEKA,KANSAS INSURING OFFICE						
NON SMSA COUNTIES						
COUNTY:RENO	09702	NON-ELEVATOR:	78	89	106	118	129
STATE:KS		ELEVATOR:	86	98	116	129	142
COUNTY:REPUBLIC	09601	NON-ELEVATOR:	84	96	114	127	139
STATE:KS		ELEVATOR:	93	106	126	140	153
COUNTY:RICE	09601	NON-ELEVATOR:	84	96	114	127	139
STATE:KS		ELEVATOR:	93	106	126	140	153
COUNTY:RILEY	09805	NON-ELEVATOR:	89	101	120	133	147
STATE:KS		ELEVATOR:	98	111	132	147	161
COUNTY:ROOKS	09601	NON-ELEVATOR:	84	96	114	127	139
STATE:KS		ELEVATOR:	93	106	126	140	153
COUNTY:RUSH	09601	NON-ELEVATOR:	84	96	114	127	139
STATE:KS		ELEVATOR:	93	106	126	140	153
COUNTY:RUSSELL	09601	NON-ELEVATOR:	84	96	114	127	139
STATE:KS		ELEVATOR:	93	106	126	140	153
COUNTY:SALINE	09601	NON-ELEVATOR:	84	96	114	127	139
STATE:KS		ELEVATOR:	93	106	126	140	153
COUNTY:SCOTT	09601	NON-ELEVATOR:	84	96	114	127	139
STATE:KS		ELEVATOR:	93	106	126	140	153
COUNTY:SEWARD	09702	NON-ELEVATOR:	78	89	106	118	129
STATE:KS		ELEVATOR:	86	98	116	129	142
COUNTY:SHERIDAN	09601	NON-ELEVATOR:	84	96	114	127	139
STATE:KS		ELEVATOR:	93	106	126	140	153
COUNTY:SHERMAN	09601	NON-ELEVATOR:	84	96	114	127	139
STATE:KS		ELEVATOR:	93	106	126	140	153
COUNTY:SMITH	09601	NON-ELEVATOR:	84	96	114	127	139
STATE:KS		ELEVATOR:	93	106	126	140	153

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
TOPEKA,KANSAS INSURING OFFICE						
NON SMSA COUNTIES						
COUNTY:STAFFORD	09702	NON-ELEVATOR:	78	89	106	118	129
STATE:KS		ELEVATOR:	86	98	116	129	142
COUNTY:STANTON	09702	NON-ELEVATOR:	78	89	106	118	129
STATE:KS		ELEVATOR:	86	98	116	129	142
COUNTY:STEVENS	09702	NON-ELEVATOR:	78	89	106	118	129
STATE:KS		ELEVATOR:	86	98	116	129	142
COUNTY:SUMNER	09702	NON-ELEVATOR:	78	89	106	118	129
STATE:KS		ELEVATOR:	86	98	116	129	142
COUNTY:THOMAS	09601	NON-ELEVATOR:	84	96	114	127	139
STATE:KS		ELEVATOR:	93	106	126	140	153
COUNTY:TREGO	09601	NON-ELEVATOR:	84	96	114	127	139
STATE:KS		ELEVATOR:	93	106	126	140	153
COUNTY:WABAUNSEE	09805	NON-ELEVATOR:	89	101	120	133	147
STATE:KS		ELEVATOR:	98	111	132	147	161
COUNTY:WALLACE	09601	NON-ELEVATOR:	84	96	114	127	139
STATE:KS		ELEVATOR:	93	106	126	140	153
COUNTY:WASHINGTON	09805	NON-ELEVATOR:	89	101	120	133	147
STATE:KS		ELEVATOR:	98	111	132	147	161
COUNTY:WICHITA	09601	NON-ELEVATOR:	84	96	114	127	139
STATE:KS		ELEVATOR:	93	106	126	140	153
COUNTY:WILSON	10302	NON-ELEVATOR:	73	83	99	110	121
STATE:KS		ELEVATOR:	80	91	109	121	133
COUNTY:WOODSON	10302	NON-ELEVATOR:	73	83	99	110	121
STATE:KS		ELEVATOR:	80	91	109	121	133

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
TOPEKA,KANSAS INSURING OFFICE						
NON SMSA COUNTIES						
COUNTY:WOODSON	10302	NON-ELEVATOR:	73	83	99	110	121
STATE:KS		ELEVATOR:	80	91	109	121	133
COUNTY:WYANDOTTE	10302	NON-ELEVATOR:	73	83	99	110	121
STATE:KS		ELEVATOR:	80	91	109	121	133

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
TOPEKA,KANSAS INSURING OFFICE						
SMSA COUNTIES						
ATCHISON,KS	09702	NON-ELEVATOR:	78	89	106	118	129
		ELEVATOR:	86	98	116	129	142
DOUGLAS,KS	09601	NON-ELEVATOR:	84	96	114	127	139
		ELEVATOR:	93	106	126	140	153
FRANKLIN,KS	09601	NON-ELEVATOR:	84	96	114	127	139
		ELEVATOR:	93	106	126	140	153
JEFFERSON,KS	09601	NON-ELEVATOR:	84	96	114	127	139
		ELEVATOR:	93	106	126	140	153
JOHNSON,KS	09601	NON-ELEVATOR:	84	96	114	127	139
		ELEVATOR:	93	106	126	140	153
LEAVENWORTH,KS	09601	NON-ELEVATOR:	84	96	114	127	139
		ELEVATOR:	93	106	126	140	153
LINCOLN,KS	09601	NON-ELEVATOR:	84	96	114	127	139
		ELEVATOR:	93	106	126	140	153
LYON,KS	09601	NON-ELEVATOR:	84	96	114	127	139
		ELEVATOR:	93	106	126	140	153
MIAMI,KS	09601	NON-ELEVATOR:	84	96	114	127	139
		ELEVATOR:	93	106	126	140	153
OSAGE,KS	09601	NON-ELEVATOR:	84	96	114	127	139
		ELEVATOR:	93	106	126	140	153
SHAWNEE,KS	09601	NON-ELEVATOR:	84	96	114	127	139
		ELEVATOR:	93	106	126	140	153
WABAUNSEE,KS	09805	NON-ELEVATOR:	89	101	120	133	147
		ELEVATOR:	98	111	132	147	161
WYANDOTTE,KS	10302	NON-ELEVATOR:	73	83	99	110	121
		ELEVATOR:	80	91	109	121	133

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SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
CASPER,WYOMING INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:ALBANY	08801	NON-ELEVATOR:	88	101	119	131	144
STATE:WY		ELEVATOR:	97	111	131	145	158
COUNTY:BIG HORN	08501	NON-ELEVATOR:	92	105	124	143	156
STATE:WY		ELEVATOR:	101	115	136	157	171
COUNTY:CAMPBELL	08801	NON-ELEVATOR:	88	101	119	131	144
STATE:WY		ELEVATOR:	97	111	131	145	158
COUNTY:CARBON	08801	NON-ELEVATOR:	88	101	119	131	144
STATE:WY		ELEVATOR:	97	111	131	145	158
COUNTY:CONVERSE	08801	NON-ELEVATOR:	88	101	119	131	144
STATE:WY		ELEVATOR:	97	111	131	145	158
COUNTY:CROOK	08601	NON-ELEVATOR:	92	105	124	137	150
STATE:WY		ELEVATOR:	101	115	136	151	165
COUNTY:FREMONT	08801	NON-ELEVATOR:	88	101	119	131	144
STATE:WY		ELEVATOR:	97	111	131	145	158
COUNTY:GOSHEN	08801	NON-ELEVATOR:	88	101	119	131	144
STATE:WY		ELEVATOR:	97	111	131	145	158
COUNTY:HOT SPRINGS	08501	NON-ELEVATOR:	92	105	124	143	156
STATE:WY		ELEVATOR:	101	115	136	157	171
COUNTY:JOHNSON	08801	NON-ELEVATOR:	88	101	119	131	144
STATE:WY		ELEVATOR:	97	111	131	145	158
COUNTY:LARAMIE	08801	NON-ELEVATOR:	88	101	119	131	144
STATE:WY		ELEVATOR:	97	111	131	145	158
COUNTY:LINCOLN	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:WY		ELEVATOR:	97	111	131	145	158
COUNTY:NATRONA	08801	NON-ELEVATOR:	88	101	119	131	144
STATE:WY		ELEVATOR:	97	111	131	145	158

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
CASPER,WYOMING INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:NIOBRARA	08801	NON-ELEVATOR:	88	101	119	131	144
STATE:WY		ELEVATOR:	97	111	131	145	158
COUNTY:PARK	08501	NON-ELEVATOR:	92	105	124	143	156
STATE:WY		ELEVATOR:	101	115	136	157	171
COUNTY:PLATTE	08801	NON-ELEVATOR:	88	101	119	131	144
STATE:WY		ELEVATOR:	97	111	131	145	158
COUNTY:SHERIDAN	08801	NON-ELEVATOR:	88	101	119	131	144
STATE:WY		ELEVATOR:	97	111	131	145	158
COUNTY:SUBLETTE	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:WY		ELEVATOR:	97	111	131	145	158
COUNTY:SWEETWATER	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:WY		ELEVATOR:	97	111	131	145	158
COUNTY:TETON	13301	NON-ELEVATOR:	121	137	162	179	195
STATE:WY		ELEVATOR:	133	151	178	196	215
COUNTY:UINTA	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:WY		ELEVATOR:	97	111	131	145	158
COUNTY:WASHAKIE	08501	NON-ELEVATOR:	92	105	124	143	156
STATE:WY		ELEVATOR:	101	115	136	157	171
COUNTY:WESTON	08601	NON-ELEVATOR:	92	105	124	137	150
STATE:WY		ELEVATOR:	101	115	136	151	165

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DENVER,COLORADO INSURING OFFICE						
SMSA: COLORADO SPRINGS, CO						
COUNTY:EL PASO	13001	NON-ELEVATOR:	123	146	168	183
STATE:CO		ELEVATOR:	136	160	185	202
COUNTY:TELLER	13001	NON-ELEVATOR:	123	146	168	183
STATE:CO		ELEVATOR:	136	160	185	202
SMSA: DENVER, CO						
COUNTY:ADAMS	13101	NON-ELEVATOR:	146	173	191	208
STATE:CO		ELEVATOR:	161	190	210	229
COUNTY:ARAPAHOE	13101	NON-ELEVATOR:	146	173	191	208
STATE:CO		ELEVATOR:	161	190	210	229
COUNTY:BOULDER	13102	NON-ELEVATOR:	146	173	191	208
STATE:CO		ELEVATOR:	161	190	210	229
COUNTY:DENVER	13103	NON-ELEVATOR:	146	173	191	208
STATE:CO		ELEVATOR:	161	190	210	229
COUNTY:DOUGLAS	13101	NON-ELEVATOR:	146	173	191	208
STATE:CO		ELEVATOR:	161	190	210	229
COUNTY:GILPIN	13104	NON-ELEVATOR:	146	173	191	208
STATE:CO		ELEVATOR:	161	190	210	229
COUNTY:JEFFERSON	13102	NON-ELEVATOR:	146	173	191	208
STATE:CO		ELEVATOR:	161	190	210	229
SMSA: PUEBLO, CO						
COUNTY:PUEBLO	13001	NON-ELEVATOR:	123	146	168	183
STATE:CO		ELEVATOR:	136	160	185	202
NON SMSA COUNTIES						
COUNTY:ALAMOSA	13001	NON-ELEVATOR:	123	146	168	183
STATE:CO		ELEVATOR:	136	160	185	202
COUNTY:ARCHULETA	13203	NON-ELEVATOR:	101	119	131	144
STATE:CO		ELEVATOR:	111	131	145	158

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DENVER,COLORADO INSURING OFFICE						
NON SMSA COUNTIES						
COUNTY:BACA	13001	NON-ELEVATOR:	109	123	146	168	183
STATE:CO		ELEVATOR:	119	136	160	185	202
COUNTY:BENT	13001	NON-ELEVATOR:	109	123	146	168	183
STATE:CO		ELEVATOR:	119	136	160	185	202
COUNTY:CHAFFEE	13001	NON-ELEVATOR:	109	123	146	168	183
STATE:CO		ELEVATOR:	119	136	160	185	202
COUNTY:CHEYENNE	13104	NON-ELEVATOR:	103	117	139	153	167
STATE:CO		ELEVATOR:	113	129	152	168	184
COUNTY:CLEAR CREEK	13104	NON-ELEVATOR:	103	117	139	153	167
STATE:CO		ELEVATOR:	113	129	152	168	184
COUNTY:CONEJOS	13001	NON-ELEVATOR:	109	123	146	168	183
STATE:CO		ELEVATOR:	119	136	160	185	202
COUNTY:COSTILLA	13001	NON-ELEVATOR:	109	123	146	168	183
STATE:CO		ELEVATOR:	119	136	160	185	202
COUNTY:CROWLEY	13001	NON-ELEVATOR:	109	123	146	168	183
STATE:CO		ELEVATOR:	119	136	160	185	202
COUNTY:CUSTER	13001	NON-ELEVATOR:	109	123	146	168	183
STATE:CO		ELEVATOR:	119	136	160	185	202
COUNTY:DELORES	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:CO		ELEVATOR:	97	111	131	145	158
COUNTY:DELTA	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:CO		ELEVATOR:	97	111	131	145	158
COUNTY:EAGLE	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:CO		ELEVATOR:	97	111	131	145	158
COUNTY:ELBERT	13104	NON-ELEVATOR:	103	117	139	153	167
STATE:CO		ELEVATOR:	113	129	152	168	184

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DENVER,COLORADO INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:FREMONT	13001	NON-ELEVATOR:	109	123	146	168	183
STATE:CO		ELEVATOR:	119	136	160	185	202
COUNTY:GARFIELD	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:CO		ELEVATOR:	97	111	131	145	158
COUNTY:GRAND	13104	NON-ELEVATOR:	103	117	139	153	167
STATE:CO		ELEVATOR:	113	129	152	168	184
COUNTY:GUNNISON	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:CO		ELEVATOR:	97	111	131	145	158
COUNTY:HINSDALE	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:CO		ELEVATOR:	97	111	131	145	158
COUNTY:HUERFANO	13001	NON-ELEVATOR:	109	123	146	168	183
STATE:CO		ELEVATOR:	119	136	160	185	202
COUNTY:JACKSON	08801	NON-ELEVATOR:	88	101	119	131	144
STATE:CO		ELEVATOR:	97	111	131	145	158
COUNTY:KIOWA	13001	NON-ELEVATOR:	109	123	146	168	183
STATE:CO		ELEVATOR:	119	136	160	185	202
COUNTY:KIT CARSON	13104	NON-ELEVATOR:	103	117	139	153	167
STATE:CO		ELEVATOR:	113	129	152	168	184
COUNTY:LA PLATA	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:CO		ELEVATOR:	97	111	131	145	158
COUNTY:LAKE	13104	NON-ELEVATOR:	103	117	139	153	167
STATE:CO		ELEVATOR:	113	129	152	168	184
COUNTY:LARIMER	13104	NON-ELEVATOR:	103	117	139	153	167
STATE:CO		ELEVATOR:	113	129	152	168	184
COUNTY:LAS ANIMAS	13001	NON-ELEVATOR:	109	123	146	168	183
STATE:CO		ELEVATOR:	119	136	160	185	202

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DENVER,COLORADO INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:LINCOLN	13001	NON-ELEVATOR:	109	123	146	168	183
STATE:CO		ELEVATOR:	119	136	160	185	202
COUNTY:LOGAN	13104	NON-ELEVATOR:	103	117	139	153	167
STATE:CO		ELEVATOR:	113	129	152	168	184
COUNTY:MESA	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:CO		ELEVATOR:	97	111	131	145	158
COUNTY:MINERAL	13001	NON-ELEVATOR:	109	123	146	168	183
STATE:CO		ELEVATOR:	119	136	160	185	202
COUNTY:MOFFAT	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:CO		ELEVATOR:	97	111	131	145	158
COUNTY:MONTEZUMA	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:CO		ELEVATOR:	97	111	131	145	158
COUNTY:MONTROSE	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:CO		ELEVATOR:	97	111	131	145	158
COUNTY:MORGAN	13104	NON-ELEVATOR:	103	117	139	153	167
STATE:CO		ELEVATOR:	113	129	152	168	184
COUNTY:OTERO	13001	NON-ELEVATOR:	109	123	146	168	183
STATE:CO		ELEVATOR:	119	136	160	185	202
COUNTY:OURAY	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:CO		ELEVATOR:	97	111	131	145	158
COUNTY:PARK	13104	NON-ELEVATOR:	103	117	139	153	167
STATE:CO		ELEVATOR:	113	129	152	168	184
COUNTY:PHILLIPS	13104	NON-ELEVATOR:	103	117	139	153	167
STATE:CO		ELEVATOR:	113	129	152	168	184
COUNTY:PITKIN	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:CO		ELEVATOR:	97	111	131	145	158

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION &	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DENVER, COLORADO INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:PROWERS	13001	NON-ELEVATOR:	109	123	146	168	183
STATE:CO		ELEVATOR:	119	136	160	185	202
COUNTY:RIO BLANCO	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:CO		ELEVATOR:	97	111	131	145	158
COUNTY:RIO GRANDE	13001	NON-ELEVATOR:	109	123	146	168	183
STATE:CO		ELEVATOR:	119	136	160	185	202
COUNTY:ROUTT	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:CO		ELEVATOR:	97	111	131	145	158
COUNTY:SAGUACHE	13001	NON-ELEVATOR:	109	123	146	168	183
STATE:CO		ELEVATOR:	119	136	160	185	202
COUNTY:SAN JUAN	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:CO		ELEVATOR:	97	111	131	145	158
COUNTY:SAN MIGUEL	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:CO		ELEVATOR:	97	111	131	145	158
COUNTY:SEDGWICK	13104	NON-ELEVATOR:	103	117	139	153	167
STATE:CO		ELEVATOR:	113	129	152	168	184
COUNTY:SUMMIT	13104	NON-ELEVATOR:	103	117	139	153	167
STATE:CO		ELEVATOR:	113	129	152	168	184
COUNTY:WASHINGTON	13104	NON-ELEVATOR:	103	117	139	153	167
STATE:CO		ELEVATOR:	113	129	152	168	184
COUNTY:WELD	13104	NON-ELEVATOR:	103	117	139	153	167
STATE:CO		ELEVATOR:	113	129	152	168	184
COUNTY:YUMA	13104	NON-ELEVATOR:	103	117	139	153	167
STATE:CO		ELEVATOR:	113	129	152	168	184

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION &	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
FARGO, NORTH DAKOTA INSURING OFFICE							
SMSA: FARGO-MOORHEAD, ND-MN							
COUNTY:CASS	08301	NON-ELEVATOR:	102	117	138	163	168
STATE:ND		ELEVATOR:	112	128	152	169	185
NON SMSA COUNTIES							
COUNTY:ADAMS	08401	NON-ELEVATOR:	98	111	132	147	161
STATE:ND		ELEVATOR:	107	123	145	161	177
COUNTY:BARNES	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:ND		ELEVATOR:	112	128	152	169	185
COUNTY:BENSON	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:ND		ELEVATOR:	112	128	152	169	185
COUNTY:BILLINGS	08401	NON-ELEVATOR:	98	111	132	147	161
STATE:ND		ELEVATOR:	107	123	145	161	177
COUNTY:BOTTINEAU	08401	NON-ELEVATOR:	98	111	132	147	161
STATE:ND		ELEVATOR:	107	123	145	161	177
COUNTY:BOWMAN	08401	NON-ELEVATOR:	98	111	132	147	161
STATE:ND		ELEVATOR:	107	123	145	161	177
COUNTY:BURKE	08401	NON-ELEVATOR:	98	111	132	147	161
STATE:ND		ELEVATOR:	107	123	145	161	177
COUNTY:BURLEIGH	08401	NON-ELEVATOR:	98	111	132	147	161
STATE:ND		ELEVATOR:	107	123	145	161	177
COUNTY:CAVALIER	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:ND		ELEVATOR:	112	128	152	169	185
COUNTY:DICKEY	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:ND		ELEVATOR:	112	128	152	169	185
COUNTY:DIVIDE	08401	NON-ELEVATOR:	98	111	132	147	161
STATE:ND		ELEVATOR:	107	123	145	161	177
COUNTY:DUNN	08401	NON-ELEVATOR:	98	111	132	147	161
STATE:ND		ELEVATOR:	107	123	145	161	177

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
FARGO,NORTH DAKOTA INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:EDDY	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:ND		ELEVATOR:	112	128	152	169	185
COUNTY:EMMONS	08401	NON-ELEVATOR:	98	111	132	147	161
STATE:ND		ELEVATOR:	107	123	145	161	177
COUNTY:FOSTER	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:ND		ELEVATOR:	112	128	152	169	185
COUNTY:GOLDEN VALLY	08401	NON-ELEVATOR:	98	111	132	147	161
STATE:ND		ELEVATOR:	107	123	145	161	177
COUNTY:GRAND FORKS	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:ND		ELEVATOR:	112	128	152	169	185
COUNTY:GRANT	08401	NON-ELEVATOR:	98	111	132	147	161
STATE:ND		ELEVATOR:	107	123	145	161	177
COUNTY:GRIGGS	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:ND		ELEVATOR:	112	128	152	169	185
COUNTY:HETTINGER	08401	NON-ELEVATOR:	98	111	132	147	161
STATE:ND		ELEVATOR:	107	123	145	161	177
COUNTY:KIDDER	08401	NON-ELEVATOR:	98	111	132	147	161
STATE:ND		ELEVATOR:	107	123	145	161	177
COUNTY:LA MOURE	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:ND		ELEVATOR:	112	128	152	169	185
COUNTY:LOGAN	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:ND		ELEVATOR:	112	128	152	169	185
COUNTY:MCHENRY	08401	NON-ELEVATOR:	98	111	132	147	161
STATE:ND		ELEVATOR:	107	123	145	161	177
COUNTY:MCINTOSH	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:ND		ELEVATOR:	112	128	152	169	185

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
FARGO,NORTH DAKOTA INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:MCKENZIE	08401	NON-ELEVATOR:	98	111	132	147	161
STATE:ND		ELEVATOR:	107	123	145	161	177
COUNTY:MCLEAN	08401	NON-ELEVATOR:	98	111	132	147	161
STATE:ND		ELEVATOR:	107	123	145	161	177
COUNTY:MERCER	08401	NON-ELEVATOR:	98	111	132	147	161
STATE:ND		ELEVATOR:	107	123	145	161	177
COUNTY:MORTON	08401	NON-ELEVATOR:	98	111	132	147	161
STATE:ND		ELEVATOR:	107	123	145	161	177
COUNTY:MOUNTRAIL	08401	NON-ELEVATOR:	98	111	132	147	161
STATE:ND		ELEVATOR:	107	123	145	161	177
COUNTY:NELSON	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:ND		ELEVATOR:	112	128	152	169	185
COUNTY:OLIVER	08401	NON-ELEVATOR:	98	111	132	147	161
STATE:ND		ELEVATOR:	107	123	145	161	177
COUNTY:PEMBINA	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:ND		ELEVATOR:	112	128	152	169	185
COUNTY:PIERCE	08401	NON-ELEVATOR:	98	111	132	147	161
STATE:ND		ELEVATOR:	107	123	145	161	177
COUNTY:RAMSEY	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:ND		ELEVATOR:	112	128	152	169	185
COUNTY:RANSOM	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:ND		ELEVATOR:	112	128	152	169	185
COUNTY:RENVILLE	08401	NON-ELEVATOR:	98	111	132	147	161
STATE:ND		ELEVATOR:	107	123	145	161	177
COUNTY:RICHLAND	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:ND		ELEVATOR:	112	128	152	169	185

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SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
FARGO,NORTH DAKOTA INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:ROLETTE	08401	NON-ELEVATOR:	98	111	132	147	161
STATE:ND		ELEVATOR:	107	123	145	161	177
COUNTY:SARGENT	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:ND		ELEVATOR:	112	128	152	169	185
COUNTY:SHERIDAN	08401	NON-ELEVATOR:	98	111	132	147	161
STATE:ND		ELEVATOR:	107	123	145	161	177
COUNTY:SIOUX	08401	NON-ELEVATOR:	98	111	132	147	161
STATE:ND		ELEVATOR:	107	123	145	161	177
COUNTY:SLOPE	08401	NON-ELEVATOR:	98	111	132	147	161
STATE:ND		ELEVATOR:	107	123	145	161	177
COUNTY:STARK	08401	NON-ELEVATOR:	98	111	132	147	161
STATE:ND		ELEVATOR:	107	123	145	161	177
COUNTY:STEELE	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:ND		ELEVATOR:	112	128	152	169	185
COUNTY:STUTSMAN	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:ND		ELEVATOR:	112	128	152	169	185
COUNTY:TOWNER	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:ND		ELEVATOR:	112	128	152	169	185
COUNTY:TRAILL	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:ND		ELEVATOR:	112	128	152	169	185
COUNTY:WALSH	08301	NON-ELEVATOR:	102	117	138	153	168
STATE:ND		ELEVATOR:	112	128	152	169	185
COUNTY:WARD	08401	NON-ELEVATOR:	98	111	132	147	161
STATE:ND		ELEVATOR:	107	123	145	161	177
COUNTY:WELLS	08401	NON-ELEVATOR:	98	111	132	147	161
STATE:ND		ELEVATOR:	107	123	145	161	177

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
FARGO,NORTH DAKOTA INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:WILLIAMS	08401	NON-ELEVATOR:	98	111	132	147	161
STATE:ND		ELEVATOR:	107	123	145	161	177

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION B	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
HELENA,MONTANA INSURING OFFICE						
SMSA: BILLINGS, MT						
COUNTY:YELLOWSTONE STATE:MT	08501	NON-ELEVATOR: ELEVATOR:	92 101	105 115	124 136	143 157	156 171
SMSA: GREAT FALLS, MT						
COUNTY:CASCADE STATE:MT	08501	NON-ELEVATOR: ELEVATOR:	92 101	105 115	124 136	143 157	156 171
NON SMSA COUNTIES						
COUNTY:BEAVERHEAD STATE:MT	13402	NON-ELEVATOR: ELEVATOR:	98 107	111 122	131 144	145 159	159 174
COUNTY:BIG HORN STATE:MT	08501	NON-ELEVATOR: ELEVATOR:	92 101	105 115	124 136	143 157	156 171
COUNTY:BLAINE STATE:MT	08501	NON-ELEVATOR: ELEVATOR:	92 101	105 115	124 136	143 157	156 171
COUNTY:BROADWATER STATE:MT	08501	NON-ELEVATOR: ELEVATOR:	92 101	105 115	124 136	143 157	156 171
COUNTY:CARBON STATE:MT	08501	NON-ELEVATOR: ELEVATOR:	92 101	105 115	124 136	143 157	156 171
COUNTY:CARTER STATE:MT	08501	NON-ELEVATOR: ELEVATOR:	92 101	105 115	124 136	143 157	156 171
COUNTY:CHOUTEAU STATE:MT	08501	NON-ELEVATOR: ELEVATOR:	92 101	105 115	124 136	143 157	156 171
COUNTY:CUSTER STATE:MT	08501	NON-ELEVATOR: ELEVATOR:	92 101	105 115	124 136	143 157	156 171
COUNTY:DANIELS STATE:MT	08401	NON-ELEVATOR: ELEVATOR:	99 108	112 123	132 146	146 161	160 176
COUNTY:DAWSON STATE:MT	08501	NON-ELEVATOR: ELEVATOR:	92 101	105 115	124 136	143 157	156 171
COUNTY:DEER LODGE STATE:MT	13402	NON-ELEVATOR: ELEVATOR:	98 107	111 122	131 144	145 159	159 174

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION B	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
HELENA,MONTANA INSURING OFFICE						
NON SMSA COUNTIES						
COUNTY:FALLON STATE:MT	08501	NON-ELEVATOR: ELEVATOR:	92 101	105 115	124 136	143 157	156 171
COUNTY:FERGUS STATE:MT	08501	NON-ELEVATOR: ELEVATOR:	92 101	105 115	124 136	143 157	156 171
COUNTY:FLATHEAD STATE:MT	13402	NON-ELEVATOR: ELEVATOR:	98 107	111 122	131 144	145 159	159 174
COUNTY:GALLATIN STATE:MT	08501	NON-ELEVATOR: ELEVATOR:	92 101	105 115	124 136	143 157	156 171
COUNTY:GARFIELD STATE:MT	08501	NON-ELEVATOR: ELEVATOR:	92 101	105 115	124 136	143 157	156 171
COUNTY:GLACIER STATE:MT	08501	NON-ELEVATOR: ELEVATOR:	92 101	105 115	124 136	143 157	156 171
COUNTY:GOLDEN VALLE STATE:MT	08501	NON-ELEVATOR: ELEVATOR:	82 101	105 115	124 136	143 157	156 171
COUNTY:GRANITE STATE:MT	13402	NON-ELEVATOR: ELEVATOR:	98 107	111 122	131 144	145 159	159 174
COUNTY:HILL STATE:MT	08501	NON-ELEVATOR: ELEVATOR:	92 101	105 115	124 136	143 157	156 171
COUNTY:JEFFERSON STATE:MT	08501	NON-ELEVATOR: ELEVATOR:	92 101	105 115	124 136	143 157	156 171
COUNTY:JUDITH BASIN STATE:MT	08501	NON-ELEVATOR: ELEVATOR:	92 101	105 115	124 136	143 157	156 171
COUNTY:LAKE STATE:MT	13402	NON-ELEVATOR: ELEVATOR:	98 107	111 122	131 144	145 159	159 174
COUNTY:LEWIS+ CLARK STATE:MT	08501	NON-ELEVATOR: ELEVATOR:	92 101	105 115	124 136	143 157	156 171

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
HELENA, MONTANA INSURING OFFICE NON SMSA COUNTIES							
COUNTY:LIBERTY STATE:MT	08501	NON-ELEVATOR:	92	105	124	143	156
		ELEVATOR:	101	115	136	157	171
COUNTY:LINCOLN STATE:MT	13402	NON-ELEVATOR:	98	111	131	145	159
		ELEVATOR:	107	122	144	159	174
COUNTY:MADISON STATE:MT	13402	NON-ELEVATOR:	98	111	131	145	159
		ELEVATOR:	107	122	144	159	174
COUNTY:MCCONE STATE:MT	08501	NON-ELEVATOR:	92	105	124	143	156
		ELEVATOR:	101	115	136	157	171
COUNTY:MEAGHER STATE:MT	08501	NON-ELEVATOR:	92	105	124	143	156
		ELEVATOR:	101	115	136	157	171
COUNTY:MINERAL STATE:MT	13402	NON-ELEVATOR:	98	111	131	145	159
		ELEVATOR:	107	122	144	159	174
COUNTY:MISSOULA STATE:MT	13402	NON-ELEVATOR:	98	111	131	145	159
		ELEVATOR:	107	122	144	159	174
COUNTY:MUSSELSHELL STATE:MT	08501	NON-ELEVATOR:	92	105	124	143	156
		ELEVATOR:	101	115	136	157	171
COUNTY:PARK STATE:MT	08501	NON-ELEVATOR:	92	105	124	143	156
		ELEVATOR:	101	115	136	157	171
COUNTY:PETROLEUM STATE:MT	08501	NON-ELEVATOR:	92	105	124	143	156
		ELEVATOR:	101	115	136	157	171
COUNTY:PHILLIPS STATE:MT	08501	NON-ELEVATOR:	92	105	124	143	156
		ELEVATOR:	101	115	136	157	171
COUNTY:PONDERA STATE:MT	08501	NON-ELEVATOR:	92	105	124	143	156
		ELEVATOR:	101	115	136	157	171
COUNTY:POWDER RIVER STATE:MT	08501	NON-ELEVATOR:	92	105	124	143	156
		ELEVATOR:	101	115	136	157	171

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
HELENA, MONTANA INSURING OFFICE NON SMSA COUNTIES							
COUNTY:POWELL STATE:MT	13402	NON-ELEVATOR:	98	111	131	145	159
		ELEVATOR:	107	122	144	159	174
COUNTY:PRAIRIE STATE:MT	08501	NON-ELEVATOR:	92	105	124	143	156
		ELEVATOR:	101	115	136	157	171
COUNTY:RAVALLI STATE:MT	13402	NON-ELEVATOR:	98	111	131	145	159
		ELEVATOR:	107	122	144	159	174
COUNTY:RICHLAND STATE:MT	08401	NON-ELEVATOR:	99	112	132	146	160
		ELEVATOR:	108	123	146	161	176
COUNTY:ROOSEVELT STATE:MT	08401	NON-ELEVATOR:	99	112	132	146	160
		ELEVATOR:	108	123	146	161	176
COUNTY:ROSEBUD STATE:MT	08501	NON-ELEVATOR:	92	105	124	143	156
		ELEVATOR:	101	115	136	157	171
COUNTY:SANDERS STATE:MT	13402	NON-ELEVATOR:	98	111	131	145	159
		ELEVATOR:	107	122	144	159	174
COUNTY:SHERIDAN STATE:MT	08401	NON-ELEVATOR:	99	112	132	146	160
		ELEVATOR:	108	123	146	161	176
COUNTY:SILVER BOW STATE:MT	13402	NON-ELEVATOR:	98	111	131	145	159
		ELEVATOR:	107	122	144	159	174
COUNTY:STILLWATER STATE:MT	08501	NON-ELEVATOR:	92	105	124	143	156
		ELEVATOR:	101	115	136	157	171
COUNTY:SWEET GRASS STATE:MT	08501	NON-ELEVATOR:	92	105	124	143	156
		ELEVATOR:	101	115	136	157	171
COUNTY:TETON STATE:MT	08501	NON-ELEVATOR:	92	105	124	143	156
		ELEVATOR:	101	115	136	157	171
COUNTY:TOOLE STATE:MT	08501	NON-ELEVATOR:	92	105	124	143	156
		ELEVATOR:	101	115	136	157	171

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

RULES AND REGULATIONS

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
HELENA, MONTANA INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:TREASURE	08501	NON-ELEVATOR:	92	105	124	143	156
STATE:MT		ELEVATOR:	101	115	136	157	171
COUNTY:VALLEY	08501	NON-ELEVATOR:	92	105	124	143	156
STATE:MT		ELEVATOR:	101	115	136	157	171
COUNTY:WHEATLAND	08501	NON-ELEVATOR:	92	105	124	143	156
STATE:MT		ELEVATOR:	101	115	136	157	171
COUNTY:W'BAUX	08401	NON-ELEVATOR:	99	112	132	146	160
STATE:MT		ELEVATOR:	108	123	146	161	176
COUNTY:YL-ST-NT-PK	08501	NON-ELEVATOR:	92	105	124	143	156
STATE:MT		ELEVATOR:	101	115	136	157	171

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SALT LAKE CITY, UTAH INSURING OFFICE							
SMSA: PROVO-OREM, UT							
COUNTY:UTAH	13201	NON-ELEVATOR:	103	117	139	160	174
STATE:UT		ELEVATOR:	113	129	152	176	192
SMSA: SALT LAKE CITY, UT							
COUNTY:DAVIS	13202	NON-ELEVATOR:	108	122	145	167	182
STATE:UT		ELEVATOR:	118	135	159	183	200
COUNTY:SALT LAKE	13202	NON-ELEVATOR:	108	122	145	167	182
STATE:UT		ELEVATOR:	118	135	159	183	200
COUNTY:TOOELE	13202	NON-ELEVATOR:	108	122	145	167	182
STATE:UT		ELEVATOR:	118	135	159	183	200
COUNTY:WEBER	13202	NON-ELEVATOR:	108	122	145	167	182
STATE:UT		ELEVATOR:	118	135	159	183	200
NON SMSA COUNTIES							
COUNTY:BEAVER	14002	NON-ELEVATOR:	139	158	186	205	225
STATE:UT		ELEVATOR:	153	174	205	226	247
COUNTY:BOX ELDER	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:UT		ELEVATOR:	97	111	131	145	158
COUNTY:CACHE	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:UT		ELEVATOR:	97	111	131	145	158
COUNTY:CARBON	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:UT		ELEVATOR:	97	111	131	145	158
COUNTY:DAGGETT	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:UT		ELEVATOR:	97	111	131	145	158
COUNTY:DUCHESNE	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:UT		ELEVATOR:	97	111	131	145	158
COUNTY:EMERY	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:UT		ELEVATOR:	97	111	131	145	158
COUNTY:GARFIELD	14002	NON-ELEVATOR:	139	158	186	205	225
STATE:UT		ELEVATOR:	153	174	205	226	247

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SALT LAKE CITY,UTAH INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:GRAND	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:UT		ELEVATOR:	97	111	131	145	158
COUNTY:IRON	14002	NON-ELEVATOR:	139	158	186	205	225
STATE:UT		ELEVATOR:	153	174	205	226	247
COUNTY:JUAB	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:UT		ELEVATOR:	97	111	131	145	158
COUNTY:KANE	14002	NON-ELEVATOR:	139	158	186	205	225
STATE:UT		ELEVATOR:	153	174	205	226	247
COUNTY:MILLARD	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:UT		ELEVATOR:	97	111	131	145	158
COUNTY:MORGAN	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:UT		ELEVATOR:	97	111	131	145	158
COUNTY:PIUTE	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:UT		ELEVATOR:	97	111	131	145	158
COUNTY:RICH	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:UT		ELEVATOR:	97	111	131	145	158
COUNTY:SAN JUAN	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:UT		ELEVATOR:	97	111	131	145	158
COUNTY:SANPETE	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:UT		ELEVATOR:	97	111	131	145	158
COUNTY:SEVIER	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:UT		ELEVATOR:	97	111	131	145	158
COUNTY:SUMMIT	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:UT		ELEVATOR:	97	111	131	145	158
COUNTY:UINTAH	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:UT		ELEVATOR:	97	111	131	145	158

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SALT LAKE CITY,UTAH INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:WASATCH	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:UT		ELEVATOR:	97	111	131	145	158
COUNTY:WASHINGTON	14002	NON-ELEVATOR:	139	158	186	205	225
STATE:UT		ELEVATOR:	153	174	205	226	247
COUNTY:WAYNE	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:UT		ELEVATOR:	97	111	131	145	158

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SOUIX FALLS,SOUTH DAKOTA INSURING OFFICE							
SMSA: SIOUX FALLS, SD							
COUNTY:MINNEHAHA	08701	NON-ELEVATOR:	104	119	141	156	171
STATE:SD		ELEVATOR:	114	130	155	171	188
NON SMSA COUNTIES							
COUNTY:AURORA	08701	NON-ELEVATOR:	104	119	141	156	171
STATE:SD		ELEVATOR:	114	130	155	171	188
COUNTY:BEADLE	08701	NON-ELEVATOR:	104	119	141	156	171
STATE:SD		ELEVATOR:	114	130	155	171	188
COUNTY:BENNETT	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:BON HOMME	09001	NON-ELEVATOR:	94	107	127	141	155
STATE:SD		ELEVATOR:	103	118	140	156	171
COUNTY:BROOKINGS	08701	NON-ELEVATOR:	104	119	141	156	171
STATE:SD		ELEVATOR:	114	130	155	171	188
COUNTY:BROWN	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:BRULE	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:BUFFALO	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:BUTTE	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:CAMPBELL	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:CHARLES MIX	09001	NON-ELEVATOR:	94	107	127	141	155
STATE:SD		ELEVATOR:	103	118	140	156	171
COUNTY:CLARK	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SOUIX FALLS,SOUTH DAKOTA INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:CLAY	09001	NON-ELEVATOR:	94	107	127	141	155
STATE:SD		ELEVATOR:	103	118	140	156	171
COUNTY:CODINGTON	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:CORSON	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:CUSTER	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:DAVISON	08701	NON-ELEVATOR:	104	119	141	156	171
STATE:SD		ELEVATOR:	114	130	155	171	188
COUNTY:DAY	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:DEUEL	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:DEWEY	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:DOUGLAS	09001	NON-ELEVATOR:	94	107	127	141	155
STATE:SD		ELEVATOR:	103	118	140	156	171
COUNTY:EDMUNDS	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:FALL RIVER	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:FAULK	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:GRANT	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

RULES AND REGULATIONS

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE 8- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SOUIX FALLS,SOUTH DAKOTA INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:GREGORY	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:HAAKON	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:HAMLIN	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:HAND	08701	NON-ELEVATOR:	104	119	141	156	171
STATE:SD		ELEVATOR:	114	130	155	171	188
COUNTY:HANSON	08701	NON-ELEVATOR:	104	119	141	156	171
STATE:SD		ELEVATOR:	114	130	155	171	188
COUNTY:HARDING	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:HUGHES	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:HUTCHINSON	09001	NON-ELEVATOR:	94	107	127	141	155
STATE:SD		ELEVATOR:	103	118	140	156	171
COUNTY:HYDE	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:JACKSON	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:JERAULD	08701	NON-ELEVATOR:	104	119	141	156	171
STATE:SD		ELEVATOR:	114	130	155	171	188
COUNTY:JONES	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:KINGSBURY	08701	NON-ELEVATOR:	104	119	141	156	171
STATE:SD		ELEVATOR:	114	130	155	171	188

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE 8- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SOUIX FALLS,SOUTH DAKOTA INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:LAKE	08701	NON-ELEVATOR:	104	119	141	156	171
STATE:SD		ELEVATOR:	114	130	155	171	188
COUNTY:LAWRENCE	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:LINCOLN	08701	NON-ELEVATOR:	104	119	141	156	171
STATE:SD		ELEVATOR:	114	130	155	171	188
COUNTY:LYMAN	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:MARSHALL	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:MCCOOK	08701	NON-ELEVATOR:	104	119	141	156	171
STATE:SD		ELEVATOR:	114	130	155	171	188
COUNTY:MCPHERSON	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:MEADE	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:MELLETTE	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:MINER	08701	NON-ELEVATOR:	104	119	141	156	171
STATE:SD		ELEVATOR:	114	130	155	171	188
COUNTY:MOODY	08701	NON-ELEVATOR:	104	119	141	156	171
STATE:SD		ELEVATOR:	114	130	155	171	188
COUNTY:PENNINGTON	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:PERKINS	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166

PREPARED BY HUD - EHAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION B	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SOUIX FALLS,SOUTH DAKOTA INSURING OFFICE						
NON SMSA COUNTIES						
COUNTY:POTTER	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:ROBERTS	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:SANBURN	08701	NON-ELEVATOR:	104	119	141	156	171
STATE:SD		ELEVATOR:	114	130	155	171	188
COUNTY:SHANNON	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:SPINK	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:STANLEY	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:SULLY	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:TODD	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:TRIPP	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:TURNER	08701	NON-ELEVATOR:	104	119	141	156	171
STATE:SD		ELEVATOR:	114	130	155	171	188
COUNTY:UNION	09001	NON-ELEVATOR:	94	107	127	141	155
STATE:SD		ELEVATOR:	103	118	140	156	171
COUNTY:WALWORTH	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166
COUNTY:WASHABAUGH	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION B	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SOUIX FALLS,SOUTH DAKOTA INSURING OFFICE						
NON SMSA COUNTIES						
COUNTY:YANKTON	09001	NON-ELEVATOR:	94	107	127	141	155
STATE:SD		ELEVATOR:	103	118	140	156	171
COUNTY:ZIEBACH	08601	NON-ELEVATOR:	91	104	124	137	151
STATE:SD		ELEVATOR:	101	115	136	151	166

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
LOS ANGELES,CALIFORNIA AREA OFFICE						
SMSA: BAKERSFIELD, CA						
COUNTY:KERN	14303	NON-FLEVATOR:	110	140	160	185	200
STATE:CA		FLEVATOR:	121	154	176	204	220
SMSA: LOS ANGELES-LONG BEACH, CA							
COUNTY:LOS ANGELES	14301	NON-FLEVATOR:	139	158	187	216	245
STATE:CA		FLEVATOR:	153	174	206	237	269
SMSA: OXNARD-VENTURA, CA							
COUNTY:VENTURA	14305	NON-FLEVATOR:	131	148	175	202	220
STATE:CA		FLEVATOR:	144	163	193	222	242
SMSA: SANTA BARBARA, CA							
COUNTY:SANTA BARBAR	14308	NON-FLEVATOR:	141	160	189	217	237
STATE:CA		FLEVATOR:	155	176	207	239	260
NON SMSA COUNTIES							
COUNTY:SAN LUIS OBI	14309	NON-FLEVATOR:	115	145	175	200	225
STATE:CA		FLEVATOR:	127	160	193	220	248

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
HONOLULU,HAWAII INSURING OFFICE						
SMSA: HONOLULU, HI						
COUNTY:HONOLULU	14901	NON-FLEVATOR:	200	227	267	307	334
STATE:HI		ELEVATOR:	220	250	294	338	368
NON SMSA COUNTIES							
COUNTY:HAWAII	14902	NON-FLEVATOR:	175	200	235	270	290
STATE:HI		FLEVATOR:	193	220	259	0	0
COUNTY:KAUAI	14902	NON-FLEVATOR:	175	200	220	250	270
STATE:HI		FLEVATOR:	0	0	0	0	0
COUNTY:MAUI	14902	NON-FLEVATOR:	200	227	267	307	334
STATE:HI		FLEVATOR:	0	0	0	0	0

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
PHOENIX, ARIZONA INSURING OFFICE							
SMSA: PHOENIX, AZ							
COUNTY:MARICOPA	14101	NON-ELEVATOR:	144	164	194	223	243
STATE:AZ		ELEVATOR:	159	180	213	245	267
SMSA: TUCSON, AZ							
COUNTY:PIMA	14102	NON-ELEVATOR:	130	150	180	200	225
STATE:AZ		ELEVATOR:	143	165	198	220	248
NON SMSA COUNTIES							
COUNTY:APACHE	14103	NON-ELEVATOR:	97	110	130	144	157
STATE:AZ		ELEVATOR:	106	121	143	158	173
COUNTY:COCHISE	14103	NON-ELEVATOR:	97	110	130	144	157
STATE:AZ		ELEVATOR:	106	121	143	158	173
COUNTY:COCONINO	14103	NON-ELEVATOR:	97	110	130	144	157
STATE:AZ		ELEVATOR:	106	121	143	158	173
COUNTY:GILA	14103	NON-ELEVATOR:	97	110	130	144	157
STATE:AZ		ELEVATOR:	106	121	143	158	173
COUNTY:GRAHAM	14103	NON-ELEVATOR:	97	110	130	144	157
STATE:AZ		ELEVATOR:	106	121	143	158	173
COUNTY:GREENLEE	14103	NON-ELEVATOR:	97	110	130	144	157
STATE:AZ		ELEVATOR:	106	121	143	158	173
COUNTY:MOHAVE	14103	NON-ELEVATOR:	97	110	130	144	157
STATE:AZ		ELEVATOR:	106	121	143	158	173
COUNTY:NAVAJO	14103	NON-ELEVATOR:	97	110	130	144	157
STATE:AZ		ELEVATOR:	106	121	143	158	173
COUNTY:PINAL	14103	NON-ELEVATOR:	97	110	130	144	157
STATE:AZ		ELEVATOR:	106	121	143	158	173
COUNTY:SANTA CRUZ	14103	NON-ELEVATOR:	97	110	130	144	157
STATE:AZ		ELEVATOR:	106	121	143	158	173
COUNTY:YAVAPAI	14103	NON-ELEVATOR:	97	110	130	144	157
STATE:AZ		ELEVATOR:	106	121	143	158	173

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
PHOENIX, ARIZONA INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:YUMA	14103	NON-ELEVATOR:	97	110	130	144	157
STATE:AZ		ELEVATOR:	106	121	143	158	173

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SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
RENO,NEVADA INSURING OFFICE NON SMSA COUNTIES						
COUNTY:NE	14002	NON-FLEVATOR:	139	158	186	225
STATE:NV		FLEVATOR:	153	174	205	247
COUNTY:ORMSLEY	14002	NON-FLEVATOR:	139	158	186	225
STATE:NV		FLEVATOR:	153	174	205	247
COUNTY:PERSHING	14002	NON-FLEVATOR:	139	158	186	225
STATE:NV		FLEVATOR:	153	174	205	247
COUNTY:STOREY	14002	NON-FLEVATOR:	139	158	186	225
STATE:NV		FLEVATOR:	153	174	205	247
COUNTY:WHITE PINE	14002	NON-FLEVATOR:	139	158	186	225
STATE:NV		FLEVATOR:	153	174	205	247

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
RENO,NEVADA INSURING OFFICE SMSA: LAS VEGAS, NV						
COUNTY:CLARK	14001	NON-FLEVATOR:	156	177	209	241	263
STATE:NV		FLEVATOR:	172	195	230	265	289
SMSA: RENO, NV							
COUNTY:WASHOE	14002	NON-FLEVATOR:	139	158	186	205	225
STATE:NV		FLEVATOR:	153	174	205	226	247
NON SMSA COUNTIES							
COUNTY:CARSON CITY	14002	NON-FLEVATOR:	139	158	186	205	225
STATE:NV		FLEVATOR:	153	174	205	226	247
COUNTY:CHURCHILL	14002	NON-FLEVATOR:	139	158	186	205	225
STATE:NV		FLEVATOR:	153	174	205	226	247
COUNTY:DOUGLAS	14002	NON-FLEVATOR:	139	158	186	205	225
STATE:NV		FLEVATOR:	153	174	205	226	247
COUNTY:ELKO	14002	NON-FLEVATOR:	139	158	186	205	225
STATE:NV		FLEVATOR:	153	174	205	226	247
COUNTY:ESMERALDA	14002	NON-FLEVATOR:	139	158	186	205	225
STATE:NV		FLEVATOR:	153	174	205	226	247
COUNTY:EUREKA	14002	NON-FLEVATOR:	139	158	186	205	225
STATE:NV		FLEVATOR:	153	174	205	226	247
COUNTY:HUMBOLDT	14002	NON-FLEVATOR:	139	158	186	205	225
STATE:NV		FLEVATOR:	153	174	205	226	247
COUNTY:LANDER	14002	NON-FLEVATOR:	139	158	186	205	225
STATE:NV		FLEVATOR:	153	174	205	226	247
COUNTY:LINCOLN	14002	NON-FLEVATOR:	139	158	186	205	225
STATE:NV		FLEVATOR:	153	174	205	226	247
COUNTY:LYON	14002	NON-FLEVATOR:	139	158	186	205	225
STATE:NV		FLEVATOR:	153	174	205	226	247
COUNTY:MINERAL	14002	NON-FLEVATOR:	139	158	186	205	225
STATE:NV		FLEVATOR:	153	174	205	226	247

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SACRAMENTO.CALIFORNIA INSURING OFFICE						
SMSA: SACRAMENTO, CA						
COUNTY:PLACER	14501	NON-FLEVATOR:	128	145	172	198	215
STATE:CA		FLEVATOR:	141	160	189	217	237
COUNTY:SACRAMENTO	14501	NON-FLEVATOR:	128	145	172	198	215
STATE:CA		FLEVATOR:	141	160	189	217	237
COUNTY:SHASTA	14601	NON-FLEVATOR:	99	112	132	146	160
STATE:CA		FLEVATOR:	108	123	146	161	176
COUNTY:SIERRA	14601	NON-FLEVATOR:	99	112	132	146	160
STATE:CA		FLEVATOR:	108	123	146	161	176
COUNTY:SISKIYOU	14601	NON-FLEVATOR:	99	112	132	146	160
STATE:CA		FLEVATOR:	108	123	146	161	176
COUNTY:SUTTER	14502	NON-FLEVATOR:	111	127	150	165	181
STATE:CA		FLEVATOR:	122	139	164	182	199
COUNTY:TEHAMA	14601	NON-FLEVATOR:	99	112	132	146	160
STATE:CA		FLEVATOR:	108	123	146	161	176
COUNTY:TRINITY	14601	NON-FLEVATOR:	99	112	132	146	160
STATE:CA		FLEVATOR:	108	123	146	161	176
COUNTY:TUOLUMNE	14402	NON-FLEVATOR:	106	120	142	164	179
STATE:CA		FLEVATOR:	116	132	156	180	197
COUNTY:YUBA	14502	NON-FLEVATOR:	111	127	150	165	181
STATE:CA		FLEVATOR:	122	139	164	182	199

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SACRAMENTO.CALIFORNIA INSURING OFFICE						
NON SMSA COUNTIES						
COUNTY:ALPINE	14402	NON-FLEVATOR:	106	120	142	164	179
STATE:CA		FLEVATOR:	116	132	156	180	197
COUNTY:AMADOR	14402	NON-FLEVATOR:	106	120	142	164	179
STATE:CA		FLEVATOR:	116	132	156	180	197
COUNTY:BUTTE	14502	NON-FLEVATOR:	111	127	150	165	181
STATE:CA		FLEVATOR:	122	139	164	182	199
COUNTY:CALAVERAS	14402	NON-FLEVATOR:	106	120	142	164	179
STATE:CA		FLEVATOR:	116	132	156	180	197
COUNTY:COLUSA	14502	NON-FLEVATOR:	111	127	150	165	181
STATE:CA		FLEVATOR:	122	139	164	182	199
COUNTY:EL DORADO	14502	NON-FLEVATOR:	111	127	150	165	181
STATE:CA		FLEVATOR:	122	139	164	182	199
COUNTY:GLENN	14502	NON-FLEVATOR:	111	127	150	165	181
STATE:CA		FLEVATOR:	122	139	164	182	199
COUNTY:LASSEN	14601	NON-FLEVATOR:	99	112	132	146	160
STATE:CA		FLEVATOR:	108	123	146	161	176
COUNTY:MODOC	14601	NON-FLEVATOR:	99	112	132	146	160
STATE:CA		FLEVATOR:	108	123	146	161	176
SMSA: STOCKTON, CA							
COUNTY:SAN JOAQUIN	14401	NON-FLEVATOR:	114	130	153	177	192
STATE:CA		FLEVATOR:	126	143	168	194	212
COUNTY:YOLO	14501	NON-FLEVATOR:	128	145	172	198	215
STATE:CA		FLEVATOR:	141	160	189	217	237

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SAN DIEGO, CALIFORNIA INSURING OFFICE							
SMSA: SAN DIEGO, CA							
COUNTY: SAN DIEGO	14201	NON-ELEVATOR:	138	157	185	214	242
STATE: CA		ELEVATOR:	152	173	204	235	266
NON SMSA COUNTIES							
COUNTY: IMPERIAL	14309	NON-ELEVATOR:	100	114	135	149	163
STATE: CA		ELEVATOR:	110	126	148	164	179

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SAN FRANCISCO, CALIFORNIA AREA OFFICE							
SMSA: FRESNO, CA							
COUNTY: FRESNO	14304	NON-ELEVATOR:	113	129	152	176	191
STATE: CA		ELEVATOR:	125	142	167	193	210
SMSA: MODESTO, CA							
COUNTY: STANISLAUS	14402	NON-ELEVATOR:	127	137	165	190	210
STATE: CA		ELEVATOR:	140	151	182	209	231
SMSA: SALINAS-MONTEREY, CA							
COUNTY: MONTEREY	14701	NON-ELEVATOR:	132	149	176	203	222
STATE: CA		ELEVATOR:	145	164	194	224	244
SMSA: SAN FRANCISCO-OAKLAND, CA							
COUNTY: ALAMEDA	14702	NON-ELEVATOR:	157	178	210	242	274
STATE: CA		ELEVATOR:	173	196	231	266	302
COUNTY: CONTRA COSTA	14703	NON-ELEVATOR:	157	178	210	242	274
STATE: CA		ELEVATOR:	173	196	231	266	302
COUNTY: MARIN	14703	NON-ELEVATOR:	157	178	210	242	274
STATE: CA		ELEVATOR:	173	196	231	266	302
COUNTY: SAN FRANCISC	14704	NON-ELEVATOR:	157	178	210	242	274
STATE: CA		ELEVATOR:	173	196	231	266	302
COUNTY: SAN MATEO	14705	NON-ELEVATOR:	157	178	210	242	274
STATE: CA		ELEVATOR:	173	196	231	266	302
SMSA: SAN JOSE, CA							
COUNTY: SANTA CLARA	14706	NON-ELEVATOR:	158	180	212	244	276
STATE: CA		ELEVATOR:	174	198	233	269	304
SMSA: SANTA CRUZ, CA							
COUNTY: SANTA CRUZ	14708	NON-ELEVATOR:	115	131	154	178	194
STATE: CA		ELEVATOR:	127	144	170	196	213
SMSA: SANTA ROSA, CA							
COUNTY: SONOMA	14708	NON-ELEVATOR:	144	163	192	221	240
STATE: CA		ELEVATOR:	158	179	211	243	264

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SAN FRANCISCO, CALIFORNIA AREA OFFICE							
SMSA: VALLEJO-NAPA, CA							
COUNTY:NAPA	14707	NON-ELEVATOR:	125	142	168	194	211
STATE:CA		ELEVATOR:	138	156	185	213	232
COUNTY:SOLANO	14707	NON-ELEVATOR:	125	142	168	194	211
STATE:CA		ELEVATOR:	138	156	185	213	232
NON SMSA COUNTIES							
COUNTY:DEL NORTE	14601	NON-ELEVATOR:	99	112	132	146	160
STATE:CA		ELEVATOR:	108	123	146	161	176
COUNTY:HUMBOLDT	14601	NON-ELEVATOR:	99	112	132	146	160
STATE:CA		ELEVATOR:	108	123	146	161	176
COUNTY:KINGS	14309	NON-ELEVATOR:	100	114	135	149	163
STATE:CA		ELEVATOR:	110	126	148	164	179
COUNTY:LAKE	14707	NON-ELEVATOR:	125	142	168	194	211
STATE:CA		ELEVATOR:	138	156	185	213	232
COUNTY:MADERA	14309	NON-ELEVATOR:	100	114	135	149	163
STATE:CA		ELEVATOR:	110	126	148	164	179
COUNTY:MARIPOSA	14402	NON-ELEVATOR:	106	120	142	164	179
STATE:CA		ELEVATOR:	116	132	156	180	197
COUNTY:MENDOCINO	14708	NON-ELEVATOR:	115	131	154	178	194
STATE:CA		ELEVATOR:	127	144	170	196	213
COUNTY:MERCED	14402	NON-ELEVATOR:	106	120	142	164	179
STATE:CA		ELEVATOR:	116	132	156	180	197
COUNTY:SAN BENITO	14708	NON-ELEVATOR:	115	131	154	178	194
STATE:CA		ELEVATOR:	127	144	170	196	213
COUNTY:TULARE	14309	NON-ELEVATOR:	100	114	135	149	163
STATE:CA		ELEVATOR:	110	126	148	164	179

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SANTA ANA, CALIFORNIA INSURING OFFICE							
SMSA: ANAHEIM-SANTA ANA-GARDEN GROVE, CA							
COUNTY:ORANGE	14302	NON-ELEVATOR:	151	171	202	233	264
STATE:CA		ELEVATOR:	166	188	222	256	290
SMSA: RIVERSIDE-SAN BERNARDINO-ONTARIO, CA.							
COUNTY:RIVERSIDE	14306	NON-ELEVATOR:	116	132	156	179	196
STATE:CA		ELEVATOR:	128	145	171	197	215
COUNTY:SAN BERNADIN	14307	NON-ELEVATOR:	116	132	156	179	196
STATE:CA		ELEVATOR:	128	145	171	197	216
NON SMSA COUNTIES							
COUNTY:INYO	14309	NON-ELEVATOR:	100	114	135	149	163
STATE:CA		ELEVATOR:	110	126	148	164	179
COUNTY:MONO	14309	NON-ELEVATOR:	100	114	135	149	163
STATE:CA		ELEVATOR:	110	126	148	164	179

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15848 RULES AND REGULATIONS
RULES AND REGULATIONS 15849
V 15717 RRA XUM V 40197

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ANCHORAGE, ALASKA INSURING OFFICE							
SMSA: ANCHORAGE, AK							
COUNTY: ANCHORAGE	14801	NON-ELEVATOR:	221	251	296	326	357
STATE: AK		ELEVATOR:	243	276	326	359	392
NON SMSA COUNTIES							
COUNTY: ALEUTIAN I.	14801	NON-ELEVATOR:	221	251	296	326	357
STATE: AK		ELEVATOR:	243	276	326	359	392
COUNTY: ANGOON	14801	NON-ELEVATOR:	221	251	296	326	357
STATE: AK		ELEVATOR:	243	276	326	359	392
COUNTY: BARROW	14801	NON-ELEVATOR:	221	251	296	326	357
STATE: AK		ELEVATOR:	243	276	326	359	392
COUNTY: BETHEL	14801	NON-ELEVATOR:	221	251	296	326	357
STATE: AK		ELEVATOR:	243	276	326	359	392
COUNTY: BRISTOL BAY	14801	NON-ELEVATOR:	221	251	296	326	357
STATE: AK		ELEVATOR:	243	276	326	359	392
COUNTY: BRISTOL B.B.	14801	NON-ELEVATOR:	221	251	296	326	357
STATE: AK		ELEVATOR:	243	276	326	359	392
COUNTY: CORDOVA-MCCA	14801	NON-ELEVATOR:	221	251	296	326	357
STATE: AK		ELEVATOR:	243	276	326	359	392
COUNTY: FAIRBANKS	14801	NON-ELEVATOR:	221	251	296	326	357
STATE: AK		ELEVATOR:	243	276	326	359	392
COUNTY: HAINES	14801	NON-ELEVATOR:	221	251	296	326	357
STATE: AK		ELEVATOR:	243	276	326	359	392
COUNTY: JUNEAU	14801	NON-ELEVATOR:	221	251	296	326	357
STATE: AK		ELEVATOR:	243	276	326	359	392
COUNTY: KENAI-COOK	14801	NON-ELEVATOR:	221	251	296	326	357
STATE: AK		ELEVATOR:	243	276	326	359	392
COUNTY: KETCHIKAN	14801	NON-ELEVATOR:	221	251	296	326	357
STATE: AK		ELEVATOR:	243	276	326	359	392

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ANCHORAGE, ALASKA INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY: KOBUK	14801	NON-ELEVATOR:	221	251	296	326	357
STATE: AK		ELEVATOR:	243	276	326	359	392
COUNTY: KODIAK	14801	NON-ELEVATOR:	221	251	296	326	357
STATE: AK		ELEVATOR:	243	276	326	359	392
COUNTY: KUSKOKWIM	14801	NON-ELEVATOR:	221	251	296	326	357
STATE: AK		ELEVATOR:	243	276	326	359	392
COUNTY: MATANUSKA-SU	14801	NON-ELEVATOR:	221	251	296	326	357
STATE: AK		ELEVATOR:	243	276	326	359	392
COUNTY: NOME	14801	NON-ELEVATOR:	221	251	296	326	357
STATE: AK		ELEVATOR:	243	276	326	359	392
COUNTY: OUTER KETCHK	14801	NON-ELEVATOR:	221	251	296	326	357
STATE: AK		ELEVATOR:	243	276	326	359	392
COUNTY: PR. OF WALES	14801	NON-ELEVATOR:	221	251	296	326	357
STATE: AK		ELEVATOR:	243	276	326	359	392
COUNTY: SE FAIRBANKS	14801	NON-ELEVATOR:	221	251	296	326	357
STATE: AK		ELEVATOR:	243	276	326	359	392
COUNTY: SEWARD	14801	NON-ELEVATOR:	221	251	296	326	357
STATE: AK		ELEVATOR:	243	276	326	359	392
COUNTY: SITKA	14801	NON-ELEVATOR:	221	251	296	326	357
STATE: AK		ELEVATOR:	243	276	326	359	392
COUNTY: SKGWY-YKTT	14801	NON-ELEVATOR:	221	251	296	326	357
STATE: AK		ELEVATOR:	243	276	326	359	392
COUNTY: UPPER YUKON	14801	NON-ELEVATOR:	221	251	296	326	357
STATE: AK		ELEVATOR:	243	276	326	359	392
COUNTY: VLDZ-CHTN-WH	14801	NON-ELEVATOR:	221	251	296	326	357
STATE: AK		ELEVATOR:	243	276	326	359	392

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RULES AND REGULATIONS
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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION ID	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ANCHORAGE, ALASKA INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:WADE HAMPTON	14801	NON-ELEVATOR:	221	251	296	326	357
STATE:AK		ELEVATOR:	243	276	326	359	392
COUNTY:WRNGLL-PTRSB	14801	NON-ELEVATOR:	221	251	296	326	357
STATE:AK		ELEVATOR:	243	276	326	359	392
COUNTY:YKN-KOYKK	14801	NON-ELEVATOR:	221	251	296	326	357
STATE:AK		ELEVATOR:	243	276	326	359	392

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION ID	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BOISE, IDAHO INSURING OFFICE							
SMSA: BOISE CITY, ID							
COUNTY:ADA	13901	NON-ELEVATOR:	121	137	162	179	195
STATE:ID		ELEVATOR:	133	151	178	196	215
NON SMSA COUNTIES							
COUNTY:ADAMS	13901	NON-ELEVATOR:	109	123	146	161	176
STATE:ID		ELEVATOR:	119	136	160	177	194
COUNTY:BANNOCK	13301	NON-ELEVATOR:	121	137	162	179	195
STATE:ID		ELEVATOR:	133	151	178	196	215
COUNTY:BEAR LAKE	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:ID		ELEVATOR:	97	111	131	145	158
COUNTY:BINGHAM	13301	NON-ELEVATOR:	121	137	162	179	195
STATE:ID		ELEVATOR:	133	151	178	196	215
COUNTY:BLAINE	13301	NON-ELEVATOR:	121	137	162	179	195
STATE:ID		ELEVATOR:	133	151	178	196	215
COUNTY:BOISE	13901	NON-ELEVATOR:	109	123	146	161	176
STATE:ID		ELEVATOR:	119	136	160	177	194
COUNTY:BONNEVILLE	13301	NON-ELEVATOR:	121	137	162	179	195
STATE:ID		ELEVATOR:	133	151	178	196	215
COUNTY:BUTTE	13301	NON-ELEVATOR:	121	137	162	179	195
STATE:ID		ELEVATOR:	133	151	178	196	215
COUNTY:CAMAS	13301	NON-ELEVATOR:	121	137	162	179	195
STATE:ID		ELEVATOR:	133	151	178	196	215
COUNTY:CANYON	13901	NON-ELEVATOR:	121	137	162	179	195
STATE:ID		ELEVATOR:	133	151	178	196	215
COUNTY:CARIBOU	13301	NON-ELEVATOR:	121	137	162	179	195
STATE:ID		ELEVATOR:	133	151	178	196	215
COUNTY:CASSIA	13301	NON-ELEVATOR:	121	137	162	179	195
STATE:ID		ELEVATOR:	133	151	178	196	215

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BOISE, IDAHO INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:CLARK	13301	NON-ELEVATOR:	121	137	162	179	195
STATE:ID		ELEVATOR:	133	151	178	196	215
COUNTY:CUSTER	13301	NON-ELEVATOR:	121	137	162	179	195
STATE:ID		ELEVATOR:	133	151	178	196	215
COUNTY:ELMORE	13901	NON-ELEVATOR:	109	123	146	161	176
STATE:ID		ELEVATOR:	119	136	160	177	194
COUNTY:FRANKLIN	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:ID		ELEVATOR:	97	111	131	145	158
COUNTY:FREMONT	13301	NON-ELEVATOR:	121	137	162	179	195
STATE:ID		ELEVATOR:	133	151	178	196	215
COUNTY:GEM	13901	NON-ELEVATOR:	109	123	146	161	176
STATE:ID		ELEVATOR:	119	136	160	177	194
COUNTY:GOODING	13301	NON-ELEVATOR:	121	137	162	179	195
STATE:ID		ELEVATOR:	133	151	178	196	215
COUNTY:JEFFERSON	13301	NON-ELEVATOR:	121	137	162	179	195
STATE:ID		ELEVATOR:	133	151	178	196	215
COUNTY:JEROME	13301	NON-ELEVATOR:	121	137	162	179	195
STATE:ID		ELEVATOR:	133	151	178	196	215
COUNTY:LEMHI	13301	NON-ELEVATOR:	121	137	162	179	195
STATE:ID		ELEVATOR:	133	151	178	196	215
COUNTY:LINCOLN	13301	NON-ELEVATOR:	121	137	162	179	195
STATE:ID		ELEVATOR:	133	151	178	196	215
COUNTY:MADISON	13301	NON-ELEVATOR:	121	137	162	179	195
STATE:ID		ELEVATOR:	133	151	178	196	215
COUNTY:MINIDOKA	13301	NON-ELEVATOR:	121	137	162	179	195
STATE:ID		ELEVATOR:	133	151	178	196	215

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BOISE, IDAHO INSURING OFFICE							
NON SMSA COUNTIES							
COUNTY:ONEIDA	13203	NON-ELEVATOR:	88	101	119	131	144
STATE:ID		ELEVATOR:	97	111	131	145	158
COUNTY:OWYHEE	13901	NON-ELEVATOR:	109	123	146	161	176
STATE:ID		ELEVATOR:	119	136	160	177	194
COUNTY:PAYETTE	13901	NON-ELEVATOR:	109	123	146	161	176
STATE:ID		ELEVATOR:	119	136	160	177	194
COUNTY:POWER	13301	NON-ELEVATOR:	121	137	162	179	195
STATE:ID		ELEVATOR:	133	151	178	196	215
COUNTY:TETON	13301	NON-ELEVATOR:	121	137	162	179	195
STATE:ID		ELEVATOR:	133	151	178	196	215
COUNTY:TWIN FALLS	13301	NON-ELEVATOR:	121	137	162	179	195
STATE:ID		ELEVATOR:	133	151	178	196	215
COUNTY:VALLEY	13901	NON-ELEVATOR:	109	123	146	161	176
STATE:ID		ELEVATOR:	119	136	160	177	194
COUNTY:WASHINGTON	13901	NON-ELEVATOR:	109	123	146	161	176
STATE:ID		ELEVATOR:	119	136	160	177	194
COUNTY:BAKER	13601	NON-ELEVATOR:	91	104	123	136	148
STATE:OR		ELEVATOR:	100	114	135	149	163
COUNTY:MALHEUR	13901	NON-ELEVATOR:	109	123	146	161	176
STATE:OR		ELEVATOR:	119	136	160	177	194

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION ID	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
PORTLAND,OREGON AREA OFFICE							
SMSA: EUGENE, OR							
COUNTY:LANE	13801	NON-ELEVATOR:	126	143	169	195	212
STATE:OR		ELEVATOR:	139	158	186	214	234
SMSA: PORTLAND, OR-WA							
COUNTY:CLACKAMAS	13702	NON-ELEVATOR:	126	143	169	195	212
STATE:OR		ELEVATOR:	139	158	186	214	234
COUNTY:MULTNOMAH	13701	NON-ELEVATOR:	126	143	169	195	212
STATE:OR		ELEVATOR:	139	158	186	214	234
COUNTY:WASHINGTON	13702	NON-ELEVATOR:	126	143	169	195	212
STATE:OR		ELEVATOR:	139	158	186	214	234
COUNTY:CLARK	13702	NON-ELEVATOR:	126	143	169	195	212
STATE:WA		ELEVATOR:	139	158	186	214	234
SMSA: SALEM, OR							
COUNTY:MARION	13703	NON-ELEVATOR:	126	143	169	195	212
STATE:OR		ELEVATOR:	139	158	186	214	234
COUNTY:POLK	13703	NON-ELEVATOR:	126	143	169	195	212
STATE:OR		ELEVATOR:	139	158	186	214	234
NON SMSA COUNTIES							
COUNTY:BENTON	13703	NON-ELEVATOR:	126	143	169	195	212
STATE:OR		ELEVATOR:	139	158	186	214	234
COUNTY:CLATSOP	13704	NON-ELEVATOR:	99	112	132	146	160
STATE:OR		ELEVATOR:	108	123	146	161	176
COUNTY:COLUMBIA	13704	NON-ELEVATOR:	99	112	132	146	160
STATE:OR		ELEVATOR:	108	123	146	161	176
COUNTY:COOS	13801	NON-ELEVATOR:	103	117	139	160	174
STATE:OR		ELEVATOR:	113	129	152	176	192
COUNTY:CROOK	13704	NON-ELEVATOR:	99	112	132	146	160
STATE:OR		ELEVATOR:	108	123	146	161	176

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION ID	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
PORTLAND,OREGON AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:CURRY	13801	NON-ELEVATOR:	103	117	139	160	174
STATE:OR		ELEVATOR:	113	129	152	176	192
COUNTY:DESCHUTES	13704	NON-ELEVATOR:	99	112	132	146	160
STATE:OR		ELEVATOR:	108	123	146	161	176
COUNTY:DOUGLAS	13801	NON-ELEVATOR:	103	117	139	160	174
STATE:OR		ELEVATOR:	113	129	152	176	192
COUNTY:GILLIAM	13601	NON-ELEVATOR:	91	104	123	136	148
STATE:OR		ELEVATOR:	100	114	135	149	163
COUNTY:GRANT	13601	NON-ELEVATOR:	91	104	123	136	148
STATE:OR		ELEVATOR:	100	114	135	149	163
COUNTY:HARNEY	13901	NON-ELEVATOR:	109	123	146	161	176
STATE:OR		ELEVATOR:	119	136	160	177	194
COUNTY:HOOD RIVER	13704	NON-ELEVATOR:	99	112	132	146	160
STATE:OR		ELEVATOR:	108	123	146	161	176
COUNTY:JACKSON	13801	NON-ELEVATOR:	103	117	139	160	174
STATE:OR		ELEVATOR:	113	129	152	176	192
COUNTY:JEFFERSON	13704	NON-ELEVATOR:	99	112	132	146	160
STATE:OR		ELEVATOR:	108	123	146	161	176
COUNTY:JOSEPHINE	13801	NON-ELEVATOR:	103	117	139	160	174
STATE:OR		ELEVATOR:	113	129	152	176	192
COUNTY:KLAMATH	13801	NON-ELEVATOR:	103	117	139	160	174
STATE:OR		ELEVATOR:	113	129	152	176	192
COUNTY:LAKE	13801	NON-ELEVATOR:	103	117	139	160	174
STATE:OR		ELEVATOR:	113	129	152	176	192
COUNTY:LINCOLN	13703	NON-ELEVATOR:	126	143	169	195	212
STATE:OR		ELEVATOR:	139	158	186	214	234

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

RULES AND REGULATIONS

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
PORTLAND, OREGON AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:LINN	13703	NON-ELEVATOR:	126	143	169	195	212
STATE:OR		ELEVATOR:	139	158	186	214	234
COUNTY:MORROW	13601	NON-ELEVATOR:	91	104	123	136	148
STATE:OR		ELEVATOR:	100	114	135	149	163
COUNTY:SHERMAN	13704	NON-ELEVATOR:	99	112	132	146	160
STATE:OR		ELEVATOR:	108	123	146	161	176
COUNTY:TILLAMOOK	13704	NON-ELEVATOR:	99	112	132	146	160
STATE:OR		ELEVATOR:	108	123	146	161	176
COUNTY:UMATILLA	13601	NON-ELEVATOR:	91	104	123	136	148
STATE:OR		ELEVATOR:	100	114	135	149	163
COUNTY:UNION	13601	NON-ELEVATOR:	91	104	123	136	148
STATE:OR		ELEVATOR:	100	114	135	149	163
COUNTY:WALLOWA	13601	NON-ELEVATOR:	91	104	123	136	148
STATE:OR		ELEVATOR:	100	114	135	149	163
COUNTY:WASCO	13704	NON-ELEVATOR:	99	112	132	146	160
STATE:OR		ELEVATOR:	108	123	146	161	176
COUNTY:WHEELER	13601	NON-ELEVATOR:	91	104	123	136	148
STATE:OR		ELEVATOR:	100	114	135	149	163
COUNTY:YAMHILL	13704	NON-ELEVATOR:	99	112	132	146	160
STATE:OR		ELEVATOR:	108	123	146	161	176
COUNTY:KLICKITAT	13704	NON-ELEVATOR:	99	112	132	146	160
STATE:WA		ELEVATOR:	108	123	146	161	176
COUNTY:SKAMANIA	13704	NON-ELEVATOR:	99	112	132	146	160
STATE:WA		ELEVATOR:	108	123	146	161	176

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SEATTLE, WASHINGTON AREA OFFICE							
SMSA: SEATTLE-EVERETT, WA							
COUNTY:KING	13501	NON-ELEVATOR:	139	158	187	216	245
STATE:WA		ELEVATOR:	152	174	206	237	269
COUNTY:SNOHOMISH	13502	NON-ELEVATOR:	139	158	187	216	245
STATE:WA		ELEVATOR:	152	174	206	237	269
SMSA: TACOMA, WA							
COUNTY:PIERCE	13503	NON-ELEVATOR:	120	136	161	185	202
STATE:WA		ELEVATOR:	132	150	177	204	222
SMSA: YAKIMA, WA							
COUNTY:YAKIMA	13601	NON-ELEVATOR:	91	104	123	136	148
STATE:WA		ELEVATOR:	100	114	135	149	163
NON SMSA COUNTIES							
COUNTY:CHELAN	13402	NON-ELEVATOR:	98	111	131	145	159
STATE:WA		ELEVATOR:	107	122	144	159	174
COUNTY:CLALLAM	13504	NON-ELEVATOR:	111	127	150	165	181
STATE:WA		ELEVATOR:	122	139	164	182	199
COUNTY:COWLITZ	13704	NON-ELEVATOR:	99	112	132	146	160
STATE:WA		ELEVATOR:	108	123	146	161	176
COUNTY:DOUGLAS	13402	NON-ELEVATOR:	98	111	131	145	159
STATE:WA		ELEVATOR:	107	122	144	159	174
COUNTY:GRAYS HARBOR	13504	NON-ELEVATOR:	111	127	150	165	181
STATE:WA		ELEVATOR:	122	139	164	182	199
COUNTY:ISLAND	13504	NON-ELEVATOR:	111	127	150	165	181
STATE:WA		ELEVATOR:	122	139	164	182	199
COUNTY:JEFFERSON	13504	NON-ELEVATOR:	111	127	150	165	181
STATE:WA		ELEVATOR:	122	139	164	182	199
COUNTY:KITSAP	13504	NON-ELEVATOR:	111	127	150	165	181
STATE:WA		ELEVATOR:	122	139	164	182	199

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION ID	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SEATTLE-WASHINGTON AREA OFFICE							
NON SMSA COUNTIES							
COUNTY:KITTITAS	13601	NON-ELEVATOR:	91	104	123	136	148
STATE:WA		ELEVATOR:	100	114	135	149	163
COUNTY:LEWIS	13504	NON-ELEVATOR:	111	127	150	165	181
STATE:WA		ELEVATOR:	122	139	164	182	199
COUNTY:MASON	13504	NON-ELEVATOR:	111	127	150	165	181
STATE:WA		ELEVATOR:	122	139	164	182	199
COUNTY:OKANOGAN	13402	NON-ELEVATOR:	98	111	131	145	159
STATE:WA		ELEVATOR:	107	122	144	159	174
COUNTY:PACIFIC	13504	NON-ELEVATOR:	111	127	150	165	181
STATE:WA		ELEVATOR:	122	139	164	182	199
COUNTY:SAN JUAN	13504	NON-ELEVATOR:	111	127	150	165	181
STATE:WA		ELEVATOR:	122	139	164	182	199
COUNTY:SKAGIT	13504	NON-ELEVATOR:	111	127	150	165	181
STATE:WA		ELEVATOR:	122	139	164	182	199
COUNTY:THURSTON	13504	NON-ELEVATOR:	120	135	160	175	190
STATE:WA		ELEVATOR:	132	149	176	193	209
COUNTY:WAHKIAKUM	13704	NON-ELEVATOR:	99	112	132	146	160
STATE:WA		ELEVATOR:	108	123	146	161	176
COUNTY:WHATCOM	13504	NON-ELEVATOR:	111	127	150	165	181
STATE:WA		ELEVATOR:	122	139	164	182	199

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION ID	COUNTY GROUP		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SPOKANE-WASHINGTON INSURING OFFICE							
SMSA: RICHLAND-KENNEWICK, WA							
COUNTY:BENTON	13601	NON-ELEVATOR:	91	104	123	136	148
STATE:WA		ELEVATOR:	100	114	135	149	163
COUNTY:FRANKLIN	13601	NON-ELEVATOR:	91	104	123	136	148
STATE:WA		ELEVATOR:	100	114	135	149	163
SMSA: SPOKANE, WA							
COUNTY:SPOKANE	13401	NON-ELEVATOR:	98	111	131	151	165
STATE:WA		ELEVATOR:	107	122	144	166	181
NON SMSA COUNTIES							
COUNTY:BENEWAH	13402	NON-ELEVATOR:	98	111	131	145	159
STATE:ID		ELEVATOR:	107	122	144	159	174
COUNTY:BONNER	13402	NON-ELEVATOR:	98	111	131	145	159
STATE:ID		ELEVATOR:	107	122	144	159	174
COUNTY:BOUNDARY	13402	NON-ELEVATOR:	98	111	131	145	159
STATE:ID		ELEVATOR:	107	122	144	159	174
COUNTY:CLEARWATER	13402	NON-ELEVATOR:	98	111	131	145	159
STATE:ID		ELEVATOR:	107	122	144	159	174
COUNTY:IDAHO	13402	NON-ELEVATOR:	98	111	131	145	159
STATE:ID		ELEVATOR:	107	122	144	159	174
COUNTY:KOOTENAI	13402	NON-ELEVATOR:	98	111	131	145	159
STATE:ID		ELEVATOR:	107	122	144	159	174
COUNTY:LATAH	13402	NON-ELEVATOR:	98	111	131	145	159
STATE:ID		ELEVATOR:	107	122	144	159	174
COUNTY:LEWIS	13402	NON-ELEVATOR:	98	111	131	145	159
STATE:ID		ELEVATOR:	107	122	144	159	174
COUNTY:NEZ PERCE	13402	NON-ELEVATOR:	98	111	131	145	159
STATE:ID		ELEVATOR:	107	122	144	159	174
COUNTY:SHOSHONE	13402	NON-ELEVATOR:	98	111	131	145	159
STATE:ID		ELEVATOR:	107	122	144	159	174

PREPARED BY HUD - EMAD (CO), FEBRUARY 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

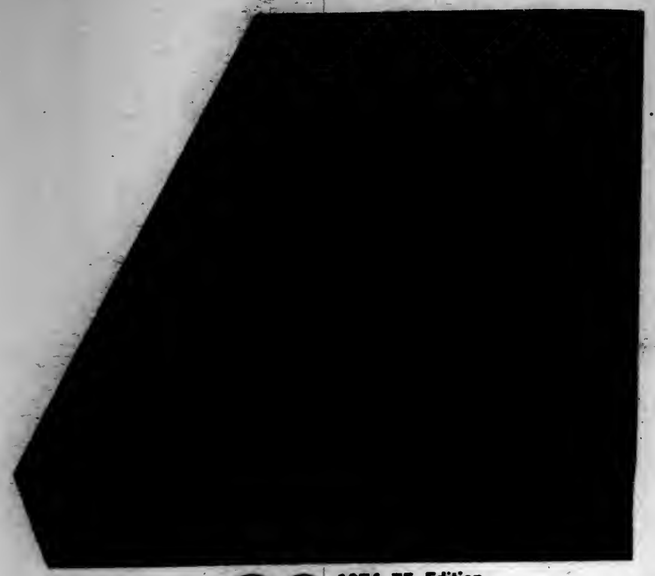
REGION 10	COUNTY GROUP	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SPOKANE,WASHINGTON INSURING OFFICE						
NON SMSA COUNTIES						
COUNTY:ADAMS	13402	NON-ELEVATOR: 90	111	131	145	159
STATE:WA		ELEVATOR: 107	122	144	159	174
COUNTY:ASOTIN	13402	NON-ELEVATOR: 90	111	131	145	159
STATE:WA		ELEVATOR: 107	122	144	159	174
COUNTY:COLUMBIA	13402	NON-ELEVATOR: 90	111	131	145	159
STATE:WA		ELEVATOR: 107	122	144	159	174
COUNTY:FERRY	13402	NON-ELEVATOR: 90	111	131	145	159
STATE:WA		ELEVATOR: 107	122	144	159	174
COUNTY:GARFIELD	13402	NON-ELEVATOR: 90	111	131	145	159
STATE:WA		ELEVATOR: 107	122	144	159	174
COUNTY:GRANT	13402	NON-ELEVATOR: 90	111	131	145	159
STATE:WA		ELEVATOR: 107	122	144	159	174
COUNTY:LINCOLN	13402	NON-ELEVATOR: 90	111	131	145	159
STATE:WA		ELEVATOR: 107	122	144	159	174
COUNTY:PEND OREILLE	13402	NON-ELEVATOR: 90	111	131	145	159
STATE:WA		ELEVATOR: 107	122	144	159	174
COUNTY:STEVENS	13402	NON-ELEVATOR: 90	111	131	145	159
STATE:WA		ELEVATOR: 107	122	144	159	174
COUNTY:WALLA WALLA	13601	NON-ELEVATOR: 91	104	123	136	148
STATE:WA		ELEVATOR: 100	114	135	149	163
COUNTY:WHITMAN	13402	NON-ELEVATOR: 90	111	131	145	159
STATE:WA		ELEVATOR: 107	122	144	159	174

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V 40167 APR 7 75 XUM



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V 40-67
APR 75

68

federal register

April 8, 1975—Pages 15861–16046

TUESDAY, APRIL 8, 1975
WASHINGTON, D.C.
Volume 40 ■ Number 68
Pages 15861–16046
PART I

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

PROCLAMATIONS—
World Trade Week, 1975 15861
National Maritime Day, 1975 15863

BICENTENNIAL PROJECTS—ARBA establishes procedures for official recognition; effective 4–8–75 15877

RENTAL LOCKBOXES—Postal Service proposes change in special services; comments by 5–8–75 15909

MEAT AND POULTRY—USDA/APHIS proposes to permit retail stores exempted from Federal inspection to sell in interstate commerce; comments by 6–9–75 15906

FRUITS AND VEGETABLES—USDA/AMS establishes standards for grades of frozen broccoli, frozen green and wax beans and canned grapefruit and oranges 15890–15900

FREEDOM OF INFORMATION—ARBA establishes schedule of fees; effective 4–8–75 15877
LABOR/OSHA revokes seperate regulations on disclosure 15876

(Continued inside)

PART II:

EDUCATION—HEW/OE sets criteria for Federal aid for certain disasters, construction, current expenditures, and local agencies unable to provide a suitable free education 16011

PART III:

INTERNATIONAL ENERGY PROGRAM—FEA announces approval by the administrator of GSA and the Attorney General of a voluntary agreement 16041

V 40 168
APR 8 75

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

DOT/FAA—Airworthiness directives; Sikorsky Model S–58 and S–58T (3 documents) 12995; 3–24–75

List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

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MEETINGS—
- USDA/AMS: Flue-Cured Tobacco Advisory Committee, 4–24–75 15922
- Shippers Advisory Committee, 5–1–75 15923
- FS: Condor Advisory Committee 5–7–75 15923
- Commerce/NOAA: Marine Fisheries Advisory Committee, 5–8 and 5–9–75 15925
- DOD: DDR&E High Energy Laser Review Group, 5–7 and 5–8–75 15915
- Corps of Engineers: Chief of Engineers Environmental Advisory Board, 5–20 and 5–21–75 15915
- Defense Science Board Task Force on "Export of U.S. Technology: Implications to U.S. Defense, 5–1–75 .. 15915
- Defense Science Board Task Force on Theater Nuclear Forces R&D Requirements, 5–1 and 5–2–75 15915
- Defense Science Board Task Force on "Naval Surface Warfare", 4–28 and 4–29–75 15915
- Interior: Federal Metal and Nonmetal Mine Safety Advisory Committee, 5–7 through 5–9–75 15922
- NPS: Glen Canyon National Recreation Area, 5–14, 5–15, 5–17 and 5–19–75 15920
- JUSTICE/LEAA: National Advisory Committee on Criminal Justice Standards and Goals, 4–21 and 4–22–75 15916
- National Science Foundation: Advisory Panel for Physics 4–24 through 4–26–75 15971
- SBA: Helena District Advisory Council, 5–2–75 15973
- Newark District Advisory Council, 5–14–75 15973
- Clarksburg District Advisory Council, 4–25–75 15973
- New Orleans District Advisory Council, 4–29–75 15973
- Oklahoma City District Advisory Council, 5–15–75 15973

RESCHEDULED MEETINGS—
- FCC: Radio Technical Commission for Aeronautics, 4–23–75 15953

contents

THE PRESIDENT

PROCLAMATIONS
- National Maritime Day, 1975 15863
- World Trade Week, 1975 15861

EXECUTIVE AGENCIES

AGING ADMINISTRATION

Notices
- Application closing dates: Career Training Program 15928

AGRICULTURAL MARKETING SERVICE

Rules
- Grade, size, and maturity standards:
  - Broccoli (frozen) 15890
  - Grapefruit and orange for salad (canned) 15896
  - Green beans and wax beans (frozen) 15900

Proposed Rules
- Egg research and promotion order; correction 15906

Notices
- Meetings:
  - Distributors' Advisory Committee 15923
  - Flue-cured Tobacco Advisory Committee 15922
  - Shippers Advisory Committee 15923

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Commodity Exchange Authority; Federal Crop Insurance Corporation; Forest Service; Rural Electrification Administration.

Notices
- Feed grain; donations for Nambe, Tesuque, Santa Clara, Picuris and San Ildefonso Indian lands in New Mexico, and Pyramid Lake Indian lands in Nevada 15924

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

Rules
- Bicentennial projects, application procedures for official recognition 15877
- Freedom of information, fees 15877

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Proposed Rules
- Meat and poultry prepackaged inspected products, sales by exempt stores in designated states 15906

ARMY DEPARTMENT

See Engineers Corps.

CIVIL AERONAUTICS BOARD

Notices
- *Hearings, etc.:*
  - International Air Transport Association (2 documents) 15930

COMMERCE DEPARTMENT

See also Domestic and International Business Administration; Maritime Administration; National Bureau of Standards; National Oceanic and Atmospheric Administration.

Notices
- Advisory committees report on closed meetings; availability 15928

COMMISSION ON THE REVISION OF THE FEDERAL COURT APPELATE SYSTEM

Notices
- Hearings 15931

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Notices
- Procurement list, 1975; additions and deletions (3 documents) 15931

COMMODITY EXCHANGE AUTHORITY

Proposed Rules
- Live slaughter cattle, live hogs and frozen pork bellies; cancellation of hearing 15907

COST ACCOUNTING STANDARDS BOARD

Rules
- Compensated personal absence, accounting for costs; republication 15865
- Tangible capital assets, depreciation of 15865

DEFENSE DEPARTMENT

See also Engineers Corps.

Notices
- Meetings:
  - High Energy Laser Review Group 15915
  - Science Board Task Force on "Export of U.S. Technology: Implications to U.S. Defense" 15915
  - Science Board Task Force on "Naval Surface Warfare" 15915
  - Science Board Task Force on Theater Nuclear Forces R&D Requirements 15915

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Rules
- Short supply controls: Petroleum products, method of licensing exports; second quarter of 1975 15867

EDUCATION OFFICE

Rules
- School assistance in federally affected areas (SAFA) 16011

ENGINEERS CORPS

Notices
- Meetings: Environmental Advisory Board of the Chief of Engineers 15915

ENVIRONMENTAL PROTECTION AGENCY

Rules
- Air quality implementation plans:
  - Iowa 15879
  - Kansas 15879
- Pesticide chemicals; tolerances and exemptions: Benomyl; correction 15880

V 40 68 APR 8 75 XUM

CONTENTS

CONTENTS

Notices

Pesticide registration applications (2 documents) 15931–15933
Pesticides; specific exemptions, etc.:
Louisiana; emergency use of DDT on cotton (3 documents) 15934–15949
Water pollution; effluent guidelines, etc.:
Steam electric power; availability of report 15952

FEDERAL AVIATION ADMINISTRATION

Rules

Airworthiness directives:
Boeing 15866
Transition areas 15867

Proposed Rules

Restricted areas 15907
Transition area (2 documents) 15907

Notices

Air traffic control towers:
Lebanon, New Hampshire; commissioning 15929

FEDERAL COMMUNICATIONS COMMISSION

Rules

FM broadcast stations; table of assignments:
California 15886
Georgia and Florida 15887
Maine 15886
North Carolina 15882
Pennsylvania 15882
South Carolina 15888
Texas 15889
Radio and television broadcasting, re-regulation of 15883
Television tuning rules, comparable; waiver 15881

Proposed Rules

AM station assignment standards 15908
FM broadcast stations, table of assignments:
South Carolina 15908
Wyoming 15907

Notices

Canadian broadcasting; table of assignments 15953
Meetings:
Aeronautics, Radio Technical Commission for 15953
Hearings, etc.:
Catamount Broadcasters, Inc., et al 15953
Hemphill, E. W., et al 15954
Kennebec Western Broadcasting Co. and Willson Broadcasting Co 15954
Town & Country Radio, Inc., et al 15956

FEDERAL CROP INSURANCE CORPORATION

Rules

Crop insurance, designated counties in certain States:
Florida 15905
Indiana (2 documents) 15905

Notices

1975 crop applications; extension of closing date:
Type 13 tobacco, North Carolina 15923
Types 13 and 14 tobacco; Florida, Georgia, and South Carolina 15923

FEDERAL ENERGY ADMINISTRATION

Notices

International energy program; voluntary agreement 16041

FEDERAL HOME LOAN BANK BOARD

Rules

Federal Savings and Loan System:
Farm loan amendments 15865

Notices

Applications, etc.:
United Financial Corp. of Calif 15958

FEDERAL MARITIME COMMISSION

Notices

Agreements filed:
U.S. Atlantic and Gulf/Australia-New Zealand Conference 15959

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Alabama-Tennessee Natural Gas Co 15961
Algonquin LNG, Inc 15961
Amoco Production Co., et al 15959
California Co., et al 15961
Carolina Power & Light Co 15961
Cities Service Gas Co 15961
Distrigas Corp. and Distrigas of Massachusetts Corp 15962
El Paso Natural Gas Co 15962
El Paso Natural Gas Co. and Northwest Pipeline Corp 15962
Kerr-McGee Corp., et al. (2 documents) 15963
Louisiana-Nevada Transit Co 15963
McCulloch Interstate Gas Corp 15964
Mobil Oil Corp 15964
Natural Gas Pipeline Co. of America 15965
Northern Natural Gas Co 15965
Orange & Rockland Utilities, Inc. and Rockland Electric Co 15965
Southern Natural Gas Co 15966
Texaco, Inc 15966
Texas Gas Transmission Corp 15967
Natural gas sales: just and reasonable rates (2 documents) 15965

FEDERAL RAILROAD ADMINISTRATION

Notices

Petitions for exemptions, etc.:
Green Mountain Railroad Corp 15929
Mount Hood Railway Co 15929
Oregon and Northwestern Railroad Co 15929
Yakima Valley Transportation Co 15929

FEDERAL RESERVE SYSTEM

Proposed Rules

Securities of state member banks; revised deadline 15909

Notices

Applications, etc.:
Bank of Nova Scotia 15968
Fidelcor, Inc 15968
General Bancshares Corp 15969

FEDERAL TRADE COMMISSION

Rules

Prohibited trade practices:
Adams, J. D., Co 15868
Automated Building Components, Inc 15869
Duofold, Inc 15869
General Motors Corp. et al 15870
Weaver Airline Personnel School, Inc., et al 15872

FISH AND WILDLIFE SERVICE

Notices

Coyote damage control; cattle, sheep and goats; report on emergency use of M–44 devices 15918
Endangered species permits, applications (2 documents) 15918, 15919

FOREST SERVICE

Notices

Environmental statements:
Gypsy moth statement; availability of 1975 addendum 15923
Meetings:
Condor Advisory Committee 15923

GENERAL SERVICES ADMINISTRATION

Rules

Procurement; Cost Accounting Standards Board report 15880

Notices

International energy program; voluntary agreement 16041

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Aging Administration; Education Office.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Notices

Authority delegations:
Regional Administrators, et al 15928
Mortgage loans, defaults in repayment; public hearing 15928

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Land Management Bureau; National Park Service.

Notices

Meetings:
Federal Metal and Nonmetal Mine Safety Advisory Committee 15922

INTERSTATE COMMERCE COMMISSION

Notices

Fourth section application for relief 15974
Hearing assignments 15974
Motor carriers:
Irregular route property carriers; gateway elimination 15974

JUSTICE DEPARTMENT

See Law Enforcement Assistance Administration.

LABOR DEPARTMENT

See Occupational Safety and Health Administration; Wage and Hour Division.

LAND MANAGEMENT BUREAU

Notices

Applications, etc.:
New Mexico (2 documents) 15916
Wyoming (3 documents) 15916
Outer Continental Shelf; oil and gas leasing:
Southern California 15917

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Notices

Meetings:
Criminal Justice Standards and Goals; National Advisory Committee 15916

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; list of requests 15971

MARITIME ADMINISTRATION

Notices

Applications, etc.:
Lykes Bros. Steamship Co., Inc 15924

NATIONAL BUREAU OF STANDARDS

Notices

Encryption Algorithm for computer data protection; correction 15924

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Notices

Mercury Capri, 1971–1973, windshield wiper arm, shaft, and motor failures; public proceeding 15930
Petitions for temporary exemption from safety standards:
Executive Industries, Inc 15929

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Environmental statements:
Duplin River, Ga.; hearing 15927
Marine mammal permit applications:
Alaska, State of 15925
Erickson, Dr. Albert W 15925
Folk, Dr. G. Edgar 15926
Gulf Exhibition Corp 15926
Peterle, Dr. Tony J 15927
Toledo Zoological Gardens 15927
Wartzok, Douglas and G. Carleton Ray 15925
Meetings:
Marine Fisheries Advisory Committee 15925

NATIONAL PARK SERVICE

Notices

Badlands National Monument; intention to extend concession contract with Oglala Sioux Cedar Pass Concession Enterprise 15920
Glen Canyon National Recreation Area, Ariz. and Utah; meeting and hearing 15920
Voyageurs National Park, Minn.; establishment 15921

NATIONAL SCIENCE FOUNDATION

Notices

Meetings:
Physics Advisory Panel 15971

NUCLEAR REGULATORY COMMISSION

Notices

Antitrust matters; Attorney General's advice; Tennessee Valley Authority 15970
Applications, etc.:
Puget Sound Power & Light Co. et al 15969

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Rules

Disclosure of information; revocation 15876

POSTAL SERVICE

Proposed Rules

Rental boxes and caller service 15909

RURAL ELECTRIFICATION ADMINISTRATION

Notices

Loan guarantees proposed:
Powell Telephone Co 15924

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:
American Agronomics Corp 15971
Royal Properties Inc 15972
Standard Prudential Corp 15972
Winner Industries, Inc 15972

SELECTIVE SERVICE SYSTEM

Notices

Registrants Processing Manual; suspension of registration 15972

SMALL BUSINESS ADMINISTRATION

Notices

Meetings:
Clarksburg District Advisory Council 15973
Helena District Advisory Council 15973
New Orleans District Advisory Council 15973
Newark District Advisory Council 15973
Oklahoma City District Advisory Council 15973

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration; Federal Railroad Administration; National Highway Traffic Safety Administration.

WAGE AND HOUR DIVISION

Rules

Industries in the Virgin Islands; minimum wage rates 15875

V 40 68
APR 8 75
XUM

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

3 CFR
4362 15861
4363 15863

4 CFR
408 15865
409 15865

7 CFR
52 (3 documents) 15890–15900
401 (2 documents) 15905
410 15905
PROPOSED RULES:
1251 15906

9 CFR
PROPOSED RULES:
303 15906
381 15906

12 CFR
541 15865
545 15865
PROPOSED RULES:
206 15909

14 CFR
39 15866
71 15867
PROPOSED RULES:
71 (3 documents) 15907
73 15907

15 CFR
377 15867

16 CFR
13 (5 documents) 15868–15872

17 CFR
PROPOSED RULES:
150 15907

29 CFR
694 15875
1913 15876

36 CFR
603 15877
604 15877

39 CFR
PROPOSED RULES:
111 15909

40 CFR
52 (2 documents) 15879
180 15880

41 CFR
1–3 15880

45 CFR
112 16013
113 16015
114 16019
115 16032

47 CFR
1 15883
15 15881
73 (8 documents) 15882–15889
PROPOSED RULES:
73 (3 documents) 15907–15908

CUMULATIVE LIST OF PARTS AFFECTED—APRIL

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during April.

3 CFR
PROCLAMATIONS:
2799 (Revoked by Proc. 4360) 14567
2937 (Revoked by Proc. 4360) 14567
2938 (Revoked by Proc. 4360) 14567
2942 (Revoked by Proc. 4360) 14567
2972 (Revoked by Proc. 4360) 14567
3314 (Revoked by Proc. 4360) 14567
4101 (Revoked by Proc. 4360) 14567
4346 (Amended by Proc. 4359) 14565
4359 14565
4360 14567
4361 15063
4362 15861
4363 15863
EXECUTIVE ORDERS:
11809 (See EO 11849) 14887
11828 (Amended by EO 11848) 14885
11847 14568
11848 14885
11849 14887
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS
Memorandum of March 24, 1975 15377

4 CFR
408 ..... 14737, 15865
409 15865
PROPOSED RULES:
351 14942

5 CFR
213 15379
300 15379
302 15380
315 15380
890 14569
1001 14570

7 CFR
51 15381
52 15890–15900
401 15905
410 15905
724 14737
731 14601
905 14889
907 14889
908 14890
910 15065
944 14891
991 14737
1250 15065
1872 15065
2710 14891
PROPOSED RULES:
29 15390
401 14777
1002 ..... 14702, 15390
1004 ..... 14702, 15390
1033 14769
1251 15906
1421 15390
1823 14776
1842 15405

8 CFR
PROPOSED RULES:
214 15092

9 CFR
94 14571
PROPOSED RULES:
303 15906
381 15906

10 CFR
211 14738
PROPOSED RULES:
73 15098
205 14605
211 14605
212 15401
213 14948

12 CFR
541 15865
545 ..... 15382, 15865
563 14738
602 14571
PROPOSED RULES:
7 14767
206 15909
335 14947
541 15098
545 15096
701 15404
721 15404
745 15404

13 CFR
PROPOSED RULES:
107 14606
120 15098

14 CFR
39 ..... 14739, 14740, 14891, 14892, 15085–15086, 15384, 15866
71 ..... 14740, 14741, 15086, 15385, 15867
97 14893
288 14893
400 14572
401 14574
425 14578
PROPOSED RULES:
25 15093
71 ..... 14780, 14781, 15094, 15399, 15400, 15907
73 15907
75 14781

15 CFR
350 14921
355 14925
377 15867
500 14930
PROPOSED RULES:
803 14603

16 CFR
1 ..... 15232, 15233
2 15235
3 ..... 15234, 15236
4 ..... 15235, 15236
13 ..... 14579–14582, 14741, 14894–14904, 15385, 15386, 15868–15872
302 14584

16 CFR—Continued
PROPOSED RULES:
1 15237
3 15239
4 15245

17 CFR
150 15086
200 14748
PROPOSED RULES:
150 15907
275 14782

18 CFR
301 14749
PROPOSED RULES:
Ch. I 15402
35 14606
101 14606
104 14606
141 15402
154 14606
202 14606
204 14606

19 CFR
6 15386
22 14749
113 14749
153 14591
PROPOSED RULES:
112 15389
113 15389

20 CFR
10 14750
405 ..... 14591, 14934
PROPOSED RULES:
405 14934

21 CFR
8 15087
121 14905
123 14592
431 15088
436 15088
440 15088
444 14906
448 15088
449 15089
1030 14750

22 CFR
1 15392
3 15392
PROPOSED RULES:
8 15060

23 CFR
635 14906
662 14907

24 CFR
300 14753
570 15089
800 15580
801 15580
802 15580
803 15580
804 15580
880 15580
881 15580

V 40 168
APR 8 75
XUM

24 CFR—Continued
882 15580
883 15580
888 15580
889 15542
1700 14753
1914 14599–14601
1915 14754

25 CFR
43k 14592

26 CFR
301 15090
PROPOSED RULES:
1 14767

29 CFR
604 15875
90 14908
1913 15876
2300 14593
PROPOSED RULES:
1910 15390
1926 15390

32 CFR
856 14758

33 CFR
117 ..... 14594, 15093
380 14761
PROPOSED RULES:
117 ..... 14604, 15903
266 14872

36 CFR
7 14912
603 15877
604 15877

38 CFR
PROPOSED RULES:
1 14783

39 CFR
PROPOSED RULES:
111 15909

40 CFR
52 ..... 14595, 15879
65 14876
180 ..... 14496, 14597, 15387, 15880
PROPOSED RULES:
52 ..... 15094, 15095
408 15096

41 CFR
1–3 15880
1–7 14913
1–12 14913
1–15 14913
1–30 14917
14–3 15091
109–1 15091
PROPOSED RULES:
Ch. 60 14953

42 CFR
57 14762
PROPOSED RULES:
57 14932

43 CFR
PROPOSED RULES:
4 14603
2650 14603

45 CFR
112 16013
113 16015
114 16019
115 16032
151 14762
154 14917
155 14918
190 15248
249 14597
250 ..... 14597, 15388
PROPOSED RULES:
250 15093

46 CFR
380 14599
528 14599
533 14599
PROPOSED RULES:
32 14935
50 14935
52 14935
53 14935
54 14935
56 14935
58 14935
63 14935
502 15097
550 15401

47 CFR
0 14764
1 15883
15 15091–15881
73 ..... 15546, 15882–15889
76 15546
PROPOSED RULES:
73 ..... 14943–14947, 15907, 15908
76 15574

49 CFR
1 14764
310 14919
571 14765
1033 ..... 14765, 14766
1201 15388
PROPOSED RULES:
1241 15402
1249 15402
1250 15402
1251 15402

50 CFR
32 14920
33 ..... 14766, 14920
PROPOSED RULES:
17 14767
227 14777
251 ..... 14778, 14779

FEDERAL REGISTER PAGES AND DATES—APRIL

Pages	Date
14565–14735	Apr. 1
14737–14883	2
14885–15062	3
15063–15376	4
15077–15859	7
15861–16046	8

presidential documents

Title 3—The President

PROCLAMATION 4362

World Trade Week, 1975

By the President of the United States of America

A Proclamation

America approaches the 200th anniversary of national independence at a time when events at home and abroad demonstrate the interdependence of the community of nations.

Interdependence and its impact on all Americans is particularly apparent in world trade.

Through world trade, Americans expand with others the flow of goods and services to all peoples and enhance the economic well-being of all countries. In so doing, we recommit the United States to an open world economic order and reconfirm our pledge to international peace and understanding.

The Congress of the United States underscored America's dedication to more free and fair international commerce with passage of the Trade Act of 1974. That act enables us to move toward multilateral negotiations that will open the way to improved access to foreign markets for American goods and to vital raw materials.

In the face of economic stress at home, more exports mean more jobs for Americans, more purchasing power for America's consumers and more business for our manufacturers. Exports help us meet the swiftly rising cost of the energy we consume. They are the source of equilibrium in our balance of payments.

World trade joins nations in peaceful and creative partnership. It has greater significance today than ever before.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim the week beginning May 18, 1975, as World Trade Week, and I call upon all Americans to cooperate in observing that week by participating with the business community and all levels of government in activities that emphasize the importance of world trade to the United States economy and to our relations with other nations.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of April, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.75-9292 Filed 4-7-75;10:15 am]

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PROCLAMATION 4363

National Maritime Day, 1975

By the President of the United States of America

A Proclamation

Trade and commerce, which helped to stimulate our Nation's economic growth, continue to be vital to the welfare of all Americans.

The American merchant marine is now being assisted by the largest peacetime shipbuilding program ever undertaken in this country. This will enable America's imports and exports to be moved efficiently over the world's trade routes.

The ships of highly advanced designs coming down the ways will greatly improve the competitiveness and capabilities of our merchant fleet. They will restore the United States to the rank of a first-class maritime power.

To promote public recognition of the importance of the American merchant marine, the Congress in 1933 designated the anniversary of the beginning of the first transatlantic voyage by a steamship, The SAVANNAH, on May 22, 1819, as National Maritime Day, and requested the President to issue a proclamation annually in observance of that day (48 Stat. 73, 36 U.S.C. 145).

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby urge the people of the United States to honor our American merchant marine on May 22, 1975, by displaying the flag of the United States at their homes and other suitable places, and I request that all ships sailing under the American flag dress ship on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of April, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.75-9293 Filed 4-7-75;10:16 am]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

EDITORIAL NOTE: FR Doc. 75-8495 originally published at 40 FR 14737, April 2, 1975, was misprinted. For the convenience of the user, the correct text of the document is being republished in full as set forth below.

Title 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

PART 408—ACCOUNTING FOR COSTS OF COMPENSATED PERSONAL ABSENCE

Effective Date

On September 19, 1974 a Cost Accounting Standard entitled Accounting for Costs of Compensated Personal Absence was published in the FEDERAL REGISTER (39 FR 33681 et seq.).

As shown in the following § 408.80(a), the effective date of the Standard which was reserved in the September 19, 1974 publication is July 1, 1975.

§ 408.80 Effective date.

(a) The effective date of this Cost Accounting Standard is July 1, 1975.

* * * * *

(84 Stat. 796, § 103; (50 U.S.C. App. 2168))

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.75-8495 Filed 4-1-75;8:45 am]

PART 409—COST ACCOUNTING STANDARD

Depreciation of Tangible Capital Assets; Effective Date

On January 29, 1975, a Cost Accounting Standard entitled Depreciation of Tangible Capital Assets was published in the FEDERAL REGISTER (40 FR 4259 et seq.).

As shown in the following § 409.80(a), the effective date of the Standard which was reserved in the January 29, 1975 publication is July 1, 1975.

§ 409.80 Effective date.

(a) The effective date of this Cost Accounting Standard is July 1, 1975.

(84 Stat. 796, § 103; (50 U.S.C. App. 2168))

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.75-9012 Filed 4-7-75;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 75-262]

PART 541—DEFINITIONS

PART 545—OPERATIONS

Amendments Relating to Farm Loans

Summary

MARCH 19, 1975.

The following outline regarding the amendments adopted by this Resolution is included for the reader's convenience and is subject to the full description in the preamble as well as the specific provisions in the regulations.

I. Previous Regulations.

1. Loans on farm residences which were not paid on a monthly basis were limited to 15 year terms, 80 percent loan-to-value ratios, interest payments made at least semi-annually, and principal payment at least annually under § 545.6-1(a)(2).

2. Commercial farm loans—it was unclear whether they were "other improved real estate"; even if so defined they were restricted to 60 percent loan-to-value ratios, 5 year terms, and interest payments at least semiannually under § 545.6-1(c)(2).

II. Amended Regulations.

1. Farm residence loans may be for 25 year terms, principal and interest payments at least annually; loan-to-value ratios unchanged.

2. "Commercial farming enterprise" loans—specifically included in "other improved real estate"; 80 percent loan-to-value ratios, 25 year terms, annual interest and principal payments.

a. "Commercial farming enterprise" is defined as excluding hobby and vacation properties, and requires that the enterprise must be operational within a reasonable time (to exclude speculation).

3. Restatement of the other provisions in § 545.6-1(c) for clarification; no substantive change.

III. Reason for Amendment.

To make the permissible loan terms for farm loans more consistent with the financing needs of farmers.

By Resolution No. 74-514, dated June 5, 1974, the Federal Home Loan Bank Board proposed to amend §§ 541.12 and 545.6-1(a)(2) and (c) of the rules and regulations for the Federal Savings and Loan System (12 CFR 541.12, 545.6-1(a)(2) and (c)) for the purpose of expanding the authority of Federal savings and loan associations to make farm loans. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on July 1, 1974 (39 FR 24242), with an invitation for interested persons to submit written comments by July 30, 1974. On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board hereby amends §§ 541.12 and 545.6-1(a)(2) and (c) with one change from the proposal, as set forth below, effective April 8, 1975.

Farm loans are generally repayable on other than a monthly installment basis. Prior to the present amendment, § 545.6-1(a)(2) provided that non-insured and non-guaranteed loans on homes or combinations of homes and business properties which a Federal association may make on a monthly installment basis could also be made with interest payable at least semi-annually and principal payable annually, but only for 15-year terms. As amended, § 545.6-1(a)(2) authorizes such a loan to be made for up to a 25-year term with annual interest payments. This provision applies to any loan made on a farm residence or on a combination of a commercial farming enterprise and one to four family farm residences, because it is a "combination of home and business property" as defined by § 541.11.

Section 541.12 is amended by adding a new paragraph (c) to provide explicitly that the term "other improved real estate" shall include real estate to be used for a commercial farming enterprise. The term "commercial farming enterprise" is defined as excluding hobby and vacation property and is required to be operational within a reasonable time.

Section 545.6-1(c), which previously restricted a loan on other improved real estate which is not an insured or guaranteed loan or a construction loan and is not repayable on a monthly installment basis to a 60 percent loan-to-value ratio and a 5-year term, is amended to authorize Federal associations to make such loans secured by real estate used for a commercial farming enterprise with up to an 80 percent loan-to-value ratio, a 25-year term, and annual principal and

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interest payments. The other regulatory provisions of § 545.6–1(c) are restated for purposes of clarification, without making any substantive changes thereto.

1. Section 541.12 is amended by adding a new paragraph (c) thereto to read as follows (paragraphs (a) and (b) are not changed and are restated here for the purpose of clarity):

§ 541.12 Other improved real estate.

The term "other improved real estate" means either:

(a) Real estate other than that defined in § 541.10, § 541.10–1, § 541.10–2, § 541.10–3, § 541.11, or § 541.11–1 improved by (1) a permanent structure or structures having a value of at least 25 percent of the value of the real estate as a whole, or (2) improvements which render the real estate usable by a business or industrial enterprise;

(b) Building lots or sites which, by reason of installations and improvements that have been completed in keeping with applicable governmental requirements and with general practice in the community, are building lots or sites ready for the construction on each such building lot or site of a structure designed for residential use for one family; or

(c) Real estate which is used, or to be used, for a commercial farming enterprise (the term "commercial farming enterprise" excludes hobby and vacation properties, and the enterprise must be operational within a reasonable time).

2. Paragraphs (a)(2) and (c) of § 545.6–1 are amended to read as follows:

§ 545.6–1 Lending powers under sections 13 and 14 of Charter K.

* * * * *

(a) *Homes or combinations of homes and business property.*—

* * * * *

(2) *Other installment loans.* Loans that such an association may make on a monthly installment basis may also be made with interest payable at least semiannually and with regular periodic principal installments payable at least annually in an amount sufficient to retire the debt, interest and principal, within 15 years: *Provided*, That insured or guaranteed loans may be repayable upon such terms as are acceptable to the insuring or guaranteeing agency: *Provided further*, That loans made on farm residences or combinations of such residences and property used for commercial farming enterprises may be made with interest and principal payable at least annually in an amount sufficient to retire the debt, interest and principal, within 25 years.

* * * * *

(c) *Other improved real estate.* Subject to the limitations of § 545.6–7, a Federal association may, if permitted by the terms of its charter, make loans on other improved real estate, as defined in § 541.12 (a) and (c), to the extent authorized by this paragraph (c):

(1) A monthly installment loan, whether fully or partially amortized, may be made in an amount not exceeding 75 percent of the value of such real estate, and shall be repayable in not more than 25 years, except that it may be combined into a single loan with a loan for the purpose of construction which meets the requirements of paragraph (c)(5) of this section, in which case the term of the monthly installment loan shall be considered to begin at the end of the term allowed for construction;

(2) A loan repayable on any other plan may be made in an amount not exceeding 60 percent of the value of such real estate, and shall be repayable in not more than 5 years and with interest payable at least semi-annually, except that a commercial farming enterprise loan may be made under this paragraph (c)(2) in an amount not exceeding 80 percent of the value of such real estate and with interest and principal payable at least annually in an amount sufficient to retire the debt, interest and principal, within 25 years;

(3) Any insured loan may be made in such amount and may be repayable upon such terms and conditions as are acceptable to the insuring agency;

(4) Any guaranteed loan at least 20 percent of which is guaranteed, and any guaranteed loan which does not exceed the amount that the association may otherwise lend plus the amount guaranteed, may be made and may be repayable upon such terms and conditions as are acceptable to the guaranteeing agency;

(5) A loan made for the purpose of construction may be made in an amount not exceeding 75 percent of the value of such real estate and for a term of not more than 36 months without regard to any requirement of this part for amortization of principal prior to the end of the term and with interest payable at least semiannually; and

(6) Loans made under § 545.6–16 and § 545.6–18 may be made in amounts provided for in those sections.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.75–9139 Filed 4–7–75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75–NW–11–AD; Amdt. 39–2164]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

There have been reports of loosening of the blind rivets which secure the outboard aileron tab mast fittings to the tab on Boeing Model 727 series airplanes. Three cases of loose rivets on both fittings were found following wing vibration in-flight. If both masts on one tab separate, flutter could occur. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require a one-time inspection for loose blind rivets in the mast fittings on Boeing Model 727 series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697) § 39.13 of the Federal Aviation regulations is amended by adding the following new airworthiness directive:

BOEING: Applies to all Boeing Model 727 series airplanes certificated in all categories. Compliance required as indicated.

To prevent wing vibration from loose blind rivets in all outboard aileron tab mast fittings, accomplish the following:

(A) Within the next 200 flight hours from the effective date of this AD, unless accomplished within the last 400 flight hours, inspect all outboard aileron tab mast fittings for looseness, and repair, as necessary, in accordance with Boeing Alert Service Bulletin 727–57–137, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

(B) Within fifteen (15) days from the time of the inspection required in Paragraph A of each airplane, report all findings, positive or negative, to the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, FAA Building, King County Airport, Seattle, Washington 98108, or call the FAA project engineer at (206) 767–2516. The report must include the following:

1. Airplane model number.
2. Airplane total time.
3. Description of looseness condition, if applicable, including number and type of fasteners loose and number of fittings per tab with loose fasteners.

(Reporting approved by the Bureau of the Budget under BOB No. 04–R0174).

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective April 21, 1975.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Seattle, Washington on March 31, 1975.

C. B. WALK, Jr.,
Director, Northwest Region.

The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.75–9014 Filed 4–7–75;8:45 am]

[Airspace Docket No. 75–SW–17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Lovington, N. Mex., transition area.

On August 19, 1971, a transition area was established at Lovington, N. Mex., to accommodate the proposed NDB instrument approach procedure.

Since that date, no instrument approach procedure to serve the Lovington, N. Mex., Lea County Airport has been published, nor is one contemplated. The Fort Worth Air Route Traffic Control Center has no requirements for continuance of the transition area airspace.

In the consideration of the foregoing, in § 71.181 (40 FR 441), the following transition area is deleted:

LOVINGTON, N. MEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lovington, N. Mex., Lea County Airport (Lat. 32°57'30" N., Long. 103°24'30" W.) and within 3.5 miles each side of a 244° bearing from the Lovington, N. Mex., NDB (Lat. 32°56'40" N., Long. 103°24'08" W.), extending from the NDB to 11.5 miles southwest.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Fort Worth, Tex., on March 31, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75–9015 Filed 4–7–75;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 377—SHORT SUPPLY CONTROLS

Method of Licensing Exports of Petroleum Products in the Second Quarter 1975

The licensing system used in the first quarter 1975 for the export of petroleum products other than crude oil is generally continued on the same basis during the second quarter 1975, except that the base period for determining exporters' shares of quota entitlements for Commodity Group I (butane, propane, and natural gas liquids) will be that from April 1, 1972 thru June 30, 1972.

The country quotas for each Petroleum Commodity Group that will be available during the second quarter 1975 are announced in Supplement No. 2 to Part 377 of the Export Administration Regulations and contained herein. As previously, 5 percent of the overall quota for each Commodity Group will be reserved for contingencies and the announced quotas represent 95 percent of the overall authorized exports.

As during the first quarter 1975, carbon-black feedstock oils (Commodity Group H) will not be subject to quota limitations during this quarter, but will be subject to validated export licensing. However, consignees of carbon-black feedstock oils must be established users of this product as a petrochemical feedstock in the manufacture of carbon-black. Also, exporters of carbon-black feedstock oils are required to submit certain additional documentation as described in § 377.6(e)(4) to support an application for export license.

All licenses issued during the second quarter 1975 will expire 30 days after the end of the calendar quarter. Requests for extension of the validity period of such licenses will normally not be entertained.

The policy for the export of crude oil will remain the same as that announced in the FEDERAL REGISTER for May 1, 1974.

Accordingly, Supplement No. 2 to Part 377 of the Export Administration Regulations (15 CFR Part 377) is revised to read as follows:

SUPPLEMENT No. 2

PETROLEUM AND PETROLEUM PRODUCTS SUBJECT TO SHORT SUPPLY LICENSING CONTROLS

Petroleum Licensed Only in Accordance With § 377.6(d)(1)

GROUP A

Schedule B No.	Commodity description
331.0100	Crude petroleum.
331.0200	Petroleum partly refined for further refining.

Petroleum Products Subject to Historical Quotas

GROUP B

332.1015	Aviation gasoline.

GROUP C

332.1030	Gasoline, not elsewhere classified.
332.1050	Gasoline blending agents, hydrocarbon compounds only, not elsewhere classified.

GROUP D

332.2010	Kerosene, except kerosene-type jet fuel.

GROUP E

332.2020	Jet fuel.

GROUP F

332.3000	Distillate fuel oils.

GROUP G

332.4000	Residual fuel oils.

GROUP I

341.1025	Butane.
341.1030	Propane.
341.1040	Natural gas liquids, including LPG, not elsewhere classified.

Petroleum Products Not Subject To Quotas

GROUP H

332.9160	Carbon black feedstock oil.

Quantities: Report the above commodities in barrels of 42 gals.

Shipping tolerance: 10 percent.

Submission dates: Not prior to the beginning of the applicable quarter, and not later than:

Historical exporters of petroleum commodities other than crude oils.	June 20, 1975. 2d quarter 1975.
Hardships, crude oil exporters, and carbon black feed-stock oil exporters.	At any time.

COUNTRY QUOTAS: 2D QUARTER 1975

Country Quotas for Group B

(SCHEDULE B NO. 332.1015, AVIATION GASOLINE)

Country:	Quota (barrels)
Bahamas	1,676
Belgium	78
Bolivia	2,761
Cameroon	65
Canada	3,313
Dahomey	58
French Pacific Islands	3,853
Gabon	115
Holland	16,940
Honduras	307
India	12,743
Ivory Coast	98
Mexico	10,509
Singapore	14,783
All other countries	165

Country Quotas for Group C

(SCHEDULE B NO. 332.1030, GASOLINE, NOT ELSEWHERE CLASSIFIED) (SCHEDULE B NO. 332.1050, GASOLINE BLENDING AGENTS, HYDROCARBON COMPOUNDS ONLY, NOT ELSEWHERE CLASSIFIED)

Country:	Quota (barrels)
Australia	554
Austria	139
Bahamas	872
Belgium	3,929
Brazil	29,061
Canada	76,078
Denmark	76
Finland	162
France	635
French Pacific Islands	18,523
Holland	48,039
India	143
Iran	106
Italy	314
Japan	299
Leeward and Windward Islands	1,109
Mexico	149,791
Mozambique	66
Nigeria	143
Philippines	187
South Africa	556
Sweden	56
United Kingdom	3,111
Venezuela	165
West Germany	3,966
All other countries	513

Country Quotas for Group D

(SCHEDULE B NO. 332.2010, KEROSENE, EXCEPT KEROSENE-TYPE JET FUEL)

Country:	Quota (barrels)
Australia	1,118
Brazil	150
Canada	1,667
Chile	122
Congo	56
Egypt	88
France	59
French Pacific Islands	3,046
Gabon	266
Holland	349
Israel	586
Italy	467
Japan	2,354
Mexico	72
Nigeria	740
Peru	71
Philippines	89
Singapore	442
South Africa	371
United Kingdom	9,391
Venezuela	454
West Germany	7,047
All Other Countries	252

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Country Quotas for Group E

(SCHEDULE B NO. 532.2020, JET FUEL)

Country:	Quota (barrels)
Bahamas	31
Canada	42,797
Mexico	48,794

Country Quotas for Group F

(SCHEDULE B NO. 532.3000, DISTILLATE FUEL OILS)

Country:	Quotas (barrels)
Bahamas	8,125
Canada	98,156
Colombia	36,885
Denmark	22,413
French Pacific Islands	10,066
Holland	58,895
Japan	11,636
Mexico	190,448
Netherlands Antilles	34,072
Peru	13,577
Surinam	327
All Other Countries	1,359

Country Quotas for Group G

(SCHEDULE B NO. 532.4000, RESIDUAL FUEL OILS)

Country:	Quota (barrels)
Bahamas	110,780
Barbados	11,275
Belgium	12,865
Brazil	63,662
Canada	833,224
Canary Islands	14,182
Denmark	32,003
France	2,493
French Pacific Islands	16,987
Greece	19,798
Holland	80,108
Ireland	11,626
Italy	181,979
Jamaica	152,086
Japan	266,105
Leeward and Windward Islands	12,745
Mexico	643,500
Netherlands Antilles	99,078
Panama	74,793
Peru	30,221
Poland	2,070
Singapore	15,455
South Africa	21,432
Spain	36,263
Sweden	75,413
United Kingdom	227,631
All other countries	814

Country Quotas for Group I

(SCHEDULE B NO. 341.1025, BUTANE) (SCHEDULE B NO. 341.1030, PROPANE) (SCHEDULE B NO. 341.1040, NATURAL GAS LIQUIDS)

Country:	Quota (barrels)
Canada	21,553
Mexico	2,271,761
All other countries	5,162

Base period: The base period for determining historical quota shares for group I commodities in the 2d quarter 1975 is the period from Apr. 1 to June 30, 1972.

Effective date of action: April 2, 1975.

RAUER H. MEYER,
Director,
Office of Export Administration.

[FR Doc.75-9034 Filed 4-7-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2637]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

J. D. Adams Co.

Subpart—Corrective actions and/or requirements: § 13.533 *Corrective actions and/or requirements:* § 13.533–20 *Disclosures.* Subpart—Dealing on exclusive and tying basis: § 13.670 *Dealing on exclusive and tying basis:* § 13.670–10 *Clayton Act, Sec. 3;* § 13.670–20 *Federal Trade Commission Act.* Subpart—Enforcing dealings or payments wrongfully: § 13.1045 *Enforcing dealings or payments wrongfully.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 3, 38 Stat. 731; 15 U.S.C. 14)

In the Matter of J. D. Adams Company, a Corporation

Consent order requiring a Colorado Springs, Colo., manufacturer and distributor of truss fabricating equipment and truss connecting plates, among other things to cease tying the sale of wood roof truss connecting plates and/or engineering services to the sale, lease or license of fabricating equipment.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

I. For purposes of this Order, the following definitions shall apply:

A. The term "respondent" refers to J. D. Adams Company, a corporation, and its subsidiaries, affiliates, successors, assigns, officers, agents, representatives and employees.

B. The term "truss fabricating equipment" refers to all machinery and equipment sold, leased, or licensed by respondent to be used in the assembly, production and construction of wood roof trusses used in the construction of residences, multiple dwellings, commercial or industrial buildings and farm structures.

C. The term "truss connecting plates" refers to all metal plates bearing any number of nails or other sharp devices used to permanently connect the joints of wood roof trusses used in the construction of residences, multiple dwellings, commercial or industrial buildings and farm structures.

D. The term "engineering services" refers to design specification services provided by respondent in connection with the assembly, production and construction of wood roof trusses, and the selection and designation of truss connecting plates deemed necessary for the proper support of said trusses.

II. *It is ordered,* That respondent, directly or indirectly through any corporate or other device, in connection with the sale, lease or license of truss fabricating equipment, truss connecting plates and/or engineering services in the United States shall, within thirty (30) days after entry of this Order, cease and desist from:

1. Offering, entering into or enforcing any agreement or provision of any agreement, express or implied, which in any way requires or obligates any purchaser, lessee or licensee of respondent's truss fabricating equipment, as a condition to the execution or continuation of a purchase, lease or license agreement with respect to such equipment, to purchase or agree to purchase all or any part of such purchaser's, lessee's or licensee's requirements of truss connecting plates and/or engineering services from respondent or from any source designated by respondent.

2. Offering, allowing or granting a price discount, rental or royalty reduction, rebate, or other valuable consideration on or with respect to the sale, lease or license of respondent's truss fabricating equipment which is in any way based upon purchases of truss connecting plates and/or engineering services from respondent or from any source designated by respondent.

3. Requiring any of its purchasers, lessees or licensees of truss fabricating equipment to purchase truss connecting plates and any other products from respondent or from any source designated by respondent.

III. *It is further ordered,* That respondent shall:

1. Within thirty (30) days after entry of this Order, mail a letter on its stationery, signed by the officers of the respondent and enclosing a copy of this Order, to all of its purchasers, lessees, and/or licensees of truss fabricating equipment who have purchased truss connecting plates from it during the twenty-four (24) months preceding entry of this Order which informs each such purchaser, lessee or licensee of the prohibitive terms of this Order.

2. Notify, during the five (5) year period after entry of this Order, each new prospective purchaser, lessee or licensee of its truss fabricating equipment (excluding replacement parts) of the prohibitive terms of this Order on its first written proposal to each such new prospective purchaser, lessee or licensee.

3. Within ten (10) days after entry of this Order, provide a copy of this Order to each of its salesmen, sales agents and salen representatives.

4. Within thirty (30) days after entry of this Order, and continuing thereafter, make available its manuals concerning its standard wood roof truss designs, including updated standard wood roof truss designs, to any truss fabricator desiring such manuals; nothing contained in this Order shall prohibit respondent from charging a reasonable fee for such manuals.

5. Within sixty (60) days after entry of this Order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this Order.

6. Notify the Commission at least thirty (30) days prior to any proposed corporate change such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the Order.

The Decision and Order was issued by the Commission February 14, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75-9096 Filed 4-7-75;8:45 am]

[1] Copies of the Complaint, Decision and Order, filed with the original document.

[Docket C-2635]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Automated Building Components, Inc.

Subpart—Corrective actions and/or requirements: § 13.533 *Corrective actions and/or requirements:* § 13.533–20 *Disclosures.* Subpart—Dealing on exclusive and tying basis: § 13.670 *Dealing on exclusive and tying basis:* § 13.670–10 *Clayton Act, Sec. 3;* § 13.670–20 *Federal Trade Commission Act.* Subpart—Enforcing dealings or payments wrongfully: § 13.1045 *Enforcing dealings or payments wrongfully.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 3, 38 Stat. 731; 15 U.S.C. 14)

In the Matter of Automated Building Components, Inc. a Corporation

Consent order requiring a Miami, Fla., manufacturer and distributor of truss fabricating equipment and truss connecting plates, among other things to cease tying the sale of wood roof truss connecting plates and/or engineering services to the sale, lease or license of fabricating equipment.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

I. For purposes of this Order, the following definitions shall apply:

A. The term "respondent" refers to Automated Building Components, Inc., a corporation, and its subsidiaries, affiliates, successors, assigns, officers, agents, representatives and employees.

B. The term "truss fabricating equipment" refers to all machinery and equipment sold, leased, or licensed by respondent to be used in the assembly, production and construction of wood roof trusses used in the construction of residences, multiple dwellings, commercial or industrial buildings and farm structures.

C. The term "truss connecting plates" refers to all metal plates bearing any number of nails or other sharp devices used to permanently connect the joints of wood roof trusses used in the construction of residences, multiple dwellings, commercial or industrial buildings and farm structures.

D. The term "engineering services" refers to design specification services provided by respondent in connection with the assembly, production and construction of wood roof trusses, and the selection and designation of truss connecting plates deemed necessary for the proper support of said trusses.

II. *It is ordered,* That respondent, directly or indirectly through any corporate or other device, in connection with the sale, lease or license of truss fabricating equipment, truss connecting plates and/or engineering services in the United States shall, within thirty (30) days after entry of this Order, cease and desist from:

1. Offering, entering into or enforcing any agreement or provision of any agreement, express or implied, which in any way requires or obligates any purchaser, lessee or licensee of respondent's truss fabricating equipment, as a condition to the execution or continuation of a purchase, lease or license agreement with respect to such equipment, to purchase or agree to purchase all or any part of such purchaser's, lessee's or licensee's requirements of truss connecting plates and/or engineering services from respondent or from any source designated by respondent.

2. Offering, allowing or granting a price discount, rental or royalty reduction, rebate, or other valuable consideration on or with respect to the sale, lease or license of respondent's truss fabricating equipment which is in any way based upon purchases of truss connecting plates and/or engineering services from respondent or from any source designated by respondent.

3. Requiring any of its purchasers, lessees or licensees of truss fabricating equipment to purchase truss connecting plates and any other products from respondent or from any source designated by respondent.

III. *It is further ordered,* That respondent shall:

1. Within thirty (30) days after entry of this Order, mail a letter on its stationery, signed by the officers of the respondent and enclosing a copy of this Order, to all of its purchasers, lessees, and/or licensees of truss fabricating equipment who have purchased truss connecting plates from it during the twenty-four (24) months preceding entry of this Order which informs each such purchaser, lessee or licensee of the prohibitive terms of this Order.

2. Notify, during the five (5) year period after entry of this Order, each new prospective purchaser, lessee or licensee of its truss fabricating equipment (excluding replacement parts) of the prohibitive terms of this Order on its first written proposal to each such new prospective purchaser, lessee or licensee.

3. Within ten (10) days after entry of this Order, provide a copy of this Order to each of its salesmen, sales agents and sales representatives.

4. Within thirty (30) days after entry of this Order, and continuing thereafter, make available its manuals concerning its standard wood roof truss designs, including updated standard wood roof truss designs, to any truss fabricator desiring such manuals; nothing contained in this Order shall prohibit respondent from charging a reasonable fee for such manuals.

5. Within sixty (60) days after entry of this Order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this Order.

6. Notify the Commission at least thirty (30) days prior to any proposed corporate change such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the Order.

The Decision and Order was issued by the Commission February 13, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75-9095 Filed 4-7-75;8:45 am]

[1] Copies of the Complaint, Decision and Order, filed with the original document.

[Docket C-2632]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Duofold, Inc.

Subpart—Coercing and intimidating: § 13.358 *Distributors.* Subpart—Combining or conspiring: § 13.395 *To control marketing practices and conditions;* § 13.425 *To enforce or bring about resale price maintenance;* § 13.430 *To enhance, maintain or unify prices;* § 13.470 *To restrain or monopolize trade;* § 13.497 *To terminate or threaten to terminate contracts, dealings, franchises, etc.* Subpart—Corrective actions and/or requirements: § 13.533 *Corrective actions and/or requirements:* § 13.533–45 *Maintain records;* § 13.533–45(e) *Correspondence;* § 13.533–45(k) *Records, in general.* Subpart—Cutting off access to customers or market: § 15.980 *Interfering with distributive outlets.* Subpart—Cutting off supplies or service: § 13.655 *Threatening disciplinary action or otherwise.* Subpart—Enforcing dealings or payments wrongfully: § 13.1045 *Enforcing dealings or payments wrongfully.* Subpart—Maintaining resale prices: § 13.1130 *Contracts and agreements;* § 13.1155 *Price Schedules and announcements;* § 13.1160 *Refusal to sell.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Duofold, Inc., a Corporation.

Consent order requiring a Mohawk, N.Y., manufacturer and distributor of 2-layer underwear, regular or quilted underwear, sportswear, pajamas, parkas, and related items, among other things

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to cease establishing or enforcing resale prices; threatening to terminate dealers who fail to observe suggested resale prices; suggesting resale prices to dealers not lawfully under respondent's control; and publishing price lists, etc., which indicate resale prices without stating on each page that such prices are suggested or approximate.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

I. It is order, That respondent Duofold, Inc., a corporation, its subsidiaries, successors and assigns, and its officers and directors, and respondent's agents, representatives and employees, individually or in concert, directly or through any corporation, subsidiary, division, or other device, in connection with the manufacture, distribution, offering for sale or sale of 2-layer underwear, regular or quilted underwear, sportswear, pajamas, parkas, tenniswear, golf shirts, turtlenecks and related items or any other products (hereinafter referred to in this order as "said products") in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Establishing, maintaining or enforcing with any dealer any contract, agreement, understanding or arrangement fixing, establishing, maintaining, controlling, influencing or enforcing in any way or to any extent, directly or indirectly, the price at which any of said products is advertised, sold or offered for sale at retail.

B. Requiring any dealer or prospective dealer to enter into an oral or written agreement or understanding that such dealer or prospective dealer will maintain any resale price for any of said products as a condition of buying any of said products.

C. Requesting or requiring any dealer or prospective dealer, either directly or indirectly, to report any dealer, person or firm who does not adhere to any resale price for any of said products, or acting on reports so obtained by refusing or threatening to refuse sales to any dealer, person or firm so reported.

D. Directing or requiring respondent's salesmen, or any other agent, representative or employee, directly or indirectly, to report any dealer who does not adhere to any resale price for any of said products, or to act on such reports by refusing or threatening to refuse sales to any dealer so reported.

E. Threatening to terminate and terminating, either directly or indirectly, dealers who fail to observe, maintain or advertise the respondent's suggested resale prices.

F. Suggesting, for three (3) years from the date on which this order becomes final, to any reseller whose resale prices are not or cannot lawfully be controlled by respondent in the manner prescribed by law and this order any resale price whatsoever to be charged by such reseller for said products, by price list, discount schedule, invoicing procedure, repricing of commodities or their containers, or by any other means.

G. Requiring from any dealer charged with price cutting or failure to adhere to any suggested resale price, a promise or assurance to adhere to any resale price for any of said products as a condition precedent to any future sales to said dealer.

H. Publishing, disseminating or circulating any price list, price book, price tag, advertising or promotional material, or other document indicating any resale price without stating on each page of such price list, price book, price tag, advertising or promotional material, or other document that the price is suggested or approximate.

I. Requiring or inducing by any means any dealer or prospective dealer to refrain, or to agree to refrain from reselling any of said products to any other dealer or distributor.

Provided, however, nothing hereinabove shall be construed to waive, limit or otherwise affect the right of respondent to enter into, establish, maintain and enforce in any lawful manner any price maintenance agreement excepted from the provisions of section 5 of the Federal Trade Commission Act by virtue of the McGuire Act amendments to said Act.

II. *It is further ordered,* That the respondent herein shall within sixty (60) days after service upon it of this order, mail a copy of this order to each of its dealers in the States of Alabama, Alaska, Hawaii, Kansas, Mississippi, Missouri, Montana, Nebraska, Nevada, Rhode Island, Texas, Utah, Vermont, Wyoming, and the Commonwealth of Puerto Rico, and the District of Columbia, and, during the five (5) year period of time following the date of service of this order, to all future dealers in these jurisdictions at the time said dealers are opened as accounts, under cover of the letter annexed hereto as Exhibit A, and furnish the Commission proof of the mailing thereof.

III. *It is further ordered,* That the respondent herein shall forthwith distribute a copy of this order to each of its operating divisions and to all of its sales personnel and shall instruct each salesperson employed by it now or in the future to read this order and to be familiar with its provisions.

IV. *It is further ordered,* That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

V. *It is further ordered,* That the respondent herein for a period of five (5) years from the date of this signing establish and maintain a file of all records referring or relating to respondent's refusal to sell said products to any dealer, which file shall contain a record of a communication to each such dealer explaining respondent's refusal to sell, and which file will be made available for Commission inspection on reasonable notice; and, annually, for a period of five (5) years from the date hereof, submit a report to the Commission's Boston Regional Office listing the names of all dealers with whom respondent has refused to deal over the preceding year, a description of the reason for the refusal and the date of the refusal.

VI. *It is further ordered,* That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

EXHIBIT A

(LETTERHEAD OF DUOFOLD, INC.)

DEAR DEALER: Duofold, Inc. has entered into an agreement with the Federal Trade Commission relating to the distributional activities and pricing policy of Duofold, Inc. A copy of the consent order entered into pursuant to that agreement is enclosed herewith.

Duofold, Inc. has entered into this agreement solely for the purpose of settling a dispute with the Commission and the agreement and consent order is not to be construed as an admission by Duofold, Inc. that it has violated any of the laws administered by the Commission, or that any of the allegations in the complaint are true and correct. Instead, the order merely relates to the activities of Duofold, Inc. in the future.

In order that you may readily understand the terms of the consent order, we have set forth the essentials of the agreement with the Commission, although you must realize that the consent order itself is controlling rather than the following explanation of its provisions:

(1) Our dealers in your area are free to set their own retail or resale prices for said products.

(2) Duofold, Inc. will not solicit, invite or encourage dealers, or any other persons to report any dealer in your area not following any retail or resale price for any of said products, and, furthermore, will not act on any such reports sent to it.

(3) Duofold, Inc. will not require or induce its dealers in your area to refrain from advertising said products at any price or from selling or offering said products at any price to any person.

Sincerely yours,

THOMPSON H. BILLINGTON,
President.

The Decision and Order was issued by the Commission February 10, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75-9097 Filed 4-7-75;8:45 am]

[Docket 8907]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

General Motors Corporation, et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleading;* § 13.20 *Comparative data or merits;* § 13.110 *Endorsements, approval and testimonials;* § 13.170 *Qualities or properties of product or service;* § 13.205 *Scientific or other relevant facts;* § 13.265 *Tests and investigations.*

[1] Copies of the Complaint, Decision and Order, and Exhibits, filed with the original document.

Subpart—Claiming or using endorsements or testimonials falsely or misleadingly: § 13.330 *Claiming or using endorsements or testimonial falsely or misleadingly.* Subpart—Corrective actions and/or requirements: § 13.533 *Corrective actions and/or requirements:* § 13.533-45 *Maintain records:* § 13.533-45 (a) *Advertising substantiation.* Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records:* § 13.1051-10 *Accurate.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1575 *Comparative data or merits;* § 13.1665 *Endorsements;* § 13.1710 *Qualities or properties;* § 13.1740 *Scientific or other relevant facts;* § 13.1762 *Tests, purported.* Subpart—Offering, improper and deceptive inducements to purchase or deal: § 13.2063 *Scientific or other relevant facts.* Subpart—Using deceptive techniques in advertising: § 13.2275 *Using deceptive techniques in advertising.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of General Motors Corporation, Campbell-Ewald Co., and McCann-Erickson, Inc., Corporations

Consent order requiring a Detroit, Mich., automobile manufacturer, among other things to cease making unsubstantiated comparative claims as to the handling characteristics of automobiles. Further, the order dismisses the allegations of the complaint relating to the "Lubed-for-life chassis" claim for the Opel automobile. The complaint is dismissed as to respondent McCann-Erickson, Inc., G.M.'s New-York-City-based advertising agent.

Consent order requiring a Detroit, Mich., advertising agency, among other things to cease making unsubstantiated comparative claims as to the handling characteristics of automobiles.

The order to cease and desist as to General Motors Corporation, including further order requiring report of compliance therewith, is as follows: [1]

I. *It is ordered,* That respondent General Motors Corporation, a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any automobile, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication, in any manner, including the use of any endorsement, testimonial or statement made by any individual, group or organization, that any automobile is superior in handling to any other automobile or all other automobiles, unless at the time that any such representation is first disseminated:

(a) Respondent has a reasonable basis for such representation, which shall consist of a competent scientific test or tests that substantiate such representation; and

(b) Respondent's agents, employees or representatives who are responsible for engineering approval of any advertisement containing such representation rely on such test or tests in approving such advertisement and provide to respondent's agents, employees or representatives who are responsible for approval of such advertisement a written statement that such test or tests exist which substantiate the representation.

2. Failing to maintain and produce accurate records which may be inspected by Commission staff members upon reasonable notice:

(a) Which consist of the documentation constituting the reasonable basis required by Paragraph I.1 of this Order and which demonstrate that respondent's representatives relied on such reasonable basis as required in Paragraph I.1(b) of this Order; and

(b) Which shall be maintained by respondent for a period of three (3) years from the date on which any advertisement containing any such representation was last disseminated.

II. *It is further ordered,* That for the purposes of Paragraph I of this Order:

1. The word "handling" shall be defined in terms of the response of the vehicle:

(a) Under conditions where rapid steering inputs in evasive or emergency maneuvers are necessary;

(b) Under cornering conditions at speeds in excess of 30 miles per hour in which levels of lateral acceleration in excess of .2g are attained; and

(c) In gusty crosswinds, on rough roads and under severe steering-braking conditions.

2. A statement as to the handling characteristics of an automobile implies that the automobile is superior in handling to any other automobile or all other automobiles if the statement is phrased in the comparative or superlative degree, or if any advertising containing such statement conveys a net impression of comparative handling superiority; *Provided, however,* That any statement or statements in such advertising phrased in the comparative or superlative degree regarding any characteristic or characteristics other than handling will not, for that reason alone and without a statistically valid consumer survey, render any statement in such advertising which does relate to the handling characteristics of an automobile and which is phrased in the positive degree to be deemed a representation that the automobile is superior in handling to any other automobile or all other automobiles.

3. "Scientific test" shall be defined and construed in accordance with the Federal Trade Commission's Order as stated in Firestone Tire & Rubber Co., Docket No. 8818.

In our view a scientific test is one in which persons with skill and expertise in the field conduct the test and evaluate its results in a disinterested manner using testing procedures generally accepted in the profession which best insure accurate results. This is not to say that respondent always must conduct laboratory tests. The appropriate test depends on the nature of the claim made. Thus a road or user test may be an adequate scientific test to substantiate one performance claim, whereas a laboratory test may be the proper test to substantiate another claim. Respondent's obligation is to assure that any claim it makes is adequately substantiated by the results of whatever constitutes a scientific test in those circumstances.

III. It is further ordered, That the allegations of the complaint relating to the "lubed-for-life chassis" claim for the Opel automobile be, and hereby are, dismissed and that the complaint be, and hereby is, dismissed as to respondent McCann-Erickson Inc. Further, all information submitted to the Commission supporting the aforementioned claim shall be placed on the public record.

IV. It is further ordered, That respondent General Motors Corporation shall forthwith distribute a copy of this Order to each of its officers, agents, representatives or employees who are engaged in the creation or approval of advertisements.

V. *It is further ordered,* That respondent General Motors Corporation notify the Commission at least thirty (30) days prior to any proposed change in said corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this Order.

VI. It is further ordered, That respondent General Motors Corporation shall within sixty (60) days after service upon it of the Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

The order to cease and desist as to Campbell-Ewald Co., including further order requiring report of compliance therewith, is as follows:

I. It is ordered, That respondent Campbell-Ewald Co., a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any automobile, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication, in any manner, including the use of any endorsement, testimonial or statement made by any individual, group or organization, that any automobile is superior in handling to any other automobile or all other automobiles, unless

[1] Copies of the Complaint, Decision and Order as to General Motors Corporation and McCann-Erickson, Inc., and Decision and Order as to Campbell-Ewald Co., filed with the original document. Attached to the Complaint are orders amending the Complaint.

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at the time that any such representation is first disseminated:

(a) Respondent or its client has a reasonable basis for such representation which shall consist of a competent scientific test or tests that substantiate such representation; or

(b) Respondent has a reasonable basis for such representation which shall consist of an opinion in writing signed by a person qualified by education and experience to render such an opinion (who, if qualified by education and experience, may be a person retained or employed by respondent's client) that a competent scientific test or tests exist to substantiate such representation, *provided*, That any such opinion also discloses the nature of such test or tests and *provided further*, That respondent neither knows nor has reason to know that such test or tests do not in fact substantiate such representation or that any such opinion does not constitute a reasonable basis for such representation.

2. Failing to maintain and produce accurate records which may be inspected by Commission staff members upon reasonable notice:

(a) Which consist of the documentation constituting the reasonable basis required by Paragraph I.1 of this Order or, if respondent's compliance with Paragraph I.1 is based on its client's reasonable basis, which consist of a memorandum so indicating; and

(b) Which shall be maintained by respondent for a period of three (3) years from the date on which any advertisement containing any such representation was last disseminated by respondent.

II. *It is further ordered*, That for the purposes of Paragraph I of this Order:

1. The word "handling" shall be defined in terms of the response of the vehicle:

(a) Under conditions where rapid steering inputs in evasive or emergency maneuvers are necessary;

(b) Under cornering conditions at speeds in excess of 30 miles per hour in which levels of lateral acceleration in excess of .2g are attained; and

(c) In gusty crosswinds, on rough roads and under severe steering-braking conditions.

2. A statement as to the handling characteristics of an automobile implies that the automobile is superior in handling to any other automobile or all other automobiles if the statement is phrased in the comparative or superlative degree, or if any advertising containing such statement conveys a net impression of comparative handling superiority; *provided, however*, That any statement or statements in such advertising phrased in the comparative or superlative degree regarding any characteristic or characteristics other than handling will not, for that reason alone and without a statistically valid consumer survey, render any statement in such advertising which does relate to the handling characteristics of an automobile and which is phrased in the positive degree to be deemed a representation that the automobile is superior in handling to any other automobile or all other automobiles.

3. "Scientific test" shall be defined and construed in accordance with the Federal Trade Commission's Order as stated in Firestone Tire & Rubber Co., Docket No. 8818.

In our view a scientific test is one in which persons with skill and expertise in the field conduct the test and evaluate its results in a disinterested manner using testing procedures generally accepted in the profession which best insure accurate results. This is not to say that respondent always must conduct laboratory tests. The appropriate test depends on the nature of the claim made. Thus a road or user test may be an adequate scientific test to substantiate one performance claim, whereas a laboratory test may be the proper test to substantiate another claim. Respondent's obligation is to assure that any claim it makes is adequately substantiated by the results of whatever constitutes a scientific test in those circumstances.

III. *It is further ordered*, That respondent shall forthwith distribute a copy of this Order to each of its officers, agents, representatives or employees who are engaged in the creation or approval of advertisements.

IV. *It is further ordered*, That respondent notify the Commission at least thirty (30) days prior to any proposed change in said corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this Order.

V. *It is further ordered*, That respondent shall within sixty (60) days after service upon it of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

The Decisions and Orders were issued by the Commission January 10, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75-9098 Filed 4-7-75;8:45 am]

[Docket C-2638]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Weaver Airline Personnel School, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleading;* § 13.55 *Demand, business or other opportunities;* § 13.105 *Individual's special selection or situation;* § 13.115 *Jobs and employment service;* § 13.143 *Opportunities;* § 13.205 *Scientific or other relevant facts.* Subpart—Contracting for sale any evidence of indebtedness prior to specified time: § 13.527 *Contracting for sale any evidence of indebtedness prior to specified time.* Subpart—Corrective actions and/or requirements; § 13.533 *Corrective actions and/or requirements:* § 13.533–20 *Disclosures;* § 13.533–55 *Refunds, rebates, and/or credits.* Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records:* § 13.1051–20 *Adequate.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1395 *Connections and arrangements with others.*—Goods: § 13.1610 *Demand for or business opportunities;* § 13.1663 *Individual's special selection or situation;* § 13.1670 *Jobs and employment;* § 13.1697 *Opportunities in product or service;* § 13.1740 *Scientific or other relevant facts;* § 13.1760 *Terms and conditions;* § 13.1760–50 *Sales contract.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1892 *Sales contract, right-to-cancel provisions;* § 13.1895 *Scientific or other relevant facts;* § 13.1905 *Terms and conditions;* § 13.1905–50 *Sales contract.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1985 *Individual's special selection or situation;* § 13.1995 *Job guarantee and employment:* § 13.2015 *Opportunities in product or service;* § 13.2063 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Weaver Airline Personnel School, Inc., a Corporation, and General Educational Services Corporation, a Corporation

Consent order requiring a Kansas City, Mo., airline school and its parent corporation located in Los Angeles, Calif., among other things to cease misrepresenting the degree of industry demand for its graduates, its selectivity in accepting enrollees, the availability of jobs, and the nature and effectiveness of its placement service. Further, the order requires pro-rata refunds be paid to recent eligible enrollees.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondent Weaver Airline Personnel School, Inc., a corporation, and respondent General Educational Services Corporation, a corporation, their successors and assigns, and their officers, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with advertising, offering for sale, sale or distribution of courses of study, training, or instruction in the field of airline training, do forthwith cease and desist from:

1. Representing, orally, in writing, or in any other manner, directly or by implication, that:

(a) That airline industry has employed or will employ enrollees or graduates of any such course(s), without furnishing the information specified in Paragraph 5(b)(3) of this Order.

(b) The airline industry needs men and/or women, without furnishing the information specified in Paragraph 5(b)(3) of this Order.

[1] Copies of the Complaint, Decision and Order, filed with the original document.

(c) Respondents are selective or limit the number of prospective purchasers whom they will enroll in any such course(s).

(d) Representatives of the airline industry come to respondents' place of business, or any other place, to hire graduates of any such course(s) of instruction, without furnishing the information specified in Paragraph 5(b)(3) of this Order.

(e) Any placement service has or will assist enrollees or graduates of any such course(s) in any manner, without furnishing the information specified in Paragraph 5(b)(3) of this Order.

(f) Persons who enroll in any such course(s) of instruction offered by respondents can obtain employment in or near any geographic location.

2. Failing to disclose, clearly and conspicuously, in advertisements for any such course(s) that inquirers will be visited by sales representatives, unless consent to such visits is first obtained by mail or telephone.

3. Using, orally, in writing, or in any other manner, at any time, statistical data or numerical estimates, derived from any source whatsoever, respecting present or future occupational demand or the growth of employment in the airline industry, without furnishing the information specified in Paragraph 5(b)(1), (2), (3) of this Order.

4. Failing to keep adequate records which may be inspected by the Commission staff members upon reasonable notice:

(a) Which disclose the facts upon which any placement statistics or claims or other representations of the type described in Paragraph 5(b)(1), (2), (3) of this Order are based, and

(b) From which the validity of any placement statistics described in Paragraph 5(b)(3) of this Order can be determined, for so long as such statistics, claims or other representations are disseminated, made or authorized by respondents, or are required to be disclosed hereunder and for a further period of three (3) years after respondents' termination of dissemination, use, authorization or disclosure of such statistics, claims or representations, (whichever period is the longer).

5. Failing to send by certified mail, return receipt requested, to each person that shall contract for the sale of any such course of instruction, a notice, in a form approved by the Commission which shall disclose the following information and none other:

(a) The title "IMPORTANT INFORMATION" printed in bold face type across the top of the form.

(b) A paragraph reciting the following affirmative disclosures:

(1) A statement disclosing the total number of students who have enrolled in each such course of instruction offered by respondents for each of the three preceding calendar years.

(2) A statement disclosing the total number of students who have graduated from each such course of instruction offered by respondents for each of the three preceding calendar years.

(3) A statement disclosing the total number of students who have obtained employment through respondents' placement service each year for the three preceding calendar years in the airline industry.

(4) A statement which shall read as follows:

Most airlines train those persons whom they employ and the training offered by proprietary vocational training schools, which are not affiliated with the airlines, is not necessary to obtain entry level employment with such airlines. Where other factors are equal, airlines may give preference in employment to persons having such training.

(5) An explanation of the cancellation procedure provided in this Order, namely, that any contract or other agreement may be cancelled within three (3) days after receipt by the customer, via the U.S. mails, of this notice.

(6) Said notice shall contain a detachable form which the person may use as a notice of cancellation, which indicates the proper address for accomplishing any such cancellation.

(7) The said notice shall be sent by respondents no sooner than the next day after the person shall have executed a contract for the sale of any such course of instruction.

6. Contracting for any sale of any such course of instruction in the form of a sales contract or other agreement which shall become binding prior to the end of the third day after the day of receipt by the customer of the form of notice provided in Paragraph 5 of this Order.

7. *It is further ordered*, That respondents, in connection with the sale or offering for sale of any such course, training, or instruction:

(a) Inform orally all prospective purchasers to whom solicitations are made, and provide, in writing, in all applications and contracts, in at least ten-point bold type, that the application or contract may be cancelled for any reason by notification to respondents, in writing, within three (3) days from the date of receipt of the form of notice provided in Paragraph 5 of this Order.

(b) Refund immediately all monies to all purchasers who have requested cancellation of the application or contract within three (3) days from the date of receipt of the form of notice provided in Paragraph 5 of this Order.

8. *It is further ordered*, That:

(a) Respondents herein deliver a copy of the Decision and Order in this matter to each of their present and future employees, salesmen, agents, solicitors, independent contractors, or to any other person, who promotes, offers for sale, sells or distributes any course of instruction included in this Order.

(b) Respondents herein provide each person so described in Paragraph 8(a) above with a form, returnable to the respondents, clearly stating his intention to be bound by and to conform his business practices to the requirements of this Order; retain said statement during the period said person is so engaged; and make said statement available to the Commission's staff for inspection and copying purposes upon request.

(c) Respondents herein inform each person so described in Paragraph 8(a) above that the respondents will not use or engage or will terminate the use or engagement of any such party, unless such party agrees to and does file notice with the respondents that he will be bound by provisions contained in this Order.

(d) If such party as described in Paragraph 8(a) above will not agree to so file the notice set forth in Paragraph 8(b) above with the respondents and be bound by the provisions of the Order, the respondents will not use or engage or continue the use or engagement of such party to promote, offer for sale, sell or distribute any course of instruction included in this Order.

(e) Respondents herein inform the persons described in Paragraph 8(a) above that the respondents are obligated by this Order to discontinue dealing with, or to terminate the use or engagement of persons who continue on their own the deceptive acts or practices prohibited by this Order.

(f) Respondents herein institute a program of continuing surveillance adequate to reveal whether the business practices of each said person described in Paragraph 8(a) above conform to the requirements of this Order.

(g) Respondents herein discontinue dealing with or terminate the use or engagement of any person described in Paragraph 8(a) above, as revealed by the aforesaid program of surveillance, who continues on his own any act or practice prohibited by this Order.

9. *It is further ordered*, That respondents shall forthwith distribute a copy of this Order to each of their operating divisions or subsidiaries in the field of airline training or any other field.

10. *It is further ordered*, That respondents shall notify the Commission at least thirty (30) days prior to any proposed change in their corporate status, such as dissolution, assignment, or sale, resulting in the emergence of successor corporation(s), the creation or dissolution of which may affect compliance obligations arising out of this Order.

11. It is further ordered, That respondent Weaver Airline Personnel School, Inc. shall notify in writing, at the last known address, within thirty (30) days after the date of this Order becomes final, all students who enrolled in any of the courses offered by respondent Weaver Airline Personnel School, Inc. on or after January 1, 1972, and who paid in full for such course on or before the date this order becomes final, by certified mail, return receipt requested of their right to present claims for restitution according to the following terms and conditions:

Students shall be informed that in order to be entitled to restitution they must submit to respondent Weaver Airline Personnel School, Inc. a notarized

V 40168
APR 8 75

affidavit containing details of the following affirmations:

(a) That the student enrolled in any course(s) of instruction offered by respondent Weaver Airline Personnel School, Inc. on or after January 1, 1972.

(b) That the student paid the full amount required by respondents for tuition for any course(s) of instruction offered by respondent Weaver Airline Personnel School, Inc. on or after January 1, 1972.

(c) That the student attempted to procure employment in the field for which he or she took training from respondent Weaver Airline Personnel School, Inc. and was unsuccessful in obtaining employment within six months after completion or termination by the student of his or her course(s).

(d) That the student agrees that in consideration of this receipt of a pro rata share of cash restitution as provided for in this Order such student releases respondents from any and all further claims such student might have, whether known or unknown, with respect to or arising out of his or her agreement with or course of study at Weaver Airline Personnel School, Inc.

Failure to seek or obtain restitution pursuant to this Order shall not preclude any student from pursuing any other remedy under law.

Provided, however, That no such notice need be sent to any such students with respect to whom respondent Weaver Airline Personnel School, Inc. certifies to the staff of the Commission that it placed in employment in the airline or travel-related field together with such details of such placements as the staff may reasonable require.

Respondent Weaver Airline Personnel School, Inc. shall make restitution to any student submitting a sworn affidavit complying with the provisions of sections (a)–(d) of this paragraph, pursuant to the following procedure:

(1) Students seeking restitution must submit proper affidavits within seventeen (17) months after receiving proper notice as to their right to such restitution.

(2) Respondent Weaver Airline Personnel School, Inc. shall make pro rata payments, in amounts to each student no greater than that student's total tuition payment, to each student seeking and qualifying for restitution under the terms of this Order. *Provided, however,* That the total sum to be paid in restitution under Paragraph 11 of this Order shall not be greater than Two hundred and forty-nine thousand dollars ($249,000). Said payments shall be made no later than thirty (30) days after the final date established for submission of student requests for restitution.

Provided, further, that in the event the amount required to be paid in restitution to those students who enrolled on or after January 1, 1972 is less than two hundred and forty-nine thousand dollars ($249,000), respondent Weaver Airline Personnel School, Inc. shall notify all students who enrolled on or after January 1, 1971, but not later than December 31, 1971, and who paid in full, of their right to restitution, in the same manner as provided in this paragraph for those students who enrolled on or after January 1, 1972, except that such notice shall be sent within thirty (30) days after the final date upon which the initial restitution payments shall be due. Said students seeking restitution must then submit affidavits, as provided in sections (a)–(d) of this paragraph (modified as to date of enrollment in subparagraph (a)) within ninety (90) days after receipt of said notice. Weaver Airline Personnel School, Inc. shall then make pro rata refunds, in the same manner as provided in section (2) of this Paragraph. *Provided, however,* That the total sum to be paid under this paragraph shall not exceed Two hundred and forty-nine thousand dollars ($249,000) when combined with the total restitution paid to those students who enrolled on or after January 1, 1972. In the event the amount required to be paid still does not exceed Two hundred and forty-nine thousand dollars ($249,000) then the same procedure set forth in this paragraph shall be followed with respect to all students who enrolled on or after January 1, 1970 but not later than December 31, 1970 and who paid in full.

12. *It is further ordered,* That all sums collected or received by Weaver Airline Personnel School, Inc. on or after May 20, 1974 on obligations of students shall be distributed as follows:

1. The first Three hundred thousand dollars ($300,000) so collected or received shall be the property of respondent Weaver Airline Personnel School, Inc.

2. All sums so collected in excess of Three hundred thousand dollars ($300,000) shall be kept in a special escrow account (said excess sums are hereinafter referred to as the "Escrow Funds"). Respondent Weaver Airline Personnel School, Inc. shall notify in writing, at the last known address, twelve (12) months after the date this Order becomes final, all students who enrolled in any of the courses offered by respondent Weaver Airline Personnel School, Inc. and whose accounts receivable are outstanding, in whole or in part, as of the date this Order becomes final, by ordinary mail, of their right to present claims for restitution according to the following terms and conditions:

(a) Respondent Weaver Airline Personnel School, Inc. shall make restitution to any student submitting a notarized affidavit containing details of the following affirmations:

(1) That the student enrolled in any course(s) of instruction offered by respondent Weaver Airline Personnel School, Inc.

(2) That the student paid the full amount required by respondents for tuition for any course(s) of instruction offered by respondent Weaver Airline Personnel School, Inc. on or after the date this Order becomes final. (Respondents shall, in the notice to said students of their right to restitution, set forth the date this Order becomes final.)

(3) That the student attempted to procure employment in the field for which he or she took training from respondent Weaver Airline Personnel School, Inc. and was unsuccessful in obtaining employment within six (6) months after completion or termination by the student of his or her course(s), or as of the date the student files his or her affidavit requesting restitution pursuant to this Order, whichever date is earlier.

(4) That the student agrees that in consideration of his receipt of a pro rata share of cash restitution as provided for in this Order such student releases respondents from any and all further claims such student might have, whether known or unknown, with respect to or arising out of his agreement with or course of study at Weaver Airline Personnel School, Inc.

(b) Students seeking restitution must submit proper affidavits within six (6) months after receiving proper notice as to their right to such restitution.

(c) Respondent Weaver Airline Personnel School, Inc. shall then make pro rata payments, in amounts to each student no greater than that student's total tuition payment, to each student seeking and qualifying for restitution under the terms of this Order. *Provided, however,* That the total sum to be paid in restitution under Paragraph 12 of this Order shall not be greater than the principal amount of the Escrow Funds as of the final date by which such students are required to submit requests for restitution under this Paragraph. Said payments shall be made no later than thirty (30) days after the final date established for submission of student requests for restitution under this Paragraph.

(d) Sums collected after the final date established for submission of student requests for restitution under this Paragraph, and any interest earned on the Escrow Funds, shall be the property of respondent Weaver Airline Personnel School, Inc.

Provided, however, That nothing in this Order shall be deemed as abrogating any defense any student may have with respect to any claim by respondents for all or part of any unpaid tuition fees allegedly due or owing from any student enrolled in any course(s) of instruction offered by respondent Weaver Airline Personnel School, Inc.

Provided, however, That in the event respondents negotiate or otherwise transfer to any third party, during the period ending with the last date by which students may seek restitution under this Paragraph of this Order, any of the accounts receivable representing tuition payments allegedly due and owing from enrollees in any course(s) of instruction offered by respondent Weaver Airline Personnel School, Inc., its successors or assigns, said transfer or negotiation shall be accompanied by an explicit written agreement that the transferee or purchaser of said account receivable shall be subject to the terms and conditions of Paragraph 12 of this Order.

13. *It is further ordered,* That the obligation of respondent Weaver Airline Personnel School, Inc. to make restitution as set forth in this Order shall be and hereby is guaranteed by respondent General Educational Services Corporation.

14. *It is further ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this Order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the Order.

The Decision and Order was issued by the Commission, February 13, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75-9099 Filed 4-7-75;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 694—MINIMUM WAGE RATES IN INDUSTRIES IN THE VIRGIN ISLANDS

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064) as amended (29 U.S.C. 205, 206, 208), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93–259; 84 Stat. 35), and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and by means of Administrative Order No. 636 (40 FR 5830), the Secretary of Labor appointed and convened Industry Committee No. 16 for Various Industries in the Virgin Islands, referred to the Committee the question of the minimum rate or rates of wages to be paid under sections 6(a), (b) and (c) of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 16 are hereby published revising § 694.1 of Title 29, Code of Federal Regulations. The increase in future wage rates prescribed by sections 6 (a), (b), (c) (2) (B) and (c) (5) of the 1974 Fair Labor Standards Amendments are set forth in this wage order.

As revised § 694.1 reads as follows:

§ 694.1 Wage rates.

Every employer shall pay to each of his employees in the Virgin Islands, who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in any enterprise engaged in commerce or in the production of goods for commerce or is employed in domestic service, as these terms are defined in section 3 of the Fair Labor Standards Act of 1938, wages at a rate not less than the minimum rate or rates of wages prescribed in this section for the classification in which such employee is engaged. However, the provisions of this wage order shall not apply with respect to the minimum wage rate of any employee employed in the Virgin Islands by the United States or by the government of the Virgin Islands, by an establishment which is a hotel, motel, or restaurant, or by any retail or service establishment which employed such employee primarily in connection with the preparation or offering of food and beverages for human consumption, either on the premises, or by such services as catering, banquet, box lunch, or curb or counter service, to the public, to employees, or to members or guest of members of clubs. The minimum wage rate of such an employee shall be determined under the Fair Labor Standards Act of 1938 in the same manner as the minimum wage rate for employees employed in the 50 States is determined.

(a) *Pre-1966 coverage classifications.* The classifications for pre-1966 coverage apply to all activities of employees in the Virgin Islands which were within the purview of section 6 of the Fair Labor Standards Act of 1938 prior to the effective date of the Fair Labor Standards Amendments of 1966.

(1) *Watch assembly classification.* (i) The minimum wage rate for this classification is $1.75 an hour. Unless otherwise provided, the wage rates in this section are increased by $.15 an hour on May 1, 1975, and on May 1 of each subsequent year until the mainland rate is reached pursuant to section 6(c) (2) of the Act.

(ii) This classification is defined as the assembly of watches and watch movements.

(2) *Milk processing classification.* (i) The minimum wage rate for this classification is $1.75 an hour. Unless otherwise provided, the wage rates in this section are increased by $.15 an hour on May 1, 1975, and on May 1 of each subsequent year until the mainland rate is reached pursuant to section 6(c) (2) of the Act.

(ii) This classification is defined as the processing or recombining of fluid milk and cream for wholesale or retail distribution.

(3) *Retailing, wholesaling and warehousing classification.* (i) The minimum wage rate for this classification is $1.75 an hour. Unless otherwise provided, the wage rates in this section are increased by $.15 an hour on May 1, 1975, and on May 1 of each subsequent year until the mainland rate is reached pursuant to section 6(c) (2) of the Act.

(ii) This classification is defined as all activities in connection with the selling of goods or services at retail, including the operation of retail stores and other retail establishments, the wholesaling and warehousing, and other distribution of commodities: *Provided, however,* That this classification shall not include retailing and or wholesaling activities included within other wage order classifications in the Virgin Islands: *Provided, further,* That this classification shall not include food service activities in retail establishments.

(4) *Construction classification.* (i) The minimum wage rate for this classification is $1.85 an hour. Unless otherwise provided, the wage rates in this section are increased by $.15 an hour on May 1, 1975, and on May 1 of each subsequent year until the mainland rate is reached pursuant to section 6(c) (2) of the Act.

(ii) This classification is defined as all construction, reconstruction, structural renovation and demolition, on public or private account, of buildings, housing, highways or streets, catchments, dams and any other structures.

(5) *Shipping and seamen classification.* (i) The minimum wage rate for this classification is $1.85 an hour. Unless otherwise provided, the wage rates in this section are increased by $.15 an hour on May 1, 1975, and on May 1 of each subsequent year until the mainland rate is reached pursuant to section 6(c) (2) of the Act.

(ii) This classification is defined as the transportation of passengers and cargo by water and all activities in connection therewith, including storage and lighterage operations, and the activities of seamen on United States vessels.

(6) *Miscellaneous manufacturing activities classification.* (i) The minimum wage rate for this classification is $1.85 an hour. Unless otherwise provided, the wage rates in this section are increased by $.15 an hour on May 1, 1975, and on May 1 of each subsequent year until the mainland rate is reached pursuant to section 6(c) (2) of the Act.

(ii) This classification is defined as all manufacturing activities in the Virgin Islands covered by the Fair Labor Standards Act prior to the Fair Labor Standards Amendments of 1966, with the exception of the assembly of watches and watch movements, milk processing, the manufacture of petroleum products, pharmaceuticals and toiletries, textiles and textile products, alcoholic beverages, and the processing of bauxite to extract alumina and the further processing related to the production of aluminum.

(7) *Other products and activities classification.* (i) The minimum wage rate for this classification is $2.10 an hour for the period ending December 31, 1975. Since the mainland rate has been attained, the rate specified in section 6(a) (1) now applies, namely $2.30 an hour after December 31, 1975.

(ii) This classification is defined as the manufacture of petroleum products, pharmaceuticals and toiletries, textiles and textile products, alcoholic beverages, and the processing of bauxite to extract alumina and the further processing related to the production of aluminum and all other non-manufacturing activities of employees in the Virgin Islands covered by the Fair Labor Standards Act other than those activities included in any other pre-1966 coverage classifications.

(b) *1966 coverage classifications.* The classification for 1966 coverage include

V 40168 APR 8 75

only those activities of employees in the Virgin Islands which were brought within the purview of section 6 of the Fair Labor Standards Act of 1938 by the Fair Labor Standards Amendments of 1966 or by section 906 of the Education Amendments of 1972.

(1) *Agriculture classification.* (i) The minimum wage rate for this classification is $1.42 an hour. Unless otherwise provided, the wage rates in this section are increased by $.15 an hour on May 1, 1975, and on May 1 of each subsequent year until the mainland rate is reached pursuant to section 6(c)(2) of the Act.

(ii) This classification is defined as farming in all its branches, including the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including the preparation for market, delivery to storage or to market or to the carriers for transportation to market; processing, handling, packing, storing, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning of agricultural or horticultural commodities for market, or making cheese or butter or other dairy products; the operation of a country elevator, including such an establishment which sells products and services used in the operation of a farm; the ginning of cotton for market; and the transportation and preparation for transportation of fruits and vegetables, whether or not performed by a farmer, from the farm to a place of first processing or first marketing.

(2) *Retailing, wholesaling and warehousing classification.* (i) the minimum wage rate for this classification is $1.75 an hour. Unless otherwise provided, the wage rates in this section are increased by $.15 an hour on May 1, 1975, and on May 1 of each subsequent year until the mainland rate is reached pursuant to section 6(c)(2) of the Act.

(ii) This classification is defined as all activities in connection with the selling of goods or services at retail, including the operation of retail stores and other retail establishments, the wholesaling and warehousing and other distribution of commodities: *Provided, however*, That this classification shall not include retailing and or wholesaling activities included within other wage order classifications in the Virgin Islands: *Provided, further*, That this classification shall not include food service activities in retail establishments.

(3) *Construction classification.* (i) The minimum wage rate for this classification is $1.75 an hour. Unless otherwise provided, the wage rates in this section are increased by $.15 an hour on May 1, 1975, and on May 1 of each subsequent year until the mainland rate is reached pursuant to section 6(c)(2) of the Act.

(ii) This classification is defined as all construction, reconstruction, structural renovation and demolition, on public or private account, of buildings, housing, highways or streets, catchments, dams and any other structures.

(4) *Laundry and cleaning classification.* (i) The minimum wage rate for this classification is $1.75 an hour. Unless otherwise provided, the wage rates in this section are increased by $.15 an hour on May 1, 1975, and on May 1 of each subsequent year until the mainland rate is reached pursuant to section 6(c)(2) of the Act.

(ii) This classification is defined as the laundering, dry cleaning, and incidental work such as repair of clothing and fabrics on which such work is done and the work done in family and commercial power laundries, linen supply and industrial laundries, diaper services, self-service laundries, hand laundries, cleaning and dyeing plants and rug cleaning and repairing plants.

(5) *Manufacturing activities classification.* (i) The minimum wage rate for this classification is $1.75 an hour. Unless otherwise provided, the wage rates in this section are increased by $.15 an hour on May 1, 1975, and on May 1 of each subsequent year until the mainland rate is reached pursuant to section 6(c)(2) of the Act.

(ii) This classification is defined as all manufacturing activities in the Virgin Islands covered by the Fair Labor Standards Act solely by reason of the Fair Labor Standards Amendments of 1966.

(6) *Other activities classification.* (i) The minimum wage rate for this classification is $2.00 an hour for the period ending December 31, 1975. Since the mainland rate has been attained, the rates specified in section 6(b) now apply, namely $2.20 during the year beginning January 1, 1976 and $2.30 an hour after December 31, 1976.

(ii) This classification is defined as all activities of employees in the Virgin Islands, including the activities of those pre-school employees which were brought within the purview of section 6 of the Fair Labor Standards Act by Section 906 of the Education Amendments of 1972, other than those activities included in any other 1966 coverage classification.

(c) *1974 coverage classifications.* The classifications for 1974 coverage include only those activities of employees in the Virgin Islands which were brought within the purview of section 6 of the Fair Labor Standards Act of 1938 by the Fair Labor Standards Amendments of 1974.

(1) *Domestic service classification.* (i) The minimum wage rate for this classification is $1.20 an hour. Unless otherwise provided, the wage rates in this section are increased by $.12 an hour on May 1, 1975 and May 1, 1976 and by $.15 an hour on May 1 of each subsequent year until the mainland rate is reached pursuant to section 6(c)(2) of the Act.

(ii) This classification is defined as service of a household nature performed by an employee in or about the private home of the person by whom he or she is employed. A private home is a fixed place of abode of an individual or family. A separate and distinct dwelling maintained by an individual or a family in an apartment house or hotel may constitute a private home. However, a dwelling primarily used as a boarding or lodging house for the purpose of supplying such services to the public as a business enterprise is not a private home. Domestic service in and about a private home includes, but is not limited to, services performed by persons employed as cooks, butlers, valets, maids, housekeepers, governesses, janitors, laundresses, caretakers, handymen, gardeners, footmen, grooms and chauffeurs.

(2) *Motion picture theater classification.* (i) The minimum wage rate for this classification is $1.80 an hour. Unless otherwise provided, the wage rates in this section are increased by $.15 an hour on May 1, 1975, and on May 1 of each subsequent year until the mainland rate is reached pursuant to section 6(c)(2) of the Act.

(ii) This classification is defined as the activities of employees of motion picture theaters.

(3) *Retail and service employees classification.* (i) The minimum wage rate for this classification is $1.75 an hour. Unless otherwise provided, the wage rates in this section are increased by $.15 an hour on May 1, 1975, and on May 1 of each subsequent year until the mainland rate is reached pursuant to section 6(c)(2) of the Act.

(ii) This classification is defined as the activities of employees employed in retail and service establishments that are parts of covered enterprises and that have an annual volume of sales that is less than $250,000, but not less than $225,000 after January 1, 1975, and is not less than $200,000 after January 1, 1976, and in any amount after January 1, 1977. (Retail and service establishments with $250,000 or more in an annual sales volume are covered under the pre-1974 provisions of the Fair Labor Standards Act of 1938).

(Secs. 5, 6, 7, 8, 52 Stat. 1062, 1064; (29 U.S.C. 205, 206, 207, 208.))

Effective date. This revision shall become effective April 23, 1975.

Signed at Washington, D.C., this 2nd day of April, 1975.

WARREN D. LANDIS,
Acting Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.75-9241 Filed 4-7-75;8:45 am]

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1913—DISCLOSURE OF INFORMATION

Revocation

The Freedom of Information Act (FOIA), 5 U.S.C. 552, was amended by

Pub. L. 93-502, 88 Stat. 1561, effective February 19, 1975, to clarify and liberalize the requirements for, and to expedite, the disclosure of information. The amended FOIA necessitated a revision of 29 CFR Part 70, which contains the regulations of the Secretary of Labor providing for access to public information (40 FR 7266).

Part 1913 of Title 29 of the Code of Federal Regulations had been promulgated as a supplement to the general disclosure regulations of the Secretary of Labor published in Part 70 of Title 29. The policy and procedures of the Occupational Safety and Health Administration (OSHA) and the Bureau of Labor Statistics (BLS) contained in Part 1913 concerning the availability of records within their possession were similar to those enunciated in Part 70 with a few exceptions. For example, Part 1913 provided for greater disclosure of records contained in files compiled for investigatory purposes than had been provided for in 29 CFR Part 70. However, as a result of the recent revision of Part 70 to bring it into conformity with the amendments made by Pub. L. 93-502, the disclosure policies in Part 1913 and Part 70 are essentially the same. Revised Part 70 makes Part 1913 largely duplicative and not supplemental and the differences in wording of the two sections may lead to confusion. It is thought that one source of interpretive regulations, 29 CFR Part 70, rather than two, would best serve the interests of the agencies involved and the general public. One set of regulations will also promote efficiency and uniformity in disclosures made to the public and thus better carry out the purposes of the FOIA. Specific information concerning OSHA and BLS disclosure officers and related matters are contained in Subpart C of Part 70, and in directives to OSHA staff which will be made available to the public.

Part 1913 [Revoked]

Accordingly, Part 1913 of Title 29 of the Code of Federal Regulations is hereby revoked.

As this revocation concerns only interpretative rules, general statements of policy and rules of agency procedures and practice, neither notice of proposed rulemaking, opportunity for public participation therein, nor delayed effective date is required by 5 U.S.C. 553.

This revocation is made pursuant to authority in 5 U.S.C. 301, 5 U.S.C. 552 and 29 CFR 70.71, and is effective April 8, 1975.

Signed at Washington, D.C. this 27th day of March 1975.

JOHN STENDER,
Assistant Secretary of Labor.

Signed at Washington, D.C. this 31st day of March 1975.

JULIUS SHISKIN,
Commissioner, Bureau of Labor Statistics.

[FR Doc.75-9083 Filed 4-7-75;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER VI—AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

PART 603—FREEDOM OF INFORMATION FEES

Schedule of Fees

On February 3, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 23) stating that the American Revolution Bicentennial Administration (ARBA) was considering publishing in Title 36, Chapter VI of the Code of Federal Regulations regulations concerning the schedule of fees and methods of payment for services rendered under the Freedom of Information Act, as amended (5 USC 552).

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. The only comment received was from The Department of the Treasury, suggesting that § 603.105(e) which read "Remittances shall be made payable to the Treasurer of the United States" be revised to read "Remittances shall be made payable to the Treasury of the United States." The suggestion has been accepted by ARBA.

Effective Date: April 8, 1975.

JOHN W. WARNER,
Administrator.

APRIL 3, 1975.

Section 603.105 is added to read as follows:

§ 603.105 Schedule of fees and method of payment for services rendered.

(a) Fee schedule for the search and reproduction of information available under the Freedom of Information Act (5 U.S.C. 552), as amended.

(1) Search for records—$5.00 per hour when the search is conducted by a clerical employee. $8.00 per hour when the search is conducted by a professional employee. No charge for searches of less than one hour.

(2) Duplication of records—Records will be duplicated at a rate of $0.25 per page for all copying of four pages or more. There is no charge for duplicating three or less pages.

(3) Other—When no specific fee has been established for a service, or the request for a service does not fall under one of the above categories due to the amount or type thereof, the Deputy Administrator is authorized to establish an appropriate fee based on "direct costs" as provided in the Freedom of Information Act and in accordance with Office of Management and Budget Circular No. A-25. Examples of services covered by this provision include searches involving computer time or special travel, transportation, or communications costs.

(b) If records requested under this part are stored elsewhere than the headquarters of the ARBA at Washington, D.C., the special costs of returning such records to the headquarters for review will be added to the search costs. Search costs are due and payable even if the record which was requested cannot be located after all reasonable efforts have been made, or if the ARBA determines that a record which has been requested, but which is exempt from disclosure under this part, is to be withheld.

(c) Where it is anticipated that the fees chargeable under this section will amount to more than $25., and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In instances where the estimated fees will greatly exceed $25., an advance deposit may be required. The notice or request for an advance deposit shall extend an offer to the requester to consult with knowledgeable ARBA personnel in an attempt to reformulate the request in a manner which will reduce the fees and meet the needs of the requester. Dispatch of such a notice or request shall suspend the running of the period for response by the ARBA until a reply is received from the requester.

(d) Fees must be paid in full prior to issuance of requested copies. In the event the requester is in arrears for previous requests for which the ARBA was unable to find or provide the requested information (see b. above), copies of records will not be provided for any subsequent request until the arrears have been paid in full.

(e) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, or a postal money order. Remittances shall be made payable to the order of the Treasury of the United States and mailed to the Deputy Administrator, American Revolution Bicentennial Administration, 2401 E Street, NW., Washington, D.C. 20276.

(f) A receipt for fees paid will be given only upon request. Refund of fees paid for services actually rendered will not be made.

(g) The Deputy Administrator, or an officer designated by the Deputy Administrator may in accordance with the Freedom of Information Act, as amended, waive all or part of any fee provided for in this section when the Deputy Administrator or the designated officer deems it to be in either the ARBA's interest or in the general public's interest.

[FR Doc.75-9090 Filed 4-7-75;8:45 am]

PART 604—APPLICATION PROCEDURES FOR OFFICIAL RECOGNITION OF BICENTENNIAL PROJECTS

The American Revolution Bicentennial Board has established policies and procedures with respect to projects which may be accorded official recognition by the American Revolution Bicentennial Administration (ARBA). These regulations and procedures will be effective on

V 40168 APR 8 75 XUM

publication, since the Administrator of the ARBA has determined, and hereby publishes, that the public interest would best be served thereby.

Although these regulations and procedures are to be effective upon publication, written comments are invited from interested parties and will be accepted on or before May 8, 1975. All comments received will be available for public inspection at the ARBA, 2401 E Street NW., Room 7240, Washington, D.C. 20276, during regular business hours. All materials will be considered and where appropriate amendments made to these regulations and procedures as the ARB Board may determine.

Part 604 is hereby added as follows:

Sec.
604.100 Congressional intent.
604.101 Statutory responsibility of ARBA.
604.102 ARBA functions.
604.103 Procedures for applying for official recognition.
604.104 Use of the official bicentennial symbol.
604.105 Letters of encouragement.
604.106 Withdrawal of official recognition.
604.107 Classes of projects to which official recognition shall not be accorded.
604.108 Exceptions to non-eligible projects.

AUTHORITY: Sec. 4(b)(2), Pub. L. 93–179, 87 Stat. 700.

§ 604.100 Congressional intent.

In enacting Pub. L. 93–179 which established the American Revolution Bicentennial Administration, the Congress expressed its intentions as follows:

That as this Nation approaches the Bicentennial of its birth and the historic events preceding and associated with the American Revolution which are of such major significance in the development of our national heritage of individual liberty, representative government, and the attainment of equal and inalienable rights and which also had so profound an influence throughout the world, it is appropriate and desirable to provide for the observance and commemoration of this anniversary and for those activities of local, State, national, and international significance to be coordinated, scheduled, and facilitated by a government unit, drawing on the resources of public, private, civic, and other organizations for planning and implementation to insure that the appropriate observances take place.

§ 604.101 Statutory responsibility of ARBA.

The "governmental unit" referred to above is the American Revolution Bicentennial Administration (ARBA) which was given the statutory responsibility "to coordinate, to facilitate, and to aid in the scheduling of events, activities, and projects of local, State, national, and international significance sponsored by both governmental and nongovernmental entities in commemoration of the American Revolution Bicentennial."

§ 604.102 ARBA functions.

(a) A primary function of the ARBA is to prepare a master calendar of events of local, State, national, and international significance which will take place between March 1975 and December 31, 1976.

(b) The Act further provides that the ARBA Administrator shall—

provide recognition as deemed appropriate in connection with Bicentennial programs and projects.

Accordingly, the ARBA has initiated a program of according "Official Recognition" to Bicentennial projects of national significance which further the purposes and objectives of Public Law 93–179.[1]

§ 604.103 Procedures for applying for official recognition.

(a) To apply for ARBA "Official Recognition," sponsors of programs must complete the "Application for Official Recognition" and submit it together with all required accompanying materials, in duplicate, to:

ARBA
2401 E Street NW.
Washington, D.C. 20276

(b) Applications should contain a comprehensive description of the project, a narrative statement indicating how the project meets the criteria established by the ARB Board (See Section II of the Application Form), and as much supporting information as possible regarding the project. Approval of the appropriate State Bicentennial organization is required if the project is conducted within a single State.

(c) The Program Review and Evaluation staff of the ARBA shall evaluate requests for "Official Recognition" and prepare recommendations for action by the ARBA Administrator.

(d) Projects accorded "Official Recognition" as part of the National Bicentennial Program receive an ARBA *Certificate of Official Recognition* and a flag with the official Bicentennial symbol.

§ 604.104 Use of the official bicentennial symbol.

(a) Use of the official Bicentennial symbol in connection with State and designated Bicentennial Community officially recognized projects is authorized as provided in the ARBA Official Graphics Standards Manual with the legend "Recognized by Florida Bicentennial Commission" or "Recognized by Chicago Bicentennial Commission" respectively.

(1) Sponsors of recognized projects are authorized to use the official Bicentennial symbol in connection with the project with the legend "Recognized by the American Revolution Bicentennial Administration."

(b) All use of the symbol must conform with the Official Graphics Standards Manual (available to authorized users) and no commercial use of the symbol is authorized.

(c) Officially recognized projects will be included in the ARBA Master Calendar of Bicentennial projects and events.

§ 604.105 Letters of encouragement.

(a) Where in the judgment of the Administrator a project has not developed to the point where a determination can be made regarding official recognition, the Administrator may issue an "ARBA Letter of Encouragement" to the project which indicates tentative ARBA support to the project.

(b) It is the practice of ARBA to issue a "Letter of Encouragement" when a project demonstrates outstanding merit but has not reached that stage of development or obtained that level of support which would provide reasonable assurance of implementation; this letter, however, does not authorize use of the official Bicentennial symbol.

§ 604.106 Withdrawal of official recognition.

The ARBA reserves the right to withdraw authorization of "Official Recognition" when, in the judgment of the Administrator, the officially recognized program or project no longer meets the criteria for recognition.

§ 604.107 Classes of projects to which official recognition shall not be accorded.

Official recognition shall not be accorded to the following class of programs and projects.

(1) Publications
(2) Commissionings
(3) Battle reenactments
(4) Contests
(5) Petitions
(6) Public solicitations of funds
(7) Awards (if primary purpose)
(8) Individual works of arts
(9) Educational courses or other curricula programs
(10) Commercial products (contact ARBA for Licensing Procedures) [2]

§ 604.108 Exceptions to non-eligible projects.

In individual cases and in his sole discretion, the Administrator may waive any exceptions herein when he determines that official recognition of a program or project whose primary purpose is one or more of the above is in the public interest and in furtherance of the purposes of P.L. 93–179.

For further information or application forms, please contact Mrs. Margie Baker, ARBA, 2401 E Street NW., Washington, D.C. 20276, 202/634–1771.

JOHN W. WARNER,
Administrator.

APRIL 3, 1975.

[FR Doc.75–9091 Filed 4–7–75;8:45 am]

[1] Bicentennial organizations of each State, the District of Columbia, the Commonwealth of Puerto Rico, and the Territories also accord official State recognition to Bicentennial projects at the State level; and ARBA designated Bicentennial Communities accord official community recognition to Bicentennial projects at the community level.

A "Designated Bicentennial Community" is one which has established a Bicentennial Committee representative of the Community; developed a commemorative program embracing one or more of the themes of Heritage '76, Festival USA, or Horizons '76, one of which is of lasting value to the Community; and has submitted its program through its State Commission to the ARBA for official designation.

[2] ARBA has initiated a commemorative symbol licensing program under which appropriate commercial products of a commemorative or educational nature may be granted a non-exclusive license for use of the official symbol with the words "Officially Recognized Commemorative of the American Revolution Bicentennial Administration."

Title 40—Protection of Environment

[FRL 331–3]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Iowa: Approval of Plan Revisions

On July 11, 1974 (39 FR 25502), the Agency gave notice that the state of Iowa proposed to revise its implementation plan by making a number of amendments to the State Rules and Regulations Relating to Air Pollution Control. These amendments were subjected to public hearings on April 25, 1973, and on September 12, 1973, in the Memorial Union, Iowa State University, Ames, Iowa, in compliance with the provisions of 40 CFR 51.4, and were formally adopted by the state on December 11, 1973. The significant changes are discussed below:

The basis for evaluation of a new or modified direct source will be its impact on the attainment and maintenance of the National Ambient Air Quality Standards instead of its effect on life and property.

The regulations have been revised to provide for public availability of emission data and to require the maintenance of emission records by the source.

The subsection entitled "Emission Reduction Program," has been amended to clarify the increments of progress necessary for an approvable emission reduction program. The five increments of progress now required are the same as those specified at 40 CFR 51.1(q).

A chapter has been added to specify the requirements necessary to obtain qualification in visual determination of the opacity of emissions. These requirements are as stringent as those specified by EPA in Method 9, 40 CFR Part 60, Appendix A.

The New Source Performance Standards published December 23, 1971 (40 CFR Part 60), have been included as part of the state rules and regulations.

The emission standards for nitrogen oxides from the use of fuels and manufacture of nitric acid have been deleted. This change is consistent with the reclassification of certain Air Quality Control Regions (AQCR) in the state of Iowa due to modifications in the methods for ambient air monitoring of nitrogen dioxide. On May 8, 1974 (39 FR 16344), EPA reclassified the Omaha-Council Bluffs Interstate AQCR to Priority III for nitrogen dioxide. Therefore, the entire state is classified as Priority III for nitrogen dioxide.

The emission standard for sulfur dioxide from sulfuric acid plants has been changed from 6.5 pounds per ton of 100 percent acid produced to 30 pounds per ton 100 percent acid produced. The original standard was based on air monitoring data measured in East Peoria, Illinois. Atmospheric dispersion modeling conducted by the Iowa Department of Environmental Quality (DEQ) has indicated the less stringent sulfur dioxide emission standard will not prevent the maintenance of ambient air quality standards for sulfur dioxide in any AQCR in Iowa.

The interim emission standard effective January 1, 1974, for sulfur dioxide emitted by fuel-burning sources has been deleted. The sulfur dioxide emission standard effective January 1, 1975, for fuel-burning sources remains in effect. Provisions for submission of compliance schedules for sources equal to or greater than 250 million BTU per hour heat input have been included pursuant to Part 51 of this chapter.

The DEQ in implementing the EPA Clean Fuels Policy has determined that the sulfur dioxide emission standard may be relaxed even more. The DEQ has proposed another amendment to the sulfur dioxide emission standard for fuel-burning sources and held a public hearing on this amendment on September 11, 1974. Therefore, the Administrator is hereby delaying action on the current amendment to the sulfur dioxide emission standard for fuel-burning sources.

No comments were received in response to the notice of July 11, 1974, which solicited public comment on the proposed revisions. Therefore, after careful review of all the changes contained in the proposed revisions, the Administrator has determined that the revisions meet the requirements of section 110(a)(2)(A)–(H) of the Clean Air Act and 40 CFR Part 51. Accordingly, with the exception of the proposed sulfur dioxide regulations for fuel-burning sources, these SIP revisions are hereby approved and made a part of the SIP. This action is effective May 8, 1975. (42 U.S.C. 1857c–5)

Dated: April 1, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations, Subpart Q—Iowa is amended as follows:

1. Section 52.820 is amended by revising paragraph (c) to read as follows:

§ 52.820 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) February 2 and March 2, 1972, by the Iowa Department of Health, and

(2) May 4, 1972, and

(3) April 24, 1974, by the Iowa Department of Environmental Quality. (No approval or disapproval action is being taken on Rule 4.3(3)a. dealing with sulfur oxides emissions from the use of fuels.)

§ 52.825 [Amended]

§ 52.823 [Revoked]

2. Section 52.823 is revoked.

3. Section 52.825 is amended by revoking paragraph (a).

§ 52.826 [Revoked]

4. Section 52.826 is revoked.

[FR Doc.75–9077 Filed 4–7–75;8:45 am]

[FRL 331–4]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Kansas: Approval of Plan Revisions

On July 11, 1974 (39 FR 25503), the Agency gave notice that the state of Kansas proposed to revise its implementation plan by amending the State Air Pollution Emission Control Regulations. These amendments have been subjected to a public hearing on September 6, 1973, in Topeka, Kansas, in compliance with the provisions of 40 CFR 51.4 and became effective January 1, 1974. The changes are discussed below.

The regulations have been amended to provide for regulatory control of small-sized incinerators (i.e., less than 200 pound per hour capacity), which were previously exempted.

The provision in the compliance schedule regulations that a source can request permission to operate in non-conformance with an applicable emission standard has been deleted. Sources which are in violation of an applicable emission standard and cannot come into compliance within the appropriate time period must request a variance.

All open-burning operations other than those specifically exempted by Regulation 28–19–47 titled "Exemptions—Open-Burning" must cease operation immediately. A section has been added to Regulation 28–19–47 to authorize certain types of open-burning operations associated with land clearing and crop and game management practices.

It was incorrectly noted in the notice of proposed rulemaking dated July 11, 1974, that revisions to the new source review, sulfur dioxide emissions from sulfuric acid plants, and nitrogen oxide emissions from nitric acid plants regulations were being added or deleted. These revisions were included in a previous plan revision which was approved November 8, 1973 (38 FR 30876).

No comments were received in response to the notice of July 11, 1974, which solicited public comment on the proposed revisions. Therefore, after careful review of all the changes contained in the proposed revision, the Administrator has determined that the revision meets the requirements of section 110(a)(2)(A)–(H) of the Clean Air Act and 40 CFR Part 51. Accordingly, this SIP revision is hereby approved and made a part of

V 40168 APR 8 75 XUM

the SIP. This action is effective May 8, 1975.

(42 U.S.C. 1857c-5)

Dated: April 1, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations, Subpart R—Kansas, § 52.870, paragraph (d) is revised to read as follows:

§ 52.870 Identification of plan.

* * * * *

(d) Plan revisions were submitted on April 17, 1974, and February 17, 1974.

[FR Doc.75-9076 Filed 4-7-75;8:45 am]

[FRL 351-1; OPP-262815]

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

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Correction

In FR Doc. 75-7896 on page 13499 in the issue of Thursday, March 27, 1975, the last word in the second line in the second paragraph should be "received" instead of "reviewed".

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 143]

PART 1-3—PROCUREMENT BY NEGOTIATION

Cost Accounting Standards

This amendment of the Federal Procurement Regulations amends § 1-3.1210 (mainly in paragraph (c)) pertaining to information to be included in the annual report to the Cost Accounting Standards Board (CASB), beginning with the report to be made for calendar year 1975. Generally the changes will provide the CASB with a report containing more historical and factual data about contractors' noncompliances with disclosed cost accounting practices and Cost Accounting Standards.

Subpart 1-3.12—Cost Accounting Standards

Section 1-3.1210 is amended to read as follows:

§ 1-3.1210 Cost Accounting Standards Board report.

* * * * *

(b) Each civilian executive agency shall implement this regulation to ensure that (1) its cognizant contracting officers (if any) collect and report to a designated office for consolidation all of the information required by paragraph (c) of this § 1-3.1210 and (2) its cognizant contract auditors (if any) and its purchasing activities also provide information to the designated office with respect to subparagraph (c)(8) of this § 1-3.1210. If an agency has neither cognizant contracting officers nor cognizant contract auditors, its annual consolidated report to CASB would generally be limited to information from its purchasing activities with respect to subparagraph (c)(8) of this § 1-3.1210.

(c) Information to be included in the report to CASB:

(1) * * *

(2) *Noncompliance with disclosed practices and standards.*

Number of noncompliance determinations issued during the year:

Preaward	_____
Performance	_____
Total	_____

Noncompliances reported will include only those cases where the prime or subcontractor has been formally notified by the contracting officer. Each formal determination of noncompliance will be counted only once irrespective of the number of disclosed practices or Standards involved. If a formal determination of noncompliance involves one or more contracts or proposals, the determination shall be reported only once. A determination which involves both proposals and performance on existing contracts or disclosed practices and performance on existing contracts shall be reported as a performance determination only.

(3) *Number of disclosed practices and Cost Accounting Standards involved in the noncompliance determinations issued during the year.*

Disclosed practices	Preaward	Performance
Item No.		
Item No. (continue as required)		
Total number of disclosed practices involved		
Less: Number also involving standards		
Total number involving disclosed practices only		
Cost accounting standards:		
4 CFR 401		
4 CFR 402		
4 CFR 403		
4 CFR 404		
4 CFR 405		
4 CFR 406		
4 CFR 407		
4 CFR 408		
(Other standards when issued)		
Total number of cost accounting standards involved		

This part of the report will give a numeric count of the disclosed practices and Cost Accounting Standards by Disclosure Statement item number and Standard, respectively, involved in the noncompliance determinations issued during the year. Each Disclosure Statement item number and each Standard for each issue cited in the noncompliance determination will be identified and counted. The following two exampes illustrate how the noncompliance determination should be counted.

EXAMPLE 1—A contracting officer receives an audit report on a proposal indicating a noncompliance with Standard 402 and Item 3.2.3. of the contractor's Disclosure Statement. The contracting officer makes a determination of noncompliance. The contracting officer should record a noncompliance with Item 3.2.3. of disclosed practices under the preaward column. He should also include the noncompliance in the Totals under "Less: Number Also Involving Standards." In addition, he should record a noncompliance with Standard 402 in the preaward column.

EXAMPLE 2—A contracting officer receives an audit report on a contract containing the CAS clause indicating two instances of noncompliance with Standard 401 in the accounting practices of the contractor with regard to travel expenses and freight expenses. The contracting officer makes a determination of noncompliance on both issues. The contracting officer should record the noncompliances by indicating "2" in the count of the noncompliances with Standard 401.

(4) *Disposition on noncompliance determinations during the year.*

	Preaward	Performance
Total noncompliance determinations issued during the year		
Plus: Total noncompliance determinations open—beginning of year		
Minus: Total noncompliance determinations closed during the year:		
Through resolution		
Through nonacceptance of proposal		
Equals: Total noncompliance determinations open—end of year		

This part of the report will account for the disposition of noncompliance determinations. Noncompliance determinations which did not result in the award of a CAS covered contract will be reported as closed during the year through nonacceptance of the proposal. Noncompliance determinations involving more than one Disclosure Statement item or Standard will be reported as closed only when all such issues have been resolved.

(5) *Increased costs recovered through noncompliance determinations closed during the year.*

Type	Number	Increased costs recovered
Preaward		
Performance		
Total		

This part of the report is to show the increased costs recovered through the resolution of noncompliance determinations for the year. The total number shown above should agree with the total noncompliance determinations closed during the year through resolution as reported in this § 1-3.1210(c)(4). For proposal noncompliance, increased costs recovered means the difference between an original proposal and a revised one submited to correct the noncompliance. It shall also include any amounts recovered as indicated in the record of price negotiation prepared by the contracting officer pursuant to § 1-3.811.

(6) *Substance of determinations of noncompliance with CASB Standards.*

This part of the report will consist of a summary of the noncompliances with CASB Standards cited in the contracting officer's determinations. Determinations which cite substantially the same manner of noncompliance will be reported only once. Each entry should state the substance of the noncompliance being reported and should be grouped with other noncompliances relating to the same Standard; e.g.,

4 CFR 401

(i) (State substance of first noncompliance)

(ii) (Continue for each additional noncompliance)

Only those noncompliances cited by contracting officers in determinations which have been furnished to contractors in writing shall be included in the report. Contract administration activities will furnish the data required by § 1-3.1210 (c) (2) through (c) (6) for this report.

(7) *Equitable adjustments.* This part of the report is to show for each Federal agency the number and value of equitable adjustments completed during the reporting period covering new standards which resulted in cost increases and the number and value of equitable adjustments which resulted in cost decreases. A separate report shall be prepared for each standard. In addition, when the equitable adjustments involve more than one standard, an additional consolidated report shall be prepared citing the standards involved. The final result of each negotiated agreement shall be shown as a net increase or net decrease for each agency affected.

STANDARD (*cite standard or standards involved*)

Federal agency	Cost increase		Cost decrease	
	Number of negotiated agreements	Total dollars	Number of negotiated agreements	Total dollars
DOD				
NASA				
ERDA				
GSA				
(Etc.)				

The following two examples indicate how the reports from cognizant contracting officers relating to equitable adjustments shall be consolidated by the cognizant agency and reported to CASB pursuant to paragraph (b) of this § 1-3.1210:

EXAMPLE 1. One cognizant contracting officer reports a negotiated agreement with a contractor to recognize Standard 4 CFR 403. Numerous contracts of DOD and NASA are involved. Some NASA contracts are increased, others are decreased for a net decrease to NASA of $100,000. In the case of DOD there is a net increase of $85,000. A second cognizant contracting officer reports a negotiated agreement involving 4 CFR 403 in which there is a net increase to NASA of $90,000 and a net decrease to DOD of $90,000. In a third negotiated agreement a cognizant contracting officer reports a decrease to NASA of $10,000 and an increase to DOD of $10,000. No other negotiated agreements involving only 4 CFR 403 are reported.

Using the above format, Standard 4 CFR 403 would be cited. For DOD, under the head "Cost increase," the figure "2" and the dollar figure "$95,000" ($85,000 plus $10,000) would be inserted. Under "Cost decrease" the figure "1" and the dollar figure "$90,000" would be inserted. For NASA the figure "1" and "$90,000" would be shown under "Cost increase" and under "Cost decrease" the figure "2" and "$110,000" would be shown.

EXAMPLE 2. One cognizant contracting officer reports a negotiated agreement involving Standards 4 CFR 403 and 4 CFR 404. There is a net increase to DOD of $25,000, a decrease to NASA of $15,000, and a decrease to ERDA of $5,000. A second cognizant contracting officer reports a negotiated agreement involving 4 CFR 404 and 4 CFR 405. There is a net decrease to DOD of $20,000 and a decrease to NASA of $10,000. A third cognizant contracting officer reports a negotiated agreement involving 4 CFR 403 and 4 CFR 405. There is a net decrease to DOD of $10,000 and an increase to ERDA of $15,000.

Using the above format, Standards 4 CFR 403, 404, and 405 would be cited. For DOD the figure under "Cost increase" would be "1" and "$25,000," respectively. The figures under "Cost decrease" would be "2" and "$30,000." For NASA the figure "0" would be inserted for both the numbers and dollars under "Cost increase." The "Cost decrease" figures would be "2" and "$25,000." For ERDA under "Cost increase" the figures would be "1" and "$15,000." The figures under "Cost decrease" would be "1" and "$5,000."

(8) *Comments on CASB promulgations.* (i) Comment on the effect of the Disclosure Statement requirement and standards issued with respect to:

(A) Contractors' proposals;
(B) Cost estimation;
(C) Contract negotiation;
(D) Contract administration;
(E) Audit of contract proposals; and
(F) Audits of incurred costs.

Comments shall deal with the effect of CASB publications both individually and in total. For example, there may be improvements noted in contractors' proposals, or there may be information required that is not useful or necessary. Comments of any other type may be furnished. Cognizant contracting officers and purchasing activities shall provide comments for items (A) through (D). Cognizant contract auditors shall provide comments for items (E) and (F).

(ii) Suggestions and recommendations for revising CASB standards, rules, or regulations to:

(A) Improve their effectiveness;
(B) Facilitate the conduct of negotiations;
(C) Facilitate the effectiveness of the procurement function; and
(D) Facilitate the effectiveness of the audit function.

All information required under this § 1-3.1210(c)(8) involves personal opinion and judgment. However, to the extent possible each comment or recommendation should be substantiated through use of examples and actual data to support the logic of the suggestions and recommendations. Cognizant contracting officers and purchasing activities shall provide comments for items (A) through (D).

(9) *Docket numbers of dispute cases involving Cost Accounting Standards Board promulgations.*

Board of contract Appeals (BCA) Docket Nos. of all open cases	New cases	Old cases	Taken to Court of Claims

In the first column list the docket numbers of all appeals cases that are before the BCA. For those cases that were assigned docket numbers in the period covered by the report, place an (X) in the column under New cases. Mark with an (X) under Old cases other cases carried over from previous periods. When a contractor has taken an appeal to the Court of Claims, an "X" will be placed in that column.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective June 1, 1975, but may be observed earlier.

Dated: March 31, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75-9100 Filed 4-7-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-339]

PART 15—RADIO FREQUENCY DEVICES

Comparable Television Tuning Rules; Waiver

In the matter of waiver of § 15.68(d)(3) comparable television tuning rules.

1. On March 11, 1975, the Commission granted a waiver of the comparable tuning rules to Quasar Electronics Corp. The waiver permits the use of 70-position UHF detent tuners accurate to ±3 MHz after July 1, 1975. Section 15.68(d)(3) of the rules imposes an accuracy standard of ±2 MHz on receivers manufactured on or after July 1, 1975.

2. The waiver is based on the current economic decline and, in particular, on the severe decline in television receiver sales. Tuner orders are placed well in advance of their delivery and use in receivers. Orders are based on sales projections at the time of order, and the number of receivers being produced is far below those projections. Consequently, there are substantial numbers of ±3 MHz tuners which cannot be used in receivers manufactured prior to July 1, 1975. In the circumstances, we concluded that a waiver was warranted to prevent severe economic hardship.

3. We have reason to believe that the remainder of the television receiver industry finds itself in the same situation as Quasar. We are therefore extending the waiver granted to Quasar to all other firms in the industry.

4. The ±2 MHz requirement will remain in effect. However, any firm which has over-ordered ±3 MHz UHF detent tuners, which has tuners in inventory or

V 40168
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on order which cannot be used in receivers manufactured prior to July 1, 1975, and which cannot cancel outstanding orders without cancellation charges, may use those tuners in receivers produced after July 1, 1975. These tuners shall be used before those meeting the ±2 MHz standard and may be used until the supply is exhausted. New orders for ±3 MHz tuners shall not be placed.

5. If applications for certification of receivers involving use of ±3 MHz tuners are filed with the Commission, they should include a reference to this Order and a statement concerning its applicability.

6. Firms which take advantage of this waiver shall notify the Commission's Chief Engineer concerning the number of receiver models and the number of units of each model which are affected and the date the ±3 MHz tuners to be used were ordered.

7. The provisions of § 15.63(d)(3) are hereby waived.

8. It is so ordered.

Adopted: March 25, 1975.

Released: March 31, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-9129 Filed 4-7-75;8:45 am]

[Docket No. 20190 RM-2303; FCC 75-355; 30790]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations, Fuquay-Varina, North Carolina

1. On September 13, 1974, in response to a petition filed by Wake County Broadcasting Co., Inc. (Wake), the Commission adopted a notice of proposed rule making (39 FR 34071) in the above-entitled matter which proposed to assign FM Channel 280A to Fuquay-Varina, North Carolina. A brief supporting comment was filed by petitioner. No oppositions were received.

2. Fuquay-Varina, North Carolina with 3,576 residents[1] is located in the southeastern section of Wake County (pop. 228,453) in the eastern part of North Carolina. The only AM station assigned to the community is WAKS, a daytime-only service, licensed to Wake. At the present time there is no FM channel assigned to Fuquay-Varina.

3. In the notice we set forth economic and other information about Fuquay-Varina, not repeated here, which appears to support the assignment of the proposed channel to that community. Not only would such an assignment bring a first local aural nighttime transmission service to Fuquay-Varina, but it would also provide the potential for a nighttime outlet for local expression for a cluster of nearby smaller towns with a population of more than 8,000 persons. Petitioner has indicated that it will immediately prepare and file an application for use of the channel and that, if granted, it will construct and operate a station. In view of the foregoing, we find it in the public interest to assign Channel 280A to Fuquay-Varina.[2]

4. Authority for the action taken herein is contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

5. Accordingly, *it is ordered*, That effective May 9, 1975, the FM Table of Assignments, § 73.202(b) of the Commission's rules is amended, insofar as the city listed below is concerned, to read as follows:

City:	*Channel No.*
Fuquay-Varina, N.C.	280A

6. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: March 25, 1975.

Released: April 1, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-9118 Filed 4-7-75;8:45 am]

[Docket No. 19999, RM-2142; FCC 75-367]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations, Hollidaysburg, Altoona, Philipsburg and Bellwood, Pennsylvania

1. The Commission here considers its notice of proposed rule making in Docket No. 19999, adopted April 3, 1974 (39 FR 13557), which alternatively proposed to assign Channel 285A to either Hollidaysburg or Altoona, Pennsylvania.

2. The notice in this proceeding was issued in response to a petition from Cove Broadcasting Co., Inc. (Cove), licensee of daytime-only Station WKMC, Roaring Spring, Pennsylvania, proposing that the Commission assign Channel 285A to Hollidaysburg (pop. 6,262).[1] Hollidaysburg has no local aural service. It is located approximately five miles south of Altoona, Pennsylvania (pop. 62,900) which has three full-time AM stations (WFBG, WVAM and WRTA), and two FM stations (WFBG–FM and WVAM–FM). Noting the proximity of these two cities and that under our population guidelines Altoona qualifies for a third FM assignment, the notice proposed alternative assignments of Channel 285A to either Hollidaysburg or Altoona. If this channel is assigned to Altoona, it may be licensed at Hollidaysburg in accordance with § 73.203(b) of our rules. If it is assigned to Hollidaysburg it cannot be licensed to Altoona.

3. In comments, Altoona Trans-Audio Corporation (ATAC), licensee of Class IV AM Station WRTA, Altoona, expresses its support of the proposed Altoona assignment and its intent to apply for authority to construct an FM station in Altoona if that assignment is made. ATAC attempts to demonstrate that the needs and activities of the two cities are intertwined with Altoona being the dominant city. In addition it contends "that while Hollidaysburg itself generates little in the way of significant news, * * * the news that does emanate from Hollidaysburg is carried by Altoona stations * * *." Cove argues that Hollidaysburg is in need of its own assignment and that Altoona stations do not adequately serve its needs. In support of this contention Cove submits a letter written by Claire Haller, Secretary of Save our Schools Association. Haller pointing out that in 1967 the Pennsylvania Department of Highways (PennDot) announced that Route 22 would be relocated and would cut through Hollidaysburg, states:

> An aroused citizenry organized * * * but received little publicity from the Altoona news media. Petitions were circulated and over 3,500 protests were recorded and forwarded to the Federal Bureau of Public Roads * * * Despite the fact that all local governing agencies within the Hollidaysburg area * * * are on record in opposition to the Rt. 22 relocation plan, the radio, television and press media in Blair County [in which both cities are located] have presented, consistently, the Altoona Chamber of Commerce and PennDot opinions concerning the "economic" necessity of new highways, maintaining that a few must suffer that the "majority" might prosper * * * Hollidaysburg needs, and deserves, its own radio station. Its citizens have learned a bitter lesson from the recent, and continuing highway controversy (which is now in the United States Federal District Court, Pittsburgh, for adjudication) that a self-sufficient community requires the recognition which can only be accorded by an audio medium capable of presenting local news with objectivity, an objectivity that has not been forthcoming from the Altoona news media.

4. In view of the foregoing, it is the Commission's opinion that the better assignment would be to Altoona. This will afford the Commission the opportunity, in the context of a section 307(b) adjudicatory hearing,[2] to consider evidence and hear testimony regarding whether Altoona stations serve Hollidaysburg's needs and other matters.[3] Cove seeks to avoid a comparative hearing arguing that this would involve unnecessary expense and delay. However, there is no assurance (and there can be none) that a Channel 285A assignment to Hollidaysburg would not bring in other applicants and thereby involve the same expense and delay as an Altoona assignment. Thus, we shall adopt the more flexible Altoona proposal. The Canadian Government has consented to an assignment of Channnel 285A to either Altoona or Hollidaysburg, Pennsylvania.

5. In comments, John R. Powley, licensee of FM Station WHGM, Bellwood, Pennsylvania, supports the Hollidaysburg proposal and also requests that the FM Table of Assignments be amended to list his channel of operation, Channel 280A, as assigned to Altoona. Channel 280A is currently assigned to Philipsburg, Pennsylvania. Under a predecessor section of § 73.203(b) of the rules that allowed applications from unlisted communities within 25 miles (currently 10 miles) of cities with listed and unoccupied assignments, Powley applied for licensing of Channel 280A at Bellwood. This application was granted. On December 3, 1968, Powley requested a waiver of § 73.287 (currently § 73.1201) of the rules to permit on-the-air station identification as "Bellwood-Altoona". This request was accompanied by a required showing that Altoona was within WHGM's principal city service contour (3.16 mV/m). The waiver was granted on the understanding that WHGM's primary obligation to the community to which it is assigned (i.e., Bellwood) will remain unchanged. We believe that WHGM should remain a Bellwood station and we shall therefore deny the Powley counterproposal. We shall, however, amend the FM Table of Assignments to reflect Channel 280A's location at Bellwood if Canadian concurrence is obtained. This amendment would not alter or modify our prior waiver of § 73.287 of the rules.

6. Accordingly, pursuant to the authority contained in sections 4(i), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, *it is ordered*, that effective May 9, 1975, the FM Table of Assignments, § 73.202(b) of the rules, is amended to read as follows for the city listed below:

City:	*Channel No.*
Altoona, Pa.	251, 261A, 285A.

7. At such time as a Canadian response is received to the proposed reassignment of Channel 280A from Philipsburg to Bellwood we shall issue an appropriate order in this docket.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: March 26, 1975.

Released: April 1, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-9120 Filed 4-7-75;8:45 am]

[FCC 75-351]

PART 1—PRACTICE AND PROCEDURE
PART 73—RADIO BROADCAST SERVICES

Re-regulation of Radio and Television Broadcasting

1. As a result of its continuing study concerning the re-regulation of radio and television, the Commission has under consideration the matter of amending certain provisions in Parts 1 and 73 of its rules and regulations. These amendments will up-date certain rules, delete parts of others which are no longer applicable, and eliminate various requirements which are no longer necessary.

2. The following rule changes are made for the reasons indicated:

(a) The rules regarding auxiliary and alternative main transmitters contain an apparent inconsistency. Licensees can install and operate a new transmitter without authority of the FCC, having only to notify the Commission and the Engineer in Charge of the radio district in which the station is located within 3 days after installation, but if the licensee retains his old transmitter, using it as an auxiliary or alternate main transmitter, and thereby backstopping his new transmitter, he must file an application for it on Form 302 showing a need for an auxiliary or alternate main transmitter. The licensee must also attach a filing fee with his application. This filing seems superfluous and burdensome. It becomes a penalty to a licensee who is trying to safeguard his continuous service to the public by retaining this additional transmitter and adding to his service reliability. It adds to the administrative load of the FCC staff. Accordingly, where these circumstances prevail the AM, FM, noncommercial educational FM and TV rules are changed to delete the requirement to file a formal application and make a showing. Supplanting this present procedure will be notification to the FCC and EIC within three days after the former main transmitter is properly coupled to the main antenna system and is ready for use as an auxiliary or alternate main transmitter.

(b) Effective October 1973, the Commission deleted in its entirety the provisions of Subpart H, Part 74 of the rules (Docket 19756). This subpart dealt with Television Broadcast Booster stations, a service unused since it was established in May, 1960. References to application for authority to construct or make changes or apply for license for this type station still exist in Part 1 of the rules. They are found in § 1.533(a)(7) "FCC Form 343 Application for Authority to Construct or Make Changes in a Television Broadcast Booster Station"; and in § 1.536(b)(6)—"FCC Form 344 Application for Television Broadcast Booster Station License." Correcting deletions are made in this Order.

(c) In the Report and Order in Docket 18930, adopted June 1, 1972, concerning operator requirements for AM and FM broadcast stations, the rules were amended to specify that contracts for part-time service of a first class operator were to be filed with the Engineer in Charge of the radio district rather than with the Commission.

In the re-regulation order adopted by the Commission on December 20, 1972, the requirement to forward a copy of such signed agreement to the Engineer-in-Charge of the radio district in which the station is located, was deleted. The licensee is required to keep "signed contracts . . . in the files of the station and such contracts shall be made available for inspection upon request by an authorized representative of the Commission."

In view of these deletions from Part 73 (§§ 73.93(c); 73.265(c); and 73.565(c)) a conforming change will be made in § 1.613(c)(2)—Filing of Contracts. In this sub-paragraph the rules state certain contracts "need not be filed", including "contracts with chief engineers or other engineering personnel except those contracts required to be filed under the provisions of §§ 73.93(c), 73.265(c), and 73.565(c) of this Chapter". In conforming the rule, exceptions "under the provisions of §§ 73.93(c), 73.265(c) and 73.565(c) of this Chapter" will be deleted.

Requirements that contracts with chief operators and other engineering personnel be kept at the station and made available for inspection by Commission personnel will be re-located in sub-paragraph (d) of § 1.613. Also, the term chief engineer will be changed to chief operator to be consistent with this designation in other rule parts.

(d) § 73.112(a)(4)(i) requires "an entry of the time that each required station identification announcement is made (call letters and licensed location; see § 73.117)". The reference to "see § 73.117" is no longer correct since the Station Identification Rules for the AM, FM and TV services, have been moved to Subpart H of Part 73. Change is made in § 73.112(a)(4)(i) deleting "see § 73.117", and stating "see § 73.1201". The FM and TV rules correctly state the § 73.1201 reference.

(e) In the remote control operation rule for TV (§ 73.676), there are three NOTES which may now be deleted since the effective dates stipulated in the NOTES have passed. The NOTES are found following these paragraphs:

§ 73.676(f)(5), (g) and (h).

(f) In the event the antenna (phase) monitor of an AM station becomes defective, the station may be operated without the monitor, pending its repair or replacement, for a period of time up to 60 days without further authority from the Commission.

The rule is silent regarding what action the licensee must take if the monitor is out of service for more than 60 days.

The rule (§ 73.69) is amended and clarified to correct this lack of direction to licensees. In so doing, it will conform to other of our rules pertaining to extensions of authority to operate without certain defective instruments.

4. We conclude that, for the reasons set forth above, adoption of these amendments will serve the public interest. Prior notice of rulemaking, effective date provisions, and public procedure thereon are unnecessary, pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. (b)(3)(B), inasmuch as these amendments impose no additional burdens and raise no issue

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[1] Commissioner Hooks absent.

[2] Population figures are from the 1970 U.S. Census.

[1] As mentioned in the notice, the transmitter site for use of the channel must be located 7 miles southwest of the community.

[2] Commissioner Hooks absent.

[3] All population figures are from the 1970 U.S. Census.

[1] Assuming, of course, that both of the present parties, or others, apply for licensing on this channel.

[2] See Melbourne and Satellite Beach, Florida, 47 F.C.C. 2d 717 (1974); Castalia and Sandusky, Ohio, 40 F.C.C. 2d 977 (1973).

[4] Commissioner Reid absent.

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upon which comments would serve any useful purpose.

5. Therefore, it is *ordered*, That pursuant to sections 4(i) and 303(j) of the Communications Act of 1934, as amended, Parts 1 and 73 of the Commission's rules and regulations as amended as set forth below, effective May 9, 1975.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: March 25, 1975.

Released: April 3, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] VINCENT J. MULLINS, *Secretary.*

PART 1—[AMENDED]

§ 1.533 [Amended]

1. In § 1.533, paragraph (a)(7) is deleted and paragraphs (a)(8), (9) and (10) are redesignated paragraphs (a)(7), (8) and (9).

§ 1.536 [Amended]

2. In § 1.536, paragraph (b)(6) is deleted and paragraphs (b)(7), (8) and (9) are redesignated paragraphs (b)(6), (7) and (8).

3. In § 1.613, paragraphs (c)(2) and (d) are amended to read as follows:

§ 1.613 Filing of contracts.

* * * * * * *

(c) * * *

(2) The following contracts, agreements, or understandings need not be filed: Agreements with persons regularly employed as general or station managers or salesmen; contracts with program managers or program personnel; contracts with attorneys, accountants or consulting radio engineers; contracts with performers; contracts with station representatives; contracts with labor unions; or any similar agreements.

(d) The following contracts, agreements, or understandings need not be filed, but shall be kept at the station and made available for inspection upon request: contracts relating to the sale of broadcast time to "time brokers" for resale; subchannel leasing agreements for Subsidiary Communications Authorization operation; time sales contracts with the same sponsor for 4 or more hours per day, except where the length of the events such as athletic contests, musical programs, and special events) broadcast pursuant to the contract is not under control of the station; and contracts with chief operators and other engineering personnel.

PART 73—[AMENDED]

4. § 73.63 is revised to read as follows:

§ 73.63 Auxiliary transmitter.

(a) Upon approval of an application therefor (Form 301), an auxiliary transmitter may be licensed for use either at the same location as the main transmitter or at another location, subject to the following conditions:

(1) A licensed operator shall be in control whenever an auxiliary transmitter is placed in operation.

(2) The auxiliary transmitter shall be maintained so that it may be placed in operation at any time for any one of the following purposes:

(i) The transmission of the regular programs upon the failure of the main transmitter.

(ii) The transmission of the regular programs during maintenance or modification work on the main transmitter necessitating discontinuance of its operation.

(iii) Emergency Broadcast System operation, provided the auxiliary transmitter is used in connection with an Emergency Broadcast System Authorization.

(iv) Upon request of a duly authorized representative of the Commission.

(v) An auxiliary transmitter may be used for the regular transmission of programs during periods of operation included in a Presunrise Service Authority (PSA).

(3) The auxiliary transmitter may be used only if it is in proper operating condition and adjusted to the licensed frequency. If testing is necessary to assure proper operation, it may be done any time. A dummy load or any authorized antenna may be used. Notations as to the time and results of such testing must be made in the maintenance log.

(4) The auxiliary transmitter shall be equipped with satisfactory control equipment which will enable the maintenance of the frequency emitted by the station within the limits prescribed by the regulations in this subpart.

(5) An auxiliary transmitter which is licensed at a geographical location different from that of the main transmitter shall be equipped with a frequency control which will automatically hold the frequency within the limits prescribed by the regulation in this part without any manual adjustment during operation or when it is being put into operation.

(6) The carrier frequency of the auxiliary transmitter shall be measured as often as is necessary to ensure that it is maintained within the prescribed tolerance. If the transmitter is used daily for a period of more than 40 days, the measurement shall be made at least once each calendar month with not more than 40 days expiring between successive measurements.

(7) The authorized antenna input power of an auxiliary transmitter may be less, but not more, than that of the regular transmitter. If it is less, the actual operating power is not limited to 105 percent of the authorized antenna input power of the auxiliary transmitter but shall in no event exceed the authorized antenna input power produced by the regular transmitter.

(8) All regulations as to safety requirements and spurious emissions applying to broadcast transmitting equipment shall apply also to an auxiliary transmitter.

(b) A licensee may, without further authority, utilize a replaced main transmitter as the auxiliary transmitter provided it remains installed at the same location as the main transmitter, and is coupled to the main antenna system and no changes in technical characteristics are involved. The Commission and the Engineer in Charge of the radio district in which the station is located must be notified within three days after it is ready for use as an auxiliary transmitter.

5. § 73.64 is revised to read as follows:

§ 73.64 Alternate main transmitters.

(a) Upon approval of an application therefor (Form 301), an alternate main transmitter may be licensed for use, subject to the following conditions:

(1) Both transmitters are located at the same place.

(2) The transmitters have the same power rating except at stations operating with different daytime and nighttime power, when it shall be permissible to employ transmitters of power ratings appropriate to either the licensed daytime or nighttime power.

(3) The external effects from both transmitters are substantially the same as to frequency stability, reliability of operation, radio harmonics and other spurious emissions, audio frequency range and audio harmonic generation in the transmitter.

(b) A licensee may, without further authority, utilize a replaced main transmitter as an alternate main transmitter upon compliance with the requirements of paragraphs (a)(1)(2)(3) of this section and provided the transmitter is coupled to the main antenna system and no changes in technical characteristics are involved. The Commission and the Engineer in Charge of the radio district in which the station is located must be notified within three days after it is ready for use as an alternate main transmitter.

6. In § 73.69 new paragraph (c) is added and present paragraphs (c)(1), (2), (3), (4) and (5) are changed to (d)(1), (2), (3), (4), and (5). New paragraph (c) reads as follows:

§ 73.69 Antenna (phase) monitors.

* * * * * * *

(c) If conditions beyond the control of the licensee prevent the restoration of the monitor to service within the allowed period, informal request in accordance with § 1.549 of the Commission's rules must be filed with the Engineer in Charge of the radio district in which the station is located for such additional time as may be required to complete repairs of the defective instrument.

* * * * * * *

7. In § 73.112, paragraph (a)(4)(i) is amended to read as follows:

§ 73.112 Program log.

(a) * * *

(4) *For other announcements.* (i) an entry of the time that each required station identification announcement is made (call letters and licensed location; see § 73.1201).

* * * * * * *

8. § 73.255 is revised to read as follows:

§ 73.255 Auxiliary transmitter.

(a) Upon approval of an application therefor (Form 301), an auxiliary transmitter may be licensed for use either at the same location as the main transmitter or at another location, subject to the following conditions:

(1) A licensed operator shall be in control whenever an auxiliary transmitter is placed in operation.

(2) The auxiliary transmitter shall be maintained so that it may be put into immediate operation at any time for the following purposes:

(i) The transmission of the regular programs upon the failure of the main transmitter.

(ii) The transmission of regular programs during maintenance or modification work on the main transmitter, necessitating discontinuance of its operation.

(iii) Emergency Broadcast System operation, provided the auxiliary transmitter is used in connection with an Emergency Broadcast System Authorization.

(iv) Upon request of a duly authorized representative of the Commission.

(3) The auxiliary transmitter may be used only if it is in proper operating condition and adjusted to the licensed frequency. If testing is necessary to assure proper operation, it may be done any time. A dummy load or any authorized antenna may be used. Notations as to the time and results of such testing must be made in the maintenance log.

(4) The auxiliary transmitter shall be equipped with satisfactory control equipment which will enable the maintenance of the frequency emitted by the station within the limits prescribed by the regulations in this subpart.

(5) The carrier frequency of the auxiliary transmitter shall be measured as often as is necessary to ensure that it is maintained within the prescribed tolerance. If the transmitter is used daily for a period of more than 40 days, the measurement shall be made at least once each calendar month with not more than 40 days expiring between successive measurements.

(6) The authorized operating power of an auxiliary transmitter may be less but not more than that of the regular transmitter. If it is less, the actual operating power is not limited to 105 percent of the authorized operating power of the auxiliary transmitter, but shall in no event exceed the authorized operating power of the regular transmitter.

(b) A licensee may, without further authority, utilize a replaced main transmitter as the auxiliary transmitter provided it remains installed at the same location as the main transmitter, and is coupled to the main antenna system and no changes in technical characteristics are involved. The Commission and the Engineer in Charge of the radio district in which the station is located must be notified within three days after it is ready for use as an auxiliary transmitter.

9. § 73.256 is revised to read as follows:

§ 73.256 Alternate main transmitters.

(a) Upon approval of an application therefor (Form 301), an alternate main transmitter may be licensed for use, subject to the following conditions:

(1) Both transmitters are located at the same place.

(2) Both transmitters have the same power rating.

(3) Both transmitters meet the construction, installation, operation, and performance requirements of § 73.317.

(b) A licensee may, without further authority, utilize a replaced main transmitter as an alternate main transmitter upon compliance with the requirements of paragraphs (a)(1)(2)(3) of this section and provided the transmitter is coupled to the main antenna system and no changes in technical characteristics are involved. The Commission and the Engineer in Charge of the radio district in which the station is located must be notified within three days after it is ready for use as an alternate main transmitter.

10. § 73.555 is revised to read as follows:

§ 73.555 Auxiliary transmitter.

(a) Upon approval of an application therefor (Form 301), an auxiliary transmitter may be licensed for use either at the same location as the main transmitter or at another location, subject to the following conditions:

(1) A licensed operator shall be in control whenever an auxiliary transmitter is placed in operation.

(2) The auxiliary transmitter shall be maintained so that it may be placed into immediate operation at any time for the following purposes:

(i) The transmission of the regular programs upon the failure of the main transmitter.

(ii) The transmission of regular programs during maintenance or modification work on the main transmitter, necessitating discontinuance of its operation.

(iii) Emergency Broadcast System operation, provided the auxiliary transmitter is used in connection with an Emergency Broadcast System Authorization.

(iv) Upon request of a duly authorized representative of the Commission.

(3) The auxiliary transmitter may be used only if it is in proper operating condition and adjusted to the licensed frequency. If testing is necessary to assure proper operation, it may be done any time. A dummy load or any authorized antenna may be used. Notations as to the time and results of such testing must be made in the maintenance log.

(4) The auxiliary transmitter shall be equipped with satisfactory control equipment which will enable the maintenance of the frequency emitted by the station within the limits prescribed by the regulations in this part.

(5) The carrier frequency of the auxiliary transmitter shall be measured as often as is necessary to ensure that it is maintained within the prescribed tolerance. If the transmitter is used daily for a period of more than 40 days, the measurement shall be made at least once each calendar month with not more than 40 days expiring between successive measurements.

(6) The authorized operating power of an auxiliary transmitter may be less, but not more, than that of the regular transmitter. If it is less, the actual operating power is not limited to 105 percent of the authorized operating power of the auxiliary transmitter, but shall in no event exceed the authorized operating power of the regular transmitter.

(b) A licensee may, without further authority, utilize a replaced main transmitter as the auxiliary transmitter provided it remains installed at the same location as the main transmitter, and is coupled to the main antenna system and no changes in technical characteristics are involved. The Commission and the Engineer in Charge of the radio district in which the station is located must be notified within three days after it is ready for use as an auxiliary transmitter.

11. § 73.556 is revised to read as follows:

§ 73.556 Alternate main transmitters.

(a) Upon approval of an application therefor (Form 301), an alternate main transmitter may be licensed for use, subject to the following conditions:

(1) Both transmitters are located at the same place.

(2) Both transmitters shall have the same power rating.

(3) Both transmitters shall meet the requirements of § 73.554.

(b) A licensee may, without further authority, utilize a replaced main transmitter as an alternate main transmitter upon compliance with the requirements of paragraphs (a)(1)(2)(3) of this section and provided the transmitter is coupled to the main antenna system and no changes in technical characteristics are involved. The Commission and the Engineer in Charge of the radio district in which the station is located must be notified within three days after it is ready for use as an alternate main transmitter.

12. § 73.637 is revised to read as follows:

§ 73.637 Alternate main transmitters.

(a) Upon approval of an application therefor (Form 301), an alternate main transmitter may be licensed for use, subject to the following conditions:

(1) Both transmitter shall be located at the same place.

(2) Both transmitter shall have the same power rating.

(3) Both transmitter shall meet the construction, installation, operation and performance requirements of this subpart.

(b) A licensee may, without further authority, utilize a replaced main transmitter as an alternate main transmitter

[1] Commissioner Hooks absent.

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upon compliance with the requirements of paragraphs (a) (1) (2) (3) of this section and provided the transmitter is coupled to the main antenna system and no changes in technical characteristics are involved. The Commission and the Engineer in Charge of the radio district in which the station is located must be notified within three days after it is ready for use as an alternate main transmitter.

13. § 73.638 is revised to read as follows:

§ 73.638 Auxiliary transmitters.

(a) Upon approval of an application therefor (Form 301), an auxiliary transmitter may be licensed for use either at the same location as the main transmitter or at another location, subject to the following conditions:

(1) A licensed operator shall be in control whenever auxiliary transmitters are placed in operation.

(2) The auxiliary transmitters shall be maintained so that they may be put into immediate operation at any time for the following purposes:

(i) The transmission of the regular programs upon the failure of the main transmitters.

(ii) Transmission of regular programs during maintenance or modification work on the main transmitters, necessitating discontinuance of their operation.

NOTE: This includes the equipment changes which may be made without authority as set forth elsewhere in the rules and regulations or as authorized by the Commission by letter or by construction permit. Where such operation is required for periods in excess of 5 days, request therefor shall be in accordance with § 1.542 of the Commission's rules and regulations.

(iii) Emergency Broadcast System operation, provided the auxiliary transmitter is used in connection with an Emergency Broadcast System Authorization.

(iv) Upon request of a duly authorized representative of the Commission.

(3) The auxiliary transmitter may be used only if it is in proper operating condition and adjusted to the licensed frequency. If testing is necessary to assure proper operation, it may be done any time. A dummy load or any authorized antenna may be used. Notations as to the time and results of such testing must be made in the maintenance log.

(4) The auxiliary transmitters shall be equipped with satisfactory control equipment which will enable the maintenance of the frequency emitted by the station within the limits prescribed by the regulations in this subpart.

(5) The operating power of an auxiliary transmitter may be less than the authorized power of the main transmitters, but in no event shall it be greater than such power.

(b) A licensee may, without further authority, utilize a replaced main transmitter as the auxiliary transmitter provided it remains installed at the same location as the main transmitter, and is coupled to the main antenna system and no changes in technical characteristics are involved. The Commission and the Engineer in Charge of the radio district in which the station is located must be notified within three days after it is ready for use as an auxiliary transmitter.

[FR Doc. 75-9113 Filed 4-7-75; 8:45 am]

[Docket Nos. 20071, RM-2179; FCC 75-348]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Table of Assignments; Maine

In the matter of amendment of section 73.202(b), Table of Assignments, FM Broadcast Stations. (Portland, Maine).

1. The Comission has under consideration its Notice of Proposed Rule Making adopted June 4, 1974, 39 Fed. Reg. 20608, inviting comments on a proposal to assign Class B FM Channel 226 to Portland, Maine. This proceeding was instituted on the basis of a petition filed by Aurovideo, Inc. (petitioner), licensee of full-time AM Station WLOB, Portland, Maine. Supporting comments were filed by petitioner. No oppositions were filed.

2. Portland, a city of 65,116 population,[1] is the seat of Cumberland County (population 192,528) and the largest city in Maine. It has one daytime-only and three full-time AM stations and three Class B FM stations (Channels 250, 270 and 275). Channel 226 could be assigned to Portland in conformity with the Commission's minimum mileage separation rule.

3. In supporting comments petitioner states that the population of the 13 cities and towns that comprise greater Portland is 157,321 and the greater Portland Chamber of Commerce projects the population of greater Portland to increase to 170,687 by 1975 and 177,673 by 1980. Petitioner points out that during the last ten years more than forty industries have been established or expanded in the area. It adds that the industrial payroll generates $91,645,318 annually; the port generates $34,000,000 of annual incomes; wholesaling and distribution yield $569,000,000 of income and retailing another $469,477,000 annually. Petitioner states that Portland has a manager/council form of government; excellent medical facilities; a public school system consisting of 7 elementary, 4 junior high and 2 high schools; and 40 churches and synagogues. Petitioner adds that he will file an application for a construction permit for the use of the channel if it is assigned.

4. The proposed assignment would foreclose assignment only on Channel 226 in the immediate area of Portland. There would be no preclusion on any of the six pertinent adjacent channels. In our Notice we requested petitioner to submit information as to whether the proposed operation would provide any area and population with a first or second aural service and a first and second FM service. In an engineering statement submitted with its supporting comments petitioner stated that a study of the coverage from the existing Portland stations to the service area (1 mV/m) of an assumed operation on Channel 226 with a transmitter site in the area meeting all mileage separation requirements reveals that each of these stations would provide 1 mV/m service contour over all the 1 mV/m service contour of the proposed Channel 226 operation. Therefore, although the proposed operation would provide the fourth commercial FM service to the city of Portland, there would be no first or second service provided by the proposed station.

5. The Canadian Government has no objection to the assignment of Channel 226 to Portland, Maine.

6. We have given careful consideration to the proposal in this proceeding and believe that Channel 226 should be assigned to Portland, Maine. Since the preclusionary effect of the proposed assignment is limited to Channel 226 and the use of the channel is confined to a small area around Portland, this assignment would thus result in the efficient use of FM frequencies. Under our population criteria Portland has a population the size of which would warrant the assignment of a fourth FM channel.

7. In view of the foregoing and pursuant to authority contained in sections 4(i), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, *It is ordered*, that effective May 9, 1975, the FM Table of Assignments, § 73.202(b) of the rules is amended to read as follows for the city listed below:

City:	Channel No.
Portland, Maine	226, 250, 270, 275

8. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307).

Adopted: March 25, 1975.

Released: April 1, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.75-9116 Filed 4-7-75; 8:45 am]

[Docket No. 20138; RM-2289; FCC 75-350]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Patterson and Turlock, California

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Turlock and Patterson, California).

1. On August 13, 1974, in response to a petition filed by Mr. John M. Hall, principal stockholder of the licensee of standard broadcast Station KCY at Turlock, California, the Commission adopted a notice of proposed rule making (39 FR 30167) in the above-entitled matter which proposed: (a) To assign FM Channel 252A to Turlock, California and (b), on our own motion, to reassign FM Channel 226 from Turlock to Patterson, California, where it is presently used, under the 15-mile rule, by Station KOSO. A brief comment was filed by petitioner supporting the assignment of FM Channel 252A to Turlock. No other comments or reply comments were received.

2. Turlock, California (population 13,992[1]) is located in Stanislaus County (population 194,506), approximately 38 miles southeast of Stockton, California. There is one AM service licensed in the community, KCEY, petitioner's station. Channel 226, the only FM channel presently assigned to Turlock, is used by Station KOSO at Patterson, as previously mentioned. Patterson (pop. 3,147) is also located in Stanislaus County. It has no local AM station. KOSO has operated there on Channel 226 since November 17, 1965.

3. We are of the view that Channel 226 should be assigned to Patterson and that Channel 252A should be assigned to Turlock as requested. The former assignment would reflect actual usage of the channel for nearly ten years at Patterson, and the latter would conform to our population criteria for channel assignments. Petitioner has furnished economic and other information about the community that buttresses the making of such an assignment. He has also indicated his intent to apply for use of Channel 252A if it is assigned to Turlock.

4. Authority for the action taken herein is contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

5. It being in the public interest, *It is ordered*, That effective May 9, 1975, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended, insofar as the cities listed below are concerned, to read as follows:

City:	Channel No.
Patterson, Calif.	226
Turlock, Calif.	252A.

6. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

Adopted: March 25, 1975.

Released: April 1, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.75-9117 Filed 4-7-75; 8:45 am]

[Docket No. 20083; RM-2175; FCC 75-354]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Valdosta, Georgia; Perry, Florida

In the matter of amendment of § 73.202 (b), Table of Assignments, FM Broadcast Stations (Valdosta, Georgia and Perry, Florida).

1. The Commission has under consideration its notice of proposed rule making adopted June 13, 1974, 39 FR 22280, inviting comments on a proposal to assign Channel 240A to Valdosta, Georgia, and substitute Channel 288A for Channel 240A which is unoccupied at Perry, Florida. This proceeding was instituted on the basis of a petition filed by EV–CO Broadcasters, Inc. (EV–CO), licensee of Class IV standard broadcast Station WVLD at Valdosta. There were no oppositions to the proposal. Supporting comments were filed by the petitioner.

2. Valdosta has a population of 32,303,[1] is located 74 miles northeast of Tallahassee, Florida, and about 14 miles north of the Florida–Georgia border, and is the seat of Lowndes County (population 55,112). There are four standard broadcast stations licensed to Valdosta: WGOV, WVLD (licensed to petitioner), WGAF and WJEM. The only station limited to daytime-only broadcasting is WJEM. At present there are two commercial FM assignments to the community, Channels 225 and 266. The former is licensed to WGOV, Inc. as WGOV–FM, while the latter is licensed to Christian Radio Fellowship, Inc., as WAFT. There is also a noncommercial educational FM station there. The assignment of Channel 240A to Valdosta and the substitution of Channel 288A for Channel 240A at Perry, Florida, complies with the minimum mileage separation rule.

3. Petitioner states that Valdosta is the ninth largest city in Georgia and points out that Valdosta and Lowndes County respectively have had a 5.2 percent gain and a 12.2 percent gain in population between 1960 and 1970. It adds that this area consisting of eight Georgia and two Florida counties serves as a marketing and employment center. Petitioner states that, although the original economy of the Valdosta area was based primarily on agriculture and forest products, the community's economy today contains a substantial sector of manufacturing and that, since 1967, nineteen industries, employing 775 people and representing an annual payroll of $6,200,000, have located in Valdosta. Petitioner informs us that, to continue the rapid development of Valdosta, the Valdosta-Lowndes County Industrial Authority has thus far, at a cost of $590,000, constructed seven new industrial buildings for lease which are currently occupied and, in addition, industrial parks or zones are being developed (in the area surrounding Valdosta) on lines of three different railroads.

4. Petitioner contends that its station, WVLD, is a Class IV standard broadcast station operating on 1450 kHz with nondirectional power of 1,000 watts day and 250 watts at night; however, during nighttime hours, WVLD's signal is limited to the area within six miles of its transmitter site. It states that, in contrast to this limited service area, WVLD's competitors operate facilities on the AM band with 5,000 watts power full-time (WGAF), and 5 kW day—1 kW night (WGOV), and on the FM band with 100 kW (WGOV–FM) and 30 kW (WAFT–FM), while the daytime-only AM station, WJEM, provides service to a substantially larger area than that served by WVLD. Petitioner states that it will be better able to compete with an FM station operating with a maximum facility on Channel 240A if it is assigned to Valdosta; that such a facility would have a far superior coverage, from a technical point of view, to WVLD in nighttime hours; and that such a maximum facility Class A FM service would have substantially more coverage area than the average such facility because of the flat terrain in and around Valdosta. Petitioner reiterates its intention to file the appropriate application for a construction permit for the channel, and if authorized, to build the station promptly.

5. In our Notice we requested that comments be submitted on (1) the proposed assignment of a third FM facility to Valdosta for a community with population of under 50,000 which exceeds the presently established criteria; (2) intermixture of classes of channels and (3) preclusionary effect of assigning Channel 240A to Valdosta. In supporting comments petitioner states that under the Commission's criteria, a community the size of Valdosta (population under 50,000) is not normally assigned more than two channels, whereas this proposal would assign a third. It contends that the Commission has denied requests for a third channel to communities with populations of less than 50,000 persons, but notes that the cases therein involve a question of need for channels in other communities located within the precluded area. Cape Coral, Key West and Punta Gorda, 45 F.C.C. 2d 192, 29 R.R. 819 (1974). It adds that the instant proposal would preclude assignment of Channel 240A to Willacoochee (pop. 1,120); Pearson (1,700); Nicholls (1,150); and Lakeland (2,569) while assigning it to Valdosta (pop. 32,303) almost 14 times the size of the largest precluded town which is located a distance of only 18 miles northeast of Valdosta. In addition, petitioner states that there is little possibility of demand for an FM facility in these small communities which are economically and socially dependent on Valdosta and that the most efficient use of the FM frequency spectrum would be utilized by the instant proposal especially in view of the population and economic growth of Valdosta.

6. Petitioner states that the proposed assignment would result in intermixture of a Class A channel with two Class C channels but points out that an identical intermixture situation was proposed and accepted by the Commission in Key West, Florida, supra.

7. We note that the proposed channel would preclude future assignment of Channel 240A to the communities mentioned in paragraph 5 and it appears that there are no alternative channels available for assignment to these communities. However, the communities are quite

[1] Population figures are from the 1970 U.S. Census.

[2] Commissioner Hooks absent.

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small and no interest in having a channel assigned to them has been shown. We also note that the proposed assignment would intermix a Class A channel with two Class C channels. However, we have on other occasions made such an assignment, and the petitioner is aware of the coverage limitation of a Class A assignment and appears willing to take the competitive risk of operating such a station. Since it has been shown that Valdosta is a rapidly growing area both economically and in size; that there is a demand in the community for the channel; and that there is another channel available for Perry, Florida, as a replacement channel, the public interest would be served by the assignment.

8. Authority for the adoption of the amendments contained herein appears in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

9. In view of the foregoing, *it is ordered*, That effective May 9, 1975, § 73.202 (b) of the Commission's rules and regulations, the FM Table of Assignments is amended to read as follows:

City:	Channel No.
Valdosta, Ga	225, 240A, 266
Perry, Fla	288A

10. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

Adopted: March 25, 1975.

Released: April 1, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc. 75-9119. Filed 4-7-75; 8:45 am]

[Docket Nos. 19961; RM-2155, 2377, 2378; FCC-362]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Table of Assignments; South Carolina

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (St. George and Charleston, South Carolina).

1. The Commission here considers the notice of proposed rule making in Docket No. 19961, adopted March 22, 1974 (39 FR 11933), and counterproposals submitted by William G. Dudley III ("Dudley", RM-2377) and Trident Broadcasting Co. ("Trident", RM-2378.[1]

2. The notice proposed the assignment of Class C Channel 298 to St. George, South Carolina (pop. 1,806),[2] and the deletion of Channel 240A from there. Soundamerica Corp. (formerly WQIZ, Inc.), the proponent of this proposal, is the licensee of daytime-only Station WQIZ-AM and Class A Station WPWR(FM) licensed on Channel 240A, both in St. George. St. George is the seat of Dorchester County (pop. 32,276). Soundamerica's FM station is the only full-time station in the county.

3. Two counterproposals were received in response to the Notice, both proposing that Class C Channel 300 be assigned to Charleston, South Carolina (pop. 66,945). The counterproposals and the Soundamerica proposal are mutually exclusive because a 65 mile separation is required in order to make both assignments, and Charleston and St. George are only 48 miles apart. Charleston is the seat of Charleston County (pop. 247,650). It is served locally by four full-time AM (and one daytime-only) stations and three Class C FM stations. Trident, one of the proponents of the Charleston assignment, indicates that Charleston has a mayor and city council form of government. We are told that the Port of Charleston is enjoying a remarkable growth in the volume of tonnage recorded; that since World War II, the Port of Charleston has risen from 65th in the nation in value of foreign commerce to 14th in latest ranking and has enjoyed the greatest percentage increase in value of foreign trade in the nation. Additional political, social and economic information has been submitted by the proponents of the counterproposals to show that Charleston is a large and growing area in need of an additional Class C station.

4. Soundamerica and Trident each indicate that they intend to program their stations (if their proposals are granted and they receive construction permits) to serve their respective area's underserved Black population and ask that the Commission consider this intent in reaching its public interest determination. Soundamerica avers that 100% of the WQIZ, Inc. daytime staff is Black and that Orangeburg, South Carolina, the location of two Black colleges of major importance, will be one of the new cities served by its FM station operating with proposed facilities of 100 kW ERP with an antenna height of 300 feet AAT. Soundamerica states that its proposal would bring full-time Black oriented service to a substantial number of Blacks who are not now being adequately served by any full-time broadcast media. Trident indicates that approximately 30% of the population of the Charleston Standard Metropolitan Statistical Area is Black and that this population is presently served only by Station WPAL(AM), Charleston, a daytime-only station. It avers that this 30%, or approximately 110,000 Blacks, would be served by its proposed station, a full-time station programmed for the Black community.[3] However, we have consistently held that a rulemaking proceeding is an inappropriate proceeding for consideration of program format. Atlanta, Georgia, 49 F.C.C. 2d ——, Docket No. 19551, FCC 74-1379, adopted December 11, 1974, at paragraph 4. Therefore, we shall not consider the relative benefits of proposed program formats herein.

5. Soundamerica avers that its proposal would provide a first FM service to 3,351 people in a 40 square-mile area and a second FM service to 16,180 people in a 362 square-mile area. This service would be provided to two areas. One of these areas is located between 13 and 27 miles northeast of St. George and includes Holly Hill (pop. 1,178) and Eutawville (pop. 386), South Carolina. The other is located between 15 and 29 miles southwest of St. George and includes Lodge, South Carolina (pop. 168). Dudley avers that Station WDIX(FM) at Orangeburg, South Carolina, has applied for modification of its permit to allow an increase in its facilities and that it has received an FAA "No Hazard Determination" for erection of a tower which will provide 100 kW ERP operation with an antenna height of 550 feet AAT. A staff study indicates that the first FM service claimed for the St. George assignment would be reduced considerably by the proposed modification of the Orangeburg FM station facilities.[4] However, in that event, the reductions in the first service figures are added to the second service figures yielding a favorable increase in the second service population. In addition, Dudley claims that the unserved and underserved areas are mainly rural and are served by station signals with field strengths ranging between 150 uV/m and 1 mV/m. He relies on section 73.315 of the Commission's rules to indicate that such service is sufficient in rural areas. This is not the case. Section 73.315 states that:

"Inasmuch as service may be provided by signals of 1 mV/m or greater field strengths in metropolitan areas, and inasmuch as signals as low as 50 uV/m may provide service in rural areas, considerable latitude in the geographical location of the transmitter is permitted".

As can be seen, this section does not presume that all rural areas are served by a signal as low as 50 uV/m, only that they may be. Dudley has not supported his contention here by a showing that these services are interference free. Roanoke Rapids and Goldsboro, N.C., 9 F.C.C. 2d 672 (1967). In any event, it should be noted that FM assignments are based upon spacing requirements and not interference. In this respect we have consistently held that we will consider only service of 1 mV/m or greater as adequate. (See F.C.C. Rules and Regulations § 73.311.)

6. The strongest argument made by the proponents of the counter-proposal against the Soundamerica proposal is that St. George is not the type of community that is generally assigned a Class C channel and that Charleston is. Generally, high-power Class C assignments are assigned to large urban centers and low-power Class A channels are assigned to small communities. Revision of FM Broadcast Rules, 40 F.C.C. 747 (1963) at paragraph 25. However, this argument alone cannot stand against our priorities of providing a first and second FM service to as much of the population of the United States as possible. Even if the Orangeburg modification is made and if it removes the entire first service area, Soundamerica will still provide at least a second service to approximately 19,531 persons.

7. As set out in the notice, Soundamerica's preclusion study shows that assignment of Channel 298 to St. George would preclude future assignments on Channels 296A, 297, 298, 299 and 300. Twenty-one communities with populations greater than 2,500 persons are within this area. Soundamerica avers that 12 of these communities are located near larger communities with FM assignments, that 8 of the communities have FM assignments, and that Channel 252A can be assigned to Andrews, South Carolina (pop. 2,879) a community somewhat removed from large communities with assignments. It indicates that Channel 240A, if deleted from St. George, as proposed, would be available for assignment to any of the eight communities without assignments that are adjacent to Charleston. Dudley avers that the Charleston proposal would preclude essentially the same areas from future assignments on Channels 297, 298, 299 and 300 as the Soundamerica proposal would. In addition it would preclude the use of Channel 300 at St. Simon, Georgia (pop. 5,436). St. Simon is located approximately 12 miles from Brunswick, Georgia, and Dudley states that it receives service from two Class C stations licensed there. The only other substantive difference in the preclusionary impact of the proposals occurs on Channel 296A. The St. George proposal would preclude the use of Channel 296A in a narrow coastal area in South Carolina extending approximately 81 miles from Beaufort to McClellanville. Dudley notes that adoption of the Charleston proposal would permit the use of Channel 296A in this area. As an example, he states that Channel 296A could be assigned simultaneously to McClellanville (pop. 304) and Beaufort (pop. 9,434).

8. Dudley indicates that the Charleston proposal will provide an additional service to 320,988[5] persons while the St. George proposal will provide additional service to only 69,823 persons. However, Soundamerica argues that the Charleston proposal will only provide a 5th FM choice[6] to those persons within its predicted 1 mV/m contour while the St. George proposal would result in a first and second service to 3,351 persons and 16,180 persons, respectively. The Soundamerica argument is persuasive. Pertinent Commission priorities clearly require that we make an assignment that would provide a first and second FM service over one that would provide a 4th FM assignment to a community with no first or second FM service benefits, Anamosa and Iowa City, Iowa, 46 F.C.C. 2d 520 (1974) at paragraph 14.

9. Accordingly, pursuant to the authority contained in sections 4(i), 303 (r), and 307(b) of the Communications Act of 1934, as amended, *It is ordered*, That effective May 9, 1975, the FM Table of assignments, § 73.202(b) of the Commission's rules and regulations, is amended as follows for the city listed below:

City:	Channel No.
St. George, S.C	298

10. *It is further ordered*, That effective May 9, 1975, and pursuant to section 316 of the Communications Act of 1934, as amended, the outstanding license of Soundamerica Corporation for Station WPWR(FM), St. George, South Carolina, *Is modified* to specify operation on Channel 298, in lieu of Channel 240A subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than May 9, 1975 of its acceptance of this modification.

(b) The licensee shall submit to the Commission by June 9, 1975 all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station WPWR(FM) on Channel 298 at St. George, South Carolina.

(c) The licensee may continue to operate on Channel 240A under its outstanding authorization for one year from the effective date of this order, or effect the change sooner should it so desire. Ten days prior to commencing operation on Channel 298 the licensee shall submit the same measurement data normally required in an application for an FM broadcast station license.

(d) The licensee shall not commence operation on Channel 298 until the Commission specifically authorizes it to do so.

11. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: March 25, 1975.

Released: April 2, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[7]

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.75-9115 Filed 4-7-75;8:45 am]

[Docket No. 20140 RM-2341; FCC 75-353]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations, Midland, Monahans, Brownfield, and Seminole, Texas

1. The Commission has before it for consideration the notice of proposed rule making, adopted August 21, 1974 (39 FR 31535), proposing that the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) be amended by exchanging Channel 271, Midland, Texas, and Channel 277, Monahans, Texas, and by exchanging Channel 292A, Brownfield, Texas, and Channel 280A, Seminole, Texas. The proposal was made by petitioner, Midland Broadcasting Co., in order to eliminate short-spacing between presently assigned channels. The petitioner is the only commenting party.

2. The petitioner had originally filed an application for a construction permit to construct a station on Channel 271 presently assigned to Midland, Texas. However, it was discovered that an IF interference problem existed between Channel 271 and educational Channel 217 licensed to Odessa College, Station KOCV-FM in Odessa, Texas. Section 73.207 of the Commission's rules requires a separation of 30 miles for Class C FM frequencies 53 or 54 channels apart. The distance between the site of the transmitter of Station KOCV-FM and the proposed site for a Midland FM facility is 16.5 miles. Although petitioner attempted to arrange a solution by changing the operation of Station KOCV from Channel 217 to Channel 215, the FM agreement of 1973 between Mexico and the United States failed to accommodate this substitution of channels. Thus, petitioner resorted to the proposed double exchange of channels in order to remove the short-spacing that presently exists. The exchange of Class A stations proposed here was necessitated by the short-spacing result of the exchange of Class C channels. No other changes are required.

3. It appears that the proposed exchange of channels will cause no technical problems. All four channels are presently unoccupied and no applications

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[1] Commissioner Hooks absent.

[2] Other than petitions for extensions of time for filing, filings received by the Commission subsequent to adoption of the Notice include Comments of WQIZ, Inc.; Comments of Brothers Broadcasting Corp.; Counterproposal and Comments of Trident Broadcasting Co. Comments in Opposition to Notice of Proposed Rule Making and Petition for Rule Making of William G. Dudley III; Supplement to Counterproposal and Comments of Trident Broadcasting Co.; Reply Comments of Trident Broadcasting Co.; Reply Comments of Soundamerica Corp.; Reply Comments of Radio Station WWMC, Moncks Corner, South Carolina; Response of Trident Broadcasting Company and Motion to Strike WWMC Reply Comments; and Statement of Trident Broadcasting Company for the Record.

[3] All population figures are from the 1970 U.S. Census.

[4] A staff study was conducted because the Dudley showing was based upon an incorrect service map originally introduced by Soundamerica and later revised.

[5] This showing assumes 100 kW operation with an antenna height of 300 feet AAT.

[6] Soundamerica includes FM Station WKTM located in adjacent North Charleston.

[7] Commissioner Hooks absent.

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are outstanding (except petitioner's application for the present Midland channel). We are informed that the Mexican Government has no technical objections to the proposed changes. There would be no change in potential service offered to the affected areas and the new assignments can be made in compliance with our minimum mileage separation requirements. Petitioner has reaffirmed its intention to apply for the proposed Channel 277 at Midland, if assigned, by amending its pending application for Channel 271 and to promptly construct a station if authorized.

4. Accordingly, in view of the foregoing, and pursuant to authority contained in sections 4(i), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, *it is ordered*, That effective May 9, 1975, the FM Table of Assignments, §73.202(b) of the Commission's rules and regulations is amended, as concerns Midland, Monahans, Brownfield and Seminole, Texas, to read as follows:

City:	Channel No.
Midland, Tex.	222, 227, 277
Monahans, Tex.	260, 271
Brownfield, Tex.	280A
Seminole, Tex.	292A

5. *It is further ordered*, That this proceeding is terminated.

Adopted: March 25, 1975.

Released: April 1, 1975.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.75-9114 Filed 4-7-75;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES)

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Frozen Broccoli

A notice of proposed rulemaking to revise the United States Standards for Grades of Frozen Broccoli was published in the FEDERAL REGISTER of June 25, 1974 (39 FR 22959) and corrections thereto subsequently published in the FEDERAL REGISTER of July 16, 1974 (39 FR 26021) and July 26, 1974 (39 FR 27331). Interested persons were given until November 30, 1974 to study the proposal and offer data, comments, or views relative thereto.

This revised grade standard is issued under authority of the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090, as amended, 7 U.S.C. 1624), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this Act upon request and upon payment of a fee to cover the cost of such services.

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

Statement of consideration leading to the revision. Interested persons were given until November 30, 1974 to submit data, comments, or views pertaining to the proposed rulemaking to revise the United States Standards for Frozen Broccoli.

Comments were received from the U.S. Army Natick Laboratories, Department of the Army, from one member of the broccoli freezing industry, and from the American Frozen Food Institute.

(1) The comment from the U.S. Army Natick Laboratories suggested concurrence with the notice of proposed rulemaking as published.

(2) Comments from the member of the broccoli freezing industry were as follows:

(a) "The ten day study conducted by the USDA at this plant was not conclusive. The product quality during the first five days was excellent and thus did not provide any comparison. During the second five day period, product was variable and lots that averaged 92 score points at present USDA standards failed the new method."

The study referred to above of a preliminary draft of the proposed frozen broccoli standard was conducted in the later part of 1973 for ten days in four separate plants in various broccoli producing areas of California. Analysis of the data from those four plants indicated that the Acceptable Quality Levels (AQL's) in the proposed attributes standard were at approximately the correct level, and the defect classification appeared to be appropriate.

(b) "On lot inspection, 50 sample units would not only be time consuming, but wasteful as under the new system, 11 retail packages could be needed for one sample unit alone and on the 2½ pound carton, at least 3 packages would be graded and discarded."

Sampling plans are included in the revised standards that require a sample unit size of 50 spears or short spears along with alternate sampling plans that require 18 spears or short spears. Both are set to the same AQL's and give approximately the same degree of reliability.

(3) Comments from the American Frozen Food Institute, which represents the majority of the frozen broccoli industry indicated concurrence with the proposed revision provided the following changes were made.

(a) In § 52.633(a)—change to read as follows:

(a) *General.* For the purposes of determining compliance with the requirements for the various style classifications, the following are considered as minor or major defects, as specified and shall not exceed the acceptance number in Table I, II, or III, as applicable for the style.

(1) "Spears" or "Stalks"—each unit longer than 6⅛ inches, or shorter than 3⅝ inches=1 minor.

(2) "Short spears" or "florets"—each unit longer than 3⅝ inches or shorter than ⅞ inch=1 minor.

(3) "Cut"—(i) Units less than ½ inch in the longest dimension—Each 0.5 ounce (14.18 grams) or fraction thereof in increments of at least 0.2 ounce (5.67 grams)=1 minor.

(ii) Each unit (individual piece) more than 2 inches in the longest dimension=1 major.

(4) • • •

(5) • • •

(b) In § 52.633—Table II

Change the AQL from 10.0 for all defects to 15.0 for minor and 6.5 for major defects, and adjust the statistical sampling plans accordingly. This change in the proposal is not substantive since it effects only a small adjustment to fit good industry packing practices, the original intent of the proposal.

As proposed, the tolerance for style compliance for cuts specified in Table II would create a hardship on frozen broccoli packers since these proposed requirements are based on count of units less than ½ inch. The current requirements are based on weight of such units.

(c) In § 52.634 (c) Blemished—change to read as follows:

A unit of broccoli that is blemished by pathological injury, hollow stems, pithy stems, insect injury, or discolored by other means, such as, but not limited to, small orange or yellowish-orange buds to the extent that the appearance or eating quality is adversely affected: • • •

(d) In § 52.634 (c) (2) and (3) • • • color—delete the phrase:

or small orange or yellowish-orange buds.

It is felt that this type of defect can more realistically be classified as to severity as a blemish factor rather than its effect on color.

(e) In § 52.634(p)—Leaf material—change to read as follows:

Leaf material in the styles of cuts, chopped, and pieces means any portion of a leaf not attached to a portion of a spear.

It is our understanding that the requirements for leaf material in the styles of cuts and chopped were originally meant to control the arbitrary addition of coarse leaf material normally discarded in the packing operation and not leaf material attached to broccoli stalks resulting from an overflow of the spears and short spears pack.

The above mentioned changes are editorial in nature and provide more definition, both for the sake of clarity and constitute no substantive changes.

The Department concurs that these suggested changes provide more clarity and will bring the revised standards more in line with current packing practices.

The revised grade standards for frozen broccoli incorporate the attributes approach which makes the following changes from previous standards:

(1) Any deviation from a specific requirement for any of the quality factors is a defect;

(2) Each defect is classified as to its relative severity as minor, major, severe, or critical;

(3) A standard sample unit size is provided for the various styles regardless of the container size;

(4) Allowances for the various defect classifications are set to specific Acceptable Quality Levels (AQL's) based on this sample unit size;

(5) Allowances are cumulative for the sample instead of on an individual sample unit basis;

(6) Defects are counted and tallied according to class, thereby eliminating the need for calculating percentages;

(7) The scoring system is eliminated. Acceptance or rejection would be on a "go" or "no go" basis for each grade classification; and

(8) Specific requirements for compliance with a particular style are provided.

After consideration of all relevant matters presented, including the notice of proposed rulemaking, the United States Standards for Grades of Frozen Broccoli are hereby revised as published in the FEDERAL REGISTER of June 25, 1974 (39 FR 22959) except for changes as suggested herein to become effective July 1, 1975 and thereupon will supersede the standards which have been in effect since April 14, 1962.

The revision is as follows:

Subpart—United States Standards for Grades of Frozen Broccoli

PRODUCT DESCRIPTION, STYLES, AND STYLE COMPLIANCE

Sec.
52.631 Product description.
52.632 Styles of Frozen broccoli.
52.633 Style classification compliance.

DEFINITIONS OF TERMS

52.634 Definitions of terms.

SAMPLE UNIT SIZES

52.635 Sample unit sizes.

GRADES, FACTORS OF QUALITY, AND GRADE COMPLIANCE

52.636 Grades.
52.637 Factors of quality and grade compliance.

SAMPLE SIZES, METHOD OF ANALYSIS, AND LOT COMPLIANCE

52.638 Sample sizes.
52.639 Determining proportions of head material and leaf material.
52.640 Lot acceptance for style.
52.641 Lot acceptance for quality.

TALLY SHEET

52.642 Tally sheet.

AUTHORITY: Agricultural Marketing Act of 1946, sec. 205, 60 Stat. 1090, as amended; (7 U.S.C. 1624)

PRODUCT DESCRIPTION, STYLES, AND STYLE COMPLIANCE

§ 52.631 Product description.

"Frozen broccoli" is the product prepared from the fresh, clean, sound stalks or shoots of the broccoli plant (Brassica oleracea [Italica group]) by trimming, washing, blanching, sorting, and properly draining. The product is frozen in accordance with good commercial practice and maintained at temperatures necessary for preservation of the product.

§ 52.632 Styles of frozen broccoli.

(a) "Spears" or "stalks" consist of the head and adjoining portions of the stem, with or without attached leaves, ranging from not less than 3½ inches (8.9 cm) to not more than 6 inches (15.2 cm) in length. Such spears or stalks may be cut longitudinally.

(b) "Short spears" or "florets" consist of the head and adjoining portions of the stem, with or without attached leaves, ranging in length from not less than 1 inch (2.5 cm) to less than 3½ inches (8.9 cm) and weigh more than 0.2 ounce (6 gr). Such short spears or florets may be cut longitudinally.

(c) "Cut" consist of spears or stalks cut into portions ranging from ¾ inch (1.9 cm) or more but not more than 2 inches (5.1 cm) in length. This style contains not less than 25 percent, by weight, of head material and not more than 25 percent, by weight, of leaf material.

(d) "Chopped" consists of spears or stalks cut into portions predominantly less than ¾ inch (1.9 cm) in length. This style contains not less than 25 percent, by weight, of head material and not more than 25 percent, by weight, of leaf material.

(e) "Pieces" consist of cut or chopped portions or spears or stalks which do not meet the requirements for "cuts" or "chopped" style.

§ 52.633 Style classification compliance.

(a) *General.* For the purpose of determining compliance with the requirements for the various styles the following are considered as minor or major defects, as specified, and shall not exceed the acceptance number in Table I, (or I Alternate), II, or III, as applicable for the style.

(1) "Spears" or "stalks"—each unit longer than 6⅛ inches (15.6 cm) or shorter than 3⅜ inches (8.6 cm)=1 minor.

(2) "Short spears" or "florets"—each unit longer than 3⅝ inches (9.2 cm), or unit shorter than ⅞ inch (2.2 cm)=1 minor.

(3) "Cuts"—(i) Units less than ½ inch (1.3 cm) in the longest dimension—Each 0.5 ounce (14.0 grams) or fraction thereof in increments of at least 0.2 ounce (6 grams)=1 minor.

(ii) Each unit (individual piece) more than 2 inches (5.1 cm) in the longest dimension=1 major.

(4) "Chopped"—units more than ¾ inch (1.9 cm) in the longest dimension=1 minor.

(b) For the styles of cuts and chopped, pieces of leaves are not considered as length defects.

TABLE I.—*Spears; short spears, tolerances for style compliance*

[Sample unit size=50 spears or short spears]

Number of sample units	Number of units	Maximum number defects permitted [1]
1	50	9
2	100	15
3	150	21
4	200	27
5	250	33
6	300	38
7	350	44
8	400	50
9	450	55
10	500	62
11	550	66
12	600	72
13	650	77
14	700	83
15	750	88
16	800	95
17	850	99
18	900	105
19	950	110
20	1,000	115
21	1,050	121

[1] Minor—AL value—11, AQL=16.0.

TABLE I (Alternate).—*Spears; short spears, tolerances for style compliance*

[Sample unit size=18 spears or short spears]

Number of sample units	Number of units	Maximum number defects permitted [1]
1	18	4
2	36	7
3	54	9
4	72	11
5	90	14
6	108	16
7	126	18
8	144	20
9	162	22
10	180	25
11	198	27
12	216	29
13	234	31
14	252	33
15	270	35
16	288	37
17	306	39
18	324	41
19	342	43
20	360	45
21	378	47

[1] Minor—AL value—6, AQL=10.0

TABLE II.—*Cuts, tolerances for style compliance*

[Sample unit size=10 oz. (283 gr.)]

Number of sample units	Weight of product		Maximum number defects permitted	
	Ounces	Grams	AQL—15.0*, minor, AL value=6	AQL—6.5*, major, AL value=10
1	10	283	4	7
2	20	567	7	12
3	30	850	9	17
4	40	1,134	12	22
5	50	1,417	14	27
6	60	1,701	16	31
7	70	1,984	19	36
8	80	2,268	21	40
9	90	2,551	23	45
10	100	2,835	25	49
11	110	3,118	27	54
12	120	3,402	29	58
13	130	3,685	31	62
14	140	3,969	33	67
15	150	4,252	36	71
16	160	4,536	38	75
17	170	4,819	40	80
18	180	5,103	42	84
19	190	5,386	44	88
20	200	5,670	46	92
21	210	5,953	48	97

*Based on an estimated count of six per ounce of product exclusive of chaff.

**Based on five pieces per 0.12 ounce exclusive of chaff.

[1] Commissioner Brooks absent.

V 40168 APR 8 75 XUM

TABLE III.—*Chopped, minimum for style compliance*
[Sample Unit Size—10 oz. (283 gr)]

Number of sample units	Weight of product		Maximum number of defects permitted [1]
	Ounces	Grams	
1	10	283	23
2	20	567	43
3	30	850	62
4	40	1,134	81
5	50	1,417	99
6	60	1,701	118
7	70	1,984	136
8	80	2,268	154
9	90	2,551	172
10	100	2,835	191
11	110	3,118	209
12	120	3,402	226
13	130	3,685	244
14	140	3,969	262
15	150	4,252	280
16	160	4,536	298
17	170	4,819	316
18	180	5,103	334
19	190	5,386	351
20	200	5,670	369
21	210	5,953	387

[1] Minor—AL value—6.5, AQL=8.5.[2]
[2] Based on an estimated count of 20 per ounce of product exclusive of chaff.

DEFINITIONS OF TERMS

§ 52.634 Definition of terms.

(a) **Absolute limit (AL).** Limit for maximum number of defects permitted in a sample unit.

(b) **Acceptable Quality Level (AQL).** Acceptable Quality Level (AQL) is the maximum percent defective, or the maximum number of defects per hundred units, that, for purposes of sampling inspection, can be considered satisfactory as a process average.

(c) **Blemished.** A unit of broccoli that is blemished by pathological injury, hollow stems, pithy stems, insect injury, or discolored by other means such as, but not limited to, small orange or yellowish-orange buds, to the extent that the appearance or eating quality is adversely affected:

(1) Not more than slightly;
(2) Materially; or
(3) Seriously.

(d) **Broken** in the styles of spears or short spears means any broken or detached portions, other than loose leaves or portions thereof, which weigh more than 0.2 ounce (6 grams) and are definitely not intact units.

(e) **Color.** (1) *Good color*—the outside of the stalk is a bright, distinct green. The top of the head is a bright, distinct green and may show a slight purplish cast. Such color may also include lighter colored areas on the outside of the head typical of young and tender broccoli.

(2) *Reasonably good color*—the outside of the stalk may be dull and may possess a slight brownish, yellowish, or grayish cast. The head may be dull and possess a slight brownish, grayish, or yellowish cast and/or yellow buds due to flowering that do not seriously affect the color appearance.

(3) *Poor color*—the presence of yellow buds due to flowering any brownish, grayish, or yellowish casts that seriously affect the color appearance of the broccoli unit.

(f) **Damage.** A spear or short spear on which the head is damaged by mechanical injury, other than "broken," to the extent that the appearance or eating quality is materially affected.

(g) **Defect.** Any specifically defined variation from a particular requirement. "Defects" are classified as "minor", "major", "severe", or "critical".

(h) **Detached fragments.** In the styles of spears and short spears a detached fragment is any small piece or detached portion other than loose leaves or portions thereof, which weigh 0.2 ounce (6 grams) or less.

(i) **Development.**

(1) *Well developed.* (i) *Spears and short spears:* (*a*) The spreading of the branching bud clusters which comprise the head of the unit does not materially affect the appearance of the unit; and

(*b*) The broccoli is in the early stage of maturity such that the individual buds and the immediate stems supporting the individual buds form a compact bud cluster.

(2) *Reasonably well developed.* (i) *Spears and short spears:* (*a*) The spreading of the branching bud clusters which comprise the head of the unit does not seriously affect the appearance of the unit; and

(*b*) The broccoli is in the intermediate stage of maturity such that the individual buds and the immediate stems supporting the individual buds form a reasonably compact bud cluster.

(ii) *All styles:* The individual buds are not more than moderately enlarged and practically none of the individual buds are in the flowered stage.

(3) *Poorly developed.* (i) *Spears and short spears:* (*a*) The branching bud clusters which comprise the head of the unit may be spread to the extent that the appearance of the unit is seriously affected; and

(*b*) The broccoli is in the advanced stage of maturity such that the individual buds and the immediate stems supporting the individual buds form a loosely structured bud cluster.

(ii) *All styles:* The individual buds are in the flowered stage or are more than moderately enlarged with or without reaching the flowered stage.

(j) **Deviant.** As applied to these standards, "deviant means a sample unit which fails the requirements for one or more of the prerequisite quality factors specified in § 52.636 by not more than one grade below the intended grade.

(k) **Diameter.** The diameter of a spear is the greatest dimension at approximate right angles to the longitudinal axis of the spear approximately 1 inch (2.5 cm) from the base end.

(l) **Extraneous vegetable material.** (1) *Class 1.* Tender, green blades of grass or weeds or leaves which are harmless.

(2) *Class 2.* Coarse blades of grass or weeds or leaves which may or may not be tender or green and which are harmless.

(m) **Fiber.** Fiber that is developed near the outside portion of the broccoli stem that is tough and/or woody.

(n) **Flavor and odor.** (1) *Good flavor and odor*—The product has a good characteristic flavor and odor and is free from objectionable flavors or objectionable odors of any kind.

(2) *Fairly good flavor and odor*—The product may be lacking in good flavor and odor but is free from objectionable flavors or objectionable odors of any kind.

(o) **Head material.** "Head material" in the styles of cuts and chopped consists of buds or bud clusters whether or not attached to a portion of a spear and includes the fine stem material to which buds or bud clusters are attached to the main stem.

(p) **Leaf material.** "Leaf material" in the styles of cuts, chopped, and pieces means any portion of a leaf not attached to a portion of a spear.

(q) **Loose leaves or pieces of leaves.** Broccoli leaves or pieces of leaves in the styles of spears and short spears not attached to a unit.

(r) **Sample.** The number of sample units to be used for inspection.

(s) **Sample unit.** The amount of product specified to be used for inspection. It may be:

(1) The entire contents of a container; or

(2) A portion of the contents of a container; or

(3) A combination of the entire or partial contents of two or more containers; or

(4) A portion of unpacked product.

(t) **Trim.** (1) "Well trimmed" (spears; short spears only) means that the appearance of the unit is not materially affected by the presence of attached leaves or pieces of leaves and not more than slightly affected by ragged or partial removal of leaves or small side shoots, or by poor cutting of the stem.

(2) "Reasonably well trimmed" (spears; short spears only) means that the appearance of the unit is not seriously affected by the presence of attached leaves or pieces of leaves and not materially affected by ragged or partial removal of leaves or small side shoots or by poor cutting of the stem.

(3) "Poorly trimmed" (spears; short spears only) means that the appearance of the unit is seriously affected by the presence of attached leaves or pieces of leaves, by ragged or partial removal of leaves or small side shoots, or by poor cutting of the stem.

(u) **Unit.** Any individual portion of broccoli other than loose leaves or individual buds.

SAMPLE UNIT SIZES

§ 52.635 Sample unit sizes.

(a) For head material and leaf material.

(1) Cuts—10 ounces (283 grams) of product.

(2) Chopped—1¾ ounces (50 grams) of product.

(b) For style (other than head material and leaf material), and quality factors.

(1) Spears; short spears—50 units; alternate—18 units.

(2) Cuts; chopped; pieces—10 ounces (283 grams) of product.

Broken, crushed, or similarly damaged portions of units of product in the styles of spears and short spears are reassembled and included in the count as whole units.

Head and leaf material in the styles of cut and chopped, loose leaves or pieces in the styles of spears and short spears, and extraneous material in all product styles are part of the standard sample unit size. They are not included in the count of spears and short spears but are included in the weight of cut and chopped broccoli. Such pieces and other extraneous material are considered part of the sample unit:

(i) When they are in a container whose entire contents are included in the sample unit;

(ii) When they are in the last of several containers included in the sample unit and 50 percent or more of the contents are required for the sample unit. None of the pieces and HEM in the last of several containers is considered part of the sample unit when less than 50 percent of its contents are required for the sample unit; and

(iii) When they are commingled with all of the product required for the sample unit and such product is taken from but is not the entire contents of a single container.

GRADES, FACTORS OF QUALITY, AND GRADE COMPLIANCE

§ 52.636 Grades.

(a) **U.S. Grade A (or U.S. Fancy)** is the quality of frozen broccoli that:

(1) Meets the following prerequisites (with deviants as specified in § 52.641 (a));

(i) Has similar varietal characteristics;

(ii) Has a good flavor and odor;

(iii) Is practically free from grit or silt;

(iv) Has a good, bright, overall color appearance;

(v) With respect to the styles of cuts, chopped, and pieces; has individual buds that are at least reasonably well developed; and

(2) Meets the requirements for the various quality factors in Table V (or V Alternate), VII, VIII as applicable for the style.

(b) **U.S. Grade B or (U.S. Extra Standard)** is the quality of frozen broccoli that:

(1) Meets the following prerequisites (with deviants as specified in § 52.641 (a));

(i) Has similar varietal characteristics;

(ii) Has at least a fairly good flavor and odor;

(iii) Has no more than a trace of grit or silt;

(iv) Has at least a reasonably good overall color appearance which may be slightly dull;

(v) With respect to the styles of cuts, chopped, or pieces; may have poorly developed buds that do not materially affect the appearance of the product; and

(2) Meets requirements for the various quality factors in Table V (or V Alternate), VI, or VII as applicable for the style.

(c) **Substandard** is the quality of frozen broccoli that fails to meet the requirements for U.S. Grade B.

§ 52.637 Factors of quality and grade compliance.

(a) The grade of a lot of frozen broccoli is based on compliance with the prerequisites specified in § 52.636 and with requirements for the following quality factors:

(1) Color;
(2) Uniformity of size;
(3) Detached fragments;
(4) Loose leaves or pieces of leaves;
(5) Damaged; broken; blemished;
(6) Trimming, with respect to the styles of spears and short spears;
(7) Development;
(8) Fiber; and
(9) Harmless extraneous material.

TABLE IV
CLASSIFICATION OF DEFECTS

Quality factor	Defect	Classification			
		Minor	Major	Severe	Critical
Color	Spears and short spears:				
	Reasonably good (in grade A only)		×		
	Poor			×	
Uniformity of size	Spears:				
	Length variation—greater than ¾ inch (1.9 cm)		×		
	Spears:				
	Diameter variation—greater than ¾ inch (1.0 cm)	×			
	Short spears:				
	Weight variation—largest unit is four times or more greater than smallest unit	×			
Detached fragments	Spears and short spears:				
	Each 1 ounce (28 gr) or fraction thereof in increments of at least 0.5 ounce (14 gr)		×		
Loose leaves and pieces of leaves.	Spears and short spears:				
	Each 0.5 ounce (14 gr) or fraction thereof in increments of at least 0.2 ounce (6 gr)	×			
Broken	Spears and short spears	×			
Damage	Mechanical or other means	×			
Blemished	Units adversely affected:				
	More than slightly	×			
	Materially		×		
	Seriously			×	
Trim	Spears and short spears:				
	Reasonably well (in grade A only)	×			
	Poorly:				
	In grade A		×		
	In grade B	×			
Development	Spears and Short Spears:				
	Reasonably well (in grade A only)	×			
	Poorly		×		
Fiber	All styles:				
	Not woody		×		
	Woody			×	
Harmless extraneous material.	Spears and short spears:				
	Class 1—(each piece)			×	
	Class 2—(each piece)				×
	Cuts, chopped, pieces				
	Class 1—each 1 inch (2.5 cm) or fraction thereof			×	
	Class 2—each 1 inch (2.5 cm) or fraction thereof				×

TABLE V.—*Grade compliance; spears; short spears*
[Sample unit size=50 units]

		Grade A				Grade B			
AQL		20.0	6.5	0.65	0.30	25.0	10.0	2.5	0.65
Absolute limit (AL)		20	9	3	2	24	12	5	1
Number of sample units	Number of spears or short spears	Total [1]	Major	Severe	Critical	Total [1]	Major	Severe	Critical
1	50	15	6	1	0	18	9	3	1
2	100	27	11	2	1	33	15	5	2
3	150	39	15	3	1	48	21	7	3
4	200	50	19	3	2	62	27	9	3
5	250	62	23	4	2	75	33	10	4
6	300	73	27	4	3	89	39	12	4
7	350	84	31	5	3	103	45	14	5
8	400	95	34	5	3	116	50	15	5
9	450	105	38	6	3	130	56	17	6
10	500	116	42	6	4	143	62	18	6
11	550	127	46	7	4	157	67	20	7
12	600	138	49	7	4	170	73	21	7
13	650	149	53	8	4	183	78	23	8
14	700	159	57	8	5	197	84	24	8
15	750	170	60	9	5	210	89	26	9
16	800	181	64	9	5	223	95	27	9
17	850	191	67	10	5	236	100	29	10
18	900	202	71	10	6	250	106	30	10
19	950	213	75	10	6	263	111	32	10
20	1,000	223	78	11	6	276	116	33	11
21	1,050	234	82	11	6	289	122	35	11

[1] Total equals minor plus major plus severe plus critical.

V 40168
APR 8 75
XUM

TABLE V (Alternate).—*Grade compliance; spears; short spears*

[Sample unit=18 units]

	Grade A				Grade B			
AQL	20.0	6.5	0.65	0.30	25.0	10.0	2.5	0.65
Absolute limit (AL)	9	5	2	1	1	6	3	2

Number of sample units	Number of spears or short spears	Total [1]	Major	Severe	Critical	Total [1]	Major	Severe	Critical
1	18	7	3	0	0	8	4	1	0
2	36	12	5	0	0	14	7	3	0
3	54	16	7	1	0	20	9	3	1
4	72	21	8	1	0	25	12	4	1
5	90	25	10	2	1	30	14	5	2
6	108	29	11	2	1	36	16	6	2
7	126	33	13	2	1	41	19	6	2
8	144	38	14	3	1	46	21	7	2
9	162	42	16	3	1	51	23	7	3
10	180	46	17	3	1	56	25	8	3
11	198	50	19	3	2	61	27	9	3
12	216	54	20	3	2	66	29	9	3
13	234	58	22	4	2	71	31	10	4
14	252	62	23	4	2	76	33	11	4
15	270	66	24	4	2	81	36	11	4
16	288	70	26	4	3	86	38	12	4
17	306	74	27	4	3	91	40	12	4
18	324	78	29	5	3	96	42	13	5
19	342	82	30	5	3	101	44	13	5
20	360	86	31	5	3	105	46	14	5
21	378	90	33	5	3	110	48	15	5

TABLE VI.—*Grade compliance; cuts; pieces*

[Sample Unit Size=10 ounces (283 gr)]

	Grade A				Grade B			
AQL [2]	8.5	2.0	0.65	0.30	20.0	4.5	1.0	0.65
Absolute Limit (AL)	18	5	3	2	34	11	5	4

Number of sample units	Weight of product		Total [1]	Major	Severe	Critical	Total [1]	Major	Severe	Critical
	Ounces	Grams								
1	10	283	13	4	2	1	27	8	3	2
2	20	567	24	7	3	2	50	14	4	3
3	30	850	34	10	4	3	73	20	6	4
4	40	1,134	44	13	5	3	95	25	7	5
5	50	1,417	53	15	6	4	116	30	9	6
6	60	1,701	63	18	7	4	138	36	10	7
7	70	1,984	72	20	8	5	159	41	11	8
8	80	2,268	81	23	9	5	181	46	13	9
9	90	2,551	91	25	10	6	202	51	14	10
10	100	2,835	100	27	11	6	223	56	15	11
11	110	3,118	109	30	12	6	244	61	17	12
12	120	3,402	119	32	12	7	266	66	18	13
13	130	3,685	128	34	12	7	287	71	19	13
14	140	3,969	137	37	14	8	308	76	20	14
15	150	4,252	146	39	15	8	329	81	21	15
16	160	4,536	155	41	16	9	349	86	23	16
17	170	4,819	164	44	17	9	370	91	24	17
18	180	5,103	173	46	17	9	390	96	25	17
19	190	5,386	182	48	18	10	412	101	26	18
20	200	5,670	191	50	19	10	433	105	27	19
21	210	5,953	200	53	20	11	454	110	29	20

[1] Total equals minor plus major plus severe plus critical.
[2] Based on an estimated count of six per ounce of product exclusive of chaff.

TABLE VII.—*Grade compliance; chopped*

[Sample Unit Size=10 ounces (283 gr)]

	Grade A				Grade B			
AQL [2]	5.0	1.5	0.65	0.30	10.0	3.0	1.0	0.65
	12	6	4	2	20	9	5	4

Number of sample units	Weight of product		Total [1]	Major	Severe	Critical	Total [1]	Major	Severe	Critical
	Ounces	Grams								
1	10	283	9	4	2	1	15	6	3	2
2	20	567	15	6	3	2	27	10	4	3
3	30	850	21	8	4	3	39	14	6	4
4	40	1,134	27	10	5	3	50	18	7	5
5	50	1,417	33	12	6	4	62	21	9	6
6	60	1,701	39	14	7	4	73	25	10	7
7	70	1,984	45	16	8	5	84	29	11	8
8	80	2,268	50	18	9	5	95	32	13	9
9	90	2,551	56	20	10	6	105	36	14	10
10	100	2,835	62	21	11	6	116	39	15	11
11	110	3,118	67	23	12	6	127	42	17	12
12	120	3,402	73	25	12	7	138	46	18	13
13	130	3,685	78	27	13	7	149	49	19	14
14	140	3,969	84	29	14	8	159	53	20	15
15	150	4,252	89	30	15	8	170	56	21	15
16	160	4,536	95	32	16	9	181	59	23	16
17	170	4,819	100	34	17	9	191	63	24	17
18	180	5,103	105	36	17	9	202	66	25	17
19	190	5,386	111	37	18	10	212	69	26	18
20	200	5,670	116	39	19	10	223	73	27	19
21	210	5,953	122	41	20	11	234	76	29	20

[1] Total equals minor plus major plus severe plus critical.
[2] Based on an estimated count of 20 per ounce of product exclusive of chaff.

SAMPLE SIZES, METHOD OF ANALYSIS, AND LOT COMPLIANCE

§ 52.638 Sample size.

(a) *General.* The sample size to determine compliance with requirements of these standards shall be specified in the sampling plans and procedures in the "Regulations Governing Inspection of Processed Fruits and Vegetables and Related Products (§ 52.83), for Lot Inspection or On-Line-Inspection, as applicable.

(b) *Deviants.* The acceptance numbers for deviants specified in the sampling plans cited in paragraph (a) of this section apply only to the prerequisite factors specified for the grade in § 52.636. They do not apply to the quality factors covered by the sampling plans in § 52.637.

§ 52.639 Determining proportions of head material and leaf material.

(a) *Method.* The percent, by weight, of head material and leaf material in cut and chopped broccoli may be determined as follows:

(1) *Equipment needed.*

(i) 250 ml beaker.

(ii) Gram scale, or other suitable graduated to 0.1 ounce.

(iii) Laboratory tweezers, scalpel, or other instrument suitable for separating the stem material, leaf material, and head material.

(iv) Flat grading tray.

(2) *Procedure.*

(i) Thoroughly mix sample unit to be tested if sample unit is not the entire contents of the container.

(ii) Weigh approximately 50 grams (1¾ ounces) in the case of chopped product in a previously tarred 250 ml beaker.

(iii) In the case of cut style weigh 283 grams (10 ounces) of product in a suitable previously tarred container.

(iv) Spread the weighed product out on a flat grading tray.

(v) Separate the stem material from the head and leaf material; weigh the stem material, and record.

(vi) Separate the leaf material from the head material; weigh each separately and record.

(vii) The weight of the head material divided by the sum of the weights of the stem, head, and leaf materials multiplied by 100 is the percent, by weight, of head material.

(viii) The weight of leaf material divided by the sum of the weights of the stem, head, and leaf materials multiplied by 100 is the percent, by weight, of leaf material.

§ 52.640 Lot acceptance for style.

(a) Spears; short spears. A lot of frozen broccoli is considered as meeting the style requirements for spears or short spears as applicable, if the defects permitted and the AL value specified in Table I or Table I Alternate are not exceeded.

(b) Cuts; chopped.

(1) *Head material; Leaf material*—A lot of frozen broccoli is considered as meeting the style requirements for cuts or chopped for head material and leaf material; *Provided*, That:

(i) The average of all the sample units in the sample does not exceed 25 percent, by weight, of leaf material; and

(ii) The average of all the sample units in the sample is not less than 25 percent, by weight, of head material; and

(iii) No single sample unit contains less than 15 percent by weight, of head material, or more than 35 percent, by weight, of leaf material.

(2) *Length*—The AL values and/or the cumulative acceptance numbers for the defects permitted, specified in Table II or III as applicable, are not exceeded.

V 40168
APR 8 75

§ 52.641 Lot acceptance for quality.

A lot of frozen broccoli is considered as meeting the requirements for quality if:

(a) The number of deviants for the prerequisites specified for the applicable grade in § 52.636 does not exceed the acceptance number specified in the sampling plans in the "Regulations Governing Inspection of Processed Fruits and Vegetables and Related Products" (§§ 52.1–52.83); and

(b) The AL values and/or the cumulative acceptance numbers for the defects permitted for the applicable defect classifications specified in Tables V (or V Alternate), VI, and VII are not exceeded.

TALLY SHEET

§ 52.642 Tally sheet.

Defect tally for frozen broccoli

Number, size, and kind of container
Label
Container mark
Net weight
Sample unit No.
Prerequisite grade
Reason downgraded

Defect	Minor	Major	Severe	Critical	Minor	Major	Severe	Critical
Color								
Uniformity of size								
Detached fragments								
Leaves, loose and pieces								
Damage: Broken								
Blemished								
Mechanical & other								
Trimming: Reasonably well								
Poorly								
Development: Reasonably well								
Poorly								
Fiber								
Harmless extraneous material								
Total (each class)								
Cumulative total (each class)								
Total (all classes)								
Cumulative total (all classes)								
Style								
Total								
Cumulative total								

Dated: April 1, 1975.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

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PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Canned Grapefruit and Orange for Salad

A notice of proposed rulemaking to revise the United States Standards for Grades of Canned Grapefruit and Orange for Salad was published in the FEDERAL REGISTER of December 16, 1974 (39 FR 43551). Interested persons were given until December 31, 1974 to study the proposal and offer data, comments or views regarding to the proposal. Corrections relative to the proposal and an extension of time for study and comment until March 1, 1975 were published in the FEDERAL REGISTER of January 20, 1975 (40 FR 3217).

This revised grade standard is issued under the authority of the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090, as amended, 7 U.S.C. 1624), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this Act upon request and upon payment of a fee to cover the cost of such services.

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

Statement of consideration leading to the revision. A notice of proposed rulemaking was published in the FEDERAL REGISTER of December 16, 1974 at the request of the Florida Canners Association (FCA), representing all of the processors of canned grapefruit and orange for salad. FCA requested the Department to revise the current U.S. Standards for Grades of Canned Grapefruit and Orange for Salad to conform, as nearly as practicable, to the U.S. Standards for Grades of Canned Grapefruit.

The U.S. Standards for Grades of Canned Grapefruit were revised effective October 25, 1973, to overcome problems associated with mechanized segmenting and filing operations. Based upon the applicability of the revised canned grapefruit standards, and the similarity of canned grapefruit to canned grapefruit and orange for salad, a revision would bring the U.S. Standards for Grades of Canned Grapefruit and Orange for salad in line with current industry problems and operations.

Interested persons were given until December 31, 1974 to offer data, comments, or views pertaining to the proposed rulemaking to revise the U.S. Standards for Grades of Canned Grapefruit and Orange for Salad. It was determined that due to the heavy flow of mail during the month of December, 1974, many consumers may have experienced difficulty in receiving notice of the proposed rulemaking. Therefore, the comment period was extended to March 1, 1975.

The revision of the U.S. Standards for Grades of Canned Grapefruit and Orange for Salad made the following changes:

(1) Eliminated drained weight as a scoring factor of quality.

(2) Lowered the recommended minimum drained weight from 56.25 percent of the water capacity of the container to 53 percent.

(3) Lowered the minimum percent of practically whole segments in grade A from 75 percent to 65 percent.

(4) Changed the criteria for the factor of character to eliminate the restriction on loose floating cells.

(5) Provided for the addition of orange juice as a liquid packing medium.

Other changes made in the revision and consistent with current practice in the U.S. standards are as follows:

(1) Brix determination may be forced by comminuting as an alternative to waiting 15 days or more after packing the fruit.

(2) Score points are realigned to 25 points for each scorable factor.

(3) "Allowances for Defects" are tabulated.

The Department received thirteen comments in response to the proposed rulemaking. The Florida Canners Association (FCA) urged the Department to adopt the proposed rulemaking in its entirety. FCA further requested that final rulemaking be made effective upon publication in the FEDERAL REGISTER. Thus the revised standards could be used for the 1975 pack.

Comments from four consumers basically supported the revision. The comments outlined that only a slight change was being made in the standards, the revision might help stabilize consumer prices for the product and still meet minimum mandatory food requirements.

One comment indicated a desire for mandatory grade labeling. One consumer revealed the frustration of not being able to clearly determine the contents of a container from its pictorial label content and could neither be interpreted as opposing or supporting the revision.

One comment from the Office of the Governor of the State of Illinois requested that the Department clarify the changes that are being made in the revision and allow additional time for the comment period. The comment period was subsequently extended to March 1, 1975.

Four consumer comments indicated that drained weight and the percentage of whole fruit segments should not be changed.

One comment from Consumers Union expressed dismay that the proposed standards for grade A would permit less fruit, and fewer "almost whole" segments of fruit. Its argument is that a segment of the industry that chooses to pack at the present quality level of grade A could not competitively do so because there would be no U.S. grade terminology to solely reflect this higher level. In the opinion of the Department, the Florida Canners Association represents all of the processors of this item. The Association states that it is no longer economically feasible to pack at the present quality level reflected in grade A due to reasons cited above. If a reasonable proportion of their pack cannot be graded A, then producers may choose to use their raw product for juice rather than canned citrus salad resulting in less citrus salad available to consumers and a probable price increase. The purpose of U.S. standards for grades of food products is to facilitate their orderly marketing. Therefore, it is incumbent on the Department to have its grade standards truly reflect the actual quality levels moving in the marketplace, and not attempt to promulgate a quality level that the industry cannot use.

"U.S. Grade A" and "U.S. Grade B" as defined in the revised standards for canned citrus salad, exceed the minimum Food and Drug Administration's Standards of Quality and Fill of Container for Canned Grapefruit. Canned citrus salad is a product similar to canned grapefruit. However, FDA has not promulgated standards for canned citrus salad.

It is hereby found that it is unnecessary and contrary to the public interest to postpone the effective date beyond the date of publication hereof in the FEDERAL REGISTER (5 U.S.C. 1000–1011) in that:

(1) The revision does not require any changes in equipment or packing procedures;

(2) It is in the interest of the public and the industry to make the revised standards effective at the earliest possible date to facilitate their use during the 1975 packing season. The 1975 packing season is now underway in Florida; and

(3) One season's use of the revised U.S. Standards for Grades of Canned Grapefruit indicated the revision is acceptable and practicable. The revised U.S. Standards for Grades of Canned Grapefruit and Orange for Salad are supported by the acceptability of the U.S. Standards for Grades of Canned Grapefruit.

After consideration of all relevant matters, including the notice of proposed rulemaking the United States Standards for Grades of Canned Grapefruit and Orange for Salad are hereby revised as published in the FEDERAL REGISTER of December 16, 1974 (39 FR 43551), except for editorial changes to provide greater clarity, to become effective April 8, 1975, and thereupon will supersede the standards which have been in effect since January 21, 1960.

The revision is as follows:

Subpart—United States Standards for Grades of Canned Grapefruit and Orange for Salad

Sec.
52.1251 Product description.
52.1252 Grades.
52.1253 Liquid media and Brix measurements.
52.1254 Fill of container.
52.1255 Minimum drained weights.
52.1256 Sample unit size.
52.1257 Determining the grade of a sample unit.
52.1258 Determining the rating for factors which are scored.
52.1259 Wholeness.
52.1260 Color.
52.1261 Defects.
52.1262 Character.
52.1263 Determining the grade of a lot.
52.1264 Score sheet for canned grapefruit and orange for salad.

AUTHORITY: Agricultural Marketing Act of 1946, sec. 205, 60 Stat. 1090, as amended; (7 U.S.C. 1624)

§ 52.1251 Product description.

Canned grapefruit and orange for salad, commonly known as canned citrus salad, is prepared from sound, mature grapefruit (Citrus paradisi Macfadyen) and sound, mature oranges of the orange group (Citrus sinensis). The fruit ingredients have been properly washed, segmented, and cored; and seeds and major portions of membrane have been removed. The product is packed with a suitable packing media which may be water, fruit juice, orange juice, nutritive carbohydrate sweeteners, artificial sweeteners, or any other safe and suitable ingredients permissible under the Federal Food, Drug, and Cosmetic Act. The product is sufficiently processed by heat to assure preservation in hermetically sealed containers.

§ 52.1252 Grades.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of canned grapefruit and orange for salad that:

(1) Has a drained weight of orange fruit that is not less than 37½ percent nor more than 60 percent of the drained weight of the product;

(2) Has an average drained weight of not less than 53 percent of the water capacity of the container, of which not less than 65 percent by weight of each fruit ingredient consists of practically whole segments;

(3) Has a good color;

(4) Is practically free from defects;

(5) Has a good character;

(6) Has a good flavor and odor; and

(7) Scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or "U.S. Choice") is the quality of canned grapefruit and orange for salad that:

(1) Has a drained weight of orange fruit that is not less than 32½ percent nor more than 60 percent of the drained weight of the product;

(2) Has an average drained weight of not less than 53 percent of the water capacity of the container, of which not less than 50 percent by weight of each fruit ingredient consists of practically whole segments;

(3) Has a reasonably good color;

(4) Is reasonably free from defects;

(5) Has a reasonably good character;

(6) Has a reasonably good flavor and odor; and

V 40168
APR 8 75

(7) Scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U.S. Broken" is the quality of canned grapefruit and orange for salad that:

(1) Has a drained weight of orange fruit that is not less than 32½ percent nor more than 60 percent of the drained weight of the product;

(2) Has an average drained weight of not less than 53 percent of the water capacity of the container, of which less than 50 percent of the drained weight of either fruit ingredient consists of practically whole segments;

(3) Has a reasonably good color;

(4) Is reasonably free from defects;

(5) Has a reasonably good character;

(6) Has a reasonably good flavor and odor; and

(7) Scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "Substandard" is the quality of canned grapefruit and orange for salad that fails to meet the requirements of U.S. Grade B and U.S. Broken.

§ 52.1253 Liquid media and Brix measurements.

(a) Brix requirements for liquid media in canned grapefruit and orange for salad are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. It is recommended that the product, when packed in sirup, meet the following Brix measurements, as applicable, for the respective designation:

Designations:	Brix measurement
"Heavy sirup"	18° or more.
"Light sirup"	16° or more, but less than 18°.
"Slightly sweetened water"	12° or more, but less than 16°.

(b) These recommendations are not applicable to the canned product packed in water, orange juice, fruit juice, or with artificial sweeteners.

(c) The densities of the packing media, as listed in this section, are measured on the refractometer, expressed as percent by weight sucrose (degrees Brix) with correction for temperature to the equivalent at 20° C. (68° F.), but without correction for invert sugars or other substances. The degrees Brix of the packing media may be determined by any other method which gives equivalent results.

(d) Brix determination is made on the packing media 15 days or more after the grapefruit and orange for salad is canned or the blended homogenized slurry of the comminuted entire contents of the container if canned for less than 15 days.

§ 52.1254 Fill of container.

The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled as full as practicable with grapefruit and orange for salad without impairment of quality and that the product and packing media occupy not less than 90 percent of the total capacity of the container.

Total capacity of the container means the maximum weight of distilled water, at 20 degrees C. (68 degrees F.) which the sealed container will hold.

§ 52.1255 Minimum drained weights.

(a) *General.* The minimum drained weight requirements for the various container sizes are listed in Table I. The drained weight of the grapefruit and orange for salad is not less than 53 percent of the water capacity of the container.

(b) *Definitions.*

(1) Sample average—the average of all the drained weights of the sample containers representing a lot.

(2) $\bar{X}_d$—a specified minimum sample average drained weight.

(3) *LL*—lower limit for individual container drained weights.

(c) *Method for determining drained weight.* The drained weight of canned grapefruit and orange for salad is determined by emptying the contents of the container upon a U.S. Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (square openings 0.0937 inch (2.38 mm) ±3 percent) so as to distribute the product evenly over the sieve. Without shifting the product, incline the sieve at an angle of approximately 17° to 20° to facilitate drainage and allow to drain for 2 minutes. The weight of drained grapefruit and orange for salad is the weight of the sieve and product less the weight of the dry sieve. A sieve 8 inches in diameter is used if the contents of the container is less than 3 pounds and a sieve 12 inches in diameter is used if the contents of the container is 3 pounds or more.

(d) *Compliance with drained weight requirements.* A lot of canned grapefruit and orange for salad is considered as meeting the minimum drained weight requirements when the following criteria are met:

(1) The sample average meets the specified minimum sample average drained weight (designated as "$\bar{X}_d$" in Table I); and

(2) The number of containers which fail to meet the minimum drained weight for individual containers (designated as "*LL*" in Table I) does not exceed the applicable acceptance number specified in Table II.

TABLE I.—*Minimum drained weights*

Container designation	$\bar{X}_d$	LL
	Ounces	*Ounces*
8Z (211 x 304)	4.60	4.25
No. 303 (303 x 406)	8.96	8.50
No. 3 cylinder (404 x 700)	27.40	26.30

TABLE II.—*Single sampling plans and acceptance numbers*

Sample size (Number of sample containers)	3	6	13	21	29	38	48	60
Acceptance numbers	0	1	2	3	4	5	6	7

§ 52.1256 Sample unit size.

Compliance with requirements for factors of quality is based on a sample unit comprised of the entire contents of one container, irrespective of container size.

§ 52.1257 Determining the grade of a sample unit.

(a) *General.* The grade of a sample unit of canned grapefruit and orange for salad is determined by considering the factor of flavor and odor which is not scored; the ratings for the factors of wholeness, color, defects, and character which are scored; the total score; and the limiting rules which may be applicable.

(b) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each factor are:

Factors:	*Points*
Wholeness	25
Color	25
Defects	25
Character	25
Total	100

(c) *Definitions.*

(1) "Percentage of orange fruit" means the drained weight of the orange ingredient multiplied by 100 and divided by the drained weight of the total fruit ingredients. Compliance with this requirement shall be based on the sample average (average of all sample units representing a lot): Provided, that the weight of drained orange fruit in no single container is less than 25 percent or more than 75 percent of the drained fruit in such container. It is recommended that the number of orange units be not less than the number of grapefruit units.

(2) "Good flavor and odor" means that the product has a distinct and normal flavor and odor typical of canned grapefruit and orange for salad and is free from objectionable flavors and objectionable odors of any kind.

(3) "Reasonably good flavor and odor" means that the product may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.1258 Determining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be determined for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "23 to 25 points" means 23, 24, or 25 points).

§ 52.1259 Wholeness.

(a) *General.* A "practically whole segment" means:

(1) A fruit segment that is substantially intact and retains its apparent original conformation; or

(2) A portion of a segment that is not less than 75 percent of its apparent original size.

(b) *"A" classification.* Sample units of canned grapefruit and orange for salad that consists of not less than 65 percent by weight of each drained fruit ingredient in practically whole segments may be given a score of 21 to 25 points.

(c) *"B" classification.* Sample units of canned grapefruit and orange for salad that consist of less than 65 percent but not less than 40 percent by weight of either or both of the drained fruit ingredients in practically whole segments may be given a score of 17 to 20 points. In addition the sample average (average of all sample units representing a lot) shall not be less than 50 percent by weight in practically whole segments. Sample units of canned grapefruit and orange for salad that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product. (This is a limiting rule.)

(d) *"Broken" classification.* Sample units of canned grapefruit and orange for salad that individually consist of less than 40 percent by weight of either or both of the drained fruit ingredients in practically whole segments, or average (average of all sample units) less than 50 percent by weight of either or both of the drained fruit ingredients in practically whole segments may be given a score of 0 to 16 points. Sample units of canned grapefruit and orange for salad that fall into this classification shall not be graded above U.S. Broken, regardless of the total score for the product. This is a limiting rule.)

§ 52.1260 Color.

(a) *"A" classification.* Canned grapefruit and orange for salad that has a good color may be given a score of 23 to 25 points. "Good color" means that:

(1) With respect to the grapefruit, a practically uniform, bright, typical color free from any noticeable tinge of amber; and

(2) With respect to the orange fruit, a practically uniform, bright, typical orange color.

(b) *"B" classification.* Canned grapefruit and orange for salad that has a reasonably good color may be given a score of 21 or 22 points. Canned grapefruit and orange for salad that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product. (This is a limiting rule.) "Reasonably good color" means that:

(1) With respect to the grapefruit, at least a fairly bright color which may be variable but is not off-color for any reason; and

(2) With respect to the orange fruit, at least a fairly bright, typical orange color which may be variable.

(c) *"SStd." classification.* Canned grapefruit and orange for salad that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product. (This is a limiting rule.)

§ 52.1261 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from extraneous vegetable material, from seeds, from portions of albedo, from portions of tough membrane, from damaged units, and from other similar defects.

(1) "Extraneous vegetable material" means, portions of leaves, small pieces of peel, and other similar material that is harmless.

(2) "Seed" means any seed or any portion thereof, whether or not fully developed, that measures more than 3/16 inch in any dimension.

(3) "Large seed" means any seed or any portion thereof, whether or not fully developed, that measures more than ⅜ inch in any dimension.

(4) "Damaged unit" means any grapefruit or orange segment or portion thereof that is damaged by lye peeling, by discoloration, or by similar injury or that is otherwise damaged to such an extent that the appearance or eating quality of the unit is materially affected.

(b) *"A" classification.* Canned grapefruit and orange for salad that is practically free from defects may be given a score of 23 to 25 points. "Practically free from defects" means that:

(1) All defects present, whether or not specifically defined or listed in this section, do not more than slightly affect the appearance or edibility of the product; and

(2) The defects that may be present in a sample unit and in the entire sample do not exceed the allowances specified in Table III.

(c) *"B" classification.* Canned grapefruit and orange for salad that is reasonably free from defects may be given a score of 21 or 22 points. Canned grapefruit and orange for salad that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product. (This is a limiting rule.) "Reasonably free from defects" means that:

(1) All defects present, whether or not specifically defined or listed in this section, may materially, but not seriously, affect the appearance or edibility of the product; and

(2) The defects that may be present in a sample unit and in the entire sample do not exceed the allowanees specified in Table IV.

(d) *"SStd." classification.* Canned grapefruit and orange for salad that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product. (This is a limiting rule.)

TABLE III.—*Allowances for defects in canned grapefruit and orange for salad, U.S. grade A (maximum)*

Defects—extraneous vegetable material	8Z (211×304)		No. 303 (303×406)		No. 3 CYL. (404×700)	
	Sample unit—1 piece	Sample average—0.25 piece	Sample unit—1 piece	Sample average—0.50 piece	Sample unit—1 piece	Sample average—0.75 piece
Seeds and large seeds	Total of 3 seeds including not more than 1 large seed.	1.6 seeds including not more than 0.4 large seed.	Total of 4 seeds including not more than 2 large seeds.	3.2 seeds including not more than 0.8 large seed.	Total of 10 seeds including not more than 3 large seeds.	
Albedo and tough membrane	1 in²	½ in²	2 in²	1 in²	5 in²	4 in².
Damaged units	¼ oz.		¼ oz.		1¼ oz.	
Total all defects specified above and/or any other defects that may be present.	Cumulative effect—does not more than slightly affect the appearance or eating quality of the product.					

TABLE IV.—*Allowances for defects in canned grapefruit and orange for salad—U.S. grade B* (maximum)

Defects—extraneous vegetable material	8Z (211 × 304)		No. 303 (303 × 406)		No. 3 CYL. (404 × 700)	
	Sample unit—2 pieces	Sample average—0.50 piece	Sample unit—2 pieces	Sample average—0.75 piece	Sample unit—2 pieces	Sample average—1 piece
Seeds and large seeds	Total of 6 seeds including not more than 2 large seeds.	4.8 seeds including not more than 1.2 large seeds.	Total of 12 seeds including not more than 3 large seeds.	9.6 seeds including not more than 2.4 large seeds.	Total of 20 seeds including not more than 5 large seeds.	
Albedo and tough membrane	1½ in²	¾ in²	3 in²	2 in²	7½ in²	6in².
Damaged units	¾ oz.		1½ oz.		4 oz.	
Total—All defects specified above and/or any other defects that may be present.	Cumulative effect—may materially, but not seriously, affect the appearance or eating quality of the product.					

V 40168
APR 8 75

§ 52.1262 Character.

(a) *General.* The factor of character refers to the structure and condition of the cells of the grapefruit and orange and reflects the maturity of the fruits.

(b) *"A" classification.* Canned grapefruit and orange for salad that has a good character may be given a score of 23 to 25 points. "Good character" means that the grapefruit and orange segments are moderately firm and fleshy; that the segments or portions thereof have a juicy, cellular structure free from dry cells, or "ricey" cells, or fibrous cells that materially affects the appearance or eating quality of the product.

(c) *"B" classification.* Canned grapefruit and orange for salad that has a reasonably good character may be given a score of 21 or 22 points. Canned grapefruit and orange for salad that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product. (This is a limiting rule.) "Reasonably good character" means that the grapefruit and orange segments may be affected, but not seriously so, by dry cells, "ricey" cells or fibrous cells that detract from the appearance or eating quality of the product.

(d) *"SStd." classification.* Canned grapefruit and orange for salad that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product. (This is a limiting rule.)

§ 52.1263 Determining the grade of a lot.

The grade of a lot of canned grapefruit and orange for salad covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (52.1 through 52.83).

§ 52.1264 Score sheet for canned grapefruit and orange for salad.

Size and kind of container_____
Container mark or identification_____
Label_____
Net weight (ounces)_____
Vacuum (inches)_____
Drained weight (ounces)_____
Brix measurements_____
Syrup designation_____
Count_____
Grapefruit_____
Orange_____

Factors		Score points	
Wholeness	25	(A)	21-25
		(B)	[1] 17-20
		(Broken)	[1] 0-16
Color	25	(A)	23-25
		(B)	[1] 21-22
		(Broken)	[1] 21-25
		(SStd.)	[1] 0-20
Defects	25	(A)	23-25
		(B)	[1] 21-22
		(Broken)	[1] 21-25
		(SStd.)	[1] 0-20
Character	25	(A)	23-25
		(B)	[1] 21-22
		(Broken)	[1] 21-25
		(SStd.)	[1] 0-20
Total score	100		
Flavor and odor	Good	Reasonably good	
Grade			

[1] Indicates limiting rule.

Dated: April 1, 1975.

E. L. Peterson,
Administrator.

[FR Doc.75-8823 Filed 4-7-75;8:45 am]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Frozen Green Beans and Frozen Wax Beans

A notice of proposed rulemaking to revise the United States Standards for Grades of Frozen Green Beans and Frozen Wax Beans was published in the Federal Register of October 3, 1974 (39 FR 35670). Interested persons were given until December 31, 1974 to study the proposal and offer data, comments, or views relative thereto.

This revised grade standard is issued under authority of the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090, as amended) 7 U.S.C. 1624), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this Act upon request and upon payment of a fee to cover the cost of such services.

Note: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

Statement of consideration leading to the revision. Comments were received from the U.S. Army Natick Laboratories Department of the Army, and the American Frozen Foods Institute.

The comments from the U.S. Army Natick Laboratories were of an editorial nature.

The comments from the American Frozen Foods Institute, which represents the majority of the frozen green bean and frozen wax bean packers, indicated concurrence with the proposal as published.

The revised standards for frozen green and frozen wax beans incorporate the attributes approach which makes the following changes from previous standards.

(1) Any deviation from a specific requirement for any of the quality factors is a defect;

(2) Each defect is classified as to its relative severity as minor, major, severe, or critical;

(3) A standard sample unit size is provided for the various styles regardless of container size;

(4) Allowances for the various defect classifications are set to specific Acceptable Quality Levels (AQL's) based on this sample unit size;

(5) Allowances are cumulative for all sample units providing a more accurate means of determining compliance of the process with requirements for the intended grade level;

(6) Defects are counted and tallied according to class, thereby eliminating the need for calculating percentages;

(7) The scoring system is eliminated. Acceptance or rejection would be on a "go" or "no go" basis for each grade classification; and

(8) Specific requirements for compliance with the styles are provided.

After consideration of all relevant matters presented, including the notice of proposed rulemaking the United States Standards for Grades of Frozen Green Beans and Frozen Wax Beans are hereby revised as published in the Federal Register of October 3, 1974 (39 FR 35670) except for certain editorial changes to become effective May 8, 1975, and thereupon will supersede the standards which have been in effect since August 25, 1954.

The revision is as follows:

Subpart—United States Standards for Grades of Frozen Green Beans and Frozen Wax Beans

PRODUCT DESCRIPTION, STYLES, STYLE COMPLIANCE, AND TYPES

Sec.
52.2321 Product description.
52.2322 Styles of frozen beans.
52.2323 Style classification and compliance.
52.2324 Types of frozen beans.

DEFINITIONS OF TERMS

52.2325 Definitions of terms.

SAMPLE UNIT SIZES

52.2326 Sample unit sizes.

GRADES, FACTORS OF QUALITY, AND GRADE COMPLIANCE

52.2327 Grades.
52.2328 Factors of quality and grade compliance.

LOT COMPLIANCE

52.2329 Sample size.
52.2330 Lot acceptance for style.
52.2331 Lot acceptance for quality.

TALLY SHEET

52.2332 Tally sheet.

AUTHORITY: Agricultural Marketing Act of 1946, sec. 205, 60 Stat. 1090, as amended (7 U.S.C. 1624))

PRODUCT DESCRIPTION, STYLES, STYLE COMPLIANCE, AND TYPES

§ 52.2321 Product description.

"Frozen green beans" and "frozen wax beans," hereinafter called "frozen beans," means the frozen product prepared from the clean, sound, succulent pods of the bean plant by stemming, washing, blanching, sorting, and properly draining and is then frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

§ 52.2322 Styles of frozen beans.

(a) "Whole" means frozen beans consisting of whole pods, including whole pods which are less than 2¾ inches in length.

(b) "Sliced Lengthwise," "French Style," "Julienne," or "Shoestring" means frozen beans consisting of pods that are sliced lengthwise.

(c) "Cut" means frozen beans consisting of pods that are cut transversely into pieces less than 2¾ inches but not less than ¾ inch in length.

(d) "Short cut" means frozen beans consisting of pods that are cut transversely into pieces less than ¾ inch in length.

(e) "Mixed" means a mixture of two or more of the following styles of frozen beans: Whole, cut, or short cut.

§ 52.2323 Style classification compliance.

(a) *General.* For the purpose of determining compliance with the styles of "cut" and "short cut" any pieces that are of the lengths specified in Table I are considered defects. Such defects are classified as Minor or Major in Table I. Each "X" represents one defect.

(b) *Compliance.* Tolerances for compliance with style are contained in Tables II and III as applicable for the style.

TABLE I

Style	Defect	Classification: Minor	Major
Cut	Pieces shorter than ¼ in. in length.	X	
	Pieces longer than 2¾ in.		X
Short cut	Pieces ¾ in. or longer but not longer than 1¼ in.	X	
	Pieces longer than 1¼ in.		X

TABLE II.—*Cut style—tolerances for style compliance*

Acceptable quality level (AQL)	20.0	3.0
	Maximum defects permitted	
In any sample unit absolute limit (AL)	59	13

Number of sample units	Number of units	Total [1]	Major
1	200	49	10
2	400	93	18
3	600	136	25
4	800	179	32
5	1,000	221	39
6	1,200	263	46
7	1,400	305	53
8	1,600	346	59
9	1,800	388	66
10	2,000	430	72
11	2,200	471	79
12	2,400	512	86
13	2,600	554	92
14	2,800	595	99
15	3,000	636	105
16	3,200	677	112
17	3,400	718	118
18	3,600	759	125
19	3,800	801	131
20	4,000	842	138
21	4,200	883	144

[1] Total=minor plus major.

TABLE III.—*Short cut—tolerances for style compliance*

Acceptable quality level (AQL)	22.5	0.65
	Maximum defects permitted	
In any sample unit absolute limit (AL)	65	5

Number of sample units	Number of Units	Total [1]	Major [2]
1	200	57	3
2	400	108	5
3	600	158	7
4	800	208	9
5	1,000	257	11
6	1,200	306	12
7	1,400	355	14
8	1,600	404	16
9	1,800	453	17
10	2,000	501	19
11	2,200	550	21
12	2,400	598	22
13	2,600	647	24
14	2,800	695	25
15	3,000	743	27
16	3,200	791	28
17	3,400	840	30
18	3,600	888	31
19	3,800	936	33
20	4,000	984	34
21	4,200	1,032	36

[1] Total = minor plus major.
[2] In the total sample.

§ 52.2324 Types of frozen beans.

(a) The type of frozen beans is not incorporated in the grades of the finished product, since type of frozen beans is not a factor of quality for the purpose of these grades. The type of frozen beans is described as "round type" or "flat type".

(b) "Round type" means frozen beans having a width not greater than 1½ times the thickness of the bean.

(c) "Flat type" means frozen beans having a width greater than 1½ times the thickness of the bean.

DEFINITIONS OF TERMS

§ 52.2325 Definitions of terms.

(a) *Absolute limit (AL).* The maximum number of defects permitted in a sample unit.

(b) *Acceptable quality level (AQL).* Acceptable quality level (AQL) is the maximum percent defective, or the maximum number of defects per hundred units, that, for purposes of sampling inspection, can be considered satisfactory as a process average.

(c) *Blemished.* Any unit which is affected or damaged by discoloration or any other means to the extent that the appearance or eating quality is adversely affected.

(d) *Color.* (1) Green beans. (i) *Well colored.* The individual units have a distinct green color that may range from a light shade of green color to a moderately dark shade of green characteristic of the variety.

(ii) *Fairly well colored.* The individual units are lacking in a distinct green color such that they are a pale shade of green that materially affects the color appearance of the unit.

(iii) *Poorly colored.* The individual units are lacking in green color development such that the color appearance is seriously affected by a very pale green to whitish color.

(2) Wax beans. (i) *Well colored.* The individual units have a color ranging from a distinct green color to a distinct yellow color with intermediate stages of greenish-yellow to yellowish-green.

(ii) *Fairly well colored.* The individual units have a pale yellow color that materially affects the color appearance of the unit.

(iii) *Poorly colored.* The individual units have a whitish yellow to yellowish white color that seriously affects the color appearance of the unit.

(e) *Character.* (1) Round type. (i) *Good character.* The pods are full fleshed and tender and the seeds are not mealy.

(ii) *Reasonably good character.* The pods are reasonably fleshy and reasonably tender and the seeds are not mealy.

(iii) *Fairly good character.* The pods have not entirely lost their fleshy structure, are fairly tender, and the seeds may be slightly mealy.

(iv) *Poor character.* The seeds may be hard and more than slightly mealy and the pods have no flesh.

(2) Flat type. (i) *Good character.* The pods have a good, green color, are tender, and have a definite seed pocket. The seeds may be slightly enlarged for the type but are not mealy.

(ii) *Reasonably good character.* The pods have a green color which may have a slight yellowish cast, are reasonably tender and may not have a definite seed pocket. The seeds may be no more than moderately enlarged for the type and may be slightly mealy.

(iii) *Fairly good character.* The pods may have a yellowish green color; are fairly tender and lacking a seed pocket. The seeds may be enlarged and may be mealy and moderately hard.

(iv) *Poor character.* The pods may have a greenish yellow color; may be not tender and lacking a seed pocket. The seeds may be enlarged, hard and mealy.

(f) *Decay.* The bacterial or fungus deterioration of a unit to the extent that the appearance or eating quality is seriously affected or to a degree that the unit is offensive.

V 40168
APR 8 75

(g) *Defect.* Any nonconformance with a specified requirement. Defects are classified as "Minor," "Major," "Severe," or "Critical."

(h) *Detached stem.* The stem or portion of stem that attaches the bean pods to the vine stem, but has become separated from the pod.

(i) *Deviant.* As applied to these standards, "deviant" means a sample unit which fails the requirements for the prerequisite factors of flavor and odor, overall color appearance, character with respect to sliced lengthwise style, and sloughing; *Provided:* That such sample unit is not more than one grade below the intended or indicated grade.

(j) *Extraneous vegetable material.* (1) Class 1—Tender, green, edible vegetable material similar in color and texture to that of beans, including but not limited to:

(i) Leaves or portions of leaves or grass.

(ii) Material from plants other than the bean plant.

(2) Class 2—Any material that is not tender, may be slightly tough or fibrous to hard, brittle, or woody, may not be green, and includes but is not limited to:

(i) Discolored leaves or grass or portions thereof;

(ii) Bean stalk or vine material, including vine stems, regardless of color, length, or diameter; or

(iii) Material from plants other than the bean plant.

(k) *Fiber.* (1) Edible. Fiber developed in the wall tissue of the bean pod that is noticeable upon chewing but may be consumed with the rest of the bean material without objection.

(2) Tough. Fiber developed in the wall tissue of the bean pod that is objectionable upon chewing and tends to separate from the rest of the bean.

(l) *Flavor.*

(1) Good flavor. The product, after cooking, has a good characteristic, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(2) Fairly good flavor. The product, after cooking, may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(m) *Mechanical damage.* Any unit that is broken or split into two parts or that has very ragged edges, or is crushed or is damaged by other mechanical means to such an extent that the appearance is seriously affected.

(n) *Sample.* The number of sample units to be used for inspection of a lot.

(o) *Sample unit.* The amount of product specified to be used for inspection. It may be:

(1) The entire contents of a container; or

(2) A portion of the contents of a container; or

(3) A combination of the contents of two or more containers; or

(4) A portion of unpacked product.

(p) *Small piece.* In sliced lengthwise style only means a piece of pod less than ¾ inch in the longest dimension and loose seeds or pieces of seeds.

(q) *Tough strings.* Strings or pieces of strings removed from the cooked frozen bean which will support a ½ pound weight for not less than five seconds.

(r) *Unit.* Any individual portion of a bean pod.

(s) *Unsnipped unit.* A unit without an attached stem but with stem collar that is hard and/or tough and would be objectionable upon eating.

(t) *Unstemmed unit.* A unit with attached stem or portion thereof that attaches the pod to the vine stem.

Sample Unit Sizes

§ 52.2326 Sample unit sizes.

(a) Compliance with requirements for the style of "cut" and "short cut" and for factors of quality is based on the following sample unit sizes:

(1) For style: 200 units

(2) Factors of quality: Whole style—100 units. Sliced lengthwise style—9 ounces. All other styles—200 units.

In the styles of whole and cut, a mechanically damaged unit that is broken into separate parts will be reassembled and counted as one unit in the standard sample unit size.

(b) Detached stems and harmless extraneous material that are considered part of the sample unit are not included in the count or weight of the standard sample unit size. Such stems and other extraneous material are considered part of the sample unit:

(1) when they are in a container whose entire contents are included in the sample unit;

(2) when they are in the last of several containers included in the sample unit and 50 percent or more of the contents are required for the sample unit. None of the stems and HEM in the last of several containers is considered part of the sample unit when less than 50 percent of its contents are required for the sample unit; and

(3) when they are commingled with all of the product required for the sample unit and such product is taken from, but is not the entire contents of a single container.

Grades, Factors of Quality, and Grade Compliance

§ 52.2327 Grades.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of frozen beans that:

(1) Meets the following prerequisites (with deviants as specified in § 52.2331 (a));

(i) Has similar varietal characteristics;

(ii) Has a good flavor and odor;

(iii) Has a good, bright, overall color appearance;

(iv) With respect to the style of "sliced lengthwise", is of at least reasonably good character and the amount of small pieces that may be present does not exceed one ounce;

(v) The appearance or eating quality is not materially affected by sloughing; and

(2) Is within the limits for defects as classified in Table IV and specified in Table V, VI, or VII, as applicable for the style.

(b) "U.S. Grade B" (or "U.S. Extra Standard") is the quality of frozen beans that:

(1) Meets the following prerequisites (with deviants as specified in § 52.2331 (a));

(i) Has similar varietal characteristics;

(ii) Has a good flavor and odor;

(iii) Has at least a reasonably good overall color appearance which may be slightly dull;

(iv) With respect to the style of "sliced lengthwise" is of at least reasonably good character, and the amount of small pieces that may be present does not exceed two ounces;

(v) The appearance or eating quality is not seriously affected by sloughing; and

(2) Is within the limits for defects as classified in Table IV and specified in Table V, VI, or VII, as applicable for the style.

(c) "U.S. Grade C" (or "U.S. Standard") is the quality of frozen beans that:

(1) Meets the following prerequisites (with deviants as specified in § 52.2331 (a));

(i) Has similar varietal characteristics;

(ii) Has a fairly good flavor and odor;

(iii) Has at least a fairly good overall color appearance which may be dull but is not off color;

(iv) With respect to the style of "sliced lengthwise" is of at least a fairly good character, and the amount of small pieces that may be present does not exceed 3.5 ounces; and

(2) Is within the limits for defects as classified in Table IV and specified in Table V, VI, or VII, as applicable for the style.

(d) "Substandard" is the quality of frozen beans that fail to meet the requirements for U.S. Grade C.

§ 52.2328 Factors of quality and grade compliance.

(a) The grade of a lot of frozen beans is based on compliance with the prerequisites specified in § 52.2327 and with requirements for the following quality factors:

(1) Color;
(2) Blemished;
(3) Mechanical damage;
(4) Decay;
(5) Workmanship;
(6) Character;
(7) Fiber;
(8) Tough Strings; and
(9) Extraneous material.

(b) Defects are classified as minor, major, severe, or critical. Each "X" mark in Table IV represents "one defect."

Table IV.—*Classification of defects*

Quality factors	Defects	Classification			
		Minor	Major	Severe	Critical
Color	Individual unit adversely affected:				
	Materially		×		
	Seriously			×	
Blemished	Slightly	×			
	Materially		×		
	Seriously			×	
Decay					×
Mechanical damage		×			
Workmanship	Unstemmed unit			×	
	Detached stem			×	
	Unsnipped unit		×		
Fiber	Edible		×		
	Tough			×	
Tough strings			×		
Character	Reasonably good: In grade A only	×			
	Fairly good:				
	In grade A		×		
	In grade B	×			
	Poor:				
	In grades A and B			×	
	In grade C	×			
Extraneous material	Class 1			×	
	Class 2				×

Table V.—*Grade compliance; cut and short cut*

		Grade A				Grade B				Grade C			
Acceptable quality level (AQL)		5.5	2.0	.55	0.15	8.5	2.8	1.7	0.2	11.0	4.7	2.8	0.4
Absolute limit (AL)		21	10	5	2	28	13	9	3	36	19	13	4
Number of sample units	Number of units	Total [1]	Major	Severe	Critical	Total [1]	Major	Severe	Critical	Total [1]	Major	Severe	Critical
1	200	17	7	3	1	23	10	6	1	30	15	10	2
2	400	30	13	5	1	43	17	11	3	55	26	17	4
3	600	43	17	6	2	62	23	15	3	80	37	23	5
4	800	55	22	8	3	80	30	19	4	104	48	30	6
5	1,000	68	27	10	3	98	36	23	5	128	58	36	7
6	1,200	80	31	11	4	116	43	27	5	153	69	43	8
7	1,400	92	36	13	4	134	49	31	6	176	79	49	9
8	1,600	104	40	14	5	152	55	35	7	200	90	55	10
9	1,800	116	45	15	5	170	62	39	7	223	100	62	11
10	2,000	128	49	17	6	188	68	43	8	247	110	68	12
11	2,200	140	53	18	6	206	74	47	9	270	121	74	13
12	2,400	153	58	19	7	223	80	50	9	294	131	80	14
13	2,600	164	62	21	7	241	86	54	10	317	141	86	15
14	2,800	176	66	22	7	258	92	58	10	340	151	92	15
15	3,000	188	71	23	8	276	98	62	11	363	161	98	16
16	3,200	200	75	25	8	294	104	65	12	387	171	104	17
17	3,400	211	79	26	8	311	110	69	12	410	181	110	18
18	3,600	223	84	27	9	328	116	73	13	433	191	116	19
19	3,800	235	88	29	9	346	122	76	13	456	201	122	20
20	4,000	247	92	30	10	363	128	80	14	479	212	128	21
21	4,200	258	96	31	10	381	134	84	14	502	223	134	22

[1] Total=minor+major+severe+critical.

Table VI.—*Grade compliance; whole*

		Grade A				Grade B				Grade C			
Acceptable quality level (AQL)		12.5	4.5	1.25	0.30	18.75	6.25	3.75	0.50	25.0	10.5	6.25	0.80
Absolute limit (AL)		22	11	5	2	32	14	10	3	40	20	14	4
Number of sample units	Number of units	Total [1]	Major	Severe	Critical	Total [1]	Major	Severe	Critical	Total [1]	Major	Severe	Critical
1	100	18	8	3	1	26	10	7	1	33	16	10	2
2	200	33	14	5	2	48	18	12	3	62	29	18	4
3	300	48	20	7	3	68	26	17	4	89	41	26	5
4	400	62	25	9	3	89	33	21	4	116	53	33	6
5	500	75	30	10	4	109	40	26	5	143	64	40	7
6	600	89	36	12	4	130	48	30	6	170	76	48	9
7	700	103	41	14	5	150	55	35	7	197	87	55	10
8	800	116	46	15	5	170	62	39	7	223	99	62	11
9	900	130	51	17	6	190	68	43	8	250	110	68	12
10	1,000	143	56	18	6	210	75	48	9	276	122	75	13
11	1,100	157	61	20	7	230	82	52	9	302	133	82	14
12	1,200	170	66	21	7	250	89	56	10	329	144	89	15
13	1,300	183	71	23	7	269	96	60	11	355	156	96	16
14	1,400	197	76	24	8	289	103	64	11	381	167	103	17
15	1,500	210	81	26	8	309	109	68	12	407	178	109	18
16	1,600	223	86	27	9	329	116	73	13	433	189	116	19
17	1,700	236	91	29	9	348	123	77	13	459	200	123	20
18	1,800	250	96	30	10	368	130	81	14	485	212	130	21
19	1,900	263	101	32	10	387	137	85	15	511	223	137	22
20	2,000	276	105	33	10	407	143	89	15	537	234	143	23
21	2,100	289	110	35	11	426	150	93	16	563	245	150	24

[1] Total=minor+major+severe+critical.

V 40168 APR 8 75 XUM

TABLE VII.—*Grade compliance, sliced lengthwise or French cut*

	U.S. grade A				U.S. grade B—maximum defects permitted				U.S. grade C			
Acceptable quality level (AQL)[2]	8.50	4.0	1.5	0.25	12.5	7.5	3.0	0.40	15.0	10.0	5.0	0.50
Absolute limit (AL)	16	10	5	2	22	15	8	3	25	18	11	3
Number of sample units	Ounces of product	In the total sample										
		Total[1]	Major	Severe	Critical	Total[1]	Major	Severe	Critical	Total[1]	Major	Severe	Critical
1	9	12	7	3	0	17	11	6	1	20	14	8	2
2	18	22	12	6	1	30	20	9	2	36	25	14	3
3	27	31	16	7	2	43	28	13	3	51	36	20	4
4	36	40	21	9	3	54	36	16	4	66	46	26	5
5	45	48	25	11	3	66	43	20	4	81	56	30	6
6	54	57	29	13	3	81	51	23	5	96	66	36	7
7	63	65	33	15	4	93	58	26	5	101	76	41	8
8	72	74	38	16	4	105	66	29	6	125	86	46	8
9	81	82	42	18	4	118	73	32	6	140	96	51	9
10	90	91	46	20	5	130	81	36	7	154	105	56	10
11	99	99	50	21	5	142	88	39	7	169	115	61	11
12	108	107	54	23	6	154	96	42	8	188	125	66	11
13	117	116	58	24	6	166	103	45	8	197	135	71	12
14	126	124	62	26	6	178	110	48	9	212	144	76	13
15	135	132	66	28	7	190	118	51	9	226	154	81	14
16	144	141	70	29	7	202	125	54	10	240	164	86	14
17	153	149	74	31	7	214	132	57	10	254	173	91	15
18	162	157	78	32	7	226	140	60	11	269	183	96	16
19	171	165	82	34	8	238	147	63	11	283	193	101	17
20	180	173	86	36	8	250	154	66	12	297	202	105	17
21	180	182	90	37	8	260	161	69	12	311	212	110	18

[1] Total=minor+major+severe+critical.
[2] Based on an estimated count of 10 per ounce.

LOT COMPLIANCE

§ 52.2329 Sample size.

(a) *General.* The sample size to determine compliance with requirements for style and for prerequisites specified in § 52.2327 and other quality factors, shall be as specified in the sampling plans and procedures in the "Regulations Governing Inspection of Processed Fruits and Vegetables and Related Products" (§ 52.38) for Lot Inspection or on-line Inspection, as applicable.

(b) *Deviants.* The acceptance numbers for deviants specified in the sampling plans cited in paragraph (a) of this section apply only to the prerequisite factors specified for the grade in § 52.2327. They do not apply to the quality factors covered by the sampling plans in § 52.2328.

§ 52.2330 Lot acceptance for style.

A lot of frozen beans is considered as meeting the style requirements for cuts or short cuts, as applicable, if the defects permitted and the AL values for the applicable defect classifications specified in Tables II and III, as applicable, are not exceeded.

§ 52.2331 Lot acceptance for quality.

A lot of frozen beans is considered as meeting the requirements for quality if:

(a) The number of deviants for the prerequisites specified for the applicable grade in § 52.2327 does not exceed the acceptance number specified in the sampling plans in the "Regulations Governing Inspection of Processed Fruits and Vegetables and Related Products" (§ 52.38).

(b) The defects permitted and the AL values for the applicable defect classifications specified in Tables V, VI, and VII are not exceeded.

TALLY SHEET

§ 52.2332 Tally sheet for frozen green beans and frozen wax beans.

Defect tally sheet for frozen green beans and frozen wax beans

Number size, and kind of container _____
Label _____
Container mark _____
Net weight _____
Sample unit number _____
Prerequisite grade _____
Reason downgraded _____

Defect	Minor	Major	Severe	Critical	Minor	Major	Severe	Critical
Color								
Damage:								
Blemished								
Mechanical								
Decay								
Workmanship:								
Unstemmed units								
Unsnipped units								
Detached stems								
Fiber								
Tough strings								
Character:								
Reasonably good								
Fairly good								
Poor								
Harmless extraneous material								
Total (each class)								
Cumulative total (each class)								
Total (all classes)								
Cumulative total (all classes)								
Style								
Cumulative total (each class)								
Total (all classes)								
Cumulative total (all classes)								

Dated: April 1, 1975.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.75-8822 Filed 4-7-75;8:45 am]

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

PART 401—FEDERAL CROP INSURANCE

Regulations for the 1969 and Succeeding Crop Years; County Designated for Combined Crop Insurance

Pursuant to the authority contained in 7 CFR 401.101 of the above-identified regulations, as amended, the following county is hereby added to the list of counties published in the FEDERAL REGISTER on December 2, 1974, (39 FR 41719), which were designated for combined crop insurance for the 1975 crop year. The crops on which insurance is offered is shown opposite the name of the county.

INDIANA

Greene ---------- Corn, soybeans.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; (7 U.S.C. 1506, 1516))

[SEAL] M. R. PETERSON,
Manager,
Federal Crop Insurance Corporation.

[FR Doc.75-9045 Filed 4-7-75;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Regulations for the 1969 and Succeeding Crop Years; County Designated for Combined Crop Insurance

Pursuant to the authority contained in 7 CFR 401.101 of the above-identified regulations, as amended, the following county is hereby added to the list of counties published in the FEDERAL REGISTER on December 2, 1974 (39 FR 41719), which were designated for combined crop insurance for the 1975 crop year. The crops on which insurance is offered are shown opposite the name of the county.

INDIANA

Posey ---------- Corn, soybeans.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516))

[SEAL] M. R. PETERSON,
Manager,
Federal Crop Insurance Corporation.

[FR Doc.75-9046 Filed 4-7-75;8:45 am]

PART 410—FLORIDA CITRUS CROP INSURANCE

Regulations for the 1970 and Succeeding Crop Years; County Designated for Citrus Crop Insurance

Pursuant to the authority contained in 7 CFR 410.1 of the above-identified regulations, as amended, the following county is hereby added to the list of counties published in the FEDERAL REGISTER on December 2, 1974, (39 FR 41726), which were designated for citrus crop insurance for the 1975 crop year:

FLORIDA

Palm Beach

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; (7 U.S.C. 1506, 1516))

[SEAL] M. R. PETERSON,
Manager,
Federal Crop Insurance Corporation.

[FR Doc.75-9049 Filed 4-7-75;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1251]

[Docket No. ERPA-1]

EGG RESEARCH AND PROMOTION

Hearing on Proposed Order

Correction

In FR Doc. 75-7690 appearing at page 13513 in the issue for Thursday, March 27, 1975, make the following changes:

1. In the table of contents, change the first word in the heading for § 1251.322 from "Alternative" to "Alternate".

2. In § 1251.316(c) at page 13514, 3d column, change the second full word in the second line from "this" to "his".

Animal and Plant Health Inspection Service

[9 CFR Parts 303 and 381]

MEAT AND POULTRY PREPACKAGED INSPECTED PRODUCTS

Sales by Exempt Retail Stores in Designated States

Notice is hereby given, in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Animal and Plant Health Inspection Service is considering amending § 303.1 of the meat inspection regulations (9 CFR 303.1) and § 381.10 of the poultry products inspection regulations (9 CFR 381.10), pursuant to the authority in the Federal Meat Inspection Act, as amended (21 U.S.C. 601 *et seq.*), and the Poultry Products Inspection Act, as amended (21 U.S.C. 451 *et seq.*), to permit retail stores exempted from Federal inspection in designated States to sell in intrastate commerce certain prepackaged inspected meat and poultry products in normal retail quantities to nonhousehold consumers without affecting percentage and annual dollar sales limitations provided in the regulations.

Statement of Considerations. The Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA), with certain exceptions, require Federal inspection of the preparation of meat and poultry products at establishments preparing such products for "commerce" or otherwise subject to their provisions. Each Act provides, in part, that "the provisions of this Act requiring inspection * * * shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments * * *." These exemptions apply only to intrastate activities. The meat inspection regulations and poultry products inspection regulations currently define a retail store for purposes of the exemptions in such a way as to limit the exempted retail store sales of such products to nonhousehold consumers to a maximum of $18,000 and 25 percent of total sales of such products per year, and do not allow sales of such products to be made by such stores to nonconsumers. The Department has received suggestions that when prepackaged inspected meat and poultry products are not further processed or repackaged by a retail store and, in effect, are merely passing through, sales of such products should not, for purposes of the exemptions, be included in the percentage of sales or dollar limitation on sales to nonhousehold consumers, so long as they are sold to consumers in normal retail quantities, as defined in the regulations (e.g., not in excess of 300 pounds in the case of cattle).

The Department has been informed that the present restrictions imposed on exempted retail stores preparing and selling products to consumers have resulted in extreme hardships to many small rural retailers and their communities. Many such retailers and many individuals in their communities have requested the Department to afford them relief. Therefore, the Department proposes to permit intrastate sales at exempted retail stores of federally or State inspected consumer packaged meat and poultry products in normal retail quantities to nonhousehold consumers without affecting the annual dollar or percentage limitations. Such sales of State inspected product would be permitted to be made to any consumer within the State of inspection only as provided in §§ 331.4 and 381.223 of the regulations as amended and set forth below:

1. Section 303.1(d)(2)(iii) of the meat inspection regulations (9 CFR 303.1(d)(2)(iii)) would be amended by adding "(*a*)" immediately after "(iii)"; by inserting the words "except as provided in subdivision (iii)(*b*)," immediately after the first semicolon; and by adding the following as a new subdivision (*b*):

§ 303.1 Exemptions.

* * * * * *

(d) * * *
(2) * * *
(iii) * * *

(*b*) Sales of meat and meat food products which have been inspected, consumer packaged, and labeled under Federal inspection or, as provided in § 331.4, under State or local agency inspection, prior to entry into the retail store, shall not be included in the total sales for the purpose of calculating the percentage of sales to household consumers and shall not be included in the total dollar value of sales for the purpose of calculating the dollar value of sales to consumers other than household consumers, so long as the sales are made to consumers in normal retail quantities, and the product is sold by the retail store without being further prepared, packaged, or labeled, and the retail store handles such products in such a manner as not to cause them to be adulterated or misbranded.

* * * * * *

2. Section 381.10(d)(2)(iii) of the poultry products inspection regulations would be amended by adding "(A)" immediately after "(iii)"; by inserting the words "except as provided in subdivision (iii)(B)" immediately after the first semicolon; and by adding the following as a new subdivision (B):

§ 381.10 Exemptions for specified operations.

(d) * * *
(7) * * *
(iii) * * *

(B) Sales of poultry products which have been processed, consumer packaged, and labeled under Federal inspection or, as provided in section 381.223, under State or local agency inspection, prior to entry into the retail store, shall not be included in the total sales for the purpose of calculating the percentage of sales to household consumers, and shall not be included in the total dollar value of sales for the purpose of calculating the dollar value of sales to consumers other than household consumers, so long as the sales are made to consumers in normal retail quantities, and the product is sold by the retail store without being further processed, packaged, or labeled, and the retail store handles such products in such a manner as not to cause them to be adulterated or misbranded.

* * * * * *

Any person wishing to submit written data, views, or arguments concerning the proposed amendments may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, or if the material is deemed to be confidential, with the Inspection Standards and Regulations Staff, Scientific and Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, by June 9, 1975. Any person desiring opportunity for oral presentation of views should address such request to the Staff identified in this paragraph, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on the grounds that its disclosure could adversely affect any person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on: April 1, 1975.

F. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.75-8672 Filed 4-7-75;8:45 a.m.]

Commodity Exchange Authority

[17 CFR Part 150]

[Hearing Docket CE-P 19]

LIVE SLAUGHTER CATTLE, LIVE HOGS AND FROZEN PORK BELLIES

Limits on Position and Daily Trading for Future Delivery; Cancellation of Hearing

On January 27, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 4017) to add §§ 150.12, 150.13, and 150.14 to the Orders of the Commodity Exchange Commission under section 4a of the Commodity Exchange Act (7 U.S.C. 6a). These respective orders relate to limits on speculative positions and speculative daily trading in live slaughter cattle, live hogs, and frozen pork bellies for future delivery.

On March 28, 1975, a notice was published in the FEDERAL REGISTER (40 FR 14091) which announced that a hearing on this proposal would be held on April 10, 1975, in Washington, D.C. This hearing, which was scheduled for April 10, 1975, has been canceled. If a hearing is to be held on this matter of the proposed speculative limits for live slaughter cattle, live hogs, and frozen pork bellies, the time and place will be announced by the Commodity Futures Trading Commission established by the Commodity Futures Trading Commission Act of 1974.

Issued: April 3, 1975.

ALEX C. CALDWELL,
Administrator, Commodity Exchange Authority.

[FR Doc.75-9143 Filed 4-7-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-SW-16]

MULESHOE, TEXAS

Designation of Transition Area

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a transition area at Muleshoe, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before May 8, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

MULESHOE, TEX.

That airspace extending upward from 700 feet above the surface within a 9-statute-mile radius of the Warren County Airport (latitude 34°14'00" N., longitude 102°42'30" W.).

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at the Warren County Airport.

Concurrently with this action, the Warren County Airport will be changed from VFR to IFR status.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348), sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Fort Worth, TX, on March 31, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-9016 Filed 4-7-75;8:45 am]

[14 CFR Parts 71 and 73]

[Airspace Docket No. 75-SW-10]

TEMPORARY RESTRICTED AREAS

Proposed Designation

Corrections

In FR Doc. 75-6832 appearing at page 12110 in the issue for Monday, March 17, 1975 in the first column change the twelfth line under the heading "R-6315A Brave Shield XII, Tex." to read: "31°00'00" N., Long. 97°37'00" W.) to Lat.".

[14 CFR Part 71]

[Airspace Docket No. 75-EA-16]

TRANSITION AREA

Proposed Designation

Correction

In FR Doc 75-8504, appearing on page 14781, in the issue for Wednesday, April 2, 1975, in the middle column, the third paragraph, the tenth line, the date now reading "May 2, 2, 1975", should read, "May 2, 1975".

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20314; RM-2287]

FM BROADCAST STATIONS, TABLE OF ASSIGNMENTS, CHEYENNE, WYOMING

Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202(b).

1. On December 30, 1974, the Commission adopted a notice of proposed rule making in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on January 15, 1975, 40 FR 2713. The date for filing comments has expired and the date for filing reply comments is March 25, 1975.

2. KVWO, Inc., proponent in this proceeding, filed a request for extension of time to and including April 9, 1975, for filing of reply comments. KVWO states that the additional time is necessary because its president has been out of the country for an extended period of time and received copies of other parties late last week. It also states that its counsel did not receive copies of those comments until March 24. KVWO states that counsel for the only two other parties filing comments in this proceeding have consented to this request for extension.

2. In addition, the Commission has received a request from Mr. Robert Lee Chipman, licensee of Station KRAL-FM, Rawlins, Wyoming, to assign Channel 292 to Rawlins. Mr. Chipman states that he intends to file an application for Channel 292 at Rawlins if it is assigned there.

3. Mr. Chipman's request is timely filed and will be considered in this proceeding. Accordingly, it is ordered, That the time for filing reply comments is extended to and including April 9, 1975.

Adopted: March 26, 1975.

Released: March 28, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.75-8966 Filed 4-7-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 353-5]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Proposed Revision to Arizona Implementation Plan

The Environmental Protection Agency proposes to approve a revision to the Arizona implementation plan for the control of particulate matter in the Phoenix area. The revision would allow the Arizona Department of Health Services to issue variances to sources in the Phoenix area which are unable to comply with the particulate regulations by the deadline of May 31, 1975, but which can comply by December 31, 1975. The variances would require the sources to meet a schedule of compliance and to control particulate emissions to the maximum extent feasible during the variance period.

Interested persons may participate in this proposed rulemaking by submitting written comments to the Environmental Protection Agency, Region IX, Attn: Air Programs Branch, 100 California Street, San Francisco, California 94111. All comments received on or before May 8, 1975, will be considered.

(Sec. 110, Clean Air Act, as amended (42 U.S.C. 1857c-5).)

Dated: April 2, 1975.

JOHN C. WHITE,
Regional Administrator, Region IX.

[FR Doc.75-9017 Filed 4-7-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[30 CFR Part 715]

PERMANENT PROGRAM PERFORMANCE STANDARDS

Surface Coal Mining and Reclamation Operations

Notice is hereby given that the Office of Surface Mining Reclamation and Enforcement proposes to amend Part 715 of Chapter VII, Subchapter B of Title 30 of the Code of Federal Regulations as set forth below.

Section 715.17 of the regulations sets forth the requirements for the protection of the hydrologic balance. Paragraph (b)(1) requires that surface coal mining and reclamation operations be conducted to minimize disturbances to the hydrologic balance within the permit and adjacent areas, to prevent material damage to the hydrologic balance outside the permit area, and to meet applicable Federal and State water quality laws and regulations and the effluent limitations for coal mining promulgated by the Environmental Protection Agency. Paragraph (b)(2) requires that the operator minimize the disturbance to the prevailing hydrologic balance by avoiding acid or other toxic mine drainage by, but not limited to, the following measures:

(i) Preventing or removing water from contact with toxic producing deposits;

(ii) Treating mine drainage to prevent toxic materials from entering surface waters;

(iii) Casing, sealing or otherwise managing boreholes, shafts and wells to keep acid or other toxic drainage from entering ground or surface waters.

Paragraph (b)(3) requires that the operator conduct surface coal mining and reclamation operations to minimize the disturbance to the prevailing hydrologic balance by conducting mining and reclamation practices to prevent material damage to the hydrologic balance outside the permit area and to the quantity and quality of water in surface and ground water systems that serve as present or reasonably foreseeable sources for domestic, agricultural, industrial, or other uses.

Paragraph (b)(4) requires that the operator minimize the disturbance to the prevailing hydrologic balance by constructing any siltation structures prior to commencement of surface coal mining operations, such that they are capable of preventing additional contributions of suspended solids to streamflow outside the permit area.

Paragraph (b)(5) requires that the operator minimize the disturbance to the prevailing hydrologic balance by cleaning out and removing temporary or permanent siltation structures after the disturbed area has been revegetated and stabilized and by removing the resulting material from the disturbed area.

Paragraph (b)(6) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the approximate premining recharge capacity through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(7) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining quantity and quality of recharge through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(8) requires that the operator minimize the disturbance to the prevailing hydrologic balance by avoiding channel deepening or enlargement in operations requiring the discharge of water from mines.

Paragraph (b)(9) requires that the operator minimize the disturbance to the prevailing hydrologic balance by preventing drainage from the mine workings into groundwater supplies.

Paragraph (b)(10) requires that the operator minimize the disturbance to the prevailing hydrologic balance by preventing the diversion of surface water into the mine workings.

Paragraph (b)(11) requires that the operator minimize the disturbance to the prevailing hydrologic balance by eliminating or treating mine drainage to prevent material damage outside the permit area.

Paragraph (b)(12) requires that the operator minimize the disturbance to the prevailing hydrologic balance by treating mine drainage to meet applicable Federal and State water quality laws and regulations and the effluent limitations for coal mining promulgated by the Environmental Protection Agency.

Paragraph (b)(13) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(14) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(15) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(16) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(17) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(18) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(19) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(20) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(21) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(22) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(23) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(24) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(25) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(26) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(27) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(28) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(29) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(30) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(31) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(32) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(33) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(34) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(35) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(36) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(37) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(38) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(39) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(40) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(41) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(42) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(43) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(44) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(45) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(46) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(47) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(48) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(49) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(50) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(51) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(52) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(53) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(54) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(55) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(56) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(57) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(58) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(59) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(60) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(61) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(62) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

Paragraph (b)(63) requires that the operator minimize the disturbance to the prevailing hydrologic balance by restoring the premining rate of discharge of groundwater through reclamation procedures which allow the movement of water to the groundwater system.

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3. Pursuant to the provisions of recently revised § 1.46 of the rules, motions for extension of time are to be filed at least seven days prior to the filing date to afford the Commission sufficient time to act on the request and give timely notice of the action to interested parties. Late-filed requests, according to the revised rule, will be considered in cases of last-minute emergencies which could not have been anticipated by the party requesting the extension. The instant late-filed request is borderline. However, in view of the consent of counsel for the other parties we are granting the request.

4. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, *it is ordered*, that the date for filing reply comments is extended to and including April 9, 1975.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and §§ 0.281 and 1.46 of the Commission's rules and regulations.

Adopted: March 26, 1975.

Released: April 2, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-9122 Filed 4-7-75;8:45 am]

[47 CFR Part 73]

[Docket No. 20404; RM-2411]

FM BROADCAST STATIONS

Table of Assignments, Columbia, South Carolina

1. *Petitioner, proposal and comments.* (a) Petition for rulemaking filed June 28, 1974, by Nuance Corporation, licensee of AM Station WOIC(AM), Columbia, South Carolina, proposing assignment of Channel 276A to Columbia, as its fifth FM assignment.

(b) This channel may be assigned without affecting any existing FM assignment. The transmitting antenna for a station operating on Channel 276A must be located northeast of the center of Columbia in order to meet the mileage separation requirements with respect to Station WZZW (Channel 276A in Augusta, Georgia).

2. *Demographic data.* (a) *Location.* Columbia, the state capital, is located in the approximate center of the state and in Richland County. Columbia is 100 miles northwest of Charleston and 190 miles east of Atlanta, Georgia.

(b) *Population 1970 Census.* Columbia—113,542; Richland County—233,868; Columbia Standard Metropolitan Statistical Area—322,880; Columbia Urbanized Area—241,781.

(c) *Present local broadcast service.* Local service is provided by 6 AM stations (five of which are unlimited time) and 4 FM stations (two of which are Class A).

(d) *Economic conditions.* Petitioner alleges that the additional assignment is necessary in order to provide the community's Black population with interference-free Black-oriented programming. Evidence is presented that this specialized community to which the proposed channel would bring "first service" is comprised of almost 40,000 persons.

3. *Preclusions.* Adoption of petitioner's proposal would cause preclusion on the co-channel. The adjacent channels are already precluded by current assignments. In the new preclusion area are the city of Columbia, its suburban communities, Eastover (pop. 817), and Elgin (pop. 374). The preclusionary impact of petitioner's proposal is, thus, de minimus.

4. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) as follows:

City	Channel No.	
	Present	Proposed
Columbia, S.C.....	228A, 250, 261A, 284	228A, 250, 261A, 276A, 284

5. The Commission's authority to institute rule making proceedings; showings required, cut-off procedures, and filing requirements are shown below.

6. Interested parties may file comments on or before May 22, 1975, and reply comments on or before June 11, 1975.

Adopted: March 26, 1975.

Released: April 2, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rule making shown above.

2. *Showings required.* Comments are invited on the proposal discussed in the notice of proposed rule making above. In initial comments, proponent will be expected to answer whatever questions are presented in the notice. The proponent of the proposed assignment is expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rule making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.75-9121 Filed 4-7-75;8:45 am]

[47 CFR Part 73]

[Docket No. 20265]

AM STATION ASSIGNMENT STANDARDS

Order Extending Time for Filing Reply Comments

1. On November 27, 1974, the Commission adopted a notice of proposed rule making in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on December 9, 1974, 39 FR 42920. The date for filing comments has expired and the date for filing reply comments is April 3, 1975.

2. On March 21, 1975, A. Earl Cullum, Jr. and Associates (Cullum) requested a 30-day extension of time for filing reply comments. Cullum states that he communicated with the Commission's contractor on February 27, 1975, requesting a list of parties filing comments but the contractor advised him it would not be possible to supply this list until the week of March 17, 1975. Cullum adds that once the list of parties is obtained it will be necessary to contact each party, to obtain copies of the comments, to review the copies and to prepare reply comments.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, *it is ordered*, That the date for filing reply comments is extended to and including May 5, 1975.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: March 26, 1975.

Released: April 2, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-9123 Filed 4-7-75;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 206]

[Reg. F]

SECURITIES OF STATE MEMBER BANKS

Revised Deadline for Comments

Notice is hereby given that the Board of Governors of the Federal Reserve System, in response to a request for an extension of the April 28, 1975 deadline for the submission of comments invited in the notice of proposed rulemaking concerning revision of Regulation F (40 FR 10322), has decided to extend the deadline to May 27, 1975. Accordingly, all interested persons may submit their views in writing to be received by the Secretary of the Board no later than May 27, 1975. Written comments as they are received will be made available for inspection and copying in Room 1118 of the Board's building.

By order of the Board of Governors of the Federal Reserve System, effective March 31, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-9094 Filed 4-7-75;8:45 am]

POSTAL SERVICE

[39 CFR Part 111]

SPECIAL MAIL SERVICES

Lockbox and Caller Service Rentals

Under the provisions of 39 CFR 111.3 the Postal Service proposes a complete revision of Part 169 of the Postal Service Manual, dealing with post office boxes. The primary purpose of the revision is to reorganize the existing postal box service into two distinct categories of service: lockbox service, and caller service. The first category is in turn divided into (1) lockbox service for customers for whom there is no carrier delivery, (2) lockbox service for customers who have carrier service available to them, and (3) lockbox service for customers of fourth class post offices.

Where carrier service is available, the lockbox service is a premium service provided for the extra convenience of the public and subject to the highest, or GROUP 1 rates, of the three revised groups of lockbox rental rates.

Customers who are not eligible for carrier delivery may pick up their mail by calling for it at the general delivery post office window. There is no charge for this service. Customers not eligible for carrier delivery may rent lockboxes at the lower GROUP 2 rates. The GROUP 2 rates evidence the fact that for these customers a lockbox is a premium means of delivery. GROUP 2 rates are lower than those for GROUP 1, recognizing the fact that General Delivery is not as satisfactory an alternative as carrier delivery.

The third group of lockbox rental rates is the fourth class post office group. The fourth class post office group rates are changed to $2.00 per year for all sizes of boxes. The effective date of all lockbox rental rates is JULY 1, 1975.

The second distinct category of service described by the regulations is caller service. This service, primarily intended for large volume recipients of mail, will use post office box numbers as the address medium but will not use a lockbox. Callers will receive their mail at caller windows. At present this kind of service, where it is available, is described by various terms such as phantom box service, holdout service, firm direct service, etc. These regulations, which put caller service on a formal, recognized basis, establish a basic semi-annual caller service fee of $35 for each separation or each box number used beginning on or after July 1, 1975.

Box rental rates, which have increased only twice in the last forty years, are being increased to cover costs of the Postal Service attributable to the service provided.

The regulations also replace the present quarterly payment system tied to the fiscal year with a semi-annual/annual period payment system running from the month in which the box is rented. The new semi-annual system proposed by these regulations is an improvement for the vast majority of our customers, who continue to rent the same box year after year. Billing and collection costs can also be reduced under a semi-annual payment system.

The new regulations make no substantial changes in the forms and procedures for applying for a post office box or in the procedures for denying service or closing a box. A provision is added, however, requiring boxholders or callers to file a revised application for a post office box whenever the information on the form changes or becomes obsolete.

Interested persons who wish to do so may submit written data, views or arguments concerning the proposed new regulations to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260, on or before May 8, 1975.

After consideration of all comments received, the Postal Service will then promulgate the final regulations by publishing in the FEDERAL REGISTER an appropriate amendment to 39 CFR 111.3. Accordingly, complying voluntarily with the advance notice requirements of the Administrative Procedure Act (5 U.S.C. Sec. 553 (b), (c)) regarding proposed rule making, the Postal Service proposes to revise Part 169 of the Postal Service Manual to read as set forth below:

(39 U.S.C. 401, 404)

LOUIS A. COX,
General Counsel.

PART 169. POST OFFICE LOCKBOX AND CALLER SERVICE

169.1 PURPOSE AND DEFINITION OF SERVICE

.11 *General Purpose*

Post Office Lockbox and Caller Service are premium services provided for the convenience of the public. These two services, provided in addition to available carrier or general delivery, afford customers privacy and permit them to obtain their mail at their convenience during the hours the lobby is open. Both services make use of the traditional Post Office Box Number as the address.

.12 *Description of Services*

.121 Lockbox Service

a. Lockbox Service is provided only through the use of Post Office Lockboxes. The term Drawer is hereby abolished and all boxes previously referred to by that term are to be considered the same as Lockboxes for all purposes, including rental rates. The terms lockbox and box are to be considered the same for purposes of these regulations and the term boxholder is to be applied to those who use lockboxes.

b. Lockboxes are located only in Postal facilities. Customers receive their mail in these boxes and may open the boxes by means of a key or numerical combination. Numbers are assigned to the boxes and the customers must use their assigned Post Office Box Number in their addresses immediately above the city, state and Zip Code.

c. Five sizes of lockboxes are available for rent and customers are assigned a lockbox of a certain size in accordance with their needs as determined by the postmaster.

d. Boxes without doors for customer access, formerly identified as "Call Boxes", shall be used only in conjunction with General Delivery service, and no rent shall be charged for their use.

e. Lockbox Service Does Not Include "alternate means of delivery" established to replace, simplify or extend carrier delivery service. Examples are Vertical Improved Mail (VIM) units, neighborhood cluster box units, apartment house units, rural non-personnel units, etc. These "alternate means of delivery" shall not be administered or charged for under provisions of Part 169 of the Postal Service Manual.

.122 Caller Service

a. Caller Service is provided through the use of sacks, pouches, trays, bundles and other devices. Normally, mail is handed to the customer or his agent at a call window or from a loading dock. Caller Service users are termed Callers throughout these regulations.

b. Caller Service will be provided to customers under the following conditions:

(1) To boxholders who normally receive too much mail for their box when no larger box is available. (Do not consider parcels, catalogs or other bulky items in such a determination).

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(2) To customers who wish to rent more than five (5) lockboxes in any one facility. Five lockboxes may be rented to one customer, but additional separation may be provided only through the use of Caller Service.

c. Caller Service may be provided to customers under the following conditions:

(1) To a new customer who will receive (or can be expected to receive) too much mail to be accommodated in the largest box available in the facility.

(2) To a customer who, at his option, desires a lockbox but none are available with the provision that such service does not adversely affect normal postal operations.

(3) To any customer who desires Caller Service in lieu of lockbox service even though boxes of adequate size may be available and the provision of such service does not adversely affect normal postal operations.

d. No Caller Service shall be provided from Fourth Class Post Offices.

e. A Post Office Box Number is assigned to the caller for each separation utilized and the caller must use his assigned number in the address immediately above the city, state and Zip Code.

f. A customer may obtain Caller Service for the purpose of receiving the mail of a client. A Caller Number issued to such a customer shall be considered to be held by the customer and not the client. All restrictions or regulations provided in 154.212 shall be applicable to the provision of Caller Service under this section.

g. No physical lockbox shall be used for purposes of obtaining a number for a caller.

h. If a caller is already using a number assigned to a lockbox, the caller may be issued a new caller number to replace it. However, this may be done only with the consent of the caller. (See 169.323 for rate to be charged when a caller holds a number assigned to a lockbox.)

i. Where possible, a post office lockbox presently used by a caller for purposes of obtaining a caller number may be renumbered, or an ALPHA prefix or suffix added to the number, and rerented to another party so long as the caller does not object.

j. Caller service may be restricted by postmasters with approval of the District Manager if local conditions justify such restrictions.

.13 *General Caller Service Information*

.131 Caller Service Terms

Services which may have been locally termed as Phantom Box Service, Holdout Service, Firm Direct Service, Firm Holdout Service, Sack Service and miscellaneous other services of similar nature which involved the customer use of a Post Office Box Number as an address and which required the customer pick-up of mail from a postal facility on a regular basis are replaced with Caller Service.

.132 Carrier Holdout Service and Other Exceptions

b. Caller Service Does Not Include General caller service provided to customers under provisions of 351 of the Postal Service Manual.

b. Caller Service Does Not Inculde General Delivery Service.

c. Caller Service Does Include any call service provided to customers who are not entitled to such service under provisions of 351 of the Postal Service Manual.

.133 Reservation of Caller Numbers

a. Callers of record may reserve caller numbers for future use. Postmasters shall determine which numbers may be reserved and may restrict this service in accordance with local conditions. The fee for this special service is detailed in 169.31.

b. If a caller has reserved a number and subsequently receives mail addressed to that number or otherwise notifies the Post Office that he intends to begin receiving mail addressed to that number, then the appropriate semi-annual rate for caller service will be charged and no return of the reservation fee or any part of the reservation fee will be made. If the customer continues to receive mail addressed to the number he will be charged the appropriate caller fee and for the next fiscal year no reservation fee will be charged.

.14 *How To Rent a Lockbox or Obtain Caller Service*

.141 Application for Post Office Box, Form 1093

Form 1093, obtainable from any postmaster, must be filled out completely and submitted to the postmaster at the post office where box or caller service is desired. The application will be approved or denied by the postmaster. Furnishing false information on the application is sufficient reason for denial. (See 169.8).

.142 Known Applicant

A known applicant shall be issued a box or provided caller service upon submission of Form 1093 and payment of the proper rent or fee.

.143 Unknown Applicant

a. Applicant must present his driver's license, military ID or other valid identification to postmaster upon submission of the application, Form 1093.

b. Postmasters will verify that the applicant resides or conducts business at the address shown. Verification procedures will be initiated immediately upon receipt of the application. Verification for local customers should be completed within three working days.

c. A box will be assigned or caller service provided immediately upon approval of the application and receipt of box rent or caller fee.

.144 Minors

Boxes may be rented or caller service extended to minors unless parents or guardians object in writing.

.15 *Conditions of Use*

.151 Individuals

An individual boxholder or caller may receive through his box or caller service mail addressed to himself, his family, relatives or other persons residing in his household whether permanently or temporarily if the mail is properly addressed to the box number.

.152 Firms, Corporations, Associations or Institutions

A firm, corporation, association, public or private institution may receive through its box or caller service mail addressed to its name, any of its officials, employees, inmates, students, teachers or other individuals associated with the organization if the mail is properly addressed to the box number.

.153 Mail Addressed to a Box Number

Mail addressed only to a box number may be delivered to the boxholder or caller as long as no improper or unlawful business is conducted.

.154 Updating Application Form

Whenever any information required on Form 1093, Application for Post Office Box, changes or becomes obsolete it shall be the duty of the boxholder or caller to file a revised box application reflecting such changes not later than 10 days after such changes occur.

.16 *Restriction on Use*

.161 Accumulation of Mail

Only matter which has passed through the mail, or official postal notices may be placed in a post office box. Boxholders shall remove mail promptly from their boxes. If mail is to be accumulated for more than 30 days, specific arrangements must be made in advance with the postmaster.

.162 Unlawful Activity

No post office boxes or caller service may be used for or in connection with a scheme or enterprise which:

a. Violates any Federal, State or local law;

b. Breaches an agreement with a Federal, State or local agency whereby the boxholder has agreed to discontinue a specified activity, or

c. Violates or attempts to evade any order of a court or administrative body.

.163 Forwarding

Boxes and Caller numbers may not be used when the sole purpose is, by subsequently filing change of address orders, to have mail forwarded or transferred to another address by the Postal Service free of charge. Submission of more than two forwarding orders in any one year shall be considered sufficient evidence to demonstrate this purpose and warrant closure of the box by the Postal Service.

169.2 LOCKBOX SERVICE RENTAL RATES AND FEES

.21 *Changes in Rates*

a. Revisions of lockbox rental rates and fees may be made effective at any time. If rates for the rental of a lockbox are changed by reason of a general rate change, discontinuance of a post office and reestablishment of same as a station or branch of another post office or the extension of carrier delivery service, no customer shall be made to pay at the newly established rate until the end of the current semi-annual period for which he has already paid. Box customers will receive specific notice when such a change is made. Customers shall pay the difference, if any, between the old rate and the new rate for any period paid in advance of their current period if rates are changed.

b. Rates listed are for a semi-annual or 6-month period and one or two periods may be paid at a time.

.22 *Key Fee*

Keys for key-type lockboxes shall be issued to customers upon receipt of payment of $1.00 for each key. This shall apply to all keys, including those initially issued to new customers. Account for payments for keys the same as box rents. However, issue Form 3544, Non-Postal Receipt. Other key information is in 169.4.

.23 *Rental Rate Groups*

.231 Three Groups for Establishment of Lockbox Rents

Three groups are established for the determination of lockbox rental rates. These groups are called Group 1, Group 2 and Fourth Class Post Office Group.

.232 New Groups as Related to Previously Established Groups

In general the new groups are related to the previously established groups in the following manner:

a. Group 1 is subdivided into five subgroups called Subgroup A, B, C, D or E. These subgroups correspond to previously established Groups A, B, C, D and E respectively.

b. Group 2, is subdivided into three subgroups called Subgroup F, G or H. These subgroups correspond to previously established Groups F, G and H respectively.

c. Fourth Class Post Office Group corresponds to previously established Group I.

.233 Assignment of Subgroups in Group 1

a. Facilities established prior to July 1, 1973 which were classified as Group A, B, C, D or E on or before July 1, 1973 shall use Subgroup A, B, C, D or E lockbox rental rates respectively.

b. All mail processing facilities not under the administration of a post office and new post offices providing city carrier service established after July 1, 1973 shall use Subgroup A lockbox rental rates.

c. Facilities established after July 1, 1973, which are under the administration of a post office providing city carrier delivery service, shall be subject to the same lockbox rental rates as those applicable to the main post office.

d. If a post office is discontinued and reestablished as a station or branch of another post office, then that facility will be subject to the same lockbox rental rates as those applicable to the main office.

e. Post offices at which city carrier service is initiated after July 1, 1975 shall be subject to Subgroup A rental rates.

.234 Assignment of Subgroups in Group 2

a. Facilities established prior to July 1, 1973 and which were classified as Group F, G or H on or before July 1, 1973 shall use Subgroup F, G or H lockbox rental rates respectively except as provided in 169.242c.

b. Facilities which were established as Group F, G, H or I on or before July 1, 1973, but which have experienced any of the changes listed in 169.233 shall be reclassified as indicated.

.24 *Rental Rate Group Application Rules for Customers*

.241 Group 1 Rates, General Rule

Group 1 rates are charged to customers for whom the rental of a lockbox constitutes a premium delivery service. If a customer has available to him or if he is otherwise eligible for delivery by carrier, then his lockbox is a premium means of delivery and he shall be charged at Group 1 rates.

.242 Group 1 Rates, Specific Application

a. In mail processing facilities not under the administration of a post office, all customers shall be charged at the appropriate Group 1, Subgroup A rates.

b. Post offices providing city carrier delivery shall normally charge all customers at the appropriate Group 1 rates in all of their facilities except that a customer eligible for Group 2 rates in that post office may rent one lockbox at Group 2, Subgroup F rates (See 169.244).

c. Post offices not providing city carrier delivery shall charge Group 1, Subgroup A rates to any customers who do any one of the following:

(1) Give as a permanent address of residence or business a different post office or city from that where the box is rented.

(2) Are located on or receive service from a rural carrier route.

(3) Rent more than one lockbox. (First box excepted.)

d. The qualification of a business, association, organization, church or other institution to rent a box at Group 1 or Group 2 rates shall be determined separately from the qualification of any associated person.

.243 Group 2 Rates, General Rule

Group 2 rates are charged customers who do not have available to them, or who are not eligible for, delivery by carrier. Thus, the basic delivery service available to them is more restricted than that available to those who are charged Group 1 rates. However, the use of a lockbox represents a premium service as compared with general delivery.

.244 Group 2 Rates, Specific Application

a. In mail processing facilities not under the administration of a post office, no customer shall be eligible for Group 2 box rental rates.

b. Post offices providing city carrier delivery service shall charge Group 2, Subgroup F rates to customers who:

(1) Are not eligible for and do not receive carrier delivery because of the provisions of Part 155 or Part 156 of the Postal Service Manual and are not served by another post office; or

(2) Are resident in or have a place of business in an area not served by carrier and where an agreement has been made between the postmaster and all customers in that area that delivery will not be provided by carrier but by post office box at a postal facility. Such customers may rent one lockbox at Group 2, Subgroup F rates. They may rent additional lockboxes at the appropriate Group 1 rates.

c. The qualification of a business, association, organization, church or other institution to rent a box at Group 1 or Group 2 rates shall be determined separately from the qualification of any associated person.

.245 Fourth Class Post Office Group

In fourth class post offices all customers shall be charged at the rates established for Fourth Class Post Office Group. Postmasters shall make every effort to reserve boxes in fourth class post offices for local customers.

.246 Customers Not Residents of the United States

A customer who is not a resident of the United States or its territories or possessions shall pay box rent at the appropriate Group 1 rate except at fourth class post offices. Such a customer shall not be entitled to rent boxes at Group 2 rates.

.25 *General Delivery*

Customers who are eligible to rent a post office box at Group 2 rates but who in fact do not rent a lockbox may be extended no more than one separation in General Delivery without time limit. Any caller separations utilized in addition to the one General Delivery separation by such customers shall be charged for at the full caller rate. Customers who are not eligible to rent a post office lockbox at Group 2 rates may not receive General Delivery for periods longer than 30 days except as provided in Part 113 of the Postal Service Manual.

.26 *Facilities Primarily Serving Academic Institutions*

.261 Boxes Owned by the Institution

The Postal Service shall not set or collect rent for boxes owned by an academic institution if the boxes are separate from designated Postal Service areas and serviced by employees or agents of the institution. The institution may set and collect rent for such boxes, but the revenues shall not be considered to be Postal Service funds. In all other cases rents shall be collected as otherwise provided in 169.2 and the Postal Service shall retain the revenues.

.262 Adjustment of Rental Rates to Meet Semester Schedules

In facilities primarily serving academic institutions or the students of such institutions, box rental rates may be adjusted to better fit the semester schedules as follows:

Period for Box Rental	*Adjusted rate*
95 days or less	½ semi-annual rate.
96 to 140 days	¾ semi-annual rate.
141 to 190 days	Full semi-annual rate.
191 to 230 days	1¼ semi-annual rate.
231 to 270 days	1½ semi-annual rate.
271 days to full year	Full annual rate.

Round off fractions to next highest ten cents. Make no refunds for discontinued service when box has been rented under these provisions.

.27 *Rental Rates for Lockboxes*

Cubic Inch Capacity Of Lockboxes	RATE OR FEE PER SEMI-ANNUAL PERIOD				
	To 315	316 to 600	601 to 900	901 to 1200	1201 & OVER
Box Size	1	2	3	4	5
GROUP 1:					
SUBGROUP A	12.50	15.00	20.00	25.00	30.00
SUBGROUP B	10.00	14.00	17.50	20.00	27.00
SUBGROUP C	8.00	10.00	12.50	17.50	22.50
SUBGROUP D	7.00	8.00	10.00	15.00	17.50
SUBGROUP E	5.50	6.50	7.50	12.50	15.00
GROUP 2:					
SUBGROUP F	2.50	3.00	4.00	6.00	7.50
SUBGROUP G	2.00	2.50	3.00	4.50	6.00
SUBGROUP H	1.50	2.00	2.50	3.50	4.00
FOURTH CLASS POST OFFICE GROUP	1.00	1.00	1.00	1.00	1.00

.28 *Effective Date of Lockbox Rental Rates*

The foregoing rates shall be effective July 1, 1975 for all periods of service beginning on or after July 1, 1975. Postmasters shall collect these rents and fees during the last 20 days of June 1975 as provided in these regulations.

169.3 CALLER SERVICE RATES AND FEES

.31 *Reserved Number Fee*

Each number reserved by a caller for future use shall be charged for at the rate of $10 per Postal fiscal year or any part of such a fiscal year as determined from October 1 to September 30. Account for these revenues in the same manner as box rent.

(NOTE: for the period July 1, 1975 to September 30, 1975 there shall be no charge for reserved numbers provided the customer pays the $10 fee for the forthcoming fiscal year as defined in this section.)

.32 *Caller Service Fees*

.321 When Rates are Effective

Revisions in caller service rates and fees may be made effective at any time. When rates are changed, customers shall pay at the newly established rate at the end of the current semi-annual period for which they have already paid. If customers have paid for an annual period, then at the end of their current semi-annual period they shall pay the difference, if any, between the new rate and that which they have already paid for the second semi-annual period. One or two periods may be paid at a time.

.322 Basic Caller Service Fee

a. General Rule. The basic fee for Caller Service for semi-annual periods beginning on or after July 1, 1975 to be applied to each Caller Number or Separation used shall be $35.00. Account for these revenues the same as box rent.

b. Exceptions. If a Caller utilizes many post office box numbers but receives only a bulk delivery of his mail, not separated to those numbers either because his mail is sorted to a unique five-digit ZIP Code held only by him or because sortation is made by caller name or other identification, then the Caller shall be charged the basic caller fee for each separation actually made. He shall be charged the reserved number fee

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for each of the post office box numbers to which mail received by the caller is addressed.

c. Local Agreements. No local agreements between postmasters and Caller Service or Lockbox Service customers shall be established which shall in any way contravene the provisions of these regulations with respect to the determination or collection of Caller Service fees.

.323 Caller Numbers Which Are Also Assigned to a Lockbox

If a caller presently uses as a Caller Number the number assigned to an existing physical lockbox in the same facility from which he receives service, then he must pay the appropriate rental fee for that lockbox in addition to the caller service fee.

169.4 Equipment: Keys, Locks and Boxes

.41 Keys

.411 Issuance of Keys

Customers utilizing key-type lockboxes will be supplied with keys according to their needs upon payment of the key fee for each key issued.

.412 Restriction on Source of Keys

Customers utilizing post office lockboxes are not permitted to obtain or use any keys except those issued through the Postal Service.

.413 How to get new or additional keys

Customers may obtain keys by submitting Form 1094, Application for Additional Keys to Post Office Box. Customers will pay the appropriate key charges at that time.

.414 Refund of Key Fee

This section shall be applicable only to boxholders renting a key-type box for the first time on or after July 1, 1975.

Upon termination of rental the Postal Service will refund to boxholders the purchase price for up to two keys if such keys are returned to the post office where the box was rented. Use Form 1096 as the receipt but account for funds returned the same way as for box rents or fees returned.

.415 Worn or Broken Keys

Worn or broken keys are replaced without charge if the keys are returned.

.416 Acceptance of Orders for Additional or New Keys

Postmasters shall not hold orders for new or additional keys for more than 24 hours. Key orders should not be consolidated except for general orders for keys for an entire unit of lockboxes. Process all orders for keys as rapidly as possible.

.417 Key Inventory Maintenance

At least three keys must be provided for each keylocking lockbox. Keep at least one key on hand at all times for issuance upon submission by boxholder of Form 1094. Upon issuance of the spare key, requisition a replacement. Withdraw keys in excess of reserve requirements, tag to indicate the key or lock number, file numerically and store in a safe place.

.42 Boxes

.421 Surrender of Keyless Boxes

When a keyless box is surrendered, change the combination before reassignment.

.422 Surrender of Key Boxes

When a customer surrenders his box and fails to return all keys, send Form 1099, Notice to return keys to the customer's new address.

.43 Locks

Do not rent boxes having broken locks. When the lock on a rented box is broken, replace the lock and issue the same number of keys to the customer as had been issued to him for the broken lock. Make no charge for these keys. Do not force customer to change boxes or box numbers due to the failure of postal equipment.

.44 Changing Locks

Always change the lock immediately when a key type box is surrendered.

169.5 INTERNAL CONTROLS, RECORD KEEPING AND RENT PAYMENT

.51 Record of Boxholders

Keep a record of boxes, boxholders and callers on Form 1091, Box Rent Register for Keylocking and Keyless Equipment in five files as follows:

a. Cards for vacant boxes in numerical sequence.

b. Cards for boxes rented for one semi-annual period, by month rent is due and in numeric sequence within the month.

c. Cards for boxes rented for two semi-annual periods, by month rent is due and in numeric sequence within the month.

d. Cards for callers paid for one semi-annual period, by month fee is due and in numeric sequence within the month.

e. Cards for callers paid for two semi-annual periods, by month payment is due and in numeric sequence within the month.

.52 Payment of Box Rent and Caller Fees

This section establishes semi-annual payment periods for customers that are not bound by the Postal Service fiscal year.

.521 Rent Paid in Advance

Box rent and caller fees must be paid in advance for no less than a semi-annual or no more than an annual period. Fees and rent may be paid by check to postmasters. However, checks sent by mail must be received by the postmaster by the due date.

.522 Receipt

A Forum 1538, Box Rent Receipt, will be given for each box rent or caller payment except that:

a. Boxholders or callers who hold more than one box or caller number may be issued one receipt for payment for all of their box and caller numbers.

b. Maintain a separate list of such multiple number customers showing numbers used, customer name, fee charged and normal due date for each, and mark receipt with the number (count) of boxes or caller numbers paid for at that time.

.523 Payment Periods

Payment may be made for any six or twelve consecutive months. The beginning of a payment period is established on the date of the approval of the application to rent a box.

.524 How a Customer May Change His Payment Period Date

Boxholders of record may change their payment period by submitting a new application to rent a box and noting on the application the month they wish to use as the start of their payment period. This date must be before the end of their current payment period and rents and fees already paid will not be refunded or applied to the new payment period, except that a remaining period of six (6) months or more will be applied to six (6) months of the new payment period.

.525 Boxholders and Callers of Record

Boxholders and callers of record may, during the last month of their rental period, pay rent for their next semi-annual or annual payment period.

.526 Rented Before 15th of Month

If a lockbox is rented by a new boxholder on or before the 15th of any month the rental period shall be from the first day of that month. If rented after the 15th day of the month the rental period shall be computed from the first day of the following month.

.53 Notices

.531 Notices of rent due, Notice 32, shall be placed in boxes or handed to callers 20 days before rent is due. If a boxholder or caller is temporarily out of town, and if he has filed a temporary forwarding order, the notice will be sent to him.

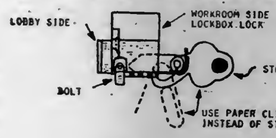
.532 Notices to government agencies paying rent and fees on an annual basis will be postmarked before release and will show the box number(s) and the amount due for one year.

.54 Past Due Box Rent or Caller Fee

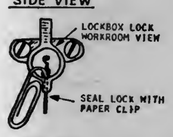
.541 Boxes

a. Plug the Lock or Change the Combination if a Lockbox Customer Fails To Pay Rent by the Due Date and has not submitted a change of address order or otherwise indicated that he is terminating the service.

b. Prohibition of Access to a Key-Type Lock may be accomplished according to the following diagram. If key-stops are available, use them but if they are not available use a paper clip. Do Not Order any Key Stops. They Are a Discontinued Item but May Be Used Until Stock on Hand Is Exhausted.



SIDE VIEW



END VIEW

c. Continue to Distribute the Mail to the Box for up to 10 Days. If at the end of that time the customer has not paid the rent or left other instructions, remove the mail from the box and treat that mail and any subsequent mail addressed to the customer at that box as undeliverable mail unless it is possible to deliver it by carrier or general delivery.

d. At the End of 10 Days Close the Box if the customer has not paid his rent or submitted other instructions.

e. If the Customer Pays His Rent unplug the lock or notify him of his new combination.

.542 Callers

a. If a caller fails to pay his fee by the due date and does not submit a change of address order and does not attempt to obtain his mail, retain his mail for a period not exceeding 10 days, then treat his mail as undeliverable mail unless it may be readily delivered by carrier.

b. If a caller fails to pay his fee by the due date and does not submit a change of address order and attempts to obtain his mail within 10 days, explain to him or his agent that at the end of the tenth day after the due date, if payment or a change of address order is not received his mail will be delivered to his street address and that he will lose

the use of his post office or caller box number(s) and may not obtain his mail at the postal facility. Continue to give him his mail until the end of the ten day period, but do not provide him in excess of one separation (in case multiple separations had been provided) during that period.

.55 When a Box Is Surrendered

.551 Rerental of a Surrendered Box

If a customer surrenders a box before the end of the payment period, the box may be rented to another customer after 15 days. If the box has been closed by the Judicial Officer, the box may be rented to another customer after 20 days. (See Section 169.8.)

.552 Surrender of a Box Shall Consist of

A box shall be considered to have been surrendered if:

a. The boxholder submits a permanent change of address order.

b. The boxholder refuses or fails to pay appropriate rent or fees by the due date.

c. The boxholder submits in writing an order to discontinue service.

.553 Surrender of a Box Shall Not Consist of

A box shall not be considered to have been surrendered if:

a. The boxholder dies or disappears before the end of the period for which he has rented the box.

b. The boxholder submits a temporary change of address order.

c. There is a change of address order issued for mail going to the box by any person other than the boxholder.

.554 Refund of Box Rent and Caller Fees

When a lockbox is closed or surrendered or Caller Service discontinued, no portion of the rent or fees shall be refunded to a customer who has paid on a semi-annual basis. A customer who has paid on an annual basis and who discontinues service before the end of his annual period may apply for a refund of that portion of his payment that is applicable to a full, remaining semi-annual period.

169.6 Operations

.61 Placing in Boxes

Place mail addressed to post office boxes in proper boxes immediately after distribution. If the flow of the mail allows it and no lengthy delays will occur, attempt to place larger items such as newspapers, catalogs and magazines in boxes prior to placing smaller items such as letter mail and flats into the boxes.

.62 Withdrawal From Boxes

Mail may be delivered to authorized persons who have forgotten their key or cannot open their box. However, mail should not be handed out to persons properly supplied with keys who can open their boxes but who make it a practice of requesting that their mail be given to them.

.63 Delivery by Carrier

Do not remove mail from boxes of address for delivery by carrier except for the case of box service discontinued due to failure to pay rent.

.64 Multi-Pickup Callers

Callers who desire to call at a postal facility for their mail more than once in any 24 hour period as a regular practice shall make provisions with the postmaster for the establishment of a proper and reasonable schedule of pick-up. Postmasters shall determine the times and places most satisfactory to the post office.

.65 Standards

.651 Box Service

If the postmaster determines that safety and security provisions allow it and if he determines that there is sufficient public demand, then he may keep the box lobby open to the public 24 hours per day.

.652 Caller Service

Caller service shall be provided during normal hours of business. Caller service may be provided at all other hours during which mail is undergoing distribution within the facility if it is consistent with normal operations.

.66 Changes of Address Order

.661 Standard Procedure

a. When the number of Forms 3575, Change of Address Order, average five or more per month, maintain a change of address order book (supply item 0–391–M) in the box and caller section.

b. Use a separate address change sheet, Form 1564, for each letter of the alphabet separated by item 0–89(b), Index.

c. As Forms 3575 are received, post pertinent information chronologically on appropriate sheet. Make appropriate entries on Forms 1564 whenever a former boxholder fails to furnish a forwarding order at the time he surrenders a lockbox or when it is closed for nonpayment of rent.

d. Maintain one set of Forms 1564 at the main office and one set at the station or branch providing the service.

e. After entry to Forms 1564, file Forms 3575 chronologically by months or alphabetically, in a manner that will permit withdrawal at the end of the month after requests are 2 years old. See 158.2 for forwarding time limit.

f. If the number of requests on Form 3575 average les than 5 per month follow the same procedure except that Forms 3575 may be filed in alphabetical order and used for reference purpoees in lieu of a register.

.662 Flag Boxes

a. White labels identify lockboxes for which there are no entries on Forms 1564. Use a colored label or a colored dot or tab applied to a white label to identify all boxes for which there ARE entries on Form 1564 and for which mail may be received addressed to other than the current boxholder.

b. If a box has changed hands more than 3 times in the last year use any reasonable means in addition to colored labels or dots that will identify this box as one which will probably receive mail addressed to other than the current boxholder.

c. If desired, the dates on which colored labels should be replaced with white labels or dots or tabs removed from white labels may be shown on the labels. Except for these dates only information relating to the name of the current boxholder shall be shown on any label. No data pertaining to the forwarding address of the former boxholder shal be placed on labels either before or after rental of the box.

d. Case all mail addressed to color coded boxes, other than that addressed to or in care of the current boxholder, to a single separation for determination of forwarding address from Forms 1564. If no forwarding address is on record, distribute the mail to the boxes as addressed unless the boxholder of record advises that mail for the addressee shall not be placed in his box.

e. Mail rejected by the boxholder shall be treated as undeliverable mail unless it may be readily delivered by carrier.

f. Replace Colored Labels With White Labels or Remove Colored Dots or Tabs From White Labels Immediately Following Termination of a Forwarding or Change of Address Order or as Soon as it Is Apparent That a Need for the Color Coding No Longer Exists.

169.7 (Reserved)

169.8 Refusal To Provide Service.

.81 Refusal To Provide Service to a New Customer.

.811 Postmaster's Authority.

A postmaster may refuse to rent a post office box or extend caller service to any person if he has reason to believe that such person:

a. has falsified the application or has, within the previous 2 years, physically abused a box or violated any regulation or contractual provision relating to the care and use of a box or caller service; or

b. is likely to use a box or caller service in connection with a scheme or enterprise in violation of 169.162.

.812 Customer's Right of Appeal

Whenever the rental of a post office box or the extension of new (or additional) caller service is refused, the postmaster shall, upon written request made within 10 days, furnish the applicant with the reasons for such refusal in writing. Where the refusal to rent or extend is based in whole or in part upon the grounds specified in 169.811, an appeal may be taken in the same manner and subject to the same limitations as where a Notice of Intent To Close a Post Office Box (or to terminate caller service) has been issued. (See 39 C.F.R. 958).

.82 Refusal To Continue To Provide Service to a Current Customer

.821 Postmaster's Authority

Postmasters do not have authority to close a post office box or terminate caller service without referral to higher authority except in cases of failure to pay rent or where the boxholder has clearly and unequivocably given up the box or abandoned it under the conditions given in 169.552.

.822 Grounds for Closure or Refusal To Renew

A box may be closed or caller service terminated whenever the boxholder has falsified the application for the box or has violated, or is violating, any of the regulations or contractual terms or conditions relating to its care and use.

.823 Procedures

Postmasters or any other postal officials who have reason to believe that any regulation or contractual provision governing the rental or use of a post office box or caller service has been or is being violated shall send a report of the facts, with any supporting documents to the General Counsel.

.824 Notice of Intent To Close a Post Office Box

Whenever the General Counsel is in receipt of substantial evidence which he believes warrants the closing of a post office box or the termination of caller service, he may issue Notice of Intent To Close a Post Office Box (or to terminate caller service). Such notice shall state clearly the reasons for the contemplated action and inform the boxholder or caller of his right to appeal this determination to the Judicial Officer, United States Postal Service, Washington, D.C. 20260.

.825 Service of Notice

The Notice of Intent To Close a Post Office Box (or terminate caller service) may be

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served on the boxholder or caller by certified mail, with restricted delivery, addressed to his post office box or other address. Obtain a return receipt therefor and forward immediately to the General Counsel. If restricted delivery cannot be made, deposit the notice in the box or in the receptacle provided for the caller for delivery as ordinary mail and this shall constitute valid service. Complete a post office delivery receipt, Form 3849, and send to the General Counsel. Endorse both the Form 3849 and the return receipt for the certified mail to show that restricted delivery could not be made and that the notice was delivered as ordinary mail. An order of the Judicial Officer closing a post office box or terminating caller service or affirming the refusal to grant an original or renewal application for such box or caller service shall bar the granting of any similar application wherever made, by or on behalf of the person involved, until such order has been revoked, amended or modified by the Judicial Officer.

.826 Right of Appeal

a. No appeal may be taken from a Notice to Close a Post Office Box (or to terminate caller service) issued under 169.82 unless it is postmarked no later than 20 days after service of such notice.

b. If no appeal is taken within 20 days after service of the Notice of Intent to Close a Post Office Box (or to terminate caller service), the box may be closed or the caller service terminated by order of the General Counsel without further notice to the boxholder or caller.

.83 *Disposition of Mail*

When a box has been closed or caller service terminated pursuant to 169.81 or 169.82 or by the order of the Judicial Officer, notify the boxholder or caller and transfer mail addressed to the box or to the box number assigned to the caller to general delivery. Hold the current time limitation for forwarding orders. At the end of the applicable period, all mail addressed to the caller shall be handled as undeliverable. However, this shall not preclude compliance with sender's request in accordance with 122.32.

[FR Doc.75-9131 Filed 4-7-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Office of the Secretary

DDR&E HIGH ENERGY LASER REVIEW GROUP (HELRG)

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, dated October 6, 1972, notice is hereby given that the closed meetings of the DDR&E High Energy Laser Review Group will be held on Wednesday and Thursday, 7-8 May 1975, in the Washington, D.C. area.

The subject matter of the meetings is classified in accordance with subparagraph (1) of section 552(b) of Title 5 of the U.S. Code.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

APRIL 3, 1975.

[FR Doc.75-9044 Filed 4-7-75;8:45 am]

DEFENSE SCIENCE BOARD TASK FORCE ON EXPORT OF U.S. TECHNOLOGY: IMPLICATIONS TO U.S. DEFENSE

Task Force Meeting

A task force of the Defense Science Board on "Export of U.S. Technology: Implications to U.S. Defense" will meet in closed session on 1 May 1975 at the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense. The task force will provide an assessment of the implications to U.S. defense of current and impending exports of U.S. technology to serve as a basis for determination of Defense policy.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Defense Science Board task force meeting concerns matters listed in section 552(d) of Title 5 of the United States Code, and specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

APRIL 3, 1975.

[FR Doc.75-9104 Filed 4-7-75;8:45 am]

DEFENSE SCIENCE BOARD TASK FORCE ON NAVAL SURFACE WARFARE

Advisory Committee Meeting

The Defense Science Board Task Force on "Naval Surface Warfare" will meet in closed session on 28-29 April 1975 at the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will undertake a review of the adequacy and directions of U.S. Navy programs in surface offensive operations in the face of continuing increases in Soviet capabilities in naval weapons, command and control, and out-of-area operations. The Task Force will concentrate first on U.S. programs in tactical surveillance, targeting, command and control, and weaponry for surface engagement to help assure that our R&D investments yield the greatest improvement in our total force capabilities, when deployed in quantities we can afford. Classified details of U.S. and Soviet systems will be reviewed.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

APRIL 3, 1975.

[FR Doc.75-9106 Filed 4-7-75;8:45 am]

DEFENSE SCIENCE BOARD TASK FORCE ON THEATER NUCLEAR FORCES R&D REQUIREMENTS

Advisory Committee Meeting

The Defense Science Board Task Force on Theater Nuclear Forces R&D Requirements will meet in closed session on 1 and 2 May 1975 in the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will provide an analysis of technology and systems applicable to theater nuclear forces and indicate promising solutions to the problem area for possible implementation within the Department of Defense.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

APRIL 3, 1975.

[FR Doc.75-9105 Filed 4-7-75;8:45 am]

Corps of Engineers

ENVIRONMENTAL ADVISORY BOARD

Notice of Meeting

In accordance with Pub. L. 92-463, notice is hereby given that the next meeting of the Environmental Advisory Board of the Chief of Engineers will be held on 20-21 May 1975 at Dellroy, Ohio and Deer Creek Reservoir, near Columbus, Ohio. All plenary sessions of the meeting are open to the public. Time, location, and subjects of each session follow:

20 MAY 1975, ATWOOD LAKE, DELLROY, OHIO

0930---- Opening remarks.
1015---- Civil works update.
1045---- Briefing on Huntington, W. Va., and Charleston, W. Va., urban studies.
1330---- Discussion with local participants in urban studies.
1430---- Public participation in the planning process.
1630---- Update on interagency mitigation efforts.

21 MAY 1975, ATWOOD LAKE, DELLROY, OHIO

0830---- Replying to misstatements concerning Corps of Engineers projects.
0900---- On-going Corps of Engineers Environmental research.
1000---- Field trip to land waste treatment facility, Deer Creek Reservoir, Ohio.

Persons desiring additional information should contact Colonel John F. Wall, Assistant Director of Civil Works for Environmental Programs, Office of the Chief of Engineers, telephone 202-693-7093. Persons desiring to attend the meeting should contact Mr. George Hartman at Huntington, West Virginia, telephone 304-529-2296, so that adequate seats can be provided.

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Dated: April 3, 1975.

By authority of the Secretary of the Army.

FRED R. ZIMMERMAN,
Lt. Colonel, U.S. Army,
Chief, Plans Office, TAGO.

[FR Doc.75-9030 Filed 4-7-75;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

Meeting

This is to provide notice of meetings for the Civil Disorders and Terrorism, Private Security, and Juvenile Delinquency Task Forces to the National Advisory Committee on Criminal Justice Standards and Goals.

The Civil Disorder and Terrorism Task Force will meet on April 21 and 22, 1975. The April 21 meeting will be held in the conference room, 13th floor, Law Enforcement Assistance Administration (LEAA), U.S. Department of Justice, 633 Indiana Avenue NW., Washington, D.C. 20531. The April 22 meeting will be held in the conference room, 3rd floor, 633 Indiana Avenue NW., Washington, D.C.

The Private Security Task Force will meet on April 22 and 23, 1975, in the conference room, 13th floor, 633 Indiana Avenue, Washington, D.C.

The Juvenile Delinquency Task Force will meet on May 2 and 3, 1975, in the conference room, 13th floor, 633 Indiana Avenue NW., Washington, D.C.

All the above meetings will convene at 10 a.m. and will be open to the public.

This will be the first meeting of each of the Task Forces. Discussion will focus upon the functions and duties to be performed by the Task Forces as well as a discussion of the task force subject matter.

For further information, contact William T. Archey, Acting Director, Policy and Analysis Division, Office of Planning and Management, 633 Indiana Avenue NW., Washington, D.C. 20351.

GERALD H. YAMADA,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.75-9002 Filed 4-7-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 25035, 25110, 25111]

NEW MEXICO

Applications

MARCH 31, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one dehydration site and four 4½ inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 20 S., R. 28 E.,
Sec. 10, NE¼SE¼;
Sec. 11, N½SW¼;
Sec. 20, SE¼¼SW¼, S½SE¼;
Sec. 21, SW¼SW¼;
Sec. 28, N½NW¼, W½NE¼.
T. 22 S., R. 32 E.,
Sec. 2, SW¼NW¼.

The dehydration site will occupy 5.0 acres and the pipelines will convey natural gas across 1.984 miles of national resource lands in Lea and Eddy Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, 1717 West Second Street, Roswell, NM 88201.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-9030 Filed 4-7-75;8:45 am]

[NM 25045]

NEW MEXICO

Application

MARCH 31, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for one 4½ inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 32 N., R. 13 W.,
Sec. 30, Lots 13 and 14.

This pipeline will convey natural gas across 0.177 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-9031 Filed 4-7-75;8:45 am]

[Wyoming 50062]

WYOMING

Application

MARCH 31, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 27 N., R. 112 W.,
Sec. 7, SE¼SW¼ and SW¼SE¼;
Sec. 18, N½NE¼.

The pipeline will be an addition to the applicant's Big Piney Gathering System in Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, WY 82901.

GLENNA M. LANE,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 75-9027 Filed 4-7-75;8:45 am]

[Wyoming 50096]

WYOMING

Application

MARCH 31, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 27 N., R. 112 W.,
Sec. 6, lot 1, SW¼NE¼ and SE¼NW¼.

The pipeline will be an addition to the applicant's Big Piney Gathering System in Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, WY 82901.

GLENNA M. LANE,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-9028 Filed 4-7-75;8:45 am]

[Wyoming 50097]

WYOMING

Application

MARCH 31, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185) Colorado Interstate Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 18 N., R. 98 W.
Sec. 22, NW¼NW¼;
Sec. 28, NW¼NE¼, E½NW¼, and N½SW¼.

The pipeline will be an addition to the applicant's Desert Springs Gathering System in Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, WY 82901.

GLENNA M. LANE,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-9029 Filed 4-7-75;8:45 am]

OUTER CONTINENTAL SHELF, OFFSHORE SOUTHERN CALIFORNIA

Public Hearing Regarding Proposed Oil and Gas Lease Sale

In accordance with 43 CFR 3301.4, a public hearing will be held beginning at 9 a.m., on May 6, 1975, in Room 217–A of the Los Angeles Convention and Exhibition Center, 1201 South Figueroa Street, Los Angeles, California 90015, for the purpose of receiving comments and suggestions on the draft environmental impact statement prepared pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 for a proposed 1975 Outer Continental Shelf (OCS) oil and gas lease sale of lands offshore Southern California (site-specific DEIS). The hearing will extend through May 8, 1975, if necessary.

The hearing will benefit the Department by providing additional comments and views of Federal, State, and local agencies, and interested members of the public, concerning the discussion and analysis contained in the site-specific DEIS, which will be used in preparing an FEIS for the proposal.

In addition to providing the Secretary with these additional comments and views on the DEIS, itself, the hearing will provide additional information from both public and private sectors to help evaluate fully the potential effects of the proposed offering of 297 tracts on the total environment, aquatic resources, aesthetics, recreation, and other resources in the entire area during potential exploration, development, and production phases of lease operations.

While the principal purpose of the hearing is to receive comments and views on the discussion and analysis contained in the DEIS, and while comments relating to action on the proposal will be more appropriately submitted after the EIS has been put in final form, the Bureau of Land Management will accept and consider any comments submitted on the proposal during the public hearing and the comment period associated therewith.

After the site-specific EIS and the EIS for the proposed program to accelerate OCS oil and gas leasing nationwide (OCS programmatic EIS) have been completed in final form, State and local officials and interested members of the public will be able to use these two documents in making comments on what action the Department should take or what alternative course of action the Department should adopt. These comments will become appropriate after the comment period on the final EISs has expired.

The site-specific DEIS was made available to the public on February 21, 1975. Copies of this statement can be obtained at the Pacific Outer Continental Shelf Office, Bureau of Land Management, 7663 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the site-specific DEIS are also available for review in the main public libraries in various coastal cities in the sale area.

Interested individuals, representatives of organizations, and public officials wishing to testify at the hearing are requested to contact the Manager, Pacific OSC Office, at the above address by 4:00 p.m., p.d.t., May 2, 1975. Individuals, representatives of organizations, and public officials who wish to testify during the course of the 3-day hearing on the site-specific DEIS, and who also plan to attend any session of the State-wide hearings on the Preliminary Coastal Plan of the California Coastal Zone Conservation Commission during the period May 6–8, 1975, should notify the Manager, Pacific OCS Office, of their plans in this regard when submitting their respective requests to be heard. These persons should list their preferences as to the timing of their respective appearances. Every effort will be made to accommodate the schedules of potential speakers.

Time limitations make it necessary to place a general limit of 10 minutes on the length of oral presentations. However, individuals who desire to make oral presentations in excess of 10 minutes should specify in their request to be heard the length of time they will require to make their presentation. Every effort will be made to accommodate potential speakers by granting, to the extent possible, requests for additional time allotments. The Bureau of Land Management will grant priority, with respect to additional time allotments, to State and local officials and representatives of recognized citizens, and other organizations (such as the Sierra Club and Seashore Environmental Alliance). Oral statements may be supplemented, however, by more complete written statements, which may be submitted to the hearing officer at the time of presentation of the oral statements. Written statements presented in person at the hearing will be included in the hearing record.

To the extent that time is available after presentation of oral statements by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

Written comments from interested individuals, representatives of organizations, and public officials who are unable to attend the hearing on the proposed lease sale and site-specific DEIS also should be addressed to the Manager, Pacific OCS Office, at the above address. There will be two commenting periods during which the Department will accept written testimony and comments on the proposed lease sale and site-specific DEIS, which are as follows:

(1) *Site-specific DEIS hearing comment period.* The Department will accept written testimony and comments on the site-specific DEIS, and on the proposal, until May 23, 1975. This will allow time for those unable to testify at the hearing to make their views known and for the submission of supplemental materials by those presenting oral testimony.

(2) *OCS programmatic FEIS review and comment period.* The Department will also accept written comments on the site-specific DEIS, and on the proposal, during a review and commenting period of 60 days after an OCS programmatic FEIS has been submitted to the Council on Environmental Quality (CEQ) and made available to the public.

Interested individuals, representatives of organizations, and public officials submitting written comments during this period will have the opportunity to comment on those topics, issues, and aspects of the site-specific impact statement that may be interrelated with or affected by the discussion and analysis in the OCS programmatic FEIS.

The Secretary will make no decision during this 60 day review and commenting period regarding the OCS programmatic FEIS or the proposal covered by the site-specific DEIS. The public will retain the opportunity to review and comment on the site-specific FEIS, when prepared, for a period of 30 days after that statement has been submitted to CEQ and made available to the public. The Secretary will make no decision during this latter period regarding the proposal covered by the site-specific FEIS. It is possible that the commenting periods on the OCS programmatic FEIS and the site-specific DEIS and/or FEIS will to some extent overlap. But, in any event, the Secretary will make no decision regarding the southern California lease sale proposal until the periods for comments on both the programmatic and site-specific EIS have expired.

After all testimony and comments submitted during comment period no. (1) have been reviewed and evaluated, a site-specific FEIS will be prepared. Written comments submitted during comment period no. (2) may provide additional information and data appropriate for consideration in preparing the site-specific FEIS, or it may provide material appropriate for consideration in revising

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DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

OMB NO. 42-R1870

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Interstate transport of three Spotted leopards (Panthera pardus), an endangered species, in interstate commerce in the course of a commercial activity: Circus performances.

3. APPLICANT: (If corporation, designate whether partnership, individual, etc.)
Mr. Lucio Cristiani
1024 Stoeber Ave.
Sarasota, Florida
phone: (813) 371-4386

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

☒ MR. ☐ MRS. ☐ MISS ☐ MS.	HEIGHT 5'6"	WEIGHT 160
DATE OF BIRTH January 22, 1910	COLOR HAIR brown	COLOR EYES brown
PHONE NUMBER WHERE EMPLOYED (813) 371-4386	SOCIAL SECURITY NUMBER 506-09-4421	
OCCUPATION Circus Performer		

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
N/A

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
N/A

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
N/A

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Interstate shipment involving any and/or all 50 states

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list licenses or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
not required

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ $50.00

10. DESIRED EFFECTIVE DATE: May 1, 1975

11. DURATION NEEDED: permanent

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR 17, Subpart C, 17.23

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (IN INK): x Lucio Cristiani
DATE: March 4, 1975

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the site-specific FEIS before any decision is made.

CURT BERKLUND,
Director, Bureau of Land Management.

Approved: April 4, 1975.

ROGERS C. B. MORTON,
Secretary of the Interior.

[FR Doc.75-9363 Filed 4-7-75;8:45 am]

Fish and Wildlife Service

COYOTE DAMAGE CONTROL

Report on Emergency Use of M-44 Devices

Notice is hereby given on the emergency use of M-44 devices by the Department of Interior's operational predator damage control program for the month of January. This use, including protection for cattle, is in compliance with the experimental use permit (No. 6704-EXP-6G) issued by the Environmental Protection Agency pursuant to Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (7 U.S.C. 135-135k), and in accordance with 40 CFR 162.19, as promulgated in the FEDERAL REGISTER on January 31, 1974 (39 FR. 3939). This report is made pursuant to FEDERAL REGISTER notice of June 20, 1974 (39 FR 2216G).

Actual M-44 use for January 1975 is as follows:

M-44 Emergency use January 1975

State	Number of counties	Number of ranches	Number of cattle, sheep, and goats protected	Number of M-44's used
Arizona	3	16	1,495	223
California	1	4	2,268	310
Montana	21	37	22,705	910
New Mexico	9	18	10,438	560
Oklahoma	4	6	1,579	74
Oregon	4	21	2,690	189
Texas	30	159	95,355	1,492
Utah	5	7	3,355	104
Wyoming	8	40	28,170	746
Totals	86	308	175,166	4,330

One or more coyotes were taken with this device on 121 of the 308 emergency areas, but losses were not necessarily halted in each case. During this month, 295 coyotes were taken by this device. Other species taken with the device during this period include 78 foxes, 13 feral dogs, 5 raccoons, 9 skunks, 6 opossums, and 1 bobcat.

All of the above use of M-44 devices as a supplemental tool to attempt to resolve coyote depredation on cattle, sheep and goats was conducted by trained service personnel in accordance with the Procedure For Advance Identification and Approval of Areas For the Possible Emergency Use of Sodium Cyanide Delivered by the M-44 Device for the Control of Depredating Canids, as it appears in the

FEDERAL REGISTER, Volume 39, No. 120—Thursday, June 20, 1974.

HOWARD N. LARSEN,
Acting Director, U.S. Fish and Wildlife Service.

APRIL 2, 1975.

[FR Doc.75-9101 Filed 4-7-75;8:45 am]

ENDANGERED SPECIES PERMIT; LEOPARD

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Mr. Lucio Cristiani, 1024 Stoeber Avenue, Sarasota, Florida 33500.

50 CFR 17 ENDANGERED WILDLIFE

SUBPART C

17.23

(1) Spotted Leopard (Panthera pardus); three (3) animals as follows: female born 10/2/73 at Tucson Zoo, Tucson Ariz.; female born 5/2/72 at Oklahoma City Zoo; female born 5/2/72 at Oklahoma City Zoo.

(2) Not Applicable

(3) The three animals involved are performing animals which have been trained by the applicant. They perform as a group while restrained by leashes. The performance consists of various poses, leaps, and other movements which demonstrate the normal physical abilities of this species. The animals are tame and no whips, guns, or other devices are used to force their performance. The display is planned to demonstrate the beauty, grace, and physical attributes of this species. In the course of traveling with these animals the applicant frequently appears before groups in schools and hospitals, invariably without compensation, and such appearances are used in an educational manner to inform the viewers of the endangered status of this species and to urge cooperation with conservation movements.

Two of the three animals are now approaching the age at which breeding is advisable. The applicant intends to acquire a suitable male, preferably of the black color phase, when such an animal becomes legally available. The offspring will be retained for continuance of the applicant's breeding program, insofar as possible. Surplus animals will be made available to bona fide zoological parks.

(4) When not on tour the animals involved are housed at the applicant's home, 1024 Stoeber Ave., Sarasota, Florida. On tour, the animals are housed in a custom-built cage which measures approximately 6' x 3'6" x 4'6" and is designed to allow the animals to be housed together or in separate compartments, through the use of sliding partitions. This cage is carried in a semi-trailer van which has provisions for heating when needed. A freezer unit in this van holds a frozen meat supply adequate for three to four weeks.

(5) Not applicable; no importation planned.

(6) Not applicable. The animals for which the permit is requested all were born in zoological parks in the U.S. and no removal of animals from the wild is involved in the activity for which the permit is requested.

(7) Not applicable; no importation planned.

Additional information: The applicant has spent his entire life working with and around exotic animals of many species. He is of the fifth generation in his family to be so employed.

The applicant is willing to participate in a cooperative breeding program and to contribute data to a studbook.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before May 8, 1975, will be considered.

Dated: April 1, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-8931 Filed 4-7-75;8:45 am]

ENDANGERED SPECIES PERMIT; WOLF

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Dr. Robert Ream, Forestry School, University of Montana, Missoula, Montana 59801.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

OMB NO. 42-R1870

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
To study the northern Rocky Mtn. wolf, Canis lupus irremotus (endangered species) which may include:
a. aerial or ground surveillence;
b. howling and tracking;
c. capturing, radio-tagging and release of individual wolves;
d. ground and/or aerial radio-tracking.
Techniques used will be similar to those used by L. D. Mech in Minnesota.

2. APPLICANT. (If corporation, designate whether partnership, individual, business, agency, or institution for which permit is requested)
Dr. Robert Ream, Principal Investigator
Forestry School, Univ. of Montana
Missoula, MT 59801
(also Gary Day, graduate student)
406-243-4372

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

☒ MR. ☐ MRS. ☐ MISS ☐ MS.	HEIGHT 6'0"	WEIGHT 190
DATE OF BIRTH 08 02 36	COLOR HAIR blonde	COLOR EYES blue
PHONE NUMBER WHERE EMPLOYED 406-243-4372	SOCIAL SECURITY NUMBER 388-34-2984	
OCCUPATION Professor		

5. IF "APPLICANT" IS A BUSINESS, AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
School of Forestry
University of Montana
Missoula

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE PERMIT
School of Forestry
University of Montana
Missoula

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Dr. Robert Wambach, Dean 406-243-5521

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Northern Rocky Mountains of United States, particularly State of Montana

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list licenses or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE: 2/15/75

11. DURATION NEEDED: two years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
Study Proposal

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (IN INK): Robert R. Ream
DATE: 3/1/75

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STUDY PROPOSAL: THE NORTHERN ROCKY MOUNTAIN WOLF: STATUS, ECOLOGY AND FUTURE

I. INTRODUCTION

The Northern Rocky Mountain Wolf, *Canis lupus irremotus* (Goldman, 1937), has recently been placed on the Endangered Species list. Little is known about numbers that might exist in the U.S.A. but Stelfox (pers. comm. 1973) indicates that substantial numbers of wolves exist in the Rocky Mountains of Canada, and some on the plains of Alberta. Although within the range of *irremotus*, wolves observed recently in Montana and in Waterton Lakes National Park (Appendix I), may in fact be another subspecies. The most likely place for finding wolves, in any numbers, in the Western U.S.A. is in the very

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northern end of the Rocky Mountains. Several reasons support this idea: 1.) The mountains here are continuous with the Canadian Rockies providing ready routes of travel. 2.) There are vast unroaded wilderness areas immediately south of the Canadian border. First is the Waterton-Glacier Parks area on the border, then the Middle Fork of the Flathead River, a large area presently being considered for formal Wilderness classification. Adjacent to this to the south is the million acre Bob Marshall Wilderness and to its southeast is the Lincoln-Scapegoat Wilderness. Thus, between the Canadian border and Highway 200 near Lincoln, Montana is a stretch of 150 miles separated only by U.S. Highway 2 immediately south of Glacier Park, and the summer-only road over Logan Pass in Glacier Park.

In this same general area there have also been a number of sightings reported and several kills have been verified within the past 10 years. These have been east and south of the Bob Marshall area and east and west of Glacier Park. If there is no breeding population in this area, there are undoubtedly fair numbers of wolves that travel down the foothills on either side of the Rockies, particularly in winter. There have also been reports of wolves in the Madison Range northwest of Yellowstone National Park which should be checked out.

II. OBJECTIVES

The major objectives of the proposed study are:

A. To determine the recent distribution and status of C.1. *irremotus* in the northern Rocky Mountains.

B. To determine if and where breeding populations exist and then to obtain more detailed information about their basic ecology (prey selection, pack size, pack range, denning sites, etc.) It would also be useful to know where the nearest breeding populations occur in Canada.

C. To assess areas that have a potential for supporting C.1. *irremotus*.

III. PROCEDURES

A.1. Make personal and mail contact with public land managers and wildlife personnel from various agencies to acquaint them with study and the need to collect and forward all information on wolves.

2. Conduct aerial and ground censusing of most promising areas. Areas with fairly numerous sightings should be checked out.

3. Follow up as many reports and leads as possible with personal on-the-ground contacts with the individuals involved.

B.1. Location of potential breeding populations will be derived in part from A.1. to A.3. above. Potential packs should then be monitored intensively to determine consistency of use of an area, by airplane and ground checking where feasible.

2. If pack is found as in B.1.; trapping and radio tagging a member of each pack would be very useful in following movements, locating prey killed, etc. Even if a lone individual is consistently using an area much useful data could be gained by radio tracking that individual.

C.1. There are a number of potential sites where C.1. *irremotus* might be supported if dispersers from other areas were to arrive, so it would be useful to determine where these might be. Factors to consider in such an evaluation are: availability of prey, competition from other predators, and distance from livestock raising areas. The vast amount of federal land in the area proposed for study would lend itself well to such an investigation. There are several areas supporting big game winter range and at fairly great distance from livestock areas where wolves might someday return and remain unmolested.

IV. RESPONSIBILITIES AND WORK SCHEDULE

The project would be supervised by Dr. Robert R. Ream, School of Forestry, University of Montana. Field work would be initiated in January 1974, and it appears most feasible to hire two assistants, one to cover each side of the Rockies to carry out procedures A.1. to A.3. initially. January through March should be the best time for locating wolves and/or their tracks both on the ground and aerially. If it appears feasible we could swing into action on procedures listed under Objective B. in April or May. If radios are then utilized, tracking should be continued on a minimum of once per week through the remainder of the year. It would be desirable to continue such a study into the future.

Dr. Ream would also spend considerable time in the field during the summer months checking out reports, tracking, or checking for sign and howling in the more promising areas. He and his Wife, Dr. Catherine H. Ream, spent three years working on ecological studies in the Boundary Waters Canoe Area of the Superior National Forest in N.W. Minnesota. During the last year there, they spent a considerable amount of time working with Dr. L. David Mech when he was initiating his current study. They are experienced at howling for wolves, checking for sign, working with radio tagging and tracking techniques, and checking out wolf kills.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before May 8, 1975 will be considered.

Dated: April 1, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-8932 Filed 4-7-75;8:45 am]

National Park Service

OGLALA SIOUX CEDAR PASS CONCESSION ENTERPRISE

Intention To Extend Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on May 8, 1975 the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Oglala Sioux Cedar Pass Concession Enterprise, authorizing it to provide concession facilities and services for the public at Badlands National Monument for a period of one year from January 1, 1975, through December 31, 1975.

The foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before May 8, 1975.

Interested parties should contact the Assistant Director, Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: March 31, 1975.

JOHN E. COOK,
Associate Director, Park System Management.

[FR Doc.75-9019 Filed 4-7-75;8:45 am]

GLEN CANYON NATIONAL RECREATION AREA, ARIZONA, UTAH

Master Plan Preliminary Environmental Assessment; Public Meeting and Wilderness Study Alternatives; Public Hearings

Notice is hereby given that public meetings for the purpose of receiving comments and suggestions on a preliminary environmental assessment for planning and implementation of management and development policies for Glen Canyon National Recreation Area, and public hearings to receive comments and suggestions on alternatives for the proposed establishment of wilderness within Glen Canyon National Recreation Area in accordance with section 9 of the Act of October 27, 1972 (86 Stat. 1313; 16 U.S.C. 460dd–8) and in accordance with Departmental procedures as identified in 43 CFR 19.5, will be held on May 14, 1975, in the Carl Hayden Visitor Center, Glen Canyon Dam, Page, Arizona; and on May 15, 1975, in the courtroom of the Kane County Courthouse, 1 block north of U.S. Highway 89, in Kanab, Utah; and on May 17, 1975, in Room 106 of the State Office Building, State Capitol, Salt Lake City, Utah; and on May 19, 1975, in the auditorium of the First Federal Savings Building, 3003 North Central, Phoenix, Arizona.

The public meetings at Page, Arizona; Kanob, Utah; and Salt Lake City, Utah, will convene at 9 a.m. to consider the preliminary environmental assessment on the Master Plan, and the public hearings at 2 p.m. to hear comments and suggestions on the preliminary assessment of wilderness alternatives. The public meeting at Phoenix, Arizona, will convene at 2 p.m. to consider the preliminary environmental assessment on the Master Plan, and the public hearing at 7 p.m. to hear comments and suggestions on the preliminary assessment of wilderness alternatives.

A packet will be available on April 14, 1975, containing a chart showing management objectives and supporting actions, a chart and maps showing land zoning alternatives, maps of development alternatives, a map showing boundary adjustment alternatives, a map showing potential development sites along the Navajo Reservation Shoreline, descriptions and maps showing wilderness proposal alternatives and a list of impact topics for the Master Plan and wilderness alternatives. The packet may be obtained from the Superintendent, Glen Canyon National Recreation Area, P.O. Box 1507, Page, Arizona 86040; from the Assistant to the Regional Director, State of Utah, National Park Service, Room 2208, 125 South State Street, Salt Lake City, Utah 84138; or the Regional Director, Rocky Mountain Region, National Park Service, P.O. Box 25287, 655 Parfet Street, Denver, Colorado 80225.

A description of the preliminary boundaries and a map of the wilderness alternatives will also be available for review in the above offices and in Room 1210 of the Department of the Interior Building at 18th and C Streets NW., Washington, D.C.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the above mentioned Master Plan public meetings and wilderness public hearings provided they notify the following officials.

Those wishing to express their views, in person, concerning wilderness alternatives should notify the Hearing Officer, in care of the Superintendent, Glen Canyon National Recreation Area, P.O. Box 1507, Page, Arizona 86040, by May 12, 1975, of their desire to appear. Those not wishing to appear in person, may submit written statements to the Hearing Officer at that address for inclusion in the official record which will be held open until June 19, 1975. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearing shall be subject to determinations that they are appropriate for inclusion in the transcribed hearing record.

Time limitations may make it necessary to limit the length of oral presentations at the wilderness hearings and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement, which may be submitted to the Hearing Officer at the time of presentation of the oral statement for inclusion in the official record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Hearing Officer will give others present an opportunity to be heard.

After an explanation of the packet materials by a representative of the National Park Service, the Hearing Officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

(1) Governor of the State or his representative.
(2) Members of Congress.
(3) Members of the State Legislature.
(4) Official representative of the counties in which the proposed wilderness is located.
(5) Officials of other Federal agencies or public bodies.
(6) Organizations in alphabetical order.
(7) Individuals in alphabetical order.
(8) Others not giving advance notice, to the extent there is remaining time.

Those wishing to express their views, in person, concerning Master Plan alternatives should notify the Superintendent, Glen Canyon National Recreation Area, P.O. Box 1597, Page, Arizona 86040, by May 12, 1975, of their desire to appear. Those not wishing to appear in person, may submit written statements to the Superintendent at the above address by June 19, 1975.

While the public meetings concerning Master Plan alternatives are not formal hearings, they will be conducted in a similar manner. Again, time limitations may make it necessary to limit the length of oral presentations and restrict to one person the presentation made in behalf of an organization. More complete written statements may also be submitted when making an oral presentation. Persons who wish to address both the Master Plan and the wilderness alternatives must separate their comments and appear at or make written comments for both the Master Plan public meeting and the wilderness public hearing.

Dated: April 2, 1975.

RICHARD C. CURRY,
Associate Director, National Park Service.

[FR Doc.75-8965 Filed 4-7-75;8:45 am]

VOYAGEURS NATIONAL PARK, MINNESOTA

Notice of Establishment

Whereas, more than 34,000 acres of land, including all land required to be donated by the State of Minnesota, are now under the ownership of the United States and under the administrative jurisdiction of the National Park Service within the boundaries of Voyageurs National Park, as the boundaries are set forth in section 102 of the act of January 8, 1971 (84 Stat. 1971), and the acreage so acquired, in my opinion, is efficiently administrable to carry out the purposes of such act.

Now, therefore, I, Rogers C. B. Morton, Secretary of the Interior, hereby give notice of the establishment of Voyageurs National Park, such establishment to become effective on April 8, 1975.

The boundaries of the National Park, which encompass an area generally identical to that described in section 102 of the act of January 8, 1971, supra, are located in St. Louis and Koochiching Counties, Minnesota, and are more particularly described as follows:

VOYAGEURS NATIONAL PARK

ST. LOUIS COUNTY

4th Principal Meridian

T. 67 N., R. 17 W.,
Sec. 1, Government lots 2, 3, 4, 7, and 8, SW¼NW¼ and the W½SW¼;
Sec. 2, Government lots 1, 2, 3, 4, 5, 6, 8, and 9, S½NE¼, SE¼NW¼, N½SE¼ and the SE¼SE¼;
Sec. 3, Government lots 1, 2, 3, 4, 5, 6, 7, and 9, S½NW¼ and the SW¼;
Sec. 11, Government lot 1;
Sec. 12, Government lots 2, 3, 4, and 5.
T. 68 N., R. 17 W.,
All of secs. 1 through 12 inclusive and secs. 14 through 35 inclusive;
Sec. 36, Government lots 1, 2, 3, 4, 5, 6, 7, and 10 and the W½SW¼.
T. 69 N., R. 17 W.,
All of said township lying within the continental United States.
T. 68 N., R. 18 W.,
All of secs. 1 through 13 inclusive;
Sec. 14, Government lots 1, 2, 3, 4, and 5 and the N½;
Sec. 23, Government lots 1, 2, and 6 and that part of Government lot 5 lying north and east of the water course between Spring Lake and Johnson Lake;
Sec. 24, Government lots 1, 2, 3, 4, and 5 and the NE¼;
Sec. 25, Government lots 1 and 2.
T. 69 N., R. 18 W.,
All of said township lying within the continental United States.
T. 70 N., R. 18 W.,
All of said township lying within the continental United States.
T. 68 N., R. 19 W.,
All of secs. 2 and 3.
T. 69 N., R. 19 W.,
All of secs. 1 through 31 inclusive;
Sec. 32, Government lots 1, 2, 3, 4, 5, and that part of Government lot 6 lying north of a line that is 1,320 ft north of and parallel to the south line of said lot 6;
Sec. 33, E½ and the NW¼;
All of secs. 34, 35, and 36.
T. 70 N., R. 19 W.,
All of said township lying within the continental United States.
T. 68 N., R. 20 W.,
Sec. 4, all;
Sec. 5, all;
Sec. 6, Government lots 1, 2, 3, 4, and the SE¼;
Sec. 7, NE¼;
Sec. 8, N½;
Sec. 9, N½.
T. 69 N., R. 20 W.,
Entire.
T. 70 N., R. 20 W.,
All of said township lying within the continental United States.
T. 71 N., R. 20 W.,
All of said township lying within the continental United States.
T. 68 N., R. 21 W.,
Sec. 1, Government lots 1, 2, 3, and 4;
Sec. 2, Government lots 1, 2, 3, and 4.
T. 69 N., R. 21 W.,
All of secs. 1, 2, 3, 4, and 5;
Sec. 7, SE¼;
Sec. 8, Government lot 2, all that part of Government lot 6 described as follows: Beginning at the southwest corner of said sec. 8; thence, east, along the south line of said lot 6, sec. 8, to the shoreline of Kabetogama Lake; thence, northwesterly, along said shoreline, to the west line of said lot 6, sec. 8; thence, south along said west line to the southwest corner of sec. 8 and the point of beginning;
Government lot 7 of said sec. 8,
Less and excepting therefrom out lot A of Echo Isle as per the plat thereof recorded in Plat Book Y, p. 4 of the St. Louis County, Minn., records;
All of secs. 9, 10, 11, 12, 13, 14, 15, and 16;

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Sec. 17, all that part of Government lot 2 and the SW¼NW¼ described as follows:
Commencing at the southwest corner of the SW¼NW¼; thence, north, along the west line of said sec. 17, 420 ft to the point of beginning; thence, east 350 ft, more or less, to the west right-of-way line of an existing road; thence, northeasterly, along said right-of-way line, to the east line of the W½ of the E½ of said Government lot 2; thence, north, along said east line, to the shoreline of Kabetogama Lake; thence, northwesterly, along said shoreline, to the north line of said sec. 17; thence, west, along said north line, to the northwest corner of said Government lot 2 of said sec. 17; thence, south, along the west line of said sec. 17, 2,220 ft, more or less, to the point of beginning;
Sec. 18, N½NE¼, SW¼NE¼, W½SE¼NE¼, and the north 900 ft of the E½SE¼NE¼;
Sec. 21, unsurveyed island located in the NW¼NW¼ of said sec. 21, known as Fin Island;
Sec. 22, Government lot 1;
All of secs. 23, 24, and 25;
Sec. 26, Government lots 1, 2, 4, 5, and 6, unsurveyed island located in the SW¼NE¼ and the S½SE¼;
Sec. 27, Government lot 1 and that part of Government lot 5 being part of the Sphunge Islands and lying north and east of the following described line: Beginning on the south line of Government lot 5 at a point 350 ft, more or less, east of the southwest corner; thence, north 61° W. to the west line of said Government lot 5;
Sec. 35, all, except the following described parcel situate in Government lot 3: Beginning at the northwest corner of said lot 3; thence, east, along the north line of said lot 3, 850 ft, more or less, to the shoreline of Kabetogama Lake; thence, southwesterly, along said shoreline, to the west line of said lot 3; thence, north, along said west line to the northwest corner of said lot 3 and the point of beginning;
Sec. 36, all.
T. 70 N., R. 21 W.,
Entire.
T. 71 N., R. 21 W.,
All of said township lying within the Continental United States.

KOOCHICHING COUNTY

4th Principal Meridian

T. 69 N., R. 22 W.,
Sec. 1, Government lots 1, 2, 3, 4, 5, 6, and 7, S½NW¼ and the NW¼SW¼;
All of secs. 2, 3, 10 and 11;
Sec. 12, Government lots 2, 3, 4, and 5, and the SW¼.
T. 70 N., R. 22 W.,
All of secs. 1 and 2;
Sec. 3, all,
Less and excepting therefrom all that part of Government lots 5, 6, and 7 of said sec. 3, being now separated by distinct channels of water and forming small islands lying to the west and south of said lots, being located on the Kabetogama Peninsula;
Sec. 4, That part of Government lot 1 described as follows: Commencing at the northeast corner of the SE¼NW¼; thence, south, along the east line of said SE¼NW¼, 950 ft, more or less, to the shoreline of said lot 1 on Black Bay and the point of beginning; thence, southeasterly and southwesterly, along said shoreline to said east line; thence, north, along said east line, to the point of beginning,
All of Government lot 3,
The east 1,150 ft of the west 1,400 ft of the north 500 ft Government lot 6,
The north 900 ft of the SW¼NW¼,
Also, that part of the SW¼NW¼ lying east of County Highway No. 96 and north of a small inlet extending inland from Black Bay to said county highway,
And the SE¼NW¼,
Less and excepting therefrom that part of said SE¼NW¼ lying southwest of the inlet extending from Black Bay into County Highway No. 96;
Sec. 5, the east 1,060 ft of Government lot 1 and the north 900 ft of the east 1,060 ft of the SE¼NE¼;
Sec. 10, Government lot 1,
Government lot 2,
Less and excepting therefrom all that part of lot 2 of said sec. 10 being now separated by distinct channels of water and forming small islands lying to the west and south of said lot, being located on the Kabetogama Peninsula,
Government lot 3,
Government lot 5 and the SE¼NW¼;
All of secs. 11, 12, 13, 24, and 25;
Sec. 34, NE¼, SE¼, NW¼, and the S½;
All of secs. 35 and 36.
T. 71 N., R. 22 W.,
All of secs. 22, 23, 24, 25, 26, and 27;
Sec. 29, Government lots 1, 2, and 3;
Sec. 30, Government lot 6;
Sec. 31, Government lots 1 and 2, E½NE¼, that part of the SW¼NE¼ lying east of the centerline of County Highway No. 138 and that part of the N½SE¼ lying north of the south right-of-way line of County Highway No. 11 and east of the centerline of County Highway No. 138;
Sec. 32, Government lots 1, 4, and 5, W½NW¼, W½SE¼NW¼, and all that part of the NW¼SW¼ and the W½NE¼SW¼ lying north of the south right-of-way line of County Highway No. 11;
Sec. 33, Government lots 7, 8, and 9;
All of secs. 34, 35, and 36.

These boundaries may be revised from time to time by the publication in the FEDERAL REGISTER of a revised drawing or other boundary description, as provided in section 102 of the act of January 8, 1971, supra.

Voyageurs National Park shall be administered in accordance with the act of January 8, 1971, supra, and in accordance with the act of August 25, 1916 (39 Stat. 535) as amended and supplemented (16 U.S.C. 1–4).

ROGERS C. B. MORTON,
Secretary of the Interior.

[FR Doc.75-9288 Filed 4-7-75;9:46 am]

Office of the Secretary

FEDERAL METAL AND NONMETAL MINE SAFETY ADVISORY COMMITTEE

Public Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the Federal Metal and Nonmetal Mine Safety Advisory Committee, authorized to be established under the Federal Metal and Nonmetallic Mine Safety Act (Pub. L. 89-577), will meet on Wednesday, May 7, Thursday, May 8, and Friday, May 9, 1975, starting at 9 a.m. on Wednesday and at 8:30 a.m. on the following days until the Advisory Committee concludes its business, at the Bourbon Orleans Ramada, 717 Orleans Street, New Orleans, LA 70116—Telephone Number: Area Code 504–523–5251.

The matters to be discussed at this meeting include suggested revisions and revocations of certain standards concerning electricity and gassy mines which are carried over from the January 29–31, 1975, meeting of the Advisory Committee held in Tucson, Arizona. In addition the agenda will consist of suggested revocation, new, and revised safety standards and definitions relating to ground control; ventilation; loading, hauling, dumping; electricity; use of equipment; and, man hoisting. Copies of the agenda and suggested standards are available for the public and may be obtained from or may be examined in the office of the Executive Secretary.

The meeting of the Advisory Committee is open to the public. Public attendance will be limited to seating available in the meeting room of the Bourbon Orleans Ramada. Persons desiring to attend this meeting are requested to notify the Executive Secretary in writing of their intention to attend the meeting by Wednesday, April 30, 1975.

Written data, views or arguments concerning the subjects to be considered may be filed with the Executive Secretary by Wednesday, April 30, 1975. Any such submission, timely received, will be provided to the members of the Advisory Committee and will be included in the record of the meeting. Persons wishing to orally address the Committee at the meeting should submit a written request to be heard to the Executive Secretary no later than Wednesday, April 30, 1975. The request must contain a short summary of the intended presentation and an estimate of the amount of time that will be needed. At the meeting the Chairman will announce whether oral presentations will be allowed and, if so, under what conditions. All written notices and requests to the Executive Secretary should be addressed as follows:

Mr. Robin A. Van Meter
Executive Secretary
Federal Metal and Nonmetal Mine Safety Advisory Committee
Room 2517
U.S. Department of the Interior
Washington, D.C. 20240
Telephone Number: Area Code 202–343–4405
After April 12, 1975, use:
Room 706
Ballston Tower No. 3
4015 Wilson Boulevard
Arlington, VA 22203
Telephone Number: Area Code 703–235–8460

Dated: April 2, 1975.

JACK W. CARLSON,
Assistant Secretary of the Interior.

[FR Doc.75-9084 Filed 4-7-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FLUE-CURED TOBACCO ADVISORY COMMITTEE

Meeting

The Flue-Cured Tobacco Advisory Committee will meet in the Board Room of the Flue-Cured Tobacco Cooperative Stabilization Corporation, 522 Fayetteville Street, Raleigh, North Carolina 27602, at 1 p.m., on Thursday, April 24, 1975.

The purpose of the meeting is to discuss flue-cured tobacco selling schedules recommended by the Committee after the first designation period March 3–April 4, 1975. Also, matters, as specified in 7 CFR Part 29, Subpart G, § 29.9404 will be discussed.

The meeting is open to the public but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman. Persons, other than members, who wish to address the Committee at the meeting should contact Mr. J. W. York, Director, Tobacco Division, Agricultural Marketing Service, 300 12th Street SW., United States Department of Agriculture, Washington, D.C. 20250, (202) 447–2567.

Dated: April 2, 1975.

E. L. PETERSON,
Administrator.

[FR Doc.75-9140 Filed 4-7-75;8:45 am]

[Marketing Order No. 905]

SHIPPERS ADVISORY COMMITTEE MEETING

Public Meeting

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The committee will meet in the Waldo Room of the Driftwood Inn, 3150 Ocean Drive, Vero Beach, Florida, at 10:30 a.m., on May 1, 1975.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes analysis of current information concerning market supply and demand factors, and consideration of recommendations for regulation of shipments of the named fruits.

The names of committee members, agenda, and other information pertaining to the meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813–682–3103.

Dated: April 2, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.75-9141 Filed 4-7-75;8:45 am]

DISTRIBUTORS' ADVISORY COMMITTEE MEETING

Public Meeting

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of a meeting of the Distributors' Advisory Committee established under Marketing Order No. 918 (7 CFR Part 918). This order regulates the handling of fresh peaches grown in Georgia and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The committee will meet in the Dempsey Motor Hotel, Macon, Georgia, at 1:30 p.m., local time, on April 24, 1975.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes analysis of current information concerning market supply and demand factors, and consideration of recommendations for regulation of shipments of fresh Georgia peaches by grade, size, or maturity.

The names of committee members, agenda, summary of the meeting, and other information pertaining to the meeting may be obtained from J. T. Scruggs, Manager, Industry Committee, P.O. Box 6704, Orlando, Florida 32803; telephone 305–894–9512.

Dated: April 4, 1975.

RICHARD P. BARTLETT, JR.,
Acting Administrator.

[FR Doc.75-9265 Filed 4-7-75;8:45 am]

Federal Crop Insurance Corporation

[Notice No. 94]

TYPE 13 TOBACCO; NORTH CAROLINA

Closing Date Extension for Filing Applications for 1975 Crop Year

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for Type 13 tobacco crop insurance in the North Carolina counties listed below is hereby extended until the close of business on April 25, 1975. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

NORTH CAROLINA

Bladen	Hoke
Brunswick	Robeson
Columbus	Scotland
Cumberland	

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-9048 Filed 4-7-75;8:45 am]

[Notice No. 95]

TYPES 13 AND 14 TOBACCO; FLORIDA, GEORGIA, AND SOUTH CAROLINA

Closing Date Extension for Filing Applications for 1975 Crop Year

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications on Type 13 tobacco in South Carolina is hereby extended until the close of business on April 25, 1975, and on Type 14 tobacco in Florida and Georgia until the close of business on April 18, 1975. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-9047 Filed 4-7-75;8:45 am]

Forest Service

CONDOR ADVISORY COMMITTEE

Meeting

The Condor Advisory Committee will meet May 7, 1975, at 9 a.m. in the Pasadena Hilton Hotel, 150 South Los Robles, Pasadena, California.

The purpose of this meeting is to discuss the current management programs and problems confronting the California condor and its habitat.

This meeting is open to the public. Persons who wish to attend should notify Mr. Robert D. Nelson, USDA, Forest Service, Fisheries and Wildlife Management Staff, 630 Sansome Street, San Francisco, California 94111 (415–556–4539). Written statements may be filed with the Committee before or after the meeting.

A public participation period is scheduled after the regular meeting.

GLENN P. HANEY,
Acting Regional Forester.

APRIL 1, 1975.

[FR Doc.75-9026 Filed 4-7-75;8:45 am]

1975 FINAL ADDENDUM TO 1974 GYPSY MOTH FINAL ENVIRONMENTAL STATEMENT

Availability of Final Addendum

Pursuant to section 101(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, and Animal and Plant Health Inspection Service, Department of Agriculture, have prepared for 1975 activities, a Final Addendum to USDA 1974 Gypsy Moth Suppression and Regulatory Program, USDA–FS–APHIS (Adm) 74–58.

The Final Addendum concerns a cooperative suppression program with the States of Pennsylvania, New York, New Jersey, and Rhode Island to treat approximately 54,920 acres of high value forest land. Three different insecticides will be used. Some acres will be treated with carbaryl, trichlorfon or *Bacillus thuringiensis* to protect forest resources from damage by the gypsy moth. The cooperative regulatory program is to prevent artificial long-distance spread and to eradicate remote infestations in the United States.

This Final Addendum was filed with CEQ on March 28, 1975.

Copies are available for inspection during regular working hours at the following locations:

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USDA, Forest Service
So. Agriculture Bldg., Room 2230
12th St., & Independence Ave. SW.,
Washington, DC 20250

USDA Animal and Plant Health Inspection Service
Administration Bldg., Room 309-E
12th St. & Independence Ave. SW.,
Washington, DC 20250

USDA, Forest Service
6816 Market Street, Room 409
Upper Darby, PA 19082

A limited number of single copies are available upon request to John R. McGuire, Chief, U.S. Forest Service, South Agriculture Building, 12th Street and Independence Ave. SW., Washington, D.C. 20250.

Copies of the Final Addendum to the Environmental Statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Dated: March 21, 1975.

R. MAX PETERSON,
Deputy Chief.

[FR Doc.75-9144 Filed 4-7-75;8:45 am]

Office of the Secretary

FEED GRAIN

Donations for the Nambe, Tesuque, Santa Clara, Picuris and San Ildefonso Indian Lands in New Mexico, and the Pyramid Lake Indian Lands in Nevada

Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), and Executive Order 11336, I have determined that:

1. The chonic economic distress of the needy members of the Nambe, Tesuque, Santa Clara, Picuris and San Ildefonso Indian Lands in New Mexico, and Pyramid Lake Indian Lands in Nevada has been materially increased and become acute because of severe and prolonged drought creating a serious shortage of livestock feeds. These lands are reservations or other lands designated for Indian use and are utilized by members of the Indian tribes for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribes will not displace or interfere with normal marketing of agricultural commodities.

Based on the above determinations, I hereby declare the reservations and grazing lands of these tribes to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestockmen who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribe utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through the duration of the existing emergency or to such other time as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, D.C. on April 2, 1975.

EARL L. BUTZ,
Secretary.

[FR Doc.75-9051 Filed 4-7-75;8:45 am]

Rural Electrification Administration

POWELL TELEPHONE CO.; TENNESSEE

Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the FEDERAL REGISTER, September 16, 1974, (39 FR 33228-33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $2,100,000 to Powell Telephone Company, Powell, Tennessee. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribes, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. K. B. Scarbro, President, Powell Telephone Company, P.O. Box 69, Powell, Tennessee 37849.

To assure consideration, proposals must be submitted on or before May 8, 1975 to Mr. Scarbro. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as the Powell Telephone Company and REA deem appropriate. Prospective lenders are advised that financing for this project is available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 2d day of April, 1975.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.75-9145 Filed 4-7-75;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-444]

LYKES BROS. STEAMSHIP CO., INC.

Application

Notice is hereby given that Lykes Bros. Steamship Co., Inc. (Lykes) has applied to amend its present Operating-Differential Subsidy Agreement, Contract No. FMB-50, which expires December 31, 1977, to establish, prior to the opening of the 1975 Great Lakes navigational season, a subsidized service utilizing up to four (4) of its presently subsidized break-bulk vessels of the C3-S-37c, C3-S-37d and C5-S-37e design, to make up to a maximum of ten sailings during the Great Lakes navigation season on essential Trade Area No. 4 between U.S. ports on the Great Lakes and St. Lawrence River, intermediate Canadian Great Lakes ports and other Canadian ports along the general track and ports in Portugal, Spain (south of Portugal), Atlantic Morocco, and the Mediterranean Sea (including the Adriatic Sea, Aegean Sea, Black Sea, and other seas which are arms of the Mediterranean), Southwest Asia from Suez to Burma, inclusive, and Africa on the Red Sea and Gulf of Aden.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should by the close of business on April 17, 1975 notify the Secretary, Maritime Subsidy Board in writing, in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such essential service is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

By Order of the Maritime Subsidy Board.

Dated: April 3, 1975.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75-9147 Filed 4-7-75;8:45 am]

National Bureau of Standards

ENCRYPTION ALGORITHM FOR COMPUTER DATA PROTECTION

Request for Comments

Correction

In the FEDERAL REGISTER of Wednesday, April 2, 1975, at page 14767 there appeared at the top of the 3d column a document correcting one which appeared in the issue of Monday, March 17, 1975. In paragraph 4 the last line should read, "$1 \leq n \leq 16$, is the block".

National Oceanic and Atmospheric Administration

ALASKA

Notice of Receipt of Application for Scientific Research Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Regulations Governing the Taking and Importing of Marine Mammals.

State of Alaska, Department of Fish and Game, Subport Building, Juneau, Alaska 99301, to take, by killing, forty (40) belukha whales (*Delphinapterus leucas*), in the Bristol Bay area of Alaska.

This project is a continuation of research to determine the feasibility and efficacy of using underwater transmissions of killer whale (*Orcinus orca*) sounds for extended periods of time to prevent the movement of belukha whales up the major river systems in Bristol Bay, and to determine if the food habits of those whales which are allowed to forage in the rivers are significantly different from those of whales which are prevented from entering the rivers. The purpose of this project is to determine the impact of belukha whales on sockeye salmon smolts.

The research will be conducted in conjunction with a project currently being conducted by the Applicant, as authorized by a previously issued Permit, on the effects of killer whale sounds on belukha whales in the Bristol Bay area. The requested animals will be taken with harpoons and killed by shooting, in the vicinity of the Kvichak and Nushagak Rivers, during the period from May 15, 1975, through July 1, 1975. A portion of the requested animals will be taken from among those animals which are prevented from ascending the rivers. The remainder of the requested animals will be allowed to ascend the rivers and forage in a normal manner, prior to being taken. Stomach contents from those two groups will be compared to determine if there are any differences in food habit.

Specimen materials not utilized by the Department of Fish and Game will be made available to other researchers. Skeletal materials will be placed in a curated biological collection, such as that of the University of Alaska. Usable remains will be given, where feasible, to coastal residents for food.

Documents submitted in connection with this application are available in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending a copy of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235 on or before May 8, 1975. The holding of such a hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

WALTER KIRKNESS,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

APRIL 1, 1975.

[FR Doc.75-9039 Filed 4-7-75;8:45 am]

ALBERT W. ERICKSON

Notice of Receipt of Application for a Scientific Research Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Dr. Albert W. Erickson, Wildlife Research Professor, College of Fisheries, University of Washington, Seattle, Washington 98195 to conduct scientific research on killer whales (*Orcinus orca*) over a two-year period, involving the tagging or marking of ten (10) killer whales, two of which will be held in captivity for up to two months.

The killer whales will be taken in connection with collecting operations conducted under the provisions of a valid public display permit, in inside waters of the State of Washington, off British Columbia, and in waters off the State of Alaska.

The principal objective of this research is to obtain information on the migration, distribution and trends in abundance of killer whales in the areas under consideration. The proposed research will involve the following activities:

1. Development of a reliable radio-tag, involving the use of killer whales now in captivity, and two wild animals held for up to two months;

2. Radio-tagging, releasing and monitoring up to ten killer whales;

3. Development of other marking techniques, such as cryogenic branding and tattooing, involving two killer whales to be held in captivity for a maximum of two months;

4. Vitally mark captive and wild killer whales, by means of injecting lead acetate, lead versenate, tetra-cycline or alizarine, which will become deposited in bone thus providing a detectable mark, in order to assess changes in body size and other factors; and

5. Collect blood samples from captive and wild killer whales for analysis of reproductive hormones, and biochemical and karyological studies on the genetics of killer whale population stocks.

The two killer whales to be held in captivity for up to two months will be maintained in an open-water net enclosure, measuring 300 feet long by 300 feet wide.

Documents submitted in connection with the above application are available for review at the following locations:

Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235;

Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Washington 98109.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235 on or before May 8, 1975. The holding of such a hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries based on information supplied by the Applicant and therefore, do not necessarily reflect the views on the National Marine Fisheries Service.

ROBERT F. HUTTON,
Associate Director for Resource Management, National Marine Fisheries Service.

APRIL 2, 1975.

[FR Doc.75-9040 Filed 4-7-75;8:45 am]

DOUGLAS WARTZOK AND G. CARLETON RAY

Notice of Receipt of Application for a Scientific Research Permit

Notice is hereby given that the following applicants have applied in due form for a permit to take marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Regulations Governing the Taking and Importing of Marine Mammals.

Douglas Wartzok and G. Carleton Ray, Department of Pathobiology, The Johns Hopkins University, 615 North Wolfe Street, Baltimore, Maryland 21205, to take, by tagging, fifty (50) bowhead whales (*Balaena mysticetus*) for the purpose of scientific research.

The whales will be tagged by the Applicants, by means of implantable radio transmitters, and tracked from ships, airplanes and fixed ground stations. The proposed research will be conducted, over a three-year period, in the areas of the Bering, Chukchi and Beaufort Seas.

The radio tags will be implantable projectiles which can be attached to the animals from distances of up to 50 meters. The transmitter and battery

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pack will be about 1.5 by 20 centimeters, and will be buried in the blubber of the whales with a flexible antenna projecting outwards about 45 centimeters. The radio tags will be fired into the whales, by means of a gun, either from an airplane or a boat.

The proposed research is directed towards a determination of the distribution, abundance and movements of bowhead whales in the areas under consideration, and the influence of sea ice on these factors.

The applicants have submitted a separate application for a permit, to conduct the proposed research, under the Endangered Species Act of 1973.

Documents submitted in connection with the above application are available for review at the following locations: Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and the Offices of the Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930 and the Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235 on or before May 8, 1975. The holding of such a hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the applicants and do not necessarily reflect the views of the National Marine Fisheries Service.

WALTER KIRKNESS,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

APRIL 1, 1975.

[FR Doc.75-9041 Filed 4-7-75;8:45 am]

G. E. FOLK

Issuance of a Permit for Marine Mammals

On February 12, 1975, notice was published in the FEDERAL REGISTER (40 FR 6522) that an application had been filed with the National Marine Fisheries Service by Dr. G. Edgar Folk, Department of Physiology and Biophysics, The University of Iowa, Iowa City, Iowa 52242 to take four (4) Ringed seals (*Pusa hispida*) for the purpose of scientific research.

Notice is hereby given that on March 31, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit to G. Edgar Folk, subject to certain conditions set forth therein. The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and in the Office of the Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801.

W. KIRKNESS,
Acting Director,
National Marine Fisheries Service.

MARCH 31, 1975.

[FR Doc.75-9037 Filed 4-7-75;8:45 am]

GULF EXHIBITION CORP.

Notice of Receipt of Application for Public Display Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Gulf Exhibition Corporation, Gulfarium, Fort Walton Beach, Florida 32548 to take three (3) bottlenosed dolphins (*Tursiops truncatus*), three (3) California sea lions (*Zalophus californianus*) and two (2) pilot whales (*Globicephala macrorhyncha*) for the purpose of public display.

The bottlenosed dolphins will be collected in one of the shallow bayous that branch off Choctawhatchee Bay near Destin, Florida by a professional collector and the staff of the applicant by means of a seine net.

The California sea lions will be taken by a professional collector from the California Channel Islands.

The pilot whales will be taken between the months of August and February from the San Pedro Channel between Santa Catalina Island and the mainland, by means of standard hoop nets of nylon mesh construction. The animals will be captured by a professional collector and under the supervision of members of the applicant's staff.

The dolphins will be maintained and displayed in several pools, which have the following dimensions:

1. Two holding pools, 35 feet long by 20 feet wide by 8 feet deep, connected by a passageway;
2. Training tank, 40 feet long by 20 feet wide by 8 feet deep;
3. Performing tank, 70 feet in diameter and averaging 16 feet in depth.

Two of the requested dolphins will be displayed and maintained each summer for five months in the facility at Marinelife, Rapid City, South Dakota. The animals will be held in one performing tank, 65 feet long by 28 feet wide by 10 feet deep.

The sea lions will be maintained and displayed in three pools which have the following dimensions:

1. Training pool, 60 feet long by 22 feet wide by 5 feet deep;
2. Holding tank, 60 feet long by 10 feet wide by 6 feet deep;
3. Performing pool, 40 feet long by 20 feet wide by 8 feet deep.

The pilot whales will perform in a pool, 70 feet in diameter and 16 feet deep.

Gulfarium and Marinelife of South Dakota are profit organizations. Over 125,000 people visit Gulfarium and some 150,000 people visit Marinelife each year. School and organized groups regularly visit the facilities, Gulfarium assists many students and scientists in their projects and studies.

The staff at Gulfarium has had considerable experience in aquarium maintenance techniques and animal handling and has contributed significantly to further development of such techniques.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted with the above application are available for review at the following locations:

Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235; the Office of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702 and the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Concurrent with publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisers.

Written views or data, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 on or before May 8, 1975. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this Notice in support of this application are summaries based upon information supplied by the Applicant and, therefore, do not necessarily reflect the views of the National Marine Fisheries Service.

WALTER KIRKNESS,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

MARCH 31, 1975.

[FR Doc.75-9043 Filed 4-7-75;8:45 am]

NATIONAL FISHERIES PLAN SUBCOMMITTEE OF THE MARINE FISHERIES ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. Appendix I (Supp. II, 1972), notice is hereby given of meetings of the Marine Fisheries Advisory Committee subcommittee on the National Fisheries Plan.

The subcommittee will meet on Thursday and Friday, May 8 and 9, 1975, in the Penthouse Conference Room in Page Building No. 1, 2001 Wisconsin Avenue NW., Washington, D.C.

The subcommittee meeting will commence at 9 a.m., on May 8 and again at 9 a.m., on May 9. The May 8 session will adjourn for the day at about 4:30 p.m., and the May 9 session will adjourn at about 12 noon.

Items for discussion at the subcommittee meeting will include the following:

MAY 8, 1975

9 a.m.—Review by Director, NMFS, of preliminary selections of options for inclusion in the National Fisheries Plan.
10:30 a.m.—Discussion and review of the Director's selections of options. Formulate subcommittee recommendations.
4:30 p.m.—Adjourn for the day.

MAY 9, 1975

9 a.m.—Director, NMFS receives and discusses subcommittee recommendations.
12 noon—Adjourn meeting.

The above meetings will be open to the public throughout. Members of the public requiring additional information should contact:

The Director, National Fisheries Plan, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Washington, D.C. 20235. Telephone: Area Code 202-634-7328

ROBERT M. WHITE,
Administrator, National Oceanic and Atmospheric Administration.

MARCH 31, 1975.

[FR Doc.75-9033 Filed 4-7-75;8:45 am]

TOLEDO ZOOLOGICAL GARDENS

Notice of Receipt of Application for a Public Display Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for the purpose of public display, as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals.

Toledo Zoological Gardens, 2700 Broadway, Toledo, Ohio 43609 to take five (5) California sea lions (*Zalophus californianus*) for the purpose of public display.

The sea lions are to be held in a J shaped pool with a 27,373 gallon capacity and a depth of 5 feet. The pool has adjacent concrete haul-out and shade areas. The water is heated throughout the cold weather seasons.

The sea lions will be taken by a professional collector from the California Channel Islands during the period from November to April.

The Toledo Zoo is a non-profit organization owned by the City of Toledo. The Zoo is visited by some 850,000 people a year and it is estimated that some 50,000 school children a year are conducted through the Zoo. A course in Animal Care Studies is offered in cooperation with the local school board.

The Curator of Mammals has 21 years of experience at the zoo and the staff veterinarian has been with the zoo for 9 years and has published on zoo technology in several professional publications.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application, have been inspected by a licensed veterinarian who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with this application are available in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731 and the Office of the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written views or data, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 on or before May 8, 1975. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this Notice in support of this application are summaries based upon information supplied by the Applicant and, therefore, do not necessarily reflect the views of the National Marine Fisheries Service.

WALTER KIRKNESS,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

MARCH 31, 1975.

[FR Doc.75-9042 Filed 4-7-75;8:45 am]

TONY J. PETERLE

Issuance of a Permit To Import Marine Mammals

On February 26, 1975 notice was published in the FEDERAL REGISTER (40 FR 8239) that an application had been filed with the National Marine Fisheries Service by Dr. Tony J. Peterle, Department of Zoology, The Ohio State University, 1735 Neil Avenue, Columbus, Ohio 43210, for a Scientific Research Permit to import cetacean specimen materials.

Notice is hereby given that on March 31, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) the National Marine Fisheries Service issued a permit authorizing the above mentioned importation to Tony J. Peterle, subject to certain conditions set forth therein.

The permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and in the Office of the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

WALTER KIRKNESS,
Acting Director, National Marine Fisheries Service.

MARCH 31, 1975.

[FR Doc.75-9038 Filed 4-7-75;8:45 am]

DUPLIN RIVER, GEORGIA

Public Hearing

Notice is hereby given that the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold a public hearing for the purpose of receiving comments on the draft environmental impact statement pertaining to the establishment of an estuarine sanctuary in the Duplin River, McIntosh County, Georgia, which has been submitted to the Secretary of Commerce for approval under the Coastal Zone Management Act of 1972, as amended. A hearing will be held at the McIntosh County Courthouse, Darien, Georgia, at 7:30 p.m., on May 8, 1975. The views of members of the public and interested organizations are invited. Both written and oral statements will be accepted. Presentations will be scheduled on a first-come, first-served basis; but priority will be given to those who have prepared statements. Time will be allotted at the end of the meeting for those without statements who wish to be heard. In order that the maximum opportunity be afforded all those who wish to be heard, presentations may be limited to a maximum of ten minutes or as otherwise appropriate. No audio-visual equipment will be available. Office of Coastal Zone Management staff may wish to question speakers.

Persons or organizations wishing to be heard on this matter should contact the Office of Coastal Zone Management as soon as possible in order that an appearance schedule may be drawn up and definite times established for presentations. The address is: Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852, 202/634-4241.

Written comments may also be submitted by mail to the Office of Coastal Zone Management. Such written comments must be received before May 19, 1975, in order to be considered for inclusion in the final environmental impact statement.

Copies of the draft environmental impact statement may be obtained from the

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Office of Coastal Zone Management, and copies of the statement as well as of the Georgia estuarine sanctuary proposal, with supporting documents, are also available for inspection by the public at the following locations:

McIntosh County Courthouse
Darien, Georgia
Office of Planning & Budget
270 Washington Street SW.
Room 613
Atlanta, Georgia 30334
Office of Coastal Zone Management
3300 Whitehaven Street NW.
Page 1 Building
Room 301
Washington, D.C. 20235

Comments should address the adequacy of the draft environmental impact statement as well as the desirability of the proposed program.

No verbatim transcript of the hearing will be maintained, but staff present will record the general thrust of remarks.

Following consideration of the comments received at this hearing, as well as written comments submitted to the Office of Coastal Zone Management, the Office of Coastal Zone Management will prepare the final environmental impact statement pursuant to the National Environmental Policy Act of 1969 and implementing guidelines.

R. L. CARNAHAN,
Acting Assistant Administrator for Administration.

[FR Doc.75-9162 Filed 4-7-75;8:45 am]

Office of the Secretary

ACTIVITIES OF ADVISORY COMMITTEES

Availability of Report on Closed Meetings

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I, Supp. III, 1973) and Office of Management and Budget Circular No. A-63 of March 27, 1974, those advisory committees of the Department which held meetings in 1974 that were closed to the public have prepared reports on the activities of these meetings. Copies of the reports have been filed and are available for public inspection at two locations:

Library of Congress, Rare Book Reading Room
Room 256, Main Building
10 First Street SE.,
Washington, D.C. 20540
Department of Commerce
Central Reference and Records Inspection Facility
Room 7043, Main Commerce Building
14th Street between Constitution Avenue, and E Street NW.,
Washington, D.C. 20230

The reports cover the partially closed meetings of nine committees and nine subcommittees, the names of which are listed below. There were no advisory committee meetings closed to the public in their entirety.

Committee (—subcommittee)

Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee
—Computer Related Test Equipment Subcommittee
—Input/Output Equipment Subcommittee and Memory Equipment Subcommittee
Computer Systems Technical Advisory Committee
—Licensing Procedures Subcommittee
—Performance Characteristics and Performance Measurements Subcommittee
—Safeguards Subcommittee
—Technology Transfer Subcommittee
Electronics Instrumentation Technical Advisory Committee
National Advisory Committee on Oceans and Atmosphere
Numerically Controlled Machine Tool Technical Advisory Committee
—Foreign Availability Subcommittee
Sea Grant Advisory Panel
Semiconductor Manufacturing and Test Equipment Technical Advisory Committee
—Production Equipment Subcommittee
—Test Equipment Subcommittee
Semiconductor Technical Advisory Committee
Telecommunications Technical Advisory Committee

Dated: March 24, 1975.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-9132 Filed 4-7-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Administration on Aging

CAREER TRAINING PROGRAM

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 404 (a) of Title IV-A of the Older Americans Act of 1965, as amended (42 U.S.C. 3034), applications are being accepted from institutions of higher education for grants to support career training programs in aging.

In order to be assured of consideration for funding from appropriations for fiscal year 1975, applications must be received by the Administration on Aging, Career Training Program, Division of Manpower Resources, Office of Research, Demonstrations and Manpower Resources, 400 6th Street, SW., Washington, D.C. 20201, on or before May 12, 1975.

Guidelines and application forms may be obtained from the Division of Manpower Resources, Office of Research, Demonstrations and Manpower Resources, Administration on Aging, DHEW, 400 6th Street, SW., Washington, D.C. 20201.

Dated: March 31, 1975.

ARTHUR S. FLEMMING,
Commissioner on Aging.

[FR Doc.75-9110 Filed 4-7-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-75-275]

MORTGAGE LOANS DEFAULT

Public Hearing

The Department of Housing and Urban Development (HUD) is concerned about the increasing number of defaults in repayment of mortgage loans on HUD subsidized multifamily projects and the impact of such defaults on low and moderate income tenants, the community at large and HUD's mortgage insurance funds. The Department has announced a temporary suspension of further referrals to the Department of Justice of additional foreclosures of subsidized multifamily projects owned by nonprofit and limited dividend mortgagors except in the case of abandonment or similar circumstances.

Notice is hereby given that HUD will hold a public hearing for the purpose of obtaining views from all interested public and private sources regarding policies with respect to defaults under all types of HUD-insured, subsidized multifamily mortgages before and after assignment of mortgages to HUD. Of particular concern are forbearance policies and foreclosure policies including operation and disposition of acquired projects.

The public hearing of record on these matters will be held on May 5 and 6, 1975, at 9:30 a.m. to end no later than 3 p.m. at the Department of Commerce Auditorium, Washington, D.C. (Use main entrance on 14th Street between Constitution and Pennsylvania Avenues).

Requests to appear should be submitted together with a brief outline of the topics to be presented, no later than April 23, 1975, to the Rules Docket Clerk, Office of the General Counsel, Room 10245, 451 Seventh Street, SW., Washington, D.C. 20410, Attention: Multifamily Default Hearing.

Written views from parties not wishing to appear at the hearing should be submitted to the same address, preferably prior to the date of the public hearing and in any event no later than May 9, 1975. All comments and information submitted will be available to the public for examination during business hours at the above address.

Issued at Washington, D.C., April 3, 1975.

CARLA A. HILLS,
Secretary.

[FR Doc.75-9166 Filed 4-7-75;8:45 am]

[Docket No. D-75-314]

REGIONAL ADMINISTRATORS, ET AL.

Delegation of Authority

Each Regional Administrator and Deputy Regional Administrator, each Area Director and Deputy Area Director, and each Insuring Office Director and Deputy Director of those Insuring Offices to which authority for Low Rent Public Housing has previously been delegated (24 CFR 200.128, July 16, 1974) is authorized to publish newspaper advertisements and notices in accordance with 24 CFR 1277.203, "Invitation for Preliminary Proposals with respect to Substantial Rehabilitation," and 24 CFR 1273.203, "Invitation for Preliminary Proposals with respect to New Construction."

Effective date: This delegation of authority is effective February 13, 1975.

(Sec. 7(d), Department of HUD Act; 42 U.S.C. 3535(d)).

JAMES L. MITCHELL,
Under Secretary of Housing and Urban Development.

[FR Doc.75-9109 Filed 4-7-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

LEBANON REGIONAL AIRPORT, LEBANON, NEW HAMPSHIRE

Commissioning of Air Traffic Control Tower

Notice is hereby given that an Air Traffic Control Tower will be commissioned at Lebanon Regional Airport, Lebanon, New Hampshire, on or about April 14, 1975. It will improve operational flow of terminal traffic consisting of air carrier, air taxi, and general aviation aircraft. Communications to the Air Traffic Control Tower should be addressed as follows:

Air Traffic Control Tower,
Department of Transportation,
Federal Aviation Administration,
Lebanon Regional Airport,
West Lebanon, New Hampshire 03784.

(Sec. 313(a), 72 Stat. 752; 40 U.S.C. 354)

Issued in Burlington, Massachusetts, on March 24, 1975.

QUENTIN S. TAYLOR,
Director, New England Region.

[FR Doc.75-9017 Filed 4-7-75;8:45 am]

Federal Railroad Administration

[FRA Waiver Petition No. HS-75-6]

GREEN MOUNTAIN RAILROAD CORP.

Petition for Exemption From Hours of Service Act

The Green Mountain Railroad Corporation has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. 61, 62, 63 and 64.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS-75-9, Room 5101, 400 Seventh Street, SW, Washington, D.C. 20590. Communications received before May 5, 1975, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street, SW, Washington, D.C. 20590.

Issued in Washington, D.C. on April 2, 1975.

DONALD W. BENNETT,
Chief Counsel,
Federal Railroad Administration.

[FR Doc.75-9133 Filed 4-7-75;8:45 am]

[FRA Waiver Petition No. HS-75-7]

MOUNT HOOD RAILWAY CO.

Petition for Exemption from Hours of Service Act

The Mount Hood Railway Company has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a (e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. 61, 62, 63 and 64.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS-75-7, Room 5101, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before May 5, 1975, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

Issued in Washington, D.C. on April 2, 1975.

DONALD W. BENNETT,
Chief Counsel,
Federal Railroad Administration.

[FR Doc.75-9134 Filed 4-7-75;8:45 am]

[FRA Waiver Petition No. HS-75-10]

OREGON AND NORTHWESTERN RAILROAD CO.

Petition for Exemption From Hours of Service Act

The Oregon and Northwestern Railroad Company has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. 61, 62, 63 and 64.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS-75-10, Room 5101, 400 Seventh Street, SW, Washington, D.C. 20590. Communications received before May 7, 1975, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street, SW, Washington, D.C. 20590.

Issued in Washington, D.C. on April 3, 1975.

DONALD W. BENNETT,
Chief Counsel,
Federal Railroad Administration.

[FR Doc.75-9135 Filed 4-7-75;8:45 am]

[FRA Waiver Petition No. HS-75-8]

YAKIMA VALLEY TRANSPORTATION CO.

Petition for Exemption from Hours of Service Act

The Yakima Valley Transportation Company has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. 61, 62, 63 and 64.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS-75-8, Room 5101, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before May 5, 1975, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

Issued in Washington, D.C. on April 2, 1975.

DONALD W. BENNETT,
Chief Counsel,
Federal Railroad Administration.

[FR Doc.75-9136 Filed 4-7-75;8:45 am]

National Highway Traffic Safety Administration

[Docket No. EX 75-2; Notice 2]

EXECUTIVE INDUSTRIES, INC.

Petition for Temporary Exemption from Federal Motor Vehicle Safety Standards

The National Highway Traffic Safety Administration has decided to grant Executive Industries Inc. of Anaheim, California, a temporary exemption from compliance with the corner impact requirements of Motor Vehicle Safety Standard No. 215, Exterior Protection, and from Standard No. 216, Roof Crush Resistance, (49 CFR 571.215, 571.216) on grounds of substantial economic hardship.

Notice of the petition was published in the FEDERAL REGISTER on February 6, 1975 (40 FR 5555), and an opportunity afforded for comment.

Executive is a manufacturer of motor homes, producing 1183 such vehicles in its fiscal 1974 (October 1, 1973—September 30, 1974). Anticipating the energy crisis and a decline in demand for recreational vehicles, Executive began in July 1973 to develop a two-passenger sports car. Although the company planned to conform to all applicable Federal motor vehicle safety standards, an outside review of its compliance status in October 1974 disclosed two areas of concern: the corner impact requirements of Standard No. 215 and the roof crush resistance test of Standard No. 216.

With respect to Standard No. 215, Executive's vehicle will meet all requirements of the current standards other

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than corner impact protection. To immediately redesign and retool the body structure and panels of its prototype would add an estimated $850 to the target retail price of $6,900 and delay its initial production by 6 months. It requested a 3-year exemption during which it would design a bumper system meeting the additional corner impact requirements effective September 1, 1975, and any "no damage" bumper standard issued under the Motor Vehicle Information and Cost Savings Act.

Although its designs indicate that the production vehicle will meet Standard No. 216, Executive prefers the security of an exemption until it can produce a prototype and test it. If the tests indicate a failure, it believes that the redesign of the vehicle would add $1,300 to manufacturing costs alone. The vehicle utilizes a rollbar and has a center of gravity behind the occupants which, in the event of a rollover, would in its manufacturer's opinion provide protection equivalent to that provided by windshield pillars strong enough to meet Standard No. 216.

In support of its petition, the company states that "the commitment of another quarter million dollars to product development before preliminary market testing is completed is not economically viable." With the costs of EPA certification and "Validation of FMVSS compliance," start up costs for initial vehicle production are estimated at $500,000. The company's net income for fiscal 1974 was $1,103,976, representing almost a 50 per cent drop from 1973's $2,088,831. Denial of the application would force the company "to abandon this vehicle project, at a monetary loss of more than $315,000 and with a concomitant loss of employment opportunities for its work force." The company believes that an exemption would serve the public interest by allowing it to develop a lightweight bumper system, contributing to better fuel mileage and energy savings over the life of the vehicle, as well as marketing a handcrafted low-volume vehicle of a type usually manufactured abroad. This, if successful, might lessen dollar outflow and would create job opportunities in the United States.

One comment was received supporting the petition. No comments were submitted opposing it. Petitioner is a manufacturer of motor homes whose sales have apparently declined because of the impact of the energy crisis on the sale of vehicles with low fuel economy. It seeks to diversify its product line and apply its knowhow as a manufacturer in the related field of passenger car production. It appears in good faith to have attempted to meet all the Federal standards applicable to passenger cars, discovering two possible areas of non-compliance after its prototype was complete. While the financial impact of a denial on the company does not appear significant in terms of money already invested in the project, a denial would foreclose a legitimate avenue of exploration in the company's attempts to remain viable during the current economic uncertainty. The NHTSA encourages the development of new types of motor vehicles, especially those that have good fuel economy characteristics.

Because the NHTSA has proposed bumper requirements for 1977 and 1978 differing from those that were in effect at the time the petition was submitted, (40 FR 10 and 39 FR 11598) and final rules have not yet been adopted, good cause is considered shown for an exemption until January 1, 1978.

For the reasons discussed above the Administrator finds that a temporary exemption is consistent with the public interest and the objectives of the National Traffic and Motor Vehicle Safety Act. Accordingly, Executive Industries, Inc. is hereby granted NHTSA Temporary Exemption No. 75-2 from Motor Vehicle Safety Standard Nos. 215 (the portion requiring that the protection criteria of section 5.3.1 through section 5.3.7 be met when tested according to sections 7.2) and 216 (49 CFR 571.215, 571.216). The exemptions expire January 1, 1978.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.51)

Issued on April 3, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75-9137 Filed 4-7-75;8:45 am]

MERCURY CAPRI WINDSHIELD WIPER ARM, SHAFT, AND MOTOR FAILURES

Public Proceeding

Pursuant to section 152 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (Pub. L. 93-492, 88 Stat. 1470: October 27, 1974) 15 U.S.C. § 1412, the Associate Administrator, Motor Vehicle Programs, has made an initial determination that a defect relating to motor vehicle safety exists with respect to failures of windshield wiper arms, shafts, and motors in 1971-1973 Mercury Capri automobiles imported by the Ford Motor Company, in that such failures can result in immediate impairment of driver visibility in adverse weather, creating an unreasonable risk of accidents.

A public proceeding will be held at 10:00 a.m., May 6, 1975, in Room 5332, Department of Transportation Headquarters, 400 Seventh Street SW., Washington, D.C. 20590, at which Ford Motor Company will be afforded an opportunity to present data, views, and arguments to establish that the alleged defect does not exist or does not relate to motor vehicle safety.

Interested persons are invited to participate through written or oral presentations. Persons wishing to make oral presentations are requested to notify Mrs. Nancy Martus, Office of Defects Investigation, National Highway Traffic Safety Administration, Washington, D.C. 20590, Tel. (202) 426-2850, before the close of business (4:15 p.m.) on May 2, 1975. A transcript will be kept and exhibits may be accepted. There will be no cross examination of witnesses.

The agency's investigative file regarding this matter is available for public inspection during regular working hours (7:15 a.m.-4:15 p.m.) in the Technical Reference Division, Room 5108, 400 Seventh Street, SW, Washington, D.C. 20590.

(Sec. 152, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1412); delegations of authority to 49 CFR 1.51 and 49 CFR 501.8.)

Issued on April 2, 1975.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.75-9108 Filed 4-7-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 26494; Agreement C.A.B. 24964, R-1 through R-46, R-48 through R-50, R-52 through R-62; Order 75-3-96]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Approving Agreements; Errata

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 26th day of March, 1975.

In FR Doc. 75-8428 appearing on page 14794 in the issue of Wednesday, April 2, 1975 the following resolution is hereby deleted from finding paragraph 2, page 5, and added to finding paragraph 1, page 4:

Agreement CAB	IATA No.	Title	Application
24964: R-30	070bb	TCI Excursion Fares—USA/Mexico-Bermuda/Caribbean/Venezuela and within Caribbean (Revalidating and Amending)	1

Dated: April 1, 1975.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-9111 Filed 4-7-75;8:45 am]

[Docket 25280; Agreement C.A.B. 25029, R-1 through R-6; Order 75-4-14]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates; Order

APRIL 2, 1975.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of

Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated March 21, 1975, names additional commodity rates, which reflect reductions from the otherwise applicable general cargo rate, under existing commodity descriptions as outlined in the attachment hereto.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered that: Agreement C.A.B. 25029, R-1 through R-6,[1] be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such a period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-9112 Filed 4-7-75;8:45 am]

COMMISSION ON REVISION OF THE FEDERAL COURT APPELLATE SYSTEM

NOTICE OF HEARINGS

APRIL 1, 1975.

The Commission on Revision of the Federal Court Appellate System has announced six days of hearings on creation of a National Court of Appeals and on other recommendations for change in the structure and internal procedures of the Federal courts of appeal system.

The hearings will be held in Washington, D.C. on April 15 and 16, 1975, in St. Louis on April 21 and 22, and again in Washington on April 28 and 29.

The hearings will focus on the Commission's preliminary report entitled "Structure and Internal Procedures: Recommendations for Change", dated April, 1975. That report describes the need for a new national appellate court and makes specific recommendations with respect to its jurisdiction and structure.

In addition, the report details proposals concerning oral argument, opinion writing, and the role of the bar in designing local court rules in the various circuits. Other proposals concern eligibility of judges for senior status and the filling of judicial vacancies.

Copies of the preliminary report are available from the Commission offices:

209 Court of Claims Building
717 Madison Place, NW.
Washington, D.C. 20005
Telephone: (202) 382-2943

In St. Louis the hearings will be held in Courtroom No. 1, U.S. Court of Appeals, 5th Floor, U.S. Court and Custom House, 1114 Market Street, St. Louis, Missouri. For more specific information about the location of the Washington hearings, contact the Commission offices. All hearings are scheduled to begin at 10 a.m. and to continue through the afternoon.

Interested persons who desire to testify at any of the hearings are asked to communicate with the Executive Director of the Commission at the address listed above as soon as possible. The Commission also invites the submission of written statements on subjects covered by its preliminary report.

A. LEO LEVIN,
Executive Director.

[FR Doc.75-9092 Filed 4-7-75;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1975

Addition

Notice of proposed additions to Procurement List 1975, November 12, 1974 (39 FR 39964) were published in the FEDERAL REGISTER on May 15, 1974 (39 FR 17346), and December 24, 1974 (39 FR 44485).

Pursuant to the above notices the following commodity and service are added to the Procurement List.

LIGHT, MARKER, DISTRESS (RF)

	Price (each)
6230-00-938-1778	$15.20

JANITORIAL/CUSTODIAL (JO)

	Price (per sq. ft.)
Non-Commissioned Officers Club, Homestead Air Force Base, Miami, Fla	$0.086

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-8881 Filed 4-7-75;8:45 am]

PROCUREMENT LIST 1975

Proposed Additions

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed additions of the following commodities to Procurement List 1975, November 12, 1974 (39 FR 39964).

CLASS 6920

Frames, Stick, Wood, Target
6920-00-555-1996

CLASS 7920

Sponge, Cellulose
7920-00-161-6219
7920-00-633-9928
7920-00-240-2559
7920-00-884-1116
7920-00-559-8462
7920-00-559-8463
7920-00-559-8464
7920-00-884-1115
7920-00-663-0905
7920-00-240-2555
7920-00-663-0906

Comments and views regarding these proposed additions may be filed with the Committee on or before May 8, 1975. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-8880 Filed 4-7-75;8:45 am]

PROCUREMENT LIST 1975

Proposed Deletion

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed deletion of the following commodity from Procurement List 1975, November 12, 1974 (39 FR 39964).

CLASS 7210

Towel, Dish (IB)
7210-00-171-1144

Comments and views regarding this proposed deletion may be filed with the Committee on or before May 8, 1975. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street, North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-8882 Filed 4-7-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 355-6; OPP-32000/222 & 223]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR

[1] Agreement filed as part of the original document.

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31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB–31, East Tower, 401 M Street SW., Washington D.C. 20460.

On or before June 9, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, 401 M Street SW., Washington D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after June 9, 1975.

Dated: March 28, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATION RECEIVED (OPP–32000/222)

EPA File Symbol 5790–RAN. Aerosol Techniques, Inc., Old Gate Lane, Milford CT 06460. AIRCRAFT INSECTICIDE AEROSOL CODE NO. 228–324. Active Ingredients: Pyrethrins 0.60% Piperonyl butoxide, technical (Equivalent to 1.12% (butylcarbityl) (6-propylpiperonyl) ether and 0.28% related compounds) 1.40%; Petroleum distillate 12.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 35904–R. The Americas Co., PO Box 846, Milton FL 32570. NICARAGUAN STEAM DISTILLED PINE OIL. Active Ingredients: Pine Oil 100%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 4313–LA. Carroll Co., 2900 W. Kingsley Rd., Garland TX 75041. CARROLL PINE QUAT DISINFECTANT. Active Ingredients: Alkyl (C14 50%, C12 40%, C16 10%) dimethyl benzyl ammonium chloride 4.0%; Isopropanol 4.0%; Pine Oil 3.0%; Ethanol 1.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA Reg. No. 239–3360. Chevron Chem. Co., Ortho Div., 940 Hensley St., Richmond CA 94801. ORTHO ANT, ROACH & SPIDER SPRAY. Active Ingredients: 2-Methylethoxylphenyl methylcarbamate 1.0%; Petroleum Distillate 82.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 1169–LU. Classic Chem., 16th & Mickle Sts., Camden NJ 08105. CLASSIC FLYS-OFF HORSE INSECTICIDE. Active Ingredients: Pyrethrins 0.1%; Piperonyl Butoxide Technical (Equivalent to 0.8% (butylcarbityl) (6-propylpiperonyl) ether and 0.2% related compounds) 1.0%; Butoxypropylene Glycol 15.0%; Oil of Citronella 1.0%; Mineral Seal Oil 55.0%; Petroleum Distillate 25.4%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 9444–UU. Cline-Buckner, Inc., 16317 Piuma Ave., Cerritos CA 90701. PURGE CB–81 AEROSOL INSECT REPELLENT. Active Ingredients: Pyrethrins 0.50%; Technical Piperonyl Butoxide (Equivalent to 0.8% (butyl carbityl) (6-propylpiperonyl) ether and 0.2% related compounds) 1.00%; N-Octyl Bicycloheptene Dicarboximide 1.00%; Petroleum Distillate 12.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 9444–UL. Cline-Buckner, Inc., 16317 Piuma Ave., Cerritos CA 90701. PURGE CB–80 AEROSOL INSECT REPELLENT. Active Ingredients: Pyrethrins 0.50%; Technical Piperonyl Butoxide (Equivalent to 0.8% (butyl carbityl) (6-propylpiperonyl) ether and 0.2% related compounds) 1.00%; N-Octyl Bicycloheptene Dicarboximide 1.00%; Petroleum Distillate 12.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA Reg. No. 655–357. E-Z-Flo Chem. Co., Div. of Kirsto Co., PO Box 808, Lansing, MI 48903. E-Z-FLO PHYGON-SULPHUR DUST. Active Ingredients: Dichlone (2,3-Dichloro - 1, 4 - Naphthoquinone) 0.50%; Sulphur 84.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM21.

EPA File Symbol 569–AO. Haver-Lockhart Lab., Div. of Bayvet Corp., PO Box 390, Shawnee Mission KS 66201. SENDRAN TICK AND FLEA DAB-ON. Active Ingredients: (propoxur) o - Isopropoxyphenyl methylcarbamate 1%. Method of Support: Application proceeds under 2(b) of interim policy. PM12.

EPA File Symbol 5602–RUA. Hub States Corp., 2000 N Illinois St., Indianapolis IN 46202. BLUE RIBBON HEPTACHLOR EMULSIFIABLE. Active Ingredients: Heptachlor (Heptachlor-4,7 - Methanotetrahydroindene) 31.4%; Related Compounds 12.2%; Petroleum Distillate 49.4%. Method of Support: Applications proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 32460–T. Hydrology Lab. Inc., PO Box 714, Smithtown NY 11787. FREE-N-CLEAR 10 SWIMMING POOL ALGAECIDE. Active Ingredients: n - Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 8.4%; N-Dialkyl (60% C14, 30% C16, 5% C12, 5% C18) methylbenzyl ammonium chlorides 1.6%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 12367–A. Lich Paper Co., 929 5th Ave., McKeesport PA 15133. LICO DDS SPRAY. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.1%; N-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chloride 0.1%; Isopropanol 53.0%; Essential Oils 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 1769–EAO. National Chemsearch, Div. of USAchem, Inc., 2727 Chemsearch Blvd., Irving TX 75062. NATIONAL CHEMSEARCH OXACIDE. Active Ingredients: 2,2' - oxybis(4,4,6-trimethyl-1,3,2-dioxaborinane) and 2,2' - (1 - methyltrimethylenedioxy) bis - (4-methyl-1,3,2-dioxaborinane) 25%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2635–ENL. Oxford Chem., PO Box 80269, Atlanta GA 30341. OXFORD 1270. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.5%; Sodium Carbonate 3.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 3339–RA. Park-Hill Chem. Corp., 29 Bertel Ave., Mount Vernon NY 10550. ALGAE-BAN "X". Active Ingredients: Sodium Pentachlorophenate 79.0%; Sodium salts of other chlorophenols 11.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM34.

EPA File Symbol 2155–IG. I. Schneid, Inc., PO Box 92186, Martech Sta., Atlanta GA 30318. ALGAECIDE 635. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.50%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 4887–RRT. Stephenson Chem. Co., Inc., PO Box 87118, College Park GA 30337. COPPER NAPHTHENATE 40% E. C. Active Ingredients: Copper Naphthenate 40%; Refined Petroleum Hydrocarbons 35%. Method of Support: Application proceeds under 2(c) of interim policy. PM22.

EPA File Symbol 148–RERG. Thompson Hayward Chem. Co., 5200 Speaker Rd., Kansas City KS 66106. DINITRO TECHNICAL. Active Ingredients: 2-sec-butyl-4,6-dinitrophenol 99.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM26.

EPA File Symbol 6735–EGG. Tide Products, Inc., PO Box 1030, Edinberg TX 78539. TIDE WEED & FEED. Active Ingredients: Trifluralin (a,a,a-trifluoro-2, 6-dinitro-N,N-dipropyl-p-toluidine) 0.35%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 7401–EAA. Voluntary Purchasing Groups, Inc., PO Box 460, Bonham TX 75418. FERTI-LOME SYSTEMIC SCALE INSECT SPRAY. Active Ingredients: Petroleum Oil 81.80%; S-[2-Ethylsulfinyl)-ethyl] 0,0-dimethyl phosphorothioate 2.45%; Aromatic Petroleum Derivative Solvent 10.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM16.

EPA Reg. No. 2935–233. Wilbur-Ellis Co., PO Box 1286, Fresno CA 93715. SEVIN 7.5 SULFUR 50 DUST. Active Ingredients: Carbaryl (1-naphthyl N-methylcarbamate) 7.5%; Sulfur 50.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

APPLICATIONS RECEIVED (OPP–32000/223)

EPA File Symbol 14775–GA. Asgrow Florida Co., PO Box Drawer D, Plant City FL 33566. PARATHION 20 GRANULAR. Active Ingredients: Parathion: O,O-diethyl O-p-nitriphenyl phosphorothioate 20.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 34850–R. Bio-vet, a Div., of bdi, PO Box 666, 24201 Frampton Ave., Harbor City CA 90710. REVERE'S FORMULA 400. Active Ingredients: Pyrethrins 0.5%; Piperonyl butoxide, technical (Equivalent to 0.8% (butylcarbityl) (6-propylpiperonyl) ether and to 0.2% related compounds) 1.0% Butoxypropylene glycol 15.0%; Oil of Citronella 2.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 1057–AI. The C. B. Dolge Co., 11 Ferry Lane W, Westport CT 06880. TOTE–XL NON-SELECTIVE WEED KILLER. Active Ingredients: Monuron trichloracetate [3-(p-chlorophenyl)-1,1-dimethylurea trichloroacetate] 12.48%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA Reg. No. 464–368. Dow Chem. Co., PO Box 1706, Midland MI 48640. DURSBAN M INSECTICIDE. Active Ingredients: Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 41.2%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA Reg. No. 464–343. Dow Chem. Co., PO Box 1706, Midland MI 48640. DURSBAN 2E INSECTICIDE. Active Ingredients: Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 22.4%; Aromatic petroleum derivative solvent 42.1%. Method of Support: Application proceeds under 2(c) of interim policy. PM13.

EPA File Symbol 2770–GNU. Economy Products Co., Inc., PO Box 427, Shenandoah IA 51601. EQUINE FLY SPRAY. Active Ingredients: Pyrethrins 0.5%; Piperonyl Butoxide, Technical (Equivalent to 4.0% (butylcarbityl) (6-propylpiperonyl) ether and to 1.0% of related compounds) 5.0%; Butoxypolypropylene Glycol 12.5%; Petroleum Distillate 2.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 10864–I. Gamlen Chem. Co., 4 Midland Ave., E Paterson NJ 07407. GAMACIDE 1830. Active Ingredients: Dodecyl Guanidine hydrochloride 10.78%; Bis (tributyl tin) oxide 3.33%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 6284–GN. Kiefer McNeil, 999 Sweitzer Ave., Akron OH 44311. CPC 2 'N 1 POOL START. Active Ingredients: Sodium dichloro-s-trisinetrione dihydrate 49.1%. Method of Support: Application proceeds under 2(c) of interim policy. PM34.

EPA File Symbol 476–ERTE. Stauffer Chem. Co., 1200 S 47th St., Westport CT 06880. CAPTAN-IMIDAN 16–12 WP. Active Ingredients: Captan: N-((Trichloromethyl)-thio)-4-Cyclohexene - 1,2-Dicarboximide 16.0%; N-(Mercaptomethyl) Phthalimide, S-(O,O-Dimethyl Phosphorodithioate) 12.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM14.

[FR Doc.75–8840 Filed 4–7–75;8:45 am]

[FRL 355–7; OPP–32000/224]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

No November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB–31, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before June 9, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after June 9, 1975.

Dated: March 28, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP–32000/224)

EPA File Symbol 6125–EN. Bixon Chemical Co., 50–19 97th Place, Corona NY 11368. BIXON LOUSE-FLY KILLER INSECTICIDE. Active Ingredients: Technical Piperonyl Butoxide [Equivalent to 0.80% (butylcarbityl) (6-propylpiperonyl) ether and 0.20% of other related products] 1.00%; Pyrethrin 0.10%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 35903–R. Chemical Packaging Inc., 1196 E. 152nd St., Cleveland OH 44110. SANICIDE DISINFECTANT-SANITIZER-FUNGICIDE DEODORIZER. Active Ingredients: Didecyl dimethyl ammonium chloride 7.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 7478–UN. Chem-Pak Co., PO Box 757, So. Miami FL 33143. FLORIDA CITRUS SPRAY. Active Ingredients: Zineb (Zinc Ethylene Bis Dithiocarbamate) 22.0%; Ethion O,O,O',O'-Tetraethyl S,S'-methylene bis phosphorothioate 7.0%; Related compounds 0.42%. Method of Support: Application proceeds under 2(c) of interim policy. PM16.

EPA File Symbol 784–OA. Consolidated Chemical, Inc., 1470 S. Vanderventer, St. Louis MO 63110. WHIRL-CLEAN DISINFECTANT-CLEANER-SANITIZER-FUNGICIDE-DEODORANT. Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethylbenzyl ammonium chloride 5.0%; Tetrasodium salt of ethylene diamine tetraacetic acid 2.8%; Sodium carbonate 2.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 464–LRT. Dow Chemical Co., PO Box 1706, Midland MI 48640. DURSBAN 10 CR INSECTICIDE. Active Ingredients: Chlorpyrifos [0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 10.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 4822–RUA. S. C. Johnson & Son, Inc., 1525 Howe St., 53403. RAID PRESSURIZED MOTH PROOFER. Active Ingredients: Diethyl diphenyl dichloroethane 4.40%; Related reaction products 0.60%; Petroleum Distillate 70.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 4822–RUL. S. C. Johnson & Son, Inc. JOHNSON YARD MASTER (FOAM) VEGETABLE GARDEN INSECT KILLER. Active Ingredients: Pyrethrins 0.37%; Petroleum distillate 1.47%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 4822–RUO. S. C. Johnson & Son, Inc. JOHNSON YARD MASTER SYSTEMIC INSECT KILLER. Active Ingredients: O,O-Dimethyl S-(N-methylcarbomoylmethyl) phosphorolithioate 3.56%; O,O-dimethyl phosphocilithioate of diethyl mercaptosuccinate 10.36%. Method of Support: Application proceeds under 2(c) of interim policy. PM16.

EPA File Symbol 4822–RUT. S. C. Johnson & Son, Inc. JOHNSON BOLT BUG KILLER. Active Ingredients: d-trans allethrin (allyl homolog of Cinerin I) 0.500%; (5-Benzyl-3-furyl) methyl-2, 2-dimethyl-3-(2-methyl propenyl) cyclopropanecarboxylate 0.100%; related compounds 0.014%; aliphatic petroleum distillate 8.100%; aromatic petroleum distillate 0.130%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 36640–R. Midland Mfg. Co., 6800 South T St., Fort Smith AR 72901. RID-ALL GARDEN SPRAY CONCENTRATE. Active Ingredients: Pyrethrins 1.0%; Piperonyl Butoxide, Technical [Equivalent to 8.0% of (butylcarbityl) (6-propylpiperonyl) ether and to 2.0% of related compounds] 10.0%; Petroleum Distillate 79.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 538–RGE. O M Scott & Sons, Marysville OH 43040. PROTURF DSB FUNGICIDE. Active Ingredients: Benomyl [methyl-1-(butylcarbamoyl)-2-benzimidazolecarbamate] 1.10%. Method of Support: Application proceeds under 2(c) of interim policy. PM22.

EPA File Symbol 538–RGG. O M Scott & Sons, Marysville OH 43040. (SCOTTS) PROTURF 25–0–12 FERTILIZER PLUS SYSTEMIC FUNGICIDE. Active Ingredients: Thiophanate-methyl [Dimethyl 4,4'-o-phenylenebis (3-thioallophanate)] 1.75%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 829–EGI. Southern Agricultural Insecticides, Inc., PO Box 218, Palmetto FL 33561. SA BRAND 50 MC–2 SOIL FUMIGANT. Active Ingredients: Methyl Bromide 98.0%; Chloropicrin 2.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 829–EGO. Southern Agricultural Insecticides, Inc. SA BRAND 50 SEVIMOL 4 LIQUID SEVIN. Active Ingredients: Carbaryl (1-naphthyl methylcarbamate) 40%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

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EPA File Symbol 829-EUG. Southern Agricultural Insecticides, Inc. SA BRAND 50 80-10 SOIL FUMIGANT. Active Ingredients: Methyl Bromide 80.2%; Chloropicrin 1.8%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 829-EUR. Southern Agricultural Insecticides, Inc. SA BRAND 50 EBOZONE SOIL FUMIGANT. Active Ingredients: Methyl Bromide 68.6%; Chloropicrin 1.4%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 9367-EE. Theochem Laboratories, Inc., 5131 W. Idlewild Ave., Tampa FL 33614. 381 MULTICIDE SANITIZING AGENT 10% SOLUTION POWERFUL GERMICIDE. Active Ingredients: Alkyl (C14 50%, C16 28%, C12 14%) dimethyl benzyl ammonium chlorides 10%. Method of Support: Application proceeds under 3(b) of interim policy. PM31.

EPA File Symbol 9410-A. Wexford Labs, Inc., 1085 S. Vandeventer, St. Louis MO 63110. WEX-CEL CONCENTRATED GERMICIDAL DETERGENT. Active Ingredients: Ortho-Phenyiphenol 5.87%; Ortho-Benzyl-Para-Chlorophenol 5.87%; Tetrasodium Ethylene Diamine Tetraacetate 1.48%. Method of Support: Application proceeds under 2(a) of interim policy. PM32.

EPA File Symbol 9410-T. Wexford Labs, Inc., 1085 S. Vandeventer, St. Louis MO 63110. SUPER WEX-CEL CONCENTRATED GERMICIDAL DETERGENT. Active Ingredients: Ortho-Phenyiphenol 11.75%; Ortho-Benzyl-Para-Chlorophenol 11.75%; Tetrasodium Ethylene Diamine Tetraacetate 2.96%. Method of Support: Application proceeds under 2(a) of interim policy. PM32.

[FR Doc.75-8881 Filed 4-7-75;8:45 am]

[FRL 356-2]

STATE OF LOUISIANA REQUEST FOR EMERGENCY USE OF DDT ON COTTON

Statement of Reasons for Denial

Statement of Reasons for the Order and Determination of the Administrator that Reconsideration of the Agency's Prior Order of Cancellation of DDT for Use on Cotton is Not Warranted.

On January 24, 1975, the State of Louisiana applied to the Environmental Protection Agency (EPA) for a specific exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA) for the application of 2.25 million pounds of DDT (1,1,1-trichlorophenyl ethane) to control the tobacco budworm (*Heliothis virescens F.*) on approximately 450,000 acres of cotton. On February 10, 1975, EPA published notice in the FEDERAL REGISTER (40 FR 6229) of the filing of this application and notice (40 FR 6228) of informal public hearings with respect to the application to be held in Baton Rouge, Louisiana, on February 27–28, 1975 and in Washington, D.C., on March 3–5, 1975. On March 14, 1975, I issued a brief Order and Determination denying the Louisiana request and stated that a more detailed statement would follow on March 17, 1975. This Statement of Reasons provides a more detailed explanation of the basis for my Order.

I. *The Application.* The application filed by Louisiana states that the requested 2.25 million pounds of DDT is necessary because:

1. Average cotton yields have declined significantly in 1973–4 compared with the average cotton yield for the previous ten (10) years when DDT was available;

2. In 1974, Louisiana experienced its worst tobacco budworm infestation in history and the budworm is anticipated to be a major problem in 1975;

3. Tobacco budworm populations exhibit resistance to most of the alternative registered pesticides which are either ineffective, phytotoxic or unavailable in sufficient quantities and no other alternative means of control are available;

4. Serious economic injuries will result to cotton farmers and supportive industries from the tobacco budworm if DDT is not made available; and

5. Restrictions on the method and timing of application will prevent adverse environmental effects.

II. *Background.* The background of the Louisiana application and the use of DDT on cotton has been set forth in detail in the preamble to the regulations promulgated by EPA on March 12, 1975, establishing a new Subpart D of the Rules of Practice for Applications Under sections 3 and 18 to Modify Previous Cancellation or Suspension Orders. However, because of the importance to this case of the background information set forth in that document, I feel compelled to refer to that information in this Statement.

The purpose of the February 27–28 and March 3–5 informal public hearings on the Louisiana application was to provide all interested parties with an opportunity informally to present their views and to provide EPA with information necessary in order to reach a determination as soon as practicable. As these informal hearings progressed it became apparent that the questions raised by the Louisiana application directly related to the prior final order of the Administrator cancelling virtually all registered uses of DDT, including use on cotton, following extensive adjudicatory hearings and judicial review.[1] Because of these prior administrative and judicial proceedings, concern developed within EPA shortly after the announcement of the informal hearings that revised procedures may be required in order to satisfy the requirements of the FIFRA, the Administrative Procedure Act (APA) and due process. Following an analysis of the question, EPA concluded that the law and the public interest required that such revised procedures be instituted for the Louisiana application and for similar cases in the future, in order to provide required notice and opportunity for formal public hearings to all affected parties where substantial new evidence is presented which may materially affect a prior final order.

The registration of DDT for pests on cotton, including the tobacco budworm, constituted approximately 86 percent[2] of the almost 12 million pounds of DDT used in the U.S. prior to the cancellation order of the Administrator of June 14, 1972 (37 FR 13369) (hereinafter the "1972 Order"). At that time DDT use on cotton amounted to approximately 10.3 million pounds annually. The Louisiana application seeks the use of 2.25 million pounds in Louisiana this year, which amounts to approximately 19 percent of the total annual quantity of DDT used in the U.S. prior to cancellation and approximately 22 percent of the total annual quantity of DDT used on cotton in the U.S. prior to cancellation. Accordingly, the Louisiana application squarely presents the question of whether the final cancellation order should be reconsidered.

EPA has determined that any application under section 3 or section 18 of FIFRA for the use of a pesticide at a site and on a pest for which registration has been finally cancelled or suspended by the Administrator is in substance a petition for reconsideration of such order. Certainly, the Louisiana application, which requests relatively large quantities of DDT for a use which was the primary use prior to cancellation, is in substance a request for such reconsideration. Because of the extensive notice and hearing opportunities mandated by FIFRA and the APA before a final cancellation or suspension order may be issued, EPA has determined that such orders may not be reversed or modified without affording interested parties—who may in fact have participated in lengthy cancellation proceedings—similar notice and hearing opportunities where substantial new evidence exists which warrants such reconsideration.

Section 6 of FIFRA permits the Administrator to issue notice of intent to cancel a pesticide registration upon a finding by him that the pesticide "generally causes unreasonable adverse effects on the environment." Such notice is required to be sent to the registrant and made public. The registrant, or other person adversely affected, may then request a hearing. The final decision of the Administrator is required to be made after the conclusion of the hearing. The United States Court of Appeals for the District of Columbia has characterized the cancellation procedures as providing "extensive safeguards" and "elaborate procedural protection" to pesticide registrants and others and, as a result, "a substantial time, likely to exceed one year, may lapse between issuance of notice of cancellation and final order of cancellation. * * *" *Environmental Defense Fund, Inc.* v. *Environmental Protection Agency*, 328 F. 2d 528, 533 (1972).

[1] Use of DDT by public health officials in disease control programs and by other civilian and military officials for health quarantine were not cancelled.

[2] The National Cotton Council of America contended that DDT use on cotton accounted for 99 percent of the total use immediately prior to the 1972 Order because of the prior cancellation of certain minor uses.

The application filed by Louisiana involves the requested use of DDT on cotton. The extensive administrative and judicial proceedings leading up to final cancellation of DDT registrations not only relate directly to the Louisiana petition but also demonstrate the exhaustive proceedings which precede final EPA actions in contested cancellation or suspension proceedings.

A. Proceedings Leading to the Final Cancellation of DDT.

(1) The EDF Petition of October 1969. On October 31, 1969, the Environmental Defense Fund, The National Audubon Society, the Sierra Club and the West Michigan Environmental Action Counsel (EDF) filed a petition with the Secretary of Agriculture (USDA), requesting him (1) to issue notices of cancellation for all pesticide products containing DDT, and (2) to suspend the registrations during the cancellation proceedings. EDF's petition precipitated, as the Administrator's 1972 Order noted, "approximately 3 years of intensive administrative inquiry into the uses of DDT." 1972 Order, 37 FR at 13369.

(2) The Secretary of Agriculture's Response. In response to EDF's petition, three things occurred. First, USDA cancelled four uses of DDT (on shade trees, tobacco, around the home and in aquatic areas); second, USDA requested comments on other DDT products; and third, USDA took no action on the request for suspension.

On November 25, 1969, USDA published a notice which stated (34 FR 18827):

> The department is considering cancellation of any other uses of DDT unless it can be shown that certain uses are essential in the protection of human health and welfare and only those uses for which there are no effective and safe substitutes for the intended use will be continued.

On December 11, 1969, a reply to the petition was sent to EDF by the Director of Science and Education for USDA, stating that the department had been "concerned for some time over the potential hazards that may result from the presence of DDT and other persistent pesticides in the environment," and listing several actions, including the above cancellations, that had been taken. No specific mention was made of EDF's request for suspension.

(3) *Environmental Defense Fund, Inc.* v. *Hardin (DDT I).* On December 29, 1969, EDF filed a petition in the Court of Appeals for the District of Columbia seeking review of USDA's failure to comply fully with their requests.

On May 28, 1970, in *Environmental Defense Fund, Inc.* v. *Hardin*, 428 F. 2d 1093 (1970), the Court held that EDF had standing to challenge the Secretary's determinations under FIFRA, that a refusal to suspend was reviewable, and that the inaction on the suspension request was ripe for review. This Court noted that:

> Numerous scientific studies and several reports to government agencies have concluded that DDT has a wide spectrum of harmful effects on nontarget plant and animal species; it increases the incidence in animals of cancer and reproductive defects; and its residues persist in the environment and in the human body long enough to be found far in time and space from the original application. 428 F. 2d at 1096–97.

The Court remanded to the Secretary:

> either for a fresh determination on the question of suspension, or for a statement of reasons for his silent but effective refusal to suspend the registration of DDT. If he persists in denying suspension in the face of the impressive evidence presented by petitioners, then the basis for that decision should appear clearly on the record, not in conclusory terms but in sufficient detail to permit prompt and effective review. 428 F. 2d at 1100.

In addition, the Court ordered USDA to decide "on the record" whether to issue the remaining requested cancellation notices or to explain the reasons for deferring the decision still further. Ibid.

(4) The "Statement of Reasons" of the Secretary and Additional Cancellations. On June 29, 1970, the Secretary filed a "Statement of Reasons Underlying the Decisions on Behalf of the Secretary with Respect to the Registrations of Products Containing DDT." At the outset he adhered to "the prior determination that no DDT registrations should be suspended at this time, and that further action with respect to cancellations should await completion of [USDA's intra-agency] use-by-use evaluations presently in progress." Statement of Reasons at 1. He went on to make the following findings:

(1) that there are reports of carcinogenicity resulting from the administration of large doses of DDT in test animals (p. 1);

(2) DDT is persistent and accumulates in animal tissues (p. 3);

(3) DDT is present in most forms of animal life (ibid.);

(4) there is information which suggests that DDT is interfering with the reproduction of certain raptorial birds and may be a contributor, among other factors, to the decline of some of these species (ibid.);

(5) DDT is moderately toxic to honey bees (ibid.);

(6) DDT in lakes and streams has been a factor in fish mortality and reproductive failures (ibid.); and

(7) When DDT accumulates in detritus food some harm may be done to detritus feeders (pp. 3–4).

He concluded (p. 8) that:

(1) DDT is not an imminent hazard to human health;

(2) there are some adverse effects upon certain species of fish and wildlife;

(3) DDT has indisputably important and beneficial uses in connection with human health and agriculture, and there are not yet available substitutes for all essential uses;

(4) DDT use should be reduced to "uses which are essential to the public health and welfare"; and

(5) there would be continuation of the review of the possible effects (both beneficial and deleterious) of DDT.

In addition to issuing the Secretary's statement of reasons, USDA took other action subsequent to the filing of EDF's initial petition. Specifically, on February 26, May 6 and August 18, 1970, in order to protect man and the environment from the hazardous use of DDT, notices of cancellation were issued covering registrations for a number of vegetable, grain, fruit, forestry, livestock, nursery and lawn uses of products containing DDT.

(5) *Environmental Defense Fund* v. *Ruckelshaus (DDT II).* On January 7, 1971, after reviewing USDA's Statement of Reasons, the Court remanded the case a second time, this time to the Administrator of the newly-created Environmental Protection Agency, who had just been given authority for administration of FIFRA. *Environmental Defense Fund* v. *Ruckelshaus*, 439 F. 2d 584 (1971).

The Court determined that the Secretary's refusal to suspend or cancel all registrations of DDT had been predicated on an "incorrect interpretation of the controlling statute." 439 F. 2d at 588. Noting in particular that the Secretary had found that DDT at large dosages caused cancer in experimental animals and that DDT was toxic to certain birds, bees, and fish, the Court stated that it was "plain that he found a substantial question concerning the safety of DDT." 439 F. 2d at 594–95. When such a question exists, the Court held, the administrative procedure must be "triggered." Although benefits may be balanced against risks, the Court held that such balancing must occur "in the full light of a public hearing * * * [and] greater weight should be accorded the value of a pesticide for the control of disease, and less weight should be accorded its value for the protection of a commercial crop." 439 F. 2d at 594 (emphasis added). Accordingly, the DDT case was remanded to the Administrator with instructions to issue notices of cancellation with respect to the remaining uses of DDT.

(6) The Administrator's Issuance of Notices of Cancellation. In compliance with the Court's order in *DDT II*, on January 15, 1971, the Administrator issued notices of cancellation with respect to all remaining registrations of DDT products.

More than 50 registrants filed objections and a request for a public hearing. Two registrants, Montrose Chemical Company and Crop King sought advisory committee consideration. In addition to EDF, several other parties intervened in the hearing, namely: USDA, The National Agricultural Chemicals Association (NACA), H. P. Cannon & Son (a Delaware food processor, only as to use of DDT on sweet peppers) and Eli Lilly & Company, a former registrant of one DDT product. Montrose and Crop King were not parties to the public hearing.

(7) The Administrator's March 18, 1971 Refusal to Suspend. In response to Court Order in *DDT II* that he reconsider the question of suspension, the Administrator issued a statement of "Reasons Underlying the Registration Decisions Concerning Products Containing DDT, 2,4,5–T, Aldrin and Dieldrin" on March 18, 1971. It set forth the reasons why the Administrator deemed suspension of DDT

V 40168
APR 8 75
XUM

products unnecessary in view of the administrative proceeding then underway, and articulated general standards relating to pesticide cancellation and suspension matters. The Administrator noted that:

> This determination is supported by the nature of the present effects of DDT. DDT is a hazard by virtue of its potential toxicity at prolonged low levels of exposure. This hazard is made acute by the persistence, mobility, and biomagnification of DDT in the environment. Recognizing these characteristics, the four government committees which have studied the DDT problem in depth between 1963 and 1969 have all recommended that its use be phased out over a period of time. [Footnote omitted] None have recommended an immediate ban. However, the time has come for resolution of the DDT issue in light of the standards set out in the FIFRA. This is now being done through the orderly administrative forum provided by the statute in the cancellation proceedings.

(8) Advisory Committee Report. The advisory committee requested by Crop King and Montrose, and composed of experts nominated by the National Academy of Sciences, began deliberations on DDT in May, 1971. On September 9, 1971, the committee issued its report and recommendations. After a lengthy discussion of the scientific evidence of the hazards of DDT use, the committee found that DDT posed an imminent hazard to the environmental and recommended that all DDT uses be rapidly phased out. Previously, four Presidential and other scientific commissions recognized the inherent hazards of DDT. "Use of Pesticides," A Report of the President's Science Advisory Committee (May, 1963); "Restoring the Quality of Our Environment," Report of the Environmental Pollution Panel, President's Science Advisory Committee (November, 1965); Report of the Committee on Persistent Pesticides, Division of Biology and Agriculture, National Research Council, to U.S. Department of Agriculture (May, 1969); the Report of the (H.E.W.) Secretary's Commission on Pesticides and Their Relationship to Environmental Health (Mrak Commission) (December, 1969).

(9) *EDF* v. *Ruckelshaus* (*DDT III*). EDF returned to Court a third time to challenge the Administrator's refusal to suspend DDT registrations. Since the advisory committee report was issued just prior to oral argument, the case was remanded to EPA for further consideration of the suspension issue in light of the advisory committee findings.

(10) The Administrator's November 1, 1971 Statement. In a statement filed with the Court on November 1, 1971, the Administrator again determined not to suspend DDT registrations. In reaching that decision he noted that the advisory committee had found:

> DDT spreads from its site of application and is carried "throughout the global biosphere" (Conclusion 2, page 39); and DDT and its metabolites persist for years in the environment and become concentrated in certain species of fish and wildlife, which suffer either present or potential danger therefrom (Conclusion 3, page 39).

However, the Administrator concluded, as the advisory committee had similarly concluded,

> • • • there will be no appreciable difference in hazard to the public whether the registration of DDT is immediately suspended or whether it is cancelled in the near future, if warranted. Therefore, the harm to the public from DDT cannot be lessened by immediate suspension as opposed to appropriate cancellations upon the orderly completion of the cancellation procedures.

(11) *EDF* v. *Ruckelshaus* (*DDT IV*). With the administrative proceedings in process, the Court on December 9, 1971, denied EDF's suspension petition, while at the same time granting EDF the right to renew its petition if the administrative proceedings were not completed by April 15, 1972.

(12) Formal Public Hearings. Formal public hearings commenced on August 17, 1971, before a hearing examiner and concluded on March 16, 1972. During those eight months, 123 witnesses[3] testified, and 363 exhibits were introduced into evidence. The DDT industry presented 17 witnesses and introduced 58 exhibits USDA, in a dual role as registrant (of two agricultural pest quarantine products) and intervenor, presented 40 witnesses and 94 exhibits; EDF presented 13 witnesses and introduced 66 exhibits; and the EPA staff presented 47 witnesses and introduced 132 exhibits. The remaining witnesses and exhibits were introduced by H. P. Cannon and Eli Lilly. The transcript of the evidentiary hearing contains more than 9,300 pages.

(13) The Examiner's Recommended Decision. The Hearing Examiner's recommended decision was issued on April 25, 1972. Stating that in order to cancel DDT, he would either have to find that DDT directly causes cancer in man or makes the "earth uninhabitable," the Examiner concluded that the "DDT products in issue were not misbranded under the FIFRA (7 U.S.C. 135b(2), (z)(2)(c), (d) and (g))"; that, as a matter of law, DDT use is not a carcinogenic, mutagenic or teratogenic hazard to man, and that DDT did not have a deleterious effect on fish or wildlife. Recommended Decision at 92–94.

(14) Oral Argument Before the Administrator. After receiving extensive written briefs, on May 16, 1972, the Administrator personally heard over three hours of oral argument on the exceptions raised by the various parties.

(15) The Administrator's Cancellation Order of June 14, 1972. On June 14, 1972, the Administrator issued an order cancelling all DDT registrations except those for public health and agricultural pest quarantine use. The order established December 31, 1972, as the effective date of the cancellations.

[3] 38 of the witnesses were wildlife biologists, 32 were entomologists, 9 were toxicologists or pharmacologists, 5 were cancer experts, 6 were chemists, 5 were medical doctors, 2 were economists, and 6 were businessmen. The remaining witnesses represented other miscellaneous disciplines and fields.

At the outset, he stated that he was "persuaded . . . that the long-range risks of continued use of DDT for use on cotton and most other crops is unacceptable and outweighs any benefits." 1972 Order, 37 FR 13369.

The Administrator found that "once dispersed, DDT is an uncontrollable, durable chemical that persists in the aquatic and terrestrial environments." 1972 Order, 37 FR 13370. He concluded that DDT was "highly volatile" (37 FR 13370 n. 16) and "can vaporize from crops and soils" (37 FR at 13375); that it "can be transported by drift during aerial application" (Id. at II, A, 3(a)); and that it "can be attached to eroding soil particles" (Id. at II, A, 3(c)). The Administrator also found that DDT "can persist in the soils for years and even decades" (Id. at II, A, 1); that it "can persist in aquatic ecosystems" (Id. at II, A, 2); and that "it is occasionally found in remote areas or in ocean species, such as whales, far from any known area of application" (37 FR at 13370–71). As a result of its persistence and mobility, the Administrator found that DDT is "concentrated in organisms and transferred through food webs" (37 FR at 13375); that DDT "accumulation in the food chain and crop residues results in human exposure" (Id. at III, A, 2); and that "human beings store DDT" in their tissues (Id. at III, A, 3).

With respect to human health, the Administrator found that "DDT causes tumors in laboratory animals" (Id. at IV, A, 9(a)); that "there is some indication of metastasis" of such tumors (Id. at IV, A, 9(b)); that "tumor induction in mice is a valid warning of possible carcinogenic properties" (Id. at IV, A, 9(c)); that there are "no adequate negative experimental studies in other mammalian species" and "no adequate human epidemiological data" (Id. at IV, A, 9(d–e)); and that "not all chemicals show the same [laboratory] tumorigenic properties" (Id. at IV, A, 9(f)). Accordingly, the Administrator found that DDT poses a cancer risk to man. (Id. at IV, A, 9; IV, B).

The Administrator also found that DDT poses hazards to birds, fish and other animal life:

1. DDT affects phytoplankton species' composition and the natural balance in aquatic ecosystems.
2. DDT is lethal to many beneficial agricultural insects.
3. DDT can have lethal and sublethal effects on useful aquatic freshwater invertebrates, including arthropods and mollusks.
4. DDT is toxic to fish.
5. DDT can affect the reproductive success of fish.
6. DDT can have a variety of sublethal physiological and behavioral affects on fish.
7. Birds can mobilize lethal amounts of DDT residues.
8. DDT can cause thinnings of bird eggshells and thus impair reproductive success. (Id. at IV, A, 1–8).

Concerning DDT's benefits, the Administrator found that "DDT is useful for the control of certain cotton insect pests" (Id. at V,A, 1); that "cotton pests are becomming resistant to DDT" (Id at V,A, 2); and that "by using methyl parathion or other means of pest control cotton producers can generally produce satisfactory yields at acceptable cost" (Id. at V,A,4). With respect to alternative chemical pesticides, the Administrator found that "methyl parathion and other organophosphate chemicals are effective for the control of cotton pests"; that they are "less toxic to aquatic life than DDT"; that they "appear to be less 'persistent' and do not build up in the food chain"; and that "methyl parathion is acutely toxic by dermal, respiratory exposure and oral inhalation" (Id at V,A, 3). The Administrator concluded that "the use of DDT was not necessary for the production" of cotton and other specified crops. (Id. at V,B).

(16) *EDF* v. *EPA* (*DDT V*). Coahoma Chemical Company, EDF and other parties sought review of the Administrator's final cancellation order in the Court of Appeals. Observing that the order was issued "after a lengthy administrative review" and on the basis of "an extraordinarily voluminous record" the Court found that the 1972 Order was supported by substantial evidence and affirmed. *Environmental Defense Fund, Inc.* v. *Environmental Protection Agency*, 489 F. 2d 1247, 1249, 1251, 1254 (D.C. Cir. 1973). In so doing the Court rejected industry argument that:

> • • • the Administrator's findings are insufficient in that they are based to a large extent on data which does not directly and specifically relate to the use of DDT to combat the boll weevil and the bollworm in the cotton growing areas of the Southeast.

The court went on to find that:

> It is true that much of the evidence in the record concerning dangers of DDT does not specifically relate to this one area or to the use on cotton crops. However, it is not necessary to have evidence on such a specific use or area in order to be able to conclude on the basis of substantial evidence that the use of DDT in general is hazardous. The Administrator has pointed to evidence in the record showing that use of DDT except in minuscule amounts in highly controlled circumstances should be curtailed because of unreasonable risks to health and the environment. Reliance on general data, consideration of laboratory experiments on animals, etc., provide a sufficient basis to support the Administrator's findings, even with regard to each special use of DDT. 489 F. 2d at 1253–54 (footnotes omitted).

B. The Required Procedures. In cancellation and suspension cases where EPA has finally determined to cancel or suspend a pesticide registration after exhaustive notice and opportunities for hearing as mandated by FIFRA and the APA, fairness requires that such final orders not be modified or reversed lightly.[4] Such prior orders should not be modified or reversed without notice and opportunity for formal public hearings. The formal on-the-record decision making process imposed by FIFRA and the APA as a necessary prerequisite to final cancellation or suspension would be rendered meaningless if the Administrator were to modify or reverse such orders without notice to the public, without an opportunity for formal hearings and without limiting his consideration to a formal hearing record. Such an informal process could greatly prejudice the interests of parties to the original proceedings. In the original proceedings they had the opportunity to be represented by counsel, to present witnesses and to cross-examine witnesses of other parties. They had the opportunity to argue their cases before an independent hearing examiner and before the Administrator. An informal process which modified or reversed a final order would not provide such opportunities, would not protect the procedural rights of affected persons and would undercut the statutory scheme required by FIFRA. As the Court concluded in DDT II, "when Congress creates a procedure that gives the public a role in deciding important questions of public policy, that procedure may not lightly be sidestepped by administrators." 439 F. 2d at 594.

Formal reconsideration of prior orders should only be granted, however, where there is substantial new evidence which may materially affect the order. The provisions of FIFRA relating to notice and to the opportunity of adversely affected parties to join in formal hearings are broadly drafted to permit maximum participation in the cancellation proceedings by other Federal agencies, the States, industry, environmental groups, and private citizens. As the Court noted in *DDT II*, "the statutory scheme contemplates that [pesticide cancellation] questions will be explored in the full light of a public hearing. • • •" 439 F. 2d at 594. With such broad opportunities to participate in the original proceedings, the public interest—and the interests of the parties who participated in such proceedings—requires that the issues before the Administrator not be relitigated without a threshold determination that there is substantial new evidence which may maerially affect the prior order. This procedure does not prejudice the interests of parties seeking modification. If there is substantial new evidence, which may materially affect the prior order, a formal hearing should be convened to adjudicate whether such evidence requires modification or reversal of the prior order. On the other hand, however, the public interest demands that public agencies not be required to expend limited resources on reconsideration of facts previously adjudicated. Public resources should not be committed to reconsider a prior final order unless there is substantial new evidence which may materially affect such order.

For the foregoing reasons, EPA has adopted Subpart D to the Rules of Practice (40 CFR Part 164) setting forth the procedures to be followed in the case of an application under FIFRA sections 3 or 18 which requests use of a pesticide at a site and on a pest for which registration has been finally cancelled or suspended. These revised procedures require that in any such case the Administrator will initially determine, on the basis of the application and supporting data, whether there is substantial new evidence which may materially affect the prior order and whether such evidence could not have been discovered by due diligence on the part of the parties to the original proceeding. In any case where it is determined, as in this case, that there is no substantial new evidence which may materially affect the prior order, then the application will be denied.

In any case where it is determined that there is such evidence, then a formal hearing will be convened to determine whether such evidence materially affects the prior order and requires its modification. In such a case, the ultimate determination will be made on the basis of the record in the adjudicatory hearing and the recommendations of the administrative law judge presiding over the hearing, taking into account the human and environmental risks found by the Administrator in his prior order and the cumulative impact of past, present, and anticipated uses in the future.

The procedures also provide that in emergency circumstances the Administrator may rule on the application without convening a formal hearing when he determines that: (1) The application presents a situation involving need to use the pesticide to prevent an unacceptable risk to (i) human health, or (ii) fish and wildlife when such use would not pose a human health hazard; and (2) there is no other feasible alternative solution to such risk; and (3) the time available to avert the risk to human health or fish and wildlife is insufficient to permit convening a hearing; and (4) the public interest requires the granting of the requested use as soon as possible.

[4] In addition to DDT, in each of the other major cancellation and suspension proceedings initiated pursuant to FIFRA Section 6, EPA has similarly provided extensive notice and formal hearing opportunities.

The aldrin and dieldrin suspension order issued by the Administrator on October 1, 1974, followed almost three years of administrative proceedings. The initial cancellation notice for the major uses of aldrin and dieldrin was issued by the Administrator on March 18, 1971. Formal administrative hearings commenced on August 7, 1973. During the following twelve months of hearing, 249 witnesses testified, and over 35,000 pages of transcript and exhibits were considered and the suspension is now before the Court of Appeals for the District of Columbia.

Similarly, the two administrative proceedings currently in progress with respect to pesticide products containing mercury and mirex have involved lengthy hearings. The notice of intent to hold hearings on mirex was issued on March 28, 1973. The formal hearings were begun on December 3, 1973, and have not yet concluded. To date, over 60 witnesses have testified in those hearings resulting in a record of over 12,400 pages. As in the aldrin and dieldrin proceedings, a scientific advisory committee report on mirex was prepared prior to the commencement of the formal hearings.

The cancellation of pesticide products containing mercury was issued on March 22, 1972. The formal administrative hearings began on October 1, 1974, and are still in progress. Forty witnesses have testified thus far in those hearings generating a record of over 2,400 pages.

V 40168 APR 8 75 XUM

This provision for dispensing with a formal hearing does not apply to the Louisiana application since the use of DDT on cotton does not involve a need to use the pesticide to prevent an unacceptable risk relating to human health or fish and wildlife.

In the case of the petition by the State of Louisiana, notice of these revised procedures and of a tentative time schedule within which they would operate was given to all parties involved in the informal public hearings held in Washington, D.C., on March 5, 1975. Because of the March 5, 1975 notice to interested parties, including the State of Louisiana, formal adoption of such procedures on the eve of my decision as to substantial new evidence did not prejudice the interests of interested parties including the State of Louisiana. All such parties received notice of these procedures on March 5 and were encouraged to submit an additional brief statement summarizing what they maintained to be substantial new evidence on March 10, 1975. The State of Louisiana, and other interested parties have submitted such statements.

In addition, the Louisiana application was filed under FIFRA section 18 pursuant to which Louisiana is required to show that there is a pest outbreak for which no alternatives are available and which will result in significant economic or health problems. 40 CFR Part 166. Louisiana has questioned whether EPA is now changing the substantive standard by which its application will be evaluated. The procedures adopted do not, however, change the substantive rules by which the Louisiana application will be measured. The issues raised by the Louisiana application under section 18 were adjudicated and finally decided in the 1972 DDT cancellation case. In that case the Administrator was required to make, and made, specific findings and conclusions with respect to the risks and benefits associated with DDT use on cotton. The Administrator's findings and conclusions were then affirmed by the Court of Appeals for the District of Columbia in *DDT V.* Thus, no showing under section 18 of a pest outbreak, of unavailability of alternatives and of significant economic problems could now be made without substantial new evidence. The procedures adopted clarify the application of the general rules under sections 3 and 18 to specific cases, such as the Louisiana application, which in substance request modification or reversal of a prior final order.

These procedures are not inconsistent with previous EPA practice. Since the 1972 Order, EPA has received approximately 44 applications under FIFRA sections 3 and 18 for the use of DDT on cotton. All of these applications have been denied summarily on the basis that they failed to set forth sufficient new information which would warrant approval in view of the general human and environmental risks associated with such DDT use and enumerated in the 1972 Order.

In addition to the 44 DDT-cotton requests, EPA has received applications for uses of DDT on other crops which were not at issue in the prior DDT adjudicatory hearings. In 1973 and 1974 DDT was authorized for use under FIFRA section 3 for the pea leaf weevil in Idaho and Washington. These authorizations considered the available evidence "in light of the terms of the June 1972 [cancellation] order * * *." 39 FR at 10322. However, the use of DDT for the pea leaf weevil was not cancelled by the Administrator in his 1972 Order and thus the pea leaf weevil applications did not in substance request the use of a pesticide on a site and against a pest which was cancelled by final order. In fact, the pea leaf weevil was first detected at damaging levels in 1970 and relatively little was known about the impact of climatic and biotic factors on its development or about resistant crop strains or planting techniques which could mitigate infestation. The area of application was very dry (15–20 inches of rain per year), had few trees and little vegetation other than the dry pea crop. The area involved thus presented little potential for contamination of aquatic ecosystems. Because the weevil was a new pest, there were no pesticides registered for the requested use to protect dry peas in Idaho and Washington which accounted for 95 percent of total U.S. dry pea production.

In 1974 DDT was authorized for use by the U.S. Forest Service on the Douglas-fir tussock moth in parts of Oregon, Idaho and Washington. That decision specifically stated that: "The use of DDT for control of the tussock moth was not specifically addressed in [the 1972 DDT cancellation] order, but there is no present registration of DDT for this purpose." 39 FR 8377. The use of DDT on the Douglas-fir tussock moth had been registered in 1947 by the Forest Service, but the use was later abandoned by USDA in 1969. Accordingly, the use of DDT to control the Douglas-fir tussock moth had not been subjected to formal review through an adjudicatory proceeding. In addition, the tussock moth case presented a significant environmental need for DDT. At stake were 650,000 acres of mature forests containing the Douglas-fir. In 1972 and 1973, the moth had defoliated trees on 800,000 acres—of which 17,000 acres of forest were completely killed and on an additional 71,000 acres at least half of the Douglas-fir were killed. Mature forests—including Douglas-fir—require many years to develop even assuming prompt and thorough replanting. A new "crop" cannot be grown "next year." Moreover, the defoliation of such vast forest lands presented serious fire hazards. It was estimated that with any fire outbreak a forest defoliated by the tussock moth would burn and spread 6 times faster than normal (25 acres per hour rather than 4 acres per hour). Thus, anticipated defoliation presented serious health hazards as well as economic losses (estimated $67 million loss). In addition, even without forest fires, extensive defoliation of watershed areas may have caused significant water pollution by virtue of sedimentation attributable to runoff. Finally, the Douglas-fir tussock moth application sought the use of approximately 490,000 pounds of DDT over 650,000 acres, whereas the Louisiana application is for 2,250,000 pounds over 450,000 acres—roughly 5 times more DDT per acre.

Although the status of DDT requests, such as those for cotton, as petitions for reconsideration of the 1972 Order and the standard for determining whether to reconsider the 1972 Order (substantial new evidence which may materially affect the prior order) may not have been fully articulated in determinations issued by EPA since the 1972 Order, in substance EPA was applying the same standards which have been formally adopted for this case and for similar cases in the future. To the extent that prior practices and procedures may have differed from the recently promulgated procedures, such changes are necessitated for the reasons set forth in this opinion and in the preamble to Subpart D of the Rules of Practice.

C. Hearings on the Louisiana Application. The five days of informal public hearings already held in connection with the Louisiana application produced 1180 pages of transcript and numerous exhibits. A seven-man panel of EPA technical and administrative experts heard the testimony presented, reviewed exhibits submitted by the participants, and analyzed the statements submitted by all interested parties which summarized the evidence bearing on the Louisiana petition. This panel was also charged to review the whole of the data and make a preliminary assessment as to whether "(1) the applicant has presented substantial new evidence which may materially affect the prior cancellation or suspension order and which was not available to the Administrator at the time he made his final cancellation or suspension determination and (2) such evidence could not, through the exercise of due diligence, have been discovered by the parties to the cancellation or suspension proceeding prior to the issuance of the final order." (40 CFR 164.132 (a)).

The report and conclusions of the panel were presented to me on Thursday, March 13, 1975. The panel concluded that Louisiana had not presented any substantial new evidence which may materially affect the 1972 Order. The report and conclusions of the panel are being published as an appendix to this Statement.

Having reviewed and discussed the report and conclusions of the panel I have made a separate evaluation of the factors involved in the Louisiana situation including consultation with the EPA staff and review of the summary statements filed by the parties to the informal hearings. In addition, I have informally consulted with a panel of the EPA Hazardous Materials Advisory Committee (HMAC). The HMAC panel was charged

to explore preliminarily scientific questions which may have been presented. The HMAC panel spent Friday, March 14, reviewing the Louisiana application and discussing the questions presented with the EPA hearing panel and others. The HMAC panel did not reach any conclusions or make any recommendations with respect to whether there was any substantial new evidence which may materially affect the 1972 Order. I appreciate the HMAC panel's conscientious efforts and in reaching my decision I have taken into account my brief discussions with them.

III. Hazards From The Requested Use of DDT. Very little evidence concerning human health and the environment was actually presented by Louisiana during the informal proceedings. Certainly there is no evidence before me that would mitigate the clear findings of Administrator Ruckelshaus in 1972 with respect to environmental harm and risk to man posed by DDT. In fact, data produced since the 1972 hearings that have been called to my attention reaffirm and augment the serious nature of the environmental and human health hazards posed by DDT.

There is no dispute that the use of 2.25 million pounds of DDT in Louisiana this year would have serious adverse environmental effects irrespective of any good faith educational or regulatory restrictions that might be imposed by either the Federal Government or the State of Louisiana. In its application (La. App. at 10), Louisiana stated that:

> It is recognized that the use of DDT, even when the precautions outlined above are taken, will result in widespread contamination of the environment with undesirable residues of this chemical.

However, Louisiana adds, without substantiation, its belief that:

> Even the most severe of the localized effects are unlikely to be of more than extremely short duration. (La. App. at 12).

I cannot agree either that the severe effects of widespread contamination and undesirable residues which result would be only local or that they would be of extremely short duration.

There are certain basic characteristics of DDT that are indisputable. These include its persistence, mobility and broad range of toxicological effects. Perhaps the most insidious of its characteristics is the fact that the most serious of DDT's toxicological effects are chronic or subchronic and most often of an irreversible nature. Such effects are not normally apparent by routine scientific observation until it is too late. This is cause for the exercise of particular vigilance and scrutiny in the evaluation of any request for the use of this compound.

The particular use in question here would in my opinion present conditions conducive to the widespread contamination and dispersal of DDT throughout the environment. There is little question but that the aerial and ground spraying of 2.25 million pounds of DDT in the August climatic conditions of Louisiana would result in considerable off-target drift and even more significant volatilization and environmental dispersion of the compounds. There is ample evidence in the 1972 record of the volatility and persistence of DDT.

One of the principal restrictions proposed by Louisiana would limit DDT application to one-half mile from dairies or forage, silage, and grain crops used to feed dairy animals. Similar type restrictions were proposed and explored in the 1972 hearings and it was concluded then that such limitations simply could not curb the environmental contamination that follows from this type of DDT use. Indeed, Administrator Ruckelshaus concluded in 1972: "I am convinced by a preponderance of the evidence that, once dispersed, DDT is an uncontrollable, durable chemical that persists in the aquatic and terrestrial environments." (1972 Order, 37 FR at 13370). Included in the 1972 General Findings were the following:

> A. No directions for use of DDT, even if followed, can over the long run completely eliminate DDT's injury to man or other vertebrate animals.
>
> B. No warning or caution for use of DDT, even if followed, can over the long run prevent injury to living man and other vertebrate animals (37 FR at 13375, VII).

Many examples of DDT's ability to persist and move in the environment were presented in the 1972 hearings. Perhaps the most dramatic example was the discovery of DDT in the wildlife of Antarctica, where of course it had never been used. This continent, with its ice shelf, lies over 600 miles from the tip of South America, over 1,000 miles from New Zealand, and over 2,000 miles from the tip of South Africa, which are the closest possible sources for its DDT contamination. From these examples, one can see the extreme unlikelihood that any of the proposed restrictions, e.g., one-half mile aerial application restriction around dairy farms, etc., will mitigate the resulting DDT contamination of food, feed, air and human water supplies as well as fish and wildlife in proximate as well as distant areas.

The significance of my initial discussion of the likely massive environmental contamination that will result from the proposed use of 2.25 million pounds of DDT centers on the resulting exposure and increased risks to humans and to wildlife. The principal risk to humans is cancer. As Judge Leventhal of the U.S. Court of Appeals for the District of Columbia pointed out, cancer is a "sensitive and fright-laden" matter compounded by the fact that carcinogenic effects are "generally cumulative and irreversible when discovered." *Environmental Defense Fund* v. *Environmental Protection Agency*, 465 F. 2d 528 (1972). This "sensitive" issue has been highlighted recently by the publicity given to the study showing a particularly high rate of cancer in the Louisiana area.

In 1972, then Administrator Ruckelshaus made the factual finding that "DDT is a potential human carcinogen." (37 FR at 13375, IV, A, 9). As the basis for this finding the Administrator cited the fact that: "Laboratory tests have * * * produced tumorigenic effects on mice when DDT was fed to them at high levels." (Id. at 13371). The laboratory tests referred to were cited as the Bionetics study in which mice were fed 140 ppm of DDT and the Lyons study (at that time incomplete and still in progress) in which "(i)ncreased hepatomas [liver tumors] were noted in male and female mice fed DDT at 250 ppm." (Id. at 13371 n. 20).

The Administrator further found in his evaluation of the cancer hazard of DDT that: "there is no adequate human epidemiological data on the carcinogenicity of DDT, nor is it likely that it can be obtained." (Id. at 13375, IV, A, 9(e)). This finding has not been challenged and remains true today. Thus, the laboratory findings of carcinogenicity retain their preeminence in the overall evaluation of the cancer risk of DDT to man. On the basis of these prior findings, I conclude that the requested use of 2.25 million pounds of DDT in Louisiana this year poses an unacceptable cancer risk to man. There is no substantial new evidence which would materially reduce the risk perceived in 1972.

Since the issuance of the 1972 Order, even more disturbing evidence of the carcinogenicity of DDT than that relied upon by Administrator Ruckelshaus has been published in the scientific literature. Nearly five months after the 1972 Order and some nine months after the close of the DDT hearing the first final report of the Lyon study, referred to as "still in progress" in the 1972 Order, was published. That report showed DDT not only to cause a significant increase in liver tumors in the first generation of mice fed 250 ppm DDT, as noted in the 1972 Order, but also revealed that a similar significant increase in liver tumors was shown in two generations of male mice fed 50 ppm, 10 ppm and 2 ppm, the lowest known dosage of DDT ever tested. *Int. J. Cancer:* 10, 489–506 (1972). The majority of the "Working Group" of an international conference of distinguished pathologists who later examined the DDT induced liver tumors from this study found the tumors to be malignant. The entire "Working Group" concluded that "exposure to DDT represents a carcinogenic risk for man." "Report of Working Group", Int. Agency for Research on Cancer, October 27, 1972.

In September of 1973, the final results of the Lyon study, extended to six full generations of mice (nearly 4,000 animals) fed DDT at 2, 10, 50 and 250 ppm levels, were published. The findings in the succeeding four generations of mice confirmed the results reported in October 1972 in the parent and first generation treatment group. In the male mice in all six generations DDT caused a significant increase in liver cancer at every treatment level including 2 ppm, the lowest dosage tested. Journal of the National Cancer Institute, Vol. 51, No. 3, September 1973.

V 40168
APR 8 75
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In November 1973 a team of Russian scientists reported the results of a multigeneration DDT feeding study in which two groups of A-strain mice were fed 10 and 50 ppm DDT in the parent generation while five succeeding generations were fed 10 ppm. DDT caused a significant increase in lung tumors at both feeding levels in the parent groups. All of the five succeeding generations showed an increase in lung tumors over control animals; the increase was significant statistically in the second, third and fourth generations fed 10 ppm, the only dose so tested. *Int. J. Cancer:* 11, 688–693 (1973). This finding of DDT induced carcinogenicity at a site other than the liver supports the results of an earlier report by a Hungarian team which showed DDT to cause a progressively significant increase in leukemia and other malignant tumors at several different sites in the second through the fifth generations of mice fed approximately 3 ppm of DDT in the diet. *Fd. Cosmet. Toxicol.*, Vol. 7, 215–222 (1969).

In March 1974 the first study of the effects of the long term feeding of p,p' DDE, the principle DDT metabolite found in all humans and in the highest quantity of all of the metabolites, was reported. At the only feeding level tested (250, ppm), p,p DDE was shown to be an extremely effective liver carcinogen in both male and female mice, but particularly in females in which there was a 98 percent incidence of tumors compared to only 1 percent in the control animals. Another DDT metabolite, p,p' DDD fed at the same single feeding level caused a significant increase in lung tumors. Journal of the National Cancer Institute, Vol. 52, No. 3, March 1974.

In addition, evidence reviewed by me in September 1974 that had been introduced in the Aldrin/Dieldrin suspension hearing revealed the apparent synergistic effects on the development of tumors in mice fed DDT and Dieldrin in combination. (39 FR at 37268) While such a possibility had long been feared this was the first evidence actually demonstrating such effects. Knowing that these two compounds are stored in the tissues of the entire population of the U.S. and are and have been breathed and ingested simultaneously for years is an added cause for serious concern.

As I stated in my Order of March 14th denying the Louisiana application, these recent findings tend to reaffirm and augment the cancer hazard of DDT perceived by Administrator Ruckelshaus in 1972. Had the quantum of cancer evidence not changed since 1972 there is no doubt but that the basis for the 1972 finding of a carcinogenic risk would still lead me to concur completely with the seriousness of the cancer risk expressed in the 1972 Order. (See my October 1, 1974, Order Suspending Aldrin/Dieldrin Registrations, 39 FR 37265–72). What has been called to my attention in these informal proceedings by the National Audubon Society and others concerning more recent cancer testing does, however, convince me that the cancer hazard is not as "remote" as previously thought.

My review of the evidence in the recent Aldrin/Dieldrin suspension proceeding brought to light certain additional factors bearing on my present consideration. The apparent DDT/Dieldrin synergistic carcinogenic response discussed above is one such factor. In addition, I notice that much has been raised in the past concerning the relevance of carcinogenic results achieved in experiments using "high levels" of a compound, an issue that I was not faced with in the Aldrin/Dieldrin case. The only dosage level cited in the 1972 DDT Order as producing tumorigenic results was 250 ppm, although reference was made to a second study in which it is known that 140 ppm was the feeding level used. We now have evidence that DDT is capable of causing a significant incidence of tumors in test animals at levels as low as 2 ppm in the diet, the lowest dosage ever tested.

For purposes of reference, it should be noted that in 1972, the most recent year for which complete figures are available, DDT residues were found in the tissues of 99.93 percent of some 4,285 humans involved in the annual EPA Human Monitoring Program. The *average* level in these humans was 11.15 ppm DDT or nearly five times higher than the daily intake shown to cause a significant incidence of tumors in mice. The maximum level of DDT found in any one individual was 311.34 ppm. This recent information was introduced in the Aldrin/Dieldrin suspension hearing and is an update of the human monitoring data considered in the 1972 DDT hearing which reported similar findings.

Data from the Human Monitoring Program reveal that DDT quantitative residue values in humans are not uniformly distributed throughout the population. Residents of the South have consistently shown higher levels of DDT in their tissues than residents of other parts of the country. Moreover, black males, one of the highest cancer risk segments of the population, store the highest amounts of DDT.

I realize that a valid direct quantitative comparison between intake levels causing cancer in test animals and storage levels in humans is not possible at this time. Among others, one complicating factor is that there are some chemical agents to which man is more sensitive than test animals and some agents to which man is less sensitive. We have no way of knowing or predicting outside of actual measurable human experience. I cite these values for several important reasons, however. First, since storage is a function of intake, these levels demonstrate a continuous human exposure to DDT from past usage. Second, the fact that humans are storing such significant levels in comparison with dosage levels in the same range which can produce irreversible carcinogenic effects is a sobering and extremely cautionary observation. Third, our experts tell us that because of the persistence of DDT these levels in humans based on 1972 data, are not expected to decline significantly over the next several years. Thus, any consideration of a present request for further use of DDT must of necessity consider the residual effects of all past and present usage as well as any uses reasonably anticipated to occur as a result of granting the instant request for use. It is my opinion that humans in this country cannot and should not be subjected to the further DDT environmental insult that would result from a granting of the Louisiana petition.

In its summary statement of the evidence (La. Statement at 8), Louisiana cites as support for the argument that the carcinogenic risk of DDT "is now quantifiable and still remote" several statements allegedly attributable to an EPA official responsible for the reevaluation of DDT. In fairness to the official cited it should be noted that the conclusionary quote attributed to him—"Thus subsequent evidence confirms that human risk is remote and that the limited use in question poses no unreasonable risk of harm to man"—was never made and is not to be found in the reference cited. See Hearings Before the Subcommittee of the Commission on Appropriations; Subcommittee on Agriculture—Environmental and Consumer Protection Appropriations for 1975, Pt. 5, Environmental Programs, April 4, 1974.

I can find no merit in Louisiana's reliance on the sole sentence of the actual quote which mentions carcinogenicity, since it has been taken out of context and no supporting data or further explanation follow, either in the text of the Subcommittee Report or in Louisiana's evidence summary. I believe that the most complete statement of the DDT cancer evidence is found in the 1972 Order and in my discussion herein. The principles of chemical carcinogenesis which I have been guided by in my evaluation of this experimental evidence are set forth in my discussion of carcinogenicity in the Aldrin/Dieldrin Suspension Order (39 FR 37265–72).

Finally, serious concerns in connection with the Louisiana request have come both from private environmental groups, the Louisiana Wildlife and Fisheries Commission and the U.S. Department of Interior, all of whom feel that permitting the use of 2.25 million pounds of DDT would seriously jeopardize the fish and wildlife of Louisiana and surrounding areas and in particular the brown pelican, one of America's endangered species. The concern for the effects of DDT on wildlife has also been expressed by the shrimp and fishing industries of Louisiana who fear losses both through direct mortality and through seizures of shrimp and fish containing excessive DDT residues by responsible Federal authorities. Past experience has taught us that such concerns are indeed valid.

The case against DDT in 1972 was thoroughly documented in the area of environmental harm. Mr. Ruckelshaus stated in the 1972 Order (37 FR at 13371): "The case against DDT involves more, however, than a long-range hazard to man's health. The evidence presented by the Agency's Pesticides Office and the intervenors, EDF, compellingly demonstrates the adverse impact of DDT on

fish and wildlife." Later in his 1972 Order (id, at 13373), Mr. Ruckelshaus reiterated this conclusion: "the Agency and EDF have established that DDT is toxic to non-target insects and animals, persistent, mobile and transferable and that it builds up in the food chain. No label directions for use can completely prevent those hazards."

I am convinced that the use of 2.25 million pounds of DDT in Louisiana this year would result in adverse impact on fish and wildlife, both in Louisiana and in surrounding areas. Since environmental hazards were covered in such detail in the 1972 Order and since no new evidence has been introduced to refute those findings I hereby incorporate by reference those appropriate discussions and findings from the 1972 Order which deal with the adverse effects of DDT on fish and wildlife.

Moreover, I am mindful of the unfortunate economic consequences that have been suffered by various food and feed industries as a result of pesticide residues in excess of established tolerances or action levels. In this particular situation the Louisiana shrimp and fish industries as well as beef cattle, dairy and animal feed producing industries are all innocent bystanders to the use of DDT on cotton. Nonetheless, they still run the real risk of suffering adverse economic consequences from resulting excessive DDT residues. The uncontrollable nature of the compound and past experience teaches us the inevitability of finding impermissible residues of DDT in certain of these food and feed commodities as a result of such massive nearby use.

IV. Need For the Requested Use of DDT. I adopt the report of the EPA seven-man review panel which is attached as an appendix to this Statement. The panel reached the following conclusions with respect to the requested use of DDT:

1. Average cotton yields have declined in the last two years as compared to the preceding ten years. However, there is no evidence to indicate that any meaningful conclusions concerning the relationship of yields to the presence or absence of DDT can be drawn from such a comparison.

2. The tobacco budworm is but one of many factors which affect yields, and it is quite clear that no evidence was presented to support the proposition that the tobacco budworm was the principal cause of reduced yields in the past two years.

3. The tobacco budworm has become a late-season cotton pest; however, it is not clear that the predominance of this pest occurred as recently as three years ago; instead, it may have risen to its present status prior to 1972. Furthermore, because of resistance problems, it is just as likely that the tobacco budworm will remain a late-season pest whether or not DDT or methyl parathion or any other currently available pesticide is used.

4. The Louisiana estimates of economic losses totally ignore the numerous factors which affect cotton yields. The underlying assumptions on which the estimates are based are inconsistent with actual experience in Louisiana and are contrary to sound analytical methodology.

5. There is no conclusive evidence to indicate whether the DDT mixture can be expected to be effective in controlling tobacco budworm in 1975.

6. Louisiana has not demonstrated that all currently registered insecticides are ineffective against tobacco budworm.

7. A repetition of cotton insecticide shortages in 1974 is unlikely to occur in 1975.

8. It is impossible to predict the likelihood of a tobacco budworm outbreak in 1975 at this time. However, if past cotton production practices are continued, and more sophisticated production methods are ignored, the likelihood of an outbreak will be enhanced.

9. Louisiana has not taken fullest possible advantages of integrated pest management techniques which other states have found to be of considerable benefit.

A. Economic Impact. The major problem which Louisiana wished to address through the use of DDT in 1975 is one of preventing additional economic loss to cotton producers who were already hard hit in 1973 and 1974. Estimates of total potential economic losses have been made by both the State and USDA. The State estimates are derived from an assumed continuation of estimated losses in 1973 and 1974; the USDA estimates from an economic model.

In its application, Louisiana estimated that tobacco budworm "specifically caused the loss of approximately 50–60 million dollars in 1974 in direct and indirect loss to the cotton industry" in the State. An economic analysis included in the State's application estimates that cotton producers' combined 1973–74 losses were $50,645,250 and that increased unit costs arising from reduced yields, i.e., unit costs of production, ginning, and warehousing, were $17,773,500. These estimates were based on the following assumptions which tend to inflate the estimated losses: (i) all losses in yields would be attributable to the unavailability of DDT, (ii) the total harvested cotton acreage was the same in both 1973 and 1974, (iii) lint cotton losses per acre were 111 pounds, and (iv) that the relative efficacy of DDT compared to alternatives, is high. This approach overlooks other factors which seriously affect cotton yields, such as, weather, planting time, disease, etc. See Report of the EPA Special Review Group (EPA Report) at 6–D.

The USDA analysis of potential economic losses was $15.8 million in 1974. Even this analysis may be subject to revision because it rests, in part, on efficacy data which the Special Review Group found to be of questionable validity. See EPA Report at 6 E/F.

No matter which estimate is taken, it must be compared to total income measures for the State to put the estimated impact into the perspective of the State's economy as a whole. Estimates of farm income and State income from 1972 show that these values were $800 million and $14 billion, respectively. Thus, while the estimated losses constitute approximately 7.5 percent of total farm income, they do not appear to represent a major upsetting factor to the total economy of the State. The potential economic effects must therefore be viewed in their proper context of localized microeconomic dislocations. This is not to say that such effects are to be dismissed lightly, since they may constitute severe burdens on individuals—farmers and ginners and their employees—and on other industries in the affected parishes. Yet, even if DDT were to achieve the results anticipated by the State, it would have the effect of alleviating cotton growers' economic problems while, at the same time, imposing certain health, environmental, and economic costs on third parties, e.g., dairy farmers, livestock producers, commercial fishermen, and so on. The estimates of potential loss discussed above include only the direct and indirect costs which might arise as a result of reduced cotton yields; there has been no allowance made for the increased costs, economic and otherwise, of using DDT as requested in the State's petition. Nor have the offsets available by improved utilization of alternative pest control techniques or alternative crops been taken into account as reductions to the estimated gross economic loss.

One of the key assumptions made in the petition is that the economic problems of Louisiana cotton growers are linked to the lack of DDT. Another is that all losses are attributable to damage by the tobacco budworm. These assumptions fall under critical analysis.

To begin with, it is necessary to examine some of the institutional factors that have affected the economic situation. An institutional change of immense importance occurred in 1974 with the introduction of the new cotton allotment program. This program was part of the 1973 Agricultural Act, and it required important changes in agricultural policies and philosophies, placing a great deal of reliance on the free market and requiring a good deal more judgment on the part of the farmer than was required under the previous programs. With respect to cotton, the Act replaced an across-the-board payment of 15 cents per pound with a target price program, i.e., when the national average price for a calendar year falls below the target price (currently 38 cents per pound), growers are reimbursed for the difference. In regard to the shift away from cotton subsidies, the Special Review Group found that cotton growers "are in a transitional period requiring adjustments not only in their production planning but also in their handling of factors which affect cotton yields and pest control, which, in many instances, are interrelated." See EPA Report at 6D.

Another important change made by the Agricultural Act was the introduction of a disaster payment program, which economically protects farmers if they lose more than one-third of their crop. In the circumstance where farmers plant cotton on non-allotment acres and suffer a large yield-per-acre loss for any season, they often are not eligible for disaster payments. This situation was relatively common in Louisiana last year, thus increasing the farmers' economic dislocation.

In the past two years, cotton price fluctuations also worked to the growers' disadvantage. In 1973, much of the cotton crop was contracted. From a market point of view, 1973 was one of the cotton

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industry's better years. But since most growers sold their crop early to futures speculators, the latter were the primary beneficiaries of rising prices during the year. At the beginning of 1974, cotton growers were particularly optimistic. Forecasts and expert thinking were oriented toward an extremely good cotton year and farmers planted large acreages, apparently relying on high price estimates. In Louisiana, acreage jumped from 530,000 in 1973 to 665,000 in 1974. A large portion of this increased acreage was planted under high risk conditions, since many farmers could not expect to be covered under the disaster payments provisions of the 1973 Act, and a good deal of cotton was planted after the optimum planting time (before May 15 in Louisiana), thereby increasing the likelihood of a late-season tobacco budworm problem. In addition, with their 1973 experience in mind, many growers chose not to contract; nationally, about 20 percent contracted in 1974, compared to 75 percent in 1973. Unfortunately, the market again worked to the growers' detriment. Toward the end of the growing season, prices fell precipitously. With costs having increased significantly, cotton growers were caught in a severe cost-price squeeze, and many of them suffered serious losses.

Naturally, the economic factors that have affected cotton production in Louisiana in recent years have also affected it in other States. Furthermore, Louisiana has not been alone in experiencing a downward trend in cotton yields in the last few years. The same thing has happened in all the Mississippi Delta cotton-producing States. In fact the USDA Crop Reporting Board's report dated January 10, 1975, shows that the other States in this region all have experienced sharper declines. According to that report, yields in 1974, compared to 1969–73 averages, declined 28–29 percent in Arkansas, Mississippi, and Tennessee; 36 percent in Missouri; and 7.5 percent in Louisiana.

In summary, 1974 was an exceedingly bad year for cotton producers in Louisiana and elsewhere—market prices were low, costs were high, and they were faced with adverse natural phenomena such as whether and insects. On the institutional side, the commodity market was incorrectly assessed.

B. Tobacco Budworm. Louisiana's application indicates that the tobacco budworm has reached outbreak proportions and has become resistant to registered insecticides.

An increase in budworm infestation has been observed in recent years, particularly during August and September when cotton is most susceptible to infestations of this pest. Resistance to insecticides, including mixtures containing DDT, has apparently played a part in the recent predominance of this pest. However, it is unclear when the predominance of the budworm in the late-season occurred. It is possible that both an increase in resistance combined with increased populations has been a developing trend which started in years when DDT was used and has continued up to the present time. The tobacco budworm may be showing resistance to all insecticides, including DDT. In any event, the data furnished to the Special Review Group have not established when the tobacco budworm outbreak occurred.

Louisiana maintained that the DDT mixture was the only effective method of controlling the tobacco budworm. The experimental testing designs used by Louisiana make it impossible to attach any significance to the claimed differences in the relative efficacy of DDT over other currently registered insecticides. In fact, some of the data submitted by Louisiana showed that one alternative pesticide had nearly the same effectiveness as the DDT-toxaphene-methyl parathion mixture, and that certain combinations of pesticides had a significant impact on cotton yields. EPA Report 6F. Accordingly, alternative controls for the tobacco budworm are available.

Conclusion

A great deal of consideration has been given to all aspects of the Louisiana application for the use of DDT on cotton in 1975. I have carefully reviewed the report of the EPA seven-man panel who listened to the testimony presented during the five days of informal hearings and who read all of the written exhibits submitted to the hearing record. The written summaries of the evidence submitted by interested parties have been read by me and discussed with my staff and advisors. Every opportunity has been given to the State of Louisiana to present its case in the most favorable light possible. In accordance with Subpart D of EPA's Rules and Practice for Applications Under sections 3 and 18 to modify Previous Cancellation or Suspension Orders (40 FR 12261), I have reviewed the totality of the evidence in an effort to determine whether the applicant has presented substantial new evidence which may materially affect the 1972 Order cancelling virtually all uses of DDT. The 1972 Order was an important EPA action reached after extensive administrative and judicial proceedings. The 1972 Order weighed all risks and benefits of DDT use.

I am convinced at a minimum that no substantial new evidence exists which may materially affect the 1972 Order as it relates to the cancellation of DDT registrations for cotton. Certain evidence presented, moreover, would indicate that the environmental and human risks enunciated in the 1972 Order may now be of even greater magnitude than in 1972. In addition, I find that the use of DDT on cotton in Louisiana this year is not necessary. There is no substantial evidence that DDT would be efficacious or that alternative chemical pesticides and other control techniques are unavailable or inefficacious.

Accordingly, I incorporate this statement of reasons into my Order of March 14, 1975, denying the section 18 application by the State of Louisiana for emergency use of DDT on cotton in 1975.

Dated: March 17, 1975.

RUSSELL E. TRAIN,
Administrator.

To: Acting Deputy Assistant Administrator for Pesticide Programs.
From: Special Review Group.
Subject: Louisiana's Application for Emergency Exemption.

This memorandum is the report of the special review group appointed to evaluate Louisiana's petition for an emergency exemption to use a maximum of 2.25 million pounds of DDT to control tobacco budworm on cotton this year.

1. The Issue.

The issue addressed in this report is whether:

a. The applicant has presented substantial new evidence which would justify reconsideration of the DDT cancellation order, insofar as this requested use of DDT is concerned, and which was not available at the time the cancellation order was issued, and

b. Whether such evidence could not, through the exercise of due diligence, have been discovered by the parties to the cancellation proceeding prior to the issuance of the final order.

For the purposes of this report, the determination to be made on the above issue is referred to as the determination of whether there is "substantial new evidence."

2. Background.

On June 14, 1972, after three years of intensive administrative and judicial inquiry, which included seven months of formal administrative hearings under the Administrative Procedure Act, the Administrator issued an order cancelling most DDT registrations, including all registrations for use of DDT to control cotton insects. This order was upheld by the United States Court of Appeals for the District of Columbia. At the time of the Administrator's cancellation order, the primary DDT use was for control of cotton pests and amounted to 10 million pounds annually. Thus, Louisiana's request to use 2.25 million pounds in 1975 represents approximately one fourth of the amount of DDT used on cotton at the time of the cancellation order.

Last year, EPA allowed two uses of DDT, i.e., 500,000 pounds to control tussock moth and 10,000 pounds to control the pea leaf weevil. Unlike the use of DDT to control cotton insects, which was a registered use until the cancellation and which was a major issue in the cancellation proceedings, its use to control tussock moth and pea leaf weevil was not registered at the time of the cancellation and was not considered in the cancellation proceedings.

3. Louisiana's application.

Louisiana is requesting an emergency exemption for the use of 2.25 million pounds of DDT in combination with toxaphene and methyl parathion to control a possible tobacco budworm infestation. There would be up to five applications of the DDT mixture at five-day intervals. On a per acre basis, each application would consist of one pound of DDT plus two pounds of toxaphene and one-fourth to one-half pound of methyl parathion. DDT would be applied only when there is a tobacco budworm infestation at or above levels at which economic injury would be expected to occur. Use of the DDT mixture would not begin until August 1975. Farmers would be urged to take certain measures to minimize use of DDT and minimize its environmental impact, but for the most part these measures would not be mandatory.

4. EPA Actions.

Louisiana's petition was delivered to EPA on January 24, 1975. A notice of the receipt of the petition was published February 10, 1975, along with a notice of public hearing to be held on February 27–28 in Baton Rouge and March 3 in Washington, D.C. The hearings in Washington were extended to the 4th and 5th of March upon notice given in Baton Rouge. Extensive testimony was presented by representatives of farm environmental groups and Federal agencies and by various experts and individual citizens. These hearings were conducted by the special review group for the purpose of gathering information to evaluate Louisiana's petition.

5. Analytical Framework.

For purposes of evaluating Louisiana's application, the major representations were identified and broken down into the following major premises in order to understand the underlying assumptions on which the representations were based:

A. Cotton yields have declined by an average of 121 pounds per acre in the last two years as compared to the preceding ten.

B. Failure to control tobacco budworm has been the principal cause of the reduced yields in the past two years.

C. The tobacco budworm problem has reached outbreak proportions in the last three years and has become the major late-season cotton pest.

D. The reduced yields in the last two years have had a serious economic impact.

E. The mixture of DDT-toxaphene-methyl parathion was effective against the tobacco budworm when it was last used and can be expected to be effective this year.

F. Currently registered insecticides are ineffective against heavy infestations of tobacco budworm.

G. There will be a shortage of currently registered insecticides.

H. It is anticipated that tobacco budworm will be a major problem again in 1975 and will significantly reduce cotton yields.

I. The requested use of DDT poses no unreasonable risk to human health.

J. Cotton growers will use DDT in accordance with a program designed to control its use and minimize environmental impact.

K. Integrated pest management techniques are useful but will not replace chemical control when outbreaks occur.

6. Analysis.

A. Cotton yields have declined by an average of 121 pounds per acre in the last two years as compared to the preceding ten.

B. Failure to control tobacco budworm has been the principal cause of the reduced yields in the past two years.

These statements represent a narrow view of what has been happening in Louisiana's cotton-producing industry. They overlook significant data about cotton production in Louisiana in recent years and important factors affecting cotton yields.

Louisiana's yield data are presented in Attachment A, which is a reproduction of a table included in the State's application. For convenience, the State's graphic presentation of the same data is reproduced as Attachment B.

There is a serious question as to whether the comparison of 1963–72 average yields with 1973–74 results puts the data into meaningful perspective. In testimony at the public hearings on Louisiana's application, other ways of parsing the data were suggested. For example, it was suggested that the year-to-year reductions during the past two years be compared with the average annual decline from 1966 through 1972, on the ground that the latter period runs from the year in which the first indication of tobacco budworm resistance to insecticides occurred in Louisiana through the last year in which DDT was widely used.

A meaningful comparison would reflect, or otherwise take into account, all the variables that could affect cotton yields. Louisiana has not made such a comparison. Instead, the State has argued that weather changes account for year-to-year fluctuations in cotton yields but that man-made factors are responsible for long-term trends, and has asserted that withdrawal of DDT is the only significant man-made change that has occurred in recent years.

In Louisiana, there has been a downward trend in cotton yields extending back to 1968. Dr. John S. Roussel, Coordinator of Cotton Research, testified: "From 1968 through 1974, annual fluctuations can again be noted but now the trend is downward." In the first four years of this period (indeed, throughout the 1963–72 period), DDT was available and was widely used in combination with toxaphene and methyl parathion. Yet, yield losses were 85 pounds in 1967 and 67 pounds in 1972; both figures are larger than the year-to-year reductions in the last two years.

A multitude of factors—many of which are interrelated—affect cotton yields. They include weather conditions, e.g., amount and timing of rainfall; occurrence of drought; soil type; plant variety used, e.g., whether it is early or late maturing, insect or disease resistant, and so on; time of planting; planting pattern in the field; occurrence of disease, e.g., boll rot; timing and magnitude of insect infestations; quantities of fertilizer and herbicides applied to the crop; use of pesticides; existence of insect resistance to pesticides, etc.

To illustrate the effect of some of the interrelationships on cotton yields: Late planting may mean that the cotton will still be growing late in the season when tobacco budworm population levels are most likely to be high. Heavy rainfall late in the Summer also extends the growing period and makes the cotton plant more vulnerable to tobacco budworm infestations.

Louisiana's application concedes that the interrelationship of tobacco budworm and other factors contributed to the recent yield reductions (even though the Governor's transmittal letter attributes all losses to the tobacco budworm). Late planting and weather conditions were cited in the application as causes for yield reductions.

A more detailed analysis was provided by Dr. L. D. Newsom, Head of the Entomology Department at Louisiana State University in his response to a USDA questionnaire in November 1974. The following is an excerpt of Dr. Newsom's letter regarding the 1974 crop:

"Damage from *Heliothis* infestations ranged from none to light on cotton that was planted during the proper period, grew off normally, was not subjected to drought stress, matured normally, and was treated properly. It was moderate to a total loss where the crop was planted late. Moderate to severe losses occurred where cotton was subjected to drought stress during July and the first part of August followed by rain and regrowth during the latter part of the season. In these situations, satisfactory control of the tobacco budworm was not obtained with any treatment regimen.

"Better data will be available on losses upon completion of a survey that is in progress. It should be strongly emphasized that relatively cool, cloudy conditions with excessive rain during late August and September resulted in poor growing conditions for maturing the crop and one of the most (word not legible on xerox copy) outbreaks of boll rot on record in Louisiana. Many growers have attributed all of their losses, regardless of cause, to *Heliothis* damage."

In the recent hearings, Dr. Newsom was asked for an estimate of the extent to which yield losses could be attributed to tobacco budworm. He responded that he would place it at more than 50 percent and less than 100 percent.

On the same question, Dr. John S. Roussel, coordinator of cotton research in Louisiana, testified that he could not "partition this yield reduction in detail" and went on to say:

The best we can do is assume that over a ten-year period we have had all of these factors involved. Admittedly, two years is not an awful lot to compare ten years to, but this is the best data we have at the present time. And we know that the population was there. We know that it was in existence and it was not being controlled.

Louisiana's assessment of the situation also fails to take into account various other factors that could have influenced yields during the 1968–74 period. There was a trend toward later harvesting of the cotton crop. Dr. Roussel's testimony showed that the percentage of cotton harvested in October–November increased from 64 percent in 1963–65 to 85 percent in 1972–74. Later harvesting is relevant because it prolongs the exposure of the cotton crop to late-season pest infestations. There also was an upward trend in acreage planted; the average annual increase was 40,000 acres. USDA's report on Louisiana's application indicates that "as acreage in a parish increases, yield per acre decreases as poorer quality land is utilized."

C. The tobacco budworm has reached outbreak proportions in the last three years and has become the major late-season cotton pest.

Louisiana officials have asserted that there has been a marked change in the seasonal pattern of tobacco budworm infestations. There generally are two periods of *Heliothis* infestation in cotton; the first one occurs during June and early July, while the second begins the following month and continues until the crop matures, when it is no longer vulnerable to attack by the tobacco budworm. Historically, tobacco budworm has been the predominant insect during the early infestation (which is less serious because the cotton plant is still capable of compensating for insect damage), while bollworm has been predominant later in the season. According to Louisiana's data, a shift has occurred, in that tobacco budworm is now predominant during the later infestation. This shift is suggested by the following table, which is a reproduction of one appearing in Louisiana's application; however, the absence of data for the period 1965–1971 does not permit any inferences to be drawn as to precisely when the alleged shift occurred:

Percentages of Heliothis collected from cotton that were identified as tobacco budworm

Month	Year					
	1952	1963	1964	1972	1973	1974
July	66	12	6	------	84	25
August	5	2	1	74	23	58
September	36	9	3	85	91	86

The increased level of late-season tobacco budworm apparently is related to the increase in tobacco budworm resistance to insecticidal control. This theory has been propounded by Dr. Graves, Louisiana State University, with respect to tobacco budworm resistance to organophosphorous compounds. It is supported by data reported by Hanna (1973, A Quarter-Century of Cotton Insects in the Brazos Valley). In analyzing the shift in tobacco budworm population levels in the

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Brazos Valley (Texas) between 1962–72, Hanna stated that at the beginning of this period, tobacco budworms were highly resistant to chlorinated hydrocarbons but could be controlled with high doses of organophosphorous insecticides. At this time bollworms had not developed any massive resistance. At the end of the period tobacco budworms had developed resistance to organophosphates also; the bollworms were resistant to chlorinated hydrocarbons but not to organophosphorous materials. For the last three years, considerable budworm problems have occurred in late-maturing fields.

It is emphasized that pesticide resistance in the tobacco budworm in Texas developed first to organochlorine insecticides (DDT-toxaphene) and then to organophosphorous insecticides (primarily methyl parathion). Louisiana's data do not show exactly when the shift in tobacco budworm infestations occurred, but resistance to DDT-toxaphene in Louisiana was noted by Dr. Graves in 1966, Dr. Roussel stated that in the decade 1963–72 the combination of DDT-toxaphene-methyl parathion was applied an average of 10 times per acre per season on cotton grown in Louisiana. Obviously, at this rate of use, the selection pressure for development of resistance by tobacco budworm to the DDT mixture was intense. Dr. Graves' resistance data, as submitted in the State's petition, shows that of the 12 sites where insecticide resistance was detected in 1972–74 sampling, seven had relatively high levels of resistance to DDT-toxaphene. Thus, the contention that the tobacco budworm population shift has been very recent (after 1972) and due primarily to resistance to organophosphorous compounds is not entirely supported by data, though it could possibly be true.

In contrast, Dr. Pimentel, Cornell University, has noted in his testimony on the tobacco budworm problem in Louisiana that "from 1967 through 1972, when DDT was removed, you will note there is an average decline in yield per acre of cotton of about 30 pounds • • • Now, if you take the reduction from 1972 to 1973, we have a reduction of 28 pounds. And then the reduction from 1973 to 1974 is a reduction of 32 pounds. So that the average reduction in yield for those last two years is exactly equal or similar to the reductions in yield that you had the previous • • • 6 or 7 years. So that I say the trend here as being I would agree with my colleagues that there is a decline in yield, and I would agree with Dr. Newsom that this is probably a good deal due to resistance of the budworm, if we can go by the experience that occurred in Mexico and Texas, that this resistance is increasing and there is a decrease in yield, but that this reduction in yield has not increased following the removal of DDT, it has only remained constant because the insects are becoming more and more resistant to all of the insecticides used." It should be noted that more recent 1974 data, which had not been brought to Dr. Pimentel's attention, indicate that the 1973–1974 yield reduction was 81 pounds. The additional reduction may be due to increasing tobacco budworm resistance to all insecticides and/or to the other factors that may have affected 1974 yields (see 7B).

D. The reduced yields in the last two years have had a serious economic impact.

In his letter transmitting Louisiana's application, Governor Edwards estimated that tobacco budworm "specifically caused the loss of approximately 50–60 million dollars in 1974 in direct and indirect loss to the cotton industry" in Louisiana. An economic analysis in the State's application estimates that cotton producers combined 1973–74 losses were $50,645,250 and that increased unit costs arising from reduced yields, i.e., unit costs of production, ginning, and warehousing, were $17,773,500.

The $50,645,250 figure is an upper estimate based on five assumptions, one of which is a lint cotton price of 60¢ per pound. Historically, the highest price paid to cotton producers has been 58.4¢ per pound. In 1973, the average price was 37.5¢ per pound. In 1974, the average price was 46.3¢ per pound.

Four other assumptions underlie the $50 million figure:

That 615,000 acres were harvested. This figure approximates the 1974 harvest. The 1973 total was 520,000 acres.

That lint cotton loss per acre was 111 pounds. This figure is the difference between 1963–72 average yields and 1973–74 average yield; see Attachment A. Also see 6 A/B for comments on the validity of this time-series comparison.

That all yield losses in 1973–74 were due to the unavailability of DDT. Other factors affecting cotton yields are ignored. See 6 A/B for a detailed analysis of this assumption.

That use of DDT-toxaphene-methyl parathion would have resulted in yields closer to the 1963–72 average, or, in other words, that the relative efficacy of the DDT mixture would have been high, compared to the best alternative. See 6 E/F for analysis of this assumption.

These assumptions are inconsistent with actual experience in Louisiana, unsupported by experimental testing of cotton insecticides, and/or contrary to sound analytical methodology. Each assumption tends to inflate the dollar value of the economic impact on cotton producers.

In an attempt to predict the economic impact of not using the DDT mixture this year, a consultant to USDA has employed a model that takes into account a number of factors that affect cotton yields, including amount and timing of rainfall, cotton acreage, bollworm infestation, and boll rot. It was assumed that use of the DDT mixture would save two insecticide applications per acre and, in accordance with the State's controlled use program, involve $3 per acre for scouting and supervision costs. The resulting estimate of the cost of not using the DDT mixture is about $15.8 million. The methodology used here is much sounder and more sophisticated than that employed by Louisiana in estimating 1973–74 losses. Though there has not been time to examine the USDA model in detail, it should be noted that the assumptions as to relative efficacy of the DDT mixture and alternatives are based on the testing performed in Louisiana in recent years and therefore must be considered in light of the analysis presented in 6 E/F.

There is no question that some notable changes have occurred in the economics of cotton production over the past few years. Starting in 1974, cotton growers no longer received from USDA a subsidy for cotton produced on their allotted acreage. Previously, they received 15¢ per pound subsidy. In the DDT cancellation order, the Administrator noted that there was testimony that "this subsidy is the difference between profit and break-even (but that) it is not clear whether or not break-even includes a return to the farm owner in terms of salary or return on his investment." The legislation repealing this subsidy was enacted in 1973.

The legislation now in effect provides for Federal payments to cotton growers of an amount equal to the difference between the national average market price during a calendar year and a so-called target price. In 1974, the first year in which this new policy was in effect, cotton prices declined sharply late in the year; nevertheless, because the calendar-year average was above the target price (38¢ per pound), cotton growers received no payments. Legislation now under consideration in the Congress would raise the target price to 43¢ per pound.

As long as subsidy payments were being made, cotton growers had a cushion that protected them, to some extent, from the impact of price and production-cost variations and yield fluctuations. With their allotment acreage subsidized, they had an incentive to try to maximize yields by using large quantities of fertilizer and chemicals and planting indeterminate or late-season cotton varieties, even though such practices might, in the long run, contribute to the occurrence of pest problems. Nevertheless, yields in Louisiana began decreasing after 1968, and growers planted increasing acreage to maintain their incomes. USDA's report notes that increasing acreage is associated with declining yields; see 6 A/B. Without the subsidy program, cotton growers are forced to rely on their own estimate of future cotton supply and demand in making their production decisions. Thus, from an economic standpoint, they are in a transitional period requiring adjustments not only in their production planning but also in their handling of factors which affect cotton yields and pest control, which, in many instances, are interrelated.

There was testimony during the DDT cancellation hearings to the effect that demand for cotton was strong and stocks were low. In 1973, cotton prices, which had been stable for many years, began rising. They reached an all-time peak of 58.4¢ per pound in April 1974. With cotton prices so high, cotton growers substantially increased their acreage. In Louisiana, acreage planted jumped from 530,000 in 1973 to 665,000 in 1974. Then, prior to harvest, cotton prices dropped sharply. At the same time, production costs were increasing. Various data on production costs were cited at the public hearings on Louisiana's application, but no comprehensive figures were presented. There also was testimony that Louisiana cotton growers are having difficulty obtaining loans to cover production costs; again, no comprehensive data were presented.

Naturally, the economic factors that have affected cotton production in Louisiana in recent years have also affected it in other States. Furthermore, Louisiana has not been alone in experiencing a downward trend in cotton yields in the last few years. The same thing has happened in all the Mississippi Delta cotton-producing States. In fact, the USDA Crop Reporting Board's report dated January 10, 1975, shows that the other States in this region all have experienced sharper declines, ranging from 28–29 percent in Arkansas, Mississippi, and Tennessee to 36 percent in Missouri.

Whether substantial new evidence has been presented in the economics area is a difficult question. The difficulty lies largely in determining the materiality of evidence concerning economic changes experienced by cotton growers in one of several States where such changes have occurred. It is clear that the DDT cancellation order dealt with the cotton economy as a whole. No assumptions were made that cotton-production costs and profits in specific areas, such as Louisiana, were the same as those in other cotton-producing areas or that relative cotton-production costs and profits in the various cotton-producing areas would remain static in the future.

The economic outlook for any single area obviously was not the touchstone of the Administrator's statement that: "I am convinced by the evidence that continued use of DDT is not necessary to insure an adequate supply of cotton at reasonable cost." The evidence presented by the State of Louisiana, which has accounted for about five percent of the Nation's total cotton production in

recent years, clearly does not indicate that an adequate supply of cotton will not be available if Louisiana cotton producers are barred from using DDT.

There is evidence that the cost of using (the DDT mixture will be lower than the cost of using) alternatives, such as toxaphene-methyl parathion or EPN-methyl parathion. Taking into account both material and application costs and assuming that use of the DDT mixture will save two applications per acre during the period of treatment for tobacco budworm, it is estimated that the cost differential would range from eight to twelve dollars per acre; this figure must be reduced by three dollars per acre (USDA estimate) to cover the costs of the field scouting and supervision contemplated by Louisiana's program for controlling the use of the DDT mixture.

Of paramount importance, however, is the lack of sound evidence on which to base any prediction as to the relative efficacy of the DDT mixture and alternatives in 1975. In short, any economic benefits attributed to the use of DDT are, at best, speculative at this time. Even were such evidence available, it would not demonstrate that an adequate supply of cotton could not be produced at a reasonable cost, either in Louisiana or elsewhere. In this connection, it should be noted that while other States responding to a USDA survey in November 1974 noted the existence of some difficulty in controlling tobacco budworm infestations, including insecticide resistance problems, none of them suggested that use of the DDT mixture would be necessary this year.

E. The mixture of DDT-toxaphene-methyl parathion was effective against the tobacco budworm when it was last used and can be expected to be effective this year.

F. Currently registered insecticides are ineffective against heavy infestations of tobacco budworm.

In the DDT cancellation order, the Administrator's factual findings as to the benefits of DDT included the following:

That DDT is useful for the control of certain cotton insect pests.

That cotton pests are becoming resistant to DDT.

That methyl parathion and other organophosphate chemicals are effective for the control of cotton pests.

Efficacy

The Administrator's order cancelling DDT registrations suggests that other registered pesticides were considered to be at least as effective as the DDT mixture; in contrast, Louisiana's application asserts that the DDT mixture is the only one considered effective against heavy infestations of tobacco budworm.

A detailed analysis of Louisiana's data is presented in Attachment D to this report. Very briefly, this analysis indicates that deficiencies in the experimental design of the testing performed at State experiments stations and gaps in the data gathered during this testing make it impossible to draw any clear-cut conclusions as to the relative efficacy of the DDT mixture and other insecticides. The data derived from testing in 1972 (the last year in which the DDT mixture was tested) do not demonstrate that alternatives to the DDT mixture were ineffective; indeed, when yields in treated vs. untreated plots are compared, at least one of the alternatives, i.e. chlordimeform, appeared to be nearly as effective as the DDT mixture. Looking at all 1972–74 test results, it is apparent that several alternatives produced yields which were significantly greater than yields in untreated plots. These alternatives included methyl parathion used alone and in combination with toxaphene, EPN, and chlordimeform; a combination of toxaphene, methyl parathion, and methomyl; and a chlordimeform-methomyl combination.

Another significant gap in Louisiana's presentation is the absence of data on the extent and duration of tobacco budworm infestations at or above the economic injury threshold level. This point is germane to the issue of whether five applications of the DDT mixture at five-day intervals, as proposed by Louisiana, would effectively control tobacco budworm. Louisiana's data on the efficacy of the DDT mixture were based on nine applications in one test and eleven applications in the other.

USDA's support of the statement that no currently registered alternatives to the DDT mixture will effectively control tobacco budworm is based on Louisiana's 1972 test data (the deficiencies of which are briefly described above and delineated in greater detail in Attachment C) and on USDA testing at Waco, Texas, in 1972. The Waco test was merely a comparison of the DDT mixture and no treatment; it had no bearing on the relative efficacy of the DDT mixture and alternative materials.

Pesticide Resistance

Louisiana officials interpret their data on pesticide resistance as showing that resistance to pesticides other than the DDT mixture occurs in all the major cotton growing areas in the State. In 1972, however, studies of pesticide resistance included tobacco budworm samples from one site in District III and none in Districts II, IV, VI, and VII; together these districts accounted for 74 percent of the cotton acreage planted that year. Moreover, the tobacco budworm population sampled at the site in District III was susceptible to methyl parathion and DDT-toxaphene. In 1973 and 1974, tobacco budworm samples were collected at only two and four sites, respectively. In short, it is questionable that these data are truly representative, particularly since there is general agreement that resistance may vary significantly from one location to another.

Testing for pesticide resistance generally is performed by collecting field samples of the insect and exposing them in a laboratory to various doses of the insecticides being tested. Dr. Graves, who performs this testing in Louisiana, testified that "the only usefulness of this data is to find the range which would correspond to reduction in yield with field infestations present when control is not achieved." In other words, he was underlining the importance of determining the efficacy of an insecticide at the same field location from which samples for laboratory studies of resistance are collected. This correlation of laboratory data to field efficacy data for DDT and alternatives is supported by data from only one location in the State (Red River Valley, 1972). The State apparently relies on the data from this one study to show that methyl parathion failed to control tobacco budworm when there was a five-fold increase in resistance, while DDT-toxaphene remained effective when there was a two-fold increase in resistance.

Other data presented at the recent hearings on Louisiana's application raise a question about the extent to which reliance can be placed on just one lab-field correlation. USDA representatives introduced a report (Adkisson and Nemec, 1966. Comparative Effectiveness of Certain Insecticides for Killing Bollworms and Tobacco Budworms. Tex. Agr. Exp. Sta. B–1048) which showed that a seven-fold increase in resistance to DDT-toxaphene can be associated with an inadequate level of insecticidal efficacy, i.e., only 21 percent insect mortality 48 hours after treatment. Of the 12 sites sampled in Louisiana in the 1972–74 period at which some level of insecticide resistance was detected, seven had tobacco budworm populations greater than a seven-fold level of resistance to DDT-toxaphene.

In addition to the serious questions as to whether Louisiana's laboratory resistance data are representative of the major cotton-producing areas and whether the one lab-field correlation is meaningful, the data on this issue are deficient in that there are no data on tobacco budworm resistance to DDT-toxaphene-methyl parathion or to methyl parathion in combination with other commonly used insecticides nor any data on efficacy in the field of DDT-toxaphene vs. DDT-toxaphene-methyl parathion.

G. There will be a shortage of currently registered pesticides.

It is generally recognized that there was a shortage of cotton insecticides last year. This shortage was due largely to raw materials shortages and increased demand arising from increases in cotton acreage. From inquiries to manufacturers of insecticides registered for use against tobacco budworm, it is clear that most of them expect this year's supplies to be about the same as last year's. Since cotton acreage in the U.S. is expected to decline from nearly 14 million acres in 1974 to about 9.5 million this year, a repetition of last year's shortages is unlikely.

H. It is anticipated that tobacco budworm will be a major problem again in 1975 and will significantly reduce cotton yields.

Whether a late-season outbreak of tobacco budworm will occur again in 1975 is uncertain. There is no predictive model which would enable Louisiana to forecast the level of infestation based on factors such as overwintering populations, flight-range potential, reproductive capacity, etc.

Louisiana's application does indicate that the second-generation tobacco budworm population can be surveyed, beginning about June 15, to determine the time and areas in which damaging populations can be expected to occur and to identify areas where levels of resistance to currently available insecticides are likely to be so high that the use of the DDT mixture will be necessary.

In contrast, Dr. Roussel testified: "I have no idea how to predict budworm, but I do say and I will say that, based on the extremely mild winter we have, that our pest problem generally in the State will probably be more severe. However, that can be modified with weather conditions that exist in May, June, and July." As to the usefulness of the second-generation field surveys, Dr. Roussel testified that "it will not tell us that we will or will not have an outbreak in August."

Dr. Newsom testified that the "problem in Louisiana reached crisis proportions in 1974. It may be relatively slight, or no problem at all during 1975. Past experiences, however, indicate that it may be expected to intensify."

Though there is no method for predicting the occurrence and magnitude of future tobacco budworm infestations it seems clear that past practices in the Louisiana cotton-producing industry, if not altered, tend to increase the likelihood of an outbreak this year:

In 1972 and 1973, about 36–38 percent of the cotton growers in Louisiana used diapause control procedures, i.e., one or two late-season applications of methyl parathion to reduce the population of boll weevils going into the overwintering stage and thereby reduce the initial infestation level in the

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succeeding year. Whether the same percentage of growers used diapause control procedures last year is not known, but in light of the losses experienced last year, it is likely that growers were less inclined to incur the expense. In any event, it is generally agreed among entomologists that diapause control is most effective when it is employed throughout an infested area. Diapause control is related to tobacco budworm control in that it can reduce the need for in-season use of insecticides to control boll weevil infestations and thereby preserve tobacco budworm predators and parasitolds. Since boll weevil is an important pest on more than two-thirds of Louisiana's cotton acreage, any decline in the use of diapause control will tend to have a substantial influence on the tobacco budworm problem.

Because of generally favorable climate and soil, Louisiana historically has produced high yields of cotton. Naturally, the higher the yield is, the higher a grower's income will be. Until recently, therefore, cotton growing in Louisiana has been oriented toward maximum production through the use of indeterminate or late-season varieties of cotton and extensive use of fertilizer, herbicides, and insecticides. Until insecticide resistance appeared in the tobacco budworm, this practice was understandable. In 1975, because of the anticipated difficulty in controlling late-season tobacco budworm infestations, the State's Guide for Cotton Insect Control will make the following recommendations:

Avoid late planting.

Use nitrogenous fertilizers moderately.

Delay insecticide applications as long as possible. Apply insecticides only when insects reach damaging levels.

Plant soybeans when cotton cannot be planted within the recommended planting interval, i.e., April 20–May 15.

This year will be the first one in which the first, second, and fourth recommendations have appeared in the Guide. It is likely that many farmers will be hesitant to follow these procedures until their advisability and economic feasibility have been clearly demonstrated. To the extent that they ignore these recommendations, the potential for another tobacco budworm outbreak will be increased.

I. The requested use of DDT poses no unreasonable risk to human health.

No human health data were included in Louisiana's application. To the extent that such data were included in testimony at the public hearings, the data were almost entirely derived from studies performed and reported prior to the DDT cancellation action. Additionally, the only human health information cited by the State of Louisiana in its summary of "substantial new evidence" consisted of quotations attributed to an EPA official extracted from a House Agricultural Subcommittee hearing record. At least one portion of the alleged quotation cited—i.e. "Thus subsequent evidence confirms that human risk is remote and that the limited use in question poses no unreasonable risk of harm to man" (Petition for Reconsideration, at p. 6)—does not even appear in the Subcommittee hearing record. None of the brief comments made in other summary statements is supported by any evidence that would contradict the findings on human health that were set forth in the DDT cancellation order. Moreover, the recent Aldrin/Dieldrin suspension order found that DDT reacts with another ubiquitous environmental contaminant, Dieldrin, to produce synergistic carcinogenic effects. (Order of the Administrator, at p. 31).

J. Cotton growers will use DDT in accordance with a program designed to control its use and minimize environmental impact.

In the DDT cancellation order, the Administrator's statement of general findings including the following:

"No directions for use of DDT, even if followed, can over the long run completely eliminate DDT's injury to man or other vertebrate animals."

"No warning or caution for use of DDT, even if followed, can over the long run prevent injury to living man and other vertebrate animals and useful invertebrate animals."

"The use of DDT in controlled situations in limited amounts may present less risk than usage in greater amounts, but still contaminates the environment."

Exactly what would constitute a "controlled situation" or "limited amounts" is not defined.

Louisiana's application specifies that "no DDT will be applied until the occurrence of the tobacco budworm has been confirmed at population levels at or above the economic injury threshold" and describes a field survey program and related distribution control measures to implement this commitment. Louisiana's officials' testimony indicated that a detailed operational plan has yet to be prepared. Nor was any estimate offered as to the extent to which this program can be expected to reduce the use of DDT below the projected maximum of five applications per acre to every acre of cotton in the State.

Louisiana's application also identifies a number of regulatory restrictions and educational measures designed to minimize environmental impact. Regulatory restrictions would include a mandatory half-mile separation between DDT spraying and dairies or forage, silage, and grain crops used to feed dairy animals; a similar restriction—with exact distance to be determined by testing prior to use of DDT—will be applied to spraying in the vicinity of grazing areas for beef cattle. Educational measures would include urging farmers to plant alternative crops in areas that are extremely sensitive to DDT, e.g., near pastures; to harvest hay, silage, and grain crops before use of DDT begins; to consider prevailing wind direction in planting cotton so that drift will be away from sensitive areas; and so on.

Assurances were given that implementation of the various regulatory and educational measures is practicable. There was testimony that cotton growers can be expected to be highly responsive to the program. State officials rejected the suggestion that some or all of the voluntary measures should be mandatory. They indicated that 35 State employees would be charged with monitoring compliance. Legislation to be considered when the State legislature convenes next month would provide for a penalty of up to $500 for violation of any of the regulatory restrictions.

Following its description of the measures designed to control the use of DDT and limit environmental impact, Louisiana's application asserts:

"It is recognized that the use of DDT, even when the precautions outlined above are taken, will result in widespread contamination of the environment with undesirable residues of this chemical. However, the amount that will be used for this emergency will be no more than one-fourth to one-third of that used each year for more than two decades without any evidence of irreversible adverse environmental effects."

Elsewhere, it asserts:

"Except for isolated residue problems in selected commodities, it is not expected that the use of DDT will curtail the range of beneficial uses of the environment. Even the most severe of the localized effects are unlikely to be of more than extremely short duration."

In the course of the recent hearings on Louisiana's application, there was testimony from representatives of the Governor's Council on Environmental Quality, the Stream Control Commission, and the Fish and Wildlife Commission, all of whom subscribed to the foregoing statements. In response to questions, however, neither they nor any other State officials could cite any analysis that has been done to project environmental impacts with and/or without the various use control and environmental protection measures. One State representative sought to minimize the significance of the statement concerning undesirable residues by saying that any DDT residue is undesirable.

Louisiana officials seem to be implicitly agreeing with the Administrator's general findings as to the inevitability of environmental injury when DDT is used. No significant new scientific data were presented to refute these findings. They also seem to be saying that the requested use would involve a limited amount in a controlled situation, but no analysis of the anticipated effectiveness of the control measures is available, and there apparently is no detailed operational plan for obtaining compliance. In short, while it may be Louisiana's position that its use control and environmental protection measures represent a significant change from the way in which DDT was used prior to the EPA cancellation action, and while it may be possible to substantiate this position, no substantiation has been offered thus far.

K. "Pest management techniques such as trap crops, resistant varieties, diapause programs, insect pathogens, etc., are not developed adequately to preclude the need for effective insecticides. Research under Louisiana conditions has shown that certain of these techniques are useful in reducing the probability of pest outbreaks but they will not replace direct chemical control when outbreaks do occur." Louisiana's application, page 22.

The key question concerning the usefulness of integrated pest management (IPM) methods in the Louisiana cotton-producing industry is not whether the use of such methods will eliminate the need for an effective insecticide for tobacco budworm control. IPM, by design, attempts to use all necessary insect control methodologies but in a sequence that will optimize the control benefits and minimize the amount and optimize the timing of insecticide applications. IPM may actually result in greater use of insecticides (Evaluation of IPM Programs for Cotton in the United States, 1974, Report to CEQ and EPA). For example, in Texas in 1973, cotton farmers participating in the IPM program used 33,686 more pounds of insecticides than did non-participating farmers, i.e., about one pound per acre more insecticide was used by participants. However, better timing of the application of insecticides and use of diapause control enabled the participating farmers to increase yields and thereby reduce the amount of insecticide used to produce a bale of cotton by 7% (i.e., 13.54 pounds of insecticide/bale without the program vs. 12.62 pounds/bale with the program).

Like any other new product, IPM methods for cotton insect control must be carefully designed and "sold" to potential users. Lacewell and Casey (1974, IPM Report to CEQ and EPA) listed the following items as necessary components of a successful program:

1. Program support by a strong producer organization.

2. Strong individual producer support of the program, coordinated through the producer group or association.

3. County extension entomologists possessing above-average competence, initiative, enthusiasm, and ability.

4. A strong research component developing optimum pest management strategies and new and innovative approaches in all phases of cotton production, oriented toward local or regional climatic and other requirements, and effective flow of information between research and implementation.

5. Continued governmental support, justified by documentation of actual and potential benefits to producers as well as to society.

The potential benefits of IPM for cotton insect control have been clearly demonstrated in Texas. The crux of the IPM issue in Louisiana is twofold: 1) What is the level of the research effort in Louisiana to develop IPM as an alternative to complete reliance on conventional insecticidal control? and 2) What is the level of implementation of these methods by cotton producers in the State?

USDA conducted a survey of cotton-producing States in November 1974 to determine the extent of tobacco budworm problems and identify needed research on this problem. Both Texas and Louisiana have severe tobacco budworm problems. The difference in the research recommendations of these two States is marked, however. Basically, Texas said: Screen alternative chemical, biological, or behavior materials; place further emphasis on pest management; and develop *Heliothis* resistant cotton varieties. In contrast, Louisiana suggested: Greatly expand testing of as many new chemicals as possible; initiate a crash program on the development of synthetic pyrethroids (a conventional insecticide); seek permission to use DDT until a new chemical is registered; and give top priority to an immediate and long-range effort on resistant varieties. In short, most of Louisiana's suggestions were directed towards furthering the use of conventional insecticides.

The inadequacies of this response to the tobacco budworm problem are further compounded by the low level of grower participation in cotton IPM programs. Most of the currently used IPM methods require a nearly complete participation by growers within a large area to be effective. As an example, Dr. Brazzel, USDA (DDT Cancellation Hearing, 1972, Vol 3), stated that diapause control of the boll weevil, to be effective, would require nearly 100 percent participation of the cotton growers within the infested area. In 1973, only 38 percent of the cotton acreage was exposed to diapause control measures in Louisiana. Another method which has been proven to reduce the number of insecticidal applications necessary during the course of a cotton growing season is the use of field scouts to determine the need for insecticide treatment. In 1974, 260,000 acres, or 40 percent of the land planted to cotton in Louisiana was scouted. Dr. Clower, Professor and Project Leader for Cotton Insect Research, Louisiana State University (1974, A Statement Regarding the Plan to Eradicate the Boll Weevil from the United States) in a discussion of the feasibility of IPM techniques for use in a boll weevil eradication program stated "I personally have worked on the trap crop principle in cotton for over 10 years and feel that it offers an excellent pest management mechanism under Louisiana conditions. Louisiana is the first state to officially recommend it to growers." Yet, only 6,500 acres, or a maximum of 1 percent of the cotton acreage in Louisiana in 1974 was planted in trap crops. This figure, however, may be below the norm for the State due to excessive rainfall during the 1974 planting period.

IPM techniques, such as diapause control, trap cropping, and the judicious use of insecticides through scouting, reduce the probability of damaging pest outbreaks including tobacco budworm. The commercial feasibility of implementing these methods to control cotton insects has been demonstrated in other States. Furthermore, IPM may be used to avoid tobacco budworm outbreaks by the use of early planting and early maturing varieties of cotton. The data indicate, however, that the level of grower participation in cotton IPM in Louisiana is inadequate.

7. Conclusions.

A. Average cotton yields have declined in the last two years as compared to the preceding ten years. However, there is no evidence to indicate that any meaningful conclusions concerning the relationship of yields to the presence or absence of DDT can be drawn from such a comparison.

B. The tobacco budworm is but one of many factors which affect yields, and it is quite clear that no evidence was presented to support the proposition that the tobacco budworm was the principal cause of reduced yields in the past two years.

C. The tobacco budworm has become a late-season cotton pest; however, it is not clear that the predominance of this pest occurred as recently as three years ago; instead, it may have risen to its present status prior to 1972. Furthermore, because of resistance problems, it is just as likely that the tobacco budworm will remain a late-season pest whether or not DDT or methyl parathion or any other currently available pesticide is used.

D. The Louisiana estimates of economic losses totally ignore the numerous factors which affect cotton yields. The underlying assumptions on which the estimates are based are inconsistent with actual experience in Louisiana and are contrary to sound analytical methodology.

E. There is no conclusive evidence to indicate whether the DDT mixture can be expected to be effective in controlling tobacco budworm in 1975.

F. Louisiana has not demonstrated that all currently registered insecticides are ineffective against tobacco budworm.

G. A repetition of cotton insecticide shortages in 1974 is unlikely to occur in 1975.

H. It is impossible to predict the likelihood of a tobacco budworm outbreak in 1975 at this time. However, if past cotton production practices are continued, and more sophisticated production methods are ignored, the likelihood of an outbreak will be enhanced.

I. No evidence was offered to refute the findings contained in the 1972 cancellation order that DDT is a potential human carcinogen.

J. Adverse effects to the environment can only be minimized, not eliminated. The proposed controls for minimizing the adverse effects are laudable in some respects and lacking in others. The likelihood of these controls being carried out in the spirit in which they are proposed is subject to question because of the voluntary aspects of many of the most important controls and the considerable administrative problems posed by the use of 2.25 million pounds of DDT by large numbers of farmers covering an area which may be as large as 450,000 acres.

K. Louisiana has not taken fullest possible advantage of integrated pest management techniques which other States have found to be of considerable benefit.

ATTACHMENT A TO THE REPORT OF THE SPECIAL REVIEW GROUP

The following table is a reproduction of one contained in Louisiana's application (pg. 15) for an emergency exemption (with 1974 yield corrected to reflect more recent data presented at the public hearings):

Year:	Pounds lint per acre
1963	628
1964	544
1965	540
1966	502
1967	621
1968	636
1969	551
1970	555
1971	576
1972	509
Total	5,762
10 yr. average	576
1973	461
1974	430
Total	911
2 yr. average	455
Difference	121

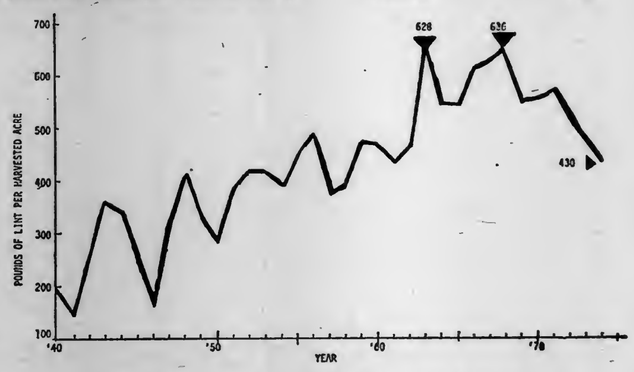


Figure 1. Louisiana Cotton Yield for the Years 1940 through 1974 in Pounds per Harvested Acre.

Attachment B of the Report of the Special Review Group

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ATTACHMENT C TO THE REPORT OF THE SPECIAL REVIEW GROUP

ANALYSIS OF EFFICACY DATA

In this analysis of Louisiana's data on the efficacy of the DDT mixture and other insecticides, the standards used in evaluating the data are identified (underlined), and the findings are related back to the standards. When a pesticide proposed for use in an emergency situation is one which has been cancelled after extensive administrative inquiry, it is appropriate that reasonably rigorous standards be applied to the supporting data. Otherwise, the mere assertion that an emergency exists, even if well substantiated, would leave EPA without any meaningful basis for judgment as to the efficacy of the proposed solution. In an emergency, even more than in routine pest control situations, it is vital that the pest control method to be used be effective, particularly since the consequences of using an ineffective method could be much more serious.

A. What is the pretreatment infestation level? If multiple pest species are involved, what are the relative proportions of the various species during the course of the test?

The tobacco budworm and the bollworm are two closely related species belonging to the genus *Heliothis* and are similar in appearance to the naked eye. In the efficacy data tables in Louisiana's application (pp. 27–32), presenting the results of testing in 1972–74 at experiment stations in Northeast and Northwest Louisiana, the State's two principal cotton-producing areas, neither the pretreatment infestation levels nor the relative levels of tobacco budworm and bollworm are specified. Comments related to Tables 1, 3, and 5 assert that tobacco budworm was the primary pest during September, but exact figures were not given there or in testimony at the recent hearings. Proper experimental design would have included sampling in the untreated check plots to determine infestation levels and relative proportions of tobacco budworm and bollworm before and during pesticide testing. In the absence of such sampling data, the exact impact of the tobacco budworm and the efficacy of the chemicals tested cannot be determined. All that can be said is that control of *Heliothis* was or was not achieved.

B. Were the infestation levels before treatment and during the testing significant?

Though pretreatment infestation levels were not determined, the data in Tables 1–5 for untreated check plots indicate heavy infestation pressures during the course of the experiments. The significance of these infestation pressures are manifest in the reported yield differences between treated and untreated plots.

C. Did the pest infestation occur at a point during the development of the host plant (cotton) which resulted in a significant impact on yield or crop quality?

As indicated in B, it is apparent from the data on untreated plots that the *Heliothis* infestations did occur during a critical period in the development of the cotton plants, except that the comment related to Table 1 is that "this infestation occurred too late to have a maximum impact on production, hence inferior treatments still produced relatively good yields."

D. Was the experiment designed properly to eliminate or account for the impact of independent variables, e.g., boll rot, climatic stress, presence of other insect pests, and therefore clearly demonstrate the impact of the insecticide treatment?

The test data reported in Tables 1–5 were derived from testing using a replicated, random block design. Though this design does not isolate independent variables, the use of untreated check plots does make it possible to account for the impact of such variables. This type of experimental design is widely accepted by entomologists. A conditional or multiple regression analysis would have been useful in assessing the relative importance of the several variables which might have affected yield; no such analysis has been presented.

E. Was the use of the insecticide related to a reduction in the target insect population?

Tables 1–5 provide no data on the impact of any insecticide on the total *Heliothis* numbers or, in particular, tobacco budworm. Louisiana's evaluation of the insecticides is based on levels of damage to squares and bolls and on production of seed cotton per acre. These indices are useful, of course, but absence of data on numbers of insects before and after treatment adds to the difficulty of evaluating efficacy against the tobacco budworm. This problem is exemplified by the data in Table 1 showing that treatment with phosvel resulted in a lower level of boll damage (2 percent) than did treatment with the DDT mixture (5 percent); however, yield in the DDT mixture-treated plot was higher. USDA's Dr. Richard Ridway testified that in his efficacy tests he tries to include estimates of the tobacco budworm population in the test plots.

F. Can comparisons of the efficacy of the test material vs. registered standards be made in order to determine relative efficacy?

The relative efficacy of the DDT mixture vs. registered alternatives is a key question. In the absence of direct comparisons of the DDT mixture to the registered alternatives tested in 1973 and 1974 (Tables 3–5), it is inappropriate to use these data to support the contention that use of the DDT mixture is essential. The logical question is whether the DDT mixture would have been effective in 1973 and 1974; this question cannot be answered with Louisiana's data. It is noteworthy that USDA did not include Tables 3–5 in its analysis of Louisiana's application.

G. Have any of the insecticides demonstrated any adverse effects in terms of phytotoxicity?

Louisiana officials testified that methyl parathion has been found to cause delays in maturation of cotton plants; however, no data on this point appear in the State's application. In addition, a review of the scientific literature indicates that no significant phytotoxic effects were noted in a test comparing DDT-toxaphene and DDT-methyl parathion.

H. Were the variations in insect populations and damage and yield estimates analyzed statistically to determine if they were statistically significant?

The only statistical analysis presented by Louisiana is a test of the statistical significance of yield in treated vs. untreated plots. For the insecticide testing performed in 1972, this analysis showed that, in addition to the DDT mixture, all five registered alternatives tested at the Northeast Louisiana experiment station and two of five tested at the Red River station in Northwest Louisiana yielded significantly more seed cotton per acre than was derived from untreated plots. No multiple-range type analyses were presented; such analyses would have permitted evaluation of the significance of differences in insect damage and yields among the various chemicals tested.

[FR Doc.75-9082 Filed 4-7-75;8:45 am]

[FRL 356-1]

STATE OF LOUISIANA REQUEST FOR EMERGENCY USE OF DDT ON COTTON

Statement of Reasons for Denial

Order and Determination of the Administrator that Reconsideration of the Agency's Prior Order of Cancellation of DDT for Use on Cotton is Not Warranted.

The history of prior administrative and judicial proceedings involving the regulation and curtailment of the use of DDT is long and involved. A summary of those prior proceedings is contained in the preamble of my recent promulgation of Subpart D of the Environmental Protection Agency's ("EPA") Rules of Practice for Applications Under sections 3 and 18 to Modify Previous Cancellation or Suspension Orders (40 F.R. 12261). The culmination of those proceedings came in June, 1972, with the issuance, by former EPA Administrator William D. Ruckelshaus, of a final order cancelling virtually all uses of DDT (37 FR 13369).

On February 10, 1975, EPA published notice in the FEDERAL REGISTER (40 FR 6229) of the request by the State of Louisiana, under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended ("FIFRA"), and regulations thereunder, for the use of pesticides containing DDT (1,1,1-trichlorophenyl ethane) on cotton to control the tobacco budworm. EPA also published notice in the FEDERAL REGISTER (40 FR 6228) of informal public hearings with respect to Louisiana's application. The hearings were subsequently held in Baton Rouge, Louisiana, on February 27 and 28, 1975 and in Washington, D.C., on March 3, 4 and 5, 1975.

On March 12, 1975, EPA announced revised procedures with respect to applications such as Louisiana's which in substance seek modification of prior cancellation orders. These procedures are required by virtue of the fact that modification of a final order without a formal hearing would undercut the statutory scheme of FIFRA and prejudice the rights of parties who participated in the lengthy cancellation hearings. A more detailed statement of the reasons for adopting these procedures is set forth in the preamble to the Rules of Practice for Applications Under sections 3 and 18 to Modify Previous Cancellation or Suspension Orders which I signed on March 12, 1975, and which I incorporate by reference herein. Prior to the holding of informal hearings on Louisiana's application, a seven-man panel of EPA technical and administrative experts was appointed to hear the testimony presented at the hearings, review all exhibits submitted by the participants, and analyze the statements submitted by all interested parties which summarize the evidence bearing on the Louisiana petition. This panel was also charged to review the whole of the data and make a preliminary assessment as to whether

(1) "the applicant has presented substantial new evidence which may materially affect the prior cancellation or suspension order and which was not available to the Administrator at the time he made his final cancellation or suspension determination and (2) such evidence could not, through the exercise of due diligence, have been discovered by the parties to the cancellation or suspension proceeding prior to the issuance of the final order." (40 CFR 164.132(a)).

The report and conclusions of the panel were presented to me on Thursday, March 13, 1975. The panel concluded that Louisiana had not presented any substantial new evidence which may materially affect the 1972 Cancellation Order. The report and conclusions of the panel will be published in the FEDERAL REGISTER along with the statement of reasons in support of my order and determination.

Having reviewed and discussed the report and conclusions of the panel I have made a separate evaluation of the factors involved in the Louisiana situation including consultation with the EPA staff and summary statements filed by the parties to the informal hearings.

Because of the extraordinary time constraints necessarily present in this case and the need to announce my determination as soon as possible in order that Louisiana farmers can proceed with spring planting arrangements, I am announcing my determination today and deferring publication of the complete statement of the basis for my determination until next Monday, March 17, 1975.

The environmental impact resulting from the amount of DDT projected for the Louisiana application gives me cause for great concern. No evidence was presented that would refute the finding in 1972 that DDT is a mobile, persistent compound that is uncontrollable in the environment even when used in accordance with strict directions for use. Thus, the use of several million pounds of DDT in Louisiana will likely result in wide scale environmental contamination. The finding in 1972 that DDT poses a cancer risk for man is still true today. In fact scientific experimental evidence generated since the June, 1972, decision tends to reaffirm and augment this cancer hazard. In addition to the added risks to man and wildlife, there are various commercial fish, livestock and feed industries likely to be affected economically by the resulting residues. I could find no new substantial evidence that might materially change the 1972 findings.

In addition, I could find no new substantial evidence on the benefit side of this use of DDT. The best available evidence indicates that fluctuating weather conditions, national overplanting of cotton, crop subsidy, price, and other economic factors tend to have a greater impact on reduced cotton yields in Louisiana than the tobacco budworm insect.

Alternative controls are available to Louisiana farmers. Other pesticides—for example, Galecron, EPN, and methyl parathion, coupled with proper application timing—have been shown to be effective and are expected to be available in sufficient quantity this year. Farmers in the Brazos Valley of Texas and the Arkansas Delta have controlled budworm problems without DDT, using integrated pest management, such as "scouting," and by using alternative pesticides. Early planting also appears to reduce the susceptibility of cotton to tobacco budworm infestation.

The record further indicates that it is feasible to plant alternative crops that do not have similar insect problems and which can produce valuable food and feed products.

Accordingly, the section 18 application by the State of Louisiana for emergency use of DDT on cotton in 1975 is denied. A more detailed description of the reasons for this order will follow on Monday, March 17, 1975.

Dated: March 14, 1975.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.75-9080 Filed 4-7-75;8:45 am]

[FRL 356-3]

STATE OF LOUISIANA REQUEST FOR EMERGENCY USE OF DDT ON COTTON

Supplemental Statement of Reasons for Denial

Supplement to the Order and Determination and Statement of Reasons for the Order and Determination of the Administrator that Reconsideration of the Agency's Prior Order of Cancellation of DDT for Use on Cotton is Not Warranted.

On June 30, 1972, former Administrator Ruckelshaus cancelled virtually all Federal registrations of DDT—including use on cotton. (37 FR 13369) (1972 Order). That 1972 Order was then affirmed by the U.S. Court of Appeals for the District of Columbia. *See DDT V*, Statement at 17–18. Since that time EPA has received and denied approximately 44 separate requests to use DDT on cotton on the basis that considering the general human and environmental risks associated with such DDT use, the applicants failed to establish sufficient new information to warrant approval of the request. Statement at 23. On January 24, 1975, the State of Louisiana applied for a specific exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA) for the application of 2.25 million pounds of DDT to control the tobacco budworm on approximately 450,000 acres of cotton. By "Order and Determination" of March 14, 1975, I denied the request. A full statement of my reasons was set forth in my 50 page March 17, 1975, "Statement of Reasons for the Order and Determination of the Administrator that Reconsideration of the Agency's Prior Order of Cancellation of DDT for Use on Cotton is Not Warranted" (Statement). That Statement summarized the extensive prior administrative and judicial determinations relating to DDT. On March 21, 1975, the State of Louisiana and the U.S. Department of Agriculture (USDA) petitioned for reconsideration of my March 14, 1975, Order and my March 17, 1975, Statement. These petitions alleged various grounds for reconsideration including comments contained in a report given on March 19, 1975, to the EPA Hazardous Material Advisory Committee by an Ad Hoc Study Group (Ad Hoc Group).[1]

FIFRA section 18 provides that "the Administrator may, in his discretion, exempt any Federal or State agency from any provision of this Act if he determines that emergency conditions exist which require such exemption." I have determined that in cases such as Louisiana's—where pesticide use has been cancelled by final order after exhaustive proceedings involving the same issues—this discretionary power of exemption should only be exercised in accordance with appropriate procedures. Such procedures are necessary in order (1) to assure that public resources will not be wasted in repeated administrative litigation of questions which will not materially affect the prior order and for which an opportunity for thorough adjudicatory hearings has already been provided and (2) to provide that if substantial new evidence is presented which may materially affect the prior order the discretionary exemption power will not be exercised so as to modify the prior order without giving the parties to the original proceeding an opportunity to participate in a formal hearing on the particular questions presented. These considerations led me to adopt modifications of the Rules of Practice which govern such EPA hearings. See 40 CFR 164.130 (40 FR 12261).

In the case of the Louisiana petition the State has now had a full opportunity to present additional information in 5 days of public hearings held solely for that purpose. During the February and March; 1975, hearings on the Louisiana application 93 witnesses were heard, 1180 pages of transcript were generated and more than 1080 pages of exhibits were introduced.

After these additional hearings had been completed, I reviewed the written summary statements filed by the parties, considered the conclusions of the EPA seven-man panel (EPA Review Panel) which heard the testimony and held informal discussions with my staff and with the Ad Hoc Group. I then concluded that there was no substantial new evidence which may materially affect the 1972 Order and I denied the petition.

[1] The Ad Hoc Group spent Friday, March 14, 1975 reviewing the Louisiana application and discussing it with representatives of the State, the USDA and the EPA Review Panel. The Ad Hoc Group reviewed the Louisiana application but did not hear any of the testimony at the 5 days of public hearings nor was it able in the one day available to it to read the 1080 pages of exhibits submitted, to consider the additional written statements filed by the U.S. Department of Interior-Fish and Wildlife Service, the Environmental Defense Fund, the Health Research Group, USDA or Louisiana or to review the 50 written comments received from the public pursuant to EPA's February 10 FEDERAL REGISTER Notices.

V 40168 APR 8 75

After reconsidering the record in this proceeding and the petitions for reconsideration as well as the conclusions of the EPA Review Panel and the comments of the Ad Hoc Gorup, I deny the requested reconsideration and state as basis for my denial the following:

CANCER RISK TO MAN

First, there is no new evidence which casts doubt on the 1972 findings that continued use of DDT poses a cancer risk to man. Post-1972 laboratory studies confirm the carcinogenic properties of DDT. Administrator Ruckelshaus found in 1972 that "there is no adequate human epidemiological data on the carcinogenicity of DDT, nor is it likely that it can be obtained." (37 FR 13375). There are no post-1972 human epidemiological studies which disprove or contradict this finding concerning the human cancer risk of DDT. When we deal with cancer we deal with a matter of grave concern. The 1972 findings did not, of course, conclude that DDT causes cancer in man; the 1972 findings concluded that DDT poses a cancer risk to man. Science provided no conclusive answers in 1972, and no such conclusive answers to the human cancer risk are available today. What remains, however, is clear and uncontested evidence of DDT's ability to induce cancer in laboratory animals. As former Administrator Ruckelshaus concluded in his 1972 DDT findings (37 FR 13375, IV, A, 3(c)), and as I recently stated in my Order suspending registrations of aldrin/dieldrin, given our uncertainty about the precise mechanisms that cause cancer and given the lack of adequate epidemiological studies on such ubiquitous environmental contaminants, "I believe that a carcinogenic reaction in any species of test animal must be considered sufficient to describe the test compound as a carcinogen and so a threat to human health." (39 FR 37270). In the face of laboratory data demonstrating carcinogenesis, regulatory decisions which directly affect the public health cannot be deferred—with concomitant irreversible human exposure—pending completion of epidemiological studies which require many years, are often of questionable significance and in any event provide data for making public health decisions only after the public health may have been irreversibly jeopardized.[1]

[1] The only "evidence" submitted by Louisiana or USDA (and referred to by the Ad Hoc Group) on the human health risks associated with DDT use is an April, 1974, quotation from an EPA official to the effect that: "There is, at the present time, no evidence that DDT is carcinogenic (or tumorgenic) in any animal species when administered at levels less than two orders of magnitude higher than the maximum dose attainable by plant manufacturers and workers over a lifetime of exposure." I have consulted with the official involved and find that he estimated the "maximum dose" of DDT plant workers to be approximately 0.257 mg/kg/day. Two orders of magnitude higher than that would be 25.7 mg/kg/day. These estimates are derived from Laws, et al, 1967. At the time of the 1972 Order the lowest dosage which had produced tumors in laboratory animals was 37.5 mg/kg/day (250 p.p.m.). Accordingly, as of 1972, tumor induction had not been confirmed in laboratory animals at feeding levels lower than a level two orders of magnitude higher than estimated maximum plant worker intake. (Maximum intakes estimated according to Ortelee, 1958, were 0.57 mg/kg/day and two orders of magnitude greater than that would be 57 mg/kg/day.) This comparison is interesting, but does not cast doubt on the 1972 finding of cancer risk to man. Moreover, the EPA official in question had not, at the time of his statement, had an opportunity to review post-1972 DDT carcinogenic laboratory studies. These studies indicate DDT tumor induction in laboratory animals at feeding levels as low as 0.3 mg/kg/day (2 p.p.m.) (see Statement at 32–33), a level comparable to Law's estimated maximum intake of plant workers (0.257 mg/kg/day) and substantially lower than Ortelee's estimated maximum worker intake (0.57 mg/kg/day).

The Louisiana petition also refers to a November 28, 1974, letter of Dr. Lloyd Tepper. That letter summarized various DDT cancer data, but did not undercut the 1972 finding of the human cancer risk posed by DDT. The pre-1972 data referred to by Dr. Tepper had been considered in the 1972 Order. The post-1972 data referred to by Dr. Tepper confirm the carcinogenesis of DDT in the laboratory mouse and the positive correlation between such a finding and broader carcinogenic effects in other species.

ENVIRONMENTAL RISKS

Second, there is no new evidence which casts doubt on the 1972 findings that continued use of DDT poses serious risks to fish and wildlife. None of the participants in the recent hearings on Louisiana's petition presented evidence contesting the basic environmental findings of former Administrator Ruckelshaus. In the 1972 Order he found that "once dispersed, DDT is an uncontrollable, durable chemical that persists in the aquatic and terrestrial environments." 1972 Order, 37 F.R. 13370. He concluded that DDT was "highly volatile" (37 FR 13370 n. 16) and "can vaporize from crops and soils" (37 FR at 13375); that it "can be transported by drift during aerial application" (Id. at II, A, 3(a)); and that it "can be attached to eroding soil particles" (Id. at II, A, 3(c)). Administrator Ruckelshaus also found that DDT "can persist in the soils for years and even decades" (Id. at II, A, 1); that it "can persist in aquatic ecosystems" (Id. at II, A, 2); and that "it is occasionally found in remote areas or in ocean species, such as whales, far from any known area of application" (37 FR at 13370–71). As a result of its persistence and mobility, he found that DDT is "concentrated in organisms and transferred through food webs" (37 FR 13375); that DDT "accumulation in the food chain and crop residues results in human exposure" (Id. at III, A, 2); and that "human beings store DDT" in their tissues (Id. at III, A, 3).

These inherent characteristics of DDT are particularly important in view of the uncontested findings of Administrator Ruckelshaus that the 1972 evidence "compellingly demonstrates the adverse impact of DDT on fish and birdlife." 1972 Order, 37 FR 13371. No new evidence has been introduced and none has been cited by USDA or Louisiana which undercuts this prior finding.

Moreover, no evidence has been offered by Louisiana or USDA to contest the specific 1972 findings of adverse environmental effect:

1. DDT affects phytoplankton species' composition and the natural balance in aquatic ecosystems.
2. DDT is lethal to many beneficial agricultural insects.
3. DDT can have lethal and sublethal effects on useful aquatic freshwater invertebrates, including arthropods and molluscs.
4. DDT is toxic to fish.
5. DDT can affect the reproductive success of fish.
6. DDT can have a variety of sublethal physiological and behavioral effects on fish.
7. Birds can mobilize lethal amounts of DDT residues.
8. DDT can cause thinnings of bird eggshells and thus impair reproductive success. (1972 Order, 37 FR 13371 at IV, A, 1–8).

Not only is there no new evidence which would reduce the environmental hazards previously found, but Louisiana's application for use of DDT candidly states that: "The undesirable features of once more applying DDT to large areas of cropland are recognized." Louisiana Application at 5. Many of these undesirable features have been recited in Louisiana's application which contains a brief statement of the Louisiana Wildlife & Fisheries Commission. Because it was formally adopted by the Commission with respect to the State's requested DDT use and because it shows the applicability of many of the general environmental hazards of DDT to the specific environment of Louisiana and surrounding areas, I find it appropriate to quote the entire statement as follows:

STATEMENT BY THE LOUISIANA WILDLIFE AND FISHERIES COMMISSION ON EFFECTS OF DDT ON WILDLIFE

The EPA will be petitioned to life the ban against DDT for the control of the tobacco budworm and the pink bollworm in cotton during the 1975 growing season. The Louisiana Wildlife and Fisheries Commission has been asked to comment on the impact of this insecticide on fish and wildlife.

There is documented evidence that DDT (metabolites), which is one of the chlorinated hydrocarbons, is very persistent in the environment and has been detected in high concentrations in fish, birds and mammals. Actual damage has occurred in the form of direct mortality, reproductive failure, and behavioral changes. DDT is acutely toxic to fish, shrimp, crabs, less toxic to birds and mammals. DDT applied on land areas through natural drainage will find its way into the marine environment along the Louisiana Coast. Examples of damage are listed below:

I. Mortality of Penaeid (Brown & White) Shrimp[1] occurs at 0.15 ppb (parts per billion) and bioassays conducted in Mississippi indicate 50 percent of the freshwater shrimp[2] tested over 24 hours and in four

[1] American Fisheries Society, Volume 101, No. 3, 1972, Nimmo, D. R.

[2] American Fisheries Society, Volume 99, No. 4, 1970, Page 696, Fugerson, Denzel.

different locations were killed at the following concentrations: 2.5 ppb, 6.3 ppb, 5.7 ppb, 3.7 ppb,

II. DDT is toxic to fish,[3] killing half the following fish exposed 96 hours at concentrations of: Bullheads, 5 ppb; Goldfish, 21 ppb; Minnows, 10 ppb; Carp, 10 ppb; Bluegill, 6 ppb; Bass, 2 ppb.

Other bioassay reports indicate a 96 hour tlm 50 on bluegills ranging from 7 to 16 ppb.

III. DDT causes thinning of egg shells and consequent critical reduction in hatching success of pelicans,[4] sea gulls, woodcock and various raptors. Direct mortality to pelicans has been attributed to DDT on birds obtained from Florida and held at the Rockefeller Refuge.

IV. Robert L. Rudd states in his book "Pesticides of the Living Landscape", that half of the reptiles and amphibians are killed where DDT is used at the rate of 1 pound per acre.

V. Toxicity of Crawfish—half were killed when exposed to 0.6 ppm over 24 hour period.

High DDT residues found in fish resulted in the closing of Mossy and Wolf Lakes in Mississippi to commercial fishing and a warning to the public against eating excessive amounts of the fishes from these lakes, effective July 6, 1971.

Completion Report F–25–1, 1970, "A Monitoring of Pesticide Levels and Water Quality of the Major Drainage Ditches Entering Wolf Lake, Mossy Lake and Broad Lake," Mississippi Game and Fish Commission, Cotton and Herring.

The significance in this action is that direct economic losses have been incurred as a result of DDT residues affecting the marketability of commercial fish. The woodcock season in New Brunswick was recently closed. The stated reason being high concentrations of DDT in muscle tissues of these birds. This is a direct recreational loss.

Adopted: January 13, 1975, by the Louisiana Wildlife and Fisheries Commission.

See Louisiana Application at 33–63.

The Ad Hoc Group reported that it also believed that the 1972 findings of the environmental hazards of DDT are applicable to the requested use of 2.25 million pounds in Louisiana this year. Ad Hoc Group at 4.

The Ad Hoc Group concluded, however, that "The environmental ramifications appear to be limited to Louisiana." Id. at 5. In support of this conclusion the Group stated that the "area to be treated is over 100 miles north of the Gulf of Mexico * * *," that "all drainage ways [for the treated area] end up in the Atchafalaya River and Atchafalaya Bay * * *" and that none of the areas in question "drain into the Mississippi." Id. I reject this conclusion of the Ad Hoc Group. Given the volatility of DDT, its demonstrated ability to drift during aerial application and its ability to move with eroding soil particles,[5] I am convinced that environmental contamination resulting from the aerial and ground application of 2.25 million pounds in Louisiana will not be confined to Louisiana. (See also Statement by the Louisiana Wildlife & Fisheries Commission on Affects of DDT on Wildlife at second paragraph, infra.).

Much more important, however, it is no consolation to the citizens of Louisiana or to the Louisiana commercial shrimp and fish industries that DDT contamination from this use will be confined to the State and will drain off into the Atchafalaya River Basin and Bay. This area is one of the most fertile and sensitive fish and wildlife habitats in the Southeastern United States, providing habitat for the breeding and rearing of vast numbers of aquatic and terrestrial species including bass, bullheads, bluegills, crayfish, crabs, deer and woodcock. Fears of the toxic effects of DDT on commercial shrimp species caused the Louisiana Shrimp Association to oppose the requested exemption for DDT use in Louisiana. The Association maintained that any anticipated benefits to cotton farmers would be outweighed by the risk to Louisiana's shrimp and other commercial fish industries. The Ad Hoc Group also concluded that "there is concern about the hazard to juvenile shrimp downstream from the cotton growing area." Ad Hoc Group at 5.

In addition, it is not contested that even with the educational and regulatory restrictions proposed by Louisiana, as a result of the inherent characteristics of DDT serious adverse environmental effects will occur. In its application Louisiana stated that:

It is recognized that the use of DDT, even when the precautions outlined above are taken, will result in widespread contamination of the environment with undesirable residues of this chemical. Louisiana Application at 10.

The Ad Hoc Group states that approvals of two limited and controlled applications for use of DDT subsequent to the 1972 Order for control of the tussock moth and pea leaf weevil, were "contingent on the agreement to conduct monitoring studies under EPA surveillance" and that this information "should be pertinent to subsequent requests." The quantities of DDT requested by Louisiana for the cotton acreage involved are approximately 6⅔ times greater per acre than that authorized for the Douglas-fir Tussock Moth. Even in the case of the significantly reduced quantities of DDT authorized for the tussock moth, however, in a summary document submitted to me by the U.S. Department of Interior, Fish and Wildlife Service, the Department expressed its opposition to the Louisiana request and stated that the tussock moth control monitoring program "reinforced our fears that the environment would be unacceptably contaminated by DDT."

NEED FOR DDT

Third, there is no substantial new evidence regarding the need to use DDT which may materially affect the 1972 Order.

Witnesses for Louisiana at the recent hearings on the Louisiana application testified that there has been a declining trend in cotton yields dating back to 1968. This data submitted in support of the need for DDT show that substantial yield reductions—exceeding those during the past two years—occurred in 1969 and 1972 despite large-scale use of the DDT mixture. In fact in the year preceding cancellation of DDT, the use of DDT on cotton in Louisiana accounted for more than 53 percent of the total quantity of DDT used in the United States for all purposes. Of total nationwide use on cotton that year, the amount used in Louisiana constituted more than 63 percent. In contrast, Louisiana's 1974 cotton acreage constitutes approximately 4 percent of the nation's total. Witnesses for Louisiana also testified that many factors other than the tobacco budworm infestation and the unavailability of DDT may have affected cotton yields during the past two years.

There is no dispute that many cotton producers—not only in Louisiana but also in other places—are experiencing economic difficulties. Prices are down. Production costs are up. There is no longer a Federal subsidy for cotton. Added to the effects of these factors is the general recession affecting all sectors of the Nation's economy. The availability of DDT will not by itself determine whether Louisiana cotton producers prosper or suffer this year, particularly in light of the lack of any clear-cut evidence that the DDT mixture would be efficacious against tobacco budworm. There was testimony that economic factors alone are going to cause a sharp reduction in cotton acreage this year throughout the cotton-producing States

[3] American Fisheries Society 1970, Volume 99, No. 1, Page 20. Macek, Kenneth J.

[4] "Relations of the Brown Pelican to Certain Environmental Pollutants in Louisiana", Joanen, Ted.

[5] American Fisheries Society 1963, Volume 92, No. 4, Page 428, Munsey and Oliver.

[6] All of which the Ad Hoc Group specifically recognized when it stated that "the environmental hazards of DDT as reviewed in the DDT [1972] findings relating to persistence, biological concentration, and transport mechanisms are applicable [to the Louisiana situation]." Ad Hoc Group at 4. The Ad Hoc Group stated that reductions in DDT residues in soils, shell fish and migratory birds had occurred, that persistence in well illuminated ocean waters may be less than anticipated but that residues of up to 1 p.p. m. have been showing up in offshore fish livers and DDT persistence together with temperatures have been associated with bluecrab problems in Florida salt marshes. These mixed "indications" do not contradict the 1972 findings. In the year preceding cancellation approximately 12 million pounds of DDT were added to the environmental burden of the U.S. In earlier years even greater quantities of DDT had been added to our environment each year. In the two years and 10 months since cancellation no such serious annual DDT additions have occurred. Because of its mobility and bioaccumulation, it is not surprising that some reduction in soil residues in certain areas may have occurred. However, human monitoring studies show a relatively constant level of DDT and its metabolites in human tissues since cancellation. Moreover, according to the Ad Hoc Group serious DDT residues in fish have continued and in some areas past DDT uses have been associated with continued environmental problems. Accordingly, these mixed data referred to by the Ad Hoc Group do not constitute substantial new evidence which may materially affect the 1972 Order.

V 40168 APR 8 75 XUM

and a shift to alternative crops. In Louisiana, this cutback itself is likely to outweigh all other factors in terms of economic impact on cotton producers and related service industries and thus on the State's economy as a whole.

The EPA Review Panel thoroughly examined all of the evidence presented during the recent 5-day hearings. I adopted the report of the EPA Review Panel in my March 17 Statement. My discussion in the March 17 Statement sets forth the basis for my March 14 Order. In short, although Louisiana and other parties have had ample opportunity to do so, they have presented no substantial evidence—new or old—to support the premises that the tobacco budworm problem is new, that recognition of its occurrence and seriousness is new, or that the DDT mixture is the only insecticide that can be expected to prevent economically significant damage arising from a possible tobacco budworm outbreak this year.

Louisiana and USDA now assert that I should reconsider my decision as a result of the comments of the Ad Hoc Group. The Group stated that "one could not, in 1972, anticipate the rapid increase in resistance to methyl parathion by the tobacco budworm nor the rapid geographical spread of resistance." Ad Hoc Group at 2.

To accept this statement, one would have to ignore several important factors. By 1970 near total resistance to methyl parathion and all other chemicals commonly used for control of the tobacco budworm had already developed in the Tampico and Matamoros areas of Mexico and in the Lower Rio Grande area of Texas as a result of massive use of this and other compounds and resulting selective pressure on tobacco budworm populations. This shift from insecticide susceptibility to resistance could have been anticipated whenever chemicals were being used intensively over a large area.

In fact, Louisiana appears to have anticipated such resistance. The testimony of Dr. James Tynes, Louisiana Cooperative Extension Service, in the recent hearings on the Louisiana application noted that, in May and June 1971, he had called attention to the problem of tobacco budworm resistance to methyl parathion and its implications for cotton production in Louisiana. In addition, in a published (May 1971) article he introduced into the record, Dr. Tynes had noted that tobacco budworm resistance to methyl parathion had been associated with difficulty in controlling an infestation in at least one location in Louisiana back in 1970. It seems apparent that the Ad Hoc Group was not aware of this testimony.

The Ad Hoc Group's statement that the DDT-toxaphene combination is "known to exhibit a synergistic effect of up to twenty-fold against moderately DDT resistant populations" is totally irrelevant to the question of the efficacy of DDT-toxaphene. It is true that combining DDT and toxaphene results in a synergistic effect against the tobacco budworm as compared to DDT alone.[1] This comparison begs the question since the application seeks the use of the DDT-toxaphene mixture and since Louisiana's own data indicate that tobacco budworm resistance to the DDT-toxaphene mixture was seven-fold or greater at seven of twelve Louisiana sites sampled in 1972–74. With such tobacco budworm resistance levels the DDT-toxaphene mix has been shown to be ineffective for control of this insect.

The Ad Hoc Group also stated that "under high population pressures the requested mixture offers the best chance of successful pest management for 1975." After hearing all the evidence in the 5-day hearings and reviewing all exhibits, together with the written statements and public comments, the EPA Review Panel concluded that there was no substantial new evidence to support such a proposition. In my March 17 Statement I adopted the report and conclusions of the EPA Review Panel. I find no additional evidence in the Ad Hoc Group statement and accordingly find no basis to change my prior decision.

* * * * *

In conclusion, after reconsidering the record in this proceeding I reaffirm my March 14 Order in which I denied the Louisiana application for authorization to use 2.25 million pounds of DDT on 450,000 acres of cotton this year. I rest my reaffirmation of the prior denial on this Supplement and on my March 14 Order and my March 17 Statement, which I specifically adopt and incorporate herein by reference. There remains no substantial new evidence which may materially affect the 1972 Order with respect to the human cancer risk posed by DDT, the environmental hazards of DDT and the need to use DDT on cotton.

Dated: April 1, 1975.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.75–9081 Filed 4–7–75;8:45 am]

[1] The basis for this statement apparently comes from data published by Graves, Clower, and Bradley (1967, Resistance of the Tobacco Budworm to Several Insecticides in Louisiana) which compared the LD50 for tobacco budworms, exposed to several insecticides, collected near Transylvania, Louisiana, in 1966. In this test the LD50 for DDT was approximately 30 times greater than the combination toxaphene-DDT (2:1).

[FRL 356–8]

EFFLUENT LIMITATIONS AND GUIDELINES

Steam Electric Power; Availability of Document

On January 6, 1975, the Agency published a notice that a technical report entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Steam Electric Power Generating Point Source Category" would be available from the Government Printing Office in four to six weeks. This report is now available. An errata sheet for this document is also available from the Government Printing Office and one copy of this should accompany each copy of the development document. Persons obtaining copies of the development document without the errata sheet should obtain one from the Government Printing Office.

Dated: April 2, 1975.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75–9078 Filed 4–7–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List No. 389]

CANADIAN STANDARD BROADCAST STATIONS

Table of Assignments; Modifications

MARCH 19, 1975.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the recommendations of the North American Regional Broadcasting Agreement Engineering meeting January 30, 1941.

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		570 kHz							
CKCQ (vide 920 kHs)	Quesnel, British Columbia, N. 52°58'40", W. 122°30'00".	1	DA-2	U	III				
		570 kHz							
CKWL (PO 920 kHs, 1 kW, DA-N).	Williams Lake, British Columbia, N. 52°05'29", W. 122°10'27".	1	DA-2	U	III				E.I.O. 3-19-76.
		610 kHz							
CHNL (PO 610 kHz, 10D/1N, DA-N).	Kamloops, British Columbia, N. 50°38'50", W. 120°16'15".	50D/5N	DA-2	U	III				E.I.O. 3-19-76.
		710 kHz							
CKVO (correction to coordinates).	Clarenville, Newfoundland, N. 48°08'39", W. 53°57'44".	10	DA-1	U	II				E.I.O. 3-9-76.
		980 kHz							
CKCQ (PO 570 kHs, 1 kW, DA-2).	Quesnel, British Columbia, N. 52°58'40", W. 122°30'00".	10D/1N	DA-N ND-D-183	U	III				E.I.O., 3-19-76.
		980 kHz							
CKWL (vide 570 kHs).	Williams Lake, British Columbia, N. 52°05'29", W. 122°10'27".	1	DA-N ND-D-182	U	III				
		1090 kHz							
CKKW (minor change in day radiation pattern, PO 1230 kHs, 1 kW, DA-2).	Kitchener, Ontario, N. 43°17'20", W. 80°24'10".	10	DA-2	U	II				E.I.O., 3-19-76.
		1240 kHz							
CKBX (PO 1240 kHz, 0.25 kW, ND).	100 Mile House, British Columbia, N. 51°40'11", W. 121°17'22".	1D/0.25N	ND-180	U	IV	150	120	318	E.I.O., 3-19-76.
		1310 kHz							
CJOK (assignment of call letters).	St. Paul, Alberta, N. 53°59'38", W. 111°18'18".	10	DA-N	U	III				
		1340 kHz							
CKMG (now in operation)	Maniwaki, Quebec, N. 46°22'40", W. 75°56'55".	1D/0.25N	ND-188	U	IV	180	120	208	
		1370 kHz							
CFOK (assignment if call letters).	Westlock, Alberta, N. 54°06'16", W. 113°52'30".	10	DA-N ND-D-190	U	III				

[SEAL]

WALLACE E. JOHNSON,
Broadcast Bureau, Federal Communications Commission.

[FR Doc.75–9130 Filed 4–7–75;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Notice of Change in Meeting Date

The meeting of the Radio Technical Commission for Aeronautics Special Committee 127, "Emergency Locator Transmitters," originally scheduled for April 9, 1975 (40 FR 12848, Mar. 21, 1975) has been re-scheduled. The new date for the meeting is April 23, 1975. The meeting will be held in Conference Room 6332, Nassif Building, 400 Seventh Street SW., Washington, D.C. commencing at 9:00 a.m. Notice of this meeting is hereby published pursuant to Public Law 92–463.

AGENDA

1. Opening Comments by Chairman
2. Administrative announcements
3. Review and Approval of Minutes of the meeting of January 29, 1975.
4. Reports of Task Groups:
   a. Inertial Switches
   b. Battery Standards
   c. Antenna Standards
   d. Cockpit Control and Alerting
5. New Business
6. Task Assignments
7. Date and place of next meeting.

The meeting is open to the public on a space available basis. Any member of the public may file a written statement with the Commission either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Commission prior to the meeting.

Those desiring more specific information may contact the RTCA Secretariat, Suite 655, 1717 H Street NW., Washington, D.C. 20006, or phone, Area Code (202) 296–0484.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary

[FR Doc.75–9128 Filed 4–7–75;8:45 am]

[Docket Nos. 20391, 20392, 20393; File Nos. BPH–9016, BPH–9085, BPH–9105]

CATAMOUNT BROADCASTERS, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re Applications of Catamount Broadcasters, Inc., Bennington, Vermont, (Req: 94.3 mHz, Channel 232 3 kW (H&V), 110 feet); Equinox Wireless Co., Bennington, Vermont, (Req: 94.3 mHz, Channel 232 0.138 kW (H&V), 1,138 feet); Bennington Radio, Inc., Bennington, Vermont, (Req: 94.3 mHz, Channel 232 0.125 kW (H&V), 1,175 feet); for construction permits.

1. The Commission, by the Chief of the Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned applications which are mutually exclusive in that they seek the same channel in Bennington, Vermont.

2. The financial data submitted by Bennington Radio, Inc. [BRI] reveals that $73,848 will be required to construct and operate the proposed facility for a period of one year without reliance on revenues. To meet this projected requirement, the applicant relies upon $15,000 stock subscriptions from the four principals and a $75,000 loan from the United Jersey Bank. As to the former, none of the stock subscribers have filed subscription agreements, as required by section III, paragraph 4(a) of FCC Form 301; therefore, this amount cannot be deemed available to BRI. Similarly unavailable is the bank loan, which expired by its terms on February 26, 1975. As a consequence, BRI has not demonstrated that it will have any funds available to satisfy its financial requirements. Accordingly, a financial issue will be specified against BRI.

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3. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive primary service, together with the availability of other primary aural services (1 mV/m or greater in the case of FM) in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, *it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Bennington Radio, Inc., is financially qualified to construct and operate as proposed.

2. To determine the areas and populations which would receive primary service from each of the proposed operations and the availability of other primary service to such areas and populations.

3. To determine which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

6. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

7. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible, and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: March 21, 1975.

Released: March 31, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-9124 Filed 4-7-75;8:45 am]

[Docket Nos. 20405, 20406; File Nos. 102-A-ML-114, 12-A-L-124]

E. W. HEMPHILL AND BORDER AIRCRAFT, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re Applications of E. W. Hemphill, d/b/a Hemphill Flying Service, Miami Beach, Florida; Border Aircraft, Incorporated, Brownsville, Texas; for an Aeronautical Advisory Station to serve the International Airport at Brownsville, Texas.

1. E. W. Hemphill, d/b/a Hemphill Flying Service (hereinafter called Hemphill) has timely filed an application for renewal of aeronautical advisory station WWS8 to serve the International Airport at Brownsville, Texas, and Border Aircraft, Incorporated (hereinafter called Border) has filed a new application for authority to operate an aeronautical advisory station at the same airport. Since § 87.251(a) of the Commission's rules provides that only one aeronautical advisory station may be authorized at a landing area, the above-captioned applications are mutually exclusive. Accordingly, it is necessary to designate the applications for comparative hearing in order to determine which, if either, should be granted. Except for the issues specified herein, each applicant is otherwise qualified.

2. By letter, dated January 7, 1975, Border has alleged that Hemphill is no longer in business at the International Airport and that an organization called Hunt Pan-Am is now operating the advisory station under Hemphill's authorization. Since the Commission has received no application for assignment of station WWS8 from the present licensee (Hemphill) to any other person, the allegation, if factually correct, could constitute an unauthorized transfer of a station authorization.

3. In view of the foregoing, *it is ordered*, That, pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, and § 0.331 of the Commission's rules, the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order on the following issues:

(a) to determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;

(2) hours of operation;

(3) personnel available to provide advisory service;

(4) experience of applicant and employees in aviation and aviation communications;

(5) ability to provide information pertaining to primary and secondary communications as specified in Section 87.257 of the Commission's rules;

(6) proposed radio system including control and dispatch points; and

(7) the availability of the radio facilities to other fixed base operators.

(b) to determine the facts with respect to the alleged unauthorized assignment of station WWS8 from Hemphill to another organization presently operating the radio station; and

(c) to determine in light of the evidence adduced on the foregoing issues which, if either, of the applications should be granted.

4. *It is further ordered*, That the burden of proof and the burden of proceeding with the introduction of evidence on issue (b) is on Border, and on all other issues, the burdens are on each applicant with respect to its application except issue (c) which is conclusory.

5. *It is further ordered*, That to avail themselves of an opportunity to be heard, Hemphill and Border, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this Order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

Adopted: March 27, 1975.

Released: April 12, 1975.

[SEAL] CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.75-9125 Filed 4-7-75;8:45 am]

[Docket Nos. 20266, 20267; File Nos. BPH-8863, BPH-8965; FCC 75R-142]

KENNEBEC WESTERN BROADCASTING CO. AND WILLSON BROADCASTING CO.

Construction Permits; Memorandum Opinion and Order Enlarging Issues

1. The Review Board has before it for consideration a motion to enlarge issues, filed January 8, 1975, by Kennebec Western Broadcasting Company (Kennebec), seeking the addition of the following issues against Willson Broadcasting Company (Willson) [40 FR 10516]:[1] (1) a misrepresentation issue, (2) a community ascertainment issue, (3) an ineptness issue, (4) a financial qualifications issue, (5) a Rule § 1.526 issue, and (6) a strike application issue.[2]

[1] Other related pleadings before the Board for consideration are:
(1) Willson's opposition, filed February 12, 1975 (and an erratum thereto, filed February 18, 1975), and (2) the Broadcast Bureau's comments, filed February 12, 1975.

[2] Kennebec also requests the addition of a site availability issue against Willson. This request, however, has been mooted by the Presiding Judge's acceptance of Willson's petition for leave to amend, and erratum thereto, filed February 13 and 18, 1975, respectively, which, in part, specifies a new antenna, transmitter, and studio location. See FCC 75M-471, released March 12, 1975.

MISREPRESENTATION, COMMUNITY ASCERTAINMENT, AND INEPTNESS ISSUES[3]

2. Initially, Kennebec argues that Willson violated the requirement contained in the Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650, 21 RR 2d 1507 (1971), that the person-to-person interviews with community leaders be held when it conducted certain interviews with Hanford, California leaders by telephone.[4] Kennebec also argues that the telephone interviews of community leaders vitiates Willson's ascertainment survey and requires that the survey be "reviewed anew". Alternatively, Kennebec argues that should the interviews in question be upheld, an issue is raised concerning whether or not a "meaningful dialogue" was established between Willson and the telephone interviewees as required by the Primer, supra. Kennebec further asserts that the survey contained in Willson's original application did not reflect consultations with leaders in several important areas, including agriculture, women's organizations, and employment services. According to movant, Willson also failed to interview leaders in the communities of Lemoore and Dinuba, which it claims it will serve. Movant also claims that Willson exhibited a lack of candor in not advising the Commission of the fact that several interviews were conducted by telephone and by implying that interviews were conducted "in Hanford" when in fact some were conducted via long-distance telephone calls. Kennebec also claims that Willson again exhibited a lack of candor by purporting to conduct a thorough survey when, in fact, it virtually ignored representatives of government, labor, principal businesses, ethnic minorities, and others. Finally, Kennebec claims that if Willson was not lacking in candor, it was at least inept in conducting its survey.

3. The Review Board believes that Kennebec's allegations do not warrant the addition of the requested issues. With respect to the telephone interview aspects of Willson's community ascertainment efforts, it is to be noted that subsequent to the filing of Kennebec's motion, Willson undertook face-to-face reinterviews with most of the leaders who were originally surveyed by telephone, including Mr. Gaitan, and filed an amendment to reflect the reinterviews with the Presiding Judge. The amendment has been accepted by the Judge.[5] Thus, at this time, there is no question that the required dialogue with a cross section of community leaders has taken place. With reference to groups allegedly not contacted by Willson and omitted from its survey, a review of Willson's September 11, and November 14, 1974 amendments satisfies the Board that representatives of appropriate groups reflecting the economic, social, governmental, and ethnic composition of the primary service area, both in and out of Hanford, were interviewed.[6] With specific reference to Kennebec's allegations concerning the absence of interviews with leaders of Lemoore, and Dinuba, California, the Board is of the opinion that Willson has undertaken interviews with numerous community leaders in the counties in which these communities are located who can reasonably be said to have a "broad overview of community problems."[7] See Primer, supra, Q. and A. 7. Nor does the Board find any merit in Kennebec's allegations of misrepresentation. In so far as the telephone interviews are concerned, there is no requirement that an applicant disclose whether interviews were conducted by telephone or were face-to-face. California Stereo Inc., 39 FCC 2d 401, 26 RR 2d 887 (1973). Moreover, the use of the phrase "in Hanford" by Willson is not misleading. Rather, it is clear that Willson merely had reference to Hanford community leaders. The Board is further satisfied that Willson's survey, as supplemented by the September 11, 1974, November 14, 1974, and February 12, 1975 amendments, was thorough and complete and, therefore, in no sense misleading, and finally, that Kennebec has made no showing whatever to support the addition of an ineptness issue.

FINANCIAL ISSUE

4. In support of this requested issue, Kennebec first points out that Willson's president, Gary Willson, has pledged to provide up to $90,000 to finance the applicant's proposal. To establish his ability to meet this commitment, Kennebec continues, Mr. Willson, in part, relies on the market value of two pieces of property he owns in California. However, Kennebec questions whether Willson will be able to generate sufficient funds from the sale of these properties to meet the projected first year expenses of the station, alleging that the market value of one of the pieces of property is lower than the price represented by Willson[8] and, also, that a proposed zoning change undercuts the marketability and value of the second piece of property.[9] In support of these allegations, Kennebec submits the affidavit of Daniel P. Shellcoe, a real estate agent, show states his opinion as to the total net amount Willson could expect to obtain for the sale of the two properties, and his knowledge with respect to mortgage fund availability, seller financing, and the proposed zoning change.

5. Willson opposes addition of the issue, arguing with respect to the first piece of property, that Shellcoe's estimates of market value and of available mortgage money are incorrect, and, as to the second, that no zoning change with respect to the property is now contemplated by the local planning authority. Thus, Willson contends, in addition to $36,900 in net liquid assets listed on Gary Willson's balance sheet, it may still anticipate net cash from sale of the Lafayette property of $24,000 and $31,100 from sale of the Alamo residence, for a total availability of $92,000. In support of its position, Willson submits letters from a real estate agent, mortgage bankers, and a local zoning official attempting to refute the Shellcoe affidavit. The Bureau also opposes addition of the requested issue on the grounds that Shellcoe affidavit submitted by Kennebec merely represents a difference of opinion as to the net revenue that would be generated by the sale of the properties. The Bureau concludes that the requested issue is not factually supported.

6. The Board will deny the requested issue. We find Kennebec's claims to be lacking in specific support. Thus, Shellcoe's conclusions regarding mortgage money availability, seller financing of homes, and the proposed zoning change are either speculative or based upon hearsay and not on personal knowledge. Cf. Southland, Inc., 37 FCC 2d 125, 25 RR 2d 186 (1972). Kennebec has failed to provide affidavits from individuals who (1) are representatives of mortgage banking companies in the area, or (2) are zoning officials with personal knowledge of the alleged proposed zoning amendment. Moreover, the letters submitted in opposition with Willson's covering affidavit, although not themselves in affidavit form, are from individuals with personal knowledge of the matters raised, and support Willson's proposed plan of financing.[10] Thus, no basis exists in the present allegations for the addition of a financial issue against Willson.

SECTION 1.526 ISSUE

7. Kennebec argues that Willson violated § 1.526[11] of the Rules in that its

[3] Because these requested issues all relate to Willson's community ascertainment efforts, the Board has chosen to treat them together.

[4] In support of this allegation, Kennebec attaches the affidavits of Arturo Gaitan and Katie McGee who state that they were interviewed by Willson's president, Gary Willson, via telephone. Also attached is an affidavit of Kennebec's president, Robert Fuller, in which he states that others named in Willson's survey have advised him that they too were interviewed by telephone.

[5] Order, FCC 75M-471, released March 12, 1975. See note 2, supra.

[6] Kennebec's enumeration of groups allegedly omitted largely ignores contacts listed in Willson's amendments.

[7] Specifically, these include representatives of government, agriculture, and education.

[8] This refers to Willson's residence at Alamo, California which is appraised at $105,000; the property, according to Willson's application, is subject to a $63,500 mortgage.

[9] This is a dwelling in Lafayette, California appraised at between $39,000 and $41,000 with a mortgage of $16,000.

[10] In this regard, we point out that in challenging the marketability of the Alamo residence, Shellcoe's affidavit relies heavily on an assumed loan maximum from the Bank of America, whereas Willson supplies a letter from that bank stating a higher figure.

[11] Section 1.526 provides, in pertinent part, that "Every applicant for a construction permit for a new station in the broadcast services shall maintain for public inspection a file for such station containing * * *" a copy of the application and all letters, exhibits, amendments, etc. related thereto.

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public inspection file was not available and up-to-date at the local chamber of commerce, where it was placed, for approximately three months and that, therefore, a § 1.526 issue should be specified against Willson. In support of this request, Kennebec attaches an affidavit of Irene Hodges, office manager of the Hanford Chamber of Commerce, to whom Willson had tendered the application, stating, in part, that the file was missing from September 1974 until December 19, 1974, when it was found "in the bottom of a box of Xerox supplies" at the Chamber. The Bureau, in the absence of a satisfactory explanation from Willson, supports the requested issue.

8. In opposition, Willson asserts that the file was unavailable due to the fact that the Chamber had misplaced it but opposes the requested issue noting that no prejudice has been alleged or shown. Willson states that it was not informed during the period in question that the file was missing and notes further that upon being advised that the file was missing, it promptly sent another copy to the Chamber.

9. The Board will add a Rule 1.526 issue since it is undisputed that Willson's public file was not available for public inspection at the designated location for a period of over three months. While we recognize the fact that the file was not misplaced through any act or omission of an employee or principal of Willson, the fact remains that it is an applicant's duty under § 1.526 of the Rules to maintain the public inspection file. An applicant, therefore, "cannot attempt to delegate its responsibility to maintain such a file to the custodian involved." Centreville Broadcasting Company, FCC 71R–62, 21 RR 2d 216. However, since there is no showing of intentional misconduct or prejudice to Kennebec, the requested issue will be added on a comparative basis only. Cf. Tri-County Stereo, Inc., 50 FCC 2d 170, 171, 32 RR 2d 304, 306, (1974).

STRIKE APPLICATION ISSUE

10. Kennebec's final request is for the addition of a strike application issue against Willson based upon the following allegations: (1) Willson filed its application subsequent to Kennebec's filing; (2) at the time of Willson's filing, another FM channel was available in Hanford; (3) nevertheless, Willson filed for the same channel requested by Kennebec; and (4) the "skeleton nature" of Willson's original application and the extensive amendments thereto indicate Willson's motive was to block or impede Kennebec's application.

11. The Bureau and Willson both oppose the addition of a strike issue; the Bureau argues that there is no basis in fact for the requested issue and Willson submits that its application was filed in good faith. Specifically, Willson asserts that its choice of the FM channel was not based on a desire to block Kennebec, but rather upon its belief that the dial placement of the channel was superior, which, Willson continues, is an important consideration for a general market station. Willson also asserts that its preparation for filing for the channel was undertaken prior to Kennebec's filing. Moreover, Willson states that it believed that if it had applied for the other available channel, Station KNGS, Hanford's daytime only standard broadcast station, would have also applied; in this regard, Willson delineates why it felt that it stood a better chance in a comparative hearing against Kennebec.

12. The Board will not add the requested strike issue. Kennebec has failed to substantiate its allegations with affidavits of individuals with personal knowledge of the facts surrounding the preparation and filing of Willson's application and has completely failed to make any showing that Willson's primary or incidental purpose was to prevent or delay Kennebec from securing a license. See *Sumiton Broadcasting Co., Inc.*, 15 FCC 2d 400, 404, 14 RR 2d 1000, 1007 (1968). In these circumstances, the Board agrees with the Bureau that Kennebec's allegations are "far too speculative to warrant the addition of a strike issue." *Pleasant Broadcasting Co.*, 20 FCC 2d 1065, 1067, 18 RR 2d 109, 112 (1969). Also, Willson has adequately and reasonably explained the timing of its application, the selection of a channel, and its general purpose in filing. See Colorado West Broadcasting, Inc., 47 FCC 2d 190, 30 RR 2d 575 (1974). Therefore, no issue is warranted.

13. Accordingly, *it is ordered*, That the motion to enlarge issues, filed January 8, 1975, by Kennebec Western Broadcasting Company IS GRANTED to the extent indicated herein, and IS DENIED in all other respects, and

14. *It is further ordered*, That the issues in this proceeding are enlarged to include the following issue:

To determine whether Wilson Broadcasting Company has failed to comply with the provision of § 1.526 of the Commission's rules, and, if so, to determine the effect thereof on its comparative qualifications to be a Commission licensee.

Adopted: March 27, 1975.

Released: April 2, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–9126 Filed 4–7–75;8:45 am]

[FCC 75R–143] Docket Nos. 20268, 20269, 20270; File No. BPH–8250, BPH–8405, BPH–9038]

TOWN AND COUNTRY RADIO, INC., ET AL.

Construction Permits; Memorandum Opinion and Order Enlarging Issues

In re applications of Town and Country Radio, Inc., Suffold, Virginia; John Laurino, Gordon L. Hood and Vernon S. Lee, d/b/a, Voice of the People, Suffolk, Virginia; Tidewater Sounds, Inc., Suffolk, Virginia.

1. This proceeding involves the mutually exclusive applications of Town and Country Radio, Inc., John Laurino, Gordon L. Hood and Vernon S. Lee, d/b/a Voice of the People (Voice), and Tidewater Sounds, Inc. (Tidewater). The Chief of the Broadcast Bureau, acting pursuant to delegated authority, designated these applications for comparative hearing by Orders, 40 FR 2472, published January 13, 1975, and 40 FR 2613, published January 14, 1975. Presently before the Review Board is a petition to enlarge issues, filed January 28, 1975, by Tidewater, requesting addition of Rule 1.526, financial, Rule 1.514, business practices (rate card), Rule 1.65, and misrepresentation issues against Voice.[1]

2. *Rule 1.526 Issue.* Tidewater requests addition of a Rule 1.526 issue on the grounds that it failed to obtain reasonable access to the public file for Station WYAL, Scotland Neck, North Carolina,[2] and that the file was incomplete. As to access, Tidewater states that on January 13, 1975, John S. Voorhees, one of the law clerks[3] of the firm representing Tidewater in this proceeding, went to the WYAL studios to examine the public file and that, while he was promptly shown the file, he was intimidated and severely harassed. Specifically, Voorhees avers that the station manager, Byron Thomas, asked Voorhees to identify himself, his employer, and where he was from. Voorhees also avers that he was asked for his driver's license and that Thomas handed it to an "Officer Ebberly",[4] stating that they were going to "check to see if your are who you say you are." According to Voorhees, Thomas then asked about the car Voorhees arrived in and took down the license plate number and ran a check to determine its ownership. Then, avers Voorhees, a "Detective Murphy" came into the room where Voorhees was viewing the file and required

[1] Also before the Board are the following related pleadings: (a) opposition, filed February 12, 1975, by Voice; (b) Broadcast Bureau's comments, filed February 12, 1975; (c) supplement to (a) filed February 18, 1975, by Voice; (d) additional supplement to (a), filed February 24, 1975, by Voice; (e) reply, filed February 25, by Tidewater; (f) errata to (e), filed February 26, 1975 by Tidewater; (g) request for official notice, filed March 3, 1975, by Voice; (h) affidavit in support of (d), filed March 5, 1975, by Voice; (i) motion to strike (d) and (h), filed March 7, 1975, by Tidewater; (j) comments on (i), filed March 14, 1975, by the Bureau; (k) opposition to (i) and motion to strike portions of (e), filed March 17, 1975, by Voice; and (l) opposition to (k), filed March 24, 1975, by Tidewater.

[2] John Laurino, 80 percent owner of Voice is also the 100 percent owner of WYAL Radio, Inc., licensee of Station WYAL. Tidewater bases its request on the co-ownership involved.

[3] In support, Tidewater supplies an affidavit from Voorhees as well as a corroborating affidavit of Nicholas R. Lefevre, who accompanied Voorhees to the station.

[4] Ebberly was identified as a local policeman and a part-time announcer at the station.

Voorhees to produce further identification, which Murphy said was going to be "checked out." Thomas allegedly then produced a camera and requested permission to take photographs of Voorhees but Voorhees denied him permission to do so. Next, Thomas allegedly asked permission to make photostatic copies of Voorhees's notes and when Voorhees declined, Thomas told Murphy that Voorhees and Lefevre could be held on "suspicion" and stated further that they were checking the FBI files. Finally, avers Voorhees, Murphy told them they were free to go stating "we do things differently in North Carolina than they do up in Washington." Tidewater also alleges that Voorhees found that the public file for Station WYAL was incomplete in that, in violation of § 1.526(e) of the Commission's rules, a recent renewal application and related amendments were not present. Thus, Tidewater urges, an inquiry should be permitted to inquire into both the accessibility and contents of Station WYAL's public file. The Bureau agrees that the requested issue should be added.

3. In opposition, Voice first points out the public file was promptly provided to Voorhees on request. Next, in explanation of the "precautions" taken concerning the treatment of Voorhees and Lefevre, Voice states that the appearance of the two men was alarming in that they were shabbily dressed and one of them wore a beard. And, continues Voice, the elaborate identification checks were deemed necessary in view of a number of armed robberies and instances of vandalism in the area and the recent "take over" of an Alabama station by "radicals". Also, Voice states that it did not request Detective Murphy to come to the station, but that he arrived of his own accord. As to the contents of the public file, Voice concedes that, "through misunderstanding and inadvertence", some of the older public files had not been maintained, but maintains that the omission was minor in nature, and that this was an isolated violation.

4. The Review Board will add an issue encompassing both the accessibility and content of the public file. While a licensee is permitted to ascertain the identity of those members of the public who seek to view the public file, the unchallenged actions of the station personnel as described above raises a serious question as to whether Station WYAL sought to harass, intimidate or otherwise discourage members of the public from inspecting its public files. In this regard, the Commission has expressly admonished licensees that they may not require persons seeking to inspect their public files to identify the organization to which they belong or which they represent, as was done here. WBRN, Inc., 32 FCC 2d 729, 730, 23 RR 2d 384, 386 (1971); see also Licensee Obligations Regarding Inspection of Public Records, 23 RR 2d 1588 (1971). Thus, we believe that an evidentiary inquiry into this matter is warranted. Turning to the question of the contents of the public file, the Board here again believes inquiry is warranted. The Commission has also explicitly stated that "it (is) desirable, to effectuate fully the policy of the Communications Act and Section 1.526, to have the two previous renewal applications and related material, as well as the application now pending, available." Report and Order, Retention Period for Material for Public Inspection, 22 FCC 2d 509, 512, 18 RR 2d 1765, 1768–69 (1970). Thus, the Commission has determined that the type of material missing in the present situation is both important and relevant and, in view of the absence of an entire renewal application and related amendments, the Board cannot condone this apparent violation on grounds of alleged inadvertence. Accordingly, an appropriate issue will be added.[5]

5. *Financial and Rule 1.514 Issues.* In support of the requested financial issue, Tidewater challenges the availability of a proposed $200,000 bank loan relied on by Voice. Tidewater first alleges that the bank loan commitment letter relied upon by Voice has, by its terms, already expired.[6] Tidewater also asserts that the terms of the bank letter are too "noncommittal" to be acceptable.[7] Next, petitioner notes that the security required is the endorsement or guarantee of John Laurino, Voice's principal stockholder, and three broadcast stations owned by Laurino. Further, Tidewater notes that should Laurino sell any of these stations, the guarantee of the stations will attach to any proceeds obtained therefrom. However, Tidewater alleges, Laurino has stated that he will divest his ownership and/or assign the licenses in his stations in the event his present application is successful. Tidewater therefore concludes that questions are raised as to whether the bank was aware of these circumstances at the time of its commitment and as to the availability of this collateral. Tidewater also argues that Voice has failed to fully comply with Section III, paragraph 1(b) of FCC Form 301, which requires a complete itemization of costs of operation for one year and therefore requests addition of a Rule 1.514 issue.[8]

6. The Board will deny the requested financial issue. First, we cannot agree with Tidewater's interpretation of the bank's requirement of a review of Laurino's financial statements should his present application not be granted within six months. We believe a more reasonable interpretation to be that it will simply require a standard review of the proposed security before making a final loan.[9] Nor can we agree with petitioner that the letter is too "noncommital". The Commission does not require a prospective broadcast applicant to provide a contractually binding commitment, but merely reasonable assurance of the availability of the loan. See, *e.g.* Lamar Life Broadcasting Co., 26 FCC 2d 112, 20 RR 2d 509 (1970). And, in our view, the bank letter, taken as a whole, evidences a sufficient commitment; *i.e.* the letter is specific as to the terms of repayment, security, and other requirements which Voice must satisfy before the loan is consummated. Finally, as to the security required, we note that the language in the bank letter states that should Laurino's broadcast holdings be liquidated the proceeds therefrom would remain as collateral. Therefore, contrary to Tidewater's allegation in this regard, we believe this satisfactorily demonstrates the bank's awareness of the possible divestiture of the stations and the bank's willingness to continue to rely on the stations or the proceeds from their sale as collateral. Finally, Tidewater's remaining allegations regarding encumbrances on the collateral are purely speculative and warrant no further consideration. Accordingly, the requested financial issue will be denied.

7. *Business Practices (Rate Card) Issue.* In support of this requested issue, Tidewater alleges that John Laurino, the principal partner in Voice, engaged in deceptive business practices by distributing rate cards for his wholly owned Station WYAL which showed a contour coverage map that exceeded its actual coverage in both population and area.[10] Tidewater bases its allegation on a comparison of the contour map shown on the rate card with a predicted contour map of Station WYAL taken from the Commission's files.[11] Additionally, Tidewater asserts that the absence of "legends" on the map created the likelihood of a variety of erroneous and confusing interpretations.[12] The Broadcast Bureau supports addition of the issue on the grounds that the rate card contour map is a "gross exaggeration" of the primary service contour recognized by the Commission.

[5] In so holding, we reject Voice's contention that we may not add an issue in this proceeding based on allegations involving an operating station under common ownership with the applicant herein. See *e.g.* Key Broadcasting Corp., 50 FCC 2d 357, 32 RR 2d 445 (1974); cf. Deep South Radio, Inc., 47 FCC 2d 1045, 30 RR 2d 1474 (1974).

[6] That portion of the bank letter, dated November 15, 1973, referred to by Tidewater reads as follows:

Should your application not be approved in the next six months we would require that current financial statements for you [Mr. Laurino] and your radio interests be presented for our analysis prior to actually finalizing this transaction.

[7] Petitioner notes that the bank states that "we are in a position to lend the necessary funds projected."

[8] However, Tidewater concedes in its reply that a recent Voice amendment, accepted by the Presiding Judge, by Order FCC 75M–392, released February 26, 1975, moots the need for inquiry into this matter. Voice's Request for Official Notice of the Judge's acceptance of this amendment will be granted.

[9] We also note that in an affidavit attached to Voice's opposition, Laurino states that, in July 1974, he provided the bank with current financial information on the stations.

[10] The rate card in question is allegedly dated October 1, 1968 and submitted to the Commission in 1970 and 1971.

[11] In support, Tidewater submits a statement from a consulting engineer which, in Tidewater's opinion, demonstrates the differences in coverage.

[12] Tidewater states that the contour map had no indication of the strength of the contours and there was no distance scale.

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8. In opposition, Voice first concedes that it "does not here defend the correctness" of the map in showing the relevant contours of Station WYAL; however, states opposer, Station WYAL broadcasts a "listenable" signal to areas beyond its normally defined contours. In addition, Voice challenges the correctness of the calculations of petitioner's consulting engineer. And, at any rate, Voice states, use of the rate card in question was discontinued in the summer of 1973 and its present rate cards do not have contour maps.

9. In reply, Tidewater reiterates its earlier contentions and also asserts that Voice and Laurino are guilty of an additional misrepresentation in that Station WYAL's present rate cards do, in fact, have contour maps. Moreover, Tidewater states, its analysis shows that these contour maps are also inaccurate. Tidewater submits a further engineering statement in support.

10. The Board will add the requested issue. It is axiomatic that a licensee of the Commission is required to deal candidly and truthfully with the public and "the implementation of inaccurate and exaggerated coverage maps is not consistent with this requirement." Athens Broadcasting Co., Inc., 27 FCC 2d 7, 10, 20 RR 2d 1115, 1118 (1971). Further, "it is the [Applicant's] obligation to show that [map] contours were accurately portrayed". Universal Communications of Pittsburgh, 31 FCC 2d 542, 17 RR 2d 491, 492 (1970). Yet Voice does not even contend that the map contours depicted and the rate cards submitted to the Commission in 1970 and 1971 were correct. Moreover, comparison of Station WYAL's coverage map with information on file with the Commission compels us to agree with the Bureau that an apparently substantial exaggeration of WYAL's coverage was depicted. We also believe that a serious question is raised as to the accuracy of Station WYAL's more recent contour maps. While petitioner's allegations as to the accuracy of the maps distributed with Station WYAL's new rate cards are contained in its reply, we note that they are responsive to statements contained in Voice's opposition that any misleading practices have been discontinued. Therefore, an appropriate inquiry will be authorized.[25]

[25] The allegations of misrepresentation in statements concerning whether the newer rate cards contained maps (as opposed to the accuracy of the maps), are raised for the first time in a reply pleading and we will therefore not treat these allegations herein. See *e.g.* Industrial Business Corp., 40 FCC 2d, 69, 26 RR 2d 447 (1973); and WIOO, Inc., 39 FCC 2d 351, 26 RR 2d 704 (1973). Furthermore, we note that these allegations are also part of a separate petition to enlarge, filed March 6, 1975, by Tidewater and we will issue our ruling on that request at a future date. Moreover, the additional supplement, filed February 24, 1975 by Voice, the motion to strike, filed March 7, 1975, by Tidewater and the opposition and motion to strike the motion to strike, filed March 17, 1975, by Voice, (see note 1, *supra*) are unauthorized, and will therefore be dismissed.

11. *Rule 1.65 and misrepresentation issues.* In support of the requested Rule 1.65 issue, Tidewater alleges that, contrary to the requirement that any "unsatisfied judgments or decrees against [an] applicant or party to [the] application"[26] must be reported, Voice has failed to amend its application to show an outstanding federal tax lien in the amount of $12,557.93 against Vernon S. Lee, a partner in Voice.[27] Tidewater acknowledges that the address of the Lee against whom the lien is held differs from that given for the Lee who is a partner in Voice. However, asserts petitioner, because the names and cities are the same, Voice should be made to affirmatively demonstrate that they are not one and the same or, in the absence thereof, a Rule 1.65 issue should be added. Furthermore, contends petitioner, should they be the same, a misrepresentation issue should be added because Voice relies on a bank loan to the partnership but has not fully revealed the financial background of one of its partners.

12. In opposition, Voice concedes that the two Lees in question are the same but argues that a federal tax lien is not a "judgment or decree" and thus there is no requirement to report it. Moreover, states opposer, Lee is a limited partner who holds only 3% of Voice's stock and the lien has absolutely no effect on Voice's financial qualifications.[28] Finally, Voice claims inadvertence and states that, at the time the lien was filed, Lee was cooperating with the Internal Revenue Service by paying monthly installments on the amount owed, was unaware that the lien had been filed, and that the lien was never discussed with the IRS prior to its filing.

13. The Board will deny the requested Rule 1.65 and misrepresentation issues. Whether or not a federal tax lien constitutes a judgment or decree, we are of the opinion that, in view of all the circumstances, no purpose would be served by an evidentiary inquiry into this matter in any event. First, contrary to petitioner's claim, we see no basis upon which the Lee tax lien could affect Voice's financial qualifications. Lee's interest in the applicant and his control and obligations are *de minimus*. Also, his financial position is of no apparent relevance to Voice's bank loan since the security required relates solely to Laurino and his broadcast interests.[29] Thus the Board finds no apparent motive for concealment on Voice's part and where, as here, there was no motive to mislead or conceal, no pattern of violations has been shown, and the violations were of questionable significance, the Board has frequently refused to specify a Rules 1.65 issue. See *e.g.* CBS, Inc., 49 FCC 2d 1214, ---- RR 2d ---- (1974); Auburn Publishing Company, 34 FCC 2d 134, 24 RR 2d 29 (1972); and Harvit Broadcasting Corp., 32 FCC 2d 656, 23 RR 2d 328 (1971). Finally, in light of the foregoing, the Board finds no basis for adding the requested misrepresentation issue.

14. *Accordingly, it is ordered*, That the additional supplement to opposition to petition to enlarge issues, filed February 24, 1975, by Voice of the People; the motion to strike, filed March 7, 1975, by Tidewater Sounds, Inc.; and the opposition to motion to strike and motion to strike, filed March 17, 1975, by Voice of the People, ARE DISMISSED; and

15. *It is further ordered*, That the request for official notice, filed March 3, 1975, by Voice of the People, IS GRANTED; and

16. *It is further ordered*, That the petition to enlarge issues, filed January 28, 1975, by Tidewater Sounds, Inc., is granted to the extent indicated herein, and is denied in all other respects, and that the issues in this proceeding are enlarged to include the following:

(a) To determine whether WYAL Radio, Inc., violated § 1.526 of the Commission's rules by engaging in harassment or intimidation, or otherwise attempted to discourage members of the general public from inspecting the public file of Station WYAL, and by having an incomplete file; and, if so, to determine the effect thereof on the requisite and/or comparative qualifications of Voice of the People to be a Commission licensee;

(b) To determine whether WYAL Radio, Inc. has misrepresented the coverage area and contours of Station WYAL on its rate cards or promotional material distributed to the public and its actual or potential advertisers; and if so, the effect on the basic and/or comparative qualifications of Voice of the People to be a Commission licensee.

17. *It is further ordered*, That the burden of proceeding with the introduction of evidence on the issues added herein shall be on Tidewater Sounds, Inc., and the burden of proof shall be on Voice of the People.

Adopted: March 31, 1975.

Released: April 3, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-9127 Filed 4-7-75;8:45 am]

[26] FCC Form 301, section II, 10(g).

[27] The lien was allegedly filed on July 15, 1974.

[28] In this regard, Voice states that Laurino holds all the powers of the partnership, that Lee holds none, and that, under the partnership agreement, Lee is liable for neither net losses nor debts of the partnership.

[29] In this regard, see paragraphs 5–6, *supra*.

FEDERAL HOME LOAN BANK BOARD

[H. C. No. 188]

UNITED FINANCIAL CORPORATION OF CALIFORNIA

Receipt of Application

APRIL 3, 1975.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from United Financial Corporation of California, Los Angeles, California, a unitary savings and loan holding company, for approval of acquisition of control of the Avalon Savings and Loan Association, Wilmington, California, an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected through the purchase of all of the stock of Avalon Savings and Loan Association by a subsidiary of United Financial Corporation of California, the Citizens Savings and Loan Association, San Francisco, California, for cash and long term notes from the subsidiary. Comments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before May 8, 1975.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.75-9138 Filed 4-7-75;8:45 am]

FEDERAL MARITIME COMMISSION

U.S. ATLANTIC AND GULF/AUSTRALIA-NEW ZEALAND CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before April 28, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement filed by:

Stanley O. Sher, Esq.
Billig, Sher & Jones, P.C.
1126 Sixteenth Street, N.W., Suite 300
Washington, D.C. 20036

Agreement No. 6200–19, entered into by the member lines of the U.S. Atlantic & Gulf/Australia-New Zealand Conference, modifies Article 9(a) of the approved conference agreement to provide that any coordinated group of common carriers by water (i.e., any two or more common carriers by water which have entered into a service agreement which has been approved by the Federal Maritime Commission under section 15 of the Shipping Act, 1916, and which relates to the trade covered by this agreement) may become a party to the conference agreement by furnishing evidence of ability and intention to maintain a regular common carrier service in the trade. In this regard, a regular common carrier service means not less than a total of twelve sailings every 12 months for such a coordinated group.

Dated: April 3, 1975.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-9152 Filed 4-7-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G-3209, et al.]

AMOCO PRODUCTION CO. (OPERATOR), ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

MARCH 28, 1975.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 18, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-3209 3-11-75 [1]	Amoco Production Co., (operator) et al., P.O. Box 50879, New Orleans, La. 70150.	Columbia Gas Transmission Corp., Church Point Field, Acadia Parish, La.	----------	----------
G-4898 3-11-75 [1]	Amoco Production Co.	Columbia Gas Transmission Corp., Valentine Field, Lafourche Parish, La.	----------	----------
G-5144, et al E 2-18-75 [2]	Clover Bobo Cole et al. (successor to Howard S. Cole, Jr., et al.), 1100 Milan St., Suite 2155, Houston, Tex. 77002.	Texas Gas Transmission Corp., South Lewisburg Field, Acadia Parish, La.	----------	----------
G-5999 2-14-75 [3]	Anadarko Production Co. (operator) et al., P.O. Box 9317, Fort Worth, Tex. 76107.	Northern Natural Gas Co., Hugoton and Panoma Council Grove Fields, Stevens County, Kans.	[4] 13.5	14.65
G-5999 2-14-75 [3] [4]	do	Panhandle Eastern Pipe Line Co., Hugoton Field, Grant, Morton and Stevens Counties, Kans.	[4] 13.513125	14.65
G-20026 3-11-75 [1]	Amoco Production Co. (operator) et al.	Columbia Gas Transmission Corp., Ellis Field, Acadia Parish, La.	----------	----------
CI61-1307 C 2-27-75	Amoco Production Co.	El Paso Natural Gas Co., Huerfano Gallup Field, San Juan County, N. Mex.	[7] 60.814	14.73
CI62-28 3-7-75 [3] [4]	Anadarko Production Co. (operator) et al.	Panhandle Eastern Pipe Line Co., Panoma Council Grove Field, Grant and Stevens Counties, Kans.	[8] 13.513125 [8] 50.529005	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

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Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI65-621..... D 3-14-75	Union Oil Co. of California, P.O. Box 7600, Los Angeles, Calif. 90051.	Northern Natural Gas Co., Morrison Ranch Field, Roberts County, Tex.	Depleted	
CI66-408..... F 3-3-75	Cabot Corp.,[2] P.O. Box 1101, Pampa, Tex. 79065.	United Gas Pipe Line Co., Mustang Island area, offshore Nueces County, Tex.	[3] 20.0	14.65
CI70-266..... C 3-3-75	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	El Paso Natural Gas Co., Espy (Canyon) Field, Sutton County, Tex.	[4] 61.9643	14.65
CI72-283..... 2-14-75 [5] [6]	Anadarko Production Co. (operator) et al., P.O. Box 9317, Fort Worth, Tex. 76107.	Panhandle Eastern Pipe Line Co., Hugoton Field, Seward County, Kans.	13.0	14.65
CI72-290..... 2-14-75 [5] [6]	do.....	Panhandle Eastern Pipe Line Co., acreage in Stevens County, Kans.	[8] 20.013	14.65
CI73-175..... C 2-27-75	Amoco Production Co., P.O. Box 50879, New Orleans, La. 70450.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	[7] 60.814	14.73
CI75-433..... A 1-24-75 [9]	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102.	[10]	65.0	14.65
CI75-514..... A 2-21-75	Transwestern Gas Supply Co., P.O. Box 2521, Houston, Tex. 77001.	Transwestern Pipeline Co., Parsell Field, Roberts County, Tex.	[10] [11] 80.0	14.65
CI75-516..... A 2-24-75	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., West Cameron Block 177, offshore Louisiana.	[12] 52.02	15.025
CI75-517..... A 2-25-75	Texas Oil & Gas Corp., Fidelity Union Tower Bldg., Dallas, Tex. 75201.	Texas Eastern Transmission Corp., Bonus Field, Wharton County, Tex.	[12] 55.2335	14.65
CI75-519..... (CS72-250) B 2-27-75	R. Lacy, Inc., B.W. Crain, Jr., J.W. Griffith and J. E. Price, 222 East Tyler St., P.O. Box 2146, Longview, Tex. 75601.	Mississippi River Transmission Corp., Woodlawn Field, Harrison County, Tex.	Uneconomical	
CI75-520..... (G-20101) B 2-28-75	Sohio Petroleum Co., 970 First National Center—North, Oklahoma City, Okla. 73102.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Keyes Field, Cimarron County, Okla.	Depleted	
CI75-521..... A 2-25-75	Ashland Oil, Inc., P.O. Box 1503, Houston, Tex. 77001.	Cities Service Gas Co., Kan-OK Field, Seward County, Kans.	[12] 50.783	14.65
CI75-523 (CI60-1160) B 3-3-75	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Transcontinental Gas Pipe Line Corp., Vermilion Block 54 Field, offshore Louisiana.	Depleted	
CI75-524..... A 3-3-75	Sohio Petroleum Co.....	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Madden Field (Deep), Fremont and Natrona Counties, Wyo.	[12] [13] 76.5	14.65
CI75-525..... A 3-3-75	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp. Wildcat Field, Sweetwater County, Wyo.	[12] [13] 76.5	14.65
CI75-526..... A 3-3-75	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Columbia Gas Transmission Corp., Eugene Island Block 332, offshore Louisiana.	[12] [17] 75.0	15.025
CI75-527..... A 3-3-75	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	United Gas Pipe Line Co., West Cameron Block 587 Field, Federal offshore, Louisiana.	[12] 80.0	15.025
CI75-528..... A 3-4-75	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co., Leonard Queen South Area, Lea County, N. Mex.	[12] 57.49	14.73
CI75-529..... (G-4102) (G-19271) B 2-28-75	The Altex Corp., P.O. Box 17968, San Antonio, Tex. 78286.	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., Alice Field and East Alice Field, Jim Wells County, Tex.	Depleted	
CI75-530..... (G-5675) (G-19269) B 2-28-75	Jewel Osborn, now Storey, P.O. Box 17968, San Antonio, Tex. 78286.	The Altex Corp., Alice Field and East Alice Field, Jim Wells County, Tex.	Depleted	
CI75-531..... (G-5674) (G-19263) B 2-28-75	W. B. Osborn, Jr., executor of the estate of W. B. Osborn, deceased.	do.....	Depleted	
CI75-532..... (G-5673) (G-19273) B 2-28-75	Charlottie Osborn Barrett.....	do.....	Depleted	
CI75-533..... (G-5672) (G-19275) B 2-28-75	Betty Osborn Biedenharn.....	do.....	Depleted	
CI75-534..... (G-5671) (G-19270) B 2-28-75	W. B. Osborn, Jr.....	do.....	Depleted	

[1] Applicant and buyer entered into a new gas purchase and sales agreement with respect to those leases covered by a contract which expired by its own terms and provisions on Nov. 1, 1974.
[2] The interest formerly owned by J. B. O'Connor is now owned in part by the J. B. O'Connor estate and in part by Carey B. O'Connor, and the interest formerly owned by H. N. Mallon is now owned in part by Annadale Pitt and in part by Annadale Pitt Agency No. 1962.
[3] Being renoticed to reflect the present effective rate under which the gas is being sold in interstate commerce.
[4] Amendment to redesignate Anadarko as the operator in lieu of William H. Chamberlain, doing business as Saturn Oil & Gas Co. (operator) et al., for continuation of same service.
[5] Subject to downward British thermal unit adjustment.
[6] Includes tax reimbursement.
[7] Includes 5.529 c/M ft³ upward British thermal unit adjustment and estimated tax reimbursement of 4.285 c/M ft³.
[8] Rate for old gas; includes tax reimbursement.
[9] Rate for new gas; includes tax reimbursement and British thermal unit adjustment.
[10] Successor to Texas Gas Exploration Corp. (operator) et al., in Docket No. CI68-502; Gulf Oil Corp. in Docket No. CI68-620 and Samedan Oil Corp. in Docket No. CI68-309.

[11] Includes 4.1127 c/M ft³ tax reimbursement and 7.1286 c/M ft³ upward British thermal unit adjustment.
[12] Subject to upward and downward British thermal unit adjustment; includes tax reimbursement.
[13] Applicant, by amendment to application filed Mar. 6, 1975, states its willingness to accept a certificate in accordance with Opinion No. 699-H.
[14] Subject to upward and downward British thermal unit adjustment.
[15] Applicant is willing to accept a certificate in accordance with Opinion No. 699.
[16] Subject to upward and downward British thermal unit adjustment; includes 4.1127 c/M ft³ tax reimbursement and 0.2875 c/M ft³ gathering allowance.
[17] Subject to upward British thermal unit adjustment; estimated adjustment is 0.53 c/M ft³.
[18] Includes 2.21 c/M ft³ upward British thermal unit adjustment.

[FR Doc.75—3920 Filed 4-7-75;8:45 am]

[Docket No. RP75-80]

ALABAMA-TENNESSEE NATURAL GAS CO.

FPC Gas Tariff, Proposed Changes

MARCH 31, 1975.

Take notice that Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), PO Box 918, Florence, Alabama 35630, on March 25, 1975, tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Ninth Revised Sheet No. 3-A, First Revised Sheet No. 5, First Revised Sheet No. 11, First Revised Sheet No. 14, and Second Revised Sheet No. 36-F and, in the alternative, Substitute Ninth Revised Sheet No. 3-A, Substitute First Revised Sheet No. 5, Substitute First Revised Sheet No. 11, Substitute First Revised Sheet No. 14, and Second Revised Sheet No. 36-F. These revised sheets or, in the alternative, the substitute revised sheets are proposed to become effective on April 25, 1975.

Alabama-Tennessee states that the proposed changes would increase revenues from jurisdictional sales and service under the Revised Sheets by $822,760.47 and under Substitute Revised Sheets by $824,016.10, based upon the 12 month period ending December 31, 1974, as adjusted. Alabama-Tennessee states that the increased rates are required for recovery of fixed costs over the reduced volumes of gas available for sale and to provide an increase in the composite depreciation rate from 3.2 percent to 5.5 percent and an increase in the rate of return from 8.25 percent to 11.48 percent, as well as to reimburse Alabama-Tennessee for other increases which are being, and will be, experienced in its costs of service, including cost of purchased gas.

Alabama-Tennessee states that the revised tariff sheets provide for the following rates:

Rate schedule	Revised sheets	Substitute revised sheets
G-1:		
Demand	$3.41	$3.36
Commodity	66.03	64.67
SG-1: Commodity	90.94	89.36
I-1: Commodity	68.03	66.67

Alabama-Tennessee states that copies of the filings have been mailed to all of its jurisdictional customers and affected State regulatory Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9054 Filed 4-7-75;8:45 am]

[Docket No. CP75-14]

ALGONQUIN LNG, INC. AND ALGONQUIN GAS TRANSMISSION CO.

Extension of Time

MARCH 31, 1975.

On March 20, 1975, Algonquin LNG, Inc. filed a motion to extend the date for filing briefs on exceptions to the initial decision of the Presiding Administrative Law Judge issued February 28, 1975 in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that, pursuant to § 1.31(a) of the Commission's rules of practice and procedure, the date for filing briefs on exceptions in the above matter is extended to and including April 14, 1975, and the date for filing briefs opposing exceptions is extended to and including May 5, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9053 Filed 4-7-75;8:45 am]

[Dockets Nos. CI75-389; CI75-391; CI75-393]

THE CALIFORNIA CO., A DIVISION OF CHEVRON OIL CO., ET AL.

Extension of Procedural Dates

MARCH 31, 1975.

In the matter of The California Company, a Division of Chevron Oil Company, Kerr-McGee Corporation, and Phillips Petroleum Company.

On March 24, 1975, The California Company filed a motion to extend the procedural dates fixed by order issued March 17, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of testimony by all supporting parties, April 15, 1975.

Hear, April 30, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9056 Filed 4-7-75;8:45 am]

[Docket No. E-8684]

CAROLINA POWER AND LIGHT CO.

Order Referring Motion to Presiding Administrative Law Judge and Scheduling Prehearing Conference

APRIL 1, 1975.

On March 3, 1975, ElectriCities of North Carolina (ElectriCities) filed a "Motion for an Order Directing Production of Documents and Answering of Interrogatories" in which ElectriCities complains of a lack of response on the part of Carolina Power & Light Company (CP&L) to certain data requests. CP&L filed a response to ElectriCities' motion on March 18, 1975.

Due to the complexity and number of the requests by ElectriCities and the allegations of CP&L, we believe the most expeditious manner to handle this matter is to refer it to the Presiding Administrative Law Judge to be handled in accordance with the procedures set forth in § 1.26 of the Commission's rules and regulations. Moreover, we shall schedule a prehearing conference wherein all issues related to ElectriCities' Motion shall be raised and argued.

The Commission finds. Good cause exists to refer ElectriCities' motion to the Presiding Administrative Law Judge and to schedule a prehearing conference as hereinafter ordered and conditioned.

The Commission orders. (A) ElectriCities' March 3, 1975, Motion is hereby referred to the Presiding Administrative Law Judge to be handled in accordance with the procedures set forth in § 1.26 of the Commission's rules and regulations.

(B) A prehearing conference shall be held at 10 a.m., on Tuesday, April 15, 1975, at the Federal Power Commission, Washington, D.C. 20426, wherein all issues related to ElectriCities' Motion shall be raised and discussed.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9055 Filed 4-7-75;8:45 am]

[Dockets Nos. RP72-142 and PGA75-3]

CITIES SERVICE GAS CO.

Order Clarifying and Amending Prior Order

APRIL 1, 1975.

On March 5, 1975, Cities Service Gas Company (Cities) filed an Application for Clarification, Reconsideration or Rehearing relating to the Commission's February 3, 1975, letter order accepting Third Alternate Substitute Ninth Revised Sheet PGA-1 in this proceeding which reflected a .23 cent per Mcf increase in Cities' rates. Cities claims that

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the last sentence of the first paragraph of that letter order which reads: "The rates are subject to refund and any orders issued at Docket No. RP74–4" is ambiguous and that the cited language may be interpreted to mean that the .23 cents per Mcf adjustment is subject to refund.

It was not our intention to set a refund obligation upon Cities' current .23 cent per Mcf adjustment. Our statement at the end of paragraph one of the February 3, 1975 letter order was to apprise Cities that only to the extent that the Base Tariff Rates have been made subject to refund at Docket No. RP74–4, the rates as approved are subject to future adjustment.

The Commission finds and orders. (A) The last sentence of the first paragraph of our letter order of February 3, 1975 should be deleted and in its place the following sentence should be inserted:

To the extent that the Base Tariff Rates reflected on the tariff sheet have been made subject to refund at Docket No. RP74–4, the rates approved herein are subject to future adjustment.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

(SEAL) KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–9057 Filed 4–7–75;8:45 am]

[Dockets Nos. CP74–227; CP73–135; CP74–312]

DISTRIGAS CORP. AND DISTRIGAS OF MASSACHUSETTS CORP.

Postponement of Hearing

MARCH 31, 1975.

On March 28, 1975, Distrigas Corporation and Distrigas of Massachusetts Corporation filed a motion to extend the hearing date fixed by order issued December 4, 1974, as most recently modified by notice issued March 6, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the hearing date in the above matter is postponed until April 15, 1975, at 10 a.m. (e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–9068 Filed 4–7–75;8:45 am]

[Dockets Nos. RP73–104, RP73–104, RP74–22, RP74–23, RP74–57, and CP74–314 PGA75–2]

EL PASO NATURAL GAS CO.

Order Accepting for Filing and Suspending Proposed PGA Increase

MARCH 31, 1975.

On February 24, 1975, El Paso Natural Gas Company (El Paso) tendered for filing proposed revised tariff sheets[1] to its FPC Gas Tariff. El Paso also tendered certain alternate tariff sheets which were proposed in order to amortize certain overriding royalty payments incurred during the period June 1, 1974 through December 1, 1974. On February 28, 1975, El Paso tendered for filing revised tariff sheets[2] to provide for amortization of the overriding royalty payments for the period July 10, 1974 through November 30, 1974.

Notice of these two filings was issued March 5 and March 6, 1975, respectively, with comments, protests and petitions to intervene due on or before March 14 and March 20, 1975. To date, no protests or petitions to intervene have been filed.

The instant filings reflect an increase in El Paso's annualized purchased gas costs, a surcharge to recover amounts in El Paso's unrecovered purchased gas cost account, a proposed change in the method of calculation of purchased gas costs to reflect changes in El Paso's gas purchase patterns, and the surcharge to amortize the overriding royalty payments for the period from July 10 through November 30, 1974.

Our review of that portion of El Paso's filing pursuant to its purchased gas cost adjustment clause indicates that it includes certain small producer and emergency purchases at rates in excess of the rates provided by Opinion No. 699–H.[3] Therefore the rates have not been shown to be just and reasonable. Accordingly, we shall accept the proposed rate increase for filing and suspend it for one day, until April 2, 1975, when it will be permitted to become effective subject to refund. This action is without prejudice to El Paso's right to file revised tariff sheets reflecting only those purchased gas cost increases not in excess of the rates provided by Opinion No. 699–H and which also may reflect, as of April 1, 1975, El Paso's proposed change to modify the computation of purchased gas costs based on changes in El Paso's gas purchase pattern.

This approval is also subject to any rate adjustments and/or refunds which may be required as a result of further orders in Docket No. R–389–B or of any appeals of such orders to the Courts. Such rate adjustments and/or refunds shall, of course, be governed by the provisions of El Paso's PGA clause and § 154.38(d)(4) of the regulations.

El Paso's filing of February 28, 1975, is consistent with our order on motion for authorization to collect amortization charge, issued February 24, 1975. We shall therefore accept it for filing and suspend it for one day, when it will be permitted to become effective, subject to further order and refund and to the conditions contained in our order of February 24, 1975.

We note, however, that El Paso has not filed tariff sheets reflecting amortization of the overriding royalty charges incurred during the period July 10, 1974 through December 1, 1974, as provided by our order issued March 19, 1975, in these dockets. Instead, El Paso's February 28, 1975 filing reflected only the overriding royalty charges for the period from July 10 through November 30, 1974. We shall permit El Paso to submit revised tariff sheets reflecting the overriding royalty charges for that longer period, subject to the conditions of this order and our order of February 24, 1975.

The Commission finds. It is necessary nor appropriate in the public interest and to aid in the enforcement of the Natural Gas Act.

(1) El Paso's proposed revised tariff sheets filed February 24 and February 28, 1975, be accepted for filing, suspended for one day, and permitted to become effective, subject to refund.

(2) The increased costs other than those associated with that portion of emergency and small producer purchases in excess of the rates prescribed by Opinion No. 699–H are just and reasonable and in compliance with the standards set forth in Docket No. R–466.

The Commission orders. (A) El Paso's proposed tariff sheets are accepted for filing, suspended for one day, when they will be permitted to become effective, subject to refund, pending further Commission order.

(B) Within 15 days of the issuance of this order, El Paso may file revised tariff sheets to become effective April 1, 1975, reflecting that part of the increase proposed herein other than increased costs associated with that portion of emergency and small producer purchases in excess of the rates prescribed by Opinion No. 699–H and also reflecting the changes in the computation of purchased gas costs based on changes in El Paso's gas purchase patterns.

(C) Within 15 days of the issuance of this order, El Paso may file revised tariff sheets to become effective April 2, 1975, reflecting overriding royalty charges for the period July 10 through December 1, 1974, subject to the conditions contained in Commission order issued February 24, 1975, and further order herein.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

(SEAL) KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–9060 Filed 4–7–75;8:45 am]

[Dockets Nos. RP74–22; RP74–23]

EL PASO NATURAL GAS CO. AND NORTHWEST PIPELINE CORP.

Further Extension of Time

MARCH 31, 1975.

On March 21, 1975, El Paso Natural Gas Company filed a motion in Docket No. RP74–22 and Northwest Pipeline Corporation filed a motion in Docket No. RP74–23, to extend the dates for filing briefs on exceptions and briefs opposing exceptions to the initial decision of the Presiding Administrative Law Judge issued August 28, 1974, in the above-designated matters heard on a common record. The California Public Utilities Commission objects to the former motion. All other parties have been notified and have no objection.

Notice is hereby given that the date for filing briefs on exceptions is extended to April 30, 1975, and the date for filing briefs opposing exceptions is extended to May 20, 1975.

By direction of the Commission.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.75–9059 Filed 4–7–75;8:45 am]

[Docket No. CI75–549]

KERR-McGEE CORP.

Notice of Application

MARCH 31, 1975.

Take notice that on March 17, 1975, Kerr-McGee Corporation (Applicant), P.O. Box 25861, Oklahoma City, Oklahoma 73125 filed in Docket No. CI75–549 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Southern Natural Gas Company (Southern) from the State Lease 1999 Well No. 22 in Breton Sound Block 28, Plaquemines Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell casinghead gas attributable to its 50 percent working interest in the State Lease 1999 Well No. 22 to Southern at the national rate[1] for a period of one year from the end of a 60-day emergency period[2] within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

Applicant states in support of its application that State Lease 1999 Well No. 22 is a wildcat well which discovered an abnormally high pressure low GOR oil reservoir in a sand at 10,300 feet and that the production facilities being used to separate and handle the well's production are temporary in nature. Applicant asserts that the production receiving station and gathering line was installed for other service and are not suited to long-term production. Applicant alleges evaluation of this well has barely begun and a one-year period will be required to complete evaluation. Applicant states that shortly after initial completion the well commenced producing significant quantities of salt water and for this reason Applicant states its productive life is questionable.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 18, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–9061 Filed 4–7–75;8:45 am]

[Docket No. CI67–1594, et al.]

KERR-McGEE CORP., ET AL.

Further Extension of Time

APRIL 1, 1975.

On March 26, 1975, Kerr-McGee Corp. and on March 28, 1975, Phillips Petroleum Co. and Southern Natural Gas Co. filed motions to extend the time within which to elect to transfer sums under the overriding royalty provision of the Commission's order issued October 29, 1974, as most recently modified by notice issued February 28, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the time in which to take the above action is extended to and including April 28, 1975.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–9062 Filed 4–7–75;8:45 am]

[Docket No. RP74–26]

LOUISIANA-NEVADA TRANSIT CO.

Order Approving Settlement Agreement

APRIL 1, 1975.

On February 3, 1975 with the Presiding Administrative Law Judge certified to the Commission a settlement agreement and the related record in this proceeding. Notice of the certification was issued February 6, 1975, with comments due on or before February 24, 1975. The Commission Staff (Staff) filed comments which favored the settlement agreement.

This proceeding involves a filing by Louisiana-Nevada Transit Company (LNT) made on September 28, 1973. LNT filed proposed tariff sheets which would increase LNT's jurisdictional rate from 24.26¢ Mcf to 39.50¢ Mcf under LNT's Rate Schedule G–1. The filing also proposed the inclusion of a purchased gas adjustment (PGA) clause in LNT's tariff. The Arkansas Public Service Commission (PSC) and the City of DeQueen, Arkansas (DeQueen) both timely sought and were granted the right to intervene. DeQueen is LNT's only jurisdictional customer. DeQueen sought and, by Order issued December 7, 1973, was denied rehearing of the Commission's Order of October 31, 1973 which accepted for filing LNT's proposed rates. DeQueen subsequently petitioned the United States Court of Appeals for the District of Columbia Circuit for review of the October 31, 1973 and December 7, 1973 orders.

A prehearing conference was held before the Presiding Administrative Law Judge on June 17, 1974, at which time LNT's case in chief and Staff's direct case were copied into the record. On January 20, 1975 a further hearing was convened at which time DeQueen's direct case, LNT's rebuttal evidence, and Staff's revised exhibits were copied into the record. At the request of Staff the hearing was recessed to permit settlement discussions. Three days of settlement discussions followed which resulted in the herein accepted settlement agreement. Staff, LNT, and DeQueen participated in these proceedings, PSC having chosen not to participate in any of the above outlined proceedings.

Staff's direct case and revised exhibits supported a rate of 36.05¢/Mcf. The difference between Staff's recommended rate and LNT's proposed rate arose over differences in projected gas supplies available to LNT after April 30, 1974. LNT produced actual figures on gas supply that justified a rate of 39.50¢/Mcf using Staff's cost of service.[1]

A summary of the settlement provisions at Docket RP74–26 is as follows:

LNT's filed rate will remain effective subject to the following conditions: 1. LNT will refund 5 cents per Mcf to DeQueen in respect of the volumes sold from November 2, 1973 through February

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[1] First Substitute Fourteenth Revised Sheet No. 2–B and First Revised Sheet No. 67–B to Original Volume No. 1; First Substitute Fourth Revised Sheet No. 1–D to Third Revised Volume No. 2; First Substitute Sixth Revised Sheet No. 1–C and Substitute First Revised Sheet No. 1–D to Original Volume No. 2–A.

[2] Second Substitute Fourteenth Revised Sheet No. 2–B to Original Volume No. 1; Second Substitute Fourth Revised Sheet No. 1–D to Third Revised Volume No. 2; Second Substitute Sixth Revised Sheet No. 1–C to Original Volume No. 2–A.

[3] Docket No. R–389–B, issued December 4, 1974.

[1] The application states the total initial price including all adjustments and tax reimbursement is 64.90 cents per Mcf at 15.025 psia for gas containing 1,091 Btu per cubic foot, inclusive of 0.510 cent per Mcf allowance for delivery at a point on the buyer's line.

[2] Applicant indicates the 60-day emergency period expires on May 9, 1975. 18 CFR 157.29.

[1] Staff's cost of service is shown in Appendix A. The capitalization and return allowance is shown in Appendix B. Both appendices are filed as part of the original document.

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28, 1975, together with interest at 7 percent.

2. LNT may track advance payments as provided in a settlement appendix, provided that a rate increase for such tracking may not be filed to become effective before September 1, 1975.

3. Except for PGA filings and as provided in 2 above, LNT shall not file increased rates to become effective after suspension prior to November 1, 1975.

4. DeQueen will not file any objection to the currently pending purchase gas adjustment tendered by LNT January 13, 1975.

5. DeQueen will withdraw its aforementioned petition for review in the United States Court of Appeals for the District of Columbia Circuit.

The advance payments tracking clause referred to in 2 above is tied to LNT's contract with the Crystal Oil Company. The clause limits increases to be tracked to: (1) Only those under a single, current contract between LNT and the Crystal Oil Company, (2) $200,000 per well or actual cost per well whichever is less, and (3) $1,000,000 total outlays during the life of the contract. There is no automatic termination of this term of the settlement agreement upon the filing of a new rate increase by LNT.

As set out in our Order Denying Rehearing, issued February 26, 1975 in Northern Natural Gas Company, Docket Nos. RP71-107, et al., the Commission is opposed to permanent tracking clauses for other than purchased gas and research and development costs. Therefore, we will approve the settlement agreement on the condition that LNT shall not increase its rates to reflect advance payments pursuant to the advance payment tracking provision in 2 above on or after the effective date of a new general rate increase filed by LNT pursuant to section 4 of the Natural Gas Act.

Our review of this settlement agreement, as well as the entire record in this proceeding, indicates that, as conditioned, the proposed settlement agreement adequately resolves the issues raised by the filing, is in the public interest, and should therefore be approved and made effective as hereinafter ordered and conditioned.

The Commission finds. Approval of the settlement agreement certified to us by the Presiding Administrative Law Judge in this proceeding, as conditioned herein, is reasonable and appropriate in the public interest in carrying out the provisions of the Federal Power Act.

The Commission orders. (A) The settlement agreement certified to us by the Presiding Administrative Law Judge is incorporated herein by reference, approved and made effective as provided by the provision of the settlement agreement, upon the condition that LNT shall not increase its rates to reflect advance payments pursuant to the advance payment tracking provision in 2 above on or after the effective date of a new general rate increase filed by LNT pursuant to section 4 of the Natural Gas Act.

(B) Within 30 days of the date of issuance of this order, LNT shall refund 5 cents per Mcf to DeQueen in respect of the volumes sold from November 2, 1973 through February 28, 1975, together with interest at 7 percent.

(C) This order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against LNT or any person or party, except as provided in the settlement agreements.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-9078 Filed 4-7-75;8:45 am]

[Docket No. RI75-40]

MOBIL OIL CORP.

Order Denying Reconsideration of Order Setting Date for Hearing

APRIL 1, 1975.

On March 6, 1975, Mobil Oil Corporation (Mobil) filed a petition for reconsideration of our order in Docket No. RI75-40 issued on February 28, 1975, that set the above proceeding for hearing. More specifically, Mobil requests that the Commission grant its petition for special relief pursuant to § 2.76[1] of the Commission's General Policy and Interpretations filed in the instant docket on September 30, 1974, or, in the alternative, continue the hearing set in our February 28, 1975, order to June 2, 1975, with Mobil's testimony and evidence to be filed on May 1, 1975.

Mobil bases its claim for relief on the fact that we granted the same special relief to LVO Corporation (LVO) in Docket No. CI74-19 on April 22, 1974. LVO's petition covered, inter alia, sales of natural gas from the two wells in the Bradshaw Field, Hamilton County, Kansas, in which Mobil also holds a partial working interest, and with respect to which Mobil seeks special relief in this proceeding.[2]

On July 23, 1974, we issued six orders[3] with reference to petitions for special relief. Each order stated, inter alia, that an analysis of a special relief petition required close scrutiny of the additional reserves which are estimated to be recoverable, and the costs therefor. Our order granting relief to LVO in Docket No. CI74-19 was issued before we adopted our current standards with regard to the recovery of reserves and costs associated therewith. However, Mobil's petition for special relief in the instant docket was filed after these standards took effect. Since Mobil was not a party to the LVO proceedings in Docket No. CI74-19, its plea for relief in the instant proceeding must stand on its own merits.

We also find Mobil's argument unpersuasive that, on the basis of Episcopal Theological Seminary v. Federal Power Commission, 269 F.2d 228 (D.C. Cir. 1959) and the Commission's order in Cities Service Oil Company, et al., Docket Nos. RI74-142 et al. (issued November 12, 1974), the Commission must grant its petition for special relief.

The Episcopal case upheld an order issued June 6, 1958, in Docket Nos. G-8697, *et al.* (19 F.P.C. 917) that denied applications for rehearing of an order issued April 14, 1958 (19 F.P.C. 519) which, inter alia, disallowed a periodic escalation for failure to submit evidence of economic justification therefor.

The Cities case is not dispositive because special relief to LVO for its sales from the remaining portion of the wells was decided on the basis of standards which have since been superseded and are not currently in effect whereas in Cities, the appropriate level of special relief for the interest owners there was determined at the same time pursuant to identical standards.

On the basis of the above, we conclude that reconsideration of our order issued February 28, 1974, should be denied. However, concerning Mobil's alternate plea to continue the hearing, we find that good cause exists to grant a continuance to the dates requested.

The Commission orders. (A) Mobil's Petition For Reconsideration Of Order Setting Date For Hearing filed March 6, 1975, is hereby denied.

(B) The procedural dates set forth in Ordering Paragraphs (B), (D), (E), and (F) of our February 28, 1975, order in these proceedings are changed to the following:

June 2, 1975—Hearing date.
May 1, 1975—Mobil's direct case.
May 23, 1975—Staff's direct case.
May 29, 1975—Rebuttal due.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-9064 Filed 4-7-75;8:45 am]

[Docket No. CP75-271]

McCULLOCH INTERSTATE GAS CORP.

Notice of Application

MARCH 31, 1975.

Take notice that on March 5, 1975, McCulloch Interstate Corporation (Applicant), 10880 Wilshire Boulevard, Los Angeles, California 90024, filed in Docket No. CP75-271 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of Applicant's existing facilities for the purpose of transporting gas owned by Colorado Interstate Gas Company (CIG) or delivered to Applicant for CIG's account by Mountain Fuel Supply Company (Mountain Fuel), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Mountain Fuel will deliver gas produced from certain acreage in the Spearhead Ranch, Converse County, Wyoming, to Applicant at the interconnection of Applicant's facilities with Mountain Fuel's facilities in Converse County. The subject gas is either owned by CIG or delivered to Applicant for CIG's account. Applicant proposes to transport said gas approximately 35 miles in its existing 16-inch transmission line and deliver the gas to CIG at the existing interconnection of Applicant's and CIG's Powder River laterals near Douglas, Wyoming. Applicant further states that no new facilities will be required for Applicant to effectuate the proposed transportation service.

Applicant proposes to charge CIG 3.5 cents per Mcf of gas for the proposed transportation service, subject to future adjustment. Applicant estimates that it will transport annual volumes of 732,000 Mcf of gas under the requested authority, which will produce annual transportation revenues to Applicant of approximately $27,370.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-9063 Filed 4-7-75;8:45 am]

[Dockets Nos. CP74-286; CP75-196]

NATURAL GAS PIPELINE CO. OF AMERICA

Postponement of Hearing

MARCH 28, 1975.

On March 27, 1975, Staff Counsel filed a motion for an order consolidating the above-designated matters, for fixing a date to file evidence, and to postpone hearing date fixed by order issued February 24, 1975, in CP74-286.

Notice is hereby given that, pending further Commission action on the above motion, the hearing date is postponed until May 22, 1975, at 10 a.m. (e.d.t.).

MARY B. KIDD, *Acting Secretary.*

[FR Doc.75-9065 Filed 4-7-75;8:45 am]

[Docket No. RP74-75]

NORTHERN NATURAL GAS CO.

Order Setting Procedural Dates

APRIL 1, 1975.

By Notice issued January 21, 1975, the Commission deferred the procedural dates for service of Intervenor evidence and Northern rebuttal evidence, as well as the date for the hearing for purposes of cross-examination pending action on Northern's application for rehearing of our December 30, 1974, order. By order issued February 28, 1975, the Commission denied the applications for rehearing filed by Northern and the Northern Distributor Group. Accordingly, we find it appropriate to establish procedural dates for the expeditious resolution of the issues raised in this proceeding.

The Commission finds. Good cause exists to reset procedural dates in this proceeding for the expeditious resolution of the issues raised herein.

The Commission orders. (A) Any Intervenor evidence in this proceeding shall be served on or before April 22, 1975. Any rebuttal evidence by Northern shall be filed on or before May 6, 1975. A hearing for purposes of cross-examination of the evidence shall commence at 10 a.m. on June 3, 1975, in a hearing room in the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-9066 Filed 4-7-75;8:45 am]

[Dockets Nos. E-8999, E-9000, E-9001]

ORANGE AND ROCKLAND UTILITIES, INC. AND ROCKLAND ELECTRIC CO.

Further Extension of Procedural Dates

MARCH 28, 1975.

On March 21, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued February 7, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of staff's testimony, May 20, 1975.
Service of intervenor's testimony, June 3, 1975.
Service of company rebuttal, June 17, 1975.
Hearing, July 7, 1975 (10 a.m., edt).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-9067 Filed 4-7-75;8:45 am]

[Docket No. R-389-B]

RATES FOR SALES OF NATURAL GAS FROM CERTAIN WELLS AND DEDICATIONS TO INTERSTATE COMMERCE

Notice of Form of Application

MARCH 31, 1975.

Applications for certificates of public convenience and necessity have been filed under the Commission's Opinion Nos. 699, *et seq.* (18 CFR 2.56a) which have in some instances sought certification at a rate in excess of the rate provided for in § 2.56a(a).

Notice is hereby given that when any such application is filed, that is, pursuant to § 2.56a(g) Special Relief, it should be entitled "Petition For Special Relief", in accordance with the provision of § 2.56a(g)[1] and should clearly and openly state that it is such a petition on the face of the application.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.75-9071 Filed 4-7-75;8:45 am]

[Docket No. R-389-B]

RATES FOR SALES OF NATURAL GAS FROM CERTAIN WELLS AND DEDICATIONS TO INTERSTATE COMMERCE

Order on Clarification

MARCH 31, 1975.

On March 7, 1975, the Commission issued an order on clarification in which we answered specific questions which had been posed by Panhandle Eastern Pipe Line Company and Trunkline Gas Company (Panhandle) in a joint petition for reconsideration and clarification filed on February 4, 1975, to our Opinion No. 699-H.[2] Since the issuance of said order of clarification many parties to this proceeding have indicated that further clari-

[1] 18 CFR § 2.76.

[2] Mobil owns a 12.23 and a 12.49065 percent interest, respectively, in the two wells covered by its petition for special relief more particularly described in our February 28, 1975, order in Docket No. RI75-40.

[3] C. K. Oil Company, Docket No. RI74-234; Cities Service Oil Company, et al., Docket Nos. RI74-142, et al.; Dinero Oil Company, Docket No. RI74-220; Sun Oil Company, Docket No. RI74-236; Sun Oil Company, Docket No. RI74-237; Terra Resources, Inc., Docket No. RI74-240.

[1] 18 CFR § 2.56a(g).

[2] Opinion No. 699-H, mimeo, page 82.

[3] Opinion No. 699-H was issued December 4, 1975 —— FPC ——.

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fication is needed.[1] We are aware that this matter is now pending in the United States Court of Appeals for the Fifth Circuit.[2] However, since our purpose was not to seek to modify or set aside, in whole or in any part, any finding or order in Opinion Nos. 699 and 699–H, we believe that our clarification was proper. Consequently, we believe that further explanation of that clarification is likewise proper.

In explanation, it probably would have been more appropriate to set out the fact that the postulate to each of Panhandle's questions related only to date of discovery or identity of a reservoir. Both Phillips Petroleum Company (Phillips) and Rodman Corporation, et al. (Rodman) recognized that fact in their respective petitions (Phillips' Pet. pp. 5–6; Rodman's Pet. p. 3) but asked that the Commission make clear that the answers it gave in the order of March 7, 1975, related to claims for the new rates based on a newly discovered reservoir. We had thought we had made the answers clear when we declared the fact situations and the date of commencement of drilling or service to be immaterial to the questions as presented. Nevertheless, we shall restate the general rules of applicability of Opinion Nos. 699, et seq., to eliminate any doubt as to the meaning of those rules.

The rate and proposed rate increases filed in accordance with Opinion Nos. 699, et seq., and to be accepted thereunder shall be for (1) sales from wells commenced on or after January 1, 1973 (including sales from a different reservoir in an existing well where the completion, operation into such different reservoir commenced on or after January 1, 1973);[4] (2) "sales made pursuant to contracts for the sale of natural gas in interstate commerce for gas not previously sold in interstate commerce prior to January 1, 1973," as set forth in § 2.56a(a)(2)(ii), as amended by Opinion No. 699–I; (3) sales made pursuant to a contract which replaced a contract which had expired by its own terms on or after January 1, 1973; or pursuant to a contract executed on or after January 1, 1973, which replaced a contract which had expired by its own terms prior to January 1, 1973; and (4) sales made from a reservoir discovered on or after January 1, 1973, pursuant to § 2.56a(k), as amended by Opinion No. 699–I.

Such categories of gas qualifying for the national gas rate, as prescribed in Opinion No. 699, et seq., have been consistently applied by the Commission since the promulgation of said opinions and accompanying orders. As we stated in the order of March 7, 1975, "• • • the exclusive jurisdiction to modify or set aside the order issued by us in Docket No. R–389–B is now vested in the Court." Any interpretation that may have been placed on our order of March 7, 1975, by any party cannot change that fact.

The Commission finds. (1) The applications filed by the parties named above, insofar as they seek clarification of the order issued herein on March 7, 1975, be granted.

The Commission orders. (A) The applications filed hereinsofar as they seek clarification of the order issued herein on March 7, 1975, are granted, and the response hereinabove set forth constitutes our clarification thereof.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–9070 Filed 4–7–75;8:45 am]

[Docket No. CP75–39]

SOUTHERN NATURAL GAS CO.

Petition To Amend Certificate of Public Convenience and Necessity

APRIL 1, 1975.

Take notice that on March 20, 1975, Southern Natural Gas Company (Petitioner) filed in Docket No. CP75–39 a petition to amend the order issued in said docket on October 21, 1974, pursuant to section 7(c) of the Natural Gas Act, as implemented by section 157.7(b) of the Regulations thereunder (18 CFR 157.7 (b)), so as to increase the single project cost limitations to $2,500,000 for offshore projects and so as to expand the definition of authorized budget-type gas purchase facilities to include those facilities which connect producers' facilities with the facilities of another natural gas company authorized to transport for the account of or exchange with Petitioner gas purchased by Petitioner, all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

The petition states by the October 21, 1974, order in the instant docket Petitioner is presently authorized to construct, during the 12-month period commencing on said date, and operate gas purchase facilities necessary to transport and receive into its main pipeline system supplies of natural gas available from producing areas located adjacent to said system, at a cost limitation of $1,750,000, for offshore projects. Petitioner requests the above described increase in single project cost limitation and an expanded definition of budget-type gas purchase facilities, stating that such a request is within the contemplation of the Commission's Order No. 522, issued January 16, 1975, in Docket No. RM75–2, Budget-type Applications—Gas Purchase Facilities (18 CFR 2.58, 157.7(b)).

Petitioner states that it now expects the cost associated with gas purchase facilities to be constructed to attach supplies of gas offshore to exceed $1,750,000, and seeks modification of the definition of budget-type gas purchase facilities in its original certificate in light of its reliance on exchange and transportation arrangements to obviate duplicative transmission facilities.

Any person desiring to be heard or to make a protest with reference to said petition should on or before April 21, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–9068 Filed 4–7–75;8:45 am]

[Docket No. CI75–553]

TEXACO INC.

Notice of Application

APRIL 1, 1975.

Take notice that on March 17, 1975, Texaco Inc., P.O. Box 430, Bellaire, Texas 77401, filed in Docket No. CI75–553 an application for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's rules of practice and procedure to authorize Applicant to sell natural gas from the High Island Block 119 Field, offshore Texas to United Gas Pipe Line Company at the initial rate of $1.18 per Mcf and all stated fixed price escalations.

With the exception of the royalty interest, who does not join this application, Applicant is the only party whose gas is to be sold under the terms and conditions of said contract.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE. Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–9069 Filed 4–7–75;8:45 am]

[Docket No. RP75–76–1]

TEXAS GAS TRANSMISSION CORP. (MISSISSIPPI VALLEY GAS CO.)

Notice of Petition for Extraordinary Relief

MARCH 31, 1975.

Take notice that on March 17, 1975, Mississippi Valley Gas Company (MVG) filed a petition for emergency relief, pursuant to section 5 of the Natural Gas Act and § 2.78 of the Commission's general policy and interpretations (18 CFR 2.78), from curtailment by its supplier, Texas Gas Transmission Corporation (Texas Gas), and for interim relief pendente lite in order to prevent forced shedding of firm electric load by two of its customers, City of Clarksdale, Mississippi (Clarksdale), and Greenwood Utilities, Greenwood, Mississippi (Greenwood), as well as for emergency relief for two other customers, Cooper Steel, a Division of Cooper Industries, Inc. (Cooper Steel), and Viasic Foods, Inc. (Viasic), all as more fully set forth in MVG's petition as augmented by incorporated petitions by the four aforesaid customers, all of which are on file with the Commission and open to public inspection.

MVG states it operates wholly within the state of Mississippi and is engaged primarily in the purchase, sale and distribution of natural gas to residential, commercial and industrial consumers in various areas of the state. MVG states that most of the gas it sells is purchased from four different interstate pipeline companies and that commencing April 1, 1975, MVG's supply from Texas Gas for that supply area which serves, inter alia, the four above-named customers will be critical. MVG states it is filing the instant petition on behalf of Clarksdale, Greenwood, Cooper Steel, and Viasic, each of which is seeking emergency relief in the belief such a procedure is required; but if the Commission will entertain said individual customer's petitions on their own behalf, MVG requests that it be dismissed as a party to the instant proceeding. MVG disclaims all liabilities and obligations arising out of or connected with such customers' requests.

By accompanying petition Clarksdale[1] states it has been advised by MVG that MVG will suspend delivery of virtually all natural gas to Clarksdale's electric generating stations, effective April 1, 1975. Clarksdale states it is presently in no position to rely on fuel oil as the primary fuel for its generating plant. Clarksdale cites a lack of adequate storage supply of fuel oil, its present inability to finance the required storage facilities conversion would require, and the present lack of an adequate internal delivery system to deliver oil to the generating units, all of which are said to render it impossible for Clarksdale to convert full time to the burning of fuel oil in its generating plant and to meet the economic burden laced upon its generating plant by a 100 percent curtailment of natural gas.[2]

Clarksdale requests immediate interim relief from a 100 percent curtailment of natural gas to its generating plant for a period of 6 months from April 1, 1975, during which it can take necessary steps to acquire sufficient oil for the new storage tank, complete the conversion of its internal delivery system and develop a supply and external delivery system for fuel oil. Additionally, Clarksdale requests permanent relief in the form of a guaranteed supply of 10,000 Mcf of natural gas per month to its South plant and Third Street plant (5,000 Mcf to each plant) required to fuel the pilots in the burners. Clarksdale states pilots cannot operate safely on oil and natural gas is necessary to fuel the pilots which ignite the oil in the burners. Finally, Clarksdale requests relief in emergency situations be granted on a permanent basis so that it can use natural gas to fuel its generators.[3]

By accompanying petition Greenwood[4] states that MVG has notified it that as a result of curtailments of MVG by Texas Gas MVG intends to curtail completely all gas deliveries to Greenwood effective April 1, 1975. Greenwood seeks emergency relief in the form of continued gas deliveries from April 1, 1975, until Greenwood had completed its present efforts, to make its electric generation facilities independent of natural gas, estimated to be accomplished around December 15, 1975. Greenwood alleges such relief is needed to avoid the shedding of firm electric load by it during this interim conversion period. Greenwood states that it estimates that it will require 5,200 Mcf of gas per day during the peak (summer) period, slightly less during off-peak period, and additional gas on an emergency standby basis (up to approximately 14,747 Mcf per day) which would be used in a dire emergency where due to the unavailability of alternate fuels, gas is absolutely required to avoid shedding firm electric load.

Greenwood states that it has two generation stations, Henderson Station and Wright Station, and that historically it has used natural gas as the primary fuel at both stations, with oil and coal as the primary standby fuel at Wright and coal as the primary standby at Henderson.

Greenwood states it is now in the process of trying to purchase and install the necessary equipment so that it can operate entirely on coal and oil but that during the interim it requires the abovestated temporary allocation of gas as standby fuel.

By accompanying petition Cooper Steel[5] seeks emergency relief resulting from an alleged incorrect consumption history which has resulted in an allocation of 14,814 Mcf of natural gas per year. Cooper Steel alleges that MVG erroneously stated by letter notice dated February 17, 1975, that it had consumed 26,149 Mcf in the year 1974 and curtailed this figure to 14,814 Mcf. Cooper Steel states this allocation of 14,814 Mcf is 15 percent of the requested needs and that this volume would permit Cooper Steel to operate for approximately eight weeks. Cooper Steel states that pursuant to MVG's curtailment plan MVG had no authority to allocate to Cooper Steel any history developed outside of MVG's service territory. Cooper Steel states further that accordingly MVG in its curtailment letter credited Cooper Steel with the 1974 customer volume record earned by Indian Head, Inc., in the plant it now occupies and determined the abovestated allocation.

Cooper Steel states MVG had previously agreed to deliver to it an interruptible maximum daily demand of 578 Mcf and an interruptible maximum hourly demand of 24 Mcf of gas. Cooper Steel asserts that its peak daily requirements are 426.2 Mcf per day and 8,234 Mcf per month and requests a firm supply. Cooper Steel requests that such relief be granted on a permanent basis. Cooper Steel states its standby fuel is propane and normal operation would require 1,144,538 gallons of this alternate fuel per year. At current prices, Cooper Steel indicates, the cost of natural gas per million Btu is $0.6666 and that the cost of propane per million Btu is $3.1816.

By accompanying petition Viasic seeks emergency relief from 100 percent curtailment of natural gas deliveries, stating

[1] On March 17, 1975, Northwest Pipeline Corporation filed a motion for clarification and on March 24, 1975, Exchange Oil & Gas Corporation filed for reconsideration; Rodman Corporation, Pennzoil Company, Pennzoil Louisiana & Texas Offshore, Inc., Pennzoil Offshore Gas Operators, Inc., Pennzoil Producing Company, Tenneco Oil Company and Texas Gulf, Inc. filed a joint "suggestion", and Phillips Petroleum Company filed for reconsideration.

[2] National Rate cases for New Gas, Docket No. 74–3330.

[4] Where a spacing order is obtained permitting the drilling of a well commenced on or after January 1, 1973, the production therefrom is entitled to the new gas ceiling under Category (1). See Opinion No. 699–H, mimeo p. 50.

[1] The City of Clarksdale, Mississippi, owns and operates an electric generating transmission and distribution system serving an area of approximately 24,000 people which area includes the corporate limits of Clarksdale, the town of Lyon, Mississippi, and adjacent outlying areas. This system is said to be completely isolated from all other electrical generating and distribution systems.

[2] Clarksdale states a complete conversion to fuel oil will result in an increase of electrical charges by approximately 50 percent.

[3] Clarksdale states an emergency would be defined as a situation fitting one of the following categories: 1) An equipment failure in the internal fuel delivery system resulting in the inability to feed fuel oil to the burners; 2) Any time the combined cycle steam and gas turbine unit is down during a peak load situation; and 3) A failure or breakdown in the external fuel delivery system resulting in unavailability of fuel, examples of which are ice storms, strikes, etc.

[4] Greenwood states it owns and operates an isolated municipal electric generation and distribution system serving its community of approximately 30,000 people.

[5] The petition states on July 30, 1974, Cooper Industries set up Cooper Steel as a corporate division in a program designed to provide cold rolled and heat treated steel needed by Lufkin Rule Company, another corporate division. Cooper Steel states it has installed $6,000,000 of equipment in the Greenville, Mississippi, plant and its heat treating and tempering facilities were operational prior to the curtailment letter from MVG of February 17, 1975. Cooper Steel states initial employment at its plant is 75 skilled operators with full employment estimated at 125 to 150.

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by letter notice dated February 17, 1975, MVG has informed it that Vlasic would receive no gas from April 1, 1975, through March 1976. Vlasic states its plant located at Greenville, Mississippi, is a food processing plant which has not yet been placed in operation. As a new project Vlasic states that it has no history of consumption [6] but it had previously executed an interruptible contract with MVG to take and pay a hourly maximum of 42 Mcf of natural gas and a daily maximum of 300 Mcf of natural gas.

Vlasic states its plant's standby source of energy is fuel oil and that it has applied to its supplier for an additional allocation of fuel oil to enable the plant to operate fulltime. Vlasic states that the cost of plant operations by fuel oil will be 3.4 times the cost of operation with natural gas. Vlasic maintains that there are exceptional circumstances which present an emergency of the first order as unemployment in the Greenville area is excessive due to the changing agricultural economy and industrial layoffs. Vlasic states it projects employing on a regular basis at its plant 250 individuals plus an additional 250 during the summer, the great majority of which it estimates will be black females living in the Greenville area.

Vlasic states the operation of its plant for processing vegetables into pickles will be relatively steady for the first year of operation. Vlasic requests a first year allocation of 300 Mcf of gas per day and 4,833 Mcf of gas per month and after the first year, peak day and month requirements for the months of May through September of 600 Mcf and 9,666 Mcf, respectively. Vlasic requests that deliveries of such natural gas be made under a firm contract; however, if that isn't possible, Vlasic requests that an interruptible supply be granted under a contract which will provide that the maximum reductions of the supply available to Vlasic at Greenville will not exceed the proportion of reduction supplied to other food processing plants having a natural gas consumption history of at least one year. Vlasic states that the end-use of all natural gas requested is the firing of boilers for the production of steam and that the relief requested is permanent.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 18, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9073 Filed 4-7-75;8:45 am]

FEDERAL RESERVE SYSTEM

THE BANK OF NOVA SCOTIA

Formation of Bank Holding Co.; Correction

In FR document 75-8770 appearing at page 15012 of the issue for Thursday, April 3, 1975, the name of the bank to be acquired should read: "Banco Mercantil de Puerto Rico, Inc., San Juan (Rio Pedras), Puerto Rico".

Board of Governors of the Federal Reserve System, April 3, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-9052 Filed 4-7-75;8:45 am]

FIDELCOR, INC.

Order Approving Acquisition of Keen Factors, Inc.

Fidelcor, Inc., Rosemont, Pennsylvania, a bank holding company within the meaning of the Bank Holding Company Act ("Act"), has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to establish a de novo indirect [1] subsidiary named Trefoil Capital Corporation of California, Inc., and through said subsidiary to acquire substantially all of the assets of Keen Factors, Inc., Beverly Hills, California ("Keen"), a company that engages in the making and acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a commercial finance or factoring company, and the servicing of such loans and other extensions of credit for others. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1) and (3)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 33408 (1974)). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, the sixth largest banking organization in Pennsylvania, controls one bank (The Fidelity Bank, Rosemont, Pennsylvania) with total domestic deposits of $1.5 billion, representing approximately 3.9 per cent of the total deposits held by commercial banks in the State.[2] Applicant also has wholly-owned nonbanking subsidiaries engaged in the activities of real estate lending, advising a real estate investment trust, consumer lending, and commercial financing, among others.

Keen lends funds on a secured basis usually receiving security in the form of accounts receivable, inventory, machinery, equipment and real estate.[3] In addition, Keen purchases a small [4] amount of accounts receivable from its clients prior to the dates that payments are due from its clients' customers. This advance factoring is done on a notification basis, whereby debtors are informed by Keen that it has purchased the accounts receivable and that they are to make their payments directly to Keen. Keen operates its sole office in Beverly Hills, California, and, as of February 28, 1974, held total gross receivables of approximately $1.3 million, including factored accounts. Applicant's subsidiary, Trefoil Capital Corporation ("Trefoil"), with offices located in both New York, New York and Philadelphia, Pennsylvania, engages only in commercial finance lending. Subsequent to its acquisition of Trefoil in 1973, Applicant transferred the commercial finance lending activities of its subsidiary bank to Trefoil. Trefoil's gross receivables, as of June 30, 1974, amounted to approximately $22 million. Due to the geographical distances between offices of Trefoil and that of Keen (approximately 3,000 miles), and the fact that neither Trefoil nor Keen originate any loans in the service areas of the other, it does not appear that competition exists between the two firms. Further, in view of the relatively small size of Keen, and of its estimated market shares (less than one per cent), it would not appear that its affiliation with Applicant would foreclose entry into any commercial financing market by others.[5] Neither Trefoil nor Keen appears to be a likely de novo entrant into any market in which the other competes. Thus, the Board concludes that consummation of the proposed transaction would have no significantly adverse effects on either actual or potential competition.

Applicant's acquisition of Keen would enhance Keen's access to financial resources necessary to expand its commercial financing and factoring operations. Those operations have not expanded significantly since 1971. Consummation should produce further public benefits to the extent that the availability of additional commercial financing and factoring facilities may be expected to increase, at least moderately, the volume of Keen's business and to decrease interest rates in the relevant market area. There is no evidence in the record indicating that acquisition of Keen by Applicant would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects upon the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined in accordance with the provisions of section 4(c)(8) of the Act that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Philadelphia, pursuant to authority delegated hereby.

By order of the Board of Governors,[6] effective April 1, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-9092 Filed 4-7-75;8:45 am]

GENERAL BANCSHARES CORP.

Order Approving Acquisition of Bank

General Bancshares Corporation, St. Louis, Missouri, a bank holding company within the meaning of the Bank Holding Company Act ("Act"), has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of Traders National Bank of Kansas City, Kansas City, Missouri ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act (12 U.S.C. 1842(b)). The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is the seventh largest banking organization in Missouri and controls seven Missouri banks with total deposits of $362.8 million, representing approximately 2.4 per cent of the total deposits held by commercial banks in the State.[1] In addition, Applicant controls three banks in Illinois and one in Tennessee, all of which were acquired by Applicant prior to the enactment of the Bank Holding Company Act of 1956. Acquisition of Bank would increase Applicant's share of State deposits by approximately one-half of one per cent, while Applicant's rank among the State's banking organizations would remain unchanged.

Bank (deposits of $81.5 million) is the eighth largest commercial bank in the Kansas City banking market and controls approximately 1.9 per cent of the total deposits held by commercial banks in this market.[2] Applicant's closest Missouri banking subsidiary to Bank is located approximately 240 miles east of Bank in St. Louis County, Missouri. There is no significant existing competition between any of Applicant's banking or nonbanking subsidiaries and Bank, and it appears unlikely that any such competition would develop in the future due in part to Missouri's branching law. Inasmuch as the six largest Missouri bank holding companies each own two or more banks in the market, acquisition of Bank by Applicant may promote competition by introducing a new banking alternative into the market and by strengthening Bank's competitive position therein. Accordingly, on the basis of the facts of record, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks are regarded as generally satisfactory and consistent with approval of the application. Bank's affiliation with Applicant should result in a strengthening of Bank's overall financial condition, as well as providing Bank with additional managerial expertise. Thus, the banking factors lend weight toward approval of the application.

In regard to considerations relating to convenience and needs, Applicant intends to supply Bank with access to Applicant's wide range of banking expertise, particularly in the area of data processing services. In addition, Bank's construction and cattle lending activities would be expanded. These considerations relating to the convenience and needs of the community to be served lend additional weight toward approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[6] effective April 1, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-9093 Filed 4-7-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-522A and 50-523A]

PUGET SOUND POWER & LIGHT COMPANY ET AL.

Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c. of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated March 21, 1975, a copy of which is attached as Appendix A.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "rules of practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by May 8, 1975 either (1) by delivery to the NRC Public Docketing and Service Section at 1717 H Street NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Section.

For the Nuclear Regulatory Commission.

ABRAHAM BRAITMAN,
Chief, Office of Antitrust and Indemnity, Nuclear Reactor Regulation.

APPENDIX "A"

MARCH 21, 1975.

Skagit Nuclear Power Project Units 1 and 2, Puget Sound Power & Light Co.; Pacific Power & Light Co.; The Washington Water Power Co.; Washington Public Power Supply System [NRC Docket Nos. 50-522A and 50-523A] Department of Justice File 60-415-101.

You have requested our advice pursuant to the provisions of section 105 of the Atomic Energy Act of 1954, as amended, in regard to the above-captioned facility, which will be located near the City of Sedro Wolley in Skagit County, Washington. Each of the two units will have an approximate net electrical capacity of 1,288 megawatts.

[1] All banking data are as of June 30, 1974, and reflect bank holding company formations and acquisitions approved through October 31, 1974.

[2] Real estate never serves as the sole collateral for a loan by Keen, but, on occasion, serves as collateral in addition to other collateral.

[3] As of February 28, 1974, Keen's purchased receivables amounted to $189,876.

[4] The relevant market in which Keen competes is the Los Angeles Regional Area, covering eleven counties in the southern third of California and Mohave County in northwestern Arizona and Clark and Lincoln Counties in southeastern Nevada. Trefoil competes in regional markets centered upon New York City and Philadelphia.

[5] Vlasic states that the proportion of reduction applied by MVG to customers which have at least a one year consumption record is 33⅓ percent.

[6] Trefoil Capital Corporation of California, Inc., would be wholly-owned by Applicant's subsidiary, Trefoil Capital Corporation, New York, New York.

[6] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, Wallich, and Coldwell. Absent and not voting: Chairman Burns and Governor Sheehan.

[1] All banking data are as of June 30, 1974.

[2] The Kansas City banking market is approximated by the Kansas City SMSA less Ray County, and the southern half of Cass County, Missouri.

[6] Voting for this action: Chairman Burns and Governors Mitchell, Bucher, Holland, and Wallich. Absent and not voting: Governors Sheehan and Coldwell.

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It has been preliminarily agreed that the ownership in these projects will be divided among the Puget Sound Power & Light Company (30 percent), Pacific Power & Light Company (30 percent), Washington Public Power Supply System (15 percent) and the Washington Water Power Company (5 percent). The remaining 10 percent share was to have been acquired by the Idaho Power Company, but that company has now decided not to participate; its share will be reallocated among the remaining four owners. Each utility will be entitled to receive the output of these projects in proportion to its respective ownership share.

APPLICANTS

Puget Sound Power & Light Company (PSP&L) is an investor-owned electric utility with principal offices in Bellevue, Washington. It serves approximately 400,000 customers located principally in the Puget Sound region of western Washington. PSP&L presently owns generating facilities with a total net plant capability of approximately 427 megawatts. These facilities consist of six hydroelectric plants, one oil-fired steam plant, one combustion turbine, and one internal combustion unit, all located in the State of Washington. PSP&L also has a seven percent ownership interest in the Centralia Project, two coal-fueled units at Centralia, Washington. PSP&L and the Montana Power Company are jointly constructing two 350 megawatt coal-fueled units at Colstrip, Montana. PSP&L has several long-term contracts for the purchase of approximately 1700 megawatts of power from certain hydroelectric projects on the Columbia River operated by public utility districts. In addition, PSP&L has agreed to purchase 414 megawatts from new units to be installed by Public Utility District No. 1 of Chelan County at its Rock Island Project on the Columbia River. Puget has also purchased power under the Columbia Storage Power Exchange Agreement, as well as under an exchange agreement with the Bonneville Power Administration (Bonneville).

PSP&L intends to purchase a 5% interest in the proposed Washington Public Power Supply System Nuclear Project No. 3, a 1240 megawatt nuclear facility to be built near Satsop, Washington. PSP&L has an option to acquire a similar interest in Washington Public Power Supply System's Nuclear Project No. 5 now being planned.

Pacific Power & Light Company (PP&L) is an investor-owned electric utility with its principal offices in Portland, Oregon. PP&L owns thirty-three hydroelectric generating plants with a rated capacity of 868,393 kilowatts and seven steam-electric plants with a rated capacity of 1,494,433 kilowatts. PP&L has contracts to purchase power from various public agencies and public utility districts on long-term agreements as well as peaking capacity from Bonneville. PP&L presently operates a coal-fueled 750 megawatt generating station near Glenrock, Wyoming, and also owns 47.5 percent of the Centralia Project, two coal-fueled 700 megawatt facilities at Centralia, Washington, which are jointly-owned by four publicly-owned and the three investor-owned utilities. PP&L and Idaho Power Company presently are developing the Jim Bridger power and coal mining complex in southwestern Wyoming. PP&L, along with the Black Hills Power & Light Company, is developing a bid on a 300 megawatt coal-fueled facility. PP&L has a 2.5 percent ownership interest in the Trojan Nuclear Project being constructed by Portland General Electric Company and the City of Eugene, Oregon. The Department of Justice advised the Atomic Energy Commission that it need not conduct an antitrust hearing with respect to the Trojan project. PP&L also will have a 10 percent ownership interest in the proposed Washington Public Power Supply Systems Nuclear Project Number 3.

Washington Public Power Supply System (WPPSS) is a municipal corporation and a joint operating agency of the State of Washington. Its membership, which is established by Washington state law, is made up of eighteen operating public utility districts in the State of Washington and the cities of Richland, Seattle, and Tacoma, Washington. WPPSS presently operates the Packwood Lake Hydroelectric Project in Lewis County, Washington, and the Hanford Electric Generating Project, which utilizes by-product steam from the Energy Research and Development Administration's reactor near Richland, Washington. WPPSS previously applied to your predecessor commission for licenses to construct and operate WPPSS Nuclear Project Number 1. With respect to that project, the Department of Justice advised the Atomic Energy Commission that it did not believe that an antitrust hearing was necessary. In addition, WPPSS has under construction its Nuclear Project Number 2, formerly known as Hanford No. 2, pursuant to AEC Construction Permit CPPR-93. The Department advised the AEC that an antitrust hearing with respect to that project appeared unnecessary. We have recently advised the Nuclear Regulatory Commission that it need not conduct an antitrust hearing with respect to pending WPPSS Nuclear Projects Numbers 3 and 4.

The Washington Water Power Company (WWPC) is an investor-owned electric utility with its principal offices in Spokane, Washington. Approximately 65 percent of the Company's power needs is supplied by Company-owned hydroelectric projects. The remainder is purchased from public utility districts and other investor-owned utilities. WWPC will have a 15 percent ownership interest in two coal-fired electric plants to be constructed at Colstrip, Montana. In addition, WWPC will have a 5 percent ownership interest in the proposed WPPSS Nuclear Project Number 3.

INTERCONNECTION AND COORDINATION WITH OTHERS

The Pacific Northwest is an area where there is a high degree of coordination and cooperation between utilities involved in the generation and transmission of electrical power.

The dominant factor in the area in terms of energy transmission is Bonneville; it has over 12,000 miles of transmission facilities in the Pacific Northwest representing about 80 percent of the bulk power transmission capacity in that region. Bonneville is generally described as the leading force promoting coordination and joint planning with respect to electrical power. Bonneville markets power to 149 customers in the region.

In the Pacific Northwest, five private utilities (including PSP&L, PP&L, and WWPC), 110 publicly-owned agencies, WPPSS and Bonneville have formed the Joint Power Planning Council to coordinate planning for existing and future thermal and hydroelectric resources for the region. The area includes the States of Washington, Oregon, and portions of northern California, Idaho and Montana. The Joint Power Planning Council has developed the Hydro Thermal Power Program plan for power generation to meet the area's anticipated load growth.

RESULTS OF ANTITRUST REVIEW

With one exception, our study of this application did not indicate any antitrust problems. The only matter requiring exploration pertained to allegations that the City of Tacoma, Washington, which may be receiving some of the power generated by this project because of its membership in WPPSS, was refusing to wheel power from Bonneville to five utilities who were, at one time, served by Tacoma. These five utilities are members of the Pierce County Cooperative Power Association (PCCPA). Many of the details concerning this controversy were presented to the United States Senate Committee on Appropriations on May 21, 1973, and can be found in Senate Hearings for the Committee on Appropriations on H.R. 8947, Public Works for Water and Power Development and Atomic Energy Commission Appropriations, Fiscal Year 1974, 93rd Congress, 1st Session, Part 6, at pages 7, 175-7, 194.

We advised the Commission on January 29, 1975, in our advice letter on WPPSS Nuclear Project Number 3, that negotiations between the PCCPA group and Tacoma for transmission service from Bonneville to the PCCPA group have been concluded, and since July 1, 1974, power from Bonneville has been wheeled over Tacoma facilities to the PCCPA group in accordance with an agreement between them. This agreement is subject to approval by the Tacoma City Council. On the same assumption as stated in the January 29, 1975 letter, namely, that the Tacoma City Council will approve the transmission agreement in the near future, we conclude that an antitrust hearing will not be necessary with respect to the instant application.

[FR Doc.75-8941 Filed 4-7-75;8:45 am]

[Docket Nos. 50-518A, 50-519A, 50-520A, and 50-521A]

TENNESSEE VALLEY AUTHORITY

Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following advice from the Attorney General of the United States, dated March 24, 1975:

"You have requested our advice pursuant to section 105 of the Atomic Energy Commission Act of 1954, as amended, in regard to the above-captioned application. The Hartsville Plant will consist of four 1,200 MW units, the first of which is scheduled for operation in September, 1980, with the final one scheduled to begin operation in 1983. The total estimated cost of the project will approach $2 billion.

"On December 11, 1972 the Department of Justice rendered antitrust advice to the Commission regarding Tennessee Valley Authority's application for construction permits for its proposed Watts Bar Nuclear Plant. On December 17, 1973 we rendered advice in connection with TVA's Bellefonte Plant. We have examined the information submitted by applicant in connection with the present application, as well as other pertinent information with respect to applicant's competitive relationships which has become available during the past year. None of the foregoing information provides any basis for changing the conclusions which we set forth with regard to the Watts Bar and Bellefonte applications. Our conclusion therefore is that, so far as we are aware, there are no antitrust problems which would require a hearing by your Commission on the instant application."

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "rules of practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by May 8, 1975 either (1) by delivery to the NRC Public Docketing and Service Section at 1717 H Street NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Section.

ABRAHAM BRAITMAN,
Chief, Office of Antitrust & Indemnity, Nuclear Reactor Regulation.

[FR Doc.75-8942 Filed 4-7-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR PHYSICS

Open Meeting

The National Science Foundation announces that a meeting of the Advisory Panel for Physics will be held on April 24–26, 1975, at 9 a.m., at 1800 G Street, NW., Washington, D.C. Room numbers are included below in the agenda. This notice is given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463).

The purpose of the Panel is to provide general advice and recommendations on the impact of NSF support of physics, and to review and evaluate specific proposals in Physics.

APRIL 24 ROOM 543

Review of the Atomic; Molecular, and Plasma Physics Programs of the Foundation, with consideration of the national perspective in these areas.

APRIL 25 AND 26 ROOM 540

Remarks and presentation by NSF staff members on:
(1) NSF FY 1976 Budget
(2) Helium Recovery
(3) Funding Pressures Due to Changes in Other Agencies
(4) Panel Discussions of Funding of Research Instruments and Research Institutes

This meeting will be open to the public. Individuals who wish to attend or would like more information about this Panel should contact Dr. Marcel Bardon, Section Head, Physics Section, Room 348, National Science Foundation, Washington, D.C. 20550, telephone 632–4310. Summary minutes of this meeting may be obtained from the Committee Management Coordination Staff, MAO, Room 248, National Science Foundation, Washington, D.C. 20550.

Dated: April 3, 1975.

FRED K. MURAKAMI,
Committee Management Officer.

[FR Doc.75-9079 Filed 4-7-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 2, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

ACTION

Grantee Project Director Interview Guide, single-time, grantees and project directors of 18 senior companion programs, Community and Veterans Affairs Division, 395–3532.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, April 1975 Farm Grain Stocks Quality Control Survey, single-time, grain producers, Hulett, D. T., 395–4730.

DEPARTMENT OF COMMERCE

Bureau of the Census:
FAA General Aviation Survey, S–331, S–331 (L), single-time, general, aviation aircraft owners, Strasser, A., 395–3880.
Treasury—Asset Depreciation Study, TAD–1, single-time, manufacturing establishments, Hulett, D. T., 395–4730.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Physician's Associates' Careers, HRABHRD1125, on occasion, physician's associate students and graduates, Strasser, A., 395–3880.
Food and Drug Administration, a Follow-up Study of Persons Exposed to 131/Iodine for Diagnosis of Thyroid Disease, FDABRH–0319, single-time, patients who received diagnostic doses of 131 iodine, Hall, George, 395–4697.
Office of the Secretary, National Day Care Study: On-Site Verification and Baseline Data Collection, OS–15–75, single-time, day-care centers in three major centers, Human Resources Division, 395–3532.
Center for Disease Control, Study of the Efficacy of Nosocomial Infection Control (SENIC), CDC BE 0220, single-time, hospitals, Hall, George, 395–4697.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management, Architect-Engineer Questionnaire Supplement to SF–251 (Cadastral Surveyor Contractors), 9180–37, on occasion, private surveying and engineering firms, Lowry, R. L., 395–3772.

REVISIONS

SELECTIVE SERVICE SYSTEM

Transcript of Military Record, SSS–721, on occasion, SSS registrants, Caywood, D. P., 395–3443.
Dependency Questionnaire, SSS 118, on occasion, SSS registrants, Caywood, D. P., 395–3443.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Quarterly Agricultural Labor Survey, quarterly, farmers, Strasser, A., 395–3880.

DEPARTMENT OF COMMERCE

Bureau of Resources and Trade Assistance, Petition by a Firm for Certification of Eligibility to Apply for Adjustment Assistance, DIB–345P, on occasion, import-impacted firms, Caywood, D. P., 395–3443.

DEPARTMENT OF THE TREASURY

Departmental and other, Unit of Local Government Status of Trust Fund and Actual Use Report, ORS–3231, annually, Eliett, C. A., 395–6172.

EXTENSIONS

SMALL BUSINESS ADMINISTRATION

Research and Development Profile, SBA 1019, on occasion, Evinger, S. K., 395–3648.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service Regulations for the Establishment of Farm Acreage Allotments & Normal Yields . . . Rice, on occasion, Evinger, S. K., 395–3648.
Commodity Exchange Authority, Application for Registration as Futures Commission Merchant or Floor Broker, CEA–1R, annually, Caywood, D. P., 395–3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration:
Letter to Employer Requesting Him To Furnish Wages Earned by Beneficiary, SSA–L725, on occasion, Evinger, S. K., 395–3648.
Psychiatric Evaluation Report for Soc. Sec. Disability Ins., Hearings and Appeals, HA–528, on occasion, Evinger, S. K., 395–3648.
Statement of Institution or Social Agency, SSA–1255, on occasion, Evinger, S. K., 395–3648.
Questionnaire for Clinical Laboratories Providing Services Under Medicare Program, SSA–1570, on occasion, Evinger, S. K., 395–3648.
Advice of Transmittal for Hospitalization Insurance Bills, SSA–1559, other (see SF–53), Evinger, S. K., 395–3648.
State Return of Contributions Payable Under the Social Security Act, OAR–S1, quarterly, Evinger, S. K., 395–3648.
Report to Social Security Administration by Person Outside the U.S., SSA–1425F, on occasion, Evinger, S. K., 395–3648.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-9182 Filed 4-7-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

AMERICAN AGRONOMICS CORP.

Suspension of Trading

APRIL 2, 1975.

The common stock of American Agronomics Corp. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of American Agronomics Corp. being traded otherwise than on a national securities exchange;

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

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Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from April 3, 1975 through April 12, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-9069 Filed 4-7-75;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Suspension of Trading

APRIL 2, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from April 3, 1975 through April 12, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-9068 Filed 4-7-75;8:45 am]

[File No. 500-1]

STANDARD PRUDENTIAL CORP.

Suspension of Trading

APRIL 2, 1975.

The common stock of Standard Prudential Corp. being traded on the New York Stock Exchange and the warrants of Standard Prudential Corp. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Standard Prudential Corp. being traded otherwise than on a national securities exchange;

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 10:45 a.m. (e.d.t.) on April 2, 1975 through midnight (e.d.t.) on April 11, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-9067 Filed 4-7-75;8:45 am]

[File No. 500-1]

WINNER INDUSTRIES, INC.

Suspension of Trading

APRIL 2, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Winner Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from April 3, 1975 through April 12, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-9066 Filed 4-7-75;8:45 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

Suspension of Registration

The Registrants Processing Manual is an internal manual of the Selective Service System. The following portions of that manual are considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER:

Temporary Instruction No. 613-9/642-8—Suspension of Registration.

BYRON V. PEPITONE, *Director.*

APRIL 3, 1975.

TEMPORARY INSTRUCTION No. 613-9/642-8

Issued: April 1, 1975.

Subject: Suspension of Registration.

On March 29, 1975, the President issued Proclamation 4360, which revokes all former Proclamations providing procedures for registration under the Military Selective Service Act, and terminates current Selective Service registration procedures. In accordance with this Presidential proclamation, the Selective Service System will cease registration effective midnight April 1, 1975.

Any Registration Cards (SSS Form 1 or SSS Form 1-Mailer) completed and received on or before April 1, 1975 shall be processed. If the registration was a late registration, it shall be processed in accord with Chapter 642, RPM.

Any Registration Card which is not completed and received on or before April 1, 1975 shall not be processed. The applicant for registration shall be notified by letter that he is not registered, and shall be notified how he shall proceed to register at some future time (see Attachment 1, T.I. 613-9/642-8, for sample letter).

During the period when registration procedures are suspended, a person who failed to register timely prior to April 1, 1975, and for whom a registration card is received, may still be considered a violator. If such a person attempts to register, he shall be notified that he may be considered a violator (see Attachment 2, T.I. 613-9/642-8, for sample letter).

Although no further registrations are to be processed, violators who, prior to April 1, 1975, failed to register timely and who are later identified as having failed to register, shall be processed in accord with Chapter 642, RPM in the same manner as if they were late registrants who registered on April 1, 1975, except that Attachment 2, T.I. 613-9/642-8, or Attachment 3, T.I. 613-9/642-8, sample letter shall be used as appropriate in place of Attachment 642-1, the use of which is no longer authorized.

In the future, when a person attempts to register and he is in violation of the Act, he should be given the opportunity to complete a statement as to the reasons he failed to register in a timely manner. If he does not complete such a statement, the employee whom he contacted to register shall complete and sign a Report of Information (SSS Form 119). The signed statement or the SSS Form 119 shall be submitted to the local board having jurisdiction over his place of residence for determination as to his failure to register in a timely manner. Further processing will be accomplished in the same manner as for a late registrant.

The Presidential proclamation does not terminate the individual's duty to register, but changes the procedures by which registration is accomplished. It is anticipated that a future Presidential proclamation will provide new registration procedures.

Section 642.10(1) of the RPM is suspended.

This temporary instruction will remain in effect until rescinded.

BYRON V. PEPITONE, *Director.*

ATTACHMENT 1, T. I. 613-9/642-8

[LOCAL BOARD STAMP]

Date of Mailing: ------

To: ----------

(Address)

DEAR ——: Continuous registration for Selective Service has been suspended as of April 1, 1975, by Presidential proclamation. Since your registration card was not completed and received by that date, it will not be processed. You are not registered with the Selective Service System. It is anticipated that the President will announce by a future Proclamation an annual registration, at which time instructions for you and all other unregistered young men born in 1957 or prior years will be issued.

Sincerely,

——— ———,
Authorized Signature.

ATTACHMENT 2, T. I. 613-9/642-8

[LOCAL BOARD STAMP]

Date of Mailing: ------

To: ----------

(Address)

DEAR ——: Continuous registration for Selective Service has been suspended as of April 1, 1975, by Presidential Proclamation. Since your Registration Card was not completed and received by that date you are not registered. It is anticipated that the President will announce by a future proclamation an annual registration, at which time instructions for you and all other unregistered young men born in 1957 or prior years will be issued.

Since you had failed to register when required prior to April 1, 1975, it appears that you may be in violation of the law.

You are entitled to present any information to your local board which will explain the reason for your failure to register in a timely manner but you are not required to do so. If you wish to, you may write the information below, and return this letter to your local board within 15 days of the above date in the enclosed pre-addressed envelope which requires no postage.

——— ———,
Authorized Signature.

Enclosure.

Reason(s) for Late Registration: (Use reverse side if additional space is required).

——— ———,
Signature of Registrant.

ATTACHMENT 3, T. I. 613-9/642-8

[LOCAL BOARD STAMP]

Date of Mailing: ------

To: ----------

(Address)

DEAR ——: Continuous registration for Selective Service has been suspended as of April 1, 1975, by Presidential Proclamation. It is anticipated that the President will announce by a future Proclamation an annual registration at which time instructions for you and all other unregistered young men born in 1957 or prior years will be issued.

Since you had failed to register when required prior to April 1, 1975, it appears that you may be in violation of the law.

You are entitled to present any information to your local board which will explain the reason for your failure to register in a timely manner but you are not required to do so. If you wish to, you may write the information below, and return this letter to your local board within 15 days of the above date in the enclosed pre-addressed envelope which requires no postage.

——— ———,
Authorized Signature.

Enclosure.

Reason(s) for Late Registration: (Use reverse side if additional space is required).

——— ———,
Signature of Registrant.

[FR Doc.75-9103 filed 4-7-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

CLARKSBURG DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Clarksburg District Advisory Council will meet at 9 a.m., (e.d.t.), Friday, April 25, 1975, at Kingwood, West Virginia, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write Isaac R. Mayfield, Small Business Administration, 109 North Third Street, Clarksburg, West Virginia 26301, (304) 624-1365.

Dated: March 31, 1975.

ANTHONY S. STASIO, *Chief Counsel for Advocacy, Small Business Administration.*

[FR Doc.75-9023 Filed 4-7-75;8:45 am]

HELENA DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Helena District Advisory Council will meet at 9:30 a.m. (m.d.t.), Friday, May 2, 1975, at the Montana Club, Helena, Montana, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write Ottley R. Tschache, Small Business Administration, 618 Helena Avenue, Helena, Montana 59601, (406) 442-3381.

Dated: March 31, 1975.

ANTHONY S. STASIO, *Chief Counsel for Advocacy, Small Business Administration.*

[FR Doc.75-9021 Filed 4-7-75;8:45 am]

NEWARK DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Newark District Advisory Council will meet at 9:30 a.m. (e.d.t.), Wednesday, May 14, 1975, at the Ramada Inn, 3050 Woodbridge Avenue, Edison, New Jersey, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write Andrew P. Lynch, Small Business Administration, 970 Broad Street, Newark, New Jersey 07102, (201) 645-3580.

Dated: March 31, 1975.

ANTHONY S. STASIO, *Chief Counsel for Advocacy, Small Business Administration.*

[FR Doc.75-9022 Filed 4-7-75;8:45 am]

NEW ORLEANS DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration New Orleans District Advisory Council will meet at 10 a.m., (e.d.t.), Tuesday, April 29, 1975, at the Ramada Inn, Highway 165, Monroe, Louisiana, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write William Murfin, Small Business Administration, 1001 Howard Avenue, New Orleans, Louisiana 70113, (504) 589-2744.

Dated: March 31, 1975.

ANTHONY S. STASIO, *Chief Counsel for Advocacy, Small Business Administration.*

[FR Doc.75-9024 Filed 4-7-75;8:45 am]

OKLAHOMA CITY DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Oklahoma City District Advisory Council will meet at 6:30 p.m. (c.d.t.), Thursday, May 15, 1975, for dinner. The business session will begin at 8 a.m., Friday, May 16, 1975, in the Executive Suite at the Skirvin Plaza Hotel, Oklahoma City, Oklahoma, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write Truman Branscum, Small Business Administration, Suite 840, 50 Penn Place, Oklahoma City, Oklahoma 73118, (405) 231-5237.

Dated: April 1, 1975.

ANTHONY S. STASIO, *Chief Counsel for Advocacy, Small Business Administration.*

[FR Doc.75-9025 Filed 4-7-75;8:45 am]

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INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

APRIL 2, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's gateway elimination rules (49 CFR, 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before April 18, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 107064 (Sub-No. E7) (Correction), filed May 21, 1974, published in the FEDERAL REGISTER January 16, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2298, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in that part of Texas on, south, and west of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 70 to junction U.S. Highway 83, thence along U.S. Highway 83 to the International Boundary line between the United States and Mexico (except points in El Paso County, Tex., to points in Washington). The purpose of this filing is to eliminate the gateway of Ector County, Tex. The purpose of this correction is to expand the territorial description.

No. MC 107064 (Sub-No. E18) (Correction), filed May 21, 1974, published in the FEDERAL REGISTER February 13, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in that part of Texas in and west of Bailey, Lamb, Crosby, Garza, Scurry, Mitchell, Coke, Tom Green, Schleicher, Sutton, and Val Verde Counties, Tex., to points in Indiana. The purpose of this filing is to eliminate the gateway of any point in Ector County, Tex. The purpose of this correction is to include Crosby in the origin points.

No. MC 107515 (Sub-No. E576), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, (1) from points in the Lower Peninsula of Michigan to points in California, Nevada, Arizona, and New Mexico, and Curry, Josephine, Jackson, and Klamath Counties, Oreg., (2) from points in Michigan on and south of Michigan Highway 55 to points in Oregon and Washington, (3) from points in Michigan on, east, or south of a line beginning at the Indiana-Michigan State line and extending along Michigan Highway 66 to junction Michigan Highway 55, thence along Michigan Highway 55 to Lake Huron to points in Idaho. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC 109124 (Sub-No. E3) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER March 3, 1975. Applicant: SENTLE TRUCKING CORPORATION, 210 Alexis Rd., P.O. Box 6538, Toledo, Ohio 43612. Applicant's representative: Marc Gilmore (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hot rolled steel products, cold finished steel products, coil steel, and iron or steel plates and sheets*, from points in Allegheny, Beaver, Cambria, Westmoreland, Indiana, Lawrence, Armstrong, Butler, and Mercer Counties, Pa., to points in Illinois, except those points east and south of a line beginning at the Illinois-Indiana State line, and extending along Interstate Highway 70 to junction Interstate Highway 57, thence along Interstate Highway 57 to the Mississippi River (Alliquippa, Pa., and Portage, Ind.) *; (2) *Hot rolled steel products, cold finished steel products, coil steel, and iron or steel plates and sheets*, from points in Erie, Crawford, Venango, Clarion, Butler, Mercer, Armstrong, Beaver, Allegheny, Cambria, and Westmoreland Counties, Pa., to Follansbee, W. Va. (Aliquippa, Pa., and Pittsburgh, Pa.) *; and (3) *Iron or steel plates, pipe, wire, sheets, rods, bars, stampings, billets, and castings, and coil steel*, from points in Erie, Crawford, Warren, Forrest, Venango, Mercer, Jefferson, Clarion, Butler, Lawrence, Armstrong, Indiana, Allegheny, and Westmoreland Counties, Pa., to Charleston and Wheeling, W. Va. (Brackenridge, Pa.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to include (2) and (3) above.

No. MC 110817 (Sub-No. E43), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; (2) *earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells; (3) *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipelines rights-of-way, between points in Tennessee, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateways of any points in Texas or Oklahoma.

No. MC 110817 (Sub-No. E47), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; and *machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines (including the stringing and picking up thereof), (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells.

(3) *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used

for the transmission of natural gas, petroleum, their products and byproducts, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; (4) *Machinery, equipment, materials, and supplies* used in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines for the transportation of water and sewerage, including the stringing and and picking up of pipe, between points in Louisiana, on the one hand, and, on the other, points in Arizona. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at or destined to pipeline rights-of-way. The purpose of this filing is to eliminate the gateway of any point in Texas.

No. MC 110817 (Sub-No. E48), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; and *machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines (including the stringing and picking up thereof), (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells; (3) *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, between points in Florida, on the one hnad, and, on the other, points in Arizona. The purpose of this filing is to eliminate the gateway of any point in Texas.

No. MC 110817 (Sub-No. E54), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies*, and *equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum (except the picking up or stringing of pipe in connection with main or trunk pipelines); (2) *Earth drilling machinery* and *equipment*, and *machinery, equipment, materials, supplies, and pipe*, incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities to or from holes or wells; and (3) *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, between points in that part of Mississippi on, west, and south of a line beginning at the Mississippi-Tennessee State line, thence along Mississippi Highway 15 to junction Mississippi Highway 41, thence along Mississippi Highway 41 to junction U.S. Highway 278, thence along U.S. Highway 278 to the Mississippi-Alabama State line, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateway of any point in Oklahoma.

No. MC 110817 (Sub-No. E52), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery*, materials, supplies, and equipment, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum (except the picking up or stringing of pipe in connection with main or trunk pipelines); (2) *Earth drilling machinery* and *equipment*, and *machinery, equipment*, materials, supplies, and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (3) *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, between points in that part of Missouri on, south, and east of a line beginning at the Missouri-Kansas State line, thence along Missouri Highway 116 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Missouri-Iowa State line, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateway of any point in Oklahoma.

No. MC 110817 (Sub-No. E59), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies*, and *equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum (except the picking up or stringing of pipe in connection with main or trunk pipe

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lines); (2) *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies*, and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities to or from holes or wells; and (3) *Machinery, equipment, materials*, and *supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in that part of Missouri on and south of a line beginning at the Missouri-Kansas State line, thence along Missouri Highway 150 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Missouri-Illinois State line, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateway of any point in Oklahoma.

No. MC 110617 (Sub-No. E60), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies*, and *equipment*, incidental to, or used in, the construction, development, operation, and maintenance, of facilities for the discovery, development, and production of natural gas and petroleum (except the picking up or stringing of pipe in connection with main or trunk pipelines); (2) *Earth drilling machinery and equipment*, and *machinery, equipment, materials supplies*, and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities to or from holes or wells; (3) *Machinery, equipment, materials*, and *supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; and (4) *Machinery, equipment, materials*, and *supplies* used in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines for the transportation of water and sewerage, including the stringing and picking up of pipe, restricted to the transportation of traffic originating at or destined to pipeline rights-of-way, between points in that part of Kansas on and west of a line beginning at the Kansas-Nebraska State line, thence along U.S. Highway 75 to junction Kansas Highway 47, thence along Kansas Highway 47 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateway of any point in Oklahoma.

No. MC 110617 (Sub-No. E62), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies*, and *equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas, and petroleum (except the picking up or stringing of pipe in connection with main or trunk pipelines); (2) *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies*, and *pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities to or from holes or wells; (3) *Machinery, equipment, materials*, and *supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; and

(4) *Machinery, equipment, materials*, and *supplies* used in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up of pipe, restricted to the transportation of traffic originating at or destined to pipeline rights-of-way, between points in that part of Montana on and east of a line beginning at the International Boundary line between the United States and Canada, thence along Montana Highway 232 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Montana Highway 230, thence along Montana Highway 230 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Montana-Wyoming State line, on the one hand, and, on the other, points in New Mexico (except points in Valencia, McKinley, San Juan, Rio Arriba, Taos, Colfax, and Union Counties). The purpose of this filing is to eliminate the gateway of any point in Texas.

No. MC 111401 (Sub-No. E58), filed May 12, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except lubricating oils), in bulk, in tank vehicles, (1) from points in Texas on and east of U.S. Highway 83, and on and

north of U.S. Highway 290, and on and west of Interstate Highway 35 to points in Kentucky and Tennessee, restricted against the transportation of liquid wax, from Tulsa, Okla., to points in Kentucky and Tennessee, (2) from points in Texas on and north of U.S. Highway 66 to points in Alabama, Kentucky, Louisiana, Mississippi, and Tennessee, restricted against the transportation of liquid wax, from Tulsa, Okla., to points in Kentucky and Tennessee, and liquefied petroleum gas and natural gasoline to points in Mississippi. The purpose of this filing is to eliminate the gateways of Ardmore, Cleveland, Cushing, Duncan, Tulsa, and Wynnewood, Okla.

No. MC 111401 (Sub-No. E59), filed May 12, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, in bulk, in tank vehicles, from points in Colorado on and south of U.S. Highway 160 and on and west of Interstate Highway 25 to points in Kentucky, Louisiana, Missouri, Indiana, Ohio, Demopolis, Ala., and Chicago and Ringwood, Ill. The purpose of this filing is to eliminate the gateway of Kings Mill, Tex.

No. MC 111401 (Sub-No. E60), filed May 12, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Oklahoma on and east of U.S. Highway 81 and on and south of Interstate Highway 40 to points in Utah and Nevada. The purpose of this filing is to eliminate the gateway of Wynnewood, Okla.

No. MC 11401 (Sub-No. E62), filed May 12, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oils*, in bulk, in tank vehicles, from points in Oklahoma located on and east of U.S. Highway 81 to points in California, Nevada, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Ft. Worth, Tex.

No. MC 111401 (Sub-No. E64), filed May 12, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Texas on and east of Interstate Highway 35 and on and north of Interstate Highway 20 to points in Arizona. The purpose of this filing is to eliminate the gateway of Sunray, Okla.

No. MC 111401 (Sub-No. E67), filed May 14, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank-vehicles, (1) from points in Texas on and north of U.S. Highway 66 to points in Alabama, Kentucky, Mississippi, Tennessee, Utah, and Wyoming, (2) from points in Texas on and east of U.S. Highway 83 to points in Tennessee, Kentucky, Utah, and Wyoming, (3) from points in Texas on and east of U.S. Highway 83 and on and north of Interstate Highway 20 to points in Alabama. The purpose of this filing is to eliminate the gateway of Oklahoma.

No. MC 111496 (Sub-No. E1) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER February 10, 1975. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Road, Roseville, Minnesota 55113. Applicant's representative: R. E. Caturia (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Fargo, N. Dak., on the one hand, and, on the other, those points in North Dakota on and north of North Dakota Highway 5. The purpose of this filing is to eliminate the gateway of points in Walsh County,. N. Dak. The purpose of this filing is to correct the territorial description.

No. MC 111496 (Sub-No. E2) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER February 6, 1975. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Road, Roseville, Minnesota 55113. Applicant's representative: R. E. Caturia (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment. (1) between Grand Forks, N. Dak., on the one hand, and, on the other, those points in North Dakota on and north of North Dakota Highway 5, (2) between Minot, N. Dak., on the one hand, and, on the other, in North Dakota which are both on and north of North Dakota Highway 5 and on and east of North Dakota Highway 20. The purpose of this filing is to eliminate the gateways of points in Walsh County, N. Dak. The purpose of this filing is to correct the territorial descriptions.

No. MC 111496 (Sub-No. E3), (Correction) filed June 4, 1974, published in the FEDERAL REGISTER February 6, 1975. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Road, Roseville, Minnesota 55113. Applicant's representative: R. E. Caturia (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) between Williston, N. Dak., on the one hand, and, on the other, those points in North Dakota which are both on and north of North Dakota Highway 5 and on and east of North Dakota Highway 20 (points in Walsh County, N. Dak.)*, (2) between points in Norman County, Minn., on the one hand, and, on the other, those points in North Dakota which are on and north of North Dakota Highway 5 (Fargo, and points in Walsh County, N. Dak.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this filing is to correct the territorial destination descriptions.

No. MC 111496 (Sub-No. E4) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER February 12, 1975. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Road, Roseville, Minn. 55113. Applicant's representative: R. E. Caturia (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between points in Clay County, Minn., on the one hand, and, on the other, those points in North Dakota on and north of North Dakota Highway 5, (2) between points in Wilkin County, Minn., on the one hand, and, on the other, those points in North Dakota on and north of North Dakota Highway 5. The purpose of this filing is to eliminate the gateways of Fargo, and points in Walsh County, N. Dak. The purpose of this filing is to correct the territorial destination descriptions.

No. MC 111496 (Sub-No. E5) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER February 12, 1975. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Road, Roseville, Minn. 55113. Applicant's representative: R. E. Caturia (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Becker and Otter-tail Counties, Minn., on the one hand, and, on the other, those points in North Dakota on and north of North Dakota Highway 5. The purpose of this filing is to eliminate the gateways of points in Fargo and Walsh Counties, N. Dak. The purpose of this filing is to correct the territorial destination descriptions.

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No. MC 111496 (Sub-No. E8) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER February 12, 1975. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Road, Roseville, Minn. 55113. Applicant's representative: R. E. Caturia (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Clay and Wilken Counties, Minn., on the one hand, and, on the other, those points in North Dakota on and west of a line beginning at the North Dakota-Montana State line and extending along North Dakota Highway 5 to its junction with U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 2, thence along U.S. Highway 2 to the North Dakota-Montana State line. The purpose of this filing is to eliminate the gateways of Fargo, and points in Cass County, N. Dak. The purpose of this filing is to correct the territorial destination descriptions.

No. MC 111496 (Sub-No. E9) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER February 12, 1975. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Road, Roseville, Minn. 55113. Applicant's representative: R. E. Caturia (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Becker County, Minn., on the one hand, and, on the other those points in North Dakota on and west of a line beginning at the North Dakota-Montana State line, and extending along North Dakota Highway 5 to its junction with U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 2, thence along U.S. Highway 2 to the North Dakota-Montana State line. The purpose of this filing is to eliminate the gateways of Fargo, and points in Cass County, N. Dak. The purpose of this filing is to correct the territorial destination descriptions.

No. MC 112617 (Sub-No. E9) (Correction), filed May 11, 1974, published in the FEDERAL REGISTER February 18, 1975. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Louisville, Ky., to points in Colorado, Idaho, Montana, New Mexico, Wyoming, and Utah, restricted against any transportation to or from points in Indiana located within the Louisville, Ky., commercial zone. The purpose of this filing is to eliminate the gateway of Doe Run, Ky. The purpose of this correction is to reflect the correct "E" number, previously published as E8.

No. MC 112617 (Sub-No. E10) (Correction), filed May 11, 1974, published in the FEDERAL REGISTER February 18, 1975. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Louisville, Ky., to points in Colorado and Montana, restricted against any transportation to or from points in Indiana located within the Louisville, Ky., commercial zone. The purpose of this filing is to eliminate the gateway of Doe Run, Ky.; points in Robertson County, Tenn.; and Calvert City, Ky., and points within 5 miles thereof. The purpose of this correction is to reflect the correct "E" number, previously published as E9.

No. MC 112617 (Sub-No. E12) (correction), filed May 11, 1974, published in the FEDERAL REGISTER February 18, 1975. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and petroleum products*, in bulk, in tank vehicles, from Louisville, Ky., to points in Virginia, restricted against any transportation to or from points in Indiana located within the Louisville, Ky., commercial zone. The purpose of this filing is to eliminate the gateway of Doe Run, Ky. The purpose of this correction is to reflect the correct "E" number, previously published as E10.

No. MC 112617 (Sub-No. E13) (correction), filed May 11, 1974, published in the FEDERAL REGISTER February 18, 1975. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and petroleum products*, in bulk, in tank vehicles, from Louisville, Ky., to points in West Virginia, restricted against any transportation to or from points in Indiana located within the Louisville, Ky., commercial zone. The purpose of this filing is to eliminate the gateway of Doe Run, Ky. The purpose of this correction is to reflect the correct "E" number, previously published as E11.

No. MC 112617 (Sub-No. E14) (Correction), filed May 11, 1974, published in the FEDERAL REGISTER February 18, 1975. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and petroleum products*, in bulk, in tank vehicles, from Louisville, Ky., to points in Illinois, restricted against any transportation to or from points in Indiana located within the Louisville, Ky., commercial zone. The purpose of this filing is to eliminate the gateway of Doe Run, Ky. The purpose of this correction is to reflect the correct "E" number, previously published as E12.

No. MC 112617 (Sub-No. E19) (Correction), filed May 11, 1974, published in the FEDERAL REGISTER February 18, 1975. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21295, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium carbide residue, fly ash, plastic granules, and* resin powder, in bulk, in tank vehicles, from Louisville, Ky., to points in Michigan and Wisconsin. The purpose of this filing is to eliminate the gateway of Seymour, Ind. The purpose of this correction is to reflect the correct "E" number, previously published as E13.

No. MC 112617 (Sub-No. E20) (Correction), filed May 11, 1974, published in the FEDERAL REGISTER February 18, 1975. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemical and petroleum products*, in bulk, in tank vehicles, from Louisville, Ky., to points in Ashtabula County, Ohio, restricted against any transportation to or from points in Indiana located within the Louisville, Ky., commercial zone. The purpose of this filing is to eliminate the gateway of Doe Run, Ky. The purpose of this correction is to reflect the correct "E" number, previously published as E14.

No. MC 112617 (Sub-No. E22) (Correction), filed May 11, 1974, published in the FEDERAL REGISTER February 18, 1975. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except petroleum products as described in Appendices XIV and XV to the *Descriptions* case, *supra*), in bulk, in tank vehicles, from points in Kentucky within 5 miles of Brandenburg (excluding Brandenburg and Ekron, Ky.), to points in Connecticut, Delaware, Massachusetts, New Hampshire, and New Jersey. The purpose of this filing is to eliminate the gateway of Seymour, Ind., and refineries at or near Leach, Ky. The purpose of this correction is to reflect the correct "E" number, previously published as E15.

No. MC 112617 (Sub-No. E23) (Correction), filed May 11, 1974, published

in the FEDERAL REGISTER February 18, 1975. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except petroleum products described in Appendices XIV and XV to the *Descriptions* case, *supra*), in bulk, in tank vehicles, from points in Kentucky within 5 miles of Brandenburg (except Brandenburg and Ekron, Ky.), to points in Rhode Island, Vermont, and those points in that part of New York on and east of a line beginning at the St. Lawrence River extending along Interstate Highway 81 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Seymour, Ind., and refineries at or near Leach, Ky. The purpose of this correction is to reflect the correct "E" number, previously published as E16.

No. MC 112617 (Sub-No. E24) (Correction), filed May 11, 1974, published in the FEDERAL REGISTER February 18, 1975. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from West Henderson, Ky., to points in Maryland, Pennsylvania, and West Virginia. The purpose of this filing is to eliminate the gateway of Doe Run, Ky. The purpose of this correction is to reflect the correct "E" number, previously published as E17.

No. MC 112668 (Sub-No. E1) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER January 27, 1975. Applicant: HARVEY R. SHIPLEY & SONS, INC., Finksburg, Md. 21048. Applicant's representative: Norman E. Shipley (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Retsof, N.Y., to points in the District of Columbia, and points in Fauquier, Fairfax, Loudon, and Prince William Counties, Va., points in Jefferson County, W. Va., and points in Maryland (except Baltimore and points in Garrett, Allegany, and Washington Counties). The purpose of this filing is to eliminate the gateway of Baltimore, Md. The purpose of this correction is to expand the destination territories.

No. MC 114019 (Sub-No. E279) (Correction), filed May 25, 1974, published in the FEDERAL REGISTER March 11, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat by-products*, and *articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the facilities of Iowa Beef Packers, Inc., at or near Emporia, Kans., to Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, DeSoto, Grenada, Hinds, Holmes, Humphreys, Issaquena, Itawamba, Kemper, LaFayette, Lauderdale, Leake, Lee, Leflore, Lowndes, Madison, Marshall, Monroe, Montgomery, Neshoba, Newton, Moxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Ranking, Scott, Sharkey, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Warren, Washington, Webster, Winson, Yalobusha, and Yazoo Counties, Miss. Restriction: Restricted to shipments moving from, to, or between warehouses or other facilities of retail food and household supply and furnishings business houses, in peddle service. The purpose of this filing is to eliminate the gateway of Memphis, Tenn. The purpose of this correction is to correct the "E" number, previously published as E179.

No. MC 114019 (Sub-No. E369) (Correction), filed May 16, 1974, published in the FEDERAL REGISTER March 3, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foods*, other than frozen, from Rochester, N.Y., to Denver, Colo., and points in that part of Kansas on and east of U.S. Highway 281, and points in Missouri on and west of U.S. Highway 65. The purpose of this filing is to eliminate the gateways of Milan and Morrison, Ill. The purpose of this correction is to correct the "E" number, previously published as E319.

No. MC 114194 (Sub-No. E1), filed June 3, 1974. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. 62201. Applicant's representative: A. Bruce Fraser (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1a) *Adhesives*, from the plantsite of H. B. Fuller Company at Kansas City, Kans., to points in that part of Kentucky located on and east of U.S. Highway 41 and to points in that part of Tennessee located on and east of U.S. Highway 41; (1b) *adhesives*, in bulk, from the plantsite of National Starch and Chemical Company, at Kansas City, Mo., to points in that part of Kentucky located on and east of U.S. Highway 41 and to points in that part of Tennessee located on and east of U.S. Highway 41; (2) *syrups and sweeteners*, in bulk, from Granite City, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia; (3) *sugar*, in bulk, from St. Louis, Mo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia; (4) *glues and adhesives*, in bulk, from St. Louis, Mo., to points in Colorado; (5) *coloring syrup*, in bulk, from Granite City, Ill., to points in Massachusetts and Pennsylvania; (6) *sugar*, in bulk, from St. Louis, Mo., to points in Arizona, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; (7) *flour*, in bulk, from Evansville and Mt. Vermon, Ind., to points in Kansas, Nebraska and Oklahoma; (8) *starch*, dry, in bulk, from Indianapolis, Ind., to points in Arizona, California, Colorado, Idaho, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateways of (1a) St. Louis, Mo., (1b) that part of St. Louis Commercial Zone located in Granite City, Ill., (2) Edinburg, Ind., (3) Edinburg, Ind., (4) the plantsite of the H. B. Fuller Company at Kansas City, Kans., (5) Edinburg, Ind., (6) Keokuk, Iowa., (7) St. Louis, Mo., and (8) Granite City, Ill.

No. MC 114211 (Sub-No. E847), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and fittings* and *accessories* therefor when moving with such pipe, from points in Minnesota, to points in Oklahoma and Texas, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Company located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E930), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames and fifth wheels), *equipment* designed for use in conjunction with tractors *and construction machinery and equipment*, from ports of entry between Edmunson, Maine, and Norfolk, Va., to points in Colorado, and to points in that part of South Dakota on and west of a line beginning at the Minnesota-South Dakota State line extending along U.S. Highway 212 to junction of South Dakota Highway 20, thence along South Dakota Highway 20 to junction U.S. Highway 281, thence along U.S. Highway 281 to the South Dakota-North Dakota State line, to points in that part of Nebraska on and west of a line beginning at the Iowa-Nebraska State line extending along Interstate Highway 80 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-Kansas State line, and to points in that part of Kan-

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sas on and west of a line beginning at the Oklahoma-Kansas State line extending along U.S. Highway 281 to junction with Kansas Highway 2, thence along Kansas Highway 2 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-Kansas State line, restricted to the transportation of commodities in foreign commerce. The purpose of this filing is to eliminate the gateway of Grand Island, Nebr.

No. MC 114211 (Sub-No. E931), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, with or without attachments, *tractor attachments*, and *parts* of tractors and tractor attachments when moving in mixed loads with commodities specified above, between Port of Entry of Sweetgrass, Mont., on the one hand, and, on the other, points in that part of Kansas on and east of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 281 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction Kansas Highway 14, thence along Kansas Highway 14 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction Kansas Highway 15, thence along Kansas Highway 15 to the Kansas-Nebraska State line; that part of Nebraska on and east of a line beginning at the Kansas-Nebraska State line extending along Nebraska Highway 15 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Nebraska Highway 50, thence along Nebraska Highway 50 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to the Nebraska-Iowa State line; that part of Iowa on and south of a line beginning at the Nebraska-Iowa State line extending along Iowa Highway 2 to junction U.S. Highway 71.

Thence along U.S. Highway 71 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Iowa-Illinois State line, and points in that part of Illinois on and south of a line beginning at the Iowa-Illinois State line extending along Interstate Highway 80 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 114, thence along Illinois Highway 114 to the Illinois-Indiana State line, restricted to the transportation of commodities in foreign commerce. The purpose of this filing is to eliminate the gateway of Topeka, Kans.

No. MC 114211 (Sub-No. E932), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors* and *attachments* and *parts* therefor when moving incidental to and in the same vehicle with tractors (not including tractors with vehicle beds, bed frames, or fifth wheels, nor any of the above-specified commodities which, because of their size or weight, require the use of special equipment) each weighing 15,000 pounds or more, from points in that part of Missouri on, south and west of a line beginning at the Kansas-Missouri State line extending along U.S. Highway 24 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Missouri Highway 11, thence along Missouri Highway 11 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Missouri Highway 17, thence along Missouri Highway 17 to the Missouri-Arkansas State line, to points in that part of Wisconsin on and east of a line beginning at the Iowa-Wisconsin State line extending along U.S. Highway 18 to junction Wisconsin Highway 35, thence along Wisconsin Highway 35 to junction U.S. Highway 53, thence U.S. Highway 53 to the Wisconsin-Minnesota State line and to points in the Upper Peninsula of Michigan, with no transportation for compensation on return except as otherwise authorized, restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 114211 (Sub-No. E935), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, with or without attachments, *tractor attachments*, and *parts* of tractors and tractor attachments when moving in mixed loads with commodities specified above, between the port of entry of Port Angeles, Wash., on the one hand, and, on the other, points in Illinois and points in that part of Kansas on and east of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 281 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Kansas Highway 181, thence along Kansas Highway 181 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Nebraska State line, that part of Nebraska on and east of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 81 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Nebraska-Iowa State line, and that part of Iowa on, east and south of a line beginning at the Iowa-Nebraska State line extending along U.S. Highway 30 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Iowa Highway 3, thence along Iowa Highway 3 to the Iowa-Wisconsin-Illinois State line, restricted to the transportation of commodities in foreign commerce. The purpose of this filing is to eliminate the gateway of Topeka, Kans.

No. MC 114211 (Sub-No. E937), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled grading, paving, finishing machinery, equipment, parts, accessories and attachments*, from points in Arizona to points in New York, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Canton, S. Dak., and the plant site of Stinar Corporation at Minneapolis, Minn.

No. MC 114211 (Sub-No. E938), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements* and *parts* therefor, from Moline, East Moline, and Rock Island, Ill., to points in that part of South Dakota on and west of a line beginning at the South Dakota-North Dakota State line extending along U.S. Highway 281 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to the Nebraska-South Dakota State line, to points in that part of Nebraska on and west of a line beginning at the Nebraska-Iowa State line extending along Nebraska Highway 2 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Nebraska Highway 15, thence along Nebraska Highway 15 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction U.S. Highway 20, thence along U.S. Highway Highway 20 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Nebraska-South Dakota State line, and to points in Wyoming, with no transportation for compensation on return except as otherwise authorized, restricted against the transportation of commodities the transportation of which, because of size and weight, requires the use of special equipment or special handling and restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateways of points in Lincoln County, Nebr.

No. MC 114211 (Sub-No. E939), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors* (except those with vehicle beds, bed frames and fifth wheels) *equipment* designed for use in conjunction with farm tractors, *parts* thereof, from points in that part of North Dakota on, south and east of a line beginning at the United States-Canada Boundary line extending along Interstate Highway 29 to junction North Dakota Highway 5, thence along North Dakota Highway 5 to junction North Dakota Highway 1, thence along North Dakota Highway 1 to junction North Dakota Highway 17, thence along North Dakota Highway 17 to junction North Dakota Highway 20, thence along North Dakota Highway 20 to junction North Dakota Highway 200, thence along North Dakota Highway 200 to junction North Dakota Highway 32, thence along North Dakota Highway 32 to junction North Dakota Highway 13, thence along North Dakota Highway 13 to the Minnesota-North Dakota State line, to points in that part of Montana on and south of a line beginning at the United States-Canada Boundary line extending along U.S. Highway 93 to junction Montana Highway 200, thence along Montana Highway 200 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Montana Highway 200, thence along Montana Highway 200 to junction Montana Highway 22, thence along Montana Highway 22 to junction U.S. Highway 10, thence along U.S. Highway 10 to the North Dakota-Montana State line, and to points in Washington, Oregon, California, Idaho, Nevada, Arizona, Utah, New Mexico, Colorado, Wyoming, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Fargo, N. Dak.

No. MC 114211 (Sub-No. E941), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, (except commodities the transportation of which because of size or weight requires the use of special equipment, and except commodities described in the *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from points in that part of Oklahoma on and west of a line beginning at the Oklahoma-Kansas State line extending along U.S. Highway 77 to the Oklahoma-Texas State line, to points in that part of Florida on and east of a line beginning at Perry, Fla., extending along U.S. Highway 221 to junction Florida Highway 14, thence along Florida Highway 14 to junction Florida Highway 145, thence along Florida Highway 145 to the Florida-Georgia State line; parts of Tennessee on and east of a line beginning at the Tennessee-Alabama State line extending along Interstate Highway 65 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Tennessee Highway 20, thence along Tennessee Highway 20 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Tennessee Highway 78, thence along Tennessee Highway 78 to the Tennessee-Kentucky State line; parts of Alabama on, east and north of a line beginning at the Georgia-Alabama State line extending along U.S. Highway 280 to junction U.S. Highway 431, thence along U.S. Highway 431 to the Tennessee-Alabama State line; and parts in Georgia on, north and east of a line beginning at the Alabama-Georgia State line extending along U.S. Highway 280 to junction U.S. Highway 55, thence along U.S. Highway 55 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Georgia-Florida State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Claremore, Okla.

No. MC 114211 (Sub-No. E944), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment*, from points in North Dakota, to points in that part of Georgia on and south of a line beginning at the Alabama-Georgia State line extending along U.S. Highway 78 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Interstate Highway 16, thence along Interstate Highway 16 to junction Georgia Highway 29, thence along Georgia Highway 29 to junction Georgia Highway 46, thence along Georgia Highway 46 to junction Georgia Highway 17/26, thence along Georgia Highway 17/26 to Savannah, Ga., to points in that part of Alabama on and south of a line beginning at the Tennessee-Alabama State line extending along Alabama Highway 20 to junction U.S. Highway 72, thence along U.S. Highway 72 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Alabama Highway 67, thence along Alabama Highway 67 to junction U.S. Highway 278, thence along U.S. Highway 278 to junction U.S. Highway 431, thence along U.S. Highway 431 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Georgia State line, to points in that part of Arkansas on and south of a line beginning at the Arkansas-Oklahoma State line extending along Interstate Highway 40 to junction Interstate Highway 55, thence along Interstate Highway 55 to the Tennessee-Arkansas State line, and to points in Louisiana, Mississippi, Florida, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of points in Kansas, Claremore, Okla., and Canton, S. Dak.

No. MC 114211 (Sub-No. E946), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment* (except in each instance, commodities which because of size or weight requires the use of special equipment and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from points in Iowa, Illinois, and from points in that part of Nebraska on and east of a line beginning at the Kansas-Nebraska State line extending along U.S. Highway 81 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Iowa-Nebraska State line, and from points in that part of Kansas on and east of a line beginning at the Oklahoma-Kansas State line extending along U.S. Highway 77 to junction Kansas Highway 15, thence along Kansas Highway 15 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-Kansas State line, to all ports of entry west of California Highway 1 between Los Angeles and San Diego, Calif., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Claremore, Okla., and points in Kansas.

No. MC 114211 (Sub-No. E954), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors* and *road making machinery* and *contractors' equipment* and *supplies*, from Noyes, Minn., to points in Arizona, New Mexico, Texas, Oklahoma, Missouri, Arkansas, Louisiana, Tennessee, Illinois, Alabama, Georgia, Florida, South Carolina, North Carolina, Kentucky, Indiana, Ohio, West Virginia, Vermont, New Hampshire, Maine, and to points in that part of California on and south of a line beginning at San Francisco, Calif., extending along Interstate Highway 80 to junction California Highway 17, thence along California Highway 17 to junction Interstate Highway 580, thence along Interstate Highway 580 to junction Interstate Highway 205, thence along Interstate Highway 205 to junction California Highway 120, thence along California Highway 120 to junction U.S. Highway 6, thence along U.S. Highway 6 to the California-Nevada State line; and to points in that part of Nevada on and south of a line beginning at the California-Nevada State line extending along U.S. Highway 6 to the Nevada-Utah State line; to points in that part of Utah on and south of a line beginning at the Nevada-Utah State line extending along U.S. Highway 6 to junction Utah Highway 26, thence along Utah Highway

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26 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction Utah Highway 26, thence along Utah Highway 26 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Utah Highway 29, thence along Utah Highway 29 to junction Utah Highway 10, thence along Utah Highway 10 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Utah-Colorado State line.

To points in that part of Colorado on and south of a line beginning at the Utah-Colorado State line extending along U.S. Highway 6 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Colorado-Nebraska State line; to points in that part of Nebraska on and south of a line beginning at the Colorado-Nebraska State line extending along U.S. Highway 34 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to the Nebraska-Iowa State line; to points in that part of Iowa on and east of a line beginning at the Nebraska-Iowa State line extending along Iowa Highway 2 to junction Iowa Highway 59, thence along Iowa Highway 59 to junction Iowa Highway 39, thence along Iowa Highway 39 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction Iowa Highway 4, thence along Iowa Highway 4 to the Iowa-Minnesota State line; to points in that part of Wisconsin on and south of a line beginning at the Minnesota-Wisconsin State line extending along Wisconsin Highway 70 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction U.S. Highway 8, thence along U.S. Highway 8 to the Wisconsin-Michigan State line; and to points in that part of Michigan on and south of a line beginning at the Wisconsin-Michigan State line extending along U.S. Highway 8 to junction U.S. Highway 2, thence along U.S. Highway 2 to Escanabo, Mich., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E955), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled sweepers* and *hod buggies*, from Noyes, Minn., to points in New York, Massachusetts, Connecticut, New Jersey, Delaware, Virginia, Pennsylvania, and Maryland, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E956), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery* and *contractors' equipment* and *supplies*, from Noyes, Minn., to points in New York, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the Stinar Corporation at Minneapolis, Minn.

No. MC 114211 (Sub-No. E957), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment* (except in each instance, commodities which because of size or weight requires the use of special equipment, and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from that part of Oklahoma on and east of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 75 to junction Indian Nation Turnpike, thence along Indian Nation Turnpike to the Oklahoma-Texas State line, to points in Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, Montana, Wyoming, North Dakota, and points in that part of New Mexico on and west of a line beginning at the New Mexico-Colorado State line extending along Interstate Highway 25 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction New Mexico Highway 68, thence along New Mexico Highway 68 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction New Mexico Highway 90, thence along New Mexico Highway 90 to junction U.S. Highway 80.

Thence along U.S. Highway 80 to the New Mexico-Arizona State line and to points in that part of Wisconsin on and north of a line beginning at the Wisconsin-Minnesota State line extending along Wisconsin Highway 77 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction Wisconsin Highway 70, thence along Wisconsin Highway 70 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 64, thence along Wisconsin Highway 64 to junction Wisconsin Highway 47, thence along Wisconsin Highway 47 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to Lake Michigan, and to points in that part of Colorado on and west of a line beginning at the Colorado-Nebraska State line extending along Colorado Highway 113 to junction U.S. Highway 138, thence along U.S. Highway 138 to junction Colorado Highway 71, thence along Colorado Highway 71 to junction U.S. Highway 350, thence along U.S. Highway 350 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-New Mexico State line, with no transportation for compensation on return except as otherwise authorized, restricted against shipments moving in foreign commerce to points in Canada. The purpose of this filing is to eliminate the gateway of Claremore, Okla.

No. MC 114211 (Sub-No. E958), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery* and *parts* thereof, from Noyes, Minn., to points in Arizona, New Mexico, Texas, Oklahoma, Kansas, Missouri, Arkansas, Louisiana, Illinois, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Ohio, North Carolina, South Carolina, Georgia, Florida, and to points in that part of California on and south of a line beginning at San Francisco, Calif., extending along Interstate Highway 80 to junction California Highway 17, thence along California Highway 17 to junction Interstate Highway 580, thence along Interstate Highway 580 to junction Interstate Highway 205, thence along Interstate Highway 205 to junction California Highway 120, thence along California Highway 120 to junction U.S. Highway 6, thence along U.S. Highway 6 to the California-Nevada State line; to points in that part of Nevada on and south of a line beginning at the California-Nevada State line extending along U.S. Highway 6 to the Nevada-Utah State line; to points in Utah on and south of line beginning at the Nevada-Utah State line extending along U.S. Highway 6 to junction Utah Highway 26, thence along Utah Highway 26 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction Utah Highway 26, thence along Utah Highway 26 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Utah Highway 29, thence along Utah Highway 29 to junction Utah Highway 10, thence along Utah Highway 10 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Utah-Colorado State line.

To points in that part of Colorado on and south of a line beginning at the Utah-Colorado State line extending along U.S. Highway 6 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Colorado-Nebraska State line; to points in that part of Nebraska on and south of a line beginning at the Colorado-Nebraska State line extending along U.S. Highway 34 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to the Nebraska-Iowa State line; to points in that part of Iowa on and east of a line beginning at the Nebraska-Iowa State line extending along Iowa Highway 2 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Iowa Highway 39, thence along Iowa Highway 39 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction Iowa Highway 4, thence along Iowa Highway 4 to the Iowa-Minnesota State line; to points in that part of Michigan on and south of a line beginning at the Wisconsin-Upper Peninsula of Michigan State line extending along U.S. Highway 8 to junction U.S. Highway 2, thence along U.S. Highway 2 to Escanabo, Mich.; and to points in that part of Wisconsin on and south of a line beginning at the Minnesota-Wisconsin State line extending along U.S. Highway 70 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction U.S. Highway 8, thence along U.S. Highway 8 to the Wisconsin-Michigan State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E959), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment* (except in each instance, commodities which because of size or weight requires the use of special equipment and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 218 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Minnesota Highway 76, thence along Minnesota Highway 76 to junction U.S. Highway 14, thence along U.S. Highway 14 to the Minnesota-Wisconsin State line; points in that part of Iowa on and west of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 169 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Minnesota-Iowa State line; and points in South Dakota, Colorado, Kansas, and Nebraska, to points in that part of Alabama on and south of a line beginning at the Mississippi-Alabama State line extending along U.S. Highway 90 to Mobile, Ala.; to points in that part of Mississippi on and south of a line beginning at the Mississippi-Louisiana State line extending along U.S. Highway 90 to the Mississippi-Alabama State line; and to points in that part of Louisiana on and south of a line beginning at Lake Charles, La., extending along U.S. Highway 90 to the Louisiana-Mississippi State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Claremore, Okla., and points in Kansas.

No. MC 114211 (Sub-No. E960), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment* (except in each instance, commodities which because of size or weight require the use of special equipment, and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from points in Nebraska, Kansas, Colorado, and from points in that part of South Dakota on and west of a line beginning at the Nebraska-South Dakota State line extending along U.S. Highway 81 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction U.S. Highway 281, thence along U.S. Highway 281 to the North Dakota-South Dakota State line, to points in that part of Florida on and west of a line beginning at Miami, Fla., extending along U.S. Highway 1 to junction Interstate Highway 95, thence along Interstate Highway 95 to the Florida-Georgia State line, and to points in that part of Georgia on and east of a line beginning at the Florida-Georgia State line extending along Interstate Highway 95 to the Georgia-South Carolina State line; to points in that part of South Carolina on and east of a line beginning at the South Carolina-Georgia State line extending along Interstate Highway 95 to junction U.S. Highway 17, thence along U.S. Highway 17 to the South Carolina-North Carolina State line; and to points in that part of North Carolina on and east of a line beginning at the South Carolina-North Carolina State line extending along U.S. Highway 17, north to Wilmington, N.C., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Claremore, Okla., and points in Kansas.

No. MC 114211 (Sub-No. E961), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* (except pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products), and *fittings* and *accessories* therefor when moving with such pipe, from points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 283 to junction U.S. Highway 277, thence along U.S. Highway 277 to junction Texas Highway 83, thence along Texas Highway 83 to junction U.S. Highway 377, thence along U.S. Highway 377 to Del Rio, Tex., and to points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 281 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Oklahoma-Texas State line, to points in that part of Ohio on and north of a line beginning at the Ohio-Indiana State line extending along Ohio Highway 34 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction Ohio Highway 2, thence along Ohio Highway 2 to Toledo, Ohio, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the plant site of the Griffin Pipe Company located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E962), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Road building equipment* (except in each instance, commodities which because of size or weight requires the use of special equipment, and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from points in South Dakota, Nebraska, Kansas, and Colorado; from points in that part of Iowa on and west of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 169 to junction Iowa Highway 9, thence along Iowa Highway 9 to junction Iowa Highway 4, thence along Iowa Highway 4 to the Iowa-Minnesota State line; and points in that part of Minnesota on and west of a line beginning at the Minnesota-Iowa State line extending along Minnesota Highway 4 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line, to points in that part of Alabama from Mobile, Ala., extending along U.S. Highway 98 to the Alabama-Florida State line and to points in that part of Florida on and southeast of a line beginning at the Alabama-Florida State line extending along U.S. Highway 98 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 41, thence along U.S. Highway 41 to Miami, Fla., with no transportation for compensation on return except as otherwise authorized. The purpose of this

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filing is to eliminate the gateways of Claremore, Okla., and points in Kansas.

No. MC 114211 (Sub-No. E966), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* and *tractor attachments* when moving as contractors' equipment moving in foreign commerce, between the port of entry of Madawaska, Maine, on the one hand, and, on the other, points in Colorado, South Dakota, Kansas, Nebraska, and points in that part of Minnesota on and west of a line beginning at the Minnesota-Iowa State line extending along Minnesota Highway 4 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Interstate Highway 94, thence along Interstate Highway 94 to the North Dakota-Minnesota State line, and that part of Iowa on and west of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 34 to junction Iowa Highway 25, thence along Iowa Highway 25, to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 71, thence along U.S. Highway 71, to junction Iowa Highway 175, thence along Iowa 175 to junction Iowa Highway 4, thence along Iowa Highway 4 to the Iowa-Minnesota State line restricted to the transportation of commodities in foreign commerce. The purpose of this filing is to eliminate the gateway of Topeka, Kans.

No. MC 114211 (Sub-No. E967), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and *parts* therefor, from Greeley, Colo., to points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 75 to junction Interstate Highway 45, thence along Interstate Highway 45 to junction Texas Highway 14, thence along Texas Highway 14 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 159, thence along Texas Highway 159 to junction Texas Highway 237, thence along Texas Highway 237 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 185, thence along Texas Highway 185 to Seadrift, Tex., and to points in Illinois, Indiana, Minnesota, Missouri, Wisconsin, Michigan, and Ohio, with no transportation for compensation on return except as otherwise authorized, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E968), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and *parts* therefor, from Denver, Colo., to points in Minnesota, Wisconsin, Michigan, Illinois, Indiana, Ohio, Missouri, and points in that part of Texas on and east of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 271 to junction Texas Highway 49, thence along Texas Highway 49 to junction U.S. Highway 259, thence along U.S. Highway 259 to junction U.S. Highway 69, thence along U.S. Highway 69 to Port Arthur, Tex., with no transportation for compensation on return except as otherwise authorized, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E969), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Cast iron pressure pipe and fittings and accessories therefor when moving with such pipe, from Coshocton, Ohio, to points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 71 to junction Minnesota Highway 19, thence along Minnesota Highway 19 to junction Minnesota Highway 67, thence along Minnesota Highway 67 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 75, thence along U.S. Highway 75 to the United States-Canada International Boundary line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Company located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E970), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* and *fittings* and *accessories* therefor when moving with such pipe, from Bensonville, Ill., to points in that part of North Dakota on and west of a line beginning at the South Dakota-North Dakota State line extending along North Dakota Highway 31 to junction North Dakota Highway 21, thence along North Dakota Highway 21 to junction North Dakota Highway 49, thence along North Dakota Highway 49 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction North Dakota Highway 31, thence along North Dakota Highway 31 to junction North Dakota Highway 200, thence along North Dakota Highway 200 to junction North Dakota Highway 48, thence along North Dakota Highway 48 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction North Dakota Highway 256, thence along North Dakota Highway 256 to the United States-Canada International Boundary line, and to points in that part of South Dakota on, west, and south of a line beginning at the Minnesota-South Dakota State line extending along U.S. Highway 14 to junction Interstate Highway 29.

Thence along Interstate Highway 29 to junction South Dakota Highway 28, thence along South Dakota Highway 28 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction South Dakota Highway 20, thence along South Dakota Highway 20 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction South Dakota Highway 65, thence along South Dakota Highway 65 to the South Dakota-North Dakota State line; to points in that part of Kansas on and west of a line beginning at the Oklahoma-Kansas State line extending along U.S. Highway 59 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Kansas Highway 16, thence along Kansas Highway 16 to junction Kansas Highway 92, thence along Kansas Highway 92 to the Missouri-Kansas State line, and to points in Montana, Wyoming, and Colorado, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Co., located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E1007), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery* and *parts* thereof, from Denver, Colo., to points in New York. The purpose of this filing is to eliminate the gateways of Nebraska City and Beatrice, Nebr., points in Iowa, and the plant site of the Stinar Corporation located at or near Minneapolis, Minn.

No. MC 114211 (Sub-No. E1008), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof, from Grinnell, Iowa, to points in Oklahoma and to points in that part of Kansas on and southwest of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 73 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateways of Des Moines, Iowa, Martin City, Mo., and points in Kansas located within 15 miles of Martin City, Mo.

No. MC 114211 (Sub-No. E1244), filed March 7, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* and *particle board*, from the facilities of Kaibab Industries, at Midvale, Utah to points in Michigan, Illinois, Pennsylvania, and to points in that part of Iowa located on and north and east of a line beginning at the Nebraska-Iowa State line, thence along Iowa Highway 92 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Missouri-Iowa State line, and to points in that part of Missouri located on and east of a line beginning at the Iowa-Missouri State line, thence along U.S. Highway 169 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Kansas State line, thence along the Missouri-Kansas State line to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Missouri Highway 7, thence along Missouri Highway 7 to junction Missouri Highway 13, thence along Missouri Highway 13 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas State line restricted to the transportation of shipments originating at the facilities of Kaibab Industries at Midvale, Utah. The purpose of this filing is to eliminate the gateway of points in Custer County, S. Dak.

No. MC 114211 (Sub-No. E1245), filed March 7, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 42, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment*, between the plant site of the Hyster Company at or near Crawfordsville, Ind., on the one hand, and, on the other points in Texas restricted to the transportation of shipments originating at or destined to the above-named plant site. The purpose of this filing is to eliminate the gateway of points in Kansas.

No. MC 114211 (Sub-No. E1246), filed March 7, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving*, and *finishing machinery, equipment, parts, accessories*, and *attachments*, between the plant site of Hyster Company at or near Crawfordsville, Ind., on the one hand, and, on the other points in North Dakota, Montana, Wyoming, Utah, Nevada, California, Idaho, Oregon, Washington, and points in that part of Arizona located on and west of a line beginning at the New Mexico-Arizona State line, thence along U.S. Highway 160 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Interstate Highway 17, thence along Interstate Highway 17 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Arizona Highway 77, thence along Arizona Highway 77 to junction U.S. Highway 80, thence along U.S. Highway 80 to Douglas, Ariz., restricted to the transportation of shipments originating at or destined to the above-named plant site. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E1247), filed March 7, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled* (1) material handling equipment, winches, compaction and road making equipment, rollers, mobile cranes and highway freight trailers and (2) parts, attachments and accessories of the commodities named in (1) above between the plant site of Hyster Company at or near Crawfordsville, Ind. on the one hand, and, on the other, points in North Dakota, Montana, Idaho, Washington, Oregon and points in that part of California located on and north and west of a line beginning at the Nevada-California State line, thence along Interstate Highway 15 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction California Highway 111, thence along California Highway 111 to the California-Mexico International Boundary line, and points in that part of Nevada located on and north of a line beginning at the Arizona-Nevada State line.

Thence along Interstate Highway 15 to the Nevada-California State line, and points in that part of Utah located on and west of a line beginning at the Wyoming-Utah State line thence along Utah Highway 44 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Utah Highway 33, thence along Utah Highway 33 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Utah Highway 4, thence along Utah Highway 4 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Utah-Arizona State line, and points in that part of Wyoming located on and north of a line beginning at the Nebraska-Wyoming State line, thence along U.S. Highway 20 to junction Wyoming Highway 220, thence along Wyoming Highway 220 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Wyoming Highway 530, thence along Wyoming Highway 530 to the Wyoming-Utah State line restricted to the transportation of shipments originating at or destined to the above-named plant site. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E1248), filed March 7, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment*, (except in each instance, commodities which because of size or weight require the use of special equipment, and except commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459, from the plant site of Hyster Company at or near Crawfordsville, Ind. to points in that part of Oklahoma located on and south and west of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 75 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Oklahoma-Arkansas State line, and to points in Arizona and New Mexico. The purpose of this filing is to eliminate the gateway of points in Kansas and Claremore, Okla.

No. MC 114211 (Sub-No. E1249), filed March 7, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* from Newport, Ky. to points in that part of Kansas located on and west of a line beginning at the Oklahoma-Kansas State line, thence along U.S. Highway 81 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Kansas Highway 4, thence along Kansas Highway 4 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Kansas-Missouri State line, and to points in that part of Oklahoma on and west of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 283 to junction Oklahoma Highway 44, thence along Oklahoma Highway 44 to junction Oklahoma Highway 9, thence along Oklahoma Highway 9 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to junction Oklahoma Highway 58, thence along Oklahoma Highway 58 to junction Oklahoma Highway 51, thence along Oklahoma Highway 51 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Oklahoma-Kansas State line, and to points in that part of Texas located on and west of a line beginning at Laredo, Tex., thence along U.S. Highway 83 to junction U.S. Highway 377, thence along U.S. Highway 283 to the Texas-Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Texas-Oklahoma State line restricted to the transportation of traffic destined to the above-named destinations and restricted against the transportation of commodities in bulk. The purpose of this filing is to eliminate the gateway of the plant site of Jones and Laughlin Steel Corporation located in Putnam County, Ill.

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No. MC 114301 (Sub-No. E12), filed March 6, 1975. Applicant: DELAWARE EXPRESS, INC., P.O. Box 97, Elkton, Md. 21921. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from Newark, Del., to points in Pennsylvania, New Jersey, and Maryland. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Artic Roofing, Inc., at Wilmington, Del.

No. MC 114301 (Sub-No. E13), filed March 6, 1975. Applicant: DELAWARE EXPRESS, INC., P.O. Box 97, Elkton, Md. 21921. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from Baltimore, Md., to points in New Jersey and to points in that part of Pennsylvania on and east of a line beginning at the Delaware-Pennsylvania State line, thence along Pennsylvania Highway 41 to junction Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Artic Roofing, Inc., at Wilmington, Del.

No. MC 114604 (Sub-No. E3), filed January 24, 1975. Applicant: CAUDELL TRANSPORT, INC., State Farmer's Market No. 33, Forest Park, Ga. 30050. Applicant's representative: Guy H. Postell, 3384 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Bananas*, in vehicles equipped with mechanical refrigeration; (1) from Charleston, S.C., to points in the Florida counties of Escambia, Santa Rosa, and Okaloosa (Atlanta, Ga., for items 1 through 9) *; (2) from Jacksonville, Fla., to points in the State of North Carolina which lie within Cherokee, Clay, Graham, Swain, Macon, Jackson, Haywood, Transylvania, Henderson, Polk, Buncombe, McDowell, Mitchell, Avery, Burke, Yancey, and Madison Counties; (3) from Miami, Fla., to all points in North Carolina (except those points which lie within Richmond, Scotland, Robeson, Columbus, Hoke, Moore, Lee, Harnett, Cumberland, Wake, Johnson, Bladen, Sampson, Wayne, Nash, Wilson, Edgecombe, Pitt, Greene, Lenoir, Duplin, Pender, Brunswick, New Hanover, Onslow, Carteret, Craven, Pamlico, Beaufort, Hyde, Martin, Bertie, Chowan, Washington, Tyrrell, and Dare Counties; (4) from Port Everglades, Fla., to points in North Carolina which lie within Cherokee, Graham, Clay, Macon, Swain, Jackson, Transylvania, Henderson, Polk, Buncombe, Haywood, Madison, McDowell, Yancey, Mitchell, Avery, Burke, Rutherford, Cleveland, Caldwell, Watauga, Ashe, Alleghany, Wilkes, Alexander, Catawba, Lincoln, Gaston, Mecklenburg, Cabarrus, Rowan, Iredell, Yadkin, Surry, Stokes, Forsyth, Davidson, Randolph, Guilford, Rockingham, Caswell, Chatham, Orange, and Alamance Counties;

(5) From Tampa, Fla., to points in North Carolina which lie with Cherokee, Clay, Graham, Swain, Macon, Jackson, Haywood, Transylvania, Henderson, Buncombe, Yancey, Madison, McDowell, Mitchell, Avery, Burke, Polk, Rutherford, Cleveland, Watauga, Ashe, Caldwell, Gaston, Lincoln, Catawba, Alexander, Wilkes, Alleghany, Surry, Yadkin, Iredell, Mecklenburg, Cabarrus, Stanley, Rowan, Davidson, Forsyth, Stokes, Rockingham, Guilford, Randolph, Caswell, Person, Durham, Orange, and Alamance Counties; (6) from Savannah, Ga., to points in North Carolina which lie within Cherokee, Clay, Macon, and Jackson Counties; (7) from Mobile, Ala., to points in North Carolina; (8) from Gulfport, Miss., to points in North Carolina; (9) from New Orleans, La., to points in North Carolina; (B) *Meats, meat products, meat by-products, dairy products*, and *articles* distributed by meat packinghouses as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; (1) from Orangeburg, S.C., to points in Florida lying within Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Liberty, Franklin, Wakulla, Gadsden, Jefferson, Leon, Madison, Taylor, Hamilton, Suwannee, Lafayette, Dixie, Columbia, Baker, Union, Gilchrist, Alachua, Levy, Nassaw, Duval, Clay, St. Johns, Bradford, Putnam, Flagler, Marion, and the point of Daytona Beach in Volusia County (Georgia) *; (C) *Meats, meat products, meat by-products, dairy products*, and *articles* distributed by meat packinghouses as described in Sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Orangeburg, S.C., to all points in Alabama (Georgia) *; (D) *Meats, meat products, meat by-products, dairy products*, and *articles* distributed by meat packinghouses, as described in Sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Orangeburg, S.C., to Chattanooga, Tenn. (Georgia) *; and (E) *Meats, meat products, meat by-products, dairy products*, and *articles* distributed by meat packinghouses, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Orangeburg, S.C., to points in South Carolina which lie within Pickens, Anderson, Oconee, and Abbeville Counties, and points in North Carolina within Cherokee and Clay Counties (Georgia) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115331 (Sub-No. E27), (Correction), filed June 3, 1974, published in the FEDERAL REGISTER February 10, 1975. Applicant: TRUCK TRANSPORT, INC., 230 St. Clair Ave., East St. Louis, Ill. 62201. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers, from points in Nevada, to points in Pennsylvania, West Virginia, Kentucky, Ohio, Indiana, Michigan, Illinois, those points in Wisconsin on and south of Wisconsin Highway 64, those points in Iowa on and east of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 218 to junction Iowa Highway 1, thence along Iowa Highway 1 to junction U.S. Highway 151, thence along U.S. Highway 151 to the Iowa-Wisconsin State line, those points in Missouri on and east of a line beginning at the Missouri-Iowa State line and extending along unnumbered Missouri highway to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateway of El Paso, Ill. The purpose of this correction is to redescribe the territorial descriptions.

No. MC 115826 (Sub-No. E20), filed June 4, 1974. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh, frozen, and cured meats* and *frozen meat products*, in vehicles equipped with mechanical refrigeration; (1) from those points in California on and west of a line beginning at the Pacific Ocean and extending along Interstate-Highway 8 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction U.S. Highway 6, thence along U.S. Highway 6 to the California-Nevada State line, to points in Minnesota, Wisconsin, the District of Columbia, those in Nebraska on, east, and north of a line beginning at the Nebraska-South Dakota State line and extending along U.S. Highway 81 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Nebraska-Iowa State line, those in Iowa on and north of U.S. Highway 34, and those in Indiana on and north of a line beginning at the Indiana-Illinois State line and extending along Indiana Highway 26 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 28, thence along Indiana Highway 28 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction Indiana Highway 67, thence along Indiana Highway 67 to the Indiana-Ohio State line; and

(2) from those points in California on and north of a line beginning at the Pacific Ocean at San Francisco, Calif., and extending along Interstate Highway 280 to San Jose, Calif., thence along Interstate Highway 680 to junction Interstate Highway 580, thence along Interstate Highway 580 to junction Interstate Highway 5, thence along Interstate Highway 5 to Stockton, Calif., thence along California Highway 99 to junction Interstate Highway 80, thence along Interstate Highway 80 to the California-Nevada State line, to points in Indiana, Iowa, Minnesota, Missouri, Nebraska, Wisconsin, the District of Columbia, and those in Kansas on, east, and north of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 281 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 154, thence along U.S. Highway 154 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Colorado-Kansas State line. The purpose of this filing is to eliminate the gateway of Rigby, Idaho.

No. MC 115826 (Sub-No. E38), filed June 4, 1974. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Denver, Colo. 80202. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh, frozen, and cured meats* and *frozen meat products*, in vehicles equipped with mechanical refrigeration; (1) from those points in California north of a line beginning at the Pacific Ocean and San Diego and extending along U.S. Highway 395 to junction U.S. Highway 66, thence along U.S. Highway 66 to Barstow, thence along California Highway 58 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction U.S. Highway 6, thence along U.S. Highway 6 to the California-Nevada State line and south of a line beginning at the California-Nevada State line and extending along Interstate Highway 80 to junction California Highway 20, thence along California Highway 20 to junction California Highway 1, thence along California Highway 1 to Ft. Bragg, to points in Montana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, and those in Illinois on and north of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 34 to junction Illinois Highway 116, thence along Illinois Highway 116 to Peoria, thence along Interstate Highway 74 to junction Illinois Highway 9, thence along Illinois Highway 9 to the Illinois-Indiana State line; and

(2) From those points in California on and west of a line beginning at San Francisco and extending along Interstate Highway 280 to San Jose, thence along Interstate Highway 680 to junction Interstate Highway 580, thence along Interstate Highway 580 to junction California Highway 33, thence along California Highway 33 to junction California Highway 140, thence along California Highway 140 to Merced, thence along California Highway 99 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction California Highway 49, thence along California Highway 49 to junction California Highway 89, thence along California Highway 89 to junction California Highway 36, thence along California Highway 36 to junction U.S. Highway 395, thence along U.S. Highway 395 to Alturas, thence along California Highway 299 to the California-Nevada State line, to points in Illinois, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, those in Montana on and east of U.S. Highway 91 and those in Colorado on, east, and north of a line beginning at the Colorado-Wyoming State line and extending along U.S. Highway 287 to junction Colorado Highway 66, thence along Colorado Highway 66 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Colorado Highway 121, thence along Colorado Highway 121 to junction Colorado Highway 470, thence along Colorado Highway 470 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Colorado-Kansas State line. The purpose of this filing is to eliminate the gateway of Roberts, Idaho.

No. MC 117344 (Sub-No. E30), filed June 2, 1974. Applicant: MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from points in Illinois (except Chicago), on, north, and east of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Illinois-Wisconsin State line to points in Alabama on, east, and south of a line beginning at the Alabama-Tennessee State line and extending along U.S. Highway 31 to Birmingham, thence along U.S. Highway 11 to the Alabama-Mississippi State line and from Kankakee, Ill., to points in Alabama on, east, and, south of a line beginning at the Alabama-Tennessee State line and extending along U.S. Highway 231 to junction U.S. Highway 11, thence along U.S. Highway 11 to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC 117344 (Sub-No. E32), filed June 2, 1974. Applicant: MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from points in Indiana on and north of Interstate Highway 74 (except Indianapolis), to points in Tennessee on and east of Tennessee Highway 56 (except Kingsport and Elizabethtown). The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC 117344 (Sub-No. E72), filed June 4, 1974. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Dearborn County, Md., to points in Illinois and from Switzerland County, Ind., to points in Illinois on and north of U.S. Highway 36. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC 117344 (Sub-No. E77) (Correction), filed May 21, 1974, published in the FEDERAL REGISTER March 6, 1975. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid glue and liquid synthetic resins*, in bulk, in tank vehicles, from Delaware County, Ohio, to points in Alabama, Arkansas, Georgia, Mississippi, South Carolina, Tennessee, and Texas. The purpose of this filing is to eliminate the gateway of Taylorport, Ky. The purpose of this is to reflect correct "E" number, previously published as E48.

No. MC 119968 (Sub-No. E9), filed May 20, 1974. Applicant: A. J. WEIGAND, INC., 3966 Pearl Rd., Cleveland, Ohio 44109. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured and sold by chemical manufacturing plants (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, that are included in machinery, equipment, materials, and supplies used by chemical manufacturing plants, in bulk, between points in both Indiana and Cambria Counties (north of U.S. Highway 22), Pennsylvania, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, the southern peninsula of Michigan, those points in Ohio on and west of a line beginning at Sandusky, Ohio, and extending along U.S. Highway 250 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line, those points in West Virginia on and west of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 33 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 119, thence along U.S. Highway 119 to the West Virginia-Kentucky State line. Restriction: The operations herein

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are subject to the condition that the authorization shall be null and void on the same date as the effective date of any action of the Commission that results in the imposition of a "no tacking" restriction on the authorities in Certificate No. MC 119969 that are the underlying rights supporting this gateway elimination proposal. The purpose of this filing is to eliminate the gateway of Dover, Ohio.

No. MC 124078 (Sub-No. E43), filed October 21, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 S. 28th St., Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand*, in bulk, in tank vehicles, from the facilities of the Hardy Sand Co., at or near Camden and Lipe, Tenn., to points in West Virginia in and east of Mingo, Logan, Boone, Raleigh, Fayette, Nicholas, Webster, Upshur, Barbour, Taylor, and Preston Counties, W. Va. (2) *Sand*, in bulk, in tank vehicles, from the facilities of the Hardy Sand Co., at or near Camden and Lipe, Tenn., to points in Iowa in and north of Plymouth, Cherokee, Ida, Crawford, Carroll, Greene, Boone, Story, Jasper, Poweskiek, Iowa, Johnson, and Louisa Counties, Iowa. (3) *Silica sand* and *ground silica sand*, from the facilities of the Hardy Sand Co., at or near Camden and Lipe, Tenn., to points in Florida (except points in Escambia, Santa Rosa, Okaloosa, and Walton Counties). (4) *Silica sand, silica flour* and *silica sand* with additives, in bulk, in tank vehicles, from the facilities of the Hardy Sand Co., at or near Camden and Lipe, Tenn., to points in Oklahoma, Texas, and Kansas (except those in Republic, Washington, Marshall, Nemaha, Brown, Doniphan, and Atchison Counties, Kans.). The purpose of this filing is to eliminate the gateways of (1) Pound, Va.; (2) Oregon, Ill.; (3) Thomas County, Ga.; and (4) Guion, Ark.

No. MC 124078 (Sub-No. E78), filed November 11, 1974. Applicant: SCHWERMAN TRUCKING COMPANY, P.O. Box 1601, Milwaukee, Wis. 53201. Applicant's representative: Richard H. Prevette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Chemicals*, in bulk, in tank vehicles, from points in Columbia County, Fla., to points in Arkansas in and north of Phillips, Monroe, Prairie, Lonoke, Pulaski, Perry, Yell, Logan, and Sebastian Counties, Ark.; points in Kentucky, in and west of Lewis, Fleming, Bath, Montgomery, Clark, Madison, Garrard, Lincoln, Casey, Russell, and Cumberland Counties, Ky.; Indiana, Michigan, and Ohio.

(2) *Liquid chemicals*, in bulk, in tank vehicles, from points in Columbia County, Fla., to points in Illinois, Minnesota, Missouri, Rhode Island, and Wisconsin.

(3) *Liquid chemicals* (except petroleum products and fertilizers), in bulk, in tank vehicles, from points in Columbia County, Fla., to points in Colorado, in and north of Montrose, Gunnison, Chaffee, Park, Teller, El Paso, Lincoln, and Kit Carson Counties, Colo.; points in Iowa; points in Kansas in and north of Greeley, Logan, Gove, Trego, Rooks, Osborne, Mitchell, Cloud, Washington, and Marshall Counties, Kans.; Nebraska, North Dakota, South Dakota, and Wyoming.

(4) *Liquid chemicals*, in bulk, in tank vehicles, from points in Columbia County, Fla., to points in Scott, Polk, Sevier, Little River, Howard, Montgomery, Pike, Hempstead, Nevada, Clark, Hot Spring, Garland, Saline, Grant, Dallas, Ouachita, Cleveland, Jefferson, and Arkansas Counties, Ark.

(5) *Dry chemicals* (except petroleum products and fertilizers), in bulk, in tank vehicles, from points in Columbia County, Fla., to points in Minnesota, North Dakota, South Dakota, Nebraska, Wyoming; points in Kansas, in and north of Greeley, Logan, Gove, Trego, Rooks, Osborne, Mitchell, Cloud, Washington, and Marshall Counties, Kans.; and points in Colorado, in and north of Montrose, Gunnison, Chaffee, Park, Teller, El Paso, Lincoln, and Kit Carson Counties, Colo.

(6) *Dry chemicals*, in bulk, in tank vehicles, from points in Columbia County, Fla., to points in Illinois (except East St. Louis, Ill., and points in its commercial zone as defined by the Commission), Missouri (except St. Louis and points in its commercial zone as defined by the Commission), Wisconsin; points in Kentucky, in, south, and east of Greenup, Carter, Rowan, Menifee, Powell, Estill, Jackson, Rockcastle, Pulaski, Wayne, and Clinton Counties, Ky.; points in West Virginia, in, north, and west of Mingo, Logan, Boone, Kanawha, Clay, Braxton, Lewis, Upshur, Barbour, and Preston Counties, W. Va.; and points in Scott, Polk, Sevier, Little River, Howard, Montgomery, Pike, Hempstead, Nevada, Clark, Hot Spring, Garland, Saline, Grant, Dallas, Cleveland, Jefferson, Arkansas, Lincoln, Desha, Bradley, Ouachita, and Calhoun Counties, Ark. The purpose of this filing is to eliminate the gateways of (1) Robertson County, Tenn.; (2) Chattanooga, Tenn.; (3) Chattanooga, Tenn., and La Salle, Ill. (plant site restriction); (4) Maury County, Tenn.; (5) Bartow County, Ga., and La Salle, Ill.; and (6) Bartow County, Ga.

No. MC 127042 (Sub-No. E39), filed March 10, 1975. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, 3232 Highway 75 North, Sioux City, Iowa. Applicant's representative: Edward A. O'Donnell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scented oils, cleaning compounds*, and *toilet preparations* and *supplies*, from Madrid, Iowa, to points in Arkansas and Oklahoma, restricted against the transportation of the involved commodities in bulk. The purpose of this filing is to eliminate the gateway of Brookfield, Mo.

No. MC 127042 (Sub-No. E40), filed March 10, 1975. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, 3232 Highway 75 North, Sioux City, Iowa. Applicant's representative: Edward A. O'Donnell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soap, toilet preparations*, and *cleaning compounds* (except in bulk), from Eldora, Iowa, to points in Arkansas, New Mexico, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Brookfield, Mo.

No. MC 127042 (Sub-No. E41), filed March 10, 1975. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, 3232 Highway 75 North, Sioux City, Iowa. Applicant's representative: Edward A. O'Donnell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soap, toilet preparations*, and *cleaning compounds* (except in bulk), from Brookfield, Mo., to points in Michigan. The purpose of this filing is to eliminate the gateway of Eldora, Iowa.

No. MC 127834 (Sub-No. E2), filed December 20, 1974. Applicant: CHEROKEE HAULING & RIGGING, INC., 540–42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron* and *steel articles* as described in Appendix V to the report in *Description in Motor Carrier Certificate*, 61 M.C.C. 209, from the facilities of Keystone Tubular Service Corporation at Butler, Pa., to points in Arkansas, restricted to traffic originating at the facilities of Keystone Tubular Service Corporation. The purpose of this filing is to eliminate the gateway of Nashville, Tenn. (2) *Iron* and *steel articles* as described in Appendix V to the report in *Description in Motor Carrier Certificate*, 61 M.C.C. 209, from the facilities of Keystone Tubular Service Corporation at Springdale, Pa., to points in Arkansas, restricted to traffic originating at the facilities of Keystone Tubular Service Corporation. The purpose of this filing is to eliminate the gateway of Nashville, Tenn.

(3) *Iron* and *steel articles* as described in Appendix V to the report in *Description in Motor Carrier Certificate*, 61 M.C.C. 209, from the facilities of Keystone Tubular Service Corporation at Butler, Pennsylvania, to points in that part of Missouri on and south of a line beginning at the Illinois-Missouri State line, thence along Missouri Highway 34 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction Missouri Highway 64, thence along Missouri Highway 64 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Missouri Highway 7, thence along Missouri Highway 7 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction Missouri Highway 65, thence along Missouri Highway 65 to junction Missouri Highway 7, thence along Missouri Highway 7 to junction Missouri Highway 18, thence along Missouri Highway 18 to the Missouri-Kansas State line, restricted to traffic originating at the facilities of Keystone Tubular Service Corporation. The purpose of this filing is to eliminate the gateway of Springfield, Tenn.

(4) *Iron* and *steel articles* as described in Appendix V to the report in *Description in Motor Carrier Certificate*, 61 M.C.C. 209, from the facilities of Keystone Tubular Service Corporation at Springdale, Pennsylvania, to points in that portion of Missouri on and south of thence along Missouri Highway 34 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction Missouri Highway 64, thence along Missouri Highway 64 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Missouri Highway 7, thence along Missouri Highway 7 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Missouri Highway 7, thence along Missouri Highway 7 to junction Missouri Highway 18, thence along Missouri Highway 18 to the Missouri-Kansas State line restricted to traffic originating at the facilities of Keystone Tubular Service Corporation. The purpose of this filing is to eliminate the gateway of Springfield, Tenn. (5) *Iron* and *steel articles* as described in Appendix V to the report in *Description in Motor Carrier Certificate*, 61 M.C.C. 209, from the facilities of Keystone Tubular Service Corporation at Butler, Pa. to points in that part of Kentucky on and west of U.S. Highway 231, restricted to traffic originating at the facilities of Keystone Tubular Service Corporation. The purpose of this filing is to eliminate the gateway of Springfield, Tenn. (6) *Iron* and *steel articles* as described in Appendix V to the report in *Description in Motor Carrier Certificate*, 61 M.C.C. 209, from the facilities of Keystone Tubular Service Corporation at Springdale, Pa., to points in that part of Kentucky on and west of U.S. Highway 231, restricted to traffic originating at the facilities of Keystone Tubular Service Corporation. The purpose of this filing is to eliminate the gateway of Springfield, Tenn.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-9150 Filed 4-7-75;8:45 am]

[Notice No. 737]

ASSIGNMENT OF HEARINGS

APRIL 3, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 130276, John Torino and M. Ellen Torino, dba Torino Travel Tours, now assigned April 28, 1975 (2 days) at *New Haven, Conn.*, is transferred to *Bridgeport, Conn.*, in Court Room No. 1, 4th Floor, U.S. Courthouse, 915 Lafayette Blvd., same date.

MC 130257, Topper and Ken Luciani Travel, Inc., now assigned April 30, 1975, at *New Haven, Conn.*, is transferred to *Bridgeport, Conn.*, in Court Room No. 1, 4th Floor, U.S. Courthouse, 915 Lafayette Blvd.

MC 5623 Sub 24, Arrow Trucking Co.; MC 108676 Sub 69, A. J. Metler Hauling & Rigging, Inc.; MC 113459 Sub 86, H. J. Jeffries Truck Line, Inc.; MC 118159 Sub 148, National Refrigerated Transport, Inc.; MC 119399 Sub 45, Contract Freighters, Inc.; MC 119774 Sub 79, Eagle Trucking Company; MC 123407 Sub 182, Sawyer Transport, Inc. and MC 129032 Sub 12, Tom Inman Trucking, Inc.; now assigned May 5, 1975 at Dallas, Texas will be held in Room 5A15–17 Federal Building, 1100 Commerce Street.

MC 95876 Sub 152, Anderson Trucking Service, Inc., now assigned May 7, 1975 at Dallas, Texas; will be held in Room 5A15–17 Federal Building, 1100 Commerce Street.

MC 111401 Sub 429, Groendyke Transport, Inc., now assigned May 12, 1975 at Dallas, Texas; will be held in Room 5A15–17 Federal Building, 1100 Commerce Street.

MC 136828 Sub 3, Cox & Shay, Inc., now assigned May 14, 1975, will be held in Room 5A15–17 Federal Building, 1100 Commerce Street, Dallas, Texas.

MC 72243 Sub 47, The Aetna Freight Lines, Inc., application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-9149 Filed 4-7-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 3, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General rules of practice (49 CFR 1100.40) and filed on or before April 23, 1975.

FSA No. 42968—*Beet or Cane Sugar from Points in Louisiana*. Filed by Southwestern Freight Bureau, Agent, (No. B–519), for interested rail carriers. Rates on sugar, beet or cane, in bulk or in packages, in carloads, as described in the application, from points in Louisiana, to Addison and Great Southwest South, Texas.

Grounds for relief—Rate relationship.

Tariff—Supplement 108 to Southwestern Freight Bureau, Agent, tariff 72–H, I.C.C. No. 4886. Rates are published to become effective on May 16, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-9148 Filed 4-7-75;8:45 am]

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federal register

TUESDAY, APRIL 8, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 68

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

SAFA PROGRAMS

School Assistance in Federally Affected Areas

V 40 168

APR 8 75

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SCHOOL CONSTRUCTION

Assistance in Cases of Certain Disasters

Notice of proposed rule making was published in the FEDERAL REGISTER on July 25, 1974 at (39 FR 27232) setting forth regulations prescribing certain policies and requirements for criteria in determining the amounts of Federal assistance to local educational agencies in cases of certain disasters, for school construction in areas affected by Federal activities, for current expenditures in areas affected by Federal activities, and for arrangements for education of children where local educational agencies cannot provide suitable free public education as provided for in Public Laws 81–874 and 81–815 (20 U.S.C. 236–241–1, 242–244 and 20 U.S.C. 631–647 respectively.) Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

Pursuant to section 503 of the Education Amendments of 1972 a public hearing was held on August 26, 1974 in Washington, D.C. The following comments were received to which we hereby respond.

Comment. Three comments were received in reference to the second count of federally connected school membership under § 115.3(f) of Part 115. All three commenters read the proposed rule as requiring a second count of federally connected school memberships and criticized this proposal on the ground that much instructional and administrative time would be consumed in the conduct of such a count.

Response. The Office of Education is acutely aware of the many demands upon the time of local educational agencies and has consistently sought to reduce such record-keeping requirements under assistance programs to a minimum. The second count of membership in § 115.3(f) was not intended to be mandatory. It is to be conducted only at the option of the applicant. However, if the applicant does decide to make such a second count, such count must be made in the manner set forth in these regulations. To avoid confusion, language has been added to § 115.3 (e) and (f)(1) to make it clear that the second count of school membership is optional.

Comment. One comment was received which was critical of the publication of the rules related to Pub. L. 81–874 under section 503 of Pub. L. 92–318. It was stated that the proposed rules seem to represent major revisions and additions to the current regulations under these parts, and that such wholesale amendments could not be justified under the aforementioned authority.

Response. While these regulations are more detailed than those previously published under these parts, the additional detail reflects the incorporation into regulatory form of program bulletins and guidelines, clearly within the scope of section 503 of Pub. L. 92–318. Such revisions as are contained in the rules have been made in order to bring the regulations into conformity with present law and do not represent any change, other than minor and technical, in the program implementation of the basic laws.

Other changes. 1. A new paragraph (3)(n) has been added to § 112.1 to indicate that the term "Replacement or restoration of school facilities" includes amounts approved for assuring protection against personal injuries resulting from future disasters. The new paragraph incorporates statutory language of Pub. L. 93–380, section 302(b) amending Pub. L. 81–815, section 16(a).

2. In § 113.3(b)(5) the reference to "buses" in the first sentence has been deleted. A paragraph has been added to prescribe a new method of calculating the amount of Federal assistance available for replacing school buses destroyed or severely damaged by a disaster. This change in the regulation recognizes that it is extremely difficult for local educational agencies to locate suitable used buses to replace those rendered inoperative by a disaster, and that the real cost to such agencies for restoring school bus service is usually the cost of new buses less any reimbursement for those lost or any State subsidy. At present, the limit of Federal assistanse for destroyed or severely damaged buses is the "fair market value" of repair or replacement of each bus damaged or destroyed, less reimbursement for loss. The new provision sets the maximum amount of assistance at actual cost less certain adjustments.

3. A new § 115.27 has been added to provide for the implementation of the "saving clauses" in sections 304(b)(1), 305(b)(2)(A) and 305(b)(2)(B) of Pub. L. 93–380 which relate to Pub. L. 81–874. The new section references the statutory provisions and prescribes the method of computing the basis for eligibility for section 305(b)(2)(B) of Pub. L. 93–380. The basis for the method of computation is the Pub. L. 81–874 section 3 ADA as determined under the regulation for each of the three eligibility periods created by Pub. L. 93–380.

4. References in §§ 114.58(e) and 114.62(c)(2) and in the appended Guidelines, §§ 2.8, 3.3(b)(4) and 3.3(b)(5) to approval or disapproval authority vested in the Regional OE Program Officer have been rewritten. No approval or disapproval authority is vested in such officers under these provisions as rewritten in the instances cited; the Regional OE Program Officer only has authority to review and recommend approval or disapproval of certain aspects of project applications. This change was made in order to bring the regulations and guidelines into conformity with section 403(c)(2) of the General Education Provisions Act, as amended by section 503(c) of the Education Amendments of 1974 (relating to delegations of certain functions to regional offices).

5. The definition of "Parent-pupil survey", as provided in §§ 114.1(r) and 115.3(j), has been partially rewritten to indicate that if a parent of a child claimed as federally-connected, is a parent on active duty in the uniformed services (as defined in section 102 of the Career Compensation Act of 1949), there is no requirement that the parent and the child reside together. In the past, the uniformed services clause has been administered in such a manner as to require that the federally-connected child reside with the parent who is on active duty in the uniformed services. The proposed regulations reflected this view in the "parent-pupil survey" form requirements. Under the revised regulations, it will not be necessary to establish whether the child is residing with the uniformed services parent. All that will be required to be ascertained initially will be the name, rank, serial number, and branch of service of such parent. This change has been made because it is now felt that the position most in keeping with the statutory language and the legislative history of the clause is not to impose such requirement.

6. The provision in proposed § 115.51 (b) requiring a family moving into housing on Federal property to occupy such housing within 90 days of the beginning of the school term in order to permit the children in such family to attend a "section 6" school has been changed. As revised, the regulation will require only that the family occupy the housing within 90 days of the actual reporting date at the Federal installation. It is believed that the original provision worked unfairly against children whose families moved to a Federal installation in the middle of a school term and could not reasonably be expected to occupy Federal housing within the time period allotted. By providing more of an opportunity for children of Federal personnel transferred during the school year to attend "section 6" schools, the revised rule will cause less of a disruption in the education of such children.

7. In addition to the above, several minor changes have been made to correct clerical errors or to affect technical matters. In the case of the amendments to the regulation described in 2 and 3 above, after deliberation, it has been determined, pursuant to 5 U.S.C. § 553, that inviting comments from the public with respect to such amendments is unnecessary in view of the minor and technical nature of the amendments involved. Moreover, in the case of the amendment described in 2, since the incidence of major disasters cannot be predicted with certainty, it is believed appropriate in the public interest that the amendment should take effect as promptly as possible in order to afford possibly affected school districts the benefits of this broadened form of disaster assistance.

Effective date: Pursuant to section 431 (d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)) these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(Catalog of Federal Domestic Assistance Program No. 13.477, School Construction Assistance in Federally Affected Areas—Construction), and (Catalog of Federal Domestic Assistance Program No. 13.478, School Assistance in Federally Affected Areas—Maintenance and Operation)

Dated: March 12, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: March 31, 1975.

CASPER W. WEINBERGER,
Secretary of Health, Education, and Welfare.

PART 112—SCHOOL CONSTRUCTION ASSISTANCE IN CASES OF CERTAIN DISASTERS

Subpart A—Definitions

Sec.
112.1 Definitions.

Subpart B—Financial Assistance

112.2 Eligibility for financial assistance.
112.3 Payments.

Subpart C—Applications

112.8 Applications.
112.10 Determination of priorities among applications.
112.11 Prohibition against payment for religious worship or instruction.

Subpart D—General

112.16 Applicability of General Provisions Regulations.

AUTHORITY: Section 16, (79 Stat. 1158) added to Pub. L. 81–815 (20 U.S.C. 646) as amended, unless otherwise noted.

Subpart A—Definitions

§ 112.1 Definitions.

As used in this part—

(a) "Act" means Pub. L. 815, 81st Congress (64 Stat. 976), as amended, section 16 of which was added by the first section of Pub. L. 89–313 (79 Stat. 1158).

(20 U.S.C. 646)

(b) "Complete application" means a preapplication, Exhibit M–4 of Federal Management Circular 74–7 and such other supplemental information as the Commissioner may request.

(20 U.S.C. 636(b)(1), 646(c).)

(c) "Filed" means that all necessary parts of the preapplication or the complete application, as appropriate, bearing the required certification and verifications by the State educational agency, are received by the Commissioner on or before the applicable filing date.

(20 U.S.C. 636(a), (b)(2)(B), (c))

(d) "Initial equipment" means any movable equipment necessary and appropriate to equip school facilities.

(20 U.S.C. 645(9), 646(a))

(e) "Incident period" means those days officially designated by the President or his representative as the dates upon which major disaster damages occurred.

(20 U.S.C. 646)

(f) "Latent damages" means those damages which, in the judgment of the Commissioner, constitute disaster caused damages to school facilities which may not be apparent immediately following the incident period of the disaster.

(20 U.S.C. 646(a))

(g) "Local educational agency" as used in this part is defined in sections 15(11) and 16(a)(1)(A) of the Act. If the local education agency as so defined does not have the responsibility for providing school facilities, and that responsibility is vested in a State, county, city, or town agency, then the term shall include such an agency, together with the agency having exclusive administrative control and direction of other phases of free public education.

(20 U.S.C. 645(11), 646(a)(1)(A))

(h) "Major disaster area" means an area which is determined, pursuant to sections 102(2) and 301 of the Disaster Relief Act of 1974 to have suffered, after August 30, 1965, a major disaster as a result of any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe which is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government. That certification which is required by section 301 of the Disaster Relief Act of 1974 by the Governor of the State in which such an area is located (relating the need for disaster assistance in that area and providing assurance of the expenditure of a reasonable amount of the funds of the government of that State, or of a political subdivision thereof) will be accepted to meet the certification requirement contained in section 16(a)(2) of the Act, if it contains sufficient information to meet the purposes of that section.

(20 U.S.C. 646(a)(1)(A), (a)(2), 1224(c); 42 U.S.C. 4402(1))

(i) "'Member" of a school shall be determined in accordance with State law or regulation. In the absence of State law or regulation, such a member is a child who has presented himself at school and has been placed on the current roll. Such a child shall be considered a member from the date of enrollment until he permanently leaves the school. Permanent leaving shall be determined under State rules if such are applicable, but the date of permanent withdrawal shall be the date on which it is officially known that the pupil has left school, and not necessarily the first day after the date of last attendance. Notwithstanding the above, if contracts to make tuition payments with regard to certain children are utilized, then membership shall be determined in accordance with the provisions of section 15(5) of the Act.

(20 U.S.C. 645(5))

(j) "Membership" means the sum of members of a school as defined in § 112.1 (i).

(20 U.S.C. 645(5))

(k) "Minimum school facilities" means the lesser of either (1) or (2): (1) Those school facilities necessary (i) to operate a program of free public education for the membership of the applicant at normal capacity in accordance with the laws and customs of the State, plus (ii) to serve, in the facilities of such agency, those children referred to in section 16(a)(5)(B) of the Act, or

(2) Those school facilities which (1) existed prior to the disaster (limited, however, to replacement of such areas in like-kind), plus (ii) are necessary to serve, in the facilities of such agency, those children referred to in section 16(a)(5)(B) of the Act.

(3) Such term does not include (i) athletic stadiums or structures or facilities intended primarily for athletic exhibitions, contests, or games or other events for which admission is to be charged to the general public; or (ii) interests in land and off site improvements.

(4) Such term may include an auditorium or gymnasium, or both, if justified by the size of the school's enrollment, the educational program to be conducted and the standards and practices in the State. Such facilities may provide seating only for the capacity of the student enrollment.

(5) Air conditioning may be provided to replace any air conditioning which existed prior to the disaster. If no such air conditioning existed prior to the disaster, then it may be provided as minimum school facilities in all States which are in whole or in part south of the 39° parallel, provided a letter is obtained from the authorized representative of the State that air conditioning is being provided in school facilities currently being constructed solely with State and local funds. Such air conditioning may be provided in any other State only if such letter is obtained and supported by a survey which substantiates that air conditioning is provided in a majority of recently constructed school facilities within the State.

(20 U.S.C. 645(9), (10), 646(a)(5))

(l) "Normal capacity" of a schoolroom means the number of pupil stations which the room accommodates under ordinary conditions in accordance with the laws and customs of the State governing free public education.

(20 U.S.C. 646(a))

(m) "Preapplication" means Exhibit M–1 of FMC 74–7 and such supplemental information as may be requested by the Commissioner.

(20 U.S.C. 646(c))

(n) "Replacement or restoration of school facilities" means the reconstruction of school facilities on the existing foundation and the making of substantial structural repairs to school facilities which were seriously damaged or destroyed.

(l) Such term does not include the making of urgent repairs to protect the school facilities from further damage or deterioration or to render the school fa-

V 40 168
APR 8 75
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cilities immediately available for the providing of free public education.

(2) Such term includes reasonable expenditures in order to avoid or reduce future flood losses (including relocation), in accordance with Executive Order 11296. The reasonableness of such expenditures will be determined by the Commissioner on an individual basis, based upon such factors as (i) a comparison of such expenditures with the cost of restoring or replacing the facility excluding such expenditures, (ii) the probable consequence of a failure to make such expenditures, and (iii) comparative cost of alternative methods of avoiding or reducing future flood losses.

(3) Such term includes such additional amounts that the Commissioner may approve in order to assure that the facilities, as restored or replaced, will afford appropriate protection against personal injuries resulting from a disaster.

(20 U.S.C. 646(a); E.O. 11296; 88 Stat. 522)

(o) "Replacement of area in like-kind" means the cost of replacing or restoring the total area of the facility seriously damaged or destroyed which was in use at the time of the disaster with a similar permanent or temporary facility. Permanent school facilities include those facilities which are erected or constructed on the site for school purposes, affixed to the site and which have a utilization period of not less than 20 years from the date of being so affixed. Temporary school facilities means all other school facilities, including those facilities which (1) may be classified as portable, relocatable, demountable, mobile trailers or frame structures and (2) are moved onto the site for an indefinite period. An applicant may use the amount estimated as necessary to replace or restore temporary facilities to instead construct permanent facilities.

(20 U.S.C. 646(a))

(p) "Seriously damaged" means that a school facility, structure or a portion thereof has been rendered unusable or partly unusable for school purposes for an extended period of time.

(20 U.S.C. 646(a) (1), (3))

(q) "School facilities" includes such facilities as defined in section 15(9) of the Act. Such term includes only such facilities which (1) were in use prior to the occurrence of a major disaster, including classrooms and related facilities; (2) are newly constructed facilities which the applicant accepted from the builder as being completed; and (3) are facilities for the replacement or restoration of which the local educational agency or public agency is legally responsible under the State law.

(20 U.S.C. 645 (9), (10), 646(a) (1), (3), (4))

(r) "Total square feet of floor area" means the sum of square feet of a facility in use for school purposes at the time of the disaster from the exterior wall surface to exterior wall surface, at the respective floor levels.

(20 U.S.C. 646(a))

Subpart B—Financial Assistance

§ 112.2 Eligibility for financial assistance.

(a) Eligibility for financial assistance will be determined in accordance with the provisions of the Act, and section 7(a)(4) of Pub. L. 81–874.

(20 U.S.C. 241–1(a)(4), 646(a)(6))

(b) In all cases determined pursuant to clause (a)(1)(A) of section 16, if the Commissioner finds that funds other than Federal funds will, in the near future, become available to the local educational agency specifically for the purpose of providing school construction assistance in cases of such disasters, then Federal financial assistance may, to the extent that such funds are to become so available, be in the form of a repayable advance subject to repayment, without interest, when available.

(20 U.S.C. 646(a))

(c) Factors which the Commissioner will consider when determining whether damages require restoration or replacement under section 16 of the Act (as contrasted with minor repairs authorized under section 7(b) of Pub. L. 81–874 (20 U.S.C. 241–1) include the following:

(1) The ratio of section 16 funds available to the total estimated cost of replacement or restoration of destroyed or seriously damaged facility;

(2) The speed at which such replacement or restoration may be accomplished with the local, State, and Federal funds available;

(3) Whether the remaining structure must be razed before replacement or restoration can commence;

(4) Whether the applicant intends to rebuild on another site;

(5) Whether the applicant plans restoration which will differ significantly from the original design of the structure that was damaged;

(6) Whether the applicant plans to use the amount estimated as necessary to repair or restore the damaged facility to construct additional square footage rather than to repair the damaged facilities; and

(7) Whether an insurance settlement is made on the basis of major structural damage to the facility.

(d) Federal financial assistance under section 16 of the Act will be limited to the amount deemed by the Commissioner to be necessary as additional assistance (after considering practicably available local, State or Federal resources) in order for the local educational agency to provide for the replacement or restoration of minimum school facilities destroyed or seriously damaged as a result of a major disaster:

(1) When such a school facility is seriously damaged but not destroyed, financial assistance under this section will be limited to the lesser of the following costs, as determined by the Commissioner.

(i) The cost of restoring the facility on the same foundation on the same site; or

(ii) The cost of replacing the facility on the same site or a new site;

(2) When such a school facility is destroyed, financial assistance under this section may be provided to replace the facility, at the existing site or at a new site, whichever costs, as determined by the Commissioner, will be the lesser;

(3) Costs for replacement or restoration may include, if appropriate, the cost of demolition of all or part of the affected portion of the seriously damaged or destroyed facility and the cost of replacement, with public school facilities, of those minimum private elementary or secondary school facilities which were destroyed and which will not be replaced.

(e) Assistance will be provided under section 16 of the Act only if the Commissioner, after consultation with appropriate State and local educational agencies, finds that the replacement or restoration of the seriously damaged or destroyed school facilities (1) would not be inconsistent with overall State plans with respect to the construction of school facilities; and (2) includes such reasonable steps as may be desirable to minimize future Federal expenditures for flood protection and flood disaster relief in accordance with Executive Order 11296.

(20 U.S.C. 646(c); E.O. 11296)

(f) Federal financial assistance provided under section 16 of the Act (as being necessary to enable the local educational agency to provide the needed minimum school facilities), will not exceed (1) the total needed to pay for the costs of construction incident to the replacement or restoration of school facilities destroyed or seriously damaged as a result of a major disaster, and (2) the amount needed to provide the minimum school facilities needed to serve, in the facilities of said agency, children who but for the serious damage to or destruction of private facilities would be served by said private facilities (less all amounts available to the applicant specifically for such a purpose from local, State, other Federal sources, and from the proceeds of insurance on the school facilities destroyed or seriously damaged as a result of the major disaster). The applicant will be expected to prosecute insurance claims promptly and to the full legal limit. It is not necessary to replace facilities destroyed or seriously damaged with identical facilities, provided that the replacement facility constitutes replacement of area in like-kind with minimum school facilities.

(20 U.S.C. 646(a))

(g) Funds available for replacement or restoration of school facilities destroyed or seriously damaged as a result of a major disaster include:

(1) All unobligated or unencumbered non-Federal funds which the Commissioner determines have been set aside in the nature of an insurance reserve for the purpose of replacing or restoring those school facilities of the applicant that are destroyed or seriously damaged; and

(2) The proceeds of bonds that have been voted specifically for the replacement of a school facility which is destroyed or seriously damaged.

(3) If funds described in (g)(1) or (g)(2) of this section are not immediately available, the Commissioner may provide assistance in the form of an advance to be repaid, without interest, from such proceeds when they become available as determined by the Commissioner.

(20 U.S.C. 646(a) (4), (5))

(h) The school facility so provided must be functional and not elaborate in design or extravagant in the use of materials in comparison with school facilities of a similar type constructed in the State within recent years. All replacement or restoration work must be undertaken in an economical manner.

(20 U.S.C. 646(a)(4), (c))

(i) All determinations made by the Commissioner under this part shall be made only after consultation with the appropriate State educational agency and local educational agency.

(20 U.S.C. 646(c))

§ 112.3 Payments.

(a) Payments to an applicant in a major disaster area under section 16 of the Act will be made only on the basis of a complete application which satisfies the conditions for payment prescribed by section 16 of the Act and the regulations in this part.

(b) Upon approval of the complete application of a local educational agency under section 16 of the Act, the Commissioner may pay to such agency an amount equal to 10 per centum of the estimated cost of the construction incident to the replacement or restoration of the school facilities destroyed or seriously damaged as a result of a major disaster.

(c) No construction contract exceeding the estimated cost as shown in the project application shall be entered into without prior approval.

(20 U.S.C. 636(b)(1), 646 (a), (c), (d), 1232(c))

Subpart C—Applications

§ 112.8 Applications.

(a) Federal financial assistance under section 16 of the Act will be provided on the basis of a complete application which is filed by an applicant, and which sets forth the basis for eligibility for such assistance and identifies the project or projects for which such assistance is requested.

(b) A preapplication must be filed with the Commissioner through the appropriate State educational agency on or before 90 days following that date on which the area in which the local educational agency is, in whole or in part, located is designated as being within a major disaster area except that whenever such date falls on a Saturday, Sunday or Federal holiday, the final day for filing the application shall be the next succeeding business day. The complete application must be filed with the Commissioner within 90 days of the notice of preapplication review action. In the event that necessary decision-making processes at local and State levels prevent the filing of a preapplication by the applicable filing date, a "letter of intent" to file a preapplication within 180 days and a complete application within 360 days after the occurrence of the disaster must be filed with the Commissioner.

(20 U.S.C. 636(b)(1), 646(c))

§ 112.10 Determination of priorities among applications.

(a) The Commissioner will determine the order of priority for all applications involving the replacement or restoration of school facilities, the destruction of or serious damage to which requires the relocation of students. Such applications of all local educational agencies will be assigned priorities in descending order on the basis of the percentage, that the total number of children in the school district who are so relocated (after deducting the number of children within the local educational agency who were considered in connection with another such priority with respect to the same disaster) bears to the total memberships of all schools in the school district. Such membership will be determined on the basis of the latest and best information available. For the purpose of this section, the number of children reported as requiring relocation must include the number of children displaced from private schools as a result of the major disaster who are to be served by the local educational agency and who, but for the destruction of the private school facilities, would be served by the private facilities.

(b) All other applications for the replacement or restoration of school facilities destroyed or seriously damaged as a result of a major disaster will be assigned priorities lower than the priorities assigned under paragraph (a) of this section. Priorities will be assigned to school facilities under this paragraph (b) on the basis of the amount of financial assistance requested, and estimated by the Commissioner to be reasonable in amount, in comparison with the unused bond sale capacity for public school facilities available to the school district in which the school facility to be restored or replaced was located. The unused bond sale capacity will be computed on the basis of facts as of the date of the determination of the disaster. Such applications of all local educational agencies will be assigned priorities in descending order on the basis of the percentage that the amount of the financial assistance so determined with respect to all such applications (after deducting the amount of such financial assistance under such applications previously assigned to priority in accordance with the order of their consideration that is specified by the local education agency) bears to the unused bond sale capacity available to the school district in which the school facility to be restored or replaced was located.

(20 U.S.C. 646 (b), (c))

§ 112.11 Prohibition against payment for religious worship or instruction.

Nothing contained in the Act or the regulations in this part shall be construed to authorize the use of payments made under the Act for religious worship or instruction.

(20 U.S.C. 646(a)(6); 241–1(a)(4))

Subpart D—General

§ 112.16 Applicability of general provisions regulations.

(a) Provisions contained in Parts 100 and 100a of the regulations entitled "General Provisions for Office of Education Programs" are applicable to programs conducted under the Act, with the following exceptions:

(1) Section 100a.26(b) (Criteria for review of applications);

(2) Section 100a.161 (Title to site);

(3) Subpart L, §§ 100a.209–220 (Property management requirements);

(4) Section 100a.233 (Sale of real and personal property); and

(5) Section 100a.235 (Other program income).

(b) It should be noted that certain of the provisions in such regulations are not, by their own terms, pertinent to activities which may be conducted pursuant to the Act, such as:

(1) Section 100a.19 (Cooperative arrangements);

(2) Section 100a.43 (Application for Federal assistance (nonconstruction projects));

(3) Section 100a.45 (Application for Federal assistance (short form));

(4) Section 100a.62 (Payment methods for nonconstruction projects);

(5) Section 100a.82 (Institutions of higher education);

(6) Section 100a.83 (Nonprofit organizations);

(7) Subpart H, §§ 100a.90–94 (Matching and cost sharing);

(8) Section 100a.122 (Loan guarantees);

(9) Section 100a.234 (Royalties); and

(10) Section 100a.258 (Leasing facilities).

PART 113—ASSISTANCE FOR CURRENT SCHOOL EXPENDITURES IN CASES OF CERTAIN DISASTERS

Subpart A—Definitions

Sec.
113.1 Definitions.

Subpart B—Financial Assistance in Areas Affected by Major Disasters

113.2 Financial assistance for providing free public education pursuant to section 7(a) of the Act.
113.3 Assistance for the replacement of supplies, equipment, and for leasing of facilities pursuant to section 7(b) of the Act.

Subpart C—Applications

113.8 Applications.
113.9 Dates for filing applications.
113.10 Notification to applicants.
113.11 Reports.
113.12 Inadequacy of Federal funds.
113.13 Method of payment.
113.14 Prohibition on payment for religious worship or instruction.

V 40 168 APR 8 75 XUM

Sec.
113.16 Application of General Provisions Regulations.

AUTHORITY: Sec. 7 of Pub. L. 81-874, as amended, 79 Stat. 1158 (20 U.S.C. 241-1), unless otherwise noted.

Subpart A—Definitions

§ 113.1 Definitions.

As used in this part—

(a) "Act" means Pub. L. 874, 81st Congress (64 Stat. 1100), as amended, section 7 of which was first added by Pub. L. 89-313 (79 Stat. 1159).

(20 U.S.C. 241-1)

(b) "Average daily attendance," hereinafter referred to as "ADA," means ADA as determined in accordance with State law except (notwithstanding any other provisions of the Act), where the local educational agency in which a child resides makes or contracts to make tuition payment for free public education of such a child in a school situated in another local educational agency. For the purposes of section 7 of the Act, plus the attendance of such a child at such school shall be considered (1) to be attendance at a school of the local educational agency so making or contracting to make such tuition payment, and (2) not to be attendance at a school of the local educational agency receiving such titution payment or entitled to receive such payment under the contract.

(20 U.S.C. 241-1(a), 244(10))

(c) "Complete application" means an application and such other supplemental information as the Commissioner may request.

(20 U.S.C. 241-1(a))

(d) "Disaster review team" means a group comprised of representatives of the Office of Education, Office of Facilities Engineering and Property Management, (DHEW), the State educational agency (when available) and local educational agencies.

(20 U.S.C. 241-1(a))

(e) "Filed" means that all necessary parts of the complete application bearing the required certification and verifications by the State educational agency are received by the Commissioner on or before the applicable filing date.

(20 U.S.C. 241-1(d))

(f) "Incident period" means those days officially designated by the President or his representative as the dates upon which major disaster damages occurred.

(20 U.S.C. 241-1(b))

(g) "Latent damages" means those damages which, in the judgment of the Commissioner, constitute disaster-caused damages to instructional and maintenance supplies, equipment, materials, and school facilities which damages may not be apparent immediately following the incident period of the disaster.

(20 U.S.C. 241-1(b))

(h) "Local educational agency" is defined in sections 403(6)(A) and 7(a)(1)(A) of the Act.

(20 U.S.C. 244(6)(A), 241-1(a)(1)(A))

(i) "Major disaster area" means an area which is determined, pursuant to sections 102(a) and 301 of the Disaster Relief Act of 1974 to have suffered, after August 30, 1965, a major disaster as a result of any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe which is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government. That certification which section 301 of the Disaster Relief Act of 1974 requires from the Governor of the State in which such area is located (of the need for disaster assistance in such area and the assurance of the expenditure of a reasonable amount of the funds of the government of that State, or of any political subdivision thereof) will also be deemed to meet the certification requirement contained in section 7(a)(2) of the Act.

(20 U.S.C. 241-1(a)(1)(A), (a)(2); 84 U.S.C. 1748))

(j) "Minor repairs" means that restoration of equipment, materials, and portions of school and cafeteria facilities (including site, grading, and improvements) to original condition or efficiency from a disaster-damaged condition and which restoration is immediately necessary and may be accomplished within a reasonably short period of time.

(20 U.S.C. 241-1(b), 244(13))

(k) "School facilities" as used in this part is defined in the Act at section 403(13). Data must be submitted, if available, to the Commissioner to substantiate that gymnasiums and similar facilities are not intended primarily for exhibitions for which admission is to be charged to the general public, if assistance is requested with regard to such facilities. Such facilities may include cafeteria facilities.

(20 U.S.C. 244(13))

(l) "State financial assistance" (or "State aid") with respect to free public education means any contribution, for which no repayment is expected, made by a State to or on behalf of a local educational agency within the State for the support of free public education. Such assistance does not include those payments by a State to or on behalf of a local educational agency which are made as a result of a major disaster.

(20 U.S.C. 241-1(a)(3), 240(d)(2))

Subpart B—Financial Assistance In Areas Affected by Major Disasters

§ 113.2 Financial assistance for providing free public education pursuant to section 7(a) of the Act.

(a) The Commissioner will, upon receipt of a complete application under section 7(a) and approval thereof, provide financial assistance, in amounts calculated pursuant to section 7(a) and § 113.2(c). Such assistance shall commence with the fiscal year in which the determination is published in the FEDERAL REGISTER that the local educational agency suffered a disaster or with the fiscal year in which the disaster-causing incident in the local educational agency terminated, whichever is later.

(b) Such assistance may be continued for as many as four additional consecutive fiscal years after the fiscal year of commencement, as described in the preceding paragraph, on the basis of complete applications approved during each fiscal year for which assistance is to be paid. Thus, there is a maximum of five fiscal years for which assistance may be paid under section 7(a) with respect to a particular disaster. The amount of such Federal financial assistance for providing free public education at a preexisting level shall not exceed 75 percent during the third of such fiscal years, 50 percent during the fourth and 25 percent during the fifth, of the amount of assistance paid under section 7(a) for the second fiscal year of such five-year period.

(c) The amount of financial assistance so provided by the Commissioner to the agency for use during any fiscal year will not exceed the amount which the Commissioner determines to be necessary to enable such an agency, with the other funds available to it for such a purpose, to provide a level of education equivalent to: (1) That maintained in the schools at such agency prior to the occurrence of such disaster, taking into account the additional costs reasonably necessary to carry out section 7(a)(4) of the Act, or (2) that are required to meet the budgeted or actual current operating expenditures, whichever is lesser.

(d) The amount of unobligated cash carryover for current operating expenditures to the fiscal year of the disaster (from the fiscal year prior to the disaster) will not be considered to be revenue available unless such carryover exceeds ten percent of the amount budgeted for current operating expenditures in the fiscal year of the disaster. When a carryover balance does not exist or a deficit balance exists, the creation of a carryover balance in subsequent fiscal years will not be considered a cost for purposes of determining Federal assistance under section 7(a).

(20 U.S.C. 241-1(a))

§ 113.3 Assistance for the replacement of supplies, equipment, and materials for minor repairs and for the leasing of facilities pursuant to section 7(b) of the Act.

(a) The Commissioner will provide an amount of assistance which he determines, on the basis of a complete application filed for assistance under section 7(b) of the Act to a local educational agency which is eligible for assistance pursuant to section 7(a) of the Act (following the inspection by the disaster review team and the issuance of a provisional authorization), that the following activities are necessary:

(1) To replace instructional and maintenance supplies, equipment and materials (including textbooks), whether or not acquired through the use in whole or in part of Federal funds made available under other programs, which have been destroyed or seriously damaged as a result of a major disaster and which will not be replaced by other Federal programs,

(2) To make minor repairs (as defined in § 113.1(j)), and

(3) To lease or otherwise provide (other than by the acquisition of land or the erection of buildings) school and cafeteria facilities needed to replace temporarily such facilities which have been made unavailable as a result of the major disaster. Such lease or provision may not include gymnasiums and similar facilities intended primarily for exhibitions for which admission is charged to the general public or which have (i) outdoor seating in excess of the total number of pupils enrolled in the school of the system, (ii) ticket booths or stands, and (iii) lighting stands, fixtures, etc., for nighttime events.

(b) Amounts necessary for activities described under § 113.3(a) may include reasonable expenditures for:

(1) *Preventive work.* If an applicant incurs expenditures in order to prevent disaster damage (such as expenditures to keep drains clean, build dikes to divert water from washing out playgrounds), assistance may be authorized if (i) the work is done immediately before and in anticipation of the disaster, or during the disaster, (ii) the work is done on or immediately adjacent to the school site, and (iii) the work is restricted to that which the Commissioner determines could reasonably have been expected to prevent further disaster damage.

(2) *Use of applicant-owned equipment.* When an applicant owns heavy equipment which is suitable to repair major disaster damage (including debris removal, and site redevelopment) and uses such equipment to make necessary repairs, assistance may be authorized for the cost of the use of its equipment to repair eligible major disaster damage, at the pre-disaster rental rate for similar equipment in the area. Applications for reimbursement for the use of such applicant-owned equipment to repair eligible major disater damage must be supported by documentation for each piece of equipment including:

(i) Type and description of equipment;

(ii) Number of hours used each specific day;

(iii) Total hours used;

(iv) Description of location and work on which equipment was used; and

(v) Data substantiating pre-disaster rental rate for similar equipment in the same area.

(3) *Payment for work performed by applicant's maintenance employees.* When an applicant uses maintenance employees during their regularly scheduled work hours for the repair of disaster caused damage, or to take action designed to prevent more extensive damage, assistance may be authorized for such work for the time during which the employees would otherwise have worked at regularly scheduled school maintenance work had there been no disaster. Additional assistance may also be authorized for overtime payments to such overtime employees for the maintenance, repair, or arrest of disaster-caused damages. All assistance for payment of applicant's employees will be based on the prior policy and practice of the applicant, including wage rates, in the payment of such employees.

(4) *Utilities.* Assistance may be authorized for the cost of utilities in temporary or leased facilities, including the necessary installation costs.

(5) *Replacement of equipment.* Assistance may be authorized at the fair market value for the repair or replacement of equipment (including vehicles such as automobiles, trucks and tractors). Assistance may be authorized for replacing, rather than repairing nontubular furniture of metal construction which has been submerged in salt water and for replacing rather than repairing furniture of tubular construction which has been submerged in fresh water. However, assistance for replacement costs of disaster damaged equipment which an applicant has obtained as surplus property and which was selected and procured on a basis other than its being essential to school operation will be based upon the out-of-pocket cost to the applicant at the time of acquisition. The amount of Federal major disaster assistance with reference to the repair or replacement of seriously damaged or destroyed school buses used in the daily transportation of pupils shall be determined after examination of the State transportation assistance program to establish the amount, if any, of such State assistance attributable to those buses which were seriously damaged or destroyed. Federal aid shall be limited to the actual cost of repair or replacement of those buses seriously damaged or destroyed less such State transportation assistance, insurance proceeds, and salvage or trade-in value payable on such school buses.

(6) *Off-site work.* Assistance may be authorized for emergency provision of off-site repairs to permit access to school facilities when consistent with State law, provided that such work may not be done legally or expeditiously by another local governmental unit.

(7) *Trees, shrubs and seeding.* When trees and shrubbery have been lost or have been so badly damaged as to require replacement, assistance may be authorized for their replacement with trees and shrubs of like type, but not to exceed the cost of the size customarily used for new plantings on the sites of newly constructed school facilities within the State.

(8) *Architectural and engineering fees.* Assistance for architectural and engineering fees which are related to authorized minor repairs or replacements may be authorized. The amount of such reimbursement shall not exceed the usual rate applicable in the State for similar work.

(9) *Damage of school facilities during replacement.* If a school facility suffers disaster damage while under construction or renovation, assistance may be authorized only to the extent that the applicant satisfies the Commissioner that insurance proceeds are not available for the necessary repair or replacement. However, if the applicant was in the process of taking formal action at the time of the disaster to replace temporary, or obsolete school facilities with other facilities, no assistance will be authorized for the temporary or obsolete facilities.

(10) *Damages to school facilities during major disaster recovery.* Assistance may be authorized for minor repairs of school facilities (including paving and turf) which must be damaged in order to reestablish school operations. However, assistance will not be authorized to compensate for the use of such school facilities in an activity for which the school authorities are not responsible (including their use as a refugee center, for quartering the National Guard, or for a National Guard motor or equipment pool).

(11) *Administrative expenses.* Assistance may be authorized for expenses identified as overtime payments to regular applicant employees or for pay to extra clerical help hired specifically to: (i) Develop and maintain data to substantiate and support disaster repair, replacement and related expenses, or (ii) to maintain adequate and efficient records concerning the use of disaster assistance. Assistance will not be authorized for salaries, wages, and expenses of regularly employed administrative personnel who are engaged, during regularly scheduled school hours, in disaster recovery work or work necessary to develop a determination of the extent of disaster damages or to complete and file disaster applications.

(12) *Temporary facilities.* (i) Assistance may be authorized to lease or otherwise provide (other than by acquisition of land or erection of facilities) school and cafeteria facilities needed to replace temporarily such facilities which have been made unavailable as a result of a disaster when the applicant assures the Commissioner that existing available school facilities within the district cannot reasonably accommodate pupils left unhoused by the disaster.

(ii) If appropriate private or public structures are available to the applicant, they may be leased for the period of time necessary to restore or replace permanent school facilities. Modifications and improvements necessary to permit such structures to accommodate an educational program should be performed by the owner of the facilities, and the resultant costs may be included in the basic monthly or annual fee for leasing the facilities. Furthermore, any expenses required at the end of the lease period to convert back to noneducational uses should be anticipated and may be included in the leasing fee. In the event

V 40 168 APR 8 75 XUM

that sufficient temporary instructional space may not reasonably be available in existing school facilities or in other public or private structures to accommodate, temporarily, all unhoused pupils, the local education agency may arrange to lease or purchase, whichever cost is the lesser, temporary portable school facilities. Temporary portable facilities may be leased for the period of time that it takes to replace or restore the destroyed facilities, provided that replacement or restoration is pursued with reasonable expediency. It will be the responsibility of the local educational agency to ascertain that such temporary facilities are used in accordance with State and local building laws and policies which may affect such temporary facilities.

(iii) Funds may be provided to local educational agencies to purchase temporary facilities when purchasing is financially advantageous to the United States. The local educational agency is required to agree to advertise and sell, in accordance with State or local policies and procedures, the temporary facilities after the damaged facilities have been restored or replaced. The proceeds of the sale are to be remitted to the U.S. Office of Education.

(13) *Equipment for temporary facilities.* If temporary facilities are provided to a local education agency or if permanent facilities are provided pursuant to section 16 of Pub. L. 81-815, assistance may be authorized for that equipment necessary for the operation of temporary facilities. Such equipment may be provided only if prior approval of the Commissioner is obtained. Notification of such approval will be attached to the notice of preapplication review action.

(14) *Insurance on relocatable classroom units.* The owner or lessor of relocatable classroom units shall be responsible for maintaining fire and extended coverage insurance on such relocatable units at its cost for the full insurable value thereof. The lessor should include such expense within his bid quotation, if necessary. If temporary units are purchased rather than leased, the applicant must maintain fire and extended coverage to replace any temporary units in the event that they are destroyed by fire or other catastrophe. Assistance may be authorized for such insurance.

(20 U.S.C. 241-1(a)-(b))

Subpart C—Applications

§ 113.8 Applications.

Prior to receiving benefits under section 7 of the Act, a local educational agency located in whole or in part in a major disaster area must file with the Commissioner a complete application for such financial assistance on forms prescribed by the Commissioner setting forth the need for such benefits under each pertinent subsection of the Act. Separate complete applications must be filed for assistance under sections 7(a) and 7(b) of the Act.

(a) An approved application for financial assistance under section 7(a) of the Act shall apply only to such financial assistance for providing free public education until the end of the fiscal year in which the application is approved.

(b) An approved application under section 7(b) of the Act shall apply to any expenditures made during a reasonable period of time with respect to those items which are covered by the application. An application that is appropriately made under section 7(b) of the Act will be applicable retroactively for eligible expenditures made immediately prior to, during or subsequent to the incident period of the major disaster occasioning the expenditure.

(20 U.S.C. 241-1 (a), (b))

§ 113.9 Dates for filing applications.

(a) A complete application for benefits under section 7 of the Act must be filed on or before 90 days following the date on which the determination is published in the FEDERAL REGISTER that the area in which the applicant is located, in whole or in part, is a major disaster area, except that, whenever the expiration of such time shall fall on a nonbusiness day for Federal offices, the final date for filing applications shall be the next succeeding business day.

(b) An initial application or a notice of intent to file such an application within the fiscal year for financial assistance benefits under section 7(a) must be filed on or before 90 days following the date on which the determination is published in the FEDERAL REGISTER that the area in which the application is located, in whole or in part, is a major disaster area, except that, whenever such date shall fall on a nonbusiness day for Federal offices, the final date for filing applications shall be the next succeeding business day. A complete application for financial assistance for benefits under section 7(a) for each fiscal year subsequent to that covered by the initial application must be filed by January 31 in the fiscal year following the last such initial application.

(c) The applicant is responsible for obtaining the appropriate certification of the State educational agency and for securing transmittal of the application to the Commissioner.

(20 U.S.C. 241-1)

§ 113.10 Notification to applicants.

The Commissioner will notify each applicant of the results of the review of its application. A notice of application review action will be sent to the applicant which, in appropriate instances, will describe the estimated amount of any payments to be made with respect to assistance in the cost of providing free public education, including assistance with respect to the making of minor repairs of school facilities, and the cost of replacing destroyed or seriously damaged instructional and maintenance supplies, equipment and materials (including textbooks), and of leasing or otherwise providing school or cafeteria facilities as temporary replacements.

(20 U.S.C. 241-1(a)-(b))

§ 113.11 Reports.

(a) *Reports required.* Each applicant shall submit required reports and information on such forms as the Commissioner may reasonably require concerning (1) destruction of and damage to school facilities and instructional and maintenance supplies, equipment, and materials (including textbooks), (2) payments made with respect thereto, as well as payments made to continue to provide free public education at a preexisting level, and to lease or otherwise provide school and cafeteria facilities as temporary replacements, for which benefits are sought under section 7 of the Act.

(b) *Final reports.* Each applicant whose application is approved shall submit to the Commissioner final reports concerning payments made the applicant for which benefits are sought under section 7. Final reports shall be submitted promptly with respect to section 7 as follows:

(1) Final reports with respect to the assistance under section 7(a), and final reports with respect to the cost of leasing school and cafeteria facilities as temporary replacements under section 7(b), shall be submitted to the Commissioner with respect to each fiscal year no later than September 30 following the close of the fiscal year for which the report is made.

(2) Final reports with respect to assistance under section 7(b), except final reports with respect to the cost of leasing school and cafeteria facilities as temporary replacements, shall be submitted to the Commissioner after the applicant has made final payment for approved expenditures and has received final insurance adjustments and all other funds, but in no event later than 90 days following the first anniversary date of the disaster, unless the applicant makes written request, showing good cause, for extension of time for submitting such final report and such date is extended in writing by the Commissioner.

(c) *Excessive payments.* The Commissioner may disallow any portion of the amounts requested which are determined by him not to be necessary for the intended purpose or not to be eligible for benefits under section 7 of the Act. If, after the date for filing a final report, an applicant is found to have received amounts in excess of the amounts to which it is entitled under section 7 of the Act for a given fiscal year, as determined by the Commissioner, an amount equal to the excess may be taken into consideration in determining the amounts to be subsequently certified for payment to the applicant for the current or any subsequent fiscal year. Where no subsequent payments are due, the applicant will be required to remit such excess to the Commissioner.

(20 U.S.C. 241-1(e))

§ 113.12 Inadequacy of Federal funds.

(a) If appropriated funds are inadequate to pay in full the requests contained in all approvable applications filed within the ninety (90) day filing period, the Commissioner will establish an order of priority for the approval of such applications. In determining the order in which such applications will be approved, the Commissioner will consider the relative educational and financial needs of the local educational agencies which have submitted approvable applications.

(b) Priority among approvable applications filed within the 90-day filing period will be determined as follows: A priority will be determined among applications in descending order, by ascertaining the percentage that the total Federal funds for which each applicant is estimated by the Commissioner to be eligible under the Act is of the total current operating costs of that applicant as estimated by the Commissioner, including the increased costs due to the major disaster.

(20 U.S.C. 241-1(d))

§ 113.13 Method of payment.

The Commissioner may pay in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, and in such installments as he may determine, the amounts due to a local educational agency pursuant to the provisions of section 7 of the Act.

(20 U.S.C. 241-1(e), 1232d)

§ 113.14 Prohibition on payment for religious worship or instruction.

Nothing contained in the Act or in this part shall be construed to authorize the use of any payment made thereunder for religious worship or instruction.

(20 U.S.C. 241-1(a)(4))

§ 113.18 Applicability of General Provisions Regulations.

(a) Provisions contained in Parts 100 and 100a of the regulations entitled "General Provisions for Office of Education Programs" are applicable to programs conducted under the Act, with the following exceptions:

(1) Section 100a.26(b) (Criteria for review of applications);

(2) Section 100a.31 (Preapplications);

(3) Subpart L, §§ 100a.209-.220 (Property management requirements); and

(4) Section 100a.235 (Other program income).

(b) It should be noted that certain of the provisions in such regulations are not, by their own terms, pertinent to activities which may be conducted pursuant to the Act, such as:

(1) Section 100a.19 (Cooperative arrangements);

(2) Section 100a.44 (Application for Federal assistance) (Construction projects);

(3) Section 100a.41 (Preapplication for Federal assistance);

(4) Section 100a.42 (Notice of preapplication review action);

(5) Section 100a.63 (Payment methods for construction projects);

(6) Section 100a.82 (Institutions of higher education);

(7) Section 100a.83 (Nonprofit organizations);

(8) Subpart H, §§ 100a.90-.94 (Matching and Cost Sharing); and

(9) Subpart K, §§ 100a.155-.192 (Construction requirements).

PART 114—ASSISTANCE FOR SCHOOL CONSTRUCTION IN AREAS AFFECTED BY FEDERAL ACTIVITIES

Subpart A—Definitions

Sec.
114.1 Definitions.

Subpart B—Filing Complete Applications and Determining Priority Indices

114.2 Cutoff dates for filing applications.
114.3 Election where two or more categories under section 5(a) apply.
114.4 Procedure if funds are inadequate to make all payments.
114.5 Determination of priority indices and priority groupings for applications.
114.6 Determination of subpriority indices for applications.
114.7 Priority and approval conditioned upon readiness to proceed with construction.

Subpart C—Policy Determinations in Processing of Applications

114.11 Membership of nonresident pupils.
114.12 Changes in boundaries, classification and governing authority of applicants.
114.14 Estimated average daily membership under section 5(a)(3).
114.15 Determination of undue financial burden.
114.16 Additional payments under section 8.
114.17 School facilities for children whose membership is of temporary duration only.
114.18 Determination of eligibility under section 14.

Subpart D—Criteria for Waivers Under the Act

114.30 Application for waivers.
114.31 Criteria for waiver under section 5(e) of minimum number requirement of 20 in section 3(c).
114.32 Criteria for waiver under section 5(e) of percentage requirements for federally connected and nonfederally connected membership in section 5(c).
114.33 Criteria for waiver under section 5(e) for children residing on Federal property.
114.34 Criteria for waiver under section 5(e) of limitation on number of federally connected children eligible for payment in section 5(f).
114.35 Criteria for waiver of percentage requirement in section 14(a).
114.36 Criteria for waiver of substantial percentage requirement in section 14(b).
114.37 Criteria for waiver of substantial percentage requirement in section 14(c).

Subpart E—Certification of Payments

114.41 Certification of payments.
114.42 Certification of payments, section 14.
114.43 Payments.

Subpart F—General Provisions With Regard to Construction of Minimum School Facilities

114.51 Works of art.
114.53 Excellence of architecture and design of minimum school facilities.
114.55 Applicability of General Provisions Regulations.
114.58 Procurement of school facilities.

Subpart G—Sections 9 and 10

114.61 Conditions for assistance under section 10.
114.62 Requests for section 10 school construction.
114.63 Property management: Sections 9 and 10.
114.64 Disposal of federally owned temporary school facilities provided under section 9.
114.65 Transfer to local educational agencies of title to federally owned school facilities provided under section 10.

Appendix A—Guidelines

AUTHORITY: Pub. L. 81-815 (school construction in areas affected by Federal activities), as amended, 64 Stat. 967 (20 U.S.C. 631-645), unless otherwise noted.

Subpart A—Definitions

§ 114.1 Definitions.

As used in this part, the term:

(a) "Act" means Pub. L. 815 (except section 16 thereof), 81st Congress (64 Stat. 967), as amended.

(20 U.S.C. 631-645)

(b) "Applicant" means a local educational agency which has filed a complete application for assistance in school construction under the Act and this part.

(20 U.S.C. 633-635(a))

(c) "Attendance area" means, in relation to a particular public school, the geographical area in which the children who are normally served by that school reside. An attendance area for elementary school need not necessarily be coterminous with an attendance area for a secondary school.

(20 U.S.C. 635(e), 644)

(d) "Available and usable school facilities" includes:

(1) *Existing school facilities.* Included are all those facilities for which payments have been made under the Act, and all facilities constructed as school buildings and used continuously for classroom purposes. Excluded are basement rooms, hallways, or other space the use of which for school purposes (in view of their character, inaccessibility or other equally cogent reason) seriously prejudices the educational objective, or has impaired or will impair the health or safety of the school children. Also excluded are facilities which have been abandoned or must be abandoned by the end of the second year following the increase period for which the application is filed. These requirements also apply to buildings owned by other Federal agencies which are available for the education of children counted by applicants under section 14 of the Act.

(2) *Facilities under contract.* Included are all those facilities, including those for which funds have been reserved or approved under the Act, for which construction contracts have been let on or before the contracts-let date. After such date, only that portion of such facilities to be financed with funds reserved or approved under the Act is included.

(3) *Potential facilities.* With respect to sections 8, 14(a) and 14(c) of the Act, all those minimum school facilities which, with full utilization of all practicably available financial resources, could

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be provided from local, State, or Federal sources (other than the Act), will be considered as available and usable. Such utilization by the applicant is a condition precedent to Federal assistance under the Act. The estimated capacity of such facilities shall be equal to the total amount of all such resources divided by the most current estimated cost per pupil for providing minimum school facilities in the State. In determining, for purposes of this subparagraph, whether financial resources are practicably available, the amount representing the unused bonding limit in the State but not in excess of 12 percent of its assessed valuation will be considered to be a financial resource practicably available.

(4) *Portable classrooms.* Included are temporary, relocatable, demountable, mobile, trailer or other such units, but only if:

(i) They have been purchased with funds paid under the Act; or

(ii) The State educational agency by law, regulation, or policy, requires such facilities to be counted as permanent capacity units in the computation of State construction aid.

(20 U.S.C. 634, 640, 644(c), 645(10))

(e) "Average daily membership" (hereinafter referred to as ADM) for any school in any school year means average daily membership as determined in accordance with State law or, in the absence of State law governing such a determination, such term means the aggregate of the sums of the days of membership of each child in the school divided by the number of days school was in session. Only days on which pupils were under the guidance and direction of teachers in the teaching process will be considered to be days in session. The ADM for a group of schools having varying lengths of terms is the sum of the ADM obtained for the individual schools divided by the number of schools in such group.

(20 U.S.C. 635 (a), (c), (d), 645(5))

(f) "Average daily membership of federally connected pupils" in each category of federally connected children (as described by clauses (1), (2), and (3) of section 5(a) of the Act) is the number of such children determined in the following manner: on a day not earlier than the fourth day of legal school session of the regular school year and prior to the cutoff date for filing the preapplication, a membership survey of all pupils claimed in each category of federally connected children must be made by either (1) conducting a parent-pupil survey to determine the child's residence on Federal property and the parent's employment, or active duty assignment in the uniformed services, or (2) obtaining certifications from the various employers or the appropriate housing officials as to the employment of the parents of the children claimed or the residence of such children on such day. A membership survey of all pupils must also be made as of such day and such survey shall be the official membership report of the applicant local educational agency for such day. The membership survey used must be conducted in either the third or fourth year of the 4-year increase period. If application is made under section 5(a)(3) of the Act, the survey date must be within 3 months of the date the membership survey is initiated.

(20 U.S.C. 635, 644, 645(1), (5))

(g) "Base year" means the third or fourth school year preceding the fiscal year in which an application is filed, as may be designated in the application, except that in the case of an application based on children referred to in paragraph (2) or paragraph (3) of section 5(a) of the Act, the base year shall in no event be later than the regular school year 1973–74. Thus such term refers to the year preceding the 4-year increase period for which an application is filed.

(20 U.S.C. 645(15))

(h) "Classrooms" means (1) regular classrooms, including recitation, lecture, and general purpose rooms; and (2) special classrooms, including kindergarten rooms, science laboratories, shops, music, art and visual education, business education, and homemaking rooms.

(20 U.S.C. 645(9))

(i) "Complete application," except for applications under section 10 of the Act, means a preapplication (Exhibit M–1 of FMC 74–7), an application (Exhibit M–4 of FMC 74–7), and such supplemental information as may be requested by the Commissioner, all of which have been appropriately filed.

(20 U.S.C. 636(a); FMC 74–7)

(j) "Contracts-let date" means the date on which the Commissioner's notice setting the cutoff date for the receipt of applications for a fiscal year is filed with the Office of the Federal Register.

(20 U.S.C. 634)

(k) "Filed" means that all necessary parts of the preapplication or the complete application, as appropriate (bearing the required certifications and verifications by the State educational agency), are received by the Commissioner on or before the applicable cutoff date.

(20 U.S.C. 636(a), 636(b)(2)(B), 644(e))

(l) "Initial equipment" means any movable equipment necessary and appropriate to equip minimum school facilities. Such term does not include equipment purchased to replace any equipment which is obsolete or worn out and which was purchased with funds under the Act. Initial equipment to be procured with funds under the Act must be approved in advance in accordance with the provisions of § 114.58.

(20 U.S.C. 645 (9), (10))

(m) "Local educational agency" means a local educational agency as defined by section 15(11) of the Act. If the responsibility for providing school facilities for a local educational agency is vested in a State agency, the term includes such State agency together with such local educational agency.

(20 U.S.C. 645(11))

(n) "Member" of a class shall be determined, where appropriate, in accordance with the provisions of section 15(5) of the Act. In the absence of State law, or regulation, a member is a child who is on the current roll of the school. Such a child shall be considered a member from the date of enrollment until he permanently leaves the class or school for one of the causes recognized as sufficient by the State. The date of permanent withdrawal shall be the date on which it is officially known that the pupil has left school, and not necessarily the first day after the date of last attendance.

(20 U.S.C. 645(5))

(o) "Membership of children of temporary duration only" means the school membership of children whose residence in the school district of the local educational agency the Commissioner determines will probably be for more than one year and for less than 6 years beyond the date of the approval of the complete application and whose number is excluded from computation of maximum payments under section 5 of the Act.

(20 U.S.C. 635, 639)

(p) "Minimum school facilities" means classrooms and auxiliary rooms and initial equipment necessary to operate a program of free public education for the membership of the applicant at normal capacity in accordance with the laws and customs of the State.

(1) Such term does not include athletic stadiums, or structures, or facilities intended primarily for athletic exhibitions, contests, or games, or other events for which admission is to be charged to the general public.

(2) Except as used in sections 9 and 10 of the Act, such term does not include interests in land or off-site improvements.

(3) Such term includes

(i) An auditorium or a gymnasium only if the Commissioner determines that such a structure is justified by the size of the school's enrollment, the educational program to be conducted by the school, and the standards and practices in the State. Such a structure may provide fixed or moveable seating only for the normal capacity of the school; and

(ii) Air conditioning in all States which are, in whole or in part, south of the 39° parallel if an authorized representative of the State educational agency certifies to the Commissioner that air conditoned school facilities are currently being constructed with State and local funds within such State. Such term includes air conditioning in all other States only if such certification is accompanied by the results of a survey which shows that air conditioning is provided in a majority of recently constructed school facilities within the State.

(iii) In appropriate situations, particularly under section 14 of the Act, the construction of consolidated school facilities (in cases of consolidation of small districts) or the replacement of small, isolated, inadequate, buildings with modern facilities, even though there may otherwise be enough classroom space to house all the children.

(iv) Dual-use fallout shelter space which is provided as a regular safety feature. If the spaces within the buildings prove to provide shelter from fallout at little or no additional cost, they may also be considered as minimum school facilities.

(20 U.S.C. 645 (9), (10); Senate Report No. 90–726, November 6, 1967, 41)

(q) "Normal capacity" of a school room is the number of pupil stations which the room accommodates under ordinary conditions in accordance with the laws and customs of the State governing free public education.

(20 U.S.C. 634, 640, 644(c))

(r) "Parent-pupil survey" means a questionnaire which is provided by the applicant and filled out by a parent in order to substantiate residence or employment on Federal property. Such survey must include:

(1) Pupil-enrollment information (which may be obtained from school records), including:

(i) Name of pupil;

(ii) Date of birth; and

(iii) Name of public school, grade, and teachers; and

(2) Pupil-residence and parent-employment information including:

(i) Address of pupil residence (including the name of the Federal facility if such address is located on Federal property);

(ii) Name (as it appears on employer's payroll record) of parent (mother, father, legal guardian or other person standing in loco parentis) who is employed on Federal property and with whom such pupil resides, unless the parent is a member of the uniformed services on active duty;

(iii) Name and address of Federal property on which the parent is employed unless the parent is a member of the uniformed services on active duty:

(iv) If the parent is a member of the uniformed services on active duty, the name, the rank, serial number, and branch of service of such parent:

(v) If the parent is a civilian employed on a Federal vessel, the name of vessel, hull number, and name of controlling agency must be obtained;

(vi) Signature of the parent supplying the information and the date of the signature must be obtained: and

(vii) The name and address of employer (unless the parent is a member of uniformed services on active duty).

(3) Only in unusual circumstances may partially completed survey forms or forms which are signed by a person other than parent, or person standing in loco parentis, be accepted. In such circumstances the form must show why the parent did not sign, and when, how, and from whom the residence and employment information was obtained.

(20 U.S.C. 634, 635(a))

(s) "Preapplication" means both Exhibit M–1, of FMC 74–7 and such supplemental information as may be requested by the Commissioner.

(20 U.S.C. 636(a); FMC 74–7)

(t) "Priority indices" means the indices established pursuant to this part based on relative urgency of need for the purpose of determining the order of approval of project applications, and the order of payments within each priority grouping.

(20 U.S.C. 633)

(u) "Remote or isolated areas" means attendance areas or local educational agencies or portions thereof designated as such by the Commissioner for the purposes of waivers under sections 5(e) and 14 of the Act (see Subpart D of this part). Such designation will be based upon the following factors:

(1) Topography;

(2) Geographic isolation;

(3) Traffic conditions;

(4) Climatic conditions; and

(5) Other similar conditions which make it impracticable to transport students to other school facilities of the applicant or to any adjacent local educational agency.

(20 U.S.C. 635(e), 644)

(v) "Repairs" means, for the purpose of applications under section 10 of the Act, only those repairs which must be accomplished without delay in order to avoid further deterioration of the school facilities or to protect the safety of individuals occupying the facility. Such term does not for that purpose include the remodeling or rearrangement of existing facilities to permit grade pattern reorganization or the providing of minimum school facilities.

(20 U.S.C. 635, 640(a))

(w) "Subpriority indices" means the indices established pursuant to § 114.6 for the purpose of determining the order of approval of project applications having identical priority indices, when appropriated funds are insufficient to fund all such project applications.

(20 U.S.C. 633, 634, 644(e))

(x) "Total square feet of floor area" means the sum of the square feet of each usable floor (including partitions and exterior walls) within the perimeter of outside walls at the respective floor levels. Covered passageways with one or more sides open are deemed to have one-half the square feet of floor area they would otherwise have.

(20 U.S.C. 645(6))

(y) "Unhoused" pupils or "inadequately housed" pupils means:

(1) For the purpose of determining priority, the difference between the total estimated membership as of the end of the increase period and the total normal capacity of available and usable school facilities; or

(2) For the purpose of determining the need for minimum school facilities, the difference between the total estimated membership as of the end of the second year following the end of the increase period and the total normal capacity of available and usable school facilities.

(20 U.S.C. 634, 640, 644(c), 645(10))

(z) "Uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard, Environmental Science Services Administration, and Public Health Service.

(20 U.S.C. 635(a)(1)(B))

Subpart B—Filing Complete Applications and Determining Priority Indices

§ 114.2 Cutoff dates for filing applications.

The Commissioner will, by notices published in the FEDERAL REGISTER, set cutoff dates for the filing of applications under this part for each fiscal year.

(20 U.S.C. 633, 636(a), 640(a), 644(e))

§ 114.3 Election where two or more categories under section 5(a) apply.

A district may combine children described in sections 5(a)(1) and 5(a)(2) of the Act to meet the percentage-increase requirements for eligibility purposes. If eligibility requirements are met by such combination, the maximum Federal payment will be computed on the basis of the number of children described in each section at the respective rates of payment specified therefor. However, if children eligible to be counted under section 5(a)(1) or 5(a)(2) of the Act are counted under section 5(a)(3) to meet eligibility requirements for that section, the maximum Federal payment will be computed on the basis of the number of children counted under section 5(a)(3) at the rate of payment specified for that section.

(20 U.S.C. 635)

§ 114.4 Procedure if funds are inadequate to make all payments.

(a) Section 2 of the Act provides that for each fiscal year the Commissioner is to determine the portion of the funds appropriated under the Act which will be available for carrying out the provisions of sections 9 and 10 and that the remainder of such funds shall be available for paying to local educational agencies the Federal share of the cost of projects for the construction of school facilities for which applications have been approved under section 6. Section 3 of the Act provides that the Commissioner shall by regulation prescribe an order of priority, based on relative urgency of need, to be followed in approving applications in the event the funds appropriated under the Act and remaining available on any cutoff date for payment to local educational agencies are less than the Federal share of the cost of the projects with respect to which applications have been filed prior to such date (and for which funds under the Act have not already been obligated). Only applications meeting the conditions for approval under the Act (other than section 6(b)(2)(C)) will be considered applications for purposes of the preceding sentence. Such an order of priority is to provide

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that applications for payments based upon increases in the number of children either residing on, or residing with a parent employed on, property which is part of a low-rent housing project assisted under the United States Housing Act of 1937, as amended, will not be approved for any fiscal year until all other applications under paragraphs (2) and (3) of section 5(a) have been approved for that fiscal year. Section 14(e) of the Act provides, in part, that in determining the order in which such applications shall be approved, the Commissioner shall consider the relative educational and financial needs of the local educational agencies which have submitted approvable applications and the nature and extent of the Federal responsibility. Section 14(h) provides that it is the policy of the Congress that the provision of assistance pursuant to sections 14(a) and 14(b) of the Act shall be given a priority at least equal to that given to payments made pursuant to section 10 of the Act.

(20 U.S.C. 632, 635(c)(2), 636(b)(2)(C), 639, 640, 644)

(b) Pursuant to the above provisions of the Act, applications for assistance under the provisions of sections 9, 10, 16, 14(a), and 14(b) will have priority funding over applications under section 6 (as limited by section 5), and sections 8 and 14(c) of the Act. That portion of payments for applications filed in accordance with the provisions of section 6 (as limited by section 5) and section 8 of the Act based upon increases in the number of children either residing on, or residing with a parent employed on, Federal property (other than property which is part of an eligible low-rent housing property) will have priority in funding over that portion of payments that is based upon increases in the number of children countable for payment under sections 5(a)(2) and 5(a)(3) who either reside on, or reside with a parent employed on, an eligible low-rent housing property.

(20 U.S.C. 635, 636, 638, 639, 640, 644, 646)

(c) For each fiscal year, the Commissioner will first determine the estimated requirements for all applications filed under sections 9, 10, and 16 and sections 14(a) and 14(b) of the Act. Funds available therefor will be allocated first to applications under section 16 of the Act. The remainder of such funds will be allocated to section 14(a), and 14(b) to section 9, and to section 10, in the ratio of the estimated requirements under each section to the total requirements for all such sections.

(20 U.S.C. 632, 639, 640, 644, 646)

(d) Each approvable application under sections 9, 10, 14(a), and 14(b) of the Act will be assigned a priority rating determined in the manner specified in this section and in § 114.5, and a priority listing will be established for each such section. The funds allocated as prescribed in paragraph (c) of this section will be reserved for applications on such priority listing in order of priority indices. When all such applications have been funded, any remaining available funds will be reserved for applications under section 6 (as limited by section 5), section 8 and section 14(c).

(20 U.S.C. 635, 636, 638, 644)

(e) For each fiscal year, a priority listing also will be established for applications under sections 6 (as limited by section 5) and 8 of the Act for that portion of payments which is based on increases in the number of children either residing on, or residing with a parent employed on, an eligible low-rent housing property. Funds will be reserved for applications on such a priority listing after funds have been reserved for all other approvable applications under section 6 (as limited by section 5), section 8, and section 14(c), filed for that fiscal year.

(20 U.S.C. 633, 634, 635, 636, 637, 638, 644)

§ 114.5 Determination of priority indices and priority groupings for applications.

(a) For applications under sections 6 and 14 of the Act, a priority index will be determined for the first pending requested construction project of each applicant by adding (1) the percentage that the estimated number of federally connected children countable for payment in the local educational agency (or, except under section 14(a) and 14(b), in the approved attendance area) is of the total estimated membership of all children therein at the close of the applicable period; and (2) the percentage of the estimated school membership within the local educational agency (or in the approved attendance area) which at the same time is without minimum school facilities. However, in no case shall the amount used in determining the priority index exceed twice the percentage obtained in paragraph (a)(1) of this section. No priority, except under sections 14(a) and 14(b), shall be established for any applicant having less than 20 unhoused children in the local educational agency (or in the approved attendance area).

(20 U.S.C. 633)

(b) For requests under section 10 of the Act, a priority index will be determined for the first pending requested project of each applicant by adding (1) the percentage that the estimated number of children for whom minimum school facilities are to be provided is of the total estimated number of all children residing and attending school on the installation at the close of the applicable period; and (2) the percentage of the estimated school membership at such installation which is without minimum school facilities as of the same time. However, in no case will the combined percentage used in determining the priority index exceed twice the percentage arrived at in subparagraph (1) of this paragraph. In determining the order of priority for approving applications under section 10, applications will be classified in priority groups for establishing priority in funding from funds allocated for applications under section 10 as prescribed in paragraph (c) of § 114.4 and a priority listing will be established for each such group in the following order: (i) Applications requesting major repairs necessary for the safety of school children or to prevent further deterioration of existing school facilities; (ii) applications in cases where the local educational agency which operates the school program in school facilities located on Federal property has given assurance and a firm commitment to the Commissioner that, upon completion of the proposed project, it will accept ownership of such school facilities under section 10(b) of the Act; (iii) applications in cases where there are unhoused pupils; and (iv) applications requesting the construction of capacity or noncapacity school facilities, or the rehabilitation or remodeling of existing school facilities which is required to bring the school facilities up to a standard which will permit the offering of a contemporary educational program.

(20 U.S.C. 640)

(c) In those cases in which an applicant has filed more than one project application (or in the case of section 10, when two or more applications are filed which fall within the same priority grouping, as established in paragraph (b) of this section), the priority index for the second project will be determined by: (1) Dividing the normal capacity of first project by the total estimated membership at the close of the applicable period and (2) reducing the applicant's priority index by twice the percentage so obtained. When more than two project applications have been filed, the priority index for each succeeding project shall be reduced by the cumulative total percentage, in the manner provided for in the preceding sentence, of all approved projects of the applicant.

(20 U.S.C. 633, 640, 644)

§ 114.6 Determination of subpriority indices for applications.

(a) In the event that the funds available are sufficient to cover only a portion of the project applications with identical priority indices (as determined under § 114.5), a subpriority index for each project application will be determined by dividing (1) the estimated number of federally connected children countable for payment in the local educational agency (or in the approved attendance area) or, in the case of section 10 of the Act, the number of children for whom school facilities are to be provided on Federal property by (2) the total estimated membership of all children in such an area at the close of the applicable period.

(20 U.S.C. 633, 634, 640, 644)

(b) In those cases where an applicant has more than one eligible project application in an identical priority index group, the subpriority index of the first project in such group will be computed in accordance with paragraph (a) of this section, and the subprority index of the second priority will be determined

by (1) dividing the normal capacity of the first project by the total estimated membership at the close of the applicable period and (2) reducing the applicant's subpriority index as determined in paragraph (a) of this section by twice the percentage so obtained. The subpriority index for each succeeding project will be reduced by the cumulative total capacity, as provided in the first sentence of this paragraph, of all the approved projects of the applicant.

(20 U.S.C. 633, 634, 640, 644)

§ 114.7 Priority and approval conditioned upon readiness to proceed with construction.

Initial approval of a project application under this part will be cancelled if the applicant is not ready to proceed with construction within 120 days after the date of initial approval unless such period is extended by the Commissioner for good cause shown. The applicant's project and entitlement may be subordinated by reason of such failures to other project applications of lower rank or the applicant may forfeit its priority in the discretion of the Commissioner.

(20 U.S.C. 633, 634, 636(b)(1)(D), 644)

Subpart C—Policy Determinations in Processing of Applications

§ 114.11 Membership of nonresident pupils.

For purposes of sections 5, 8, 9, and 14 of the Act and the regulations in this part, in determining an applicant's membership, a nonresident pupil who attends a school in the applicant local educational agency on a tuition or nontuition basis may be counted in the applicant's membership if a written agreement for such attendance has been entered into between the local educational agencies concerned, and if that agreement has been approved by the Commissioner. No such agreement will be approved by the Commissioner unless it provides for education on either a tuition or nontuition basis for a period of 20 years from the date of execution of such agreement.

(20 U.S.C. 645(5))

§ 114.12 Changes in boundaries, classification and governing authority of applicants.

(a) If the applicant is a party to any merger, consolidation, or other similar action which may affect its boundaries, identity, governing authority, classification or control, it shall notify the Commissioner as soon as practicable of the effective date of that action, the extent and character thereof, and the legal authority under which the action was or is to be effected.

(b) A local educational agency succeeding to the territory of one or more local educational agencies whose applications were approved (or in due course would have been approved) prior to the change in boundaries or organization may secure all the rights and benefits which were vested in such application(s) by notifying the Commissioner and by submitting the following:

(1) A letter from the authorized representative of the successor local educational agency (i) requesting that the successor local educational agency be substituted for the original applicant agencies, and (ii) stating that the successor local educational agency agrees to be bound by the obligations and assurances undertaken or made by such original applicant local educational agencies in their applications to the same extent as such original applicants would have been bound;

(2) An opinion of the appropriate legal officer of the County or State showing that (i) the change in boundaries or organization was accomplished in accordance with the laws of the State; and (ii) that the assignment and acceptance or the transfer of the interest of the applicant local educational agency to the successor local educational agency is in accordance with the laws of the State and is effective to accomplish the changes described; and

(3) Assignments, citations or quotations as follows:

(i) If the State law provides for the settlement of the assets and liabilities (including such matters as right to successorship in property, debts, obligations, unfulfilled contracts, details of the assumption of bonded indebtedness, State aid and taxes) the appropriate quotations from or citations to specific State laws involved should be submitted; or

(ii) If the State law does not clearly provide for the disposition of such property rights, an assignment from each of the former local educational agencies to the successor agencies should be submitted showing (a) the transfer of ownership of the building or buildings under construction or contract, (b) the transfer of any unexpended funds or rights to funds for the approved projects then on hand, and (c) the transfer of all rights and obligations of the applicant local educational agencies in and to any project application not yet approved and any future payments or benefits which might accrue under the pending applications.

(c) The rights and benefits under the Act of the successor agency cannot be greater than the total of all rights and benefits which originally were vested in the component agencies which had valid applications on file to the effective date of the change in boundaries or organization.

(20 U.S.C. 645(11))

§ 114.14 Estimated average daily membership under section 5(a)(3).

For the purpose of eligibility and entitlement under section 5(a)(3) of the Act, the estimated number of children in average daily membership during the year shall be 97 percent of the difference between (1) the total number of children in membership whose parents are employed (as determined by a parent-pupil survey made as of any specific date during the increase period) in establishments with respect to which a responsible official thereof certifies that there has been an increase in employment subsequent to the base year in order to fulfill Federal contracts or subcontracts, and (2) the number of such children whose parents moved into the applicant school district subsequent to such a base year.

(20 U.S.C. 635(a)(3), (d)(2)(B))

§ 114.15 Determination of undue financial burden.

A determination under section 5(c) of the Act of undue financial burden on the taxing and borrowing authority of an applicant will be made as follows:

(a) If the cost of providing minimum school facilities for the increase in eligible federally connected children under section 5(a)(3) of the Act plus the outstanding bonded debt for building purposes, would result in the necessity of incurring a percentage obligation against assessed valuation in building bonds or other debentures which exceeds the average percentage of such indebtedness incurred for such obligations by school districts in the applicant's State, an undue financial burden is deemed to exist;

(b) In marginal cases, additional consideration may be given to such factors as (1) dollars per child in assessed valuation, (2) increase in total assessed valuation in relation to increase in membership during the increase period, (3) ratio of assessed valuation to true value, and (4) special State laws or practices.

(20 U.S.C. 635(c))

§ 114.16 Additional payments under section 8.

(a) An amount not to exceed 10 percent of any amount appropriated under the Act (exclusive of any sums appropriated for administration) may be reserved and used by the Commissioner to make grants to applicants (except to applicants under section 14 of the Act) when (1) the application would be approved but for the applicant's inability, unless aided by such a grant, to finance the nonfederal share of the cost of a project; or (2) after the approval of the application the project cannot, without such grant, be completed because of flood, fire, or similar emergency affecting either the work on the project or the applicant's ability to finance the nonfederal share of the cost of the project.

(b) Under paragraph (a)(1) of this section, a complete application (except applications under section 14 of the Act and applications with respect to which the Commissioner has waived or reduced eligibility requirements under section 5(e) of the Act) may be considered for payment of part or all of the nonfederal share of the cost of any project which does not include more than minimum facilities for unhoused children only if: (1) The application contains a request for payment under the Act; (2) the estimated number of children countable for payment under section 5 of the Act for the increase period equals or exceeds the number obtained by taking 12 percent of the average daily membership of the applicant district for the base year applicable to the increase period under consideration, except that, if 1

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or more years in the increase period were included in a previous application for which payment has been made or may be made, the percent shall be 9 percent if 1 year was included, 6 percent if 2 years were included, and 3 percent if 3 years were included; (3) the applicant has exhausted all fiscal resources, including State aid, bonding authority, and Federal aid, which are practicably available to it and is unable to pay the nonfederal share of the cost of the project; (4) it has been reached on the priority or suppriority indices established under this part; and (5) Federal money reserved under paragraph (a) of this section is available. The additional payment to the applicant under this section may not exceed the cost of providing minimum school facilities for the number of unhoused children as of the end of the increase period, less all financial resources practicably available to the applicant as of the same period; nor may it exceed the difference between (i) the actual cost of providing minimum facilities for the federally connected pupils eligible for payment under the Act, or the average cost in the State of providing such facilities, whichever is the lesser, and (ii) the Federal funds made available to the applicant under section 5 of the Act plus local and State funds which may be made available for this purpose.

(c) Under paragraph (a)(2) of this section, a request by the applicant may be considered for the additional payment of part or all of the funds required to complete a project (to the extent that the completed project will not provide more than minimum school facilities for unhoused children) for which a project application under the Act has been approved only if: (1) Federal money reserved under paragraph (a) of this section is available; (2) the applicant cannot complete the project because of flood, fire, or similar emergency affecting either the work on the project or the applicant's ability to finance the nonfederal share of the cost of the project; and (3) the applicant has exhausted all financial resources practicably available to it, including State aid, bonding authority, and Federal aid. The payment to be made under this paragraph may not exceed the amount required to pay the additional cost caused by the emergency less any financial resources of the applicant practicably available for such purposes, including the proceeds of any insurance.

(20 U.S.C. 638)

§ 114.17 School facilities for children whose membership is of temporary duration only.

(a) If the Commissioner determines that the membership of some of the children of the applicant, representing otherwise countable Federal increases under section 5 of the Act, will be of temporary duration only, the membership of such children must be excluded in computing maximum payments under such section 5.

(20 U.S.C. 639)

(b) The Commissioner when proper request therefor is made in a complete application, may: (1) Make available to such applicant such temporary school facilities as may be necessary to take care of the membership of such children as the Commissioner determines will be of temporary duration only, as defined in § 114.1(o), or (2) where the applicant gives assurance in a complete application that at least minimum school facilities will be provided for such children, pay (on such terms and conditions as he deems appropriate to carry out the purposes of the Act) to such applicant for use in constructing school facilities an amount not greater than the amount which he estimates will be necessary to make available temporary facilities for such children, but the amount so paid shall not exceed the cost of constructing minimum school facilities for such children. In no case will provision for such children be made unless they are deemed to be without minimum school facilities.

(20 U.S.C. 634, 639)

§ 114.18 Determination of eligibility under section 14.

(a) The requirements contained in section 14(a)(1) of the Act will be deemed to have been met when one of the following conditions exist:

(1) The total number of children who reside on Indian lands (for whom the applicant is providing, or upon completion of the school facilities for which provision is made, will provide, free public education, and whose membership in the schools of such applicant has not formed and will not form the basis for payments under other provisions of the Act) is at least 15 and represent as least 33⅓ percent of the total number of children for whom the applicant is providing free public education (such percentage requirement may, however, be waived by the Commissioner under § 114.35);

(2) The Indian lands in the school district of the applicant represent at least 33⅓ percent of the total land area of the school district; or

(3) The applicant is providing, or upon completion of the school facilities for which provision is made will provide, free public education to 100 or more children who reside on Indian lands located outside the local educational agency.

(20 U.S.C. 644(a)(1))

(b) The requirement contained in section 14(a)(4) of the Act will be deemed to have been met when, in accordance with the provisions of paragraph (d) of § 114.1, the applicant does not have available sufficient funds to provide minimum school facilities for at least 95 percent of the total number of children estimated to be in membership in the applicant's schools as of the end of the second year following the end of the increase period for which the application is filed.

(20 U.S.C. 644(a)(4))

(c) The requirement in section 14(b)(1) of the Act will be deemed to have been met when one of the following conditions exist:

(1) The estimated number of children who reside on Indian lands as of the close of the increase period (for whom the applicant is providing, or upon completion of the school facilities for which provision is made, will provide, free public education, and whose membership in the schools of such applicant has not formed and will not form the basis for payments under other provisions of the Act) is at least 15 and represents at least 10 percent of the total number of children for whom the applicant is providing free public education. (Such percentage requirement may, however, be waived by the Commissioner under § 114.36);

(2) The Indian lands in the school district of the applicant represent at least 10 percent of the total land area of such school district; or

(3) The applicant is providing, or upon completion of the school facilities for which provision is made, will provide, free public education to 100 or more children who reside on Indian lands located outside the applicant's school district.

(20 U.S.C. 644(b)(1))

(d) The requirement in section 14(c)(1) of the Act will be deemed to have been met when the following conditions exist:

(1) The total number of children who are inadequately housed by minimum school facilities (for whom the applicant is providing, or upon completion of the school facilities for which provision is made, will provide, free public education, and whose membership in the schools of such applicant has not formed and will not form the basis for payments under other provisions of the Act) is at least 20 and represents at least 33⅓ percent of the total number of children for whom the applicant is providing free public education (such percentage requirement may, however, be waived by the Commissioner under § 114.37); and

(2) The Federal property in the school district of the applicant represents at least 33⅓ percent of the total land area of the school district.

(20 U.S.C. 644(c)(1))

(e) The requirement in section 14(c)(4) of the Act will be deemed to have been met when, in accordance with the provisions of paragraph (d) of § 114.1, the applicant does not have available sufficient funds to provide minimum school facilities for at least 95 percent of the total number of children estimated to be in the applicant's schools as of the end of the second year following the end of the increase period for which the application is filed.

(20 U.S.C. 644(c)(4))

Subpart D—Criteria for Waivers Under the Act

§ 114.30 Application for waivers.

Applications for waivers pursuant to section 5(e) of the Act shall be made in accordance with Maximum Grant (OE Form 355). Such application may request a waiver with regard to the entire local educational agency, or any portion thereof, as appropriate.

(20 U.S.C. 635(e))

§ 114.31 Criteria for waiver under section 5(e) of minimum number requirement of 20 in section 5(c).

The Commissioner will not, under section 5(e) of the Act, waive or reduce the minimum increase number of 20 in federally connected membership required by section 5(c) unless the conditions set forth in paragraphs (a) through (d) of this section, or that set forth in paragraph (e) of this section, are met:

(a) The applicant would otherwise be eligible for the assistance requested;

(b) The estimated increase in federally connected membership in the increase period is at least 25 percent of the base year total average daily membership;

(c) The local educational agency is located in a remote or isolated area, or the Federal impact is in an attendance area or other geographical area which is located in an isolated or remote part of the local educational agency;

(d) The local educational agency has need for additional classroom facilities or related school facilities in order to provide minimum school facilities for the estimated number of children in the remote or isolated area who will be in the membership of the schools at the close of the increase period covered by the application;

(e) The Commissioner determines that other exceptional circumstances exist which in his judgment require such waiver or reduction to avoid inequity and to avoid defeating the purposes of the Act.

(20 U.S.C. 635 (c), (e))

§ 114.32 Criteria for waiver under section 5(e) of percentage requirements for federally connected and nonfederally connected membership in section 5(c).

(a) The Commissioner will not, under section 5(e) of the Act, waive or reduce the percentage requirement or requirements in section 5(c) of the Act, waive the requirement contained in the first sentence of section 5(d) of the Act, or reduce the percentage specified in clause (2) of such sentence, unless the conditions set forth in paragraphs (a) (1) through (5) of this section, inclusive, or that set forth in paragraph (a)(6) of this section, are met:

(1) The applicant would otherwise be eligible for the assistance requested;

(2) The applicant specifically states the extent to which it desires the Commissioner to exercise his authority to waive or reduce one or more of such requirements and makes appropriate requests therefor, agreeing that if such a request is granted in whole or in part in computing maximum payment under the Act, only membership of children within the federally impacted attendance area shall be considered;

(3) The applicant has two or more attendance areas, and its jurisdictional area is countywide or is sufficiently extensive as to be reasonably analogous to a countywide school system;

(4) In the increase period for which the application is made the Federal impact is equal to at least 10 percent of the average daily membership in the base year in an attendance area or other geographical area which is located in an isolated or remote part of the local educational agency;

(5) The school district is located in a remote or isolated area, or the Federal impact is in an attendance area or other geographical area which is located in a remote or isolated part of the school district;

(6) The Commissioner determines that other exceptional circumstances exist which in his judgment require such waiver or reduction to avoid inequity and to avoid defeating the purposes of the Act.

(b) If the Commissioner decides to waive or reduce one or more of the requirements set forth in § 114.31 or paragraph (a) of this section:

(1) He will determine which requirement or requirements he will waive, or reduce, and, if the latter, the extent of such a reduction;

(2) He will determine the geographical area of the applicant which will be considered as constituting the federally impacted attendance area; and

(3) The application will otherwise be processed under the Act and this part, taking into consideration only the federally impacted attendance area determined under subparagraph (2), but in no case will payments under this paragraph exceed the amounts computed for the local educational agency as a whole taking into consideration the waivers or reductions made by the Commissioner.

(20 U.S.C. 635(c) and (e))

§ 114.33 Criteria for waiver under section 5(e) for children residing on Federal property.

(a) The Commissioner will not, under section 5(e) of the Act, waive or reduce the percentage increase requirement in section 5(c) of the Act with respect to children residing on Federal property, or waive or reduce the percentage increase requirement in section 5(d) of the Act with respect to nonfederally connected children, unless the conditions set forth in paragraphs (a) (1) through (5) of this section are met:

(1) The applicant would otherwise be eligible for the assistance requested;

(2) The applicant specifically states the waiver it desires or the extent to which it desires a reduction in one or more requirements, and makes an appropriate request therefor in which it agrees that, if such a request is granted in whole or in part, only the Federal property upon which the children reside shall be considered as a federally impacted attendance area in computing maximum payment under the waiver or reduction in requirements and that only children residing on the Federal property constituting the federally impacted attendance area will be considered in determining the increase in membership of federally connected children;

(3) There has been an increase in membership of the children residing on the Federal property constituting the federally impacted attendance area in the increase period for which the application is made of at least 50 and equal to at least 8 percent of the average daily membership of such children in the base year, or there are at least 50 more children residing on such Federal property than were estimated to be in the membership of the applicant's schools at the end of the increase period under the last previous application for which payment has been made or may be made;

(4) The applicant has need for additional classrooms or related school facilities on the basis of the local educational agency as a whole, or the school facilities of such applicant are not reasonably accessible to the children residing on the Federal property constituting the federally impacted attendance area because of their location or the infeasibility of transporting the children residing on such Federal property to such facilities; and

(5) The school facilities to be constructed with the funds made available to the applicant upon approval of the waiver will be located on the Federal property or close enough thereto to serve the children residing thereon.

(b) If the Commissioner decides to waive or reduce the percentage increase requirement in section 5(c) of the Act with respect to children residing on Federal property, or the percentage increase requirement with respect to nonfederally connected children in section 5(d) of the Act:

(1) He will determine which requirements he will waive or reduce and the extent of any such waiver or reduction; and

(2) He will determine the geographical area of the applicant which will be considered as constituting the federally impacted attendance area; and

(3) The application will otherwise be processed under the Act and this part, taking into consideration only the federally impacted attendance area determined under subparagraph (2), but in no case will payments under this paragraph exceed the amount computed for the local educational agency as a whole, taking into consideration the waivers or reductions made by the Commissioner.

(20 U.S.C. 635(c), (d), and (e))

§ 114.34 Criteria for waiver under section 5(e) of limitation on number of federally connected children eligible for payment in section 5(f).

Waivers of the limitation on the number of federally connected children eligible for payment will be made in accordance with the following standards and procedures:

(a) Waivers for children residing in Federal housing:

(1) The Commissioner will determine the geographical area of the applicant which will be considered the federally impacted attendance area;

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(2) The application will otherwise be processed under the Act and this part, taking into consideration only the federally impacted attendance area determined under paragraph (a)(1) of this section, but in no case will payments under this paragraph exceed the amounts computed for the local educational agency as a whole taking into consideration the waivers or reductions made by the Commissioner.

(3) The applicant must show that, after receiving Federal funds based primarily on the eligibility of children residing in Federal housing and using them to construct school facilities to serve such children, some or all of the Federal housing became nonfederal property, and as a result:

(i) There is a reduction in the number of federally connected children for whom school facilities were constructed;

(ii) Additional Federal housing was or will be constructed in another attendance area of the local educational agency;

(iii) Not less than 8 years after the Federal housing becomes nonfederal property, the increase in a 4-year period in federally connected membership residing in the additional Federal housing is at least 50 and at least 8 percent of the average daily membership of such children in the base year of the increased period;

(iv) The local educational agency has need for additional school facilities for the local educational agency as a whole as of the end of the second year following the increase period for which the application is filed; and

(v) The school facilities to be constructed will be located reasonably close to the area in which the new increase in federally connected membership resides.

(4) The application will be processed taking into consideration only the increase in membership in a 4-year increase period of the children residing in the additional Federal housing. Payment will be limited to providing minimum school facilities for such children estimated to be in membership as of the second year following the increase period.

(b) Waivers for children whose parents are employed in temporary activities on Federal property:

(1) The Commissioner will determine the geographical area of the applicant which will be considered the federally impacted attendance area; and

(2) The application will otherwise be processed under the Act and this part, taking into consideration only the federally impacted attendance area determined under paragraph (b)(1) of this section, but in no case will payments under this paragraph exceed the amounts computed for the agency as a whole taking into consideration the waivers or reductions made by the Commissioner;

(3) The applicant must show that, after receiving Federal funds based primarily on the membership of children whose parents were engaged in temporary activities on Federal property (such as the construction of a dam, power station, highway, or reclamation project) such funds were used to provide school facilities to serve primarily the children whose parents were so engaged; the temporary activity on Federal property was completed or greatly reduced, and as a result, the following conditions exist:

(i) The children whose parents were engaged in such temporary activities have moved out of the area;

(ii) Not less than 8 years after the temporary activity on Federal property was completed or greatly reduced, the increase in a four-year period in the membership of children whose parents are engaged in temporary activities on Federal property in a second area (remote from the first area of temporary Federal activity) is at least 50 and at least 8 percent of the base year average daily membership of such children;

(iii) The local educational agency has need for additional school facilities in the second area of temporary activity as of the end of the second year following the increase period for which the application is filed; and

(iv) The school facilities to be constructed will be located reasonably close to the area in which the new increase in federally connected membership resides;

(4) The application will be processed taking into consideration only the increase in membership in a 4-year increase period of the children whose parents are engaged in the new temporary projects on Federal property, and payment will be limited to providing minimum school facilities for such children estimated to be in membership as of the second year following the increase period.

(20 U.S.C. 635(e)(3), (f))

§ 114.35 Criteria for waiver of percentage requirement in section 14(a).

(a) The Commissioner will not waive the substantial percentage requirement imposed by section 14(a)(1) of the Act unless the conditions set forth in paragraphs (a)(1) through (6) of this section, or that set forth in paragraph (a)(7) of this section, are met:

(1) The applicant would otherwise be eligible for the assistance requested;

(2) The applicant makes a request to waive such percentage requirement;

(3) The applicant's school district is countywide or is sufficiently extensive as to be analogous to a countywide school district;

(4) There has been a concentration of children residing on Indian lands located in a remote or isolated area;

(5) The number of children residing on Indian lands located in the remote or isolated area and estimated to be in membership in the applicant's schools as of the close of the membership period for which the application is filed is at least 15 and constitutes at least 20 percent of the total number of children in membership in the district as a whole and for whom the applicant is providing free public education;

(6) The Federal lands in the applicant's school district constitute at least 80 percent of the total area of such district;

(7) The Commissioner determines that other exceptional circumstances exist which in his judgment require such waiver or reduction to avoid inequity and to avoid defeating the purpose of the Act.

(b) If the Commissioner waives the specified percentage requirement under paragraph (a) of this section, the application will be processed under the Act and this part, taking into consideration only the remote or isolated attendance area; but in no case will payments under this paragraph exceed the cost of construction of minimum school facilities in the local educational agency for the number of all children in the approved waiver area which the Commissioner determines will be in membership in the schools of the applicant as of the close of the second year following the close of the membership period for which the application is filed, and who would otherwise be without such facilities, less the amount of financial resources which the Commissioner determines to be practicably available to the applicant from local, State, or other Federal sources.

(20 U.S.C. 644(a))

§ 114.36 Criteria for waiver of substantial percentage requirement in section 14(b).

(a) The Commissioner will not waive the substantial percentage requirement imposed by section 14(b)(1) of the Act unless the conditions set forth in paragraphs (a)(1) through (6) of this section, or that set forth in paragraph (a)(7) of this section, are met:

(1) The applicant would otherwise be eligible for the assistance requested;

(2) The applicant makes a request to waive such percentage requirement;

(3) The applicant's school district is countywide or is sufficiently extensive as to be analogous to a countywide school district;

(4) There has been a concentration of children who are inadequately housed by minimum school facilities located in a remote or isolated area;

(5) The number of children who are inadequately housed by minimum school facilities located in the remote or isolated area and estimated to be in membership in the applicant's schools as of the close of the membership period for which the application is filed is at least 20 and constitutes at least 20 percent of the total number of children in membership in the local educational agency as a whole and for whom the applicant is providing free public education;

(6) The Federal lands in the applicant's school district constitute at least 80 percent of the total area of such district;

(7) The Commissioner determines that other exceptional circumstances exist which in his judgment require such waiver or reduction to avoid defeating the purpose of the Act.

(b) If the Commissioner waives the specified percentage requirement under paragraph (a) of this section, the application will be processed under the Act and this part, taking into consideration only the remote or isolated attendance area; but in no case will payments under this paragraph exceed the cost of construction of minimum school facilities for the number of children which the Commissioner determines will reside on Indian lands in the remote or isolated area and who will be in membership in the schools of such applicant as of the close of the second year following the close of the membership period for which the application is filed, and who would otherwise be without such facilities, and which cost has not been, and is not to be recovered by the applicant from other sources, including payments by the United States under any other provisions of the Act or any other law.

(20 U.S.C. 644(b))

§ 114.37 Criteria for waiver of substantial percentage requirement in section 14(c).

(a) The Commissioner will not waive the substantial percentage requirement imposed by section 14(c)(1) of the Act unless the conditions set forth in paragraphs (a)(1) through (6) of this section, or that set forth in paragraph (a)(7) of this section, are met:

(1) The applicant would otherwise be eligible for the assistance requested;

(2) The applicant makes a request to waive such percentage requirement;

(3) The applicant's school district is countywide or is sufficiently extensive as to be analogous to a countywide school district;

(4) There has been a concentration of children who are inadequately housed by minimum school facilities located in a remote or isolated area;

(5) The number of children who are inadequately housed by minimum school facilities located in the remote or isolated area and estimated to be in membership in the applicant's schools as of the close of the membership period for which the application is filed is at least 20 and constitutes at least 20 percent of the total number of children in membership in the local educational agency as a whole and for whom the applicant is providing free public education;

(6) The Federal lands in the applicant's school district constitute at least 80 percent of the total area of such district;

(7) The Commissioner determines that other exceptional circumstances exist which in his judgment require such waiver or reduction to avoid defeating the purpose of the Act.

(b) If the Commissioner waives the specified percentage requirement under paragraph (a) of this section, then the application will be processed under the Act and this part, taking into consideration only the remote or isolated attendance area; but in no case shall payments hereunder exceed the cost of construction of minimum school facilities for the number of children in the remote or isolated attendance area (or approved attendance area) which the Commissioner determines are inadequately housed and who will be in increase in the schools of such applicant as of the close of the second year following the close of the membership period for which the application is filed, and who would otherwise be without such facilities, minus any portion of the cost which has not been, and is not to be, recovered by the applicant from other sources, including any amount which the Commissioner determines is or will be practicably available to the applicant from any local, State, or Federal sources.

(20 U.S.C. 644(c))

Subpart E—Certification of Payments

§ 114.41 Certification of payments.

Except with respect of payments under sections 10 and 14 of the Act, payments to an applicant will be made only on the basis of a complete application satisfying conditions for payment under the Act and this part, and will be restricted in amount to the cost of providing minimum school facilities for unhoused children. With respect to such payments:

(a) The Federal share of the cost of a project which will be certified for payment, within the maximum otherwise payable under the Act (except as provided in section 8 thereof), will not exceed the cost of constructing minimum school facilities in the local educational agency nor the cost of constructing minimum school facilities for the estimated number of children who will be in the membership of the schools of such applicant at the close of the second year following the increase period under consideration and who will otherwise be unhoused; and

(b) Nothing in this part shall be deemed to bar an applicant, with the approval of the State educational agency, from using for an approved project, in addition to payments under this part, money otherwise obtained to provide a higher quality, larger, or better equipped school facility. The applicant will be required to show in such cases that the added cost is being met other than from payments under this part.

(20 U.S.C. 634, 638, 644(g))

(c) Payments to an eligible applicant whose maximum entitlement for a fiscal year includes pupils eligible for payment under section 5(a)(1), (2) or (3) of the Act as residing with a parent either residing on or employed on a low-rent housing property, as defined in the Act, will be made only after all other applications under subparagraphs (2) and (3) of section 5(a) have been approved for that fiscal year. The applications with entitlements computable on account of pupils eligible under these categories will be listed in a separate priority order in accordance with the priority index of the application as initially processed.

(20 U.S.C. 633)

§ 114.42 Certification of payments under section 14.

Payments to an applicant under section 14 of the Act will be made only on the basis of a complete application satisfying conditions for payment under the Act and this part, and will be restricted in amount to the cost of providing minimum school facilities for unhoused children; however:

(a) With respect to payments under section 14(a) of the Act, except for applications with respect to which the Commissioner has under § 114.35 waived the substantial percentage requirement, the Federal share of the cost of a project which will be certified for payment will not exceed the difference between (1) the cost of constructing minimum school facilities in the school district of the applicant for the estimated number of children who will be in membership in the schools of such applicant at the close of the second year following the close of the increase period under consideration and who will otherwise be without such facilities, and (2) the amount which the Commissioner determines to be practicably available to the applicant from other sources, including local sources (for example, unused bonding capacity), and State and other Federal sources (for example, payments by the United States under any other provisions of the Act or any other law). Such payments will be made upon such terms and in such amounts, subject to the provisions of section 14(a) of the Act and this part, as the Commissioner deems to be in the public interest.

(b) With respect to payments under section 14(b) of the Act, except for applications with respect to which the Commissioner has under § 114.36 waived the substantial percentage requirement, the Federal share of the cost of a project which will be certified for payment will not exceed that portion of the cost of constructing minimum school facilities in the school district of the applicant which the Commissioner determines (1) is attributable to children who reside on Indian lands and who will be in membership in the schools of such applicant at the close of the second year following the close of the increase period under consideration and who will otherwise be unhoused, and (2) has not been, and is not to be recovered by the applicant from other sources, including payments by the United States under any other provisions of the Act, or any other law.

(c) With respect to payments under section 14(c) of the Act, except for applications with respect to which the Commissioner has under § 114.37 waived the substantial percentage requirement, the Federal share of the cost of a project when certified for payment will not exceed the difference between (1) that portion of the cost of constructing minimum school facilities in the school district of the applicant that the Commissioner determines is attributable to children who are inadequately housed by minimum school facilities and who will be in membership in the schools of such applicant at the close of the second year following the close of the increase period under consideration and who will otherwise be without such facilities, and (2) the amount which the Commissioner determines to be practicably available to the applicant from other sources, including local sources (for example, unused bonding capacity), State and other Federal

V 40168
APR 8 75
XUM

sources (for example, payments by the United States under any other provisions of the Act or any other law). Such payments may be made upon such terms and in such amounts, subject to the provisions of section 14(c) of the Act and this part, as the Commissioner may consider to be in the public interest, less the amount of financial resources which the Commissioner determines to be practicably available to the applicant from local, State or other Federal sources.

(20 U.S.C. 644(c))

§ 114.43 Payments.

(a) *Basis of payments.* The initial payment, except under section 10 of the Act, will be 10 percent of the approved estimated Federal share of the project cost. Payment of the remainder of the estimated Federal share shall not exceed the cost of the project.

(b) *Excess cost contracts.* No construction contract exceeding the estimated cost as shown in the project application shall be entered into without prior approval of the Commissioner.

(20 U.S.C. 634, 636, 637, 644(f), 1232(c); FMC 74-7)

Subpart F—General Provisions With Regard to Construction of Minimum School Facilities

§ 114.51 Works of art.

The cost of works of art (as defined in Part 100 of the General Provisions for Office of Education Programs (45 CFR Part 100)) when included in an approved construction project financed in whole or in part with Federal funds under the Act, shall not exceed 1 percent of the Federal share of the total cost of the project, exclusive of the cost of movable equipment. Nothing contained in this part, however, shall be deemed to bar an applicant, with approval of the State educational agency, from including works of art in excess of 1 percent of such Federal share with the use of nonfederal money.

(20 U.S.C. 645(10)(B))

§ 114.53 Excellence of architecture and design of minimum school facilities.

Local educational agencies shall give due consideration to excellence of architecture and design when constructing minimum school facilities under the Act. The applicant shall furnish an appropriate assurance to this effect and any other evidence that such consideration has been given as may be required by the Commissioner.

(20 U.S.C. 645(10)(A))

§ 114.55 Applicability of General Provisions Regulations.

(a) Provisions contained in Parts 100 and 100a of the regulations entitled "General Provisions for Office of Education Programs" are applicable to programs conducted under the Act, with the following exceptions:

(1) Section 100a.26b (Criteria for review of applications);

(2) Section 100a.161 (Title to site);

(3) Subpart I, §§ 100a.209–.220 (Property management requirements);

(4) Section 100a.233 (Sale of real and personal property); and

(5) Section 100a.235 (Other program income).

(b) It should be noted that certain of the provisions in such regulations are not, by their own terms, pertinent to activities which may be conducted pursuant to the Act, such as:

(1) Section 100a.19 (Cooperative arrangements);

(2) Section 100a.43 (Application for Federal assistance (nonconstruction projects));

(3) Section 100a.45 (Application for Federal assistance (short form));

(4) Section 100a.62 (Payments methods for nonconstruction projects);

(5) Section 100a.82 (Institutions of higher education);

(6) Section 100a.83 (Nonprofit organizations);

(7) Subpart H, §§ 100a.90–94 (Matching and cost sharing);

(8) Section 100a.122 (Loan guarantees);

(9) Section 100a.234 (Royalties); and

(10) Section 100a.258 (Leasing facilities).

§ 114.58 Procurement of school facilities.

(a) All procurement of school facilities under the Act, including initial equipment, shall be made in accordance with Subpart I of Part 100a of the General Provisions for Office of Education Programs (45 CFR Part 100a, Subpart I).

(b) Plans and specifications, as appropriate, of school facilities provided under sections 9, 10, and 14 of the Act must, in advance of progressing to the next development stage, be approved by the Commissioner from the viewpoint of educational adequacy.

(c) Bid and contract documents shall be submitted to the Commissioner for his approval in accordance with such procedures as he may prescribe.

(d) Equipment procured with payments under the Act must be approved by the Commissioner before invitations for bids or requests for proposals as to the acquisition of such equipment are issued. In order to obtain such approval, a list of all equipment to be procured (indicating estimated quantities, costs and specifications) must be provided to the Commissioner for his prior approval.

(e) When total funds required for the low equipment bid or proposal received are in excess of the approved equipment budget, additional funds needed to make the award must be provided by:

(1) Adjusting the approved estimate of other budget items (if surplus funds can be identified) for transfer to the equipment budget item;

(2) The applicant providing all the necessary additional funds from sources other than the Act; or

(3) Increasing the Federal contribution to the project if entitlement is available.

A written proposal must be submitted to the appropriate O. E. Regional Program Officer for review and recommendation for decision regarding how such additional funds are to be provided. If method (i) is proposed, those approved project budget items in which there are surplus funds available for transfer must be identified. If method (ii) is proposed a written certification signed by the applicant's authorized representative must be furnished, stating that the cost of the bid overrun will be financed with applicant funds. Regardless of how the cost of the bid overrun is financed, it will be necessary to obtain prior approval in order that a revised project budget may be issued amending the approved equipment budget estimate.

(f) Substantial changes in lists of equipment previously approved to be procured must be approved in advance.

(g) A list of equipment procured with payments under the Act and the cost thereof must be furnished by the applicant and certified as having been received before final payment will be made.

(20 U.S.C. 636, 637)

Subpart G—Sections 9 and 10

§ 114.61 Conditions for assistance under section 10.

The Commissioner may make arrangements for constructing or otherwise providing minimum school facilities under section 10 of the Act under one or more of the following conditions:

(a) No tax revenues of the State or any political subdivision thereof may be expended for constructing or for otherwise providing school facilities on Federal property which is leased to the local educational agency which will operate the school for pupils residing on Federal property; or

(b) The assurances and certifications described in § 114.65 have been provided; or

(c) Other conditions, as specified in section 10 of the Act, exist.

(20 U.S.C. 640 (a), (b))

§ 114.62 Requests for section 10 school construction.

(a) In order to be approved by the Commissioner, the request for school facilities under section 10 of the Act must be (1) made by the official in control of the Federal property on which the facilities are to be located; (2) addressed to the Commissioner, Attention: Director, Division of School Assistance in Federally Affected Areas; and (3) submitted through the State educational agency for its review and recommendations.

(b) After reviewing the request and making recommendations relative to it, the State educational agency shall transmit a copy of such recommendations and the original copy of the request to the Commissioner including, when applicable, the legal citations which prohibit State or local funds from being expended for capital improvements on Federal property. Two copies of such materials must also be transmitted to the appropriate Regional O.E. Program Officer. The original request as submitted through the State educational agency will be regarded by the Commissioner as the official request.

(c) The request for school facilities to be constructed or otherwise provided under section 10 of the Act shall contain the following data:

(1) Name of the agency which will operate the school program;

(2) Assurance that an adequate site will be made available for location of the proposed facility. This site shall be subject to final review and recommendation for approval or disapproval by the appropriate Regional O.E. Program Officer after consultation with the State educational agency and the Regional Engineer, ROFEC. (A site permit including the metes and bounds description of the approved site must be received by the Commissioner before any planning activity will be authorized.)

(3) Assurance that funds under section 10 of the Act will not be used for any off-site construction.

(4) Assurance that the request will be coordinated with officials of the appropriate local educational agency when the facilities to be constructed or otherwise provided are not to be operated by a Federal agency;

(5) Pupil data, including:

(i) Number of pupils, by grade, who reside on and now attend school on the Federal property; and

(ii) Estimated number of pupils, by grade, who will reside on and attend school on the Federal property by the end of the fiscal year following the fiscal year in which the application is filed;

(6) The following data relating to family housing:

(i) Number of occupied family housing units now located on the Federal property;

(ii) Number of unoccupied family housing units now located on the Federal property;

(iii) Number of housing units to be completed on the Federal property (for which construction funds have been authorized in the current Department of Defense appropriation); and

(iv) Number of trailer or other temporary housing units. (Such units must be reported separately); and

(7) Narrative supporting statement, as may be appropriate.

(20 U.S.C. 640)

§ 114.63 Property management: Sections 9 and 10.

(a) School facilities, including initial equipment, provided by the Commissioner through direct Federal construction under sections 9 and 10 of the Act on land made available to the Commissioner for this purpose by a local educational agency or by a Federal agency shall be managed in accordance with FMC 74-7. Attachment N and this part.

(b) A site permit authorizing the use of land must be issued to the Commissioner by the Federal agency in control of the Federal property or by the local educational agency prior to the constructing or otherwise providing school facilities thereon by the Commissioner under the provisions of sections 9 and 10 of the Act. Such permit must contain:

(1) A metes and bounds description of the land to be used for the facility;

(2) Assurance of the right, if necessary, to connect to the base utility system as extended to the site boundary, or to connect with public utility systems, if necessary; and

(3) Assurance of adequate police and fire protection and construction and maintenance of roads.

(c) The Commissioner may issue to the appropriate Federal agency or local educational agency a use permit granting such agency the right to use and occupy, for school purposes, federally owned school facilities constructed under section 9 or 10 of the Act for which the Commissioner is accountable.

(1) Such use permits granted to a Federal agency must include assurances that such agency will:

(i) Conduct in such facilities an educational program for children residing on the Federal installation, comparable to that afforded children in comparable local school systems under the laws of the State;

(ii) Pay all charges for utilities and services furnished to the property;

(iii) Use the property during the term of the permit subject to such rules and regulations prescribed by the officer in charge of the installation as are consistent with the purposes for which the property is permitted;

(iv) Maintain and keep the property in good repair and operating condition on the present site, subject to reasonable instructions of the Commissioner, and immediately upon the termination of the permit as therein provided (will deliver possession of the same) to the Commissioner in as good condition and state of repair as the property is in when delivered to the agency, reasonable wear and tear and loss or damage caused by war excepted. (Repairs to or reconstruction of the property requiring expenditures in excess of $15,000.000 shall be upon plans approved by the Commissioner);

(v) Permit the Commissioner, or his authorized representatives, at any reasonable time to enter upon and inspect the property;

(vi) Submit current inventories, at the Commissioner's request, of the equipment, furnishings and appurtenances located in the facilities or on the site;

(vii) Assume responsibility, without obligation to the Commissioner, to do all things necessary and proper on its part under the applicable laws and regulations in order to settle or deny (as may be appropriate under the circumstances) liability for all claims, if any, made against the United States of America or any of its agents for damages on account of the injury to or death of any person or the damages to or destruction of any property connected with, or arising out of, the agency's use of the permitted premises;

(viii) Not assign or transfer its rights or interest under this permit, or transfer possession of, or remove, or dispose of the property or any part thereof, including any and all movable school equipment provided under section 10 of the Act (or, if applicable, under section 6 of Pub. L. 81-874) without the Commissioner's written consent; and

(ix) Assure that the operation of school facilities which may be located on the property shall be conducted without discrimination on the basis of race, color, sex, or national origin.

(2) Such use permits granted to a local educational agency shall include assurances that such agency will:

(i) Conduct in such facilities an educational program for children residing on the Federal installation, as a part of the agency's school system in accordance with the laws of the State;

(ii) Pay all charges for utilities and services furnished to the property. Payment shall be made directly to the producing or supplying company or to the Federal agency for the utilities and services produced or supplied by each, respectively;

(iii) Use the property during the term of the permit subject to such reasonable rules and regulations relative to ingress, egress, security, and non-school use as may be prescribed by the head of the Federal agency, or the officer in charge of the installation, with the approval of the Commissioner;

(iv) Maintain and keep the property in good repair and operating condition on the present site, subject to reasonable instructions of the Commissioner and, immediately upon the termination of the permit as therein provided, shall return the property to the Commissioner in as good condition and state of repair as the property is in when delivered to the agency, reasonable wear and tear and loss or damage caused by war excepted. (Repairs to or reconstruction of the property requiring expenditures in excess of $15,000.00 require prior plans approved by the Commissioner);

(v) Procure and maintain insurance for the repair and reconstruction of the facilities due to damages occasioned by risks (such as fire and the elements) to which the property may be exposed and such additional insurance as the Commissioner may require. Further, such local educational agency must provide assurance that it will promptly deliver proof of such coverage to the Commissioner, and shall give due notice to the proper insurance companies and to the Commissioner of any loss or damage to the property;

(vi) Remit to the United States any payment received by it pursuant to insurance provided which may be in excess of the cost of such repairs;

(vii) Permit the Commissioner, or his authorized representatives, at any reasonable time, to enter upon and inspect the property, and submit at the Commissioner's request current inventories of the equipment, furnishings, and appurtenances located in the facilities or on the site;

(viii) Save the United States and the Commissioner harmless from any liability or claim arising from the agency's possession, use, maintenance, and operation of the property or the fulfillment of its obligation hereunder and if the agency is insured against tort liability

V 40168 APR 8 75 XUM

with respect to other school facilities which it owns and operates, it shall carry similar insurance with respect to the property herein described;

(ix) Not assign or transfer its rights or interest under the permit, transfer possession of, or remove, or dispose of the property or any part thereof, or create or permit to be created a lien or charge upon or claim against the property or any part thereof, including any and all movable school equipment provided under sections 9 and 10 of the Act without the Commissioner's written consent;

(x) Assure that operation of school facilities which may be located on the property shall be conducted without discrimination on the basis of race, color, sex or national origin; and

(xi) In the case of a local educational agency whose permit includes living quarters for teachers and other local educational agency employees which were constructed under provisions of section 10 (former sections 204 and 310) of the Act and for which rental or other such fees are charged, the local educational agency must assure the Commissioner that it will submit, through the State educational agency, a revenue and expenditure report in such form as the Commissioner may require within 30 days after the end of each of the first three quarters of each year. The agency must also assure the Commissioner that, at the end of the last quarter on June 30, it will submit through the State educational agency a final revenue and expenditure report and an audit thereof.

(3) Use permits may be subject to revocation by the Commissioner for any of the following reasons:

(i) Failure of the agency to operate the property in accordance with the terms and conditions of the permit or the arrangements between the Commissioner and the agency under section 6 of Pub. L. 81–874;

(ii) Determination by the Commissioner that other arrangements will better serve the interests of the United States or the children involved;

(iii) Termination of the permit for the use of the land granted to the Commissioner by the controlling Federal agency; or

(iv) Termination of the authority and responsibility of the Commissioner to provide school facilities and make arrangements for free public education for children who reside on Federal establishments under the Act and Pub. L. 81–874, or subsequent laws of the United States.

(20 U.S.C. 639, 640(a) FMC 74–7))

§ 114.64 Disposal of federally owned temporary school facilities provided under section 9.

(a) The Commissioner may transfer to the local educational agency title to temporary school facilities constructed under section 9 (former sections 203 and 309) of the Act if:

(1) The local educational agency to which the facilities were provided makes a written request to the Commissioner for transfer of the facilities;

(2) Such agency gives assurance of a continuing need for the temporary school facilities for school purposes;

(3) Such agency certifies that it has title to the site on which they are located, or a leasehold interest in such site for a period of time equivalent to the usable life of the facilities; and

(4) The State educational agency certifies that the use of such facilities is not inconsistent with overall State plans.

(b) The Commissioner may, as appropriate, declare temporary school facilities surplus to the needs of the local educational agency and may dispose of the facilities under procedures established by the Surplus Property Utilization Division, DHEW.

(20 U.S.C. 639)

§ 114.65 Transfer of title of federally owned school facilities provided under section 10 to local educational agencies.

The Commissioner will transfer to a local educational agency all the right, title, and interest of the United States in and to any facilities provided under section 10 of the Act if the following conditions have been met:

(a) The local educational agency of the school district in which the federally owned school facility is located makes written request to the Commissioner for transfer of the facility;

(b) Such agency does the following: (1) Certifies that the school facilities are located within the boundaries of its school district; (2) shows that there is a need on a continuing basis for use of the school facilities by the school district for public educational purposes; and (3) gives assurance that the facilities will be used as long as needed to house the children living on Federal property for whom they were constructed, and beyond that time will continue to use such facilities for public educational purposes for any remaining usable life of the facilities;

(c) Such agency certifies that it has acquired or will acquire title to the site, or a leasehold interest in the site, or right to use and occupy the facilities located on the site for a period of time equivalent to the remaining usable life of the school facilities. Evidence of title to the site, leasehold, or other interest in the site must be presented before title to the federally owned facilities will be granted;

(d) Such agency gives assurance that the educational program provided in such transferred facilities will be conducted without discrimination on the basis of race, color, sex, or national origin;

(e) The State educational agency certifies that, under State law, such local agency is legally authorized to spend State or local funds to construct, repair, maintain, and operate school facilities for public educational purposes on land leased to it from the Federal Government; and

(f) Such State agency certifies that the use of such facilities by such local agency is not inconsistent with overall State plans for providing school facilities in the State.

The Commissioner will consider a request for the transfer to a local educational agency of school equipment provided under section 10 of the Act (or under section 6 of Pub. L. 81–874) in certain circumstances even if the school facilities in which the equipment is located are not to be transferred. Requests for the transfer of such equipment shall include information described in paragraphs (a), (b), (d), (e), and (f) of this section.

(20 U.S.C. 640(b))

APPENDIX A

[Pub. L. 81–815; Secs. 1–15]

ASSISTANCE FOR SCHOOL CONSTRUCTION IN AREAS AFFECTED BY FEDERAL ACTIVITIES; GUIDELINES

TABLE OF CONTENTS

Part 1—Introduction

Section 1.1 Scope of guidelines.
1.2 Applicable statutes and regulations.

Part 2—Applications of Local Educational Agencies

Section 2.1 Purpose of the Act.
2.2 Categories of Federal impact.
2.3 Who may apply.
2.4 How to apply.
2.5 When to apply.
2.6 Processing procedures.
2.7 Instructions relating to construction of approved and funded projects.
2.8 Instructions relating to purchasing non-expendable property (initial equipment) acquired with Federal funds under sections 5, 8, 9, and 14 of the Act.

Part 3—Requests of Federal Agencies for School Facilities Under Section 10 of the Act

Section 3.1 Application procedures.
3.2 Processing procedures.
3.3 Actions relating to construction of approved and funded section 10 projects.

Part 4—Property Management of Facilities Constructed Under Section 10 and Certain Facilities Constructed Under Section 9 of the Act

Section 4.1 Agencies may be granted use permits.
4.2 Disposal or transfer of ownership of federally owned school facilities.

Part 1—Introduction

SECTION 1.1 *Scope of guidelines.*

(a) The guidelines contained in this document are recommendations and suggestions for meeting the legal requirements which apply to Federal assistance under sections 1 through 15 of Public Law 81–815 (School Construction in Areas Affected by Federal Activities). The guidelines are not requirements. Where the guidelines set forth a permissible means of meeting a legal requirement, the guidelines may be relied upon.

(20 U.S.C. 631; 113 Cong. Rec. 5936, 5935 (daily ed. May 23, 1967); *United States v. Jefferson County Board of Education*, 372 F. 2d 836, 857 (1966))

(b) Where a guideline is issued in connection with or affecting a provision in the regulations, the pertinent regulation will be cited after the citation of legal authority for the guideline, in the parentheses following the guideline. For example, if the legal authority for the guideline is section 5 of the Act (20 U.S.C. 635), and the guideline affects section 114.31 of the regulation (45 CFR 114.31), the following will be placed on the line immediately following the guideline: (20 U.S.C. 635; 45 CFR 114.31). If no particular section of the regulation is affected, no citation to the Code of Federal Regulations (CFR) will be made.

(20 U.S.C. 1232(a))

(c) These guidelines rescind all bulletins, memoranda, and announcements previously issued by the Division of School Assistance in Federally Affected Areas.

SECTION 1.2 *Applicable statutes and regulations.*

The program of assistance for school construction in federally affected areas is to be carried out in accordance with applicable Federal statutes and regulations. Pertinent provisions include Pub. L. 81–815 (20 U.S.C. 631–645), the General Education Provisions Act (20 U.S.C. 1221 et seq.), the regulations for Pub. L. 81–815 (45 CFR Part 114), the General Provisions for Office of Education Programs (45 CFR Parts 100 and 100a) except as specified in 45 CFR 114.66 and Federal Management Circular 74–7.

(20 U.S.C. 631–645, 1221 et seq.; 45 CFR Parts 100, 114; FMC 74–7)

Part 2—Applications of Local Educational Agencies

SECTION 2.1 *Purpose of the Act.*

Congress, in recognition of the impact which certain Federal activities may have on school construction needs, has declared it to be the purpose of the Act to provide assistance for construction of urgently needed minimum school facilities in certain areas affected by Federal activities.

(20 U.S.C. 631)

SECTION 2.2 *Categories of Federal impact.*

The following categories of Federal impact for the purpose of making Federal payments to local educational agencies are discussed in these guidelines:

(a) Section 5(a)(1): increase in numbers of children who reside on Federal property;

(20 U.S.C. 635(a)(1))

(b) Section 5(a)(2): increase in numbers of children who reside with a parent employed on Federal property situated in whole or in part in the same State as a school district or within a reasonable commuting distance of such district, or have a parent on active duty in the Uniformed Services;

(20 U.S.C. 635(a)(2))

(c) Section 5(a)(3): increase in numbers of children whose membership results from activities of the United States carried on either directly or through a contractor;

(20 U.S.C. 635(a)(3))

(d) Sections 14 (a) and (b): membership residing on Indian lands and which has not formed or will not form the basis for payment under other provisions of the Act; and

(20 U.S.C. 644 (a), (b))

(e) Section 14(c): inadequately housed children in financially distressed school districts where Federal property constitutes a substantial part of the school district.

(20 U.S.C. 644(c))

SECTION 2.3 *Who may apply.*

Applications may be filed by a local educational agency as defined in section 15(11) of the Act and § 114.1(m) of the Regulations.

(20 U.S.C. 645(11); 45 CFR 114.1(m))

SECTION 2.4 *How to apply.*

Application forms, instructions, advice, and assistance may be obtained from each State educational agency. All questions pertaining to the preparation and filing of preapplications, applications, and requests for materials should be directed to the State Representative for School Assistance, who will respond or may forward the inquiries, where appropriate, to the Commissioner of Education.

(20 U.S.C. 636; 45 CFR 114.1 (l), (k))

SECTION 2.5 *When to apply.*

Cutoff dates for filing preapplications and applications will, as appropriate, be established by the Commissioner and published in the FEDERAL REGISTER. Copies of these periodic announcements of the cutoff dates appearing in the FEDERAL REGISTER will be provided to the State Representatives for School Assistance. Such State Representatives may be contacted for up-to-date information on current cutoff dates.

(20 U.S.C. 633, 636, 644; 45 CFR 114.1(k), 114.2)

SECTION 2.6 *Processing procedures.*

Upon receipt by the Commissioner of a preapplication for assistance:

(a) The preapplication will be tentatively reviewed on the basis of data available, and if the preapplication appears to be eligible, a tentative entitlement and priority index will be computed, the applicant will be notified of the tentative determination. All preapplications will be listed in priority rank order accordingly on a list to be maintained by the Commissioner on a nationwide basis.

(b) Upon verification of the applicant's data as shown on the preapplication, a firm maximum entitlement and priority index will be determined for each eligible applicant, the application will be listed in priority rank order, and the applicant will be informed of the basis of such action; if ineligible, the applicant will be informed as to the reasons therefor.

(c) When monies are available to reach the priority of the preapplication, funds will be reserved tentatively on the basis of the best information available at the time and the applicant will be advised to file a complete application for review and approval pursuant to 45 CFR Part 100a, Subpart B.

(20 U.S.C. 633, 636, 644, 645(7); 45 CFR 114.1 (l), (k), (s), 114.5, 114.6)

SECTION 2.7 *Instructions relating to construction of approved and funded projects.*

(a) *General.* (1) The Office of Facilities Engineering and Property Management Agency of the Department of Health, Education, and Welfare (hereinafter referred to as OFEPM) and the Regional Office of Facilities Engineering and Property Management (hereinafter referred to as ROFEPM) will provide, upon request, technical supervision and services to applicants in connection with the construction of school facilities. When appropriate, OE Program Officers (SAFA), in cooperation with representative of ROFEPM, will assist with the planning of approved projects, including examination of preliminary and final project plans and specifications, periodic inspection of construction progress and determination of the propriety of making partial payments of the estimated Federal share of the cost as construction progresses. Supervision of these technical services will be performed by the Regional Engineer, ROFEPM.

(2) The Regional Engineer, ROFEPM, may assist in preconstruction and construction activities to assure conformity with the requirements of the Act. Approval of all proposed preconstruction documents (as described in § 114.58 of the regulations), may be obtained directly from the Regional Engineer. His assistance prior to the preparation of these and similar documents will be provided upon request. In this connection, he may suggest a preliminary conference with the project architect and others if that seems desirable. The Regional Engineer will provide sufficient copies of all forms which may be used to prepare the contract documents required for the project and will aid in the review of bids received and other technical details.

(3) Special assistance may also be provided to eligible applicants under the provisions of section 14 of the Act by SAFA Program Officers.

(20 U.S.C. 636, 637, 644)

(b) *Minimum standards of construction.* Plans and specifications for a project must comply with such Federal, State, and local laws, ordinances and regulations pertaining to standards of construction and safety requirements, as may be applicable.

(16 Comp. Gen. 948 (1937))

(c) *Preparation of plans and specifications.* Upon receipt of the notice of approval of the complete application, work may be commenced on preparing plans and specifications which conform to the project description as shown in the complete application, or with such revisions as may be necessary. After all necessary State approvals have been obtained, such plans and specifications must be forwarded for the approval of the Commissioner as required by § 114.58 of the regulations. Such documents may be forwarded as follows: One copy of the final plans and specifications to the Regional Engineer (ROFEPM) and one copy to the appropriate Regional OE Program Officer (SAFA).

(20 U.S.C. 636(b)(1)(A), 637(a); 45 CFR 114.58)

(1) *Review by Regional OE Program Officer.* The Regional OE Program Officer will review the final plans and specifications for conformity with the project description as approved by the Commissioner and recommend approval or disapproval action.

(2) *Review by Regional Engineer, ROFEPM.* The Regional Engineer will review the final plans and specifications for structural adequacy, and may suggest structural changes or revisions. A notice of approval will advise the date on which advertising for bids may begin. A notice of disapproval will state the reasons for such action.

(20 U.S.C. 633, 636(b), 637(a); 45 CFR 114.58)

SECTION 2.8 *Instructions relating to purchasing non-expendable property (initial equipment) acquired with Federal funds under sections 5, 8, 9, and 14 of the Act.*

The procurement of initial equipment with Federal funds under sections 5, 8, 9, and 14 of the Act must be made in accordance with 45 CFR Part 100a, Subpart I. Such procurement must be approved in advance by the OE Regional Program Officer (SAFA) in accordance with the regulations at 45 CFR 114.58.

A copy of the pertinent documents must be forwarded to and reviewed and recommended for approval by the Regional OE Program Officer before payment may be made as described in the regulations at 45 CFR 114.43.

(20 U.S.C. 636, 644; 45 CFR 114.43, 114.58)

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Part 3—Requests of Federal Agencies for School Facilities under Section 10 of the Act

SECTION 3.1 *Application procedures.*

Requests for school construction to be performed under section 10 of the Act may be made in letter form by the official in control of the Federal property on which the facilities are to be located, in accordance with procedures described in regulations 45 CFR 114.58, 114.61, 114.62, and 114.63.

(20 U.S.C. 640(b); 45 CFR 114.58, 114.61, 114.62, 114.63)

SECTION 3.2 *Processing procedures.*

Upon receipt by the Commissioner of the request:

(a) The request will be reviewed on the basis of data available, and if the request for assistance appears to be approvable a tentative cost estimate, priority grouping, and priority index will be computed and assigned. If the request is determined not to be approvable, the Federal agency will be so informed.

(b) Upon verification of data submitted as the basis of the request, the Commissioner may determine that a project should be approved. The project will be assigned a priority index within a priority group and the Regional Engineer, ROFEPM will be requested to estimate the cost of the project to be approved.

(c) When monies are available to reach the priority of the project and funds are approved for direct Federal construction, the appropriate parties will be so notified.

(20 U.S.C. 640; 45 CFR 114.4, 114.5, 114.6, 114.61, 114.62)

SECTION 3.3 *Actions relating to construction of approved and funded section 10 projects.*

(a) The Commissioner will consider recommendations of local and State education authorities, the Regional OE Program Officer, representatives of ROFEPM, and the Federal agency making the application. Educational consultants, if appropriate, may also be engaged by the Commissioner for the purpose of assisting in developing educational specifications and otherwise assisting in developing the project.

(b) The Regional OE Program Officer will:

(1) Verify the data submitted as the basis of the application and make recommendations to the Division of SAFA on the need for the requested school facilities;

(2) Review the proposed school site for educational adequacy. Request the Federal agency controlling the property to prepare the metes and bounds description, including a plot plan, to be forwarded to the Division of SAFA in compliance with § 114.63(b) of the regulations;

(3) Review design sketches and preliminary plans and outline specifications for educational adequacy and recommend to the Division of SAFA approval or disapproval of these documents and the reasons therefor;

(4) Review the final plans and specifications for educational adequacy and conformance with the approved project description and the approved preliminary plans and specifications and notify the Regional Engineer, ROFEPM, of approval or disapproval by the Commissioner of such documents; and

(5) Review all requests for initial minimum equipment submitted pursuant to § 114.58(d) and notify the OE Regional Contracting Officer and the Regional Engineer, ROFEPM, of approval or disapproval by the Commissioner. A list of initial equipment will be provided to the Regional Contracting Officer who will supervise its acquisition.

(20 U.S.C. 1221c(c)(2)(C); 20 U.S.C. 640(a)(b))

(c) The Regional Engineer ROFEPM will:

(1) Furnish the Division of SAFA with an estimate of the cost of the project to be constructed, and revisions of such estimate as may be appropriate;

(2) Negotiate architectural contracts for preparation of plans and specifications, after the estimated cost of constructing the project has been approved by the Division of SAFA;

(3) Request necessary State and local agency approvals of final plans and specifications;

(4) Secure permits for access and right of entry to project site;

(5) Monitor the execution of a contract for the construction of school facilities after approval of final plans and specifications; and

(6) Submit a final project summary stating all project costs including initial (movable) school equipment costs.

(d) The Division of SAFA will:

(1) Assist in the development of and approve the final project description;

(2) Approve the project funding and disburse funds in the appropriate manner to initiate the project;

(3) Review and approve sketches and preliminary plans and specifications; and

(4) Prepare use permits for acceptance by the operating agency upon completion of the project.

(20 U.S.C. 640(a), (b); 45 CFR 114.61, 114.62, 114.63, 114.65)

Part 4—Property Management of Facilities Constructed Under Section 10 and Certain Facilities Constructed Under Section 9 of the Act

SECTION 4.1 *Agencies may be granted use permits.*

The Federal agency or local educational agency to which use of the completed school facilities is granted, must maintain such school facilities, including equipment, in good conditions in accordance with § 114.63(c)(1)(iv) and (c)(2)(iv). The Commissioner may request periodic reports to be submitted in order to assure that the facilities and equipment are properly cared for and maintained.

(20 U.S.C. 639, 640; 45 CFR 114.63)

SECTION 4.2 *Disposal or transfer of ownership of federally owned school facilities.*

The Commissioner, upon receipt of a written request from a local educational agency in which school facilities have been provided under section 9 or 10 of the Act, may make arrangements to transfer ownership of such agency in accordance with § 114.65 of the regulations.

(20 U.S.C. 639, 640(b); 45 CFR 114.64, 114.65)

PART 115—ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES AND ARRANGEMENTS FOR EDUCATION OF CHILDREN WHERE LOCAL EDUCATIONAL AGENCIES CANNOT PROVIDE SUITABLE FREE PUBLIC EDUCATION

Subpart A—Scope and Definitions

Sec.
115.1 Scope.
115.3 Definitions.

Subpart B—Applications

115.10 Applications.
115.11 Final date for filing applications.
115.12 Applications under sections 2, 3, and 4 received after deadline not considered for payment.
115.13 Notification to applicants.
115.14 Assurances and parental participation with respect to Indian children for applications under section 3.
115.16 Civil Rights.

Subpart C—Payment

115.20 Changes in boundaries, classification, and governing authority of applicants.
115.21 Payment under section 3 when percentage eligibility requirement is not met.
115.22 Election under section 4(c).
115.23 Payments under section 4(a).
115.24 Reduction of financial assistance under sections 2, 3, and 4 due to insufficient appropriations.
115.25 Adjustment in entitlement for reductions in State aid.
115.26 Failure or refusal of a local educational agency to educate children living on Federal property.
115.27 Further adjustments to entitlements.

Subpart D—Generally Comparable Local Educational Agencies; Local Contribution Rate

115.30 Determination of generally comparable local educational agencies.
115.31 Computation of local contribution rate.
115.32 Increase in or special local contribution rate.

Subpart E—Records and Reports Required by the Commissioner

115.40 Records and reports required of applicants.
115.41 Final reports by applicants under sections 2, 3, and 4.
115.42 Retention of records.
115.43 Reports from other Federal agencies.

Subpart F—Arrangements Under Section 6 of the Act

115.50 Arrangements under section 6(a).
115.51 Arrangements under section 6(b).
115.52 Arrangements under section 6(c).
115.53 Proposal for arrangements under section 6.
115.54 Determinations by the Commissioner pursuant to section 6.
115.55 Notice of Commissioner's action.
115.56 Arrangements under section 402(a).
115.57 Expenditures.
115.58 Reports.
115.59 Termination of arrangements.

AUTHORITY: Pub. L. 81-874, as amended, 64 Stat. 1100 (20 U.S.C. 236-244), unless otherwise noted.

Subpart A—Scope and Definitions

§ 115.1 Scope.

The regulations in this part govern the provision of financial assistant and the making of arrangements under the Act with regard to local educational agencies in areas affected by Federal activities.

(20 U.S.C. 242(b))

§ 115.3 Definitions.

As used in this part:

(a) "Act" means Titles I (except section 7 thereof) and IV of Pub. L. 874, 81st Congress (64 Stat. 1100 (20 U.S.C. 236-244)), as amended.

(b) "Applicant" means any local educational agency which files an application for financial assistance under sections 2, 3, or 4 of the Act and the regulations in this part, but does not include departments or agencies proposing arrangements under section 6 of the Act.

(20 U.S.C. 240(a))

(c) "Application" means Form RSF-1, "Application for Financial Assistance for Current Expenditures for Public Schools in Areas Affected by Federal Activities" properly completed and executed, including amendments thereto, and, to the extent indicated by the applicant, any document or documents in support thereof, filed by or on behalf of an applicant requesting financial assistance under the Act and these regulations.

(20 U.S.C. 240(a), 242(b))

(d) "Arrangements" means an agreement entered into between the Commissioner and a local educational agency or a Federal department or agency for the provision of free public education under section 6 of the Act.

(20 U.S.C. 241(a))

(e) "Average daily attendance of federally connected pupils" in each pertinent category of federally connected children (sections 3(a), 3(b), and 4(a)) means the number determined in accordance with section 403(10) of the Act in the manner described in this paragraph. At the option of the applicant, a second membership count may be made as set forth in paragraph (f) of this section.

(1) At some specific date not earlier than the fourth day of the legal school session of the regular school year and prior to the cutoff date for filing Form RSF-1, a membership count of all pupils claimed in the various federally connected categories must be made either by (i) conducting a parent-pupil survey to determine the parent's employment or active duty assignment in the uniformed services and the child's residence on Federal property or by (ii) obtaining certifications from the various employers and the appropriate housing officials as to the employment of the parents of the children claimed or residence of such children on the specific date involved. A membership count of all pupils must be made as of this specific date, which is to constitute the official membership report of the applicant local educational agency for that date.

(2) The percentage of pupils in each of the federally connected categories is determined by dividing the membership count in each such category by the total membership of all pupils receiving free public education on the date of the count.

(3) The average daily attendance (hereinafter referred to as ADA) of federally connected pupils shall then be obtained in one of the following ways:

(i) For the purposes of the application Form RSF-1, each of the percentages obtained in paragraph (e)(2) shall be multiplied by the ADA to the date of the count of the total membership (as reported in the official membership and ADA report of the applicant district for such reporting period); or

(ii) For the purposes of the final report (Form RSF-3), each of the percentages obtained in paragraph (e)(2) shall be multiplied by the total ADA for the period July 1 to the following June 30. Such total ADA shall include ADA based upon free public education provided in summer school as determined in accordance with State law.

(20 U.S.C. 238(a), (b), 239(a), 244(10))

(f) "Average daily attendance of federally connected pupils when determined by two counts of all pupils" means the number determined in the manner described in this paragraph.

(1) First count of membership of each category of federally connected children must be made as described in paragraph (e) of this section. At the option of the applicant, a second count of membership may be made at a later date during the last quarter of the regular school year and uniformly for the entire local educational agency.

(2) A membership count of all pupils, made as of the same dates as the counts of federally connected children, will constitute the official membership report of the applicant school district for those dates.

(3) The percentage of pupils in each of the federally connected categories shall be determined as provided in paragraph (e) of this section.

(4) The two percentages obtained by the two counts for each category of federally connected pupils shall be added and the sum divided by two to compute an average percentage for that category.

(5) The percentage so obtained shall be multiplied by the total ADA for the period July 1 to the following June 30. Such total ADA shall include ADA based upon free public education provided in summer school as determined in accordance with State law.

(20 U.S.C. 238(a), (b), 239(a), 244(10))

(g) "Entitlement" means the amount of assistance which an applicant would receive under the formula prescribed under sections 2, 3, or 4 of the Act if the appropriations for a fiscal year were adequate to pay all claims.

(20 U.S.C. 240(a), (b), (c))

(h) "Federal property" is used in this part as defined in the Act at 20 U.S.C. 244(1). For the purpose of this definition:

(1) All property of the United States which was transferred to the United States Postal Service and which was, prior to such transfer, treated as Federal property for the purposes of the Act, shall continue to be treated as Federal property for such purpose for two years beyond the end of the fiscal year in which such transfer occurred.

(20 U.S.C. 244(1); Pub. L. 92-277 (April 24, 1972), 86 Stat. 124)

(2) Federal ships which are owned by the United States and whose home ports are located on Federal property are Federal property.

(20 U.S.C. 244(1))

(i) "Financial assistance" means the payment made to an applicant school district under section 5(b) of the Act by the Department of the Treasury upon authorization of the Commissioner.

(20 U.S.C. 240(b))

(j) "Parent-pupil survey" means a questionnaire provided by the applicant and which is to be filled out by a parent in order to substantiate residence or employment on Federal property. Such survey must include:

(1) Pupil-enrollment information (this information may also be obtained from school records) including:

(i) Name of pupil;

(ii) Date of birth; and

(iii) Name of public school, grade, and teacher.

(2) Pupil-residence and parent-employment information, including:

(i) Address of pupil residence (including the name of the Federal facility if such residence is on Federal property); and

(ii) Name (as it appears on employer's payroll record) of parent (mother, father, legal guardian or other person standing in loco parentis) who is employed on Federal property and with whom such pupil resides, unless the parent is a member of the uniformed services on active duty;

(iii) Name and address of Federal property on which the parent is employed unless the parent is a member of the uniformed services on active duty;

(iv) If the parent is a member of the uniformed services on active duty, the name, the rank, serial number, and branch of service of such parent;

(v) If the parent is a civilian employed on a Federal vessel, the name of vessel, hull number, and name of controlling agency must be obtained;

(vi) The signature of the parent supplying the information and the date of such signature must be obtained; and

(vii) The name and address of the employer (unless parent is a member of the uniformed services on active duty).

(3) Only in unusual circumstances may partially completed survey forms or survey forms which are signed by a person other than parent or person standing in loco parentis be accepted on membership survey forms. In such instances the survey form must show why the parent did not sign, and when, how, and from whom the residence and employment information was obtained.

(20 U.S.C. 240(a)(1))

(k) "Prorated entitlement" means the amount of financial assistance which an applicant will receive under the adjustment formula prescribed in the Act (including any other pertinent modifications or amendments), if the appropriations for a fiscal year are inadequate to pay all claims under sections 2, 3, 4, or 6 of the Act.

(20 U.S.C. 240(c))

(l) "Revenues derived from local sources" include the following:

(1) Tax funds derived from real estate;

(l) Such tax funds derived from real estate include:

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APR 8 75

(a) Locally received funds which are derived from local taxation of real property;

(b) Tax funds which are received on account of Wherry-Spence housing projects (12 U.S.C. 1702, et seq.) located on private property; and

(c) All local real property tax funds which are received from either the county or the State, serving as a collecting agency, and which are returned to the local educational agency for expenditure by that agency;

(ii) Such tax funds derived from real estate do not include:

(a) Any payments under this Act or the Johnson-O'Malley Act (25 U.S.C. 452);

(b) Tax payments which are received on account of Wherry-Spence housing projects located on federally owned property; or

(c) Local real property tax funds which are received by the State and distributed to local educational agencies on a per-pupil or formula basis; or

(2) Taxes or receipts which are received from the county, and any other local tax or miscellaneous receipts.

(20 U.S.C. 238(d)(2); H. Rept. No. 22–87, 81st Cong., 2d Sess., (June 30, 1950), 12–15)

(m) "State aid" with respect to free public education means any contribution, no repayment of which is expected, made by a State to or on behalf of a local educational agency within the State for the support of free public elementary and secondary education. Such assistance does not include payments by a State to or on behalf of a local educational agency which are made as a result of a "major disaster" as such term is used in section 7 of Pub. L. 81–874.

(20 U.S.C. 240(d)(1))

(n) "Uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard, Environmental Science Services Administration, and Public Health Service.

(20 U.S.C. 238(a) and (b), 80 U.S.C. 1121, 82 U.S.C. 1314)

(o) "Working on Federal property" means employed on Federal property, as defined in the Act and the regulations in this part. Such term includes the following:

(1) A person who is employed (whether a regular employee or self-employed) either part time or full time in lumbering, farming, or grazing operations which are carried out entirely or partly on Federal property if, during such period, he spends a greater part of his working time on the Federal property than on the non-Federal property;

(2) A person who lives on Indian lands which are Federal property, as defined in the Act and these regulations, and who is not regularly employed on non-Federal property; and

(3) A portion, to be determined by the Commissioner, of the persons working on commingled Federal and non-Federal properties other than those covered by paragraph (o)(1) of this section.

(20 U.S.C. 238(a) and (b), 244(1); H.R. No. 703, 83d Cong., 1st Sess., (July 3, 1953), 26, H.R. 1592, 85th Cong., 2d Sess., (March 19, 1958), 51)

CROSS REFERENCE: Certain other pertinent definitions may be found in the "General Provisions for Office of Education Programs" § 100.1 (45 CFR 100.1)

Subpart B—Applications

§ 115.10 Applications.

Any local educational agency seeking financial assistance under sections 2, 3, or 4 of the Act shall, as a condition of entitlement, file with the Commissioner of Education an application for financial assistance. Such application shall be transmitted through the appropriate State educational agency, on Form RSF–1 (entitled "Application for School Assistance in Federally Affected Areas (Title I of Pub. L. 874)") and shall show the basis for entitlement under the Act and regulations. Copies of all application forms may be obtained from that State educational agency which serves the applicant local educational agency.

(20 U.S.C. 240(a))

§ 115.11 Final date for filing applications.

(a) Except as otherwise provided in this section, the final date for filing an application for financial assistance under sections 2, 3, or 4 of the Act shall be January 31st of the fiscal year for which such assistance is sought; except that, whenever such a final date falls on a Saturday, Sunday, or other Federal holiday, the final date for filing an application shall be the next succeeding business day. Each application must be received by the Commissioner on or before the final filing date, after transmittal through and certification by the State educational agency. The applicant is responsible for obtaining the certification of the State educational agency and for securing a timely transmittal of the application to the Commissioner. In order to give the State educational agency time in which it may process the application, the applicant should file its application with the State educational agency by January 2 of the fiscal year for which assistance is sought.

(b) With respect to an applicant whose eligibility for financial assistance under the Act is established during the fiscal year by initiation or reactivation of an activity of the United States, or by the acquisition of Federal property, the filing date shall be extended 60 days beyond the date of such initiation, reactivation, or acquisition.

(c) With respect to an applicant whose eligibility for financial assistance is established pursuant to an amendment to the Act which is enacted during the fiscal year for which assistance is sought, the filing date shall be extended 60 days beyond the effective date of such amendment.

(d) With respect to a local educational agency which, during the fiscal year for which assistance is sought, acquired administrative control and direction of free public education in all or any portion of an area of a previously existing local educational agency (under the circumstances described in § 115.20(b)), the filing date of an application under section 3 and 4 of the Act shall be extended to the extent necessary to allow 60 days beyond the effective date of such change in district organization.

(e) Where an application is filed directly with the Commissioner on or before the applicable filing date and a copy is filed with the State educational agency on or before the applicable filing date, then the application will, for good cause shown, be considered to be timely filed if, within fifteen days after the applicable filing date, the applicant obtains and files with the Commissioner the approval, verification, and certification of the application by the State educational agency.

(f) A timely filed application may be amended to apply for additional or alternative financial assistance based upon (1) the initiation or reactivation of a Federal activity, (2) the acquisition of property by the United States after the application was initially filed, (3) an amendment to the Act after the application was filed, or (4) a determination of the Commissioner first communicated to the applicant that property is or is not "Federal property" under section 403(1) of the Act. Such amendment must be filed within 60 days of such occurrence or communication and no later than on or before the 30th day of September following the fiscal year for which payment is requested.

(g) A timely filed application may be amended to apply for additional or alternative financial assistance under sections 3(c)(4), 3(d), 3(e), or section 4(d) of the Act if such an amendment is (1) filed no later than September 30 of the fiscal year following that for which asistance is sought and (2) accompanied by a detailed narrative giving the basis of the claim and a justification of the requested entitlement.

(20 U.S.C. 240(a))

§ 115.12 Applications under sections 2, 3, and 4 received after deadline not considered for payment.

Applications under sections 2, 3, and 4 of the Act which are received by the Commissioner after the applicable filing date prescribed by § 115.11 will not be approved.

(20 U.S.C. 240(a))

§ 115.13 Notification to applicants.

Each applicant will be notified of the results of the review of its application under one or more of the sections or subsections of the Act, and the estimated amount of the payment, if any, to be made.

(20 U.S.C. 240)

§ 115.14 Assurances and parental participation with respect to Indian children for applications under section 3.

(a) Each application for payment under section 3(a) or section 3(b) of the Act which is based upon children who reside on or reside with a parent employed on Indian lands (as included within the definition of Federal property under section 403(1)(A) of the Act) shall set forth adequate assurance that Indian children will participate on an equitable basis in the school program of the applicant local educational agency.

(Pub. L. 92–318, section 411(a); (20 U.S.C. 240(a)(2)))

(b) Each application based upon children as described in paragraph (a) of this section shall:

(1) Set forth such policies and procedures as will ensure that programs and projects assisted under the application have been planned and developed, and will be operated in consultation with, and with the involvement of parents of, the children to be served by such programs and projects. Applicants must submit a brief statement describing such policies and procedures with each application;

(2) Be submitted with assurance that such parents have had an opportunity to present their views with respect to the application; and

(3) Set forth policies and procedures for adequate dissemination of program plans and evaluations to such parents and the public. Applicants must submit a brief statement describing such policies and procedures with each application.

(c) It shall be the responsibility of the applicant local educational agency to provide to the parents of such children:

(1) Opportunity to make recommendations to the local educational agency concerning the needs of the Indian children;

(2) Opportunity to consult with the local educational agency concerning the ways in which such parents can assist their children in realizing the benefits to be derived from the educational program of the local educational agency; and

(3) Opportunity to present their views to the appropriate school personnel concerning the educational program and parental participation.

(20 U.S.C. 1231d; Pub. L. 92–318, section 411(a))

§ 115.16 Civil rights.

(a) Federal financial assistance is subject to the regulations in Part 80 of this title, issued by the Secretary of Health, Education, and Welfare and approved by the President to effectuate the provisions of Title VI of the Civil Rights Act of 1964. (Pub. L. 88–352)

(42 U.S.C. 2000d)

(b) Federal financial assistance is also subject to the provisions of Title IX of the Education Amendments of 1972 (prohibition of sex discrimination), and any regulations issued thereunder.

(Pub. L. 92–318, Title IX)

Subpart C—Payment

§ 115.20 Changes in boundaries, classification, and governing authority of applicants.

(a) If the applicant is a party to any merger, consolidation, annexation, deconsolidation, or other similar action which may affect its boundaries, identity, governing authority, classification, or control, it shall notify the Commissioner as soon as practicable of the effective date of that action, the extent and character thereof, and the legal authority under which the action was or is to be effected. Such notification must include the following information:

(1) The effective date of change in boundaries or organization, for all purposes, including administrative and fiscal;

(2) Identification by name, district, number, and address of all former agencies involved and of the application number for each applicant involved in the change;

(3) A statement describing the specific type of change, with a citation of the section or sections of the State law under which the change was accomplished;

(4) The legal name of the resulting successor agency (even if the name and legal classification of the applicant agency are retained after a change);

(5) A statement as to whether assets and liabilities of the former agency or agencies have been transferred to the successor agency, or whether a settlement agreement has been made and, if so, the effective date of such action;

(6) A statement as to whether a new board of education has or will assume control and management of the successor agency and, if so, the effective date thereof; and

(7) The name and address of the authorized representative for purposes of the Act, who shall be duly designated by the governing body of the successor agency. Evidence of such official designation must be submitted in the form of a copy of the resolution duly recorded in the minutes of the proceedings of the governing body.

(b) A local educational agency shall not be entitled to any payment on the basis of an application under section 3 or 4 of the Act (except as provided in paragraph (c) of this section) if (1) the change in the organization of such local educational agency is effective within the fiscal year covered by the application and occurs prior to the close of the regular school term of such year and (2) such local educational agency thereby ceases to be a legally constituted local educational agency. However, except as provided in § 115.21(c), a local educational agency which assumes administrative control and direction of free public education in all or a portion of the area of such previously existing applicant, may (if it is not already an applicant under the section involved or if it files an application in accordance with § 115.11(d)) have its entitlement under section 3(c)(2) or 4(a)(1) of the Act for the entire fiscal year determined on either of the following bases, which ever is more favorable to it:

(1) On the basis of the entire area under its jurisdiction on the last day of such year; or

(2) On the basis only of the area acquired by the local educational agency from the previously existing local educational agency, except that the latter basis may only be used (i) for an application under section 3 of the Act for which a favorable finding has been made (or would have been made in due course but for the change in district organization) on the basis of the estimates required under section 3(c)(2) of the Act with respect to the previously existing agency, and (ii) for an application under section 4 of the Act for which such a favorable finding has been made (or would have been made in due course but for the change in district organization) under section 4(a)(1).

(c) Any payment made to a local educational agency prior to the date on which the first sentence of paragraph (b) of this section became applicable to it must be repaid to the United States except to the extent that (1) it is accounted for by the adjustments made in the entitlements of any successor applicant local educational agency pursuant to either paragraph (b) of this section or paragraph (c) of § 115.21 and (2) any balance remaining thereafter is found by the Commissioner not to be in excess of the amount to which the preexisting local educational agency would have become entitled on the basis of the number of federally connected children who were (i) not covered by any other application and (ii) to whom free public education was provided by the previously existing local educational agency or by any successor non-applicant local educational agency.

(20 U.S.C. 237(c), 244(6)(A))

§ 115.21 Payment under section 3 when percentage eligibility requirement is not met.

(a) Pursuant to the exception provision of section 3(c)(2)(B) of the Act, an applicant will not be required to meet the 3 percent eligibility requirement of that section if in either of the two years preceding the year of application the applicant met such percentage requirement and was entitled to a payment under section 3 of the Act. However, in the second year following the year in which the applicant last met the percentage requirement and was entitled to a payment, the payment under section 3 of the Act shall be reduced by 50 percent.

(20 U.S.C. 238(c)(2)(B))

(b) If an applicant local educational agency was not in existence in either one or both of the two fiscal years preceding that for which application is made, that agency may nevertheless receive the benefit of the provisions of paragraph (a) of this section if that agency is (i) composed only of territory which was formerly included in a predecessor agency which met (or predecessor agencies all of which met) the percentage eligibility requirement contained in section 3(c)(2)(B) of the Act and (ii) such predecessor agency or agencies received a net payment under section 3 of the

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Act for the fiscal year two years prior to that for which application is made.

(20 U.S.C. 238)

(c) If any local educational agency which had timely filed an application under section 3 of the Act and was entitled to payment by virtue of paragraph (a) or (b) of this section ceases to be a legally constituted local educational agency as a result of a district reorganization which is effective prior to the close of the regular school term within the fiscal year covered by the application (thereby becoming subject to the provisions of § 115.20(b)), a successor local educational agency which: (1) Files an application in accordance with § 115.11(d) (unless already an applicant under section 3) and (2) assumes administrative control and direction of free public education in all or a portion of the area of such previously existing applicant prior to the close of the regular school term of such previously existing applicant, shall be entitled to have its application processed on the basis of the: (i) area acquired from the previously existing local educational agency, and (ii) rights of that agency, without regard to the 3 percent requirement, subject to appropriate adjustment on account of payments made to such previously existing local educational agency.

(20 U.S.C. 238, 244(6)(A))

(d) A reduction in the number of children resulting from a decrease in, or cessation of, Federal activities or a failure of such activities to occur, to whom sections 3(a) or 3(b) of the Act applies and for whom a local educational agency made preparations to provide free public education during a fiscal year, shall be deemed to be substantial when such reduction in number equals that of the qualifying percentage as provided for in section 3(c)(2)(B) of the Act and at least ten in ADA.

(20 U.S.C. 238(e))

§ 115.22 Election under section 4(c).

Pursuant to section 4(c) of the Act, a local educational agency may elect to count for eligibility and payment under section 4(a) of the Act the entire increase in the number of children who are (a) in average daily attendance at its schools during the fiscal year and (b) otherwise eligible to be counted under section 3 of the Act. Such an election may be made only if an application under section 4 is timely filed on Form RSF-1 in accordance with § 115.11. Such an election is not subject to change after, and shall become final upon, the date of final payment for the fiscal year involved.

(20 U.S.C. 239(c))

§ 115.23 Payments under section 4(a).

(a) Payment under section 4(a) is intended to compensate a local educational agency for sudden and substantial increases in pupils whose attendance in school during the current school year is a direct result of Federal activities. Such payment may be made only when the Commissioner determines that (1) although the applicant has made a reasonable tax effort, the education of such increased number of children places a substantial and continuing financial burden on the applicant and (2) the applicant cannot secure from other sources funds which are adequate to provide for these children a level of education equivalent to that maintained in generally comparable school districts in the same State.

(20 U.S.C. 239(a))

(b) In the first fiscal year following payment under section 4(a), a payment not to exceed 50 percent of the entitlement in such preceding year under section 4(a) will be made, subject to the availability of funds. Such payment may not include any entitlement due to those increases in section 3(a) or 3(b) of such preceding year for which payment was made.

(20 U.S.C. 239(a))

(c) No payments will be made pursuant to section 4(a) of the Act unless (1) the increase in ADA of federally connected pupils in the current year over the ADA of such children in the preceding year is at least equal to 5 percent of non-Federal ADA in the preceding year, and (2) the increase in the current total ADA over the preceding year's total ADA is at least 5 percent of the preceding year's total ADA.

(20 U.S.C. 239(a)(1))

(d) No payments will be made pursuant to section 4(a) of the Act unless the parents of the pupils entering the schools of the local educational agency for the first time during the current school year enter the area of that agency to accept employment because of Federal activities on or after February 1 of the preceding year. An increase in activities of the United States for the purpose of section 4(a) of the Act may be found to have occurred in circumstances which include the following:

(1) Activities resulting from Federal contracts in the current fiscal year when the number of employees engaged in such Federal activity increased over the preceding fiscal year; and

(2) Activities where production resulting from Federal contracts changed so as to require employees with new skills for such production, and therefore new in-migrant employees resulted.

(e) Activities of those persons who were not employed by the United States or by a contractor of the United States shall not be considered to be a direct result of activities of the United States for the purposes of section 4(a).

(20 U.S.C. 239(a)(1); 83-703, House Report No. 703, July 3, 1953, 12)

§ 115.24 Reduction of financial assistance under sections 2, 3, and 4 due to insufficient appropriations.

Except as otherwise provided by law and in § 115.27 of this part," if the funds appropriated for a fiscal year are not sufficient to pay in full the total amounts which all applicants whose applications have been considered for payment pursuant to this part are entitled to receive under sections 2, 3, and 4 of the Act or any subsection thereof for such fiscal year, the Commissioner will reduce the amounts which he certifies under section 5(b) of the Act for such fiscal year for payment to each such applicant by the percentage by which the funds so appropriated are less than the total necessary to pay such applicants the full amount which they are entitled to receive under the Act.

(20 U.S.C. 240(b), (c))

§ 115.25 Adjustment in entitlement for reductions in State aid.

(a) The amount which each local educational agency in a State is otherwise entitled to receive under section 2, 3, or 4 of the Act for any fiscal year shall be reduced in the same proportion (if any) that the State has reduced for that year its aggregate expenditures (from non-Federal sources) per pupil for current expenditure purposes for free public education below the level of such expenditures in the second preceding fiscal year. The Commissioner may waive or reduce this reduction whenever in his judgment exceptional circumstances exist which would make its application inequitable and would defeat the purposes of the Act. In order to determine whether such adjustment is appropriate, it will be necessary for each State to report data each year which will enable the Commissioner to compare the per pupil expenditures in the current and in the second preceding fiscal year. Each State shall report, in writing, in accordance with the requirements of this section:

(1) *General.* Data must be prepared and reported on the same basis for each of the two years being compared. The basis on which the computations were made and such other explanations as appear pertinent shall be included. Financial data shall be reported on a cash basis. Pupil data shall be reported on an average daily attendance basis;

(2) *Per pupil costs.* The per pupil cost for each of the two years must be included, as well as the total State aid expenditure and that the total number of pupils used as a basis for computing the per pupil cost;

(3) *State aid.* Only State aid paid to local districts with respect to free public elementary and secondary education during the period July 1 through June 30 may be included in the data submitted, regardless of the fiscal year which may be utilized by the applicant for other purposes:

(i) Such data shall be prepared in accordance with the following:

(a) Whenever practicable, such data should include only State funds paid for current operating expenses;

(b) The total amount of State aid payments shall be included if such funds were paid for capital outlay and other purposes but were not specifically earmarked for such purposes;

(c) Local funds raised by a local educational agency or a county and all Federal funds received by the State regardless of the purpose for which received shall also be included;

(d) Shared-revenue payments made to the States and redistributed to local educational agencies are considered to be Federal funds;

(ii) Such data shall exclude the following:

(a) The amount of State aid earned by an applicant local educational agency in one year to be paid the following year; and

(b) State aid payments earmarked for capital outlay purposes.

(4) *Pupil data.* The State may adopt whatever measures are appropriate to convert pupil data to average daily attendance providing that the conversion is made on the same basis for each year being compared.

(20 U.S.C. 240(d)(1))

(b) Any changes in State law, policies, or procedures which may affect the operation of section 5(d)-(2) of the Act must be reported by the State to the Commissioner in accordance with paragraph (c) of this section.

(20 U.S.C. 240)

(c) The data and information which is required to be reported in accordance with § 115.25 (a) and (b) shall be sent to the Commissioner in two reports: An initial report and a final report for each year. The initial report shall be submitted by February 1 of each year. Data in the initial report for the second preceding year and data in the final report should be final data based on actual amounts expended and pupils in attendance. However, data for the current school year may consist of estimates. The final report shall be submitted by September 30 of each year. If adjustments in current year data may be required after this date, the State must so indicate in transmitting the final report.

(20 U.S.C. 240)

§ 115.26 Failure or refusal of a local educational agency to educate children living on Federal property.

If, for any fiscal year for which section 6(f) of the Act is effective, no tax revenues of a State or of a political subdivision of a State may be expended for the free public education of children who reside on Federal property within the State, or if no tax revenues of a State are allocated for the free public education of such children, then that property shall not be considered to be Federal property for the purpose of computing entitlements under sections 3 and 4 of the Act of local educational agencies within that State with respect to children living off that property with parents who are employed thereon. Furthermore, deductions shall be made from the entitlements of certain local educational agencies in the circumstances and manner described in the second sentence of section 6(f) of the Act.

(20 U.S.C. 241(f))

§ 115.27 Further adjustments to entitlements.

(a) All payments under the Act and this part shall be subject to the following provisions in accordance with their terms in addition to those contained in § 115.24 of this part:

(1) The guarantee of 100 percentum of entitlement as provided under subsection 3(f) of the Act, applicable for fiscal year 1975 only;

(2) The "hold harmless" provision of section 305(b)(2)(A) of Public Law 93-380; and

(3) The "hold harmless" provision of section 305(b)(2)(B) of Public Law 93-380.

(b) For the purpose of computing the decrease in the number of children as provided for in section 305(b)(2)(B) of Pub. L. 93-380 and referred to in paragraph (a)(3) of this section, such decrease shall be determined in the following manner:

(1) For the fiscal year ending June 30, 1974, that part of the section 3 ADA of the applicant for such fiscal year as determined under § 115.3 (e) or (f) of this Part attributable to military installations affected by a decrease in, or cessation of, Federal activities announced after April 16, 1973, shall be subtracted from such part of the section 3 ADA as so determined for the fiscal year ending June 30, 1973;

(2) For the fiscal year ending June 30, 1975, that part of the section 3 ADA of the applicant for such fiscal year as determined under § 115.3 (e) or (f) of this part attributable to military installations affected by a decrease in, or cessation of, Federal activities announced after April 16, 1973, shall be subtracted from such part of the section 3 ADA as so determined for such applicant for the fiscal year ending June 30, 1974; and

(3) For the period beginning July 1, 1973, and ending June 30, 1975, that part of the section 3 ADA of the applicant for fiscal year 1975 as determined under § 115.3 (e) or (f) of this part attributable to military installations affected by a decrease in, or cessation of Federal activities announced after April 16, 1973, shall be subtracted from that part of the section 3 ADA as so determined for such applicant for the fiscal year ending June 30, 1973.

(20 U.S.C. 238(f), 88 Stat. 522, 533, 534.)

Subpart D—Generally Comparable Local Educational Agencies; Local Contribution Rate

§ 115.30 Determination of generally comparable local educational agencies.

(a) In the case of a local educational agency in a State (other than Puerto Rico, Guam, American Samoa, the Virgin Islands, or any State in which a substantial portion of the land is an unorganized territory for which a State agency is the local educational agency or any State in which there is only one local educational agency) the Commissioner will, after consultation with the State educational agency and the applicant, determine those local educational agencies which, in his judgment, are generally comparable to the applicant. For this purpose, the Commissioner will, based upon the recommendation of the State educational agency, classify all local educational agencies in such State into groups of agencies generally comparable to one another. In recommending to the Commissioner the classification of all local educational agencies in the State into generally comparable groups, the State educational agency shall initially establish proposed groups based upon legal classifications or justify the use of another factor as the principal factor. Unless the State educational agency can establish to the satisfaction of the Commissioner that the consideration of additional factors will not result in greater comparability, division into further groups will be required. For the purposes of such further division, consideration shall be given to grade level, size as measured by total ADA, geographical size, density of population, industralization, current revenues, aggregate value of property, percent of pupils transported, and any other relevant factors. In making its recommendations in that regard to the Commissioner, the State educational agency will furnish such information as he may require, including information justifying the factors used and financial and attendance data necessary for the computation of per pupil expenditure and local contribution rate. On the basis of the recommendation by the State educational agency, the data furnished and other information which the Commissioner may obtain, and applying the above criteria, he will determine whether all local educational agencies in the State shall be classified into generally comparable groups and, if so, will determine such groups. The pupil, financial, and other data specified above for the establishment of group rates for a fiscal year are to be submitted to the Commissioner by the State educational agency by September 1 of the fiscal year for which such rates will be applicable. These data must include the following:

(1) Number of local educational agencies in the State and in each proposed group;

(2) Total ADA for (i) all local educational agencies in the State and (ii) all local educational agencies in each proposed group;

(3) Total revenue receipts from local sources for current expenditures for (i) all local educational agencies in the State and (ii) all local educational agencies in each proposed group;

(4) Total revenue receipts from all sources (excluding monies received under Titles I, II, and III of the Elementary and Secondary Education Act of 1965) for current expense purposes for (i) all local educational agencies in the State and (ii) all local educational agencies in each proposed group;

(5) Total current expenditures (excluding expenditures from funds granted under Titles I, II, and III of the Elemen-

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tary and Secondary Education Act of 1965) for (i) all local educational agencies in the State and (ii) all local educational agencies in each proposed group;

(6) Total current expenditures from local source revenues for (i) all educational agencies in the State and (ii) all local educational agencies in each proposed group;

(7) Average local contribution rate for the State and for each proposed group (paragraph (a)(5) of this section divided by paragraph (a)(2) of this section);

(8) Average current expenditure per pupil for the State and for each proposed group (paragraph (a)(5) of this section divided by paragraph (a)(2) of this section);

(9) Total number, the actual ADA, and the total allowable current expenditures for the second preceding fiscal year of children enrolled in grades 13 and 14 of all local educational agencies of States which offer these grades as free public education; and

(10) Estimated current fiscal year per pupil cost for the State (in those States in which an applicant requests an entitlement under section 3(c)(4) or 4 of the Act). The actual per pupil costs shall be submitted by the applicant to the Commissioner at such time as they become available for each group.

(20 U.S.C. 238(d), 255(5))

(b) In a State for which group classifications of generally comparable school districts cannot, in the judgment of the Commissioner, be appropriately established pursuant to paragraph (a) of this section,

(1) An applicant may submit to the Commissioner in its application the names of districts (approximately five in number) in the State which it deems generally comparable to the local educational agency of the applicant (together with all other pertinent data requested in the application by the Commissioner);

(2) The selection by the applicant of such local educational agencies shall be based upon the criteria set forth in paragraphs (a)(1) through (a)(10) of this section and shall be submitted through the State educational agency for review and comment. The Commissioner's determination will be based upon such criteria and any other relevant factors. The financial, attendance, and other data of the selected local educational agencies must be sufficient to justify the selection of such local educational agencies as generally comparable and to determine the per pupil expenditures and the local contribution rates in such agencies. On the basis of the data furnished by the applicant, or information otherwise obtained, and applying the above criteria, the Commissioner will select those local educational agencies which he determines to be generally comparable to the applicant. Such data must be submitted to the Commissioner by the State educational agency for each local educational agency deemed to be generally comparable by September 1 of the fiscal year for which application is made. Data must include the following:

(i) Comparable local educational agency data for the second preceding fiscal year compiled by the State educational agency for use by applicants in completing the comparable district table in the application for the year of application;

(ii) ADA and the current expenditures for the second preceding fiscal year of children under twenty-one years of age who are enrolled in grades 13 and 14 for all local educational agencies in States that offer these grades as free public education; and

(iii) The estimated percent of change in per pupil cost for all local educational agencies in the State, in the aggregate, for the current fiscal year from the second preceding fiscal year, for each State wherein an applicant requests an entitlement under section 3(c)(4) or section 4. Since comparable district data are submitted for the second year preceding, the estimated percent of increase factor for adjusting the per pupil cost to the current year will suffice for all purposes prior to the final payment. However, the State shall submit actual data to the Commissioner for the purpose of computing final payments (except those final payments made pursuant to section 238(c)(4) and 239 of the Act).

(20 U.S.C. 238(d), 244(5))

(c) The State agency shall not distribute group rate data or comparable district data to applicants for inclusion in applications prior to the receipt of notice that such data have been approved by the Commissioner unless such data are clearly indicated as not yet having been so approved.

(20 U.S.C. 238(d), 244(5))

§ 115.31 Computation of local contribution rate.

The local contribution rate for an applicant for any fiscal year, except as otherwise specified in section 3(d) of the Act, will be computed by the Commissioner in the following manner: He shall divide (a) the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which he is making a computation, which the local educational agencies determined pursuant to § 115.30 to be generally comparable to that of the applicant, made from revenues derived from local sources by (b) the aggregate number of children in average daily attendance to whom such agencies provided free public education during such second preceding fiscal year. The local contribution rate shall be an amount equal to the quotient so obtained.

(20 U.S.C. 238(d))

§ 115.32 Increase in or special local contribution rate.

Notwithstanding the provision in § 115.31, if the current expenditures in the local educational agencies which the Commissioner determined to be generally comparable to that of the applicant, in his judgment, are not reasonably comparable because of unusual geographical factors which affect the current expenditures necessary to maintain a level of education equivalent to that maintained in such other local educational agencies, then the Commissioner will increase the local contribution rate for such an applicant by the amount he determines will compensate the applicant for the increase in current expenditures necessitated by such unusual geographical factors.

(20 U.S.C. 238(d))

Subpart E—Records and Reports Required by the Commissioner

§ 115.40 Records and reports required of applicants.

(a) Each applicant shall maintain adequate written records to substantiate the Federal connection of pupils forming the basis for claim for financial assistance under sections 3 or 4 of the Act and shall make its records available to the Commissioner upon request for the purpose of examination or audit.

(b) Each applicant shall submit such reports and information as the Commissioner may reasonably require to determine the amount which the applicant may be paid under sections 2, 3, or 4 of the Act.

(20 U.S.C. 237, 238, 239, 240(a))

§ 115.41 Final reports by applicants under sections 2, 3, and 4.

(a) *Submission of final reports.* Each applicant shall for each fiscal year submit through the State educational agency on Form RSF-3 a final report to enable the Commissioner to determine the amount to which the applicant is entitled under the Act. Copies of this form may be obtained from the appropriate State educational agency. Such final reports must be received by the Commissioner on or before the 30th day of September following the fiscal year for which payment is requested; except that, whenever that date falls on a Saturday, Sunday, or Federal holiday, the final date for filing such final reports shall be the next succeeding business day. No certification of payment will be made after the applicable date for filing the final report for any fiscal year until the final report for that fiscal year has been received. Until all such reports for each year for which an applicant has received a payment have been received in proper form, no further payment to such applicant will be made under the Act for any subsequent year, unless the Commissioner is satisfied from other information that the payments already made for the year for which a final report is lacking do not exceed the net amount due that applicant out of the appropriations for that year.

(b) *Failure to submit final report when appropriations are insufficient.* In addition to the limitation in paragraph (a) of this section for any year for which the Commissioner is required to reduce the amounts which he certifies for payment because the funds appropriated are insufficient to pay in full the total amounts to which all applicants are entitled, unless the final report has been received by the Commissioner on or before the applicable date for filing that final report, an applicant will not be entitled to any further payment out of funds available for that fiscal year. However, an applicant which has not received its regular initial payment for that year will have its application processed for that regular initial payment if a final report is received by the Commissioner within 30 days after the applicable date for filing that final report.

(c) *Excessive entitlement.* The Commissioner may, for a fiscal year for which no final report has been received, disallow any portion of the estimated entitlement which he may determine to be excessive on the basis of such information as is available. On the basis of all available information and whether or not such a report has been submitted after the applicable date for filing a final report following the close of the fiscal year, if an applicant is found to have received funds in excess of its entitlement or prorated portion of its entitlement for that fiscal year, that excess will be deducted in computing amounts subsequently certified for payment to the applicant for the current or subsequent fiscal year. Where no such payments are due, the applicant will be required to refund such excess to the United States through the Commissioner.

(d) *Information submitted after deadline date.* No effect will be given to any report or information filed by the applicant after the applicable date for filing a final report to increase the amount computable on the basis of information filed on such date, except that, where clarifying information has been solicited in writing by the Commissioner for the purpose of processing applications and final reports, such information may be given effect if received in writing by the Commissioner.

(20 U.S.C. 240(a))

§ 115.42 Retention of records.

Local educational agencies receiving Federal payments under the Act are required to keep all records supporting the application until the completion of the administrative reviews which are regularly conducted by Federal agencies, or for three years following the fiscal year to which the application relates, whichever is earlier. The records involved which have been questioned should be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Federal agencies making such reviews.

(20 U.S.C. 240(a), 1232c(a))

§ 115.43 Reports from other Federal agencies.

Because of the requirements of section 2 and other provisions of the Act, the Commissioner requires information with respect to certain payments made by other Federal departments and agencies for the same general purposes. Pursuant to the provisions of section 402(b) of the Act, other Federal departments and agencies which made expenditures (directly or otherwise) for, or in aid or supplementation of elementary and secondary education with respect to which an application has been filed with the Commissioner, will be requested to file reports of commitments and expenditures for such purposes.

(20 U.S.C. 243(b))

Subpart F—Arrangements Under Section 6 of the Act

§ 115.50 Arrangements under section 6(a).

(a) Children who reside on Federal property shall be educated whenever possible in schools operated and controlled by local educational agencies (in accordance with State laws and standards).

(b) Insufficient funding under section 3 of the Act does not provide adequate justification for the making of arrangements under section 6(a) of the Act.

(c) In appropriate instances, when arrangements are made under section 6(a) of the Act, the provisions of section 6(f) shall be applied.

(d) To the extent practicable, the Commissioner will limit such payments to that of the per pupil cost provided for children in comparable communities in the State. In order to establish such cost, the agency or department proposing the arrangements must submit the per pupil cost data for the following agencies:

(1) The local educational agency in which all or part of the Federal property where the children reside and for which a proposal is being submitted is located, or, if the Federal property is not located within a local educational agency, one of the local educational agencies contiguous to such Federal property;

(2) The local educational agency in which the capital city of the State is located; and

(3) From one to three additional local educational agencies thought to be generally comparable to that of the schools affected by the proposal.

(20 U.S.C. 241(a); House Report No. 81-2287, June 20, 1950, 22-23)

§ 115.51 Arrangements under section 6(b).

(a) When the Commissioner makes arrangements under section 6(a) of the Act, he will under appropriate circumstances also make arrangements for those children for whose education he is authorized to make provisions under section 6(b) of the Act.

(b) Where a parent residing on the Federal property is transferred and the family moves from housing on Federal property to housing in an area adjacent to the Federal property, the dependent children will be permitted, as determined by the Commissioner, to continue in attendance at the section 6 school for the remainder of the fiscal year provided that they continue to reside in such adjacent area. Where a parent is assigned to a Federal property on which there is a section 6 school and is assigned family housing on Federal property which the operating Federal agency certifies will be available for occupancy and will be occupied within ninety (90) days from the official reporting date of such parent, the dependent children may be permitted to attend the section 6 school while residing in an area adjacent to such Federal property for the portion of the ninety-day period as required by such residence.

(50 U.S.C. 241(b))

§ 115.52 Arrangements under section 6(c).

(a) When the Commissioner makes arrangements under section 6(a) of the Act, he will under appropriate circumstances also make arrangements in connection therewith for those children for whose education he is authorized to make provision under section 6(c) of the Act.

(b) Children may be permitted to attend the section 6 schools under the provisions of section 6(c) upon submission of a proper proposal approved by the Commissioner. Such children may include only:

(1) Children of a parent employed by the United States in Puerto Rico under the following conditions:

(i) The employing Federal agency has a policy of transfer or reassignment of personnel who occupy the same or similar grade, position, or classification of the parent and the parent is subject to such policy;

(ii) Such agency normally makes reassignments or transfers of such employees to places where English is the language of instruction in the school normally attended by children of Federal employees;

(2) Children of a federally employed parent if:

(i) Such parent, with his family, has been stationed in an area in which English is the language of instruction in the schools generally attended by the children of such employees;

(ii) Such parent has been assigned to a location where the family is not authorized by the employing agency to go; and

(iii) Either of the following conditions exists:

(*a*) Such parent's home of record is Puerto Rico; or

(*b*) The home of such parent or such parent's spouse was Puerto Rico prior to their marriage; and

(3) Children of a parent who is employed as a supervisor, administrator or instructional personnel in a facility for which arrangements are made pursuant to section 6 of the Act, if both of the following conditions exist:

(i) Such parent was hired in a country in which English is the primary language; and

(ii) The family of such parent migrated to Puerto Rico from an area in which English is the language of instruction in schools generally attended by children of such employees.

(20 U.S.C. 241(c); Sen. Rept. No. 311, 89th Cong., 1st Sess., June 9, 1965, 2; H. Rept. No. 703, July 3, 1953, 83d Cong., 1st Sess., 24, 28, 67)

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§ 115.53 Proposal for arrangements under section 6.

(a) Any local educational agency, or the Federal department or agency administering the Federal property on which part or all of such section 6 children reside, which believes that the Commissioner should exercise his authority under section 6 of the Act to make arrangements to provide free public education for children who reside on Federal property or in other appropriate areas, and which is willing to enter into or assist in entering into such arrangements, should file a proposal with the Commissioner, on or before April 30 preceding the fiscal year for which such arrangements would be made.

(b) Such proposal shall be in the form prescribed by the Commissioner and bear the endorsement of either the State and local educational agencies or of the appropriate officials of the Federal department or agency administering the property or properties on which the children reside, as appropriate. Such proposal shall include the following:

(1) The reasons why the Commissioner should make a determination to enter into such arrangements;

(2) The estimated number of children to be educated;

(3) Financial and educational details necessary for the Commissioner to make the determinations and arrangements required under section 6 of the Act; and

(4) The name of the local educational agency or Federal department or agency which would provide such free public education.

(20 U.S.C. 241(d))

§ 115.54 Determinations by the Commissioner pursuant to section 6.

If under section 6 of the Act the Commissioner determines that he is required to make such arrangements to provide free public education for part or all of the children on whose behalf the request is made or if, acting upon information otherwise received, he makes a determination to provide free public education for children who reside on Federal property or adjacent areas, such arrangements shall be made with a local educational agency or with the Federal department or agency administering the Federal property on which part or all of the children reside who will be provided education pursuant to the arrangements.

(20 U.S.C. 241, 243(a))

§ 115.55 Notice of Commissioner's action.

The Commissioner, after his review of the proposal, will notify the responsible Federal official or the local educational agency of his action respecting the arrangements to be made and the amount of Federal funds approved for the year's operating budget. Upon receipt of such notice the agency may take appropriate action to carry out the arrangements but should not incur any binding financial obligation prior to notification that the necessary funds have been appropriated and are available. In those cases where the education is to be provided by a local educational agency, the Commissioner will enter into an agreement with the agency which will specify the terms and conditions on which the education is to be provided and the basis on which the Federal payment will be made. The Commissioner will prepare the agreement and send it to the local educational agency for signature.

(20 U.S.C. 241(d))

§ 115.56 Arrangements under section 402(a).

(a) The Commissioner will, pursuant to proper agreement with the applicant local educational agency and a Federal department or agency, arrange with such Federal department or agency for the utilization of services and facilities and the transfer of funds for the cost thereof in the following circumstances:

(1) The local educational agency is an applicant under section 3 of the Act, and is legally or otherwise unable to provide to children residing on Federal property the particular educational services and facilities regularly furnished its other children; or

(2) The Federal agency or department cannot legally accept compensation to provide such services and facilities.

(b) The total amount of funds transferred to cover the cost of such services and facilities will be deducted from the section 3 entitlement of the local educational agency.

(20 U.S.C. 243(a))

§ 115.57 Expenditures.

In making such arrangements, the Commissioner shall not make payments for (a) expenditures made prior to his determination that he is required to make such arrangements; or (b) expenditures made subsequent thereto unless such expenditures are within the definition of "current expenditures" in section 403(5) of the Act or are within the general terms of the arrangements; or (c) expenditures in excess of the actual or reasonable per pupil expenditure of providing free public education in the applicable State.

(20 U.S.C. 241)

§ 115.58 Reports.

The local educational agency or the Federal department or agency with which such arrangements are made shall make such reports to the Commissioner from time to time as he may require to perform his functions under the Act.

(20 U.S.C. 241(d), 243(b))

§ 115.59 Termination of arrangements.

Arrangements under section 6 of the Act shall be limited to provide free public education for not more than one school year. If the Commissioner determines that the local educational agency or the Federal department or agency with which arrangements have been made has substantially deviated from the terms of the arrangements, he will so notify the local educational agency or the Federal department or agency concerned. If the local educational agency or the Federal department or agency does not within a reasonable time comply with the terms of the arrangements, the Commissioner may terminate such arrangements without further notice.

(20 U.S.C. 241)

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PART III

FEDERAL ENERGY ADMINISTRATION AND GENERAL SERVICES ADMINISTRATION

■

International Energy Program

■

Approval of Voluntary Agreement by the Administrator of General Services and the Attorney General

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FEDERAL ENERGY ADMINISTRATION AND GENERAL SERVICES ADMINISTRATION

VOLUNTARY AGREEMENT AND PROGRAM RELATING TO THE INTERNATIONAL ENERGY PROGRAM

Approval by the Administrator of General Services and the Attorney General

The Federal Energy Administration has received the approval of the Administrator of General Services and the Attorney General of the Voluntary Agreement and Program Relating to the International Energy Program. Approval by these officials is required pursuant to section 708 of the Defense Production Act and Executive Orders 10480, 11725, and 11790. Set forth below are the text of the Agreement, the letter of the Administrator of FEA to the Administrator of General Services recommending approval, dated March 28, 1975, approving the Agreement of the Administrator of General Services to the Administrator of FEA, dated March 28, 1975, approving the Agreement (Appendix B), and the letter of the Attorney General to the Administrator of General Services, dated March 28, 1975, approving the Agreement (Appendix C).

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

LESLIE W. BRAY, JR.,
Director, Office of Preparedness,
General Services Administration.

APRIL 2, 1975.

VOLUNTARY AGREEMENT AND PROGRAM RELATING TO THE INTERNATIONAL ENERGY PROGRAM

1. NEED FOR AN AGREEMENT

The oil embargo of 1973 and the marked increase in world oil prices which occurred almost simultaneously severely disrupted the economies of most importing nations and strained their political, strategic, and economic relationships. Inadequate cooperation among the industrialized countries resulted in unilateral efforts on the part of many to obtain supplies of oil. The United States Government and certain other members of the Organization for Economic Cooperation and Development (OECD), based on the need demonstrated by that experience, have undertaken to achieve a coordinated approach to decrease their dependence on foreign oil, and to reduce the strategic and economic vulnerability which such dependence can cause. The United States Government and such other governments have decided that their best interests lie in taking steps, such as developing an effective international oil allocation plan, to minimize the effects of a supply interruption and to assure that the exigencies of extreme shortage do not unduly disrupt national economies or the world petroleum market.

In this connection, the President of the United States has determined that, with respect to this country's national security and defense programs and the related programs of certain other members of the OECD, should any substantial reduction in world petroleum supplies occur, it would directly impair United States defense mobilization efforts. In addition, failure to ensure that the remaining supplies were allocated rationally and fairly among the major consuming nations would have an adverse impact on U.S. national security and defense mobilization efforts. In view of the foregoing, the President has determined that the United States must be prepared to cooperate with other nations in the distribution of available supplies on a rational and equitable basis, in order to utilize them with maximum efficiency during any future supply interruption, thus minimizing the impact of any interruption on the economy and security of the United States.

As part of a policy to reduce their dependence on foreign oil and to obtain the greatest utility of supplies during an oil emergency, the United States and certain other OECD members have signed an Agreement on an International Energy Program (IEP), pursuant to which an International Energy Agency (IEA) has been established as an autonomous institution within the OECD. It is a premise of the IEP Agreement that consultation and cooperation between oil companies and the IEA is essential to the effective functioning of the IEP, and thus to the solution of economic, strategic and national security problems facing oil importing nations.

Accordingly, the President of the United States has requested that this Voluntary Agreement and Program be entered into and that the participating oil companies undertake the actions contemplated hereby in order to further the objectives of the IEP and to implement the related policies and procedures of the IEA, on the grounds that such participation and action would be in the public interest as contributing to the national defense of the United States.

2. WHAT THIS AGREEMENT DOES

This is a Voluntary Agreement and Program under section 708 of the Defense Production Act of 1950, as amended (64 Stat. 818). It provides immunity from the antitrust laws and the Federal Trade Commission Act with respect to acts or omissions to act by participants, and such of its affiliates as it may have designated in accordance with section 9, in order to implement the objectives of the IEP. This Voluntary Agreement and Program contemplates that such acts by the participants will include (i) the membership of participants in standing groups, working parties, advisory bodies or other bodies established at the request of the IEA or the U.S. Government for the purpose of implementing the IEP, (ii) consultations, planning, and individual and joint actions which participants may take to implement the international allocation of petroleum pursuant to the IEP, and (iii) the furnishing by participants of data and information, and consultations and planning in respect thereof, in accordance with the IEP, all as included within the scope of sections 5 and 6 of this Agreement. This Agreement does not contemplate acts which affect the production, refining, transportation, or the marketing of petroleum within the United States except such acts which are reasonably in accordance with the provisions of the IEP or principles/plans approved pursuant to section 6 of this Agreement.

Any acts pursuant to this Agreement remain subject to all applicable United States laws and regulations (other than the antitrust laws and the Federal Trade Commission Act), including but not limited to regulations pursuant to the Emergency Petroleum Act or any successor statute.

3. DEFINITIONS FOR PURPOSES OF THIS AGREEMENT

(a) "Oil Companies" means international companies, national companies, integrated and non-integrated companies, and other entities which play a significant role in the petroleum industry.

(b) "Administrator" means the Administrator of the Federal Energy Administration.

(c) "Petroleum" means—
(A) Crude oil
(B) Natural gas liquids and other liquids produced in association with crude oil or natural gas
(C) Refined petroleum products, including but not limited to gasoline, kerosene, distillates, residual fuel oil, refined lubricating oil, and liquefied petroleum gases
(D) Blending agents and additives used in conjunction with crude oil and refined petroleum products.

(d) "United States" when used in the geographical sense means the several states, the District of Columbia, Puerto Rico, and the territories and possessions of the United States. In addition, the term shall include those areas which are not a part of the United States but which are under the jurisdiction of the United States for the exploration and production of petroleum and other petroleum-related activities.

(e) "International Energy Agency" (IEA) means the International Energy Agency established by Decision of the Council of the OECD, dated November 15, 1974.

(f) "International Energy Program" (IEP) means the program established pursuant to the Agreement on an International Energy Program signed at Paris on November 18, 1974, and adopted by the Decision of the Governing Board of the International Energy Agency on the same date, as it may be amended in accordance with its terms.

4. INTERNATIONAL ENERGY PROGRAM (IEP)

This Agreement facilitates implementation of the pertinent provisions of the Agreement Establishing an International Energy Program. The text of the IEP Agreement is attached hereto as an appendix.

It is understood that the U.S. Government does not view this Agreement and Program as in any way affecting the rights and obligations of the United States as a party to the IEP.

5. MEETINGS AND CONSULTATION

(a) Upon the invitation of the IEA and with the approval of the Administrator and the Attorney General, any participant herein may accept membership in any advisory body, working party, or other group established at the request of or by the IEA. In addition, subject to the approval of the Attorney General, any participant to this Agreement may accept membership in any advisory body, working party or other group established by the Administrator or the Secretary of State with respect to the IEP provided that any such group shall be chaired by a full time employee of the U.S. Government who shall control the agendas for all meetings of such group. The Administrator shall give notice to the Chairman of the Federal Trade Commission of each participant's membership in any group pursuant to this subsection.

(b) Each participant to this Agreement may as a member of a group established as provided in subsection 5(a) advise and consult with the IEA or the U.S. Government or with other members of such group, at meetings held in accordance with subsection 5(c), with respect to any aspect of the IEP, including the development and recommendation to the IEA of emergency measures and programs and plans subsidiary thereto to be implemented pursuant to section 6. Each participant may individually advise and consult with the IEA or the U.S. Government with respect to all such matters. Each participant may furnish and exchange information and data, including confidential and proprietary information or data, in order to implement the IEP or principles/plans approved pursuant to section 6 provided that confidential or proprietary information and data may be exchanged among the participants, and with other persons and agencies or provided by the participants to the IEA, only in accordance with the procedures set out in subsections 5(b) (1) and (2) below. Any confidential or proprietary information or data furnished or exchanged pursuant to this section shall be retained and provided to the Administrator and at his request to the Attorney General.

(1) In order to implement the IEP or principles/plans approved pursuant to section 6, and except as provided in subsection 5(b)(2), confidential or proprietary information or data may be exchanged with, or provided to participants, the IEA, or such other persons or agencies as are designed by the IEA, only if the Administrator, after consultation with the Secretary of State and with the concurrence of the Attorney General who shall consult with the Chairman of the Federal Trade Commission, has approved in writing the exchange or provision of such types of information or data. Confidential or proprietary information or data provided or exchanged pursuant to this subsection shall be aggregated or otherwise compiled by the Administrator or the IEA to prevent, to the extent possible, the identification of individual company data or information before being disclosed to or exchanged with the participants or any other person or entity unless the Administrator, after consultation with the Secretary of State and with the concurrence of the Attorney General, has determined that such exchange or disclosure is necessary to develop, prepare, or test emergency allocation measures.

(2) Upon notification by the Administrator to the participants of the activation of emergency measures as provided in subsection 6(a), the participants may, in addition to information provided pursuant to the procedures in subsection 5(b)(1), provide to the IEA and to each other and to persons or agencies as may be designated by the IEA or the Administrator (which designation may be by class), such types of confidential or proprietary information as are reasonably required to implement principles/plans approved pursuant to subsections 6(c) and 6(d), and participants may consult with and advise the IEA, among themselves and with such other persons and agencies concerning such information and data. The participants shall notify the Administrator and the Attorney General of the types of information and data exchanged or provided pursuant to this subsection and shall at the request of the Administrator and the Attorney General provide such information to them. The Administrator, after consultation with the Secretary of State and the Attorney General, may at any time prospectively prescribe terms and conditions for the continued exchange or provision of information or data pursuant to this subsection 5(b)(2).

(c) Any meetings of any group in which participants' membership has been approved pursuant to subsection 5(a), shall be open to a representative of the Administrator, the Secretary of State and the Attorney General severally and to any United States Government employee designated by the Administrator, but the presence of such representatives shall not be essential to the conduct of a meeting. Full and complete notes or minutes of each meeting shall be prepared, by the government representative or his designee or, in the absence of a government representative and any designee, by the participants, or a person designated by the participants, and shall be provided promptly to the Administrator and the Attorney General. The Attorney General shall upon request make such notes or minutes available to the Chairman of the Federal Trade Commission.

(1) Prior to notification by the Administrator to the participants of the activation of emergency measures as provided in subsection 6(a), notice of all meetings pursuant to this subsection 5(c), including time, place, expected participants and agenda, shall be provided by or on behalf of participants attending such meeting at least 72 hours in advance to the Administrator, the Attorney General and the Chairman of the Federal Trade Commission.

(2) Subsequent to notification by the Administrator to the participants of the activation of emergency measures as provided in subsection 6(a), the provisions of section 5(c)(1) shall be complied with to the extent practicable, provided, however, that where time does not permit, any group may have meetings without compliance with the notice provisions of such subsection so long as actual notice is given to the Administrator of such meeting by telephone or other appropriate means. For any such emergency meeting the participants shall provide in writing as soon as practicable to the Administrator and the Attorney General, the time, place, participants or expected participants, and agenda.

(d) Any advisory body, working part, or other group established by the Administrator or the Secretary of State with respect to the IEP which is an advisory committee, as defined by the Federal Advisory Committee Act, shall be subject to all the provisions of that Act.

6. EMERGENCY ALLOCATION

(a) Upon notification to the Administrator by the Secretary of State that emergency measures established in the IEP have been activated in accordance with the terms of the IEP, the Administrator shall notify the participants to this Agreement. Thereafter, any participant acting alone, with other participants, or with other persons or agencies, may take such actions as may be necessary or appropriate to implement emergency allocation principles/plans approved pursuant to the provisions of subsections 6(c) and 6(d). Such actions may include, among others, one or more of the following:

(1) Arrangements between or among the participants, or with other persons and agencies, for the most effective use, without regard to ownership, of terminal and storage facilities, tankers, pipeline capacities, and other transportation facilities so as to minimize duplications, multiple loadings and discharging, split cargoes, long hauling, cross hauling, and back hauling, and idle time in port.

(2) Arrangements among the participants for the purchase, loan, sale, or exchange of petroleum by and among themselves, or with other persons or agencies.

(3) Alterations in the rate of production of petroleum. Such alterations may be accomplished by any one or more appropriate methods including the following: increasing or decreasing drilling for or production of oil; adjusting or establishing transportation facilities and crude throughput facilities, including adjustments in the throughput, quality specifications or yields or conversion of equipment now installed for the manufacture of any one particular petroleum product to the manufacture of another petroleum product; the processing of selected crude oils or the exchange of components between various refineries; processing agreements; or exchange of refinery capacity.

(b) After notification to the participants by the Administrator that the Secretary of State has notified him that emergency measures pursuant to the IEP are no longer in force, no further action shall be initiated pursuant to this section and action previously initiated shall be completed as promptly as possible, and not later than 90 days after notification, provided that upon specific application the Administrator, which the concurrence of the Attorney General and after consultation with the Chairman of the Federal Trade Commission may approve extensions of such 90 day period.

(c)(1) Prior to the activation of emergency measures pursuant to the IEP, the participants may develop emergency principles/plans elaborating and applying the allocation principles and measures established by the Governing Board of the IEA. Such principles/plans should be in such detail as is practicable, taking into account the uncertainties as to possible contingencies which may develop. Principles/plans may be modified from time to time and in particular may be made more detailed as planning continues. The participants will promptly submit to the Administrator, the Attorney General, and the Chairman of the Federal Trade Commission any such emergency allocation principles/plans or modifications in such principles/plans. Such principles/plans shall be subject to the approval of the Administrator and the Attorney General, after consultation by the Attorney General with the Chairman of the Federal Trade Commission. No action will be taken under such principles/plans prior to notification by the Administrator to the participants as provided in section 6(a).

(2) If the Administrator or the Attorney General has not disapproved any such principles/plans on or before the expiration of a 30-day period after receipt of the principles/plans, such principles/plans shall be deemed to have been approved. The Administrator or the Attorney General may reject any principles/plans prepared and submitted to him and may, at any time, if in his judgment such action is necessary, terminate, in whole or in part, any principles/plans which he has approved, and he may suggest modifications in any principles/plans submitted or approved which, unless accepted by the participants, will terminate the principles/plans. Such termination or modification shall take place only after consultation with the Secretary of State.

(3) The joint development, joint formulation, or joint approval by the participants of any principles/plans as described in this subsection 6(c) shall take place only at meetings of groups in which membership by the participants has been approved pursuant to section 5 and which are conducted in accordance with the provisions of that section.

(d) After the activation of emergency measures, any principles/plans submitted to the Administrator shall be deemed to have been approved if the Administrator or the Attorney General has not given notice of disapproval to the participants on or before the expiration of a 10-day period after receipt of the plan, provided that the Administrator, with the approval of the Attorney General, may reduce such 10-day period.

(e) After activation of emergency measures, and until notification to the participants by the Administrator that emergency measures are no longer in force, any participant may initiate individual or joint action in implementation of principles/plans approved pursuant to subsections 6(c) and 6(d). Each participant taking any joint or agreed action or agreeing to take any action pursuant to this subsection shall notify the Administrator and the Attorney General within 72 hours (or longer period as may be determined by the Administrator) after the end of the week in which such action is taken or agreed upon, whichever first occurs.

V 40168
APR 8 75

(1) Such notification shall identify how such action is in implementation of approved principles/plans, the companies involved in such action, the quantities of petroleum involved, and such other detail as the Administrator may require. It shall also identify a responsible person or persons who shall be prepared to answer inquiries by the Administrator or the Attorney General concerning the action agreed upon or taken.

(2) The Administrator or the Attorney General may disapprove such action or such agreement on or before the expiration of a 10-day period after receipt of notice of the action or agreement if, after consultation with the Secretary of State, he determines that such action or agreement is not in implementation of principles/plans previously approved by the Administrator and the Attorney General.

(3) Any action taken prior to notice of disapproval by the Administrator or the Attorney General shall be entitled to the immunity provided in this Agreement.

Where action has been disapproved and appropriate corrective action has not been taken, the Administrator may, after consultation with the Attorney General and the Secretary of State, require the withdrawal of the participant from the Agreement or from any principles/plan approved under this Agreement. Such withdrawal shall not affect any power of the Administrator to otherwise compel corrective action.

7. AGREEMENT OF PARTICIPANTS

The participants severally agree that they shall endeavor in good faith to take such measures as may be necessary or appropriate, taking into account such limitations as may be imposed by circumstances such as lack of petroleum resources or facilities, governmental restrictions or requirements, and economic or other detriment, to develop and implement principles/plans contemplated by this Agreement.

The failure of the Administrator or other government official or the IEA to take action required of them shall not affect the immunity provided in this Agreement.

8. RECORDS

Each participant shall maintain, for a period of five years, full and complete records of all its actions related to this Agreement including but not limited to (i) all intracorporate documents related to any meeting held pursuant to section 5 or any action proposed or carried out pursuant to section 6 of this Agreement and (ii) any specific records and indices which the Administrator or the Attorney General may require to be maintained. All such records shall be made available upon written request to the Administrator and to the Attorney General. Each participant shall also make such reports with respect to any action related to this Agreement as may be required by the Administrator or the Attorney General.

9. PROCEDURE FOR BECOMING A PARTICIPANT

(a) After approval of this Agreement by the appropriate official (the Administrator of General Services), as provided in section 708 of the Defense Production Act of 1950, as amended, and after a request for participation in it has been approved by the Attorney General and has been made of an oil company, together with such of its affiliates as it may have previously designated, by the appropriate official (the Administrator of General Services) upon a finding by such official that such participation is in the public interest as contributing to the national defense, such oil company may become a participant in this Agreement by advising the Administrator of General Services and the Administrator in writing of acceptance of such request. Ten days prior notice of any request for participation shall be given to the Chairman of the Federal Trade Commission. Notice of such requests and their acceptance shall be published in the FEDERAL REGISTER. Such requests will be effective for the purpose of granting immunity from the antitrust laws and the Federal Trade Commission Act, as amended, only with respect to such acts by such companies (and designated affiliates) as are within the scope of sections 5 and 6 of this Agreement.

(b) Any oil company which desires to become a participant may ask that it be so requested. If a finding is made, as required by section 708 of the Defense Production Act, that such participation is in the public interest as contributing to the national defense, such company will be requested to participate subject to the procedures set forth in subsection 9(a).

(c) Any participant which desires to designate additional affiliates may do so subject to the procedures set forth in subsection 9(a).

10. EFFECTIVE DATE AND DURATION

This Agreement shall become effective upon the date of its approval by the appropriate official (the Administrator of General Services) as provided in section 708 of the Defense Production Act of 1950, as amended. It shall cease to be effective at the termination of section 708 of the Defense Production Act, as amended, or unless other legislative authority is provided which permits continuation of the Agreement. However, the Agreement may be terminated at any time by the Administrator, after consultation with the Secretary of State, upon notice by letter, telegram, or publication in the FEDERAL REGISTER. In no event, however, shall this Agreement continue beyond June 30, 1985.

11. WITHDRAWAL FROM AGREEMENT

Any participant may withdraw from this Agreement upon at least 30 days notice to the Administrator subject to the fulfillment of obligations incurred under this Agreement prior to the date of such notice, except that when emergency measures have been undertaken in accordance with section 6 of the Agreement or the Administrator determines that such actions may be imminently required, he may postpone the effective date of withdrawal for up to 60 days. The Administrator, after consultation with the Attorney General and the Secretary of State, may be giving not less than 10 days written notice to any participant require the withdrawal of that participant from this agreement.

Dated: March 28, 1975.

Approved.

ARTHUR F. SAMPSON,
Administrator,
General Services Administration.

APPENDIX A

LETTER OF THE ADMINISTRATOR OF FEA TO THE ADMINISTRATOR OF GENERAL SERVICES

MARCH 6, 1975.

Enclosed is a Voluntary Agreement and Program which we are recommending to you for your approval pursuant to section 708(a) of the Defense Production Act and section 501 of Executive Order 10480. This Agreement and Program is designed to permit oil company participation in the activities of the International Energy Program, especially as it relates to the planning for and carrying out of the international allocation of petroleum during emergencies.

The Agreement was developed primarily by the Federal Energy Administration and the Department of State. It is modeled after the voluntary agreements and plans of action of the Foreign Petroleum Supply Committee, with appropriate modifications for application to the International Energy Program. It incorporates both a voluntary agreement and a plan of action (section 6). The Agreement is the result of two rounds of comment by expected participants, the public, and interested government agencies, especially the Department of Justice and the Federal Trade Commission. An earlier draft was discussed at a public meeting, February 20, at the Department of State.

Messrs. Kolb and Curcio of your office have also reviewed earlier drafts and have raised important questions concerning procedures and implementation. These questions have been reviewed by the Office of Legal Counsel of the Department of Justice and we understand that the Office of Legal Counsel believes the Agreement conforms with the requirements of law and is sufficient to provide immunity. The Agreement embodies a suggested clarification by the Office of Legal Counsel with respect to the Federal Advisory Committee Act.

As you know, the State Department and we are particularly anxious that this Agreement be rapidly approved and companies invited to participate in order that planning under the International Energy Program may go forward. To this end, it is hoped that you will be able to approve the Agreement and consult with the Attorney General and the Federal Trade Commission, as required by statute, at the earliest possible time.

APPENDIX B

LETTER OF THE ADMINISTRATOR OF GENERAL SERVICES TO THE ADMINISTRATOR OF FEA

MARCH 28, 1975.

Pursuant to section 708 of the Defense Production Act of 1950, as amended, and in accordance with authority delegated to me by Executive Orders 10480 and 11725, I have this date approved the Voluntary Agreement and Program which you, as sponsor, had proposed in order to allow certain oil companies to consult and cooperate in furtherance of United States objectives as a participant in the International Energy Program.

In approving the Voluntary Agreement and Program, I find it to be in the public interest as contributing to the national defense. As required by law, I have consulted with the Chairman, Federal Trade Commission and have obtained the Attorney General's approval of the Agreement and of the participation of certain oil companies as proposed by you.

I enclose the approved Agreement, together with copies of letters from the Attorney General and the delegate of the Chairman, Federal Trade Commission, indicating respectively their approval and acknowledgment of consultation in respect to the Agreement and your proposed participants.

With regard to affiliates of the parent participants, I will rely upon you to carry out procedures, as outlined by the Attorney General to assure participation by only those affiliates reasonably necessary to operations under the Agreement, in order that I may make any necessary withdrawals or requests for participation.

With respect to the proposals on protocols referred to in the Federal Trade Commission letter, I intend to study the need for general procedures governing the approval and use of future voluntary agreements in order to assure standards necessary to the proper exercise of my responsibilities as the single official of the Government delegated the authority granted by subsection 708(b) for the purpose of carrying out the objectives of Title I of the Defense Production Act. This in no way should limit you in proceeding with the present Voluntary Agreement or in consulting as proposed by the Federal Trade Commission with respect to possible protocol arrangements or other suggestions.

I am simultaneously with this letter making formal requests to the responsible officials for participation by the companies and designated affiliates listed in the attachment to the Attorney General's letter.

Immunity from prosecution under the antitrust laws and the Federal Trade Commission Act of the United States will be accorded each company upon its written acceptance of my request, provided the company's acts relative to participation are in accordance with the terms set forth in the Voluntary Agreement and Program.

APPENDIX C

LETTER OF THE ATTORNEY GENERAL TO THE ADMINISTRATOR OF GENERAL SERVICES

MARCH 28, 1975.

This is in response to your letter of March 11, 1975 requesting my consultation and approval of a proposed Voluntary Agreement and Program under section 708 of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2158. The document you enclose, which was forwarded to you for approval by the sponsoring agency, the Federal Energy Administration, would allow certain U.S. oil companies to consult and cooperate with an International Energy Agency (IEA) established pursuant to an Agreement on an International Energy Program to which the United States is a party along with other members of the Organization for Economic Cooperation and Development.

Section 708 of the Defense Production Act, as amended, would provide immunity from the antitrust laws and the Federal Trade Commission Act with respect to acts or omissions to act by participants in the Voluntary Agreement, and their designated affiliates, which are undertaken pursuant to the terms of the Agreement in order to implement the International Energy Program (IEP). Such acts, as limited and defined by sections 5 and 6 of the Agreement, would include membership in standing groups, working parties and advisory committees established by the IEA, if the participant is requested to join such groups by that agency; furnishing of data and information, and consultation and planning in respect thereof in accordance with the IEP; consultation and planning to formulate and develop principles/plans to implement the international allocation of petroleum pursuant to the IEP; and action taken in implementation of approved principles/plans if notified by the Administrator of the Federal Energy Administration that emergency measures established in the IEP have been activated in accordance with the terms of the IEP.

The Agreement also provides for membership in, and similar activities by, ancillary industry groups established by the U.S. Government. I should note in passing, however, that unlike those formed by the IEA, operations of these groups, if established by the State Department, would be governed by the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (1973 Supp.). If established by the Federal Energy Administration, they would also be subject to the special provisions of section 17 of the Federal Energy Administration Act of 1974, 15 U.S.C.A. 776.

In reviewing the Voluntary Agreement and Program, I must consider whether any adverse effects it may entail for the competitive free enterprise system outweigh the benefits it may provide to the national defense. As you are aware, Justice Department and Federal Trade Commission staffs participated actively in the many interagency consultations involved in the process of drafting this Agreement. As a result, the document incorporates procedures to ensure all practicable antitrust safeguards consistent with the fact that the principal industry bodies contemplated would be formed by and would work under an international agency, not an agency of the United States Government. I conclude, therefore, that in relation to the defense benefits offered, the possibility of adverse effects to competition from actions by oil companies under the Agreement would be minimized by rigorous application of these safeguards. Accordingly, I hereby give my approval to the proposed Voluntary Agreement and Program.

In studying the proposed Agreement I have also considered whether it is in compliance with the terms of the Defense Production Act. This question is two-fold: first, whether the Agreement will tend to "further the objectives of [the Defense Production] Act" and therefore qualify as a voluntary agreement providing for exemption from the antitrust laws and the Federal Trade Commission Act pursuant to section 708 of the Act; and second, whether the procedures proposed to approve the Agreement and to request actions by the participants comport with the requirements of section 708.

On the first point, the objectives of the Act, which are set out in section 2, as amended (50 U.S.C. App. § 2082), include "the development of preparedness programs" "in order to provide for the national defense and security." The IEP is conceived of as a means to reduce the vulnerability of this nation and its allies to a reduction in the general availability of foreign oil by minimizing the effects of a supply interruption. Such a plan clearly seems to fall within the scope of a "preparedness program," and because the plan is aimed at insuring adequate supplies of a commodity essential for the national defense of the United States and its allies, it is of course a program providing for the national defense and security. I conclude, therefore, that the Agreement, by furthering that international plan, furthers the objectives of the Act and would qualify as a voluntary agreement under section 708 of the Act.

The second question relates to the procedures by which the Agreement will be approved and the actions pursuant to it will be requested. Section 708(a) of the Act authorizes the President to consult with representatives of private companies "with a view to encouraging the making by such persons with the approval by the President of voluntary agreements and programs * * *" In turn, section 708(b) grants antitrust exemption with respect to any act or omission to act by the parties to the agreement "if requested by the President pursuant to a voluntary agreement or program approved under subsection (a) and found by the President to be in the public interest as contributing to the national defense * * *" In practice, however, the voluntary agreements made in the past, and the proposed Agreement, have uniformly been drafted by the sponsoring government agency, perhaps amended after consultation with industry representatives, and finally presented to the President's delegate for approval. And, in earlier voluntary agreements the only statutory request to act made by the President's delegate was the request to particular members of industry to become participants in the agreement, each act pursuant to the agreement being considered as having been requested by the request to participate therein.

This has always been the way that the Act has been interpreted and administered by the Executive Branch. Moreover, the Small Business Mobilization Law, 56 Stat. 357 (1942), which had a similar voluntary agreement provision on which section 708 is based, was interpreted by the Executive Branch in a like manner. Congress has apparently assented to this administrative interpretation. In the face of the large number of DPA voluntary agreements drafted and carried forward in this manner, Congress has amended section 708 a number of times since 1950 without indicating any changes in the procedures to be used for future agreements. I would conclude therefore that the procedures for adoption of the proposed Agreement and those contemplated for requesting actions thereunder are within the requirements of section 708 so as to confer exemption from the effects of the antitrust laws and the Federal Trade Commission Act with respect to actions under the Agreement.

The foregoing review would appear to answer the request in your letter of March 11, 1975 for my views as to whether your approval of the proposed Agreement and Program obviates any need on your part for further approvals or requests with respect to subsequent action which may be undertaken in implementation of the Agreement. In specific response, I would advise that once you have given statutory approval to the agreement, you need only address to each industry member presently or in the future proposed as a participant a single request to enter the Agreements and participate in it in accordance with its terms. This is not to say that your responsibility necessarily ends there; since section 708(d) authorizes you to withdraw any request or finding you have made, you will of course wish to continue to monitor operations under the Agreement, particularly from the viewpoint of your priority and allocation responsibilities under the Defense Production Act and as set forth in Executive Order 10480.

In your letter of March 11, 1975 and a later letter of March 19, 1975 you have forwarded for my approval lists of members of the industry, with designated affiliates, which you have received from the Federal Energy Administration and to whom it is proposed that you address requests to enter the Agreement and participate thereunder. This is in compliance with section 708(c) of the Act, which requires that the President's delegate consult with the Attorney General and with the Chairman of the Federal Trade Commission not less than 10 days before making any request or finding and that he obtain the approval of the Attorney General to any request before making the request.

Section 9 of the proposed Agreement outlines procedures for an oil company to become a participant. It notes that a request for participation is to be made to a company, "together with such of its affiliates as it may have previously designated . . .". In compliance with this, companies to be requested to participate in the Agreement have already furnished lists of designated affiliates. Review of these lists, a few of them quite voluminous, has given us some concern. It may be that in haste to effectuate the Agreement and get the IEA industry bodies organized some misapprehension has arisen among some of the oil companies contacted as to what affiliates should be designated.

I do not believe that the opportunity for antitrust immunity should extend, so far as a participating company is concerned, to virtually every worldwide affiliate it effectively controls. In effect, this approach was followed in the past with respect to operations under the Foreign Petroleum Supply Voluntary Agreement. In contrast, I believe that immunity should be much more limited and controlled. I am prepared to approve requests to act covering only such affiliated companies of a parent as to which there are substantial grounds to believe its participation is reasonably necessary to operations under the Agreement as presently foreseen. Holding these views, I think it incumbent upon the sponsoring agency to screen the lists of designated affiliates forwarded to it so as to be able to assure the General Services Administration and the Attorney Gen-

V 40168
APR 8 75

eral in forwarding these lists for a request to act that each affiliate so listed meets the criterion set forth above. The sponsoring agency should also ascertain and transmit information on the percentage of stock ownership or degree of effective control a company holds over each designated affiliate so as to provide assurance that the parent is in a position to speak for its affiliate.

I am loathe to withhold approval of the oil companies and their affiliates until such a screening process has been completed. I am well aware that there is pressing need for full activation of the IEP. This requires speedy completion of U.S. legal requirements and early organization of the industry working bodies to assist in implementing the program. At the same time, however, my responsibility will not permit me to issue an unconditional approval for the participation of all affiliates of these companies at this time.

I have concluded that the best resolution of this problem is to provide approval of the proposed requests with respect to the parent companies. With respect to their designated affiliates, however, I am approving the requests for a period of thirty days from the date of this letter. The Federal Energy Administration, after reinvestigation of each such designated affiliate, is to furnish me with respect to each such affiliate (1) written assurance that to the best of FEA's information and belief, there are substantial grounds to believe the affiliate's participation is reasonably necessary to operations under the Agreement as presently foreseen, and (2) information on ownership or control of the affiliate by the parent company. We have already begun staff consultations with the Federal Energy Administration to effectuate this.

Acceptance of your request to act will convey the full antitrust immunity to the parent. It will further provide full antitrust immunity to all designated affiliates for a period of thirty days. Following provision of the required information by the Federal Energy Administration, I will advise you promptly which affiliates will then be approved by me.

In accordance with the foregoing, I am approving unconditionally consultation and cooperation with IEA by the companies whose names are underscored on the attached list. I am giving approval to consultation and cooperation by the other firms on the list for a period of thirty days.

I am mindful that in the thirty-day period following the date of this letter some time will be consumed in fulfilling the remaining legal requirements under the Act, in action by the IEA to select companies for its working groups, and in organizing those groups. Thus, it is highly unlikely that in this period any actions will be understaken by the designated affiliates as to which the question of antitrust immunity would yet arise.

[FR Doc.75-9018 Filed 4-3-75;10:38 am]

GENERAL SERVICES ADMINISTRATION

VOLUNTARY AGREEMENT AND PROGRAM RELATING TO THE INTERNATIONAL ENERGY PROGRAM

Approval by the Administrator of General Services and the Attorney General

For a document relating to the above matter, see FR Doc. 75-9018, supra.

V 40-68
APR 8 75

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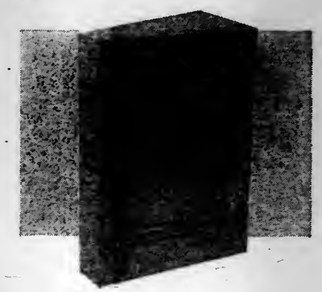
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V 40-68

APR 8 75

V 40 69

APR 9 75

federal register

April 9, 1975—Pages 16047–16186

WEDNESDAY, APRIL 9, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 69

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HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

RAILWAYS—DOT/FHA regulates construction and Federal-aid reimbursement for railroad-highway projects; effective 3–28–75 16057

OIL IMPORTS—FEA amends regulations to conform to Presidential Proclamation No. 4355 16047

EDUCATION PLANS—HEW/OE proposes regulations for assistance to States planning equalization of State and local school finance programs; comments by 6–9–75 16086

LEMONADE STANDARDS—USDA/FDA proposes to remove sweetener restrictions and require optional ingredients declaration for frozen concentrates; comments by 5–9–75 16085

NEW DRUGS—USDA/FDA establishes guidelines for U.S. acceptance of foreign clinical data; effective 5–9–75 16053

FREEDOM OF INFORMATION—USDA/REA amends regulations on availability of records 16074

MEETINGS—

FCC: Radio Technical Commission for Marine Services, 4–28 and 4–29–75 16111

NRC: Advisory Committee on Reactor Safeguards' Subcommittees:

Byron/Braidwood Stations, 4–9–75 16098

Perry Nuclear Power Plant, Units 1 and 2, 4–10–75 16099

Pilgrim Station, Unit 2, 4–10–75 16100

CRC: State Advisory Committees:

Michigan, 5–1–75 16138

Mississippi, 4–30–75 16138

Ohio, 4–26–75 16138

Texas, 4–30–75 16139

Utah, 4–24 and 4–25–75 (amended notice) 16139

Office of the Special Representative for Trade Negotiations: Agricultural Advisory Committees for Multilateral Trade Negotiations, 5–5 and 5–6–75 16153

VA: Station Committee on Educational Allowances, 4–16–75 16155

Commerce: Economic Advisory Board, 5–15–75 16119

DOD/AF: USAF Scientific Advisory Board (2 documents), 4–25, 4–26 and 4–29–75 16094

HEW/OE: National Advisory Council on Equality of Educational Opportunity, 5–16 and 5–17–75 16120

Justice/LEAA: National Advisory Committee for Juvenile Justice and Delinquency Prevention, 4–25–75 16094

State/AID: AID Research Advisory Committee, 5–8 and 5–9–75 16115

NSF: Ad Hoc Advisory Group on Science Programs, 4–25 and 4–26–75 16153

CHANGED MEETING—

CRC: Hawaii State Advisory Committee, 4–25–75 16138

CANCELLED MEETING—

FCC: Radio Technical Commission for Aeronautics, 5–22 and 5–23–75 16111

V 40 69

APR 9 75

XUM

federal register

April 9, 1975—Pages 16047–16186

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OIL IMPORTS—FEA amends regulations to conform to Presidential Proclamation No. 4355 16047

EDUCATION PLANS—HEW/OE proposes regulations for assistance to States planning equalization of State and local school finance programs; comments by 6–9–75 16086

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NEW DRUGS—USDA/FDA establishes guidelines for U.S. acceptance of foreign clinical data; effective 5–9–75 16053

FREEDOM OF INFORMATION—USDA/REA amends regulations on availability of records 16074

MEETINGS—
FCC: Radio Technical Commission for Marine Services, 4–28 and 4–29–75 16111
NRC: Advisory Committee on Reactor Safeguards' Subcommittees:
Byron/Braidwood Stations, 4–9–75 16098
Perry Nuclear Power Plant, Units 1 and 2, 4–10–75 .. 16099
Pilgrim Station, Unit 2, 4–10–75 16100
CRC: State Advisory Committees:
Michigan, 5–1–75 16138
Mississippi, 4–30–75 16138
Ohio, 4–26–75 16138
Texas, 4–30–75 16139
Utah, 4–24 and 4–25–75 (amended notice) 16139
Office of the Special Representative for Trade Negotiations: Agricultural Advisory Committees for Multilateral Trade Negotiations, 5–5 and 5–6–75 16153
VA: Station Committee on Educational Allowances, 4–16–75 16155
Commerce: Economic Advisory Board, 5–15–75 16119
DOD/AF: USAF Scientific Advisory Board (2 documents), 4–25, 4–26 and 4–29–75 16094
HEW/OE: National Advisory Council on Equality of Educational Opportunity, 5–16 and 5–17–75 16120
Justice/LEAA: National Advisory Committee for Juvenile Justice and Delinquency Prevention, 4–25–75 16094
State/AID: AID Research Advisory Committee, 5–8 and 5–9–75 16115
NSF: Ad Hoc Advisory Group on Science Programs, 4–25 and 4–26–75 16153

CHANGED MEETING—
CRC: Hawaii State Advisory Committee, 4–25–75 16138

CANCELLED MEETING—
FCC: Radio Technical Commission for Aeronautics, 5–22 and 5–23–75 16111

V 40 69 APR 9 75 XUM

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contents

AGENCY FOR INTERNATIONAL DEVELOPMENT
Notices
Meeting:
Research Advisory Committee.. 16115

AGRICULTURAL MARKETING SERVICE
Rules
Limitations of handling and shipments:
Lemons grown in Calif. and Ariz. 16073
Oranges (Navel) grown in Ariz. and designated part of Calif.. 16073

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Rules
Price determination:
Sugarcane; Florida; 1974 crop.. 16072

AGRICULTURE DEPARTMENT
See also Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Food and Nutrition Service; Forest Service; Rural Electrification Administration; Soil Conservation Service.
Rules
Import quotas and fees:
Cheese 16069
Notices
Meeting:
Multilateral Trade Negotiations, Agricultural Advisory Committees for 16095

AIR FORCE DEPARTMENT
Notices
Meetings:
Scientific Advisory Board (2 documents) 16094

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Rules
Plant pests; interstate movement of products and articles; Giant African Snail; termination 16072
Quarantine areas:
Gypsy moth and browntail moth 16070

CIVIL RIGHTS COMMISSION
Notices
Meetings, State advisory committees:
Hawaii 16138
Michigan 16138
Mississippi 16138
Ohio 16138
Texas 16139
Utah 16139

COAST GUARD
Notices
Equipment, construction and materials; approval notices and termination of approval notices 16107
Navigation areas:
Mississippi River in vicinity of Port of New Orleans; mooring barges, cancellation of amendment of special order 16110

COMMERCE DEPARTMENT
See also Domestic and International Business Administration; National Oceanic and Atmospheric Administration; National Technical Information Service.
Notices
Meeting:
Economic Advisory Board 16119

CUSTOMS SERVICE
Notices
Countervailing duty determinations:
Wall tile, glazed, ceramic, from the Philippines 16119
Foreign currencies; certification of rates 16120

DEFENSE DEPARTMENT
See Air Force Department.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Notices
Scientific article; duty-free entry:
University of Oregon, et al 16115

DRUG ENFORCEMENT ADMINISTRATION
Proposed Rules
Schedules of controlled substances:
Schedule III through V substances; storage and security; correction and extension of time (2 documents) 16082

EDUCATION OFFICE
Proposed Rules
Equalization plans, State; assistance to States 16086
Notices
Meeting:
Equality of Educational Opportunity, National Advisory Council on 16120

FEDERAL AVIATION ADMINISTRATION
Rules
Terminal control area 16050
Proposed Rules
Transition areas (2 documents).. 16088, 16089
VOR Federal airways (2 documents) 16089

FEDERAL COMMUNICATIONS COMMISSION
Notices
Standard broadcast applications ready and available for processing 16111
Meetings:
Aeronautics Radio Technical Commission 16111
Marine Services Radio Technical Commission 16111

FEDERAL ENERGY ADMINISTRATION
Rules
Mandatory Oil Import Program:
Amendments to conform to Presidential Proc. No. 4355.. 16047
Proposed Rules
Crude oil: cost adjustments 16089
Notices
Market shares information; questionnaires 16111

FEDERAL HIGHWAY ADMINISTRATION
Rules
Railroad-highway projects; construction and reimbursement.. 16057

FEDERAL HOME LOAN BANK BOARD
Proposed Rules
Savings and loan holding companies; affiliates, transactions with 16090

FEDERAL MARITIME COMMISSION
Notices
Agreements filed, etc.:
Puerto Rico Marine Management, Inc. and Sea-Land Service, Inc. 16139

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Alabama-Tennessee Natural Gas Co 16139
Boston Edison Co., et al 16140
Cinco Exploration Co., et al 16140
Cities Service Gas Co. (2 documents) 16140, 16141
Columbia Gulf Transmission Co. 16142
Columbus & Southern Ohio Electric Co 16142
Eastern Shore Natural Gas Co.. 16143
Florida Gas Transmission Co. (2 documents) 16143
Iowa Power & Light Co 16143
Jersey Central Power & Light.. 16144
Kansas Power & Light Co. (2 documents) 16144
McCulloch Interstate Gas Corp.. 16145
Metropolitan Edison Co 16145
Midwestern Gas Transmission Co. 16146
Mobley, O. B. 16146

CONTENTS

Natural Gas Pipeline Co. of America ---- 16146
Northern Natural Gas ---- 16147
Philadelphia Oil Co ---- 16147
Sohio Petroleum Co ---- 16148
Southern Natural Gas Co ---- 16148
Sun Oil ---- 16150
Tennessee Gas Pipeline Co ---- 16148
United Gas Pipe Line Co. (2 documents) ---- 16149, 16150
Vermont Electric Power Co ---- 16150

FEDERAL TRADE COMMISSION
Rules
Prohibited trade practices:
Sir Carpet, Inc. and Bennett Weiner ---- 16050

FISH AND WILDLIFE SERVICE
Notices
Endangered species permits, applications ---- 16103
Marine mammal applications:
Jackson Zoological Park ---- 16104
Louisville Zoological Garden ---- 16105

FOOD AND DRUG ADMINISTRATION
Rules
Human drugs:
Clinical research; acceptance of foreign data ---- 16053
Proposed Rules
Food identity standards:
Lemonade and colored lemonade, frozen concentrate ---- 16085

FOOD AND NUTRITION SERVICE
Rules
Food stamp program:
Outreach program ---- 16069

FOREST SERVICE
Notices
Environmental statements:
Kootenai National Forest, Eureka-Grave Creek Planning Unit ---- 16095

GENERAL SERVICES ADMINISTRATION
Notices
Authority delegations:
Secretary of Defense ---- 16152

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Education Office; Food and Drug Administration.
Notices
Organization and functions:
Regional Director, Region II ---- 16125
Regional Director, Region III ---- 16132
Regional Director, Region IX ---- 16120

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)
Notices
Applications, etc.:
Inland Steel Co., Inc ---- 16152
Maggard Coal Co., Inc ---- 16153

INTERIOR DEPARTMENT
See Fish and Wildlife Service; Land Management Bureau.

INTERSTATE COMMERCE COMMISSION
Rules
Railroad reorganization; directed service reimbursement; submission of cost data ---- 16066
Notices
Chicago, Rock Island & Pacific Railroad Co.; reorganization ---- 16156
Hearing assignments ---- 16160
Motor carriers:
Alternate route deviation notices ---- 16162
Applications and certain other proceedings ---- 16163
Intrastate applications ---- 16160
Irregular route property carriers; gateway elimination ---- 16167
Transfer proceedings ---- 16166

JUSTICE DEPARTMENT
See Drug Enforcement Administration; Law Enforcement Assistance Administration.

LABOR DEPARTMENT
See also Wage and Hour Division.
Proposed Rules
Federal service contracts; labor standards ---- 16082
Notices
Adjustment assistance:
Sandler-Ette Footwear Manufacturing Corp ---- 16155
Shaer Shoe Corp ---- 16155

LAND MANAGEMENT BUREAU
Rules
Public land orders:
Alaska ---- 16066

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
Notices
Juvenile Justice and Delinquency Prevention, National Advisory Committee; establishment and meeting ---- 16094

MANAGEMENT AND BUDGET OFFICE
Notices
Clearance of reports; list of requests (2 documents) ---- 16154

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
Notices
Fishery Market News Reports; availability by subscription ---- 16116

NATIONAL SCIENCE FOUNDATION
Notices
Science Programs Ad Hoc Advisory Group ---- 16153

NATIONAL TECHNICAL INFORMATION SERVICE
Notices
Inventions, Government owned; availability for licensing (2 documents) ---- 16117, 16118

NUCLEAR REGULATORY COMMISSION
Rules
Energy Reorganization Act of 1974; organizational changes; special nuclear material; correction ---- 16047
Notices
Applications, etc.:
Benrus Corp ---- 16100
Consumers Power Co ---- 16101
Firetek Corp ---- 16101
Florida Power and Light Co ---- 16152
Houston Lighting & Power Co ---- 16102
Pacific Gas & Electric Co ---- 16102
Meetings:
Reactor Safeguards Advisory Committee (3 documents) ---- 16098–16100

PENSION BENEFIT GUARANTY CORPORATION
Notices
Hearings, etc.:
Antracite Health and Welfare Fund; postponed ---- 16155

RURAL ELECTRIFICATION ADMINISTRATION
Rules
Freedom of information ---- 16074
Notices
Loan guarantees proposed:
Tri-County Telephone Co., Inc ---- 16095

SECURITIES AND EXCHANGE COMMISSION
Rules
Authority delegation:
Economic Research Office, Chief Economist ---- 16052
Proposed Rules
Public offerings; manipulative practices ---- 16090

SOIL CONSERVATION SERVICE
Notices
Environmental statements on watershed projects:
Chuquatonchee Creek, Miss ---- 16095
Cypress Creek, Ala. and Tenn ---- 16095
Long Branch Creek, Okla ---- 16096
Lower Tippah River, Miss ---- 16096
Rogue River, Mich ---- 16096
Rush Creek, Ohio ---- 16097
Sandy Creek, Tex ---- 16097
Second Broad River, N.C ---- 16097
Upper Bayou, Okla ---- 16097
Upper New River, S.C ---- 16098

SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS OFFICE
Notices
Meetings:
Agricultural Advisory Committee for Multilateral Trade Negotiations ---- 16153

STATE DEPARTMENT
See Agency for International Development.

TRANSPORTATION DEPARTMENT
See Coast Guard; Federal Aviation Administration; Federal Highway Administration.

TREASURY DEPARTMENT
See Customs Service.

VETERANS ADMINISTRATION
Rules
Adjudication:
Pensions, compensation, dependency, etc.; liberalization ---- 16064
Proposed Rules
Veterans benefits; awards ---- 16092
Notices
Meetings:
Educational Allowances Station Committee ---- 16155

WAGE AND HOUR DIVISION
Rules
Puerto Rico; wage orders:
Chemical, petroleum, and related products industry ---- 16063
Construction industry ---- 16063

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.
A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

7 CFR
6 ---- 16069
270 ---- 16069
271 ---- 16069
301 ---- 16070
331 ---- 16072
873 ---- 16072
907 ---- 16073
910 ---- 16073
1701 ---- 16074

10 CFR
70 ---- 16047
213 ---- 16047
PROPOSED RULES:
211 ---- 16089

12 CFR
PROPOSED RULES:
584 ---- 16090

14 CFR
71 ---- 16050
PROPOSED RULES:
71 (4 documents) ---- 16088, 16089

16 CFR
13 ---- 16050

17 CFR
200 ---- 16052
PROPOSED RULES:
240 ---- 16090

21 CFR
312 ---- 16053
PROPOSED RULES:
27 ---- 16085
1301 (2 documents) ---- 16082
1308 ---- 16082

23 CFR
140 ---- 16057
646 ---- 16059

29 CFR
670 ---- 16063
726 ---- 16063
PROPOSED RULES:
4 ---- 16082

38 CFR
3 ---- 16064
PROPOSED RULES:
3 ---- 16092

43 CFR
PUBLIC LAND ORDERS:
5494 ---- 16060

45 CFR
PROPOSED RULES:
156 ---- 16086

49 CFR
1126 ---- 16066

FEDERAL REGISTER

V40/69 APR 9 75 XUM A V

CUMULATIVE LIST OF PARTS AFFECTED—APRIL

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during April.

3 CFR

PROCLAMATIONS:
2799 (Revoked by Proc. 4360) 14567
2937 (Revoked by Proc. 4360) 14567
2938 (Revoked by Proc. 4360) 14567
2942 (Revoked by Proc. 4360) 14567
2972 (Revoked by Proc. 4360) 14567
3314 (Revoked by Proc. 4360) 14567
4101 (Revoked by Proc. 4360) 14567
4346 (Amended by Proc. 4359) 14565
4359 14565
4360 14567
4361 15063
4362 15861
4363 15863

EXECUTIVE ORDERS:
11809 (See EO 11849) 14887
11828 (Amended by EO 11848) 14885
11847 14568
11848 14885
11849 14887

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS
Memorandum of March 24, 1975 15377

4 CFR

408 ..... 14737, 15865
409 15865

PROPOSED RULES:
351 14942

5 CFR

213 15379
300 15379
302 15380
315 15380
890 14569
1001 14570

7 CFR

6 16069
51 15381
52 15890–15900
270 16069
271 16069
301 16070
331 16072
401 15905
410 15905
724 14737
731 14601
873 16072
905 14889
907 ..... 14889, 16073
908 14890
910 ..... 15065, 16073
944 14891
991 14737
1250 15065
1701 16074
1872 15065
2710 14891

PROPOSED RULES:
29 15390
401 14777
1002 ..... 14702, 15390
1004 ..... 14702, 15390
1033 14769
1251 15906

7 CFR—Continued

PROPOSED RULES—Continued
1421 15390
1823 14776
1842 15405

8 CFR

PROPOSED RULES:
214 15092

9 CFR

94 14571

PROPOSED RULES:
303 15906
381 15906

10 CFR

70 16047
211 14738
213 16047

PROPOSED RULES:
73 15098
205 14605
211 ..... 14605, 16089
212 15041
213 14948

12 CFR

541 15865
545 ..... 15382, 15865
563 14738
602 14571

PROPOSED RULES:
7 14767
206 15909
335 14947
541 15096
545 15096
584 16090
701 15404
721 15404
745 15404

13 CFR

PROPOSED RULES:
107 14606
120 15098

14 CFR

39 ..... 14739, 14740, 14891, 14892, 15085–15086, 15384, 15866
71 ..... 14740, 14741, 15086, 15385, 15867, 16050
97 14893
288 14893
400 14572
401 14574
425 14578

PROPOSED RULES:
25 15093
71 ..... 14780, 14781, 15094, 15399, 15400, 15907, 16088, 16089
73 15907
75 14781

15 CFR

350 14921
355 14925
377 15867
500 14930

PROPOSED RULES:
803 14603

16 CFR

1 ..... 15232, 15233
2 15235
3 ..... 15234, 15236
4 ..... 15235, 15236
13 ..... 14579–14582, 14741, 14894–14904, 15385, 15386, 15868–15872, 16050
302 14584

PROPOSED RULES:
1 15237
3 15239
4 15245

17 CFR

150 15086
200 ..... 14748, 16052

PROPOSED RULES:
150 15907
240 16090
275 14782

18 CFR

301 14749

PROPOSED RULES:
Ch. I 15402
35 14606
101 14606
104 14606
141 15402
154 14606
202 14606
204 14606

19 CFR

6 15386
22 14749
113 14749
153 14591

PROPOSED RULES:
112 15389
113 15389

20 CFR

10 14750
405 ..... 14591, 14934

PROPOSED RULES:
405 14934

21 CFR

8 15087
121 14905
123 14592
312 16053
431 15088
436 15088
440 15088
444 14906
448 15088
449 15089
1030 14750

21 CFR—Continued

PROPOSED RULES:
27 16085
1301 16082
1308 16082

22 CFR

1 15392
3 15392

PROPOSED RULES:
8 15060

23 CFR

140 16057
635 14906
646 16059
662 14907

24 CFR

300 14753
570 15089
800 15580
801 15580
802 15580
803 15580
804 15580
880 15580
881 15580
882 15580
883 15580
888 15580
889 15542
1700 14753
1914 14599–14601
1915 14754

25 CFR

43k 14592

26 CFR

301 15090

PROPOSED RULES:
1 14767

29 CFR

90 14908
670 16063
694 15875
726 16063
1913 15876
2300 14593

PROPOSED RULES:
4 16082
1910 15390
1926 15390

32 CFR

856 14758

33 CFR

117 ..... 14594, 15093
380 14761

PROPOSED RULES:
117 ..... 14604, 15903
266 14872

36 CFR

7 14912
603 15877
604 15877

38 CFR

3 16064

PROPOSED RULES:
1 14783
3 16092

39 CFR

PROPOSED RULES:
111 15909

40 CFR

52 ..... 14595, 15879
65 14876
180 ..... 14496, 14597, 15387, 15880

PROPOSED RULES:
52 ..... 15094, 15095
408 15096

41 CFR

1–3 15880
1–7 14913
1–12 14913
1–15 14913
1–30 14917
14–3 15091
109–1 15091

PROPOSED RULES:
Ch. 60 14953

42 CFR

57 14762

PROPOSED RULES:
57 14932

43 CFR

PUBLIC LAND ORDERS:
5494 16066

PROPOSED RULES:
4 14603
2650 14603

45 CFR

112 16013
113 16015
114 16019

45 CFR—Continued

115 16032
151 14762
154 14917
155 14918
190 15248
249 14597
250 ..... 14597, 15388

PROPOSED RULES:
250 15093
156 16086

46 CFR

380 14599
528 14599
533 14599

PROPOSED RULES:
32 14935
50 14935
52 14935
53 14935
54 14935
56 14935
58 14935
63 14935
502 15097
550 15401

47 CFR

0 14764
1 15883
15 ..... 15091, 15881
73 ..... 15546, 15882–15889
76 15546

PROPOSED RULES:
73 ..... 14943–14947, 15907, 15908
76 15574

49 CFR

1 14764
310 14919
571 14765
1033 ..... 14765, 14766
1126 16066
1201 15388

PROPOSED RULES:
1241 15402
1249 15402
1250 15402
1251 15402

50 CFR

32 14920
33 ..... 14766, 14920

PROPOSED RULES:
17 14767
227 14777
251 ..... 14778, 14779

FEDERAL REGISTER PAGES AND DATES—APRIL

Pages	Date
14565–14735	Apr. 1
14737–14883	2
14885–15062	3
15063–15376	4
15077–15859	7
15861–16046	8
16047–16186	9

V 40 69 APR 9 75 XUM

reminders

Rules Going Into Effect Today

DOT/FAA—Standard instrument approach procedures; miscellaneous amendments. 14893; 4–3–75

CAB—Economic rules of practice; local service air carriers' unit costs.. 10967; 3–10–75

EPA—Clean air implementation plans; sulfur oxide emissions, New Mexico. 10992; 3–10–75

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

Canned dried beans (other than pork and beans); proposed grade standards; comments by 4–15–75. 8207; 2–26–75

Canned pork and beans; proposed grade standards; comments by 4–15–75 ..... 8209; 2–26–75

Grain warehouses; weighing requirements; comments by 4–14–75. 11728; 3–13–75

Milk in the Ohio Valley marketing area; comments by 4–17–75. 14769; 4–2–75

Required information on certificates; comments by 4–17–75..... 3007; 1–17–75

Animal and Plant Health Inspection Service—

Viruses, serums, toxins, and analogous products; comments by 4–16–75..... ..... 11881; 3–14–75

ENVIRONMENTAL PROTECTION AGENCY

Control of air pollution from new motor vehicles and new motor vehicle engines, selective enforcement auditing procedures; comments by 4–17–75. 5169; 2–4–75

Ethylene; tolerance exemption; comments by 4–18–75.. 12521; 3–19–75

Pennsylvania air quality implementation plan; comments by 4–14–75 . 11894; 3–14–75

Virginia; approval of compliance schedules; comments by 4–14–75.. 11895; 3–14–75

Washington air quality implementation plan; comments by 4–18–75 . 12521; 3–19–75

FEDERAL COMMUNICATIONS COMMISSION

FM Broadcast stations, Louisiana; table of assignments; comments by 4–17–75 ..... 8963; 3–4–75

FM Broadcast stations, Michigan; table of assignments; comments by 4–17–75 . ..... 8964; 3–4–75

FEDERAL HOME LOAN BANK BOARD

Federal Home Loan Bank System; liquidation of dividends in mergers; comments by 4–14–75.. 11363; 3–11–75

FEDERAL POWER COMMISSION

Continuing investigation of activities of natural gas producers and producing affiliates; comments by 4–20–75. 12817; 3–21–75

FEDERAL RESERVE SYSTEM

Real estate settlement procedures; standardized forms; comments by 4–16–75 ..... 13008; 3–24–75

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Education Office—

Supplementary education centers and services; special programs and projects; funding criteria for FY 1975; comments by 4–14–75. 11885; 3–14–75

Food and Drug Administration—

Smallpox vaccine and measles-smallpox vaccine, live; test for potency; comments by 4–14–75 ..... 11884; 3–14–75

Public Health Service—

Nonhuman primates; restrictions on importation; comments by 4–14–75 ..... 11887; 3–14–75

Special health career opportunity grants; comments by 4–14–75. 11733; 3–13–75

Social and Rehabilitation Service—

Administration of medical assistance programs; Medicaid eligibility quality control; comments by 4–14–75. 11735; 3–13–75

Social Security Administration—

Federal old-age, survivors, and disability insurance; duration of entitlement for widow, widower, mother, and simultaneous entitlement of child; comments by 4–18–75 ..... 12514; 3–19–75

Supplemental security income for the aged, blind, and disabled; exclusion of home and property essential to self-support; comments by 4–18–75 ..... 12516; 3–19–75

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Federal Housing Administration—

Interest rates applicable to mortgage increases between initial and final endorsements; comments by 4–14–75 ..... 6647; 2–13–75

INTERIOR DEPARTMENT

National Park Service—

Grand Canyon National Park, Ariz.; designation of snowmobile routes; comments by 4–14–75..... 11876; 3–14–75

Yellowstone National Park, Wyo.; fishing; comments by 4–14–75. 11876; 3–14–75

LABOR DEPARTMENT

Occupational Safety and Health Administration—

Standards Completion Project; toxic materials; advance notice; comments by 4–14–75 ..... 11890; 3–14–75

Office of the Secretary—

Comprehensive Manpower Program And Grants to Areas of High Unemployment; comments by 4–17–75 ..... 13452; 3–26–75

Regulatory changes to conform with Executive Order 11838; labor relations in the Federal Service; comments by 4–14–75 ..... 11750; 3–13–75

SECURITIES AND EXCHANGE COMMISSION

Separate accounts of life insurance companies funding certain variable life insurance contracts; notice of intention to propose rule; comments by 4–18–75..... 11615; 3–12–75

Short sales of securities; consolidated transaction reporting system; comments by 4–15–75.. 12522; 3–19–75

SMALL BUSINESS ADMINISTRATION

Small business investment companies; changes in limits of annual cost of money; comments by 4–14–75. 11740; 3–13–75

TRANSPORTATION DEPARTMENT

Coast Guard—

New London Harbor, Conn.; proposed establishment of security zone; comments by 4–14–75..... 11598; 3–12–75

Revocation of exception for nonapproved lifesaving devices on white water canoes and kayaks; comments by 4–17–75.. 5167; 2–4–75

Federal Aviation Administration—

Air taxi operations; equipment requirements for certain airplanes; comments by 4–14–75..... 6370; 2–11–75

Operations review program; invitation to submit proposals during first Biennial operations review (1975–1976); comments by 4–15–75. 8685; 2–28–75

Federal Railroad Administration—

Intermodal passenger terminals; procedures and requirements regarding filing of applications; comments by 4–15–74..... 8958; 3–4–75

Hazardous Materials Regulations Board—

Specifications for tank car tank head shields; comments by 4–15–75. 11362; 3–11–75

National Highway Traffic Safety Administration—

School bus body joint strength; comments by 4–14–75..... .... 11738; 3–13–75

VETERANS ADMINISTRATION

Veterans benefits; pension and compensation rates; comments by 4–17–75 ..... 12294; 3–18–75

Next Week's Public Hearings

ENVIRONMENTAL PROTECTION AGENCY

Primary drinking water; national interim standards; to be held at Boston, Mass., on 4–15–75 and Chicago, Ill., on 4–17–75..... 11993; 3–14–75

INTERNATIONAL TRADE COMMISSION

President's list of articles which may be affected by international trade negotiations; to be held at Denver, Colo., on 4–14–75..... 3517; 1–22–75

President's list of articles which may be affected by international trade negotiations; to be held at Kansas City, Mo., on 4–18–75..... 3517; 1–22–75

President's list of articles which may be affected by international trade negotiations; to be held at Omaha, Nebr., on 4–16–75..... 3517; 1–22–75

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

Concorde Supersonic Transport Aircraft; draft environmental statement; to be held in Washington, D.C., on 4–14–75, and Queens, N.Y. on 4–18–75..... 11933; 3–14–75

Urban Mass Transportation Administration—

Elderly and handicapped transportation services; to be held in Boston, Mass.; 4–17–75.... 10697; 3–7–75

Elderly and handicapped transportation services; to be held in St. Petersburg, Fla.; 4–15–75.. 10697; 3–7–75

Next Week's Meetings

AGRICULTURE DEPARTMENT

Cooperative State Research Service—

Committee of Nine; to be held in Wash., D.C. (open) 4–16 and 4–17–75 ..... 8237; 2–26–75

Forest Service—

Rock Creek Advisory Committee; to be held in Drummond, Mont. (open) 4–15–75.. 12528; 3–19–75

Office of the Secretary—

National Advisory Council on Child Nutrition; to be held at Washington, D.C. (open) 4–14 and 4–15–75 ..... 12301; 3–18–75

CIVIL RIGHTS COMMISSION

Maryland State Advisory Committee; to be held in Lutherville, Maryland (open) 4–11–75..... 13332; 3–26–75

New Hampshire State Advisory Committee; to be held at Concord, N.H. (open) 4–16–75..... 8592; 2–28–75

New Jersey State Advisory Committee; to be held in Newark, New Jersey (open) 4–15–75.... 12837; 3–21–75

Utah State Advisory Committee; to be held at Salt Lake City, Utah (open) 4–17 and 4–18–75.. 11636; 3–12–75

CIVIL SERVICE COMMISSION

Federal Employees Pay Council; to be held at Washington, D.C. (closed) 4–16–75 ..... 11381; 3–11–75

COMMERCE DEPARTMENT

Domestic and International Business Administration—

Industry Sector Advisory Committees for Multilateral Trade Negotiations; to be held in Washington, D.C. 10:00 (open with restrictions) 4–1, 4–5, 4–8, 4–15, 4–19–75. 14622; 3–1–75

National Bureau of Standards—

Federal Information Processing Standards Task Group 13 "Workload Definition and Benchmarking"; to be held at Gaithersburg, Md. (open) 4–16–75 ..... 8845; 3–3–75

Office of the Secretary—

Commerce Technical Advisory Board; to be held at Washington, D.C. (open with restrictions).... 12301; 3–18–75

DEFENSE DEPARTMENT

Air Force Department—

Air Force Academy Board of Visitors; to be held at Colorado Springs, Colorado (partially closed) 4–17 and 4–18–75..... 14607; 4–1–75

Military Airlift Committee of the National Defense Transportation Association; to be held at Travis Air Force Base, California (open with restrictions) 4–8 and 4–9–75. 14607; 4–1–75

USAF Scientific Advisory Board; to be held in Washington, D.C. (open with restrictions) 4–18 and 4–19–75 ..... 14785; 4–2–75

USAF Scientific Advisory Board; Committee on Gas Turbine Technology; to be held at Wright-Patterson Air Force Base, Ohio (closed) 4–14 and 4–15–75..... 11757; 3–13–75

Army Department—

U.S. Army Ballistic Research Laboratories Scientific Advisory Committee to be held in Aberdeen Proving Ground, Maryland (closed) 4–17–75 ..... 11007, 13321; 3–10–75, 3–26–75

Defense Nuclear Agency—

Scientific Advisory Group on Effects; to be held at Homestead Air Force Base, Fla. (closed) 4–15 through 4–18–75 ..... 8598; 2–28–75

Navy Department—

Naval Research Advisory Committee; to be held at San Diego, Calif. (closed) 4–17 and 4–18–75. 8970; 3–4–75

Office of the Secretary—

Defense Science Board Task Force on Gun System Acquisition; to be held in Arlington, Va. (closed) 4–14 and 4–18–75..... 10199; 3–5–75

Defense Science Board Task Force on "Specifications and Standards Improvement"; to be held at Dayton, Ohio (open with restrictions) 4–17 and 4–18–75 .... 12820; 3–21–75

Department of Defense Wage Committee; to be held at Washington, D.C. (closed) 4–15–75..... 11364; 3–11–75

FEDERAL ENERGY ADMINISTRATION

Construction Advisory Committee (open) to be held at the Departental Auditorium, Washington, D.C., 4–15–75. 13244; 3–25–75

Consumer Affairs and Special Impact Advisory Committee; to be held in Washington, D.C., 4–17–75.... 14641; 4–1–75

FEDERAL POWER COMMISSION

Undiscovered Natural Gas and Petroleum Resources; to be held at Washington, D.C. (open), 4–14–75. 12546; 3–19–75

GOVERNMENT PRINTING OFFICE

Depository Library Council to the Public Printer; to be held at the University of Connecticut, Storrs, Conn. (open), 4–14–75 ..... 13359; 3–26–75

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

National Institutes of Health—

Advisory Committee to the Director, NIH; to be held in Bethesda, Md. (open with restrictions), 4–14 and 4–15–75 ..... 6811; 2–14–75

Allergy and Immunology; to be held in Chevy Chase, Md. (open with restrictions), 4–19 through 4–22–75 ..... 10704; 3–7–75

Biochemistry; to be held in Bethesda, Md. (open with restrictions), 4–17 through 4–20–75 ..... 10704; 3–7–75

Cancer Control Community Activities Review Committee; to be held at Bethesda, Maryland (open with restrictions); 4–17–75..... 11925; 3–14–75

Cancer Control Supportive Services Review Committee; to be held at Bethesda, Maryland (open with restrictions); 4–18–75..... 11925; 3–14–75

Clinical Applications and Prevention Advisory Committee; to be held at Bethesda, Md. (open with restrictions), 4–17 and 4–18–75.... 8982; 3–4–75

Communicative sciences; to be held in Bethesda, Md. (open with restrictions), 4–16 through 4–18–75. 10704; 3–7–75

Contraceptive Evaluation Research Contract Review Committee; to be held at Bethesda, Md. (open with restrictions), 4–16–75..... 8983; 3–4–75

Molecular biology; to be held in Washington, D.C. (open with restrictions) 4–17 through 4–19–75. 10704; 3–7–75

Neurology B; to be held in Washington, D.C. (open with restrictions), 4–17 through 4–19–75..... 10705; 3–7–75

Population research; to be held in Seattle, Washington (open with restrictions), 4–17 through 4–19–75 ..... 10705; 3–7–75

V40169 APR 9 75 XUM

Surgery A Study Section; to be held in Bethesda, Md. (open with restrictions), 4–16–75..... 14965; 4–3–75

Surgery A Study Section; to be held in Bethesda, Md. (open with restrictions), 4–17 and 4–18–75. 10705; 3–7–75

Surgery B Study Section; to be held in Bethesda, Md. (open with restrictions), 4–17 and 4–18–75. 10705; 3–7–75

Virology; to be held in Bethesda, Md. (open with restrictions), 4–17 through 4–19–75..... 10705; 3–7–75

Virus Cancer Program Scientific Review Committee B; to be held at Bethesda, Md. (open with restrictions), 4–16 and 4–17–75. 11925; 4–14–75

Virus Cancer Program Scientific Review Committee; to be held at Bethesda, Md. (open with restrictions), 4–18–75.... 11925; 3–14–75

Office of Education—

Executive Committee of the National Advisory Council on Adult Education Meeting; to be held in Washington, D.C. (open), 4–19–75. 13329; 3–26–75

INTERIOR DEPARTMENT

Bonneville Power Administration—

Satsop Integration Transmission; FY 1976 Draft Environmental Statement; to be held at Olympia, Wash. (open); 4–16–75.. 11920; 3–14–75

Land Management Bureau—

Outer Continental Shelf Research Management Advisory Board to be held at Washington, D.C. (open), 4–17 to 4–18–75..... 13323; 3–26–75

JUSTICE DEPARTMENT

Federal Advisory Committee on False Identification; to be held at Washington, D.C. (open), 4–10–75. 13321; 3–26–75

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Open meeting; to be held in Washington, D.C., 4–14 and 4–15–75. 11819; 3–13–75

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Chemistry; to be held at Washington, D.C. 4–17 and 4–18–75 ..... 12335; 3–18–75

SMALL BUSINESS ADMINISTRATION

Jackson District Advisory Council; to be held in Jackson, Miss. (open) 4–17–75 ..... 12862; 3–21–75

Portland District Advisory Council; to be held in Portland, Oregon 4–17–75. 11823; 3–13–75

STATE DEPARTMENT

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; to be held at Washington, D.C. (open) 4–15–75 ..... 13321; 3–26–75

TRANSPORTATION DEPARTMENT

Federal Highway Administration—

Mustang and Cougar Seat Back Pivot Arm Hinge Pin Bracket Failures; to be held at Washington, D.C. (open) 4–18–75 ..... 14969; 4–3–75

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

Technical Subcommittee of the Advisory Committee on Explosives Tagging (closed) meeting to be held at the Sheraton Boston Hotel, Boston Massachusetts, 4–14 thru 4–17–75 ..... 13223; 3–25–75

VETERANS ADMINISTRATION

Medical Research Service Merit Review boards (open with restrictions), 3–14 through 5–3–75.... 11853; 3–13–75

Daily List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 70—SPECIAL NUCLEAR MATERIAL

Organization and Procedural Changes

Correction

In FR Doc. 75–8104 appearing at page 14085 of the issue for Friday, March 28, 1975, in the first column on page 14086 the paragraphs numbered (1) through (4) which precede paragraph (a) of § 70.11 should be removed and made part of footnote 10 to that section, the footnote to read as follows:

[10] The Administration facilities identified in section 202 are:

(1) Demonstration Liquid Metal Fast Breeder reactors when operated as part of the power generation facilities of an electric utility system, or when operated in any other manner for the purpose of demonstrating the suitability for commercial application of such a reactor.

(2) Other demonstration nuclear reactors, except those in existence on January 19, 1975, when operated as part of the power generation facilities of an electric utility system, or when operated in any other manner for the purpose of demonstrating the suitability for commercial application of such a reactor.

(3) Facilities used primarily for the receipt and storage of high-level radioactive wastes resulting from licensed activities.

(4) Retrievable Surface Storage Facilities and other facilities authorized for the express purpose of subsequent long-term storage of high-level radioactive waste generated by the Administration, which are not used for, or are part of, research and development activities.

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 213—OIL IMPORT REGULATIONS

Amendments To Conform Oil Import Regulations to Presidential Proclamation

On March 4, 1975, the President issued Proclamation No. 4355 (40 FR 10437, March 6, 1975) amending Proclamation No. 3279, as amended, which establishes the Mandatory Oil Import Program. The purpose of the new Proclamation is to make certain adjustments in the Program, retroactive to February 1, 1975, as are necessary to and consistent with the national security, taking into account the economic welfare of the United States and Puerto Rico, and the special hardships faced by refiners located in United States territories and foreign trade zones. On March 13, 1975, the Federal Energy Administration (FEA), which administers the Mandatory Oil Import Program, issued a notice proposing amendments to Part 213 of its regulations in order to conform the Oil Import Regulations to the amended Proclamation (40 FR 12287, March 18, 1975). This notice also contained proposed amendments to Part 212 (Mandatory Petroleum Price Regulations) relating to the pricing of residual fuel oil and the disproportionate allocation of costs to domestically refined gasoline, as well as further proposed amendments to Part 213 relating to the imposition of relatively higher fees for imported gasoline than for other imported products. However, on March 24, 1975, FEA issued a further notice extending the comment period and rescheduling the hearing for those proposed amendments unrelated to the implementation of Proclamation No. 4355 (40 FR 13524, March 27, 1975). In view of the extension provided with respect to Part 212 and the corresponding amendment to Part 213, FEA hereby amends only its oil import regulations in Part 213 of Chapter II, Title 10 of the Code of Federal Regulations, in order to conform to Proclamation No. 4355 and to implement the modifications in the Oil Import Program as of February 1, 1975. Further amendment of these regulations may result if, after the extended period for comment and the rescheduled hearing, FEA adopts its proposal relating to the imposition of a higher fee on imported gasoline.

Under the amended Proclamation, increases in supplemental import license fees scheduled to take effect in March and April, pursuant to Proclamation No. 4241 amending Proclamation No. 3279 (40 FR 3965) have been deferred for two months. Increases to $2.00 per barrel on March 1 and $3.00 per barrel on April 1, will take effect on May 1 and June 1, respectively. The supplemental fee of $1.00 per barrel, and the increases in fees originally imposed pursuant to Proclamation No. 4210 (38 FR 9645), which became effective on February 1 pursuant to Proclamation No. 4341, will remain in place. With respect to the reductions in the supplemental fee, which the Administrator of FEA was authorized to make on most petroleum products except crude oil, a corresponding deferral was made, thus leaving the product fee at $0.00 for March and April.

Proclamation No. 4341 provided that the net amount of tariffs paid may be credited, on a monthly basis, against the amount of fees paid. However, in view of the fact that the amount of tariffs paid by importers with fee-exempt allocations is likely to exceed the amount paid in fees, until the two-month suspension expires, Proclamation 4355 provides for a six-month period during which excess tariff payments may be used to reduce fees subsequently paid.

Proclamation 4355 also authorizes the Administrator to determine at what point crude oil, unfinished oils, and finished products shipped into United States territories and foreign trade zones shall become subject to import license fees and supplemental fees. The purpose of this provision is to remedy the hardships that could result to refiners located in territories and foreign trade zones on account of shipments into such locations not becoming subject to license fees at the same time as imports into United States customs territory.

Finally, the Proclamation also provides that the fees and supplemental fees imposed with respect to imports into Puerto Rico, or imports into Districts I–V which are shipped to Puerto Rico, with or without further processing, shall be reduced by the amount of any excise tax or other levy imposed by the Government of Puerto Rico on such imports as are not shipped to Districts I–V. The Proclamation further provides that any such levy shall accord affected importers the same reductions and refunds as are authorized with respect to payment of fees and supplemental fees. The purpose of this provision is to permit the government of Puerto Rico to collect and retain, with respect to imports into Puerto Rico, the equivalent of a fair and reasonable proportion of the import fees provided by Proclamation No. 3279, as amended. This is necessary since Puerto Rico would not benefit from the tax relief and other measures which will benefit other citizens.

In its March 13 notice, FEA proposed to amend § 213.25 of its regulations dealing with allocations and fee-paid licenses for imports of crude oil, unfinished oils, and finished products in order to implement the foregoing changes to the Mandatory Oil Import Program. Several comments were received, and additional oral presentations were made at the hearing. As a result of the opinions expressed, and of further examination of the proposal by FEA staff, FEA has changed certain portions of the proposed amendments to more nearly accomplish the purposes of the Proclamation.

In accordance with Proclamation No. 4355, FEA proposed that § 213.25(d)(1)(i) be amended to provide that imports of crude oil, natural gas products, unfinished oils, and all other finished products (except ethane, propane, butanes, and asphalt) entered into United States customs territory on or after February 1, 1975, shall be subject to a supplemental fee per barrel of $1.00, rising to $2.00 on imports entered on or after May 1, 1975, and to $3.00 on imports entered on or after June 1, 1975. Imports other than

V40169 APR 9 75 XUM

(1) ethane, propane, butanes, and asphalt, (2) crude oil, as defined for purposes of the Old Oil Allocation Program, which is imported for refining, and (3) products refined in a refinery outside of the customs territory as to which crude oil runs to stills would qualify a refiner to receive entitlements under the Old Oil Allocation Program, would not be subject to a supplemental license fee for imports entered during the months of February, March, and April 1975. No adverse comments were received on this proposal, and it has been adopted as proposed. However, since no final decision has yet been made on the proposed disproportionate allocation of costs to domestically refined gasoline, as well as on the corresponding increase in fees on imported gasoline, supplemental fees for May and June are still set at the same levels as those previously scheduled to take effect in March and April respectively, that is, $0.60/bbl. for imports entered in May and $1.20 for imports entered in the month of June and thereafter.

In this connection, FEA also proposed to amend § 213.35(d)(1)(i) to substitute the term "entered" for references to "entered for consumption or withdrawn from warehouse for consumption." The purpose of this proposal was to conform the language of the regulations more closely to that in Proclamation No. 3279, as amended, which is less restrictive, and provides for the payment of supplemental license fees "entered into the Customs territory of the United States." FEA received several comments supporting this proposed amendment, but evincing uncertainty, in light of a statement made in the preamble to the proposal, as to when the supplemental fee would become effective. FRA had stated, at 40 FR 12219, that

> Use of the former language has led to confusion concerning the date on which such fees were payable, since it implied that completion of formal customs procedures was necessary, and since different ports took longer or shorter times to complete such procedures. *However, FEA assesses the fee as of the time merchandise is released from customs custody, regardless of whether it was released by formal entry or for immediate delivery prior to such entry.* (emph. supp.)

Comments pointed out that the cited language suggests applicability of the supplemental fee at the time when merchandise is "released from customs custody" rather than when it physically enters the customs territory, and that this was more restrictive than the Proclamation. In adopting the amendment as proposed, FEA wishes to make the clarification that physical entry is not required by the Proclamation. For purposes of assessing the supplemental fee, the date of entry is deemed to be the date on which an acceptable entry for consumption (CF 7501) is filed, the date on which an acceptable withdrawal from warehouse from consumption is filed (CF 7505), or the date of release from customs custody for immediately delivery, whichever occurs first.

Under amended § 213.35, payment of supplemental fees for licenses issued upon prepayment by the applicant would be at the rate applicable June 1, 1975 ($3.00 per barrel for crude oil, $1.20 per barrel for products) provided that imports entered into United States customs territory against such licenses during the period February 1, 1975, through May 31, 1975, would be subject to the refund of the difference between the amount of fee applicable at the time the imports are entered and the amount previously paid.

In the case of overpayments made on the basis of the $2.00 fee, which took effect on March 1, but was suspended by Proclamation No. 4355, the Director will issue refunds as soon as practicable.

FEA also proposed to amend § 213.35, in accordance with Proclamation No. 4355, so that where the net duty paid during a month exceeds the fee and supplemental fee imposed, the excess duty may be used to reduce such fees payable during the subsequent six months. Some importers commented that the six month period was not long enough in cases where imports are made against fee-exempt licenses, and recommended that the Proclamation be amended to provide for prompt refunds from the entire fund of fees collected. However, such a scheme would be unworkable without an appropriation from Congress, and FEA has therefore adopted the amendment as proposed.

In addition, FEA proposed that in accordance with Proclamation No. 4355, § 213.35 be amended to provide that fees and supplemental fees imposed with respect to imports into Puerto Rico, and imports into Districts I–V which are shipped into Puerto Rico with or without further processing, be reduced by the amount of any excise tax or other levy imposed by the Government of Puerto Rico on such imports as are not shipped to Districts I–V. The Government has since imposed a tax, effective February 1, 1975. As proposed, the amendments provided that importers holding licenses issued by prepayment would receive applicable refunds, and that importers pursuant to bond would be required to pay a reduced amount of fees. FEA received no adverse comments with respect to this proposal, and is adopting it with certain amplification of the treatment of shipments to Districts I–V from Puerto Rico, and with the addition of a provision dealing with the sale in Puerto Rico of petroleum imported into Puerto Rico.

Finally, FEA proposed that § 213.35 be amended to authorize refiners located in American Samoa, Guam, the Virgin Islands or a foreign trade zone to elect a procedure for determining at what point crude oil and unfinished oils shipped into those locations would become subject to the supplemental fee. As proposed, the amendment provided that such refiners could choose to have fees assessed on the date that unlading of the feedstocks commenced, or at the time that finished products or unfinished oils derived from the feedstocks are imported into United States customs territory. In the latter case, the applicable fees were those in effect at the time of importation. Elections under this provision had to be made no later than fifteen (15) days after publication in the FEDERAL REGISTER of amended § 213.35. Elections once made were irrevocable, and failure to elect would result in assessment of the fee at the time that finished products or unfinished oils were imported into U.S. customs territory.

FEA received numerous comments on this proposal, and as a consequence it has been substantially revised. It was pointed out that domestic refiners are able to maintain crude stocks in bond for drawing down as needed. This enables them to defer fee on crude imports until their inventory is released from bond, ready for processing into products that will, if sold within an average 45 days from the release, provide the money with which to pay the fee. Foreign trade zone and territorial refiners could only have elected to incur the fee when unlading of the feedstocks commenced, irrespective of when such stocks would actually be processed. Thus unlike refiners within the customs territory, a refinery in a foreign trade zone would have to carry the cost of the fees on crude during the time between unlading and processing.

In order to give refiners located in United States territories or foreign trade zones more equitable treatment, FEA has changed the option in question to provide that supplemental fees can, if this option is chosen, be assessed on crude oil or unfinished oil as feedstocks run to stills in the refiner's refinery during each month, less any shipments from the refinery for consumption outside United States customs territory.

Furthermore, some concern was expressed with respect to the irrevocability of the election. Should these regulations change in the future, that provision will be taken into consideration so as to avoid any hardship.

In consideration of the foregoing, Part 213, Chapter II of Title 10 of the Code of Federal Regulations, is hereby amended, effective February 1, 1975.

Issued in Washington, D.C., April 3, 1975.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

Section 213.35 is amended by adding a new paragraph (a)(9); (d) (1) and (4) of; by revising (e)(2)(i), by deleting the word "and" from (e)(2)(iv), by changing the period to a semicolon in (e)(2)(v) and adding the word "and" after the semicolon, and by adding a new new (e)(2)(vi); and by adding a new paragraph (f) to read as follows:

§ 213.35 Allocation and fee paid licenses for imports of crude oil, unfinished oils, and finished products.

(a) • • •

(9) For purposes of the supplemental fees payable pursuant to paragraph (d) of this section, refiners located in American Samoa, Guam, the Virgin Islands or a foreign trade zone shall elect within fifteen (15) days after publication of this amended § 213.35 to be treated in accordance with either (a)(9)(i) or (ii) of this section. Elections once made may not be changed. Failure to file timely notice of an election will result in treatment in accordance with (a)(9)(ii) of this section.

(i) For refiners electing to be treated under this clause (i), supplemental fees shall be assessed on crude oil or unfinished oil as feedstocks run to stills in the refiner's refinery during each calendar month, less any shipments from the refinery for consumption outside United States customs territory. In those cases where sales are made to the Department of Defense F.O.B. the Virgin Islands or a foreign trade zone, such sales may be deducted from runs to still in determining the liability of the refiner. The Department of Defense is liable for payment of supplemental fees if the material purchased is imported into United States customs territory. No later than ten (10) days after the close of each month, the refiner shall certify to the Director runs to stills of crude oil or unfinished oils and shipments from the refinery for consumption outside United States customs territory during the preceding month. Payment of the supplemental fee shall be made by the refiner by the last day of the month following the month the feedstocks are run to stills. Effective May 1, 1975 and each month thereafter, each refiner must file a bond with a surety on the list of acceptable sureties on Federal bonds, maintained by the Bureau of Government Financial Operations, Department of the Treasury, in a sum not less than the applicable fee multiplied by the total number of barrels processed by the refiner in the last month but one preceding the month for which the bond is posted.

(ii) For refiners electing to be treated under this clause (ii), the supplemental fee shall be assessed on finished products or unfinished oils derived from crude oil or unfinished oils at the time that such finished products or unfinished oils are entered into U.S. customs territory. The applicable supplemental fee shall be the supplemental fee on the feedstock from which such finished products or unfinished oils are derived in accordance with paragraph (d)(1)(i) of this section.

• • • • • •

(d)(1)(i) Except as provided in paragraphs (d)(1)(ii) and (iii) of this section, and except with respect to finished products or unfinished oils as to which a supplemental fee is chargeable on the feedstock from which such finished products or unfinished oils were derived in accordance with (a)(9)(i) of this section, imports of crude oil, natural gas products, unfinished oils and all other finished products (except ethane, propane, butanes, and asphalt) entered into United States customs territory on or after February 1, 1975, shall be subject to a supplemental fee per barrel of $1.00, rising to $2.00 on imports entered on or after May 1, 1975, and to $3.00 on imports entered on or after June 1, 1975, in accordance with § 3(a)(1)(iii) of Proclamation No. 3279, as amended.

(ii) Imports other than (A) ethane, propane, butanes, and asphalt, (B) crude oil as defined for purposes of the Old Oil Allocation Program set forth in § 211.67 of this chapter, which is imported for refining, and (C) products refined in a refinery outside of the customs territory as to which crude oil runs to stills would qualify a refiner to receive entitlements under the Old Oil Allocation Program, shall be subject to a supplemental fee as follows:

(I) for imports entered into the United States customs territory during the months of February, March, and April, 1975, $0.00/bbl.;

(II) for imports entered into the United States customs territory during the month of May, 1975, $0.60/bbl.;

(III) for imports entered into the United States customs territory during the month of June, 1975, and thereafter, $1.20/bbl.

• • • • • •

(4) Payments made pursuant to paragraph (d)(1)(i) of this section for licenses issued upon prepayment shall be at the rate of $3.00 per barrel. Payments made pursuant to paragraph (d)(1)(ii) of this section for licenses issued upon prepayment shall be at the rate of $1.20 per barrel. Imports entered into United States customs territory against such licenses during the period February 1, 1975 through May 30, 1975 shall be subject to refund of the difference between the amount of fee applicable at the time the imports are entered and the amount previously paid.

(e) • • •

(2) • • •

(i) For payment to the importer of record, on a monthly basis, of sums equal to the sums collected by way of duties found payable upon liquidation, by the United States Customs Service, less any applicable duty drawback, *provided that*, said importer certifies the amount of drawback received during that period. Where the duty drawback exceeds the duty paid during that period, the net difference shall be applied to subsequent periods, *provided that* when the duty less drawbacks exceeds the fee imposed, any excess duty may be used to reduce fees payable during the subsequent six months;

• • • • • •

(vi) For payments to the importer of record in accordance with paragraph (f) of this section.

(f)(1) On a monthly basis beginning with the month of February, 1975, the Director shall, in accordance with this paragraph (f), with respect to crude oil, unfinished oils, and finished products imported into Puerto Rico (or imported into Districts I–V and shipped to Puerto Rico with or without further processing) and not shipped to Districts I–V, as crude oil, unfinished oils, or finished products, make reductions in and refunds from fees and supplemental fees by the amount of any excise tax or other levy imposed subsequent to January 31, 1975 and collected by the Government of Puerto Rico on such materials, provided that refunds from or reductions in such excise tax or other levy are authorized in the same manner as are authorized with respect to payments prescribed by paragraphs (c) and (d) of this section.

(2) For the purpose of obtaining refunds or reductions under this paragraph, the importer of record shall furnish the Director for the particular month the following documents: (i) copies of customs entry documents 7501 or 7505, as appropriate, where crude oil, unfinished oils, or finished products were imported into Puerto Rico;

(ii) copies of any bills of lading or other documents filed with the Commonwealth of Puerto Rico relating to shipments of crude oil, unfinished oils, or finished products from Districts I–V to Puerto Rico and from Puerto Rico to Districts I–V; and

(iii) copies of any receipts, for payment to Puerto Rico of a tax or other levy in effect after January 31, 1975 on crude oil, unfinished oils, or finished products not shipped to Districts I–V.

(3) In the case of licenses issued pursuant to a bond, or fee-exempt license, the importer shall pay to the Director, with respect to the following to the extent applicable:

(i) Fees and supplemental fees applicable per barrel on the volumes of crude oil, unfinished oils and finished products imported into Puerto Rico and not shipped into Districts I–V, less the tax or other levy per barrel (up to the amount of the applicable fee and supplemental fees net of any reductions pursuant to paragraph (a)(1) of section 3 of Proclamation No. 3279, as amended) on those volumes paid to Puerto Rico; and

(ii) Fees and supplemental fees applicable per barrel on the volumes of crude oil, unfinished oils and finished products imported into Districts I–V and shipped to Puerto Rico, with or without further processing, less the tax or other levy per barrel on those volumes paid to Puerto Rico; and

(iii) Fees and supplemental fees applicable per barrel on the volumes of crude oil, unfinished oils and finished products imported into Puerto Rico and shipped to Districts I–V, with or without further processing.

(4) In the case of licenses issued pursuant to a valid fee-paid license the importer shall pay to the Director, not later than the last day of the month following the month in which imports were made into Puerto Rico (or into Districts I–V and shipped to Puerto Rico) and shipments from Puerto Rico were made into Districts I–V, the supplemental fee for the month in question in accordance with the provisions of paragraph (f)(3) of this section.

(5) Upon receipt of the documents specified in subparagraph (2) of this paragraph, the Director shall, with respect to licenses issued by prepayment of the fees and supplemental fee prescribed

V40169 APR 9 75 XUM

in paragraphs (c) and (d) of this section, refund to the importer of record such fees on the following crude oil, unfinished oils and finished products: (i) imports into Puerto Rico, plus

(ii) imports into Districts I–V which are shipped to Puerto Rico, less

(iii) shipments to Districts I–V from Puerto Rico.

(6) Crude oil, unfinished oil, and finished products shipped to Puerto Rico from Districts I–V, shall be deemed to be crude oil imported into Districts I–V or to have been processed from such imported crude oil to the extent that the refiner shipping such products has imported into Districts I–V crude oil in equivalent or greater volumes.

(7) The fee and supplemental fee payable pursuant to paragraphs (f) (3) and (4) of this section for the month in question shall be that attributable to the feedstock which was processed or further processed in Puerto Rico. In the event that material which could have been derived from different feedstocks having different fees and supplemental fees is shipped into Districts I–V from Puerto Rico, the material will be deemed, to the extent possible, to have been derived from the feedstock having the lowest fee. Any excess will be deemed to have been derived from the feedstock having the next lowest fee. To the extent that material is shipped from Puerto Rico into Districts I–V in excess of the amount that could have been derived from crude oil or unfinished oils, such shipments will be considered to be transshipments of that material without further processing, and the fee and supplemental fee applicable to that material shall apply.

(8) In the event that an importer of material into Puerto Rico sells crude oil, unfinished oils, or finished products to another person in Puerto Rico, the importer shall ascertain whether the material sold will be shipped into Districts I–V. Where such material will be shipped into Districts I–V, the importer of the materials into Puerto Rico shall be liable for the fees imposed pursuant to paragraphs (f) (3) and (4) of this section on the materials introduced into Puerto Rico and shipped into Districts I–V.

[FR Doc.75-9283 Filed 4-7-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-WA-38]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Terminal Control Area

On January 6, 1975, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (40 FR 1059) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the St. Louis Terminal Control Area (TCA) by redefining certain lateral boundaries and floor altitudes in the vicinity of Webster Groves, Mo.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The only comment received in response to the NPRM was from the Air Transport Association (ATA) in which they concurred with the proposal.

In the description of Area C the notice gave only the magnetic bearing of the Maryland Heights VORTAC. Consequently, the Area C description in the rule gives the true bearing.

In consideration of the foregoing, § 71.401(b) (40 FR 640) of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 19, 1975, by amending the description of Areas B and C of the St. Louis, Mo., Group II Terminal Control Area to read as follows:

Area B. That airspace extending upward from 2,000 feet MSL to and including 8,000 feet MSL within a 10-mile radius of the St. Louis International Airport ASR Antenna excluding Area A previously described and the area within and underlying Area C hereinafter described.

Area C. That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL within a 15-mile radius of the St. Louis International Airport ASR Antenna, and that area which lies south of the Maryland Heights 102° radial which is contained within the 10-mile radius of the St. Louis International Airport ASR Antenna, excluding Areas A and B previously described, and the area within and underlying Area E hereinafter described.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on April 3, 1975.

F. L. CUNNINGHAM,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-9167 Filed 4-8-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8981]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Sir Carpet, Inc. and Bennett Weiner

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.20 Comparative data or merits; § 13.75 Free goods or services; § 13.135 Nature of product or service; § 13.155 Prices: § 13.155–5 Additional charges unmentioned; § 13.155–10 Bait; § 13.155–40 Exaggerated as regular and customary; § 133.155–93 Special or test offers; § 13.155–100 Usual as reduced, special, etc.; § 13.160 Promotional sales plans; § 13.205 Scientific or other relevant facts; § 13.240 Special or limited offers. Subpart—Contracting for sale any evidence of indebtedness prior to specified time: § 13.527 Contracting for sale any evidence of indebtedness prior to specified time. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements: § 13.533–20 Disclosures; § 13.533–40 Furnishing information to media; § 13.533–45 Maintain records; § 13.533–45(a) Advertising substantiation; § 13.533–45(m) Records, sales; § 13.533–55 Refunds, rebates, and/or credits. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 Delaying or withholding corrections, adjustments or action owed. Subpart—Disparaging products, merchandise, services, etc.: § 13.1042 Disparaging products, merchandise, services, etc. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records; § 13.1051–20 Adequate. Subpart—Misrepresenting oneself and goods—Goods: § 13.1575 Comparative data or merits; § 13.1625 Free goods or services; § 13.1685 Nature; § 13.1720 Quantity; § 13.1740 Scientific or other relevant facts; § 13.1743 Size or weight; § 13.1747 Special or limited offers.—Prices: § 13.1778 Additional costs unmentioned; § 13.1779 Bait; § 13.1805 Exaggerated as regular and customary; § 13.1825 Usual as reduced or to be increased.—Promotional sales plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1855 Identity; § 13.1870 Nature; § 13.1882 Prices: § 13.1882–10 Additional costs unmentioned; § 13.1892 Sales contract, right-to-cancel provision; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions; § 13.1905–50 Sales contract. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1955 Free goods; § 13.2013 Offers deceptively made and evaded; § 13.2063 Scientific or other relevant facts; § 13.2090 Undertakings in general. Subpart—Securing orders by deception: § 13.2170 Securing orders by deception. Subpart—Using deceptive techniques in advertising: § 13.2275 Using deceptive techniques in advertising.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Sir Carpet, Inc., a Corporation, and Bennett Weiner, Individually and as an Officer of Said Corporation

Order requiring a Takoma Park, Md., carpet retailer and installer, among other things to cease using bait and switch tactics and other deceptive sales practices.

The Order Placing Matter on Docket for Review and Final Order, reads as follows: [1]

An initial decision by the administrative law judge having been issued in this matter on November 13, 1974, containing a provision that would require respondents' contracts to include a statement that they are subject to a cease and desist order of the Federal Trade Commission "for having engaged in bait and switch tactics" and that the consumer can examine a copy of the complaint and order on request:

And the Commission having determined that this initial decision should be placed on its own docket for review *sua sponte* pursuant to § 3.53 of its rules of practice and modified in accordance with its decision in *Wilbanks Carpet Specialists, Inc.*, Docket 8933 (September 24, 1974) [39 F.R. 423471], and *Tri-State Carpets, Inc.*, Docket 8945 (October 15, 1974) [40 F.R. 4412];

Now therefore it is ordered, That the initial decision in this matter be, and it hereby is, placed on the Commission's docket for review; and

It is further ordered, That the said initial decision be, and it hereby is, modified by deleting the portion of the initial decision under the caption "The Black Border Provision" and by striking from paragraph 16 of the order the following sentence: "Also, since we are subject to a cease and desist order of the Federal Trade Commission in Docket No. 8981 for having engaged in bait and switch tactics, you may examine or have a copy of the complaint and order by asking the salesman serving you to provide it;" and

It is further ordered, That, as so modified, the initial decision and order be, and they hereby are, adopted as the decision and order of the Commission.

The order to cease and desist set forth in the initial decision, as modified above, is as follows:

ORDER

It is ordered, That respondents Sir Carpet, Inc., a corporation, its successors and assigns, and its officers, and Bennett Weiner, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale, distribution and installation of carpeting and floor coverings, or any other article of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, in any manner, a sales plan, scheme, or device wherein false, misleading, or deceptive statements or representations are made in order to obtain leads or prospects for the sale of carpeting or other merchandise or services.

2. Making representations, directly or indirectly, orally or in writing, purporting to offer merchandise for sale when the purpose of the representation is not to sell the offered merchandise but to obtain leads or prospects for the sale of other merchandise at higher prices.

3. Disparaging in any manner, or discouraging the purchase of any merchandise or services which are advertised or offered for sale.

4. Representing, directly or indirectly, orally or in writing, that any merchandise or services are offered for sale when such offer is not a bona fide offer to sell such merchandise or services.

5. Failing to maintain and produce for inspection and copying for a period of three years following the date of publication of any advertisement, adequate records to document for the entire period during which each advertisement was run and for a period of six weeks after the termination of its publication in press or broadcast media:

a. the cost of publishing each advertisement including the preparation and dissemination thereof;

b. the volume of sales made of the advertised product or service at the advertised price; and

c. a computation of the net profit from the sales of each advertised product or service at the advertised price.

6. Representing, directly or indirectly, orally or in writing, that any price amount is respondents' regular price for any article of merchandise or service unless said amount is the price at which such merchandise or service has been sold or offered for sale by respondents for a reasonably substantial period of time in the recent, regular course of their business and not for the purpose of establishing fictitious higher prices upon which a deceptive comparison or a "free" or similar offer might be based.

7. Representing, directly or indirectly, orally or in writing, that a purchaser of respondents' merchandise or services will receive a "free" vacuum cleaner or any other "free" merchandise, service, prize or award unless all conditions, obligations, or other prerequisites to the receipt and retention of such merchandise, services, gifts, prizes or awards are clearly and conspicuously disclosed at the outset in close conjunction with the word "free" wherever it first appears in each advertisement or offer.

8. Representing, directly or indirectly, orally or in writing, that any merchandise or service is furnished "free" or at no cost to the purchaser of advertised merchandise or services, when, in fact, the cost of such merchandise or service is regularly included in the selling price of the advertised merchandise or service.

9. Representing, directly or indirectly, orally or in writing, that a "free" offer is being made in connection with the introduction of new merchandise or services offered for sale at a specified price unless the respondents expect, in good faith, to discontinue the offer after a limited time and commence selling such merchandise or service, separately, at the same price at which it was sold with a "free" offer.

10. Representing, directly or indirectly, orally or in writing that merchandise or service is being offered "free" with the sale of merchandise or service which is usually sold at a price arrived at through bargaining, rather than at a regular price, or where there may be a regular price, but where other material factors such as quantity, quality, or size are arrived at through bargaining.

11. Representing, directly or indirectly, orally or in writing, that a "free" offer is available in a trade area for more than six (6) months in any twelve (12) month period. At least thirty (30) days shall elapse before another such "free" offer is made in the same trade area. No more than three such "free" offers shall be made in the same area in any twelve (12) month period. In such period, respondents' sale in that area of the product or service in the amount, size or quality promoted with the "free" offer shall not exceed 50 percent of the total volume of its sales of the product or service, in the same amount, size or quality, in the area.

12. Representing, directly or indirectly, orally or in writing, that a product or service is being offered as a "gift", "without charge", "bonus", or by other words or terms which tend to convey the impression to the consuming public that the article of merchandise or service is free, when the use of the term "free" in relation thereto is prohibited by the provisions of this Order.

13. Advertising the price of carpet, either separately or with padding and installation included, for specified areas of coverage without disclosing in immediate conjunction and with equal prominence the square yard price for additional quantities of such carpet with padding and installation needed.

14. Advertising any carpeting or floor covering using a unit of measurement not usually and customarily employed in the retail advertising of carpet or which tends to exaggerate the size or quantity of carpeting or floor covering being offered at the advertised price.

15. Contracting for sale whether in the form of trade acceptance, conditional sales contract, promissory note, or otherwise which shall become binding on the buyer prior to midnight of the third day, excluding Sundays and legal holidays, after the date of execution.

16. Failing to furnish the buyer with a fully completed receipt or copy of any contract pertaining to such sale at the time of its execution, which is in the same language, e.g., Spanish, as that principally used in the oral sales presentation and which shows the date of the transaction and contains the name and address of the seller, and in immediate proximity to the space reserved in the contract for the signature of the buyer or on the front page of the receipt if a contract is not used and in bold face type of a minimum size of 10 points, a statement in substantially the following form:

You, the buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See the attached notice of cancellation form for an explanation of this right.

17. Failing to furnish each buyer, at the time he signs the sales contract or otherwise agrees to buy consumer goods or services from the seller, a completed form in duplicate, captioned "Notice of Cancellation", which shall be attached to the contract or receipt and easily detachable, and which shall contain in ten

[1] Copies of the Complaint, Initial Decision, and Order Placing Matter on Docket for Review and Final Order, filed with the original document.

V40169 APR 9 75 XUM

point bold face type the following information and statements in the same language, e.g., Spanish, as that used in the contract:

NOTICE OF CANCELLATION

[Enter date of transaction]

(Date)

You may cancel this transaction, without any penalty or obligation, within three business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 business days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be cancelled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale; or you may if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller's expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice, or send a telegram, to _____, at

[Name of seller]

_____

[Address of seller's place of business]

not later than midnight of _____.

(Date)

I hereby cancel this transaction.

_____

(Date)

_____

(Buyer's signature)

18. Failing, before furnishing copies of the "Notice of Cancellation" to the buyer, to complete both copies by entering the name of the seller, the address of the seller's place of business, the date of the transaction, and the date, not earlier than the third business day following the date of the transaction, by which the buyer may give notice of cancellation.

19. Including in any sales contract or receipt any confession of judgment or any waiver of any of the rights to which the buyer is entitled under this Order including specifically his right to cancel the sale in accordance with the provisions of this Order.

20. Failing to inform each buyer orally, at the time he signs the contract or purchases the goods or services, of his right to cancel.

21. Misrepresenting, directly or indirectly, orally or in writing, the buyer's right to cancel.

22. Failing or refusing to honor any valid notice of cancellation by a buyer and within 10 business days after the receipt of such notice, to (i) refund all payments made under the contract or sale; (ii) return any goods or property traded in, in substantially as good condition as when received by the seller; (iii) cancel and return any negotiable instrument executed by the buyer in connection with the contract or sale and take any action necessary or appropriate to terminate promptly any security interest created in the transaction.

23. Negotiating, transferring, selling, or assigning any note or other evidence of indebtedness to a finance company or other third party prior to midnight of the fifth business day following the day the contract was signed or the goods or services were purchased.

24. Failing, within 10 business days of receipt of the buyer's notice of cancellation, to notify him whether the seller intends to repossess or to abandon any shipped or delivered goods.

Provided, however, that nothing contained in this Order shall relieve respondents of any additional obligations respecting contracts required by federal law or the law of the state in which the contract is made. When such obligations are inconsistent, respondents can apply to the Commission for relief from this provision with respect to contracts executed in the state in which such different obligations are required. The Commission, upon showing, shall make such modifications as may be warranted in the premises.

It is further ordered, That respondents shall maintain for at least a one (1) year period, following the effective date of this Order, copies of all advertisements, including newspaper, radio and television advertisements, direct mail and in-store solicitation literature, and any other such promotional material utilized for the purpose of obtaining leads for the sale of carpeting or floor coverings, or utilized in the advertising, promotion or sale of carpeting of floor coverings and other merchandise.

It is further ordered, That respondents, for a period of one (1) year from the effective date of this Order, shall provide each advertising agency utilized by respondents and each newspaper publishing company, television or radio station or other advertising media which is utilized by the respondents to obtain leads for the sale of carpeting or floor coverings and other merchandise, with a copy of the Commission's News Release setting forth the terms of this Order.

It is further ordered, That respondents deliver a copy of this Order to cease and desist to all present and future personnel of respondents engaged in the offering for sale, sale of any product, consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said Order from each such person.

It is further ordered, That respondent corporation shall forthwith distribute a copy of this Order to each of its operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the Order.

It is further ordered, That the respondent Bennett Weiner, promptly notify the Commission of the discontinuance of his present business or employment and of his affiliations with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the said respondents herein shall within sixty (60) days after service upon them of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

The Order Placing Matter on Docket for Review and Final Order was issued by the Commission February 6, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75-9256 Filed 4-8-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Delegation of Authority

The Securities and Exchange Commission has announced that the Commission's Chief Economist of the Office of Economic Research and in his absence the Assistant Chief Economist have been delegated the authority to certify routine statistical reporting forms to the General Accounting Office as required by the Federal Reports Act, 44 U.S.C. 3512.

Pursuant to the authority set forth in Pub. L. 87-592, 76 Stat. 394-95, 15 U.S.C. 78d-1, 78d-2, the Securities and Exchange Commission hereby adopts § 200.30-12 under Part 200 of Chapter II of Title 17 of the Code of Federal Regulations reading as follows:

§ 200.30-12 Delegation of authority to Chief Economist of Office of Economic Research.

Pursuant to the provisions of Pub. L. 87-592, 76 Stat. 394 (15 U.S.C. 78d-1, 78d-2), the Securities and Exchange Commission hereby delegates, until the Commission orders otherwise, the following function to the Chief Economist of the Office of Economic Research and in his absence the Assistant Chief Economist, to be performed by them or under their direction by such person or persons as may be designated from time to time by the Chairman of the Commission: To certify routine statistical reporting forms for submission to the General Accounting Office as required by the Federal Reports Act.

(Secs. 1, 2, 76 Stat. 394, 395, 15 U.S.C. 78d-1, 78d-2)

The Commission finds that the foregoing action related solely to rules and regulations of agency organization, procedure and practice, and therefore the notice and procedures under 5 U.S.C. 553 are unnecessary. Accordingly, the foregoing action becomes effective on February 4, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 4, 1975.

[FR Doc.75-9233 Filed 4-8-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 312—NEW DRUGS FOR INVESTIGATIONAL USE

Adoption of International Clinical Research Standards; Acceptance of Foreign Data

In the FEDERAL REGISTER of September 6, 1973 (38 FR 24220), the Commissioner of Food and Drugs proposed conditions under which results of clinical investigations on drugs generated outside the United States would be acceptable in support of a "Notice of Claimed Investigational Exemption for a New Drug" (IND) or a new drug application (NDA). Interested persons were provided 90 days to submit comments on the proposal. Comments were received from foreign and domestic pharmaceutical industry associations, pharmaceutical manufacturers, a State public health department, a consumers' group, an independent research organization, two physicians, and an attorney. The overwhelming majority of the comments favored the basic principles set forth in the proposal for acceptance of foreign clinical data. In addition, a number of the comments contained specific requests and suggestions for revisions and clarifications.

The regulations pertaining to new drugs for investigational use (21 CFR Part 312) apply to IND's for new drugs that are biological products subject to section 351 of the Public Health Service Act as well as to new drugs subject to section 505 of the Federal Food, Drug, and Cosmetic Act. The proposal did not specifically state that such data could also be used in support of a license application for a biological product. To remove any possible misunderstanding, the final order has been changed to indicate that such is the case.

The comments and the Commissioner's response are summarized as follows:

1. One comment suggested that, in the interest of full disclosure, sponsors and applicants should be encouraged, or even required, to submit to the Food and Drug Administration detailed results of foreign clinical trials even when such data do not satisfy the preconditions established by the Food and Drug Administration and thus cannot be utilized as substitutes for domestic clinical trials. Further, these studies should then be given the weight, if any, to which they are entitled as supplementary information.

The new drug regulations under §§ 312.1 and 314.1 (21 CFR 312.1 and 314.1, formerly 21 CFR 130.3 and 130.4, recodified in the FEDERAL REGISTER of March 29, 1974 (39 FR 11680)), currently require that a "Notice of Claimed Investigational Exemption for a New Drug" (IND) or a new drug application (NDA) contain all known preclinical and clinical data, including any data derived from studies performed outside of the United States. These studies will be given consideration in accordance with the guidelines established.

2. Several comments concerned the case reports to be provided by the investigators and the availability of detailed case records in the investigators' offices and in the hospital. One respondent was concerned that individual patient case reports for non-U.S. studies would not be submitted to the Food and Drug Administration in IND's and NDA's. This, he felt, would deprive Food and Drug Administration medical reviewers of information needed on which to base a recommendation regarding safety and efficacy of the drugs under consideration. It was also contended that the Food and Drug Administration would never be in a position to refuse foreign data if requests for detailed case records were not filled.

The Commissioner believes that this concern was generated by a misinterpretation of a speech given by a Food and Drug Administration official. The speech indicated that one of the reasons for the lack of weight generally given by the Food and Drug Administration to non-U.S. clinical studies is the absence of detailed information such as is provided by firms performing studies in the United States. The proposal of September 1973 stated, among other requirements, that clinical data generated outside of the United States would be acceptable if detailed information is provided.

The Commissioner recognizes, however, that the language in the proposal may not have been entirely clear to persons not involved on a day-to-day basis with IND's, NDA's, and biological product license applications. Therefore, the final order has been expanded to clarify this point. Where the Food and Drug Administration requests verifying records and they are not supplied, the foreign data will not be accepted as primary evidence of safety and effectiveness.

3. Although several responses from foreign pharmaceutical organizations supported the concept and practice of the maintenance of detailed case records by investigators, one U.S. affiliate of a multinational pharmaceutical company stated that many capable, prestigious investigators abroad are not temperamentally attuned to filling out the more elaborate case report forms often devised in the United States to accommodate electronic data processing. The firm asked whether sponsors and applicants would be permitted to transcribe the data from the investigator's case report provided the investigator signed the completed form.

The Commissioner has no objection to this arrangement, and the final order so indicates.

4. In reference to the proposed new section (now § 312.20(b)(1)(iii) under the recent recodification), one comment stated that in most European countries hospital records are regarded as confidential documents, and neither the original nor photocopies are permitted to leave the premises. He asked, therefore, whether information derived from the records, rather than the records themselves, would suffice.

The Commissioner concludes that data derived from hospital records are acceptable except in rare cases where the Food and Drug Administration might deem it necessary to obtain copies of the actual records for detailed review.

5. A comment from a manufacturer related to the provision that the investigator's facilities must be appropriate for the complexity of the studies performed. He asked if a description of the facilities signed by the investigator would be sufficient to establish that these facilities are adequate.

The Commissioner finds that a written description is not required, just as it is not required for U.S. studies. The order in § 312.20(b)(1)(ii) states that the IND sponsor, the NDA applicant or biological product license applicant will verify that the investigator's facilities are adequate. This is the practice in the United States. The policy of the regulations, as emphasized by the proposal, is that where facilities for performing clinical research outside of the United States are similar to those that exist in the United States, the data generated from these studies will be acceptable to the Food and Drug Administration.

6. One comment expressed concern as to how the Food and Drug Administration would verify the qualifications of investigators to perform the clinical studies entrusted to them.

The proposal stated that investigators must be experts qualified by scientific training and experience to evaluate the safety and efficacy of drugs, that such experts are recognized by their peers for the quality of their investigation and the soundness of their conclusions, and that they are usually affiliated with a recognized medical school or independent institution. Moreover, IND sponsors, NDA applicants, and biological product license applicants must verify that the investigators are recognized for their expertise and must submit copies of the investigators' qualifications. This verification will be more easily supported in those countries that are known to have well-developed drug regulatory agencies with high standards for investigators and close monitoring of investigations.

V40169 APR 9 75 XUM

7. Two comments expressed concern that preclinical standards for animal studies are not as stringent abroad as in the United States. As a result, patients abroad will be exposed to investigational drugs that lack the kinds of animal studies required in the United States, and the results of such clinical studies will be submitted to the Food and Drug Administration for approval without the necessary animal studies.

Toxicologic experts differ among themselves as to the requirements needed to achieve a stated objective, as experts do in all fields of science. The preclinical studies performed in other countries must be performed under the requirements of the country in which they are undertaken. The extent to which foreign clinical studies are acceptable in this country depends upon the extent of available information about the drug, both clinical and preclinical. The implication that studies in the United States will be conducted without the usual preclinical studies is incorrect. Where preclinical studies are judged to be inadequate by the Food and Drug Administration and fail to justify starting clinical investigations in this country at whatever phase proposed, the necessary additional preclinical studies will be required before clinical trials can commence.

8. A comment from one manufacturer asked for clarification of a statement in the proposal's preamble that, where a significant new drug is studied both abroad and in the United States and adequate data appear to be available for approval of the drug, international manufacturers are expected to submit the data for review by the Food and Drug Administration at the same time the data are submitted for review in the foreign country. The comment pointed out that U.S. subsidiaries of foreign firms that are independent from control of the foreign parent cannot dictate to the parent company when data should be submitted to the Food and Drug Administration. He suggested, therefore, that the Food and Drug Administration's "demand" be limited to research in which the U.S. subsidiary participates by way of partial or full sponsorship.

As stated in the preamble of the proposal, the primary purposes of the proposed regulation are to promote the public safety by eliminating unnecessary duplication of human research and to expedite the availability to the American public of important new drugs being studied abroad. Firms which develop significant new drugs abroad eventually submit an NDA in order to market them in the United States. Delays in submission of data for an NDA are not in the public interest. The Commissioner does not have the authority to "compel" or "demand" submission of an NDA, but the intent was to emphasize that, for significant new drugs, the Commissioner believes that U.S. pharmaceutical firms have a moral obligation to provide the United States with the accumulated data and submit an NDA in a timely manner so as not to deprive the American people of the benefits that can accrue from such drugs.

9. A number of respondents were concerned with the broad issues of ethical standards, patient consent, and peer review. With regard to ethical standards, two comments were concerned that since, under the proposed regulation, the Declaration of Helsinki would be utilized as the basic doctrine of ethics and investigators would be required to state how their research conformed to its principles, the United States was, quite properly, not attempting to impose its own particular standards on the rest of the world, but was, in fact, attempting to impose the standards of the Declaration of Helsinki. The comments recommended that the regulation state that non-U.S.-generated clinical data will be acceptable if derived from studies conducted under the ethical standards of the Declaration of Helsinki or under accepted local standards. The Commissioner devoted considerable thought and discussion to this particular issue prior to the proposal.

After reconsideration, the Commissioner reaffirms his conclusion at that time, that the Declaration of Helsinki has become a generally recognized acceptable standard for the performance of ethical research. It has been endorsed by many professional societies worldwide, and its principles have been adopted by many investigators throughout the world. The fact that governments have not officially endorsed the Declaration itself is irrelevant inasmuch as the principles embodied in the Declaration of Helsinki are already widely recognized as basic standards for performance of ethical research.

The Commissioner agrees with the comment that non-U.S.-generated clinical data will be acceptable if conducted under accepted local standards as long as the local standards offer greater protection to the individual than do the standards of the Declaration of Helsinki. The final order has been amended accordingly. He cannot accept as primary evidence of the safety and efficacy of a new drug data derived under circumstances meeting a lesser standard. The Commissioner recognizes the need for, and will continually review, the requirements and principles governing research in human subjects and will propose changes as they are appropriate.

10. With respect to committee review, it was noted that the requirement of institutional review goes beyond the principles for clinical research set forth in the Declaration of Helsinki. Comment was made that many recognized institutions do not have review committees and it is unlikely that they would form such committees merely to satisfy United States requirements. One comment stated that, if established, such committees would be likely to perform their duties in a perfunctory manner. As a solution to the problem of the absence of any existing committees in some areas, two respondents suggested that, where such review committees do not exist, the Food and Drug Administration accept the data generated from the investigations, provided that they meet all other requirements. Two other respondents suggested that pharmaceutical manufacturers be permitted to set up their own committees of independent experts with members chosen by professional societies. Another comment suggested the committees be selected by local branches of appropriate medical societies.

The Commissioner has reconsidered the issue of peer review in great detail, and has concluded that he should not require institutional review in all cases. The regulations of the Food and Drug Administration require clinical studies on institutionalized subjects conducted within the United States to be reviewed and approved by an institutional review committee. The purposes of such review are both scientific and ethical: It should assure that the study is well designed to obtain valid results, that the potential benefits to the subject or the importance of the knowledge to be gained outweigh the risks involved, that the rights and welfare of the subjects will be adequately protected throughout the study, and that informed consent will be obtained by methods that are adequate and appropriate. Moreover, a local institutional review committee is best able to make these determinations, because it possesses a more intimate knowledge of the investigator, the facilities, the subject population, and the community standards of ethics and morality. For these reasons, the Commissioner reaffirms his belief, and Agency policy, that institutional review is desirable in all cases.

The Commissioner recognizes, however, that the practice of institutional review is not universally followed. Much important clinical research is conducted throughout the world, legally and ethically in the countries where the research is occurring, without such institutional review. An absolute requirement of peer review by the United States will not by itself create effective institutional review overnight in these countries; it would, however, compel the Food and Drug Administration to reject data generated in this research and ignore the results obtained. This can only produce one of the two results, i.e., either the research will not be repeated, in which case the United States will be deprived of the benefit of such research, or it will be repeated, in which case new ethical and medical problems arise, including the acceptability of conducting research when the results are already known. This dilemma suggests that an absolute requirement of institutional review would, at least in the near future, be unenforceable and contrary to the interests of the public.

Therefore, the Commissioner has modified § 312.20(b)(1)(vi) to provide an optional arrangement: either institutional review or evidence that the study conformed with the laws, regulations, and scientific and ethical standards of clinical research of the country in which the research was conducted. Conformity with

local standards shall include a description of these local standards as well as a description as to how they were met in this study. For example, if a country requires that animal toxicity studies be conducted and made available to the investigator before the commencement of human research, this requirement shall be stated and then evidence shall be submitted showing that such animal studies were in fact done and the results considered by the investigator.

In modifying these requirements, the Commissioner stresses that the Food and Drug Administration in no way will condone the exploitation of institutionalized subjects in other nations. If experience under this order indicates such exploitation (in contrast with the ethical and appropriately safeguarded involvement of such individuals where, for example, the research directly relates to the cause of their institutionalization), the Agency will revise these regulations accordingly.

The Commissioner believes that involvement of manufacturers in the formation and financing of review committees could lead to lack of objectivity in selection of committee members and possibly in evaluations of individual protocols. It would be preferable, as one comment suggested, that such committees be formed by local branches of medical societies. For guidance in the organization and operation of review committees, the Commissioner recommends the procedures contained in the Department of Health, Education, and Welfare regulations published in the FEDERAL REGISTER of March 13, 1975 (40 FR 11854), under 45 CFR Part 46 "Protection of Human Subjects." The Food and Drug Administration final order has been revised to include a reference to Part 46 of Title 45 of the Code of Federal Regulations. Where the Department regulations require a review committee to have broad representation, however, the Food and Drug Administration order only recommends such broad representation wherever practical.

The Commissioner understands the concern that review committees, formed for satisfying Food and Drug Administration standards, may perform in a perfunctory manner. He believes, however, that as individuals gain experience in peer review of research protocols, they will become more aware of the problems in, and the need for, protecting human subjects, and their deliberations will indeed result in better protection for the subjects. The Food and Drug Administration will evaluate the performance of review committees as studies are submitted in support of IND's, NDA's and biologic product licenses. The Food and Drug Administration will also explore with foreign regulatory agencies the possibility of obtaining information on the performance of institutional review committees in other countries. Future modifications of this order may be made in light of those evaluations and information, or as part of the general revision of investigational drug regulations.

11. One comment suggested that, for clinical research conducted in the United Kingdom, the requirement of committee review be deemed satisfied by action of the Committee on Safety of Medicines, which must give permission prior to the performance of early clinical trials in man.

The Commissioner has the greatest respect for the expertise of the members of the Committee on Safety of Medicines. Review by this Committee is, however, similar to the review of investigational drug studies by the Food and Drug Administration, which the Food and Drug Administration itself does not regard as sufficient alone for patient protection. As noted earlier, local institutional review involves persons who have more intimate knowledge of the investigator, the investigational facilities, the subject population and the community standards of ethics and morality. Thus, the Commissioner believes that either a local review committee or a showing of the study conformed to ethical and scientific standards in the United Kingdom is required. The fact that a study has been approved by a prestigious body such as the Committee on Safety of Medicines may of course be given as additional information, and would be pertinent to the showing of conformity with the laws, regulations, and medical and ethical standards of the United Kingdom.

12. Several comments stated that in the United States, committee review is required only for studies conducted on institutionalized subjects or patients and that the Food and Drug Administration, in requiring review for all clinical studies conducted outside the United States, is in fact imposing more stringent requirements.

The proposal was not intended to imply that review was required for studies performed outside of an institution, unless the investigator was affiliated with an institution which accepted responsibility for review of the study. The final order has been modified to clarify when evidence of institutional review is required.

13. A comment was received requesting clarification as to whether a committee review is required for phase I studies (21 CFR 312.1(a), Form FD–1571 item 10.a) in noninstitutionalized volunteers, since such studies are frequently performed abroad in clinical pharmacology units on the premises of a pharmaceutical firm.

Since these units are not considered institutions, committee review is not required, although such review is always desirable whether or not required. Some United States firms have established internal review committees for this purpose.

The Commissioner, in response to this and other similar comments, has clarified in the final order that committee review is not a requirement for studies involving noninstitutionalized subjects.

14. One comment referred to Article III 3c. of the Declaration of Helsinki, which states that, for nontherapeutic clinical research, consent of the subject ordinarily should be obtained in writing. The respondent was concerned because the usual practice in Europe is to obtain consent for such studies orally rather than in writing.

The Commissioner agrees with the Declaration that, for nontherapeutic research, consent ordinarily should be obtained in writing. The Declaration leaves it to the discretion of the investigator whether consent for therapeutic research will be obtained orally or in writing. The primary purpose of consent provisions, of course, is that consent be truly informed. The Commissioner reiterates that for nontherapeutic research, where the subject does not receive any direct salutary gain, consent ordinarily should be obtained in writing.

15. One comment inquired whether bioavailability studies conducted abroad on certified antibiotics pursuant to the provisions of the proposal would be acceptable commencing 60 days after publication of the final order.

The Commissioner finds that antibiotic bioavailability studies conducted abroad and complying with this section will be acceptable in the United States. However, details of the protocol and the reference standard need to be submitted to and preferably discussed with the Food and Drug Administration prior to performing the study due to the complexities of establishing bioavailability.

16. A comment from a State public health department expressed concern that there is no mechanism by which a foreign investigator can receive an investigational new drug from the United States unless there is a domestic sponsor for an IND.

This comment reflects a misunderstanding of the requirements for exporting an investigational drug. Foreign investigators or foreign manufacturers may receive investigational drugs shipped from the United States on completing and filing the appropriate "Notice of Claimed Investigational Exemption for a New Drug." There is no requirement for a United States sponsor or agent. In lieu of filing an IND, an alternative procedure is provided under § 312.1, in the proviso appearing at the end of paragraph (a)(2) of that section.

17. A comment objected to the acceptance of foreign studies for the purposes stated in the proposal and suggested there were more effective and less dangerous ways of eliminating unnecessary research. The respondent suggested the following ways to accomplish the purpose: (a) to make public all data from new drug experiments, (b) to require that thorough animal tests be conducted before exposing a drug to humans, (c) to deny permission for the testing of duplicative and unnecessary drugs in humans, and to determine through specialists what diseases need new therapeutic entities and testing priorities. The comment further stated that while European data of high quality and total verifiability should be used for Food and Drug Administration decisions, there is, in fact, little way to determine which tests are of bona fide high quality, and the Food and Drug Administration is obligating itself to accept virtually all European data submitted to it.

V40169 APR 9 75 XUM

The proposed alternatives are not helpful to the Food and Drug Administration in resolving the need for defining acceptable conditions under which foreign studies may be utilized in the United States to support the safety and efficacy of a drug. Regarding suggestion (a), to the extent that the law permits, the Food and Drug Administration has set forth conditions for release of data in new drug application and biological product license application files in its regulations published in the FEDERAL REGISTER of December 24, 1974 (39 FR 46602), to implement the Freedom of Information Act. In reply to suggestion (b), Food and Drug Administration requirements for animal testing of drugs prior to their introduction for clinical trial have been compatible with scientific standards over the years. They are continually scrutinized. The Health Research Group, which filed this comment, has also submitted to the Food and Drug Administration a petition proposing changes in preclinical tests. The availability of this petition for comment was the subject of a notice published in the FEDERAL REGISTER on April 17, 1974 (39 FR 13797). Concerning suggestion (c), the Food and Drug Administration has no authority to prohibit testing of drugs so long as they are tested in accordance with the Federal Food, Drug, and Cosmetic Act and the regulations thereunder. Furthermore, the Food and Drug Administration does not have the authority, nor does it desire such, to establish priorities in the nation's efforts to eradicate disease and relieve discomforts of mankind. Significant changes in directions of national goals should be made via the legislative process, with opportunity for participation of all segments of society.

The Commissioner, having carefully considered all the comments, concludes that it is in the public interest to adopt the proposed regulation with revisions necessary to clarify certain provisions of the final order.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 505, 507, 701, 52 Stat. 1040–1042, 1052–1053, 1055–1056, as amended, 59 Stat. 463 as amended; 21 U.S.C. 321, 355, 357, 371) and to the provisions of the Public Health Service Act (sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262) and under authority delegated to the Commissioner (21 CFR 2.120), Part 312 is amended by adding a new Subpart C, to consist at this time of § 312.20, to read as follows:

Subpart C—International Research

§ 312.20 Clinical data generated outside the United States and not subject to a "Notice of Claimed Investigational Exemption for a New Drug."

(a) The Food and Drug Administration's access to data produced by drug studies performed outside of the United States and not covered by a "Notice of Claimed Investigational Exemption for a New Drug" (IND) has been limited largely to review of published literature. The Commissioner of Food and Drugs has concluded that it is in the interest of the public health, whenever possible, to have access to and to consider detailed information resulting from those studies performed abroad which are well-conceived, well-controlled, performed by qualified experts, and conducted in accordance with ethical principles acceptable to the world community.

(b) Such studies may be utilized to support clinical investigations in the United States and in support of the safety and effectiveness of a new drug in a new drug application (NDA) or biological product license application provided all the following conditions are met:

(1) For each investigator's studies, the IND sponsor, NDA applicant or biological product license applicant verifies that:

(i) The investigator is well qualified by scientific training and experience to conduct investigational studies of the subject drug and he is affiliated with a recognized medical school or with an independent institution recognized for its excellence or is otherwise appropriately qualified. Documentation of the investigator's qualifications shall be submitted.

(ii) The investigator has adequate facilities appropriate for the complexity of the studies performed.

(iii) The investigator maintains detailed case records and will complete the sponsor's case report forms or provide the sponsor with the data from his records so that the forms can be completed. He shall also make available to the sponsor any additional background data from such records, including hospital or other institutional records, should such background data be requested by the Food and Drug Administration.

(iv) The investigator has conducted the studies in conformance with the "Declaration of Helsinki" or the laws and regulations of the country in which the research is conducted, whichever represents the greater protection of the individual. If the standards of the country are used, differences from those of the "Declaration of Helsinki," which reads as follows, shall be stated in detail.

DECLARATION OF HELSINKI RECOMMENDATIONS GUIDING DOCTORS IN CLINICAL RESEARCH

I. BASIC PRINCIPLES

1. Clinical research must conform to the moral and scientific principles that justify medical research and should be based on laboratory and animal experiments or other scientifically established facts.

2. Clinical research should be conducted only by scientifically qualified persons and under the supervision of a qualified medical man.

3. Clinical research cannot legitimately be carried out unless the importance of the objective is in proportion to the inherent risk to the subject.

4. Every clinical research project should be preceded by careful assessment of inherent risks in comparison to foreseeable benefits to the subject or to others.

5. Special caution should be exercised by the doctor in performing clinical research in which the personality of the subject is liable to be altered by drugs or experimental procedure.

II. CLINICAL RESEARCH COMBINED WITH PROFESSIONAL CARE

1. In the treatment of the sick person, the doctor must be free to use a new therapeutic measure, if in his judgment it offers hope of saving life, reestablishing health, or alleviating suffering. If at all possible, consistent with patient psychology, the doctor should obtain the patient's freely given consent after the patient has been given a full explanation. In case of legal incapacity, consent should also be procured from the legal guardian; in case of physical incapacity the permission of the legal guardian replaces that of the patient.

2. The doctor can combine clinical research with professional care, the objective being the acquisition of new medical knowledge, only to the extent that clinical research is justified by its therapeutic value for the patient.

III. NONTHERAPEUTIC CLINICAL RESEARCH

1. In the purely scientific application of clinical research carried out on a human being, it is the duty of the doctor to remain the protector of the life and health of that person on whom clinical research is being carried out.

2. The nature, the purpose and the risk of clinical research must be explained to the subject by the doctor.

3a. Clinical research on a human being cannot be undertaken without his free consent after he has been informed; if he is legally incompetent, the consent of the legal guardian should be procured.

3b. The subject of clinical research should be in such a mental, physical and legal state as to be able to exercise fully his power of choice.

3c. Consent should, as a rule, be obtained in writing. However, the responsibility for clinical research always remains with the research worker; it never falls on the subject even after consent is obtained.

4a. The investigator must respect the right of each individual to safeguard his personal integrity, especially if the subject is in a dependent relationship to the investigator.

4b. At any time during the course of clinical research the subject or his guardian should be free to withdraw permission for research to be continued. The investigator or the investigating team should discontinue the research if in his or their judgment, it may, if continued, be harmful to the individual.

(v) An explanation as to how the research conformed to the principles of the declaration is provided, e.g., for nontherapeutic clinical research it should be clear that the nature, purpose and risk of the research was explained to the subject and his consent was obtained.

(vi) If the investigator's study was conducted on institutionalized subjects, or was conducted on noninstitutionalized subjects through an institution which assumed responsibility for the study, either the study has been reviewed for scientific and ethical considerations and approved by a review committee prior to initiation of the study, or the study has been conducted in conformance with the laws, regulations, and scientific and ethical standards of clinical research of the country in which the research was conducted. A review committee, as used in this paragraph, means a committee composed of individuals who are scientists and, where practicable, individuals who are otherwise qualified; in this regard, the addition of other health professionals or laymen to the committee is not required but is desirable. The investigator may not vote on any aspect of the review of his protocol by a review committee. Documentation of review and approval by a review committee shall be submitted and shall include the names and qualifications of the members of the committee. (Procedures for the organization and operation of institutional review committees are contained in the Department of Health, Education, and Welfare regulations on "Protection of Human Rights," 45 CFR Part 46.) Where review and approval by a review committee have not occurred prior to initiation of the study, the IND sponsor, NDA applicant or biological product license applicant shall describe how the study conformed to the laws, regulations and scientific and ethical standards of clinical research in the country in which the research was conducted (e.g., whether any review mechanism is required by law and whether the study met such review, whether the investigator and facilities meet the scientific standards in the country, whether the investigator was fully informed of the results of animal toxicity and prior human safety studies, and whether patient consent procedures were required and were followed).

(2) The IND sponsor, NDA applicant or biological product license applicant submits a detailed summary of the preclinical and clinical data and a description of the components, composition, and manufacturing procedures as described in Form FD–1571, items 1, 2, 3, 4, and 5 (§ 312.1(a)(2)), to give significance to the preclinical and clinical data submitted and to permit comparison with data obtained from other studies on the drug.

(c) Data from studies performed abroad and conducted in accordance with the requirements of this section may be utilized without duplication of the studies in the United States, as appropriate. For example, data from phase 1 studies may permit beginning phase 2 studies in the United States; data from phase 2 may permit initiation of later and more extensive phase 2 studies in the United States; phase 2 studies may on occasion be unnecessary in the United States, depending upon the magnitude and quality of the studies and the drug under investigation; data from phase 3 studies may be utilized to supplement phase 3 studies performed in the United States. (For definition of phases 1, 2, 3, see Form FD–1571, item 10 (§ 312.1(a)(2).) When studies from abroad have been performed prior to initiation of United States studies under an IND, the sponsor shall arrange a meeting with the appropriate division, Office of Scientific Evalution, Bureau of Drugs, or with the appropriate division, Bureau of Biologics, following the division's review of the data, to determine what additional studies will be required in the United States. If studies have been essentially completed in the United States and abroad and the data from the latter are to be incorporated as part of an NDA submission, or biological product license application, they should be included at the time of submission of the NDA, or biological product license application, if possible, but may be submitted as an amendment at any time.

(d) Studies conducted abroad commencing June 9, 1975 will not be accepted in support of new drug applications or biological product license applications unless they comply with this section or a waiver is granted by the Food and Drug Administration for good cause shown. Studies conducted abroad and already completed or commencing prior to June 9, 1975 will not be accepted in support of new drug applications or biological product license applications unless they comply with the requirements of paragraphs (b) (1) (i) through (v) and (2) of this section or a waiver is granted by the Food and Drug Administration for good cause shown.

Effective date; This order shall be effective May 9, 1975.

(Secs. 201, 505, 507, 701, 52 Stat. 1040–1042, 1052–1053, 1055–1056, as amended, 59 Stat. 463 as amended; 21 U.S.C. 321, 355, 357, 371. Sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262.)

Dated: March 18, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc. 75-9187 Filed 4-8-75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

REIMBURSEMENT FOR RAILROAD WORK AND RAILROAD-HIGHWAY PROJECTS

Miscellaneous Amendments to Chapter

Federal-aid to highways directives of longstanding set forth policies and procedures relating to railroad-highway projects and reimbursement for railroad work. The directives have been revised for inclusion in the Federal-Aid Highway Program Manual. Inasmuch as portions of the Manual addition impose obligations on States which must be complied with to obtain Federal assistance, these portions are hereby published.

This regulation converts Policy and Procedures Memorandum (PPM) 21–10 and portions of PPM 30–3 to Part 646, Subpart B, Chapter I of Title 23 of the Code of Federal Regulations. This regulation also converts portions of PPM 30–3 to Part 140, Subpart I, Chapter I of Title 23 of the Code of Federal Regulations.

In addition to converting the subject PPM's, this regulation incorporates the related provisions of regulations previously issued in Part 1 of Title 23 of the Code of Federal Regulations, which regulations can now be revoked.

Since the matters affected relate to grants, benefits or contracts within the purview of 5 U.S.C. 553(a)(2), general notice of proposed rulemaking is not required.

This regulation will be effective on the date of issuance.

Issued on March 28, 1975.

J. R. COUPAL, JR.,
Acting Deputy Administrator, Federal Highway Administration.

Subchapter A—General Management and Administration

PART 1—GENERAL

Section 1.25 *Railway-highway crossing projects* is hereby revoked. The provisions of this section have been codified in Part 646, Subpart B of this title.

Subchapter B—Payment Procedures

PART 140—REIMBURSEMENT

Subpart I—Reimbursement for Railroad Work

Sec.
140.900 Purpose.
140.902 Applicability.
140.904 Reimbursement basis.
140.906 Labor costs.
140.908 Materials and supplies.
140.910 Equipment.
140.912 Transportation.
140.914 Credits for improvements.
140.916 Protection.
140.918 Maintenance and extended construction.
140.920 Lump sum payments.
140.922 Billings.

Appendix A—Rates for Labor Surcharges.

AUTHORITY: 23 U.S.C. 315; 49 CFR 1.48.

Subpart I—Reimbursement for Railroad Work

§ 140.900 Purpose.

The purpose of this subpart is to prescribe policies and procedures on reimbursement to the States for railroad work done on projects undertaken pursuant to the provisions of 23 CFR, Part 646, Subpart B.

§ 140.902 Applicability.

This subpart, and all references hereinafter made to "projects," applies to Federal-aid projects involving railroad facilities, including projects for the elimination of hazards of railroad-highway crossings, and other projects which use railroad properties or which involve adjustments required by highway construction to either railroad facilities or facilities that are jointly owned or used by railroad and utility companies.

§ 140.904 Reimbursement basis.

(a) *General.* On projects involving the elimination of hazards of railroad-highway crossings, and on other projects where a railroad company is not obligated to move or to change its facilities at its own expense, reimbursement will be made for the costs incurred in making changes to railroad facilities, required in connection with a Federal-aid highway project, as hereinafter provided.

(b) *Eligibility.* To be eligible, the costs must be:

(1) For work which is included in an approved program,

(2) Incurred subsequent to the date of authorization by the Federal Highway Administration (FHWA),

(3) Incurred in accordance with the provisions of 23 CFR, Part 646, Subpart B, and

V40169 APR 9 75 XUM

(4) Properly attributable to the project.

§ 140.906 Labor costs.

(a) *General.* (1) Salaries and wages, at actual or average rates, and related expenses paid by a company to individuals, for the time they are working on the project, are reimbursable when supported by adequate records. This shall include labor costs associated with preliminary engineering, construction engineering, right-of-way, and force account construction.

(2) Salaries and expenses paid to individuals who are normally part of the overhead organization of the company may be reimbursed for the time they are working directly on the project, such as for accounting and bill preparation, when supported by adequate records and when the work performed by such individuals is essential to the project and could not have been accomplished as economically by employees outside the overhead organization.

(3) Amounts paid to engineers, architects and others for services directly related to projects may be reimbursed.

(b) *Labor surcharges.* (1) Labor surcharges include workmen's compensation insurance, public liability and property damage insurance, and such fringe benefits as the company has established for the benefit of its employees. The cost of labor surcharges will be reimbursed either at actual cost to the company or at the rates established by agreement between FHWA and the Association of American Railroads (AAR). (See Appendix A for rates.)

(2) Where the company is a self insurer there may be reimbursement either at rates shown in Appendix A, or at experience rates properly developed from actual costs, not to exceed the rates of a regular insurance company for the class of employment covered.

§ 140.908 Materials and supplies.

(a) *Procurement.* Materials and supplies, if available, are to be furnished from company stock, except they may be obtained from other sources near the project site when available at less cost. Where not available from company stock, they may be purchased either under competitive bids or existing continuing contracts, under which the lowest available prices are developed. Minor quantities and proprietary products are excluded from these requirements. The company shall not be required to change its existing standards for materials used in permanent changes to its facilities.

(b) *Costs.* (1) Materials and supplies furnished from company stock shall be billed at current stock price of such new or used material at time of issue.

(2) Materials and supplies not furnished from company stock shall be billed at actual costs to the company delivered to the point of entry on the railroad company's line nearest the source of procurement.

(3) A reasonable cost of plant inspection and testing may be included in the costs of materials and supplies where such expense has been incurred. The computation of actual costs of materials and supplies shall include the deduction of all offered discounts, rebates and allowances.

(c) *Materials recovered.* (1) Materials recovered from temporary use and accepted for reuse by the company shall be credited to the project at prices charged to the job, less a consideration for loss in service life at 10 percent for rails, angle bars, tie plates and metal turnout materials and 15 percent for all other materials. Materials recovered from the permanent facility of the company that are accepted by the company for return to stock shall be credited to the project at current stock prices of such used material.

(2) Materials recovered and not accepted for reuse by the company, if determined to have a net sale value, shall be sold by the State or railroad following an opportunity for State inspection and appropriate solicitation for bids, to the highest bidder; or if the company practices a system of periodic disposal by sale, credit to the project shall be at the going prices supported by the records of the company. Where applicable, credit for materials recovered from the permanent facility in length or quantities in excess of that being placed should be reduced to reflect any increased cost of railroad operation resulting from the adjustment.

(d) *Removal costs.* Federal participation in the costs of removing, salvaging, transporting, and handling recovered materials will be limited to the value of materials recovered, except where FHWA approves additional measures for restoration of affected areas as required by the physical construction or by reason of safety or aesthetics.

(e) *Handling costs.* The actual and direct costs of handling and loading out of materials and supplies at and from company stores or material yards and of unloading and handling of recovered materials accepted by the company at its stores or material yards, are reimbursable. At the option of the company, 5 percent of the amounts billed for the materials and supplies which are issued from company stores and material yards will be reimbursable in lieu of actual costs.

(f) *Credit losses.* On projects where a company actually suffers loss by application of credits, the company shall have the opportunity of submitting a detailed statement of such loss as a basis for further adjustment.

§ 140.910 Equipment.

(a) *Company owned equipment.* Cost of company owned equipment may be reimbursed for the average or actual cost of operation, light and running repairs, and depreciation. At the option of the company, reimbursement for equipment cost may be made at the rates and under the conditions set forth in circulars issued by the General Managers Associations of Chicago and New York. Reimbursement for company owned vehicles may be made at average or actual costs or at rates of recorded use per mile established by agreement between FHWA and AAR. (See Appendix A.)

(b) *Other equipment.* Where company owned equipment is not available, reimbursement will be limited to the amount of rental paid (1) to the lowest qualified bidder, (2) under existing continuing contracts at reasonable cost, or (3) as an exception, by negotiation where (1) and (2) are impractical due to project location or schedule.

§ 140.912 Transportation.

(a) *Employees.* The company's cost of necessary employee transportation and subsistence directly attributable to the project, which is consistent with overall policy of the company, is reimbursable.

(b) *Materials, supplies and equipment.* The most economical movement of materials, supplies and equipment to the project and necessary return to storage, including the associated costs of loading and unloading equipment, is reimbursable. Transportation by a railroad company over its own lines in a revenue train is reimbursable at rates which do not exceed ten mills a ton-mile or the published tariff rate, whichever is the lesser. No charge will be made for transportation by work train other than the operating expenses of the work train. When it is more practicable or more economical to move equipment on its own wheels, reimbursement may be made at a rate of twenty cents a car-mile haul for heavy construction equipment such as pile drivers or locomotive cranes; and six cents a car-mile haul for other equipment.

§ 140.914 Credits for improvements.

(a) Credit shall be made to the project for additions or improvements which provide for higher quality or increased service capability of the operating facility and which are provided solely for the benefit of the company.

(b) Where buildings and other depreciable structures of a company which are integral to operation of rail traffic must be replaced, credit shall be made to the project as set forth in 23 CFR 646.216(c)(2).

(c) No credit is required for additions or improvements which are:

(1) Necessitated by the requirements of the highway project.

(2) Replacements which, although not identical, are of equivalent standard.

(3) Replacements of devices or materials no longer regularly manufactured and the next highest grade or size is used.

(4) Required by governmental and appropriate regulatory commission requirements.

§ 140.916 Protection.

The cost of essential protective services which, in the opinion of a railroad company, are required to ensure safety to railroad operations during certain periods of the construction of a project, is reimbursable provided an item for such services is incorporated in the State-railroad agreement or in a work order issued by the State and approved by FHWA.

§ 140.918 Maintenance and extended construction.

The cost of maintenance and extended construction is reimbursable to the extent provided for in 23 CFR 646.216(f)(4), and where included in the State-Railroad Agreement or otherwise approved by the State and FHWA.

§ 140.920 Lump sum payments.

Where approved by FHWA, pursuant to 23 CFR 646.216(d)(3), reimbursement may be made as a lump sum payment, in lieu of actual costs.

§ 140.922 Billings.

(a) The company shall provide one final and complete billing of all incurred costs, or of the agreed-to lump sum, at the earliest practicable date. The final billing to FHWA shall include a State certification that the work is complete, acceptable and in accordance with the terms of the agreement.

(b) All company cost records and accounts relating to the project are subject to audit by representatives of the State and/or the Federal Government for a period of three years from the date final payment has been received by the company.

(c) A railroad company must advise the State promptly of any outstanding obligation of the State's contractor for services furnished by the company such as protective services.

APPENDIX A—RATES FOR LABOR SURCHARGES

I. Labor surcharges established by agreement between Federal Highway Administration and Association of American Railroads.

The cost of vacation pay or allowances earned by all classes of railroad employees is reimbursable at the rate of 6.75 percent, applied to total salaries and wages paid and claimed.

The cost of paid holidays of railroad employees is reimbursable at the rate of 2.80 percent, applied only to total salaries and wages paid and claimed for the non-operating group of railroad employees.

The cost of Workmen's Compensation Self-Insurance is reimbursable at the rate of 3 percent, applied to total salaries and wages paid and claimed, inclusive of vacation pay and allowance. The cost of Public Liability and Property Damages Self-Insurance is reimbursable at the rate of 1 percent, applied to total salaries and wages paid and claimed inclusive of vacation pay and allowances.

The cost of payroll taxes paid by a railroad for regular retirement benefits (including Medicare) and unemployment insurance is reimbursable at the full legal rate on compensation of employees up to stated monthly limits, including cost of vacation pay or allowances and holiday pay. As an alternative, at the election of the railroad, a rate of ¼ percent less than the full legal rate may be applied to total salaries and wages paid and claimed, including cost of vacation pay or allowances and holiday pay.

Following are the rates and limitations determined under applicable legislation, together with the alternate lesser rates:

Calendar year	Monthly limitation		Full legal rate		Combined rate less ¼ percent
	Retirement	Unemployment insurance	Retirement	Unemployment insurance	
			Percent	Percent	
1968	$550	$400	7.95	4	11.70
1967	550	400	8.65	4	12.40
1968	650	400	8.90	4	12.65
1969–70	650	400	9.55	4	13.30
1971	650	400	9.95	4	13.70
1972	750	400	9.95	4	13.70
1973:					
January through September	900	400	10.00	4	14.25
October through December	900	400	15.85	4	19.10
1974–75	1,100	400	15.85	4	19.10

In addition, payroll taxes for supplementary annuities are reimbursable at rates fixed by statute and by the Railroad Retirement Board. These rates, applicable to total manhours for which compensation is paid, including vacation and holiday allowances, are as follows:

Period	Tax per manhour (cents)
Nov. 1, 1966 to Mar. 31, 1970	2
Apr. 1, 1970 to June 30, 1970	6
July 1, 1970 to Dec. 31, 1970	7
Jan. 1, 1971 to June 30, 1972	6
July 1, 1972 to Dec. 31, 1974	7½
July 1, 1975 until changed	8½

At the election of the railroad, a rate representive of the cost of health and welfare benefits, not in excess of 5 percent of the cost of total salaries and wages paid and claimed, will be reimbursed.

II. Automotive Rates Established by Agreement Between Federal Highway Administration and Association of American Railroads:

	Cents per mile—	
	Auto	Truck
Through calendar year 1974	7	10
Calendar year 1975 and later	12	15

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 646—RAILROADS

Subpart B—Railroad-Highway Projects

Sec.
646.200 Purpose and applicability.
646.202 Authority.
646.204 Definitions.
646.206 Types of projects.
646.208 Funding.
646.210 Classification of projects and railroad share of the cost.
646.212 Federal share.
646.214 Design.
646.216 General procedures.
646.218 Simplified procedure for accelerating grade crossing improvements.
646.220 Alternate Federal-State procedure.

AUTHORITY: 23 U.S.C. 315; 49 CFR 1.48.

Subpart B—Railroad-Highway Projects

§ 646.200 Purpose and applicability.

(a) The purpose of this subpart is to prescribe policies and procedures for advancing Federal-aid projects involving railroad facilities.

(b) This subpart, and all references hereinafter made to "projects," applies to Federal-aid projects involving railroad facilities, including projects for the elimination of hazards of railroad-highway crossings, and other projects which use railroad properties or which involve adjustments required by highway construction to either railroad facilities or facilities that are jointly owned or used by railroad and utility companies.

(c) Additional instructions for projects involving the elimination of hazards of railroad-highway grade crossings pursuant to 23 U.S.C. 405 and Section 203 of the Highway Safety Act of 1973 are set forth in 23 CFR, Part 655, Subpart E.

(d) Procedures on reimbursement for projects undertaken pursuant to this subpart are set forth in 23 CFR, Part 140, Subpart I.

(e) Procedures on insurance required of contractors working on or about railroad right-of-way are set forth in 23 CFR, Part 646, Subpart A.

(f) Audit requirements for work undertaken pursuant to this subpart which is not accomplished under competitive bidding procedures are set forth in 23 CFR, Part 170.

§ 646.202 Authority.

This subpart is issued under authority of 23 U.S.C. 109(e), 120(d), 130, 315, and 405, Section 203 of the Highway Safety Act of 1973, and 49 CFR 1.48.

§ 646.204 Definitions.

For the purposes of this subpart, the following definitions apply:

(a) "Railroad" shall mean all rail carriers, publicly-owned, private, and common carriers, including line haul freight and passenger railroads, switching and terminal railroads and passenger carrying railroads such as rapid transit, commuter and street railroads.

(b) "Utility" shall mean the lines and facilities for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil, water, steam, sewer and similar commodities.

(c) "Company" shall mean any railroad or utility company including any wholly owned or controlled subsidiary thereof.

(d) "'G' funds" signify those Federal-aid highway funds which, pursuant to 23 U.S.C. 120(d), may be used for projects for the elimination of hazards of railroad-highway crossings not to exceed 10 percent of Federal-aid funds apportioned in accordance with 23 U.S.C. 104.

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(e) "Preliminary Engineering" shall mean the work necessary to produce construction plans, specifications, and estimates to the degree of completeness required for undertaking construction thereunder, including locating, surveying, designing and related work.

(f) "Construction" shall mean the actual physical construction to improve or eliminate a railroad-highway grade crossing or accomplish other railroad involved work.

(g) "A diagnostic team" means a group of knowledgeable representatives of the parties of interest in a railroad-highway crossing or a group of crossings.

(h) "Main line railroad track" means a track of a principal line of a railroad, including extensions through yards, upon which trains are operated by timetable or train order or both, or the use of which is governed by block signals or by centralized traffic control.

(i) "Passive Warning Devices" means those types of traffic control devices, including signs, markings and other devices, located at or in advance of grade crossings to indicate the presence of a crossing but which do not change aspect upon the approach or presence of a train.

(j) "Active Warning Devices" means those traffic control devices activated by the approach or presence of a train, such as flashing light signals, automatic gates and similar devices, as well as manually operated devices and crossing watchmen, all of which display to motorists positive warning of the approach or presence of a train.

§ 646.206 Types of projects.

(a) Projects for the elimination of hazards, to both vehicles and pedestrians, of railroad-highway crossings may include but are not limited to:

(1) Grade crossing elimination;

(2) Reconstruction of existing grade separations; and

(3) Grade crossing improvements.

(b) Other railroad-highway projects are those which use railroad properties or involve adjustments to railroad facilities required by highway construction but do not involve the elimination of hazards of railroad-highway crossings. Also included are adjustments to facilities that are jointly owned or used by railroad and utility companies.

§ 646.208 Funding.

(a) Federal-aid funding for projects which involve the elimination of hazards of railroad-highway crossings may, at the option of the State, be provided through one of the following alternative methods, within the qualifications prescribed for each:

(1) "G" funding, as provided by 23 U.S.C. 120(d) and 130;

(2) regular pro rata sharing as provided by 23 U.S.C. 120(a) and 120(c); and

(3) funding authorized by 23 U.S.C. 405 and Section 203 of the Highway Safety Act of 1973.

(b) The adjustment of railroad facilities which does not involve the elimination of hazards of railroad-highway crossings may be funded through regular pro rata sharing, as provided by 23 U.S.C. 120 (a) and (c).

§ 646.210 Classification of projects and railroad share of the cost.

(a) State laws requiring railroads to share in the cost of work for the elimination of hazards at railroad-highway crossings shall not apply to Federal-aid projects.

(b) Pursuant to 23 U.S.C. 130(b), and 49 CFR 1.48:

(1) Projects for grade crossing improvements are deemed to be of no ascertainable net benefit to the railroads and there shall be no required railroad share of the costs.

(2) Projects for the reconstruction of existing grade separations are deemed to generally be of no ascertainable net benefit to the railroads and there shall be no required railroad share of the costs, unless the railroad has a specific contractual obligation with the State or its political subdivision to share in the costs.

(3) On projects for the elimination of existing grade crossings at which active warning devices are in place or ordered to be installed by a State regulatory agency, the railroad share of the project costs shall be 5 percent.

(4) On projects for the elimination of existing grade crossings at which active warning devices are not in place and have not been ordered installed by a State regulatory agency, or on projects which do not eliminate an existing crossing, there shall be no required railroad share of the project cost.

(c) The required railroad share of the cost under § 646.210(b)(3) shall be based on the costs for preliminary engineering, right-of-way and construction within the limits described below:

(1) Where a grade crossing is eliminated by grade separation, the structure and approaches required to transition to a theoretical highway profile which would have been constructed if there were no railroad present, for the number of lanes on the existing highway and in accordance with the current design standards of the State highway agency.

(2) Where another facility, such as a highway or waterway, requiring a bridge structure is located within the limits of a grade separation project, the estimated cost of a theoretical structure and approaches as described in § 646.210(c)(1) to eliminate the railroad-highway grade crossing without considering the presence of the waterway or other highway.

(3) Where a grade crossing is eliminated by railroad or highway relocation, the actual cost of the relocation project, or the estimated cost of a structure and approaches as described in § 646.210(c)(1), whichever is less.

(d) Railroads may voluntarily contribute a greater share of project costs than is required. Also, other parties may voluntarily assume the railroad's share.

§ 646.212 Federal share.

(a) *General.* (1) Federal funds are not eligible to participate in costs incurred solely for the benefit of the railroad.

(2) At grade separations Federal funds are eligible to participate in costs to provide space for more tracks than are in place when the railroad establishes to the satisfaction of the State highway agency and FHWA that it has a definite demand and plans for installation of the additional tracks within a reasonable time.

(3) The Federal share of the cost of a grade separation project shall be based on the cost to provide horizontal and/or vertical clearances used by the railroad in its normal practice, subject to limitations as agreed to periodically by FHWA and the Joint American Association of State Highway and Transportation Officials (AASHTO)—Association of American Railroads (AAR) Committee, or as required by a State regulatory agency.

(b) *"G" Funds.* (1) The Federal share of the cost of a "G" funded project may be up to 100 percent of the cost of preliminary engineering and construction and 70 percent of the cost of right-of-way and property damage, except that the Federal share shall be reduced by the amount of any required railroad share of the cost.

(2) Projects for the elimination of hazards of railroad-highway crossings, either by crossing elimination, improvement, or the reconstruction of existing grade separations, as described in § 646.206(a) are eligible for "G" funding subject to the following limitations:

(i) For a new or reconstructed grade separation, the entire structure or structures and necessary highway and railroad approaches to accommodate both vehicular and pedestrian traffic.

(ii) Where another facility, such as a highway or waterway requiring a bridge structure, is located within the limits of a grade separation project, the estimated cost and limits of work for a theoretical structure and necessary approaches as in § 646.212(b)(2)(i) without considering the presence of the waterway or other highway.

(iii) For railroad or highway relocation the actual cost of the relocation project or the estimated cost of a theoretical structure and necessary approaches to eliminate the grade crossing(s) as in § 646.212(b)(2)(i), whichever is less.

(iv) Grade crossing improvements in the vicinity of the crossing and related work, including construction or reconstruction of the approaches as necessary to provide an acceptable transition to existing or improved highway gradients and alignments, and advance warning devices.

§ 646.214 Design.

(a) *General.* (1) Facilities that are the responsibility of the railroad for maintenance and operation shall conform to the specifications and design standards used by the railroad in its normal practice, subject to approval by the State highway agency and FHWA.

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(2) Facilities that are the responsibility of the highway agency for maintenance and operation shall conform to the specifications and design standards and guides used by the highway agency in its normal practice, subject to approval by FHWA.

(b) *Grade crossing improvements.* (1) All traffic control devices proposed shall comply with the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways supplemented to the extent applicable by State standards and the current AAR Bulletin on Recommended Practices for Railroad-Highway Grade Crossing Warning Systems.

(2) Pursuant to 23 U.S.C. 109(e), where a railroad-highway grade crossing is located within the limits of or near the terminus of a Federal-aid highway project for construction of a new highway or improvement of the existing roadway, the crossing shall not be opened for unrestricted use by traffic or the pro- for unrestricted use by traffic or the project accepted by FHWA until adequate warning devices for the crossing are installed and functioning properly.

(3) (i) "Adequate warning devices", under § 646.214(b) (2) or on any project where Federal-aid funds participate in the installation of the devices are to include automatic gates with flashing light signals when one or more of the following conditions exist:

(A) Multiple main line railroad tracks.

(B) Multiple tracks at or in the vicinity of the crossing which may be occupied by a train or locomotive so as to obscure the movement of another train approaching the crossing.

(C) High speed train operation combined with limited sight distance at either single or multiple track crossings.

(D) A combination of high speeds and moderately high volumes of highway and railroad traffic.

(E) Either a high volume of vehicular traffic, high number of train movements, substantial numbers of schoolbuses or trucks carrying hazardous materials, unusually restricted sight distance, continuing accident occurrences, or any combination of these conditions.

(F) A diagnostic team recommends them.

(ii) In individual cases where a diagnostic team justifies that gates are not appropriate, FHWA may find that the above requirements are not applicable.

(4) For crossings where the requirements of § 646.214(b) (3) are not applicable, the type of warning device to be installed, whether the determination is made by a State regulatory agency, State highway agency, and/or the railroad, is subject to the approval of FHWA.

(c) *Grade crossing elimination.* All crossings of railroads and highways at grade shall be eliminated where there is full control of access on the highway (a freeway) regardless of the volume of railroad or highway traffic.

§ 646.216 General procedures.

(a) *General.* Unless specifically modified herein, applicable Federal-aid procedures govern projects undertaken pursuant to this subpart.

(b) *Preliminary engineering and engineering services.* (1) As mutually agreed to by the State highway agency and railroad, and subject to the provisions of § 646.216(b) (2), preliminary engineering work on railroad-highway projects may be accomplished by one of the following methods:

(i) The State or railroad's engineering forces;

(ii) An engineering consultant selected by the State after consultation with the railroad, and with the State administering the contract; or

(iii) An engineering consultant selected by the railroad, with the approval of the State and with the railroad administering the contract.

(2) Where a railroad is not adequately staffed, Federal-aid funds may participate in the amounts paid to engineering consultants and others for required services, provided such amounts are not based on a percentage of the cost of construction, either under contracts for individual projects or under existing written continuing contracts where such work is regularly performed for the railroad in its own work under such contracts at reasonable costs.

(c) *Rights-of-way.* (1) Acquisition of right-of-way by a State highway agency on behalf of a railroad or acquisition of nonoperating real property from a railroad shall be in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) and applicable FHWA right-of-way procedures in 23 CFR, Chapter I, Subchapter H. On projects for the elimination of hazards of railroad-highway crossings by the relocation of railroads, acquisition of replacement right-of-way by a railroad shall be in accordance with 42 U.S.C. 4601 et seq.

(2) Where buildings and other depreciable structures of the railroad (such as signal towers, passenger stations, depots, and other buildings and equipment housings) which are integral to operation of railroad traffic are wholly or partly affected by a highway project, the costs of work necessary to functionally restore such facilities are eligible for participation. However, when replacement of such facilities is necessary, credits shall be made to the cost of the project for:

(i) Accrued depreciation, which is that amount based on the ratio between the period of actual length of service and total life expectancy applied to the original cost.

(ii) Additions or improvements which provide higher quality or increased service capability of the facility and which are provided solely for the benefit of the railroad.

(iii) Actual salvage value of the material recovered from the facility being replaced. Total credits to a project shall not be required in excess of the replacement cost of the facility.

(3) Where Federal funds participate in the cost of replacement right-of-way, there will be no charge to the project for the railroad's existing right-of-way being transferred to the State highway agency except when the value of the right-of-way being taken exceeds the value of the replacement right-of-way.

(d) *State-railroad agreements.* (1) Where construction of a Federal-aid project requires use of railroad properties or adjustments to railroad facilities, there shall be an agreement in writing between the State highway agency and the railroad company.

(2) The written agreement between the State and the railroad shall, as a minimum include the following, where applicable:

(i) The provisions of this subpart and of 23 CFR, Part 140, Subpart I, incorporated by reference.

(ii) A detailed statement of the work to be performed by each party.

(iii) Method of payment (either actual cost or lump sum),

(iv) For projects which are not for the elimination of hazards of railroad-highway crossings, the extent to which the railroad is obligated to move or adjust its facilities at its own expense,

(v) The railroad's share of the project cost,

(vi) An itemized estimate of the cost of the work to be performed by the railroad,

(vii) Method to be used for performing the work, either by railroad forces or by contract,

(viii) Maintenance responsibility,

(ix) Form, duration, and amounts of any needed insurance,

(x) Appropriate reference to or identification of plans and specifications,

(xi) Statements defining the conditions under which the railroad will provide or require protective services during performance of the work, the type of protective services and the method of reimbursement to the railroad, and

(xii) Provisions regarding inspection of any recovered materials.

(3) On work to be performed by the railroad with its own forces and where the State highway agency and railroad agree, subject to approval by FHWA, an agreement providing for a lump sum payment in lieu of later determination of actual costs may be used for any of the following:

(i) Installation or improvement of grade crossing warning devices and/or grade crossing surfaces, regardless of cost, or

(ii) Any other eligible work where the estimated cost to the State of the proposed railroad work does not exceed $10,000 or

(iii) Where FHWA finds that the circumstances are such that this method of developing costs would be in the best interest of the public.

(4) Where the lump sum method of payment is used, periodic reviews and analyses of the railroad's methods and cost data used to develop lump sum estimates will be made.

(5) Master agreements between a State and a railroad on an areawide or statewide basis may be used. These agreements would contain the specifications, regulations, and provisions required in

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conjunction with work performed on all projects. Supporting data for each project or group of projects must, when combined with the master agreement by reference, satisfy the provisions of § 646.216 (d) (2).

(6) Official orders issued by regulatory agencies will be accepted in lieu of State-railroad agreements only where, together with supplementary written understandings between the State and the railroad, they include the items required by § 646.216(d) (2).

(7) In extraordinary cases where FHWA finds that the circumstances are such that requiring such agreement or order would not be in the best interest of the public, projects may be approved for construction with the aid of Federal funds, provided satisfactory commitments have been made with respect to construction, maintenance and the railroad share of project costs.

(e) *Authorizations.* (1) The costs of preliminary engineering, right-of-way acquisition, and construction incurred after the date each phase of the work is included in an approved program and authorized by FHWA are eligible for Federal-aid participation. Preliminary engineering and right-of-way acquisition costs which are otherwise eligible, but incurred by a railroad prior to authorization by FHWA, although not reimbursable, may be included as part of the railroad share of project cost where such a share is required.

(2) Prior to issuance of authorization by FHWA either to advertise the physical construction for bids or to proceed with force account construction for railroad work or for other construction affected by railroad work, the following must be accomplished:

(i) The plans, specifications and estimates must be approved by FHWA.

(ii) A proposed agreement between the State and railroad must be found satisfactory by FHWA. Before Federal funds may be used to reimburse the State for railroad costs, the executed agreement must be approved by FHWA.

(iii) Adequate provision must be made for any needed easements, right-of-way, temporary crossings for construction purposes or other property interests.

(iv) The pertinent portions of the State-railroad agreement applicable to any protective services required during performance of the work must be included in the project specifications and special provisions for any construction contract.

(3) In unusual cases, pending compliance with § 646.216(e) (2) (ii), (iii) and (iv), authorization may be given by FHWA to advertise for bids for highway construction under conditions where a railroad grants a right-of-entry to its property as necessary to prosecute the physical construction.

(f) *Construction.* (1) Construction may be accomplished by:

(i) Railroad force account,

(ii) Contracting with the lowest qualified bidder based on appropriate solicitation,

(iii) Existing continuing contracts at reasonable costs, or

(iv) Contract without competitive bidding, for minor work, at reasonable costs.

(2) Reimbursement will not be made for any increased costs due to changes in plans:

(i) For the convenience of the contractor, or

(ii) Not approved by the State and FHWA.

(3) The State and FHWA shall be afforded a reasonable opportunity to inspect materials recovered by the railroad prior to disposal by sale or scrap. This requirement will be satisfied by the railroad giving written notice, or oral notice with prompt written confirmation, to the State of the time and place where the materials will be available for inspection. The giving of notice is the responsibility of the railroad, and it may be held accountable for full value of materials disposed of without notice.

(4) In addition to normal construction costs, the following construction costs are eligible for participation with Federal-aid funds when approved by the State and FHWA:

(i) The cost of maintaining temporary facilities of a railroad company required by and during the highway construction to the extent that such costs exceed the documented normal cost of maintaining the permanent facilities.

(ii) The cost of stage or extended construction involving grade corrections and/or slope stabilization for permanent tracks of a railroad which are required to be relocated on new grade by the highway construction. Stage or extended construction will be approved by FHWA only when documentation submitted by the State establishes the proposed method of construction to be the only practical method and that the cost of the extended construction within the period specified is estimated to be less than the cost of any practicable alternate procedure.

(iii) The cost of restoring the company's service by adustments of existing facilities away from the project site, in lieu of and not to exceed the cost of replacing, adjusting or relocating facilities at the project site.

(iv) The cost of an addition or improvement to an existing railroad facility which is required by the highway construction.

§ 646.218 Simplified procedure for accelerating grade crossing improvements.

(a) The procedure set forth in this section is encouraged for use in simplifying and accelerating the processing of single or multiple grade crossing improvements.

(b) Eligible preliminary engineering costs may include those incurred in selecting crossings to be improved, determining the type of improvement for each crossing, estimating the cost and preparing the required agreement.

(c) The written agreement between a State and a railroad shall contain as a minimum:

(1) Identification of each crossing location.

(2) Description of improvement and estimate of cost for each crossing location.

(3) Estimated schedule for completion of work at each location.

(d) Following programming, authorization and approval of the agreement under Section 646.218(c), FHWA may authorize construction, including acquisition of warning device materials, with the condition that work at any particular location will not be undertaken until the proposed or executed State-railroad agreement under § 646.216(d)(2) is found satisfactory by FHWA and the final plans, specifications, and estimates are approved and with the condition that only material actually incorporated into the project will be eligible for Federal participation.

(e) Work programmed and authorized under this simplified procedure should include only that which can reasonably be expected to reach the construction stage within one year and be completed within two years after the initial authorization date.

§ 646.220 Alternate Federal-State procedure.

(a) On other than Interstate projects, an alternate procedure may be used, at the election of the State, for processing certain types of railroad-highway work. Under this procedure, the State highway agency will act in the relative position of FHWA for reviewing and approving projects.

(b) The scope of the State's approval authority under the alternate procedure includes all actions necessary to advance and complete the following types of railroad-highway work:

(1) All types of grade crossing improvements under § 646.206(a)(3).

(2) Minor adjustments to railroad facilities under § 646.206(b).

(c) The following types of work are to be reviewed and approved in the normal manner, as prescribed elsewhere in this subpart.

(1) All projects under § 646.206(a)(1) and (2).

(2) Major adjustments to railroad facilities under § 646.206(b).

(d) Any State wishing to adopt the alternate procedure may file a formal application for approval by FHWA. The application must include the following:

(1) The State's written policies and procedures for administering and processing Federal-aid railroad-highway work, which make adequate provisions with respect to all of the following:

(i) Compliance with the provisions of Title 23, U.S.C., Title 23 CFR, and other applicable Federal laws and Executive Orders.

(ii) Compliance with this subpart and 23 CFR, Part 140, Subpart I and 23 CFR, Part 170.

(iii) For grade crossing safety improvements, compliance with the requirements of 23 CFR, Part 655, Subpart E.

(2) A statement signed by the Chief Administrative Officer of the State highway agency certifying that:

(i) The work will be done in accordance with the applicable provisions of the State's policies and procedures submitted under § 646.220(d)(1), and

(ii) Reimbursement will be requested in only those costs properly attributable to the highway construction and eligible for Federal fund participation.

(e) When FHWA has approved the alternate procedure, it may authorize the State to proceed in accordance with the State's certification, subject to the following conditions:

(1) The work has been programmed.

(2) The State submits in writing a request for such authorization which shall include a list of the improvements or adjustments to be processed under the alternate procedure, along with the best available estimate of cost.

(f) The FHWA Regional Administrator may suspend approval of the certified procedure, where FHWA reviews disclose noncompliance with the certification. Federal-aid funds will not be eligible to participate in costs that do not qualify under § 646.220(d)(1).

[FR Doc.75-9261 Filed 4-8-75;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 670—THE CHEMICAL, PETROLEUM, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064), as amended (29 U.S.C. 205, 206, 208), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 84 Stat. 35), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 637 (40 FR 5830 and corrected in 40 FR 6839), the Secretary of Labor appointed and convened Industry Committee No. 125-B for the Chemical, Petroleum, and Related Products Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under sections 6 (a), (b) and (c) of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 125-B are hereby published, revising §§ 670.1 and 670.2 of Part 670, Title 29, Code of Federal Regulations. The increases in future wage rates prescribed by sections 6 (a) and (b) of the 1974 Fair Labor Standards Amendments are set forth in this wage order.

1. As revised, §§ 670.1 and 670.2 read as follows:

§ 670.1 Definition.

The Chemical, Petroleum, and Related Products Industry in Puerto Rico is defined as follows:

(a) The manufacture or packaging of chemicals, drugs, medicines, toilet preparations, cosmetics, and related products; the mining or other extraction or processing of any mineral used in the production of the foregoing; and the mining or other extraction of petroleum, coal or natural gases and the manufacture of products therefrom: *Provided, however,* That the industry shall not include any activity included in the food and kindred products industry; the stone, clay and glass products and nonmetallic mining industry; and the metal, machinery, transportation equipment, and allied products industry, as defined in the wage orders for those industries, and any activities performed in the capacity of a public utility.

(b) The products of this industry include, among others: Primary plastic materials such as sheets, rods, tubes, filaments, granules, powders, and liquids; soap and glycerin; cleaning and polishing preparations; paints, varnishes, colors, dyes, inks, putty, and fillers; industrial alcohol, wood distillation and naval stores; fertilizers, vegetable and animal oils and fats; candles; glue and gelatin; compressed and liquified gases; insecticides and fungicides; salt, explosives, fireworks and pyrotechnics; coke and coke-oven by-products; paving mixtures and blocks containing asphalt, creosote, or tar; fuel briquettes; roofing felts and coatings; and asphalt tile and linoleum.

§ 670.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under sections 6(a) and 6(b) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

(a) *Pre-1966 coverage classification.* (i) The minimum rate for this classification is $2.10 an hour for the period ending December 31, 1975. Since the mainland rate has been attained, the rate specified in section 6(a)(1) now applies, namely, $2.30 an hour after December 31, 1975, (section 6(c)(5)).

(ii) This classification is defined as all activities in the industry to which section 6 of the Act would have applied prior to the Fair Labor Standards Amendments of 1966.

(b) *1966 coverage classification.* (i) The minimum rate for this classification is $2.00 an hour for the period ending December 31, 1975. Since the mainland rate has been attained, the rates specified in section 6(b) now apply, namely, $2.20 an hour during the year ending December 31, 1976; and $2.30 an hour thereafter (section 6(c)(5)).

(ii) This classification is defined as all activities in the industry to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

(Secs. 5, 6, 8, 52 Stat. 1062, as amended; 29 U.S.C. 205, 206, 208).

Signed at Washington, D.C. this 2nd day of April 1975.

WARREN D. LANDIS,
Acting Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.75-9242 Filed 4-8-75;8:45 am]

PART 726—THE CONSTRUCTION INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064), as amended (29 U.S.C. 205, 206, 208), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 84 Stat. 35), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 637 (40 FR 5830 and corrected in 40 FR 6839), the Secretary of Labor appointed and convened Industry Committee No. 125-A for the Construction Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under sections 6 (a), (b) and (c) of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 125-A are hereby published, revising section 726.2 of Part 726, Title 29, Code of Federal Regulations. The increases in future wage rates prescribed by section 6(c) of the 1974 Fair Labor Standards Amendments are set forth in this wage order.

As revised, § 726.2 reads as follows:

§ 726.2 Wage rates.

Wages at the rate of not less than $1.80 an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as

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those terms are defined in section 3 of the Act. Unless otherwise provided, this wage rate is increased by $.15 an hour on May 1, 1975, and on May 1 of each subsequent year until the mainland rate is reached pursuant to section 6(c)(2) of the Act.

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; (29 U.S.C. 205, 206, 208)).

Signed at Washington, D.C., this 2nd day of April 1975.

WARREN D. LANDIS,
Acting Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.75-9249 Filed 4-8-75;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

LIBERALIZATION OF PENSION PROVISIONS

On page 6088 of the FEDERAL REGISTER of February 13, 1975, there was published a notice of proposed regulatory development to amend Part 3, Title 38, Code of Federal Regulations, to implement provisions of Pub. L. 93-527 (88 Stat. 1702) which increased rate of pension payable to veterans, widows and widowers, and children and rates of dependency and indemnity compensation payable to parents, increased income limitations and liberalized other provisions.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written comments have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These VA Regulations are effective January 1, 1975.

Approved: April 3, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

1. In § 3.1, paragraphs (d), (m)(1) and (q) are revised to read as follows:

§ 3.1 Definitions.

* * * * * *

(d) "Veteran" means a person who served in the active military, naval, or air service and who was discharged or released under conditions other than dishonorable.

(1) For compensation and dependency and indemnity compensation the term "veteran" includes a person who died in active service and whose death was not due to willful misconduct.

(2) For death pension the term "veteran" includes a person who died in active service under conditions which preclude payment of service-connected death benefits, provided such person had completed at least 2 years honorable military, naval or air service, as certified by the Secretary concerned. (See § 3.3(c)(1)) (38 U.S.C. 541; Pub. L. 93-527, 88 Stat. 1702.)

* * * * * *

(m) "In line of duty" means an injury or disease incurred or aggravated during a period of active military, naval, or air service unless such injury or disease was the result of the veteran's own willful misconduct. A service department finding that injury, disease or death occurred in line of duty will be binding on the Veterans Administration unless it is patently inconsistent with the requirements of laws administered by the Veterans Administration. Requirements as to line of duty are not met if at the time the injury was suffered or disease contracted the veteran was:

(1) Avoiding duty by desertion, or was absent without leave which materially interfered with the performance of military duty.

* * * * * *

(q) "Notice" means written notice sent to a claimant or payee at his or her latest address of record.

* * * * * *

2. In § 3.3, paragraphs (a) and (d)(3) are revised to read as follows:

§ 3.3 Pension.

(a) *Pension.* This term means a monthly payment made by the Veterans Administration to a veteran because of service, age, or non-service-connected disability, or to a widow or widower or child of a veteran because of the non-service-connected death of the veteran. Except as provided in paragraph (d)(3) of this section, pension is not payable unless the veteran was discharged under conditions other than dishonorable from the period of service on which the claim is based. (38 U.S.C. 101(2), (15)) (See § 3.252 as to annual income limitations for disability and death pension.)

* * * * * *

(d) *Death pension.* * * *

(3) *Mexican border period and later war periods.* Basic entitlement exists for the widow, widower or child of a deceased veteran if the veteran's service meets the requirements of paragraph (c)(1) or (2) of this section or the veteran was, at the time of death, receiving or entitled to receive compensation or retirement pay for service-connected disability based on wartime service. Basic entitlement also exists under the provisions of this subparagraph, effective January 1, 1975, for the widow, widower or child of a deceased veteran, as defined in § 3.1(d)(2) whose service meets the requirements of paragraph (c)(1) of this section. (38 U.S.C. 541, 542; Pub. L. 93-527, 88 Stat. 1702)

3. In § 3.13, paragraph (b) is revised to read as follows:

§ 3.13 Discharge to change status.

* * * * * *

(b) The entire period of service under the circumstances stated in paragraph (a) of this section constitutes one period of service and entitlement will be determined by the character of the final termination of active service except that, for death pension purposes, § 3.3(d)(3) is controlling as to basic entitlement when the conditions prescribed therein are met.

4. Section 3.15 is revised to read as follows:

§ 3.15 Computation of service.

For non-service-connected or service-connected benefits, active service is countable exclusive of time spent on an industrial, agricultural, or indefinite furlough, time lost on absence without leave (without pay), under arrest (without acquittal), in desertion, while undergoing sentence of court-martial or a period following release from active duty under the circumstances outlined in § 3.9. In claims based on Spanish-American War service, leave authorized under General Order No. 130, War Department, is included.

5. Section 3.20 is revised to read as follows:

§ 3.20 Widow's or widower's benefit for month of veteran's death.

Where the veteran died on or after December 1, 1962, the rate of death pension, death compensation or dependency and indemnity compensation otherwise payable for the widow or widower for the month in which the death occurred shall be not less than the amount of pension or compensation which would have been payable to or for the veteran for that month but for his or her death. (38 U.S.C. 3110)

6. In § 3.54, paragraph (b), the introductory portion of paragraph (c) preceding subparagraph (1), and paragraphs (d) and (e) are revised to read as follows:

§ 3.54 Marriage dates.

* * * * * *

(b) *Compensation.* Death compensation may be paid to a widow or widower who, with respect to date of marriage, could have qualified as a widow or widower for death compensation under any law administered by the Veterans Administration in effect on December 31, 1957, or who was married to the veteran:

(1) Before the expiration of 15 years after termination of the period of service in which the injury or disease which caused the veteran's death was incurred or aggravated, or

(2) One year or more, or

(3) For any period of time if a child was born of the marriage, or was born to them before the marriage. (38 U.S.C. 302)

(c) *Dependency and indemnity compensation.* Dependency and indemnity compensation may be paid to the widow or widower of a veteran who died on or after January 1, 1957, who was married to the veteran:

* * * * * *

(d) *"Child born".* The term "child born of the marriage" means a birth on or after the date of the marriage on which the widow's or widower's entitlement is predicated. The term "born to them before the marriage" means a birth prior to the date of such marriage. Either term includes a fetus advanced to the point of gestation required to constitute a birth under the law of the jurisdiction in which the fetus was delivered.

(e) *More than one marriage to veteran.* For periods commencing on or after January 1, 1958, where a widow or widower has been married legally to a veteran more than once, the date of the original marriage will be used in determining whether the statutory requirement as to date of marriage has been met. (38 U.S.C. 103(b))

7. Section 3.55 is revised to read as follows:

§ 3.55 Terminated marital relationships.

(a) Remarriage of a widow or widower or marriage of a child shall not bar the furnishing of benefits to such widow or widower, or to or on account of such child, if the marriage

(1) was void, or

(2) has been annulled by a court having basic authority to render annulment decrees, unless it is determined by the Veterans' Administration that the annulment was obtained through fraud by either party or by collusion.

(b) On and after January 1, 1971, remarriage of a widow or widower shall not bar the furnishing of benefits to such widow or widower if the marriage

(1) has been terminated by death, or

(2) has been dissolved by a court with basic authority to render divorce decrees unless the Veterans Administration determines that the divorce was secured through fraud by the widow or widower or by collusion.

(c) On and after January 1, 1971, the fact that a widow or widower has lived with another person and has held herself (himself) out openly to the public as the wife or husband of such other person shall not bar the furnishing of benefits to her (him) after she (he) terminates the relationship.

(d) On and after January 1, 1971, the fact that benefits to a widow or widower may previously have been barred because her (his) conduct or a relationship into which she (he) had entered had raised an inference or presumption that she (he) had remarried or had been determined to be open and notorious adulterous cohabitation, or similar conduct, shall not bar the furnishing of benefits to such widow or widower after she (he) terminates the conduct or relationship.

(e) On and after January 1, 1975, marriage of a child shall not bar the furnishing of benefits to or for such child if the marriage

(1) has been terminated by death, or

(2) has been dissolved by a court with basic authority to render divorce decrees unless the Veterans Administration determines that the divorce was secured through fraud by either party or by collusion. (38 U.S.C. 103(d), (e); Pub. L. 93-527, 88 Stat. 1702)

8. In § 3.250, paragraphs (a)(2) and (c) are revised to read as follows:

§ 3.250 Dependency of parents; compensation.

(a) *Income.* * * *

(2) *Excess income.* Where the income exceeds the monthly amounts stated in paragraph (a)(1) of this section dependency will be determined on the facts in the individual case under the principles outlined in paragraph (b) of this section. In such cases, dependency will not be held to exist if it is reasonable that some part of the corpus of the claimant's estate be consumed for his or her maintenance.

* * * * * *

(c) *Inception of dependency.* The fact that the veteran has made habitual contributions to the father or mother, or both, is not conclusive evidence that dependency existed but will be considered in connection with all other evidence. In death claims, it is not material whether dependency arose prior or subsequent to the veteran's death (38 U.S.C. 102(a)), (see § 3.1000(d)(3) as to accrued.)

* * * * * *

9. In § 3.251, paragraph (a)(1) is revised to read as follows:

§ 3.251 Income of parents; dependency and indemnity compensation.

(a) *Annual income limitation.* (1) Dependency and indemnity compensation is not payable to a parent whose annual income exceeds the following limitations:

(i) $2,600 ($3,000 effective January 1, 1975), one parent alone;

(ii) $2,600 ($3,000 effective January 1, 1975), separately, two parents not living together;

(iii) $3,800 ($4,200 effective January 1, 1975), combined income, two parents living together or remarried parent living with spouse.

(iv) Where there is only one parent, and the parent has remarried and is living with his or her spouse, dependency and indemnity compensation will be paid under either the formula in 38 U.S.C. 415(b)(1) or the formula in 38 U.S.C. 415(d), whichever will provide the greater monthly rate of dependency and indemnity compensation. The total combined annual income of the parent and spouse will be counted. (38 U.S.C. 415; Pub. L. 93-527, 88 Stat. 1702)

* * * * * *

10. In § 3.252, paragraphs (a), (b), (d) and (e) are revised to read as follows:

§ 3.252 Annual income; pension; Mexican border period and later war periods.

(a) *Annual income limitation; protected pension.* Where the right to pension under laws in effect on June 30, 1960, is protected under § 3.956, pension is not payable to an unmarried veteran or to a widow or widower without a child or to or on account of a child, whose annual income exceeds $2,600; or to a married veteran or a veteran with a child or to a widow or widower with a child whose annual income exceeds $3,900.

(b) *Annual income and net worth limitation; Pub. L. 86-211.* Pension is not payable to an unmarried veteran, or to a widow or widower without a child, whose annual income exceeds $3,000, or to or on account of a child whose annual income (excluding earned income of a child-claimant) exceeds $2,400; or to a married veteran or a veteran with a child, or to a widow or widower with a child, whose annual income exceeds $4,200; or to a veteran, widow or widower or child if it is reasonable that some part of the claimant's estate be consumed for his or her maintenance. Where a veteran and spouse are living together, the separate income of the spouse will be considered as the veteran's income as provided in § 3.262(b).

(38 U.S.C. 521, 541, 542 and 543)

* * * * * *

(d) *Veteran with a spouse.* For the purpose of determining eligibility under paragraph (b) of this section the pension rates provided by 38 U.S.C. 521(c) may be authorized for a married veteran if he or she is living with or, if estranged, is reasonably contributing to the support of his or her spouse. The determination of "reasonable" contribution will be based on all the circumstances in the case, considering the income and estate of the veteran and the separate income and estate of the spouse. Apportionment of the veteran's pension under § 3.451 meets the requirement of reasonable contribution.

(e) *Widow or widower with a child—*(1) *Child.* The term "child" means a child as defined in § 3.57. Where a posthumous child is involved, the widow will not be considered a widow with a child prior to the date of birth of the child.

(2) *Veteran's child not in widow's or widower's custody.* Where the veteran was survived by a widow or widower and by a child, the income increments for a widow or widower and child are applicable even though the child is not the child of the widow or widower and not in his or her custody.

(3) *Income of child.* The separate income received by a child or children, regardless of custody, will not be considered in computing the widow's or widower's income. Where the separate income of the child is turned over to the widow or widower, only so much of the money as is left after deducting any expenses for maintenance of the child will be considered the widow's or widower's income.

(4) *Alternative rate.* Whenever the monthly pension rate payable to the widow or widower under the formula in 38 U.S.C. 541(c) is less than the rate payable for one child under section 542 if the widow or widower were not entitled, the

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widow or widower will be paid the child's rate.

(38 U.S.C. 541(c), 542)

11. Section 3.257 is revised to read as follows:

§ 3.257 Children; no widow or widower entitled.

Where pension is not payable to a widow or widower because his or her annual income exceeds the statutory limitation or because of his or her net worth, payments will be made to or for the child or children as if there were no widow or widower.

12. In § 3.260, paragraph (e) is revised to read as follows:

§ 3.260 Computation of income.

• • • • • •

(e) *Proportionate income limitations; spouse.* In determining whether proportionate computation is applicable to a claim under Public Law 86–211 (73 Stat. 432), the total income for the calendar year of entitlement of both veteran and that of the spouse available for use of the veteran will be considered. If a proportionate income limitation is then applicable, it will be applied to both the veteran's and the spouse's income. The spouse's income will not be included, however, where his or her total income for the calendar year does not exceed $1,200.

• • • • • •

13. In § 3.400, paragraph (u) is revised to read as follows:

§ 3.400 General.

• • • • • •

(u) *Void, annulled or terminated marriage of a child (38 U.S.C. 3010 (a), (k), (l); Pub. L. 93–527, 88 Stat. 1702; § 3.55)* (1) *Void.* Date the parties ceased to cohabit or date of receipt of claim, whichever is later.

(2) *Annulled.* Date the decree of annulment became final if claim is filed within 1 year after that date; otherwise date of receipt of claim.

(3) *Death.* Date of death if claim is filed within 1 year after that date; otherwise date of receipt of claim.

(4) *Divorce.* Date the decree became final if claim is filed within 1 year after that date; otherwise date of receipt of claim.

• • • • • •

[FR Doc.75-9282 Filed 4-8-75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5404; AA–8331]

ALASKA

Exclusion of Lands from Chugach National Forest

By virtue of the authority vested in the President by the Act of June 4, 1897, 16 U.S.C. 473 (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

The following described tract of land in Alaska, occupied as a homesite, is hereby excluded from the Chugach National Forest and restored to the public domain, subject to valid existing rights, for purchase as a homesite under section 10 of the Act of May 14, 1898 (30 Stat. 413), as amended by the Act of May 26, 1934, 43 U.S.C. 687a (1970):

CHUGACH NATIONAL FOREST

U.S. SURVEY 3306

Latitude 60°30'10" N., Longitude 149°48'-00" W., Lot 22 (Slaughter Creek Homesite Group).

Containing 1.50 acres.

Dated: April 3, 1975.

JACK O. HORTON,
Assistant Secretary of the Interior.

[FR Doc.75-9164 Filed 4-8-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 293 (Sub-No. 3)]

PART 1126—SUBMISSION OF COST DATA TO JUSTIFY REIMBURSEMENT FOR DIRECTED SERVICE

Implementation of Pub. L. 93–236, section 601(e), Regional Rail Reorganization Act of 1973: submission of cost data to justify reimbursement.

On July 17, 1974, the Commission served a notice of proposed rulemaking (39 FR 26172) under the subject docket in order to promulgate a form and procedures as required of the Commission in section 601(e) of the Regional Rail Reorganization Act of 1973 (RRRA), which section constitutes an amendment of the Interstate Commerce Act by the addition of subparagraph (b) to the present section 1(16). This new provision, hereafter referred to as section 1(16)(b), authorized the Commission to respond to those cessations of service by a carrier by railroad which it finds to constitute an emergency situation by directing another railroad (the directed carrier) to temporarily provide for the handling, routing, and movement of traffic over the lines of the carrier no longer able to perform that service (the other carrier).

The Commission may invoke this emergency authority only when a cessation of service occurs under one or more of three specified circumstances (the cash position of the carrier makes continued operations impossible, a court has ordered that service be discontinued, or service has been abandoned without a certificate from the Commission) and only after making certain findings as to the effect of such a direction on public commerce and on the directed carrier.

Section 1(16)(b) also provides for the reimbursement of the directed carrier or carriers by the Federal Government in the amount by which the cost, as referred to in subparagraph (e), of handling, routing and moving the traffic of the other carrier over that carrier's lines exceeds the direct revenues therefrom. To provide an expedited and uniform method for obtaining reimbursement, Congress required the Commission to promulgate a form on which the directed carrier would concurrently record the cost and revenues of the directed operation and which would then be submitted by the directed carrier to the Commission for audit. The Commission is then authorized to certify to the Secretary of the Treasury the amount of the payment to be made to the directed carrier, which payment shall be made from funds authorized to be appropriated under section 1(16)(b).

The form proposed in the notice of proposed rulemaking served July 17, 1974, as modified, and accompanying procedures have been promulgated and are adopted in furtherance of this Congressional directive. All comments submitted with respect to the proposal were given due consideration.

As a result of comments received various changes were made, several of which follow:

1. Subsidies provided by state, regional, or local authorities to the directed carriers are to be treated and recorded as revenues, but such revenues are to be excluded from the base upon which profit is determined.

2. Expenditures for deferred maintenance and/or rehabilitation of track, facilities and equipment of the other carrier, only insofar as essential to safety or to maintain such property at its level of repair at commencement of the directed service can be made without prior Commission approval. All other maintenance and capital expenditures require the prior approval of the Commission.

3. Monies initially borrowed for the conduct of directed operations are limited to the amount of loss suffered by the other carrier in the 60 day period in the year prior to directed service comparable to the period of directed operation. Commission approval is required for any other borrowings if reimbursement is to be sought for the interest on such additional borrowings.

These rules are issued under the authority of Part I of the Interstate Commerce Act (49 U.S.C. 1, et seq.) and the Administrative Procedure Act (5 U.S.C. 553 and 559).

Effective date. This part becomes effective on March 21, 1975.

Issued in Washington, D.C., on the 14th day of March, 1975.

[SEAL] ROBERT L. OSWALD,
Secretary.

Accordingly, Title 49 of the Code of Federal Regulations is amended by adding a new Part 1126, reading as follows:

PART 1126—SUBMISSION OF COST DATA TO JUSTIFY REIMBURSEMENT FOR DIRECTED SERVICE

Sec.
1126.1 Scope of rules in this part.
1126.2 Cost form and certification.

AUTHORITY: Sec. 601(e), Pub. L. 93–236, 87 Stat. 1021 (49 U.S.C. 1(16)).

§ 1126.1 Scope of rules in this part.

The rules in this part govern the procedures for the submission of costs and revenues to be followed by carriers subject to Part I of the Interstate Commerce Act which are directed to perform service over the lines of other carriers in accordance with orders of the Commission under and pursuant to the provisions of section 1(16)(b) of said act. The report and order of the Commission in Ex Parte No. 293 (Sub-No. 3), *Implementation of Public Law 93–236, Regional Rail Reorganization Act of 1973—Submission of Cost Data to Justify Reimbursement*, served on March 21, 1975, appearing at ---- I.C.C. -----, should be used by directed carriers for guidance in the preparation of the cost form. This report and its appendix set forth the Commission's policy as to just what costs and revenues, incurred in or attributable to the conduct or directed operations, are allowable for purposes of inclusion in the cost form. Only such allowable costs and revenues will be considered by the Commission in its computation of payments due to the directed carrier under the provisions of section 1(16)(b) of the Interstate Commerce Act.

§ 1126.2 Cost form and certification.

The expenses and revenues incurred in the conduct of directed service shall be recorded in accordance with the cost form and its instructions as they appear below:

INSTRUCTIONS TO COST FORM

1. Enter in column (2) the expenses directly assignable to the directed traffic moved. This includes wages, rentals and other expenses paid or incurred by the applicant and chargeable only to the directed traffic.

2. Enter in column (3) the portion of common expenses allocable to the directed traffic. Common expenses means those expenses paid or incurred for the movement of the directed traffic which are common or jointly incurred for the movement of other traffic. All expenses should be assigned direct wherever possible. Expenses not directly assignable should be apportioned on the basis of the factor suggested in column (5) or if necessary, on the basis of a more readily available and equitable factor, if such use is justified to the Commission. The relationship of the carriers' own revenues and the directed traffic revenues is an acceptable apportionment factor in cases where there are no other available apportionment factors.

3. Enter in colum (4) the total of columns (2) and (3).

4. The cost of rehabilitation of the line necessary to permit operation should be shown in the maintenance of way accounts. Expenditures for substantial improvements shall require authorization by the Commission.

5. Expenses included in lines 13, 23, 38, 42, 47, and 53 should be identified on a separate sheet.

COST FORM

Line No.	Account No.	Direct	Directed traffic: Common apportioned	Directed traffic: Total	Suggested apportionment factors
	(1)	(2)	(3)	(4)	(5)
	Operating expenses maintenance of way and structures				
1	202, 212, 214, 216, 218, and 220				Equated track miles.
2	227 and 249				Carloads handled.
3	231, 233, and 247				Revenue tons.
4	235				Total repairs—expenses.
5	229, 237, 239, 241, 243, and 265				Miles of road.
6	244				Trailers handled loaded and empty.
7	206, 208, 210, and 221				Equated track miles.
8	274				Direct.
9	201, 275–277, and 283				Accounts 202–265.
10	266, 267, 269–273, and 281				Miles of road.
11	253 and 257				Accounts 311 and 314—expenses.[1]
12	278 and 279				Miles of track.
13	All other expenses		XXX		Direct.
14	Total of maintenance of way and structures.	XXX	XXX		
	Maintenance of equipment				
15	311 (yard)				Locomotive unit-miles:
16	311 (other)				Gross ton-miles.
17	314				Freight train car-miles cars-loaded and empty.
18	317				Passenger train car-miles.
19	318				Vehicle miles loaded and empty:
20	323				Number of carloads handled.
21	301, 326, 325, 332–336 and 339				Total repairs—expenses.
22	302, 304, 305, 306, 329, 331, 336 and 337.				Do.
23	All other expenses		XXX		Direct.
24	Total of maintenance of equipment.	XXX	XXX		
	Transportation				
25	372				Train-miles.
26	373				Revenue-tons.
27	389				Yard switching locomotive unit-miles.
28	371, 409–411, 414 and 420				Accounts 372, 373, 376 and 389—expenses.
29	404–407 and 415–419				Train-miles.
30	376				Revenue tons.
31	374, 375, 408		XXX		Direct.
32	377–380, 382–384, 388, 390 and 391.				Yard switching locomotive unit-miles.

V40169 APR 9 75 XUM

Line No.	Account No. (1)	Direct (2)	Directed traffic: Common apportioned (3)	Directed traffic: Total (4)	Suggested apportionment factors (5)
33	302 and 401				Accounts 302 and 401 direct assignments.
34	304-306, 400, 412 and 413				Locomotive unit-miles including train switching.
35	402				Freight train car-miles loaded and empty including cabooe.
36	403				Passenger train car-miles.
37	421 and 422				Trailers handled—loaded and empty.
38	All other expenses				Direct.
39	Total transportation	XXX	XXX		
	Miscellaneous operations				
40	449		XXX		Direct.
41	441-448				Apportion according to local condition.
42	All other expenses		XXX		Direct.
43	Total miscellaneous	XXX	XXX		
	General and traffic expenses				
44	450		XXX		Direct.
45	451-455, 457-462			Expenses lines 14, 24, 39 and 43.	Apportion on the basis of total.
46	351-360				Accounts 451-462 expenses.
47	All other expenses				Direct.
48	Total general and traffic				
49	Total expenses lines 14 24, 39, 43 and 48.	XXX	XXX		
	532 Railway tax accruals				
50	Payroll taxes		XXX		Direct.
51	Property taxes				Miles of road.
52	State income taxes		XXX		Direct.
53	Other taxes excluding income taxes				Miles of road.
54	Total taxes, lines 50-53	XXX	XXX		
	Rent income				
55	506				Car-miles.
56	504 and 505				Assign where applicable.
57	506				Do.
58	507				Nonrevenue ton-miles.
59	508				Assign where applicable.
60	Total rent income lines, 55-59.	XXX	XXX		
	Rent payable				
61	536				Car-miles.
62	537				Locomotive unit-miles.
63	538				Assign where applicable.
64	539				Assign where applicable.
65	540				Nonrevenue ton-miles.
66	541				Assign where applicable.
67	542				Do.
68	543				Do.
69	Total rents payable lines 61-68.	XXX	XXX		
70	551		XXX		Direct.
71	Total expenses, rents and taxes, lines 49 and 54 less 60 plus 69 and 70.	XXX	XXX		
	Revenues				
72	101	XXX	XXX		Actual.
73	102	XXX	XXX		Actual.
74	All other	XXX	XXX		Actual.
75	Total revenues	XXX	XXX		
76	Local/State subsidies	XXX	XXX		Actual.
77	Total income line 75 and line 76.	XXX	XXX		
78	Total expenses over income (line 71 and 77).	XXX	XXX		
	Computation of reimbursement				
79	Allowance for profit, line 75 × .06.[3]	XXX	XXX		
80	Working capital [4]	XXX	XXX		
81	Total deficiency plus working capital (line 78 plus line 80).	XXX	XXX		
82	Amount borrowed [5]	XXX	XXX		
83	Interest allowed [6]	XXX	XXX		
84	Total expenses plus profit plus interest (lines 71, 79 and 83).	XXX	XXX		
85	Reimbursement including an allowance for profit (line 84 minus line 77).[7]	XXX	XXX		

See footnotes on next page.

[1] Railroads having electrified systems should use electric locomotive unit-miles.
[2] Assign train accumulation and terminal expenses direct to carrier's own traffic and directed traffic. Apportion common expenses on the basis of direct assignments of accounts 302 and 401.
[3] Profit is based on 6 percent of total revenues (line 75). A profit from actual operations above 6 percent of total revenues may be retained by the directed carrier and no amount for profit will be paid by the Federal Government. Should a profit of less than 6 percent be earned, the difference between 6 percent and that percent will be paid.
[4] Total expenses in line 71 divided by the total days of the directed operation. Multiply these expenses by a factor of 15 (days) to represent the lag between cash receipts and cash payments.
[5] The amount borrowed should not exceed the permissible limits established in the ex parte 295 (sub-No. 3) report, unless specifically approved by the commission.
[6] Apply the average prime rate (per annum) in effect at New York City to line 81, or the prime rate (per annum) in effect at New York City on the date of the loan agreement to line 82, whichever is greater. However, the interest allowed on amounts actually borrowed shall not exceed the amount of interest charged on the loan, if less than the applicable prime rate.
[7] If line 77 is larger than line 84, enter 0.

ATTENTION

Knowing and willful misstatements or omissions of material facts constitute federal criminal violations punishable by up to five years imprisonment and fines of up to $10,000 for each offense. (See 18 U.S.C. 1001, 1003, 287.)

Each person by whom this document is signed certifies that the representations appearing herein and in the appendices attached hereto (including any accompanying schedules and statements) are, to the best of his knowledge and belief, true, correct, and complete, based upon all the information required to be included therein, of which he has any knowledge.

Dated this _____ day of _____, 19_____.

_____
(*Signature of Accounting Officer*)

By _____
(*Title*)

[FR Doc.75-9151 Filed 4-8-75;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 6—IMPORT QUOTAS AND FEES

Subpart—Section 22 Import Quotas

PRICE DETERMINATION FOR CERTAIN CHEESE

The subpart, section 22 Import Quotas, is amended to change the price, determined by the Secretary of Agriculture in accordance with headnote 3(a)(v) of Part 3 of the Appendix to the Tariff Schedules of the United States, which is used as a basis for establishing import restrictions under section 22 on certain cheese. The change from 84 to 86 cents per pound is required since one of the factors used in determining such price (the Commodity Credit Corporation purchase price for Cheddar Cheese under the milk price support program) has been increased.

The subpart, section 22 Import Quotas, of Part 6, Subtitle A of Title 7, is amended as follows:

1. Section 6.16, under the heading "Price Determination for Certain Quotas", is revised to read as follows:

§ 6.16 Price determination.

The price referred to in items 950.10B through 950.10E of Part 3 of the Appendix to the Tariff Schedules, determined by the Secretary of Agriculture in accordance with headnote 3(a)(v) of said Part 3, is 86 cents per pound. This price shall continue in effect until changed by amendment of this section.

2. Group V of Appendix 1 to 7 CFR Part 6, under the heading "Licensing Regulations", is amended by changing the description appearing immediately below "Group V" to read as follows:

Cheese described below; if shipped otherwise than in pursuance to a purchase, or if having a purchase price [1] under 86 cents per pound.	

The foregoing amendment shall be effective April 9, 1975. In accordance with headnote 3(a)(v) of Part 3 of the Appendix to the Tariff Schedules of the United States, the change in price effected by this amendment would not make the import restrictions contained in items 950.10B through 950.10E of Part 3 of the Appendix to the Tariff Schedules of the United States applicable to cheese having a purchase price of 84 or more cents per pound if such cheese had been exported to the United States on a through bill of lading or had been placed in bonded warehouse on or before the date of publication in the FEDERAL REGISTER of this amendment. Since the action taken herewith involves foreign affairs functions of the United States, this amendment falls within the foreign affairs exception to the notice and effective date provisions of 5 U.S.C. 553.

(Sec. 3, 62 Stat. 1248, as amended, 7 U.S.C. 624; Part 3 of the Appendix to the Tariff Schedules of the United States, 19 U.S.C. 1202)

Issued at Washington, D.C., this 4th day of April 1975.

EARL L. BUTZ,
Secretary.

[FR Doc.75-9268 Filed 4-8-75;8:45 am]

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—FOOD STAMP PROGRAM

[Amdt. No. 53]

PART 270—GENERAL INFORMATION AND DEFINITIONS

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Outreach Program

On February 20, 1975, there was published in the FEDERAL REGISTER (40 FR 7455), a notice of proposed rulemaking to revise Food Stamp Program Regulations, 7 CFR Parts 270 and 271. The proposed amendment would delete the current definition of outreach and require State agencies to take effective outreach action, using a full-time State Outreach Coordinator.

There were 60 comments received on the proposed amendment, including eight from State agencies. Forty-three were in favor and 17 were opposed. Favorable commentators representing social service organizations, the general public, State agencies and a city government advocated a full-time State Outreach Coordinator. Many felt that the outreach regulations should be in stronger language. Several of the social service organizations want to participate in the State's outreach efforts. Five State agencies opposed the proposed regulations. Opposed citizens objected to the added expense; some that all low-income families are aware of the Food Stamp Program.

The language of the regulations finally adopted reflects provisions incorporated into a stipulation agreed to by the parties specifying actions to be taken by the defendants which will be considered to be in compliance with the Court's order in the case of *Bennett v. Butz*, USDC, D. Minnesota. In that case, the Court found deficiencies in State and Federal outreach efforts. It was agreed that the provisions contained in the stipulation would be effectuated unless comments submitted pursuant to the notice of proposed rulemaking referred to above necessitated a different course of action on the part of the Department.

Accordingly, Parts 270 and 271 of Chapter II, Title 7, Code of Federal Regulations are amended as follows:

§ 270.2 [Amended]

1. In § 270.2, paragraph (nn) is deleted and reserved.

2. In § 271.1, paragraph (k) is revised to read as follows:

§ 271.1 General terms and conditions for State Agencies.

* * * * *

(k) *Outreach.* Each State agency shall initiate and monitor effective, comprehensive ongoing efforts performed cooperatively with other public and private agencies, religious, business and civic groups, retail trade associations, unions, community organizations, news media, and other groups, organizations and associations to inform low-income households eligible to receive food stamps of the availability and benefits of the program and to insure the participation of eligible households which wish to participate by providing such households with reasonable and convenient access to the program. Such efforts, which are (hereinafter referred to as "outreach") shall be carried out in conformity with FNS regulations and instructions governing outreach and with the State agency outreach plan approved by FNS, and shall take into consideration the special needs of, among others, the elderly, the disabled, migrants, persons residing in rural areas, and ethnic groups. Each State agency shall designate one person to serve full-time as State Outreach Coordinator with responsibility to initiate, coordinate, monitor and evaluate ongoing

V40169 APR 9 75 XUM

food stamp outreach action and shall provide such coordinator with clerical and support staff necessary for effective implementation of the outreach program. Each State agency shall provide project area outreach coordinators in accordance with FNS outreach instructions.

• • • • •

(78 Stat. 703, as amended; 7 U.S.C. 2011–2026)

Effective date. This amendment shall become effective April 4, 1975.

(Catalog of Federal Domestic Assistance Programs No. 10.551, National Archives Reference Services)

Dated: April 4, 1975.

JOHN M. DAMGARD,
Deputy Assistant Secretary.

[FR Doc.75-9366 Filed 4-8-75;8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Gypsy Moth and Browntail Moth

LIST OF HAZARDOUS MOBILE HOME PARKS AND RECREATIONAL SITES

This document amends the regulation listing gypsy moth hazardous mobile home parks and recreational sites for purposes of the Federal Gypsy Moth and Browntail Moth Quarantine by designating as hazardous certain mobile home parks in counties not previously listed as follows: one mobile home park in Hampshire County, Massachusetts; and all mobile home parks in Albany, Chenango, Clinton, Delaware, Essex, Franklin, Hamilton, Montgomery, Otsego, Rensselaer, Schoharie, Warren, and Washington Counties in New York; and Centre, Clinton, Cumberland, Juniata, Lycoming, Mifflin, Perry, Snyder, Union, and York in Pennsylvania. This document further amends the regulation by listing additional parks in the following previously listed counties: Bristol, Essex, Hampden, and Worcester in Massachusetts; and Providence in Rhode Island; and by adding all mobile home parks not previously listed in Broome, Columbia, Fulton, Greene, Madison, Oneida, Saratoga, and Schenectady Counties in New York. This document also amends the regulation by deleting parks in the following counties: Barnstable, Berkshire, Bristol, Middlesex, Norfolk, and Worcester in Massachusetts; and Kent and Washington in Rhode Island.

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and § 301.45–2 of the Gypsy Moth and Browntail Moth Quarantine regulations, 7 CFR 301.45–2, as amended, the supplemental regulation designating hazardous mobile home parks and recreational sites, 7 CFR 301.-45–2c, is hereby amended by adding thereto, deleting therefrom, and correcting certain listings. Section 301.45–2c is revised and reads as follows:

§ 301.45–2c List of hazardous mobile home parks and recreational sites.

The mobile home parks and recreational sites listed below are hereby designated as gypsy moth hazardous mobile home parks and recreational sites within the meaning of the provisions of this subpart; and are hereby divided into hazardous mobile home parks and sites as indicated below.

(a) *Hazardous recreational sites.* None

(b) *Hazardous mobile home parks.*

CONNECTICUT

All mobile home parks in the State.

MASSACHUSETTS

BERKSHIRE COUNTY

Cheshire:
Kitchen Brook Mobile Home Park.
Lee:
Mountain View Mobile Home Park.

BRISTOL COUNTY

Easton:
Big E Mobile Home Park.
North Attleboro:
Whispering Pines Mobile Home Park.
Taunton:
Oak Hill Mobile Home Park.
Raynham:
Shady Acres Mobile Home Park.

ESSEX COUNTY

Danvers:
Shady Oaks Mobile Home Park.
Sky View Mobile Home Park.
Peabody:
Green Meadows Mobile Home Park.
Salisbury:
Heritage Mobile Home Court.

HAMPDEN COUNTY

Chicopee:
Harmony Homes Village.
Monson:
Fay's Mobile Home Park.
Westfield:
Arbor Mobile Home Park.
Oaks Mobile Home Park.

HAMPSHIRE COUNTY

Belchertown:
Pine Valley Mobile Home Park.

MIDDLESEX COUNTY

Chelmsford:
Chelmsford Mobile Home Park.
Concord:
Walden Breezes Mobile Home Park.

WORCESTER COUNTY

Brookfield:
Wagon Wheel Mobile Home Park.
Lunenburg:
Meadow Woods Mobile Home Park.
Shrewsbury:
Edgemere Mobile Home Park.

MAINE

ANDROSCOGGIN COUNTY

Poland Spring:
Glen-H Mobile Home Park.
Turner:
Hillview Trailer Park.

CUMBERLAND COUNTY

Brunswick:
Maquoit Trailer Park.
Rush's Trailer Park.

KENNEBEC COUNTY

Albion:
Draker Trailer Park.
Augusta:
Augusta Mobile Home Park Sales.
Corey's Trailer Park.
Dostic Trailer Court.
Lee's Trailer Park.
News Co. Trailer Park.
Pine Acres Mobile Home Park.
Stark Trailer Park.
Framingdale:
Phairs Trailer Park.
Monmouth:
Lou-Lyn Mobile Home Park.
Waterville:
Grove Street Trailer Park.
Phil's Auto Co.
Winslow:
Carter Trailer Park.
Pleasant Ridge Mobile Park.
Winthrop:
Squire Winthrop Mobile Park.

LINCOLN COUNTY

Wiscasset:
Dickson's Trailer Park.

OXFORD COUNTY

Fryeburg:
Kenerson's Mobile Home Park.
Pleasant Homes Mobile Home Park.

PENOBSCOT COUNTY

Bangor:
Grant Mobile Home Park.
Holden:
Cedar Haven Mobile Home Park.

YORK COUNTY

Kittery:
Mobile Manor.
Waldoboro:
DePatsy's Mobile Home Park.

NEW HAMPSHIRE

CARROLL COUNTY

Conway:
Desi's Trailer Park.
Leavitt's Trailer Park.
Lily Pond Mobile Home Sales.

NEW JERSEY

All mobile home parks in the State.

NEW YORK

ALBANY COUNTY

All mobile home parks in the county.

BROOME COUNTY

All mobile home parks in the county.

BRONX COUNTY

All mobile home parks in the county.

CHENANGO COUNTY

All mobile home parks in the county.

CLINTON COUNTY

All mobile home parks in the county.

COLUMBIA COUNTY

All mobile home parks in the county.

DELAWARE COUNTY

All mobile home parks in the county.

DUTCHESS COUNTY

All mobile home parks in the county.

ESSEX COUNTY

All mobile home parks in the county.

FRANKLIN COUNTY

All mobile home parks in the county.

FULTON COUNTY

All mobile home parks in the county.

GREENE COUNTY

All mobile home parks in the county.

HAMILTON COUNTY

All mobile home parks in the county.

HERKIMER COUNTY

All mobile home parks in the county.

KINGS COUNTY

All mobile home parks in the county.

MADISON COUNTY

All mobile home parks in the county.

MONTGOMERY COUNTY

All mobile home parks in the county.

NASSAU COUNTY

All mobile home parks in the county.

NEW YORK COUNTY

All mobile home parks in the county.

ONEIDA COUNTY

All mobile home parks in the county.

ORANGE COUNTY

All mobile home parks in the county.

OTSEGO COUNTY

All mobile home parks in the county.

PUTNAM COUNTY

All mobile home parks in the county.

QUEENS COUNTY

All mobile home parks in the county.

RENSSELAER COUNTY

All mobile home parks in the county.

RICHMOND COUNTY

All mobile home parks in the county.

ROCKLAND COUNTY

All mobile home parks in the county.

SARATOGA COUNTY

All mobile home parks in the county.

SCHENECTADY COUNTY

All mobile home parks in the county.

SCHOHARIE COUNTY

All mobile home parks in the county.

SUFFOLK COUNTY

All mobile home parks in the county.

SULLIVAN COUNTY

All mobile home parks in the county.

ULSTER COUNTY

All mobile home parks in the county.

WARREN COUNTY

All mobile home parks in the county.

WASHINGTON COUNTY

All mobile home parks in the county.

WESTCHESTER COUNTY

All mobile home parks in the county.

PENNSYLVANIA

BERKS COUNTY

All mobile home parks in the county.

BRADFORD COUNTY

All mobile home parks in the county.

BUCKS COUNTY

All mobile home parks in the county.

CARBON COUNTY

All mobile home parks in the county.

CENTRE COUNTY

All mobile home parks in the county.

CHESTER COUNTY

All mobile home parks in the county.

CLINTON COUNTY

All mobile home parks in the county.

COLUMBIA COUNTY

All mobile home parks in the county.

CUMBERLAND COUNTY

All mobile home parks in the county.

DAUPHIN COUNTY

All mobile home parks in the county.

DELAWARE COUNTY

All mobile home parks in the county.

JUNIATA COUNTY

All mobile home parks in the county.

LACKAWANNA COUNTY

All mobile home parks in the county.

LANCASTER COUNTY

All mobile home parks in the county.

LEBANON COUNTY

All mobile home parks in the county.

LEHIGH COUNTY

All mobile home parks in the county.

LUZERNE COUNTY

All mobile home parks in the county.

LYCOMING COUNTY

All mobile home parks in the county.

MIFFLIN COUNTY

All mobile home parks in the county.

MONROE COUNTY

All mobile home parks in the county.

MONTGOMERY COUNTY

All mobile home parks in the county.

MONTOUR COUNTY

All mobile home parks in the county.

NORTHAMPTON COUNTY

All mobile home parks in the county.

NORTHUMBERLAND COUNTY

All mobile home parks in the county.

PERRY COUNTY

All mobile home parks in the county.

PHILADELPHIA COUNTY

All mobile home parks in the county.

PIKE COUNTY

All mobile home parks in the county.

SCHUYLKILL COUNTY

All mobile home parks in the county.

SNYDER COUNTY

All mobile home parks in the county.

SULLIVAN COUNTY

All mobile home parks in the county.

SUSQUEHANNA COUNTY

All mobile home parks in the county.

UNION COUNTY

All mobile home parks in the county.

WAYNE COUNTY

All mobile home parks in the county.

WYOMING COUNTY

All mobile home parks in the county.

YORK COUNTY

All mobile home parks in the county.

RHODE ISLAND

KENT COUNTY

Warwick:
Bald Hill Mobile Home Park.

NEWPORT COUNTY

Middletown:
Forest Park Mobile Homes.

PROVIDENCE COUNTY

Chepachet:
Olivo's Mobile Home Court, Inc.
Davis Mobile Home Park.
Cumberland:
The Pines Trailer Park.
West Glocester:
Sunset Cove Recreation Area.

WASHINGTON COUNTY

North Kingstown:
Razee Trailer Park.
Helen's Mobile Homes.

VERMONT

BENNINGTON COUNTY

Manchester:
Bischoff Mobile Home Park Sales.

CHITTENDEN COUNTY

Burlington:
Farrington Mobile Home Park.

RUTLAND COUNTY

Rutland:
Colburn Mobile Home Park.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 37 FR 28464, 28477, as amended; 37 FR 19141, 7 CFR 301.45–2, 38 FR 8659)

The Deputy Administrator of the Plant Protection and Quarantine Programs has determined that in the above-listed mobile home parks gypsy moth has been found or there is reason to believe that gypsy moth is present, or there is a risk of infestation of the gypsy moth because of the proximity to infestation of the gypsy moth. Therefore, the listed mobile home parks are hereby designated as hazardous.

To the extent that these amendments relieve certain restrictions heretofore imposed, they should be made effective promptly in order to be of maximum benefit to the persons subject to the restrictions that are being relieved. To the extent that these amendments impose restrictions they are necessary in order to prevent the spread of the gypsy moth and should be made effective promptly to accomplish their purpose in the public interest. Also, it does not appear that additional information would be made available to the Department of public participation in rulemaking proceedings on the amendment. Accordingly, it is found, under the administrative procedure provisions of 5 U.S.C. 553, that notice of rulemaking and other public procedure with respect to these amendments are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. These amendments shall become effective April 9, 1975.

V40169 APR 9 75 XUM

Done at Washington, D.C., the 2nd day of April 1975.

T. G. DARLING,
Acting Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.75-9088 Filed 4-8-75;8:45 am]

PART 331—PLANT PEST REGULATIONS GOVERNING INTERSTATE MOVEMENT OF CERTAIN PRODUCTS AND ARTICLES

Subpart—Giant African Snail

TERMINATION OF NOTICE OF EXISTENCE OF HAZARDOUS SITUATION AND REGULATIONS RELATED THERETO

The notice of existence of hazardous situation and regulations related thereto with respect to the giant African snail in 7 CFR 331.3, are hereby terminated effective April 13, 1975. However, such provisions shall be deemed to continue in full force and effect for the purpose of sustaining any action or other proceeding with respect to any right that accrued, liability that was incurred, or violation that occurred prior to said date.

Statement of considerations. The giant African snail was introduced into Florida in September 1969. A Federal-State cooperative eradication program has been in existence since November 1969. The infestation was confined to small urban areas in Broward and Dade Counties in Florida. Federal emergency regulations restricting the interstate movement of certain products and articles from regulated areas and a parallel Florida State quarantine were promulgated in 1971 to prevent the artificial spread of the snail to uninfested areas. Control measures were continued for 1 year following the last snail find, and detection surveys have been continued to the present. No giant African snails have been detected in Florida since April 13, 1973. Eradication is considered complete when no snails have been found for 2 years.

Accordingly, the giant African snail notice of existence of hazardous situation and regulations related thereto are terminated.

(Sec. 105, 71 Stat. 32, sec. 106, 71 Stat. 33, sec. 107, 71 Stat. 34 (7 U.S.C. 150dd, 150ee, 150ff); 37 FR 28464, 28477, as amended; 38 FR 19141)

This action relieves restrictions and it does not appear that public participation in rulemaking procedures concerning this action would make additional relevant information available to the Department. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public participation with respect to this action is impracticable and unnecessary, and good cause is found for making this action effective less than 30 days after publication hereof in the FEDERAL REGISTER.

Effective Date. This action shall become effective April 13, 1975.

Done at Washington, D.C., this 1st day of April 1975.

T. G. DARLING,
Acting Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.75-9142 Filed 4-8-75;8:45 am]

CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (SUGAR), DEPARTMENT OF AGRICULTURE

SUBCHAPTER I—DETERMINATION OF PRICES

[Docket No. SH-326; Amdt. 1]

PART 873—SUGARCANE; FLORIDA

Fair and Reasonable Prices for 1974 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended, Part 873 (39 FR 41826) is amended by revising paragraph (d) of § 873.32, adding paragraph (r) to § 873.32, and adding § 873.36.

1. In § 873.32 paragraph (d) is revised and (r) added to read as follows:

§ 873.32 Definitions.

* * * * *

(d) "Net sugarcane" means the gross weight of sugarcane delivered by a producer to a processor minus a deduction equal to the average percentage weight of trash delivered with all sugarcane to each mill operated by a processor. If the mill receives both hand-cut and machine-cut cane, the average percentage weight of trash delivered with cane harvested by hand shall be computed separately from that harvested by machine and the applicable trash deduction applied to the gross weight of cane harvested by each method. However, if a producer, on whose farm there was sugarcane remaining to be harvested on January 15, 1975, requested the processor in writing prior to that date to compute his net sugarcane on the basis of the trash determinations obtained from tests made on the producer's sugarcane, the net sugarcane delivered by the producer shall be determined accordingly. Separate determinations shall be made on machine-cut and hand-cut cane. The results of trash determinations made on sugarcane of a producer making such request shall be excluded in computing the average percentage weight of trash delivered with all other sugarcane to each mill.

* * * * *

(r) "Advance sales" means advance hedging operations and includes the purchases and sales of sugar which was not actually processed by the processor, or by the processor members of a cooperative sales organization.

2. Section 873.36 is added and reads as follows:

§ 873.36 Other related specifications.

(a) If the processor furnishes labor, materials, or services used in harvesting, loading or transporting the producer's sugarcane from the field to the delivery point(s) on the farm, the charge made for such labor, materials, or services may be as agreed upon between the two parties if the producer has the option of performing such operations himself or by contract with a third party. If contractual arrangements between the processor and producer preclude the producer from performing such operations himself or by contract with a third party, the charge made by the processor shall be limited to the actual direct costs of labor, materials, or services plus applicable overhead expenses which are properly apportionable under generally accepted accounting principles: Provided, that the charge for overhead shall not exceed 10 percent of the actual direct costs of labor, materials or services.

(b) The price for sugarcane established by this part is applicable to sugarcane loaded on carts or trucks at the delivery point(s) on the farm, or if sugarcane is transported by railroad, loaded in railroad cars at the railroad siding nearest the farm, and the processor is required to bear the cost of transporting sugarcane (gross weight) from such points to the mill. If sugarcane is transported a distance of more than 14.9 miles to the mill by railroad or other common carrier, the producer may be required to bear the additional cost of transporting such sugarcane (based upon published tariffs). If the processor transports, in his own conveyance, or arranges for the transportation of sugarcane with other than a common carrier, he may charge the producer 5 cents per ton for each mile such sugarcane is transported in excess of 14.9 miles, or if the producer transports sugarcane to the mill by other than railroad or other common carrier the processor shall pay the producer 5 cents per ton for each mile such sugarcane is transported, but not in excess of 14.9 miles.

(c) Deductions for frozen sugarcane, fiber content determinations and deductions, definitions of delivery schedules and similar specifications employed in connection with the purchase of 1974-crop sugarcane shall be substantially in accordance with the general practices in Florida and as agreed upon between the producer and the processor.

(d) Nothing in paragraph (c) of this section shall be construed as prohibiting modification of customs and practices which may be necessary because of unusual circumstances, any such modification to be reported in writing by the processor to the State office.

(e) In the event a general freeze causes abnormally low recoveries of raw sugar by a processor in relation to the sucrose test of the sugarcane, payment for such sugarcane may be made as agreed upon between the producer and the processor subject to the written approval of the State office upon a determination by the State committee that the payment is fair and reasonable.

(f) The processor shall submit to the State office for approval (1) a statement setting for the weighted average price of raw sugar upon which settlements with producers are based; (2) a statement setting forth the gross proceeds and the handling and delivery expenses deducted in arriving at the weighted average net sales price of blackstrap molasses; and (3) if subject to the limitation set forth in paragraph (a) of this section, a statement setting forth for each producer the direct costs of labor, materials, and services, plus applicable overhead expenses, used in harvesting, loading, or transporting the producer's sugarcane from the field to the farm delivery point.

STATEMENT OF BASES AND CONSIDERATIONS

The original regulation provided that net sugarcane delivered by each producer for the crop would be determined by deducting from the weight of gross sugarcane in his deliveries, the weight of trash in his sugarcane rather than the trash representing the factory average of the total sugarcane delivered by all producers.

Subsequent to the issuance of the regulation, representatives of all processors met with Department personnel to explain the difficulties they would encounter if the change in the procedure for determining trash for all producers were to be implemented well into the harvest season. Each problem area was thoroughly considered and deemed to have merit. The Department still feels that the more efficient producers should not be penalized through the use of factory averages and that processor payments should represent as far as possible the actual quantity of net sugarcane delivered by the producers. Accordingly, all producers, who had cane remaining to be harvested on their farms on January 15, 1975, were given actual notice by the Department prior to that date of their option to request that their net cane for the entire crop be determined on the basis of their individual trash tests. Otherwise, the use of factory averages, as in prior crops, will be followed in determining the net weight of producers' sugarcane.

Section 873.32(b)(2) of this regulation provides that processors who have made "advance sales" of a portion of their 1974-crop sugar may offer producers the opportunity to have payment for their sugarcane based on the season's average price of sugar calculated without taking into account the results of such advance sales. This amendment adds a definition "advance sales" to the regulations to make it clear that the only type of "advance sales" intended to be covered by § 873.32(b)(2) are sales of sugar not actually processed by the processor, i.e., the option applies only to trading in futures contracts, as opposed to trading in the actual sugar processed by the processor.

The original regulation did not include § 873.36, which in previous regulations covered charges made by processors for harvesting, loading and transporting producers' sugarcane. The operations of one of the processors were being investigated by the Department's Office of Investigation at the time the original regulation was issued. After a very thorough analysis of the investigation report, representatives of the Department met with the interested parties on December 12, 1974, and presented its findings. Based on the results of the investigation the Department made an initial determination that the processor in question had complied with Departmental regulations covering the years included in the report. It is felt that the independent growers at whose request the investigation was made are being treated fairly. Therefore, Section 873.36 is made a part of this regulation without any changes in the provisions that were in effect for the 1973 crop.

Recently the Glades Association of Independent Sugarcane Growers appealed to the Department requesting reconsideration of its initial determination. This request has been granted and a hearing is scheduled for April 30, 1975. If relief is granted under the appeal in the final determination made by the Department, consideration will be given to including clarifying language in an amendment to this regulation.

Accordingly, I hereby find and conclude that the foregoing regulation will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

Effective date. This amendment shall become effective April 9, 1975 and is applicable to the 1974 crop of Florida sugarcane.

Signed at Washington, D.C. on April 3, 1975.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-9183 Filed 4-8-75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 345, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period Mar. 28–Apr. 3, 1975. The quantity that may be shipped is increased due to improved market conditions for Navel Oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Navel Orange Regulations 345 (40 FR 13509). The marketing picture now indicates that there is a greater demand for Navel oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Navel oranges to fill the current market demand thereby making a greater quantity of Navel oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), and (ii) of § 907.645 (Navel Orange Regulation 345) (40 FR 13509) are hereby amended to read as follows:

§ 907.645 Navel Orange Regulation 345.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 1,360,000 cartons

(ii) District 2: 240,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 3, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-9184 Filed 4-8-75;8:45 am]

[Lemon Reg. 685, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation increases the quantity of California-Arizona lemons that may

V40169 APR 9 75 XUM

be shipped to fresh market during the weekly regulation period Mar. 30–Apr. 5, 1975. The quantity that may be shipped is increased due to improved market conditions for California-Arizona lemons. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreements Act of 1937, as amended, and Marketing Order No. 910.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of lemons available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Lemon Regulation 685 (40 FR 14295). The marketing picture now indicates that there is a greater demand for lemons than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of lemons to fill the current market demand thereby making a greater quantity of lemons available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* Paragraph (b) (1) of § 910.685 (Lemon Regulation 685 (40 FR 14295) is hereby amended to read as follows: "The quantity of lemons grown in California and Arizona which may be handled during the period March 30, 1975 through April 5, 1975, is hereby fixed at 265,000 cartons."

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 3, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-9185 Filed 4-8-75;8:45 am]

CHAPTER XVII—RURAL ELECTRIFICATION ADMINISTRATION, DEPARTMENT OF AGRICULTURE

PART 1701—PUBLIC INFORMATION

Procedures for obtaining Rural Electrification Administration records under the Freedom of Information Act are hereby amended in accordance with the regulations of the Department of Agriculture issued pursuant to the Act, 7 CFR Part 1, Subpart A (40 FR 7341). The Department's regulations as implemented by the regulations in this part, govern the availability of records of the Rural Electrification Administration to the public.

Advance notice of rulemaking is not required for this amendment by 5 U.S.C. 553, since it deals with agency organization and procedures.

In consideration of the above, Part 1701 of 7 CFR is revised to read as follows:

Sec.
1701.1 Public inspection and copying.
1701.2 Indexes.
1701.3 Requests for records.
1701.4 Appeals.
Appendix A.

AUTHORITY: (5 U.S.C. 301, 552; 7 CFR 1.1–1.16)

§ 1701.1 Public inspection and copying.

(a) 5 U.S.C. 552(a)(2) requires that certain materials be made available for public inspection and copying.

(b) The Rural Electrification Administration issues from time to time REA Bulletins which implement the procedures set forth in Part 1700 and the loan and security instruments which provide for and secure REA loans. Appendix A to this Part identifies and briefly describes each such Bulletin currently in effect. REA also issues REA Bulletins which furnish technical information to assist in the design, construction, operation, and maintenance of borrower's systems. As REA Bulletins are issued, copies are mailed to all borrower's concerned and to others participating in the REA program who may be affected. REA will make all REA Bulletins available for public inspection and copying. REA Bulletins identified in Appendix A to this Part also set forth or identify related forms available for utilization by REA borrowers and others. Such forms, including forms of basic loan and security agreements, will also be made available for public inspection and copying.

(c) REA will make available for public inspection and copying its administrative staff manuals and instructions to staff affecting any member of the public except those exempt from disclosure pursuant to the provisions of 5 U.S.C. 552(b).

(d) Members of the public may request access to such materials maintained by REA at the Office of the Director, Information Services Division, Room 4038, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, between the hours of 8:30 a.m. and 4:30 p.m. Copies of such materials may be obtained in person or by mail.

§ 1701.2 Indexes.

5 U.S.C. 552(a)(2) requires that each agency publish or otherwise make available a current index of all materials required to be made available for public inspection and copying. REA will maintain and publish current indexes and quarterly supplements thereto, providing identifying information for all REA Bulletins and for staff manuals and instructions made available pursuant to § 1701.1. Copies will be available upon request in person or by mail to the Office of the Director, Information Services Division, Room 4038, South Building, U.S. Dpeartment of Agriculture, Washington, D.C. 20250.

§ 1701.3 Requests for records.

Requests for records under 5 U.S.C. 552(a)(3) shall be made in accordance with 7 CFR 1.3(a) and addressed to Office of the Director, Information Service Division, Rural Electrification Administration, Room 4038, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. A request shall describe the records sought as set forth in 7 CFR 1.3(b). Requests may be submitted in person or by mail. The Director, Information Services Division is hereby delegated to make determinations regarding such requests in accordance with 7 CFR 1.4(c).

§ 1701.4 Appeals.

Any person whose request under § 1701.3 is denied shall have the right to appeal such denial. This appeal shall be submitted in accordance with 7 CFR 13(e) and addressed to the Administrator, Rural Electrification Administration, Room 4053, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

APPENDIX A

A current list and summary description of REA Bulletins issued to implement the procedure set forth in Part 1700 and the loan and security instruments which provide for and secure REA loans.

REA bulletin No.	Date of last issuance	Description
		Joint Rural Electrification and Telephone Program Bulletins
1-3:300-2	October 1973	Rural Electrification Act of 1936 with amendments to May 11, 1973, providing the statutory basis for the rural electrification and telephone loan programs of REA and the Rural Telephone Bank.
1-4:300-3	January 1962	REA guidelines for participation by REA electrification borrowers in rural telephone program.
2-1:301-1	August 1969	REA policy concerning relationships with its borrowers including objectives, requirements and assistance provided.
3-1:302-1	July 1955	Guidelines for the participation of the REA staff in proceedings before and discussions with regulatory bodies and officials.
3-2:303-1	February 1962	The policy and recommendations of REA regarding State and local legislation affecting REA programs.
5-1:305-1	March 1954	Policy and procedure for the joint use of REA borrowers' facilities by other electric and telephone systems.
	June 1959	Supplement providing a new joint use agreement form and instructions for its use.
	June 1961	Supplement requesting borrowers to report on experience with joint use.
	February 1972	Supplement advising adherence to National Electrical Safety Code.
6-1:306-1	July 1969	The REA system for classifying and issuing REA bulletins to its borrowers and their agents.
9-1:309-1	June 1969	Guidelines for REA participation with borrowers and their associations in community development activities.
20-1:321-1	May 1954	The requirements of REA on the selection of a trustee where deeds of trust secure loans.
20-5:320-2	May 1972	Policy and procedure on the repayment of loan principal and interest extended under sec. 12 of the Rural Electrification Act and the Disaster Relief Act of 1970.
20-7:320-10	June 1957	The requirements and procedure of REA with respect to interest and principal payments on REA loans under secs. 4 and 201 of the Rural Electrification Act.
20-9:320-12	December 1969	Policy and procedure for the computation of interest on REA loans and loan account statements sent to borrowers.
20-10:320-8	October 1964	The policy and procedure of REA regarding notes and basis date agreements pertaining to sec. 4 and sec. 201 loans.
20-11:320-17	April 1962	REA policy and procedure with respect to the Government's mortgage lien on motor vehicles owned by borrowers.
20-15:320-15	July 1970	The policy and procedure of REA concerning equal employment opportunity in construction financed by REA loans.
20-19:320-19	June 1974	The policy and procedure of REA to assure nondiscrimination among beneficiaries of REA programs.
20-21:320-21	May 1974	REA policy and procedure concerning the implementation of the National Environmental Policy Act as it relates to the REA program.
40-1:340-2	March 1969	REA requirements for borrowers' payments of loans funds to their architects, engineers, contractors, and suppliers.
40-2:340-5	August 1973	Insurance requirements of REA for borrowers' contractors, engineers, and architects, including bond requirements for borrowers' contractors.
43-9:344-3	July 1955	REA requirements with respect to the "Buy American" provision of the Rural Electrification Act.
44-2:345-1	January 1968	REA specifications for wood poles, stubs and anchor logs, and for preservative treatment of these materials to be purchased by REA electric and telephone borrowers.
	September 1968	Supplement announcing acceptance of 6.5 foot pole stubs for mounting buried plant terminal housings.
	October 1969	Supplement revising specification for treatment of poles, stubs and anchor logs with salt types preservatives.
44-3:345-4	January 1972	REA specifications for wood crossarms, solid and laminated transmission timbers, and pole keys to be purchased by REA electric and telephone borrowers.
	February 1975	Supplement to correct a drafting error in crossarm specifications.
44-4:345-9	November 1970	REA standards and procedures for the inspection of wood poles, stubs and anchor logs, wood crossarms, construction lumber and pole keys and the preservatives and preservative treatment to be used in REA-financed construction.
44-5:345-2	July 1974	Inspection agencies authorized by REA for inspection of timber products and of their preservative treatment for installation on REA borrowers' electric or telephone systems.
44-7:345-3	April 1971	REA procedure for establishing standards, standard specifications, drawings, materials and equipment for use in the electric and telephone programs.
81-4:381-6	August 1962	REA requirements for payments to contractors for materials delivered but which cannot be incorporated into the electric or telephone projects for an extended period (60 days or more).
81-7:381-11	November 1958	REA procedures for handling changes or corrections in contract construction where the cost is to be borne by the REA borrower.
81-8:381-13	June 1959	Procedures for the use of bidders on REA-financed construction in submitting their qualifications.
86-5:387-2	June 1973	REA requirements and procedure concerning the use of contract form 257 by borrowers in the construction of headquarters facilities of electric and telephone borrowers.
100-1:400-2	April 1960	The requirements of REA for the selection of an attorney by an REA borrower.
100-5:400-3	June 1962	The policy of REA concerning agreements for the operation and management of electric and telephone systems owned by REA borrowers.
102-1:402-3	March 1964	REA policy and recommendations on electric and telephone cooperative borrowers' capital credits and related consumer benefits.
	December 1973	Supplement advising that U.S. Treasury Department form 1099 need not be prepared.
	August 1974	New app. B providing alternatives concerning patronage capital in power supply cooperatives.
105-9:408-4	June 1960	Procedure for the purchase and redemption by borrowers of 2 percent Treasury bonds—REA Series.
	May 1966	Supplement instructing owners of REA 2 percent Treasury bonds to provide U.S. Treasury with their employer identification number.
	December 1972	Supplement informing REA borrowers to request redemption of REA 2 percent Treasury bonds not less than 30 days before maturity.
	July 1974	Supplement informing REA borrowers of a change to book-entry form for the REA series 2 percent bonds.
107-1:407-1	January 1970	Policy and recommendations of REA concerning the purchase and use of data processing equipment by REA borrowers.
	July 1972	Supplement stressing proper planning and competent staff for changeover to new data processing system.
	March 1973	Supplement suggesting borrowers have adequate computer backup to assure continued processing should disaster strike.
100-2:400-3	May 1964	REA policy with respect to labor relations activities of borrowers.

V40169APR975XUM

REA bulletin No.	Date of last issuance	Description
114-2:414-1	April 1973	The policy of REA with respect to minimum insurance and fidelity coverage for REA borrowers.
	August 1973	Supplement clarifying REA reporting requirements in the case of accidents.
	May 1974	Supplement concerning notification to bonding company of dishonest acts of officers or employees of a borrower.
	January 1975	Supplement providing changes in REA insurance requirements consistent with the Flood Disaster Protection Act of 1973.
168-7:447 3	July 1963	The policy and recommendations of REA with respect to borrowers' safety programs and their implementation.
180-6:460-2	April 1971	The policy of REA concerning the selection of depositories for funds of borrowers.
185-1:465-1	January 1972	REA policy and requirements regarding audits of the accounts and records of REA borrowers including the selection of independent certified public accountants to perform such audits.
185-2:465-2	November 1972	The policy and procedure of REA with respect to appropriate working papers to support the audit of REA borrowers' accounting records.
		Rural Electrification Program Bulletins
1-5	May 1965	Sets forth REA policy and procedure for the preparation and submission by electric borrowers of annual estimates of loan requirements.
1-7	August 1969	The policy and recommendations of REA with respect to the general funds of electric borrowers as to appropriate levels in relationship to REA approval of loans and loan fund advances.
3-3	February 1962	REA policy and guidance to borrowers concerning protection of the territorial integrity of their service areas.
	December 1963	Supplement concerning the reporting to Congress of the territorial disputes of electric borrowers.
20-2	February 1971	REA policy and requirements for loans under sec. 4 of the Rural Electrification Act.
	July 1974	Supplement to modify REA requirements for loan applications covering a 1-year loan program.
	November 1974	Supplement to clarify the requirements for the 1st and 2d year portions of certain 2-year loan applications.
20-3	July 1956	REA procedure for electric borrowers in obtaining adequate rights-of-way and submission of title evidence.
	March 1960	Supplement clarifying title insurance requirements for substation and switching station sites.
	April 1966	Supplement amending REA requirements concerning title insurance.
20-6	May 1969	REA policy on loans for electric generation and transmission facilities.
20-8	July 1963	Requirements and procedure concerning the purchase of real estate by electric borrowers with REA loan funds or borrowers' general funds.
20-14	February 1971	The policy of REA concerning supplemental financing for loans considered under sec. 4 of the Rural Electrification Act.
	July 1972	Supplement announcing increased participation in supplemental financing by non-REA lenders.
20-20	January 1971	REA policy and procedure concerning deferment of principal repayment on REA loans to borrowers investing in supplemental lending institutions.
21-2	July 1965	The policy of REA as it relates to financing service entrance equipment in the electric program.
24-1	March 1969	Policy and procedure on REA loans to electric borrowers under sec. 5 of the Rural Electrification Act.
26-1	May 1971	Procedure for the advance of sec. 4 loan funds and the expenditure of such funds.
	November 1972	Supplement to emphasize that loan fund requisitions not be submitted too far in advance or in amounts greater than immediate needs.
27-1	May 1960	Policy and procedure on REA loans for the acquisition of existing electric facilities by borrowers.
40-4	July 1974	The guidelines of REA on the mapping of systems by electric borrowers.
40-5	January 1970	Policy and procedure on borrowers' arrangements with other organizations for the common use of poles involving distribution and transmission lines.
40-6	August 1970	The requirements of REA concerning construction of distribution, transmission generation and headquarters facilities and the purchase of materials and equipment by electric borrowers.
	March 1973	Supplement concerning contracts for the procurement of materials and equipment and for construction of generation facilities.
	May 1973	Supplement providing for a method of competitive bidding for procurement of equipment or materials or for the construction of generating facilities.
	January 1975	Supplement providing alternate provisions in equipment and material contracts to reflect rising costs.
40-7	October 1973	The National Electrical Safety Code and REA construction requirements with respect thereto.
40-8	May 1973	REA construction specifications, drawings and contract forms for electric distribution, transmission and generation facilities.
	May 1973	REA construction specifications, drawings and contract forms for electric distribution, transmission and generation facilities.
41-1	May 1967	Policy and procedure for electric borrowers' selection of engineers and arrangements for engineering services.
	July 1972	Supplement providing for revision of REA Forms 235, 236, and 237, Engineering Service Contracts.
	November 1972	Supplement providing for revision of REA Form 211, Engineering Service Contract, for the Design and Construction of a Generating Plant.
42-1	August 1969	Policy and procedure for the selection by borrowers of architects for the design of buildings to be constructed with loan funds.
43-5	July 1974	List of materials acceptable to REA for use in the construction of borrowers' electric systems.
43-6	February 1957	REA policy and requirements for the selection of materials and equipment by electric borrowers and their inspection upon delivery.
44-1	January 1973	REA specifications and standards for material and equipment used by electric borrowers.
60-1	August 1965	REA standards for the preparation of circuit diagrams, electrical data sheets and other drawings for the systems of electric borrowers.
60-2	September 1968	REA policy with respect to the electrical capacity of the systems financed with REA loan funds.

REA bulletin No.	Date of last issuance	Description
60-7	June 1960	REA standards concerning service reliability on electric distribution systems of REA borrowers.
60-8	October 1967	REA guidelines to borrowers for long-range electric distribution system planning.
60-9	May 1960	REA standards for economical design of primary lines for rural distribution system.
60-10	December 1967	REA guidelines for electric distribution systems in the preparation, use, and approval of annual construction work plans.
61-2	July 1956	REA specifications for conductors used in the construction of low-voltage circuits, including installation.
61-6	June 1970	Standards for the design of wire crossings of distribution lines over communication lines.
61-10	March 1972	REA specifications for the design and modification of power pole structures less likely to cause electrocution of eagles and other large birds.
	September 1973	Supplement concerning additional remedial measures for the protection of eagles from powerlines.
62-1	September 1972	Specifications and other requirements of REA for the design of transmission lines.
62-3	November 1972	Criteria of REA for the use of narrow profile transmission line structure designs, and general guidelines on the design and construction of such structures.
65-1	July 1970	Guide for the design of electric substations built with REA loan funds.
	March 1972	Supplement concerning short-circuit current strength of power transformers.
	January 1973	Supplement to identify the sizes and ratings of power transformers presently included in the list of materials and to identify useful ANSI guide specifications for power transformers and power circuit breakers.
	February 1973	Supplement providing new and revised information concerning grounding and underground corrosion control at distribution substations.
	March 1973	Supplement identifying the minimum clearance requirements of the National Electrical Safety Code with respect to substation design and construction.
	April 1973	Supplement concerning substation fence grounding.
80-5	July 1955	Specifications and recommended practices in the installation of conductor for rural electric distribution lines.
	March 1972	Supplement concerning vibration characteristics of 6201 aluminum alloy conductor.
80-8	May 1956	Requirements for the construction and operation of electric lines on national forest and land utilization projects lands administered by the U.S. Forest Service.
	January 1964	Supplement stressing importance of borrowers coordinating their plans with local Forest Service authorities at earliest possible date.
80-11	June 1971	REA requirements for progress reports from engineers and architects involved in contract construction of electric borrowers' facilities.
81-6	May 1972	Steps to be followed and the documents required to close out REA financed contract construction of distribution and transmission facilities.
81-9	July 1974	REA guidelines for the preparation of plans and specifications for distribution and transmission facilities to be constructed through the use of REA contract forms 794, 800, and 851.
83-1	October 1958	REA guidelines and requirements for the adequate grounding of primary distribution lines.
	August 1966	Supplement providing revised assembly drawings permitting the use of alternate materials for grounding assemblies.
85-1	February 1958	REA procedure for closing out projects involving contract construction by borrowers of generation facilities.
86-1	May 1972	REA procedures and final documents required to close out contracts for the construction of building (exclusive of generation plants) and architectural services contracts.
86-2	May 1972	REA requirements for the preparation of plans and specifications, bid documents, and bid releases for headquarters' facilities of electric borrowers.
86-3	April 1972	The requirements and recommendations of REA with respect to headquarters facilities for electric borrowers.
100-2	March 1960	The requirements of REA for minutes of meetings of borrowers' boards of directors and the submission of certified copies of the minutes to REA.
100-4	April 1972	The policy of REA with respect to corrective action to be taken by borrowers where problems may endanger the effective operation of their systems and the security of REA loans.
	May 1974	Revision of times interest earned ratio for loan eligibility on a gross-interest basis in conformity with the common REA–CFC electric mortgage.
101-1	September 1955	The policy and recommendations of REA concerning the constitution of the board of directors and technical advisory committee of a power supply cooperative.
101-5	January 1967	Recommended model act bylaws for the use of electric cooperatives in drafting or revising their bylaws.
	May 1971	Supplement providing revised REA Model Act Bylaw provisions.
102-2	July 1971	The policy of REA on the waiver of loan security instruments relating to borrowers' retirements of patronage capital.
102-2	June 1971	REA policy concerning borrowers' investments of general funds in electric plant and the waiver of REA approval of the use of general funds for constructing certain extensions and additions to plant.
105-4	May 1973	REA guidelines for financial management by electric borrowers.
105-5	November 1973	Guidelines for the preparation of long-range financial forecasts by electric distribution borrowers.
	January 1975	Supplement to provide instructions for preparing a financial forecast in those cases where additional revenue is needed to meet minimum TIER and DSC requirements.
105-7	September 1972	Policy and recommendations of REA for its power supply borrowers with respect to the preparation of long-range system and financial plans.
108-1	October 1974	The requirements of REA on the preparation and submission by electric distribution borrowers of financial and statistical reports on their operations.
108-2	January 1971	The requirements of REA on the preparation and submission of operating reports by power-type borrowers and distribution borrowers with generating facilities.
	December 1974	Supplement providing for the revision of REA forms 12a and 12b and instructions for their preparation.
109-4	June 1970	The policy and procedure of REA regarding the selection of a manager by electric borrowers.
111-1	April 1969	The policy and procedure of REA concerning the review and approval of proposed wholesale power purchase contracts of borrowers.
	March 1970	Supplement clarifying requirements for REA review and approval of borrowers' wholesale power contracts.
111-3	August 1969	The policy and procedure of REA on power supply surveys and certifications thereto by the administrator in relation to the approval of loans for generation and transmission facilities.

V40169 APR 9 75 XUM

REA bulletin No.	Date of last issuance	Description
111-4	March 1972	The policy and procedure of REA concerning the power rates charged by REA power supply borrowers.
112-2	April 1971	REA policy and procedure with respect to the electric retail rates of distribution type borrowers.
112-3	September 1958	The policy of REA covering the extension of electric service to rural users by borrowers on an area coverage basis.
112-6	September 1972	The procedure and requirements of REA for obtaining its approval of borrowers' contracts for extending electric service to large power installations.
112-7	May 1961	Instructions for the preparation and use of REA Form 323, Street Lighting System Contract, by electric borrowers.
115-1	December 1972	The policy and procedure of REA concerning the sale of capital assets by electric borrowers.
115-2	November 1972	Policy and recommendations of REA with respect to the merger of its electric distribution borrowers.
115-3	February 1958	The policy and recommendations of REA concerning the relocating, removing or abandoning of borrowers' facilities for the convenience of Federal, State, territorial or other government agencies.
120-1	March 1974	The policy and procedure of REA with respect to the development, approach and use of power requirements studies.
161-5	December 1971	The requirements and guidelines of REA concerning the review of the adequacy of borrowers' operation and maintenance programs.
180-2	June 1972	Requirements of REA with respect to the preservation of records by electric borrowers.
181-1	January 1972	Uniform system of accounts prescribed by REA for use by electric borrowers.
	March 1974	Supplement revising REA uniform system of accounts in connection with interest charged to construction credit.
	October 1974	Supplement revising REA uniform system of accounts in connection with other capital credits and patronage capital allocations.
181-2	May 1963	The standard list of plant retirement units for use in connection with the REA uniform system of accounts prescribed for electric borrowers.
	July 1974	Revisions relating to retirement unit accounts.
181-3	February 1972	Specific accounting instructions and interpretations with respect to the REA uniform system of accounts for particular situations which are unusual in the construction or operation of rural electric systems.
	September 1973	Supplement providing accounting interpretations relating to terminal facilities and contributions made to the nuclear breeder reactor project.
	October 1974	Supplement providing additional accounting interpretations relating to patronage capital.
182-1	January 1965	The guidelines of REA to electric borrowers on establishing and enforcing internal controls in the financial operations of the system.
183-1	November 1969	The policy and procedure of REA pertaining to depreciation rates of electric plant and amortization of the cost of land and clearing rights-of-way for systems of electric borrowers.
184-2	August 1973	The guidelines of REA pertaining to work orders in accounting for fixed capital changes in the plant of electric borrowers.
	March 1974	Supplement providing revised accounting procedures for recording contributions in aid of construction.
	February 1975	Supplement providing suggested work order procedures changed to conform with construction assembly drawings and specifications.
184-3	September 1961	Guidelines of REA for electric borrowers in establishing and maintaining a continuing property record system.
	December 1968	Supplement deleting section related to clearing land and rights-of-way.
		Rural Telephone Program Bulletins
300-5	August 1969	REA policy and requirements with respect to the general funds of REA telephone borrowers.
300-7	May 1965	REA policy with respect to expanding and improving services to subscribers of telephone borrowers including guidelines for the development and execution of a member service program.
300-8	August 1965	The policy of REA with respect to the financial participation by telephone borrowers in community antenna television system services and facilities.
320-1	February 1962	The guidelines of REA for operating a subscriber owned rural telephone cooperative to obtain modern telephone service in rural areas through participation in the REA loan program.
320-3	January 1959	The policy and procedure of REA concerning availability of REA loans to rural telephone borrowers for working capital.
320-4	June 1962	REA policies and procedures concerning applications for REA loans to improve and extend rural telephone service.
320-5	May 1972	The policy and procedure of REA concerning the headquarters buildings of telephone borrowers and the basis for REA loans covering such facilities.
320-9	March 1965	REA policy concerning the types of organizations and capital structures eligible for REA telephone loans.
320-13	February 1960	REA policy concerning loans to finance switched (service station) facilities.
320-14	May 1971	The requirements and procedures of REA on loans to existing borrowers for telephone system improvements and extensions.
321-2	May 1969	The policy of REA with respect to loan security requirements for REA telephone program loans.
322-1	May 1971	The policy and procedure of REA with respect to surveys of subscriber service requirements in connection with a telephone loan application.
322-2	April 1967	REA policy covering the provision of telephone service to rural users on an area coverage basis.
323-1	October 1954	REA requirements concerning certification of nonduplication of facilities in the use of loans funds where there is no State authority to issue a certificate of convenience and necessity.
324-1	October 1960	REA policy concerning the refinancing of outstanding indebtedness of telephone borrowers.
325-1	November 1960	The policy of REA regarding loan applications for facilities to provide telephone service to subscribers located outside rural areas.
326-1	May 1969	The policy and requirements of REA with respect to the acquisition of telephone facilities and systems by REA borrowers using Government loan funds.
327-1	June 1972	The requirements of REA for the advance of loan funds to rural telephone borrowers.
	December 1973	Revision of app. D to clarify the manner in which loan advances will be made when both REA and Rural Telephone Bank loans are involved.
340-1	August 1963	The requirements of REA covering telephone borrowers' final payments to contractors, engineers and architects from loan funds.
340-3	February 1972	The requirements and recommendations of REA for the design and construction of central office and interconnection facilities of REA borrowers.
340-4	November 1962	Guidelines of REA for use of REA Form 812, "Work Schedule and Progress Report" in checking the progress of work during the course of construction.
341-1	December 1971	The requirements and procedure of REA for telephone borrowers in closing out an engineering service contract.

REA bulletin No.	Date of last issuance	Description
345-2	January 1968	REA procedures for the use of REA form 588 to certify stake replacements during construction of rural telephone facilities.
342-3	January 1972	The policy and procedure of REA concerning the selection of consulting telephone engineers by telephone loan applicants and borrowers, and the procedure to be followed in securing engineering services.
342-1	July 1967	REA policy concerning the selection of architects by telephone borrowers, and the procedure to be followed in securing architectural services.
344-1	January 1958	The procedures required by REA for telephone borrowers in purchasing materials and equipment with REA loan funds for the construction of telephone facilities.
	April 1967	Supplement superseding REA procedures in this bulletin relating to the purchase of voice frequency repeaters, trunk and subscriber carrier, point-to-point radio, and mobile and fixed radio-telephone equipment by procedures in REA Bulletin 345-2.
	January 1975	Supplement providing REA guidelines for the purchase of common control switching equipment by borrowers.
344-2	January 1975	List of the materials acceptable to REA for use in the construction of borrowers telephone systems.
	January 1975	Supplement providing guidelines for the procurement and use of foreign timber products by REA borrowers with loan funds.
345-5	September 1958	The policy of REA on responsibilities of borrowers and their engineers and contractors with respect to proper inspection of materials and equipment and the replacement of defective and nonstandard items.
345-6	June 1973	Specifications of REA for splicing plastic-jacketed cables used on telephone systems of borrowers.
	January 1975	Revisions reducing the quantity of conductor and loading coils to be placed in buried plant housings.
345-7	July 1966	Specification of REA for joining thermoplastic sheathed, thermoplastic insulated cables to lead-sheathed, paper-insulated cables used on telephone systems of REA borrowers.
345-9	July 1966	Specifications of REA for joining paper or pulp insulated lead-sheathed cables to paper or pulp insulated lead-sheathed cables on telephone systems of REA borrowers.
345-13	July 1971	Specification of REA on telephone cable, for aerial and underground duct application.
345-14	July 1971	Specifications of REA for telephone cables for direct burial by telephone borrowers.
345-16	September 1963	Specifications of REA for reinforced heavy duty point type transposition brackets on borrowers' telephone systems.
345-18	March 1973	Specifications of REA for plastic-insulated, plastic-jacketed station wire on borrowers' telephone systems.
345-19	March 1966	Specifications of REA for figure 8 one pair distribution wire on borrowers' telephone systems.
345-20	July 1966	Specifications of REA for figure 8 multipair distribution wire on borrowers' telephone systems.
345-21	February 1966	Specifications of REA for polyethylene raw material on borrowers' telephone systems.
	February 1973	Revised pages providing an alternate method of determining carbon black dispersal.
345-22	August 1971	Specification of REA for 66 MH voice frequency loading coils on telephone borrowers' systems.
345-29	October 1973	Specification of REA for building-out capacitors on borrowers' telephone systems.
345-24	September 1962	Specification of REA for spindle-threaded steel communication insular pins and associated plastic bushings on borrowers' telephone systems.
345-25	December 1962	Specification of REA for dead-end clevis assembly for use with open wire conductors on borrowers' telephone systems.
345-26	September 1974	Specifications of REA for galvanized steel buried plant terminal housings for telephone borrowers' systems.
345-27	February 1974	Specification of REA for D66/H88 junction impedance compensators for telephone borrowers' systems.
345-28	January 1969	Specification of REA for seven wire galvanized steel strand for telephone borrowers' systems.
	September 1964	Partial revision to include an additional type of steel acceptable for use in the production of wires for the completed strand.
345-30	January 1972	Specification of REA for ringing generator equipment for the telephone systems of REA borrowers.
345-31	February 1968	Specification of REA for polyethylene-insulated bridle wire for the telephone systems of REA borrowers.
345-36	November 1966	Specification of REA for parallel conductor drop wire on the telephone systems of REA borrowers.
345-38	November 1963	Specification of REA for wood crossarm braces for the telephone systems of REA borrowers.
345-39	January 1975	Specifications of REA for telephone station protectors on the systems of REA borrowers.
345-42	March 1972	Specification of REA for low-loss buried distribution wire for telephone systems of REA borrowers.
345-44	March 1964	Specification of REA for figure 8 drop wire for telephone systems of REA borrowers.
345-48	December 1964	REA policy concerning the experimental use of telephone materials and equipment prior to their consideration for listing on the REA approved list of materials.
345-46	July 1966	Specification of REA for change to support figure 8 distribution wire for the telephone systems of REA borrowers.
345-47	April 1966	Specification of REA for seven wire aluminum-clad steel strand for the telephone systems of REA borrowers.
345-50	April 1973	Specification of REA for trunk carrier multiplex equipment for telephone systems of REA borrowers.
345-51	April 1967	Specification of REA for crystalline propylene ethylene copolymer raw materials used in materials incorporated in the telephone systems of REA borrowers.
345-52	March 1968	The specification of REA covering approved methods of making telephone station installations including payastations.
	January 1970	Partial revision to modify specification to provide protection in case of power contact with an aerial drop wire.
345-53	March 1971	Specification of REA for encapsulation, splice closure, and presu reblocks in plastic-insulated, plastic-jacketed cable.
345-54	December 1971	Specification of REA for telephone cable splicing connectors used on borrowers' telephone systems.
	August 1972	Revised pages to include requirement that mechanical splicing connectors be used only on conductors where stripping of conductor insulation is not required.
345-55	December 1973	Specification of REA for central office loop extenders and loop extender voice frequency repeater combinations.
345-56	August 1972	Specifications of REA for station carrier equipment installed on borrowers' telephone systems.

V 40 169 APR 9 75 XUM

REA bulletin No.	Date of last issuance	Description
345-67	June 1969	Specification of REA for microwave radio equipment installed on borrowers' telephone systems.
345-68	July 1969	Specification of REA for flexible and semirigid polyvinyl chloride raw material used on telephone systems of borrowers.
345-59	March 1971	Specification of REA for inside wiring cable used on borrowers' telephone systems.
345-60	October 1969	Specification of REA for coaxial drop cable for ETV and other wide band applications used on borrowers' systems.
345-61	March 1971	Specification of REA for switchboard cable used on borrowers' telephone systems.
345-63	November 1970	The standards of REA acceptance tests and measurements of telephone plant installed on borrowers' telephone systems.
345-64	April 1972	Specification of REA for ringers used on borrowers' telephone systems.
345-65	October 1972	Specifications of REA for cable shield bonding connectors installed on borrowers' telephone systems.
345-66	October 1972	Specifications of REA for equipment installed on borrowers' telephone systems.
345-67	December 1972	Specifications of REA for filled telephone cables installed on borrowers' telephone systems.
	July 1974	Partial revision to allow a reduction of thickness of certain size cables where there will be no adverse effect.
345-68	April 1973	Specifications of REA for two—electrode gas tube protectors on borrowers' telephone systems.
	January 1975	Addendum to require manufacturers to conduct tests to assure initial breakdown of gas tubes does not occur at a significantly higher voltage than the rated breakdown voltage.
345-69	April 1973	Specifications of REA for two—wire voice frequency repeater equipment on borrowers' telephone systems.
345-70	August 1974	Specification of REA for filled buried wire on telephone borrowers' systems.
345-71	August 1974	Specification of REA for three—electrode gas tube protectors on telephone borrowers' systems.
	January 1975	Revision to require manufacturers to conduct tests to assure that the initial breakdown of gas tubes does not occur at a significantly higher voltage than the rated breakdown voltage.
350-1	January 1972	Requirements for the use by telephone borrowers of REA Form 567, Checklist for Review of an Area Coverage Design.
350-2	May 1967	Information on preparation of an area coverage design.
350-1	July 1956	Information for telephone borrowers in obtaining adequate title to real estate and rights-of-way authorizations for telephone systems.
	April 1966	Supplement amending REA's requirements concerning policies of title insurance.
350-3	July 1963	Information on report of borrowers' engineer to the telephone borrower and REA on the progress of engineering and construction activities.
351-1	May 1964	Procedure for processing bid tabulations for the contract construction of telephone outside plant facilities using REA Form 511, Telephone System Construction Contract.
351-2	April 1974	Information regarding telephone system construction contract (labor and materials), REA form 511.
351-4	October 1963	Procedure for preparation of close-out documents in connection with telephone construction contract (labor and materials), REA form 511.
351-7	June 1967	REA policy concerning methods of constructing telephone borrowers' initia system outside plant facilities.
351-8	September 1963	Requirements and procedures pertaining to contract construction of telephone borrower's initial system outside plant facilities.
351-9	August 1963	Procedures for preparation of amendments to contracts for construction or installation of telephone borrowers' facilities with loan funds or borrowers' equity funds.
351-10	October 1961	Procedures for entering into subcontracts under contracts involving construction or installation of telephone borrowers' facilities.
352-1	February 1968	Requirements and procedures of REA pertaining to force account construction of telephone borrowers' initial systems.
352-2	May 1963	Policy and procedures of REA pertaining to system improvements and extensions to be financed with REA loan funds where the initial telephone construction has been completed.
	November 1964	Supplement providing instructions for requesting advance of funds for equipment and facilities used for construction.
	February 1972	Supplement announcing the revision of REA Form 743, Certificate of Contractor and Indemnity Agreement (Line Extension).
	July 1974	Revision reflecting revised REA requirements on bidding and contractors' performance bonds for system improvements and extensions.
352-3	November 1963	Policy and procedures of REA regarding the preparation of final inventory documents for force account construction of all or a portion of a borrower's initial system.
	September 1965	Supplement providing that REA need no longer be furnished Buy American Certificates.
	July 1969	Supplement announcing changes in REA requirements relating to close-out documents and final inspection of telephone construction.
353-1	May 1967	Guidelines of REA for borrowers and their engineers concerning the required information for preparing plans and specifications for telephone system outside plant facilities.
	June 1971	Supplement announcing changes in REA requirements concerning plans and specifications for outside plant.
	January 1974	Supplement providing for payment to the contractor for certain wire and cable materials when such materials are delivered to the site of the project.
	August 1974	Revision to REA telephone construction contracts relating to restrictions on the use of zinc coated steel sheets, and the shortage of wood pole stubs and the substitution of concrete posts.
353-4	November 1974	Requirements and procedures of REA for postloan engineering design data on construction proposed by borrowers.
354-1	March 1968	The procedure of REA in requesting quotations and executing contracts for furnishing central office equipment to telephone borrowers.
354-3	October 1968	Procedure of REA for the close-out of telephone central office equipment contracts.
	July 1967	Revision of app. I to reflect changes in the Central Office Dial Equipment Specifications.
	April 1968	Addition of app. VI to incorporate the procedure for acceptance tests on ANI equipment.
354-3	August 1973	The procedure of REA for the use of central office equipment contracts and specifications for telephone borrowers.
355-1	December 1968	Requirements and procedures of REA on loan applications to provide two-way radio telephone service for telephone borrowers.

REA bulletin No.	Date of last issuance	Description
385-2	February 1969	Procedures required by REA of telephone borrowers in urchasing special electronic equipment with REA loan funds.
385-3	April 1964	The procedure of REA for use by telephone borrowers in closing out special equipment contracts, REA forms 397 and 398.
385-4	December 1971	Special equipment contracts and specifications approved by REA for the use of telephone borrowers.
385-5	April 1966	The policy of REA concerning its financing of telephone borrowers' procurement of radio equipment for subscriber service.
387-1	December 1961	Requirements and procedures of REA pertaining to the preparation of plans and specifications for construction of telephone borrowers' buildings.
387-3	March 1961	Procedure established by REA for preparation of final documents required to close out construction of buildings by telephone borrowers.
387-5	April 1961	Requirements and procedures of REA pertaining to contract construction of buildings by telephone borrowers.
388-1	May 1957	Procedures established by REA for preparing an inventory and appraisal of existing telephone plant to be retained as part of rebuilt systems proposed by borrowers for REA financing.
400-4	December 1965	REA policy concerning payment of legal fees from loan and equity funds to attorneys of telephone borrowers.
	May 1974	Partial revision increasing the maximum hourly legal fees which can be paid from loan or equity funds by REA telephone borrowers.
400-5	January 1964	REA policy with respect to conditions that may endanger the operations and financial stability of telephone borrowers and the security of REA loans.
402-1	December 1962	REA mortgage restrictions on dividends and other distribution of capital by telephone borrowers.
	February 1972	Supplement excusing borrowers with specifiedsecurity instruments from certain requirements relating to the payment of dividends.
402-2	November 1960	The policies of REA under which the capital distribution provisions of loan security instruments may be waived for telephone borrowers.
403-3	October 1959	The requirements of REA concerning minutes of meetings of telephone borrowers' directors, stockholders, or members.
404-1	July 1962	Requirements of REA concerning its approval of the connecting company and special service contracts and leases of telephone borrowers.
405-1	July 1962	Guidelines of REA concerning financial planning by telephone borrowers including planning for reimbursements from loan funds of their general funds used for extensions and additions to plant.
408-1	November 1970	Requirements of REA concerning the preparation of financial and statistical reports by telephone borrowers on their operations and their submission to REA.
	April 1972	Supplement providing borrowers with additional information on the preparation of Form 479, Financial and Statistical Report for Telephone Borrowers for the period ending June 30.
	December 1972	Changes in REA Bulletin 408-1 to conform it to revised Bulletin 461-1.
409-1	May 1972	The policies and recommendations of REA concerning the selection of a manager by telephone borrowers.
411-1	June 1961	The guidelines of REA for telephone borrowers in adopting and securing REA approval for agreements to furnish extended area service (EAS).
415-1	August 1960	Requirements of REA with respect to the sale, lease or transfer of property by telephone borrowers.
	June 1966	Supplement announcing revision of procedure for partial releases of the Government's lien.
440-1	March 1962	REA policy on providing assistance to telephone borrowers with respect to technical operations and maintenance of their systems.
447-1	October 1958	REA policy and recommendations to telephone borrowers concerning safety practices in the construction and operation of their systems.
461-1	February 1972	The requirements of REA with respect to the accounting systems of telephone borrowers.
462-1	January 1965	Guidelines of REA for telephone borrowers in establishing and evaluating the effectiveness of their internal controls in the operation of their systems.
463-1	April 1967	Policy and recommendations of REA on depreciation rates applicable to the telephone plant of REA borrowers.
464-1	February 1959	The policy and recommendations of REA on the accounting treatment for damages received by telephone borrowers from delays in the completion of contract construction.
464-2	June 1965	The requirements and recommendations of REA concerning the accounting for and reporting on large investments in special communications facilities by telephone borrowers.

Dated: March 28, 1975.

DAVID A. HAMIL,
Administrator.

[FR Doc.75-8753 Filed 4-8-75;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[21 CFR Parts 1301, 1308]

SCHEDULE II THROUGH V CONTROLLED SUBSTANCES

Storage and Security; Extension of Comment Period

Due to an omission of page five of the above notice which was published at 40 FR 14083–90, March 28, 1975, the comment period is being extended.[1]

All interested persons are invited to submit their comments and objections in writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be heard. A person may object or comment on the proposals relating to any one or more of the abovementioned substances without filing comments or objections regarding the others. Comments and objections should be submitted in quintuplicate to the Office of the Administrative Law Judge, Attention: Hearing Clerk, Drug Enforcement Administration, Department of Justice, 1405 Eye Street, NW, Washington, D.C. 20537, and must be received by May 15, 1975. If a person believes that one or more issues raised by him warrant a full adversary-type hearing, he should so state and summarize the reasons for his belief.

In the event that comments or objections to this proposal raise one or more issues which the Administrator finds, in his sole discretion, warrants a full adversary-type hearing, the Administrator shall order a public hearing in the FEDERAL REGISTER summarizing the issues to be heard and setting the time for the hearing which shall be after June 9, 1975.

Dated: April 4, 1975.

JOHN R. BARTELS, JR.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-9271 Filed 4-8-75;8:45 am]

[21 CFR Part 1301]

SCHEDULE III THROUGH V CONTROLLED SUBSTANCES

Storage and Security

Correction

In FR Doc. 75-8051 appearing at page 14089 of the issue for Friday, March 28, 1975, a portion of subparagraph (4) of § 1301.72(b) was omitted. The complete § 1301.72(b)(4) reads as follows:

(4) A cage, located within a building on the premises, meeting the following specifications:

(i) Having walls constructed of #10 gauge steel fabric or heavier mounted on a minimum of one and one-half inch steel posts, set in concrete whenever possible (depending on facility construction) no greater than ten feet apart with horizontal one and one-half inch reinforcements every sixty inches.

(ii) Having a mesh construction with openings of not more than two and one-half inches.

(iii) Having a ceiling constructed of the same material, alternatively, a cage shall be erected which reaches and is securely attached to the structural ceiling of the building. A lighter gauge mesh can be used for the ceilings of large enclosed areas if walls are at least 14 feet in height.

(iv) Cage doors shall be self-closing, self-locking #10 gauge steel fabric on a substantial metal frame in a metal door flange. Doors for other types of enclosures shall provide equivalent protection commensurate with the type of construction. Hinges, where mounted on the outside shall be sealed, welded or otherwise constructed to inhibit removal. Locking devices for all enclosures shall be either of the multiple-position combination type or key lock type and:

(a) Will be substantially constructed to resist picking, drilling, hard blows and cutting with instruments such as bolt cutters.

(b) In the case of key locks, will require key control which limits access to a limited number of employees or;

(c) In the case of combination locks, the combination will be limited to a minimum number of employees and can be changed upon termination of employment of an employee.

(v) Is equipped with an alarm system which upon any type of unauthorized entry, into either the building or storage area containing the Schedule III through V substances, shall transmit a signal directly to a central station protection agency or a local or state police agency that has a legal duty to respond; or to a 24 hour control station operated by the registrant; or to such other source of protection as the Administrator may approve.

[1] See the correction document which follows this notice.

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 4]

LABOR STANDARDS FOR FEDERAL SERVICE CONTRACTS

Miscellaneous Amendments

The Administration of the Service Contract Act of 1965, as amended, has disclosed certain problems with the procurement process. These problems have been under study by an interagency working group. As a result of this study, a number of revisions to Part 4 are hereby proposed.

The "successor" provisions of the Act require, *inter alia*, that where the Government awards a "successor" contract for work previously under contract, the employer under the successor contract must pay his employees not less than the wages and fringe benefits of his predecessor where those wages and fringe benefits were reflected in a collective bargaining agreement. It has been concluded that the "successor" obligations should apply only where substantially the same services will be performed at the same place as the previous contract. Contracts performed in different localities will be treated as new procurements, under section 2(a) of the Act.

Problems arising from the timing of collective bargaining agreements which create the "successorship" obligation; and from the timing of requests for hearings to determine whether such agreements are substantially at variance with wages prevailing in the locality of the place of performance have been arising frequently. In order not to delay the procurement process, a cut-off date is proposed. This action will avoid serious disruption of the Government's business and disruption of collective bargaining.

Where the place of performance is unknown at the time bids are solicited, a problem arises as to the locality to be used for wage determination purposes. In these cases, the wage and fringe benefit determinations should reflect rates applicable to the ultimate place of contract performance. Accordingly, the regulations are being amended to conform to such procedures.

The national labor policy clearly favors the process of collective bargaining. A prospective bidder who has a collective bargaining agreement should be allowed to bid solely on the basis of that agreement under section 2(a) of the Act. This would alleviate the necessity for a

contractor to establish one set of rates for commercial business and another set for Government business.

Various provisions of Part 4 are proposed to be amended to effectuate these revisions.

Written data, views, or arguments concerning these amendments may be submitted to the Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210, on or before May 12, 1975.

Part 4 of Subtitle A of Title 29 of the Code of Federal Regulations is proposed to be amended as follows:

1. Section 4.1c is revised to read as follows:

§ 4.1c Payment of minimum compensation based on collectively bargained wage rates and fringe benefits applicable to employment under predecessor contract.

(a) Section 4(c) of the Service Contract Act of 1965 as amended provides special minimum wage and fringe benefit requirements applicable to every contractor and subcontractor under a contract which succeeds a contract subject to the Act and under which substantially the same service as under the predecessor contract are furnished at the same location. Section 4(c) provides that no such contractor or subcontractor shall pay any employee employed on the contract work less than the wages and fringe benefits provided for in a collective bargaining agreement as a result of arms-length negotiations, to which such services employees would have been entitled if they were employed under the predecessor contract, including accrued wages and fringe benefits and any prospective increases in such collective bargaining agreement. If, however, the Secretary finds after a hearing in accordance with the regulations set forth in § 4.10 of this part that in any of the foregoing circumstances such wages and fringe benefits are substantially at variance with those which prevail for services of a character similar in the locality, the payment obligations of such contractor or subcontractor with respect thereto shall not apply in such circumstances.

(b) Pursuant to section 4(b) of the Act, the application of section 4(c) is made subject to the following variation in the circumstances and under the conditions described: The wage rates and fringe benefits provided for in any collective bargaining agreement applicable to the performance of work under the predecessor contract which is consummated during the period of performance of such contract shall not be effective for purposes of the successor contract under the provisions of section 4(c) of the Act or under any wage determination implementing such section issued pursuant to section 2(a) of the Act, if—

(i) in the case of a successor contract for which bids have been invited by formal advertising, notice of the negotiation of such collective bargaining agreement in the form of a wage determination is received by the contracting agency less than 10 days before the date set for opening of bids, or if—

(ii) in the case of a successor contract to be entered into pursuant to negotiations, such notice of the negotiation of such collective bargaining agreement in the form of a wage determination is received by the agency less than 10 days before award of the contract, and if under either (i) or (ii) above the contracting agency finds that there is not reasonable time still available to notify bidders or to incorporate the newly bargained wage rates and fringe benefits in the successor contract, as the case may be.

2. Section 4.3 is revised to read as follows:

§ 4.3 Register of wage determinations.

(a) The minimum monetary wages and fringe benefits for service employees which the Act requires to be specified in contracts and bid specifications subject to section 2(a) thereof will be set forth in wage determinations issued by the Administrator as an orderly series constituting a register of such minimum wages and fringe benefits. The register shall include, as soon as administratively feasible, wage determinations applicable to all contracts subject to section 2(a) of the Act, and will include in any event, for the localities in which services under such contracts are to be performed, wage determinations applicable to all contracts entered into during the following years under which more than the stated number of service employee are to be employed: (1) Fiscal year ending June 30, 1973—25; (2) ending June 30, 1974—20; (3) ending June 30, 1975—15; (4) ending June 30, 1976—10; (5) ending June 30, 1977, and for each fiscal year thereafter—5.

* * * * *

(c) Wage determinations issued for solicitations or negotiations for any contract where the place of performance is unknown shall contain minimum monetary wages and fringe benefits for each of the geographical locations where the work may be performed.

(d) Wage determinations included in the register will be available for public inspection during business hours at the Office of Special Wage Standards in the Employment Standards Administration, U.S. Department of Labor, and copies will be made available on request at regional offices of the Administration.

3. Section 4.4 is revised to read as follows:

§ 4.4 Notice of intention to make a service contract.

(a) (1) Not less than 30 days prior to any invitation for bids, request for proposals, or commencement of negotiations for any contract exceeding $2,500 which may be subject to the Act, the contracting agency shall file with the Office of Special Wage Standards, Employment Standards Administration, Department of Labor, its notice of intention to make a service contract. Such notice shall be submitted on Standard Form 98, Notice of Intention to Make a Service Contract, which shall be completed in accordance with the instructions provided and shall be supplemented by the information required under paragraphs (b) and (c) of this section. Supplies of Standard Form 98 are available in all GSA supply depots under stock number 7540–926–8972.

(2) Where the place of performance of a contract exceeding $2,500 for services subject to the Act is unknown at the time of solicitation, the solicitation need not initially contain a wage determination. The contracting agency shall upon identification of firms participating in the procurement, in response to an initial solicitation, file with the Office of Special Wage Standards, Employment Standards Administration, Department of Labor, its notice of intention to make a service contract. In addition to the requirements contained in paragraph (a)(1) of this section, such submission shall identify each location where the work may be performed as indicated by participating firms. Subsequent amendments to the solicitation setting forth the wage determinations and any necessary change in the date and time for submission of final bids shall be made upon receipt of wage determinations or notification that no wage determinations are applicable to the proposed contract.

(b) The contracting agency shall file with its Notice of Intention to Make a Service Contract (SF–98) a statement in writing containing the following information concerning the service employees expected by the agency to be employed by the contractor and any subcontractors in performing the contract:

(1) The number of such employees of all classes, or a statement indicating whether such number will or will not exceed the number for which a wage determination is mandatory under the provisions of § 4.3(a); and

(2) A listing of those classes of service employees expected to be employed under the contract which, if employed by the agency, would be subject to the wage provisions of 5 U.S.C. 5341, together with a specification of the rates of wages and fringe benefits that would be paid by the Government to employees of each such class if such statute were applicable to them. (Under section 2(a)(5) of the Act and § 4.6 of this part the inclusion of such a statement in the service contract is also required.)

(c) If the services to be furnished under the proposed contract will be substantially the same as services being furnished at the same location by an incumbent contractor whose contract the proposed contract will succeed, and if such incumbent contractor is furnishing such services through the use of service employees whose wage rates and fringe benefits are the subject of one or more collective bargaining agreements, the contracting agency shall file with its Notice of Intention to Make a Service Contract (SF–98) a copy of each such collective bargaining agreement together with any related documents

V40169 APR 9 75 XUM

specifying the wage rates and fringe benefits currently or prospectively payable under such agreement. If such services are being furnished at more than one location and the collectively bargained wage rates and fringe benefits are different for different locations or do not apply for one or more locations, the agency shall identify the locations to which such agreements have application. In the event that the agency has reason to believe that any such collective bargaining agreement was not entered into as a result of arms-length negotiations, a full statement of the facts so indicating shall be transmitted with the copy of such agreement. If the agency has information indicating that any such collectively bargained wage rates and fringe benefits are substantially at variance with those prevailing for services of a similar character in the locality, the agency shall so advise the Office of Special Wage Standards and, if it believes a hearing thereon pursuant to section 4(c) of the Act is warranted, shall file its request for such hearing pursuant to § 4.10 of this part.

(d) Any Standard Form 98 submitted by a contracting agency without the information required under paragraphs (b) and (c) of this section will be returned to the agency for further action.

(e) If exceptional circumstances prevent the filing of the notice of intention and supplemental information required by this section on a date at least 30 days prior to any invitation for bids, request for proposals, or commencement of negotiations for a proposed contract subject to section 2(a) of the Act, the notice shall be submitted to the Office of Special Wage Standards as soon as practicable with a detailed explanation of the special circumstances which prevented timely submission.

4. Section 4.5 is revised to read as follows:

§ 4.5 Contract specification of determined minimum wages and fringe benefits.

(a) Any contract agreed upon in excess of $2500 shall contain an attachment specifying the minimum wages and fringe benefits for service employees to be employed thereunder and a proviso which shall allow any prospective bidder to bid who has a bona fide collective bargaining agreement to be governed by the provisions of the collective bargaining agreement in lieu of the minimum wage and fringe benefits, as determined in any applicable currently effective wage determination made and included in the register as provided in § 4.3, including any expressed in any document referred to in paragraph (a) (1) and (2) of this section:

(1) Any communication from the office of Special Wage Standards, Employment Standards Administration, Department of Labor, responsive to the notice required by § 4.4; or

(2) Any revision of the register by a wage determination issued prior to the award of the contract or contracts which specifies minimum wage rates or fringe benefits for classes of service employees whose wages or fringe benefits were not previously covered by wage determinations in the register, or which changes previously determined minimum wage rates and fringe benefits for service employees employed on covered contracts in the locality. However, revisions received by the Federal agency later than 10 days before the opening of bids, in the case of contracts entered into pursuant to competitive bidding procedures, shall not be effective if the Federal agency finds that there is not a reasonable time still available to notify bidders of the revision. In situations under section 4(c) of the Act, the provisions in § 4.1c(b) apply.

• • • • •

5. Section 4.6 is revised to read as follows:

§ 4.6 Labor standards clauses for Federal service contracts exceeding $2500.

The clauses set forth in the following paragraphs shall be included in every contract (and any bid specification therefor) entered into by the United States or the District of Columbia, in excess of $2500, the principal purpose of which is to furnish services through the use of service employees:

(a) Service Contract Act of 1965: This contract, to the extent that it is of the character to which the Service Contract Act of 1965 (79 Stat. 1034, 41 U.S.C. 351) applies, is subject to the following provisions and to all other applicable provisions of the Act and regulations of the Secretary of Labor thereunder (this Part 4).

(b) (1) Each service employee employed in the performance of this contract by the contractor or any subcontractor shall be paid not less than the minimum monetary wage and shall be furnished fringe benefits in accordance with the wages and fringe benefits determined by the Secretary of Labor or his authorized representative, as specified in any attachment to this contract or in lieu thereof of the wage rates and fringe benefits contained in a bona fide collective bargaining agreement applicable to the service employees employed by the contractor or any subcontractor in the performance of the contract.

(2) If there is such an attachment, any class of service employees which is neither listed therein, nor covered by a bona fide collective bargaining agreement, but which is to be employed under this contract, shall be classified by the contractor so as to provide a reasonable relationship between such classifications and those listed in the attachment or in the bona fide collective bargaining agreement, whichever is applicable, and shall be paid such monetary wages and furnished such fringe benefits as are determined by agreement of the interested parties, who shall be deemed to be the contracting agency, the contractor, and the employees who will perform on the contract or their representatives. If the interested parties do not agree on a classification or reclassification which is, in fact, conformable, the contracting officer shall submit the question, together with his recommendation, to the Office of Special Wage Standards, ESA, of the Department of Labor for final determination. Failure to pay such employees the compensation agreed upon by the interested parties or finally determined by the Administrator or his authorized representative shall be a violation of this contract. No employee engaged in performing work on this contract shall in any event be paid less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended.

(3) If, as authorized pursuant to section 4(d) of the Service Contract Act of 1965 as amended, the term of this contract is more than 1 year, in the absence of a bona fide collective bargaining agreement governing the wage rates and fringe benefits, the minimum monetary wages and fringe benefits required to be paid or furnished thereunder to service employees shall be subject to adjustment after 1 year and not less often than once every 2 years, pursuant to wage determinations to be issued by the Employment Standards Administration of the Department of Labor as provided in such Act.

(c) In the absence of a bona fide collective bargaining agreement governing the wage rates and fringe benefits, the contractor or subcontractor may discharge the obligation to furnish fringe benefits specified in the attachment or determined conformably thereto by furnishing any equivalent combinations of fringe benefits, or by making equivalent or differential payments in cash in accordance with the applicable rules set forth in Subparts B and C of this part, and not otherwise.

(d) (1) In the absence of a minimum wage attachment for this contract or a bona fide collective bargaining agreement governing the wage rates and fringe benefits, neither the contractor nor any subcontractor under this contract shall pay any of his employees performing work under the contract (regardless of whether they are service employees) less than the minimum wage specified by section 6(a)(1) of the Fair Labor Standards Act of 1938. Nothing in this provision shall relieve the contractor or any subcontractor of any other obligation under law or contract for the payment of a higher wage to any employee.

(2) If this contract succeeds a contract, subject to the Service Contract Act of 1965 as amended, under which substantially the same services were furnished in the same locality and service employees were paid wages and fringe benefits provided for in a collective bargaining agreement, then in the absence of a minimum wage attachment for this contract neither the contractor nor any subcontractor under this contract shall pay any service employee performing any of the contract work less than the wages and

fringe benefits, provided for in such collective bargaining agreements, to which such employee would be entitled if employed under the predecessor contract, including accrued wages and fringe benefits and any prospective increases in wages and fringe benefits provided for under such agreement. No contractor or subcontractor under this contract may be relieved of the foregoing obligation unless the Secretary of Labor or his authorized representative determines that the collective bargaining agreement applicable to service employees employed under the predecessor contract was not entered into as a result of arms-length negotiations (see § 4.1c(b)), or finds, after a hearing as provided in Labor Department regulations, 29 CFR 4.10 that the wages and fringe benefits provided for in such agreement are substantially at variance with those which prevail for services of a character similar in the locality.

(e) The contractor and any subcontractor under this contract shall notify each service employee commencing work on this contract of the minimum monetary wage and fringe benefits required to be paid pursuant to this contract, or shall post a notice of such wages and benefits in a prominent and accessible place at the worksite, using such poster as may be provided by the Department of Labor. This provision does not apply where the wage rates and fringe benefits are governed by a bona fide collective-bargaining agreement.

• • • • • •

6. Section 4.10 is revised by adding a new paragraph (b)(5) reading as follows:

§ 4.10 Provisions for hearing.

• • • • •

(b) Prerequisites for hearing.

• • • • •

(5) Pursuant to section 4(b) of the Act, requests for a hearing shall not be considered unless received:

(i) for advertised contracts, prior to ten days before the opening of bids;

(ii) for negotiated contracts, prior to ten days before award of the contract;

(iii) for contracts with provisions for extending the initial term by option, prior to the commencement of the follow-up option period. This has been found to be a reasonable limitation on the timing of such requests which is necessary and proper in the public interest.

• • • • •

(Sec. 4, 79 Stat. 1035, as amended by 86 Stat. 789; 41 U.S.C. 353; Secretary of Labor's Order No. 13-71, 36 FR 8755.)

Signed at Washington, D.C., this 4th day of April, 1975.

WARREN D. LANDIS,
Acting Administrator,
Wage and Hour Division.

[FR Doc.75-9304 Filed 4-8-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

FROZEN CONCENTRATE FOR LEMONADE AND COLORED LEMONADE

Standards of Identity

The Commissioner of Food and Drugs is issuing a proposal to amend the standards of identity for frozen concentrate for lemonade (21 CFR 27.101) and frozen concentrate for colored lemonade (21 CFR 27.102) to (a) remove the proportionality limitations for certain sweeteners; (b) provide for the "safe and suitable" nutritive carbohydrate sweeteners set out simply as a class rather than the present limiting "recipe" listing; and (c) adopt a requirement for label declaration of optional ingredients. All interested persons are invited to comment on the proposal by May 9, 1975.

A. The Corn Refiners Association (CRA), 1001 Connecticut Ave., NW, Washington, DC 20036, filed a petition to amend the subject standards. The changes proposed by CRA would delete the 33⅓ percent limitation on the use of certain sweeteners and increase the number of sweeteners permitted. The present standards restrict the use of corn sweetners to no more than 33⅓ percent of the total sweetening ingredients used. This proposed amendment would permit manufacturers of frozen concentrates for lemonade and colored lemonade to use sweeteners without being restricted to the present proportional limitations. CRA asserts that recent technological innovations have made a wide range of corn sweeteners available, ranging from bland sweeteners to sweeteners having identical chemical, physical, and organoleptic characteristics as those exhibited by sweeteners such as sucrose or invert sugar. The petitioner states that within the last year sucrose and its products, due to short supply, have greatly increased in price. Therefore, giving the manufacturer complete freedom of choice to provide the most economic high quality products would be in the interest of consumers.

The petitioner adds, in support of his proposal, that:

1. The standards proposed for amendment as they concern optional sweeteners are inconsistent with the more recently promulgated (albeit stayed) standards for lemonade (21 CFR 27.99) and colored lemonade (21 CFR 27.100).

2. The present standards are inconsistent with the FAO/WHO Codex Alimentarius Commission standards that allow different sweeteners to be freely admixed.

3. It would be consistent to amend the frozen concentrate for lemonade standards in view of the Commissioner's comment in the FEDERAL REGISTER of August 28, 1974 (39 FR 31304), concerning fruit jellies (21 CFR 29.2) and fruit jams (21 CFR 29.3), "that it will promote honesty and fair dealing in the interest of consumers to remove the 25-percent limitation on the use of corn sirups."

The petition is submitted by the CRA is on file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, and may be inspected by the public during regular working hours, Monday through Friday.

B. The Commissioner proposes, at this time on his own initiative, that the standards be further amended so that:

1. The specific "recipe" listing of permitted sweeteners be deleted and provision made for the use of "safe and suitable" optional ingredients in this class. The provision for the use of safe and suitable ingredients, as defined in § 10.1 (d) (21 CFR 10.1(d)), published in the FEDERAL REGISTER of May 15, 1974 (39 FR 17304), is considered by the Commissioner to be in the interest of consumers. It will permit manufacturers to adopt new advances in food technology to meet consumer demands, without requiring manufacturers to petition to amend the standards each time a safe ingredient is found to be suitable for use and without reducing the protection of the consumer.

2. All optional ingredients used shall be declared. This proposal recognizes the consumers' desire to have available the listing of ingredients on the labels of their foods. It is also in keeping with the general agreement among industry, consumers, and the Food and Drug Administration that there should be no difference in labeling ingredients in standardized and nonstandardized foods.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055-1056, as amended, 70 Stat. 919, 72 Stat. 948, 21 U.S.C. 341, 371) and in accordance with authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Part 27 by revising §§ 27.101 and 27.102, incorporating the CRA's proposal, to read as follows:

§ 27.101 Frozen concentrate for lemonade; identity; label statement of optional ingredients.

(a) Frozen concentrate for lemonade is the frozen food prepared from one or both of the lemon juice ingredients specified in paragraph (b) of this section together with one or any mixture of safe and suitable nutritive carbohydrate sweeteners. The product contains not less than 48.0 percent by weight of soluble solids taken as the sucrose value determined by refractometer and corrected for acidity as given in "Refractometric Determination of Soluble Solids in Citrus Juices," by Stevens and Baier, Industrial and Engineering Chemistry, Analytical Edition, volume 11, page 447 (1939). When the product is diluted according to directions for making lemonade which shall appear on the label, the acidity of

V40169 APR 9 75 XUM

the lemonade, calculated as anhydrous citric acid, shall be not less than 0.70 gram per 100 milliliters, and the soluble solids, measured as described for the concentrate, shall be not less than 10.5 percent by weight.

(b) The lemon juice ingredients referred to in paragraph (a) of this section are:

(1) Lemon juice or frozen lemon juice or a mixture of these.

(2) Concentrated lemon juice or frozen concentrated lemon juice or a mixture of these.

For the purposes of this section, lemon juice is the undiluted juice expressed from mature lemons of an acid variety; and concentrated lemon juice is lemon juice from which part of the water has been removed. In the preparation of the lemon juice ingredients, the lemon oil content may be adjusted by the addition of lemon oil or concentrated lemon oil in accordance with good manufacturing practice, and the lemon pulp in the juice as expressed may be left in the juice or may be separated. Lemon pulp that has been separated, which may have been preserved by freezing, may be added in preparing frozen concentrate for lemonade, provided that the amount of pulp added does not raise the proportion of pulp in the finished food to a level in excess of that which would be present by using lemon juice ingredients from which pulp has not been separated. The lemon juice ingredients may be treated by heat, either before or after the other ingredients are added, to reduce the enzymatic activity and the number of viable microorganisms.

(c) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

§ 27.102 Frozen concentrate for colored lemonade; identity; label statement of optional ingredients.

(a) Frozen concentrate for colored lemonade conforms to the definition and standard of identity prescribed for frozen concentrate for lemonade by § 27.101, except that it is colored with a safe and suitable fruit juice, vegetable juice, or any such juice in concentrated form, or with any other color additive ingredient suitable for use in food, including artificial coloring, used in conformity with regulations established pursuant to section 706 of the Federal Food, Drug, and Cosmetic Act.

(b) The name of the food is "Frozen concentrate for _____ lemonade," the blank being filled in with the word describing the color: for example, "Frozen concentrate for pink lemonade."

(c) Each of the optional ingredients specified in paragraph (a) of this section shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

Interested persons may, on or before May 9, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: April 1, 1975.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.75-9186 Filed 4-8-75;8:45 am]

Office of Education

[45 CFR Part 156]

ASSISTANCE TO STATES FOR STATE EQUALIZATION PLANS

Notice of Proposed Rulemaking

Pursuant to the authority contained in section 842, Part D, Title VIII of the Education Amendments of 1974 (20 U.S.C. 246), Pub. L. 93-380 (enacted August 21, 1974), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45 of the Code of Federal Regulations by adding a new Part 156 to read as set forth below.

1. *Program purpose.* Section 842, Part D, Title VIII of Pub. L. 93-380 authorizes funds to provide planning monies to States desiring to plan for equalization of State and local school finance programs. Such plans must be consistent with the provisions of the Fourteenth Amendment, and have as their primary purpose achievement of equality of opportunity for all children enrolled in schools in the State's local educational agencies.

2. *Statutory procedural requirements.* To assist States in developing such plans, the Commissioner has developed the guidelines proposed below generally defining the possible methods of attaining the principles which must be common to all State plans. A copy of the proposed guidelines is being transmitted to the Speaker of the House of Representatives and the President of the Senate in accordance with section 842(a)(2) of the Act.

3. *Definitions.* Under section 156.3 definitions are proposed for "Administration", "Development", and "State Plan".

4. *Eligible Applicant.* Under section 156.4 of the proposed rule, the State educational agency will be considered the eligible applicant unless the State law provides that another State agency or instrumentality may apply.

5. *Application for Reimbursement.* Section 156.5 sets forth the proposed basic conditions applying to an application for reimbursement for purposes of the Act. These include: (a) plan eligibility requirements, (b) submission requirements, (c) allowable reimbursement schedules, (d) rejection of guidelines requirements, and (e) State government coordination requirements. More particularly, a State plan must meet the statutory requirements of purpose and must be in accord with the guidelines in proposed Part B, unless the latter are specifically rejected for good reasons set forth in the submission. Proposed as well as adopted plans will be considered for reimbursement.

6. *Entitlement.* Section 156.6 would establish a procedure for calculating State entitlements and for calculating ratable reductions in State entitlements when appropriated funds are insufficient to pay full entitlement.

7. *State Plan Requirements.* Section 156.7 sets forth a cut-off date of July 1, 1977 for State plan submission and limits each State to one plan for reimbursement under the provisions of the Act.

8. *Review and Disposition of Applications.* Section 156.8 describes the proposed Commissioner's review procedures and the applicant's appeal procedures.

9. *Equity Guidelines.* Sections 156.10 through 156.17 establish 10 criteria under 7 headings which are proposed as the guidelines for defining the principles contained in the law. These criteria address the subjects of (a) program adequacy, (b) cost variations, (c) program comprehensiveness, (d) equalization of financial ability, (e) tax support, (f) educational and financial decisions, and (g) plan evaluation. Though a State plan may reject any of these guidelines, the underlying principles stated in the law may not be rejected.

10. *Citations of Legal Authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232 (a) a citation of the regulations has been placed in parentheses on the line following the text of the section. On occasion, a citation appears at the end of a sub-division that appears in that section above the citation. When the citation appears only at the end of the section, it applies to the entire section.

11. *Opportunity for Public Comment.* Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulations to Program Officer, U.S. Office of Education, Room 3010 Regional Office Building 3, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: Thomas L. Johns.

Comments received in response to this notice will be available for public inspection at the above office on week days from 8:30 a.m. to 4 p.m. All relevant materials received on or before June 9, 1975 will be considered.

Dated: March 28, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: April 4, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

PART 156—ASSISTANCE TO STATES FOR STATE EQUALIZATION PLANS

Subpart A—General

Sec.
156.1 Purpose and scope.
156.2 Applicability of General Provisions Regulations.
156.3 Definitions.
156.4 Eligible applicants.
156.5 Application for reimbursement.
156.6 Entitlement.
156.7 State plan requirements.
156.8 Review and disposition of applications.

Subpart B—Equity Guidelines

156.10 Eligibility of plans.
156.11 Adequate educational programs.
156.12 Cost variations.
156.13 Comprehensiveness of program.
156.14 Equalizing financial ability.
156.15 Tax support.
156.16 Educational and financial decisions.
156.17 Evaluation.

AUTHORITY: Sec. 842, Part D, Title VIII, Education Amendments of 1974 (20 U.S.C. 246), Pub. L. 93-380.

Subpart A—General

§ 156.1 Purpose and scope.

The purpose of the regulations in this part is to implement the provisions of section 842 of the Education Amendments of 1974 which provides for reimbursement for the development or administration of a State plan for a program of financial assistance to local educational agencies which is consistent with standards which may be required by the fourteenth amendment to the Constitution, and the primary purpose of which is to achieve equality of educational opportunity for all children in attendance at the schools of the local educational agencies of the State.

(20 U.S.C. 246)

§ 156.2 Applicability of General Provisions Regulations.

Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters), except for the following:

(a) § 100a.16 (Project Description);

(b) § 100a.19 (Cooperative Agreements);

(c) § 100a.26 (Review of Applications); and

(d) § 100a.27 (Disposition of Applications).

(20 U.S.C. 246)

§ 156.3 Definitions.

As used in this part:

(a) "Act" means the Education Amendments of 1974, Pub. L. 93-380.

(b) "Administration" means any action deemed necessary to implement a State Plan, but does not mean any action taken after such implementation in the normal course of operating the State program of financial assistance to local educational agencies in conjunction with such plan. Implementation may include action necessary to the installation of the plan such as: (1) the design and installation of data systems required for the implementation of the plan, (2) the gathering, processing, and analysis of such data, (3) inservice training, (4) obtaining advice and comment regarding plan implementation, and (5) evaluation of the plan.

(c) "Development" means any action which is deemed necessary to formulate a State program of financial assistance to local educational agencies. Development may include such actions as: (1) planning and designing such studies, (2) carrying out such studies, and (3) dissemination and public hearings and generally those activities associated with plan adoption.

(d) "State plan" means a plan submitted by a State pursuant to section 842 of Pub. L. 93-380 and the regulations in this part in order to establish eligibility to receive Federal reimbursement for the development or administration of such plan. The State plan shall be a detailed description of the State's policies, program, and operating procedures relating to the State's program of financial assistance to local educational agencies in that State. The plan may be, but is not limited to those policies, programs, and operating procedures which have been enacted into law.

(20 U.S.C. 246)

§ 156.4 Eligible applicants.

(a) An application under this part shall be submitted by the State educational agency or such other agency or instrumentality of the State designated or created under State law as the eligible applicant for the purposes of Section 842 of the Act.

(b) The State plan and any amendment thereto shall include as an attachment of certificate by the State's Attorney General, or other official designated in accordance with State law to advise the State on legal matters, to the effect that the agency or instrumentality submitting the application for reimbursement under this part is the agency or instrumentality which has the authority under State law to submit the State plan for the purposes of section 842 of the Act.

(c) Prior to the submission to the Commissioner of any State plan as part of an application under this part, the State agency shall afford the Governor of such State an opportunity to comment on the relationship of such State plan to comprehensive and other State plans and programs. The Governor shall be afforded a period of not less than 45 days in which to make such comments, or, if the Governor makes no comments, a statement to that effect shall be attached to such plan when the same is submitted to the Commissioner.

(20 U.S.C. 246(a)(1); OMB Circular No. A-95)

§ 156.5 Application for reimbursement.

(a) Application for reimbursement under this part shall be made in accordance with the applicable provisions of subparts B and C of part 100a of this chapter.

(20 U.S.C. 246)

(b) Applications for reimbursement under this part and section 842 of the Act for costs incurred or to be incurred in the development or administration of the State plan shall be submitted to the Commissioner. Applications for reimbursement may be submitted for plans developed prior to or subsequent to the effective date of section 842 of the Act or for a plan the State proposes to develop. If reimbursement is desired for a plan which has been developed, then the plan as developed shall be submitted to the Commissioner. If reimbursement is desired for a plan the State proposes to develop, then the State shall submit a proposal to develop a plan. The proposal shall set forth the goals, objectives, and scope of the plan to be developed and describe how such plan will address the major questions of school finance equity as considered in this part and section 842 of the Act.

(20 U.S.C. 246; Cong. Record, daily edition, May 20, 1974, S. 8505)

(c) An application for reimbursement must be submitted no later than 90 days following submission of the plan or the proposal to develop a plan.

(d) An application for reimbursement shall set forth a detailed account of costs incurred or a schedule of reimbursements for costs to be incurred. In the latter case, reimbursements shall not be made more often than monthly).

(20 U.S.C. 246)

(e) If a State plan rejects, or is intended to reject, any of the guidelines developed pursuant to section 842(a)(3) of the Act and as set forth in subpart B of this part, then the applicant shall set forth the reasons for each rejection. Such statements in support thereof shall justify any rejection of these guidelines on a substantive basis and shall give detailed reasons therefor.

(20 U.S.C. 246(b); Sen. Report No. 93-763, at p. 104 (1974))

(f) An application for reimbursement shall describe the manner in which the applicant coordinated and involved, or proposes to coordinate and involve, appropriate State agencies or branches of State government in the development or administration of the plan.

(20 U.S.C. 246)

§ 156.6 Entitlement.

(a) The entitlement of each State shall be determined on the basis of a straight-line formula such that the entitlement of the most populous State shall be $1,000,000, the entitlement of the least populous State shall be $100,000, and the entitlement of each other State shall fall between these amounts based on the ratio of that State's population to the population of the Nation as a whole.

(b) In the event that the funds appropriated for this section are insufficient to meet the entitlement as calculated above, then the above procedure shall be used to recalculate the entitlements with the exception that the entitlement of the most populous State shall be reduced and the entitlement of each other State shall be recalculated based on this revised limit. Subject to the provisions of section 842(c)(1) of

V40169 APR 9 75 XUM

the Act, the entitlement of the most populous State shall be reduced to a level so that the sum of the recalculated entitlements for all States equals the appropriated amount.

(20 U.S.C. 246(c)(1))

§ 156.7 State plan requirements.

(a) A State plan shall be submitted to the Commissioner not later than July 1, 1977, to be eligible for cost reimbursement under section 842.

(b) Only one plan may be submitted by a State for reimbursement under the provisions of this Act.

(20 U.S.C. 246(a)(1))

§ 156.8 Review and disposition of applications.

(a) Upon receipt of an application for reimbursement under this part, the Commissioner will review such application for conformity with the regulations and guidelines set forth under this part and the provisions of section 842 of the Act. In reviewing any such application, the Commissioner shall have the discretion to obtain the review of a panel of experts. The Commissioner may also consult with the applicant at any time concerning the sufficiency of the application.

(b) After reviewing the application, the Commissioner will determine whether the applicant may be reimbursed and if so, the costs allowable for such reimbursement, and will notify the applicant in writing of such determination.

(c) If an adverse determination as to the application is made by the Commissioner, the applicant may request a meeting with the Commissioner within 30 days of notice of such determination to discuss the application.

(20 U.S.C. 246)

Subpart B—Equity Guidelines

§ 156.10 Eligibility of plans.

The Commissioner will, in determining the eligibility of plans for reimbursement submitted under the provisions of section 842 of the Act, apply the guidelines set forth in § 156.11–17. While a State plan may reject any of these guidelines, a State plan cannot in substantial part reject the principles set forth in section 842(a)(3) of the Act.

(20 U.S.C. 246; Sen. Rpt. No. 93–763 at p. 103 (1974))

§ 156.11 Adequate educational programs.

The financial assistance plan shall be designed to ensure the provision of adequate educational programs, supportive services, and facilities for every pupil in the State.

(20 U.S.C. 246)

§ 156.12 Cost variations.

In determining the relative financial need of local educational agencies, the financial assistance plan,

(a) shall be designed to identify those pupils with varying and greater educational needs and take these needs into account in amounts provided and expended for appropriate educational programs, supportive services, and facilities; and

(b) shall take into account any variations among such local agencies in the costs of providing equivalent educational programs, supportive services, and facilities which might be associated with such factors as sparsity or density of population, cost of resources and socio-economic characteristics of the population of the local educational agencies.

(20 U.S.C. 246)

§ 156.13 Comprehensiveness of program.

The financial assistance plan shall be designed to include all necessary and required program, supportive service, and facility costs when appropriate such as: (1) costs for the regular educational programs, special education programs, vocational education programs, educationally disadvantaged pupil programs, and bilingual education programs; (2) costs of guidance and counseling, and transportation; and (3) costs for capital outlay and debt service.

(20 U.S.C. 246)

§ 156.14 Equalizing financial ability.

The financial assistance plan shall be designed to ensure that the quality of the educational programs, supportive services, and facilities provided to a pupil within that State is not the result of the wealth of the local educational agency in which the pupil attends school. If the financial assistance plan is designed to share the educational costs between the State and its local educational agencies,

(a) the plan shall justify and set forth an equitable measure of the relative financial abilities of local educational agencies; and

(b) the plan shall provide assurances that the State and local educational agencies will apply procedures which will ensure uniformity in the masurement of wealth against which taxes for education are levied.

(20 U.S.C. 246)

§ 156.15 Tax support.

The financial assistance plan shall be financed by a tax system which is equitably based on the relative ability of taxpayers to pay taxes.

(20 U.S.C. 246)

§ 156.16 Educational and financial decisions.

The financial assistance plan shall be designed so as not to discourage citizen interest and participation in the educational decision-making process and to encourage such interest and participation to the extent possible.

(20 U.S.C. 246)

§ 156.17 Evaluation.

The financial assistance plan shall be designed to provide systems and procedures for evaluating the degree to which the plan is achieving its stated objectives including, but not limited to, such objectives as equality of educational opportunity and taxpayer equity.

(20 U.S.C. 246)

[FR Doc.75-9234 Filed 4-8-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-GL-15]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations so as to alter a transition area in the State of Minnesota.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before May 9, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

By military regulation military training operations are now confined to controlled airspace. Therefore, areas presently used cannot be made available for military use until controlled airspace is designated in these areas. One of these areas is northeast of Bemidji, Minnesota. It is proposed to designate controlled airspace with a 1200-foot floor by adding this area to the present area designated under the State of Minnesota.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation regulations as hereinafter set forth:

In § 71.181 (40 FR 441), the following transition area is amended to read:

MINNESOTA

That airspace extending upward from 1200 feet above the surface within the boundary of the State of Minnesota south of parallel 46°30' and that area bounded on the north by the Canadian boundary, on the east by Victor Airway 161, on the south by Victor Airway 430, on the west by Victor Airway 82 excluding the portion which overlies the Bemidji, Baudette, International Falls and Grand Rapids, Minnesota transition areas.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Illinois on March 19, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.75-9161 Filed 4-8-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75GL-13]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at West Union, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before May 9, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A new public use instrument approach procedure has been developed for the Alexander Salamon Airport, West Union, Ohio. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at West Union, Ohio.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (40 FR 441), the following transition area is added:

WEST UNION, OHIO

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Alexander Salamon Airport (Latitude 38°51'06" N., Longitude 83°34'00" W.); and within 3 miles either side of the 049° bearing from the airport extending from the 6-mile radius to 8 miles northeast of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Illinois on March 18, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.75-9160 Filed 4-8-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-WA-3]

VOR FEDERAL AIRWAYS

Proposed Establishment

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate two VOR Federal Airways as follows:

1. From International Falls, Minn., to the Dryden, Ontario, Canada, NDB.

2. From International Falls, Minn., to the Atikokan, Ontario, Canada, NDB.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018. All communications received on or before May 9, 1975 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Canadian Ministry of Transport plans to provide for IFR operations at the Fort Frances, Ontario, Municipal Airport which is located approximately 5 miles north of the International Falls, Minn., VORTAC. The proposed airways would provide numbered route identifiers for the United States portion of the airways which would be used by flights operating from Fort Frances or International Falls to Dryden or Atikokan.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on April 3, 1975.

F. L. CUNNINGHAM,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-9159 Filed 4-8-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-RM-9]

VOR FEDERAL AIRWAY

Proposed Revocation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke VOR Federal Airway No. 148 between Denver, Colo., and Kiowa, Colo.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colo. 80207. All communications received on or before May 9, 1975, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would revoke V-148 between Denver, Colo., and Kiowa, Colo. Traffic surveys disclosed this route segment is rarely requested or utilized, therefore, there is no longer a need for this portion of V-148. Revocation of this airway segment would also reduce chart clutter.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on April 3, 1975.

F. L. CUNNINGHAM,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-9158 Filed 4-8-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 211]

EMERGENCY CLARIFYING AMENDMENT AS TO ADJUSTMENTS TO CRUDE OIL COSTS

Cancellation of Public Hearing

On March 21, 1975, the Federal Energy Administration issued an emergency

V40169 APR 9 75 XUM

clarifying amendment to § 211.67(1) of Part 211, Chapter II, Title 10, Code of Federal Regulations (40 FR 13302, March 26, 1975) concerning adjustments to crude oil costs under the old oil allocation program. A public hearing on the amendment was scheduled for April 10, 1975.

No requests to make oral presentations were received by FEA prior to 4:30 p.m., e.d.t., Friday, April 4, 1975. Therefore, FEA hereby gives notice that the public hearing is cancelled.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

APRIL 7, 1975.

[FR Doc.75-9433 Filed 4-8-75;9:34 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 584]

[No. 75-303]

SAVINGS AND LOAN HOLDING COMPANIES

Proposed Amendment Relating to Transactions With Affiliates

APRIL 2, 1975.

The following summary of the amendment proposed by this resolution is included for the reader's convenience and is subject to the full description in the preamble and the specific provisions in the regulations.

1. *Present Regulation*—None.

2. *Proposed Regulation*—Will prohibit insured institutions from authorizing or permitting the opening or increasing of accounts therein in any office where securities of an affiliate are sold or offered for sale.

3. *Reasons for Proposed Change*—To avoid confusion of insured savings account transactions with transactions relating to investment in securities of an insured institution's affiliate.

The Federal Home Loan Bank Board considers it desirable to propose an amendment to § 584.3(a) of the regulations for Savings and Loan Holding Companies (12 CFR 584.3(a)) for the purpose of preventing confusion of transactions relating to investment in an insured institution with transactions relating to investment in securities of an uninsured affiliate of such an institution. Present regulations do not prohibit an insured institution from authorizing or permitting the opening or increasing of accounts in such institution in offices where securities of an affiliate are sold or offered for sale, although savings account transactions under such circumstances could result in confusion by potential savers of such transactions with transactions relating to investment in such an affiliate.

Under the proposal, § 584.3(a) would be revised to redesignate as paragraph 7 the present paragraph 6 thereof and add thereto a new paragraph 6 prohibiting an insured institution from authorizing or permitting the opening or increasing of accounts in such institution in any office where securities of an affiliate of such institution are sold or offered for sale.

Accordingly, the Board hereby proposes to amend § 584.3(a) to read as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552, by May 12, 1975, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

Section 584.3 is amended by revising the introductory text, by redesignating present paragraph (a) (6) as (a) (7), and by adding a new (a) (6) as follows:

§ 584.3 Transactions with affiliates.

(a) *Prohibited transactions.* No subsidiary insured institution of a savings and loan holding company shall:

* * * * *

(6) authorize or permit the opening or increasing of accounts in such institution in any office where securities of an affiliate are sold or offered for sale; or

* * * * *

(Sec. 408, 48 Stat. 1256, as amended; Sec. 408, 48 Stat. 1261, as added by 73 Stat. 691, as amended; 12 U.S.C. 1725, 1730a. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.75-9194 Filed 4-8-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-11326, File No. S7-510]

CERTAIN MANIPULATIVE PRACTICES IN PUBLIC OFFERINGS

Supplemental Notice of Proposed Rulemaking

The Commission on April 2, 1975 announced for public comment revised proposed Rules 10b–20 and 10b–21 [1] and revised proposed amendments to Rules 17a–3(a)(6) and 17a–3(a)(7) [2] under the Securities Exchange Act of 1934 (the "Act"). Rules 10b–20 and 10b–21 would be adopted pursuant to sections 10(b) and 23(a) [3] of the Act; the amendments to Rules 17a–3(a)(6) and 17a–3(a)(7) would be adopted pursuant to sections 17(a) [4] and 23(a) of the Act. Rules 10b–20 and 10b–21 and the amendments to Rules 17a–3(a)(6) and 17a–3(a)(7) were first proposed in Securities Exchange Act Release No. 10636 (Feb. 11, 1974) and published in the FEDERAL REGISTER at 39 FR 7806 (Feb. 28, 1974).

Rules 10b–20 and 10b–21 relate to certain practices which were brought to the Commission's attention, in part, as a result of an investigation by the Commission's staff. Proposed Rule 10b–20 would prohibit underwriters and dealers participating in a distribution from requiring a purchaser, in order to receive an allocation of securities from the underwriter or dealer, to pay consideration in addition to the amount indicated in the prospectus or to perform any other act such as purchasing an additional security in an unrelated offering (so-called "tie-in" arrangements). Proposed Rule 10b–21 would impose certain limitations on purchases to cover short sales where such short sales were effected prior to the commencement of an offering involving securities of the same class.

A detailed explanation of the purpose and intendment of proposed Rules 10b–20 and 10b–21 may be found in Securities Exchange Act Release No. 10636 (39 FR 7806). Interested persons should refer to that release for a more complete understanding of the practices which the proposed rules address.

After receiving numerous comments on proposed Rules 10b–20 and 10b–21, the Commission has determined to modify the provisions of those proposed rules in several important respects and to republish the proposed rules for comment. The following is a synopsis of the proposed changes.

Proposed Rule 10b–20. Rule 10b–20 is intended to be a comprehensive prohibition against the described fraudulent conduct. As modified, proposed Rule 10b–20 would prohibit any person, directly or indirectly, in connection with a public offering of securities made pursuant to a registration statement under the Securities Act of 1933 or a notification on Form 1–A under such Act,[5] from requiring any purchaser of the offered securities to perform any act other than paying for the securities purchased (with certain exceptions), such as purchasing any other security in an unrelated offering or paying any consideration in addition to that indicated in the applicable prospectus or offering circular.

The Commission realizes that historical investment patterns may exist between a broker-dealer and an investor and that certain investors may desire to purchase all new issues or many new issues offered by an underwriter or broker-dealer. Proposed Rule 10b–20 is not intended to interfere with such relationships; rather, it is aimed at requirements initiated by the underwriter or broker-dealer participating in an offering which are imposed upon a customer as a condition of participation in any particular offering.

[1] 17 CFR 240.10b–20 and 240.10b–21.

[2] 17 CFR 240.17a–3(a)(6) and 240.17a–3(a)(7).

[3] 15 U.S.C. 78j(b) and 78w(a).

[4] 15 U.S.C. 78q(a)

[5] 17 CFR 230.90.

As originally proposed, Rule 10b–20 was applicable to any "offering of securities" so long as the jurisdictional means were utilized. The revised proposal is limited specifically to certain offerings, namely an offering of securities covered by a registration statement filed under the Securities Act of 1933 or an offering of securities covered by a notification on Form 1–A under such Act.

Paragraph (a)(1) of proposed Rule 10b–20 has been modified expressly to permit unit offerings, i.e., offerings of more than one security pursuant to the same registration statement or notification on Form 1–A.

Paragraph (b) has been modified by the addition of a new exemption (contained in paragraph (b)(1) thereof) which specifically exempts requirements which are imposed on purchasers who are underwriters or dealers participating in an offering if such requirements are imposed pursuant to the terms of a written agreement between the issuer and any underwriter, or among underwriters, or among underwriters and dealers, and if the agreement is for the purpose of effecting an underwritten offering and includes terms that are usual and customary to such agreements.

Proposed Rule 10b–21. Proposed Rule 10b–21 is designed to prevent manipulative short selling practices in connection with underwritten public offerings of securities of the same class as outstanding securities. Manipulative opportunities exist in such offerings because the outstanding securities can be sold short prior to the commencement of the offering with the expectation that such selling activity will lower the price of the offered security and enable the short seller to cover at a depressed price.

The coverage of proposed Rule 10b–21 has been modified in several respects. The rule has been limited to underwritten offerings of equity securities for cash covered by a registration statement under the Securities Act of 1933 or notification on Form 1–A under such Act. The first proviso of the rule as originally proposed (which would have prohibited the giving of an indication of interest to purchase a security in certain offerings if a short sale of a security of the same class had been made) has been eliminated. The rule has been redrafted to prohibit only certain covering purchases.

The revised rule would prohibit a covering purchase in connection with a short sale if the short sale was made within a ten-day period before the commencement of an offering covered by a registration statement or a notification on Form 1–A and if the covering purchase would be made from an underwriter or other dealer participating in the distribution.[6] In addition, if the short sale was made within five days before the commencement of the offering, the rule would prohibit covering purchases of securities of the same class as those covered by a registration statement or a notification on Form 1–A within a five day period after the commencement of an offering or before the termination of the offering, whichever is earlier. The applicable prohibition would extend to a short sale of a security of the same class as the offered security and the purchase, within the specified period, of a security convertible into or exchangeable for a security of the same class as the security offered.

The term "completion" of the offering has been deleted from the proposed rule and replaced by a reference to the date of termination of stabilizing and of trading restrictions on underwriters participating in the offering. In addition, the term "effective date" with respect to a registered offering used in the rule as originally proposed has been replaced by the term "commencement" of such registered offering in view of the fact that these dates do not necessarily coincide.

A new paragraph (b), which provides an exemption for certain transactions, has been added to proposed Rule 10b–21. An exemption for short sales of a security would be available for both a market maker who submits bid and ask quotations as to such security in an interdealer quotation system at specified prices on each of at least twelve business days within the thirty calendar days preceding the commencement of the offering, with no more than four business days in succession without a two-way quotation, and market makers who submit both bid and ask quotations in an interdealer quotation system at specified prices on ten consecutive business days preceding commencement of the offering. Any broker-dealer taking advantage of this exemption, however, could not accumulate a short position by the close of any day during the ten-day period preceding the commencement of the offering in excess of two percent of the number of shares proposed as of that day to be publicly offered.

Finally, the revised proposed rule contains a new paragraph (c) which defines the term "arbitrage" for purposes of the rule.

Rule 17a–3. The amendments to Rule 17a–3 (the Commission's broker-dealer recordkeeping rule) would require that broker-dealer memoranda of sale orders for over-the-counter securities be marked as "long" or "short." Rule 10a–1 under the Act currently imposes certain requirements as to "long" and "short" marking for sale orders of exchange-traded securities. The proposed amendment to Rule 17a–3(a)(6) would cover brokerage sales orders and the amendment to Rule 17a–3(a)(7) would cover principal transactions with customers. These proposed amendments to section 17 rules have been changed to delete the requirement as to transactions for a broker-dealer's own account with other broker-dealers.

Commission Action: The Securities and Exchange Commission has determined that, because the revisions to proposed § 240.10b–20 and § 240.10b–21 under Part 240 of Chapter II of Title 17 of the Code of Federal Regulations are significant, those rules should be republished for public comment. The proposed amendments to § 240.17a–3(a)(6) and § 240.17a–3(a)(7) are being republished so that proposed §§ 240.10b–20 and 240.10b–21 may be reconsidered in the context of those companion proposals. This proposed rulemaking is taken pursuant to 15 U.S.C. 78j(b), 78q(a), and 78w(a) and submitted in satisfaction of 5 U.S.C. 553(b). Interested persons should address their written comments to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should refer to File No. S7–510 and should be received by the Commission no later than May 2, 1975. All such communications will be available for public inspection.

The text of the proposed rules, proposed amendments, and rules follows:

§ 240.10b–20 Prohibition against certain acts in connection with securities offerings.

(a) It shall constitute a "manipulative or deceptive device or contrivance" as used in section 10(b) of the Act for any underwriter, prospective underwriter, issuer, broker, dealer or other person who has agreed to participate or is participating, directly or indirectly, in an offering of securities covered by a registration statement filed under the Securities Act of 1933 or covered by a notification on Form 1–A under such Act, by the use of any means or instrumentality of interstate commerce, or the mails, or of any facility of any national securities exchange, directly or indirectly (1) to require a purchaser of such security to purchase any other security being or proposed to be offered or sold by any such person, other than a security covered by the same registration statement or notification on Form 1–A, or to make payment of any consideration for such security in addition to that indicated in the registration statement or notification on Form 1–A and offering circular covering the offer and sale of such security, or

[6] In addition to the questions under section 10(b), the Commission has previously announced its view that short sales made prior to the effective date of a pending registration statement covering securities of the same class of the same issuer as those sold short, which short sales are covered with shares obtained in the offering, raise serious questions under section 5 of the Securities Act of 1933 (15 U.S.C. 77e). See Securities Exchange Act Release No. 9824 (Oct. 16, 1972) published in the FEDERAL REGISTER at 37 FR 22706 (Oct. 25, 1972). Therefore, any person intending to purchase securities in any registered offering should be on notice that selling short the same class of securities prior to an announced offering and covering with such offered securities may be subject to the registration requirements of section 5 of the Securities Act, as well as other applicable statutes and rules.

[7] 17 CFR 240.10a–1.

[8] 15 U.S.C. 78q.

V40169 APR 9 75 XUM

(2) to require a purchaser of such security, to perform any act, engage in any conduct, effect any other transaction or refrain from any of the foregoing, other than as indicated in the registration statement or notification on Form 1–A and offering circular.

(b) This rule shall not prohibit (1) normal and customary requirements with respect to such matters as time of payment or maintenance of an account; or requirements pursuant to the terms of written agreement between an issuer and any underwriter or among underwriters and dealers entered into for the purpose of effecting an underwritten offering, or

(2) any transaction or transactions or other conduct if the Commission, upon written request or upon its own motion, exempts such transaction, transactions or conduct either unconditionally or on specified terms and conditions as not constituting a manipulative or deceptive device or contrivance comprehended within the purpose of this rule.

§ 240.10b–21 Prohibition against certain short selling.

(a) It shall constitute a "manipulative or deceptive device or contrivance" as used in section 10(b) of the Act for any person who effects one or more short sales of equity securities of the same class as securities distributed for cash pursuant to a registration statement filed under the Securities Act of 1933 or pursuant to a notification on Form 1–A under such Act, directly or indirectly, (1) to cover such short sale or sales with securities purchased from an underwriter or broker or dealer participating in the distribution, if such short sale or sales took place between the tenth business day before the commencement of such distribution and the commencement of such distribution, or

(2) to cover such short sales with any securities purchased on or before the earlier of (i) the fifth business day after the commencement of such distribution or (ii) the date of termination of the stabilization arrangements and trading restrictions for participants in such distribution, if such short sale or sales took place between the fifth business day before the commencement of such distribution and the commencement of such distribution.

(b) The provisions of this rule shall not apply to (1) any bona fide foreign or domestic arbitrage transaction, or

(2) any broker or dealer which is registered with a national securities exchange as a specialist in the class of securities being distributed or which is registered as an odd-lot dealer with respect to such securities, or which submits both bid and asked quotations as to such securities in an inter-dealer quotation system on ten consecutive business days preceding the commencement of such distribution or on each of at least twelve days within the thirty calendar days prior to commencement of the distribution, with no more than four business days in succession without such a two way quotation: *Provided, however,* That any such broker or dealer who is not a specialist or odd-lot dealer shall not accumulate a short position at the close of any day during the ten business days preceding the commencement of such offering in excess of two percent of the number of shares proposed on such date to be publicly offered.

(c) The term "arbitrage," as used in paragraph (b) of this section, shall mean (1) a purchase or sale of a security in one market together with an offsetting sale or purchase of the same security in a different market at as nearly the same time as practicable, for the purpose of taking advantage of a current difference in prices in the two markets, or

(2) a purchase of a security which is, without restriction other than the payment of money, exchangeable or convertible within 90 calendar days following the date of its purchase into a second security together with an offsetting sale at or about the same time of such second security for the purpose of taking advantage of a current difference in the price of the two securities.

(d) This rule shall not prohibit any transaction or transactions if the Commission, upon written request or upon its own motion, exempts such transaction or transactions either unconditionally or on specified terms and conditions as not constituting a manipulative or deceptive device or contrivance comprehended within the purpose of this rule.

§ 240.17a–3 Records to be made by certain exchange members, brokers and dealers.

(a) • • •

(6) A memorandum of each brokerage order, and of any other instruction, given or received for the purchase or sale of securities, whether executed or unexecuted. Such memorandum shall show the terms and conditions of the order or instructions and of any modification or cancellation thereof, the account for which entered, the time of entry, whether, if a sale, the order is entered "long" or "short," the price at which executed and, to the extent feasible, the time of execution or cancellation. An order shall not be marked "long" unless (A) the security to be delivered after sale is carried in the account for which the sale is to be effected, or (B) the broker-dealer is informed that the seller owns the security ordered to be sold and, as soon as is possible without undue inconvenience or expense, will deliver the security owned to the account for which the sale is to be effected. Orders entered pursuant to the exercise of discretionary power by such member, broker, or dealer, or any employee thereof, shall be so designated. The term "instruction" shall be deemed to include instructions between partners and employees of a member, broker, or dealer. The term "time of entry" shall be deemed to mean the time when such member, broker, or dealer transmits the order or instruction for execution or, if it is not so transmitted, the time when it is received.

(7) A memorandum of each purchase and sale of securities for the account of such member, broker, or dealer showing the price and, to the extent feasible, the time of execution; and, in addition, where such purchase or sale is with a customer other than a broker or dealer, a memorandum of each order received, showing the time of receipt, the terms and conditions of the order, the account in which it was entered and whether, if a sale, such sale was effected "long" or "short." A sale shall not be marked "long" unless (A) the security to be delivered after sale is carried in the account for which the sale is to be effected, or (B) the broker-dealer is informed that the seller owns the security ordered to be sold and, as soon as is possible without undue inconvenience or expense, will deliver the security owned to the account for which the sale is to be effected.

(Sec. 10(b), 48 Stat. 891 (15 U.S.C. 78j(b)); Sec. 17(a), 48 Stat. 897, as amended 48 Stat. 1379, as amended 52 Stat. 1076 (15 U.S.C. 78q(a)); Sec. 23(a), 48 Stat. 901, as amended 49 Stat. 704, 1379 (15 U.S.C. 78w(a)).

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

APRIL 2, 1975.

[FR Doc.75–9272 Filed 4–8–75;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

VETERANS BENEFITS

Effective Dates of Awards

The Administrator of Veterans' Affairs proposes regulatory changes to clarify provisions relating to effective dates of awards of pension, compensation and dependency and indemnity compensation.

Section 3010(e) of Title 38, United States Code, provides that an award of dependency and indemnity compensation to a child will be effective the first day of the month in which entitlement arose if a claim is filed within 1 year from that date. When there is a widow or widower entitled to dependency and indemnity compensation a child in the case under age 18 has no entitlement independent of the widow's or widower's entitlement. However, when the child attains age 18 and is attending school or is helpless by reason of physical or mental disability, the child becomes entitled to dependency and indemnity compensation independently of the widow's or widower's entitlement. In such cases payment of dependency and indemnity compensation is awarded the child effective the first day of the month in which age 18 is attained if a claim for the benefit is timely filed.

Section 3,667 of Part 3, Title 38, Code of Federal Regulations, pertaining to benefits payable because of school attendance currently provides that pension, compensation or dependency and

indemnity compensation may be paid from a child's 18th birthday if the child was at that time pursuing an approved course of instruction and a claim is timely filed. Benefits based on a course begun after the child's 18th birthday may be paid from the commencement of the course if a claim is timely filed. In order to conform with 38 U.S.C. 3010(e) it is proposed to amend § 3.667 to provide that dependency and indemnity compensation will be payable from the first day of the month in which the child attains age 18 or commences a course of instruction, whichever is applicable. The provisions for paying pension or compensation from the 18th birthday or commencement of a course are retained. In addition, instructions as to actions to be taken when notice of school attendance is not timely received have been deleted. This nonregulatory material is incorporated in other publications.

Editorial changes, unrelated to the substantive changes in § 3.667, are made in § 3.666 designed to reflect agency policy to avoid any appearance of seeming to preclude benefits for female veterans, their dependents and beneficiaries.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A); Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420. All relevant material received before May 9, 1975 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and, the above room number.

Notice is given that it is proposed to make these changes effective the date of final approval.

1. In § 3.666, paragraphs (a) (2), (b) (1) and (2), (c) and (d) are revised to read as follows:

§ 3.666 Penal institutions.

• • • • • •

(a) *Disability pension.* Payment may be made to the wife, husband, child or children of a veteran disqualified under this section:

• • • • • •

(2) If the annual income of the wife (husband) or child is within the statutory limitations which would be applicable to the payment of death pension.

• • • • • •

(b) *Death pension.* Payment may be made to a child or children where a widow (widower) or child is disqualified under this section:

(1) If widow (widower) is disqualified, to child or children at the rate of death pension payable if there were no such widow or widower; or

(2) If a child is disqualified, to a widow (widower) or other child or children at the rate of death pension payable if there were no such child, and

• • • • • •

(c) *Resumption of pension upon release from incarceration.* Pension will be resumed as of the day of release if notice (which constitutes an informal claim) is received within 1 year following release; otherwise resumption will be effective the date of receipt of such notice. Where an award or increased award was made to any other payee based upon the disqualification of the veteran, widow (widower), or child while in prison, such award will be reduced or discontinued as of date of last payment and pension will be resumed to the released prisoner at a rate which will be the difference, if any, between the total pension payable and the amount which was paid to the other person or persons through the date of last payment and thereafter the full rate.

(d) *Veteran entitled to compensation.* If an imprisoned veteran is entitled to a lesser rate of disability compensation such compensation will be awarded as of the 61st day of imprisonment in lieu of the pension he (she) was receiving provided:

(1) He (she) is single, or

(2) He (she) is married, from the date the veteran requests that the Veterans Administration take such action.

2. In § 3.667, paragraphs (a) and (b) are revised to read as follows:

§ 3.667 School attendance.

(a) *General.* (1) Pension or compensation may be paid from a child's 18th birthday based upon school attendance if the child was at that time pursuing a course of instruction at an approved school and a claim for such benefits is filed within 1 year from the child's 18th birthday.

(2) Pension or compensation based upon a course which was begun after a child's 18th birthday may be paid from the commencement of the course if a claim is filed within 1 year from that date.

(3) An initial award of dependency and indemnity compensation to a child in it's own right may be paid from the first day of the month in which the child attains age 18 if the child was pursuing a course of instruction at an approved school on the 18th birthday and a claim for such benefits is filed within 1 year from the child's 18th birthday.

(38 U.S.C. 3010(e))

(4) An initial award of dependency and indemnity compensation to a child in it's own right based upon a course which was begun after the child's 18th birthday may be paid from the first day of the month in which the course commenced if a claim is filed within 1 year from that date.

(38 U.S.C. 3010(e))

(5) Where a child was receiving dependency and indemnity compensation in it's own right prior to age 18, payments may be continued from the 18th birthday if the child was then attending an approved course of instruction and evidence of such school attendance is received within 1 year from the 18th birthday. Where the child was receiving dependency and indemnity compensation in it's own right prior to age 18 and was not attending school on the 18th birthday but commences an approved course of instruction after the 18th birthday, payments may be resumed from the commencing date of the course if evidence of such school attendance is filed within 1 year from that date.

(b) *Vacation periods.* A child is considered to be in school during a vacation or other holiday period if he or she was attending school at the end of the preceding school term and resumes attendance, either in the same or a different approved school, at the beginning of the next term. If an award has been made covering a vacation period, and the child fails to commence or resume school attendance, benefits will be terminated the date of last payment or the last day of the month preceding the date of failure to pursue the course, whichever is the earlier.

• • • • • •

Approved: April 3, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN, *Deputy Administrator.*

[FR Doc.75–9281 Filed 4–8–75;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

APRIL 2, 1975.

The USAF Scientific Advisory Board ad hoc Committee for Review of Mission, Organization, Resources, and Location of Air Force Cambridge Research Laboratories will hold a meeting at L. G. Hanscom AFB MA. The dates and times are as follows:

April 25, 1975, 9 a.m.–5 p.m.
April 26, 1975, 9 a.m.–5 p.m.

The portions of the meeting being held from 9 a.m. to 5 p.m. on April 25 and from 9 a. m.to 2 p.m. and from 4 p.m. to 5 p.m. on April 26 will be closed to the public. During these times the Committee will receive briefings and discuss matters listed in 5 U.S.C. 552(b) (1), (4), and (5), including classified briefings on the content and requirements of the AFCRL programs, discuss proprietary information regarding future activities of AFCRL, hold internal planning meetings for the future activities of the Committee and receive briefings from AFSC on proposed reposturing and reorganization of Air Force laboratories.

The afternoon session from 2 p.m. to 4 p.m. on 26 April, 1975 will be open to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202–697–4648.

JAMES E. DAGWELL,
Chief, Documentation Management Branch, Directorate of Administration.

[FR Doc.75–9255 Filed 4–8–75;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Closed Meeting

APRIL 3, 1975.

The USAF Scientific Advisory Board Aerospace Vehicles Panel will hold a meeting in room 1E801, The Pentagon, Washington, D.C. on April 29, 1975 from 8:30 a.m. to 5 p.m.

The meeting will be closed to the public. The panel will receive classified informational briefings on matters listed in 5 U.S.C. 552(b) (1), (4), and (5) concerning future aircraft prototype opportunities.

For further information contact the Scientific Advisory Board Secretariat on 202–697–4648.

JAMES E. DAGWELL,
Chief, Documentation Management Branch, Directorate of Administration.

[FR Doc.75–9354 Filed 4–8–75;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Notice of Establishment

Notice is hereby given that the charter of the National Advisory Committee for Juvenile Justice and Delinquency Prevention has been filed with the Committee on the Judiciary, U.S. Senate; Committee on the Judiciary, U.S. House of Representatives; Committee on Education and Labor, U.S. House of Representatives; Committee Management Secretariat, Office of Management and Budget; and the Library of Congress pursuant to section 9(c) of the Federal Advisory Committee Act (Pub. L. 92–463).

The National Advisory Committee for Juvenile Justice and Delinquency Prevention and two subcommittees were statutorily established by sections 207(a) and 208 (d) and (e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (Pub. L. 93–415). The two subcommittees are: (1) an Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention; and (2) an Advisory Committee to the LEAA Administrator on Standards for the Administration of Juvenile Justice. The Advisory Committee and subcommittees will report to and receive support from the Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration (LEAA), U.S. Department of Justice.

The responsibilities of the Advisory Committee will be advisory in nature. In particular the Advisory Committee will: (1) advise the LEAA Administrator in the development of policy, objectives and priorities for all Federal juvenile delinquency programs; (2) advise the LEAA Administrator in the development of reports to the President and Congress which analyze and evaluate Federal juvenile delinquency programs, expenditures made, results achieved, plans developed, and problems encountered in operating and coordinating such programs; (3) advise the LEAA Administrator in the development of an annual comprehensive plan for Federal juvenile delinquency programs, with particular emphasis on the prevention of juvenile delinquency and the development of programs and services which will encourage increased diversion of youth from the juvenile justice system; and (4) advise the Assistant Administrator for the Office of Juvenile Justice and Delinquency Prevention, LEAA, in the development of plans for the implementation of the Juvenile Justice and Delinquency Prevention Act of 1974.

The regular membership of the Advisory Committee shall be appointed by the President from persons who by virtue of their training or experience have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, such as juvenile or family court judges, probation, correctional, or law enforcement personnel; and representatives of private voluntary organizations and community-based programs. The President shall designate the Chairman. A majority of the members of the Advisory Committee, including the Chairman, shall not be full-time employees of Federal, state or local governments. At least seven members shall not have attained twenty-six years of age on the date of their appointment.

Members of the Coordinating Council on Juvenile Justice and Delinquency Prevention shall be ex-officio members of the Advisory Committee.

The Advisory Committee will meet at the call of the Chairman, but not less than four times a year, and will remain in existence for the duration of Pub. L. 93–415, or until September 30, 1977.

Notice is also hereby given that Mr. Frederick P. Nader, Acting Assistant Administrator, Juvenile Justice and Delinquency Prevention Operations Task Group, Law Enforcement Assistance Administration, U.S. Department of Justice, Room 742, 633 Indiana Avenue, NW, Washington, D.C. 20531, is designated as the authorized employee of the Federal Government to perform the duties outlined in section 10(e) of the Federal Advisory Committee Act for this Advisory Committee, and that Mr. John M. Greacen, Deputy Director, National Institute for Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice, 633 Indiana Avenue, NW, Washington, D.C. 20531, is designated as the authorized employee of the Federal Government to perform the duties outlined in section 10(e) of the Federal Advisory Committee Act for the subcommittees of this Advisory Committee.

Notice is hereby given that the first meeting of the National Advisory Committee for Juvenile Justice and Delinquency Prevention will be held on April 25, 1975, at the Ramada Inn, 1900 North Fort Myer Drive, Arlington, Virginia. The meeting will convene at 9:30 a.m., adjourn for lunch at 12 p.m., and resume at 1:30 p.m.

The meeting will be open to the public.

For further information, please contact Mr. Frederick P. Nader, Acting Assistant Administrator, Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, 633 Indiana Avenue, NW, Washington, D.C. 20531.

RICHARD W. VELDE,
Administrator.

[FR Doc.75–9250 Filed 4–8–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

EUREKA-GRAVE CREEK PLANNING UNIT

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture has prepared a final environmental statement for Eureka-Grave Creek Planning Unit, Forest Service Report Number USDA–FS–FES (Adm) R1–74–16.

The environmental statement concerns a proposed implementation of a revised multiple use plan for the Eureka-Grave Creek Planning Unit, Fortine Ranger District, Kootenai National Forest, and located in Lincoln County, Montana. The proposal affects approximately 93,585 acres of National Forest lands which have been stratified into eight management situations or units with similar resource implications.

This final environmental statement was filed with CEQ on April 2, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. and Independence Ave., SW
Washington, DC 20250

USDA, Forest Service
Northern Region
Federal Building
Missoula, MT 59801

Supervisor's Office
Kootenai National Forests
418 Mineral Avenue
Libby, MT 59923

USDA, Forest Service
Fortine Ranger District
Murphy Lake Ranger Station
Fortine, MT 59918

A limited number of single copies are available upon request to Forest Supervisor, Floyd J. Marita, Kootenai National Forest, Box AS, Libby, MT 59923.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Dated: April 2, 1975.

KEITH M. THOMPSON,
Acting Regional Forester, Northern Region, Forest Service.

[FR Doc.75–9165 Filed 4–8–75;8:45 am]

Office of the Secretary

AGRICULTURAL ADVISORY COMMITTEES FOR THE MULTILATERAL TRADE NEGOTIATIONS

Meeting

CROSS REFERENCE: For a document issued jointly by the Department of Agriculture and the Office of the Special Representative for Trade Negotiations which announces meetings of the above-named committees to be held on May 5 and 6, 1975, see FR Doc. 75–9196, Special Representative for Trade Negotiations Office, *infra*.

Rural Electrification Administration

TRI-COUNTY TELEPHONE COMPANY, INC., ALA.

Proposed Loan Guarantee

Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320–22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the FEDERAL REGISTER, September 16, 1974 (Vol. 39 No. 180, pages 33228–33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $4,600,000 to Tri-County Telephone Company, Incorporated, Ashland, Alabama. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. W. C. Roach, President, Tri-County Telephone Company, Incorporated, Box 368, Ashland, Alabama 36251.

To assure consideration, proposals must be submitted on or before May 9, 1975 to Mr. W. C. Roach. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as the Tri-County Telephone Company, Incorporated and REA deem appropriate. Prospective lenders are advised that financing for this project is available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320–22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 3d day of April 1975.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.75–9267 Filed 4–8–75;8:45 am]

Soil Conservation Service

CHUQUATONCHEE CREEK WATERSHED, MISS.

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, and part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8 (b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared at this time for the Chuquatonchee Creek Watershed, Chickasaw, Clay, Monroe and Pontotoc Counties, Mississippi.

The environmental assessment of this federal action indicates that the planned action will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the planned action. As a result of these findings, Mr. W. L. Heard, State Conservationist, Soil Conservation Service, USDA, Room 590, Milner Building, P.O. Box 610, Jackson, Mississippi 39205, has determined that the preparation and review of an environmental impact statement is not needed at this time for this project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement covered by the negative declaration include conservation land treatment supplemented by five floodwater retarding structures and 2.0 miles of outlet channel works below three of these structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA
Room 590, Milner Building
Jackson, Mississippi 39205

Single copy requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until April 24, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: March 28, 1975.

JOSEPH W. HAAS,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75–9244 Filed 4–8–75;8:45 am]

CYPRESS CREEK WATERSHED PROJECT, ALA. AND TENN.

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Cypress Creek Watershed Project, Alabama and Tennessee, USDA–SCS–EIS–WS–(ADM)–75–2–(D)–AL.

The environmental impact statement concerns a plan for watershed protection and flood prevention. The planned

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works of improvement include conservation land treatment, supplemented by 19 floodwater retarding structures and 14.4 miles of channel work in a flood plain which is about 76 percent crop and pastureland and 22 percent forested. The channel work will involve about 6.3 miles of bedload removal, about 7.5 miles of clearing and shaping, and 0.6 mile of new channel excavation. The work will be on natural streams with perennial flow except for about 0.4 mile of work which will be on a previously modified perennial channel.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 138 South Gay Street, Auburn, Alabama 36830

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to W. B. Lingle, State Conservationist, Soil Conservation Service, 138 South Gay Street, Auburn, Alabama 36830.

Comments must be received on or before June 1, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: March 28, 1975.

JOSEPH W. HAAS,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-9249 Filed 4-8-75;8:45 am]

LONG BRANCH CREEK WATERSHED, OKLA.

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, and part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the remaining work in the Long Branch Creek Watershed project, Noble and Payne Counties, Oklahoma.

The environmental assessment of this Federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the action. As a result of these findings, Mr. Hampton Burns, State Conservationist, Soil Conservation Service, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining works of improvement include conservation land treatment and three single-purpose floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service,
USDA Building,
Farm Road and Brumley Street,
Stillwater, Oklahoma 74074.

Single copy requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until April 24, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

JOSEPH W. HAAS,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-9245 Filed 4-8-75;8:45 am]

LOWER TIPPAH RIVER SUBWATERSHED, MISS.

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, and part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973, and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lower Tippah River Subwatershed, Benton, Marshall and Tippah Counties, Mississippi.

The environmental assessment of this federal action indicates that the planned action will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the planned action. As a result of these findings, Mr. W. L. Heard, State Conservationist, Soil Conservation Service, USDA, Room 590, Milner Building, P.O. Box 610, Jackson, Mississippi 39205, has determined that the preparation and review of an environmental statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration consist of installation of two floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA,
Room 590, Milner Building.
Jackson, Mississippi 39205.

Requests for copies of the negative declaration should be addressed to the above address.

No administrative action on implementation of the proposal will be taken until April 24, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: March 28, 1975.

JOSEPH W. HAAS,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-9246 Filed 4-8-75;8:45 am]

ROGUE RIVER WATERSHED PROJECT, MICH.

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Rogue River Watershed Project, USDA-SCS-EIS-WE-(ADM)-75-2-(D)-MI.

The environmental impact statement concerns a plan for watershed protection, streambank protection, flood prevention, and improved drainage on agricultural land. The planned works of improvement include 11.6 miles of channel work, 1 pumping station, 1.7 miles of streambank protection, conservation land treatment measures on 10,528 acres, soil surveys on 57,600 acres and 21 miles of flood plain delineation. The channel work involves deepening and widening 10.5 miles of previously modified channel and 1.1 miles of which no channel exists. The channel work and pumping station will provide flood prevention and drainage to 3,324 acres of intensively managed organic soils. Of the 10.5 miles of work proposed on existing channels, 6.8 miles have perennial flow, and the rest have intermitten flow.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service,
1405 South Harrison Road,
East Lansing, Michigan 48823

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Arthur H. Cratty, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823.

Comments must be received on or before May 27, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: April 1, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-9250 Filed 4-8-75;8:45 am]

RUSH CREEK WATERSHED PROJECT, OHIO

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for planned structures numbered III-C, IV-A, IV-C, IV-E, and VII-C in the Rush Creek Watershed Project, Fairfield, Perry, and Hocking Counties, Ohio.

The environmental assessment of this federal action indicates that the given part of this project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with this part of the project. As a result of these findings, Mr. Robert E. Quilliam, State Conservationist, Soil Conservation Service, USDA, 311 Old Federal Building, Columbus, Ohio 43215, has determined that the preparation and review of an environmental impact statement is not needed for the five subject structures.

This project concerns a plan for watershed protection, flood prevention, municipal water supply, reduction of soil erosion, and development of water based recreation. The subject planned works of improvement include five single purpose floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA,
311 Old Federal Building,
Third and State Streets,
Columbus, Ohio 43215

Requests for single copies of the Negative Declaration are available at the above address.

No administrative action on implementation of the proposal will be taken until April 24, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: April 1, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-9247 Filed 4-8-75;8:45 am]

SANDY CREEK WATERSHED PROJECT, TEX.

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Sandy Creek Watershed Project, Jasper County, Texas, USDA-SCS-EIS-WS-(ADM)-75-3-(D)-TX.

The environmental impact statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, supplemented by six single purpose floodwater retarding structures and 2.9 miles of floodway. The floodway involves clearing of dense underbrush and small trees in the flood plain adjacent to an existing modified channel. The existing channel is a perennial stream. The floodway will be constructed through the urban area of Jasper. The floodwater retarding structures and floodway will provide protection from the 100-year flood event to developed properties within the city of Jasper, Texas, as well as forested and agricultural flood-prone areas.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Edward E. Thomas, State Conservationist, Soil Conservation Service, P.O. Box 648, Temple, Texas 76501.

Comments must be received on or before June 2, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: April 1, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-9251 Filed 4-8-75;8:45 am]

SECOND BROAD RIVER WATERSHED PROJECT, N.C.

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Second Broad River Watershed Project, McDowell, Rutherford, and Cleveland Counties, North Carolina, USDA-SCS-EIS-WS-(ADM)-74-5-(D)-NC.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and recreation. The planned works of improvement include conservation land treatment, supplemented by 10 floodwater retarding structures, two multi-purpose reservoirs with capacity for flood prevention and recreation. The recreational development and multi-purpose reservoirs will provide 152,000 visitor-days of recreation annually.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA
P.O. Box 27307
Raleigh, North Carolina 27611

Copies of the draft environmental impact statement have been sent for comment to the various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Jesse L. Hicks, State Conservationist, Soil Conservation Service, P.O. Box 27307, Raleigh, North Carolina 27611.

Comments must be received on or before May 27, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: April 1, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-9252 Filed 4-8-75;8:45 am]

UPPER BAYOU WATERSHED, OKLA.

Notice of Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for that portion of the Upper Bayou Watershed project described below, in Carter and Love Counties, Oklahoma.

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The environmental assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the action. As a result of these findings, Mr. Hampton Burns, State Conservationist, Soil Conservation Service, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The action concerns a plan for watershed protection, flood prevention, municipal water supply, and recreation. The planned works of improvement include conservation land treatment, one multiple-purpose structure with recreation facilities, and 21 single-purpose floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service
USDA Building
Farm Road and Brumley Street
Stillwater, Oklahoma 74074

Requests for single copies of the negative declaration are available at the above address.

No administrative action on implementation of the proposal will be taken until April 24, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: April 1, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-9248 Filed 4-8-75;8:45 am]

UPPER NEW RIVER WATERSHED PROJECT, S.C.

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19450, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Upper New River Watershed Project, Beaufort and Jasper Counties, South Carolina, USDA-SCS-EIS-WS-(ADM)-75-1-(D)-SC.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and drainage. The planned works of improvement include conservation land treatment supplemented by channel work. The channel work will involve 21 miles of new channel construction and seven miles of enlargement to provide improved water management in a flatland watershed that is nine percent agricultural cropland, six percent grassland, 80 percent forest land and five percent in miscellaneous uses. The seven miles of work proposed on existing streams involve streams with intermittent flow. The balance of channel work is completely new channels where none existed before.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 601 Federal Building, 901 Sumter Street, Columbia, South Carolina 29201

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to G. E. Huey, State Conservationist, Soil Conservation Service, 601 Federal Building, 901 Sumter Street, Columbia, South Carolina 29201.

Comments must be received on or before June 6, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: April 1, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-9253 Filed 4-8-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' SUBCOMMITTEE ON BYRON/BRAIDWOOD STATIONS

Meeting

In accordance with the purposes of section 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Byron/Braidwood Stations will hold a meeting on April 24, 1975 at the O'Hare American Inn, 2157 Touhy Ave., Des Plaines, Illinois. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the application of Commonwealth Edison Company for permits to construct two nuclear power plants at each of the sites. The Byron site is located in Ogle County about 17 miles from Rockford, Illinois. The Braidwood site is in Will County about 50 miles southwest of Chicago, Illinois.

The agenda for the subject meeting shall be as follows:

Thursday, April 24, 1975, 9 a.m. until the conclusion of business. The Subcommittee will hear presentations by representatives of the NRC staff and Commonwealth Edison Company and will hold discussions with these groups pertinent to its review of the application of Commonwealth Edison Company for permits to construct the Byron Station, Units 1 and 2 and Braidwood Station, Units 1 and 2.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at 8:30 a.m. and at the end of the day to consider matters relating to the above application. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold closed sessions with representatives of the NRC Staff and Applicant for the purpose of discussing privileged information concerning plant physical security and other matters related to plant design, construction and operation, if necessary.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Subcommittee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than April 17, 1975 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Such comments shall be based upon the Preliminary Safety Analysis Report for these facilities and related documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555; at the Byron Public Library, Third and Washington Streets, Byron, Illinois 61010; and at the Wilmington Township Public Library, 201 South Kankakee Street, Wilmington, Illinois 60481.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:30 p.m. on April 24, 1975.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on April 22, 1975 to the Advisory Committee on Reactor Safeguards (telephone 202-634-1374) between 8:15 a.m. and 5 p.m., e.d.t.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information, other than plant security information, is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW, Washington, D.C. 20555, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after April 23, 1975 at the Nuclear Energy Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555 and within approximately nine days at the Byron Public Library, Third and Washington Streets, Byron, Illinois 61010 and the Wilmington Township Public Library, 201 South Kankakee Street, Wilmington, Illinois 60481. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE, Washington, D.C. 20002 (telephone: 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555 after July 24, 1975. Copies may be obtained upon payment of appropriate charges.

Dated: April 3, 1975.

JOHN C. HOYLE,
Acting Advisory Committee, Management Officer.

[FR Doc.75-9169 Filed 4-8-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' SUBCOMMITTEE ON PERRY NUCLEAR POWER PLANT, UNITS 1 AND 2

Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Perry Nuclear Power Plant, Units 1 and 2, will hold a meeting on April 25, 1975, at the O'Hare American Inn, 2157 Touhy Ave., Des Plaines, Illinois. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the application of the Cleveland Electric Illuminating Company for a permit to construct this nuclear power plant. The facility will be located on Lake Erie in Lake County, Ohio. The plant is approximately 35 miles northeast of Cleveland and 21 miles southwest of Ashtabula, Ohio.

The agenda for the subject meeting shall be as follows:

Friday, April 25, 1975—9 a.m. until the conclusion of business. The Subcommittee will hear presentations by representatives of the NRC Staff and the Cleveland Electric Illuminating Company and will hold discussions with these groups pertinent to its review of the application of the Cleveland Electric Illuminating Company for a permit to construct the Perry Nuclear Power Plant, Units 1 and 2.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at 8:30 a.m. and at the end of the day to consider matters relating to the above application. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold closed sessions with representatives of the NRC Staff and Applicant for the purpose of discussing privileged information concerning plant physical security and other matters related to plant design, construction, and operation, if necessary.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Subcommittee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than April 18, 1975 to the Executive Secretary, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C., 20555. Such comments shall be based upon the Preliminary Safety Analysis Report for this facility and related documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room 1717 H Street NW., Washington, D.C. 20555 and at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee between the hours of 10:30 a.m. and 11:30 a.m. on April 25, 1975.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been canceled or rescheduled and in regard to the Chairman's ruling on requests for opportunity to present oral statements, and the time alloted, can be obtained by a prepaid telephone call on April 23, 1975 to the Office of the Executive Secretary of the Committee (telephone 202-634-1371) between 8:15 a.m. and 5 p.m., e.d.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information, other than plant security information, is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW, Washington, D.C. 20555, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after April 29, 1975 at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555 and within approximately nine days at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE, Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

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(j) On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 after July 28, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. HOYLE,
Acting Advisory Committee Management Officer.

Date: April 3, 1975.

[FR Doc.75-9170 Filed 4-8-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' SUBCOMMITTEE ON PILGRIM STATION, UNIT 2

Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Pilgrim Station, Unit 2, will hold a meeting on April 25, 1975 in the Gateway Ballroom of the Howard Johnson Motor Lodge, 300 Washington Street, Newton, Mass. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the application of Boston Edison Company, et al., for a permit to construct this nuclear power plant. The facility will be located on the western shore of Cape Cod Bay in the Town of Plymouth. The site is about 4.4 miles east-southeast of the center of the Town of Plymouth, and about 38 miles southeast of Boston, Mass.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Friday, April 25, 1975, 9 a.m. until conclusion of business. The Subcommittee will hear presentations by representatives of the NRC Staff and Boston Edison Company and will hold discussions with these groups pertinent to its review of the application of Boston Edison Company, et al., for a permit to construct the Pilgrim Station, Unit 2.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at 8:30 a.m. and at the end of the day to consider matters relating to the above application. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold closed sessions with representatives of the NRC Staff and Applicant for the purpose of discussing privileged information concerning plant physical security and other matters related to plant design, construction, and operation, if necessary.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Committee operations, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than April 15, 1975 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Such comments shall be based upon the Preliminary Safety Analysis Report for this facility and related documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW, Washington, D.C. 20555 and at the Plymouth Public Library, North Street, Plymouth, Mass.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 9:30 a.m. and 10:30 a.m. on April 25, 1975.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on April 24, 1975 to the Office of the Executive Secretary of the Committee (telephone 202-634-1393) between 8:15 a.m. and 5 p.m., e.d.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H St., NW, Washington, D.C. 20555, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after April 28, 1975 at the Nuclear Regulatory Commission's Public Document Room 1717 H Street, NW, Washington, D.C. 20555 and within approximately nine days at the Plymouth Public Library, North Street, Plymouth, Mass. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE, Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555 after July 25, 1975. Copies may be obtained upon payment of appropriate charges.

Dated: April 3, 1975.

JOHN C. HOYLE,
Acting Advisory Committee Management Officer.

[FR Doc.75-9171 Filed 4-8-75;8:45 am]

[License No. 06-12458-03E]

BENRUS CORP.

Issuance of Byproduct Material License

Please take notice that the Nuclear Regulatory Commission, has pursuant to § 32.22 of 10 CFR Part 32, issued License No. 06-12458-03E to Benrus Corporation, Benrus Center, Ridgefield, Connecticut 06877, which authorizes the distribution of Model No. 3085 watches to persons exempt from the requirements for a license pursuant to § 30.19 of 10 CFR Part 30.

1. The tritium-filled tubes are designed to illuminate a liquid crystal display which displays time digitally, permitting reading of the time in low ambient light.

2. The byproduct material incorporated in the device is tritium gas in sealed tubes manufactured by Brandhurst, Ltd. (Model RT/20-10/20). The nominal activity contained in each watch is 90 millicuries, but the maximum activity is 108 millicuries.

3. The stainless steel back of each watch case will be stamped with the name of the manufacturer ("Benrus") and the byproduct material ("H") contained in the watch.

A copy of the license and license application containing additional information are available for public inspection at the Commission's Public Document Room at 1717 "H" Street, NW, Washington, D.C.

Dated at Bethesda, Maryland, March 31, 1975.

For the Nuclear Regulatory Commission.

CECIL R. BUCHANAN,
Acting Chief, Materials Branch, Division of Materials and Fuel Cycle Facility Licensing.

[FR Doc.75-9175 Filed 4-8-75;8:45 am]

[Docket No. 50-155]

CONSUMERS POWER COMPANY (BIG ROCK POINT PLANT)

Extension of Time for Submittal of Evaluations for Emergency Core Cooling Systems

In accordance with 10 CFR 50.46(a)(2)(iii), a notice was published in the FEDERAL REGISTER on March 14, 1975 (40 FR 11950), that the Nuclear Regulatory Commission had received and was considering a request dated February 18, 1975, from the Consumers Power Company (the licensee) for an extension of time until July 26, 1975, for the submittal of an evaluation consistent with the requirements of Appendix K to 10 CFR Part 50 Acceptance Criteria for Emergency Core Cooling Systems (ECCS) for the Big Rock Point Nuclear Power Plant (the facility) located in Charlevoix County, Michigan. The notice invited the submission of views and comments by any interested persons on the licensee's request. Comments have not been received.

An extension of time for submittal of the required evaluation has previously been granted from August 5, 1974, until March 31, 1975, by the Commission in its "Determination With Respect to Variance From the Interim Acceptance Criteria and Extension in Submitting Evaluations From The Acceptance Criteria For Emergency Core Cooling Systems (10 CFR 50.46(a)(2)(iii))," dated August 5, 1974, 39 FR 29403 (the August 5, 1974 Determination). The basis for a further extension of time is the unavailability of the necessary evaluation models for the Big Rock Point Plant from the General Electric Company (GE) before June 28, 1975. The Consumers Power Company (CPCo) staff would review and submit the evaluations after receiving the input evaluations from the fuel suppliers on or before July 26, 1975.

Since the original extension of time was granted, substantial modifications and revisions have been required as a result of the NRC's review of the GE evaluation models for current plants. Also the review of the EXXON evaluation made for more recent plants is still in the final stages. The additional time involved in these modifications to the basic vendor evaluation models has delayed the development of appropriate modifications required to provide models and analyses suitable to Big Rock Point which is a plant of older design. GE must prepare a separate blowdown evaluation model which is tailored to the Big Rock Point reactor, which will involve additional time beyond the time estimated for submission of the evaluation models for their newer designs. GE and EXXON must prepare separate fuel heatup transient models following the acceptance of the GE blowdown model.

Based upon the NRC staff's experience and its knowledge of the effort on the part of GE and EXXON to develop adequate evaluation models and analyses for a number of different reactor facilities, the NRC staff believes that the delay by GE and EXXON in completing the necessary evaluation models and submitting the required analyses constitutes good cause for extension of the current March 31, 1975, deadline for the submittal of the information required by 10 CFR 50.46.

The licensee's schedule for completing the necessary analyses and reviews set forth in its request is reasonable. However, a number of subsidiary portions of the evaluation, which make up the required evaluation, are to be completed by GE and EXXON and provided to CPCo before the scheduled submittal of the complete evaluation to the Commission. In order to assure that the Commission is provided relevant information at the earliest possible opportunity, CPCo shall submit to the Commission copies of the various portions of the evaluation as soon as they are received from GE and EXXON.

In connection with the August 5, 1974 Determination, the Commission concluded that there was reasonable assurance that the variance from the requirements of the Commission's Interim Acceptance Criteria (IAC) concerning the schedule for installation of certain equipment, would not adversely affect the health and safety of the public. With respect to the extension of time to file an evaluation of ECCS performance in accordance with 10 CFR 50.46, from August 5, 1974 until March 31, 1975, granted by the August 5, 1974 Determination, the licensee was required to submit a preliminary evaluation which provided a conservative assessment of ECCS performance under the Commission's Acceptance Criteria. Upon submission the licensee was required to operate in conformity with such preliminary evaluation and all limitations previously imposed. A preliminary evaluation was submitted by CPCo on October 31, 1974. In a subsequent letter dated January 3, 1975, the licensee provided a more conservative GE preliminary evaluation which lowered the Maximum Average Planar Linear Heat Generating Rate (MAPLHGR) limits. In this submittal, Technical Specifications were proposed and implemented which bring reactor operation into conformance with the more conservative GE preliminary analysis. The considerations set forth in the August 5, 1974 Determination with respect to the variance from the IAC, are still applicable and provide the bases for continued facility operation. The additional requirements and operating restrictions which will continue for the period of time until the required evaluation is submitted and evaluated by the NRC staff, provide further assurance that the extension granted by this Determination will not adversely affect the health and safety of the public.

In addition, the reactor will be shutdown during a significant portion of the requested extension time to evaluate and to test certain ECCS instruments which are to function in a Loss of Coolant Accident (LOCA) environment. The facility was shutdown by the licensee on January 16, 1975, and will remain shutdown until the end of April 1975 or later. The plant will not resume operations until after such test results and analyses are reviewed by the NRC staff.

Accordingly, based on the foregoing considerations and for good cause shown, the Commission hereby grants an extension of time to the licensee which extends the date for compliance with the requirements of 10 CFR 50.46(a)(2)(ii) to July 26, 1975, provided that the licensee shall submit to the Commission copies of the completed analyses from GE and EXXON immediately upon his receipt of these analyses, and that the results of the ECCS instrument test and analyses presently underway at the facility shall be submitted to and reviewed and approved by the staff prior to startup from the present shutdown.

Dated at Bethesda, Maryland, this 1st day of April 1975.

For the Nuclear Regulatory Commission.

EDSON G. CASE,
Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc.75-9172 Filed 4-8-75;8:45 am]

[License No. 29-15775-02E]

FIRETEK CORP.

Issuance of Byproduct Material License

Please take notice that the Nuclear Regulatory Commission has, pursuant to § 32.26 of 10 CFR Part 32, issued License No. 29-15775-02E to Firetek Corporation, 541 Lexington Avenue, Clifton, New Jersey 07011 which authorizes the distribution of fire detectors to persons exempt from the requirements for a license pursuant to § 30.20 of 10 CFR 30.

1. The devices are designed to detect incipient fire by responding to the products of combustion produced by thermal decomposition of building materials or contents prior to the appearance of visible smoke, flame, or appreciable heat. The sensitive element of each detector is an ionization chamber in which air flowing into the chamber is made conductive by alpha particles emitted by americium-241.

2. The byproduct material incorporated in each detector is americium in the oxide form contained in foils manufactured by Nuclear Radiation Development, Inc. (Model A001). The maximum activity contained in the unit is 9.5 microcuries.

3. Each exempt unit will have a label identifying the manufacturer, Firetek Corporation, and the byproduct material, americium-241, contained in the unit and recommending that the unit be returned to Firetek Corporation, for disposal.

A copy of the license and license application containing additional information are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW, Washington, D.C.

Dated at Bethesda, Maryland, March 31, 1975.

V40169APR975XUM

For the Nuclear Regulatory Commission.

CECIL R. BUCHANAN,
Acting Chief, Materials Branch, Division of Materials and Fuel Cycle Facility Licensing.

[FR Doc.75-9174 Filed 4-8-75;8:45 am]

[Docket Nos. 50-498 and 50-499]

HOUSTON LIGHTING & POWER CO. (SOUTH TEXAS PROJECT, UNITS 1 AND 2)

Evidentiary Hearing on Environmental Issues

Take notice, an evidentiary hearing on environmental issues (and issues which are safety related to site suitability) will be held at the Oasis Motel Ballroom, on Highway 35, west of Bay City, Texas. The hearing will commence at 1 p.m., local time, on Tuesday, April 22, 1975.

The public is invited to attend the hearing. Limited appearance statements will be accepted at the commencement of the proceeding. Oral presentations will be limited to five (5) minutes each but written statements without limitation on length may be inserted in the record.

It is so ordered.

Dated at Bethesda, Maryland this 3rd day of April 1975.

ATOMIC SAFETY AND LICENSING BOARD,
ELIZABETH S. BOWERS,
Chairman.

[FR Doc.75-9176 Filed 4-8-75;8:45 am]

[Docket No. 50-133]

PACIFIC GAS AND ELECTRIC CO. (HUMBOLDT BAY POWER PLANT UNIT 3)

For Extension of Time for Submittal of Evaluations for Emergency Core Cooling Systems

In accordance with 10 CFR 50.46(a)(2)(iii), a notice was published in the FEDERAL REGISTER on March 14, 1975 (40 FR 11950), that the Nuclear Regulatory Commission had received and was considering a request dated February 21, 1975, from the Pacific Gas and Electric Company (the licensee) for an extension of time until July 28, 1975, for the submittal of an evaluation consistent with the requirements of Appendix K to 10 CFR Part 50 Acceptance Criteria for Emergency Core Cooling Systems (ECCS) for the Humboldt Bay Power Plant Unit 3 (Humboldt Bay). The notice invited the submission of views and comments by any interested persons on the licensee's request. Comments have not been received.

An extension of time for submittal of the required evaluation has previously been granted from August 6, 1974, until March 31, 1975, by the Commission in its "Determination of Request for Extension of Time for Submittal of Evaluations Required by Acceptance Criteria for Emergency Core Cooling Systems (10 CFR 50.46(a)(2)(iii)), dated August 5, 1974 (39 FR 29034). The basis for a further extension of time is the unavailability of the necessary blowdown evaluation from the NSSS vendor of Humboldt Bay Unit 3 before May 23, 1975, and the fuel heatup evaluation from the fuel suppliers (General Electric and EXXON before June 28, 1975. The Pacific Gas and Electric staff would review and submit the evaluations after receiving the input evaluations from the fuel suppliers on or before July 28, 1975.

Since the original extension of time was granted, substantial modifications and revisions of the evaluation models have been required as a result of NRC's review of the GE models for current plants. Also the review of the EXXON evaluation made for more recent plants is still in the final stages. The additional time involved in these modifications to the basic vendor evaluation models has delayed the development of appropriate modifications required to provide models and analyses suitable to Humboldt Bay which is a plant of older design. General Electric must prepare a separate blowdown evaluation model which is tailored to the Humboldt Bay reactor, which will involve additional time beyond the time estimated for submission of the evaluation models for their newer designs. General Electric and EXXON must prepare separate fuel heatup transient models following the acceptance of the GE blowdown model.

Based upon the NRC staff's experience and its knowledge of the effort on the part of GE and EXXON to develop adequate evaluation models and analyses for a number of different reactor facilities, the NRC staff believes that the delay by GE and EXXON in completing the necessary evaluation models and submitting the required analyses constitutes good cause for extension of the current March 31, 1975, deadline for the submittal of the information required by 10 CFR 50.46.

The licensee's schedule for completing the necessary analyses and reviews set forth in its request is reasonable. However, a number of subsidiary portions of the evaluation, which make up the required evaluation, are to be completed by GE and EXXON and provided to PG&E before the scheduled submittal of the complete evaluation to the Commission. In order to assure that the Commission is provided relevant information at the earliest possible opportunity, PG&E shall submit to the Commission copies of the various portions of the evaluation as soon as they are received by PG&E from GE and EXXON.

The Commission has previously determined that the ECCS system performance would conform to the requirements of the Commission's Interim Acceptance Criteria; these requirements continue to apply to facility operation and provide reasonable assurance that the public health and safety will not be endangered. In addition, the August 5, 1974, Determination granting an extension of time to file an evaluation of ECCS performance in accordance with 10 CFR 50.46 from August 5, 1974, until March 31, 1975, required the licensee to submit a preliminary evaluation which provided a conservative assessment of ECCS performance under the Commission's Acceptance Criteria. Upon submission, the licensee was required to operate in conformity with such preliminary evaluation as well as all limitations previously imposed. The licensee submitted its preliminary analysis on December 11, 1974. The licensee also requested a reduction in authorized power level from 240 MWt to 220 MWt. This change was authorized by license Amendment No. 6 issued on December 24, 1974.

Following our review of the licensee's preliminary evaluation, an Order was issued by the Commission on December 24, 1974, restricting the maximum heat flux for the Humboldt Bay reactor and requiring further analyses of fuel densification phenomenon for the Humboldt Bay reactor fuel.

The required analyses included further evaluation of potential cladding collapse to assure that the effects of densification would not adversely affect the calculated limits on maximum heat flux required to assure conformance with the IAC. The licensee submitted its analyses of fuel densification effects on February 24, 1975. With respect to fuel densification considerations associated with ECCS performance calculations, the analyses presented in the February 24, 1975 submittal adequately assess cladding collapse and, combined with the earlier evaluations discussed in our December 24, 1974, Order, demonstrate that, with the present operating limitations including the additional limitations set forth in our December 24, 1974, Order, the facility will conform to the requirements of the IAC. Other aspects of fuel densification effects covered by the evaluations required by our December 27, 1974, Order, are still under review by the staff. These include consideration of fuel densification effects in assessing operating transients and if required, to establish proper operating limits to protect against the effects of such transients.

The next scheduled refueling outage for the Humboldt Bay reactor is June 1975. Since the facility is to be refueled prior to the scheduled completion of the required evaluation to meet the Commission's Acceptance Criteria for Emergency Core Cooling, the analysis for the Humboldt Bay Power Plant Unit 3 to be submitted by July 28, 1975, will be for the next cycle core and not the core currently operating.

Accordingly, based on the foregoing considerations and for good cause shown, the Commission hereby grants an extension of time to the licensee which extends the date for compliance with the requirements of 10 CFR 50.46(a)(2)(ii) to July 28, 1975, provided that the licensee shall submit to the Commission copies of the complete analyses from GE and EXXON immediately upon his receipt of these analyses.

Dated at Bethesda, Maryland, this 1st day of April, 1975.

For the Nuclear Regulatory Commission.

EDSON G. CASE,
Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc.75-9173 Filed 4-8-75;8:45 am]

NUCLEAR REGULATORY COMMISSION continued on page 16152.

DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
ENDANGERED SPECIES PERMIT
Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:

Miss Cheryl Shawver, 1221 Grant Street, Santa Monica, California 90405.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
A permit to transport two leopards + two tigers (third generation captive USA born) interstate for use in Circus work

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Cheryl Shawver
1221 Grant Street
Santa Monica, Calif 90405
(213) 396-6586

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☒ MISS ☐ MR.
HEIGHT: 5' 2" WEIGHT: 120 lb
DATE OF BIRTH: 7-27-48
COLOR HAIR: blonde
COLOR EYES: brown
PHONE NUMBER WHERE EMPLOYED: —
SOCIAL SECURITY NUMBER: 564-78-0612
OCCUPATION: wild animal trainer
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: —

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION: —
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.: —
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED: —

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Home location: (805) 495-2122
864 Carlisle Road
Thousand Oaks
California

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents) —

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $ 50.00 (Fifty dollars)

10. DESIRED EFFECTIVE DATE: immediately

11. DURATION NEEDED: permanent or renewable yearly

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
attached

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Cheryl Shawver
DATE: February 12, 1975

3-200
18/749

Cheryl Shawver

I wish to transport interstate two female leopards (*Panthera pardus*) and two female tigers (*Panthera tigris*) for circus work, as we have always done. You have no specific category for this, so I am including what information I think you would want to know.

These animals are at least third generation captive USA born animals, and in *no way* threaten the wildlife population. In fact, my animals will breed in the future and add to the population.

I have been a professional wild animal trainer for nine years now and earn my living in *no other* manner. If you prevent me from traveling interstate with my animals I will be unable to support myself or my animals.

We stay at our home base in California for approximately four months a year. This compound is inspected by the Federal Department of Agriculture twice a year and meets their requirements. The rest of the year we travel all over the USA with the circus, again meeting their requirements.

In the pasts years I have raised over 40 baby lions, tigers and leopards successfully, and cared for hundreds of adults. I am experienced and qualified to own and transport my animals. Demonstrating this is the fact that I am on the Board of Advisors of the Moorpark College Wild Animal program, and my animals and I give demonstrations and lectures there.

I can see no reason why you should not issue this permit for me to be able to continue by line of work with long captive animals that reflect in no manner on the wildlife population.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW, Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before May 9, 1975.

Dated: April 1, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-9193 Filed 4-8-75;8:45 am]

V40169A APR 9 75 XUM

MARINE MAMMAL PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit has been received under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407).

Applicant:
Jackson Zoological Park, 2918 West Capitol Street, Jackson, Mississippi 39209.
Robert O. Wagner, Director.

OMB NO. 42-R1570

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)

Jackson Zoological Park
2918 West Capitol Street
Jackson, Mississippi 39209, USA
Robert O. Wagner, Director

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. To import from West Germany 1 male and 1 female POLAR BEAR, legally caught in Greenland (Denmark), legally and temporarily exported to West Germany for public display and propagation at institution mentioned in Item 5, via the Port of New Orleans, Louisiana, by ocean vessel from West Germany (see Item 12).

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: WEIGHT:
DATE OF BIRTH: COLOR HAIR: COLOR EYES:
PHONE NUMBER WHERE EMPLOYED: SOCIAL SECURITY NUMBER:
OCCUPATION:

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
The Jackson Zoological Park is a municipally operated public zoo, operated entirely by the City of Jackson, Jackson, Misaissippi. Annual public visitation is approximately 400,000.

ANY BUSINESS, AGENCY OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. Robert O. Wagner, Director (601) 354-5211
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED: does not apply

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Import from West Germany to USA via ocean vessel via the Port of New Orleans, Louisiana, to the Jackson Zoological Park, Jackson, Mississippi.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number)
Scientific collecting, #4-SC-541-9 RENEWABLE, Effective 1-1-75 to 12-31-77

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)
Danish Government Permit attached, the German Government has no restrictions.

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: previously submitted

10. DESIRED EFFECTIVE DATE: A. S. A. P.

11. DURATION NEEDED: 3 months

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 C.F.R. 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
CFR Title 50 18.31 Sections (a) (2), (3), and (6)

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE AND TITLE: Robert O. Wagner Director — DATE: 18 February 1975

3-200 18-74 Robert O. Wagner, Director

DECEMBER 27, 1974.

DIRECTOR,
U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

DEAR SIR: Please accept this as an application to import a pair of animals as required under the Marine Mammal Act, Title 50, Part 15, Subpart D, as proposed in Volume 39, Number 38, Part 2 of the FEDERAL REGISTER on 25 February 1974. This permit is for the public display of these animals at the Jackson Zoological Park, 2918 West Capitol Street, Jackson, Mississippi 39209. The animals are one male and one female Polar Bear, *Thalarctos maritimus groenlandicus.*

THE NAME AND ADDRESS OF THE APPLICANT:

Jackson Zoological Park, City of Jackson, 2918 West Capitol Street, Jackson, Mississippi 39209, United States of America.

THE NUMBER OF SPECIMENS AND THE COMMON AND SCIENTIFIC NAMES (GENUS AND SPECIES—SUBSPECIES) OF EACH SPECIES OR SUBSPECIES OF FISH OR WILDLIFE PROPOSED TO BE IMPORTED:

One (1) pair—one (1) male and one (1) female Polar Bear, *Thalarctos maritimus groenlandicus.* Presently held in captivity in Europe.

COMPLETE STATEMENT OF THE PURPOSE OF SUCH IMPORTATION:

The pair of Polar Bears for which we seek approval of importation are currently held in captivity by Mr. L. Ruhe in Alfeld, West Germany, where they were transfered from the Copenhagen Zoological Park, Copenhagen, Denmark, which zoo had been holding these animals since their original arrival on the Danish Mainland from Greenland for cosignment to and for the account of Count Knuth at Knuthenborg, Bandolm, Denmark (who originally arranged for the importation of these animals from Greenland).

I am enclosing a copy of a letter from the Ministry for Greenland in Copenhagen, certifying that the Polar Bears were legally captured on 23 May 1973 near Kulusuk, Greenland, and certifying further that the export from Denmark is legal.

Additionally, I enclose copies of statements by Copenhagen Zoo Director, Mr. Arne S. Dyhrberg, dated 9 April 1974 and a certificate issued by Dr. Eric Eriksen, DVM, Royal Veterinary School, Copenhagen dated 20 February 1974—both German and English translations—clarifying and corroborating the exact history and status of these animals.

You are aware that these documents were previously submitted to you upon application for import by the Columbia Zoological Park, Columbia, South Carolina. Further, you are aware that the Director at Columbia Zoological Park withdrew said application, for reasons of insufficient space.

We wish to import these animals in the hope that they will reproduce for us in our present enclosure. We feel our facility is more than adequate and our staff is most anxious to attempt captive propagation of these magnificent specimens.

Because the animals are already long-term captives and are now available to us, and are not now in a potentially reproductive situation, it would appear they are qualified for export to our facility. This would in no way cause a hardship on the extant wild populations of Polar Bears.

FEBRUARY 17, 1975.

Mr. A. EUGENE HESTER,
Special Agent in Charge—Permits, U.S. Department of the Interior, Fish and Wildlife Service, Washington, D.C. 20240.

DEAR MR. HESTER: Enclosed please find the completed condensed application form you requested.

Please note you had previously received the requested check, as well as all necessary information. Apparently, I had failed to discuss the feeding of the bears while in transit. Therefore, I would appreciate you adding this information:

The Polar Bear will be fed an appropriate diet twice daily. Obviously, they will be fed in the crates and any remaining food would of course be flushed out. They will be watered as often as necessary. There will be either a qualified zookeeper to accompany these animals or an especially taught crew member who will be properly instructed in these matters in charge of the bears during their transit.

You must be aware that these animals are the same two animals that were requested by the Columbia Zoological Park which park later withdrew their request. You have available to you a *complete* file on these animals which even includes photographs of the crates to be used.

I trust this is sufficient information for you to proceed with the necessary publication in the FEDERAL REGISTER.

Best regards,

ROBERT O. WAGNER.

IF LIVE FISH OR WILDLIFE ARE INVOLVED, INDICATE A DETAILED DESCRIPTION OF THE TYPE, SIZE AND CONSTRUCTION OF THE CONTAINER, ARRANGEMENTS FOR FEEDING, WATERING, AND OTHERWISE CARING FOR THE FISH OR WILDLIFE IN TRANSIT, AND ARRANGEMENTS FOR CARING FOR THE FISH OR WILDLIFE ON ENTRY INTO THE UNITED STATES:

The pair of Polar Bears in question shall be transported directly by ship to a USA East Coast or Gulf Port area to be selected later, depending upon available steamship service at the time the permit is granted. They will depart to the USA from Hamburg or Bremen, West Germany. They shall be contained in standard shipping crates which measure approximately 151 by 63 by 91 centimeters. The crates shall have barred fronts with vertical sliding doors to the rear. The barred end of the unit shall be equipped with a slot to enable cleaning, feeding, and watering of the animals.

Immediately upon arrival and necessary clearance at port of arrival, the bears shall be transported directly to the Jackson Zoological Park, Jackson, Mississippi by Jackson Zoological Park personnel. We intend to use a heavy duty van-type truck to facilitate this transport. F. J. Zeehandelaar, Inc. of New Rochelle, New York, through whom arrangements for the transaction of these animals will be made, has had considerable experience with sea transportation and the subsequent importation of many exotic species including Polar Bear. However, the importer of record in this case is the Jackson Zoological Park and not F. J. Zeehandelaar, Inc.

THE ADDRESS AND COMPLETE DESCRIPTION OF THE FACILITIES WHERE SUCH FISH OR WILDLIFE WILL BE KEPT:

As previously stated, the pair of Polar Bear will be housed at the Jackson Zoological Park, Jackson, Mississippi 39209, USA. The exhibit is a dry-moated enclosure and is bilevel. The dimensions of the public viewing area are 62 feet by 20 feet and 10 feet by 30 feet for the upper level. This gives the bears a total of 1,540 square feet, in addition to climbing areas, steps, large simulated boulders, etc. The entire enclosure is constructed of gunite and is complete with simulated snow-capped peaks. The moat is 14 feet wide and 18 feet deep. There is a 30 percent incline from the bears display area to where the public will be standing to view the exhibit. The public is further restrained by a 36-inch chain link fence, complete with a guard rail. This fence is situated 44 inches from the outer most wall of the enclosure. The center of the Polar Bear Exhibit is equipped with a bathing pool 18 feet long 7 feet wide and 7 feet deep.

Inside the enclosure and isolated from the public viewing area are three cubbing dens, each of which is 8 feet wide, 15 feet long, and 8 feet high.

A STATEMENT, IF APPLICABLE, OF THE APPLICANT'S QUALIFICATIONS AND PREVIOUS EXPERIENCE IN CARING FOR AND HANDLING CAPTIVE WILDLIFE

The animal collection at the Jackson Zoological Park is under the guidance of the Director, Robert O. Wagner; the Zoo Operations' Supervisor, Don D. Kitchens; and Zookeeper Supervisor, O. C. Dickens. The keeper of the bears at our facility is Sherman Johnson. Dr. James W. Vinson is the part-time Staff Veterinarian. All of these individuals have had extensive experience with exotic wildlife and including Polar Bears. Robert Wagner has been in the Zoological Park Profession for nearly twenty years and has been the Director at the Jackson Zoological Park for more than ten years. Don Kitchens has had nearly fifteen years experience with exotic wildlife, all of which was achieved at the Jackson Zoological Park. O. C. Dickens has a Bachelor of Science Degree and nearly two years of experience at the Jackson Zoological Park. Dr. James W. Vinson is a licensed practicing veterinarian and a graduate of Auburn University, and has many years experience with exotic wildlife. The Keeper, Sherman Johnson, has been working with bears and captive felines for more than fifteen years.

A COPY OF THE CONTRACT OR OTHER ARRANGEMENTS UNDER WHICH SUCH FISH OR WILDLIFE IS TO BE IMPORTED, SHOWING THE NAME AND ADDRESS OF THE SELLER OR CONSIGNOR, DATE OF CONTRACT, CONTRACT PRICE, NUMBER AND WEIGHT (IF AVAILABLE), AND DESCRIPTION OF THE ITEMS

Payment for these animals will be on an exchange basis. The Jackson Zoological Park shall furnish F. J. Zeehandelaar, Inc. several antelope born at the Jackson Zoological Park in exchange for the Polar Bears. The Polar Bears are valued at approximately $11,000.00, the pair, delivered to a USA ocean port. The antelope shall be 1.3 Sitatunga and 3.4 Nilghai or something of similar value. The exchange value of our antelope are not yet finalized and will be determined as soon as a definite date of arrival of the Polar Bears is set.

A CERTIFICATION:

I hereby certify that the foregoing information is complete and accurate, to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining a Marine Mammal Permit and that any false statements herein may be subject to the criminal penalties of 18 United States Code 1001.

THE SIGNATURES OF THE APPLICANTS:

Robert O. Wagner, *Director;* Don D. Kitchens, *Zoo Operations Supervisor;* Sherman Johnson, *Keeper in charge;* James W. Vinson, *Doctor of Veterinary Medicine;* O. C. Dickens, *Zookeeper Supervisor.*

PLEASE SEE LIST OF ATTACHMENTS:

(1) Copies of a statement from the Ministry for Greenland certifying the Polar Bears were legally captured (in the Danish language and translated in English).

(2) Health Certificate from Dr. Eric Eriksen, Royal Veterinary and Agriculture University of Copenhagen (written in German and translated into English).

(3) A letter of certification from Arne S. Dyhrberg, Managing Director of the Zoo in Copenhagen, Denmark.

(4) Brochure of the Jackson Zoological Park, Jackson, Mississippi.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW, Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before May 9, 1975.

Dated: April 2, 1975.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-9191 Filed 4-8-75;8:45 am]

MARINE MAMMAL PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit has been received under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407).

Applicant:
Louisville Zoological Garden, 1100 Trevilian Way, Louisville, Kentucky 40213.
Robert B. Bean Director.

V40169APR975XUM

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Importation of two polar bears from Canada for propagation, public education and exhibition in a non-profit scientific institution.

3. APPLICANT. (Give complete address and phone number of individual, business, agency, or institution for which permit is requested)
Louisville Zoological Garden
1100 Trevilian Way
Louisville Kentucky 40213
502/459-2181

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Public, non-profit zoological institution.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Robert B. Bean Director 502/459-2181
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
Kentucky

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Louisville Zoological Garden
1100 Trevilian Way
Louisville, Kentucky 40213

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list licenses or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
None required

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ 50.00

10. DESIRED EFFECTIVE DATE
as soon as possible

11. DURATION NEEDED
permanent

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (see 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

Attached	50 CFR 13.12(a)	Veterinarian Certification
	50 CFR 18.31	

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Robert B. Bean — DATE March 10, 1975

3-200
16-741 Robert B. Bean

MARCH 10, 1975.

U.S. DEPARTMENT OF THE INTERIOR,
Fish and Wildlife Services,
Washington, D.C. 20240.

Re Additional information pertaining to 18 CFR subpart D 18.31 as required by the Department of the Interior, Marine Mammal Act, February 24, 1974, Volume 39 #38 part 2, FEDERAL REGISTER.

DEAR SIR: 1. One male and one female juvenile polar bear (Thalarctos maritimus) are presently being held in captivity at the Calgary, Alberta, Canada Zoo, for the Louisville, Kentucky Zoo. Upon permit approval by U.S.D.I. these animals will be transported to and housed at the Louisville Zoo for the purpose of propagation, education and public exhibition at a non-profit scientific institution.

The male polar bear was captive born at the Calgary Zoo in November, 1973. The female polar bear was orphaned in the wild as a cub and was rescued by the Canadian Government Wildlife Authorities. This animal was made available to all qualified Canadian Zoos through bid purchase. The Calgary Zoo obtained the animal, and now both of these animals are available via sale agreement to the Louisville Zoo pending permit approval by your agency.

Since the male bear was captive born and the female would have perished had it not been rescued as a cub, we feel that there is no detrimental effect on the wild populations pertaining to our request for receipt of these young bears.

2. One male and one female polar bear (Thalarctos maritimus), approximately sixteen (16) months of age, in apparent good condition, with an estimated body weight presently of 250 lbs. each.

3. Transportation to be implemented by appropriate size rental truck driven by persons experienced with polar bears to accompany animals the entire route from Calgary, Alberta, Canada to Louisville, Kentucky, U.S.A. The animals will be maintained, fed, watered, etc. and checked frequently enroute for proper ventilation and behavioral adjustment. Entry into the U.S.A. anticipated at Customs Port Sweetgrass, Montana.

Artificial environment to be constructed of ¾'' plywood reinforced with angle iron frame and galvanized metal lined for strength. Metal will be rolled to prevent injury. The crate will possess steel frame doors with galvanized nine gauge mesh for proper ventilation. These doors will be vertical, slide in tracks to allow for feeding, watering, feces removal and disinfecting. There will be steel water bowls secured to the floor of the crates to assure fresh clean water at all times. These crates will be custom built per individual bear depending upon the size of the animal at the time of permit approval.

The crates will allow room for animals to eat, lie, stand and move about comfortably. (Veterinary certification enclosed).

4. Does not apply.

5. Does not apply.

6. Animals will be displayed in a public, non-profit zoological institution, located in Louisville, Kentucky. They will be on display at all times with the exception of off-display reasons, such as cubbing, medication of animals, etc. Approximately 400,000 people annually will view this display with appropriate educational labeling. Lectures, tours and scientific observation and analyses to be conducted by Zoo staff and the zoological community, i.e. University of Louisville, University of Kentucky, etc.

7. The Louisville Zoological Garden is a modern, well designed zoological institution

MARCH 10, 1975.

Re Polar Bear Permit Application Reference Code FWS LE PRT 9-15-C.

U.S. DEPARTMENT OF THE INTERIOR,
Fish & Wildlife Services,
Washington, D.C. 20240.

DEAR SIR: Following the format outlined in your documen 50CFR13 Section 13.12(a):

1. Louisville Zoological Garden
   1100 Trevilian Way
   Louisville, Kentucky 40213
   502/459-2181
2. Does not apply
3. Robert B. Bean, Director
   Louisville Zoological Garden
   100 Trevilian Way
   Louisville, Kentucky 40213
4. Louisville Zoological Garden
   (same as above)
5. Section # 13.12(a)—Marine Mammal Permit CFR18 18.31
6. Dependent upon approval of USDI issuance of Marine Mammal Permit under section 18.31.
7. I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13 of the Code of Federal Regulations and the other applicable parts in subchapter B of chapter 1 of Title 50, and I further certify that the information submitted in this application for permit is complete and accurate to the best of my knowledge and belief. I understand that false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.
8. The earliest possible date permitted under law.
9. March 10, 1975
10. Robert B. Bean, Director
11. The information pertaining to sub part B of the Marine Mammal Permit 18.31. Public display and propagation.

which places special emphasis on animal propagation and attractive naturalistic exhibits. The combined experience of the Director, Assistant Director and General Curator encompasses 40 years. The Director and Assistant Director have previously been assigned at other institutions which have bred many rare and endangered species including polar bears. The institution is strongly supported by the academic community and utilized by the students of the surrounding universities. The Louisville Zoo possesses U.S. Dept. of Agriculture accreditation (#61CB) and the Zoo has never received anything less than an excellent rating with regard to animal maintenance and housing through that department's periodic inspection. I believe that this institution is fully qualified to possess the permit that we seek. We would be happy to have an official of the U.S.D.I. visit our facility for the purpose of inspection at any time.

ROBERT B. BEAN,
Director.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW, Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before May 9, 1975.

Dated: April 3, 1975.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-9192 Filed 4-8-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

[CGD 75 080]

Coast Guard

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items if lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from February 4, 1975 to February 18, 1975 (List No. 6-75). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46 (b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS, FOR MERCHANT VESSELS

Approval No. 160.011/38/0, M-S-A Ammonia Mask, Part No. 84869 having the OVAL Ammonia Canister and the Clearvue Facepiece Assembly, or Part No. 86199 having the All-Vision Facepiece Assembly, or Part No. 86200 having the All-Vision Speaking Diaphragm Assembly which may be used in conjunction with M-S-A Maskfone; Bureau of Mines Approval No. BM-14F-58; dwg. Nos. C-84869, Rev. 2 dated May 22, 1970, and B-86197, Rev. 4 dated December 7, 1970, manufactured by the Mine Safety Appliances Company, 201 North Braddock Avenue, Pittsburgh, Pennsylvania 15208, effective February 4, 1975. (It is an extension of Approval No. 160.011/38/0 dated April 7, 1970.)

DAVITS FOR MERCHANT VESSELS

Approval No. 160.032/198/1, Type SS 2801 survival capsule launching system (winch-type); approved as an alternate to a lifeboat davit for a maximum working load of 11,000 lbs. on a single fall; identified by general arrangement drawing SS 3801, revision B dated January 28, 1975, electrical system acceptable in Class I, Group D hazardous locations as defined by 46 CFR 111.80-5, approved for instaNation with Lake Shore, Inc. lifeboat winches either Model LS-111-E (Approval No. 160.015/102/2) or Model LS-111-DS (Approval No. 160.015/107/0) for use on artificial islands, fixed structures, and drilling rigs, both self-propelled semisubmersible and nonself-propelled, manufactured by Whittaker Corporation, 5159 Baltimore Drive, La Mesa, California 92041, effective February 4, 1975. (It supersedes Approval No. 160.032/198/0 dated August 23, 1974 to provide for minor design changes.)

LIFEBOATS

Approval No. 160.035/475/0, 26.25' x 8.85' x 3.6' fibrous glass reinforced plastic (FRP), totally enclosed (covered), motor-propelled lifeboat, without radio cabin or searchlight (Class 1), 44-Person capacity, identified by general arrangement dwg. No. SEL-101 Rev. 6 dated November 19, 1974, 46 CFR 160.035-13 (c) Marking, Weights: Condition "A"—7,500 pounds; Condition "B"—15,697 pounds, manufactured by Watercraft America Inc., P. O. Box 307, Mims, Florida 32754, effective February 13, 1975.

BUOYANT CUSHIONS, KAPOK, OR FIBROUS GLASS

Approval No. 160.048/11/0, group approval for rectangular and trapezoidal kapok buoyant cushions, manufactured in accordance with U.S.C.G. Specification Subpart 160.048 and UL/MD report file No. MQ 80, Type IV PFD, manufactured by Gladding Corporation, Flotation Division, P. O. Box 8277, Station A, Greenville, South Carolina 29604 formerly Style-Crafters, Inc., effective February 14, 1975. (It is an extension of Approval No. 160.048/11/0 dated May 19, 1970 and change of name of manufacturer.)

Approval No. 160.048/117/0, group approval for rectangular and trapezoidal kapok buoyant cushions, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 98, factory location: Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, Type IV PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647 formerly Ero Manufacturing Company, effective February 14, 1975. (It is an extension of Approval No. 160.048/117/0 dated May 19, 1970 and change of name and address of manufacturer.)

INFLATABLE LIFE RAFTS

Approval No. 160.051/54/0, 6-person inflatable life raft; identified by general arrangement drawing SPC-MM-6002 (Rev. 7) dated June 24, 1974, and drawing list SPC-MM-6, revised February 7, 1975, satisfies temperature-exposure inflation requirements of 46 CFR 160.051-5(e)(11) as revised in Federal Register of March 13, 1974, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective February 13, 1975. (It supersedes Approval No. 160.051/54/0 dated January 16, 1975 to show revised drawing list.)

Approval No. 160.051/55/0, 8-person inflatable life raft; identified by general arrangement drawing SPC-MM-8002(Rev. 10) dated June 18, 1974, and drawing list SPC-MM-8, revised February 7, 1975, satisfies temperature-exposure inflation requirements of 46 CFR 160.051-5(e)(11) as revised in Federal Register of March 13, 1974, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective February 18, 1975. (It supersedes Approval No. 160.051/55/0 dated January 16, 1975 to show revised drawing list.)

Approval No. 160.051/55/0, 8-person inflatable life raft; identified by general arrangement drawing SPC-LRC-1002 (Rev. 10) dated June 18, 1974, and drawing list SPC-MM-10, revised February 7, 1975, satisfies temperature-exposure inflation requirements of 46 CFR 160.051-5(e)(11) as revised in Federal Register of March 13, 1974, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective February 18, 1975. (It supersedes Approval No. 160.051/56/0 dated January 16, 1975 to show revised drawing list.)

Approval No. 160.051/57/0, 15-person inflatable life raft; identified by general arrangement drawing SPC-LRC-15002(Rev. 9) dated June 17, 1974, and drawing list SPC-MM-15, revised February 7, 1975, satisfies temperature-exposure inflation requirements of 46 CFR 160.051-5(e)(11) as revised in Federal Register of March 13, 1974; manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective February 18, 1975. (It supersedes Approval No. 160.051/57/0 dated January 16, 1975 to show revised drawing list.)

Approval No. 160.051/58/0, 20-person inflatable life raft; identified by general arrangement drawing SPC-MM-20002(Rev. 9) dated June 13, 1974, and drawing list SPC-MM-20, revised February 7, 1975, satisfies temperature-exposure inflation requirements of 46 CFR 160.051-5(e)(11) as revised in Federal Register of March 13, 1974, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective February 18, 1975. (It supersedes Approval No. 160.051/58/0 dated January 16, 1975 to show revised drawing list.)

Approval No. 160.051/59/0, 25-person inflatable life raft with "Ocean Service Equipment"; identified by general arrangement drawing SPC-MM-25002(Rev. 11) dated Jan-

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uary 8, 1975 and drawing list SPC MM 25, revised February 7, 1975, satisfies temperature-exposure inflation requirements of 46 CFR 160.051-5(e)(11) as revised in Federal Register of March 13, 1974, inflation system requires two(2) aluminum cylinders as shown on Dwg. SPC-LRC-1016, revision 11 dated January 20, 1975, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective February 18, 1975.

Approval No. 160.051/60/0, davit-launched inflatable life raft, 20-person capacity, Type 20 MC MK3; identified by drawing RFD-US-1121 (Sheets 1 and 2), revision B dated December 26, 1974 and Specification RFD-US-500, revision No. 3 dated December 27, 1974, single-point suspension raft, packed in a fabric valise, manufactured by B. F. Goodrich, Engineered Systems Company, Union, West Virginia 24983, effective February 13, 1975.

Approval No. 160.051/61/0, 25-person inflatable life raft with "Limited Service Equipment"; identified by general arrangement drawing SPC-MM-25002(Rev. 11) dated January 8, 1975 and drawing list SPC-MM 25, revised February 7, 1975, satisfies temperature-exposure inflation requirements of 46 CFR 160.051-5(e)(11) as revised in Federal Register of March 13, 1974, inflation system can use either steel or aluminum cylinders as shown on Dwg. SPC-LRC-1016, revision 11 dated January 20, 1975, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective February 18, 1975.

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/31/0, unicellular plastic foam work vest as per military specification MIL-17653, U.S.C.G. Specification Subpart 160.053, drawing No.'s WVO-101, WVO-102, WVO-103 and WVO-104 dated November 20, 1974 and bill of materials dated December 16, 1974, factory location: 1415 N. Water Street, Corpus Christi, Texas, Type V PFD, manufactured by Billy Pugh Company, Inc., P.O. Box 802, Corpus Christi, Texas 78403, effective February 13, 1975.

LAUNCHING DEVICE FOR INFLATABLE LIFE RAFTS

Approval No. 160.063/1/0, Type R-50-B single-armed davit with W-50-H pedestal winch; approved for a maximum working load of 5,000 lbs. by a one-part fall; identified by general arrangement drawing D1-E-267, revision A dated January 21, 1975 and drawing lists (2), revision A dated January 21, 1975, manufactured by Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New Jersey 07727, effective February 13, 1975.

MARINE BUOYANT DEVICE

Approval No. 160.064/379/0, child medium, Model No. TDV-4, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist/Thompson, Crivitz, Wisconsin 54114, effective February 14, 1975. (It supersedes Approval No. 160.064/379/0 dated February 26, 1973 to show change in name of distributor.)

Approval No. 160.064/380/0, adult, Model No. WDV-5, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist/Thompson, Crivitz, Wisconsin 54114, effective February 14, 1975. (It supersedes Approval No. 160.064/380/0 dated February 26, 1973 to show change of name of distributor.)

Approval No. 160.064/381/0, adult, Model No. TDV-6, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist/Thompson, Crivitz, Wisconsin 54114, effective February 14, 1975 (It supersedes Approval No. 160.064/381/0 dated February 26, 1973 to show change of name of distributor.)

Approval No. 160.064/382/0, adults, Model No. TDV-7, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist/Thompson, Crivitz, Wisconsin 54114, effective February 14, 1975. (It supersedes Approval No. 160.064/382/0 dated February 26, 1973, to show change of name of distributor.)

Approval No. 160.064/382/0, adult, Model No. TDV-8, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 fer Medalist/Thompson, Crivitz, Wisconsin 54114, effective February 14, 1975. (It supersedes Approval No. 160.064/383/0 dated February 26, 1973 to show change of name of distributor.)

Approval No. 160.064/384/0, adult ladies, Model TLV-5, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist/Thompson, Crivitz, Wisconsin 54114, effective February 14, 1975. (It supersedes Approval No. 160.064/384/0 dated February 26, 1973 to show change of name of distributor.)

Approval No. 160.064/446/0, child medium, Model No. 1, vinyl dipped unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III PFD, manufactured by Texas Water Crafters, 912 N. Beverly Drive, Wichita Falls, Texas 76307, for Hurtsboro Oak Flooring Company, Inc., Hurtsboro, Alabama 36860, effective February 12, 1975. (It supersedes Approval No. 160.064/446/0 dated December 15, 1972 to show change in model No.)

Approval No. 160.064/447/0, adult small, Model No. 2, vinyl dipped unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III PFD, manufactured by Texas Water Crafters, 912 N. Beverly Drive, Wichita Falls, Texas 76307, for Hurtsboro Oak Flooring Company, Inc., Hurtsboro, Alabama 36860, effective February 12, 1975. (It supersedes Approval No. 160.064/447/0 dated December 15, 1972 to show change in model No.)

Approval No. 160.064/448/0, adult medium, Model No. 3, vinyl dipped unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III PFD, manufactured by Texas Water Crafters, 912 N. Beverly Drive, Wichita Falls, Texas 76307, for Hurtsboro Oak Flooring Company, Inc., Hurtsboro, Alabama 36860, effective February 12, 1975. (It supersedes Approval No. 160.064/448/0 dated December 15, 1972 to show change in model No.)

Approval No. 160.064/449/0, adult large, Model No. 4, vinyl dipped unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III PFD, manufactured by Texas Water Crafters, 912 N. Beverly Drive, Wichita Falls, Texas 76307, for Hurtsboro Oak Flooring Company, Inc., Hurtsboro, Alabama 36860, effective February 12, 1975. (It supersedes Approval No. 160.064/449/0 dated December 15, 1972 to show change in model No.)

Approval No. 160.064/450/0, adult X-large, Model No. 5, vinyl dipped unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III PFD, manufactured by Texas Water Crafters, 912 N. Beverly Drive, Wichita Falls, Texas 76307, for Hurtsboro Oak Flooring Company, Inc., Hurtsboro, Alabama 36860, effective February 12, 1975. (It supersedes Approval No. 160.064/450/0 dated December 15, 1972 to show change in model No.)

Approval No. 160.064/623/0, adult, Model No. 4156, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: Ero Industries, Inc., 308 William Street, Hazlehurst, Georgia 31539; Type II PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective February 11, 1975. (It supersedes Approval No. 160.064/623/0 dated December 30, 1974 to show change in model No.)

Approval No. 160.064/624/0, child medium, Model No.. 4161, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, Type II PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective February 11, 1975. (It supersedes Approval No. 160.064/624/0 dated December 30, 1974 to show change in model No.)

Approval No. 160.064/625/0, child small, Model No. 4166, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, Type II PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective February 11, 1975. (It supersedes Approval No. 160.064/625/0 dated December 30, 1974 to show change in model No.)

Approval No. 160.064/676/0, Model No. 8404, vinyl dipped unicellular plastic foam "Ring Buoy", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 178, Type IV PFD, manufactured by American Marine Products, 240 Shore Drive, Hinsdale, Illinois 60521, effective February 11, 1975.

Approval No. 160.064/715/0, child medium, Model No. 8308, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975. (It supersedes Approval No. 160.064/715/0 dated December 5, 1974 to show change in name of device.)

Approval No. 160.064/716/0, adult, Model No. 8309, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975. (It supersedes Approval No.

160.064/716/0 dated December 5, 1974 to show change in name of device.)

Approval No. 160.064/717/0, adult, Model No. 8310, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975. (It supersedes Approval No. 160.064/717/0 dated December 5, 1974 to show change in name of device.)

Approval No. 160.064/718/0, adult, Model No. 8311, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975. (It supersedes Approval No. 160.064/718/0 dated December 5, 1974 to show change in name of device.)

Approval No. 160.064/719/0, adult, Model No. 8312, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation; 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975. (It supersedes Approval No. 160.064/719/0 dated December 5, 1974 to show change in name of device.)

Approval No. 160.064/720/0, child small, Model No. 8321, cloth covered unicellular plastic foam "Boating Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975. (It supersedes Approval No. 160.064/720/0 dated December 5, 1974 to show change in name of device.)

Approval No. 160.064/721/0, child small, Model No. 8322, cloth covered unicellular plastic foam "Boating Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975. (It supersedes Approval No. 160.064/721/0 dated December 5, 1974 to show change in name of device.)

Approval No. 160.064/722/0, child medium, Model No. 8323, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975.

Approval No. 160.064/723/0, adult medium, Model No. 8324, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975.

Approval No. 160.064/724/0, adult large, Model No. 8325, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975.

Approval No. 160.064/725/0, adult X-large, Model 8326, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975.

Approval No. 160.064/726/0, adult SX-large, Model No. 8327, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975.

Approval No. 160.064/735/0, adult medium, Model No. 8344 or 8357, cloth covered unicellular plastic foam "Sportsman's Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975.

Approval No. 160.064/736/0, adult large, Model No. 8345 or 8358, cloth covered unicellular plastic foam "Sportsman's Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975.

Approval No. 160.064/737/0, adult X-large, Model No. 8346 or 8359, cloth covered unicellular plastic foam "Sportsman's Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975.

Approval No. 160.064/738/0, adult SX-large, Model No. 8347 or 8360, cloth covered unicellular plastic foam "Sportsman's Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975.

Approval No. 160.064/740/0, adult large, Model No. 8341, cloth covered unicellular plastic foam "Fishing Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975.

Approval No. 160.064/741/0, adult X-large, Model No. 8342, cloth covered unicellular plastic foam "Fishing Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective January 11, 1975.

Approval No. 160.064/742/0, adult SX-Large, Model No. 8343, cloth covered unicellular plastic foam "Fishing Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975.

Approval No. 160.064/771/0, child medium, Model No. 8350, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975.

Approval No. 160.064/772/0, adult medium, Model No. 8351, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975.

Approval No. 160.064/773/0, adult large, Model No. 8352, vinyl dipped unicellular plastic foam "Water Ski Vest", manucatured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975.

Approval No. 160.064/774/0, adult X-large, Model No. 8353, vinyl dipped unicellular plastic foam "Water Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective February 11, 1975.

Approval No. 160.064/792/0, child medium, Model Junior, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 30, Type III PFD, manufactured by Gladding Corporation, Flotation Division, P.O. Box 8277, Station A, Greenville, South Carolina 29604, effective February 11, 1975.

Approval No. 160.064/793/0, child medium, Model Junior, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 30, Type III PFD, manufactured by Gladding Corporation, Flotation Division, P.O. Box 8277, Station A, Greenville, South Carolina 29604, effective February 11, 1975.

Approval No. 160.064/802/0, child medium, Model No. 6308, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 178, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist Thompson, Crivitz, Wisconsin 54114, effective February 11, 1975.

Approval No. 160.064/803/0, adult, Model No. 6309, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 173, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist Thompson, Crivitz, Wisconsin 54114, effective February 11, 1975.

Approval No. 160.064/804/0, adult, Model No. 6310, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 173, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist Thompson, Crivitz, Wisconsin 54114, effective February 11, 1975.

Approval No. 160.064/805/0, adult, Model No. 6311, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 173,

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Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist Thompson, Crivitz, Wisconsin 54114, effective February 11, 1975.

Approval No. 160.064/806/0, adult, Model No. 6312, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 173, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist Thompson, Crivitz, Wisconsin 54114, effective February 11, 1975.

Approval No. 160.064/807/0, child medium, Model No. 6350, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 173, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist Thompson, Crivitz, Wisconsin 54114, effective February 11, 1975.

Approval No. 160.064/808/0, adult medium, Model No. 6351, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 173, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist Thompson, Crivitz, Wisconsin 54114, effective February 11, 1975.

Approval No. 160.064/809/0, adult large, Model No. 6352, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 173, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist Thompson, Crivitz, Wisconsin 54114, effective February 11, 1975.

Approval No. 160.064/810/0, adult X-large, Model No. 6353, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 173, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist Thompson, Crivitz, Wisconsin 54114, effective February 11, 1975.

Approval No. 160.064/826/0, child medium, Model No. VSC Youth, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 110, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Vogue Ski Company, 9416 E. Gidley Avenue, Temple City, California 91780, effective February 14, 1975.

Approval No. 160.064/827/0, adult, Model No. VSC Medium, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 110, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Vogue Ski Company, 9416 E. Gidley Avenue, Temple City, California 91780, effective February 14, 1975.

Approval No. 160.064/828/0, adult, Model No. VSC Large, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 110, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Vogue Ski Company, 9416 E. Gidley Avenue, Temple City, California 91780, effective February 14, 1975.

Approval No. 160.064/829/0, adult, Model No. VSC X-L, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 110, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Vogue Ski Company, 9416 E. Gidley Avenue, Temple City, California 91780, effective February 14, 1975.

Approval No. 160.064/830/0, adult, Model No. VSC XX-L, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 110, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Vogue Ski Company, 9416 E. Gidley Avenue, Temple City, California 91780, effective February 14, 1975.

Approval No. 160.064/831/0, child medium, Model No. SVS, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 31, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Taperflex of America, 558 Library Street, San Fernando, California 91341, effective February 11, 1975.

Approval No. 160.064/832/0, adult medium, Model No. SVM, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 31, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Taperflex of America, 558 Library Street, San Fernando, California 91341, effective February 11, 1975.

Approval No. 160.064/833/0, adult large, Model No. SVL, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 31, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Taperflex of America, 558 Library Street, San Fernando, California 91341, effective February 11, 1975.

Approval No. 160.064/834/0, adult X-large, Model No. SVXL, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 31, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Taperflex of America, 558 Library Street, San Francisco, California 91341, effective February 11, 1975.

Approval No. 160.064/850/0, adult X-large, Model No. HP-70, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 183, factory location: 35 Congress Street, Salem, Massachusetts 01970, Type III PFD, manufactured by Omega Marketing, Inc., P.O. Box 487, Marblehead, Massachusetts 01945, effective February 11, 1975.

Approval No. 160.064/851/0, adult large, Model No. HP-60, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 183, factory location: 35 Congress Street, Salem, Massachusetts 01970, Type III PFD, manufactured by Omega Marketing, Inc., P.O. Box 487, Marblehead, Massachusetts 01945, effective February 11, 1975.

Approval No. 160.064/852/0, adult medium, Model No. HP-50, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 183, factory location: 35 Congress Street, Salem, Massachusetts 01970, Type III PFD, manufactured by Omega Marketing, Inc., P.O. Box 487, Marblehead, Massachusetts 01945, effective February 11, 1975.

Approval No. 160.064/866/0, adult small, Model No. 505, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 110, Type III PFD, manufactured by America's Cup, Inc., So. El Monte, California 91733 for Vogue Ski Company, 9416 E. Gidley Avenue, Temple City, California 91780, effective February 14, 1975.

Approval No. 160.064/867/0, adult medium, Model No. 505, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 110, Type III PFD, manufactured by America's Cup, Inc., So. El Monte, California 91733 for Vogue Ski Company, 9416 E. Gidley Avenue, Temple City, California 91780, effective February 14, 1975.

Approval No. 160.064/868/0, adult large, Model No. 505, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 110, Type III PFD, manufactured by America's Cup, Inc., So. El Monte, California 91733 for Vogue Ski Company, 9416 E. Gidley Avenue, Temple City, California 91780, effective February 14, 1975.

Approval No. 160.064/869/0, adult X-large, Model No. 505 cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 110, Type III PFD, manufactured by America's Cup, Inc., So. El Monte, California, 91733 for Vogue Ski Company, 9416 E. Gidley Avenue, Temple City, California 91780, effective February 14, 1975.

DECK COVERINGS FOR MERCHANT VESSELS

Approval No. 164.006/50/0, "Insulite I", perlite aggregate oxychloride cement deck covering, identical to that described in E. H. O'Neill Floors Co. letter dated October 29, 1963, approved for use without insulating material as meeting Class A-60 requirements in a 1-inch thickness, manufactured by E. H. O'Neill Company, Inc., 5515 Belair Road, Baltimore, Maryland 21206, effective February 14, 1975. (It supersedes Approval No. 164.-006/50/0 dated November 4, 1974 to show change in name of product.

Dated: April 1, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant Marine Safety.

[FR Doc.75-9240 Filed 4-8-75;8:45 am]

[CGD 75-079]

MISSISSIPPI RIVER IN THE VICINITY OF THE PORT OF NEW ORLEANS

Mooring of Barges and Vessel Operations and Control Barge Breakaways; Cancellation of Amendment

Notice is given that paragraph 4c (Standby towboats) and paragraph 4d (Transfers in the fleet) in Special Order 3-74 are made effective on February 12, 1975 by cancelling the amendment to Special Order 3-74 (39 FR 19974; June 5, 1974). The amendment revoked paragraphs 4c and 4d.

The Coast Guard regulates barges on the Mississippi River in the vicinity of New Orleans under Special Order 3-74, published February 19, 1974 (39 FR 6137). Paragraphs 4c and 4d are made effective, thereby making the entire Special Order effective during the spring when the level of the Mississippi River is high.

At 6 p.m. c.s.t., February 12, 1975 paragraphs 4c and 4d of Special Order 3-74 are in effect.

Dated: April 2, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

[FR Doc.75-9239 Filed 4-8-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," Radio Technical Commission for Marine Services (RTCM) meetings scheduled for the future are as follows:

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

RTCM ASSEMBLY

Notice of 1975 annual meeting, Monday, Tuesday, Wednesday, April 28-30, 1975. Business meeting: Monday, April 28, 10:30 a.m., Grand Salon, Hilton Inn, 10330 Natural Bridge Road, St. Louis, Missouri. Commissioner R. E. Lee, FCC, Chairman, RTCM.

AGENDA

1. Introductory remarks.
2. Election of Chairman.
3. Committee reports: (a) Executive Committee; (b) Special Committees.
4. Report of the Executive Secretary.
5. Status report—RTCM organizational developments.
6. Election of Assembly Member applicants.
7. Other business.

SPECIAL COMMITTEE No. 68

"Marine Radiotelephone Operator Education", notice of 5th meeting, Monday, April 28, 1975—7:45 a.m. (Working breakfast meeting), Salon d'Or, West, Hilton Inn, St. Louis, Missouri.

AGENDA

1. Call to order; Chairman's report.
2. Adoption of agenda; Confirmation of Secretary.
3. Discussion on scope and content of "Marine Radio Telephony".
4. Other business.
5. Establishment of next meeting date.

A. Newell Garden, Chairman, SC-68, Raytheon Company, 141 Spring Street, Lexington, Mass. 02173, phone: (617) 862-6600 (Ext. 414).

SPECIAL COMMITTEE No. 66

"Receiver Standards for the Maritime Mobile Service", notice of 30th meeting, Tuesday, April 29, 1975—7:45 a.m. (Working breakfast meeting), Salon d'Or, West, Hilton Inn, St. Louis, Missouri.

AGENDA

1. Call to order; Chairman's report.
2. Adoption of agenda; Appointment of rapporteur.
3. Discussion on scope and content of MF/HF SSB receiver standards.
4. Other business.
5. Establishment of next meeting date.

H. R. Smith, Chairman, SC-66, ITT Mackay Marine, 441 US Highway #1, Elizabeth, New Jersey 07202, phone: (201) 527-0300.

To comply with the advance meeting notice requirements of Pub. L. 92-463, a comparatively long interval of time occurs between publication of this notice and the actual meetings. Consequently, there is no absolute certainty that the listed meeting room will be available on the day of the meeting. Those planning to attend any of the preceding listed meetings should report to the room listed in the notice. If a room substitution has been made, the new meeting room location will be posted at the room listed in this notice.

Agendas, working papers, and other appropriate documentation for each meeting are available at that meeting. Those desiring more specific information may contact either the designated Chairman or the RTCM Secretariat. (Phone: (202) 632-6490)

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final reports are approved by the RTCM Executive Committee. All RTCM meetings are open to the public.

[FR Doc.75-9179 Filed 4-8-75;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Retraction of Notice of Establishment and Notice of Meeting

The Notice of Establishment of Special Committee 130 of the Radio Technical Commission for Aeronautics, as published in the FEDERAL REGISTER of April 2, 1975 (vol. 40, no. 64, p. 14805), is erroneous. The establishment of Special Committee 130 has not been approved by the Federal Communications Commission. Accordingly, the notice of a May 22-23 meeting of Special Committee 130, also published in the FEDERAL REGISTER of April 2, 1975 (p. 14806), is not applicable and is hereby rescinded.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-9180 Filed 4-8-75;8:45 am]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on May 15, 1975, the standard broadcast applications listed below will be considered as ready and available for processing. Pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on May 14, 1975, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on May 14, 1975. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.571(c) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast applications, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: April 1, 1975.

Released: April 3, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

BP-19732	KDOL, Mojave, Calif. Golden Desert Broadcasting Corp. Has: 1340 kHz, 250 W, 500 W-LS, U Req: 1340 kHz, 250 W, 1 kW-LS, U.
BP-19830	NEW, Reidsville, Ga. Reidsville Broadcasting Corp. Req: 1390 kHz, 500 W, Day.
BP-19843	KIPA, Hilo, Hawaii Big Island Broadcasting Co. Ltd. Has: 620 kHz, 1 kW, U Req: 620 kHz, 5 kW, U.
BP-19853	KBBS, Buffalo, Wyo. KBBS, Inc. Has: 1450 kHz, 250 W, U Req: 1450 kHz, 250 W, 1 kW-LS, U.
BP-19856	NEW, Manti, Utah Sanpete County Broadcasting Co. Req: 1340 kHz, 250 W, 1 kW-LS, U.

[FR Doc.75-9181 Filed 4-8-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

MARKET SHARES QUESTIONNAIRES

Proposed Questionnaire

Notice is hereby given that the Federal Energy Administration proposes to issue a monthly questionnaire for the collection of (1) market share information pursuant to the requirements of section 4(c)(2)(A) of Pub. L. 93-159 (Emergency Petroleum Allocation Act of 1973) and (2) additional data as authorized by sections 5 and 13 of Pub. L. 93-275 (Federal Energy Administration Act of 1974).

V40169 APR 9 75 XUM

The proposed monthly questionnaire (Form FEA P314–M–0) will collect information on distillate and residual fuel oil sales to ultimate consumers for January 1975 and succeeding months. Form FEA P314–M–0 is a follow-on questionnaire to Form FEA P308–S–0 which was recently mailed to refiners, importers, and resellers/retailers to collect market share and product distribution information over the period January 1972 through December 1974. There is no category of information on Form FEA P314–M–0 which was not also on Form FEA P308–S–0.

The proposed monthly questionnaire, a copy of which is appended to this notice, has been sent to the General Accounting Office for clearance. Once approved, the proposed monthly questionnaire will be printed and mailed to a sample, selected by the Federal Energy Administration of those retailers of distillate and residual fuel oil, which are required to complete Form FEA P308–S–0. It is anticipated that the proposed monthly questionnaire will be mailed in May 1975 to about 1,500 respondents. Respondent burden is estimated to range from 1 to 100 man-hours with an average burden of 40 man-hours.

Written comments on the proposed monthly questionnaire are invited from all interested persons, organizations, public interest groups, and affected businesses. Comments must be received, in five (5) copies, by April 23, 1975, and should be addressed to: Federal Energy Administration, Executive Communications, Room 3309, Box CM, 12th & Pennsylvania Avenue, NW, Washington, D.C. 20461.

Dated: April 3, 1975.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

FEDERAL ENERGY ADMINISTRATION

[FEA P314–M–0]

MONTHLY SURVEY OF DISTILLATE AND RESIDUAL FUEL OIL SALES TO ULTIMATE CONSUMERS

INSTRUCTIONS

PURPOSE

Form FEA–P314–M–0 provides the means to: Enable FEA to comply with the provisions of section 4(c)(2)(A) of Pub. L. 93–159 (Emergency Petroleum Allocation Act of 1973) which requires monthly reporting to Congress on changes in the aggregate shares of independent and other marketers of refined petroleum products.

Collect additional information on these products as authorized by the provisions of sections 5 and 13 of Pub. L. 93–275 (Federal Energy Administration Act of 1974).

I. WHO MUST SUBMIT

All applicable parts of Form FEA–P314–M–0 must be completed by a sample of firms, as selected by the Federal Energy Administration (FEA), which sell distillate and/or residual fuel oil directly to ultimate consumers. If the recipient no longer sells distillate and/or residual fuel oil directly to ultimate consumers, a letter to this effect must be returned with the uncompleted questionnaire to the Federal Energy Administration, Code 3000, Washington, D.C. 20461.

II. TO WHOM

Form FEA–P314–M–0 should be submitted to: Federal Energy Administration, Code 3000, Washington, D.C. 20461.

Additional copies of the reporting form may be obtained from the above address. Indicate the number of copies needed and the address to which they should be sent.

III. WHEN

Form FEA–P 314–M–0 should be submitted no later than the last day of the month following the reporting period (e.g. the report for June must be received by July 31, 1975).

V. DEFINITIONS

"Commission Agent" means an agent who wholesales or retails a refined petroleum product under a commission arrangement. Typically, he does not take title to the product but receives a percentage of the wholesale or retail margin for serving as the agent.

"Control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a firm, whether through the ownership of voting securities, by contract, or otherwise. This definition includes the terms "controlling", "controlled by" and "under common control with."

"Distillate Fuel Oil" means a fuel oil of a petroleum fraction which, when produced in conventional distillation operations, has a boiling range from 10 percent point at 300°F. to 90 percent at 675°F. Included are products known as American Society for Testing and Materials (ASTM) grades No. 1, No. 2, and No. 4 fuel oils and diesel fuels. For purposes of this report, distillate fuel oil is further subdivided into the categories of No. 2 Distillate Fuel Oil, and Other Distillate Fuel Oil.

"Firm" means any association, company, corporation, estate, individual, joint-venture, partnership, or sole proprietorship or any other entity, however organized, including charitable, education, or other eleemosynary institution, and the Federal Government, including corporations, departments, Federal agencies, and other instrumentalities, and State and local governments. For purposes of this report, a firm includes a parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls.

"No. 1–D Diesel Fuel" means diesel fuel grade No. 1 as defined in American Society for Testing and Materials (ASTM) D975–71.

"No. 1 Heating Oil" means heating oil grade No. 1 as defined in American Society for Testing and Materials (ASTM) D396–71.

"No. 2–D Diesel Fuel" means fuel grade No. 2, as defined in American Society for Testing and Materials (ASTM) D975–71.

"No. 2 Distillate Fuel Oil" means a petroleum distillate which meets the specifications for No. 2 Heating Oil as defined in ASTM D396–71 and/or the specifications for No. 2–D Diesel Fuel as defined in ASTM D975–71.

"No. 2 Heating Oil" means heating oil grade No. 2, as defined in American Society for Testing and Materials (ASTM) D396–71.

"No. 4–D Diesel Fuel" means diesel fuel grade No. 4 as defined in American Society for Testing and Materials (ASTM) D975–71.

"No. 4 Fuel Oil" means fuel oil grade No. 4 as defined in American Society for Testing and Materials (ASTM) D396–71.

"Other Distillate Fuel Oil" means, for purposes of this report, all distillate fuel oil except No. 2 Distillate Fuel Oil (see definition).

"Parent" means a firm which directly or indirectly controls another entity.

"Refiner" means a firm that owns, operates, or controls the operation of one or more refineries.

"Refiner Company Brand" means a trademark, trade name, service mark, or other identifying symbol, or name owned by a refiner.

"Refinery" means, for purposes of this report, an industrial plant, regardless of capacity, processing crude oil feedstock and manufacturing refined petroleum products, except when such plant is a petrochemical plant or natural gas processing plant.

"Reporting Period" means, for purposes of this report, a calendar month. Monthly reports are required for January 1975 and each subsequent month, or from the time at which the current owners acquired the reporting firm if later than January 1975.

"Reseller" means, for purposes of this report, a firm or that part of such a firm which carries on the trade or business of purchasing distillate fuel oil and/or residual fuel oil and reselling them without substantially changing their form to purchasers other than ultimate consumers.

"Residual Fuel Oil" means, for purposes of this report, the fuel oil commonly known as: (a) No. 5, and No. 6 fuel oils; (b) Bunker C; (c) Navy Special Fuel Oil; (d) Crude Oil when burned directly as a fuel; and all other fuel oils which have a 50 percent boiling point over 700°F in the ASTM D–86 standard distillation test.

"Retailer" means, for purposes of this report, a firm (other than a refiner or reseller) or that part of such a firm which carries on the trade or business of purchasing distillate fuel oil and/or residual fuel oil and reselling them to ultimate consumers without substantially changing their form.

"Sales" means, for purposes of this report, all sales in the United States, including U.S. possessions and U.S. territories, of distillate fuel oil and/or residual fuel oil made by the reporting firm during the reporting period, regardless of whether the material so sold was acquired by manufacture, domestic or foreign purchase exchange, or otherwise. Sales include all transfers of ownership of product, whether for cash or other consideration, except that exchanges are included only to the extent that the amount transferred exceeds the amount received in an exchange. All military sales, including those directed to Post Exchanges, are to be considered as part of sales to ultimate consumers. Exclude intra-firm transfers.

VI. GENERAL INSTRUCTIONS

Review all instructions and definitions carefully before completing the form. If there are any questions, please call (202) 964–6507.

Report all requested data on an aggregated basis covering the sales (for each product) made by all divisions, branches, and other entities such as Commission Agents, under the direct or indirect control of the parent firm filing this report.

On top of all pages, enter, as indicated, the reporting firm's Control Number (obtained from the mailing label on the envelope which contained the questionnaire); the reporting firm's IRS Employer Identification Number (EIN); the reporting firm's name; and the date of this report by month, day and year. The information requested is required for computer processing and must be provided as indicated.

VII. SPECIFIC INSTRUCTIONS

A. *Part I—Identification Data. Item No. 1: Date of Report.* In Item 1, enter the date this report was completed by month, day, and year. For example, October 15, 1975 would be entered as 10–15–75.

Item No. 2: Type of Report. In Item 2, check the applicable box to indicate whether the report is an original or a revision to an earlier report. If an Original Report, enter the month and year of the period covered by the report. If the report is a revision to an earlier submission, indicate the reference date of the initial report by month and year. Provide such a revised report only when data submitted on an earlier report should be corrected or updated based on information which was unknown when the initial report was completed.

Item No. 3: Firm Identification. In Item 3(a), enter the firm's Control Number obtained from the upper left portion of the mailing label on the envelope which contained this questionnaire.

In Item 3(b), enter the reporting firm's IRS Employer Identification Number.

In Item 3(c), enter the reporting firm's name.

In Item 3(d) through 3(g), enter the reporting firm's complete address, including ZIP Code.

In Item 3(h) and 3(i), enter the name and telephone number, including area code, of an official of the reporting firm who can be contacted to answer questions regarding the submitted FEA–P314–M–0.

Complete Item 3(j) as indicated on the face of the form. Ensure correct information is provided in Item 3(a) through 3(g).

B. *Part II—Volume Data.* Enter in Part II, the firms total volume of sales made directly to ultimate consumers during the Reporting Period. Exclude sales to resellers and/or retailers.

Enter the State and State Code in which the sales were made. A list of codes to be used in Column (A) for each State is provided in Appendix A.

Sales volume should be entered in thousands of gallons. Round numbers to the nearest thousand, e.g. enter 6,500 as 7, enter 6,400 as 6.

Only complete the columns (Products) for which you had sales, leave the rest blank.

Exclude from sales, intra-firm transfers and product consumed directly by the reporting firm.

Enter in Column (B) all sales of No. 2 Distillate Fuel Oil (see definition) made to ultimate consumers during the reporting period.

Enter in Column (C) all sales of Other Distillate Fuel Oil (see definition) made to ultimate consumers during the reporting period.

Enter in Column (D) all sales of Residual Fuel Oil (see definition) made to ultimate consumers during the reporting period.

Important Note: Procedure for Providing Additional Information. If additional copies of the chart in Part II are required, they may be obtained by reproducing enough copies from one of the blank charts provided. The total number of attachments of the same Part II item should be annotated on each like page in the box provided.

C. *Part III*—Section VIIE herein provides instructions for completing Part V of FEA P314–M–0. The data in Part V is required to update FEA records. A change need only be submitted once.

If there have been no changes to the information covered in Part V which have not been previously reported to the FEA on this monthly report, check the box following the statement "Not required."

If there has been a change in the information covered in Part V which has not been reported to the FEA on this monthly report, check the box following the statement "Required and is attached." Part V of the form should be completed and attached as indicated in Section VIIE herein.

D. *Part IV—Certification.* Type the name and title of the individual who has signed the certification, and the date of signing, in the spaces provided on the form. The individual who signs and certifies this form must be the Chief Executive Officer of the parent or such other executive officer of the entity as authorized by the Chief Executive Officer to sign for him for this purpose. In the latter case, the reporting firm must file with the addressee office, a letter of authorization signed by the Chief Executive Officer which identifies other officials authorized to certify forms for the firm. A sample format for this letter is available from any FEA regional office.

Title 18, U.S. Code 1001, makes it a crime for any person knowingly and willfully to make to any agency or department of the United States, any false, fictitious, or fraudulent statement as to any matter within its jurisdiction.

E. *Part V—Report Change Information. Item No. 1. Important Note:* The information in Part V constitutes a revision to that data submitted originally on FEA Form P308–S–0 (Historical Survey of Propane, Distillate Fuel Oil, and Residual Fuel Oil Sales to Ultimate Consumers), or on previous submittals of this monthly report (FEA Form P314–M–0). Part V need only be submitted when a revision is required.

Complete Item 1, if required, by providing the information requested on the face of the form. State Codes may be taken from the listing provided as Appendix A.

Note: Procedure for Providing Additional Information. If additional copies of the chart are required, they may be obtained by reproducing enough copies from the blank chart provided. The total number of attachments of the same Part V item should be annotated on each like page in the box provided at the bottom of the page.

Item No. 2. Complete Item 2, if required, by answering the questions relative to your current operations, using the definitions provided in Section V of these instructions.

APPENDIX A

NUMERIC STATE CODES

(Source: FIPS 5–1)

State	Code
Alabama	01
Alaska	02
Arizona	04
Arkansas	05
California	06
Colorado	08
Connecticut	09
Delaware	10
District of Columbia	11
Florida	12
Georgia	13
Hawaii	15
Idaho	16
Illinois	17
Indiana	18
Iowa	19
Kansas	20
Kentucky	21
Louisiana	22
Maine	23
Maryland	24
Massachusetts	25
Michigan	26
Minnesota	27
Mississippi	28
Missouri	29
Montana	30
Nebraska	31
Nevada	32
New Hampshire	33
New Jersey	34
New Mexico	35
New York	36
North Carolina	37
North Dakota	38
Ohio	39
Oklahoma	40
Oregon	41
Pennsylvania	42
Rhode Island	44
South Carolina	45
South Dakota	46
Tennessee	47
Texas	48
Utah	49
Vermont	50
Virginia	51
Washington	53
West Virginia	54
Wisconsin	55
Wyoming	56

Territories and Possessions	Code
American Samoa	60
Canal Zone	61
Canton and Enderbury Islands	62
Caroline Islands	63
Cook Islands	64
Gilbert and Ellice Islands	65
Guam	66
Johnson Atoll	67
Line Islands—Southern	68
Marianas Islands	69
Marshall Islands	70
Midway Islands	71
Puerto Rico	72
Ryukyu Islands—Southern	73
Swan Islands	74
Tokelau Islands	75
U.S. Misc. Caribbean	76
U.S. Misc. Pacific Islands	77
Virgin Islands	78
Wake Island	79

V40169 APR 9 75 XUM

FEA P314-M-0

FEDERAL ENERGY ADMINISTRATION
Code 3000
Washington, D.C. 20461

APPROVED BY GAO
B-
EXPIRES: _/_/_

MONTHLY SURVEY OF DISTILLATE AND RESIDUAL FUEL OIL SALES TO ULTIMATE CONSUMERS

READ INSTRUCTIONS CAREFULLY BEFORE ATTEMPTING TO COMPLETE THIS FORM

This report is mandatory under Public Laws 93-159 and 93-275.

Part I - Identification Data

1. Date of Report — Mo Day Yr

2. Type of Report
a. ☐ Original for — Mo Yr
b. ☐ Revision to Report for — Mo Yr

FEA Use Only
Trans. ☐
Status ☐
No. of Pages ☐

3. Firm Identification
a. Control Number ☐☐☐☐☐☐ b. EIN ☐☐☐☐☐☐☐☐☐
c. Firm Name
d. Address
e. City f. State g. ZIP Code ☐☐☐☐☐
h. Contact Person i. Telephone No. (☐☐☐)-☐☐☐-☐☐☐☐
j. ☐ Check if Firm Identification data has changed during the past month.

Part II - Volume Data

Enter the firm's total volume of sales for each State, which were made directly to ultimate consumers during the Reporting Period.

	STATE	STATE CODE (A)	SALES VOLUME TO ULTIMATE CONSUMERS (1,000's of Gallons) No. 2 Distillate Fuel Oil (B)	Other Distillate Fuel Oil (C)	Residual Fuel Oil (D)
10102					
10104					
10106					
10108					
10110					
10112					
10114					
10116					
10118					
10119	Total Volume-All States listed on this page				

If additional copies of the above chart have been completed to provide the requested information, enter the number of copies attached. ☐

Part III - Part V, Report Change Information, is: (Check One)
Not required ☐ Required and is attached ☐

Part IV - Certification

I certify that the information submitted on this form is factually accurate and complete to the best of my knowledge.

Name	Date	Signature
Title		

FEA P314-M-0

Firm Identification
a. Control Number ☐☐☐☐☐☐ b. EIN ☐☐☐☐☐☐☐☐☐
c. Firm Name _____ d. Report Covers Mo ☐☐ Yr ☐☐

Part IV Report Change Information

Important Note: The information in Part IV constitutes a revision to that data submitted originally on FEA Form P300-S-0 (Historical Survey of Propane, Distillate Fuel Oil, and Residual Fuel Oil Sales to Ultimate Consumers), or on previous submittals of this monthly report (FEA Form P314-M-0). Part IV need only be submitted when a revision is required.

1. If there has been an addition or deletion to the list of consolidated and unconsolidated entities, whose sales are included in the sales of the reporting firm, which has not been previously reported to the FEA on FEA Form P300-S-0 or P314-M-0, provide the information requested below as appropriate.

a. Firms Added:

	Company Name (A)	Address (B)	City (C)	State Code (D)	ZIP Code (E)	EIN (F)
20101						
20102						
20103						

b. Firms Deleted:

	Company Name (A)	EIN (B)
10101		
10102		
10103		

2. If there has been a change in Marketer Status Identification data which has not been previously reported to the FEA on FEA Form P300-S-0 or P314-M-0, provide answers to each of the questions listed below.

20219

a. Are you a refiner or do you control or are you controlled by, under common control with, or affiliated with a refiner (other than by means of a supply contract, an agreement to use a refiner company brand, or a landlord-tenant relationship)? YES ☐ NO ☐ If "YES", give refiner name. _____

b. Do you lease premises that are owned, leased or in any way controlled by a refiner (or a person who controls, is controlled by, or is under common control with such refiner)? YES ☐ NO ☐

c. Do you have an agreement with a refiner (or a person who controls, is controlled by, or is under common control with such refiner) to use a brand name, trademark, trade name, service mark, or other identifying symbol or name owned by such refiner? YES ☐ NO ☐

d. Are you a Commission Agent for a refiner? YES ☐ NO ☐

If additional copies of the above chart(s) have been completed to provide the requested information, enter the number of copies attached. ☐

[FR Doc.75-9085 Filed 4-3-75;1:35 pm]

DEPARTMENT OF STATE

Agency for International Development

AID RESEARCH ADVISORY COMMITTEE

Meeting

Pursuant to Executive Order 11686 and the provisions of section 10(a)(2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the A.I.D. Research Advisory Committee Meeting on May 8-9, 1975, at the Pan American Health Organization Building, 23rd Street and Virginia Avenue, NW, Conference Room "C," to review, appraise and make recommendations to the Administrator, Agency for International Development, concerning proposals for research contracts in the fields of food and nutrition, health and population and selected development problems. The meeting will begin at 9 a.m. and adjourn at 5:30 p.m. each day. This meeting will be open to the public. Dr. Erven J. Long, Associate Assistant Administrator, is designated as the A.I.D. representative at the meeting. It is suggested that those desiring more specific information contact Dr. Erven J. Long, 2201 C Street, NW, Washington, D.C. 20523, or call area code 202-632-3800.

Dated: March 27, 1975.

CURTIS FARRAR,
Acting Assistant Administrator for Technical Assistance.

[FR Doc.75-9260 Filed 4-8-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

UNIVERSITY OF OREGON ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before April 29, 1975.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00408-33-46040. Applicant: University of Oregon Health Sciences Center, 3181 S. W. Sam Jackson Place Road, Portland, Oregon 97201. Article: Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used for the investigation of the basic causes of ocular diseases such as the following: retinitis pigmentosa, macular degenerations, and retinal detachments; diseases of the anterior segment of the eye such as cataract, glaucoma and corneal ulcers. In addition basic underlying mechanisms responsible for the maintenance of normal ocular structure and function are also under investigation, e.g. the molecular basis for active transport of ionic constituents of the aqueous humor by the ciliary processes; the biochemical and ultrastructural basis for vitamin A storage and transport by the pigment epithelium of the retina; analysis of cell surface characteristics of rod and cone outer segments and pigment epithelial cells; factors that facilitate recognition of worn-out photoreceptor and bring about their subsequent phagocytosis and digestion by the pigment epithelial cell; study of intracellular mechanisms that affect cell movements during repair of corneal ulcers or surgical wounds. The article will also be used to aid in the teaching of the course Cell Organization and Function for first year medical students and a course in ultrastructure of the human eye for Ophthalmology residents. Application received by Commissioner of Customs: March 4, 1975.

Docket Number: 75-00409-98-54800. Applicant: University of Cincinnati, Department of Physics, Mail Location #11, Cincinnati, Ohio 45221. Article: Optical Benches and Accessories. Manufacturer: Precision Tool and Instrument Co., Ltd., United Kingdom. Intended use of article: The article is intended to be used for the investigation of the problem of phonons and phonon transport at low temperatures in amorphous insulators by the technique of laser light scattering. Experiments performed are part of the training of graduate students seeking their Ph.D. degree in experimental physics. The course is designed for students to develop the capacity for original thinking and to allow them to complete a research project which contributes significantly to the advancement of physics. Application received by Commissioner of Customs: March 4, 1975.

Docket Number: 75-00411-33-46040. Applicant: Louisiana State University Medical School, 1542 Tulane Avenue, New Orleans, Louisiana 70112. Article: Electron Microscope, Model EM 201 and Accessories. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for ultrastructural studies of cell-virus interactions and the response of the host to virus infection. The materials studied will con-

V40169 APR 9 75 XUM

sist of specimens of normal and virus infected cell cultures embedded in a variety of materials and are subjected to thick and ultra-thin sectioning by ultramicrotomy. Advanced graduate students who have an interest in learning techniques of ultrastructural research will be instructed in the use of the article. Application received by Commissioner of Customs: March 4, 1975.

Docket Number: 75–00412–33–46500. Applicant: Papanicolaou Cancer Research Institute, 1155 N.W. 14th Street, Miami, Florida 33136. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of thin sections and freeze-etch replicas of mammalian lungs. Studies will also be done on pulmonary endothelial cells grown in culture. Research will be conducted to find the subcellular site of the enzyme responsible for the conversion of angiotensin I to angiotensin II (the most potent hypertensive substance known) and the metabolism of bradykinin (a hypotensive substance) which may lead to an understanding of blood pressure homeostasis at the molecular level. In addition, the article is to be used in the instruction of postdoctoral, pre-doctoral and high school students in electron microscopic techniques. Application received by Commissioner of Customs: March 6, 1975.

Docket Number: 75–00413–33–46500. Applicant: Howard University, College of Medicine, Department of Microbiology, 520 W Street, N.W., Washington, D.C. 20059. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in studies of the ontogeny of the fungal spore wall as well as the study of mature spore topography. Experiments will be done to disclose the role of subcellular organelles on the development of spore wall layering. In addition to these studies other studies will be conducted to determine systematic relationships existing between fungi usually placed in a specific taxo but having characteristics which lend themselves to other taxonomic groupings. Application received by Commissioner of Customs: March 6, 1975.

Docket number: 75–00414–33–46500. Applicant: Louisiana State University, School of Medicine in Shreveport, P.O. Box 3932, Shreveport, Louisiana 71130. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological tissues from experimental animals. The principle project involves the study of normal and experimentally altered intracardiac ganglia. The experiment will involve the embeddment and sectioning of heart muscle containing the cardiac ganglia which have been subjected to various histochemical procedures. Findings in normal ganglia will be compared to the findings in experimentally altered tissues to determine (1) the source of the nerve fibers that synapse in these ganglia, and (2) the function of the ganglia in normal and pathologic hearts. Application received by Commissioner of Customs: March 6, 1975.

Docket number: 75–00415–33–66700. Applicant: College of Medicine and Dentistry of NNJ, P.O. Box 101, Piscataway, New Jersey 08854. Article: Weibel Projection Unit for Stereology Anatomisches Institut with Interchangeable Screens. Manufacturer: Anatomisches Institut, Switzerland. Intended use of article: The article is intended to be used for quantitative electron microscopic study of adrenal tissue to determine any possible alterations in cell structures induced by adrenocorticotrophic hormone (ACTH). Application received by Commissioner of Customs: March 6, 1975.

Docket Number: 75–00417–01–46040. Applicant: Stanford University, 820 Quarry Road, Palo Alto, California 94304. Article: Electron Microscope, Model EM 201C. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for the examination of DNA, RNA, proteins, and protein-nucleic acid interactions. The experiments to be conducted and objectives pursued concern isolation of fragments of the genetic DNA of bacterial cells, studying their behavior both in vivo (transformation) and in vitro (expression), seeking the origins of new cellular organelles. These studies encompass interactions with different proteins and fine substructure of these proteins. The article will also be used by undergraduate resident assistants, medical, graduate, and post-graduate students who will make some use of an electron microscope to answer specific scientific questions in connection with their work being carried out in various laboratories in this department. Application received by Commissioner of Customs: March 10, 1975.

Docket number: 75–00418–01–47500. Applicant: University of California, Department of Physiology, California College of Medicine, Irvine, California 92664. Article: High Tensity Monochromator, Used. Manufacturer: Ontario Cancer Institute, Canada. Intended use of article: The article is intended to be used in the investigation of wavelength dependence (or action spectra) for the creation of pyrimidine dimers in solution and/or in DNA and action spectra for monomerization of dimers by PRE or parts thereof. Kinetics of the above reactions will also be investigated. Application received by Commissioner of Customs: March 10, 1975.

Docket number: 75–00419–01–46040. Applicant: Duke University Medical Center, Department of Biochemistry, Durham, North Carolina 27710. Article: Electron Microscope, Model JEM–100C with Side Entry Goniometer. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studying membrane proteins in solution, and, in particular attempting to obtain such proteins in a state as close as possible to the "native" state. These studies involve the visualization of particle shape or mode of aggregation, the interaction of specific compounds with specific membranes and determining. Application received by Commissioner of Customs: March 10, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.75–9197 Filed 4–8–75;8:45 am]

National Oceanic and Atmospheric Administration

FISHERY MARKET NEWS REPORTS TO BE ON SUBSCRIPTION BASIS BEGINNING JULY 1, 1975

Notice of Availability

APRIL 4, 1975.

Beginning July 1, 1975, the National Marine Fisheries Service (NMFS) will make the Fishery Market News reports available on a subscription basis. This action is based on a General Accounting Office (GAO) recommendation which cites Title V of the Independent Offices Appropriation Act of 1952 (31 U.S.C. 483a). This Act specifies that the Federal Government should charge for reports prepared for specific audiences, such as persons or companies in a particular industry. This policy was implemented through the Office of Management and Budget (OMB) Circular A–25, dated September 23, 1959. GAO has determined that fishermen, wholesalers, and processors benefit directly from the Fishery Market News reports and, therefore, recommend that they be charged for the report.

Proceeds from subscription sales will be used by NMFS to recover the expenses of printing, distributing, and mailing the reports. Collection of the data will continue to be conducted through the use of appropriated funds.

On January 14, 1975, the Director, National Marine Fisheries Service (NMFS), placed a notice in the FEDERAL REGISTER requesting comments on format and organization of current Market News reports, frequency and timeliness of the reports, coverage of products, accuracy of price and landings data, and other matters. Comments were submitted to the NMFS Regional Directors, who evaluated the comments and provided recommendations to the Director of NMFS. Following is a summary of comments received on the different subjects:

Frequency. Comments were mixed depending on the use to which the report is put; recommended frequency varied from "daily" for most fishermen and fresh fish dealers, to "once a week" for most fish processors and frozen fish dealers.

Format. Comments were favorable, with most respondents indicating that the manner of presentation is acceptable.

Coverage. Most respondents feel the reports have good market coverage. Some respondents indicated a need for a wide variety of additional information but not at the expense of data now reported. Examples of data requested include exvessel prices for certain New England ports; landings and exvessel prices for South Atlantic, Northern California, Oregon, and Alaska ports; wholesale prices of fresh water seafood; wholesale prices of certain products in California, Alaska, British Columbia, and Japan; and additional breakout of imports. Again, these requests were not at the expense of data now being reported.

Accuracy of information. A majority of the respondents said that accuracy of the information is acceptable, although some respondents indicated that an attempt should be made to improve accuracy of wholesale price data reported in the Boston and New York reports. NMFS will continue to improve accuracy where needed.

An overwhelming number of respondents opposed paying for Market News reports. On the other hand, paying for the reports was acceptable to some respondents because of benefits the reports provide.

Based on the comments and other available information, the following subscription plans have been developed:

Reports will be issued from Boston, New York, New Orleans, Terminal Island, and Seattle. Each of these offices will issue reports on Monday, Wednesday, and Friday. In addition to daily information, the Friday report will contain a summary of information for the week. Subscribers will have the choice of taking the "full service" (3 reports per week) or only the weekly summary from any one office. Annual subscriptions rates will be:

Three (3) reports per week, which includes the weekly summary on Friday (full service) $35

One (1) weekly summary issued Friday (which also contains daily information for Friday) $15

Subscription orders will be accepted after publication of this notice in the FEDERAL REGISTER. For orders received before July 1, 1975, the subscription period is July 1, 1975, to June 30, 1976. For orders received after July 1, 1975, the subscription period will be 1 year beginning the first of the month following receipt of the order.

No discounts will be given for multiple copies of a particular report, or for subscriptions to two or more different reports. No rebates will be given for cancellations. As in the past, reports will be sent via surface mail.

With the exception of a limited number of designated recipients of free copies, all users will be required to pay for the report. Designated recipients of free copies will include:

(1) Individuals or firms who are certified by NMFS as contributors to the Market News program will each receive upon request one subscription to a full service (three reports per week which will include the weekly summary in the Friday report) or a weekly summary of his or her choice. A contributor is a legal entity (individual or firm) which contributes data or information to the Market News Program on a regular periodic basis. Each Market News contributor will receive from NMFS a certification notice which can be used as a voucher to obtain either the full service or weekly summary reports.

(2) Depository libraries will receive subscriptions to full service or weekly summaries of their choice if they agree to maintain a historical file for use of the public.

(3) Each State fisheries agency cooperating with NMFS will receive one subscription to a weekly summary of its choice.

(4) Certain Federal and local Government agencies will receive one subscription to a weekly summary of their choice.

(5) Fisheries departments of universities will receive one subscription to a weekly summary of their choice.

(6) Each newspaper, magazine, radio and TV station which agrees to disseminate information from the Market News reports will receive full service or a weekly summary of each report they agree to publicize.

To order Market News reports, send your name, address, report wanted (Boston, New York, New Orleans, Terminal Island and/or Seattle; and type of service desired (full service or weekly summary)), together with a check for the correct amount or a contributor voucher to:

U.S. Department of Commerce—NOAA
National Marine Fisheries Service (F2x1)
Page Building 2, Room 404
Washington, D.C. 20235

Make check payable to the U.S. Department of Commerce, NOAA.

Any questions concerning the Market News reports, subscription rates or any other matter relating to the Market News subscription service can be sent to the above address.

The Market News Program will be evaluated after six months of operation under the above subscription plan. At that time, we will again solicit comments on the program from the public.

ROBERT M. WHITE,
Administrator.

[FR Doc.75–9270 Filed 4–8–75;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policy of each Agency-sponsor.

Copies of patents are available from the Commissioner of Patents, Washington, D.C. 20231, at $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161, at the prices cited. Requests for copies of patent applications must include the PAT-APPL-number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent Office. Claims and other technical data can usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent application 499,104: Nonswelling Alloy; filed 20 August 1974; PC $3.25/MF $2.25.

Patent application 499,221: X-Ray Laser; filed 21 August 1974; PC $3.25/MF $2.25.

Patent application 499,222: Chemical Isolation of 82SR from Proton-Irradiated Mo Targets; filed 21 August 1974; PC $3.25/MF $2.25.

Patent application 501,020: A New Interrogation, and Detection System; filed 27 August 1974; PC $3.75/MF $2.25.

Patent 3,823,325: X-Ray Laser; filed 23 July 1973; not available NTIS.

Patent 3,827,427: Apparatus for Measuring Radioactivity in the Human Eye; filed 8 January 1973; patented 6 August 1974; not available NTIS.

Patent 3,827,946: Method for the Disposal of Combustible and Dilute Aqueous Wastes; filed 5 June 1972; patented 6 August 1974; Not available NTIS.

Patent 3,829,391: Submarged Arc Crystal Growth Process for Growing Transparent Alkaline Earth Oxide Single Crystals; filed 19 September 1972; patented 13 August 1974; not available NTIS.

Patent 3,830,292: Flow Distribution for Heat Exchangers; filed 1 May 1972; patented 20 August 1974; not available NTIS.

Patent 3,832,426: Syntactic Carbon Foam; filed 19 December 1972; patented 27 August 1974; not available NTIS.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, NATIONAL INSTITUTES OF HEALTH, CHIEF, PATENT BRANCH, BETHESDA, MARYLAND 20014.

Patent application 503,817; Solid Phase Synthesis of Peptides with Carboxyl-terminal Amides; filed 6 September 1974; PC $3.25/MF $2.25.

Patent application 523,334; Process of Preparing 1.3–BIS (2-Chloroethyl)-1-Nitrosoures; filed 13 November 1974; PC $3.25/MF $2.25.

Patent application 529,397; Salt-Induced Chromatography of Biological Macromolecules; filed 4 December 1974; PC $3.25/MF $2.25.

Patent application 532,822; Long-Acting Narcotic Antagonist Salt Complexes; filed 16 December 1974; PC $3.25/MF $2.25.

Patent 3,853,765; Droplet Counter Current Chromatography; filed 2 July 1973; patented 10 December 1974; not available NTIS.

Patent 3,855,795; Heat Engine; filed 30 January 1973; patented 24 December 1974; not available NTIS.

DEPARTMENT OF THE NAVY, ASSISTANT CHIEF FOR PATENTS, OFFICE OF NAVAL RESEARCH, ARLINGTON, VA. 22217.

Patent 3,778,635; Liquid Parametric Optical Mixing Device; filed 8 June 1972; patented 11 December 1973; not available NTIS.

Patent 3,784,235; Tubular Adhesive Joint with Snap Lock; filed 8 October 1971; patented 8 January 1974; not available NTIS.

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Patent 3,784,706; Positive Lock Toggle Guard; filed 9 February 1973; patented 8 January 1974; not available NTIS.
Patent 3,784,905; Sonar Image Converter; filed 4 October 1972; patented 8 January 1974; not available NTIS.
Patent 3,784,924; Multi-Input Loop Filter with Independent Bandwidth and Response Characteristics; filed 31 January 1972; patented 8 January 1974; not available NTIS.
Patent 3,785,303; Spherical Module Connectors; filed 14 August 1972; patented 15 January 1974; not available NTIS.
Patent 3,785,605; System for Sensing and Compensating for the Disturbance Forces on a Spacecraft; filed 13 November 1972; patented 15 January 1974; not available NTIS.
Patent 3,786,139; Hydrogen Gas Generating Composition and method for the same; filed 26 April 1972; patented 15 January 1974; not available NTIS.
Patent 3,786,343; Battery Monitor System; filed 19 March 1973; patented 15 January 1974; not available NTIS.
Patent 3,786,363; Voltage-Controlled Low-Pass Filter; filed 5 January 1973; patented 15 January 1974; not available NTIS.
Patent 3,786,446; Underwater Acoustical Detection System; filed 10 May 1968; patented 15 January 1974; not available NTIS.
Patent 3,786,491; Digital Television Character Generator; filed 19 April 1972; patented 15 January 1974; not available NTIS.
Patent 3,786,508; High Speed Angle Gate; filed 9 September 1969; patented 15 January 1974; not available NTIS.
Patent 3,786,553; Method of Assembling Transducer Acoustically Coupled by Silicone Grease; filed 24 November 1972; patented 22 January 1974; not available NTIS.
Patent 3,786,633; Propellant Immobilizer and Resonance Suppression System; filed 25 January 1973; patented 22 January 1974; not available NTIS.
Patent 3,786,698; Restrictive Manipulation Limited Try Mechanism for a Combination Lock; filed 23 June 1972; patented 22 January 1974; not available NTIS.
Patent 3,787,186; Calcium Hydride Gas Generator; filed 2 February 1972; patented 22 January 1974; not available NTIS.
Patent 3,787,234; Method of Producing a Thin Film Laser; filed 18 July 1969; patented 22 January 1974; not available NTIS.
Patent 3,787,279; Shock and Fire Attenuating Fuel Tank; filed 22 May 1972; patented 22 January 1974; not available NTIS.
Patent 3,787,619; Wide Angle Display System; filed 7 June 1972; patented 22 January 1974; not available NTIS.
Patent 3,787,740; Delay Timer; filed 4 October 1972; patented 22 January 1974; not available NTIS.
Patent 3,787,792; Intensity Control for Light-Emitting Diode Display; filed 28 July 1972; patented 22 January 1974; not available NTIS.
Patent 3,787,817; Memory and Logic Module; filed 21 June 1972; patented 22 January 1974; not available NTIS.
Patent 3,787,846; Close-In Ranger System; filed 10 August 1972; patented 22 January 1974; not available NTIS.
Patent 3,787,871; Terminator for Spiral Antenna; filed 3 March 1971; patented 22 January 1974; not available NTIS.
Patent 3,788,226; Pulsed End-Burning T-Burner; filed 28 March 1973; patented 29 January 1974; not available NTIS.
Patent 3,788,227; Jet Ignition Device for a Pyrotechnic Fuze; filed 5 January 1973; patented 29 January 1974; not available NTIS.
Patent 3,788,255; Expendable Submarine Receiving Antenna; filed 26 April 1960; patented 29 January 1974; not available NTIS.
Patent 3,788,262; Recovery Hook Assembly; filed 4 December 1972; patented 29 January 1974; not available NTIS.
Patent 3,788,393; Heat Exchange System; filed 1 May 1972; patented 29 January 1974; not available NTIS.
Patent 3,788,543; Uniform Size Particle Generator; filed 14 September 1972; patented 29 January 1974; not available NTIS.
Patent 3,788,690; Ordnance Handling Device; filed 21 June 1972; patented 29 January 1974; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, Washington, D.C. 20546.

Patent application 521,007: Growth of Gallium Nitride Crystals; filed 5 November 1974, PC $3.25/MF $2.25.
Patent application 527,728: Process for Making Anhydrous Metal Halides; filed 27 November 1974; PC $3.25/MF $2.25.
Patent application 527,790: Turnstile and Flared Cone UHF Antenna; filed 27 November 1974; PC $3.25/MF $2.25.
Patent application 531,575: Real Time Analysis of Veiced Sounds; filed 11 December 1974; PC $3.25/MF $2.25.
Patent 3,847,115: System for Depositing Thin Films; patented 12 November 1974; not available NTIS.
Patent 3,849,875: Hall Effect Magnetometer; patented 26 November 1974; not available NTIS.
Patent 3,851,162: Continuous Fourier Transform Method and Apparatus; patented 26 November 1974; not available NTIS.
Patent 3,851,250: Remote Platform Power Conserving System; patented 26 November 1974; not available NTIS.

[FR Doc.75-9189 Filed 4-8-75;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policy of each Agency-sponsor.

Copies of patents are available from the Commissioner of Patents, Washington, D.C. 20231, at $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications, either paper copy (PC) of microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161, at the prices cited. Requests for copies of patent applications must include the PAT-APPL-number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent Office. Claims and other technical data can usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, ASSISTANT GENERAL COUNSEL FOR PATENTS, WASHINGTON, D.C. 20545.

Patent 3,822,146: Application of Electrically Conductive Coatings to Insulating Tubes of Switching Magnets for Particle Accelerators; filed 5 July 1972; patented 2 July 1974; not available NTIS.
Patent 3,823,350: Protective Carrier for Semiconductor Chips; filed 5 September 1973; patented 9 July 1974; not available NTIS.
Patent 3,823,981: Situ Leaching Solvent Extraction-Process; filed 4 April 1973; patented 16 July 1974; not available NTIS.
Patent 3,824,456: Magnetometer Flowmeter Using Permanent Magnets and Magnetometer Elements Aligned with the Flow; filed 23 February 1973; patented 16 July 1974; not available NTIS.
Patent 3,824,457: Method of Making a Solid-State, Superconducting Electromagnetic Radiation Detector; filed 4 April 1973; patented 16 July 1974; not available NTIS.
Patent 3,824,512: Magnetic Self-Latching Pressure Switch; filed 14 November 1973; patented 16 July 1974; not available NTIS.
Patent 3,825,325: Light Trap; filed 14 February 1973; patented 23 July 1974; not available NTIS.
Patent 3,826,561: Laser Pulse Tailoring Method and Means; filed 3 May 1973; patented 30 July 1974; not available NTIS.
Patent 3,826,921: Monitor for Radiation-Induced Heating; filed 26 April 1973; patented 30 July 1974; not available NTIS.
Patent 3,828,197: Radioactive Waste Storage; filed 17 April 1973; patented 6 August 1974; not available NTIS.
Patent 3,829,313: Brazing Alloy; filed 7 March 1973; patented 13 August 1974; not available NTIS.
Patent 3,832,439: Method for the Suppression of Hydrogen During the Dissolution of Zirconium and Zirconium Alloys; filed 10 January 1973; patented 27 August 1974, not available NTIS.
Patent 3,834,256: Ultrasonically Controlled Thickness Machining; filed 15 August 1973; patented 10 September 1974; not available NTIS.
Patent 3,834,687: Workpiece Support; filed 16 January 1973; patented 10 September 1974; not available NTIS.
Patent 3,835,331: Stable Pulsed Light Source; filed 26 September 1973; patented 10 September 1974; not available NTIS.
Patent 3,836,834: Machine Protection System; filed 13 November 1973; patented 17 September 1974; not available NTIS.

DEPARTMENT OF COMMERCE, Assistant General Counsel for Administration, Washington, D.C. 20230.

Patent application 469,728: Light Scattering Method and Apparatus for the Chemical Characterization of Particulate Matter; filed 13 May 1974; PC $3.25/MF $2.25.
Patent application 476,646: Self-Balancing, D.C.-Substitution Measuring System; filed 5 June 1974; PC $3.25/MF $2.25.
Patent application 493,004: Improved Direct Reading Microwave Refractometer; filed 30 July 1974; PC $3.25/MF $2.25.
Patent application 495,754: Exponential Dilution Flask; filed 8 August 1974; PC $3.25/MF $2.25.
Patent application 499,102: Color Subcarrier Frequency, Comparator; filed 20 August 1974; PC $3.75/MF $2.25.
Patent application 523,951: Mercurous Chloride Prism Polarizers; filed 14 November 1974; PC $3.25/MF $2.25.
Patent application 525,430: Electrolytic Stripping Cell and Method; filed 20 November 1974; PC $3.25/MF $2.25.

Patent application 540,471: Tunnel Diode Pulse Generator; filed 13 January 1975; PC $3.25/MF $2.25.
Patent application 547,075; Radiation Flux Averaging Device of High Efficiency; filed 4 February 1975; PC $3.25/MF $2.25.

DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Arlington, Va. 22217.

Patent 3,793,731: Angle Position Indicator; filed 12 July 1972; patented 26 February 1974; not available NTIS.
Patent 3,793,823: Method of Making Compliant Suspension Cable; filed 26 July 1972; patented 26 February 1974; not available NTIS.
Patent 3,794,079: Combination Strength/Hydraulic Cable; filed 27 August 1971; patented 26 February 1974; not available NTIS.
Patent 3,794,528: Thermomechanical Method of Forming High-Strength Beta-Titanium Alloys; filed 17 August 1972; patented 26 February 1974; not available NTIS.
Patent 3,794,818: Automatic Memory Test and Correction System; filed 3 July 1972; patented 26 February 1974; not available NTIS.
Patent 3,795,213: Diver Operated Propulsion System for an Underwater Vehicle; filed 1 October 1971; patented 5 March 1974; not available NTIS.
Patent 3,795,432: Method for Eliminating Degradation of Crossed-Field-Amplifier Performance; filed 3 February 1972; patented 5 March 1974; not available NTIS.
Patent 3,795,544: Pressure Balanced Fuel Cell System for Underwater Vehicle; filed 30 March 1972; patented 5 March 1974; not available NTIS.
Patent 3,795,759: Buoyant Electrical Cable; filed 5 October 1970; patented 5 March 1974; not available NTIS.
Patent 3,795,772: Synchronization System for Pulse Orthogonal Multiplexing Systems; filed 1 May 1972; patented 5 March 1974; not available NTIS.
Patent 3,795,873: Multichannel Noise Simulator; filed 1 February 1973; patented 5 March 1974; not available NTIS.
Patent 3,795,879: Composite Dispersive Filter; filed 4 April 1973; patented 5 March 1974; not available NTIS.
Patent 3,796,001: Mosquito Trap; filed 27 November 1972; patented 12 March 1974; not available NTIS.
Patent 3,797,018: Means for Enhancing the Target Detection Capability of a Radar Receiver; filed 22 September 1967; patented 12 March 1974; not available NTIS.
Patent 3,797,907: Fresnel Lens Scatter Plate for Data Reduction Holography; filed 18 September 1972; patented 19 March 1974; not available NTIS.
Patent 3,798,312: Process for Preparation of Chlorine Nitrate; filed 24 September 1971; patented 19 March 1974; not available NTIS.
Patent 3,798,454: Device for Counting Accelerations, Measuring Magnitudes Thereof, Recording and Classifying the Same According to Magnitude; filed 25 April 1972; patented 19 March 1974; not available NTIS.
Patent 3,798,647: High Frequency Passive Radio Range Finder, filed 25 May 1972; patented 19 March 1974; not available NTIS.
Patent 3,798,919: Deep Submergence Ambient Pressure Cryogenic Storage Apparatus; filed 24 November 1972; patented 26 March 1974; not available NTIS.
Patent 3,799,812: Transpiration Radiometer; filed 22 August 1972; patented 26 March 1974; not available NTIS.
Patent 3,800,125: Omni-Converter with Digital Phase Shifter; filed 24 October 1972; patented 26 March 1974; not available NTIS.
Patent 3,800,128: True Wind Speed Computer; filed 14 March 1972; patented 26 March 1974; not available NTIS.
Patent 3,800,164: Redundant Logic Circuit; filed 2 January 1969; patented 26 March 1974; not available NTIS.
Patent 3,800,248: Unidirectional Surface Wave Transducer Device; filed 31 October 1972; patented 26 March 1974; not available NTIS.
Patent 3,800,272: Rotating Acoustic Scanner System for Positioning Objects on the Ocean Floor; filed 8 August 1972; patented 26 March 1974; not available NTIS.
Patent 3,800,273: Portable Sonar System; filed 6 May 1970; patented 26 March 1974; not available NTIS.
Patent 3,800,275: Acoustic Image Conversion Tube; filed 2 September 1960; patented 26 March 1974; not available NTIS.
Patent 3,800,276: Acoustic Image Conversion Tube; filed 26 October 1960; patented 26 March 1974; not available NTIS.
Patent 3,800,507: Low Pressure Air Dehydrator; filed 23 June 1970; patented 2 April 1974; not available NTIS.
Patent 3,800,594: Laser Accelerometer; filed 2 July 1973; patented 2 April 1974; not available NTIS.
Patent 3,800,601: See Sensor and Descriptor System; filed 12 November 1970; patented 2 April 1974; not available NTIS.
Patent 3,801,882: Thermo-Electric Mounting Method for RF Silicon Power Transistors; filed 11 January 1973; patented 2 April 1974; not available NTIS.
Patent 3,801,917: Time Interval Memory Device; filed 22 March 1965; patented 2 April 1974; not available NTIS.
Patent 3,801,918: Low-Phase-Shift Incremental FM Demodulator; filed 15 September 1972; patented 2 April 1974; not available NTIS.
Patent 3,801,981: Remote Clock Synchronization System; filed 23 April 1971; patented 2 April 1974; not available NTIS.
Patent 3,801,983: Radar Receiver Noise Ratio Detector; filed 24 April 1972; patented 2 April 1974; not available NTIS.
Patent 3,802,088: Guidance System for Underwater Swimmers; filed 14 June 1971; patented 9 April 1974; not available NTIS.
Patent 3,802,761: Optical Waveguide Edge Coupler Using Graded Index Profile; filed 7 December 1972; patented 9 April 1974; not available NTIS.

TENNESSEE VALLEY AUTHORITY, Division of Law, Muscle Shoals, Alabama 35660.

Patent 3,861,897: Stabilization of Polyphosphate Fertilizer Solutions; filed 13 October 1972; patented 21 January 1975; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, Washington, D.C. 20546.

Patent application 531,568: Insulation Foil and Method of Making; filed 11 December 1974; PC $3.25/MF $2.25.
Patent application 531,576: Sun Angle Calculator; filed 11 December 1974; PC $3.25/MF $2.25.
Patent application 534,265: Highly Efficient Antenna System Using a Corrugated Horn and Scanning Hyperboloid Reflector; filed 19 December 1974; PC $3.25/MF $2.25.
Patent application 536,762: A Deployable Flexible Tunnel; filed 27 December 1974; PC $3.25/MF $2.25.
Patent application 537,025: A Method and a System for Extinguishing a Fire within a Sealed Battery; filed 27 December 1974; PC $3.25/MF $2.25.
Patent 3,856,402: Clear Air Turbulence Detector; patented 24 December 1974; not available NTIS.
Patent 3,856,471: Amino Acid Analysis; patented 24 December 1974; not available NTIS.
Patent 3,856,534: Anti-Fog Composition; patented 24 December 1974; not available NTIS.
Patent 3,857,031: Automatic Focus Control for Facsimile Cameras; patented 24 December 1974; not available NTIS.
Patent 3,857,045: Four Phase Logic Systems; patented 24 December 1974; not available NTIS.
Patent 3,859,119: Method of Producing a Storage Bulb for an Atomic Hydrogen Maser; patented 7 January 1975; not available NTIS.

[FR Doc.75-9190 Filed 4-8-75;8:45 am]

Office of the Secretary

ECONOMIC ADVISORY BOARD

Meeting

A meeting of the Department of Commerce Economic Advisory Board will be held on Thursday, May 15, 1975 from 10 a.m. to 3 p.m. in Room 4832, Main Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Board was established by the Secretary of Commerce on October 5, 1967. The purpose of the Board is to advise the Secretary of Commerce on economic policy issues. The intended agenda for this meeting is as follows:

Discuss the outlook for overall economic activity through 1976 in terms of:
1. Output.
2. Employment.

Discuss monetary and fiscal policy and the outlook for prices and interest rates.

Discuss specific industry situations in terms of:
1. Consumer spending.
2. Construction.
3. Business spending.

A limited number of seats will be available to the public on a first-come, first-served basis. Public participation will be limited to requests for clarification of items under discussion; additional statements or inquiries may be submitted to the chairman before or after the meeting. Persons desiring to attend the meeting should advise Miss Cathy Young, telephone (202) 967-3727, by May 12, 1975.

Copies of the minutes will be available on request 30 days after the meeting.

Inquiries may be addressed to the Committee Control Officer, Mr. Dominic R. Quinn, Special Assistant to the Assistant Secretary for Economic Affairs, Room 4850, Department of Commerce, Washington, D.C. 20230 (Telephone (202) 967-3728).

JAMES L. PATE,
Assistant Secretary for Economic Affairs.

[FR Doc.75-9269 Filed 4-8-75;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[APP-4-05-0:D:T LB]

COUNTERVAILING DUTY PETITION AND INITIATION OF INVESTIGATION

Notice of Receipt

A petition in satisfactory form was received on February 26, 1975, alleging

V40169 APR 9 75 XUM

that payments or bestowals, conferred by the Government of the Philippines upon the manufacture, production or exportation of glazed ceramic wall tile from the Philippines constitute the payment or bestowal of a bounty or grant within the meaning of the Countervailing Duty Law as amended (19 U.S.C. 1303).

Pursuant to section 303(a)(4) of the Tariff Act of 1930 (19 U.S.C. 1303(a)(4)) the Treasury Department is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of the Countervailing Duty Law within 6 months of the receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant. A final decision must be issued within 12 months of the receipt of such petition.

Therefore a preliminary determination on this petition will be made no later than August 26, 1975, as to whether or not the alleged payments or bestowals, conferred by the Government of the Philippines upon the manufacture, production, or exportation of the above described merchandise constitute a bounty or grant within the meaning of the Countervailing Duty Law. A final determination will be issued no later than February 26, 1975.

(Sec. 303 Tariff Act of 1930, as amended by Trade Act of 1974 (19 U.S.C. 1303), § 159.47 (c) of the Customs regulations (19 CFR 159.47(c)).)

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved April 4, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-9195 Filed 4-8-75;8:45 am]

[T.D. 75-88]

FOREIGN CURRENCIES

Certification of Rates

MARCH 31, 1975.

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 75-24 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Belgium franc:	
Mar. 17, 1975	$0.029110
Mar. 18, 1975	.029215
Mar. 19, 1975	.029295
Mar. 20, 1975	.029210
Mar. 21, 1975	.029125
France franc:	
Mar. 17, 1975	.2382
Mar. 18, 1975	.2390
Mar. 19, 1975	.2393
Mar. 20, 1975	.2386
Mar. 21, 1975	.2381
Germany deutsche mark:	
Mar. 19, 1975	.4347
Netherlands guilder:	
Mar. 17, 1975	.4211
Mar. 18, 1975	.4235
Mar. 19, 1975	.4252
Mar. 20, 1975	.4228
Mar. 21, 1975	.4218
Norway krone:	
Mar. 17, 1975	.2029
Mar. 18, 1975	.2037
Mar. 19, 1975	.2044
Mar. 20, 1975	.2034
Mar. 21, 1975	.2040
Sweden krona:	
Mar. 19, 1975	.2564

[SEAL] R. N. MARRA,
Director, Duty Assessment Division.

[FR Doc.75-9177 Filed 4-8-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL ADVISORY COUNCIL ON EQUALITY OF EDUCATIONAL OPPORTUNITY

Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the National Advisory Council on Equality of Educational Opportunity will convene at 9 a.m. on Friday, May 16 until 5 p.m. and reconvene at 8 a.m. on Saturday, May 17 until 1 p.m. at the Channel Inn, 650 Water Street, SW, Washington, D.C.

The National Advisory Council on Equality of Educational Opportunity is established under section 716 of the Emergency School Aid Act (Pub. L. 92-318, Title VII). The Council is established to advise the Assistant Secretary for Education with respect to the operation of programs under the Act, and to review the operation of such programs.

The meeting of the Council shall be open to the public. The meeting will be a working session developed around the recommendations from the Report Writing Committee for the Council's final report to Congress. There will be a status report on the Emergency School Aid Program by the Associate Commissioner for Equal Educational Opportunity, U.S. Office of Education.

Signed at Washington, D.C. on April 4, 1975.

HERMAN R. GOLDBERG,
Associate Commissioner for Equal Educational Opportunity.

[FR Doc.75-9258 Filed 4-8-75;8:45 am]

Office of the Secretary

OFFICE OF THE REGIONAL DIRECTOR, REGION IX

Statement of Organization, Functions, and Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Office of the Secretary is amended to delete sections 1E (35 FR 13546), 8/25/70, and 1E8109 (39 FR 20713) 6/13/74. Section 1E80, Assistant Regional Director for Human Development (38 FR 17262) 6/29/73, is retained and redesignated 1R95. New sections are added for the several regions. Section 1E8901 reflects the official organization of the Office of the Regional Director, Region IX, whose headquarters is San Francisco, California. The new Chapter reads as follows:

SECTION 1E89.00 *Mission.* The Regional Director represents the Secretary in his Region. Under his direction, the Office of the Regional Director provides leadership and coordination in various Department programs and activities within the Region and represents the Department in direct official dealings with State and other governmental units, representatives of the Congress, and the general public.

SEC. 1E89.10 *Organization.* The Office of the Regional Director, Region IX, is under the direction and control of the Regional Director who reports directly to the Secretary and Under Secretary, and consists of the following: Deputy Regional Director; Office of the Regional Attorney; Office of Equal Employment Opportunity; Executive Secretariat; Office for Civil Rights; Office of Audit; Office of ARD for Public Affairs; Office of ARD for Planning and Evaluation; Office of ARD for Intergovernmental Affairs; Office of ARD for Financial Management; Office of ARD for Administration and Management; Office of ARD for Human Development; and Office of Long Term Care Standards Enforcement.

SEC. 1E89.20 *Functions.* A. Regional Director (1E8901). The functions of the Regional Director are:

1. Serves as the Secretary's representative in direct official dealings with State and other governmental units, and evaluates Regional, State, and local activities related to the Department's programs.

2. Develops regional priorities which emphasize the Department goals and highlight areas of particular needs or opportunities in the region, so that efforts and resources may be brought to bear on them. Formulates regional plans for each priority and ensures that regional agency heads achieve all their objectives in accordance with their plans. Conducts formalized planning conferences with regional representatives to assure a complete exhange of significant management information.

3. Exercises general coordination and supervision of personnel and activities in the region to ensure proper execution of policies, regulations, and instructions applicable to the Department as a whole. Recognizes interprogram disparities, exercises leadership to keep these disparities within constructive limits to assure effective, efficient, and responsive actions in the interest of total service to the public.

4. Assures that staff offices provide full support to agency operating programs.

5. Provides coordination of the activities of the principal representatives of the principal operating components who are stationed in or detailed to the region, including determination of regional program priorities and official communications with representatives of State or other Federal agencies.

6. Through coordination and supervision, exercises leadership in bringing about necessary awareness of the status of other programs of the Regional Office, and fosters cooperative relationships among program and staff representatives in seeing that plans are effectively made, operations are smoothly carried out, and performance is adequately evaluated.

7. Promotes general public understanding of the programs, policies, and objectives of the Department, and participates in the development and carrying out of a Regionwide information and public information program.

8. Establishes and maintains working relationships with Governors and key State and local officials; furnishes advice and assistance and strives to develop a mutually beneficial Federal-State-local partnership. Provides guidance to regional staff members on the priorities, emphases, and merits of various requirements based on expressions of need and analyses by governors, mayors, and other key officials.

9. Maintains working relationships with private agencies and institutions; develops ways in which their plans and programs and those of the Department can actively complement each other.

10. Develops continuing cooperative relationships with officials of the Federal agencies in the Region; through the medium of Regional Councils seeks ways in which interdepartmental delivery of program services can be made more effective.

11. In accordance with regulations and guidelines established at headquarters, administers the child development programs in the region, including the Head Start Program. Makes certain Head Start grants and takes other grants actions, as required.

12. Through liaison, periodic conferences, and other means, takes action to coordinate and integrate activities which are not directly associated with the regional office with regional office activities.

13. Develops plans for emergency preparedness and directs all Department activities necessary to ensure continuity of essential functions within the Region in case of an emergency due to enemy action; maintains a written plan for regional emergency operations; maintains liaison with all Federal authorities engaged in mobilization planning; acts in cooperation with them in an emergency situation; directs on behalf of Secretary all Department activities in the Region if communications with national headquarters are cut off.

14. Directs regional activities for assistance and alleviation of distress within the region resulting from natural disasters, including major disasters under Public Law 865; takes all necessary and appropriate action in connection with disaster situations and reports thereon.

15. In accordance with regulations and guidelines established at headquarters, administers, through the Office of Long Term Care Standards Enforcement, activities as herein described relating to the approval and termination of agreements with skilled nursing facilities for the purpose of participation in either the Medicare (Title XVIII) or in both the Medicare and Medicaid (Title XIX) programs.

B. Deputy Regional Director (1E8902). Serves as Acting Regional Director in the absence or disability of the Regional Director or in the event of a vacancy in the Office of Regional Director. The Deputy Regional Director performs other duties and functions at the request of the Regional Director.

C. Executive Secretariat (1E8905). Monitors the decision-making process for the Regional Director, facilitates the internal processes of coordination and communication, and ensures timely and quality staff work in response to all action requests, as follows:

a. Controls Regional Director's correspondence, assigns responsibility or advises the Regional Director on the assignment of responsibility on action correspondence. Reviews prepared correspondence for timeliness, technical accuracy, responsiveness, appropriate clearances, and consistency with the Regional Director's and Department's objectives.

b. Serves as the coordinating point for all official matters which require the attention or approval of the Regional Director. Assigns responsibility for action requests. Reviews and analyzes memoranda and other communication for adequacy of coordination and clearances, clarity and conciseness of presentation, timeliness, necessary followthrough, and other elements of completed staff action.

c. Operates a comprehensive system for tracking action items to ensure timely and quality input from all Regional Office components for the Regional Director. Works with all appropriate offices to improve the quality of decision papers and correspondence, and monitors the document control and flow systems to identify problem areas for communication systems improvement.

d. Communicates decisions and monitors their implementation for the Regional Director by obtaining periodic status reports on selected key issues and projects, ensures proper compliance with past decisions, and highlights problem areas for renewed Regional Director attention. Attends Regional Director's meetings to record decisions and action requests and follows through to ensure implementation.

D. Office of the Regional Attorney (1E8903). The functions of the Office of the Regional Attorney are as follows:

1. Advises and counsels the Regional Director and operating program personnel on legal issues relating to their responsibilities within the region. On all matters within the competence of the legal profession the Regional Attorney is subject to the supervision of the General Counsel; on all other matters he is subject to the supervision of the Regional Director.

2. As requested by the Regional Director, assists in legal aspects of program development and of policy problem solution;

3. Provides professional legal services, such as preparation of legal instruments, memoranda, reports, and interpretive analyses;

4. Represents or counsels the Regional Director in negotiations to resolve actual and potential problems of a legal nature;

5. Provides appropriate legal assistance to state agencies and officials in connection with DHEW programs, as requested by the Regional Director;

6. As requested by the General Counsel, prepares for and conducts administrative hearings, aids the U.S. attorney in preparation for and conduct of litigation, and performs such other duties as may be requested by the General Counsel;

7. Seeks to so order his time and workload priorities as to meet the needs of the Regional Office as determined by the Regional Director;

8. Subject to final approval by the Regional Director, selects, promotes, and takes all personnel actions with respect to his professional and clerical staff, in accordance with the personnel policies of the Office of the General Counsel.

E. Office of Equal Employment Opportunity (1E8904). Serves as the Regional Director's staff for the establishment and maintenance of a positive program of non-discrimination in Departmental employment in the Region. Has responsibility for the Regional HEW Federal Women's Program and the Regional Spanish-Surnamed Program. Monitors the OS EEO complaint system and issues proposed dispositions on all OS formal complaints. Prepares the Regional Annual Affirmative Action Plan.

F. Office of Long Term Care Standards Enforcement (1E8971). Performs these functions as follows:

1. Provides recommendations to the Regional Director on administrative actions necessary to carry out those portions of Titles XVIII and XIX of the Social Security Act related to the certification by State agencies of skilled nursing facilities (SNFs) for participation in the Medicare and Medicaid programs. Those activities, within the region, which pertain to Title XVIII and the Title XIX certification include: the Issuance of Title XVIII time limited agreements; for homes participating under Title XVIII and XIX, the approval of corrective plans of action for deficiencies in SNFs which participate either as components of larger institutions or as free standing units; granting waivers of provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) or provisions of Standard No. A117.1 of the American National Standards Institute, and waivers of certain other provisions of physical environment standards as

V40169 APR 9 75 XUM

they pertain to SNFs; public disclosure of State agency reports of deficiencies in SNF compliance with standards in accordance with section 1864(a) of the Social Security Act; approval of State fire codes in lieu of the Life Safety Code; and granting waivers, under specified circumstances, of the requirement that an SNF have on duty more than one registered nurse more than 40 hours per week.

2. Establish and maintain close working relationships with administrators of State health, welfare, and other departments involved under established agreements in the certification of and assistance to SNFs and ICFs. Perform evaluations of: State agency performance with respect to enforcing health and safety standards for SNFs and ICFs; and the State agencies' recommendations for waivers of provisions of the 1967 Life Safety Code with respect to SNFs and ICFs. Monitor States' Implementation of the ICF regulations.

3. Participate in the negotiations of budgets with State survey agencies for their services and review those portions of the State agency budget relative to SNF/ICF certification and the provision of state consultative services to SNFs and ICFs and recommend to the Social Security Administration (SSA), Regional Commissioner and to the Social and Rehabilitation Service (SRS), Regional Commissioner, amounts that should be approved for SNF and ICF certification and certification-related activities.

4. Participate with other appropriate Federal programs in evaluations of State agency certification operations which are designed to assess State survey agency performance in program management, in applying established health, safety, and Life Safety Code standards and in evaluating quality of care (e.g., participates in SSA's comprehensive program reviews of State survey agency performance and in SRS's program reviews of the Title XIX single state agency).

5. Develop and implement procedures to assure the timely and effective conduct of the following: (a) State surveys of individual SNFs and ICFs, (b) Federal review and processing of State agency certifications and documentation pertaining to SNF compliance, (c) Federal decisions approving agreements, terminations or the granting of waivers to SNFs and (d) Federal direct validation surveys of selected SNF and ICF facilities.

6. Provide technical assistance for the professional training of State agency personnel on their duties in survey/certification and evaluation of the functional performance of SNFs and ICFs with respect to the quality of health care delivered.

7. Assist State agencies to develop their capabilities for the provision of specialized technical assistance to SNFs and ICFs on highly complex aspects of the survey requirements and on the development of acceptable plans of corrective action for overcoming deficiencies.

8. Assist States, provider organizations, and educational institutions in the stimulation, development, and implementation of training opportunities for SNF and ICF personnel in order to correct deficiencies and upgrade the quality of care offered, including mental health aspects of long term care.

9. Review complaints received by the Regional Directors concerning State agency and SNF/ICF activities and initiate appropriate action for investigation and resolution.

10. With SSA, SRS and the Public Health Service (PHS), as appropriate, provide information and interpretations concerning standards for the delivery of SNF and ICF services to media, consumer and provider groups, professional health associations, and other health and welfare groups.

11. Based on regional conditions and trends related to SNFs and ICFs, make recommendations to the Office of Nursing Home Affairs (ONHA) or through ONHA, to the headquarters components of SSA, PHS and SRS, as appropriate, on revisions to present program policies criteria, standards or procedures.

12. Provide data and reports to ONHA on SNF/ICF survey/certification activities on SNF and ICF health service utilization and on the impact of certification and assessment procedures on the delivery of SNF and ICF health service utilization and on the impact of certification and assessment procedures on the delivery of SNF and ICF health services. Provided reports to SSA, SRS, and PHS on the status of SNF and ICF facility compliance in the region.

13. Work with and provide information as requested to, the Social Security Administration, on the following SNF related activities:

a. Utilization review processes of SNFs;

b. Change of provider status in the Medicare program (e.g., change of ownership, termination because of failure to provide proper financial information or because of requests for payment substantially in excess of costs or for improper or unnecessary services, or withdrawal from program);

c. Certification of SNFs as a "distinct part" of another facility; and

d. Requests for hearings on terminated SNFs participating in Medicare.

14. Work with, and provide information as requested to, the Social and Rehabilitation Service, on the following SNF and ICF related activities:

a. Utilization and periodic medical review procedures for SNFs;

b. Utilization and independent professional review procedures for ICFs;

c. Level of care determinations;

d. Recipient eligibility issues; and

e. Cost-sharing requirements.

15. Work with, and provide information as requested to, the Public Health Service on the following SNF and ICF related activities:

a. Health care standards development efforts of the Bureau of Quality Assurance;

b. Utilization review determinations under Professional Standards Review Organizations;

c. Provider improvement program initiatives of the Health Resources Administration;

d. Comprehensive health planning determinations under section 1122 of the Social Security Act; and

e. Other relevant SNF and ICF program activities conducted by the Health Resources Administration, Health Services Administration, Alcohol, Drug Abuse, and Mental Health Administration, National Institutes of Health, Center for Disease Control, and the Food and Drug Administration.

16. Coordinate with the Office of Human Development in the areas of their delegated responsibilities for, and concern with, the mentally retarded and aging.

17. Coordinate, under the Office for Civil Rights in monitoring the implementation of Title VI of the Civil Rights Act of 1964 with respect to SNFs and ICFs.

18. Coordinate, under the direction of the Regional Director, with regional personnel of the Office of Facilities Engineering and Property Management on matters relating to the interpretation and enforcement of provisions of the Life Safety Code.

19. Coordinate with the Department of Housing and Urban Development in implementation of Public Law 93-204.

G. Office of the Assistant Regional Director for Public Affairs (1E8951). Serves as a principal advisor to the Regional Director in the formulation of policies, approaches, and procedures in the field of public information and in the formulation of approaches to major policy issues and has a broad range of responsibility in developing overall strategies and techniques for long range Public Affairs activities, in line with the Secretary's policy and the trend toward inter-agency coordination and Departmental control.

2. Advises key officials of the Regional Office, including the Regional Director and agency representatives on public information, public reporting, and related aspects of program matters.

3. Serves as a central point of communication with the press, radio and TV news media, issuing all news materials originating within the Regional Office and amplifying, clarifying or explaining the impact and effect within the Region of national news issued by Departmental headquarters.

4. Is responsible for overall program supervision of the Regional Office's total public information program. Coordinates and exercises functional supervision over information services and all other activities of the Regional Office related to publications, public reports, and other informational and public affairs matters. Is responsible for the clearance of all information for public distribution before its release and certification as to the necessity for illustrations and related materials.

5. Prescribes procedures for planning, production, clearance, release, and distribution of all material prepared with

the Region for release through Government channels.

6. Issues policies, standards, and procedures as may be necessary to carry out the public affairs functions and responsibilities of the Regional Office.

H. Office of the Assistant Regional Director for Planning and Evaluation (1E9961). (Reserved.)

I. Office of the Assistant Regional Director for Intergovernmental Affairs (1E8941). (Reserved.)

J. Office of the Assistant Regional Director for Financial Management (1E8902).

1. Provides financial management support to the Regional Director and Regional agency heads for decentralized programs and activities. Under policies and procedures established by the Office of the Assistant Secretary, Comptroller, supervises the performance of the following financial management functions: accounting and financial reporting, budget formulation and execution, and work with State and local government and HEW grantees to include indirect cost negotiation, single letter of credit implementation, technical assistance, and audit follow-up.

2. On behalf of the Regional Director, provides coordination and liaison with the HEW Audit Agency, the Treasury Department, the General Services Administration, and the General Accounting Office on financial management matters.

3. Is responsible for the financial administration and management of allotments or allowances which are issued to the Regional Director.

4. Performs Regional accounting and reporting activities: accounting, comptrolling, fiscal services, and reporting for all HEW activities for which the Regional Director is delegated the authority to provide such services.

5. Performs budget activities as follows: Prepares the Regional budget for activities for which the Regional Director has delegated authority and assists other Regional staffs in developing their budgets; prepares consolidated Regional budget estimates and justifications and assists the Regional Director and Regional agency heads in advocating program budget priorities for centralizing and decentralizing programs based on Regional needs and characteristics; supervises budget execution in the Region including the recording and distribution of budget resources based on allocations, allotments and allowances for Regional activities; prepares recommended allowances and manpower allocations for activities delegated directly to the Regional Director; oversees the development of financial operating plans for other Regional activities, reviews these plans, and provides comments to the Regional Director and other Regional personnel; develops and implements a budget data system capable of monitoring financial operating plans and maintaining current information of fund availability for Regional programs; and receives Regional personnel ceiling allowances and monitors recruitment and employment against these allowances.

6. Carries on cost allocation and payment systems activities as follows: Pursuant to delegations of authority from the Regional Director is responsible for indirect cost rate negotiations (including State and local cost allocation plans) based on cost policies and procedures established by the Division of Financial Management Standards and Procedures; provides financial management technical assistance to State and local governments and to other HEW grantees and contractors; assists the Office of the Assistant Secretary, Comptroller, to develop the single letter of credit system within the Region; and assists the Regional Director and Regional agency heads in assuring effective follow-up of audit findings of major managerial significance as disclosed by reviews of grantees' management systems.

K. Office of the Assistant Regional Director for Administration and Management (1E8911).

1. Serves as the principal adviser to the Regional Director on and directs or participates actively in all aspects of administrative management.

2. Plans, develops, coordinates and implements internal regional policy regarding administrative services and management practices with the agencies in the Regional Office. These include policies in the following areas: office space, allocation, travel, personnel actions, management surveys, organization, management information, security, travel, natural disaster, procurement, duplicating services and a variety of other key administration and management policies.

3. Administers the following operations related to provision of regional administration and management services to the agencies:

a. Regional Personnel Division;

b. Office Services Division;

c. Management Analysis Division;

d. Management Information Division.

4. Administers the following operations which provide program support to Regional agencies:

a. Surplus Property Division;

b. Facilities Engineering and Property Management Division;

c. Environmental Affairs Division.

5. Represents the Regional Director in labor-management relations including contract negotiations and consultation with regional labor union representatives.

6. Provides advice and counsel to all regional managers on administration and management concerns in the region.

Section 1E89.30 Relationships to Agency Regional Staffs and Regional Audit and Regional Civil Rights Staff. Agency regional staffs and Regional Civil Rights and Regional Audit staffs are under the line direction and control of their parent headquarters organizations. The regional staffs are subject to the general leadership and coordination of the Regional Director and receive administrative, financial, and other support services from him and his staff. The functional statements for these offices are to be found with the statements of their parent organizations.

Section 1E89.40 Order of Succession. In the absence or disability of the Regional Director, the Deputy Regional Director serves as acting Regional Director. In the event of the absence or disability of both the Regional Director and Deputy Regional Director and where there is a vacancy in both positions, the Secretary or Under Secretary will designate the acting Regional Director.

Section 1E89.50 Delegation of Authority. The delegations of authority to the Regional Director to operate programs are:

A. Long Term Care Standards Enforcement.

1. Regional Directors have been delegated the following authorities under Title XVIII of the Social Security Act, as amended, which pertain to skilled nursing facility standards enforcement and which may be redelegated only to the Director, Office of Long Term Care Standards Enforcement:

a. To approve or disapprove certifications made by State agencies under the provisions of section 1864(a), that a health care institution is or is not a skilled nursing facility as defined in section 1861(j);

b. To enter into agreements with skilled nursing facilities as provided in section 1866(a), including authority to determine the term of such agreements;

c. To terminate agreements, under the provisions of section 1866(b)(2)(B), with skilled nursing facilities where such facilities no longer substantially meet the requirements of section 1861(j);

d. To waive, for such periods as are deemed appropriate, specific provisions of the Life Safety Code of the National Fire Association (21st edition, 1967) as provided in section 1861(j)(13);

e. To determine, in accordance with section 1861(j)(13), that the Life Safety Code of the National Fire Protection Association (21st edition, 1967) is not applicable in a State because a fire and safety code, imposed by State law, adequately protects patients in skilled nursing facilities;

f. To waive the requirement that a skilled nursing facility engage the services of a registered professional nurse for more than 40 hours a week as provided in section 1861(j)(15);

g. To waive in accordance with 20 CFR 405.1134(c), for such periods as are deemed appropriate, specific provisions of American National Standards Institute Standard No. A117.1, American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped;

h. To waive, based on regulations, 20 CFR 405.1134(e), requirements relating to the number of beds per room and the minimum size for rooms in skilled nursing facilities; and

V40169 APR 9 75 XUM

1. To determine, under the provisions of section 1864(a), that State agency survey reports (including reports of follow-up reviews), and statements of deficiencies based upon official survey reports, relating to the certification of skilled nursing facilities for compliance with the applicable provisions of Section 1861 are final and official. This includes the authority to: (1) assure that references to internal tolerance rules and practices are excluded from such reports or deficiency statements; (2) determine that such reports and deficiency statements have not identified individual patients, physicians, other practitioners, or individuals; (3) determine that involved skilled nursing facilities have been afforded a reasonable opportunity to offer comments; and (4) make final and official reports and deficiency statements available to the public in readily accessible form and place, along with any pertinent written statements submitted by skilled nursing facilities.

2. Regional Directors have been delegated the following authorities under Title XIX of the Social Security Act, as amended, which pertain to nursing facility standards enforcement and which may be redelegated only to the Director, Office of Long Term Care Standards Enforcement:

a. Authority under the provisions of section 1910(b) to notify the State agency administering the Title XIX State plan of the approval or disapproval of any institution which has applied for certification under Title XVIII, and the term of such approval.

b. Authority to waive, for Title XIX skilled nursing facilities for such periods as are deemed appropriate, specific provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) as provided in section 1861(j)(13) of the Social Security Act.

c. Authority to waive for Title XIX skilled nursing facilities the requirement that a skilled nursing facility engage the services of a registered professional nurse for more than 40 hours a week as provided in section 1861(j)(15) of the Social Security Act.

d. Authority vested in the Secretary under section 1905(c) of the Social Security Act to certify intermediate care facilities located on Indian reservations.

e. Authority vested in the Secretary under section 1905(h) of the Social Security Act to certify skilled nursing facilities located on Indian reservations.

B. *Office of Surplus Property Utilization.*

1. Regional Directors have been delegated certain authority which may not be redelegated as follows:

a. Real property. This delegation relates to the conveyance and utilization of surplus real property and related personal property for educational and public health purposes, pursuant to section 203(k) of the Federal Property and Administrative Services Act of 1949, as amended. Each Regional Director, consistent with policies and procedures set for in applicable regulations of the Department, is authorized:

(1) To execute deeds, contracts of sale, and all instruments incident or corollary to the transfer of land and improvements thereon, or in modification of previous transfers with respect to land and improvement cost of property where less than $1 million;

(2) To execute all instruments of conveyance or in modification of previous transfers with respect to land and improvements thereon where the acquisition and improvement cost was $1 million or more and the Office of Surplus Property Utilization specifically authorizes closing the transaction by the Regional Office; and

(3) To execute all instruments of conveyance relating to the transfer of improvements located outside his jurisdiction and intended for removal to and use within his jurisdiction.

b. Personal property. To act or designate a member of his staff (other than the SPU Regional Representative) to act as reviewing officer to approve or disapprove determinations by the Regional Representative authorizing State Agencies to abandon or destroy surplus personal property having a line item acquisition cost of $1,000 or more.

2. Regional Directors have been delegated certain authority related to real property which they may redelegate in writing to the SPU Regional Representative as follows:

a. Consistent with policies and procedures set forth in applicable regulations of the Department, to perform or take the actions stated below, with respect to disposal and utilization of surplus real and related personal property.

(1) To request and accept assignments from Federal agencies of:

(a) Improvements for removal and use away from the site;

(b) Improvements for removal to and use in another regional jurisdiction; and

(c) Land and improvements thereon where the acquisition and improvement cost of the property was less than $1 million.

(2) To make determinations incident to the disposal of assigned property described in a(1)(a) and a(1)(c) above;

(3) To issue and execute licenses and interim permits affecting assigned property described in a(1)(a) and a(1)(c) above;

(4) To execute instruments of transfer relative to property described in a(1)(a) above; except in those cases provided for in A 1a(3).

(5) Except for execution of instruments of conveyance or in modification of previous transfers, to take all action with respect to land and improvements thereon where the acquisition and improvement cost was $1 million or more and the Office of Surplus Property Utilization specifically authorizes closing of the transaction by the Regional Director; and

(6) Incident to the exercise of the authority hereinbefore provided to receive remittances and performance guarantee deposits and bonds, to request forfeiture or release of performance bonds.

b. Consistent with the policies and procedures set forth in applicable regulations of the Department, with respect to the disposal of educational and public health purposes of surplus real property improvements and related personal property located outside his jurisdiction, but intended for removal to and use within his jurisdiction, to take actions set forth in a(2), (a)(3), and a(6) above.

c. Consistent with the policies and procedures set forth in applicable regulations of the Department, with respect to property within his jurisdiction previously conveyed for educational and public health purposes:

(1) To make determinations concerning the utilization and the enforcement of compliance with the terms and conditions of disposal of:

(a) Improvements for removal and use away from the site; and

(b) Land and any improvements thereon regardless of the acquisition and improvement cost;

(2) To accept voluntary reconveyances and to effect reverter of title to land and improvements located thereon, without regard to acquisition cost;

(3) To report to the General Services Administration revested properties excess to program requirements in accordance with applicable regulations;

(4) To execute instruments necessary to carry out, or incident to the exercise of, the authority delegated in this paragraph; and

(5) Incident to the exercise of the authority delegated in this paragraph, to receive remittances and performance guarantee deposits and bonds, to request refunds or payments, and to request forfeiture or release of performance bonds.

d. With respect to the States within the jurisdiction of his region, consistent with the policies and procedures of the Department, to enter into cooperative agreements, under section 203(n) of the Act, with State Agencies for Surplus Property.

3. Regional Directors may redelegate in writing the following authority related to personal property to the SPU Regional Representative: the latter may likewise redelegate in writing the authority to the Assistant Regional Representative. Regional Representative may also redelegate in writing to his allocator(s) the authority stipulated in a(1)(a), a(1)(b), and a(1)(e), insofar as a(1)(e) pertains to a(1)(a) and a(1)(b):

a. Consistent with policies set forth in applicable regulations and procedures of the Department.

(1) To perform or take the actions stated below with respect to the allocation for donation of surplus personal property located within his jurisdiction for educational, health, or civil defense purposes.

(a) To make determinations concerning the usability of an need for surplus personal property by educational or health institutions and civil defense organizations;

(b) To allocate surplus personal property and to take all actions necessary to accomplish donation, or transfer of property so allocated;

(c) To make determinations of eligibility of educational and public health donees to acquire donable property;

(d) To designate individuals recommended by State agencies as State representatives for the purpose of inspecting and screening surplus personal property; and

(e) To execute all instruments, documents, and forms necessary to carry out, or incident to the exercise of, the foregoing authority.

(2) To allocate property within his jurisdiction to any other regional jurisdiction and to take the actions set forth in (1)(b) above in connection with such out-of-region allocation.

(3) To take the actions set forth in (1)(b), (c), and (e) above in connection with any property that is available for transfer to his jurisdiction from another region.

(4) With respect to personal property located within his jurisdiction and in possession of State agencies for subsequent donation for educational, public health, and civil defense purposes:

(a) To effect redistribution of usable and needed property to other State agencies;

(b) To authorize and execute instruments necessary to carry out cannibalization, secondary utilization, and revision of acquisition cost of property;

(c) To recommend to GSA for disposal, property excess to the needs of State agencies; and

(5) With respect to personal property located within his jurisdiction previously donated for educational and public health purposes:

(a) To make determinations and take actions appropriate thereto concerning the utilization of such property, including retransfer and the enforcement of compliance with terms and conditions which may have been imposed on and which are currently applicable to such property;

(b) To execute instruments necessary to carry out, or incident to the exercise of, the authority delegated in (a) above;

(c) To recommend to GSA for disposal, property excess to the needs of donees, except boats over 50 feet in length and aircraft;

(d) Incident to the exercise of the authority delegated in this paragraph, to request refunds or payments; and

(e) To authorize and execute instruments necessary to carry out sales, abrogations, revision of the period of restriction, secondary utilization or cannibalization, revision of acquisition cost, trade-in of an item on a similar replacement, and destruction or abandonment of property in the custody of donees.

(6) With respect to the States within the jurisdiction of his region, to approve State plans of operation and amendments thereto submitted by State agencies for surplus property: Provided, however, That disapproval of a State plan in whole or in part is concurred in by the Director, Office of Surplus Property Utilization.

(7) With respect to the States within the jurisdiction of his region, to enter into cooperative agreements, under section 203(n) of the Act, with State agencies for surplus property of such States, either individually or collectively.

4. Regional Representatives have been delegated certain authority related to personal property directly by the Director of the Office of Surplus Property Utilization: the authority may be redelegated in writing to the Assistant Regional Representative:

a. Consistent with policies set forth in applicable regulations and procedures of the Department.

(1) To authorize destruction or abandonment by a determination in writing that the property has no commercial value, subject, however, to approval of such determination in the case of property having a line item acquisition cost of $1,000 or more, by a reviewing officer before authorization to destroy or abandon is given to the State agency.

C. *Office of Human Development.*

1. Regional Directors have been delegated the certain authorities by the Assistant Secretary for Human Development as follows:

a. Under the general policies and in such form as prescribed by the Director, Office of Child Development (and approved by the Assistant Secretary for Human Development) and in conformity to the allocations and financial guidelines of the Director, Office of Child Development to make grants under section 511 of the Community Services Act of 1974 (Project Head Start)., except insofar as such grants are for programs which primarily serve migrants or Indians living on Federal reservations. This authority may be redelegated.

b. Under the general policies and in such form as prescribed by the Assistant Secretary for Human Development and in conformance with the allocations and financial guidelines issued by him, Regional Directors are authorized to make grants or contracts under the authority of Title I of the Juvenile Delinquency Prevention Act. The Regional Director is authorized to redelegate this authority only to the Assistant Regional Director for Human Development without the concurrence of the Assistant Secretary for Human Development.

c. To make grants and contracts for Urban Indian Projects under the authority of section 803 of the Community Services Act of 1974.

d. To make, amend, suspend, and cancel the grants and contracts authorized in "a", "b" and "c" above and to issue audit disallowances as well as to receive appeals on and make final decisions on such disallowances.

Dated: April 2, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

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OFFICE OF THE REGIONAL DIRECTOR, REGION II

Statement of Organization, Functions, and Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Office of the Secretary is amended to delete sections 1E (35 FR 13546), 8/25/70, and 1E8109 (39 FR 20713) 6/13/74. Section 1E80, Assistant Regional Director for Human Development (38 FR 17262) 6/29/73, is retained and redesignated 1R95. New sections are added for the several regions. Section 1E82 reflects the official organization of the Office of the Regional Director, Region II, whose headquarters is New York, New York. The new chapter reads as follows:

SECTION 1E82.00 *Mission.* The Regional Director represents the Secretary in Region II. Under the Regional Director's direction, the Office of the Regional Director provides leadership and coordination in various Department programs and activities within the Region and represents the Department in direct official dealings with State and other governmental units, representatives of the Congress, and the general public.

SEC. 1E82.10 *Organization.* The Office of the Regional Director, Region II, is under the direction and control of the Regional Director who reports directly to the Secretary and Under Secretary, and consists of the following:

1. Regional Director
2. Deputy Regional Director
3. Executive Secretariat
4. Office of the Regional Attorney
5. Office of Equal Employment Opportunity
6. Office of Long Term Care Standards Enforcement
7. Office of the Assistant Regional Director for Public Affairs
8. Office of the Assistant Regional Director for Planning and Evaluation
9. Office of the Assistant Regional Director for Intergovernmental Affairs
10. Office of the Assistant Regional Director for Program Coordination
11. Office of the Assistant Regional Director for Management & Finance
    a. Regional Personnel Office
    b. Regional Office Service Office
    c. Regional Office of Surplus Property Utilization
    d. Regional Office of Facilities Engineering & Construction
12. Office of the Assistant Regional Director for Human Development
13. Special Assistant to the Regional Director for Program & Policy Analysis
14. Regional Audit Agency
15. Regional Office for Civil Rights

SEC. 1E82.20 *Functions.* A. *Regional Director (1E8201).* The Regional Director:

1. Serves as the Secretary's representative in direct official dealings with State and other governmental units, and evaluates Regional, State, and local activities related to the Department's programs.

2. Develops regional priorities which emphasize the Department goals and highlight areas of particular needs or opportunities in the region, so that efforts and resources may be brought to bear on

V 40 69 APR 9 75 XUM

them. Formulates regional plans for each priority and assures that regional agency heads achieve all their objectives in accordance with their plans. Conducts formalized planning conferences with regional representatives to assure a complete exchange of significant management information.

3. Exercises general coordination and supervision of personnel and activities in the region to ensure proper execution of policies, regulations, and instructions applicable to the Department as a whole. Recognizes interprogram disparities, exercises leadership to keep these disparities within constructive limits to assure effective, efficient, and responsive actions in the interest of total service to the public.

4. Assures that staff offices provide full support to agency operating programs.

5. Provides coordination of the activities of the principal representatives of the principal operating components who are stationed in or detailed to the region; in consultation with these representatives engages in the development of plans for concerted activities aimed at fulfilling both their objectives and those of the Office of the Regional Director.

6. Through coordination and supervision, exercises leadership in bringing about necessary awareness of the status of other programs of the Regional Office, and fosters cooperative relationships among program and staff representatives in seeing that plans are effectively made, operations are smoothly carried out, and performance is adequately evaluated.

7. Promotes general public understanding of the programs, policies, and objectives of the Department, and participates in the development and carrying out of a Regionwide public information program.

8. Establishes and maintains working relationships with Governors and key State and local officials; furnishes advice and assistance and strives to develop a mutually beneficial Federal-State-local partnership. Provides guidance to regional staff members on the priorities, emphases, and merits of various requirements based on expressions of need and analyses by governors, mayors, and other key officials.

9. Maintains working relationships with private agencies and institutions; develops ways in which their plans and programs and those of the Department can actively complement each other.

10. Develops continuing cooperative relationships with officials of the Federal agencies in the Region; through the medium of the Federal Regional Council seeks ways in which interdepartmental delivery of program services can be made more effective.

11. In accordance with regulations and guidelines established at headquarters, administers those programs operated in the region for which authority for such administration has been delegated.

12. Through liaison, periodic conferences, and other means, takes action to coordinate and integrate activities which are not directly associated with the regional office.

13. Develops plans for emergency preparedness and directs all Department activities necessary to ensure continuity of essential functions within the Region in case of an emergency due to enemy action; maintains a written plan for regional emergency operations; maintains liaison with all Federal authorities engaged in mobilization planning; acts in cooperation with them in an emergency situation; directs on behalf of the Secretary all Department activities in the Region if communications with national headquarters are cut off.

14. Directs regional activities for assistance and alleviation of distress within the region resulting from natural disasters, maintains a plan for regional response to natural disasters, including emergencies and major disasters under the Disaster Relief Act of 1974, Pub. L. 93–288; takes all necessary and appropriate action in connection with disaster situations and reports thereon.

15. In accordance with regulations and guidelines established at headquarters, administers, through the Office of Long Term Care Standards Enforcement, activities as herein described relating to the approval and termination of agreements with skilled nursing facilities for the purpose of participation in either the Medicare (Title XVIII) or in both the Medicare and Medicaid (Title XIX) programs.

B. *Deputy Regional Director (1E8202).*

The Deputy Regional Director, under the guidance and direction of the Regional Director, shares the responsibility for carrying out the Department's policies and for managing the overall administration of the Department's programs in the region. The Deputy provides direct support to the Regional Director in his role as the Secretary's representative and general manager of the region.

1. In the absence of the Regional Director, the Deputy Regional Director serves as Acting Regional Director. He promotes established policies with full responsibility, and he administers all activities of the Regional Office.

2. The Deputy Regional Director assumes a major responsibility for establishing avenues of communication and coordination among all components of the Regional Office and assists the Regional Director with interdepartmental, intergovernmental and community responsibilities.

3. The Deputy Regional Director assists the Regional Director in developing Regional policy. He reports significant internal and external developments which would be helpful to the Regional Director in the decision making process.

C. *Executive Secretariat (1E8205).*

The Executive Secretariat monitors the decision-making process for the Regional Director and facilitates the internal processes of coordination and communication, as follows: 1. Screens Regional Director's correspondence and filters out those items which require immediate attention by the Regional Director and Regional Director's staff, as well as the assignment of time deadlines for Regional Director's action items. Takes appropriate action to clarify issues and instructions before a request for information is forwarded to the appropriate action office. Provides current and consolidated information or indicates where such information may be obtained for all policy issues and projects in the Region.

2. Operates a comprehensive system for tracking action items and ensures that the Region Director has timely and quality input from all appropriate offices on which to base his decisions. Assures that all outgoing correspondence are quality products that represent the best possible presentation of the Regional Director's views; synthesizes detailed responses from various offices into a single document for outgoing correspondence going to the Secretary and other Headquarters units, and for Regional Director's decision memoranda.

3. Provides for feedback to the Regional Director on the impact of his decisions. By obtaining periodic status reports on selected key issues and projects, ensures proper compliance with past decisions, highlights problem areas for renewed Regional Director's attention, and develops an ever current supply of data for management conferences and for responding to incoming requests from the Secretary, various elected officials, and regional staff.

D. *Office of the Regional Attorney (1E8203).* The Regional Attorney serves as the legal adviser to the Regional Director and as chief legal officer for the DHEW programs and activities served by the Office of the Regional Director. On all matters within the competence of the legal profession, the Regional Attorney is subject to the supervision of the General Counsel; on all other matters, he is subject to the supervision of the Regional Director.

The office of the Regional Attorney: 1. Advises and counsels the Regional Director and operating program personnel on legal issues relating to their responsibilities within the region;

2. As requested by the Regional Director, assists in legal aspects of program development and of policy problem solution;

3. Provides professional legal services, such as preparation of legal instruments, memoranda, reports, and interpretive analyses;

4. Represents or counsels the Regional Director in negotiations to resolve actual and potential problems of a legal nature;

5. Provides appropriate legal assistance to state agencies and officials in connection with DHEW programs, as requested by the Regional Director;

6. As requested by the General Counsel, prepares for and conducts administrative hearings, aids the U.S. Attorney in preparation for and conduct of litigation, and performs such other duties as may be requested by the General Counsel;

7. Seeks to so order his time and workload priorities as to meet the needs of the Regional Office as determined by the Regional Director;

8. Subject to final approval by the Regional Director, selects, promotes, and takes all personnel actions with respect to his professional and clerical staff, in accordance with the personnel policies of the Office of the General Counsel.

E. *Office of Equal Employment Opportunity (1E8204).* The Regional Office of Equal Employment Opportunity serves as the Regional Director's staff for the establishment and maintenance of a positive program of non-discrimination in Departmental employment in the Region. Has responsibility for the Regional HEW Federal Women's Program and the Regional Spanish-Surnamed Program. Monitors the Regional Equal Employment Opportunity Complaint System and issues proposed dispositions on all Office of the Secretary formal complaints. Prepares the Regional Annual Affirmative Action Plan.

F. *Office of Long Term Care Standards Enforcement (1E8271).* The Regional Office of Long Term Care Standards Enforcement: 1. Provides recommendations to the Regional Director on administrative actions necessary to carry out those portions of Titles XVIII and XIX of the Social Security Act related to the certification by State agencies of skilled nursing facilities (SNFs) for participation in the Medicare and Medicaid programs. Those activities, within the region, which pertain to Title XVIII and the Title XIX certification include: the issuance of Title XVIII time limited agreements for homes participating under Title XVIII or under both Titles XVIII and XIX, the approval of corrective plans of action for deficiencies in SNFs which participate either as components of larger institutions or as free standing units; granting waivers of provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) or provisions of Standard No. A117.1 of the American National Standards Institute, and waivers of certain other provisions of physical environment standards as they pertain to SNFs; public disclosure of State agency reports of deficiencies in SNF compliance with standards in accordance with section 1864(a) of the Social Security Act; approval of State fire codes in lieu of the Life Safety Code; and granting waivers, under specified circumstances, of the requirement that an SNF have on duty more than one registered nurse more than 40 hours per week.

2. Establishes and maintains close working relationships with administrators of State health, welfare, and other departments involved under established agreements in the certification of and assistance to SNFs and Intermediate Care Facilities (ICFs). Perform evaluations of: State agency performance with respect to enforcing health and safety standards for SNFs and ICFs; and the State agencies' recommendations for waivers of provisions of the 1967 Life Safety Code with respect to SNFs and ICFs. Monitor States' implementation of the ICF regulations.

3. Participates in the negotiations of budgets with State survey agencies for their services and reviews those portions of the State agency budget relative to SNF/ICF certification and the provision of State consultative services to SNFs and ICFs and recommends to the Social Security Administration (SSA), Regional Commissioner and to the Social and Rehabilitation Service (SRS), Regional Commissioner, amounts that should be approved for SNF and ICF certification and certification-related activities.

4. Participates with other appropriate Federal programs in evaluations of State agency certification operations which are designed to assess State survey agency performance in program management, in applying established health, safety, and Life Safety Code standards and in evaluating quality of care (e.g., participates in SSA's comprehensive program reviews of State survey agency performance and in SRS's program reviews of the Title XIX single state agency).

5. Develops and implements procedures to assure the timely and effective conduct of the following: (a) State surveys of individual SNFs and ICFs, (b) Federal review and processing of State agency certifications and documentation pertaining to SNF compliance, (c) Federal decisions approving agreements, terminations or the granting of waivers to SNFs and (d) Federal direct validation surveys of selected SNF and ICF facilities.

6. Provides technical assistance for the professional training of State agency personnel on their duties in surveys/certification and evaluation of the functional performance of SNFs and ICFs with respect to the quality of health care delivered.

7. Assists State agencies to develop their capabilities for the provision of specialized technical assistance to SNFs and ICFs on highly complex aspects of the survey requirements and on the development of acceptable plans of corrective action for overcoming deficiencies.

8. Assists States, provider organizations, and educational institutions in the stimulation, development, and implementation of training opportunities for SNF and ICF personnel in order to correct deficiencies and upgrade the quality of care offered, including mental health aspects of long term care.

9. Reviews complaints received by the Regional Director concerning State agency and SNF/ICF activities and initiates appropriate action for investigation and resolution.

10. With SSA, SRS and the Public Health Service (PHS), as appropriate, provides information and interpretations concerning standards for the delivery of SNF and ICF services to media, consumer and provider groups, professional health associations, and other health and welfare groups.

11. Based on regional conditions and trends related to SNFs, and ICFs, makes recommendations to the Office of Nursing Home Affairs (ONHA) or through ONHA, to the headquarters components of SSA, PHS and SRS, as appropriate, on revisions to present program policies criteria, standards or procedures.

12. Provides data and reports to ONHA on SNF/ICF survey/certification activities, on SNF and ICF health service utilization and on the impact of certification and assessment procedures on the delivery of SNF and ICF health service utilization and on the impact of certification and assessment procedures on the delivery of SNF and ICF health services. Provide reports to SSA, SRS, and PHS on the status of SNF and ICF facility compliance in the region.

13. Works with and provides information as requested to, the Social Security Administration, on the following SNF related activities: a. Utilization review processes of SNFs;

b. Change of provider status in the Medicare Program (e.g., change of ownership, termination because of failure to provide proper financial information or because of requests for payment substantially in excess of costs or for improper or unnecessary services, or withdrawal from program);

c. Certification of SNFs as a "distinct part" of another facility; and

d. Requests for hearings on terminated SNFs participating in Medicare.

14. Works with, and provides information as requested to, the Social and Rehabilitation Service, on the following SNF and ICF related activities: a. Utilization and periodic medical review procedures for SNFs;

b. Utilization and independent professional review procedures for ICFs;

c. Level of care determinations;

d. Recipient eligibility issues; and

e. Cost-sharing requirements.

15. Works with, and provides information as requested to, the Public Health Service on the following SNF and ICF related activities: a. Health care standards development efforts of the Bureau of Quality Assurance;

b. Utilization review determinations under Professional Standards Review Organizations;

c. Provides improvement program initiatives of the Health Resources Administration;

d. Comprehensive health planning determinations under section 1122 of the Social Security Act; and

e. Other relevant SNF and ICF program activities conducted by the Health Resources Administration, Health Services Administration, Alcohol, Drug Abuse, and Mental Health Administration, National Institutes of Health, Center for Disease Control, and the Food and Drug Administration.

16. Coordinates with the Office of Human Development in the areas of their delegated responsibilities for, and concern with, the mentally retarded and aging.

17. Coordinates, under the Office for Civil Rights, in monitoring the implementation of Title VI of the Civil Rights

V40169 APR 9 75 XUM

Act of 1964 with respect to SNFs and ICFs.

18. Coordinates, under the direction of the Regional Director, with the personnel of the Regional Office of Facilities Engineering and Construction on matters relating to the interpretation and enforcement of provisions of the Life Safety Code.

19. Coordinates with the Department of Housing and Urban Development in implementation of Public Law 93–204.

G. *Office of the Assistant Regional Director for Public Affairs (1E8251).* The Office of Assistant Regional Director for Public Affairs:

1. Serves as principal advisor to the Regional Director in the formulation of policies, approaches, and procedures in the field of public information and in the formulation of approaches to major policy issues and has a broad range of responsibility in developing overall strategies and techniques for public affairs activities, in line with the Secretary's policies and the trend toward interagency coordination and centralization of Public Affairs activities in the Region.

2. Provides briefing material and other intelligence for visits to the region by the President, Vice President, the Secretary, the Under Secretary, and other top officials, including members of Congress; advances the Secretary and travels with him in the region; handles external public affairs affecting national and international organizations; handles special assignments for the President and his aides and the Secretary and his aides.

3. Works closely with national and international news media, national book and magazine publishers and freelance writers, serves as Regional Representative in initially meeting and dealing with groups demonstrating in Region II in connection with policies and programs of HEW; maintains close liaison with groups outside the Federal government including constituent agencies in State and local government, major health, education and welfare organizations, Governor's offices, Mayors of various cities and Congressmen from Region II, for public affairs purposes.

4. Advises key officials of the Regional Office, including the Regional Director and agency representatives on public information, public reporting, and related aspects of program matters.

5. Serves as a central point of communication with the press, radio and television news media, issuing all news materials originating within the Regional Office and amplifying, clarifying or explaining the impact and effect within the Region of national news issued by Departmental headquarters.

6. Is responsible for overall program supervision of the Regional Office's total public information program. Coordinates and exercises functional supervision over information services and all other activities of the Regional Office related to publications, public reports, and other informational and public affairs matters. Is responsible for the clearance of all information for public distribution before its release and certification as to the necessity for illustration and related materials. Serves as chairman of the Region II Communications Committee.

7. Prescribes procedures for planning, production, clearance, release, and distribution of all material prepared within the Region for release through Government channels.

8. Issues policies, standards, and procedures as may be necessary to carry out the public affairs functions and responsibilities of the Regional Office.

9. Serves as the initial denial authority for all regional documents requested under the Freedom of Information Act.

H. *Office of the Assistant Regional Director for Planning and Evaluation (1E8261).* The Assistant Regional Director for Planning and Evaluation: 1. Serves as the principal advisor to the Regional Director in identifying and directing regional office activities to meet the needs and requirements for the planning and evaluation of HEW and related Federal, State, local and voluntary human resource programs within the Region; identifies needs, opportunities and mechanisms for Regional Office interagency coordination in planning and evaluation in order to achieve regional office goals and objectives; provides comments and recommendations in the development of headquarters and regional agency planning and evaluation efforts; organizes, directs and coordinates with other Regional staff, a Regional planning and evaluation technical assistance effort with state and local public and voluntary human resource agencies.

2. Organizes, directs and coordinates regional activities related to the Operational Planning System. In this regard, establishes and maintains a regional planning process designed to achieve mission-related objectives within the framework of Departmental goals and regional priorities. Through this process: a. identifies and analyzes regional needs, incorporating these into Regional Issue papers which are statements of regional planning priorities and/or regional recommendations for headquarters policies;

b. establishes regional long and short term objectives and plans which address identified needs;

c. participates in HEW Master Planning Calendar activities, the forward planning process and development of preliminary budgets in conjunction with Regional agencies.

3. Establishes and maintains an issues identification and resolution process in coordination with other Regional staff. In this process: a. identifies issues needing policy clarification;

b. translates policy into service systems to be provided including budget and resource allocation and reallocation; recommends matters for legislative redress to more effectively implement such policy and;

c. analyzes the implications of such implementation to determine necessary adjustments in line with regional characteristics and needs.

4. Coordinates with other Regional staff, a review and comment process that: a. ensures analysis of proposed national policies, legislation and regulations, especially in light of regional observations of needs and;

b. ensures dissemination of these proposals and Regional reactions to them to all constituencies within the Region.

5. Coordinates a Regional evaluation process which: a. identifies methods for reporting and evaluating accomplishments and program effectiveness in relation to Departmental goals and Regional priorities, keeping appropriate units focused on shared objectives;

b. identifies information needed to describe program progress and information needs pertinent to Regional decision making:

c. develops instruments and techniques for measuring progress in reaching program goals;

d. ensures dissemination of evaluation results within the Region to all interested groups and;

e. is in consonance with headquarters evaluation processes.

6. Works with Regional Agencies and the Audit Agency to improve evaluation and monitoring capabilities within the Region.

7. Establishes in coordination with other Regional staff, procedural and substantive criteria for the management review of those project grants covered by the Regional Director Review and Sign-off System, the A–95 System, and the HEW procedures established under Title I of the Housing and Community Development Act.

8. Reviews grant and contract proposals covered under the aforementioned system for adherence to regional priorities and management soundness and exercises regional sign-off authority as appropriate.

9. Develops and maintains a geographic profile of needs in the Region including those relating to target or special concerns groups, develops demographic indices, descriptions of available resources and the current regional distribution of HEW assistance.

I. *Office of the Assistant Regional Director for Intergovernmental Affairs (1E8241).* The Office of the Assistant Regional Director for Intergovernmental Affairs: 1. Serves as principal representative to the Regional Director and supervises a staff unit to accomplish the Department's intergovernmental technical assistance mission in the region. Provides leadership, direction, cooperation and coordination for the Department in the Federal Regional Council, Federal Executive Board and other interagency groups.

2. Serves as the Regional Director's representative in establishing and maintaining contacts with the offices of governors, Congressmen, State legislators, county executives, mayors, other Federal agencies, private voluntary agencies and public interest organizations. Recommends alternative methods for achieving methods for achieving goals and objectives, exercising priorities and implementing policies pertaining to relationships with State and local general purpose governments.

3. In connection with the foregoing, establishes and maintains a process for the identification of intergovernmental issues; refers these issues to appropriate Regional officials for proper analysis and resolution, and coordinates the dissemination of information on problems that have been resolved to State and local governments and representatives of private interest groups.

4. Develops and monitors procedures for securing timely State and local general purpose government review and comment on appropriate policies, legislation and regulations; keeps regional office and headquarters staff informed about major current developments concerning major new human resource legislation and policies at the State and local levels.

5. Identifies, and brings to the attention of the regional staff problems and issues in the States that may be amenable to DHEW evaluation efforts; facilities, in coordination with the appropriate regional staff, the communication of significant human resource evaluation and monitoring findings, to and from State and local governments.

6. Provides technical assistance to Governors' executive staffs and state agency heads in carrying out regional and national policies with the cooperation of other Regional staff, insures that the regional office role in the implementation of DHEW policies, through such systems as the Operational Planning System, is clearly spelled out to State and local general purpose governments; attempts to insure that State and local governments institute adequate mechanisms for implementing major common operational objectives.

7. Obtains and analyses information about problems and needs of State and local officials as they involve the programs and activities of HEW regional offices. Coordinates the planning and delivery of technical assistance to assist States and local general purpose government in the accomplishment of common program objectives.

8. Identifies interagency or interdepartmental program areas requiring joint planning and implementation and assists in developing agreements and procedures. Provides for an exchange of information and relationships with other departments where interdepartmental efforts are required to implement policies.

9. Provides supervision of and guidance to members of his staff for Regional Council and Federal Executive Board activities, with particular concern given to operations and activities of the Council and Federal Executive Boards as they require coordination with State and local governments; has responsibility for maximizing HEW's involvement in Federal Regional Council and Federal Executive Board programs for improving the quality and effectiveness of intergovernmental operations.

10. Ensures that the provisions of the National Environmental Policy Act are carried out. Monitors the preparation of environmental impact statements by appropriate agencies.

J. *Office of the Assistant Regional Director for Program Coordination (1E8281).* The establishment of this position in Region II reflects a special emphasis on our responsibilities to foster interrelationships among HEW and related programs. The position serves to identify those special needs of our constituencies which can be better addressed by such an emphasis. The Assistant Regional Director for Program Coordination: 1. Serves as principal advisor to the Regional Director and supervises a staff unit to ensure the coordination of HEW programs; works with the public and voluntary sectors to improve capacity building and promote integration of services at the delivery level.

2. Develops cooperative relationships among the principal HEW Regional components in order to promote the coordination of resources to accomplish regional program priorities.

3. Is responsible for resolving cross-programmatic issues and stimulating interaction among and across categorical program lines in order to improve the effectiveness and efficiency of human resource activities; plans and carries out studies of regional program operations for the purpose of advising the Regional Director and other regional officials of ways to encourage the meshing of Federal, State and local resources.

4. Develops a regional capacity building plan that includes the following activities: a. identifies and assesses the constraints which impede current and/or potential participants from preparing effective program designs;

b. develops strategies for eliminating constraints; and

c. plans for the provision of technical assistance to general purpose governments in the development of HEW integrated services and management systems.

5. Develops and manages special coordination projects at the Regional Office and local delivery level in support of capacity building and services integration goals.

6. It is responsible for the management of activities with respect to special concerns groups. Develops and maintains systematic contact with the principal representatives of special concerns groups, and assures that their needs are taken into consideration in HEW programs.

K. *Office of the Assistant Regional Director for Management and Finance (1E8221).* This position in Region II encompasses the functions previously held by the Assistant Regional Directors for Financial Management and Administration and Management. The primary purpose for establishing a single position is to have all of the responsibilities for the business-side of the Regional Office under one manager so the Regional Director may look to this one individual on both financial and administrative management matters related to DHEW Regional operations. The Office of the Assistant Regional Director for Management and Finance:

1. Advises the Regional Director and operating program managers on financial and administrative management matters and interprets financial and administrative management policy as established by the Secretary; Under Secretary; Assistant Secretary, Comptroller; Assistant Secretary for Administration and Management; or Regional Director.

2. Provides financial management support to the Regional Director and Regional Agency Heads for decentralized programs and activities. Under policies and procedures established by the Office of the Assistant Secretary, Comptroller, supervises the performance of the following financial management functions: accounting and financial reporting, budget formulation and execution, and work with state and local government and HEW grantees to include indirect cost negotiations, single letter of credit implementation, technical assistance audit follow up.

3. Receives from the Office of the Secretary and operating agencies all Regional budget and fiscal data, including allowances and allotments, budgeted positions authorized, and employment ceiling allocations; makes recommendations to the Regional Director on the management of budgetary resources for Regional programs maintaining close contact with counterparts, at the agency level and in the Office of the Comptroller to coordinate questions of Departmental financial management policy; represents the Regional Director with Treasury Department, the HEW Audit Agency, GSA, and GAO on financial management matters.

4. Performs Regional accounting and financial reporting for all HEW activities for which the Regional Director is delegated the authority to provide such services. Is responsible for the recording and reporting of all financial transactions of HEW Regional Office and Agency operations through the maintenance of a standardized Regional Accounting System.

5. Is responsible for the financial administration and management of OS Working Capital Fund and Departmental Management allotments or allowances issued to the Regional Director.

6. Maintains status reports on and provides accounting services for single letter of credit activities in the Region.

7. Performs budget activities as follows: prepares consolidated regional budget estimates and justifications for activities for which the Regional Director has been delegated authority; assists the Regional Director and Regional Agency Heads in advocating program budget priorities for centralized and decentralized programs based on Regional needs and characteristics; assesses Regional impact of Agency budget proposals for use of the Regional Director in providing comments to the Secretary on the Department budget; supervises

V 40 69 APR 9 75 XUM A

budget execution in the Region, including the recording and distribution of budget resources based on allocations, allotments, and allowances for regional activities; receives regional personnel ceiling allowances; prepares recommended allowances and manpower allocations for submission to the Regional Director; and monitors recruitment and employment against these allowances. Develops and implements a budget data system capable of monitoring financial operating plans and of maintaining current information of fund availability for Regional programs; provides assistance to the Regional planning offices in formulating a Regional plan, overseeing the development of financial operating plans for other Regional activities, reviewing these plans and providing comments to the Regional Director and other Regional personnel; certifies to the availability of funds for all expenditures based on allotments and allowances issued to the Regional Director and Regional Agency Heads.

8. Carries on cost allocation and payment system activities as follows: pursuant to delegation of authority from the Regional Director, is responsible for indirect cost rate negotiations (including state and local cost allocation plans) based on cost policies and procedures established by the Division of Financial Management Standards and Procedures; provides financial management technical assistance to state and local governments, and to other HEW grantees and contractors; assists the Office of the Assistant Secretary, Comptroller to develop the single letter of credit system within the Region; and assists the Regional Director and Regional Agency Heads in assuring effective followup of audit findings of major managerial significance as disclosed by reviews of grantees' management systems.

9. Serves as the principal advisor to the Regional Director and directs or participates actively in all aspects of administrative management, including organization, procedures, personnel management, office services, management information systems, manpower and other management surveys and studies, paperwork management, and grants and contracts management; identifies needed administrative and programmatic linkages to assure coordinated HEW thrust; and maintains records of delegations of authority.

10. Has been designated responsibility for the management of grants and contracts making (if centralized in the Region).

11. Provides leadership in the establishment, maintenance, and effective use of management information and the systems related thereto.

12. Administers all activities related to Regional Manpower Utilization Surveys and Work Measurement Studies.

13. Directs the operation of the Regional Personnel Office through the Regional Personnel Officer; serves as the principal advisor to the Regional Director on all aspects of personnel management, including the classification of positions, the staffing and processing of appointments, selected on-the-job training activities, and employee relations.

14. Directs the operation of Office Services through the Office Services Manager; provides office services to all activities in and near the Regional headquarters location, including: mail pick up and delivery, procurement, stocking and distribution of common supplies, maintenance of the official Regional files, printing and reproduction services, moving and storage services; establishes a system of effective property management including item and financial property accounts and the maintenance of subsidiary property records.

15. Directs the activities of the Office of Surplus Property Utilization and the Regional office of Facilities Engineering and Construction through the managers of those offices; conducts periodic inspections of Regional components' space and facilities to assure the application of optimum standards and practices related to physical and personnel safety and security.

L. *Office of the Assistant Regional Director for Human Development.* (See Chapter 1R95, HEW Organization Manual (38 FR 17262 6/29/73) (formerly numbered as 1E30).

M. *Special Assistant to the Regional Director for Program and Policy Analysis (1E8291).* The Special Assistant acts as a "trouble shooter" for the Regional Director in connection with HEW program and policy work in the region. He serves as the focal point for all contacts when the Regional Director is designated by the Under Secretary to represent the regions as "Lead Regional Director."

Sec. 1E82.30 *Relationships to Agency Regional Staffs and Regional Audit and Regional Civil Rights Staff.*

Agency regional staffs, Regional Civil Rights and Regional Audit staffs are under the line direction and control of their parent headquarters organization. The regional staffs are subject to the general leadership and coordination of the Regional Director and receive administrative, financial, and other support services from him and his staff. The functional statements for these offices are to be found with the statements of their parent organizations.

Sec. 1E82.40 *Order of Succession.* In the absence or disability of the Regional Director, the Deputy Regional Director serves as acting Regional Director. In the event of the absence of both the Regional Director will appoint an acting Regional Director. In the event of a vacancy in both positions, the Secretary or Under Secretary will designate the acting Regional Director.

Sec. 1E82.50 *Delegation of Authority.* The delegations of authority to the Regional Director to operate programs are:

A. *Long Term Care Standards Enforcement.*

1. Regional Directors have been delegated the following authorities under Title XVIII of the Social Security Act, as amended, which pertain to skilled nursing facility standards enforcement and which may be redelegated only to the Director, Office of Long Term Care Standards Enforcement: a. To approve or disapprove certifications made by State agencies under the provisions of section 1864(a), that a health care institution is or is not a skilled nursing facility as defined in section 1861(j);

b. To enter into agreements with skilled nursing facilities as provided in section 1866(a), including authority to determine the term of such agreements;

c. To terminate agreements, under the provisions of section 1866(b)(2)(B), with skilled nursing facilities where such facilities no longer substantially meet the requirements of Section 1861(j);

d. To waive, for such periods as are deemed appropriate, specific provisions of the Life Safety Code of the National Fire Association (21st edition, 1967) as provided in section 1861(j)(13);

e. To determine, in accordance with section 1861(j)(13), that the Life Safety Code of the National Fire Protection Association (21st edition, 1967) is not applicable in a State because a fire and safety code, imposed by State law, adequately protects patients in skilled nursing facilities;

f. To waive the requirement that a skilled nursing facility engage the services of a registered professional nurse for more than 40 hours a week as provided in section 1861(j)(15);

g. To waive in accordance with 20 CFR 405.1134(c), for such periods as are deemed appropriate, specific provisions of American National Standards Institute Standard No. A117.1, American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped;

h. To waive, based on regulations, 20 CFR 405.1134(e), requirements relating to the number of beds per room and the minimum size for rooms in skilled nursing facilities; and

i. To determine, under the provisions of section 1864(a), that State agency survey reports (including reports of followup reviews), and statements of deficiencies based upon official survey reports, relating to the certication of skilled nursing facilities for compliance with the applicable provisions of section 1861 are final and official. This includes the authority to: (1) assure that references to internal tolerance rules and practices are excluded from such reports or deficiency statements; (2) determine that such reports and deficiency statements have not identified individual patients, physicians, other practitioners, or individuals; (3) determine that involved skilled nursing facilities have been afforded a reasonable opportunity to offer comments; and (4) make final and official reports and deficiency statements available to the public in readily accessible form and place, along with any pertinent written statements submitted by skilled nursing facilities.

2. Regional Directors have been delegated the following authorities under Title XIX of the Social Security Act, as amended, which pertain to nursing facility standards enforcement and which may be redelegated only to the Director, Office of Long Term Care Standards Enforcement:

a. Authority under the provisions of section 1910(b) to notify the State agency administering the Title XIX State plan of the approval or disapproval of any institution which has applied for certification under Title XVIII, and the term of such approval.

b. Authority to waive, for Title XIX skilled nursing facilities for such periods as are deemed appropriate, specific provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) as provided in section 1861(j)(13) of the Social Security Act.

c. Authority to waive for Title XIX skilled nursing facilities the requirement that a skilled nursing facility engage the services of a registered professional nurse for more than 40 hours a week as provided in section 1861(j)(15) of the Social Security Act.

d. Authority vested in the Secretary under section 1905(h) of the Social Security Act to certify intermediate care facilities located on Indian reservations.

e. Authority vested in the Secretary under Section 1905(h) of the Social Security Act to certify skilled nursing facilities located on Indian reservations.

B. *Office of Surplus Property Utilization.*

1. Regional Directors have been delegated certain authority which may not be redelegated as follows: a. Real property. This delegation relates to the conveyance and utilization of surplus real property and related personal property for educational and public health purposes, pursuant to section 203(k) of the Federal Property and Administrative Services Act of 1949, as amended. Each Regional Director, consistent with policies and procedures set forth in applicable regulations of the Department, is authorized:

(1) To execute deeds, contracts of sale, and all instruments incident or corollary to the transfer of land and improvements thereon, or in modification of previous transfers with respect to land and improvement cost of property where less than $1 million;

(2) To execute all instruments of conveyance or in modification of previous transfers with respect to land and improvements thereon where the acquisition and improvement cost was $1 million or more and the Office of Surplus Property Utilization specifically authorizes closing the transaction by the Regional Office; and

(3) To execute all instruments of conveyance relating to the transfer of improvements located outside his jurisdiction and intended for removal to and use within his jurisdiction.

b. Personal property. To act or designate a member of his staff (other than the SPU Regional Representative) to act as reviewing officer to approve or disapprove determinations by the Regional Representative authorizing State Agencies to abandon or destroy surplus personal property having a line item acquisition cost of $1,000 or more.

2. Regional Directors have been delegated certain authority related to real property which they may redelegate in writing to the SPU Regional Representative as follows:

a. Consistent with policies and procedures set forth in applicable regulations of the Department, to perform or take the actions stated below, with respect to disposal and utilization of surplus real and related personal property.

(1) To request and accept assignments from Federal agencies of:

(a) Improvements for removal and use away from the site;

(b) Improvements for removal to and use in another regional jurisdiction; and

(c) Land and improvements thereon where the acquisition and improvement cost of the property was less than $1 million.

(2) To make determinations incident to the disposal of assigned property described in a(1)(a) and a(1)(c) above;

(3) To issue and execute licenses and interim permits affecting assigned property described in a(1)(a) and a(1)(b) above;

(4) To execute instruments of transfer relative to property described in a(1)(a) above; except in those cases provided for in A 1a(3).

(5) Except for execution of instruments of conveyance or in modification of previous transfers, to take all action with respect to land and improvements thereon where the acquisition and improvement cost was $1 million or more and the Office of Surplus Property Utilization specifically authorizes closing of the transaction by the Regional Director; and

(6) Incident to the exercise of the authority hereinbefore provided to receive remittances and performance guarantee deposits and bonds, to request forfeiture or release of performance bonds.

b. Consistent with the policies and procedures set forth in applicable regulations of the Department, with respect to the disposal of educational and public health purposes of surplus real property improvements and related personal property located outside his jurisdiction, but intended for removal to and use within his jurisdiction, to take actions set forth in a(2), a(3), and a(6) above.

c. Consistent with the policies and procedures set forth in applicable regulations of the Department, with respect to property within his jurisdiction previously conveyed for educational and public health purposes:

(1) To make determinations concerning the utilization and the enforcement of compliance with the terms and conditions of disposal of:

(a) Improvements for removal and use away from the site; and

(b) Land and any improvements thereon regardless of the acquisition and improvement cost;

(2) To accept voluntary reconveyances and to effect reverter of title to land and improvements located thereon, without regard to acquisition cost;

(3) To report to the General Services Administration revested properties excess to program requirements in accordance with applicable regulations;

(4) To execute instruments necessary to carry out, or incident to the exercise of, the authority delegated in this paragraph; and

(5) Incident to the exercise of the authority delegated in this paragraph, to receive remittances and performance guarantee deposits and bonds, to request refunds or payments, and to request forfeiture or release of performance bonds.

d. With respect to the States within the jurisdiction of his region, consistent with the policies and procedures of the Department, to enter into cooperative agreements, under section 203(n) of the Act, with State Agencies for Surplus Property.

3. Regional Directors may redelegate in writing the following authority related to personal property to the SPU Regional Representative: the latter may likewise redelegate in writing the authority to the Assistant Regional Representative. Regional Representative may also redelegate in writing to his allocator(s) the authority stipulated in a(1)(a); a(1)(b), and a(1)(e), insofar as a(1)(e) pertains to a(1)(a) and a(1)(b):

a. Consistent with policies set forth in applicable regulations and procedures of the Department.

(1) To perform or take the actions stated below with respect to the allocation for donation of surplus personal property located within his jurisdiction for educational, health, or civil defense purposes.

(a) To make determinations concerning the useability of a need for surplus personal property by educational or health institutions and civil defense organizations:

(b) To allocate surplus personal property and to take all actions necessary to accomplish donation, or transfer of property so allocated;

(c) To make determinations of eligibility of educational and public health donees to acquire donable property;

(d) To designate individuals recommended by State agencies as State representatives for the purpose of inspecting and screening surplus personal property; and

(e) To execute all instruments, documents, and forms necessary to carry out, or incident to the exercise of, the foregoing authority.

(2) To allocate property within his jurisdiction to any other regional jurisdiction and to take the actions set forth in (1)(b) above in connection with such out-of-region allocation.

(3) To take the actions set forth in (1)(b) (c) and (e) above in connection with any property that is available for transfer to his jurisdiction from another region.

(4) With respect to personal property located within his jurisdiction and in

V 40 69 APR 9 75 XUM

possession of State agencies for subsequent donation for educational, public health, and civil defense purposes:

(a) To effect redistribution of usable and needed property to other State agencies;

(b) To authorize and execute instruments necessary to carry out cannibalization, secondary utilization, and revision of acquisition cost of property;

(c) To recommend to GSA for disposal, property excess to the needs of State agencies; and

(5) With respect to personal property located within his jurisdiction previously donated for educational and public health purposes:

(a) To make determinations and take actions appropriate thereto concerning the utilization of such property, including retransfer and the enforcement of compliance with terms and conditions which may have been imposed on and which are currently applicable to such property;

(b) To execute instruments necessary to carry out, or incident to the exercise of, the authority delegated in (a) above;

(c) To recommend to GSA for disposal, property excess to the needs of donees, except boats over 50 feet in length and aircraft;

(d) Incident to the exercise of the authority delegated in this paragraph, to request refunds or payments; and

(e) To authorize and execute instruments necessary to carry out sales, abrogations, revision of the period of restriction, secondary utilization or cannibalization, revision of acquisition cost, trade-in of an item on a similar replacement, and destruction or abandonment of property in the custody of donees.

(6) With respect to the States within the jurisdiction of his region, to approve State plans of operation and amendments thereto submitted by State agencies for surplus property: Provided, however, That disapproval of a State plan in whole or in part is concurred in by the Director, Office of Surplus Property Utilization.

(7) With respect to the States within the jurisdiction of his region, to enter into cooperative agreements, under section 203(n) of the Act, with State agencies for surplus property of such States, either individually or collectively.

4. Regional Representatives have been delegated certain authority related to personal property directly by the Director of the Office of Surplus Property Utilization: the authority may be redelegated in writing to the Assistant Regional Representative;

a. Consistent with policies set forth in applicable regulations and procedures of the Department.

(1) To authorize destruction or abandonment by a determination in writing that the property has no commercial value, subject, however, to approval of such determination in the case of property having a line item acquisition cost of $1,000 or more, by a reviewing officer before authorization to destroy or abandon is given to the State agency.

C. *Office of Human Development.*

1. Regional Directors have been delegated the certain authorities by the Assistant Secretary for Human Development as follows:

a. Under the general policies and in such form as prescribed by the Director, Office of Child Development (and approved by the Assistant Secretary for Human Development) and in conformity to the allocations and financial guidelines of the Director, Office of Child Development to make grants under section 511 of the Community Services Act of 1974 (Project Head Start), except insofar as such grants are for programs which primarily serve migrants or Indians living on Federal reservations. This authority may be redelegated.

b. Under the general policies and in such form as prescribed by the Assistant Secretary for Human Development and in conformance with the allocations and financial guidelines issued by him, Regional Directors are authorized to make grants or contracts under the authority of Title I of the Juvenile Delinquency Prevention Act. The Regional Director is authorized to redelegate this authority only to the Assistant Regional Director for Human Development without the concurrence of the Assistant Secretary for Human Development.

c. To make grants and contracts for Urban Indian Projects under the authority of section 803 of the Community Services Act of 1974.

d. To make, amend, suspend, and cancel the grants and contracts authorized in "a", "b" and "c" above and to issued audit disallowances as well as to receive appeals on and make final decisions on such disallowances.

Dated: April 2, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

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OFFICE OF THE REGIONAL DIRECTOR, REGION III

Statement of Organization, Functions, and Delegations of Authority

SECTION 1E83.00 *Mission.* The Regional Director represents the Secretary in his Region. Under his direction, the Office of the Regional Director provides leadership and coordination in various Department programs and activities within the Region and represents the Department in direct official dealings with State and other governmental units, representatives of the Congress, and the general public.

SEC. 1E83.10 *Organization.* The Office of the Regional Director, Region III, is under the direction and control of the Regional Director who reports to the Secretary and Under Secretary, and consists of the following:

Regional Director
Deputy Regional Director
Office of the Regional Attorney
Office of Equal Employment Opportunity
Executive Secretariat
Office for Civil Rights
Office of Audit
Office of ARD for Public Affairs
Office of ARD for Planning and Evaluation
Office of ARD for Intergovernmental Affairs
Office of ARD for Financial Management
Office of ARD for Administration and Management
Office of ARD for Human Development
Office of Long Term Care Standards Enforcement

SEC. 1E83.20 *Functions.* A. *Regional Director.*—The functions of the Regional Director are:

1. Serves as the Secretary's representative in direct official dealings with State and other governmental units, and evaluates Regional, State, and local activities related to the Department's programs.

2. Develops regional priorities which emphasize the Department goals and highlight areas of particular needs or opportunities in the region, so that efforts and resources may be brought to bear on them. Formulates regional plans for each priority and assures that regional agency heads achieve all their objectives in accordance with their plans. Conducts formalized planning conferences with regional representatives to assure a complete exchange of significant management information.

3. Exercises general coordination and supervision of personnel and activities in the region to ensure proper execution of policies, regulations, and instructions applicable to the Department as a whole. Recognizes interprogram disparities, exercises leadership to keep these disparities within constructive limits to assure effective, efficient, and responsive actions in the interest of total service to the public.

4. Assures that staff offices provide full support to agency operating programs.

5. Provides coordination of the activities of the principal representatives of the principal operating components who are stationed in or detailed to the region, including determination of regional program priorities and official communications with representatives of State or other Federal agencies.

6. Through coordination and supervision, exercises leadership in bringing about necessary awareness of the status of other programs of the Regional Office, and fosters cooperative relationships among program and staff representatives in seeing that plans are effectively made, operations are smoothly carried out, and performance is adequately evaluated.

7. Promotes general public understanding of the programs, policies, and objectives of the Department, and participates in the development and carrying out of a Regionwide information and public information program.

8. Establishes and maintains working relationships with Governors and key State and local officials; furnishes advice and assistance and strives to develop a mutually beneficial Federal-State-local partnership. Provides guidance to regional staff members on the priorities, emphases, and merits of various requirements based on expressions of need and

analyses by governors, mayors, and other key officials.

9. Maintains working relationships with private agencies and institutions; develops ways in which their plans and programs and those of the Department can actively complement each other.

10. Develops continuing cooperative relationships with officials of the Federal agencies in the Region; through the medium of Regional Councils seeks ways in which interdepartmental delivery of program services can be made more effective.

11. In accordance with regulations and guidelines established at headquarters, administers the child development programs in the region, including the Head Start program. Makes certain Head Start grants and takes other grants actions, as required.

12. Through liaison, periodic conferences, and other means, takes action to coordinate and integrate activities which are not directly associated with the regional office with regional office activities.

13. Develops plans for emergency preparedness and directs all Department activities necessary to ensure continuity of essential functions within the Region in case of an emergency due to enemy action; maintains a written plan for regional emergency operations; maintains liaison with all Federal authorities engaged in mobilization planning; acts in cooperation with them in an emergency situation; directs on behalf of Secretary all Department activities in the Region if communications with national headquarters are cut off.

14. Directs regional activities for assistance and alleviation of distress within the region resulting from natural disasters, including major disasters under Public Law 875; takes all necessary and appropriate action in connection with disaster situations and reports thereon.

15. In accordance with regulations and guidelines established at headquarters, administers, through the Office of Long Term Care Standards Enforcement, activities as herein described relating to the approval and termination of agreements with skilled nursing facilities for the purpose of participation in either the Medicare (Title XVIII) or in both the Medicare and Medicaid (Title XIX) programs.

B. *Deputy Regional Director.*

Serves as Acting Regional Director in the absence or disability of the Regional Director or in the event of a vacancy in the Office of Regional Director. The Deputy Regional Director performs other duties and functions at the request of the Regional Director.

C. *Executive Secretariat.*—Monitors the decision-making process for the Regional Director and facilitates the internal processes of coordination and communication, as follows:

1. Screens Regional Director's correspondence and filters out those items which require immediate attention by the Regional Director and Regional Director's staff, as well as the assignment of time deadlines for Regional Director's action items.

Takes appropriate action to clarify issues and instructions before a request for information is forwarded to the appropriate action office. Provides current and consolidated information or indicates where such information may be obtained for all policy issues and projects in the Region.

2. Operates a comprehensive system for tracking action items and ensures that the Regional Director has timely and quality input from all appropriate offices on which to base his decisions. Assures that all outgoing correspondence are quality products that represent the best possible presentation of the Regional Director's views; synthesizes detailed responses from various offices into a single document for outgoing correspondence going to the Secretary and other Headquarters units, and for Regional Director's decision memoranda.

3. Provides for feedback to the Regional Director on the impact of his decisions. By obtaining periodic status reports on selected key issues and projects, ensures proper compliance with past decisions, highlights problem areas for renewed Regional Director's attention, and develops an ever current supply of data for management conferences and for responding to incoming requests from the Secretary, various elected officials, and regional staff.

D. *Office of the Regional Attorney.*—The functions of the Office of the Regional Attorney are as follows:

1. Advises and counsels the Regional Director and operating program personnel on legal issues relating to their responsibilities within the region; on all matters within the competence of the legal profession the Regional Attorney is subject to the supervision of the General Counsel; on all other matters he is subject to the supervision of the Regional Director.

2. As requested by the Regional Director, assists in legal aspects of program development and of policy problem solution;

3. Provides professional legal services, such as preparation of legal instruments, memoranda, reports, and interpretive analyses;

4. Represents or counsels the Regional Director in negotiations to resolve actual and potential problems of a legal nature;

5. Provides appropriate legal assistance to state agencies and officials in connection with DHEW programs, as requested by the Regional Director;

6. As requested by the General Counsel, prepares for and conducts administrative hearings, aids the U.S. Attorney in preparation for and conduct of litigation, and performs such other duties as may be requested by the General Counsel;

7. Seeks to so order his time and workload priorities as to meet the needs of the Regional Office as determined by the Regional Director;

8. Subject to final approval by the Regional Director, selects, promotes, and takes all personnel actions with respect to his professional and clerical staff, in accordance with the personnel policies of the Office of the General Counsel.

E. *Office of Equal Employment Opportunity.*

Serves as the Regional Director's staff for the establishment and maintenance of a positive program of non-discrimination in Departmental employment in the Region. Has responsibility for the Regional HEW Federal Women's Program and the Regional Spanish Surnamed Program. Monitors the Regional EEO complaint system (and issues proposed dispositions on all formal complaints within the immediate Office of the Secretary). Prepares the Regional Annual Affirmative Action Plan.

F. *Office of Long Term Care Standards Enforcement.*—Performs these functions as follows:

1. Provides recommendations to the Regional Director on administrative actions necessary to carry out those portions of Titles XVIII and XIX of the Social Security Act related to the certification by State agencies of skilled nursing facilities (SNFs) for participation in the Medicare and Medicaid programs. Those activities, within the region, which pertain to Title XVIII and the Title XIX certification include: the Issuance of Title XVIII time limited agreements; for homes participating under Title XVIII or under both Titles XVIII and XIX, the approval of corrective plans of action for deficiencies in SNF's which participate either as components of larger institutions or as free standing units; granting waivers of provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) or provisions of Standard No. A117.1 of the American National Standards Institute, and waivers of certain other provisions of physical environment standards as they pertain to SNFs; public disclosure of State agency reports of deficiencies in SNF compliance with standards in accordance with section 1864(a) of the Social Security Act; approval of State fire codes in lieu of the Life Safety Code; and granting waivers, under specified circumstances, of the requirement that an SNF have on duty more than one registered nurse more than 40 hours per week.

2. Establish and maintain close working relationships with administrators of State health, welfare, and other departments involved under established agreements in the certification of and assistance to SNFs and ICFs. Perform evaluations of: State agency performance with respect to enforcing health and safety standards for SNFs and ICFs; and the State agencies' recommendations for waivers of provisions of the 1967 Life Safety Code with respect to SNFs and ICFs. Monitor States' implementation of the ICF regulations.

3. Participate in the negotiations of budgets with State survey agencies for their services and review those portions of the State agency budget relative to

V40169 APR 9 75 XUM

SNF/ICF certification and the provision of state consultative services to SNFs and ICFs and recommend to the Social Security Administration (SSA), Regional Commissioner and to the Social and Rehabilitation Service (SRS), Regional Commissioner, amounts that should be approved for SNF and ICF certification and certification-related activities.

4. Participate with other appropriate Federal programs in evaluations of State agency certification operations which are designed to assess State survey agency performance in program management, in applying established health, safety, and Life Safety Code standards and in evaluating quality of care (e.g., participated in SSA's comprehensive program reviews of State survey agency performance and in SRS's program reviews of the Title XIX single state agency).

5. Develop and implement procedures to assure the timely and effective conduct of the following: (a) State surveys of individual SNFs and ICFs, (b) Federal review and processing of State agency certifications and documentation pertaining to SNF compliance, (c) Federal decisions approving agreements, terminations or the granting of waivers to SNFs and (d) Federal direct validation surveys of selected SNF and ICF facilities.

6. Provide technical assistance for the professional training of State agency personnel on their duties in survey/certification and evaluation of the functional performance of SNFs and ICFs with respect to the quality of health care delivered.

7. Assist State agencies to develop their capabilities for the provision of specialized technical assistance to SNFs and ICFs on highly complex aspects of the survey requirements and on the development of acceptable plans of corrective action for overcoming deficiencies.

8. Assist States, provider organizations, and educational institutions in the stimulation, development, and implementation of training opportunities for SNF and ICF personnel in order to correct deficiencies and upgrade the quality of care offered, including mental health aspects of long term care.

9. Review complaints received by the Regional Directors concerning State agency and SNF/ICF activities and initiate appropriate action for investigation and resolution.

10. With SSA, SRS, and the Public Health Service (PHS), as appropriate, provide information and interpretations concerning standards for the delivery of SNF and ICF services to media, consumer and provider groups, professional health associations, and other health and welfare groups.

11. Based on regional conditions and trends related to SNFs and ICFs, make recommendations to the Office of Nursing Home Affairs (ONHA) or through ONHA, to the headquarters components of SSA, PHS, and SRS, as appropriate, on revisions to present program policies criteria, standards or procedures.

12. Provide data and reports to ONHA on SNF/ICF survey/certification activities on SNF and ICF health service utilization and on the impact of certification and assessment procedures on the delivery of SNF and ICF health services. Provide reports to SSA, SRS, and PHS on the status of SNF and ICF facility compliance in the region.

13. Work with, and provide information as requested to the Social Security Administration, on the following SNF related activities; e.g.,

a. Utilization review processes of SNF's;

b. Change of provider status in the Medicare program (e.g., change of ownership, termination because of failure to provide proper financial information or because of requests for payment substantially in excess of costs or for improper or necessary services, or withdrawal from program);

c. Certification of SNF's as a "distinct part" of another facility; and

d. Requests for hearings on terminated SNFs participating in Medicare.

14. Work with, and provide information as requested to, the Social and Rehabilitation Service, on the following SNF and ICF related activities:

a. Utilization and periodic medical review procedures for SNF's;

b. Utilization and independent professional review procedures for ICFs;

c. Level of care determinations;

d. Recipient eligibility issues; and

e. Cost-sharing requirements.

15. Work with, and provide information as requested to, the Public Health Service on the following SNF and ICF related activities:

a. Health care standards development efforts of the Bureau of Quality Assurance;

b. Utilization review determinations under Professional Standards Review Organizations;

c. Provider improvement program initiatives of the Health Resources Administration;

d. Comprehensive health planning determinations under section 1122 of the Social Security Act; and

e. Other relevant SNF and ICF program activities conducted by the Health Resources Administration, Health Services Administration, Alcohol, Drug Abuse, and Mental Health Administration, National Institutes of Health, Center for Disease Control, and the Food and Drug Administration.

16. Coordinate with the Office of Human Development in the areas of their delegated responsibilities for, and concern with, the mentally retarded and aging.

17. Coordinate, under the Office of Civil Rights in monitoring the implementation of Title VI of the Civil Rights Act of 1964 with respect to SNFs and ICFs.

18. Coordinate, under the direction of the Regional Director, with regional personnel of the Office of Facilities Engineering and Property Management on matters relating to the interpretation and enforcement of provisions of the Life Safety Code.

19. Coordinate with the Department of Housing and Urban Development in implementation of Pub. L. 93-204.

G. *Office of the Assistant Regional Director for Public Affairs.*

1. Serves as a principal advisor to the Regional Director in the formulation of policies, approaches, and procedures in the field of public information and in the formulation of approaches to major policy issues and has a broad range of responsibility in developing overall strategies and techniques for long range Public Affairs activities, in line with the Secretary's policy and the trend toward inter-agency coordination and Departmental control.

2. Advises key officials of the Regional Office, including the Regional Director and agency representatives on public information, public reporting, and related aspects of program matters.

3. Serves as a central point of communication with the press, radio and TV news media, issuing all news materials originating within the Regional Office and amplifying, clarifying or explaining the impact and effect within the Region of national news issued by Departmental Headquarters.

4. Is responsible for overall program supervision of the Regional Office's total public information program. Coordinates and exercises functional supervision over information services and all other activities of the Regional Office related to publications, public reports, and other informational and public affairs matters. Is responsible for the clearance of all information for public distribution before its release and certification as to the necessity for illustrations and related materials.

5. Prescribes procedures for planning, production, clearance, release, and distribution of all material prepared with the Region for release through Governmental channels.

6. Issues policies, standards, and procedures as may be necessary to carry out the public affairs functions and responsibilities of the Regional Office.

H. *Office of the Assistant Regional Director for Planning and Evaluation.*

1. Serves as a principal advisor to the Regional Director in identifying and directing activities to meet the needs and requirements for the planning and evaluation of HEW and related Federal Regional Council and state and local general purpose government programs.

2. Establishes and maintains a regional intergovernmental planning process which:

a. facilitates the identification of issues needing policy clarification;

b. analyzes the implications of implementing policies in the Region to determine needed regional deviations from a national norm; and

c. identifies and analyzes regional needs, program-by-program and issue-by-issue, and incorporates these issues into a Regional Memorandum in order to establish regional planning priorities.

3. Develops and maintains a geographic profile of needs in the Region with a special emphasis on target or special concern groups, develops demographic indices, descriptions of available resources and of the current regional distribution of HEW assistance.

4. Establishes a review and comment process in order to:

a. analyze proposed regional objectives and compare to existing Department and regional policies/objectives for consistency;

b. analyze current and proposed national policy for regional implications, especially in light of regional observations of needs; and

c. participate in Master Planning Calendar activities, including the forward planning process, development of program memorandum and preliminary budgets, and model state legislation.

5. Translates policy into services to be provided, budget proposals/resource allocation/re-allocation plans, and the legislative specifications needed to effectively implement the policy.

6. Develops a regional capacity-building plan to include the following activities:

a. identify and assess the constraints which impede current and/or potential participants from preparing effective program designs;

b. develop strategies for eliminating constraints; and

c. plan for the provision of technical assistance to general purpose governments in the development of comprehensive human resources planning systems that are compatible with HEW planning.

7. Establishes procedural and substantive criteria for the management review of:

a. those programs covered by the RDRS system;

b. programs delegated to the RD and those of a developmental assistance nature; and

c. agency efforts at reviewing state plans.

8. Assists in the improvement and coordination of Regional Office monitoring activities, and plans for the systematic collection and analysis of data generated by program monitoring audits. Civil Rights reviews, A-95 and NEPA reviews, and evaluation results for utilization in subsequent planning activities.

9. For programs directly delegated to the RD, identifies the information needed to describe program progress and then develops instruments and techniques for measuring progress in reaching program goals.

10. For HEW programs:

a. identifies information needs for regional decisionmaking that can be provided by program evaluations;

b. prepares a regional office research, evaluation and statistical data plan for developing, implementing and utilizing evaluations;

c. participates in central office evaluation process to secure funds and to comment on relevance of agency evaluation plans to regional decisionmaking needs;

d. ensures the dissemination of evaluation results; and

e. works with regional agencies and Audit to improve program evaluation capabilities within the region.

I. *Office of the Assistant Regional Director for Intergovernmental Affairs.*

1. Serves as principal staff to the Regional Director in accomplishing the Department's intergovernmental, technical assistance and program coordination mission in the region. Utilizes comprehensive knowledge of program activities and information from data and resources which must be evaluated to determine the approach to be taken toward regional intergovernmental relations.

2. Serves as the Regional Director's representative at conferences and in establishing and maintaining contracts with the offices of governors, county executives and mayors. Recommends alternative methods for achieving goals and objectives, exercising priorities and implementing policies pertaining to relationships with State and local purpose government to operational and forward planning and for information systems.

3. Establishes for the Regional Director operational methods for principal officials of Federal, State and local agencies and other public and nonprofit organizations and institutions to integrate their resources and interests toward common goals of the Department.

4. Identifies needs, tools and opportunities for productive interagency coordination, programming and operations to accomplish goals and objectives that can be shared by multiple agencies of the Department to bring about more effective delivery of services to State and local governments in the region. This involves providing planned technical assistance designed to enable appropriate officials of cities, States and the Regional Office to plan together for the accomplishment of common program objectives.

5. Participates from time to time in interagency or interdepartmental studies with responsibility for factfinding, analysis, and making recommendations to top level policy making officials about national and intergovernmental program planning.

6. Develops, in concert with other DHEW representatives, the ARD for Planning and Evaluation and officials of State and local jurisdictions, necessary procedures to insure appropriate input on regional needs and issues which will affect the Department's budget, legislative and policy development processes in accordance with master calendar cycles.

7. Provides guidance and staff support to the Federal Regional Council in connection with operations and activities that require coordination with Federal, State and local governments. This includes responsibility for maximizing the Federal Regional Council's potential for improving the quality and effectiveness of intergovernmental operations.

8. Has lead responsibility within the Regional Office, as assigned by the Regional Director, for such major intergovernmental initiatives as manpower coordination, services integration and capacity-building. Is responsible for pulling together full regional resources in the accomplishment of such initiatives.

9. The Regional Environmental Officer, located in the Office of Intergovernmental Affairs, is managed by the RD's environmental representative, the Regional Environmental Officer (ARD/IGA). Supportive assistance to the REO is provided by the Environmental Program Analyst.

The Regional Environmental Office is responsible for the Regional Administration of the implementing of the National Environmental Policy Act of 1969 (NEPA). Regional administration of NEPA includes the following broad functions:

a. Serving as a liaison between DHEW's Office of Environmental Affairs in Washington and the Regional agency program staff relative to existing and proposed policies, regulations, etc.;

b. Providing assistance (through guide materials, individual project assessments, etc.) to Regional program staff relative to national Regional DHEW procedures and review criteria;

c. Reviewing Environmental Impact Statements prepared by other Federal departments; and

d. Serving as a point of environmental contact for other Federal departments, state agencies (such as environmental agencies and the State Clearinghouses), and the general public.

J. *Office of the Assistant Regional Director for Financial Management.*

1. Provides financial management support to the Regional Director and Regional Agency Heads for decentralized programs and activities. Under policies and procedures established by the Office of the Assistant Secretary, Comptroller, supervises the performance of the following Financial Management functions: accounting and financial reporting, budget formulation and execution, and work with State and local government and HEW grantees to include indirect cost negotiation, single letter of credit implementation, technical assistance, and Audit follow-up.

2. On behalf of the Regional Director, provides coordination and liaison with the HEW Audit Agency, the Treasury Department, the General Services Administration, and the General Accounting Office on financial management matters.

3. Is responsible for the financial administration and management of allotments or allowances which are issued to the Regional Director.

4. Performs Regional accounting and reporting activities: accounting, comptrolling, fiscal services, and reporting for all HEW activities for which the Regional Director is delegated the authority to provide such services.

5. Performs budget activities as follows: Prepares the Regional budget for activities for which the Regional Director has delegated authority and assists other Regional staffs in developing their budgets; prepares consolidated Regional budget estimates and justifications and assists the Regional Director and Regional Agency Heads in advocating program budget priorities for centralizing

V40169 APR 9 75 XUM

and decentralizing programs based on Regional needs and characteristics; supervises budget execution in the Region including the recording and distribution of budget resources based on allocations, allotments and allowances for Regional activities; prepares recommended allowances and manpower allocations for activities delegated directly to the Regional Director; oversees the development of financial operating plans for other Regional activities, reviews these plans, and provides comments to the Regional Director and other Regional personnel; develops and implements a budget data system capable of monitoring financial operating plans and maintaining current information of fund availability for Regional programs; and receives Regional personnel ceiling allowances and monitors recruitment and employment against these allowances.

6. Carries out cost allocation and payment systems activities as follows: Pursuant to delegations of authority from the Regional Director is responsible for indirect cost rate negotiations (including State and local cost allocation plans based on cost policies and procedures established by the Division of Financial Management Standards and Procedures; provides financial management technical assistance to State and local governments and to other HEW grantees and contractors; assists the office of the Assistant Secretary, Comptroller to develop the single letter of credit system within the Region; and assists the Regional Director and Regional Agency Heads in assuring effective follow up of audit findings of major managerial significance as disclosed by reviews of grantees' management systems.

K. Office of the Assistant Regional Director for Administration and Management.

1. Serves as the principal advisor to the Regional Director on and directs or participates actively in all aspects of administrative management, including organization, procedures, management systems, delegations of authority, management surveys and studies, and paperwork management.

2. Serves as the principal advisor to the Regional Director on all aspects of personnel management. Administers the Regional program, including the classification of positions, the processing of appointments, and selected on-the-job training activities.

3. Reviews grants and contracts proposals for general adherence to program goals and management soundness and exercises Regional sign-off authority as appropriate.

4. Provides the leadership in the establishment, maintenance, and effective use of management information and the system related thereto.

5. Administers the Regional Surplus Property Utilization program.

6. Establishes a system of effective property management, including the maintenance of item and financial property accounts.

7. Conducts periodic inspections of Regional space and facilities to assure the application of optimum standards and practices related to physical and personnel safety and security.

8. Provides office services to all activities in and near the regional headquarters location, including mail pick-up and delivery; procurement, stocking, and distribution of common supplies; maintenance of the official regional files; printing and reproduction services, moving and storage services.

9. Assures the delivery of the total architectural/engineering services in support of HEW grant and loan and direct Federal construction programs and of HEW owned and utilized facilities.

L. Office of the Assistant Regional Director for Human Development. (See Chapter 1R95, HEW Organizaton Manual (38 FR 17262 6/29/73) (formerly numbered as 1E80).)

SEC. 1E83.30 *Relationships to Agency Regional Staffs and Regional Audit and Regional Civil Rights Staff.* Agency regional staffs and Regional Civil Rights and Regional Audit staffs are under the line direction and control of their parent headquarters organizations. The regional staffs are subject to the general leadership and coordination of the Regional Director and receive administrative, financial, and other support services from him and his staff. The functional statements for these offices are to be found with the statements of their parent organizations.

SEC. 1E83.40 *Order of Succession.* In the absence or disability of the Regional Director, the Deputy Regional Director serves as acting Regional Director. In the event of the absence or disability of both the Regional Director and Deputy Regional Director and where there is a vacancy in both positions, the Secretary or Under Secretary will designate the acting Regional Director.

SEC. 1E83.50 *Delegation of Authority.* The delegations of authority to the Regional Director to operate programs are:

A. Long Term Care Standards Enforcement.

1. Regional Directors have been delegated the following authorities under Title XVIII of the Social Security Act, as amended, which pertain to skilled nursing facility standards enforcement and which may be redelegated only to the Director, Office of Long Term Care Standards Enforcement:

a. To approve or disapprove certifications made by State agencies under the provisions of section 1864(a), that a health care institution is or is not a skilled nursing facility as defined in Section 1861(j);

b. To enter into agreements with skilled nursing facilities as provided in section 1866(a), including authority to determine the term of such agreements;

c. To terminate agreements, under the provisions of section 1866(b)(2)(B), with skilled nursing facilities where such facilities no longer substantially meet the requirements of Section 1861(j);

d. To waive, for such periods as are deemed appropriate, specific provisions of the Life Safety Code of the National Fire Association (21st edition, 1967) as provided in section 1861(j)(13);

e. To determine, in accordance with section 1861(j)(13), that the Life Safety Code of the National Fire Protection Association (21st edition, 1967) is not applicable in a State because a fire and safety code, imposed by State law, adequately protects patients in skilled nursing facilities;

f. To waive the requirement that a skilled nursing facility engage the services of a registered professional nurse for more than 40 hours a week as provided in Section 1861(j).(15);

g. To waive in accordance with 20 CFR 405.1134(c), for such periods as are deemed appropriate, specific provisions of American National Standards Institute Standard No. A117.1, American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped;

h. To waive, based on regulations, 20 CFR 405.1134(e), requirements relating to the number of beds per room and the minimum size for rooms in skilled nursing facilities; and

i. To determine, under the provisions of section 1864(a), that State agency survey reports (including reports of follow-up reviews), and statements of deficiencies based upon official survey reports, relating to the certification of skilled nursing facilities for compliance with the applicable provisions of section 1861 are final and official. This includes the authority to: (1) assure that references to internal tolerance rules and practices are excluded from such reports or deficiency statements; (2) determine that such reports and deficiency statements have not identified individual patients, physicians, other practitioners, or individuals; (3) determine that involved skilled nursing facilities have been afforded a reasonable opportunity to offer comments; and (4) make final and official reports and deficiency statements available to the public in readily accessible form and place, along with any pertinent written statements submitted by skilled nursing facilities.

2. Regional Directors have been delegated the following authorities under Title XIX of the Social Security Act, as amended, which pertain to nursing facility standards enforcement and which may be redelegated only to the Director, Office of Long Term Care Standards Enforcement:

a. Authority under the provisions of section 1910(b) to notify the State agency administering the Title XIX State plan of the approval or disapproval of any institution which has applied for certification under Title XVIII, and the term of such approval.

b. Authority to waive, for Title XIX skilled nursing facilities for such periods as are deemed appropriate, specific provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) as provided in section 1861(j)(13) of the Social Security Act.

c. Authority to waive for Title XIX skilled nursing facilities the requirement that a skilled nursing facility engage the services of a registered professional nurse for more than 40 hours a week as provided in section 1861(j)(15) of the Social Security Act.

d. Authority vested in the Secretary under section 1905(c) of the Social Security Act to certify intermediate care facilities located on Indian reservations.

e. Authority vested in the Secretary under section 1905(h) of the Social Security Act to certify skilled nursing facilities located on Indian reservations.

B. Office of Surplus Property Utilization.

1. Regional Directors have been delegated certain authority which may not be redelegated as follows:

a. Real property. This delegation relates to the conveyance and utilization of surplus real property and related personal property for educational and public health purposes, pursuant to section 203(k) of the Federal Property and Administrative Services Act of 1949, as amended. Each Regional Director, consistent with policies and procedures set forth in applicable regulations of the Department, is authorized:

(1) To execute deeds, contracts of sale, and all instruments incident or corollary to the transfer of land and improvements thereon, or in modification of previous transfers with respect to land and improvement cost of property where less than $1 million;

(2) To execute all instruments of conveyance or in modification of previous transfers with respect to land and improvements thereon where the acquisition and improvement cost was $1 million or more and the Office of Surplus Property Utilization specifically authorizes closing the transaction by the Regional Office; and

(3) To execute all instruments of conveyance relating to the transfer of improvements located outside his jurisdiction and intended for removal to and use within his jurisdiction.

b. Personal property. To act or designate a member of his staff (other than the SPU Regional Representative) to act as reviewing officer to approve or disapprove determinations by the Regional Representative authorizing State Agencies to abandon or destroy surplus personal property having a line item acquisition cost of $1,000 or more.

2. Regional Directors have been delegated certain authority related to real property which they may redelegate in writing to the SPU Regional Representative as follows:

a. Consistent with policies and procedures set forth in applicable regulations of the Department, to perform or take the actions stated below, with respect to disposal and utilization of surplus real and related personal property.

(1) To request and accept assignments from Federal agencies of:

(a) Improvements for removal and use away from the site;

(b) Improvements for removal to and use in another regional jurisdiction; and

(c) Land and improvements thereon where the acquisition and improvement cost of the property was less than $1 million.

(2) To make determinations incident to the disposal of assigned property described in a(1)(a) and a(1)(c) above;

(3) To issue and execute licenses and interim permits affecting assigned property described in a(1)(a) and a(1)(c) above;

(4) To execute instruments of transfer relative to property described in a(1)(a) above; except in those cases provided for in A 1a(3).

(5) Except for execution of instruments of conveyance or in modification of previous transfers, to take all action with respect to land and improvements thereon where the acquisition and improvement cost was $1 million or more and the Office of Surplus Property Utilization specifically authorizes closing of the transaction by the Regional Director; and

(6) Incident to the exercise of the authority hereinbefore provided to receive remittances and performance guarantee deposits and bonds, to request forfeiture or release of performance bonds.

b. Consistent with the policies and procedures set forth in applicable regulations of the Department, with respect to the disposal of educational and public health purposes of surplus real property improvements and related personal property located outside his jurisdiction, but intended for removal to and use within his jurisdiction, to take actions set forth in a(2), a(3), and a(6) above.

c. Consistent with the policies and procedures set forth in applicable regulations of the Department, with respect to property within his jurisdiction previously conveyed for educational and public health purposes:

(1) To make determinations concerning the utilization and the enforcement of compliance with the terms and conditions of disposal of:

(a) Improvements for removal and use away from the site; and

(b) Land and any improvements thereon regardless of the acquisition and improvement cost;

(2) To accept voluntary reconveyances and to effect reverter of title to land and improvements located thereon, without regard to acquisition cost;

(3) To report to the General Services Administration revested properties excess to program requirements in accordance with applicable regulations;

(4) To execute instruments necessary to carry out, or incident to the exercise of, the authority delegated in this paragraph; and

(5) Incident to the exercise of the authority delegated in this paragraph, to receive remittances and performance guarantee deposits and bonds, to request refunds or payments, and to request forfeiture or release of performance bonds.

d. With respect to the States within the jurisdiction of his region, consistent with the policies and procedures of the Department, to enter into cooperative agreements, under section 203(n) of the Act, with State Agencies for Surplus Property.

3. Regional Directors may redelegate in writing the following authority related to personal property to the SPU Regional Representatives: the latter may likewise redelegate in writing the authority to the Assistant Regional Representative. Regional Representative may also redelegate in writing to his allocator(s) the authority stipulated in a(1)(a), a(1)(b), and a(1)(e), insofar as a(1)(e) pertains to a(1)(a) and a(1)(b):

a. Consistent with policies set forth in applicable regulations and procedures of the Department.

(1) To perform or take the actions stated below with respect to the allocation for donation of surplus personal property located within his jurisdiction for educational, health, or civil defense purposes.

(a) To make determinations concerning the usability of and need for surplus personal property by educational or health institutions and civil defense organizations;

(b) To allocate surplus personal property and to take all actions necessary to accomplish donation, or transfer of property so allocated;

(c) To make determinations of eligibility of educational and public health donees to acquire donable property;

(d) To designate individuals recommended by State agencies as State representatives for the purpose of inspecting and screening surplus personal property; and

(e) To execute all instruments, documents, and forms necessary to carry out, or incident to the exercise of, the foregoing authority.

(2) To allocate property within his jurisdiction to any other regional jurisdiction and to take the actions set forth in (1)(b) above in connection with such out-of-region allocation.

(3) To take the actions set forth in (1)(b)(c) and (e) above in connection with any property that is available for transfer to his jurisdiction from another region.

(4) With respect to personal property located within his jurisdiction and in possession of State agencies for subsequent donation for educational, public health, and civil defense purposes:

(a) To effect redistribution of usable and needed property to other State agencies;

(b) To authorize and execute instruments necessary to carry out cannibalization, secondary utilization, and revision of acquisition cost of property;

(c) To recommend to GSA for disposal, property excess to the needs of State agencies; and

(5) With respect to personal property located within his jurisdiction previously donated for educational and public health purposes:

(a) To make determinations and take actions appropriate thereto concerning the utilization of such property, including retransfer and the enforcement of compliance with terms and conditions

V40169 APR 9 75 XUM

which may have been imposed on and which are currently applicable to such property;

(b) To execute instruments necessary to carry out, or incident to the exercise of, the authority delegated in (a) above;

(c) To recommend to GSA for disposal, property excess to the needs of donees, except boats over 50 feet in length and aircraft;

(d) Incident to the exercise of the authority delegated in this paragraph, to request refunds or payments; and

(e) To authorize and execute instruments necessary to carry out sales, abrogations, revision of the period of restriction, secondary utilization or cannibalization, reversion of acquisition cost, trade-in of an item on a similar replacement, and destruction or abandonment of property in the custody of donees.

(6) With respect to the States within the jurisdiction of his region, to approve State plans of operation and amendments thereto submitted by State agencies for surplus property: Provided, however, That disapproval of a State plan in whole or in part is concurred in by the Director, Office of Surplus Property Utilization.

(7) With respect to the States within the jurisdiction of his region, to enter into cooperative agreements, under section 203(n) of the Act, with State agencies for surplus property of such States, either individually or collectively.

4. Regional Representatives have been delegated certain authority related to personal property directly by the Director of the Office of Surplus Property Utilization: the authority may be redelegated in writing to the Assistant Regional Representative;

a. Consistent with policies set forth in applicable regulations and procedures of the Department.

(1) To authorize destruction or abandonment by a determination in writing that the property has no commercial value, subject, however, to approval of such determination in the case of property having a line item acquisition cost of $1,000 or more, by a reviewing officer before authorization to destroy or abandon is given to the State agency.

C. *Office of Human Development.*

1. Regional Directors have been delegated the certain authorities by the Assistant Secretary for Human Development as follows:

a. Under the general policies and in such form as prescribed by the Director, Office of Child Development (and approved by the Assistant Secretary for Human Development) and in conformity to the allocations and financial guidelines of the Director, Office of Child Development to make grants under section 511 of the Community Services Act of 1974 (Project Head Start), except insofar as such grants are for programs which primarily serve migrants or Indians living on Federal reservations. This authority may be redelegated.

b. Under the general policies and in such form as prescribed by the Assistant Secretary for Human Development and in conformance with the allocations and financial guidelines issued by him, Regional Directors are authorized to make grants or contracts under the authority of Title I of the Juvenile Delinquency Prevention Act. The Regional Director is authorized to redelegate this authority only to the Assistant Regional Director for Human Development without the concurrence of the Assistant Secretary for Human Development.

c. To make grants and contracts for Urban Indian Projects under the authority of section 803 of the Community Services Act of 1974.

d. To make, amend, suspend, and cancel the grants and contracts authorized in "a", "b" and "c" above and to issued audit disallowances as well as to receive appeals on and make final decisions on such disallowances.

Dated: April 2, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-9236 Filed 4-8-75;8:45 am]

COMMISSION ON CIVIL RIGHTS

HAWAII STATE ADVISORY COMMITTEE

Amendment to Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Hawaii State Advisory Committee (SAC) to this Commission originally scheduled for April 28, 1975, has been cancelled. The meeting will be at 7:30 p.m., on April 25, 1975, at the Ala Moana Hotel, 410 Atkinson Drive, Board Room, Honolulu, Hawaii 96814.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Western Regional Office of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012.

The purpose of this meeting will be a business and planning meeting of the Hawaii Advisory Committee.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., April 4, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-9227 Filed 4-8-75;8:45 am]

MICHIGAN STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Michigan State Advisory Committee (SAC) to this Commission will convene at 10 a.m. on May 1, 1975, in the Board Room, 163 Madison Street, Detroit, Michigan 48226.

Persons wishing to attend this meeting should contact the Committee Chairman or the Midwestern Regional Office of the Commission, Room 1428, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting will be to report on contacts with potential new members; 2. Discussion of impact of first interim community development project report; 3. Discussion of plans for second community development project, open hearing (planned for June); 4. Other old and new business; 5. Input from the public (if requested). The order of agenda items may vary.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., April 3, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-9228 Filed 4-8-75;8:45 am]

MISSISSIPPI STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Mississippi State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. on April 30, 1975, at the Jackson Hilton, 1750 North State St., Victoria Room (2nd floor).

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southern Regional Office of the Commission, Room 362, Citizens Trust Bank Building, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303.

The purpose of this meeting is to discuss and plan study activities for remainder of FY 75 and next fiscal year.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., April 3, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-9229 Filed 4-8-75;8:45 am]

OHIO STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Ohio State Advisory Committee (SAC) to this Commission originally scheduled to be held at the Neil House, 41 S. High Street, Columbus, Ohio has been changed to 600 East Broad Street, Columbus, Ohio 43215, still to convene at 10 a.m. on April 26, 1975.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, Room 1428, 230 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting is to finalize plans for press conference to release the Ohio Prison study report. Discuss education project proposal draft.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., April 4, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-9230 Filed 4-8-75;8:45 am]

TEXAS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Texas State Advisory Committee (SAC) to this Commission will convene at 6 p.m. on April 30, 1975 at the Holiday Inn, 113 W. Missouri El Paso, Texas 79901.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southwestern Regional Office of the Commission, Room 231, New Moore Building, 106 Broadway, San Antonio, Texas 78205.

The purpose of this meeting is to discuss the status of school finance reform in Texas, in particular the bills that have been introduced in the Texas Legislature will be reviewed. Other parts of the conference will consider the overall problem in school finance reform in Texas.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., April 3, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-9231 Filed 4-8-75;8:45 am]

UTAH STATE ADVISORY COMMITTEE

Amendment to Notice of Meeting

Notice is hereby given, pursuant to the rules and regulations of the U.S. Commission on Civil Rights, that the notice of meeting Published in the FEDERAL REGISTER on March 31, 1975 on page 14355 (FR Doc. 75-8180) be amended to read: "Planning meeting will convene at 7 p.m. on April 24, 1975 and press conference will convene at 10 a.m. on April 25, 1975 both will be held in the Governor's Board Room, Salt Lake City, Utah."

Dated at Washington, D.C., April 3, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-9232 Filed 4-8-75;8:45 am]

FEDERAL MARITIME COMMISSION

PUERTO RICO MARINE MANAGEMENT, INC. AND SEA-LAND SERVICE, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before April 21, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

PUERTO RICO MARINE MANAGEMENT, INC. AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed by:

E. J. Sheppard, Esq., Morgan, Lewis & Bockius, 1140 Connecticut Avenue, NW., Washington, D.C. 20036.

By orders dated October 15, 1974, December 23, 1974, and February 21, 1975, the Commission has approved Agreement No. DC-75, in each case for terms not to exceed sixty (60) days from the dates of said orders. The agreement, which is between Sea-Land Service, Inc., (Sea-Land) and Puerto Rico Marine Management, Inc., (PRMM) as approved by the Puerto Rico Maritime Shipping Authority (Authority), is an interim services and facilities subcontract wherein Sea-Land will provide PRMM with virtually any services it would require for the performance of its contract to manage the Authority's recently-inaugurated common carrier service between U.S. Atlantic and Gulf coast ports and Puerto Rico. Included within the scope of Agreement No. DC-75 are facilities for providing berthing and terminal services, repair and maintenance services and A & G functions.

Current Commission approval of Agreement No. DC-75 expires April 22, 1975. The parties to the agreement have advised us, however, that despite their progress to date toward the goal of self-sufficiency in performing all aspects of the Authority's common carrier service, there remain essentially three areas in which the Authority and PRMM must continue to contract with Sea-Land on an interim basis: (1) operations of the Puerto Nuevo terminal facilities at San Juan; (2) operations of a New Orleans terminal; and (3) terminal facilities at Port Elizabeth, New Jersey. Accordingly, the parties have requested that we extend our approval of this agreement for these limited purposes for an additional period of not more than sixty (60) days.

By Order of the Federal Maritime Commission.

Dated: April 7, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-9328 Filed 4-8-75;8:45 am]

FEDERAL POWER COMMISSION

[Dockets Nos. RP71-7, RP73-77; PGA75-4A]

ALABAMA-TENNESSEE NATURAL GAS CO.

Proposed PGA Rate Adjustment

MARCH 19, 1975.

Take notice that on February 28, 1975, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), P.O. Box 918, Florence, Alabama 35630, tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Eighth Revised Sheet No. 3-A and Substitute Eighth Revised Sheet No. 3-A. These revised tariff sheets are proposed to become effective as of March 15, 1975.

Alabama-Tennessee states that the sole purpose of such revised tariff sheets is to adjust Alabama-Tennessee's rates pursuant to the PGA provisions of section 20 of the General Terms and Conditions of its tariff to reflect increased rates to become effective on March 15, 1975, to be charged by its sole supplier, Tennessee Gas Pipeline Company.

The revised tariff sheets provide for the following rates:

Rate schedule	8th revised sheet No. 3-A	Substitute 8th revised sheet No. 3-A
G-1:		
Demand	$2.04	$2.01
Commodity (cents)	62.29	60.93
SG-1: Commodity (cents)	84.50	82.91
I-1: Commodity (cents)	64.20	62.98

Alabama-Tennessee states that copies of the filings have been mailed to all of its jurisdictional customers and affected State regulatory Commissions.

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Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 31, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9198 Filed 4-8-75;8:45 am]

[Docket No. E-9340]

BOSTON EDISON CO., ET AL.

Notice of Application

APRIL 1, 1975.

Take notice that on March 24, 1975, Boston Edison Company (Boston Edison), Central Maine Power Company (Central Maine), New England Power Company (NEPCO), Public Service Company of New Hampshire (Public Service), The United Illuminating Company (United Illuminating) and Western Massachusetts Electric Company (WMECO) tendered for filing an application for the granting of an easement in the switchyard facilities at the Pilgrim Units No. 1 and 2 site to the Joint Owners of Pilgrim Unit No. 2. Boston Edison states that the purpose of the easement is to allow the Joint Owners the use of these facilities for the purpose of transmitting the energy from Pilgrim Unit No. 2 to the transmission system of each Joint Owner. The consideration to be paid for these easement rights is based on the proration of Pilgrim Unit No. 2's share of the switchyard facilities from which each Joint Owner's cost of the 40% interest being acquired by the Joint Owners is then derived according to each ownership share in the Unit.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 21, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9199 Filed 4-8-75;8:45 am]

[Docket No. CI75-284]

CINCO EXPLORATION CO. (OPERATOR), ET AL.

Withdrawal and Cancellation of Hearing

MARCH 19, 1975.

On February 21, 1975, Cinco Exploration Company filed a withdrawal of its application for a limited term certificate in the above-designated matter which was set for hearing by order issued February 14, 1975.

Notice is hereby given that pursuant to § 1.11(d) of the Commission's rules of practice and procedure, the withdrawal of the above application shall become effective March 24, 1975. The hearing schedule for April 1, 1975, is cancelled.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9200 Filed 4-8-75;8:45 am]

[Docket No. CP74-324]

CITIES SERVICE GAS CO.

Order on Reconsideration After Statutory Hearing

APRIL 1, 1975.

On June 17, 1974, Cities Service Gas Company (Cities) filed in Docket No. CP74-324 an application, as supplemented on September 8, 1974, and November 11, 1974, pursuant to sections 7(c) and 7(b) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and for permission and approval to abandon certain facilities and service on its transmission system, all as more fully set forth in the application, as supplemented, in this proceeding. Cities proposes to abandon facilities and construct replacement facilities as described below in eight individual projects:

(1) Abandon in place approximately 3.70 miles of 5-inch gas pipeline and construct approximately 3.70 miles of 2-inch gas pipeline in the DeMalorie 5-inch pipeline, Greenwood County, Kansas;

(2) Abandon in place approximately 0.23 miles of 6-inch gas pipeline and replace by constructing 0.23 mile of 2-inch gas pipeline in the Santa Fe Shops 6-inch pipeline, Neosho County, Kansas;

(3) Abandon in place approximately 0.03 mile of 4-inch and 4.66 miles of 6-inch, abandon by reclaim approximately 0.56 miles of 3-inch and 0.54 mile of 6-inch gas pipeline and construct approximately 5.79 miles of 3-inch gas pipeline in the South Mound pipeline, Neosho and Labette Counties, Kansas;

(4) Abandon in place approximately 0.45 miles of 4-inch and 6-inch gas pipeline and construct approximately 0.45 mile of 3-inch gas pipeline in the Carl Junction 4 and 6-inch pipeline, Jasper County, Missouri;

(5) Abandon by reclaim ten 170 horsepower compressor units at Applicant's Pierce City Compressor Station in Lawrence County, Missouri;

(6) Abandon by reclaim 1.62 miles of 3-inch gas pipeline and replace by constructing 1.62 miles of 2-inch gas pipeline in the Nelagoney 3-inch pipeline, Osage County, Oklahoma;

(7) Abandon by reclaim approximately 0.85 miles of 2-inch and 3-inch gas pipeline and replace by constructing 0.85 mile of 2-inch gas pipeline in the Pershing 2 and 3-inch pipeline, Osage County, Oklahoma; and

(8) Abandon by reclaim approximately 7.20 miles of 20-inch gas pipeline and construct approximately 0.40 mile of 3-inch gas pipeline in the Pampa 20-inch pipeline, Sedgwick County, Kansas.

The Commission's order issued February 10, 1975, set this matter for hearing because of two protests received concerning Item 8. By its motion filed with the Commission on February 24, 1975, Cities asked that the Commission reconsider its February 10, 1975, order insofar as the order sets for hearing the projects described in Items 1 through 7 of Cities' application. No petition to intervene, notice of intervention or protest to the granting of authorizations relating to Items 1 through 7 has been filed. The issues to be considered at the formal hearing set by the Commission's February 10, 1975, order relate solely to Item 8.

On February 27, 1975, Cities filed a motion for a continuance requesting that the procedural dates set for the filing of its direct case and for the formal hearing be continued pending Commission action on the motion for reconsideration and pending Cities' preparation and filing of an amendment to the application relating solely to Item 8.[1] Cities states that circumstances occurring since the filing of the application necessitate amending that portion relating to Item 8 regarding the protests which have been filed.

Cities' motion for reconsideration states that all of the projects described in the application as Items 1 through 7 are proposed to be accomplished without abandonment of any service. Each of those projects, except for Item 5 is necessitated because the portion of the pipeline to be abandoned is now in a deteriorated condition and must be replaced by new facilities needed to efficiently and economically meet changing operating conditions. The project described in Item 5 contemplates the abandonment by reclaim of ten compressor units which are now obsolete and incapable of operation due to increasing operating pressure of Cities' Springfield system.

The Commission finds that approval of this proposal as related to Items 1 through 7 would not constitute a major Federal action significantly affecting the quality of the human environment because the construction would affect only small areas of land with no significant effect on the long-term productivity of the disturbed areas.

[1] On March 3, notice was issued deferring the procedural dates in this matter until further action by the Commission.

At a hearing held on March 27, 1975, its own motion received and made a part of the record in this proceeding all evidence including the application and exhibits thereto, submitted in support of the authorization sought for Items 1 through 7 herein, and upon consideration of the record.

The Commission finds: (1) Applicant, Cities Service Gas Company, a Delaware corporation having its principal place of business in Oklahoma City, Oklahoma, is a "natural-gas company" within the meaning of the Natural Gas Act as heretobefore found by the Commission in its order of December 28, 1943, in Docket No. G-298 (4 FPC 471).

(2) The facilities hereinbefore described in Items 1, 2, 3, 4, 6, and 7, fully described in the application in this proceeding, are to be used in the transportation of natural gas in interstate commerce subject to the jurisdiction of the Commission, and the construction and operation thereof by Cities are subject to the requirements of subsections (c) and (e) of Section 7 of the Natural Gas Act.

(3) Cities is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The construction and operation of the proposed facilities for Items 1, 2, 3, 4, 6, and 7, by Cities are required by the public convenience and necessity and a certificate therefor should be issued as hereinafter ordered and conditioned.

(5) The facilities and services to be abandoned, as hereinbefore described in Items 1 through 7, are subject to the jurisdiction of the Commission and the abandonment thereof is subject to the requirements of Subsection (b) of Section 7 of the Natural Gas Act.

(6) The proposed abandonment of facilities and service described by Cities in Items 1 through 7 is permitted by the public convenience and necessity, and approval thereof should be granted as hereinafter ordered.

The Commission orders: (A) Upon the terms and conditions of this order a certificate of public convenience and necessity is issued authorizing Cities to construct and operate the proposed facilities for the transportation of natural gas as hereinbefore described in Items 1, 2, 3, 4, 6, and 7, and as more fully described in the application in this proceeding.

(B) Upon the terms and conditions of this order, permission for and approval of the abandonment by Cities of the facilities hereinbefore described in Items 1 through 7, all as more fully described in the application in this proceeding, are granted.

(C) The certificate issued by paragraph (A) above and the rights granted thereunder are conditioned upon Cities' compliance with all applicable Commission Regulations under the Natural Gas Act and particularly the terms and conditions set forth in paragraphs (a), (c) (3), (c) (4), (e), (f), and (g) of § 157.20 of such regulations.

(D) The facilities authorized by paragraph (A) above shall be constructed and placed into actual operation, as provided by paragraph (b) of § 157.20 of the regulations under the Natural Gas Act, within one year from the date of this order.

(E) Cities shall notify the Commission of the date of abandonment of the facilities within 10 days thereof.

(F) The procedural dates set by the Commission order of February 10, 1975 in this proceeding are vacated to allow time for the filing by Cities of its proposed amendment relating to Item 8 of its application. If Cities does not file such amendment within thirty days, that portion of its application will be subject to dismissal by the Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9201 Filed 4-8-75;8:45 am]

[Docket No. RP75-62]

CITIES SERVICE GAS CO.

Order Accepting for Filing and Suspending Tariff Sheets, Setting Formal Hearing and Granting Interventions

APRIL 1, 1975.

On February 10, 1975, Cities Service Gas Company (Cities) tendered for filing six tariff sheets,[1] providing for: (1) the establishment of curtailment procedures for any reason, including but not limited to inadequate gas supply, lack of system capacity or storage injection requirements; (2) adjustment to curtailment to meet emergency conditions, including environmental emergencies and irreparable injury to life or property; (3) an overrun penalty and (4) reporting end-use data by its customers. The proposed effective date of all sheets is June 23, 1975.

Cities states that it has served a copy of its filing on all customers and affected state commissions and requests waiver of Section 154.22 of the Regulations in order to permit the filing more than 60 days prior to the proposed effective date.

The proposed Cities' plan provides for a new Article 13, *Priority of Service*, which establishes procedures to be used during both short and long-term supply interruptions.

Although Section 2, *Priority Categories*, of the proposed tariff, sets forth end-use categories as set forth in Order No. 467-B, Cities' plan deviates in some respects from that order. Cities Second Revised Sheet No. 33-A sets forth an eight-category priority system based upon end-use considerations. The proposed categories do not distinguish between customers served under a firm or interruptible contract. Cities asserts that this variance from Order No. 467-B is based upon historical market developments and that Cities' obligations under its FPC Gas Tariff and direct sale contracts constitute firm service under definitions promulgated in Commission Order Nos. 493 and 493-A.

Category 2 of the Cities priority system includes commercial requirements between 1000 and 3000 Mcf per month, small industrial requirements (up to 3,000 Mcf per month), commercial and industrial requirements for plant protection and pipeline storage injection requirements. Large commercial requirements of 3000 Mcf per month or more are included in Category 3 with industrial feedstock and process uses.

In support of its subdivision of Order No. 467-B Category 2, Cities states that customers in its proposed Categories 1 and 2 have never been curtailed or required to have alternate fuel capability. However, those commercial customers placed in proposed Category 3 have historically been curtailed and do have the required alternate fuel capability. Cities states that administrative reasons also support this breakdown since there are only 350 customers with large volumes in its proposed Category 3 whereas there are approximately 1900 customers with smaller volumes in its Category 2.

Pursuant to due notice issued February 21, 1975, and published February 27, 1975, in the FEDERAL REGISTER, (40 FR 8384) timely petitions to intervene have been filed by Midwest Gas Users Association and Armco Steel Corporation, (jointly), Ideal Basic Industries, Inc., The Gas Service Company, Kansas City Terminal Railway Company, General Motors Corporation, Owens Corning Fiberglas Corporation, Missouri Public Service Company, Armco Steel Corporation, Farmland Industries, Inc., and W. S. Dickey Clay Manufacturing Co.

Petitions to intervene out of time were received from Pet Incorporated, City of Independence, Missouri Power and Light Division, Kansas City Power and Light Company, Chemagro Agricultural Division Mobay Chemicals Corporation, Wilson & Co., Inc., St. Joseph Light & Power Company, Board of Public Utilities of Kansas City, Kansas and City of Kansas City, Kansas and Kansas City Power & Light Company.

The proposed tariff sheets have not been shown to be just and reasonable and thus may be unjust and unreasonable, discriminatory or otherwise unlawful. In the hearing hereinafter ordered, we will permit Cities to file supporting evidence and testimony to show the justness and reasonableness of its proposed curtailment plan.

The Commission finds: (1) The intervention of the above-named parties may be in the public interest.

[1] Seventh Revised Sheet No. 33, Second Revised Sheet No. 33-A, and Original Sheet Nos. 33-B, 33-C, 33-D and 33-E to Second Revised Volume 1 of its FPC Gas Tariff.

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(2) That a formal hearing is necessary and proper in the instant proceeding and that the procedures hereinafter established are required for the hearing.

(3) It is necessary and appropriate for the purposes of the Natural Gas Act, particularly Sections 4, 5, and 16 thereof, that the operations of the revised tariff sheets tendered by Cities February 10, 1975, and designated in footnote 1, *supra* be suspended and the use thereof deferred as hereinafter ordered.

(4) That the requirements of § 154.22 of the Commission's Regulations be waived.

The Commission orders: (A) Pursuant to authority under the Natural Gas Act, particularly Sections 4, 5, and 16 thereof, the Commission's Rules of Practice and Procedure and the Regulations under the Natural Gas Act, a public hearing shall be held on May 19, 1975, at 10 a.m. in a hearing room at the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the issues raised by the instant filing.

(B) The tariff sheets tendered by Cities on February 10, 1975, designated in Footnote 1, *supra* are hereby accepted for filing.

(C) Pending hearing and decision the revised tariff sheets tendered by Cities on February 10, 1975, are hereby suspended and the use thereof deferred until June 23, 1975, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) On or before April 28, 1975, Cities and other parties in support of its filing shall file with the Commission and serve upon all parties, including Commission Staff, testimony and exhibits in support of their position.

(E) Upon completion of the cross-examination of the direct testimony and exhibits submitted by Cities Service and interveners as their respective cases-in-chief, the Presiding Administrative Law Judge shall convene a conference for establishing procedures for the circulation of a draft environmental impact statement.

(F) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

(G) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and, *Provided, further,* That the admission of said interveners shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-9202 Filed 4-8-75;8:45 am]

[Docket No. CP73-5]

COLUMBIA GULF TRANSMISSION CO.

Petition To Amend

APRIL 1, 1975.

Take notice that on March 10, 1975, Columbia Gulf Transmission Company (Petitioner), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP73-5 a petition to amend the order issued in the subject docket on October 13, 1972 (48 FPC 841), pursuant to section 7(c) of the Natural Gas Act by authorizing an increase in the daily contract demand of gas transported and delivered by Petitioner for Texas Gas Transmission Corporation (Texas Gas) in the offshore Louisiana area, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order of October 13, 1972, Petitioner was authorized, *inter alia,* to transport and deliver for Texas Gas a contract demand of 35,700 Mcf of gas (14.73 psia) from Eugene Island Block 250 through Petitioner's 3.5-mile, 20-inch pipeline to a point of connection with the Offshore Header of the Blue Water Project in Eugene Island Block 227. Petitioner was further authorized to transport the aforestated volumes plus volumes received from Texas Gas from its sources in the Vermilion Area up to an aggregate quantity of 51,000 Mcf per day through the Offshore Header and the Western Shore Line of the Blue Water Project to a point of delivery at the Egan terminus of the Western Shore Line.

Petitioner states that due to declining gas deliverability in the Vermilion Area, Texas Gas is unable to meet contract demand of 51,000 Mcf of gas per day. Petitioner requests that the Commission amend the certificate issued in the October 13, 1972, order to increase the contract demand from 35,700 Mcf of gas per day to 43,860 Mcf of gas per day from the Block 250 area. Petitioner states that such increase in contract demand will allow Texas Gas to offset declining deliveries from the Vermilion area for ultimate disposition to the consuming public.

Petitioner states that no new facilities are required to implement its proposal.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 16, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-9203 Filed 4-8-75;8:45 am]

[Docket No. E-9343]

COLUMBUS & SOUTHERN OHIO ELECTRIC CO.

Filing of Rate Schedule

APRIL 2, 1975.

Take notice that Columbus and Southern Ohio Electric Company, on March 27, 1975 tendered for filing proposed changes in its F.P.C. Electric Service Tariff, Rate Schedule No. 22. The proposed changes would increase revenues from jurisdictional sales and service by $181,758 based on the twelve-month period ending June 30, 1974. The fuel adjustment clause contained in the proposed rate schedule has been prepared to conform with present Commission regulations concerning the form of such clauses.

The Company has been serving at wholesale the City of Columbus, Ohio pursuant to a contract which terminated on December 31, 1974, which contract and rates are contained in Commission Rate Schedule No. 22. The rates contained in the new rate schedule tendered for filing to supersede Commission Rate Schedule No. 22 are contained in a bid contract submitted by the Company to the City and accepted by the City effective March 1, 1975.

The Company requests waiver of the notice requirements contained in §§ 35.3 and 35.13 of the Commission's regulations, and asks that the rate schedule be made effective March 1, 1975. The Company states that the additional revenue is needed to help to offset increases in the cost of providing electric service as well as increases in the cost of facilities and capital required to provide such services.

A copy of the filing has been served upon the City of Columbus, Ohio.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Streeet, NE. Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-9204 Filed 4-8-75;8:45 am]

[Docket No. RP75-48]

EASTERN SHORE NATURAL GAS CO.

Order Accepting for Filing

APRIL 2, 1975.

Eastern Shore Natural Gas Company (Eastern Shore) on December 24, 1974, tendered for filing revised and original tariff sheets to its FPC Gas Tariff, Original Volume No. 1, proposed to become effective as of January 1, 1975.[1]

Eastern Shore states that the purposes of this rate filing are (1) to provide for demand charge adjustments under the curtailment plan provisions of its tariff, and (2) to set forth the procedures for reimbursement to Eastern Shore, through changes in its commodity charges, for the demand charge credits granted to customers. Eastern Shore further states that the proposed revisions are in the public interest because its customers will not be required to pay demand charges for that portion of contract demand not supplied by reason of gas shortage curtailment, and Eastern Shore will not be precluded from recovering its cost of service. Eastern Shore avers that the operation of the proposed tariff changes will not result in any net increase in its revenues.

Eastern Shore requests waiver of the thirty-day notice provisions of the Natural Gas Act and the Commission's Rules and Regulations in order that the proposed tariff sheets may become effective as of January 1, 1975. Eastern Shore states that copies of the filing have been mailed to each of its jurisdictional customers and to interested State commissions. Notice of the filing was issued by the Commission on February 14, 1975 and no comments or protests have been filed.

A review of the provisions of Eastern Shore's tariff as modified by the proposed decand and commodity charge provisions indicates that the currently effective tariff provides for a demand charge adjustment only in case of *force majeure* conditions. The proposed adjustments are related to curtailment of gas supply for which Transcontinental Gas Pipe Line Corporation (Transco) is Eastern Shore's sole supplier and Transco is currently under heavy curtailment.

Our review of Eastern Shore's proposed demand charge adjustment provision indicates that it is appropriate and in the public interest. Accordingly, we shall accept for filing and make effective Eastern Shore's proposed clause. For good cause shown, we shall also grant waiver of § 154.38(d)(3) of the Regulations to permit the clause in Eastern Shore's FPC Gas Tariff.

Eastern Shore also requests waiver of the 30-day notice requirements of Section 4 of the Natural Gas Act to permit a January 1, 1975, effective date. We shall deny this request inasmuch as Eastern Shore has not shown good cause for such waiver and shall make the clause effective as of the date of issuance of this order.

The Commission finds: (1) Good cause exists for waiving the provisions of § 154.38(d)(3) of the Commission's Regulations under the Natural Gas Act in order to permit the tariff sheets tendered for filing by Eastern Shore on December 24, 1974 to become effective as provided herein below.

(2) Good cause has not been shown by Eastern Shore for waiving the thirty-day notice requirements of the Natural Gas Act and of our Regulations.

(3) The proposed tariff sheets filed by Eastern Shore on December 24, 1974, and the rate and charge adjustment provisions therein contained are proper and in the public interest in carrying out the provisions of the Natural Gas Act and should be accepted for filing and made effective as hereinafter provided and ordered.

The Commission orders: (A) The provisions of § 154.38(d)(3) of the Commission's regulations Under the Natural Gas Act are hereby waived and the tariff sheets filed by Eastern Shore on December 24, 1974, described above, are accepted for filing, to become effective on the date of issuance of this order.

(B) Eastern Shore's request for waiver of the thirty-day notice requirements of the Natural Gas Act and of the Regulations thereunder is denied.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-9205 Filed 4-8-75;8:45 am]

[Docket No. CP74-192]

FLORIDA GAS TRANSMISSION CO.

Postponement of Hearing

MARCH 26, 1975.

On March 19, 1975, City Gas Company of Florida filed a motion to extend the hearing date fixed by order issued February 2, 1975, in the above-designated matter. On Marchc 26, 1975, Staff Counsel filed an answer in opposition to the above motion.

Notice is hereby given that the hearing date in the above matter is postponed until April 15, 1975, at 10 a.m. (e.d.t.), pending further consideration by the Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-9206 Filed 4-8-75;8:45 am]

[Docket No. RP75-1]

FLORIDA GAS TRANSMISSION CO.

Further Extension of Procedural Dates

APRIL 2, 1975.

On March 24, 1975, Florida Gas Transmission Company filed a motion to extend the procedural dates fixed by order issued July 31, 1974, as most recently modified by notice issued January 8, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of intervenor's testimony	May 12, 1975
Service of company rebuttal	June 9, 1975
Hearing (10 a.m. e.d.t.)	July 1, 1975

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-9207 Filed 4-8-75;8:45 am]

[Docket No. E-9337]

IOWA POWER & LIGHT CO.

Proposed Rate Change

APRIL 2, 1975.

Take notice that Iowa Power and Light Company (Iowa Power) on March 21, 1975, tendered for filing Service Schedule B to the Electric Interchange Agreement between Iowa Power and the City of Indianola, Iowa (now the Indianola Water Works and Electric Light and Power Board of Trustees) dated December 31, 1973. Service Schedule B provides for the January 1, 1975 and January 1, 1976 implementations of increased charges for Base Load Power. Service Schedule B has also been revised to include Cooper Nuclear Generating Station as a generating unit providing Base Capacity and to exclude Des Moines Power Stations Nos. 5 and 8 and Council Bluffs Power Station No. 1.

Iowa Power states that the proposed rate changes effective January 1, 1975 and January 1, 1976 will not produce revenues from jurisdictional sales and service based upon the twelve month periods ending December 31, 1975 and December 31, 1976 which are greater than those based upon the rate in effect during 1974.

Iowa Power further states that the increased rate for Base Load Power in Service Schedule B was necessary because of the inclusion of Cooper Nuclear Generating Station as a generating unit providing Base Capacity under the Schedule and the resulting increase in the weighted average fixed cost of all generating units providing Base Capacity.

With respect to that portion of the rate schedule proposed to become effective January 1, 1975, Iowa Power requests that the Commission waive the prior notice requirements of § 35.3(a) and accept said portion for filing with a retroactive effective date of January 1, 1975 under § 35.11 of the regulations.

With respect to that portion of the rate schedule which is proposed to become

[1] Demand charge adjustment: Third Revised Sheet No. 7 and Second Revised Sheet No. 9D. Commodity Charge adjustment: First Revised Sheet No. 32B, and Original Sheet Nos. 34L and 34M.

V40169 APR 9 75 XUM

effective January 1, 1976, Iowa Power requests that the Commission waive the notice requirements of § 35.3(a) and accept said portion for filing with an effective date of January 1, 1976 under § 35.3 (b) of the regulations.

Iowa Power states that copies of the filing have been served upon the Board of Trustees of Indianola, Iowa, and the Iowa State Commerce Commission.

Any person desiring to be heard or protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 17, 1975.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9208 Filed 4-8-75;8:45 am]

[Docket No. E-9342]

JERSEY CENTRAL POWER & LIGHT

Filing of Revised Fuel Clause

APRIL 2, 1975.

Take notice that on March 26, 1975 Jersey Central Power & Light Company (Jersey Central) tendered for filing a fuel adjustment clause and asked that the new clause be allowed to become effective on April 26, 1975.

Jersey Central states that the clause is intended to conform with § 35.14 of the Commission's regulations as amended by Order No. 517. According to Jersey Central the clause would reflect changes in Jersey Central's nuclear and fossil fuel costs per kilowatt hour of sales and contains a provision to reflect changes in New Jersey gross receipts taxes with variations in the fuel adjustment. Jersey Central states that the clause would reflect changes in fuel costs of its own generation and changes in identifiable fuel costs of purchased power and energy related costs of interchange purchased on an economic dispatch basis less the fuel related costs recovered through interchange sold on an economic dispatch basis. According to Jersey Central, the base cost of fuel is derived from 1972 data consistent with the basic energy charge in the presently effective rates accepted by the Secretary's letter of November 19, 1974 in Docket No. E-8424.

Any person desiring to be heard or to make any protest with reference to said filing should, on or before April 16, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The documents filed by Jersey Central are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9209 Filed 4-8-75;8:45 am]

[Docket No. E-9203]

KANSAS CITY POWER & LIGHT CO.

Filing of Supplemental Agreement

APRIL 1, 1975.

Take notice that on December 31, 1974, Kansas City Power & Light Company (KCPL) tendered for filing a Supplement to Municipal Interconnection Contract between KCPL and the City of Marshall, Missouri, relating to KCPL's FPC Rate Schedule No. 43, to become effective January 1, 1975. The supplemental agreement provides for wholesale firm power service to the City of Marshall.

In its filing, KCPL states that wholesale electric service is being provided under a rate which are KCPL's rates and charges for Municipal Wholesale Firm Power Service as agreed to in the Settlement Agreement approved September 4, 1974, by the Federal Power Commission in Docket No. E-8365. Application is made for a waiver of the 30-day minimum filing notice requirement because the City has requested initial service on January 1, 1975, to alleviate fuel acquisition problems and to allow for increased maintenance of equipment.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9210 Filed 4-8-75;8:45 am]

[Docket No. E-9242, etc.]

KANSAS POWER & LIGHT CO.

Order Denying Rehearing

APRIL 2, 1975.

In the matter of Dockets Nos. E-9242, E-9246, and E-9247.

On January 30, 1975, Kansas Power and Light Company (KP&L), tendered for filing a proposed initial contract for service between it and the City of Horton, Kansas. On January 31, 1975, KP&L tendered for filing proposed initial contracts for service between it and the Cities of Wamego and Minneapolis, Kansas (Collectively Cities). These contracts provide for service between KP&L and Cities to become effective on the date the facilities are constructed, but not later than July 1, 1976. Pursuant to § 35.11 of the Regulations, KP&L requested waiver of the notice requirements of the Regulations.

By certified letter dated February 25, 1975, the Secretary informed KP&L that the filing was deficient in that it does not comply with § 35.14 of the regulations as amended by Order No. 517.[1] KP&L by letter filed March 5, 1975, requested that the filings be assigned a filing date and accepted by the Commission. We shall treat this letter as an Application for Rehearing of the Secretary's letter pursuant to Section 1.34 of the Regulations and, for the reasons set forth hereafter, deny the application.

KP&L states that the filing of these three contracts adds three new customers to be served under KP&L's existing tariff schedule MWH-63 presently on file with the Commission. KP&L further states that it will file a new tariff schedule prior to December 31, 1975 to conform with the new regulations. KP&L argues, however, that providing service to Cities under a different tariff schedule than is on file for service to its other municipal wholesale customers would be discriminatory. KP&L finally argues that since the fuel adjustment clause in the instant filings is not a new fuel adjustment clause, its filings should be assigned a filing date and be accepted by the Commission.

We deny KP&L's request. We cannot pass on the question of whether it would be discriminatory to provide service to Cities under a different tariff than is used for service by KP&L to other wholesale customers until KP&L files the new tariff. We note in this regard that KP&L has requested waiver of the notice requirements of the regulations in order that it be permitted to file these contracts prior to the construction of facilities necessary for the implementation of the contracts. Except for the allegation as to discrimination, KP&L has not made the requisite showing under § 35.11 of the regulations as to how it and the

[1] Docket No. R-479, issued November 13, 1974.

purchasers under the proposed rate schedules would be affected if the notice requirement is not waived and the effects of waiver on other customers. We cannot take lightly an allegation that the requirement of conformity with our regulations would be discriminatory. If our review of the service, rates, and charges of KP&L, after it has filed proposed rate schedules in compliance with our regulations, indicates that undue discrimination exists, we shall act then to remedy the problem. Unless the contrary is clearly demonstrated, we believe that when comparing rate schedules not in conformity with our regulations with rate schedules in conformity with the regulations, it is those rate schedules which do not conform which should be changed if undue discrimination is found.

The language of the new Regulation as promulgated by Order No. 517 does not address the situation when an initial rate schedule containing a fuel clause on file with a separate rate schedule is filed. However, Finding Paragraph (4) specifically states that the amended regulation shall be effective for all initial rates filed on or after January 1, 1975. Ordering Paragraph (A) of Order No. 517 effects this result. Accordingly, although the fuel clause is identical to the fuel clause on file with other rate schedules, it nevertheless must comply with the amended Regulation.

The Commission finds: KP&L's Application for Rehearing raises no new issues of fact or law which justify granting rehearing.

The Commission orders: (A) KP&L's Application for Rehearing is hereby denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9211 Filed 4-8-75;8:45 am]

[Dockets Nos. RP73-91, PGA75-2]

McCULLOCH INTERSTATE GAS CORP.

Order Accepting for Filing

APRIL 2, 1975.

On February 18, 1975, McCulloch Interstate Gas Corporation (McCulloch), tendered for filing a purchased gas cost adjustment increase[1] pursuant to its PGA clause. The proposed PGA increase reflects a PGA rate increase totalling 27.55¢ per Mcf, which consists of (1) a surcharge of 15.16¢ per Mcf to recover the balance of $434,971 which has accumulated in the Unrecovered Purchased Gas Cost Account as of December 31, 1974, and (2) a 12.93¢ per Mcf increase to reflect increased purchased gas costs resulting primarily from an increase from its major supplier, McCulloch Gas processing. The surcharge is filed pursuant to the one time tracking provisions in Opinion Nos. 699-G and 699-H, and replaces the present surcharge of .54¢ per Mcf. The company proposes an effective date of April 1, 1975.

McCulloch's February 18, 1975, filing was noticed with comments, protests and petitions to intervene due on or before March 10, 1975. To date, no comments, protests or petitions have been received.

Our review of McCulloch's February 18, 1975, filing indicates that it is based in part upon four small independent producer purchases at rates in excess of the rate levels established by Opinion No. 699-H.[2] Therefore, the proposed rates have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept the subject filing, suspend it for one day to become effective April 2, 1975, subject to refund. With regard to the question of small producer purchases, we note that the Supreme Court has recently remanded the small independent producer rulemaking in order for the Commission to enunciate the standards in determining the justness and reasonableness of the prices for small producer purchases.[3] We believe, therefore, that it would be premature to establish a hearing schedule in this docket at this time.

Further review of McCulloch's filing indicates that the claimed increased costs other than those costs associated with that portion of the small producer purchases in excess of the rate levels prescribed in Opinion No. 699-H are fully justified and comply with the standards set forth in Docket No. R-406. Accordingly, McCulloch may file a substitute tariff sheet to become effective April 1, 1975, reflecting increased costs other than that portion of those increased costs associated with small producer purchases in excess of the rate levels prescribed in Opinion No. 699-H referred to in this order.

This approval is also subject to any rate adjustments and/or refunds which may be required as a result of further orders in Docket No. R-389-B or of any appeals of such orders to the Courts. Such rate adjustments and/or refunds shall, of course, be governed by the provisions of the respective pipelines' PGA clauses and § 154.38(d)(4) of the regulations.

The Commission finds: It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that:

(1) The proposed filing submitted by McCulloch on February 18, 1975, be accepted for filing, suspended and permitted to become effective April 2, 1975 subject to refund.

(2) The claimed increased costs other than those increased costs associated with that portion of small producer purchases in excess of the rate levels prescribed in Opinion No. 699-H have been reviewed and found fully justified and in compliance with the standards set forth in Docket No. R-406.

The Commission orders: (A) McCulloch's Revised Sheet No. 32 to its FPC Gas Tariff, Original Volume No. 1, are hereby accepted for filing, suspended and permitted to become effective April 2, 1975, subject to refund, pending further Commission order in this docket.

(B) McCulloch may file to become effective April 1, 1975, substitute tariff sheets reflecting that portion of McCulloch's rates as filed February 18, 1975, which reflect increased costs other than those increased costs associated with that portion of small producer purchases which are in excess of the rate levels prescribed in Opinion No. 699-H.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9212 Filed 4-8-75;8:45 am]

[Docket No. E-9061]

METROPOLITAN EDISON CO.

Tariff Change

APRIL 2, 1975.

Take notice that Metropolitan Edison Company (Met Ed), on October 15, 1974, tendered for filing a Supplemental Letter Agreement dated October 2, 1974 to the Wheeling and Supplemental Power Agreement, dated November 9, 1973, between Met Ed (Rate Schedule FPC No. 26) and Allegheny Electric Cooperative, Inc.

Met Ed states that the Supplemental Letter Agreement provides for the establishment of an additional delivery point for service to Adams Electric Cooperative, Inc., a member cooperative of Allegheny Electric Cooperative, Inc. The addition of the new delivery point will enable the transfer of a portion of the existing load at the EAST BERLIN delivery point to the new delivery at ROSSVILLE, according to the Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9213 Filed 4-8-75;8:45 am]

[1] Fourth Revised Sheet No. 32 to FPC Gas Tariff, Original Volume No. 1.

[2] Opinion No. 699-H, Docket No. R-389-B issued December 4, 1974.

[3] *Federal Power Commission v. Texaco, Inc., et al.*, Docket Nos. 72-1490 and 72-1491, Opinion issued June 10, 1974.

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[Dockets Nos. RP71-16, PGA75-5]

MIDWESTERN GAS TRANSMISSION CO.

Order Accepting PGA Rate Increase

APRIL 2, 1975.

Midwestern Gas Transmission Company (Midwestern) on February 28, 1975, tendered for filing two alternative sets of Purchased Gas Cost (PGA) rate increase proposals to reflect its supplier's rate increase pursuant to Opinion Nos. 699-G and 699-H.[1] Midwestern states that the sole purpose of the revised tariff sheets is to reflect an increase of $29,693,186 in its Southern System rates and charges (13.98 cents per Mcf) resulting from an increase in rates filed by its supplier, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee) that is to become effective as of March 1, 1975.

Midwestern states that due to the short notice period many of its customers have requested it to defer the instant increase until April 1, 1975, to enable them to give sufficient notice to their respective state commissions. In response to these requests Midwestern filed Ninth Revised Sheet No. 5, reflecting an increase of 17.23 cents per Mcf) proposing to defer the increase until April 1, 1975, coupled with the request that Midwestern could collect carrying charges (estimated to amount to $37,993) on the deferred increase in its PGA surcharges until such carrying charges have been recovered. In the event the Commission does not permit Midwestern to collect such carrying charges for March, 1975, Midwestern also tendered for filing Alternate Ninth Revised Sheet No. 5, (reflecting an increase of 13.98 cents per Mcf) to become effective as of March 1, 1975.

Public notice of Midwestern's February 28 rate filing was issued by the Commission on March 5, 1975 and was published in the Federal Register on March 12, 1975 (40 FR 11642). Comments and petitions for leave to intervene were due to be filed on or before March 21, 1975. Only one party has timely filed a comment and petition for intervention, Northern Illinois Gas Company (NI-Gas).

NI-Gas' petition for leave to intervene supports Midwestern's plan to defer the rate increase until April 1 and to collect carrying charges in its PGA surcharges. NI-Gas states that it may suffer a loss of revenues estimated to amount to $238,000 if Midwestern's increase is made effective as of March 1. If the Commission rejects Midwestern's deferral plan, NI-Gas requests that the Commission set the issue for hearing.

Consistent with our action in rejecting a similar proposal to defer a supplier rate increase, coupled with a carrying charge surcharge, in the Natural Gas Pipe Line case[2] our review of the facts and circumstances alleged by Midwestern and by NI-Gas indicates that "unusual circumstances" do not exist that would justify a departure from our general policy of denying carrying charges on amounts accumulated in pipeline PGA deferred accounts.

We are cognizant of the difficulties that distributors may sometimes encounter in passing through purchased gas costs increases of their wholesale suppliers. Such problems, however, relate to matters not within our jurisdiction and do not constitute grounds for delay in the effective date of just and reasonable rates and charges. Accordingly, we shall reject Midwestern's proposal to defer the rate increase.

We shall grant NI-Gas' petition to intervene. However, since our review of Midwestern's February 28 rate filing indicates that it fully complies with the procedures and policies enunciated in Docket No. R-406 and in Opinion No. 699-H, a hearing as proposed by NI-Gas would serve no useful purpose. NI-Gas' request for a hearing therefore should be denied.

Our review of the costs contained in Midwestern's alternate increase to become effective March 1, 1975, indicates that they are justified under the standards set forth in Docket No. R-406 and Opinion No. 699-H. Accordingly, we shall accept for filing Midwestern's Alternate Ninth Revised Sheet No. 5 to become effective March 1, 1975, as proposed, subject to any rate adjustments and/or refunds which may be required as a result of further orders in Docket R-389-B or of any appeals of such order to the Courts. Such rate adjustments and/or refunds shall, of course, be governed by the provisions of Midwestern's PGA clause and § 154.38(d)(4) of the Regulations.

The Commission finds: (1) Midwestern's Alternate Ninth Revised Sheet No. 5 to its FPC Gas Tariff, Third Revised Volume No. 1, as filed on February 28, 1975, is proper and in the public interest in carrying out the provisions of the Natural Gas Act, and should be accepted for filing and made effective as of March 1, 1975, as hereinafter provided and ordered.

(2) Midwestern's Ninth Revised Tariff Sheet No. 5, proposed to become effective April 1, 1975, is not proper and in the public interest and should be rejected as hereinafter provided and ordered.

(3) The intervention of NI-Gas herein may be in the public interest and should be permitted as provided herein.

The Commission orders: (A) Midwestern's Alternate Ninth Revised Sheet No. 5 to its FPC Gas Tariff, Third Revised Volume No. 1, filed February 28, 1975, is hereby accepted for filing to become effective as of March 1, 1975, subject to the Purchased Gas Adjustment provisions of Midwestern's tariff, subject to any rate adjustments and/or refunds which may be required as a result of further orders in Docket R-389-B or of any appeals of such orders to the Courts. Such rate adjustments and/or refunds shall, of course, be governed by the provisions of Midwestern's PGA clause and § 154.38(d)(4) of the Regulations.

(B) Midwestern's Ninth Revised Sheet No. 5 to its FPC Gas Tariff, Third Revised Volume No. 1, proposed to become effective on April 1, 1975, is hereby rejected.

(C) NI-Gas is hereby permitted to intervene herein with respect to Midwestern's purchased gas cost adjustment to its rates and charges as tendered for filing on February 28, 1975, designated as PGA75-5, subject to the rules and regulations of the Commission; *Provided, however,* That participation of said intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in its petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that such party might be aggrieved by any order or orders issued in this proceeding.

(D) NI-Gas' request for a hearing in PGA75-5 is hereby denied.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-9214 Filed 4-8-75;8:45 am]

[1] Midwestern's FPC Gas Tariff, Third Revised Volume No. 1: Ninth Revised Sheet No. 5, proposed to become effective April 1, 1975; and Alternate Ninth Revised Sheet No. 5, proposed to become effective March 1, 1975.

[2] *Natural Gas Pipe Line Company of America,* Docket Nos. RP74-86, *et al.,* order issued March 10, 1975.

[Docket No. CI75-343, etc.]

O. B. MOBLEY

Withdrawal and Cancellation of Hearing

MARCH 19, 1975.

In the matter of Dockets Nos. CI75-343, CI75-344, and CI75-345.

On February 21, 1975, Mr. O. B. Mobley, Jr. filed a withdrawal of his application filed November 25, 1974, in the above-designated matter which was set for hearing by order issued February 14, 1975.

Notice is hereby given that pursuant to § 1.11(d) of the Commission's rules of practice and procedure the withdrawal of the above application shall become effective March 24, 1975. The hearing schedule for April 8, 1975 is cancelled.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-9215 Filed 4-8-75;8:45 am]

[Docket No. CP75-274]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

APRIL 1, 1975.

Take notice that on March 20, 1975, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP75-274 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to provide 38,673 Mcf per day of long-term 100-day storage service to existing customers, all as set out more fully in the application, which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a transportation and storage agreement dated November 29, 1974, with Michigan Wisconsin Pipeline Company (Mich Wisc) providing for long-term transportation and storage of 3,800,000 Mcf of natural gas (Mcf at 1,000 Btu per cubic foot measured on a wet basis, which approximately equals 3,867,300 Mcf measured on a dry basis). This agreement, which is the subject of a separate application by Mich Wisc in Docket No. CP75-182, will, in turn, enable Applicant to offer 38,673 Mcf per day of 100-day long-term storage service over the winter period of November 1 to March 1 to the following customers:

Customer	Share of 38,673 M ft³ per day
Associated Natural Gas Co	50
Illinois Power Co	2,000
Iowa Electric Light & Power Co	1,476
Iowa-Illinois Gas & Electric Co	6,856
Iowa Power & Light Co	506
Iowa-Southern Utilities Co	265
Nashville, Illinois, city of	41
North Shore Gas Co	3,412
Peoples Gas Light & Coke Co., the	23,849
Peoples Natural Gas Division	94
Spearville, Kansas, city of	9
United Cities Gas Co	116
Total	38,673

To support the proposed storage service, participating customers will provide to Applicant volumes of natural gas from their existing entitlements equivalent to all top gas, cushion gas and fuel gas Applicant is required to deliver to Mich Wisc under the November 29, 1974, agreement, which includes, on an annual basis, a winter contract quantity of 3,800,000 Mcf, plus 5 percent of this winter contract quantity for use as compressor fuel. Mich Wisc is also to receive from Applicant 1,900,000 Mcf of natural gas prior to October 31, 1976, for use as cushion gas. Applicant states that the storage service will not affect its annual gas supply.

The storage service will be offered for a term of 16 years, coextensive with the term of Applicant's existing DMQ-1 service agreements, subject to renewal at Applicant's option up to 20 years. During the 12-month period following termination of the proposed storage service, Applicant proposes to redeliver the cushion gas furnished by participating customers, less 5 percent thereof for compressor fuel.

The storage service will be offered under a proposed new Rate Schedule MS-1. The proposed storage service will be billed under a demand charge per month of $7.47 for each Mcf of Buyer's Daily Withdrawal Quantity determined by dividing the sum of the annual cost Applicant will pay Mich Wisc under the referenced agreement (a demand charge of $6.75 per month per Mcf of maximum daily quantity during each month of the year), plus the allocated portion of Applicant's cost of north end pipeline loopings between its market storage fields and the terminus of the system by Applicant's annual billing units applicable to the proposed service. In addition, it is proposed that the customers be required to bear costs to Applicant which may result from reimbursing Mich Wisc for losses incurred by it in the event Applicant elects to cancel the Mich Wisc agreement prior to its termination date.

Applicant states that the additional winter period service is needed by its customers to enable them to meet peak day space heating requirements in the event of severe winter conditions. To the extent that a severe winter does not occur, this additional service, according to Applicant, will assist Applicant's customers to serve additional winter needs of new and existing high priority 1 and 2 consumers and will alleviate the need for expensive peak shaving supplies.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 21, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-9216 Filed 4-8-75;8:45 am]

[Dockets Nos. RP74-75, RP74-80]

NORTHERN NATURAL GAS

Extension of Procedural Dates

APRIL 2, 1975.

On March 24, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued February 13, 1975 in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of staff's testimony	Apr. 3, 1975
Service of intervenor's testimony	Apr. 17, 1975
Service of company rebuttal	May 16, 1975
Hearing (10 a.m. e.d.t.)	June 3, 1975

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-9217 Filed 4-8-75;8:45 am]

[Docket No. CI75-52]

PHILADELPHIA OIL CO.

Order Granting Rehearing and Providing for Hearing

MARCH 26, 1975.

The Pittston Company asks rehearing of our order of January 23, 1975, in this proceeding. In that order we granted a certificate of public convenience and necessity to the Philadelphia Oil Company to sell natural gas to the Kentucky West Virginia Gas Company. The seller's gas would be transported to the buyer through pipelines of the Berea Gathering Company, and thereafter through pipelines of the Pittston Company, following which it would be delivered into the pipeline of the Kentucky West Virginia Company at the Kentucky-Virginia state line. We stated in our order that the facilities of the Berea Gathering Company, as they are proposed to be used in this transaction, constitute gathering facilities within the meaning of section 1(b) of the Natural Gas Act, and they are thus not within our jurisdiction. But we said that the Pittston system, as proposed to be used herein, "appears to go beyond the gathering function" and "appears to be a jurisdiction function". We therefore in our order imposed the following condition upon the certificate granted to the Philadelphia Oil Company:

(C) The certificate issued by paragraph (A) above and the rights granted thereunder are conditioned on Pittston making an appropriate certificate filing, pursuant to section 7(c) of the Act, for certification of its proposed transportation of natural gas as hereinbefore described, or for a declaratory order of disclaimer of jurisdiction by the Commission and upon the Commission's ultimate resolution thereon.

On February 24, 1975, the Pittston Company filed its application, fully titled "Petition of the Pittston Company for Leave to Intervene, Request for Rehearing and Reconsideration, Request for Removal of Ordering Paragraph (C)

V40169 APR 9 75 XUM

to Commission Order, or Alternatively, Request for Declaratory Order as to Jurisdictional or Non-Jurisdictional Status of the Pittston Company". In its application, Pittston argues that it, like the Berea Gathering Company, should be regarded as a gatherer and thus exempt from our jurisdiction under section 1(b). But if the Commission does not agree with its position Pittston then asks "that it be granted a formal hearing, with the right to present witnesses, file briefs, and for whatever further relief the Commission deems just and appropriate in the circumstances" (Petition, p. 12). In a petition filed March 13, the Kentucky West Virginia Company supports Pittston's position, and urges speed in the resolution of the question.

We are not prepared, on the basis of Pittston's application of February 24, to delete condition (C) from our order of January 23. Deletion of that paragraph would, of course, constitute a reversal of our conclusion that Pittston is subject to our jurisdiction as a company transporting natural gas in interstate commerce. We are, however, prepared to grant Pittston's request for a declaratory order as to its status as a jurisdictional or non-jurisdictional company; and as a prerequisite to that declaratory order, we find it necessary that a formal hearing be held, as Pittston has requested. Although Pittston's application to intervene is tardy, we grant it in light of the company's obvious interest and involvement. We will also accede to Kentucky West Virginia's request that the proceeding be expedited.

The Commission finds: (1) Good cause exists for setting for hearing the question of jurisdiction that has been raised herein.

(2) Good cause exists for permitting the intervention in this proceeding of the Pittston Company.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 1, 4, 5, 7, 14, and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), the question of Commission jurisdiction over the Pittston Company, as it arises in Docket No. CI75-52, is set for the purpose of hearing and disposition.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5 (d)) shall preside at the hearing in this proceeding, pursuant to the Commission's rules of practice and procedure.

(C) A public hearing on the issue defined in paragraph (A) hereof shall be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, commencing on May 7, 1975. Pittston and any party supporting its position shall file direct testimony and evidence by April 14, 1975.

(D) The Pittston Company is permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that such intervenor might be aggrieved because of any order or orders of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-9218 Filed 4-8-75;8:45 am]

[Docket No. CI75-383]

SOHIO PETROLEUM CO.

Notice of Withdrawal

MARCH 19, 1975.

On February 27, 1975, Sohio Petroleum Company filed a withdrawal of its applications filed December 9, 1974 and January 8, 1975 in the above-designated matter.

Notice is hereby given that pursuant to § 1.11(d) of the Commission's rules of practice and procedure, the withdrawal of the above application shall become effective March 31, 1975.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-9219 Filed 4-8-75;8:45 am]

[Dockets Nos. RP73-64, PGA75-3]

SOUTHERN NATURAL GAS CO.

Order Accepting in Part Proposed PGA Increase

MARCH 31, 1975.

On February 21, 1975, Southern Natural Gas Company (Southern) tendered for filing a proposed revised tariff sheet[1] to Sixth Revised Volume No. 1 of its FPC Gas Tariff. The proposed change is to recover increases in the cost of gas resulting from Opinion No. 699-H.[2] Southern requested an effective date of March 1, 1975.

Notice of the filing was issued on February 28, 1975, with comments, protests, and petitions to intervene due on or before March 14, 1975. No comments or petitions have been received.

The increase is composed of component increases reflecting higher costs for gas purchases from independent producers and pipelines and an increase for Southern's own production. The increase also contains a surcharge adjustment to be effective from March 1, through June 30, 1975, to recover costs relating to Southern's production qualifying for national rates during the period from July 21, 1974 through February 28, 1975.

Our review of Southern's filing indicates that it complies with Southern's tariff and Opinion No. 699-H, with one exception. We shall therefore accept it for filing and permit it to become effective March 1, 1975, as hereinafter conditioned.

Southern's base rates reflect in excess of 41 million Mcf of its own production at a cost of approximately 20 cents per Mcf. The base cost of gas in Southern's purchased gas cost adjustment provision does not contain any amounts reflecting Southern's own production. The instant filing, however, reflects in excess of 6 million Mcf which Southern states qualified for the national rate pursuant to Opinion No. 699-H in its purchased gas cost adjustment. We shall accept this adjustment subject to the condition that Southern redistribute the production costs associated with the qualified production to the base cost of purchased gas for the purposes of its purchased gas cost adjustment.

This approval is also subject to any rate adjustments and/or refunds which may be required as a result of further orders in Docket No. R-389-B or of any appeals of such orders to the Courts. Such rate adjustments and/or refunds shall, of course, be governed by the provisions of the Southern's PGA clause and § 154.38(d)(4) of the regulations.

The Commission finds: Good cause exists to accept Southern's proposed rate increase for filing and permit it to become effective as hereinafter ordered and conditioned.

The Commission orders: (A) Southern's proposed rate increase is hereby accepted for filing and permitted to become effective March 1, 1975; *Provided, however,* That within 15 days of the issuance of this order, Southern shall file the recomputation of its base cost of purchased gas and appropriate revisions to its tariff sheet consistent with its revised base cost of purchased gas.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-9220 Filed 4-8-75;8:45 am]

[Docket No. RP74-91-20]

TENNESSEE GAS PIPELINE CO.

Filing of Petition for Extraordinary Relief

APRIL 2, 1975.

Public notice is hereby given that on March 25, 1975, North Alabama Gas District (North Alabama), filed, pursuant to § 1.7 of the Commission's rules of practice and procedure and § 2.78 of the Commission's regulations, a petition requesting extraordinary relief from the curtailment imposed by one of its suppliers of natural gas, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee).

In support of its petition North Alabama states that it purchases natural gas from Tennessee under Tennessee's CD-1 rate schedule under a firm contract and is entitled, under the aforementioned contract to receive 2,000 Mcf per day of natural gas from Tennessee. North Alabama adds that all of the natural gas received from Tennessee is resold under a firm contract to United States Steel Agri-Chemicals Division (Ag-Chem) at its facility near Cherokee, Alabama.

North Alabama states that its petition in the instant proceeding is in direct response to the Commission's order of February 26, 1975, in the Texas Eastern Transmission Corporation proceeding (North Alabama Gas District), Docket No. RP74-39-8, wherein North Alabama states that the Commission's order in that docket provided that the limitations contained therein were intended to encourage Ag-Chem to seek any necessary additional gas by petitioning separately for relief from its other suppliers, Alabama-Tennessee Natural Gas Company (A-T) and Tennessee. North Alabama therefore requests that the Commission grant, without hearing, (1) North Alabama's request for extraordinary relief, by suspending Tennessee's curtailment plan as applicable to North Alabama, and require Tennessee to supply to North Alabama 1,667 Mcf of natural gas per day, and (2) such additional relief as may be deemed and determined to be just and appropriate.

A shortened notice period in this proceeding may be in the public interest. Any person desiring to be heard or to protest said petition should on or before April 18, 1975, file with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-9221 Filed 4-8-75;8:45 am]

[Docket Nos. RP75-71, etc.]

UNITED GAS PIPE LINE CO.

Order Suspending Tariff Sheets, Consolidating Proceeding and Granting Interventions

APRIL 2, 1975.

On March 3, 1975, United Gas Pipe Line Company (United) tendered for filing the following tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1:

First Revised Sheet No. 71-C.
First Revised Sheet No. 71-D.
Eighth Revised Sheet No. 72.
Fifth Revised Sheet No. 72-A.

First Revised Tariff Sheet No. 71-C contains section 12.3 "Substitute Fuel Payment Obligations" in the form proposed by United in its Original Sheet No. 72-A[1] which was filed on May 17, 1971. In order to accommodate the proposed reinstatement of the previous section 12.3 disallowed by Commission Opinion No. 647-A, 49 FPC 1211 (1973), sections 12.3, 12.4 and 12.5 are redesignated 12.4, 12.5 and 12.6 respectively in new tariff sheets, Nos. 71-D, 72, and 72-A.

In *State of Louisiana* v. *FPC*, 503 F. 2d 844 (5th Cir. 1974) the United States Court of Appeals for the Fifth Circuit vacated and remanded Opinion Nos. 647[2] and 647-A. Specifically, the Court of Appeals vacated our findings deleting section 12.3 from United's proposed tariff, as well as the subsidiary findings interpreting the substitute fuel clauses of some of United's industrial contracts. Consistent with the Court's mandate, we have directed the Presiding Administrative Law Judge to enter findings which fully respond to the Court's analysis in the continuing proceedings regarding a permanent curtailment plan for United in Docket Nos. RP71-29 and RP71-120.[3]

In order to fully comprehend the issue before us, the historical background underlying Tariff section 12.3 is pertinent. When in 1970 and early 1971 United began to curtail deliveries to its customers, certain customers asserted reimbursement rights under the substitute fuel clauses in their gas sales contracts with United, despite the provisions of section 12.1 which contained the following language:

> In the event a gas shortage renders Seller unable to supply the full gas requirements of all of its customers, then, Seller may, without liability to Buyer, prorate its gas supply in the manner hereinafter set forth.[4]

As the result of these contentions and the uncertainty regarding the applicability of Section 12.1 to the substitute fuel clauses, United in its May 17, 1971, tariff filing in response to Order No. 431 proposed the following language in a new § 12.3:

> Whenever Seller prorates its gas supply or interrupts its service in accordance with this section 12 of its Tariff so that customers of Seller do not receive the volumes of natural gas they desire up to their Maximum Daily Quantities, * * * Seller [shall not] be obligated to pay or credit such customers any sums with respect to substitute fuels burned by such customers during such a period of proration or interruption.

[1] Section 12.3 as originally proposed also provided that United would not be obligated to reduce any customer's demand charge as a result of curtailment. That portion of section 12.3 was considered by the Commission in Opinion No. 671, issued in Docket No. RP72-75, and therefore such portion is not included in this resubmission.

[2] 49 FPC 179 (1973).

[3] Order On Remand Denying Motion For Immediate Modification of Curtailment Plan, issued herein on March 7, 1975, (mimeo) page 24.

[4] First Revised Vol. No. 1 filed in compliance with Opinion No. 277, 13 FPC 308 (1954).

United proposed that section 12.3 as part of the larger tariff filing be made effective on November 1, 1971. On May 28, 1971, in Docket No. RP71-120, the Commission suspended the effectiveness of the proposed tariff changes for one day, *i.e.*, until November 2, 1971, and ordered the issues raised by the proposed changes consolidated for hearing and decision with the proceedings in Docket No. RP71-29.

On October 5, 1971, the Commission issued Opinion No. 606, 46 FPC 786 (1971), in which it ordered changes in other aspects of United's tariffs, but did not order modification of the "without liability" portion of Section 12.1. With respect to § 12.3, it was concluded:

> Implementation of the curtailment plan itself, pursuant to our procedures would be an absolute defense for United against all claims for specific performance, damages, or other requests for relief under these contracts affected by curtailments that may be initiated in the courts. No additional tariff language like that proposed in Section 12.3 on Original Sheet No. 72-A is necessary to limit liability under contracts when agencies' orders, rules, or regulations authorize actions contrary to those contracts. 46 FPC at 805.

Revised tariff sheets were filed in compliance with Opinion No. 606 on October 14, 1971, and were accepted for filing and made effective November 14, 1971. Included in said filing was First Revised Sheet No. 72-A which contained section 12.3.

In its review of Opinion Nos. 606, 606-A in *International Paper Co.* v. *FPC*, 476 F. 2d 121 (1973), the Fifth Circuit indicated difficulty with the manner in which the Commission had concluded § 12.3 was unnecessary and suggested that the Commission on remand address this issue more directly. Just prior to the decision in *International Paper*, we issued Opinion No. 647 finding § 12.3 to be unnecessary and for this reason ordered it deleted from United's tariff. Compliance tariff sheets were accepted for filing and placed into effect on January 17, 1973. In Opinion 647-A, the Commission responded to the Fifth Circuit's comments concerning § 12.3 and again found it to be unnecessary. When the Fifth Circuit reviewed these latter opinions in *State of Louisiana*, it expressly rejected the determination that § 12.3 was unnecessary, stating that it was an "integral part" of United's proposed curtailment plan that the Commission should consider it on the assumption that United may be liable for damages in the absence of such a tariff provision, and directed the Commission on remand to reconsider the propriety of § 12.3 in the light of the criteria of section 4(b) of the Natural Gas Act.

In view of the Fifth Circuit's indication that it was erroneous to have refused § 12.3 on the basis that it was unnecessary, United requests that the Commission accept the proposed sheets and reinstate § 12.3 as a part of United's tariff which became effective on November 14, 1971.

Pursuant to notice of the instant filing on March 7, 1975, timely petitions to intervene have been filed by New Orleans Public Service, Inc., Mississippi Power &

[1] Twelfth Revised Sheet No. 4A.

[2] Docket No. R-389-B, issued December 4, 1974.

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Light Company, Mississippi Power Company, Allied Paper Incorporated, Monsanto Company and Texasgulf, Inc., Louisiana Power and Light Company, Southern Natural Gas Company, Mississippi River Transmission Corporation, Gulf States Utilities Company, and International Paper Company filed late petitions to intervene.

A jurisdictional question of our autority to accept proffered § 12.3 has been raised by, *inter alia*, Mississippi Power & Light Company in its petition to intervene. In that petition, the contention is advanced that "• • • [t]he Commission is without jurisdiction of the direct sale, or the price to be paid for the gas sold, and therefore without jurisdiction to relieve United from obligations created by the direct sales contract • • •" (Page 3). We believe that this jurisdictional question, along with the other issues remanded to the Presiding Administrative Law Judge pertaining to § 12.3, should be developed and decided in the context of United's curtailment proceeding. Accordingly, in the consolidated proceeding, we direct the parties and the Presiding Judge to consider, *inter alia*, the jurisdictional question raised in the above quoted petition.

The Commission finds: (1) It is appropriate that the Commission consolidate the instant filing in Docket No. RP75–71 with the continuing curtailment proceedings in Docket Nos. RP71–29 and RP71–120 for purposes of hearing and decision, wherein the issues remanded by *State of Louisiana, supra*, and the issue of the Commission's jurisdiction relating to § 12.3 are to be considered.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission suspend for one day the effectiveness of the instant filing since it has not been determined to be just and reasonable.

(3) The determination of whether or not effectiveness of § 12.3 should be made retroactive to November 14, 1971, should be decided after full hearing in the consolidated proceedings hereinafter established and upon a determination of the Commission's jurisdiction and the justness and reasonableness of § 12.3 under section 4 of the Natural Gas Act.

(4) The interventions of New Orleans Public Service, Inc., Mississippi Power and Light Company, Mississippi Power Company, Allied Paper Incorporated, Monsanto Company and Texasgulf Inc., Louisiana Power and Light Company, Southern Natural Gas Company, Mississippi River Transmission Corp., Gulf States Utilities Company and International Paper Company may be in the public interest.

The Commission orders: (A) Tariff sheets First Revised Sheet No. 71–C, First Revised Sheet No. 71–D, Eighth Revised Sheet No. 72 and Fifth Revised Sheet No. 72–A to United Gas Pipe Line Company's FPC Gas Tariff, First Revised Volume No. 1 are hereby accepted for filing.

(B) Under the authority of the Natural Gas Act, particularly sections 4, 5, 15 and 16 and pursuant to the Commission's rules of practice and procedure and the Regulations under the Natural Gas Act, a public hearing concerning the Commission's jurisdiction and lawfulness of the tendered tariff sheets designated in ordering paragraph (A) above shall be consolidated with the curtailment proceedings in Docket Nos. RP71–29 and RP71–120 as established by previous order for the purposes of hearing and decision.

(C) Pending such hearing and decision thereon, the tendered tariff sheets designated in ordering paragraph (A) above are hereby suspended for one day, until April 4, 1975, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) United's request that the effectiveness of the tendered tariff sheets be retroactive to their original filing is denied pending hearing.

(E) The above-named petitioners, are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and, *Provided, further,* That the admission of said interveners shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–9222 Filed 4–8–75;8:45 am]

[Docket No. RP75–30]

UNITED GAS PIPE LINE CO.

Extension of Procedural Dates

APRIL 2, 1975.

On March 28, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued December 19, 1974, in the above-designated matter. The motion states that the parties have been notified and have not objected.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of staffs testimony	July 15, 1975
Service of Intervenor's Testimony	Aug. 12, 1975
Service of company rebuttal	Aug. 26, 1975
Hearing (10 a.m. e.d.t.)	Sept. 10, 1975

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–9223 Filed 4–8–75;8:45 am]

[Docket No. E–9184]

VERMONT ELECTRIC POWER CO.

Notice of Filing

APRIL 1, 1975.

Take notice that on December 20, 1974, Vermont Electric Power Company, Inc. (Velco) tendered for filing a purchase agreement for the sale of fifty thousand kilowatts and related energy from Boston Edison Company, dated as of November, 1974.

Velco states that service under the tendered rate schedule commenced at 12:01 a.m. on December 2, 1974, and will continue for a three week period through December 22, 1974, and on a week-to-week basis thereafter, unless terminated by either party after one week notice, but not later than February 16, 1975. Velco requests waiver of the Commission's notice requirements in order to permit an effective date of December 2, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–9224 Filed 4–8–75;8:45 am]

[Docket No. CI75–199]

SUN OIL CO.

Order Setting Matter for Formal Hearing Permitting Intervention and Prescribing Procedures

APRIL 2, 1975.

On September 26, 1974, Sun Oil Company (Sun) filed in Docket No. CI75–199 an application pursuant to section 7(c) of the Natural Gas Act for a limited-term certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company (United) from Sun's LaFourche Realty, Inc., Well No. 1, North Bayou Fer Blanc Field, Lafourche Parish, Louisiana, all as more fully set forth in the application in this proceeding.

Sun commenced a 60-day emergency sale of natural gas to United on September 12, 1974, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the emergency period, November 11, 1974, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Sun proposes to sell an estimated 160 Mcf of gas per day at 67.0 cents per Mcf at 15.025 psia, including tax reimbursement, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot. (Sun indicates that since the Btu content of the gas is 1053, the adjusted price will be

70.18 cents per Mcf at 15.025 psia.) Pursuant to the provisions of Commission Opinion No. 699–B (52 FPC —), Sun has continued the emergency sale to United since November 12, 1974, subject to refund.

Sun submitted as its proposed rate schedule a contract, dated August 12, 1974, which provides for the sale of an average daily quantity of up to 1,000 Mcf of gas produced from the reservoir found between 12,704 feet to 12,710 feet in the subject well; individual daily quantities will be such quantities which seller has available and which buyer desires to purchase. The contract also provides that the price will increase to any higher area rate which may be determined as a result of any order, settlement or other FPC ruling.

By mandate of Opinion No. 699–B, applicants for limited-term certificates, such as Sun are burdened with justifying by substantial evidence the price and duration of proposed limited-term sales. Although Sun's application provides no such support, on November 29, 1974, Sun filed a supplement to its application and states therein,

> Reservoir studies indicate that the LaFourche Realty, Inc., Well No. 1 will be depleted within six to twelve months from November 1974. Accordingly, the supply of gas from the LaFourche Realty, Inc., Well No. 1 is available only for the limited period for which certification is sought.

In support of the proposed rate, Sun advises that it has constructed a line from the subject well to United's pipeline at a cost of $88,868 because initial evaluation of the well indicated that such investment was justified. However, the initial production volumes, which appeared to confirm the evaluation, did not hold up and production declined to approximately one-third of the initial volumes in a short period of time. As a result of the decline in production, Sun estimates that the gross revenues received from all sales made during the life of the well will be $65,187, resulting in a net loss of $23,681 before considering operating costs. Additionally, Sun states that its proposed rate is substantially less than intrastate prices in South Louisiana and cites intrastate sales ranging from 90 cents to $2.10 per Mcf. In view of the above, Sun concludes that its proposed rate is clearly just and reasonable and would defer somewhat the time for abandonment of the subject well.

In Order No. 699–B the Commission reinstated provisions for limited-term certification and reiterated as its purpose "to attract available natural gas supplies from the intrastate market to the interstate market." [1] On other occasions, however, the Commission has stated that it is not so interested in attracting intrastate gas to allow producers repeatedly and at short intervals [2] to play the intrastate and interstate markets against one another in order to drive up the price of their gas.[2] Sun has not demonstrated by substantial evidence that the proposed price is or will be required by the present or future public convenience and necessity. Further there remains the question whether or not the limited term is justified. Sun claims that the subject well will be depleted within the prescribed limited term. To the extent Sun's prediction is inaccurate, limited-term certification would appear unjustified.

After due notice of the application in the FEDERAL REGISTER on October 17, 1974 (39 FR 37106), United timely filed a petition to intervene in support of the application by Sun. United states, in essence, that although the subject gas sale would not eliminate United's present need to curtail deliveries, the sale would have a direct relationship to the amount of gas United would have available for delivery to its customers. United further states that it would receive the subject gas through existing facilities and that it would not reimburse Sun for any expenses incurred in delivering the gas to United. No further petitions to intervene, notices of intervention or protest to the granting of the application have been filed.

Based on the facts currently before us, we believe that a formal hearing should be held to afford the applicant an opportunity to establish through the presentation of credible evidence that (1) the proposed price is or will be required by the present or future public convenience and necessity when juxtaposed to similarly situated intrastate sales or alternatively, that the price is no more than is necessary to recover the lowest reasonable cost of the particular project and (2) the subject well can reasonably be expected to be depleted within the prescribed limited term.

The Commission finds: (1) Absent additional evidence as to the cost or the intrastate market price or support for the prescribed term, good cause exists to set for formal hearing the application for a limited-term certificate herein.

(2) It may be in the public interest to permit United, which filed a timely petition, to intervene in this proceeding.

The Commission orders: (A) The application for limited-term certificate for sale of natural gas filed in Docket No. CI75–199 is hereby set for hearing.

(B) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 7, 15, and 16, and the Commission's rules and regulations under that Act, a public hearing shall be held commencing April 29, 1975, at 10 a.m. (e.d.t.) at a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, concerning whether the present or future public convenience and necessity requires the issuance of a limited-term certificate for the sale of natural gas on the terms proposed in this application and whether the issuance of said certificate should be conditioned in any way.

(C) United Gas Pipeline Company is hereby permitted to become an intervenor, subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interest as specifically set forth in the petition to intervene; and, *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in these proceedings.

(D) The applicant seeking the limited-term certificate and the proposed purchaser, United, shall, on or before April 18, 1975, filed with the Comission and serve on all parties to this proceeding, including Commission Staff, all testi-

[1] Opinion No. 699–B, supra, mimeo p. 4.

[2] The Commission takes cognisance of the following chronology of sales from the subject well:

Date of sale	Authorization for sale	Base price (cents per thousand cubic feet)	Volumes sold (in thousand cubic feet)	Gross revenues
July 12, 1973 through Sept. 12, 1573.	Order No. 435	50.0	10,267	$5,134
Sept. 12, 1973 through Sept. 12, 1974.	Limited-term certificate in Docket No. CI73–912.	45.0	45,354	20,409
Sept. 12, 1974 through Nov. 12, 1974.	Sec. 157.29	67.0	[1] 7,600	[1] 5,092
Nov. 12, 1974 through Nov. 12, 1975 (proposed).	Application in Docket No. CI75–199.	67.0	[1] 65,000	[1] 30,552
Total			134,221	65,187

[1] Estimated.

[2] See order Denying Authorization for Extension of Emergency Sale, Denying Limited-Term Certificate of Public Convenience and Necessity, and Granting Petition to Intervene, *Wayne J. Spears*, in Docket No. CI75–218, issued December 20, 1974.

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mony to be sponsored in support of the instant application.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9226 Filed 4-8-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Dockets Nos. 50-250, 50-251]

FLORIDA POWER AND LIGHT CO.

Proposed Issuance of Amendments to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) is considering the issuance of amendments to Facility Operating Licenses Nos. DPR-31 and DPR-41 issued to Florida Power and Light Company (the licensee) for operation of the Turkey Point Nuclear Generating Units 3 and 4, pressurized water reactors located in Dade County, Florida, and currently authorized for operation at power levels up to 2,200 Mwt each.

The amendments would revise provisions in the Technical Specifications in accordance with the licensee's application for license amendments dated March 11, 1975. The amendments would modify operating limits in the Technical Specifications based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 10 CFR 50.46. The amendments would modify various limits established in accordance with the Commission's Interim Acceptance Criteria, and would, with respect to Turkey Point Nuclear Generating Units 3 and 4, terminate the further restrictions imposed by the Commission's December 27, 1974, Order for Modification of License, and would impose instead, limitations established in accordance with the Commission's Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors, 10 CFR 50.46.

Prior to issuance of the proposed license amendments, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By May 9, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendments to the subject facility operating licenses. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Jack R. Newman, Esquire, Lowenstein, Newman, Reis and Axelrad, 1025 Connecticut Avenue NW., Washington, D.C. 20036, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) the application for amendments dated March 11, 1975, (2) supplemental information dated March 10, 1975, (3) the Commission's Order for Modification of License and the documents referred to in the order dated December 27, 1974 (published in the FEDERAL REGISTER on January 9, 1975 (40 FR 1788)), (4) Notice and document referenced therein on related matters published in the FEDERAL REGISTER on March 20, 1975 (40 FR 12717) relating to the incorporation of operating limits for Unit 4 core cycle 2 into the Technical Specifications, and (5) supplemental information (relating to Unit 4 core cycle 2) dated February 7, 1975 and February 13, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Lily Lawrence Bow Public Library, 212 NW, First Avenue, Homestead, Florida. The license amendments and the Safety Evaluation, when issued, may be inspected at the above locations, and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland this 4th day of April, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch #3, Division of Reactor Licensing.

[FR Doc.75-9428 Filed 4-8 75;8:45 am]

GENERAL SERVICES ADMINISTRATION

[FPMR Temporary Reg. F-333]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer intrests of the executive agencies of the Federal Government in an intrastate rate proceeding.

2. *Effective date.* This regulation is effective retroactively to August 16, 1974.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Kansas State Corporation Commission (Docket No. 102640-U) in a proceeding involving the application of Kansas Gas and Electric Company for a permanent increase in its electric rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

MARCH 31, 1975.

[FR Doc.75-9237 Filed 4-8-75;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

INLAND STEEL CO., INC.

Application for Renewal Permit; Opportunity for Public Hearing

Application for Renewal Permit for Noncompliance with the Mandatory Dust Standard (2.0 mg/m³) has been received as follows:

ICP Docket No. 20257, INLAND STEEL COMPANY, INC., Inland Mine, Mine ID No. 11 00601 0, Sesser, Illinois, Section ID No. 001-0 (#1 Mains West), Section ID No. 018-0 (#1 Mains East), Section ID No. 029-0 (11 Right, #1 Mains West), Section ID No. 030-0 (11 Left, #1 Mains West), Section ID No. 031-0 (3 Left, #1 Mains East), Section ID No. 032-0 (4 Left, #1 Mains East), Section ID No. 033-0 (6 Right, #1 Mains East), Section ID No. 034-0 (7 Right, #1 Mains East).

Section ID No. 035-0 (8 Right, #1 Mains East), Section ID No. 036-0 (12 Left, #1 Mains West), Section ID No. 037-0 (12 Right, #1 Mains West).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Pub. L. 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed on or before April 30, 1975. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman, Interim Compliance Panel.

APRIL 2, 1975.

[FR Doc.75-9167 Filed 4-8-75; 8:45 am]

MAGGARD COAL CO. INC.

Application for Renewal Permit Electric Face Equipment Standard; Opportunity for Public Hearing

Application for a Renewal Permit for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 has been received for the item of equipment in underground coal mine as follows:

ICP Docket No. 4208-000, MAGGARD COAL COMPANY, INC., Mine No. 18, Mine ID No. 44 01815 0, Richlands, Virginia, ICP Permit No. 4208-008—R-1 (S & S 90 Battery Tractor, Ser. No. A 1965).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before April 30, 1975. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970, as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman, Interim Compliance Panel.

APRIL 2, 1975.

[FR Doc.75-9168 Filed 4-8-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

AD HOC ADVISORY GROUP ON SCIENCE PROGRAMS (AGOSP)

Meeting

The Ad Hoc Advisory Group on Science programs is holding a two-day meeting on April 25 and 26, 1975. Details of this meeting are listed below. This meeting is being announced in accordance with the Federal Advisory Committee Act (Pub. L. 92-463).

Time. 9 a.m. (both days). The meeting will adjourn no later than 4 p.m. on Saturday, April 26.

Places. April 25, NASA Goddard Space Flight Center, Greenbelt, Maryland, Management Conference Center, Building 8—third floor; *April 26,* National Science Foundation, 1800 G Street, NW, Washington, D.C., Room 540—Board Room.

The purpose of the Ad Hoc Advisory Group on Science Programs is to provide to the President's Science Adviser (Director, National Science Foundation) an independent source of advice concerning selected basic and applied science programs.

The agenda for this meeting is as follows:

1. Progress Review of the NASA Study on "Outlook for Space".
2. Review Approaches to Assessing the Results of the NASA Study.
3. Discussion of Selected Issues Related to Space Science.

The meeting will be open to the public. Anyone who would like to attend should contact Mr. William C. Bartley, AGOSP Executive Secretary, by April 21 (telephone 202-632-6871). For more information about this Group, please contact Mr. Bartley at: Science and Technology Policy Office, National Science Foundation, Washington, D.C. 20550.

Summary minutes of this meeting may be obtained from the Committee Management Coordination Staff, Management Analysis Office, Room 248, National Science Foundation, Washington, D.C. 20550.

FRED K. MURAKAMI,
Committee Management Officer.

[FR Doc.75-9280; Filed 4-8-75;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

AGRICULTURAL ADVISORY COMMITTEES FOR THE MULTILATERAL TRADE NEGOTIATIONS

Meeting

A two day meeting of the Agricultural Policy Advisory Committee for Multilateral Trade Negotiations and the Agricultural Technical Advisory Committees for the Multilateral Trade Negotiations on: Cotton, Dairy, Fruits and Vegetables, Grain and Feed, Livestock and Livestock Products, Oilseeds and Products, Poultry and Eggs, and Tobacco will be held on May 5-6, 1975.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made that the first session of the meeting will be to review the responsibilities of the Committees as they relate to providing information and advice as set forth in section 135 of the Trade Act of 1974 (Pub. L. 93-618) and will be open to the public in accordance with section 10(a)(1) of the Federal Advisory Committee Act (Pub. L. 92-463). A limited number of seats will be available for public use.

The open session will be held at 10 a.m. on May 5, 1975 in the Jefferson Auditorium, South Building, Department of Agriculture, Independence Avenue, Washington, D.C. 20250.

Any member of the public who wishes to file a written statement with any of the Committees may do so before or after the meeting.

All communications regarding these Committees should be addressed to George H. White, Room 5057-S, Department of Agriculture, Washington, D.C. 20250.

Non asterisk sessions of this meeting and subsequent meetings will be for discussion of negotiating objectives, strategy, and tactics and will be open to only members of the Committees in accordance with section 135(f)(2) of the Trade Act of 1974 (Pub. L. 93-618).

KENNETH GUENTHER,
Assistant Special Representative for Trade Negotiations, Office of the Special Representative for Trade Negotiations.

CLAYTON K. YEUTTER,
Assistant Secretary for International Affairs and Commodity Programs, Department of Agriculture.

MEETING AGENDA—AGRICULTURAL ADVISORY COMMITTEES FOR THE MULTILATERAL TRADE NEGOTIATIONS

I. GENERAL SESSION—10 A.M., MONDAY, MAY 5, 1975

*A—Welcome—Clayton K. Yeutter, Assistant Secretary for International Affairs and Commodity Programs.

*B—Opening Remarks—Secretary Earl L. Butz.

*C—Summary of Trade Act provisions, MTN outlook, and functions of the APAC and ATAC's—Special Representative for Trade Negotiations—Ambassador Frederick B. Dent.

*D—Security Briefing and Legal Aspects—USDA Office of General Counsel and Office of Special Representative for Trade Negotiations' Office of General Counsel.

*E—General discussion period.

*F—Adjournment.

II. APAC MEETING—2 P.M., MONDAY, MAY 5, 1975

A—Opening statements by Secretary Earl L. Butz and the Special Representative for Trade Negotiations—Ambassador Frederick B. Dent or their designees—Includes statement of U.S. Negotiating Goals and Objectives.

B—Discussion of APAC work program.

C—Briefing on ATAC work program.

D—Establishment of channels of communication for flow of inputs.

E—Setting up schedule for work program and future meetings.

F—General discussion period.

G—Adjournment.

III. INDIVIDUAL ATAC MEETINGS—10 A.M. AND 2 P.M., TUESDAY, MAY 6, 1975[1]

*A—Election of chairman and vice-chairman.

[1] 10 a.m.—ATAC's for Cotton, Dairy, Fruits and Vegetables, and Grain and Feed. 2 p.m.—ATAC's for Livestock and Livestock Products, Oilseeds and Products, Poultry and Eggs, and Tobacco.

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B—Opening statements by Executive Secretary and Representative of Office of the Special Representative for Trade Negotiations—Includes statement of U.S. Negotiating Goals and Objectives.
C—Discussion of ATAC work program including setting deadline for individual submissions.
D—Establish channels of communications and flow of inputs from ATAC members.
E—Schedule for future meetings.
F—General discussion period.
G—Adjournment.

[FR Doc.75-9196 Filed 4-8-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 3, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Application for Assistance Under Emergency School Aid Act, Title VII, P.L. 92-318 as Amended by P.L. 93-380, OE-116, annually, nonprofit organizations, Lowry, R. L., 395-3772.

U.S. CIVIL SERVICE COMMISSION

Supplemental Experience Statement for Flight Engineers, DH-602, single-time, job applicants, Caywood, D. P., 395-3443.
Supplemental Information Form for Trades and Crafts, DH-603, single-time, job applicants, Caywood, D. P., 395-3443.
Military Duty Assignments, DH-601, single-time, job applicants, Caywood, D. P., 395-3443.
Air Reserve Technician Supplemental Information Form, DH-600, single-time, job applicants, Caywood, D. P., 395-3443.

U.S. FISH AND WILDLIFE SERVICE

Bureau of Sport Fisheries and Wildlife, Kenai Canoe Trails Study, Form LAS-I.A, single-time, individual visitors to a natural wildlife refuge, Planchon, P., 395-3898.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis, Plant and Equipment Expenditures Survey, BE-482, quarterly, manufacturing, Hulett, D. T., 395-4730.

DEPARTMENT OF DEFENSE

Departmental and other, DD Form 48-3, Personnel Security Questionnaire (Updating), on occasion, employees of cleared DOD contractors, Caywood, D. P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:
Student Participant Information Report, OE Form 1229, on occasion, project directors at higher education institutions, Planchon, P., 395-3898.
Educational Talent Search Program Statistical Report, OE Form 1231, quarterly, project directors at higher education institutions, Planchon, P., 395-3898.
Progress Report, BEOG Program, OE Form 255, on occasion, institutions participating in program, Planchon, P., 395-3898.

EXTENSIONS

VETERANS ADMINISTRATION

Veterans Initial Application in Acquiring Specially Adapted Housing, 21-4555, on occasion, disabled veterans, Caywood, D. P., 395-3443.

ENVIRONMENTAL PROTECTION AGENCY

Air Pollutant Emissions Report, on occasion, business firms, Evinger, S. K., 395-3648.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service, Application for Allocation or Transfer of Producer Allotment (CE Acreage Allotments), ASCS-123, annually, farms, Evinger, S. K., 395-3648.

DEPARTMENT OF DEFENSE

Defense Supply Agency, Delivery Status Request, on occasion, defense contractors, Evinger, S. K., 395-3648.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Report of Person Entitled to Special Benefits, SSA-1625, on occasion, Evinger, S. K., 395-3648.
Center for Disease Control, Application for Designation as a Yellow Fever Vaccination Clinic, PHS 13.5, on occasion, Evinger, S. K., 395-3648.
Alcohol, Drug Abuse and Mental Health Administration, Annual Survey of Inpatient Characteristics/State, County Mental Hospitals, MH-45-1, annually, Evinger, S. K., 395-3648.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New communities, Physical Progress Report and Instructions (Urban Renewal Project), HUD 6000, semiannually, Community and Veterans Affairs Division, 395-3532.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-9396 Filed 4-8-75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 4, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

VETERANS ADMINISTRATION

Application for Designation as Fee Appraiser for Mobile Home Loans, 26-6681A, on occasion, fee appraisers, Caywood, D. P., 395-3443.

DEPARTMENT OF COMMERCE

Departmental and other, Evaluation of Summary and Analysis of International Travel to the U.S., annually, U.S. and foreign travel industry, Caywood, D. P. 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Impact of the Supplementary Security Income Program on the High Risk Population, SSA-2968, single-time, low-income aged in Portland, Oreg., Sunderhauf, M. B., 395-4911.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management, Funding Formula Data Collection Form, HUD-52720, HUD-52722A, HUD-52722B, annually, local housing authorities, Community and Veterans Affairs Division, 395-3532.

EXTENSIONS

VETERANS ADMINISTRATION

Claim for Payment of Suspense of Other Credits Due Estate of Deceased Veteran—National Service Life Insurance, 29-4336, on occasion, administrators or executors of estates, Caywood, D. P., 395-3443.

DEPARTMENT OF COMMERCE

Bureau of the Census, Current Population Survey Schedule, CPS-1, monthly, household respondents in monthly sample, Strasser, A., 395-3980.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage Credit: Application for Project Mortgage Insurance (Rehabilitation), FHA2013R, on occasion, mortgagor entities, Community and Veterans Affairs Division, 395-3532.
Request for Financial Assistance, FHA2556 SFA, on occasion, households in older urban areas, Evinger, S. K., 395-3648.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-9395 Filed 4-8-75;8:45 am]

PENSION BENEFIT GUARANTY CORPORATION

ANTHRACITE HEALTH AND WELFARE FUND HEARING

Notice of Postponement

Notice is hereby given that the hearing in the above matter scheduled for April 14, 1975 (40 FR 12336, March 18, 1975) is indefinitely postponed. The applicant has requested the postponement pending resolution in collective bargaining of certain issues relevant to the Fund's Application. Since the Pension Benefit Guaranty Corporation believes that postponement would be in the public interest, the request has been granted. Parties who have sought to participate in the hearing will be notified if it is rescheduled. The deadline of April 12, 1975, contained in the Notice of Hearing, for submission of written comments is also indefinitely postponed.

Issued at Silver Spring, Maryland on April 7, 1975.

PENSION BENEFIT GUARANTY CORPORATION,
STEVEN E. SCHANES,
Acting Executive Director.

[FR Doc.75-9445 Filed 4-8-75;9:59 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on April 16, 1975, at 10 a.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at 110 9th Avenue, South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Steed College, Kingsport-Bristol Boulevard, Johnson City, Tennessee, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: April 2, 1975.

R. S. BIELAK,
Director, VA Regional Office, Nashville, Tennessee.

[FR Doc.75-9262 Filed 4-8-75;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

SANDLER-ETTE FOOTWEAR MANUFACTURING CORP.

Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of March 20, 1975, the U.S. International Trade Commission made a report of the results of its investigation (TEA-W-262) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance on behalf of the workers and former workers of the Sandler-Ette Footwear Manufacturing Corporation, a wholly-owned subsidiary of Kayser-Roth Corporation, New York, New York. In this report, the Commission, being equally divided, made no finding with respect to whether articles like or directly competitive with footwear for women, misses, and children produced by Sandler-Ette Footwear Manufacturing Corp. are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of the firm or an appropriate subdivision thereof. The President subsequently decided, under the authority of section 330(d)(1) of the Tariff Act of 1930, as amended, to consider the findings of those Commissioners who found in the affirmative as the finding of the Commission.

Normally the Department's Office of Foreign Economic Policy, Bureau of International Labor Affairs conducts a further investigation after receiving an affirmative finding of the Commission, as provided in 29 CFR 90.5. In light of the urgent public interest in disposing of this case before the repeal of the adjustment assistance provisions of the Trade Expansion Act of 1962 (to be superseded by the Trade Act of 1974) on April 3, 1975, it was decided to dispense with the investigation. However, on the basis of data and information developed on the operations of the Sandler-Ette Footwear Manufacturing Corp. from the Commission's report to the President, and additional inquiries with company officials made in the course of developing the Secretary's recommendation to the President on the matter of the Commission's report, it was determined that there was sufficient information to formulate a recommendation in the matter of certification and to make a determination thereon.

On the basis of the information obtained, the Director made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority, 34 FR 18342; 37 FR 2472; 29 CFR Part 90). In the recommendation she noted that concession generated imports like or directly competitive with footwear for women, misses, and children produced by Sandler-Ette Footwear Manufacturing Corp. increased substantially. In recent years all of Sandler-Ette's footwear was purchased by A. Sandler Co., Inc., which is an operating division of Kayser-Roth Corp. A. Sandler Co. also imported footwear and purchased from other domestic manufacturers. In the period 1971 to 1974, A. Sandler Co. increasingly substituted imported footwear for footwear previously purchased from Sandler-Ette. As a result production and employment at Sandler-Ette began declining in 1972. Sandler-Ette was able to reduce employment levels by normal labor-force attrition throughout 1972 and 1973. Unemployment or underemployment of a significant number of Sandler-Ette's workers, caused in major part by increased import competition, began in January 1974 and continued until February 1975 when Sandler-Ette closed. After due consideration, I make the following certification:

All hourly, piecework, and salaried employees of Sandler-Ette Footwear Manufacturing Corp., Webster, Massachusetts (a wholly-owned subsidiary of Kayser-Roth Corp.) who became or will become unemployed or underemployed after December 20, 1973 are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C. this 2nd day of April 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-9156 Filed 4-8-75;8:45 am]

SHAER SHOE CORP.

Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of March 17, 1975, the U.S. International Trade Commission made a report of the results of its investigation (TEA-W-260) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance on behalf of the former workers of the Manchester, New Hampshire plant of Shaer Shoe Corp., Manchester, New Hampshire. In this report the Commission, being equally divided, made no finding with respect to whether articles like or directly competitive with footwear for women produced by the Manchester, New Hampshire plant of the Shaer Shoe Corp. are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof. The President subsequently decided, under the authority of section 330(d)(1) of the Tariff Act of 1930, as amended, to consider the findings of those Commissioners who found in the affirmative as the finding of the Commission.

Normally the Department's Office of Foreign Economic Policy, Bureau of International Labor Affairs conducts a further investigation after receiving an affirmative finding of the Commission, as provided in 29 CFR 90.5. In light of the urgent public interest in disposing of this case before the repeal of the adjustment assistance provisions of the Trade

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Expansion Act of 1962 (to be superseded by the Trade Act of 1974) on April 3, 1975, it was decided to dispense with the investigation. However, on the basis of data and information developed on the operations of the Shaer Shoe Corp. from the Commission's report to the President, and additional inquiries with company officials made in the course of developing the Secretary's recommendation to the President on the matter of the Commission's report, it was determined that there was sufficient information to formulate a recommendation in the matter of certification and to make a determination thereon.

On the basis of the information obtained, the Director made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority, 34 FR 18342; 37 FR 2472; 29 CFR Part 90). In the recommendation, she noted that concession generated imports like or directly competitive with footwear for women produced by the Manchester, New Hampshire plant of Shaer Shoe Corp. increased substantially. In an effort to compete with imports, the company introduced major style changes at the Manchester plant in 1973 and 1974. Despite these efforts several of the company's major customers substantially reduced purchases from the Manchester plant and switched to foreign sources for women's footwear primarily because of the price advantage offered by such imports. As a result of the sharp decline in plant sales that occurred in 1973 and 1974, the company was forced to substantially cut back employment. Unemployment and underemployment of a significant number of the plant's workers, caused in major part by increased import competition, began in June 1973 and continues. After due consideration, I make the following certification:

All workers, hourly, piecework, and salaried, of the Manchester, New Hampshire plant of the Shaer Shoe Corp., Manchester, New Hampshire, who became or will become unemployed or underemployed after June 23, 1973 are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C. this 2nd day of April 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-9156 Filed 4-8-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 27872]

CHICAGO, ROCK ISLAND & PACIFIC RAILROAD CO.

Reorganization

Because a shutdown of Chicago, Rock Island & Pacific Railroad Co. (Rock Island) operations would create an emergency requiring immediate action by the Interstate Commerce Commission, we are hereby requesting public comment on how essential railroad services of the Rock Island might best be performed by other railroads under emergency car service orders of the Commission or by other means of transportation. The press of time makes it necessary that comments be submitted by April 30, 1975.

After years of operating at a deficit, the Rock Island, a large midwestern railroad, announced in early March, 1975, that it lacked the funds needed to continue operations. On March 17, the distressed carrier filed a petition for reorganization under section 77 of the Bankruptcy Act in the U.S. District Court for the Northern District of Illinois.

On March 18, the Rock Island issued an embargo covering all traffic originating on, destined to, or routed over any line on its entire system. The embargo notice states, in effect, that on and after the effective date, the Rock Island will be shutdown and could neither receive nor handle traffic tendered to it by shippers or connecting railroads. The embargo was to have been effective for all perishable traffic on March 24, and for all other traffic on March 31. The effective date of the embargo for all traffic was later postponed until April 12, and on March 28, 1975, the reorganization court judge, District Judge Frank J. McGarr, ordered Rock Island to continue operations until May 15.

While the Rock Island is now under obligation to provide service until May 15, its capacity to do so depends, as a practical matter, upon its having a sufficient amount of operating funds. If it ran out of funds in the meantime, it would face perhaps an insurmountable problem in maintaining operations.

The Commission is deeply concerned about the possibility of a Rock Island shutdown. To support continued operation we have approved a 7-percent general railroad freight rate increase, by order served March 25, 1975, in Ex Parte No. 310, *Increased Freight Rates and Charges, Nationwide*. Special permission was also given for the filing of a proposal under which Rock Island could seek to assess a surcharge on certain of its traffic (See Special Permission No. 3450, *Chicago Rock Island & Pacific Railroad Co.—Emergency Terminal Surcharge Tariff*, decided March 26, 1975). But the Rock Island has indicated it would not pursue the surcharge proposal. While it is hoped that revenue measures of this type might enable the Rock Island to survive its present cash crisis, the fact remains that the carrier may be forced to terminate its operations in the near future.

Cessation of all Rock Island service could have a serious impact on the people of the area served by the railroad and upon the economy of the territory. Rock Island operates over 7,000 miles of line in 13 States and employs about 11,000 people. Its lines are located generally in the area between Chicago, St. Louis, and Memphis, on the east, Denver, Colorado Springs, Colo., and Santa Rosa, N. Mex., on the west, Minneapolis-St. Paul, on the north, and Houston and Galveston, Texas, on the south.

Many Rock Island mainlines are duplicative of other railroads, yet Rock Island is the only railroad serving hundreds of communities and stations in the Middlewest. Even at places served by more than one railroad, many industries rely solely on Rock Island. For example, 733 grain elevators are served exclusively by Rock Island. In addition, Rock Island operates an extensive commuter passenger service between Chicago and its suburbs, and, with the aid of a subsidy from the State of Illinois, it provides intercity passenger service between Chicago and Peoria and Rock Island, Ill.

To deal with emergencies caused by a railroad shutdown, the Commission has a specific but limited jurisdiction. Under section 1(16)(b) of the Interstate Commerce Act, whenever a railroad is unable to transport the traffic offered it because, among other reasons, its cash position makes continued operation impossible, the Commission may order another railroad to provide service over the shutdown railroad's lines for a brief interim period of 60 days. For cause shown the period may be extended a maximum of 180 additional days. The Federal government will reimburse the directed carriers for losses incurred in providing such service, and it will also guarantee them a reasonable profit from the emergency operations.

Under another emergency provision of the statute, section 1(15), the Commission may suspend established rules and practices with respect to freight car service and, among other things, issue such directives as in its opinion would best promote service, including orders for joint use of terminals. Section 1(15) does not provide for subsidy payments, thus limiting its application primarily (though not entirely) to non-deficit operations. The Commission is also empowered to issue emergency motor carrier temporary authority pursuant to section 210a(a) to maintain service to the public.

In recognition of the need for quick action in emergencies, Congress provided for unique procedures in the administration of both sections 1(15) and 1(16)(b). The Commission may act at once, upon complaint or its own initiative, without formal pleadings, with or without notice or hearing, or the filing of a report. In most emergencies, the situation dictates an expedited, informal approach.

Faced with what then appeared to be an imminent cessation of Rock Island operations, we called a meeting in Washington, D.C., on March 18, 1975, at which we requested railroads operating in Rock Island's service area, as well as railroads connecting with Rock Island, to submit proposals for possible emergency operation of the financially distressed carrier. Carrier response has been most helpful, and we would like publicly to express our appreciation for the railroads' cooperation in this matter. At the conference, and later, the railroads submitted various proposals whereby they, individually, would assume emergency operations on

separate segments of the Rock Island. For the most part, there was general agreement that the other roads would operate the Rock Island for local service only, and, with some exceptions, practically all the Rock Island trackage would be operated. The general agreement extended in large part to the assignment of individual railroads to particular portions of the Rock Island. The carriers' proposals are set forth, by line segments, at the end of this notice.

The proposals and agreement reported above have not been endorsed by the Commission and no decisions have yet been made. Since they are inconsistent with the concept of an integrated Rock Island, neither have they had the endorsement of Rock Island's management. Implementation of any plan for the takeover of services on Rock Island facilities would require some agreements between the directed carriers and the Rock Island; and it is presumed that such agreements will be timely achieved.

The Commission is not required to hold a hearing before reaching a decision under sections 1(15) and 1(16)(b) and, in view of the emergency nature of the situation, time limitations would not permit extensive hearings in the instant crisis. Nevertheless, we recognize the immense importance of the Rock Island crisis to the general public in the railroad's service area and we feel that shippers, employees, State and local government bodies, and other interested groups and individuals should have an opportunity to comment on the railroads' proposals, and that the Commission should have the benefit of their views. Accordingly, we invite public comment on these proposals.

In preparing comments, interested persons should be aware that car service orders under section 1(16)(b) are temporary in nature. We are not here considering long range proposals for solving the Rock Island's financial problems; but are focusing on what to do in an emergency if the Rock Island decides to stop operating. Any question of a permanent disposition of the Rock Island, or of portions of its lines, would be resolved in appropriate proceedings under sections 5 and 1(18–20) of the Interstate Commerce Act, and according to the Commission's normal rules of practice and procedure. The public will be given an ample opportunity to participate in any such proceedings which may develop.

It should also be kept in mind that, while the various railroads are willing to operate most of the Rock Island trackage under emergency car service orders, an individual railroad which operates a portion of the Rock Island may not necessarily be interested in acquiring the line operated for permanent ownership and operation. Thus any comments submitted should be addressed solely to the question of temporary operation of the Rock Island.

Secondly, it should be noted that while the railroads are in general agreement as to the appropriate carriers to provide emergency service under car service orders, there are major areas of disagreement. The Soo Line Railroad, among others, opposes the fragmentation of the railroad which most of the carriers have proposed. Under the fragmentation proposals, Rock Island would be divided into a number of small segments for operation by different railroads, which would provide local service only. Long-haul, through service over Rock Island would thus be effectively terminated. Soo Line and other carriers dependent upon connecting Rock Island long-haul service oppose this approach, contending they would lose traffic now interchanged with Rock Island, all to the detriment of the general public through loss of the benefit from Rock Island long-haul service.

Nor do we have full accord among the carriers which support the fragmentation approach. There are differences as to which carriers should be ordered to operate certain Rock Island lines. The two most important Rock Island lines subject to controversy are the "Golden City, Mo. to Tucumcari and Santa Rosa, State Route" extending from Kansas N. Mex.; the "Rock Island Western" between Kansas City and Omaha, Neb., on the east, and Denver and Colorado Springs, Colo., on the west. The Southern Pacific Railroad, which has an extensive network of lines in the Southwestern and Pacific Coastal regions of the Nation, connects with the Rock Island at Tucumcari, N. Mex. to form the Golden State Route between Chicago, Kansas City, and points in Arizona and Southern California. The two carriers have long cooperated with each other in providing service over the Golden State Route for traffic which is important to both.

SP proposes that, in order to retain this traffic, it be permitted to operate the Rock Island's line between Kansas City and Tucumcari. Other carriers, notably Santa Fe which competes for Traffic between Chicago, Kansas City and the Pacific Southwest, are opposed on the ground that SP would be invading territory it had not previously served. In lieu of SP's proposal, it has been suggested that the Kansas City-Tucumcari line be divided among Santa Fe, Union Pacific, and the Fort Worth & Denver Railroad Co. for local operation only, with a gap between Pratt and Partridge, Kans. To eliminate that controversy, it was proposed that some neutral carrier, such as the Kansas City Terminal Ry. or the Missouri Pacific operate the line. That would retain for SP its "friendly" connection for substantial traffic, and yet preclude SP from effecting a stable extension of lines by emergency car service order.

The Rock Island western lines controversy is similar. The Denver & Rio Grande Western Railroad (Rio Grande), which connects with Rock Island at Denver and operates generally between Denver and Salt Lake City, Utah, seeks to operate all Rock Island lines between Colorado and the two important Missouri River gateways at Kansas City and Omaha. Competitor carriers between Colorado and the Missouri River, which also connect with the Rio Grande (Union Pacific, Santa Fe Burlington Northern and the Missouri Pacific) oppose Rio Grande's proposals on the grounds of territorial invasion and traffic diversion by the Rio Grande. They have proposed that Rock Island's lines between Colorado and the Missouri River be divided among the Union Pacific and Burlington Northern for local service only. Except for local service in the Colorado Springs area, neither the branch line between Limon, Colo. and Colorado Springs nor the branch line between Fairbury and Ruskin, Neb. would be operated under the Union Pacific-Burlington Northern proposal.

Public comments regarding these areas of controversy, as well as the railroads' proposals generally, and alternate proposals for the provision of essential service would be most welcome. As this is an emergency situation and not an adversarial proceeding, comments (original and one copy) should be submitted, informally, in writing to the Commission. The usual requirements as to pleadings in Commission proceedings need not be followed. As time is of the essence, all submissions should be received by the Commission by no later than April 30, 1975, and should be addressed to:

Director, Office of Proceedings
Interstate Commerce Commission
Washington, D.C. 20423

All written submissions will be available for public inspection during regular business hours at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C.

Issued in Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

Accordingly, it is requested that comments be addressed to the problem of a shutdown Rock Island, to the points specified above, and to the following proposals for continued service by other railroads:

RAILROAD PROPOSALS FOR EMERGENCY SERVICE ORDERS

I. ROCK ISLAND LINES IN ILLINOIS

1. Chicago Switching District. A. Main Line between La Salle St. Station and Burr Oak Yard, Blue Island, Ill.—Burlington Northern.

B. Suburban Branch between Gresham Yard and Burr Oak Yard—Believed to have no industry, and therefore, no freight service proposed.

C. Burlington Northern would continue to serve the Chicago, West Pullman & Southern interchange at Ashland Avenue, near the Rock Island 124th St. Shops.

D. South Chicago Branch. 1. Portion from junction with RI mainline at Gresham Yard to Burnside Yard—Believed to have no industry and no service proposed.

2. From junction point near Burnside Yard south to start of joint industries (at 119th St.) line in Port Calumet—Belt Ry Co. of Chicago and the Chicago

V40169 APR 9 75 XUM

Short line have both expressed interest in operating this line.

3. Joint Illinois Central Gulf, Chicago South Shore & South Bend RR, Rock Island industries line in Port Calumet (south of 119th St.) would be served by ICG, and CSS & SB. No service order would be required.

4. Between junction point near Burnside Yard to South Chicago Yard—Belt Ry. Co. of Chicago would continue Chicago, West Pullman & Southern trackage rights. No industry believed to be on this line and no service order required.

5. South Chicago Yard—Belt Ry of Chicago says it can handle all traffic now handled in Rock Island's South Chicago Yard at its adjacent South Chicago Yard. Thus proposes RI yard not be used.

6. Between South Chicago Yard and Irondale (Approximately 117th St.)—Chicago, West Pullman & Southern.

7. Between South Chicago Yard and the South Chicago Elev's & Slip (The Strand)—Belt Ry of Chicago.

2. Chicago-Rock Island, ILL. Main Line. Burlington Northern.

3. Joliet (On Chicago-Rock Island Main Line). Under the Burlington Northern proposal the Elgin, Joliet & Eastern Ry Co. would provide local switching within the Joliet Yard limit.

4. Morris & East Morris (On Chicago-Rock Island Main Line). Under the B.N. Proposal E.J. & E. would provide local switching within the Morris-East Morris Yard limit.

5. Peoria Branch—(Bureau-Peoria, ILL.) Burlington Northern: Toledo Peoria & Western RR. Co. and the Atchison, Topeka & Santa Fe Ry Co. have all expressed interest in operating this line.

6. Peoria—Peoria & Pekin Union Railway would provide switching services over Rock Island lines in Peoria, including the line from Peoria to Keller, ILL. (Alta Branch).

7. Peoria Terminal Co. (R. I. Subsidiary in Peoria & Pekin, ILL.) Peoria & Pekin Union Ry.

8. Lafayette Branch (Colona-Lafayette, ILL.) Burlington Northern.

9. Milan Branch (Rock Island-Milan, ILL.) Burlington Northern.

II. ROCK ISLAND LINES IN IOWA, MINNESOTA, AND NORTHERN MISSOURI

1. Davenport - Bettendorf: Local switching service would be provided by the Davenport, Rock Island & North Western Ry.

2. Davenport-Clinton: Line owned by DRI & NW—No service order necessary.

3. Davenport-Des Moines Main Line: Milwaukee (Switching in Des Moines would be by the Chicago & Northwestern).

4. Davenport-Allerton-Kansas City Main Line: Milwaukee.

5. Coburn-Jamesport, Mo. Branch: No service proposed.

6. Kansas City, Mo.-Kans.: Local switching would be provided by Kansas City Terminal Co.

7. Keota Branch (Ainsworth-Keota, Iowa): Milwaukee.

8. Burlington-Cedar Rapids Line: A. Burlington-Mediapolis, BN.

B. Mediapolis-Columbus Jct.: No service proposed.

C. Columbus Jct.-Cedar Rapids: Milwaukee.

9. Hills Branch (Iowa City-Hills): Central Iowa Ry. Co.

10. St. Joseph, Mo.-Atchison, Kans. Line: Santa Fe.

11. St. Joseph, Mo.—Local switching service: Burlington Northern.

12. Kansas City-Rushville, Mo. Line: Trackage rights over BN. No order required.

13. Cedar Rapids—Local switching service: Milwaukee.

14. Cedar Rapids-Manly: Illinois Central Gulf.

15. Vinton-Iowa Falls: Illinois Central Gulf.

16. Linn-West Union: Illinois Central Gulf.

17. Minneapolis-Des Moines Maine Line; A. Minneapolis-Owatonna: Milwaukee.

B. Owatonna-Des Moines Maple Island Branch (Clarks Grovo Maple Island) Chicago & North Western (C & NW recommends service only between Owatonna and Mason City; and between Bradford and Buckeye, plus the Maple Island Branch).

18. Des Moines-Allerton Line Indianola Branch (Carlisle-Indianola): C & NW (C & NW recommends operation only between Des Moines and Indianola).

19. Keokuk Branch (Altoona-Keokuk):

Toledo Peoria & Western would operate entire line between Des Moines and Keokuk. Alternatively, the Chicago & North Western would operate between Altoona and Eddyville, and Burlington Northern between Ottumwa and Keokuk. The segment between Eddyville and Ottumwa would not be operated.

20. Albert Lea-Rock Rapids, Lismore Branch (Oake Park-Lismore) C & NW (C & NW recommends operation only between Rake and Spirit Lake).

21. Iowa Falls-Estherville: C & NW (C & NW recommends operation only between Estherville and Grattinger and between Iowa Falls and West Bend).

22. Des Moines-Council Bluffs and branches: C & NW (C & NW recommends operation only between Des Moines and Earlham plus the Winterset branch (Winear-Winterset) and switching in Council Bluffs would be performed by the C & NW).

23. Dows-Buffalo Center & Titonka Branches: C & NW (C & NW recommends operation only between Belmond and Klemme).

24. Gowrie-Rock Rapids: Milwaukee.

III ROCK ISLAND LINES IN COLORADO, NORTHERN KANSAS, AND NEBRASKA

1. St. Joseph, Mo.-Topeka Line: Union Pacific.

2. "Rock Island Western"—Lines between Omaha and Kansas City, on the east, and Denver and Colorado Springs, on the west. The Denver & Rio Grande Western proposes to operate all of these lines, including branch lines. Alternatively, they would be served as follows: A. Omaha-Belleville-Phillipsburg Burlington Northern (Local switching at Omaha by Union Pacific).

B. Phillipsburg-Limon: Union Pacific.

C. Limon-Denver: Rock Island operates trackage rights over Union Pacific between these points, thus a service order would not be required. Local switching service in the Denver-Duban area would be provided by both Union Pacific and Rio Grande.

D. Limon-Colorado Springs: No service proposed. Local service in the Colorado Springs area would be provided by Rio Grande.

E. Kansas City-Topeka: Rock Island operates trackage rights over Union Pacific between these points, thus a service order would not be required.

F. Topeka - McFarland - Belleville: Union Pacific.

G. Topeka (Local switching service): Union Pacific would provide switching north of the Kansas River, and Santa Fe, south of the River.

IV. ROCK ISLAND LINES IN SOUTHERN MISSOURI, SOUTHERN KANSAS, WESTERN OKLAHOMA, TEXAS AND NEW MEXICO

1. St. Louis Terminal Area: Terminal RR. Association of St. Louis would perform switching service out of Labadie, Mo.

2. St. Louis-Kansas City Line: Missouri Pacific.

3. Kansas City-Tucumcari-Santa Rosa Mainline: Southern Pacific proposes to operate this entire line. Alternatively the line would be operated as follows: A. McFarland-Hutchinson: No service, except local switching service by Santa Fe at McPherson, Galva, and Corston. And switching service in Hutchinson by Santa Fe and Missouri Pacific.

B. Hutchinson-Partridge: Santa Fe.

C. Partridge-Pratt: No service.

D. Pratt-Liberal-Dalhart: Santa Fe.

E. Dalhart-Tucumcari: Ft. Worth & Denver (Burlington Northern).

4. Herington-Salina Branch: No service proposed.

5. Bucklin-Dodge City Branch: Santa Fe.

6. Liberal-Morse-Wilco Branch: Santa Fe.

7. Herington-El Reno-Ft. Worth-Dallas: Mainline.

A. Herington-Wellington: No service proposed, except local switching service at Wichita and Wellington by Santa Fe.

B. Wellington-Enid: Santa Fe.

C. Enid-El Reno: Frisco (St. Louis-San Francisco Ry).

D. El Reno-Chickasha: No service proposed.

E. Chickasha-Gunray: Frisco.

F. Sunray-Wavrika-Bowie: No service proposed.

G. Bowie-Ft. Worth-Dallas: Ft. Worth & Denver (Burlington Northern).

H. Ft. Worth local switching service: Ft. Worth & Denver.

G. Dallas local switching service: Ft. Worth & Denver.

8. Enid-Ponca City Branch: Santa Fe.

9. Enid-Alva Branch: No service proposed.

10. Enid-Warren Branch: Frisco.

11. El Reno - Amarillo - Tucumcari Mainline; A. El Reno-Weatherford: Frisco.

B. Weatherford-Clinton: No service proposed.

C. Clinton-Elk City: Frisco.

D. Elk City-Norrick: No service proposed.

E. Norrick-Amarillo: Ft. Worth & Denver.

F. Amarillo local switching: Ft. Worth & Denver.

G. Amarillo-Tucumcari: Santa Fe.

12. Homestead Branch (Geary-Homestead, Okla.); A. Geary-O'Keene: Frisco.

B. O'Keene-Homestead: No service proposed.

13. Chickasha-Mangum Branch; A. Chickasha-Hobart: Frisco.

B. Hobart-Lone Wolfe: No service proposed.

C. Lone Wolf-Mangum: Santa Fe.

14. Anadarko-Waurika Line; A. Anadarko-Richards Spur: No service.

B. Richards Spur-Waurika: Frisco.

15. Irving-Carrollton, Tex.: Frisco.

16. Dallas-Galveston: All Rock Island Lines south of Dallas are jointly owned and operated with the Ft. Worth & Denver. Ft. W. & D. would continue to provide service over these lines.

V. ROCK ISLAND LINES IN TENNESSEE, ARKANSAS, LOUISIANA AND EASTERN OKLAHOMA

1. Memphis-Little Rock-Oklahoma City-El Reno Main Line; A. Bridge Jct. (Memphis)-Brinkley: St. Louis Southwestern (Cotton Belt).

B. Brinkley-Mesa: Not operated.

C. Mesa-Bonneville: Missouri Pacific.

D. Bonneville-Hartshorne: St. Louis-San Francisco (Frisco).

E. Hartshorne-Oklahoma City: Missouri-Kansas-Texas RR. (Katy).

F. Oklahoma City—switching service: Frisco, or possibly work would be divided by the Frisco, Santa Fe, and Katy.

G. Oklahoma City-El Reno: Frisco.

2. Mesa-Des Arc Branch: Missouri Pacific.

3. Mesa-Stuttgart Branch: St. Louis-Southwestern.

4. Little Rock-Eunice Mainline: Missouri Pacific (Note that the segment of this line between Winnfield and Alexandria is owned by the Louisiana & Arkansas Ry., which would provide service over this segment).

5. Haskells-Hot Springs Branch, Butterfield-Malvern-Sparkman Branch, Tinsman-Crossett Branch, Banks-Warren Line (Warren & Ouchita Valley Ry.-Rock Island subsidiary); All operated by Missouri Pacific.

6. Pordyce-Camden: St. Louis-Southwestern.

[FR Doc.75-9264 Filed 4-8-75;8:45 am]

V40169 APR 9 75 XUM

[Notice 738]

ASSIGNMENT OF HEARINGS

APRIL 4, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are not notified of cancellation or postponements of hearings in which they are interested.

MC 41406 Sub 40, Artim Transportation System, Inc., now assigned May 6, 1975 at Columbus, Ohio will be held in Room 235 Federal Office Building, 85 Marconi Blvd.

MC–F 12291, Nick Strimbu Inc.—Control—Statewide Cartage Co., now assigned May 8, 1975 at Columbus, Ohio will be held in Room 235 Federal Office Building, 85 Marconi Blvd.

MC 29079 Sub 75, Brada Miller Freight System, Inc., MC 61231 Sub 80, Ace Lines, Inc., MC 106603 Sub 133, Direct Transit Lines, Inc., MC 107295 Sub 753, Pre-Fab Transit Co., MC 119922 Sub 32, McLain Trucking, Inc., MC 123947 Sub 25, Bursal Transport, Inc., and MC 136741 Sub 11, E. K. Motor Service, Inc., now assigned May 12, 1975 at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

MC 130261, International Weekends, Inc., now being assigned May 21, 1975, at Boston, Massachusetts, in a hearing room to be later designated.

MC 112304 Sub 80, Ace Doran Hauling & Rigging Co., now assigned for further hearing on May 29, 1975 at the Offices of the Interstate Commerce Commission, Washington, D.C.

FF–95, Sub 8, Lifschultz Fast Freight, Inc., now assigned April 21, 1975 at Chicago, Illinois, is cancelled and the application is dismissed.

MC 112304 Sub 85, Ace Doran Hauling & Rigging Co., now assigned April 30, 1975, at Chicago, Ill., is cancelled and application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-9279 Filed 4-8-75;8:45 am]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

APRIL 4, 1975.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 55339 (Correction) filed November 21, 1974, published in the FEDERAL REGISTER issue of March 26, 1975, and republished as corrected this issue. Applicant: WEBSTER DELIVERY SERVICE, INC., 6360 South Greenwood, City of Commerce, Calif. 90022. Applicant's representative: Levin & Oberman, Inc., 3550 Wilshire Boulevard, Los Angeles, Calif. 90010. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of 1. *Abrasives*, as listed under that heading in Items Nos. 5 through 45 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof. 2. *Advertising matter*, as listed under that heading in Items Nos. 225 through 330 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41 and 46 thereto. 3. *Cloth, dry goods or fabrics*, as listed under that heading in Items Nos. 12550 through 12885 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto. 4. *Drugs, medicines or toilet preparations*, Viz.: Perfumery. 5. *Electrical appliances or equipment, or parts named*, as listed under that heading Items Nos. 15605 through 16250 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto. 6. *Floor coverings*, as listed under that heading in Items Nos. 17865 through 17965 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 46, 48 and 50 thereto. 7. *Furniture*, as listed under that heading in Items Nos. 19495 through 20494 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto.

8. *Games or toys*, as listed under that heading in Items Nos. 20670 through 20870 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto. 9. *Glassware*, as listed under that heading in Items Nos. 21265 through 21585 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto. 10. *Hardware*, as listed under that heading in Items Nos. 22455 through 23660 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto. 11. *Machinery or machines, or parts named*, as listed under that heading in Items Nos. 27145 through 31920 of Western Classification No. 75. Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto. 12. *Pads or padding*, as listed under that heading in Items Nos. 35125 through 35155 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 46 and 48 thereto. 13. *Sheet steel ware*, as listed under that heading in Items Nos. 40245 through 40490 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 41, 46, 48 and 50 thereto. 14. *Stationery*, as listed under that heading in Items Nos. 41203 through 41290 of Western Classification No. 75, Cal. P.U.C. No. 8, George H. Dumas, Agent, on the issue date thereof and Supplements Nos. 46 and 50 thereto. 15. *Trunks or traveling bags*, as listed under that heading in Items Nos. 43240 through 43280 of Western Classification No. 75, Cal. P.U.C. No. 8, and Supplements Nos. 41 and 46 thereto.

16. *Miscellaneous commodities*, VIZ.: Baskets, boots or shoes, buckles, clothing, clocks, hosiery, ladders, notions, pillows, rubber, foam, silver plated ware, not on silver, synthetic resin articles, towels, or toweling, paper, watches, in the area embraced by the following boundaries: Los Angeles Basin Territory, includes that area embraced by the following boundary: Beginning at the point Ventura County-Los Angeles County boundary line intersects the Pacific Ocean: thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately two miles west of Chatsworth, easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucapia; southerly along said county road to and including the unincorporated community of Yucapia; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive.

Southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwesterly along U.S. Highways No. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of the Atchison, Topeka & Santa Fe Railway Company; southwesterly along said right of way to Washington Avenue southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary line, westerly along said boundary line to the Orange County-San Diego County Boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shore line of the Pacific Ocean to point of beginning. Note: The purpose of this correction is to correct miscellaneous errors in item No. 16. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, 350 McAllister Street, Civic Center, San Francisco, Calif. 94102 and should *not* be directed to the Interstate Commerce Commission.

California Docket No. 55577, filed March 20, 1975. Applicant: METRO BAY TRANSPORTATION, INC., 704 Dubuque Avenue, South San Francisco, Calif. 94080. Applicant's representative: Raymond A. Greene, Jr., 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities:* (1) Between all points and places in the San Francisco Territory as described in Part II. (2) Between all points on or within 20 miles of the following routes: (a) U.S. Highway 101 from San Francisco to Novato. (b) State Highway 37 from its intersection with U.S. Highway 101 to its intersection with Interstate Highway 80. (c) State Highway 24 from Oakland to Concord. (d) Interstate Highway 80 from San Francisco to Cordelia. (e) Interstate Highway 680 from San Jose to Vallejo. (f) State Highway 21 from its intersection with Interstate Highway 680 to its intersection with Interstate Highway 80. (g) State Highway 4 from its intersection with Interstate Highway 80 to Antioch. (h) U.S. Highway 50 from its intersection with State Highway 17 to Tracy. (i) State Highway 33 from Tracy to Antioch. The San Francisco Territory includes all points and places within the following area: San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary; Beginning at the point the San Francisco-San Mateo County Boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road;

Southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue.

Westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning. Except that applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10–C of Minimum Rate Tariff No. 4–A. (2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobiles chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. (3) Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine. (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids, in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles. (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (7) Cement. (8) Logs. (9) Commodities of unusual or extraordinary value. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 350 McAllister Street, San Francisco, Calif. 94102, and should *not* be directed to the Interstate Commerce Commission.

Applicant: FILM TRANSFER COMPANY, INC., Suite 202, Regal Plaza, 1499 Regal Row, Dallas, Tex. 75247. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of (1) *General commodities*, subject to the following restriction: No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any day; and (2) *Motion picture films and theater supplies, newspapers, magazines and periodicals, bread and baker's cake*, between Corsicana, Texas and Athens, Texas over State Highway 31 serving all intermediate points, coordinating the service proposed herein with that now being rendered under existing authority and interlining with other carriers at appropriate interline points. Applicant also seeks authority to operate over the following alternate routes without service to any intermediate point thereon except as otherwise authorized. (1) U.S. Highway 69 between Alto and Lufkin, Texas. (2) State Highway 21 between Madisonville and Alto, Texas. (3) State Highway 7. (5) State Highway 94 Nacogdoches, Texas. (4) State Highway 103 between Lufkin, Texas and the intersection of State Highway 103 with State Highway 7. (5) State Highway 94 between Groveton and Lufkin, Texas. (6) State Highway 294 and U.S. Highway 84 between Fairfield and Alto, Texas. (7) U.S. Highway 79 between Buffalo and Jacksonville, Texas. (8) F. M. Roads 90 and 59 between Cayuga and Malakoff, Texas. (9) State Highway 34

V40169 APR 9 75 XUM

between its intersection with I. H. 45 and its intersection with U.S. Highway 175. (10) I. H. 45 between Dallas and Galveston, Texas, and (11) State Highway 19 between Palestine and Athens, Texas. Intrastate, interstate and foreign commerce authority sought.

HEARINGS: Date, time, and place not yet fixed, but approximately 30 days subsequent to date published in FEDERAL REGISTER. Requests for procedural information should be addressed to the Railroad Commission of Texas, Capitol Station, P.O. Drawer 12967, Austin, Tex. 78711 and should *not* be directed to the Interstate Commerce Commission.

Texas Docket No. 2047 (Amended), filed December 16, 1974, published in the FEDERAL REGISTER issue of March 5, 1975, and republished this issue. Applicant: VICTOR L. LANGE, doing business as LANGE TRUCK LINE, P.O. Box 28, Pleasanton, Tex. 78064. Applicant's representative: Mike Cotton, P.O. Box 1148, Austin, Tex. 78767. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, over the following routes: (1) Between San Antonio and Nixon, Tex.: From San Antonio over U.S. Highway 87 to Nixon and return over the same route, serving all intermediate points; (2) Between Floresville, Tex., and junction State Highway 97 and U.S. Highway 87: From Floresville to junction State Highway 97 and U.S. Highway 87 and return over the same route, serving all intermediate points and serving junction of State Highway 97 and U.S. Highway 87 as a point of joinder; (3) Between Karnes City and Nixon, Tex., From Karnes City over State Highway 123 to junction with the State Highway 80, thence over State Highway 80 to Nixon and return over the same route, serving all intermediate points; and (4) Between Jourdanton and Tilden, Tex.: From Jourdanton over State Highway 16 to Tilden and return over the same route, serving all intermediate points and serving the site of the power plant to be built by Brazos Electric Corporation near the Atascosa-McMullen County line as an off-route point. Coordinating the proposed service rendered under existing authority. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time, and place not yet fixed, but approximately 30 days subsequent to publication in the FEDERAL REGISTER. Requests for procedural information should be addressed to the Railroad Commission of Texas, Capitol Station—P.O. Drawer 12967, Austin, Tex. 78711 and should *not* be directed to the Interstate Commerce Commission.

By the Commission

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.75-9276 Filed 4-8-75;8:45 am]

[Notice 12]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 4, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 135), ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, Ohio 44309, filed March 20, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Des Moines, Iowa over Iowa Highway 5 to junction Iowa Highway 2, thence over Iowa Highway 2 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction U.S. Highway 136, thence over U.S. Highway 136 to junction U.S. Highway 61, thence over U.S. Highway 61 to junction Interstate Highway 70, thence over Interstate Highway 70 to St. Louis, Mo., (2) From Des Moines, Iowa over U.S. Highway 65 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction Missouri Highway 23, thence over Missouri Highway 23 to junction Missouri Highway 20, thence over Missouri Highway 20 to junction Missouri Highway 13, thence over Missouri Highway 13 to Springfield, Mo., and (3) From Des Moines, Iowa over U.S. Highway 65 to Springfield, Mo., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Des Moines, Iowa over U.S. Highway 6 to Moline, Ill., thence over Illinois Highway 92 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction U.S. Highway 51, thence over U.S. Highway 51 to La Salle, Ill., thence over Illinois Highway 29 to Springfield, Ill., thence over U.S. Highway 66 to Springfield, Mo., and return over the same route.

No. MC 2202 (Deviation No. 136), ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, Ohio 44309, filed March 26, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Omaha, Nebr., over Interstate Highway 29 to junction Interstate Highway 70, thence over Interstate Highway 70 to St. Louis, Mo., and (2) From Omaha, Nebr., over Interstate Highway 29 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction Missouri Highway 7, thence over Missouri Highway 7 to junction Missouri Highway 13, thence over Missouri Highway 13, to Springfield, Mo., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Omaha, Nebr., over U.S. Highway 6 to Moline, Ill., thence over Illinois Highway 92 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction U.S. Highway 51, thence over U.S. Highway 51 to LaSalle, Ill., thence over Illinois Highway 29 to Springfield, Ill., thence over U.S. Highway 66 to Springfield, Mo., and return over the same route.

No. MC 29910 (Deviation No. 35), ARKANSAS-BEST FREIGHT SYSTEM, INC., General Offices, Fort Smith, Ark. 72901, filed March 14, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cape Girardeau, Mo., over Illinois Highway 146 to junction Illinois Highway 3, thence over Illinois Highway 3 to junction Illinois Highway 149, thence over Illinois Highway 149 to junction Illinois Highway 13, thence over Illinois Highway 13 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction Illinois Highway 1, thence over Illinois Highway 1 to junction Interstate Highway 64, thence over Interstate Highway 64 to junction Indiana Highway 57, thence over Indiana Highway 57 to junction U.S. Highway 50–150 to junction U.S. Highway 50, thence over U.S. Highway 50 to Cincinnati, Ohio, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Cape Girardeau, Mo., over Missouri Highway 34 to junction U.S. Highway 61, thence over U.S. Highway 61 to junction U.S. Highway 67, thence over U.S. Highway 67 to St. Louis, Mo., thence over U.S. Highway 40 to Indianapolis, Ind., thence over U.S. Highway 52 to Cincinnati, Ohio, and return over the same route.

No. MC 52709 (Deviation No. 31), RINGSBY UNITED, P.O. Box 192, Littleton, Colo. 80120, filed March 12, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Minneapolis, Minn., over Interstate Highway 94, to Billings, Mont., thence over Interstate Highway 90 to Bonner, Mont., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Minneapolis, Minn., over U.S. Highway 212 to Redfield, S. Dak., thence over U.S. Highway 281 to junction South Dakota Highway 26, thence over South Dakota Highway 26 to junction South Dakota Highway 45, thence over South Dakota Highway 45 to Miller, S. Dak., thence over U.S. Highway 14 to Philip, S. Dak., thence over South Dakota Highway 73 to Philip Junction, S. Dak., thence over unnumbered highway (formerly U.S. Highway 14) to junction U.S. Highway 14, thence over U.S. Highway 14 to Rapid City, S. Dak., thence over South Dakota Highway 79 to junction South Dakota Highway 36, thence over South Dakota Highway 36 to junction U.S. Alternate Highway 16, thence over U.S. Alternate Highway 16 to Custer, S. Dak., thence over U.S. Highway 16 to junction Wyoming Highway 59, thence over Wyoming Highway 59 becoming Montana Highway 59 to Broadus, Mont., thence over U.S. Highway 212 to junction Montana Highway 8, thence over Montana Highway 8 to Crow Agency, Mont., thence over U.S. Highway 87 to Billings, Mont., thence over Montana Highway 3 to junction U.S. Highway 12, thence over U.S. Highway 12 to Helena, Mont., thence over U.S. Highway 91 to Butte, Mont., thence over U.S. Highway 10 to junction Montana Highway 200 near Bonner, Mont., and return over the same route.

No. MC 66788 (Deviation No. 4), RAYMOND MOTOR TRANSPORTATION, INC., 1912 Broadway NE., Minneapolis, Minn. 55413, filed March 7, 1975. Carrier's representative: Diana E. Murphy, 4200 IDS Center, 80 South 8th Street, Minneapolis, Minn. 55402. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over U.S. Highway 41 to the Illinois-Wisconsin border, thence over Interstate Highway 94 to junction Interstate Highway 894, thence over Interstate Highway 894 to junction Interstate Highway 94, in West Allis, Wis., thence over Interstate Highway 94 to junction U.S. Highway 12 southwest of Wisconsin Dells, Wis., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 12 to junction Interstate Highway 94 southwest of Wisconsin Dells, Wis., and return over the same route.

No. MC 108835 (Deviation No. 5), HYMAN FREIGHTWAYS, INC., 3030 Harbor Lane, Suite 102, Minneapolis, Minn. 55441, filed February 27, 1975. Carrier's representative: Andrew Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Omaha, Nebr., across the Missouri River to Council Bluffs, Iowa, thence over Interstate Highway 29 to junction U.S. Highway 136, thence over U.S. Highway 136 to junction U.S. Highway 59, thence over U.S. Highway 59 to Mound City, Mo., thence over Interstate Highway 29 to Kansas City, Mo., and (2) From Omaha, Nebr., over U.S. Highway 73 to Auburn, Nebr., thence over U.S. Highway 136 to junction U.S. Highway 59, thence over U.S. Highway 59 to Mound City, Mo., thence over Interstate Highway 29 to Kansas City, Mo., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Omaha, Nebr., across the Missouri River to Council Bluffs, Iowa, thence over U.S. Highway 275 to junction U.S. Highway 34, thence over U.S. Highway 34 to Afton, Iowa, thence over U.S. Highway 169 to Tingley, Iowa, thence over unnumbered highway to Grand River, Iowa, thence over Iowa Highway 294 to junction Iowa Highway 2, thence over Iowa Highway 2 to Bedford, Iowa, thence over Iowa Highway 148 to the Iowa-Missouri State line, thence over Missouri Highway 148 to junction U.S. Highway 71, thence over U.S. Highway 71 to St. Joseph, Mo., thence over U.S. Highway 59 to Atchison, Kans., thence over unnumbered highway to junction U.S. Highway 73, thence over U.S. Highway 73 to Kansas City, Mo., and return over the same route.

No. MC 108835 (Deviation No. 6), HYMAN FREIGHTWAYS, INC., 3030 Harbor Lane, Suite 102, Minneapolis, Minn. 55441, filed March 14, 1975. Carrier's representative: Andrew Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Des Moines, Iowa over Interstate Highway 80 to junction Interstate Highway 35, thence over Interstate Highway 35 to Kansas City, Mo., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Des Moines, Iowa over Iowa Highway 5 (formerly portion Iowa Highway 60) to junction Interstate Highway 35, thence south over Interstate Highway 35 to junction Iowa Highway 92, thence west over Iowa Highway 92 to junction U.S. Highway 169, thence south over U.S. Highway 169 to Mount Ayr, Iowa, thence over Iowa Highway 2 to Bedford, Iowa, thence over Iowa Highway 148 to the Iowa-Missouri State line, thence over Missouri Highway 148 (formerly Missouri Highway 27) to junction U.S. Highway 71, thence over U.S. Highway 71 to St. Joseph, Mo., thence over U.S. Highway 59 to Atchison, Kans., thence over unnumbered highway to junction U.S. Highway 73, thence over U.S. Highway 73 to Kansas City, Mo., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.75-9277 Filed 4-8-75;8:45 am]

[Notice No. 27]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 4, 1975.

The following publications include motor carrier, water carrier, broker, freight forwarder and rail proceedings indexed as follows: (1) grants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating right's applications directly related to and processed on a consolidated record with finance applications filed under sections 5(2) and 212(b); (4) notices of filing of sections 5(2) and 210a(b) finance applications; and (5) notices of filing of section 212(b) transfer applications.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application in compliance with the requirements of 49 CFR 1100.250.

Protests to the granting of the requested authority must be filed with the Commission on or before May 9, 1975 (unless otherwise specified). Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest should comply with section 247(d) or section 240(c) as appropriate of the Commission's General Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and a detailed description of the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest

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(except for petitions and Finance Dockets under Rule 40 requiring the original and six (6) copies of the protest) shall be filed with the Commission, and a copy shall be served concurrently upon applicant's or petitioner's representative, or applicant or petitioner if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) or section 240(c)(4) of the special rules, and shall include the certification required therein.

No. MC 75320 (Sub-Nos. 165 and 167) (notice of filing of petition to modify certificates), filed March 24, 1975. Petitioner: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801. Petitioner's representative: John A. Crawford, 700 Petroleum Building, Post Office Box 22567, Jackson, Miss. 39205. Petitioner holds motor *common carrier* certificates in No. MC 75320 (Sub-Nos. 165 and 167), issued February 19, 1975 and July 12, 1974, respectively, authorizing transportation, over regular routes, in MC 75320 (Sub-No. 165), of *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), Between Pryor, Okla., and Dallas, Tex., serving no intermediate points: From Pryor over U.S. Highway 69 to Denison, Tex., and thence over U.S. Highway 75 to Dallas, Tex., and return over the same route, restricted against the transportation of shipments originating at, destined to, or interchanged with connecting carriers at Pryor, Okla.; and in Sub No. 167, of *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), Between junction Oklahoma Highway 33 and U.S. Highway 66, east of Tulsa, Okla., and Siloam Springs, Ark., as an alternate route, for operating convenience only, in connection with carrier's authorized regular-route operations, serving no intermediate points: From junction Oklahoma Highway 33 and U.S. Highway 66, east of Tulsa, over Oklahoma Highway 33 to the Oklahoma-Arkansas State line, thence over Arkansas Highway 68 to Siloam Springs, Ark., and return over the same route. By the instant petition, petitioner seeks authority to serve the junctions of Oklahoma Highway 33 and U.S. Highway 69 at or near Chouteau, Okla., as intermediate points for joinder purposes only, in the above two authorities. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

Nos. MC 115279 and (Sub-No. 6) (notice of filing of petition to modify territorial descriptions), filed March 21, 1975. Petitioner: CLICK MESSENGER SERVICE, INC., 923 South Ave. West, Westfield, N.J. 07090. Petitioner's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds *motor common carrier* certificates in Nos. MC 115279 and (Sub-No. 6), issued May 23, 1957 and August 8, 1967, respectively, authorizing transportation, over irregular routes, in MC–115279, of *General commodities*, in shipments of 100 pounds or less moving from one consignor to one consignee, (except commercial papers, documents, and other written instruments, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), in specialized delivery service, between points in Bergen, Passaic, and Essex Counties, N.J., on the one hand, and, on the other, New York, N.Y.; and in MC 115279 (Sub-No. 6) of *General commodities*, in shipments of 100 pounds or less moving from one consignor to one consignee (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and commercial papers, documents, and other written instruments used by banking institutions) in specialized delivery service:

(1) Between points in Nassau County, N.Y., on the one hand, and, on the other, points in Bergen, Passaic, Essex, Union, Morris, Somerset, Middlesex, and Hudson Counties, N.J.; and (2) Between New York, N.Y., on the one hand, and, on the other, points in Union, Morris, Somerset, Middlesex, and Hudson Counties, N.J. By the instant petition, petitioner seeks to modify the territorial descriptions in the above authorities by changing the terminal area of New York, N.Y. to read: New York, N.Y. and those points in New Jersey within 5 miles of New York, N.Y., and all of any New Jersey municipality any part of which is within 5 miles of New York, N.Y. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 117851 (Sub-Nos. 2, 4 and 8) (Notice of filing of petition to modify permits), filed March 27, 1975. Petitioner: JOHN R. CHEESEMAN, 501 North First Street, Fort Recovery, Ohio 45846. Petitioner's representative: Earl N. Merwin, 85 East Gay Street, Columbus, Ohio 43215. Petitioner holds motor *contract carrier* permits in No. MC 117851 (Sub-Nos. 2, 4 and 8), issued June 4, 1958, September 2, 1970, and March 29, 1972, respectively, authorizing transportation, over irregular routes, in Sub No. 2, of *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, chemicals, dolomite, refractories, refractory products, lime, limestone products and commodities requiring special equipment): (1) Between the plant site of Fort Recovery Industries, Inc., Recovery Township, Mercer County, Ohio, on the one hand, and, on the other, points in Arkansas, Florida, Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Tennessee, Texas and Wisconsin; and (2) From the plant site of Fort Recovery Industries, Inc., in Recovery Township, Mercer County, Ohio, to points in Georgia, North Carolina, and South Carolina, under a continuing contract, or contracts, with Fort Recovery Industries, Inc., of Fort Recovery, Ohio.

In Sub-No. 4, of *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, chemicals, dolomite, refractories, refractory products, lime, limestone products, and commodities requiring special equipment), Between the plant site of Fort Recovery Industries, Inc., in Recovery Township (Mercer County), Ohio, on the one hand, and, on the other, points in Alabama, Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island, under a continuing contract, or contracts with Fort Recovery Industries, Inc., of Fort Recovery, Ohio; and in Sub-No. 8, of *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, chemicals, dolomite, refractories, refractory products, lime, limestone products, and commodities requiring special equipment), (1) From points in North Carolina, South Carolina, and Georgia (except Atlanta), to the plant site of Fort Recovery Industries, Inc., in Recovery Township (Mercer County), Ohio; and (2) Between the above-named plant site on the one hand, and, on the other, points in Arizona, California, Colorado, Delaware, Idaho, Kentucky, Louisiana, Maine, Maryland, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming, and the District of Columbia, under a continuing contract, or contracts, with Fort Recovery Industries, Inc., of Fort Recovery, Ohio.

By the instant petition, petitioner seeks to consolidate the authority held in the above permits, and to add the additional base point of Gibson Township (Mercer County), Ohio, so as to read: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, chemicals, dolomite, refractories, refractory products, lime, limestone products, and commodities requiring special equipment), Between the plant site of Fort Recovery Industries, Inc., in Recovery Township (Mercer County), Ohio, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii, and except service from Atlanta, Ga.), under a continuing contract or contracts with Fort Recovery Industries, Inc., of Fort Recovery, Ohio. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124193 (Sub-No. 1) (notice of filing of petition to modify territorial description), filed January 30, 1975. Petitioner: JOSEPH BENNETT, doing business as M & P TRANSPORTATION CO., 1172 East 96th Street, Brooklyn, N.Y. 11236. Petitioner's representative: Edward L. Nehez, 744 Broad Street, Newark, N.J. 07102. Petitioner holds a motor *contract carrier* permit in No. MC 124193 (Sub-No. 1), issued September 9, 1969, authorizing transportation, over irregular routes, of *Such commodities* as are used in the manufacture, sale, display, repair, or modification of mattresses and upholstered furniture, and in connection therewith *equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk in tank vehicles), Between Brooklyn, N.Y., on the one hand, and, on the other, points in New York, Ohio, New Jersey, Pennsylvania, Maryland, Delaware, and points in that part of Virginia on and east of U.S. Highway 1, and the District of Columbia, under a continuing contract, or contracts with Eclipse Sleep Products, Inc., of Brooklyn, N.Y. By the instant petition, petitioner seeks to add points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island and Connecticut as additional points to be served in operations to and from Brooklyn, N.Y. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 127115 (Sub-No. 5) (notice of filing of petition to amend contracting shipper), filed March 17, 1975. Petitioner: MILLER TRANSPORT, INC., 510 West 4th North St., Hyrum, Utah 84319. Petitioner's representative: Harry D. Pugsley, 315 East 2d South, Suite 400, Salt Lake City, Utah 84111. Petitioner holds a motor *contract carrier* permit in No. MC 127115 (Sub-No. 5), issued December 10, 1974, authorizing transportation, as pertinent, over irregular routes, of *Foam and cellular expanded plastics* and *foam rubber*, from Los Angeles and San Francisco, Calif., and Portland, Oreg., to points in Utah, points in that part of Idaho south of Idaho County, and to Reno and Elko, Nev., and points in that part of Nevada on U.S. Highway 40 and Interstate Highway 80 between Reno and Elko, under a continuing contract or contracts with Allstate Foam Corporation at Salt Lake City, Utah. By the instant petition, petitioner seeks to substitute United Foam Company in lieu of Allstate Foam Corporation as a contracting shipper in the above authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 59655 (Sub-No. 5), filed March 17, 1975. Applicant: SHEEHAN CARRIERS, INC., 62 Kime Kiln Road, Suffern, N.Y. 10952. Applicant's representative: John F. O'Donnell, 60 Adams Street, Milton, Mass. 02187. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) serving points in Massachusetts on and east of U.S. Highway 5 as intermediate and off route points in connection with Vendor's existing regular route authority in Massachusetts.

NOTE.—This is a matter directly related to a Section 5 proceeding in MC–F–12468 published in the FEDERAL REGISTER on March 26, 1975. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 88368 (Sub-No. 28), filed March 12, 1975. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Charles Ephraim, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between Wallace, N.C. and points in North Carolina within 100 miles thereof, and those in Virginia and South Carolina on the one hand, and, on the other, points in the United States and Hawaii (except Alaska, Nevada and North Dakota).

NOTE.—This is a matter directly related to a Section 5 proceeding in MC–F–12466 published in the FEDERAL REGISTER issue of March 26, 1975. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109647 (Sub-No. 21), filed March 21, 1975. Applicant: BOSS-LINCO LINES, INC., One West Genesee Street, Suite 450, Buffalo, N.Y. 14240. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by mail order houses and department stores, the business of which is the sale of general commodities, from points in that part of West Virginia on and north of West Virginia Highway 3; points in that part of Ohio east and south of a line beginning at the Indiana-Ohio State Boundary line and extending along U.S. Highway 40 to Vandalia, thence along U.S. Highway 25 to Findlay, thence along Ohio Highway 12 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 6, thence along U.S. Highway 6 to Sandusky, Ohio; points in that part of Maryland on and west of U.S. Highway 11; and points in that part of Pennsylvania south and west of a line beginning at the Ohio-Pennsylvania State Boundary line and extending along U.S. Highway 422 to junction Pennsylvania Highway 259, thence along Pennsylvania 259 to Brush Valley, thence along Pennsylvania 56 to Seward, thence along Pennsylvania Highway 711 to Normalville, and thence along Pennsylvania 381 to the Pennsylvania-West Virginia State Boundary line, including points on the indicated portions of the highways specified, to points and places on and west of U.S. Highway 15.

NOTE.—The purpose of this filing is to eliminate the gateway of Chartiers Township, Pennsylvania. Common control may be involved. This application is directly related to a Section 5 proceeding in MC–F–12461 published in the FEDERAL REGISTER issue of March 19, 1975. If a hearing is deemed necessary, applicant requests it be held at either Buffalo, N.Y. or Pittsburgh, Pa.

No. MC 12472. Authority sought for merger by SPECTOR FREIGHT SYSTEM, INC., 205 W. Wacker Dr., Chicago, IL 60606, of the operating rights and properties of (1) HENNIS FREIGHT LINES, INC., (E. C. Peterson, Trustee), P.O. Box 612, Winston-Salem, NC 27102, and HENNIS FREIGHT LINES, INC. OF NEBRASKA, also of Winston-Salem, N.C. 27102; and (2) the control by SPECTOR FREIGHT SYSTEM, INC., of M & M TANK LINES, INC., M & M TANK LINES OF VIRGINIA, INC., P.O. Box 30006, Washington, D.C. 20014, and HENNIS FREIGHT LINES OF CANADA LIMITED, through the merger of BENTONSPRY, INC., and SPECTOR INDUSTRIES, INC. Applicants' attorney and representatives: W. D. Spry and B. M. Shirley, P.O. Box 612, Winston-Salem, NC 27102, and Jack Goodman, 39 So. LaSalle St. Chicago, IL 60603. (1) Operating rights sought to be merged: (a) *General commodities*, excepting among others, Class A and B explosives, household goods, and commodities in bulk, and certain specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of Illinois, West Virginia, Ohio, Indiana, South Carolina, North Carolina, Georgia, Virginia, Massachusetts, Maryland, Delaware, Pennsylvania, New York, Connecticut, Rhode Island, Michigan, New Jersey, Florida, Missouri, Wisconsin, Kentucky, Tennessee, and the District of Columbia, with

V40169 APR 9 75 XUM

restrictions, serving various intermediate and off-route points, over one alternate route for operating convenience only, as more specifically described in Docket No. MC 64994 and Sub-numbers thereunder; and (b) *general commodities*, excepting among others, class A and B explosives, household goods and commodities in bulk, as a common carrier over regular routes, from, to, and between specified points in the States of Nebraska, Missouri, Iowa, Kansas, Illinois, Indiana, and Colorado, with restrictions, serving various intermediate and off-route points, as more specifically described in Docket No. MC 105807 and Sub-numbers thereunder.

(2) Operating rights sought to be controlled: (a) *certain specified commodities*, as a *common carrier*, over irregular routes, from, to, and between specified points in the States of South Carolina, Virginia, North Carolina, Georgia, Tennessee, New Jersey, Florida, West Virginia, New York, Kentucky, Maryland, Ohio, Pennsylvania, Illinois, Michigan, Missouri, Texas, Indiana, Kansas, Minnesota, Arkansas, Nebraska, Oklahoma, Wisconsin, Iowa, Alabama, Mississippi, and Delaware, as more specifically described in Docket No. MC 123067 and Sub-numbers thereunder; (b) *General commodities*, excepting among others, Class A and B explosives, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points in Michigan within 8 miles of Detroit, including Detroit; *frozen meats*, from the ports of entry on the United States-Canada Boundary line located at Champlain, Rouses Point, Trout River, Roosevelton, Buffalo, and Niagara Falls, N.Y., and Port Huron and Detroit, Mich., to points in Florida, with restriction; (c) *liquid petroleum products*, in tank *trucks*, as a *common carrier* over irregular routes, from Norfolk, and Hopewell, Va., and Wilmington, N.C., and points within 10 miles of each, to points in that part of North Carolina on and east of U.S. Highway 21; liquefied petroleum gas, in bulk, from Norfolk, Va., to points in Georgia, Tennessee, Kentucky, West Virginia, Pennsylvania and New Jersey. SPECTOR FREIGHT SYSTEM, INC., is authorized to operate as a *common carrier* in Alabama, Arkansas, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Florida, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12474. Authority sought for purchase by BERRY TRANSPORTATION, INC., P.O. Box 2147, Longview, TX 75601, of a portion of the operating rights and property of DUBOSE TRUCKING COMPANY, INC., Route 1, Box 257, Denham Springs, LA 70726, and for acquisition by FRED S. BERRY, also of Longview, TX 75601, of control of such rights and property through the purchase. Applicants' attorneys: Lawrence A. Winkle, 4645 N. Central Expressway, Dallas, TX 75205, and Cordell H. Haymon, Suite 305, Baton Rouge Savings & Loan Assn., 101 St. Ferdinand, Baton Rouge, LA 70801. Operating rights sought to be transferred: *Sugar*, in containers, as a *common carrier* over irregular routes, from the plant sites of Colonial Sugars Company at Gramercy, La., and of Godchaux-Henderson Sugar Company at Reserve, La., to points in Alabama, Arkansas, Mississippi, Tennessee, and Texas. Vende is authorized to operate as a *common carrier* in Texas, Arkansas, Louisiana, Tennessee, Kansas, Missouri, New Mexico and Mississippi. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12477. Authority sought for purchase by NEW YORK MASSACHUSETTS MOTOR SERVICE, INC., 83 Progress Ave., Springfield, MA 01104, of a portion of the operating rights of COMMERCIAL FREIGHTWAYS, INC., 449 Silver St., Agawam, MA 01001, and for acquisition by PAUL A. DUBREY, also of Springfield, MA 01103, of control of such rights through the purchase. Applicants' attorneys: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, MA 02043, and David M. Marshall, 135 State St., Springfield, MA 01103. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in Massachusetts. Vendee is authorized to operate as a *common carrier* in Connecticut, Massachusetts, New Jersey, and New York. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER PASSENGERS

No. MC-F-12478. Authority sought for lease by TENNESSEE TRAILBLAZERS, INCORPORATED, 1000 4th Ave. North Nashville, TN 37219, of the operating rights of BOWLING GREEN-HOPKINSVILLE BUS CO., INC., 181 E. 4th St., Russellville, KY 42276, and for acquisition by DEVEREAUX T. DAVIS AND CHRISTINE T. TREANOR, also of Nashville, TN 37219, of control of such rights through the lease. Applicants' attorney and representative: A. O. Buck, 618 Hamilton Bank Bldg., Nashville, TN 37219, and William G. Fuqua, P.O. Box 351, Russellville, KY 42276. Operating rights sought to be leased: Passengers and their baggage, and express and newspapers, in the same vehicle with passengers, as a common carrier over regular routes, between Hopkinsville and Bowling Green, Ky., between Springfield and Owensboro, Ky., serving all intermediate points, between Russellville, Ky. and Clarksville, Tenn., serving all intermediate points, and the off-route point of Allensville, Ky. Vendee is authorized to operate as a common carrier in Kentucky and Tennessee. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-9275 Filed 4-8-75;8:45 am]

[Notice 261]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

APRIL 9, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 29, 1975.

Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75580. By order of March 24, 1975, the Motor Carrier Board on reconsideration approved the transfer to Bowell Storage & Transit Co., a corporation, Cincinnati, Ohio, of the operating rights in Certificate No. MC-9442 issued March 28, 1965, to Thomas L. Reynolds, doing business as Lewis Moving & Storage Co., Cincinnati, Ohio, authorizing the transportation of household goods as defined by the Commission, office furniture, and equipment, and store fixtures, between Dayton, Ky., and points within 15 miles thereof, on the one hand, and, on the other, points in Illinois, Kentucky, Michigan, Ohio, Tennessee, and West Virginia. James J. Sheridan, 7350 Miami Avenue, P.O. Box 43229, Madeira, Ohio 45243 Registered Practitioner for applicants.

No. MC-FC-75695. By order of March 17, 1975, the Motor Carrier Board approved the transfer to Metro Distribution, Inc., Wilmette, Ill., of the operating rights evidenced by the Certificate of Registration in No. MC-121705 issued December 27, 1973, to F. J. Murphy, Wilmette, Ill., authorizing the holder to engage in operations in interstate commerce corresponding in scope to the authority granted in certificate of public convenience and necessity No. 6648 MC dated October 5, 1954, transferred and reissued July 5, 1972, by the Illinois Commerce Commission. James R. Madler, 1255 N. Sandburg Terrace, Chicago, Ill. 60610 Attorney for applicants.

No. MC-FC-75712. By order entered March 18, 1975, the Motor Carrier Board approved the transfer to RDC Transportation, Inc., Artesia, Calif., of the operating rights set forth in Permit Nos. MC-136539 and MC-136539 (Sub-No. 1), issued by the Commission March 9, 1973, and June 17, 1974, to Peterson Trucking Co., a corporation, North Hollywood, Calif., authorizing the transportation of baby furniture and baby products and materials and supplies used in the manufacture of baby furniture and baby products (except in bulk), between the plant site of Peterson Baby Products Co., at Los Angeles, Calif., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and between the plant site and warehouse facilities of Peterson Baby Products Co., located at Reynoldsburg and Obetz, Ohio (near Columbus, Ohio), on the one hand, and, on the other, points in that part of the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana (except Ohio), under a continuing contract or contracts, with Peterson Baby Products Co. Robert Brown, P.O. Box 5345, Sherman Oaks, Calif. 91413, attorney for applicants

No. MC-FC-75727. By order entered March 13, 1975 the Motor Carrier Board approved the transfer to Hill's Truck Line, Inc., (a North Carolina corporation) Murfreesboro, N.C., of the operating rights set forth in Certificate No. MC-59263, issued November 12, 1974, to Lensey Elias Vinson, doing business as L. E. Vinson Farms, Woodland, N.C., authorizing the transportation of general commodities, with the usual exceptions, from Norfolk, Va., and points in Virginia within 35 miles of Norfolk, to Conway, N.C., and points in North Carolina within 35 miles of Conway; and various specified commodities, from, to, and between points in North Carolina, Virginia, West Virginia, Pennsylvania, Delaware, New Jersey, New York, South Carolina, Maryland, Delaware, Georgia, Tennessee, and the District of Columbia. Joseph E. Wall, P.O. Box 709, Raleigh, N.C. 27602, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-9276 Filed 4-8-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

APRIL 3, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of *verified statements* in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure is outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 7971 (Sub-No. 9G), filed June 4, 1974. Applicant: AMERICAN SECURITY VANLINES, INC., P.O. Box 968, Atlanta, Ga. 30344. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, and the District of Columbia; except, (1) between points in Arkansas, Kansas, Kentucky, Missouri, and Oklahoma and (2) between points in Delaware, Maine, New Hampshire and Vermont. The purpose of this filing is to eliminate the gateways of Atlanta, Ga., and 135 miles thereof, Westchester County, N.Y., Monmouth County, N.J., and Fort Smith, Ark.

No. MC 34231 (Sub-No. 9G), filed May 28, 1974. Applicant: D & H TRUCKING, INC., 4240 South 33rd West Avenue, P.O. Box 9158, Tulsa, Okla. 74107. Applicant's representative: Marion F. Jones, Suite 1000 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products and *machinery, materials, equipment and supplies* used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof and (2) *machinery, equipment, materials and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in Oklahoma and Texas, on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Louisiana, Missouri, Nebraska, New Mexico, and Wyoming. The purpose of this filing is to eliminate the gateway of points in Kansas.

No. MC 41951 (Sub.-No. 21G), filed June 3, 1974. Applicant: WHEATLEY TRUCKING, INC., 125 Brohawn Avenue, P.O. Box 458, Cambridge, Md. 21613. Applicant's representative: Francis P. Desmond, 115 East 5th Street, Chester, Pa. 19013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, (1) from points in Ohio and Michigan, to points in Delaware, Maryland, New Jersey, New York, Pennsylvania and those in Virginia on and east of U.S. Highway 1. The purpose of this filing is to eliminate the gateway of Cambridge, Md. (2) from Cambridge, Md., to points in North Carolina. The purpose of this filing is to eliminate the gateway of Petersburg, Va.

No. MC 46219 (Sub-No. 11G), filed June 4, 1974. Applicant: STERNBERGER MOTOR CORPORATION, 45-50 Court Square, Long Island City, N.Y. 11101. Applicant's representative: James E. Wilson, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *New furniture*, (1) from points in Connecticut, to points in New Jersey, New York and Pennsylvania, (2) from points in Massachusetts, to points in New York, Pennsylvania and New Jersey; and (3) from points in New Jersey, to points in New York, Pennsylvania, Delaware, Maryland, District of Columbia, North Carolina, South Carolina, Alabama, Florida, Georgia, Louisiana, Mississippi and West Virginia. The purpose of this filing is to eliminate the gateway of New York, N.Y. (4) From points in New York, to points in Vermont, New Hampshire, Massachusetts, Ohio, Connecticut, New Jersey, Pennsylvania, Maryland, Delaware, District of Columbia, Virginia and West Virginia. The purpose of this filing is to eliminate the gateways at New York City and Patteram, N.J. (5) From points in New Hampshire, to points in New Jersey, Pennsylvania, New York and West Virginia. The purpose of this filing is to eliminate the gateway at New York City. (6) From points in Vermont, to points in New Jersey, Pennsylvania, New York and West Virginia. The purpose of this filing is to eliminate the gateway at New York City and Jamestown, N.Y. (7) From points in Pennsylvania, to points in New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Delaware, Maryland, District of Columbia, Virginia, West Virginia, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Ohio. The purpose of this filing is to eliminate gateways at New York City, Paterson, N.J. and Warren, Pa. (8) From Points in Maryland, to points in New Jersey, Pennsylvania, New York, and Ohio. The purpose of this filing is to eliminate the gateways at New York City, Paterson, N.J. and Warren, Pa. (9) From points

V40169 APR 9 75 XUM

in Delaware, to points in New Jersey, Pennsylvania, New York and Ohio. The purpose of this filing is to eliminate the gateways at New York City, Paterson, N.J. and Warren, Pa. (10) From points in West Virginia, to points in New York, New Jersey, and Pennsylvania. The purpose of this filing is to eliminate the gateway at New York City. (11) From points in Virginia, to points in Pennsylvania, New York, New Jersey, Ohio and Maine.

The purpose of this filing is to eliminate the gateways at New York City, Warren, Pa. and Jamestown, N.Y.

(B) *New furniture uncrated*, (1.) from points in New York, to points in Rhode Island and Maine. The purpose of this filing is to eliminate the gateways at New York City, New Haven, Conn., Warren, Pa. and Jamestown, N.Y. (2) From points in the District of Columbia, to points in Connecticut, Massachusetts, Rhode Island, Pennsylvania, Vermont, New Hampshire, Ohio and Maine. The purpose of this filing is to eliminate the gateways at New York City, Paterson, N.J., Warren, Pa., and Jamestown, N.Y. (3) from Rhode Island, to points in New York. The purpose of this filing is to eliminate the gateways at New York City and Meriden, Conn. (4) From points in West Virginia, to points in Maine and New Hampshire. The purpose of this filing is to eliminate the gateways at New York City and Jamestown, N.Y. (5) From points in Kentucky, to points in Pennsylvania, New York, and Maine. The purpose of this filing is to eliminate the gateways at Alexandria, Va., New York City, Jamestown, N.Y. and Warren, Pa. (6) From points in Tennessee, to points in Pennsylvania, New York, and Maine. The purpose of this filing is to eliminate the gateways at Alexandria, Va., New York City, Jamestown, N.Y. and Warren, Pa.

(7) From points in Louisiana, to points in Pennsylvania, New York, Maine, and Ohio. The purpose of this filing is to eliminate the gateways at Alexandria, Va., Warren, Pa. and Jamestown, N.Y. (8) From points in South Carolina, to points in Pennsylvania, New York, Maine, and Ohio. The purpose of this filing is to eliminate the gateways at Alexandria, Va., Warren, Pa. and Jamestown, N.Y. (9) From points in North Carolina, to points in Pennsylvania, New York, Maine, and Ohio. The purpose of this filing is to eliminate the gateways at Alexandria, Va., Warren, Pa. and Jamestown, N.Y. (C) *New furniture uncrated* (or crated when moving in the same vehicle with uncrated), (1) from New Jersey, to points in Alabama, Florida, Georgia, Kentucky, Louisiana, North Carolina, South Carolina and Tennessee; (2) from New York to points in Alabama, Florida, Georgia, Kentucky, Louisiana, North Carolina, South Carolina, and Tennessee; and (3) from points in Kentucky and Tennessee. The purpose of this filing is to eliminate the gateways at New York City.

No. MC 54244 (Sub-No. 32G), filed June 5, 1974. Applicant: KUHN TRANSPORTATION COMPANY, INC., R.D. No. 2, Gardners, Pa. 17324. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned fruit and vegetable products*, (a) from points in that part of West Virginia on and north of U.S. Highway 50 and west of U.S. Highway 522; to points in Illinois, Indiana, Kentucky and Michigan. The purpose of this filing is to eliminate the gateways of Biglerville, Gardners, Orrtanna and Peach Glen, Pa. (b) from points in that part of West Virginia on and north of U.S. Highway 50, to points in Ohio. The purpose of this filing is to eliminate the gateway at Aspers, Pa. (2) *canned frutts and vegetables*, (a) from Baltimore; Md., to points in West Virginia south of U.S. Highway 50, and those in New Jersey on and south of U.S. Highway 33, (b) from New York, N.Y., to points in New Jersey on and south of U.S. Highway 33, (c) from points in Ohio, to points in West Virginia south of U.S. Highway 50, (d) from New York, N.Y., to points in Maryland east of U.S. Highway 15 and U.S. Highway 340 (except Baltimore), (e) from points in Ohio, to points in Maryland (except Baltimore), (f) from points in West Virginia on and north of U.S. Highway 50, to points in Maryland (except Baltimore), and (g) from points in Ohio, to points in New York (except New York City and points within 15 miles thereof). The purpose of this filing is to eliminate the gateway of Littlestown, Pa. (h) from Baltimore, Md., to points in Pennsylvania east of U.S. Highway 15, (i) from New York, N.Y., to points in Pennsylvania, (j) from points in Ohio, to points in Pennsylvania, and (k) from points in West Virginia on and north of U.S. Highway 50, to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of Littlestown, Pa., New Windsor, Md., and Westminster, Md.

No. MC 95876 (Sub-No. 153G), filed June 4, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building woodwork*, from points in Minnesota, to points in Illinois and the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of New London, Wis. (2) *Machinery* (except tractors and agricultural machinery), between points in Minnesota, on the one hand, and, on the other, points in Illinois and the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of New London, Wis. (3) *Lumber*, from points in Minnesota, to points in Illinois, Indiana, Kentucky, Ohio, Pennsylvania, Michigan, and New York. The purpose of this filing is to eliminate the gateway of Superior, Wis. (4) *Cast iron pipe and fittings*, from points in Minnesota, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Ohio, Pennsylvania, South Carolina, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC 106603 (Sub-No. 134G), filed June 3, 1974. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Building and roofing materials*, (a) from points in Illinois, Indiana, Ohio, and the St. Louis, Missouri Commercial Zone, to points in Michigan. The purpose of this filing is to eliminate the gateways at Whiting, Ind., points in Indiana; and Wilmington, Ill. (b) From points in Illinois to points in Ohio, Delaware, Maryland, New Jersey, New York, Pennsylvania, the District of Columbia, West Virginia (points north of U.S. Highway 50), and Virginia (points north of U.S. Highway 50), Kentucky and Tennessee. The purpose of this filing is to eliminate the gateways of Joliet, Ill., Vandalia, Ill., Whiting, Ind., and points in Indiana, Chicago Heights, Ill., and Avery, Ohio. (c) From points in Ohio to points in Illinois, Missouri (within 10 miles of the west bank of the Mississippi River), Kentucky and Tennessee. The purpose of this filing is to eliminate the gateways of Lowell, Ind., points in Indiana, Lockland, Ohio, Joliet, Ill., Vandalia, Ill., and Shoals, Ind.

(d) From points in Indiana, to points in Missouri (within 10 miles of the west bank of the Mississippi River), the St. Louis Commercial Zone, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia (points north of U.S. Highway 50), West Virginia (points north of U.S. Highway 50), the District of Columbia and Illinois. The purpose of this filing is to eliminate the gateways of Joliet, Ill., Vandalia, Ill., Lowell, Ind., Whiting, Ind., and Avery, Ohio. (e) From points in the St. Louis, Missouri Commercial Zone to points in Kentucky, Delaware, Maryland, New Jersey, New York, Pennsylvania, Tennessee (points east of Interstate Highway 65), the District of Columbia, Virginia (points north of U.S. Highway 50), and West Virginia (points north of U.S. Highway 50). The purpose of this filing is to eliminate the gateways at Chicago Heights, Ill., Wilmington, Ill., Shoals, Ind., South Bend, Ind., Whiting, Ind., points in Illinois, points in Indiana and Avery, Ohio. (f) From Grand Rapids and Grandville, Michigan to Delaware, Kentucky, Maryland, Missouri (points within 10 miles of the west bank of the Mississippi River), New Jersey, New York, Pennsylvania, Tennessee, Virginia, West Virginia and the District of Columbia. The purpose of this filing is to eliminate the gateways at Avery, Ohio, Joliet, Ill., Vandalia, Ill., Shoals, Ind., Whiting, Ind. and points in Indiana; (g) From points in Ohio (on and

west of Interstate Highway 75) to points in Delaware, New Jersey, New York, Pennsylvania, the District of Columbia, Virginia (points north of U.S. Highway 50) and West Virginia (points north of U.S. Highway 50). The purpose of this filing is to eliminate the gateways of points in Indiana and Avery, Ohio.

(h) From Louisville, Kentucky, to points in Illinois (on and north of Highway 17) and Michigan. The purpose of this filing is to eliminate the gateways at Whiting and Lowell, Ind., Wilmington, Ill., and South Bend, Ind. (i) From points in Michigan (east of a line along Highway 127 north from the Indiana-Michigan state line to Lansing, Michigan, thence along Highway 27 north to Clare, Michigan, thence along Interstate Highway 75 north of Mackinaw City) to points in Indiana (on and south of Highway 40), Kentucky (west of Interstate Highway 65) and Tennessee (west of Interstate Highway 65). The purpose of this filing is to eliminate the gateways at Avery, Ohio, and Shoals, Ind. (j) From points in Pennsylvania, New York, Delaware, New Jersey, Washington, D.C., Maryland, Virginia (points north of U.S. Highway 50), and West Virginia (points north of U.S. Highway 50) to points in Missouri (within 10 miles of the west bank of the Mississippi River). The purpose of this filing is to eliminate the gateways at Whiting and Lowell, Ind., and Avery, Ohio. (k) From points in Pennsylvania, New York, Indiana, New Jersey, Washington, D.C., Maryland, Virginia (points north of U.S. Highway 50), and West Virginia (points north of U.S. Highway 50) to points in Illinois. The purpose of this filing is to eliminate the gateways at Whiting, Ind., Lowell, Ind., and Avery, Ohio. (l) From points in Pennsylvania, New York, Delaware, New Jersey, the District of Columbia, Maryland, Virginia (points north of U.S. Highway 50), and West Virginia (points north of U.S. Highway 50) to points in Indiana. The purpose of this filing is to eliminate the gateways at Whiting, Ind., Lowell, Ind., and Avery, Ohio. (2) *Salt and salt products*, from Manistee, Midland and St. Louis, Michigan to points in Connecticut, Delaware, Maryland, New Jersey, New York, and Pennsylvania. The purpose of this filing is to eliminate the gateways at Akron and Rittman, Ohio.

(3) *Composition board*, from the facilities of Champion International Corporation at Oxford, Mississippi to points in Indiana. The purpose of this filing is to eliminate the gateway at any point in Illinois or point in Ohio. (4) *Brick and tile*, from the plantsites of Metropolitan Brick at West Darlington, Bessemer, Beaver Falls, and East Dale, Pennsylvania, to points in Illinois, Iowa (on and east of Highway 63), Kentucky, Michigan, St. Louis, Missouri, and Tennessee. The purpose of this filing is to eliminate the gateways at Avery, Ohio, Vandalia, Ill., Wilmington, Ill., Shoals, Ind., Whiting, Ind., and points in Indiana. (5) *Glazed structural masonry products and glazed masonry products*, from Lansing and Ypsilanti, Michigan to points in Iowa (on and east of U.S. Highway 63), and St. Louis, Missouri. The purpose of this filing is to eliminate the gateway at points in Indiana and Vandalia, Ill. (6) *Building stone, blocks and clay products*, from points in Ohio to points in Iowa, Missouri (on and east of U.S. Highway 63), and Wisconsin (on and east of U.S. Highway 10). The purpose of this filing is to eliminate the gateway at Indiana, on and south of U.S. Highway 36 (except Indianapolis and Lawrence and Monroe Counties); points in Indiana.

No. MC 108207 (Sub-No. 393G), filed June 4, 1974. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and frozen foods*, from points in Kansas, Iowa, and Nebraska, to points in Oklahoma, Arkansas, Mississippi, and Memphis, Tenn., and (2) *frozen foods, meats, meat products, meat byproducts, dairy products, salad dressing, yeast, and uncooked bakery goods*, from points in Oklahoma, Arkansas, Mississippi, and Memphis, Tenn., to points in Kansas, Iowa, and Nebraska. The purpose of this filing is to eliminate the gateways of points in Texas and Louisiana.

No. MC 118831 (Sub-No. 111G), filed June 4, 1974. Applicant: CENTRAL TRANSPORT, INC., Box 5368, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals* (except Petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, from points in North Carolina (except Charlotte), to points in Georgia, restricted against the transportation of caustic soda, in bulk, from Acme, N.C., and points within five miles thereof. The purpose of this filing is to eliminate the gateway at points in South Carolina. (2) *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, from points in North Carolina, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. The purpose of this filing is to eliminate the gateway at Charlotte, N.C. (3) *Liquid chemicals* (except petrochemicals), in bulk, from points in South Carolina, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. The purpose of this filing is to eliminate the gateway at Charlotte, N.C.

(4) *Liquid chemicals*, in bulk, from points in Richmond County, Ga., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. The purpose of this filing is to eliminate the gateway at Charlotte, N.C. (5) *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer and fertilizer materials, and vegetable oils), from points in North Carolina (except Charlotte), to points in Alabama. The purpose of this filing is to eliminate the gateway at Charlotte, N.C. (6) *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer and fertilizer materials), in bulk, from points in North Carolina (except Charlotte), to points in Florida. The purpose of this filing is to eliminate the gateway at Charlotte, N.C. (7) *Liquid chemicals* (except petrochemicals anyhdrous ammonia, fertilizer and fertilizer materials and vegetable oils), in bulk, from points in North Carolina (except Charlotte), to filing is to eliminate the gateway at Charlotte, N.C. (8) *Liquid chemicals*, in bulk, from Charlotte, North Carolina, to points in Mississippi. The purpose of this filing is to eliminate the gateway at Lanett, Ala. (9) *Liquid chemicals* (except petrochemicals), in bulk, from points in South Carolina, to points in Alabama. The purpose of this filing is to eliminate the gateway at Charlotte, N.C.

(10) *Liquid chemicals* (except petrochemicals, fertilizer, and vegetable oils), in bulk, from points in South Carolina, to points in Mississippi. The purpose of this filing is to eliminate the gateway at Lanett, Ala. (11) *Liquid chemicals*, in bulk, from points in Richmond County, Ga., to points in Alabama. The purpose of this filing is to eliminate the gateway at Charlotte, N.C. (12) *Liquid chemicals* (except fertilizer and vegetable oils), in bulk, from Richmond County, Ga., to points in Mississippi. The purpose of this filing is to eliminate the gateways at Charlotte, N.C., and Lanett, Ala. (13) *Liquid chemicals* (except petrochemicals), in bulk, from points in South Carolina to points in Florida. The purpose of this filing is to eliminate the gateway at Charlotte, N.C. (14) *Liquid chemicals*, in bulk, from Richmond County, Ga., to points in Florida. The purpose of this filing is to eliminate the gateway at Charlotte, N.C. (15) *Liquid chemicals*, in bulk, from Robertson County, Tenn., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. The purpose of this filing is to eliminate the gateway of Charlotte, N.C. (16) *Liquid chemicals*, in bulk, from Robertson County, Tenn., to points in Florida. The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

(17) *Liquid chemicals* in bulk, in tank or hopper-type vehicles, from the plant site of Howerton-Gowen Company, Incorporated in Chesapeake, Virginia (within the Norfolk Commercial Zone), to points in Alabama, Florida, Georgia, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateway in that portion of North Carolina lying east of U.S. Highway 21 and north of U.S. Highway 74, co-extensive with the gateway of Charlotte, North Carolina. (18) *Liquid chemicals*, in bulk, in tank or hopper-type vehicles, from the plant site of Howerton-Gowen Company, Incorporated located at Chesapeake, Virginia, to points in Connecticut, Delaware, Maryland, Massachusetts, New

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Jersey, New York, Pennsylvania, and Rhode Island. The purpose of this filing is to eliminate the gateway at that portion of North Carolina lying east of U.S. Highway 21 and north of U.S. Highway 74, co-extensive with Charlotte, North Carolina which lies within the above described area. (19) *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank or hopper-type vehicles, from the plant site of Howerton-Gowen Company located at Chesapeake, Virginia, to points in North Carolina, west of U.S. Highway 21 and south of U.S. Highway 74. The purpose of this filing is to eliminate the gateway at that portion of North Carolina lying east of U.S. Highway 21 and north of U.S. Highway 74.

(20) *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), from the plant site of Howerton-Gowen Company located at Chesapeake, Virginia, to points in Virginia. The purpose of this filing is to eliminate the gateway at any point in North Carolina lying east of U.S. Highway 21 and north of U.S. Highway 74. (21) Liquid chemicals (except fertilizer and vegetable oils), in bulk, in tank or hopper-type vehicles, from the plant site of Howerton-Gowen Company located at Chesapeake, Virginia, to points in Mississippi. The purpose of this filing is to eliminate the gateway at that portion of North Carolina lying east of U.S. Highway 21 and north of U.S. Highway 74; Charlotte, North Carolina and Lanett, Alabama. (22) *Dry chemicals* (except fertilizer), in bulk, in tank or hopper-type vehicles, from points in North Carolina, to points in Alabama and Mississippi. The purpose of this filing is to eliminate the gateway at Lanett, Alabama. (23) *Dry chemicals*, in bulk, in tank type vehicles, from Kanawha County, West Virginia, to points in Georgia and Virginia. The purpose of this filing is to eliminate the gateway in North Carolina. (24) *Dry chemicals* (except fertilizer), in bulk, in tank vehicles, from Kanawha County, West Virginia, to points in Alabama and Mississippi. The purpose of this filing is to eliminate the gateway at points in North Carolina and Lanett, Alabama.

(25) *Dry chemicals*, in bulk, from the plant site of Howerton-Gowen Company located in the Chesapeake, Virginia, to points in Georgia, South Carolina and Virginia. The purpose of this filing is to eliminate the gateway at any point in North Carolina lying east of U.S. Highway 21 and north of U.S. Highway 74. (26) *Dry chemicals* (except fertilizer), in bulk, in tank vehicles, from the plant site of Howerton-Gowen Company of Chesapeake, Virginia, to points in Alabama and Mississippi. The purpose of filing is to eliminate the gateway at that portion of North Carolina lying east of U.S. Highway 21 and north of U.S. Highway 74 and Lanett, Alabama. (27) *Dry chemical fertilizers and fertilizer materials*, in bulk, in tank or hopper-type vehicles, from the plant site of the Smith-Douglas Division of Borden, Incorporated at Chesapeake, Virginia, and the plant site of F. S. Royster Company at Norfolk, Virginia, to points in Delaware, Georgia, Maryland, New Jersey, Pennsylvania, South Carolina, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway at points in Hertford County, N.C. (28) *Liquid fertilizers and fertilizer materials*, in bulk, in tank or hopper-type vehicles, from the plant site of Howerton-Gowen Company located at Chesapeake, Virginia, to points in Delaware, Georgia, Maryland, New Jersey, Pennsylvania, South Carolina, Virginia, and West Virginia (except points in Kanawha and Pleasants Counties, West Virginia. The purpose of this filing is to eliminate the gateway at points in Hertford County, N.C.

(29) *Dimethyl Terephthalate*, dry, in bulk, in tank or hopper-type vehicles, from Old Hickory, Tenn., to points in South Carolina, Georgia, and Virginia. The purpose of this filing is to eliminate the gateway at Transylvania County, N.C. (30) *Dimethyl Terephthalate molten*, in bulk, from Old Hickory, Tenn., to points in North Carolina. The purpose of this filing is to eliminate the gateways at Transylvania County, N.C. and points in South Carolina. (31) *Dimethyl Terephthalate*, dry, in bulk, in tank or hopper-type vehicles, from Old Hickory, Tenn., to points in Alabama and Mississippi. The purpose of this filing is to eliminate the gateways at Transylvania County, N.C. and Lanett, Ala. (32) *Dimethyl Terephthalate molten*, in bulk, in tank or hopper-type vehicles from Old Hickory, Tenn., to points in Alabama and Mississippi. The purpose of this filing is to eliminate the gateways at Transylvania County, South Carolina, and Lanett, Ala. (33) *Dimethyl Terephthalate Molten*, in bulk, in tank or hopper-type vehicles, from Old Hickory, Tenn., to points in Florida. The purpose of this filing is to eliminate the gateways at Transylvania County and Charlotte, N.C. (34) *Dimethyl Terephthalate Molten*, in bulk, in tank or hopper-type vehicles, from Old Hickory, Tenn., to points in South Carolina and Virginia. The purpose of this filing is to eliminate the gateway at Transylvania County, N.C. (35) *Dimethyl Terephthalate Molten*, in bulk, in tank or hopper-type vehicles, from Old Hickory, Tenn., to points in Georgia. The purpose of this filing is to eliminate the gateways at Transylvania County, and points in South Carolina.

(36) *Dimethyl Terephthalate Molten*, in bulk, in tank or hopper-type vehicles, from Old Hickory, Tenn., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. The purpose of this filing is to eliminate the gateways at Transylvania County, and Charlotte, N.C. (37) *Dimethyl Terephthalate*, in bulk, from New Hanover County, N.C. and Spartanburg County, S.C. to points in Alabama, Arkansas, Georgia, Kentucky, Indiana, Illinois, Michigan, Missouri, Mississippi, Ohio, Tennessee (except Kingsport and Elizabethton and except Lowland when from Spartanburg, County), and West Virginia (except Lowland when from Spartanburg, filing is to eliminate the gateway of Robertson County, Tenn. (38) *Dimethyl Terephthalate*, dry, in bulk, in tank or hopper-type vehicles, from points in North Carolina, to points in Arkansas, Kentucky, Indiana, Illinois, Michigan, Missouri, Ohio, Tennessee (except Elizabethton, Kingsport, and Lowland), and West Virginia (except Kanawha County). The purpose of this filing is to eliminate the gateways at Spartanburg County, S.C. and Robertson County, Tenn. (39) *Dimethyl Terephthalate Molten*, in bulk, in tank or hopper-type vehicles, from points in North Carolina, to points in Arkansas, Kentucky, Indiana, Illinois, Michigan, Missouri, Ohio, Tennessee (except Elizabethton, Kingsport, and Lowland), and West Virginia (except Kanawha County). The purpose of this filing is to eliminate the gateway of Spartanburg County, S.C., and Robertson County, Tenn.

(40) *Dimethyl Terephthalate Molten*, in bulk, from points in South Carolina, to points in Arkansas, Kentucky, Indiana, Illinois, Michigan, Missouri, Ohio, Tennessee (except Elizabethton, Kingsport and Lowland), and West Virginia (except Kanawha County). The purpose of this filing is to eliminate the gateways at North Carolina, Spartanburg County, S.C., and Robertson County, Tenn. (41) *Dimethyl Terephthalate*, dry, in bulk, from Gibbstown, N.J., to points in Georgia, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateway at the plant site of Du Pont Company at Graingers, N.C. (42) *Dimethyl Terephthalate*, dry, in bulk, in tank or hopper-type vehicles, from Gibbstown, N.J., to points in Alabama and Mississippi. The purpose of this filing is to eliminate the gateways at the plant site of Du Pont Company at Graingers, North Carolina, and Lanett, Alabama. (43) *Dimethyl Terephthalate*, dry, in bulk, in tank or hopper-type vehicles, from Gibbstown, N.J., to points in Arkansas, Kentucky, Indiana, Illinois, Michigan, Missouri, North Carolina, Ohio, Tennessee (except Elizabethton, Kingsport, and Lowland), and West Virginia (except Kanawha County). The purpose of this filing is to eliminate the gateways at the plant site of Du Pont Company, Graingers, N.C., Spartanburg, S.C., and Robertson County, Tenn.

(44) *Dimethyl Terephthalate Molten*, in bulk, from Gibbstown, N.J., to points in South Carolina and Virginia. The purpose of this filing is to eliminate the gateway at the plant site of E. I. Du Pont Company at Graingers, N.C. (45) *Dimethyl Terephthalate Molten*, in bulk, from Gibbstown, N.J., to points in North Carolina and Georgia. The purpose of this filing is to eliminate the gateway at the plant site of Du Pont Company at Graingers, N.C. and the State of South Carolina.

(46) *Dimethyl Terephthalate Molten*, in bulk, from Gibbstown, N.J., to points in Alabama and Florida. The purpose of this filing is to eliminate the gateway at the plant site of Du Pont Company at

Graingers, N.C., and Charlotte, N.C. (47) *Dimethyl Terephthalate Molten*, in bulk, from Gibbstown, N.J., to points in Mississippi. The purpose of this filing is to eliminate the gateways at the plant site of Du Pont Company at Graingers, N.C., and the State of South Carolina, and Lanett, Ala. (48) *Dimethyl Terephthalate Molten*, in bulk, from Gibbstown, N.J., to points in Tennessee (except Elizabethton, Kingsport and Lowland). The purpose of this filing is to eliminate the gateways at the plant site of Du Pont Company at Graingers, N.C., and Spartanburg County, S.C. (49) *Dimethyl Terephthalate Molten*, in bulk, from Gibbstown, N.J., to points in Arkansas, Kentucky, Indiana, Illinois, Michigan, Missouri, Ohio, and West Virginia (except Kanawha County). The purpose of this filing is to eliminate the gateways at the plant site of Du Pont Company at Graingers, N.C., Spartanburg County, S.C., and Lanett, Ala. (50) *Dry Synthetic Plastic Resins*, in bulk, in tank or hopper-type vehicles, from Greenville County, S.C., to points in Georgia, South Carolina and Virginia. The purpose of this filing is to eliminate the gateway of the State of North Carolina. (51) *Dry Synthetic Plastic Granules or Pellets*, in bulk, in tank or hopper-type vehicles, from Darlington County, S.C., to points in Georgia, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateway at North Carolina. (52) *Dry Synthetic Plastic Resins*, in bulk, in tank or hopper-type vehicles, from Greenville County, S.C., to points in Alabama and Mississippi. The purpose of this filing is to eliminate the gateway at North Carolina and Lanett, Ala. (53) *Dry Synthetic Plastic Granules or Pellets*, in bulk, in tank or hopper-type vehicles, from Darlington County, S.C., to points in Alabama and Mississippi. The purpose of this filing is to eliminate the gateways at North Carolina and Lanett, Ala. (54) *Dry Polyethylene Resins*, in bulk, in tank or hopper-type vehicles, from points in North Carolina, to points in Alabama, Florida, and Tennessee (except Elizabethton and Kingsport). The purpose of this filing is to eliminate the gateway at Greenville County, S.C. (55) *Dry Polyethylene Resins*, in bulk, in tank or hopper-type vehicles, from Darlington County, S.C., to points in Alabama, Florida, and Tennessee (except Elizabethton and Kingsport). The purpose of this filing is to eliminate the gateways at North Carolina and Greenville County, S.C.

(56) *Dry Polyethylene Resins*, in bulk, from Greenville County, S.C., to points in Arkansas, Kentucky, Indiana, Mississippi, Ohio, South Carolina, and West Virginia (except Kanawha County). The purpose of this filing is to eliminate the gateway at Robertson County, Tenn. (57) *Dry Polyethylene Resins*, in bulk, from points in North Carolina, to points in Arkansas, Kentucky, Indiana, Mississippi, North Carolina, Ohio, and West Virginia (except Kanawha County). The purpose of this filing is to eliminate the gateways at Greenville County, S.C., and Robertson County, Tenn. (58) *Dry Polyethylene Resins*, in bulk, in tank or hopper-type vehicles, from Darlington County, S.C., to points in Arkansas, Kentucky, Indiana, Mississippi, Ohio, South Carolina, and West Virginia (except Kanawha County). The purpose of this filing is to eliminate the gateways at North Carolina, Greenville County, S.C., and Robertson County, Tenn. (59) *Dry Plastic Granules or Pellets*, in bulk, in tank or hopper-type vehicles, from Hopewell, Va., to points in Georgia, and Virginia. The purpose of this filing is to eliminate the gateway at North Carolina. (60) *Dry Polyethylene Resins*, in bulk from Hopewell, Va., to points in Alabama, Florida, Tennessee (except Kingsport and Elizabethton). The purpose of this filing is to eliminate the gateways at Greenville County, S.C. (61) *Dry Polyethylene Resins*, in bulk, from Hopewell, Va., to points in Mississippi. The purpose of this filing is to eliminate the gateways at Greenville County, S.C., and Lanett, Ala. (62) *Dry Polyethylene Resins*, in bulk, from Hopewell, Va., to points in Arkansas, Kentucky, Indiana, Mississippi, Ohio, and West Virginia (except Kanawha County). The purpose of this filing is to eliminate the gateways at Greenville County, S.C., and Robertson County, Tenn.

(63) *Dry Polyethylene Resins*, in bulk, in tank or hopper-type vehicles, from Laurens County, S.C., to points in Alabama, Florida, Georgia, and Tennessee (except Elizabethton and Kingsport). The purpose of this filing is to eliminate the gateways at North Carolina and Greenville County, S.C. (64) *Dry Polyethylene Resins*, in bulk, in tank or hopper-type vehicles, from Laurens County, S.C., to points in Arkansas, Kentucky, Indiana, Mississippi, Ohio, South Carolina, and West Virginia (except Kanawha County). The purpose of this filing is to eliminate the gateways at North Carolina, Greenville County, S.C., and Robertson County, Tenn. (65) *Liquid Fertilizer and Fertilizer Materials*, in bulk, from Hertford County, N.C., to points in Florida. The purpose of this filing is to eliminate the gateway at Charlotte, N.C. (66) *Liquid Fertilizer and Fertilizer Materials*, in bulk, from points in South Carolina, to points in Delaware, Maryland, New Jersey, Pennsylvania, South Carolina, and West Virgina (except Kanawha and Pleasants Counties). The purpose of this filing is to eliminate the gateway at Hertford County, N.C. (67) *Liquid Fertilizer and Fertilizer Materials*, in bulk, from Richmond County, Ga., to points in Delaware, Georgia, Maryland, New Jersey, Pennsylvania, and West Virginia (except Pleasants and Kanawha Counties). The purpose of this filing is to eliminate the gateway at Hertford County, N.C.

(68) *Coconut Oil*, in bulk, from Memphis, Tenn., to points in Delaware, Maryland, Pennsylvania, and Virginia (except Portsmouth and Suffolk and points within five miles of each). The purpose of this filing is to eliminate the gateway at Charlotte, N.C. (69) *Coconut Oil*, in bulk, from Memphis, Tenn., to points in West Virginia. The purpose of this filing is to eliminate the gateway at Charlotte, N.C. (70) *Barite*, in bulk, from Cartersville, Ga., to points in Georgia and Virginia. The purpose of this filing is to eliminate the gateway at North Carolina. (71) *Dry Sand, Ground and Pulverized*, in bulk, in tank or hopper-type vehicles equipped with pneumatic unloading devices, from the plant-site of Pennsylvania Glass-Sand Company at Edmund, S.C. (in Lexington County, approximately 10 miles south of Columbia, South Carolina), to points in South Carolina and Virginia. The purpose of this filing is to eliminate the gateway at North Carolina. (72) *Kaolin Clay*, in bulk, in tank or hopper-type vehicles, from Aiken County, S.C., to points in Georgia and South Carolina. The purpose of this filing is to eliminate the gateway at North Carolina. (73) *Dry Cement*, in bulk, from points in North Carolina, to points in South Carolina and Virginia (limited to shipments which have received immediate prior movement by rail from Cowan or Nashville, Tennessee; Rockmart, Georgia; or Security, Maryland). The purpose of this filing is to eliminate the gateway at Wilmington, N.C.

(74) *Dry Cement*, in bulk, from points in North Carolina, to points in South Carolina and Virginia (limited to shipments which have had a prior movement by rail or water from Baltimore, Maryland; Norfolk, Virginia; Wilmington, North Carolina; Charleston, South Carolina; or Savannah, Georgia). The purpose of this filing is to eliminate the gateway at Wilmington, N.C. (75) *Dry Cement*, in bulk, from Spencer, N.C., to points in South Carolina and Virginia (limited to the transportation of shipments having prior movement by rail). The purpose of this filing is to eliminate the gateway at Wilmington, N.C. (76) *Dimethyl Terephthalate Molten*, in bulk, from Gibbstown, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. The purpose of this filing is to eliminate the gateways at the plantsite of Du Pont Company, Garingers, N.C., and Charlotte, N.C. (77) *Dry Kaolin Clay*, in bulk, in tank or hopper-type vehicles, from Aiken County, S.C., to points in Maine, New Jersey, Ohio, and Pennsylvania. The purpose of this filing is to eliminate the gateways at North Carolina and McIntyre, Ga. (78) *Dry Clay*, in bulk, in tank or hopper-type vehicles, from points in North Carolina, to points in Maine, New Jersey, Ohio, and Pennsylvania. The purpose of this filing is to eliminate the gateway at McIntyre, Ga. (79) *Limestone*, in bulk, in tank or hopper-type vehicles, from points in North Carolina, to points in New Jersey, New York, Ohio, Pennsylvania, and Texas. The purpose of this filing is to eliminate the gateway of Cartersville, Ga.

(80) *Dry Plastic Granules and Pellets*, in bulk, from Hopewell, Va., to points in Alabama and Mississippi. The purpose of this filing is to eliminate the gateways at North Carolina and Lanett, Ala. (81) *Urea Fertilizer and Fertilizer Materials*, in bulk, in tank or hopper-type vehicles,

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from Wilmington, N.C., to points in Delaware, Georgia, Maryland, New Jersey, Pennsylvania, South Carolina, Virginia, and West Virginia (restricted against the transportation of liquid fertilizer and liquid fertilizer materials to points in Kanawha and Pleasants Counties, West Virginia, and restricted to shipments having a prior movement by water). The purpose of this filing is to eliminate the gateway at Hertford County, N.C. (82) *Dry Plastic Granules or Pellets*, in bulk, from Hopewell, Va., to points in Alabama and Mississippi. The purpose of this filing is to eliminate the gateway at North Carolina and Lanett, Ala. (83) *Liquid chemicals*, in bulk (except fertilizer and vegetable oils), from Lanett, Ala., to points in North Carolina, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateway at Richmond County, Ga. (84) *Liquid chemicals*, in bulk (except fertilizer and vegetable oils), from Lanett, Ala., to points in Florida. The purpose of this filing is to eliminate the gateways at Richmond County, Ga., and Charlotte, N.C.

(85) *Liquid Chemicals* (except fertilizer and vegetable oils), in bulk, from Lanett, Ala., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. The purpose of this filing is to eliminate the gateways at Richmond County, Ga., and Charlotte, N.C. (86) *Liquid Chemicals* (except fertilizer and vegetable oils), in bulk, from Charlotte, N.C., to points in Mississippi. The purpose of this filing is to eliminate the gateway at Lanett, Ala. (87) *Liquid Chemicals* (except petrochemicals, fertilizer and vegetable oils), in bulk, from Richmond County, Ga., to points in Alabama. The purpose of this filing is to eliminate the gateways at South Carolina and Lanett, Ala. (88) *Liquid Chemicals* (except petrochemicals, anhydrous ammonia, fertilizer and fertilizer materials), in bulk, from points in North Carolina, to points in North Carolina. The purpose of this filing is to eliminate the gateway at South Carolina. (89) *Liquid Chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, from points in South Carolina, to points in South Carolina. The purpose of this filing is to eliminate the gateway at North Carolina. (90) *Liquid chemicals*, in bulk (except petrochemicals) from points in Richmond County, Ga., to points in Georgia. The purpose of this filing is to eliminate the gateway at South Carolina.

No. MC 124947 (Sub-No. 26G), filed June 4, 1974. Applicant: MACHINERY TRANSPORTS, INC., P.O. Box 266, Stroud, Okla. 74079. Applicant's representative: T. M. Brown, Suite 223, Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, (1) between points in Ohio, on the one hand, and, on the other, points in Colorado, New Mexico, Kansas, Oklahoma, Texas, and Louisiana, (2) between points in Kentucky, on the one hand, and, on the other, points in Colorado, New Mexico, Kansas, Oklahoma, Texas, and Louisiana, (3) from points in Indiana, Kentucky, Ohio, and Missouri, to points in Arkansas, (4) between points in Missouri, on the one hand, and, on the other, points in Colorado, New Mexico, Oklahoma, Texas, Kansas, and Louisiana, (5) between points in Arkansas, on the one hand, and, on the other, points in Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas, and (6) between points in Indiana, on the one hand, and, on the other, points in Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateways of points in Williamson, Franklin, or Saline Counties, Ill.

(7) from points in Louisiana, to points in Colorado, Kansas, and New Mexico, (8) from points in Colorado, to points in Kansas, and New Mexico, (9) from points in Kansas, to points in Colorado, and New Mexico, (10) from points in New Mexico, to points in Colorado, and Kansas, and (11) from points in Oklahoma, to points in Colorado, Kansas, and New Mexico. The purpose of this filing is to eliminate the gateway of points in Illinois. (12) from Chicago, Ill., to points in Arkansas, Colorado, Kansas, and New Mexico. The purpose of this filing is to eliminate the gateway of points in Texas. (13) from points in Texas, to points in Oklahoma. The purpose of this filing is to eliminate the gateways of points in Williamson, Franklin or Saline Counties, Ill. (B) *heavy machinery*, between Rock County, Wis., on the one hand, and, on the other, points in Colorado, New Mexico, Texas, Oklahoma, Kansas, Louisiana, Indiana, Ohio, Kentucky, Missouri, and Arkansas. The purpose of this filing is to eliminate the gateways of points in Illinois or points in Williamson, Franklin or Saline Counties, Ill.

No. MC 126625 (Sub-No. 14G), filed June 3, 1974. Applicant: MURPHY SURF-AIR TRUCKING COMPANY, INC., Bluegrass Airport, Lexington, Ky. 40504. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Weir-Cook Airport near Indianapolis, Ind., on the one hand, and, on the other, O'Hare International Airport, Chicago, Ill., restricted to the transportation of shipments having an immediately prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of the Greater Cincinnati Airport (Boone County), Ky. (2) between points in Barren County, Ky., on the one hand, and, on the other, Standiford Field, Louisville, Ky., restricted to the transportation of shipments having an immediately prior or subsequent movement by air. The purpose of this filing is to eliminate the gateways of the Weir-Cook Airport near Indianapolis, Ind. and the Greater Cincinnati Airport (Boone County), Ky.

NOTICES

APRIL 3, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before April 21, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 19157 (Sub-No. E1), filed May 31, 1974. Applicant: McCORMACK'S HIGHWAY TRANSPORTATION, INC., R.D. No. 3, P.O. Box 4, Schenectady, N.Y. 12306. Applicant's representative: Anthony C. Vance, 1111 E. St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Radioactive source, special nuclear and by-products materials, radioactive material shipping containers, nuclear reactor component parts and equipment* used in the operation of nuclear reactors (except commodities in bulk or in tank vehicles, and commodities which by reason of size or weight require the use of special equipment); (1) between points in Maine, New Hampshire, and Vermont, on the one hand, and, on the other, points in Pennsylvania on and west of U.S. Highway 219, and points in Illinois, Indiana, Ohio, Kentucky, Louisiana, Michigan, Mississippi, Wisconsin, Florida, Alabama, Tennessee, and West Virginia (Niskayuna or Milton, N.Y., and points in Cattaraugus County, N.J.)*; (2) between points in Vermont, New Hampshire, and Maine (except points in that part of New Hampshire and Maine south of a line beginning at the Massachusetts-New Hampshire State line, thence along U.S. Highway 202 to Portland, Maine), on the one hand, and, on the other, points in Georgia (Niskayuna or Milton, N.Y., and points in Cattaraugus County, N.Y.)*; (3) between points in Massachusetts, on the one hand, and, on the other, points in Alabama, Illinois, Indiana, Ohio, Kentucky, Louisiana, Michigan, Mississippi, and Wisconsin, and points in that part of Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 219 to DuBois, Pa., thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line, points in that part of West Virginia on and west of U.S. Highway 119, points in that part of Tennessee on and west of U.S. Highway 27, including points in Roane and Anderson Counties, Tenn., points in that part of Georgia on and west of U.S. Highway 27, and points in that part of Florida on, west, and south of a line beginning at the Georgia-Florida State line, thence along U.S. Highway 27 to Tallahassee, thence along U.S. Highway 19 to junction Florida Highway 50, thence along Florida Highway 50 to Cape Kennedy, Fla. (Niskayuna or Milton, N.Y., and points in Cattaraugus County, N.Y.)*;

(4) between points in Rhode Island, on the one hand, and, on the other, points in Alabama, Illinois, Indiana, Ohio, Kentucky, Louisiana, Michigan, Mississippi, Wisconsin, points in that part of Tennessee on and west of a line along the Powell River from the Tennessee-Kentucky State line to the Tennessee River, thence along the Tennessee River south to Chattanooga (including Anderson and Roane Counties), points in Florida west of the Appalachicola River and points south of a line along Florida Highway 60 from Tampa to Vero Beach, and points in West Virginia on and west of a line beginning at the Ohio-West Virginia State line, thence along Interstate Highway 77 to Charleston, thence along U.S. Highway 119 to the Kentucky-West Virginia State line (Niskayuna or Milton, N.Y., and points in Cattaraugus County, N.Y.)*; (5) between points in Passaic, Bergen, Essex, Union, and Hudson Counties, N.J., on the one hand, and, on the other, points in Wisconsin, the Upper Peninsula of Michigan, and those points in New York on and north of U.S. Highway 20 (Niskayuna or Milton, N.Y., and points in Cattaraugus County, N.Y.)*; (6) between points in New York, on the one hand, and, on the other, points in Illinois, Indiana, Wisconsin, Michigan, Kentucky, Mississippi, and Louisiana (Cattaraugus County, N.Y.)*; (7) between points in Chautauqua, Erie, Niagara, Allegany, Wyoming, Genesee, and Orleans Counties, N.Y., on the one hand, and, on the other, points in New Jersey and Maryland (Cattaraugus County, N.Y.)*; (8) between points in that part of New York on and west of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 14 to Elmira, thence along New York Highway 13 to Cortland, thence along Interstate Highway 81 to the St. Lawrence River, on the one hand, and, on the other, points in North Carolina (Cattaraugus County, N.Y.)*;

(9) between points in North Carolina, Virginia, and South Carolina, on the one hand, and, on the other, points in that part of New York on and north of a line beginning at Buffalo, thence along U.S. Highway 20 to junction New York Highway 145, thence along New York Highway 145 to junction New York Highway 23, thence along New York Highway 23 to the New York-Massachusetts State line (Cattaraugus County, N.Y., and Niskayuna, N.Y.)*; (10) between points in Tennessee and Georgia, on the one hand, and, on the other, points in New York (except Long Island, New York City, and points in Richmond, Bronx, Rockland, Westchester, Putnam, Orange, Dutchess, Ulster, Sullivan, and Delaware Counties) (Cattaraugus County, N.Y., and Niskayuna, N.Y.)*; (11) between points in that part of Tennessee on and west of U.S. Highway 231, on the one hand, and, on the other, Long Island, New York City, and Richmond, Bronx, Rockland, Westchester, Putnam, Orange, Dutchess, Ulster, Sullivan, and Delaware Counties, N.Y. (Cattaraugus County, N.Y.)*; (12) between points in that part of New York on and west of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 14 to junction New York Highway 13, thence along New York Highway 13 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 30, thence along New York Highway 30 to the St. Lawrence River, on the one hand, and, on the other, points in West Virginia (Cattaraugus County, N.Y.)*;

(13) between points in New York (except New York, N.Y., and Nassau and Suffolk Counties, N.Y.), on the one hand, and, on the other, points in Ohio (Cattaraugus County, N.Y.)*; (14) between points in that part of Pennsylvania on and west of U.S. Highway 219, on the one hand, and, on the other, points in New York (except Long Island, New York City, and Richmond, Bronx, Westchester, Putnam, Orange, Dutchess, Ulster, Sullivan, Delaware, and Chautauqua Counties, N.Y.) (Cattaraugus County, N.Y.)*; (15) between points in Washington, D.C., on the one hand, and, on the other, points in Chautauqua, Erie, Niagara, Orleans, Monroe, Genesee, Wyoming, Livingston, and Allegany Counties, N.Y., and points in that part of New York on, north, and east of a line beginning at the St. Lawrence River, thence along New York Highway 12 to Utica, thence along Interstate Highway 90 to the New York-Massachusetts State line (including all points in Montgomery, Schenectady, and Albany Counties, N.Y.) (Cattaraugus County, N.Y., or Niskayuna, N.Y.)*; (16) between points in Alabama, on the one hand, and, on the other, points in New York (except Long Island, New York City, Westchester, and Rockland Counties) (Cattaraugus County, N.Y.)*; (17) between points in Delaware, on the one hand, and, on the other, points in that part of New York on and north or east of a line beginning at the St. Lawrence River, thence along New York Highway 12 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Massachusetts-New York State line, and points in Chautauqua, Erie, Niagara, Orleans, Genesee, Wyoming, and Allegany Counties, N.Y. (Cattaraugus County, N.Y., and Niskayuna, N.Y.)*;

(18) between points in Florida, on the one hand, and, on the other, points in New York (except Long Island, New York City, Westchester, and Rockland Counties) (Cattaraugus County, N.Y.)*; (19) between points in Litchfield, Hartford, Tolland, Windham, New London, and Middlesex Counties, Conn., on the one hand, and, on the other, points in Wisconsin, Michigan, Illinois, Indiana, Ohio, Kentucky, Mississippi, Louisiana, points in that part of Tennessee on and west of U.S. Highway 231, points in that part of Alabama on, north, and west of a line beginning at the Tennessee-Alabama State line, thence along U.S. Highway 72 to Scottsboro, Ala., thence along Alabama Highway 79 to Birmingham, Ala., thence along Alabama Highway 5 to junction U.S. Highway 43, thence along U.S. Highway 43 to Mobile, Ala. (Niskayuna, N.Y., and Cattaraugus County, N.Y.)*; (20) between points in New Haven and Fairfield Counties, Conn., on the one hand, and, on the other, points in Illinois, Michigan, Wisconsin, Louisiana, Mississippi, points in Indiana on and west of Indiana Highway 37 and Crawford and Perry Counties, Ind., points in that part of Kentucky on and west of U.S. Highway 431, points in that part of Tennessee on and west of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 431 to Nashville, Tenn., thence along U.S. Highway 31 to Columbia, Tenn., thence along U.S. Highway 43 to the Tennessee-Alabama State line (Niskayuna, N.Y., and Cattaraugus County, N.Y.)*; (21) between points in Vermont, on the one hand, and, on the other, points in that part of Virginia, North Carolina, and South Carolina on and west of U.S. Highway 21 (Niskayuna, N.Y., and Cattaraugus County, N.Y.)*;

(22) between points in New Hampshire and Maine, on the one hand, and, on the other, points in that part of North Carolina on and west of U.S. Highway 221, and points in that part of South Carolina on, west, and south of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 221 to Greenwood, thence along U.S. Highway 178 to junction U.S. Highway 321, thence along U.S. Highway 321 to junction U.S. Highway 301, thence along U.S. Highway 301 to the South Carolina-Georgia State line (Niskayuna, N.Y., and Cattaraugus County, N.Y.)*.

(B) *Radioactive material*, new and spent, *radioactive source, special nuclear and by-product materials, radioactive material shipping containers, nuclear reactor component parts and equipment* used in the operation and maintenance of nuclear reactors (except commodities in bulk or in tank vehicles, and commodities which by reason of size or weight require the use of special equipment); (1) between points in that part

V40169 APR 9 75 XUM

of New York on, north, and east of a line beginning at the St. Lawrence River, thence along New York Highway 12 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Massachusetts-New York State line, on the one hand, and, on the other, points in New Jersey (Niskayuna, N.Y.)*; (2) between points in West Virginia, on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the United States-Canada International Boundary line, thence along New York Highway 30 to junction New York Highway 145, thence along New York Highway 145 to junction New York Highway 23, thence along New York Highway 23 to the New York-Massachusetts State line (Niskayuna, N.Y.)*;

(3) between points in that part of New York on, east, and north of a line beginning at the United States-Canada International Boundary line, thence along New York Highway 30 to junction U.S. Highway 20, thence along U.S. Highway 20 to the New York-Massachusetts State line (including all points in Albany and Schenectady Counties), on the one hand, and, on the other, points in Pennsylvania and Maryland (Niskayuna, N.Y.)*; (4) between points in Maine and New Hampshire, on the one hand, and, on the other, points in that part of New York bounded by a line beginning at the St. Lawrence River, thence along New York Highway 12 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 29, thence along New York Highway 29 to the New York-Vermont State line to junction New York Highway 23, thence along New York Highway 23 to Oneonta, N.Y., thence along New York Highway 7 to Binghamton, N.Y., thence along U.S. Highway 11 to the New York-Pennsylvania State line, thence along the New York-Pennsylvania State line to the United States-Canada International Boundary line, thence along the United States-Canada International Boundary line to point of beginning (Niskayuna, N.Y.)*; (5) between points in Rhode Island, on the one hand, and, on the other, points in New York (except points in or south of Greene, Delaware, and Columbia Counties and except Nassau and Suffolk Counties, N.Y.) (Niskayuna, N.Y.)*; (6) between points in Connecticut, on the one hand, and, on the other, points in that part of New York on and north of a line beginning at Buffalo, thence along U.S. Highway 20 to Schenectady, N.Y., thence along New York Highway 50 to junction Interstate Highway 87, thence along Interstate Highway 87 to the United States-Canada International Boundary line (Niskayuna, N.Y.)*;

(7) between points in Massachusetts, on the one hand, and, on the other, points in that part of New York on and west of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 11 to Binghamton, N.Y., thence along New York Highway 7 to Schenectady, N.Y., thence along New York Highway 50 to Glen Falls, N.Y., thence along New York Highway 32 to Hudson Falls, N.Y., thence along U.S. Highway 4 to the New York-Vermont State line, and thence along the New York-Vermont State line to the United States-Canada International Boundary line (Niskayuna, N.Y.)*; (8) between points in Vermont, on the one hand, and, on the other, points in that part of New York on and south of a line beginning at the St. Lawrence River, thence along New York Highway 12 to Utica, N.Y., thence along Interstate Highway 90 to the New York-Massachusetts State line (including Schenectady, Saratoga, Suffolk, and Nassau Counties, N.Y.) (Niskayuna, N.Y.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 21170 (Sub-No. E80), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats* and *packinghouse products*, restricted to the transportation of such commodities as are dealt in by wholesale, retail, or chain grocery stores, from Omaha and South Omaha, Nebr., to points in Minnesota east of a line beginning at the Minnesota-Iowa State line extending along Minnesota Highway 60 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction Minnesota Highway 91, thence along Minnesota Highway 91 to Minnesota Highway 23, thence along Minnesota Highway 23 to junction Minnesota Highway 68, thence along Minnesota Highway 68 to junction Minnesota Highway 119, thence along Minnesota Highway 119 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Minnesota Highway 40, thence along Minnesota Highway 40 to the Minnesota-South Dakota State line. The purpose of this filing is to eliminate the gateways of Benton, Boone, Cedar, Carroll, Dallas, Grundy, Guthrie, Hamilton, Hardin, Iowa, Jasper, Johnson, Linn, Marshall, Muscatine, Poweshiek, Story, and Tama Counties, Iowa.

No. MC 21170 (Sub-No. E83), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, such as are dealt in by wholesale, retail, or chain grocery stores; (A) from points in that part of Iowa west of a line beginning at the Iowa-South Dakota State line along unnumbered highway to junction Iowa Highway 141, thence along Iowa Highway 141 to junction Iowa Highway 183, thence along Iowa Highway 183 to junction Iowa Highway 37, thence along Iowa Highway 37 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Iowa Highway 44, thence along Iowa Highway 44 to junction Iowa Highway 191, thence along Iowa Highway 191 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Missouri State line, (1) to points in that part of Illinois south of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 136 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 9, thence along Illinois Highway 9 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line, (2) to points in Pennsylvania, (3) to points in the District of Columbia, (4) to points in Maryland, (5) to points in Delaware, (6) to points in New Jersey, (7) to points in New York, (8) to points in Connecticut, (9) to points in Rhode Island, (10) to points in Massachusetts, (11) to points in Vermont, (12) to points in New Hampshire, (13) to points in Maine (except points north of Maine Highway 25).

(B) from points in that part of Iowa bounded on the east by a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 59 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Iowa Highway 148, thence along Iowa Highway 148 to junction U.S. Highway 34, thence along U.S. Highway 92 to junction Iowa Highway 25, thence along Iowa Highway 25 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Iowa Highway 2, thence along Iowa Highway 2 to junction U.S. Highway 35, thence along U.S. Highway 35 to the Iowa-Missouri State line, and bounded on the west by a line beginning at the Iowa-South Dakota State line extending along unnumbered highway to junction Iowa Highway 183, thence along Iowa Highway 183 to junction Iowa Highway 37, thence along Iowa Highway 37 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Iowa Highway 44, thence along Iowa Highway 44 to junction Iowa Highway 191, thence along Iowa Highway 191 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Missouri State line, (1) to points in Illinois south of a line extending from the Iowa-Illinois State line at Hamilton east on U.S. Highway 136 to junction Illinois Highway 119, thence along Illinois Highway 119 to the Illinois-Indiana State line, (2) to points in Pennsylvania, (3) to points in the District of Columbia, (4) to points in Maryland, (5) to points in Delaware, (6) to points in New Jersey, (7) to points in New York, (8) to points in Connecticut, (9) to points in Rhode Island, (10) to points in Massachusetts, (11) to points in Vermont, (12) to points in New Hampshire, (13) to points in Maine (except points north of Maine Highway 25).

(C) from points in that part of Iowa bounded by U.S. Highway 69 on the east, U.S. Highway 30 on the north, by a line from junction U.S. Highway 30 and 59 along U.S. Highway to junction Iowa Highway 141, thence along Iowa Highway 141 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Iowa Highway 148, thence along Iowa Highway 148 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction Iowa Highway 25, thence along Iowa Highway 25 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Iowa Highway 2, thence along Iowa Highway 2 to junction U.S. Highway 35, thence along U.S. Highway 35 to the Iowa-Missouri State line, (1) to points in that part of Illinois south of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 24 to junction Illinois Highway 103, thence along Illinois Highway 103 to junction Illinois Highway 125, thence along Illinois Highway 125 to junction U.S. Highway 36 at Springfield, thence along U.S. Highway 36 to junction Illinois Highway 121 at Decatur, thence along Illinois Highway 121 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction of unnumbered highway at Charleston, thence along unnumbered highway through Westfield and Clarksville to junction U.S. Highway 40, thence along U.S. Highway 40 to the Illinois-Indiana State line, (2) to points in that part of Pennsylvania south of a line beginning at the Ohio-Pennsylvania State line extending along U.S. Highway 422 to junction Pennsylvania Highway 108, thence along Pennsylvania Highway 108 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Pennsylvania-New York State line, (3) to points in the District of Columbia, (4) to points in Maryland, (5) to points in Delaware, (6) to points in New Jersey, (7) to points in New York, (8) to points in Connecticut, (9) to points in Rhode Island, (10) to points in Massachusetts, (11) to points in Vermont, (12) to points in New Hampshire, and (13) to points in Maine (except points north of Maine Highway 25);

(D) from points in that part of Iowa bounded by U.S. Highway 69 on the west, U.S. Highway 20 on the north, U.S. Highway 63 on the east, and by the Iowa-Missouri State line, on the south, (1) to points in that part of Illinois south of a line beginning at the Illinois-Missouri State line extending along Illinois Highway 177 to junction Illinois Highway 160, thence along Illinois Highway 160 to junction Illinois Highway 15, thence along Illinois Highway 15 to junction Illinois Highway 130, thence along Illinois Highway 130 to the Illinois-Indiana State line, (2) to points in that part of Pennsylvania south and east of a line beginning at the Pennsylvania-Maryland State line extending along U.S. Highway 30 to junction U.S. Highway 222, thence along U.S. Highway 222 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-New Jersey State line, (3) to points in the District of Columbia, (4) to points in that part of Maryland east of a line beginning at the Maryland-Pennsylvania State line extending along U.S. Highway 140 to junction Maryland Highway 27, thence along Maryland Highway 27 to junction Maryland Highway 118, thence along Maryland Highway 118 to junction Maryland Highway 112, thence along Maryland Highway 112 to the Maryland-Virginia State line, (5) to points in Delaware, (6) to points in that part of New Jersey south and east of a line beginning at the Pennsylvania-New Jersey State line, extending along New Jersey Highway 57 to junction U.S. Highway 46, thence along U.S. Highway 46 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 202, thence along U.S. Highway 202 to the New York-New Jersey State line,

(7) to points in that part of New York east of a line beginning at the New York-New Jersey State line extending along U.S. Highway 87 to junction U.S. Highway 9–W, thence along U.S. Highway 9–W to junction U.S. Highway 44, thence along U.S. Highway 44 to junction Taconic State Parkway, thence along Taconic State Parkway to junction New York Highway 23, thence along New York Highway 23 to the New York-Massachusetts State line, and points east of a line beginning at the New York-Vermont State line, thence along New York Highway 67 to junction U.S. Highway 4, thence along U.S. Highway 4 to junction New York Highway 32, thence along New York Highway 32 to junction U.S. Highway 9, thence along U.S. Highway 9 to the United States-Canada International Boundary line, (8) to points in Connecticut, (9) to points in Rhode Island, (10) to points in that part of Massachusetts east and south of a line beginning at the Massachusetts-Vermont State line extending along Massachusetts Highway 112 to junction unnumbered highway, thence along unnumbered highway to junction U.S. Highway 5, thence along U.S. Highway 5 to junction Massachusetts Highway 68, thence along Massachusetts Highway 68 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 7, thence along U.S. Highway 7 to junction Massachusetts Highway 23, thence along Massachusetts Highway 23 to the Massachusetts-New York State line, (11) to points in that part of Vermont north and east of a line beginning at the New York-Vermont State line, extending along Vermont Highway 9 to junction Vermont Highway 100, thence along Vermont Highway 100 to junction Vermont Highway 112, thence along Vermont Highway 112 to the Vermont-Massachusetts State line, (12) to points in New Hampshire, (13) to points in Maine (except points north of Maine Highway 25);

(E) from points in that part of Iowa on or bounded by a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 65 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Iowa-Minnesota State line, thence along the Iowa-Minnesota State line to point of origin, (1) to points in that part of Illinois south of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 24 to junction Illinois Highway 103, thence along Illinois Highway 103 to junction Illinois Highway 125, thence along Illinois Highway 125 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Illinois Highway 16, thence along Illinois Highway 16 to the Illinois-Indiana State line, (2) to points in that part of Pennsylvania south of a line beginning at the Pennsylvania-West Virginia State line extending along U.S. Highway 70 to junction Pennsylvania Highway 136, thence along Pennsylvania Highway 136 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 711, thence along Pennsylvania Highway 711 to junction Pennsylvania Highway 271, thence along Pennsylvania Highway 271 to junction Pennsylvania Highway 56, thence along Pennsylvania Highway 56 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 53, thence along Pennsylvania Highway 53 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction Pennsylvania Highway 164, thence along Pennsylvania Highway 164 to junction Pennsylvania Highway 26, thence along Pennsylvania Highway 26 to junction Pennsylvania Highway 994, thence along Pennsylvania Highway 994 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 35, thence along Pennsylvania Highway 35 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Pennsylvania-New York State line, (3) to points in the District of Columbia, (4) to points in Maryland, (5) to points in Delaware, (6) to points in New Jersey, (7) to points in that part of New York east of a line beginning at the United States-Canada International Boundary line extending along U.S. Highway 81 to the New York-Pennsylvania State line, (8) to points in Connecticut, (9) to points in Rhode Island, (10) to points in Massachusetts, (11) to points in Vermont, (12) to points in New Hampshire, and (13) to points in Maine (except points north of Maine Highway 25);

(F) from points in that part of Iowa on or bounded by a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 63 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Minnesota State line, thence along the Iowa-Minnesota State line to point of origin, (1) to points in that part of Illi-

V40169 APR 9 75 XUM

nois south of a line beginning at the Illinois-Missouri State line extending along Illinois Highway 96 to junction Illinois Highway 100, thence along Illinois Highway 100 to junction Illinois Highway 140, thence along Illinois Highway 140 to junction Illinois Highway 127, thence along Illinois Highway 127 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Illinois Highway 37, thence along Illinois Highway 37 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Illinois-Indiana State line, (2) to points in Pennsylvania south of a line extending from the Pennsylvania-New Jersey State line at Morrisville on U.S. Highway 1 to junction Pennsylvania Highway 611, thence along Pennsylvania Highway 611 through Philadelphia to junction Pennsylvania Highway 291, thence along Pennsylvania Highway 291 to the Pennsylvania-Delaware State line at Eddystone, (3) to points in that part of Maryland east of a line beginning at the Maryland-Delaware State line extending along U.S. Highway 95 to junction U.S. Highway 495, thence along U.S. Highway 495 to junction Maryland Highway 210, thence along Maryland Highway 210 to the Maryland-Virginia State line, (4) to points in that part of Delaware south of a line beginning at the Maryland-Delaware State line extending along U.S. Highway 95 to junction U.S. Highway 295, thence along U.S. Highway 295 to the Delaware-New Jersey State line,

(5) to points in that part of New Jersey south of a line beginning at the New York-New Jersey State line extending along U.S. Highway 78 to junction U.S. Highway 1, thence along U.S. 1 to the New Jersey-Pennsylvania State line, (6) to points in that part of New York south and east of a line beginning at the New York-Connecticut State line extending along U.S. Highway 6 to junction New York Highway 22, thence along New York Highway 22 to junction New York Highway 100, thence along New York Highway 100 to junction U.S. Highway 9, thence along U.S. Highway 9 to the New York-New Jersey State line, (7) to points in that part of Connecticut south and east of a line beginning at the Connecticut-New York State line extending along U.S. Highway 84 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Connecticut-Massachusetts State line, (8) to points in Rhode Island, (9) to points in that part of Massachusetts east of a line beginning at the Massachusetts-Connecticut State line extending along U.S. Highway 91 to junction Massachusetts 116, thence along Massachusetts Highway 116 to junction Massachusetts Highway 63, thence along Massachusetts Highway 63 to junction Massachusetts Highway 10, thence along Massachusetts Highway 10 to the Massachusetts-Vermont State line, (10) to points in that part of New Hampshire east of a line beginning at the New Hampshire-Massachusetts State line extending along New Hampshire Highway 10 to junction U.S. Highway 3, thence along U.S. Highway 3 to the United States-Canada International Boundary line, and (11) to points in Maine (except points north of Maine Highway 25). The purpose of this filing is to eliminate the gateways of Carrollton, Macon, Marshall, Moberly, and Milan, Mo.

No. MC 21170 (Sub-No. E180), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furnaces*, from Syracuse, N.Y., to Chicago, Joliet, Peoria, and Rockford, Ill., Fort Wayne, Gary, Hammond, and South Bend, Ind., Cedar Rapids, Davenport, and Des Moines, Iowa, and Madison, Manitowoc, and Sheboygan, Wis. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC 29886 (Sub-No. E22), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles* and *new trucks*, in driveaway service, from South Bend, Ind., to points in New Mexico, Arizona, and California (those points in Texas on and west of U.S. Highway 83)*; *New automobiles* and *new trucks*, in driveaway service, from Detroit and Warren Township, Macomb County, Mich., to points in Arizona, New Mexico, and California (those points in Texas on and west of U.S. Highway 83 and those points in Colorado on, south, and east of a line beginning at the Colorado-New Mexico State line and extending along U.S. Highway 285 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Kansas State line)*; *New trucks*, in secondary movements, in driveaway service, from Detroit and Warren Township, Macomb County, Mich., to those points in King County, Wash. (Colorado and Utah)*; *New automobiles* and *new trucks*, in secondary movements, in driveaway service, from Toledo, Ohio, to points in New Mexico, Arizona, and California (those points in Colorado on, south, and east of a line beginning at the Colorado-New Mexico State line and extending along U.S. Highway 285 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Kansas State line, and those points in Texas on and west of U.S. Highway 83)*; *New trucks*, in secondary movements, in driveaway service, from Toledo, Ohio, to those points in King County, Wash. (Colorado, Kansas, and Utah)*; and *New motor vehicles*, except new passenger automobiles, in driveaway service, from Toledo, Ohio, to points in Idaho, Oregon, and Washington (Montana)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 29886 (Sub-No. E24), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New trucks*, in initial movements, in driveaway service, from those points in Macomb County, Mich., south of 14 Mile Road and west of Gratiot Avenue (except Fraser, East Detroit, and Roseville, Mich.), to points in Texas (South Bend, Ind.)*, and those in Arkansas, Colorado, Iowa, Kansas, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oklahoma, South Dakota, Texas, Utah, Wisconsin, Connecticut, Massachusetts, Alabama, Delaware, Florida, Georgia, Louisiana, Mississippi, New Hampshire, South Carolina, Vermont, Virginia, and the District of Columbia (Toledo, Ohio)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 29886 (Sub-No. E25), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction and earth moving machinery and equipment* (except trailers designed to be drawn by a truck tractor), from Newport News, Norfolk, and Portsmouth, Va., and Baltimore, Md., to points in Montana, Washington, Oregon, Idaho, Wyoming, California, Nevada, Utah, Arizona, and Colorado (South Bend, Ind.)*; and *self-propelled construction and earth moving machinery and equipment*, from Newport News, Norfolk, and Portsmouth, Va., and Baltimore, Md., to those points in Oklahoma on and west of a line beginning at the Oklahoma-Missouri State line and extending along Interstate Highway 44 to junction U.S. Highway 277, thence along U.S. Highway 277 to the Oklahoma-Texas State line and those points in Texas on and west of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 283 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Texas Highway 208, thence along Texas Highway 208 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction Interstate Highway 10, thence along Interstate Highway 10 to the Texas-New Mexico State line (Benton Harbor, Mich.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 29886 (Sub-No. E26), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Power cranes* from Newport News, Norfolk, Portsmouth, and Hampton, Va., to points in Montana, Wyoming, Colorado, New Mexico, Idaho,

Vermont, Arizona, Washington, Oregon, Nevada, California, those in Oklahoma on and west of a line beginning at the Oklahoma-Missouri State line and extending along Interstate Highway 44 to junction U.S. Highway 277, thence along U.S. Highway 277 to the Oklahoma-Texas State line, and those in Texas on and west of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 283 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Texas Highway 208, thence along Texas Highway 208 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction Interstate Highway 10, thence along Interstate Highway 10 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateway of Benton Harbor, Mich.

No. MC 29886 (Sub-No. E27), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-Propelled street sweepers* weighing less than 15,000 pounds, each (except those which because of size or weight require the use of special equipment or special handling), from Indianapolis, Ind., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of South Bend, Ind.

No. MC 29886 (Sub-No. E28), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (except trailers), each weighing 15,000 pounds or more, in truckaway service, (1) from points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, and New York to points in Texas, Arkansas, New Mexico, Wyoming, Montana, and those in Louisiana in, north, and west of Concordia, Avoyelles, St. Landry, Lafayette, and Vermillion Parishes, La. (those points in New York on and west of a line beginnig at Rochester, N.Y., and extending along U.S. Highway 15 to junction New York Highway 245, thence along New York Highway 245 to junction U.S. Highway 39, thence along U.S. Highway 39 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line, and South Bend, Ind.)*; (2) be from those points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30N, thence along U.S. Highway 30N to the Ohio-West Virginia State line to points in Arkansas, Texas, New Mexico, Wyoming, and Montana (South Bend, Ind.)*; (3) from points in Wisconsin to points in Alabama, Georgia, North Carolina, South Carolina, Florida, and those in Tennessee in and east of Sumner, Wilson, Rutherford, Williamson, Maury, and Giles Counties (those points in Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, thence along Business Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line, and South Bend, Ind.)*; and (4) from points in Iowa to points in Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, the District of Columbia, and those points in Florida on and east of U.S. Highway 319 (same as in (3) above). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 29886 (Sub-No. E29), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self propelled motor vehicles* (except trailers), each weighing 15,000 pounds or more, in truckaway service; (1) from points in Iowa to those points in Georgia on and east of a line beginning at the Georgia-North Carolina State line and extending along Georgia Highway 17 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 319, thence along U.S. Highway 319 to the Florida-Georgia State line; and (2) from points in New Jersey to points in Arkansas, Texas, New Mexico, Wyoming, Montana. The purpose of this filing is to eliminate the gateways of those points in that part of Michigan on, south and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, thence along Business Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line, and South Bend, Ind.

No. MC 29886 (Sub-No. E30), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, cargo containers, cargo container bodies, cargo container boxes*, and *truck and trailer bodies*, which because of size or weight require the use of special equipment or special handling, (1) from points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, and New York to points in Wisconsin, Iowa, Missouri, Arkansas, Texas, Oklahoma, New Mexico, Colorado, Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Montana, Wyoming, Idaho, Utah, Arizona, California, Nevada, Oregon, and Washington (Michigan City, Ind., and those points in Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, thence along Business Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line)*; (3) from those points in the Lower Peninsula of Michigan to points in Wisconsin, Iowa, Missouri, Arkansas, Texas, Oklahoma, New Mexico, Colorado, Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Montana, Wyoming, Idaho, Utah, Arizona, California, Nevada, Oregon, Washington, Mississippi, Louisiana, and those in Alabama in and west of Lauderdale, Lawrence, Winston, Walker, Jefferson, Shelby, Coosa, Elmore, Montgomery, Pike, Dale, and Houston Counties, Ala. (same as in (2) above)*; (4) from points in Illinois to points in Maine, Vermont, New Hampshire, Massachusetts, New York, Connecticut, Rhode Island, and those in the Lower Peninsula of Michigan (Michigan City, Ind.)*; (5) from those points in Illinois on and north of U.S. Highway 36 to points in New Jersey, Maryland (except Garrett and Allegheny Counties), Delaware, Pennsylvania (except Beaver, Allegheny, Westmoreland, Washington, Greene, Fayette, and Somerset Counties), and the District of Columbia (Michigan City, Ind.).*

(6) From those points in Indiana on and east of a line beginning at Lake Michigan and extending along U.S. Highway 421 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Indiana-Ohio State line, and those in Ohio on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the

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Ohio-Pennsylvania State line to points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Washington, Oregon, Nevada, and California (Michigan City, Ind.)*; (7) from points in Wisconsin to points in Ohio, West Virginia, Virginia, Pennsylvania, Maryland, Delaware, New Jersey, New York, Vermont, New Hampshire, Maine, Connecticut, Massachusetts, Rhode Island, those in Indiana on and north of U.S. Highway 30, and the District of Columbia (same as in (2) above)*; (8) from those points in Iowa on and north of U.S. Highway 20 to points in Ohio, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, those in Indiana on and north of U.S. Highway 30, and the District of Columbia (same as in (2) above)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 29886 (Sub-No. E49), filed May 31, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction and earth moving machines and equipment* (except trailors designed to be drawn by a truck tractor), which because of size or weight require the use of special equipment or special handling, and *self-propelled road construction and earth moving machines and equipment*, each weighing 15,000 pounds or more, from those points in the Lower Peninsula of Michigan to points in Nebraska, Colorado, Wyoming, Idaho, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of those points in that part of Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, thence along Business Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line, and South Bend, Ind.

No. MC 44473 (Sub-No. E10), filed May 16, 1974. Applicant: CHAIR CITY MOTOR EXPRESS CO., Sheboygan, Wis. Applicant's representative: William C. Dineen, 412 Empire Bldg., Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from points in that part of Wisconsin bounded by a line beginning at Marinette, Wis., and extending along Wisconsin Highway 64 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Lake Michigan, to points in that part of Illinois bounded by a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 51 to junction Illinois Highway 2, thence along Illinois Highway 2 to junction Illinois Highway 26, thence along Illinois Highway 26 to junction U.S. Highway I–80, thence along U.S. Highway I–80 to junction Illinois Highway 26, thence along Illinois Highway 26 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 89, thence along Illinois Highway 89 to junction Illinois Highway 117, thence along Illinois Highway 117 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 3, thence along Illinois Highway 3 to the Illinois-Kentucky State line.

(2) *New institutional, new household, and new office fixtures and equipment*, uncrated, from points in that part of Wisconsin bounded by a line beginning at Marinette, Wis., and extending along Wisconsin Highway 64 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Lake Michigan, to points in that part of Illinois bounded by a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 51 to junction Illinois Highway 2, thence along Illinois Highway 2 to junction Illinois Highway 26, thence along Illinois Highway 26 to junction U.S. Highway I–80, thence along U.S. Highway I–80 to junction Illinois Highway 26, thence along Illinois Highway 26 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 89, thence along Illinois Highway 89 to junction Illinois Highway 117, thence along Illinois Highway 117 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 3, thence along Illinois Highway 3 to the Illinois-Kentucky State line. The purpose of this filing is to eliminate the gateway of Sheboygan Falls, Wis.

No. MC 51146 (Sub-No. E3), filed April 29, 1974. Applicant: SCHNEIDER TRANSPORT, P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Paper* and *paper products* (except commodities in bulk), from the facilities of Nekoosa Edwards Paper Company, Inc., at or near Potsdam, N.Y., to points in Montana, Wyoming, Colorado, Oklahoma, Arkansas, Mississippi, Louisiana, Texas, New Mexico, Arizona, California, Nevada, Utah, Idaho, Oregon, and Washington, and (b) *Materials* and *supplies* (except commodities in bulk), used in the manufacture and distribution of paper and paper products, from points in the above-described destination territory to the facilities of Nekoosa Edwards Paper Company, Inc., at or near Potsdam, N.Y. (Muncie, Ind.)*; (2) *Paper* and *paper products*, from the facilities of Nekoosa Edwards Paper Co., Inc., at or near Potsdam, N.Y., to points in Alabama, and to Memphis, Tenn. (South Bend, Ind.)*; (3) (a) *Paper* and *paper products* (except in bulk), from the facilities of Nekoosa Edwards Paper Co., Inc., at or near Potsdam, N.Y., to points in Tennessee (except Memphis, Tenn., and points in its commercial zone as defined by the Commission), and points in West Virginia (except points east of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 119 to the junction of U.S. Highway 250, thence along U.S. Highway 250 to the West Virginia-Virginia State line), and (b) *Materials* and *supplies* (except cardboard cartons and commodities in bulk), used in the manufacture and distribution of paper and paper products, from points in the above-described destination territory to the facilities of Nekoosa Edwards Paper Co., Inc., at or near Potsdam, N.Y. (East Liverpool, Ohio).*

(4) *Metal containers* and *metal container ends*, from Chicago, Ill., to points in South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas (except points north of U.S. Highway 66), and Oklahoma (except points north of a line beginning at the Arkansas-Oklahoma State line and extending along Oklahoma Highway 3 to junction Oklahoma Highway 7, thence along Oklahoma Highway 7 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Oklahoma-Texas State line). Restriction: The operations authorized herein are restricted to traffic originating at plant and warehouse sites of the National Can Corporation at the origin named above. (Madisonville, Ky.)*; (5) *Metal containers* (except cargo containers and refuse containers, and except those which because of size or weight, require the use of special equipment), and *container ends*, from the facilities of National Can Corporation at Chicago, Ill., to points in Maine, New Hampshire, and Vermont (facilities of National Can Corporation at Hamburg, Pa.).*

(6) *Metal containers* and *metal container ends*, and, when transported at the same time and in the same vehicle with metal containers and metal container ends, *accessories* used in connection with the distribution of metal containers and metal container ends, from Marion, Ohio, to points in North Dakota, South Dakota, Nebraska, Kansas, Missouri (except points east of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 54 to the junction of Missouri Highway 17, thence along Missouri Highway 17 to the junction of U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 17, thence along Missouri Highway 17 to the Missouri-Arkansas State line), Arkansas (except points east of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 63 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line), and the Upper Peninsula of Michigan (except those points east of a line beginning at Lake Superior at Marquette, Mich., and extending along U.S. Highway 41 to junction Michigan Highway 35, thence along Michigan Highway 35 to the Michigan-Wisconsin State line). Restriction: The operations authorized herein are restricted to traffic originating at plant and warehouse sites of the National Can Corporation at the origin named above (Chicago, Ill.).*

(7) *Metal containers* and *metal container ends*, and when transported at the same time and in the same vehicle with metal containers and metal container ends, *accessories* used in connection with the distribution of metal containers and metal container ends, from Hamilton, Ohio, to points in North Dakota, South Dakota, Nebraska (except points east of a line beginning at the Iowa-Nebraska State line and extending along Interstate Highway 80 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line), Kansas (except points east of a line beginning at the Nebraska-Kansas State line and extending along Kansas Highway 14 to junction Kansas St. Highway 8, thence along Kansas Highway 8 to the Kansas-Oklahoma State line), and the Upper Peninsula of Michigan (except points east of a line beginning at Lake Superior at Marquette, Mich., and extending along U.S. Highway 41 to junction Michigan St. Highway 35, thence along Michigan St. Highway 35 to the Michigan-Wisconsin State line). Restriction: The operations authorized herein are restricted to traffic originating at plant and warehouse sites of the National Can Corporation at the origins named above (Chicago, Ill.)*; (8) *Metal containers* and *metal container ends*, and when transported at the same time and in the same vehicle with metal containers and metal container ends, *accessories* used in connection with the distribution of metal containers and metal container ends, from Cleveland, Ohio, to points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Arkansas, Kentucky, (except points east of U.S. Highway 45), and Tennessee (except points east of U.S. Highway 51). Restriction: The operations authorized herein are restricted to traffic originating at plant and warehouse sites of the National Can Corporation at the origins named above (Chicago, Ill.).*

(9) *Metal containers* (except containers which because of size or weight require the use of special equipment), and *metal container ends*, and when transported at the same time and in the same vehicle with metal containers and metal container ends, *accessories* used in connection with the distribution of metal containers and metal container ends, from Green Bay, Wis., to points in Arkansas, Oklahoma, Kansas, and Nebraska (except points north and east of a line beginning at the Wyoming-Nebraska State line and extending along Interstate Highway 80 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Nebraska-Kansas State line). Restriction: The operations authorized herein are restricted to traffic originating at plant and warehouse sites of the National Can Corporation at the origin named above (Kankakee, Ill.); (10) *Metal containers* and *metal container ends*, from Green Bay, Wis., to points in North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Louisiana, and Texas (except points north of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 70 to junction Texas Highway 283, thence along Texas Highway 283 to the Texas-Oklahoma State line. Restriction: The operations authorized herein are restricted to traffic originating at plant and warehouse sites of the National Can Corporation at the origins named above (Madisonville, Ky.)*; (11) *Metal containers* and *metal container ends*, from Rockford, Ill., to points in North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, and Mississippi. Restriction: The operations authorized herein are restricted to traffic originating at plant and warehouse sites of the National Can Corporation at the origins named above (Madisonville, Ky.).*

(12) *Metal containers* (except containers which because of size or weight require the use of special equipment), *metal container ends*, and *accessories* for metal containers and metal container ends when moving therewith, from Livonia, Mich., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Arkansas (Kankakee, Ill.)*; (13) *Metal containers* and *metal container ends*, from Livonia, Mich., to points in Texas, Louisiana, Mississippi, Alabama, Florida, Tennessee (except points east of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 231 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Tennessee-Georgia State line), and Georgia (except points east of a line beginning at the Tennessee-Georgia State line and extending along U.S. Highway 41 to junction U.S. Highway 341, thence along U.S. Highway 341 to the Atlantic Ocean and Brunswick, Ga.) (Madisonville, Ky.)*; (14) (a) *Metal containers* (except containers which because of size or weight require the use of special equipment), *container ends*, and *accessories*, and (b) *materials* and *supplies* used in connection with the manufacture and distribution of metal containers and container ends when moving with metal containers and container ends, from the plant and warehouse sites of Crown Cork and Seal Company, Inc., and National Can Corporation at Baltimore, Md., and points in its commercial zone as defined by the Commission, to points in North Dakota, South Dakota, Nebraska, Iowa, Kansas, Oklahoma, and Arkansas. Restriction: The operations authorized herein is restricted to the transportation of traffic originating at the above-named plant and warehouse sites (Kankakee, Ill.).*

(15) (a) *Metal containers* (except containers which because of size or weight require the use of special equipment), *container ends*, and *accessories*, and (b) *materials* and *supplies* used in connection with the manufacture and distribution of metal containers and container ends when moving with metal containers and container ends, from the plant and warehouse sites of Crown Cork & Seal Company, Inc., at North Bergen, N.J., and Philadelphia, Pa. and points in their commercial zone as defined by the Commission, to points in North Dakota, South Dakota, Nebraska, Iowa, Kansas, Oklahoma, and Arkansas. Restriction: The operations authorized herein is restricted to the transportation of traffic originating at the above-named plant and warehouse sites (Kankakee, Ill.)*; (16) (a) *Metal containers* (except containers which because of size or weight require the use of special equipment), *container ends*, and *accessories*, and (b) *materials* and *supplies* used in connection with the manufacture and distribution of metal containers and container ends when moving with metal containers and container ends, from the plant and warehouse sites of Crown Cork & Seal Co., Inc., at Salisbury, Md., and points in its commercial zone as defined by the Commission, to points in North Dakota, South Dakota, Iowa, Nebraska, Kansas, Oklahoma, and Arkansas (except points east of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 67 to the junction of U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line. Restriction: The operations authorized herein is restricted to the transportation of traffic originating at the above-named plant and warehouse sites (Kankakee, Ill.).*

(17) (a) *Metal containers* (except containers which because of size or weight require the use of special equipment), *container ends*, and *accessories*; and (b) *materials* and *supplies* used in connection with the manufacture and distribution of metal containers and container ends when moving with metal containers and container ends, from the plant and warehouse sites of Crown Cork & Seal Co., Inc., at Winchester, Va., and points in its commercial zone as defined by the Commission, to points in North Dakota, South Dakota, Nebraska, Iowa, Kansas, Oklahoma, and Arkansas (except points east of Arkansas Highway 7). Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the above-named plant and warehouse sites (Kankakee, Ill.)*; (18) (a) *Metal containers* (except containers which because of size or weight require the use of special equipment), *container ends*, and *accessories*, and (b) *materials* and *supplies* used in connection with the manufacture and distribution of metal containers and container ends

V40169 APR 9 75 XUM

when moving with metal containers and container ends, from the plant site of Crown Cork & Seal Co., Inc., at St. Louis, Mo., to points in North Dakota, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia (except points west of U.S. Highway 250), Virginia (except points west of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 250 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-North Carolina State line), and South Dakota (except points south of a line beginning at the Minnesota-South Dakota State line and extending along U.S. Highway 12 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 212, thence along U.S. Highway 212 to the South Dakota-Wyoming State line (Kankakee, Ill.).*

(19) *Metal containers* (except containers which because of size or weight require the use of special equipment), and *metal container ends* and *accessories* therefor, and *materials* and *supplies* used in the manufacture and distribution of metal containers and metal container ends when moving with metal containers and metal container ends, from the plant sites and storage facilities of the National Can Corporation at Danbury, Conn., and Edison, N.J., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Arkansas. Restriction: The authority granted herein is restricted to the transportation of shipments originating at the above-described facilities (Kankakee, Ill.)*; (20) *Metal containers* (except containers which because of size or weight require the use of special equipment), and *metal container ends*, and *accessories* thereof, and *materials* and *supplies* used in the manufacture and distribution of metal containers and metal container ends when moving with metal containers and metal container ends, from the plant sites and storage facilities of the National Can Corporation at Cambridge, Md., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Arkansas (except points east of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 67 to the junction of U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line. Restriction: The authority granted herein is restricted to the transportation of shipments originating at the above-described facilities (Kankakee, Ill.).*

(21) *Metal containers* (except containers which because of size or weight require the use of special equipment), and *metal container ends* and *accessories* therefor, and *materials* and *supplies* used in the manufacture and distribution of metal containers and metal container ends when moving with metal containers and metal container ends, from the plant sites and storage facilities of the National Can Corporation at Fairless and Hanover, Pa., and within that part of the New York, N.Y., commercial zone as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by section 203(b)(8) of the Interstate Commerce Act (the exempt zone), to North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Arkansas. Restriction: The authority granted herein is restricted to the transportation of shipments originating at the above-described facilities (Kankakee, Ill.)*; (22) (a) *Metal containers*, and (b) *metal container ends* and *metal container accessories* when moving with metal containers, from the plant and warehouse sites of National Can Corporation at points in the Minneapolis-St. Paul, Minn., commercial zone defined by the Commission, to points in North Carolina. Restriction: The authority granted herein is restricted to traffic originating at the named plant and warehouse sites (Chicago, Ill.)*; (23) (a) *Metal containers* (except containers which because of size or weight require the use of special equipment), and (b) *metal container ends* and *metal container accessories* when moving with metal containers, from the plant and warehouse sites of National Can Corporation at points in the Minneapolis-St. Paul, Minn., commercial zone as defined by the Commission, to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, Kentucky, and Tennessee. Restriction: The authority granted herein is restricted to traffic originating at the named plant and warehouse sites (Kankakee, Ill.).*

(24) *Metal containers* (except containers which, because of size or weight, require the use of special equipment), and *metal container ends* when moving with metal containers, from the plant and warehouse sites of National Can Corporation at points in the Minneapolis-St. Paul, Minn., commercial zone as defined by the Commission, to points in Mississippi, Alabama, Georgia, Florida, and South Carolina. Restriction: The authority granted herein is restricted to traffic originating at the named plant and warehouse sites (Kankakee, Ill., and Madisonville, Ky.)*; (25) *Metal containers* and *container ends*, from Birmingham, Ala., to points in North Dakota, South Dakota, Nebraska, Kansas, Montana, Wyoming, Colorado, Arizona, Utah, Idaho, Nevada, Washington, Oregon, California, Oklahoma (except points east of Oklahoma Highway 136), and New Mexico (except points south of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 54 to junction U.S. Highway 60, thence along U.S. Highway 60 to the New Mexico-Arizona State line) (Madisonville, Ky.)*; (26) *Metal containers* and *container ends*, from Birmingham, Ala., to points in Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine (Madisonville, Ky.).*

(27) *Metal containers* and *container ends*, from Bartow, Fla., to points in North Dakota, South Dakota, Nebraska, Kansas, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, Washington, Oregon, California, Arkansas (except points south of U.S. Highway 62), Oklahoma (except points south of a line beginning at the Arkansas-Oklahoma State line and extending along Interstate Highway 40 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Oklahoma-Texas State line), New Mexico (except points south and east of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 70 to junction U.S. Highway 54, thence along U.S. Highway 54 to the New Mexico-Texas State line), and points in that part of Texas in and north of Deaf-smith, Randall, Armstrong, Douley, and Collingsworth Counties, Tex. (Madisonville, Ky.)*; (28) *Metal containers* and *container ends*, from Orlando, Fla., to points in North Dakota, South Dakota, Nebraska, Kansas, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, Washington, Oregon, California, Arkansas (except points south of U.S. Highway 62), Texas (except points south of U. S. Highway 66), Oklahoma (except points south and east of a line beginning at the Arkansas-Oklahoma State line and extending along Interstate Highway 40 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Oklahoma-Texas State line), and New Mexico (except those points south and east of a line beginning at the Texas-New Mexico and extending along U.S. Highway 70 to junction U.S. Highway 54, thence along U.S. Highway 54 to the New Mexico-Texas State line) (Madisonville, Ky.).*

(29) *Metal containers* and *container ends*, from Spartansburg, S.C., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, Washington, Oregon, California, Texas (except points east of Interstate Highway 35), and Arkansas (except points east of a line beginning at the Missouri-Arkansas State line and extending along Arkansas Highway 7 to the junction of U.S. Highway 67, thence along U.S. Highway 67 to the Arkansas-Texas State line) (Madisonville, Ky.)*; (30) *Metal containers* and *container ends*, from the plant sites and warehouse facilities of Crown Cork & Seal Co., Inc., at Atlanta, Ga., to points in North Dakota, South Dakota, Nebraska, Kansas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, Washington, Oregon, California, Oklahoma (except points south of U.S. Highway 62), and Texas (except points south of U.S. Highway 62) (Madisonville, Ky.)*; (31) *Metal containers, container ends*, and when transported at the same time and in the same vehicle with metal containers, materials and supplies used in the distribution of metal containers, from the facilities of R. J. R. Foods, Inc., at Plymouth, Ind., to points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Arkansas, Wisconsin (except Kenosha, Milwaukee, and Racine), Tennessee (except points east of Tennessee Highway 69), Kentucky (except points east of U.S. Highway 45), and the Upper Peninsula of Michigan (except points east of a line beginning at Lake Superior at Marquette, Mich., and extending along U.S. Highway 41 to the Wisconsin-Michigan State line). Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the above-named facilities (Chicago, Ill.).*

(32) *Metal containers, container ends*, and when transported at the same time and in the same vehicle with metal containers, *materials* and *supplies* used in the distribution of metal containers, from the facilities of R. J. R. Foods, Inc., at Plymouth, Ind., to points in Connecticut, Massachusetts, Rhode Island (except those points west of a line beginning at Ogdensburg, N.Y., and extending along New York Highway 12 to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line), New Jersey (except points south of a line beginning at the Pennsylvania-New Jersey State line and extending along Interstate Highway 78 to junction Interstate Highway 278, thence along Interstate Highway 278 to the New Jersey-New York State line), and North Carolina (except points west of Interstate Highway 95). Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the above-named facilities (Chicago, Ill)*; (33) *Canned pickles, sauerkraut*, and *relish*, from Oconto, Wis., to points in West Virginia (Hoopeston, Ill.)*; (34) *Canned pickles, sauerkraut*, and *relish*, from Oconto, Wis., to points in Tennessee (Fowler, Ind.)*; (35) *Canned pickles, sauerkraut*, and *relish*, from Oconto, Wis., to points in Alabama (Milford, Ill.)*; (36) *Canned goods*, from Fowler, Ind., to points in Washington, Oregon, California, Nevada, Idaho, Montana, North Dakota, South Dakota (except points south of U.S. Highway 16), Wyoming (except points south of a line beginning at the Nebraska-Wyoming State line and extending along U.S. Highway 20 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Wyoming-Idaho State line), and Utah (except points east of U.S. Highway 91) (Green Bay, Wis.)*; (37) *Canned goods*, from Fowler, Ind., to points in Alabama (Milford, Ill.).*

(38) *Canned vegetables*, from Fowler, Ind., to points in Michigan (except those points south and west of a line beginning at Muskegon, Mich., and extending along Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line (Hoopeston, Ill.)*; (39) *Canned goods*, from Klondike, Ind., to points in Washington, Oregon, Idaho, Montana, North Dakota, South Dakota (except points south of U.S. Highway 16), Wyoming (except points south of a line beginning at the Nebraska-Wyoming State line and extending along U.S. Highway 20 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Wyoming-Idaho State line), Utah (except points east of U.S. Highway 91), Nevada (except points east of U.S. Highway 91), and California (except points south and east of a line beginning at the Nevada-California State line and extending along Interstate Highway 15 to junction Interstate Highway 5, thence along Interstate Highway 5 to the United States-Mexico International Boundary line) (Green Bay, Wis.)*; (40) *Canned goods*, from Klondike, Ind., to points in Alabama (Milford, Ill.)*; (41) *Canned goods*, from Klondike, Ind., to points in Pennsylvania and West Virginia (except points west of a line beginning at the Ohio River at Sisterville, Va., and extending along Virginia Highway 18 to junction U.S. Highway 119, thence along U.S. Highway 119 to the West Virginia-Kentucky State line) (Hoopeston, Ill.)*;

(42) *Canned goods*, from Klondike, Ind., to points in Michigan (except points south and west of a line beginning at Traverse City, Mich., and extending along Michigan Highway 37 to junction Michigan Highway 115, thence along Michigan Highway 115 to junction Michigan Highway 55, thence along Michigan Highway 55 to Lake Huron at Tawas City, Mich.) (Hoopeston, Ill.)*; (43) *Canned goods*, from Trafalgar, Ind., to points in North Dakota, Montana, Idaho, Washington, Oregon, South Dakota (except points south of U.S. Highway 16), Wyoming (except points south of U.S. Highway 16), Utah (except points south and east of a line beginning at the Idaho-Utah State line and extending along U.S. Highway 91 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Utah-Nevada State line), Nevada (except points south of U.S. Highway 91), and California (except points east of a line beginning at the Nevada-California State line and extending along Interstate Highway 15 to junction Interstate Highway 10, thence along Interstate Highway 10 to the Pacific Ocean) (Green Bay, Wis.)*; (44) *Canned vegetables*, from Trafalgar, Ind., to points in Michigan (except points south of a line beginning at Mackinaw City and extending along Interstate Highway 75 to junction Michigan Highway 72, thence along Michigan Highway 72 to Lake Michigan at Empire, Mich.) (Hoopeston, Ill.).*

(45) *Canned goods*, from Milford, Ill., to points in North Dakota, Montana, Idaho, Washington, Oregon, South Dakota (except points south and east of a line beginning at the Minnesota-South Dakota State line and extending along U.S. Highway 14 to the Minnesota-South Dakota State line and extending along U.S. Highway 14 to the junction of U.S. Highway 83, thence along U.S. Highway 83 to the South Dakota-Nebraska State line), Wyoming (except points south of U.S. Highway 26), Utah (except points east of a line beginning at the Wyoming-Utah State line and extending along Interstate Highway 80 to junction Interstate Highway 15, thence along Interstate Highway 15 to the Utah-Arizona State line), Nevada (except points south of Interstate Highway 15), and California (except points south and east of a line beginning at the Nevada-California State line and extending along Interstate Highway 15 to junction Interstate Highway 5, thence along Interstate Highway 5 to the United States-Mexico International Boundary line) (Fowler, Ind., and Green Bay, Wis.)*; (46) *Canned vegetables*, from Milford, Ill., to points in Michigan (except points south and west of a line beginning at Lake Michigan and extending along U.S. Highway 10 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line) (Fowler, Ind., and Hoopeston, Ill.)*; (47) *Canned goods*, from Milford, Ill., to points in Pennsylvania, West Virginia, Tennessee, and Wisconsin (Fowler, Ind.)*; (48) *Canned vinegar*, from Manitowoc, Wis., to points in West Virginia and Pennsylvania (Hoopeston, Ill.).*

(49) *Canned vinegar*, from Manitowoc, Wis., to points in Alabama, Kentucky, Missouri (except points north of U.S. Highway 36), Indiana (except points north of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24 to junction Indiana Highway 124, thence along Indiana Highway 124 to the Indiana-Ohio State line), and Ohio (except points north and west of a line beginning at the Indiana-Ohio State line and extending along Ohio Highway 81 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction Ohio Highway 3, thence along Ohio Highway 3 to Lake Erie at Cleveland, Ohio) (Milford, Ill.)*; (50) *Canned vinegar*, from Manitowoc, Wis., to points in Tennessee (Hoopeston, Ill., and Fowler, Ind.)*; (51) *Canned goods*, from Ft. Atkinson, Wis., to points in Pennsylvania and West Virginia (Hoopeston, Ill.)*; (52) *Canned vegetables*, from Ft. Atkinson, Wis., to points in Kentucky and Missouri (except points north of a line beginning at the Mississippi River at Claryville, Mo., and extending along Missouri Highway 51 to junction Missouri Highway 34, thence along Missouri Highway 34 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 160, thence along U.S. Highway 160 to the Missouri-Kansas State line) (Hoopeston, Ill.)*; (53) *Canned goods*, from Ft. Atkinson, Wis., to points in Tennessee (Fowler, Ind.)*; (54) *Canned goods*, from Ft. Atkinson, Wis., to points in Alabama (Fowler, Ind., and Milford, Ill.)*; (55) *Canned goods*, from points in Shawano, Waupaca and Brown Counties, Wis., to points in Pennsylvania and West Virginia (Hoopeston, Ill.)*; (56) *Canned goods*, from points in Outagamie, Oconto, and Marinette Counties, Wis., to points in Pennsylvania and West Virginia (Hoopeston, Ill.)*; (57) *Canned goods* from points in Shawano, Waupaca, and Brown Counties, Wis., to points in Tennessee (Fowler, Ind., and Hoopeston, Ill.).*

(58) *Canned goods*, from points in Outagamie, Oconto, and Marinette Counties, Wis., to points in Tennessee (Hoopeston, Ill., and Fowler, Ind.)*; (59) *Canned goods*, from points in Oconto and Marinette Counties, Wis., to points in Alabama, Kentucky, Ohio (except points north and west of a line be-

V40169 APR 9 75 XUM

ginning at the Indiana-Ohio State line and extending along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction Ohio Highway 4, thence along Ohio Highway 4 to Lake Erie at Sandusky, Ohio), Indiana (except points north of a line beginning at the Illinois-Indiana State line and extending along Indiana Highway 18 to junction Indiana Highway 67, thence along Indiana Highway 67 to the Indiana-Ohio State line), and Missouri (except points north of U.S. Highway 36) (Milford, Ill.)*; (60) *Canned goods*, from points in Waupaca and Outagamie Counties, Wis., to points in Alabama, Kentucky, Ohio (except points north and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction Ohio Highway 4, thence along Ohio Highway 4 to Lake Erie at Sandusky, Ohio), Indiana (except points north of a line beginning at the Illinois-Indiana State line and extending along Indiana Highway 18 to junction Indiana Highway 67, thence along Indiana Highway 67 to the Indiana-Ohio State line), and Missouri (except points north of U.S. Highway 54) (Milford, Ill.).*

(61) *Canned goods*, from points in Shawano and Brown Counties, Wis., to points in Alabama, Kentucky, Indiana (except points north of a line beginning at the Illinois-Indiana State line and extending along Indiana Highway 18 to junction Indiana Highway 67, thence along Indiana Highway 67 to the Indiana-Ohio State line), Missouri (except points north of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 36 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Missouri-Kansas State line), and Ohio (except those points north and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 224 to the junction of Ohio Highway 12, thence along Ohio Highway 12 to junction Ohio Highway 53, thence along Ohio Highway 53 to junction U.S. Highway 6, thence along U.S. Highway 6 to Lake Erie at Sundusky, Ohio) (Milford, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 5146 (Sub-No. E17), filed January 30, 1975. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2296, Green Bay, Wis. 54306. Applicant's representative: Neil A. DuJardin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products* (except commodities in bulk), from the plant and warehouse sites of International Paper Co., at Litchfield, Ill., to points in California, restricted to transportation of traffic originating at the plant and warehouse sites of International Paper Co. (Clearfield, Utah)*; (2)(a) *Such plastic bags, liners*, and *films*, as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products (except commodities in bulk), from Sibley, Iowa, to points in California, Nevada, Utah (except points east of U.S. Highway 91), Arizona (except points east of a line beginning at the Arizona-Nevada State line, thence along U.S. Highway 93 to Phoenix, thence along U.S. Highway 80 to junction Arizona Highway 85, thence along Arizona Highway 85 to the United States-Mexico International Boundary line), Idaho (except points north and east of a line beginning at the Oregon-Idaho State line, thence along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to Pocatello, Idaho, thence along U.S. Highway 91 to the Idaho-Utah State line), Oregon (except points west and north of a line beginning at the Washington-Oregon State line, thence along Oregon Highway 11 to junction Interstate Highway 80N, thence along Interstate Highway 80N to the Oregon-Idaho State line), and Washington (except points east and north of a line beginning at the United States-Canada International Boundary line, thence along Interstate Highway 5 to junction Washington Highway 410, thence along Washington Highway 410 to junction U.S. Highway 12, thence along U.S. Highway 12 to Walla Walla, thence along Washington Highway 11 to the Washington-Oregon State line), and (b) *Materials* and *supplies* (except commodities in bulk and those which because of size or weight require special equipment), used in the manufacture and distribution of the commodities described in (a) above, from the destination territory described above to Sibley, Iowa (Sterling, Colo., and Clearfield, Utah)*;

(3) *Expanded plastic articles* (except commodities in bulk), from points in Kern County, Calif., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Kentucky, Ohio, Michigan, Indiana, Illinois, Wisconsin, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas (except points south of a line beginning at the Colorado-Kansas State line, thence along Kansas Highway 96 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Kansas Highway 196, thence along Kansas Highway 196 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri State line), Missouri (except points south of a line beginning at the Oklahoma-Missouri State line, thence along Interstate Highway 44 to Springfield, Mo., thence along U.S. Highway 60 to Cabool, thence along U.S. Highway 63 to the Missouri-Arkansas State line), Tennessee (except points southwest of a line beginning at the Missouri-Tennessee State line, thence along Tennessee Highway 20 to Jackson, Tenn., thence along U.S. Highway 45 to the Mississippi-Tennessee State line), Alabama (except points south and west of a line beginning at the Mississippi-Alabama State line, thence along U.S. Highway 72 to junction U.S. Highway Alternate 72, thence along U.S. Highway Alternate 72 to junction Interstate Highway 65, thence along Interstate Highway 65 to Montgomery, Ala., thence along U.S. Highway 231 to the Alabama-Florida State line), and Florida (except points west of a line beginning at the Georgia-Florida State line, thence along U.S. Highway 27 to Tallahassee, Fla., thence along Florida Highway 363 to its termination on the Apalachee Bay), and the District of Columbia (Clearfield, Utah)*;

(4)(a) *Such plastic products* as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products (except commodities in bulk), from points in Washington to points in Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Illinois, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Ohio, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, Nebraska (except points north of a line beginning at the Wyoming-Nebraska State line, thence along U.S. Highway 26 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Nebraska State line), Iowa (except points north of a line beginning at the Nebraska-Iowa State line, thence along U.S. Highway 30 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction U.S. Highway 20, thence along U.S. Highway 20 to Dubuque, Iowa), and those points in the Lower Peninsula of Michigan (except points north of a line beginning at Ludington, thence along U.S. Highway 10 to Bay City), and the District of Columbia, and (b) *Materials* and *supplies* used in manufacture and distribution of commodities described in (a) above (except commodities in bulk, and those which because of size or weight require special equipment), from the destination territory described in (a) above to points in Washington (Clearfield, Utah)*;

(5)(a) *Such plastic products* as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products (except commodities in bulk), from points in Washington (except points east of U.S. Highway 97), points in Nebraska (except points east and north of a line beginning at the South Dakota-Nebraska State line, thence along Nebraska Highway 2 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction Nebraska Highway 7, thence along Nebraska Highway 7 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Nebraska-Iowa State line), Iowa (except points north of a line beginning at Sioux City, Iowa, thence along U.S. Highway 20 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Iowa Highway 9, thence along Iowa Highway 9 to Lansing, Iowa), Wisconsin (except points north of a line beginning at the Mississippi River, thence along Wisconsin Highway 171 to junction U.S. Highway 14, thence along U.S. Highway 14 to Madison, thence along U.S. Highway 151 to Beaver Dam, thence along Wisconsin Highway 33 to Horicon, thence along Wisconsin Highway 28 to Sheboygan), and points in the Lower Peninsula of Michigan (except points east and north of a line beginning at Traverse City, thence along Michigan Highway 37 to junction Michigan Highway 42, thence along Michigan Highway 42 to junction Michigan Highway 55, thence along Michigan Highway 55 to Tawas City), and (b) *Materials* and *supplies* (except commodities in bulk and those which because of size or weight require special equipment) used in the manufacture and distribution of commodities described in (a) above from the destination territory described in (a) above to the origin territory described in (a) above (Clearfield, Utah)*;

(6)(a) *Such plastic products* (except commodities in bulk) as are manufactured and distributed by manufacturers or converters of cellulose materials and products, and paper products, from points in Washington (except points east of Interstate Highway 5), to points in Nebraska, Iowa, Michigan (except points west of a line beginning at the Wisconsin-Michigan State line, thence along Michigan Highway 95 to junction U.S. Highway 41, thence along U.S. Highway 41 to Marquette), Wisconsin (except points north of a line beginning at the Minnesota-Wisconsin State line, thence along U.S. Highway 12 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction U.S. Highway 8, thence along U.S. Highway 8 to the Michigan-Wisconsin State line), Minnesota (except points north of a line beginning at the South Dakota-Minnesota State line, thence along Minnesota Highway 19 to junction Minnesota Highway 5, thence along Minnesota Highway 5 to junction U.S. Highway 212, thence along U.S. Highway 212 to Minneapolis, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line), and South Dakota (except points north of a line beginning at the Wyoming-South Dakota State line, thence along U.S. Highway 16 to junction South Dakota Highway 73, thence along South Dakota Highway 73 to junction U.S. Highway 18, thence along U.S. Highway 18 to the Iowa-South Dakota State line), and (b) *Materials* and *supplies* (except commodities in bulk and those which because of size or weight require special equipment) used in the manufacture and distribution of commodities described in (a) above, from the destination territory described in (a) above, to the origin territory described in (a) above (Clearfield, Utah)*;

(7)(a) *Such plastic products* (except commodities in bulk) as are manufactured or distributed by manufacturers or converters of, cellulose materials and products, and paper products, from points in Oregon to points in Texas, Oklahoma, Nebraska, Kansas, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Tennessee, Kentucky, Illinois, Indiana, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Iowa (except points north and west of a line beginning at the South Dakota-Iowa State line, thence along Iowa Highway 3 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Iowa-Minnesota State line), Wisconsin (except points north of a line beginning at LaCrosse, thence along U.S. Highway 16 to Sparta, thence along Wisconsin Highway 21 to Oshkosh, thence along U.S. Highway 41 to Green Bay), the Lower Peninsula of Michigan (except points north of Michigan Highway 72), and the District of Columbia, and (b) *Materials and supplies* (except commodities in bulk and those which because of size or weight require special equipment) used in the manufacture and distribution of commodities described in (a) above to Oregon (Clearfield, Utah)*; (8)(a) *Such plastic products* as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products (except commodities in bulk), from points in Oregon (except points east of a line beginning at the Washington-Oregon State line, thence along U.S. Highway 197 to junction U.S. Highway 97, thence along U.S. Highway 97 to the Oregon-California State line), to points in Michigan, Wisconsin, Minnesota (except points north of Minnesota Highway 210), and South Dakota (except points north and west of a line beginning at the Wyoming-South Dakota State line, thence along U.S. Highway 212 to junction U.S. Highway 83, thence along U.S. Highway 83 to the North Dakota-South Dakota State line), and (b) *Materials* and *supplies* (except commodities in bulk and those which because of size or weight require special equipment) used in the manufacture and distribution of commodities described in (a) above, from the destination territory described in (a) above, to the origin territory described in (a) above (Clearfield, Utah)*; (9)(a) *Such plastic products* as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products (except commodities in bulk), from points in that part of California on and north of Interstate Highway 80, to points in that part of the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas (except points in Texas west of a line beginning at the New Mexico-Texas State line, thence along U.S. Highway 84 to Lubbock, thence along U.S. Highway 87 to San Anotonio, thence along U.S. Highway 81 to Laredo), and (b) *Materials* and *supplies* (except commodities in bulk and those which because of size or weight require special equipment), used in the manufacture and distribution of commodities described in (a) above, from the destination territory described in (a) above, to the origin territory described in (a) above (Clearfield, Utah)*; (10)(a) *Such plastic products* (except commodities in bulk) as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from points in that part of California on and south of Interstate Highway 80, to points in North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Wisconsin, Michigan, Ohio, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Virginia (except points west of U.S. Highway 52), Kentucky (except points south of U.S. Highway 460), Indiana (except points south and west of a line beginning at the Indiana-Illinois State line, thence along Interstate Highway 70 to junction Indiana Highway 46, thence along Indiana Highway 46 to Bloomington, thence along Indiana Highway 37 to the Indiana-Kentucky State line), Illinois (except points south of U.S. Highway 36), and the District of Columbia, and (b) *Materials* and *supplies* (except commodities in bulk and those which because of size or weight require special equipment) used in the manufacture and distribution of commodities described in (a) above from the destination territory described in (a) above to the origin territory described in (a) above (Clearfield, Utah)*;

(11)(a) *Such plastic products* (except commodities in bulk) as are manufactured or distributed by manufacturers or convertors of cellulose materials and products, and paper products, from points in that part of California on, south, and west of a line beginning at San Francisco, thence along Interstate Highway 80 to Sacramento, thence along California Highway 99 to junction Interstate Highway 5, thence along Interstate Highway 5 to Los Angeles, to points in Virginia, North Carolina, South Carolina, Kentucky, Indiana, Illinois, Kansas (except points south of a line beginning at the Colorado-Kansas State line, thence along Kansas Highway 96 to Great Bend, thence along U.S. Highway 56 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Kansas Highway 196, thence along Kansas Highway 196 to El Dorado, thence along U.S. Highway 54 to the Kansas-Missouri State line), Missouri (except points south and west of a line beginning at the Oklahoma-Missouri State line, thence along Interstate Highway 44 to Springfield, thence along U.S. Highway 60 to Cabool, thence along U.S. Highway 63 to the Arkansas-Missouri State line), Tennessee (except points south and west of a line beginning at the Missouri-Tennessee State line, thence along Tennessee Highway 20 to Jackson, thence along U.S. Highway 45 to the Mississippi-Tennessee State line), Alabama (except points south and west of a line beginning at the Mississippi-Alabama State line, thence along U.S. Highway 72 to junction U.S. Highway Alternate 72 to Decatur, thence along U.S. Highway 31 to Birmingham, thence along U.S. Highway 78 to the Alabama-Georgia State line), Georgia (except points south and west

V40169 APR 9 75 XUM

of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 78 to Atlanta, thence along Interstate Highway 75 to Macon, thence along U.S. Highway 23 to the Georgia-Florida State line), and points in Florida (except points west of U.S. Highway 301), and (b) *Materials* and *supplies* (except commodities in bulk and those which because of size or weight require special equipment) used in the manufacture and distribution of commodities described in (a) above, from points in the destination territory described in (a) above to the origin territory described in (a) above (Clearfield, Utah) *;

(12) (a) *Such plastic products* (except commodities in bulk) as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from points in Nevada, to points in South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, South Dakota (except points north and west of a line beginning at the Wyoming-South Dakota State line, thence along U.S. Highway 212 to junction U.S. Highway 83, thence along U.S. Highway 83 to the North Dakota-South Dakota State line), North Dakota (except points west of U.S. Highway 83), Missouri (except points south of U.S. Highway 40), Kentucky (except points south and west of a line beginning at the Illinois-Kentucky State line, thence along Kentucky Highway 91 to Hopkinsville, thence along U.S. Highway 41 to the Kentucky-Tennessee State line), Tennessee (except points south and west of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 127 to Crossville, thence along U.S. Highway 70 to the Tennessee-North Carolina State line), and the District of Columbia, and (b) *Materials and supplies* (except commodities in bulk and those which because of size or weight require special equipment) used in the manufacture and distribution of the commodities described in (a) above, from the destination territory described in (a) above to Nevada (Clearfield, Utah) *;

(13) (a) *Such plastic products* (except commodities in bulk) as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products), from points in that part of Nevada on and north of U.S. Highway 50, to points in Kentucky, Tennessee, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Kansas, Oklahoma, Texas (except points west of a line beginning at the New Mexico-Texas State line and U.S. Highway 285, thence along U.S. Highway 285 to Pecos, thence along Texas Highway 17 to Marfa, thence along U.S. Highway 67 to Presidio), and (b) *Materials* and *supplies* (except commodities in bulk and those which because of size or weight require special equipment) used in the manufacture and distribution of commodities in (a) above, from the destination described in (a) above to the origin territory described in (a) above (Clearfield, Utah) *; (14) (a) *Such plastic products* (except commodities in bulk) as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from points in Idaho to points in Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Tennessee, Kentucky, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, Pennsylvania New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, Kansas (except points north of a line beginning at the Colorado-Kansas State line, thence along Kansas Highway 96 to Great Bend, thence along U.S. Highway 56 to junction Kansas Highway 150, thence along Kansas Highway 150 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Kansas Highway 68, thence along Kansas Highway 68 to the Kansas-Missouri State line), Missouri (except points north of a line beginning at the Kansas-Missouri State line, thence along Missouri Highway 52 to junction U.S. Highway 54, thence along U.S. Highway 54 to Jefferson City, thence along U.S. Highway 50 to St. Louis), Illinois (except points north of a line beginning at Alton, thence along Illinois Highway 140 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Illinois State line), Indiana (except points north of U.S. Highway 40), Ohio (except points north and west of a line beginning at the Indiana-Ohio State line, thence along U.S. Highway 36 to Delaware, thence along U.S. Highway 42 to Cleveland), and the District of Columbia, and (b) *Materials* and *supplies* (except commodities in bulk and those which because of size or weight require special equipment) used in the manufacture and distribution of commodities described in (a) above, from the destination territory described in (a) above, to Idaho (Clearfield, Utah) *;

(15) (a) *Such plastic products* (except commodities in bulk) as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from points in that part of Idaho on and south of U.S. Highway 26, to points in Kansas, Missouri, Iowa, Illinois, Indiana, Ohio, Michigan, Wisconsin (except at St. Croix Falls, thence along U.S. Highway 8 to junction U.S. Highway 63, thence along US. Highway 63 to junction U.S. Highway 2, thence along U.S. Highway 2 to Ashland), Minnesota (except points north of a line beginning at the Minnesota-South Dakota State line, thence along U.S. Highway 212 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to Wilmar, thence along U.S. Highway 12 to the Wisconsin-Minnesota State line), South Dakota (except points west and north of a line beginning at the Nebraska-South Dakota State line, thence along U.S. Highway 281 to junction U.S. Highway 212, thence along U.S. Highway 212 to the South Dakota-Minnesota State line), and Nebraska (except points north and west of a line beginning at the Wyoming-Nebraska State line, thence along U.S. Highway 30 to junction U.S. Highway 281, thence along U.S. Highway 281 to the South Dakota-Nebraska State line), and (b) *Materials* and *supplies* (except commodities in bulk and those which because of size or weight require special equipment) used in the manufacture and distribution of commodities described in (a) above from the destination territory described in (a) above to the origin territory described in (a) above (Clearfield, Utah) *;

16(a) *Such plastic products* (except commodities in bulk) as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from points in that part of Montana on and west of Interstate Highway 15, to points in Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Florida, Georgia, South Carolina, North Carolina, Maine, New Hampshire, Vermont, Massachusetts (except points west of U.S. Highway 5), Connecticut (except points west of a line beginning at the Massachusetts-Connecticut State line, thence along U.S. Highway 5 to New Haven, thence along Interstate Highway 95 to Bridgeport, Conn.), and Virginia (except points north and west of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 29 to Danville, thence along U.S. Highway 360 to its termination on the Chesapeake Bay), and (b) *Materials* and *supplies* (except commodities in bulk and those which because of size or weight require special equipment) used in the manufacture and distribution of commodities described in (a) above, from the destination territory described in (a) above to the origin territory described in (a) above (Clearfield, Utah) *;

(17) (a) *Such plastic articles* (except commodities in bulk) as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from points in that part of Arizona on, north, and west of a line beginning at Yuma, thence along Interstate Highway 80 to Phoenix, thence along U.S. Highway 89 to the Utah-Arizona State line, to points in North Dakota, South Dakota, Minnesota, Wisconsin, Michigan, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Iowa (except points south of a line beginning at Sioux City, thence along U.S. Highway 20 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 141, thence along U.S. Highway 141 to Des Moines, thence along Iowa Highway 163 to Oscaloosa, thence along Iowa Highway 92 to Muscatine), Illinois (except points south of Illinois Highway 17), Indiana (except points south of a line beginning at the Illinois-Indiana State line, thence along Indiana Highway 14 to junction U.S. Highway 35, thence along U.S. Highway 35 to Logansport, thence along U.S. Highway 24 to junction U.S. Highway 224, thence along U.S. Highway 224 to the Indiana-Ohio State line), Ohio (except

points south and west of a line beginning at the Indiana-Ohio State line, thence along U.S. Highway 33 to Marysville, thence along U.S. Highway 36 to junction Ohio Highway 60, thence along Ohio Highway 60 to Mariette), West Virginia (except points south and west of a line beginning at Parkersburg, thence along West Virginia Highway 14 to junction U.S. Highway 33, thence along U.S. Highway 33 to Elkins, W. Va., thence along U.S. Highway 219 to Marlinton, thence along West Virginia Highway 39 to the Virginia-West Virginia State line), Virginia (except points south of a line beginning at the Virginia-West Virginia State line, thence along U.S. Highway 250 to Richmond, thence along Interstate Highway 95 to Petersburg, thence along U.S. Highway 460 to Norfolk, thence along U.S. Highway 60 to Virginia Beach), and the District of Columbia, and (b) *Materials* and *supplies* (except commodities in bulk and those which because of size or weight require special equipment) used in the manufacture and distribution of commodities described in (a) above, from the destination territory as described in (a) above, to the origin territory described in (a) above (Clearfield, Utah) *;

(18) (a) *Such plastic products* (except commodities in bulk) as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from points in Utah (except points south and east of a line beginning at the Arizona-Utah State line, thence along U.S. Highway 91 to junction Utah Highway 26, thence along Utah Highway 26 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Utah-Colorado State line, to points in South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, Ohio, Michigan, Wisconsin, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, North Dakota (except points south and west of a line beginning at the United States-Canada International Boundary line, thence along U.S. Highway 52 to junction North Dakota Highway 200, thence along North Dakota Highway 200 to junction North Dakota Highway 1, thence along North Dakota Highway 1 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction North Dakota Highway 200, thence along North Dakota Highway 200 to junction North Dakota Highway 1, thence along North Dakota Highway 1 to junction U.S. Highway 52, thence along U.S. Highway 52 to Fargo, N. Dak.), Minnesota (except points south and west of a line beginning at Ortonville, thence along Minnesota Highway 7 to junction Minnesota Highway 22, thence along Minnesota Highway 22 to Mankato, thence along U.S. Highway 14 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Minnesota-Iowa State line), Illinois (except points west and south of a line beginning at the Illinois-Wisconsin State line, thence along Illinois Highway 26 to Peoria.

Thence along Illinois Highway 29 to Pekin, thence along Illinois Highway 9 to the Illinois-Indiana State line, Indiana (except points south and west of a line beginning at the Illinois-Indiana State line, thence along Interstate Highway 74 to junction Indiana Highway 39, thence along Indiana Highway 39 to junction Indiana Highway 37, thence along Indiana Highway 37 to Bloomington, thence along Indiana Highway 46 to junction Indiana Highway 135, thence along Indiana Highway 135 to the Indiana-Kentucky State line), Kentucky (except points west of a line beginning at Louisville, thence along U.S. Highway 31W to junction Kentucky Highway 90, thence along Kentucky Highway 90 to Glasgow, thence along U.S. Highway 31E to the Kentucky-Tennessee State line), Tennessee (except points west of a line beginning at the Kentucky-Tennessee State line thence along U.S. Highway 31E to Nashville, thence along U.S. Highway 41 to Chattanooga), Georgia (except points west of a line beginning at the Tennessee-Georgia State line, thence along Interstate Highway 75 to Cordele, thence along U.S. Highway 280 to junction U.S. Highway 441, thence along U.S. Highway 441 to the Georgia-Florida State line), Florida (except points west of a line beginning at the Georgia-Florida State line, thence along U.S. Highway 441 to Ocala, thence along Interstate Highway 75 to Tampa), and the District of Columbia, and (b) *Material* and *supplies* (except commodities in bulk and those which because of size or weight require special equipment) used in the manufacture and distribution of commodities described in (a) above, from the destination territory described in (a) above to the origin territory described in (a) above (Clearfield, Utah) *; and

(19) (a) *Such plastic products* (except commodities in bulk) as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from points in Box Elder, Tooele, Cache, Weber, Davis, Salt Lake, and Utah Counties, Utah, to points in that part of the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and (b) *Materials* and *supplies* (except commodities in bulk and those which because of size or weight require special equipment) used in the manufacture and distribution of commodities described in (a) above, from the destination territory described in (a) above to the origin territory described in (a) above (Clearfield, Utah).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 61592 (Sub-No. E4), filed June 3, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and *parts*, from Omaha, Nebr., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and points in Wisconsin on and east of a line beginning at Wisconsin Highway 27 at the Wisconsin-Iowa State line, to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction U.S. Highway 45 to the Wisconsin-Minnesota State line. Restriction: The operations authorized herein are restricted to the transportation of traffic (a) originating at the plant sites or warehouse facilities of International Harvester Co., and (b) destined to the destination points specified above (except that the restriction in (b) shall not apply to traffic moving in foreign commerce). The purpose of this filing is to eliminate the gateway of Rock Island, Ill.

No. MC 61592 (Sub-No. E5), filed June 3, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Prescott, Ark., to points in Michigan, Wisconsin, Minneapolis and St. Paul, Minn., and points in Illinois on and north of a line beginning at Illinois Highway 104 at Quincy to junction Illinois Highway 100, thence along Illinois Highway 100 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of Iowa east of U.S. Highway 65.

No. MC 61592 (Sub-No. E6), filed June 3, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Sheridan, Ark., to points in Wisconsin, Minneapolis and St. Paul, Minn. The purpose of this filing is to eliminate the gateway of Iowa east of U.S. Highway 65.

No. MC 61592 (Sub-No. E7), filed June 3, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and *parts*, from St. Louis, Mo., to points in Maine, Massachu-Dakota, Rhode Island, South Dakota, Vermont, Wisconsin (except those east of U.S. Highway 15), and points in Nebraska on and north of a line beginning at the Nebraska-Iowa State line and extending along Nebraska

V40169 APR 9 75 XUM

Highway 92 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 138 near Big Springs, thence to the Nebraska-Colorado State line. Restriction: The operations authorized herein are restricted to the transportation of traffic (a) originating at the plant sites or warehouse facilities of International Harvester Co., and (b) destined to the destination points specified above (except that the restriction in (b) shall not apply to traffic moving in foreign commerce). The purpose of this filing is to eliminate the gateway of Rock Island, Ill.

No. MC 61592 (Sub-No. E13), filed June 3, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural and garden tractors*, from Charles City, Iowa, to points in Florida. The purpose of this filing is to eliminate the gateway of Decatur, Ga., facilities of White Farm Equipment.

No. MC 61592 (Sub-No. E26), filed June 13, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building slabs and boards*, from Terry, Miss., to points in Colorado on and northeast of a line beginning at the Colorado-Kansas State line along U.S. Highway 40 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Colorado-Wyoming State line, and points in Connecticut, Massachusetts, Minnesota, Montana, New Hampshire, New Jersey, New York, Rhode Island, South Dakota, Vermont, and Wyoming. The purpose of this filing is to eliminate the gateway of Wright City, Mo.

No. MC 66900 (Sub-No. E1), filed May 24, 1974. Applicant: HOUFF TRANSFER, INC., P.O. Box 91, Weyers Cave, Va. 24486. Applicant's representative: Harold G. Hernly, Jr., 118 N. St. Asaph St., Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, in tank vehicles, those of unusual value, Classes A and B explosives, commodities requiring special equipment, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, and those injurious or contaminating to other lading; (1) between points in Cabell County, W. Va., Boyd and Greenup County, Ky., and Lawrence, Gallia, and Scioto Counties, Ohio, on the one hand, and, on the other, points in Virginia within 80 miles of Staunton, Va. (except Roanoke, Va.). The purpose of this filing is to eliminate the gateways of points in Cabell County, W. Va., and Augusta County, Va.). (2) Between points in Cabell County, W. Va., Boyd and Greenup Counties, Ky., and Lawrence, Gallia, and Scioto Counties, Ohio, on the one hand, and, on the other, points in Chesterfield County, Va., and points in that part of Virginia on and east of U.S. Highway 1. The purpose of this filing is to eliminate the gateways of points in Cabell County, W. Va., and Augusta County, Va. (3) Between points in Cabell County, W. Va., Boyd and Greenup Counties, Ky., and Lawrence, Gallia, and Scioto Counties, Ohio, on the one hand, and, on the other, points in the District of Columbia and points within 50 miles of the District of Columbia (service is not authorized between Washington, D.C., on the one hand, and, on the other, points and places in Virginia and West Virginia in the transportation of telephone supplies and equipment. The purpose of this filing is to eliminate the gateway of points in Cabell County, W. Va., and Augusta County, Va.

(4) Between points in Cabell County, W. Va., Boyd and Greenup Counties, Ky., and Lawrence, Gallia, and Scioto Counties, Ohio, on the one hand, and, on the other, Hagerstown, Md., Lancaster, Philadelphia, and Bristol, Pa., restricted against service between Lancaster, Pa., and points in Gallia County, Ohio. The purpose of this filing is to eliminate the gateways of Cabell County, W. Va., and Augusta County, W. Va. (5) Between points in Cabell County, W. Va., Boyd and Greenup Counties, Ky., and Lawrence, Gallia, and Scioto Counties, Ohio, on the one hand, and, on the other, points in that part of New Jersey located on and south of New Jersey Highway 70 (formerly New Jersey Highway 40), extending from Camden, N.J., through Marlton, Red Lion, and Four Mile, N.J., thence along New Jersey Highway 72 (formerly New Jersey Highway S-40), to Manahawkin, N.J., but not including Camden, N.J. The purpose of this filing is to eliminate the gateways of points in Cabell County, W. Va., Augusta County, Va., and Philadelphia, Pa. (6) From points in that part of Pennsylvania located on and south of U.S. Highway 422 and on and east of U.S. Highway 111 to points in Cabell County, W. Va., Boyd and Greenup Counties, Ky., and Lawrence, Gallia, and Scioto Counties, Ohio, restricted against service from that part of Pennsylvania on and south of U.S. Highway 111 which is in and west of Lancaster and Berks Counties, Pa., to Gallia County, Ohio. The purpose of this filing is to eliminate the gateways of points in Cabell County, W. Va., and Rockingham County, Va. (7) Between points in Cabell County, W. Va., Boyd and Greenup Counties, Ky., and Lawrence and Scioto Counties, Ohio, on the one hand, and, on the other, points in Clarke and Frederick Counties, Va. The purpose of this filing is to eliminate the gateways of points in Cabell County, W. Va., Augusta County, Va., and Chancellorsville, Va.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-9274 Filed 4-8-75;8:45 am]

V40169 APR 9 75 XUM

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CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1975)

Title 5—Administrative Personnel $4.35

Title 7—Agriculture (Parts 700–749) 4.25

Title 16—Commercial Practices (Part 150–End) 5.50

[A Cumulative checklist of CFR issuances for 1975 appears in the first issue of the Federal Register each month under Title 1]

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THURSDAY, APRIL 10, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 70

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THE NATIONAL ARCHIVES OF THE UNITED STATES * 1934 *

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

EXECUTIVE ORDER—Renunciation of certain uses in war of chemical herbicides and riot control agents..... 16187

FREEDOM OF INFORMATION—DoD procedure and requirements on availability of Defense Communications Agency records; effective 3–31–75..... 16203

WOOL—USDA/CCC publishes payment and deduction rates for 1974 marketing year; effective 4–3–75..... 16213

SEAT BELT ASSEMBLY—DoT/NHTSA proposes extension of present motor vehicle requirements to 8–31–76; comments by 5–12–75..... 16217

SAVINGS DEPOSITS—FDIC proposal on preauthorized payments or transfers; comments by 5–30–75..... 16219

TIME DEPOSITS—FDIC proposal on penalties for withdrawal before maturity; comments by 5–16–75..... 16219

NATURAL GAS—FPC proposes policy statement on pipeline transportation agreements; comments by 5–19–75 16220

MEETINGS—

HEW/NIH: Cancer Institutional Fellowship Review Committee, 5–12 through 5–16–75..... 16229

Advisory Committees, May meetings (2 documents).. 16229, 16230

National Library of Medicine, 4–30–75..... 16231

CSC: Federal Employees Pay Council, 5–7–75..... 16234

Federal Prevailing Rate Advisory Committee, 5–1, 5–15, 5–22 and 5–29–75..... 16246

DoD: Defense Science Board Task Force on Identification Friend, Foe or Neutral, 5–16–75..... 16223

Air Force Department: USAF Scientific Advisory Board, 5–1–75..... 16223

APR 10 75

reminders

NOTE: There are no items eligible for inclusion in the list of RULES GOING INTO EFFECT.

Daily List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

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contents

THE PRESIDENT

Executive Orders

Renunciation of certain uses in war of chemical herbicides and riot control agents 16187

EXECUTIVE AGENCIES

ACTION

Rules

Workers and contracts; nondisplacement and nonimpairment for service 16208

AGENCY FOR INTERNATIONAL DEVELOPMENT

Rules

Procurement 16205

AGRICULTURAL MARKETING SERVICE

Rules

Grade and size standards:
- Oranges, grapefruit, tangerines, and tangelos grown in Fla. ... 16210
- Oranges (Valencia) grown in Ariz. and Calif. 16211

Limitation of handling:
- Oranges (Navel and Valencia) grown in Ariz. and Calif. (2 documents) 16212, 16213

Redistricting and reapportionment of committee membership:
- Onions grown in Tex. 16211

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Animal Plant Health Inspection Service; Commodity Credit Corporation; Forest Service; Rural Electrification Administration.

AIR FORCE DEPARTMENT

Notices

Meetings:
- Scientific Advisory Board 16223

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Notices

Chemical residues in animal feeds, meat, and poultry; regulatory programs; memorandum of understanding with FDA 16225

Environmental statements:
- Veterinary Biologics Laboratory, Iowa 16225

CIVIL SERVICE COMMISSON

Rules

Excepted service:
- Federal Energy Administration .. 16189

Notices

Meetings:
- Federal Employees Pay Council .. 16234

COMMERCE DEPARTMENT

See National Oceanic and Atmospheric Administration.

COMMODITY CREDIT CORPORATION

Rules

Wool; 1974 marketing year; payment and deduction rates 16213

CONSUMER PRODUCT SAFETY COMMISSION

Rules

Toys; test methods for simulating use and abuse; correction 16191

DEFENSE DEPARTMENT

See also Air Force Department.

Rules

Conduct standards 16194
Freedom of information 16203

Notices

Meetings:
- Defense Science Board 16223

DELAWARE RIVER BASIN COMMISSION

Notices

Public hearing 16234

DRUG ENFORCEMENT ADMINISTRATION

Notices

Applications to import or manufacture controlled substances:
- G. D. Searle & Co 16235

EDUCATION OFFICE

Notices

Bilingual education; closing dates for receipt of applications 16231

ENVIRONMENTAL PROTECTION AGENCY

Rules

Water pollution; effluent guidelines for certain point source categories:
- Seafood; canned and preserved .. 16204

Proposed Rules

Air quality implementation plans:
- Idaho 16218

Notices

Air pollution, motor vehicles:
- California State standards 16235

Pesticide registration:
- Applications (3 documents) .. 16236–16238

Water pollution:
- Ocean dumping; application for permit to incinerate herbicide orange at sea; hearing 16236

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Rules

Procedural regulations 16193

FEDERAL AVIATION ADMINISTRATION

Rules

Airworthiness directives:
- Hughes 16189
- Lockheed-California Co 16189
- McDonnell Douglas 16190
- Rolls Royce 16190
- Sikorsky 16191

Proposed Rules

Airway segments; revocation 16217
VOR Federal airways 16217

FEDERAL DEPOSIT INSURANCE CORPORATION

Proposed Rules

Interest on deposits (2 documents) 16219

Notices

Savings deposits; policy regarding withdrawal by telephone 16239

FEDERAL DISASTER ASSISTANCE ADMINISTRATION

Notices

Disaster areas:
- Arkansas 16231
- Tennessee 16232
- Texas 16232

FEDERAL HIGHWAY ADMINISTRATION

Notices

Uniform Traffic Control Devices, National Advisory Committee on; renewal 16233

FEDERAL HOME LOAN BANK BOARD

Notices

Applications, etc.:
- Imperial Corp. of America 16240

FEDERAL INSURANCE ADMINISTRATION

Rules

National flood insurance program:
- Special hazard areas (3 documents); corrections .. 16192, 16193

FEDERAL MARITIME COMMISSION

Notices

Agreements filed:
- Pacific-India/Pakistan/Ceylon/Burma 16240
- Prudential Lines, Inc. and Companía Peruana de Vapores (2 documents) 16240

FEDERAL POWER COMMISSION

Proposed Rules

Pipeline transportation agreements; certification 16220

Notices

Hearings, etc.:
- Appalachian Power Co 16241
- Arizona Public Service Co 16241
- Barnhart, Paul F 16241
- Columbia Gas Transmission Corp 16241
- McDowell County Consumer Council, Inc 16242
- Natural Gas Pipeline Co. of America 16242
- Northern Electric Cooperative Association 16242
- Orange & Rockland Utilities, Inc. (2 documents) 16243
- Public Service Co. of Okla 16243
- Stafford, Jr. M. N., et al 16243
- Sun Oil Co 16244
- United Gas Pipe Line Co 16244
- Upper Peninsula Power Co 16245
- Vermont Electric Power Co., Inc 16245
- Virginia Electric & Power Co ... 16245
- Vulcan Materials Co 16245

V 40 170 APR 10 75 XUM

FEDERAL PREVAILING RATE ADVISORY COMMITTEE
Notices
Committee meetings ... 16246

FEDERAL RAILROAD ADMINISTRATION
Proposed Rules
Occupational safety standards ... 16217
Notices
Track and freight car safety standards; exemptions ... 16233

FEDERAL TRADE COMMISSION
Rules
Prohibited trade practices:
Brown's Quality Furniture, Inc., et al.; correction ... 16191
Fedders Corp.; correction ... 16191
Notices
Cigarette testing results; tar and nicotine content ... 16247

FISH AND WILDLIFE SERVICE
Rules
Fishing:
Salyer, J. Clark, National Wildlife Refuge, N. Dak ... 16210

FOOD AND DRUG ADMINISTRATION
Rules
Cosmetic products; warning statements/packaging labels (3 documents); corrections ... 16192
Notices
ARTX telecommunication equipment; memorandum of understanding:
Arizona Department of Health Services ... 16227
Chemical residues in animal feeds, meat and poultry; regulatory programs; memorandum with APHIS ... 16228

FOREST SERVICE
Notices
Environmental statements:
Basket Bay #2, timber sale ... 16226
Routt National Forest; revised timber management plan ... 16226

GENERAL ACCOUNTING OFFICE
Notices
Regulatory reports review:
Receipt of proposals ... 16248

GENERAL SERVICES ADMINISTRATION
Notices
Authority delegations:
Secretary of Defense (2 documents) ... 16248, 16249
Commission on Government Procurement; rejection of recommendations ... 16248

GEOLOGICAL SURVEY
Notices
Geothermal resource areas:
California ... 16224
Montana and New Mexico ... 16225
Oregon; correction ... 16224

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Education Office; Food and Drug Administration; National Institutes of Health.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See Federal Disaster Assistance Administration; Federal Insurance Administration; Interstate Land Sales Registration Office.

IMMIGRATION AND NATURALIZATION SERVICE
Proposed Rules
Fees ... 16215

INTERIOR DEPARTMENT
See also Fish and Wildlife Service; Geological Survey; Land Management Bureau.
Notices
Environmental statements:
Makah National Fish Hatchery, Wash ... 16225

INTERSTATE COMMERCE COMMISSION
Notices
Fourth section applications for relief ... 16258
Hearing assignments ... 16258
Motor carrier, broker, water carrier and freight forwarder applications ... 16276
Motor carriers:
Irregular route property carriers; gateway elimination ... 16259
Transfer proceedings ... 16258

INTERSTATE LAND SALES REGISTRATION OFFICE
Notices
Hearings, etc.:
Lake Mohave Highlands ... 16232
Neenach Ranch ... 16232
Reflection Lakes ... 16233

JUSTICE DEPARTMENT
See Drug Enforcement Administration; Immigration and Naturalization Service.

LABOR DEPARTMENT
See Occupational Safety and Health Administration.

LAND MANAGEMENT BUREAU
Rules
Public land orders:
California ... 16208
Notices
Applications, etc.:
Montana ... 16223
New Mexico (3 documents) ... 16223
Wyoming (3 documents) ... 16224
Public land opening:
Oregon ... 16224
Reclassification notice:
Wyoming ... 16224

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Proposed Rules
Occupant crash protection ... 16217

NATIONAL INSTITUTES OF HEALTH
Notices
Meetings:
Cancer Institutional Fellowship Review Committee ... 16229
National Cancer Institute advisory committees (2 documents) ... 16229, 16230
National Library of Medicine Board of Regents Subcommittee for Extramural Programs ... 16231

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
Rules
Tuna, yellowfin (2 documents); corrections ... 16210
Proposed Rules
King crab in Alaska; financial aid program ... 16216
Notices
Marine mammal permit applications:
Northwest Fisheries Center ... 16227

NATIONAL TRANSPORTATION SAFETY BOARD
Notices
Safety recommendation; availability ... 16233

NUCLEAR REGULATORY COMMISSION
Notices
Applications, etc.:
Rochester Gas & Electric Corp ... 16249

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
Notices
State plans for enforcement of standards:
South Carolina; approval ... 16257

RURAL ELECTRIFICATION ADMINISTRATION
Notices
Loan guarantee proposed:
Hillsborough & Montgomery Telephone Co ... 16226
Murraysville Telephone Co., Inc ... 16227

SECURITIES AND EXCHANGE COMMISSION
Notices
Option plans:
Chicago Board Options Exchange, Inc. (2 documents) ... 16254
Hearings, etc.:
Aetna Variable Annuity Life Insurance Co. (2 documents) ... 16249, 16252
BBI, Inc ... 16253
Jersey Central Power & Light Co. (2 documents) ... 16253, 16254

SMALL BUSINESS ADMINISTRATION
Notices
Applications, etc.:
First Capital Corp ... 16255
Greenway Small Business Investment Co ... 16255
TransPac Capital Fund, Inc ... 16256
West Coast Capital Co ... 16257
Western Capital Corp ... 16257
Western Venture Resources, Inc ... 16257
Disaster areas:
Arkansas ... 16255
Georgia ... 16255
Kentucky ... 16256
North Carolina ... 16256
Tennessee (2 documents) ... 16257
Texas ... 16256
Meetings:
Denver District Advisory Council ... 16255
St. Louis District Advisory Council ... 16256

STATE DEPARTMENT
See Agency for International Department.

TRANSPORTATION DEPARTMENT
See Federal Aviation Administration; Federal Highway Administration; Federal Railway Administration; National Highway Traffic Safety Administration; National Transportation Safety Board.

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

3 CFR
EXECUTIVE ORDERS:
11850 ... 16187

5 CFR
213 ... 16189

7 CFR
905 ... 16210
907 ... 16212
908 (2 documents) ... 16211, 16213
959 ... 16211
1472 ... 16213

8 CFR
PROPOSED RULES:
103 ... 16215

12 CFR
PROPOSED RULES:
329 (2 documents) ... 16219

14 CFR
39 (5 documents) ... 16189–16191
PROPOSED RULES:
71 (2 documents) ... 16217

16 CFR
13 (2 documents) ... 16191
1500 ... 16191

18 CFR
PROPOSED RULES:
2 ... 16220

21 CFR
701 ... 16192
740 (2 documents) ... 16192

24 CFR
1915 (3 documents) ... 16192, 16193

29 CFR
1601 ... 16193
PROPOSED RULES:
1910 ... 16217

32 CFR
40 ... 16194
287 ... 16203

40 CFR
406 ... 16204
PROPOSED RULES:
52 ... 16218

41 CFR
7–1 ... 16205
7–6 ... 16205
7–7 ... 16205
7–16 ... 16206
7–30 ... 16206

43 CFR
PLO 5496 ... 16208

45 CFR
1216 ... 16208

49 CFR
PROPOSED RULES:
571 ... 16217

50 CFR
33 ... 16210
280 (2 documents) ... 16210
PROPOSED RULES:
251 ... 16216

V 40 70 APR 10 75 XUM

CUMULATIVE LIST OF PARTS AFFECTED—APRIL

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during April.

3 CFR

PROCLAMATIONS:
2799 (Revoked by Proc. 4360) 14567
2937 (Revoked by Proc. 4360) 14567
2938 (Revoked by Proc. 4360) 14567
2942 (Revoked by Proc. 4360) 14567
2972 (Revoked by Proc. 4360) 14567
3314 (Revoked by Proc. 4360) 14567
4101 (Revoked by Proc. 4360) 14567
4346 (Amended by Proc. 4359) 14565
4359 14565
4360 14567
4361 15063
4362 15861
4363 15863

EXECUTIVE ORDERS:
11809 (See EO 11849) 14887
11828 (Amended by EO 11848) 14885
11847 14568
11848 14885
11849 14887
11850 16187

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS
Memorandum of March 24, 1975 15377

4 CFR

408 ..... 14737, 15865
409 15865

PROPOSED RULES:
351 14942

5 CFR

213 ..... 15379, 16189
300 15379
302 15380
315 15380
890 14569
1001 14570

7 CFR

6 16069
51 15381
52 15890–15900
270 16069
271 16069
301 16070
331 16072
401 15905
410 15905
724 14737
731 14601
873 16072
905 ..... 14889, 16210
907 ..... 14889, 16073, 16212
908 ..... 14890, 16211, 16213
910 ..... 15065, 16073
944 14891
959 16211
991 14737
1250 15065
1472 16213
1701 16074
1872 15065
2710 14891

PROPOSED RULES:
29 15390
401 14777
1002 ..... 14702, 15390

7 CFR—Continued

PROPOSED RULES—Continued
1004 ..... 14702, 15390
1033 14769
1251 15906
1421 15390
1823 14776
1842 15405

8 CFR

PROPOSED RULES:
103 16215
214 15092

9 CFR

94 14571

PROPOSED RULES:
303 15906
381 15906

10 CFR

70 16047
211 14738
213 16047

PROPOSED RULES:
73 15098
205 14605
211 ..... 14605, 16089
212 15041
213 14948

12 CFR

541 15865
545 ..... 15382, 15865
563 14738
602 14571

PROPOSED RULES:
7 14767
206 15909
329 16219
335 14947
541 15096
545 15096
584 16090
701 15404
721 15404
745 15404

13 CFR

PROPOSED RULES:
107 14606
120 15098

14 CFR

39 ..... 14739, 14740, 14891, 14892, 15085–15086, 15384, 15866, 16189–16191
71 ..... 14740, 14741, 15086, 15385, 15867, 16050
97 14893
288 14893
400 14572
401 14574
425 14578

PROPOSED RULES:
25 15093
71 ..... 14780, 14781, 15094, 15399, 15400, 15907, 16088, 16089, 16217
73 15907
75 14781

15 CFR

350 14921
355 14925
377 15867
500 14930

PROPOSED RULES:
803 14603

16 CFR

1 ..... 15232, 15233
2 15235
3 ..... 15234, 15236
4 ..... 15235, 15236
13 ..... 14579–14582, 14741, 14894–14904, 15385, 15386, 15868–15872, 16050, 16191
302 14584
1500 16191

PROPOSED RULES:
1 15237
3 15239
4 15245

17 CFR

150 15086
200 ..... 14748, 16052

PROPOSED RULES:
150 15907
240 16090
275 14782

18 CFR

301 14749

PROPOSED RULES:
Ch. I 15402
2 16220
35 14606
101 14606
104 14606
141 15402
154 14606
202 14606
204 14606

19 CFR

6 15386
22 14749
113 14749
153 14591

PROPOSED RULES:
112 15389
113 15389

20 CFR

10 14750
405 ..... 14591, 14934

PROPOSED RULES:
405 14934

21 CFR

8 15087
121 14905
123 14592
312 16053
431 15088
436 15088
440 15088
444 14906
448 15088
449 15089

21 CFR—Continued

701 16192
740 16192
1030 14750

PROPOSED RULES:
27 16085
1301 16082
1308 16082

22 CFR

1 15392
3 15392

PROPOSED RULES:
8 15060

23 CFR

1 16057
140 16057
635 14906
646 16059
662 14907

24 CFR

300 14753
570 15089
800 15580
801 15580
802 15580
803 15580
804 15580
880 15580
881 15580
882 15580
883 15580
888 15580
889 15542
1700 14753
1914 14599–14601
1915 ..... 14754, 16192, 16193

25 CFR

43k 14592

26 CFR

301 15090

PROPOSED RULES:
1 14767

29 CFR

90 14908
670 16063
694 15875
726 16063
1601 16193
1913 15876
2300 14593

PROPOSED RULES:
4 16082
1910 ..... 15390, 16217
1926 15390

32 CFR

40 16194
287 16203
856 14758

33 CFR

117 ..... 14594, 15093
380 14761

PROPOSED RULES:
117 ..... 14604, 15903
266 14872

36 CFR

7 14912
603 15877
604 15877

38 CFR

3 16064

PROPOSED RULES:
1 14783
3 16092

39 CFR

PROPOSED RULES:
111 15909

40 CFR

52 ..... 14595, 15879
65 14876
180 ..... 14496, 14597, 15387, 15880
408 16204

PROPOSED RULES:
52 ..... 15094, 15095, 16218
408 15096

41 CFR

1-3 15880
1-7 14913
1-12 14913
1-15 14913
1-30 14917
7-1 16205
7-6 16205
7-7 16205
7-16 16206
7-30 16206
14-3 15091
109-1 15091

PROPOSED RULES:
Ch. 60 14953

42 CFR

57 14762

PROPOSED RULES:
57 14932

43 CFR

PUBLIC LAND ORDERS:
5494 16066
5496 16208

PROPOSED RULES:
4 14603
2650 14603

45 CFR

112 16013
113 16015
114 16019
115 16032
151 14762
154 14917
155 14918
190 15248
249 14597
250 ..... 14597, 15388
1216 16208

PROPOSED RULES:
250 15093
156 16086

46 CFR

380 14599
528 14599
533 14599

PROPOSED RULES:
32 14935
50 14935
52 14935
53 14935
54 14935
56 14935
58 14935
63 14935
502 15097
550 15401

47 CFR

0 14764
1 15883
15 ..... 15091, 15881
73 ..... 15546, 15882–15889
76 15546

PROPOSED RULES:
73 ..... 14943–14947, 15907, 15908
76 15574

49 CFR

1 14764
310 14919
571 14765
1033 ..... 14765, 14766
1126 16066
1201 15388

PROPOSED RULES:
571 16217
1241 15402
1249 15402
1250 15402
1251 15402

50 CFR

32 14920
33 ..... 14766, 14920, 16210
280 16210

PROPOSED RULES:
17 14767
227 14777
251 ..... 14778, 14779, 16216

FEDERAL REGISTER PAGES AND DATES—APRIL

Pages	Date
14565–14735	Apr. 1
14737–14883	2
14885–15062	3
15063–15376	4
15077–15859	7
15861–16046	8
16047–16186	9
16187–16291	10

V 40 170 APR 10 75 XUM

presidential documents

Title 3—The President

EXECUTIVE ORDER 11850

Renunciation of Certain Uses in War of Chemical Herbicides and Riot Control Agents

The United States renounces, as a matter of national policy, first use of herbicides in war except use, under regulations applicable to their domestic use, for control of vegetation within U.S. bases and installations or around their immediate defensive perimeters, and first use of riot control agents in war except in defensive military modes to save lives such as:

(a) Use of riot control agents in riot control situations in areas under direct and distinct U.S. military control, to include controlling rioting prisoners of war.

(b) Use of riot control agents in situations in which civilians are used to mask or screen attacks and civilian casualties can be reduced or avoided.

(c) Use of riot control agents in rescue missions in remotely isolated areas, of downed aircrews and passengers, and escaping prisoners.

(d) Use of riot control agents in rear echelon areas outside the zone of immediate combat to protect convoys from civil disturbances, terrorists and paramilitary organizations.

I have determined that the provisions and procedures prescribed by this Order are necessary to ensure proper implementation and observance of such national policy.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States of America by the Constitution and laws of the United States and as Commander-in-Chief of the Armed Forces of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of Defense shall take all necessary measures to ensure that the use by the Armed Forces of the United States of any riot control agents and chemical herbicides in war is prohibited unless such use has Presidential approval, in advance.

SEC. 2. The Secretary of Defense shall prescribe the rules and regulations he deems necessary to ensure that the national policy herein announced shall be observed by the Armed Forces of the United States.

Gerald R. Ford

THE WHITE HOUSE,
April 8, 1975.

[FR Doc.75-9504 Filed 4-8-75;3:31 pm]

V 40 70 APR 10 75 XUM

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Federal Energy Administration

Section 213.3388 is amended to reflect the following title change from: Confidential Secretary (Stenography) to the General Counsel to Confidential Assistant (Secretary) to the General Counsel. Effective on April 10, 1975, § 213.3388 (e) (2) is amended as set out below.

§ 213.3388 Federal Energy Administration.

* * * * * *

(e) *Office of the General Counsel.* * * *

(2) One Confidential Assistant (Secretary) to the General Counsel.

(5 U.S.C. secs. 3301, 3302, E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-9290 Filed 4-9-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 75–WE–19–AD; Amdt. 39–2162]

PART 39—AIRWORTHINESS DIRECTIVES

Hughes 269 Series Helicopters Including Military TH–55A Helicopters

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted on March 6, 1975, and made effective immediately by airmail letters to all known United States operators or owners of Hughes 269 series helicopters, including military TH–55A helicopters equipped with certain part numbered linear clutch actuators. In addition, the directive was made effective immediately to all operators who had accomplished the inspections and replacements of defective screws in accordance with the procedures in Hughes Service Information Notice No. N–126, dated February 24, 1975. The directive was made effective immediately due to hydrogen embrittlement failures of a certain type of retainer screw which internally secure the clutch actuator lug to the housing. The directive requires partial disassembly of the clutch actuator, inspection for possible defective retainer screws, and, if necessary, replacement of defective screws, and identification of the actuator to indicate compliance with the directive.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators or owners of Hughes 269 series helicopters and military TH–55A helicopters by individual airmail letters dated March 7, 1975. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

HUGHES HELICOPTERS. Applies to Hughes 269 series helicopters certificated in all categories, including military model TH–55A, which are equipped with linear clutch actuators, P/N DL 1020M81C(12V), 269A4564, or DL 1020M82C(28V), including those helicopters on which Hughes Service Information Notice No. N–126, dated February 24, 1975, has been accomplished.

(A) Prior to further flight, unless previously accomplished, remove the actuator and cover at the lug end of the linear clutch actuator in accordance with Hughes 269 series Maintenance Manual of Instructions, issued April 1973, Revision No. 2, January 1, 1974.

(A) (1) Visually identify the markings on the four number 4–40 Allen screw heads which secure the lug to the housing. If any retainer screw has a single band of vertical lines around the outside diameter of the raised head, mutilate and discard the screw. Replace any retainer screw having such vertical lines with new screws having either of the following part numbers, and torque to five to seven inch-pounds: New Ny-Lock P/N P60HS440–12C or new Simmonds P/N S6370CESCS4–12.

(A) (2) Operators who have complied with paragraph "d", per Hughes Service Information Notice No. N–126, dated February 24, 1975, by installing these new screws, are not required to repeat the replacement of the new screws if the procedures of paragraph (A) (1) of this AD have been followed.

(A) (3) If the identifying markings on the outside diameter of the raised head consist of any thing other than the single band of vertical lines, such as cross hatched band, double band of vertical lines, etc., the retainer screws need not be replaced.

(B) After complying with paragraphs (A) (1), (A) (2), and (A) (3), as applicable, identify the actuators by hand impression stamping the letter "B" on the bottom line of the actuator data plate.

(C) Reassemble and install the actuator in accordance with the Hughes Maintenance Manual of Instructions.

(D) Record inspections and modifications per this AD in aircraft maintenance records in accordance with FAR 43.9.

(E) Helicopters may be flown to a base where maintenance may be performed to comply with this AD per FAR's 21.197 and 21.199.

(F) Equivalent inspection and modification procedures may be approved by the Chief, Aircraft Engineering Division, FAA Western Region."

This amendment is effective April 14, 1975, for all persons except those to whom it was made effective immediately by airmail letter dated March 7, 1975.

This amendment is made under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California on March 31, 1975.

LYNN L. HINK,
Acting Director, FAA Western Region.

[FR Doc.75-9337 Filed 4-9-75;8:45 am]

[Airworthiness Docket No. 75–WE–15–AD; Amdt. 39–2166]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed-California Company Model L–1011–385–1 Series Airplanes

There have been failures of the C–1 cargo door hooks on Lockheed-California Company L–1011–385–1 airplanes due to cracks that could result in fatigue failures in the hook/door surround structure which would cause a sudden in-flight depressurization. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspections and replacement of C–1, C–2, and C–3 cargo door hooks on Lockheed-California Company L–1011–385–1 Series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

LOCKHEED–CALIFORNIA COMPANY. Applies to Lockheed-California Company Model L–1011–385–1 series airplanes certificated in all categories.

To prevent possible failures of the C–1, C–2, and C–3 cargo door hooks due to cracks, accomplish the following:

(a) Within 275 additional flight hours after the effective date of this AD, unless already

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accomplished, perform the following per Lockheed Alert Service Bulletin 093-53-A079, Revision 1, dated March 26, 1975 or later FAA-approved revision.

(1) An inspection of the C-1, C-2 and C-3 cargo door hooks for identification configuration and affixing of appropriate part numbers;

(2) A dye penetrant inspection of all hooks for cracks;

(3) Replace all cracked hooks prior to further flight.

(4) Scrap hooks identified as P/N's 157205-103/-105.

(5) Check rigging of hooks and doors for usage, and rerig, as required.

(b) Perform a dye penetrant inspection for cracks at intervals not to exceed 1500 hours time in service, of the C-1 and C-2 cargo door hooks identified as P/N's 157205-107/-109 (per the inspection of (a)(1), above). Replace all cracked hooks prior to further flight.

(c) Within 3000 flight hours after the initial inspections performed per (a)(1) and (2), above, replace all hooks identified as P/N's 157205-107/-109 with hooks identified as P/N's 157205-111/-113 on the C-1 and C-2 cargo doors.

(d) Equivalent inspections and replacements may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(e) Airplanes may be flown to a base for the accomplishment of the inspections and replacements required by this AD, per FAR's 21.197 and 21.199

This amendment becomes effective April 16, 1975.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California on April 1, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.75-9335 Filed 4-9-75;8:45 am]

[Airworthiness Docket No. 74-WE-51-AD; Amdt. 39-2165]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-30, and DC-10-30F Airplanes

A proposal to amend Part 39 of Federal Aviation Regulations to include an airworthiness directive requiring modifications of the engine nose cowl attachments per McDonnell Douglas DC-10 Service Bulletin 71-53, dated September 25, 1974, on McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-30, and DC-10-30F airplanes was published in 39 FR 44034.

Interested persons have been afforded an opportunity to participate in the making of the amendment. The Air Transport Association has commented that the 4000 hour compliance time could create a logistic problem because of the need to intermix modified cowls with unmodified engines and vice-versa during the modification program. FAA considers the 4000 hour compliance time adequate to implement the requirements of this AD.

One airline, through the ATA, has commented that the one case of DC-10 cowling loss was due to massive engine imbalance as a result of fan blade departure. All ATA members' CF6 engines are equipped with improved fan blade retainers and the fan blade tip clearances have been increased. The airline contends that, because of these improvements, the original cause of a massive engine imbalance occurrence has been removed and, therefore, a potential cause for loss of the nose cowl has been eliminated.

The FAA does not agree. Notwithstanding the recent CF6 engine improvements designed to remove the possibility of a massive engine imbalance, the improvements (1) are not mandatory installations; and (2) the possible causes of an engine imbalance due to blade departure have not been completely eliminated. The AD is intended to minimize the possibility of such an occurrence.

Comments received from Douglas Aircraft Company also mention recent improvements to the CF6 engine as rationale for not requiring mandatory compliance by airworthiness directive. In addition, they state that there has been only one suspected incident, in 2.3 million CF6 engine operating hours, when some nose cowl bolts may have severed. In that instance, the nose cowl remained in place. They further state that the present nose cowl attachment configuration was designed to withstand conservatively high unbalance loads and, that although they released the improved 21 bolt design by a Service Bulletin to reestablish the conservatism intended by their original design objective, they contend that mandatory incorporation of additional nose cowl attachments by airworthiness directive is not substantiated.

FAA agrees that the nose cowl design conservatism should be well established. The intent of issuing this AD is to uniformly establish the conservatism of the nose cowl structural integrity.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MCDONNELL DOUGLAS. Applies to Model DC-10-10, DC-10-10F, DC-10-30, and DC-10-30F airplanes certificated in all categories.

Compliance required within the next 4000 flight hours after the effective date of this AD, unless already accomplished.

To minimize the possibility of losing a wing engine nose cowl due to severed nose cowl attach bolts and engine unbalance loads, modify the wing engine nose cowls per McDonnell Douglas DC-10 Service Bulletin 71-53, "Powerplant—Cowling—Modify Engine Nose Cowl Attachments," dated September 25, 1974, or later FAA-approved revisions, or an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

Special flight permits may be issued under FAR 21.197 and 21.199 for the purpose of moving the aircraft to a base to perform the requirements of this AD.

This amendment becomes effective May 16, 1975.

This amendment is made under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California on April 1, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.75-9336 Filed 4-9-75;8:45 am]

[Docket No. 14228; Amdt. No. 39-2170]

PART 39—AIRWORTHINESS DIRECTIVES

Rolls Royce RB 211 Series Engines

The telegraphic AD adopted on October 4, 1974, and Amendment 39-2060 (39 FR 44740), AD-75-02-02, require borescope and dye penetrant inspections for cracks in the intermediate compressor casing in the vicinity of the internal wheelcase oil scavenge boss and the borescope access port of wing-mounted engines, and require replacement of cracked casings with serviceable casings.

After issuing Amendment 39-2060, the FAA determined that cracks had also occurred in the outer main casing wall in the vicinity of the internal gear box oil vent and pressure tube connections, and that cracks had been found in engines other than wing-mounted engines. The FAA further determined that the borescope inspection required by Amendment 39-2060 has not been effective in detecting cracks in the annulus wall web. Finally, based on service experience, the FAA has determined that the periodic inspection frequency should be changed to 150 cycles unless the engine is equipped with a sleeve insert in the drilled oil passageway, in which case the inspection frequency may go to 300 cycles. The AD is, therefore, being superseded by a new AD that requires inspection of all engines regardless of position on the aircraft, requires dye penetrant inspection of additional areas of the main casing wall, deletes the borescope inspection, and changes the periodic inspection frequency.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and contrary to the public interest and good cause exists for making this amendment effective in less than 30 days.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423 and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding

the following new airworthiness directive:

ROLLS ROYCE (1971) LIMITED. Applies to Rolls Royce RB 211 Series Engines.

Compliance required as indicated.

To prevent inflight engine shutdown that could result from cracks in the engine intermediate casing comply with the following:

(a) Within the next 50 hours time in service after the effective date of this amendment, or before the accumulation of the lesser of 400 hours time in service or 280 cycles, whichever occurs later, unless already accomplished in accordance with revision 3 of Rolls Royce Service Bulletin RB-211-72-A3077 dated January 31, 1975, comply with paragraph (b) of this AD.

(b) Using dye penetrant, inspect the outside of the intermediate compressor casing for axial cracks in the outer main casing wall—

(1) In the vicinity of the internal wheel case oil scavenge boss and the borescope access port at the 5 o'clock location when viewed from the rear; and

(2) In the vicinity of the internal gearbox oil vent and pressure tube connections (ground handling point) at the 9 o'clock location when viewed from the rear.

(c) If a crack is found during an inspection required by this AD that has not reached the oil scavenge boss at the 5 o'clock location or the ground handling point at the 9 o'clock location, before further flight, except that the engine may be operated in accordance with FAR §§ 21.197 and 21.199 to a base where replacement can be accomplished, replace the cracked casing with a serviceable casing.

(d) If a crack is found during an inspection required by this AD that has progressed from a point forward to a point aft of the oil scavenge boss at the 5 o'clock location, or from a point forward to a point aft of the ground handling point at the 9 o'clock location, replace the cracked casing with a serviceable casing, before further flight, except that the engine may be operated—

(1) In accordance with FAR §§ 21.197 and 21.199 to a base where replacement can be accomplished; or

(2) For up to 7 additional cycles if—

(i) There is no visible loss of oil;

(ii) Engine oil consumption remains within limits; and

(iii) All other engines on the aircraft are inspected in accordance with this AD at the same time as the affected engine and found free of cracks.

(e) Repeat the inspection specified in paragraph (b) of this AD at intervals not to exceed—

(1) 300 cycles for engines incorporating Rolls Royce Service Bulletin 72-3650 dated January 20, 1975, or Rolls Royce Service Bulletin 72-3681 dated October 7, 1974, or an FAA approved equivalent of either; or

(2) 150 cycles for engines not covered in paragraph (e)(1) of this AD.

(f) For the purpose of this AD, the number of cycles equals the number of flights that involve an engine operating sequence consisting of engine starting, takeoff, operation, landing, and engine shutdown.

(g) Report all cracks found as a result of any inspection performed in compliance with this AD within 10 days of the inspection to the Chief, Engineering and Manufacturing Division, Flight Standards Service, Attention: AFS 140, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Each report must include the part number, total time in service on the part, the number of flight cycles on the part, size and location of cracks, engine serial number, and engine position. (Reporting approved by the Bureau of the Budget under BOB 04 R0174.)

This Amendment supersedes Amendment 39-2060 (39 FR 44740), AD-75-02-02, and the telegraphic AD adopted on October 4, 1974.

This Amendment becomes effective April 10, 1975.

Issued in Washington, D.C. on April 2, 1975.

JAMES M. VINES,
Acting Director,
Flight Standards Service.

[FR Doc.75-9338 Filed 4-9-75;8:45 am]

[Docket No. 75-NE-15; Amdt. 39-2163]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky S-61N Helicopters Certificated in All Categories

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an Airworthiness Directive was adopted on February 14, 1975, and made effective immediately to all known operators of Sikorsky S-61N helicopters. The directive required an inspection of the locking mechanism of the baggage door prior to each flight, and required a reduction in speed and a landing as soon as practicable if the door opened in flight.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest, and good cause existed for making the Airworthiness Directive effective immediately to all known United States operators of Sikorsky S-61N helicopters by individual telegrams dated February 14, 1975.

Prior to the publication of the AD in the FEDERAL REGISTER, the agency determined that a reduction in speed to 45 knots would provide an adequate margin of safety, and that the speed reduction would be required only if the baggage door could not be closed and locked after opening in flight. Since this change to the AD relieves a restriction and imposes no additional burden on any person, notice and public procedure thereon are unnecessary and it may be made effective in less than thirty (30) days.

The full text of the AD, incorporating the change to a 45 knot speed reduction if the baggage door cannot be closed and locked after opening in flight, is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations:

SIKORSKY: Applies to S-61N helicopters certificated in all categories.

Compliance required within 5 hours time in service after the effective date of this AD.

(1) Prior to each flight, a flight crewmember or ground service personnel shall check the baggage door, P/N S6120-72601-1, to ensure that it is closed and the locking mechanism and pins are in the locked position.

(2) If the baggage door opens in flight as indicated by warning light in the instrument panel and the door cannot be closed and locked, the aircraft speed must be reduced to 45 knots and a landing made as soon as practicable.

This amendment becomes effective April 10, 1975.

This amendment is made under the authority of section 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Burlington, Massachusetts, on March 31, 1975.

QUENTIN S. TAYLOR,
Director, New England Region.

[FR Doc.75-9339 Filed 4-9-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2614]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Brown's Quality Furniture, Inc., et al.

Correction

In FR Doc. 75-8228, appearing at page 14299 in the issue for Monday, March 31, 1975, make the following changes:

1. On page 14299 in the third column, in line five of paragraph (2) the reference to "226.3(c)(2)" should read "226.8(c)(2)".

2. On page 14299 in the third column, in the third line of paragraph (12), insert the word "with" after the words "• • • in accordance".

[Docket No. 8932-O]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Fedders Corporation

Correction

In FR Doc. 75-8229, appearing at page 14300 in the issue for Monday, March 31, 1975, make the following change:

On page 14300 in the second column under the heading Final Order, the line reading "P. 3, line 9, word 'asserting'." should read "P. 3, line 9, word 4 'asserting'."

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

Test Methods for Simulating Use and Abuse of Toys, Games, and Other Articles Intended for Use by Children; Corrections

In FR Doc. 75-225 appearing at page 1480 in the FEDERAL REGISTER of January 7, 1975:

1. Section 1500.50 commencing on page 1483 is corrected:

a. In paragraph (b) by changing "(b)(1) *Application—general.* (1)" to read "(b) *Application—general.* (1)(i)".

b. In paragraph (b)(4) by changing "(23°±2°)" to read "(23°±2° C.)".

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2. Section 1500.51 commencing on page 1484 is corrected:

a. In paragraph (b)(2) by changing "⅛ inch" and "2.5 inch" to read "⅛-inch" and "2.5-inch" respectively.

b. In paragraph (b)(3) by deleting the comma after "±0.5 inch".

c. In paragraph (b)(4)(ii) by inserting a comma after "(0.065 cubic meter)".

d. In paragraph (c)(2) by deleting the comma after "(0.635 centimeter)".

e. In paragraph (c)(3) by deleting the comma after "(11.35 kilograms)".

f. In paragraph (d)(2), second sentence, by deleting the comma after "(5 centimeters)" in two places.

g. In paragraph (e)(1)(ii) by changing "road or shaft" to read "rod or shaft".

h. In paragraph (e)(2)(i) by changing "±2 inch pound" to read "±0.2 inch-pound".

i. In paragraph (e)(3) by changing "2 inch pounds ±0.2 pound" to read "2 inch-pounds ±0.2 inch-pound".

j. Also in paragraph (e)(3) by changing "2.30 kilogram-centimeters (2 inch-pounds)" to read "2 inch-pounds (2.30 kilogram-centimeters)".

k. In paragraph (f)(1)(ii) by changing "(4.55 kilograms)" to read "(4.55-kilograms)".

l. In paragraph (f)(3) by changing "(4.55 kilogram)" to read "(4.55-kilogram)" in two places.

m. In paragraph (g)(2) by changing "(0.375 inch)" to read "0.375 inch" and by changing "$\frac{1}{32}$ inch)" to read "$\frac{1}{32}$ inch".

3. Section 1500.52 commencing on page 1485 is corrected:

a. In paragraph (b)(1) by deleting the comma after "(1.8 kilograms)".

b. In paragraph (b)(2) by changing "⅛ inch (0.3 centimeter)" to read "⅛-inch (0.3-centimeter)" and by changing "2.5 inch (6.4 centimeter)" to read "2.5-inch (6.4-centimeter)".

c. In paragraph (b)(3) by deleting the comma after "(0.92 meter)".

d. In paragraph (b)(4)(ii) by inserting a comma after "(0.085 cubic meter)".

e. In paragraph (d)(1) by deleting the comma after "(5 centimeters)".

f. In paragraph (d)(2) by changing "(0.95 centimeter)" to read "(0.95-centimeter)".

g. In paragraph (e)(3) by changing "±0.2 inch-pounds" to read "±0.2 inch-pound" in two places.

h. In paragraph (f)(1)(ii) by changing "(±0.5 pound" to read "±0.5 pound".

4. Section 1500.53 commencing on page 1486 is corrected:

a. In paragraph (b)(2) by deleting the comma after "(0.3-centimeter)".

b. In paragraph (b)(3) by inserting a comma in the first sentence after "(b)(4)(i) and (ii) of this section".

c. In paragraph (c)(3) by changing "(0.64 to 1.27 centimeters) inch)," to read "(0.64 to 1.27 centimeters),".

d. In paragraph (d)(2) by changing "13-gauge thick cold-rolled steel" to read "13-gauge cold-rolled steel".

e. In paragraph (e)(2) by changing "(2) *Testing equipment*—" to read "(2) *Test equipment*—".

f. In paragraph (f)(1)(ii) by changing "15 pound" to read "15 pounds".

5. In §§ 1500.51(b)(4), 1500.52(b)(4), and 1500.53(b)(4), respectively, by changing "2,560 or more square centimeters (400 or more square inches)" to read "400 or more square inches (2,560 or more square centimeters)".

Dated: April 7, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-9334 Filed 4-9-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER G—COSMETICS

PART 701—COSMETIC LABELING

Designation of Ingredients on Package Labels

Correction

In FR Doc. 75-5330 appearing at page 8918 in the issue for Monday, March 3, 1975, make the following change, on page 8919 in the first full paragraph in the third column and in the sixth line the word "products" should read "product".

PART 740 COSMETIC PRODUCT WARNING STATEMENTS

Warning Statements

Correction

In FR Doc. 75-5328 appearing at page 8912 in the issue for Monday, March 3, 1975, make the following changes:

1. On page 8912, in the second column, in the fourth whole paragraph, and in the ninth line the word "unusual" should be changed to read "usual".

2. Also on page 8912, in the second column, in the fourth whole paragraph, and in the twelfth line from the bottom of the paragraph the word "one" should read "once".

PART 740—COSMETIC PRODUCT WARNING STATEMENTS

Feminine Deodorant Sprays

Correction

In FR Doc. 75-5329 appearing at page 8926 in the issue for Monday, March 3, 1975, make the following change, on page 8928 in the second column, in the last paragraph, and in the third line the word "scrap" should read "sprays".

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-310]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

Correction

The Correction of the Identification of Special Hazard Areas published on November 13, 1974, in 39 FR 40016 is hereby corrected to read: On July 23, 1971, in 36 FR 13675, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Arlington, Texas, as an eligible community and included Map No. H 485454 16 which indicates that Rushmoor Subdivision, First Increment, as recorded in Volume 388-84, Page 3, and Second Increment, as recorded in Volume 388-95, Pages 8 and 9 of the Map Records of Tarrant County, Texas, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective July 23, 1971, Map No. H 485454 16 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 21, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-9298 Filed 4-9-75;8:45 am]

[Docket No. FI-340]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

Correction

On August 21, 1974, in 39 FR 30122, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Columbus, Ohio, as an eligible community and included Map No. H 390170 01 which indicates that Lot No. 2, Scioto Park Subdivision, Columbus, Ohio, as recorded in Plat Book No. 43, Page 108 in the office of the Recorder of Franklin County, Ohio, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective August 9, 1974, Map No. H 390170 01, is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 19, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc. 75-9299 Filed 4-9-75;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

Correction

On August 31, 1972, in 37 FR 17704, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Winston-Salem, North Carolina, as an eligible community and included Map No. H 375360 13, which indicates that Lot B of the C. M. Thomas Property, Winston-Salem, North Carolina, as recorded in Plat Book 15, Page 50, in the records of Forsyth County, North Carolina, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structure on the above property is within Zone B, and is not within the Special Flood Hazard Area. Accordingly, effective March 24, 1971, Map No. H 375360 13, is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 27, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-9300 Filed 4-9-75;8:45 am]

Title 29—Labor

CHAPTER XIV—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PART 1601—PROCEDURAL REGULATIONS

Subpart G—Case Processing Under § 707 of Title VII

Section 5 of the Equal Employment Opportunity Act of 1972, Pub. L. 92-261, amended section 707 of the Civil Rights Act of 1964, 42 U.S.C. 2000e-6, and provided that effective two years after the date of the enactment of the Equal Employment Opportunity Act, the functions of the Attorney General under section 707 be transferred to the Equal Employment Opportunity Commission. The following regulations are promulgated to make clear various functions and responsibilities within the Commission regarding the processing of cases under section 707 of the Civil Rights Act of 1964, as amended. At a duly constituted Commission meeting held on April 1, 1975, the Commission adopted the regulations appearing below.

The section 707 regulations provide that any Commissioner may designate a charge for processing under § 707 and that the General Counsel is authorized to administratively process such charges and any other related charges which the General Counsel designates for consolidation. The General Counsel is made responsible for furnishing the 10 day notice of the charge to respondents, for deferring charges to State and local deferral agencies (as defined in 29 CFR 1601.12(c)), for conducting the investigation of the charge, and for enforcing subpoenas issued as a part of the investigation of such charges. The General Counsel will conduct conciliation efforts when the Commission makes a reasonable cause determination that discrimination has occurred and will issue notices of right to sue. The General Counsel is also responsible for commencing litigation against those respondents who have failed or refused to sign a conciliation agreement and against whom the Commission determines the General Counsel should commence litigation.

Accordingly, Part 1601 of Title 29 of the Code of Federal Regulations is hereby amended by adding new Subpart G, §§ 1601.50, 1601.51, 1601.52, 1601.53, 1601.54, 1601.55, 1601.56, 1601.57, 1601.58, and 1601.59 as set forth below. These are procedural amendments and are effective immediately.

Subpart G—Case Processing Under § 707 of Title VII

Sec.

1601.50 Purpose.
1601.51 Delegation of Authority.
1601.52 Initiation of § 707 charge.
1601.53 Service of notice of charge.
1601.54 Deferral.
1601.55 Investigation.
1601.56 Issuance of subpoenas; petitions to revoke subpoenas; enforcement of subpoenas.
1601.57 Commission reasonable cause finding.
1601.58 Voluntary compliance; settlements; commission authority to file suit.
1601.59 Notice to aggrieved persons and person filing charge on behalf of aggrieved persons.

AUTHORITY: Secs. 706, 707, 709, 710, and 713 (a), Civil Rights Act of 1964, and as amended, 86 Stat. 104-109, 78 Stat. 262, 265 (42 U.S.C. (Supp. II) 2000e-5, -6, -9, 42 U.S.C. 2000e-8, -12(a)).

§ 1601.50 Purpose.

The regulations of this subpart apply to charges designated for processing under the Commission's authority as set forth in section 707 of the Act. The General Counsel shall process such charges on behalf of the Commission once they have been designated for section 707 processing.

§ 1601.51 Delegation of authority.

The General Counsel is hereby delegated authority to give notice of and to defer charges to State and local 706 agencies as defined in § 1601.12(c), to give notice of charges to respondents, to investigate charges, to sign and issue subpoenas, and to conciliate charges of employment discrimination.

§ 1601.52 Initiation of Section 707 charge.

Any member of the Commission may designate a charge for section 707 processing under this subpart. Any related charge shall be processed under this subpart if the General Counsel determines that it should be consolidated with the charge designated for section 707 processing by a member of the Commission.

§ 1601.53 Service of notice of charge.

Within 10 days of the filing of a charge, the General Counsel shall furnish the respondent with a notice of the charge (including the date, place and circumstances of the alleged unlawful employment practice) by mail or in person. The General Counsel need not furnish such notice if, prior to the designation of the charge for section 707 processing, the notice has been furnished pursuant to § 1601.13.

§ 1601.54 Deferral.

(a) Where the alleged unlawful employment practice occurs in a State or political subdivision of a State which has a State or local law prohibiting the practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice (or to institute criminal proceedings), the General Counsel shall notify, on behalf of the Commission, the appropriate State or local 706 Agency, as defined in § 1601.12(c), before taking any action with respect to a Commissioner's Charge.

(b) The General Counsel, on behalf of the Commission, shall not defer such Commissioner's Charge unless the State or political subdivision notified in paragraph (a) of this section within 10 days of receipt of such notice requests submission of the charge to its jurisdiction.

(c) Where deferral is made by the General Counsel in paragraph (b) of this section, the deferral shall be for no less than 60 days, unless a shorter period is requested.

(d) Charges filed by individuals shall be deferred pursuant to the provisions of § 1601.12, except that they shall be deferred by the General Counsel.

§ 1601.55 Investigation.

The General Counsel shall investigate any charge designated for section 707 processing or any charges consolidated with that charge pursuant to § 1601.52.

§ 1601.56 Issuance of subpoenas; petitions to revoke subpoenas; enforcement of subpoenas.

(a) As part of the investigation of a charge, the General Counsel may sign

V 40 170 APR 10 75 XUM

and issue a subpoena requiring the attendance and testimony of witnesses and the production of evidence including, but not limited to books, records, correspondence or documents in the possession or under the control of the person subpoenaed. The subpoena shall state the name and address of the issuer; and identify the person or evidence subpoenaed, and the person to whom and the place, date, and time at which it is returnable. A subpoena may be returnable to any attorney designated in the subpoena. The General Counsel shall not issue a subpoena upon the request of a person filing a charge, a person on whose behalf a charge was filed, or a respondent.

(b) Any person served with a subpoena who intends not to comply with the subpoena shall, within 5 days of the service of the subpoena, petition the Commission in writing to revoke or modify the subpoena. The petition shall be served on the Director of Compliance by mail at the Equal Employment Opportunity Commission, Washington, D.C. 20506, and a copy shall be served on the Commission attorney to whom the subpoena is returnable. The petition shall state each ground on which the petition relies. Within eight days of receipt, insofar as possible, the Commission shall pass on the petition and shall serve a copy of its determination on the petitioner. For purposes of this section, service shall be made and proof thereof established pursuant to section 11(4) of the National Labor Relations Act, as amended, 29 U.S.C. 161(4), as made applicable to the proceeding hereunder by section 710 of Title VII, 42 U.S.C. (Supp. II) 2000e–9.

(c) If any person fails to comply with a subpoena, the General Counsel may institute enforcement proceedings in the appropriate district court pursuant to section 11(2) of the National Labor Relations Act, as amended, 29 U.S.C. 161(2).

§ 1601.57 Commission reasonable cause finding.

(a) Upon completion of the investigation, the Commission shall determine whether there exists reasonable cause to believe that the respondent is engaged in a pattern or practice of unlawful discrimination within the meaning of section 707(a) of Title VII. A finding of no reasonable cause shall constitute dismissal of the charge.

§ 1601.58 Voluntary compliance; settlements; Commission authority to file suit.

A finding of reasonable cause by the Commission shall be deemed to authorize the General Counsel to endeavor to eliminate the alleged unlawful employment practices by informal methods of conference, conciliation and persuasion. Should such endeavors fail to produce a conciliation agreement satisfactory to the General Counsel, the General Counsel may commence litigation upon approval by the Commission.

§ 1601.59 Notice to aggrieved persons and person filing charge on behalf of aggrieved persons.

In any charge designated for processing under this subpart, the General Counsel shall issue the notice required by §§ 160.25 and 1601.25c to be issued to the aggrieved person or persons and to any person who filed the charge on behalf of the aggrieved person or persons.

Signed at Washington, D.C., this 4th day of April, 1975.

ETHEL BENT WALSH,
Acting Chairman.

[FR Doc.75-9394 Filed 4-9-75;8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 40—STANDARDS OF CONDUCT

Purpose and Objectives

This revised part 40 updates and incorporates changes to the Department of Defense "Standards of Conduct" relating to possible conflict between private interest and official duties by Department of Defense personnel. This set of standards is in implementation of (1) Executive Order 11222 of May 8, 1965, prescribing Standards of Ethical Conduct for Government Officers and Employees and (2) The Civil Service Commission Regulation of October 1, 1965, as amended August 9, 1967. It is in consonance with the Code of Ethics for Government Service contained in House Concurrent Resolution 175, 85th Congress, which applies to all Government personnel.

Sec.
40.1 Purpose and objective.
40.2 Applicability.
40.3 Ethical standards of conduct.
40.4 Bribery and graft.
40.5 Gratuities.
40.6 Prohibition of contributions or presents to superiors.
40.7 Use of Government facilities, property, and manpower.
40.8 Use of Civilian and Military titles in connection with commercial enterprises.
40.9 Outside employment of DoD personnel.
40.10 Gambling, betting, and lotteries.
40.11 Indebtedness.
40.12 Information to personnel.
40.13 Reporting suspected violations.
40.14 Statements of employment and financial interests.
40.15 Conflict of interest laws.
40.16 Effective date and implementation.

Appendix A—House Concurrent Resolution 175 (85th Congress, 2d Session).
Appendix B—Digest of Conflict of Interest Laws.
Appendix C—Extract from Appendix C of Civil Service Personnel Manual System on Special Government Employees (Including Guidelines for Obtaining and Utilizing the Services of Special Government Employees).

AUTHORITY: Public Laws 87–777 and 87–849.

§ 40.1 Purpose and objectives.

(a) This Part prescribes the standards of conduct, relating to possible conflict between private interests and official duties, required of all Department of Defense personnel,[1] regardless of assignment. Close adherence to these principles will insure compliance with the high ethical standards demanded of all public servants. Violations of this Part may be cause for appropriate disciplinary action which may be in addition to any penalty provided by law.

(b) This part is in implementation of (1) Executive Order 11222 of May 8, 1965, prescribing Standards of Ethical Conduct for Government Officers and Employees, and (2) The Civil Service Commission Regulation of October 1, 1965, as amended August 9, 1967. It is in consonance with the Code of Ethics for Government Service contained in House Concurrent Resolution 175, 85th Congress, which applies to all Government personnel. (See Appendix A to this Part.)

(c) This Part includes standards of conduct based on the revisions of the conflict of interest laws enacted in 1962 (Pub. L. 87–777 and Pub. L. 87–849). (See Appendix B to this Part.)

§ 40.2 Applicability.

This Part applies to all components of the DoD.

§ 40.3 Ethical standards of conduct.

(a) *General.* DoD personnel are bound to refrain from any private business or professional activity or from having any direct or indirect financial interest which would place them in a position where there is a conflict between their private interests and the public interests of the United States, particularly those related to their duties and responsibilities as DoD personnel. Even though a technical conflict, as set forth in the statutes cited in this Directive, may not exist, DoD personnel must avoid the appearance of such a conflict from a public confidence point of view. DoD personnel will not engage in any private business or professional activity or enter into any financial transaction which involves the direct or indirect use, or the appearance of use, of inside information gained through a DoD position to further a private interest or for private gain for themselves or another person or entity, particularly one with whom they have family, business, or financial ties. DoD personnel must not use their DoD positions in any way to induce or coerce, or give the appearance of inducing or coercing, any person (including subordinates) or entity to provide any financial benefit to themselves

[1] DoD personnel, as used in this Part, unless the context indicates otherwise, means all civilian officers and employees, including special Government employees, of all the offices, agencies and departments in the Department of Defense (including non-appropriated fund activities) and all active duty officers and enlisted members of the Army, Navy, Air Force, and Marine Corps (officers includes commissioned and warrant).

or another person or entity, particularly one with whom they have family, business, or financial ties. For the purpose of this paragraph, "inside information" means information obtained under Government authority which has not become part of the body of public information. This paragraph does not preclude DoD personnel from teaching, lecturing, and writing as authorized by § 40.9(d), nor does it preclude DoD personnel from having financial interests or engaging in financial transactions to the same extent as private citizens not employed by the Government so long as they are not prohibited by law or the regulations in this part.

(b) *Dealing with Present and Former Military and Civilian Personnel.* DoD personnel will not knowingly deal with military or civilian personnel, or former military or civilian personnel, of the Government, if such action will result in a violation of a statute or policy set forth in this Part.

(c) *Membership in Associations.* All DoD personnel who are members or officers of non-governmental associations or organizations must avoid activities on behalf of the association or organization that are incompatible with their official government positions.

(d) *Commercial Soliciting by Active Duty Members of the Military.* Military personnel on active duty are prohibited from personal commercial solicitation and sale to military personnel junior in rank or grade, at any time, on or off duty, in or out of uniform. This limitation includes, but is not limited to, the personal solicitation and sale of life and automobile insurance, stocks, mutual funds, real estate or any other commodities, goods, or services.

As used in this paragraph, "personal commercial solicitation" refers to those situations where a military member is employed as a sales agent on commission or salary, and contacts prospective purchasers suggesting they buy the commodity, real or intangible, that he is offering for sale. This prohibition is not applicable to the one-time sale by an individual of his own personal property or privately owned dwelling. It is not the intent of this subparagraph to discourage the off-duty employment of military personnel, but it is the intent to eliminate any and all instances where it would appear that coercion, intimidation, or pressure was used based on rank, grade, or position.

(e) *Assignment of Reserves for Training.* DoD personnel who are responsible for assigning Reserves for training should make an effort to assign them when they are on active duty for training to duties in which they will not obtain information that could be used by them or their employers to give them an unfair advantage over their civilian competitors.

(f) *Conduct prejudicial to the Government.* DoD personnel shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government. Moreover, DoD personnel shall avoid any action whether or not specifically prohibited by this Part, which might result in, or create the appearance of:

(1) Using public office for private gain;

(2) Giving preferential treatment to any person;

(3) Impeding Government efficiency or economy;

(4) Losing complete independence or impartiality;

(5) Making a Government decision outside official channels; or

(6) Affecting adversely the confidence of the public in the integrity of the Government.

§ 40.4 Bribery and graft.

In general, DoD personnel may be subject to criminal penalties if they solicit, accept, or agree to accept anything of value in return for performing or refraining from performing an official act (See 18 U.S.C. 201).

§ 40.5 Gratuities.

(a) Except as provided in paragraph (b) of this section, DoD personnel will not solicit or accept any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value either directly or indirectly from any person, firm, corporation, or other entity which:

(1) Is engaged or is endeavoring to engage in procurement activities or business or financial transactions of any sort with any agency of the DoD;

(2) Conducts operations or activities that are regulated by any agency of the DoD; or

(3) Has interests that may be substantially affected by the performance or nonperformance of the official duty of the DoD personnel concerned. Gifts, gratuities, favors, entertainment, etc., bestowed upon members of the immediate families of DoD personnel are viewed in the same light as those bestowed upon DoD personnel. Acceptance of gifts, gratuities favors, entertainment, etc., no matter how innocently tendered and received, from those who have or seek business with the Department of Defense may be a source of embarrassment to the department and the personnel involved, may affect the objective judgment of the recipient and impair public confidence in the integrity of the business relations between the department and industry.

(b) For the purpose of this section, a gift, gratuity, favor, entertainment, etc., includes any tangible item, intangible benefits, discounts, tickets, passes, transportation, and accommodations or hospitality given or extended to or on behalf of the recipient. However, the restrictions in paragraph (a) of this section do not apply to the following:

(1) Instances in which the interests of the Government are served by participation of DoD personnel in widely attended luncheons, dinners, and similar gatherings sponsored by industrial, technical, and professional associations for the discussion of matters of mutual interest to Government and industry. Participation by DoD personnel is appropriate when the host is the association and not an individual contractor. Acceptance of gratuities, or hospitality from private companies in connection with such association's activities is prohibited.

(2) Situations in which the interests of the Government are served by participation of DoD personnel in activities at the expense of individual defense contractors when the invitation is addressed to and approved by the employing agency of DoD. These activities include public ceremonies of mutual interest to industry, local communities, and the department, such as the launching of ships or the unveiling of new weapons systems, industrial activities which are sponsored by or encouraged by the Government as a matter of United States defense or economic policy, such as sales meetings to promote off-shore sales involving foreign industrial groups or governments.

(3) Luncheons or dinners at a contractor's plant on an infrequent basis, when the conduct of official business within the plant will be facilitated and when no provision can be made for individual payment.

(4) Situations in which, in the judgment of the individual concerned, the Government's interest will be served by participation by DoD personnel in activities at the expense of a defense contractor. In any such case in which DoD personnel accepts any gratuity, favor, entertainment, etc., either directly or indirectly from any person, firm, corporation, or any other entity which is engaged or is endeavoring to engage in business transactions of any sort with the department, a report of the circumstances will be made within 48 hours by the individual to the designee of the Secretary of the Military Department concerned or the designee of the Secretary of Defense in the case of DoD personnel not within one of the Military Departments.

(5) Speciality advertising items of trivial intrinsic value.

(6) Customary exchange of social amenities between personal friends and relatives when motivated by such relationship and extended on a personal basis.

(7) Thinks available impersonally to the general public or classes of the general public such as a free exhibition by a defense contractor at a world's fair.

(8) Trophies, entertainment, rewards, prizes, given to competitors in contests which are open to the public generally or which are officially approved for participation in by DoD personnel.

(9) Transactions between and among relatives which are personal and consistent with the relationship.

(10) The acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees such as home mortgage loans.

(11) Social activities engaged in by officials of the department and officers in command or their representatives with

V 40170 APR 10 75 XUM

local civilian leaders as part of community relations programs.

(12) Contractor-provided local transportation while on official business and when alternative arrangements are clearly impracticable.

(13) Participation in civic and community activities by DoD personnel when the relationship with the defense contractor can reasonably be characterized as remote, for example, participation in a little league or Combined Federal Campaign luncheon which is subsidized by a concern doing business with a defense activity.

(14) The acceptance of accommodations, subsistence, or services furnished in kind in connection with official travel, from other than Defense contractors, when authorized by the order-issuing authority as in the overall Government interest. When accommodations, subsistence, or services in kind are furnished to DOD personnel by private sources, appropriate deductions shall be made in the travel, per diem, and other allowances otherwise payable to the personnel. DOD personnel may not accept personal reimbursement from a private source for expenses incident to official travel, unless authorized pursuant to 5 U.S.C. 4111 or other express statutory authority. Rather, any reimbursement must be made to the Government by check payable to the Treasurer of the United States; personnel will be reimbursed by the Government in accordance with regulations relating to reimbursement. In no case shall DOD personnel accept—either in kind or on a reimbursable basis—benefits which are under prudent standards extravagant or excessive in nature.

(c) Except as provided in (b)(12) of this section, personnel on official business may not accept contractor-provided transportation, meals or overnight accommodations in connection with such official business so long as Government or commercial transportation or quarters are reasonably available. Where, however, the over-all Government interest would be served by acceptance by DOD members of such transportation or accommodations in specific cases, the order issuing authority may authorize it.

(d) Procedures with respect to gifts from foreign governments are set forth in DOD Directive 1005.3.[2]

(e) Procedures with respect to ROTC Staff Members are set forth in Part 92 of this subchapter.

§ 40.6 Prohibitions of contributions or presents to superiors.

DOD personnel shall not solicit a contribution from other officers or employees for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an officer or employee receiving less pay then themselves (5 U.S.C. 7351). However, this section does not prohibit a voluntary gift of nominal value or donation in nominal amount made on a special occasion such as marriage, illness or retirement.

§ 40.7 Use of Government facilities, property, and manpower.

DOD personnel will not directly or indirectly use, or allow the use of, government property of any kind, including property leased to the government, for other than officially approved activities. Government facilities, property, and manpower, such as stenographic and typing assistance, mimeograph and chauffeur services, may be used only for official government business. DOD personnel have a positive duty to protect and conserve government property, including equipment, supplies, and other property entrusted to them. This section is not intended to preclude the use of government facilities for activities which would further military-community relations provided they do not interfere with military missions.

§ 40.8 Use of civilian and military titles in connection with commercial enterprises.

(a) All civilian personnel, and military personnel on active duty, are prohibited from using their civilian and military titles or positions in connection with any commercial enterprises or in endorsing any commercial product. The foregoing shall not be deemed to preclude publication by such personnel of books or articles which identify them as author by reference to their military or civilian title or position, provided that publication of such material is permitted under § 40.9(d) and has been cleared under existing DoD procedures. (See DoD Directive 5230.9, "Clearance of DoD Public Information," December 24, 1966.[2])

(b) All retired military personnel and all members of reserve components, not on active duty, are permitted to use their military titles in connection with commercial enterprises. Such use of military titles shall in no way cast discredit on the military services or the DoD. Such use is prohibited in connection with commercial enterprises when such use, with or without the intent to mislead, gives rise to any appearance of sponsorship, sanction, endorsement, or approval by the Military Services or the DoD. The Military Department may restrict retired personnel and members of reserve components not on active duty, from using their military titles in connection with public appearance in overseas areas.

§ 40.9 Outside employment of DoD personnel.

(a) DoD personnel shall not engage in outside employment or other outside activity, with or without compensation, which:

(1) Interfers with, or is not compatible with, the performance of their Government duties;

(2) May reasonably be expected to bring discredit on the Government or the DoD agency concerned or;

(3) Is inconsistent with § 40.3(a), including such inconsistent acts as the acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which that acceptance may result in, or create the appearance of, conflicts of interest.

(b) No enlisted member of the armed forces on active duty may be ordered or permitted to leave his post to engage in a civilian pursuit or business, or a performance in civil life, for emolument, hire, or otherwise, if the pursuit, business, or performance interferes with the customary or regular employment of local civilians in their art, trade or profession.

(c) An active duty officer of the regular Navy or Marine Corps may not be employed by any person furnishing Naval supplies or war materials to the United States and continue to receive his service pay.

(d) DoD personnel are encouraged to engage in teaching, lecturing, and writing. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Commission or Board of Examiners for the Foreign Service, that is dependent on information obtained as a result of his Government employment, except when that information has been published or is available to the general public or will be made available on request, or when the agency head gives written authorization for the use of nonpublic information on the basis that the use is in the public interest. In addition, an employee who is a civilian Presidential appointee shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance, the subject matter of which is devoted substantially to the responsibilities, programs or operations of his agency or which draws substantially on official data or ideas which have not become part of the body of public information.

(e) This section does not preclude DoD personnel from:

(1) Participation in the activities of national or State political parties not proscribed by law or regulation.

(2) Participation in the affairs or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational, nonprofit recreational, public service, or civic organization.

(f) Off-duty employment of military personnel by an organization involved in a strike is permissible if the member was on the payroll of such organization prior to the commencement of the strike and if the employment is otherwise in conformance with the provisions of this Part. No military member may accept employment by an organization at a location where that organization is involved in a strike after commencement and during the course of such a strike. Members who are engaged in off-duty civilian employment which does not meet the above policy will be required to terminate such employment.

[2] Filed as part of original. Copies available from the U.S. Naval Publications and Form Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120 Attn: Code 300.

§ 40.10 Gambling, betting, and lotteries.

DoD personnel shall not participate, while on Government-owned or leased property or while on duty for the Government, in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket. However, this section does not preclude activities:

(a) Necessitated by an employee's law enforcement duties; or

(b) Under section 3 of Executive Order 10927 and similar agency-approved activities.

§ 40.11 Indebtedness.

DoD personnel shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which the agency determines does not, under the circumstances, reflect adversely on the Government as his employer. In the event of dispute between an employee and an alleged creditor, this section does not require an agency to determine the validity or amount of the disputed debt.

§ 40.12 Information to personnel.

(a) New DoD personnel will be informed of the standards of conduct specified in this Part upon employment or entry on duty. These standards of conduct will also be brought to the attention of all DoD personnel by appropriate means upon promulgation and at least semi-annually thereafter.

(b) The attention of DoD personnel is directed to each statute relatin gto ethical and other conduct that is referred to in this Part and in Appendix B. DoD personnel will be advised how to obtain additional clarification of the standards of conduct set forth in this part and related statutes, rules, and regulations. For this purpose each of the Military Departments and Defense Agencies shall designate one or more legal officers as deputy counselors who shall be responsible for providing advice and assistance on all matters relating to conduct and conflicts of interest covered by this part and for reviewing statements of employment and financial interest.

(c)(1) Appropriate officials in the office of the Secretary of each Military Department and Head of each Defense Agency shall be designated as the counselor for such department or agency and shall be responsible for proper coordination and final disposition of all problems relating to conflicts of interest and for the review of statements of employment and financial interest in accordance with regulations to be prescribed by the respective Secretaries or Agency Heads in accordance with paragraph (c)(2) of this section. In the Office of the Secretary of Defense, the General Counsel of the DoD or his designee will be responsible for these matters.

(2) Regulations governing the review of statements of employment and financial interests shall provide that:

(i) Whenever such review discloses a conflict or apparent conflict of interests, the employee concerned is entitled to an opportunity to explain the conflict or appearance of conflict.

(ii) If the conflict or appearance of conflict is not resolved on review by the explanation made by the employee, the information concerning the matter shall be submitted to the appropriate Secretary or Agency Head, or his designee, after review by the counselor designated under paragraph (c)(1) of this section.

(iii) The resolution of a conflict or apparent conflict of interest either on review or after referral to the appropriate Secretary or Agency Head, or his designee, shall be effected promptly so that the conflict or appearance of conflict is ended. The resolution of the conflict or appearance of conflict may be accomplished by one or more means, such as changes in assigned duties, divestment of the conflicting interest, disqualification for a particular assignment, or disciplinary action. The resolution, whether by disciplinary action or otherwise, shall be effected in accordance with applicable laws, Executive orders, and regulations.

§ 40.13 Reporting suspected violations.

DoD personnel who have information which causes them to believe that there has been a violation of a statute or policy set forth in this Part will promptly report such incidents to their immediate superiors. If the superior believes there has been a violation, he will report the matter for further action in accordance with existing procedures. Any question or doubt on the part of the immediate superior will be resolved in favor of reporting the matter.

§ 40.14 Statements of employment and financial interests.

(a) DoD personnel required to submit statements.

(1) Employees paid at a level of the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

(2) Board members of the Armed Service Boards of Contract Appeals.

(3) DoD personnel classified at GS–13 or above under section 5332 of title 5, United States Code, or at a comparable pay level under another authority, or members of the military in the rank of Lieutenant Colonel, Commander or above whose basic duties and responsibilities require the incumbent to exercise judgment in making a Government decision or in taking Government action in regard to administering or monitoring grants or subsidies.

(4) DoD personnel classified at GS–13 or above under section 5332 of title 5, United States Code, or at a comparable pay level under another authority, or members of the military in the rank of lieutenant Colonel, Commander or above whose basic duties and responsibilities require the incumbent to exercise judgment in making a Government decision or in taking Government action in regard to:

(i) *Contracting or procurement.* For the purpose of this section "contracting or procurement" is defined as executing or approving the award of contracts.

(ii) *Auditing.* Auditing private or other non-Federal enterprise including the supervision of auditors engaged in audit activities or the participating in the development of policies and procedures for performing such audits, including the authorization and monitoring of grants to institutions or other non-Federal enterprise.

(iii) *Other.* Activities in which the final decision or action has a significant economic impact on the interests of any non-Federal enterprise.

(b) Review of Positions. Each DoD Component shall review its positions in paragraphs (a)(3) and (4) of this section, both military and civilian, and include in each military and civilian position description, or similar documents describing the duties and responsibilities of the position, a statement as to whether the incumbent of the position must file a statement of employment and financial interests as required by this section. This determination will be reviewed at least annually. The review may be accomplished at the time performance, efficiency or effectiveness ratings are given; or incident to other currently prescribed annual reviews. Incumbents of positions identified as involving any of the functions described in either paragraphs (a)(3) and (4) of this section shall be required to comply with the filing requirements of this section. Any individual who believes that his position has been improperly included in paragraphs (a)(3) and (4) of this section may request a review of the decision requiring him to file a statement through the established grievance or complaint procedures of the department or agency.

(c) Positions in the above categories may be excluded when it is determined by the Secretary of the Military Department concerned or head of the DoD Agency concerned, or the designee of either, that the duties are at such a level of responsibility that the submission of a statement of employment and financial interests is not necessary because of the degree of supervision and review of the incumbent and the remote and inconsequential effect on the integrity of the Government.

(d) The statements of employment and financial interests shall be submitted on DD forms furnished by the DoD agency concerned. DD Form 1555,[2] "Confidential Statement of Employment and Financial Interests—DoD Personnel," is for use by all DoD personnel except special Government employees. DD Form 1555–1,[2] "Confidential Statement of Employment and Financial Interests," is for use by special Government employees.

[2] Filed as part of original. Copies available at respective Military Department Publications Counter.

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(e) Manner of Submission—Statements of Employment.

(1) The Secretary of Defense, as the Head of the Agency, is required to submit his statement of employment and financial interest to the Chairman of the Civil Service Commission under the provisions of Section 401(a) of Executive Order 11222.

(2) All civilian Presidential appointees of the Department of Defense shall submit statements of employment and financial interest to the General Counsel of the Department of Defense.

(3) Officers or employees of the Office of the Secretary of Defense shall submit statements of employment and financial interest to the General Counsel of the Department of Defense.

(4) Officers and employees of the Military Departments or Defense Agencies shall submit statements of employment and financial interest to officials of the Military Departments or Defense Agencies to be designated by the Secretaries of the Military Departments or the heads of Defense Agencies in the regulations of those departments and agencies.

(5) Statements of employment and financial interest shall be submitted by each officer or employee required by this Directive to file such a statement, not later than June 30, 1966, and periodically thereafter as prescribed in paragraph (i) of this section. Employees who enter Government service after the effective date of this Directive, who are required to file a statement of employment and financial interest, shall file such statements within 30 days from the date of commencement of such service. Designees to positions requiring the approval of the Secretary of Defense or the Secretary of a Military Department shall execute the statement in advance of nomination so that it may be reviewed prior to appointment.

(f) Excusable Delay. If by reason of his duty assignment it is impracticable for an individual to submit a statement within the period required by this section, his immediate superior may grant an extension of time therefor. Any extension in excess of 30 days requires the concurrence of the head of the Military Department or Defense Agency concerned, or his designee. Statements submitted pursuant to an extension of time granted hereunder shall include appropriate notation to that effect.

(g) Special Government Employees—Statement of Employment and Financial Interest.

(1) For the purpose of this paragraph, "Special Government Employee" has the meaning given that term by § 40.15(b)(1).

(2) Each special Government employee who is an adviser or consultant shall, prior to appointment, file with a designated official of the Military Department or Defense agency where he is employed a statement (DD Form 1555–1[a]), setting forth his Government employment, his private employment, and his financial interests. An appointee must list *all* of his investments and other financial interests such as a pension; retirement; group life, health, or accident insurance; and profit-sharing, stock bonus, or other employee welfare or benefit plan maintained by a former employer. He is not required to list precise amounts of investments.

The following categories of special Government employees are not considered advisers or consultants within the meaning of this section when performing the specific services listed below and are not required to file the statement referred to above.

(i) Physicians, dentists, and allied medical specialists performing care and service to patients.

(ii) Veterinarians providing veterinary service to animals.

(iii) Lecturers participating in educational activities.

(iv) Chaplains performing religious services.

(v) Individuals of national prominence in the motion picture and television fields who are utilized as narrators or actors in motion picture or television productions produced by the DoD.

(vi) Members of selection panels for NROTC candidates.

(vii) A special Government employee who is not a "consultant" or "expert" as those terms are defined in Chapter 304 of the Federal Personnel Manual.

(h) Exceptions to Specific Appointees. The Secretary or the Deputy Secretary of Defense, or the Secretary of a military department may grant an exception to a specific appointee from completing that part of the statement relating to his investments and other financial interests referred to in paragraph (g) of this section, upon the making of a determination that this information is not relevant in the light of the duties the appointee is to perform.

(i) Supplementary Statements. Changes in or additions to the information contained in an employee's statement of employment and financial interests shall be reported in a supplementary statement as of June 30th each year. Even though no changes or additions occur a negative report is required. Notwithstanding the filing of the annual report, DoD personnel shall at all times avoid acquiring a financial interest that could result, or taking action that would result, in a violation of the conflict-of-interest provisions of 18 U.S. Code 208 or this Part.

(j) Interests of Employee's Relatives. The interest of a spouse, minor child, or other member of an employee's immediate household is considered to be an interest of the employee. For the purpose of this section, "member of an employee's immediate household" means those blood relations who are residents of the employee's household.

(k) Information Not Known by Employees. If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his behalf.

(l) Information Not Required to be Submitted. An employee is not required to submit on a statement of employment and financial interests or supplementary statement any information relating to the employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

(m) Confidentiality of Employee's Statements. An agency shall hold each statement of employment and financial interests, and each supplementary statement, in confidence. An agency may not disclose information from a statement except as the agency head or the Civil Service Commission may determine for good cause. Persons designated to review the statements are responsible for maintaining the statements in confidence and shall not allow access to, or allow information to be disclosed from the statement except to carry out the purpose of this Part.

(n) Effect of Employees' Statements on Other Requirements. The statements of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

§ 40.15 Conflict of interest laws.

(a) *Full-time Officers and Employees*—(1) *Definition.* The term "full-time officer or employee" includes all civilian officers and employees, and all military officers on active duty, except those who are "special Government employees" (See paragraph (b) of this section.) It does not include enlisted personnel.

(2) *Prohibitions.* Appendix B(a) contains a discussion of criminal laws relating to conflict of interest and exemptions therefrom. In general, a full-time officer or employee is subject to the following major prohibitions.

(i) He may not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest. This prohibition applies both to paid and unpaid representation of another (See 18 U.S.C. 203 and 205).

(ii) The indirect interests in business or supplementation of his Government salary, from a private source as compensation for his services to the Government (See 18 U.S.C. 209).

(iii) He may not participate in his Governmental capacity in any matter in which he, his spouse, minor child, outside business associate or person with whom he is negotiating for employment, has a financial interest (See 18 U.S.C. 208). Instead of participating in such a matter, he must promptly disqualify himself in accordance with (4) of this paragraph, except as provided in (3) of this paragraph.

(3) *Nondisqualifying financial interest.* (i) A full-time officer or employee need not disqualify himself under paragraph (a)(2)(iii) of this section, if his financial holdings are in shares of a widely-held diversified mutual fund or regulated investment company.

(ii) The indirect interests in business entities which the holder of shares in a widely-held diversified mutual fund or regulated investment company derives from ownership by the fund or investment company of stocks in business entities is hereby exempted from the provisions of 18 U.S.C. 208a, in accordance with the provisions of 18 U.S.C. 208b(2) as being too remote or inconsequential to affect the integrity of the Government officers' or employees' services.

(4) *Disqualification procedure.* (i) In any case where a full-time officer or employee must disqualify himself under paragraph (a)(2)(iii) of this section, he will promptly notify his superior thereof and make a full disclosure of the financial interest. The superior will thereupon relieve him from his duty and responsibility in the matter, unless the Government official responsible for his appointment makes a written advance determination that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from the officer or employee. Such written determination shall be retained in the agency records.

(ii) In the case of a military officer or a civilian employee, the "official responsible for his appointment" shall, for purposes of this paragraph, be his immediate superior or an official designated to perform this function.

(iii) In addition, where a superior thinks anyone responsible to him may have a disqualifying interest, he will discuss the matter with that person, and, if he finds such an interest does exist, he will relieve the person of duty and responsibility in the particular matter.

(iv) In cases of disqualification under this paragraph, the matter will be reassigned for decision and action to someone else who is not subordinate to the disqualified person.

(b) *Special Government Employees*—(1) *Definition.* The term "special Government employee" includes an officer or employee who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis. (See 18 U.S.C. 202). The term also includes a Reserve officer while on active duty solely for training for any length of time, one who is serving on active duty involuntarily for any length of time, and one who is serving voluntarily on extended active duty for 130 days or less. It does not include enlisted personnel.

(2) *Prohibitions.* Appendix B contains a detailed discussion of criminal laws relating to conflict of interest. In general, a special Government employee is subject to the following major prohibitions:

(i) He may not, except in the discharge of his official duties, represent anyone else:

(a) Before a court or Government agency in a matter in which the United States is a party or has an interest and in which he has at any time participated personally and substantially for the Government (See 18 U.S.C. 203 and 205).

(b) In a matter pending before the agency he serves unless he has served there no more than 60 days during the past 365 (See 18 U.S.C. 203 and 205). He is bound by this restraint despite the fact that the matter is not one in which he has ever participated personally and substantially.

The restrictions described in paragraph (2)(a) and (b) of this section apply to both paid and unpaid representation of another.

(ii) He may not participate in his governmental capacity in any matter in which he, his spouse, minor child, outside business associate or person with whom he is negotiating for employment, has a financial interest (See 18 U.S.C. 208). Instead of participating in such a matter, he must promptly disqualify himself in accordance with § 40.15(a)(4), except as provided in § 40.15(a)(3).

(iii) After his Government employment has ended, he is subject to the prohibitions in § 40.15(c)(a) as a "former employee." (See 18 U.S.C. 207).

(c) *Former Officers or Employees*—(1) *Definition.* The term "former officer or employee" includes those full-time civilian officers or employees who have left Government service, special Government employees who have left Government service, retired regular officers and reserve officers released from active duty. It does not include enlisted personnel.

(2) *Prohibited activities.* Appendix B(b) contains a more detailed discussion of the criminal law. In general, a former officer or employee is subject to the following major prohibitions:

(i) He may not, at any time after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government (See 18 U.S.C. 207(a)).

(ii) He may not, for one year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his Government service (See 18 U.S.C. 202(b) and 207(b)). This temporary restraint, of course, gives way to the permanent restriction described in (c)(2)(i) of this section if the matter is one in which he participated personally and substantially.

(d) *Retired Regular Officers*—(1) *Prohibitions.* Appendix B(c) to this Part contains a summary of the laws applicable to retired regular officers. In general, a retired regular officer is subject to the following major prohibitions:

(i) As an officer whose "employment has ceased," he may not engage in the prohibited activities listed in paragraph (c) of this section. (See 18 U.S.C. 207).

(ii) He may not, at any time, assist in prosecuting a claim against the United States if he worked on that claim while on active duty (See 18 U.S.C. 283).

(iii) He may not, within two years after his retirement, assist in prosecuting a claim which involves the department in whose services he holds a retired status (See 18 U.S.C. 283).

(iv) He may not, at any time, sell anything to the department in whose service he holds a retired status (See 18 U.S.C. 281).

(v) He may not, within three years after retirement, sell supplies or war materials to any agency of the DoD, the Coast Guard, the Coast and Geodetic Survey, or the Public Health Service (See 37 U.S.C. 801(c), as amended October 9, 1962, Pub. L. 87–777, formerly 5 U.S.C. 59(c)). (See definition of "Selling," Appendix B(c)(I.)(C.) to this Part.)

(2) *Required Statement of Employment.* (i) Each regular retired officer of the armed forces shall file with the military department in which he holds a retired status a Statement of Employment (DD Form 1357).[a] Each regular officer retiring hereafter shall file this Statement within thirty days after retirement. Whenever the information in the statement is no longer accurate, each such officer shall file a new DD Form 1357.[a]

(ii) The Military Departments shall appropriately review the Statements of Employment to assure compliance with applicable statutes and regulations.

(e) *Officers of the Reserve Components.* (1) A Reserve officer who is voluntarily serving a period of extended active duty in excess of 130 days is a full-time Government officer, and § 40.15(a), applies to him.

EXCEPTION: Any Reserve who, before being ordered to active duty, was receiving compensation from any person may, while he is on that duty, receive compensation from that person (See 10 U.S.C. 1033).

(2) A Reserve officer who is serving on active duty involuntarily for any length of time, and a Reserve officer who is voluntarily serving on extended active

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duty for 130 days or less, is a "special Government employee," and § 40.15(b), applies to him.

(3) A Reserve officer (unless otherwise a full-time officer or employee of the United States) who is on active duty solely for training for any length of time is a "special Government employee," and § 40.15(b), applies to him.

(4) When he is released from active duty, a Reserve officer described in paragraphs (c) (1), (2), or (3) of this section, is a "former officer", and § 40.15(c), applies to him.

(5) Membership in a Reserve component of the armed forces or in the National Guard does not, in itself, prevent a person from practicing his civilian profession or occupation before or in connection with any department (See 5 U.S.C. 30r (c), (d)).

(6) An officer of a Reserve component, whether in a Ready, Standby or Retired Reserve status, who is not on active duty is not, solely because of his status as a Reserve, considered to be an officer or employee of the United States for the purpose of bringing him within the prohibitions summarized in § 40.15 (a), (b) or (c) (see 5 U.S.C. 30r (c), (d)).

(7) Receipt of retired pay by a Reserve or a former Reserve does not, in itself, make him an officer or employee or a former officer or employee for the purpose of bringing him within the prohibitions summarized in § 40.15 (a), (b), or (c). § 40.15(d) does not apply to a retired Reserve.

§ 40.16 Effective date and implementation.

This amended Part shall become effective on August 1, 1967. Two copies of implementing regulations of the Military Departments and Defense Agencies will be submitted to the General Counsel, DoD, for approval prior to promulgation, and no later than 60 days from the date this amended Part is published.

APPENDIX A—HOUSE CONCURRENT RESOLUTION 175, 85TH CONGRESS, 2D SESSION

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the following Code of Ethics should be adhered to by all Government employees, including officeholders:

CODE OF ETHICS FOR GOVERNMENT SERVICE

Any person in Government service should:

1. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.

2. Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.

3. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.

4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.

5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.

6. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.

7. Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.

8. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.

9. Expose corruption wherever discovered.

10. Uphold these principles, ever conscious that public office is a public trust.

APPENDIX B—DIGEST OF CONFLICT OF INTEREST LAWS

(a) LAWS APPLICABLE TO FULL-TIME OFFICERS AND EMPLOYEES

I. *18 U.S.C. 203.* Subsection (a) of this section in general prohibits an officer or employee of the United States in any branch or agency of the Government from soliciting or receiving compensation for services rendered on behalf of another person before a Government department or agency in relation to any particular matter in which the United States is a party or has a direct and substantial interest. The subsection does not prelude compensation for services rendered on behalf of another in court.

Subsection (b) makes it unlawful for anyone to offer or pay compensation, the solicitation or receipt of which is barred by subsection (a).

II. *18 U.S.C. 205.* This section contains two major prohibitions. The first prevents an officer or employee of the United States in any branch or agency of the Government from acting as agent or attorney for prosecuting any claim against the United States, including a claim in court, whether for compensation or not. It also prevents him from receiving a gratuity, or a share or interest in any such claim, for assistance in the prosecution thereof.

The second main prohibition of section 205 is concerned with more than claims. It precludes an officer or employee of the Government from acting as agent or attorney for anyone else before a department, agency or court in connection with any particular matter in which the United States is a party or has a direct and substantial interest.

18 U.S.C. 203 and 205 overlap. The following are the few important differences between sections 203 and 205 as they apply to officers and employees of the Government:

(1) Section 203 bars services rendered for compensation solicited or received, but not those rendered without such compensation; section 205 bars both kinds of services.

(2) Section 203 bars services rendered before the departments and agencies but not services rendered in court; section 205 bars both.

It should be noted, however, that for all practical purposes section 205 completely overshadows section 203.

Exemptions: Section 205 permits a Government officer or employee to represent another person, without compensation, in a disciplinary, loyalty or other personnel matter. Another provision declares that the section does not prevent an officer or employee from giving testimony under oath or making statements required to be made under penalty for perjury or contempt.

Section 205 also authorizes a limited waiver of its restrictions and those of section 203 for the benefit of an officer or employee, including a special Government employee, who represents his own parents, spouse or child, or a person or estate he serves as a fiduciary. The waiver is available to the officer or employee, whether acting for any such person with or without compensation, but only if approved by the official making appointments to his position. In no event does the waiver extend to his representation of any such person in matters in which he has participated personally and substantially or which, even in the absence of such participation, are the subject of his official responsibility.

Finally, section 205 gives the head of a department or agency the power, notwithstanding any applicable restrictions in its provisions or those of section 203, to allow a special Government employee to represent his regular employer or other outside organization in the performance of work under a Government grant or contract. However, this action is open to the department or agency head only upon his certification, published in the FEDERAL REGISTER, that the national interest requires it.

III. *18 U.S.C. 208.* This section forbids certain actions by an officer or employee of the Government in his role as a servant or representative of the Government. Its thrust is therefore to be distinguished from that of 18 U.S.C. 203 and 205 which forbid certain actions in his capacity as a representative of persons outside the Government.

Subsection (a) in substance requires an officer or employee of the executive branch, including a special Government employee, to refrain from participating as such in any matter in which, to his knowledge, he, his spouse, minor child or partner has a financial interest. He must also remove himself from a matter in which a business or nonprofit organization with which he is connected or is seeking employment has a financial interest. Under this section, a "particular matter" may be a matter less concrete than an actual contract, because the concept of a "particular matter involving a specific party or parties" is not used here as in other sections. However, a "particular matter" is something more specific than rule making or abstract scientific principles. The test for determining whether the action of the individual involves a particular matter in which he (or the other enumerated parties) has a financial interest is whether he might reasonably anticipate that his action or the decision in which he participates or with respect to which he advises, will have a direct and predictable effect upon a financial interest of himself, his spouse, minor child, partner or organization with which he is connected or seeking employment.

Subsection (b) permits the agency of an officer or employee to grant him an ad hoc exemption from subsection (a) if the outside financial interest in a matter is deemed not substantial enough to have an effect on the integrity of his services. Financial interests of this kind may also be made nondisqualifying by a general regulation published in the FEDERAL REGISTER.

IV. *18 U.S.C. 209.* Subsection (a) prevents an officer or employee of the executive branch, and independent agency or the District of Columbia from receiving, and anyone from paying him, any salary or supplementation of salary from a private source as compensation for his services to the Government.

Subsection (b) specifically authorizes an officer or employee covered by subsection (a) to continue his participation in a bona fide pension plan or other employee welfare or benefit plan maintained by a former employer.

Subsection (c) provides that section 209 does not apply to a special Government employee or to anyone serving the Government without compensation, whether or not he is a special Government employee.

Subsection (d) provides that the section does not prohibit the payment or acceptance

of contributions, awards or other expenses under the terms of the Government Employees Training Act.

V. *Applicable to Regular Navy and Marine Officers, 37 U.S.C. 801(a) Formerly 10 U.S.C. 6112(a).* An officer of the Regular Navy or the Regular Marine Corps, other than a retired officer, may not be employed by any person furnishing Naval supplies or war materials to the United States. If such an officer is so employed, he is not entitled to any payment from the United States during that employment.

(b) LAW APPLICABLE TO FORMER OFFICERS AND EMPLOYEES

I. *18 U.S.C. 207.* Subsections (a) and (b) of this section contain post-employment prohibitions applicable to persons who have ended service as officers or employees of the executive branch. The prohibitions for persons who have served as special Government employees are the same as for persons who have performed regular duties.

The restraint of subsection (a) is against a former officer or employee's acting as agent or attorney for anyone other than the United States in connection with certain matters, whether pending in the courts or elsewhere. The matters are those involving a specific party or parties in which the United States is one of the parties or has a direct and substantial interest and in which the former officer or employee participated personally and substantially while holding a Government position.

Subsection (b) sets forth a one-year post-employment prohibition in respect of those matters which were within the area of official responsibility of a former officer or employee at any time during the last year of his service but which do not come within subsection (a) because he did not participate in them personally and substantially. More particularly, the prohibition of subsection (b) prevents his personal appearance in such matters before a court or a department or agency of the Government as agent or attorney for anyone other than the United States. Where, in the year prior to the end of his service, a former officer or employee has changed areas of responsibility by transferring from one agency to another, the period of his post-employment ineligibility as to matters in a particular area ends one year after his responsibility for that area ends. For example, if an individual transfers from a supervisory position in the Internal Revenue Service to a supervisory position in DoD and leaves DoD for private employment nine months later, he will be free of the restriction of subsection (b) in three months insofar as Internal Revenue matters are concerned. He will of course be bound by it for a year in respect of DoD matters.

The proviso following subsections (a) and (b) authorizes a department head, notwithstanding anything to the contrary in their provisions, to permit a former officer or employee with outstanding scientific qualifications to act as attorney or agent or appear personally before the department for another in a matter in a scientific field. This authority may be exercised by the department head upon a "national interest" certification published in the FEDERAL REGISTER.

Subsection (a) describes the activities it forbids as being in connection with "particular matters involving a specific party or parties" in which the former officer or employee had participated. Subsection (b) relates to matters which were under his official responsibility. The language of both does not include general rulemaking, the formulation of general policy or standards, or other similar matters. Thus, past participation in or official responsibility for a matter of this kind on behalf of the Government does not disqualify a former employee from representing another person in a proceeding which is governed by the rule or other result of such matter. Similarly, in the scientific field past participation in discussion of scientific or engineering concepts, the feasibility of scientific or technical accomplishments or proposed Government programs in early stages prior to the formulation of contract or a contract proposal where specific parties become involved in a matter, does not disqualify the former employee from representing his company with respect to a contract entered into at a later time even though the same general scientific matters may be involved in such a contract.

Subsection (a) bars permanently a greater variety of actions than subsection (b) bars temporarily. The conduct made unlawful by the former is any action as agent or attorney, while that made unlawful by the latter is a personal appearance as agent or attorney. However, neither subsection precludes post-employment activities which may fairly be characterized as no more than aiding or assisting another. An individual who has left the department to accept private employment may, for example, immediately perform technical work in his company's plant in relation to a contract for which he had official responsibility—or, for that matter, in relation to one he helped the agency negotiate. On the other hand, he is forbidden for a year, in the first case, to appear personally before the department as the agent or attorney of his company in connection with a dispute over the terms of the contract. He may at no time appear personally before the department or otherwise act as agent or attorney for his company in such dispute if he helped negotiate the contract. Under both sections the disability is personal, and neither section would prevent the former officer or employee from becoming the president or other officer of a corporation which has contracts with the Government, so long as such former officer or employee does not personally act as the agent or attorney of the company in dealing with the matters covered under Sections a and b.

(c) SUMMARY OF LAWS APPLICABLE TO RETIRED REGULAR OFFICERS NOT ON ACTIVE DUTY

I. *Prohibited Activities.* A. *Matters Connected With Former Duties or Official Responsibilities.* A retired regular officer not on active duty is considered to be a "former officer" for the purposes of 18 U.S.C. 207 and therefore, the prohibitions discussed in paragraph XVI.C and Inclosure 3 B apply to him.

B. *Claims.* A retired regular officer of the armed forces may not, within two years of his retirement, act as agent or attorney for prosecuting any claim against the Government, or assist in the prosecution of such a claim or receive any gratuity or any share of or interest in such claim in consideration for having assisted in the prosecution of such a claim, if such claim involves the department in whice service he holds a retired status. Nor may a regular retired officer at any time act as an agent or attorney for prosecuting any claim against the Government or assist in prosecution of such claim, or receive any gratuity or any share of or interest in such a claim in consideration for having assisted in the prosecution of such claim, if such claim involves any subject matter with which he was directly connected while on active duty (See 18 U.S.C. 283).

C. *Selling.* 1. A retired regular officer is prohibited, at all times, from receiving or agreeing to receive any compensation for representing any person in the sale of anything to the Government through the department in whose service he holds a retired status (See 18 U.S.C. 281).

2. 37 U.S.C. 801(c) as amended October 9, 1962, PL. 87-777, formerly 5 U.S.C. 59(c) provides:

"No payment shall be made from appropriations in any Act to any officer on the retired lists of the Regular Army, Regular Navy, Regular Marine Corps, Regular Air Force, Regular Coast Guard, Coast and Geodetic Survey, and Public Health Service for a period of *three* years after retirement who for himself or for others is engaged in the selling of or contracting for the sale of or negotiating for the sale of, to any agency of the Department of Defense, the Coast Guard, the Coast and Geodetic Survey, and the Public Health Service any supplies or war materials."

For the purpose of this statute, "selling" means:

a. Signing a bid, proposal, or contract;

b. Negotiating a contract;

c. Contacting an officer or employee of any of the foregoing departments or agencies for the purpose of:

(1) Obtaining or negotiating contracts,

(2) Negotiating or discussing changes in specifications, price, cost allowances, or other terms of a contract, or

(3) Setting disputes concerning performance of a contract, or

d. Any other liaison activity with a view toward the ultimate consummation of a sale although the actual contract therefor is subsequently negotiated by another person.

However, it is not the intent of this Directive to preclude a retired regular officer from accepting employment with private industry solely because his employer is a contractor with the Government.

II. *Exemptions from Law Applying to Officers on Active Duty.* A regular officer who has been retired continues to be an "officer" of the United States for purposes of many statutes. However, the laws applying to officers on active duty listed in paragraph XVI A of this Directive do not normally apply to retired regular officers not on active duty. The law specifically provides that 18 U.S.C. 203 and 205 do not apply to a retired officer while not on active duty who is not otherwise an officer or employee of the United States (See 18 U.S.C. 206). In addition, as a practical matter, 18 U.S.C. 208 and 209 do not apply to a retired officer not on active duty who is not performing services for the Government, solely because of his status as a retired regular officer.

(d) OTHER RELATED LAWS APPLICABLE TO ALL DEPARTMENT OF DEFENSE PERSONNEL

The following activities may subject present and former DoD personnel to penalties:

A. Aiding, abetting, counseling, commanding, inducing, or procuring another to commit a crime under any criminal statute (See 18 U.S.C. 201).

B. Concealing or failing to report to proper authorities the commission of a felony under any criminal statute if such personnel knew of the actual commission of the crime (See 18 U.S.C. 4).

C. Conspiring with one or more other persons to commit a crime under any criminal statute or to defraud the United States, if any party to the conspiracy does any act to effect the object of the conspiracy (See 18 U.S.C. 371).

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D. The prohibition against lobbying with appropriated funds (See 18 U.S.C. 191).

E. The prohibitions against disloyalty and striking (See 5 U.S.C. 7311, 18 U.S.C. 1918).

F. The prohibition against the employment of a member of a Communist organization (See 50 U.S.C. 784).

G. The prohibition against (1) the disclosure of classified information (See 18 U.S.C. 798, 50 U.S.C. 783); and (2) the disclosure of confidential information (See 18 U.S.C. 1905).

H. The provision relating to the habitual use of intoxicants to excess (See 5 U.S.C. 7352).

I. The prohibition against the misuse of a Government vehicle (See 31 U.S.C. 638a (c)).

J. The prohibition against the misuse of the franking privilege (See 18 U.S.C. 1719).

K. The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (See 18 U.S.C. 1917).

L. The prohibition against fraud or false statements in a Government matter (See 18 U.S.C. 1001).

M. The prohibition against mutilating or destroying a public record (See 18 U.S.C. 2071).

N. The prohibition against counterfeiting and forging transportation requests (See 18 U.S.C. 508).

O. The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employment by reason of his employment (18 U.S.C. 654).

P. The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

Q. The prohibitions against political activities in subchapter III of chapter 73 of title 5, United States Code (5 U.S.C. 7321–7327) and 18 U.S.C. 602, 603, 607 and 608. (Civilian employees).

R. The prohibitions against an employee (including a special Government employee) who is required to register under the Foreign Agents Registration Act of 1938 (18 U.S.C. 219) serving the Government. The criminal penalties of this section do not apply to a special Government employee in any case in which the department head sends a certificate to the Attorney General that his employment by the United States Government is in the national interest. The section does not apply to retired regular officers or to reserves who are not on active duty or who are on active duty for training.

APPENDIX C—EXTRACT FROM APPENDIX C. OF CIVIL SERVICE FEDERAL PERSONNEL

MANUAL SYSTEM ON SPECIAL GOVERNMENT EMPLOYEES (INCLUDING GUIDELINES FOR OBTAINING AND UTILIZING THE SERVICES OF SPECIAL GOVERNMENT EMPLOYEES)

Each department and agency should observe the following rules in obtaining and utilizing the services of a consultant, adviser, or other temporary or intermittent employee:

(a) At the time of his original appointment and the time of each appointment thereafter, the department or agency should make its best estimate of the number of days during the following 365 days on which it will require the services of the appointee. A part of a day should be counted as a full day for the purposes of this estimate, and a Saturday, Sunday, or holiday on which duty is to be performed should be counted equally with a regular work day.

(b) Unless otherwise provided by law, an appointment should not extend for more than 365 days. When an appointment extends beyond that period, an estimate as required by paragraph (a) should be made at the inception of the appointment and a new estimate at the expiration of each 365 days thereafter.

(c) If a department or agency estimates, pursuant to paragraph (a) or (b), that an appointee will serve more than 130 days during the ensuing 365 days, the appointee should not be carried on the rolls as a special Government employee and the department or agency should instruct him that he is regarded as subject to the prohibitions of 18 U.S.C. 203 and 205 to the same extent as if he were to serve as a full-time employee. If the estimate is that he will serve no more than 130 days during the following 365 days, he should be carried on the rolls of the department or agency as a special Government employee and instructed that he is regarded as subject only to the restrictions of 18 U.S.C. 203 and 205. Even if it becomes apparent, prior to the end of a period of 365 days for which a department or agency has made an estimate on an appointee, that he has not been accurately classified, he should nevertheless continue to be considered a special Government employee or not, as the case may be, for the remainder of that 365-day period.

(d) An employee who undertakes service with two departments or agencies shall inform each of his arrangements with the other. If both his appointments are made on the same date, the aggregate of the estimates made by the departments or agencies under paragraph (a) or (b) shall be considered determinative of his classification by each. Notwithstanding anything to the contrary in paragraphs (a), (b), or (c), if after being employed by one department or agency, a special Government employee is appointed by a second to serve it in the same capacity, each department or agency should make an estimate of the amount of his service to it for the remaining portion of the 365-day period covered by the original estimate of the first. The sum of the two estimates and of the actual number of days of his service to the first department or agency during the prior portion of such 365-day period shall be considered determinative of the classification of the appointee by each during the remaining portion. If an employee undertakes to serve more than two departments or agencies, they shall classify him in a manner similar to that prescribed in this paragraph for two agencies. Each agency which employs special Government employees who serve other agencies shall designate an officer to coordinate the classification of such employees with such other agencies.

(e) When a person is serving as a member of an advisory committee, board or other group, and is by virtue of his membership thereon an officer or employee of the United States, the requirements of paragraphs (a), (b), (c), and (d) should be carried out to the same extent as if he were serving the sponsoring department or agency separately and individually.

(f) The 60-day standard affecting a special Government employee's private activities before his department or agency is a standard of actual past service, as contrasted with the 130-day standard of estimated future service discussed above. A special Government employee is barred from representing another person before his department or agency at times when he has served it for an aggregate of more than 60 days during the past 365 days. Thus, although once having been in effect, the statutory bar may be lifted later by reason of an intervening period of nonservice. In other words, as a matter of law the bar may fluctuate in its effect during the course of a special Government employee's relationship with his department or agency.

(g) A part of a day should be counted as a full day in connection with the 60-day standard discussed in paragraph (f), above, and a Saturday, Sunday, or holiday on which duty has been performed should be counted equally with a regular work day. Service performed by a special Government employee in one department or agency should not be counted by another in connection with the 60-day standard.

To a considerable extent the prohibitions of 18 U.S.C. 203 and 205 are aimed at the sale of influence to gain special favors for private businesses and other organizations and at the misuse of governmental position or information. In accordance with these aims, it is desirable that a consultant or adviser or other individual who is a special Government employee, even when not compelled to do so by 18 U.S.C. 203 and 205, should make every effort in his private work to avoid any personal contact in negotiations for contracts or grants with the department or agency which he is serving if the subject matter is related to the subject matter of his consultancy or other service. It is recognized that this will not always be possible to achieve; for example, in a situation in which a consultant or adviser has an executive position and responsibility with his regular employer which requires him to participate personally in contract negotiations with the department or agency he is advising. When this situation occurs, the consultant or adviser should participate in the negotiations for his employer only with the knowledge of a responsible government official. In other instances an occasional consultant or adviser may have technical knowledge which is indispensable to his regular employer in his efforts to formulate a research and development contract or a research grant and, for the same reason, it is in the interest of the Government that he should take part in negotiations for his private employer. Again, he should participate only with the knowledge of a responsible Government official.

Section 205 of title 18 contains an exemptive provision dealing with a similar situation which may arise after a Government grant or contract has been negotiated. This provision in certain cases permits both the Government and the private employer of a special Government employee to benefit from his performance of work under a grant or contract for which he otherwise would be disqualified because he had participated in the matter for the Government or it is pending in an agency he has served for more than 60 days in the past year. More particularly, the provision gives the head of a department or agency the power, notwithstanding any prohibition in either 18 U.S.C. 203 or 205, to allow a special Government employee to represent before such department or agency either his regular employer or another person or organization in the performance of work under a grant or contract. As a basis for this action, the department or agency head must first make a certification in writing, published in the FEDERAL REGISTER, that it is required by the national interest.

It is necessary occasionally to distinguish between consultants and advisers who are special Government employees and persons who are invited to appear at a department or agency in a representative capacity to speak for firms or an industry, or for labor or agriculture, or for any other recognizable group of persons, including, on occasion, the public at large. A consultant or adviser whose advice is obtained by a department or agency from time to time because of his individual qualifications and who serves in an independent capacity is an officer or employee of the Government. On the other hand, one who is requested to appear before

a Government department or agency to present the views of a nongovernmental organization or group which he represents, or for which he is in a position to speak, does not act as a servant of the Government and is not its officer or employee. He is therefore not subject to the conflict of interest laws and is not within the scope of this chapter.

The following principles are useful in arriving at a determination whether an individual is acting before an agency in a representative capacity:

(1) A person who receives compensation from the Government for his services as an adviser or consultant is its employee and not a representative of an outside group. The Government's payment of travel expenses and a *per diem* allowance, however, does not by itself make the recipient an employee.

(2) It is rare that a consultant or adviser who serves alone is acting in a representative capacity. Those who have representative roles are for the most part persons serving as members of an advisory committee or similar body utilized by a Government agency. It does not follow, however, that the members of every such body are acting as representatives and are therefore outside the range of the conflict of interest laws. The result is limited to the members of committees utilized to obtain the views of nongovernmental groups or organizations.

(3) The fact that an individual is appointed by an agency to an advisory committee upon the recommendation of an outside group or organization tends to support the conclusion that he has a representative function.

(4) Although members of a governmental advisory body who are expected to bind outside organizations are no doubt serving in a representative capacity, the absence of authority to bind outside groups does not require the conclusion that the members are Government employees. What is important is whether they function as spokesmen for nongovernmental groups or organizations and not whether they can formally commit them.

(5) When an adviser or consultant is in a position to act as a spokesman for the United States or a Government agency—as, for example, in an international conference—he is obviously acting as an officer or employee of the Government.

While it would be highly desirable, in order to minimize the occurrence of conflicts of interest, for departments and agencies of the Government to avoid appointing to advisory positions individuals who are employed or consulted by contractors or others having a substantial amount of business with that department or agency, it is recognized that the Government has, of necessity, become increasingly concerned with highly technical areas of specialization and that the number of individuals expert in those areas is frequently very small. Therefore, in many instances it will not be possible for a department or agency to obtain the services of a competent adviser or consultant who is not in fact employed or consulted by such contractors. In addition, an advisory group may of necessity be composed largely or wholly of persons of a common class or group whose employers may benefit from the advice given. An example would be a group of university scientists advising on research grants to universities. Only in such a group can the necessary expertise be found. In all these circumstances, particular care should be exercised to exclude his employer's or clients' contracts or other transactions with the Government from the range of the consultant's or adviser's duties.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

APRIL 7, 1975.

[FR Doc.75-9325 Filed 4-9-75;8:45 am]

SUBCHAPTER P—RECORDS

PART 287—AVAILABILITY TO THE PUBLIC OF DEFENSE COMMUNICATIONS AGENCY INFORMATION

Procedure and Requirements

Pursuant to the provisions of Public Law 93–502, enacted November 21, 1974, notice is hereby given of revised DCA Instruction 210–225–1 implementing 5 U.S.C. 552, as amended by Public Law 93–502, Freedom of Information Act. This Part 287 provides overall guidance to Defense Communications Agency organization on how they should respond to requests from the public for records under the Freedom of Information Act, as amended. This regulation will become effective 31 March 1975. However, public comments and recommendations submitted to Defense Communications Agency, ATTN: Code 105, Washington, D.C. 20305 by 30 May 1975 will be considered in determining the need for modification of the regulation.

Part 287, Subchapter P, Chapter I of Title 32 of the Code of Federal Regulations is revised as follows:

Sec.
287.1 Purpose.
287.2 Applicability.
287.3 Authority.
287.4 Responsibilities.
287.5 Fees.
287.6 Reports.
287.7 Questions.
287.8 "For Official Use Only" records.

AUTHORITY: 5 U.S.C. 552, as amended by Public Law 93–502.

§ 287.1 Purpose.

This Part delineates responsibility for making available to the public the maximum amount of information concerning the operations and activities of the Defense Communications Agency (DCA).

§ 287.2 Applicability.

This Part is applicable to Headquarters, DCA and DCA field activities.

§ 287.3 Authority.

This Part is published in accordance with the authority contained in 40 FR 8190, 26 February 1975, and 40 FR 4911, 3 February 1975.

§ 287.4 Responsibilities.

(a) The Assistant to the Director for Administration, Headquarters, DCA will:

(1) Prepare in proper format and arrange for publication in the Federal Register the necessary regulations to implement title 5, United States Code, section 552, as amended by Public Law 93–502 (Freedom of Information Act), subject to the provisions contained in 32 CFR 286.8.

(2) Make the material described in 32 CFR 286.5 and 286.6 available for public inspection and copying at Headquarters, DCA, 8th Street South and South Courthouse Road, Arlington, Virginia. A current index of this material will be maintained in accordance with the appropriate provisions of 32 CFR 286.

(3) Establish programs of instruction on the provisions and requirements of 32 CFR 286.7 for all officials and employees who contribute to DCA's implementation of the Freedom of Information Act.

(4) Be responsible for arranging for the publication in the FEDERAL REGISTER, after coordinating with the DCA Counsel, of appropriate material setting forth where, how, and by what authority DCA performs its functions and for informing all interested persons how to deal effectively with the Agency. These publications will be made in accordance with the guidelines contained in 40 CFR 296.

(b) The Deputy Directors, the Comptroller, and the Chief of Staff, DCA will, subject to the exceptions set forth in 32 CFR 286:

(1) Furnish the Assistant to the Director for Administration with copies of the material, described in 32 CFR 286.5 and 286.6 that is to be published in the FEDERAL REGISTER.

(2) Furnish the Civilian Assistant to the Chief of Staff, when requested, with DCA documentary material, which qualifies as a record in accordance with 32 CFR 286.5, for the purpose of responding to private persons. All such requests for information will be referred to the Civilian Assistant to the Chief of Staff.

(c) The Director, DCEC and the Commanders and Chiefs of other DCA field activities will:

(1) Provide the Assistant to the Director for Administration and the Civilian Assistant to the Chief of Staff, as appropriate, with material described in 32 CFR 286.5 and 286.6.

(2) Release records upon their own authority and concurrently provide a copy of the records released to Headquarters, DCA, Code 104.

(3) Develop supplemental instructions to DCAI 210–225–1, as required, to cover requests for information from the public which are received on a regular basis and which usually pertain to information that may be released without question. Supplemental instructions will be submitted to DCA, Code 105, for review and approval prior to implementation.

(d) The Civilian Assistant to the Chief of Staff, Headquarters, DCA, is vested with the authority, within DCA, to release records for all requests coming to Headquarters, DCA, and to the field activities in the Metropolitan Washington area, and will:

(1) Respond to all requests for records from private persons in accordance

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with the provisions of 32 CFR 286.4 whether the requests are received directly by Headquarters, DCA or referred to the Headquarters, DCA by DCA field activities. Coordinate such release with the Counsel in any case in which release is, or may be, controversial.

(2) Be the DCA principal point of contact and coordination with the ASD (PA).

(3) Insure the cooperation of DCA with the ASD(PA) in fulfilling his responsibility for monitoring the implementation of 32 CFR 286.7.

(4) Refer cases of significance to the ASD(PA) for review and evaluation, after coordination with Counsel and with the approval of the Chief of Staff, when the issues raised are unusual or precedent setting or otherwise require special attention or guidance.

(5) Advise the ASD(PA) prior to the denial of a request or prior to an appeal when two or more DoD components are affected by the request for a particular record and when circumstances suggest a potential public controversy.

(6) Be responsible for the annual reporting requirement contained in 32 CFR 286.7.

(e) Within DCA, the sole authority to deny, in whole or in part, a request for records is vested in the DCA Counsel (Code 105) or, in his absence, in the Deputy Counsel. A denial by the DCA Counsel is appealable solely to the Director or to the Vice Director acting in the absence of the Director. The Counsel, DCA, will:

(1) Make the decision, whenever, a request for a record is to be denied in whole or in part, in accordance with the criteria provided in 32 CFR 286.

(2) Inform, in writing, the person denied a record as to the basis for the denial of the request, and advise him of his right to appeal the decision to the Director, DCA.

(3) Ensure, that if such an appeal is taken, that the basis for the determination by the Director, DCA to refuse to release the record will be in writing, will state the reasons for the denial, and will inform the requester of his right to a judicial review in the appropriate U.S. district court; or if the denial is based upon security classification, of the requester's optional right to seek declassification of the record by the Interagency Classification Review Committee in lieu of immediate judicial review. No final refusal shall be made without prior consultation with the Office of the General Counsel of the Department of Defense when there is reason to believe that the requester will file a complaint in the U.S. district court to force release of the refused record.

(f) The Chief of Staff, Headquarters, DCA will, on behalf of the Director, DCA, respond to the corrective action recommended by the Civil Service Commission for arbitrary or capricious withholding of records, requested, pursuant to the Freedom of Information Act, by officers or employees of DCA. This action will be coordinated with the Counsel, DCA.

§ 287.5 Fees.

Fees which may be charged to the requester are contained in 32 CFR 286.5 and 286.10. Exceptions to charging fees are as follows: if the total fee would be less than $3; if the record is not located; if the record is determined to be exempt from disclosure; if the requester is engaged in a nonprofit activity designed for public health, safety, or welfare; if the requester is a representative of a State or local government or of a nonprofit group considered as primarily benefiting the general public. Fees ordinarily will be collected in advance of rendering the service unless the requester has specifically stated that whatever cost is involved is acceptable to him. Collection of schedule fees will be deposited to Miscellaneous Receipts of the Treasury.

§ 287.6 Reports.

Each major staff element and field activity on the distribution list of this DCA Instruction will furnish an annual report to Headquarters, DCA, Code 104, on or before 15 January of each year (Reports Control Symbol DD–PA(A) 1365) which will contain that information requested in 32 CFR 286.15.

§ 287.7 Questions.

Questions on both the substance and procedures of the Freedom of Information Act and the DCA implementation thereof should be addressed to the DCA Counsel by the most expeditious means possible, including telephone calls.

§ 287.8 "For Official Use Only" records.

The designation of "For Official Use Only" will be applied to documents and other material only as authorized by 32 CFR 286.1.

MAURICE W. ROCHE,
Director Correspondence and Directives OASD (Comptroller).

APRIL 7, 1975.

[FR Doc.75-9327 Filed 4-9-75;8:45 am]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 357-5]

PART 408—CANNED AND PRESERVED SEAFOOD PROCESSING POINT SOURCE CATEGORY

Corrections

Notice is hereby given that the Environmental Protection Agency (EPA) is correcting 40 CFR 408—Canned and Preserved Seafood Processing Point Source Category as set forth below. 40 CFR 408 was promulgated in interim final form on January 30, 1975, pursuant to sections 301, 304 (b) and (c) of the Federal Water Pollution Control Act as amended 33 U.S.C. 1252, 1311, 1314 (b) and (c), 1316 (b) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92–500 (the Act).

The purpose of this notice is to correct errors in the preamble and Subparts O through AG. The corrections encompass typographical, clerical and editorial errors and do not involve any substantive or policy issues.

In FR Document 75–2725 appearing on pages 4582 through 4607 in the issue of January 30, 1975, make the following changes:

1. In the preamble, section (b) (2) (i), 1st paragraph, line 2 the word "proposing" is revised to "establishing."

2. In the preamble, section (b) (2) (i) (8), 1st paragraph, line 3 the word "Mechanized" is revised to "mechanized."

3. In the preamble, section (b) (2) (iv) (5), 1st paragraph shall be revised to read as follows:

"The best practicable control technology currently available involves 'good housekeeping' practices which are considered normal practice within the seafood processing industry such as turning off faucets and hoses when not in use or using spring-loaded hose nozzles, by-product recovery or ultimate disposal of solids, and treatment of the waste water effluent a) by screening for plants processing 1816 kg (4000 lbs) or less of raw material per day and b) by dissolved air flotation in addition to screening for plants processing more than 1816 kg (4000 lbs) of raw material per day on any day during a calendar year."

4. In the preamble, section (b) (2) (vii), 1st paragraph, line 20 the word "post" is revised to "pose."

5. In the preamble, section (b) (2) (vii), 2nd paragraph, line 8 the phrase "The proposed effluent limitations • • •" is revised to "The interim final effluent limitations • • •"

6. In the preamble, section (b) (2) (vii), 2nd paragraph, line 11 the phrase "• • • proposed limitations for 1977 • • •" is revised to "• • • interim final limitations for 1977 • • •"

7. In the preamble, comment #9, 4th paragraph, line 20 "20" is revised to "19".

8. In the preamble, comment #22, 3rd paragraph, line 9 the word "than" is revised to "that."

9. The line preceding § 408.160 "Salmon Processing Subcategory" is revised to "Subpart P—Alaskan Hand-Butchered Salmon Processing Subcategory."

10. The table in § 408.213 shall be revised to read as follows:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	0.73	0.58
TSS	1.5	0.73
Oil and grease	0.04	0.03
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	0.73	0.58
TSS	1.5	0.73
Oil and grease	0.04	0.03
pH	Within the range 6.0 to 9.0.	

Dated: March 27, 1975.

JOHN QUARLES,
Acting Administrator.

[FR Doc.75-9322 Filed 4-9-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 7—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

[AIDPR Notice 75-5]

PROCUREMENT REGULATIONS

Miscellaneous Amendments

This notice contains amendments to various sections of the AID Procurement regulations. They are:

1. Addition of a new § 7–1.313, Record of contract actions, which lists the documents required for a complete file on the contract.

2. Addition of a clause to be used when applicable prohibiting use of AID funds for abortion-related activities.

3. Deletion of the requirement that participant training Contractors submit transcripts since the information is obtained by other means.

4. Addition of two new forms—the Contract Negotiator's Checklist and Contractor Employee Biographical Data Sheet. These forms have been Agency requirements, but have now been moved from the Agency's Manual Orders to the AID Procurement Regulations.

5. Revision of Subpart 7–30.45 covering use of the Federal Reserve Letter of Credit to bring the Agency into conformance with Treasury Department requirements.

Title 41, Chapter 7 is amended as follows:

PART 7–1—GENERAL

Subpart 7–1.3—General Policies

1. Add a new § 7–1.313 as follows:

§ 7–1.313 Record of contract actions.

(a) In order that the official contract file may contain a full history of each procurement to support actions taken by various personnel in the procurement cycle, provide information for reviews conducted by AID or others, supply data for use in preparing replies to Congressional inquiries, and furnish essential facts in the event of litigation, each such file shall contain the following data, as applicable:

(1) A copy of the Project Implementation Order (PIO) or other action authority document that conveys authority to procure services or personal property against AID financing;

(2) On negotiated procurements, identification of the circumstance permitting negotiation (AIDPR 7–3.200–50) (FPR 1–3.2);

(3) A list of the sources solicited or justification for limiting sources (AIDPR 7–3.101–50) and a list of any firms or persons whose requests for copies of the solicitation were denied, together with the reasons for denial;

(4) A copy of the formal solicitation of proposal, the Invitation for Bid (IFB), or a record of informal solicitation of proposals:

(5) A copy of the synopsis message sent to the Commerce Business Daily for publicizing contracting or subcontracting possibilities (FPR 1–1.1003–7) or reasons for not synopsizing (FPR 1–1.1003–2);

(6) A copy of each signed bid or proposal received;

(7) The Bidder's Statement of Contingent Fee (FPR 1–1.505);

(8) All price and cost data submitted or used, including Certificates of Current Cost or Pricing Data (FPR 1–3.807–4) and Cost Accounting Standards Disclosure Statement (FPR 1–3.1203);

(9) The contracting officer's determination of the contractor's responsibility (FPR 1–1.1204);

(10) A full record of negotiations (memorandum of negotiation) including, but not limited to:

(i) Participants,

(ii) Dates and places of meetings,

(iii) Selection of the successful contractor, including reasons for selection,

(iv) Agreements on Government-furnished materials, equipment, or facilities,

(v) Technical or financial recommendations,

(vi) Terms, conditions and type of contract agreed to,

(vii) Agreements on subcontracting,

(viii) Justification for fixed fee or profit, and

(ix) Justification for final cost or price;

(11) Required Determinations and Findings (FPR 1–3.302);

(12) A record of the pre-award on-site-evaluation surveys conducted (FPR 1–1.1205–4);

(13) A copy of any deviations approved pursuant to AIDPR 7–1.107 or 7–1.305–3;

(14) Any required approvals and clearances (General Counsel, Security, Technical, Auditor General, Small Business, etc.);

(15) A copy of the contract or award;

(16) A copy of the synopsis message sent to the Commerce Business Daily publicizing contract awards (FPR 1–1.1004–1);

(17) Any exceptions or exemptions to the Buy American Act or Foreign Assistance Act (FPR 1–6.1) (AIDPR 7–6.103–51, 7–6.51 and 7–6.52);

(18) Copies of all amendments and task orders with supporting documents;

(19) Copy of contractor's established policies and practices covering compensation, leave, work week, promotions, etc.;

(20) Evidence of contractor's compliance with equal opportunity provisions (AIDPR 7–12.805–4);

(21) Copies of advance payment data (FPR 1–30.4);

(22) Copies of the Federal Reserve Letter of Credit (FRLC) data (AIDPR 7–30.45);

(23) Copy of contracting officer's decisions under the Disputes clause (AID PR 7–1.318);

(24) Termination data (FPR 1–8) (AIDPR 7–8);

(25) All other pertinent correspondence, documents and reports;

(26) Final release upon completion of the contract (standard payment clause, AIDPR 7–7, 7–16.851).

PART 7–6—FOREIGN PURCHASES

Subpart 7–6.52—U.S. Source Restrictions—Commodities

§ 7–6.5204 [Amended]

2. Section 7–6.5204 is amended to change the phrase "ten percent" in the certification to "50 percent".

PART 7–7—CONTRACT CLAUSES

Subpart 7–7.50—Clauses for Cost Reimbursement Type Contracts

3. New § 7–7.5003–3, *Abortion-related activities*, is added as follows:

§ 7–7.5003–3 Abortion-related activities.

Insert the following clause in all contracts funded under Title X of the Foreign Assistance Act of 1961, as amended:

ABORTION-RELATED ACTIVITIES (APR 1975)

No funds made available under this contract will be used for the following family planning and population assistance activities:

(1) procurement or distribution of equipment provided for the purpose of inducing abortions as a method of family planning;

(2) information, education, training, or communication programs that seek to promote abortion as a method of family planning;

(3) payments to women in less developed countries to have abortions as a method of family planning;

(4) payments to persons to perform abortions or to solicit persons to undergo abortions.

Subpart 7–7.52—Basic Ordering Agreement for Participant Training

§ 7–7.5201–5 [Reserved]

4. Section 7–7.5201–5, *Transcripts*, is deleted in its entirety and reserved.

5. New § 7–7.5202–2, *Abortion-related activities*, is added as follows:

§ 7–7.5202–2 Abortion-related activities.

Insert the clause set forth in AIDPR 7–7.5003–2 under the conditions contained therein.

Subpart 7–7.53—Contracts for Participant Training

§ 7–7.5301–5 [Reserved]

6. Section 7–7.5301–5, *Transcripts*, is deleted in its entirety and reserved.

7. New § 7–7.5302–2, *Abortion-related activities*, is added as follows:

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§ 7–7.5302–2 Abortion-related activities.

Insert the clause set forth in AIDPR 7–7.5003–3 under the conditions contained therein.

Subpart 7–7.54—Clauses for Fixed Price Type Contract for Technical Services

8. New § 7–7.5403–4, *abortion-related activities*, is added as follows:

§ 7–7.5403–4 Abortion-related activities.

Insert the clause set forth in AIDPR 7–7.5003–3 under the conditions contained therein.

Subpart 7–7.55—Clauses for Cost Reimbursement Contracts With Educational Institutions

9. New § 7–7.5503–10, *Abortion-related activities*, is added as follows:

§ 7–7.5503–10 Abortion-related activities.

Insert the clause set forth in AIDPR 7–7.5003–3 under the conditions contained therein.

PART 7–16—PROCUREMENT FORMS

Subpart 7–16.8—Miscellaneous Forms

10. Add new §§ 7–16.852 and 7–16.853 as follows:

§ 7–16.852 Contract Negotiator's Checklist.

AID Form 1420–16, Contract Negotiator's Checklist (see AIDPR 7–16.963) is prescribed for use by AID negotiators to verify compliance with applicable regulations and policies in the preparation of all AID-direct contracts (including task orders or work assignments) or amendments thereto. The check-list shall be completed, signed and dated by the negotiator, reviewed by the contracting officer prior to execution of the document to which it applies; and filed in the official contract file.

§ 7–16.853 Contractor Employee Biographical Data Sheet.

(a) Form AID 1420–17, Contractor Employee Biographical Data Sheet (see AIDPR 7–16.964) is the prescribed form for use in submitting the data required by §§ 7–7.5001–3, 7–7.5401–2, and 7–7.5501–3 of this chapter.

(b) The form shall be included in each IFB, RFP, RPQ, or other form of solicitation when it is intended that the "Biographical Data" clause will be utilized. As required by the terms of either the solicitation or the contract clause entitled "Biographical Data," the offeror, bidder, or contractor shall, upon the contracting officer making such form available, submit the completed form AID 1420–17 for each employee, in triplicate, to the contracting officer or other AID office designated by the contracting officer.

(c) The contracting officer or other designated AID office evaluates the information submitted and utilizes it as the basis for determining the reasonableness of proposed salaries and/or country clearance. Any required notifications of approval or disapproval to the contractor shall be handled as expeditiously as possible by the cognizant AID office. One copy of each form AID 1420–17 submitted by the contractor shall be retained in the official contract file.

Subpart 7–16.9—Illustrations of Forms

11. Add new §§ 7–16.963 and 7–16.964 as follows:

§ 7–16.963 Contract Negotiator's Checklist.

NOTE: Form 1420–16 filed as part of the original document.

§ 7–16.964 Contractor Employee Biographical Data Sheet.

NOTE: Form 1420–17 filed as part of the original document.

PART 7–30—CONTRACT FINANCING

Subpart 7–30.45—Federal Reserve Letter of Credit Method of Disbursing Advances to Nonprofit Institutions

12. Sections 7–30.4500 through 7–30.4502 (Subpart 7–30.45) are revised to read as follows:

§ 7–30.4500 Scope and applicability.

(a) The Federal Reserve Letter of Credit, Standard Form 1193, is used to provide advances of funds under AID direct contracts with state and local governments in the United States and with educational and other nonprofit institutions, including international organizations.

(b) The Federal Reserve Letter of Credit method shall not apply unless (1) the Agency has, or expects to have, a continuing relationship of at least one year with a recipient organization; and (2) the annual amount required for advance financing will be at least $250,000.

(c) Documents drawing on Federal Reserve Letters of Credit, e.g., payment vouchers (Form TUS 5401), ordinarily will not be in amounts less than $10,000 or more than $1,000,000 but within the dollar ceiling on monthly or quarterly drawings specified in the contract. Cash drawdowns will be initiated only when cash is actually needed to make disbursements. Since the Federal Reserve Letter of Credit enables the recipient organization to withdraw cash from the Treasury concurrently with and as frequently as disbursements are made by the recipient, there need be no time lag between drawdowns from Treasury and disbursements by the recipient organization.

§ 7–30.4501 Guidelines for use of the Reserve Letter of Credit.

In authorizing advance payments under the Federal Reserve Letter of Credit procedures, the contracting officer shall be guided by the following considerations:

(a) The cost principles contained in FPR 1–15 and AIDPR 7–15 should not be incorporated in the Federal Reserve Letter of Credit.

(b) The Federal Reserve Letter of Credit language given in § 7–30.4502 below should be modified to the extent necessary to adapt its payment provisions to those of the contract for which it provides advances.

(c) Federal Reserve Letter of Credit provisions incorporated into a contract shall not, in any way, alter or eliminate any fiscal reporting requirements contained in the contract.

(d) Contracts should require such security for funds advanced as may be considered appropriate for the protection of the Government under the circumstances of each case, as set forth in FPR 1–30.413 and AIDPR 7–30.413.

§ 7–30.4501–1 Special provisions in a Federal Reserve Letter of Credit.

(a) Subadvances (i.e., advances by the contractor to subcontractors) may be authorized under prime contracts with universities or other nonprofit organizations subject to the requirements of FPR 1–30.414–2(q). Such subadvances shall conform to the same standards as are applicable to those of the prime contractor for the timing of drawdowns and disbursements.

(b) The salary, commissions and bonus provision in FPR 1–30.414–2(r) may also be included in Federal Reserve Letter of Credit provisions, modified as appropriate. This provision will normally be used in contracts with nonprofit organizations which are not educational institutions.

(c) Provisions, such as a limitation on the amount which may be drawn during a specified period, a limitation on the forward period for which an advance may be requested (see Treasury Circular 1075), or a limitation in the rate of disbursements, may be incorporated in the Federal Reserve Letter of Credit.

§ 7–30.4501–2 Procedure to establish a Federal Reserve Letter of Credit.

When an advance of funds to finance a contract is required and the contracting officer decides that the Federal Reserve Letter of Credit is a suitable method, the following procedures shall be employed by the procuring activity prior to the execution of the contract:

(a) The contracting officer shall advise the Office of the Controller in writing (pursuant to § 7–30.406(b)) as early as possible in the negotiation cycle, of the name and address of the proposed contractor, the type of contract and the estimated amount thereof, the total amount and the estimated dollar ceiling of withdrawals by month of the Federal Reserve Letter of Credit, the reasons the contracting officer deems an advance is required, and shall request his advice and concurrence. The following additional material shall be furnished along with the request:

(1) For nonprofit educational institutions and their related organizations:

(i) Copy of the contractor's proposal;

(ii) Copy of the PIO/T.

(2) For all other nonprofit institutions:

(i) The material required in (1) above;

(ii) Such other data as may be required to conform to the Controller's current requirements: e.g., copy of the contractor's latest available balance sheet, and income and expense statement.

(b) (1) The Controller's concurrence in the amount requested or a different amount and/or rate of withdrawal, or his nonconcurrence, shall be supplied by memorandum to the contracting officer within five working days from receipt of this request.

(2) If the Controller does not concur, or recommends a different amount or rate of withdrawal, he shall set forth the reasons for such action. If the contracting officer does not agree, then the matter shall be referred to the head of the procuring activity or his delegate for final decision.

(3) In every instance, the contracting officer transmits for the signature of the head of the procuring activity (or his delegate pursuant to AIDPR 7–30.406(a)) appropriate findings, determinations and authorization in support of an advance, including a copy of the written advice provided by the Controller. If the Controller did not concur in the requested advance, the approval of the head of the procuring activity shall be considered the decision referred to in paragraph (b)(2) of this section. A copy of each signed determination shall be furnished to the Office of the Controller.

(c) Before, or at the time of execution of the contract, the contract shall furnish the name of its commercial bank and the Federal Reserve Bank or branch serving the commercial bank to the contracting officer. The contractor shall also supply the specimen signature(s) of the official(s) authorized to sign payment vouchers against the Federal Reserve Letter of Credit and a specimen signature of the official of the institution who has authorized them to sign on three original Standard Forms 1194, "Authorized Signature Card for Payment Vouchers on Letters of Credit." The contracting officer shall then forward the following to the Controller for processing:

(1) The three signed signature cards (Standard Form 1194);

(2) A signed or conformed copy of the contract;

(3) The name and address of the contractor's commercial bank, and the Federal Reserve Bank or branch;

(4) A recommended dollar ceiling on monthly or quarterly drawings for inclusion on the Federal Reserve Letter of Credit when such limitation is considered desirable by the contracting officer; and

(5) A copy of the determination cited in paragraph (b)(3) of this section.

§ 730.4501–3 Suspension or revocation of the Federal Reserve Letter of Credit.

(a) The Office of the Controller notifies the contracting officer whenever it appears that the institution is drawing in excess of current needs or if it is delinquent more than 30 days in submitting required reports and documentation. The contracting officer may direct the institution to suspend issurance of payment vouchers until the credits are in line with anticipated needs or to submit the reports and documentation immediately and promptly notifies the Controller of any such action. The contracting officer may request the Controller to amend the Federal Reserve Letter of Credit to provide further appropriate limitation on the amount and frequency of submissions, and if the Controller concurs, the Federal Reserve Letter of Credit will be so amended.

(b) The contracting officer may, upon finding that the contractor has presented payment vouchers in excess of the amount allowable or otherwise has misused the Federal Reserve Letter of Credit, request the Controller to revoke the Federal Reserve Letter of Credit. Upon receipt of such request from the contracting officer the Controller, if concurring, issues a letter revoking the Federal Reserve Letter of Credit, giving it the same distribution as the original Federal Reserve Letter of Credit.

(c) If the Controller does not concur, he shall set forth the reasons for such action. If the contracting officer does not agree, then the matter shall be referred for a decision to the head of the procuring activity or his delegate for final decision.

§ 7–30.4502 Contract clause—Federal Reserve Letter of Credit.

The following language shall be incorporated in the schedule of all contracts in which a Federal Reserve Letter of Credit is to be used to provide advance payments. Any substantial modification to the clause shall be treated as a deviation and processed in accordance with AIDPR 7–1.107. However, special provisions may be added to the clause, as indicated in AIDPR 7–30.4501–1.

Federal Reserve Letter of Credit for Advance Payment (Apr. 1975)

(a) AID shall open a Federal Reserve Letter of Credit in favor of the Contractor in the amount of $------ (for amending existing contracts, add the word "remaining" here) available for obligation under this contract against which the Contractor may present payment vouchers. The amount drawn by the Contractor during any calendar (month or quarter) of this contract shall not exceed $------ without the prior written authorization of the contracting officer. The amount of the payment voucher shall not be in an amount less than $10,000 nor more than $1,000,000 but within the specific dollar ceiling on (monthly or quarterly) withdrawals.

(b) In no event shall the accumulated total of all such payment vouchers exceed the amount of the Federal Reserve Letter of Credit.

(c) If at any time, the contracting officer determines the Contractor has presented payment vouchers in excess of the amount or amounts allowable in paragraphs (a) and (b) of this section, the contracting officer may: (1) cause the Federal Reserve Letter of Credit to be suspended or revoked; or (2) direct the Contractor to withhold submission of payment vouchers until such time as, in the judgment of the contracting officer, an appropriate level of actual, necessary and allowable expenditures has occurred or will occur under this contract; and/or (3) request the Contractor to repay to AID the amount of such excess. Upon receipt of the contracting officer's request for repayment of excess advance payments, the Contractor shall promptly comply with such request.

(d) Procedure for contractor. (1) After arranging with a commercial bank of its choice for operation under this arrangement and obtaining the name and address of the Federal Reserve Bank or branch serving the commercial bank, the Contractor shall deliver three originals of Standard Form 1194, "Authorized Signature Card for Payment Vouchers on Letters of Credit" signed by those official(s) authorized to sign payment vouchers against the Federal Reserve Letter of Credit and by an official of the institution who has authorized them to sign.

(2) Upon execution of the contract, the Contractor shall receive one certified copy of the Federal Reserve Letter of Credit.

(3) The Contractor shall confirm with his commercial bank that the Federal Reserve Letter of Credit has been opened and is available if funds are needed.

(4) To receive payment, the Contractor shall:

(i) Periodically, although normally not during the last five days of the month, prepare payment vouchers (Form TUS 5401) in an original and three copies.

(ii) Have the original and two copies of the voucher signed by the authorized official(s) whose signature(s) appear on the Standard Form 1194.

(iii) Present the original, duplicate, and triplicate copy of the Form TUS 5401 to his commercial bank.

(e) Retain the quadruplicate copy of the voucher.

(5) Each drawdown should be initiated at approximately the same time that checks are issued by the organization in payment of program liabilities including those for allowable indirect costs, and in an amount approximately equal to the Federal share of such payments. Therefore, there is no necessity for the recipient organization to maintain balances of Federal cash other than the small balance necessary to provide for an element of bank float.

(6) A report of expenditures is prepared and submitted to the Office of Financial Management, within thirty days of disbursement. This report, submitted on Standard Form 1034, "Public Voucher for Purchases and Services Other Than Personal", and supported by certifications, listing of withdrawals, and documentation as required, itemizes expenditures made, identifying funds expended by line item of the approved budget and/or category supporting the agreement.

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(7) The report of expenditures on Standard Form 1034 is reviewed against the contract provisions, and any disbursement improper under the contract is disallowed. The Contractor is notified of the reason for the disallowance and is directed to adjust the next periodic report of expenditures to reflect the disallowance and to reduce its next payment voucher against the Federal Reserve Letter of Credit by the amount of the disallowance.

(8) Simultaneously with the submission of the report of expenditures, the Contractor submits to the Controller a status report on the Federal Reserve Letter of Credit as of the close of the period covered by the report of expendi- status report on the Federal Reserve lowing format:

STATUS OF FUNDING REPORT

FEDERAL RESERVE LETTER OF CREDIT (FRLC)

No. _____

Period from _____ through _____

A. Letter of Credit Position:

1. Current amount of FRLC (including amendments) through reporting period..... $_____
2. Payment Vouchers on Letter of Credit presented (Form TUS-5401):
   a. Credited prior to reporting period..... _____
   b. Credited during reporting period via TUS-5401 Voucher Nos. ____ through ____ inclusive ..... _____
   c. Presented but not credited during report via TUS-5401's numbered ____ through ____ inclusive ..... _____
3. Total of all Payment Vouchers against FRLC credited or presented ..... _____
4. Balance of FRLC not drawn or requested this reporting period ..... _____

B. Cash Position:

1. Cash on hand at beginning of period ..... _____
2. Plus: cash drawn during period ..... _____
3. Plus: refunds, rebates or other amounts received, to the extent allocable to disbursements charged against this FRLC ..... _____
4. Total cash available (sum of 1, 2, and 3) ..... _____
5. Less: disbursements during period ..... _____
6. Balance of cash on hand at close of reporting period..... _____
7. Estimated number of days requirements covered by balance on hand (Item 6 above) Days: ____.
8. Advances to subcontractors $____ included in B. 6 above).

(f) Refund of excess funds. (1) If all costs have been settled under the contract and the Contractor fails to comply with the contracting officer's request for repayment of excess Federal Reserve Letter of Credit funds, the Government shall have the right, on other contracts held with the Contractor, to withhold payment of Federal Reserve Letter of Credit or other advances and/or withhold reimbursements due the Contractor in the amount of the excess being held by the Contractor.

(2) If the Contractor is still holding excess Federal Reserve Letter of Credit funds on a contract under which the work has been completed or terminated but all costs have not been settled, the Contractor agrees to:

(i) Provide within 30 days after requested to do so by the contracting officer, a breakdown of the dollar amounts which have not been settled between the Government and the Contractor. (The contracting officer will assume no costs are in dispute if the Contractor fails to reply within 30 days.);

(ii) Upon written request of the contracting officer, return to the Government the sum of dollars, if any, which represents the difference between (1) the Contractor's maximum position on claimed costs which have not been reimbursed and (2) the total amount of unexpended funds which have been advanced under the contract; and

(iii) If the Contractor fails to comply with the contracting officer's request for repayment of excess Federal Reserve Letter of Credit funds, the Government shall have the right, on other contracts held with the Contractor, to withhold payment of Federal Reserve Letter of Credit or other advances and/or withhold reimbursements due the Contractor in the amount of the excess being held by the Contractor.

(This AIDPR Notice No. 75-5 is an interim procurement instruction and is issued pursuant to AIDPR 7-1.104-4.)

Effective Date: This notice is effective on April 1, 1975.

Dated: March 26, 1975.

JOHN F. OWENS,
Acting Deputy Assistant Administrator for Program and Management Services.

[FR Doc.75-9876 Filed 4-9-75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5496; CA-846]

CALIFORNIA

Partial Revocation of Reclamation Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

1. Departmental order of July 2, 1902, amended by departmental order of August 26, 1902, and departmental order of July 9, 1904, withdrawing lands for reclamation purposes are hereby revoked so far as they affect the following described lands:

TAHOE NATIONAL FOREST

MOUNT DIABLO MERIDIAN

T. 18 N., R. 17 E.,
Sec. 32, E½NE¼SE¼, E½W½NE¼SE¼, E½W½W½NE¼SE¼ E½W½NW¼SE¼SE¼, E½NW¼SE¼SE¼, SW¼SE¼SE¼, E½SE¼SE¼.

The area described aggregates 72.5 acres in Nevada County.

2. At 10 a.m. on May 10, 1975, the lands shall be open to such forms of disposition as may be made of national forest lands.

JACK O. HORTON,
Assistant Secretary of the Interior.

APRIL 4, 1975.

[FR Doc.75-9863 Filed 4-9-75;8:45 am]

Title 45—Public Welfare

CHAPTER XII—ACTION

PART 1216—NONDISPLACEMENT OF EMPLOYED WORKERS AND NONIMPAIRMENT OF CONTRACTS FOR SERVICE

Assignment of Volunteer Workers

On September 13, 1974, there was published in the FEDERAL REGISTER (39 FR 33012) a notice of a proposed amendment to Chapter XII, Title 45. The proposed regulations establish rules to assure that the services of volunteers are limited to activities which would not otherwise be performed by employed workers and which will not supplant the hiring of, or result in the displacement of, employed workers or impair existing contracts for service.

Interested persons were given 30 days in which to submit comments. Numerous comments were received from different agencies using volunteers. As a result of such comments several changes will be made to the regulations.

The comments involved two basic issues: (1) the kinds of volunteers affected by the regulation and (2) the kinds of assignments which are appropriate for such volunteers.

(1) On the first issue, there were two concerns: (a) that § 1216.1–2 (b) and (c) would make any volunteer working in an agency receiving ACTION assistance of any kind, directly or indirectly, subject to the regulation's provisions; and (b) the Section would affect volunteers participating in ACTION programs, who are neither authorized to receive allowances nor reimbursement for expenses.

a. The proposed language of § 1216.1–2 (b) and (c) does not apply to all volunteers in any programs run by an agency receiving assistance from ACTION. The language of a regulation cannot be broader than the statute it implements, in this case section 404(a) of the Domestic Volunteer Service Act of 1973, Pub. L. 93–113. Section 404(a) only refers to the "service of volunteers assigned, referred or serving pursuant to grants, contracts or agreements made pursuant to" Pub. L. 93–113. In the interest of making the regulation clearer in this respect, the following changes will be made: (1) Section 1216.1–2 (a) and (b) will be replaced by the following new paragraph:

"(a) All full-time and part-time volunteers assigned, referred or serving pursuant to grants, contracts, or agreements made pursuant to the Act."

(2) Section 1216.1–2(c) will be relettered (b) and amended to read as follows:

"(b) All agencies and organizations to which the volunteers in paragraph (a) of this section are assigned, referred or provide services."

b. With respect to the second concern, the language of section 404(a) covers not only volunteers, who are authorized to receive allowances or reimbursement for expenses, but also volunteers who are assigned, referred or serving pursuant to any grant, contract or agreement made under the Act. Some ACTION grants provide funds for administrative expenses, salaries and overhead, etc., and no money to pay volunteer allowances and expenses. The volunteers serving directly in such a grant program are subject to the provisions of the regulation.

The language "pursuant to any grant, contract, or agreement made under the Act" includes situations where funds provided to a sponsor pursuant to a grant or contract are passed on to another agency or organization, e.g. subgrants or delegate agency relationships. In such relationships, the delegate agency or organization receives its assistance indirectly from ACTION. Generally, these relationships would be the only situations in which agencies who receive assistance indirectly from ACTION are covered by the regulations.

(2) The second major issue involves the kinds of assignments which are appropriate for volunteers affected by the regulation. Volunteers can be used when funds are lacking for the employment of staff and to expand services to a target community which could be performed by existing staff. The only condition is that such an assignment be appropriate for a volunteer. It is here that several comments say the regulations are too broad. An assignment is considered appropriate under § 1216.1–4(b) first, if the service is not principally clerical and administrative; or second, if the volunteer is in direct contact with groups or individuals to be served or engaged in activities authorized or of a character eligible for assistance under the Act.

a. Several comments expressed the need to define clerical and administrative positions more carefully. Volunteers who receive financial support, other than reimbursement of expenses, should not serve in positions that are primarily clerical or administrative. This policy reflects the view that because such volunteers receive a support subsidy derived from taxpayer's revenues, they should be engaged in more significant activities than routine clerical or administrative duties. This view also applies in the situation where a sponsor pays for the direct support, as in the ACTION Cooperative Program (ACV). The Federal involvement in such a program, through recruitment and staff and volunteer support, represents for these purposes as much of a Federal subsidy as does direct support to the volunteer.

b. With respect to volunteers who receive no financial support or expense reimbursement, the Federal interest is not as great. These programs will, with rare exceptions, involve part-time volunteers. In such situations, volunteers may undertake routine clerical and administrative tasks as long as their assignment is in keeping with the appropriate legislative or program purpose. However, the use of volunteers in this way must fall within one of § 1216.1–4(a)'s four exceptions, primarily paragraph (a)(1). To the extent that they do not, section 404(a) and the regulation apply.

c. To take into account the preceding discussion, § 1216.1–4(b)(1) is amended to read as follows:

"(1) The service, duty, or activity is principally a routine administrative or clerical task. This definition applies only to any service, duty, or activity performed by a volunteer receiving financial support apart from reimbursement for expenses."

d. The second exception, § 1216.1–4(b)(2), would require that such jobs involve direct contact or be permitted under the Act. Several comments expressed that volunteers must always be in direct contact with people served. But, this is not the case since there may be assignments permitted under the Act which do not bring volunteers in direct contact with people who ultimately benefit from their work.

Accordingly, with these changes, the proposed amendments are adopted as set forth below and become effective April 7, 1975.

Sec.
1216.1–1 Purpose.
1216.1–2 Applicability of this part.
1216.1–3 Policy.
1216.1–4 Exceptions.

AUTHORITY: Secs. 402(12), 404(a), 420 of Pub. L. 93–113, 87 Stat. 394, 408, 414.

§ 1216.1–1 Purpose.

This part establishes rules to assure that the services of volunteers are limited to activities which would not otherwise be performed by employed workers and which will not supplant the hiring of, or result in the displacement of, employed workers or impair existing contracts for service. It implements section 404(a) of the Domestic Volunteer Service Act of 1973, Pub. L. 93–113 (the "Act").

§ 1216.1–2 Applicability of this part.

(a) All full-time and part-time volunteers assigned, referred or serving pursuant to grants, contracts, or agreements made pursuant to the Act.

(b) All agencies and organizations to which the volunteers in paragraph (a) of this section are assigned, referred or provide services.

§ 1216.1–3 Policy.

(a) Volunteers enrolled or participating in programs referred to in paragraphs (a) and (b) of § 1216.1–2 may not perform any services or duties or engage in activities which would otherwise be performed by an employed worker as part of his assigned duties as an employee.

(b) Volunteer referred to in paragraph (a) of this section may not perform any services or duties or engage in activities which will supplant the hiring of employed workers. This prohibition is violated if, prior to engaging a volunteer, an agency or organization referred to in § 1216.1–2(c) had intended to hire a person to undertake all or a substantial part of the services, duties, or other activities to be provided by the volunteer.

(c) Volunteers referred to in paragraph (a) of this section may not perform any services or duties or engage in activities which result in the displacement of employed workers. Such volunteers may not perform services or duties which have been performed by or were assigned to, any of the following:

(1) Presently employed workers,

(2) Employees who recently resigned or were discharged,

(3) Employees who are on leave (terminal, temporary, vacation, emergency, or sick), or

(4) Employees who are on strike or who are being locked out.

(d) Volunteers referred to in paragraph (a) of this section may not perform any services or duties or engage in activities which impair existing contracts for service. This prohibition is violated if a contract for services is modified or cancelled because an agency or organization referred to in § 1216.1–2(b) engages a volunteer to provide or perform all or a substantial part of any services, duties, or other activities set forth in such contract. The term "contract for services" includes but is not limited to contracts, understandings and arrangements, either written or oral, to provide professional, managerial, technical, or administrative services.

(e) Agencies and organizations referred to in § 1216.1–2(b) are prohibited from assigning or permitting volunteers referred to in § 1216.1–2(a) to perform any services or duties or engage in any activities prohibited by paragraphs (a)–(d) of this section.

§ 1216.1–4 Exceptions.

(a) The requirements of § 1216.1–3 are not applicable to the following, or similar, situations:

(1) Funds are unavailable for the employment of sufficient staff to accomplish a program authorized or of a character eligible for assistance under the Act and the activity, service, or duty is otherwise appropriate for the assignment of a volunteer.

(2) Volunteer services are required in order to avoid or relieve suffering threatened by or resulting from major natural disasters or civil disturbances.

(3) Reasonable efforts to obtain employed workers have been unsuccessful due to the unavailability of persons within the community who are able, willing, and qualified to perform the needed activities.

(4) The assignment of volunteers will significantly expand services to a target community over those which could be performed by existing paid staff, and the activity, service or duty is otherwise appropriate for the assignment of a volunteer and no actual displacement of paid staff will occur as a result of the assignment.

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(b) For the purposes of paragraphs (a) (1) and (4) of this section, the assignment is not appropriate for the assignment of a volunteer if:

(1) The service, duty, or activity is principally a routine administrative or clerical task. This definition applies only to any service, duty, or activity performed by a volunteer receiving financial support apart from reimbursement for expenses.

(2) The volunteer is not directly in contact with groups or individuals whom the Act is designed to serve or is not performing services, duties, or engaged in activities authorized or of a character eligible for assistance under the Act.

Issued at Washington, D.C. on April 7, 1975.

JOHN L. GANLEY,
Deputy Director, ACTION.

[FR Doc.75-9260 Filed 4-9-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

J. Clark Salyer National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective April 10, 1975.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Sport fishing on the J. Clark Salyer National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,000 acres or 9 per cent of the total water area of the refuge, are delineated on a map and described in a leaflet available at the refuge headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, P.O. Box 1697, Bismarck, North Dakota 58501. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) All waters within the boundaries of the J. Clark Salyer National Wildlife Refuge, designated as open to fishing by the Refuge Manager, shall be open to the taking of all fish from May 3, 1975 through September 30, 1975, daylight hours only. The open areas shall then be closed to all boat fishing but remain open to bank and ice fishing from October 1, 1975, through March 28, 1976, daylight hours only. All Refuge waters shall then be closed to all fishing from March 29, 1976, through April 30, 1976.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through March 28, 1976.

JON M. MALCOLM,
Refuge Manager.

APRIL 4, 1975.

[FR Doc.75-9274 Filed 4-9-75;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER H—EASTERN PACIFIC TUNA FISHERIES

PART 280—YELLOWFIN TUNA

Miscellaneous Amendments; Correction

In FR DOC 75-5065 appearing in the issue of February 25, 1975, and beginning at page 8101, make the following changes:

1. In § 280.7(a)(1) on page 8104, column 2, line 14 the word Government should read in the plural "Governments".

2. In § 280.9(b) on page 8106, column 3, line 4 insert the article "a" between the words in and port, so as to read "• • • in a port of the United States • • •".

Issued at Washington, D.C., and dated April 7, 1975.

ROBERT F. HUTTON,
Acting Director.

[FR Doc.75-9294 Filed 4-9-75;8:45 am]

PART 280—YELLOWFIN TUNA

Miscellaneous Amendments

Correction

In FR Doc. 75-5065, appearing at page 8101, in the issue for Tuesday, February 25, 1975, make the following corrections:

1. Page 8101, second paragraph, first line, the word "bid" should read "did".

2. Page 8102, first column, paragraph (3), the word "jib" should read "jig".

3. Page 8102, third column, second full paragraph, sixth line, the word "is" should read "if".

4. Page 8103, first column, first full paragraph, seventh line, the word "amendment" should read "amendments".

5. Page 8103, § 280.1(e), second line, the word "Maritime" should read "Marine".

6. Page 8103, § 280.1(g), fourteenth and nineteenth lines, the word "altitude" should read "latitude".

7. Page 8103, § 280.1(g), line thirty, "100°" should read "110°".

8. Page 8104, § 280.6(b), first line, the word "yellowfish" should read "yellowfin".

9. Page 8104, § 280.6(b), the last line "regulatory area at this date (give date)"." should be deleted.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Export Reg. 24, Amdt. 6]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Amendment of Grade Regulation

This amendment lowers the minimum grade requirement applicable to export shipments of Florida white seedless grapefruit to U.S. No. 2 on April 7, 1975. The U.S. No. 2 minimum grade requirement specified for export shipments of white seedless grapefruit is necessary to satisfy the demand for such fruit by export market outlets.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Shippers Advisory Committee and Growers Administrative Committee established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the minimum grade requirement applicable to white seedless grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) This amendment reflects the Department's appraisal of the prospective demand for fresh white seedless grapefruit by export outlets. The lower grade requirement specified for export shipments of white seedless grapefruit is consistent with the external appearance and remaining supply of such grapefruit. During the week ended March 30, 1975, export shipments of Florida grapefruit totaled 597 carlots compared with 488 carlots for the previous week.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 90 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment lowers the minimum grade requirement applicable to export shipments of white seedless grapefruit grown in Florida.

Order. 1. In § 905.559 (Export Regulation 24; 39 FR 32976; 37186; 40 FR 2792, 11345, 12646, 14589) the provisions of paragraph (b)(13) are amended to read as follows:

§ 905.559 Export Regulation 24.

• • • • • •

(b) • • •

(13) Any seedless grapefruit, other than pink seedless grapefruit, grown in the production area, which do not grade at least U.S. No. 2, or any pink seedless grapefruit which do not grade at least U.S. No. 2 Russet;

• • • • • •

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated, April 4, 1975, to become effective April 7, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-9308 Filed 4-9-75;8:45 am]

[Valencia Orange Reg. 491]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Minimum Size Regulation

This regulation sets a minimum size requirement of 2.20 inches in diameter applicable to the handling of Valencia oranges grown in District 2 of the California-Arizona production area during the period April 11 through May 22, 1975. Such action is necessary to satisfy current and prospective market demand for fresh shipments of such California-Arizona Valencia oranges. The specified minimum size requirement is consistent with the size composition and available supply of the developing crop of Valencia oranges in District 2.

§ 908.791 Valencia Orange Regulation 491.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of shipments of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The minimum size requirement specified herein reflects the Department's appraisal of the crop and current and prospective marketing conditions during the period April 11 through May 22, 1975. The 1974-75 season crop of Valencia oranges is currently estimated at 61,500 carlots. The demand in regulated market channels will require about 34 percent of this volume, and the remaining 66 percent will be available for utilization in export, processing, and other outlets. Fresh shipments of Valencia oranges from District 2 are expected to begin on or about the effective time of this regulation. The volume and size composition of the crop of Valencia oranges grown in District 2 are such that ample supplies of the more desirable sizes are available to satisfy the demand in regulated channels. The regulation herein specified is designed to permit shipment of ample supplies of fruit of the more desirable sizes in the interest of both growers and consumers. The action is necessary to maintain orderly marketing conditions, provide consumer satisfaction, and guard against the shipment of undesirable sizes of Valencia oranges which tend to weaken the market for such fruit. The regulation therefore is consistent with the objective of the act of promoting orderly marketing and protecting the interest of consumers.

(3) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 18, 1975. Necessary supplemental information was received on March 26, 1975.

Order. (a) During the period April 11, 1975, through May 22, 1975, no handler shall handle any Valencia oranges grown in District 2 which are of a size smaller than 2.20 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the Valencia oranges contained in any type of container may measure smaller than 2.20 inches in diameter.

(b) As used in this section, "handle," "handler," and "District 2" shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated, April 4, 1975, to become effective April 11, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-9306 Filed 4-9-75;8:45 am]

PART 959—ONIONS GROWN IN SOUTH TEXAS

Approval of Redistricting and Reapportionment of Committee Membership

This redistricts and reapportions committee membership among districts on the South Texas Onion Committee.

Notice of rule making was published in the March 10, 1975, FEDERAL REGISTER (40 FR 10996) regarding the proposed redistricting and reapportionment of committee membership to be effective under Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959). The program regulates the handling of onions grown in designated counties in South Texas and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file written comments not later than March 21, 1975. None was filed.

Statement of consideration. The order provides in § 959.25 that the committee may recommend and the Secretary may approve the reapportionment of members among districts and the reestablishment of districts within the production areas.

Production of South Texas onions is concentrated in District No. 3—Lower Valley. This district's share of total production increased from 83 percent in 1970 to 94 percent in 1974. Conversely, the share of District No. 1 (Coastal Bend) decreased from 2.5 percent in 1970 to less than 1 percent in 1974. Production in both District No. 2 (Laredo) and District No. 5 (Winter Garden) also has trended downward, and District No. 4 (Wilson-Karnes) is no longer a significant factor in onion production.

The redistricting will combine the Wilson-Karnes district with the Winter Garden district. The reapportionment will transfer the handler position from the Wilson-Karnes district and one grower position from the Coastal Bend district to the Rio Grande Valley district. Also, one grower position will be transferred from the Laredo district to the Winter Garden district.

In unanimously recommending these changes at its public meeting on November 6, 1974, the committee considered (1) shifts in onion acreage within the districts and the production area during recent years, (2) the importance of new production in its relation to existing districts, (3) the equitable relationship of committee membership and districts, (4) economies to result for producers in promoting efficient administration due to redistricting or reapportionment of

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members within districts, and (5) other relevant factors.

These changes will provide more efficient administration of the order and greater equity of representation on the committee.

Findings. After consideration of all relevant matters, including the proposals set forth in the aforesaid notice, it is hereby found and determined that a new § 959.110 and § 959.111 be added and that such action will tend to effectuate the declared policy of the act.

The amendment is as follows:

1. A new § 959.110 is added to read as follows:

§ 959.110 Reestablishment of districts.

(a) Pursuant to § 959.25, the counties of De Witt, Wilson, Atascosa, and Karnes (currently District No. 4) and the counties of Val Verde, Frio, Kinney, Uvalde, Medina, Maverick, Zavala, Dimmit, and La Salle (currently District No. 5) are reestablished as District No. 4.

(b) The new district is hereby established in the current fiscal period only for the purpose of making nominations of committee members for the coming fiscal period. The new district is established as an operating entity beginning on August 1, 1975.

(c) The remaining three districts continue unchanged as follows:

(1) District No. 1: (Coastal Bend) The Counties of Victoria, Calhoun, Goliad, Refugio, Bee, Live Oak, San Patricio, Aransas, Jim Wells, Nueces, Kleburg, Brooks, Kenedy, Duval, and McMullen.

(2) District No. 2: (Laredo) The Counties of Zapata, Webb, and Jim Hogg.

(3) District No. 3: (Lower Valley) The Counties of Cameron, Hidalgo, Starr, and Willacy.

2. A new § 959.111 is added to read as follows:

§ 959.111 Reapportionment of committee membership.

Pursuant to § 959.25, the membership representation of the South Texas Onion Committee shall be reapportioned among the districts of the production area so as to provide the following members and their respective alternates:

District No. 1—Two producer members and one handler member.

District No. 2—One producer member and one handler member.

District No. 3—Four producer members and three handler members.

District No. 4—Three producer members and two handler members.

For each member there shall be a respective alternate selected on the same basis as the member.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Dated April 4, 1975, to become effective August 1, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-9397 Filed 4-9-75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 347]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period April 11–17, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.647 Navel Orange Regulation 347.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges was slower during the past week than it has been previously. Prices f.o.b. averaged $3.61 per carton on a reported sales volume of 1,479 carlots last week, compared with an average f.o.b. price of $3.65 per carton and sales of 1,493 carlots a week earlier. Track and rolling supplies at 577 cars were down 105 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 8, 1975.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period April 11, 1975, through April 17, 1975, are hereby fixed as follows:

(i) District 1: 1,147,000 cartons;

(ii) District 2: 203,000 cartons;

(iii) District 3: Unlimited movement."

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 8, 1975.

CHARLES R. BRADER,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-9563 Filed 4-9-75;11:16 am]

[Valencia Orange Regulation 493]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period April 11–17, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.793 Valencia Orange Regulation 493.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to be generally slow. Prices f.o.b. averaged $2.96 per carton on a reported sales volume of 101 carlots last week, compared with an average f.o.b. price of $3.03 per carton and sales of 66 carlots a week earlier. Track and rolling supplies at 91 cars were down 3 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 8, 1975.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period April 11, 1975, through April 17, 1975, are hereby fixed as follows:

(i) District 1: 23,538 cartons;

(ii) District 2: 17,021 cartons;

(iii) District 3: 160,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 8, 1975.

CHARLES R. BRADER,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-9582 Filed 4-9-75;11:15 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

[Amdt. 1]

PART 1472—WOOL

Payment and Deduction Rates for 1974 Marketing Year

The regulations issued by Commodity Credit Corporation containing the requirements with respect to the payment program for shorn wool and unshorn lambs (pulled wool) for the 1974, 1975, 1976 and 1977 marketing years, (39 FR 9446) are amended to include the payment and deduction rates applicable to shorn wool and unshorn lambs sold during the 1974 marketing year as follows:

1. Section 1472.1405 is amended by adding the following new paragraph (c):

§ 1472.1405 Price support payments.

* * * * *

(c) *1974 marketing year.* The national average price received by producers for shorn wool marketed during the 1974 marketing year was 59.1 cents a pound, grease basis, which was 12.9 cents a pound below the price support level of 72 cents for that year. Therefore, the rate of payment for the 1974 marketing year is 21.8 percent.

2. Section 1472.1421 is amended by adding the following new paragraph (c):

§ 1472.1421 Price support payments.

* * * * *

(c) *1974 marketing year.* The rate of payment on unshorn lambs sold during the 1974 marketing year is 52 cents per hundredweight of live lambs based on a difference of 12.9 cents a pound between the price support level of 72 cents and the national average price of 59.1 cents a pound received by producers for shorn wool during the 1974 marketing year (§ 1472.1405(c)).

3. Section 1472.1446 is amended by inserting the letter "(a)" immediately preceding the text of that section and adding the following new paragraph (b):

§ 1472.1446 Deductions for promotion.

* * * * *

(b) For the 1974 marketing year, a deduction will be made from each shorn wool payment at the rate of 1.5 cents a pound of wool, grease basis, and from each unshorn lamb payment at the rate of 7.5 cents per hundredweight of live lambs, as announced in the Department's press release issued February 11, 1975. Those funds will be used to finance the advertising and sales promotion program approved by the Department of Agriculture pursuant to section 708 of the National Wool Act of 1954, as amended.

(Sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072, as amended; secs. 702–708, 68 Stat. 910–912, as amended; 15 U.S.C. 714b, 714c; 7 U.S.C. 1781–1787, as amended.)

Effective date. This amendment shall become effective April 3, 1975.

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The payment rates announced by this amendment are in accordance with the formulas published March 11, 1974, in §§ 1472.1405(b) (39 FR 9447) and 1472.-1421(b) (39 FR 9450). The deduction rates are specified in the agreement between the American Sheep Producers Council, Inc., and the Secretary of Agriculture approved by producers in a referendum held November 4 through 15, 1974. Since there is no latitude for varying rates, a delay in the effective date of this amendment would only delay payments to producers who completed marketings of shorn wool and unshorn lambs during 1974. It is, therefore, found that compliance with the notice of proposed rule making and public participation procedure is unnecessary and impracticable.

Signed at Washington, D.C. on April 3, 1975.

WILLIAM L. RUBLE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-9309 Filed 4-9-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 103]

[File No. CO 845-P]

FEES

Notice of Proposed Rule Making

Pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed amendment of 8 CFR 103.7(a) pertaining to a fee to be imposed if a check in payment of a fee is not honored by the bank on which it is drawn, and the addition to 8 CFR 103.7(b)(1) of a fee for an Application by a Nonimmigrant Alien for Replacement of Arrival Document (I-102), and an amendment to 8 CFR 103.7(b)(1) pertaining to amounts of fees for filing certain applications, petitions, appeals and motions under the immigration and nationality laws.

Pursuant to the provisions of section 483a of Title 31 of the United States Code (65 Stat. 290), which state that any benefit or service provided to or for any person by any Federal agency shall be self-sustaining to the full extent possible, and OMB Circular No. A-25, the aforementioned additions and changes in certain fees are based on user charges costs as of October 31, 1974.

In accordance with section 553 of Title 5 of the United States Code (80 Stat. 383), interested persons may submit to the Commissioner of Immigration and Naturalization, Room 7100-C, 425 Eye Street, NW, Washington, D.C. 20536, written data, views, or arguments, in duplicate, with respect to the proposed rules. Such representations may not be presented orally in any manner. All relevant material received by May 9, 1975, will be considered.

It is proposed to amend Part 103 of Title 8 as set out below:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

In § 103.7 paragraph (a) is amended by adding a new sentence between the existing third and fourth sentences; paragraph (b)(1) is amended by revising 29 existing fees, and adding a new fee. As amended, §§ 103.7 (a) and (b)(1) read in pertinent part as follows:

§ 103.7 Fees.

(a) *Remittances.* * * * A charge of $5.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn. * * *

(b) *Amounts of fees.* (1) The following fees and charges are prescribed:

For filing application for Alien Registration Receipt Card (Form I-151), in lieu of one lost, mutilated, or destroyed, or in a changed name	$10
For filing application on Form I-550 for verification of lawful permanent residence of an alien	5
For filing application for verification of information contained in Service records	5
For filing application (Form I-102), for Arrival-Departure Record (Form I-94) or Crewman's Landing Permit (Form I-95), in lieu of one lost, mutilated, or destroyed	5
For filing application for a United States Citizen Identification Card	5
For filing application for permission to reapply for an excluded or deported alien, an alien who has fallen into distress and has been removed as an alien enemy, or an alien who has been removed at Government expense in lieu of deportation	20
For filing application for passport or visa waiver prior to or at the time application is made for temporary admission to the United States	15
For filing application for visa waiver when application is made for admission as a returning resident	15
For filing application for passport waiver prior to or at the time application is made for permanent admission	15
For filing appeal from or motion to reopen or reconsider any decision under the immigration laws in any type of proceeding over which appellate jurisdiction, if any, belongs to an official of the Service. (The minimum fee of $55 shall be charged whenever an appeal or motion is filed by or on behalf of two or more aliens and all such aliens are covered by one decision)	55
For filing petition to classify nonimmigrant as temporary worker or trainee under section 214(c) of the Act	10
For filing petition to classify nonimmigrant as fiancee or fiance under section 214(d) of the Act	10
For filing petition to classify status of alien relative for issuance of immigrant visa under section 204(a) of the Act	10
For filing application for issuance or extension of reentry permit	5
For filing application for issuance or extension of refugee travel document	5
For filing application for extension of stay of a nonimmigrant, other than one described in section 101(a)(15)(F) or 101(a)(15)(J) of the Act, and, upon a basis of reciprocity, a nonimmigrant described in section 101(a)(15)(A)(iii) or 101(a)(15)(G)(v) of the Act	5
For filing petition to classify preference status of an alien on basis of profession or occupation under section 204(a) of the Act	20
For filing petition to classify orphan as an immediate relative for issuance of immigrant visa under section 204(a) of the Act. (When more than one petition is submitted by the same petitioner in behalf of orphans who are brothers or sisters, only one fee will be required.)	35
For filing application for school approval, except in the case of a school or school system owned or operated as a public educational institution or system by the United States or a state or political subdivision thereof	30
For filing application for discretionary relief under section 212(c) of the Act	50
For filing application for discretionary relief under section 212(d)(3) of the Act, except in an emergency case, or where the approval of the application is in the interest of the United States Government	10
For filing application for waiver of the foreign-residence requirement under section 212(e) of the Act	65
For filing application for waiver of ground of excludability under section 212 (h) or (i) of the Act. (Only a single application and fee shall be required when the alien is applying simultaneously for a waiver under both those sections.)	40
For filing application for adjustment of status to that of a permanent resident under section 245 of the Act	25
For filing application for adjustment of status to that of a permanent resident under section 13 of the Act of September 11, 1957	25
For filing application for creation of record of admission for permanent residence under section 249 of the Act	25
For filing application to record lawful admission for permanent residence under section 214(d) of the Act	25
For filing application for change of nonimmigrant classification under section 248 of the Act	10
For filing appeal from or motion to reopen or reconsider any decision under the immigrations laws in any type proceeding over which the Board of Immigration Appeals has appellate jurisdiction in accordance with § 3.1(b) of this chapter. When the motion to reopen or reconsider is made concurrently with any application under the immigration laws, such application will be considered an integral part of the motion and only the fee for filing the motion or the fee for filing the application, whichever is greater, is payable. (The minimum fee of $65 shall be charged whenever an appeal or motion is filed by or on behalf of two or more aliens and all such aliens are covered by one decision.)	65
For filing application for stay of deportation under Part 243 of this chapter	40
For filing application for temporary withholding of deportation under section 243(h) of the Act	15
For filing application for suspension of deportation under section 244 of the Act	65
For filing application for transfer of petition for naturalization under section 355(i) of the Act, except when transfer is of a petition for naturalization filed under the Act of October 24, 1968, P.L. 90-633	10

V 40-70 APR 10 75 XUM

For filing application for a certificate of naturalization or declaration of intention in lieu of a certificate or declaration alleged to have been lost, mutilated, or destroyed; or for a certificate of citizenship in a changed name under section 343 (b) or (d) of the Act	5
For filing application for certificate of citizenship on Form N–600 under section 309(c) or section 341 of the Act	10
For filing application for certificate of citizenship on Form N–400 by a parent, and the issuance thereof, under section 341 of the Act	10
For filing application for a special certificate of naturalization to obtain recognition as a citizen of the United States by a foreign state under section 343(c) of the Act	10
For filing application for a certificate of naturalization or repatriation under section 343(a) of the Immigration and Nationality Act or the 12th subdivision of section 4 of the Act of June 29, 1906	5
For filing application for section 316(b) or 317 of the Act benefits	10
For special statistical tabulations a charge will be made to cover the cost of the work involved	
For set of monthly, semiannual, or annual tables entitled "Passenger Travel Reports via Sea and Air"	7
For annual subscription for "Passenger Travel Reports via Sea and Air"	105
For certification of true copies, each	1
For attestation under seal	3

[1] Plus communication costs.

* * * * *

(Sec. 103, 66 Stat. 173 (8 U.S.C. 1103))

Dated: April 7, 1975.

L. F. CHAPMAN, Jr.,
Commissioner of Immigration and Naturalization.

[FR Doc.75-9361 Filed 4-9-75;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 251]

FINANCIAL AID PROGRAM PROCEDURES

Fishery for King Crab in Alaska

Notice is hereby given that the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, has under consideration an amendment to the regulations (50 CFR Part 251) which sets forth financial aid program procedures.

It is the intent of Part 251 of this chapter that financial assistance programs will not be made available when upon review of situations and conditions at hand, as well as prospective developments, the Director deems that the use of such financial assistance programs would not be consistent with the wise use and with the development, advancement, management, conservation, and protection of fisheries resources.

The proposed amendment, as set forth below, would incorporate in Subpart B of the regulation a new § 251.24 to classify the "fishery for king crab in Alaska" as a Conditional Fishery as the term is defined in § 251.1(l).

The principal situations and conditions under consideration for determining that the "fishery for king crab in Alaska" is in need of regulation under Part 251 of this chapter are described in the following Explanatory Statement.

Federal and State agencies as well as the public will be given time and opportunity to comment on this proposed amendment. Comments that are received will be evaluated giving full consideration to the national interest and the multiplicity of environmental, biological, economic, social, and other situations and conditions as the Director may deem relevant. Upon evaluation of all comments and available information, the Director will take action as may be appropriate and will continue to monitor and assess situations and conditions related to the "fishery for king crab in Alaska" to determine the continued need for regulation. This proposed amendment is published pursuant to the authority contained in Section 4 of the Fish and Wildlife Act, 1956, as amended, Title XI of the Merchant Marine Act, 1936, as amended, Section 607 of the Merchant Marine Act, 1936, as amended, the National Environmental Policy Act, and Reorganization Plan No. 4 of 1970.

Written views, data, or arguments on this proposed amendment should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235. All communications received on or before July 10, 1975, will be considered before action is taken with respect to adoption of the proposed amendment. No public hearing is contemplated at this time; however, any persons desiring a public hearing may request such a hearing by writing to the Director, National Marine Fisheries Service, Washington, D.C. 20235. In the event that a public hearing is found necessary, an appropriate notice to that effect will be published in the FEDERAL REGISTER.

By order of the Administrator, National Oceanic and Atmospheric Administration.

ROBERT M. WHITE,
Administrator.

EXPLANATORY STATEMENT

The Director considers it necessary to classify the "fishery for king crab in Alaska" as a Conditional Fishery for regulation under Part 251 of this chapter. For the purpose of this regulation the term "king crab" means any or all of the following species: *Paralithodes camschatica, Paralithodes, platypus, Paralithodes brevipes,* and *Lithodes aequispina.* The necessary situations and conditions for such classification follow.

The "fishery for king crab in Alaska" is under the administration of two Alaskan agencies, the Alaska Department of Fish and Game and the Alaska Commercial Fisheries Entry Commission. In accordance with Alaska's program to conserve and manage its fisheries, comprehensive regulations governing king crab fishing are administered by the Alaska Department of Fish and Game. These regulations are based on available biological and fishing effort data as well as other information and considerations related to management of the Alaska king crab fishery. Under these regulations there are specific statistical and registration areas and requirements for registration of all king crab vessels and king crab fishing gear. These regulations, among other things, restrict the type, numbers and dimensions of king crab gear, the size and sex of king crabs that may be harvested, the open season for harvesting king crabs, and provide for annual catch quotas.

The total U.S. king crab harvest decreased from 159 million pounds in 1966, to 58 million pounds in 1969. In 1970, as part of its management program, Alaska established certain area quotas on the allowable harvest of king crab. While recognizing that such regulatory measures would serve to protect the king crab stocks in certain areas where landings and catch per unit of effort were decreasing, these regulatory measures also encouraged a wider distribution of fishing effort to king crab stocks available in expanded areas. During the 1966 to 1970 period, the U.S. king crab fishing fleet operating in areas of the Aleutian Islands and the Bering Sea was transformed by replacement of many of the older wooden vessels with new and larger steel vessels specifically designed for the Alaska crab fishery. These new vessels have the capability of operating in all Alaska king crab areas and the mobility to operate in the Bering Sea area during seasons when several other king crab fishing areas are closed. Since total fishing effort by this fleet in the Bering Sea has progressively increased, Alaska now regulates the harvests and the open season for U.S. king crab vessels fishing in the Bering Sea area as well as other regulatory areas.

Under Alaska's management program, the U.S. harvest of king crabs has increased from 58 million pounds in 1969 to 76 million pounds in 1973. The mean size of king crabs and the catch per unit of effort have also increased in some areas, but evidence from other areas indicates declines in total catch, declines in the mean weight of king crabs harvested, and declines in the catch per unit of effort. There also remain uncertainties regarding variability in size and age class recruitment of king crabs.

From the standpoint of adequate economic return to fishermen and adequate ability to harvest the resource, there is a concern that excessive numbers of vessels and gear exist in the king crab fishery which detrimentally affect the ability to manage it.

The Alaska Commercial Fisheries Entry Commission has authority to limit, or reduce, the number of entry permits to a level which will be manageable and will provide a reasonable average rate of return to labor and capital. This will prevent further increases in the amount of king crab gear while the Commission further studies this fishery to determine the appropriate number of entry permits that will enable the Commission to achieve its conservation and management goals. Alaska plans that if reduction of entry permits is required to achieve its goals, this reduction will be achieved through a voluntary buy-back program.

In view of the above-mentioned situations and conditions, and until the Alaska Commercial Fisheries Entry Commission completes its investigation of the fishery for king crab in Alaska, it appears to be inconsistent with the needs and objectives of management to use the financial assistance programs to add vessels or gear to this fishery. Consequently, the Director is considering that the "fishery for king crab in Alaska" should be a Conditional Fishery in accordance with Part 251 of this chapter.

It is proposed to amend Part 251 of this chapter, Subpart B—Conditional Fisheries, to add a new § 251.24 as follows:

§ 251.24 Fishery for king crab in Alaska.

[FR Doc.75-9287 Filed 4-9-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-SO-29]

AIRWAY SEGMENTS

Proposed Revocation of Alternate

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would delete V–16S from Nashville, Tenn., to Hinch Mountain, Tenn., and delete V–54S from Huntsville, Ala., to Chattanooga, Tenn.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before May 12, 1975, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, SW, Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would delete two alternate airway segments. The peak day count for 1973 and 1974 shows that less than an average of two aircraft per day use these routes. Since they are no longer required for air traffic control, their continued designation as airways can no longer be justified.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on April 4, 1975.

F. L. CUNNINGHAM,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-9340 Filed 4-9-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-WA-5]

VOR FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign V–515 between Gulkana, Alaska, and Big Delta, Alaska.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received on or before May 12, 1975, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, SW, Washington, D.C. 20591. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would redesignate V–515 from Gulkana via the INT of Gulkana 011° and Big Delta 139° radials to Big Delta.

This change is proposed because of inadequate navigational signal on the present route.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on April 4, 1975.

F. L. CUNNINGHAM,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-9341 Filed 4-9-75;8:45 am]

Federal Railroad Administration

[29 CFR Part 1910]

[Docket No. ROS–1, Notice 2]

RAILROAD OCCUPATIONAL SAFETY STANDARDS

Extension of Comment Period

Notice is hereby given that, at the request of the Railway Labor Executive Association and the Congress of Railway Unions, the Federal Railroad Administration (FRA) has extended to May 30, 1975, the period for filing written comments on the advance notice of proposed rulemaking published on March 7, 1975 (40 FR 10693), requesting public advice on the priorities for and content of Railroad Occupational Safety and Health Standards.

Issued in Washington, D.C. on April 7, 1975.

DONALD W. BENNETT,
Chief Counsel, Federal Railroad Administration.

[FR Doc.75-9332 Filed 4-9-75;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 74–14; Notice 3]

OCCUPANT CRASH PROTECTION

Proposed Safety Requirements

This notice proposes an amendment of Standard No. 208, *Occupant crash protection,* 49 CFR 571.208, that would continue until August 31, 1976, the present three options available for occupant crash protection in passenger cars. This amendment would replace the existing requirement for protection by means that require no action by vehicle occupants.

The requirements of Standard No. 208 for passenger cars have been imposed in sequential phases, with the current phase that offers three crash protection options ending August 14, 1975, to be replaced by a requirement for crash protection that is "passive", i.e., requires no action by vehicle occupants such as fastening a seatbelt. On December 5, 1972, the U.S. Court of Appeals for the Sixth Circuit in *Chrysler v. DOT,* 472 F.2d 659 (6th Cir. 1972), upheld the basic validity of Standard No. 208, but required the agency to issue more specific dummy specifications, and suspended the mandatory passive requirements that were to come into effect on August 15, 1975.

New dummy specifications were published on August 1, 1973 (38 FR 20449) as Part 572 of Title 49, Code of Federal Regulations. The NHTSA has also proposed a delay of the effective date for "passive" restraints, as ordered by the court in the *Chrysler* case, and an extension of the current 3-option phase for the period of delay from August 14, 1975, to August 31, 1976 (39 FR 10271, March 19, 1974).

The proposed extension of the three options called for an ignition interlock system and "continuous buzzer," which have since been deleted from the current requirements (39 FR 38380, October 31, 1974; 39 FR 42692, December 6, 1974; 40 FR 6218, February 10, 1975) in accordance with the provisions of the Motor Vehicle and Schoolbus Safety Amendments of 1974 (15 U.S.C. § 1410 (b)).

A decision has not yet been made on the long-term requirements for occupant crash protection, and manufacturers must be informed of the requirements

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for the interim period. The NHTSA finds it desirable, therefore, to propose the extension of the present requirements of Standard No. 208 for the period August 14, 1975, to August 31, 1976. The requirements for this period would be identical to the three options in effect during the current phase for passenger cars on and after February 24, 1975.

Because of the short time remaining before production plans are made final for 1976-model passenger cars, a comment period of 30 days is established.

In consideration of the foregoing, it is proposed that Standard No. 208 (49 CFR § 571.208) be amended as follows:

§ 571.208 [Amended]

1. The title and first sentence of S4.1.2 would be amended to read:

S4.1.2 *Passenger cars manufactured from September 1, 1973, to August 31, 1976.* Passenger cars manufactured from September 1, 1973, to August 31, 1976, inclusive, shall meet the requirements of S4.1.2.1, S4.1.2.2, or S4.1.2.3.

2. Section S4.1.3 of Standard No. 208 would be deleted.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: May 12, 1975.

Proposed effective date: Date of publication of the final rule in the FEDERAL REGISTER.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8).

Issued on April 3, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-9285 Filed 4-7-75;9:49 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 357-8]

IDAHO

Air Quality Implementation Plan; Proposed Revisions

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51, require each State to submit a plan which provides for the implementation, maintenance and enforcement of national ambient air quality standards throughout the State. On May 31, 1972 (37 FR 10842), the Administrator of the Environmental Protection Agency (EPA) approved, with certain exceptions, the State of Idaho Air Quality Implementation Plan. On January 10 and January 24, 1975, the Governor of the State of Idaho submitted for the Administrator's approval proposed revisions to the State Implementation Plan (SIP). These revisions were adopted by the State Board of Health and Welfare after proper notice and public hearing, in accordance with 40 CFR 51.4 and 51.6.

The proposed revisions include changes to the Rules and Regulations for the Control of Air Pollution in Idaho, which is part of the approved SIP. The changes include:

1. An amended Regulation C, Ambient Air Quality Standards, adopted April 11, 1974.

2. An amended Regulation A, General Provisions, adopted December 5, 1974.

3. A revised Regulation S, Control of Sulfur Oxide Emissions, adopted January 3, 1975.

The Administrator is today proposing to approve regulation C and proposing to disapprove regulation S, as submitted on January 10, 1975, and proposing to approve regulation A, as submitted on January 24, 1975.

Regulation C has been amended by the State to maintain consistency with EPA's standards for sulfur oxides, as amended on September 14, 1973 (38 FR 25678). The requirements for the annual secondary and maximum 24-hour secondary concentrations have been deleted from the Regulation. There is no change in the maximum 3-hour secondary standard, which is the same as the federal standard, 1,300 micrograms per cubic meter (0.5 ppm).

The revisions to regulation A include the addition of several definitions to section 2 and a revision to section 6, Scheduled Maintenance, which requires the reporting of any exceeded emission limits as a result of shutdown of any air pollution control equipment for scheduled maintenance while the related equipment continues to operate. The section provides that permission must be obtained from the State Department of Health and Welfare prior to such a shutdown and permission may be granted only if maximum reasonable effort has been made to complete such maintenance during periods of non-operation of the related equipment.

The Administrator is proposing disapproval of regulation S, Control of Sulfur Oxide Emissions, on the basis that the regulation allows the Bunker Hill Company to apply for permission to use a Supplementary Control System (SCS) without the application of reasonably available control technology. EPA has previously established a policy that SCS may only be allowed as a control measure after the application of permanent control which is reasonably available to the source. Further, the provision in Section IV (17) of the State regulation, which establishes a 30-day review period for determining the source's liability for the annual standard violation, negates the basic legal premise of SCS, i.e., that the source is an isolated source.

On October 7, 1974 (39 FR 36018), EPA proposed a federal regulation for the control of sulfur oxides in the Idaho portion of the Eastern Washington-Northern Idaho Interstate Region. On January 22, 1975, EPA held a public hearing to receive public comment on the proposed federal regulation. Information received as a result of this hearing will be considered in the Administrator's final decision on the approval or disapproval of Regulation S.

With the revised regulation S, the State forwarded to EPA additional information to be included in chapter IV, Control Strategies, and appendix F, Discussion of Control Measures of Sulfur Dioxide in the State of Idaho, of the SIP. The information in chapter IV discusses the revised control strategy for sulfur dioxide in the Idaho portion of the Eastern Washington-Northern Idaho Interstate Air Quality Control Region (AQCR). Further, this explains in narrative form the background of the two regulatory approaches the State is taking in regulation S to meet the ambient air quality standards in the Kellogg, Idaho, area. Appendix F provides background data for the "sliding scale" provisions provided in section IV (16) of regulation S and for interim 24-hour primary ambient SO_2 standards set by the State for the affected source to meet before July 31, 1977.

Copies of the proposed revisions to the Idaho Implementation Plan are available for public inspection at the following addresses:

State of Idaho
Department of Health and Welfare
Statehouse
Boise, Idaho 83720

Environmental Protection Agency
1200 Sixth Avenue
Seattle, Washington 98101

Freedom of Information Center
Environmental Protection Agency
401 M Street SW.
Washington, D.C. 20460

All interested persons are encouraged to submit written comments on whether the proposed revisions to the Idaho Implementation Plan should be approved or disapproved as required by Section 110 of the Clean Air Act, as amended. Comments received on or before May 12, 1975, will be considered. Public comments received on the proposed revisions will be available for public inspection at the EPA Regional Office and EPA Headquarters at the addresses noted above. Comments should be directed to the Regional Administrator, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101 Attention Ms. K. Higley M/S 629.

This notice of proposed rulemaking is issued under the authority of section 110(a) of the Clean Air Act, as amended (42 U.S.C. 1857c-5(a)).

Date: March 31, 1975.

C. V. SMITH, Jr.,
Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart N—Idaho

1. In § 52.670, paragraph (c)(2) is revised to read as follows:

§ 52.670 Identification of plan.

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(c) Supplemental information was submitted on:

• • • • •

(2) March 2, May 5 and June 9, 1972, February 15, July 23 and October 16, 1973; July 1, 1974 (Indirect Source Regulation and compliance schedules), and January 10 (chapter IV and appendix F of the Implementation Plan, regulations C and S of the Rules and Regulations for the Control of Air Pollution in Idaho) and January 24, 1975 (regulation A of the Rules and Regulations for the Control of Air Pollution in Idaho).

2. In § 52.676, paragraph (a) is revised as follows:

§ 52.676 Control strategy: Sulfur oxides—Eastern Washington-Northern Idaho Interstate Region.

(a)(i) The requirements of § 51.13 of this chapter are not met in the Idaho portion of the Eastern Washington-Northern Idaho Interstate Region since the plan does not provide for the necessary emission reductions for the attainment and maintenance of the primary standards for sulfur oxides.

(ii) Regulation S of the Rules and Regulations for the Control of Air Pollution in Idaho, which is part of the SO_2 control strategy, is disapproved since it is inconsistent with the purposes and provisions of section 110 of the Clean Air Act.

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[FR Doc.75-9321 Filed 4-9-75;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 329]

INTEREST ON DEPOSITS

Preauthorized Payments or Transfers From Savings Deposits

1. Notice is hereby given that the Board of Directors of the Federal Deposit Insurance Corporation (the "Corporation"), under the authority in section 9, 64 Stat. 881, 12 U.S.C. 1819 and section 18, 64 Stat. 891, 12 U.S.C. 1828, is considering an amendment to § 329.5(c) of its regulations (12 CFR 329.5(c)). The amendment would permit an insured nonmember bank to make periodic payments or transfers of credit from a customer's savings account to facilitate payment to third parties, regardless of the nature of the customer's obligation.

The Corporation's current regulations prohibit an insured nonmember bank from entering into an agreement with the holder of a savings account whereby the bank will periodically withdraw funds from the account, pursuant to his written instructions, for the purpose of making payment to his creditors or other third parties (12 CFR 329.5(c)(2)). The prohibition applies to withdrawals through payment to the bank itself as well as through transfers of credit to a demand or other account of the same depositor. There is an exception for the periodic payment of principal, interest and other charges on a real estate loan or mortgage. This is the only exception at present.

The Corporation has received a number of requests to expand this payment or transfer authority. After considering the relative merits of these proposals, the Board of Directors has concluded that such an expansion might well be in the public interest. It would permit bank customers to make better use of their savings in order to meet recurring obligations such as insurance premiums, utility bills and payments for automobile and other consumer loans.

The proposed amendment would permit arrangements whereby a depositor could give his bank written authorization to make periodic withdrawals from his savings account for the purpose of paying all or a portion of his debts to various third parties. Payment would then be made either by a simple transfer of credit to another account in the bank or by having the bank draw a check on itself payable to the third party. This would allow payment to third parties who do not maintain an account with the depositor's bank.

The proposed amendment would not permit the depositor to give his bank (or anyone else) a negotiable or transferable authorization which could itself be used as a means of making payment to a third party. In addition, the depositor would still be barred from authorizing payments or transfers of credit for the purpose of covering checks or drafts drawn by the depositor on the bank.

2. The proposed amendment to § 329.5(c) would read as follows:

§ 329.5 Withdrawal of savings deposits.

• • • • • •

(c) *Manner of payment of savings deposits.* (1) Subject to the provisions of paragraphs (c) (2) and (4) of this section, an insured nonmember bank may permit withdrawals to be made from a savings deposit only through payment [1] to the depositor himself (but not to any other person whether or not acting for the depositor), except:

• • • • • •

(vi) Payment or transfers of credit made pursuant to a nonnegotiable, nontransferable written order or authorization, signed by the depositor, directing the bank to make such payments or transfers of credit to third parties, periodically or otherwise. Any such order or authorization shall include a clear and conspicuous statement to the effect that it is neither negotiable nor transferable.

(2) Notwithstanding the provisions of paragraph (c)(1) of this section, no withdrawal shall be permitted by an insured nonmember bank to be made from a savings deposit, through payment to the bank itself or through transfer of credit to a demand or other deposit account of the same depositor (other than of interest on the savings deposit) if such payment or transfer is made pursuant to any advertised plan or any agreement, written or oral, which authorizes such payments or transfers of credit to be made as a normal practice in order to cover checks or drafts drawn by the depositor upon the bank.

• • • • • •

3. This notice is published pursuant to section 553(b) of Title 5, United States Code, and §§ 302.1 and 302.2 of the rules and regulations of the Federal Deposit Insurance Corporation.

4. Interested persons are invited to submit written data, views or arguments regarding the proposed amendment to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, Washington, D.C. 20429 no later than May 30, 1975.

By order of the Board of Directors, April 4, 1975.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.75-9416 Filed 4-9-75;8:45 am]

[12 CFR Part 329]

INTEREST ON DEPOSITS

Notice of Proposed Change in Application of Penalty Provisions to Withdrawal of Time Deposits Before Maturity

1. Notice is hereby given that the Board of Directors of the Federal Deposit Insurance Corporation (the "Corporation"), under the authority contained in section 9, 64 Stat. 881, 12 U.S.C.

[1] Payment from a savings deposit or presentation of a passbook may be made over the counter, through the mails, or otherwise.

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1819 and section 18, 64 Stat. 891, 12 U.S.C. 1828, and after consultation with the Board of Governors of the Federal Reserve System and the Federal Home Loan Bank Board, is considering an amendment to § 329.4(d) of its regulations governing interest on deposits (12 CFR 329.4(d)). The proposed amendment would permit insured nonmember banks to pay time deposits before maturity, without imposing a penalty, in cases where the depositor has died.

Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) provides that no insured nonmember bank shall pay any time deposit before its maturity except in accordance with such regulations as the Corporation's Board of Directors may prescribe. The current regulations require that an insured nonmember bank impose a substantial interest penalty when it pays a time deposit prior to maturity. Insured nonmember banks are required to impose such penalties in order to preserve the distinction between demand and time deposits and to prevent time deposit accounts from being utilized as essentially demand deposit or transaction accounts. However, since the amendment would apply only in those cases where the depositor has died, it is considered unlikely that the amendment would interfere with this purpose to any significant extent.

The proposed amendment provides that the depositor must have been the sole legal and beneficial owner of the deposit at the time of his/her death. Thus, for example, the death of a trustee acting in that capacity as the depositor of uninvested trust funds, and holding legal title to those funds, would not fall within the proposed amendment as to either the beneficiaries of the trust or successor trustees. Similarly, the amendment would not apply where beneficial ownership is divided between the settlor and beneficiaries (e.g., an irrevocable express trust with a life estate in the settlor and vested remainder in the beneficiaries). However, the amendment would apply if the trustee is also the settlor of a revocable trust, "Totten" or tentative trust, payable-on-death or similar account, and as such retains sole legal and beneficial ownership of the funds at the time of his/her death.

The amendment as proposed would not apply to jointly owned deposits where there is a surviving depositor or depositors who were parties to the deposit contract and presumably had knowledge of the applicable penalties.

2. It is proposed that paragraph (d) of § 329.4 be amended by adding a new sentence at the end thereof as follows:

§ 329.4 Payment of time deposits before maturity.

* * * * *

(d) *Penalty on payment of time deposits before maturity.* * * * *Provided,* that the penalty prescribed by this paragraph (d) shall not apply to the withdrawal of all or any portion of a time deposit before the maturity thereof upon the death of an individual depositor who, at the time of his death, is the sole legal and beneficial owner of such deposit.

3. This notice is published pursuant to section 553(b) of Title 5, United States Code, and §§ 302.1 and 302.2 of the rules and regulations of the Federal Deposit Insurance Corporation.

4. Interested persons are invited to submit written data, views or arguments regarding the proposed amendment to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, Washington, D.C. 20429 no later than May 16, 1975.

By order of the Board of Directors, April 4, 1975.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.75-9417 Filed 4-9-75;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. RM75-25]

POLICY WITH RESPECT TO CERTIFICATION OF PIPELINE TRANSPORTATION AGREEMENTS

Proposed Rulemaking To Adopt Policy Statement With Request for Comments

APRIL 4, 1975.

This notice submits for public comment a proposed statement of policy with respect to the transportation by jurisdictional pipelines of natural gas sold by certain producers[1] from the on-shore and the off-shore non-federal domain directly (1) to non-resale industrial customers for priority 2 uses or for those priority 3 uses that would otherwise have been in priority 2 had the gas been purchased on a firm basis; or (2) to local distributors for resale to industrial or commercial customers for the same priority 2 or 3 uses or to priority 1 customers.[2] The Commission proposes to implement such policy in all matters arising under the Natural Gas Act. When applied in specific cases, opportunity would be afforded interested parties to challenge or support this policy through factual or legal presentation as may be appropriate in the circumstances presented.

The Commission recognizes that such cases as F.P.C. v. Transcontinental Gas Pipe Line Corporation, 265 U.S. 1 (1961), and Arizona Public Service Company v. F.P.C., ____ U.S. App. D.C.____, 483 F.2d 1275 (1973), might be read to imply that the Commission is predisposed as a matter of policy to look with disfavor upon applications for certificates of public convenience and necessity filed by jurisdictional pipelines for authority to transport gas sold by producers directly (1) to high priority (industrial or commercial) customers, or (2) to local distributors for resale to high priority customers. The Commission would therefore make its views clear in the proposed policy statement so that those high priority customers, or those local distributors serving high priority customers, who would otherwise have been discouraged from making such direct purchases will now be encouraged to explore the possibilities of entering into sales contracts with producers and of arranging for transportation of the gas by pipelines subject to our jurisdiction.

DISCUSSION

Section 2.78 of our Statement of Policy, 18 CFR 2.78, contains our statement of policy on priorities-of-deliveries by jurisdictional pipeline companies during periods of curtailment. The highest priority is reserved for residential and small commercial users. The second highest priority is reserved for large commercial and firm industrial customers who use gas for plant protection, feedstock and process needs. Similarly, those priority 3 industrial customers purchasing under interruptible contracts that would otherwise have been in priority 2 had the gas been purchased on a firm basis also represent high priority industrial uses. For these customers supplies of natural gas are essential for human needs or for continued operation of their businesses. These observations are confirmed by the fact that numerous pipelines have filed end-use curtailment plans which accord high priority status to such uses.

It now appears, however, that natural gas supply deficiencies for pipelines subject to our jurisdiction have increased to the point where some of these high priority end uses may be, or already are, subject to curtailments. A report issued by our Bureau of Natural Gas on November 15, 1974,[3] projected that natural gas supply deficiencies for major interstate natural gas pipeline companies will be 107 percent greater during the current (i.e. 1974–75) winter than they were during the last (i.e. 1973–74) winter. Regarding firm curtailments, the anticipated supply deficiencies for September 1974 through August 1975 exceed the actual curtailments for the preceding year

[1] As set forth hereinafter, the proposed policy would not apply to sales by a producer which is an affiliate of a jurisdictional pipeline, nor to sales by a producing division of a jurisdictional pipeline.

[2] As set forth in § 2.78 of the Commission's Statement of Policy, 18 CFR 2.78, priority 1 uses include: Residential, small commercial (less than 50 Mcf on a peak day).

Priority 2 uses include: Large commercial requirements (50 Mcf or more on a peak day), firm industrial requirements for plant protection, feedstock and process needs, and pipeline customer storage injection requirements.

Priority 3 uses include: All industrial requirements not specified in paragraph (a) (2), (4), (5), (6), (7), (8), or (9) of 18 CFR 2.78.

[3] FPC News Release No. 20849. This report was prepared on the basis of responses filed by 44 pipelines pursuant to Form No. 16, Report of Gas Supply Requirements. The report provides requirements and curtailment data for the period September 1973, through August 1974, together with projections for the year ending August 1975.

by 996,234,000 Mcf, or 73.15 percent, with 19 pipelines reporting actual firm curtailments.[4] With respect to curtailment of interruptible sales, the anticipated supply deficiencies for September 1974 through August 1975 will result in anticipated curtailment of over 58 percent of interruptible loads. It thus appears that curtailments are continuing to deepen and spread among more and more segments of our society. This conclusion is supported by the fact that there has been a marked increase in the number of petitions filed with us for extraordinary relief from pipeline curtailment plans. Several specific examples will illustrate the variety of commercial and industrial products and processes that have been affected:

Ammonia used in the production of fertilizer or animal feed additives—Northwest Pipeline Corporation (Reichold Chemicals, Inc.), Docket No. RP75-31-1; United Gas Pipeline Company, Docket No. RP74-37-11; Texas Eastern Transmission Corp. (North Alabama Gas District), Docket No. RP74-39-8; Alabama-Tennessee Natural Gas Company (T.V.A.), Docket No. RP75-44-2; Florida Gas Transmission Company (Borden, Inc. and Gardinier, Inc.), Docket Nos. RP74-50-3 and RP74-50-4; Southern Natural Gas Company (Kaiser Aluminum & Chemical Co.), Docket No. RP74-71-8;

Glass—Transcontinental Gas Pipe Line Corp. (City of Laurens, South Carolina), Docket No. RP75-16-7;

Fibre glass—Texas Eastern Transmission Corp. (Penn Fuel (Owens-Corning)), Docket No. RP74-39-14;

Electrical components and electronic equipment—Alabama-Tennessee Natural Gas Company, Docket No. RP75-44-1; Texas Eastern Transmission Corp. (Penn Fuel (Westinghouse)), Docket No. RP74-39-16;

Aluminum—Tennessee Gas Pipeline Co. (Humphreys County Utility District), Docket No. RP74-91-16;

Beryllium copper strips—Texas Eastern Transmission Corp. (Penn Fuel (Burch-Willman)), Docket No. RP74-39-15;

Refractories and kilns—Florida Gas Transmission Co. (Basic Magnesia, Inc.), Docket No. RP74-50-1; Texas Eastern Transmission Corp. (Penn Fuel (Glen-Gary)), Docket No. RP74-39-17;

Nickel refining—Southern Natural Gas Co. (Amax Nickel Refining Co.), Docket No. RP74-71-1;

Bearings—Texas Eastern Transmission Corp. (Penn Fuel (Bonnd Brooke)), Docket No. RP74-39-18;

Steel rolling mills—Coumbia Gas Transmission Corp. (Teledyne Ohio Steel), Docket No. RP75-74-3;

Plastic films— Texas Eastern Transmission Corp. (Penn Fuel (Allied Chemical)), Docket No. RP74-39-19; Texas Eastern Transmission Corp. (Penn Fuel (American Argo)), Docket No. RP74-39-20;

Propane and butane extraction—Florida Gas Transmission Co. (Florida Hydrocarbons), Docket No. RP75-50-5;

Plant protection—Texas Eastern Transmission Corp. (Penn Fuel (United Metal Receptacle)), Docket No. RP74-39-21;

As well as other products and processes—See, e.g. Tennessee Gas Pipeline Co. (East Tennessee and Penn Gas & Water Co.), Docket Nos. RP74-91-17 and RP74-91-18.

The practical effect of curtailment of such high priority end uses may very well be a decrease in the production of these and other essential products and services. This decrease in production in turn will mean not only shortages but increased inflation as consumers offer to pay higher prices for the decreasing supply of goods and services available. Of equal importance is the fact that plant closings and production cutbacks may result in an increase in the number of workers laid off either temporarily or indefinitely. We are aware that curtailments of high priority uses pose a serious threat to the employment of thousands of workers. In the exercise of our responsibility and the use of our statutory power we recognize the national policies of, interalia, the Natural Gas Act, 15 U.S.C. section 717, et seq., and the Full Employment Act of 1946, 15 U.S.C. section 1021.

One possible way for existing high priority customers to obtain gas not available from their pipeline suppliers would be to buy gas directly from producers with the pipeline providing transportation of the gas. Since such direct sales would not be subject to our rate jurisdiction, the high priority customers would be able to compete directly with the producer's intrastate customers for gas supplies. Thus, gas which would otherwise be sold only to intrastate consumers would become available to high priority customers in the interstate market.

It may also be possible for high priority customers to obtain gas from their local distributor if the distributor is able to contract directly with a producer. While a producer's sale to a local distributor for resale to a high priority customer would be subject to our rate jurisdiction, thus making it more difficult for the local distributor to compete with the producer's intrastate customers for gas supplies, we will not rule out the possibility that local distributors may be able to purchase natural gas directly from producers to supply the distributor's existing high priority customers.

Whether the gas is purchased from a producer by a nonresale customer, or by a local distributor, the interstate transportation of such gas by a pipeline would be subject to our jurisdiction. The pipeline would thus be obliged to seek a certificate of public convenience and necessity from the Commission under section 7 of the Natural Gas Act, 15 U.S.C. section 717f, for permission to transport the gas. We are clearly authorized by the Act to grant such transportation certificates, and we have issued such certificates in the past. However, we realize that in two of the cases in which we denied transportation certificates,[5] we may have left the impression that we are generally opposed to the granting of transportation certificates for policy reasons and that it would therefore be futile for anyone, including high priority industrial and commercial customers, or local distributors who serve high priority customers, to buy gas directly from producers.

We wish to point out, however, that in the Transco and APS cases, we did not mean to imply that we were, without exception, opposed to the granting of transportation certificates. In both of those cases the Commission relied upon the following three factors in denying certificates: (1) the consumer intended to use the gas for boiler fuel—an inferior use; (2) the pipeline had failed to show that transportation of the gas was not preempting pipeline capacity which would otherwise be available for higher priority uses; and (3) the price of the gas was above the field rates set by the Commission for jurisdictional sales, the effect of which would be a general rise in the field prices, or a reduction in the amount of gas available for customers in the interstate market, particularly for high priority customers. In both cases all three factors were found to exist; the Commission did not speak to a case where other facts might be shown.

In present day circumstances, however, it may be possible for the pipeline to distinguish the Transco and APS cases by establishing that the gas will be used for a relatively high priority use; by showing that the transportation of the gas will not preempt pipeline capacity otherwise available for high priority uses, particularly when the transporting pipeline has unused capacity as a result of its curtailments; or by showing that the sale will neither have an adverse effect upon field prices nor upon the volumes of gas available to the interstate market, because the gas contracted for would not otherwise be available for sale to the interstate pipeline and, in the case of sales to non-resale customers, the price paid does not compare unfavorably with field prices paid by intrastate buyers. In this connection, we would point out that in ruling upon applications for transportation certificates we would consider not only the above three factors, but all relevant factors bearing upon the public interest, including any positive effects which follow from the fact that high priority customers would be able to obtain gas. No one factor would control our determination of whether a certificate should be issued. Rather, it would be the balance of all factors that will determine the outcome in each case.

In proposing this statement of policy we are not changing any existing rule or regulation but merely proposing to do that which we have the authority to do on an ad hoc basis under the Natural Gas Act.

If a pipeline is able to make the requisite showing in a certificate proceeding, gas supplies which are not otherwise sold in the interstate market would

[4] The actual net firm curtailments for the 12 month period ending August 31, 1974, totaled 1,361,871,000 Mcf and the projected net firm curtailments from September 1974, through August 1975, total 2,358,105,000 Mcf.

[5] F.P.C. v. Transcontinental Gas Pipe Line Corp., 365 U.S. 1 (1961); and Arizona Public Service Co. v. F.P.C., ____ U.S. App. D.C., 485 F.2d 1275 (1973).

V 40 N 70 APR 10 75

be made available to an important segment of the interstate market, namely, to high priority customers. Since it is our intent to elicit supplies which would not otherwise be available to these customers, we propose to exclude from the operation of this policy statement gas which is already committed to an interstate pipeline under an advanced payment plan, or gas sold by producers which are affiliated with a jurisdictional pipeline or gas produced by a producing division of a jurisdictional pipeline.

As set forth above, we believe that it may be possible for a pipeline seeking a certificate to transport gas which has been sold by a producer directly to a high priority customer, or to a local distributor for resale to a high priority customer, to show that such an arrangement is in the public interest. It would therefore be our policy, subject to the qualifications set forth herein, to accept applications for certificates to transport gas sold (1) directly to non-resale high priority industrial or commercial customers or (2) to local distributors for resale to high priority customers; and to grant certificates when, upon consideration of all relevant factors, we conclude that the public convenience and necessity standard has been satisfied by the record in each such case.

In proposing to adopt this policy statement we wish to make it clear that this policy would not apply when the gas purchased from the producer was to be used either directly or indirectly to supply a new plant or new customers or to increase the volumes of gas that such plants or customers would have received had they not been curtailed as a result of curtailments by their jurisdictional pipeline supplier. In other words, this policy is intended to apply only to those existing high priority customers whose deliveries are curtailed because of curtailments by their jurisdictional pipeline supplier.

We recognize that there are potential problems that should be considered before we adopt such a policy statement. For example, one effect of implementing this policy may be an escalation of unregulated gas prices. Such a price escalation may be inflationary to the extent that it pushes the level of intrastate prices further above the level necessary to elicit new supplies. An increase in the procurement by high priority customers of their own gas supplies may adversely affect the supply portion of land-locked pipelines who do not have ready access to off-shore federal domain gas and who have depended upon the availability of supplies that are surplus to local needs. Furthermore, implementation of the policy might enhance the competitive position of large industrial and commercial customers by virtue of the fact that many high priority industrial and commercial customers, or their local distributors, may be too small to arrange a field purchase, or may not be in a position to execute long-term contracts. Or, the direct purchase by a high priority industrial or commercial customer may decrease the business of that customer's local distributor. Such a decrease in the local distributor's business may result in a corresponding decrease in its revenues thereby requiring an increase in the distributor's rates to its remaining customers. Finally, implementation of this policy may reduce the amount of gas available in the future to Priority 1 customers of those jurisdictional pipelines that are already experiencing deep curtailments.

While we believe that the benefits that would follow from the implementation of this policy would outweigh any of the problems that might be created thereby, we nevertheless believe that the public interest would best be served, and our deliberations would be materially aided by, the receipt of comments from any and all interested parties, including governors, state public service commissions, state resource agencies and interested federal agencies and departments. Comments from state officials in gas consuming states will be particularly helpful in weighing the benefits of potentially increased gas supplies against any problems that might be created by implementation of the proposed policy. We further recognize that the decision to adopt or to reject the proposed policy statement may influence the decision by industries located in the consuming states to either remain in the consuming states or to relocate their operations in the producing states. Because of the important and far-reaching effects our decision may have on employment in the consuming states, as well as on the general economic well-being of those states, we look forward with interest to their comments.

Proposed policy statement. The proposed policy statement constitutes a new § 2.79, Title 18, Code of Federal Regulations, Subchapter A, Chapter I, Part 2, General Policy and Interpretations, as follows:

§ 2.79 Policy with respect to certification of pipeline transportation agreements.

(a) The national interest in the protection of natural gas service to customers who use natural gas for high priority end uses during periods of curtailed deliveries by jurisdictional pipeline companies will be served by the Commission's accepting for filing and approving, when in the public interest, applications for certificates of public convenience and necessity filed by jurisdictional pipelines to transport gas sold by producers of natural gas from both the on-shore and the off-shore non-federal domain (1) directly to non-resale industrial and commercial customers for priority 2 uses or for those priority 3 uses that would otherwise have been in priority 2 had the gas been purchased on a firm basis; or (2) to local distributors for resale to industrial or commercial customers for the same priority 2 or 3 uses, or for resale to priority 1 uses.

(b) As used in paragraph (a) of this section, priorities 1, 2 and 3 refer to the priorities as set forth in § 2.78(a) of the Commission's general policy and interpretations, 18 CFR 2.78(a).

(c) This policy is not intended to apply to sales of gas which is already committed to jurisdictional pipelines under an advance payment plan, or to gas sold by an affiliate of a jurisdictional pipeline or to gas sold by a producing division of a jurisdictional pipeline.

(d) This policy is intended to apply only to those existing high priority industrial and commercial customers referred to in paragraph (a) of this section whose deliveries are curtailed because of curtailments by their jurisdictional pipeline supplier, and to those local distributors which are being required by virtue of curtailments by their pipeline suppliers to curtail service to their existing high priority customers.

(e) Nothing in this § 2.79 is intended to amend, modify or in any way change any existing rule or regulation.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than May 19, 1975, views, comments, or suggestions in writing concerning all or part of the statement of policy proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before action on the matters proposed herein. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposal should be addressed.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9358, Filed 4-9-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Closed Meeting

APRIL 3, 1975.

The USAF Scientific Advisory Board Study Group on Management and Support of Air Force Command, Control and Communications will hold a meeting at Andrews AFB MD on May 1, 1975 from 8:30 a.m. to 5 p.m.

The meeting will be closed to the public. The Study Group will receive classified briefings, review proprietary information, and conduct internal planning for further activities of the Group on matters listed in 5 U.S.C. 552(b) (1), (4), and (5).

For further information contact the Scientific Advisory Board Secretariat on 202-697-4648.

JAMES E. DAGWELL,
Chief, Documentation Management Branch, Directorate of Administration.

[FR Doc.75-9362 Filed 4-9-75;8:45 am]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON IDENTIFICATION FRIEND, FOE OR NEUTRAL

Advisory Committee Meeting

The Defense Science Board Task Force on Identification Friend, Foe or Neutral will meet in closed session on 16 May 1975, at the National Security Agency, Maryland.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long-range guidance in these areas to the Department of Defense.

The Task Force will provide an analysis of technology and systems applicable to the identification function and indicate promising solutions to the problem area for possible implementation within the Department of Defense.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

APRIL 7, 1975.

[FR Doc.75-9326 Filed 4-9-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[M 31297: Group 595]

MONTANA

Filing of Plat of Survey

APRIL 1, 1975.

1. Plat of survey of the lands described below will be officially filed in the Montana State Office, Bureau of Land Management, 316 North 26th Street, Billings, Montana 59101, at 10:00 a.m., May 19, 1975.

PRINCIPAL MERIDIAN, MONTANA

T. 2 N., R. 9 W.,
Sec. 16: Tract 37.
The area described contains 3.51 acres.

2. The above described lands are embraced in the Deer Lodge National Forest by Executive Order 880 of July 1, 1908. They are also within a Determination Area under Public Law 167 (Act of Congress July 23, 1955).

3. The survey was accomplished for relief of a residential occupancy on an unpatented mining claim, as provided in the Act of October 23, 1962 (76 Stat. 1127).

EDNA A. HAVERLAND,
Chief, Branch of Records and Data Management.

[FR Doc.75-9365 Filed 4-9-75;8:45 am]

[NM 24895]

NEW MEXICO

Application

APRIL 1, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Phillips Petroleum Co. has applied for a 4½ inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 25 S., R. 32 E.
Sec. 21. E½W½;
Sec. 28, E½NW¼, NE¼SW¼, W½SE¼;
Sec. 33, W½E½.

T. 26 S., R. 32 E.
Sec. 4, NW¼NE¼.

This pipeline will convey natural gas across 3.01 miles of national resource lands in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands, and Minerals Operations.

[FR Doc.75-9367 Filed 4-9-75;8:45 am]

[NM 25108]

NEW MEXICO

Application

APRIL 2, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gas Company has applied for two 6 inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 27 E.,
Sec. 7, SW¼NE¼, SE¼NW¼.

These pipelines will convey natural gas across 0.348 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-9366 Filed 4-9-75;8:45 am]

[NM 25171]

NEW MEXICO

Application

APRIL 3, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½ inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 30 N., R. 9 W.,
Sec. 4, NW¼SW¼.

This pipeline will convey natural gas across 0.162 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether

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the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands, and Minerals Operations.

[FR Doc.75-9368 Filed 4-9-75;8:45 am]

[OR 9096]

OREGON

Opening of Public Lands

APRIL 3, 1975.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following lands have been conveyed to the United States.

WILLAMETTE MERIDIAN

T. 21 S., R. 31 E.,
Sec. 25, W½NE¼, NW¼SW¼, and S½SE¼;
Sec. 26, SE¼NE¼ and E½SE¼.
T. 22 S., R. 31 E.,
Sec. 2, NE¼SW¼ and S½SW¼;
Sec. 3, NW¼SE¼ and S½SE¼;
Sec. 11, W½NW¼ and SW¼;
Sec. 23, N½NE¼, SE¼NE¼, and NE¼NW¼.

Aggregating 960 acres in Harney County, Oregon.

2. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby open to operation of the public land laws including the mining laws (Ch. 2, Title 30 U.S.C.), and the mineral leasing laws. All valid applications received at or prior to 10 a.m. May 9, 1975, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, P.O. Box 2965, Portland, Oregon 97208.

HAROLD A. BERENDS,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-9369 Filed 4-9-75;8:45 am]

[Wyoming 45075]

WYOMING

Reclassification

APRIL 2, 1975.

Public Land Order 4938 which was published in the FEDERAL REGISTER on November 14, 1970 (35 FR 17546), classified the following described lands, totalling 109.98 acres in Sweetwater County, Wyoming, for sale under the Act of September 19, 1964, 43 U.S.C. 1421-1427 (1970). It has been determined that the classification is no longer appropriate. Accordingly, pursuant to 43 CFR 2400, notice is hereby given that the lands are being reclassified for lease or sale under the Recreation and Public Purposes Act, as amended, 43 U.S.C. 869:1-4 (1970):

SIXTH PRINCIPAL MERIDIAN

T. 16 N., R. 107 W.,
Sec. 26, lots 9, 10, 16, and 18 (formerly E½ of lot 15).

Interested parties may submit their comments in writing no later than May 9, 1975, to the undersigned official of the Bureau of Land Management, Department of the Interior, P.O. Box 182, Cheyenne, Wyoming 82001.

JESSE R. LOWE,
Acting State Director.

[FR Doc.75-9373 Filed 4-9-75;8:45 am]

[Wyoming 50173]

WYOMING

Application

APRIL 4, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Colorado Interstate Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 17 N., R. 99 W.,
Sec. 10, NE¼NE¼.
T. 18 N., R. 99 W.,
Sec. 34, E½E½.

The pipeline will be an addition to the applicant's Table Rock Gathering System in Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, WY 82901.

GLENNA M. LANE,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-9371 Filed 4-9-75;8:45 am]

[Wyoming 50175]

WYOMING

Application

APRIL 4, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Costal States Gas Corporation has applied for a right-of-way for a cathodic projection rectifier on the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 51 N., R. 100 W.,
Sec. 17, SW¼NW¼;
Sec. 18, SE¼NE¼.

The facility will control corrosion of the applicant's existing natural gas pipeline affecting national resource lands in Park County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 119, Worland, WY 82401.

GLENNA M. LANE,
Acting Chief, Branch of Lands and Minerals Operations.

[FR. Doc.75-9370 Filed 4-9-75;8:45 am]

[Wyoming 50176]

WYOMING

Application

APRIL 4, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Coastal States Gas Corporation has applied for a right-of-way for a cathodic projection rectifier on the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 50 N., R. 100 W.,
Sec. 23, SW¼NW¼.

The facility will control corrosion on the applicant's existing natural gas pipeline affecting national resource lands in Park County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 119, Worland, WY 82401.

GLENNA M. LANE,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-9372 Filed 4-9-75;8:45 am]

Geological Survey

ALVORD, OREGON

Known Geothermal Resources Area

Correction

In FR Doc. 75-3937, appearing on page 6517 in the issue of Wednesday, February 12, 1975, make the following changes:

1. The first word in the third line of the list heading in column 2 should read "Willamette".

2. The first number in the 19th line of the list in column 2, now reading "7", should read "1".

CALIFORNIA

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as a known geothermal resources area, effective February 1, 1974.

(5) CALIFORNIA

LOVELADY RIDGE KNOWN GEOTHERMAL RESOURCES AREA

Mt. Diablo Meridian, California

T. 16 N., R. 6 W.,
Secs. 3, NE¼, E½SE¼, W½;
Secs. 4 through 11, All;
Sec. 13, W½NW¼;
Sec. 14, NE¼, W½;
Sec. 15, All.

The area described aggregates 6,879 acres, more or less.

Dated: March 28, 1975.

HILLARY A. ODEN,
Acting Conservation Manager, Western Region.

[FR Doc.75-9375 Filed 4-9-75;8:45 am]

MONTANA AND NEW MEXICO

Known Geothermal Resources Areas

Pursuant to the authority vested in the Secretary of the Interior by sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as known geothermal resources areas, effective February 1, 1974:

(26) MONTANA

BOULDER HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

Principal Meridian, Montana

T. 5 N., R. 4 W.,
Secs. 2, 3, 4, 9, 10, 11, and 13 to 16, inclusive.

The area described aggregates 6,343 acres, more or less.

(31) NEW MEXICO

GILA HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

New Mexico Principal Meridian, New Mexico

T. 13 S., R. 13 W.,
Secs. 4 to 6, inclusive, 8, and 17.

The area described aggregates 3,201.92 acres, more or less.

LOWER FRISCO HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

New Mexico Principal Meridian, New Mexico

T. 12 S., R. 20 W.,
Secs. 13 to 15, inclusive, and 22 to 27, inclusive.

The area described aggregates 5,760 acres, more or less.

delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as a known geothermal resources area, effective February 1, 1974.

(5) CALIFORNIA

LOVELADY RIDGE KNOWN GEOTHERMAL RESOURCES AREA

Mt. Diablo Meridian, California

T. 16 N., R. 6 W.,
Sec. 3, NE¼, E½SE¼, W½;
Secs. 4 through 11, All;
Sec. 13, W½NW¼;
Sec. 14, NE¼, W½;
Sec. 15, All.

The area described aggregates 6,879 acres, more or less.

Dated: March 28, 1975.

HILLARY A. ODEN,
Acting Conservation Manager, Western Region.

[FR Doc.75-9375 Filed 4-9-75;8:45 am]

MONTANA AND NEW MEXICO

Known Geothermal Resources Areas

Pursuant to the authority vested in the Secretary of the Interior by sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as known geothermal resources areas, effective February 1, 1974:

(26) MONTANA

BOULDER HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

Principal Meridian, Montana

T. 5 N., R. 4 W.,
Secs. 2, 3, 4, 9, 10, 11, and 13 to 16, inclusive.

The area described aggregates 6,343 acres, more or less.

(31) NEW MEXICO

GILA HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

New Mexico Principal Meridian, New Mexico

T. 13 S., R. 13 W.,
Secs. 4 to 6, inclusive, 8, and 17.

The area described aggregates 3,201.92 acres, more or less.

LOWER FRISCO HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

New Mexico Principal Meridian, New Mexico

T. 12 S., R. 20 W.,
Secs. 13 to 15, inclusive, and 22 to 27, inclusive.

The area described aggregates 5,760 acres, more or less.

SAN YSIDRO KNOWN GEOTHERMAL RESOURCES AREA

New Mexico Principal Meridian, New Mexico

T. 15 N., R. 1 E.,
Sec. 8, lots 1 to 3 inclusive, NE¼NE¼, S½NE¼, S½, and that portion of the Ojo Del Espiritu Santo Grant in the N½ of the section;
Sec. 10, lots 1 to 4, inclusive, W½E½, and W½;
Sec. 14.

The area described aggregates 1,915.16 acres, more or less.

(44) UTAH

LUND KNOWN GEOTHERMAL RESOURCES AREA

Salt Lake Meridian, Utah

T. 32 S., R. 14 W.,
Secs. 25 to 27, inclusive;
Secs. 33 to 35, inclusive.

The area described aggregates 3,840 acres, more or less.

Dated: March 19, 1975.

WILLIAM H. FELDMILLER,
Acting Conservation Manager, Central Region.

[FR Doc.75-9376 Filed 4-9-75;8:45 am]

Office of the Secretary

[Int Des 75-20]

MAKAH NATIONAL FISH HATCHERY, WASH.

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91-190, the Department of the Interior has prepared a draft environmental statement for the proposed Makah National Fish Hatchery in Clallan County, Washington, and invites written comments on or before May 27, 1975.

The Makah National Fish Hatchery will be constructed and operated for the propagation of chinook, coho and chum salmon and steelhead and rainbow trout. The proposed hatchery is expected to produce approximately 200,000 pounds of salmonids for the fishery resources in the Pacific Ocean, Strait of Juan de Fuca, Mukkaw Bay, and Olympic Peninsula Rivers, and generate annual economic benefits amounting to 1.1 million dollars. This statement examines the environmental impacts of the proposed Makah project.

Copies of the draft statement are available for inspection at the following locations:

Quinault National Fish Hatchery
P.O. Box 80
Neilton, Washington 98566

U.S. Fish and Wildlife Service
730 N.E. Pacific Street
Portland, Oregon 97208

U.S. Fish and Wildlife Service
Office of Environmental Coordination
Department of the Interior
Room 2246
18th and C Streets, N.W.
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Coordination, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Office of Environmental Coordination. Please refer to the statement number above.

Dated: April 3, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary, Program Development and Budget.

[FR Doc.75-9377 Filed 4-9-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

REGULATORY PROGRAMS INVOLVING DRUG, PESTICIDE, AND INDUSTRIAL CHEMICAL RESIDUES IN ANIMAL FEEDS AND IN MEAT AND POULTRY

Memorandum of Understanding With the Food and Drug Administration

CROSS REFERENCE: For a document giving notice of a Memorandum of Understanding between the Animal and Plant Health Inspection Service and the Food and Drug Administration, see FR Doc. 75-9304 appearing on page 16228 of this issue of the FEDERAL REGISTER.

VETERINARY BIOLOGICS LABORATORY

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Animal and Plant Health Inspection Service, Department of Agriculture, has prepared a draft environmental statement for the proposed Veterinary Biologics Laboratory, Ames, Iowa, USDA-APHIS-ADM-75-1-D.

The draft environmental statement concerns the construction of a proposed Veterinary Biologics Laboratory on a new site at Ames, Iowa. This proposed laboratory is to replace and upgrade the present Veterinary Biologics Laboratory facilities at Ames, Iowa.

This draft environmental statement was transmitted to the Council on Environmental Quality on March 20, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, APHIS, ASD, Architectural Engineering Branch
Room 713, Federal Building
6505 Belcrest Road
Hyattsville, Maryland 20782

USDA, APHIS, Veterinary Services
R.R. 2 Dayton Avenue
Ames, Iowa 50010

USDA, APHIS, Veterinary Services
210 Walnut Street
Room 877, Federal Building
Des Moines, Iowa 50309

A limited number of single copies are available upon request to Architectural Engineering Branch, Administrative

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Services Division, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 713, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782.

Copies of the draft environmental statement have been sent to various Federal, State and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public, from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Dr. Frances J. Mulhern, Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 316E, 14th & Independence Avenue, SW, Washington, D.C. 20250. Comments must be received by June 6, 1975, in order to be considered in the preparation of the final environmental statement.

Dated: April 3, 1975.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.75-9312 Filed 4-9-75;8:45 am]

Forest Service

BASKET BAY #2 TIMBER SALE

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Basket Bay #2 Timber Sale, USDA–FS–DES(Adm) R10–75–06.

The environmental statement concerns a proposed timber sale to salvage blow-down timber.

This draft environmental statement was filed with the CEQ on April 1, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

U.S. Department of Agriculture
Forest Service—Alaska Region
Federal Building
Juneau, Alaska 99801

Forest Supervisor
Chugach National Forest
121 W. Fireweed Lane, Suite 205
Anchorage, Alaska 99503

Forest Supervisor, Chatham Area
Tongass National Forest
Lloyd Center Building
Sitka, Alaska 99835

Forest Supervisor, Stikine Area
Tongass National Forest
Federal Building
Petersburg, Alaska 99833

Forest Supervisor, Ketchikan Area
Tongass National Forest
Federal Building, Room 313
Ketchikan, Alaska 99901

A limited number of single copies are available upon request to Vincent N. Olson, Forest Supervisor, Chatham Area, Tongass National Forest, Box 757, Sitka, Alaska 99835.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Vincent N. Olson, Forest Supervisor, Chatham Area, Tongass National Forest, Box 757, Sitka, Alaska 99835. Comments must be received by May 30, 1975, in order to be considered in the preparation of the final environmental statement.

C. A. YATES,
Regional Forester, Alaska Region.

APRIL 1, 1975.

[FR Doc.75-9286 Filed 4-9-75;8:45 am]

REVISED TIMBER MANAGEMENT PLAN FOR THE ROUTT NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Timber Management Plan for the Routt National Forest. The Forest Service report number is USDA–FS–R2–FES(Adm) FY–75–01.

The environmental statement concerns a proposal to revise the 1961 (Rev.) Timber Management Plan for the Routt National Forest in northwest Colorado. Such plans are required to regulate the flow of timber products from National Forest lands.

The draft environmental statement was transmitted to CEQ on October 18, 1974.

This final environmental statement was transmitted to CEQ on April 3, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
So. Agricultural Bldg., Room 3230
12th St. & Independence Ave., SW
Washington, D.C. 20250

USDA, Forest Service
11177 West 8th Avenue
P.O. Box 25127
Denver, Colorado 80225

USDA, Forest Service
Routt National Forest
P.O. Box 1198
137 10th Street
Steamboat Springs, Colorado 80477

A limited number of single copies are available upon request to W. J. Lucas, Regional Forester, USDA Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Denver, Colorado 80225.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

CLAYTON B. PIERCE,
Director, Multiple Use and Environmental Quality Coordination.

APRIL 3, 1975.

[FR Doc.75-9359 Filed 4-9-75;8:45 am]

Rural Electrification Administration

HILLSBOROUGH & MONTGOMERY TELEPHONE CO.

Proposed Loan Guarantee

Under the authority of Public Law 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320–22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the FEDERAL REGISTER, September 16, 1974 (Vol. 39 No. 180, pages 33228–33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $6,500,000 to the Hillsborough & Montgomery Telephone Company, Belle Mead, New Jersey. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. John E. Dixon, President, Hillsborough & Montgomery Telephone Company, U.S. Hwy. 206, Belle Mead, New Jersey 08502.

To assure consideration, proposals must be submitted on or before May 12, 1975, to Mr. Dixon. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as the Hillsborough & Montgomery Telephone Company and REA deem appropriate. Prospective lenders are advised that it is anticipated that financing for this project will be available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320–22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 4th day of April, 1975.

DAVID H. ASKEGAARD,
Acting Administrator, Rural Electrification Administration.

[FR Doc.75-9311 Filed 4-9-75;8:45 am]

MURRAYSVILLE TELEPHONE CO., INC.

Proposed Loan Guarantee

Under the authority of Public Law 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320–22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the FEDERAL REGISTER, September 16, 1974, (Vol. 39 No. 180, pages 33228–33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $4,500,000 to The Murraysville Telephone Company, Inc., Export, Pennsylvania. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. Harold G. Payne, President, The Murraysville Telephone Company, Inc., c/o T.U.P., Inc., P.O. Box E, Export, Pennsylvania 15632.

To assure consideration, proposals must be submitted on or before May 12, 1975, to Mr. Payne. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as The Murraysville Telephone Company and REA deem appropriate. Prospective lenders are advised that it is anticipated that financing for this project will be available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320–22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C. this 4th day of April, 1975.

DAVID H. ASKEGAARD,
Acting Administrator Rural Electrification Administration.

[FR Doc.75-9310 Filed 4-9-75;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

ENDANGERED SPECIES

Receipt of Permit Application for Scientific Purposes

Notice is hereby given that the following applicant has applied in due form to take endangered species for scientific purposes, as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) and the NMFS Regulations Governing Endangered Fish or Wildlife Permits (50 CFR 222) as published in the November 27, 1974 FEDERAL REGISTER at page 41375.

Northwest Fisheries Center, National Marine Fisheries Service, Seattle, Washington, 98112, has applied to take and/or import until January 1, 1980, specimen materials from bowhead whales (Balaena mysticetus), and gray whales (Eschrichtius robustus); and to conduct an aerial survey of Alaskan bowhead and gray whale populations.

The specimen materials to be taken will be collected from dead animals found beached or floating at sea, or from animals killed by an Indian, Aleut or Eskimo for subsistence purposes under the exemption allowed Alaskan Indians, Aleuts, and Eskimos in the Endangered Species Act of 1973. The following biological material and data will be collected: organ weights, samples of stomach contents; tissue samples of testes, ovaries, tympanic bullae and ear plugs; internal and external parasites; baleen plates; body measurements; and photographs of external features such as color patterns. In addition to collection of specimen materials, data will be recorded regarding whale sightings, the number of animals killed and recovered, and the number of animals struck but subsequently lost. Aerial surveys will be conducted during the spring and fall to determine bowhead and gray whale distribution and migration.

The principal investigators during this project will be Dr. George Harry, Jr., Director, Marine Mammal Division, Mr. Clifford Fiscus, Wildlife Biologist (Research), and Mr. William M. Marquette, Fishery Biologist (Research), of the Marine Mammal Division, Northwest Fisheries Center, National Marine Fisheries Service. Also cooperating in the project are the Naval Arctic Research Laboratory, Barrow, Alaska, the Alaska Department of Fish and Game, the University of Alaska, College, Alaska, and the U.S. Fish and Wildlife Service, Alaska Cooperative Wildlife Research Unit, College, Alaska.

The proposed research is directed toward a determination of the effect of the Alaskan Native harvest on the populations of bowhead and gray whales in the Bering, Chukchi, and Beaufort Seas. Principal elements of the research are direct observations, photography and collection of specimen materials from whales taken in the Eskimo fishery. Data gathered in the course of this project will be analyzed to determine population trends, age, structure of the various populations of these species, reproductive rates and growth parameters. These data will provide the basis for more effective conservation and management of these endangered species of whales, and will assist in increasing the efficiency of the native harvest and reducing the number of animals struck but lost.

In connection with this proposed project, it is recognized that the permit applicant has been issued a scientific research permit under the provisions of the Marine Mammal Protection Act of 1972 to conduct similar, and in some cases identical, activities (39 FR 33386, September 17, 1974).

Documents submitted in connection with this application are available in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, telephone 202–634–7529, and the Offices of the Regional Director, Northwest Region, National Marine Fisheries Service, 1700 Westlake Avenue, North, Seattle, Washington, 98109, telephone 206–442–7575 and the Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska, 99801, telephone 907–586–7221.

Interested parties may submit written data or views on this application on or before May 12, 1975, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C., 20235.

Written views or data, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C., 20235 on or before May 12, 1975. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries based upon information supplied by the Applicant and, therefore, do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: April 7, 1975.

ROBERT F. HUTTON,
Acting Director, National Marine Fisheries Service.

[FR Doc.75-9329 Filed 4-9-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FDA–225–75–4034]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the Arizona Department of Health Services

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Arizona Department of Health Services on February 24, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE ARIZONA DEPARTMENT OF HEALTH SERVICES AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance

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and protection of FDA-rented ARTX Telecommunication Equipment located in the State Health Building, 1740 West Adams Street, Phoenix, Arizona 85007.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used *only* for communication between your state and FDA (Regional, District, or Headquarters Office).

It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* Arizona Department of Health Services, State Health Building, 1740 West Adams Street, Phoenix, Arizona 85007.

V. *Liaison Officers.* For Arizona Dept. of Health Services: Richard Shanks, Ass't. Director, John H. Beck, Chief, Bureau of Sanitation. Address: Arizona Department of Health Services, State Health Building, 1740 West Adams Street, Phoenix, Arizona 85007. Telephone Nos.: (602) 271–3187, and (602) 271–4641.

For FDA: Douglas C. Payne, Supervisory Investigator. Address: Phoenix Resident Post, Los Angeles District, 1314 N. Central, Phoenix, AZ 85004. Telephone No.: (602) 261–3275.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Arizona Department of Health Services: s/*Richard Shanks*, Ass't. Director, Arizona Department of Health Services. Date: *February 18, 1975.*

Approved and accepted for the Food and Drug Administration: s/*Irwin B. Berch*, Regional Food and Drug Director, Region IX, FDA. Date: *February 24, 1975.*

Effective date: This Memorandum of Understanding became effective February 24, 1975.

Dated: April 3, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-9305 Filed 4-9-75;8:45 am]

REGULATORY PROGRAMS INVOLVING DRUG, PESTICIDE, AND INDUSTRIAL CHEMICAL RESIDUES IN ANIMAL FEEDS AND IN MEAT AND POULTRY

Agreement With the Animal and Plant Health Inspection Service

The Animal and Plant Health Inspection Service of the Department of Agriculture and the Food and Drug Administration have drawn up a Memorandum of Understanding concerning certain related objectives in carrying out their respective responsibilities under the Federal Meat Inspection Act and the Poultry Products Inspection Act and the Federal Food, Drug, and Cosmetic Act. The agreement, which sets forth the working arrangements being followed or adopted in the interest of the public so that each agency will discharge as effectively as possible its regulatory activities pertaining to drug, pesticide, and industrial chemical residues in meat, poultry and feeds for food-producing animals, reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, FOOD AND DRUG ADMINISTRATION AND DEPARTMENT OF AGRICULTURE, ANIMAL AND PLANT HEALTH INSPECTION SERVICE

RELATIVE TO REGULATORY PROGRAMS INVOLVING DRUG, PESTICIDE, AND INDUSTRIAL CHEMICAL RESIDUES IN ANIMAL FEEDS, MEAT AND POULTRY

The Food and Drug Administration (FDA) of the Department of Health, Education, and Welfare is charged with the enforcement of the Federal Food, Drug, and Cosmetic Act. In fulfilling its responsibilities under the act, FDA directs its activities toward the protection of the public health of the nation by ensuring that foods for humans and animals are safe and wholesome and that animal feeds are free of illegal drug, pesticide, and industrial chemical residues. This is accomplished by inspecting the processing and distribution of animal feeds and examining samples thereof to assure compliance with the act.

The Animal and Plant Health Inspection Service (APHIS) of the Department of Agriculture (USDA), under the authority of the Federal Meat Inspection Act and the Poultry Products Inspection Act, is responsible for the wholesomeness and safety of meat and poultry intended for human consumption. This is accomplished by continuous inspection at slaughtering and processing establishments and by sampling and analyzing edible tissues derived from livestock and poultry at the time of slaughter to assure, among other things, that meat and poultry do not contain illegal residues of drugs, pesticides, and industrial chemicals.

Meat and poultry may become contaminated with illegal drug, pesticide, and industrial chemical residues from several sources, including the presence of these residues in animal feeds at actionable levels. Thus, the two agencies have certain related objectives in carrying out their respective regulatory and service activities. Therefore, it is desirable from the standpoint of public interest to set forth in this Memorandum of Understanding, the working arrangements which are being followed or adopted to enable each agency to discharge, as effectively as possible, its responsibilities relative to the problem of illegal drug, pesticide, and industrial chemical residues in meat, poultry, and in feeds for food-producing animals.

A. The Animal and Plant Health Inspection Service will:

1. Supply FDA district offices and headquarters with a complete list of all meat and poultry establishments which are operating under USDA continuous inspection. APHIS will regularly inform FDA of any changes or additions to this list.

2. Immediately notify the appropriate FDA district office and FDA headquarters of findings of illegal drug, pesticide, or industrial chemical residues in edible tissue samples of meat or poultry and promptly transmit to the FDA district office all other information relative to these actionable findings obtained by APHIS subsequent to such notification.

3. Report to the appropriate FDA district office the results of any APHIS investigation initiated because of information made available by that FDA office.

4. Make available to FDA any reports, documents and samples necessary to support a regulatory action under the Federal Food, Drug, and Cosmetic Act involving drug residues in meat and poultry. Upon request, make APHIS personnel available for testimony.

5. Keep FDA headquarters fully informed of specific details regarding APHIS sampling and testing programs for residues in meat and poultry.

6. Periodically provide FDA headquarters with results of all APHIS meat and poultry/residue sampling and testing programs, including the number and location of samples tested, the residues for which tests were conducted, the methodology used, and other related information.

7. Advise FDA headquarters whenever it seeks an action level or tolerance from the Environmental Protection Agency for a pesticide residue in meat or poultry so that FDA may also consider the need for an action level or tolerance for that pesticide residue in animal feed.

B. The Food and Drug Administration will:

1. Immediately notify the APHIS headquarters of findings of illegal drug, pesticide, or industrial chemical residues in feeds and feed ingredients intended for food-producing animals or results of any other FDA investigation which indicate the likelihood that actionable residues will be present in meat or poultry.

2. Report to the appropriate APHIS regional office the results of any FDA investigation initiated because of information made available by APHIS.

3. Provide APHIS headquarters with FDA inspectional, sampling and testing programs for drugs, pesticides, and industrial chemicals in animal feeds, feed ingredients, dairy products and eggs.
39-000, fol. 1131, 31-10, April 9

4. Periodically furnish APHIS headquarters with results of all FDA sampling and testing programs involving drugs, pesticides, and industrial chemicals in animal feeds, dairy products and eggs, including the number and location of samples tested, the residues for which tests were conducted, the methodology used, and other related information.

5. Recommend, upon request from APHIS, action levels for industrial chemical residues in meat or poultry.

6. Advise AUHIS headquarters whenever it plans to establish an action level for a pesticide residue in animal feeds, feed ingredients, dairy products or eggs so that APHIS may also consider the need for an action level for that pesticide residue in meat and poultry.

C. It is mutually agreed that:

1. Both agencies will maintain a close working relationship, both in headquarters and in the field.

2. Each agency will coordinate its investigations with the other agency to the extent necessary to avoid duplication of effort, and with appropriate State officials when violations of the Federal Food, Drug, and Cosmetic Act, the Federal Meat Inspection Act and Poultry Products Inspection Act are encountered involving illegal residues.

3. Regulations proposed by either agency pertaining to the problem of residues in animal feed/meat and poultry will be referred to the other agency for review and comment prior to issuance.

4. Both agencies will exchange information relative to their analytical methodology used in identifying and determining drug, pesticide, and industrial chemical residues in feeds, feed ingredients and food derived from animals. Both agencies will cooperate in the development and implementation of analytical and statistical methodologies to ensure comparability of results in the examination of food derived from animals.

5. Each agency will advise the other agency and exchange information whenever it is considering a release of informational materials that may impact on the other agency.

6. Each agency will designate to the other a central headquarters contact point to which communications dealing with this agreement or matters affected thereby may be first referred for attention. Both agencies will assign liaisons between the agencies at the field level and provide a mechanism by which field contacts will be made and maintained for the period of the agreement. Implementation instructions will be issued by each agency and exchanged by both agencies which identify interagency contacts and liaison representatives and set forth other pertinent operational procedures to be followed relative to the agreement.

7. Nothing in this agreement modifies other agreements, nor does it preclude entering into separate agreements setting forth procedures for special programs which can be handled more efficiently and expeditiously by such special agreement.

8. The provisions of this memorandum may be modified at any time by mutual agreement.

Approved and accepted for the Animal and Plant Health Inspection Service: By: F. J. Mulhern. Title: *Administrator, Animal and Plant Health Inspection Service.* Date: 2/18/75.

Approved and accepted for the Food and Drug Administration: By: A. M. Schmidt. Title: *Commissioner of Food and Drugs.* Date: 4-4-75.

Effective date: This agreement becomes effective April 10, 1975.

Dated: April 4, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-9304 Filed 4-9-75;8:45 am]

National Institutes of Health

CANCER INSTITUTIONAL FELLOWSHIP REVIEW COMMITTEE

Notice of Meetings

Pursuant to Public Law 92–463, notice is hereby given of the meetings of the Cancer Institutional Fellowship Review Committee and its Subcommittees, for May 1975, Holiday Inn, 5520 Wisconsin Avenue, Bethesda, Maryland, in Conference Rooms stated in the notice.

These meetings will be open to the public to discuss administrative details from 8:30 a.m. to 9 a.m. on the dates specified in the notice. Attendance by the public will be limited to space available. These meetings will be closed thereafter until adjournment in accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, for the review, discussion and evaluation of individual initial pending grant applications. The closed portions involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information pertaining to the meeting can be obtained from Dr. Barney C. Lepovetsky, Executive Secretary, Westwood Building, Room 10A18, National Institutes of Health, Bethesda, Maryland 20014 (301/496–7803).

Name	Date	Room No.
Subcommittee on Epidemiology	May 12	805.
Subcommittee on Radiation, Diagnosis, and Therapy.	do	905.
Subcommittee on Viral Oncology	May 13	805.
Subcommittee on Chemotherapy	do	905.
Subcommittee on Drug Development.	May 14	805.
Subcommittee on Immunology	do	905.
Subcommittee on Tumor Biology	May 15	805.
Subcommittee on Carcinogenesis	do	905.
Cancer Institutional Fellowship Review Committee.	May 16	Adams Room.

Dated: April 3, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.75-9315 Filed 4-9-75;8:45 am]

NATIONAL CANCER INSTITUTE

Advisory Committee Meetings

Pursuant to Public Law 92–463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Some of these meetings will be closed as indicated below in accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6) of Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463 for the review, discussion and evaluation of individual research contract proposals as indicated. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings are at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014 unless otherwise stated.

Name of committee: Cancer Control Supportive Services Review Committee.
Dates: May 12, 1975, 8:30 a.m.
Place: Building 1, Room: Wilson Hall, National Institutes of Health.
Times: Open, May 12, 8:30 a.m.–9:00 a.m.; closed, May 12, 9:00 a.m.–adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Dr. Veronica L. Conley.
Address: Blair Building, Room 7A01, National Institutes of Health.
Phone: 301/427–7943.
Catalog of Federal Domestic Assistance Number: 13.825.

V 40-70 APR 10 75 XUM

Name of committee: Cancer Control Intervention Programs Review Committee.
Dates: May 14, 1975, 8:30 a.m.
Place: Building 31C, Room: Conference Room 8, National Institutes of Health.
Times: Open, May 14, 8:30 a.m.–9:00 a.m.; closed: May 14, 9:00 a.m.–adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Dr. Veronica L. Conley.
Address: Blair Building, Room: 7A01, National Institutes of Health.
Phone: 301/427–7943.
Catalog of Federal Domestic Assistance Number: 13.825.
Name of committee: Virus Cancer Program Scientific Review Committee A.
Dates: May 16, 1975, 8:30 a.m.
Place: Building 31A, Room: Conference Room 4, National Institutes of Health.
Times: Open: May 16, 8:30 a.m.–9:30 a.m.; closed: May 16, 9:30 a.m.–adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Dr. Elke Jordan.
Address: Building 37, Room: 1A07, National Institutes of Health.
Phone: 301/496–4927.
Catalog of Federal Domestic Assistance Number: 13.825.
Name of committee: Subcommittee on Environmental Carcinogenesis.
Dates: May 17, 1975, 10:00 a.m.
Place: O'Hare Hilton, O'Hare Airport, Room 2109, Chicago, Illinois.
Times: Open for the entire meeting.
Agenda: Formulation of more specific recommendations based on agenda items of January 20–21, meeting of the Subcommittee.
Executive Secretary: Dr. W. Gary Flamm.
Address: Building 31, Room: 11A05, National Institutes of Health.
Phone: 301/496–5946.
Name of committee: Committee on Cancer Immunobiology.
Dates: May 19–20, 1975, 9:00 a.m.
Place: Landow Building, Room: Conference Room C–18, National Institutes of Health.
Times: Open: May 19, 9:00 a.m.–9:30 a.m.; closed: May 19, 9:30 a.m.–5:00 p.m.; closed: May 20, 9:00 a.m.–adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Ms. Judith M. Magnotta.
Address: Building 10, Room: 4B17, National Institutes of Health.
Phone: 301/496–1791.
Catalog of Federal Domestic Assistance Number: 13.825.
Name of committee: Cancer Clinical Investigation Review Committee.
Dates: May 22–24, 1975, 8:30 a.m.
Place: Building 31C, Room: Conference Room 6, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To evaluate the mission and to review the operating procedures of this Committee.
Executive Secretary: Dr. John E. Lane.
Address: Westwood Building, Room: 803, National Institutes of Health.
Phone: 301/496–7903.
Name of committee: Cancer Control Supportive Services Review Committee.
Dates: May 27, 1975, 8:30 a.m.
Place: Building 31A, Room: Conference Room 4, National Institutes of Health.
Times: Open: May 27, 8:30 a.m.–9:00 a.m.; closed: May 27, 9:00 a.m.–adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Dr. Veronica L. Conley.
Address: Blair Building, Room: 7A01, National Institutes of Health.
Phone: 301/427–7943.
Catalog of Federal Domestic Assistance Number: 13.825.
Name of committee: Cancer Control Intervention Programs Review Committee.
Dates: May 30, 1975, 8:30 a.m.
Place: Building 31C, Room: Conference Room 8, National Institutes of Health.
Times: Open: May 30, 8:30 a.m.–9:00 a.m.; closed: May 30, 9:00 a.m.–adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Dr. Veronica L. Conley.
Address: Blair Building, Room: 7A01, National Institutes of Health.
Phone: 301/427–7943.
Catalog of Federal Domestic Assistance Number: 13.825.

Dated: April 3, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.75–9314 Filed 4–9–75;8:45 am]

NATIONAL CANCER INSTITUTE

Advisory Committee Meetings

Pursuant to Public Law 92–463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Some of these meetings will be closed as indicated below in accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, for the review, discussion and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members on individual grant applications containing in detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings are at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014 unless otherwise stated.

Name of Committee: Cancer Control Grants Review Committee.
Dates: May 5–6, 1975, 9:00 a.m.
Place: Building 31C, Room: Conference Room 8, National Institutes of Health.
Times: Open: May 5, 9:00 am.–9:30 a.m.; closed: May 5, 9:30 a.m.–5:00 p.m.; closed: May 6, 9:00 a.m.–adjournment.
Closure reason: To review research grant applications.
Executive Secretary: Dr. William R. Sanslone.
Address: Westwood Building, Room: 809, National Institutes of Health.
Phone: 301/496–7565.
Catalog of Federal Domestic Assistance Number: 13.312.
Name of committee: Cancer Special Program Advisory Committee.
Dates: May 15–16, 1975, 8:30 a.m.
Place: Building 31C, Room: Conference Room 8, National Institutes of Health.
Times: Open: May 15, 8:30 a.m.–9:30 a.m.; closed: May 15, 9:30 a.m.–5:00 p.m.; closed: May 16, 8:30 a.m.–adjournment.
Closure reason: To review research grant applications.
Executive Secretary: Dr. Kenneth C. Potter.
Address: Westwood Building, Room: 805, National Institutes of Health.
Phone: 301/496–7565.
Catalog of Federal Domestic Assistance Number: 13.312.
Name of committee: Cancer Research Center Review Committee.
Dates: May 16–17, 1975, 8:30 a.m.
Place: Linden Hill Hotel, 5400 Pooks Hill Road, Bethesda, Maryland.
Times: open: May 16, 8:30 a.m.–10:00 a.m.; closed: May 16, 10:00 a.m.–6:00 p.m.; closed: May 17, 8:30 a.m.–adjournment.
Closure reason: To review research grant applications.
Executive Secretary: Dr. Robert L. Manning.
Address: Westwood Building, Room: 803, National Institutes of Health.
Phone: 301/496–7721.
Catalog of Federal Domestic Assistance Number: 13.312.
Name of committee: Molecular Control Working Group.
Dates: May 28, 1975, 9:00 a.m.
Place: Building 31C, Room: Conference Room 7, National Institutes of Health.
Times: Open: May 28, 9:00 a.m.–12:30 p.m.; closed: May 28, 2:00 p.m.–adjournment.
Agenda/open portion: Applications of Molecular Biology to design of Antineoplastic drugs.
Closure reason: To review research grant applications.
Executive Secretary: Dr. T. E. O'Connor.
Address: Building 41, Room: A107, National Institutes of Health.
Phone: 301/496–3647.
Catalog of Federal Domestic Assistance Number: 13.312.
Name of committee: Subcommittee on Centers.
Dates: May 21, 1975, 9:00 a.m.
Place: Building 31A, Room: Conference Room 4, National Institutes of Health.
Times: Open: May 21, 9:00 a.m.–3:00 p.m.; closed: May 21, 3:00 p.m.–adjournment.
Closure reason: To review research grant applications.
Agenda: Continuation of the Subcommittee's review and evaluation of the cancer centers program and its recommendations to the NCAB.
Executive Secretary: Dr. John W. Yarbro.
Address: Westwood Building, Room: 832, National Institutes of Health.
Phone: 301/496–7427.
Catalog of Federal Domestic Assistance Number: 13.312.

Dated: April 3, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.75–9316 Filed 4–9–75;8:45 am]

SUBCOMMITTEE FOR EXTRAMURAL PROGRAMS

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Subcommittee for Extramural Programs of the Board of Regents of the National Library of Medicine, on April 30, 1975, from 9 a.m. to adjournment, in the Conference Room adjacent to the President's Offices of the University of Alabama in Birmingham.

The meeting will be open to the public from 9 a.m. to 9:30 a.m. for related Subcommittee business. Attendance by the public will be limited to space available. In accordance with provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 9:30 a.m. to adjournment for the review, discussion, and evaluation of individual initial pending grant applications for assistance in medical library and learning resources facilities' construction. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Arthur J. Broering, Deputy Associate Director for Extramural Programs, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20014, telephone number: 301–496–4671, will furnish a meeting summary, a roster of committee members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.340—National Institutes of Health)

Dated: April 3, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.75–9313 Filed 4–9–75;8:45 am]

Office of Education

BILINGUAL EDUCATION

Closing Dates for Receipt of Applications and Requests for Participation

Pursuant to the authority contained in the Bilingual Education Act as amended (Title VII of the Elementary and Secondary Education Act of 1965, as amended by section 105 of the Education Amendments of 1974, Pub. L. 93–380, 84 Stat. 151, 20 U.S.C. 880b), notice was published in the FEDERAL REGISTER on March 12, 1975, (40 FR 11627) establishing a closing date for receipt of applications for assistance for the current fiscal year from local educational agencies, institutions of higher education in combination with such agencies, and certain organizations of Indian tribes which operate schools for Indian children.

On March 28, 1975 a notice for requests for participation in the program of fellowships for trainers of bilingual education teachers from institutions of higher education, after consultation with, or jointly with, one or more local educational agencies, was published at 40 FR 14109 and the closing date was omitted.

The purpose of this notice is to establish a new and later final closing date for the receipt of applications in response to the March 12, 1975 notice of closing date, and to correct the omission of, and establish a closing date for the receipt of request for participation, and to correct the Catalog of Federal Domestic Assistance number published with the March 12, 1975 notice.

The closing date hereby established for receipt of both applications for assistance and requests for participation is May 1, 1975. Applications and requests for participation must be received by the U.S. Office of Education on or before that date.

A. *Applications or requests for participation sent by mail.* An application or request for participation sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13.403. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application or request for participation was sent by registered or certified mail not later than April 25, 1975, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application or request for participation is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education).

B. *Hand delivered applications or requests for participation.* An application or request for participation to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications or requests for participation will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications or requests for participation will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Division of Bilingual Education, Bureau of School Systems, Office of Education, Room 3600, 7th and D Streets, SW., Washington, D.C. 20202.

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a). Amendments to the regulations for Bilingual Education Programs (45 CFR Part 123), were published as a Notice of Proposed Rule Making in the FEDERAL REGISTER on March 12, 1975 (40 FR 11627). Substantial changes in the current regulations in Part 123 with respect to conditions regarding awards of assistance; activities which may be assisted, priorities and criteria governing award decisions, post award requirements and other relevant matters were proposed in such notice.

Part 123, as altered by such amendments as republished in final form, will govern the operation of the program.

(20 U.S.C. 880b)

Dated: April 7, 1975.

T. H. BELL,
U.S. Commissioner of Education.

(Catalog of Federal Domestic Assistance Number 13.403, Bilingual Education)

[FR Doc.75–9501 Filed 4–9–75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD–260; FDAA–463–DR]

ARKANSAS

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on April 1, 1975, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Arkansas resulting from severe storms and tornadoes occurring on March 28, 1975, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93–288. I therefore declare that such a major disaster exists in the State of Arkansas.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285, I hereby appoint Mr. Joe D. Winkle, HUD Region VI, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area of the State of Arkansas to have been adversely affected by this declared major disaster:

V 40 170 APR 10 75 XUM

The County of:

Bradley

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 1, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-9296 Filed 4-9-75;8:45 am]

[Docket No. NFD-259; FDAA-459-DR]

TENNESSEE

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Tennessee, dated March 24, 1975, and amended on March 27, 1975, March 28, 1975, and March 31, 1975, is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 24, 1975:

The Counties of:

Cannon	Lewis
Chester	Perry
Cumberland	Pickett
Decatur	Scott
Henry	

Dated: April 2, 1975.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-9297 Filed 4-9-75;8:45 am]

[FDAA-462-DR]

TEXAS

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on April 1, 1975, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Texas resulting from tornadoes which occurred on March 27, 1975, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Texas.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Joe D. Winkle, HUD Region VI, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Texas to have been adversely affected by this declared major disaster:

The County of:

Gray

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 1, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-9295 Filed 4-9-75;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N-75-276]

NEENACH RANCH

Notice of Hearing

In the matter of Neenach Ranch, OILSR No. 0-1007-04-159, Docket No. Y-896.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Neenach Ranch, Inc., Daniel O. Clark, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued February 26, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Neenach Ranch, located in Los Angeles County, California, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received March 11, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on April 22, 1975, at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before April 15, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: March 28, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-9301 Filed 4-9-75;8:45 am]

[Docket No. N-75-278]

LAKE MOHAVE HIGHLANDS TRACT 1202

Notice of Hearing

In the matter of Lake Mohave Highlands Tract 1202, OILSR No. 0-3410-02-670, Docket No. Y-1082.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Andel Development Corporation, Delbert B. Hensley, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued March 3, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Lake Mohave Highlands Tract 1202, located in Mohave County, Arizona, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received March 11, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street SW., Washington, D.C., on April 29, 1975 at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before April 22, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: March 28, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-9303 Filed 4-9-75;8:45 am]

[Docket No. N-75-277]

REFLECTION LAKES

Notice of Hearing

In the matter of Reflection Lakes, OILSR No. 0-1879-44-98, Docket No. Y-883.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Leisuretime Development Corporation, Robert V. Davis, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued February 24, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Reflection Lakes, located in Wayne County, Pennsylvania, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received March 6, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW, Washington, D.C., on May 14, 1975 at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before May 7, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: March 28, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-9302 Filed 4-9-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

NATIONAL ADVISORY COMMITTEE ON UNIFORM TRAFFIC CONTROL DEVICES

Renewal

Notice is hereby given that the National Advisory Committee on Uniform Traffic Control Devices is being renewed. The Federal Highway Administration, Office of Traffic Operations, is the sponsor of the committee which consists of a group of experts on traffic control devices. The Committee periodically reviews currently approved standards, guides and warrants for traffic control devices as contained in the Manual on Uniform Traffic Control Devices, approved by the Federal Highway Administrator under the authority granted in 23 U.S.C. 109(b), 109(d), and 402(a) and recommends revisions and new standards to meet new developments and improvements.

The Secretary of Transportation has determined that the formation and use of the National Advisory Committee on Uniform Traffic Control Devices is necessary in the public interest in connection with the performance of duties imposed on the Federal Highway Administration by law. Meetings of the Committee will be open to the public.

This notice is given in compliance with Pub. L. 92-463.

Issued in Washington, D.C., on April 3, 1975.

ROBERT E. CONNER,
Acting Director for Office of Traffic Operations.

[FR Doc.75-9379 Filed 4-9-75;8:45 am]

Federal Railroad Administration

DULUTH, MISSABE AND IRON RANGE RAILROAD CO. ET AL.

Granting Exemptions

Notice is hereby given pursuant to 45 U.S.C. 431(c), that the following railroad companies have been granted an exemption from compliance with certain requirements imposed by the Federal Railroad Administration regulations concerning track safety standards and freight car safety standards. This notice is intended to assure public awareness of the Federal Railroad Administration action in these proceedings. The effected railroad companies have already been notified of these decisions.

Prior to evaluating any of these requests for exemption the Federal Railroad Administration provided an opportunity for public comment. An investigation of the facts by personnel of the Federal Railroad Administration was also conducted in each proceeding. That investigation and any comments which had been received were considered in the decision making process.

In reaching a decision to grant these exemptions the Federal Railroad Administration found that good cause to grant the relief had been established and that the granting of the relief was in the public interest and consistent with railroad safety.

Duluth, Missabe and Iron Range Railroad Company, Waiver Petition RSFC-74-5, temporary exemption from portions of the periodic lubrication requirements and exemption from portions of the stenciling requirements of the freight car safety standards.

Norfolk and Western Railway Company, Waiver Petition RSFC-74-6, temporary exemption from portions of the periodic lubrication requirements of the freight car safety standards.

Norwood and Saint Lawrence Railroad Company, Waiver Petition RST-74-18, temporary exemption from portions of the track safety standards.

Any person interested in obtaining detailed or technical information concerning these decisions should write to the Federal Railroad Administration. All communications concerning these petitions should identify the appropriate docket number and should be submitted to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Issued in Washington, D.C. on April 4, 1975.

DONALD W. BENNETT,
Chief Counsel, Federal Railroad Administration.

[FR Doc.75-9333 Filed 4-9-75;8:45 am]

National Transportation Safety Board

[1479]

SAFETY RECOMMENDATION

Notice of Availability

Pursuant to section 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2172 (49 U.S.C. 1906)), the National Transportation Safety Board announces the release of the following safety recommendation:

A-75-26, issued April 2, 1975, to the Federal Aviation Administration as a result of the Safety Board's investigation of a National Airlines Boeing 727 incident 60 miles east of El Paso, Texas, on April 30, 1974. Recommendation: Issue an airworthiness directive to require that all external ground service fluid drains on Boeing 727 series airplanes be modified to incorporate a more positive

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method of sealing to prevent overboard leakage in flight of fluid subject to freezing in the flight environment.

Single copies of this recommendation may be obtained without charge by writing to the Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

MARGARET L. FISHER,
Federal Register Liaison Officer.

APRIL 7, 1975.

[FR Doc.75-9419 Filed 4-9-75;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Wednesday, May 7, 1975. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E Street, NW, and will consist of continued discussions on the fiscal year 1976 comparability adjustment for the statutory pay systems of the Federal Government.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent.

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.75-9285 Filed 4-9-75;8:45 am]

DELAWARE RIVER BASIN COMMISSION

PUBLIC HEARING

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, April 23, 1975, commencing at 2 p.m. The hearing will be held in Room 1600 of the Municipal Services Building, 15th and J. F. Kennedy Blvd. in Philadelphia, Pa. The subjects of the hearing will be as follows:

A. Applications for approval of proposed projects listed below. The Commission will consider these applications as amendments to the Comprehensive Plan pursuant to Article 11 of the Compact and/or as project approvals pursuant to Section 3.8 of the Compact.

1. Pen Argyl Municipal Authority (D-75-28 CP). Expansion of the Authority's existing sewage treatment plant serving the Borough of Pen Argyl and sections of Plainfield and Washington Townships, Northampton County, Pa. An interceptor relief sewer and force main are part of the project. The expanded facility will provide removal of 90 percent of BOD5 and suspended solids from a sewage flow of 1.55 million gallons per day. Treated effluent will discharge to an unnamed tributary of Waltz Creek in the Martins Creek Basin.

2. Borough of South Coatesville (D-74-39 CP). Expansion of an existing sewage treatment plant serving the Borough of South Coatesville and adjacent areas in Chester County, Pa. The expanded facility will provide removal of 95 percent of BOD5 from a sewage flow of 1.2 million gallons per day. Treated effluent will discharge to the West Branch Brandywine Creek.

3. West Goshen Sewer Authority (D-74-13 CP). Expansion of the Authority's existing sewage treatment plant serving West and East Goshen Townships, Chester County, Pa. The expanded facility will provide removal of 94 percent of BOD5 and 90 percent of suspended solids from a sewage flow of 4.5 million gallons per day. Treated effluent will discharge to Goose Creek, a tributary of Chester Creek.

4. Broad Run Sewer Co. (D-74-150 CP). A sewage treatment project serving development areas in West Bradford Township, Chester County, Pa. The facility will remove 96 percent of BOD5 and 92 percent of suspended solids from a sewage flow of 150,000 gallons per day. Treated effluent will discharge to the East Branch Brandywine Creek.

5. Kittatinny Regional Board of Education (D-74-154 CP). A sewage treatment project to serve the Kittatinny Regional High School in Hampton Township, Sussex County, N.J. The facility would provide removal of 96 percent of BOD5 and 98 percent of suspended solids from a sewage flow of 50,000 gallons per day. Treated effluent will discharge to the Paulins Kill.

6. Logan Township Municipal Utilities Authority (D-72-208 CP). A sewage treatment plant to serve the Bridgeport, Beckett Newtown, and Pureland Industrial Park areas of Logan Township, Gloucester County, N.J. The facility will provide removal of 92 percent of BOD5 from a sewage flow of about 1 million gallons per day. Treated effluent will discharge to the Delaware River.

7. Western Poconos Municipal Authority (D-73-35 CP). A sewage treatment project to serve Kidder Township and portions of adjacent municipalities in Carbon and Monroe Counties, Pa. The treatment facility will remove 95 percent of BOD5 and 93 percent of suspended solids from a sewage flow of 2 million gallons per day. Treated effluent will discharge to the Lehigh River.

8. Mt. Laurel Municipal Utilities Authority (D-75-18 CP). Expansion of the Authority's existing sewage treatment plant in Mt. Laurel Township, Burlington County, N.J. The expansion would increase the capacity of the treatment plant to 1.4 million gallons per day and provide reduction of 90 percent of BOD5 and suspended solids. Treated effluent will discharge to Rancocas Creek.

9. Borough of Woodstown (D-75-27 CP). A well water supply project to augment public water supplies in the Borough of Woodstown, Salem County, N.J. Designated as Well No. 3, the new facility is expected to yield 1 million gallons per day.

10. Borough of Clementon (D-75-26 CP). A well water supply project to augment public water supplies in the Borough of Clementon, Camden County, N.J. Designated as Well No. 10, the new facility is expected to yield 1 million gallons per day.

11. Artesian Water Co. (D-75-8 CP). A well water supply project to augment public water supplies in the company's service area in the vicinity of Wilmington, Del. Three existing wells located at the Greater Wilmington Airport will be utilized to provide a combined yield of 864,000 gallons per day.

12. Town of Milton (D-75-50 CP). A well water supply project to augment public water supplies in the Town of Milton, Sussex County, Del. A new well and two existing wells will have a combined yield of 200,000 gallons per day.

13. Public Service Electric and Gas Co. (D-73-193 CP). A nuclear power plant to be located on the company's site at Artificial Island in Logan Township in Lower Alloways Creek Township, Salem County, N.J. The project would have two units, each having a net electrical capacity of 1,067 megawatts. Circulating cooling for the steam turbines will be furnished by two hyperbolic cooling towers, with makeup water to be drawn from the Delaware River. Cooling water system discharge and cooling tower blowdown will discharge to the Delaware River at a design flow of about 86.5 million gallons per day.

14. Pennsylvania Fish Commission (D-74-181 CP). A small boat access ramp to serve the Neshaminy State Park marina in Bristol Township, Bucks County, Pa. The access area will occupy approximately 14 acres. The ramp will be 75 feet wide and permit simultaneous use by five boats.

15. Delaware County Regional Water Control Authority (D-74-88 CP). A sewage pumping station serving the City of Chester and numerous adjacent boroughs and townships in Delaware County, Pa. As a unit in the regional plan for the area, the pumping station is designed to handle a volume of 36 million gallons per day.

16. Borough of Morrisville (D-74-72 CP). An increase in surface water withdrawal to augment public water supplies in the Borough of Morrisville and adjacent townships, Bucks County, Pa. The authorized total withdrawal would be 6 million gallons per day. Water would be withdrawn from the Delaware River.

17. New Castle Soil Conservation District (D-75-31 CP). Enlargement and structural improvements to two recreation lakes in Banning Park, New Castle County, Del. One lake will be dredged to greater depth and the outlet structure for both lakes will be modified to improve use of water-based recreation facilities.

18. Allied Chemical Corp. (D-74-192). An industrial wastewater discharge at the company's Pottsville plant in Norwegian Township, Schuylkill County, Pa. Approximately 180,000 gallons per day of cooling and process wastewaters will discharge to an unnamed tributary of the West Branch Schuylkill River.

19. Pharmachem Corp. (D-75-41). A cooling water discharge at the company's Dextran plant in the City of Bethlehem, Northampton County, Pa. About 575,000 gallons per day of heated wastewater will discharge to the Lehigh Canal and thence into the Lehigh River. Process and sanitary wastes will go to the City of Bethlehem sewage treatment system.

20. Swift Dairy & Poultry Co. (D-72-112). An industrial wastewater treatment project at the company's facility in Felton, Sussex County, Del. The treatment plant will provide removal of 96 percent of BOD5 from an average wastewater flow of about 250,000 gallons per day. Treated effluent will discharge into Pan Tax Ditch in the Murderkill Basin.

21. Knoll International (D-74-162). A wastewater treatment project to modify the treatment and disposal procedures at the company's facility in Upper Hanover Township, Montgomery County, Pa. Process wastewater will continue to be batch treated. Sanitary sewage will be separated and holding tanks will be used until local sewers are available. About 10,000 gallons of treated process wastewater will be combined with about 60,000 gallons of non-contact cooling water on a temporary basin until the process wastewater can be discharged into the local sewerage system.

22. Riggin & Robbins (D-74-129). A well water supply project to be used at the company's seafood processing plant in the City of Millville, Cumberland County, N.J. The new facility is expected to yield about 187,000 gallons per day.

23. J. Coleman Totten (D-74-182). A well water supply project to provide water for irrigation at the subject farm in Upper Freehold Township, Monmouth County, N.J. The farm well is expected to yield about 580,000 gallons per day.

24. Windy Acres Nursery (D-74-149). A farm well to be used for irrigation purposes at the subject farm in Deerfield Township, Cumberland County, N.J. The new well is expected to yield 200,000 gallons per day.

25. Albert Powell (D-74-125). An irrigation pond to be used at the subject farm in Oldmans Township, Salem County, N.J. A yield from the pond of about 135,000 gallons per day will be utilized during the growing season for irrigation purposes.

26. Port Norris Marina, Inc. (D-74-191). A small boat marina located in the community of Port Norris, Commercial Township, Cumberland County, N.J. The facility will provide 60 small boat slips and a launching ramp.

B. Applications for water quality certification for the projects listed below pursuant to section 401 of the Federal Water Pollution Control Act:

1. Township of Mount Holly. Maintenance dredging in the North Branch Rancocas Creek, Mount Holly, Burlington County, N.J. Approximately 56,000 cubic yards of shoaled material will be removed and deposited either in the Township sanitary landfill or Iron Works Park.

2. Cape May Board of Chosen Freeholders. Replacement of a timber bridge on County Road 57 over Sluice Creek, Cape May County, N.J.

3. N.J. Dept. of Transportation. Culvert replacement at Route 130 and South Branch Little Timber Creek, Logan Township, Gloucester County, N.J.

Documents relating to the items listed above on this hearing notice may be examined at the Commission's offices. Persons wishing to testify are requested to notify the Secretary prior to the hearing.

W. BRINTON WHITALL,
Secretary.

APRIL 4, 1975.

[FR Doc.75-9360 Filed 4-9-75;8:45 am]

DRUG ENFORCEMENT ADMINISTRATION

IMPORTATION OF CONTROLLED SUBSTANCES

Notice of Registration

By notice dated February 12, 1975, and published in the FEDERAL REGISTER on February 21, 1975 (40 FR 7691) G. D. Searle & Company, Searle Parkway and Niles Avenue, Skokie, Illinois 60076, made application to the Drug Enforcement Administration to be registered as an importer of Diphenoxylate, a basic class controlled substance listed in schedule II.

No comments or objections have been received, and, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970, and in accordance with 21 CFR 1311.42, the above firm is granted registration as an importer of Diphenoxylate.

Dated: April 3, 1975.

JOHN R. BARTELS, JR.,
Administrator.

[FR Doc.75-9427 Filed 4-9-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 357-7]

CALIFORNIA STATE STANDARDS; MOTOR VEHICLE POLLUTION CONTROL

Public Hearing

Whereas, the Clean Air Act, as amended, section 209(a), 42 U.S.C. 1857f-6(a) 81 Stat. 501 (Pub. L. 91-604) provides, "No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles of new motor vehicle engines subject to this part, * * * [or] * * * shall require certification, inspection, or any other approval relating to the control of emissions from any new motor vehicle or new motor vehicle engine as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment";

Whereas, section 209(b) of said Act directs the Administrator of the Environmental Protection Agency, after notice and opportunity for public hearing, to waive application of the prohibitions of section 209 to any State which had adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 20, 1966, unless he finds that such State does not require standards to meet compelling and extraordinary conditions or that such State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Clean Air Act;

Whereas, on March 5, 1975, and by notice published in the FEDERAL REGISTER, on March 14, 1975 (40 FR 11900), the Administrator, pursuant to section 202(b)(5)(C) of the Act, granted the requests of three automobile manufacturers to suspend for one year the effective date of the statutory standards of .41 grams/mile hydrocarbons and 3.4 grams/mile carbon monoxide for model year 1977 light duty vehicles, and established interim standards for the 1977 model year of 1.5 grams/mile hydrocarbons and 15 grams/mile carbon monoxide;

Whereas, the oxides of nitrogen emission standard established by statute (section 202(b)(1)(B) of the Clean Air Act of 1970, 42 U.S.C. 1857f-1, as amended by the Energy Supply and Environmental Coordination Act of 1974, Pub. L. 93-319) for 1977 model year light duty vehicles is 2.0 grams/mile;

Whereas, as a consequence of the decision rendered in International Harvester v. Ruckelshaus by the U.S. Court of Appeals for the District of Columbia, February 10, 1973 (478 F. 2d 615), holding that light duty vehicles and light weight trucks are separate classes, the Administrator has established (38 FR 21362 et seq., August 7, 1973) emission standards under section 202(a) of the Clean Air Act for light duty trucks of 2 grams/mile hydrocarbons, 20 grams/mile carbon monoxide, and 3.1 grams/mile oxides of nitrogen;

Whereas, by mailgram dated March 20, 1975, and by letter dated March 26, 1975, California submitted a request for waiver of preemption for model year 1977 light duty vehicles and light duty trucks in order to enable California to enforce its standards of .41 grams/mile hydrocarbons, 9.0 grams/mile carbon monoxide and 1.5 grams/mile oxides of nitrogen for light duty vehicles, and .9 grams/mile hydrocarbons, 17.0 grams/mile carbon monoxide and 2.0 grams/mile oxides of nitrogen for light duty trucks;

Whereas, the waiver of application for 1976 model year light duty trucks (38 FR 30136, November 1, 1973) is deemed to extend to 1977 and subsequent model years;

Therefore, I hereby give notice that (i) California has submitted its request for waiver for the application of the prohibitions of section 209(a) with respect to the above described emission standards for which waiver has not yet been granted, that (ii) a public hearing on the request is to be held in Los Angeles, California, at the Los Angeles Convention Center, 1201 South Figueroa Street at Pico, on Tuesday, April 29, 1975, commencing at 9 a.m., P.S.T., and that (iii) all pertinent information available to the Administrator including that obtained during the public hearing that began on January 21, 1975, on the issue of suspension of the model year 1977 statutory standards for hydrocarbons and carbon monoxide and the hearing established herein shall be considered when ruling on the request.

Although it is EPA policy in most circumstances to give at least thirty days FEDERAL REGISTER notice of hearings, the notice time has been abridged here for the following reasons;

(i) Manufacturers are presently at an advanced planning and design stage for their 1977 model light duty vehicles, and it is imperative that administrative procedures be completed and a final California standard be set as soon as possible, and

(ii) California sent copies of its letter dated March 26, 1975, submitting its waiver application to all affected manufacturers, and actual notice of this hearing was given to all affected motor vehicle manufacturers and to the State of California on or before March 26, 1975. Thirty day's actual notice of this hearing has acordingly been given to these parties.

Dr. Norman D. Shutler of the Environmental Protection Agency is hereby designated as Presiding Officer to conduct the hearing. Any person desiring to make a statement at the hearing or to submit material for the record of the hearing

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should file a notice of such intention and, if practicable, five copies of his proposed statement (and other relevant material) with the Director, Mobile Source Enforcement Division (EG–340), Environmental Protection Agency, Room 3220, 401 M Street SW, Washington, D.C. 20460, not later than April 25, 1975.

The pertinent standards, requirements, conditions, and test procedures for gasoline powered 1977 model year light duty vehicles and light duty trucks are contained in the following identified publications:

FEDERAL

40 CFR Part 85, Subpart A, Emission Regulations for New Gasoline-Fueled Light Duty Vehicles (38 FR 21362, August 7, 1973, as amended at 39 FR 7545, February 27, 1974).

40 CFR Part 85, Subpart C, Emission Regulations for New Gasoline-Fueled Light Duty Trucks (38 FR 21362, August 7, 1973, as amended at 39 FR 7545, February 27, 1974).

Applications for Suspension of 1977 Motor Vehicle Exhaust Emission Standards; Decision of the Administrator (40 FR 11900, March 14, 1975).

CALIFORNIA

Sections 1955.1 and 1955.5, Title 13, California Administrative Code, as amended March 17, 1975 and California Exhaust Emissions Standards and Test Procedures for 1976 and Subsequent Model Gasoline-Powered Passenger Cars and Light Duty Trucks, dated February 19, 1975, as amended March 17, 1975, and California Assembly Line Test Procedures for 1976 and Subsequent Model Gasoline-Powered Passenger Cars and Light Duty Trucks, dated December 11, 1974 (section 2054, Title 13, California Administrative Code).

A copy of the above-described material is available for public inspection during normal working hours (8 a.m. to 4:30 p.m.) at the Freedom of Information Center, Environmental Protection Agency, 401 M Street SW, Washington, D.C. 20460. Copies of the Federal regulations will be provided upon request to that office, subject to a reproduction charge. Copies of the California standards and test procedures are available upon request from the California Air Resources Board 1025 P Street, Sacramento, California 95814.

Procedures. Since the public hearing is designed to give interested persons an opportunity to participate in this proceeding by the presentation of data, views, arguments, or other pertinent information concerning the Administrator's proposed action, there are no adversary parties as such. Statements by the participants will not be made under oath and the participants will not be subject to cross-examination.

Presentation by the participants should be limited to the following considerations with particular attention to (ii):

(i) Whether the standards adopted by California for hydrocarbons, carbon monoxide, and oxides of nitrogen, and related test procedures and enforcement procedures applicable to new model year 1977 light duty vehicles are required to meet compelling and extraordinary conditions in California and

(ii) Whether such standards and accompanying enforcement procedures are consistent with section 202(a) of the Act, in particular with respect to their technological feasibility in the lead time remaining.

In order to assure full opportunity for the presentation of data, views, and arguments by participants, the Presiding Officer will, upon request of the participants, allow a reasonable time after the close of the hearing for the submission of written data, views, arguments, or other pertinent information to be included as part of the record of the public hearing.

A verbatim record of the proceeding will be made and a copy of the transcript will be made available on request at the expense of the person so requesting.

The determination of the Administrator regarding the action to be taken under section 209(b) of the Clean Air Act with respect to the waiver of the application of the prohibition of section 209(a) to the State of California is not required to be made solely on the record of the public hearing. Other scientific, engineering, and related pertinent information, not included in the transcript of the public hearing, may also be considered.

Dated: April 3, 1975.

RICHARD H. JOHNSON,
Acting Assistant Administrator for Enforcement.

[FR Doc.75-9320 Filed 4-9-75;8:45 am]

[FRL 357-4]

OCEAN DUMPING

Location of Public Hearings on the Application of the United States Air Force for a Permit To Incinerate Herbicide Orange at Sea

The Environmental Protection Agency gave notice in the FEDERAL REGISTER on Monday, March 24, 1975, (40 FR 13026–28) of receipt of an application from the United States Air Force for a permit to incinerate at sea the chemical known as Herbicide Orange. Notice was also given of a public hearing on this application to be held April 25, 1975, beginning at 9:30 a.m. in Honolulu, Hawaii. The location for this hearing will be the Legislative Auditorium, State Capitol Building, Punchbowl and Beretania Street, Honolulu.

The hearing will be adjourned and reconvened at 9:30 a.m. on April 28, 1975, in the Second Floor Conference Room, Environmental Protection Agency, Region IX, 100 California Street, San Francisco, California.

Dated: April 3, 1975.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-9323 Filed 4-9-75;8:45 am]

[OPP-32000/225; FRL 357-2]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB–31, East Tower, 401 M Street, SW, Washington, DC 20460.

On or before June 9, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, 401 M Street, SW, Washington, DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after June 9, 1975.

Dated: April 2, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP–32000/225)

EPA Reg. No. 11649–12. Avitrol Corp., 7644 E 46th St., PO Box 45141, Tulsa OK 74145. AVITROL CORN CHOPS-99. Active Ingredients: 4-Aminopyridine 0.03%. Method of Support: Application proceeds under 2(b) of interim policy. PM11.

EPA File Symbol 4–EUG. Bonide Chem. Co., Inc., 2 Wurz Ave., Yorkville NY 13495. LAWN WEED KILLER GRANULES. Active Ingredients. Triethanolamine 2,4-Dichlorophenoxyacetate 4.69%; Triethanolamine Silvex (2-(2,4,5 - trichlorophenoxy) propionic acid) 1.26%. Method of Support: Application proceeds under 2(c) of interim policy. PM23.

EPA File Symbol 33282–E. Branchemco Inc., 8286 Western Way Circle, Jacksonville FL 32216. BRANCHEMCO NO. 331. Active Ingredients: Sodium Dimethyldithiocarbamate Isopropanol 40%. Method of Support: Application proceeds under 2(c) of interim policy. PM33.

EPA File Symbol 359–ATL. Chipman Div., Rhodia Inc., 23 Belmont Rd., Somerset NJ 08903. RONSTAR. Active Ingredients: 2-tert - butyl - 4- (2,4-dichloro-5-isopropoxyphenyl) -Δ^2-1,3,4-oxadiazolin-5-one 24.4%. Method of Support: Application proceeds under 2(b) of interim policy. PM24.

EPA File Symbol 121–RL. Cutter Lab., Inc., 4th & Parker Sts., Berkeley CA 94710. CUTTER INSECT REPELLENT SPRAY. Active Ingredients: N,N-Diethyl-meta-toluamide 17.1%; Other isomers 0.9%; Dimethyl Phthalate 12%; Di-n-propyl isocinchomeronate 1%; N-octyl bicycloheptene dicarboximide 1%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 6621–AR. Eagle Chem. Co., 2819 W Lake St., Chicago IL 60612. DOG GUARD. Active Ingredients: Pyrethrins 0.06%; Piperonyl butoxide, technical (Equivalent to 0.096% (butylcarbityl) (6-propylpiperonyl) ether, and 0.024% other related compounds) 0.12%; N-octyl bicycloheptene dicarboximide 0.20%; N,N-Diethyl toluamide 14.25%; Other isomers 0.75%; Methoxychlor, technical 0.50%; Petroleum Distillate 84.22%. Method of Support: Application proceeds under 2(c) of interim policy. PM13.

EPA Reg. No. 4816–353. FMC Corp., 100 Niagara St., Middleport NY 14105. DRIONE. Active Ingredients: Pyrethrins 1%; Piperonyl Butoxide, Technical (Equivalent to 8% (butylcarbityl) (6-propylpiperonyl) ether and 2% of related compounds) 10%; Amorphous Silica Gel 40%; Petroleum Hydrocarbons 49%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 10638–0. Farm & Ranch Supply Co., 7890 E 11th, Tulsa OK 74112. SHANNON SQUASH BUG DYNAMITE. Active Ingredients: Petroleum Distillate 4.90%; Pyrethrins 0.22%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 7364–EA. Great Lakes Biochemical, 6120 W Douglas Ave., Milwaukee WI 53218. SLOW RELEASE. Active Ingredients: Copper sulfate 19.91%. Method of Support: Application proceeds under 2(a) of interim policy. PM24.

EPA Reg. No. 485–9. The Industrial Fumigant Co., 923 State Line, Kansas City MO 64101. INFUCO 80–20 GRAIN FUMIGANT. Active Ingredients: Carbon Tetrachloride 82.9%; Carbon Bisulphide 16.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 12367–I. Lich Paper Co., 929 5th Ave., Mckeesport PA 15132. LICO FORMULATION 66–25. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 4.50%; Dioctyl Dimethyl Ammonium Chloride 2.25%; Didecyl Dimethyl Ammonium Chloride 2.21%; Tetrasodium Ethylenediamine Tetrasecetate 2.40%; Isopropyl Alcohol 3.60%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 3624–RAA. Nova Products, Inc., PO Box 5086, Kansas City KS 66119. NOVA FOGGING CONCENTRATE 7219. Active Ingredients: 2,2-dichlorovinyl dimethyl phosphate 0.46%; Other related compounds 0.04%; Pyrethrins 2.00%; Piperonyl butoxide, technical (Equivalent to 4.8% (butylcarbityl) (6-propylpiperonyl) ether and 1.2% related compounds) 4.00%; N-octyl bicycloheptene dicarboximide 4.00%; Petroleum Distillate 89.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM13.

EPA File Symbol 904–EGU. B. G. Pratt Div., Gabriel Chem. Ltd., 204 21st Ave., Paterson NJ 07509. DURSBAN 250 EC. Active Ingredients: Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 24.9%; Aromatic petroleum derivative solvent 53.7%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 8503–RN. Products Chem. Co., 3045 E 87th St., Cleveland OH 44104. GREEN GENIE BOWL CLEANER WITH MINT FRAGRANCE. Active Ingredients: Hydrogen Chloride 9.80%. Method of Support: Application proceeds under 2(b) of interim policy. PM32.

EPA File Symbol 4185–LGE. Smith-Douglas Div., Borden Chem., Borden Inc., PO Box 419, Norfolk VA 23501. "GRAIN SAFE". Active Ingredients: Propionic Acid 100.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM21.

EPA File Symbol 1624–RNO. U.S. Borax, PO Box 75128, Sanford Sta., Los Angeles CA 90075. 20 MULE POWER SHOWER TUB & TILE CLEANER NO. 1. Active Ingredients: Tetrasodium ethylenediamine tetraacetate 6.84%; Isopropanol 5.00%; 5-chloro - 2 - (2,4-dichlorophenoxy) phenol 0.07%. Method of Support: Application proceeds under 2(a) of interim policy. PM32.

EPA File Symbol 1624–RRN. U.S. Borax, PO Box 75128, Sanford Sta., Los Angeles CA 90075. 20 MULE POWER SHOWER TUB & TILE CLEANER NO. 2. Active Ingredients: Tetrasodium ethylenediamine tetraacetate 4.56%; Isopropanol 5.00%; 5-chloro-2-(2,4-Dichlorophenoxy) phenol 0.10%. Method of Support: Application proceeds under 2(a) of interim policy. PM32.

EPA Reg. No. 7401–138. Voluntary Purchasing Groups, Inc., PO Box 460, Bonham TX 75418. FERTI-LOME MITE SPRAY. Active Ingredients: 1,1-bis(chlorophenyl)-2,2,2-trichloroethanol 10.8%; Aromatic Petroleum Derivatives 68.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM13.

[FR Doc.75-9317 Filed 4-9-75;8:45 am]

[OPP–32000/226; FRL 357–3]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB–31, East Tower, 401 M Street, SW, Washington DC 20460.

On or before June 9, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, 401 M Street, SW, Washington, DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after June 9, 1975.

Dated: April 2, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP–32000/226)

EPA File Symbol 1145–RUN. Amoco Oil Co., 200 East Randolf Dr., PO Box 6110A, Chicago, IL 60680. AMOCO TREE SPRAY OIL. Active Ingredients: Petroleum Oil 99.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM13.

EPA File Symbol 35909–A. Associated Water Conditioners, Inc., Rt. 202, Mt. Kemble Ave., Morristown, NJ 07960. No. 470. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA File Symbol 35909–G. Associated Water Conditioners, Inc. No. 471. Active Ingredients: Disodium cyanodithioimido-carbonate 7.35%; Potassium N-methyldithiocarbamate 10.15%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA File Symbol 35909–U. Associated Water Conditioners, Inc. No. 472. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

V 40 170 APR 10 75 XUM

EPA File Symbol 4-EUU. Bonide Chemical Co., Inc., 2 Wurz Ave., Yorkville NY 13495. TOM CAT W/DIPHACIN. Active Ingredients: Diphacinone (2-diphenylacetyl 1-1,3-indandione) 0.005%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 1459-UU. Bullen Chemical Co., Hook Rd., Folcroft PA 19032. BULLEN VEGETATION KILLER. Active Ingredients: Prometon:2,4-bis(isopropylamino)-6-methoxy-s-triazine 3.73%; Petroleum distillate 81.04%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA Reg. No. 7176-8. The Butcher Polish Co., 120 Bartlett St., Marlborough MA 01752. BUTCHER'S PROBE PHENOLIC GERMICIDAL DETERGENT. Active Ingredients: Isopropanol 7.480%; o-benzyl p-chlorophenol 5.437%; o-phenylphenol 3.500%; Tetrasodium ethylene diamine tetraacetate 1.140%. Method of Support: Application proceeds under 2(a) of interim policy. PM32.

EPA File Symbol 1191-GUN. Carolina Chemicals, Inc., PO Box 118, West Columbia SC 29169. FLIGHT BRAND TOXAPHENE 806. Active Ingredients: Toxaphene (Technical Chlorinated Camphene Containing 67-69% Chlorine) 80%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 34276-R. Century Industries Corp., RD #1, New Waterford OH 44445. 5% PENTA WOOD PRESERVER. Active Ingredients: Pentachlorophenol 4.25%; Other Chlorophenols 0.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM22.

EPA File Symbol 5736-UO. DuBois Chemicals, Div. Chemed Corp., 3630 E. Kemper Rd., Sharonville OH 45241. GAX-21 A BACTERIOSTAT AND ALGICIDE. Active Ingredients: N-Alkyl (7% C8, 6.5% C10, 53% C12, 19% C14, 8.5% C16, 6% C18) 1,3-Propanediamine 15.0%; Isopropyl Alcohol 15.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 35571-E. Chem Pro Laboratory, Inc., 941 W. 190th St., Gardena CA 90248. CHEM PRO #30M. Active Ingredients: Disodium cyanodithioimidocarbonate 7.35%; Potassium N-methyldithiocarbamate 10.14%. Method of Support: Application proceeds under 2(b) of interim policy. PM33.

EPA File Symbol 14796-G. Culligan Water Treatment Co., Inc., 162 Governor St., East Hartford CT 06106. T-51A. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA File Symbol 10636-T. Farm & Ranch Supply Co., 7890 E. 11th, Tulsa OK 74112. SHANNON MANGE PRESCRIPTION. Active Ingredients: Benzyl Benzoate 25.59%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 904-EGG. B. G. Pratt Div., Gabriel Chemicals Ltd., 204 21st Ave., Paterson NJ 07509. PRATT REPEL FOR CATS & DOGS. Active Ingredients: Methyl nonyl detone 1.9%; Related Compounds 0.1%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 15144-U. Gotham Chemical Co., 27 Traverse Ave., Port Chester NY 10573. AQUACIDE-100. Active Ingredients: Disodium cyanodithioimidocarbonate 3.66%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA File Symbol 334-URO. Hysan Corp., 919 W. 38th St., Chicago IL 60609. GUTTS COMPLETE VEGETATION KILLER. Active Ingredients: 2,4-Dichlorophenoxyacetic acid, isooctyl ester 1.09%; Bromacil (5-bromo-3-secbutyl-6-methyluracil) 0.61%; Pentachlorophenol 0.80%; other chlorophenols 0.09%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 24057-G. Jersey Industrial Chemicals, Inc., PO Box 568, Livingston NJ 07039. FUNGICIDE B. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA Reg. No. 8901-7. Kocide Chemical Corp., PO Box 45539, Houston TX 77045. KOCIDE 404 FLOWABLE AGRICULTURAL FUNGICIDE. Active Ingredients: Cupric Hydroxide 30%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA File Symbol 802-LRI. The Chas. H. Lilly Co., 109 SE. Alder, Portland OR 97214. MILLER'S 2,4-D-SILVEX 18-20 GRANULAR. Active Ingredients: 2,4-Dichlorophenoxyacetic acid 18.00%; Isooctyl Ester of Silvex [2-(2,4,5-Trichlorophenoxy) propionic acid] 29.20%. Method of Support: Application proceeds under 2(c) of interim policy. PM23.

EPA File Symbol 802-LRO. The Chas. H. Lilly Co., 109 SE. Alder, Portland OR 97214. MILLER'S 2-4-D-SILVEX 30-10 GRANULAR. Active Ingredients: 2,4-Dichlorophenoxyacetic Acid 30.00%; Isooctyl Ester of Silvex [2-(2,4,5-Trichlorophenoxy) propionic acid] 14.61%. Method of Support: Application proceeds under 2(c) of interim policy. PM23.

EPA File Symbol 8591-EL. The Mogul Corp., Chagrin Falls OH 44022. MOGUL A-495. Active Ingredients: Calcium hypochlorite 70%. Method of Support: Application proceeds under 2(c) of interim policy. PM34.

EPA File Symbol 36488-R. Reuter Laboratories, 7555 Gard Rd., Manassas VA 22110. MILKY SPORE. Active Ingredients: A mixed culture of not less than 100 million viable spores of resistant stages of either or both Bacillus popilliae or Bacillus lentimorbus per gram of inert powder. Method of Support: Application proceeds under 2(a) of interim policy. PM17.

EPA Reg. No. 523-32. Roberts Laboratories, 4995 North Main St., Rockford IL 61101. ROBERTS FLY-BATE. Active Ingredients: 2,2-Dichlorovinyl dimethyl phosphate 0.46%; Related Compounds 0.04%. Method of Support: Application proceeds under 2(c) of interim policy. PM13.

REPUBLISHED ITEMS

The following items represent a correction in the list of Applications Received published in the FEDERAL REGISTER of March 6, 1975 (40 FR 10515).

EPA File Symbol 34773-A. Chemtech Resources, Inc., PO Box 24440, Dallas TX 75224. MWK-3 NON-SELECTIVE WEED KILLER. Active Ingredients: Monuron trichloroacetate 3-(p-Chlorophenyl)-1,1-dimethylurea trichloroacetate 3.19%. Originally published as 3.10%.

EPA File Symbol 13926-G. Verpas Products, Inc., PO Box 825-Urb. Industrial, Julio N. Matos, Carolina PR 00630. DRAGON AEROSOL MATA MASCAS 4 MOSQUITOS. Active Ingredients: Petroleum Distillate 58.20%. Originally published as Verpas Products, Inc., PO Box 825-Urb. Industrial, Julio N. Matos, Carolina PR 000630. Active Ingredients: Petroleum Distillate 588.20%.

[FR Doc.75-9318 Filed 4-9-75;8:45 am]

[OPP-32000/227; FRL 357-6]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington DC 20460.

On or before June 9, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after June 9, 1975.

Dated: April 4, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-32000/227)

EPA File Symbol 15771-R. Capital Janitorial 23223. COLONIAL MINT ODOR DISINFECTANT, CLEANER, DEODORANT COEF. 7. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.0%; Isopropanol 2.0%; Methyl salicylate 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 15771-E. Capital Janitorial Supply Co. COLONIAL LEMON ODOR DISINFECTANT, DEODORANT, CLEANER COEF. 7. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.00%; Isopropanol 1.00%; Essential Oils 0.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 15771-G. Capital Janitorial Supply Co. COLONIAL PINE ODOR DISINFECTANT, DEODORANT, CLEANER COEF. 6. Active Ingredients: Isopropanol 4.75%; Pine oil 3.95%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 1.97%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA Reg. No. 3125-237. Chemagro, Div. of Mobay Chem. Corp., PO Box 4913, Kansas City MO 64120. NEMACUR 10% GRANULAR NEMATICIDE. Active Ingredients: Ethyl 3-methyl-4-(methylthio)phenyl (1-methylethyl) phosphoramidate 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM21.

EPA File Symbol 6959-GO. Chemical & Equipment Sales & Serv. Co., Inc., 3534 Central Ave., PO Box 12452, Charlotte NC 28205. ACCUDOSE AEROSOL INSECTICIDE. Active Ingredients: Pyrethrins 0.700%; Technical Piperonyl Butoxide (Equivalent to 2.8% (butyl-carbityl) (6-Propylpiperonyl) Ether and 7% of related compounds). 3.500%; Refined Petroleum Distillate 15.800%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 1660-TI. Chemical Specialties Co., Inc., 51-55 Nassau Ave., Brooklyn NY 11222. VAM-O FORMULA #3 CANARY SEED MOUSE BAIT. Active Ingredients: 2-[(p-chlorophenyl)phenylacetyl]-1,3-indandione 0.005%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 7173-RAL. Chempar Chemical Co., 260 Madison Ave., New York NY 10016. ROZOL RAT AND MOUSE KILLER PEST CONTROL OPERATORS FORMULA. Active Ingredients: 2-[(p-chlorophenyl) phenylacetyl] - 1,3 - indandione 0.005%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 9444-UA. Cline-Buckner, Inc., 16317 Piuma Ave., Cerritos CA 90701. CB FOGGER II. Active Ingredients: Pyrethrins 0.400%; Piperonyl Butoxide (Equipment to 3.20% (butylcarbityl) (6-propylpiperonyl) ether and 80% related compounds) 4.000%; Petroleum Distillate 9.036%; o-Isopropoxyphenyl Methyl Carbamate 1.000%; 2,2-dichlorovinyl dimethyl phosphate 0.470%; Related compounds 0.030%. Method of Support: Application proceeds under 2(c) of interim policy. PM13.

EPA File Symbol 11694-AI. Dymon, Inc., 3401 Kansas Ave., Kansas City KS 66106. SYSTEMIC 2% GRANULAR SYSTEMIC INSECTICIDE. Active Ingredients: 0,0-Diethyl S-[2-(ethylthio) ethyl]phosphorodithioate 2%. Method of Support: Application proceeds under 2(c) of interim policy. PM14.

EPA File Symbol 11497-I. Enviro Chem. Corp., 12262 Leo Lane, PO Box 29113, Dallas TX 75229. ENVIRO WEED CHECK LIQUID WEED KILLER. Active Ingredients: Monuron Trichloroacetate [3-(p-chlorophenyl)-1, 1-dimethylurea trichloroacetate] 3.19%; Aliphatic Petroleum Derivative 86.03%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 11261-G. Gasser & Dunham, PO Box 527, Merrill OR 97633. FERTILIZERS WITH 0.4% DI-SYSTON. Active Ingredients: 0,0 - Diethyl S[ethylthio)-ethyl phosphorodithioate 0.40%. Method of Support: Application proceeds under 2(c) of interim policy. PM14.

EPA File Symbol 11261-L. Gasser & Dunham, PO Box 527, Merrill OR 97633. FERTILIZERS WITH 0.9% DI-SYSTON. Active Ingredients: 0,0-Diethyl S[ethylthio) ethyl phosphorodithioate 0.90%. Method of Support: Application proceeds under 2(c) of interim policy. PM14.

EPA File Symbol 12059-U. Jag Chem. Corp., 1865 New Hwy., Farmingdale NY 11735. MASSACRE GENERAL PURPOSE INSECT SPRAY. Active Ingredients: Pyrethrins 0.1%; Piperonyl Butoxide, Technical (Equivalent to 0.8% of (butylcarbityl) (6-propylpiperonyl) ether and to 0.2% of related compounds) 1.0%; Petroleum Distillate 99.4%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 33625-R. Lawn Medic Inc., 1024 Sibley Tower, Rochester NY 14604. CRABGRASS PREVENTER #2. Active Ingredients: Dimethyl Tetrachloroterephthalate 6.86%. Method of Support: Application proceeds under 2(c) of interim policy. PM23.

EPA File Symbol 13525-R. Maintenance Mates, 1064 W. 39th St., Norfolk VA 23508. 2M PINE ODOR DISINFECTANT-CLEANER COEF. 6. Active Ingredients: Isopropanol 4.75%; Pine Oil 3.95%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 1.97%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 13525-E. Maintenance Mates, 1064 W. 39th St., Norfolk VA 23508. 2 M MINT ODOR DISINFECTANT CLEANER COEF. 7. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.0%; Isopropanol 2.0%; Methyl salicylate 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 1021-RGLR. McLaughlin Gormley King Co., 8810 10th Ave. N., Minneapolis MN 55427. MGK BIG GAME REPELLENT CONCENTRATE. Active Ingredients: Egg Solids 15%. Method of Support: Application proceeds under 2(a) of interim policy. PM11.

EPA File Symbol 1021-RGLE. McLaughlin Gormley King Co., 8810 10th Ave. N., Minneapolis MN 55427. D-TRANS INTERMEDIATE 2053. Active Ingredients: d-trans Allethrin (allyl homolog of Cinerin I) 14.31%; Piperonyl butoxide, technical (Equivalent to 12.29% (butylcarbityl) (6-propylpiperonyl) ether and 4.57% other related compounds) 22.86%; N-octyl bicycloheptene dicarboximide 11.44%; Petroleum distillate 8.49%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 9591-ET. Nationwide Products, PO Box 3027, Hamilton OH 45013. FLEAS, TICKS & LICE POWDER READY-TO-USE SYNERGIZED PYRETHRUM DUST. Active Ingredients: Pyrethrins 0.15%; Piperonyl Butoxide Technical (Equivalent to 1.2% of (Butylcarbityl) (6-Propylpiperonyl) Ether, and 0.3% of related compounds) 1.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 5680-RG. W. G. Snee Co., 1430 S. Peters St., New Orleans LA 70301. PURE LEMON ODOR 15 DISINFECTANT-DETERGENT-DEODORANT SANITIZER. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.0%; Isopropanol 2.0%; Essential oils 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 5680-RE. W. G. Snee Co., 1430 S. Peters St., New Orleans LA 70301. PURE LEMON ODOR 7 DISINFECTANT-DETERGENT-DEODORANT SANITIZER. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.00%; Isopropanol 1.00%; Essential oils 0.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 148-RERL. Thompson Hayward Chem. Co., 5200 Speaker Rd., Kansas City KS 66106. ATRAZINE TECHNICAL. Active Ingredients: Atrazine (2-chloro-4-ethylamino - 6 - isopropylamino-s-triazine) 95%; Related compounds 3%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 148-RERU. Thompson-Hayward Chem. Co. ATRAZINE 80W. Active Ingredients: Atrazine (2-chloro-4-ethylamino-6-isopropylamino-s-triazine) 77.6%; Related Compounds 2.4%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 148-RERA. Thompson-Hayward Chem. Co. ATRAZINE PLUS. Active Ingredients: Atrazine (2-chloro-4-ethylamino-6-isopropylamino-s-triazine) 93.1%; Related Compounds 2.9%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 36641-R. Triangle Paint Co., Inc., 2222 3rd St., Berkeley CA 94710. WOOD TREATMENT #174 CLEAR. Active Ingredients: Pentachlorophenol 4.59%; Other Chlorinated Phenols 0.66%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 36645-R. Zodiac-Healox & Lustray Div. of Majestic Drug Co., Inc., 711 E. 134th St., Bronx NY 10454. PETAGREE CONCENTRATED SHAMPOO KILLS FLEAS, LICE & TICKS. Active Ingredients: Pyrethrins 0.050%; Piperonyl Butoxide, Technical 0.100%; N-Octyl Bicycloheptene Dicarboximide 0.167%; Petroleum Distillate 0.243%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

REPUBLISHED ITEM

The following item is a change in the list of Applications Received published in the FEDERAL REGISTER March 11, 1975 (40 FR 11384).

EPA Reg. No. 239-2186. Chevron Chem. Co., 940 Hensley St., Richmond CA 94804. ORTHO PARAQUAT CL (For use on sunflowers, oilseed varieties only). Method of Support: Application proceeds under 2(a) rather than 2(c) as published. PM25.

[FR Doc.75-9319 Filed 4-9-75;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED NONMEMBER BANKS

Withdrawal of Savings Deposits by Telephone

The rules and regulations of the FDIC impose certain restrictions as to the manner in which savings deposits may be withdrawn from insured non-member banks. 12 CFR 329.5(c). Federal Reserve Regulation Q imposes similar restrictions on savings deposits in Federal Reserve member banks. 12 CFR 217.5(c).

V 40 170 APR 10 75 XUM

The Board of Governors of the Federal Reserve has announced that it is withdrawing its long-standing policy opposing the withdrawal of funds from savings accounts by telephone or other oral order. In its announcement, the Board of Governors notes that other depository institutions, including nonmember commercial banks, have been allowed to offer telephone withdrawal services for some time.

The Board of Directors of the FDIC deems it desirable to publicly confirm that nothing in the regulations of the FDIC bars the withdrawal of funds in a savings account upon the order of a depositor transmitted by means of a telephone or other communications device.

This announcement merely reiterates the policy of the FDIC with respect to the withdrawal of savings deposits by telephone. Any insured nonmember bank may allow its customers to utilize this method of withdrawal; however, the Board of Directors expects that any bank which does so will implement appropriate security and other procedures to insure the safe and sound conduct of this activity.

By order of the Board of Directors, April 4, 1975.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.75-9415 Filed 4-9-75;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. No. 189]

IMPERIAL CORPORATION OF AMERICA

Receipt of Application for Permission To Acquire Control

APRIL 7, 1975.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Imperial Corporation of America, San Diego, California, a multiple savings and loan holding company, for approval of acquisition of control of the Avco Savings and Loan Association, Los Angeles, California, an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)) and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected through the purchase of substantially all of the guarantee stock of Avco Savings and Loan Association, by Imperial Savings and Loan Association, San Francisco, California, an insured subsidiary of the applicant, for cash and promissory notes from the subsidiary. Comments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before May 12, 1975.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.75-9426 Filed 4-9-75;8:45 am]

FEDERAL MARITIME COMMISSION

PACIFIC-INDIA/PAKISTAN/CEYLON/BURMA AGREEMENTS

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573 on or before April 30, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forward to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

H. P. Blok, Secretary
Pacific-India/Pakistan/Ceylon/
Burma Agreements
417 Montgomery Street
San Francisco, California 94104

Agreement No. 9247-5 reflects the intention of the member lines of the Pacific-India / Pakistan / Ceylon / Burma Agreements to conduct their operations pursuant to a single tariff rather than the individual tariffs of the member lines as is presently the practice.

By Order of the Federal Maritime Commission.

Dated: April 4, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-9412 Filed 4-9-75;8:45 am]

PRUDENTIAL LINES, INC. AND COMPANIA PERUANA DE VAPORES

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 30, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

William H. Fort, Esquire
Kominers, Fort, Schlefer & Boyer
1776 F Street, Northwest
Washington, D.C. 20006

Agreement No. 9939-2, between Prudential Lines, Inc. and Compania Peruana De Vapores, modifies the basic pooling, sailing and equal access to government-controlled cargo agreement, covering southbound cargo from U.S. West Coast ports to ports in Peru, by deleting the pooling and sailing provisions and thereby establishing an equal access agreement only.

By Order of the Federal Maritime Commission.

Dated: April 7, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-9413 Filed 4-9-75;8:45 am]

PRUDENTIAL LINES, INC. AND COMPANIA DE VAPORES

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before April 30,

1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

William H. Fort, Esquire
Kominers, Fort, Schlefer & Boyer
1776 F Street, Northwest
Washington, D.C. 20006

Agreement No. 9939-3, between Prudential Lines, Inc. and Compania Peruana De Vapores, modifies the basic pooling, sailing and equal access to government-controlled cargo agreement, covering southbound cargo from U.S. West Coast ports to ports in Peru, by amending Article 7 to provide that there will be no penalty for overcarriage under Agreement No. 9939 for the 12 months ending March 31, 1975, or for any period thereafter.

By order of the Federal Maritime Commission.

Dated: April 7, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-9414 Filed 4-9-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-9101]

APPALACHIAN POWER CO.

Further Extension of Procedural Dates

APRIL 3, 1975.

On April 1, 1975, Appalachian Power Company filed a motion to extend the procedural dates fixed by order issued December 6, 1974, as most recently modified by notice issued February 28, 1975, in the above-designated matter. The parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Appalachian Power Company Testimony, June 6, 1975.
Service of Virginia Polytechnic Institute and State University's Testimony, June 20, 1975.
Service of Staff's Testimony, July 7, 1975.
Service of (APCO) Rebuttal, July 18, 1975.
Hearing, July 31, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9343 Filed 4-9-75;8:45 am]

[Docket No. E-9341]

ARIZONA PUBLIC SERVICE CO.

Filing of Revision to Rate Schedule

APRIL 4, 1975.

Take notice that Arizona Public Service Company (APS) on March 26, 1975 tendered for filing proposed changes to its Wholesale Power Agreement with Arizona Power Authority (APA), FPC Rate Schedule No. 59. This proposed change, "First Revised Exhibit B" to the Agreement, increases both the maximum and minimum Contract Demands.

Copies of this filing were served upon the Arizona Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NW, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9344 Filed 4-9-75;8:45 am]

[Docket No. CS67-52]

PAUL F. BARNHART

Petition for Waiver of Regulations

APRIL 4, 1975.

Take notice that on March 20, 1975, Paul F. Barnhart, Trustee (Petitioner), 600 Post Oak Bank Building, 2200 South Post Oak Road, Houston, Texas 77027, filed in Docket No. CS67-52 a petition for waiver in part of § 157.40(c) of the regulations under the Natural Gas Act (18 CFR 157.40(c)) so as to permit him to sell natural gas attributable to the interests which he acquired from a large producer, TransOcean Oil, Inc. (TransOcean), pursuant to his small producer certificate issued in the subject docket, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that by two assignments dated January 1, 1974, TransOcean transferred to Petitioner certain interests in three leases, the G. T. Patterson Lease, the J. F. Nunn Lease, and the M. L. Couey Lease, located in the Spraberry Trend Field, Glasscock and Reagan Counties, Texas. Petitioner further states that although gas production from existing horizons under the three leases is rapidly diminishing, Petitioner and Paul F. Barnhart have recompleted a well in previously undeveloped horizons underlying each of the three leaseholds and are negotiating with the purchaser of gas produced from the leases, El Paso, for a new price for the new production. Petitioner claims that Paul F. Barnhart, either as an individual or as trustee, holds all of the working interests in the production from the new horizons; and, therefore, no large producers hold working interests in the new production. Petitioner states that without the requested waiver Petitioner may be required to pay his royalty owners on the basis of two rates even though all of the working interests in such production are held by small producers.

Petitioner notes that in recent orders involving successions by small producers to large producers the Commission has imposed a rate condition limiting the small producer to the area ceiling rate which its large producer predecessor had been collecting. It is Petitioner's view that such limitation would require the small producer to make new rate filings to collect the new national rate for production from any new wells which he drills and that such filing requirement is contrary to the Commission's purposes for providing an exemption for small producers. Accordingly, if a complete waiver is not granted, Petitioner requests alternatively that any rate condition imposed provide that he can collect for his production attributable to the interests acquired from TransOcean the highest rate the Commission would allow TransOcean, as a large producer, to collect had it retained its interests.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 21, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9345 Filed 4-9-75;8:45 am]

[Docket No. RP72-89]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Motion for Six Month Extension of Interim Curtailment Plan

APRIL 7, 1975.

On April 1, 1975, Columbia Gas Transmission Corporation filed a motion to extend its currently effective interim curtailment plan, with certain modifications, for a period of six months from May 1, 1975, through October 31, 1975, pending Commission determination of an appropriate permanent curtailment plan for its

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system. Date for filing comments or petitions to intervene April 16, 1975.

Take notice that Columbia Gas Transmission Corporation (Columbia), on April 1, 1975, filed a motion requesting the Commisison to extend its currently effective interim curtailment plan, with certain modifications, for a period of six months from May 1, 1975 through October 31, 1975. The modification is intended to exclude the so-called compensation features contained in the interim plan due to Commission orders in this proceeding holding them to be unlawful.

Columbia contends that the extension of its interim plan would maintain the *status quo* to the extent possible, pending the outcome of the extensive hearing in progress on Columbia's permanent plan in the above-entitled proceeding. Columbia alleges that the requested extension will avoid an unreasonable disruption of its customers' planning based on the annual entitlement feature for the twelve-month period ending October, 1975, contained in the interim plan.

Columbia asserts that without a grant of its motion, because of the Commission's warnings on the risks involved in implementing a plan not in conformity with Order No. 467–B, it would have to implement such a plan on May 1, 1975. Columbia alleges that this would be unlawful without consideration of the very extensive record being developed in the ongoing hearings. Columbia further asserts that curtailments pursuant to Order No. 467–B should not be implemented using the unverified data presently available, which has also been the subject of extensive cross-examination at the hearings.

In further support of its motion, Columbia refers to recent court decisions which, according to Columbia, hold that the Commission may not modify or replace a pipeline's existing curtailment plan without findings based on a full record, which is presently being compiled in this proceeding, that such plan is in violation of the Natural Gas Act.

Columbia claims that its interim plan has operated extremely well during the 1974–1975 winter season when Columbia curtailed at a level of approximately 20 percent, and that the Commission was not required to grant any petitions for extraordinary relief.

It appears reasonable and consistent with the public interest in this proceeding to prescribe a period shorter than 15 days for the filing of comments and petitions to intervene. Therefore, any person desiring to be heard or to protest said motion should, on or before April 16, 1975, file such comment or petition to intervene with the Federal Power Commission, Washington, D.C., 20426, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. Persons that have previously filed a notice or petition for intervention in this proceeding need not file additional notices or petitions to become parties with respect to the instant filing. The filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9342 Filed 4-7-75;2:13 pm]

[Docket No. E-9206]

McDOWELL COUNTY CONSUMER COUNCIL, INC.

Extension of Time

APRIL 3, 1975.

On March 27, 1975, Appalachian Power Company filed a motion to extend the time for answering the complaint noticed January 16, 1975, in the above designated matter. The present time for answer was filed by order issued March 17, 1975.

Upon consideration, notice is hereby given that the time for answering the above complaint is extended to and including April 30, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9346 Filed 4-9-75;8:45 am]

[Docket No. RP73-110]

NATURAL GAS PIPELINE CO. OF AMERICA

Extension of Time

APRIL 4, 1975.

On March 19, 1975, Staff Counsel filed a motion to extend the date for filing briefs opposing exceptions to the initial decision of the Presiding Administrative Law Judge issued February 13, 1975 in the above-designated matter.

Upon consideration, notice is hereby given that the date for filing briefs opposing exceptions in the above matter is extended to and including May 6, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9347 Filed 4-9-75;8:45 am]

[Docket No. E-7465]

NORTHERN ELECTRIC COOPERATIVE ASSOCIATION

Application

APRIL 4, 1975.

Take notice that Northern Electric Cooperative Association (Applicant), incorporated under the laws of the State of Minnesota, with its principal place of business at Virginia, Minnesota, filed an application with the Federal Power Commission in Docket No. E-7465 on February 27, 1975, for a supplemental order pursuant to section 202(e) of the Federal Power Act, authorizing an increase in the amount and rate of transmission of electric energy which Applicant may transmit from the United States to Canada.

By Commission order issued July 2, 1969 in Docket No. E-7465 (42 FPC 30), Applicant was authorized to transmit electric energy from the United States to 450,000
Canada in an amount not to exceed 450,000 kwh per year at a rate of transmission not to exceed 100 kw for sale and delivery to Lac La Croix Power Authority (La Croix) over certain 14.4 kv facilities of Applicant located at the international border between the United States and Canada adjacent to Government Lot 1, Section 6, Township 67 North, Range 16 West, St. Louis County, Minnesota. Applicant's facilities are covered by its Permit signed by the Chairman of the Federal Power Commission on July 2, 1969, Docket No. E-7466.

Applicant now requests that the authorization granted by Commission order of July 2, 1969, referred to above, be modified so as to authorize Applicant to export electric energy to La Croix in an amount not to exceed 1,500,000 kwh per year at a rate of transmission not to exceed 300 kw for the purposes of meeting the growth in electric supply requirements of the Indian Settlement in the Province of Ontario, Canada, served by La Croix. No change in Applicant's electric transmission facilities at the United States-Canadian border will be made by reason of the proposed increase in the amount and transmission rate of the exported energy.

The subject application includes a copy of a letter received by Applicant from United Power Association (United), which serves as Applicant's supplier of electric energy, stating that United "will be in a position to provide * * * this [increased] amount of power and energy for the next five-year period" to Applicant for delivery to La Croix.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 25, 1975 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9348 Filed 4-9-75;8:45 am]

[Docket No. E-9344]

ORANGE AND ROCKLAND UTILITIES, INC.

Filing of Initial Rate Schedule

APRIL 4, 1975.

Take notice that on March 27, 1975, Orange and Rockland Utilities, Inc. (ORU) tendered for filing, as an initial rate schedule, copies of an Agreement between ORU and Consolidated Edison Company of New York, Inc. (Con Ed). ORU states that the Agreement provides for the sale by ORU of 90 MW of capacity and associated energy to Con Ed from ORU's entitlement in the Bowline Point Generating Station. According to ORU, the Agreement is to be effective from May 1, 1975, through October 25, 1975.

ORU states that the Agreement provides that Con Ed will pay $78/MW/day for the 90 MW being purchased, and that the charges for associated energy and operating and maintenance costs shall be determined on the basis of the ratio of the cost of energy actually taken to the cost of energy produced by the Bowline Point Generating Station, "as best determined by the parties each month." ORU states further that after October 25, 1975, associated energy and operating and maintenance costs shall be adjusted to reflect costs actually experienced during the term of the Agreement.

ORU states that estimated combined capacity and energy revenues for the term of the Agreement will be $6,538,410.

The subject Agreement has been executed by Con Ed, according to ORU, and a copy has been mailed to it. Copies have also been mailed to the Staff of the New York State Public Service Commission, ORU states.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9349 Filed 4-9-75;8:45 am]

[Docket No. E-9346]

ORANGE AND ROCKLAND UTILITIES, INC.

Termination of Rate Schedule

APRIL 4, 1975.

Take notice that on March 27, 1975, Orange & Rockland Utilities, Inc. (ORU) tendered for filing a "Notice of Termination" of its Rate Schedule FPC No. 29. ORU proposes that said termination be effective as of April 27, 1975.

ORU states that a copy of the Notice of Termination has been served upon Consolidated Edison Company of New York, Inc.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protect with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9350 Filed 4-9-75;8:45 am]

[Docket No. E-9345]

PUBLIC SERVICE CO. OF OKLAHOMA

Filing of Letter Agreement

April 4, 1975.

Take notice that on March 28, 1975, Public Service Company of Oklahoma (PSCO) tendered for filing a Letter Agreement dated October 20, 1971, between PSCO and Associated Electric Cooperative, Inc. (AEC); said agreement being a supplement to FPC No. 186. The Letter Agreement provides for the sale by PSCO of 100 megawatts of capacity to AEC for the 24-month period beginning June 1, 1973, and ending May 31, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 23, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9351 Filed 4-9-75;8:45 am]

[Docket No. CS75-307, *et al.*]

M. N. STAFFORD, JR., ET AL.

Applications for Small Producer Certificates [1]

APRIL 2, 1975.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 25, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

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Docket No.	Date filed	Applicant
CS75-307...	1-22-75	M. N. Stafford, Jr., P.O. Box 806, Jennings, La. 70546.
CS75-308...	1-27-75	Wheatland Oil Co., 2601 Northwest Expressway, Suite 800 Oklahoma City, Okla. 73112.
CS75-309...	1-27-75	Emmett E. Schieck, P.O. Box 523, Casper, Wyo. 82601.
CS75-310...	2- 3-75	Resources Exploration, Ltd., Suite 20 C. Brooks Towers, 1020 15th St. Denver, Colo. 80202.
CS75-311...	2- 3-75	John P. Castleman, Jr., Suite 2415, First National Bank Bldg., Dallas, Tex. 75202.
CS75-312...	2- 4-75	Wesley West, P.O. Box 7, Houston, Tex. 77001.
CS75-313...	2- 6-75	D. P. H. Ltd., 309 North Lee St., Odessa, Tex. 79761.
CS75-314...	2- 6-75	David H. Donaldson, 104 Knox Bldg., Enid, Okla. 73701.
CS75-315...	2- 6-75	Ruth M. Vaughan, 300 Caversham Rd., Bryn Mawr, Pa. 19010.
CS75-316...	2- 6-75	H. D. Thompson, P.O. Box 2588, Amarillo, Tex. 79105.
CS75-317...	2- 7-75	Front Range Land Investment Corp., 633-17th Street, Suite 1270, Denver, Colo. 80202.
CS75-318...	2- 7-75	C. B. Sentell, Route 5, Box 33, Shreveport, La. 71107.
CS75-319...	2- 7-75	Richard K. Punches, P.O. Drawer B, Natchez, Miss. 39120.
CS75-320...	2- 7-75	Charles F. Hayes, 1808 Capitol Towers, Jackson, Miss. 39201.
CS75-321...	2- 7-75	Raymond D. Colter, Jr., P.O. Box 1002, Natchez, Miss. 39120.
CS75-322...	2- 7-75	Lexco, Inc., 801 Mid South Towers, Shreveport, La. 71101.
CS75-323...	2-18-75	Eulogia C. Candelaria, Blanco, N. Mex. 87412.
CS75-324...	2- 7-75	Auburn Oil & Gas Co., 101 East Main St., Harrisville, W. Va. 26362.
CS75-325...	2-10-75	Morris Cannan, 1645 Milam Bldg., San Antonio, Tex. 78205.
CS75-326...	2-10-75	Gage Oil & Gas Co., 1973 633-17th St., Suite 2100, Denver, Colo. 80202.
CS75-327...	2-10-75	T. Mayfield, 6 East 5th St., Tulsa, Okla. 74103.
CS75-328...	2-10-75	Burton/Hawks, Inc., P.O. Box 359, Casper, Wyo. 82601.
CS75-330...	2-18-75	Pablo Leopoldo Candelaria, Blanco, N. Mex. 87412.
CS75-331...	2-18-75	Elisabeth O. Chisholm, P.O. Box 2766, Laurel, Miss. 39440.
CS75-332...	2-18-75	James E. McElvain, executor Carl R. McElvain estate, P.O. Box 63, Morris, Ill. 60450.
CS75-333...	2-18-75	Joan N. Calder, 1216 Hartford Bldg., Dallas, Tex. 75201.
CS75-334...	2-18-75	J. William McElvain, 310 East Jefferson St., Morris, Ill. 60450.
CS75-335...	2-19-75	E. P. Munson, Jr., 1703 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.
CS75-336...	2-18-75	George V. Frazier, et al., 3220 North Utah, Oklahoma City, Okla. 73112.
CS75-337...	2-21-75	Regal Petroleum Corp. 711 Praetorian Bldg., 1607 Main St., Dallas, Tex. 75201.
CS75-338...	2-21-75	Irving Pasternak, doing business as Shar-Alan Oil Co., 4155 East Jewell Ave., Suite 400, Denver, Colo. 80222.
CS75-339...	2-24-75	Martha Sue Tepera, First National Bank Bldg., Pampa, Tex. 79065.
CS75-340...	2-19-75	Adams Petroleum, Box Y, McLean, Va. 22101.
CS75-341...	2-21-75	Tricentrol United States, Inc., 2640 1 Calgary Place, 330 5th Ave. SW., Calgary, Alberta T2P 0L4 Canada.
CS75-342...	2-14-75	Margaret Hotchkiss et al., 4808 Ivanhoe Dr., Houston, Tex. 77027.
CS75-343...	2-24-75	Fensec Explorations, Inc., Route No. 5, Box 175, Titusville, Pa. 16354.
CS75-344...	2-27-75	The Hawks Co., P.O. Box 2493, Casper, Wyo. 82601.
CS75-345...	2-28-75	Russell E. Leeser, 1390 Ridge Rd., Littleton, Colo. 80120.
CS75-346...	2-28-75	Nelson Petroleum Co., 2100 4th National Bank Bldg., Tulsa, Okla. 74119.
CS75-347...	3- 3-75	Sam H. Snoddy, 202 Mid America Bldg., Midland, Tex. 79701.
CS75-348...	3- 3-75	Flying Diamond Oil Corp., 1700 Broadway, Suite 900, Denver, Colo. 80202.
CS75-349...	3- 3-75	R. & L. Oil Co., Box 478, Alderson, W. Va. 24910.
CS75-350...	3- 3-75	Robinson Brothers Drilling Co., 1000 Gihls Tower West, Midland, Tex. 79701.
CS75-351...	3- 3-75	R. D. "Bob" Yeates, 2812 Fannin Ave., Midland, Tex. 79701.
CS75-352...	3- 5-75	M. E. Wilkinson, 1117 Union National Bldg., Wichita, Kans. 67202.
CS75-353...	3- 5-75	B. & W. Co., 806 First National Center, Oklahoma City, Okla. 73102.
CS75-354...	3- 6-75	A. D. Frese, Khakum Wood, Greenwich, Conn. 06830.
CS75-355...	3- 7-75	Jan Oil Co., P.O. Box 95226, Oklahoma City, Okla. 73109.
CS75-356...	3- 7-75	D. R. Scyoc, Route 2, Box 129, Sandyville, W. Va. 25275.
CS75-357...	3-10-75	Buttner Morgan Stephens Co., P.O. Box 428, Wooster, Ohio 44691.
CS75-358...	3-10-75	Western Oil Shale Corp., 300 West Wall, Suite 1012, Midland, Tex. 79701.
CS75-359...	3- 7-75	White & Ellis Drilling, Inc., P.O. Box 448, El Dorado, Kans. 67042.
CS75-360...	3-10-75	Donald H. Vernau, P.O. Box 388, Granville, Ohio 43023.
CS75-361...	3-10-75	Alan J. Antwell, P.O. Box 2010, Hobbs, N. Mex. 88240.
CS75-362...	3-10-75	Palmer Oil Co., Petroleum Bldg., Billings, Mont. 59101.
CS75-363...	3-10-75	The Blue Jay Corp., P.O. Box 2564, Billings, Mont. 59101.
CS75-364...	3-11-75	J. Fidel Candelaria, Blanco, N. Mex. 87412.
CS75-365...	3-13-75	George A. Angle, doing business as Frontier Oil Co., 1720 Wichita Plaza, Wichita, Kans. 67202.
CS75-366...	3-11-75	Revco Petroleum Corp., 1804 First National Bank Bldg., Tulsa, Okla. 74103.
CS75-367...	3-11-75	M-R-M, Inc., P.O. Box 1349, Norfolk, Nebr. 68701.
CS75-368...	3-14-75	Nickie G. Candelaria, Blanco, N. Mex. 87412.
CS75-369...	3-13-75	D. M. Henderson et al., P.O. Box 599, Jasper, Tex. 75951.
CS75-370...	3-14-75	Bradoil, Inc., 9334 North River Dr., Algonac, Mich. 48001.
CS75-371...	3-17-75	J. Pat Beaird, 1123 Commercial National Bank Bldg., Shreveport, La. 71101.
CS75-372...	3-17-75	James M. Forgeoson, 409 Beck Bldg., Shreveport, La. 71101.
CS75-373...	3-17-75	Cruzalia Montoya, Box 105, Blanco, N. Mex. 87412.
CS75-374...	3-17-75	R. Clark Taylor, 424 Cravens Bldg., Oklahoma City, Okla. 73102.
CS75-375...	3-18-75	Paul McHargue, 807 Oil and Gas Bldg., Midland, Tex. 79701.

[FR Doc.75-9225 Filed 4-9-75;8:45 am]

[Rate Schedule No. 291]

SUN OIL CO.

Rate Change Filing Pursuant to Commission's Opinion No. 699-H

APRIL 4, 1975.

Take notice that the producer listed in the Appendix attached hereto has filed a proposed increased rate to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974.

The information relevant to this sale is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filing should on or before April 21, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Mar 18, 1975....	Sun Oil Co., Southland Center, P.O. Box 2880, Dallas, Tex. 75221.	295	Arkansas Louisiana Gas Co.	Other Southwest.

[FR Doc.75-9357 Filed 4-9-75;8:45 am]

[Docket Nos. RP74-20, RP74-83]

UNITED GAS PIPE LINE CO.

Notice of Conference

APRIL 4, 1975.

Take notice that on Tuesday, April 22, 1975, a conference of all interested parties in the above-referenced dockets will be convened at 10 a.m., in Room No. 5200 at the offices of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426.

The conference will be held pursuant to § 1.18 (Conferences, Offers of Settlement) of the Commission's rules of practice and procedure (18 CFR 1.8). Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, such attendance at the conference will not be deemed to authorize such intervention as a party in the proceedings.

In accordance with the provisions of § 1.18 of the rules, all parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of United Gas Pipe Line Company's proposed tariff changes, any procedural matters preparatory to a full evidentiary hearing, or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference. Failure to attend the conference shall constitute a waiver of all objections to stipulations and agreements reached by the parties in attendance at the conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9352 Filed 4-9-75;8:45 am]

[Docket No. E-9200]

UPPER PENINSULA POWER CO.

Filing of Substitute Fuel Clause

APRIL 4, 1975.

Take notice that on March 31, 1975, Upper Peninsula Power Company (Upper Peninsula) tendered for filing a revised substitute fuel clause in response to the Commission's order issued January 30, 1975 in this docket. According to Upper Peninsula, the revised substitute fuel clause reflects losses on a wholesale rather than a system basis through use of a single loss factor applicable to both increases above and decreases below the base cost in accordance with Commission Order No. 517. Upper Peninsula requests that the Commission accept the tendered revised substitute fuel clause and terminate the refund obligation with respect to the fuel clause, in accordance with paragraph (E) the aforementioned January 31, 1975 order in this docket.

Upper Peninsula states that a copy of the substitute fuel clause is being mailed to its affected customers and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 16, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9353 Filed 4-9-75;8:45 am]

[Docket No. E-9317]

VERMONT ELECTRIC POWER CO., INC.

Order Suspending Notice of Termination and Instituting Proceedings

APRIL 4, 1975.

On March 10, 1975, Vermont Electric Power Company, Inc., (VELCO) tendered for filing a notice of termination of Vermont Yankee power service to the Village of Northfield, Vermont, (Northfield) as of April 6, 1975.[1] In its notice of termination, VELCO stated that the reason for termination was the failure of Northfield to pay its proper bills since April, 1974. VELCO also stated that it has protested to Northfield and given "ample notice" of the seriousness of Northfield's failure. Finally, VELCO stated that electric service would continue to Northfield under different rate schedules.

VELCO's notice of termination has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly we will suspend the operation of VELCO's notice of termination for five months and defer the use of it until September 6, 1975. We shall also order a hearing to determine whether such notice of termination is just and reasonable.

The Commission finds: (1) It is necessary and proper in the public interest and to aid the enforcement of the Federal Power Act, particularly sections 205, 206, 307, 308, and 309 thereof, that the Commission enter upon a hearing concerning the lawfulness of VELCO's notice of termination referred to above.

(2) Good cause exists to suspend the notice of termination referred to above for five months.

(3) The disposition of this proceeding should be expedite in accordance with the procedures set forth below.

The Commission orders: (A) Pursuant to the Authority of the Federal Power Act particularly sections 205, and 206 thereof, the Commission's rules of practice and procedure, and the Regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held on June 11, 1975; at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, concerning the lawfullness of VELCO's notice of termination referred to above.

(B) VELCO's notice of termination referred to above is hereby suspended and the use thereof deferred until September 6, 1975.

(C) On or before May 1, 1975 VELCO shall serve prepared testimony and exhibits which justify its notice of termination. On or before May 21, 1975 Staff and other interested parties shall serve their testimony and exhibits in the matter. On or before June 2, 1975 VELCO shall serve any rebuttal testimony and exhibits.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose (See Delegation of authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(E) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Vermont Yankee power service is rendered pursuant to FPC Rate Schedule 154, Supplement No. 6 and FPC Rate Schedule No. 155, Supplement No. 6. VELCO proposes to terminate these rate schedules.

[FR Doc.75-9354 Filed 4-9-75;8:45 am]

[Docket No. E-9147]

VIRGINIA ELECTRIC AND POWER CO.

Extension of Procedural Dates

APRIL 2, 1975.

On March 20, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by ordtr issued January 22, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

PHASE I

Service of Staff's Testimony, May 27, 1975.
Service of Intervenor's Testimony, June 10, 1975.
Service of Company Rebuttal, June 24, 1975.
Hearing, July 8, 1975. (10 a.m. e.d.t.).

PHASE II

Service of Intervenors Testimony, May 27, 1975.
Service of Staff's Testimony, June 17, 1975.
Service of Company Direct Evidence, July 8, 1975.
Service of Intervenor Rebuttal, July 22, 1975.
Hearing, August 5, 1975. (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9355 Filed 4-9-75;8:45 am]

[Docket No. CI75-425]

VULCAN MATERIALS CO.

Emergency Service Certificate (Limited-Term); Order Granting Intervention, Setting Hearing Date and Prescribing Procedure

APRIL 4, 1975.

On January 22, 1975, Vulcan Materials Company (Vulcan) filed in Docket No. CI75-425 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Company (Panhandle) from Kingman County, Kansas, all as more fully set forth in the application in this proceeding.

V 40 170 APR 10 75 XUM

Specifically, Vulcan proposes to sell to Panhandle approximately 15,000 Mcf of natural gas per month at a price of 55.0 cents per Mcf (14.65 psia). The price of this gas is subject to upward and downward Btu adjustment from a base of 1,000 Btu's per cubic foot. The proposed term of the sale is one year. The applicable national rate is 51.0 cents per Mcf at 14.73 psia, plus 1.0 cent gathering allowance.

By telegram received March 25, 1975, Vulcan has informed the Commission that deliveries commenced on March 20, 1975 under § 157.29 of the Commission's rules and regulations.

In Opinion No. 699–B (52 FPC —), which reinstated the limited-term certificate provisions of § 2.70(b) (3) of the Commission's general policy and interpretations, the Commission stated that applicants for limited-term certificates "will have the burden of demonstrating by substantial evidence that the price for which certification is sought is the lowest price at which that particular supply of gas may be obtained for the interstate market and that the supply of gas is available only for the limited period for which certification is sought." (Mimeo p. 6.)

In support of the proposed rate, Vulcan states that it considers the proposed rate to be fair due to the additional costs associated with delivering the gas at a point on Panhandle's line but no detailed economic study in support was submitted. With respect to the term, Vulcan states that the gas will be used for its own needs upon expiration of the one year contract with Panhandle.

Vulcan filed a letter on February 19, 1975 in response to a Commission letter of February 3, 1975 which requested support and justification for the price and limited term proposed in the application and then filed a further clarifying letter on March 21, 1975. Therein, Vulcan states that it must install compression equipment and a gathering line in order to deliver its gas to Panhandle's line. In light of these costs and the higher operating costs associated with a field delivery point, Vulcan feels that its 55.0 cents price is more than fair.

As justification for the proposed one-year term, Vulcan states that it is developing gas wells in Kingman County, Kansas, for its own needs, one of which is the production of anhydrous ammonia. Panhandle expressed an emergency need for the gas, and Vulcan agreed to a one year contract with the intent of using the gas for its own needs thereafter. Vulcan states that it intends to use this one-year period to test the delivery capability of this well.

The Commission stated that the purpose of Order No. 699–B is "to attract available natural gas supplies from the intrastate market to the interstate market."[1] On other occasions, however, the Commission has stated that it is not so interested in attracting intrastate gas to allow producers repeatedly and at short intervals to play the intrastate and interstate markets against one another in order to drive up the price of their gas,[2] Vulcan has not demonstrated by substantial evidence that the proposed price is or will be required by the present or future public convenience and necessity. Further there remains the question whether or not the limited term is justified.

A petition to intervene in support of the application was filed by Panhandle on February 14, 1975.

Based on the facts currently before us, we believe that a formal hearing should be held to afford the applicant an opportunity to establish through the presentation of credible evidence that (1) the proposed price is or will be required by the present or future public convenience and necessity when juxtaposed to similarly situated intrastate sales or alternatively, that the price is no more than is necessary to recover the lowest reasonable costs of the particular project and (2) the subject gas can reasonably be expected to be no longer available for sale after the prescribed limited term.

The Commission finds: (1) The intervention of Panhandle in this proceeding may be in the public interest.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders: (A) Panhandle is hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene: *And Provided, further,* That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the Authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on May 6, 1975, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by Vulcan in the applications filed January 22, 1975.

(C) On or before April 22, 1975, Vulcan and any supporting party shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their positions.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of authority, 18 CFR 3.5(d)—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–9356 Filed 4–9–75;8:45 am]

[1] Opinion No. 699–B, supra, mimeo p. 4.

[2] See order Denying Authorization for Extension of Emergency Sale, Denying Limited-Term Certificate of Public Convenience and Necessity, and Granting Petition to Intervene, Wayne J. Spears, in Docket No. CI75–218, issued December 20, 1974.

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

COMMITTEE MEETINGS

Pursuant to the provisions of section 10 of Public Law 92–463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, May 1, 1975
Thursday, May 15, 1975
Thursday, May 22, 1975
Thursday, May 29, 1975

The meetings will convene at 10 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street, NW., Washington, D.C.

The committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Public Law 92–392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public on the basis of a determination under section 10(d) of the Federal Advisory Committee Act (Public Law 92–463) and 5 U.S.C., section 552(b)(2), that the closing is necessary in order to provide the members with the opportunity to advance proposals and counter-proposals in meaningful debate on issues related solely to the Federal Wage System with the view toward ultimately formulating advisory policy recommendations for the consideration of the Civil Service Commission.

However, members of the public who wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street NW., Washington, D.C. 20415.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

APRIL 3, 1975.

[FR Doc.75–9291 Filed 4–9–75;8:45 am]

FEDERAL TRADE COMMISSION

CIGARETTE TESTING RESULTS

Tar and Nicotine Content

The Federal Trade Commission's laboratory has determined the "tar" (dry particulate matter) and total alkaloid (reported as nicotine) content of 136 varieties of domestic cigarettes. The laboratory utilized the Cambridge filter method with the specifications set forth in the Commission's announcement dated July 31, 1967 (32 F.R. 11178). The varieties are arranged in alphabetical order with tar values rounded to the nearest whole milligram and nicotine values rounded to the nearest tenth of a milligram.

Tar [1] and nicotine [2] content of 136 varieties of domestic cigarettes

Brand	Type	Milligram per cigarette: Total particulate matter - dry (tar) [1]	Milligram per cigarette: Nicotine [2]
Alpine	King size, filter, menthol	13	0.8
Do	100 mm, filter, menthol (hard pack)	16	.9
Belair	King size, filter, menthol	15	1.0
Do	100 mm, filter, menthol	17	1.2
Benson & Hedges	Regular size, filter (hard pack)	9	.5
Do	King size, filter (hard pack)	16	1.1
Benson & Hedges 100's	100 mm, filter	17	1.1
Do	100 mm, filter, menthol	17	1.1
Bull Durham	King size, filter	28	1.8
Camel	Regular size, nonfilter	25	1.6
Camel Filters	King size, filter	19	1.3
Carlton 70's [3]	Regular size, filter	2	.2
Carlton	King size, filter	4	.3
Do	King size, filter, menthol	4	.3
Chesterfield	Regular size, nonfilter	24	1.4
Do	King size, nonfilter	29	1.7
Do	King size, filter	18	1.2
Do	King size, filter, menthol	19	1.2
Do	101 mm, filter	20	1.3
Domino	King size, nonfilter	28	1.8
Do	King size, filter	28	1.2
Doral	do	15	1.0
Do	King size, filter, menthol	13	.9
DuMaurier	King size, filter (hard pack)	15	1.0
English Ovals	Regular size, nonfilter (hard pack)	22	1.5
Do	King size, nonfilter (hard pack)	29	2.2
Eve	100 mm, filter	19	2.3
Eve	100 mm, filter, menthol	19	1.2
Fatima	King size, nonfilter	28	1.6
Galaxy	King size, filter	15	1.0
Half & Half	do	25	1.8
Herbert Tareyton	King size, nonfilter	29	1.8
Home Run	Regular size, nonfilter	21	1.6
Iceberg 100's	100 mm, filter, menthol	9	.6
Kent	King size, filter (hard pack)	15	.9
Do	King size, filter	16	1.0
Do	100 mm, filter	19	1.2
Do	100 mm, filter, menthol	18	1.2
King Sano	King size, filter	8	.8
Do	King size, filter, menthol	7	.3
Kool	Regular size, nonfilter, menthol	19	1.2
Do	King size, filter, menthol (hard pack)	16	1.2
Do	King size, filter, menthol	16	1.2
Kool Milds	do	13	.8
Kool	100 mm, filter, menthol	17	1.2
L & M	King size, filter (hard pack)	18	1.2
L & M	King size, filter	18	1.2
L & M	100 mm, filter	20	1.4
L & M	100 mm, filter, menthol	19	1.3
Lark	King size, filter	18	1.2
Do	100 mm, filter	19	1.3
Lucky Strike	Regular size, nonfilter	27	1.6
Lucky Ten	King size, filter	9	.6
Lucky 100's	100 mm, filter	10	.7
Mapleton	Regular size, nonfilter	20	1.2
Do	King size, filter	24	1.2
Marlboro	King size, filter (hard pack)	17	1.1
Do	King size, filter, menthol (hard pack)	13	.8
Do	King size, filter	17	1.1
Do	King size, filter, menthol	14	.8
Do	100 mm, filter (hard pack)	17	1.1
Do	100 mm, filter	18	1.1
Marlboro Lights	King size, filter	12	.8
Marvels	King size, nonfilter	25	.9
Do	King size, filter	6	.2
Do	King size, filter, menthol	4	.2
Miyako	King size, filter	15	.9
Montclair	King size, filter, menthol	19	1.4
More	120 mm, filter	17	1.4
Do	120 mm, filter, menthol	18	1.5
Multifilter	King size, filter	12	.8
Do	King size, filter, menthol	10	.7
Newport	King size, filter, menthol (hard pack)	17	1.2
Do	King size, filter, menthol	17	1.2
Do	100 mm, filter, menthol	21	1.5
Oasis	King size, filter, menthol	18	1.2
Old Gold Straights	Regular size, nonfilter	20	1.2
Do	King size, nonfilter	24	1.5
Old Gold Filters	King size, filter (hard pack)	17	1.2
Do	King size, filter	18	1.1
Old Gold 100's	100 mm, filter	23	1.4
Pall Mall	King size, nonfilter	27	1.7
Pall Mall Extra Mild	King size, filter (hard pack)	9	.6
Do	King size, filter	10	.7
Pall Mall	100 mm, filter	20	1.4
Do	100 mm, filter, menthol	17	1.3
Parliament	King size, filter (hard pack)	14	.8
Do	King size, filter	15	.8

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Tar [1] and nicotine [2] content of 126 varieties of domestic cigarettes

Brand	Type	Milligram per cigarette: Total particulate matter dry (tar) [1]	Milligram per cigarette: Nicotine [2]
Parliament 100's	100 mm, filter	17	1.0
Philip Morris	Regular size, nonfilter	20	1.4
Philip Morris Commander	King size, nonfilter	25	1.5
Philip Morris International	100 mm, filter (hard pack)	17	1.1
Do	100 mm, filter, menthol (hard pack)	17	1.0
Picayune	Regular size, nonfilter	20	1.5
Piedmont	do	25	1.5
Players	Regular size, nonfilter (hard pack)	31	2.1
Raleigh	King size, nonfilter	24	1.4
Do	King size, filter	16	1.0
Do	100 mm, filter	17	1.2
Raleigh Extra Mild	King size, filter	14	.9
St. Moritz	100 mm, filter	17	1.1
Do	100 mm, filter, menthol	18	1.2
Safari	100 mm, filter	19	1.4
Salem	King size, filter, menthol (hard pack)	19	1.3
Do	King size, filter, menthol	19	1.3
Do	100 mm, filter, menthol	19	1.3
Salem Extra	King size, filter, menthol	18	1.3
Sano	Regular size, nonfilter	22	.8
Silva Thins	100 mm, filter	17	1.2
Do	100 mm, filter, menthol	16	1.1
Spring 100's	do	21	1.2
Super M	do	17	1.2
Tareyton	King size, filter	20	1.3
Do	100 mm, filter	19	1.3
Tempo	King size, filter	11	.8
Tramps	do	18	1.1
Do	King size, filter, menthol	16	.9
True	King size, filter	11	.6
Do	King size, filter, menthol	12	.7
Do	100 mm, filter	13	.7
Do	100 mm, filter, menthol	13	.8
Twist	100 mm, filter, lemon/menthol	17	1.2
Vantage	King size, filter	12	.8
Do	King size, filter, menthol	11	.8
Viceroy	King size, filter	16	1.0
Do	100 mm, filter	17	1.1
Viceroy Extra Mild	King size, filter	14	.9
Virginia Slims	100 mm, filter	17	1.0
Do	100 mm, filter, menthol	17	1.1
Winchester	King size, filter	19	1.3
Do	King size, filter, menthol	17	1.2
Winston	King size, filter (hard pack)	19	1.3
Do	King size, filter	20	1.4
Do	100 mm, filter	19	1.3
Do	100 mm, filter, menthol	19	1.4
Winston Lights	King size, filter	14	1.0

[1] TPM (tar)—milligrams total particulate matter less nicotine and water.
[2] Milligrams total alkaloids reported as nicotine.
[3] Limited availability based on reduced sampling from Washington, D.C. only.

By direction of the Commission dated March 25, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75-9075 Filed 4-9-75;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on April 1, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FTC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before April 24, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street, NW, Washington, D.C. 20548.

Further information may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL TRADE COMMISSION

Request for review and clearance of a new single-time special report questionnaire, "Used Car Study". The questionnaire is a single-time collection of information concerning sales and warranty practices from a sample of approximately five hundred sellers of used motor vehicles. The sample will be drawn from franchised and independent automobile dealers. Response will be mandatory pursuant to 15 U.S.C. sections 46(b) and 50. The information obtained may be utilized in subsequent rulemaking proceedings mandated by sections 109(b) and 112(c) of Pub. L. 93-637. The average respondent burden is estimated at forty hours.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-9420 Filed 4-9-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

COMMISSION ON GOVERNMENT PROCUREMENT

Executive Branch Position on Recommendations A-41 and A-42

Notice is given that the executive branch has rejected Commission on Government Procurement Recommendations A-41 and A-42. These recommendations concerned the organizational placement within the Department of Defense of its Defense Contract Administration Services and its Defense Contract Audit Agency.

Dated at Washington, D.C. on April 4, 1975.

R. E. ZECHMAN,
Associate Administrator for Federal Management Policy.

[FR Doc.75-9393 Filed 4-9-75;8:45 am]

[Federal Property Management Regulations Temporary Reg. F-334]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an intrastate rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Pennsylvania Public Utility Commission in a proceeding concerning revised tariffs filed by the Potomac Edison Company resulting in general increases in its electric rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

MARCH 28, 1975.

[FR Doc.75-9391 Filed 4-9-75;8:45 am]

[Federal Property Management Regulations, Temporary Regulation F-335]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an electric and gas rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Kentucky Public Service Commission (Case No. 6220) in a rate increase proceeding involving electric and gas service supplied by the Louisville Gas and Electric Company.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

MARCH 19, 1975.

[FR Doc.75-9392 Filed 4-9-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-244]

ROCHESTER GAS AND ELECTRIC CORP.

Proposed Issuance of Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR-18 issued to Rochester Gas and Electric Corporation (the licensee), for operation of the R. E. Ginna Nuclear Power Plant located in Wayne County, New York.

The license amendment proposed by the licensee's application dated March 27, 1975, would revise the provisions in the Technical Specifications relating to the safety limits, limiting safety system settings for overpower and overtemperature, limits for control rod insertion, and minimum shutdown margin requirements. These changes are associated with application of the approved, updated analytical models for fuel densification and clad flattening (WCAP-8219 and WCAP-8377), a reevaluation of the main steam line break accident, and a proposed increase in operating pressure of the primary coolant back to the original value of 2250 psia.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By May 12, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject provisional operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC. 20555, and to Arvin E. Upton, Esquire, LeBoeuf, Lamb, Leiby & MacRae, 1757 N Street, NW., Washington, DC. 20036 the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated March 27, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Lyons Public Library, 67 Canal Street, Lyons, New York 14489 and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14627. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations, and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, April 4, 1975.

For the Nuclear Regulatory Commission.

THOMAS V. WAMBACH,
Acting Chief, Operating Reactors Branch 1, Division of Reactor Licensing.

[FR Doc.75-9429 Filed 4-9-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No.; 812-3749]

AETNA VARIABLE ANNUITY LIFE INSURANCE CO. AND VARIABLE ANNUITY ACCOUNT B OF AETNA VARIABLE ANNUITY LIFE INSURANCE CO.

Application for Approval of Offers of Exchange and Order of Exemption

APRIL 3, 1975.

Notice is hereby given that AEtna Variable Annuity Life Insurance Company ("AEtna Variable"), an Arkansas stock life insurance company registered under the Act as an open-end, diversified, management investment company, and Variable Annuity Account B of AEtna Variable ("Account B"), 151 Farmington Avenue, Hartford, Connecticut 06115 a new separate account recently registered under the Investment Company Act of 1940 (the "Act") as a unit investment trust (hereinafter collectively referred to as "Applicants"), filed an application on January 13, 1975 and an amendment thereto on March 20, 1975, pursuant to section 11 of the Act, for an order approving certain offers of exchange and pursuant to section 6(c) of the Act for an order of exemption from sections 22(d), 26(a), 27(a)(3), and 27(c)(2) of the Act and Rule 27a-2 thereunder to the extent noted below. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

AEtna Variable, a wholly-owned subsidiary of AEtna Life and Casualty Company ("AEtna") engaged in the business of offering and selling variable annuity contracts, is presently registered under the Act in order to conduct variable annuity operations and is also registered as a broker-dealer under the Securities Exchange Act of 1934. As of December 31, 1974, AEtna Variable had total assets in excess of $421 million and unappropriated surplus in excess of $128 million.

AEtna Variable has undertaken a realignment program which is designed to lead to its variable annuity and variable life insurance operations being subject to the same pattern of regulation under the Act that is applicable to other life insurance companies engaged in such operations. The realignment program will

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be implemented by transferring all assets funding variable annuity contracts currently offered by AEtna Variable to AEtna Variable Fund, Inc. (the "Fund") in exchange for Fund shares, and transferring such shares and the corresponding contract liabilities to Account B and Variable Annuity Account C of AEtna Variable ("Account C"), another separate account of AEtna Variable which also recently registered as a unit investment trust. AEtna Variable has applied for an order pursuant to section 8(f) of the Act declaring that, upon implementation of the realignment program, it will cease to be an investment company.

Account B is a separate account of AEtna Variable that was established for the purpose of holding reserves attributable to variable annuity contracts not entitled to special tax treatment under the Internal Revenue Code of 1954 ("Code"). As previously stated, all amounts allocated to Account B will initially be invested in shares of the Fund, a diversified open-end investment company registered under the Act. It is contemplated, however, that, subject to necessary regulatory approvals, shares of AEtna Variable Encore Fund, Inc. ("Encore Fund"), a registered, open-end, diversified, management investment company, will also be made available as an investment medium for contracts participating in Account B if so elected by owners of or participants under such contracts.

AEtna Variable will act as investment adviser to both the Fund and Encore Fund for a fee equivalent to approximately 0.25 percent on an annual basis. AEtna Variable will also act as principal underwriter for Account B and Account C.

After implementation of the proposed realignment program, Applicants will issue two individual type variable annuity contracts—designated "Individual" and "Deferred Compensation" contracts—and three group type variable annuity contracts—designated "Group Unit Purchase," "Group Deposit Administration," and "Group Terminal Funding" contracts—that will participate in Account B. All such contracts will provide that either all or specified portions of purchase payments may be applied to AEtna Variable's general account for accumulation on a fixed basis.

Certain other contracts issued by AEtna Variable prior to the implementation of its realignment program will also participate in Account B. In general, after implementation of the realignment program, such contracts will no longer be issued, but purchase payments under outstanding contracts may continue to be made and, if made, will be allocated to Account B. One of these contracts, an individual type contract designated the "Pension Trust" contract, may continue to be issued after implementation of the realignment program in any jurisdiction which has not approved the Deferred Compensation contract for sale.

Section 11. Applicants propose to permit owners of those Pension Trust contracts which will participate in Account B, i.e., those Pension Trust contracts which are not qualified for special tax treatment under the Code, to exchange their contracts for Deferred Compensation contracts and to have the values accumulated under such Pension Trust contracts, as of August 1, 1975, transferred to Deferred Compensation contracts without deduction. Any person who purchases such a Pension Trust contract on or after December 3, 1974, the date Account B's registration statement under the Securities Act of 1933 was filed, and who elects to exchange such a contract for a Deferred Compensation contract, will also receive from AEtna Variable additional accumulation units equal to the sum of the differences between deductions made from purchase payments under the Pension Trust contract and deductions which would have been made from purchase payments under a Deferred Compensation contract, together with simple interest at the rate of 6 percent per annum. The exchange of contracts will be effected at the end of business on August 1, 1975 and will be permitted only with respect to those Pension Trust contracts which at the time of the exchange are still in the accumulation stage, i.e., with respect to which annuity payments are not being made.

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) of the Act provides that, irrespective of the basis of exchange, the provisions of section 11(a) of the Act shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants request an order, pursuant to section 11(a) of the Act, to permit an offer to be made to the owners of Pension Trust contracts to exchange such contracts for Deferred Compensation contracts.

Applicants state that the requested order permitting an offer of exchange to be made will make available to owners of Pension Trust contracts any advantages which may result from owning the new Deferred Compensation contract. Applicants state that the additional credit to persons who purchase Pension Trust contracts on or after December 3, 1974, is designed to prevent any disruption in the sale of Pension Trust contracts which might otherwise result when prospective purchasers are notified of the forthcoming issuance of the Deferred Compensation contracts which will have a percentage deduction from purchase payments (9 percent) significantly lower than the initial percentage deduction under Pension Trust contracts (17 percent).

Applicants assert that since no charges will be assessed in connection with the exchange, the principal abuse at which Section 11(a) is directed (the imposition of additional sales charges) will not be present. Applicants represent that no attempt will be made by them to induce an exchange, and that no compensation will be paid to any agents in connection with an exchange. Applicants further assert that an exchange made by persons who purchase Pension Trust contracts on or after December 3, 1974, will be on a basis other than net asset value only by reason of the additional credits the exchanging contract owners will receive, and that such credits will be a benefit to them. As the credit will be paid by AEtna Variable from AEtna Variable's general account, no owners of contracts participating in any of its separate accounts will be prejudiced.

Applicants state that the terms of the Deferred Compensation contract differ significantly from those of the Pension Trust contract and, that an exchange would not necessarily be in the best interest of all Pension Trust contract owners. The determination whether to accept the exchange will be made by each contract owner. Whether an exchange will be advantageous will depend on a number of factors, including the level of any premium tax to be paid under the Deferred Compensation contract, the number of years before the contract owner's retirement, the number of years before the percentage deduction under the Pension Trust contract would decrease to 6 percent, whether the contract owner would elect a minimum death benefit guarantee under the new contract, the amount and frequency of payments to be made under the old and new contracts, the significance to be assigned to the absence of an income tax guarantee under the new contract and the absence also of a corresponding charge for such a guarantee, the amount accumulated under the present contract and expected to be accumulated in the future, the prospect for a surrender of the contract in whole or in part, and anticipated changes in the amount of frequency of payments or in other circumstances affecting the foregoing.

AEtna Variable will seek to assist Pension Trust contract owners in determining whether to make an exchange by pointing out the applicable factors. Persons to whom the exchange offer is made will receive a prospectus describing the Deferred Compensation contracts, a prospectus describing the Pension Trust contracts, plus such additional information as may be necessary to assist contract owners in determining whether to make an exchange,

Applicants submit that in view of the proposed disclosure to contract owners to whom the exchange offer will be made, the absence of any effort to induce an exchange, and the absence of charges in connection with such an exchange, the proposed offer of exchange is fair and should be approved by the Commission.

Applicants request a further order, pursuant to section 11(a) of the Act, to permit transfers of participant accounts under group contracts to individual contracts. The Group Deposit Administration and Group Unit Purchase contracts to be issued by Applicants will provide that if an employer's plan permits, or the contract owner so requests, a participant may have amounts accumulated on his behalf under a group contract transferred to an individual contract without charge. The individual contract will be the contract for which the participant qualifies at the time of transfer and such contract (usually, the Deferred Compensation contract), will be deemed to have been outstanding for the lesser of the number of years the participant has been in the plan or the group contract has been in force. Other group contracts, including those no longer offered and those which may be offered in the future, may contain similar transfer provisions. Applicants state that the transfer privilege is designed to permit an employee to have payments accumulated for his retirement under a single contract despite a change in employment and submit that such a transfer privilege is fair and should be approved by the Commission.

Section 22(d). Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security to the public except at a current public offering price described in the prospectus.

Applicants request an exemption from section 22(d) to permit those owners of Pension Trust contracts which participate in Account B to exchange their contracts for Deferred Compensation contracts, and to permit participants under group contracts to transfer amounts accumulated on their behalf to individual contracts, without any deduction for sales and administrative expenses.

Applicants also request an exemption from section 22(d) of the Act to permit the percentage deduction from purchase payments made after deducting a flat dollar deduction for sales and administrative expenses to be reduced from 8.5 percent to 6 percent in the case of immediate contracts and from 10.5 percent to 8 percent in the case of deferred contracts when such contracts are purchased with amounts paid or payable, by reason of death or otherwise, under life insurance or annuity contracts issued by AEtna Variable, by AEtna, or by any company organized and operated as a life insurance company under applicable state law and controlled by AEtna. Applicants assert that the requested exemption will not disrupt the orderly distribution of such contracts. Applicants state that the premiums on the life insurance and annuity contracts constituting the source of the insurance proceeds will already have been subjected to sales charges. Applicants assert that the purchase of Individual contracts with insurance proceeds will involve reduced sales activities and that reducing the percentage deductions in the manner proposed will avoid an unnecessary accumulation of charges.

A further exemption from section 22(d) is requested by Applicants to permit deductions from purchase payments for sales and administrative expenses to be based upon the aggregate amount of payments made under the contracts regardless of whether such payments, or a part thereof, are credited to Account B or to the general account of AEtna Variable. Applicants assert that, where a contract provides for a reduction, based upon the aggregate purchase payments made, in the deductions from purchase payments for sales and administrative expenses, the inclusion, in determining the aggregate purchase payments made, of amounts credited to AEtna Variable's general account is necessary to avoid discriminating against those persons who allocate a portion of their purchase payments to AEtna Variable's general account.

Applicants also request an exemption from section 22(d) to permit the transfers, without additional deductions, of amounts accumulated in AEtna Variable's general account on a fixed basis to Account B at the annuity commencement date or an earlier date. Applicants represent that since the same deductions for sales and administrative expenses are made from each purchase payment without regard to whether the net proceeds are applied to the separate account, the general account, or a combination thereof, imposition of an additional deduction when amounts accumulated on a fixed basis are transferred to Account B would be inequitable and discriminatory.

Applicants request a further exemption from section 22(d) to permit the experience rating of sales and administrative expense deductions, including the crediting of additional units, without further deductions for sales charges. AEtna Variable's outstanding group contracts provide, and group contracts issued in the future may provide, that if the deductions for sales and administrative expense exceed actual sales and administrative costs, AEtna Variable in its discretion may allocate all, a portion, or none of such excess as an experience rating credit. Applicants represent that such credit will be made on a nondiscriminatory basis in the form of additional accumulation or annuity units and that such credit will not result in any dilution of the interests of other owners of or participants under variable annuity contracts as payment of the credit will be made from AEtna Variable's general account.

An exemption from section 22(d) is also requested by Applicants to permit a person entitled to any proceeds payable upon the death of another under a variable annuity contract participating in Account B, to elect, if such an option is provided by the contract or the group contract plan, to purchase a variable annuity contract with such death proceeds, including proceeds attributable to any fixed accumulation, without any deduction for sales and administrative expenses. Applicants anticipate no significant selling expenses that would justify a deduction when a beneficiary elects a variable annuity payment option.

AEtna Variable intends to issue Deferred Compensation contracts in place of Pension Trust contracts in all jurisdictions subsequent to implementation of the Realignment Program. However, delays in obtaining approval of the Deferred Compensation contracts in some jurisdictions may make it necessary for AEtna Variable to continue to offer Pension Trust contracts in those jurisdictions until such approval is obtained. Consequently, Pension Trust contracts may continue to be sold in certain jurisdictions, subsequent to implementation of the Realignment Program. Purchase payments under such contracts, and under other contracts outstanding as of implementation, would continue to be received. Where the contracts are not entitled to special tax treatment under the Code, such payments would be allocated to Account B. Sales charges under such contracts differ from the sales charges under the contracts which will be offered subsequent to implementation. Applicants, therefore, request a further exemption from section 22(d) to permit Pension Trust contracts to continue to be sold in jurisdictions that have not approved the Deferred Compensation contracts, until such approval is obtained, and to permit the continued receipt of purchase payments on contracts that were outstanding upon implementation of the Realignment Program.

Section 27(a)(3) and Rule 27a–2. Section 27(a)(3) of the Act provides that no registered investment company issuing periodic payment plan certificates, and no depositor of or underwriter for such company, may sell any such certificate if the amount of sales load deducted from any one of the first twelve monthly payments exceeds proportionately the amount deducted from any other such payment, or if the amount deducted from any subsequent payment exceeds proportionately the amount deducted from any other subsequent payment. Rule 27a–2 provides an exemption from section 27(a)(3) for registered separate accounts, and depositors of or underwriters for such accounts, provided that the proportionate amount of sales load deducted from any payment under a variable annuity contract participating therein does not exceed the proportionate amount deducted from any prior payment thereunder.

The Deferred Compensation, Group Deposit Administration, and Group Terminal Funding contracts to be issued by Applicants will provide for percentage deductions from purchase payments for sales and administrative expenses to be assessed on the balance of the payment remaining after a flat dollar deduction and, with respect to Deferred Compensation contracts, after any deduction for applicable premium taxes. In the case of Group Terminal Funding

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contracts, where there is advance funding of annuities by installment payments, the flat dollar deduction is assessed only against the first installment payment, and in the case of Group Deposit Administration contracts, the annual flat dollar deduction is assessed only against the first payment made during the year. In addition, under Deferred Compensation contracts, an optional minimum death benefit guarantee may be elected for a charge of 1% of the total purchase payment, and other optional insurance benefits may be made available at some future time under Deferred Compensation or other contracts for charges deducted from purchase payments. Where additional deductions are made for optional insurance benefits, the percentage deduction from purchase payments for sales and administrative expenses is assessed against the net payment remaining after all other deductions. Accordingly, the total deductions from purchase payments for sales and administrative expenses (including any flat dollar deduction and the specified percentage deduction) under each of the above contracts may vary as a percent of the total purchase payment. Depending on the contract involved, such factors may cause the total deductions from any purchase payment for sales and administrative expenses to exceed proportionately such deductions made from a prior payment.

Applicants state that the variation in the deductions for sales and administrative expenses as a percent of total purchase payments results from assessing the percentage deduction for sales and administrative expenses against the payment net of certain other deductions and, in the case of certain contracts, from assessing a flat dollar deduction for sales and administrative expenses. The flat dollar deduction for sales and administrative expenses under certain contracts reflects more accurately the incidence of certain sales and administrative expenses which are incurred regardless of the size of the purchase payment. Applicants state that the purpose of assessing the percentage deduction for sales and administrative expenses against the net payment remaining after certain other deductions is to avoid assessing a charge against the flat dollar charge and amounts deducted for other purposes, and that assessing such percentage deduction against the net payment provides for lower total deductions than would otherwise result. Accordingly, Applicants request an exemption from the provisions of section 27(a)(3) and Rule 27a–2 to permit, under the circumstances described above, the proportionate amount of deductions for sales and administrative expenses from any purchase payment to exceed proportionately such deductions made from prior payments.

Sections 26(a) and 27(c)(2). Sections 26(a) and 27(c)(2), as here pertinent, provide in substance that a registered unit investment trust and any depositor of and underwriter for such trust are prohibited from selling periodic payment plan certificates unless the proceeds of all payments, other than amounts deducted for sales loads, are deposited with a qualified bank as trustee or custodian and held under an indenture or agreement containing specified provisions. Applicants state that AEtna Variable and Account B are subject to extensive supervision and control by the Arkansas insurance regulatory authorities and that such control and supervision protects variable annuity contract owners and provides the assurance of performance by AEtna Variable on its obligations to such owners. Applicants further state that under Arkansas insurance law, the assets of Account B attributable to variable annuity contracts shall not be chargeable with liabilities arising out of any other business AEtna Variable may conduct, and that all obligations under the variable annuity contracts participating in Account B are general obligations of AEtna Variable, which AEtna Variable may not abrogate.

It is further contemplated that the Fund shares and Encore Fund shares issued to Account B will be held pursuant to an open account system and will not be represented by any transferable stock certificates which might require a trusteeship or custodianship for safekeeping purposes. Applicants represent that, under the foregoing circumstances the dangers of abandonment of Account B's assets or default with respect to the obligations to security holders appear remote, and accordingly request an exemption from sections 26(a) and 27(c)(2) to permit Applicants to sell variable annuity contracts without depositing with a qualified bank the net proceeds of payments thereunder.

Applicants consent to the exemptions requested herein from sections 26(a) and 27(c)(2) being made subject to the following conditions: (1) that the charges to variable annuity contract owners for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose; and (2) that the payments of sums and charges out of the assets of Account B shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payments of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payments of such other sums or charges.

Section 6(c) of the Act provides, in part, that the Commission may, by order upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 23, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–9380 Filed 4–9–75;8:45 am]

[Rel. No. 8739; 811–1223]

AETNA VARIABLE ANNUITY LIFE INSURANCE CO.

Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Co.

APRIL 2, 1975.

Notice is hereby given that AEtna Variable Annuity Life Insurance Company ("AEtna Variable"), 151 Farmington Avenue, Hartford, Connecticut 06615, registered under the Investment Company Act of 1940 (the "Act") as an open-end diversified management investment company, has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that AEtna Variable has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

AEtna Variable, which was formerly named Participating Annuity Life Insurance Company, is a stock life insurance company which was organized under the laws of Arkansas in 1954. It was registered under the Act on July 1, 1963.

The application states that AEtna Variable's principal activity is the sale of variable annuity contracts and that it is registered under the Act in order to conduct these variable annuity operations. AEtna Variable has proposed a realignment program of its present operations and mode of registration under the Act which principally entails the substitution of separate accounts of AEtna Variable as the entities registered under the Act, instead of AEtna Variable, the insurance company, itself. The proposed operation will conform with that of other life insurance companies engaged in variable annuity operations.

The realignment program has been approved by the board of directors of AEtna Variable, and on August 16, 1974, the realignment program was approved by the voting security holders of AEtna Variable.

AEtna Variable represents that upon implementation of the program, its separate accounts will be registered under the Act as investment companies unless exempted from such registration. AEtna Variable contends that upon implementation of the program there will be no further need for it to be registered under the Act, and that it will then be entitled to rely on the exclusion from the definition of investment company provided by section 3(c)(3) for insurance companies.

AEtna Variable also states that in order to complete the application, it will file prior to the issuance of any order of deregistration herein, a statement indicating that the realignment program has been completed.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given, that any interested person may, not later than April 24, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following April 24, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–9381 Filed 4–9–75;8:45 am]

[File No. 500–1]

BBI, INC.

Suspension of Trading

APRIL 3, 1975.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from April 4, 1975 through April 13, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–9382 Filed 4–9–75;8:45 am]

[Rel. No. 18907; 70–5367]

JERSEY CENTRAL POWER & LIGHT CO.

First Mortgage Indenture and Solicitation of Bondholders' Proxies; Supplemental Notice of Proposed Amendments

APRIL 3, 1975.

Notice is hereby given that Jersey Central Power & Light Company ("Jersey Central"), Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960 an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed an amendment to the declaration previously filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7 and 12(e) of the Act and Rules 62 and 65 promulgated thereunder as applicable to the proposals. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposals.

Notice was given on July 16, 1973 (Holding Company Act Release No. 18034), that Jersey Central proposed to amend its Indenture dated as of March 1, 1946, as heretofore supplemented and amended by twenty-one supplemental indentures ("Indenture") to effect two changes. Jersey Central proposed to eliminate the covenant which provides that Jersey Central will duly observe and conform to all valid requirements of any governmental authority relative to any mortgaged property. It was stated that such covenant should be eliminated since, under a developing pattern of legislation and administrative action, there will be periods when Jersey Central will be unable to comply with governmental requirements with respect to its mortgaged property, although it may not be expected by the governmental agency to be in compliance. However, this covenant in the Indenture could be construed as resulting in a default under the Indenture. Jersey Central stated that the elimination of this covenant will not relieve it of its obligation to comply with governmental requirements, but it will permit appropriate governmental enforcement measures consistent with their intent.

In addition, Jersey Central also proposed to include as bondable property additions, property for which Jersey Central does not have all necessary permission from governmental authorities to operate, but which otherwise would constitute bondable property additions. Jersey Central stated that although, under the Indenture, it was specifically contemplated that property additions can constitute bondable property, it is believed that it is not clear whether the Indenture permits the inclusion of, in computing the bondable value of property additions, the value of Jersey Central's plant and equipment as to which all currently obtainable permission has been received, but as to which further governmental permission must be obtained in the future. Jersey Central stated that this ambiguity jeopardizes its ability to finance additions to its facilities in the most economic and orderly manner.

Jersey Central now amends its declaration to state that the Indenture has been amended and supplemented by twenty-six Supplemental Indentures. The affirmative vote of the holders of 75 percent in principal amount of the first mortgage bonds outstanding is required for approval of the proposed amendments to the Indenture. Jersey Central intends to enter into the twenty-sixth supplemental indenture as soon as practicable after the meeting of the bondholders, scheduled for June 12, 1975, but in any event no later than December 31, 1975. It is proposed that proxies be solicited from bondholders through the use of proposed proxy solicitation material.

The New Jersey Board of Public Utility Commissioners has jurisdiction over the proposed amendments of the Indenture. It is further stated that no other state commission and no federal

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commission, other than this Commission, has jurisdiction over the proposals. The fees and expenses to be incurred in connection with the proposals are estimated at $78,000, including legal fees of $11,000.

Notice is further given that any interested person may, not later than April 29, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amendment to the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-9383 Filed 4-9-75;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Proposed Amendment to Option Plan

Notice is hereby given that the Chicago Board Options Exchange, Inc. ("CBOE") has filed proposed corrections to amendments to its Option Plan that were previously filed pursuant to Rule 9b-1 under the Securities Exchange Act of 1934 (17 CFR 240.9b-1). The original amendments were noticed on February 10, 1975 at 40 FR 6244.

These corrections make minor changes in three price categories of the schedule of commission rates for Board Brokers established by CBOE Rule 14.5. The substance of the schedule as initially proposed would not be changed.

The proposed corrections will become effective thirty days after the date of this notice or upon such earlier date as the Commission may allow unless the Commission shall disapprove the changes in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the proposed corrections to CBOE's plan either before or after they have become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549. Reference should be made to file number 10-54. The proposed corrections are, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW., Washington, D.C.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

APRIL 2, 1975.

[FR Doc.75-9385 Filed 4-9-75;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Delaying Effectiveness of Proposed Amendment to Option Plan

Notice is hereby given that the Chicago Board Options Exchange, Inc. ("CBOE") has filed an amendment to a proposed change in its option plan filed pursuant to Rule 9b-1 (17 CFR 240.9b-1) delaying its effectiveness until a CBOE membership vote on the proposed amendment has occurred and until the Commission allows it to become effective or disapproves the change in whole or in part as being inconsistent with the public interest or the protection of investors.

The amendment was noticed on March 20, 1975 at 40 FR 12719. The proposed amendment to Rule 6.47 would exclude bids and offers in a Board Broker's book from being subject to the priority now afforded to split price orders.

All interested persons are invited to submit their views and comments on the proposed amendment to CBOE's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549. Reference should be made to file number 10-54. The proposed amendment is, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW, Washington, D.C.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

APRIL 2, 1975.

[FR Doc.75-9386 Filed 4-9-75;8:45 am]

[Rel. No. 18906; 70-5659]

JERSEY CENTRAL POWER & LIGHT CO.

Proposed Issue and Sale of Cumulative Preferred Stock at Competitive Bidding

APRIL 3, 1975.

Notice is hereby given that Jersey Central Power & Light Company ("Jersey Central") Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960, an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b) and 12(c) of the Act and rules 42(a) and 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Jersey Central proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 250,000 additional shares of its Cumulative Preferred Stock, ____ percent Series G (the "New Preferred Stock"). The New Preferred Stock will constitute a further series of Jersey Central's cumulative preferred stock of which there are outstanding 1,375,000 shares issued in seven series. The dividend rate and redemption prices of the New Preferred Stock will be determined by competitive bidding. The terms of the New Preferred Stock contain provisions which (1) preclude Jersey Central from redeeming any New Preferred Stock prior to June 1, 1980, if such redemption is for the purpose of refunding such New Preferred Stock with proceeds of funds borrowed at a lower effective interest cost, and (2) include a sinking fund, commencing on June 1, 1976, to retire annually 5 percent of the number of shares of the New Preferred Stock that are originally issued, at $100 per share plus accrued dividends to the redemption date of June 1 each year. In all other respects the New Preferred Stock will be similar to the outstanding series. The price (which will be not less than 100 percent nor more than $102.75 per share exclusive of accrued dividends) and the dividend rate (which will be a multiple of 1/25 of 1 percent) will be determined by competitive bidding.

The proceeds (up to $25,000,000, exclusive of premium and accrued dividends) from the sale of the New Preferred Stock will be used for the payment of all or a portion of Jersey Central's short-term bank loans expected to be outstanding at the time of sale of the New Preferred Stock or for construction purposes or to reimburse Jersey Central's treasury for funds previously expended therefrom for construction purposes. The presently estimated cost of Jersey Central's 1975 construction program is approximately $135,000,000 (including allowance for funds used during construction).

The fees and expenses to be paid by Jersey Central in connection with the issue and sale of the New Preferred Stock will be supplied by amendment. The fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment. It is stated that the Board of Public Utility Commissioners of New Jersey has jurisdiction over the proposed issuance and sale of the New Preferred Stock by Jersey Central and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 30, 1975, request in writing that a hearing be held on such matter, stating the nature of his interests, the reasons for such request, and the issues of fact or law raised by such application-declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-9384 Filed 4-9-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 1125]

ARKANSAS

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Arkansas as a major disaster area following severe storms and tornadoes occurring on March 28, 1975, applications for disaster relief loans will be accepted by the Small Business Administration from disaster victims in the following county: Bradley and adjacent affected areas. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines.

Applications may be filed at the:

Small Business Administration
District Office
611 Gaines Street—Suite 900
Little Rock, Arkansas 72201

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under the authority of this declaration will not be accepted subsequent to June 2, 1975. EIDL applications will not be accepted subsequent to January 2, 1976.

Dated: April 3, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-9410 Filed 4-9-75;8:45 am]

DENVER DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Denver District Advisory Council will meet at 9:30 a.m., (M.D.T.), Friday, May 9, 1975, at the Howard Johnson's Motor Lodge (at the mart), 401 East 58th Avenue, Denver, Colorado, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write James T. Chuculate, Small Business Administration, 721 19th Street, Room 426, Denver, Colorado 80202, (303) 837-3673.

Dated: April 4, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy,
Small Business Administration.

[FR Doc.75-9405 Filed 4-9-75;8:45 am]

[License No. 06/10-0021]

FIRST CAPITAL CORP.

Application for Transfer of Control of Licensed Small Business Investment Co.

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to Section 107.701 of the Regulations governing small business investment companies (13 CFR 107.701 (1975)) for the transfer of control of First Capital Corporation (FCC), 821 Washington Street, Waco, Texas 76703, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

The transfer is being made pursuant to a purchase and sale agreement between FCC and five individuals FCC was licensed on September 20, 1960, and its present capitalization is $165,000. The new principals have agreed to increase the capitalization of the company by $300,000. The principal office will be moved to 4925 Davis Boulevard, Fort Worth, Texas 76118. The proposed transfer is subject to and contingent upon the prior approval of SBA.

The proposed officers, directors and shareholders as follows:

John R. Payne, 5701 Silver Lake Dr., Fort Worth, Texas 76117, President, Director, 35 percent.

Harry S. Scaling, 4117 West Seventh Street, Fort Worth, Texas 76107, Chairman of the Board, Secretary, 32 percent.

Dr. Barry Fawcett, 752 Mary Dr., Hurst, Texas 76053, Director, 15 percent.

Reuben Branscum, 4925 Davis Boulevard, Fort Worth, Texas 76118, Director, 9 percent.

Joe Spurlock, 416 W. T. Waggoner Bldg., Fort Worth, Texas 76102, Director, 9 percent.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operations of the new company in accordance with the Act and Regulations.

Notice is further given that any interested person may, not later than fifteen days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, NW, Washington, D.C. 20416.

A copy of this notice shall be published by the proposed Licensee in a newspaper of general circulation in Fort Worth, Texas.

Dated: April 1, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc.75-9400 Filed 4-9-75;8:45 am]

[Notice of Disaster Loan Area 1122]

GEORGIA

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Georgia as a major disaster area following tornadoes, high winds and heavy rains which occurred on March 24, 1975, applications for disaster relief loans will be accepted by the Small Business Administration from disaster victims in Fulton County and adjacent affected areas. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines.

Applications may be filed at the:

Small Business Administration
District Office
1401 Peachtree Street, N.E.
Atlanta, Georgia 30309

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than May 30, 1975. EIDL applications will not be accepted subsequent to December 30, 1975.

Dated: April 2, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-9407 Filed 4-9-75;8:45 am]

GREENWAY SMALL BUSINESS INVESTMENT CO.

Issuance of Small Business Investment Co. License

On October 22, 1974, a notice was published in the FEDERAL REGISTER (39 FR 37549) stating that an application had been filed by Greenway Small Business

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Investment Company, 400 W. Conway Street, Baltimore, Maryland 21230 with the Small Business Administration (SBA), pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR (1975)) for a license as a small business investment company (SBIC).

Interested parties were given until the close of business November 6, 1974, to submit their comments to SBA. Comments received were taken into consideration prior to the issuance of the license.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued license No. 03/03-0117 to Greenway Small Business Investment Company to operate as an SBIC.

Dated: April 3, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-9403 Filed 4-9-75;8:45 am]

[Notice of Disaster Loan Area 1123]

KENTUCKY

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Kentucky as a major disaster area following severe storms and flooding about March 10, 1975, applications for disaster relief loans will be accepted by the Small Business Administration from disaster victims in the following counties: Allen, Bell, Calloway, Christian, Graves, Knox, Metcalfe, Pulaski, Simpson, Warren and Whitley, and adjacent affected areas. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines.

Applications may be filed at the:

Small Business Administration
District Office
Federal Office Building—Room 188
600 Federal Place
Louisville, Kentucky 40202

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than May 30, 1975. EIDL applications will not be accepted subsequent to December 30, 1975.

Dated: April 2, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-9405 Filed 4-9-75;8:45 am]

[Declaration of Disaster Loan Area 1126]

NORTH CAROLINA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of March, because of the effects of a certain disaster, damage resulted to property located in the State of North Carolina;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Beaufort and Lenoir Counties and adjacent affected areas, suffered damage or destruction resulting from tornadoes and high winds which occurred on March 14, 1975. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines.

Small Business Administration
District Office
222 South Church Street
Charlotte, North Carolina 28202

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to June 5, 1975. EIDL applications will not be accepted subsequent to January 5, 1976.

Dated: April 4, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-9411 Filed 4-9-75;8:45 am]

ST. LOUIS DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration St. Louis District Advisory Council will meet at 9:30 a.m. (C.D.T.), Wednesday, April 30, 1975, at the Small Business Administration, 210 N. 12th Street, St. Louis, Missouri 63101, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write Thomas L. Holling, at the above address, (314) 425-4516.

Dated: April 1, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy, Small Business Administration.

[FR Doc.75-9406 Filed 4-9-75;8:45 am]

[Notice of Disaster Loan Area 1124]

TEXAS

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Texas as a major disaster area following tornadoes which occurred March 27, 1975, applications for disaster relief loans will be accepted by the Small Business Administration from disaster victims in the following county: Gray and adjacent affected areas. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines.

Applications may be filed at the:

Small Business Administration
District Office
1205 Texas Avenue
Lubbock, Texas 79408

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under the authority of this declaration will not be accepted subsequent to June 2, 1975. EIDL applications will not be accepted subsequent to January 2, 1976.

Dated: April 3, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-9409 Filed 4-9-75;8:45 am]

[License No. 10/13-0018]

TRANSPAC CAPITAL FUND, INC.

Filing of Application for Transfer of Control of Licensed Small Business Investment Co.

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the Regulations governing small business investment companies (13 CFR 107.701 (1975)) for the transfer of control of TransPac Capital Fund, Inc. (TransPac), 1800 SW First Avenue, Portland, Oregon 97201, a Federal licensee under the Small Business Investment Act of 1958, as amended (Act), License No. 10/13-0018.

First Farwest Corporation (FFC), 610 S.W. Alder Street, Portland, Oregon 97205 (an Oregon Corporation), has offered to exchange shares of its common stock for all the outstanding shares of the common stock of Trans Pacific Financial Corporation (Financial). Financial owns 100 percent of the common stock of TransPac. Subsequent to the transaction, the licensee will continue to be owned by Financial, which will be wholly owned by FFC. FFC will, in turn, be owned 52.3 percent by Pacific Insurance Investment Company and its affiliate, PIICO Assurance Group, Inc., and 47.7 percent by public shareholders.

The officers and directors of TransPac will remain unchanged.

Matters involved in SBA's consideration of the application include the general business reputation and character of the new owners and the probability of continued successful operation of TransPac under their control and management (including adequate profitability and financial soundness) in accordance with the Act and Regulations.

Notice is hereby given that any interested person may, not later than 10 days from the date of publication of this Notice, submit to SBA, in writing, relevant comments on the transfer of control. Any such communication should be addressed to:

Deputy Associate Administrator for Investment
Small Business Administration
1441 L Street, N.W.
Washington, D.C. 20416

A copy of this Notice shall be published by the transferee in a newspaper of general circulation in Portland, Oregon.

Dated: April 1, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-9399 Filed 4-9-75;8:45 am]

[Notice of Disaster Loan Area 1121]

TENNESSEE

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Tennessee, as a major disaster area following severe storms and flooding beginning March 11-16, 1975, applications for disaster relief loans will be accepted by the Small Business Administration from disaster victims in the following counties: Cheatham, Hardeman, Henderson, Hickman, Houston, Jackson, Macon, Maury, Montgomery, Morgan, Overton, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, White, Williamson and adjacent affected areas. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines.

Applications may be filed at the:

Small Business Administration
Parkway Towers—Room 1012
404 James Robertson Parkway
Nashville, Tennessee 37219

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than May 23, 1975. EIDL applications will not be accepted subsequent to December 24, 1975.

Dated: March 26, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-9397 Filed 4-9-75;8:45 am]

[Notice of Disaster Loan Area 1121; Amdt. 1]

TENNESSEE

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Tennessee, as a major disaster area following flooding beginning on or about March 11-16, 1975, applications for disaster relief loans will be accepted by the Small Business Administration from disaster victims in the following additional counties: Coffee, Obion and Lauderdale, and adjacent affected areas. Adjacent areas include only counties within the State for which the declaration is made and do not extend beyond State lines. (See initial declaration this issue.)

Applications may be filed at the:

Small Business Administration
District Office
Parkway Towers—Room 1012
Nashville, Tennessee 37219

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than May 27, 1975, for Coffee and Obion Counties, and May 29, 1975, for Lauderdale County. EIDL applications will not be accepted subsequent to December 29, 1975, for Coffee and Obion Counties, and December 30, 1975, for Lauderdale County.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-9398 Filed 4-9-75;8:45 am]

[License No. 09/12-0020]

WEST COAST CAPITAL CO.

Surrender of License

Notice is hereby given that West Coast Capital Company, 4800 South Land Park Drive, Sacramento, California 95822, has surrendered its License No. 09/12-0020, issued December 9, 1960.

West Coast Capital Company has complied with all conditions set forth by SBA for surrender of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of West Coast Capital Company is hereby accepted and it is no longer licensed to operate as a small business investment company.

Dated: March 31, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-9401 Filed 4-9-75;8:45 am]

[License No. 06/10-0075]

WESTERN CAPITAL CORP.

Surrender of License To Operate as a Small Business Investment Company

Notice is hereby given that Western Capital Corporation (WCC), 7007 Preston Road, Dallas, Texas 75205, pursuant to the provisions of § 107.105 of the regulations governing small business investment companies (13 CFR 107.105 (1975)), has surrendered its license to operate as a small business investment company (SBIC). WCC was acquired by Texas Capital Corporation, an SBIC located at 2424 Houston Natural Gas Building, Houston, Texas 77002.

WCC was incorporated under the laws of the State of Texas to operate solely as an SBIC under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), (Act) and it was issued license number 06/10-0075 by the Small Business Administration on October 9, 1961.

Under the authority vested by the Act and the Regulations promulgated thereunder, surrender of the license of WCC is hereby accepted and accordingly, it is no longer licensed to operate as an SBIC.

Dated: April 3, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-9402 Filed 4-9-75;8:45 am]

[License No. 08/08-0037]

WESTERN VENTURE RESOURCES, INC.

Issuance of Small Business Investment Company License

On January 13, 1975, a notice was published in the FEDERAL REGISTER (40 FR 2482) stating that an application had been filed by Western Venture Resources, Inc., 1900 Lincoln Center Building, 1660 Lincoln Street, Denver, Colorado 80203 with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1974)) for a license as a small business investment company.

Interested parties were given until the close of business January 28, 1975, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 08/08-0037 to Western Venture Resources, Inc., to operate as a small business investment company.

Dated: April 3, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-9404 Filed 4-9-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

SOUTH CAROLINA STANDARDS

Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Assistant Regional Director for Occupational Safety and Health (hereinafter called the Assistant Regional Director) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 6, 1972, notice was published in the FEDERAL REGISTER (37 FR 25932) of the approval

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of the South Carolina plan and the adoption of Subpart C to Part 1952 containing the decision.

The South Carolina plan provides for the adoption of Federal standards as State standards after public hearing. Section 1952.103 of Subpart C sets forth the States schedule for the adoption of Federal standards. By letters dated January 15, 1975 and February 14, 1975 from Edgar L. McGowan, Commissioner, South Carolina Department of Labor to Donald E. MacKenzie, Assistant Regional Director and incorporated as a part of the plan, the State submitted revised State standards comparable to OSHA standards 29 CFR Part 1910, excluding §§ 1910.13 through 1910.16 (Maritime), as published in the FEDERAL REGISTER (39 FR 23502) dated June 27, 1974; 29 CFR Part 1926 as published in the FEDERAL REGISTER (39 FR 22801) dated June 24, 1974; amendments to § 1910.267a, dated August 12, 1974; § 1910.93q, dated October 4 and December 3, 1974; § 1910.211 (d), dated December 3, 1974; § 1910.217, dated December 3, 1974; and § 1926.750 (b), dated July 12, 1974.

These standards were promulgated after public hearings held on December 6, 1974 and January 27, 1975 and by filing with the South Carolina Secretary of State on December 10, 1974 and February 14, 1975 respectively, pursuant to Act 379, South Carolina Acts and Joint Resolutions, 1971 (sections 40-261 through 40-274 South Carolina Code of Laws, 1962).

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards it has been determined that the State standards are identical to the Federal standards and are hereby approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Commissioner of Labor, South Carolina Department of Labor, 3600 Forest Drive, Columbia, South Carolina 29211; Office of the Assistant Regional Director, Suite 587, 1375 Peachtree Street NE., Atlanta, Georgia 30309; and Office of the Associate Assistant Secretary for Regional Programs, Room 850, 1726 M Street NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds good cause exists for not publishing the supplement to the South Carolina State Plan as a proposed change and making the Assistant Regional Director's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards and are therefore deemed to be at least as effective.

2. The standards were adopted in accordance with procedural requirements of State law and further participation would be unnecessary.

This decision is effective April 10, 1975.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Atlanta, Georgia, this 27th day of February, 1975.

R. A. WENDELL,
Acting Assistant Regional Director.

[FR Doc.75-9331 Filed 4-9-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 730]

ASSIGNMENT OF HEARINGS

APRIL 7, 1975.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 106644 Sub 192, Superior Trucking Company, Inc. now assigned June 13, 1975, at San Francisco, California, cancelled and application dismissed.

MC 136527 Sub 1, J. O. Battles, Inc., now being assigned May 15, 1975 (2 days), in Room 501, 150 Causeway Street, Boston, Mass.

MC 140030 Sub 1, Ray Kurtz and Linda Farley, DBA Plastic Express, now being assigned June 13, 1975 (1 day), at San Francisco, California; in a hearing room to be designated later.

MC 139053 Sub 2, Hiram E. Blue, Jr. Trucking Co., now assigned May 28, 1975, at Jackson, Mississippi, is cancelled and application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-9421 Filed 4-9-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 7, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before April 25, 1975.

FSA No. 42969—*Joint Water-Rail Container Rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc. (No. 83), for itself and interested rail carriers. Rates on general commodities, from rail carriers' terminals at U.S. Atlantic and Gulf Ports, to Hsinkang and Shanghai, Peoples Republic of China.

Grounds for relief—Water competition.

Tariff—Sea-Land Service, Inc., tariff I.C.C. No. 72. Rates are published to become effective on May 4, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-9422 Filed 4-9-75;8:45 am]

[Notice No. 262]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

APRIL 10, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no signficant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seking reconsideration of the following numbered proceedings on or before April 30, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75578. By order of March 28, 1975, the Motor Carrier Board approved the transfer to Super Motor Lines, Inc., Whiteville, N.C., of the operating rights in Certificate No. MC-74107 issued October 7, 1963, to J. Franklin Bullard and W. J. Rabon, a partnership, doing business as Super Motor Lines, Co., Whiteville, N.C., authorizing the transportation of various commodities from and to specified points and areas in North Carolina, Virginia, Maryland, South Carolina, Pennsylvania, and the District of Columbia. Benton H. Walton, III, 136 Washington St., Whiteville, N.C. 28472, attorney for applicants.

No. MC-FC-75657. By order entered April 1 1975, the Motor Carrier Board approved the transfer to O. Mitchell Belt, doing business as M. J. Belt & Son, Parkersburg, W. Va., of the operating rights set forth in Certificates Nos. MC-1705 and MC-1705 (Sub-No. 2), issued August 16, 1955, and March 21, 1963, respectively, to McLean Inc., Saint Petersburg Beach, Fla., authorizing the transportation of general commodities, household goods, paper, paper products and waste paper, and corrugated paper shipping containers, from and to and between specified points in West Virginia, Ohio, and Pennsylvania. Charles E. Anderson, 1421 Kanawha Valley Building, Charleston, W. Va. 25332, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-9423 Filed 4-9-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

APRIL 4, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before April 21, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 79473 (Sub-No. E1), filed March 9, 1975. Applicant: BAY STATE MOVING & STORAGE, INC., 42 Tosca Drive, Stoughton, Mass. 02072. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Massachusetts, New Hampshire, Maine, Vermont, Rhode Island, and Connecticut on the one hand, and, on the other, points in Georgia and Florida. The purpose of this filing is to eliminate the gateway of points in that part of Massachusetts east of the Connecticut River.

No. MC 83835 (Sub-No. E38), filed May 14, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: William A. Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe* (except oilfield pipe), which, because of their size or weight, require the use of special equipment, and related parts when their transportation is incidental to the transportation of commodities, which by reason of size or weight, require the use of special equipment (except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, and *materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; (a) from points in Utah to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Massachusetts, Maryland, Mississippi, New Hampshire, New Jersey New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia; and (b) from points in Utah to points in Indiana on and south of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24 to the Ohio-Indiana State line, and points in Ohio on and south of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Ohio Highway 585, thence along Ohio Highway 585 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Ohio Highway 605, thence along Ohio Highway 605 to junction U.S. Highway 422, thence along U.S. Highway 422 to the Pennsylvania-Ohio State line. The purpose of this filing is to eliminate the gateways of Kansas and Wagoner, Okla.

No. MC 83835 (Sub-No. E39), filed May 14, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: William A. Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe* (except oilfield pipe), when transported as contractors' machinery, equipment, materials, and supplies (except commodities in bulk), and which, because of its size or weight, require the use of special equipment, and related parts when their transportation is incidental to the transportation of commodities, which by reason of size or weight, require the use of special equipment (except machinery, equipment materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and materials, equipment, and supplies used in, or in connection with the construction, operation repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; (a) from points in Michigan and Wisconsin, to points in Arizona, New Mexico, Oklahoma, and Texas; and (b) from the Lower Peninsula of Michigan to points in California. The purpose of this filing is to eliminate the gateways of Illinois, and Wagner, Okla.

No. MC 83835 (Sub-No. E42), filed May 14, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: William A. Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel tubing*, other than oilfield tubing, from Baytown, Corpus Christi, Galveston, and Houston, Tex., to points in the United States (except Alaska, Arkansas, Hawaii, Louisiana, New Mexico, Oklahoma, and Texas). The purpose of this filing is to eliminate the gateway of the facility of Gulf States Tube at Rosenberg, Tex.

No. MC 83835 (Sub-No. E43), filed May 14, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: William A. Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel tubing* and *pipe*, from Baytown, Corpus Christi, Galveston, and Houston, Tex., to points in Kansas, Michigan, New York, Ohio, Pennsylvania, and Wisconsin. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 83835 (Sub-No. E44), filed May 14, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: William A. Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe* (except oilfield pipe), from the facilities of C F & I Steel Corporation at or near Pueblo, Colo., to points in Connecticut, Delaware, Florida, Georgia, Indiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, North Carolina, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway of Wagoner, Okla.

No. MC 83835 (Sub-No. E53), filed June 4, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: William A. Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel reinforcement products* when transported as commodities which, because of their size or weight require the use of special equipment, and related parts when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, from points in Utah to points in Indiana, New York, North Carolina, Ohio, and Pennsylvania; (2) *Iron and steel reinforcement products* when transported as commodities which, because of their size or weight require the use of special equipment, and related parts when their transportation is incidental to the transportation of commodities which by reason of size or

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weight, require special equipment; and/or (3) *Iron and steel reinforcement products* when transported as machinery, equipment, materials, and supplies used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials, and supplies used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and/or

(4) *Iron and steel reinforcement products*, when transported as equipment, materials, supplies, and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; and/or (5) *Iron and steel reinforcement products*, when transported as machinery, equipment, materials, and supplies used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, from points in Colorado on and west of a line beginning at the Colorado-Wyoming State line, and extending along Colorado Highway 125 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Interstate Highway 70 to the Colorado-Kansas State line, and points in New Mexico on and west of a line beginning at the New Mexico-Texas State line along U.S. Highway 70 to junction New Mexico Highway 2, thence along New Mexico Highway 2 to junction U.S. Highway 285 to the United States-Mexico International Boundary line, to points in Indiana, New York, North Carolina, Ohio, and Pennsylvania. The purpose of this filing is to eliminate the gateway of the facilities of Superior Concrete Accessories at Parsons, Kans.

No. MC 83835 (Sub-No. E59), filed May 14, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. Applicant's representative: William Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Commodities* the transportation of which because of size or weight require the use of special equipment, and (A) (2) *self-propelled articles*, each weighing 15,000 pounds or more, restricted to transportation on trailers. Restriction: The authority granted herein is restricted against the transportation of aerospace products and equipment: 1. Between points in Indiana, Ohio, and Pennsylvania on the one hand, and, on the other, points in Colorado and Nebraska; 2. between points in Indiana and Pennsylvania on the one hand, and, on the other, points in Kansas and Missouri; 3. between points in Indiana, Ohio, and Pennsylvania on the one hand, and, on the other, points in New Mexico; 4. between points in Pennsylvania, on the one hand, and, on the other, points in Montana, Utah, and Wyoming; 5. between points in Pennsylvania on and east of highways beginning at the Pennsylvania-Ohio State line, thence along Pennsylvania Highway 68 to its junction with Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to its junction with U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in North Dakota on and west of highways beginning at the North Dakota-Canada line, thence along U.S. Highway 52 to its junction with U.S. Highway 83, thence along U.S. Highway 83 to its junction with North Dakota Highway 1804, thence along North Dakota Highway 1804 to its junction with U.S. Highway 83.

Thence along U.S. Highway 83 to its junction with North Dakota Highway 11, thence along North Dakota Highway 11 to its junction with North Dakota Highway 3, thence along North Dakota Highway 3 to the North Dakota-South Dakota State line; 6. between points in North Dakota on and west of highways beginning at the North Dakota-Canada line, thence along North Dakota Highway 1 to the North Dakota-South Dakota State line, on the one hand, and, on the other, points in Pennsylvania on and south of highways beginning at the Pennsylvania-West Virginia State line, thence along U.S. Highway 119 to its junction with U.S. Highway 40, thence along U.S. Highway 40 to its junction with Pennsylvania Highway 281, thence along Pennsylvania Highway 281 to its junction with Interstate Highway 76, thence along Interstate Highway 76 to its junction with U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-New Jersey State line; 7. between points in Pennsylvania on and east of highways beginning at the Pennsylvania-Ohio State line, thence along Pennsylvania Highway 68 to its junction with Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to its junction with U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in North Dakota on and west of highways beginning at the North Dakota-Canada line, thence along U.S. Highway 52 to its junction with U.S. Highway 83, thence along U.S. Highway 83 to its junction with North Dakota Highway 1804, thence along North Dakota Highway 1804 to its junction with U.S. Highway 83, thence along U.S. Highway 83 to its junction with North Dakota Highway 11, thence along North Dakota Highway 11 to its junction with North Dakota Highway 3, thence along North Dakota Highway 3 to the North Dakota-South Dakota State line; 8. between points in Pennsylvania, on the one hand, and, on the other, points in North Dakota on and west of highways beginning at the North Dakota-Montana State line.

Thence along U.S. Highway 2 to its junction with U.S. Highway 85, thence along U.S. Highway 85 to its junction with U.S. Highway 10, thence along U.S. Highway 10 to its junction with North Dakota Highway 22, thence along North Dakota Highway 22 to its junction with U.S. Highway 12, thence along U.S. Highway 12 to the North Dakota-South Dakota State line, points in South Dakota on and west of highways beginning at the South Dakota-North Dakota State line, thence along U.S. Highway 281 to its junction with South Dakota Highway 37, thence along South Dakota Highway 37 to its junction with U.S. Highway 212, thence along U.S. Highway 212 to its junction with South Dakota Highway 26, thence along South Dakota Highway 26 to its junction with U.S. Highway 14, thence along U.S. Highway 14 to the South Dakota-Minnesota State line; 9. between points in South Dakota, on the one hand, and, on the other, points in Pennsylvania on and south of highways beginning at the Pennsylvania-West Virginia State line, thence along U.S. Highway 40 to its junction with Interstate Highway 70, thence along Interstate Highway 70 to its junction with U.S. Highway 30, thence along U.S. Highway 30 to its junction with Pennsylvania Highway 271, thence along Pennsylvania Highway 271 to its junction with Pennsylvania Highway 63, thence along Pennsylvania Highway 63 to its junction with U.S. Highway 22, thence along U.S. Highway 22 to its junction with U.S. Highway 522, thence along U.S. Highway 522 to its junction with U.S. Highway 15.

Thence along U.S. Highway 15 to its junction with Pennsylvania Highway 45, thence along Pennsylvania Highway 45 to its junction with U.S. Highway 11, thence along U.S. Highway 11 to its junction with Pennsylvania Highway 590, thence along Pennsylvania Highway 590 to its junction with U.S. Highway 6, thence along U.S. Highway 6 to the Pennsylvania-New York State line; 10. between points in Indiana and Ohio, on the one hand, and, on the other, points in Utah and Wyoming; 11. between points in Ohio on and south of highways beginning at the Indiana-Ohio State line, thence along U.S. Highway 36 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to its junction with Ohio Highway 47, thence along Ohio Highway 47 to its junction with Ohio Highway 31, thence along Ohio Highway 31 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to its junction with Ohio Highway 3, thence along Ohio Highway 3 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to its junction with U.S. Highway 62, thence along U.S. Highway 62 to its junction with U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, points in South Dakota on and south of highways beginning at the North Dakota-South Dakota State line, thence along South Dakota Highway 45 to its junction with South Dakota Highway 10, thence along South Dakota Highway 10 to its junction with U.S. Highway 281, thence along U.S. Highway 281 to its junction with U.S. Highway 12, thence along U.S. Highway 12 to its junction with South Dakota Highway 37, thence along South Dakota Highway 37 to its junction with South Dakota Highway 20.

Thence along South Dakota Highway 20 to its junction with Interstate Highway 29, thence along Interstate Highway 29 to its junction with U.S. Highway 14, thence along U.S. Highway 14 to the South Dakota-Minnesota State line; 12. between points in Ohio, on the one hand, and, on the other, points in Montana on and west of highways beginning at the Montana-Wyoming State line, thence along U.S. Highway 212 to its junction with U.S. Highway 312, thence along U.S. Highway 312 to its junction with U.S. Highway 10, thence along U.S. Highway 10 to its junction with U.S. Highway 12, thence along U.S. Highway 12 to its junction with U.S. Highway 87, thence along U.S. Highway 87 to its junction with Montana Highway 19, thence along Montana Highway 19 to its junction with U.S. Highway 191, thence along U.S. Highway 191 to its junction with Montana Highway 376, thence along Montana Highway 376 to its junction with U.S. Highway 2, thence along U.S. Highway 2 to its junction with Montana Highway 232, thence along Montana Highway 232 to the Montana-Canadian line, and points in South Dakota on and south of highways beginning at the Wyoming-South Dakota State line, thence along U.S. Highway 212 to its junction with South Dakota Highway 34, thence along South Dakota Highway 34 to its junction with Interstate Highway 90, thence along Interstate Highway 90 to its junction with U.S. Highway 14, thence along U.S. Highway 14 to its junction with U.S. Highway 83, thence along U.S. Highway 83 to its junction with Interstate Highway 90, thence along Interstate Highway 90 to its junction with U.S. Highway 183, thence along U.S. Highway 183 to its junction with U.S. Highway 18, thence along U.S. Highway 18 to the South Dakota-Nebraska State line; 13. between points in North Dakota on and west of highways beginning at the North Dakota-Canada line, thence along U.S. Highway 52 to its junction with U.S. Highway 83, thence along U.S. Highway 83 to its junction with North Dakota Highway 1804.

Thence along North Dakota Highway 1804 to its junction with U.S. Highway 83, thence along U.S. Highway 83 to its junction with North Dakota Highway 11, thence along North Dakota Highway 11 to its junction with North Dakota Highway 3, thence along North Dakota Highway 3 to the North Dakota-South Dakota State line, on the one hand, and, on the other, points in Ohio on and south of highways beginning at the Ohio-Indiana State line, thence along U.S. Highway 36 to its junction with U.S. Highway 3, thence along Ohio Highway 3 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to its junction with Ohio Highway 151, thence along Ohio Highway 151 to its junction with Ohio Highway 212, thence along Ohio Highway 212 to its junction with Ohio Highway 164, thence along Ohio Highway 164 to its junction with Ohio Highway 39, thence along Ohio Highway 39 to its junction with U.S. Highway 30, thence along U.S. Highway 30 to its junction with Ohio Highway 39, thence along Ohio Highway 39 to the Ohio-Pennsylvania State line; 14. between points in North Dakota on and west of highways beginning at the North Dakota-Montana State line, thence along U.S. Highway 2 to its junction with U.S. Highway 85, thence along U.S. Highway 85 to its junction with U.S. Highway 10, thence along U.S. Highway 10 to its junction with North Dakota Highway 22.

Thence along North Dakota Highway 22 to its junction with U.S. Highway 12, thence along U.S. Highway 12 to the North Dakota-South Dakota State line, on the one hand, and, on the other, points in Ohio on and South of highways beginning at the Ohio-Indiana State line, thence along U.S. Highway 36 to its junction with U.S. Highway 25, thence along U.S. Highway 25 to its junction with Ohio Highway 47, thence along Ohio Highway 47 to its junction with Ohio Highway 4, thence along Ohio Highway 4 to its junction Ohio Highway 95, thence along Ohio Highway 95 to its junction with U.S. Highway 42, thence along U.S. Highway 42 to its junction with Interstate Highway 71, thence along Interstate Highway 71 to its junction with U.S. Highway 224, thence along U.S. Highway 224 to its junction with Interstate Highway 76, thence along Interstate Highway 76 to its junction with Ohio Highway 44, thence along Ohio Highway 44 to its junction with Ohio Highway 5, thence along Ohio Highway 5 to its junction with Ohio Highway 82, thence along Ohio Highway 82 to the Ohio-Pennsylvania State line; 15. between points in Montana, on the one hand, and, on the other, points in Ohio on and south of highways beginning at the Ohio-Indiana State line, thence along U.S. Highway 36 to its junction with U.S. Highway 25, thence along U.S. Highway 25 to its junction with Ohio Highway 47, thence along Ohio Highway 47 to its junction with Ohio Highway 4, thence along Ohio Highway 4 to its junction with U.S. Highway 305, thence along U.S. Highway 305 to its junction with U.S. Highway 30, thence along U.S. Highway 30 to its junction with Interstate Highway 71.

Thence along Interstate Highway 71 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to its junction with Ohio Highway 5, thence along Ohio Highway 5 to the Ohio-Pennsylvania State line; 16. between points in Indiana on and south of highways beginning at the Indiana-Michigan State line, thence along Indiana Highway 15 to its junction with U.S. Highway 20, thence along U.S. Highway 20 to its junction with Indiana Highway 19, thence along Indiana Highway 19 to its junction with U.S. Highway 6, thence along U.S. Highway 6 to its junction with U.S. Highway 35, thence along U.S. Highway 35 to its junction with Indiana Highway 10, thence along Indiana Highway 10 to the Indiana-Illinois State line, on the one hand, and, on the other, points in Montana on and west of highways beginning at the Canada-Montana line, thence along Montana Highway 232 to its junction with U.S. Highway 87, thence along U.S. Highway 87 to its junction with Montana Highway 236, thence along Montana Highway 236 to its junction with U.S. Highway 191, thence along U.S. Highway 191 to its junction with Montana Highway 3, thence along Montana Highway 3 to its junction with Interstate Highway 90, thence along Interstate Highway 90 to its junction with U.S. Highway 310, thence along U.S. Highway 310 to the Montana-Wyoming State line; 17. between points in Montana, on the one hand, and, on the other, points in Indiana on and south of highways beginning at the Indiana-Ohio State line, thence along U.S. Highway 40 to its junction with U.S. Highway 421.

Thence along U.S. Highway 421 to its junction with Indiana Highway 29, thence along Indiana Highway 29 to its junction with U.S. Highway 24, thence along U.S. Highway 24 to the Indiana-Illinois State line; 18. between points in Indiana on and south of highways beginning at the Ohio-Indiana State line, thence along U.S. Highway 27, thence along U.S. Highway 27 to its junction with U.S. Highway 24, thence along U.S. Highway 24 to the Indiana-Illinois State line, on the one hand, and, on the other, points in South Dakota on the west of highways beginning at the South Dakota-Wyoming State line, thence along U.S. Highway 212 to its junction with South Dakota Highway 34, thence along South Dakota Highway 34 to its junction with Interstate Highway 90, thence along Interstate Highway 90 to its junction with U.S. Highway 16, thence along U.S. Highway 16 to its junction with South Dakota Highway 79, thence along South Dakota Highway 79 to its junction with U.S. Highway 385, thence along U.S. Highway 385 to the South Dakota-Nebraska State line; 19. between points in Indiana on and south of highways beginning at the Indiana-Illinois State line, thence along U.S. Highway 52 to its junction with Indiana Highway 26, thence along Indiana Highway 26 to its junction with Indiana Highway 29, thence along Indiana Highway 29 to its junction with Indiana Highway 28, thence along Indiana Highway 28 to its junction with Indiana Highway 13, thence along Indiana Highway 13 to its junction with Indiana Highway 32, thence along Indiana Highway 32 to its junction with Indiana Highway 67, thence along Indiana Highway 67 to its junction with Indiana Highway 3, thence

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along Indiana Highway 3 to its junction with Indiana Highway 38, thence along Indiana Highway 38 to its junction with Indiana Highway 35.

Thence along Indiana Highway 35 to the Indiana-Ohio State line on the one hand, and, on the other, points in South Dakota on and west of highways beginning at the South Dakota-North Dakota State line, thence along South Dakota Highway 63 to its junction with U.S. Highway 12, thence along U.S. Highway 12 to its junction with South Dakota Highway 47, thence along South Dakota Highway 47 to its junction with U.S. Highway 212, thence along U.S. Highway 212 to its junction with U.S. Highway 83, thence along U.S. Highway 83 to its junction with Interstate Highway 90, thence along Interstate Highway 90 to its junction with U.S. Highway 83, thence along U.S. Highway 83 to its junction with U.S. Highway 18, thence along U.S. Highway 18 to its junction with South Dakota Highway 73, thence along South Dakota Highway 73 to the South Dakota-Nebraska State line; 20. between points in South Dakota, on the one hand, and, on the other points in Indiana on the south of highways beginning at the Indiana-Illinois State line, thence along U.S. Highway 40 to its junction with Indiana Highway 46, thence along Indiana Highway 46 to its junction with Indiana Highway 37, thence along Indiana Highway 37 to its junction with U.S. Highway 150, thence along U.S. Highway 150 to the Indiana-Kentucky State line, and, points in Pennsylvania on and south of highways beginning at the Pennsylvania-West Virginia State line, thence along U.S. Highway 40 to its junction with Interstate Highway 70, thence along Interstate Highway 70 to its junction with U.S. Highway 30.

Thence along U.S. Highway 30 to its junction with Pennsylvania Highway 271, thence along Pennsylvania Highway 271 to its junction with Pennsylvania Highway 53, thence along Pennsylvania Highway 53 to its junction with U.S. Highway 22, thence along U.S. Highway 22 to its junction with U.S. Highway 522, thence along U.S. Highway 522 to its junction with U.S. Highway 15, thence along U.S. Highway 15 to its junction with Pennsylvania Highway 45, thence along Pennsylvania Highway 45 to its junction with U.S. Highway 11, thence along U.S. Highway 11 to its junction with Pennsylvania Highway 590, thence along Pennsylvania Highway 590 to its junction with U.S. Highway 6, thence along U.S. Highway 6 to the Pennsylvania-New York State line; 21. between points in Indiana on and south of highways beginning at the Indiana-Ohio State line, thence along U.S. Highway 40 to its junction with U.S. Highway 136, thence along U.S. Highway 136 to the Indiana-Illinois State line, on the one hand, and, on the other, points in North Dakota on and west of highways beginning at the North Dakota-Canada line, thence along U.S. Highway 52 to its junction with U.S. Highway 83, thence along U.S. Highway 83 to its junction with North Dakota Highway 23, thence along North Dakota Highway 23 to its junction with North Dakota Highway 22, thence along North Dakota Highway 22 to its junction with Interstate Highway 94, thence along Interstate Highway 94 to its junction with North Dakota Highway 8, thence along North Dakota Highway 8 to its junction with U.S. Highway 12, thence along U.S. Highway 12 to the North Dakota-South Dakota State line; 22. between points in North Dakota, on the one hand, and, on the other, points in Indiana on and south of highways beginning at the Indiana-Illinois State line, thence along U.S. Highway 40 to its junction with Indiana Highway 46, thence along Indiana Highway 46 to its junction with Indiana Highway 37, thence along Indiana Highway 37 to its junction with U.S. Highway 150, thence along U.S. Highway 150 to the Indiana-Kentucky State line.

(B) (1) *Commodities* which, because of their size or weight, require the use of special equipment, and related parts when their transportation is incidental to the transportation of commodities, which by reason of size or weight require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and materials, equipment and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (B) (2) *Self-propelled articles*, each weighing 15,000 pounds or more, restricted to transportation on trailers; Restriction: The authority herein is restricted against the transportation of aerospace products and equipment; 1. Between points in Louisiana on and west of highways beginning at the Louisiana-Arkansas State line, thence along Louisiana Highway 7 to its junction with Louisiana Highway 15, thence along Louisiana Highway 15 to its junction with Interstate Highway 20, thence along Interstate Highway 20 to its junction with Louisiana Highway 15, thence along Louisiana Highway 15 to its junction with U.S. Highway 84, thence along U.S. Highway 84 to its junction with the Mississippi River, thence along the Mississippi River to its junction with Louisiana Highway 1, thence along Louisiana Highway 1 to its junction with Louisiana Highway 69, thence along Louisiana Highway 69 to its junction with Louisiana Highway 70, thence along Louisiana Highway 70 to the Louisiana-Gulf of Mexico line, on the one hand, and, on the other, points in Pennsylvania on and north of highways beginning at the Pennsylvania-West Virginia State line, thence along Interstate Highway 70 to its junction with U.S. Highway 40, thence along U.S. Highway 40 to its junction with U.S. Highway 119, thence along U.S. Highway 119 to its junction with U.S. Highway 22, thence along U.S. Highway 22 to its junction with U.S. Highway 522.

Thence along U.S. Highway 522 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to its junction with U.S. Highway 11, thence along U.S. Highway 11 to its junction with U.S. Highway 6, thence along U.S. Highway 6 to its junction with Pennsylvania Highway 652, thence along Pennsylvania Highway 652 to the Pennsylvania-New York State line; (2) between points in Louisiana on and west of highways beginning at the Louisiana-Arkansas State line, thence along Louisiana Highway 15 to its junction with Interstate Highway 20, thence along Interstate Highway 20 to its junction with U.S. Highway 165, thence along U.S. Highway 165 to its junction with U.S. Highway 167, thence along U.S. Highway 167 to the Louisiana-Gulf of Mexico line, on the one hand, and, on the other, points in Pennsylvania; 3. between points in Arkansas on and west of highways beginning at the Arkansas-Missouri State line, thence along U.S. Highway 65 to its junction with Arkansas Highway 7, thence along Arkansas Highway 7 to its junction with U.S. Highway 67, thence along U.S. Highway 67 to its junction with Arkansas Highway 53, thence along Arkansas Highway 53 to its junction with Arkansas Highway 24, thence along Arkansas Highway 24 to its junction with Arkansas Highway 7, thence along Arkansas Highway 7 to its junction with U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line, on the one hand, and, on the other, points in Pennsylvania, points in Ohio on and north of highways beginning at the Ohio-West Virginia State line, thence along U.S. Highway 50 to its junction with U.S. Highway 33, thence along U.S. Highway 33 to its junction with U.S. Highway 22, thence along U.S. Highway 22 to its junction with U.S. Highway 35, thence along U.S. Highway 35 to its junction with Ohio Highway 49.

Thence along Ohio Highway 49 to its junction with Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-Indiana State line; 4. between points in Arkansas on and west of highways beginning at the Arkansas-Missouri State line, thence along U.S. Highway 65 to its junction with Interstate Highway 40, thence along Interstate Highway 40 to its junction with U.S. Highway 65, thence along U.S. Highway 65 to its junction with U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line, on the one hand, and, on the other, points in Pennsylvania on and north of highways beginning at the Pennsylvania-Lake Erie line, thence along U.S. Highway 19 to its junction with U.S. Highway 6, thence along U.S. Highway 6 to its junction with U.S. Highway 219, thence along U.S. Highway 219 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to its junction with U.S. Highway 322, thence along U.S. 322 to its junction with Pennsylvania Highway 283, thence along Pennsylvania

Highway 283 to its junction with U.S. Highway 30, thence along U.S. Highway 30 to its junction with Pennsylvania Highway 41, thence along Pennsylvania Highway 41 to the Pennsylvania-Delaware State line; 5. between points in Ohio, on the one hand, and, on the other, points in Louisiana on and west of highways beginning at the Louisiana-Arkansas State line, thence along Louisiana Highway 33 to its junction with Louisiana Highway 15.

Thence along Louisiana Highway 15 to its junction with Interstate Highway 20, thence along Interstate Highway 20 to its junction with U.S. Highway 165, thence along U.S. Highway 165 to its junction with U.S. Highway 167, thence along U.S. Highway 167 to the Louisiana-Gulf of Mexico line; 6. between points in Louisiana on and west of highways beginning at the Louisiana-Arkansas State line, thence along Louisiana Highway 7 to its junction with Louisiana Highway 15, thence along Louisiana Highway 15 to its junction with Interstate Highway 20, thence along Interstate Highway 20 to its junction with Louisiana Highway 15 to its junction with U.S. Highway 84, thence along U.S. Highway 84 to its junction with the Mississippi River, thence along the Mississippi River to its junction with Louisiana Highway 1, thence along Louisiana Highway 1 to its junction with Louisiana Highway 69, thence along Louisiana Highway 69 to its junction with Louisiana Highway 70, thence along Louisiana Highway 70 to the Louisiana-Gulf of Mexico line, on the one hand, and, on the other, points in Ohio on and north of highways beginning at the Ohio-Indiana State line, thence along U.S. Highway 6 to its junction with Ohio Highway 15, thence along Ohio Highway 15 to its junction with Ohio Highway 65, thence along Ohio Highway 65 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to its junction with U.S. Highway 224, thence along U.S. Highway 224 to its junction with U.S. Highway 250, thence along U.S. Highway 250 to its junction with Ohio Highway 39, thence along Ohio Highway 39 to the Ohio-Pennsylvania State line; 7. between points in Ohio, on the one hand, and, on the other, points in Arkansas on and west of highways beginning at the Arkansas-Missouri State line.

Thence along U.S. Highway 71 to the Arkansas-Louisiana State line; 8. between points in Indiana, on the one hand, and, on the other, points in Louisiana on and west of highways beginning at the Louisiana-Arkansas State line, thence along U.S. Highway 71 to its junction with U.S. Highway 167, thence along U.S. Highway 167 to its junction with Louisiana Highway 82, thence along Louisiana Highway 82 to its junction with Louisiana Highway 333, thence along Louisiana Highway 333 to the Louisiana-Gulf of Mexico line; 9. between points in Indiana on and north of highways beginning at the Indiana-Ohio State line, thence along U.S. Highway 20 to the Indiana-Illinois State line, on the one hand, and, on the other, points in Louisiana on and west of highways beginning at the Gulf of Mexico-Louisiana line, thence along Louisiana Highway 56 to its junction with Louisiana Highway 24, thence along Louisiana Highway 24 to its junction with Louisiana Highway 20, thence along Louisiana Highway 20 to its junction with Louisiana Highway 18, thence along Louisiana Highway 18 to its junction with Louisiana Highway 75, thence along Louisiana Highway 75 to its junction with Louisiana Highway 73, thence along Louisiana Highway 73 to its junction with U.S. Highway 61, thence along U.S. Highway 61 to its junction with the Mississippi River, thence along the Mississippi River to its junction with U.S. Highway 84, thence along U.S. Highway 84 to its junction with U.S. Highway 165.

Thence along U.S. Highway 165 to its junction with Interstate Highway 20, thence along Interstate Highway 20 to its junction with U.S. Highway 167, thence along U.S. Highway 167 to the Louisiana-Arkansas State line; 10. between points in Indiana on and north of highways beginning at the Indiana-Ohio State line, thence along U.S. Highway 24 to the Indiana-Illinois State line, on the one hand, and, on the other, points in Louisiana on and west of highways beginning at the Gulf of Mexico-Louisiana line, thence along Louisiana Highway 56 to its junction with Louisiana Highway 24, thence along Louisiana Highway 24 to its junction with Louisiana Highway 20, thence along Louisiana Highway 20 to its junction with Louisiana Highway 18, thence along Louisiana Highway 18 to its junction with Louisiana Highway 75, thence along Louisiana Highway 75 to its junction with Louisiana Highway 73, thence along Louisiana Highway 73 to its junction with U.S. Highway 61, thence along U.S. Highway 61 to its junction with U.S. Highway 190, thence along U.S. Highway 190 to its junction with U.S. Highway 71, thence along U.S. Highway 71 to its junction with U.S. Highway 165, thence along U.S. Highway 165 to its junction with Interstate Highway 20, thence along Interstate Highway 20 to its junction with U.S. Highway 167, thence along U.S. Highway 167 to the Louisiana-Arkansas State line; 11. between points in Indiana on and north of highways beginning at the Indiana-Ohio State line, thence along U.S. Highway 40 to its junction with U.S. Highway 136.

Thence along U.S. Highway 136 to the Indiana-Illinois State line, on the one hand, and, on the other, points in Louisiana on and west of highways beginning at the Louisiana-Arkansas State line, thence along U.S. Highway 167 to its junction with Interstate Highway 20, thence along Interstate Highway 20 to its junction with U.S. Highway 165, thence along U.S. Highway 165 to its junction with U.S. Highway 167, thence along U.S. Highway 167 to its junction with Louisiana Highway 82, thence along Louisiana Highway 82 to its junction with Louisiana Highway 333, thence along Louisiana Highway 333 to the Louisiana-Gulf of Mexico line; 12. between points in Indiana, on the one hand, and, on the other, points in Arkansas on and west of highways beginning at the Missouri-Arkansas State line, thence along U.S. Highway 71 to the Arkansas-Louisiana State line; 13. between points in Arkansas on and west of highways beginning at the Missouri-Arkansas State line, thence along U.S. Highway 65 to its junction with Arkansas Highway 7, thence along Arkansas Highway 7 to its junction with U.S. Highway 67, thence along U.S. Highway 67 to its junction with Arkansas Highway 53, thence along Arkansas Highway 53 to its junction with Arkansas Highway 24, thence along Arkansas Highway 24 to its junction with U.S. Highway 79, thence along U.S. Highway 79 to the Arkansas-Louisiana State line, on the one hand, and, on the other, points in Indiana on and north of highways beginning at the Indiana-Illinois State line, thence along U.S. Highway 74 to the Indiana-Ohio State line; 14. between points in Arkansas on and west of highways beginning at the Missouri-Arkansas State line.

Thence along U.S. Highway 65 to its junction with Arkansas Highway 9, thence along Arkansas Highway 9 to its junction with U.S. Highway 79, thence along U.S. Highway 79 to its junction with Arkansas Highway 7, thence along Arkansas Highway 7 to its junction with U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line, on the one hand, and, on the other, points in Indiana on and north of highways beginning at the Indiana-Illinois State line, thence along Indiana Highway 28 to its junction with U.S. Highway 31, thence along U.S. Highway 31 to its junction with U.S. Highway 35, thence along U.S. Highway 35 to its junction with U.S. Highway 24, thence along U.S. Highway 24 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateways of Kansas, Illinois, Oklahoma, and Texas.

No. MC 95540 (Sub-No. E421), filed May 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Pittsburgh, Pa., to those points in Nevada south of a line beginning at the California-Nevada State line and extending along Nevada Highway 52 to junction Nevada Highway 16, thence along Nevada Highway 16 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction Interstate Highway 15, thence along Interstate Highway 15 to the Nevada-Arizona State line. The purpose of this filing is to eliminate the gateways of Richmond, Va., and Kingsport, Tenn.

No. MC 95540 (Sub-No. E736), filed May 17, 1974. Applicant: WATKINS

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MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE, Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts, and pineapples*, when moving in the same vehicle and at the same time with bananas from those points in New York on and east of U.S. Highway 9 to points in Florida. The purpose of this filing is to eliminate the gateway of Jacksonville, Fla.

No. MC 95540 (Sub-No. E737), filed May 17, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd., NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in South Carolina, to those points in Colorado on and south of a line beginning at the Colorado-Nebraska State line and extending along Interstate Highway 80 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Colorado Highway 82, thence along Colorado Highway 82 to junction Texas Highway 133, thence along Texas Highway 133 to junction Texas Highway 92, thence along Texas Highway 92 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Utah State line. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla., and Gulfport, Miss.

No. MC 102817 (Sub-No. E1), filed May 12, 1974. Applicant: PERKINS FURNITURE TRANSPORT, INC., 5034 Lafayette Rd., Indianapolis, Ind. 46254. Applicant's representative: Robert W. Loser, 320 N. Meridian St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from points in Florida to points in Illinois on and north of a line beginning at the Ohio River and extending along Illinois Highway 13, to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 3, thence along Illinois Highway 3 to the Mississippi River (Indiana, except Marion County)*; (2) *New furniture*, from points in Florida to points in Iowa, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin (Evansville, Huntingburg, Richmond, Batesville, and Indiana)*; (3) *New furniture*, from points in Florida on and east of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 27 to junction Florida Highway 351, thence along Florida Highway 351 to termination at Horeshal Point, to points in Kansas (Evansville, Ind., Huntingburg, Ind., and Indiana)*; (4) *New furniture*, from points in Florida to points in Kentucky, that are both on and north of U.S. Highway 62 and on and east of U.S. Highway 41 (Evansville, Ind., and Indiana)*; (5) *New furniture*, from points in Florida to points in West Virginia north of U.S. Highway 40 (Indiana); (6) *New furniture*, from points in Florida on and south of Florida Highway 60 to points in Pennsylvania on and west of a line beginning at the Maryland-Pennsylvania State line and extending along Interstate Highway 70 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Pennsylvania Highway 28, thence along Pennsylvania Highway 28 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line (Indiana)*; (7) *New furniture*, from points in Florida on and north of Florida Highway 60 to points in New York on and west of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 16 to junction New York Highway 39, thence along New York Highway 39 to junction Alternate U.S. Highway 20, thence along Alternate U.S. Highway 20 to New York Highway 5, thence along New York Highway 5 to junction New York Highway 21, thence along New York Highway 21 to Lake Ontario (Richmond, Ind., and Indiana)*; (8) *New furniture*, from points in Florida to points in Missouri on and north of U.S. Highway 50 (Evansville, Ind., and Indiana)*; (9) *New furniture*, crated or uncrated, and *store and office fixtures*, crated, (a) from points in Illinois that are both on and north of Interstate Highway 74 and Illinois Highway 47 to points in Arkansas (Indiana, except Delphi and Milan)*, (b) from points in Illinois to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, and Virginia (Indiana, except Delphi and Milan)*;

(10) *Store and office fixtures*, uncrated, from points in Illinois on and north of U.S. Highway 50 and on and south of Illinois Highway 17 to points in Delaware, Maryland, New Jersey, New York, Virginia, and the District of Columbia (Indianapolis, Ind.)*; (11) *New furniture* and *store and office fixtures*, crated, from points in Illinois to points in the Lower Peninsula of Michigan, Ohio, Pennsylvania, West Virginia, District of Columbia, points in Kentucky on and east of U.S. Highway 41, points in Tennessee, on and east of Tennessee Highway 13 (Indiana, except Delphi, Tell City, and Milan)*; (12) *New furniture*, crated or uncrated, and *store and office fixtures*, crated, (a) from points in Illinois on and north of a line beginning at the Ohio River and extending along Illinois Highway 13 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 3, thence along Illinois Highway 3 to Chester, Ill., to points in Georgia and Florida (points in Indiana except Milan and Delphi)*; (b) from points in Illinois on and east of a line beginning at the Ohio River and extending along Illinois Highway 130 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Wisconsin-Illinois State line, to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin (points in Indiana except Milan and Delphi)*; (13) *New furniture*, uncrated, and *new furniture* in containers when moving with uncrated shipments of the same commodities, from points in Illinois between Illinois Highway 17 on the north and a line beginning at the Kentucky-Illinois State line and extending along Illinois Highway 13 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 3, at Chester, on the south, to points in Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, District of Columbia, points in Kentucky east of U.S. Highway 41 and points in Tennessee east of U.S. Highway 31 (Peru, Huntingburg, Munster, Batesville, Jasper, Richmond, Warsaw, Tell City, Evansville, and Delphi, Ind.)*;

(14) *New furniture*, uncrated, and *new furniture* in containers, when shipped with uncrated furniture, from all points in Indiana to points in Arkansas, Connecticut, Delaware, Florida, Georgia, Iowa, Kansas, Maryland, Massachusetts, Minnesota, Nebraska, New Jersey, New York, North Dakota, South Dakota, Virginia, Wisconsin, and District of Columbia. EXCEPTION: No shipments will be made on traffic from DeKalb, Lagrange, and Steuben Counties, Ind., to points in Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, or Wyoming Counties, N.Y. (Batesville, Delphi, Evansville, Huntingburg, Jasper, Munster, Peru, Richmond, Tell City, and Warsaw, Ind.)*; and (15) *New furniture, store and office fixtures*, crated, (a) from points in Kentucky on and east of U.S. Highway 41 to points in Illinois on and north of U.S. Highway 50, points in Missouri on and north of U.S. Highway 50, points in Kansas on and north of U.S. Highway 50, points in Iowa, Minneosta, Nebraska, North Dakota, South Dakota, and Wisconsin, points in Michigan on and west of U.S. Highway 23, and to points in the Upper Peninsula of Michigan (Evansville, Huntingburg, Richmond, Batesville, and Indiana)*; and (b) from points in Kentucky on and west of junction Interstate Highway 75 to points in Connecticut, Delaware, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, District of Columbia, and points in West Virginia on and north of U.S. Highway 40 (Tell City, Batesville, Ind., and Indiana)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 107295 (Sub-No. E206), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, (1) from points in that part of Iowa located in and east of Winnebago, Hancock, Wright, Hamilton, Story, Polk, Warren, Clarke, and Decatur Counties, to points in Nevada, New Mexico, and Utah; (2) from points in that part of Iowa located in and east of Winneshiek, Fayette, Buchanan, Benton, Iowa, Keokuk, Jefferson, and Van Buren Counties, to points in Colorado and Idaho; (3) from points in that part of Iowa located in and east of Decatur, Clarke, Lucas, Moore, Mahaska, Keokuk, Iowa, Linn, Jones, and Dubuque Counties, to points in Montana and Wyoming; (4) from points in that part of Iowa located in and south of Decatur, Clarke, Lucas, Monroe, Wapello, Jefferson, Washington, Louisa, Muscatine, and Scott Counties, to points in North Dakota; (5) from points in that part of Iowa located in Scott, Muscatine, Louisa, Des Moines, and Lee Counties, to points in South Dakota; (6) from points in that part of Iowa located in and east of Allamakee, Clayton, Delaware, Jones, Cedar, Muscatine, Louisa, Des Moines, and Lee Counties, to points in Oklahoma; (7) from points in that part of Iowa located in and east of Allamakee, Clayton, Delaware, Jones, Cedar, Muscatine, Louisa, Des Moines, and Lee Counties, to points in Minnesota. The purpose of this filing is to eliminate the gateway of (1) points in Wapello County, Iowa; (2) points in Wapello County, Iowa; (3) points in Wapello County, Iowa; (4) points in Wapello County, Iowa; (5) points in Wapello County, Iowa; (6) Quincy, Ill.; (7) La Crosse, Wis.

points in that part of Kansas located in and west of Atchison, Jackson, Shawnee, Wabaunsee, Lyon, Chase, Butler and Cowley Counties and to points in Colorado, Nebraska, North Dakota, and South Dakota. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 107295 (Sub-No. E207), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fiberboard* from the plant site and warehouse facilities of the Upson Company at Bristol, Ind. to points in Arizona, New Mexico, and to points in that part of California located in and south of San Mateo, Santa Clara, Stanislaus, Mariposa, and Mono Counties, and to points in that part of Mississippi located in and west of De Soto, Tate, Lafayette, Calhoun, Webster, Choctaw, Winston, Neshoba, and Lauderdale Counties. The purpose of this filing is to eliminate the gateway of Trumann, Ark. (2) *Fiberboard*, from the plant site and warehouse facilities of the Upson Company at Bristol, Ind. to points in that part of Kansas located in and west of Atchison, Jefferson, Shawnee, Lyon, Chase, Butler, and Cowley Counties and to points in Colorado, Nebraska, and North Dakota. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 107295 (Sub-No. E208), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-fabricated buildngs*, complete, knocked down or in sections; (1) from points in that part of Mississippi located in and west of De Soto, Tate, Panola, Tallahatchie, Le Flore, Holmes, Madison, Rankin, Simpson, Jefferson Davis, Marion, Pearl River and Harrison Counties to points in that part of Tennessee located in and west of Robertson, Davidson, Williamson, Marshall, and Lincoln Counties, and to points in that part of Kentucky located in and west of Monroe, Metcalfe, Adair, Casey, Lincoln, Garrard, Madison, Clark, Montgomery, Menifee, Morgan, Elliott, Carter, and Boyd Counties and to points in Indiana; (2) from points in Mississippi to points in New York and Pennsylvania; (3) from points in that part of Mississippi located in and east of De Soto, Tunica, Coahoma, Bolivar, Washington, Sharkey, Yazoo, Hinds, Copicah, Lawrence, Marion, Pearl River, and Hancock Counties to points in that part of Missouri located in and north of Jackson, Lafayette, Saline, Cooper, Boone, Callaway, Montgomery, Warren, St. Charles, and St. Louis Counties. The purpose of this filing is to eliminate the gateway of (1) West Memphis, Ark., (2) points in Illinois and Ohio, (3) points in Illinois.

No. MC 107295 (Sub-No. E209), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, (1) from points in that part of Iowa located in and east of Winnebago, Hancock, Wright, Hamilton, Story, Polk, Warren, Clarke, and Decatur Counties, to points in Nevada, New Mexico, and Utah; (2) from points in that part of Iowa located in and east of Winneshiek, Fayette, Buchanan, Benton, Iowa, Keokuk, Jefferson, and Van Buren Counties, to points in Colorado and Idaho; (3) from points in that part of Iowa located in and east of Decatur, Clarke, Lucas, Moore, Mahaska, Keokuk, Iowa, Linn, Jones, and Dubuque Counties, to points in Montana and Wyoming; (4) from points in that part of Iowa located in and south of Decatur, Clarke, Lucas, Monroe, Wapello, Jefferson, Washington, Louisa, Muscatine, and Scott Counties, to points in North Dakota; (5) from points in that part of Iowa located in Scott, Muscatine, Louisa, Des Moines, and Lee Counties, to points in South Dakota; (6) from points in that part of Iowa located in and east of Allamakee, Clayton, Delaware, Jones, Cedar, Muscatine, Louisa, Des Moines, and Lee Counties, to points in Oklahoma; (7) from points in that part of Iowa located in and east of Allamakee, Clayton, Delaware, Jones, Cedar, Muscatine, Louisa, Des Moines, and Lee Counties, to points in Minnesota. The purpose of this filing is to eliminate the gateway of (1) points in Wapello County, Iowa; (2) points in Wapello County, Iowa; (3) points in Wapello County, Iowa; (4) points in Wapello County, Iowa; (5) points in Wapello County, Iowa; (6) Quincy, Ill.; (7) La Crosse, Wis.

No. MC 107295 (Sub-No. E210), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated and precut buildings or houses*, complete, knocked down, or in sections from the District of Columbia to points in Illinois, Indiana, and to points in that part of Kentucky located in and west of Clinton, Wayne, Pulaski, Rockcastle, Jackson, Estill, Powell, Menifee, Rowan, Carter, and Boyd Counties. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC 107295 (Sub-No. E211), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated and precut buildings or houses*, complete, knocked down, or in sections and *all component parts* necessary to the construction, erection, or completion of such buildings or houses, when shipped with same (1) from points in that part of Virginia located in and east of Alleghany, Botetourt, Roanoke, Franklin, and Henry Counties to points in Florida; (2) from points in that part of Virginia located in and east of Alleghany, Botetourt, Roanoke, Franklin, and Henry Counties to points in that part of Kentucky located in and west of Oldham, Shelby, Anderson, Mercer, Garrard. The purpose of this filing is to eliminate the gateway of (1) Lumberton, N.C.; (2) points in Tennessee, Rockcastle, Laurel, Knox, and Bell Counties.

No. MC 107295 (Sub-No. E212), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated and precut buildings or houses*, complete, knocked down or in sections from points in that part of North Carolina located in and east of Stokes, Forsyth, Davidson, Rowan, Cabarrus, Mecklenburg, and Union Counties to points in that part of Florida located in, east, and south of Leon and Wakulla Counties. The purpose of this filing is to eliminate the gateway of Lumberton, N.C.

No. MC 107295 (Sub-No. E213), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated and precut buildings or houses*, complete, knocked down, or in sections and *all component parts* necessary to the construction, erection, or completion of such buildings or houses, when shipped with same from points in West Virginia to points in that part of Florida located in, east and south of Leon and Wakulla Counties and to points in that part of South Carolina located in and east of Jasper, Colleton, Dorchester, Orangeburg, Clarendon, Sumter, Florence, Marion, and Dillon Counties. The purpose of this filing is to eliminate the gateway of Lumberton, N.C.

No. MC 107295 (Sub-No. E214), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, (1) from points in Oklahoma to points in Alabama, Florida, Georgia, Mississippi, North Carolina, and South Carolina; (2) from points in that part of Oklahoma located in and south of Roger Mills, Custer, Blaine, Kingfisher, Logan, Lincoln, Creek, Tulsa, Wagoner, Cherokee, and Adair Counties to points in Iowa. The purpose of this filing is to

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eliminate the gateway of (1) Pine Bluff, Ark., (2) points in Arkansas.

No. MC 107403 (Sub-No. E526), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* and *muriatic acid*, in bulk, in tank vehicles, from Freeport, Tex., to points in Ohio (except those that are west of U.S. Highway 23 and south of U.S. Highway 50) and Michigan (except those that are west of U.S. Highway 27 and south of Interstate Highway 96). The purpose of this filing is to eliminate the gateways of Ashland, Ky., and Baton Rouge, La.

No. MC 107403 (Sub-No. E664), filed January 31, 1975. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Dry calcium chloride*, in bulk, in tank vehicles, from points in Kentucky, Indiana, and Michigan to points in Maine. The purpose of this filing is to eliminate the gateways of Painesville, Ohio, Solvay, N.Y., and Springfield, Mass.

No. MC 107403 (Sub-No. E668), filed January 31, 1975. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry calcium chloride*, from those points in Maryland within 150 miles of Monongahela, Pa., to points in Massachusetts, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Lewistown, Pa., and Solvay, N.Y.

No. MC 107403 (Sub-No. E669), filed January 31, 1975. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry calcium chloride*, in bulk, in tank vehicles, from points in Indiana to points in Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateways of Painesville, Ohio, and Solvay, N.Y.

No. MC 107403 (Sub-No. E670), filed January 31, 1975. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Dry calcium chloride*, in bulk, in tank vehicles, from points in Michigan to points in Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateways of Painesville, Ohio, and Solvay, N.Y.

No. MC 107515 (Sub-No. E542), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT, CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: 1. *unfrozen meat and meat products*, in vehicles equipped with mechanical refrigeration, from Gatesville, N.C. to California, Oregon and Washington, 2. *Meats, meat products, meat by-products*, as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, except commodities in bulk, in vehicles equipped with mechanical refrigeration, from Goldsboro, N.C. to California, Oregon and Washington. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 107515 (Sub-No. E543), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT, CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, other than frozen, in vehicles equipped with mechanical refrigeration, from points in that portion of Tennessee on and east of a line beginning at the Tennessee-Kentucky State line and extending along Alternate U.S. Highway 41 to junction Tennessee Highway 13 thence over Tennessee Highway 13 to the Tennessee-Alabama State line (except that portion of Davidson County formerly known as the City of Nashville, Tenn., and except McMinnville) to Los Angeles, Calif. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 107515 (Sub-No. E544), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from the plant site of Odom's Sausage Company at or near Madison, Tenn., to points in Washington and Oregon on or west of U.S. Highway 97, El Cerrito, Calif., points in Marin County, Calif., and points in California on, north, or west of a line beginning at San Pablo Bay at or near San Rafael and extending along U.S. Highway 101 to junction California Highway 37, thence along California Highway 37 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction U.S. Highway 97, thence along U.S. Highway 97 to the California-Oregon State line. The purpose of this filing is to eliminate the gateway of Bristol, Va.

No. MC 107515 (Sub-No. E565), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen edible meats*, in vehicles equipped with mechanical refrigeration, from Bristol, Va., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of points in Tennessee except Nashville.

No. MC 107515 (Sub-No. E571), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd., NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, in vehicles equipped with mechanical refrigeration, (1) from South Carolina and North Carolina to California, Oregon, and Washington; (2) from Alabama to Oregon and Washington; (3) from Alabama to that portion of California on and north of a line beginning at the California-Nevada State line and extending along California Highway 4 to junction California Highway 99, thence along California Highway 99 to junction California Highway 152, thence along California Highway 152 to junction U.S. Highway 101, thence along U.S. Highway 101 to junction California Highway 68, thence along California Highway 68 to the Pacific Ocean at or near Monterey, Calif.; and (4) from that portion of Alabama on and north of a line beginning at the Alabama-Mississippi State line and extending along U.S. Highway 82 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Alabama-Florida State line, to that portion of California on and north of a line beginning at the Nevada-California State line and extending along California 127 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction Interstate Highway 10, thence along Interstate Highway 10 to the Pacific Ocean at or near Los Angeles, Calif. The purpose of this filing is to eliminate the gateways of Atlanta, Ga., and Chattanooga, Tenn.

No. MC 107515 (Sub-No. E574), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped

with mechanical refrigeration, from points in that portion of Florida on, south, and east of a line beginning at Dead Man's Bay at Steinhatchee, Fla., and extending along Florida State Highway 51 to its junction with U.S. Highway 129, thence over U.S. Highway 129 to the Georgia-Florida State line to Denver, Colo., and points in Colorado on or north of U.S. Highway 6, and to points in Wyoming, Montana, Oregon, Washington, Idaho, and Utah. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC 107515 (Sub-No. E575), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods* in vehicles, equipped with mechanical refrigeration, from New York, N.Y., and Glassboro, Haddonfield, Vineland, Swedesboro, and Seabrook, N.J., and (2) *frozen meat*, in vehicles equipped with mechanical refrigeration from Philadelphia, Pa., to points in California, Nevada, Arizona, New Mexico, Colorado, Utah, Idaho, Montana, Wyoming, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC 107515 (Sub-No. E577, filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, in vehicles equipped with mechanical refrigeration, from points in Michigan on or east of a line beginning at Saginaw Bay and extending along Michigan Highway 247 to junction Michigan Highway 13, thence along Michigan Highway 13 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Michigan State line to points in Colorado; (2) *Frozen foods*, in vehicles equipped with mechanical refrigeration, from points in that portion of the Lower Peninsula of Michigan on or south of Michigan Highway 72 to points in Utah. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC 110817 (Sub-No. E44), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials*, and *supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines (including the stringing and picking up thereof); (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities to or from holes or wells; (3) *Machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmisson of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; and (4) *Machinery, equipment, materials, and supplies* used in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up of pipe, between points in Arkansas, on the one hand, and, on the other, points in New Mexico. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at or destined to pipeline rights-of-way. The purpose of this filing is to eliminate the gateway of any point in Texas.

No. MC 110817 (Sub-No. E45), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines (including the stringing and picking up thereof); (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities to or from holes or wells; (3) *Machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; and (4) *Machinery, equipment, materials, and supplies* used in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up of pipe, between points in Louisiana, on the one hand, and, on the other, points in New Mexico. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at or destined to pipeline rights-of-way. The purpose of this filing is to eliminate the gateway of any point in Texas.

No. MC 110817 (Sub-No. E46), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; and (4) *Machinery, equipment, materials, and supplies* used in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up of pipe, between points in Arkansas, on the one hand, and, on the other, points in Arizona. Restriction:

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The operations authorized herein are restricted to the transportation of traffic originating at or destined to pipeline rights-of-way. The purpose of this filing is to eliminate the gateway of any point in Texas.

No. MC 110817 (Sub-No. E55), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, except the picking up or stringing of pipe in connection with main or trunk pipe lines; (2) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells;

(3) *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in that part of Kansas on and south of a line beginning at the Kansas-Colorado State line, thence along U.S. Highway 50 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction Kansas Highway 19, thence along Kansas Highway 19 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction Kansas Highway 47, thence along Kansas Highway 47 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at the Illinois-Missouri State line, thence along Illinois Highway 156 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Illinois Highway 127, thence along Illinois Highway 127 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 15, thence along Illinois Highway 15 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of any points in Oklahoma.

No. MC 110817 (Sub-No. E57), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, except the picking up or stringing of pipe in connection with main or trunk pipe lines; (2) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells; (3) *machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in that part of Missouri on, south and east of a line beginning at the State line, thence along U.S. Highway 59 to junction Missouri Highway 116, thence along Missouri Highway 116 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Missouri-Iowa State line, on the one hand, and, on the other, points in that part of Colorado on and south of a line beginning at the Utah-Colorado State line, thence along U.S. Highway 50 to the Colorado-Kansas State line. The purpose of this filing is to eliminate the gateway of any points in Oklahoma.

No. MC 110817 (Sub-No. E58), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, except the picking up or stringing of pipe in connection with main or trunk pipe lines; (2) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells; (3) *machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in that part of Missouri on and south of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 54 to junction Missouri Highway 5, thence along Missouri Highway 5 to junction Missouri Highway 7, thence along Missouri Highway 7 to junction U.S. Highway 66, thence along U.S. Highway 66 to the Missouri-Illinois State line, on the one hand, and, on the other, points in that part of Colorado on and south of a line beginning at the Colorado-Wyoming State line, thence along U.S. Highway 87 to junction Colorado Highway 52, thence along Colorado Highway 52 to junction Colorado Highway 6, thence along Colorado Highway 6 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Colorado-Nebraska State line. The purpose of this filing is to eliminate the gateway of any point in Oklahoma.

No. MC 110817 (Sub-No. E64), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up pipe, restricted to the transportation of traffic originating at or destined to pipeline rights-of-way, between points in Louisiana on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of any point in Texas.

No. MC 110817 (Sub-No. E66), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; (2) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells; (3) *machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in that part of Missouri on, south and east of a line beginning at the Missouri-Illinois State line, thence along U.S. Highway 60 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 17, thence along Missouri Highway 17 to the Missouri-Arkansas State line, on the one hand, and, on the other, points in that part of Kansas on, west and south of a line beginning at the Kansas-Nebraska State line, thence along Kansas Highway 99 to junction Kansas Highway 16, thence along Kansas Highway 16 to junction Kansas Highway 116, thence along Kansas Highway 116 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateway of any point in Oklahoma.

No. MC 110817 (Sub-No. E67), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; (2) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells; (3) *machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water or sewage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in that part of Missouri on and east of a line beginning at the Iowa-Missouri State line, thence along Missouri Highway 15 to junction Missouri Highway 22, thence along Missouri Highway 22 to junction Missouri Highway 19, thence along Missouri Highway 19 to the Missouri-Arkansas State line, on the one hand, and, on the other, points in that part of Kansas on and south of a line beginning at the Kansas-Colorado State line, thence along U.S. Highway 160 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateway of any point in Oklahoma.

No. MC 110817 (Sub-No. E67), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; (2) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells; (3) *machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in that part of Missouri on, east and south of a line beginning at the Iowa-Missouri State line, thence along U.S. Highway 69, to junction Missouri Highway 13, thence along Missouri Highway 13 to junction Missouri Highway 2, thence along Missouri Highway 2 to the Missouri-Kansas State line, on the one hand, and, on the other, points in that part of Kansas on, south and west of a line beginning at the Kansas-Colorado State line, thence along U.S. Highway 160 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of any point in Oklahoma.

No. MC 110817 (Sub-No. E68), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; (2) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells; (3) *machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in that part of Missouri on, south and east of a line beginning at the Missouri-Illinois State line, thence along U.S. Highway 60 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 17, thence along Missouri Highway 17 to the Missouri-Arkansas State line, on the one hand, and, on the other, points in that part of Kansas on, west and south of a line beginning at the Kansas-Nebraska State line, thence along Kansas Highway 99 to junction Kansas Highway 16, thence along Kansas Highway 16 to junction Kansas Highway 116, thence along Kansas Highway 116 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateway of any point in Oklahoma.

No. MC 110817 (Sub-No. E70), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up of pipe, restricted to the transportation of traffic originating at or destined to pipeline rights-of-way, between points in that part of Kansas on and west of a line beginning at the Kansas-Nebraska State line, thence along U.S. Highway 75 to junction Kansas Highway 47, thence along Kansas Highway 47 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in Arkansas. The

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purpose of this filing is to eliminate the gateway of any point in Oklahoma or Texas.

No. MC 110817 (Sub-No. E71), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up of pipe, restricted to the transportation of traffic originating at or destined to pipeline rights-of-way, between points in Arkansas, on the one hand, and, on the other, points in Nevada. The purpose of this filing is to eliminate the gateway of any point in Texas or Oklahoma.

No. MC 110817 (Sub-No. E72), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up of pipe, restricted to the transportation of traffic originating at or destined pipeline rights-of-way, between points in Arkansas, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateway of any point in Texas or Oklahoma.

No. MC 110817 (Sub-No. E73), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up of pipe, restricted to the transportation of traffic originating at or destined to pipeline rights-of-way, between points in Arkansas, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateway of any point in Texas or Oklahoma.

No. MC 110817 (Sub-No. E74), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up of pipe, restricted to the transportation of traffic originating at or destined to pipeline rights-of-way, between points in Arkansas, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of any point in Texas or Oklahoma.

No. MC 110817 (Sub-No. E75), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up of pipe, restricted to the transportation of traffic originating at or destined to pipeline rights-of-way, between points in Arkansas, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateway of any points in Texas or Oklahoma.

No. MC 110817 (Sub-No. E96), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up of pipe, restricted to the transportation of traffic originating at or destined to pipeline rights-of-way, between points in Louisiana, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of any point in Texas or Oklahoma.

No. MC 110817 (Sub-No. E77), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up of pipe, restricted to the transportation of traffic originating at or destined to pipeline rights-of-way, between points in Louisiana, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateway of any point in Texas or Oklahoma.

No. MC 110817 (Sub-No. E81), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up of pipe, restricted to the transportation of traffic originating at or destined to pipeline rights-of-way, between points in Louisiana, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateway of any point in Texas or Oklahoma.

No. MC 110817 (Sub-No. E78), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up of pipe, restricted to the transportation of traffic originating at or destined to pipeline rights-of-way, between points in Louisiana, on the one hand, and, on the other points in Colorado. The purpose of this filing is to eliminate the gateway of any point in Texas or Oklahoma.

No. MC 110817 (Sub-No. E79), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up of pipe, restricted to the transportation of traffic originating at or destined to pipeline rights-of-way, between points in Louisiana, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateway of any point in Texas or Oklahoma.

No. MC 110817 (Sub-No. E80), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up of pipe, restricted to the transportation of traffic originating at or destined to pipeline rights-of-way, between points in Louisiana, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateway of any point in Texas or Oklahoma.

No. MC 110817 (Sub-No. E81), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up of pipe, restricted to the transportation of traffic originating at or destined to pipeline rights-of-way, between points in Louisiana, on the one hand, and, on the other, points in Nevada. The purpose of this filing is to eliminate the gateway of any point in Texas or Oklahoma.

No. MC 110817 (Sub-No. E82), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up of pipe, restricted to the transportation of traffic originating at or destined to pipeline rights-of-way, between points in Oklahoma, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of any point in Texas.

No. MC 110817 (Sub-No. E84), filed May 19, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up of pipe, restricted to the transportation of traffic originating at or destined to pipeline rights-of-way, between points in New Mexico, (except points in Valencia, McKinley, San Juan, Rio Arriba, Taos, Colfax, and Union Counties), on the one hand, and, on the other, points in that part of Montana on and east of a line beginning at the International Boundary line between the United States and Canada, thence along Montana Highway 232 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Montana Highway 230, thence along to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Montana-Wyoming State line. The purpose of this filing is to eliminate the gateway of any point in Texas or Oklahoma.

No. MC 110817 (Sub-No. E85), filed May 19, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Texas 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up of pipe, restricted to the transportation of traffic originating at or destined to pipeline rights-of-way, between points in Colfax and Union Counties, N. Mex., on the one hand, and, on the other, points in that part of Montana on and east of a line beginning at the International Boundary line between the United States and Canada, thence along Montana Highway 91 to the U.S. Highway 89, thence along U.S. Highway 89 to the Montana-Wyoming State line. The purpose of this filing is to eliminate the gateway of any point in Texas or Oklahoma.

No. MC 110817 (Sub-No. E86), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, except the picking up or stringing of pipe in connection with main or trunk pipe lines; (2) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells; (3) *machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in Mississippi, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of any point in Texas.

No. MC 110817 (Sub-No. E87), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, tranporting: (1) *Machinery, materials, supplies*, and *equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, except the picking up or stringing of pipe in connection with main or trunk pipelines; (2) *Earth drilling machinery and equipment*, and *machinery, equipment*, materials, supplies, and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities to or from holes or wells; and (3) *Machinery, equipment, materials*, and *supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of-way, between points in that part of Missouri on and south of a line beginning at the Kansas-Missouri State line, thence along Missouri Highway 150 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Missouri Highway 13, thence along Missouri Highway 13 to junction U.S. Highway 24.

Thence along U.S. Highway 24 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Missouri Highway 41, thence along Missouri Highway 41 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Missouri Highway 5, thence along Missouri Highway 5 to junction Missouri Highway 124, thence along Missouri Highway 124 to junction Missouri Highway 22, thence along Missouri Highway 22 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Missouri-Illinois State line, on the one hand, and, on the other, points in that part of Montana on and west of a line beginning at the United States-Canada International Boundary line, thence along U.S. Highway 91 to junction U.S. Highway 89, thence along U.S. Highway 89 to Montana Highway 200, thence along Montana Highway 200 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Montana-Wyoming State line. The purpose of this filing is to eliminate the gateway of any point in Texas.

No. MC 110988 (Sub-No. E5), (Correction), filed October 13, 1974, published in the FEDERAL REGISTER November 25, 1974. Applicant: SCHNEIDER TANK LINES, INC., 200 W. Cecil St., Neenah, Wis. 54956. Applicant's representative: Neil A. Du Jardin (same as above). Authority

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sought to operate as a *common carrier*, in that part of Texas bounded by a line

a *common carrier*, by motor vehicle over

to eliminate the gateway of the pipeline

No. MC 112617 (Sub-No. E115), filed

modities requiring special equipment):

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corn products*, in bulk, in tank vehicles (except corn oil in bulk), from Dayton, Ohio, to points in Minnesota (the storage facilities of The Hubinger Co., at Elk Grove Village, Ill.)*; (7) *Chromium sulphate*, in bulk, in tank vehicles, from South Beloit, Ill., to points in Colorado, points in that part of Kentucky on and east of U.S. Highway 45, points in that part of Indiana on and south of a line beginning at the Illinois-Indiana State line, thence along U.S. Highway 40 to junction Indiana Highway 67, thence along Indiana Highway 67 to the Indiana-Ohio State line, points in that part of Ohio on, south, and east of a line beginning at the Indiana-Ohio State line, thence along Ohio Highway 29 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Ohio-Michigan State line, and points in that part of Minnesota on, west, and north of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 59 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to the Minnesota-Wisconsin State line (Milwaukee, Wis. *. Restriction: The operations authorized above are restricted to the transportation of traffic originating at the plant site and warehouse facilities of the Cargill Co., Inc., at Dayton, Ohio. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to correct the territorial description in (7) above, and to include all the numbers in the restriction. The remainder of this letter-notice remains as previously published.

No. MC 111170 (Sub-No. E1), filed May 13, 1974. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, El Dorado, Ark. 71730. Applicant's representative: Tom E. Moore (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products*, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles, from points in that part of Texas bounded by a line beginning at the Texas-Louisiana State line and extending along U.S. Highway 84 to Rush, Tex., thence along U.S. Highway 79 to Tyler, Tex., thence along U.S. Highway 271 to Mount Pleasant, Tex., thence along U.S. Highway 67 to the Texas-Arkansas State line and thence along the Texas-Louisiana State line to point of beginning to points in that part of Mississippi located on and north of U.S. Highway 80; (2) *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, except liquefied petroleum gas, natural gasoline, and those petroleum products which are also described as acids or chemicals in Appendix XV to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (a) from points in that part of Texas bounded by a line beginning at the Texas-Louisiana State line and extending along U.S. Highway 84 to Rush, Tex.

Thence along U.S. Highway 79 to Tyler, Tex., thence along U.S. Highway 271 to Mount Pleasant, Tex., thence along U.S. Highway 67 to the Texas-Arkansas State line and thence along the Texas-Arkansas State line and the Texas-Louisiana State line to point of beginning to points in that part of Missouri bounded on the west by U.S. Highway 65 and on the east by Missouri Highway 5 (except points within 200 miles of Conway, Ark.), and points in Illinois; (b) from points in Warren County, Miss., and points in that part of Louisiana located on and north of U.S. Highway 84 to points in Missouri (except points east of Missouri Highway 5 and within 200 miles of Conway, Ark.), and to points in Illinois. The purpose of this filing is to eliminate the gateway of points in Union County, Ark.). (3) *Petrochemicals*, in bulk, in tank vehicles, from points in that part of Texas bounded by a line beginning at the Texas-Louisiana State line and extending along U.S. Highway 84 to Rush, Tex., thence along U.S. Highway 79 to Tyler, Tex., thence along U.S. Highway 271 to Mount Pleasant, Tex., thence along U.S. Highway 67 to the Texas-Arkansas State line and thence along the Texas-Arkansas State line and the Texas-Louisiana State line to point of beginning to points in Georgia, South Carolina, and North Carolina. The purpose of this filing is to eliminate the gateway of Crossett, Ark.). (4) *Petro-chemicals*, in bulk, in tank vehicles, from points in Warren and Washington Counties. Miss., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Malvern, Ark.). (5) *Petro-chemicals*, in bulk, in tank vehicles, from points in that part of Texas beginning at the Texas-Louisiana State line and extending along U.S. Highway 84 to Rush, Tex., thence along U.S. Highway 79 to Tyler, Tex., thence along U.S. Highway 271 to Mount Pleasant, Tex., thence along U.S. Highway 67 to the Texas-Arkansas State line and thence along the Texas-Arkansas State line and the Texas-Louisiana State line to point of beginning to points in Tennessee, restricted against the transportation of fertilizer and fertilizer ingredients. The purpose of this filing is to eliminate the gateway of Chicot County, Ark.

No. MC 112617 (Sub-No. E46), filed May 11, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the terminal of Warren Petroleum Company at or near Crossville, Ill., to points in that part of Kentucky on and east of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of the pipeline terminal of the Texas Eastern Transmission Corp., at or near Princeton, Gibson County, Ind.

No. MC 112617 (Sub-No. E67), filed May 11, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Whiskey*, in bulk, in tank vehicles, from points in that part of Maryland on and east of a line begining at Baltimore, Md., extending along Interstate Highway 83 to the Pennsylvania-Maryland State line, and points in that part of Pnensylvania on, east, and south of a line beginning at the Maryland-Pennsylvania State line extending along Interstate Highway 83 to junction Interstate Highway 81, thence along Interstate Highway 81 to Scranton, Pennsylvania, thence along Interstate Pennsylvania Highway 590 to the New York-Pennsylvania State line, to points in Illinois, Indiana, Tullahoma, Okla., and points in that part of Ohio on and south of a line beginning at the Ohio-Pennsylvania State line extending along Interstate Highway 70 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of any point in Kentucky.

No. MC 112617 (Sub-No. E94), filed May 11, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from Ficklin, Ill., to points in Alabama, Georgia, Florida, Mississippi, North Carolina, South Carolina, and Tennessee. The purpose of this filing is to eliminate the gateway of Doe Run, Ky., or Calvert City, Ky., or West Henderson, Ky.

No. MC 112617 (Sub-No. E104), filed May 11, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bituminous materials*, used in the construction, improvement, and maintenance of highways, over irregular routes, from points in Jefferson County, Ky., and points in that part of Kentucky on, north, and west of a line beginning at the Indiana-Kentucky State line extending along Interstate Highway 64 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky-Ohio State line, to points in Tennessee. The purpose of this filing is to eliminate the gateway of Bowling Green, Ky.

No. MC 112617 (Sub-No. E110), filed May 11, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as

a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Charleston, Tenn., to points in Missouri and Wisconsin. The purpose of this filing is to eliminate the gateway of Doe Run or Calvert City, Ky.

No. MC 112617 (Sub-No. E111), filed May 11, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, as described in Appendix XV to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Seymour, Ind., and Freeman Field (near Seymour), Ind., to points in Arkansas, Florida, and Louisiana. The purpose of this filing is to eliminate the gateway of Doe Run, Ky.

No. MC 112617 (Sub-No. E112), filed May 11, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum asphalt*, in bulk, in tank vehicles, from points in Davidson County, Tenn., to points in that part of Indiana on and east of a line beginning at the Indiana-Kentucky State line extending along Interstate Highway 65 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of the site of the Kentucky Asphalt Terminal, located at or near Louisville, Ky.

No. MC 112617 (Sub-No. E113), filed May 11, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles (except those which are petroleum products and are listed in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209), in bulk, in tank vehicles, from Huntington, W. Va., to points in those parts of Alabama and Tennessee, on and west of a line beginning at the Alabama-Florida State line extending along Interstate Highway 65 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Doe Run, Ky.

No. MC 112617 (Sub-No. E114), filed May 11, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Robertson County, Tenn., to points in Maryland. The purpose of this filing is to eliminate the gateway of Doe Run, Ky.

No. MC 112617 (Sub-No. E115), filed May 11, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except petroleum products described in Appendices XIV and XV to the report in Descriptions case, *supra*), in bulk, in tank vehicles, from Seymour, Ind., and Freeman Field (near Seymour), Ind., to points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line extending along Interstate Highway 81 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of the refineries at or near Leach, Ky.

No. MC 112617 (Sub-No. E116), filed May 11, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Whiskey*, in bulk, in tank vehicles, from points in that part of Illinois on and south of a line beginning at the Iowa-Illinois State line extending along Interstate Highway 74 to the Illinois-Indiana State line, and points in that part of Indiana on and south of a line beginning at the Illinois-Indiana State line extending along Interstate Highway 74 to the Indiana-Ohio State line, to Providence, R.I., and Stamford, Conn. The purpose of this filing is to eliminate the gateway of Bardstown, Ky.

No. MC 112617 (Sub-No. E117), filed May 11, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Whiskey*, in bulk, in tank vehicles, from Cincinnati, Ohio, and Lawrenceburg, Ind., to points in that part of Illinois on and south of a line beginning at the Iowa-Illinois State line extending along Interstate Highway 74 to the Illinois-Indiana State line, and points in Massachusetts. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC 114019 (Sub-No. E142), (Correction), filed May 9, 1974, published in the FEDERAL REGISTER June 14, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, livestock, commodities in bulk, and commodities requiring special equipment); (1) from Jeffersonville, Ind., to Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Windsor Beach, and extending to Rochester, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Dansville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, and thence along New York Highway 17 to the New York-Pennsylvania State line and points in Pennsylvania and West Virginia; (2) from Jeffersonville, Ind., to points in the Upper Peninsula of Michigan, Minnesota, North Dakota, South Dakota, Wyoming, and points in Iowa on and north of Iowa Highway 2 from the Illinois-Iowa State line to junction U.S. Highway 59, and on and west of U.S. Highway 59 from its junction with Iowa Highway 2 to the Nebraska-Kansas State line, points in Nebraska, on and north of U.S. Highway 136 from the Missouri-Nebraska State line to junction U.S. Highway 183, and on and west of U.S. Highway 183 from said junction to the Nebraska-Kansas State line, those in Kansas on and west of U.S. Highway 183 from the Nebraska-Kansas State line to junction Kansas Highway 96 and on and north of Kansas Highway 96 from said junction to the Kansas-Colorado State line, and those in Colorado on, north, and west of Colorado Highway 96 from the Colorado-Kansas State line to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 350, thence along U.S. Highway 350 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-New Mexico State line. The purpose of this filing is to eliminate the gateway of points in Ohio and Utica, Ill. The purpose of this correction is to correct the commodity description.

No. MC 114019 (Sub-No. E364), (Correction), filed May 24, 1974, published in the FEDERAL REGISTER March 3, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Drugs, medicine, toilet preparations, surgical dressings, swabs, and absorbent cotton*, from Jefferson City, Mo., to points in New York and New Jersey within 40 miles of City Hall, New York, N.Y. The purpose of this filing is to eliminate the the gateway of Perth Amboy, N.J. The purpose of this correction is to clarify the territory description.

No. MC 114019 (Sub-No. E368), (Correction), filed May 16, 1974, published in the FEDERAL REGISTER March 3, 1975. Applicant: MIDWEST EMERY FREIGHT

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SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (other than frozen), *bird and fish foods* (pet foods), *pet supplies, pressed wood pulp*, impregnated (fire starters), and *brass and silver polishes*, liquid, in cans, from Rochester, N.Y., to points in Wisconsin on and west of a line beginning at the Wisconsin-Illinois State line extending along U.S. Highway 80 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to the Wisconsin-Michigan State line (except in bulk, in tank vehicles). The purpose of this filing is to eliminate the gateway of Muscatine, Iowa. The purpose of this correction is to expand the territorial description.

No. MC 114019 (Sub-No. E400), (Correction), filed May 19, 1974, published in the FEDERAL REGISTER February 25, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Des Moines, Iowa, to those points in Pennsylvania north and east of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 22 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line, West Virginia, those points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 20 to junction Ohio Highway 120, and points on and south of U.S. Highway 40 to the West Virginia-Ohio State line, and Columbus, Mansfield, Massillon, Akron, Canton, Wooster, Ashland, Galion, Lima, Findlay, Toledo, Sandusky, Lorain, Elyria, Avon, Cleveland, Marion, and Bryan, Ohio. The purpose of this filing is to eliminate the gateway of Defiance, Ohio. The purpose of this correction is to clarify the territorial description.

No. MC 114019 (Sub-No. E425), (Correction), filed June 5, 1974, published in the FEDERAL REGISTER February 24, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, and liquid commodities in bulk, between those points in Ohio south of U.S. Highway 40, on the one hand, and, on the other, Youngstown, Ohio. The purpose of this filing is to eliminate the gateway of Wheeling, W. Va. The purpose of this correction is to correct the "E" number, previously published as E423.

No. MC 114211 (Sub-No. E816), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe and fittings and accessories* therefor when moving with such pipe, the transportation of which, because of size or weight, requires special equipment, from points in that part of Iowa on and northwest of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 69 to junction U.S. Highway 20, thence along U.S. 20 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Iowa-Nebraska State line, to points in that part of Arkansas on and south of a line beginning at the Tennessee-Arkansas State line extending along Interstate Highway 40 west to the Arkansas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of Omaha, Nebr., and Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E817), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, between that part of Minnesota on, south, and east of a line beginning at the South Dakota-Minnesota State line extending along U.S. Highway 12 to junction Minnesota Highway 29, thence along Minnesota Highway 29 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to junction Minnesota Highway 60/30, thence along Minnesota Highway 60/30 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to the Iowa-Minnesota State line, on the one hand, and, on the other, points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 75 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of Council Bluffs, Iowa, Omaha, Beatrice, and Nebraska City, Nebr.

No. MC 114211 (Sub-No. E818), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural and industrial implements, and parts* therefor when moving in mixed loads with such machinery and equipment (except, in each instance, commodities which because of size or weight require the use of special equipment, and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from Bloomington, Ill., to points in California, Arizona, and to points in that part of Utah on and south of a line beginning at the Nevada-Utah State line extending along U.S. Highway 50 to junction U.S. Highway 163, thence along U.S. Highway 163 to junction Utah Highway 46, thence along Utah Highway 46 to the Utah-Colorado State line, and to points in that part of Nevada on and south of a line beginning at the Oregon-Nevada State line extending along U.S. Highway 95 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Nevada Highway 8A, thence along Nevada Highway 8A to junction U.S. Highway 50, thence along U.S. Highway 50 to the Nevada-Utah State line, restricted to the transportation of shipments originating at the above-named origin. The purpose of this filing is to eliminate the gateway of Claremore, Okla.

No. MC 114211 (Sub-No. E819), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), *equipment* designed for use in conjunction with tractors, *attachments* for the above-described commodities, and *parts* of the commodities described above, in mixed loads with such commodities, from Dubuque, to points in Washington, Oregon, Montana, Nevada, and to points in that part of Idaho on and northwest of a line beginning at the Wyoming-Idaho State line extending along U.S. Highway 89 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction Interstate Highway I–15W, thence along Interstate Highway I–15W to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Idaho-Nevada State line, and to points in that part of Wyoming on and north of a line beginning at the South Dakota-Wyoming State line extending along Wyoming Highway 111 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Wyoming Highway 120, thence along Wyoming Highway 120 to junction U.S. Highways 16, 14, and 20, thence along U.S. Highways 16, 14, and 20 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Wyoming Highway 22, thence along Wyoming Highway 22 to the Wyoming-Idaho State line, and to points in that part of California on and northwest of a line beginning at the Arizona-California State line extending along U.S. Highway 66 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction Interstate Highway 5, thence along Interstate Highway 5 to the United States-Mexico Boundary line. The purpose of this filing is to eliminate the gateways of that part of Fargo, N. Dak., Commercial Zone located in Moorhead, Minn.

No. MC 114211 (Sub-No. E820), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof, between points in that part of Nebraska on and west of a line beginning at the Iowa-Nebraska State line extending along Nebraska Highway 2 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Nebraska-Kansas State line (excluding Nebraska City, Nebr.), thence along the Nebraska-Kansas State line to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Iowa State line, on the one hand, and, on the other, points in Colorado, Kansas, and Oklahoma restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling and restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E821), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof, between points in that part of Wyoming on and west of a line beginning at the Montana-Wyoming State line extending along Wyoming Highway 120 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 85, thence along U.S. Highway 85 to the Colorado-Wyoming State line, on the one hand, and, on the other, points in that part of North Dakota on and east of a line beginning at the Minnesota-North Dakota State line extending along Interstate Highway 94 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction North Dakota Highway 200, thence along North Dakota Highway 200 to junction Interstate Highway 29, thence along Interstate Highway 29 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Minnesota-North Dakota State line, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling and restricted against the transportation of commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateways of points in South Dakota and Nassua, Minn.

No. MC 114211 (Sub-No. E822), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe making machinery* and, when moving with concrete pipe making machinery with which it is to be used, *parts of such machinery and auxiliary equipment to be used therewith*, and commodities, the transportation of which, because of size or weight, requires special equipment, from points in that part of Nebraska on and north of a line beginning at the Iowa-Nebraska State line and extending along U.S. Highway 20 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 83, thence along U.S. Highway 83 to the South Dakota-Nebraska State line, to points in Mississippi, Alabama, Georgia, and Florida. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E823), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe making machinery* and, when moving with concrete pipe making machinery with which it is to be used, *parts of such machinery and auxiliary equipment to be used therewith*, and commodities the transportation of which, because of size or weight, require the use of special equipment, from points in Nebraska, to points in that part of Florida on and east of a line beginning at the Florida-Georgia State line extending along Florida Highway 145 to junction Florida Highway 14, thence along Florida Highway 14 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction U.S. Highway 27, thence along U.S. Highway 361, thence along U.S. Highway 361 to the Gulf of Mexico and to points in that part of Georgia on and east of a line beginning at the South Carolina-Georgia State line extending along Georgia Highway 72 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Florida-Georgia State line. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E824), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe making machinery* and, when moving with concrete pipe making machinery with which it is to be used, *parts of such machinery and auxiliary equipment to be used therewith*, and commodities, the transportation of which, because of size or weight, requires special equipment, from points in that part of Nebraska on and west of a line beginning at the South Dakota-Nebraska State line extending along U.S. Highway 83 to the Kansas-Nebraska State line, to points in Georgia, Florida, and to points in that part of Alabama on and east of a line beginning at the Tennessee-Alabama State line extending along Alabama Highway 17 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction U.S. Highway 78, thence along U.S. Highway 78 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Alabama Highway 21, thence along Alabama Highway 21 to the Alabama-Florida State line. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E825), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, between points in Wyoming, on the one hand, and, on the other, points in that part of Missouri on and west of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 63 to junction Business Route U.S. Highway 63, thence along Business Route U.S. Highway 63 through Moberly, Mo., to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Business Route U.S. Highway 63, thence along Business Route U.S. Highway 63 through Columbia, Mo., to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 137, thence along Missouri Highway 137 to junction Texas County Highway T, thence along Texas County Highway T to junction U.S. Highway 63, thence

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along U.S. Highway 63 to junction Business Route U.S. Highway 63, thence along Business Route U.S. Highway 63 through West Plains, Mo., to junction U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Arkansas State line, thence along the Missouri-Arkansas State line to junction Missouri-Oklahoma State line, thence along the Missouri-Oklahoma State line to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Missouri Highway 97, thence along Missouri Highway 97 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Iowa State line restricted against the transportation of commodities, the transportation of which, because of size or weight, requires the use of special equipment or special handling and restricted against the transportation of those commodities described in Mercer Extension-Oil Field Commodities, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateways of points in South Dakota, Nassau, Minn., and Des Moines, Iowa.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-9424 Filed 4-9-75;8:45 am]

[Notice No. 28]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

APRIL 4, 1975.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by special rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission wtihin 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d) (4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and on or before June 9, 1975, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after April 10, 1975, except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 200 (Sub-No. 271), filed March 3, 1975. Applicant: RISS INTERANTIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64142. Applicant's representative: Ivan E. Moody, 12th Floor, Temple Building, 903 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of MBPXL Corp., located at or near Plainview and Friona, Tex., to the MBPXL facilities at Wichita, Kans., and Chicago, Ill., restricted to traffic originating at the above-named origin and destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo., or Amarillo, Tex.

No. MC 2366 (Sub-No. 4), filed March 5, 1975. Applicant: WILLIAM CORBITT, INC., 129 Davidson Avenue, Somerset, N.J. 08873. Applicant's representative: S. J. Crane (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products*, from Philadelphia and York, Pa., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Harrisburg, Pa., Washington, D.C., or Newark, N.J.

No. MC 2754 (Sub-No. 27), filed March 14, 1975. Applicant: NEUENDORF TRANSPORTATION CO., 121 South Stoughton Rd., Madison, Wis. 53714. Applicant's representative: Joseph E. Ludden, 309 State Bank Bldg., La Crosse, Wis. 54601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Sweetening compounds* (except no transportation of these commodities in bulk in tank vehicles), serving the plant site and warehouse facilities of Abbott Laboratories at or near North Chicago, Ill., as an off-route point in conjunction with applicant's presently authorized authority, restricted to traffic originating at Vesper, Wis., and destined to the plant site and warehouse facilities of Abbott Laboratories at or near Chicago, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Madison or Milwaukee, Wis., or Chicago, Ill.

No. MC 2900 (Sub-No. 273), filed March 14, 1975. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, Fla. 32203. Applicant's representative: S. E. Somers, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving De Ridder, La., as an off-route point in connection with applicant's presently authorized regular routes.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Shreveport, or New Orleans, La., or Washington, D.C.

No. MC 10761 (Sub-No. 274), filed March 19, 1975. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 5650 Foremost Drive SE., Grand Rapids, Mich. 49506. Applicant's representative: L. R. Knapp (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Elevators, conveyors and parts* including *supplies and materials* required for installation of

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

conveyor system, serving the plantsite of E. I. Du Pont de Nemours and Company located at or near Seaford, Del., as an off-route point in connection with carrier's regular-route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 17002 (Sub-No. 50), filed March 12, 1975. Applicant: CASE DRIVEWAY, INC., 100 22nd Street, Huntington, W. Va. 25714. Applicant's representative: John M. Friedman, 2930 Putnam Ave., Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, between points in Kentucky, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Missouri, Ohio, Tennessee, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Charleston, W. Va., or Columbus, Ohio.

No. MC 26739 (Sub-No. 84), filed March 18, 1975. Applicant: CROUCH FREIGHT SYSTEMS, INC., P.O. Box 1059, St. Joseph, Mo. 64502. Applicant's representative: Roland Rice, 1111 E Street NW., Suite 618, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site and warehouse facilities of Tennant Company at or near Maple Grove, Minn. as an off-route point in connection with carrier's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 29990 (Sub-No. 11), filed March 3, 1975. Applicant: BADGER LINES, INC., 3109 West Lisbon Ave., Milwaukee, Wis. 53208. Applicant's representative: Richard D. Alexander, 710 North Plankinton Ave., Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, (a) from Milwaukee, Wis., to St. Charles, Mo., and (b) from Peoria, Ill., to Milwaukee, Wis.; and (2) *Empty glass malt beverage containers* from Milwaukee, Wis., to Peoria, Ill., under a continuing contract or contracts with Miller Brewing Co., and Pabst Brewing Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis.

No. MC 30887 (Sub-No. 218), filed March 13, 1975. Applicant: SHIPLEY TRANSFER, INC., 1550 E. Patapsco Avenue, P.O. Box 3483, Baltimore, Md. 21225. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten polypropylene*, from Longview, Tex., to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas and Louisiana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30844 (Sub-No. 535), filed March 13, 1975. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen foodstuffs* (except in bulk), from Owensboro, Ky., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, the lower peninsula of Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, and Wisconsin, restricted to traffic originating at the plantsite of Ragu Foods, Inc. at Owensboro, Ky. and destined to points in the named states.

NOTE.—Common control may be involved. If a hearing is deemd necessary, applicant requests it be held at Washington, D.C.

No. MC 30844 (Sub-No. 536), filed March 12, 1975. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, and materials, supplies and equipment*, used by the food processing industry, from Lawton and Mattawan, Mich., to points in North Carolina, South Carolina, Georgia, and Florida, restricted to shipments originating at the warehouses and facilities of Welch Foods, Inc., at the above named origins, and destined to the above named states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 51146 (Sub-No. 420), filed March 17, 1975. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by discount and variety stores (except foodstuffs, furniture, and commodities in bulk), and (2) *foodstuffs* (except in bulk) *and furniture*, in mixed loads with the commodities in (1) above, from the facilities of U.S. Packing and Shipping Company, Inc., located at Jersey City, N.J., to points in Colorado, Nebraska, Kansas, Missouri, Illinois, Minnesota, Michigan, Indiana, and Ohio, the above authority is restricted to traffic originating at the facilities of U.S. Packing and Shipping Company at Jersey City, N.J., and destined to the above-named destination points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 52657 (Sub-No. 724), filed March 14, 1975. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th St., Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers, and trailer chassis* (except trailers, semi-trailers and trailer chassis designed to be drawn by passenger automobiles), *trailer converter dollies*, in initial truckaway and driveaway service, from Pike County, Ohio, to points in the United States, including Alaska, but excluding Hawaii; (2) *trailers, semi-trailers and trailer chassis* (except trailers, semi-trailers and trailer chassis designed to be drawn by passenger automobiles), *and trailer converter dollies*, in secondary truckaway and driveaway service, between Pike County, Ohio, on the one hand, and, on the other, points in Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming; (3) *tractors*, in secondary movements, in driveaway service, only when drawing *trailers, semi-trailers and trailer chassis* (except trailers, semi-trailers and trailer chassis designed to be drawn by passenger automobiles), in initial or secondary movements between Pike County, Ohio, on the one hand, and, on the other, points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia; (4) *motor vehicle bodies and containers*, between Pike County, Ohio, on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii; and (5) *materials, supplies, and parts* (except commodities in bulk) used in the manufacture, assembly, or servicing of the commodities described in paragraphs (1), (2), and (4) above, when moving mixed loads with such commodities, between Pike County, Ohio, on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. MC 59856 (Sub-No. 62), filed March 14, 1975. Applicant: SALT CREEK FREIGHTWAYS, a corporation, 3333 West Yellowstone Street, Casper, Wyo. 82601. Applicant's representative: John R. Davidson, Room 805, Midland Bank Building, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, livestock,

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to points in Texas, Louisiana, Mississippi,

NOTE.—Common control and dual opera-

11th St. NW., Washington, D.C. 20001.

household goods as defined by the Commission, and commodities requiring the use of special equipment), Between Billings, Mont., and Miles City, Mont.: From Billings over Interstate Highway 94 and U.S. Highway 10 to Miles City, and return over the same route, serving the intermediate point of Forsyth, Mont.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Billings or Miles City, Mont.

No. MC 60012 (Sub-No. 93), filed March 10, 1975. Applicant: RIO GRANDE MOTOR WAY, INC., 1400 West 52nd Ave., Denver, Colo. 80221. Applicant's representative: John S. Walker, Jr., 1515 Arapahoe Street, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* requiring the use of special equipment (except commodities in bulk), between Alamosa, Colo., on the one hand, and, on the other, the Four Corners Electric Power Generating Plant located near Fruitland, N. Mex., the San Juan Power Station located near Waterflow, N. Mex., the site of the Western Gasification Company (WESCO) Coal Gasification Plant located near Burnham, N. Mex., and the site of the Burnham Coal Gasification Complex at or near Burnham, N. Mex., restricted to the transportation of shipments having an immediately prior or immediately subsequent movement by rail.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Farmington, Santa Fe or Albuquerque, N. Mex.

No. MC 61016 (Sub-No. 40), filed March 3, 1975. Applicant: PETER PAN BUS LINES, INC., 1776 Main Street, Springfield, Mass. 01103. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special round-trip operations during the racing season at Green Mountain Race Track, at Pownal, Vt., beginning and ending at Lee, Lenox, Pittsfield, Lanesborough, New Ashford and Williamstown, Mass., and extending to Green Mountain Race Track, Pownal, Vt.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsfield or Springfield, Mass.

No. MC 61592 (Sub-No. 344), filed March 3, 1975. Applicant: JENKINS TRUCKLINE, INC., P.O. Box 697, R.R. 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood products* (except commodities in bulk), from Bradford, Pa., to Memphis, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 61592 (Sub-No. 345), filed February 14, 1975. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Castings, forgings, engines, tractor and engine parts, and agricultural implement parts*, between points in Louisville, Ky., and Rock Island, and East Moline, Ill., restricted to traffic originating at and destined to the plant sites and warehouse facilities used by International Harvester Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 76036 (Sub-No. 6), filed March 7, 1975. Applicant: CANADIAN FREIGHTWAYS EASTERN LIMITED, 401 Woodward Avenue, Box 151, Station C, Hamilton, Ontario, Canada L8H-7K7. Applicant's representative: Eugene T. Liipfert, Suite 1100, 1660 L Street NW., Washington D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle: (1) over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), Between the port of entry on the International Boundary line between the United States and Canada located at Port Huron, Mich., and the port of entry on the International Boundary line between the United States and Canada located at Detroit, Mich.: From the port of entry on the International Boundary line between the United States and Canada located at Port Huron, Mich., over Port Huron city streets to junction Interstate Highway 94, thence over Interstate Highway 94 to Detroit, Mich., thence over Detroit city streets to the port of entry on the International Boundary line between the United States and Canada located at Detroit, Mich., and return over the same route, serving Port Huron and Detroit, Mich. as intermediate points; and (2) over irregular routes, transporting *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment): (a) between points in the Detroit, Mich. Commercial Zone; and (b) between points in the Port Huron, Mich. Commercial Zone, restricted in (1) and (2) above to the transportation of traffic originating at or destined to points in Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich., or Buffalo, N.Y.

No. MC 79065 (Sub-No. 3), filed March 17, 1975. Applicant: R. PAUL McKEEN, R.D. No. 4, Wheeling, W. Va. 26003. Applicant's representative: D. L. Bennett, 129 Edgington Lane, Wheeling, W. Va. 26003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in truck loads, from Moundsville and Triadelphia, W. Va., to Sciota Village, Delaware County, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Pittsburgh, Pa. or Washington, D.C.

No. MC 82063 (Sub-No. 58), filed March 14, 1975. Applicant: KLIPSCH HAULING CO., 119 East Loughborough, St. Louis, Mo. 63111. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric Acid*, in bulk, in tank vehicles, from Atlas, Mo., to points in Alabama, Illinois, Indiana, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, and New Mexico.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, or St. Louis, Mo.

No. MC 87379 (Sub-No. 15), filed March 3, 1975. Applicant: C. H. HOOKER TRUCKING CO., a corporation, 1475 Roanoke Avenue, Uhrichsville, Ohio 44683. Applicant's representative: James W. Muldoon, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products, and plastic products* (except commodities in bulk), from Junction City, and points in Tuscarawas County, Ohio, to points in Florida, Georgia, North Carolina, South Carolina, and Hawaii.

NOTE.—Applicant holds contract carrier authority in MC 126851 Sub-Nos. 2 and 3, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 93840 (Sub-No. 17), filed March 19, 1975. Applicant: W. W. GLESS, doing business as GLESS BROS., P.O. Box 216, Blue Grass, Iowa 52726. Applicant's representtive: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap iron and scrap steel*, from points in Decatur, Peoria and Rockford, Ill., to Durant, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 95540 (Sub-No. 927), filed March 20, 1975. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive, P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *frozen foods* (except commodities in bulk), from points in Fulton, Cobb, Gwinnett, De Kalb and Clayton Counties, Ga.,

to points in Texas, Louisiana, Mississippi, Alabama, Tennessee, Kentucky, West Virginia, Virginia, North Carolina, South Carolina and Florida.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or Washington, D.C.

No. MC 100666 (Sub-No. 294), filed March 13, 1975. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 3535 NW. 58th, 280 National Foundation Life Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and lumber products:* (a) from points in Arizona, to points in Alabama, Colorado, Mississippi, Oklahoma, Tennessee and Texas; (b) from points in Colorado, to points in Arizona, Missouri and Tennessee; (c) from points in Kansas, Missouri, Oklahoma and Texas, to points in Arizona, Colorado and New Mexico; (d) from points in Arkansas and Tennessee, to points in Colorado; (e) from points in New Mexico, to points in Arizona and Colorado; and (f) between points in Utah and Wyoming, on the one hand, and, on the other, points in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee and Texas; and (2) *composition board*, between points in Arizona, Colorado, New Mexico, Utah and Wyoming, on the one hand, and, on the other, points in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex. or Albuquerque, N. Mex.

No. MC 103051 (Sub-No. 340), filed March 17, 1975. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave. North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Belle Glade, Fla., to points in Alabama, Georgia (except Atlanta, Athens and Savannah, Ga.), South Carolina, North Carolina (except Elkin, Greensboro and Winston-Salem, N.C.), Tennessee and Virginia.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn. or Atlanta, Ga.

No. MC 103051 (Sub-No. 341), filed March 17, 1975. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave. North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Savannah, Ga., to Richmond, Va., Morristown, Tenn. and Washington, Pa.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn. or Atlanta, Ga.

No. MC 103051 (Sub-No. 342), filed March 17, 1975. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave. North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone slurry*, in bulk, in tank vehicles, from Tate, Ga., to points in Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Nashville, Tenn., or Atlanta, Ga.

No. MC 103498 (Sub-No. 43), filed March 17, 1975. Applicant: W. D. SMITH TRUCK LINE, INC., P.O. Drawer C, Dequeen, Ark. 71832. Applicant's representative: Bruce J. Kinnee, 1550 Tower Bldg., Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, and materials used in or related to road and bridge construction* (except machinery and commodities in bulk), from Dallas, Tex., to points in Missouri, Arkansas, Louisiana, Mississippi, Tennessee, Oklahoma, and Alabama.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., or Little Rock, Ark.

No. MC 104589 (Sub-No. 28), filed March 13, 1975. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 374, Eustis, Fla. 32726. Applicant's representative: David C. Venable, Suite 805, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Welding equipment, materials and supplies, and electric motors and parts and accessories* for welding equipment, materials and supplies and electric motors, from the plantsites and storage facilities of the Lincoln Electric Company located in Cleveland, Ohio and its Commercial Zone, to points in the United States on and west of a line beginning at the mouth of the Mississippi River to its junction with the Western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International boundary line between the United States and Canada, and points in Minnesota, Tennessee, Mississippi, Alabama, Georgia and Florida (except Alaska and Hawaii), under a continuing contract or contracts with The Lincoln Electric Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Cleveland, Ohio.

No. MC 104589 (Sub-No. 29), filed March 19, 1975. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 374, Eustis, Fla. 32726. Applicant's representative: David C. Venable, Suite 805, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products*, from Winston-Salem, N.C., to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana (except North Carolina) under a continuing contract with World Citrus, Inc., a subsidiary of Citrus World.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Tampa or Orlando, Fla.

No. MC 106603 (Sub-No. 139), filed March 20, 1975. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain St. SW., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products* (except in bulk), from points in Scott County, Mo., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, New York, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin. Note: Applicant holds contract carrier authority in MC-46240 and subs thereunder, therefore dual operations may be involved.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 106674 (Sub-No. 162), filed March 17, 1975. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Railroad ties, wooden mining materials, and lumber*, treated or untreated, from Sutton, W. Va., to points in Illinois, Indiana, Michigan, and Wisconsin, and (2) *fertilizer*, in bulk, in dump vehicles, from Danville, Ill., to points in Warren, Vermilion and Fountain Counties, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill. or Indianapolis, Ind.

No. MC 107010 (Sub-No. 56), filed March 17, 1975. Applicant: BULK CARRIERS, INC., P.O. Box 423, Auburn, Nebr. 68305. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed rock, rock, sand and gravel*, from points in Richardson and Nemaha Counties, Nebr., to points in Kansas and Missouri.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 107012 (Sub-No. 217), filed March 10, 1975. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Hwy. and Meyer Rd., Fort

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Wayne, Ind. 46801. Applicant's repre-

sought to operate as a *common carrier*,

Inc., at or near New Haven, Greenwich,

Wayne, Ind. 46801. Applicant's representative. Michael L. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household appliances*, from the plantsite and storage facilities of Westinghouse Electric Corp., at or near Atlanta, Ga., to points in North Carolina, South Carolina, Florida, Alabama, Tennessee, and Mississippi; and (2) *household appliances*, (except new kitchen equipment), from the plantsite and storage facilities of Westinghouse Electric Corp., at or near Memphis, Tenn., to points in Mississippi, Louisiana, Arkansas, Missouri, Kansas, Oklahoma, Texas and New Mexico.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or Washington, D.C.

No. MC 107515 (Sub-No. 974), filed March 3, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative. Alan E. Serby, 3379 Peachtree Road, NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, from Ellensburg and Seattle, Wash., to points in Massachusetts, New York, Pennsylvania and the District of Columbia.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or San Francisco, Calif.

No. MC 106207 (Sub-No. 414), filed March 10, 1975. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and storage facilities of MBPXL Corporation located at or near Wichita, Kans., to points in Arkansas, Oklahoma, Texas, Louisiana, Mississippi, Tennessee, Missouri, Illinois, Indiana, Michigan, Wisconsin, Minnesota, Nebraska, Iowa, New Mexico, Arizona and California, restricted to traffic originating at the above-named origin, and destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Wichita, Kans., or Dallas, Tex.

No. MC 106207 (Sub-No. 415), filed March 17, 1975. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except commodities in bulk), from Hudson, Iowa, to points in Arkansas, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Texas and Tennessee, restricted to traffic originating at the plant sites and facilities of and used by Land O' Lakes, Inc., and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn., or Dallas, Tex.

No. MC 108207 (Sub-No. 416), filed March 20, 1975. Applicant: FROZEN FOOD EXPRESS, a corporation, P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resin impregnated broadgoods and rovings, adhesive cements, molding compound, granulated resin, and liquid plastics* (except in bulk), in vehicles equipped with mechanical refrigeration, from points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Texas, and Wisconsin, to points in California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 110098 (Sub-No. 150), filed March 20, 1975. Applicant: ZERO REFRIGERATED LINES, 1400 Ackerman Rd., P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. W. Cothren (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *foodstuffs* (except hides and commodities in bulk), (1) from the plant site and or warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas; and (2) from the destination states in part (1) above to the plantsite and or warehouse facilities utilized by Geo. Hormel & Co., at or near Ottumwa, Iowa, restricted in 1 and 2 above to traffic originating at the above-named states and destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn., or Omaha, Nebr.

No. MC 110563 (Sub-No. 154), filed March 10, 1975. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Ohio Building, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from the plantsites and warehouse facilities utilized by Arnold Bakers, Inc., at or near New Haven, Greenwich, and Stamford, Conn., to points in Ohio, Michigan, and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Hartford, Conn., or New York, N.Y.

No. MC 112304 (Sub-No. 96) [1](Correction), filed February 27, 1975, published in the FEDERAL REGISTER issue of March 27, 1975, and republished as corrected this issue. Applicant: ACE DORAN HAULING & RIGGING CO., a Corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: John D. Herbert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Industrial storage batteries*, (a) from Kankakee, Ill., to points in the United States, including Alaska but excluding Hawaii; (b) from Fort Smith, Ark., to points in the United States, including Alaska but excluding Hawaii; (2) *lead*, from Herculaneum, Mo., to Fort Smith, Ark.; (3) *lead oxide and litharge*, in containers, from St. Paul, Minn., Joplin, Mo., and Dallas, Tex., to Fort Smith, Ark.; and (4) *scrap batteries* for remelting purposes only, (a) from points in Ohio, Kentucky, Pennsylvania, and Tazewell, Va., to Detroit, Mich.; (b) from points in Kentucky, Pennsylvania, and Tazewell, Va., to Cleveland and Lima, Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 112593 (Sub-No. 19), filed March 13, 1975. Applicant: SIDNEY W. JOHNSON, doing business as SOUTHWESTERN FILM SERVICE, 6767 Guadalupe Trail NW., Albuquerque, N. Mex. 87107. Applicant's representative: Thomas J. Burke, Jr., 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Newspapers and magazines*, from Denver, Colo., and El Paso, Tex., to Albuquerque and Gallup, N. Mex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex., or Denver, Colo.

No. MC 112801 (Sub-No. 171), filed March 17, 1975. Applicant: TRANSPORT SERVICE CO., a Corporation, 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corn and corn products*, in bulk, from Danville, Ill., to points in the United States (except Alaska and Hawaii); and (2) *soya and soya products*, in bulk, from Danville, Ill., to points in the United States (except Alaska, Hawaii, Indiana, Michigan, and Ohio).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112822 (Sub-No. 369), filed March 14, 1975. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, (P.O. Box 1191), Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from points in Minnesota and Wisconsin, to points in Arkansas, Missouri, Kansas, Iowa, Oklahoma, Texas, Nebraska, Mississippi, and Louisiana, restricted to traffic originating at the facilities and plantsites used by Land O'Lakes, Inc., and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Kansas City, Mo.

No. MC 112822 (Sub-No. 370), filed March 14, 1975. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street (P.O. Box 1191), Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Hudson, Iowa, to points in Arkansas, Missouri, Kansas, Iowa, Oklahoma, Texas, Nebraska, Mississippi, and Louisiana, restricted to traffic originating at the plantsites and facilities used by Land O'Lakes, Inc., and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Kansas City, Mo., or Chicago, Ill.

No. MC 113165 (Sub-No. 8), filed March 13, 1975. Applicant: PENINSULA TRUCK LINES, INC., 6314 7th Ave. South, Seattle, Wash. 98108. Applicant's representative: Gus Vander Pol (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Clallam, Jefferson, Kitsap, Pierce, Grays Harbor, Mason, and Thurston Counties, Wash., restricted to the transportation of traffic having a prior or subsequent movement beyond said points, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 113410 (Sub-No. 94), filed March 14, 1975. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Avenue, Newport, Minn. 55055. Applicant's representative: Joseph A. Eschenbacher, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cotton piece goods and materials and supplies* used in the manufacture and distribution of abrasive cloth and paper, from Minneapolis-St. Paul, Minn., to the plant site and storage facilities of Minnesota Mining and Manufacturing Company at Alexandria, Minn., restricted to traffic having an immediately prior movement by rail; (2) *abrasive cloth and paper*, from the plant site and storage facilities of Minnesota Mining and Manufacturing Company at Alexandria, Minn., to Minneapolis-St. Paul, Minn., restricted to traffic having an immediately subsequent movement by rail; and (3) *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Minneapolis-St. Paul, Minn., and the plant site and storage facilities of Minnesota Mining and Manufacturing Company at Cottage Grove, Minn., restricted to traffic having an immediately prior or subsequent movement by rail.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 113651 (Sub-No. 182), filed March 12, 1975. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of or utilized by Farmland Foods, located at or near Crete, Nebr., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above origin, and destined to the above named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 113843 (Sub-No. 219), filed March 17, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, foodstuffs, and food products*, from Portland, Maine, and points in Aroostook County, Maine, to points in Georgia, Florida, Alabama, Mississippi, and Louisiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 114211 (Sub-No. 244), filed March 19, 1975. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa, 50704. Applicant's representative Kenneth R. Nelson, 327 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies* (except commodities in bulk), used in the manufacture and distribution of road building machinery, contractor's equipment and supplies, self-propelled vehicles (except passenger vehicles or truck tractors), and *attachments and parts* therefor, between the facilities of Schield Bantam, Division Koehring, at or near Waverly, Iowa, and Parsons, Division of Koehring, at or near Newton, Iowa, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn., or Washington, D.C.

No. MC 114273 (Sub-No. 232), filed March 20, 1975. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Bldg., 2720 First Ave. NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corning glassware products, pyrex, corningware, and correleware*, from Greencastle, Pa., to points in Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114457 (Sub-No. 226), filed March 19, 1975. Applicant: DART TRANSIT COMPANY, a Corporation, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant).

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Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from the plantsite and facilities of Johnson Biscuit Company located at or near Sioux City, Iowa, and points in Union County, S. Dak., to points in the United States in and east of the western boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, restricted to traffic originating at or destined to the named points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis or St. Paul, Minn., or Sioux City, Iowa.

No. MC 114466 (Sub-No. 31), filed March 18, 1975. Applicant: AUTREY F. JAMES, doing business as JAMES TRUCK LINE, 107 Lelia Street, Texarkana, Tex. 75501. Applicant's representative: John H. Wilbur, 112 West Adams Street, 1700 Barnett Bank Building, Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products and jointing materials and attendant equipment, materials, and supplies* (except in bulk in tank vehicles) used in the installation thereof, including *compounds* which are manufactured and distributed by manufacturers of clay products, from the plant site of the W. S. Dickey Clay Manufacturing Company at or near Piney Point, Manatee County, Fla., to points in Alabama, Georgia, Arkansas, Kansas, Kentucky, North Carolina, Louisiana, Mississippi, Missouri, Oklahoma, South Carolina, Texas, Tennessee, Virginia, Nebraska, New Mexico, and Arizona, under a continuing contract or contracts with W. S. Dickey Clay Manufacturing Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Tampa or St. Petersburg, Fla.

No. MC 114569 (Sub-No. 117), filed March 14, 1975. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Stanley C. Geist (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, and related confectionery products and by-products*, from the Port of New York located at or near New York City, N.Y., the Port of Newark located at or near Newark, N.J., and Port Elizabeth located at or near Elizabeth, N.J., to points in Alabama, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Scranton or Harrisburg, Pa.

No. MC 114569 (Sub-No. 118), filed March 17, 1975. Applicant: SHAFFER TRUCKING, INC. P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Stanley C. Geist (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motorcycles, recreational vehicles, and machines, accessories, and parts*, (2) *equipment, materials, and supplies* used in the manufacture, distribution, or sale of the commodities in (1) above, between Lincoln, Nebr., on the one hand, and, on the other, points in California, and points in the United States in and east of Wisconsin, Illinois, Kentucky, Tennessee, and Mississippi, and (3) *bicycles, accessories and parts*, from Long Beach and El Segundo, Calif., to points in the United States in and east of Wisconsin, Illinois, Kentucky, Tennessee, and Mississippi.

NOTE—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Lincoln, Nebr., or Omaha, Nebr.

No. MC 114725 (Sub-No. 72), filed March 3, 1975. Applicant: WYNNE TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid fertilizer solutions and liquid feeds*, in bulk, in tank vehicles, from the plantsite and facilities of NaChurs Plant Food Co., located at or near Red Oak, Iowa, to points in Wisconsin, Illinois, Missouri, Minnesota, Kansas, Nebraska, South Dakota, North Dakota, Colorado, Wyoming, and Montana; and (2) *ingredients* utilized in the manufacture and production of the commodities specified in (1) above, in bulk, from points in Wisconsin, Illinois, Missouri, Minnesota, Kansas, Nebraska, South Dakota, North Dakota, Colorado, Wyoming, and Montana, to the plantsite and facilities of NaChurs Plant Food Co., located at or near Red Oak, Iowa, restricted in (1) and (2) above to traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 114890 (Sub-No. 71), filed March 10, 1975. Applicant: C. E. REYNOLDS TRANSPORT, INC., P.O. Box A, Joplin, Mo. 64801. Applicant's representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and liquid fertilizer materials*, in bulk, in tank vehicles, from the plantsite of Agrico Chemical Company located at or near Verdigris, Okla., to points in Arkansas, Kansas, Louisiana, Missouri, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Tulsa or Oklahoma City, Okla.

No. MC 114969 (Sub-No. 51), filed March 26, 1975. Applicant: PROPANE TRANSPORT, INC., P.O. Box 232, 1734 State Route 131, Milford, Ohio 45150. Applicant's representative: James R. Stiverson, 1396 West Firth Ave., Columbus, Ohio 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid corn silage additive and feed supplement*, in bulk, in tank vehicles, from Arcade, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia; and (2) *returned or rejected shipments* of the same commodity on return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Buffalo, N.Y., or Washington, D.C.

No. MC 115003 (Sub-No. 6), filed March 19, 1975. Applicant: RED RIVER TRUCKING COMPANY, a corporation, P.O. Drawer 299, Commerce, Tex. 75248. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, crushed stone, aggregate, flexible base, rock, riprap, limestone and agricultural lime*, from points in Atoka and Bryan Counties, Okla., on the one hand, and, on the other, points in Delta, Fannin, Lamar, Red River, Bowie, Franklin, Rockwall, Wood Upshur, Van Zandt, Smith, Gregg, Camp Cass, Harrison, Marion, Morris, Panola, titus, Kaufman, Rains, Hopkins, and Hunt Counties, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 115331 (Sub-No. 389), filed March 19, 1975. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead and lead alloys* (except commodities which because of size or weight require use of special transportation equipment), from Glover, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115603 (Sub-No. 12), filed March 14, 1975. Applicant: TURNER BROS. TRUCKING COMPANY, INC., P.O. Box 94626, Oklahoma City, Okla. 73109. Applicant's representative: J. Michael Alexander, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, aluminum articles, iron and steel tanks, aluminum tanks, and parts, attachments and accessories* for iron and steel tanks and aluminum tanks, between points in Liberty County, Tex., on the one hand, and, on the other, points in Louisiana, Arkansas, Oklahoma, New Mexico, Kansas, Missouri, and Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala., or Washington, D.C.

No. MC 116014 (Sub-No. 72), filed March 10, 1975. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture stock*, wooden in the white, *lumber, finished and unfinished wood products, wood chips*, spent, ground, not ground or loose, from Scottsville, Louisville and Monticello, Ky., to points in Nebraska, Colorado, Oklahoma, Texas, and points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky.

No. MC 116254 (Sub-No. 149), filed March 17, 1975. Applicant: CHEM-HAULERS, INC., P.O. Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Forrest City, Ark. to points in Alabama, Florida, Georgia, Illinois, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala., and Memphis or Nashville, Tenn.

No. MC 116763 (Sub-No. 305), filed March 11, 1975. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed matter, publications, and exempted printed matter* as described by section 203(b)(7) of the Interstate Commerce Commission Act, when transported by the same time and in the same vehicle with printed matter and publications; and (2) *materials and supplies* used in the maintenance and operation of printing plants, between the plantsites and facilities of R. R. Donnelley & Sons Company and/or its subsidiaries at or near Glasgow, Ky., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 116763 (Sub-No. 306), filed March 11, 1975. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are produced, used, or distributed by manufacturers and converters of paper and paper products (except in bulk, in tank vehicles), from the facilities of Georgia-Pacific Corporation at or near Muncie, Ind., and Norwood and Cincinnati, Ohio to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas; and (2) *materials, equipment and supplies* (except in bulk, in tank vehicles), used by manufacturers and converters of paper and paper products from points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, Tennessee, Texas, and South Carolina, to the facilities of Georgia-Pacific at or near Muncie, Ind., and Norwood, and Cincinnati, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 116763 (Sub-No. 307), filed March 11, 1975. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal briquets, fireplace logs, and related items*, from Marion, Ohio, to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, restricted to traffic originating at the named origin, and destined to the above states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 117644 (Sub-No. 41), filed March 7, 1975. Applicant: D & T TRUCKING CO., INC., P.O. Box 2611, New Brighton, Minn. 55112. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Hudson, Iowa, to points in Louisiana, Alabama, Mississippi, Tennessee, Georgia, North Carolina, South Carolina, and Florida, under a continuing contract or contracts with Land O' Lakes, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 118039 (Sub-No. 24), filed March 17, 1975. Applicant: MUSTANG TRANSPORTATION, INC., 833 Warner Street SW., Atlanta, Ga. 30310. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard, Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Baltimore, Md., to points in Georgia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 118130 (Sub-No. 73), filed March 14, 1975. Applicant: SOUTH EASTERN XPRESS, INC., P.O. Box 6985, Fort Worth, Tex. 76115. Applicant's representative: Billy R. Reid, 6108 Sharon Rd., Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and agricultural commodities* otherwise exempt from economic regulations under Section 203(b)(6) of the Act, when transported in mixed loads with bananas, from Long Beach, Calif., to points in Arizona, Colorado, Idaho, Nevada, New Mexico, Oregon, Texas, Utah, and Washington, restricted to the transportation of traffic having a prior movement by water.

erate as a *common carrier*, by motor vehicle, over irregular routes, transport-

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Fort Worth, Tex., or Los Angeles, Calif.

No. MC 119305 (Sub-No. 13), filed March 19, 1975. Applicant: C. ROBERT NATTRESS AND DONALD NATTRESS, a partnership, doing business as B & D TRUCKING SERVICE, 33 West Garfield Avenue, Norwood (Delaware County), Pa. 19074. Applicant's representative: Ralph C. Busser, Jr., 1710 Locust Street, Philadelphia, Pa. 19103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Edible bakery products*, from Marysville, Pa., to Baltimore, Md., Greenbelt, Md., and the District of Columbia, under a continuing contract or contracts with Specialty Bakers, Inc., Marysville, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia or Harrisburg, Pa.

No. MC 119340 (Sub-No. 8), filed March 17, 1975. Applicant: CENTRAL COAST TRUCK SERVICE, INC., P.O. Box AD, Watsonville, Calif. 95076. Applicant's representative: Michael P. Groom, 500 The Swenson Building, 777 No. First Street, San Jose, Calif. 95112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream*, in vehicles equipped with mechanical refrigeration, from points in Maricopa, Mojave, Yavapai and Yuma Counties, Ariz., to point in Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura Counties, Calif., under a continuing contract or contracts with Safeway Stores, Incorporated.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either San Francisco or Los Angeles, Calif.

No. MC 119619 (Sub-No. 81), filed March 10, 1975. Applicant: DISTIBUTORS SERVICE CO., a corporation, 2000 West 43rd Street, Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza,

No. MC 124211 (Sub-No. 262), filed

No. MC 126276 (Sub-No. 116), filed and Supreme, La., to points in Missis-

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Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in Sections A & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from the plantsite and storage facilities of Royal Packing Co., located at or near National Stockyards, National City, Ill., to points in New York, Pennsylvania, Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 119619 (Sub-No. 82), filed March 20, 1975. Applicant: DISTRIBUTORS SERVICE CO., 2000 West 43rd Street, Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Denver, Colo., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 119619 (Sub-No. 83), filed March 20, 1975. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43rd Street, Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and facilities of Sterling Colorado Beef Co., located at or near Sterling, Colo., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Sterling or Denver, Colo.

No. MC 119726 (Sub-No. 58), filed March 17, 1975. Applicant: N.A.B. TRUCKING CO., INC., 3220 Bluff Road, Indianapolis, Ind. 46217. Applicant's representative: H. Frederick Heller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shower bath stalls*, plastic and/or metal, with or without frames or doors, with or without receptors, set up, and plastic and/or metal bath tubs and accessories, *plumbing supplies and accessories* including wooden pallets; (1) from the plant and warehouse facilities of Powers Fiat Corporation at or near Monroe, Ohio to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and the District of Columbia; (2) from Rosemont and Centralia, Ill., Columbus, and Waterville, Ohio to the plant and warehouse facilities of Powers Fiat Corporation, at or near Plainview, Long Island, N.Y.; (3) from Centralia, Ill., to the plant and warehouse facilities of Powers Fiat Corporation, at or near Monroe, Ohio; and (4) from the plant and warehouse facilities of Powers Fiat Corporation at or near Plainview, Long Island, N.Y., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, West Virginia, Virginia, Tennessee, North Carolina, South Carolina, Mississippi, Alabama, Georgia, Florida, Pennsylvania, Maryland, Delaware, New Jersey, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Chicago, Ill.

No. MC 119741 (Sub-No. 52), filed March 13, 1975. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., (P.O. Box 1235), 3225 5th Avenue South, Fort Dodge, Iowa 50501. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Denison and LeMars, Iowa, to points in Illinois, Kansas, Indiana, Michigan, Minnesota, Wisconsin, Ohio, Nebraska, and Louisville and Covington, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Omaha, Nebr., or St. Paul, Minn.

No. MC 119767 (Sub-No. 324) (amendment), filed December 9, 1974, and published in the Federal Register issue of lished in the FEDERAL REGISTER issue of January 3, 1975, and republished as amended this issue. Applicant: BEAVER TRANSPORT CO., a corporation, P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, in vehicles equipped with mechanical refrigeration, from Ottawa and Columbus Grove, Ohio, to points in North Dakota, South Dakota, Iowa, Minnesota, and Wisconsin.

NOTE.—The purpose of this amendment is to substitute Columbus Grove for Cottage Grove as an origin in the above application. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119789 (Sub-No. 241), filed March 20, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr., (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coffee*, from Sunbury, Ohio, and Freehold, N.J., to Hazelwood, Mo., Dallas and Houston, Tex., Denver, Colo., Watsonville, Calif., and Milwaukie, Oreg.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Dallas, Tex.

No. MC 123405 (Sub-No. 40), filed March 12, 1975. Applicant: FOOD TRANSPORT, INC., R.D. No. 1, Thomasville, Pa. 17364. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and commodities in bulk): (1) from North East, Pa. and Geneva, Ohio, to the facilities of Heinz U.S.A. Division at Arlington, Tex. and Greenville, S.C.; (2) from Geneva, Ohio, to the facility of Heinz U.S.A. Division at Jacksonville, Fla.; and (3) from the facility of Heinz U.S.A. Division at Greenville, S.C., to the facilities of Heinz U.S.A. Division at Arlington, Tex., Mechanicsburg, Pa., and Harrison, N.J., and points in Florida, restricted in (1) through (3) above to traffic originating at and destined to the above named points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 123407 (Sub-No. 227), filed March 20, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap iron, crushed car bodies, and recycleable material* including engines and component parts, from points in South Dakota, North Dakota, Montana, Idaho and Nebraska, to points in Nevada, Utah, California, Washington, Wisconsin, Illinois and Kansas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 124211 (Sub-No. 262), filed March 17, 1975. Applicant: HILT TRUCK LINE, INC., Post Office Box 988, Downtown Station, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Junk and scrap, metals, metal articles, and metal products*, and *waste materials* (except waste materials in bulk, and except hides, skins and parts thereof): (1) between points in Sarpy County, Nebr., and the facilities of Aaron Ferer and Sons Co. located in Douglas County, Nebr., on the one hand, and, on the other points in Nebraska; and (2) between points in the United States, including ports of entry located on the International Boundary line between the United States and the Republic of Mexico (except Alaska and Hawaii, and except service between points in the United States, on the one hand, and, on the other points in Sarpy County, Nebr., and the facilities of Aaron Ferer and Sons Co. located at Douglas County, Nebr.).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 125777 (Sub-No. 153), filed March 10, 1975. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, Ind. 46403. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are usually transported in dump vehicles, from points in Iowa, Missouri, Arkansas, Oklahoma, Kansas, Nebraska, Kentucky, Tennessee, to points in Illinois, Indiana, Kentucky, Tennessee, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, Colorado, New Mexico, Arizona, Utah, Wyoming, Montana, Idaho, Nevada, California, Oregon, Washington, restricted to traffic having a prior movement by water in foreign commerce; and (2) from points in Maryland to points in the United States (except Hawaii and Alaska), restricted to traffic having a prior movement by water in foreign commerce.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 125925 (Sub-No. 17), filed March 19, 1975. Applicant: SAM TOWLER, 3359 Bannerwood Drive, Annandale, Va. 22003. Applicant's representative: Frank B. Hand, Jr., P.O. Box 187, Berryville, Va. 22611. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal and scrap metal alloys*, in dump vehicles, from points in the District of Columbia, to points in Delaware, Ohio and Pennsylvania.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126276 (Sub-No. 116), filed March 14, 1975. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers and container ends and closures, and materials and supplies* used in the manufacture and distribution of containers and container closures (except commodities in bulk), from the plantsites of National Can Company at or near Archbold and Zanesville, Ohio, to points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with National Can Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126276 (Sub-No. 118), filed March 17, 1975. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Rd., Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container ends and closures and materials and supplies* used in the manufacture and distribution of containers and container closures (except commodities in bulk), and *scrap metal*, between the plantsite of American Can Company located at Whitehouse, Ohio, on the one hand, and, on the other, points in the United States (except Indiana, Illinois, Missouri, Wisconsin, Kentucky and West Virginia), under continuing contract with American Can Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 126436 (Sub-No. 6), filed March 17, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Rd. NE., Suite 375, Atlanta, Ga. 30050. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel shot* (except ammunition), from Mishawaka, Ind., to points in Texas, restricted to the transportation service to be performed under a continuing contract or contracts with Wheelabrator Corporation of Mishawaka, Ind.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 128273 (Sub-No. 178), filed March 13, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 1403 S. Horton Street, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sugar*, in containers and packages, from New Orleans, Gramercy, Houma, Reserve, Mathews and Supreme, La., to points in Mississippi, Alabama, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Michigan, and the Commercial Zones of Chicago, Ill., Louisville, Ky., Memphis, Tenn. and Kansas City and St. Louis, Mo.; and (2) *condiments*, in individual servings when moving in mixed loads with sugar, from New Orleans, Gramercy, Houma, Mathews, Reserve and Supreme, La., to points in Mississippi, Alabama, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Michigan, Arkansas, Kansas, Missouri, Iowa, Illinois, Indiana, Ohio, Kentucky, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 128273 (Sub-No. 179), filed March 13, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 1403 S. Horton Street, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs* (except frozen), from points in Oregon and Washington, to points in Montana, Wyoming, Colorado, New Mexico, and points in the United States east of Montana, Wyoming, Colorado and New Mexico, restricted against movement of canned goods from Portland, Salem, West Salem, Dundee and Hood River, Oreg., Vancouver and Seattle, Wash. and points in Yakima County, Wash. to points in Wyoming, Colorado, New Mexico and points in the United States east of Montana, Wyoming, Colorado, and New Mexico.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Seattle, Wash., or Portland, Oreg.

No. MC 128273 (Sub-No. 180), filed March 18, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 1403 S. Horton Street, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium molybdate, ammonium di-molybdate, ammonium hepta molybdate, ammonium para molybdate, calcium molybdate, chemicals, ferro-molybdenum, molybdenum concentrates, molybdenum dioxide, molybdenum trioxide, molybdic oxide, molybdic oxide briquettes, molysulfide, ores, sodium molybdate* and *materials and supplies* used in production or distribution of the above commodities (except commodities in bulk and commodities which because of size or weight require use of special transportation equipment), between the plant site and storage facilities of AMAX Inc. and its subsidiaries at or near Fort Madison, Iowa, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

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No. MC 128616 (Sub-No. 16), filed March 19, 1975. Applicant: BANKERS DISPATCH CORPORATION, 1106 West 35th St., Chicago, Ill. 60609. Applicant's representative: Warren W. Wallin (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* (except coins, currency and negotiable securities) as are used in the conduct and operation of banks and banking institutions, between Goodland, Kans., on the one hand, and, on the other, points in Kit Carson, Cheyenne, and Yuma Counties, Colo., under a continuing contract with The First National Bank and Trust Company.

NOTE.—Applicant holds common carrier authority in MC–114533 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo., or Kansas City, Mo.

No. MC 129981 (Sub-No. 4), filed March 7, 1975. Applicant: BRIDGFORD DISTRIBUTING CO., a corporation, One Frozen Food Plaza, Secaucus, N.Y. 07094. Applicant's representative: J. Max Harding, 605 South 14th St., P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen bread dough and frozen bakery products*, from the plantsite and warehouse facilities of Bridgford Foods Corporation at or near Dallas, Tex., to points in Idaho, Montana, Oregon, Washington, and Wyoming; and (2) *materials and supplies* used in the manufacture of frozen bread dough and frozen bakery products, from points in Idaho, Montana, Oregon, Washington and Wyoming, to the plantsite and warehouse facilities of Bridgford Foods Corporation at or near Dallas, Tex., under a continuing contract or contracts with Bridgford Foods Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 133288 (Sub-No. 3), filed March 7, 1975. Applicant: HARTLEY OIL COMPANY, INC., Route 2, South, P.O. Box 398, Ravenswood, W. Va. 26164. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crude rubber*, in bulk, on pallets, and *clay*, in bags, on pallets, from Ravenswood, W. Va., to Spencer, W. Va.; (2) *telephone cable*, on reels, from Ravenswood, W. Va., to points in West Virginia; and (3) *newsprint*, on rolls, from Ravenswood, W. Va., to Ravenswood, Spencer and Wayne, W. Va., restricted to traffic having prior movement by rail and motor carrier, and further restricted to traffic originating at the warehouse facility of the Hartley Oil Company, Inc., located at or near Ravenswood, W. Va.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 138335, therefore dual operations may be involved. NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Charleston, W. Va., or Columbus, Ohio.

No. MC 134029 (Sub-No. 4) (CORRECTION), filed March 10, 1975, and published in the FEDERAL REGISTER issue of April 3, 1975, and republished as corrected this issue. Applicant: SIGEL'S HAULING, INC., R.D. No. 5, P.O. Box 286, Cadiz, Ohio 43907. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies, and equipment* incidental to, or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of coal (except commodities in bulk), between points in Monroe, Belmont, Jefferson, Columbiana, Carroll, Harrison, Noble, Guernsey, Tuscarawas, Holmes, Coshocton, and Muskingham Counties, Ohio, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—The purpose of this correction is to indicate that the above counties are located in Ohio. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 134105 (Sub-No. 12), filed March 17, 1975. Applicant: CELERY-VALE TRANSPORT, INC., Route 1, Box 96, Fort Lupton, Colo. 80621. Applicant's representative: Jack H. Blanshan, 29 South LaSalle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of or utilized by Farmland Foods, Inc., located at or near Crete, Nebr., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Oklahoma, Tennessee and Texas, restricted to the transportation of traffic originating at the above origin and destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 134134 (Sub-No. 17), filed March 17, 1975. Applicant: MAINLINER MOTOR EXPRESS, INC., 2002 Madison St., Omaha, Nebr. 68107. Applicant's representative: Jack H. Blanshan, 29 South LaSalle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of or utilized by Farmland Foods, Inc., located at or near Crete, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above origin and destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., or Omaha, Nebr.

No. MC 134599 (Sub-No. 118), filed March 6, 1975. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, material and supplies* utilized in the manufacture of office equipment (except in bulk, and those commodities which because of size or weight require the use of special equipment or special handling), from points in Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, California, Virginia, Missouri, Arkansas, Kansas, Louisiana, Oklahoma, Texas, Colorado, New Mexico, Portland, Oreg., Milford, Conn., North Bergen, N.J. and Baltimore, Md., to the plantsite and facilities of Steelcase, Inc. at Grand Rapids, Mich., under a continuing contract or contracts with Steelcase, Inc.

NOTE.—Applicant holds pending motor common carrier authority in MC–139906, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Lincoln, Nebr.

No. MC 134599 (Sub-No. 120), filed March 17, 1975. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 81849, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tires, tubes, rubber products and related articles and materials, and supplies* used in the manufacture thereof (except commodities in bulk or which because of size or weight, require special handling or special equipment), between Neosho, Mo., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract with Uniroyal, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah, or Lincoln, Nebr.

No. MC 134922 (Sub-No. 116), filed March 14, 1975. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and articles distributed by meat packinghouses*, as

described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (in vehicles equipped with mechanical refrigeration), from Tupelo, Miss., to points in California and Washington, restricted against the transportation of hides and commodities in bulk, in tank vehicles.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Memphis, Tenn., or Little Rock, Ark.

No. MC 134978 (Sub-No. 10), filed March 19, 1975. Applicant: C. P. BELUE, doing business as BELUE'S TRUCKING, Route 2, Chesnee, S.C. 29323. Applicant's representative: Mitchell King, Jr., P.O. Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum dross*, in bulk, in dump vehicles, from points in Spartanburg County, S.C., to Cleveland, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 136816 (Sub-No. 3), filed March 17, 1975. Applicant: THE UNIVERSE COMPANY, INC., 3523 L St., Omaha, Nebr. 68107. Applicant's representative: Jack H. Blanshan, 29 South LaSalle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A ond C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of or utilized by Farmland Foods, Inc., located at or near Crete, Nebr., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, and Ohio, restricted to the transportation of traffic originating at the above origin and destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 136848 (Sub-No. 7), filed March 10, 1975. Applicant: JAMES BRUCE LEE AND STANLEY LEE, a partnership, doing business as LEE CONTRACT CARRIERS, P.O. Box 48, Old Route 66, Pontiac, Ill. 61764. Applicant's representative: Edward F. Stanula, 77 West Washington St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulpboard, fibreboard and leatherboard*, from Madison, Ind., to Bridgewater, Mass.; Milwaukee, Wis.; Franklin, Tenn.; St. Louis and Cape Girardeau, Mo.; and Hanover, Pa.; (2) *offal; hide trimmings or pieces; chrome or leather scrap, ground or not ground; and tannery by-products*, from Milwaukee, Wis.; Boone Terre and Cape Girardeau, Mo.; Hanover, Pa.; Salem, Mass.; and Nashville, Tenn., to Madison, Ind., under a continuing contract or contracts with Robus Products Corporation, Madison, Ind.

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 136931 (Sub-No. 2), filed March 14, 1975. Applicant: WRIGHT MOTOR FREIGHT, INC., 2520 Lansing Ave., Jackson, Mich. 49202. Applicant's representative: Eugene C. Ewald, 100 West Long Lake Rd., Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between points in Jackson County and Hillsdale County, Mich., on the one hand, and, on the other, Willow Run Airport and Detroit Metropolitan Airport; and (2) between points in Jackson County and Hillsdale County, Mich., on the one hand, and, on the other, Reynolds Field, located at Jackson, Mich., restricted to traffic having an immediately prior or immediately subsequent movement by air.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. MC 138104 (Sub-No. 24), filed March 14, 1975. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove, Fort Worth, Tex. 76106. Applicant's representative: Billy M. Keck, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral filler* in bulk, in dump vehicles, from points in Texas, to points in Arkansas and Louisiana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Fort Worth or Dallas, Tex.

No. MC 138157 (Sub-No. 17), filed March 10, 1975. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., doing business as SOUTHWEST MOTOR FREIGHT, 4284 Mission Boulevard, Pomona, Calif. 91766. Applicant's representative: Patrick Quinn, 605 South 14th St., P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Upholstery and carpet tacking rims, strips, adhesives, and hand tools*, from the plantsite and warehouse facilities of Kinkead Industries Incorporated, at Garden Grove, Calif., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment and supplies*, used in the manufacture, production, and distribution of the commodities named in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to the plantsite and warehouse facilities of Kinkead Industries Incorporated, at Garden Grove, Calif.

NOTE.—Applicant holds contract carrier authority in MC 134150 Sub-Nos. 2 and 3, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Chicago, Ill.

No. MC 138469 (Sub-No. 13), filed March 10, 1975. Applicant: DONCO CARRIERS, INC., 1001 South Rockwell St., P.O. Box 75354, Oklahoma City, Okla. 73107. Applicant's representative: Wm. L. Peterson, Jr., 401 N. Hudson, Suite 200, P.O. Box 917, Oklahoma City, Okla. 73101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and foodstuffs*, canned, preserved, packaged and in drums, including *dietary foods* (except frozen commodities), from points in California, to points in Arkansas, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Michigan, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 136375, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif., or Oklahoma City, Okla.

No. MC 139192 (Sub-No. 5), filed March 19, 1975. Applicant: JOHN PERRY doing business as JOHN PERRY TRUCKING, 1535 Industrial Ave., San Jose, Calif. 95112. Applicant's representative: Marvin Handler, 100 Pine St., Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass parabolic antennae and mounts, parts, accessories, equipment, tools and supplies* necessary or incidental to the construction and maintenance and repair thereof, from the plantsite of Prodelin, Inc., in Santa Clara, Calif., to points in Alabama, Alaska, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming, under a continuing contract with Prodelin, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, or San Jose, Calif.

No. MC 139495 (Sub-No. 41), filed March 7, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coffee, tea and juices* (except in bulk), from Houston, Tex., to points in Indiana, Illinois, Wisconsin, Iowa, Missouri, Nebraska, Kansas, Oklahoma, Colorado, New Mexico, Arizona, Utah, Nevada, California, Montana, Idaho, Oregon, Washington, Wyoming and Minnesota.

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NOTE.—Applicant holds contract carrier authority in MC–133106 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 46), filed March 13, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Medical care products*, and *materials, equipment and supplies* used in the manufacture or preparation of medical care products: (1) from the facilities of Travenol Laboratories, Inc. located at or near Cleveland, Miss., Kingstree, S.C., North Cove, N.C., Memphis, Tenn., Mountain Home, Ark., Eaton, Ohio, and Hays, Kans., to points in the United States in and west of Minnesota, Iowa, Missouri, Arkansas and Louisiana; and (2) between the facilities of Travenol Laboratories, Inc. located at or near Cleveland, Miss., Eaton, Ohio, Kingstree, S.C., North Cove, N.C., Mountain Home, Ark., Memphis, Tenn. and Hays, Kans.

NOTE.—Applicant holds motor contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 47), filed March 14, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toys and games*, from the plantsite and storage facilities of the Milton Bradley Company located at or near East Longmeadow, Mass. and Voorheesville, N.Y., to points in Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Oklahoma, Kansas, Texas, North Dakota, South Dakota, Nebraska, Arkansas, Wyoming, Colorado, New Mexico, Montana, Washington, Oregon, Idaho, California, Nevada, Utah, Arizona and Louisiana.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 48), filed March 17, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Washington, D.C. 20006: Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, and related articles*, from the plantsite and facilities of the Mennen Company located at or near Morristown, N.J., to points in North Carolina, Georgia, Florida, Tennessee, Illinois, Indiana, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Texas and Colorado.

NOTE.—Applicant holds motor contract carrier authority in MC–133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 49), filed March 19, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except those which because of size and weight require the use of special equipment), from Lancaster, Pa., to points in Nebraska, Oklahoma, Kansas, Arkansas, Texas, Mississippi, Iowa, and Wyoming.

NOTE.—Applicant holds contract carrier authority in MC–133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139679 (Sub-No. 1), filed March 14, 1975. Applicant: MYRON L. ROSS, doing business as A–1 MOVING & STORAGE CO., 1219 Eraste Landry Rd., Lafayette, La. 70501. Applicant's representative: Myron L. Ross (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization or unpacking, uncrating and decontainerization of such shipments, from points in Louisiana, to points in Louisiana.

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 139916 (Sub-No. 2), filed March 3, 1975. Applicant: C & B ENTERPRISES, INC., 1101 N. Broadway, St. Louis, Mo. 63102. Applicant's representative: B. W. La Tourette, Jr., 11 S. Meramec, Suite 1400, Clayton, Mo. 63105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting*, from Calhoun, Chatsworth, Dalton, Hedges, Rome, Rossville, and Sugar Valley, Ga., and Chattanooga, Tenn., to points in St. Louis, Mo., and points in St. Louis County, Mo., under continuing contracts with Standard Floor Covering, Inc. and Tile Town of St. Louis, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Jefferson City, or Kansas City, Mo.

No. MC 139923 (Sub-No. 4), filed March 12, 1975. Applicant: MILLER TRUCKING CO., INC., P.O. Drawer "D", Stroud, Okla. 74079. Applicant's representative: Jack H. Blanshan, 29 South La Salle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 768 (except hides and commodities in bulk), from the plantsite and storage facilities of or utilized by Farmland Foods, Inc., located at or near Crete, Nebr., to points in Arkansas, Arizona, California, Colorado, Idaho, Kansas, Louisiana, Montana, New Mexico, Nevada, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming, restricted to the transportation of traffic originating at the above origin and destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 140059 (Sub-No. 3), filed March 7, 1975. Applicant: NEVADA DISTRIBUTING CO., INC., 1051 Alden St., P.O. Box 1238, Ely, Nev. 89301. Applicant's representative: John R. Anderson, 1100 Boston Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beer, yogurt and other dairy products; yogurt and related dairy products*, from Salt Lake City, Utah, to Denver, Colo., and (2) *Beer*, from Golden, Colo., to Reno, Winnemucca, Ely and Elko, Nev., under a continuing contract or contracts with O. K. Distributing Co., Reno, Nev.; Winneva Distributing Co., Winnemucca, Nev.; and Elko Bottling Co., Elko, Nev.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah, or Carson City, Nev.

No. MC 140463 (Sub-No. 1), filed March 10, 1975. Applicant: ORREN J. LEE, 2312 Braemer Drive, Sioux Falls, S. Dak. 57105. Applicant's representative: M. Mark Menard, 307 West Fourteenth St., Sioux Falls, S. Dak. 57102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and supplies*, as described in Group B of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209, between Sioux Falls, S. Dak., and points in Iowa, Nebraska, Minnesota and South Dakota, under a continuing contract or contracts with Terrace Park Dairy.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Sioux Falls, S. Dak. or Sioux City, Iowa.

No. MC 140476 (Sub-No. 2), filed March 17, 1975. Applicant: JAMES BLYTHE AND JULIAN BLYTHE, a partnership, doing business as BLYTHE COMPANY, P.O. Box 6711, North Augusta, S. C. 29841. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard, Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural lime*, in bulk, in dump trucks, from points in Blount, Jefferson and Knox Counties, Tenn., to points in Georgia and South Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Atlanta or Augusta, Ga.

No. MC 140556 (Correction), filed January 13, 1975, published in the FEDERAL REGISTER issue of March 27, 1975, and republished as reassigned this issue. Applicant: LEO VEST, doing business as L & F WRECKER SERVICE, R.R.D. 1, Buffalo, Mo. 65622. Applicant's representative: Turner White, 1736 East Sunshine, Springfield, Mo. 65804. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked and disabled motor vehicles*, from points in the United States, to Buffalo, Springfield, and Mt. Vernon, Mo., restricted to a service by wrecker equipment only.

NOTE.—The purpose of this republication is to indicate the correct docket number assigned to this proceeding in MC 140556, in lieu of MC 140550. If a hearing is deemed necessary, applicant requests it be held at either Kansas City or St. Louis, Mo.

No. MC 140559 (Sub-No. 2), filed March 19, 1975. Applicant: PAT ROMERO, doing business as PAT ROMERO FEEDS & SUPPLY, Route 1, Box 307 Commerce, Las Vegas, N. Mex. 87701. Applicant's representative: Edwin E. Piper, Jr., 1115 Sandia Savings Bldg., Albuquerque, N. Mex. 87102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut log buildings* (complete, disassembled, or in sections), *Pre-cut logs and log building materials, and accessories, parts, supplies, and other materials* used in the erection, construction, or completion of such pre-cut log buildings, from the plantsite and facilities of Air-Lock Logs Co., Inc., at or near Las Vegas, N. Mex., to points in Texas, Colorado, Arizona, Utah, Nevada, and California, under a continuing contract with Air-Lock Log Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Albuquerque, N. Mex.

No. MC 140569 (Sub-No. 1, filed March 7, 1975. Applicant: ROGERS TRUCKING, INC., P.O. Box 271, Columbia, Ky. 43728. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture stock*, wooden in the white, *lumber, finished and unfinished wood products, wood chips*, spent, ground, not ground or loose, from Scottsville, Louisville, and Monticello, Ky., to points in Nebraska, Colorado, Oklahoma, Texas, and points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky.

No. MC 140667 (Sub-No. 4), filed March 20, 1975. Applicant: JOYCE E. HAYNES TRUCKING, INC., 221 Davidson Street, Independence, Mo. 64056. Applicant's representative: Lucy Kennard Bell, Suite 910 Fairfax Building, 101 West Eleventh Street, Kansas City Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail variety, discount, and drug stores, and wholesale houses serving such stores, and advertising materials, (a) from points in Arkansas, Indiana, Iowa, Illinois, Kansas, Missouri, Ohio, Oklahoma, Texas, and Wisconsin, to the warehouse and plant facilities of Shawnee Evans Company located at or near Lenexa, Kans.; and (b) from the warehouse and plant facilities of Shawnee Evans Company located at or near Lenexa, Kans., to points in Texas, Louisiana, Oklahoma, Ohio, Kentucky, Missouri, Illinois, Indiana, Minnesota, Wisconsin, Nebraska, Iowa, Arkansas, Mississippi, and Tennessee, under a continuing contract or contracts with Shawnee Evans Company, of Lenexa, Kans.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 140683 (Sub-No. 1), filed February 26, 1975. Applicant: SHAW AND SONS EXCAVATING AND HAULING, INC., 500 Bennington Road, Kansas City, Mo. 64125. Applicant's representative: Lucy Kennard Bell, 910 Fairfax Bldg., 101 W. 11th Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel flue dust*, from Kansas City, Mo., to Humboldt, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 140720 (Sub-No. 2), filed March 12, 1975. Applicant: FORD PARCEL SERVICE, INC., 2644 Michigan, St. Louis, Mo. 63118. Applicant's representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, Mo. 63105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Retail and catalog merchandise, household appliances, new household furniture and household furnishings, musical instruments, plumbing and heating equipment, fixtures, accessories and supplies, office equipment, building and remodeling equipment, accessories and supplies, and other retail and catalog deliveries*, between St. Louis, Mo., points in St. Louis County, Mo., and points in St. Clair, Madison, and Monroe Counties, Ill., under contract with Sears, Roebuck & Company.

NOTE.—If a hearing is deemed necessary, applicatn requests it be held at either St. Louis or Kansas City, Mo., or Springfield, Ill.

No. MC 140752 (Sub-No. 1), filed March 14, 1975. Applicant: LINCOLN AUTOMOTIVE LEASING CORP., 1080 West Side Avenue, Jersey City, N.J. 07306. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Balsa, plywood and products thereof*, in bundles and in containers and empty containers, between Piers in New York, N.Y., harbor as defined by the Commission, on the one hand, and, on the other, points in Northvale, N.J., Central Valley, and Haverstraw, N.Y., restricted to shipments having prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 140756, filed March 9, 1975. Applicant: FANN R. McKELVEY, doing business as McKELVEY TRUCKING, 5420 West Missouri, Glendale, Ariz. 85301. Applicant's representative: A. Michael Bernstein, 1327 United Bank Bldg., Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fiberboard containers;* (2) *paper articles;* and (3) *materials, equipment, and supplies*, used in the assembling and handling of containers, between points in California, Arizona, New Mexico, Colorado, Texas, Utah, and Nevada; and (4) *lumber and lumber products*, (a) from points in California, to points in Arizona, New Mexico, and Colorado; (b) from points in Arizona, to points in California; (c) from points in Maricopa County, Ariz., to points in New Mexico, Texas, and Colorado; and (d) from points in Colorado, to points in Arizona and California.

NOTE.—Applicant seeks by this application to convert its Permits in MC 129963 and Sub-No. 2, into a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Los Angeles, Calif.

No. MC 140758, filed March 17, 1975. Applicant: REHAB TRANSPORTATION, INC., 201 Upton Street, Rockville, Md. 20850. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled infirm, handicapped and wheel chair patients and their baggage, and attendants*, in special operations, limited to transportation of not more than 11 passengers in any one vehicle, between Washington, D.C., and Baltimore, Md., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 140759, filed March 13, 1975. Applicant: CHAVIS VAN & STORAGE OF MYRTLE BEACH, INC., P.O. Box 1616, 802 Seaboard Drive, Myrtle Beach, S.C. 29577. Applicant's representative: Ronald E. Chavis (same address as applicant). Authority sought to operate as

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a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Dillon, Florence, Georgetown, Horry, Marion, and Williamsburg Counties, S.C., and Brunswick, Columbus, and New Hanover Counties, N.C., restricted to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Myrtle Beach or Columbia, S.C.

No. MC 140760, filed March 9, 1975. Applicant: HARTLE TRUCKING CO., a Corporation, Main Street, Shippenville, Pa. 16254. Applicant's representative: Jerome Solomon, 3131 United States Steel Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in dump vehicles, from points in Clarion County, Pa., to points in Ashtabula, Lake, Trumbull, Geauga, Mahoning, Portage, and Cuyahoga Counties, Ohio, under contract with Black Gold Coal Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 140761, filed March 7, 1975. Applicant: COASTAL ENVIRONMENTAL SYSTEMS, INC., 81–83 Broadway Street, P.O. Box 752, Dover, N.H. 03820. Applicant's representative: David T. Parent, 13–B Walnut Street, Rochester, N.H. 03867. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Appliances and furniture* (for home delivery purposes) for Sears, Roebuck & Co., from Dover and Portsmouth, N.H., areas, to points in York County, Maine, under a continuing contract or contracts with Sears Roebuck & Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dover, Portsmouth, or Concord, N.H.

No. MC 140762, filed March 18, 1975. Applicant: TRINITY INDUSTRIES TRANSPORTATION, INC., 4001 Irving Boulevard, P.O. Box 10587, Dallas, Tex. 75207. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles, cylinders, and commodities* the transportation of which, because of size or weight, require the use of special equipment and material handling equipment, between Beardstown, Ill., Tulsa and Enid, Okla., New London, Minn., Rocky Mount, N.C., Lincoln, Nebr., Jacksonville, Fla., West Memphis, Ark., Montgomery, Ala., Madisonville, New Orleans, and Shreveport, La., Fort Worth, Denton, Navasota, Dallas, Tyler, Longview, Lubbock, Houston, and San Antonio, Tex., on the one hand, and, on the other, points in the United States including Alaska, but excluding Hawaii; (2) *trailer mounted equipment, and construction machinery, equipment, materials, supplies and parts*, between points in Arkansas, Alabama, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas, restricted to traffic under a continuing contract or contracts with Trinity Industries, Inc., Hackney Iron and Steel Co., Mosher Steel Company, Mosher Steel Co. of Louisiana, Inc., Equitable Equipment Company, Inc., Gamble's, Inc., and Gorbett Bros., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 140763, filed March 6, 1975. Applicant: ONEIDA-COLUMBUS EXPRESS COMPANY, a Corporation, P.O. Box 356, Oneida, Tenn. 37841. Applicant's representative: Marshall Kragen, Suite 805, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, processed, or dealt in by manufacturers of rubber or rubber products, and *supplies* incident to the conduct of such business (except commodities in bulk), between the plantsite of the B. F. Goodrich Company at Oneida, Tenn., and the warehouse sites of the B. F. Goodrich Company at Columbus, Ohio, under a continuing contract or contracts with the B. F. Goodrich Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Knoxville or Nashville, Tenn.

No. MC 140764, filed March 17, 1975. Applicant: RICHARD EVERETT, doing business as IRONSIDES MEDICAL TRANSPORTATION COMPANY, 8510 Dixon Ave., Silver Spring, Md. 20910. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled, infirm, handicapped and wheelchair patients and their baggage and attendants*, in special and charter operations, limited to transportation of not more than 11 passengers in any one vehicle, between Washington, D.C., and Baltimore, Md., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 140765, filed March 13, 1975. Applicant: LINDEN INDUSTRIAL SERVICE, INC., Box 6366, 2305 20th Avenue, Rockford, Ill. 61105. Applicant's representative: David H. Armstrong, 10 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and parts*, restricted to such machinery and parts that are disassembled, assembled, loaded and unloaded by the carrier, between Winnebago County, Ill., and Rock, Jefferson, Walworth, and Green Counties, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Madison, Wis.

No. MC 140766, filed March 13, 1975. Applicant: GULF COAST PRE-MIX TRUCKING, INC., 1700 S.E. Evangeline Thruway, Lafayette, La. 70501. Applicant's representative: Francis J. Benezech (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* in bulk, in tank vehicles, from the Texaco, Inc., plant, at Pt. Arthur, Tex., to points in St. Mary, Iberia, St. Martin, Terrebonne, and Jefferson Parishes, La., restricted to traffic having a prior subsequent movement by water, for the facilities of Texaco, Inc., in inland waters and the Gulf of Mexico, under contract with Texaco, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Baton Rouge or New Orleans, La., or Houston, Tex.

No. MC 140768, filed March 11, 1975. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 499, South Bound Brook, N.J. 08880. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Medical care products, and materials, equipment, and supplies*, used in the manufacture or preparation of medical care products, from the facilities of Travenol Laboratories, Inc., located at or near Cleveland, Miss., Kingstree, S.C., North Cove, N.C., Memphis, Tenn., Eaton, Ohio, and Mountain Home, Ark., to points in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana; and (2) between the facilities of Travenol Laboratories, Inc., located at or near Cleveland, Miss., Eaton, Ohio, Kingstree, S.C., Mountain Home, Ark., North Cove, N.C., and Memphis, Tenn.

NOTE.—Applicant holds contract carrier authority in MC 134404 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140777, filed March 17, 1975. Applicant: SUBURBAN TRUCKING, INC., Route 309, Wilkes-Barre, Pa. 18702. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by retail department stores, between Exeter, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Georgia, Kentucky, Maryland, Massachusetts, New Jersey, New York, Virginia, and the District of Columbia; and (2) *printed matter, and materials and supplies* used in the manufacture and distribution of printed matter, between West Pittston, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Georgia,

Kentucky, Maryland, Massachusetts, New Jersey, New York, Virginia, and the District of Columbia, restricted to a transportation service to be performed under a continuing contract or contracts with Jewelcor, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

PASSENGER APPLICATIONS

No. MC 61802 (Sub-No. 11), filed March 10, 1975. Applicant: THE COLONIAL TRANSIT COMPANY, INCORPORATED, P.O. Box 508, Fredericksburg, Va. 22401. Applicant's representative: L. C. Major, Jr., Suite 400, Overlook Office Building, 6121 Lincolnia Road, Alexandria, Va. 22312. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, Between Lake of the Woods, Va., and the District of Columbia: From Lake of the Woods, over Virginia Highway 3 to its junction with Interstate Highway 95, thence over Interstate Highway 95 to the District of Columbia and return over the same route, serving all intermediate points on Virginia Highway 3 between Lake of the Woods and the junction of Virginia Highway 3 with County Highway 734 (Green Gate Road), at a point approximately .6 of a mile west of the junction of Virginia Highway 3 with Interstate Highway 95.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140113 (Sub-No. 4), filed March 13, 1975. Applicant: MAPLEWOOD EQUIPMENT COMPANY, a Corporation, 419 Anderson Avenue, Fairview, N.J. 07022. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Cliffside Park, N.J., and West New York, N.J.: From the junction of Edgewater Road, Gorge Road, and Palisades Avenue at Cliffside Park, N.J., over Palisades Avenue to junction John F. Kennedy Boulevard East and Woodcliff Avenue, thence over John F. Kennedy Boulevard East to junction Hillside Road at West New York, N.J., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, but serving the junction of Hillside Road and John F. Kennedy Boulevard East for joinder purposes only.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 140749 (Sub-No. 1), filed March 13, 1975. Applicant: SEA ISLAND SERVICES, INC., P.O. Box 277, Sea Island, Ga. 31561. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between Sea Island, Ga., on the one hand, and, on the other, Jacksonville, Fla., restricted to the transportation of passengers who are hotel guests of Sea Island Company, and cottage owners and cottage renters at Sea Island, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Sea Island, Ga.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.75-9273 Filed 4-9-75;8:45 am]

V 40-70 APR 10 75 XUM



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V 40-70
APR 10 75

71

federal register

April 11, 1975—Pages 16293–16640

FRIDAY, APRIL 11, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 71

Pages 16293–16640



PART I

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

LAW DAY, U.S.A., 1975—Presidential Proclamation 16293

WORKER ADJUSTMENT ASISTANCE—Labor adopts program for those unemployed due to increased imports; effective 4–11–75 16304

FOOD STAMPS—USDA/FNS amends methods of distributing, issuing, and accounting for coupons and receipts; effective 4–11–75 16320

YOUTH CONSERVATION CORPS—USDA/FS issues regutions for State grants; effective 4–11–75 16316

SUPERVISED BANK ACCOUNTS—USDA/FmHA increases Federal Deposit Insurance Corporation coverage to $40,000; effective 4–11–75 16333

RURAL HIGHWAY PUBLIC TRANSPORTATION DEMONSTRATION PROGRAM—DOT/FHA prescribes policies and procedures; effective 4–11–75 16301

EMERGENCY SCHOOL AID PROGRAMS—HEW/OE announces 5–16–75 as closing date for receipt of applications 16354

FUEL REGULATION—FEA eliminates prohibitions on low sulfur petroleum products for power generators 16295

MEETINGS—
Commerce/SESA: Census Advisory Committee on Small Areas, 5–22 and 5–23–75 16354
DOD/Air: Scientific Advisory Board, 5–2–75 16352
HEW/OE: National Advisory Council on Vocational Education, 4–30, 5–1 and 5–2–75 16355
Justice/LEAA: Civil Disorders and Terrorism Task Force, 4–25–75 16352

(Continued inside)

PART II:

FEE SCHEDULE—FCC clarifies requirements and increases filing fees applicable to Form 316; effective 4–11–75 and 5–27–75 16393

PART III:

MINIMUM WAGES—Labor/ESA determination decisions for Federal and Federally assisted construction 16467

reminders

Rules Going Into Effect Today

FCC—Calibration of remote control instruments 11353; 3–11–75

FM ..... table of ...

HIGHLIGHTS—Continued

Labor/MA: Federal Advisory Council on Unemployment Insurance, 4–15–75 16379

... and 4–29–75 16379

Advisory Committee on Ethical and Human Value Implications of Science Technology, 4–28–75 16370

VA: Administrator's Education and Rehabilitation Advisory Committee, 4–28–75 16378

... Manpower Training Assistance Review Committee, 5–1 and 5–2–75 16378

CANCELLED MEETINGS—
DOD/Air: Scientific Advisory Board, 4–8–75 16352

RESCHEDULED MEETINGS—
NSF: Science Adviser with scientific and technical 16371

V 40 71 APR 11 75 XUM

V 40

V 40 71

federal register

FRIDAY, APRIL 11, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 71

Pages 16293–16640

PART I

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

LAW DAY, U.S.A., 1975—Presidential Proclamation ... 16293

WORKER ADJUSTMENT ASISTANCE—Labor adopts program for those unemployed due to increased imports; effective 4–11–75 ... 16304

FOOD STAMPS—USDA/FNS amends methods of distributing, issuing, and accounting for coupons and receipts; effective 4–11–75 ... 16320

YOUTH CONSERVATION CORPS—USDA/FS issues regulations for State grants; effective 4–11–75 ... 16316

SUPERVISED BANK ACCOUNTS—USDA/FmHA increases Federal Deposit Insurance Corporation coverage to $40,000; effective 4–11–75 ... 16333

RURAL HIGHWAY PUBLIC TRANSPORTATION DEMONSTRATION PROGRAM—DOT/FHA prescribes policies and procedures; effective 4–11–75 ... 16301

EMERGENCY SCHOOL AID PROGRAMS—HEW/OE announces 5–16–75 as closing date for receipt of applications ... 16354

FUEL REGULATION—FEA eliminates prohibitions on low sulfur petroleum products for power generators ... 16295

MEETINGS—
Commerce/SESA: Census Advisory Committee on Small Areas, 5–22 and 5–23–75 ... 16354
DOD/Air: Scientific Advisory Board, 5–2–75 ... 16352
HEW/OE: National Advisory Council on Vocational Education, 4–30, 5–1 and 5–2–75 ... 16355
Justice/LEAA: Civil Disorders and Terrorism Task Force, 4–25–75 ... 16352

(Continued inside)

PART II:

FEE SCHEDULE—FCC clarifies requirements and increases filing fees applicable to Form 316; effective 4–11–75 and 5–27–75 ... 16393

PART III:

MINIMUM WAGES—Labor/ESA determination decisions for Federal and Federally assisted construction ... 16467

April 11, 1975—Pages 16293–16640

APR 11 75

XUM

reminders

Rules Going Into Effect Today

FCC—Calibration of remote control instruments..... 11353; 3–11–75
FM broadcast stations; table of assignments..... 11354; 3–11–75
Radio broadcast services; non-aural FM subcarrier signals..... 11581; 3–12–75
HEW/FDA—Processing and bottling of bottled drinking water.. 11566; 3–12–75
Unavoidable contaminants in food and food-packaging material; polychlorinated biphenys in paper food-packaging material..... 11563; 3–12–75
Treasury/Customs—Customhouse brokers; license revocation and suspension hearings..... 11562; 3–12–75

Daily List of Public Laws

H.R. 2782..... Pub. Law 94–13
National Insurance Development Act of 1975
(Apr. 8, 1975; 89 Stat. 68)
H.R. 3260..... Pub. Law 94–14
Budget authority recission
(Apr. 8, 1975; 89 Stat. 70)
H.R. 4075..... Pub. Law 94–15
Budget authority recission
(Apr. 8, 1975; 89 Stat. 75)

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HIGHLIGHTS—Continued

Labor/MA: Federal Advisory Council on Unemployment Insurance, 4–15–75 16379
NSF: Advisory Panel for Mathematical Sciences, 4–28 and 4–29–75..... 16370
Advisory Committee on Ethical and Human Value Implications of Science Technology, 4–28–75..... 16370
VA: Administrator's Education and Rehabilitation Advisory Committee, 4–28–75..... 16378
Health Manpower Training Assistance Review Committee, 4–28, 4–29, 5–5, 5–6, 5–8, and 5–9–75.... 16378
Medical School Assistance Review Committee, 5–1 and 5–2–75..... 16378
DOT/NHTSA: National Motor Vehicle Safety Advisory Council, 4–30 and 5–1–75..... 16358

CANCELLED MEETINGS—
DOD/Air: Scientific Advisory Board, 4–8–75 16352

RESCHEDULED MEETINGS—
NSF: Science Adviser with scientific and technical societies, 5–13–75..... 16371

contents

THE PRESIDENT

Proclamations
Law Day, U.S.A., 1975..... 16293

EXECUTIVE AGENCIES

AGRICULTURAL MARKETING SERVICE
Rules
Expenses and rate of assessment:
Oranges (Valencia) grown in Ariz. and Calif..... 16321
Limitation of handling and shipments:
Lemons grown in Calif. and Ariz..... 16322
Proposed Rules
Limitation of handling and shipments:
Oranges (Valencia) grown in Ariz. and Calif..... 16335

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service; Commodity Credit Corporation; Farmers Home Administration; Food and Nutrition Service; Forest Service.

AIR FORCE DEPARTMENT
Notices
Meetings:
Scientific Advisory Board (2 documents)..... 16352

ALCOHOL, TOBACCO, AND FIREARMS BUREAU
Notices
Firearms; granting of relief..... 16351

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
Alcoholic beverages to coach passengers; correction..... 16359
Canadian air carriers; correction..... 16358
Deutsche Lufthansa Aktiengesellschaft..... 16358
Eastern Air Lines, Inc.; correction..... 16359
Pan American World Airways, Inc.; correction..... 16359
Reeve Aleutian Airways, Inc..... 16359

COMMERCE DEPARTMENT
See Social and Economic Statistics Administration.

COMMISSION ON REVISION OF THE FEDERAL COURT APPELLATE SYSTEM
Notices
Hearings..... 16360

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED
Notices
Procurement list, 1975; additions and deletions..... 16357

COMMODITY CREDIT CORPORATION
Rules
Export Credit Sales Programs:
Beef breeding cattle..... 16327
Breeding swine..... 16332
Dairy breeding cattle..... 16329
Procedural requirements and organizational functions and assignments..... 16322

DEFENSE CIVIL PREPAREDNESS AGENCY
Rules
Payments for financial contribution; procedure for withholding under Federal Civil Defense Act..... 16314

DEFENSE DEPARTMENT
See Air Force Department; Navy Department.

EDUCATION OFFICE
Notices
Applications closing dates:
Emergency School Aid..... 16354
Veterans' Cost-of-Instruction Program..... 16356
Meetings:
National Advisory Council on Vocational Education (2 documents)..... 16355

EMPLOYMENT STANDARDS ADMINISTRATION
Notices
Minimum wages for Federal and Federally assisted construction.. 16467

ENVIRONMENTAL QUALITY COUNCIL
Notices
Environmental statements:
Actions requiring preparation.. 16364
Availability..... 16360

FARMERS HOME ADMINISTRATION
Rules
Federal Deposit Insurance Corporation coverage; increase in supervised bank accounts..... 16333

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directives:
Beech..... 16297
Lockheed (2 documents).. 16297, 16298
Rockwell..... 16299
Standard instrument approach procedures..... 16300
Transition area..... 16299
Proposed Rules
IFR altitudes..... 16347
Transition areas (4 documents).. 16345, 16346

FEDERAL COMMUNICATIONS COMMISSION
Rules
Fee schedules; broadcast or common carrier..... 16393

FEDERAL ENERGY ADMINISTRATION
Rules
Low sulfur petroleum products; use of; elimination of prohibitions..... 16295

FEDERAL HIGHWAY ADMINISTRATION
Rules
Public transportation:
Rural Highway Public Transportation Demonstration Program; guidelines..... 16301

FEDERAL INSURANCE ADMINISTRATION
Rules
National Flood Insurance Program:
Special hazard areas; correction (5 documents)..... 16303, 16304

V 40 71 APR 11 75 XUM

Proposed Rules

National Flood Insurance Program; flood elevation determination:
Florida 16345

FEDERAL MARITIME ADMINISTRATION

Notices

Agreements filed:
Japan/Korea-Atlantic and Gulf Freight Conference 16365
Trans-Pacific Freight Conference of Japan/Korea 16365

FEDERAL POWER COMMISSION

Rules

Organization and functions; clearance of public use forms 16300

Notices

Hearings, etc.:
Alabama-Tennessee Natural Gas Co 16365
Boston Edison Co 16366
Cambridge Electric Light Co 16366
Consolidated Gas Supply Corp 16366
Distrigas Corp 16366
Florida Gas Transmission Co 16368
Georgia Power Co 16366
Holyoke Water Power Co 16368
Northern Natural Gas Co 16369
Southside Electric Cooperative 16369
Transwestern Pipeline Co 16370
Western Massachusets Electric Co 16370

FEDERAL TRADE COMMISSION

Rules

Prohibited trade practices:
Insurance Budgeting Inc., et al; correction 16300

Proposed Rules

Credit practices 16347

FISH AND WILDLIFE SERVICE

Rules

Fishing:
Long Lake National Wildlife Refuge, N. Dak 16320

Notices

Endangered species permits; applications 16353

FOOD AND NUTRITION SERVICE

Rules

Food Stamp Program:
State agencies and eligible households 16320

FOREST SERVICE

Rules

Youth Conservation Corps Programs; grants to States for establishing 16316

Proposed Rules

Grazing advisory boards; establishment procedures 16335

HAZARDOUS MATERIALS REGULATIONS BOARD

Notices

Transportation of hazardous materials; issuance of special permits 16356

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Education Office.

Rules

Procurement; processing of contract appeals 16319

Proposed Rules

Procurement; procedures applicable to negotiated fixed price contracts 16337

Notices

Program results, report 16356

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Insurance Administration; Interstate Land Sales Registration Office.

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau; National Park Service.

INTERSTATE COMMERCE COMMISSION

Notices

Abandonment of service:
Oregon-Washington Railroad, et al 16391
Applications:
Petitions to stay judicial review 16392
Car service exemptions, mandatory:
Chicago, Milwaukee, St. Paul & Pacific Railroad Co., et al 16381
Fourth section applications for relief 16381
Hearing assignments 16381
Motor carriers:
Temporary authority applications (4 documents) 16382, 16386, 16389, 16392
Transfer proceedings 16382

INTERSTATE LAND SALES REGISTRATION OFFICE

Notices

Hearings, etc.:
Mountain View Village 16356
Royal Oak Golf Country Club 16357
Silver Spring Woods 16357

JUSTICE DEPARTMENT

See Law Enforcement Assistance Administration.

LABOR DEPARTMENT

See also Employment Standards Administration; Manpower Administration; Occupational Safety and Health Administration; Wage and Hour Division.

Rules

Workers adjustment assistance:
Implementation of new program 16304

Notices

Adjustment assistance:
Essex International, Inc 16379
FMC Corp 16380
Inmont Corp 16380
Minimum wages, special; certificates authorizing employment of learners 16380

LAND MANAGEMENT BUREAU

Notices

Applications, etc.:
Wyoming; correction 16352

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Notices

Committees; establishments, renewals, etc.:
Private Security Advisory Council 16352
Meetings:
Criminal Justice Standards and Goals, National Advisory Committee 16352

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; list of requests (2 documents) 16372, 16373

MANPOWER ADMINISTRATION

Notices

Applications, etc.:
Employment transfer and business competition determinations under Rural Development Act 16379
Meeting:
Federal Advisory Council on Unemployment Insurance 16379

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Notices

Meeting:
National Motor Vehicle Safety Advisory Council 16358

NATIONAL PARK SERVICE

Rules

Fishing:
Great Smoky Mountains National Park, Tenn. and N.C. 16315

NATIONAL SCIENCE FOUNDATION

Notices

Meetings:
Ethical and Human Value Implications of Science Technology Advisory Committee 16370
Mathematical Sciences Advisory Panel 16370
Science Advisor with scientific and technical societies 16371

NAVY DEPARTMENT

Rules

Public, rules applicable to; revocation 16314

NUCLEAR REGULATORY COMMISSION

Notices

Applications, etc.:
Alabama Power Co 16371
Commonwealth Edison Co 16371
Kansas Gas & Electric Co 16372

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Proposed Rules

Occupational exposure standards:
Noise exposure standards, hearing 16336

SECURITIES AND EXCHANGE COMMISSION

Notices

Environmental and other socially significant matters; disclosure of and investors' interest in 16375
Hearings, etc.:
Airways Enterprises, Inc 16373
American Stock Exchange, Inc. et al 16373
Central Power & Light Co 16374
Columbia Gas System, Inc 16374
Equity Funding Co. of America 16375
Industries International, Inc 16376
Middle South Utilities, Inc 16376
Naturizer, Inc 16376
Westgate California Co 16376
Zenith Development Co 16376

SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION

Notices

Meetings:
Small Areas Census Advisory Committee 16354

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration; Federal Highway Administration; Hazardous Materials Regulations Board; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT

See Alcohol, Tobacco, and Firearms Bureau.

UNITED STATES RAILWAY ASSOCIATION

Notices

Preliminary System Plan; correction 16377

VETERANS ADMINISTRATION

Notices

Meetings:
Administrator's Education and Rehabilitation Advisory Committee 16378
Health Manpower Training Assistance Review Committee 16378
Medical School Assistance Review Committee 16378

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

3 CFR

PROCLAMATIONS:
4364 16293

7 CFR

271 16320
908 16321
910 16322
1488 (4 documents) 16322, 16327, 16329, 16331
1808 16333

PROPOSED RULES:
908 16335

10 CFR

215 16295

14 CFR

39 (4 documents) 16297–16299
71 16299
97 16300

PROPOSED RULES:
71 (4 documents) 16345, 16346
135 16347

16 CFR

13 16300

PROPOSED RULES:
444 16347

18 CFR

3 16300

23 CFR

820 16301

24 CFR

1915 (5 documents) 16303, 16304

PROPOSED RULES:
1917 16345

29 CFR

91 16304
92 16304

PROPOSED RULES:
1910 16338

32 CFR

765 16314
1803 16314

36 CFR

7 16315
214 16316

PROPOSED RULES:
231 16335

41 CFR

3–1 16319
3–8 16319

PROPOSED RULES:
3–10 16337

47 CFR

1 16394

50 CFR

33 16320

V40 I71 APR 11 75 XUM

CUMULATIVE LIST OF PARTS AFFECTED—APRIL

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during April.

3 CFR

PROCLAMATIONS:
2799 (Revoked by Proc. 4360) 14567
2937 (Revoked by Proc. 4360) 14567
2938 (Revoked by Proc. 4360) 14567
2942 (Revoked by Proc. 4360) 14567
2972 (Revoked by Proc. 4360) 14567
3314 (Revoked by Proc. 4360) 14567
4101 (Revoked by Proc. 4360) 14567
4346 (Amended by Proc. 4359) 14565
4359 14565
4360 14567
4361 15063
4362 15861
4363 15863
4364 16293

EXECUTIVE ORDERS:
11809 (See EO 11849) 14887
11828 (Amended by EO 11848) 14885
11847 14568
11848 14885
11849 14887
11850 16187

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS
Memorandum of March 24, 1975 15377

4 CFR

408 ..... 14737, 15865
409 15865

PROPOSED RULES:
351 14942

5 CFR

213 ..... 15379, 16189
300 15379
302 15380
315 15380
890 14569
1001 14570

7 CFR

6 16069
51 15381
52 15890–15900
270 16069
271 ..... 16069, 16320
301 16070
331 16072
401 15905
410 15905
724 14737
731 14601
873 16072
905 ..... 14889, 16210
907 ..... 14889, 16073, 16212
908 ..... 14890, 16211, 16213, 16321
910 ..... 15065, 16073, 16322
944 14891
959 16211
991 14737
1250 15065
1472 16213
1488 ..... 16322, 16327, 16329, 16331
1701 16074
1803 16333

7 CFR—Continued

1872 15065
2710 14891

PROPOSED RULES:
29 15390
401 14777
908 16335
1002 ..... 14702, 15390
1004 ..... 14702, 15390
1033 14769
1251 15906
1421 15390
1823 14776
1842 15405

8 CFR

PROPOSED RULES:
103 16215
214 15092

9 CFR

94 14571

PROPOSED RULES:
303 15906
331 15906

10 CFR

70 16047
211 14738
213 16047
215 16295

PROPOSED RULES:
73 15098
205 14605
211 ..... 14605, 16089
212 15041
213 14948

12 CFR

541 15865
545 ..... 15382, 15865
563 14738
602 14571

PROPOSED RULES:
7 14767
206 15909
329 16219
335 14947
541 15096
545 15096
584 16090
701 15404
721 15404
745 15404

13 CFR

PROPOSED RULES:
107 14606
120 15098

14 CFR

39 ..... 14739, 14740, 14891, 14892, 15085–15086, 15384, 15866, 16189–16191, 16297–16299
71 ..... 14740, 14741, 15086, 15385, 15867, 16050, 16299

14 CFR—Continued

97 ..... 14893, 16300
288 14893
400 14572
401 14574
425 14578

PROPOSED RULES:
25 15093
71 ..... 14780, 14781, 15094, 15399, 15400, 15907, 16088, 16089, 16217, 16345, 16346
73 15907
75 14781
135 16347

15 CFR

350 14921
355 14925
377 15867
500 14930

PROPOSED RULES:
803 14603

16 CFR

1 ..... 15232, 15233
2 15235
3 ..... 15234, 15236
4 ..... 15235, 15236
13 ..... 14579–14582, 14741, 14894–14904, 15385, 15386, 15868–15872, 16050, 16191, 16300
302 14584
1500 16191

PROPOSED RULES:
1 15237
3 15239
4 15245
444 16347

17 CFR

150 15086
200 ..... 14748, 16052

PROPOSED RULES:
150 15907
240 16090
275 14782

18 CFR

3 16300
301 14749

PROPOSED RULES:
Ch. I 15402
2 16220
35 14606
101 14606
104 14606
141 15402
154 14606
202 14606
204 14606

19 CFR

6 15386
22 14749
113 14749
153 14591

19 CFR—Continued

PROPOSED RULES:
112 15389
113 15389

20 CFR

10 14750
405 ..... 14591, 14934

PROPOSED RULES:
405 14934

21 CFR

8 15087
121 14905
123 14592
312 16053
431 15088
436 15088
440 14906
444 15088
448 15089
449 16192
701 16192
740 14750
1030 14750

PROPOSED RULES:
27 16085
1301 16082
1308 16082

22 CFR

1 15392
3 15392

PROPOSED RULES:
8 15060

23 CFR

1 16057
140 16057
635 14906
646 16059
662 14907
820 16301

24 CFR

300 14753
570 15089
860 15580
861 15580
862 15580
863 15580
864 15580
880 15580
881 15580
882 15580
883 15580
888 15580
889 15542
1700 14753
1914 14599–14601
1915 ..... 14754, 16192, 16193, 16303, 16304

PROPOSED RULES:
1917 16345

25 CFR

43k 14592

26 CFR

301 15090

PROPOSED RULES:
1 14767

29 CFR

90 14908
91 16304
92 16304

29 CFR—Continued

670 16063
694 15875
726 16063
1601 16193
1913 15876
2300 14593

PROPOSED RULES:
4 16082
1910 ..... 15390, 16217, 16336
1926 15390

32 CFR

40 16194
287 16203
765 16314
856 14758
1803 16314

33 CFR

117 ..... 14594, 15093
380 14761

PROPOSED RULES:
117 ..... 14604, 15903
266 14872

36 CFR

7 ..... 14912, 16315
214 16316
603 15877
604 15877

PROPOSED RULES:
231 16335

38 CFR

3 16064

PROPOSED RULES:
1 14783
3 16092

39 CFR

PROPOSED RULES:
111 15909

40 CFR

52 ..... 14595, 15879
65 14876
180 ..... 14496, 14597, 15387, 15880
408 16204

PROPOSED RULES:
52 ..... 15094, 15095, 16218
408 15096

41 CFR

1–3 15880
1–7 14913
1–12 14913
1–15 14917
1–30 16319
3–1 16319
3–8 16205
7–1 16205
7–6 16205
7–7 16206
7–16 16206
7–30 15091
14–3 15091
109–1 15091

PROPOSED RULES:
Ch. 60 14953
3–10 16337

42 CFR

57 14762

PROPOSED RULES:
57 14932

43 CFR

PUBLIC LAND ORDERS:
5494 16066
5496 16208

PROPOSED RULES:
4 14603
2650 14603

45 CFR

112 16013
113 16015
114 16019
115 16032
151 14762
154 14917
155 14918
190 15248
249 14597
250 ..... 14597, 15388
1216 16208

PROPOSED RULES:
250 15093
156 16086

46 CFR

380 14599
528 14599
533 14599

PROPOSED RULES:
32 14935
50 14935
52 14935
53 14935
54 14935
56 14935
58 14935
63 14935
502 15097
550 15401

47 CFR

0 14764
1 ..... 15883, 16394
15 ..... 15091, 15881
73 ..... 15546, 15882–15889
76 15546

PROPOSED RULES:
73 ..... 14943–14947, 15907, 15908
76 15574

49 CFR

1 14764
310 14919
571 14765
1033 ..... 14765, 14766
1126 16066
1201 15388

PROPOSED RULES:
571 16217
1241 15402
1249 15402
1250 15402
1251 15402

50 CFR

32 14920
33 ..... 14766, 14920, 16210, 16320
280 16210

PROPOSED RULES:
17 14767
227 14777
251 ..... 14778, 14779, 16216

V 40 71 APR 11 75 XUM

FEDERAL REGISTER PAGES AND DATES—APRIL

Pages	Date
14565–14735	Apr. 1
14737–14883	2
14885–15062	3
15063–15376	4
15077–15859	7
15861–16046	8
16047–16186	9
16187–16291	10
16293–16640	11

presidential documents

Title 3—The President

PROCLAMATION 4364

Law Day, U.S.A., 1975

By the President of the United States of America

A Proclamation

We cannot cherish justice and liberty unless we respect the law.

In order to preserve and strengthen our cherished freedoms, it is appropriate that we reaffirm the fundamental principle of justice through law for all Americans. We can do so in many ways and in many places—in the library and classroom, through grassroots civic and political work, and through a heightened awareness of the American system of law making and law enforcement. Let each of us reaffirm our devotion to and respect for the legal process without which neither life nor liberty would be secure.

Congress has requested that the first day of May of each year be proclaimed Law Day, U.S.A. (75 Stat. 43; 36 U.S.C. 164); and, that the American people be asked to celebrate that day in appreciation for the liberties we have acquired and preserved under the law.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, invite the people of the United States to observe Thursday, May 1, 1975, with appropriate programs and ceremonies, as Law Day, U.S.A. I especially urge that schools, libraries, churches, civic and service organizations, public bodies, the courts, the legal profession and the communications media take the lead in sponsoring, participating in, and publicizing suitable observances throughout the Nation. And I call upon all public officials to display the flag of the United States on all government buildings on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of April in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.75-9605 Filed 4-9-75;12:48 pm]

V 40 71 APR 11 75 XUM

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 215—POWER GENERATOR FUEL REGULATION

Revision To Eliminate Prohibitions on the Use of Low Sulfur Petroleum Products

On February 10, 1975, the Federal Energy Administration issued a notice of proposed rulemaking and public hearing (40 FR 6787, February 14, 1975) to revise Part 215 to eliminate the prohibitions therein against the use of a petroleum product or blend of petroleum products with a sulfur content lower than that in use on December 7, 1973.

Nine written comments were received in response to the notice of proposed rulemaking and oral presentations were made by six persons at the public hearing, which was held on March 6, 1975. All comments and all presentations at the public hearing have been considered. Several modifications to the proposed regulation have been made, reflecting FEA's consideration of these comments and presentations as well as other information available to FEA.

The FEA stated in the preamble to the proposed revision of Part 215 that current reports indicated that shortages of low sulfur petroleum products are no more critical than is the case for petroleum products generally, and there had been no demonstration of which FEA was aware that disproportionate shortages of low sulfur petroleum products will recur in the foreseeable future. FEA specifically requested comments on this premise. Five of those commenting on the proposed revision disagreed with the conclusion of FEA with regard to low sulfur petroleum product shortages and stated the opinion that the revised Part 215 would have an adverse impact on the availability, price, production, and importation of low sulfur products. However, no written comments or oral presentations at the March 6, 1975 hearing presented information which demonstrated that a disproportionate shortage of low sulfur petroleum products exists presently or is likely to exist in the foreseeable future. Several comments referred to a letter from EPA Administrator Russell E. Train to Senator Jennings Randolph, Chairman of the Committee on Public Works, which stated that "Supplies of low sulfur fuel are not adequate to meet standards nationwide nor is stack gas scrubber equipment available in sufficient quantities." FEA has, however, been advised by the EPA that Mr. Train was referring to supplies of low sulfur coal, not petroleum. This is apparent from the context of the entire letter as well as from the reference to scrubbers contained in the same sentence (in view of the fact that scrubber technology is almost exclusively utilized in coal burning situations).

The FEA concludes, therefore, that its earlier position with regard to low sulfur petroleum shortages is valid. Should low sulfur petroleum product shortages arise in the future which would necessitate distinguishing among petroleum products on the basis of sulfur content, the FEA will propose means of precluding unnecessary end uses of such products at that time.

Having considered the comments and statements received, the proposed regulation, as modified, is adopted. Part 215, as revised, will no longer prohibit conversions among petroleum products by power generators subject to the provisions of Part 215. The use of petroleum products, of course, will continue to be subject to other FEA regulations relating to the mandatory allocation and pricing of petroleum products. For example, conversions from natural gas to petroleum products such as propane and butane may still be undertaken only after assignment of a supplier or an adjustment of base period volume by FEA pursuant to Parts 205 and 211. Initial conversion to petroleum products with sulfur content lower than that in use in a power generator during November, 1973, and each subsequent conversion to petroleum products having sulfur content lower than that resulting from the initial conversion may be undertaken only after notice of such action to FEA. Similarly, notice is required prior to an increase in the direct or indirect use of middle distillate in relation to other petroleum products over that consumed in the corresponding month of 1972 or in July 1973, as well as prior to any subsequent increase in the direct or indirect use of middle distillate over that resulting from the initial increase in direct or indirect use.

However, power generators subject to the provisions of Part 215 will continue to be precluded from converting from non-petroleum fuels to petroleum fuels except where such actions are certified by the appropriate state agency to be essential to meet primary ambient air quality standards and suitable non-petroleum fuels are not available; where conversion is necessary to avoid special hardship, inequity, or unfair distribution of burdens; where fuels necessary for compliance are not available; or where the conversion is from natural gas and alternative fuels cannot practically be utilized. The retention of that portion of Part 215, as part of FEA's allocation program, is necessary to address general petroleum product supply difficulties, as well as encourage the continued use of coal.

Specifically, § 215.3(a), which addresses the use of non-petroleum products as fuel for power generators, seeks to reduce the demand for petroleum products by prohibiting the allocation or sale of such products for use in power generators which were not burning petroleum products on December 7, 1973, except under specified circumstances. Similarly, § 215.3(b) precludes a disproportionate increase in the use of petroleum products over coal in power generators which burn both types of fuel. These allocation restrictions on the use of petroleum products vis-a-vis non-petroleum products will remain as part of FEA's effort to minimize the effects of shortages of petroleum products.

Section 215.2 has heretofore defined "petroleum products" in a fashion consistent with Part 211 of the FEA regulations. The FEA has modified that definition for the purposes of Part 215 by including petroleum coke within the definition. This change was made in recognition of the fact that the purpose of Part 215, as amended herein, is to prevent certain conversions from coal to petroleum products, and not to prevent conversions between two different petroleum products, regardless of whether or not they are subject to other FEA regulations relating to the mandatory allocation and pricing of crude oil, residual fuel oil, and refined petroleum products.

The proposed revision of Part 215 has also been modified with regard to the notice requirements. Since the purpose of the notice provisions is to provide the FEA with information as to permanently increased uses of petroleum products, temporary increases in the use of low sulfur petroleum products for peaking or substitution for normal base load production fuel are not useful to the FEA for the purposes of Part 215. Therefore, increases in use of petroleum products which would otherwise require prior notice to FEA are not required where the increased use of petroleum products is for the purpose of meeting peak generation capacity requirements or emergency generation requirements for 30 days or less.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 93-511; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, Part 215 of Chapter II, Title 10 of the Code of

V 40 71 APR 11 75 XUM

Federal Regulations, is amended as set forth below, effective immediately.

Issued in Washington, D.C. April 3, 1975.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

Part 215 is revised to read as follows:

Sec.
215.1 Purpose and intent.
215.2 Definitions.
215.3 Power generators burning non-petroleum products.
215.4 Power generators currently burning petroleum products.
215.5 New power generators.
215.6 Exceptions.
215.7 Notice to FEA.

AUTHORITY: (Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 93-511; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185).

§ 215.1 Purpose and intent.

The purpose of this part is to assure the optimum use of limited supplies of petroleum products in a manner consistent with the provisions of the Clean Air Act, as amended, section 4(a) of the Energy Supply and Environmental Coordination Act of 1974 (Pub. L. 93-319), and the Clean Fuels Policy of the EPA. This part is not intended to affect or preempt the development of individual source compliance schedules or other actions associated with implementation of the Clean Air Act, except with regard to the timing of actual shifts to burning petroleum products during the period this part is in effect.

§ 215.2 Definitions.

For the purpose of this part—

"Clean Air Act" means the Clean Air Act as amended, 42 U.S.C. 1857 et seq. (1970), as amended by Pub L 93-319, 88 Stat. 246.

"EPA" means Environmental Protection Agency.

"FEA" means Federal Energy Administration.

"Petroleum product" means crude oil, residual fuel oil, refined petroleum products and petroleum coke as defined in § 211.51 of Part 211 of this chapter.

"Power generator" means any boiler, burner, or other combustor of fuel or any combination of boilers at a single site in any electric power generating plant or industrial or commercial plant having a total firing rate of 50 million B.T.U./hour or greater in commercial operation and includes combustion turbines used in the generation of electrical energy.

"Primary ambient air quality standards" means the national primary ambient air quality standards provided for in the Clean Air Act.

§ 215.3 Power generators burning non-petroleum products.

(a) No petroleum product shall be sold or otherwise provided to or accepted by any firm for burning under power generators that were not using a petroleum product on December 7, 1973.

(b) A firm using petroleum products in power generators on December 7, 1973, shall not utilize for burning under power generators an aggregate quantity of such products in any month subsequent to April, 1974, in any power generator that was burning petroleum products on December 7, 1973, and that is capable of burning coal and petroleum products, which quantity exceeds the larger of the aggregate quantity of petroleum products consumed in the corresponding month of 1972 or in July 1973, except that the quantity of petroleum products burned may be increased in proportion to the increased output of energy or increased need for startups.

§ 215.4 Power generators currently burning petroleum products.

(a) Petroleum products may continue to be sold to and purchased and utilized by firms using them in power generators burning petroleum products on December 7, 1973, except that 30 days prior notice pursuant to § 215.7 shall be provided the FEA by such firms where:

(1) There is conversion to petroleum products having a lower specified sulfur content, by weight, than the average content of the petroleum products in use in such a power generator during November, 1973 or during the last month in which the power generator consumed such products. Notice required by this section is applicable to initial conversion referred to by this paragraph and to any subsequent conversion to petroleum products of lower sulfur content than that resulting from the initial conversion.

(2) The quantity of middle distillate utilized by such firm in any month subsequent to April, 1974 in any such power generator exceeds the larger of the quantity of middle distillate consumed in the corresponding month of 1972 or in July 1973. Such notice is not required where the quantity of middle distillate burned is increased in proportion to the increased output of energy, or increased need for startups. Notice required by this section is applicable to initial increases referred to by this paragraph and to any subsequent increase in the use of middle distillate above that resulting from the initial conversion.

(3) Increased indirect use of middle distillate and residual fuel oil occurs due to:

(i) The blending of more middle distillate into residual fuel oil than the greater of the quantities blended in the corresponding month of 1972, or in July 1973.

(ii) The use under a power generator of a blended fuel containing a greater proportion of middle distillate from the larger of:

(A) The proportion included in the corresponding month of 1972, or

(B) The proportion included in July 1973.

(iii) Notice required by this section is applicable to initial increases referred to by this paragraph and to any subsequent increase in the proportion of middle distillate to other petroleum products above that resulting from the initial conversion.

(b) Notice pursuant to this section is not required where the increased use of petroleum products is for the purpose of meeting peak generation capacity requirements, or emergency generation requirements for 30 days or less.

§ 215.5 New power generators.

Any firm with power generators which commenced commercial operations after December 7, 1973 shall not utilize any petroleum products with sulfur content by weight lower than that needed to meet Primary Ambient Air Quality Standards or to comply with EPA new source performance standards (40 CFR Part 60) or for startup until 30 days prior notice of such intended use had been provided the FEA pursuant to § 215.7.

§ 215.6 Exceptions.

(a) Upon application in accordance with Subpart D of Part 205 of this chapter, the FEA shall automatically grant exception to the provisions of § 215.3 when the use of petroleum products is properly certified by the appropriate State air pollution control agency to be essential to meeting the Primary Ambient Air Quality Standard. Such exception shall be granted, however, only where suitable alternative non-petroleum product fuels are not available.

(b) The FEA may also grant exceptions from the provisions of § 215.3 in accordance with Subpart D of Part 205 of this chapter if:

(1) Any firm subject to this part can demonstrate that compliance with the provisions of § 215.3 would cause special hardship, inequity, or unfair distribution of burdens; or

(2) Fuels necessary for compliance with this part are not available.

(c) Upon application in accordance with Subpart D of Part 205 of this chapter, the FEA shall automatically grant exceptions to the provisions of § 215.3 for power generators subject to this section converting from natural gas to petroleum products provided that alternative fuels, such as coal, cannot practically be utilized.

§ 215.7 Notice to FEA.

(a) Notice required by this part shall be filed with the FEA National Office and shall be addressed as follows:

Federal Energy Administration
Box 90
Washington, D.C. 20461

(b) Such notice shall contain:

(1) Description of petroleum product, including sulfur content, currently used.

(2) Description of petroleum product, including sulfur content, to which conversion is intended, or description of increase in use of middle distillate that is intended.

(3) Quantity used prior to intended conversion and quantity proposed for each of the next 12 months.

(4) Reason for conversion or increased use for direct fuel or blending.

(5) Location of power generators.

(6) Source of supply including geographical location and the supplier.

[FR Doc.75-9146 Filed 4-3-75;4:26 pm]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-CE-7-AD; Amdt. 39-2168]

PART 39—AIRWORTHINESS DIRECTIVES

Beech 65-90, 65-A90 and B90 Airplanes

There have been reports of fuel contamination in the aft fuselage area of Beech Models 65-90, 65-A90 and B90 airplanes resulting from malfunction of the cabin heater. This contamination is caused by unburned fuel draining from the heater exhaust stack and/or the combustion chamber vent. This fuel runs back along the fuselage bottom and enters the aft fuselage through drainage holes and access door joints. The contaminated area contains components which may be a source of ignition. The manufacturer has issued service instructions recommending (1) modifications involving aft fuselage drainage and sealing; and (2) modifications improving heater operation and reliability in these model airplanes. Since the condition described herein is likely to exist or develop in other aircraft of the same type design, an Airworthiness Directive (AD) is being issued applicable to Beech Models 65-90, 65-A90 and B90 airplanes, which requires incorporation of the aforementioned modifications within one calendar year. In addition, the AD will require the installation of a temporary heater operation placard and modifications to improve aft fuselage drainage.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to Models 65-90, 65-A90 and B90 (Serial Numbers LJ-1 through LJ-484) Airplanes.

Compliance: Required as indicated, unless already accomplished.

To preclude fuel contamination in the aft fuselage area, accomplish the following:

(A) On airplanes (Serial Numbers LJ-1 through LJ-395) not modified per Beechcraft Service Instruction 0230-412, Rev. I, or later approved revision, including optional Cabin Heat Out light, within 50 hours' time in service after the effective date of this AD, install a temporary placard on the heater control panel stating:

"IF HEATER FAILS TO HEAT, TURN OFF IMMEDIATELY"

and operate the aircraft in accordance with this limitation.

NOTE: This placard may be fabricated from embossed tape or typed or printed on paper of a contrasting background.

(B) On airplanes (Serial Numbers LJ-1 through LJ-484) not modified in accordance with Beechcraft Service Instruction 0268-103, Rev. I, or later approved revision, within 50 hours' time in service after the effective date of this AD, modify the drainage and sealing of the aft fuselage area as follows:

1. Remove the tail cone and the aft fuselage access door.

2. Drill out the 5 holes in the fuselage skin just aft of the aft pressure bulkhead (station 298.0), the 2 holes just aft of the station 364.0 bulkhead, the hole just aft of the 380.0 bulkhead and the hole in the lower surface of the tail cone to .191 to .196 inch.

NOTE: In some cases some of these holes may not exist. If this is the case, do not drill new holes.

3. Fill these holes with MS20470B6 rivets of appropriate length. Seal the rivet butts with EC1239 or equivalent sealant.

4. Drill a .250 inch hole at the lower fuselage centerline .20 inch aft of the aft pressure bulkhead (fuselage station 298.20).

5. Drill a .250 inch hole in the fuselage skin at the lower fuselage centerline .44 inch aft of the fuselage station 380.0 bulkhead (just forward of the tail cone).

NOTE: Steps 4 and 5 will allow moisture to drain through the ventral fin.

6. Drill 4 .12 inch diameter drain holes in the lower edge of the ventral fin. These holes should be spaced as follows:

a. 1 hole 24.0 inches aft of the forward end of the ventral fin,

b. 1 hole 1.6 inches forward of the station 380.0 bulkhead,

c. 1 hole 22.0 inches forward of the station 380.0 bulkhead,

d. 1 hole 88.0 inches forward of the station 380.0 bulkhead.

7. On airplanes having a hinged aft fuselage access door, open this door, drill out the 2 drain holes in the door and 8 holes in the forward edge of the door frame.

NOTE: In some cases some of these holes may not exist. If this is the case, do not drill new holes.

a. Place tape over the 8 holes in the forward edge of the door frame. Fill these holes with EC1239 or equivalent sealant. Do not remove the tape until the sealant cures.

b. Fill the remainder of the holes with MS20470B6 rivets of appropriate length. Seal the rivet butts with EC1239 or equivalent sealant.

c. Using FPP-T-60 two (2) inch wide tape, or equivalent, temporarily seal the closed aft fuselage access door in a manner that will cover both the door opening edges and fastening screws.

(C) On or before May 1, 1976, on airplanes (Serial Numbers LJ-1 through LJ-484), modify the aft fuselage in accordance with Beechcraft Service Instructions No. 0268-103, Rev. I, or later approved revisions, and on airplanes (Serial Numbers LJ-1 through LJ-395) modify the heater installation, including installation of cabin heat out light, in accordance with Beechcraft Service Instructions 0230-412, Rev. H, or later approved revisions.

(D) When Paragraph C is accomplished the temporary placard specified in Paragraph A and temporary sealing of aft fuselage door specified in Paragraph (B)7.c. may be removed.

(E) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective April 17, 1975.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423) and of sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Kansas City, Missouri, on April 2, 1975.

C. R. MELUGIN, JR.,
Director, Central Region.

[FR Doc.75-9449 Filed 4-10-75;8:45 am]

[Airworthiness Docket No. 74-WE-45-AD; Amdt. 39-2169]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Aircraft Service Company Model 209, Digital Flight Data Recorder

A proposal to amend Part 39 of the Federal Aviation Regulations to add an airworthiness directive requiring installation of vibration isolators under the Lockheed Aircraft Service Company (LAS) Model 209 Digital Flight Data Recorder (DFDR) on all civil aircraft in which it is installed was published in 39 FR 40805.

Interested persons have been afforded an opportunity to participate in the making of this amendment. A discussion of the comments received follows.

The Air Transport Association of America (ATA) commented that perhaps later revisions of the DFDR (this refers to revisions which together will be designated by LAS as the Revision E change) may provide adequate data intelligibility without the use of vibration isolators, and that time should be allowed to determine whether or not this is true. The FAA does not agree, because: (1) None of these modifications concern vibration, per se; (2) LAS states that vibration isolators will still be required with the Revision E change; and (3) There is as yet no mandatory requirement for any operators to update their DFDRs to the Revision E level.

The ATA also stated their opinion that issuance of the proposed AD would be premature in that there is no assurance that the vibration isolators will be completely effective. The FAA does not agree. The vibration isolators are necessary for the DFDR to comply with the vibration requirements of TSO C51a. In this connection, an FAA Air Carrier District Office reported that installations of the DFDR using the vibration isolators on an operator's Hawker-Siddeley HS-748 airplanes improved the data readability from "insufficient" (for data reduction) to a condition of "minimal" data dropouts. This service experience provides a verification that the isolators should be effective with respect to data dropouts due to vibration.

The ATA commented that some installations have the Built-In-Test-Equipment (BITE) circuitry connected into the crew's DFDR status monitor indicator, and that this fault monitor provision assures that if data are not being properly recorded in respect to frequency and amplitude the crew will be alerted; therefore, the AD should exempt aircraft having this provision. The FAA does not agree. LAS has advised that this monitor

V 40 71 APR 11 75 XUM

provision is not satisfactory in respect to determination of subframe data content, and that the amplitude monitoring will respond to any signal irregardless of its format or noise content. This monitoring is clearly inadequate to assure readability of the data.

Douglas Aircraft Company (DAC) commented that the vibration isolators should be specified as Type MS91527 (5–10 pound range) instead of the specific requirement for Barry Wright Corp. P/N L44–BA–10. The FAA agrees. LAS has issued a later revision to Installation Drawing No. 10077J500, which specifies three models of vibration isolators. This revision of the Installation Drawing is specified in the airworthiness directive. The AD also provides for later FAA-approved revisions of this drawing, which may include additional equivalent vibration isolators.

One commentator stated that no standard exists for allowable data loss. The FAA agrees that no such standard has been published in the TSO or any other rule. However, the standard of a maximum of 0.3 percent data loss on a 3600 subframe basis (one hour) is anticipated for inclusion in the forthcoming DFDR TSO, and LAS concurs that this is a reasonable standard for the TSO vibration tests. The industry is generally aware of this standard, and no adverse comments have been received by the Western Region to the incorporation of this standard in the TSO. Furthermore, LAS tested for TSO compliance to the 0.3 percent standard, using the Barry vibration isolators, and the data were acceptable on this basis. Therefore, we consider this standard adequate for purposes of this AD. The National Transportation Safety Board (NTSB) also concurs with this standard.

One commentator stated that vibration is not the sole cause of "unacceptable performance" of the LAS 209 DFDR, and that other actions, including mandatory revisions to the recorder and periodic data readouts, should also be taken. The FAA has these matters under consideration; however, lack of vibration isolators has been determined to be a primary cause of data unintelligibility when the DFDR is otherwise working properly. It is proper for the proposed AD to be adopted.

The NTSB recommended to the Administrator and another commentator stated that the demonstrated mean-time-between-failure (MTBF) of the LAS 209 recorder indicates that periodic data readouts (every 500±25 hours) should be instituted after installation of the vibration isolators, until such time as the MTBF is increased. However, since the low reliability (in general) of the recorder is a separate issue, not having to do with vibration, per se, mandatory installations of modified equipment and/or monitoring provisions, are considered to be outside the scope of the NPRM. LAS has been contacted in this matter and has agreed to provide a Service Bulletin describing maintenance practices for FAA approval. Further AD action will be considered after issuance of the service bulletin for required periodic data readouts and other maintenance requirements after installation of the vibration isolators. The FAA will also consider mandatory incorporation of redesigned equipment intended to substantially improve reliability. The service experience of the fleet will be evaluated to determine additional rulemaking actions. LAS is studying the feasibility of a device that will provide an accurate failure annunciation based on actual subframe data content measurements. If the device is provided and determined satisfactory by FAA, such installations may be required in future rulemaking actions. The FAA believes that the reliability of the recorder must be improved, and concurs with the commentators in this regard.

DAC commented that further details for the installation should be included on LAS Installation Drawing No. 10077J500. The FAA agrees. LAS has issued a later revision to Installation Drawing No. 10077J500, which specifies all required information. This revision of the Installation Drawing is specified in the airworthiness directive.

One commentator stated that an AD requirement for the installation of vibration isolators is inappropriate, alleging that the DFDR does not directly affect the airworthiness of the aircraft in which it is installed; i.e., a faulty DFDR does not, in itself, create an unsafe condition. The FAA does not agree. While faulty data recording does not constitute an immediate hazard to the aircraft in which such recording occurs, flight data recorders are required equipment in Air Transportation operations under Part 121 of the Federal Aviation Regulations and certain other operations. The data provided by flight data recorders have been demonstrated to be extremely useful as an accident and incident investigation tool, which ultimately enhance the safety of each aircraft in which one is installed, as well as other aircraft of the same and other type designs. In this view, the FAA considers a faulty flight data recorder to be an airworthiness degradation.

ATA, DAC, and LAS commented that the proposed compliance time of 90 calendar days is unreasonably short to allow for design changes to specific aircraft installations requiring slight relocations of the DFDR or other changes, for procuring the vibration isolators, for documenting the installations, and for orderly accomplishment of the AD without disruption of airline schedules. Specifically, ATA requests twelve months, LAS suggests 180 to 270 calendar days, and DAC does not suggest a specific compliance time, saying only that 90 calendar days are insufficient. The FAA has considered these comments. A specific deadline for AD compliance is provided for in the adopted rule.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

Lockheed Aircraft Service Company. Applies to Lockheed Aircraft Service Company Model 209 Digital Flight Data Recorders installed in, but not limited to, Boeing 727, 737, and 747, Douglas DC–8, DC–9, and DC–10, Lockheed L–1011, Dassault/Sud Fan Jet Falcon, Hawker-Siddeley DH–125 and 748, and Fokker F–28 airplanes, and Boeing-Vertol 114A (U.S. Army CH–47A) helicopters, certificated in all categories.

Compliance required on or before January 1, 1976, unless already accomplished.

To provide satisfactory recording of the required flight data parameters, install four identical vibration isolators under the ARINC 1/2 ATR rack supporting the Model 209 Digital Flight Data Recorder in accordance with Lockheed Aircraft Service Company Drawing No. 10077J500, Revision F, dated March 14, 1975, or later FAA-approved revisions.

Equivalent vibration isolators and/or installations may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment is effective May 20, 1975.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on April 3, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.75–9450 Filed 4–10–75;8:45 am]

[Airworthiness Docket No. 75–WE–34–AD; Amdt. 39–2167]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed-California Company Model L–1011–385–1 Series Airplanes

There have been instances of rudder pedal hangups on Lockheed-California Company Model L–1011–385–1 series airplanes due to a lack of sufficient clearance in the side panel kickshield splice areas that could result in a jam of the rudder flight control system. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require an inspection of the rudder pedal freedom of travel relative to the left and right side consoles kickshields and the left and right side center console forward trim panels; to incorporate an interim fix, if necessary; otherwise to incorporate a permanent total modification, on Lockheed-California Company Model L–1011–385–1 series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

Lockheed Aircraft Service Company. Applies to Lockheed Aircraft Service Company Model 209 Digital Flight Data Recorders installed in, but not limited to, Boeing 727, 737, and 747, Douglas DC–8, DC–9, and DC–10, Lockheed L–1011, Dassault/Sud Fan Jet Falcon, Hawker-Siddeley DH–125 and 748, and Fokker F–28 airplanes, and Boeing-Vertol 114A (U.S. Army CH–47A) helicopters, certificated in all categories.

Compliance required on or before January 1, 1976, unless already accomplished.

To provide satisfactory recording of the required flight data parameters, install four identical vibration isolators under the ARINC 1/2 ATR rack supporting the Model 209 Digital Flight Data Recorder in accordance with Lockheed Aircraft Service Company Drawing No. 10077J500, Revision F, dated March 14, 1975, or later FAA-approved revisions.

Equivalent vibration isolators and/or installations may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment is effective May 20, 1975.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on April 3, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.75–9450 Filed 4–10–75;8:45 am]

[Airworthiness Docket No. 75–WE–34–AD; Amdt. 39–2167]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed-California Company Model L–1011–385–1 Series Airplanes

There have been instances of rudder pedal hangups on Lockheed-California Company Model L–1011–385–1 series airplanes due to a lack of sufficient clearance in the side panel kickshield splice areas that could result in a jam of the rudder flight control system. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require an inspection of the rudder pedal freedom of travel relative to the left and right side consoles kickshields and the left and right side center console forward trim panels; to incorporate an interim fix, if necessary; otherwise to incorporate a permanent total modification, on Lockheed-California Company Model L–1011–385–1 series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

LOCKHEED–CALIFORNIA COMPANY. Applies to Lockheed-California Company Model L–1011–385–1 Series Airplanes, Certificated in All Categories.

To prevent possible hangups of the rudder pedals due to insufficient clearance in the side panel kickshield splice areas, accomplish the following:

(A) Within 200 hours additional time in service, and at intervals not to exceed 200 hours time in service thereafter, after the effective date of this AD, perform a visual inspection of the flight station side panel kickshield joint areas to determine potential rudder pedal interference with the sidewall trim and center-console trim, per the instructions of Part I Lockheed Service Bulletin 093–25–155, dated June 15, 1973, or later FAA-approved revisions.

(1) If adequate clearance exists, repeat the inspections at intervals not to exceed 200 hours time in service thereafter until the modifications described in (B), below, is accomplished.

(2) If inadequate clearance is found as a result of any of the inspections, either

(i) Perform the interim modifications described in Part I, paragraphs (2) or (3), Lockheed Service Bulletin, 093–25–155, dated June 15, 1973, or later FAA-approved revisions, and repeat the inspections of (A), above; or

(ii) Perform the modifications described in Part II of the referenced Service Bulletin.

(B) On or before July 1, 1975, perform the modification to the side and center/kickshield described in Part II of the referenced Service Bulletin. This modification, when accomplished, constitutes terminating action for this AD.

(C) Equivalent inspections and modifications and replacement may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(D) Airplanes may be flown to a base for the accomplishment of the inspections and replacements required by this AD, per FAR's 21.197 and 21.199.

This amendment becomes effective April 17, 1975.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Los Angeles, California on April 2, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.75–9448 Filed 4–10–75;8:45 am]

[Airworthiness Docket No. 75–WE–3–AD; Amdt. 39–2161]

PART 39—AIRWORTHINESS DIRECTIVES

Rockwell International NA–265 Series Airplanes

There have been reported instances of loss of all electrical power in NA–265 series airplanes; one each in Models NA–265–40, NA–265–60 and NA–265–70. In one case the failure was a result of loose terminal connections of electrical cables on Essential Bus circuit breakers. In the remaining cases circuit breakers were found to be defective; some did not conform to current-time trip design specifications, and two circuit breakers were cracked, apparently due to excessive torque used in attaching the electrical cables. Lack of preflight inspection is considered to be a contributing factor. The undetected failure, for any reason, of any circuit breaker reduces the margin of capacity designed into the parallel cable electrical power transmission system. Since this condition is likely to exist or develop in other airplanes of the same design, an airworthiness directive is being issued to require: (1) an inspection of the cable connection torque on the circuit breakers, (2) a test or replacement of circuit breakers on certain serial numbered airplanes and for spare circuit breakers, and (3) a preflight inspection in Rockwell International NA–265 series airplanes, with appropriate AFM revision and placards.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the new airworthiness directive:

ROCKWELL INTERNATIONAL. Applies to NA–265, T–39A, NA–265–20, T–39B, NA–265–30, T–39D, NA–265–40, NA–265–60 and NA–265–70 Airplanes, certificated in all categories.

Compliance required within the next 50 hours time in service or 30 days, whichever is sooner, after the effective date of this AD, unless already accomplished.

To prevent loss of electrical power in flight, accomplish the following:

(a) Perform an inspection of the electrical cable system at fuselage stations #148 and #333 as follows:

(1) Examine cable lugs for looseness on cable or Essential Bus circuit breakers; if readily movable by hand applied force, replace that particular circuit breaker, and cable terminal, if applicable.

(2) Examine circuit breakers for cracked cases. Application of excess torque on lug attaching bolt may cause cracks emanating from area adjacent to breaker terminal. Replace units having such cracks.

(3) Determine by inspection that the cable lug is attached to the circuit breaker by not less than 50 inch-pounds torque; if below 50 inch-pounds, adjust to 50–60 inch-pounds.

(b) For airplane Model NA–265–40 Serial Numbers 282–98 through 282–137 and Model NA–265–60 Serial Numbers 306–64 through 306–93:

(1) Test the circuit breakers and replace, if necessary, as specified in Sabreliner Service Bulletin 74–28, as issued on September 20, 1974, or as revised January 15, 1975, or later FAA-approved revisions; or

(2) Replace the 10 Essential Bus circuit breakers with Rockwell International supplied replacements which have been tested. (These are date stamped with black ink by Rockwell International, and must be dated either prior to January 1, 1970, or after July 7, 1974. During the interval between these dates, tests were conducted only on selected samples, and such units must not be used, unless tested as specified in Service Bulletin 74–28).

(c) Revise AFM Limitations section as follows:

Essential Bus Circuit Breakers. All 28V DC, 100 Amp Essential Bus circuit breakers (cockpit and cabin) must be checked and engaged (pushed in) during the pre-flight (prior to first flight of the day) inspection.

(d) Install a placard in full view of the crew:

"PRIOR TO FIRST FLIGHT OF DAY—DETERMINE THAT COCKPIT AND CABIN ESSENTIAL BUS CIRCUIT BREAKERS ARE PUSHED IN."

(e) Install a placard on or immediately adjacent to the aft cabin circuit breaker panel:

"CIRCUIT BREAKERS ON THIS PANEL ARE ESSENTIAL TO SAFETY AND MUST BE READILY ACCESSIBLE TO THE CREW IN FLIGHT—DO NOT OBSTRUCT."

(f) Examine circuit breakers in spares stock. Either remove those date stamped by Rockwell International during interval of January 1, 1970, through July 7, 1974, and identify in a manner to preclude installation in NA–265 series airplanes, or perform the one hour functional test specified in Service Bulletin 74–28 prior to returning to spares.

Equivalent procedures may be approved by the Chief, Aircraft Engineering Division, FAA Western Region, upon submission of adequate substantiation data.

Aircraft may be flown to a base for performance of work required by this AD per FAR's 21.197 and 21.199.

This amendment becomes effective April 14, 1975.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on March 31, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.75–9447 Filed 4–10–75;8:45 am]

[Airspace Docket No. 75–GL–3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 5793 of the FEDERAL REGISTER dated February 7, 1975, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Middlefield, Ohio.

Interested persons were given 30 days to submit written comments, objections and arguments concerning the proposed amendments. The Air Transport Association had no objections to the proposed designation of transition area; however, the owner of the Gates Airport advised he would like to remain out of the controlled airspace if possible. The area can be reduced to a six-mile radius with an extension which will keep the Gates Airport out of the area without derogation of the procedure. Accordingly, the proposed amendment is hereby adopted subject to the minor change as set forth below:

This amendment shall be effective May 22, 1975.

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In § 71.181 (40 FR 441), the following transition area is added:

MINSFIELD, OHIO

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Ontario County Airport (Latitude 41°27'00" N., Longitude 81°09'48" W.); within 1½ miles each side of the Chardon VORTAC 132° radial extending from the 6-mile radius area to the VORTAC excluding the portion which overlies the Cleveland transition area.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348), Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, on March 24, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.75-9451 Filed 4-10-75;8:45 am]

[Docket No. 14459; Amdt. No. 963]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective May 22, 1975:

Beverly, Mass.—Beverly Municipal Arpt., VOR Rwy 16, Amdt. 1.
Bismarck, N. Dak.—Bismarck Municipal Arpt., VOR-A, Amdt. 15.
Cody, Wyo.—Cody Municipal Arpt., VOR-A, Amdt. 3.
Devils Lake, N. Dak.—Devils Lake Municipal Arpt., VOR Rwy 13, Amdt. 4.
Devils Lake, N. Dak.—Devils Lake Municipal Arpt., VOR Rwy 31, Amdt. 1.
Hopedale, Mass.—Hopedale-Draper Arpt., VOR-A, Orig.
Kalamazoo, Mich.—Kalamazoo Municipal Arpt., VOR Rwy 17, Amdt. 7.
Kalamazoo, Mich.—Kalamazoo Municipal Arpt., VOR Rwy 23, Amdt. 8.
Kalamazoo, Mich.—Kalamazoo Municipal Arpt., VOR Rwy 35, Amdt. 6.
Marion, S.C.—Marion County Arpt., VOR/DME-A, Amdt. 2.
Park Rapids, Minn.—Park Rapids Municipal Arpt., VOR Rwy 13, Orig.
Park Rapids, Minn.—Park Rapids Municipal Arpt., VOR Rwy 31, Amdt. 5.
Toccoa, Ga.—Toccoa Arpt., VOR Rwy 20, Amdt. 4.

• • • effective March 31, 1975:

Amarillo, Tex.—Amarillo Air Terminal, VOR Rwy 21, Amdt. 20.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective May 22, 1975:

Beverly, Mass.—Beverly Municipal Arpt., SDF Rwy 16, Amdt. 1.
Gary, Ind.—Gary Municipal Arpt., LOC Rwy 30, Amdt. 1.
Kalamazoo, Mich.—Kalamazoo Municipal Arpt., LOC (BC) Rwy 17, Amdt. 8.

• • • effective March 31, 1975:

Amarillo, Tex.—Amarillo Air Terminal, LOC (BC) Rwy 21, Amdt. 10.

• • • effective March 26, 1975:

Shreveport, La.—Shreveport Regional Arpt., LOC (BC) Rwy 31, Amdt. 11.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective May 22, 1975:

Beverly, Mass.—Beverly Municipal Arpt., NDB-A, Amdt. 6.
Gary, Ind.—Gary Municipal Arpt., NDB Rwy 30, Amdt. 1.
Kalamazoo, Mich.—Kalamazoo Municipal Arpt., NDB Rwy 35, Amdt. 8.
Tampa, Fla.—Peter O. Knight Arpt., NDB Rwy 3, Amdt. 5.
York, Pa.—York Arpt., NDB-A, Amdt. 6.

• • • effective March 31, 1975:

Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l Arpt., NDB Rwy 26, Amdt. 17.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's, effective May 22, 1975:

Kalamazoo, Mich.—Kalamazoo Municipal Arpt., ILS Rwy 35, Amdt. 10.
Shreveport, La.—Shreveport Regional Arpt., ILS Rwy 13, Amdt. 17.

• • • effective April 2, 1975:

Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l. Arpt., ILS Rwy 26, Orig., cancelled.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAP's, effective May 22, 1975.

Shreveport, La.—Shreveport Regional Arpt., RADAR-1, Orig.
Tampa, Fla.—Peter O. Knight Arpt., RADAR-1, Amdt. 2.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; (49 U.S.C. 1438, 1354, 1421, 1510), Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c) and 6 U.S.C. 552(a)(1))).

Issued in Washington, D.C., on April 3, 1975.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 FR 5610).

[FR Doc.75-9462 Filed 4-10-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2623]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Insurance Budgeting, Inc., et al., Correction

In FR Doc. 75-8231 appearing on page 14301 of the issue for Monday, March 31, 1975, in the right-hand column, the 16th line of the first ordering paragraph "Pub. L. 90-231" is corrected to "Pub. L. 90-321."

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-9484 Filed 4-10-75;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER A—GENERAL RULES

[Docket No. RM75-26; Order No. 598]

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS; MISCELLANEOUS CHARGES; ETHICAL STANDARDS

Clearance of Public Use Forms

Section 409 of Pub. L. No. 93-153, 87 Stat. 593, added section 3512 to chapter 35 of title 44, United States Code, known as the Federal Reports Act of 1942, as amended. Among other things, section 3512 transfers to the General Accounting Office the function of clearing, in advance, new or revised proposals by independent Federal regulatory agencies to conduct the collection of information from 10 or more persons. Accordingly, the Commission's rule requiring submission of FPC public use forms to the Bureau of the Budget for clearance will be revised to require submission to GAO.

The Commission finds. (1) In view of the minor clarifying nature of this revision, compliance with the notice, public procedure and effective date provisions of 5 U.S.C. 553 are unnecessary.

(2) Good cause exists that the revision adopted herein becomes effective upon issuance of this order.

(3) The revision prescribed herein is necessary and appropriate for the administration of the Federal Power Act and the Natural Gas Act.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly section 309 (49 Stat. 858-859; 16 U.S.C. 825h) and the provisions of the Natural Gas Act, as amended, particularly section 16 (52 Stat. 830; 15 U.S.C. 717o), *orders:*

(A) Section 3.108 in Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations is revised to read as follows:

§ 3.108 Reports to the Commission.

The reports and forms prescribed by the Commission pursuant to the Federal Power Act are listed in § 3.142; those prescribed under the Natural Gas Act are listed in § 3.169. Rules prescribing public use forms are submitted to the General Accounting Office for clearance as required by the Federal Reports Act of 1942, as amended.

(B) The revision adopted herein shall be effective upon issuance of this order.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9471 Filed 4-10-75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION

SUBCHAPTER I—PUBLIC TRANSPORTATION

PART 820—RURAL HIGHWAY PUBLIC TRANSPORTATION DEMONSTRATION PROGRAM

Guidelines

These regulations provide guidelines for administering the Rural Highway Public Transportation Demonstration Program. Section 147 of the Federal-Aid Highway Act of 1973 as amended by section 103 of the Federal-Aid Highway Amendments of 1974 permits the Federal Highway and Urban Mass Transportation Administration, by delegation of the Secretary of Transportation, to carry out demonstration projects for public mass transportation in rural areas and small urban areas.

On November 6, 1974, administrative guidelines were issued to implement the Rural Highway Public Transportation Demonstration Program. The November guidelines were revoked on February 11, 1975. The guidelines in this issuance incorporate changes necessary to implement the Federal-Aid Highway Amendments of 1974. Applicants should assure themselves that any proposals submitted under the November guidelines comply with this issuance.

Changes from the original guidelines include the addition in § 820.3 of definitions for a small urban area and operating expenses, a change in geographic scope in § 820.5, a provision in § 820.7 (b) regarding operating expenses, a provision in § 820.7(c) to give preferences to certain private bus operators, the addition of public notice and hearing requirements in § 820.9(b)(2), provisions in § 820.9(d) for the Washington office to make final selections after considering the results of public hearings, the addition of a new § 820.15, which requires that projects allow effective utilization of services by elderly and handicapped persons, and a new § 820.17, which provides that proposals shall be submitted by 60 days from the date this issuance is published.

Section 147 now limits the participation of Federal funds for operating expenses to monies available from the General Fund. For FY 1975, General Fund monies account for $2.895 million, or 30 percent of the total FY 1975 appropriation of $9.65 million. Applicants should be aware that consideration of proposals requesting project participation in excess of 30 percent for operating expenditures must necessarily be minimal.

Project selection criteria are contained in this issuance. Emphasis will be on selection of a range of innovative projects of different sizes, types, and geographical locations.

The funding commitment of local, State, or other Federal agencies to participate in the program and to continue it after the expiration of the demonstration period will be critical to project selection.

Since these regulations relate to a grant program, notice and public procedure thereon are unnecessary and they may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

Additional information not contained here may be obtained from the Federal Highway Administration division office in each State, the Urban Mass Transportation Administration regional office, or the State transportation agency.

In consideration of the foregoing, Subchapter I of Chapter I of Title 23, Code of Federal Regulations, is amended by adding a new Part 820, to read as set forth below.

Sec.

820.1	Purpose.
820.3	Definitions.
820.5	Geographic scope.
820.7	Eligible project expenditures.
820.9	Responsibilities.
820.11	Content of applications.
820.13	Project selection criteria.
820.15	Effective utilization by Elderly and Handicapped persons.
820.17	Submission date.

AUTHORITY: Pub. L. 93-87, § 147; Pub. L. 93-643, § 103; 49 CFR 1.48(c) and 1.50(g).

§ 820.1 Purpose.

(a) The purpose of this part is to prescribe policies and procedures for administering the Rural Highway Public Transportation Demonstration Program. Section 147 of the Federal-Aid Highway Act of 1973, as amended, through delegation of authority by the Secretary of Transportation, authorizes the Federal Highway Administration (FHWA) and the Urban Mass Transportation Administration (UMTA) to carry out demonstration projects to encourage the development, improvement, and use of public mass transportation systems operating vehicles on highways for transportation of passengers within rural areas and small urban areas, and between such areas and urbanized areas, in order to enhance access of rural populations to employment, health care, retail centers, education, and public services.

(b) The program is intended to:

(1) Increase the mobility of those persons in rural areas who do not have reasonable access to alternate forms of transportation and are often deprived of mobility where public transportation is inadequate or nonexistent,

(2) Encourage the various programs or agencies which provide transportation or social services to develop a coordinated approach to the organization and financing of public transportation,

(3) Develop the results of the demonstration into a useful guide for rural areas needing public transportation, and

(4) Develop the technical, organizational, and economic information needed for future decisions regarding national programs for rural transportation.

§ 820.3 Definitions.

As used herein—

"Applicant" means a public agency or nonprofit public purpose organization, preferably with State or areawide responsibilities, or an Indian tribe on a Federal or State reservation.

"Operating expenses" means costs directly related to system operations and shall include expenses for driver salaries, fuel, and maintenance.

"Program" means the Rural Highway Public Transportation Demonstration Program authorized by section 147 of the Federal-Aid Highway Act of 1973, Pub. L. 93-87, August 13, 1973, as amended.

"Rural areas" means all areas of a State not included in either an urbanized area designated by the Bureau of the Census or an urban place designated by the Bureau of the Census as having a population of 5,000 or more.

"Small urban area" means an urban place as designated by the Bureau of the Census, having a population between 5,000 and 50,000 and not within any urbanized area.

"State agency" means the State department of transportation, or State highway department if a State department of transportation is not established, except that some other agency designated by the Governor may be approved by the FHWA and UMTA to be the State agency.

§ 820.5 Geographic scope.

Projects approved under this part must serve rural residents and may include

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service by which passengers are transported to small urban areas, within small urban areas, and between these areas and urbanized areas when such service will enhance the mobility of rural populations.

§ 820.7 Eligible project expenditures.

(a) Projects eligible for Federal funds under this part include, but are not limited to: (1) Highway traffic control devices; (2) the construction of passenger loading areas and facilities, including shelters; (3) fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers; (4) the purchase of passenger equipment other than rolling stock for fixed rail; and (5) the payment from the General Fund for operating expenses.

(b) Program funds shall not be used to provide operating subsidies for existing operations, nor for overhead and administrative costs incurred by State agencies. Reasonable expenses for operating costs that are an integral part of new demonstration projects, as well as project supervision, monitoring, and evaluation costs, are eligible items of expense, if properly distributed as project costs. Payments for operating expenses shall not exceed 30 percent of the program funds requested for the project. Exception to the 30 percent requirement may be made if excess general funds are available and good cause is shown.

(c) Nothing herein shall be interpreted to prohibit participation by private transportation companies in demonstration projects through contractual arrangements with the applicant. To the extent intercity bus service is provided under the program, preference shall be given to private bus operators who lawfully have provided rural highway passenger transportation over the routes or within the general area of the demonstration project.

(d) Nothing herein shall be interpreted to prohibit the demonstration period from extending beyond the two fiscal years for which program funds are authorized.

(e) Each proposal and the associated funding request shall present a fully developed demonstration that does not depend on future program funds for completion.

§ 820.9 Responsibilities.

(a) Each applicant:

(1) Shall submit a proposal to the appropriate State agency except that Indian tribes on Federal or State reservations may submit proposals directly to the FHWA division office in the State. Twelve (12) copies are requested, and

(2) May implement projects under contractual agreements with the State agency.

(b) The State agency or Indian tribe shall:

(1) Forward each proposal received by it with comments and recommendations, through the FHWA Division Engineer to the FHWA regional office. Ten (10) copies are requested,

(2) For each project selected pursuant to paragraph (d)(1) of this section and prior to the obligation of any funds, publish a public notice which shall include the name of the applicant, the area to be served by the proposed undertaking, and adequate description of the proposal, and the time, date, and place of a public hearing which shall be held within 60 days after publication of the notice within the proposed service area. The public notice shall be published at least two times, one of which shall be at least 30 days prior to the hearing, in a newspaper having general circulation in the vicinity of the proposed undertaking. The hearing shall be held at a place and time generally convenient for persons affected by the proposed undertaking. Provision shall be made at the hearing for submission of written statements, exhibits, and oral statements. A verbatim written transcript of the oral proceedings at the hearing shall be made and such transcript together with copies of exhibits, copies of the published notice, and written statements, shall be forwarded to the Washington office through the FHWA division office and the FHWA regional office,

(3) Administer projects approved under this part within the State or reservation, respectively,

(4) Enter into an agreement with the FHWA governing each project, and

(5) Make program funds available either directly for State- or tribal implemented projects or through individual contracts with local applicants.

(c) Regional representatives of the FHWA, UMTA, and the Secretary of Transportation will:

(1) Review the applications, recommend not more than ten (10) proposals worthy of demonstration for each region, and transmit seven (7) copies of each recommended proposal to the FHWA Washington office,

(2) Forward one copy of all proposals not recommended to the Washington office, and

(3) Seek the advice and comment of regional representatives of other Federal agencies, including the Departments of Health, Education and Welfare; Labor; Agriculture; and Commerce; and the Office of Economic Opportunity, as appropriate.

(d) The Washington office of the FHWA and UMTA will:

(1) Make a preliminary selection of projects to be funded for FY 1975 from the first-year appropriation of $9.65 million and any additional amount should a supplemental appropriation be enacted, and from applications to be submitted in FY 1976, based upon the program appropriation for FY 1976, and

(2) Make a final selection of projects to be funded after considering the results of public hearings held for preliminarily selected projects.

§ 820.11 Content of applications.

Each application should include as appropriate:

(a) A concise statement of what the project is designed to demonstrate and the expected results and benefits including system provisions to accommodate the elderly and handicapped,

(b) A summary of project activities, including how and where the demonstration will be conducted, changes to be made in existing services, and new services to be provided,

(c) Identification of organizations participating,

(d) Description of the area, available transportation facilities, and proposed transportation improvements,

(e) Data establishing need for the proposed project,

(f) Statements of commitment by agencies or organizations providing or needing transportation to use one areawide service funded by the demonstration,

(g) Commitment of other Federal, State, or local funds or programs to share in the costs of the system,

(h) Summary of project costs and breakdown of funding sources,

(i) Description of how service provided will be monitored and evaluated and how service may be changed as a result of that evaluation, and

(j) Demonstration time schedule and plans for continuation of the service past the demonstration period.

§ 820.13 Project selection criteria.

(a) Emphasis will be on the selection of a range of projects—different sizes, types, and geographical locations.

(b) The following criteria, not necessarily in order of importance, will be applied by the FHWA and UMTA in selecting demonstration projects for implementation.

(1) Innovative features that have potential for nationwide application.

(2) The commitment of local, State, or other Federal programs to participate in the demonstration.

(3) The likelihood of continuation of the project after the expiration of the demonstration.

(4) Provision for the local transportation needs in a realistic and prudent manner.

(5) Quality of proposed monitoring and evaluation along with the ability to modify operations as a result of that evaluation.

(6) Commitment of other local agencies providing or needing transportation services to purchase, share, or use the one areawide service funded for demonstration.

(7) Reasonableness and justification of estimated demand.

(8) Extent to which the proposal recognizes the transportation needs of economically deprived rural people.

(9) Appropriateness of proposed equipment needs, costs, and level of service.

(10) Provisions for service to elderly and handicapped persons.

(11) Compatibility of system with possible existing supplemental operations, e.g., taxicabs, where the vehicles, drivers, radios, and organization are already available and can provide feeder service.

(12) Extent to which currently operating rural transportation services, manpower, and equipment are utilized.

(13) Degree of management capability to administer the grant and to operate a transportation system.

(14) Suitability of proposed promotion techniques to reach potential riders.

§ 820.15 Effective utilization by elderly and handicapped persons.

All projects must be planned, designed, constructed, and operated to allow effective utilization by elderly or handicapped persons who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, including those who are nonambulatory wheelchair-users and those with semiambulatory capabilities, are unable without special facilities or special planning or design to utilize such facilities and services effectively. Except for compelling reasons shown, in no case may a project including rolling stock fail to include at least one vehicle which can be effectively utilized by wheelchair-users.

§ 820.17 Submission date.

Proposals shall be sent to the appropriate agency in each State by June 10, 1975.

Effective date: April 11, 1975.

J. E. HERTEN,
Acting Urban Mass Transportation Administrator.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.75-9503 Filed 4-10-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities; Correction

On April 16, 1971, in 36 FR 7239, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Garland, Texas, as an eligible community and included Map No. H 485471 05 which indicates that Gatewood Addition No. 2, Second Section, Garland, Texas, as recorded among the land records of the Clerk of Dallas County, Texas, on November 10, 1972, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. Accordingly, effective August 11, 1970, Map No. H 485471 05 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 26, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: April 1, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-9524 Filed 4-10-75;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities; Correction

On April 16, 1971, in 36 FR 7239, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Garland, Texas, as an eligible community and included Map No. H 485471 03 which indicates that property located at 2437 Creekdale, which is Lot No. 20, Block C of Park North Estates, Garland, Texas, as recorded in Volume 73001, at Page 1048 in the Office of the County Clerk of Dallas County, Texas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone B, and not within the Special Flood Hazard Area. Accordingly, effective August 11, 1970, Map No. H 485471 03 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 26, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: April 1, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-9525 Filed 4-10-75;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities; Correction

On April 16, 1971, in 36 FR 7239, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Garland, Texas, as an eligible community and included Map No. H 485471 03 which indicates that property located at 2437 Creekdale, which is Lot No. 20, Block C of Park North Estates, Garland, Texas, as recorded in Volume 73001, at Page 1048 in the Office of the County Clerk of Dallas County, Texas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone B, and not within the Special Flood Hazard Area. Accordingly, effective August 11, 1970, Map No. H 485471 03 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 26, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: April 1, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-9526 Filed 4-10-75;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities; Correction

On June 5, 1970, in 35 FR 8734, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Friendswood, Texas, as an eligible community and included Map No. H 485468 02 which indicates that Lot No. 20, except the Northeasterly 8 feet thereof, Block No. 15 Annales Kingspark, Section "B", a Subdivision in Galveston County, Texas, as recorded in Volume 1616, Page 100 in the office of the County Clerk of Galveston County, Texas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone B, and not within the Special Flood Hazard Area. Accordingly, effective June 5, 1970, Map No. H 485468 02 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 26, 1968), as amended, (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: April 1, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-9527 Filed 4-10-75;8:45 am]

V40I71 APR 11 75 XUM

[Docket No. FI-321]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities; Correction

On August 6, 1974, in 39 FR 28258, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the Township of West Bloomfield, Michigan, as an eligible community and included Map. No. H 260182 06 which indicates that Lot No. 27, Upper Long Woods No. 1, West Bloomfield Township, Oakland County, Michigan, subject to Site Plan No. 3180 prepared on October 6, 1973, by Giffels-Webster Engineers, Inc., and recorded in Liber 64, Page 16 of the records of the Register of Deeds of Oakland County, Michigan, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after a further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective June 28, 1974, Map No. H 260182 06 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: April 2, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-9428 Filed 4-10-75;8:45 am]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY

PART 91—ADJUSTMENT ASSISTANCE FOR WORKERS AFTER CERTIFICATION

PART 92—ADJUSTMENT ASSISTANCE FOR WORKERS AFTER CERTIFICATION UNDER AUTOMOTIVE PRODUCTS TRADE ACT OF 1965

Worker Adjustment Assistance

On March 13, 1975, a document was published in the FEDERAL REGISTER (40 FR 11740) proposing to revise 29 CFR Part 91, Adjustment Assistance for Workers After Certification, and delete Part 92, Adjustment Assistance for Workers after Certification under Automotive Products Trade Act of 1965. The proposed revision of Part 91 implements the new worker adjustment assistance program under Chapter 2, Title II, Trade Act of 1974, Pub. L. 93–618, 88 Stat. 1978, 2020–2030, (19 U.S.C. 2291–2322), for workers adversely affected by lack of work to which increased imports have contributed importantly. Current 29 CFR Part 91 implements the worker adjustment assistance program established by Chapter 3, Title III, Trade Expansion Act of 1962, Pub. L. 87–794, 76 Stat. 872, (19 U.S.C. 1931–1978), which is repealed by the Trade Act of 1974, effective April 3, 1975.

All comments with respect to the proposed revision of Part 91 were given due consideration; no comments were received with respect to the proposed deletion of Part 92.

A. As a result of comments received, and further review, the following changes in revised Part 91 are made in addition to language changes for clarification:

1. The phrase "(excluding overtime wages)" is deleted from the definition of "average weekly wage in adversely affected employment" in § 91.3(a)(9). Overtime wages therefore will be taken into account in determining whether an adversely affected worker has had a partial separation from adversely affected employment.

2. Provisions are added to § 91.23 for transportation allowances other than at the beginning and end of the training program. The language concerning subsistence payments in § 91.22 is changed to conform.

3. The proposed revisions for §§ 91.19 and 91.20 have been changed to emphasize the preference for referrals to training under the Comprehensive Employment and Training Act of 1973. The table of section headings is also amended to reflect these changes. For clarification, the paragraphs originally proposed as paragraphs (b) and (c) of § 91.19 have been adopted as paragraphs (e) and (f), respectively, of § 91.17.

4. On further review of the transitional provisions of the Trade Act of 1974 it is considered that the qualifying requirements in section 231 of the Act apply to workers covered by a certification issued under section 223 of the Act. Accordingly, § 91.65 is amended to reflect this view.

B. Certain other recommendations have been carefully considered but have not been accepted. The following suggestions were not adopted for the reasons assigned:

1. The order of (i), (ii), and (iii) in § 91.3(a)(16), has been criticized as not emphasizing the broad scope of the definition of the term "family". A change in substance is not suggested, and the broad scope of the introductory language in § 91.3(a)(16) gives sufficient emphasis to meet the criticism.

2. The provision on the application of State law disqualifications in § 91.10 was criticized because of the severity of the disqualifications in some State laws. The application of State law disqualifications is, however, mandated by section 234, except where the result achieved would be inconsistent with the Trade Act of 1974, and as to those exceptions the regulations provide that the Act shall be followed.

Accordingly, 29 CFR Part 91 is revised as set forth below, and 29 CFR Part 92 is deleted.

Since the new program for worker adjustment assistance will become effective on April 3, 1975, it is essential that Part 91 as revised herein be made effective as soon as possible in order to assure the availability of program benefits to workers. For this reason I, as Secretary of Labor, find that it is in the public interest to make revised Part 91 effective April 11, 1975.

Although revised Part 91 is being published in final form and is made effective as stated above, it is the policy of the Department of Labor that all comments concerning its regulations will be fully considered. Because certain persons have stated that they could not adequately comment on the proposal before March 26, 1975, further comments will be received, just as though revised Part 91 were presently a proposal, until May 9, 1975, after which time the comments received will be evaluated and, if warranted, the regulations will be further revised. Meanwhile, in the interest of making Part 91, as revised in this document, effective as soon as possible, it shall remain in force until further revised.

Interested persons are invited to submit written data, views, or arguments on revised Part 91, to the U.S. Department of Labor, Manpower Administration, Room 7000, Patrick Henry Building, 601 "D" Street, NW., Washington, D.C. 20210, on or before May 5, 1975. All material received in response to this invitation will be available for public inspection during normal business hours at that address.

Effective date. 29 CFR Part 91 is revised effective April 11, 1975; 29 CFR Part 92 is deleted effective May 11, 1975.

Signed at Washington, D.C. this 9th day of April, 1975.

JOHN T. DUNLOP,
Secretary of Labor.

1. Part 91 is revised as follows:

Subpart A—General

Sec.
91.1 Scope.
91.2 Purpose.
91.3 Definitions.

Subpart B—Trade Readjustment Allowances

91.6 Applications.
91.7 Qualifying requirements.
91.8 Evidence of qualification.
91.9 Availability for work.
91.10 Disqualifications.
91.11 Weekly amounts.
91.12 Duration.
91.13 Workers on vacation.
91.14 Applicable State law.

Subpart C—Training and Employability Services

91.17 Employment service functions.
91.18 Worker retraining plans.
91.19 Preferred training.
91.20 Purchased training.
91.21 Approval of other training.
91.22 Subsistence payments.
91.23 Transportation payments.
91.24 Refusal of training.

Subpart D—Relocation Allowances

91.28 General.
91.29 Eligibility.

Sec.
91.30 Time of relocation.
91.31 Findings required.
91.32 Amount.
91.33 Travel allowance.
91.34 Moving allowance.
91.35 Time and method of payment.
91.36 Overpayment of relocation allowance.

Subpart E—Job Search Allowances

91.40 General.
91.41 Applications.
91.42 Eligibility.
91.43 Findings required.
91.44 Amount.
91.45 Time and method of payment.
91.46 Worker evidence.
91.47 Overpayment of job search allowance.

Subpart F—Administration

91.51 Determinations.
91.52 Appeals.
91.53 Promptness.
91.54 Uniform interpretation.
91.55 Subpenas.
91.56 Reports.
91.57 State agency rulemaking.
91.58 Overpayments.
91.59 Waiver of rights void.
91.60 Exemption.
91.61 Disclosure of information.
91.62 Unemployment insurance.
91.63 Agreements with States.
91.64 Administration absent State agreement.
91.65 Transitional procedures.
91.66 Savings clause.
91.67 Effective date.
91.68 Termination date.

AUTHORITY: Sec. 248, Pub. L. 93-618, 88 Stat. 2029 (19 U.S.C. 2320).

Subpart A—General

§ 91.1 Scope.

The regulations in this Part 91 pertain to applications by individuals to State agencies for adjustment assistance, such as trade readjustment allowances, training and training allowances, relocation allowances, job search allowances, and administrative requirements applicable to States agencies. Regulations as to certifications of groups of workers as eligible to apply for adjustment assistance appear in Part 90 of this title.

§ 91.2 Purpose.

The purpose of this Part 91 is to provide for prompt payment of trade readjustment allowances and other adjustment assistance to individuals covered by certifications, to provide for prompt and effective assistance to such individuals in securing suitable employment, and to implement the provisions of the Act uniformly and effectively throughout the United States. The regulations in this Part 91 shall be interpreted and applied to achieve such purpose.

§ 91.3 Definitions.

(a) As used in this Part 91—

(1) "Act" means Chapter 2 of Title II of the Trade Act of 1974, Pub. L. 93–618, 88 Stat. 1978, 2019–2030 (19 U.S.C. 2271–2322).

(2) "Adjustment assistance" means trade readjustment allowances, training and training allowances, job search allowances, relocation allowances, employment services, and any other right or benefit provided for adversely affected workers by the Act.

(3) "Adversely affected employment" means employment in a firm or appropriate subdivision of a firm if workers of such firm or subdivision are certified under § 90.16 of this title as eligible to apply for adjustment assistance.

(4) "Adversely affected worker" means an individual who, because of lack of work in adversely affected employment:

(i) Has been totally or partially separated from such employment, or

(ii) Has been totally separated from employment with the firm in a subdivision of which such adversely affected employment exists.

(5) "Appropriate week" means:

(i) As to a totally separated worker the week in which the individual's most recent total separation occurred; and

(ii) As to a partially separated worker the week for which the individual first receives a trade readjustment allowance following the individual's most recent partial separation.

(6) "Average weekly hours" means a figure obtained by dividing (i) total hours worked (excluding overtime) by an individual in adversely affected employment in the 52 calendar weeks (excluding weeks in such period during which the individual was sick or on vacation) preceding the week in which the individual claims to be partially separated by (ii) the number of weeks in such 52 calendar weeks (excluding weeks in such period during which the individual was sick or on vacation) in which the individual actually worked in adversely affected employment.

(7) "Average weekly manufacturing wage" means the national gross average weekly earnings of production workers in manufacturing industries for the latest calendar year as officially published by the Bureau of Labor Statistics, United States Department of Labor, most recently prior to a week for which adjustment assistance is payable to an individual.

(8) "Average weekly wage" means one-thirteenth of an individual's high quarter wages. The high quarter is the quarter in which the individual's total wages were highest among the first four of the last five completed calendar quarters preceding the individual's appropriate week.

(9) "Average weekly wage in adversely affected employment" means a figure obtained by dividing (i) total wages (delete "(excluding overtime wages)") earned in adversely affected employment in the 52 calendar weeks (excluding weeks in such period during which the individual was sick or on vacation) preceding the week in which the individual claims to be partially separated by (ii) the number of weeks in such 52 calendar weeks (excluding weeks in such period during which the individual was sick or on vacation) in which the individual actually worked in adversely affected employment.

(10) "Benefit period" means a 2 year period commencing with and following an individual's appropriate week, except that for purposes of paying additional trade readjustment allowances under § 91.12(b) the benefit period shall be extended one year.

(11) "Certification" means a certification of eligibility to apply for adjustment assistance issued under § 90.16 of this title with respect to a group of workers.

(12) "Commuting area" means an area in commuting distance of an individual's place of residence.

(13) "Date of separation" means, as to a totally separated individual, the date on which the individual was laid off or otherwise totally separated from employment.

(14) "Employer" means any individual or type of organization, including the Federal government, a State government, or a political subdivision or instrumentality of either, which had one or more individuals performing service for it within the United States.

(15) "Employment" means any service performed for an employer by an individual for wages or by an officer of a corporation.

(16) "Family" means the following members of an individual's household whose principal place of abode is with the individual in a home the individual maintains or would maintain but for unemployment:

(i) A spouse;

(ii) An unmarried child, including a stepchild or adopted child, under age 21 or of any age if incapable of self-support because of mental or physical incapacity; and

(iii) Any other person for whom the individual would be entitled to a deduction for income tax under the Internal Revenue Code of 1954.

(17) "Good cause" means (except as used in an applicable State law) such reasons as would justify an individual's conduct when measured by conduct expected of a reasonable individual in like circumstances, including but not limited to reasons beyond the individual's control and reasons related to the individual's capability to make satisfactory progress in or continue training.

(18) "Head of family" means an individual who maintains a home for a family. An individual maintains a home if over half the cost of maintenance is furnished by the individual or would be furnished but for unemployment.

(19) "Impact date" means the impact date stated in a certification.

(20) "Last separation" means the total or partial separation from adversely affected employment most recently preceding an individual's application for trade readjustment allowances as to which it is determined that the individual qualifies under § 91.7.

(21) "Layoff" means a suspension from pay status for lack of work initiated by an employer and expected to be for a definite or indefinite period of not less than 7 consecutive days.

(22) "Partial separation" means that during a week beginning on or after the impact date stated in an applicable certification an adversely affected worker who has not been totally separated had:

(i) Hours of work reduced to 80 percent or less of the individual's average weekly hours, and

V40-71 APR 11 75 XUM

(ii) Wages reduced to 80 percent or less of the individual's average weekly wages in adversely affected employment.

(23) "Qualifying period" means the 52 calendar weeks preceding an individual's appropriate week.

(24) "Remuneration" means wages and net earnings derived from service performed as a self-employed individual.

(25) "Secretary" means the Secretary of Labor of the United States.

(26) "State" includes the District of Columbia and Commonwealth of Puerto Rico, and the term "United States" when used in a geographical sense includes such Commonwealth.

(27) "State agency" means an agency administering a State law.

(28) "State law" means the unemployment insurance law of a State approved under section 3304 of the Internal Revenue Code of 1954 (26 U.S.C. 3304).

(29) "Total separation" means a layoff or severance of an individual from employment with a firm in which, or in a subdivision of which, adversely affected employment exists.

(30) "Trade readjustment allowance" means a weekly allowance payable to an adversely affected worker under Subpart B of this Part 91.

(31) "Training" means an individual undergoing a planned and systematic sequence of instruction to which the individual is referred under § 91.20 or which is approved for the individual under § 91.21 given under competent supervision designed to impart skills, knowledge, or abilities as to a specific occupation and which may include, as necessary, instruction in basic subjects given specially in relation to such occupation.

(32) "Training allowance" means a weekly cash allowance payable to a trainee under any Federal law for the training of workers, but does not include a payment under §§ 91.22 or 91.23.

(33) "Unemployment insurance" means cash benefits payable to an individual with respect to the individual's unemployment under any State law or Federal unemployment insurance law.

(34) "Vacation or holiday pay" means wages paid in connection with leave for vacation or holiday purposes and not representing remuneration for services performed during a week for which application is made for a trade readjustment allowance.

(35) "Wages" means all compensation for employment for an employer including commissions, bonuses, and the cash value of all compensation in a medium other than cash.

(36) "Week" means a week as defined in an applicable State law.

(37) "Week of unemployment" means as to an individual a week in which the individual's remuneration for services performed in such week is less than 80 percent of the individual's average weekly wage and in which, because of lack of work:

(i) If totally separated, the individual worked less than the full-time week (excluding overtime) in his or her current occupation, or

(ii) If partially separated, the individual worked 80 percent or less of his or her average weekly hours.

Subpart B—Trade Readjustment Allowances

§ 91.6 Applications.

(a) An individual covered by a certification or petition for certification under § 90.16 of this title may apply at any time to a State agency for a trade readjustment allowance. Applications shall be in accordance with instructions and on forms approved by the Secretary which shall be furnished to the individual by the State agency. Determinations with respect to an application shall be made at any time to the extent necessary to establish or protect an individual's entitlement to a trade readjustment allowance or other adjustment assistance, but no payment of a trade readjustment allowance or other adjustment assistance may be made by a State agency until a certification is made under § 90.16 of this title and the State agency determines that the individual is covered thereby.

(b) The procedure for reporting and filing applications for trade readjustment allowances shall be consistent with this Part 91 and the Secretary's "Standard for Claim Filing, Claimant Reporting, Job Finding and Employment Services ("Employment Security Manual," Part V, Section 5000 et seq.).

§ 91.7 Qualifying requirements.

To qualify for a trade readjustment allowance an individual must meet each of the following requirements.

(a) *Certification.* The individual must be an adversely affected worker covered by a certification.

(b) *Separation.* The individual's last separation must occur:

(1) On or after the impact date;

(2) Before expiration of the 2 year period following the date of the certification;

(3) Before the termination date, if any, of the certification;

(4) Not more than one year before the date of the petition on which certification was granted, except as provided in section 246(b) of the Act; and

(5) Not before October 3, 1974, except as provided in section 246(b) of the Act.

(c) *Wages and employment.* In the 52 weeks preceding the individual's last separation the individual must have at least 26 weeks of employment at wages of $30 or more a week in adversely affected employment with a single firm or subdivision of a firm. Evidence that an individual meets this requirement shall be obtained as stated in § 91.8.

§ 91.8 Evidence of qualification.

(a) *State agency action.* When an individual applies for a trade readjustment allowance the State agency having jurisdiction under § 91.51(a) shall obtain information necessary to establish:

(1) Whether the individual meets the requirements of § 91.7; and

(2) The individual's average weekly wage, and for an individual claiming to be partially separated the average weekly hours and average weekly wage in adversely affected employment.

(b) *Wages and employment.* Wages and employment creditable under § 91.7 (c) in determining whether an individual meets the requirements of § 91.7 shall not include employment or wages earned or paid for employment which is contrary to or prohibited by any Federal law.

(c) *Insufficient data.* If information specified in paragraph (a) of this section is not available from State agency records or from an employer, the State agency shall ask the individual to submit a statement setting forth, for an employer in the individual's qualifying period as to whom adequate information necessary to any determination is unavailable, such of the following information as it may request:

(1) Name and address of the employer.

(2) Beginning and ending dates of period of employment with such employer.

(3) Total wages earned from such employer.

(4) Number of weeks in the individual's qualifying period in each of which the individual earned $30 or more from a firm as to which a certification has been made under § 90.16 of this title.

(5) The individual's wages in each of the first 4 of the last 5 completed calendar quarters preceding the individual's appropriate week or, if partial separation is claimed, preceding the week in which the individual claims to be partially separated.

(d) If the individual claims to be partially separated:

(i) Total hours (excluding overtime) worked by the individual in adversely affected employment; and

(ii) Total wages (excluding overtime wages) earned by the individual in the period of 52 calendar weeks (excluding any week in such period during which the individual was sick, on vacation, or otherwise not working) preceding the week in which the individual claims to be partially separated.

(7) Any other pertinent information.

(d) *Verification.* A statement made under paragraph (c) of this section shall be certified by the individual to be true to the best of the individual's knowledge and belief and shall be supported by evidence such as Forms W–2, paycheck stubs, union records, income tax returns, or statements of fellow workers.

(e) *Determinations.* The State agency shall make the necessary determinations on the basis of information obtained pursuant to this section, except that if, after reviewing information obtained under paragraph (c) of this section against other available data, knowledge agency records, it concludes that such information is not reasonably correct, it shall make appropriate adjustments and shall make the determination on the basis of the adjusted data.

§ 91.9 Availability for work.

An individual shall not be paid a trade readjustment allowance for a week of unemployment in which the individual is not able to work or is unavailable for work under an applicable State law. This section does not apply to an individual for a week in which the individual is undergoing training under Subpart C of this Part unless the individual is determined to be ineligible for such week under § 91.24.

§ 91.10 Disqualifications.

(a) *State law applies.* Except as stated in paragraphs (b) and (c) of this section, an individual shall not be paid a trade readjustment allowance for a week of unemployment for which the individual is or would be disqualified to receive unemployment insurance under an applicable State law.

(b) *Trainees.* A State law shall not be applied to disqualify an individual undergoing training under Subpart C of this Part for:

(1) Undergoing training; or

(2) Refusal to accept or continue or failure to make satisfactory progress in training, and in lieu of such State law § 91.24 shall apply to the individual; or

(3) Refusal of work or referral to work if such work would require the individual to discontinue training or, if added to hours of training, would occupy the individual more than 8 hours a day or 40 hours a week, except that this subparagraph does not apply to an individual who has been given notice of a determination of ineligibility under § 91.24 unless and until the individual again makes satisfactory progress in training; or

(4) Quitting work if the individual was underemployed and it reasonably was necessary for the individual to quit work to begin or continue training, except that this subparagraph does not apply to an individual who has been given notice of a determination of ineligibility under § 91.24 unless and until the individual again makes satisfactory progress in training. For purposes of this subparagraph an individual is underemployed if:

(i) Working regularly below the individual's skill capacity, or

(ii) Working regularly less than full time in the individual's occupation, or

(iii) The individual has received notice that he or she will be laid off within 60 days.

(c) *Cancellation of wage credits.* No State law requiring cancellation of wage credits or reduction of benefit amounts or duration shall be applied to reduce the amount or duration of a trade readjustment allowance or allowances payable to an individual. Such a State law shall be given effect as follows:

(1) If the State law requires, together with a reduction in either the number of weeks for which unemployment insurance may be paid or in the total amount of unemployment insurance payable, postponement of the payment of unemployment insurance for a specified number of weeks or for the duration of an individual's unemployment, payment of trade readjustment allowances to the individual shall be similarly postponed.

(2) If the State law does not require postponement but requires cancellation of all wage credits earned prior to the filing of a claim for unemployment insurance, payment of trade readjustment allowances to the individual shall be postponed for 20 weeks from the week in which the disqualifying act occurred. This subparagraph does not apply to an individual who has made a fraudulent application and paragraph (e) of this section shall apply in lieu thereof.

(d) *"Duration plus" disqualifications.* A State law disqualifying an individual for unemployment insurance until the individual has earned a specified amount in employment covered under the State law or an amount expressed as a multiple of the individual's weekly benefit amount shall be applied to an individual applying for a trade readjustment allowance by postponing payment of such allowance until the individual has earned the specified amount or amount expressed as a multiple of the weekly benefit amount (computed on the basis of the weekly benefit amount payable under the State law if the individual was claiming unemployment insurance, entitled thereto, and not disqualified) in any employment, whether or not covered under the State law.

(e) *Fraud.* If a State law disqualification provision for fraud requires denial of unemployment insurance for the remainder of an individual's benefit year and the individual shall not receive trade readjustment allowances or other payments of adjustment assistance for 20 weeks from the week in which the determination of fraud was made. If a State law disqualification provision for fraud requires denial of unemployment insurance for the remainder of an individual's benefit year and one or more subsequent benefit years, the individual shall not receive trade readjustment allowances or other payments of adjustment assistance for 40 weeks from the week in which the determination of fraud was made, whether or not the individual has a current unemployment insurance benefit year when determined to have filed a fraudulent application.

§ 91.11 Weekly amounts.

(a) *Regular allowance.* The amount of trade readjustment allowance payable to an individual for a week of unemployment (including a week of training) occurring after the impact date shall be 70 percent of the individual's average weekly wage, except that if the amount payable exceeds the average weekly manufacturing wage the amount payable shall be the average weekly manufacturing wage. The amount determined under the preceding sentence shall be adjusted as provided in this section.

(b) *Increased allowance.* An individual in training under Subpart C of this Part 91 entitled for a week to a training allowance under any Federal law in a greater amount than the amount provided in paragraph (a) of this section (whether or not the individual filed a claim for such training allowance) shall receive the greater amount as a trade readjustment allowance. A payment under this paragraph shall be in lieu of any other training allowances to which the individual is entitled under such Federal law.

(c) *Reduction of amount.* An amount payable under paragraph (a) or (b) of this section shall be reduced by:

(1) 50 percent of the individual's remuneration for services performed in such week (including wages for on-the-job training), and

(2) The amount of unemployment insurance the individual receives or would receive for such week if a claim for unemployment insurance was filed, except that if the appropriate State or Federal agency finally determines that an individual was not entitled to unemployment insurance for such week no reduction shall be made under this paragraph, and

(3) The amount of a training allowance (other than a training allowance referred to in paragraph (b) of this section) under any Federal law which the individual receives or would receive if a claim were filed for such week, except that if it is finally determined that an individual was not entitled to a training allowance for such week no reduction shall be made under this subparagraph, and

(4) For each day of absence without good cause from training by an amount computed by dividing the trade readjustment allowance to which the individual otherwise would be entitled by the number of days of training normally scheduled in the week. Holidays which otherwise would be days of training shall be deemed days of training normally scheduled for purposes of this subparagraph.

(d) *General limitation.* The amount otherwise payable under paragraph (a) or (b) of this section after adjustment pursuant to paragraph (c) of this section shall be reduced by deducting therefrom a general limitation amount. A general limitation amount is the amount remaining after:

(1) Determining the total amount payable to an individual for a week for which a trade readjustment allowance is sought as:

(i) Remuneration for services performed in such week, and

(ii) Unemployment insurance for such week, and

(iii) Training allowance under any Federal law for such week, and

(iv) The amount otherwise payable under paragraph (a) or (b) of this section after adjustment under paragraph (c) of this section for such week, and

(2) Deducting from the total amount determined under subparagraph (1) of this paragraph the lesser of:

(i) 80 percent of the individual's average weekly wage, or

(ii) 130 percent of the average weekly manufacturing wage.

(e) *Rounding.* An amount payable under this section which is not a multiple of a dollar shall be rounded to the next higher multiple of a dollar.

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§ 91.12 Duration.

(a) *General rule.* Except as stated in paragraph (b) of this section an individual may not receive a trade readjustment allowance for—

(1) More than 52 weeks of unemployment beginning on or after an impact date, or

(2) A week of unemployment beginning more than 2 years after the beginning of the individual's appropriate week.

(b) *Additional weeks.* An individual ineligible to receive a trade readjustment allowance because of paragraph (a) of this section may receive trade readjustment allowances for not more than 26 additional weeks of unemployment in the following cases:

(1) *Trainees.* To assist the individual to complete training begun prior to ineligibility under paragraph (a) of this section in which the individual is making satisfactory progress and for which a bona fide application was made at least 180 days after the end of the appropriate week or date of the certification, whichever is later. In determining whether additional trade readjustment allowances shall be paid under this subparagraph, consideration shall be given to, when, and under what circumstances the training was initiated, the length of the normal course for similar training, the number of hours a day and days a week in which the individual is undergoing training, and any other pertinent factors.

(2) *Workers age 60.* If an individual became 60 years old on or before the individual's last separation. Weeks of unemployment for which the individual received a trade readjustment allowance under subparagraph (1) of this paragraph shall be deducted from the 26 additional weeks for which an individual aged 60 or more may receive trade readjustment allowances under this subparagraph.

(c) *Maximums.* In no case may an individual receive a trade readjustment allowance for more than 78 weeks beginning on or after an impact date or for a week of unemployment beginning more than 3 years after the beginning of the individual's appropriate week.

(d) *Computation.* If unemployment insurance or a training allowance is paid to an individual for any week of unemployment as to which the individual would be entitled, determined without regard to paragraphs (c) or (d) of § 91.11 or any disqualification under § 91.24, to a trade readjustment allowance if the individual applied for such trade readjustment allowance, each such week shall be deducted from the total number of weeks for which a trade readjustment allowance may be paid under this section when the individual applies for and is determined to be entitled to a trade readjustment allowance.

§ 91.13 Workers on vacation.

(a) *Ineligibility.* An individual is not unemployed because of lack of work for purposes of § 91.3(a)(37) in a week for which the individual applies for a trade readjustment allowance if the individual:

(1) Was on leave for vacation or holiday purposes during all or part of such week, and

(2) Received vacation or holiday pay as defined in § 91.3(a)(34) which, when allocated to all or part of such week under paragraph (b) of this section, equalled or exceeded the amount of a trade readjustment allowance which, but for this paragraph, would be payable for such week.

(b) *Allocation.* Vacation or holiday pay shall be allocated in equal amounts to each day on which an individual was on leave for vacation or holiday purposes.

(c) *Accrued leave.* Vacation or holiday pay which is paid in connection with a total separation (including a layoff without a definite date of return to work) shall be disregarded in determining whether an individual has experienced a week of unemployment, whether paid before or after separation.

§ 91.14 Applicable State law.

(a) *What law governs.* With respect to each last separation of an individual, the applicable State law for purposes of §§ 91.9 and 91.10 is:

(1) The State law under which the individual is entitled to unemployment insurance, regardless of whether the individual has claimed unemployment insurance; or

(2) If the individual is not entitled to unemployment insurance, the State law of the State in which the individual's last separation occurred.

(b) *Change of law.* (1) A State law determined under paragraph (a) of this section shall remain applicable to an individual until:

(i) The individual becomes entitled to unemployment insurance under another State law; or

(ii) If the individual does not become entitled to unemployment insurance, the individual has a total or partial separation in another State.

(2) If a State law ceases to apply to an individual, the applicable State law thereafter shall be the law of the State in which the individual became entitled to unemployment insurance, whether or not the individual has filed a claim for unemployment insurance.

(c) *UCFE–UCX claimants.* If an individual is entitled to unemployment insurance under title 5, chapter 85, United States Code, the applicable State law for purposes of paragraphs (a) and (b) of this section is the law of the State to which the individual's Federal service and wages were assigned under 20 CFR 609.15 or 614.3.

Subpart C—Training and Employability Services

§ 91.17 Employment service functions.

To assure readjustment as promptly and effectively as possible, an adversely affected worker totally separated from employment shall be referred by the State agency to an appropriate office of the State employment service. Unless the worker submits to the State agency a written statement of reasons why employment services are not desired and such statement is approved by the State agency, a worker so referred shall:

(a) Register for work;

(b) Be informed of potential entitlement to job search allowances under Subpart E of this Part 91 and to relocation allowances under Subpart D of this Part 91;

(c) Be afforded, as appropriate, testing, counseling, job referral, and other placement services provided by any Federal law, including supportive and other services such as work orientation, basic education, communication skills, employment skills, and minor health services necessary to prepare the worker for full employment in accordance with the worker's capabilities and job opportunities; and

(d) If suitable employment is not otherwise available and the worker's employability would be improved thereby, the worker may be selected or referred to training as provided in §§ 91.18, 91.19, 91.20, or 91.21.

(e) Applications: Applications for selection for, approval of, or referral to training shall be in accordance with instructions and on forms approved by the Secretary, which shall be furnished to an individual by a State agency or State employment service.

(f) Determinations: Selection for, approval of, or referral of an individual to training under this Subpart C, or a decision with respect to any specific training of nonselection, non-approval, or nonreferral for any reason shall be a determination to which §§ 91.51 through 91.54 apply.

§ 91.18 Worker retraining plans.

(a) *Establishment.* To the extent practicable before referring adversely affected workers to training or approving training for such workers the Secretary, or at his request a State employment service, shall consult with such workers' firm and their certified or recognized union or other authorized representative for the purpose of developing a worker retraining plan to meet the manpower needs of such firm and to preserve or restore the employment relationship between the workers and such firm. The fact there is not otherwise a need in the area to train workers in a specific occupation shall not preclude development of a worker retraining plan as to such occupation for workers of the firm.

(b) *Methods.* Worker retraining plans may provide for either or a combination of the following methods of training:

(1) On-the-job training in the facilities of the firm or elsewhere pursuant to §§ 91.19, 91.20, and 91.21, including training for which the firm pays the costs; and

(2) Vocational training other than on-the-job training pursuant to §§ 91.19, 91.20, and 91.21.

(c) *Selection and referral.* To the extent consistent with this section, selection and referral of individuals designated in a worker retraining plan shall be in accordance with § 91.19.

(d) *On-the-job training.* When a worker retraining plan provides for on-the-job training described in paragraph (b)(1) of this section, 29 CFR 95.33(d)(2) shall apply.

§ 91.19 Preferred training.

(a) *Suitable training.* A State employment service shall refer an adversely affected worker selected for training which is provided at no cost to the worker or to the Adjustment Assistance Trust Fund under:

(1) The Comprehensive Employment and Training Act of 1973, as amended, as implemented by Parts 94 through 98 of this title, offered by a prime sponsor; or

(2) If suitable training under subparagraph (1) of this paragraph cannot be provided or is not available, under any other applicable law.

(b) *Applicable standards.* The standards, procedures, and requirements of the training program to which a worker is referred under this section shall apply to the worker.

(c) *Fees prohibited.* In no case shall a worker be referred to training under this section for which the worker is required to pay a fee or tuition.

§ 91.20 Purchased training.

If the State employment service determines that placement of an adversely affected worker in suitable training under § 91.19 cannot otherwise be accomplished, the State employment service shall reimburse the agency or prime sponsor operating the training program for the cost of such training. The State employment service may make arrangements or agreements for such reimbursement, and such arrangements or agreements may include provision for placement of such workers in such training although such workers do not meet the generally applicable eligibility requirements for such programs.

§ 91.21 Approval of other training.

A State employment service may approve and purchase for an adversely affected worker any other training, including on-the-job training or institutional training, the individual may wish to undertake if:

(a) Circumstances preclude referral to training under § 91.19 or § 91.20; and

(b) If institutional vocational training, the training has been approved by the State vocational education agency as meeting the standards of adequacy required by the applicable law.

§ 91.22 Subsistence payments.

(a) *Eligibility.* A trainee under this Subpart C may be afforded supplemental assistance necessary to pay costs of separate maintenance when the training facility is located outside the commuting area, but may not receive such supplemental assistance for any period for which the trainee receives such a payment under the Comprehensive Employment and Training Act of 1973, as amended, or any other law, or for any day referred to in § 91.23(c)(2) pursuant to which a transportation allowance is payable to the worker.

(b) *Amount.* Subsistence payments shall be not more than $15 a day, except that if a training facility furnishes or makes available lodging and meals to trainees at a rate of $12 or less a day the subsistence payment shall not exceed the amount charged for those accommodations plus $3 a day for incidentals. In determining the amount of a subsistence payment the exact days, including the days of departure and return, which elapse between the day the trainee departs for the training facility to the day the trainee returns shall be taken into account.

(c) *Applications.* Applications for payment of subsistence shall be in accordance with instructions and on forms approved by the Secretary and furnished to the trainee by a State agency or State employment service. Such payments shall be made on completion of a week of training, except that at the beginning of a training project a State agency may advance a payment for a week if it determines that such advance is necessary to enable a trainee to accept training. An adjustment shall be made if the amount of an advance exceeds the amount to which the trainee is entitled under paragraph (b) of this section. A determination as to an application made under this section shall be subject to §§ 91.51 through 91.54.

§ 91.23 Transportation payments.

(a) *Eligibility.* A trainee under this Subpart C shall be afforded supplemental assistance necessary to pay transportation expenses if the training is outside the commuting area, but may not receive such assistance if transportation is arranged for the trainee as part of a group and paid for by the State agency or to the extent the trainee receives a payment of transportation expenses under another Federal law.

(b) *Amount.* A transportation allowance shall not exceed 12 cents a mile for travel by the least expensive means of transportation reasonably available between the trainee's home and the training facility.

(c) *Travel included.* Travel for which a transportation allowance may be paid shall include travel: (1) At the beginning and end of the training program; (2) when the trainee fails to complete the training program for any reason; and (3) for daily commuting, in lieu of subsistence, but not exceeding the amount otherwise payable as subsistence for each day of commuting.

(d) *Applications.* Applications for transportation payments shall be made in accordance with instructions and on forms approved by the Secretary and furnished to trainees by a State agency or State employment service. Payment may be made in advance. A determination as to an application made under this section shall be subject to §§ 91.51 through 91.54.

§ 91.24 Refusal of training.

A trainee under this Subpart C who, without good cause, refuses to accept or continue or fails to make satisfactory progress in such training shall not be paid a trade readjustment allowance for any week of unemployment thereafter until the week in which the trainee enters, resumes, or makes satisfactory progress in such training. Any disqualification under §§ 91.10(b)(3) or (4) imposed on a trainee for or during a period of ineligibility under this section shall cease to apply as of the week in which the trainee enters, resumes, or makes satisfactory progress in such training.

Subpart D—Relocation Allowances

§ 91.28 General.

A relocation allowance shall be granted an adversely affected worker to assist the individual and the individual's family, if any, to relocate within the United States as stated in this Subpart D. A relocation allowance shall not be granted an individual more than once in a benefit period. A relocation allowance shall not be granted to more than one member of a family with respect to the same relocation. If applications for a relocation allowance are made by more than one member of a family as to the same relocation the allowance shall be paid to the head of the family if otherwise eligible.

§ 91.29 Eligibility.

(a) *Conditions.* To be eligible for a relocation allowance a worker must:

(1) Apply for such allowance, before relocating and regardless of whether a certification covering the worker has been made under Part 90 of this title, in accordance with instructions and on forms approved by the Secretary which shall be furnished to the individual by the State agency;

(2) Be entitled to a trade readjustment allowance for the week in which the application for such allowance is filed, unless the individual is not entitled to a trade readjustment allowance for such week solely because:

(i) The individual has obtained the employment referred to in subparagraph (7) of this paragraph, or

(ii) The amount of the trade readjustment allowance has been adjusted to zero under § 91.11, or

(iii) The individual is not yet covered by a certification;

(3) Have been totally separated from adversely affected employment;

(4) Not previously have received a relocation allowance during the applicable benefit period;

(5) Intend to relocate within the United States;

(6) Be found under § 91.31 to have no reasonable expectation of securing suitable employment in the commuting area;

(7) Be found under § 91.31 to have obtained suitable employment or a bona fide offer of suitable employment in the area of intended relocation; and

(8) Relocate within a reasonable period, as determined under § 91.30, after applying for the relocation allowance or, if undergoing training, after the conclusion of training.

(b) *Job search.* Applications for a relocation allowance and a job search allowance may not be approved concurrently, but payment of a job search al-

V40-71-APR 11 75 XUM

lowance shall not otherwise prevent payment of a relocation allowance.

(c) *Relocation before application.* An application for a relocation allowance made after relocation takes place cannot be granted.

§ 91.30 Time of relocation.

(a) *Applicable considerations.* In determining an individual's eligibility under § 91.29(a)(8) a State agency, among other factors, shall consider whether:

(1) Suitable housing is available in the area of relocation;

(2) The individual can dispose of the individual's residence;

(3) The individual or a family member is ill; and

(4) A member of the individual's family is attending school and when the member best can be transferred to a school in the area of relocation.

(b) *Time limits.* The reasonable period for relocation under § 91.29(a)(8) shall expire 6 months from the date of application for a relocation allowance or after the conclusion of training, as the case may be, unless the individual has good cause for extension of the period. In no event may such period extend beyond 12 months from the date of application or conclusion of training.

§ 91.31 Findings required.

The following findings must be made before a relocation allowance may be granted.

(a) *Intrastate relocations.* If the area of relocation is in the State where the individual resides, the Director of the employment service of the State must find that the individual is eligible under §§ 91.29(a) (6) and (7).

(b) *Interstate relocations.* If the area of relocation is not in the State where the individual resides:

(1) The Director of the employment service of the State where the individual resides must find that the worker is eligible under § 91.29(a)(6); and

(2) The Director of the employment service of the State of intended relocation must find that the individual is eligible under § 91.29(a)(7).

§ 91.32 Amount.

The amount payable as a relocation allowance shall be:

(a) 80 percent, computed under § 91.33, of reasonable and necessary travel expenses from the individual's place of residence to the intended area of relocation, plus

(b) 80 percent, computed under § 91.34, of the expense of moving household goods and personal effects, not to exceed 11,000 pounds net weight, between such locations, plus

(c) A lump sum, not exceeding $500, equal to 3 times the individual's average weekly wage.

§ 91.33 Travel allowance.

(a) *Computation.* The amount of travel allowance payable under § 91.32(a) shall be computed as follows.

(1) *Commercial carrier.* For travel by commercial carrier an individual shall receive 80 percent of the expenses of such travel for the individual and family, if any, by the most economical public transportation the individual and family reasonably can be expected to take from the individual's residence to the individual's new residence in the area of relocation.

(2) *Automobile.* For travel by private automobile an individual shall receive 9.6 cents a mile over the usually traveled route from the individual's residence to the worker's new residence in the area of relocation. No additional mileage shall be payable for family members traveling on the same trip in the same automobile. An individual claiming mileage under this subparagraph may not claim also a travel allowance under subparagraph (1) of this paragraph, either for the individual or a family member, except as stated in subparagraph (3) of this paragraph.

(3) *Separate travel.* If for good cause a member or members of an individual's family must travel separately to the individual's new residence the individual shall be paid:

(i) If travel is by private automobile, the lesser of 9.6 cents a mile for the usual route or 80 percent of the cost of transporting all such family members who travel in the same automobile by the most economical public transportation that reasonably can be taken; or

(ii) If travel is by commercial carrier, 80 percent of the cost of transportation by the most economical public transportation that reasonably can be taken.

(b) *Limitation.* In no case may the individual be paid a travel allowance for the individual or a member of the individual's family more than once in connection with a single relocation.

§ 91.34 Moving allowance.

(a) *Computation.* The amount of a moving allowance payable under § 91.32(b) shall be computed as follows.

(1) *Commercial carrier.* For transportation of household goods and personal effects, not exceeding 11,000 pounds net weight, of an individual and family, if any, by commercial carrier from the individual's residence to the individual's new residence in the area of relocation, the individual shall be paid 80 percent of the cost of such transportation, including accessorial charges found reasonable and necessary by the State agency, by the most economical commercial carrier the individual reasonably can be expected to use. Before undertaking such transportation the individual must submit to the State agency an estimate from a commercial carrier as to the cost thereof. Accessorial charges shall include the cost of insuring such goods and effects for their actual value or $10,000, whichever is least, against loss or damage in transit, if a bid from a licensed insurer is obtained by the individual and approved by the State agency before departure. If a State agency finds it is more economical to pay a carrier an extra charge to assume the responsibility of a common carrier for such goods and effects, 80 percent of such extra charge, but not exceeding $50, shall be paid in lieu of the cost of insurance.

(2) *Trailer.* If household goods and personal effects are moved by trailer or house trailer used as a home the individual shall be paid:

(i) 9.6 cents a mile if the trailer or house trailer is hauled by private automobile, or

(ii) 80 percent of the charge, not exceeding 20 cents a mile, if hauling is by commercial carrier; and

(iii) If the trailer is rented and of the type customarily used for transporting household goods and personal effects, 80 percent of the rental fee, not exceeding 20 cents a mile, for each day reasonably required to complete the transportation.

(b) *Travel.* Payments under this section shall be in addition to payments under § 91.32(a). Mileage computations under this section shall be made on the basis of the most usual route between points of departure and destination.

§ 91.35 Time and method of payment.

(a) *Determinations.* A State agency shall promptly make and record determinations necessary to assure an individual's entitlement to a relocation allowance at any time, whether before or after a certification covering the individual is made. No relocation allowance may be paid an individual until the State agency determines that the individual is covered by a certification. If delay in payment occurs under the preceding sentence a State agency shall make payment as promptly as possible upon determining that the individual is covered by a certification and otherwise eligible.

(b) *Travel and moving allowances.* Allowances computed under §§ 91.33 and 91.34 shall be paid as follows.

(1) *Travel.* Unless paragraph (a) of this section applies, the amount computed under § 91.33 shall be paid at the time an individual departs from the individual's residence to begin relocation or within 10 days prior thereto. An amount payable for a family member traveling separately may be paid to the individual at the time of such family member's departure or within 10 days prior thereto.

(2) *Moving.* Unless paragraph (a) of this section applies, the amount computed under § 91.34 shall be paid:

(i) *Auto with trailer.* If travel is by private automobile and trailer, at the time payment is made under subparagraph (1) of this paragraph.

(ii) *Rented trailer.* If travel is by private automobile and rented trailer:

(A) The individual shall submit an estimate of the rental cost from the rental agency, and

(B) 80 percent of such estimated rental cost, not exceeding 20 cents a mile, shall be advanced by check payable to the order of the rental agency at the time of departure or within 10 days prior thereto, and

(C) On completion of travel the individual shall submit promptly to the State agency a receipted bill itemizing and evidencing payment of 80 percent of the rental charges for the trailer and shall reimburse the State agency for the amount, if any, by which the advance made for trailer rental exceeded 80 percent of the rental charges approved by the State agency. If the amount of an advance was less than 80 percent of rental charges or less than 80 percent of mileage at 20 cents a mile, whichever is less, the individual shall be paid the difference.

(iii) *Commercial carrier.* (A) If household goods and personal effects are moved by commercial carrier, 80 percent of the amount of the estimate submitted by the individual under § 91.34(a)(1) as approved by the State agency covering the cost of such transportation and 80 percent of insurance costs approved by the State agency under § 91.34(a)(1) shall be advanced by checks payable to the carrier and insurer delivered to the individual at the time of the scheduled shipment or within 10 days prior thereto. On completion of transportation the individual promptly shall submit to the State agency a copy of the bill of lading prepared by the carrier, including a receipt evidencing payment of transportation costs. The individual shall with such submittal reimburse the State agency the amount, if any, by which the advance made to him exceeds 80 percent of transportation costs. The individual shall be paid the difference, if any, if the amount advanced was less than 80 percent of the transportation costs approved by the State agency.

(B) If economy of administration will result a State agency may make direct arrangements for transportation and insurance of an individual's household goods and personal effects with a carrier and insurer selected by the individual and may make payment of 80 percent of transportation and insurance costs directly to the carrier and insurer. No such arrangement shall release a carrier from liability otherwise provided by law for loss or damage to an individual's goods and effects.

(iv) *Trailer commercially hauled.* If household goods and personal effects are transported by trailer hauled by a commercial carrier the individual shall submit to the State agency an estimate of the cost of the hauling from a commercial carrier. A check for 80 percent of the amount of the estimate, if approved, but not exceeding 20 cents a mile, payable to the carrier, may be delivered to the individual at the time of the scheduled transportation or within 10 days prior thereto.

(c) *Lump sum allowance.* The lump sum allowance provided in § 91.32(c) shall be paid when arrangements are completed for relocation of the individual and family, if any, but not more than 10 days before the anticipated date of shipment of the individual's household goods and personal effects.

§ 91.36 Overpayment of relocation allowance.

(a) *Repayment required.* If an individual fails without good cause to complete a relocation, any payment under § 91.32 constitutes an overpayment.

(b) *Relocation completed.* A relocation is completed when an individual and family, if any, and their household goods and personal effects arrive at the individual's home in the area of relocation. If no household goods are transported a relocation is completed when the individual and family, if any, actually move to the area of relocation and establish a new residence. Failure of a member of an individual's family to move does not mean a relocation was not completed if there was good cause for the failure, unless the member is the only member of the individual's family.

(c) *Collection.* An overpayment determined under this section shall be collected as stated in § 91.58.

Subpart E—Job Search Allowances

§ 91.40 General.

A job search allowance shall be granted an adversely affected worker to assist the individual in securing a job within the United States as stated in this Subpart E.

§ 91.41 Applications.

(a) *Forms.* An application for a job search allowance shall be made in accordance with instructions and on forms approved by the Secretary which shall be furnished to an individual by a State agency or State employment service.

(b) *Submittal.* An application may be submitted to a State agency at any time regardless of whether a certification covering the individual has been made.

(c) *Time limits.* Notwithstanding paragraph (b) of this section, an application for a job search allowance may not be granted if submitted more than one year after the date of an individual's last total separation or later than 6 months after completion of training under Subpart C of this Part 91.

§ 91.42 Eligibility.

(a) *Conditions.* To be eligible for a job search allowance an individual must:

(1) File a timely application;

(2) Have been totally separated from adversely affected employment;

(3) Be referred to the State employment service which shall furnish the individual such employment services as are appropriate as provided in § 91.17;

(4) Have no reasonable expectancy of securing suitable employment in the commuting area;

(5) Have received a bona fide referral to suitable employment outside the commuting area or have a reasonable expectancy of obtaining suitable employment of long term duration in the area where the job search will be conducted; and

(6) Complete the job search within a reasonable period, not exceeding 39 days, after the day on which the job search began.

(b) *Completion of search.* A job search is deemed completed when the individual either secures employment or has contacted each employer to whom referred by the employment service in connection with a job search.

§ 91.43 Findings required.

Before an application under § 91.41 may be approved the following findings must be made.

(a) The State agency having jurisdiction under § 91.51(a) must find that the individual meets the requirements of § 91.42(a)(2).

(b) The Director of the employment service of the State where the individual resides must find that:

(1) The application was submitted within the time stated in § 91.41(c);

(2) The worker meets the requirements of § 90.42(a) (4) and (5), and such finding shall state the basis thereof;

(3) There is reasonable expectancy the individual can obtain the employment sought; and

(4) The beginning date and date on or before which the job search should be completed.

§ 91.44 Amount.

(a) *Computation.* The amount of a job search allowance shall be 80 percent of the total of the following items:

(1) *Commercial carrier.* If travel is by commercial carrier, the cost of such travel by the most economical public transportation the individual reasonably can be expected to take from the individual's residence to the area of job search.

(2) *Automobile.* If travel is by private automobile, 12 cents a mile for travel by the usual route from the individual's residence to the area of job search.

(3) *Lodging.* The individual's cost of lodging while engaged in job search, not exceeding $12 a day.

(4) *Meals.* The cost of the individual's meals while engaged in job search, not exceeding $5 a day.

(b) *Limit.* The total job search allowance paid an individual in a benefit period may not exceed $500.

§ 91.45 Time and method of payment.

(a) *Determinations.* A State agency promptly shall make determinations necessary to assure entitlement of an individual to a job search allowance at any time, whether before or after a certification covering the individual is made. No job search allowance may be paid or advanced to an individual until the State agency determines that the individual is covered by a certification. If delay in payment occurs under the preceding sentence a State agency shall make payment as promptly as possible on determining that the individual is covered by a certification and otherwise eligible.

(b) *Payment.* Unless paragraph (a) of this section applies, a job search allowance shall be paid promptly after an individual completes a job search and complies with § 91.46.

(c) *Advances.* A State agency may advance to an individual (except an individual not yet covered by a certification) within 5 days prior to commencement of a job search 50 percent of the estimated amount of the job search allowance payable on completion of job search, but not exceeding $300. Such ad-

V 4071 APR 11 75 XUM

vance shall be deducted from a payment under paragraph (b) of this section.

§ 91.46 Worker evidence.

On completing a job search an individual shall certify on forms furnished by the State agency as to employer contacts made and amounts expended daily for food and lodging.

§ 91.47 Overpayment of job search allowance.

If an individual fails without good cause to complete a job search any payment under § 91.45 constitutes an overpayment. Such overpayment shall be collected as stated in § 91.58.

Subpart F—Administration

§ 91.51 Determinations.

(a) *Jurisdiction.* The State agency whose State law is the applicable State law under § 91.14 shall determine an individual's entitlement to adjustment assistance under this Part 91, and make necessary payments, and may accept for such purpose information and findings supplied by another State agency under this Part 91.

(b) *Redeterminations.* A determination under paragraph (a) of this section may be reconsidered by a State agency under the same terms and conditions as a determination on a claim for unemployment insurance under the State law.

(c) *Use of State law.* In making determinations or redeterminations under this section, or in reviewing such determinations or redeterminations under § 91.52 a State agency, a hearing officer, or a court shall apply the regulations in this Part 91 and the substantive provisions of the Act. As to matters not otherwise specifically provided for in these regulations or the Act, a State agency, a hearing officer, or a court may apply the applicable State law and regulations thereunder, including procedural requirements of such State law or regulations, except so far as such State law or regulations are inconsistent with this Part 91 or the Act or the purposes of this Part 91 or the Act.

(d) *Agent of United States.* In making determinations, redeterminations, and in connection with proceedings for review thereof a State agency which has executed an agreement as provided in § 91.63 shall be an agent of the United States and shall carry out fully the purpose stated in § 91.2.

(e) *Notice.* The State agency shall notify the individual in writing of any determination or redetermination as to entitlement to adjustment assistance. Each determination or redetermination shall inform the individual of the right to reconsideration or appeal in the same manner as a determination under the State law.

(f) *Procedure.* Except where otherwise required by the Act or this Part 91, the procedures for making and furnishing determinations and written notices of determinations to individuals, shall be consistent with the Secretary's "Standard for Claim Determinations-Separation Information." ("Employment Security Manual," Part V, section 6010 et seq.)

§ 91.52 Appeals.

A determination or redetermination under this Part 91 shall be subject to review in the same manner and to the same extent as determinations under the applicable State law and only in that manner and to that extent. Proceedings for review of a determination or redetermination may be consolidated or joined with proceedings for review of a determination or redetermination under the State law where convenient or necessary. Procedures as to the right of appeal and opportunity for fair hearing shall be consistent with sections 303(a) (1) and (3) of the Social Security Act (42 U.S.C. 503(a) (1) and (3)).

§ 91.53 Promptness.

A State agency shall make full payment of adjustment assistance when due with the greatest promptness administratively feasible. Appeals under § 91.52 shall be decided with a degree of promptness meeting 20 CFR Part 650. Any provision of an applicable State law for advancement or priority of unemployment insurance cases on judicial calendars, or otherwise intended to provide for prompt payment of unemployment insurance when due, shall apply to proceedings involving entitlement to adjustment assistance under this Part 91.

§ 91.54 Uniform interpretation.

To assure uniform interpretation and application of this Part 91 throughout the United States a State agency shall submit, not later than 10 days after issuance, to the Manpower Administration of the United States Department of Labor a copy of any judicial or administrative decision reviewing a determination or redetermination under this Part 91. The material submitted shall be certified as accurate by a responsible official, employee, or counsel of a State agency on a form prescribed by the Secretary. If the Secretary believes a determination or decision inconsistent with this Part 91 or the Act, the Secretary may at any time inform the State agency that the United States Department of Labor does not acquiesce therein. Thereafter the State agency shall appeal if possible, shall not follow such determination or decision as a precedent, and in any subsequent proceedings which involve such determination or decision, or wherein such determination or decision is cited as precedent or otherwise relied upon, the State agency shall inform the hearing officer or court of the reason for its nonacquiescence and shall make all reasonable efforts, including appeal or other proceedings before any court having jurisdiction, to obtain modification, limitation, or overruling of such precedent. A State agency may request reconsideration of a notice of nonacquiescence and shall be given opportunity to present views and argument if desired. Acquiescence of the United States Department of Labor in a determination or decision shall not be presumed from absence of comment. If the highest State court having jurisdiction renders by a decision which becomes final a precedent in which the United States Department of Labor does not acquiesce, a decision shall be made by the Secretary as to whether § 91.63(e) shall be applied.

§ 91.55 Subpenas.

A State agency may issue subpenas for attendance of witnesses and production of records on the same terms and conditions as under the State law. Compliance may be enforced on the same terms and conditions as under the State law, or, if a State court declines to enforce a subpena issued under this section, the State agency may petition for an order requiring compliance with such subpena to the United States district court within the jurisdiction of which the relevant proceeding under this Part 91 is conducted.

§ 91.56 Reports.

A State agency shall furnish to the Secretary such information and reports and make such studies as the Secretary decides are necessary or appropriate for carrying out the purposes of the Act and this Part 91.

§ 91.57 State agency rulemaking.

A State agency may establish supplemental procedures not inconsistent with the Act or this Part 91 or procedures prescribed by the Secretary to further effective administration of this Part 91. The exact text of such supplemental procedure or procedures, certified as accurate by a responsible official, employee, or counsel of the State agency, shall be submitted to the Manpower Administration, United States Department of Labor, on a form supplied by the Secretary. No supplemental procedure shall be effective unless and until approved by the Secretary. Approval may be granted on a temporary basis, not to exceed 90 days, in cases of administrative necessity. On reasonable notice to a State agency approval of a supplemental procedure may be withdrawn at any time. If public notice and opportunity for hearing would be required under a State law for adoption of a similar or analogous procedure involving unemployment insurance, such public notice and opportunity for hearing shall be afforded by the State agency as to the supplemental procedure.

§ 91.58 Overpayments.

(a) *Fraud.* If a cooperating State agency or the Secretary, or a court of competent jurisdiction finds that any person—

(1) Has made or caused to be made by another, a false statement or representation of a material fact knowing it to be false, or has knowingly failed or caused another to fail to disclose a material fact; and

(2) As a result of such action has received any payment under this Part 91 to which the person was not entitled,

such person shall be liable to repay such amount to the State agency or the Secretary, as the case may be, or either may recover such amount by deductions from any sums payable to such person under this Part 91.

(b) *Absence of fraud.* Except as provided in §§ 91.36 and 91.47, if there has been an overpayment to any person but no finding by a State agency, the Secretary, or a court of competent jurisdiction has been made that there was an intent to defraud, the determinations specified below shall be made on the same basis as similar determinations as to overpayments of unemployment insurance are made under the applicable State law:

(1) Whether the person shall be liable to repay such overpayment in cash, or

(2) Whether the person shall be permitted to offset any future amounts payable to such person under the Act, or

(3) Whether a waiver of such overpayment may be permitted.

(c) *Deposit.* Any amount repaid to a State agency under this section shall be deposited into the fund from which payment was made. Any amount repaid to the Secretary under this paragraph shall be returned to the Secretary of the Treasury and credited to the Adjustment Assistance Trust Fund.

(d) *Procedures.* Procedures for determination of overpayment, and opportunity for hearing thereon, shall accord with procedures under the State law for determinations and hearings with respect to overpayments under the State law, and shall be consistent with sections 303(a) (1) and (3) of the Social Security Act (42 U.S.C. 503(a) (1) and (3)).

(e) *Detection.* Procedures of a State agency as to detection and prevention of fraudulent overpayments of adjustment assistance shall be consistent, at a minimum, with the procedures adopted by a State with respect to unemployment insurance which are consistent with the Secretary's "Standard for Fraud and Overpayment Detection," ("Employment Security Manual," Part V, section 7510 et seq.).

§ 91.59 Waiver of rights void.

An agreement by an individual to waive, release, or commute any right to adjustment assistance or other right under the Act or this Part 91 shall be void. No employer shall discriminate in regard to the hiring or tenure of work or any term or condition of work of an individual on account of an application for adjustment assistance under this Part 91, or in any manner obstruct or impede an application for adjustment assistance.

§ 91.60 Exemption.

Any assignment, pledge, or encumbrance of any right to adjustment assistance which is or may become due and payable under this Part 91 shall be void; and such right to adjustment assistance shall be exempt from levy, execution, attachment, garnishment, order for the payment of attorney fees, offset or recovery of overpayments under any law other than the Act, or any other remedy whatsoever provided for the collection of debt whether owed to the United States, a State, or a person; and adjustment assistance received by an individual shall be exempt from any remedy whatsoever for the collection of all debts, except necessaries furnished to such individual or the individual's family during the time when such individual was unemployed. Any waiver of the exemption provided for in this section shall be void.

§ 91.61 Disclosure of information.

Except where a public hearing has been held under § 91.52 with respect to such individual, the identity of an individual who has applied for adjustment assistance shall be held confidential by a State agency and determinations as to such individual shall not be disclosed or open to public inspection in any manner revealing the individual's identity. This section does not prohibit disclosure of information from the records of a State agency:

(a) To individuals applying for adjustment assistance and other interested parties to an appeal under § 91.52 to the extent necessary to adequately prepare for and participate in a hearing under § 91.52;

(b) To other State agencies in connection with the administration of State laws or this Part 91;

(c) To public assistance agencies for purposes not inconsistent with the purposes of the Act or this Part 91;

(d) To public officials (including law-enforcement officials) for purposes of proceedings under section 244 of the Act, 88 Stat. 2026 (19 U.S.C. 2316), or other purposes found by the Secretary to be not inconsistent with the purposes of the Act and this Part 91; or

(e) To the Secretary and the Manpower Administration of the United States Department of Labor as provided in §§ 91.54 and 91.56.

§ 91.62 Unemployment insurance.

(a) *No denial or reduction.* Unemployment insurance payable to an adversely affected worker shall not be denied or reduced for any week by reason of any right to payment of adjustment assistance under this Part 91.

(b) *No waiting week.* No provision of a State law requiring an individual to serve a week of uncompensated unemployment (waiting week) as a condition to payment of unemployment insurance shall be applied to an adversely affected worker for a week which is a week of unemployment as defined in § 91.3(a) (37) so as to deny the individual a payment of adjustment assistance for such week.

§ 91.63 Agreements with State agencies.

(a) *Authority.* Before performing any function or exercising any jurisdiction under this Part 91 a State or a cooperating State agency shall execute an agreement with the Secretary meeting the requirements of the Act.

(b) *Execution.* An agreement under paragraph (a) of this section shall be signed on behalf of a State by an authorized official of the State and the signature shall be dated. The authority of the official shall be certified by the Attorney General of the State or counsel for the State agency. An agreement will be executed on behalf of the United States by the Secretary.

(c) *Public inspection.* An agreement with a State or cooperating State agency shall be made available by the State agency to any individual or organization wishing to inspect or copy the agreement. As to the United States Department of Labor 29 CFR Part 70 shall apply.

(d) *When effective.* An agreement under this section must be executed prior to July 1, 1975, by a State agency to meet the requirement of section 3302(c)(4)(A) of the Internal Revenue Code of 1954 (26 U.S.C. 3302(c)(4)(A)), as added by section 239(e) of the Act, 88 Stat. 2025 (19 U.S.C. 2311(e)), and when so executed shall be effective as of April 3, 1975.

(e) *Breach.* If the Secretary finds that a State or State agency has not executed an agreement under this section before July 1, 1975, or that a State or State agency has not fulfilled its commitments under such agreement, section 3302(e)(4) of the Internal Revenue Code of 1954, as added by section 239 of the Act, shall apply. A State agency or State shall receive reasonable notice and opportunity for hearing before a finding is made under this paragraph that it has not fulfilled its commitments under its agreement.

§ 91.64 Administration absent State agreement.

In any State in which no agreement under § 91.63 is in force the Secretary shall administer this Part 91 and pay adjustment assistance hereunder through appropriate arrangements made through the Manpower Administration of the United States Department of Labor. Such arrangements shall include provision for a fair hearing for any individual whose application for adjustment assistance is denied. A final determination by the Secretary under this section as to the entitlement to adjustment assistance of an individual shall be subject to review by the courts in the same manner and to the same extent as is provided by section 205(g) of the Social Security Act (42 U.S.C. 405(g)).

§ 91.65 Transitional procedures.

(a) *Law applicable.* Except as provided in paragraph (b) of this section—

(1) An individual covered by a certification issued under the Act shall be entitled to adjustment assistance provided for in the Act, in the amounts and under the conditions prescribed in the Act; and

(2) An individual covered by a certification issued under the Trade Expansion Act of 1962 who has not had an application for trade readjustment allowances denied under section 322 of that Act for any week of unemployment (as

V 40 71 APR 11 75 XUM

defined in section 338(14) of the Trade Expansion Act of 1962, 19 U.S.C. 1978 (14)) beginning prior to April 3, 1975, may apply for a trade readjustment allowance under this Part 91 for a week of unemployment (as defined in section 247 (14) of the Act) beginning on or after April 3, 1975, as if such certification was issued under the Act.

(b) *Weeks before and after April 3, 1975.* An individual applying for a trade readjustment allowance, regardless of whether the certification covering the individual was issued under the Trade Expansion Act of 1962 or the Act, shall receive, if otherwise eligible:

(1) For a week of unemployment as defined by section 338(14) of the Trade Expansion Act of 1962, beginning before April 3, 1975, a trade readjustment allowance in the amount and under the conditions prescribed by section 323 of the Trade Expansion Act of 1962; and

(2) for a week of unemployment as defined by § 91.3(a)(37), beginning on or after April 3, 1975, a trade readjustment allowance in the amount and under the conditions prescribed by Subpart B of this Part 91.

(c) *Tacking.* Weeks of unemployment described in paragraph (b)(1) of this section for which trade readjustment allowances are payable to an individual shall be deducted from the total weeks of unemployment for which the individual is eligible for trade readjustment allowances under § 91.12.

§ 91.66 Savings clause.

The repeal of sections 321 through 328 of the Trade Expansion Act of 1962 shall not abate or otherwise affect entitlement to adjustment assistance under such Act or any appeal which was pending on April 3, 1975, or prevent any appeal from any determination thereunder which did not become final prior to April 3, 1975, if appeal or petition is filed within the time allowed for appeal or petition.

§ 91.67 Termination date.

The regulations in this Part 91 shall cease to be effective on September 30, 1982.

2. Part 92 is deleted.

[FR Doc.75-9589 Filed 4-10-75;8:45 am]

Title 32—National Defense

CHAPTER VI—DEPARTMENT OF THE NAVY

PART 765—RULES APPLICABLE TO THE PUBLIC

Revocation of Certain Regulations

By virtue of the authority vested in it by 5 U.S.C. 301, the Department of the Navy hereby amends title 32, chapter VI, part 765 of the Code of Federal Regulations. It is determined that the regulations contained in §§ 765.1, 765.14, and 765.15 are obsolete and should be revoked. These sections were derived from U.S. Navy Regulations, 1948, which has been superseded by U.S. Navy Regulations, 1973. By virtue of the provisions of 5 U.S.C. section 553(a)(1), §§ 765.1, 765.14, and 765.15 are exempt from statutory requirements for notice of proposed rule making, and, for reasons stated above, such notice is determined to be unnecessary under Department of Defense Directive 5400.9 dated December 23, 1974. Accordingly, this revocation shall be effective upon filing in the Office of the Federal Register.

§§ 765.1, 765.14, 765.15 [Revoked]

Sections 765.1, 765.14, and 765.15 of part 765 of title 32 of the Code of Federal Regulations are hereby revoked.

Dated: April 4, 1975.

WILLIAM O. MILLER,
Rear Admiral, JAGC, U.S. Navy,
Deputy Judge Advocate General.

[FR Doc.75-9483 Filed 4-10-75;8:45 am]

CHAPTER XVIII—DEFENSE CIVIL PREPAREDNESS AGENCY

PART 1803—PROCEDURE FOR WITHHOLDING PAYMENTS FOR FINANCIAL CONTRIBUTIONS UNDER THE FEDERAL CIVIL DEFENSE ACT

Organization and Scope

This revision updates the existing Defense Civil Preparedness Agency regulation to reflect organizational changes, and to extend the scope of the procedure to withholding of payments for financial contributions under section 205 of the Federal Civil Defense Act as well as under subsection 201(1) of the Act.

As this regulation relates to agency procedure, and is not a substantive rule, public comment and recommendations have not been invited, and it shall be effective upon the date set out below.

Chapter XVIII of Title 32 of the Code of Federal Regulations is amended by revising Part 1803 to read as follows:

Sec.
1803.1 Purpose.
1803.2 Definitions.
1803.3 Scope.
1803.4 Notice of intention to withhold payments.
1803.5 Notice of hearing.
1803.6 Hearings.
1803.7 Withholding of payments.

AUTHORITY: 50 U.S.C. App. 2258; 72 Stat. 1799; 23 FR 4991; E.O. 10952, 26 FR 6577; Order of the Secretary of Defense, 37 FR 18636.

§ 1803.1 Purpose.

The purpose of the regulation in this part is to establish, pursuant to section 401(h) of the Act, a procedure by which the Director may withhold payments of financial contributions to States or persons, or may limit such payments to specified programs or projects.

§ 1803.2 Definitions.

As used herein the following terms shall have the following meanings:

(a) Act. The Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251–2297).

(b) DCPA. Defense Civil Preparedness Agency.

(c) Director. Director, DCPA.

(d) State. The several States, the District of Columbia, Puerto Rico, and the Territories and possessions of the United States.

(e) Person. A political subdivision of any State, or combination or group thereof; any interstate civil defense authority established pursuant to section 201(g) of the Act, or any person, corporation, association or other entity of any nature whatsoever, including but not limited to, instrumentalities of States and political subdivisions.

§ 1803.3 Scope.

(a) Section 401(h) of the Act authorizes the Director to withhold payment of any financial contribution under section 201 or section 205 of the Act to a State or a person, or to limit payments to specified programs or projects upon (1) a finding by the Director of failure by a State or person to expend funds in accordance with the regulations, terms, and conditions established under the Act for approved civil defense plans, programs or projects; and (2) notification to the State or person that certain payments for approved financial contributions will not be made until the Director is satisfied that there will no longer be failure by a State or person to expend funds in accordance with such regulations, terms, and conditions. Prior to the making of such finding and issuance of the notification, the State or person must have been given reasonable notice and opportunity for hearing.

(b) The regulations in this part specify (1) the notice which must be given to a State or person, (2) the procedures for obtaining a hearing, and (3) the terms of the notification to the State or person that further payments will not be made if the Director determines, after notice and hearing that there has been a failure to expend funds in accordance with regulations, terms, and conditions established pursuant to the Act.

§ 1803.4 Notice of intention to withhold payments.

(a) Whenever the Director has reason to believe that a State or person has failed to expend funds in accordance with the regulations, terms, or conditions governing a Federal financial contribution established pursuant to the Act, he shall notify the State and person, where applicable, of such fact and of his intention to withhold any further contributions or payments, or contributions or payments for specific programs or projects, unless the alleged failure is satisfactorily explained, or until he is satisfied that there is no longer such failure to comply.

(b) The notice shall specify (1) the date on which he will stop or withhold further payments; (2) the regulations, terms, or conditions which he believes have not been complied with in the expenditure of funds; and (3) the contributions or payments which he intends to withhold; and shall inform the State and person, where applicable, of the right to obtain a hearing.

(c) This notice shall be delivered by certified mail, return receipt requested.

§ 1803.5 Notice of hearing.

If, within 15 days after receipt of the notice described in § 1803.4, the State or person requests the Director to hold a hearing, the Director will set the matter for hearing. The Director will give the State (and person, where applicable) reasonable notice of the time and place of the hearing.

§ 1803.6 Hearings.

(a) Any hearing under this part shall be held before the Director provided that, in his discretion, the Director may designate a hearing officer who will take evidence and certify, to the Director, the entire record, including recommended findings, and a proposed decision.

(b) The State and person, where applicable, shall be given full opportunity to present their position, orally and in writing.

§ 1803.7 Withholding of payments.

(a) If after the hearing, or after opportunity therefor, the Director finds that there has been a failure to expend funds in accordance with the regulations, terms, and conditions established pursuant to the Act, the Director will withhold such contributions and payments as he may consider advisable until the failure to expend funds in accordance with the regulations, terms, and conditions has been corrected or he is satisfied that there will no longer be any such failure.

(b) If, upon the expiration of the 15 day period stated in § 1803.5, a hearing has not been requested, the Director may issue the finding described in paragraph (a) of this section, and thereupon withhold contributions and payments until he is satisfied that there will no longer be any failure to expend funds in accordance with regulations, terms, and conditions governing a Federal contribution for an approved program or project.

Effective Date: March 31, 1975.

JOHN E. DAVIS,
Director, Defense Civil Preparedness Agency.

[FR Doc.75-9462 Filed 4-10-75;8:45 am]

Title 36—Parks, Forests and Memorials

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SERVICE

Great Smoky Mountains National Park, Tennessee-North Carolina; Fishing

Pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535 (16 U.S.C. 3)), the Act of April 29, 1942 (56 Stat. 258 (16 U.S.C. 403b–3)), 245 DM–1 (27 FR 6395), as amended, National Park Service Order No. 77 (38 FR 7478), as amended, Southeast Region Order No. 5 (37 FR 7721), § 7.14 of Title 36 of the Code of Federal Regulations is revised as set forth below.

The major purpose of this revision is to reorganize the section for clarity and to simplify the interpretation of these regulations. Certain substantive changes have been made, most of which lessen existing restrictions. For example, the regular summer season has been extended by one month, the size limit in sport fishing waters has been reduced from a minimum of 16 to a minimum of 12 inches, resident as well as nonresident licenses issued by either Tennessee or North Carolina are good throughout the park area, and additional waters have been opened to fishing in accordance with state regulations. The size limit in general waters has been increased from a minimum of 7 to a minimum of 9 inches, and the possession limit for trout and bass has been decreased from a maximum of 5 to a maximum of 4 fish. These latter two changes, while more restrictive in themselves, are at least partially offset by the lengthening of the regular summer season and the substantial decrease in the minimum size limit for sport fishing waters, and are being adopted as a result of fishery research and management studies conducted by Fishery Biologists of the Fish and Wildlife Service in order to facilitate the natural reproduction of the fish in the park and to temporarily protect the Southern Appalachian strain of the Brook trout, which has been identified as a subject of concern by the above studies.

This revision will result in no adverse effects upon the environment of the park.

It is the policy of the Department of the Interior to afford the public an opportunity to participate in the rulemaking process prior to final promulgation of rules. However, the regular general waters fishing season is due to commence on April 15, 1975, under the current regulations (38 FR 5244, Feb. 27, 1973). Delaying final promulgation of these revised rules until after April 15 would cause considerable confusion to fishermen and difficulties in enforcement of the changes embodied in these revised rules. Furthermore, the changes do not impose significant additional restrictions on public use and enjoyment of the park, but rather relieve several restrictions and are necessary to proper management and protection of the park fisheries. Therefore, notice and public procedure prior to final rulemaking would be impracticable, unnecessary and contrary to the public interest; and this revision will become effective April 11, 1975. However, the National Park Service invites interested persons to comment on these final regulations on or before May 12, 1975. Such comments will be received and considered for the purpose of determining the desirability or need for making further amendments to these regulations. Such comments should be addressed to the Superintendent, Great Smoky Mountains National Park, Gatlinburg, Tennessee 37738.

Paragraph (a), Fishing, of § 7.14, Part 7, Title 36 of the Code of Federal Regulations is revised to read as follows:

§ 7.14 Great Smoky Mountains National Park.

(a) *Fishing.*—(1) *License.* A person fishing within the park must have in possession the proper state fishing license issued by either Tennessee or North Carolina. A holder of a valid resident or nonresident license issued by either state may fish throughout the park irrespective of state boundaries, except in *Closed and Excluded Waters.*

(2) *Closed and Excluded Waters.* All waters of Mingus Creek, Lands Creek, Chestnut Branch and that portion of LeConte Creek as posted through the park residential area of Twin Creeks, are closed to and excluded from fishing.

(3) *Open Waters.* (i) Abrams Creek and Chilhowee embayments and the West Prong of Little Pigeon River downstream from the Gatlinburg City limits to Pigeon Forge City limits are open to fishing in accordance with the laws of Tennessee.

(ii) All of the waters of the Oconaluftee River downstream from where it joins with Raven Fork to the park boundary and that portion of Raven Fork from its junction with the Oconaluftee River upstream and paralleling the Big Cove Road to the park boundary are open to fishing in accordance with the Cherokee Fish and Game Management regulations.

(iii) All other park waters are open to fishing in accordance with National Park Service regulations.

(4) *Seasons.* (i) General Waters. (Those open waters regulated by the National Park Service which are not hereinafter designated as Sport Fishing Streams or Children's Fishing Areas). April 15 to October 15, inclusive.

(ii) Sport Fishing Streams: (Designated in Subsection 10 hereof). Open year round. Those portions of waters designated as Children's Fishing Areas during the general season may be fished according to Sport Fishing Stream regulations October 16 to April 14, inclusive.

(iii) Children's Fishing Areas: (Designated in Subsection 9 hereof). April 15 to October 15, inclusive for children under the age of 12 only.

(5) *Time.* Fishing is permitted from sunrise to sunset only.

(6) *Fishing Equipment and Bait.* (i) Fishing is permitted only by use of one (1) hand-held rod and line.

(ii) General Waters and Sport Fishing Streams: (A) Only artificial flies or lures having one single hook may be used.

(B) The use or possession of any form of fish bait, other than artificial flies or lures, on or along any park stream while in possession of fishing tackle, is prohibited.

(iii) Children's Fishing Areas: The use of flies, lures or bait, except fish eggs, minnows, fish or parts thereof, on a single hook is permissible.

(7) *Size Limits.* All trout or bass caught less than the legal length shall be immediately returned unharmed to the water from which taken.

V40 I71 APR 11 75 XUM

(i) *General Waters:* No trout or bass less than 9 inches in length may be retained.

(ii) *Sport Fishing Streams:* No trout or bass less than 12 inches in length may be retained.

(iii) *Children's Fishing Areas:* No size limit.

(8) *Possession Limit.* Possession limit shall mean and include the numbers of trout or bass caught in park waters, which may be in possession, regardless of whether they are fresh, stored in ice chests, or otherwise preserved. A person must stop and desist from fishing for the remainder of the day upon retaining the possession limit.

(i) *General Waters and Sport Fishing Streams:* Four (4) trout or bass, or combination of both is the maximum number which a person may retain in one (1) day or be in possession of at any time. Limits apply only to trout and bass.

(ii) *Children's Fishing Areas:* The first two (2) fish caught regardless of size.

(9) *Children's Fishing Areas.* The following portions of park waters are reserved for fishing by children under the age of 12 only.

(i) *Bradley Fork:* That portion between its junction with the Oconaluftee River upstream to a point posted at the upper end of Smokemont campground.

(ii) *Little River:* That portion between the stone bridge above Elkmont campground downstream to the bridge below Elkmont Badger Station.

(iii) *Little River:* That portion between the upper and lower ends of Metcalf Bottoms picnic area.

(iv) *West Prong of Little Pigeon River:* That portion adjacent to Chimneys picnic area between the Newfound Gap Road bridge and the upper limits of that picnic area.

(v) *Deep Creek:* That portion adjacent to Deep Creek campground between the park boundary and the second automobile bridge upstream.

(10) *Sport Fishing Streams:* The following waters are designated Sport Fishing Streams, except for portions of these waters designated Children's Fishing Areas during the period from April 15 to October 15, inclusive.

(i) Bradley Fork and its tributaries.

(ii) Oconaluftee River and all tributaries lying downstream from the Kephart Bridge to where it joins with Raven Fork.

(iii) West Prong of Little Pigeon River and its tributaries that enter the stream within the park boundary.

(iv) Little River and its tributaries, lying downstream from the stone bridge above Elkmont campground to the park boundary.

(11) The Superintendent may designate certain waters as Experimental Fish Management Waters and issue temporary and special rules regulating fishing use by the posting of signs and issuance of official public notification. All persons shall observe and abide by such officially posted rules pertaining to these specially designated waters.

* * * * *

VINCENT ELLIS,
Superintendent, Great Smoky Mountains National Park.

[FR Doc.75-9446 Filed 4-10-75;8:45 am]

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 214—GRANTS TO STATES FOR ESTABLISHING YOUTH CONSERVATION CORPS PROGRAMS

Part 214, Chapter II of Title 36 of the Code of Federal Regulations is revised as final regulations. The Interim Regulations for implementing the pilot grant program were published on December 27, 1973 (38 FR 35307). The Interim Regulations invited comments or recommendations from interested persons to be submitted by November 1, 1974. No substantive comments or recommendations were received except for three letters from States, each of which took exception to the administrative determination that a maximum of 50 percent of total cost of State projects is to be financed by Federal grant. This administrative constraint has now been removed. Pursuant to Pub. L. 93-408, States may receive grants up to but not to exceed 80 percent of the cost of funding a project from the Federal government.

These regulations were developed jointly by the Department of Agriculture and the Department of the Interior. The Department of the Interior will publish the same regulations under Title 43 of the Code of Federal Regulations, Subtitle A, Part 26.

Findings and determinations. These regulations merely reflect terms and conditions of the program now being carried out. It is important that they be made effective as soon as possible. It has been determined that additional notice and public procedure is impractical, unnecessary, and contrary to the public interest. Accordingly, they shall be effective on April 11, 1975.

In consideration of the above, the Interim Regulations, issued in Part 214 of Title 36 of the Code of Federal Regulations are superseded, and final regulations issued to read as follows:

Sec.
214.1 Introduction.
214.2 Definitions.
214.3 Program purpose and objectives.
214.4 Legislation.
214.5 Administrative requirements.
214.6 Request for grant.
214.7 Application format and instructions.
214.8 Program reporting requirements.
214.9 Consideration and criteria for awarding grants.

AUTHORITY: Sec. 4, 86 Stat. 1320, as amended, 88 Stat. 1067.

§ 214.1 Introduction.

(a) The Youth Conservation Corps (YCC) is a program of summer employment for young men and women, aged 15 through 18, who work, earn, and learn together by doing projects which further the development and conservation of the natural resources of the United States. The Corps is open to youth of both sexes, and youth of all social, economic, and racial classifications who are permanent residents of the United States, its territories, possession, or trust territories.

(b) The Youth Conservation Corps Act of 1970 (Pub. L. 91-378) provided for a 3-year pilot program to be carried out on lands and waters under the jurisdiction of the Secretary of Agriculture or the Secretary of the Interior. Pub. L. 92-597 amended the 1970 act to include a pilot program (beginning in FY 1974) under which grants shall be made to States, to assist them in meeting the cost of Youth Conservation Corps projects on non-Federal public lands and waters within the States. Pub. L. 93-408 made the State grant program permanent.

§ 214.2 Definitions.

(a) Terms used in these regulations are defined as follows:

(1) *Act.* The Youth Conservation Corps Act of 1970. Pub. L. 91-378 as amended.

(2) *Secretaries.* The Secretaries of Agriculture and the Interior, or their designated representatives, who jointly administer the grant program. Within the Department of Agriculture, the YCC program is administered by the Forest Service; within the Department of the Interior, it is administered by the Office of Manpower Training and Youth Activities.

(3) *States.* Any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa.

(4) *Grant.* Money, or property provided in lieu of money, paid or furnished by the Secretaries pursuant to the Act to a State to carry out YCC programs on non-Federal public lands and waters. The amount of any grant shall be determined jointly by the Secretaries, except that no grant for any project may exceed 80 per centum of the cost (as determined by the Secretaries) of said project.

(5) *Grantee.* Any State which receives a Federal grant for the operation of a YCC grant program.

(6) *Sub-Grantee.* Any public organization, municipality or agency which administers non-Federal public lands and waters which successfully applied through a State for the operation of a Youth Conservation Corps project within that State.

(7) *Contractor.* Any public agency or organization or any private non-profit agency or organization which has been in existence for at least 5 years which operates a YCC project for a grantee or sub-grantee.

(8) *Program Agent.* Agent designated by the State to have program responsibility for all aspects of YCC operations in that State except for those projects conducted under Federal auspices.

(9) *Grant Program.* The YCC program which consists of one or more projects operated by the State with State funds and Federal grant funds.

(10) *Project.* The operating unit or camp of the State YCC grant program, either of residential or nonresidential program type, as follows:

(i) *Residential Project.* One in which youths reside either seven or five days per week at a camp on or adjacent to the public lands where they conduct their work-education program.

(ii) *Nonresidential Project.* One in which youths reside at home and daily commute to the public lands to conduct their work-education program.

(11) *Operating Year.* January 1 to December 31.

(12) *Non-Federal public lands and waters.* Any lands or waters within the territorial limits of a State owned either in fee simple by a State or political subdivision thereof or over which a State or political subdivision thereof has, as determined by the Secretaries, sufficient long-term jurisdiction so that improvements made as the result of a grant will accrue primarily to the benefit of the public as a whole. Federally-owned public lands and waters administered by a State or political subdivision thereof under agreement with a Department or Agency of the Federal Government are eligible under such definition if the Secretaries determine that the State or political subdivision thereof is entitled to or is likely to retain administrative responsibility for an extended period of time sufficient to justify classification as non-Federal public lands or waters.

§ 214.3 Program purpose and objectives.

(a) The purpose of the Act is to further the development and maintenance of the natural resources of the United States, by American youth and in so doing prepare them for the ultimate responsibility of maintaining and managing these resources for the American people. The Departments of Agriculture and the Interior have stressed the following three equally important objectives of the Youth Conservation Corps as reflected in the law:

(1) Accomplish needed conservation work on public lands.

(2) Provide gainful employment for 15 through 18 year-old males and females from all social, economic, ethnic, and racial backgrounds.

(3) Develop an understanding and appreciation, in participating youths, of the Nation's natural environment and heritage.

(b) These objectives will be accomplished in a manner that will provide the youth with an opportunity to acquire increased self-dignity and self-discipline, better work with and relate with peers and supervisors, and build lasting cultural bridges between youth from various social, ethnic, racial, and economic background.

§ 214.4 Legislation.

State programs must meet all of the requirements of section 4 of the Act. Section 4 of the Act which applies to the grant program reads in part as follows:

Sec. 4(a) The Secretary of the Interior and the Secretary of Agriculture shall jointly establish a program under which grants shall be made to States to assist them in meeting the cost of projects for the employment of young men and women to develop, preserve, and maintain non-Federal public lands and waters within the States. For purposes of this section, the term "States" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa.

(b)(1) No grant may be made under this section unless an application therefor has been submitted to, and approved by, the Secretary of the Interior and the Secretary of Agriculture. Such application shall be in such form, and submitted in such manner, as the Secretaries shall jointly by regulation prescribe, and shall contain—

(A) assurances satisfactory to the Secretaries that individuals employed under the project for which the application is submitted shall: (i) Have attained the age of fifteen but not attained the age of nineteen, (ii) be permanent residents of the United States or its territories, possessions, or Trust Territory of the Pacific Islands, (iii) be employed without regard to the personnel laws, rules, and regulations applicable to full-time employees of the applicant, (iv) be employed for a period of not more than ninety days in any calendar year, and (v) be employed without regard to their sex or social, economic, or racial classification; and

(B) such other information as the Secretaries may jointly by regulation prescribe.

(2) The Secretaries may approve applications which they determine (A) meet the requirements of paragraph (1) and (B) are for projects which will further the development, preservation, or maintenance of the non-Federal public lands or waters within the jurisdiction of the applicant.

(c)(1) The amount of any grant under this section shall be determined jointly by the Secretaries, except that no grant for any project may exceed 80 per centum of the cost (as determined by the Secretaries) of such project.

(2) Payments under grants under this section may be made in advance or by way of reimbursements and at such intervals and on such conditions as the Secretaries find necessary.

(d) Thirty per centum of the sums appropriated under Section 6 for any fiscal year shall be made available for grants under this section for such fiscal year.

§ 214.5 Administrative requirements.

The following administrative requirements must be met:

(a) Recruitment and selection will be conducted in a manner designed to assure a full opportunity for American youth to participate in the Youth Conservation Corps. The grantee and subgrantee will assure that the YCC program is open to all eligible youth from all parts of the country, including urban and rural youth of both sexes and youth of all social, economic, racial, and ethnic classifications. A well-balanced YCC camp enrollment should also include representation of non-public school youth, the disadvantaged, and youth having quit school before graduation.

(b) To the maximum extent practicable, enrollees should be selected from an area within one day's surface travel from their residence to a YCC Camp.

(c) Capital outlays for facilities should be kept at a minimum. No grant is to be made for construction of residential facilities other than to provide temporary facilities and their necessary basic infrastructure and necessary renovation or modification of existing facilities.

(d) YCC projects may be conducted during periods other than summer months: *Provided*, That enrollees will not leave school in order to participate.

(e) The enrollee is an employee of the grantee or sub-grantee. The Enrollee Pay Plan should comply with Federal or State Minimum Wage Laws whichever may be higher. To the maximum extent practicable, State YCC enrollees should receive the same rate of pay as Federal YCC enrollees.

(f) Grantees must provide for an effective accident control, health, and safety program. As a minimum, grantees should follow U.S. Department of Labor Bulletin 158, "State Child Labor Standards."

(g) Grantees will have a financial management system which will provide the information called for in Attachment G of Federal Management Circular (FMC) 74-7.

(h) "Request for advance or Reimbursement" as outlined in FMC 74-7 will be used to obtain an advance to start and/or maintain the program. It can also be used to obtain a reimbursement during or at the end of a project. An advance, not to exceed one month's needs may be made after approval of the grant application.

(i) "Financial Status Report" as outlined in FMC 74-7 will be submitted to either of the Secretaries' Representatives within 90 days upon completion of the project funded under the grant program. The same functional headings used in preparing Part II of the application should be used in preparing the Financial Status Report. Instructions and forms will be supplied to the grantee at time of grant award.

(j) Allowable costs under the grant program are defined in FMC 74-7 and FMC 74-4.

(k) Records retention and custodial requirements for records are prescribed by Attachment C to FMC 74-7.

(l) Because of the short duration of each project, budget revisions normally should be unnecessary; however, if a budget revision becomes necessary, the grantee will be governed by Attachment K of FMC 74-7.

(m) Grantees shall comply with the provisions of Attachments O and N of FMC 74-7 in regard to nonexpendable personal property and procurement standards.

V40 I71 APR 11 75 XUM

(n) Grantees shall permit the Secretaries to periodically inspect the conduct of the program by the State.

(o) Grantees will supervise those projects in the State being administered by sub-grantees and contractors. Sub-grantees and contractors will be required to operate in accordance with the procedures outlined in these regulations and the grant agreement with the State. Periodic inspection of sub-grantee projects will be made by the grantee under the direction of the Program Agent or his designee. Grantees or sub-grantees may contract with a qualified non-profit agency or organization for the operation of their YCC project.

(p) If the grantee fails to comply with the grant award stipulations, standards, or conditions, the Secretaries may jointly suspend the grant. Subsequent to or during any period of suspension of the grant, the Federal Government shall not be obligated to reimburse the grantee for any incurrence of obligations other than direct salaries of enrollees and then only for a period of time which both the Secretaries shall determine to be reasonable. In addition, the Secretaries may jointly terminate the grant. Termination shall be effected by a notice of termination. Upon receipt of a notice of termination, the grantee shall:

(1) Discontinue further commitments of grant funds.

(2) Cancel all subgrants or contracts, where possible, scheduled for payment with grant funds.

(3) Supply either of the Secretaries within two months after receipt of the notice of termination, a final financial statement, along with a refund check for any unused portion of funds advanced, or request for reimbursement for allowable expenditures incurred in the grant program.

§ 214.6 Request for grant.

(a) Of the amount available for the Youth Conservation Corps, 30 percent will be allocated for State projects. All States will be given an opportunity to participate in the program. Allocated funds not needed by a State will be reallocated based on the merits of proposals submitted in accordance with paragraph (c) of this section or a pre-application in accordance with Attachment M of FMC 74-7. All proposed projects should be listed by priority. Grant funds are for State projects only. A grant to a State must be matched by the State for each project. Matching can consist of either direct expenditures or services of an in-kind nature.

(b) Pursuant to section 4(c)(1) of Pub. L. 93-408, States may receive grants up to but not to exceed 80 percent of the cost of funding a project from the Federal Government.

(c) "Application for Federal Assistance (short form)" will be used by applicants in applying for grants under this program. Application forms will be supplied to Program Agents. Only a Program Agent may submit an application. A separate form will be submitted for each proposal. Similar projects may be included in a single proposal. Separate proposals should be submitted for projects operated by subgrantees and contractors. If there is more than one proposal submitted by a State, the State should indicate priorities of proposals for consideration and approval of the Secretaries.

(d) The Secretaries have designated individuals in each State who will jointly represent them. Grant applications (original and two copies) must be submitted to the designated representative of either Secretary. January 1 has been established as the deadline date for acceptance of applications for each operating year, except for the 1975 program, February 15, 1975, is the deadline for submission of applications. Names and addresses of designated representatives will be furnished to each State. The Secretaries' representatives must jointly approve grant proposals. Approval or disapproval of proposals will be documented by a formal letter to the Program Agent. The Secretaries' representatives will also be available for technical assistance and advice.

§ 214.7 Application format and instructions.

Grant proposals must be made using the Office of Management and Budget approved form entitled "Application for Federal Assistance (short form)." Instructions for completing the form by part numbers follow:

(a) Part I—Shall be completed.

(b) Part II—(Budget Data) lines 1–8 need not be used.

However, the following information is needed relative to the YCC program. Please prepare a supplemental sheet using the following functional headings:

General
Staff Pay
Enrollee Pay
Camp Opening and Closing Costs
Food
Work Project Costs
Program Direction

A description of the items to be included under each of these functional headings are:

General. Include expenditures for (1) construction, (2) other (medical, first aid expense, utilities, maintenance costs, recreation, all supplies not otherwise identified).

Staff Pay. Includes pay, benefits, and travel, net of any deductions made for meals and quarters furnished.

Enrollee Pay. Includes pay, benefits, and transportation of enrollees.

Camp Opening and Closing Costs.

Food. Includes cost of food and related freight charges.

Work Project Costs. Safety equipment, transportation, and work supplies and materials.

Program Direction. Includes support services, and program administration expenses at locations other than at projects. The total of the above categories should be entered on line 9 of Part II, and the rest of Part II completed.

Indirect Costs. Compute the appropriate allowance for indirect costs on line 15 and enter on line 10.

(c) Part III—(Program Narrative Statement) should include the following information:

(1) Location of project (address and county).

(2) Distance to nearest town; name of town.

(3) Number of youth planned for project.

(4) Type of project (7-day residential; 5-day residential; nonresidential; other).

(5) Length of session (i.e., number of weeks) and proposed beginning and ending dates.

(6) Description of living conditions (types of facilities, age, condition, tents, cabins, dormitories).

(7) Project staff (number and position titles).

(8) Complete calculation for daily rate of enrollee pay including deduction for food and lodging.

(9) Description of health and safety program.

(10) Enrollee recruiting system and recruiting areas.

(11) Description of the work-learning program.

(12) Types of work projects that will be available (an integrated environmental work-learning program is preferred).

(13) States agreement to administer tests, conduct interviews, or otherwise assist the Federal Government in collecting data on the grant program. The data is to be used for the required report to the President and Congress on accomplishing the purposes of the Act. A statement to this effect must be written into the proposal by the applicant.

(d) Part IV—(Assurances) is preprinted and is to be included as part of the application.

§ 214.8 Program reporting requirements.

(a) Monitoring and reporting of program performance will be in accordance with Attachment I of FMC 74-7. Grantees will submit performance reports with the Financial Status Report filed at the end of each project to either of the Secretaries' Representatives. This report is due 90 days after termination of the project. The performance report will include the number of youth enrolled in the project, number of weeks of camp operation, youth loss rate, value of work accomplished by resource category (for example, timber management, recreation, etc.), narratives of significant project accomplishments, hours of youth work-learning experience by resource category and value of work supplies and materials by resource category.

(b) As a part of the performance report, grantees must provide the Secretaries' Representatives with detailed information on the demographic characteristics of enrollees in State projects as follows:

(1) Number of youth by age.

(2) Number of male and female, by project.

(3) Number from communities of up to 2,500 population, 2,500 to 50,000 population, 50,000 to 775,000 population, and over 750,000 population.

(4) Number from families of under $5,000 annual family income, $5,000 to $10,000 family income, $10,000 to $15,000 family income, and over $15,000 family income.

(5) Race of enrollees; number of Black, White, Spanish surname, American Indian, Oriental, and other.

(c) The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

§ 214.9 Consideration and criteria for awarding grants.

(a) The decision by both of the Secretaries' Representatives on grants to individual States will consider the following:

(1) Amount of grant funds appropriated and available.

(2) The population and non-Federal public land ownership of each State in relation to the total for all States.

(3) The amount of Federal program funds allotted to the State.

(4) States with few Federal public lands will be given preference, assuming that applications are comparable.

(5) The quality of the proposed program in terms of meeting program objectives as reflected in the State application. After the initial year, actual performance of the States in administering YCC projects in prior years will also be considered.

(6) The cost to the Federal Government of the State program in relation to quality and quantity of projects proposed.

(b) To place each State on equal footing, evaluation of an application will be based on the proposed cost for enrollee, calculated on an eight-week operating cycle regardless of project duration in the proposal.

Effective date. This regulation becomes effective on April 11, 1975.

ROBERT W. LONG,
Assistant Secretary.

APRIL 8, 1975.

[FR Doc.75-9551 Filed 4-10-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3-1—GENERAL

PART 3-8—TERMINATION OF CONTRACTS

Contract Appeals

Chapter 3, Title 41, Code of Federal Regulations is amended as set forth below. The purpose of this amendment is to bring Departmental regulations concerning the processing of contract appeals into conformance with the current practices of the Armed Services Board of Contract Appeals. In addition this amendment requires that all determinations to terminate contracts for default be reviewed by the Office of General Counsel prior to the issuance of notification of termination.

It is the general policy of the Department of Health, Education, and Welfare to allow time for interested parties to take part in the rule making process. However, the amendments herein involve internal administrative procedures. Therefore, the public rule making process is deemed unnecessary in this instance.

1. Contents of Part 3-1 is amended by adding a new § 3-1.318-52 to Subpart 3-1.3 which reads as follows:

Sec.
3-1.318-52 Preparation and processing of appeal files.

Subpart 3-1.3—General Policies

2. Subpart 3-1.3 is amended by revising § 3-1.318-51 and by adding a new § 3-1.318-52. These sections shall read as follows:

§ 3-1.318-51 Disputes appeals.

(a) The Secretary has designated the ASBCA to hear, consider, and determine fully and finally appeals by contractors from decisions of contracting officers or their authorized representatives pursuant to the provisions of contracts requiring his decisions.

(b) Appeals will be governed by the rules set forth in 32 CFR 30.1, Appendix A (Rules of the Armed Services Board of Contract Appeals) and by the implementation of ASBCA rules 3 and 4 as set forth in § 3-1.318-52 (a) and (b).

§ 3-1.318-52 Preparation and processing of appeal files.

(a) *Forwarding appeals.* When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of mailing (or date of receipt, if otherwise conveyed) and within 10 days shall forward said notice of appeal to the ASBCA with a copy to the Division of Business and Administrative Law, Office of General Counsel or cognizant Regional Attorney as appropriate. Following receipt by the Board of the original notice of an appeal (whether through contracting officer or otherwise), the contractor, the contracting officer, and the Office of General Counsel, will be promptly advised of its receipt, and the contractor will be furnished a copy of the rules of the ASBCA.

(b) *Duties of the contracting officer.* Within 30 days of receipt of an appeal, or advice that an appeal has been filed, the contracting officer shall assemble and transmit to the Board, with a copy to the DHEW Government trial attorney, an appeal file consisting of all documents pertinent to the appeal, including:

(1) The decision and findings of fact from which the appeal is taken.

(2) The contract, including specifications and pertinent amendments, plans and drawings.

(3) All correspondence between the parties pertinent to the appeal, including the letter or letters of claim in response to which the decision was issued.

(4) Transcripts of any testimony taken during the course of proceedings, and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board.

(5) Any additional information considered pertinent.

Within 30 days of receipt of an appeal or advice that an appeal has been filed, the contracting officer shall furnish the appellant with a copy of each document transmitted to the Board, except those enumerated in paragraph (b)(2) of this section, for which a list of the contractual documents submitted will suffice. Documents in the appeal file may be originals or legible facsimiles or authenticated copies thereof, and shall be arranged in chronological order, where practicable, numbered sequentially, tabbed and indexed to identify the contents of the file. A copy of any material submitted to the ASBCA should be submitted to the Division of Business and Administrative Law, Office of General Counsel or cognizant Regional Attorney as appropriate.

(c) *Formats.* (1) The following format is suggested for transmitting appeal files to the ASBCA:

Your reference: _____
(Docket No.)

Mr. George L. Hawkes
Recorder, Armed Services Board of Contract Appeals
3110 Columbia Pike
Arlington, Virginia 22204

Dear Mr. Hawkes:

Transmitted herewith are documents relative to appeal under contract No. _____ with the _____
(name of contractor)
in accordance with the procedures under Rule 4.

The Government Trial Attorney for this case is: _____ (Insert Division of Business and Administrative Law, Office of General Counsel, Department of Health, Education, and Welfare, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone number 245-7752, or Regional Attorney and office address as appropriate).

This request for payment of charges resulting from the processing of this appeal should be addressed to:

_____
_____

(2) The contracting officer shall notify the appellant of the submission of the appeal file to the ASBCA. The following format is suggested:

_____
_____
_____

Dear _____:

An appeal file has been compiled relative to the appeal under contract No. _____ and has been submitted to the Armed Forces Board of Contract Appeals (ASBCA). The enclosed duplicate of the appeal file is identical to that submitted to the Board except that contract documents which you already have, have been excluded.

You may furnish or suggest any additional information deemed pertinent to the appeal to the Armed Services Board of Contract Appeals within 30 days after receipt of this letter.

V40-71 APR 11 75 XUM

The ASBCA will provide you with further information concerning this appeal.

(d) The Office of General Counsel is designated as the Government Trial Attorney to represent the Government in the defense of appeals before the ASBCA. Decisions of the ASBCA will be transmitted by the Government Trial Attorney to appropriate contracting officers for action according to ASBCA's decision.

(e) At all times after the filing of an appeal, the contracting officer will render all assistance requested by the Office of General Counsel. Whenever an appeal is set for hearing, the contracting officer concerned, acting under the guidance of the Office of General Counsel, will be responsible for arranging for the presence of Government witnesses and specified physical and documentary evidence at both the pre-hearing conference and the hearing.

(f) Whenever the contractor, subsequent to filing an appeal with the ASBCA, elects nevertheless to accept fully the decision from which appeal was taken or any modification thereof, and gives written notification of such acceptance to the Office of General Counsel or the contracting officer concerned, the Office of General Counsel will notify the ASBCA of the disposition of the dispute in accordance with Rule 27 of the ASBCA.

3. The table of contents of Chapter 3, is amended to add a new Part 3–8—Termination of Contracts.

4. A new Part 3–8 is added to Chapter 3 to read as follows:

Subpart 3–8.6—Termination for Default

Sec. 3–8.601 General.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

§ 3–8.601 General.

Prior to the issuance of any notice of termination for default, the cognizant contracting officer shall seek the advice of the Division of Business and Administrative Law, Office of General Counsel, concerning the proposed termination.

(5 U.S.C. 301; 40 U.S.C. 486(c).)

Effective Date: The provisions of this amendment shall be effective April 11, 1975.

Dated: April 7, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-9604 Filed 4-10-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Long Lake National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective April 11, 1975.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

LONG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Long Lake National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas are delineated on maps available at refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Sport fishing shall be in accordance with all applicable state regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from May 3, 1975 to September 15, 1975, daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 15, 1975.

JIM MATTHEWS,
Refuge Manager, Long Lake National Wildlife Refuge, Moffit, North Dakota.

APRIL 1, 1975.

[FR Doc.75-9436 Filed 4-10-75;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—FOOD STAMP PROGRAM

[Amdts. 35, 46]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Methods of Distributing, Issuing, and Accounting for Coupons and Receipts; Financial Liabilities of the State Agency

On December 17, 1974, there was published in the FEDERAL REGISTER (39 FR 43848), a notice of proposed rulemaking to amend § 271.6(d) of the Food Stamp Program Regulations to prohibit retail grocers who are authorized to redeem coupons from serving as issuance agents.

The twelve comments we received on this proposed regulation were evenly divided between opposition and support. The most frequent objection was that the prohibition of retail grocers as issuance agents would limit participation. After careful consideration, we do not believe that a prohibition of retail grocers as issuance agents would limit participation since State agencies still have the option of using several potential issuance agents: financial institutions, post offices, county welfare offices, etc. We further maintain that it would be impracticable to designate every retail grocer as an issuance agent and that those who were designated would possess a competitive advantage in spite of assurances to the contrary.

Several comments expressed concern that it was unclear what was meant by "firms authorized to redeem coupons" since banks redeem coupons from retailers. Therefore, the language of the regulation is revised to indicate that we are excluding only firms that redeem coupons from recipients.

In addition, on September 30, 1974, there was published in the FEDERAL REGISTER (39 FR 35177), a notice of proposed rulemaking to amend § 271.6(d)(3) of the Food Stamp Program Regulations to require that the design of the ATP card include a signature line for each variable purchase option.

A total of sixteen comments were received on the proposed amendment. Nine of the comments were favorable and seven were unfavorable. Of the unfavorable comments, only one objected to the amendment on the grounds that they believe it would not alleviate variable purchase manipulation. The majority of the objections centered around the time needed for and the difficulty and expense of reprogramming computers, both at the State and bank levels, to make them compatible with the redesign of the ATP card. Similar sentiments were also expressed by those who favored the intent of the proposed amendment.

However, most of the States commented that they could accomplish the design change if the implementation deadline was extended. Comments received indicated that even States who went ahead with plans to implement this provision would not have had their redesigned cards available by March 1. Also, due to our extension of the comment period to January 15, 1975, publication of the final regulation was delayed beyond the March 1 deadline thereby not allowing the States any lead time for implementation. Therefore, we are extending the implementation date to July 1, 1975.

We have made one minor revision of the regulation language. The last sentence is changed to read "• • • the variable purchase ATP cards used to implement this provision • • •." The basis for this change stems from an expression of concern and request for clarification from some States which have implemented variable purchase through a card exchange method. We feel this change qualifies the language to avoid misunderstanding of the regulation by States utilizing this method.

On September 30, 1974, there was also published in the FEDERAL REGISTER (39 FR 35177), a notice of proposed rulemaking amending § 271.7(b) of the Food Stamp Program regulations holding State agencies which have failed to cooperate with USDA liable to FNS for the bonus value of coupons issued pursuant to court decisions which are inconsistent with federally prescribed program procedures.

There were ten comments received on the new provision, all from State agencies. One comment was in total agreement with the proposal and one comment objected to it in its entirety. Of the remaining comments, all agreed with the portion relating to notifying USDA of lawsuits, but the aspects relating to the responsibility of State agencies liable for the bonus value of coupons issued pursuant to a court order were met with question.

After reviewing the comments, it was apparent that the intent of the new provision had been misinterpreted by some of the State agencies and we are, therefore, providing the following explanation. The intent is that USDA–FNS be afforded the opportunity to defend its regulations coming under court action. USDA must be notified of court action in the event that such action names only the State agency as defendant in order for USDA to determine whether or not joinder action is warranted. If USDA feels such action is necessary to present an appropriate defense, State agencies will be required to take such action as is deemed necessary to properly join USDA. Only in situations where the State agency does not notify USDA of lawsuits or the State agency refuses upon request to join USDA, will the State agency be held liable for the value of bonus coupons issued pursuant to the order. Should the State agency properly join USDA in litigation and the court rules against a USDA policy based on the Food Stamp Act, regulations, or instructions, the State agency will not be held liable for the value of bonus coupons issued pursuant to such order.

In view of the fact that the majority of the negative comments stem from a misinterpretation of the regulation rather than objection to its substance, we are adopting the language as proposed.

Accordingly, Part 271 of Chapter II, Title 7, Code of Federal Regulations is amended as follows:

1. In § 271.6, paragraphs (d) and (d)(3) are revised to read as follows:

§ 271.6 Methods of distributing, issuing, and accounting for coupons and receipts.

• • • • • •

(d) The State agency or the State issuing agency shall arrange for the issuance of coupons to eligible households and for the collection of sums required from eligible households for the purchase requirement. The State agency or State issuing agency shall not contract the issuance of coupons to any firm, or agency thereof, authorized to redeem coupons from households unless the State agency, in concurrence with FNS, determines that such an arrangement would best achieve the purpose of the program. The coupon allotment to be issued to any household shall be in the amount determined in accordance with § 271.5.

• • • • • •

(3) The State agency shall, within the limits of the frequency of issuance available to the household under paragraph (d)(4) of this section, permit any eligible household, except those participating under paragraph (d)(2) of this section, to elect at the time of issuance to receive a coupon allotment having a face value of all, three-quarters, one-half, or one-quarter of the monthly coupon allotment authorized in accordance with § 271.5 and to have such household pay an amount that shall be in the same ratio to the total purchase requirement as the coupon allotment chosen is to the total monthly coupon allotment. The State agency shall require that, as soon as possible but not later than July 1, 1975, the varibale purchase ATP cards used to implement this provision provide a signature space for each variable purchase option available to the household.

• • • • • •

2. In § 271.7, paragraphs (b), (c), (d) and (e) are redesignated as paragraphs (c), (d), (e) and (f), respectively and a new paragraph (b) is added to read as follows:

§ 271.7 Financial liabilities of the State agency.

• • • • • •

(b) In the event that any State agency is sued by any person(s) in a State or Federal Court in any matter which involves its administration of the Food Stamp Program, the State agency shall immediately notify FNS that suit has been brought and shall furnish FNS with copies of the original pleadings and all subsequently filed pleadings. In any such case which involves an attack on or interpretation of the Food Stamp Act, these regulations, or FNS instructions, the State agency shall, upon request of FNS, take such action as is necessary properly to join the United States and/or apprpriate officials of the Federal Government, such as the Secretary of Agriculture or the Administrator of the Food and Nutrition Service, as parties to the suit. In the event that a State agency fails to comply with the provisions of this paragraph and is ordered by a court to take actions under the program which are determined by FNS to be inconsistent with the Food Stamp Act, these regulations, or FNS instructions, the State agency shall, upon demand by FNS, pay to FNS an amount equal to the value of all bonus coupons issued pursuant to the court order.

• • • • • •

NOTE: Reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date. This amendment shall become effective April 11, 1975.

(78 Stat. 703, as amended; 7 U.S.C. 2011–2026)

(Catalog of Federal Domestic Assistance Programs, No. 10.551, National Archives Reference Services)

RICHARD L. FELTNER,
Assistant Secretary.

APRIL 8, 1975.

[FR Doc.75-9549 Filed 4-10-75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

This document authorizes expenses of $282,550 of the Valencia Orange Administrative Committee, under Marketing Order No. 908, for the 1974–75 fiscal year and fixes a rate of assessment of $0.014 per carton of Valencia oranges handled in such period to be paid to the Committee by each first handler as his pro rata share of such expenses.

On March 12, 1975, notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 11587) regarding proposed expenses and the related rate of assessment for the period November 1, 1974, through October 31, 1975, and carryover of unexpended funds from the period November 1, 1973, through October 31, 1974, pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The notice provided that all written data, views, or arguments in connection with the proposals be submitted by April 1, 1975. None were received. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Valencia Orange Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 908.214 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Valencia Orange Administrative Committee during the period November 1, 1974, through October 31, 1975, will amount to $282,550.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 908.41, is fixed at $0.014 per carton of Valencia oranges.

(c) *Reserve.* Unexpended funds in excess of expenses incurred during the fiscal year ended October 31, 1974, in the amount of $25,000 are carried over as a reserve in accordance with § 908.42 of said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment

V40171 APR 11 75 XUM

herein fixed shall be applicable to all assessable oranges handled during the aforesaid period, (2) shipments of Valencia oranges are currently in progress, and (3) such period began on November 1, 1974, and said rate of assessment will automatically apply to all such oranges beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 8, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-9544 Filed 4-10-75;8:45 am]

[Lemon Reg. 687]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period April 13–19, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.987 Lemon Regulation 687.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons has slackened due to recent inclement weather in part of the U.S. Average f.o.b. price was $5.66 per carton the week ended April 5, 1975, compared to $5.59 per carton the previous week. Track and rolling supplies at 107 cars were down 6 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 8, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period April 13, 1975, through April 19, 1975, is hereby fixed at 245,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 9, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-9230 Filed 4-10-75;11:06 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—EXPORT PROGRAMS

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Subpart A—Financing of Export Sales of Agricultural Commodities From Private Stocks Under CCC Export Credit Sales Program (GSM–4, Revision III)

Part 1488, Title 7, Code of Federal Regulations, governing the CCC Export Credit Sales Program as revised and published in the FEDERAL REGISTER on April 22, 1971 (36 FR 7597–7602), is reissued to include the amendments of April 29, 1971 (36 FR 8048), May 25, 1971 (36 FR 9437–9442), June 9, 1971 (36 FR 11081), July 2, 1971 (36 FR 12595–12596), April 21, 1972 (37 FR 7879), May 10, 1972 (37 FR 9383) and November 18, 1972 (37 FR 24651), and to make certain other changes to conform with existing procedural requirements and organizational functions and assignments in the Department. Because the changes are procedural and editorial in nature, the notice, public rule-making procedure and effective date requirements contained in 5 U.S.C. 553 are omitted as unnecessary.

Subpart A—Financing of Export Sales of Agricultural Commodities from Private Stocks Under CCC Export Credit Sales Program (GSM–4, Revision III)

Sec.
1488.1 General statement.
1488.2 Definition of terms.
1488.3 Submission of applications for financing.
1488.4 Registration of sales.
1488.5 Coverage of bank obligations.
1488.6 CCC drafts.
1488.7 Interest charges.
1488.8 Expiration of period for delivery and export.
1488.9 Advance payment.
1488.10 Documents required after delivery.
1488.11 Evidence of export and warranty.
1488.12 Evidence of entry into country of destination.
1488.13 Liability for payment.
1488.14 Liquidated damages.
1488.15 Assignment.
1488.16 Covenant against contingent fees.
1488.17 Shipment of commodities on vessels calling at Cuban and North Vietnamese ports.
1488.18 Officials not to benefit.
1488.19 Exporter's records and accounts.
1488.20 Communications.

Subpart A—Financing of Export Sales of Agricultural Commodities From Private Stock Under CCC Export Credit Sales Program (GSM–4, Revision III)

AUTHORITY: Sec. 5(f), 62 Stat. 1072, 15 U.S.C. 714c, and sec. 4, 80 Stat. 1526, 7 U.S.C. 1707a.

§ 1488.1 General statement.

(a) Except as otherwise provided in this paragraph (a), the regulations contained in this Subpart A supersede GSM–4, revised April 1971, and set forth the terms and conditions governing the CCC Export Credit Sales Program (GSM–4). The maximum financing period shall be three years. GSM–4, as revised in December 1969 and in April 1971, shall remain in effect for all transactions under financing approvals issued thereunder.

(b) On approval by CCC of an application for financing under this program, an eligible exporter may, but will not be obligated to, make export sales of agricultural commodities from private stocks on a deferred payment basis in accordance with the applicable financing arrangement. After delivery, subject to the terms and conditions set forth in this Subpart, CCC will purchase for cash the exporter's account receivable arising from the export sale.

(c) The provisions of Pub. L. 83–664 are not applicable to shipments under this program.

(d) The regulations contained in this Subpart A may be supplemented by such additional terms and conditions, applicable to specified agricultural commodities, as may be set forth in supplements hereto, and, to the extent that they may be in conflict or inconsistent with any other provisions of this Subpart A, such additional terms and conditions shall prevail.

§ 1488.2 Definition of terms.

As used in this Subpart A and in the forms and documents related thereto, the following terms shall have the meanings assigned to them in this section:

(a) "Account receivable" means the contractual obligation of the foreign importer to the exporter for the port value of the commodity delivered for which the exporter is extending credit to the importer. The account receivable shall be evidenced by documents, in form and substance satisfactory to CCC, establishing the contractual obligation between the U.S. exporter and the foreign importer. The account receivable shall provide for (1) payment of principal and interest in U.S. dollars in the United States, (2) interest in accordance with § 1488.7, and (3) acceleration of payment thereunder in accordance with GSM–4.

(b) "Agency or branch bank" means an agency or branch of a foreign bank, supervised by New York State banking authorities or the banking authorities of any other State providing similar supervision, and approved by the Vice President, CCC or the Controller, CCC.

(c) "Assistant Sales Manager" means the Assistant Sales Manager, Commercial Export Programs, Foreign Agricultural Service.

(d) "Bank obligation" means an obligation, acceptable to CCC, of a U.S. bank, a foreign bank, or an agency or branch bank, to pay to CCC in U.S. dollars the amount of the account receivable, plus interest in accordance with § 1488.7. The bank obligation shall be in the form of an irrevocable letter of credit issued by a U.S. bank or a branch bank, or confirmed or advised by a U.S. bank or an agency or branch bank in accordance with § 1488.5. The bank obligation shall provide for payment under the terms and conditions of the financing agreement and shall be payable not later than the date of expiration of the financing period or of the bank obligation, whichever occurs first, if payment is not received from other sources.

(e) "CCC" means the Commodity Credit Corporation, U.S. Department of Agriculture.

(f) "Commercial risk" means risk of loss due to any cause other than a political risk.

(g) "Date of delivery" means the on-board date of the ocean bill of lading, or the date of airway bill, or, if exported by rail or truck, the date of entry shown on an authenticated landing certificate or similar document issued by an official of the government of the importing country, or, if delivery is before export, the date(s) of the warehouse receipts or other evidence of delivery, acceptable to CCC, of the commodity to a warehouse.

(h) "Delivery" means the delivery required by the export sale contract to transfer to the importer full or conditional title to the agricultural commodity. Delivery before export shall be at a warehouse in the U.S. acceptable to CCC. Delivery at point of export shall be f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. airports, at U.S. border points of exit or, if transshipped, through Canada via the Great Lakes, at ports on the St. Lawrence River.

(i) "Eligible commodities" means agricultural commodities, including eligible cotton, produced in the United States and designated as eligible for export under CCC's Export Credit Sales Program in a USDA announcement. Commodities which have been purchased from CCC are eligible for export as private stocks. Exports of commodities pursuant to any CCC barter contract, PL–480 or AID agreement, or direct loan by the Export-Import Bank are not eligible for financing under this program. Commodities delivered prior to the date of the related financing approval are not eligible for financing under this program unless they had been delivered under a GSM–4 export credit sale and such financing is determined by the Vice President, CCC, or the Assistant Sales Manager, to be in the interest of CCC.

(j) "Eligible cotton" means Upland and Extra Long staple cotton grown in the United States: *Provided, however,* That reginned or repacked cotton, as defined in regulations of the U.S. Department of Agriculture under the U.S. Cotton Standards Act (§ 28.40 of this Title), by-products of cotton such as cotton mill waste, motes, and linters, and any cotton that contains any by-products of cotton are not eligible for export financing hereunder. CCC's determination as to the eligibility of cotton shall be final.

(k) "Eligible destination" means the country which is named in the financing approval and which meets the licensing requirements of the U.S. Department of Commerce.

(l) "Eligible exporter" or "exporter" means a person (1) who is engaged in the business of buying or selling commodities and for this purpose maintains a bona fide business office in the United States, its territories or possessions, and has someone on whom service of judicial process may be had within the United States, (2) who is financially responsible, and (3) who is not suspended or debarred from contracting with or participating in any program financed by CCC on the date of issuance of the financing approval.

(m) "FAS" means the Foreign Agricultural Service, U.S. Department of Agriculture.

(n) "Financing agreement" means the exporter's written application for financing as approved or amended by the Assistant Sales Manager, including the terms and conditions of the regulations in this Subpart and any amendments thereto in effect on the date of issuance of the financing approval.

(o) "Financing approval" means the approval issued by the Assistant Sales Manager, of an exporter's written financing application.

(p) "Financing period" means the number of months specified in the financing approval. Such period shall start on the date of delivery or the weighted average delivery date, of the commodities to be exported under the financing agreement, and shall expire on the expiration of the bank obligation or the number of months specified in the financing approval, whichever occurs first.

(q) "Foreign bank" means a bank which is neither a U.S. bank nor an agency or branch bank, and includes a foreign branch of a U.S. bank.

(r) "Foreign importer" or "importer" means the foreign buyer who purchases the commodities to be exported under a financing agreement and executes the documents evidencing the account receivable assigned to CCC.

(s) "GSM–4" means the regulations contained in this Subpart A, as amended and supplemented, setting forth the terms and conditions governing the CCC Export Credit Sales Program.

(t) "Political risk" means risk of loss due to (1) inability of the foreign bank through no fault of its own to convert foreign currency to dollars, or (2) nondelivery into the eligible destination of the commodity covered by a financing agreement through no fault of the foreign bank or importer or exporter because of the cancellation by the government of the eligible destination of previously issued valid authority to import such shipment into the eligible destination or because of the imposition of any law or of any order, decree, or regulation having the force of law, which prevents the import of such shipment into the eligible destination, or (3) inability of the foreign bank to make payment due to war, hostilities, civil war, rebellion, revolution, insurrection, civil commotion, or other like disturbance occurring in the eligible destination, expropriation, or confiscation, or other like action by the government of the eligible destination country, or (4) failure of the foreign bank to make payment for any reason if it is an instrumentality of or

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is wholly owned by the foreign government.

(u) "Port value" means the net amount of the exporter's sales price of the commodity to be exported under the financing agreement, basis f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. border points of exit, at U.S. airports if shipped by air, or, if transshipped through Canada via the Great Lakes, at ports on the St. Lawrence River. The port value shall not include ocean freight for a c&f sale or ocean freight and marine and war risk insurance for a c.i.f sale. The net amount of the exporter's sales price means the exporter's contract price for the commodities, on the basis stated above, less any payments made to the exporter and less any discounts, credits, or allowances by the exporter.

(v) "Sale" means a contractual obligation to make an export credit sale of U.S. agricultural commodities to be financed under GSM–4, and which is evidenced by an account receivable. The "date of sale" shall be the date of the contractual obligation. If an export sale is conditioned upon the availability of CCC financing, the date such financing becomes available shall be the "date of sale".

(w) "United States" means the 50 States, the District of Columbia, and Puerto Rico.

(x) "U.S. bank" means a bank organized under the laws of the United States, a State, or the District of Columbia.

(y) "USDA announcement" means an announcement published monthly by the U.S. Department of Agriculture (USDA), subject to amendment during the month, which is in effect when the financial approval is issued and which includes the list of eligible commodities and interest rates under GSM–4.

(z) "Vice President, CCC" means the Vice President who is the Administrator, Foreign Agricultural Service.

§ 1488.3 Submission of applications for financing.

(a) An eligible exporter may submit an application for financing to the Assistant Sales Manager, Commercial Export Programs, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250. (Telex No. 089–491)

(b) CCC reserves the right to reject any and all applications.

(c) Applications shall be in writing and shall refer to GSM–4, thereby incorporating by reference into the application all the terms and conditions of GSM–4. On approval by the Assistant Sales Manager, a financing approval bearing a financing approval number shall be issued. The following information shall be included in the exporter's application:

(1) The name of the commodity to be exported; the class, grade, or quality, as applicable; and the quantity.

(2) The country of destination.

(3) The approximate port value of the commodity to be exported.

(4) The financing period.

(5) Whether the bank obligation assuring payment of the account receivable will be issued by a U.S. bank, a branch bank, or a foreign bank, and if by a foreign bank its name and address and the name of the confirming U.S. bank or branch bank, or agency bank if approved as provided in § 1488.5(b), and the percentage of confirmation.

(6) The name and address of the foreign importer.

(7) If delivery of the commodity to be exported is before export, the name and address of the warehouse to which delivery is to be made.

(8) The approximate period for export.

(9) If the commodity will be sold through an intervening purchaser, the name and address of the intervening purchaser, and a statement that the sale of the commodity is or will be conditioned on its resale by the intervening purchaser, and its direct shipment, to the foreign importer in the destination country specified in paragraphs (c) (2) and (6) of this section, pursuant to a contract in which the foreign importer agrees to pay to the U.S. exporter the amount financed in accordance with the terms of the GSM–4 financing agreement.

(d) In considering applications for financing CCC will take into account factors such as the following:

(1) Permit U.S. exporters to meet competition from other countries.

(2) Prevent a decline in U.S. commercial export sales.

(3) Substitute commercial dollar sales for sales made pursuant to PL–480 or other concessional programs.

(4) Result in a new use of the agricultural commodity in the importing country.

(5) Permit expanded consumption of agricultural commodities in the importing country and thereby increase total commercial sales of agricultural commodities to the importing country.

(e) If additional information is required, the applicant shall furnish it on request.

(f) The financing approval may contain such terms and conditions, not inconsistent with GSM–4, as are deemed in the interest of CCC.

(g) The financing approval may be amended provided such amendment is in conformity with GSM–4 at the time of amendment and is determined to be in the interest of CCC. Amendments may include an extension of the period for delivery provided the exporter furnishes acceptable evidence of an export sale contract requiring delivery during a longer period, as well as an extension of the period for export, and may contain such additional conditions to such extension as are determined to be in the interest of CCC. A new or amended bank obligation may be required by CCC if the financing approval is amended after the issuance of the related bank obligation.

§ 1488.4 Registration of sales.

All sales must be registered with and approved for financing by the Assistant Sales Manager, Commercial Export Programs, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250 (Telex No. 089–491). Registration may be by telephone but must be confirmed by letter or wire. When registering a sale, the exporter shall give the following information:

(a) The financing approval number under which the sale is being made.

(b) The date of sale and sale number.

(c) The quantity and port value of the sale. Total sales registered under one financing approval shall not exceed 110 percent of the amount covered by the financing approval.

(d) The date of delivery or the period for delivery and the month in which application for payment will be submitted.

(e) The class, grade or quality of the commodity.

§ 1488.5 Coverage of bank obligations.

(a) U.S. banks and U.S. branches of foreign banks shall be liable without regard to risks for payment of bank obligations issued by them.

(b) An obligation issued by a foreign bank must be confirmed and advised, as provided in paragraphs (c), (d), (e), and (f) of this section, by a U.S. bank or a branch bank, or may be confirmed by an agency bank when determined by the Vice President, CCC or Controller, CCC, to be in the interest of CCC.

(c) A U.S. bank must confirm the full amount of an obligation issued by its foreign branch. CCC will look to the U.S. bank for payment without regard to risks.

(d) If a branch bank confirms an obligation issued by its home office, or by another branch of its home office, it must confirm the full amount thereof. CCC will look to the branch bank for payment without regard to risks.

(e) If CCC accepts an agency bank confirmation of a foreign bank obligation, it must be for the full amount thereof without regard to risks and will be subject to such terms and conditions as may be contained in the financing approval. CCC will not accept an agency bank confirmation of an obligation issued by its home office, or by a branch of its home office.

(f) Except as provided in paragraphs (c) and (d) of this section, if a U.S. bank or a branch bank confirms an obligation issued by a foreign bank, it must confirm at least 10 percent pro rata and must advise the remainder of the foreign bank obligation. For the confirmed amount, CCC will hold the U.S. bank or branch bank liable for commercial risks but not for political risks. For the advised amount, CCC will not hold the U.S. bank or the branch bank liable for commercial or political risks. CCC will hold the foreign bank liable without regard to risks for all amounts not recovered from the U.S. or branch bank.

(g) Under special circumstances, on application in writing, the Vice President, CCC, may reduce or waive the requirement for 10 percent confirmation by a U.S. or branch bank, but a bank will not be relieved of an obligation once it has been undertaken.

(h) Any bank obligation which provides for a bank acceptance of a time draft by CCC (banker's acceptance) shall not be acceptable to CCC.

(i) CCC will consent to cancellation or reduction of a bank obligation to the extent that it receives payment from other sources of amount otherwise payable under such bank obligation.

(j) Collection of accounts receivable purchased under this program will be effected through the issuance by CCC of sight drafts against the bank obligations, but this method of collection shall not be exclusive of any other collection procedures or rights available to CCC.

§ 1488.6 CCC drafts.

CCC will draw one draft for each payment due under bank obligations. If any portion of a CCC draft is dishonored, the U.S. bank or branch bank shall return the dishonored draft together with its statement of the reason for non-payment. If a draft which is drawn under a partially confirmed bank obligation is dishonored, CCC will replace the draft with separate drafts for the confirmed and unconfirmed portions at the request of the confirming bank. Such replacement shall not alter the confirming bank's obligation for timely payment to CCC of the confirmed portion of the credit. For confirmed amounts, except as provided in § 1488.5 (c) and (d), a U.S. or branch bank may request refund from CCC of the amount paid if it certifies to CCC that it is unable to recover funds from the foreign bank due to a stipulated political risk which existed on the date payment was made to CCC under the draft. If CCC finds that inability to recover funds was due to such a political risk, the refund shall be promptly made together with interest at the Federal Reserve Bank of New York discount rate from and including the date payment was originally made to CCC but not including the date of refund by CCC. For unconfirmed amounts, remittance to CCC shall be considered final, and the U.S. bank or branch bank shall not thereafter have recourse to CCC.

§ 1488.7 Interest charges.

The account receivable assigned to CCC and the related bank obligation(s) shall bear interest as specified in this section. Rates of interest applicable to financing agreements shall be published in a USDA announcement. The interest rate applicable to that portion of an account receivable for which payment is assured by a bank obligation issued or pro rata confirmed by a U.S. bank shall be lower than the interest rate established for the remainder of the account receivable. The interest rate applicable to that portion of an account receivable the payment of which is assured by a bank obligation issued or pro rata confirmed by a branch bank shall, when determined by the Vice President, CCC or Controller, CCC, to be in the interest of CCC, be lower than the interest rate established for the remainder of the account receivable. Interest rates applicable to accounts receivable the payment of which is assured by agency bank confirmations shall be established by the Vice President, CCC or Controller, CCC. The interest rate applicable to a particular financing agreement shall be specified in the financing approval. Interest shall accrue on the account receivable from the date of delivery or the weighted average delivery date, of the agricultural commodities delivered under the financing agreement to the date of payment, or to the date of expiration of the financing period, or the date of expiration of the bank obligation, whichever occurs first, and shall be payable as specified in the financing approval. Thereafter, interest shall accrue on any unpaid part of both the principal and interest due as of such expiration date.

§ 1488.8 Expiration of period(s) for delivery and/or export.

(a) Unless delivery by the exporter to the importer is made within such period as may be provided in the financing approval or any amendment thereof, or under paragraph (b) of this section, the financing approval will no longer be valid.

(b) If the Assistant Sales Manager, determines that delay in delivery was due solely to causes without the fault or negligence of the exporter, the period for delivery may be extended by CCC by the period of such delay.

(c) If delivery is made before export under the terms of the financing agreement, failure to export within the period specified therefor in the financing approval shall constitute a breach of the financing agreement. In such case, the account receivable and the bank obligation assuring the account receivable shall, at the option of the Assistant Sales Manager, become immediately due and payable if full payment has not been received, and liquidated damages shall be payable in accordance with § 1488.14.

§ 1488.9 Advance payment.

If, before expiration of the financing period, the exporter or the U.S. bank or the agency or branch bank accepts payment from or on behalf of the foreign importer of any part of the account receivable, it shall be remitted promptly to CCC. Such prepayment shall be applied first to interest on the unpaid balance of the account receivable to the date CCC receives such prepayment and then to the principal.

§ 1488.10 Documents required after delivery.

(a) CCC will purchase an exporter's account receivable only if the Treasurer, Commodity Credit Corporation, United States Department of Agriculture, Washington, D.C. 20250, receives the documents specified in paragraphs (b) through (e) of this section within 45 days, or any extension thereof by the Treasurer or Assistant Treasurer, CCC, after date of delivery of commodities exported or to be exported under the financing agreement.

(b) The exporter shall submit a "Combined Application for Disbursement, Assignment of Account Receivable and Certification" which includes:

(1) A written application for disbursement, showing the financing approval number and the port value of the commodity delivered.

(2) An assignment of the account receivable arising from the export sale, in form and substance acceptable to CCC.

(3) The exporter's certification (i) that he has entered into a contract to sell an eligible Commodity; (ii) of the date of sale, the grade, quality, quantity, agreed upon price for the commodity and payment terms and interest in accordance with the financing agreement; (iii) that he has in his files documents evidencing the export sale contract and the obligation of the importer to him for the financed portion of the export sale, and will retain them until 3 years after maturity of the related financing agreement and will furnish them to CCC on demand during that period; (iv) agricultural commodities of the grade, quality, and quantity called for in the exporter's sale have been delivered to the foreign importer; and (v) he knows of no defenses to the account receivable assigned to CCC. If the date of sale is other than the date specified in the certification required by this paragraph (b)(3), the financing agreement may be terminated by the Assistant Sales Manager, and on such termination, if payment under the bank obligation or amount receivable has not yet been received, the bank obligation and the account receivable shall become due and payable at the option of CCC.

(c) A copy of the sales invoice to the foreign importer, or, if the commodity has been sold through an intervening purchaser, a copy each of the exporter's sales invoice to the intervening purchaser and of the intervening purchaser's sales invoice to the foreign importer.

(d) Either (1) a copy of the document evidencing export provided for in § 1488.11 and, if the consignee is other than the foreign importer named in the financing agreement, such additional information as CCC may request to show that export was made in accordance with the instructions of, or the export sale contract with, the foreign importer, or (2) if delivery is before export, documents acceptable to CCC evidencing delivery of the commodity to the importer or his agent.

(e) A bank obligation or obligations, in accordance with § 1488.5, § 1488.8(c), § 1488.12, and paragraph (i) of this section, payable to CCC, in form and substance acceptable to CCC, covering the amount of the application for disbursement, citing the financing approval number, and providing for the payment of interest in accordance with § 1488.7.

(f) On receipt of the documents described in paragraphs (b) through (e) of this section, the Treasurer, CCC will pay promptly to the exporter the amount of the account receivable or the dollar amount of sales registered under the

V40-71 APR 11 75 XUM

financing approval, whichever is the lesser.

(g) If an acceptable application for disbursement and the supporting documents described in paragraphs (b) through (e) of this section have not been received by CCC within 45 days from the date of the delivery (or any extension thereof by the Treasurer or Assistant Treasurer, CCC), the financing agreement shall be void.

(h) If, under the financing agreement, delivery is made before export, documents evidencing export as provided in § 1488.11 shall be submitted to the Assistant Sales Manager within 20 days after delivery to export carrier.

(i) If for any reason a draft drawn under a foreign bank obligation is dishonored or if the issuing bank is insolvent, in bankruptcy, in receivership, or in liquidation, or has made an assignment for the benefit of creditors, or for any other reason discontinues or suspends payments to depositors or creditors or otherwise ceases to operate on an unrestricted basis, the obligation issued by that bank to CCC shall become immediately due and payable, and any balance due on the account receivable assured by the obligation issued by such bank shall, at the option of CCC, become immediately due and payable. CCC may permit the substitution of another acceptable foreign bank obligation covering such balance due if confirmed in accordance with § 1488.5.

§ 1488.11 Evidence of export.

(a) If the commodity is exported by rail or truck, the exporter shall furnish to the Treasurer, CCC, one copy of the bill of lading, certified by the exporter as being a true copy, covering the commodity exported, and an authenticated landing certificate or similar document issued by an official of the government of the country to which the commodity is exported, showing the quantity, the place and date of entry, the gross landed weight of the commodity, and the name and address of both the exporter and the importer.

(b) If the commodity is exported by ocean carrier, the exporter shall furnish to the Treasurer, CCC, one non-negotiable copy or photo copy or other type of copy of either (1) an on-board ocean bill of lading or (2) an ocean bill of lading with an on-board endorsement, dated and signed or initialed on behalf of the carrier. The bill of lading must be certified by the exporter as being a true copy and must show the quantity, the date and place of loading the commodity, the name of the vessel, the destination of the commodity, and the name and address of both the exporter and the importer.

(c) If the commodity is exported by aircraft, the exporter shall furnish to the Treasurer, CCC, one non-negotiable copy of an airway bill, dated and signed or initialed on behalf of the carrier. The airway bill must be certified by the exporter as being a true copy and must show the date and place of loading the commodity, the name of the airline, the destination of the commodity, and the name and address of both the exporter and the importer.

(d) If the exporter is unable to supply documentary evidence of export as specified in this section he shall submit such other documentary evidence as may be acceptable to CCC.

(e) For commodities transshipped through Canada via the Great Lakes, the exporter shall certify that the commodity transshipped was produced in the United States.

§ 1488.12 Evidence of entry into country of destination.

(a) Commodities exported under a financing agreement must enter the destination country specified in the financing agreement.

(b) For a financing agreement under which the financing period is in excess of 12 months, within 90 days, or such extension of time as may be granted in writing by the Assistant Sales Manager, following shipment from the United States of any agricultural commodity exported under the financing agreement, the exporter shall furnish to the Assistant Sales Manager, Commercial Export Programs, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250, documentary evidence verifying entry of the commodity into the country of destination specified in the financing agreement. The documentary evidence must (1) identify the agricultural commodity (or permit identification through supplementary documents also furnished) as that exported under the financing agreement, (2) state the quantity and date of entry of the commodity into the destination country, and (3) be signed by (i) a customs official of the destination country, or (ii) the importer, or (iii) a representative of an independent superintending or controlling firm.

(c) When the commodity enters the country of destination in bond, a statement by the importer will be acceptable which (1) identifies the commodity as that exported under the financing agreement, (2) states the quantity of the commodity entered under bond and date of entry into the destination country, and (3) certifies that the commodity will be withdrawn from bonded storage at a later date for consumption in the destination country.

(d) If the evidence of entry is in other than the English language, the exporter shall also provide an English translation thereof.

(e) If evidence of entry is not furnished within the time specified, the financing agreement may be terminated by the Assistant Sales Manager, and upon termination, if payment under the bank obligation or account receivable has not yet been received, at the option of CCC, the bank obligation and the account receivable shall become due and payable. Failure to furnish, within the time specified, evidence of entry of the commodity into the country of destination shall constitute prima facie evidence of failure to enter or cause the entry of the commodity into such country as required. The remedy herein provided shall not be exclusive of other rights available to the Federal Government if the commodity enters a country other than that specified in the financing agreement.

§ 1488.13 Liability for payment.

If delivery is made within the coverage of the bank obligation(s) submitted in accordance with § 1488.10, CCC will look to the obligating bank or banks and the foreign importer, rather than to the exporter or intervening purchaser, for payment of all amounts due at maturity of the account receivable and of the bank obligation(s), but the exporter and the intervening purchaser shall remain liable for any loss arising from breach of any contractual obligation, certification or warranty made by them, pursuant to the financing agreement, and the exporter shall remain liable for any amounts not covered by the bank obligation which are owing to CCC, and any remittance or refund required by § 1488.9 and § 1488.16, together with interest thereon at the rate specified in the documents evidencing the account receivable, as well as for any liquidated damages provided for in § 1488.14. The liability of the bank and the importer under their respective obligations shall be several.

§ 1488.14 Liquidated damages.

Failure of the exporter to export or cause to be exported, within the period provided therefor, any agricultural commodity financed, when delivery is made before export under the terms of the financing agreement, or failure of the exporter to enter or cause the entry of such commodity into the country of destination, shall constitute a breach of the financing agreement which will result in serious and substantial damage to CCC and to its programs. Since it will be difficult, if not impossible, to prove the exact amount of such damage, the exporter shall pay to CCC promptly on demand, as reasonable compensation and not as a penalty, liquidated damages in lieu of probable actual damages, as follows: (a) For each week of delay in exportation after the final date for exportation, 1 percent of the amount financed under the financing agreement for the commodity not exported; (b) for failure to export or cause exportation, 5 percent of the amount financed under the financing agreement for the commodity not exported; (c) for failure, after exportation, to enter or cause the entry of the commodity into the country of destination, at the rate of 5 percent a year of the amount financed under the financing agreement for such commodity from the start of the financing period until payment to CCC of the amount financed; *Provided*, That the aggregate of any amounts assessed under this § 1488.14 with respect to the same commodity shall not exceed 5 percent of the amount financed for such commodity. Liquidated damages shall not be assessed under (a) of this section if the Assistant Sales Manager determines that the delay was due to such causes as acts of God or government or the public enemy, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, or unusually severe weather; under (b) of this section if the Assistant Sales Manager determines that failure to export was due to loss, damage, destruction or deterioration of the commodity; and under (c) of this section if the Assistant Sales Manager determines that failure to enter or cause the entry of the commodity into the country of destination was due to loss or destruction of the commodity or act of government.

§ 1488.15 Assignment.

The exporter shall not assign any claim or rights or any amounts payable under the financing agreement, in whole or in part, without written approval of the Vice President, CCC or the Controller, CCC.

§ 1488.16 Covenant against contingent fees.

The exporter warrants that no person or selling agency has been employed or retained to solicit or secure the financing agreement on an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by the exporter for the purpose of securing business. For breach or violation of this warranty, CCC shall have the right, without limitation on any other rights it may have, to annul the financing agreement without liability to CCC. Should the financing agreement be annulled, CCC will promptly consent to the reduction or cancellation of related bank obligations except for amounts outstanding under a financing agreement. Such amounts shall, on demand, be refunded to CCC by the exporter.

§ 1488.17 Shipment of commodities on vessels calling at Cuban and North Vietnamese ports.

Any commodity exported under a financing agreement shall not be shipped from the United States, or transshipped through Canada via the Great Lakes, at ports on the St. Lawrence River, on a vessel which has called at a Cuban port on or after January 1, 1963, or at a North Vietnamese port on or after January 25, 1966, unless a special waiver is granted by the Maritime Administration. Commodities shipped on such vessel shall not be considered to have been exported under the financing agreement.

§ 1488.18 Officials not to benefit.

No member of or delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of the financing agreement or to any benefit that may arise therefrom, but this provision shall not be construed to extend to the financing agreement if made with a corporation for its general benefit.

§ 1488.19 Exporter's records and accounts.

CCC shall have access to and the right to examine any directly pertinent books, documents, papers and records of the exporter involving transactions related to the financed export credit sale until the expiration of three years after maturity of the related financing agreement.

§ 1488.20 Communications.

Unless otherwise provided, a written request, notifications, or communications by the applicant pertaining to the financing agreement shall be addressed to the Assistant Sales Manager, Commercial Export Program, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250.

NOTE: The recordkeeping and reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date: This reissuance of regulation shall be effective on April 21, 1975.

Signed at Washington, D.C. on April 4, 1975.

DAVID L. HUME,
Vice President, Commodity Credit Corporation, and Administrator, Foreign Agricultural Service.

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PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Subpart A—Financing of Export Sales of Agricultural Commodities From Private Stocks Under CCC Export Credit Sales Program (GSM-4, Revision III)

BEEF BREEDING CATTLE

The regulations in Supplement I of this Subpart A, Part 1488, with respect to the financing of export credit sales of beef breedcattle, published in the FEDERAL REGISTER of May 25, 1971 (36 FR 9437) and amended on May 10, 1972 (37 FR 9383), is reissued to conform with existing procedural requirements and to reflect changes in organizational functions and assignments in the Department. Because the changes are procedural and editorial in nature, notice, public rulemaking procedure and effective date requirements are omitted as unnecessary.

SUPPLEMENT I—BEEF BREEDING CATTLE

A. *Additional definitions.* 1. "Port value" means the net amount of the exporter's sales price for beef breeding cattle to be exported under the financing agreement, basis f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. border points of exit, or at U.S. airports if shipped by air. The point of exportation for animals shall be designated by the Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture. The port value shall not include the ocean freight for a c&f sale or ocean freight and marine and war risk insurance for a c.i.f sale, and shall also not include any animal care or servicing cost incurred after such animals are loaded aboard the export carrier. The net amount of the exporter's sales price means the contract price for the animals less any payments made by the importer and less any discounts, credits, or allowances to the importer. Such net amount shall not exceed (a) for registered bulls, $1250 each or, with prior approval of the Assistant Sales Manager for Commercial Export Programs $2700 if performance has been superior to the performance records specified in Exhibit II to this supplement; (b) for registered females, $780 each or, with prior approval of the Assistant Sales Manager for Commercial Export Programs, $1100 if performance has been superior to the performance records specified in Exhibit I to this supplement; (c) for nonregistered females, and average, for the sale, of $500 each or, with prior approval of the Assistant Sales Manager for Commercial Export Programs, $700 if performance has been superior to the performance records specified in said Exhibit I. The difference, if any, between the maximum net amount specified in (a), (b), or (c) of this paragraph A.1. and the contract price for the individual animal, if registered, or the average contract price for the individual animal, if nonregistered, shall not be included as part of the port value.

2. "Producer" means the person holding legal title to the animal at time of birth and who has had continuous ownership of such animal until sold for export under an approved financing agreement.

3. "Bred female" means either a bred heifer or bred cow as set forth in Exhibit I, Option B, which has been certified to as pregnant at the time of inspection.

4. "Breeder" means the person holding legal title to the female animal at the time she was served to qualify such animal hereunder as a bred female.

5. "Eligible animal" means an animal which meets all the following requirements:

(a) The animal must be the progeny of a nationally recognized beef cattle breed (Exhibits I and II);

(b) The animal must have been owned by a person who had continuous title to such animal for a period of at least 90 days immediately before sequisition by the exporter, unless the exporter is the producer of the animal.

(c) The animal must, at the time of export, be individually identified by an eartag, a legible ear tattoo symbol, or a firebrand and ranch holding brand symbol acceptable to USDA testing authority as an authentic identification symbol for such animal. The term "identification number(s)" as used herein shall also include ear tattoo symbol and firebrand and ranch holding brand symbol.

(d) The animal must qualify under the specifications of Exhibit I for females and Exhibit II for bulls.

6. "Registered animal" means an eligible animal which the appropriate national breed association has officially registered or otherwise classified as a purebred animal of that breed. Such animal must be marked with a legible tattoo or brand which corresponds with the number shown in the certificate of registration or other official document issued by the appropriate national breed association.

7. "Nonregistered animal" means an eligible animal, whether or not purebred, which is predominantly of the color characteristics and body conformation of the beef breed stated in the contract between the exporter and the importer. (See Exhibits I and II.)

B. *Submission of applications for financing.* 1. In addition to the information required by § 1488.9(c) (1) through (9), applications for financing export credit sales of beef breeding cattle shall include the following:

(a) A general description by breed of the animals to be exported, separately describing the animals under the following classes:

(1) Registered bulls;
(2) Registered bred females;
(3) Registered unbred females;
(4) Nonregistered bred females; and
(5) Nonregistered unbred females.

(b) A statement that such animals will conform to the general specifications require-

V40171 APR 11 75 XUM

ments set forth in Exhibits I or II, as applicable to the class of animals to be exported.

2. In addition to the considerations specified in § 1488.3(d), a financing period in excess of 12 months but not in excess of 36 months for beef breeding cattle may be justified when it will result in the use by the importer, or by purchasers from the importer, of the animals in the destination country under conditions which will promote expanded demand for additional breeding animals or feed stuffs from the United States.

C. Additional documents required after delivery. In addition to the documents specified in § 1488.10 (b) through (e), the exporter shall submit the following documents to the Treasurer, Commodity Credit Corporation:

1. Separate animal identification lists for registered animals and for nonregistered animals, containing the following information:

(a) Identification number;

(b) For each registered animal, shown separately opposite the identification number, the sales price as specified in the sales invoice;

(c) For nonregistered animals, shown for each lot group by identification number, the average sales price per animal based on the sales invoice for such nonregistered animals.

2. Performance records for animals for which a higher maximum port value has been approved by the Assistant Sales Manager for Commercial Export Programs as provided in paragraph A.1.

3. A certification by the exporter that animals of the description in the exporter's sales contract have been delivered, and that the exporter knows of no defenses to the account receivable assigned to CCC.

4. A certification by the exporter that the documents specified in paragraph D. of this Supplement have been furnished to the importer.

D. Miscellaneous. The following documents or certifications, as applicable, shall be furnished to the importer by the exporter:

1. The certificates issued by an agent of the Agricultural Marketing Service (AMS), U.S. Department of Agriculture, as to official registration of the animal(s) and listing the identification number(s) and corresponding registration certificate number(s) for each registered animal showing that such numbers have been verified as legible and accurate for such animal, and that the person holding legal title to the animal at the time of export sale has appropriately executed such certificate for transfer to the party designated by the importer. (See Exhibit I or II.)

2. A certification by the breeder of females sold as "bred females" showing the identification numbers and stating that the service bull was a registered bull of the same beef cattle breed as the female to which bred. (See Exhibit I.)

3. The certificate issued or endorsed by Veterinary Services, Animal and Plant Health Inspection Service, listing the identification number(s) and showing that such animal has been inspected for compliance with "Health" requirements. (See Exhibit I or II.)

4. The certificates issued by the Agricultural Marketing Service listing the identification number(s) for each animal showing for such animal compliance with breed, age, weight, and conformation grade, for the class, as shown in Exhibit I or II, as applicable.

5. Certificates issued by a veterinarian accredited by the Animal and Plant Health Inspection Service, showing that bred females, sold as such, were examined and found to be with calf at time of inspection.

6. A semen certification by a veterinarian accredited by the Animal and Plant Health Inspection Service, for bulls over one year of age, except that for Santa Gertrudis and Brahman cattle the certification shall be for bulls over 18 months of age.

E. Dual purpose breeds. When dual purpose breeds[1] are eligible for financing under the provisions of both Supplement I and Supplement II to GSM–4, as revised, the exporter has the option of qualifying such animals under the provisions of either supplement. Such option must be stated in the application filed pursuant to § 1488.3. In the event such dual purpose breeds are approved for export hereunder, the provisions of this supplement shall apply.

EXHIBIT I TO SUPPLEMENT I

USDA APPROVED BEEF BREEDING CATTLE EXPORT SPECIFICATIONS—FEMALES OPTION A (TO BE SPECIFIED BY PURCHASER)

1. Registered.[1]

Breed

a. Angus.
b. Hereford.
c. Polled Hereford.
d. Charolais.
e. Santa Gertrudis.
f. Shorthorn.
g. Polled Shorthorn.
h. Brahman.
i. Milking Shorthorn.[2]
j. Red Poll.[2]
k. Other beef cattle breeds having a registry Association in the United States.

2. Nonregistered.[3]

Predominant Breed

(Specify from breed above.)

OPTION B (TO BE SPECIFIED BY PURCHASER)

Age[4]

1. Calf (7 to 12 months).
2. Yearling Open (12 to 18 months).
3. Heifer Open (18 to 24 months).
4. Bred Heifer (18 to 36 months).
5. Bred Cow (24 to 48 months).
6. Mature Cow (24 to 48 months)[5].

General Requirements:

A. *Health.*[6]

1. Tested negative for tuberculosis within 30 days of loading aboard export carrier.

2. Tested negative for brucellosis within 30 days of loading aboard export carrier, or is an official vaccinate under 30 months of age.

3. Certified that the United States is a country where foot-and-mouth disease has not existed since 1929, contagious bovine pleuropneumonia has not existed since 1892, and rinderpest has never occurred.

4. Animals come from farms that have not been under State or Federal quarantine for any communicable disease during the past year.

5. Animals have been inspected, and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto, and free of mites, ticks, and ringworm or freed from the same.

B. *Minimum Weight.*[7]

1. Calf (7 to 12 months) 400 pounds.
2. Yearling Open (12 to 18 months) 500 pounds.
3. Heifer Open (18 to 24 months) 600 pounds.
4. Bred Heifer (18 to 24 months) 700 pounds. (24 to 36 months) 800 pounds.
5. Bred Cow (24 to 36 months) 900 pounds. (36 to 48 months) 950 pounds.
6. Mature Cow (24 to 36 months) 800 pounds. (36 to 48 months) 950 pounds.[8]

C. Minimum Conformation Choice.[7]

All nonregistered females must be dehorned or naturally polled unless otherwise specified in the application. Horn stubs in excess of one inch will not be acceptable on dehorned cattle.

D. Performance Records.[9] (Optional, unless specified.) (See attached Appendix I to Exhibits I and II.) 1. Minimum adjusted daily gain to weaning 1.6#/day.

2. Minimum adjusted daily gain to weaning of offspring 1.6#/day (if appropriate).

E. Statement of Service or Other Requirement. 1. Bred females must have been bred to a registered bull of the same breed and the calf from a registered female must be eligible for registration.[9]

2. Bred females must be at least two months but no more than six months pregnant at time of inspection when being shipped by vessel. If shipped by air, bred females must be at least two months pregnant but may be up to eight months pregnant with veterinarian approval.[10]

3. Mature cows not qualifying as "bred cows", to be eligible for financing hereunder, must be lactating and have their offspring not in excess of approximately five months of age at side at time of inspection by AMS. Such calves, though not eligible for financing, may be supplied along with the parent cow if facilities for their care and safe transportation to destination point are adequate.

EXHIBIT II TO SUPPLEMENT I

USDA APPROVED BEEF BREEDING CATTLE EXPORT SPECIFICATIONS—BULLS. OPTION A (TO BE SPECIFIED BY PURCHASER)

Breed[1]

1. Angus.
2. Hereford.
3. Polled Hereford.
4. Charolais.
5. Santa Gertrudis.
6. Shorthorn.
7. Polled Shorthorn.
8. Brahman.
9. Milking Shorthorn.[2]
10. Red Poll.[2]
11. Other beef cattle breeds having a registry Association in the U.S.

OPTION B (TO BE SPECIFIED BY PURCHASER)

Age[3]

1. Bull Calf (7 to 12 months).

[7] Certification furnished by Livestock Division, AMS, USDA. Conformation grade to be based on the muscling requirements of the official USDA Feeder Cattle Standards. (See Appendix II attached.)

[8] Official State records or National Breed Association records, or Performance Registry International records.

[9] Must be certified to by the breeder of the female at time of sale to exporter.

[10] Certification of pregnancy shall be issued by an accredited veterinarian.

[1] All animals for delivery under these specifications must be officially registered with the appropriate National Breed Association and be so certified by AMS agent.

[2] Dual Purpose Breeds (See paragraph E, Supplement I or II).

[3] Certification or endorsement furnished by Veterinary Services, Animal and Plant Health Inspection Service, USDA.

[4] Certification by AMS agent.

[1] Milking Shorthorn and Red Poll.

[2] Animals must be officially registered with the appropriate National Breed Association and be so certified by AMS agent.

[3] Dual Purpose Breeds (See paragraph E, Supplement I or II).

[4] Nonregistered animals will be certified for breed by the AMS agent.

[5] Certification by AMS agent.

[6] See E3 of this Exhibit I.

[7] Certification or endorsement furnished by Veterinary Services, Animal and Plant Health Inspection Service, USDA.

2. Yearling Bull (12 to 18 months).
3. Bull (18 to 24 months).
4. Mature Bull (24 to 48 months).

General Requirements:

A. *Health.*[4]

1. Tested negative for tuberculosis within 30 days of loading aboard export carrier.

2. Tested negative for brucellosis within 30 days of loading aboard export carrier.

3. Certified that the United States is a country where foot-and-mouth disease has not existed since 1929, contagious bovine pleuropneumonia has not existed since 1892, and rinderpest has never occurred.

4. Animals come from farms that have not been under State or Federal quarantine for any communicable disease during the past year.

5. Animals have been inspected, and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto, and free of mites, ticks and ringworm or freed from the same.

B. *Minimum Weight.*[5]

1. 7 to 12 months 470 pounds.
2. 12 to 18 months 790 pounds.
3. 18 to 24 months 1100 pounds.
4. Over 24 months 1350 pounds.

C. Minimum Conformation Prime.[5]

D. Performance Records,[6] (optional, unless specified). (See attached Appendix I to Exhibits I and II.)

1. Minimum adjusted daily gain to weaning 1.9 pounds/day.

E. A semen check indicating at least 60 percent sperm motility must be supplied for bulls over one year of age,[7] except that for Santa Gertrudis and Brahman cattle the certification shall be for bulls over 18 months of age.

APPENDIX I TO EXHIBITS I AND II

PERFORMANCE TESTING

Performance testing is known by several names in the United States, but practically all organizations evaluate similar characteristics in beef cattle. The principal factors used in evaluating performance are growth rate and conformation, but not necessarily both. Animals which are tested are weighed at birth and again at weaning. The weaning weight is adjusted to an equivalent of 205 days of age and is also adjusted depending on the age of the dam. This is done to make weights of calves from first-calf heifers comparable to weights of calves from older cows.

The adjusted daily gain from birth to weaning is indicative not only of inherited gaining ability but also of the milking ability of the dam.

APPENDIX II TO EXHIBITS I AND II

SPECIFICATIONS FOR OFFICIAL UNITED STATES STANDARDS FOR GRADES OF CATTLE (STEERS, HEIFERS, AND COWS)[1]

Prime

Cattle which possess typical minimum qualifications for the Prime grade are very thickly muscled throughout. They are wide through the chest with well sprung ribs and are moderately wide and thick through the crops, back and loin. The rounds tend to be thick and the twist is moderately deep. They have large, rugged frames with moderately large but refined bone.

Choice

Cattle which possess typical minimum qualifications for the Choice grade are thickly muscled throughout. They are moderately wide through the chest with a moderate spring of rib and are slightly wide and thick through the crops, back and loin. The rounds are slightly thick and the twist is slightly deep. They have moderately large, rugged frames, and the bone usually is moderately large, but may be slightly fine or slightly large and coarse.

Effective date: This reissuance of Supplement I to Regulations GSM–4, as revised, shall be effective on April 21, 1975.

Signed at Washington, D.C. on April 4, 1975.

DAVID L. HUME,
Vice President, Commodity Credit Corporation and Administrator, Foreign Agricultural Service.

[FR Doc.75–9388 Filed 4–10–75;8:45 am]

[4] Certification or endorsement furnished by Veterinary Services, Animal and Plant Health Inspection Service, USDA.

[5] Certification furnished by Livestock Division, AMS, USDA. Conformation grade based on the muscling requirements of the official USDA Feeder Cattle Standards. (See Appendix II attached.)

[6] Official State records or National Breed Association records, or Performance Registry International records.

[7] Certification must be issued by an accredited veterinarian.

[1] Adapted from Service and Regulatory Announcement AMS 183, issued March 1965. A copy of this publication and charts picturing the grades of feeder cattle may be obtained upon request from the Livestock Division, AMS, USDA, Washington, D.C. 20250.

NOTE: The recordkeeping and reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Subpart A—Financing of Export Sales of Agricultural Commodities From Private Stocks Under CCC Export Credit Sales Program (GSM–4, Revision III)

DAIRY BREEDING CATTLE

The regulations in Supplement II of this Subpart A, Part 1488, with respect to the financing of export credit sales of dairy breeding cattle, published in the FEDERAL REGISTER of May 25, 1971 (36 FR 9439), corrected on June 9, 1971 (36 FR 11081), and amended on May 10, 1972 (37 FR 9383), is reissued to conform with existing procedural requirements and to reflect changes in organizational functions, assignments in the Department, and increases in the maximum amount of financing allowed for male and female animals. Because the changes are procedural and editorial in nature and beneficial to participants of the program, notice, public rulemaking procedure and effective date requirements are omitted as unnecessary.

SUPPLEMENT II—DAIRY BREEDING CATTLE

A. Additional definitions. 1. "Fort value" means the net amount of the exporter's sales price for dairy breeding cattle to be exported under the financing agreement, basis f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. border points of exit, or at U.S. airports if shipped by air. The point of exportation for animals shall be designated by the Animal and Plant Health Inspection Service, U.S. Department of Agriculture. The port value shall not include the ocean freight for a c&f sale or ocean freight and marine and war risk insurance for a cif sale, and shall also not include any animal care or servicing cost incurred after such animals are loaded aboard the export carrier. The net amount of the exporter's sales price means the contract price for the animals less any payments made by the importer and less any discounts, credits, or allowances to the importer. Such net amount shall not exceed (a) $3,000 each for registered bulls which has an Acceptable performance index as set out in paragraph D.1., Exhibit II to this supplement, or, with prior approval of the Assistant Sales Manager for Commercial Export Programs, $5,000 if such animal has a Superior performance index as set out in paragraph D.2. of Exhibit II; (b) $1,300 each for registered females which have an Acceptable performance index as set out in paragraph D.1., Exhibit I to this supplement, or with prior approval of the Assistant Sales Manager for Commercial Export Programs, $2,000 if such animal has a Superior performance index as set out in paragraph D.2. of Exhibit I; (c) with prior approval of the Assistant Sales Manager for Commercial Export Programs, $6,000 each for registered mature cows which have a Superior performance index as set out in paragraph D.3. of Exhibit I; (d) with prior approval of the Assistant Sales Manager for Commercial Export Programs, $1,200 each for nonregistered mature cows which have a Superior performance index as set out in paragraph D.3. of Exhibit I; or (e) $1,000 average for the sale of nonregistered females, other than mature cows with a Superior performance index, if each such animal has an Acceptable performance index as set out in paragraph D.1. of Exhibit I. The difference, if any, between the maximum net amount specified in (a), (b), (c), (d), or (e) of this paragraph A.1. and the contract price for individual registered animals or nonregistered mature cows with a Superior performance index, or the average contract price for nonregistered females, other than mature cows with a Superior performance index, shall not be included as a part of the port value.

2. "Producer" means the person holding legal title to the animal at time of birth and who has had continuous ownership of such animal until sold for export under an approved financing agreement.

3. "Bred female" means either a bred heifer or bred cow as set forth in Exhibit I, Option B, which has been certified to as pregnant at the time of inspection.

4. "Breeder" means the person holding legal title to the female animal at the time she was served to qualify such animal hereunder as a bred female.

5. "Eligible animal" means an animal which meets all the following requirements:

(a) The animal must be the progeny of a nationally recognized dairy cattle breed (Exhibits I and II);

(b) The animal must have been owned by a person who had continuous title to such animal for a period of at least, 90 days immediately before acquisition by the exporter, unless the exporter is the producer of the animal;

(c) The animal must, at the time of export, be individually identified by an ear-tag, a legible ear tattoo symbol, or a firebrand and ranch holding brand symbol acceptable to USDA testing authority as an authentic identification symbol for such animal. The term "identification number(s)" as used herein shall also include ear tattoo symbol and firebrand and ranch holding brand symbol.

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(d) The animal must qualify under the specifications of Exhibit I for females and Exhibit II for bulls.

6. "Registered animal" means an eligible animal which the appropriate national breed association has officially registered or otherwise classified as a purebred animal of that breed. Such animal must be marked with a legible tattoo or brand which corresponds with the number shown in the certificate of registration or other official document issued by the appropriate national breed association.

7. "Nonregistered animal" means an eligible animal, whether or not purebred, which is predominantly of the color characteristics and body conformation of the dairy breed stated in the contract between the exporter and the importer. (See Exhibits I and II).

B. Submission of applications for financing. 1. In addition to the information required by § 1488.3(c)(1) through (9), applications for financing export credit sales of dairy breeding cattle shall include the following:

(a) A general description by breed of the animals to be exported, separately describing the animals under the following classes:

(1) Registered bulls;
(2) Registered bred females;
(3) Registered unbred females;
(4) Nonregistered bred females; and
(5) Nonregistered unbred females.

(b) A statement that such animals will conform to the general specification requirements set forth in Exhibits I or II, as applicable to the class of animals to be exported.

2. In addition to the considerations specified in § 1488.3(d), a financing period in excess of 12 months but not in excess of 36 months for dairy breeding cattle may be justified when it will result in the use by the importer, or by purchasers from the importer, of the animals in the destination country under conditions which will promote expanded demand for additional breeding animals or feed stuffs from the United States.

C. Additional documents required after delivery. In addition to the documents specified in Section 1488.10 (b) through (s), the exporter shall submit the following documents to the Treasurer, Commodity Credit Corporation:

1. Separate identification lists for each group of animals described in paragraphs A. 1. (a), (b), (c), (d), and (e) of this supplement, containing the following information:

(a) Identification number;

(b) For each registered animal or nonregistered mature cow with a Superior performance index, shown separately opposite the identification number, the sales price as specified in the sales invoice;

(c) For nonregistered females other than mature cows with a Superior performance index, shown for each lot group by identification list, the average sales price per animal based on the sales invoice for such nonregistered animals.

2. Production Performance Index records as follows:

(a) For registered bulls the applicable Acceptable or Superior performance index records of Sire and Dam as described in paragraph D.1. or D.2. of Exhibit II;

(b) For registered females if applicable, the Superior performance index records of Sire and Dam as described in paragraph D.2. of Exhibit I;

(c) For registered or nonregistered mature cows if applicable, the Superior performance index records of Sire and Dam as described in paragraph D.3. of Exhibit I.

3. A certification by the exporter that animals of the description in the exporter's sales contract have been delivered, and that the exporter knows of no defenses to the account receivable assigned to CCC.

4. A certification by the exporter that the documents specified in paragraph D of this Supplement have been furnished to the importer.

D. Miscellaneous. The following documents or certifications, as applicable, shall be furnished to the importer by the exporter.

1. The certificates issued by an agent of the Agricultural Marketing Service, U.S. Department of Agriculture, as to official registration of the animal(s) and listing the identification number(s) and corresponding registration certificate number(s) for each registered animal showing that such numbers have been verified as legible and accurate for such animal, and that the person holding legal title to the animal at the time of export sale has appropriately executed such certificate for transfer to the party designated by the importer. (See Exhibit I or II.)

2. A certification by the breeder of females sold as "breed females" showing the identification numbers and stating that the service bull was a registered bull of the same dairy cattle breed as the female to which bred. (See Exhibit I.)

3. The certificates issued or endorsed by Veterinary Service, Animal and Plant Health Inspection Service, listing the identification number(s) and showing that such animal has been inspected for compliance with "Health" requirements. (See Exhibit I or II.)

4. The certificates issued by the Agricultural Marketing Service listing the identification number(s) for each animal showing for such animal compliance with breed, age, weight, and conformation specifications, for the class, as shown in Exhibit I or II, as applicable.

5. Certificates issued by a veterinarian accredited by Animal and Plant Health Inspection Service, showing that bred females, sold as such, were examined and found to be with calf at time of inspection.

6. A semen certification by a veterinarian accredited by Animal and Plant Health Inspection Service, for bulls over one year of age.

E. Dual purpose breeds. When dual purpose breeds[1] are eglible for financing under the provisions of both Supplement I and Supplement II to GSM–4, as revised, the exporter has the option of qualifying such animals under the provisions of either supplement. Such option must be stated in the application filed pursuant to § 1488.3. In the event such dual purpose breeds are approved for export hereunder, the provisions of this supplement shall apply with the exception that the Assistant Sales Manager for Commercial Export Programs is authorized, at the request of the applicant, to establish a minimum weight schedule and DHIR Milk Production Breed Average.

EXHIBIT I TO SUPPLEMENT II

USDA APPROVED DAIRY CATTLE EXPORT SPECIFICATIONS—FEMALES

OPTION A (TO BE SPECIFIED BY PURCHASER)

1. Registered.[2]

Breed

a. Ayrshire.
b. Brown Swiss.
c. Guernsey.
d. Holstein.
e. Jersey.
f. Milking Shorthorn.[3]
g. Red Poll.[3]
2. Nonregistered.[3]

Predominant Breed

(Specify from breed above.)

OPTION B (TO BE SPECIFIED BY PURCHASER)

Age[4]

1. Calf (6 to 12 months).
2. Yearling Open (12 to 18 months).
3. Heifer Open (18 to 30 months).
4. Bred Heifer (18 to 30 months).
5. Mature Cow (24 to 48 months).

General Requirements:

A. Health.[5]

1. Tested negative for tuberculosis within 30 days of loading aboard export carrier.

2. Tested negative for brucellosis within 30 days of loading aboard export carrier, or is an official vaccinate under 30 months of age.

3. Certified that the United States is a country where foot-and-mouth disease has not existed since 1929, contagious bovine pleuropneumonia has not existed since 1892, and reinderpest has never occurred.

4. Animals come from farms that have not been under State or Federal quarantine for any communicable disease during the past year.

5. Animals have been inspected and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto, and free of mites, ticks and ringworm or freed from the same.

6. Mature cows must be physically examined at time of inspection for the presence of mastitis by manipulating and stripping the udder and found not to have evidence of such infection. The exporter, at his option, may require the person from whom he purchases a mature cow to supply additional evidence of non-mastitis infection as he sees fit.

B. Minimum Weight.[6]

1. *Registered Animals.*

Age[1]	Holstein and Brown Swiss	Guernsey and Ayrshire	Jersey
a. 6 months	360	295	260
b. 8 months	470	385	340
c. 10 months	565	455	410
d. 12 months	640	525	470
e. 14 months	710	585	530
f. 16 months	775	635	555
g. 18 months	835	685	600
h. 20 months	900	745	645
i. 22 months	970	795	685
j. 24 months	1,045	845	725
k. 26 months	1,045	870	760
l. 28 months	1,070	895	780
m. 30 months	1,090	910	795
n. 36 months and over	1,190	990	865

[1] Minimum weights for ages between the ages shown shall be determined proportionately.

[2] Dual purpose breeds (See paragraph E, Supplement I or II).

[3] Nonregistered animals will be certified for breed by AMS agent.

[4] Certification by AMS agent.

[5] Certification or endorsement furnished by Veterinary Services, Animal and Plant Health Inspection Service, USDA.

[6] Certification or endorsement furnished by Livestock Division, AMS, USDA. Conformation specifications to be based on standards as set out in Appendix to Exhibit I attached. Weights may be determined by weighing or by estimates using a girth measurement tape.

[1] Milking Shorthorn and Red Poll.

[2] Animals must be officially registered with the appropriate National Breed Association and be so certified by AMS agent.

2. *Nonregistered Animals.*

Class	Holstein and Brown Swiss	Guernsey and Ayrshire	Jersey
a. Calf	360	295	260
b. Yearling Open	640	525	470
c. Heifer Open	835	685	600
d. Heifer Bred	835	685	600
e. Mature Cow	1,015	845	735

C. Minimum Conformation.[6]

All animals must meet the minimum body conformation specifications as described in Appendix to this Exhibit I.

D. Production Performance Index.[7]

1. *Acceptable.* An Acceptable performance index for *Registered* or *Nonregistered Females* will be considered to exist if such animals meet the minimum conformation of Item C above.

2. *Superior.* A Superior performance index for a *Registered Female* will be considered to exist if:

[7] DHI or DHIR milk production records mature equivalent based on 305-day, two times day milking.

(a) *Sire* has a Plus (+) USDA Predicted Difference[8] equal to two percent of DHI breed average as shown in Item E below, or in the event the Sire does not have a summary, his Sire has a predicted difference (+500 pounds)[8] and

(b) *Dam* has a DHI or DHIR record[9] equal to 10 percent above the DHI breed average as shown in Item E below.

3. *Superior.* A Superior performance index for a *Registered* or *Nonregistered Mature Cow* will be considered to exist if such animal has a DHI production record[9] 15 percent above the DHI breed average as shown in Item E below.

E. DHI Milk Production Breed Averages (Mature Equivalent).

The following breed averages are applicable to these specifications.

[8] Source: USDA-DHI Sire Summary Records—Animal and Plant Health Inspection Service.

[9] Source: Breed Association, or Dairy Records Processing Center Serving the DHI Association where tested.

Breed	Breed average	2 percent of breed average	10 percent of breed average	15 percent of breed average
	Pounds	*Pounds*	*Pounds*	*Pounds*
Ayrshire	11,112	222	1,111	1,666
Brown Swiss	12,208	244	1,220	1,830
Guernsey	9,682	192	968	1,444
Holstein	13,942	278	1,394	2,091
Jersey	8,868	177	885	1,326

F. Statement of Service.

1. Bred females must have been bred to a registered bull of the same breed.[10]

2. Bred females must be at least two months pregnant but no more than six months pregnant at time of inspection when being shipped by vessel. If shipped by air, bred females must be at least two months pregnant but may be up to eight months pregnant with veterinarian approval.[11]

APPENDIX TO EXHIBIT I

MINIMUM BODY CONFORMATION SPECIFICATION FOR FEMALES

In addition to meeting the minimum weight for the breed as specified in Exhibit I, the animal shall possess femininity, normal breed conformation, quality and body capacity. She shall have the general appearance of thrift and vitality with eyes bright and ears alert. The feet and legs shall be well formed with the leg straight, strong and well set. The mammary system, if sufficiently developed, shall be strongly attached, well balanced and of fine texture. The teats shall be of acceptable size. There shall be no evidence of lameness or other serious body defects. She shall possess normal dairy character by showing a lack of obvious excess fatty condition for the age class. Females officially classified by the respective breed association as "Good Plus" (or equivalent) or higher shall be acceptable if found at time of inspection not to have developed a physical defect in conflict with the above-stated conditions.

EXHIBIT II TO SUPPLEMENT II

USDA APPROVED DAIRY CATTLE EXPORT SPECIFICATIONS—BULLS

OPTION A (TO BE SPECIFIED BY PURCHASER)

Breed[1]

a. Ayshire.
b. Brown Swiss.
c. Guernsey.
d. Holstein.
e. Jersey.
f. Milking Shorthorn.[2]
g. Red Poll.[2]

OPTION B (TO BE SPECIFIED BY PURCHASER)

Age[3]

a. Calf—(6 to 12 months).
b. Yearling—(12 to 18 months).
c. Young Bull—(18 to 24 months).
d. Mature Bull—(24 to 48 months).

General Requirements:

[10] Must be certified to by the breeder of the female at time of sale to exporter.

[11] The certification of pregnancy shall be by an accredited veterinarian.

[1] All animals for delivery under these specifications must be officially registered with the appropriate National Breed Association and be so certified by AMS agent.

[2] Dual purpose breeds (See paragraph E, Supplement I or II).

[3] Certified by AMS agent.

A. Health.[4]

1. Tested negative for tuberculosis and brucellosis within 30 days of loading aboard export carrier.

2. Animals come from farms that have not been under quarantine for any communicable disease during the past year.

3. Certified that the United States is a country where foot-and-mouth disease has not existed since 1929, contagious bovine pleuropneumonia has not existed since 1892, and rinderpest has never occurred.

4. Animals have been inspected and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto and free of mites, ticks and ringworm or freed from the same.

B. Minimum Weight.[5]

Age[1]	Holstein and Brown Swiss	Guernsey and Ayrshire	Jersey
a. 6 months	450	370	315
b. 8 months	585	480	410
c. 10 months	710	555	480
d. 12 months	820	655	565
e. 14 months	920	765	645
f. 16 months	1,040	860	745
g. 18 months	1,155	920	835
h. 21 months	1,320	1,085	920
i. 24 months	1,455	1,210	1,020
j. 27 months	1,570	1,310	1,140
k. 30 months	1,670	1,395	1,215
l. 36 months and over	1,840	1,545	1,360

[1] Minimum weights for ages between the ages shown shall be determined proportionately.

C. Minimum Conformation.[6]

All animals must meet the minimum body conformation as described in Appendix to Exhibit II.

D. Production Performance Index.[6]

1. *Acceptable.* An Acceptable performance index for a *Registered Bull* will be considered to exist if:

(a) *Sire* has a Plus (+) USDA Predicted Difference,[7] and

(b) *Dam* has a DHI or DHIR record[8] 10 percent above the DHIR breed average as shown in Item E below.

2. *Superior.* A Superior performance index for a *Registered Bull* will be considered to exist if:

(a) *Sire* has a Plus (+) USDA Predicted Difference[7] equal to two percent of DHIR breed average as shown in Item E below, and

(b) *Dam* has a DHI or DHIR record[8] 20 percent above the DHIR breed average as shown in Item E below.

[4] Certification or endorsement furnished by Veterinary Services, Animal and Plant Health Inspection Service, USDA.

[5] Certification or endorsement furnished by Livestock Division, AMS, USDA. Conformation specifications to be based on standards as set out in Appendix to Exhibit II attached. Weights may be determined by weighing or by estimates using a girth measurement tape.

[6] DHI or DHIR milk production records. Mature equivalent based on 305-day, two times day milking.

[7] Source: USDA–DHI Sire Summary Records, Animal and Plant Health Inspection Service.

[8] Source: Breed Association or Dairy Records Processing Center Serving the DHI Association where tested.

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E. DHIR Milk Production Breed Averages (Mature Equivalent).

The following breed averages are applicable to these specifications:

Breed	Breed average	2 percent of breed average	10 percent of breed average	20 percent of breed average
	Pounds	*Pounds*	*Pounds*	*Pounds*
Ayrshire	12,556	251	1,255	2,511
Brown Swiss	13,187	264	1,318	2,637
Guernsey	10,483	210	1,048	2,096
Holstein	15,204	304	1,520	3,040
Jersey	9,466	189	946	1,893

F. A semen shock indicating at least 60 percent sperm motility must be supplied for bulls over one year of age.[9]

APPENDIX TO EXHIBIT II

MINIMUM BODY CONFORMATION SPECIFICATIONS FOR BULLS

In addition to meeting the minimum weight for the breed as specified in Exhibit II, the animal shall possess masculinity, normal breed conformation, quality, and body capacity. He shall have the general appearance of thrift and vitality with eyes bright and ears alert. The feet and legs shall be well formed with legs straight, strong, and well set. There shall be no evidence of lameness or other serious body defects. He shall possess normal dairy character by showing a lack of obvious excess fatty condition for the age class. Bulls officially classified by the respective breed association as "Good Plus" (or equivalent) or higher shall be acceptable if found at time of inspection not to have developed a physical defect in conflict with the above-stated conditions.

NOTE: The recordkeeping and reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date: This reissuance of Supplement II to Regulations GSM–4, as revised, shall be effective on April 21, 1975.

Signed at Washington, D.C. on April 4, 1975.

DAVID L. HUME,
Vice President, Commodity Credit Corporation and Administrator, Foreign Agricultural Service.

[FR Doc.75-9389 Filed 4-10-75;8:45 am]

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Subpart A—Financing of Export Sales of Agricultural Commodities From Private Stocks Under CCC Export Credit Sales Program (GSM–4, Revision III)

BREEDING SWINE

The regulations in Supplement III of this Subpart A, Part 1488, with respect to the financing of export credit sales of breeding swine, published in the FEDERAL REGISTER of July 2, 1971 (36 FR 12595), is reissued to conform with existing procedural requirements and to reflect changes in organizational functions and assignments in the Department. Because the changes are procedural and editorial in nature, notice, public rulemaking procedure and effective date requirements are omitted as unnecessary.

SUPPLEMENT III—BREEDING SWINE

A. *Additional definitions.* 1. "Port value" means the net amount of the exporter's sales price for breeding swine to be exported under the financing agreement, basis f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. border points of exist, or at U.S. points of flight if transported by air freight. The point of exportation for animals shall be designated by the Animal and Plant Health Inspection Service, U.S. Department of Agriculture. The port value shall not include the ocean freight for a c&f sale or ocean freight and marine and war risk insurance for a cif sale, and shall also not include any animal care or servicing cost incurred after such animals are loaded aboard the export carrier. The net amount of the exporter's sales price means the contract price for the animals less any payments made by the importer and less any discounts, credits, or allowances to the importer. Such net amount shall not exceed (a) for boars, $500 each; (b) for bred females, $500 each; and (c) for unbred females, $300 each, unless approved by the Assistant Sales Manager for Commercial Export Programs. The difference, if any, between the maximum net amount specified in (a), (b), or (c) of this paragraph A. 1. and the contract price for the individual animal shall not be included as part of the port value.

2. "Producer" means the person holding legal title to the animal at time of birth and who has had continuous ownership of such animal until sold for export under an approved financing agreement.

3. "Bred female" means a bred gilt as set forth in Exhibit I, Option B, and must be accompanied by a breeding certificate provided by the breeder.

4. "Breeder" means the person holding legal title to the female animal at the time she was served to qualify such animal hereunder as a bred female.

5. "Registered animal" means an eligible animal which the appropriate national breed association has officially registered, declared eligible for registry or otherwise classified as a purebred animal of that breed.

6. "Eligible animal" means a registered animal which meets all the following requirements:

(a) The animal must have been owned by a person who had continuous title to such animal for a period of at least 60 days immediately before acquisition by the exporter, unless the exporter is the producer of the animal;

(b) The animal must, at the time of export, have two eartags acceptable to USDA as an authentic identifying symbol for such animal and must be marked with a legible ear notch which corresponds with the number shown in the certificate of registration or other official document issued by the appropriate national breed association;

(c) The animal must qualify under the specifications of Exhibit I for females and Exhibit II for boars.

B. *Submission of applications for financing.* 1. In addition to the information required by § 1488.3(c) (1) through (9), applications for financing export credit sales of breeding swine shall include the following:

(a) A list of the animals to be exported including the identification number, breed, and price under the following classes:

1. Boars.
2. Bred females.
3. Unbred females.

(b) If applicable, a statement of justification for prices over the maximum limits specified in A. 1. (a), (b), or (c).

(c) A statement that such animals will conform to the general specification requirements set forth in Exhibit I or II, as applicable to the class of animals to be exported.

2. In addition to the considerations specified in § 1488.3(d), a financing period in excess of 12 months but not in excess of 36 months for breeding swine may be justified when it will result in the use by the importer, or by purchasers from the importer, of the animals in the destination country under conditions which will promote expanded demand for additional breeding animals or feed stuffs from the United States.

C. *Additional documents required after delivery.* In addition to the documents specified in Section 1488.10 (b) through (e), the exporter shall submit the following documents to the Treasurer, Commodity Credit Corporation:

1. An animal identification list containing the following information:

(a) Identification number.

(b) For each animal, shown separately opposite the identification number, the sales price as specified in the sales invoice.

2. A certification by the exporter that animals of the description in the exporter's sales contract have been delivered, and that the exporter knows of no defenses to the account receivable assigned to CCC.

D. *Miscellaneous.* The following documents or certifications, as applicable, shall be furnished to the importer by the exporter:

1. The certificates issued by an agent of the Agricultural Marketing Service, U.S. Department of Agriculture, as to official registration of the animal(s) and listing the identification number(s) and corresponding registration certificate number(s) for each animal showing that such numbers have been verified as legible and accurate for such animal, and that the person holding legal title to the animal at the time of export sale has appropriately executed such certificate for transfer to the party designated by the importer. (See Exhibit I or II.)

2. A certification by the breeder of females sold as "bred females" showing the identification number of both the female and boar and stating that the service boar was a registered boar of the same breed. In addition the breeder will certify that the bred females have missed at least one heat period since last service. It will also be certified by the breeder that the bred females will not be more than three months pregnant at time of departure from point of exit.

3. The certificates issued or endorsed by Veterinary Services, Animal and Plant Health Inspection Service, listing the identification number and showing that such animal has been inspected for compliance with "Health" requirements. (See Appendix I to Exhibits I and II).

4. The certificates issued by the Agricultural Marketing Service listing the identification number for each animal and showing for such animal compliance with breed registration, number of teats, and USDA grade, for the class, as shown in Exhibit I or II, as applicable.

5. The certificates signed by the breeder listing, for each animal, the individual identification number, breed, and age and a statement that the animal was from a litter of at least seven pigs.

[9] Certification must be issued by an accredited veterinarian.

EXHIBIT I TO SUPPLEMENT III

USDA APPROVED BREEDING SWINE EXPORT SPECIFICATIONS—FEMALES

OPTION A (TO BE SPECIFIED BY PURCHASER)

1. Registered.[9]

Breed

a. Poland China.
b. Chester White.
c. Yorkshire.
d. Hampshire.
e. Berkshire.
f. Duroc.
g. Tamworth.
h. Landrace.
i. Hereford.
j. Spotted Swine.

OPTION B (TO BE SPECIFIED BY PURCHASER)

Age[1]

1. Unbred female—10 weeks—7 months.[2]
2. Bred female—7–14 months.

General Requirements:

A. Health (See Appendix I).
B. Minimum USDA grade—U.S. No. 2.[3]
C. Eligible females must be out of a litter of at least seven pigs.[4] Also, they must have at least six functional teats on each side of the underline with no inverted nipples.[4]
D. Statement of Service or Other Requirement.

Bred females must have been bred to a registered boar of the same breed. In addition, bred females shall have missed at least one heat period since last service and be not more than three months pregnant at time of departure from point of exit.[1]

EXHIBIT II TO SUPPLEMENT III

USDA APPROVED BREEDING SWINE EXPORT SPECIFICATIONS—BOARS

OPTION A (TO BE SPECIFIED BY PURCHASER)

Breed[1]

a. Poland China.
b. Chester White.
c. Yorkshire.
d. Hampshire.
e. Berkshire.
f. Duroc.
g. Tamworth.
h. Landrace.
i. Hereford.
j. Spotted Swine.

Option B (to be specified by purchaser).

Age[2]

1. Boar pigs—10–16 weeks.[3]
2. Boars—4–8 months.
3. Boars—8–12 months.

General Requirements:

A. Health (See Appendix I).
B. Minimum USDA grade—U.S. No. 1.[4]
C. Eligible boars must be from a litter of at least seven pigs.[5]

APPENDIX I TO EXHIBITS I AND II

HEALTH REQUIREMENTS[1]

Swine financed for export under the CCC Export Credit Sales Program shall be certified by the appropriate USDA inspectors as follows:

1. U.S. is free of foot-and-mouth disease, African swine fever, Teschen disease and vesicular exanthema.

2. The swine originate from a free area[2] where hog cholera is not known to exist according to Title 9, Part 76 of U.S. Department of Agriculture regulations.

3. Animals have been inspected and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto, and free of mites, lice, and ticks or freed from the same.

Export inspection and certification requirements of the U.S. Department of Agriculture must be met.

APPENDIX II TO EXHIBITS I AND II

SPECIFICATIONS FOR OFFICIAL UNITED STATES STANDARDS FOR GRADES OF FEEDER PIGS

U.S. No. 1

Feeder pigs in this grade near the borderline of the U.S. No. 2 grade are long and have thick muscling throughout. Thickness of muscling is particularly evident in thick and full hams and shoulders. The hams and shoulders are thicker than the back, which is well-rounded. They usually present a well-balanced appearance.

U.S. No. 2

Feeder pigs in this grade near the borderline of the U.S. No. 3 grade are moderately long and have moderately thick muscling throughout. Thickness of muscling is particularly evident in moderately thick and full hams and shoulders. The back usually appears slightly full and well-rounded. They usually present a well-balanced appearance.

NOTE: The recordkeeping and reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date: This reissuance of Supplement III to Regulations GSM–4, as revised, shall be effective on April 21, 1975.

Signed at Washington, D.C. on April 4, 1975.

DAVID L. HUME,
Vice President, Commodity Credit Corporation and Administrator, Foreign Agricultural Service.

[FR Doc.75-9390 Filed 4-10-75;8:45 am]

[9] All animals for delivery under these specifications must be certified by AMS agent as officially registered with the appropriate National Breed Association.
[1] Certification by breeder.
[2] Female pigs in this class must weigh at least 60 pounds. Certification furnished by Livestock Division, AMS, USDA.
[3] Certification furnished by Livestock Division, AMS, USDA. Grade to be based on the official U.S. standards for grades of feeder pigs. (See Appendix II.)
[4] Certification by Livestock Division, AMS, USDA.
[5] All animals for delivery under these specifications must be certified by AMS agent as officially registered with the appropriate National Breed Association.
[1] Certification by breeder.
[2] Boar pigs must weigh at least 60 pounds.
[3] Certification furnished by Livestock Division, AMS, USDA grade to be based on the official U.S. standards for grades of feeder pigs. (See Appendix II.)
[4] Certification by breeder.
[5] Certification or endorsement furnished by Veterinary Services, Animal and Plant Health Inspection Service, USDA.
[1] Free area means a radius of 5 miles within which no cholera has occurred within 3 months.

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—GENERAL REGULATIONS

[FmHA Instruction 402.1]

PART 1803—SUPERVISED BANK ACCOUNTS

Miscellaneous Revisions

Sections 1803.3 (d) and (f) and 1803.4 (a), (b) (2), (e) and (f), Part 1803 of Chapter XVIII, Title 7 of the Code of Federal Regulations (35 FR 16299; 36 FR 17882) are revised to reflect the increase in the Federal Deposit Insurance Corporation (FDIC) coverage to $40,000 on FmHA supervised bank accounts. Minor editorial changes have also been made. In accordance with 5 U.S.C. 533, notice of proposed rulemaking is not being published. Such notice is unnecessary because this revision incorporates into FmHA regulations a change made by the FDIC. As revised, § 18033(d) and (f), and § 1803.4 (a), (b) (2), (e) and (f) will read as follows:

In § 1803.3, paragraphs (d) and the introductory portion of (f) are revised as follows:

§ 1803.3 Establishing supervised bank accounts.

* * * * *

(d) If the amount of Association, Watershed (WS), Rural Rental Housing (RRH), Rural Renewal (RN), Resource Conservation and Development (RCD), EO loans to a Cooperative Association, Rural Cooperative Housing (RCH), or Labor Housing (LH) loan and grant funds to be deposited in the supervised bank account plus any contribution the borrower has agreed to make will exceed $40,000, the bank will be required to pledge collateral security for the excess over $40,000 before the deposit is made (see § 1803.4). In addition, collateral security may be required for other types of loans or grants in amounts in excess of the State Director's approval authorization when determined necessary by the National Office on an individual case basis.

* * * * *

(f) When a supervised bank account is established, an original and two copies of Form FmHA 402–1 or Form FmHA 402–5, and Form FmHA 402–4 when applicable, will be executed by the borrower, the bank, and a County Office employee. The original will be retained in the borrower's case file, one executed copy will be delivered to the bank, and one executed copy to the borrower. An extra copy of Form FmHA 402–4 will be prepared and attached to the certificate, passbook, or other evidence of deposit representing the interest-bearing deposit.

* * * * *

2. In § 1803.4 paragraphs (a), (b) (2), (e), and (f) are revised as follows:

V40 I71 APR 11 75 XUM

§ 1803.4 Pledging collateral for deposit of funds in supervised bank accounts.

(a) Funds for group-type borrowers referred to in § 1803.3(d), deposited in supervised bank accounts in excess of $40,000 must be secured by pledging acceptable collateral with the Federal Reserve Bank in an amount not less than the excess.

(b) • • •

(2) Whether the bank is willing to pledge collateral with the Federal Reserve Bank under Treasury Circular 176 to the extent necessary to secure the amount of funds being deposited in excess of $40,000.

• • • • •

(e) If, 2 days before loan closing, the State Director has not received a copy of the Treasury Department's letter to the bank confirming the pledge of collateral he should contact the National Office, Attention: Financial Support Division.

(f) When the amount of the deposit in the supervised bank account has been reduced to a point where the bank desires part or all of its collateral released, it should write to the Treasury Department, Domestic Banking Staff, Bureau of Government Operations, Washington, D.C. 20226, requesting the release and stating the balance in the supervised bank account.

(7 U.S.C. 1989; 42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Effective date. These revisions shall be effective April 11, 1975.

Dated: April 7, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-9548 Filed 4-10-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 908]

HANDLING OF VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Proposed Size Requirement

This proposal would extend through January 15, 1976, the current size requirement for Valencia oranges grown in District 1 of the California-Arizona production area. Shipments of such Valencia oranges are currently regulated through May 15, 1975, pursuant to Valencia Orange Regulation 488. The proposed extension of the period of Valencia Orange Regulation 488 is designed to continue in effect the current minimum diameter requirement of 2.20 inches for such fruit consistent with the objective of the act of promoting orderly marketing and protecting the interest of consumers.

Notice is hereby given that the Department is considering a proposed amendment of the size regulation for Valencia oranges grown in District 1, pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908) regulating the handling of Valencia oranges grown in Arizona and designated part of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposed amendment was recommended by the Valencia Orange Administrative Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof.

The proposed regulation is designed to permit shipment during the period May 16, 1975, through January 15, 1976, of ample supplies of Valencia oranges of the more desirable sizes in the interest of both growers and consumers. The proposal is designed to maintain orderly marketing conditions, provide consumer satisfaction, and guard against the shipment of undesirable sizes of Valencia oranges, which tend to weaken the market for such fruit. The proposed extension of the effective period of Valencia Orange Regulation 488 is consistent with the size composition and estimated crop of Valencia oranges in District 1.

The proposal is as follows:

Amend paragraph (a) of Valencia Orange Regulation 488 (40 FR 13301, March 26, 1975) to read as follows:

§ 908.488 Valencia Orange Regulation 488.

Order. (a) During the period May 16, 1975, through January 15, 1976, no handler shall handle any Valencia oranges grown in District 1 which are of a size smaller than 2.20 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the Valencia oranges contained in any type of container may measure smaller than 2.20 inches in diameter.

• • • • •

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than May 2, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: April 8, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-9545 Filed 4-10-75;8:45 am]

Forest Service

[36 CFR Part 231]

GRAZING ADVISORY BOARDS

Proposed Procedures for Establishment

It is proposed to revise procedures for establishing grazing advisory boards to conform to the Federal Advisory Committee Act (Pub. L. 92-463). These boards were originally established by the Granger-Thye Act (16 U.S.C. 580k). Since this act did not provide for a specific duration for the boards, the provisions of the Granger-Thye Act (16 U.S.C. 580k) were superseded by the Federal Advisory Committee Act, which places a 2-year term limitation on all advisory committees whose duration is not otherwise provided for by law.

The Secretary of Agriculture has determined that the establishment of such boards is necessary and in the public interest in connection with the performance of duties imposed on the Department of Agriculture by law, and therefore proposes to establish grazing advisory boards under his own authority in accordance with the proposed regulations set forth below.

Section 231.10 of Title 36 of the Code of Federal Regulations would be revised to read as follows:

§ 231.10 Grazing Advisory Board.

(a) *Purpose.* To provide National Forest System grazing permittees a means for expressing their recommendations concerning the management and administration of National Forest System grazing lands.

(b) *Establishment.* (1) A grazing advisory board may be established for each National Forest, National Grassland, or administrative subdivision thereof whenever a majority of the grazing permittees of such National Forest, National Grassland, or administrative subdivision thereof so petition the Forest Supervisor.

(2) Upon being petitioned, the Forest Supervisor shall determine whether the permittees have met the following requirements:

(i) The area for which the board is to be constituted and elected is a National Forest, National Grassland, or administrative subdivision thereof.

(ii) The permittees petitioning for a grazing advisory board constitute a majority of the grazing permittees in the area for which the board is to be established.

(iii) The establishment of such a board is determined to be in the public interest.

(3) The request to establish the grazing advisory board will be submitted by the Regional Forester to the Chief, Forest Service. Office of Management and Budget (OMB) concurrence will be requested in accordance with the Federal Advisory Committee Act (Pub. L. 92-463). Following OMB concurrence, the following actions will be taken:

(i) The Forest Service will publish a notice in the FEDERAL REGISTER of intent to establish the board and requesting public comment within 15 days.

(ii) The Assistant Secretary for Conservation, Research and Education will issue a formal establishment document in the form of a Memorandum to Heads of Department Agencies.

(iii) The Forest Supervisor will submit a charter to the Chief, Forest Service, as required by paragraph (f) of this section.

(c) *Membership.* Each grazing advisory board established under the provision of this section shall consist of not less than three (3) nor more than twelve (12) members, who shall be National Forest System grazing permittees in the area for which such board is constituted and elected. In addition, the State Game Commission, or the corresponding public body of the State in which the board is located, may appoint a wildlife representative to the board to advise on wildlife problems. The wildlife representative so appointed shall not be a voting member of the board.

(d) *Elections.* (1) The Forest Supervisor shall prescribe the manner in

V40-71 APR 11 75 XUM

which the members of the board are to be nominated and elected; provided that such manner will effect an equitable representation of all grazing permittees in the area for which the board is to be established, and that all grazing permittees in such area shall be eligible to vote in the election: *And provided*, That no board member shall concurrently serve on another National Forest advisory committee.

(2) The Forest Supervisor shall determine and announce the results of the election of the members of the board and shall recognize the duly elected board as representing the National Forest System grazing permittees in the area for which it is established.

(e) *Charter and bylaws.* (1) A charter will be prepared by the Forest Supervisor for filing with the Department and Congress as required by section 9(c) of the Federal Advisory Committee Act (Pub. L. 92-463).

(2) A duly recognized grazing advisory board may, with the concurrence of a majority of the grazing permittees and the Forest Supervisor, adopt bylaws to govern the conduct of its proceedings.

(f) *Function.* (1) Grazing advisory boards discuss plans and procedures concerning the management of range resources, and give their advice and recommendations to Forest officers.

(2) The board may consider the complaints of grazing permittees for the area it represents and may make recommendations thereon: *Provided*, That complaints taken under this paragraph shall not be construed as a waiver of any right to review of decisions of Forest officers under 36 CFR 211.2 (39 FR 30916).

(g) *Meetings.* The grazing advisory board, with a quorum present, shall meet at least once annually and at such other times as the Forest Supervisor may determine. No board meetings shall be called without the advance approval of the Forest Supervisor. Each meeting shall be conducted in accordance with an agenda approved by the Forest Supervisor. A notice of each meeting shall be published in the FEDERAL REGISTER at least 15 days prior to the meeting, except for emergency situations provided for by OMB procedures, with a statement that the meeting is open to the public. Minutes shall be kept of each meeting.

(h) *Termination and renewal.* (1) Grazing advisory boards will terminate on January 5, 1977, and every two years thereafter unless renewed not more than 60 days prior to expiration.

(2) The Forest Supervisor may withdraw his recognition of any board whenever:

(i) A majority of the permittees for the area which the board represents requests that the board be dissolved.

(ii) The board becomes inactive and does not meet at least once annually during a consecutive 2-year period.

(3) Renewal of grazing advisory boards when it is determined it is in the public's interest to do so will be accomplished by obtaining OMB concurrence, issuing a Memorandum to Heads of Department Agencies, publishing a FEDERAL REGISTER notice, and filing a new charter.

(Pub. L. 92-463, 86 Stat. 770)

All persons who wish to submit written data, views, or objections pertaining to the proposed revision may do so by submitting them to the Department of Agriculture, Forest Service, Range Management Staff, Washington, D.C. 20250, on or before May 12, 1975.

All written submissions made pursuant to this notice will be available for public inspection in Room 610-C, 1621 North Kent Street, Rosslyn Plaza, Building E, Arlington, Virginia, during regular business hours (7 CFR 1.27(b)).

ROBERT W. LONG,
Assistant Secretary.

[FR Doc.75-9550 Filed 4-10-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. OSH-11]

OCCUPATIONAL NOISE EXPOSURE

Hearing

On October 24, 1974, a notice of proposed rulemaking regarding a revision of § 1910.95, Occupational Noise Exposure, of Title 29 of the Code of Federal Regulations was published in the FEDERAL REGISTER (39 FR 37773-37778). Interested persons were given until December 9, 1974, to submit written data, views and arguments with respect to the proposal and to file objections and request a hearing thereon. In view of the number of requests for further time, the period for comments was subsequently extended until March 21, 1975 (39 FR 49929).

Comments received raised a number of objections to the proposal. Some commentors argued that the exposure limit of 90 dBA for 8-hours was not sufficiently protective and should be reduced to 85 dBA for 8-hours, while others argued that the explicit extension of permissible noise exposures to 85 dBA for 16 hours in Table G-16-a imposed new and unnecessarily burdensome requirements. The limits on impulse or impact noise were objected to by some on the basis of being unattainable and by others on the basis of not being sufficiently protective. There were also objections to the audiometric testing procedures, the requirements for recordkeeping, the requirements for monitoring, and requirements for employees being permitted to observe monitoring.

In response to requests for a hearing, we are scheduling an informal public hearing, pursuant to section 6(b)(3) of the Occupational Safety and Health Act of 1970 (84 Stat. 1594, 29 U.S.C. 655), and 29 CFR Part 1911, to begin on June 23, 1975. The hearing will take place in the Departmental Auditorium on Constitution Ave. NW. between 12th and 14th Sts., Wash., D.C. The hearing will commence at 9:30 a.m. with the establishment of the order and time for presentation of statements and the resolution of any other procedural matters relating to the proceeding. All aspects of the proposed standard, including environmental impact, and the issues raised in the Environmental Protection Agency's Request for Review and Report on the proposed OSHA Occupational Noise Exposure Regulations (39 FR 43802-43809), will be at issue in the hearing.

Persons desiring to appear at the hearing must file a notice of intention to appear to be received on or before May 12, 1975, with Mr. J. Arnoldus, OSHA Committee Management Office, 1726 M Street, NW., Room 200 U.S. Department of Labor, Washington, D.C. 20210 (Phone 202-961-2248 or 2487). The notice must contain the following information:

(1) The name and address of the person to appear;
(2) The capacity in which he will appear;
(3) The approximate amount of time required for the presentation;
(4) The specific provisions of the proposal that will be addressed;
(5) A brief statement of the position that will be taken with respect to each provision addressed; and
(6) A summary of the evidence with respect to each such provision proposed to be adduced at the hearing.

OSHA has determined that strict enforcement of its procedural rules contained in 29 CFR 1911.11 is necessary for an expeditious and orderly proceeding. This is particularly appropriate where, as here, we have received over 1,000 comments in response to the proposal. Therefore the notices of intent to appear will be scrutinized closely for sufficiently detailed information concerning the position to be taken with regard to the issues specified and the evidence to be adduced in support of the position. Persons filing notices of intent to appear which are not sufficiently detailed will be so informed and given fifteen days from the date they are so informed to file a proper notice of intent to appear. In addition, the amount of time requested for each presentation will be reviewed in light of the contents of the notice of intention to appear. In those cases where the information contained in the notice of intention to appear does not seem to warrant the amount of time requested, the participant will be allocated a more appropriate amount of time and notified of this fact. The participant will have fifteen days from the date on which he was so informed to demonstrate why the allocated time is inappropriate. The notices of appearance will be available for inspection and copying at the OSHA Committee Management Office, 1726 M Street NW., Room 200, U.S. Department of Labor, Washington, D.C. 20210.

The oral proceedings will be reported verbatim. All statements and documents that are intended to be submitted for the record of the hearing must be submitted in quadruplicate. The use of prepared statements by witnesses is encouraged.

The Administrative Law Judge, appointed by the Chief Administrative Law Judge to preside at the hearing, shall have all the powers necessary or appropriate to conduct a fair and full informal hearing, including the powers:

(a) To regulate the course of the proceedings;

(b) To dispose of procedural requests, objections, and comparable matters;

(c) To confine the presentations to matters pertinent to the proposed standard;

(d) To regulate the conduct of those present at the hearing by appropriate means;

(e) In his discretion, to question and permit questioning of any witnesses; and

(f) In his discretion, to keep the record open for a reasonable, stated time to receive written information from any person who has participated in the oral proceeding.

Following the close of the hearing, the presiding Administrative Law Judge shall certify the record thereof to the Assistant Secretary of Labor for Occupational Safety and Health. All relevant oral and written information, data, views, and arguments will be considered subsequent to the certification of the record and the proposal will be modified appropriately if the submissions so warrant.

Signed at Washington, D.C., this 8th day of April 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-9555 Filed 4-9-75;9:40 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[41 CFR Part 3-16]

GENERAL PROVISIONS APPLICABLE TO NEGOTIATED FIXED-PRICE RESEARCH AND DEVELOPMENT CONTRACTS

Illustration of Forms

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Office of the Secretary is considering an amendment to 41 CFR, Chapter 3, by adding a new § 3-16.950-314 under Subpart 3-16.9, Illustration of Forms.

Any person who wishes to submit written data, reviews, or comments, pertaining to the proposed amendment may do so by filing them in duplicate with the Deputy Assistant Secretary for Grants and Procurement Management, OASAM, HEW Switzer Building, 330 C Street, SW., Washington, D.C. 20201, by May 12, 1975. All comments submitted pursuant to this notice will be available for public inspection during regular business hours in the Office of Grants and Procurement Management.

The proposed amendment will illustrate the revised Form 314, which will replace the existing Forms 313 and 314. The Forms 313 and 314 were last updated in August 1964, and the clauses entitled "Payment," "Examination of Records by the Department of Health, Education, and Welfare," "Pricing of Adjustments," "Accounts, Audit, and Records," "Publication and Publicity," "Collection of Information," "Printing," "Utilization of Minority Business Enterprise," "Payment of Interest on Contractor's Claims," "Listing of Employment Openings," and "Interest," are to be added to the revised Form 314. Major changes in the form are reflected in the clauses entitled, "Government Furnished Property," "Patent Rights," and "Rights in Data." Minor changes in the form are reflected in the clauses entitled "Definitions," "Changes," "Examination of Records by Comptroller General," "Termination for Convenience of the Government," "Reporting of Royalties," "Inspection," and "Equal Opportunity." The remainder of the clauses remain unchanged. The General Provisions will include certain clauses prescribed by the Federal Procurement Regulations (41 CFR Part 1). These clauses are not being repeated here, but are identified by an appropriate cross-reference to the applicable FPR section.

As proposed, the new § 3-16.950-314 would read as follows:

§ 3-16.950-314 Form HEW 314, General Provisions (Negotiated Fixed-Price Research and Development Contract).

GENERAL PROVISIONS (NEGOTIATED FIXED-PRICE RESEARCH AND DEVELOPMENT CONTRACTS)

1. DEFINITIONS

As used throughout this contract, the following terms shall have the meanings set forth below:

(a) The term "Secretary" means the Secretary, the Under Secretary, or any Assistant Secretary of the Department of Health, Education, and Welfare, or any person, persons, or board authorized to act for the Secretary.

(b) The term "Contracting Officer" means the person executing this contract on behalf of the Government, and any other officer or employee who is properly designated Contracting Officer; and the term includes, except as otherwise provided in this contract, the authorized representative of the Contracting Officer acting within the limits of his authority.

(c) The term "Project Officer" means the person representing the Government for the purpose of monitoring technical performance under this contract. The Project Officer is not authorized to issue any instructions or directions which effect any increase or decrease in the price of this contract or which change the delivery date(s) or period of performance.

(d) The term "Department" means the Department of Health, Education, and Welfare.

(e) Except as otherwise provided in this contract, the term "subcontract" includes purchase orders under this contract.

2. DISPUTES

(a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Contracting Officer shall be final and conclusive unless within 30 days from the date of the receipt of such copy, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the Secretary. The decision of the Secretary or his duly authorized representative for determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

(b) This "Disputes" clause does not preclude consideration of law questions in connection with decisions provided for in paragraph (a) above: *Provided*, That, nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

3. PAYMENT

The Contractor shall be paid, upon submission of proper invoice(s) or voucher(s), the prices stipulated herein for work delivered or rendered and accepted, less deductions, if any, as herein provided. Unless otherwise specified, payment will be made upon acceptance of any portion of the work delivered or rendered for which a price is separately stated in the contract.

4. EXAMINATION OF RECORDS BY COMPTROLLER GENERAL

(a) This clause is applicable if the amount of this contract exceeds $2,500 and was entered into by means of negotiation, including small business restricted advertising, but is not applicable if this contract was entered into by means of formal advertising.

(b) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until expiration of 3 years after final payment under this contract, or of the time periods for the particular records specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract.

(c) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until expiration of 3 years after final payment under the subcontract, or of the time periods for the particular records specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (1) purchase orders not exceeding $2,500 and (2) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

(d) The periods of access and examination described in (b) and (c) above, for records which relate to (1) appeals under the "Disputes" clause of this contract, (2) litigation or the settlement of claims arising out of the performance of this contract, or (3) costs and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall continue until such appeals, liti-

V40-71 APR 11 75 XUM

gation, claims, or exceptions have been disposed of.

8. EXAMINATION OF RECORDS BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The provisions of Clause 4 above entitled, "Examination of Records Comptroller General" are extended to provide equal rights to authorized representatives of the Secretary and to the Contracting Officer.

9. PRICING OF ADJUSTMENTS

When costs are a factor in determination of a contract price adjustment pursuant to the "Changes" clause or any provision of this contract, such costs shall be determined in accordance with the applicable cost principles and procedures set forth below:

Principles	*Types of organizations*
(a) Subpart 1-15.2 of the Federal Procurement Regulations (41 CFR 1-15.2).	Commercial.
(b) Subpart 1-15.3 of the Federal Procurement Regulations (41 CFR 1-15.3).	Educational.
(c) Subpart 1-15.7 of the Federal Procurement Regulations (41 CFR 1-15.7).	State or local governments.
(d) Part 74, Subpart Q, Appendix E of Title 45.	Hospitals.
(e) Part 74, Subpart Q, Appendix F of Title 45.	Other nonprofit institutions.

7. ACCOUNTS, AUDIT, AND RECORDS

(a) The Contractor shall maintain books, records, documents, and other evidence, accounting procedures, and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract. The foregoing constitutes "records" for the purposes of this clause.

(b) The Contractor's facility(ies) or such part thereof as may be engaged in the performance of this contract, and his records shall be subject at all reasonable time to inspection and audit by the Secretary or his authorized representatives.

(c) The Contractor shall preserve and make available his records (1) until the expiration of 3 years from the date of final payment under this contract, or the time periods for particular records specified in 41 CFR Part 1-20, whichever expires earlier, and (2) for such longer period, if any, as is required by applicable statute, or by other clauses of this contract, or by (1) or (2) below:

(1) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for a period of 3 years from the date of any resulting settlement.

(2) Records which relate to (A) appeals under the "Disputes" clause of this contract, (B) litigation or the settlement of claims arising out of the performance of this contract, or (C) costs and expenses of this contract to which exception has been taken by the Contracting Officer or any of his duly authorized representatives, shall be retained until such appeals, litigation, claims, or exceptions have been disposed of.

(d) The Contractor shall insert the substance of this clause, including this paragraph (d) in each subcontract hereunder with the exception of (1) purchase orders not exceeding $2,500 and (2) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public. When so inserted, changes shall be made to designate the higher-tier subcontractor at this level involved in place of the Contractor; to add "of the Government prime contract," in place of "this contract" in (B) of subparagraph (c)(ii) above.

6. CHANGES

The Contracting Officer may at any time, by a written order, and without notice to the sureties, make changes, within the general scope of the contract, in any one or more of the following: (i) Drawings, designs, or specifications, (ii) method of shipment or packing, and (iii) place of inspection, delivery or acceptance. If any such change causes an increase or decrease in the cost of, or the time required for the performance of any part of the work under this contract, whether changed or not changed by any such order, an equitable adjustment shall be made in the contract or delivery schedule, or both, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within 30 days from the date of receipt by the Contractor of the notification of change: *Provided, however,* That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

9. FEDERAL, STATE, AND LOCAL TAXES

(Text of this clause is set forth in FPR 1-11.401-1)

10. DEFAULT

(This clause is not applicable if the contract is awarded on the basis of no-profit to an educational or nonprofit institution.)

(a) The Government may, subject to the provisions of paragraph (c) of this clause, by written notice of default to the Contractor terminate the whole or any part of this contract in any one of the following circumstances:

(1) If the Contractor fails to perform the work called for by this contract within the time(s) specified herein or any extension thereof; or

(2) If the Contractor fails to perform any of the other provisions of this contract, or so fails to prosecute the work as to endanger performance of this contract in accordance with its terms, and in either of these two circumstances does not cure such failure within a period of 10 days (or such longer period as the Contracting Officer may authorize in writing) after receipt of notice from the Contracting Officer specifying such failure.

(b) In the event the Government terminates this contract in whole or in part as provided in paragraph (a) of this clause, the Government may procure, upon such terms and in such manner as the Contracting Officer may deem appropriate, work similar to the work so terminated and the Contractor shall be liable to the Government for any excess costs for such similar work: *Provided,* That the Contractor shall continue the performance of this contract to the extent not terminated under the provisions of this clause.

(c) Except with respect to defaults of subcontractors, the Contractor shall not be liable for any excess costs if the failure to perform the contract arises out of causes beyond the control and without the fault or negligence of the Contractor. Such causes may include, but are not restricted to, acts of God or of the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather; but in every case the failure to perform must be beyond the control and without the fault or negligence of the Contractor. If the failure to perform is caused by the default of a subcontractor, and if such default arises out of causes beyond the control of both the Contractor and subcontractor, and without the fault or negligence of either of them, the Contractor shall not be liable for any excess costs for failure to perform unless the supplies or services to be furnished by the subcontractor were obtainable from other sources in sufficient time to permit the Contractor to meet the required delivery schedule or other performance requirements.

(d) If this contract is terminated as provided in paragraph (a) of this clause, the Government, in addition to any other rights provided in this clause, may require the Contractor to transfer title and deliver to the Government, in the manner and to the extent directed by the Contracting Officer, any of the completed or partially completed work not theretofore delivered to, and accepted by, the Government and any other property, including contract rights, specifically produced or specifically acquired for the performance of such part of this contract as has been terminated; and the Contractor shall, upon the direction of the Contracting Officer, protect and preserve property in the possession of the Contractor in which the Government has an interest. The Government shall pay to the Contractor the contract price, if separately stated, for completed work accepted by the Government and the amount agreed upon by the Contractor and the Contracting Officer for (1) completed work for which no separate price is stated, (2) partially completed work, (3) other property described above which is accepted by the Government, and (4) the protection and preservation of property. Failure to agree shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." The Government may withhold from amounts otherwise due the Contractor for such completed supplies or manufacturing materials such sum as the Contracting Officer determines to be necessary to protect the Government against loss because of outstanding liens or claims of former lien holders.

(e) If, after notice of termination of this contract under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, or that the default was excusable under the provisions of this clause, the rights and obligations of the parties shall, if the contract contains a clause providing for termination for convenience of the Government, be the same as if the notice of termination had been issued pursuant to such clause. If, after notice of termination of this contract under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, and if this contract does not contain a clause providing for termination for convenience of the Government, the contract shall be equitably adjusted to compensate for such termination and the contract modified accordingly; failure to agree to any such adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(f) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

(g) As used in paragraph (c) of this clause, the terms "subcontractor" and "subcontractors" means subcontractor(s) at any tier.

11. TERMINATION FOR CONVENIENCE OF THE GOVERNMENT

(i) The following clause is applicable if the contract is with an educational or nonprofit institution on a no-fee or no-profit basis.

(a) The performance of work under this contract may be terminated, in whole or from time to time in part, by the Government whenever for any reason the Contracting Officer shall determine that such termination is in the best interest of the Government. Termination of work hereunder shall be effected by delivery to the Contractor of a Notice of Termination specifying the extent to which performance of work under the contract is terminated and the date upon which such termination shall become effective.

(b) After receipt of the Notice of Termination the Contractor shall cancel his outstanding commitments hereunder covering the procurement of materials, supplies, equipment, and miscellaneous items. In addition, the Contractor shall exercise all reasonable diligence to accomplish the cancellation or diversion of his outstanding commitments covering personal services and extending beyond the date of such termination to the extent that they relate to the performance of any work terminated by the notice. With respect to such canceled commitments the Contractor agrees to (1) settle all outstanding liabilities and all claims arising out of such cancellation of commitments, with the approval or ratification of the Contracting Officer, to the extent he may require, which approval or ratification shall be final for all purposes of this clause, and (2) assign to the Government, in the manner, at the time, and to the extent directed by the Contracting Officer all of the right, title, and interest of the Contractor under the orders and subcontracts so terminated, in which case the Government shall have the right, in its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts.

(c) The Contractor shall submit his termination claim to the Contracting Officer promptly after receipt of a Notice of Termination, but in no event later than one year from the effective date thereof, unless one or more extensions in writing are granted by the Contracting Officer upon written request of the Contractor within such one-year period or authorized extension thereof. Upon failure of the Contractor to submit his termination claim within the time allowed, the Contracting Officer may, subject to any review required by the contracting agency's procedures in effect as of the date of execution of this contract, determine, on the basis of information available to him, the amount, if any, due the Contractor by reason of the termination and shall thereupon pay to the Contractor the amounts so determined.

(d) Any determination of costs under paragraphs (c) or (e) hereof shall be governed by the applicable contract cost principles and procedures specified in the clause of this contract entitled "Pricing of Adjustments."

(e) Subject to the provisions of paragraph (c) above, and subject to any review required by the contracting agency's procedures in effect as of the date of execution of this contract, the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the termination under this clause, which amount or amounts may include any reasonable cancellation charges thereby incurred by the Contractor and any reasonable loss upon outstanding commitments for personal services which he is unable to cancel: *Provided, however,* That in connection with any outstanding commitments for personal services which the Contractor is unable to cancel, the Contractor shall have exercised reasonable diligence to divert such commitments to his other activities and operations. Any such agreement shall be embodied in an amendment to this contract and the Contractor shall be paid the agreed amount.

(f) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payments against costs incurred by the Contractor in connection with the terminated portion of this contract, whenever, in the opinion of the Contracting Officer, the aggregate of such payments is within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally agreed or determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand: *Provided,* That if such excess is not so paid upon demand, interest thereon shall be payable by the Contractor to the Government at the rate of 6 percent per annum, beginning 30 days from the date of such demand.

(g) The Contractor agrees to transfer title to the Government and deliver in the manner, at the times, and to the extent, if any, directed by the Contracting Officer, such information and items which, if the contract had been completed, would have been required to be furnished to the Government, including:

(1) Completed or partially completed plans, drawings, and information; and

(2) Materials or equipment produced or in process or acquired in connection with the performance of the work terminated by the notice. Other than the above, any termination inventory resulting from the termination of the contract may, with the written approval of the Contracting Officer, be sold or acquired by the Contractor under the conditions prescribed by and at a price or prices approved by the Contracting Officer. The proceeds of any such disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract or shall otherwise be credited to the price or cost of work covered by this contract or paid in such other manner as the Contracting Officer may direct. Pending final disposition of property arising from the termination, the Contractor agrees to take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation of the property related to this contract which is in the possession of the Contractor and in which the Government has or may acquire an interest.

(h) Any disputes as to questions of fact which may arise hereunder shall be subject to the "Disputes" clause of this contract.

(ii) The following clause is applicable if a profit has been contemplated by the contractor:

(a) The performance of work under this contract may be terminated by the Government in accordance with this clause in whole, or from time to time in part, whenever the Contracting Officer shall determine that such termination is in the best interest of the Government. Any such termination shall be effected by delivery to the Contractor of a Notice of Termination specifying the extent to which performance of work under the contract is terminated, and the date upon which such termination becomes effective.

(b) After receipt of Notice of Termination, and except as otherwise directed by the Contracting Officer, the Contractor shall:

(1) Stop work under the contract on the date and to the extent specified in the Notice of Termination;

(2) Place no further orders or subcontracts for materials, services, or facilities, except as may be necessary for completion of such portion of the work under the contract as is not terminated;

(3) Terminate all orders and subcontracts to the extent that they relate to the performance of work terminated by the Notice of Termination;

(4) Assign to the Government, in the manner, at the times, and to the extent directed by the Contracting Officer, all of the right, title, and interest of the Contractor under the orders and subcontracts so terminated, in which case the Government shall have the right, in its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts.

(5) Settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, with the approval or ratification of the Contracting Officer, to the extent he may require, which approval or ratification shall be final for all purposes of this clause;

(6) Transfer title to the Government and deliver in the manner, at the times, and to the extent, if any, directed by the Contracting Officer, (1) the fabricated or unfabricated parts, work in process, completed work, supplies, and other material produced as a part of, or acquired in connection with the performance of, the work terminated by the Notice of Termination, and (ii) the completed or partially completed plans, drawings, information and other property which, if the contract had been completed, would have been required to be furnished to the Government;

(7) Use his best efforts to sell, in the manner, at the times, to the extent, and at the price or prices directed or authorized by the Contracting Officer, any property of the types referred to in (6) above: *Provided, however,* That the Contractor (i) shall not be required to extend credit to any purchaser, and (ii) may acquire any such property under the conditions prescribed by and at a price or prices approved by the Contracting Officer: *And provided further,* That the proceeds of any such transfer or disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract or shall otherwise be credited to the price or cost of the work covered by this contract or paid in such other manner as the Contracting Officer may direct;

(8) Complete performance of such part of the work as shall not have been terminated by the Notice of Termination; and

(9) Take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation of the property related to this contract which is in the possession of the Contractor and in which the Government has or may acquire an interest.

At any time after expiration of the plant clearance period, as defined in Subpart 1-8.1 of the Federal Procurement Regulations (41 CFR 1-8.1), as the definition may be amended from time to time, the contractor may submit to the Contracting Officer a list, certified as to quantity and quality, of any or all items of termination inventory not previously disposed of, exclusive of items the disposition of which has been directed or authorized by the Contracting Officer, and

V40 I71 APR 11 75 XUM

may request the Government to remove such items or enter into a storage agreement covering them. Not later than fifteen (15) days thereafter, the Government will accept title to such items and remove them or enter into a storage agreement covering the same: *Provided*, That the list submitted shall be subject to verification by the Contracting Officer upon removal of the items or, if the items are stored, within forty-five (45) days from the date of submission of the list, and any necessary adjustment to correct the list as submitted shall be made prior to final settlement.

(c) After receipt of a Notice of Termination the Contractor shall submit to the Contracting Officer his termination claim, in the form and with certification prescribed by the Contracting Officer. Such claim shall be submitted promptly but in no event later than one year from the effective date of termination, unless one or more extensions in writing are granted by the Contracting Officer upon request of the Contractor made in writing within such one-year period or authorized extension thereof. However, if the Contracting Officer determines that the facts justify such action, he may receive and act upon any such termination claim at any time after such one-year period or any extension thereof. Upon failure of the Contractor to submit his termination claim within the time allowed, the Contracting Officer may, subject to any review required by the contracting agency's procedures in effect as of the date of execution of this contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall thereupon pay to the Contractor the amount so determined.

(d) Subject to the provisions of paragraph (c), and subject to any review required by the contracting agency's procedures in effect as of the date of execution of this contract, the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the total or partial termination of work pursuant to this clause, which amount or amounts may include a reasonable allowance for profit on work done: *Provided*, That such agreed amount or amounts, exclusive of settlement costs, shall not exceed the total contract price as reduced by the amount of payments otherwise made and as further reduced by the contract price of work not terminated. The contract shall be amended accordingly, and the Contractor shall be paid the agreed amount. Nothing in paragraph (e) of this clause, prescribing the amount to be paid to the Contractor in the event of failure of the Contractor and the Contracting Officer to agree upon the whole amount to be paid to the Contractor by reason of the termination of work pursuant to this clause, shall be deemed to limit, restrict, or otherwise determine or affect the amount or amounts which may be agreed upon to be paid to the Contractor pursuant to this paragraph (d).

(e) In the event of the failure of the Contractor and the Contracting Officer to agree as provided in paragraph (d) upon the whole amount to be paid to the Contractor by reason of the termination of work pursuant to this clause, the Contracting Officer shall, subject to any review required by the contracting agency's procedures in effect as of the date of execution of this contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall pay to the Contractor the amounts determined as follows:

(1) For completed supplies accepted by the Government (or sold or acquired as provided in paragraph (b)(7) above) and not theretofore paid for, a sum equivalent to the aggregate price for such supplies computed in accordance with the price or prices specified in the contract, appropriately adjusted for any saving of freight or other charges;

(2) The total of:

(i) The costs incurred in the performance of the work terminated, including initial costs and preparatory expense allocable thereto, but exclusive of any costs attributable to supplies paid or to be paid for under paragraph (e)(1) hereof;

(ii) The cost of settling and paying claims arising out of the termination of work under subcontracts or orders, as provided in paragraph (b)(5) above, which are properly chargeable to the terminated portion of the contract (exclusive of amounts paid or payable on account of supplies or materials delivered or services furnished by subcontractors or vendors prior to the effective date of the Notice of Termination, which amounts shall be included in the costs payable under (1) above); and

(iii) A sum, as profit on (1) above, determined by the contracting officer pursuant to § 1-8.303 of the Federal Procurement Regulations (41 CFR 1-8.303), in effect as of the date of execution of this contract, to be fair and reasonable: *Provided, however*, That if it appears that the contractor would have sustained a loss on the entire contract had it been completed, no profit shall be included or allowed under this subdivision (iii) and an appropriate adjustment shall be made reducing the amount of the settlement to reflect the indicated rate of loss; and

(3) The reasonable costs of settlement, including accounting, legal, clerical, and other expenses reasonably necessary for the preparation of settlement claims and supporting data with respect to the terminated portion of the contract and for the termination and settlement of subcontracts thereunder, together with reasonable storage, transportation, and other costs incurred in connection with the protection or disposition of property allocable to this contract.

The total sum to be paid to the Contractor under (1) and (2) of this paragraph (e) shall not exceed the total contract price as reduced by the amount of payments otherwise made and as further reduced by the contract price of work not terminated. Except for normal spoilage, and except to the extent that the Government shall have otherwise expressly assumed the risk of loss, there shall be excluded from the amounts payable to the Contractor as provided in (e)(1) and (2)(i) above, the fair value, as determined by the Contracting Officer, of property which is destroyed, lost, stolen, or damaged so as to become undeliverable to the Government, or to a buyer pursuant to paragraph (b)(7).

(f) Costs claimed, agreed to, or determined pursuant to paragraphs (c), (d), and (e) of this clause shall be in accordance with the applicable contract cost principles and procedures in Part 1-15 of the Federal Procurement Regulations (41 CFR 1-15) in effect on the date of this contract.

(g) The Contractor shall have the right to appeal, under the clause of this contract entitled "Disputes," from any determination made by the Contracting Officer under paragraph (c) or (e) above, except that, if the Contractor has failed to submit his claim within the time provided in paragraph (c) above and has failed to request extension of such time, he shall have no such right of appeal. In any case where the Contracting Officer has made a determination of the amount due under paragraph (c) or (e) above, the Government shall pay to the Contractor the following: (1) if there is no right of appeal hereunder or if no timely appeal has been taken, the amount so determined by the Contracting Officer; or (2) if an appeal has been taken, the amount finally determined on such appeal.

(h) In arriving at the amount due the Contractor under this clause there shall be deducted (1) all unliquidated advance or other payments on account theretofore made to the Contractor, applicable to the terminated portion of this contract; (2) any claim which the Government may have against the Contractor in connection with this contract; and (3) the agreed price for, or the proceeds of sale of, any materials, supplies, or other things acquired by the Contractor or sold pursuant to the provisions of this clause, and not otherwise recovered by or credited to the Government.

(i) If the termination hereunder be partial, prior to the settlement of the terminated portion of this contract, the Contractor may file with the Contracting Officer a request in writing for an equitable adjustment of the price or prices specified in the contract relating to the continued portion of the contract (the portion not terminated by the Notice of Termination), and such equitable adjustment as may be agreed upon shall be made in such price or prices.

(j) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payment and payments on account against costs incurred by the Contractor in connection with the terminated portion of this contract whenever in the opinion of the Contracting Officer the aggregate of such payments shall be within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally agreed or determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand, together with interest computed at the rate of 6 percent per annum for the period from the date such excess payment is received by the Contractor to the date on which such excess is repaid to the Government: *Provided, however*, That no interest shall be charged with respect to any such excess payment attributable to a reduction in the Contractor's claim by reason of retention or other disposition of termination inventory until ten days after the date of such retention or disposition, or such later date as determined by the Contracting Officer by reason of the circumstances.

(k) Unless otherwise provided for in this contract, or by applicable statute, the Contractor, from the effective date of termination and for a period of three years after final settlement under this contract, shall preserve and make available to the Government at all reasonable times at the office of the Contractor but without direct charge to the Government, all his books, records, documents, and other evidence bearing on the costs and expenses of the Contractor under this contract and relating to the work terminated hereunder, or, to the extent approved by the Contracting Officer, photographs, microphotographs, or other authentic reproductions thereof.

12. GOVERNMENT-FURNISHED PROPERTY

(a) *Government-furnished property.* The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described as Government-furnished property in the Schedule or specifications, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of

such property hereinafter referred to as "Government-furnished property." The delivery or performance dates for the supplies or services to be furnished by the Contractor under this contract are based upon the expectation that Government-furnished property suitable for use will be delivered to the Contractor at the times stated in the contract or, if not so stated, in sufficient time to enable the Contractor to meet such delivery or performance dates. In the event that Government-furnished property is not delivered to the Contractor by such time or times, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay occasioned the Contractor and shall equitably adjust the delivery or performance dates, or the contract price, or all of them, and any other contractual provision affected by any such delay, in accordance with the procedures provided for in the clause of this contract entitled "Changes." Except for Government-furnished property furnished "as is," in the event the Government-furnished property is received by the Contractor in a condition not suitable for the intended use the Contractor shall, upon receipt thereof, notify the Contracting Officer of such fact and, as directed by the Contracting Officer, either (1) return such property at the Government's expense or otherwise dispose of the property, or (2) effect repairs or modifications. Upon the completion of (1) or (2) above, the Contracting Officer upon written request of the Contractor shall equitably adjust the delivery or performance dates or the contract price, or all of them, and any other contractual provision affected by the return or disposition, or the repair or modification, in accordance with the procedures provided for in the clause of this contract entitled, "Changes." The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government-furnished property or delivery of such property in a condition not suitable for its intended use.

(b) *Changes in Government-furnished property.* (1) By notice in writing, the Contracting Officer may (i) decrease the property provided or to be provided by the Government under this contract, and/or (ii) substitute other Government property for property to be provided by the Government, or to be acquired by the Contractor for the Government, under this contract. The Contractor shall promptly take such action as the Contracting Officer may direct with respect to the removal and shipping of property covered by such notice.

(2) In the event of any decrease in or substitution of property pursuant to paragraph (b)(1) above, or any withdrawal of authority to use property provided under any other contract or lease, which property the Government had agreed in the contract to make available for the performance of this contract, or if the Contractor substitutes property on his own initiative which results in a decrease in the cost of performance, the Contracting Officer, upon written request of the Contractor, shall equitably adjust such contractual provisions as may be affected by the decrease, substitution, or withdrawal, in accordance with the procedures provided for in the "Changes" clause of this contract.

(c) *Title.* Title to all property furnished by the Government shall remain in the Government. In order to define the obligations of the parties under this clause, title to each item of property acquired by the Contractor for the Government pursuant to this contract shall pass to and vest in the Government when its use in the performance of contract commences, or upon payment therefor by the Government whichever is earlier, whether or not title previously vested. All Government-furnished property, together with all property acquired by the Contractor, title to which vests in the Government under this paragraph, is subject to the provisions of this clause and is hereinafter collectively referred to as "Government Property." Title to the Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty.

(d) *Use of Government-furnished property.* The Government property shall, unless otherwise provided herein or approved by the Contracting Officer, be used only for the performance of this contract.

(e) *Maintenance and repair of Government-furnished property.* The Contractor shall maintain and administer, to assure that the interests of the Government will be adequately protected, a program for the maintenance, repair, protection, and preservation of Government-furnished property, until disposed of by the Contractor in accordance with this clause. In the event that any damage occurs to Government-furnished property, the risk of which has been assumed by the Government under this contract, the Government shall replace such items or the Contractor shall make such repair of the property as the Government directs: *Provided, however*, That if the Contractor cannot effect such repair within the time required, the Contractor shall dispose of such property in the manner directed by the Contracting Officer. The contract price includes no compensation to the Contractor for the performance of any repair or replacement for which the Government is responsible, and an equitable adjustment will be made in any contractual provisions affected by such repair or replacement of Government-furnished property made at the direction of the Government, in accordance with the procedures provided for in the "Changes" clause of this contract. Any repair or replacement for which the Contractor is responsible under the provisions of this contract shall be accomplished by the Contractor at his own expense.

(f) *Risk of Loss.* Unless otherwise provided in this contract, the Contractor assumes the risk of, and shall be responsible for, any loss of or damage to Government-furnished property provided under this contract upon its delivery to him or upon passage of title thereto to the Government as provided in paragraph (c) hereof, except for reasonable wear and tear and except to the extent that such property is consumed in the performance of this contract.

(g) *Access.* The Contractor agrees to make available to the Contracting Officer, at all reasonable times, at the office of the Contractor, all its property records under this contract, and the Government shall at all reasonable times have access to the premises where any of the Government property is located for the purpose of inspecting the Government property.

(h) *Final accounting and disposition of Government-furnished property.* Upon the completion of this contract, or at such earlier date as may be fixed by the Contracting Officer, the Contractor shall submit, in a form acceptable to the Contracting Officer, inventory schedules covering all items of Government-furnished property not consumed in the performance of this contract (including any resulting scrap) or not theretofore delivered to the Government, and shall prepare for shipment, deliver f.o.b. origin, or dispose of the Government-furnished property, as may be directed or authorized by the Contracting Officer. The net proceeds of any such disposal shall be credited to the contract price or shall be paid in such other manner as the Contracting Officer may direct.

(i) *Restoration of contractor's premises.* Unless otherwise provided in the contract, the Government:

(1) May abandon any Government-furnished property in place, and thereupon all obligations of the Government regarding such abandoned property shall cease; and

(2) Shall not be under any duty or obligation to restore or rehabilitate, or to pay the costs of the restoration or rehabilitation of, the Contractor's plant or any portion thereof which is affected by the abandonment or removal of any Government property.

(j) *Communications.* All communications issued pursuant to this clause shall be in writing.

(l) In contracts with (1) educational institutions and (2) other contracts when the contractor is required to submit cost and pricing data and the contract price is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or the prices set forth by law or regulation, the following paragraph (f) Risk of loss, will be substituted for the above paragraph (f):

(f) *Risk of loss.* (1) The Contractor shall not be liable for any loss of or damage to the Government property, or for expenses incidental to such loss or damage except that the Contractor shall be liable for any loss or damage to Government property provided under the contract upon its delivery to him or passage of title to the Government as provided in paragraph (c) above (including expenses incidental thereto):

(i) Which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of his managers, superintendents, or other equivalent representatives who have supervision or direction of all or substantially all of the Contractor's business, or all or substantially all of the Contractor's operations at any one plant, laboratory, or separate location in which the contract is being performed;

(ii) Which results from a failure on the part of the Contractor, due to the willful misconduct or lack of good faith on the part of any of his directors, officers, or other representatives mentioned in paragraph (f)(1)(i) above:

(A) To maintain and administer the program for maintenance, repair, protection and preservation of Government property as required by paragraph (e) hereof, or to take all reasonable steps to comply with any appropriate written direction of the Contracting Officer under paragraph (e) hereof; or

(B) To establish, maintain and administer, in accordance with (e) above, a system for control of Government property;

(iii) For which the Contractor is otherwise responsible under the express terms of the clause or clauses designated in the Schedule;

(iv) Which results from a risk expressly required to be insured under some other provision of this contract, or of the schedules or task orders thereunder, but only to the extent of the insurance so required to be procured and maintained or to the extent of insurance actually procured and maintained, whichever is greater; or

(v) Which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement.

V40-71 APR 11 75 XUM

Any failure of the Contractor to act, as provided in paragraph (f) (1) (ii) above, shall be conclusively presumed to be a failure resulting from willful misconduct, or lack of good faith on the part of such directors, officers, or other representatives mentioned in paragraph (f) (1) (i) above, if the Contractor is notified by the Contracting Officer by registered or certified mail, addressed to one of such directors, officers or other representatives, of the Government's disapproval, withdrawal of approval or nonacceptance of the Contractor's program or system. In such event, it shall be presumed that any loss or damage to Government property resulted from such failure. The Contractor shall be liable for such loss or damage unless he can establish by clear and convincing evidence that such loss or damage did not result from his failure to maintain an approved program or system, or occurred during such time as an approved program or system for control of Government property was maintained.

If more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception.

(2) The Contractor represents that he is not including in the price hereunder, and agrees that he will not hereafter include in any price to the Government, any charge or reserve for insurance (including self-insurance funds or reserves) covering loss or destruction of or damage to the Government property, except to the extent that the risk of loss is imposed on the Contractor under paragraph (f) (1) (iii) above, or insurance has been required under paragraph (f) (1) (iv) above.

(3) Upon the happening of loss or destruction or damage to any Government property, the Contractor shall notify the Contracting Officer thereof and shall take all reasonable steps to protect the Government property from further damage, separate the damaged and undamaged Government property, put all the Government property in the best possible order, and furnish to the Contracting Officer a statement of:

(i) The lost, destroyed, and damaged Government property;

(ii) The time and origin of the loss, destruction, or damage;

(iii) All known interests in commingled property of which the Government property is a part; and

(iv) The insurance, if any, covering any part of or interest in such commingled property.

The Contractor shall be entitled to an equitable adjustment in the contract price for the expenditures made by him in performing his obligations under this paragraph (f) (3).

(4) With the approval of the Contracting Officer after loss or destruction of or damage to Government property, and subject to such conditions and limitations as may be imposed by the Contracting Officer, the Contractor may, in order to minimize the loss to the Government or in order to permit resumption of business or the like, sell for the account of the Government any item of Government property which has been damaged beyond practicable repair, or which is so commingled or combined with property of others, including the Contractor, that separation is impracticable.

(5) Except to the extent of any loss or destruction of or damage to Government property for which the Contractor is relieved of liability under the foregoing provisions of this clause, and except for reasonable wear and tear or depreciation, or the utilization of the Government property in accordance with the provisions of this contract, the Contractor assumes the risk of, and shall be responsible for, any loss or destruction of or damage to the Government property, and such property (other than that which is permitted to be sold) shall be returned to the Government in as good condition as when received by the Contractor in connection with this contract, or as repaired under paragraph (f) above.

(6) In the event the Contractor is reimbursed or compensated for any loss or destruction of or damage to the Government property, he shall equitably reimburse the Government. The Contractor shall do nothing to prejudice the Government's right to recover against third parties for any such loss, destruction or damage and, upon the request of the Contracting Officer, shall at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including assistance in the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery.

(ii) If this is a contract with a nonprofit educational institution for scientific research, as determined by the Contracting Officer elsewhere in this contract, the following changes will be made in this clause:

(A) Replace paragraph (c) with the following:

(c) *Title.* (i) Title to all Government-furnished property shall remain in the Government.

(ii) Except as otherwise expressly provided elsewhere in this contract, title to all material, supplies, and equipment purchased or otherwise acquired by the Contractor, for the cost of which the Contractor is to be reimbursed as a direct item of cost, shall be and remain in the Contractor subject to the provisions of subparagraph (iii) below: *Provided, however,* That the Contractor shall not, under any Government contract or subcontract thereunder or, under any Government grant, charge for any depreciation, amortization, or use of any property title to which remain in the Contractor pursuant to this subparagraph. The Contractor agrees to use such materials, supplies, and equipment for the benefit of research under this contract and any extension or successor contracts thereto and to continue to use such property for the benefit of research of interest to the Government.

(iii) With respect to items of equipment having an acquisition cost of $1,000 or more, title to which vests in the Contractor pursuant to subparagraph (ii) above, the Contractor agrees:

(A) To report such items to the Contracting Officer from time to time as they are acquired and to maintain a control system which will permit their ready identification and location; and

(B) To transfer title to any such items to the Government or to a third party designated by the Government, when third party is eligible under existing statutes, in accordance with any written request, therefor issued by the Contracting Officer at any time prior to final payment under this contract.

(iv) All Government-furnished property, together with all property acquired by the Contractor, title to which vests in the Government pursuant to any other express provision of this contract, is subject to the provisions of this clause and is hereinafter collectively referred to as "Government property." Title to the Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personality by reason of affixation to any reality.

(B) Add the following to paragraph (d), Use of Government-furnished property:

(d) Whether or not title to property is vested in the Contractor, the Contractor is responsible for maintaining property acquired from contract funds available for the performance of the contract except for property which through normal use becomes unserviceable and uneconomically repairable.

13. REPORTING OF ROYALTIES

If this contract involves any royalty payments in excess of $250 or if the amount of any royalty payment in excess of $250 is reflected in the negotiated price, the Contractor shall report in writing to the Contracting Officer, as soon as practicable during the performance of this contract, the amount of any royalties paid or to be paid by it directly to others in connection with the performance of this contract, together with: (a) The names and addresses of licensors to whom such payments are made; (b) The patent numbers or patent application serial numbers (with filing dates) involved or other identification of the basis of such royalties; and (c) Information concerning the manner of computation of such royalties.

14. AUTHORIZATION AND CONSENT

The Government hereby gives its authorization and consent for all use and manufacture of any invention described in and covered by a patent of the United States in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including any lower-tier subcontract).

15. NOTICE AND ASSISTANCE REGARDING PATENT AND COPYRIGHT INFRINGEMENT

(This clause is applicable to only those contracts which exceed $10,000.)

(a) The Contractor shall report to the Contracting Officer, promptly and in reasonable written detail, each notice or claim of patent or copyright infringement based on the performance of this contract of which the Contractor has knowledge.

(b) In the event of any claim or suit against the Government, on account of any alleged patent or copyright infringement arising out of the performance of this contract or out of the use of any supplies furnished or work or services performed hereunder, the Contractor shall furnish to the Government, when requested by the Contracting Officer, all evidence and information in possession of the Contractor pertaining to such suit or claim: Such evidence and information shall be furnished at the expense of the Government except where the Contractor has agreed to indemnify the Government.

16. RIGHTS IN DATA

(a) *Subject Data.* As used in this clause, the term "Subject Data" means writings, sound recordings, pictorial reproductions, drawings, designs or other graphic representations, procedural manuals, forms, diagrams, workflow charts, equipment descriptions, data files and data processing or computer programs, and works of any similar nature (whether or not copyrighted or copyrightable) which are specified to be delivered under this contract. The term does not include financial reports, cost analyses, and similar information incidental to contract administration.

(b) *Government rights.* Subject only to the proviso of (e) below, the Government may use, duplicate or disclose in any manner and for any purpose whatsoever, and have or permit others to do so, all Subject Data delivered under this contract.

(c) *Licenses to copyrighted data.* In addition to the Government rights as provided in (b) above, with respect to any subject data which may be copyrighted the Contractor agrees to and does hereby grant to the Government a royalty-free, nonexclusive and irrevocable license throughout the world to use, duplicate or dispose of such data in any manner and for any purpose whatsoever, and to have or permit others to do so: *Provided, however,* That such license shall be only to the extent that the Contractor now has, or prior to completion or final settlement of this contract may acquire, the right to grant such license without becoming liable to pay compensation to others solely because of such grant.

(d) *Relation to patents.* Nothing contained in this clause shall imply a license to the Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Government under any patent.

(e) *Marking and identification.* The Contractor shall mark all Subject Data with the number of this contract and the name and address of the contractor or subcontractor who generated the data. The Contractor shall not affix any restrictive markings upon any Subject Data, and if such markings are affixed, the Government shall have the right at any time to modify, remove, obliterate, or ignore any such markings.

(f) *Subcontractor data.* Whenever any Subject Data is to be obtained from a subcontractor under this contract, the Contractor shall use this same clause in the subcontract, without alteration, and no other clause shall be used to enlarge or diminish the Government's rights in that subcontractor Subject Data.

(g) *Deferred ordering and delivery of data.* The Government shall have the right to order, at any time during the performance of this contract, or within 2 years from either acceptance of all items (other than data) to be delivered under this contract or termination of this contract, whichever is later, any Subject Data and any data not called for in the schedule of this contract but generated in performance of the contract, and the Contractor shall promptly prepare and deliver such data as is ordered. If the principal investigator is no longer associated with the Contractor, the Contractor shall exercise its best efforts to prepare and deliver such data as is ordered. The Government's right to use data delivered pursuant to this paragraph (g) shall be the same as the rights in Subject Data as provided in (b) above. The Contractor shall be relieved of the obligation to furnish data pertaining to an item obtained from a subcontractor upon the expiration of 2 years from the date he accepts such items. When data, other than Subject Data, is delivered pursuant to this paragraph (g), payment shall be made, by equitable adjustment or otherwise, for converting the data into the prescribed form, reproducing it or preparing it for delivery.

17. PATENT RIGHTS

(a) *Definitions.* As used in this clause, the term (1) "Invention" or "Invention or discovery" includes any art, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the Patent Laws of the United States; and (2) "Made," when used in relation to any invention or discovery, means the conception or first actual or constructive reduction to practice of such invention.

(b) *Disclosure.* Whenever an invention or discovery is made by the Contractor or its employees in the course of or under this contract, the Contractor shall immediately give the Contracting Officer written notice thereof and shall promptly thereafter furnish the Contracting Officer with complete information thereon, including as a minimum (1) a complete written disclosure of each such invention, and (2) information in writing, as soon as practicable, concerning the date and identity of any public use, sale, or publication of such invention made by or known to the Contractor.

(c) *Determination of rights.* The Secretary, or his duly authorized representative, shall have the sole and exclusive power to determine whether or not and where a patent application shall be filed and to determine the disposition of all rights in any invention made under this contract, including title to and rights under any patent application or patent which may issue thereon. The Secretary, or his duly authorized representative, may, upon the request of the Contractor, determine to exercise his option to waive rights to any such invention in foreign countries. The determination of the Secretary, or his duly authorized representative, on all these matters shall be accepted as final and the provisions of the clause of this contract entitled "Disputes" shall not apply. The Contractor shall use his best efforts to assure that all of its employees who may be the inventors of any such invention will execute all documents and do all things necessary or proper to effectuate the determination of the Secretary, or his duly authorized representative, or to vest in the Government the rights granted to it under this clause and to enable the Government to apply for and prosecute any patent application, in any country, covering such invention where the Government has the right under this clause to file such application.

(d) *Contractor employees and subcontractors.* The Contractor shall:

(1) Obtain patent agreements to effectuate the provisions of this clause from all persons who perform any part of the work under this contract, and may be reasonably expected to make inventions.

(2) Insert in each subcontract having experimental, developmental or research work as one of its purposes, a provision making this clause applicable to the subcontractor and its employees.

(e) *Reports.* The Contractor shall furnish the Contracting Officer, in addition to the information called for in paragraph (b) of this clause:

(1) Interim reports on the first anniversary of the contract, where extended or renewed, and every year thereafter listing all inventions made during the period, whether or not previously reported, or certifying that no inventions were made during the applicable period; and

(2) A final report, prior to final settlement of this contract, listing all such inventions made in the course of or under this contract, including all those previously listed in interim reports, or certifying that there are no such unreported inventions.

(f) *Withholding payment for failure to comply.* At any time during the performance of this contract, the Contracting Officer may direct that payment be withheld in the amount of 10 percent of the total amount obligated by the Government with respect to this contract or $10,000, whichever is less, if the Contracting Officer determines that the Contractor has failed to furnish any of the written notices, disclosures, or reports required by paragraphs (b) and (e) above, until such time as the Contracting Officer determines that the Contractor shall have corrected such failure. The withholding of any amount, or subsequent payment thereof to the Contractor, or the failure to withhold any amount shall not be construed as requiring the Contractor to withhold any amounts from a subcontractor to enforce compliance with the patent provisions of a subcontract.

(g) *Acknowledgement.* With respect to any patent application on any invention made in the course of or under this contract, the Contractor shall incorporate in the first paragraph of the patent specification, and prominently in any patent issued thereon, the following statement: "The invention described herein was made in the course of or under a contract with the U.S. Department of Health, Education, and Welfare."

18. PUBLICATION AND PUBLICITY

(a) Unless otherwise specified in this contract, the Contractor is encouraged to publish and make available through accepted channels the results of its work under this contract. A copy of each article submitted by the Contractor for publication shall be promptly sent to the Project Officer. The Contractor shall also inform the Project Officer when the article or other work is published and furnish a copy of it as finally published.

(b) The Contrator shall acknowledge the support of the Department of Health, Education, and Welfare whenever publicizing the work under this contract in any media. To effectuate the foregoing, the Contractor shall include in any publication resulting from work performed under this contract an acknowledgement substantially as follows:

"This project has been funded at least in part with Federal funds from the Department of Health, Education, and Welfare under contract number ———. The content of this publication does not necessarily reflect the views or policies of the Department of Health, Education, and Welfare, nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Government."

19. INSPECTION

(i) When the primary objective of the contract is drawings, designs, or reports, the following clause is applicable:

The Government through any authorized representatives, has the right, at all reasonable times, to inspect, or otherwise evaluate the work performed or being performed hereunder and the premises in which it is being performed. If any inspection or evaluation is being made by the Government on the premises of a Contractor or a subcontractor the Contractor shall provide and shall require the subcontractors to provide all reasonable facilities and assistance for the safety and convenience of the Government representatives in the performance of their duties. All inspections and evaluations shall be performed in such a manner as will not unduly delay the work.

(ii) When the primary objective of the contract is delivery of end items other than drawings, designs or reports, the following clause is applicable:

(a) All work under this contract shall be subject to inspection and test by the Government to the extent practicable at all times (including the period of performance) and places, and in any event prior to acceptance. The Government through any authorized representative may inspect the premises of the Contractor or any subcontractor engaged in the performance of this contract.

(b) The Government may reject any work that is defective or otherwise not in conformity with the requirements of this contract. If the Contractor fails or is unable to correct or to replace such work, the Contracting Officer may accept such work at a

V40 I71 APR 11 75 XUM

reduction in price which is equitable under the circumstances. Failure to agree on the reduction in price shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(c) If any inspection or test is made by the Government on the premises of the Contractor of a subcontractor, the Contractor shall provide, without additional charge, all reasonable facilities and assistance for the safety and convenience of the Government inspectors in the performance of their duties. If the Government inspection or test is made at a point other than the premises of the Contractor or subcontractor, it shall be at the expense of the Government. All inspections and tests by the Government shall be performed in such a manner as not to unduly delay the work. Final inspection and acceptance or rejection of the work shall be made as promptly as practicable after delivery except as otherwise provided in this contract; but failure to inspect and accept or reject the work shall neither relieve the Contractor from responsibility for such of the work as is not in accordance with the contract requirements nor impose liability on the Government therefor.

(d) The inspection and test by the Government of any work shall not relieve the Contractor from any responsibility regarding defects or other failures to meet the contract requirements which may be discovered prior to acceptance. Except as otherwise provided in this contract, acceptance shall be conclusive except as regards latent defects, fraud, or such gross mistakes as amount to fraud.

(e) The Contractor shall provide and maintain an inspection system acceptable to the Government covering the work hereunder. Records of all inspection work by the Contractor shall be kept complete and available to the Government during the performance of this contract and for such longer period as may be specified elsewhere in this contract.

20. COLLECTION OF INFORMATION BY CONTRACTORS

In the event that it subsequently becomes a contractual requirement to collect or record information calling either for answers to identical question from 10 or more persons other than Federal employees, or information from Federal employees which is to be used for statistical compilations of general public interest, the Federal Reports Act shall apply to this contract. No plan, questionnaire, interview guide or other similar device for collecting information (whether repetitive or single-time) may be used without first obtaining clearance from the Office of Management and Budget (OMB).

The contractor shall obtain the required OMB clearance through the Project Officer before expending any funds or making public contracts for the collection of data. The authority to expend funds and to proceed with the collection of data shall be in writing by the Contracting Officer. The Contractor must plan at least 90 days for OMB clearance. Excessive delay caused by the Government which arises out of causes beyond the control without the fault or negligence of the contractor will be considered in accordance with Clause 10—Default, subparagraph (c).

21. PRINTING

Unless otherwise specified in this contract, the Contractor shall not engage in, nor subcontract for, any printing (as that term is defined in Title I of the Government Printing and Binding Regulations in effect on the effective date of this contract) in connection with the performance of work under this contract: *Provided, however,* That performance of a requirement under this contract involving the reproduction of less than 5,000 production units of any one page or less than 25,000 production units in the aggregate of multiple pages, will not be deemed to be printing. A production unit is defined as one sheet, size 8 by 10½ inches one side only, one color.

22. ASSIGNMENT OF CLAIMS

(Text of this clause is set forth in FPR 1–30.703)

23. CONTRACT WORK-HOURS AND SAFETY STANDARDS ACT—OVERTIME COMPENSATION

(Text of this clause is set forth in FPR 1–12.303)

24. WALSH-HEALY PUBLIC CONTRACTS ACT

(Text of this clause is set forth in FPR 1–12.605)

25. EQUAL OPPORTUNITY

(i) (The following clause is applicable unless this contract is exempt under the rules, regulations, and relevant orders of the Secretary of Labor (41 CFR, ch. 60).)

During the performance of this contract, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this Equal Opportunity clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex, or national origin.

(c) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency Contracting Officer, advising the labor union or workers' representative of the Contractor's commitments under this Equal Opportunity clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contractor's noncompliance with the Equal Opportunity clause of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended, in whole or in part, and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The Contractor will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing provisions, including sanctions for noncompliance: *Provided, however,* That in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

(ii) If this contract is with a state or local government, this clause applies only to agency, instrumentality, or subdivision of government (jurisdiction) which participates in work on or under the contract.

26. CONVICT LABOR

(Text of this clause is set forth in FPR 1–12.203)

27. OFFICIALS NOT TO BENEFIT

(Text of this clause is set forth in FPR 1–7.102–17)

28. COVENANT AGAINST CONTINGENT FEES

(Text of this clause is set forth in FPR 1–1.503)

29. BUY AMERICAN SUPPLY AND SERVICE CONTRACTS

(Text of this clause is set forth in FPR 1–6.104–5)

30. UTILIZATION OF SMALL BUSINESS CONCERNS

(Text of this clause is set forth in FPR 1–1.710–3(a))

31. UTILIZATION OF LABOR SURPLUS AREA CONCERNS

(Text of this clause is set forth in FPR 1–1.805–3(a))

32. UTILIZATION OF MINORITY BUSINESS ENTERPRISES

(Text of this clause is set forth in FPR 1–1.1310–2(a))

33. PAYMENT OF INTEREST ON CONTRACTOR'S CLAIMS

(Text of this clause is set forth in FPR 1–1.322)

34. LISTING OF EMPLOYMENT OPENINGS

(Text of this clause is set forth in FPR 1–12.1102–2)

35. SUBCONTRACTING

The Contractor shall not enter into subcontracts for any of the work contemplated under this contract without obtaining the prior written approval of the Contracting Officer and subject to such conditions and provisions as he may deem necessary, in his discretion, to protect the interests of the Government: *provided,* however, that notwithstanding the foregoing, unless otherwise provided herein, such prior written approval shall not be required for the purchase by the Contractor of articles, supplies, equipment and services which are both necessary for and merely incidental to the performance of the work required under this contract; *provided,* further, however, that the aforesaid right of Contractor to engage such services shall in no event be construed to permit the Contractor to subcontract with a third-party for the performance of any major function contemplated under this contract to be performed by the Contractor; and *provided,* further, however, that no provision of this clause and no such approval by the Contracting Officer of any subcontract shall be deemed in any event or in any manner to provide for the incurrence of any obligation of the Government in addition to the total contract price.

36. NOTICE TO THE GOVERNMENT OF DELAYS

Whenever the Contractor has knowledge that any actual or potential situation, including but not limited to labor disputes, is delaying or threatens to delay the timely performance of work under this contract, the Contractor shall immediately give written notice thereof, including all relevant information with respect thereto, to the Contracting Officer.

37. INTEREST

Notwithstanding any other provisions of this contract, unless paid within 30 days all amounts that become payable by the Contractor to the Government under this contract (net of any applicable tax credit under the Internal Revenue Code) shall bear interest at the rate of six percent per annum from the date due until paid. Amounts shall be due upon the earliest one of (i) the date fixed pursuant to this contract; (ii) the date of the first written demand for payment, consistent with this contract, including demand consequent upon default termination; (iii) the date of transmittal by the Government to the Contractor of a proposed supplemental agreement to confirm completed negotiations fixing the amount; or (iv) if this contract provides for revision of prices, the date of written notice to the Contractor stating the amount of refund payable in connection with a pricing proposal or in connection with a negotiated pricing agreement not confirmed by contract supplement.

38. EMPLOYMENT OF THE HANDICAPPED

(Text of this clause is set forth in FPR 1–12.1304–1)

Dated: April 7, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-9507 Filed 4-10-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-847]

CITY OF SOUTH DAYTONA, VOLUSIA COUNTY, FLA.

Proposed Flood Elevation Determinations

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Sec. 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of South Daytona, Florida.

Under these Acts, the Administrator, to whom the Secretary has delegated his statutory authority, must develop criteria for land management in flood-prone areas. In order to participate in the National Flood Insurance Program, the City of South Daytona must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, P.O. Box 4220, South Daytona, Florida 32021.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Daniel M. O'Brien, City Hall, P.O. Box 4220, South Daytona, Florida 32021. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flod Elevations are:

Source of flooding and location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing downstream) to 100-year flood boundary (feet)	
		Right	Left
HALIFAX RIVER:			
Murray Way	7	[1] 1,250	-----
Sandusky	7	950	-----
Sandy Circle	7	950	-----
Erie Avenue	7	800	-----
McDonald Street	7	1,050	-----
Kost Street	7	850	-----
Bellewood Avenue	7	800	-----
Beville Road	7	1,350	-----

[1] To corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 26, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 26, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-9529 Filed 4-10-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-GL-30]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at West Bend, Wisconsin.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before May 12, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A review of the controlled airspace for West Bend, Wisconsin indicates that an extension is required to protect the VOR Runway 24 instrument approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

§ 71.181 [Amended]

In § 71.181 (40 FR 441), the following transition area is amended to read:

WEST BEND, WISCONSIN

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the West Bend Municipal Airport (Latitude 43°25'17" N., Longitude 88°07'41" W.); within 3 miles each side of the 051° bearing from the airport, extending from the 7-mile radius area to 8 miles northeast of the airport, and within 3 miles each side of the 183° bearing from the airport, extending from the 7-mile radius area to 7½ miles southeast of the airport.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).)

Issued in Des Plaines, Illinois, on March 24, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.75-9454 Filed 4-10-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-SW-18]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the

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Federal Aviation Regulations to alter the Jennings, La., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before May 12, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

§ 71.181 [Amended]

In § 71.181 (40 FR 441), the Jennings, La., transition area is amended to read:

JENNINGS, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jennings Airport (latitude 30°14'30" N., longitude 92°40'00" W.); within 2.5 miles each side of the Lake Charles VORTAC 075° radial extending from the 5-mile radius area to 20.5 miles east of the VORTAC and within 3 miles either side of the 321° bearing from the Jennings NDB (latitude 30°14'19" N., longitude 92°40'13" W.) extending from the 5-mile radius area to 8 miles northwest of the NDB.

The amendment to the transition area will provide the necessary controlled airspace for aircraft executing the proposed NDB Rwy 13 instrument approach procedure.

This notice will also serve to apprise interested airspace users of the establishment of the Jennings NDB at latitude 30°14'19" N., longitude 92°40'13" W.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348) sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Fort Worth, TX., on April 1, 1975.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.75-9456 Filed 4-10-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-GL-21]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Moline, Illinois.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before May 12, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

An alteration of an instrument approach procedure to Quad City Airport, Moline, Illinois, requires an alteration of the controlled airspace to protect the procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

§ 71.181 [Amended]

In § 71.181 (40 FR 441), the following transition area is amended to read:

MOLINE, ILLINOIS

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Quad City Airport (Latitude 41°26'56" N., Longitude 90°30'34" W.); within 4½ miles north and 9½ miles south of the Quad City ILS localizer west course, extending from one mile east to 18½ miles west of the OM; within 5 miles either side of the Quad City ILS localizer east course extending from the 9-mile radius area to 16½ miles east of the airport; within a 6½-mile radius of Davenport Municipal Airport (Latitude 41°36'40" N., Longitude 90°35'20"W.); within 3 miles each side of the 224° bearing from the Cody RBN, extending from the 6½-mile radius area to 8 miles southwest of the RBN; and within 2 miles each side of the Davenport VOR 220° radial, extending from the 6½-mile radius area to the VOR.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Des Plaines, Illinois, on March 24, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.75-9458 Filed 4-10-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-GL-17]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Lacon, Illinois.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before May 12, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A new instrument approach procedure has been developed for the Marshall County Airport, Lacon, Illinois. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this approach procedure by designating a transition area at Lacon, Illinois.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

§ 71.181 [Amended]

In § 71.181 (40 FR 441), the following transition area is added:

LACON, ILLINOIS

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Marshall County Airport (Latitude 41°01'12" N., Longitude 89°23'08" W.); and within 2 miles each side of the Bradford VORTAC 133° radial extending from the 5-mile radius area to 6.5 miles northwest of the airport.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655 (c)].)

Issued in Des Plaines, Illinois, on March 24, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.75-9453 Filed 4-10-75;8:45 am]

[14 CFR Part 135]

[Docket No. 12531; Reference Notice No. 73-2]

LIMITED IFR AIR TAXI OPERATIONS

Withdrawal of Proposed Rule Making

The purpose of this notice is to withdraw Notice No. 73-2, published in the FEDERAL REGISTER January 31, 1973 (38 FR 2988), in which the FAA proposed to amend Part 135 of the Federal Aviation Regulations to make certain changes in those sections dealing with limited IFR operations (§§ 135.75, 135.99, and 135.-145).

The FAA received 30 public comments in response to Notice No. 73-2. Twenty-one comments favored adoption of the proposal; 9 opposed it.

The National Transportation Safety Board, in its comment, opposed adoption, stating, among other things, its concern about the clarity of the regulations governing limited IFR air taxi operations. The Board stated that when its recent Air Taxi Safety Study was being conducted, "no air taxi operator or pilot who was questioned understood the operating limitations of current §§ 135.75 and 135.99." The Board stated its belief that "the regulations, as proposed in NPRM 73-2, are still too complicated and that very few air taxi operators or pilots would understand them."

A number of other commentators echoed the Board's concern with the present misunderstanding of §§ 135.75 and 135.99, and indicated a belief that the proposed rule would not be a significant improvement.

In view of these comments, the FAA has determined that further consideration of this problem is necessary, and that the adoption of the proposed revisions would not be appropriate at this time. Accordingly, the FAA has determined that Notice 73-2 should be withdrawn.

Withdrawal of this notice constitutes only such action and does not preclude the FAA from issuing other notices in the future or commit the FAA to any course of action in the future.

In consideration of the foregoing, the notice of proposed rulemaking published in the FEDERAL REGISTER January 31, 1973 (38 FR 2988), and circulated as Notice No. 73-2 entitled "Limited IFR Air Taxi Operations" is hereby withdrawn.

(Secs. 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on March 28, 1975.

C. A. MCKAY,
Acting Director,
Flight Standards Service.

[FR Doc.75-9457 Filed 4-10-75;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 444]

CREDIT PRACTICES

Proposed Trade Regulation Rule

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., the provisions of Part I, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.7, et seq., and section 553 of Subchapter II, Chapter 5, Title 5 of the U.S. Code (Administrative Procedure) has initiated a proceeding for the promulgation of a Trade Regulation Rule concerning Credit Practices.

Accordingly, the Commission has proposed the following Trade Regulation Rule:

Sec.
444.1 Definitions.
444.2 Unfair credit practices.

AUTHORITY: The provisions of this Part 444 issued under 38 Stat. 717, as amended, 15 U.S.C. 41, et seq.

§ 444.1 Definitions.

(a) *Lender.* A person who engages in the business of lending money to consumers within the jurisdiction of the Federal Trade Commission.

(b) *Retail installment seller.* A person who sells goods or services to consumers on a deferred payment basis or pursuant to a lease-purchase arrangement within jurisdiction of the Federal Trade Commission.

(c) *Person.* An individual, corporation or other business organization.

(d) *Consumer.* A natural person who seeks or acquires goods, services or money for personal, family or household use.

(e) *Obligation.* An agreement between a consumer and a lender or retail installment seller.

(f) *Creditor.* A lender or a retail installment seller.

(g) *Debt.* Money which is due or alleged to be due from one to another.

(h) *Co-signer.* A natural person who, by agreement and without compensation, renders himself liable for the obligation of a consumer.

(i) *Household goods.* Clothing, furniture, appliances, linens, china, crockery, kitchenware, and personal effects of the consumer and his dependents.

(j) *Personal loan.* A loan of money to a consumer as distinguished from a sale of goods or services on a deferred payment basis or pursuant to a lease-purchase arrangement.

(k) *Collecting a debt.* Any activity other than the use of judicial process which is intended to bring about or does bring about repayment of all or part of a consumer debt, except:

(1) Inquiry to locate a consumer whose whereabouts are genuinely unknown to the creditor; and/or

(2) Inquiry to determine the nature and extent of a consumer's wages or property;

Provided, That in these two instances no specific mention is made of the alleged indebtedness.

(l) *Other definitions.* Words defined in the Uniform Commercial Code retain their UCC definitions for the purposes of this part.

§ 444.2 Unfair credit practices.

In connection with the extension of credit to consumers in or affecting commerce, as commerce is defined in the Federal Trade Commission Act, it is an unfair act or practice within the meaning of Section 5 of that Act for a lender or retail installment seller directly or indirectly:

(a) To take or receive from a consumer an obligation which:

(1) Constitutes or contains a cognovit, confession of judgment, warrant of attorney, power of attorney or other waiver of the right to notice and the opportunity to be heard in the event of suit or process thereon;

(2) Constitutes or contains a waiver or limitation of exemption from attachment, execution or other process on real or personal property held, owned by or due to the consumer;

(3) Constitutes or contains an assignment of wages;

[Alternate subparagraph (3):

(3) Constitutes or contains an assignment of wages unless the amount of the obligation is three hundred dollars ($300.00) or less and no other security interest is taken with respect to the obligation;]

(4) Constitutes or contains a security interest other than a Purchase Money security interest, except, where the proceeds of a personal loan are not to be primarily applied to the purchase of consumer goods, the lender may take a security interest in other than household goods;

(5) Encumbers goods purchased on different dates from a retail installment seller on a deferred payment basis, unless the contract provides that payments made by the consumer will be credited in full to the earliest purchase to release the goods from encumberance in the order acquired;

(6) Fails to enumerate and specifically identify each individual item of property encumbered by it;

(7) Fails to provide that if the creditor retakes encumbered property from the consumer, the fair market retail value of the property so taken will be credited toward the balance due under the obligation;

(8) Constitutes or contains a provision requiring the payment of attorney's fees or any other costs incident to the collection of the obligation;

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[Alternate subparagraph (8):

(8) Constitutes or contains a provision which:

(i) With respect to a consumer loan in which the finance charge calculated according to the actuarial method is more than 18 percent per year, provides for payment by the consumer of attorney's fees:

(A) If the loan is not pursuant to open-end credit and the amount financed is $1,000 or less; or

(B) If the loan is pursuant to open-end credit and the balance of the account at the time of default is $1,000 or less;

(ii) With respect to any other consumer credit transaction, provides for payment by the consumer of attorney's fees unless (A) such fees do not exceed fifteen percent of the unpaid debt at the time of default and (B) such fees become due only after actual referral of the obligation to an attorney who is not a salaried employee of the creditor;]

(9) Provides for charges for late or extended payments which exceed the amount derived from application of the annual percentage rate governing the transaction to the payment or payments late or extended; or

(10) Fails to provide that the creditor shall not, in the course of collecting a debt, communicate or threaten to communicate with the consumer's employer or any agent of the employer or any other person not liable for the debt other than the spouse or attorney of the consumer, except as permitted by order of a court.

(b) To obligate a co-signer other than the spouse of the consumer on any obligation unless:

(1) The co-signer is furnished with a separate statement, at least three days prior to his becoming obligated, which shall contain in ten point bold face type the following information with such limitations as necessary to conform to applicable State law and no other:

NOTICE TO CO-SIGNER

_____
(Date)

BY SIGNING THIS CONTRACT YOU ARE AGREEING TO PAY [*Amount of Contract*] TO [*Name of Lender*], IF [*Name of Principal Debtor*] DOES NOT.

IF FOR ANY REASON [*Name of Principal Debtor*] DOES NOT PAY THIS [*Amount of Contract*] OR ANY PART OF IT WHEN IT IS DUE, YOU MAY BE REQUIRED TO PAY THE AMOUNT WHICH HAS NOT BEEN PAID OR ANY PART OF IT. HOWEVER, BEFORE YOU CAN BE HELD LIABLE FOR THE DEBT, [*Name of Lender*] MUST FIRST DILIGENTLY ATTEMPT TO COLLECT THE DEBT FROM [*Name of Principal Debtor*].

YOU MAY BE SUED ON THIS CONTRACT IF [*Name of Principal Debtor*] DOES NOT PAY AS AGREED FOR ANY REASON. IF [*Name of Lender*] WINS A SUIT AGAINST YOU IN COURT, IT MAY TAKE A PART OF YOUR WAGES EACH WEEK UNTIL THE DEBT IS PAID IN FULL; IT MAY TAKE YOUR SAVINGS OR REAL OR PERSONAL PROPERTY WHICH YOU OWN TO PAY THIS DEBT; AND IT MAY USE OTHER LAWFUL MEANS TO COLLECT THIS DEBT FROM YOU.

YOU MAY BE SUED EVEN IF [*Name of Principal Debtor*] IS NOT SUED IF HE HAS NOT PAID AS AGREED, BUT YOU MAY SUE HIM TO COLLECT ANY MONEY YOU HAVE PAID ON HIS BEHALF.

THIS NOTICE IS *NOT* THE CONTRACT YOU WILL BE ASKED TO SIGN. YOU MUST BE GIVEN A COPY OF THAT CONTRACT AND OF THIS NOTICE.

_____
(Signature of Co-signer)

(2) Three days or more after receiving the notice to co-signer, the co-signer signs a document evidencing the obligation which discloses the full amount he may be asked to repay;

(3) The co-signer is furnished with a completed copy of every document that he is asked to sign or that is furnished to the consumer; and

(4) Any document evidencing the obligation contains the following notice:

No co-signer or surety of this obligation shall be liable thereunder except after the lender or retail installment seller has employed due diligence in attempting to collect the obligation from the principal debtor.

No co-signer or surety of this obligation shall be liable thereunder for more than the total of payments for which the principal debtor is liable at the time that the co-signer becomes obligated.

No co-signer or surety of this obligation shall be liable thereunder unless promptly notified in writing of any default by the principal debtor.

STATEMENT OF REASON FOR THE PROPOSED RULE

It is the Commission's purpose, in issuing this statement, to set forth its reason for proposing this rule with sufficient particularity to allow informed comment. The precise format of such statements may vary from rule to rule depending on the complexity of the issues involved. In this proceeding, we have determined that meaningful comment by the public will be best facilitated by presenting (1) a statement describing the basic factual and legal premises upon which the Commission has determined to propose the rule, and (2) a series of questions designed to draw to the public's attention matters which the Commission presently deems particularly pertinent and on which comment is especially solicited.

The Commission emphasizes that neither the statement of factual and legal premises nor the questions should be interpreted as designating disputed issues of specific fact. Such designations shall be made by the Commission or its duly authorized presiding official pursuant to the Commission's Rules of Practice.

Statement: The Commission has reason to believe that many creditors, as that term is defined in the proposed rule, utilize form contracts in consumer credit transactions which constitute or contain: A cognovit provision (also known as a "confession of judgment" and "warrant of attorney"), a waiver of statutory property exemptions, a wage assignment, a provision creating blanket security interests, a requirement that the consumer reimburse the creditor for attorney fees when the contract is referred to an attorney, and provisions imposing late charges and extension fees; that these provisions are included in form contracts without regard to the actual risk of non-repayment borne by the creditor in a given case; that these remedies injure consumers; and that consumers receive no substantial benefit in exchange for the above-listed creditor remedies.

The Commission has reason to believe additionally that many creditors abuse the deficiency judgment mechanism by selling repossessed goods at prices substantially below their fair market retail value.

The Commission further has reason to believe that many creditors utilize form contracts in consumer credit transactions which fail to include provisions limiting contacts with third parties, as specified in § 444.2(a)(10) of the proposed rule, and which fail to place certain limitations on the liability of co-signers, as specified in § 444.2(b) of the proposal; that these provisions are omitted without regard to the actual risk of non-repayment borne by the creditor in a given case; that consumers are injured by said third-party contacts and co-signers are injured by failure to place said limitations on co-signer liability; and that consumers receive no substantial benefit in exchange for the absence of said limitations on third-party contacts nor do co-signers receive a substantial benefit in exchange for the absence of said limitations on their liability. The Commission has further reason to believe that many creditors fail to provide co-signers of consumer obligations with necessary information, as specified in § 444.2 (b)(1), (b)(3) and the last paragraph of the notice in (b)(4) of the proposed rule and that consumer contracts are generally co-signed in an atmosphere of high pressure.

The Commission determined that it has reason to believe the above assertions after it was presented with information compiled by the staff during a two-year investigation of the character and use of collection remedies associated with consumer credit agreements throughout the United States. In the course of this investigation the Commission staff has received documentary evidence on these remedies in thousands of actual cases. It has obtained official corporate statements concerning collection procedures and strategies and copies of form contracts. In addition, the staff has evaluated pertinent state statutes and judicial rulings, interviewed many persons with an interest in the matter, and examined the findings of the National Commission on Consumer Finance. The Commission has not adopted any findings or conclusions of the staff. All findings of fact in this proceeding shall be based solely on matter in the rulemaking record.

The Commission's authority to examine and prohibit unfair practices in or affecting commerce has been analogized to the jurisdiction of an equity court.[1] Thus, where on party to a transaction enjoys substantial advantages with respect to those with whom he deals, it is appropriate for the Commission to conduct an inquiry to determine whether that party uses an overabundance of market power in an inequitable manner. Accordingly, the Commission is proceeding upon the theory that relief of the variety proposed in certain paragraphs of § 444.2[2] is mandated by section 5 of the Federal Trade Commission Act if:

(1) The creditor imposes upon consumers contracts of adhesion (i.e., the credit customers cannot bargain over the particular contract provisions) which contain provisions disadvantageous to consumers or the creditor fails to include in the contracts of adhesion provisions beneficial to consumers, all to the consumers' detriment; and

(2) This detriment to consumers is not offset by a reasonable measure of value received in return.

The Commission additionally believes that the relief specified in § 444.2(a)(7) is merited if the deficiency judgment mechanism is abused through the sale of repossessed secured property at prices substantially below the property's fair market retail value.

The Commission further believes that Section 5 requires the relief specified in § 444.2 (b)(1) and (b)(3) and the last paragraph of the notice in (b)(4) if the failure to provide co-signers with the information specified in said paragraphs denies co-signers adequate information about the nature of the cost of credit, the extent of the co-signers' obligations or events which may substantially affect their interests.

Finally, it is the Commission's belief that section 5 requires the relief specified in § 444.2(b)(2) if considerable pressure generally attends the transactions in which consumers co-sign consumer obligations.

QUESTIONS

1. Are the contracts used in consumer credit transactions drafted by creditors in standardized form and presented to consumers on a "take it or leave it" basis under circumstances that preclude meaningful bargaining over the terms thereof? If these contracts are drafted and presented in this manner, the Commission would be interested in receiving comments on why this is the case. The Commission would also be interested in whether or not such form contracts vary significantly from lender to lender in such a way that consumers could choose, if they so desired, by picking one lender as opposed to another, between contracts with different remedial provisions.

2. In the accompanying preliminary statement the Commission has outlined its tentative approach to unfairness in the context of creditors' remedies. It is interested in analysis supporting or opposing this theory and in other theories of unfairness under section 5 (15 U.S.C. 45 (1970)) and how they might apply to the area.

3. Economic theory suggests that in a freely functioning credit market the remedies contained in credit contracts would represent an equilibrium between the costs and benefits of the transaction as a whole to consumers and creditors. The Commission is interested in comment on whether (due to lack of information, collusion, (tacit or explicit) government regulation, or some other cause) the market fails to reach this equilibrium with respect to creditors' remedies.

If the market has failed in some way, the Commission wishes to know how it has failed, the causes of such failure, and appropriateness and adequacy of the proposed rule as a remedy for any such failure.

4. The Commission wishes to know the effect of the proposed rule on the costs of and/or restrictions on the availability of credit and whether these costs or restrictions, if any, would fall on particular groups and, if so, the characteristics of these groups. In connection with this question the Commission particularly desires analysis based on specific data and experience.

5. Do consumers receive any substantial benefit or quid pro quo for acceding to the practices that would be proscribed by the proposed rule?

6. The Commission seeks comment on all aspects of the interaction of the proposed rule with state laws governing credit and creditors' remedies.

7. For each of the individual rule provisions, the Commission desires comment on the nature and extent of any consumer injury associated with the practice being restricted, and of any benefits flowing to consumers from the practice which might offset such injury.

8. The Commission wishes to know whether any injury which may be associated with practices restricted by the rule may be eliminated without eliminating the practices entirely. That is, are there other and better ways of achieving the results which the rule seeks to achieve?

9. The Commission requests comment on the prevalence of the challenged practices.

10. The Commission also seeks comments evaluating the economic effect of the rule on small business.

11. Are there any unfair or deceptive consumer credit practices not covered by the proposed rule which might appropriately be included?

12. Two provisions of the rule are stated in the alternative. As to these, the Commission is specifically interested in comment on which alternative is preferable.

(a) *Wage assignments.* Wage assignments may have deleterious effects on consumers by depriving them of the opportunity to assert legitimate defenses and by causing loss of employment or the threat of such loss. Some commentators suggest, however, that wage assignments are such an important remedy in small loan transactions for which no other security is available that forbidding their use would cause a significant diminution in the availability of such loans or a significant increase in the cost of such loans. The Commission is interested in information on a possible exemption from the prohibition of wage assignments for certain small loan transactions, and on the optimum amount for any such exemption.

(b) *Attorney's fees and collection costs.* Provisions allowing creditors to collect attorney's fees and other costs from debtors may be abused. These charges may not bear any direct relationship to actual or reasonable costs borne by the creditor in collecting a debt. On the other hand, a creditor should be able to recover such actual reasonable costs as are incurred. The Commission is interested in receiving comment as to the differing effects of an absolute prohibition of inclusion of attorney's fees provisions in consumer obligations; or, alternatively, of a limitation of the amount of such fees expressed as a percentage of the obligation with a minimum obligation amount below which no such fees could be collected. Comment as to appropriate amounts to be allowed is also solicited.

INVITATION TO PROPOSE ISSUES OF SPECIFIC FACT FOR CONSIDERATION IN PUBLIC HEARINGS

All interested persons are hereby given notice of opportunity to propose any disputed issues of specific fact, in contrast to legislative fact, which are material and necessary to resolve. The Commission, or its duly authorized presiding official, shall, after reviewing submissions hereunder, identify any such issues in a notice which will be published in the FEDERAL REGISTER. Such issues shall be considered in accordance with section 18(c) of the Federal Trade Commission Act as amended by Pub. L. 93-637, and rules promulgated thereunder. Proposals shall be accepted until not later than June 10, 1975, by the Special Assistant Director for Rulemaking, Federal Trade Commission, Washington, D.C. 20580. A proposal should be identified as a "Proposal Identifying Issues of Specific Fact—Credit Practices," and when feasible and not burdensome, submitted in five (5) copies. The times and places of public hearings, will be set forth in a later notice which will be published in the FEDERAL REGISTER.

INVITATION TO COMMENT ON THE PROPOSED RULE

All interested persons are hereby notified that they may also submit to the Special Assistant Director for Rulemaking, Federal Trade Commission, Washington, D.C. 20580, data, views or arguments on any issue of fact, law or policy

[1] "Sperry and Hutchinson v. F.T.C.," 405 U.S. 233, 244 (1972).

[2] (a)(1) (pertaining to cognovits), (a)(2) (pertaining to waivers of statutory property exemptions), (a)(3) (pertaining to wage assignments), (a)(4), (a)(5), (a)(6) (all pertaining to blanket security interests), (a)(8) (pertaining to attorney fees), (a)(9) (pertaining to late charges and extension fees), and (a)(10) (pertaining to contacts with third parties), and the first two paragraphs of the notice in (b)(4) (pertaining to liability of co-signers).

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which may have some bearing upon the proposed rule. Written comments, other than proposals identifying issues of specific fact, will be accepted until ten (10) days before commencement of public hearings, but at least until June 10, 1975. To assure prompt consideration of a comment, it should be identified as a "Credit Practices Comment," and when feasible and not burdensome, submitted in five (5) copies.

Issued: April 11, 1975.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.75-9485 Filed 4-10-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

FIREARMS

Granting of Relief

Notice is hereby given that pursuant to 18 U.S.C., section 925(c), the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Abbey, Richard W., 10414 42d Avenue, SW., Seattle, Washington, convicted on February 27, 1973, in the Superior Court of the State of Washington in and for King County.

Badie, Leroy A., 1600 Beech Street, Reno, Nevada, convicted on June 2, 1942, in the Circuit Court of the First Judicial District of Hinds County, Mississippi.

Baker, Donnie J., RR #1, Ellsworth, Iowa, convicted on or about October 26, 1970, in the District Court of the State of Iowa in and for Hamilton County.

Baldwin, Glen Robert, 3436 11th Street, Lewiston, Idaho, convicted on or about June 23, 1972, in the District Court of the Second Judicial District of Idaho, County of Nez Perce.

Bird, Melvin Dale, RR #2, Pinckneyville, Illinois, convicted on February 8, 1965, in the Circuit Court, Twentieth Judicial Circuit or Illinois, Perry County, Illinois.

Blevins, Proctor, 1524 Central Avenue, Ashland, Kentucky, convicted on December 4, 1956, in the Boyd Circuit Court, Boyd County, Kentucky.

Bolin, James M., 5350 Russell Avenue, Apt #10, Hollywood, California, convicted on June 4, 1970, in the Superior Court of the State of California for the County of Los Angeles.

Bowden, Dennis G., 30764 Ruby Ranch Road, Golden, Colorado, convicted on March 25, 1971, in the United States District Court for the Western District of Texas.

Brazington, Robert E., 2819 104th N.E., Bellevue, Washington, convicted on July 26, 1960, in the United States District Court for the District of Oregon; and on January 12, 1966, in the Circuit Court of the State of Oregon, County of Lane.

Broussard, Daniel P., 4325 Stillbrook, Houston, Texas, convicted on October 25, 1972, in the 178th District Court, Harris County, Texas.

Brown, Terry Lee, 515 S.E. Wildcat Drive, Bend, Oregon, convicted on February 16, 1972, in the Deschutes County Circuit Court, Bend, Oregon.

Caruso, Theodore S., 660 Lakeshore Drive, Clearlake Highlands, California, convicted on or about September 15, 1942, in the United States Army General Court Martial, Ft. Leavenworth, Kansas.

Cliett, William A., 410 E. Sunset Drive, Bellingham, Washington, convicted on December 15, 1965, in the Circuit Court of the State of Oregon for Lane County.

Colgate, Ronald J., 7051 E. Thompson Road, Indianapolis, Indiana, convicted on September 16, 1955, and on October 5, 1955, in the Marion County Criminal Court, Indianapolis, Indiana.

Cooper, Alden Lee, 3557 South St. Francis, Wichita, Kansas, convicted on June 22, 1964, and on December 4, 1964, in the District Court, Seward County, Kansas.

Cooper, Paul Sanford, 16572 Park Lane Drive, Los Angeles, California, convicted on October 2, 1972, in the United States District Court for the Central District of California.

Farrackand, Donald R., 15896 Hartwell, Detroit, Michigan, convicted on February 18, 1959, in the District Court of Tulsa County, Judicial District Fourteen, Oklahoma.

Ficker, Kenneth E., 312 First Street, Wenatchee, Washington, convicted on February 7, 1969, in the Superior Court of the State of Washington in and for the County of Chelan.

Filtz, Anton John, 7852 Chain Lake Drive, Eagle River, Wisconsin, convicted on October 3, 1970, in the Circuit Court, Criminal Division, Milwaukee County, Milwaukee, Wisconsin.

Glenn, Gilbert V., Jr., 2539 South Nettleton, Springfield, Missouri, convicted on April 17, 1957, in the District Court of Linn County, Iowa; and on March 24, 1967, in the Laclede County Circuit Court, Missouri.

Goodbred, Lloyd M., 905 Cogliandro Drive, Chesapeake, Virginia, convicted on May 21, 1953, in the Corporation Court, Norfolk, Virginia.

Gregory, Norman E., 3024 Gray, Detroit, Michigan, convicted on November 12, 1954, on or about May 9, 1955, on or about December 13, 1956, and on December 6, 1960, in the Recorder's Court, Detroit, Michigan.

Haines, Robert H., 610 Dewey Avenue, Jackson, Minnesota, convicted on June 28, 1971, in the District Court, Fifth Judicial District, Jackson County, Minnesota.

Haley, Richard A., RR #2, Box 54FE, Brownsburg, Indiana, convicted on May 10, 1956, in the Criminal Court #1 of Marion County, Indiana.

Harris, Robert L., 3276 Virginia Park, Detroit, Michigan, convicted in 1934 in a General Court Martial, Ft. Huachuca, Arizona.

Hartmann, Dennis Michael, 706 W. 11th Avenue, Oshkosh, Wisconsin, convicted on or about June 7, 1957, in the Municipal Court of Winnebago County, Wisconsin.

Herrin, Darrell W., 405 2nd Avenue, Slater, Iowa, convicted on July 19, 1972, in the United States District Court, Sioux City, Iowa.

Holt, George L., 2020 South Hazel Court, Denver, Colorado, convicted on June 2, 1958, in the District Court for Arapahoe County, Colorado.

Huckaby, Nathan M., Sr., 8903 C. E. King Parkway, Box 13, Houston, Texas, convicted on October 1, 1963, in the 128th District Court of Orange County, Texas.

Husted, William L., 302 E. Iowa Street, Hahnmond, Louisiana, convicted on July 24, 1970, in the Grand Traverse County Circuit Court, Traverse, Michigan.

Hutchison, John E., Route 1, Box 80-AA, Traphill, North Carolina, convicted on May 21, 1951, in the United States District Court, Wilkesboro, North Carolina; and on December 29, 1953, in the Corporation Court, Alexandria, Virginia.

Johnson, Gary W., 824 South Spring Street, Beaver Dam, Wisconsin, convicted on or about July 25, 1969, in the County Court, Burnett County, Wisconsin.

La Cour, Leanord, 622 W. Home Avenue, Flint, Michigan, convicted on November 22, 1963, and on February 22, 1965, in the Criminal Court of Harris County, Texas.

Living, Glennis L., 1410 Richmond, Apt. 378, Houston, Texas, convicted on November 4, 1970, in the District Court of Harris County, Texas.

Lunde, John W., 420 East Gail Avenue, Tulare, California, convicted on March 5, 1956, in a General Court Martial, Camp Irwin, California.

McDuffie, Ruffin R., 5451 West Outer Drive, Detroit, Michigan, convicted on May 5, 1943, in the United States District Court, Eastern District of Virginia, Norfolk Division.

Marino, Antonio G., 16302 Mount Street, Lowell, Indiana, convicted on June 12, 1959, in the Criminal Court of Lake County, Indiana.

Marshall, Thomas D., RR #1, Stewartville, Minnesota, convicted on October 14, 1971, in the District Court, Third Judicial District, Mower County, Minnesota.

Mealy, Walter William, Star Route, Leeper, Pennsylvania, convicted on August 24, 1972, in the Court of Common Pleas, Clarion County, Pennsylvania.

Meyer, Bob, 306 Bath Street, Carson City, Nevada, convicted on March 31, 1967, in the United States District Court for the District of Nevada.

Midkiff, Robert E., 4920 Sherwood Drive, New Orleans, Louisiana, convicted on July 30, 1965, in the Criminal District Court, Section A, Orleans Parish, Louisiana.

Sayers, Robert D., 200 Pace Drive, Perry, Florida, convicted on December 13, 1971, in the United States District Court for the Northern District of Florida.

Seay, Fred E., Route 4, Appomattox, Virginia, convicted on July 8, 1958, in the Hustings Court, Petersburg, Virginia; on June 25, 1958, in the Circuit Court of Amherst County, Amherst, Virginia; on July 14, 1958, in the Circuit Court of Campbell County, Rustburg, Virginia; on September 26, 1958, in the Circuit Court of Chesterfield Court of Chesterfield County, Chesterfield Courthouse, Virginia; and on November 17, 1958, in the Circuit Court of Dinwiddie County, Dinwiddie Courthouse, Virginia.

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Shiflet, Donald G., 4467 Colerain Avenue, Apt. 14, Cincinnati, Ohio, convicted on March 26, 1962, in the Court of Common Pleas, Hamilton County, Ohio.

Sires, Harlin E., 6638 Belinda Drive, Riverside, California, convicted on May 2, 1962, in the Superior Court, Los Angeles County, California.

Stewart, Donald Robert, Jr., 42 S. Van Lear, Dayton, Ohio, convicted on August 21, 1969, in the Montgomery County, Common Pleas Court, Dayton, Ohio.

Voegtly, Nickolas E., 635 North 9th Street, Klamath Falls, Oregon, convicted on or about July 7, 1970, in the Lane County Circuit Court, Oregon.

Werner, Richard L., 223 Lexington Avenue, Kelso, Washington, convicted on May 15, 1971, in the Clark County Superior Court, Vancouver, Washington.

White, Marion L., 2022 Waters Street, New Bern, North Carolina, convicted on May 14, 1974, in the United States District Court, Eastern District of North Carolina.

Whiteacre, Bernard M., 209 West Avenue Q, Lovington, New Mexico, convicted on October 18, 1968, in the District Court, Fifth District, Lovington, New Mexico.

Yeadon, Gary S., Route 4, Box 168, Fort Atkinson, Wisconsin, convicted on December 30, 1970, in the Superior Court, Liberty County, Hinesville, Georgia.

Signed at Washington, D.C. this 2nd day of April 1975.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.75-9430 Filed 4-10-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Cancellation of Meeting

APRIL 4, 1975.

The April 18, 1975 portion of the meeting (as published in 40 FR 14785, April 2, 1975) at the Pentagon concerning Review of Mission, Organization, Resources, and Location of Air Force Cambridge Research Laboratories has been cancelled. The April 19, 1975 portion of the meeting will be held as scheduled.

For further information contact the Scientific Advisory Board Secretariat on 202-697-4648.

JAMES E. DAGWELL,
Chief, Documentation Management Branch, Directorate of Administration.

[FR Doc.75-9434 Filed 4-10-75;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

APRIL 4, 1975.

The USAF Scientific Advisory Board Study Group on Management and Support of Air Force Command, Control and Communications will hold a meeting at Andrews AFB MD on May 2, 1975 from 8:30 a.m. to 5 p.m.

The portions of the meeting from 9:30 a.m. to 5 p.m. will be closed to the public. During this time the Study Group will receive briefings and discuss matters listed in 5 U.S.C. 552(b) (1), (4), and (5), including classified briefings, review of propriety information and conduct internal planning for further activity of the Group.

The morning session from 8:30 a.m. to 9:30 a.m. will be open to the public.

For further information contact the Scientific Advisory Board Secretariat at 202-697-4648.

JAMES E. DAGWELL,
Chief, Documentation Management Branch, Directorate of Administration.

[FR Doc.75-9435 Filed 4-10-75;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

CIVIL DISORDERS AND TERRORISM TASK FORCE

Change of Meeting

This is to provide notice of change of meeting for the Civil Disorders and Terrorism Task Force to the National Advisory Committee on Criminal Justice Standards and Goals. This notice cancels previous meeting dates of April 21-22, 1975.

The Civil Disorders and Terrorism Task Force will meet on April 25, 1975. The meeting will be held in the conference room, 13th Floor, Law Enforcement Assistance Administration (LEAA), U.S. Department of Justice, 633 Indiana Avenue, NW., Washington, D.C. 20531. The meeting will convene at 9:30 a.m. and will be open to the public.

This will be the first meeting of the Task Force. Discussion will focus upon the functions and duties to be performed by the Task Force as well as a discussion of the Task Force subject matter.

For further information, contact William T. Archey, Acting Director, Policy Analysis Division, Office of Planning and Management, 633 Indiana Avenue, NW., Washington, D.C. 20531.

GERALD H. YAMADA,
Attorney-Advisor, Office of General Counsel.

[FR Doc.75-9437 Filed 4-10-75;8:45 am]

PRIVATE SECURITY ADVISORY COUNCIL

Notice of Renewal

In order to further public protection, improve and strengthen law enforcement, and reduce crime in public and private places by reviewing the relationship between private security systems and public law enforcement agencies and by developing programs and policies regarding private protection services that are appropriate and consistent with the goals of public law enforcement and the public interest, the Law Enforcement Assistance Administration (LEAA) hereby determines that the Private Security Advisory Council to LEAA, as described hereafter, serves in the best public interest and is necessary, appropriate, and consistent with the purposes of the Crime Control Act of 1973, Pub. L. 93-83. Accordingly, the Administration hereby announces that the Council's charter has been renewed pursuant to the provisions of the Federal Advisory Committee Act, Pub. L. 92-463.

1. Designation. The Committee continues to be known as the Private Security Advisory Council.

2. Purpose. The responsibilities of the Council will be advisory in nature. The Council will advise LEAA on the development of effective programs and policies relating to private protection services and improving cooperation between public law enforcement agencies and private security services and will make recommendation for State and local government in the implementation of private security laws.

3. Responsible and Supporting Agency. The Council will report to and receive support from the Law Enforcement Assistance Administration, U.S. Department of Justice, 633 Indiana Avenue, NW., Washington, D.C. 20531.

4. Duration and Termination. The period of time necessary for the Council to carry out its functions is two years and its termination date is March 15, 1977.

5. Meetings. The Council and its Committees will hold meetings quarterly or as required to carry out its purpose and fulfill its duties.

6. Membership. Membership of the Council and its Committees will be drawn from LEAA, other concerned Federal agencies, public law enforcement agencies, private security businesses, manufacturers of products used for private security, institutions and businesses concerned with private security, and representatives of the general public who are not necessarily identified with any of the foregoing.

7. Designation of Federal Employee. Mr. Irving Slott, Director, Planning Development and Evaluation Division, Office of National Priority Programs, LEAA, 633 Indiana Avenue NW., Washington, D.C. 20531, will continue to serve as the LEAA employee to fulfill the duties as required by Pub. L. 92-463 and OMB Circular No. A-63.

RICHARD W. VELDE,
Administrator.

[FR Doc.75-9438 Filed 4-10-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wyoming 20042; Power Site Classifications 58, 346, and 374; Cancellation 282]

WYOMING

Opening of Public Lands

Correction

In FR Doc. 75-7274 appearing at page 12688 in the issue of Thursday, March 20, 1975, the following corrections should be made:

1. The 18'th and 19'th lines of the land description in the first column, should read:

Sec. 8, SW¼NW¼, N½SW¼, and SE¼SW¼;

2. The description in the second line of the second column should read:

Sec 1, lot 4, SW¼NE¼, S½NW¼, SW¼ and;

3. The description in the 12'th line in the second column should read:

Sec. 12, N½NE¼, SE¼NE¼, NE¼NW¼,

4. The description in the 22'nd line in the second column should read:

Sec 9, NE¼SE¼;

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: David R. Cline, Wildlife Biologist, U.S. Fish and Wildlife Service, 813 D Street, Anchorage, Alaska 99501.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Inventory the aeries and determine nesting success of peregrine falcons.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
David R. Cline
U.S. Fish and Wildlife Service
813 D Street
Anchorage, Alaska 99501

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.

HEIGHT	WEIGHT
5'8"	165

DATE OF BIRTH	COLOR HAIR	COLOR EYES
April 22, 1937	Brown	Brown

PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER
907-265-4891	470-38-9713

OCCUPATION
Wildlife Biologist

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
U.S. Fish and Wildlife Service

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.,

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Inventory in the Lake Iliamna and Noatak River areas of Alaska

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT ☐ YES ☐ NO
(If yes, list license or permit number)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdiction and type of document)

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF

10. DESIRED EFFECTIVE DATE: May 25, 1975

11. DURATION NEEDED: August 31, 1975

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) David R. Cline — DATE 3/17/75

3-200 (6/74) David R. Cline

To: Director, Fish and Wildlife Service (D)
Washington, D.C.
From: Area Director, Fish and Wildlife Service, Anchorage, Alaska
Subject: Request for an endangered species permit.

This is a request for an Endangered Species Permit to inventory populations of the endangered American peregrine falcon (*Falco peregrinus anatum*), and Arctic peregrine falcon (*Falco peregrinus tundrius*) as part of a proposed, "Baseline Study of Nesting Raptors in the Iliamna and Noatak d(2) Proposal Areas" (see attached).

The inventory will involve flights by both fixed-wing aircraft and helicopter to within close enough proximity of active aeries to assure accurate visual identification of birds. This aerial work will be accomplished prior to egg laying in June and during the nesting period in July to avoid disturbing the birds during egg laying.

A field party of two biologists will attempt to verify all nest locations from the ground. In those situations involving high cliffs, this may require the discharge of a .22 caliber rifle to cause birds to take flight so they can be located and identified. Again, this work will not be conducted during the egg laying period in June.

When evidence of nesting is verified, one biologist will attempt to climb to the nest site to determine nesting success. No handling of the birds is deemed necessary.

Principal impacts anticipated will involve harassment of birds at aeries during the period of fly-by with a helicopter (less than 5 minutes), and during the period nests are examined from the ground (less than 60 minutes) during the nesting period. No permanent damage to the birds physically or behaviorally can be visualized. Based on what is known about the two study areas, less than six pairs of peregrines will be involved.

The principal investigator in the field will be Dr. John B. Haugh of the State University of New York, Binghamton. Dr. Haugh has several years of experience working with peregrine falcons, including five field seasons in Alaska under the supervision of Dr. Thomas Cade of Cornell University, a recognized authority on peregrines. Nothing in his background has been identified to indicate that Dr. Haugh is other than a highly respected and proven research biologist who will place the welfare of his study subjects above any self interest.

Since a permit is also required from the State of Alaska, we request that this be obtained for us. Please be informed that a copy of our permit application has been forwarded to: Mr. James W. Brooks, Commissioner, Alaska Department of Fish and Game, Subport Building, Juneau, Alaska 99801.

In the event the subject permit cannot be issued by the project starting date of May 25, 1975, we would request authorization (by letter of permission) to proceed as provided for in LE-20, dated November 18, 1974.

Attached please find our list of responses to major points of concern per 50 CFR 17.23.

DAVID L. SPENCER,
Acting Area Director.

RESPONSES TO REPORT REQUIREMENTS PURSUANT TO ZOOLOGICAL, EDUCATIONAL, SCIENTIFIC, OR PROPAGATION PERMITS (50 CFR 17.23)

(1) Falcon, American peregrine (*Falco peregrinus anatum*); Falcon, Arctic peregrine (*Falco peregrinus tundrius*).
(2) N/A.
(3) Please see project proposal attached.
(4) N/A.
(5) N/A.
(6) N/A.
(7) N/A.

BASELINE STUDY OF NESTING RAPTORS IN THE ILIAMNA AND NOATAK D(2) PROPOSAL AREAS

1. Work to be performed: This proposal concerns a cooperative effort by the U.S. Bureau of Land Management (BLM) and the U.S. Fish and Wildlife Service (FWS) to inventory raptorial birds and their nesting habitats in the proposed Iliamna National Resource Range and the Noatak National Arctic Range. BLM and FWS are to be comanagers of these two national ranges—encompassing 3 million acres in Iliamna and 7.6 million acres in Noatak. Species of primary concern will be the peregrine falcon, bald eagle, golden eagle, gyrfalcon, osprey, rough-legged hawk, and other hawks which may be encountered. An attempt will be made on both areas to accomplish a late-May, early-June breeding pair and nesting survey.

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and a July production survey. Raven abundance and distribution will also be determined, since they are potential nest-site competitors.

This information will be used by the two agencies in master-planning efforts for Noatak and Iliamna, with the aim of assuring long-term protection to these national interest migratory birds and their habitats. Such baseline data is also essential to accurate evaluation of long-term impacts of human activities on raptor populations.

The inventory will be designed to accomplish the following specific objectives:

a. Delineate all currently used and potential raptor nesting habitat for each of the primary species.

b. Determine raptor populations and number of active and inactive nest sites in these areas.

c. Determine species productivity for 1975 and document prey abundance and distribution wherever possible.

d. Evaluate those raptor sites that would be impacted by human activity.

All active and inactive aeries located will be plotted on topographic maps and placed on file with BLM and FWS. A final report will be prepared by August 31, 1975. A statewide map of key peregrine nesting habitat will also be a part of report requirements.

2. Relationship of work to Service programs: This project is justified pursuant to the Fish and Wildlife Coordination Act and the Systems and Planning Activity of the FWS in Alaska program advice and operating work plans for FYs 1975–77. The specific FY program advice involved is, "Assistance with ANCSA refuge acquisition," and the operating work plan, "Providing for updating and expanding information on proposed refuges pursuant to the Alaska Native Claims Act of 1971." This work plan covers development and initiation of studies, including cooperative surveys involving other Federal agencies.

3. Prior and present related work: No thorough studies of raptorial birds have been made in either of the two areas. Related work has been done along the Colville River north of the Noatak proposal, and is currently being conducted along the Trans-Alaska Pipeline route and the Susitna River valley.

4. In-house capability: FWS will be able to provide an observer/photographer (on an intermittent basis during the inventory period) for which a maximum of $2,000 in FWS funds will be available.

5. Funding of project: The total estimated cost of this inventory is $16,000. BLM is to contribute up to $14,000 from FY 1975 funds, and FWS $2,000 from FY 1976 funds. Project billing codes for FWS are: 0442–07–3512–00–211.

6. Project officers: Steve Leskosky, Wildlife Biologist, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501; Dave Cline, Wildlife Biologist, U.S. Fish and Wildlife Service, 813 D Street, Anchorage Alaska 99501.

7. Period of proposed inventory: The inventory period will extend from May 25, 1975, to August 31, 1975.

8. Principal investigator: Dr. John Haugh, University of New York, Binghamton, is sought as principal investigator. Dr. Haugh is a recognized authority on raptorial birds. His earlier work included several summers in Alaska under Dr. Tom Cade, an authority on the peregrine falcon, and while temporarily employed by the Bureau of Land Management. During this time he participated in inventories and ecological studies on the arctic peregrine falcon.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received by May 12, 1975.

Dated: April 3, 1975.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-9418 Filed 4-10-75;8:45 am]

DEPARTMENT OF COMMERCE

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE ON SMALL AREAS

Public Meetings

The Census Advisory Committee on Small Areas will convene on May 22 and 23, 1975, at 9:15 a.m. in Room 2113, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee on Small Areas was established in 1965 to advise the Director, Bureau of the Census, on the development of statistical programs in metropolitan and other local communities regarding transportation, urban renewal, poverty, and other activities.

The Committee is composed of 14 members appointed by the Secretary of Commerce.

The agenda for the May 22 meeting is: (1) The statistical system planning process, (2) Geographic preparation for the 1980 Census, (3) Center for census use studies, and (4) Sub-city economic data.

The agenda for the May 23 meeting, which will adjourn at 12:30 p.m. is: (1) Increasing user awareness of sampling variability, and (2) 1980 Census planning activities.

A limited number of seats—approximately 15—will be available to the public. A brief period will be set aside on May 23 for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least three days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact the Committee Control Officer, Mr. Michael G. Garland, Chief, Data User Services Office, Bureau of the Census, Room 3555, Federal Building 3, Suitland, Maryland. (Mail Address: Washington, D.C. 20233). Telephone (301) 763–7720.

Dated: April 8, 1975.

VINCENT P. BARABBA,
Director, Bureau of the Census.

[FR Doc.75-9513 Filed 4-10-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

EMERGENCY SCHOOL AID

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in the Emergency School Aid Act (Pub. L. 92–318, as amended by Pub. L. 93–380 (20 U.S.C. 1601–1619)), applications are being accepted from local educational agencies and from other public and private nonprofit organizations for basic grants under section 706(a) of the Act, pilot projects under section 706(b) of the Act, projects to be carried out by public or nonprofit private organizations under section 708(b) of the Act, bilingual projects under section 708(c) of the Act, and special arts projects, special mathematics projects, special student concerns projects, and other special projects under section 708(a) of the Act.

A. *Closing date for receipt of applications.* Applications for special projects under section 708(a) of the Act must be received by the U.S. Office of Education Application Control Center in Washington, D.C. on or before May 16, 1975.

Applications for basic grants, pilot projects, nonprofit organization projects, and bilingual projects under sections 706(a), 706(b), 708(b), and 708(c) of the Act, respectively, must be received by the appropriate U.S. Office of Education Regional Office on or before May 16, 1975.

B. *Applications sent by mail.* An application for a special project, grant under section 708(a) of the Act sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202. The address for such applications should be marked: Attention 13.532.

An application for a grant under section 706(a), 706(b), 708(b) or 708(c) of the Act sent by mail should be addressed to the appropriate U.S. Office of Education Regional Office as follows:

REGION I

(Boston)—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont:
U.S. Office of Education, Equal Educational Opportunity, John Fitzgerald Kennedy Federal Bldg., Government Center, Boston, Massachusetts 02203.

REGION II

(New York City)—New York and New Jersey:
U.S. Office of Education, Equal Educational Opportunity, Federal Bldg., 26 Federal Plaza, New York, New York 10007.

REGION III

(Philadelphia)—Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia:
U.S. Office of Education, Equal Educational Opportunity, P.O. Box 13176, Philadelphia, Pennsylvania 19101.

REGION IV

(Atlanta)—Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee:
U.S. Office of Education, Equal Educational Opportunity, 50 7th Street NE., Atlanta, Georgia 30323.

REGION V

(Chicago)—Illinois, Indiana, Minnesota, Michigan, Ohio, and Wisconsin:
U.S. Office of Education, Equal Educational Opportunity, 300 South Wacker Drive, Chicago, Illinois 60606.

REGION VI

(Dallas)—Arkansas, Louisiana, New Mexico, Oklahoma and Texas:
U.S. Office of Education, Equal Educational Opportunity, 1114 Commerce Street, Dallas, Texas 75202.

REGION VII

(Kansas City)—Iowa, Kansas, Missouri, and Nebraska:
U.S. Office of Education, Equal Educational Opportunity, New Federal Office Bldg., 601 East 12th Street, Kansas City, Missouri 64106.

REGION VIII

(Denver)—Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming:
U.S. Office of Education, Equal Educational Opportunity, 1961 Stout Street, Denver, Colorado 80202.

REGION IX

(San Francisco)—Arizona, California, Hawaii, and Nevada:
U.S. Office of Education, Equal Educational Opportunity, 50 Fulton Street, Room 359, San Francisco, California 94102.

REGION X

(Seattle)—Alaska, Idaho, Oregon, and Washington:
U.S. Office of Education, Equal Educational Opportunity, Arcade Plaza Bldg.—M/S 626, 1321 Second Avenue, Seattle, Washington 98101.

An application sent by mail will be considered to have been received on time if:

(1) The application was sent to the appropriate office by registered mail not later than May 12, 1975, as evidenced by the U.S. Postal Service postmark on the wrapper or envelop, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by the appropriate U.S.O.E. mail room. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, the U.S. Office of Education, or the Regional Offices.)

C. *Hand delivered applications.* A hand delivered application for a special project grant under section 708(a) of the Act must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

A hand delivered application for a grant under sections 706(a), 706(b), 708(b), or 708(c) of the Act must be taken to the appropriate U.S. Office of Education Regional Office at the address listed under Part B of this notice. No application will be accepted after the normal close of business time of a U.S. Office of Education Regional Office on the closing date.

D. *Project periods.* Grant awards will be made pursuant to this notice for projects commencing no earlier than July 1, 1975, and (except for special student concerns projects under section 708(a) of the Act) terminating no later than June 30, 1976.

E. *Applicable regulations.* Grant awards made pursuant to this notice will be subject to the regulations in 45 CFR Part 185, relating to the Emergency School Aid Act, and except where inconsistent with Part 185, to the Office of Education general provisions regulations in 45 CFR Parts 100 and 100a, relating to direct project assistance programs. In addition, it is expected that such grant awards will be subject to amendments to Part 185, published in the FEDERAL REGISTER as a notice of proposed rulemaking on March 28, 1975 (40 FR 14166), after review of such amendments in light of public comment and upon their becoming effective. Therefore, applicants should consult the proposed regulations in developing their applications.

F. *Program information and forms.* Information and application forms for special projects under section 708(a) of the Act may be obtained from the Special Projects Branch, Equal Educational Opportunity, U.S. Office of Education, Room 2029, 400 Maryland Avenue SW., Washington, D.C. 20202.

Information and application forms for projects under sections 706(a), 706(b), 708(b) and 708(c) of the Act may be obtained from the appropriate U.S. Office of Education Regional Office.

(Catalog of Federal Domestic Assistance numbers 13.525 (Basic Grants); 13.526 (Pilot Projects), 13.528 (Bilingual Projects), 13.529 (Projects to be carried out by Public or Nonprofit Private Organizations), and 13.532 (Special Projects)).

Dated: April 7, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-9502 Filed 4-10-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Meeting

Notice of public meeting of the National Advisory Council on Vocational Education.

Notice is hereby given, pursuant to Pub. L. 92–463, a joint meeting of the National and State Advisory Councils will be held on May 1, 1975, from 8 a.m. to 4:30 p.m., local time and on May 2, 1975 from 9 a.m. to 12 noon, local time, at the International Inn, 10 Thomas Circle NW. Washington, D.C.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs, supported with assistance under the act; review the administration and operation of vocational education programs under the act; including the effectiveness of such programs in meeting the purposes for the which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to the Congress; and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereto.

The joint meeting of the National and State Advisory Councils on Vocational Education shall be open to the public. The proposed agenda includes:

Meeting Theme: "The Challenge to Vocational Education—Now and Future."

May 1, 1975 a.m. Registration, Welcoming Remarks, An Overview of the Meeting Theme, Presentation on Planning and Accountability, Presentation on Utilization of Federal Resources, Presentation on Administration; p.m. Government Officials Address the Meeting Theme, Representative from GAO, Representative from HEW, Representative from DOL.

May 2, 1975 a.m. Congressional Representatives Address the Meeting Theme, Representative of House Committee on Education, Representative of Senate Committee on Education.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the Council's Executive Director, located in Suite 412, 425-13th Street, NW., Washington, D.C. 20004.

Signed at Washington, D.C. on April 4, 1975.

CALVIN DELLEFIELD,
Executive Director.

[FR Doc.75-9474 Filed 4-10-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Meeting

Notice of public meeting of the National Advisory Council on Vocational Education.

Notice is hereby given, pursuant to Pub. L. 92–463, that the National Advisory Council on Vocational Education will meet in regular session on April 30, 1975, from 1:30 p.m. to 5 p.m., local time, at the International Inn, 10 Thomas Circle, NW., Washington, D.C.

The National Advisory Council on Vocational Education is established under

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section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs, supported with assistance under the act; review the administration and operation of vocational education programs under the act; including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to the Congress; and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

The meeting of the Council shall be open to the public. The proposed agenda includes:

April 30, 1975 1:30 p.m.–2 p.m. Approval of March NACVE Meeting Minutes, Review of Agenda, Executive Director's Report, Report of the Chairman; 2 p.m.–3:45 p.m. Committee Meetings; 3:45 p.m.–5 p.m. Committee Reports.

The Council Administration and Information Committee will meet from 7 p.m.–8 p.m.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the Council's Executive Director, located at Suite 412, 425–13th Street, NW., Washington, D.C. 20004.

Signed at Washington, D.C. on April 4, 1975.

CALVIN DELLEFIELD,
Executive Director.

[FR Doc. 75-9475; Filed 4–10–75; 8:45 am]

VETERANS' COST-OF-INSTRUCTION PROGRAM—PAYMENTS TO INSTITUTIONS OF HIGHER EDUCATION

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 420 of the Higher Education Act of 1965 (20 U.S.C. 1070c–1), applications for funds are being accepted from institutions of higher education under the Veterans' Cost-of-Instruction Program.

Applications must be received by the Veterans' Programs Branch, U.S. Office of Education on or before May 12, 1975.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: Veterans' Programs Branch, U.S. Office of Education, ROB #3, Room 4616, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention 13.540. An application sent by mail will be considered to be received on time by the Veterans' Programs Branch if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education).

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education, Veterans' Programs Branch, Room 4616, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Veterans' Programs Branch, U.S. Office of Education, Room 4616, ROB #3, 7th and D Streets SW., Washington, D.C. 20202, or from the various Regional Offices of the Office of Education.

D. *Applicable regulations.* The regulations applicable to this program were published as a notice of proposed rulemaking in the FEDERAL REGISTER on January 6, 1975, 40 FR 1053. Because of the need to receive, process, and approve applications before the end of the fiscal year, applications will be received under the proposed regulations.

Dated: April 7, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.540, Higher Education—Cost of Veterans' Instruction (VCIP))

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-9554 Filed 4–10–75;8:45 am]

Office of the Secretary

RELATIONSHIP BETWEEN PSYCHOLOGICAL WELL-BEING AND MANPOWER PROGRAM SUCCESS

Program Results

Pursuant to section 606 of the Economic Opportunity Act of 1964, as amended, 42 USC 2946, this agency announces the results of an HEW project titled, "An Examination of the Relationship Between A Measure of Psychological Well-Being and A Measure of Manpower Program Success."

This study was an analysis of some of the data collected by the Office of Economic Opportunity Longitudinal Manpower Training Program Evaluation where interviews were held with some seven thousand enrollees in MDTA, JOBS, Job Corps, and Neighborhood Youth Corps. Interviews were completed early in their program enrollment, at their departure from the program, and at four and twelve months after program departure. This study examined the relationship between psychological well-being as measured by the Affect Balance Scale and program departure and enrolee evaluation of their manpower training program.

A strong relationship was found between psychological well-being and length of stay in the program as well as how enrollees evaluated their program experience. Although sex, marital status, age, arrest record, and program were also found to be significantly related to mean length of program stay, psychological well-being alone was an exceptionally accurate predictor of the proportion of enrollees remaining for any given length of time in the programs. Race was not found to be related to length of stay in the programs. The data indicated the programs, with the partial exception of JOBS, had limited "holding power" on enrollees and that any enrollee's remaining in a manpower training program was related to his ability to withstand psychological stress, a finding which warrants further study.

A copy of this report will be filed and available as soon as possible from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

Dated: April 7, 1975.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.75-9458 Filed 4–10–75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N–75–279; OILSR No. 0–1642–05–115, Docket No. Y–869]

MOUNTAIN VIEW VILLAGE

Hearing

Notice is hereby given that: 1. Blanca City Development Company, Albert Perry, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90–448) (15 U.S.C. 1701 et seq.) received a notice of proceedings and opportunity for hearing issued February 27, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Mountain View Village, located in Costilla County, Colorado, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an answer received March 13, 1975, in response to the notice of proceedings and opportunity for hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on April 18, 1975 at 10 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before April 11, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-9478 Filed 4–10–75;8:45 am]

[Docket No. N–75–281 OILSR No. 0–0883–09–210, Docket No. Y–830]

ROYAL OAK GOLF AND COUNTRY CLUB

Hearing

Notice is hereby given that: 1. Royal Oak Development, Jack Cox, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90–448) (15 U.S.C. 1701 et seq.), received a notice of proceedings and opportunity for hearing issued February 27, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Dale Hollow Shores Subdivision, located in Brevard County, Florida, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received March 13, 1975, in response to the notice of proceedings and opportunity for hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on April 30, 1975 at 10 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410, on or before April 23, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: March 28, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-9476 Filed 4–10–75;8:45 am]

notice of proceedings and opportunity for hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on April 18, 1975 at 10 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before April 11, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-9478 Filed 4–10–75;8:45 am]

[Docket No. N–75–280 OILSR No. 0–3772–09–1006, Docket No. Y–1088]

SILVER SPRINGS WOODS

Hearing

Notice is hereby given that: 1. Silver Spring Woods, Ltd., John L. Gunn, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90–448) (15 U.S.C. 1701 et seq), received a notice of proceedings and opportunity for hearing issued February 27, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Silver Springs Woods, located in Marion County, Florida, contains untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received March 13, 1975, in response to the notice of proceedings and opportunity for hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on April 22, 1975, at 10 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410, on or before April 15, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: March 28, 1975.

J. W. MAST,
Administrative Law Judge.

[FR Doc.75-9477 Filed 4–10–75;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1975

Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92–28; 85 Stat. 79, of the proposed addition of the following service to Procurement List 1975, November 12, 1974 (39 FR 39964).

INDUSTRIAL CLASS 7699

Repair and Maintenance of Electric and Manual Typewriters, U.S. Government Federal Building, U.S. Customs Service, U.S. Post Office, Milwaukee, Wisconsin.

Comments and views regarding this proposed addition may be filed with the Committee not later than May 12, 1975. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street, North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-9479 Filed 4–10–75;8:45 am]

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DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

SPECIAL PERMITS

Notice of Issuance

Pursuant to Docket No. HM-1, rule-making procedure of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 FR 8277) 49 CFR 170, following is a list of new DOT Special Permits upon which Board action was completed during March 1975.

Special permit No.	Issued to—Subject	Mode or modes of transportation
SP 6865	Ferguson Fumigants, Inc., Hazelwood, Missouri, to ship Methyl bromide, liquid in twin DOT Specification MC-330 cargo tanks having a design pressure of 250 psi.	Motor vehicle.
SP 6976	Monsanto Company, St. Louis, Mo., to ship a liquefied flammable compressed gas in non-DOT Specification steel tank, designed to the ASME Code, Section VIII for 225 psig service pressure, having a volumetric capacity not exceeding 108 gallons.	Motor vehicle.
SP 6982	Stauffer Chemical Co., Westport, Conn., to make limited shipments of Yellow phosphorus in thirty gallon capacity, 16-gauge steel drums complying with DOT Specification 6B except markings erroneously indicate compliance with DOT Specification 5B480.	Cargo vessel, motor vehicle, rail freight.
SP 6983	National Aeronautics and Space Administration, Houston, Texas, to ship Oxygen in a non-DOT Specification refillable cylinder, having internal copper fins, made of two seamless Inconel 718 shells having one girth weld.	Cargo-only aircraft, motor vehicle.
SP 6984	Trojan-U.S. Powder, Allentown, Pa., and another to ship Electric blasting caps—1,000 or less in inside pasteboard cartons or tubes overpacked in a IME Standard 22 container.	Motor vehicle.
SP 6985	Sandia Laboratories, Albuquerque, N.M., to ship diallyl phthalate-pyrotechnic material as a flammable solid when not more than one pound net weight of the commodity is packed in one outside container consisting of an aluminum case in a DOT Specification 15A wooden box.	Motor vehicle.
SP 6987	Coulter Diagnostics, Inc., Hialeah, Florida, to ship certain corrosive liquids in inside polyethylene bottles having volumetric capacity of one quart (liter) as a partial exemption package.	Motor vehicle, Passenger-carrying aircraft, Cargo-only aircraft.
SP 6989	Great Lakes Chemical Corporation, Lafayette, Indiana to transport Methyl bromide, liquid in suspect lightweight original packaging involved in a recall program.	Motor vehicle.
SP 6990	American Cyanamid Company, Wayne, N.J., to make limited shipments of Dimethyl sulfate in foreign-made, non-DOT Specification 16 gage steel, tight-head drums, of 55 gallon capacity. Drums must be as efficient as DOT-5C drums.	Motor vehicle.
SP 6992	Grumman Aerospace Corporation, Bethpage, New York, to ship certain non-flammable compressed gases in a reservoir-condenser unit and heat pipes forming a radiator panel.	Motor vehicle, Cargo-only aircraft.
SP 6998	Mitrul & Co. (U.S.A.), Inc., N.Y., N.Y., to ship Hydrofluoric acid not over 70 percent strength in 55-gal., non-DOT Specification 18 gauge steel overpack with an inside polyethylene liner which meets DOT Specification 2SL except for permanent markings.	Cargo vessel, Motor vehicle.

ALAN I. ROBERTS,
Secretary.

[FR Doc.75-9480 Filed 4-10-75;8:45 am]

National Highway Traffic Safety Administration

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Public Meeting

On April 30 and May 1, 1975, the National Motor Vehicle Safety Advisory Council will hold open meetings in the DOT Headquarters Building, Room 2232, 400 Seventh Street, SW., Washington, D.C. The Advisory Council is composed of 25 members, a majority of whom are representatives of the general public, including representatives of State and local governments, with the remainder including representatives of motor vehicle manufacturers, motor vehicle equipment manufacturers, and motor vehicle dealers. The Advisory Council makes recommendations to the Secretary of Transportation on motor vehicle safety and property loss reduction programs carried out by the National Highway Traffic Safety Administration.

The following meetings are subject to the approval of the National Highway Traffic Safety Administrator.

On April 30 at 9 a.m. the Consumer and Public Information Committee will meet. The Accident Avoidance and Operating Systems Committee will meet on April 30, at 9 a.m. The Crashworthiness Committee will meet at 1 p.m. on April 30. On May 1 at 9 a.m. the full Council will meet.

Additional agenda items will be published as soon as available and prior to the meeting. For further information contact the NHTSA Executive Secretary, Room 5215, 400 Seventh Street, SW., Washington, D.C., telephone 202-426-2872.

This notice is given pursuant to section 10(a)(2) of Pub. L. 92-463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued: April 8, 1975.

WM. H. MARSH,
Executive Secretary.

[FR Doc.75-9691 Filed 4-9-75;5:06 p.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 28679; Order 75-3-103]

CERTAIN AIR CARRIERS AND CANADIAN AIR CARRIERS

Charter Trips Between United States and Canada

Correction

In FR Doc. 75-8425, appearing on page 14627 of the issue of Tuesday, April 1, 1975, the second full paragraph on page 14628, numbered "2." should be transferred so as to be the third full paragraph on that page. The numbering should stay with the paragraph.

[Order 75-4-33; Dockets 27391, 27427]

DEUTSCHE LUFTHANSA AKTIENGESELLSCHAFT ET AL.

Order Dismissing Complaints

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 8th day of April, 1975.

On January 14 and January 21, 1975, respectively, Trans World Airlines, Inc. (TWA) filed complaints requesting suspension and investigation of certain transatlantic cargo rates filed by Deutsche Lufthansa Aktiengesellschaft (Lufthansa), Seaboard World Airlines, Inc. (Seaboard), and matched by Pan American World Airways, Inc. (Pan American).[1] The complaints deal with reductions in high weightbreak, 15,000 kg. specific commodity rates and in container rates for B-747F aircraft, proposed for application from Germany to the United States.[2]

In support of its complaint, TWA alleges that the proposed 15,000 kg. rates are uneconomic, would distort the traditional relationship between high weightbreak bulk and container rates, and would also distort the established relationship between high weightbreak rates from Germany compared to rates from other European points. Regarding the B-747F container rates, TWA contends that the proposed rates would seriously undercut rates available for other, smaller containers, and that the rate reduction involved would have a serious adverse impact on TWA's U.S.-Europe freight revenues.

Seaboard and Lufthansa have filed answers to TWA's complaint against the B-747F container rates. The respondents generally assert that the rates were filed at the insistence of the German Ministry of Transport for the purpose of preventing further diversion of Germany-originating high volume traffic via France, which has come about due to the fact that the Deutschemark has appreciated to a much greater degree in recent months vis-a-vis the U.S. dollar than has the Franc.[3] As a result, shippers in Germany could ship their U.S.-destined traffic from Strasbourg or Mulhouse after trucking it to those points from Germany, and achieve a considerable savings. The reductions in the Germany-U.S. rate levels merely reflect the greater value of the Deutschemark, and will serve to limit diversion of Germany-U.S. traffic via France. The respondents also state that it is difficult to understand TWA's complaint in light of its suspension of all service to Germany.

Upon full consideration of the tariff filing, the complaints and the answers thereto, the Board has determined to dismiss the complaints. TWA has not demonstrated that it would suffer injury, particularly in light of its suspension of U.S.-Germany service. It appears clear that the new rates, rather than representing an uneconomic reduction, merely reflect the greater appreciation in the value of the Deutsche mark compared with the Franc, and without an appropriate adjustment in rate levels Germany-originating traffic will continue to suffer from diversion via France. The proposal is a legitimate effort by the German Government and Lufthansa to protect its national market from diversion caused by currency fluctuations, and in these circumstances the Board cannot accede to TWA's request.

Accordingly, *it is ordered*, That: The complaints of Trans World Airlines, Inc. in Dockets 27391 and 27427 be and hereby are dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-9510 Filed 4-10-75;8:45 am]

[Docket No. 27384; Order 75-3-106]

EASTERN AIR LINES, INC.

Order To Show Cause

Correction

In FR Doc. 75-8427 appearing at page 14628 in the issue of Tuesday, April 1, 1975, in the third column the first full paragraph, the number now reading, "289" in the fourteenth line should read, "389".

[Docket No. 27468; Order 75-3-95]

FREE ALCOHOLIC BEVERAGES TO COACH PASSENGERS

Order Denying Petition for Reconsideration

Correction

In FR Doc. 75-8424 appearing at page 14629 in the issue of Tuesday, April 1, 1975, the order number should appear as stated above.

[1] Air Tariffs Corporation, Agent, Tariffs C.A.B. Nos. 50 and 52.

[2] These tariffs revisions became effective February 9, 1975.

[3] The present rates, it is alleged, were based on values of 19.5 cents for the Franc and 30.8 cents for the Deutschemark, but the Deutschemark has since appreciated by 26.8 percent while the Franc has appreciated only 11.2 percent.

[Docket 27114, et al.; Order 75-4-4]

PAN AMERICAN WORLD AIRWAYS, INC. AND TRANS WORLD AIRLINES, INC.

Reconsideration and Labor Issues; Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of April 1975.

In FR Doc. 75-8980 appearing at page 15430 in the issue of Monday, April 7, 1975, the reference number to footnote 17 was inadvertently omitted. It should appear on page 15432, second column, second full paragraph, third line after the word, "American."

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-9509 Filed 4-10-75;8:45 am]

[Order 75-4-34; Docket 26654]

REEVE ALEUTIAN AIRWAYS, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 8th day of April, 1975.

By Order 75-1-2, January 2, 1975, the Board proposed to amend Reeve Aleutian Airways' (Reeve's) service mail rate to provide a fuel surcharge for its intra-Alaska operations, to be effective on and after January 2, 1975.

Reeve and the Postal Service filed timely objections and answers with respect to the proposed amendment of Reeve's service mail rate. Both parties object to application of the proposed surcharge on a prospective basis only, and contend that the surcharge should apply on and after April 27, 1974, the day following the date on which Reeve filed its petition seeking a fuel-related surcharge. Essentially it is Reeve's position that the Board has erroneously applied rule 303(b) of the rules of practice so as to preclude application of the fuel surcharge from April 27, 1974, forward. The carrier states that it is inconsistent for the Board in one breath to establish fair and reasonable rates for the transportation of mail pursuant to section 406 of the Act, and in the next breath to deny application of such rates for a period of seven months. Reeve contends that such action will deprive the carrier of $72,000 in 1974 revenue, which it states is an amount equal to 40 percent of its total profits for that year. Reeve first argues that its petition has met all the requirements of rule 303(b), but even if it were lacking in some degree the Board need only treat the filing either as a petition to institute a mail rate proceeding, or as a petition to open Reeve's mail rate to the extent necessary to establish a fuel-related surcharge, and application of the surcharge could then apply from April 27, 1974.

Reeve also argues that, if its petition is technically deficient, the Board should not be a slave to its rules and cites authority for the exercise of agency discretion in the application of its own rules. Finally, Reeve notes that the fuel-cost escalations have been "unique" and "unprecedented" for the air carrier and cites actions of the Board granting fuel-related increases, some of which it contends were granted retroactively.[1]

The Postal Service in its answer contends that the petition filed by Reeve fully meets the requirements of rule 303(a), and that the Board has misinterpreted the requirements of rule 303(b). With regard to the latter, it is the Postal Service's position that a carrier need only challenge the rate for the entire ratemaking unit, and need not challenge every kind of cost underlying the rate.

Upon consideration of the answers filed herein, we conclude that our statements with respect to rule 303 were correct, and that one element of cost cannot be examined without reference to the reasonableness of the entire rate. For that reason, in reopening Reeve's final mail rate in Order 75-1-2, we determined that the overall rate, including a surcharge for increased fuel costs, would not be unreasonable. We adhere to that view. Nevertheless, since both the carrier and the ratepayer (i.e., the Postal Service) insist that any rate increase should be retroactive and no other person is affected, we have reconsidered our disposition of the case. Upon doing so, we conclude that we shall consider Reeve's mail rate to be open as of the date the Postal Service filed its answer in support of Reeve's petition; i.e., May 1, 1974. We therefore propose new final mail rates for Reeve in accordance with the effective dates set forth herein.

However, despite the support of the Postal Service and our determination to alter the effective date of the rates proposed, the Board is nevertheless required under the Act to make an independent determination as to the reasonableness of mail rates. In this regard, the delay in issuing Order 75-1-2 was primarily caused by the difficulty encountered in obtaining data from the carrier, as noted in Order 75-1-2. The basic problem was that the carrier's petition was apparently keyed to full impact for its May 1, 1974, contract prices, but the actual incurrence by Reeve of the May 1 contract costs in its operations took place over a period of time as the carrier's fuel inventories, at pre-May 1 prices, were depleted at its various fueling points. Absorption of prior-period inventories was not completed until October 1974. Accordingly, from May 1 through September 30, 1974, fuel cost increases occurred in gradual stages and did not reach the full May 1 contract level until approximately October 1, 1974.

As detailed in Appendices I through III,[2] we have computed quarterly fuel

[1] The cases cited do not support Reeve's contentions. The cited mail rate cases involved temporary rate situations or an instance where the rate was formally opened by the Board, and there was no retroactive rate application beyond the date of the institution of the proceeding. The other cases involve passenger fares or freight rates, which may not be applied retroactively in any case.

V40-71-APR 11 75 XUM

costs reported for the second and third quarters of 1974, annualized for reported operations during the year ended September 30, 1974, to obtain the average annual fuel cost per revenue ton-mile at the graduated increased fuel cost levels experienced from May 1 through September 30, 1974. Comparing these unit fuel costs with that reflected within the base mail rate determination for Reeve for the base year ended June 30, 1969, produces fuel surcharge determinations of 2.36 and 4.03 cents per great-circle mail revenue ton-mile for the periods May 1 through June 30, 1974, and July 1 through September 30, 1974, respectively. As set out in Appendix IV,[2] the foregoing rate adjustments plus a fuel surcharge of 5.03 cents per great-circle mail ton-mile on and after October 1, 1974, produce approximately $53,000 additional service mail payments to Reeve for the period May 1 through December 31, 1974. Examination of the carrier's reported operations indicates that existing mail rates increased by these amounts could not result in overpayments to the carrier for the carriage of mail.

Wherefore, we tentatively find and conclude that the fair and reasonable final rates of compensation to be paid by the Postmaster General to Reeve Aleutian Airways, Inc., for the transportation of mail by aircraft over its intra-Alaska routes, the facilities used and useful therefor, and the services connected therewith, are the rate established in Order 71-7-111, July 20, 1971, plus the following fuel surcharges per great-circle mail ton-mile:

	Cents
May 1 through June 30, 1974	2.36
July 1 through Sept. 30, 1974	4.03
On and after Oct. 1, 1974	5.03

Accordingly, pursuant to the Federal Aviation Act of 1958, particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR, Part 302,

It is ordered, That: 1. All interested persons, and particularly Reeve Aleutian Airways, Inc., and the Postmaster General, are directed to show cause why the Board should not amend Order 71-7-111, July 20, 1971, so as to adopt the service mail rates per great-circle mail ton-mile of: (a) $0.7036 effective from May 1 through June 30, 1974; (b) $0.7203 effective from July 1 through September 30, 1974; and (c) $0.7303 effective on and after October 1, 1974, subject to the terms and conditions as set forth in Order 71-7-111;

2. Further procedures herein shall be in accordance with the rules of practice, 14 CFR, Part 302, and if there is any objection to the rates and charges or to the related findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order;

3. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days after service of this order, or if an answer timely filed raises no material issue of fact, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of an order fixing final service mail rates and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the rates herein specified;

4. If notice of objection and answer are filed presenting issues for hearing, issues going to the establishment of the fair and reasonable rates herein shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR, 302.307; and

5. This order shall be served upon Reeve Aleutian Airways, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-9512 Filed 4-10-75;8:45 am]

[2] Appendices I through III filed as part of the original document.

[3] Appendix IV filed as part of the original document.

COMMISSION ON REVISION OF THE FEDERAL COURT APPELLATE SYSTEM

STRUCTURE AND INTERNAL PROCEDURES; RECOMMENDATIONS FOR CHANGE

Hearings

APRIL 7, 1975.

The Commission on Revision of the Federal Court Appellate System has announced six days of hearings on creation of a National Court of Appeals and on other recommendations for change in the structure and internal procedures of the Federal courts of appeal system.

The hearings will be held in Washington, D.C. on April 15 and 16, 1975, in St. Louis on April 21 and 22, and again in Washington on April 28 and 29.

The hearings will focus on the Commission's preliminary report entitled "Structure and Internal Procedures: Recommendations for Change," dated April 1975. That report describes the need for a new national appellate court and makes specific recommendations with respect to its jurisdiction and structure.

In addition, the report details proposals concerning oral argument, opinion writing, and the role of the bar in designing local court rules in the various circuits. Other proposals concern eligibility of judges for senior status and the filling of judicial vacancies.

Copies of the preliminary report are available from the Commission offices:

209 Court of Claims Building, 717 Madison Place NW., Washington, D.C. 20005. Telephone: (202) 382-2943.

The April 15th hearings will be held in Room 212 of the Russell Senate Office Building; the April 16th hearings in Room S-207 of the Capitol. In St. Louis the hearings will be held on both April 21st and 22nd in Courtroom No. 1, U.S. Court of Appeals, 5th Floor, U.S. Court and Custom House, 1114 Market Street, St. Louis, Missouri. The hearings in Washington, D.C. on April 28th and 29th will be held in Room 1114 of the Dirksen Senate Office Building. All hearings are scheduled to begin at 10 a.m. and to continue through the afternoon.

Interested persons who desire to testify at any of the hearings are asked to communicate with the Executive Director of the Commission at the address listed above as soon as possible. The Commission also invites the submission of written statements on subjects covered by its preliminary report.

A. LEO LEVIN,
Executive Director.

[FR Doc.75-9481 Filed 4-10-75;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY.

ENVIRONMENTAL STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from March 31, through April 4, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability (May 27, 1975). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: David Ward, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, 202-447-3853.

Draft

Rogue River Watershed, Mich., several counties, March 31: This project consists of a combination of land treatment, channel work and a pumping station to reduce the problems of flooding and poor drainage in the Rice Lake problem area and land treatment to improve management and erosion problems throughout Rogue River Watershed in west-central Michigan. The following adverse impacts will result: shift of 94 acres of cropland to grassland; sediment and erosion along 11.6 miles of channel work during construction and until stabilise; and temporary construction noise and disruption of wildlife habitat, and benthos community. (ELR Order No. 50450.)

FOREST SERVICE

Draft

Basket Bay No. 2 Timber Sale, Tongass National Forest, Alaska, April 3: The statement deals with the proposal to salvage approximately 5.5 million board feet of blowdown timber from the 1968 Thanksgiving Day storm within the Kook Lake watershed on Chichagof Island. No roads would be constructed or reconstructed and the timber would be clearcut utilizing a helicopter yarding system. The project would remove 186 acres from an undeveloped category, and would result in noise that could have an impact on recreation use of Kook Lake cabins. (ELR Order No. 50494.)

Kilkenny Unit Plan, White Mountain National Forest, Coos County, N.H., March 31: The statement concerns a land use plan for 54,000 acres of the White Mountain National Forest. The plan includes major deer yard management, strategic water quality management, timber sales producing over 4 million board feet per year, acquisition priorities on major inholdings, use of fire management for wildlife habitat improvement, and minimal development of recreation facilities. Dispersed off-road recreation will contribute to increased solid waste problems. (ELR Order No. 50464.)

Herbicide Use, Colville, Okanogan, Wenatchee National Forest, several counties in Washington, April 2: The addendum statement concerns vegetation management on Colville, Okanogan, and Wenatchee National Forests from July 1, 1975 through June 30, 1976. The plan involves the use of herbicides 2,4-D, 2, 4,5-T, Dalapon, and Monosodium acid methanearsenate to reduce the competition from native vegetation where it hampers forest management activities. Some nontarget species may be affected. (ELR Order No. 50479).

Final

Elk Summit Unit, Clearwater National Forest, Idaho County, Idaho, March 31: Proposed is a revised land use plan for the 82,627 acre Elk Summit Planning Unit, Powell Ranger District, Clearwater National Forest, under which the Unit would be divided into 11 subunits for management. Under the plan, 41% of the Unit would be available for commercial timber harvest in the standard and marginal components; timber yields would be reduced in special management areas (32% of the Unit); and the remainder of the Unit would be non-commercial or unregulated timber. A total of 36,800 acres will remain roadless but with portions being available for commercial timber harvest by aerial or long line logging systems. A total of 46,200 acres will be available for development with roads. Comments made by: DOI, EPA, and COE. (ELR Order No. 50452.)

Eureka-Gave Creek Unit, Kootenai National Forest, Mont., April 4: Proposed is the implementation of a multiple use plan for the 93,585-acre Eureka-Grave Planning Unit of the Kootenai National Forest. Management values will include wilderness; big game forage; grizzly bear habitat; watershed protection; timber production; recreation; and visual resources. There will be adverse impact from timber harvest and road construction. Comments made by: USDA, EPA, DOI, State and local agencies. (ELR Order No. 50497.)

RURAL ELECTRIFICATION ADMINISTRATION

Draft

Marion Unit No. 4, Williamson, County, Ill., April 1: The action involves the request for guaranteed loan funds by the Southern Illinois Power Co-op for construction of a new 160,000 net kilowatt generating unit at the Marion Station located in Williamson County, Illinois. The proposed addition will burn a mixture of coal and "gob" refuse. Some oxides of sulfur and nitrogen along with particulate matter will be released into the atmosphere. Also, during the life of the plant there will be environmental effects resulting from the mining of "gob" refuse and coal. (ELR Order No. 50476.)

Reid Plant addition, Henderson, Webster, and McLean Counties, Ky., April 3: The Big Rivers Electric Corporation intends to apply for financial assistance from REA to provide for additional coal-fired steam generating capacity at the existing Reid generating station. In addition, the project will include 50 miles of 161 kv transmission line. Some oxides of sulfur and nitrogen along with particulate matter will be released to the atmosphere from the coal-burning plant, and impact is expected on the Green River. The transmission lines will result in some land use changes, visual impact, and some minor erosion (42 pages). (ELR Order No. 50493).

SOIL CONSERVATION SERVICE

Draft

Cypress Creek Watershed, Alabama and Tennessee, March 31: The statement concerns a project for watershed protection and flood prevention in Lauderdale County, Alabama, and Wayne County, Tennessee. The plan includes 19 floodwater retarding structures and 14.4 miles of channel work. About 420 acres of land will be cleared for sediment pools, dam, and spillway areas. There will be a loss of 1,340 acres of pasture and row crops and 785 acres of forest land within detention pools. An additional 208 acres of wildlife habitat will be lost. (ELR Order No. 50455.)

Draft

Yantic River Watershed (2) New London and Tolland Counties, Conn., March 31: The revised draft statement proposes a project for watershed protection and flood prevention for the 61,400-acre Yantic River Watershed. The dams will permanently inundate about 6,500 feet of trout stream and 250 acres of land, and will temporarily inundate 527 acres and 20,000 feet of stream. The project will also require the relocation of 11 homes and 31 persons (81 pages). (ELR Order No. 50468.)

Second Broad River Watershed, McDowell, Rutherford, and Cleveland Counties, N.C., March 31: The statement concerns a project for watershed protection and flood protection on 15,795 acres of the Second Broad River Watershed and includes construction of 10 single-purpose floodwater retarding structures, and two multiple-purpose structures. The project will inundate 10 miles of stream fishery habitat, 504 acres of wildlife habitat, and 274 acres of productive forest land. (ELR Order No. 50472.)

Pollard Creek Watershed Project, Palo Pinto County, Tex., March 31: Proposed is a project for watershed protection and flood prevention for 7,260 acres of Pollard Creek watershed. The plan includes the installation of two floodwater retarding structures requiring 185 acres of land. The project will result in the destruction of 41 acres of wildlife habitat and the alteration of 10 acres of habitat. (ELR Order No. 50446.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-967-4335.

Draft

Atlantic bluefin tuna as threatened species, March 31: The statement concerns the proposal to list the Atlantic bluefin tuna, Thunnus thynnus thynnus, as a threatened species under the authority of the Endangered Species Act of 1973. The observed decrease in the catch of the tuna by fishermen indicates severe declines in the population of mid- and large-size fish. Listing the tuna as a threatened species would provide management capabilities. (ELR Order No. 50445.)

Old Woman Creek Estuarine Sanctuary, Erie County, Ohio, April 4: The statement concerns a grant to be awarded to the State of Ohio to acquire, develop, and operate an estuarine sanctuary in Erie County. About 980 acres of land and water in Old Woman Creek and surrounding lands would be acquired and protected. Land and water uses would be restricted and mineral exploitation prohibited within sanctuary boundaries. Agriculture within the proposed sanctuary, if allowed, would be limited in extent and strictly controlled. (ELR Order No. 50500.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-6861.

Draft

San Juan Harbor, March 31: The statement proposes to deepen, widen and extend San Juan Harbor navigation channels and turning basins. Approximately 12,795,000 cubic yards of material will be dredged and placed in an open water disposal site two miles offshore. Dredging will kill a number of benthic organisms in the harbor and disposal area. Dissolved zinc and mercury concentrations will rise to pollution levels in the disposal area. Temporary increases in turbidity will also result from the dredging and dumping. (Jacksonville District.) (ELR Order No. 50449.)

Fairfield Vicinity Streams, Solano County, Calif., April 2: The project includes approximately 9.25 miles of channel work on five streams: Ledgewood Creek, Pennsylvania Avenue Creek, Union Avenue Creek, Laurel Creek, and McCoy Creek for purposes of flood protection to 3,570 acres of urban land and potentially urban land. There would be a loss of some 3,300 feet of dense vegetation, 8,000 feet of less valuable vegetation, and the displacement of some wildlife species. The project will encourage urban development. (Sacramento District.) (ELR Order No. 50480.)

Elk City, Fall River, and Toronto Lakes, Montgomery, Greenwood, and Woodson Counties, Kans., March 31: At Elk City, Fall River, and Toronto Lakes consisting of reservoir regulation, flood control, management of leases, and project management and maintenance activities. Adverse impacts include erosion and/or compaction due to heavy recreational use, traffic in unauthorized areas, and alteration of the natural environment through recreational development and other minor construction activities. (Tulsa District.) (ELR Order No. 50469.)

Central Maine Power, Wyman Unit No. 4, Maine, March 31: Proposed is the addition of a 800 megawatt electric generating unit to the present plant capacity of 224 MW. The plant would consume approximately 200 million gallons of fuel oil per year, increasing emissions to the earth's atmosphere. The project also entails dredging from Casco Bay and raising of Casco Bay seawater used for cooling 25 degrees F. Marine life will also be entrained in the cooling system. (Waltham District.) (ELR Order No. 50448.)

Delaware River, adjacent waterways, maintenance, New Jersey, Pennsylvania, and Delaware, March 31: Proposed is the continued operation and maintenance in the

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navigable portions of the Delaware River and adjacent waterways including repair of training structures and dredged material disposal on existing and proposed upland and riparian sites. Dredging will reduce water quality and cause temporary turbidity and disposal of dredged materials will destroy vegetation on the disposal site. (Philadelphia District.) (ELR Order No. 50456.)

Robinson's Branch of Rahway River (2) Union County, N.J., April 3: The statement, a revised draft, concerns a plan for flood control on Robinson's Branch of the Rahway and Pumpkin Patch Brook consisting of channel modifications, levees, floodwalls, and flumes. Floodgates or stop-log structures will be installed on two streets in Rahway, N.J. and two bridges will be replaced. Removal of vegetation, some loss of fish and wildlife habitat, changes in channel alignment and the aesthetic effect of the modified appearance of the streams will result from the project. (New York District.) (ELR Order No. 50491.)

Great Sodus Bay, Little Sodus Bay, and Oswego Harbors, several counties, N.Y., March 31: The statement proposes the periodic dredging of about 43,000 cubic yards from Great Sodus Bay Harbor, 37,000 cubic yards from Oswego Harbor for the continued safe deep draft navigation in the harbors. Unpolluted sediments dredged from the Sodus Bay Harbors will be deposited in designated areas of Lake Ontario; polluted sediments dredged from Oswego Harbor will be deposited in a confined disposal facility upon its completion. Dredging will disturb benthic communities, and fish populations resuspend toxic substances, increase turbidity levels, generate noise, odor and dust and release air pollutants. (Buffalo District.) (ELR Order No. 50451.)

Fort Fisher and vicinity, New Hanover County, N.C., March 31: The statement, a revised draft, proposes a project that would preserve the Fort Fisher Historic Site and related facilities by means of a rubble revetment along the entire upland bluff fronting the Site, artificial beach fill, and periodic beach replenishment. Temporary construction disruption would result. (Wilmington District.) (ELR Order No. 50447.)

Diked Disposal Facility No. 3, Ashtabula Harbor, Ohio, Ashtabula County, March 31: Proposed is the construction and operation of a 32-acre rubblemound diked disposal facility to receive polluted sediments to be dredged from Lake Erie harbors at Ashtabula and Conneaut, Ohio for a 10-year period. Residents and water recreationists in the vicinity of the proposed site may experience some odor and noise during discharge of polluted sediments into the completed facility. (Buffalo District.) (ELDR Order No. 50462.)

Presque Island Peninsula Beach Erosion Project, Erie County, Pa., April 3: The statement concerns the construction of three partial breakwaters at strategic points along the north shore of Presque Isle State Park to control beach erosion. Annual or semi-annual maintenance will consist of removing accumulated sand from beaches behind the breakwaters and redistributing it along the beaches. There will be noise, disruption and turbidity for two or three bathing seasons during maintenance following construction. Some lake bottom habitat will be destroyed by the presence of the breakwaters, and the development of sandpits at Gull Point may be affected by reduced quantities of drift (Buffalo District.) (166 pages). (ELR Order No. 50487.)

Cornucopia and Port Wing Harbors Bayfield County, Wis., March 31: The proposed action is the continued operation and maintenance of Cornucopia and Port Wing Harbors on Lake Superior. The harbors are used primarily by commercial fishing and recreation craft. Dredged materials would be deposited in an open-lake site at Port Wing Harbor, causing re-suspension of polluted materials, and in an on-land area at Cornucopia, killing existing vegetation. Temporary stockpiling on the lake shore of polluted dredged material for construction projects will result in leaching. (St. Paul District.) (ELR Order No. 50459.)

Final

Chatfield Lake, Colorado Project, Colorado, April 3: The statement refers to a dam and lake that are being constructed just downstream from the confluence of the South Platte River and Plum Creek. The dam is a rolled earthfill structure, over 13,000 feet long. The lake will have a permanent pool of 1,150 acres; a total of 6,919 acres will be committed to the project. Project purposes are flood control and recreation. There will be some loss of fish habitat, riparian vegetation, and hunting opportunity (Omaha District). Comments made by: USDA, DOT, DOI, HUD, EPA, State and local agencies. (ELR Order No. 50488.)

Bolles Harbor, confined disposal facility, Michigan, April 1: The project involves the construction of a confined disposal facility for polluted dredged materials from the La Plaisance Creek navigation channel at Bolles Harbor. Adverse impacts are the loss of 24.6 acres of La Plaisance bay land and open water, and the creation of a possible habitat for attached phytoplankton (Detroit District). Comments made by: USDA, DOC, HEW, HUD, DOI, DOT, USCG, EPA, State and local agencies. (ELR Order No. 50474.)

Flood Control, Saginaw and Flint Rivers, Genesee County, Mich., April 3: Proposed is a flood control project for the Flint River. Project measures include the realignment and modification of 11,000 feet of the Flint River, and 8,900 feet of Swartz and Thread Creek, tributaries to the Flint. The project is designed to provide protection against a once-in-67-year flood. Adverse impact will include construction disruption, and increases in suspended sediment levels (Detroit District). Comments made by: DOI, EPA, DOC, USDA, USCG, HEW, FPC, State and local agencies. (ELR Order No. 50495.)

Tawas Bay Harbor, Tosco County, Mich., April 4: The statement refers to the establishment of harbor facilities for small craft in Tawas Bay at the City of East Tawas, Tosco County. The proposed development would provide an anchorage area protected on 3 sides by a breakwater system and connected to the open water of Lake Huron by an approach channel. Adverse impacts are damage to aquatic environment during construction, and degradation of water quality due to increased boat traffic (Detroit District). Comments made by: USDA, EPA, DOC, DOT, HUD, DOI, State and local agencies. (ELR Order No. 50496.)

Pat Mayse Lake, Sanders Creek, Lamar County, Tex. March 31: The statement refers to the continued operation and maintenance of Pat Mayse Lake, Sanders Creek, a flood control and reservoir regulation project. Adverse effects of the operation are those which result from heavy recreational use, and the action of pool fluctuation on the shoreline (Tulsa District). Comments made by: EPA, HUD, DOI, DOT, USDA, DOC, HEW, State agencies and conservation interests. (ELR Order No. 50444.)

Aberdeen Creek, maintenance dredging, Gloucester County, Va., April 1: The project involves the maintenance dredging of Aberdeen Creek Channel and turning basin to their authorized dimensions. The action will require the removal of an estimated 65,000 cubic yards of materials which are to be placed in a previously used diked disposal area. Adverse environmental impacts include destruction or relocation of biota in the channel and at the disposal area, possible interference with anadromous fish spawning activities, and elimination of a portion of a marginal tidal wetland (Norfolk District). Comments made by: EPA, DOI, and DOC. (ELR Order No. 50482.)

NAVY

Contact: Mr. Peter M. McDavitt, Special Assistant to the Assistant Secretary of the Navy (Installations and Logistics), Washington, D.C. 20350, 202–692–3227.

Draft

Naval Personnel Administrative Complex, Belle Chas Plaquemines County, La., April 1: The project provides for the construction of a Naval Personnel Complex to house the major functions of the Bureau of Naval Personnel. The plan includes space for 2,050 civilian and military employees and 300 housing units. Adverse impacts include increased demand on city services such as schools and sewer systems, increased traffic in the area, and construction disruption (2 volumes). (ELR Order No. 50478.)

Naval Oceangraphic Center, Bay, St. Louis, Hancock County, Miss., April 2: The proposed action would establish a Naval Oceanographic Center at the National Space Technology Laboratory, Bay, St. Louis, Mississippi. Existing administrative, laboratory and automated data processing spaces will be acquired from the National Atmospheric and Space Administration to house the activities concerned. The action will require the relocation of approximately 1300 employees and their families (2 volumes). (ELR Order No. 50485.)

FEDERAL ENERGY ADMINISTRATION

Contact: Mr. Ernest A. Sligh, Director, Environmental Impact Division, Federal Energy Administration, New Post Office Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, 202–961–6214.

Draft

Energy Independence Act of 1975, related tax proposals April 1: The statement refers to the enactment of proposed legislation that would reduce oil imports by 1 million barrels per day by the end of 1977. Over the mid-term (1975–1985) enactment of the legislation would assure that domestic supplies of energy are increased, the growth rate of demand reduced, and protection from energy emergencies developed. The program will result in further exploitation of domestic resources, including coal, OCS oil and gas, and Alaskan oil. (ELR Order No. 50477.)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill, Acting Advisor on Environmental Quality, 441 G Street NW., Washington, D.C. 20426, 202–380–6084.

Draft

Bath County Project, Bath County, Va., April 3: The statement concerns consideration of an application for a license to construct and operate a pumped storage project in Bath County, Virginia. Issuance of a license would provide for establishment of two reservoirs, inundating about 950 acres, two transmission lines with a total length of 85 to 90 miles, and a powerhouse reaching the 350,000 kw rating for each of six units. The project would eliminate 3.3 miles of a free-flowing section of Back Creek and 1.5 miles of a free-flowing section of Little Back Creek. (ELR order No. 50493.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, 202–343–4161.

Draft

New Construction-Lease Consolidation, Temple, Bell County, Tex., March 31: The proposed action consists of the leasing of a new office to consolidate Federal activities in Temple, Texas, requiring general office space. The proposed facility will result in new construction consisting of 65,000 square feet of net usable office space. Construction disruption will result (75 pages). (ELR Order No. 50467.)

Final

Federal building and parking facility, Fairbanks, Alaska, April 2: The proposed action involves construction of a Federal Building and parking facility and the continued use of the existing Federal Building in Fairbanks, Alaska. The new building will provide approximately 30,000 sq. ft. of office space, together with service areas to house 200 employees. A total of 300 enclosed parking spaces will be provided. Also included in the project is a GSA motor pool repair space. There will be increased vehicular emissions (167 pages). Comments made by: EPA, DOC, DOI, HUD, USDA, AHP, State and local agencies. (ELR Order No. 50494.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Acting Director, Office of Environmental Quality, Room 7206, 451 7th Street SW., Washington, D.C. 20410, 202–755–6295.

Draft

Government Square, Triangle Urban Renewal Projects, Kanawha County, W. Va., March 31: The 113-acre project, located in downtown Charleston, consists of construction of 400 new housing units, a 20-acre enclosed commercial complex, new government buildings, and preservation/rehabilitation of single-family housing units and existing government buildings. A number of families and businesses will be displaced. (ELR Order No. 50461.)

Final

Rapid City Flood Disaster Program, South Dakota, March 31: The statement refers to an urban renewal project for flood disaster recovery, involving two HUD actions. The original, on-going activity involves a 3,078 acre urban area, 754 acres of which are to be cleared and developed as an open floodway; the remaining 2,324 acres are to be redeveloped for residential, commercial, light industrial, and public facilities use. The second action involves an annexed 150-acre area which is to be acquired, cleared, and developed as an open floodway with recreational use. Comments made by: HEW, DOI, COE, AHP, USDA, DOT, DOC, State and local agencies. (ELR Order No. 50473.)

San Patricio Defense Housing, San Juan, Puerto Rico, April 4: Proposed is the conveyance to the Commonwealth of Puerto Rico of the San Patricio Defense Housing Area in San Juan. The Commonwealth would erect 2,200 units of low and moderate income housing on 51.81 acres of the site. There will be construction disruption from the action. Comments made by: AHP, HEW, DOT, EPA, State agencies and interested parties. (ELR Order No. 50498.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

BONNEVILLE POWER ADMINISTRATION

Draft

BPA Participation in Regional Interutility Cooperation, April 3: Proposed is the continued participation by BPA in regional program inter-utility cooperation, including performance of functions such as providing bulk power transmission, providing peaking resource from hydro, providing load growth and forced outage reserves, coordinating power operations, and marketing power. The action would result in fewer, more efficient powerplant and transmission facilities, but would cause greater fluctuations in Columbia River water levels downstream from existing dams, with resultant increased impact on shorelines and aquatic resources. (ELR Order No. 50489.)

NATIONAL PARK SERVICE

Draft

Fire Island National Seashore, Suffolk County, N.Y., April 3: The statement concerns a master plan for Fire Island National Seashore to guide park development and management for approximately 15 years as well as legislative actions necessary to implement the master plan. The plan includes increased access to the island and decreased pollution of estuaries. Increased urbanization of communities on Fire Island, particularly west of Point O'Woods may result (2 volumes). (ELR Order No. 50486.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. A. Giambusso, Director of Division of Reactor Licensing, P–722, NRC, Washington, D.C. 20545, 301–973–7373.

Final

Callaway Plants, Units 1 and 2, Callaway County, Mo., March 31: Proposed is the issuance of a construction permit to the Union Electric Co. for the two unit Plant. Each unit will employ a pressurized water reactor to produce 3,425 MWt and 1,120 MWe (nat); future power levels of 3,579 MWt and 1,160 MWe are anticipated. Exhaust steam will be cooled in a close cycle mode, with water drawn from the Missouri River. A total of 1,740 acres would be committed to the project and associated transmission lines. About 67 cfs. of Missouri River water will be consumed, mainly by evaporation from the two natural draft towers. Comments made by: AHP, USDA, DOC, EPA, FPC, HEW, HUD, DOI, DOT, State and local agencies. (ELR Order No. 50458.)

South Texas Project, Units 1 and 2, Matagorda County, Tex., March 31: Proposed is the issuance of a construction permit to the Houston Power and Lighting Co. for a two unit plant. Identical pressurized water reactors will be employed to produce up to 3800 MWt each, with electrical capacity anticipated at 1200 MWe (net) each. Exhaust steam will be cooled by flow from a newly constructed lake, with makeup water from the Colorado River. Return will also be to the Colorado. Consumptive use of the river will be at 2.6% of its average annual historical flow. A total of 12,352 acres will be used for the Station site; 7300 acres will be inundated by the cooling lake. An additional 5685 acres will be committed to 400 miles of transmission line. Comments made by: USDA, COE, DOC, HEW, DOI, DOT, EPA, FPC, AHP, State and local agencies. (ELR Order No. 50457.)

STATE DEPARTMENT

Contact: Mr. Christian Herter, Jr., Special Assistant to the Secretary for Environmental Affairs, Room 7819, Washington, D.C., 202–632–7964.

Draft

Washington Technical Institute and International Center, District of Columbia, April 4: The statement concerns the development of a permanent campus for the Washington Technical Institute and the development of an International Center on the former Bureau of Standards site located at Connecticut Avenue and Van Ness Street NW., Washington, D.C. Increased traffic, air pollution, and storm water runoff, and construction disruption will result from the project. (ELR Order No. 50499.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street, SW., Washington, D.C. 20590, 202–426–4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

Long Beach Freeway, Route 7, Los Angeles County, Calif., March 31: The project consists of construction of a segment of Route 7, Long Beach Freeway, from I–10 to I–210 and includes an interchange with the existing Pasadena Freeway, Route 11. The segment length would range from 6.1 to 7.3 miles and the number of acres required for the right of way would be from 279 to 418. Between 4,670 and 5,560 residents would be displaced. A 4(f) statement is included. (ELR Order No. 50453.)

Coast Highway (SR 1) Bridge, Upper Newport Bay, Orange County, Calif., March 31: The statement refers to the reconstruction of a 0.6 mile, 6-lane bridge over Upper Newport Bay, replacing the existing 4-lane structure and widening the approaches. The project would displace from 15 to 168 people and affect from 27 to 31. An historical landmark monument, commemorating the first boat landing in Newport Beach, will be relocated. (ELR Order No. 50466.)

City Boulevard from Eutaw St. to Russell St. (supplement), Baltimore County, Md., April 2: The statement is a 4(f) supplement to a draft filed with CEQ 28 December 1974 concerning the 24 historic sites, 7 of which were not included in the draft eis, within the corridor being considered for City Boulevard. (ELR Order No. 50461.)

Legislative Route 75, Bridge Replacement, Venago County, Pa., March 31: The statement concerns the relocation of a bridge carrying Legislative Route 75 (Traffic Routes 38 and 208) over the Allegheny River at Emlenton, Pa. The proposed location is within 1.5 to 2.5 miles west of the existing bridge. An unspecified number of families and businesses will be displaced. One of the proposed corridors would take a large portion of the Crawford Memorial Park. (ELR Order No. 50469.)

Final

State Highway 199, Del Norte County, Del Norte, Calif., March 31: The statement presents the California Department of Transportation's proposed actions for improvement to the total 36.4 mile length of State Route 199 in Del Norte County. Adverse impacts are increased water pollution, and temporary negative visual impact. Comments made by: USDA, DOT, DOC, DOI, COE, HEW, and EPA. (ELR Order No. 50454.)

I–35 and I–435 Interchange, Kansas City (supplement), Johnson County, Kans., March 31: The proposed project involves an improved interchange at I–35 and I–435 and the modification of I–435 from four to six lanes between I–35 and Metcalf Avenue. The

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supplement reports on an air quality analysis involving eleven representative sites near the proposed improvement. Comments made by: EPA, State and regional agencies. (ELR Order No. 50471.)

L.R. 11050, Cambria County, Pa., March 31: Proposed action involves relocation of 3.2 miles of L.R. 11050. Eighty-seven acres of farm and woodland are required for right-of-way. Seven residences, 1 business and 16 other buildings will be displaced. Comments made by: USDA, DOI, EPA, STAT, DOT, State and local agencies. (ELR Order No. 50470.)

SR 8, Sequatchie County to Warren County, Sequatchie, Van Buren, and Warren Counties, Tenn., March 31: The statement refers to the improvement of State Route 8 beginning at the junction of SR 8 and SR 111 in Sequatchie County and extending in a NW direction from 15.5 miles reaching its terminus at the Collins River Bridge in Warren County. The major adverse effects of the project are the loss of between 160 and 190 acres of wildlife habitat and some pasture and tree nursery lands along the project right-of-way. Comments made by: DOI, TVA, AHP, EPA, DOT, COE, USDA, and State agencies. (ELR Order No. 50463.)

In the FEDERAL REGISTER of February 28, 1975, the FHWA Project SR 67, Clinton-Mississippi State Line Highway, East Feliciana County, Louisiana, was mistakenly noticed as a draft. The statement is a final eis.

U.S. COAST GUARD

Final

New Orleans Vessel Traffic System, Louisiana, April 2: Proposed is the establishment of a Vessel Traffic System which will cover the Mississippi River from Mile 243 AHP to 15 statute miles south of the entrance buoys to the South and Southwest Passes, including the Mississippi River Gulf Outlet. The system will consist of a combination of vessel traffic levels which will include VHF–FM communications, radar surveillance, and a vessel movement reporting system, in part or total. The project is intended to reduce the number of vessel accidents caused by collisions, rammings, and groundings. There will be some adverse impact from construction of system elements (29 pages). Comments made by: DOC, COE, USDA, DOT, DOI, EPA. (ELR Order No. 50469.)

Navigation Regulation Area, Chesapeake Bay, Northampton County, Va., March 31: The statement refers to the proposed amendment of 33 CFR, in order to establish a regulated navigation area for the entrance to Chesapeake Bay. The purpose of the action is the prevention of collisions between vessels, and between vessel and the trestlework of the Chesapeake Bay Bridge-Tunnel (CBBT). Adverse impact of the action will result from increased ship transit time through the regulated area, and expected increased traffic over the CBBT. Comments made by: DOC, DOI, USN, DOT, EPA, State agencies and concerned interests. (ELR Order No. 50465.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-9459 Filed 4-10-75;8:45 am]

ENVIRONMENTAL IMPACT STATEMENTS

Preparation Required

The following list, filed with the Council by the Department of Transportation, Federal Aviation Administration, indicates those administrative actions that FAA has determined will require the preparation of environmental impact statements under NEPA.

LISTING OF DOT/FEDERAL AVIATION ADMINISTRATION ACTIONS FOR WHICH ENVIRONMENTAL IMPACT STATEMENTS ARE IN PREPARATION OR ANTICIPATED

Location	*Action*
Truk District—Trust Territory of Pacific Islands.	Airport master plan.
Agana Guam M.I.	G.A. Airport master plan.
Hilo, Hawaii	Lyman Field new passenger terminal.
Lihue, Kauai	Airport master plan.
Saipan—Mariana Islands.	Runway, aprons, and associated lighting, etc.
Kusaie Island	Airport master plan.
Yap District—Trust Territory of Pacific Islands.	Do.
Fort Worth, Tex.	Relocate ILS, establish MALSR.
Clovis, N. Mex.	Runway extension.
Moriarty, N. Mex.	Runway extension, lighting.
Farmington, N. Mex.	Construct new airport.
Gallup, N. Mex.	Land acquisition.
Raton, N. Mex.	Extend runway and taxiway, lighting.
Taos, N. Mex.	Extend runway, taxiways, and apron.
Alpine, Tex.	Construct runway, taxiway lighting
El Paso, Tex.	Construct new runway, taxiway lighting
Hereford, Tex.	Extend primary runway.
Morton, Tex.	Extend primary runway, new taxiway, lights.
Seminole, Tex.	New airport.
Gruver, Tex.	Do.
Tulia, Tex.	Construct new primary, taxiways, install lights.
Midland, Tex.	Extend runway and taxiways.
Ardmore, Okla.	New Mexico.
Arnett, Okla.	New airport.
Hooker, Okla.	Do.
Ada, Okla.	Runway extension.
Durant, Okla.	Airport development.
Elk City, Okla.	Runway extension.
Vinita, Okla.	Reconstruct runway—clear zone.
Frederick, Okla.	Joint-use airport study.
Idabel, Okla.	Runway extension.
Muskogee, Okla.	Airport study.
Woodward, Okla.	Do.
Miami, Okla.	Runway extension, master plan.
Stilwell, Okla.	New airport.
Stroud, Okla.	New runway, taxiway and lights.
Sallisaw, Okla.	Airport study.
Talihina, Okla.	New airport.
Weatherford, Okla.	Runway extension.
Chickasha, Okla.	Extend runway.
Stilwell, Okla.	Runway extension.
Mineral Wells, Tex.	Do.
Richardson, Tex.	New airport.
Beaumont, Tex.	Runway extension.
Wichita Falls, Tex.	Airport master plan.
Fayetteville, Ark.	Do.
Center, Tex.	New airport.
College Station, Tex.	Runway extension.
Bowie, Tex.	Do.
Falfurrias, Tex.	New runway.
Vernon, Tex.	Runway extension.
Jacksonville, Tex.	Do.
Denton, Tex.	Do.
Lack Jackson, Tex.	New runway.
Nacogdeches, Tex.	Runway extension.
San Antonio, Tex.	New runway.
Bastrop, La.	New runway.
Lafayette, La.	Runway extension.
New Orleans, La.	Upgrading of existing airport and site evaluation for new airport.
Ruston, La.	Runway extension.
Hillsboro, Oreg.	Long range development.
Lakeview, Oreg.	Runway installation.
Sunnyside, Wash.	Airport enlargement.
Republic, Wash.	New airport.
Bayview, Wash.	Taxiways, drainage.
Seattle, Wash.	Land acquisition.
Southern, Idaho	New airport.
Driggs, Idaho	Acquire land, pave runway.
Homedale, Idaho	New runway.
Hoquiam, Wash.	Navaid installation.
Nightmute, Alaska	New runway.
Girdwood, Alaska	Extend runway.
Kenai, Alaska	ILS.
Pittsburgh, Pa.	Airport master plan.
Ravenswood, W. Va.	New general aviation airport.
Syracuse, N.Y.	Runway extension.
Pipestem, W. Va.	New general aviation airport.
New Haven, Conn.	Approach lights.
Spencer, W. Va.	New general aviation airport.
Beckley, W. Va.	New runway.
Boston, Mass.	Do.
Providence, R.I.	Establish ILS/MALSR.
Norwood, Mass.	Establish ILS.
Warwick, R.I.	Do.
Bridgeport, Conn.	Do.
New Haven, Conn.	Instrumentation.
Panama City, Fla.	Lighting system.
Atlanta, Ga.	Relocate highway.
Raleigh-Durham, N.C.	New runway.
Charleston, S.C.	Do.
Miami, Fla.	New airport.
Miami, Fla.	Runway extension.
Elizabethtown, Ky.	New airport.
Paris Landing, Tenn.	Do.
Perryville, Mo.	Runway extension.
Oelwein, Iowa	Master plan.
FAA—Office of Environmental Quality.	Washington National Airport policy.
Do.	Noise standards for small propeller aircraft (completed).
Do.	Fleet noise requirements.
European region	Aircraft type certification—Concorde.
Do.	Aircraft type certification—Mercure.
FAA—Office of Environmental Quality.	SST noise standards.
Do.	Amendment of operations specification for Concorde operation into United States.
Alma, Nebr.	New airport.
Cedar Rapids, Iowa.	Master plan.
Sac City, Iowa	Do.
Pocahontas, Iowa	Do.
Nebraska City, Nebr.	Do.
York, Nebr.	Do.
Nevada, Mo.	Airport layout plan.
Onawa, Iowa	Master plan.
Boon, Iowa	Do.
Albany, Mo.	Do.
Higginsville, Mo.	Do.
Sikeston, Mo.	Airport layout plan.
Cassville, Mo.	Do.
Lacrosse, Kans.	Do.
Harrisonville, Mo.	Master plan.
Lamar, Mo.	Do.
Omaha, Nebr.	Airport layout plan.

Location	*Action*
Eldora, Iowa	ADAP.
Riverton, Wyo.	Master plan.
Casper, Wyo.	Do.
Jackson Hole, Wyo.	Airport improvements.
Aspen, Colo.	Master plan.
Colorado Springs, Colo.	Do.
Durango, Colo.	Do.
Bismarck, N. Dak.	Do.
Logan, Utah	Do.
Salt Lake City, Utah.	New runway.

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-9460 Filed 4-10-75;8:45 am]

FEDERAL MARITIME COMMISSION

JAPAN/KOREA-ATLANTIC AND GULF FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before May 1, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement filed by:

Charles F. Warren, Esq.
1100 Connecticut Avenue, NW.
Washington, D.C. 20036

Agreement No. 3103–58 has been entered into by the member lines of the Japan/Korea-Atlantic and Gulf Freight Conference for the purpose of amending Article 25 of the conference agreement in order to reflect the current understanding of the parties with respect to certain revised self-policing practices and procedures of the conference, set forth in said agreement.

By Order of the Federal Maritime Commission.

Dated: April 8, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-9514 Filed 4-10-75;8:45 am]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN/KOREA

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 1, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement filed by:

Charles F. Warren, Esq.
1100 Connecticut Avenue NW
Washington, D.C. 20036

Agreement No. 150–62 has been entered into by the member lines of the Trans-Pacific Freight Conference of Japan/Korea for the purpose of amending Article 25 of the conference agreement in order to reflect the current understanding of the parties with respect to certain revised self-policing practices and procedures of the conference, set forth in said agreement.

By Order of the Federal Maritime Commission.

Dated: April 8, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-9515 Filed 4-10-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP75–44–3]

ALABAMA-TENNESSEE NATURAL GAS CO.

Filing of Petition for Extraordinary Relief

APRIL 3, 1975.

Take notice that on March 24, 1975, United States Steel Corporation (USS) filed in Docket No. RP75–44–3, pursuant to § 1.7 of the Commission's rules of practice and procedure and § 2.78 of the Commission's regulations, a petition requesting that it be granted extraordinary relief from the curtailment imposed by one of its suppliers of natural gas, Alabama-Tennessee Natural Gas Company (A–T).

In support of its petition USS states that it purchases natural gas from A–T under both a firm and interruptible contract. USS states that it is entitled to receive, under its firm contract 1,500 Mcf per day, and up to 3,500 Mcf per day under its interruptible contract with A–T. USS asserts that all of the natural gas received under the aforementioned contracts is and will be utilized as feedstock and process gas in the production of ammonia at its Cherokee, Alabama facility.

USS states that its petition was filed in response to the Commission's order of February 26, 1975 [Texas Eastern Transmission Corporation (North Alabama Gas District) Order Granting Extraordinary Relief, Docket No. RP74–39–8] and USS's need for sufficient natural gas to maintain production of ammonia for nitrogen fertilizer. Accordingly, USS requests that the Commission, grant without hearing, USS's petition for extraordinary relief by suspending A–T's curtailment plan as it applies to USS and require A–T to supply USS its full daily contractual entitlement, or other volume that, together with volumes made available to USS from Texas Eastern Transmission Corporation, and from Tennessee Gas Pipeline Company, will total 17,623 Mcf per day.

A shortened notice period may be in the public interest in this proceeding. Any person desiring to be heard or to protest said petition should on or before, April 18, 1975, file with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to the proceeding must file petitions to intervene in accordance with the Commission rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9461 Filed 4-10-75;8:45 am]

V40 I71 APR 11 75 XUM

[Docket Nos. E-8655 and E-9037]

BOSTON EDISON CO.

Postponement of Hearing

APRIL 2, 1975.

On March 27, 1975, Boston Edison Company filed a motion to postpone the hearing date fixed by order issued July 12, 1974, as most recently modified by notice issued March 14, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the hearing date in the above matter is postponed until April 16, 1975, at 10 a.m. (e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9462 Filed 4-10-75;8:45 am]

[Docket Nos. E-8949 and E-8445]

CAMBRIDGE ELECTRIC LIGHT CO.

Further Extension of Procedural Dates

APRIL 2, 1975.

On March 27, 1975, Cambridge Electric Light Company filed a motion to extend the procedural dates fixed by order issued August 30, 1974, as most recently modified by notice issued February 7, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Rebuttal, April 28, 1975.
Hearing, May 20, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9463 Filed 4-10-75;8:45 am]

[Docket Nos. RP74-90 and RP73-115]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FPC Gas Tariff

APRIL 3, 1975.

Take notice that on February 26, 1975, Consolidated Gas Supply Corporation (Consolidated) tendered for filing its FPC Gas Tariff, Second Revised Volume No. 1 superseding its FPC Gas Tariff, First Revised Volume No. 1. Consolidated states that the proposed tariff is to be made effective March 28, 1975.

Consolidated states that no change in rate or charge is proposed. Consolidated further states that the proposed changes relate to renumbering of tariff sheets, updating the maps, table of contents and index of purchasers, eliminating sheets containing notices of cancellation of rate schedules, and other changes of a minor nature.

Consolidated states that the proposed tariff is being mailed to each of its jurisdictional customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9464 Filed 4-10-75;8:45 am]

[Docket Nos. CP73-132, etc.; CP73-47, etc.]

DISTRIGAS CORP., ET AL. AND EASCOGAS CORP., ET AL.

Local Hearing

APRIL 3, 1975.

By order issued March 21, 1975, in the above-titled proceedings, we directed, inter alia, that a local hearing be convened at a federal facility in Staten Island, New York, to allow the presentation by local citizens of statements and evidence pertaining to the liquefied natural gas (LNG) facilities owned by Distrigas of New York Corporation (DONY) on Staten Island. It appears, however, that there is no federal facility on Staten Island capable of accommodating the hearing scheduled. Accordingly, in order to ensure the citizenry in the area adjacent to the DONY facilities full opportunity to participate and present their views at the hearings provided for, we have arranged for and hereby direct that the local hearing heretofore scheduled shall convene at the Tottenville High School, Deisius and Luton Avenues, Staten Island, 10312 on May 19, 1975, commencing at 4 p.m. (e.d.t.).

It is also apparent that parties to the proceeding in Eascogas LNG, Inc., et al., Docket No. CP73-47, et al. might be affected by DONY's Staten Island facilities, which would be used jointly by the Distrigas Companies and Eascogas LNG, Inc. (Eascogas), and may wish to appear at local hearings. Accordingly, we further amend our order of March 21, 1975, to provide that parties to the Eascogas proceedings may participate at these hearings to the full extent afforded parties in the Distrigas dockets.

Parties wishing to present evidence as opposed to statements of position at these local hearings should, to the extent possible, file with the Commission and serve on all other parties prepared written testimony, on or before May 1, 1975.

The Commission orders. (A) Our order of March 21, 1975, directing that a local hearing be convened at a federal facility on Staten Island, New York, is hereby amended so that the local hearings provided for shall convene at the Tottenville High School, Deisius and Luton Avenues, Staten Island, 10312 on May 19, 1975, commencing at 4 p.m. (e.d.t.).

(B) Our March 15, 1975, order is further amended to provide that any party to the above-named Eascogas proceeding may participate to the full extent provided for parties to the Distrigas proceedings.

(C) Any party to the Distrigas or Eascogas proceedings wishing to present testimony to become part of the evidentiary record in either or both proceedings shall, to the extent possible, file with the Commission and serve on all parties to the respective proceedings, prepared testimony, on or before May 1, 1975.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9465 Filed 4-10-75;8:45 am]

[Docket Nos. E-7548 and E-8170;
Opinion No. 711-A]

GEORGIA POWER CO.

Opinion and Order Denying Rehearing

APRIL 3, 1975.

On November 15, 1974, we issued Opinion No. 711 which approved in part a proposed settlement agreement which had been filed on May 8, 1974, by Georgia Power Company (Georgia Power) in the above-mentioned dockets. The proposed settlement agreement was approved and made effective only as it related to Docket No. E-7548 and as it related to the issue of allocating bulk generation and bulk transmission costs among members of The Southern Company in Docket No. E-8170. A hearing was set for the purposes of cross-examination concerning the lawfulness and reasonableness of the rate level and refund provisions of the proposed settlement as it applies to Docket No. E-8170. The hearing was established in response to opposition to the proposed settlement agreement which had been filed by The Water, Light and Sinking Fund Commission, of the City of Dalton, Georgia (Dalton) on May 28, 1974.

Applications for rehearing of Opinion No. 711 were filed by Dalton, Georgia Power, and The Power Section, Georgia Municipal Association and the Cities of Acworth, et al (together the "Cities") on December 13, 1974, and December 16, 1974, respectively. On December 20, 1974, the Georgia Electric Membership Corporation and the Cooperative Intervenors filed a letter adopting the application for rehearing and the supporting arguments therefor filed by cities on December 16, 1974. By order issued January 10, 1975, in these dockets, the Commission granted the above-mentioned applications for rehearing for the purposes of reconsideration.

Dalton's application for rehearing: In its application for rehearing, Dalton alleges that the revenues which Georgia Power is authorized to retain in Docket No. E-7548 are excessive and contrary to the standards of the Federal Power Act. In support of this allegation, Dalton merely restates the claim it had made in its opposition to the settlement, filed May 28, 1974, that

the Initial Decision issued by the Presiding Administrative Law Judge on August 3, 1972 in Docket No. E-7548 provided for a level of refunds in excess of those provided for under the terms of the proposed settlement agreement as it applies to that docket. Dalton further alleges that Opinion No. 711 was in error in that the Commission failed to address the modifications in Georgia Power's cost of service justification of its Docket No. E-7548 rates which had been recommended by the Presiding Administrative Law Judge in his Initial Decision. Dalton also states that the cost of service attached to Opinion No. 711 was not tested on the record, nor concurred in by those customers who assented to the settlement agreement.

Our approval of the settlement agreement as it relates to Docket No. E-7548 was based on the record of that proceeding including the hearing held therein in which Dalton fully participated as a party, the Initial Decision of the Presiding Administrative Law Judge, the briefs filed by the parties, the proposed settlement agreement and Dalton's objections thereto. Our review of this record indicated that the rates established in the proposed settlement of Docket No. E-7548 are just and reasonable. Therefore, contrary to Dalton's assertion, our decision in this matter fully complies with the standards of section 205 of the Federal Power Act. We believe that the record is complete in Docket No. E-7548 and that it fully supports our decision.

In its application for rehearing, Dalton objects to the Commission's rejection, in Opinion No. 711, of Dalton's arguments that Georgia Power's bulk generation and bulk transmission costs should be based on the costs of the Southern Company. Dalton alleges that the disposition of this issue in Opinion No. 711 ignores the procedural history of these proceedings. Dalton noted that in our order issued herein on January 15, 1971,[1] we rejected the complaint of Dalton and other wholesale customers requesting an investigation of Southern Pool transactions and stated that the complainants' interests would be adequately protected within the context of the proceeding in Docket No. E-7548. We note that Dalton and the other wholesale customers were not precluded from introducing evidence in the Docket No. E-7548 proceedings as to the transactions and agreements among members of the Southern Company System and such evidence was, in fact, introduced in that proceeding. Based upon our review of that record and the proposed settlement agreement before us, we have concluded that it would not be proper to base Georgia Power's bulk generation and transmission costs on the system-wide costs of the Southern Company. As we noted in Opinion No. 711, the effect of the adoption of Dalton's argument would be a subsidization by the Southern Company of power costs to wholesale customers in Georgia, and Dalton has failed to present a basis for such a result.[2]

Finally, Dalton states that our reliance on Staff Exhibit 59 to justify the Southern Pool costs is inappropriate since this "represents an unwarranted departure from the cost of service approach heretofore used by the Commission with the approval of the Courts and the adoption in its place of a value of service approach • • •"[3] Our review of Staff Exhibit No. 59 and testimony presented in support thereof indicates that this exhibit does not represent a departure from a cost of service approach. The exhibit contains a comparison of Georgia Power's purchases from the Southern Pool with other purchases made from other companies and with alternatives for meeting that capacity (Tr. 3028) in order to demonstrate that such purchases were not priced in excess of the cost of rendering that service (Tr. 3025). Such analysis, rather than representing a departure from a cost of service approach, served to confirm the cost reasonableness of the rate Georgia Power pays to the Southern Pool.

Cities' application for rehearing. Cities state in their application for rehearing that the Commission should have either accepted or rejected the proposed settlement agreement as a whole. Cities allege that the failure to accept the totality of the settlement agreement contravenes the express language of the agreement which provides that the provisions are not separable and that the parties intend that no provision of the proposed tariff shall become effective unless the Commission approved the tariff without modification. Cities further claim that our failure to accept the settlement in toto jeopardizes the integrity of the settlement process and clashes with the Administrative Procedure Act, Commission regulations, and judicial precedents which encourage settlements.

The Commission recognizes the value of settlements as a means to dispose of cases where the parties are able to resolve their differences and where the result is found to be in the public interest, and we fail to find merit in Cities argument that our action in Opinion No. 711 will jeopardize the integrity of the settlement process. The Commission must closely scrutinize every settlement agreement which is before it to insure that its implementation will be in the public interest. When an affected party objects to a settlement agreement, the Commission is obligated to take those steps necessary to insure that there is adequate support for the settlement agreement in light of the objections and that the rights of the objecting party are protected. In Opinion No. 711, we found that Dalton's opposition to the settlement as it applies to the level of rates in Docket No. E-8170 warranted our withholding judgment on this portion of the settlement pending a hearing on this issue in order to provide a more complete record upon which to base a decision on the propriety of that portion of the settlement and to fully protect Dalton's right to be heard in this proceeding.

Cities admit in their application for rehearing, that the Commission has the power to consider the terms of a proposed settlement which fails to receive unanimous support as a decision on the merits.[4] Therefore, the fact that the settlement agreement provided that its provisions were not separable does not preclude us from accepting part of the agreement and withholding our decision on the remainder of the agreement pending a hearing thereon. It should be noted that this procedure has been approved in "Michigan Consolidated Gas Co. v. F.P.C.," 283 F. 2d 204 (1960), where the court stated:

> Even assuming that under the Commission's rules Panhandle's rejection of the settlement rendered the proposal ineffective as a settlement, it could not, and we believe should not, have precluded the Commission from considering the proposal on its merits • • • Of course, there may be valid objections to the settlement proposal which the Commission has not explained, or which a hearing upon the proposal would reveal. Such considerations may merit modification or total rejection of the proposal.[5]

Cities' argument that judicial precedent requires the Commission to accept or reject in their entirety all settlement agreements which are supported by an overwhelming majority of the parties clearly has no merit. As the court in the Michigan Consolidated Gas case points out, there may be objections to an agreement which require further hearings, as we ordered herein, or modifications to the agreement.

Cities claim in their application for rehearing that our decision in Opinion No. 711 to reject Dalton's argument that Georgia Power's bulk generation and bulk transmission costs should be based on the rolled-together costs of the several parties to the Southern System Pooling Agreement will prejudge the outcome of Southern Services, Inc., Docket No. E-8514 which involves this same issue. Our decision on this issue in the present proceeding is based on our review of the record before us and the proposed settlement agreement. This decision does not preclude Cities or any other parties to the proceeding in Docket No. E-8514

[1] Georgia Power Company, Docket No. E-7548, Southern Electric Generating Company, Docket No. E-7569, Southern Services, Inc., Georgia Power Company, Alabama Power Company, Gulf Power Company, Mississippi Power Company, Docket No. E-7570, order denying request for investigation and consolidation and determining scope of proceeding, issued January 15, 1971.

[2] Opinion No. 711, mimeo, p. 9.

[3] Dalton's application for rehearing, pp. 4-5.

[4] "Placid Oil Co. v. F.P.C.," 483 F. 2d 880 (CA5, 1973); "Cities of Lexington, et al., v. F.P.C.," 295 F. 2d 109 (CA4, 1961); "Pennsylvania Gas and Water Co. v. F.P.C.," 463 F. 2d 1242 (CADC, 1972).

[5] Id., at 224.

V40 N71 APR 11 75 XUM

from presenting such evidence as they may consider relevant to the issues in that Docket. We will make a determination in that case on the basis of the facts as presented to us on the record of that proceeding. If evidence is introduced in that proceeding showing that the Southern System Pooling Agreement allocates costs among the several systems that are parties to that Agreement in a manner that is unjust and unreasonable, and that an arrangement for allocation of costs on a rolled-together cost basis would be just and reasonable, we will not hesitate to so find and order.

Finally, Cities urge that Opinion No. 711 be amended to require the Presiding Administrative Law Judge to immediately certify the record developed in the hearing in Docket No. E–8170 in order to provide for expeditious review and disposition of Dalton's allegations. We note that on January 16, 1975, Presiding Administrative Law Judge Lande reported to the Commission a motion made at the close of the hearing in Docket No. E–8170 by counsel for Cities to waive the intermediate decision procedure. By notice issued January 24, 1975, the Commission's Secretary, acting by direction of the Commission, denied this motion. We do not believe that the intermediate decision procedure will unnecessarily delay the disposition of this proceeding and accordingly we will deny Cities request for waiver of the intermediate decision by the Presiding Administrative Law Judge.

Georgia Power's application for rehearing: In its application for rehearing, Georgia Power requests that we clarify Ordering Paragraph (D) of Opinion No. 711 which requires Georgia Power to file within 30 days of the issuance of the Opinion "* * * revised tariff sheets and executed or unexecuted service agreements for each customer to conform with the settlement agreement as approved herein." Georgia Power requests that we specify that the tariff sheets and service agreements required to be filed relate to the period January 1, 1971 through December 12, 1973, when rate WR–6 (the subject of Docket No. E–7548) was in effect. Since Opinion No. 711 approved of the proposed settlement as it related to Docket No. E–7548, the tariff sheets and service agreements required to be filed should be those relating to the period that rate WR–6 was in effect, January 1, 1971 through December 12, 1973, and we shall provide for the filing of this material within 30 days of the issuance of this order.

The Commission finds. The applications for rehearing filed herein raise no facts or principles of law which would provide an appropriate basis for modification of Opinion No. 711.

The Commission orders. (A) The applications for rehearing filed by Dalton, Cities and Georgia Power are hereby denied.

(B) Georgia Power shall file the tariff sheets and service agreements required by Ordering Paragraph (D) of Opinion No. 711 as hereinabove clarified within 30 days of the issuance of this order.

(C) Cities' request for waiver of the intermediate decision in Docket No. E–8170 is hereby denied.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the direction of the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–9473 Filed 4–10–75;8:45 am]

[Project No. 2004]

HOLYOKE WATER POWER CO.

Application for Amendment of License

APRIL 3, 1975.

Public notice is hereby given that application was filed October 21, 1974, under the Federal Power Act (16 U.S.C. 791a–825r) by Holyoke Water Power Company (correspondence to: Mr. Leon E. Maglathlin, Jr., Vice President and Chief Administrative Officer, Holyoke Water Power Company, One Canal Street, Holyoke, Massachusetts 01040) for amendment of license for constructed Holyoke (Hadley Falls) Project No. 2004, located on the Connecticut River in the City of Holyoke, Hampden County, Massachusetts and the Town of South Hadley Falls, Hampshire County, Massachusetts.

Applicant states that the South Hadley Canal, a licensed facility located along the north bank of the Connecticut River in the Town of South Hadley Falls is no longer used for power generation purposes but solely as a source of process water by Texon Corporation in its mills adjacent to the Canal.

Applicant seeks Commission authorization (1) to seal off the South Hadley Canal at a point 255 feet downstream from the South Hadley Canal gatehouse by constructing an impervious concrete barrier, retaining for Texon Corporation its source of industrial process water; (2) to remove from the project boundary of Project No. 2004 that portion of the South Hadley Canal extending approximately 2000 feet from this proposed impervious concrete barrier downstream to the canal's confluence with the Connecticut River, thereby relieving licensee of the cost of maintaining this portion of the canal; and (3) to allow a 455-foot segment of the South Hadley Canal, extending from the proposed impervious barrier downstream to an existing concrete spillway, to be filled with inorganic rubble from demolition of an adjacent building by the Texon Corporation which in time would use the reclaimed land as a site for constructing a plant for treatment of process effluent from its manufacturing processes to comply with air and water quality regulations. The remaining portion of the 2000 foot segment of the canal removed from the project boundary, extending from the existing concrete spillway 1545 feet downstream to the canal's confluence with the Connecticut River, would not be filled.

Any person desiring to be heard or to make protest with reference to said application should on or before May 26, 1975 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–9466 Filed 4–10–75;8:45 am]

[Docket No. RP75–79]

LEHIGH PORTLAND CEMENT CO. AND FLORIDA GAS TRANSMISSION CO.

Complaint

APRIL 2, 1975.

Take notice that on March 21, 1975, Lehigh Portland Cement Company (Complainant), 718 Hamilton Mall, Allentown, Pennsylvania 18105, filed in Docket No. RP75–79 a complaint against Florida Gas Transmission Company (Defendant), P.O. Box 44, Winter Park, Florida 32789, alleging injury as a result of Defendant's implementation of its curtailment plan for sales of natural gas made pursuant to authorizations issued under the Natural Gas Act and requesting that the Commission establish an end-use curtailment plan for Defendant's system whereby direct and indirect customers using natural gas for similar purposes are curtailed in a similar manner, all as more fully set forth in the complaint which is on file with the Commission and open to public inspection.

The complaint asserts that Defendant's curtailment plan, as set forth in section 9 of its FPC Gas Tariff, provides that all direct sale "preferred interruptible" consumers will be curtailed prior to any interruption of resale "preferred interruptible" consumers. Complainant alleges that as a result of this provision, direct industrial consumers, such as Defendant, are now receiving minimal gas service while indirect industrial consumers purchasing from resale distributors are supplied substantial volumes of natural gas from Defendant's system. Complainant states that as a direct "preferred interruptible" consumer it has been notified by Defendant that Complainant's gas service will be curtailed at its Dade County, Florida, facility [1] 341 days during the 1975 calendar year. Complainant asserts in contrast, resale consumers, whether they are regarded as "preferred interruptible" or as "firm" have been subject to substantially less curtailment, if any, as all "preferred interruptible" service is curtailed prior to any interruption of resale customers.

Complainant states as a result of this curtailment by Defendant it has been forced to substitute fuel oil in its cement kilns as process fuel for natural gas volumes previously provided by Defendant. Complainant states fuel oil is more costly than natural gas and that energy costs incurred in the operation of cement kilns constitute a significant part of the total cost of cement production. Complainant alleges that due to the higher cost structure it is now operating under it is at a substantial competitive disadvantage, with respect to a major cement manufacturer serving approximately the same market as Complainant's Dade County cement plant, which is a direct result of its competitor's preferential access to lower cost natural gas from Defendant's system.[2]

Complainant alleges that Defendant's curtailment plan discriminates without regard to end-use against direct industrial pipeline customers in favor of indirect industrial users purchasing gas from distributors. Complainant notes that in issuing Order No. 467,[3] the Commission emphasized that a lawful curtailment plan must provide equal treatment for direct and indirect customers employing gas for similar end-use purposes:

> In establishing the priorities-of-service for the use of the natural gas supply, it is obvious that some direct and indirect customers use their supply of natural gas for similar end-use purposes. Customers with similar usages for the fuel should be accorded the same treatment to avoid any undue discrimination or preference among them. Accordingly, we will place the direct and indirect customers in the same priority-of-service position when their use of natural gas is comparable [4] 49 F.P.C. 85, 87.

Complainant states that Order No. 467–B's list of priorities requires both direct and indirect customers of the pipeline that use gas for similar purposes to be placed in the same priority of service (49 F.P.C. 85, 87–88), and that the equality of treatment for direct and indirect users specified by Order No. 467 mirrors the requirements of the Natural Gas Act since "section 4 [of the Act] renders unlawful curtailment plans which are preferential, discriminatory, unreasonable or unfair. * * *" *Pacific Gas and Electric Company* v. *FPC*, 506 F.2d 33, 43 (D.C. Cir. 1974).

Complainant argues that by arbitrarily preferring indirect industrial customers over direct industrial customers without regard to end-use, the Defendant's curtailment plan is clearly discriminatory, unreasonable, and grants an undue preference, and thus, under the mandates of the Natural Gas Act, Defendant's curtailment plan is patently unlawful and must be updated to reflect the Commission's declared intention that curtailment of all pipeline customers be based upon an end-use standard.

Complainant requests that the Commission establish an end-use curtailment plan for Defendant's system whereby direct and indirect customers using natural gas for similar purposes are curtailed in a similar manner.

Any person desiring to be heard or to make any protest with reference to said complaint should on or before May 1, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commision's rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–9472 Filed 4–10–75;8:45 am]

[Docket Nos. CP72–224 etc.]

NORTHERN NATURAL GAS CO

Filing of Initial Rate Schedule

APRIL 3, 1975.

Take notice that Northern Natural Gas Company on March 20, 1975, tendered for filing Rate Schedule X–46 for its FPC Gas Tariff, Original Volume No. 2. Updated Table of Contents sheets were also included in this filing for Northern's FPC Gas Tariff, Volumes 1 and 2 and Notice of Cancellation of Rate Schedule X–32 of Original Volume No. 2.

Rate Schedule X–46 is composed of a Sales Agreement between Northern Natural Gas Company (Northern) and Southern Union Gas Company (So. Union) dated August 14, 1974 as amended. Under terms of this Agreement Northern agrees to deliver to So. Union 150,000 Mcf per billing month with an annual limitation of 629,689 Mcf. Rate Schedule X–46 supersedes and cancels Rate Schedule X–32. Northern has requested an effective date of April 20, 1975.

Northern advises that this Sales Agreement of August 14, 1974 has been modified to reflect only the volumes authorized for delivery and summarized below:

	Thousand cubic feet
CP72–224	536,000
CP74–294	47,034
CP75–13	29,220
CP75–106	17,435
Total	629,689

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc75–9467 Filed 4–10–75;8:45 am]

[Project No. 2749]

SOUTHSIDE ELECTRIC COOPERATIVE

Application of Preliminary Permit Unconstructed Project

APRIL 3, 1975.

Public notice is hereby given that application for preliminary permit has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Southside Electric Cooperative of Crewe, Virginia (Correspondence to: Mr. Lynwood H. Wilson, Wilson and Boswell, Attorneys, P.O. Box 45, Crewe, Virginia 23930) for proposed Project No. 2749, to be known as the Randolph Project (Virginia), in the counties of Charlotte, Halifax, Pittsylvania, Campbell, Bedford, and Appomattox, Virginia. The proposed project would operate as a pumped storage complex involving up to 13 dams and reservoirs.

According to the application, the proposed Randolph Pumped Storage Project would consist of: (1) A dam creating a reservoir on the Roanoke River about 3 miles upstream from Randolph, Virginia; (2) several other developments including dams and generating stations on Hunting Creek, Wallace Creek, Cub

[1] Complainant is a corporation organized under the laws of the Commonwealth of Pennsylvania, which owns and operates a number of industrial plants engaged in the manufacture of cement. The instant complaint relates only to complainant's Dade County, Florida, cement manufacturing facility.

[2] Complainant states that upon information and belief, it appears that Maule Industries, Inc. (Maule), is receiving substantial natural gas service from City Gas Company of Florida (City Gas), a resale customer of Florida Gas, to fire kilns in Maule's Dade County cement facility located approximately five miles from Complainant's plant. In this connection, Maule is using gas supplied by City Gas in a similar, if not identical, manner, as Complainant employs gas in its manufacturing process when available from Florida Gas. The Complainant states further than in a proceeding involving a request by City Gas to serve expanded requirements of Maule, the Commission consistently characterized Maule as an "interruptible industrial consumer." Florida Gas Transmission Company, 49 F.P.C. 408, rehearing denied, 49 F.P.C. 778 (1973). Complainant states Maule's contract with City Gas dated January 30, 1969, submitted as an exhibit to the City Gas application, states that gas service to Maule is "subject to curtailment or complete interruption" and requires that Maule maintain alternate fuel capacity "to make possible the necessary interruption of natural gas supply" Application of City Gas for Order of FPC Directing Additional Service, Exhibit I (filed August 31, 1972).

[3] 18 CFR 2.78.

V40N71 APR 11 75 XUM

Creek, Turnip Creek, Roanoke Creek, Falling River (with Seneca-Molly's Creek), Otter River; and (3) the Melrose (at Melrose, Virginia), Seneca (6 miles west of Melrose, Virginia), and Taber (9 miles west of Melrose, Virginia) sites on the Roanoke River.

The application proposes several schemes of development, one of which would be:

(1) The Randolph reservoir would have a normal water level (NWL) of 380 feet and tailwater water level (TWL) of 302 feet discharging into the existing Army Corps of Engineers J. H. Kerr Reservoir; (2) Roanoke Creek and Hunting Creek reservoirs would have NWL's of 410 feet and 436 feet and TWL's of 302 feet discharging into the Kerr Reservoir; (3) Wallace Creek, Cub Creek, Turnip Creek, and Falling River would have NWL's of 420 feet, 440 feet, 514 feet, and 510 feet with TWL's of 380 feet discharging into Randolph Reservoir; (4) Seneca and Molly's Creek would have NWL's of 650 feet and TWL's of 510 feet discharging into Falling River reservoir; (5) The Seneca-Taber development would have a NWL of 485 feet and TWL of 468 feet; (6) The Melrose reservoir would have a NWL of 468 feet and TWL of 420 feet. All of the hydro-electric turbines would be reversible and would pump water to their respective upper reservoirs during off-peak load conditions. Future development on the Cub Creek reservoir would include a 3,200 MW stream electric generating plant. Preliminary studies of applicant indicate an ultimate installed hydroelectric capacity of 3,575 MW at a cost of $1,700,000,000 (excluding Seneca-Taber and Melrose developments) to be constructed over a 16-year period.

Alternative plans of development would retain the basic multiple reservoir pumped storage concept but with certain upper reservoirs discharging into different lower reservoirs and with corresponding changes in NWL and TWL. The size, number, and type of units would be determined under studies to be conducted under the preliminary permit.

The applicant proposes to market the power to its own customers, associated Electric Cooperatives, and municipally-owned electric utility systems in Virginia, North Carolina, and surrounding States. The applicant also proposes to exchange peaking power for off-peak and dump power with VEPCO and Appalachian Power Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 9, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9468 Filed 4-10-75;8:45 am]

[Docket No. RP74-52]

TRANSWESTERN PIPELINE CO.

Certification of Proposed Settlement Agreement

APRIL 3, 1975.

Take notice that on March 25, 1975, Chief Administrative Law Judge Joseph Zwerdling certified a proposed settlement agreement to the Commission which, if approved, would resolve all issues except the issue of allocation of transmission costs for the portion of Transwestern's system east of Roswell, New Mexico.

The proposed settlement would result in an overall rate of return of 9.75 percent which would yield 12.490 based on the capitalization as of June 30, 1974. The settlement also provides for a revised research and development clause as well as a temporary advance payments tracking provision.

The Presiding Judge set April 8, 1975, as the date for initial comments on the settlement and April 18, 1975, as the date for reply comments. However, in order to comply with notice requirements of the FEDERAL REGISTER, the comment dates are hereby extended as follows:

Initial Comments: April 22, 1975
Reply Comments: May 2, 1975

Any party wishing to file comments on the proposed settlement should file such comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9469 Filed 4-10-75;8:45 am]

[Docket No. E-8798]

WESTERN MASSACHUSETTS ELECTRIC CO.

Procedural Date and Postponing Hearing

APRIL 2, 1975.

On March 31, 1975, Western Massachusetts Electric Company filed a motion to extend the procedural dates fixed by order issued July 19, 1974 as most recently modified by notice issued January 27, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the hearing date in the above matter is postponed until 3 p.m. of the previously scheduled day, April 8, 1975. The procedural date for filing rebuttal testimony is suspended. Any further procedural dates required may be set by the Presiding Administrative Law Judge at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9470 Filed 4-10-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR MATHEMATICAL SCIENCES

Open Meeting

The Advisory Panel for Mathematical Science will hold an open meeting on April 28 and 29, 1975, at 9 a.m. in room 338 at 1800 G Street, NW., Washington, D.C.

The panel was created to provide advice and counsel concerning support for research in Mathematical Sciences and funtions in accordance with the Federal Advisory Committee Act (Pub.L. 92-463).

The agenda for this meeting includes:

APRIL 28—MORNING

Introduction and Summary Report on (Preliminary) FY 75 Activities, Head, Mathematical Sciences Section and Staff.
Status of the FY 76 Budget and Related NSF Matters of Interest, Director, Div. of Mathematical and Physical Sciences.

AFTERNOON

International Programs of NSF, Head, Office of International Programs.
Mathematics Research Institutes Prospects and Alternatives, Panel Members and Staff.

APRIL 29—MORNING

Promising Trends in Mathematics, Panel Members.
Adjourn—12:15.

The meeting will be open to the public. Anyone who would like to attend or would like more information about the Panel should contact Dr. William H. Pell, Head, Mathematical Sciences Section, Rm. 302, National Science Foundation, Washington, D.C. 20550, telephone: 202/632-7377.

Summary minutes of this meeting may be obtained from the Committee Management Coordination Staff, Management Analysis Office, Room 248, National Science Foundation, Washington, D.C. 20550.

FRED K. MURAKAMI,
Committee Management Officer.

Dated: April 8, 1975.

[FR Doc.75-9556 Filed 4-10-75;8:45 am]

ADVISORY COMMITTEE ON ETHICAL AND HUMAN VALUE IMPLICATIONS OF SCIENCE TECHNOLOGY

Meeting

The Advisory Committee on Ethical and Human Value Implications of Science and Technology will hold a meeting on April 28 at 9:30 a.m. in room 540 at 1800 G Street, NW., Washington, D.C. This meeting (from 9:30 to 2) is being held in collaboration with the Advisory Committee on Science, Technology, and Human Values of the National Endowment for the Humanities (NEH).

This Committee was created to provide advice and recommendations concerning support of scholarly activities in the field of ethical and human value implications of scientific and technological progress in conjunction with cooperative programs of the National Endowment for the Humanities and the National Science Foundation. This Committee functions in accordance with the Federal Advisory Committee Act (Pub. L. 92-463).

The agenda for this meeting includes:

9:30-2.—(Collaboration session with the NEH, Science, Technology and Human Value's Advisory Committee):
- Report on and discussion of results of national survey of college courses and curricular dealing with science and technology related ethical and value issues, conducted under joint NSF-NEH grant by Cornell University's Program on Science, Technology and Society.
- Report on and discussion of National Conference on Technology Studies held at Lehigh University, April 21-22, 1975.
- Report on and discussion of Interdisciplinary Research Workshop on the Interrelationships between Science and Ethics and Values, conducted under a joint NSF-NEH grant by the American Association for the Advancement of Science.
- Discussion of current joint NEH-NSF projects.
- Discussion of possible projects for future joint agency support.

2-3.—Discussion of the Ethical and Human Value Implications of Science and Technology (EHVIST) Program priorities for FY 76.
3-5.—Review of specific EHVIST proposals and evaluation of current grants (CLOSED).

From 3 to 5 p.m. the Committee will be reviewing, discusing, and evaluating specific EHVIST proposals and current grants. These proposals and grants contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 522(b), (4), (5), and (6). The closing of this portion of the meeting is in accordance with the determination by the Director of the National Science Foundation dated February 21, 1975, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

The remainder of this meeting is open to the public. Individuals who plan to attend should notify Dr. Robert J. Baum, Manager, EHVIST Program, by COB April 25, by telephone (202/282-7947) or by mail (Rm. 668-W, National Science Foundation, Washington, D.C. 20550). Dr. Baum should also be contacted for additional information about the Committee.

Summary minutes of this meeting may be obtained from the Committee Management Coordination Staff, Management Analysis Office, National Science Foundation, Washington, D.C. 20550.

Dated: April 8, 1975.

FRED K. MURAKAMI,
Committee Management Officer.

[FR Doc. 75-9557 Filed 4-10-75;8.45 am]

SCIENCE ADVISER WITH SCIENTIFIC AND TECHNICAL SOCIETIES

Change in Meeting Schedule

APRIL 8, 1975.

Due to a conflict in schedule with the memorial service for the late Dr. Hubert Hefner, member of the National Science Board and former Deputy Director of the Office of Science and Technology, the meeting scheduled for Monday, April 14, 1975, by Dr. H. Guyford Stever, Science Adviser, with representatives of scientific and technical societies on the general subject of scientific and technical manpower is rescheduled for Tuesday, May 13, 1975.

The time and location will remain 9:30 a.m. in the Board Room of the National Science Foundation, at 1800 G Street, NW., Washington, D.C. 20550.

RUSSELL C. DREW,
Director, STPO.

[FR Doc.75-9500 Filed 4-10-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-524A, 50-525A, 50-526A, 50-527A]

ALABAMA POWER CO. (ALAN R. BARTON NUCLEAR PLANT UNITS 1, 2, 3, AND 4)

Petitions for Leave To Intervene

Alabama Electric Cooperative, Inc. has filed a petition for leave to intervene in this proceeding and to participate as a party, and for a hearing on the antitrust aspects of the application of Alabama Power Company for construction permits to construct four nuclear generating units to be known as Alan R. Barton Nuclear Plant, Units 1, 2, 3, and 4. Municipal Electric Utility Association of Alabama has filed a similar petition.

Oral argument is deemed appropriate to assist this Board in ruling on the two petitions for leave to intervene. Parties should be prepared to identify and to address themselves to all significant issues of fact and law which are considered to be raised by the two petitions.

Motions to consolidate this proceeding with the proceeding in matter of Alabama Power Company (Joseph M. Farley Nuclear Plant), Docket Nos. 50-348A and 50-364A, now pending before the Commission, are not within the scope of the authority of this Board.

It is therefore ordered, That oral argument will be held on said petitions in the hearing room of the Atomic Safety and Licensing Board Panel, 12th floor, Landow Building, 7910 Woodmont Avenue, Bethesda, Maryland, at 10 a.m. on April 22, 1975.

Issued at Bethesda, Maryland, this 4th day of April 1975.

The Atomic Safety and Licensing Board established to rule on petitions for intervention.

MARSHALL E. MILLER,
Chairman.

[FR Doc.75-9430 Filed 4-10-75;8:45 am]

[Docket No. 50-10]

COMMONWEALTH EDISON CO. (DRESDEN NUCLEAR POWER STATION UNIT 1)

Evaluations Required by Acceptance Criteria for Emergency Core Cooling Systems

In accordance with 10 CFR 50.46(a)(2)(iii), a notice was published in the FEDERAL REGISTER on March 14, 1975 (40 FR 11949), that the Nuclear Regulatory Commission had received and was considering granting a request dated February 18, 1975, from the Commonwealth Edison Company (the licensee) for an extension of time from April 4, 1975 to August 2, 1975, for the submittal of an evaluation consistent with the requirements of Appendix K to 10 CFR Part 50 Acceptance Criteria for Emergency Core Cooling Systems (ECCS) for the Dresden Nuclear Power Station Unit 1 reactor and for an exemption from the "requirements of 10 CFR 50.46 and any underlying requirement with respect to the diversity of emergency systems or the diversity and redundancy of power sources, which would relieve Commonwealth Edison of the obligation to file a complete analysis prior to August 2, 1975, and continue in effect the variance previously granted from the Interim Acceptance Criteria." The Notice invited the submission of views and comments by any interested persons on the licensee's request. Comments have not been received.

An extension of time for submittal of the required evaluations has previously been granted from August 6, 1974 until April 4, 1975, by the Commission in its "Determination With Respect to Variance From The Interim Acceptance Criteria and Extension In Submitting Evaluations From the Acceptance Criteria For Emergency Core Cooling System" (10 CFR 50.46(a)(2)(iii))," dated August 5, 1974 (39 FR 29611).

The basis for the licensee's request for a further extension of time is the unavailability of the necessary evalution models and analyses from GE. In support of its request, the licensee states that it does not expect to receive the ECCS evaluation model and analyses from the General Electric Company (GE) for Dresden Unit 1 before June 28, 1975. The licensee requests an extension that will allow 35 days after the receipt of the ECCS evaluation from GE in order for the licensee to review the results of the analyses and develop appropriate Technical Specification changes.

V40-71-APR 11 75 XUM

Since the original extension of time was granted, substantial modifications and revisions of the evaluation models have been required as a result of the NRC's review of the GE models for newer plants, such as Dresden Unit 2 and 3. See, for these units, Order for Modification of License, published in the FEDERAL REGISTER on January 9, 1975 (40 FR 1790). The additional time involved in these modifications in the basic vendor evaluation models has delayed the development of appropriate modifications required to provide models and analyses suitable to Dresden 1 which is a plant of older design.

Based upon the NRC staff's experience and its knowledge of the effort on the part of GE to develop adequate evaluation models and analyses for a number of different reactor facilities, the NRC staff believes that the delay by GE in completing the necessary evaluation models and submitting the required analyses constitutes good cause for a further extension of the current April 4, 1975 deadline for the submittal of the information required by 10 CFR 50.46.

The schedule for completing the necessary vendor analyses set forth in the licensee's request is reasonable. Although the licensee did not provide adequate justification for the length of time for its internal review of the GE evaluation before submitting its proposed technical specification changes to the NRC, the licensee has requested 35 days which corresponds to the amount of time which the NRC staff established as a reasonable schedule in its prior Determination of August 5, 1974. The staff believes that this is a reasonable time. However, a number of subsidiary portions of the evaluations which make up the required evaluations, are to be completed by GE and provided to the licensee before the licensee's submittal to the Commission. In order to assure that the Commission is provided relevant information at the earliest possible opportunity, the licensee shall submit to the Commission copies of the various portions of the evaluation as soon as these are received from GE for review by the staff concurrent with the licensee's review.

In connection with the August 5, 1974 determination, the Commission concluded that there was reasonable assurance that the variance from the requirements of the Commission's Interim Acceptance Criteria (IAC) concerning the schedule for installation of certain equipment, would not adversely affect the health and safety of the public. With respect to the extension of time to file an evaluation of ECCS performance in accordance with 10 CFR 50.46, from August 5, 1974 until April 4, 1975, granted by the August 5, 1974 Determination, the licensee was required to submit a preliminary evaluation which provided a conservative assessment of ECCS performance under the Commission's Acceptance Criteria. Upon submission the licensee was required to operate in conformity with such preliminary evaluation and all limitations previously imposed.

Commonwealth Edison submitted a preliminary evaluation of ECCS performance on November 1, 1974, and further supplemented that evaluation on November 13, 1974. The preliminary evaluation concluded that with present operating limitations the calculated peak clad temperature using the Appendix K Models would be below 2200° F and that no additional operating limits are required. The considerations set forth in the August 5, 1974 Determination with respect to the variance from the IAC, are still applicable and provide the bases for continued facility operation. The additional analyses performed for the preliminary evaluation provide further assurance that the extension granted by this Determination will not adversely affect the health and safety of the public.

The licensee also requested an exemption from the requirements of 10 CFR 50.46 and any underlying requirement with respect to the diversity of emergency systems or the diversity and redundancy of power sources, which would relieve Commonwealth Edison of the obligation to file a complete analysis prior to August 2, 1975, and continue in effect the variance previously granted from the Interim Acceptance Criteria. In our August 5, 1974 determination, a variance from the requirements of the Interim Acceptance Criteria was granted until September 1, 1976 provided that the licensee makes additional modifications by September 1, 1976, to reduce the vulnerability of the Dresden Unit 1 ECCS to failure of a single onsite power source, continues inservice inspection at triple the frequency required by the Technical Specifications, and diligently pursues compliance with the IAC. This variance continues in effect as long as these provisions are complied with, and the licensee's request for continuance is unnecessary. However, the licensee is also subject to the requirements of the Commission's Acceptance Criteria set forth in 10 CFR 50.46, and the determination granting the IAC variance extends that variance only until operation in conformity with the acceptance criteria of 10 CFR 50.46 is required. The authorization provided by this determination, extending the time for submittal of the analyses of ECCS cooling performance required by 10 CFR 50.46, until August 2, 1975, extends the time at which any additional restrictions based on the required evaluations must be submitted and become applicable as operating limitations. (See 10 CFR 50.46(a)(2)(iv).) Consequently, no further action is required with respect to the applicant's "request for exemption."

If the licensee determines that an exemption from certain operating limitations will be required for operation after August 2, 1975, he may request such an exemption in accordance with 10 CFR 50.46(a)(2)(vi).

Accordingly, based on the foregoing considerations and for good cause shown, the Commission hereby grants an extension of time to the licensee which extends the date for compliance with the requirements of 10 CFR 50.46(a)(2)(ii) to August 2, 1975, provided that the licensee shall submit to the Commission copies of the ECCS analyses from GE immediately upon its receipt of these analyses.

Dated at Bethesda, Maryland, this 3rd day of April, 1975.

For the Nuclear Regulatory Commission.

EDSON G. CASE,
Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc.75-9432 Filed 4-10-75;8:45 am]

[Docket No. 50-482A]

KANSAS GAS AND ELECTRIC CO. AND KANSAS CITY POWER AND LIGHT CO. (WOLF CREEK GENERATING STATION, UNIT NO. 1)

Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this anti-trust proceeding:

Alan S. Rosenthal, Chairman
Michael C. Farrar, Member
Richard S. Salzman, Member

Dated: April 2, 1975.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.75-9431 Filed 4-10-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 7, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Agricultural Research Service, Biological Shipment Records—Beneficial Organization, ARA Form 442, ARA Form 441, on occasion domestic quarantine facilities, Caywood, D.P., 395-3443.

Forest Service, Denver Recreation Preference Study, single-time, households in four Denver, Colo. neighborhoods, Planchon, P., 395-3898.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Project Completion Report, annually, institutes of higher education, Caywood, D.P., 395-3443.

Food and Drug Administration:
Study of Medical X-ray Equipment Operators, FDABHR0328, other (see SF-83), hospitals, clinics, private offices, Hall, George, 395-4697.
Evaluation—Mini Lessons From FDA, EDRO 0305, single-time, individual educators, Planchon, P., 395-3898.

NATIONAL SCIENCE FOUNDATION

1975 Quick Response Survey of Graduate Science and Engineering Enrollment, annually, graduate science department chairmen, Dennis Johnston, 395-3840.

VETERANS ADMINISTRATION

Application for Authority To Close Loans on an Automatic Basis—Nonsupervised Lenders, 26-8736, on occasion, Lenders, Caywood, D. P., 395-3443.

REVISIONS

U.S. CIVIL SERVICE COMMISSION

Civil Service Competitor Survey, on occasion, individuals taking civil service tests, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service:
Cotton Objective Yield Survey, CE-12-33A, other (see SF-83), cotton producers, Hulett, D. T., 395-4730.
Corn Objective Yield Survey, A. H., other (see SF-83), corn producers, Hulett, D. T., 395-4730.

Food and Nutrition Service, Reimbursement Voucher—School Lunch, Breakfast and Special Milk Programs, FNS-806, monthly, school food authority, Caywood, D. P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Lenders Request for Payment of Interest on Student Loans, 1166, on occasion, financial institutions, Planchon, P., 395-3898.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service, Weekly Report of Red Tart Cherries Received for Processing Processors in Great Lakes Area, FV-100, weekly cherry processors, Evinger, S.K., 395-3645.

DEPARTMENT OF LABOR

Labor-Management and Service Administration: Eligibility Data, LMSA1010, on occasion, Evinger, S. K., 395-3648.

Receipts and Disbursements Report (Labor Consultants), LM-21, annually, Evinger, S. K., 395-3648.

Agreement and Activities Report, LM-20, on occasion, Evinger, S. K., 395-3648.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-9503 Filed 4-10-75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 8, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary, Program Performance Report (Compares Accomplishments Toward State's Specified Goals and Objectives), OS-18-75, quarterly, State agencies, Caywood, D. P., 395-3443.

Office of Education:
The Public Views Reading Crisis in America, OE-406, single-time, individuals, Planchon, P., 395-3898.
One-Time Survey on Expenditures Under VEA 68 Funds Encumbered/Expended in Correctional Institutions, OE-407, single-time, SEA's, Planchon, P., 395-3898.

DEPARTMENT OF LABOR

Labor-Management and Service Administration, Petition To Consolidate Units, LMSA 65, on occasion, Federal Labor Organizations Representing Federal employees, Caywood, D. P., 395-3443.

EXTENSIONS

ACTION

Survey of Part-Time College Student Volunteer Program, A-138, annually, colleges and universities, Reese, B. F., 395-5630.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-9668 Filed 4-10-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

AIRWAYS ENTERPRISES, INC.

Suspension of Trading

APRIL 4, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants, 8 percent convertible subordinated debentures due 1982 and the units of Airways Enterprises, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 9:30 a.m. (e.d.t.) on April 4, 1975 through midnight (e.d.t.) on April 13, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-9486 Filed 4-10-75;8:45 am]

AMERICAN STOCK EXCHANGE, INC. AND CHICAGO BOARD OPTIONS EXCHANGE, INC.

Joint Options Last-Sale Reporting Program

Notice is hereby given that the Chicago Board Options Exchange, Inc. ("CBOE") and the American Stock Exchange, Inc. ("AMEX") have proposed amendments to their previously filed proposed program for the establishment of a joint options last-sale reporting program which is filed pursuant to Rule 9b-1 (17 CFR 240.9b-1). This program was originally noticed on November 8, 1974, 39 FR 39615. The amendments filed are changes in form rather than substance and include a clarification concerning the fees being charged by OPRA.

The proposed program provides a plan that would allow the establishment of the Options Price Reporting Authority ("OPRA"), a policy-making body to coordinate the establishment and on-going administration of a common option tape on the floors of the participating exchanges and the dissemination of option last-sale data from these exchanges to vendors of interrogation devices. In addition the plan calls for OPRA, after a suitable trial period, to make the common option tape available to interested subscribers for public dissemination in the form of a continuous tape or tapes separate from the existing national networks. (The present AMEX tape, which will become Network B of the consolidated stock tape, will not be utilized for that purpose.)

Pursuant to the program OPRA will charge all subscribers that obtain the

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data by means of interrogation and/or display services a monthly qualification fee in addition to the fee charged the subscribers by vendors. The fee OPRA will charge to subscribers will be reasonably related to the costs of OPRA and the exchanges in collecting and disseminating price information and in conducting related market surveillance and will be fairly allocated among subscribers. The proposed monthly OPRA fee will be computed on the basis of $35 per firm office location or $5 per registered representative, whichever results in a lower charge.

The AMEX and CBOE also submitted forms of agreement (Processor Agreement, Vendor Agreement, and Subscriber Agreement) to be used by OPRA. While the specific provisions are matters of private negotiation and are not to be reviewed, they have been placed in the Public Reference Room.

The proposed program will become effective upon the 30th day after this notice appears in the FEDERAL REGISTER, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the change in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the proposed program to establish a joint option last-sale reporting program by CBOE and AMEX, and the proposed forms of agreements, either before or after they have become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made either to file number 10–54 or 10–26. The proposed program and forms of agreement are, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW., Washington, D.C.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

APRIL 1, 1975.

[FR Doc.75-9405 Filed 4–10–75;8:45 am]

[70–5603]

CENTRAL POWER AND LIGHT CO.

Proposed Acquisition of a Note From Pipeline Company

Notice is hereby given that Central Power and Light Company ("CP&L"), 120 North Chaparrel Street, Corpus Christi, Texas 79401, an electric utility subsidiary company of Central and South West Corporation, a registered holding company, has filed an application, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 9(a) and 10 of the Act as applicable to the proposed transaction. All interested persons are referred to the application, as amended, which is summarized below, for a complete statement of the proposed transaction.

CP&L states that in order to help assure a supply of natural gas for its operations, it, among other things, entered into an agreement of August 1, 1974, with Balcones Pipeline Company ("Balcones"). Under this agreement, Balcones undertook to procure a 20 year gas purchase contract covering all gas to be produced from certain wells in Starr County, Texas, to construct a pipeline from that source to CP&L's gas fired generating plant at Mission, Texas, and to transmit and sell such gas to CP&L for a 20 year term, subject to extension. The initial contract price is stated at $1.35 per MMBTU, subject to annual adjustment.

CP&L agreed to advance $400,000 to Balcones, upon completion of the pipeline. The advance was to be repaid, without interest, in 18 equal monthly installments. It was to be secured by a first lien on the pipeline and all other assets of Balcones, and personally guaranteed by two individuals, who are lessor and lessee respectively of the oil and gas leases served by the pipeline.

On December 23, 1974, CP&L made the $400,000 advance to Balcones of which $22,222.22 has been repaid. CP&L had not applied for approval of acquisition of the note as required by section 9(a)(1) of the Act. The Parties have since amended their agreement, as of March 5, 1975, to provide for the issuance of a new note by Balcones, secured and guaranteed in the same manner as above described, to evidence the $377,777.78 balance of the advance. All other terms of the agreement are unchanged, except that the date for payment of the next monthly installment on the note has been deferred until 5 days after CP&L requests such payment.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the proposed transaction are estimated at $5,000, including $2,500 in legal fees.

Notice is further given that any interested person may, not later than April 21, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended, or as it may be further amended, may be granted as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-9487 Filed 4–10–75;8:45 am]

[70–5663]

COLUMBIA GAS SYSTEM, INC.

Proposed Issuance and Sale of Short-Term Notes to Banks and to Dealers in Commercial Paper; Exception From Competitive Bidding

Notice is hereby given that the Columbia Gas System, Inc. ("Columbia"), Wilmington, Delaware, a registered holding company, has filed an application-declaration with this Commission pursuant to section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") and rule 50(a)(5) promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Columbia requests that the exemption from the provisions of section 6(a) of the Act afforded to it by the first sentence of section 6(b) thereof, relating to the issue and sale of short-term notes, be increased through May 31, 1976, from 5 percent to approximately 15 percent of the principal amount and par value of the other securities of Columbia then outstanding in order to permit Columbia to have outstanding up to $216,000,000 principal amount of proposed short-term notes, consisting of bank notes and commercial paper. Generally, Columbia will make the proceeds from the sale of these notes available to its subsidiary companies for construction, for the purchase of underground storage gas during the summer months, for other miscellaneous inventories, and for other short-term requirements, in accordance with the terms of Columbia's filing for intrasystem financing (File No. 70–5656).

Columbia proposes to issue and sell, from time to time through May 31, 1975, short-term notes in the form of commercial paper and notes to banks, in an aggregate amount not exceeding $216,000,000 at any one time outstanding.

It is Columbia's intention to issue and sell commercial paper to one or more dealers, and it will continue to do so as long as the effective interest rate is less than the effective interest cost which Columbia would have to pay to banks for an equivalent amount of funds as of the date of borrowing, except that, in order to obtain maximum flexibility, commercial paper may be issued with a maturity of not more than 60 days from the date of issue with an effective interest cost in excess of such effective interest cost on bank borrowings.

The commercial paper will be in the form of promissory notes with maturities not to exceed 270 days and will not be prepayable prior to maturity. The actual maturities will be determined by market conditions, effective interest cost to Columbia, and Columbia's anticipated cash requirements at the time of issue. The commercial paper notes will be issued in denominations of not less than $50,000 and not more than $5,000,000 and will be sold at a discount which will be not in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of the particular maturity and rating.

It is stated that no commission or fee will be payable in connection with the issue and sale of the commercial paper notes. Each dealer, as principal, will reoffer such notes at a discount rate of ⅛ of 1 percent per annum less than the discount rate to Columbia. The reoffering will be made to not more than an aggregate of 200 customers of the dealers, such customers to be identified and designated in lists (non-public) prepared in advance. No additions will be made to the customer lists which will consist of institutional investors. It is expected that Columbia's commercial paper notes will be held by customers to maturity, but, if they wish to resell prior thereto, the applicable dealer, pursuant to a repurchase agreement, will repurchase the notes and reoffer the same to others in its specified group of customers.

Columbia requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper. In support of this request, Columbia states that the proposed commercial paper notes will have a maturity of nine months or less, that it is not practical to invite competitive bids for commercial paper, and that current rates for commercial paper for such prime borrowers as Columbia are published daily in financial publications.

Columbia proposes that up to $156,000,000 of the aforesaid commercial paper will be converted into short-term bank loans on or before May 31, 1976, and Columbia intends to secure credit lines from a group of 33 banks in a maximum aggregate amount of $156,000,000, borrowings thereunder to be repaid at or before the maturity date thereof, May 31, 1976, with cash generated from operations. The bank loans will bear interest at the minimum commercial lending rate in effect from time to time at Morgan Guaranty Trust Company of New York and will be prepayable, in whole or in part, at any time without penalty.

It is stated that although banks have not required that Columbia maintain minimum compensating balances, it has been a policy of Columbia to maintain bank balances which on an annual basis are somewhat in excess of 20 percent of its average annual loans. On this basis, the effective cost of the bank borrowings (based on a prime rate of 7¼ percent) would be 9.06 percent per annum.

Columbia has also filed with the Commission an application (File No. 70–5661) to sell $50,000,000 of preferred stock in May, 1975. Any additional financings which become necessary will be the subject of future applications to this Commission.

The expenses to be paid by Columbia in connection with the proposed transaction are estimated at $4,600. Columbia has also requested that authority be granted to file certificates under rule 24 with respect to the proposed transactions on a quarterly basis.

The application-declaration states that no state commission and no federal commission, other than the Securities and Exchange Commission has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 29, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-9486 Filed 10–4–75;8:45 am]

[Release Nos. 33–5577, 34–11339; File No. S7–551]

ENVIRONMENTAL AND OTHER SOCIALLY SIGNIFICANT MATTERS

Disclosure of Supplemental Information

On February 11, 1975, the Commission announced that a public proceeding, including public hearings, would be held concerning disclosure in registration statements, reports and other documents filed with the Commission or required to be furnished to investors pursuant to the Securities Act and the Securities Exchange Act of environmental and other matters of primarily social rather than financial concern, including equal employment matters. (Securities Act Release No. 5569; Securities Exchange Act Release No. 11236.) (40 FR 7013.)

Through this proceeding the Commission seeks to determine whether its present disclosure rules are adequate in view of the provisions of the National Environmental Policy Act and, if not, what further rulemaking action should be taken. The Commission also seeks information upon which to evaluate the desirability of amending its disclosure requirements with respect to other matters of primarily social rather than financial concern.

The Release has been distributed to persons on the Commission's mailing list for releases issued under the Securities Act of 1933 and the Securities Exchange Act of 1934, and was published in the SEC Docket. In addition, 500 copies were provided to Natural Resources Defense Council, Inc., plaintiff in the action out of which this proceeding arose. The Commission has recently received requests from other organizations for additional copies.

In light of the importance of obtaining in this proceeding the views of a well-balanced cross-section of the investing public and of corporations that might be affected by any rules the Commission might propose to adopt as a result of the proceeding, the Commission has determined to make available a reasonable number of copies of the Release, upon request, to any other group or organization whose membership might be interested in commenting on the matters set forth therein. Interested persons should contact Daniel L. Goelzer, Office of the General Counsel (tel. No. 755–1977), to request copies of the Release.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

APRIL 4, 1975.

[FR Doc.75-9496 Filed 4–10–75;8:45 am]

[File No. 500–1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

APRIL 4, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

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Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from April 7, 1975 through April 16, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-9489 Filed 4-10-75;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

APRIL 4, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from April 7, 1975 through April 16, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-9490 Filed 4-10-75;8:45 am]

[70-5366]

MIDDLE SOUTH UTILITIES, INC.

Post-Effective Amendment Regarding Increase in Amount of Authorized Bank Borrowings

Notice is hereby given that Middle South Utilities, Inc., ("Middle South"), Two Eighty Park Avenue, New York, New York 10017, a registered holding company, has filed a sixth post-effective amendment to its declaration in this proceeding pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act as applicable to the following proposed transaction. All interested persons are referred to the declaration, as now amended, for a complete statement of the proposed transaction.

By order dated August 24, 1973 (HCAR No. 18065), the Commission authorized Middle South to issue and sell its unsecured promissory notes in an aggregate amount not to exceed $30,000,000 outstanding at any one time under a $135,000,000 revolving credit agreement ("Credit Agreement") with a group of 7 commercial banks headed by Manufacturers Hanover Trust Company of New York ("Banks"). Middle South now proposes to make additional borrowings from the Banks in the aggregate of $85,000,000. The proportions in which the borrowing will be made, the interest rate, the maturity date, the form of note, and all other terms and conditions of the borrowing will be the same as those terms and conditions set forth in the Credit Agreement and the original filing herein, heretofore described and authorized in the Commission order dated August 24, 1973.

The proceeds of the additional notes to banks will be used to purchase 2,400,000 shares of common stock of Arkansas Power & Light Company aggregating $30,000,000; 5,512,000 shares of common stock of Louisiana Power & Light Company aggregating $35,000,000; and 20,000 shares of common stock of Middle South Energy, Inc., from time to time through June 30, 1975, aggregating $20,000,000 (File Nos. 70-5638, 70-5645, and 70-5647, respectively).

Middle South reaffirms its intention to reduce the principal amount of notes payable outstanding through the issuance of additional shares of its common stock. The issuance of such additional common stock will be the subject of a future filing before the Commission. Any furture borrowings under the Credit Agreement will be subject to subsequent filings with and approval by the Commission.

It is represented that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction. No special fees or expenses are anticipated in connection with the transaction proposed herein.

Notice is further given that any interested person may, not later than April 28, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the previously amended declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as now amended by this post-effective amendment or as it may be further amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-9491 Filed 4-10-75;8:45 am]

[File No. 500-1]

NATURIZER, INC.

Suspension of Trading

APRIL 3, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the class A and class B common stock of Naturizer, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 2 p.m. (e.d.t.) on April 3, 1975 through midnight (e.d.t.) on April 12, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-9492 Filed 4-10-75;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

APRIL 4, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent), the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from April 7, 1975 through April 16, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-9493 Filed 4-10-75;8:45 am]

[File No. 500-1]

ZENITH DEVELOPMENT CORP.

Suspension of Trading

APRIL 4, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zenith Development Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from April 7, 1975 through April 16, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-9494 Filed 4-10-75;8:45 am]

UNITED STATES RAILWAY ASSOCIATION

PRELIMINARY SYSTEM PLAN

Identification of Necessary Rail Services; Correction

The following corrections are made to the text of the Preliminary System Plan ("PSP"), dated February 26, 1975, and published in the FEDERAL REGISTER on March 4, 1975, as Part II of Volume 40, (40 FR 9323–1063):

1. In Part IV, Appendix D–1, PSP, (40 FR 9594), add the following items in appropriate sequence:

Project ID	Location	Description of project	Service continued	
			Location	By
MA–9	White River Junction, Vt., Springfield, Mass., Palmer, Mass.	Boston and Maine and Central Vermont to operate on a pooling basis from White River Junction (or similar common point) to/from major Penn Central ConRail) interchange points at Springfield and Palmer (or such similar points as may become major interchange points under the ConRail operating plan).	All points retain local service as at present.	B&M

2. In Part IV, Appendix D–2, PSP, (40 FR 9599, 9600), add the following item in appropriate sequence:

Segment	From	To
	CANADA	
	Intrastate	
716	McGregor	Amherstburg.
	CONNECTICUT	
	Intrastate	
40	Webster, Mass.	Southbridge, Mass.
43	Groton, Conn.	Hills Grove, R.I.
678a	Auburn, Mass.	Putnam, Conn.
	DELAWARE	
	Intrastate	
937	Montchanin	Rockland.
	ILLINOIS	
	Intrastate	
609	Paris	Decatur.
610/610a	Decatur	Maroa.
	INDIANA	
	Intrastate	
529	Elwood	Anderson.
524	do	Kokomo.
573	Beeson	Connersville.
574/574a	Lebanon	Brant.
	Interstate	
467	Michigan City, Ind.	Buchanan, Mich.
530a	Richmond, Ind.	Eaton, Ohio.
	MASSACHUSETTS	
	Intrastate	
31/32	Milford	Walpole.
	MICHIGAN	
	Intrastate	
302a	N&W Xing east of Adrian.	Adrian.
295/295a	Clinton	Lenawee Junction.
426	(Oakman Spur at Dearborn)	
455a	Lansing	Saginaw.
	NEW JERSEY	
	Intrastate	
121	Lambertville	Trenton.
121a	do	Phillipsburg.
	NEW YORK	
	Intrastate	
105/107	Riverview	Charlotte.
1025	P&L Junction	Rochester Junction.
	OHIO	
	Intrastate	
372a	Dover	New Philadelphia.
496/496a	Bremen	Circleville.
518	Old River Junction	New River Junction.
538	Ansonia	Meekers.
551	Troy	Arcanum.
640	Bremen	New Lexington.
648a	Freemont	Clyde.
	WEST VIRGINIA	
	Intrastate	
512/512a	Blue Creek	Hitop.

3. In Part IV, Appendix D, PSP, (40 FR 9601), left column:

(a) The second sentence is corrected to read, "Part I lists those proposed extensions which the Association has been unable to determine would not either singly or cumulatively materially impair the profitability of any railroad, including ConRail in the Region," and

(b) The subtitle following the first paragraph is corrected to read, "Major Market Extensions Which USRA Has Been Unable To Determine Would Not Materially Impair Profitability".

4. In Part IV, Appendix D–3, Part I, PSP, (40 FR 9602), delete item Project ID, "D&H–1".

5. In Part IV, Appendix D–3, Part II, PSP, (40 FR 9604–9606):

(a) Under Project ID, CS–5, the description of the project is corrected to read, "Chessie System (Baltimore & Ohio) to acquire trackage or trackage rights from Lurgan via Harrisburg to the Allentown/Bethlehem and Greater Philadelphia areas and from both Allentown and Philadelphia to the Greater Newark Area, with or without access to on-line industry in and between those points.

(b) Under Project ID, N&W–13, indicate as an additional location "Hitop, W.VA.".

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(c) Add, in appropriate sequence, the following additional items:

Project ID	Location	Description of project
CS-19	Hilltop, W. Va., Cornelia, W. Va.	Chessie to acquire Penn Central trackage needed to continue service to shippers on the Hilltop and Peter Creek lines.
D&H-1	Wilkes-Barre, Pa., to Alexandria, Va.	Delaware and Hudson to acquire trackage or trackage rights over Penn Central, Lehigh Valley, and Reading, via Allentown, with or without access to on-line industry in and between those points.
P&S-1	Freeport to Pittsburgh, Pa. (west side of Allegheny River).	P&S to acquire existing PC facilities.
P&S-2	Butler Branch from Freeport to Butler, Pa.	Do.
P&S-3	Portion of Lowgrade line Brookville to Redbank, including Sligo Branch.	Do.
P&S-4	W. L. Yard, Brockway to end of track at Brockport.	P&S to acquire existing Erie Lackawanna facilities.
P&W-1	Providence to Cranston.	Providence & Worcester to acquire trackage of Penn Central (Con Rail) southward from Providence to Cranston.
P&W-2	Worcester to Auburn, Mass.	Providence & Worcester to acquire Penn Central line between Worcester and Auburn.
USRA-4	Harrisburg, Pa., Allentown, Pa., Bethlehem, Pa., Philadelphia, Pa., Wilmington, Del., Central, Ohio.	Norfolk and Western to acquire trackage or trackage rights from Central Ohio via Harrisburg to the Allentown/Bethlehem, Greater Philadelphia, and Wilmington areas, and from both Allentown and Philadelphia to the Greater Newark area, with or without access to on-line industry in and between those points.

Dated at Washington, D.C. this 7th day of April, 1975.

EDWARD G. JORDAN,
President,
U.S. Railway Association.

[FR Doc.75-9424 Filed 4-10-75;8:45 am]

VETERANS ADMINISTRATION

ADMINISTRATOR'S EDUCATION AND REHABILITATION ADVISORY COMMITTEE

Meeting

The Veterans Administration gives notice that a meeting of the Administrator's Education and Rehabilitation Advisory Committee, authorized by section 1792, title 38, United States Code, will be held at the Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC, on April 28, 1975, at 9:30 a.m. The meeting will be for the purposes of reviewing the Veterans Administration's educational program and the new legislation as enacted by Pub. L. 93-508.

The meeting will be open to the public up to the seating capacity of the conference room. Because of the limited seating capacity and the need for building security, it will be necessary for those wishing to attend to contact Mr. C. L. Dollarhide, Deputy Director, Education and Rehabilitation Service, Veterans Administration Central Office (phone 202-389-2152), prior to April 23.

Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

Dated: April 7, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.75-9497 Filed 4-10-75;8:45 am]

HEALTH MANPOWER TRAINING ASSISTANCE REVIEW COMMITTEE

Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-463 of a meeting of the Health Manpower Training Assistance Review Committee, authorized by the Administrator of Veterans Affairs on August 26, 1974 in the FEDERAL REGISTER Vol. 39, No. 166. This meeting will be in the Veterans Administration Central Office building and the committee will meet as follows: One-third of the members will meet on April 28-29, 1975 at 8:45 a.m.; one-third of the members will meet on May 5-6, 1975 at 8:45 a.m. and the final third of the members will meet on May 8-9, 1975 at 8:45 a.m. The meeting will be for the purpose of review of applications for grant assistance to institutions engaged in health manpower training, which assistance is authorized by Pub. L. 92-541. The committee provides recommendations to the Chief Medical Director concerning approval, deferral, return for revision and disapproval of the applications being considered.

The meeting will be open to the public on the first day up to seating capacity of the room from 8:45 a.m. until 9:30 a.m. to discuss general policies and current status of the program. Because of the limited seating capacity of the room those who plan to attend should contact Dr. Chester W. DeLong, executive secretary of the committee, Department of Medicine and Surgery, Veterans Administration Central Office 810 Vermont Avenue, NW Washington, DC 20420 prior to April 25, 1975. (Telephone (202) 389-3072). The meeting will be closed from 9:30 a.m. until 5 p.m. the first day and on the second day for consideration of individual applications. The closed portion of the meeting involves: discussion, examination, reference to, and oral review of site visits, staff and consultant critiques of individual grant applications, and similar documents which are exempt from disclosure under the intra-agency memoranda exemption (exemption (5)) to section 552(b) of title 5, United States Code. The portion of the meeting which necessitates examination of these documents will be closed to prevent inadvertent disclosure of these exempt records.

Minutes of the meeting and rosters of the committee members may be obtained from Dr. DeLong at the address given above.

Dated: April 7, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.75-9498 Filed 4-10-75;8:45 am]

MEDICAL SCHOOL ASSISTANCE REVIEW COMMITTEE

Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-463 of a meeting of the Medical School Assistance Review Committee, authorized by the Administrator of Veterans Affairs on August 26, 1974 in the FEDERAL REGISTER Vol. 39 No. 166. This meeting will be in the Veterans Administration Central Office building, Room 139 on May 1-2, 1975 starting at 8:45 a.m. The meeting will be for the purpose of review of applications from medical schools for assistance in developing their programs, which assistance is authorized by Pub. L. 92-541. The committee advises the Chief Medical Director on the approval, deferral, return for revision, or disapproval of these applications.

The meeting will be open to the public up to the seating capacity of the room from 8:45 a.m. to 9:30 a.m. to discuss the general policies and current status of the program. Because of the limited seating capacity of the room those who plan to attend should contact Dr. Chester W. DeLong, executive secretary of the committee, Department of Medicine and Surgery, Veterans Administration Central Office, 810 Vermont Avenue, NW Washington, DC 20420 prior to April 25, 1975. (Telephone (202) 389-3072).

The meeting will be closed from 9:30 a.m. until 5 p.m. on May 1, 1975 and on May 2, 1975 for consideration of individual applications. The closed portion of the meeting involves: Discussion, examination, reference to, and oral review of site visits, staff and consultant critiques of individual grant applications, and similar documents which are exempt from disclosure under the intraagency memoranda exemption (exemption (5)) to section 552(b) of title 5, United States Code. The portion of the meeting which necessitates examination of these documents will be closed to prevent inadvertent disclosure of these exempt records.

Dated: April 7, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.75-9499 Filed 4-10-75;8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924 (b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing on or before April 25, 1975 to: Deputy Assistant Secretary for Manpower, 601 D Street, NW, Washington, D.C. 20213.

Signed at Washington, D.C. this 7th day of April, 1975.

BEN BURDETSKY,
Deputy Assistant Secretary
for Manpower.

APPLICATIONS RECEIVED DURING THE WEEK ENDING APRIL 4, 1975

Name of applicant	Location of enterprise	Principal product or activity
Lakeview Care Center	Sidney, Maine	Nursing home.
L. C. Andrew, Inc.	South Windham, Maine	Low-cost prefab homes.
SNK Realty and Financing	Howell, N.J.	Rental office space.
Delmarva Poultry Cooperative, Inc.	Delmar, Del.	Raising, processing, and marketing of poultry.
Ring Processing, Inc.	Martinsburg, W. Va.	Meat processing.
Kenneth M. Fulford	Selma, Ala.	Slaughtering and meat processing and retail sales.
Burton Block & Concrete Co., Inc.	Beaufort Co., S.C.	Ready mixed concrete and concrete products.
Southgate, Inc.	Dayton, Tenn.	Shopping center construction.
Regeney, Inc.	Myrtle Beach, S.C.	Restaurant.
Calsilite Corp.	Brunswick, Ga.	Manufacturing high temperature calcium, silicate molded pipe covering and block insulation.
Tell City Chair Co. (tenant of City of Leitchfield, Ky.)	Leitchfield, Ky.	Production of hardwood parts and solid wood panels.
Irish Corp.	Camden, Ala.	Construction of component homes.
Basila Mfg. Co., Inc.	Greene County, Miss.	Manufacture of women's garments.
J. M. P. Enterprises, Inc.	Pikeville, Tenn.	Manufacture of jeans and jackets.
Greenwood Homes, Inc.	Greenwood, Wis.	Manufacture of modular houses and mobile homes.
James F. and Dorothy M. Speth	Spring Grove, Wis.	Motel-restaurant.
Glenwood City Enterprises, Inc.	Boyceville, Wis.	Manufacture of broom and brush handles and dowel pins (wooden).
Hedenquist Motors, Inc.	Jackson, Minn.	Automobile sales and service.
Pilgrim Industries, Inc.	Mt. Pleasant, Tex.	Rendering of offal into poultry feed ingredients.
Garvey International, Inc.	Muskogee, Okla.	Grain handling and storage.
Hydra-Gym Athletic Co.	Belton, Tex.	Assembly and sales of exercise equipment.
United Centrifugal Pumps	Santa Fe, N. Mex.	Manufacture of parts for centrifugal pumps.
Renfro Refuse Service	Reeds Spring, Mo.	Refuse collection and sanitary landfill.
Sand Seed Service, Inc.	Marcus, Iowa	Handling and processing of grain and seed.
Morrow Milling Co.	Carthage, Mo.	Manufacture of animal and poultry feed; poultry processing.
Jones-Normel Foods, Inc.	Weston, Oreg.	Processing of frozen vegetables.

[FR Doc.75-9440 Filed 4-10-75;8:45 am]

FEDERAL ADVISORY COUNCIL ON UNEMPLOYMENT INSURANCE

Meeting

A meeting of the Federal Advisory Council on Unemployment Insurance will be held on April 15, 1975, starting at 9 a.m. and adjourning at approximately 4:30 p.m. Meeting location will be the Meeting Room off the main lobby of the Patrick Henry Building, which is located at 601 D Street, NW., Washington, D.C.

The agenda is as follows:

9 a.m.—Welcome and remarks on the Unemployment Insurance Program and possible legislative changes, John T. Dunlop, Secretary of Labor.

Formal Adoption of Council procedures, Carolyn Shaw Bell, Chairman, presiding.

Report of the Committee on Financing, Father Joseph M. Becker, Committee Chairman.

Council discussion and recommendations with regard to methods of raising needed Federal revenue.

12—Lunch.

1—Program financing discussion continues.

Council discussion and recommendations with regard to benefit adequacy standard.

4:30—Adjournment.

Members of the public are invited to attend the proceedings.

Telephone inquiries and communications concerning this meeting should be directed to:

Mrs. Sally Ehrle, Executive Secretary, Federal Advisory Council on Unemployment Insurance, Room 7000, Patrick Henry Building, 601 D Street, NW., Washington, D.C. 20213.

Mrs. Ehrle's telephone number is Area Code 202-376-7034.

Signed at Washington, D.C. this 9th day of April 1975.

(This emergency meeting was called by the Secretary of Labor in order to solicit the views of the Federal Advisory Council on Unemployment Insurance prior to Congressional testimony).

WILLIAM H. KOLBERG,
Assistant Secretary
for Manpower.

[FR Doc.75-9684 Filed 4-10-75;8:45 am]

Office of the Secretary

[TA-W-2]

ESSEX INTERNATIONAL, INC.

Certification of Eligibility to Apply for Adjustment Assistance

On April 3, 1975, the Department of Labor received a petition filed by three workers under section 221(a) of the Trade Act of 1974 (the Act) on behalf of the workers and former workers of the Milford, Utah mine and mill of Essex International, Inc., Fort Wayne, Indiana

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(TA-W-2). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with copper concentrates and copper precipitates of the types provided for in items 602.30 and 612.02 of the Tariff Schedules of the United States produced by Essex International, Inc., or an appropriate subdivision thereof, have contributed importantly to an absolute decline in the sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which such total or partial separations began or threatened to begin and the subdivision of the firm involved. A worker group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 21, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 4th day of April 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-9444 Filed 4-10-75;8:45 am]

[TA-W-1]

FMC CORP.

Certification of Eligibility To Apply for Adjustment Assistance

On April 3, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 (the Act) by the Textile Workers Union of America, AFL-CIO, on behalf of the workers and former workers of the Parkersburg, West Virginia plant of the Fibers Division of the FMC Corporation, Chicago, Illinois (TA-W-1). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with rayon textile yarn, rayon staple, and rayon tow of the types provided for in items 309.30, 309.31, 309.4320, 309.4325, 310.0125, 310.0225, 310.0520, 310.0620, 310.1025, 310.1125, 310.2020, and 310.2120, of the Tariff Schedules of the United States produced by the FMC Corporation, or an appropriate subdivision thereof, have contributed importantly to an absolute decline in the sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate as appropriate to the determination of the date on which such total or partial separations began or threatened to begin and the subdivision of the firm involved. A worker group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 21, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 4th day of April 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-9443 Filed 4-10-75;8:45 am]

[TA-W-3]

INMONT CORP.

Certification of Eligibility To Apply for Adjustment Assistance

On April 3, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 (the Act) on behalf of the workers and former workers of the Winthrop, Maine plant of Inmont Corporation, New York, New York (TA-W-3). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with certain coated or laminated fabrics produced by Inmont Corporation, or an appropriate subdivision thereof, have contributed importantly to an absolute decline in the sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which such total or partial separations began or threatened to begin and the subdivision of the firm involved. A worker group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 21, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 4th day of April 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-9442 Filed 4-10-75;8:45 am]

Wage and Hour Division

SPECIAL MINIMUM WAGES

Certificates Authorizing the Employment of Learners

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended (29 U.S.C. 201 et seq.)), and Administrative Order No. 621 (39 FR 12819) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

The following certificates were issued under the apparel industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.20 to 522.25, as amended). The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Berlin Mfg. Co., Inc., Berlin, MD; 2-17-75 to 1-31-76; 10 learners. (Ladies' and men's jeans and work shirts)

Chester Mfg. Co., Henderson, TN; 3-1-75 to 2-29-76. (Juveniles' pants)

Colshire Mfg. Co., Inc., Morgantown, WV; 3-1-75 to 2-29-76. (Men's and women's pajamas)

Corbin, Ltd; Huntington, WV; 1-22-75 to 1-21-76. (Men's pants)

Crystal Springs Shirt Corporation, Crystal Springs, MS; 3-4-75 to 3-3-76. (Boys' shirts)

Donlin Sportswear, Inc., New Tazewell, TN; 2-1-75 to 1-31-76. (Men's shirts)

Edison Textiles, Inc., Edison, GA; 3-5-75 to 3-4-76. (Infants' and girls' outerwear)

Elder Mfg. Co., McLeansboro, IL; 2-7-75 to 2-6-76. (Men's and boys' shirts)

Fawn Grove Mfg. Co., Inc., Rising Sun, Md; 2-17-75 to 1-31-75; 10 learners. (Men's work pants)

Flushing Shirt Mfg. Co., Inc., Grantsville, MD; 1-18-75 to 1-17-76. (Men's shirts)

Michael Berkowitz Co., Inc., Frostburg, MD; 3-29-75 to 3-28-76. (Men's pajamas)

Princess Kent, Inc., Fort Kent, ME; 1-15-75 to 1-14-76; 10 learners. (Children's nightwear)

Salant & Salant, Lawrenceburg, TN; 3-1-75 to 2-29-76. (Men's and boys' shirts and outerwear jackets)

Salant & Salant, Loretto, TN; 3-1-75 to 2-29-76. (Men's and boys' pants)

Salant & Salant, Parsons, TN; 3-1-75 to 2-29-76. (Men's pants)

Somerville Mfg. Co., Inc., Somerville, TN; 3-10-75 to 3-9-76. (Men's pants)

Soperton Mfg. Co., Soperton, GA; 2-9-75 to 2-8-76. (Men's shirts)

Steele Apparel Co., Inc., Steele, MO; 12-23-74 to 12-22-75. (Women's dresses)

Tennessee Overall Co., Inc., Tullahoma, TN; 1-29-75 to 1-28-76. (Men's pants)

Wilker Bros. Co., Inc., McKenzie, TN; 3-1-75 to 2-29-76. (Men's and boys' pajamas)

W. S. W. Co. of Sharon, Inc., Sharon, TN; 3-19-75 to 3-18-76. (Children's pajamas)

The following plant expansion certificate was issued authorizing the number of learners indicated.

Continental Apparel Mfg. Co., DeFuniak Springs, FL; 2-1-75 to 7-31-75; 15 learners. (Women's blouses and pants)

The following certificate was issued under the glove industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.60 to 522.65, as amended.)

Mid West Glove Corporation, Chillicothe, MO; 2-25-75 to 2-24-76; 10 percent of the total number of machine stitchers for normal labor turnover purposes. (Work gloves)

The following learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rate, occupation, learning period, and the number of learners authorized to be employed, are indicated.

CTP Division—General Cigar Co., Inc., Caguas, PR; 1-15-76 to 1-14-76; 10 learners for normal labor turnover purposes in the occupation of machine stripping, for a learning period of 160 hours at the rate of $1.62 an hour. (Tobacco)

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before May 6, 1975.

Signed at Washington, D.C. this 4th day of April 1975.

ARTHUR H. KORN,
Authorized Representative of the Administrator.

[FR Doc.75-9441 Filed 10-4-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 740]

ASSIGNMENT OF HEARINGS

APRIL 8, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-C-8434, Diggins and Rose, Inc.—Investigation and Revocation of Certificate, now assigned May 15, 1975, at Boston, Massachusetts, is cancelled.

MC 113678, Sub 567, Curtis, Inc., now being assigned May 28, 1975, at New Orleans, Louisiana; in a hearing room to be designated later.

MC 106497, Sub 90, Parkhill Truck Co., now assigned June 3, 1975, at Atlanta, Georgia, is cancelled and the application is dismissed.

MC 140251, Knudsen Trucking, Inc., now being assigned July 16, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 30237, Sub 27, Yeatts Transfer Company, now being assigned July 9, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 78228, Sub 52, J Miller Express, Inc., now being assigned July 9, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 128273, Sub 161, Midwestern Distribution, Inc., now being assigned July 9, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 134612, Sub 2, Fast Motor Service, Inc., now being assigned July 1, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 13250, Sub 125, J. H. Rose Truck Line, Inc., now assigned June 3, 1975, at Atlanta, Georgia, is cancelled and the application is dismissed.

Ex Parte No. 277, Sub 3, Adequacy of Intercity Rail Passenger Service, now assigned April 16, 1975, at Boston, Mass., will be held in Room 501, 150 Causeway Street; May 7, 1975, at San Francisco, Calif., in Room 2017, 2nd Floor, 450 Golden Gate Avenue; May 12, 1975, at Los Angeles, Calif., in Room 1529, 312 North Spring Street; May 15, 1975, in Fort Worth, Texas, in City Council Chambers, Second Floor, Municipal Office Building, 10th and Jennings; and June 9, 1975 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 113981, Sub 10, Vegas Trucking and Moving, Inc., application dismissed.

MC-F-12347, Roadway Express, Inc.—Purchase (Portion)—Bed Line, Inc., now being assigned July 14, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 14751, sub 4, Nelson Transfer & Storage Company, now being assigned July 15, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 135379, Sub 7, Eastern Transport, Inc., now being assigned July 16, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 140359, Bufton Associates Limited, now being assigned July 17, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 106644, Sub 194, Superior Trucking Company, Inc., now being assigned July 23, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 117574, Sub 252, Daily Express, Inc., now assigned May 29, 1975, is postponed to July 15, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-9517 Filed 4-10-75;8:45 am]

[Rule No. 19; Ex Parte No. 241; Exemption No. 55, Amdt. No. 2]

CHICAGO, MILWAUKEE, ST. PAUL, AND PACIFIC RAILROAD CO. ET AL.

Exemption Under Mandatory Car Service

Correction

In FR Doc. 75-8416 appearing on page 14653 in the issue of Tuesday, April 1, 1975, the docket number should read as set forth above.

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 8, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 40 of the General Rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42970—*Joint Water-Rail Container Rates — Seatrain International, S.A.* Filed by Seatrain International, S.A. (No. 15), for itself and interested rail carriers. Rates on general commodities, between rail terminals on the U.S. Gulf Coast, and ports in Japan,

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Hong Kong, Korea, and Taiwan. Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-9516 Filed 4-10-75;8:45 am]

[Notice No. 263]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

APRIL 11, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g), of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before May 1, 1975, pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioner must be specified in their petitions with particularity.

No. MC-FC-75526. By order of April 1, 1975, the Motor Carrier Board on reconsideration approved the transfer to Commercial Transfer, Inc., Fresno, Calif., of the Certificate of Registration in No. MC 9226 (Sub-No. 4), issued May 18, 1964, to C. J. Fortier and C. E. Fortier, a partnership, doing business as Reedley-Selma-Kingsburg Truck Lines, Fresno, Calif., evidencing a right of the holder to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in Decisions No. 9492, dated September 12, 1921; No. 15609, dated November 7, 1925; No. 23350, dated February 2, 1931; and No. 23741 dated June 1, 1931, and transferred to transferor in Decision No. 31838 dated March 20, 1939, by the Public Utilities Commission of California. Granville T. Harper, 140 Montgomery Street, San Francisco, Calif. 94104, attorney for applicants.

No. MC-FC-75688. By order of March 13, 1975, the Motor Carrier Board approved the transfer to Sunrise Transportation, Inc., Manteca, Calif., of the operating rights in Permit No. MC 139432 (Sub-No. 1) and Certificate No. MC 119912 (Sub-No. 1), issued December 10, 1974, and August 25, 1961, respectively, to Clifford L. Akland, doing business as Sunrise Transportation, Manteca, Calif., authorizing the transportation of feed supplements and sugar beet final molasses residuum, in bulk, in tank vehicles, between Nyssa, Oreg., on the one hand, and, on the other, San Jose, Calif., and sugar beet final molasses residuum, in bulk, in tank vehicles, from Twin Falls, Idaho, to San Jose, Calif., under continuing contract with Loomix, Inc., and bakery goods, loose, in racks, and bakery goods, in containers, from San Francisco, Oakland, Berkeley, and Sacramento, Calif., to Reno and Carson City, Nev., and points within 20 miles of Reno. *Dual operations were approved.* Thomas M. Loughran, 100 Bush Street, San Francisco, Calif. 94104, attorney for applicants.

No. MC-FC-75691. By order of March 13, 1975, the Motor Carrier Board approved the transfer to Reagle, Inc., Valentine, Nebr., of the operating rights in Certificate No. MC 110553, issued December 28, 1949, to Alvin M. Reagle, Valentine, Nebr., authorizing the transportation of livestock, agricultural commodities, food, household goods as defined by the Commission, and farm machinery, over a regular route between Valentine, Nebr., and Sioux City, Iowa, and Omaha, Nebr.; livestock and agricultural commodities, between points in Nebraska within 50 miles of Valentine, Nebr., on the one hand, and, on the other, Winner, S. Dak., and points in Todd County, S. Dak., and household goods, livestock, agricultural commodities, food, agricultural machinery, agricultural equipment and parts thereof, and other emigrant movables, between Valentine, Nebr., and points in Nebraska and South Dakota within 25 miles of Valentine, points in Todd County, S. Dak., Crawford, Nebr., points on U.S. Highway 20 between Valentine and Crawford and Alliance, Nebr., on the one hand, and, on the other, Denver, Colo. Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501, attorney for applicants.

No. MC-FC-75698. By order of March 14, 1975, the Motor Carrier Board approved the transfer to C. W. Fox, doing business as C. W. Fox Trucking, Spooner, Wis., of the operating rights in Certificate No. MC 125108, issued March 14, 1968, to Mrs. Rae O. Hummel, doing business as City Dray, Spooner, Wis., authorizing the transportation of general commodities, with the usual exceptions between Spooner, Wis., and Shell Lake, Wis., serving no intermediate points, and restricted to the transportation of traffic interchanged with other motor carriers at Spooner. Paul H. Waggoner, 113 River Street, Spooner, Wis. 54801, attorney for applicants.

No. MC-FC-7577. By order of March 27, 1975, the Motor Carrier Board approved the transfer to Glen A. Olsen, Ricky B. Olsen and Lyle E. Olsen, doing business as G. A. Olsen and Sons, Persia, Iowa, of the operating rights in Certificate No. MC 106986, issued November 8, 1956, to D. L. Hughes, Persia, Iowa, authorizing the transportation of various commodities from, to and between specified points and areas in Nebraska and Iowa.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-9518 Filed 4-10-75;8:45 am]

[Notice No. 36]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 4, 1975.

Important notice: The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67, (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 8744 (Sub-No. 9TA), filed March 24, 1975. Applicant: CONSOLIDATED MOTOR EXPRESS, INC., 910 Grant Street, Bluefield, W. Va. 24701. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those commodities which because of their size or weight require the use of special equipment), between Tazewell, Va., on the one hand, and, on the other, points in Boone County, W. Va., for 180 days. Supporting shippers: Pyott-Boone, Inc., Box 809, Tazewell, Va. 24651. Gould, Inc., Box 829, Tazewell, Va. 24651. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 95876 (Sub-No. 170TA), filed March 26, 1975. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite*, from Marathon County, Wis., to points in South Dakota, Minnesota, Iowa, Illinois, Indiana, Ohio, Missouri, Nebraska, Michigan, Kansas, New York (West of N.Y. Highway 96), and Pennsylvania (West of U.S. Highway 15), for 180 days. Supporting shippers: Anderson Bros. & Johnson Co., Inc., East Manson St., Wausau, Wis. Lake Wausau Granite Company, North Second St., P.O. Box 397, Wausau, Wis. Send Protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg., & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 111729 (Sub-No. 525TA), filed March 27, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delaney (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory specimens, clinical pathology and blood samples*, between Toledo, Ohio, and Adrian, Mich., for 90 days. Supporting shipper(s): Pathology Laboratories, 2800 West Central Avenue, Toledo, Ohio 43606. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111729 (Sub-No. 526TA), filed March 27, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Replacement and repair parts for aircraft*, restricted against the transportation of packages or articles weighing more than 50 pounds from one consignor to one consignee on any one day, from Pittsburgh, Pa. to Cleveland and Youngstown, Ohio, on traffic having an immediately prior movement by air. (2) *Machine repair parts; production machine tools; sample automotive and machinery parts*, restricted against the transportation of packages or articles weighing more than 100 pounds from one consignor to one consignee on any one day, (a) between Hillsdale and Jonesville, Mich., on the one hand, and, on the other, airports serving Detroit, Mich., and Chicago, Ill., on traffic having an immediately prior or subsequent movement by air, (b) between Hillsdale and Jonesville, Mich., on the one hand, and, on the other, points in Illinois, Indiana and Ohio. (3) *Business or office machine parts, supplies, devices, and units*, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day, between Mechanicsburg and Pittsburgh, Pa., on the one hand, and, on the other, Martins Ferry and Steubenville, Ohio.

(4) *Drugs, narcotics, pharmaceuticals, toiletries, sundries, proprietaries, and other items related to drug stores and hospitals*, restricted against the transportation of articles or packages weighing more than 50 pounds per shipment or 100 pounds in the aggregate, from one consignor to one consignee on any one day, Between Toledo, Ohio, on the one hand, and, on the other, points in Allen, De Kalb, Elkhart, Kosciusko, Lagrange, Nobel, Steuben, and Whitley Counties, Ind.; and Branch, Genesee, Hillsdale, Ingham, Jackson, Lenawee, Macomb, Monroe, Oakland, St. Joseph, and Washtenaw Counties, Mich., for 180 days. Supporting shipper(s): (1) Beckett Aviation Corporation, Municipal Airport, Youngstown, Ohio. (2) Hillsdale Tool & Manufacturing Co., 135 E. South St., Hillsdale, Mich. (3) International Business Machines Corporation, P.O. Box 10, Princeton, N.J. (4) Walding, Kinnan & Marvin, 3145 Nebraska Ave., Toledo, Ohio. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111729 (Sub-No. 527TA), filed March 27, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Live laboratory specimens*, from Madison, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, and Ohio, for 180 days. Supporting shipper(s): Holtzman Company, 421 Holtzman Road, P.O. Box 4068; Madison, Wis. 53711. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 113908 (Sub-No. 339TA), filed March 28, 1975. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine and Wine Products*, in bulk, from Atlanta, Ga., to points in Baltimore, Md., Danville, Va., Church Point, La., for 180 days. Supporting shipper: Monarch Wine Company of Georgia, P.O. Box 6847, Atlanta, Ga. 30315. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 117765 (Sub-No. 189TA), filed March 24, 1975. Applicant: HAHN TRUCK LINE, INC., 5315 NW. Fifth, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum, petroleum products and roofing materials in containers*, from Wynnewood, Okla., to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Kerr McGee Corporation, Ray F. Fischer, T. M., P.O. Box 25861, Oklahoma City, Okla. 73125. Send protests to: Marie Spillars, Transportation Assistant, Room 240, Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 118560 (Sub-No. 1TA), filed March 25, 1975. Applicant: GENERAL TRUCKING COMPANY, INC., P.O. Box 269, 1100 School Street, Columbia, Tenn. 38401. Applicant's representative: Edward C. Blank, II, P.O. Box 1004, Columbia, Tenn. 38401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Slag by-products of phosphate furnaces*, in bulk, from plants of Southern Stone Company, Inc., located in Maury County, Tenn., to points in Kentucky, Alabama, and Mississippi, for 180 days. Supporting shipper: Southern Stone Company, Inc., 2111 Eighth Ave. S., Birmingham, Ala. 35233. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, Nashville, Tenn. 37203.

No. MC 119226 (Sub-No. 29TA) (Amendment), filed March 4, 1975, published in the FEDERAL REGISTER issue of March 21, 1975, and republished as amended this issue. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. 46227. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Weed killing compounds, liquid* (in bulk, in tank vehicles), from Lafayette, Ind., to Clinton, Eldorado, E. Paso, Pontiac, Potomac, Pleasant Plains, Ottawa, Springfield, Dewey, and Sheldon, Ill.; and Burlington, Clear Lake, Colfax, Des Moines, Mount Vernon, and Davenport, Iowa, for 180 days. Supporting shipper: Eli Lilly and Company, Elanco Products Division, P.O. Box 618, Indianapolis, Ind. 46204. Send protests to: James W. Habermehl, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 802 Century Bldg., 36 S. Penn. St., Indianapolis, Ind. 46204. The purpose of this republication is to add as Illinois destination points the points of Dewey and Sheldon, Illinois.

No. MC 124078 (Sub-No. 642TA), filed March 26, 1975. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from the plantsite of the Miami Fort Power Plant of the Cincinnati Gas and Electric Company, at or near North Bend, Ohio, to points in Illinois, Indiana, Kentucky, Ohio, Pennsylvania, and West Virginia,

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for 180 days. Supporting shipper: Amax Resource Recovery Systems, 3440 Office Park Drive, Dayton, Ohio 45439. Send protests to: John E. Ryden, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 125785 (Sub-No. 28TA), filed March 26, 1975. Applicant: SATURNE EXPRESS, INC., 7860 F Street, Omaha, Nebr. 68127. Applicant's representative: Michael J. Ogborn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ground, crushed or powdered glass and glass beads*; and (2) *materials, equipment and supplies* used in the application of highway marking strips, from Jackson, Miss., to points in Montana, Idaho, Utah, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Wisconsin, Illinois, and Kentucky. Restrictions: Restricted against the transportation of commodities in bulk and further restricted to a transportation service to be performed under a continuing contract with Ferro Corporation, for 180 days. Supporting shipper: Cataphote Division, Ferro Corporation, B. J. Young, Plant Controller, P.O. Box 2369, Jackson, Miss. 39205. Send protests to: Carroll Russell, District Supervisor, Suite 620, Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 126276 (Sub-No. 120TA), filed March 25, 1975. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container closures, container components and materials* used in the sale, manufacture or distribution of containers, from the plant site of American Can Company, located in Edison, N.J., to points in Milwaukee, Wis., for 180 days. Supporting shipper: Richard P. Edwards, Assistant Transportation Manager-Operations, American Can Company, American Lane, Greenwich, Conn. 06830. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 126489 (Sub-No. 28TA), filed March 25, 1975. Applicant: GASTON FEED TRANSPORTS, INC., 1203 West Fourth Street, P.O. Box 1066, Hutchinson, Kans. 67501. Applicant's representative: Clyde N. Christey, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bone meal*, in bags, from St. Joseph, Mo., to points in Louisiana, Mississippi, and Alabama, for 180 days. Supporting shipper: Swift Chemical Company, 111 West Jackson Blvd., Chicago, Ill. 60604. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 127811 (Sub-No. 5TA), filed March 27, 1975. Applicant: BRYNWOOD TRANSFER, INC., 175 8th Avenue SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pre-cast and pre-stressed concrete products* which because of unusual size or weight require special handling and the use of special equipment and; (2) *related parts and equipment* when transported in the same vehicle at the same time with the commodities described in (1) above, from Osseo, Minn., to Grand Forks and West Fargo, N. Dak., for 180 days. Supporting shipper(s): Bladholm Bros., Box H, Osseo, Minn. 55369. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 414 Federal Building & U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 128469 (Sub-No. 2TA), filed March 24, 1975. Applicant: A & A TRANSFER & STORAGE, INC., 113 Hollywood Boulevard NW., Fort Walton Beach, Fla. 32548. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Florida, restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic, for 180 days. Supporting shippers: Vanpac Carriers, Inc., 2114 MacDonald Avenue, Richmond, Calif. 94802. Columbia Export Packers, Inc., 19032 S. Vermont Ave., Torrance, Calif. 90502. Perfect Pak Company, 2015 Airport Way South, Seattle, Wash. 98134. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 128527 (Sub-No. 53TA) filed March 26, 1975. Applicant: MAY TRUCKING CO., Box 398, Payette, Idaho 83661. Applicant's representative: C. Marvin May (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food businesshouses, *and equipment, materials and supplies* used in the conduct of such business, from points in California to points in Baker, Union, and Umatilla Counties, Oreg., for 180 days. Supporting shipper: LaGrande Fruit Company, LaGrande, Oreg. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, 550 West Fort Street, Box 07, Boise, Idaho.

No. MC 134121 (Sub-No. 3TA), filed March 28, 1975. Applicant: ROBERT FRANK DEASON, doing business as DEASON GRAIN CO., P.O. Box 368, Lewisburg, Tenn. 37091. Applicant's representative: Roland M. Lowell, 618 Hamilton Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and empty containers on return*, from Lewisburg, Tenn., to points in Van Wert, Ohio, for 180 days. Supporting shipper: Marshall County Creamery, Inc., 116 3rd Ave., S. Lewisburg, Tenn. 37091. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, Nashville, Tenn. 37203.

No. MC 136423 (Sub-No. 4TA), filed March 27, 1975. Applicant: EMPIRE DIRECT SHIPPERS, INC., 400 Sip Avenue, Jersey City, N.J. 07306. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Granulated sugar substitutes, non-fat dry milk, instant flavored broth and seasoning*, dry, in containers, from New Paltz, N.Y., to points in Dallas, Tex., Chicago, Ill., Atlanta, Ga., and LaHabra, Calif., for 150 days. Supporting shipper: Foodways New York, Inc., 140 Broadway, Hawthorne, N.Y. 10532. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 136446 (Sub-No. 6TA), filed March 26, 1975. Applicant: PRINCETON MESSENGER SERVICE, INC., U.S. Route 1, Princeton, N.J. 08540. Applicant's representative: Harold G. Hernly, Jr., 118 N. St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter, advertising and promotional materials and materials and supplies* used or useful in the manufacture of distribution of the above commodities, in specialized delivery service, between points in Mercer County, N.J., on the one hand, and, on the other, New York, N.Y. and points in its commercial zone. (Restricted against traffic having a prior or subsequent movement by air), for 180 days. Supporting shipper: The Hibbert Company, 21 Muirhead Ave., Trenton, N.J. 08607. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, 428 East State St., Room 204, Trenton, N.J. 08608.

No. MC 136513 (Sub-No. 7TA), filed March 25, 1975. Applicant: TALMADGE C. GRAY, P.O. Box 233, Milford, Utah 84751. Applicant's representative: Talmadge C. Gray (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal other than shredded*, from Vernon, Calif., to points within 10 miles of Tempe, Ariz., for 180 days. Supporting shipper: Vulcan Materials Co., P.O. Box 7497, Birmingham, Ala. 35223. Send protests to: Lyle D. Helfer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 136992 (Sub-No. 2TA), filed March 24, 1975. Applicant: T–W TRANSPORT, INC., 2124 Waterworks Way, Spokane, Wash. 99220. Applicant's representative: George H. Hart, 1100 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine and malt beverages*, from points in Los Angeles, Orange, San Mateo, Santa Clara, Fresno, Madera, Alameda, Stanislaus, and San Francisco Counties, Calif., to points in Washington in and east of Okanogan, Chelan, Kittitas Counties, Washington, and points in Nez Perce, Latah, Benewah, Kootenai, Bonner, Boundary, Shoshone, Clearwater, Lewis, and Idaho Counties, Idaho, for 180 days. Supporting shippers: Pend Oreille Dist., Sandpoint, Idaho. Joey August Distributors, Inc., 3030 E. Trent, Spokane, Wash. Panhandle Dist., Inc., P.O. Box 614, Coeur d'Alene, Idaho. Michael E. Smith Distributors, Inc., Pullman, Wash. Wanke Distributors, Bldg. 906, Ephrata AFB, Ephrata, Wash. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 139531 (Sub-No. 3TA), filed March 26, 1975. Applicant: PEPLOW TRANSPORT LIMITED, 18 Royal Road, Guelph, Ontario, Canada. Applicant's representative: Robert D. Gunderman, Suite 710 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exothermic products*, in bulk, in dump vehicles, from East Chicago, Indiana, to ports of entry on the International Boundary line between the United States and Canada at the Detroit and St. Clair Rivers, restricted to traffic in foreign commerce, originating at or destined to plantsites or storage facilities of Foseco Canada Limited, in the City of Guelph, Ontario, Canada, for 180 days. Supporting shipper: Foseco Canada Limited, Guelph, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 612 Federal Bldg., 111 West Huron St., Buffalo, N.Y. 14202.

No. MC 140028 (Sub-No. 2TA), filed March 24, 1975. Applicant: MOULDEN & SONS, INC., P.O. Box 18, 200 Second Street, Enumclaw, Wash. 98022. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pumice rock*, in dump trucks and trailers, from points in Deschutes County, Oreg., to points in Lewis, Thurston, Pierce, and King Counties, Wash.; and (2) *Silicon metal*, in dump trucks and trailers, from Springfield, Oreg., to points in Longview and Wenatchee, Wash., for 180 days. Supporting shippers: Graystone Corporation, 1000 North Washington St., Olympia, Wash. National Metallurgical Co., A Division of Kawecki Berylco Industries, Inc., P.O. Box 56, Springfield, Oreg. 97477. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 140754 (Sub-No. 1TA), filed March 27, 1975. Applicant: BELL'S SHELL SERVICE, doing business as KERRY L. BELL, 703 Columbus Avenue, Washington Court House, Ohio 43160. Applicant's representative: Boyd B. Ferris, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, repossessed and stolen motor vehicles and trailers* (except trailers designed to be drawn by passenger automobiles) *and replacement vehicles for wrecked, disabled, repossessed and stolen motor vehicles and trailers* (except trailers designed to be drawn by passenger automobiles), in towing service, between Fayette, Clark, and Franklin Counties, Ohio, on the one hand, and, on the other, points in the states of Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: Wilson Freight Co., 3636 Follett Ave., Cincinnati, Ohio 45223. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., & U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 140779 (Sub-No. 1TA), filed March 25, 1975. Applicant: TRANSIT SERVICING, INC., 8121–C East 34 Mile Road, Cadillac, Mich. 49601. Applicant's representative: Burton A. Hines, 121 N. Mitchell St., Cadillac, Mich. 49601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture, appliances, and general merchandise* of W. T. Grant Company to be sold at retail, between the warehouse of Transit Servicing, Inc., near Cadillac, Mich., on the one hand, and, the stores and customers of W. T. Grant Company, located in the Lower Peninsula of Michigan but on and north of Michigan State Highway 20 and that part of the Counties of Newaygo Mecosta, Montcalm, Isabella, and Midland lying south of Michigan State Highway 20, and the Counties of Mackinac and Chippewa in the Upper Peninsula of Michigan on the other hand, for 180 days. Supporting shipper: W. T. Grant Company, 6930 Gettysburg Pike, Fort Wayne, Ind. 46818. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 140786 TA, filed March 1975. Applicant: THE UNITED STATES CARGO AND COURIER SERVICE, INCORPORATED, 715 Harmon Plaza, Columbus, Ohio 43223. Applicant's representative: Boyd B. Ferris, 50 West Broad St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mining machinery parts, finished or unfinished, and equipment and supplies* used in the manufacture or repair of mining machinery, in express service, in straight trucks or vehicles not exceeding two axles, between Columbus, Ohio, and points in Colorado, Illinois, Indiana, Kentucky, Michigan, North Dakota, Pennsylvania, Utah, Virginia, West Virginia, and Wyoming, for 180 days. Supporting shipper: Jeffrey Mining Machinery Company, Division of Dresser Industries, Inc., P.O. Box 1879, Columbus, Ohio 43216. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., & U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 140787 TA, filed March 27, 1975. Applicant: GIVENS TRUCKING COMPANY, INC., 1720 S. Military Highway, P.O. Box 1406, Chesapeake, Va. 23320. Applicant's representative: Frank B. Hand, Jr., P.O. Box 187, Berryville, Va. 22611. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motorcycles*, from the facilities of Givens, Inc., on S. Military Highway, Chesapeake, Va., to points in Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Missouri, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, West Virginia, and Wisconsin, under contract with Givens, Inc., for 180 days. Supporting shippers: There are 43 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: C. M. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 10–502 Federal Bldg., 400 North Eighth St., Richmond, Va. 23240.

No. MC 140788 TA, filed March 20, 1975. Applicant: CONTINENTAL VAN & STORAGE, 425 Orange Avenue, Seaside, Calif. 93955. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Monterey, Santa Cruz, San Benito, Santa Clara, Alameda, San Francisco, San Luis Obispo and Los Angeles Counties, Calif., restricted to the

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transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic, for 180 days. Supporting shippers: Garrett Forwarding Company, 165 South Pacific Coast Highway, Redondo Beach, Calif. 90277. Delcher Intercontinental Moving Service, 4219 Central Avenue, S. Petersburg, Fla. 33733. Interstate World Forwarders, Inc., 23228 Hawthorne Blvd., Torrance, Calif. 90504. Send protests to: Claud W. Reeves, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Ave., Box 37004, San Francisco, Calif. 94102.

No. MC 140789 (Sub-No. 1TA), filed March 25, 1975. Applicant: P.D.Q. INC. of MIAMI, 3395 NW. 170th Street, Miami, Fla. 33167. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods, commodities in bulk, commodities requiring refrigeration and commodities requiring special handling and special equipment), between points in Dade and Broward Counties, Fla., restricted to all shipments having a prior or subsequent movement by rail, for 180 days. Supporting: National Carloading Corp. and its Division ABC-Trans National Transport, 201 11th Ave., New York, N.Y. 10001. Streamline Shippers Assn., Inc., 2501 E. 14th St., Los Angeles, Calif. 90021. Nu-Way Shippers Association, Inc., 2800 W. 38th St., Chicago, Ill. 60632. J. M. Fields, Inc., 450 West 33rd St., New York, N.Y. 10001. Industrial Shippers, Association, Inc., 3710 South California Ave., Chicago, Ill. 60632. Send protests to: Joseph B. Teichert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Palm Coast II Bldg., 5255 NW. 87th Ave., Miami, Fla. 33178.

No. MC 140790 TA, filed March 25, 1975. Applicant: AIR LAND EXPRESS SYSTEMS, INC., Box 2900–2, Evansville, Wyo. 82636. Applicant's representative: John H. Lewis, 1650 Grant St. Bld., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* having a prior or subsequent movement in interstate or foreign commerce, moving in express service, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, restricted to (1) packages or articles each weighing not more than one hundred pounds and (2) against the transportation of more than two hundred pounds in the aggregate from one consignor at one location during a single day, between Casper, Wyo., and Rawlins, Wyo., via U.S. highways 220 and 287, serving all intermediate points; between Casper, Wyo., and Rawlins, Wyo., via U.S. Highway 220 to the junction Wyoming State Highway 487 to junction U.S. Highway 30 at Medicine Bow, Wyo., thence via U.S. Highway 30 and I–80 to Rawlins, Wyo., serving all intermediate points; between Casper, Wyo., and Sheridan, Wyo., via U.S. Highway 87 and I–25, serving all intermediate points, between Buffalo, Wyo., and Gillette, Wyo., via I–90, serving all intermediate points; between Midwest, Wyo., and Gillette, Wyo., via Wyoming State Highway 387 to junction Wyoming State Highway 59 at Douglas, Wyo., thence via Wyoming State Highway 59 to Gillette, Wyo., serving all intermediate points; also between Casper, Wyo., and Gillette, Wyo., via U.S. Highways 20 and 26 to junction Wyoming State Highway 95 at Glenrock, Wyo.

Thence via unnamed state highway to junction Wyoming State Highway 59 at Bill, Wyo., thence via Wyoming State Highway 59 to Gillette, Wyo., serving all intermediate points. Also serving all points in Natrona, Johnson, Sheridan, Campbell, and Converse Counties Wyo., as off-route points.

NOTE.—Applicant intends to hold itself out to perform an express type service, daily to and from air terminals and connecting motor carriers, for shippers in need of expeditious transportation service. Applicant intends to tack and interline with other carriers and requests waiver of tacking and interline restrictions. Applicant intends to tack with Wycoff Company, Inc., MC 89684 at Rawlins, Wyo., and airlines at Casper, Sheridan, Wyo., with tack with other grants in this application at Casper, Midwest, and Buffalo, Wyo. Supporting shippers: There are approximately 100 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: P. A. Naughton, District Supervisor, Interstate Commerce Commission, Room 1006, Federal Bldg. & Post Office, 100 East "B" St., Casper, Wyo. 82601.

No. MC 140791 TA, filed March 27, 1975. Applicant: VIRGIL O. HOWLAND, R.R. #1, Kampsville, Ill. 62053. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Louisiana, Missouri, to points in Carrollton, Kampsville, Greenfield, Hardin, Hull, Milton, Pleasant Hill, Payson, and Pittsfield, Ill. (Restricted to movements from March 15th to July 15th and from September 15th to December 30th of each year, for 180 days. Supporting shipper: Marvin Richter, President, Richter Fertilizer Co., Kampsville, Ill. 62053. Send protests to: Harold C. Jolliff, District Supervisor, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 140793 TA, filed March 28, 1975. Applicant: JAMES J. OBROCHTA, 9 Concord Lane, Oakland, N.J. 07436. Applicant's representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream and frozen desserts*, from Lancaster, Pa., to points in New Haven, Conn., Bullville, Southampton, and New York, N.Y., and Asbury Park, N.J., for 180 days. Supporting shipper: Schrafft's Ice Cream Company, Ltd., 333 5th Avenue, Pelham, N.Y. 10803. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-9519 Filed 4-10-75;8:45 am]

[Notice No. 37]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 7, 1975.

Important notice: The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub-No. 377TA), filed March 28, 1975. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Benzenethiol and parachlorthiophenol*, in bulk, in tank vehicles, from Henderson, Nev., to points in Lemoyne, Ala., for 180 days. Supporting shipper: Stauffer Chemical Company, 636 California Street, San Francisco, Calif. 94119. Send protests to: A. J. Rodriguez, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102.

No. MC 45675 (Sub-No. 10TA), filed March 27, 1975. Applicant: FILM SERVICE, INC., 333 North 25th Street, Milwaukee, Wis. 53233. Applicant's representative: William C. Dineen, 710 North Plankinton Ave., Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail and wholesale department stores except commodities in bulk, from the warehouse facilities of S & S Truck and Air Transfer at Bedford Park, Ill., to points in Wisconsin (except points in Bayfield, Douglas, Ashland, Washburn, Sawyer, Barron, Chippewa, Polk, Burnett, St. Croix, Pierce, Dunn, Buffalo, Rusk, Eau Claire, Pepin, and Trempealeau Counties) and to points in the Upper Peninsula of Michigan restricted to shipments not exceeding 500 pounds in weight, for 180 days. Supporting shipper: S & S Truck & Air Transfer, Inc., 7414 South Cicero Ave., Bedford Park, Ill. 60629. Send protests to: John E. Ryden, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 087, Milwaukee, Wis. 53203.

No. MC 110525 (Sub-No. 1120TA), filed March 27, 1975. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Ave., Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic plastics*, in bulk, in tank vehicles, from the plantsite of Georgia Pavidic Corp., at or near Plaquemine, La., to points in Arkansas, Arizona, California, Colorado, Delaware, Florida, Iowa, Kentucky, Massachusetts, Mississippi, Missouri, North Carolina, New Jersey, Ohio, Oklahoma, Pennsylvania, Tennessee, and Texas, for 180 days. Supporting shipper: Georgia Pacific Corp., P.O. Box 629, Plaquemine, La. 70764. Send protests to: Peter R. Guman, District Supervisor, Federal Bldg., Room 3238, 600 Arch St., Philadelphia, Pa. 19106.

No. MC 111729 (Sub-No. 528TA), filed March 27, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media of all kinds*, between Flora, Miss., on the one hand, and, on the other, points in Arkansas, Indiana, Iowa, Kentucky, Louisiana, Missouri, Ohio, Tennessee, Texas, and West Virginia; (2) *Tapes; magnetic and paper*, between Flora, Miss., on the one hand, and, on the other, points in Arkansas, Indiana, Iowa, Kentucky, Louisiana, Missouri, Ohio, Tennessee, Texas, and West Virginia; (3) *Microfilm, and microfilm containers and spools*, between Flora, Miss., on the one hand, and, on the other, points in Arkansas, Indiana, Iowa, Kentucky, Louisiana, Missouri, Ohio, Tennessee, Texas, and West Virginia; and (4) Parts and supplies relating to the microfilm industry, between Flora, Miss., on the one hand, and, on the other, points in Arkansas, Indiana, Iowa, Kentucky, Louisiana, Missouri, Ohio, Tennessee, Texas, and West Virginia, for 90 days. Supporting shipper: Southern Vital Records Center, Inc., P.O. Box 236, Flora, Miss. 39071. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 114533 (Sub-No. 319TA), filed March 25, 1975. Applicant: BANKERS DISPATCH CORPORATION, 1106 West 35th Street, Chicago, Ill. 60609. Applicant's representative: Warren W. Wallin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records, and graphic arts materials*, between Warsaw, Ind., on the one hand, and, on the other, Fort Wayne and Indianapolis, Ind., restricted to shipments having a prior or subsequent movement by air, for 180 days. Supporting shipper: George R. Cumberland, Division Traffic Manager, R. R. Connelley & Sons, Old Route 30 West, Warsaw, Ind. 46580. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations. Intersate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 116763 (Sub-No. 310TA), filed March 25, 1975. Applicant: CARL SUBLER TRUCKING, INC. North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Champaign, Ill., to points in the states of New Hampshire, New Jersey, Connecticut, Maine, Massachusetts, Rhode Island, Vermont, points in Pennsylvania east of I–81, and points in New York east of I–81, restricted to traffic originating at the facilities of Kraft Foods, east of I–81, Division of Kraftco Corporation, Champaign, Ill., for 180 days. Supporting shipper: Kraft Foods Division, Kraftco Corp., 500 Peshtigo Court, Chicago, Ill. 60609. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Bldg., 550 Main St., Cincinnati, Ohio 45202.

No. MC 117815 (Sub-No. 242TA), filed March 26, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Macaroni and grain products*, except in bulk, from Prince Macaroni of Michigan at or near Warren, Mich., to points in Shiller Park and Northlake, Ill., for 180 days. Supporting shipper: Prince Macaroni of Michigan, 26115 Groesbeck, Warren, Mich. 40889. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 119789 (Sub-No. 242TA), filed March 27, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo to points in Michigan and Ohio, restricted to traffic originating at, and destined to, named points, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, Nebr. 68731. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202.

No. MC 119789 (Sub-No. 243TA), filed March 28, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* in bulk, used automobiles and commodities which because of size or weight require the use of special equipment), from New York, N.Y., to points in Oklahoma City, Okla., and Dallas and Houston, Tex., restricted to (1) traffic originating at the named origin and destined to the named destinations, and (2) restricted to traffic moving on bills of lading issued by Freight Forwarders regulated under Section IV of the Interstate Commerce Act, for 180 days. Supporting shipper: Inter State Express, Inc., 56–25 56th Terrace, Maspeth, Long Island, N.Y. 11378. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202.

No. MC 133992 (Sub-No. 2TA), filed March 25, 1975. Applicant: CAPITAL TRANSPORT, LTD., P.O. Box 3931 Stn. "D", Edmonton, Alberta, Canada. Applicant's representative: Hugh Swenney, P.O. Box 1321, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-fabricated buildings with appliances, fixtures and furniture*, from the International Boundary line between the United States and Canada, situated in the State of Alaska, to Fairbanks, Alaska and Anchorage, Alaska, for 180 days. Supporting shippers: Muttart Industries, Ltd., 10930–84

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Street, Edmonton, Alberta, Canada. Neonex Shelter Industries Co., Ltd., Box 200, Spruce Grove, Alberta, Canada TOE 2CO. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 136035 (Sub-No. 3TA), filed March 26, 1975. Applicant: W. S. DUNNING & SON, INC., 131 D South Balmar St., West Chester, Pa. 19380. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products*, from West Chester, Pa., to points in Charleston, W. Va., for 180 days. Supporting shipper: Grocery Store Products Co., Union & Adams Street, West Chester, Pa. 19380. Send protests to: Peter R. Gelman, District Supervisor, Federal Bldg., Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

No. MC 136390 (Sub-No. 2TA), filed March 27, 1975. Applicant: JOHN B. RUSLING, Box 225, Stephen, Minn. 56757. Applicant's representative: Arthur A. Drenckhahn, 423 North Main, P.O. Box 159, Warren, Minn. 56762. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* (compressed gas) (1) from Garner, Iowa, to the Stephen, Minnesota Commercial Zone; (2) from Grand Forks, North Dakota, to the Stephen, Minnesota, Commercial Zone; and (3) from the port of entry at or near Noyes, Minnesota, on traffic originating at Brandon, Manitoba, to the Stephen, Minnesota Commercial Zone, for 180 days. Supporting shipper: Far North Ammonia and Chemical Co., Stephen, Minn. 56757. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 138936 (Sub-No. 2TA), filed March 27, 1975. Applicant: DONALD F. OWENS, doing business as FLUFF FREIGHT, 2504 South 8th Street, Manitowoc, Wis. 54200. Applicant's representative: Thomas A. Weir, 761 North Forest Road, Suite B, Buffalo, N.Y. 14221. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid soaps, shampoos, bubble bath, oils, lotions, shoe polishes, car waxes, buffing compounds, and cleaning compounds and toiletries*, from Northern Laboratories, Inc., at Manitowoc, Wis., to points in Connecticut, Illinois, Indiana, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont. *Liquid soap in drums and pails*, from points in New Jersey to Northern Laboratories, Inc., at Manitowoc, Wis., *Plastic bottles, empty*, from Port Clinton, Ohio to Northern Laboratories, Inc., at Manitowoc, Wis., for 180 days. Supporting shipper: Northern Laboratories, Inc., P.O. Box 808, Manitowoc, Wis. 54220. Send protests to: John E. Ryden, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 139460 (Sub-No. 18TA), filed March 27, 1975. Applicant: PORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, N.Y. 12828. Applicant's representative: J. Fred Relyea (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Portsmouth, N.H., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, for 180 days. Supporting shipper: Sea-3, Inc., 1 State Street, Boston, Mass. 02109. Send protests to: Robert A. Radler, District Supervisor, 518 Federal Bldg., Albany, N.Y. 12207.

No. MC 140337 (Sub-No. 2TA), filed March 25, 1975. Applicant: JESSE SHERMAN, doing business as SHERMAN TRAILER TRANSPORTATION, P.O. Box 3343, Cheyenne, Wyo. 82001. Applican't representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, between points in Wyoming, Colorado, Nebraska, North Dakota, South Dakota, Montana, Idaho, and Utah, for 180 days. Supporting shippers: There are approximately 21 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Room 1006, Federal Bldg., & Post Office, 100 East "B" Street, Casper, Wyo. 82601.

No. MC 140396 (Sub-No. 2TA) (Correction), filed March 11, 1975, published in the FEDERAL REGISTER issue of March 26, 1975, and republished as corrected this issue. Applicant: AVTEC SERVICES, INC., 1750 NW. 69th Avenue, Miami, Fla. 33126. Applicant's representative: Richard B. Austin, Palm Coast II Bldg., Suite 214, 5255 NW. 87th Avenue, Miami, Fla. 33178. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk or commodities which, by reason of size or weight, require specialized handling and equipment), (1) between Miami International Airport on the one hand, and, on the other, points in South Carolina and Alabama and (2) between points in Alabama and South Carolina on the one hand, and, on the other, Miami International Airport, restricted to traffic having a poor or subsequent movement by air under a continuing contract or contracts with Span East Airlines, Inc., for 180 days. Supporting shipper: Span East Airlines, 1750 NW. 69th Avenue, Miami, Fla. 33126. Send protests to: Joseph B. Teichert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Palm Coast II Bldg., 5255 NW. 87th Avenue, Miami, Fla. 33178. The purpose of this republication is to add the commodity exception which was omitted in the previous publication.

No. MC 140650 (Sub-No. 1TA), filed March 28, 1975. Applicant: PENINSULAR MEAT CO., INC., 4401 North Westshore Blvd., Tampa, Fla. 33614. Applicant's representative: Rudy Yessin, 314 Wilkinson Street, Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, from the plantsite of the Mid-American Meats, Inc., Omaha, Nebr., to points in Jacksonville, Tampa and Miami, Fla., for 180 days. Supporting shipper: Mid-American Meat, Inc., 1202 Jones, Omaha, Nebr. Send protests to: Joseph B. Teichert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Palm Coast II Bldg., Suite 208, 5255 NW. 87th Ave., Miami, Fla. 33178.

No. MC 140673 (Sub-No. 1TA), filed March 24, 1975. Applicant: OVERLAND CO., INC., 1991 Buford Highway, Lawrenceville, Ga. 30245. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail discount stores (except foodstuffs), between the distribution center and warehouse facilities of the Zayre Corp., at Forest Park, Ga., and the retail stores of the Zayre Corp., located in or near Birmingham, Bessemer, and Hoover, Ala.; Charlotte, Kannapolis, Winston-Salem, and Greensboro, N.C., and Memphis, Tenn., for 180 days. Supporting shipper: Zayre Corp., 770 Cochituate Road, Framingham, Mass. 01701. Send protests to: William L. Scroggs, District Supervisor, 1252 West Peachtree St., NW., Room 546, Atlanta, Ga. 30309.

No. MC 140792 TA, filed March 28, 1975. Applicant: STANLEY E. WHITEHEAD, 1017 Third Avenue, Monroe, Wis. 53566. Applicant's representative: Wayne W. Wilson, 329 W. Wilson St., Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed ingredients and bags*, between the plantsite and warehouse facilities of Milk Specialties Co., a division of Cudahy Foods Co., located at or near Dundee, Ill., on the one hand, and, on the other, the plantsite and warehouse facilities of Milk Specialties Co., a division of Cudahy Foods Co., at or near Browntown, Wis. Restriction: Restricted against the transportation of the named commodities in bulk, in tank vehicles, and restricted to the transportation of the named commodities under a continuing contract or contracts with Milk Specialties Co., a division of Cudahy Foods Co., for 180 days. Supporting shipper: Milk Specialties Co., a Division of Cudahy Foods Co., P.O. Box 278, Dundee, Ill. 60118. Send protests to: Barney L. Hardin, District Supervisor, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 140731 (Sub-No. 1TA), filed March 26, 1975. Applicant: JOHN LAWRENCE, doing business as JOHN LAWRENCE TRAILER TOWING, 3337 N. Manchester, Atwater, Calif. 95301. Applicant's representative: Raymond A. Greene, Jr., 100 Pine Street, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Travel Trailers*, from points in Merced County, Calif., to points in the states of Arizona, Idaho, Nevada, Oregon, Utah, and Washington, for 180 days. Supporting shipper: Wilderness Industries, Inc., P.O. Box 2599, 2047 Grogan Avenue, Merced, Calif. 95340. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-9520 Filed 4-10-75;8:45 am]

[Notice No. 38]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 8, 1975.

Important notice: The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIER OF PROPERTY

No. MC 97009 (Sub-No. 25TA), filed March 12, 1975. Applicant: HERZOG TRUCKNG COMPANY, INC., 200 Delaware Street, Honesdale, Pa. 18431. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, sold or distributed by the House of Westmore, its subsidiaries and/or its divisions, located at or near Newburgh and Rochester, N.Y. (except commodities in bulk), in mechanical refrigerated equipment, between the facilities of the House of Westmore, located at or near Newburgh and Rochester, N.Y., on the one hand, and, on the other, El Dorado, Fort Smith, Jonesboro, Little Rock, Pine Bluff, Texarkana, Ark.; Bloomington, Champaign, Chicago, Danville, Decatur, De Kalb, East St. Louis, Granite City, Moline, Peoria, Rockford, Springfield, Ill.; Anderson, Angola, Bloomington, Columbus, Elkhart, Evansville, Fort Wayne, Gary, Hammond, Indianapolis, Kokomo, Lafayette, Marion, Michigan City, Munice, South Bend, Terre Haute, Ind.; Cedar Rapids, Clinton, Council Bluffs, Davenport, Des Moines, Fort Dodge, Iowa City, Mason City, Sioux City, Waterloo, Iowa; Dodge City, Hays, Hutchinson, Kansas City, Liberal, Topeka, Wichita, Kans.; Baton Rouge, Lafayette, New Orleans, Shreveport, La.; Baltimore, Bethesda, Bladensburg, Bowie, Catonsville, Clinton, College City, College Park, Columbia, Forestville, Frederick, Glen Burnie, Hagerstown, Randallstown, Reisterstown, Rockville, Silver Spring, Towson, Westminster, Md.; Ann Arbor, Battle Creek, Bay City, Detroit, Flint, Grand Rapids, Kalamazoo, Lansing, Muskegon, Pontiac, Saginaw, Mich.; Columbia, Independence, Jefferson City, Joplin, Kansas City, Springfield, St. Joseph, St. Louis, Mo.; Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Findlay, Lancaster, Lima, Lorain, Mansfield, Marion, Portsmouth, Sandusky, Springfield, Steubenville, Toledo, Youngstown, Warren, Zanesville, Ohio; Altoona, Butler, Chambersburg, DuBois, Erie, Harrisburg, Johnstown, McKeesport, New Castle, New Kensington, Sharon, Washington, Williamsport, Pa.; Chattanooga, Clarksville, Jackson, Memphis, Nashville, Tenn.; Alexandria, Charlottesville, Lynchburg, Martinsburg, Norfolk, Richmond, Roanoke, Winchester, Va.; Charleston, Huntington, Martinsburg, Wheeling, W. Va.; Milwaukee, Wis., for 180 days. Supporting shipper: House of Westmore, Inc., Pierces Road, Newburgh, N.Y. 12550. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 10761 (Sub-No. 275TA), filed March 31, 1975. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 5650 Foremost Drive SE., Grand Rapids, Mich. 49506. Applicant's representative: L. R. Knapp (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Elevators, conveyors or parts, including supplies and materials required for installation of conveyor system*, serving the plantsite of E. I. du Pont de Nemours & Co., located at or near Seaford, Delaware, as an off-route point in connection with carrier's regular route operations, between Baltimore, Md., and Philadelphia, Pa., for 180 days. Supporting shippers: E. I. du Pont de Nemours & Co., 1007 Market St., Wilmington, Del. 19898; Rapistan Incorporated, 507 Plymouth NE., Grand Rapids, Mich. 49505. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 102567 (Sub-No. 184TA), filed March 31, 1975. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe C. Day, 2040 N. Loop West, Suite 208, Houston, Tex. 77018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blackstrap Molasses*, mixed with not to exceed 10 percent Urea and with or without not to exceed 6 percent other ingredients, in bulk, in tank vehicles, from Gretna, La., to points in Alabama, Arkansas, Florida, Georgia, and Mississippi, for 180 days. Supporting shipper: National Molasses Company, Willow Grove, Pa. 19090. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, T-9038 U.S. Postal Service Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 107496 (Sub-No. 996TA), filed March 31, 1975. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Missile fuels and oxidizers*, in bulk, in tank vehicles, from the Naval Ordnance Station, Indianhead, Md., to points in Rocky Mountain Arsenal, Ladora, Colorado, for 180 days. Supporting shipper: Department of Defense, Regulatory Law Office, Office of the Judge Advocate General, Department of the Army, Washington, D.C. 20310. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 111672 (Sub-No. 9TA), filed April 1, 1975. Applicant: R & M TRUCK LINE, INC., P.O. Box 422, Oskaloosa, Iowa 52577. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured prills* (except in bulk), from Oskaloosa, Iowa, to points in Missouri, for 180 days. Supporting shipper: Binns & Stevens Explosives, Inc., P.O. Box 198, Oskaloosa, Iowa 52577. Send protests to: Herbert W.

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Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 111936 (Sub-No. 33TA) (Correction), filed January 27, 1975, published in the FEDERAL REGISTER issue of February 10, 1975, and republished as corrected this issue. Applicant: SUWAK TRUCKING COMPANY, a corporation, 1105 Fayette Street, Washington, Pa. 15301. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper partitions*, from the plantsite of Cleve-Pak Corporation at Eaton, Ind., to Aliquippa, Allentown, Altoona, Ambridge, Beaver Falls, Berwick, Bethlehem, Bradford, Brockway, Brownsville, Butler, Canonsburg, Carlisle, Chambersburg, Clarion, Clearfield, Connellsville, Dubois, Erie, Franklin, Gettysburg, Greensburg, Harrisburg, Hazelton, Indiana, Jeannette, Kecksburg, Knox Lancaster, Latrobe, Lewistown, Marienville, Meadville, New Castle, Oil City, Parker, Philadelphia, Pittsburgh, Port Allegany, Uniontown, Washington, Youngwood, and York, Pa., Akron, Alliance, Aurora, Bedford, Berea, Bucyrus, Canton, Cincinnati, Cleveland, Columbus, Findlay, Lancaster, Plain City, Springdale, Toledo and Zanesville, Ohio; Annapolis, Baltimore, Bethesda, Cambridge, College Park, Cumberland, Easton, Frederick, Hagerstown, Hancock and Ocean City, Md.; Albany, Binghamton, Buffalo, Corning, Elmira, Oswego, Rochester and Syracuse, N.Y.; and Bluefield, Charleston, Fairmont, Huntington, Keyser, Morgantown, Parkersburg, Philippi, and Wheeling, W. Va., for 180 days. Supporting shipper: Clevepark Corporation, 1640 West Silver Spring Drive, Milwaukee, Wis. 53209. Send protests to: James C. Donaldson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Bldg., 1000 Liberty Avenue, Pittsburgh, Pa. 15222. The purpose of this republication is to add Springfield, Ohio, as a destination point, which was omitted in the previous publication.

No. MC 114457 (Sub-No. 228TA), filed April 1, 1975. Applicant: DART TRANSIT COMPANY, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared animal food* (except in bulk), from Delavan, Wis., to points in North Dakota, South Dakota, Arkansas, Illinois, Indiana, Kentucky, West Virginia, Virginia, Maryland, Delaware, Rhode Island, Connecticut, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia, for 180 days. Supporting shipper: The Landon Company, Delavan, Wis. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg., & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 114848 (Sub-No. 56TA), filed March 28, 1975. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Memphis, Tenn. 38113. Applicant's representative: Terry T. Wharton, P.O. Box 13068, Riverside Branch, Memphis, Tenn. 38113. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry grain products*, in bulk, from the loading facilities of New Era Milling Company, Memphis, Tenn., to points in Arkansas, Alabama, Georgia, Kentucky, Mississippi, and Tennessee, for 180 days. Supporting shipper: The New Era Milling Company, P.O. Box 958, Arkansas City, Kans. 67005. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Office Bldg., 167 North Main St., Memphis, Tenn. 38103.

No. MC 115994 (Sub-No. 9TA), filed March 27, 1975. Applicant: FIDERAK TRUCKING, INC., R.D. #2, Lafayette Ave., Tamaqua, Pa. 18252. Applicant's representative: Paul B. Kemmerer, 1620 N. 19th Street, Allentown, Pa. 18104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent or junk electric storage batteries*, from points in New York City, Nassau and West Chester Counties, N.Y., Jersey City and Newark, N.J., Hartford, Conn., and Providence, R.I., to points in Nesquehoning, Pa., for 180 days. Supporting shipper: Tonolli Corp., R.D. #1, Nesquehoning, Pa. 18240. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 134 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 116459 (Sub-No. 54TA), filed April 1, 1975. Applicant: RUSS TRANSPORT, INC., P.O. Box 4022, Chattanooga, Tenn. 37405. Applicant's representative: Sam Speer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk in tank vehicles, from Vulcan Materials, Knoxville, Tenn., to points in Kentucky, for 180 days. Supporting shipper: Vulcan Materials Company, Chattanooga Division, 250 McClellan Bldg., Chattanooga, Tenn. 37402. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, A-422 Federal Bldg., 801 Broadway, Nashville, Tenn. 37203.

No. MC 124612 (Sub-No. 6TA), filed March 31, 1975. Applicant: CLEMENT RISBERG, doing business as RISBERG TRUCK SERVICE, 2339 SE. Grand Avenue, Portland, Oreg. 97214. Applicant's representative: John G. McLaughlin, 620 Blu Cross Bldg., Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between points in Oregon, Washington, Idaho, and California, for 180 days. Supporting shipper: Payless Drug Stores Northwest, Inc., 234 NW. Fifth Avenue, Portland, Oreg. 97204. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 128988 (Sub-No. 60TA), filed March 27, 1975. Applicant: JO/KEL, INC., 159 South Seventh Ave., P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission and commodities in bulk, from the facilities of Westinghouse Electric Corporation at or near Edison, N.J., to points in Arizona, California, Nevada, Oregon, and Washington. Restrictions: Restricted against the transportation of commodities which by reason of size or weight require the use of special equipment. Further restricted to a transportation service to be performed under a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Pa., for 180 days. Supporting shipper: Westinghouse Electric Corporation, RD #5 Leger Road, North Huntingdon, Pa. 15642. Send protests to: Walter W. Strakosch, District Supervisor, Room 1312 Federal Bldg., 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 129486 (Sub-No. 8TA), filed March 31, 1975. Applicant: PAGE TRUCKING COMPANY, INC., P.O. Box 14, Hines, Minn. 55647. Applicant's representative: Charles E. Johnson, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dehydrated soups and stuffing mix*, from Seville, Ohio, to points in Cincinnati, Ohio, Camden, N.J., Syracuse, N.Y., and points in Pennsylvania; and (2) *Materials and supplies* used in the production of dehydrated soups and stuffing mix, from points in Baltimore, Md., Edinburg, Tex., and Moscow, Idaho, to points in Seville, Ohio. Restriction: Restricted to transportation service to be performed under a contract or continuing contract with APRO-PAK, Pikesville, Md., for 180 days. Supporting shipper: Apro-Pak, P.O. Box 5803, Pikesville, Md. 21208. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 134498 (Sub-No. 1TA), filed March 31, 1975. Applicant: FREEWAY TRANSPORT, INC., 635 SE. 11th Avenue, Portland, Oreg. 97214. Applicant's representative: Earle V. White, 2400 SW. Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Long Beach and Wilmington, Calif., to points in Oregon and Washington, for 180 days. Supporting shipper: Safeway Stores, Inc., 16800 S. E. Evelyn, Clackamas, Oreg. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 136574 (Sub-No. 2TA) (Correction), filed March 19, 1975, published in the FEDERAL REGISTER issue of March 31, 1975, and republished as corrected this issue. Applicant: B AND P MOTOR LINES, INC., 710 Oakland Road, P.O. Box 741, Forest City, N.C. 28043. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air cleaners, fuel filters, oil filters, air cleaner cartridges (elements), oil filter cartridges (elements), and materials and supplies used in the marketing or distribution of the foregoing commodities*, from Gastonia, N.C., to points in Des Moines, Iowa, Kansas City, Kans., Minneapolis, and St. Paul, Minn., St. Louis, Mo., Omaha, Nebr., Oklahoma City, and Tulsa, Okla., Dallas and Houston, Tex., and points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, for 180 days. Supporting shipper: Wix Corporation, P.O. Box 1967, Gastonia, N.C. 28052. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205. The purpose of this republication is to state the correct docket number.

No. MC 138104 (Sub-No. 25TA), filed March 31, 1975. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove Street, Forth Worth, Tex. 76106. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and trailer-chassis*, in initial movements, other than those designed to be drawn by passenger automobiles, from the plantsite and storage facilities of Aztec Trailer Manufacturing Co., located at 1708 Peyco Drive, South of the city limits of Arlington, Tex., to points in Salt Lake City, Utah and Seattle, Wash., for 180 days. Supporting shipper: Aztec Trailer Manufacturing Co., 1708 Peyco Drive, South, Arlington, Tex. 76010. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Room 9A27 Federal Bldg., 819 Taylor St., Forth Worth, Tex. 76102.

No. MC 140132 (Sub-No. 1TA), filed March 31, 1975. Applicant: GREEN LINE TRUCKING INC., Grenora, N. Dak. 58845. Applicant's representative: Fred E. Whisenand, 113 East Broadway, P.O. Box 1307, Williston, N. Dak. 58801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *All types (light and heavy) of farm machinery and equipment, including tractors and other power operated farm equipment, as well as all parts and supplies incident thereto*, from the plantsites and distribution centers of John Deere Co., in Illinois, Iowa and Minnesota to points in Sheridan and Hill Counties, Mont., and Divide and Williams Counties, N. Dak., for 180 days. Supporting shippers: Plentywood Power & Equipment Co., Plentywood, Mont. 59254. Grenora Implement Company, Grenora, N. Dak. 58845. Crosby Implement Company, Crosby, N. Dak. 58730. Petersen's Havre Implement Co., Box 1129, Havre, Mont. 59501. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 140529 (Sub-No. 2TA), filed April 1, 1975. Applicant: RAY E. MUHLBACH, doing business as REMCO TRUCKING, Ravenna, Nebr. 68869. Applicant's representative: Michael J. Ogborn, Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems*, from Valley, Nebr., to points in Idaho, under a continuing contract or contracts with Kechter Bros., Inc., Burley, Idaho, for 180 days. Supporting shipper: Richard Kechter, General Manager, Kechter Bros., Inc., 226 West 27th St., Burley, Idaho 83318. Send protests to: Max H. Johnston, District Supervisor, 320 Federal Bldg., & Court House, Lincoln, Nebr. 68508.

No. MC 140775 (Sub-No. 1TA), filed March 27, 1975. Applicant: Junius Elmore, Fr., 2007 East Lincolnway, Cheyenne, Wyo. 82001. Applicant's representative: Ward A. White, 1600 Van Lennon Ave., Box 568, Cheyenne, Wyo. 82001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen Mexican style foods, ingredients and related foodstuff items*, from Cheyenne, Wyo.; *and Mexican style food sauces, spices, seasonings, peppers and related foodstuff items*, from Denver, Colo., to wholesale distributors and retail outlets of Taco John's Mexican Food, located in the states of Colorado, Wyoming, Montana, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Illinois, Wisconsin, Washington, Idaho, Utah, Texas, and Arizona, for 180 days. Supporting shipper: Tortilla Manufacturing and Supply Co., Inc., 515 South Greeley Highway, Cheyenne, Wyo. 82001. Send protests to: P. A. Naughton, District Supervisor, Room 1006, Federal Bldg., & Post Office, 100 East "B" Street, Casper, Wyo. 82601.

No. MC 140804 TA, filed March 27, 1975. Applicant: HAULERS CO., INC., 7628 E. Alondra Blvd., Paramount, Calif. 90723. Applicant's representative: Paul Henry Doss (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Recycled vinyl hose and scrap vinyl clippings or sweepings*, between the facilities of Vinyl Compounding Incorporated, at Paramount, Calif., and Sparks, Nev., for 180 days. Supporting shipper: Vinyl Compounding Incorporated, 16616 Garfield Avenue, Paramount, Calif. 90723. Send protests to: Walter W. Strakosch, District Supervisor, Room 1312 Federal Bldg., 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 140805 TA, filed March 31, 1975. Applicant: BLAINE JANZ, doing business as JANZ TRUCKING, Rural Route 3, Minot, N. Dak. 58701. Applicant's representative: Harris P. Kenner, 615 South Broadway, P.O. Box 36, Minot, N. Dak. 58701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Groceries and all related articles handled by wholesale grocery houses*, from warehouses of Nash-Finch Company in Hennepin County and Ramsey County, Minn., to points in Minot, N. Dak., and (b) *Sugar*, in bags, from Sidney, Mont., to Minot, N. Dak., for 180 days. Supporting shipper: Nash-Finch Company, 3381 Gorham Avenue, Minneapolis, Minn. 55426. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-9521 Filed 4-10-75;8:45 am]

[AB 37 (Sub-No. 1)]

OREGON-WASHINGTON RAILROAD AND NAVIGATION CO. AND UNION PACIFIC RAILROAD CO.

Abandonment of Lines

APRIL 2, 1975.

The Interstate Commerce Commission hereby gives notice that: 1. By order served February 26, 1975, applicant was required to publish a notice in Umatilla County, Oreg., that an environmental threshold assessment survey was prepared in the above-entitled proceeding and based on that assessment it was determined that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.* 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the February 26, 1975, order and subsequent notice. 3. This proceeding now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[FR Doc.75-9523 Filed 4-10-75;8:45 am]

V 40 71 APR 11 75 XUM

PETITIONS TO STAY PENDING JUDICIAL REVIEW

MARCH 31, 1975.

Notice to the public: Rule 18 of the Federal Rules of Appellate Procedure provides that an application for a stay of a decision or order of an agency pending direct review in the court of appeals shall ordinarily be made in the first instance to the agency. The purpose of this notice is to inform the public of the procedures to be followed in filing such application (petition) with the Commission.

As such application, in essence, seeks modification of the effective date or other period of a decision or order, it will be considered as a petition filed under rule 101(c) of the Commission's general rules of practice. Accordingly, an original and seven copies of such application (petition) should, if possible, be filed within thirty days after the date of service of the decision or order, and compliance made with rule 21(b).

In addition, the application (petition) must be titled "Petition to Stay Pending Judicial Review". Such title must appear on the upper one-quarter of the covering page and first page of the application (petition).

Due to the amendment to the Judicial Review Act of 1950 (the Hobbs Act), 28 U.S.C. 2341 et seq. parties seeking court review of a Commission decision must file for review with the appropriate U.S. Court of Appeals within 60 days from the date of the administratively final order.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-9522 Filed 4-10-75;8:45 am]

[Notice No. 37]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Pefley & Hinshaw Wrecker Service, Inc., MC-128179	MC-128179 Sub-1	Apr. 28, 1974
Truline Corp., MC-128206 Sub 1	MC-128206 Sub-2	Apr. 15, 1974
Big Mountain Transportation, Inc., MC-128224	MC-128224 Sub-1	Mar. 29, 1974
White Plains Transportation, MC-128350 Sub 1	MC-128350	Apr. 17, 1974
D.B.A. Caine Transfer, MC-128388	MC-128388 Sub-2	Apr. 28, 1974
D.B.A. Hubbard Transfer, MC-128433 Sub 1	MC-128433 Sub-2	Apr. 11, 1974
A81, Inc., MC-128498 Sub 1	MC-128498 Sub-2	Apr. 8, 1974
Cowen Truck Line, MC-128555 Sub 1	MC-128555 Sub-2	Do.
Mumford Horse Transport, MC-128571 Sub 1, 3	MC-128571 Sub-2	Apr. 18, 1974
L. C. W. Trucking, Inc., MC-128578 Sub 1	MC-128578	Apr. 11, 1974
Mouw Transportation, Inc., MC-128621 Sub 1	MC-128621 Sub-2	Apr. 12, 1974
S. & L. Services, Inc., MC-128805 Sub 1, 3	MC-128805 Sub-2	June 10, 1974
Merchants Delivery, Inc., MC-128815	MC-128815 Sub-1	Apr. 1, 1974

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-9425 Filed 4-10-75;8:45 am]

federal register

FRIDAY, APRIL 11, 1975
WASHINGTON, D.C.
Volume 40 ■ Number 71
PART II

FEDERAL COMMUNICATIONS COMMISSION

SCHEDULE OF FEES

Adoption of Revised Schedule

V40-71 APR 11 75 XUM

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19658; FCC 75-400]

PART 1—PRACTICE AND PROCEDURE

Subpart G—Schedule of Fees Filed With the Commission

By the Commission: 1. The Commission has before it a number of petitions for reconsideration of the Report and order (FCC 75-32) adopting a new schedule of fees. All of the petitions concern either broadcast or common carrier fees.

BROADCAST SERVICES (§ 1.1103)

2. In addition to dealing with the matters raised in the petitions for reconsideration, we will also attempt to remove some misunderstandings of the proceeding apparently held by some parties. In doing this, we note initially that this proceeding was quite extended, and it is necessary to consider the notice of proposed rule making [1] and the further notice of proposed rule making [2] as well as the Report and order [3] and the Second report and order [4] for the full history, rationale, findings and conclusions concerning the 1975 fee schedule.

EFFECTIVE DATE

3. One specific area of the Report and order adopting the schedule that has caused some misunderstanding is paragraph 59 dealing with the effective date of March 1, 1975. We stated that ". . . all applications received by the Commission on or after March 1, 1975, will be subject to the revised schedule of fees . . ." and ". . . all grants of authority made on or after March 1, 1975, will be subject to the new fee schedule regardless of when the application for such grant was filed." We wish to point out that the governing date for the filing fee is the date of filing, without regard to the date of grant, so that an application filed prior to March 1, 1975 will have the filing fee calculated under the prior schedule even though the grant is made after March 1st and the grant fee is calculated under the new schedule. Thus, if the filing fee is higher after March 1, 1975, no additional filing fee is required and, likewise, no refunds will be made if the filing fee is lower after March 1, 1975.

4. Since the amount of a grant fee will be determined by the date the Commission acted and made the grant, if the Commission granted an application for assignment or transfer prior to March 1, 1975, but the consummation did not occur until after March 1, 1975, the grant fee that is payable is the amount determined under the schedule adopted in 1970. This is consistent with past policy because even though a grant of authority is subject to being reopened under the Commission's rules, it is a final action and the grantee may take all actions that a licensee or permittee is allowed, such as the commencement of construction, or the consummation of the assignment or transfer, and is fully responsible for the operation of the station as the new licensee.

INTERNATIONAL BROADCASTING

5. The Commission has, on its own motion, reconsidered the fees that are due in connection with applications for seasonal schedules of international broadcast stations that are due to be filed six months prior to the beginning of a particular season. We are of the opinion that a station should pay a grant fee for the number of transmitter-hours authorized rather than a filing fee for the number of transmitter-hours requested, as is now provided in the schedule of January 15, 1975. Due to the unique nature of these applications, grants tend to be less consistent with the authorizations requested than in other broadcast areas. Therefore, a grant fee appears to be more appropriate. Thus, at the time the Commission notifies the station of the number of transmitter-hours authorized, a grant fee payment notice of the amount of the fee will accompany the authorization, and payment must be made in accordance with the provisions of § 1.1102(b) of the rules.

6. We need to clarify one other area concerning fees for radio stations in the international broadcast service. The filing and grant fees for applications for construction permits listed in § 1.1111(a)(4) apply to applications for new stations and major changes in existing stations. The application fee for minor changes in existing stations will be $100. Section 1.1111(a)(4) is modified accordingly.

ASSIGNMENT AND TRANSFER FEES

ADDITIONAL ACQUISITIONS

7. On our own motion, we have again considered certain aspects of the fees involved in assignment and transfer applications. Because of the retrospective effect of requiring grant fees on acquisitions occurring in installments begun prior to the effective date of the fee schedule, we are revising that portion of the fee schedule so that acquisitions within the two-year period prior to the transaction in which control was acquired will be considered a part of such transaction only if they occur after March 1, 1975. Thus, for example, if the "control acquiring" transaction contract date is October 1, 1975, only those prior acquisitions occurring on or after March 1, 1975 will be consolidated into the grant fee base. Of course, in the example acquisitions occurring during the two-year period after October 1, 1975, will be subject to grant fees. Certain grants were made after March 1, 1975, which incorporated into the fee base acquisitions occurring prior to March 1, 1975. Refunds for the amounts applicable to transactions prior to March 1, 1975 will be made without application by the parties to the assignment or transfer application. As a matter of clarification, the contract date that is the key applicable date is the one that gives rise to the filing of the Form 315 application that covers the change in control.

8. We believe that the adoption of certain procedures concerning acquisitions prior to or subsequent to the contract date of the "control-acquiring" transaction which will be described in Note 4 to § 1.1111(a)(5) will remove uncertainties and be helpful in the administration of the grant fee in those matters. The interests which are considered as being acquired as a part of the transaction in which control is acquired are those interests acquired by the transferee, as hereafter defined, during the applicable period prior to the particular contract date of the acquisition which gives rise to the need for the filing of the Form 315 application. The transferee, as a separate exhibit, will list all acquisitions during the prescribed period prior to the contract date for the acquisition that gives rise to the need for filing the Form 315 transfer application. For example, if the transferee became a 5 percent holder in a licensee as of December 1, 1974, acquires an additional 20 percent interest as of February 1, 1975, an additional 10 percent as of March 3, 1975, and an additional 20 percent as of May 1, 1975 (the final contract date), the transferee would have a 55 percent interest following the May 1, 1975 acquisition. However, he will be required to pay a grant fee calculated on the basis of the 30 percent stock interest acquired after March 1, 1975. As a separate exhibit to the transfer application, the transferee would list the acquisitions and the dates thereof for the 30 percent interest acquired after March 1, 1975.

9. For acquisitions for the two-year period subsequent to the contract date of the "control-acquiring" transaction, the Commission will require the licensee to notify the Commission of all additional acquisitions by the transferee to be certain that the appropriate grants fees are paid.

IDENTIFICATION OF TRANSFEREE

10. Identification of the transferee is a practical problem that pervades the administration of the "additional acquisitions" portion of the grant fees relating to transfer of control applications. In the past parties have filed these applications without specifying precisely all of the individuals who will constitute the controlling group of the licensee subsequent to the transfer requiring Commission approval. This practice makes it impossible for us to determine which prior acquisitions concerning the licensee, if any, should be considered in calculating the grant fee. The particular entity, person, party, or group whose acquisition of control, either positive or negative, requires the filing of the Form 315 transfer of control application, whether or not any parties are in privity, will be the transferee for the purposes of the fee schedule. Parties filing transfer of control applications must now set forth, with specificity, the entity, party, person or group that is the transferee seeking to acquire control so that the real parties in interest, as the controlling group or party, are fully disclosed in the application. The transferee will set forth all acquisitions by the entity, party, person or group for the two-year period or portion thereof occurring after March 1, 1975 that precedes the contract date of the proposed acquisition that requires the filing of the application. For the present, we shall not modify the Form 315 application to specifically request this data, but may do so in the next revision of the form. However, we will revise Note 4 to § 1.1111(a) to reflect the above procedure, and substitute a new Note 5 to set forth a procedure for handling situations wherein control is relinquished and no entity, person, party or group acquires negative or positive control.

FCC FORM 316 GRANT FEES

11. The Commission has re-examined its action concerning the assessment of grant fees for certain FCC Form 316 applications. We recognize that there is value to the recipient in the Form 316 cases just as in the case of long form applications, but the problems in administering grant fees become unduly complex and have certain inherent inequities, especially in the case of corporations vis-a-vis partnerships. Therefore, at this juncture, all grant fees will be eliminated on FCC Form 316 applications, but we shall reinstate the $100 filing fee (rather than $50) for such applications. Any grant fees paid on FCC Form 316 applications granted after March 1, 1975 will be refunded without application by the parties. This action moots the contention of discrimination as to partnerships vis-a-vis corporations raised by the law firm of Fly, Shuebruk Blume & Gaguine in its petition for reconsideration.

SALES OF PART OR ALL OF JOINT AM–FM OPERATIONS

12. We believe that further clarification may also resolve future processing problems with regard to joint AM–FM operations. We believe that gross revenue is the best basis for computation of grant fees when the data has been submitted to the Commission in a routine fashion. Therefore, in a sale to different parties of the AM and FM stations, gross revenue will be used to calculate the grant fee if separate FCC Form 324 reports have been filed for the three years preceding the year of the filing of the application. The grant fee will be based on the respective revenue figures as disclosed in Form 324 reports. If separate reports have not been filed, the grant fees will be based on the consideration that is applicable to each station assigned or transferred.

13. In the case of a sale of either the AM station or the FM station in which one of the stations is retained, gross revenues will be used in cases in which separate FCC Form 324 reports have been routinely filed for the three years preceding the year in which the application is filed. If a combined report has been filed, the grant fee will be based on the consideration for the sale of the station that is being assigned or transferred. We are using consideration as a basis for grant fees in the situation because of the difficulty of allocation and the possible subjective decisions which would go into the subsequent breakdown of revenues applicable to the FM station as set forth on Lines 22 through 25 of FCC Form 324.

PETITIONS FOR RECONSIDERATION

14. One of the parties argues that the Commission has failed to demonstrate the relationship of application processing costs to benefit to licensees. This matter was fully treated in the Report and order at paragraph 6, and no additional arguments have been submitted which require us to elaborate further at this time. Similarly, the renewed claim that large fees have an inhibiting effect on the Commission's regulatory processes has not been borne out through the over four years of regulation since adoption of the 1970 fee schedule. We affirm our conclusions set forth in paragraph 19 of the Report and order in this regard. We also do not find petitioners persuasive in their arguments concerning the collection of annual fees which would have been due during the period following our order suspending collection of these fees. We remain convinced of the propriety of collecting these fees.

15. Other arguments originally made in comments filed subsequent to the issuance of the further notice and renewed here also do not warrant extensive treatment. The argument that the cost of hearings should not be included in the fee base was treated in paragraph 9 of the Report and order. The contention that the Commission erred in including the cost of processing petitions to deny in the cost of processing renewal applications is also essentially dealt with in paragraph 9. Paragraph 9 explains why the cost of hearings resulting from petitions to deny is includable in the fee base; it would be illogical to exclude other costs of Commission work, short of hearings, resulting from these petitions. Petitions to deny must be disposed of prior to the grant of a renewal application. Even where the petition to deny is rejected, its consideration is part of the Commission's work leading to the grant of a valuable license. Therefore, the cost of this processing is recoverable through fees.

16. One party again contends that the grant fees to be paid on gifts (either testamentary or inter vivos), except for the gifts to a spouse or lineal descendants, is unfair to long-time employees, and is discriminatory to unmarried, widowed, separated or childless persons, as well as having an adverse effect on charitable and educational institutions. Elimination of grant fees on FCC Form 316 applications will remedy some of the problems perceived in this area. We adhere to the position on this matter we expressed in paragraph 17 of the Report and order and shall continue to charge grant fees in cases in which Forms 314 or 315 are required and which do not come within the spouse or lineal descendant exception, fully subject to the provisions concerning additional acquisitions.

17. The NAB has raised a question concerning the filing fees that have been prescribed for applications to change antenna/transmitter sites, to increase antenna height, or to change antenna pattern, and urges that the fees should be reduced or eliminated when such a change "is necessitated by an involuntary condition foisted upon the licensee." Such conditions include changes in zoning regulations which require a transmitter move or the construction of high buildings or particular types of plant, e.g., power plants which cause a diminution of service. We believe the NAB suggestion has merit. Therefore, the schedule is amended to provide that in cases involving applications in this class which are required because of a change in state or local law or because of construction near the antenna/transmitter site which causes a severe distortion or deterioration of signal due to circumstances beyond the control of the licensee, the fee will be reduced to fifty percent (50 percent) of the normal fee for these applications.[5]

MINOR EDITORIAL CLARIFICATIONS

18. Questions have been presented regarding the fees for certain applications related to new and changed facilities. The fees listed in § 1.1111(a)(1) for a new Class IV–AM station or a major change in an existing Class IV station are applicable to a full-time operation of this station, i.e., 1 kW day, 250 w night. The fee schedule will be modified by adding this descriptive statement as to Class IV stations. In the "Other Applications" section (§ 1.1111(a)(2)), certain clarifying language and minor changes are being adopted concerning FCC Form 313 applications. Also, the Commission inadvertently set the filing fee at $50 for applications to replace a construction permit for a modification other than a major change, rather than $100 as intended in order to set it at the same level as an application for extension of time on FCC Form 701, which we are herein setting forth as a specific class of application in § 1.1111(a)(2).

COMMON CARRIER

19. The several petitioners seeking reconsideration of the common carrier portion of the fee schedule were unanimous in their opposition to fees for tariff filings. The arguments they presented, similar to those offered in the comments received by the Commission prior to issuance of

[1] FCC 72-1140, 38 FCC 2d 587, 37 FR 28574 (1972).
[2] FCC 74-879, 48 FCC 2d 402, 39 FR 30016 (1974).
[3] FCC 75-32, 40 FR 3844 (1975).
[4] FCC 75-182, 40 FR 8186 (1975).

[5] For fee purposes, the definition of site change is one that requires new FAA clearance. For fee purposes, the definition of increase in antenna height is an increase of more than 20 feet. The definition of a change in antenna pattern does not include a change in MEOV.

V40 I71 APR 11 75 XUM

the Report and order, stressed the contention that the filing of tariffs is required principally to protect the public. The carriers ignored the fact, noted by the Commission in paragraph 30 of the Report and order, that the filing of tariffs is required before a carrier may lawfully do business and that work thereby required of the Commission provides value to the carriers. The carriers failed to recognize that the Commission can charge fees for costs it incurs in an activity which provides value to the carrier. We have limited our fees to the activity, which while concededly of public benefit, as are all of our regulatory activities, is directly applicable to authorizing the carrier to engage in a business which may be regulated in the public interest. The common carrier, no more than the broadcaster is paying a fee for work done to permit him to engage in a regulated activity. If the presence of imposed regulation invalidated the fee, the entire statutory basis would likely fall. This result is not indicated by any decision of the courts to date. The arguments against the inclusion of hearing costs in the fee recovery base were similarly made prior to the Report and order. The Commission remains of the opinion, expressed in paragraph 32, that hearings costs are properly recoverable through fees.

20. The Commission's use of a sliding scale system for the tariff fee was assailed both because it required higher fees from larger carriers and because it allegedly discriminates against smaller carriers. The Commission did not adopt a sliding scale based on presumed ability to pay, as alleged by ITT World Communications, Inc. et al., but in recognition of the fact that tariffs provide greater value to larger carriers.

21. The National Telephone Cooperative Association's argument that fees for tariffs filed by issuing carriers on behalf of connecting carriers should not be based on the gross revenue of the issuing carrier, was adopted in the Second report and order in this proceeding. This order was released on February 20, the day following the filing of NTCA's petition for reconsideration.

22. Western Union Telegraph Company argued against the use of fees for section 214 domestic satellite channelizing applications based on mileage. To the extent that this argument was based upon Western Union's application for operation of its WESTAR system, it is moot. This application was granted prior to March 1 and the new fee schedule was thus not applicable. We believe that other arguments concerning section 214 applications were adequately answered in the Report and order.

23. Western Union also appears to argue that a pro rata share of the application fee for point-to-point microwave radio applications should be refunded in those cases in which the application is not granted. It states that "under the existing [1970] schedule, a provision is included for return of a pro rata share of the grant fee if the application is not granted." * This statement is inaccurate. The fee schedule in force prior to March 1 contained separate filing and grant fees applicable to point-to-point microwave radio applications. If an application was denied, there was of course no imposition of a grant fee. There was, however, no return of any portion of any fee. The Commission is not required to refund any part of an application fee if the application is denied. The processing of the application has resulted in costs to the Commission incurred at the request of the applicant. Thus, no partial refund is required. In addition, it has been our experience that point-to-point microwave applications are rarely denied.

24. With respect to its request for clarification, Radio Relay Corporation is correct in its assumption that there are no fees based on the number of one-way paging units served by a base station. This proposal was eliminated after consideration of comments filed in this proceeding by the National Association of Radiotelephone Systems and individual radio common carriers. It is thus unnecessary for us to respond to Radio Relay's arguments against such a fee.

25. On March 20, 1975, Communications Satellite Corporation [hereafter Comsat] filed a petition for modification of the fee schedule with respect to the method adopted for calculating a carrier's gross annual revenue in connection with the fee to be charged for tariff filings. In the Common Carrier portion of the schedule, the footnote applicable to annual gross revenue, footnote 14, provided that it would be calculated on the basis of "total operating revenues of filing carrier and its communications common carrier subsidiaries for the previous calendar year." Comsat argues that since it does not file tariffs which encompass the services of its communications common carrier subsidiary COMSAT General, the operating revenues of COMSAT General should not be included in calculating a fee for a tariff filing by Comsat. It was our intention in amending footnote 14 in the Second report and order in this proceeding to include in the fee calculations the operating revenues of all subsidiaries participating in the tariff offering. The subsidiary telephone companies of AT&T participate in the service offerings set forth in tariffs issued by the Long Lines Department of AT&T and benefit from the revenues realized from the service offering. The AT&T subsidiaries are fully subject carriers with respect to the service offerings and, rather than issue a separate tariff, concur in the tariffs issued by AT&T-Long Lines Department. As Comsat argued, COMSAT General does not participate in the service offerings set forth in tariffs filed by Comsat and does not benefit directly from the revenues realized from Comsat's service offerings. COMSAT General does not concur in Comsat's tariffs inasmuch as it does not offer such services. Since we did not intend that the operating revenues of subsidiary common carriers such as COMSAT General be included in calculating the fee assessed upon their parent corporations, we are revising footnote 14 to more accurately reflect our intention.

26. Other than the changes set forth and adopted in this document, the provisions of the fee schedule as promulgated in the Report and order and amended in the Second report and order in this proceeding are confirmed. Most of the changes adopted herein merely clarify existing provisions of the fee schedule. Others relieve restrictions previously imposed by the fee schedule including lowering fees in several instances. The sole exceptions to this are the increase from $50 to $100 in the filing fee applicable to Form 316 applications and the increase from $50 to $100 in the filing fee applicable to applications to replace construction permits for a modification other than a major change. We hereby find that good cause exists for making the amendments adopted herein effective April 11, 1975, with the exceptions discussed above. The two amendments will become effective on May 27, 1975.

27. As the foregoing paragraphs make clear, major portions of the fee schedule previously adopted by the Commission and made effective as of March 1, 1975, remain unchanged. In the interests of clarity and for ready reference, we are reprinting the entire fee schedule including the changes adopted herein.

28. Authority for the adoption of the amendments herein is contained in section 4(i) of the Communications Act of 1934, as amended (47 U.S.C. 154(i)), and Title V of the Independent Offices Appropriation Act of 1952, 31 U.S.C. 483a.

29. *Accordingly, it is ordered*, That the petitions for reconsideration are either granted or denied, or granted in part or denied in part, as indicated in the determinations set forth above.

30. *It is further ordered*, That the schedule of fees adopted in the Report and order of January 15, 1975 (FCC 75-32, 40 FR 3844) and amended in the Second report and order of February 11, 1975 (FCC 75-182, 40 FR 8186) is revised to read as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted: April 1, 1975.

Released: April 7, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

The revised Subpart G of Part 1 reads as follows:

Subpart G—Schedule of Fees Filed With the Commission

GENERAL INFORMATION

Sec.
1.1101 Authority.
1.1102 Payment of fees.
1.1103 Return or refund of fees.
1.1104 General exceptions.
1.1105 General rule (STA and waiver).

* Petition for reconsideration filed by Western Union Telegraph Co. at 9-10.

Sec.
1.1111 Schedule of fees for Radio Broadcast Services.
1.1113 Schedule of fees for Common Carrier Services.
1.1115 Schedule of fees for the Safety and Special Radio Services.
1.1116 Schedule of fees for Cable Television and Cable Television Relay Services.
1.1117 Schedule of fees for commercial radio operator examinations and licensing.
1.1120 Schedule of fees for equipment type approval, type acceptance and certification.

AUTHORITY: Sec. 501, 65 Stat. 290; (31 U.S.C. 483a).

Subpart G—Schedule of Fees Filed With the Commission

GENERAL INFORMATION

§ 1.1101 Authority.

Authority for this subpart is contained in Title V of the Independent Offices Appropriation Act of 1952 (31 U.S.C. 483a) which provides that any service rendered by a Federal agency to or for any person shall be performed on a self-sustaining basis to the fullest extent possible. Title V further provides that the head of each Federal agency is authorized by regulation to prescribe such fees as he shall determine to be fair and equitable.

§ 1.1102 Payment of fees.

(a) *Filing fees.* Each application or other filing filed on or after August 1, 1970, for which a fee is prescribed in this subpart, must be accompanied by a remittance in the full amount of the filing fee. In no case will an application or other filing be accepted for filing or processed prior to payment of the full amount specified. Filings for which no remittance is received, or for which an insufficient amount is received, shall be returned to the applicant without processing. In the case of multiple applications for which a single check is drawn to cover all fees for the applications, there should be attached to the remittance an accounting sheet or notice stating what fees are covered by the check or money order.

(b) *Grant fees.* The applicant shall observe the instruction contained in the notice of grant concerning payment of grant fees. Grant fees shall be accompanied by a transmittal advice identifying the purpose of the check. The duplicate copy of the Commission's notice of grant, which will specify the amount of the fee, will suffice.

(c) All remittances should be accompanied by a letter, application, rate card, grant fee notice or other document to properly identify the purpose of the fee.

(d) Where a separate grant fee payment is prescribed in the various services, the fee will be payable within 45 days after grant by the Commission. In the broadcast services the grant fee in assignment and transfer cases must be transmitted by the new licensee immediately following consummation of the transfer or assignment. All grants, approvals, and authorizations issued by the Commission are made subject to payment and receipt of the applicable fee within the required period. Failure to make payment of the applicable fee to the Commission by the required date shall result in the grant, authorization or approval becoming null, void and ineffective after that date.

(e) *Broadcast Annual License fee.* The annual license fee prescribed for broadcast stations must be submitted each year on or before the anniversary date of the expiration date of the station's license. The licensee shall submit the amount of the annual fee together with the station's rate card for the preceding June 1, on which the annual fee is based. (See § 1.1111(a)(6).) Such fee shall be for the twelve-month period immediately preceding the anniversary date on which the fee is payable.

(1) A new station first becomes liable for the annual license fee at the time program test authority is granted. In the first year, the fee will cover the period from the date of grant of program test authority until the next payment (anniversary) date. (Example: If a station is in operation for seven full months prior to the next payment date, the annual license fee is seven-twelfths of the annual rate.)

(2) Each broadcast station shall pay an annual license fee to the Commission for the period April 1, 1973–February 28, 1975. The fee applicable to the period after December 31, 1974 shall be the fee prescribed in § 1.1111(a)(5) of this chapter. The fee applicable to the period April 1, 1973–December 31, 1974 is as follows:

(i) For AM and FM stations: The annual license fee will be a payment equal to 6.7 times the station's highest single "one-minute" spot announcement rate, but in no event shall the annual license fee for each AM and each FM station be less than $25.00.

(ii) For television broadcast stations: The annual license fee will be a payment equal to 3.4 times the station's highest "30-second" spot announcement rate, but in no event shall the annual fee be less than $100.00.

(3) Fees applicable to any twelve-month period ending on or before February 1, 1975 must be submitted on or before August 1, 1975. Fees applicable to any twelve-month period ending after February 1, 1975 must be submitted on or before the anniversary date of the expiration date of the station's license as provided above.

(4) For broadcast stations submitting a fee on August 1, 1975 applicable to the period April 1, 1973–April 1, 1974 or June 1, 1973–June 1, 1974, the rate card on which the fee will be based is that of June 1, 1973. For broadcast stations submitting a fee on August 1, 1975 applicable to the period August 1, 1973–August 1, 1974, October 1, 1973–October 1, 1974, December 1, 1973–December 1, 1974 or February 1, 1974–February 1, 1975, the rate card on which the fee will be based is that of June 1, 1974.

(5) For broadcast stations paying an annual license fee applicable in part to a portion of calendar year 1974 and in part to a portion of calendar year 1975, the broadcast annual license fee will be prorated between the annual fee prescribed in paragraph (e)(2) of this section and the annual fee prescribed in § 1.1111(a)(6) of this chapter. A station's annual license fee will be computed by taking the number of months from the anniversary date to December 31, 1974, divided by 12, times the full year annual fee which is required by paragraph (e)(2) of this section, and adding to that the fee computed by taking the number of months from January 1, 1975 to the anniversary date, divided by 12 times the full year annual fee which is required by § 1.1111(a)(6) of this chapter.

NOTE 1: Example: AM station X has a license expiration date on October 1, Station X's highest single "one-minute" spot announcement rate is $10 as of June 1, 1974 and $20 as of June 1, 1975. Station X is required to pay an annual fee for the period October 1, 1973–October 1, 1974 on August 1, 1975 and an annual fee for the period October 1, 1974–October 1, 1975 on October 1, 1975. The fee due on August 1, 1975 will be $67.00 This is calculated by multiplying 6.7, the fee multiplier specified in paragraph (e)(2) of § 1.1102, times $10.00 the highest single "one minute" spot announcement rate as it appears on the applicable rate card, that of June 1, 1974. The fee due on October 1, 1975 is $161.00. To calculate this fee it is necessary to prorate the fee based on the portion of the twelve-month fee payment period during calendar year 1974 and that during calendar year 1975. The number of months from October 1, 1974 to December 31, 1974 is 3. The first step in calculating the fee is to multiply 3/12 x 6.7 x $20, the portion of calendar year 1974 covered by the fee (3/12) times the applicable fee multiplier (6.7), times the spot rate ($20 here as the June 1, 1975 rate card is used). This portion of the fee is $33.50. Next it is necessary to multiply 9/12 x 8.5 x $20, the portion of calendar year 1975 covered by the fee (9/12) times the fee multiplier from § 1.1111(a)(6) (8.5), times the spot rate. This portion of the fee is $127.50. The annual fee equals the sum of the two amounts $33.50 and $127.50 or $161.00.

(f) *Cable Television Annual Authorization fee.* The annual fee prescribed in § 1.1116(b) of this chapter for cable television systems must be submitted by April 1 of each year for the preceding calendar year. The fee will be based on the average number of subscribers as set out in § 1.1116(b).

(1) A new cable television system becomes liable for the annual authorization fee as of the date it begins to charge for service to 50 subscribers or more. In the first year of operation of the system, the fee will be computed based on the average of the number of subscribers being served on the last day of each calendar quarter of operation up to the end of the calendar year. (Example: If a cable system is in operation on the last day of three quarters prior to the end of the calendar year, the average of those three last-day figures is to be used in computing the fee required.) The fee will cover the number of full months of operation until the end of the calendar year. (Example: If a cable system is in operation for seven full months prior to

V40I71 APR 11 75 XUM

the end of the calendar year, the fee is seven-twelfths of the annual rate.)

(2) Each CATV system shall pay an annual authorization fee to the Commission for calendar years 1973 and 1974 to be submitted on or before August 1, 1975. The fee for each system shall be equal to the number of subscribers times 6 cents. The number of subscribers shall be determined by averaging the number of subscribers on the last day of each calendar quarter.

(g) Applications and attached fees should be addressed to Federal Communications Commission, Washington, D.C. 20554, or to the appropriate FCC field office and should not be marked for the attention of any individual bureau or office. Fee payments should be in the form of a check or money order payable to the Federal Communications Commission. The Commission will not be responsible for cash sent through the mails. All fees collected will be paid into the U.S. Treasury as miscellaneous receipts in accordance with the provisions of Title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. 483a).

(h) Receipts will be furnished upon request in the case of payments made in person, but no receipts will be issued for payments sent through the mails.

(i) Except as provided in §§ 1.1103 and 1.1104, all application filing fees will be charged irrespective of the Commission's disposition of the application. Applications returned to applicants for additional information or corrections will not require an additional fee when resubmitted, unless the additional information results in a major change in the application; the resubmission will then be treated as a new application requiring a new filing fee.

§ 1.1103 Return or refund of fees.

(a) The full amount of any fee submitted will be returned or refunded, as appropriate, in the following instances:

(1) Where no fee is required for the application filed.

(2) Where the application is filed by an applicant who cannot fulfill a prescribed age requirement.

(3) Upon return of an application for renewal of an operator license which is received after expiration of the grace period.

(4) Where the applicant is precluded from obtaining a license by the provisions of section 303(1) or 310(a) of the Communications Act.

(5) Where circumstances beyond the control of the applicant, arising after the application is filed, would render a grant useless.

(6) When applications (accompanied by fees) are filed where not actually required by Safety and Special Radio Services rules (e.g. change of address, pro forma change of corporate name, etc.).

(7) When construction permit holders and licensees make nonsubstantive correction in license grants within a period of 60 days from the grant.

(b) Payment in excess of an applicable fee will be refunded only if the overpayment exceeds $3.

§ 1.1104 General exceptions.

(a) No fee is required for an application filed for the sole purpose of amending an authorization or pending application (if a fee is otherwise required) so as to comply with new or additional requirements of the Commission's rules or the rules of another Federal Government agency affecting the authorization or pending application; however, if the applicant also requests an additional modification or the renewal of his authorization, the appropriate modification or renewal fee must accompany the application. Fee exemptions arising out of this general exception will be announced to the public in the orders amending the rules or in other appropriate Commission notices.

(b) No fee is required for an application filed by an alien pursuant to a reciprocal radio licensing agreement.

(c) A receiver model certificated prior to August 1, 1970, and which will continue to be distributed after August 1, 1970, need not be recertificated and no filing or grant fee shall be required for continued distribution provided it will continue to be distributed under the same trade name and model number and with identical circuitry.

§ 1.1105 General rule (STA and waiver).

Except as otherwise provided no filing fee is required for any application or request for special temporary authority (STA) or waiver of brief duration or minor character in any service or for the grant of either an STA or a waiver of brief duration or minor character. Upon the grant of an application or request for either an STA or a waiver of an important character, the applicant will be notified to remit a fee in the following amount for the respective services:

Broadcast services	$25
Common carrier services	25
Safety and special radio	5
Cable television services	25

§ 1.1111 Schedule of fees for Radio Broadcast Services.

(a) Except as provided in paragraph (b) of this section, the fees prescribed below are applicable to applications and operations in the Radio Broadcast Services:

(1) Construction Permits: Application for construction permit for new station or for major changes in existing station:

	Filing fee	Grant fee
VHF—Top 50 markets [1]	$10,000	$67,500
UHF—Top 50 markets	2,500	22,500
VHF—Next 50 markets	4,000	27,000
UHF—Next 50 markets	1,000	9,000
VHF—Balance	2,000	13,500
UHF—Balance	500	4,500
FM—Class A	200	1,350
FM—Class B and C	400	2,700
AM—Day—50 kW	1,000	6,750
AM—Day—25 kW	800	5,400
AM—Day—10 kW	600	4,050
AM—Day—5 kW	400	2,700
AM—Day—1 kW	200	1,350
AM—Day—500 W	100	675
AM—Day—250 W	50	340
AM—Unlimited 50 kW	2,000	13,500
AM—Unlimited 25 kW	1,600	10,800
AM—Unlimited 10 kW	1,200	8,100
AM—Unlimited 5 kW	800	5,400
AM—Unlimited 1 kW	400	2,700
AM—Unlimited 500 W	200	1,350
AM—Unlimited 250 W	100	675
AM—Class IV, full time, 1 kW day, 250 w night	200	1,350

[1] The market size shall be determined by the ranking of the American Research Bureau, on the basis of prime time households (average ¼-hour audience during prime time, all home stations).

(2) Other Applications: The following fees shall accompany each application:

	AM	FM	TV	Auxiliary [1]
Application for construction permit to replace expired permit, FCC Form 321 [2]	$250	$250	$250	$50
Application for modification other than major change, FCC Form 301	(3)	(3)	(3)	(3)
(A) Application to change antenna/transmitter site; or to increase antenna height; or to change antenna pattern [4]	100	100	100	----
(B) All other FCC Form 301 applications	200	200	200	----
Application for change of call sign for broadcast station				
Application for authorization in Auxiliary Broadcast Services, FCC Form 313:				
(A) Application for modification of construction permit or license in Auxiliary Broadcast Services				50
(B) Application for new remote pickup mobile station				100
(C) Application for new station construction permit for intercity relay or for studio transmitter link or for remote pickup base station				250
Application for construction permit or license of auxiliary or alternate main transmitter	50	50	50	50
Application for extension on FCC Form 701	100	100	100	50
All other applications in the broadcast services [5]	100	100	100	100

[1] With respect to applications for remote pickup broadcast stations authorized under Subpart D of Part 74 of this chapter, one fee will cover the base station (if any) and all the remote pickup mobile stations of a main station, provided the applications therefor are filed at the same time.

[2] The $250 fee applies to construction permits for new stations or major change in existing stations. An application to replace a construction permit for a modification other than a major change must be accompanied by a fee of $100 in all services except auxiliary broadcast.

[3] One-half the filing fee for an application for construction permit for new station or major change in existing station, but not less than $100 (but see note 1 below).

[4] (a) Site change: one that requires new FAA clearance; (b) increase antenna height: more than 20 feet; (c) change antenna pattern: change in MEOV excluded. (See note 1 below.)

[5] Includes applications for construction permits for other than a new station or a major change in existing station in the international broadcast service.

NOTE 1: In the case of applications to change antenna/transmitter site, to increase antenna height, or to change antenna pattern which are necessitated by a change in state or local law or are due to construction or the later occurrence of some other event beyond the control of the licensee (such as the change in the use of an existing building) that causes distortion or deterioration of the technical operation of a station, the applicable fee will be one-half the filing fee otherwise required for such applications.

(3) Subscription Television: Application for Subscription Television Authorizations:

Application filing fee	$700

(4) International Broadcasting: Construction Permits for new stations and major changes in existing stations:

Filing fee	$70
Grant fee	630

Grant Fee for Application for Seasonal Schedule:

Per transmitter-hour authorized (for 1 day)	$17

(5) Assignments and Transfers: Application for assignment of license or transfer of control—Form 314, Form 315 and Form 316 applications. (Where more than one broadcast station license is involved, the total amount of fees prescribed for each license so involved will be paid in the manner set forth below.):

Sales or Exchanges:	
Application filing fee (forms 314 and 315)	$200
Application filing fee (form 316)	$100
Grant Fee on forms 314 and 315 (to be paid immediately following consummation of the assignment or transfer):	
For AM stations, and joint assignment or transfer of AM–FM stations, with gross revenue of $400,000 or less.	0.9 percent of gross revenue.
For AM stations, and joint assignment or transfer of AM–FM stations, with gross revenue greater than $400,000.	$3,600 plus 1.4 percent of gross revenue in excess of $400,000.
For all FM stations	0.9 percent of gross revenue.
For television stations with gross revenue of $800,000 or less.	1 percent of gross revenue.
For television stations with gross revenue greater than $800,000.	$8,000 plus 1.0 percent of gross revenue in excess of $800,000.
In all other cases and/or when gross revenue is indeterminable (see note 2).	0.4 percent of consideration for assignment or transfer.
Gifts:	
Application filing fees and grant fees for assignments or transfers resulting from gifts are the same as those for sales or exchanges above, with the exception that no grant fee will be assessed for an assignment or transfer by gift from a person to a spouse and/or lineal descendnat.	

NOTE 1: Gross revenue will be determined by taking the average of the annual gross revenue figures appearing on line 19 of FCC Form 324 for the respective station(s) for the three years immediately preceding the date of filing the application for the assignment or transfer. Procedures will be initiated to obtain the gross revenue figure for the immediately preceding year in any case in which a grant may be approved prior to the filing of the Form 324.

NOTE 2: In certain FCC Form 314 and 315 situations, gross revenue figures are not available for assessment of a fee on that basis—for example, assignment or transfer of either an AM or FM from what had been a joint AM–FM operation (i.e. one station is assigned or transferred, and the other retained) or both the AM and the FM stations are assigned or transferred to different parties, and separate FCC Form 324 reports have not been filed for the preceding three years prior to the year in which the application is filed; assignment or transfer of a broadcast station license in which gross revenue has been either nonexistent or so intermittent as to be an improper basis upon which to establish a grant fee; assignment or transfer of religious or other stations that do not report gross revenue. In those types of cases, the grant fee will be assessed on the basis of consideration as indicated above.

NOTE 3: In the case of transfer of control filed on FCC Form 315, the transfer grant fee will be based on the percentage of interest acquired which resulted in the transfer of control (except for those situations described in Note 4 below in which additional acquisitions of interest may be subject to the grant fee). (Example: "A" acquires a 60 percent interest in an AM station with gross revenue of $100,000. Assuming "A" holds no other interest in this station that was acquired in the preceding two years, the grant fee is $540–$100,000×0.9 percent×60 percent.)

NOTE 4: In the case of transfers of control that require the filing of a FCC Form 315 application, in which the transferee holds previously acquired interests in the subject broadcast station license, the grant fee will be based on the acquisition which resulted in the transfer of control and on interests acquired during the two-year period, or portion thereof, which occurs after March 1, 1975, preceding the date of the contract that necessitates the filing of FCC Form 315. As a part of such Form 315 application, the transferee (i.e. the person, party, entity, or group that is the real party in interest that is seeking to acquire control) will be fully identified and will list all prior acquisitions by the transferee, as defined herein, together with the dates of the acquisitions of interest. In addition, a grant fee will be assessed against any additional interest in the station acquired within two years following the date of the contract for transfer of control. The transferee will be required to inform the Commission of such additional acquisitions and make certain that the proper grant fees are paid. Such grant fee for additional acquisitions within two years subsequent to transfer of control will be computed on the basis of the same gross revenue figures used in connection with the transfer of control application and such additional fee shall be submitted at the time the supplemental Ownership Report (FCC Form 323) is filed with the Commission pursuant to § 1.615(c) of this chapter. (Example: The transferee as fully identified in the Form 315 application acquires the following interests in a station with $100,000 gross revenue: January 1, 1974—5 percent; January 1, 1975—5 percent; March 10, 1975—35 percent; April 1, 1975 (contract date)—15 percent. The transfer grant fee is $450–$100,000 × 0.9 percent × 50 percent, with the 50 percent figure representing the interest that required the filing of the transfer of control application, plus interests acquired in the two years, occurring after March 1, 1975, which immediately precede the date of the contract which resulted in the transfer of control. If the transferee were to acquire any additional interest in the station prior to April 1, 1977, an additional grant fee would be incurred equivalent to the additional interest acquired times $100,000 times 0.9 percent.

NOTE 5: In cases in which control, either positive or negative, is relinquished by a transferor, and no entity, person, party or group is acquiring control, either positive or negative, the grant fee will be assessed on the basis of the interest passing under the FCC Form 315 application plus all interests that the transferor passed to any entity, person, party or group occurring within two years prior to the contract date that gives rise to the filing of the application. Applicants will set forth the complete information as to all aspects of the "control relinquishing" transactions, including all interests transferred by the transferor's to any entity, person, party or group in the two-year period prior to the contract date, that occurs after March 1, 1975.

(6) Annual License Fee: Each broadcast station shall pay an annual license fee to the Commission based on the station's rate card as of June 1 of each year.[1]

For AM & FM radio stations:

The annual license fee will be a payment equal to 8.5 times the station's highest single "one-minute" spot announcement rate, but in no event shall the annual license fee for each AM and each FM station be less than $25.

For television broadcast stations:

The annual license fee will be a payment equal to 4.25 times the station's highest "30-second" spot announcement rate, but in no event shall the annual license fee be less than $100.

(b) Fees are not required in the following instances:

(1) Applications filed by tax exempt organizations for operation of stations providing noncommercial educational broadcast services, whether or not such stations operate on frequencies allocated for noncommercial, educational use.

(2) Applications in the standard broadcast service requesting authority to determine power of non-directional standard broadcast stations by direct measurement.

(3) Applications for all FM or television translators and all FM or television translator relay stations.

(4) Applications by local government entities in connection with the licensing or operation of a noncommercial broadcast station.

(5) Applications for licenses to cover construction permits in the auxiliary broadcast services.

§ 1.1113 Schedule of fees for Common Carrier Services.

Applications filed for common carrier services shall be accompanied by the fees prescribed below:

(a) Domestic Public Land Mobile Radio Services [1]	Application fee
Application for initial construction permit or for relocation of a base station including authority for mobile units, blanket dispatch station authority,[2] and standby transmitters without independent radiating systems [3] [4]	$150
If above includes authority for mobile units, blanket dispatch station authority or standby transmitters without independent radiating system add per mobile unit, dispatch station or standby transmitter	6

[1] See § 1.1102(e) of this chapter for explanation of manner of payment and computation of the broadcast annual license fee.

V40 I71 APR 11 75 XUM

	Application Fee
Application for initial construction permit or for relocation of a dispatch station,[5] auxiliary test station, control station or repeater station[4]	75
Application for other than initial construction permit, modification of construction permit or license for base station, dispatch station, auxiliary test station, control station or repeater station at an existing station location	30
Application for modification of authorization to increase number of mobile units, blanket dispatch stations or standby transmitters without independent radiating systems—per unit or transmitter	6
Application for renewal of base station license	90
If above includes renewal authority for mobile units, blanket dispatch stations or standby transmitters without independent radiating systems, add per mobile unit, dispatch station or standby transmitter	3
Application for renewal of license for dispatch station, auxiliary test station, control station or repeater station	35
Application for license, modification of license or renewal of license for individual mobile stations: [6]	
One mobile unit per application	15
Each additional mobile unit per application	9
(See footnotes at end of tables.)	
(b) Rural Radio Service	
Application for an initial construction permit or for relocation of central office, interoffice or relay facilities[4]	$120
Application for other than initial construction permit, modification of construction permit, or license for central office, interoffice or relay facilities[4]	45
Application for an initial construction permit or for relocation of rural subscriber facilities[4]	75
Application for other than initial construction permit modification of construction permit or license for rural subscriber facilities	45
Application for license for operation of stations at temporary-fixed locations	20
Application for renewal of license of central office, interoffice or relay station	75
Application for renewal of license of rural subscriber station	15
(c) Point-To-Point Microwave Radio Services	
Applications for construction permit or for modification of construction permit to add or change point(s) of communication or to increase service to existing points of communication or for relocation of facilities[4 7]	$120
Application for license for operation of a station at temporary-fixed locations	[4] 90
Application for other modifications of construction permit or modification of license[4]	30
Application for renewal of license	75
(See footnotes at end of tables.)	
(d) Local Television Transmission Service	
Application for construction permit or for modification of construction permit to add or change point(s) of communication or to increase service to an existing station location or for relocation of facilities[4]	$120
Application for license for operation of an STL station at temporary-fixed locations	90
Application for license for operation of a mobile television pickup station	90
Application for other modification of construction permit or modification of license[4]	30
Application for renewal of license	75
(See footnotes at end of tables.)	
(e) Multipoint Distribution Service	
Application for initial construction permit or for modification involving relocation of station or addition or change of frequencies or increase in power	[15] $150
Application for other modification of construction permit or license	30
Application for renewal of license	75
(f) International Fixed Public Radio-Communication Services	
International Fixed Public Station:	
Application for an initial construction permit for a new station or an additional transmitter(s) at an authorized station[4]	$500
Application for construction permit for a replacement transmitter(s) at an authorized station (no fee will be charged for application for modification of license to delete transmitter(s) being replaced if the applications are filed simultaneously)[4]	105
Application for change of location of an authorized station	330
Application for modification of license	75
Application for renewal of license	180
International Control Station:	
Application for an initial construction permit for a new station or an additional transmitter(s) at an authorized station[4]	300
Application for construction permit for a replacement transmitter(s) at an authorized station (no fee will be charged for application for modification of license to delete transmitter being replaced if the applications are filed simultaneously)[4]	180
Application for change of location of an authorized station	300
Application for modification of license	$75
Application for renewal of license	90
(See footnotes at end of tables.)	
(g) Other Radio Applications	
Application for assignment of an authorization or transfer of control (a separate fee is required for each call sign covered by the application)	$35
All other common carrier radio applications	15

(h) Satellite Communications Services [8]

	Filing fee	Grant fee
Application for initial construction permit for commercial transmit/receive earth station.[4]	$120	½ of 1 percent of construction cost as set forth in the application, not to exceed $15,000.
Application for initial construction permit for a commercial receive-only or transportable earth station.[4]	60	Do.
Application for modification of construction permit or license or for construction permit for additional equipment at an existing commercial earth station.[4]	60	½ of 1 percent of construction cost as set forth in the application.
Application for authority to operate a transportable earth station at a fixed site	180	None.
Application for renewal of license for a commercial transmit/receive earth station	60	$3,000.
Application for renewal of license for a commercial receive-only earth station	330	None.
Application for initial construction permit or modification of construction permit or license for an auxiliary station (boresight) to an earth station or for a telemetry, tracking and control station.[4]	30	½ of 1 percent of construction cost as set forth in the application.
Application for initial construction permit per satellite[4]	150	$3,000.
Application for authority to launch and operate satellites, per satellite	150	½ of 1 percent of satellite construction cost as set forth in the application (due 45 days after successful launch and operation).
Application for renewal of an auxiliary station to an earth station or for a telemetry, tracking and control station.	180	None.
Application for assignment of a commercial transmit/receive earth station or satellite construction permit or license or transfer of control of a licensee or permittee, per earth station or satellite.	45	None.
Application for assignment of a commercial receive-only or transportable earth station construction permit or license or transfer of control of a licensee or permittee, per earth station.	45	None.
Application for communications common carrier for authorization to own stock in the Communications Satellite Corp.	45	None.
Any other application filed under the Communications Satellite Act or the Communications Act of 1934 in the Satellite Communications Services.	45	None.

(i) Common Carrier Nonradio Applications

Sec. 214 application for construction or acquisition of landline domestic cable or waveguide.[9]	$60	$3 per route mile.
Sec. 214 application to establish or supplement domestic facilities by installation or acquisition of carrier equipment on wire, cable, waveguide, or radio routes.[10]	$15	$4.50 per 100 equivalent 4 kHz channel miles authorised.[11 12]
Sec. 214 application to lease channels from other carriers for domestic use [10]	$15	$3.50 per 100 equivalent 4 kHz channel miles authorised.[11 12]
Sec. 214 application to lease satellite transponder for domestic use (per transponder).	$25	None.
Sec. 214 application for overseas cable construction	$600	$30 per route mile (nautical).
Sec. 214 application to establish or supplement international facilities by installation or acquisition of carrier equipment on overseas cable or radio routes (except satellite) or to acquire such facilities on a capital basis other than ownership.	$30	$6 per 100 3 kHz channel miles authorised.[11]
Sec. 214 application to lease channels on overseas cable or radio routes (except satellites).	$30	$3.50 per 100 equivalent 3 kHz channel miles authorised.[11]
Sec. 214 application to lease circuits to interconnect international circuits:		
Circuits outside of the United States	$15	None.
Circuits within the United States or territories	$15	$3.50 per 100 equivalent 3 kHz channel miles authorised.[9 11]
Sec. 214 application to install carrier equipment to establish international channels of communications at an earth station.	$60	One-third of 1 percent of equipment and installation cost as set forth in application.
Sec. 214 application to establish and provide international channels of communication via satellite.	$150	None.
Sec. 214 application to acquire satellite channels for international use	$30	$12 per equivalent 4 kHz channel.[11]
Cable landing license	$120	None.
Sec. 214 application to discontinue, reduce or impair service to the public:		
Telegraph offices and public coast stations [13]	$15	Do.
All other	$60	Do.
Interlocking directorate applications	$30	Do.
Sec. 221 applications	$30	Do.
All other common carrier nonradio applications	$15	Do.

Tariff Filings:	Annual Gross Revenue [14] of Issuing Carrier:	
Each tariff page, original or revised, filed pursuant to Part 61 of the Commission's Rules.	Under $1 million	$50
	$1 million to $100 million	100
	$100 million to $1 billion	300
	$1 billion to $10 billion	500
	Over $10 billion	700

[1] In this service each transmitter at a fixed location is a separate station not withstanding the inclusion of more than 1 such station on a single authorization or under a single call sign.

[2] When included as part of base station applications, a request for blanket dispatch station authority made pursuant to the provisions of § 21.519(a) of this chapter does not require an individual application. A request for such dispatch station authority filed separately from a base station construction permit application requires an application for modification of license and an appropriate fee.

[3] An application for a standby transmitter having its own independent radiating system requires the same fee as a base station application.

[4] No additional fee will be charged for a single application for a license to cover a construction permit unless there is a modification or variation of outstanding authority involved. In that event the appropriate fee for modification is applicable.

[5] This fee applies to any request for dispatch station authority not made pursuant to § 21.519(a) of this chapter.

[6] The fee is not required for applications filed by governmental entities.

[7] For applicants who propose to multiplex their radio systems and who make the supplementary showing required be secs. 21.508 and 21.706 of this chapter in the lead application in lieu of filing a separate application under sec. 214 of the act, an additional grant fee will be payable at the rate prescribed in the schedule for sec. 214 applications to extend or supplement facilities.

[8] The filing fees specified in the schedule for satellite communications services do not apply to initial applications for domestic systems considered in conjunction with that of Western Union; Public Notice FCC 70-953. However, the grant fee will be applicable to any grant. All subsequent applications will be subject to the filing as well as the grant fees.

[9] In the case of connecting circuits for international satellite circuits the mileage is computed as the distance from the U.S. terminal to the nearest Earth station.

[10] Projects undertaken pursuant to grant of continuing authority as prescribed in §§ 63.08(c) and 63.04(c) of this chapter are subject to the grant fee.

[11] Fees for other than 4 kHz or 3 kHz channels will be the appropriate multiple or fractions of the 4 kHz or 3 kHz channel fee. (No grant fee is required for a video and associated audio channels.) Where the transmission of voice or digital data will be accomplished in the digital mode, a 64 kb/s transmission channel is to be considered the equivalent of one 4 kHz analog channel for purposes of calculating the grant fee.

[12] Unless otherwise specified, the grant fees based on channel miles for sec. 214 applications are calculated on the basis of airline mileage between terminal cities (up to a maximum of 2,500 miles between cities). Where domestic satellite channels are to be established between several cities on a demand use basis (as opposed to a point-to-point basis), the grant fee is calculated on the basis of the arithmetic average of the distances between each of the cities being so interconnected. Where the channels being established are one-way (rather than two-way), ½ the normal grant fee will apply.

[13] For blanket applications filed pursuant to §§ 63.67 or 63.68 of this chapter, the grant fee shall apply to each individual main or branch office for which reduction of hours is authorized.

[14] Total operating revenues for the previous calendar year of filing carrier and its communications common carrier subsidiaries which are concurring or connecting carriers in the tariff offering. The fees for tariff filings made by 1 carrier solely on behalf of another carrier shall be based on the total operating revenues of the carrier for which the filing is made.

[15] An additional grant fee of $50 is applied for any application proposing transmitter power in excess of 10 watts

§ 1.1115 Schedule of fees for the Safety and Special Radio Services.

(a) Except as provided in paragraph (c) of this section, the fees set forth in the schedule below shall accompany all formal applications for authorizations filed in the Safety and Special Radio Services:

Applications for all authorizations except as noted below	$4
Ship license that includes interim authorization	10
Operational fixed stations using frequencies above 952 MHz:	
Initial license, 5-year renewal and assignment of license	20
Yearly renewal for stations used in CATV systems	5
Stations using frequencies in the band 806–947 MHz and providing service on a commercial basis—per channel	200
Common carrier public coast stations:	
Initial license, renewal, and assignment of license	75
Amateur service:	
Modification of license without renewal	3
Special call sign (in addition to other applicable fee)	25

(b) Except as provided in paragraph (c) of this section, the fee set forth below shall accompany the following application or requests in the Safety and Special Radio Services:

Duplicate license	2

(c) Fees are not required in the following instances:

(1) Applications filed in the Police, Fire, Forestry Conservation, Highway Maintenance, Local Government and State Guard Radio Services.

(2) Applications filed by governmental entities in any of the Safety and Special Radio Services.

(3) Applications filed by the following in the Special Emergency Radio Service: hospitals, disaster relief organizations, beach patrols, school buses, and non-profit ambulance operators and rescue organizations.

(4) Applications filed in the Disaster Communications Services.

(5) Applications for ship inspections pursuant to the Great Lakes Agreement, the Safety of Life at Sea Convention, and Parts II and III, Title III, of the Communications Act of 1934, as amended.

(6) Application for Novice Class license in the Amateur Radio Service, applications for amateur stations under military auspices, and applications filed in the Radio Amateur Civil Emergency Services (RACES).

(7) Operational Fixed Microwave applications filed for Closed Circuit Educational Television Service.

(8) Applications for Aeronautical Radionavigation Stations, Aeronautical Search and Rescue Stations, and any applications filed by the Civil Air Patrol or its component units in the Safety and Special Radio Services.

(9) Applications for licenses for aircraft stations to operate with only an emergency locator transmitter (ELT); or an application for only an emergency position indicating radio-beacon (EPIRB) station; or an application for modification of a ship station license to include authority for operation of an EPIRB.

(10) Amendments to applications for authorizations in the Safety and Special Radio Services if the amended application on an original filing would not have required a higher fee than that already paid for the application being amended. If a higher fee would have been required than that already paid, the applicant will be required to pay the difference upon filing the amendment. If the fee would have been lower, no refund will be made.

§ 1.1116 Schedule of fees for Cable Television and Cable Television Relay Services.

(a) Applications and petitions filed in the Cable Television and Cable Tele-

V40-71 APR 11 75 XUM

vision Relay Services shall be accompanied by the fees prescribed below:

Application in the Cable Television Relay (CAR) Service:	
For a construction permit	$20
For a license or renewal	5
For a modification of construction permit or of a license	5
For reinstatement of expired construction permit or license	5
For assignment of license or of construction permit, or for transfer of control	10
Application for certificate of compliance pursuant to § 76.11	15

NOTE 1: If multiple applications for certificates of compliance are simultaneously filed by cable television systems having a common headend and identical ownership but serving or proposing to serve more than one community, the full $15 fee will be required for only one of the communities; a $5 fee will be required for each of the other communities.

(b) An annual authorization fee shall be paid by each CATV system on or before April 1 of each year for the preceding calendar year. The fee for each system shall be equal to the number of its subscribers times 13 cents. The number of subscribers shall be determined by averaging the number of subscribers on the last day of each calendar quarter. (See § 1.1102(f).)

NOTE 2: Where a system offers bulk-rates to multiple-outlet subscribers, such as apartment house or motel operators, each bulk-rate contract is viewed as a number of subscriptions to be calculated by dividing the total annual charge for the bulk-rate contract by the system's basic annual subscription rate for an individual household. (Thus, for example, if a cable television system charges an apartment house operator $1,000 a year for a bulk-rate contract and charges individual households a basic rate or $50 per year, the bulk-rate contract is counted as 20 subscriptions (i.e., 1,000÷50=20.) Where a variety of "annual subscription rates" for individual households exists (e.g., $50 per year, if paid in one sum, or $60 per year, if paid on a per-month basis), the rate used in the subscriber formula shall be the lowest annual rate which is offered to individual subscribers ($50 here). Likewise, if the bulk-rate contract is on a monthly basis, it shall be divided by the lowest monthly rate which is offered. In the preceding example, a $50 per year charge should be viewed as a charge of $4.17 per month. It is not contemplated, however that such calculations should be made with respect to extra payments for additional cable television outlets within the same individual household.

§ 1.1117 Schedule of fees for commercial radio operator examinations and licensing.

(a) Except as provided in paragraphs (b) and (c) of this section, applications for commercial radio operator examinations and licensing shall be accompanied by the fees prescribed below:

(1) Applications for new operator license or permit:	
1st-class, 2d-class, or 3d-class, either radiotelephone or radiotelegraph	$4
Provisional radiotelephone 2d-class operator certificate with broadcast endorsement, 1-year term	2
Restricted radiotelephone permit	4
Restricted radiotelephone permit (alien), 5-year term	4
(2) Application for endorsement of license or permit	2
(3) Application for renewal of operator license or permit:	
1st-class, 2d-class, or 3d-class, either radiotelephone or radiotelegraph	2
Restricted radiotelephone operator permit (alien)	4
(4) Application for replacement or duplicate license or permit	2
(5) Application for verification card (form 758-F)	2

(b) Whenever an applicant requests both an operator license or permit and an endorsement, the required fee will be the fee prescribed for the license document involved only.

(c) No fee is required for applications for a replacement license or permit for a marriage-related change of name.

(d) When an application is filed for a new license or permit and the applicant fails to appear for the required examination within 18 months, the application will be null and void for failure to prosecute and no refund will be made.

(e) Operator authorizations are issued by the Commission subject to payment and receipt of the applicable fee pursuant to the requirements of § 1.1102 of this chapter. In the case of operator authorizations, when the Commission is unable to collect the prescribed fee by a specified date upon notification mailed to the applicant at his last known address, the authorization will become null, void and ineffective after that date.

§ 1.1120 Schedule of fees for equipment type approval, type acceptance and certification.

Type approval, type acceptance, certification or approval of subscription television systems shall require payment of fees as prescribed below:

(a) Certification:

Item:	Application fee
(1) Application for certification of each receiver model: [8]	
a. Television broadcast receiver	$250
b. FM broadcast receiver (with or without other reception capability)	150
c. Combination TV/FM broadcast receiver (with or without other reception capability)	300
d. All other receivers	150
(2) Application for certification of equipment operating under part 18.[9] (No fee required for registration for use of industrial heating equipment on form 794 in accordance with § 18.116 of the Commission's rules)	150
(3) Application for certification of equipment (other than receivers) operating under part 15 [9]	150

(b) Type acceptance:

Item	
(1) Application for type acceptance for each equipment type [1 2 3 4]	$200
(2) Application for the addition of one or more rule parts to existing type acceptance for each equipment type as identified by manufacturer or trade name and type number	150
(3) Approval of subscription television system	1,500

(c) Type approval: [5]

Item [6]	Filing fee [7]	Grant fee [7]
(1) Applications for type approval of equipment requiring tests: [2, 6]		
a. Part 73:		
1. Broadcast modulation monitors—SCA or stereo	$2,400	$800
2. Broadcast modulation monitors—other	1,200	400
3. Broadcast antenna phase monitors	2,400	800
4. Other Broadcasting equipment	1,200	400
b. Parts 81 and 83:		
1. Ship transmitters, including lifeboat transmitters	1,200	400
2. Radar	900	300
3. Ship automatic alarms	3,000	1,000
4. Ship automatic alarm keyers	750	250
5. Other maritime devices	750	250
c. Part 15:		
1. Wireless microphones	450	150
2. Auditory training transmitters (72-76 MHz)	1,200	400
3. Class I TV devices:		
If rated to operate on 1 or 2 channels	1,500	500
If rated to operate on more than 2 channels, for each channels over 2	750	250
4. Other Part 15 devices	450	150
d. Part 18:		
1. Medical diathermy and Subpart H equipment (13.56, 27.12, 40.68 MHz)	750	250
2. Medical diathermy, microwave ovens and other Subpart H equipment (915 MHz and above)	900	300
3. Ultrasonic	450	150
4. Other Part 18 devices	750	250
(2) Applications for type approval of equipment not requiring tests [6]	75	25
(3) Applications for approval of modifications in existing type approved equipment:		
a. Modifications which require retesting	[10] 75	[10] 25
b. All other modifications		
(4) Correction of equipment deficiencies:		
Application for type approval where unit has been previously rejected for deficiency and is resubmitted for testing	[10]	[10]

[1] The receiver part of a transceiver or a unit which includes a transmitter and receiver shall be separately certificated. The application for receiver certification shall be filed simultaneously with, but under separate cover from, the application for type acceptance.

[2] In the case of an equipment in which one or more receivers and transmitters are packaged as an individual equipment and identified by a single type number, each receiver shall be separately certificated and each transmitter shall be separately type accepted. The application(s) for certification for each receiver shall be filed simultaneously with, but under separate cover from, the application(s) for type acceptance.

[3] Application for certification or type acceptance of equipments which bear different identification will be considered separate applications, regardless of whether such equipment may be otherwise identical.

[4] Fees for type acceptance are not required in the following cases: (a) when a request for type acceptance is included in an application for station license and covers only the item of equipment to be authorized in that particular station; (b) when a request is made by the licensee of a station for approval of modifications to a specific item of existing type accepted equipment authorized in that particular station.

[5] Whenever an item subject to type approval is required to comply with more than 1 set of technical specifications, separate fees will be required for each set of technical specifications for which compliance is examined. For example, a combined frequency and modulation monitor will require the payment of fees applicable to each; a frequency monitor for standard broadcast and FM broadcast will require payment of fees applicable to each. Likewise, combination units of items of the same type, for example, a combination of two radars, will require payment of 2 fees.

[6] A separate application, with payment of appropriate fees, is required for each equipment bearing different identification, whether in trade name or model number, even though such equipment may otherwise be identical to another. However, see note 9 below.

[7] The filing fee must be remitted with the application. The applicant may include the grant fee if he desires; otherwise the grant fee shall be remitted within the prescribed 45 days after grant of type approval. See § 1.1102 of this chapter.

[8] A single application is required for a combination under a single identification of 2 or more equipments which are subject to type approval, such as a combination of 2 radars. However, payment of separate fees will be required for each equipment which is tested. For an equipment which is subject to 2 or more sets of technical specifications in the rules, separate fees will be required for each set of tests.

[9] For a family or series of equipment models having the same radio frequency generator or transmitter and so nearly identical in design and construction that tests on only 1 model will be required, the model tested will be subject to the fees specified in paragraph (c)(1), and the other models in that series will be subject to the fees specified in paragraph (c)(2). For example, this would apply to 2 or more models of microwave ovens identical except for identification, styling, and, minor electrical or mechanical changes. Likewise, it would apply to 2 or more models of marine radars which employ the same transmitter but with different combinations of accessories. However, initial applications for type approval which request use of alternate magnetrons or other critical components will require payment of the fee indicated in paragraph (c)(1) plus the fee required in paragraph (c)(3)a.

[10] 75 percent of the filing and grant fees specified in (1) above for the particular class of equipment.

(Footnotes continued on next page.)

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V40-71 APR 11 75 XUM

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PART III

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

V40—71 APR 11 75 XUM

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective April 11, 1975 without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Georgia	GA75–1039
Minnesota	MN75–2059

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

California:	
CA75–5016	Feb. 7, 1975
Florida:	
FL75–1034	Mar. 21, 1975
Georgia:	
AR–4064	Dec. 6, 1974
GA75–1019	Feb. 7, 1975
Hawaii:	
H75–5002	Jan. 24, 1975
Illinois:	
AR–3060	Aug. 2, 1974
Maryland:	
AR–2053	Sept. 27, 1974
Michigan:	
AR–3121	Aug. 16, 1974
AR–3141	Aug. 23, 1974
Mississippi:	
AR–4030	Sept. 6, 1974
Montana:	
MT75–5029	Feb. 21, 1975
New Jersey:	
AR–2040; AR–2041; AR–2042	Sept. 13, 1974
AR–2043; AR–2044	Sept. 6, 1974
AR–2073; AR–2074; AR–2075; AR–2076; AR–2077; AR–2078	Nov. 15, 1974
AR–2080; AR–2081; AR–2082; AR–2083	Nov. 22, 1974
AR–2087; AR–2088; AR–2089; AR–2090	Nov. 29, 1974
North Dakota:	
ND75–5031	Feb. 28, 1975
Ohio:	
AR–3033; AR–3040; AR–3042	Aug. 23, 1974
AR–3039	Aug. 29, 1974

V40—71 APR 11 75 XUM

Oklahoma:	
AR–80	Nov. 22, 1974
AR–85	Dec. 6, 1974
AR–88; AR–89	Dec. 13, 1974
AR–93	Dec. 27, 1974
OK75–4049; OK75–4050	Feb. 7, 1975
OK75–4069	Mar. 28, 1975
Pennsylvania:	
PA75–3021	Do.
South Carolina:	
SC75–1026	Feb. 28, 1975
SC75–1038	Mar. 21, 1975
Texas:	
TX75–4028; TX75–4031	Jan. 24, 1975
Vermont:	
AQ–3184	June 28, 1974
West Virginia:	
WV75–3007	Feb. 7, 1975
Wyoming:	
WY75–5011	Jan. 31, 1975

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State; Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Colorado:	
AR–1022 (CO75–5050)	Aug. 23, 1974
CO75–5009 (CO75–5049)	Jan. 24, 1975
CO75–5007 (CO75–5048)	Jan. 31, 1975
CO75–5027 (CO75–5046); CO 75–5030 (CO75–5047)	Feb. 28, 1975
Illinois:	
AQ–3095 (IL75–5051)	Feb. 15, 1974
Indiana:	
AQ–3095 (IL75–5051)	Do.
Michigan:	
AQ–3095 (IL75–5051)	Do.
Minnesota:	
AQ–3095 (IL75–5051)	Do.
Mississippi:	
AQ–4112 (MS75–1044)	May 10, 1974
Missouri:	
AR–79 (MO75–4076)	Nov. 15, 1974
New York:	
AQ–3095 (IL75–5051)	Feb. 15, 1974
AQ–2128 (NY75–3047)	June 28, 1974
AR–2011 (NY75–3044)	July 26, 1974
AR–2014 (NY75–3033)	Aug. 9, 1974
AR–2017 (NY75–3032)	Aug. 16, 1974
AR–2021 (NY75–3048)	Sept. 20, 1974
AR–2059 (NY75–3036); AR–2063 (NY75–3042); AR–2064 (NY75–3031); AR–2065 (NY75–3037); AR–2066 (NY75–3040); AR–2067 (NY75–3041); AR–2068 (NY75–3043)	Oct. 11, 1974
AR–2069 (NY75–3046)	Nov. 1, 1974
AR–2072 (NY75–3034)	Nov. 15, 1974
AR–2096 (NY75–3035)	Dec. 20, 1974
NY75–3012 (NY75–3045); NY75–3013 (NY75–3038); NY75–3014 (NY75–3089)	Feb. 14, 1975
Ohio:	
AQ–3095 (IL75–5051)	Feb. 15, 1974
Pennsylvania:	
AQ–3095 (IL75–5051)	Do.
South Carolina:	
AR–4006 (SC75–1045)	July 5, 1974
Texas:	
TX75–4024 (TX75–4078); TX75–4025 (TX75–4077)	Jan. 24, 1975
Wisconsin:	
AQ–3095 (IL75–5051)	Feb. 15, 1974

Signed at Washington, D.C., this 4th day of April 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Georgia
DECISION NUMBER : GA75-1039
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories.)
COUNTIES: Chattahoochee & Muscogee
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Asbestos workers	6.40				
Bricklayers	6.35				
Carpenters	5.42				
Cement masons	4.41	30	7%		½ of 1%
Electricians	7.45				
Glaziers	4.22				
Ironworkers, structural & ornamental	4.11				
Ironworkers, reinforcing	4.29				
Laborers:					
Laborers	2.32				
Air tool op (jackhammer vib.)	2.85				
Mason tenders	2.52				
Pipelayers	3.00				
Lathers	6.00				
Painters: brush	5.36				.06
Plumbers: Chattahoochee County	7.24				
Plumbers: Muscogee County	6.12				
Roofers	2.40				
Sheet metal workers	4.89				
Soft floor layers	4.24				
Tile setters	5.60				
Truck drivers	2.32				
Welders - rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoe	3.75				
Blade grader	3.75				
Bulldozer	4.00				
Cranes, derricks, dragline	4.00				
Distributor	3.75				
Farm tractor with blade	3.62				
Motor grader	3.00				
Oilers	3.75				
Rollers	3.50				
Scrapers	3.33				
Tractors - front end loaders					
Trenching machine					

V 40 71 APR 11 75 XUM

STATE: Minnesota
DECISION NUMBER: MN75-2059
DESCRIPTION OF WORK: Building (Including Residential), Construction.

COUNTY: Stearne
DATE: Date of Publication

DECISION NO. MN75-2059

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.02	.51	.65		.02
BOILERMAKERS	8.90	.60	1.00		.02
BRICKLAYERS & STONEMASONS	9.00		.15		
CARPENTERS:					
Building:					
Carpenters & Piledrivermen	8.13			.75	
Soft Floor Layers	6.50				
Site Preparation, Excavation & Incidential Paving:					
Carpenters & Piledrivermen:					
North-South line drawn from the Intersection of Stearns, Todd & Morrison Counties	7.47			.75	
Remainder of County	7.62				
CEMENT MASONS:					
Building:					
Cement Masons & Plasterers	8.35				
Site Preparation, Excavation & Incidential Paving:					
Cement Masons	8.35				
ELECTRICIANS	8.45	6%	4%	9%	1%
GLAZIERS	6.98	.36			
IRONWORKERS	8.80	.55	.55		
LABORERS:					
General Laborers; Demolition & Wrecking; Concrete Joint Saw Operators; Signal Men	6.65	.20	.15		
Power Buggy Operators	6.70	.20	.15		
Mortar Mixers; Plasterer Tenders	6.75	.20	.15		
Jackhammer Men	6.80	.20	.15		
Underground; Caisson; Cofferdam & Tunnel Work	6.90	.20	.15		
Dynamite Men	6.95	.20	.15		
LATHERS	8.42	.31	.25		
MARBLE SETTERS	7.585	.445	.23	.56	
PAINTERS:					
Brush	5.90				.02
Structural Steel	6.40				.02
Spray	6.90				.02
PLUMBERS & STEAMFITTERS	$8.17	.38	.45	.50	.02
ROOFERS:					
Roofers	7.15				
Helpers	5.70				
SHEET METAL WORKERS	9.63	.42	.50		.06
SPRINKLER FITTERS	9.40	.50	.70		.08
TRUCK DRIVERS	6.65				

Welders - receive rate prescribed for craft performing operation to which welding is incidential.

NOTICES

DECISION NO. MN75-2059

LABORERS: SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS 1	$6.10	.40	.35	.40	
CLASS 2	6.20	.40	.35	.40	
CLASS 3	6.45	.40	.35	.40	
CLASS 4	6.24	.40	.35	.40	
CLASS 5	6.50	.40	.35	.40	
CLASS 6	6.55	.40	.35	.40	
CLASS 7	6.60	.40	.35	.40	

LABORERS: SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING

CLASS 1
Bricklayer Tender; Carpenter Tender; Drill Runner Helper; Laborers-Wrecking & Demolition; Lanscape Gardner; Pipe Handler (Water, Gas & Cast Iron); Salamander Heater & Blower Tender; Sod Layer & Nurseryman; Stonemason Tenders; Unskilled Laborers.

CLASS 2
Bituminous Shoveler; Bottom Man (Sewer, Water or Gas Trench); Cement coverman (Batch Trucks); Cement Handler (Bulk or Bag); Chain Saw Man; Compaction equipment (Hand operated); Concrete Mixer (12sg); Concrete Shoveler Tamper & Puddler (Paving); Concrete Vibrator; Conduit Layers (w/o wiring); Drill Runner (Wagon, Truck, etc.); Formsetter (Municipal Curb & Sidewalk); Formsetter (Pavement); Jackhammerman; Joint Sawer; Kettleman (Bituminous or Lead); Mortar Mixers; Paving Buster; Power Buggy; Tunnel Laborer (Atmospheric pressure).

CLASS 3
Leadman

CLASS 4
Bituminous Raker, Floater & Utility Man; Caisson Work; Cofferdam

CLASS 5
Nozzleman (Gunnite)

CLASS 6
Pipelayer (Sewer, Water & Gas)

CLASS 7
Powderman; Tunnel Miner

DECISION NO. MN75-2059

POWER EQUIPMENT OPERATORS: BUILDING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS 1	$12.25	.35	.25		
CLASS 2	9.85	.35	.25		
CLASS 3	9.50	.35	.25		
CLASS 4	9.40	.35	.25		
CLASS 5	9.30	.35	.25		
CLASS 6	9.05	.35	.25		
CLASS 7	8.93	.35	.25		
CLASS 8	8.85	.35	.25		
CLASS 9	8.58	.35	.25		
CLASS 10	8.30	.35	.25		
CLASS 11	7.85	.35	.25		

POWER EQUIPMENT OPERATORS: BUILDING

CLASS 1-Helicopter Operators (Hoisting Material)
CLASS 2-Truck & Crawler Cranes with 200' of Boom & over including Jib
CLASS 3-Truck & Crawler Cranes with 150' of Boom up to & not including 200' of Boom including jib.
CLASS 4-Traveling Tower Crane
CLASS 5-Master Mechanic
CLASS 6-Derrick (Guy & Stiff Leg); Hoist Engineer (3 drums or more); Locomotive Operator; Overhead Crane Operator, (inside Building Perimeter); Truck & Crawler Cranes up to 150' of Boom including jib.
CLASS 7-Air Compressor Operator; Pump Operator & or Conveyor; 2 or more Mechanics; Hoist Engineer (2 drums); Mechanic or Welder; Pumpcrete or Complaco Type Machine Operator; Fork Lift Operator
CLASS 8-Boom Truck Operator; Concrete Mixer Operator; Drill Rigs (Heavy Duty Rotary or Churn Drill when used for caisson drillin or when drilling for elevator cylinder on Building Construction; Front End Loader Opr; Hoist Engineer (1 drum); Power Plant Engineer (100 KWH & over); Straddle carrier Operator; Tractor Operator (Over D-2); Well Point Pump Operator
CLASS 9-Concrete Batch Plant Operator; Gunnite Operator; Tractor Operator (D-2 or similar size & Front End Loader Operator-up to ½ cu. yd.)
CLASS 10-Air Compressor Operator; Pump & or Conveyor Operator; Fireman-Temporary Heat; Brakeman; Pick Up Sweeper (combustion engine operated); Truck Crane Oiler
CLASS 11-Mechanic Space Heater (Temporary Heat) Oiler or Greaser

NOTICES

DECISION NO. MM75-2059

POWER EQUIPMENT OPERATORS: EAST OF THE WESTERN RIGHT-OF-WAY OF U.S. HWY. #15	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$12.05	.35	.25		
GROUP II	8.76	.35	.25		
GROUP III	8.50	.35	.25		
GROUP IV	8.38	.35	.25		
GROUP V	8.28	.35	.29		
GROUP VI	7.60	.35	.25		
GROUP VII	7.30	.35	.25		

POWER EQUIPMENT OPERATORS: EAST OF THE WESTERN RIGHT-OF-WAY OF U.S. HWY. #15

GROUP I Helicopter Pilot

GROUP II Crane with over 135' boom, exclusing jib, dragline and/or other similar equipment w/shovel type controls 3 cu. yards. & over Mfg. rates capacity

GROUP III Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/ or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rates capacity, Dredge Operator or Engineer, Dredge Operator (power) & yds. & over, Grader or Motor Patrol Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving op., Road Mile Op., Incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refregeration Plant Engineer, Tandem, Scrapter, Tractor, Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over

GROUP IV Dual Tractor Op., Elevating Grader Op., Pumperete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer

GROUP V Air track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavy Rotary of Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu yds., Hoists Engineer, Hydraulic Tree Planter, Launcherman, Locomotive,all types, Mechanic or Welder, Multiple Machines, such as Air Compressors, Welding Machine,s Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach., over 6" Op., Pugmill Op., Roller Op., 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar HP with power tak-off, Tractor Op., over 50 HP without power Take-off, trenching Machine Op., (sewer water, gas) Turnapull Co., (or similar type) Well Point Installation, Dismantling or Repair Mechanic

DECISION NO. MM75-2059

POWER EQUIPMENT OPERATORS (CONT'D)
EAST OF THE WESTERN RIGHT-OF-WAY OF U.S. HWY. #15

GROUP VI Air compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. Spreader Op., Finishing Machine, Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 11E and under, Concrete saw Op. (Multi. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader op. (up to & include 1 cu. yd.), Grader Op. (Motor Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augers and Boring Mach. Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op (D2, TD6 or similar HP with power take-off

GROUP VII Brakeman, Switchman, Conveyor Op., Deckhand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helper, Mech. Spacer Heater, Oiler, Self-Prop. Vib Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power take-off, Truck Crane Oiler

DECISION NO. MM75-2059

POWER EQUIPMENT OPERATORS: REMAINDER OF COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$11.90	.35	.25		
GROUP II	7.72	.35	.25		
GROUP III	7.47	.35	.25		
GROUP IV	7.33	.35	.25		
GROUP V	7.25	.35	.25		
GROUP VI	6.72	.35	.25		
GROUP VII	6.32	.35	.25		

POWER EQUIPMENT OPERATORS: REMAINDER OF COUNTY

GROUP I Helicopter Pilot

GROUP II Crane with over 135' Boom, exoluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity

GROUP III Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing earthwork & bituminous, Locombtive Crane Operator. Master Mechanic, Mixer (paving) Concrete Paving Op., Road Mile Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over

GROUP IV Dual Tractor Op., Elevating Grader Op., Pumperete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer

GROUP V Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine., Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter Launcherman, Locomotive, all types, Mechanic or Welder, Multiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach. over 6" op., Pugmill Op., Roller Op., 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballas Mach. Op., Tractor Op. over D2, TD6 or similar HP with power take-off, Tractor Op., over 50 HP without power take-off, Trenching Machine Op., (sewer, water,gas) Turnapull Op., (or similar type) well Point Installation, Dismantling or Repair Mechanic

DECISION NO. MM75-2059

POWER EQUIPMENT OPERATORS (CONT'D)
REMAINDER OF COUNTY

GROUP VI Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Mach. Longitudinal Float Op., Joint Mach, Op., Spray Op., Concrete Mixer Op. 11E and under, concrete saw op. (multi. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & incl. 1 cu. yd.), Grader op. (Motor Patrol), Gunite op. Gunall, Lead Greaser on truck or rack, Loader Op., PowerActuated Augers and Boring Mach. Op., Power Acutated Jacks op., Pumps op., Roller., Self-propelled Chip Spreader, Shouldering Mach. op., Stump Chipper., Tractor Op. (D2, TD6 or similar HP with power take-off

GROUP VII Brakeman, Switchman, Conveyor op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greader, Leverman, Mech. Helpers, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or les w/o Power take-off, Truck Crane Oiler

DECISION NO. IN75-2059

TRUCK DRIVERS:
SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$7.22	.35	.30		
GROUP 2	6.92	.35	.30		
GROUP 3	6.82	.35	.30		
GROUP 4	6.62	.35	.30		

TRUCK DRIVERS: SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING

GROUP 1

Driver (hauling machinery for employer's own use, including operation of hand & power operated winches); Truck train mechanic; Welder; Tractor-trailer; Off road truck.

GROUP 2

Tri-Axle (including 4 Axles); Dump dry batch hauler; Tank truck (gas, oil, road oil & water); Boom & "A" frame; Ready mix concrete; Slurry driver.

GROUP 3

Bituminous distributor driver; Bituminous distributor (1 man operation); Tandem axle.

GROUP 4

Bituminous distributor spray (rear-end oiler); Dumpman; Greaser & truck service man; Tank truck helper (gas, oil, road oil & water); Teamster and stableman; Tractor operator (wheel type used for any purpose); Pilot car; Self-propelled packer; Slurry operator; Single axle.

MODIFICATIONS P. 1

DECISION #CA75-5016 - Mod. #1
(40 FR 6005 - February 7, 1975)
Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, Eldorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties, California

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Boilermakers	$ 9.95	.65	1.00	.50	.02
Bricklayers; Stonemasons:					
Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano and Sonoma Cos.	10.02	.90	.58	1.00	
Carpenters:					
Carpenters	10.00	.72	1.15	.75	.04
Hardwood floorlayers; Power saw operators; Saw filers; Shinglers; Steel scaffold erectors and/or steel shoring erectors	10.15	.72	1.15	.75	.04
Millwrights	10.50	.72	1.15	.75	.04
Cement Masons:					
Cement Masons	8.46	.90	1.25	1.25	.05
Mastic; Magnesite; All composition masons	8.71	.90	1.25	1.25	.05
Men working from swinging or slip form scaffold	8.71	.90	1.25	1.25	.05
Drywall Installers	10.27	.60	.85	.75	.07
Electricians:					
Napa and Solano Counties					
Electricians	9.67	.58	12%+.60		.04
Cable Splicers	10.17	.58	12%+.60		.04

MODIFICATIONS P. 2

DECISION NO. CA75-5016 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Painters:					
Alameda, Contra Costa, Eldorado, Napa, Nevada, Placer, Sacramento, Solano and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area)					
Brush	$ 10.02	.70	.80	.80	
Spray	10.27	.70	.80	.80	
Tapers	10.72	.70	.80	.80	
Sheet Metal Workers:					
Alameda, Contra Costa, Napa and Solano Counties	9.75	.48	1.40	12%	.02
DECISION #FL75-1034 - Mod. #1 (40 FR 12970 - March 21, 1975) Pinellas County, Florida					
Change:					
Plumbers and steamfitters	$8.63	.30	.70		.05

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION # AR-4064 - Mod. #1 (39 FR 42817 - December 6, 1974) Chatham County, Georgia					
Change:					
Asbestos workers	7.49	.35	.40		
Bricklayers:					
Bricklayers and Stonemasons	7.25	.20	.20		
Carpenters:					
Carpenters and Soft floor layers	7.10	.35			
Millwrights	7.60	.35			
Piledrivermen	7.35	.35			
Cement masons	6.50				
Ironworkers:					
Structural and Sheeter	7.75	.45	.50		.03
Ornamental and reinforcing	7.75	.45	.50		.03
DECISION # GA75-1019 - Mod. #1 (40 FR 6020 - February 7, 1975) Fulton Clayton, Cobb and DeKalb Counties, Georgia.					
Omit: Power Equipment Operators sched-ule originally issued.					
Add: Attached Power Equipment Operators schedule.					

BUILDING CONSTRUCTION

Power Equipment Operators	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group A Asphalt operators, blacktop operator, cond. air operator, cent. mix plant, cono. pump operator-Ridley or similar type, crane operator (truck, tower, crawler, or locomotive), derrick operator, draglines operator, drill operator-caisson foundation type, elevating grader operator, fork-lift operator that comes within the jurisdiction of the Operating Engineers hoisting engine operator, locomotive operator, mechanics-heavy duty, oilers on cranes with earth boring drill attached with a separate power source, concrete paving mixer operator, pile driver operator, rock crusher operator, shovel operator, trenching machine operator over 6 ft. depth capacity, well point system operator (including the operation of all pumps on project operated by the contractor) generator operator-75 K. VA and over, tugger hoist operator, winch truck operator, hoisting material, air compressor operator, 365 C.F.M. and over furnishing air simultaneously for more than one contractor.	8.20	.35	.20		.07
Group B Bulldozer operator, dozer shovel operator, drill operator-Quarry master type, firemen-stationary or portable, motor grader operator, motor scraper operator (pans), pusher dozer operator, self-propelled compactor operator with blade, tractor operator with special equipment, trenching machine operator up to and including 6 ft. depth capacity.	7.85	.35	.20		.07
Group C Air compressor operator 600 cu. ft. and over, air compressor operator batt. of two, 300 cu. ft. and over, hydrohammer operator, concrete batch plant operator.	6.18	.35	.20		.07
Group D Oiler-truck or locomotive cranes	6.53	.35	.20		.07
Group E Oiler-unspecified, pump operator over 4" up to, batteries of 4, welding machine operator, batteries of two 300 amps and over.	5.63	.35	.20		.07
Group F Concrete mixer operator skip types except paving mixers, concrete finishing machine operator, concrete paving machine operator, roller operator, well drill operator	5.98	.35	.20		.07
Group G Air compressor operator up to and including 300 cu. ft. or one machine over 300 but less than 600 cu. ft., conveyor operator, belt type, sand blasting machine operator, water pump operator 4" or less, water pump operator over 4" (one only), welding machine operator 300 amps and over	4.96	.35	.20		.07

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #HI75-5002 - Mod. #3 (40 FR 3868 - January 24, 1975) Statewide, Hawaii					
Add: Asphalt Paving Group					
Asphalt Raker	$6.20	.62	1.00	b	
Asphalt Roller	7.16	.62	1.00	b	
Asphalt Spreader	7.48	.62	1.00	b	
Footnote: b. After completing 2 years' service with employer Vacation of one week or 40 hours straight-time rate; for each year completed thereafter in excess of 5 years, an additional one day or 8 hours; after completing 15 years or more service, 3 weeks or 120 hours at straight-time rate.					
DECISION #AR-3060 - Mod. #3 (39 FR 28033 - August 4, 1974) Marion, Clay, Crawford, Edwards, Effingham, Fayette, Hamilton, Jasper, Jefferson, Lawerence, Richland, Wabash, Wayne & White Counties, Illinois					
CHANGE: Modification #1, Volume 40, Page 14199, dated March 28, 1975 to Modification #2.					

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION NO. AR-2033 - Mod. #2 (39 FR 34994 - September 27, 1974) Baltimore City, Maryland					
CHANGE:					
Electriciens	$9.10	.30	1%+2%		1%
DECISION #AR-3121 - Mod. #4 (39 FR 29846 - August 16, 1974) Wayne, Oakland & Macomb Counties Michigan					
Change:					
Carpenters and Piledrivers	$ 9.3474	.60	8%	10%	.02
Soft Floor Layers	8.42	.55	.55	.67	.03
DECISION #AR-3141 - Mod. #4 (39 FR 30765 - August 23, 1974) Statewide, Michigan					
Change:					
Carpenters Zone 1	9.3474	.60	8%	10%	.02
DECISION # AR-4030 - Mod. #3 (39 FR 32454 - September 6, 1974) Hinds County, Mississippi		---			
Change:					
Boilermakers	7.50	.40	.90		.02
Elevator Constructors	6.89	.445	.29	3%+a+b	.02
Elevator Constructors' helpers	4.82	.445	.29	3%+a+b	.02
Elevator Constructors' helpers (prob.)	3.445				
Lathers	7.15				.01
Plasterers	6.50	.25	.10		.05
Roofers	6.55		.15		
Helpers	4.65				
Sheet metal workers	7.30	.30	.35		

DECISION #MT75-5029 - Mod. #3
(40 FR 7841 - February 21, 1975)
Cascade, Flathead, Glacier, Hill, Missoula, Sanders and Valley Counties, Montana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Boilermakers	$8.90	.70	1.00		.02
Electricians:					
Cascade and Glacier Counties					
Electricians	9.38	.32	.25		1/2%
Cable Splicers	9.63	.32	.25		1/2%
Power Equipment Operators:					
Missoula and Valley Counties					
Flathead and Sanders Counties					
(See attached schedules)					

DECISION NO. MT75-5029 (Cont'd)

Missoula and Valley Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
A-Frame Truck Crane, Winch Truck and similar	$ 7.78	.45	.45	.10	.03
Air Compressor, single	7.47	.45	.45	.10	.03
Air Compressor, two or more	7.64	.45	.45	.10	.03
Air Doctor	7.94	.45	.45	.10	.03
Asphalt Paving Machine	7.94	.45	.45	.10	.03
Asphalt Paving Machine Screed	7.94	.45	.45	.10	.03
Automatic Finegrade, Gurries and other similar types	8.07	.45	.45	.10	.03
Belt Finish Machine	7.64	.45	.45	.10	.03
Bit Grinder	7.94	.45	.45	.10	.03
Bituminous Mixer Paving, Travel Plant	7.94	.45	.45	.10	.03
Boring Machine (small), jeep, pickup or farm tractor mounted	7.53	.45	.45	.10	.03
Boring Machine (large)	7.94	.45	.45	.10	.03
Broom, self-propelled	7.61	.45	.45	.10	.03
Cableway Highline	8.45	.45	.45	.10	.03
Cement Silo	7.73	.45	.45	.10	.03
Central Mixing Plants, Concrete dam and stationary	8.19	.45	.45	.10	.03
Chain Bucket Loader	7.66	.45	.45	.10	.03
Chip or Gravel Spreader, self-propelled	7.66	.45	.45	.10	.03
Concrete Batch Plant, one and two mixers	7.94	.45	.45	.10	.03
Concrete Batch Plants, three and four mixers	8.14	.45	.45	.10	.03
Concrete Batch Plant, five mixers and over	8.34	.45	.45	.10	.03
Concrete Batch Plant Oiler, up to and including two mixers	7.46	.45	.45	.10	.03
Concrete Batch Plant Oiler, three mixers and over	7.77	.45	.45	.10	.03
Concrete Bucket Dispatcher	7.94	.45	.45	.10	.03
Concrete Curing Machine	7.94	.45	.45	.10	.03
Concrete Finish Machine Paving	7.94	.45	.45	.10	.03
Concrete Float-Spreader	7.94	.45	.45	.10	.03
Concrete Mixer, three bags and under	7.53	.45	.45	.10	.03

DECISION NO. MT75-5029 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Concrete Mixer, four bags and over	$ 7.70	.45	.45	.10	.03
Concrete Power Saw, self-propelled	7.94	.45	.45	.10	.03
Concrete Travel Batcher	7.94	.45	.45	.10	.03
Conveyor Loader Operator up to and including 42" belt	7.52	.45	.45	.10	.03
Conveyor Loader Operator over 42" belt	7.64	.45	.45	.10	.03
Concrete Conveyor under 40 feet	7.52	.45	.45	.10	.03
Concrete Conveyor over 40 feet	8.27	.45	.45	.10	.03
Concrete Pump	8.27	.45	.45	.10	.03
Crane, to and including 80' boom	8.10	.45	.45	.10	.03
Crane, 81' to 130' boom	8.25	.45	.45	.10	.03
Crane, 131' to 150' boom	8.30	.45	.45	.10	.03
Crane, 151' boom and over	8.35	.45	.45	.10	.03
Crane Oiler	7.51	.45	.45	.10	.03
Crusher	7.94	.45	.45	.10	.03
Crusher Oiler and Helper	7.43	.45	.45	.10	.03
Crusher Conveyor, when required	7.40	.45	.45	.10	.03
Distributor	7.94	.45	.45	.10	.03
DW 10, 15, or 20 Tractor pulling roller	7.66	.45	.45	.10	.03
Electric Overhead Cranes	8.12	.45	.45	.10	.03
Elevating Grader	7.94	.45	.45	.10	.03
Farm Type Tractor, up to and including 50 HP Engine	7.40	.45	.45	.10	.03
Farm Type Tractor, over 50 HP Engine	7.48	.45	.45	.10	.03
Field Equipment Serviceman	7.86	.45	.45	.10	.03
Field Equipment Serviceman Helper	7.43	.45	.45	.10	.03
Fireman	7.53	.45	.45	.10	.03
Forklift, on construction job site	7.73	.45	.45	.10	.03
Form Grader	7.71	.45	.45	.10	.03
Gradall	7.94	.45	.45	.10	.03
Grade Setter	7.40	.45	.45	.10	.03
Heavy Duty Drill, all types	7.94	.45	.45	.10	.03
Heavy Duty Driller Helper	7.53	.45	.45	.10	.03
Herman-Nelson Heaters and similar type	7.48	.45	.45	.10	.03

DECISION NO. MT75-5029 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Hoist, single drum	$ 7.71	.45	.45	.10	.03
Hoist, two or more drums	7.94	.45	.45	.10	.03
Helicopter Hoist	8.44	.45	.45	.10	.03
Hot Plant	7.94	.45	.45	.10	.03
Hot Plant Fireman, when in Operation	7.94	.45	.45	.10	.03
Hot Plant Oiler, 100 ton per hour or over	7.43	.45	.45	.10	.03
Hydra lift and similar types	7.84	.45	.45	.10	.03
Industrial Locomotive all classes	7.94	.45	.45	.10	.03
Mechanic and/or Welder on job	8.04	.45	.45	.10	.03
Mechanic and/or Welder Helper on job	7.43	.45	.45	.10	.03
Mixermobile	8.02	.45	.45	.10	.03
Motor Patrol	8.07	.45	.45	.10	.03
Mountain Logger or similar type	7.94	.45	.45	.10	.03
Mucking Machine	7.94	.45	.45	.10	.03
Oiler-Driver, Rubber-tired Cranes	7.51	.45	.45	.10	.03
Oilers, other than Shovels and Cranes	7.43	.45	.45	.10	.03
Oiler, Hoist House, dams	7.84	.45	.45	.10	.03
Pavement Breaker, Emsco and similar	7.94	.45	.45	.10	.03
Paving and Mixing Machine	8.07	.45	.45	.10	.03
Power Auger, Large Truck or Tractor mounted	7.94	.45	.45	.10	.03
Power Mixer, single or double drum	7.94	.45	.45	.10	.03
Power Saw, multiple cut, self-propelled	7.94	.45	.45	.10	.03
Pumprete or Grout Machine	7.94	.45	.45	.10	.03
Pumpman	7.47	.45	.45	.10	.03
Push Tractor	7.94	.45	.45	.10	.03
Quad Cat	8.24	.45	.45	.10	.03
Quad Loader and similar type	8.52	.45	.45	.10	.03
Raygo Giant	8.52	.45	.45	.10	.03
Refrigerator Plant	7.94	.45	.45	.10	.03
Retort	7.53	.45	.45	.10	.03
Roller, on blade or hot mix oil paving	7.94	.45	.45	.10	.03

DECISION NO. MT75-5029 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Roller, on other blade or hot mix paving	$ 7.64	.45	.45	.10	.03
Roller, 25 ton or over	7.94	.45	.45	.10	.03
Ross and similar type Carriers, on construction site	7.94	.45	.45	.10	.03
Rubber-tired Dozer	7.94	.45	.45	.10	.03
Rubber-tired Front End Loader, 1 yard and under	7.65	.45	.45	.10	.03
Rubber-tired Front End Loader, 1 yard to and including 3 yards	7.94	.45	.45	.10	.03
Rubber-tired Front End Loader, over 3 yards to and including 5 yards	8.06	.45	.45	.10	.03
Rubber-tired Front End Loader, over 5 yards to and including 10 yards	8.16	.45	.45	.10	.03
Rubber-tired Front End Loader, over 10 yards to and including 15 yards	8.26	.45	.45	.10	.03
Rubber-tired Front End Loader, over 15 yards	8.36	.45	.45	.10	.03
Scraper, DW 15, 20, 21 and similar type if power unit is not used	7.94	.45	.45	.10	.03
Scraper, single or twin engine pulling bally dump trailer	8.32	.45	.45	.10	.03
Scraper, single engine	8.07	.45	.45	.10	.03
Scraper, twin engine	8.17	.45	.45	.10	.03
Scraper, Tandem engine	8.43	.45	.45	.10	.03
Self-propelled Sheepfoot and similar type	7.94	.45	.45	.10	.03
Shovels, including all attachments, under 1 cu. yd.	7.94	.45	.45	.10	.03
Shovels, including all attachments, 1 cu. yds. to and including 3 cu. yds.	8.12	.45	.45	.10	.03
Shovels, including all attachments, over 3 cu. yds. to and including 9 cu. yds.	8.39	.45	.45	.10	.03
Shovels, including all attachments, over 5 cu. yds.	8.52	.45	.45	.10	.03

DECISION NO. MT75-5029 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Shovel Oiler, 3 yards and under	$ 7.43	.45	.45	.10	.03
Shovel Oiler, over 3 cu. yards	7.64	.45	.45	.10	.03
Slip Form Paver	8.07	.45	.45	.10	.03
Stiff Leg Derrick and Guy Derrick	8.39	.45	.45	.10	.03
Track-type Front End Loaders; up to and including 5 cu. yds.	7.94	.45	.45	.10	.03
Track-type Front End Loaders; over 5 cu. yds. to and including 10 cu. yds.	8.17	.45	.45	.10	.03
Track-type Front End Loaders, over 10 cu. yds. to and including 15 cu. yds.	8.27	.45	.45	.10	.03
Track-type Front End Loaders, over 15 cu. yds.	8.37	.45	.45	.10	.03
Track-type Tractor with or without attachments	7.94	.45	.45	.10	.03
Track-type Tractor, on Euclid Loader	8.12	.45	.45	.10	.03
Trenching Machine	7.94	.45	.45	.10	.03
Turnhead Conveyor, or Head Tower on Batch Plant	7.94	.45	.45	.10	.03
Wagner Roller and similar type	7.94	.45	.45	.10	.03
Whirley Crane	8.47	.45	.45	.10	.03
Whirley Crane Oiler	7.84	.45	.45	.10	.03
Water Pull when used for compaction	7.94	.45	.45	.10	.03
Washing and Screening Plant	7.94	.45	.45	.10	.03
Washing and Screening Plant Oiler	7.43	.45	.45	.10	.03

DECISION NO. MT75-5029 (Cont'd)

Flathead and Sanders County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
A-Frame Truck Crane, Winch Truck and similar	$ 7.78	.45	.45	.10	.03
Air Compressor, single	7.47	.45	.45	.10	.03
Air Compressor, two or more	7.64	.45	.45	.10	.03
Air Doctor	7.94	.45	.45	.10	.03
Asphalt Paving Machine	7.94	.45	.45	.10	.03
Asphalt Paving Machine Screed	7.94	.45	.45	.10	.03
Automatic Finegrade, Gurries and other similar types	8.07	.45	.45	.10	.03
Belt Finish Machine	7.64	.45	.45	.10	.03
Bit Grinder	7.94	.45	.45	.10	.03
Bituminous Mixer Paving, Travel Plant	7.94	.45	.45	.10	.03
Boring Machine (small), jeep, pickup or farm tractor Mounted	7.53	.45	.45	.10	.03
Boring Machine (large)	7.94	.45	.45	.10	.03
Broom, self-propelled	7.61	.45	.45	.10	.03
Cableway Highline	8.45	.45	.45	.10	.03
Cement Silo	7.73	.45	.45	.10	.03
Central Mixing Plants, Concrete dam and stationary	8.19	.45	.45	.10	.03
Chain Bucket Loader	7.66	.45	.45	.10	.03
Chip or Gravel Spreader, self-propelled	7.66	.45	.45	.10	.03
Concrete Batch Plant, one and two mixers	7.94	.45	.45	.10	.03
Concrete Batch Plants, three and four mixers	8.14	.45	.45	.10	.03
Concrete Batch Plant, five mixers and over	8.34	.45	.45	.10	.03
Concrete Batch Plant Oiler, up to and including two mixers	7.46	.45	.45	.10	.03
Concrete Batch Plant Oiler, three mixers and over	7.77	.45	.45	.10	.03
Concrete Bucket Dispatcher	7.94	.45	.45	.10	.03
Concrete Curing Machine	7.94	.45	.45	.10	.03
Concrete Finish Machine Paving	7.94	.45	.45	.10	.03
Concrete Float-Spreader	7.94	.45	.45	.10	.03
Concrete Mixer, three bags and under	7.53	.45	.45	.10	.03

DECISION NO. MT75-5029 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Concrete Mixer, four bags and over	$ 7.70	.45	.45	.10	.03
Concrete Power Saw, self-propelled	7.94	.45	.45	.10	.03
Concrete Travel Batcher	7.94	.45	.45	.10	.03
Conveyor Loader Operator up to and including 42" belt	7.52	.45	.45	.10	.03
Conveyor Loader Operator over 42" belt	7.64	.45	.45	.10	.03
Concrete Conveyor under 40 feet	7.52	.45	.45	.10	.03
Concrete Conveyor over 40 feet	8.27	.45	.45	.10	.03
Concrete Pump	8.27	.45	.45	.10	.03
Crane, to and including 80' buom	8.10	.45	.45	.10	.03
Crane, 81' to 130' boom	8.25	.45	.45	.10	.03
Crane, 131' to 150' boom	8.30	.45	.45	.10	.03
Crane, 151' boom and over	8.35	.45	.45	.10	.03
Crane Oiler	7.51	.45	.45	.10	.03
Crusher	7.94	.45	.45	.10	.03
Crusher Oiler and Helper	7.43	.45	.45	.10	.03
Crusher Conveyor, when required	7.40	.45	.45	.10	.03
Distributor	7.94	.45	.45	.10	.03
DW 10, 15, or 20 Tractor pulling roller	7.66	.45	.45	.10	.03
Electric Overhead Cranes	8.12	.45	.45	.10	.03
Elevating Grader	7.94	.45	.45	.10	.03
Farm Type Tractor, up to and including 50 HP Engine	7.40	.45	.45	.10	.03
Farm Type Tractor, over 50 HP Engine	7.48	.45	.45	.10	.03
Field Equipment Serviceman	7.86	.45	.45	.10	.03
Field Equipment Serviceman Helper	7.43	.45	.45	.10	.03
Fireman	7.53	.45	.45	.10	.03
Forklift, on construction job site	7.75	.45	.45	.10	.03
Form Grader	7.71	.45	.45	.10	.03
Gradall	7.94	.45	.45	.10	.03
Grade Setter	7.40	.45	.45	.10	.03
Heavy Duty Drill, all types	7.94	.45	.45	.10	.03
Heavy Duty Driller Helper	7.53	.45	.45	.10	.03
Herman-Nelson Heaters and similar type	7.48	.45	.45	.10	.03

DECISION NO. MT75-5029 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Hoist, single drum	$ 7.71	.45	.45	.10	.03
Hoist, two or more drums	7.94	.45	.45	.10	.03
Helicopter Hoist	8.44	.45	.45	.10	.03
Hot Plant	7.94	.45	.45	.10	.03
Hot Plant Fireman, when in Operation	7.94	.45	.45	.10	.03
Hot Plant Oiler, 100 ton per hour or over	7.43	.45	.45	.10	.03
Hydra lift and similar types	7.84	.45	.45	.10	.03
Industrial Locomotive all classes	7.94	.45	.45	.10	.03
Mechanic and/or Welder on job	8.04	.45	.45	.10	.03
Mechanic and/or Welder Helper on job	7.43	.45	.45	.10	.03
Mixermobile	8.02	.45	.45	.10	.03
Motor Patrol	8.07	.45	.45	.10	.03
Mountain Logger or similar type	7.94	.45	.45	.10	.03
Mucking Machine	7.94	.45	.45	.10	.03
Oiler-Driver, Rubber-tired Cranes	7.51	.45	.45	.10	.03
Oilers, other than Shovels and Cranes	7.43	.45	.45	.10	.03
Oiler, Hoist House, dams	7.84	.45	.45	.10	.03
Pavement Breaker, Ensco and similar	7.94	.45	.45	.10	.03
Paving and Mixing Machine	8.07	.45	.45	.10	.03
Power Auger, Large Truck or Tractor mounted	7.94	.45	.45	.10	.03
Power Mixer, single or double drum	7.94	.45	.45	.10	.03
Power Saw, multiple cut, self-propelled	7.94	.45	.45	.10	.03
Pumpcrete or Grout Machine	7.94	.45	.45	.10	.03
Pumpman	7.47	.45	.45	.10	.03
Push Tractor	7.94	.45	.45	.10	.03
Quad Cat	8.24	.45	.45	.10	.03
Quad Loader and similar type	8.52	.45	.45	.10	.03
Raygo Giant	8.52	.45	.45	.10	.03
Refrigerator Plant	7.94	.45	.45	.10	.03
Retort	7.53	.45	.45	.10	.03
Roller, on blade of hot mix oil paving	7.94	.45	.45	.10	.03

DECISION NO. MT75-5029 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Roller, on other blade or hot mix paving	$ 7.64	.45	.45	.10	.03
Roller, 25 ton or over	7.94	.45	.45	.10	.03
Rosa and similar type Carriers, on construction site	7.94	.45	.45	.10	.03
Rubber-tired Dozer	7.94	.45	.45	.10	.03
Rubber-tired Front End Loader, 1 yard and under	7.65	.45	.45	.10	.03
Rubber-tired Front End Loader, 1 yard to and including 3 yards	7.94	.45	.45	.10	.03
Rubber-tired Front End Loader, over 3 yards to and including 5 yards	8.06	.45	.45	.10	.03
Rubber-tired Front End Loader, over 5 yards to and including 10 yards	8.16	.45	.45	.10	.03
Rubber-tired Front End Loader, over 10 yards to and including 15 yards	8.26	.45	.45	.10	.03
Rubber-tired Front End Loader, over 15 yards	8.36	.45	.45	.10	.03
Scraper, DW 15, 20, 21 and similar type if power unit is not used	7.94	.45	.45	.10	.03
Scraper, single or twin engine pulling belly dump trailer	8.32	.45	.45	.10	.03
Scraper, single engine	8.07	.45	.45	.10	.03
Scraper, twin engine	8.17	.45	.45	.10	.03
Scraper, Tandem engine	8.43	.45	.45	.10	.03
Self-propelled Sheepfoot and similar type	7.94	.45	.45	.10	.03
Shovels, including all attachments, under 1 cu. yd.	7.94	.45	.45	.10	.03
Shovels, including all attachments, 1 cu. yds. to and including 3 cu. yds.	8.12	.45	.45	.10	.03
Shovels, including all attachments, over 3 cu. yds. to and including 5 cu. yds.	8.39	.45	.45	.10	.03
Shovels, including all attachments, over 5 cu. yds.	8.52	.45	.45	.10	.03

DECISION NO MT75-5029 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Shovel Oiler, 3 yards and under	$ 7.43	.45	.45	.10	.03
Shovel Oiler, over 3 cu. yards	7.84	.45	.45	.10	.03
Slip Form Paver	8.07	.45	.45	.10	.03
Stiff Leg Derrick and Guy Derrick	8.39	.45	.45	.10	.03
Track-type Front End Loaders; up to and including 5 cu. yds.	7.94	.45	.45	.10	.03
Track-type Front End Loaders; over 5 cu. yds. to and including 10 cu. yds.	8.17	.45	.45	.10	.03
Track-type Front End Loaders, over 10 cu. yds. to and including 15 cu. yds.	8.27	.45	.45	.10	.03
Track-type Front End Loaders, over 15 cu. yds.	8.37	.45	.45	.10	.03
Track-type Tractor with or without attachments	7.94	.45	.45	.10	.03
Track-type Tractor, on Euclid Loader	8.12	.45	.45	.10	.03
Trenching Machine	7.94	.45	.45	.10	.03
Turnhead Conveyor, or Head Tower on Batch Plant	7.94	.45	.45	.10	.03
Wagner Roller and similar type	7.94	.45	.45	.10	.03
Whirley Crane	8.47	.45	.45	.10	.03
Whirley Crane Oiler	7.84	.45	.45	.10	.03
Water Pull when used for compaction	7.94	.45	.45	.10	.03
Washing and Screening Plant	7.94	.45	.45	.10	.03
Washing and Screening Plant Oiler	7.43	.45	.45	.10	.03
Yo-Yo Cat, Both ends	8.14	.45	.45	.10	.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2040 - Mod. #3 (39 FR 33164 - September 13, 1974) Middlesex County, New Jersey					
Changes:					
Elevator Constructors:					
Construction:					
Mechanics	$ 9.52	.445	.29 + a	b + c	.02
Helpers	7.14	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Modernization:					
Mechanics	8.73	.445	.29 + a	b + c	.02
Helpers	6.56	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Contract Repair:					
Mechanics	7.90	.445	.29 + a	b + e	.02
Helpers	5.92	.445	.29 + a	b + e	.02
Probationary Helpers	4.76				
Glaziers	10.05	.61	.65		.02
Ironworkers:					
Plainsboro	9.74	.64	1.06	10%	.05
Sprinkler Fitters:					
New Brunswick, Milltown, Old Bridge, Browntown, and north thereof	10.53	.50	.70		.07

FOOTNOTES:

c. Employees with 6 months of service but less than 5 years' service receive 2 weeks vacation; 5 or more years receive 3 weeks.

e. Employees with 6 months of service but less than 5 years' service receive 2 weeks vacation; 5 years but less than 15 years of service receive 3 weeks; 15 years or more service receive 4 weeks.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2041 - Mod. #3 (39 FR 33172 - September 13, 1974) Morris County, New Jersey					
Change:					
Elevator Constructors:					
Construction:					
Mechanics	$ 9.52	.445	.29 + a	b + c	.02
Helpers	7.14	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Modernization:					
Mechanics	8.75	.445	.29 + a	b + c	.02
Helpers	6.56	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Contract Repair:					
Mechanics	7.90	.445	.29 + a	b + g	.02
Helpers	5.92	.445	.29 + a	b + g	.02
Probationary Helpers	4.76				
Sheet Metal Workers	9.75	5%	4% +.03		.07

FOOTNOTES:

c. Employees with 6 months of service but less than 5 years' service receive 2 weeks vacation; 5 or more years of service receive 3 weeks.

g. Employees with 6 months of service butless than 5 years' service receive 2 weeks; 5 years but less than 15 years of service receive 3 weeks; 15 years or more service receive 4 weeks.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2042 - Mod. #6 (39 FR 33179 - September 13, 1974) Passaic County, New Jersey					
Change:					
Elevator Constructors:					
Construction:					
Mechanics	$ 9.52	.445	.29 + a	b + c	.02
Helpers	7.14	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Modernization:					
Mechanics	8.75	.445	.29 + a	b + c	.02
Helpers	6.56	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Contract Repair:					
Mechanics	7.90	.445	.29 + a	b + e	.02
Helpers	5.92	.445	.29 + a	b + e	.02
Probationary Helpers	4.76				
Glaziers	9.27	.45	1.00		.01
Sheet Metal Workers	9.91	4% + .05	4% + .055	6%	.01

FOOTNOTES:

c. Employees with 6 months of service but less than 5 years of service receive 2 weeks vacation; 5 or more years of service receive 3 weeks.

e. Employees with 6 months of service but less than 5 years' service receive 2 weeks; 5 years but less than 15 years of service receive 3 weeks; 15 years or more service receive 4 weeks

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2043 - Mod. #4 (39 FR 32456 - September 6, 1974) Somerset County, New Jersey					
Change:					
Elevator Constructors:					
Construction:					
Mechanics	$ 9.52	.445	.29 + a	b + c	.02
Helpers	9.14	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Modernization:					
Mechanics	8.75	.445	.29 + a	b + c	.02
Helpers	6.56	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Contract Repair:					
Mechanics	7.90	.445	.29 + a	b + g	.02
Helpers	5.92	.445	.29 + a	b + g	.02
Probationary Helpers	4.76				
Glaziers:					
Bernardsville, Basking Ridge, Watchung	10.05	.61	.65		.02

FOOTNOTES:

c. Employees with 6 months of service but less than 5 years of service receive 2 weeks vacation; 5 or more years receive 3 weeks.

g. Employees with 6 months of service but less than 5 years of service receive 2 weeks vacation; 5 years but less than 15 years of service receive 3 weeks; 15 years or more service receive 4 weeks.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2044 - Mod. #5 (39 FR 32464 - September 6, 1974) Union County, New Jersey					
Change:					
Elevator Constructors:					
Construction:					
Mechanics	$ 9.52	.445	.29 + a	b + c	
Helpers	7.14	.445	.29 + a	b + c	
Probationary Helpers	4.76				
Modernization:					
Mechanics	8.75	.445	.29 + a	b + c	
Helpers	6.56	.445	.29 + a	b + c	
Probationary Helpers	4.76				
Contract Repair:					
Mechanics	7.90	.445	.29 + a	b + f	
Helpers	5.92	.445	.29 + a	b + f	
Probationary Helpers	4.76				
Glaziers:					
Carteret, Port Reading, Fords and Woodbridge	10.05	.61	.65		.02

FOOTNOTES:

c. Employees with 6 months of service but less than 5 years' service receive 2 weeks vacation; 5 or more years receive 3 weeks.

f. Employees with 6 months of service but less than 5 years' service receive 2 weeks; 5 years but less than 15 years of service receive 3 weeks; 15 years or more service receive 4 weeks.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2073 - Mod. #2 (39 FR 40371 - November 15, 1974) Salem County, New Jersey					
Change:					
Elevator Constructors:					
Mechanics	$ 10.68	.445	.29	3% +a +b	.02
Helpers	7.48	.445	.29	3% +a +b	.02
Probationary Helpers	5.34				
Sheet Metal Workers	10.74	.87	.50		.02
DECISION #AR-2074 - Mod. #3 (39 FR 40378 - November 15, 1974) Warren County, New Jersey					
Change:					
Carpenters & Insulators	9.73	6%	6%		.02
Elevator Constructors:					
Construction:					
Mechanics	9.52	.445	.29 + a	b + c	.02
Helpers	7.14	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Modernization:					
Mechanics	8.75	.445	.29 + a	b + c	.02
Helpers	6.56	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Contract Repair:					
Mechanics	7.90	.445	.29 + a	b + h	.02
Helpers	5.92	.445	.29 + a	b + h	.02
Probationary Helpers					
Phillipsburg:					
Mechanics	9.75	.445	.29	3%+d+e	.02
Helpers	6.825	.445	.29	3%+d+e	.02
Probationary Helpers	4.875				
Millwrights	9.98	6%	6%		.02
FOOTNOTES:					
c. Employees with 6 months of service but less than 5 years' service receive 2 weeks vacation; 5 or more years receive 3 weeks.					

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2074 (Cont'd)					
FOOTNOTES: (Cont'd)					
h. Employees with 6 months of service but less than 5 years of service receive 2 weeks; 5 years but less than 15 years of service receive 3 weeks; 15 years or more service receive 4 weeks.					
DECISION #AR-2075 - Mod. #2 (39 FR 40386 - November 15, 1974) Sussex County, New Jersey					
Change:					
Elevator Constructors:					
Construction:					
Mechanics	$ 9.52	.445	.29 + a	b + c	.02
Helpers	7.14	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Modernization:					
Mechanics	8.75	.445	.29 + a	b + c	.02
Helpers	6.56	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Contract Repair:					
Mechanics	7.90	.445	.29 + a	b + f	.02
Helpers	5.92	.445	.29 + a	b + f	.02
Probationary Helpers	4.76				
FOOTNOTES:					
c. Employees with 6 months of service but less than 5 years' service receive 2 weeks vacation; 5 or more years receive 3 weeks.					
f. Employees with 6 months of service but less than 5 years' service receive 2 weeks vacation; 5 years but less than 15 years of service receive 3 weeks; 15 years or more service receive 4 weeks.					

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2076 - Mod. #3 (39 FR 40393 - November 15, 1974) Hunterdon County, New Jersey					
Change:					
Elevator Constructors:					
Construction:					
Mechanics	$ 9.52	.445	.29 + c	a+b	.02
Helpers	7.14	.445	.29 + c	a+b	.02
Probationary Helpers	4.76				
Modernization:					
Mechanics	8.75	.445	.29 + c	a+b	.02
Helpers	6.56	.445	.29 + c	a+b	.02
Probationary Helpers	4.76				
Contract Repair:					
Mechanics	7.90	.445	.29 + c	a+g	.02
Helpers	5.92	.445	.29 + c	a+g	.02
Probationary Helpers	4.76				
Tile Setters	8.20	.55	1.75		
FOOTNOTES:					
b. Employees with 6 months of service but less than 5 years of service receive 2 weeks vacation; 5 or more years receive 3 weeks.					
g. Employees with 6 months of service but less than 5 years service receive 2 weeks vacation; 5 years but less than 15 years of service receive 3 weeks; 15 years or more service receive 4 weeks.					

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2077 - Mod. #4 (39 FR 40467 - November 15, 1974) Atlantic and Cape May Counties, New Jersey					
Change:					
Asbestos Workers	$ 10.52	.50	.50		
Carpenters, Millwrights & Insulators	9.91	.40	6%		.02
Elevator Constructors:					
Mechanics	10.68	.445	.29	3% +a +b	.02
Helpers	7.48	.445	.29	3% +a +b	.02
Probationary Helpers	5.34				
Glaziers	6.90		.30		
Soft Floor Layers	9.91	.40	6%		.02
DECISION #AR-2078 - Mod. #4 (39 FR 40473 - November 15, 1974) Bergen County, New Jersey					
Change:					
Elevator Constructors:					
Construction:					
Mechanics	9.52	.445	.29 + a	b + c	.02
Helpers	7.14	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Modernization:					
Mechanics	8.75	.445	.29 + a	b + c	.02
Helpers	6.56	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Contract Repairs					
Mechanics	7.90	.445	.29 + a	b + e	.02
Helpers	5.92	.445	.29 + a	b + e	.02
Probationary Helpers	4.76				
Glaziers	9.27	.45	1.00		.01

DECISION #AR-2078 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
FOOTNOTES:					
c. Employees with 6 months of service but less than 5 years' service receive 2 weeks vacation; 5 or more years receive 3 weeks.					
e. Employees with 6 months of service but less than 5 years' service receive 2 weeks vacation; 5 years but less than 15 years service receive 3 weeks; 15 years or more service receive 4 weeks.					
DECISION #AR-2080 - Mod. #4					
(39 FR 41130 - November 22, 1974) Burlington County, New Jersey					
Change:					
Asbestos Workers: Rees River and Washington Twps.	$ 10.52	.50	.50		
Elevator Constructors:					
Mechanics	10.68	.445	.29	3% +a +b	.02
Helpers	7.48	.445	.29	3% +a +b	.02
Probationary Helpers	5.34				
DECISION #AR-2081 - Mod. #2					
(39 FR 41139 - November 22, 1974) Camden and Gloucester Counties, New Jersey					
Change:					
Carpenters, Millwrights, Insulators and Soft Floor Layers	9.91	.40	6%		.02

DECISION #AR-2081 - (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Change:					
Elevator Constructors:					
Mechanics	$ 10.68	.445	.29	3% +a +b	.02
Helpers	7.48	.445	.29	3% +a +b	.02
Probationary Helpers	5.34				
Sheet Metal Workers	10.74	.87	.50		.02
DECISION #AR-2082 - Mod. #4					
(39 FR 41146 - November 22, 1975) Cumberland County, New Jersey					
Change:					
Asbestos Workers	10.52	.50	.50		
Carpenters, Insulators, Millwrights and Soft Floor Layers	9.91	.40	6%		.02
Elevator Constructors					
Mechanics	10.68	.445	.29	3% +a +b	.02
Helpers	7.48	.445	.29	3% +a +b	.02
Probationary Helpers	5.34				
DECISION #AR-2083 - Mod. #2					
(39 FR 41153 - November 22, 1974) Essex County, New Jersey					
Change:					
Elevator Constructors:					
Construction:					
Mechanics	9.52	.445	.29 + a	b + c	.02
Helpers	7.14	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Modernization:					
Mechanics	8.75	.445	.29 + a	b + c	.02
Helpers	6.56	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Contract Repair:					
Mechanic	7.90	.445	.29 + a	b + f	.02
Helpers	5.92	.445	.29 + a	b + f	.02
Probationary Helpers	4.76				
Sheet Metal Workers	9.81	4% +.055	4% +.055	8%	.01

DECISION #AR-2083 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
FOOTNOTES:					
c. Employees with 6 months of service but less than 5 years of service receive 2 weeks vacation; 5 or more years of service receive 3 weeks vacation.					
f. Employees with 6 months of service but less than 5 years of service receive 2 weeks vacation; 5 years but less than 15 years receive 3 weeks; 15 or more years of service receive 4 weeks.					
DECISION #AR-2087 - Mod. #2					
(39 FR 41671 - November 29, 1974) Hudson County, New Jersey					
Change:					
Elevator Constructors:					
Construction:					
Mechanics	$ 9.52	.445	.29 + a	b + c	.02
Helpers	7.14	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Modernization					
Mechanics	8.75	.445	.29 + a	b + c	.02
Helpers	6.56	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Contract Repairs:					
Mechanics	7.90	.445	.29 + a	b + f	.02
Helpers	5.92	.445	.29 + a	b + f	.02
Probationary Helpers	4.76				
Soft Floor Layers	9.50	6%	5% + .30		
FOOTNOTES:					
c. Employees with 6 months of service but less than 5 years' service receive 2 weeks vacation; 5 or more years service receive 3 weeks .					

DECISION #AR-2087 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
FOOTNOTES: (Cont'd)					
f. Employees with 6 months of service but less than 5 years' service receive 2 weeks; 5 years but less than 15 years of service receive 3 weeks; 15 years or more years' service receive 4 years.					
DECISION #AR-2088 - Mod. #3					
(39 FR 41677 - November 29, 1974) Mercer County, New Jersey					
Change:					
Elevator Constructors:					
Mechanics	$ 10.68	.445	.29	3% +a +b	.02
Helpers	7.48	.445	.29	3% +a +b	.02
Probationary Helpers					
DECISION #AR-2089 - Mod. #2					
(39 FR 41685 - November 29, 1974) Monmouth County, New Jersey					
Change:					
Elevator Constructors:					
Mechanics	10.68	.445	.29	3% +a +b	.02
Helpers	7.48	.445	.29	3% +a +b	.02
Probationary Helpers	5.34				
Glaziers	10.05	.61	.65		.02
DECISION #AR-2090 - Mod. #2					
(39 FR 41693 - November 29, 1974) Ocean County, New Jersey					
Change:					
Asbestos Workers:					
Twps. of Eaglewood, Lacy, Little Egg Harbor, Long Beach, Ocean, Stafford, Tuckerton and Union	10.52	.50	.50		
Elevator Constructors:					
Mechanics	10.68	.445	.29	3% +a +b	.02
Helpers	7.48	.445	.29	3% +a +b	.02
Probationary Helpers	5.34				

MODIFICATIONS P. 32

	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	App. Tr.
DECISION #ND75-5031 - Mod. #2 (40 FR 8747 - February 28, 1975) Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Walsh, and Ward Counties, North Dakota					
Change:					
Boilermakers (except Walsh Co.)	$8.90	.70	1.00	3%+a+b	.10
Sheet Metal Workers:					
Cass and Richland Counties	8.05	.40	.10	3%+a+b	.02
DECISION #AR-3033 - Mod #1 (39 FR 30774 - August 23, 1974) Butler County, Ohio					
Change:					
Asbestos Workers:					
Middletown & Vicinity	$ 9.97	.35	.60	.01	.02
Electricians & Linemen:					
Electricians & Linemen	10.10	.30	.50+1%	1/8of1%	
Cable Splicers	10.60	.30	.50+1%	1/8of1%	
Elevator Constructors	9.62	.445	.29	.02	
Elevator Constructors' helper (Prob)	6.73	.445	.29	.02	
Elevator Constructors' helper	4.81				
Glaziers:					
Middletown and vicinity	9.08				.01
Ironworkers:					
Middletown & Northeastern Part of County	9.66	.55	.55	.03	
Oxford, Hamilton and Balance of County					
Structural and Ornamental	9.995	.55	.55	.03	
Reinforcing	9.445	.55	1.05	.02	
Millwrights	9.84	.40	.65	.05	
Marble Setters	9.50	.45	.35		
Laborers:					
Industrial					
Brush	7.98				
Spray	8.48				
Commercial					
Brush	7.83				
Spray	8.33				
Plumbers & Steamfitters					.05
North ½ of County	10.45	.45	.50	.05	.01
South ½ of County	9.93	.55	.90	.12	.05
Sheet Metal Workers	9.80	.40	.60	.05	.08
Soft Floor Layers	9.45	.45	.55	.10	
Sprinkler Fitters	9.96	.50	.70	.35	
Stone Mason	9.985	.45	.35		
Tile & Terrazzo Workers	9.50	.45			
Terrazzo Workers' helpers	9.285				

MODIFICATIONS P. 33

	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	App. Tr.
DECISION #AR-3040 - Mod. #1 (39 FR 30863 - August 23, 1974) Lorain County, Ohio					
Change:					
Bricklayers, Stonemasons, Plasterers, Tile setter	$ 9.95	.445			.01
Elevator Constructors	10.265	.445			.02
Elevator Constructors' helper	7.185	.445			.02
Elevator Constructors' helper (prob.)	5.13				
Laborers:					
(Group A)	8.16	.50			.02
(Group B)	8.36	.50			.02
Gunite Operator	8.76	.50			.02
Plumbers	10.105	.45			.025
Sheet Metal Workers	10.58	.35			.04
DECISION #AR-3042 - Mod. #1 (39 FR 30790 - August 23, 1974) Mahoning County, Ohio					
Change:					
Asbestos Workers	$10.24	.35	.50	3%+a+b	.02
Elevator Constructors	9.20	.445	.29	3%+a+b	.02
Elevator Constructors' helper (Prob.)	6.44	.445	.29	3%+a+b	.02
Lineman & Cable Splicer	4.60				
Painters:					
Commercial:					
Brush, Paperhanging Water-proof, and wall washing	10.79	.30	1%		
Drywall Taping	9.265	.40	.40		.12
Spray	9.415	.40	.40		.12
Industrial:	9.76	.40	.40		.12
Brush & Bridges	9.47	.40	.40		.12
Spray & Sandblasting	10.17	.40	.40		.12
Power Equipment Operators					
Class I	9.87	.50	.50		.12
Class II	9.18	.50	.50		.12
Class III	8.82	.50	.50		.12
Class IV	8.41	.50	.50		.12
Class V	8.31	.50	.50		.12
Class VI	10.14	.50	.50		.12

MODIFICATIONS P. 34

	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	App. Tr.
DECISION NO. AR-20 - Mod. 14 (39 FR 41107 - November 22, 1974) Comanche County, Oklahoma					
Change:					
TRUCK DRIVERS:					
Group I	$6.02				
Group II	6.02				
Group III	5.72				
Truck Drivers Classification Definition:					
Group II					
Heavy earth movin; equipment such as dump trucks and euclid					
POWER EQUIPMENT OPERATORS:					
Group I	8.25	.35	.40		.12
Group II	8.03	.35	.40		.12
Group III	7.75	.35	.40		.12
Group IV	7.50	.35	.40		.12
Group V	7.00	.35	.40		.12
Group VI	7.10	.35	.40		.12
Group VII	6.90	.35	.40		.12
Group VIII	6.50	.35	.40		1/4%
ELECTRICIANS	8.15	.20	1%		

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DECISION NO. AR-93 - Mod. #3
(39 FR 42801 - December 6, 1974)
Garfield County, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Change:					
TRUCK DRIVERS:					
Group I	$6.02				
Group II	6.02				
Group III	5.72				
Truck Drivers Classification Definition:					
Group II					
Heavy earth moving equipment such as dump trucks and euclids					
POWER EQUIPMENT OPERATORS:					
Group I	8.25	.35	.40		.12
Group II	8.00	.35	.40		.12
Group III	7.75	.35	.40		.12
Group IV	7.50	.35	.40		.12
Group V	7.00	.35	.40		.12
Group VI	7.10	.35	.40		.12
Group VII	6.80	.35	.40		.12
Group VIII	6.50	.35	.40		.12
Add:					
Glaziers	7.20				

DECISION NO. AR-88 - Mod. #4
(39 FR 43454 - December 13, 1974)
Pittsburg County, Oklahoma

Change:					
POWER EQUIPMENT OPERATORS:					
Group I	$8.25	.35	.40		.12
Group II	8.00	.35	.40		.12
Group III	7.75	.35	.40		.12
Group IV	7.50	.35	.40		.12
Group V	7.00	.35	.40		.12
Group VI	7.10	.35	.40		.12
Group VII	6.50	.35	.40		.12
Group VIII	6.80	.35	.40		.12

DECISION NO. AR-89 - Mod. #3
(39 FR 43456 - December 13, 1974)
McIntosh County, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Change:					
POWER EQUIPMENT OPERATORS:					
Group I	$8.25	.35	.40		.12
Group II	8.00	.35	.40		.12
Group III	7.75	.35	.40		.12
Group IV	7.50	.35	.40		.12
Group V	7.00	.35	.40		.12
Group VI	7.10	.35	.40		.12
Group VII	6.50	.35	.40		.12
Group VIII	6.80	.35	.40		.12

DECISION NO. AR-93 - Mod. #3
(39 FR 44903 - December 27, 1974)
Wagoner County, Oklahoma

Change:					
POWER EQUIPMENT OPERATORS:					
Group I	$8.25	.35	.40		.12
Group II	8.00	.35	.40		.12
Group III	7.75	.35	.40		.12
Group IV	7.50	.35	.40		.12
Group V	7.00	.35	.40		.12
Group VI	7.10	.35	.40		.12
Group VII	6.50	.35	.40		.12
Group VIII	6.80	.35	.40		.12

DECISION NO. OK75-4049 - Mod. #3
(40 FR 6112 - February 7, 1975)
Oklahoma, Cleveland, Canadian, Lincoln, McClain, Pottawatomie and Seminole Counties, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Change:					
TRUCK DRIVERS:					
Group I	$6.02				
Group II	6.02				
Group III	5.72				
Truck Drivers Classification Definition:					
Group II					
Heavy earth moving equipment such as dump trucks and euclid					
POWER EQUIPMENT OPERATORS:					
Group I	8.25	.35	.40		.12
Group II	8.00	.35	.40		.12
Group III	7.75	.35	.40		.12
Group IV	7.50	.35	.40		.12
Group V	7.00	.35	.40		.12
Group VI	7.10	.35	.40		.12
Group VII	6.80	.35	.40		.12
Group VIII	6.50	.35	.40		.12

DECISION NO. OK75-4050 - Mod. #3
(40 FR 6115 - February 7, 1975)
Tulsa and Creek Counties, Oklahoma

Change:					
POWER EQUIPMENT OPERATORS:					
Group 1	$8.25	.35	.40		.12
Group 2	8.00	.35	.40		.12
Group 3	7.75	.35	.40		.12
Group 4	7.50	.35	.40		.12
Group 5	7.00	.35	.40		.12
Group 6	7.10	.35	.40		.12
Group 7	6.50	.35	.40		.12
Group 8	6.80	.35	.40		.12

DECISION NO. OK75-4069 - Mod. #1
(40 FR 14237 - March 25, 1975)
Muskogee, Adair and Cherokee Counties, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Change:					
POWER EQUIPMENT OPERATORS:					
Group 1	$8.25	.35	.40		.12
Group 2	8.00	.35	.40		.12
Group 3	7.75	.35	.40		.12
Group 4	7.50	.35	.40		.12
Group 5	7.00	.35	.40		.12
Group 6	7.10	.35	.40		.12
Group 7	6.50	.35	.40		.12
Group 8	6.80	.35	.40		.12

Decision #75-PA-3021 - Mod. # 2
(40 FR 12947 - March 26, 1975)
Cameron, Clarion, Clearfield, Jefferson Counties, Pennsylvania

Change:
Laborers:
Remaining Counties to read:
Clarion & Jefferson
Cameron County:
(See Schedule Below)

Dec. No. 75-PA-3021 - Mod. # 1

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Laborers:						
Common laborer, carpenter tender, scaffold builder for masons, window cleaner, form stripper and mover, scaffold and runways, building materials handlers (loading and unloading), concrete pitman, puddler, mason tender.	$7.02	.40	.40		1%	
Mechanical tampers (power) powered wheelbarrows and buggies & work-lifts, sweepers and similar, mortar mixer, bell bottom man on furnaces and stacks, jackhammer man, concrete buster, wagon drill helper, concrete saw operator, blaster's helper, drill runner's helper (Includes drill mounted truck, track or similar) sheeters and shores, vibrator operators, power tamper operators, y-gun, burner-cutting torch, carryayable pumps, chain saw operator, pipe layers, all material conveyors and elevators, signal man, walk behind fork lift or similar, whacker, sand blaster, maintenance man, west brick buggies or similar, scaffold builder for plasterers' regardless of height, hod carrier, plaster tender, form cleaning machine operator, plaster applicating and/or pump machine operator, paving breaker, asphalt raker, lancer, berfix cutting tool, gunnite potman blacksmith, tool dresser (cable tools	7.27	.40	.40		1%	
Blasters, wagon drill operator, drill runner, gunnite nozzle man, grout machine operator, walk behind power roller and tamper, welder, driller (cable tools)	7.82	.40	.40		1%	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DECISION # SC75-1026 - Mod. #1 (40 FR 8692 - February 28, 1975) Beaufort County, South Carolina					
Change:					
Carpenters	4.75				
Cement Masons	4.45				
Plumbers	4.03				
DECISION #SC75-1038 - Mod. #1 (40 FR 12951 - March 21, 1975 Greenville County, South Carolina					
Change:					
Power Equipment Operators:					
Motor graders	$3.56				
DECISION #TX75-4028 - Mod. #2 (40 FR 3938 - January 24, 1975) Kleberg & Nueces Counties, Texas					
Change:					
Power Equipment Operators:					
Group 1	$4.65	.18	.45		
Group 2	5.025	.18	.45		
Group 3	5.225	.18	.45		
Group 4	5.375	.18	.45		
DECISION #TX75-4031 - Mod. #2 (40 FR 3942 - January 24, 1975) Travis County, Texas					
Change:					
Carpenters:					
Carpenters	7.91	.38	.40		.04
Millwrights	8.16	.38	.40		.04

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DECISION #AO-3184 - Mod. #2 (39 FR 21203 - June 28, 1974) Statewide, except Rutland County, Vermont					
Change:					
Truck Drivers:					
Two Axle Equipment	$ 5.35				
Three Axle Equipment					
Caledonia County	6.00				
Remaining Counties	5.50				
Specialized Earth Moving Equipment					
Caledonia County	6.10				
Remaining Counties	5.60				
DECISION #WV75-3007 - Mod. #4 (40 FR 6136 - February 7, 1975) Barbour, Boone, Brooks, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmen, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Putnam, Ritchie, Tyler, Upshur, Wayne, Wetzel, Wirt and Wood Counties, West Virginia					
Change:					
Elevator Constructors:					
Zone 1:					
Mechanics	$ 9.27	.445	.29	3% +a +b	.02
Helpers	6.49	.445	.29	3% +a +b	.02
Probationary Helpers	4.635				
Zone 2:					
Mechanics	9.55	.445	.29	3% +a +b	.02
Helpers	6.685	.445	.29	3% +a +b	.02
Probationary Helpers	4.775				
Zone 3:					
Mechanics	8.86	.445	.29	3% +a +b	.02
Helpers	6.20	.445	.29	3% +a +b	.02
Probationary Helpers	4.43				

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DECISION #WY75-5011 - Mod. #1 (40 FR 4879 - January 31, 1975) Statewide, Wyoming					
Change:					
Line Construction:					
All work over 34.5 KV, all work on steel towers and/or multiple wood structures, all cross country underground communications work, and all motor traffic controlling, street and highway lighting:					
Cable Splicer	$8.04	.35	1%		3/4%
Linemen	7.31	.35	1%		3/4%
Equipment Operator	6.68	.35	1%		3/4%
Groundmen	5.49	.35	1%		3/4%
All work 34.5 KV and under					
Lineman	7.31	.35	1%		3/4%
Line Equipment Operator	6.40	.35	1%		3/4%
Groundmen	5.49	.35	1%		3/4%
DECISION #WY75-5028 - Mod. #1 (40 FR 7887 - February 21, 1975) Converse, Goshen, Laramie, Natrona, Niobrara, and Platta Counties, Wyoming					
Change:					
Boilermakers	$8.90	.70	1.00		.02
Bricklayers					
Converse, Natrona, and Niobrara Counties	8.50				
Cement Masons:					
Cement Masons	7.35				
Working with composition material; Scaffold, Swinging Stage or temporary platform over 8' high; Operator of power machines	7.60				
Working on scaffold, swing stage or temporary platform over 20' high	7.85				
Marble, Tile and Terrazzo Workers					
Converse, Natrona and Niobrara Counties	8.50				
Millwrights	7.58	.48	.60	.40	.05

SUPERSEDEAS DECISION

STATE: Colorado

COUNTIES: Las Animas, Otero and Pueblo

DECISION NUMBER: CO75-5046

DATE: Date of Publication

Supersedeas Decision No. CO75-5027 dated February 28, 1975, in 40 FR 8724

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

DECISION NO CO75-5046

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.01	.38	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS	8.67	.30	.30		.04
CARPENTERS	7.34	.48	.60	.40	.05
CEMENT MASONS	6.65	.44	1.10	.60	.07
ELECTRICIANS:					
Zone I (0-12 miles from P.O.)					
Electricians	9.25	.42	1%+.25		1/10%
Cable Splicers	10.18	.42	1%+.25		1/10%
Zone II (12-20 miles from P.O.)					
Electricians	9.65	.42	1%+.25		1/10%
Cable Splicers	10.58	.42	1%+.25		1/10%
Zone III (20-40 miles from P.O.)					
Electricians	10.00	.42	1%+.25		1/10%
Cable Splicers	10.93	.42	1%+.25		1/10%
Zone IV (Over 40 miles from P.O.)					
Electricians	10.75	.42	1%+.25		1/10%
Cable Splicers	11.68	.42	1%+.25		1/10%
Electrical contracts less than $5,000 in Zones III and IV	6.91	.42	1%+.25		1/10%
ELEVATOR CONSTRUCTORS	8.63	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.37				
IRONWORKERS:					
Structural; Ornamental and Reinforcing	8.40	.55	.80		.06
MARBLE & TILE SETTERS, TERRAZZO WORKERS	8.30	.56	.50	.25	.04
MILLWRIGHTS	7.58	.48	.60	.40	.05
PAINTERS:					
Brush, Roller, Taper, Hand Texture	6.28	.30			.03
Steel; Paperhangers	6.78	.30			.03
Spray, Tapers using Automatic tools	6.88	.30			.03
Spray steel	7.38	.30			.03
PLASTERERS	$ 8.69				.01
PLUMBERS:					
Zone I (0-15 miles from P. O.)	9.40	.35	.65		.05
Zone II (15-20 miles from P. O.)	9.97	.35	.65		.05
Zone III (20-40 miles from P. O.	10.15	.35	.65		.05
Zone IV (Over 40 miles from P.O.	10.775	.35	.65		.05
ROOFERS	7.81	.42	.10		
SHEET METAL WORKERS	9.12	.30	.90		.07
SOFT FLOOR LAYERS (Las Animas Co.	7.10	.35	.45	.30	.05
SOFT FLOOR LAYERS (Pueblo County)	6.40	.35	.55	.20	.05
SPRINKLER FITTERS	9.25	.50	.70		.08

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays:

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

DECISION NO CO75-5046

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$5.70	.40	.30	.30	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasermen; Servicemen; Ambulance drivers, if used	5.80	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Men haul shuttle truck or bus	5.90	.40	.30	.30	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tanders, tandem axle	5.95	.40	.30	.30	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiremen	6.00	.40	.30	.30	
DUMP TRUCKS, over 12 cu. yds. to including 19 cu. yds.; Distributor; Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi or combination	6.05	.40	.30	.30	
MULTI-PURPOSE TRUCK - Specialty and hoisting	6.10	.40	.30	.30	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor - Semi; Liquid and bulk tanders, euclid, electric or similar; Dumptor, Yongbuggy, Jumbo and similar type equipment	6.15	.40	.30	.30	
MECHANICS	6.20	.40	.30	.30	

DECISION NO. CO75-5046

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DUMP TRUCKS, over 19 cu. yds. to and including 29 cu. yds.; Truck driver snow plow	$6.25	.40	.30	.30	
CEMENT MIXER, Agitator over 10 cu. yds. to and including 15 cu. yds.	6.30	.40	.30	.30	
DUMP TRUCKS, Over 29 cu. yds. to and including 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.40	.40	.30	.30	
CEMENT MIXER, Agitatnr over 15 cu. yds.	6.55	.40	.30	.30	
DUMP TRUCKS, Over 39 cu. yds. to and including 54 cu. yds.	6.60	.40	.30	.30	
DUMP TRUCKS, Over 54 cu. yds. to and including 79 cu. yds.	6.80	.40	.30	.30	
DUMP TRUCKS, Over 79 cu. yds. to and including 104 cu. yds.	7.00	.40	.30	.30	
DUMP TRUCKS, Over 104 cu. yds.	7.20	.40	.30	.30	
LINE CONSTRUCTION - Colorado					
Cable Splicers	9.97	.35	1%		3/4%
Lineman Cableman	9.36	.35	1%		3/4%
Journeyman Lineman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundmen	6.52	.35	1%		3/4%

DECISION NO. C075-5046

LABORERS
(Building Construction)

	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
				H & W	Pensions	Vacation	App. Tr.
	ZONE 1	ZONE 2	ZONE 3				
Group 1	$ 5.00	$5.45	$5.90	.42	.45		.07
Group 2:							
Class A	5.00	5.45	5.90	.42	.45		.07
Class B	5.28	5.73	6.18	.42	.45		.07
Group 3	5.28	5.73	6.18	.42	.45		.07
Group 4	5.28	5.73	6.18	.42	.45		.07
Group 5	5.30	5.75	6.20	.42	.45		.07
Group 6	5.55	6.00	6.45	.42	.45		.07
Group 7	5.60	6.05	6.50	.62	.45		.07

ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Pueblo and Trinidad.

ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office in the above named Cities

ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office in the above named Cities

DECISION NO. C075-5046

LABORERS (cont'd)
(Building Construction)

GROUP DESCRIPTION

Group 1: General Building Laborer

Group 2: Laborers, underpinning and shoring...
Class A: 0' to 8' below working surface
Class B: 8' below working surface to any depth below working surface

Group 3: Power tool operators of all mechanical, air, gas, and electric tools including self-propelled buggies; Cement finishers tenders; Gunnite nozzleman; Sand blasters

Group 4: Pipelayers

Group 5: Laborers preparing and placing of stone or any other aggregate in sand bed to be used as exposed face of tiltup panels.

Group 6: Jackhammer operator underpinning and shoring over 12' below working surface; Bellers and stemmers on caisson work

Group 7: Mason tenders, brick and plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$6.99	.48	.60	.40	.05
UNDERGROUND CARPENTERS	7.14	.48	.60	.40	.05
Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	7.29	.48	.60	.40	.05
CEMENT MASONS	6.22	.42	1.10	.30	.07

DECISION NO C075-5046

LABORERS
(Heavy Construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	4.93	.42	.45		.07
Group 4	4.95	.42	.45		.07
Group 5	4.97	.42	.45		.07
Group 6	5.08	.42	.45		.07
Group 7	5.18	.42	.45		.07
Group 8	5.25	.42	.45		.07
Group 9	5.38	.42	.45		.07
Group 10	5.43	.42	.45		.07
(Pipelines) All mainline sewers; Water mains; Gas, oil or any product pipeline Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.					
Group 1	4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	5.02	.42	.45		.07
Group 4	5.04	.42	.45		.07
Group 5	5.13	.42	.45		.07
Group 5-A	5.18	.42	.45		.07
Group 6	5.25	.42	.45		.07
LABORERS (Tunnels)					
Group 1	4.80	.42	.45		.07
Group 2	5.40	.42	.45		.07
Group 3	5.50	.42	.45		.07
Group 4	5.58	.42	.45		.07
Group 5	5.65	.42	.45		.07
Group 6	5.80	.42	.45		.07
(SHAFTS, RAISES, MISSILES SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	5.50	.42	.45		.07
Group 2	5.65	.42	.45		.07
Group 3	5.75	.42	.45		.07
Group 4	5.93	.42	.45		.07
Group 5	6.03	.42	.45		.07
Group 6	6.08	.42	.45		.07

DECISION NO. C075-5046

LABORERS (Cont'd)
(Heavy Construction)

Group 1: Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man including seeding; Mulching and planting of trees, shurbs and flowers; Stake chaser; Gabion baskets and tena mattresses

Group 2: Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers

Group 3: Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)

Group 4: Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammer; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Streeser or stretcherman on post tension or prestressed concrete on or off job site; Tool room man and checkers; Cement finisher helper; Ssndblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, Mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammer; Vibrators; Paving breakers; Frostproofing

Group 5: Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle

Group 6: Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Form setters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer

Group 7: Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator

Group 8: Pipelayer on truck pipe lines in connection with highway work

Group 9: Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air

Group 10: Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement

DECISION NO. C075-5046

LABORERS
(Pipelines)

All welding setters; water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

Group 1: Pipe plants and yards; Stringing or pipe or skids; Handling and signaling on line work

Group 2: Potmen (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

Group 3: Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pan stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

Group 4: Sandblaster, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

Group 5: (Relining Pipe)
Relining Pipe

Group 5-A: Mixer Man

Group 6: Pipelayer

LABORERS
(Tunnels)

Group 1: Outside laborers

Group 2: Minimum tunnel labor, dry house man

Group 3: Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators

Group 4: Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender

Group 5: Cement finisher helper, applying of concrete processing materials

DECISION NO. C075-5046

LABORERS (Cont'd)
(Tunnels)

Group 6: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pump concrete placement men

(SHAFTS, RAISES, MISSILE SILOS and ALL UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen, and Cagers

Group 2: Chucktenders, Concrete laborers, Whirley pumps operators

Group 3: Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, including the placement of sheeting when required); All cutting and welding that is incidental to the miner's Work; Liner plate setters; Vibrator men, internal and external

Group 5: Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men

Group 6: Any employee performing work under ground from a bos'n chair, swinging atage, life bwit or block and tackle

DECISION NO C075-5046

POWER EQUIPMENT OPERATORS ** (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$ 6.05	.37	.55	.30	.03
Group 2	6.40	.37	.55	.30	.03
Group 3	6.75	.37	.55	.30	.03
Group 4	6.90	.37	.55	.30	.03
Group 5	7.05	.37	.55	.30	.03
Group 6	7.20	.37	.55	.30	.03
(For work in Tunnels, Shafts, and Raises)					
Brakeman	6.20	.37	.55	.30	.03
Motorman	6.55	.37	.55	.30	.03
Compressor (900 CFM and over), serving tunnels, shafts and raises	6.65	.37	.55	.30	.03
Air tractors; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.90	.37	.55	.30	.03
Concrete placement pumps 8" and over discharge; Mechanic-welder (heavy duty); Mucking machine and front end loaders underground; Slusher	7.05	.37	.55	.30	.03
Mole	7.45	.37	.55	.30	.03

DECISION NO. C075-5046

POWER EQUIPMENT OPERATORS**
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or welder; Tractor operator (under 70 HP), with or without attachments; Oiler

Group 2: Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C. F. M. of less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants - with classifier; Self-propelled rollers - 5 tons and under; Vacuum well point system

Group 3: Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 inc.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. and over) (with or without attachments); Trenching machine; Welder; Winch operator, on truck; Concrete batching plants

Group 4: Concrete mixer (over 1 cu. yds.); Concrete paver 34E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-welder (heavy duty); Mixer mobile; Multiple unit portable crusher - with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1½ cu. yds. and over); Special utility operator; Self-propelled hydrocrane; Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

Group 5: Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 50 cu. yds. and over

Group 6: Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane

SUPERSEDEAS DECISION

STATE: Colorado COUNTIES: Delta, Garfield, Gunnison, Mesa, Montrose, and Pitkin

DECISION NUMBER: CO75-5047 DATE: Date of Publication

Supersedes Decision CO75-5030 dated February 28, 1975, in 40 FR 8730

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.01	.38	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons:					
Pitkin County	7.45	.45	.60	.25	.05
Remaining Counties	7.45	.45	.60	.25	.05
CARPENTERS:					
F.O. basing points in the Cities of Leadville, Fort Collins, Glenwood Springs, Grand Junction, Gunnison and Montrose					
Zone I (0-30 miles from nearest basing point)	7.54	.48	.60	.40	.05
Zone II (30-60 miles from nearest basing point)	7.79	.48	.60	.40	.05
Zone III (60 miles and over from nearest basing point)	8.04	.48	.60	.40	.05
CEMENT MASONS:					
Cement Masons	6.65	.44	1.10	.60	.07
Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25'; Power troweling and floor grinding machine	6.90	.44	1.10	.60	.07
ELECTRICIANS:					
Electricians	9.80	.42	1%		5/10%
Cable Splicers	10.05	.42	1%		5/10%
ELEVATOR CONSTRUCTORS	8.63	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.37				
IRONWORKERS:					
Structural; Ornamental and Reinforcing	8.40	.55	.80		.06
MILLWRIGHTS	7.58	.48	.60	.40	.05

DECISION NO CO75-5047

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Brush and roller	$ 8.51	.50	.45		.04
Drywall finisher; Paperhangers	8.71	.50	.45		.04
Spray; Swingstage	8.99	.50	.45		.04
PLUMBERS	7.55	.50	.45	1.00	.10
ROOFERS	7.91	.42	.10		
SHEET METAL WORKERS	9.12	.30	.90		.07
SOFT FLOOR LAYERS	7.76	.35	.55	.30	.05
SPRINKLER FITTERS	9.25	.50	.70		.08

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

DECISION NO. CO75-5047

LABORERS (Building Construction) Garfield and Pitkin Counties	Basic Hourly Rates ZONE 1*	Basic Hourly Rates ZONE 2*	Basic Hourly Rates ZONE 3*	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$ 5.80	$5.25	$5.70	.42	.45		.07
Group 2							
Class A	4.80	5.25	5.70	.42	.45		.07
Class B	5.08	5.53	5.98	.42	.45		.07
Group 3	4.95	5.40	5.85	.42	.45		.07
Group 4	5.28	5.73	6.18	.42	.45		.07
Group 5	5.00	5.45	5.90	.42	.45		.07
Group 6	5.12	5.57	6.02	.42	.45		.07
Group 7	5.60	6.05	6.50	.42	.45		.07

*ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following cities; Aspen, Glenwood, Springs, and Rifle.

*ZONE 2: That area encompassed by 20 to 70 driving miles from the main Post Office of above named cities.

*ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office of above named cities.

Delta, Gunnison, Mesa & Montrose Counties	ZONE 1**	ZONE 2**	ZONE 3**				
Group 1	5.00	5.45	5.90	.42	.45		.07
Group 2							
Class A	5.00	5.45	5.90	.42	.45		.07
Class B	5.28	5.73	6.18	.42	.45		.07
Group 3	5.28	5.73	6.18	.42	.45		.07
Group 4	5.28	5.73	6.18	.42	.45		.07
Group 5	5.30	5.75	6.20	.42	.45		.07
Group 6	5.55	6.00	6.45	.42	.45		.07
Group 7	5.60	6.05	6.50	.42	.45		.07

**ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following cities; Grand Junction, Gunnison, Montrose, and Naturita.

**ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named cities.

**ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office of above named cities.

DECISION NO. CO75-5047

LABORERS (Cont'd)
(Building Construction)

GROUP DESCRIPTION FOR ALL COUNTIES

Group 1: General Building Laborer

Group 2: Laborers, underpinning and shoring...
Class A: 0' to 8' below working surface
Class B: 8' below working surface to any depth below working surface

Group 3: Power tool operators of all mechanical, air, gas, and electric tools including self-propelled buggies; Cement finishers tenders; Gunnite nozzleman; Sand blasters

Group 4: Pipelayers

Group 5: Laborers preparing and placing of stone or any other aggregate in sand bed to be used as exposed face of tiltup panels.

Group 6: Jackhammer operator underpinning and shoring over 12' below working surface; Ballers and stemmers on caisson work

Group 7: Mason tenders, brick and plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$6.99	.48	.60	.40	.05
UNDERGROUND CARPENTERS	7.14	.48	.60	.40	.05
Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	7.29	.48	.60	.40	.05
CEMENT MASONS	6.22	.42	1.10	.30	.07

DECISION NO C075-5047

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$5.70	.40	.30	.30	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasermen; Servicemen; Ambulance drivers, if used	5.80	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.90	.40	.30	.30	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tanders, tandem axle	5.95	.40	.30	.30	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiremen	6.00	.40	.30	.30	
DUMP TRUCKS, over 12 cu. yds. to including 19 cu. yds.; Distributor; Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi or combination	6.05	.40	.30	.30	
MULTI-PURPOSE TRUCK - Specialty and hoisting	6.10	.40	.30	.30	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor - Semi; Liquid and bulk tanders, euclid, electric or similar; Dumptor, Yongbuggy, Jumbo and similar type equipment	6.15	.40	.30	.30	
MECHANICS	6.20	.40	.30	.30	

DECISION NO C075-5047

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DUMP TRUCKS, over 19 cu. yds. to and including 29 cu. yds.; Truck driver snow plow	$6.25	.40	.30	.30	
CEMENT MIXER, Agitator over 10 cu. yds. to and including 15 cu. yds.	6.30	.40	.30	.30	
DUMP TRUCKS, Over 29 cu. yds. to and including 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.40	.40	.30	.30	
CEMENT MIXER, Agitator over 15 cu. yds.	6.55	.40	.30	.30	
DUMP TRUCKS, Over 39 cu. yds. to and including 54 cu. yds.	6.60	.40	.30	.30	
DUMP TRUCKS, Over 54 cu. yds. to and including 79 cu. yds.	6.80	.40	.30	.30	
DUMP TRUCKS, Over 79 cu. yds. to and including 104 cu. yds.	7.00	.40	.30	.30	
DUMP TRUCKS, Over 104 cu. yds.	7.20	.40	.30	.30	
LINE CONSTRUCTION - Colorado					
Cable Splicers	9.97	.35	1%		3/4%
Lineman Cableman	9.36	.35	1%		3/4%
Journeyman Lineman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundmen	6.52	.35	1%		3/4%

DECISION NO C075-5047

LABORERS (Heavy Construction)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	4.93	.42	.45		.07
Group 4	4.95	.42	.45		.07
Group 5	4.97	.42	.45		.07
Group 6	5.08	.42	.45		.07
Group 7	5.18	.42	.45		.07
Group 8	5.25	.42	.45		.07
Group 9	5.38	.42	.45		.07
Group 10	5.43	.42	.45		.07
(Pipelines)					
All mainline sewers; Water mains; Gas, oil or any product pipeline Penstocks; Siphons or dreinage lines; Pipe plants and yards not in connection with highway construction.					
Group 1	4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	5.02	.42	.45		.07
Group 4	5.06	.42	.45		.07
Group 5	5.13	.42	.45		.07
Group 5-A	5.18	.42	.45		.07
Group 6	5.25	.42	.45		.07
LABORERS (Tunnels)					
Group 1	4.80	.42	.45		.07
Group 2	5.40	.42	.45		.07
Group 3	5.50	.42	.45		.07
Group 4	5.58	.42	.45		.07
Group 5	5.65	.42	.45		.07
Group 6	5.80	.42	.45		.07
(SHAFTS, RAISES, MISSILES SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	5.50	.42	.45		.07
Group 2	5.65	.42	.45		.07
Group 3	5.75	.42	.45		.07
Group 4	5.93	.42	.45		.07
Group 5	6.03	.42	.45		.07
Group 6	6.08	.42	.45		.07

DECISION NO. C075-5047

LABORERS (Cont'd)
(Heavy Construction)

Group 1: Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man including seeding; Mulching and planting of trees, shurbs and flowers; Stake chaser; Gabion baskets and teno mattresses

Group 2: Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers

Group 3: Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potman (not mechanical)

Group 4: Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammer; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Streeser or stretcherman on post tension or prestressed concrete on or off job site; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, Mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammer; Vibrators; Paving breakers; Frost-proofing

Group 5: Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle

Group 6: Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timberman; Underpinning and shoring; Form setters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer

Group 7: Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator

Group 8: Pipelayer on truck pipe lines in connection with highway work

Group 9: Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Sellers and stemmen; Licensed powdermen; Diamond and core drills powered by air

Group 10: Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement

LABORERS
(Pipelines)

All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in ~~connection with highway construction~~;

Group 1: Pipe plants and yards; Stringing or pipe or skids; Handling and signaling on line work

Group 2: Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

Group 3: Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

Group 4: Sandblaster, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

Group 5: (Relining Pipe)
Relining Pipe

Group 5-A: Mixer Man

Group 6: Pipelayer

LABORERS
(Tunnels)

Group 1: Outside laborers

Group 2: Minimum tunnel labor, dry house man

Group 3: Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators

Group 4: Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender

Group 5: Cement finisher helper, applying of concrete processing materials

LABORERS (Cont'd)
(Tunnels)

Group 6: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pump concrete placement men

(SHAFTS, RAISES, MISSILE SILOS and ALL UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen, and Cagers

Group 2: Chucktenders, Concrete laborers, Whirley pumps operators

Group 3: Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, including the placement of sheeting when required); All cutting and welding that is incidental to the miner's Work; Liner plate setters; Vibrator men, internal and external

Group 5: Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men

Group 6: Any employee performing work under ground from a bos'n chair, swinging stage, life bwlt or block and tackle

DECISION NO CO75-5047

POWER EQUIPMENT OPERATORS **	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
(Other than for work in Tunnels, Shafts and Raises)					
Group 1	$6.05	.37	.55	.30	.03
Group 2	6.40	.37	.55	.30	.03
Group 3	6.75	.37	.55	.30	.03
Group 4	6.90	.37	.55	.30	.03
Group 5	7.05	.37	.55	.30	.03
Group 6	7.20	.37	.55	.30	.03
(For work in Tunnels, Shafts, and Raises)					
Brakeman	6.20	.37	.55	.30	.03
Motorman	6.55	.37	.55	.30	.03
Compressor (900 CFM and over), serving tunnels, shafts and raises	6.65	.37	.55	.30	.03
Air tractors; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.90	.37	.55	.30	.03
Concrete placement pumps 8" and over discharge; Mechanic-welder (heavy duty); Mucking machine and front end loaders underground; Slusher	7.05	.37	.55	.30	.03
Mole	7.45	.37	.55	.30	.03

POWER EQUIPMENT OPERATORS**
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or welder; Tractor operator (under 70 HP), with or without attachments; Oiler

Group 2: Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C. F. M. of less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants - with classifier; Self-propelled rollers - 5 tons and under; Vacuum well point system

Group 3: Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Classona drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 inc.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. and over) (with or without attachments); Trenching machine; Welder; Winch operator, on truck; Concrete batching plants

Group 4: Concrete mixer (over 1 cu. yds.); Concrete paver 34E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-welder (heavy duty); Mixer mobile; Multiple unit portable crusher - with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1½ cu. yds. and over); Special utility operator; Self-propelled hydrocrane; Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

Group 5: Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 50 cu. yds. and over

Group 6: Cablewsy; Crawler or truck mountad tower crane; Wheel excavator; Climbing tower crane

SUPERSEDEAS DECISION

STATE: Colorado

COUNTIES: Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit and Weld

DECISION NUMBER: CO75-5048

DATE: Date of Publication

DECISION NO CO75-5048

Supersedes Decision No. CO75-5007 dated January 31, 1975, in 40 FR 4792

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.01	.38	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons:					
Eagle County	7.45	.45	.60	.25	.05
Boulder and Grand Counties	8.35	.45	.50		.05
Elbert, Lake and Park Counties	8.50	.45	.50		.04
Larimer County	8.80	.45	.50	.25	.05
Remaining Counties	8.25	.45	.60	.25	.05
CARPENTERS:					
Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Elbert, Grand, Gilpin, Jefferson, and Park (Northern area) Counties					
Area (a) Denver Metropolitan Area including Louisville, Golden, Boulder and Longmont basing points					
Zone I (0 to 20 miles)	8.135	.48	.60	.40	.05
Zone II (20 to 50 miles)	9.15	.48	.60	.40	.05
Zone III (50 miles and over)	10.17	.48	.60	.40	.05
Morgan and Weld Counties:					
Area (b) Denver Northeastern Area of Coloredo incl. Greeley, Loveland and Fort Morgan basing points					
Zone I (0 to 20 miles)	8.135	.48	.60	.40	.05
Zone II (20 to 50 miles)	9.15	.48	.60	.40	.05
Zone III (50 miles and over)	10.17	.48	.60	.40	.05
Larimer County (S. E. portion within Loveland basing point, Zone I)	8.135	.48	.60	.40	.05
Larimer (Remainder of County), Eagle, Lake, Park (south 40 miles) and Summit Counties					
Zone I (0-30 miles from P. O. in Leadville or Fort Collins)	7.54	.48	.60	.40	.05
Zone II (30-60 miles from P.O. in Leadville or Fort Collins)	$7.79	.48	.60	.40	.05
Zone III (All work outside of the 60 mile radius from P. O. in Leadville or Fort Collins)	8.04	.48	.60	.40	.05
CEMENT MASONS:					
Eagle and Summit Counties:					
Cement Masons	6.75	.44	1.10	.60	.07
Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25'; Power troweling and floor grinding machine	7.00	.40	1.10	.60	.07
Remaining Counties (including Elbert County, except S. E. corner and N½ of Park County)					
Cement Masons	7.00	.44	1.10	.60	.07
Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25'; Power troweling and floor grinding machine	7.25	.44	1.10	.60	.07
ELECTRICIANS:					
Electricians (Elbert and Park Counties)	9.07	.42	1%+.25		
Electricians (Remaining Cos.)	9.04	.65	1%+.25		
Cable Splicers (Remaining Cos.)	9.29	.65	1%+.25		
ELEVATOR CONSTRUCTORS	8.63	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.37				
IRONWORKERS	8.40	.55	.80		.06
MARBLE MASONS	8.30	.56	.50	.25	.04
MILLWRIGHTS	7.58	.48	.60	.40	.05

DECISION NO CO75-5048

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Park County (Southern half)					
Brush, roller, taper, hand texture	$7.20	.50	.20		.03
Steel and paperhanger	7.70	.50	.20		.03
Spray	7.80	.50	.20		.03
Steel Spray	8.30	.50	.20		.03
Remaining Counties including N½ of Park County*					
Brush and roller	8.51	.50	.45		.04
Drywall finisher; Paperhanger	8.71	.50	.45		.04
Spray; Swing stage	8.99	.50	.45		.04
PLASTERERS	8.69				.01
PLUMBERS; Pipefitters:					
Southern portions of Douglas, Elbert and Park Counties (See ** below)	8.28	.55	.65	1.17	.05
Boulder County	8.60	.55	.65	.50	.05
Larimer County	8.60	.55	.65	.50	.05
Remaining Counties (including Northern portions of Douglas, Elbert and Park Counties)	8.60	.55	.65	.50	.05
ROOFERS:					
Eagle and Southern portions of Lake, Jefferson, Park, Douglas, and Elbert Counties (See**below)	7.91	.42	.10		
Remaining Counties including Northern portions of Lake, Park, Jefferson, Douglas and Elbert Counties	8.25	.55			.08
SHEET METAL WORKERS	9.12	.30	.90		.07
SOFT FLOOR LAYERS	7.76	.55	.55	.30	.05
SPRINKLER FITTERS	9.25	.50	.70		.08
TERRAZZO WORKERS	8.30	.56	.50	.25	.04
TILE SETTERS:					
Elbert, Lake, and Park Counties	7.41	.45	.50		
Remaining Counties	8.30	.56	.50	.25	.04
TILE, MARBLE, & TERRAZZO HELPERS	6.22	.56	.50	.40	

*Park County dividing line: A line from the S.W. corner of Jefferson County to the S.E. corner of Lake County

DECISION NO CO75-5048

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
**Area south of an east-west line from west border of Lake County to a point 2 miles north of the city of Leadville to a point 1/2 miles north of the City of Limon at the west border of Lincoln County					

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit.

Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Idnependence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

DECISION NO. C075-5048

LABORERS (Building Construction)	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
AREA A	ZONE 1	ZONE 2	ZONE 3				
Group 1	$ 5.00	$ 5.45	$ 5.90	.42	.45		.07
Group 2:							
Class A	5.00	5.45	5.90	.42	.45		.07
Class B	5.28	5.73	6.18	.42	.45		.07
Group 3	5.28	5.73	6.18	.42	.45		.07
Group 4	5.50	5.95	6.40	.42	.45		.07
Group 5	5.30	5.75	6.20	.42	.45		.07
Group 6	5.55	6.00	5.45	.42	.45		.07
Group 7	5.60	6.05	6.50	.42	.45		.07
AREA B							
Group 1	4.80	5.25	5.70	.42	.45		.07
Group 2:							
Class A	4.80	5.25	5.70	.42	.45		.07
Class B	5.08	5.53	5.98	.42	.45		.07
Group 3	4.95	5.40	5.85	.42	.45		.07
Group 4	5.28	5.73	6.18	.42	.45		.07
Group 5	5.00	5.45	5.90	.42	.45		.07
Group 6	5.12	5.57	6.02	.42	.45		.07
Group 7	5.60	6.05	6.50	.42	.45		.07

AREA A
Adams, Arapahoe, Boulder, Denver, Lake, Larimer and Summit Counties. Douglas and Jefferson Counties lying north of the south line of Township 7 south; Elbert County lying west of the east line of Range 65 West and North of the south line of Township 7 South. Weld County lying south and west of the following described line: Beginning at the northwest corner of Township 4 North, Range 68 West of the 6th p.m.; thence east along the north line of said Township six (6) miles,more or less, to the east line of said Township; thence south along the east line of said Township three (3) miles, more or less, to the southeast corner of Section 13, Township 4 North, Range 68 West; thence east along the eastwest center line of Township 4 North, Range 67 West, six (6) miles, more or less, to the east line of said Township; thence south along the east line of Range 67 West, being the east lines of Township 4 North, 3 North, 2 North, and 1 North, Range 67 West, sixteen (16) miles to the southeast corner of Section 1, Township 1 North, Range 67 West; thence east and parallel to the Base Line twelve (12) miles, more or less, to the southeast corner of Section 1, Township 1 North, Range 65 West; thence south along the east line of Range 65 West, five (5) miles, more or less, to the Base Line being the south line of Weld County.

DECISION NO. C075-5048

LABORERS (Cont'd)
(Building Construction)

AREA A (Cont'd)
Zone 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Boulder, Denver, Dillon, Englewood, Fort Collins, Golden, Greeley and Leadville

Zone 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named Cities

Zone 3: That area encompassed by 70 driving miles and over from the main Post Office of above named Cities

AREA B
Douglas, Elbert, Jefferson, and Weld Counties lying outside of the area as described in Area A, and all of Clear Creek, Eagle, Gilpin, Grand, Morgan, and Park Counties.

Zone 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Eagle, Fort Morgan, Golden Grandby, Greeley and Vail.

Zone 2: That area encompassed by 30 to 70 driving miles from main Post Office of above named Cities

Zone 3: That area encompassed by 70 driving miles and over from the main Post Office in above named Cities

DECISION NO. C075-5048

LABORERS (Cont'd)
(Building Construction)

GROUP DESCRIPTION FOR AREAS A AND B

Group 1: General Building Laborer

Group 2: Laborers, underpinning and shoring...
Class A: 0' to 8' below working surface
Class B: 8' below working surface to any depth below working surface

Group 3: Power tool operators of all mechanical, air, gas, and electric tools including self-propelled buggies; Cement finishers tenders; Gunnite nozzleman; Sand blasters

Group 4: Pipelayers

Group 5: Laborers preparing and placing of stone or any other aggregate in sand bed to be used as exposed face of tiltup panels.

Group 6: Jackhammer operator underpinning and shoring over 12' below working surface; Bellers and steemers on caisson work

Group 7: Mason tenders, brick and plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$6.99	.48	.60	.40	.05
UNDERGROUND CARPENTERS	7.14	.48	.60	.40	.05
Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	7.29	.48	.60	.40	.05
CEMENT MASONS:					
Construction (outside Denver Metropolitan Area)	6.22	.42	1.10	.30	.07
Construction (Denver Metropolitan Area)	6.32	.42	1.10	.30	.07

DECISION NO C075-5048

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$5.70	.40	.30	.30	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers, if used	5.80	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.90	.40	.30	.30	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tanders, tandem axle	5.95	.40	.30	.30	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiremen	6.00	.40	.30	.30	
DUMP TRUCKS, over 12 cu. yds. to including 19 cu. yds.; Distributor; Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi or combination	6.05	.40	.30	.30	
MULTI-PURPOSE TRUCK - Specialty and hoisting	6.10	.40	.30	.30	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor - Semi; Liquid and bulk tanders, euclid, electric or similar; Dumptor, Yongbuggy, Jumbo and similar type equipment	6.15	.40	.30	.30	
MECHANICS	6.20	.40	.30	.30	

DECISION NO C075-5048

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DUMP TRUCKS, over 19 cu. yds. to and including 29 cu. yds.; Truck driver snow plow	$6.25	.40	.30	.30	
CEMENT MIXER, Agitator over 10 cu. yds. to and including 15 cu. yds.	6.30	.40	.30	.30	
DUMP TRUCKS, Over 29 cu. yds. to and including 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination man	6.40	.40	.30	.30	
CEMENT MIXER, Agitator over 15 cu. yds.	6.55	.40	.30	.30	
DUMP TRUCKS, Over 39 cu. yds. to and including 54 cu. yds.	6.60	.40	.30	.30	
DUMP TRUCKS, Over 54 cu. yds. to and including 79 cu. yds.	6.80	.40	.30	.30	
DUMP TRUCKS, Over 79 cu. yds. to and including 104 cu. yds.	7.00	.40	.30	.30	
DUMP TRUCKS, Over 104 cu. yds.	7.20	.40	.30	.30	
LINE CONSTRUCTION - Colorado					
Cable Splicers	9.97	.35	1%		3/4%
Lineman Cableman	9.36	.35	1%		3/4%
Journeyman Lineman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundmen	6.52	.35	1%		3/4%

DECISION NO C075-5048

LABORERS (Heavy Construction)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	4.93	.42	.45		.07
Group 4	4.95	.42	.45		.07
Group 5	4.97	.42	.45		.07
Group 6	5.08	.42	.45		.07
Group 7	5.18	.42	.45		.07
Group 8	5.25	.42	.45		.07
Group 9	5.38	.42	.45		.07
Group 10	5.43	.42	.45		.07
(Pipelines)					
All mainline sewers; Water mains; Gas, oil or any product pipeline Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.					
Group 1	4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	5.02	.42	.45		.07
Group 4	5.04	.42	.45		.07
Group 5	5.13	.42	.45		.07
Group 5-A	5.18	.42	.45		.07
Group 6	5.25	.42	.45		.07
LABORERS (Tunnels)					
Group 1	4.80	.42	.45		.07
Group 2	5.40	.42	.45		.07
Group 3	5.50	.42	.45		.07
Group 4	5.58	.42	.45		.07
Group 5	5.65	.42	.45		.07
Group 6	5.80	.42	.45		.07
(SHAFTS, RAISES, MISSILES SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	5.50	.42	.45		.07
Group 2	5.65	.42	.45		.07
Group 3	5.75	.42	.45		.07
Group 4	5.93	.42	.45		.07
Group 5	6.03	.42	.45		.07
Group 6	6.08	.42	.45		.07

LABORERS (Cont'd)
(Heavy Construction)

Group 1: Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man including seeding; Mulching and planting of trees, shurbs and flowers; Stake chaser; Gabion baskets and teno mattresses

Group 2: Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers

Group 3: Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)

Group 4: Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammer; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Streeser or stratcherman on post tension or pre-stressed concrete on or off job site; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, Mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammer; Vibrators; Paving breakers; Frost-proofing

Group 5: Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle

Group 6: Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Form setters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer

Group 7: Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator

Group 8: Pipelayer on truck pipe lines in connection with highway work

Group 9: Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air

Group 10: Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement

LABORERS
(Pipelines)

All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

Group 1: Pipe plants and yards; Stringing or pipe or skids; Handling and signaling on line work

Group 2: Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

Group 3: Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

Group 4: Sandblaster, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

Group 5: (Relining Pipe)
Relining Pipe

Group 5-A: Mixer Man

Group 6: Pipelayer

LABORERS
(Tunnels)

Group 1: Outside laborers

Group 2: Minimum tunnel labor, dry house man

Group 3: Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators

Group 4: Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender

Group 5: Cement finisher helper, applying of concrete processing materials

LABORERS (Cont'd)
(Tunnels)

Group 6: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pump concrete placement men

(SHAFTS, RAISES, MISSILE SILOS and ALL UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen, and Cagers

Group 2: Chucktenders, Concrete laborers, Whirley pumps operators

Group 3: Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, including the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator man, internal and external

Group 5: Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men

Group 6: Any employee performing work under ground from a bos'n chair, swinging stage, life built or block and tackle

DECISION NO C075-5048

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	APP T
POWER EQUIPMENT OPERATORS ** (Other than for work in Tunnels, Shafts and Raises)					
Group 1	$ 6.05	.37	.55	.30	.03
Group 2	6.40	.37	.55	.30	.03
Group 3	6.75	.37	.55	.30	.03
Group 4	6.90	.37	.55	.30	.03
Group 5	7.05	.37	.55	.30	.03
Group 6	7.20	.37	.55	.30	.03
(For work in Tunnels, Shafts, and Raises)					
Brakeman	6.20	.37	.55	.30	.03
Motorman	6.55	.37	.55	.30	.03
Compressor (600 CFM and over), serving tunnels, shafts and raises	6.65	.37	.55	.30	.03
Air tractors; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.90	.37	.55	.30	.03
Concrete placement pumps 8" and over discharge; Mechanic-welder (heavy duty); Mucking machine and front end loaders underground; Slusher	7.05	.37	.55	.30	.03
Mole	7.45	.37	.55	.30	.03

POWER EQUIPMENT OPERATORS**
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or welder; Tractor operator (under 70 HP), with or without attachments; Oiler

Group 2: Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C. F. M. of less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants - with classifier; Self-propelled rollers - 5 tons and under; Vacuum well point system

Group 3: Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 inc.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barbar Greene, etc.); Loader (up to and including 6 cu. yds.); Machine decter mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. and over) (with or without attachments); Trenching machine; Welder; Winch operator, on truck; Concrete batching plants

Group 4: Concrete mixer (over 1 cu. yds.); Concrete paver 34E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-welder (heavy duty); Mixer mobile; Multiple unit portable crusher - with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable operated power shovels, dragline; Clamshell, and backhoes (3 cu. yds. and under); Hydraulic backhoes, 1½ cu. yds. and over); Special utility operator; Self-propelled hydrocrane; Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

Group 5: Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 50 cu. yds. and over

Group 6: Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane

16516 NOTICES
NOTICES 16517

SUPERSEDEAS DECISION

STATE: Colorado COUNTY: El Paso
DECISION NUMBER: C075-5049 DATE: Date of Publication
Supersedeas Decision No. C075-5009 dated January 24, 1975, in 40 FR 3869
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.01	.38	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons	8.50	.45	.50		.04
CARPENTERS:					
Zone 1 (0-30 miles from Post Office in Colorado Springs)	7.34	.48	.60	.40	.05
Zone 2 (30 miles and over from Post Office in Colorado Springs)	7.79	.48	.60	.40	.05
Millwrights	7.58	.48	.60	.40	.05
CEMENT MASONS:					
Cement Masons Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25' or above permanent floor, roof or solidly planked opening; All power troweling, floating or floor grinding machines	6.75	.44	1.10	.60	.07
	7.00	.44	1.10	.60	.07
ELECTRICIANS	9.07	.42	17%+.25		.01
ELEVATOR CONSTRUCTORS	8.63	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.37				
IRONWORKERS	8.40	.55	.80		.06
MARBLE SETTERS	8.30	.56	.50	.25	.04
PAINTERS:					
Brush and roller; Tapers, Hand Texture	7.20	.50	.20		.03
Paperhangers; Steel	7.70	.50	.20		.03
Spray	7.80	.50	.20		.03
Steel Spray	8.30	.50	.20		.03
PLASTERERS	8.69				.01
PLUMBERS; Pipefitters	8.28	.55	.65	1.17	.05
ROOFERS	7.91	.42	.10		
SHEET METAL WORKERS	9.12	.30	.90		.07
SOFT FLOOR LAYERS	7.76	.35	.55	.30	.05
SPRINKLER FITTERS	9.25	.50	.70		.08
TERRAZZO WORKERS	8.30	.56	.50	.25	.04
TILE SETTERS	7.41	.45	.50		

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service; 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS (Building Construction)

	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
				H & W	Pensions	Vacation	App. Tr.
	Zone 1	Zone 2	Zone 3				
Group 1	$5.00	$5.45	$5.90	.42	.45		.07
Group 2							
Class A	5.00	5.45	5.90	.42	.45		.07
Class B	5.28	5.73	6.18	.42	.45		.07
Group 3	5.28	5.73	6.18	.42	.45		.07
Group 4	5.28	5.73	6.18	.42	.45		.07
Group 5	5.30	5.75	6.20	.42	.45		.07
Group 6	5.55	6.00	6.45	.42	.45		.07
Group 7	5.60	6.05	6.50	.42	.45		.07

ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in Colorado Springs.

ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office in Colorado Springs.

ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office in Colorado Springs.

LABORERS (Cont'd)
(Building Construction)

Group 1: General Building Laborer

Group 2: Laborers, underpinning and shoring...
Class A: 0' to 8' below working surface
Class B: 8' below working surface to any depth below working surface

Group 3: Power tool operators of all mechanical, air, gas, and electric tools including self-propelled buggies; Cement finishers tenders; Gunnite nozzleman; Sand blasters

Group 4: Pipelayers

Group 5: Laborers preparing and placing of stone or any other aggregate in sand bed to be used as exposed face of tiltup panels.

Group 6: Jackhammer operator underpinning and shoring over 12' below working surface; Bellers and stemmers on caisson work

Group 7: Mason tenders, brick and plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$6.99	.48	.60	.40	.05
UNDERGROUND CARPENTERS Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Laborers continuously assigned to 1½ HP saws at jobsite	7.14	.48	.60	.40	.05
	7.29	.48	.60	.40	.05
CEMENT MASONS	6.22	.42	1.10	.30	.07

DECISION NO C075-5049

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$5.70	.40	.30	.30	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasermen; Servicemen; Ambulance drivers, 1t used	5.80	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Van haul shuttle truck or bus	5.90	.40	.30	.30	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tanders, tandem axle	5.95	.40	.30	.30	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiremen	6.00	.40	.30	.30	
DUMP TRUCKS, over 12 cu. yds. to including 19 cu. yds.; Distributor; Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi or combination	6.05	.40	.30	.30	
MULTI-PURPOSE TRUCK - Specialty and hoisting	6.10	.40	.30	.30	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor - Semi; Liquid and bulk tanders, euclid, electric or similar; Dumptor, Tongbuggy, Jumbo and similar type equipment	6.15	.40	.30	.30	
MECHANICS	6.20	.40	.30	.30	

DECISION NO C075-5049

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr
DUMP TRUCKS, over 19 cu. yds. to and including 29 cu. yds.; Truck driver snow plow	$6.25	.40	.30	.30	
CEMENT MIXER, Agitator over 10 cu. yds. to and including 15 cu. yds.	6.30	.40	.30	.30	
DUMP TRUCKS, Over 29 cu. yds. to and including 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.40	.40	.30	.30	
CEMENT MIXER, Agitator over 15 cu. yds.	6.55	.40	.30	.30	
DUMP TRUCKS, Over 39 cu. yds. to and including 54 cu. yds.	6.60	.40	.30	.30	
DUMP TRUCKS, Over 54 cu. yds. to and including 79 cu. yds.	6.80	.40	.30	.30	
DUMP TRUCKS, Over 79 cu. yds. to and including 104 cu. yds.	7.00	.40	.30	.30	
DUMP TRUCKS, Over 104 cu. yds.	7.20	.40	.30	.30	
LINE CONSTRUCTION - Colorado					
Cable Splicers	9.97	.35	1%		3/4%
Lineman Cableman	9.36	.35	1%		3/4%
Journeyman Lineman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundmen	6.52	.35	1%		3/4%

DECISION NO C075-5049

LABORERS (Heavy Construction)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr
Group 1	3r.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	4.93	.42	.45		.07
Group 4	4.95	.42	.45		.07
Group 5	4.97	.42	.45		.07
Group 6	5.08	.42	.45		.07
Group 7	5.18	.42	.45		.07
Group 8	5.25	.42	.45		.07
Group 9	5.38	.42	.45		.07
Group 10	5.43	.42	.45		.07
(Pipelines)					
All mainline sewers; Water mains; Gas, oil or any product pipeline Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.					
Group 1	4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	5.02	.42	.45		.07
Group 4	5.04	.42	.45		.07
Group 5	5.13	.42	.45		.07
Group 5-A	5.18	.42	.45		.07
Group 6	5.25	.42	.45		.07
LABORERS (Tunnels)					
Group 1	4.80	.42	.45		.07
Group 2	5.40	.42	.45		.07
Group 3	5.50	.42	.45		.07
Group 4	5.58	.42	.45		.07
Group 5	5.65	.42	.45		.07
Group 6	5.80	.42	.45		.07
(SHAFTS, RAISES, MISSILES SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	5.50	.42	.45		.07
Group 2	5.65	.42	.45		.07
Group 3	5.75	.42	.45		.07
Group 4	5.93	.42	.45		.07
Group 5	6.03	.42	.45		.07
Group 6	6.08	.42	.45		.07

DECISION NO. C075-5049

LABORERS (Cont'd)
(Heavy Construction)

Group 1: Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man including seeding; Mulching and planting of trees, shurbs and flowers; Stake chaser; Gabion baskets and teno mattresses

Group 2: Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers

Group 3: Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)

Group 4: Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammer; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or pre-stressed concrete on or off job site; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator; Mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammer; Vibrators; Paving breakers; Frost-proofing

Group 5: Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle

Group 6: Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Form setters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer

Group 7: Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator

Group 8: Pipelayer on truck pipe lines in connection with highway work

Group 9: Wagon drills and air tracks; Jackhammer operators in caissons over 12';Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air

Group 10: Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement

DECISION NO. C075-5049

LABORERS
(Pipelines)

All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

Group 1: Pipe plants and yards; Stringing or pipe or skids; Handling and signaling on line work

Group 2: Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

Group 3: Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

Group 4: Sandblaster, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

Group 5: (Relining Pipe)
Relining Pipe

Group 5-A: Mixer Man

Group 6: Pipelayer

LABORERS
(Tunnels)

Group 1: Outside laborers

Group 2: Minimum tunnel labor, dry house man

Group 3: Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators

Group 4: Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender

Group 5: Cement finisher helper, applying of concrete processing materials

LABORERS (Cont'd)
(Tunnels)

Group 6: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, interoal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblester; Pump concrete placement men

(SHAFTS, RAISES, MISSILE SILOS and ALL UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen, and Cagers

Group 2: Chucktenders, Concrete laborers, Whirley pumps operators

Group 3: Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, including the placement of sheeting when required); All cutting and welding that is incidental to the miner's Work; Liner plate setters; Vibrator men, internal and external

Group 5: Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men

Group 6: Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle

DECISION NO C075-5049

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS ** (Other than for work in Tunnels, Shafts and Raises)					
Group 1	$ 6.05	.37	.55	.30	.03
Group 2	6.40	.37	.55	.30	.03
Group 3	6.75	.37	.55	.30	.03
Group 4	6.90	.37	.55	.30	.03
Group 5	7.05	.37	.55	.30	.03
Group 6	7.20	.37	.55	.30	.03
(For work in Tunnels, Shafts, and Raises)					
Brakeman	6.20	.37	.55	.30	.03
Motorman	6.55	.37	.55	.30	.03
Compressor (900 CFM and over), serving tunnels, shafts and raises	6.65	.37	.55	.30	.03
Air tractors; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.90	.37	.55	.30	.03
Concrete placement pumps 8" and over discharge; Mechanic-welder (heavy duty); Mucking machine and front end loaders underground; Slusher	7.05	.37	.55	.30	.03
Mole	7.45	.37	.55	.30	.03

DECISION NO. C075-5049

POWER EQUIPMENT OPERATORS**
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or welder; Tractor operator (under 70 HP), with or without attachments; Oiler

Group 2: Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C. F. M. of less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants - with classifier; Self-propelled rollers - 5 tons and under; Vacuum well point system

Group 3: Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 inc.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. and over) (with or without attachments); Trenching machine; Welder; Winch operator, on truck; Concrete batching plants

Group 4: Concrete mixer (over 1 cu. yds.); Concrete paver 34E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-welder (heavy duty); Mixer mobile; Multiple unit portable crusher - with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1½ cu. yds. and over); Special utility operator; Self-propelled hydrocrane; Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

Group 5: Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 50 cu. yds. and over

Group 6: Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane .

SUPERSEDEAS DECISION

STATE: Colorado
DECISION NUMBER: C075-5050
Supersedes Decision No. AR-1022 dated August 23, 1974, in 39 FR 30673
DESCRIPTION OF WORK: Highway Construction

COUNTY: Statewide
DATE: Date of Publication

DECISION NO C075-5050

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$6.99	.48	.60	.40	.05
CEMENT MASONS:					
Denver Metropolitan Area	6.32	.42	1.10	.30	.07
Outside Denver Metropolitan Area	6.22	.42	1.10	.30	.07
ELECTRICIANS:					
Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagles, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Logan, Morgan, Phillips, Sedgwick, Summit, Washington, Weld, and Yuma Counties					
Electricians	9.04	.65	1%+.25		
Cable Splicers	9.29	.65	1%+.25		
Delta, Dolores, Garfield, Gunnison, Hinsdale, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkins, Rio Blanco, Routt, San Juan and San Miguel Counties					
Electricians	9.80	.42	1%		5/10%
Cable Splicers	10.05	.42	1%		5/10%
Archuleta, Baca, Bent, Chaffee, Crowley, Custer, Fremont, Huerfeno, Kiowa, Las Animas, Mineral, Otero, Prowers, Pueblo, and Rio Grande Counties					
Zone 1 (with 12 miles of Pueblo Main P. O.)					
Electricians	9.25	.62	1%+.25		1/10%
Cable Splicers	10.18	.42	1%+.25		1/10%
Zone 2 (12 to 20 miles from Pueblo Main P. O.) and (0 to 12 miles from P. O. in Canon City)					
Electricians	9.65	.42	1%+.25		1/10%
Cable Splicers	10.58	.42	1%+.25		1/10%
Zone 3 (20 to 40 miles from Pueblo Main P. O.)					
Electricians	10.00	.42	1%+.25		1/10%
Cable Splicers	10.93	.42	1%+.25		1/10%
ELECTRICIANS: (Cont'd)					
Zone 4 (40 miles and over from Pueblo Main P. O.)					
Electricians	$10.75	.42	1%+.25		1/10%
Cable Splicers	11.68	.42	1%+.25		1/10%
Electricians on electricians contracts less than $5,000 in Zones 3 and 4	6.91	.42	1%+.25		1/10%
Cheyenne, Elbert, El Paso, Kit Carson, Lincoln, Park and Teller Counties					
Electricians	9.07	.32	1%+.25		.01
IRONWORKERS	8.40	.55	.80		.06
PAINTERS:					
Adams, Arapahoe, Boulder, Clear Creek, Delta, Denver, Douglas, Eagle, Elbert, Garfield, Gilpin, Grand, Gunnison, Jackson, Jefferson, Lake, Larimer, Logan, Mesa, Moffat, Montrose, Morgan, Park (Northern half), Phillips, Pitkin, Rio Blanco, Routt, Sedgwick, Summit, Washington, and Weld Counties					
Brush	8.51	.50	.45		.03
Spray, Swing Stage	8.89	.50	.45		.03
Baca, Bent, Crowley, Custer, Huerfano, Kiowa, Las Animas, Otero, Prowers, and Pueblo Cos.					
Brush	6.28	.30			.02
Structural Steel; Spray	6.78	.30			.02
Spray Steel	7.38	.30			.02
Archuleta, Chaffee, Cheyenne, Dolores, El Paso, Fremont, Hinsdale, Kit Carson, La Plata, Lincoln, Mineral, Montezuma, Ouray, Park (Southern half), Rio Grande, Saguache, San Juan, San Miguel and Teller Counties					
Brush	7.20	.50	.20		.03
Spray	7.80	.50	.20		.03
Steel	7.70	.50	.20		.03
Steel Spray	8.30	.50	.20		.03
PILEDRIVERMEN	7.29	.48	.60	.40	.05

NOTICES

DECISION NO C075-5050

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$5.70	.40	.30	.30	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasermen; Servicemen; Ambulance drivers, if used	5.80	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.90	.40	.30	.30	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tanders, tandem axle	5.95	.40	.30	.30	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiremen	6.00	.40	.30	.30	
DUMP TRUCKS, over 12 cu. yds. to including 19 cu. yds.; Distributor; Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi or combination	6.05	.40	.30	.30	
MULTI-PURPOSE TRUCK - Specialty and hoisting	6.10	.40	.30	.30	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor - Semi; Liquid and bulk tanders, euclid, electric or similar; Dumptor, Yongbuggy, Jumbo and similar type equipment	6.15	.40	.30	.30	
MECHANICS	6.20	.40	.30	.30	

DECISION NO C075-5050

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DUMP TRUCKS, over 19 cu. yds. to and including 29 cu. yds.; Truck driver snow plow	$6.25	.40	.30	.30	
CEMENT MIXER, Agitator over 10 cu. yds. to and including 15 cu. yds.	6.30	.40	.30	.30	
DUMP TRUCKS, Over 29 cu. yds. to and including 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.40	.40	.30	.30	
CEMENT MIXER, Agitator over 15 cu. yds.	6.55	.40	.30	.30	
DUMP TRUCKS, Over 39 cu. yds. to and including 54 cu. yds.	6.60	.40	.30	.30	
DUMP TRUCKS, Over 54 cu. yds. to and including 79 cu. yds.	6.80	.40	.30	.30	
DUMP TRUCKS, Over 79 cu. yds. to and including 104 cu. yds.	7.00	.40	.30	.30	
DUMP TRUCKS, Over 104 cu. yds.	7.20	.40	.30	.30	
LINE CONSTRUCTION - Colorado					
Cable Splicers	9.97	.35	1%		3/4%
Lineman Cableman	9.36	.35	1%		3/4%
Journeymen Lineman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundmen	6.52	.35	1%		3/4%

NOTICES

LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pension	Vacation	Misc. FI
Group 1	$4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	4.93	.42	.45		.07
Group 4	4.95	.42	.45		.07
Group 5	4.97	.42	.45		.07
Group 6	5.08	.42	.45		.07
Group 7	5.18	.42	.45		.07
Group 8	5.25	.42	.45		.07
Group 9	5.38	.42	.45		.07
Group 10	5.43	.42	.45		.07
(Pipelines) All mainline sewers; Water mains; Gas, oil or any product pipeline; Pend stocks; Siphonas or drainage lines; Pipe plants and yards not in connection with highway construction.					
Group 1	4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	5.02	.42	.45		.07
Group 4	5.04	.42	.45		.07
Group 5	5.13	.42	.45		.07
Group 5-A	5.18	.42	.45		.07
Group 6	5.25	.42	.45		.07
LABORERS (Tunnels)					
Group 1	4.80	.42	.45		.07
Group 2	5.40	.42	.45		.07
Group 3	5.50	.42	.45		.07
Group 4	5.58	.42	.45		.07
Group 5	5.65	.42	.45		.07
Group 6	5.80	.42	.45		.07
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	5.50	.42	.45		.07
Group 2	5.65	.42	.45		.07
Group 3	5.75	.42	.45		.07
Group 4	5.93	.42	.45		.07
Group 5	6.03	.42	.45		.07
Group 6	6.08	.42	.45		.07

LABORERS

Group 1: Minimum laborer, including cassions to 8', carrying reinforcing rods; Work on cross culberts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man including seeding; Mulching and plating of trees, shrubs and flowers; Stake chaser; Gabion baskets and teno mattresses

Group 2: Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers

Group 3: Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)

Group 4: Multi-plate culvert pipe; Air, gas and electfic tools operators; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or pre-stressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammer; Vibrators; Paving breakers; Frostproofing

Group 5: Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, lift belt or block and tackle

Group 6: Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Form setters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bullfloat (hand operated) and center expansion machines; Sandblasters; Grade checker if required by employer

Group 7: Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator

Group 8: Pipelayer on truck pipe lines in connection with highway work

Group 9: Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air

Group 10: Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement

LABORERS
(Pipelines)

All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

Group 1: Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work

Group 2: Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

Group 3: Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

Group 4: Sandblaster, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers or pipe, inside and out

Group 5: (Relining pipe)
Relining pipe

Group 5-A: Mixer man

Group 6: Pipelayer

LABORERS
(TUNNELS)

Group 1: Outside laborers

Group 2: Minimum tunnel labor, dry houseman

Group 3: Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators

Group 4: Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender

Group 5: Cement finisher helper, applying of concrete processing materials

LABORERS (Cont'd)
(Tunnels)

Group 6: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pipe concrete placement man

(SHAFTS, RAISES, MISSILE SILOS and ALL UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen, and Cagers

Group 2: Chucktenders, Concrete laborers, Whirley pumps operators

Group 3: Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, including the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external

Group 5: Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men

Group 6: Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle

DECISION NO. CO75-5050

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)**	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Group 1	$6.05	.37	.55	.30	.03
Group 2	6.40	.37	.55	.30	.03
Group 3	6.75	.37	.55	.30	.03
Group 4	6.90	.37	.55	.30	.03
Group 5	7.05	.37	.55	.30	.03
Group 6	7.20	.37	.55	.30	.03
(For work in Tunnels, Shafts, and Raises)					
Brakeman	6.20	.37	.55	.30	.03
Motorman	6.55	.37	.55	.30	.03
Compressor (900 CFM and over), serving tunnels, shafts and raises	6.65	.37	.55	.30	.03
Air tractors; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.90	.37	.55	.30	.03
Concrete placement pumps 8" and over discharge; Mechanic-welder (heavy duty); Mucking machine and front end loaders underground, Slusher	7.05	.37	.55	.30	.03
Mole	7.45	.37	.55	.30	.03

DECISION NO. CO75-5050

POWER EQUIPMENT OPERATORS

(Other than for work in Tunnels, Shafts and Raises)**

Group 1: Asphalt screed; Brakeman; Drill operator, smaller than William 30 and similar; Helper to heavy duty mechanic and/or welders; Tractor operator (under 70 HP), with or without attachments; Oiler

Group 2: Air compressor; Ditch witch trenching machine and similar; equipment lubricating and service engineer; Forklift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants - with classifier; Self-propelled rollers - 5 tons and under; Vacuum well point system

Group 3: Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger); C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yard); Concrete placement pumps (under 8 inche); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. and over) (with or without attachments); Trenching machine; Welder; Winch operator, on truck; Concrete batching plants

Group 4: Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-welder (heavy duty); Mixermobile; Multiple unit portable crusher - with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1½ cu. yds. and over); Special utility operator; Self-propelled hydrocrane; Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

Group 5: Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, Clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cu. yds. and over

Group 6: Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane

SUPERSEDEAS DECISION

STATE: Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin

DECISION NUMBER: IL75-5051 DATE: Date of Publication

Supersedes Decision No. AQ-3095 dated February 15, 1974 in 39 FR 5982

DESCRIPTION OF WORK: Dredging on the Great Lakes, their connecting and tributory waters, including the Illinois Waterway to the lock at Lockport, Illinois; and in the New York State Barge Canal System between Tonawanda, New York, and Waterford, New York, and Oswego, New York and on the St. Lawrence River eastward to the International Boundary near St. Regis, New York.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DIPPER AND HYDRAULIC DREDGING					
Chief engineer	$ 9.56	.25	.25	a	
Operators	9.49	.25	.25	a	
Assistant engineer	9.13	.25	.25	a	
Firemen, oilers	7.45	b	.25	a	
Welder	9.04	.25	.25	a	
Deckhands	7.35	b	.35	a	
Scowman	7.35	b	.35	a	
Pipe line men	7.35	b	.35	a	
Cranemen - Dipper Dredging	9.04	.25	.25	a	
Spill barge operator - hydraulic dredging	9.04	.25	.25	a	
DRILL BOATS					
Engineers	9.01	.25	.25	c	
Blasters	9.13	.25	.25	c	
Firemen	8.66	.25	.25	c	
Drillers, welders or machinists	9.02	.25	.25	c	
Oiler & helpers	8.48	.25	.25	c	
TUG ENGINEERS AND OPERATORS	8.13 +g		.50	a	
TUG FIREMEN, LINEMEN AND OILERS	7.46	b	.35	a	
FLOATING EQUIPMENT (Clamshell, Dragline and Marine Construction)					
Engineers & operator	10.48	f		d & e	
Equipment operator	9.51	f		d & e	
Firemen	9.03	f		d & e	
Oilers	8.07	f		d & e	
ENGINEER HELPERS, RANGEMEN, RODMEN SWEEPERS:					
Engineer helpers, rangemen, rodmen or sweepmen	5.43	b		a	
Service truck drivers	5.83	b		a	

DECISION NUMBER IL75-5051 (Cont'd)

PAID HOLIDAYS (Where Applicable):

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 8 paid holidays, A through F plus Washington's Birthday and Veterans' Day; 6 1/2 days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employee not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

b. $4.00 per day, per employee.

c. 8 paid holidays, A through F plus Washington's Birthday and Veterans' Day; 6 1/2 days vacation with pay for 104 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

d. 8 paid holidays, A through F plus Washington's Birthday and Veterans' Day.

e. 1/2 day vacation for each full 12 days employment in one calendar year.

f. Plus $1.15 in fringe benefits.

g. Plus $.13 per hour for License Premium.

SUPERSEDEAS DECISION

STATE: Mississippi COUNTY: Warren
DECISION NO.: MS75-1044 DATE: See Date of Publication
Supersedes Decision No. AQ-4112 in 39 FR 16978 dated May 10, 1974
DESCRIPTION OF WORK: Building Construction (excluding single family hoces and garden type apartmente up to and including 4 stories.)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	7.78	.30			
Bricklayers	7.50	.40	.90		.01
Bricklayers; Stonemasons	6.92				.02
Carpenters: Soft floor layers	6.30				
Cement masons	5.65	.25			
Electricians:					
Electricians	7.35		3%+.50		2/10of1%
Cable splicers	7.60		3%+.50		2/10of1%
Elevator constructors	6.89	.445	.29	3%+a&b	.02
Elevator constructors' helpers	4.82	.445	.29	3%+a&b	.02
Elevator constructors' helpers (prob.)	3.445				
Glaziers	5.90				
Ironworkers	6.65	.30	.35		.04
Laborers:					
Laborers	2.60				
Mortar mixers	2.70				
Lathers	6.90				.01
Millwrights	6.90				
Painters:					
Brush;Drywall tapers; Rollers	5.95	.15			
Spray	6.45	.15			
Structural steel	6.20	.15			
Piledrivermen	6.90				
Plasterers	6.35	.25	.10		.05
Plumbers; pipefitters	7.60			o	.05
Roofers	6.55				
Sheet metal workers	7.30		.10		
Truck Drivers:					
1½ to 5 tons	4.25				
Over 5 tons	4.90				
POWER EQUIPMENT OPERATORS:					
Group A					
Engineer, operating under air pressure	7.75	.25	.25		
Group B					
Mechanic	6.80	.25	.25		
Group C					
Asphalt plant; backhoe; blacksmith, boom tractor, bulldozer, central mixing plant, cherry picker, clamshell, Crane, Derrick, Derrick car, Derrick boat, Dragline, Dredge, Elevating grader, Excavator (power belt), Fork lift (5 ton & over), Hoists (2 drum in active use), Locomotive engineer, Marine engineer (chief), Master pilot, Mixer-mobile, Motor patrol and similar type equipment, Paver (21 cu. ft. or larger), Pile driver, Recharger, Scoop (skimmer), Scraper, Shovel Trenching machine (over 18" bucket line width) Turnapull (Dw-10 and similar pull type scrapers), Traxcavator and similar end loaders, Welder, Welding machines and pumps (operating 2 to 6 machines), Well Well driller, Well point pumps	6.55	.25	.25		
Group D					
Asphalt spreader (bituminous distributor), Asphalt spreader (bituminous mixer), Backfilling machine, Conveyor, Drill (earth) Finishing machine, Fireman, Forklift (over 2 ton and less than5 ton), Heating plant, Hoist (one drum), Marine engineers assistant, Mixer, Pay loader and similar endloaders, Pilot, Power generating plant, Pump (concrete), Roller, Scoopmobile, Tractor (with power take					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
A. 6 paid holidays; A through F
b. Employer contributes 1% of regular hourly rate to Vacation pay credit for employes who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate ot Vacation pay credit for employee who has worked in business less than 5 years.
c. 2 paid holiday: D & F

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Group D (cont'd) -off), Trenching machine (18" or smaller bucket line width), Tug-boat, Well driller (1st helper), Winch truck & tractor small Rubber-Tired with Backhoe attachment	6.00	.25	.25		
Group E					
Air compressor, Batch scale. Dec Deckhand, Forklift(2 ton & under), Form grader, Locomotive hostler. Mechanic helper, Motorboat (in or outboard), Oiler, Pump, Roughneck, Scowman, Tractor (w/ attachments), Welding machine	5.45	.25	.25		

Booms, including jib:
25¢ per hour above regular rate - 100 feet to and including 200 feet.
50¢ per hour above regular rate - 201 feet to and including 300 feet.
75¢ per hour above regular rate - 301 feet and above.
Operators servicing other crafts shall draw rate of pay not less than journeyman rate of craft being serviced.

STATE: Missouri
DECISION NO. MO75-4076
Supersedes Decision No. MO-74, dated November 15, 1974 in 39 FR 40449.
DESCRIPTION OF WORK AND LOCATION:
(Building Construction)

DATE: Date of Publication

DECISION NO MO75-4076

Statewide except Jasper County
Heavy Construction

Adair	Gasconade	Montgomery
Andrew	Gentry	Morgan
Atchison	Greene	Newton
Audrain	Grundy	Nodaway
Barton	Harrison	Osage
Bates	Henry	Perry
Benton	Hickory	Pettis
Bollinger	Holt	Phelps
Boone	Howard	Pike
Buchanan	Jackson	Platte
Caldwell	Jefferson	Polk
Callaway	Johnson	Pulaski
Camden	Knox	Putnam
Cape Girardeau	Laclede	Ralls
Carroll	Lafayette	Randolph
Cass	Lawrence	Ray
Cedar	Lewis	St. Charles
Chariton	Lincoln	St. Clair
Clark	Linn	St. Francois
Clay	Livingston	St. Louis and City
Clinton	McDonald	Ste. Genevieve
Cole	Macon	Saline
Cooper	Madison	Schuyler
Crawford	Maries	Scott
Dade	Marion	Scotland
Dallas	Mercer	Shelby
Daviess	Miller	Sullivan
DeKalb	Moniteau	Vernon
Franklin	Monroe	Warren
		Washington
		Worth

CARPENTERS & PILEDRIVERMEN:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 1	$8.76	.40	.50	.50	.03
ZONE 2	8.62	.33	.30	.25	.05
ZONE 3	8.66	.30	.30		
ZONE 4	8.61	.40	.50	.50	.03
ZONE 5	9.12	.33	.30		.03
ZONE 6	8.52	.33	.30		.03
ZONE 7	7.75	.40	.50	.50	.03
ZONE 8	8.95	.20			.03
ZONE 9	8.82	.33			.03
ZONE 10	8.72	.23			.03
ZONE 11	8.67	.33	.15		.03

AREAS COVERED BY CARPENTERS & PILEDRIVERMEN ZONES

ZONE 1 - Franklin, Jefferson, St. Charles, Lincoln and Warren Counties.
ZONE 2 - Clay, Jackson, Platte and Ray Counties
ZONE 3 - St. Louis County & City
ZONE 4 - Pike, St. Francois & Washington Counties
ZONE 5 - Cass and Lafayette Counties
ZONE 6 - Atchison, Andrew, Barry, Barton, Bates, Buchanan, Caldwell, Camden, Carroll, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Johnson, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Saline, Stone, Taney, Vernon, Webster, Worth & Wright Counties
ZONE 7 - Crawford, Dent, Gasconade, Iron, Madison, Maries, Montgomery, Phelps, Pulaski, Reynolds, Shannon and Texas Counties.
ZONE 8 - Boone, Cooper & Howard Counties
ZONE 9 - Adair, Audrain, Benton, Callaway, Chariton, Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Morgan, Pettis, Putnam, Ralls, Randolph, Schuyler, Scotland, Shelby and Sullivan Counties
ZONE 10 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Howell, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Ste. Genevieve, Scott, Stoddard and Wayne Counties
ZONE 11 - Cole, Miller, Moniteau and Osage Counties.

DECISION NO MO75-4076

CEMENT MASONS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 1	$9.225	.40	.50	.25	
ZONE 2	9.10	.75	.60		
ZONE 3	8.40	.40	.40		
ZONE 4	9.135	.40	.50	.75	
ZONE 5	6.30	.65	.35		
ZONE 6	7.60				
ZONE 7	7.45				
ZONE 8	8.575				
ZONE 9	9.00				
ZONE 10	7.00				
ZONE 11	7.65				
ZONE 12	8.55				

AREAS COVERED BY CEMENT MASONS ZONES

ZONE 1 - Bates, Carroll, Cass and Lafayette Counties
ZONE 2 - Crawford, Franklin, Iron, Jefferson, Lincoln, Madison, Reynolds, Shannon, St. Charles, St. Francois, St. Louis and City, Ste. Genevieve, Warren & Washington Counties
ZONE 3 - Crawford, Iron, Madison, Reynolds, Shannon, St. Francois, Ste. Genevieve and Washington Counties on projects less than $75,000.00
ZONE 4 - Clay, Jackson, Platte, and Ray Counties
ZONE 5 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Scott, Stoddard and Wayne Counties
ZONE 6 - Cedar, Christian, Dade, Dallas, Douglas, Greene, Howell, Laclede, Ozark, Polk, Stone, Taney, Webster and Wright Counties
ZONE 7 - Dent, Phelps, Pulaski and Texas Counties
ZONE 8 - Benton, Henry, Hickory, Johnson, Morgan, Pettis, Saline and St. Clair Counties
ZONE 9 - Adair, Audrain, Boone, Chariton, Cooper, Howard, Knox, Linn, Macon, Moniteau, Monroe, Randolph, Shelby and Sullivan Counties.

ZONE 10 - Barry, Barton, Lawrence, McDonald, Newton and Vernon Counties
ZONE 11 - Andrew, Atchison, Buchanan, Caldwell, Clinton, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Livingston, Mercer, Nodaway and Worth Counties
ZONE 12 - Callaway, Camden, Cole, Gasconade, Maries, Miller, Montgomery, and Osage Counties.

DECISION NO. MO75-4076

ELECTRICIANS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 1					
Electrical contracts over $7,500.00	$9.10	4%	1%		1%
Electrical contracts $7,500.00 and under	7.75	4%	1%		1%
ZONE 2	9.22	.23	1%+.27	.80	.03
ZONE 3					
Electrical contracts over $5,000.	9.22	.23	1%+.27	.80	.03
Electrical contracts $5,000. and under	8.67	.23	1%+.27	.80	.03
ZONE 4					
Electrical contracts over $5,000.	9.22	.23	1%+.27	.80	.03
Electrical contracts $5,000. and under	8.67	.23	1%+.27	.80	.03
ZONE 5					
Electrical contracts over $5,000.	9.22	.23	1%+.27	.80	.03
Electrical contracts $5,000. and under	8.06	.23	1%+.27	.80	.03
ZONE 6	8.93	5%	1%+5%	15%	1%
ZONE 7					
Electrical contracts over $7,500.	8.93	5%	1%+5%	15%	1%
ZONE 8					
Electrical contracts $7,500. and under	6.51	5%	1%+5%	15%	1%
ZONE 9					
Electrical contracts $7,500. and under	6.38	5%	1%+5%	15%	1%
ZONE 10					
Electrical contracts $7,500. and under	6.25	5%	1%+5%	15%	1%

DECISION NO M075-4076

ELECTRICIANS CONTD:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
ZONE 11					
Electrical contracts $7,500.00 and under	$6.10	5%	17%+5½%	15½%	1%
ZONE 12	9.16	.37	1%	6%	.02
ZONE 13	9.65	.37	1%	6%	.02
ZONE 14	9.04	.35	1%	7%	.01
ZONE 15					
Electrical contracts over $10,000.	9.27	.35	1%	7%	.01
Electrical contracts $10,000. and under	9.04	.35	1%	7%	.01
ZONE 16					
Electrical contracts over $10,000.00	9.63	.35	1%	7%	.01
Electrical contracts $10,000. and under	9.04	.35	1%	7%	.01
ZONE 17					
Elecrticians	7.95	.25	1%		.005
Cable splicers	8.30	.25	1%		.005
ZONE 18					
Electricians	8.40	.27	1%	7%+.30	1%
Cable Splicers	8.65	.27	1%	7%+.30	1%

AREAS COVERED BY ELECTRICIANS ZONES

ZONE 1 - Adair, Audrain (That part east of Highway 19), Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Montgomery, Pike, Putnam, Ralls, Schuyler, Scotland, Shelby and Sullivan Counties:
Electrical contracts over $7,500.00
Electrical contracts $7,500.00 and under
ZONE 2 - Western half of Clay & Jackson Cos. not including Blue Springs; Northern half of Platte Co.; North Western portion of Cass Co. not including Pleasant Hill
ZONE 3 - Remainder of Clay, Jackson, Platte & Cass Counties:
Electrical contracts over $5,000.00
Electrical contracts $5,000.00 and under
ZONE 4 - Bates, Benton, Henry, Johnson, Lafayette and Pettis Counties:
Electrical contracts over $5,000.00
Electrical contracts $5,000.00 and under
ZONE 5 - Carroll, Cooper, Morgan, Ray & Saline Counties:
Electrical contracts over $5,000.00
Electrical contracts $5,000.00 and under
ZONE 6 - Franklin, Jefferson, Lincoln, St. Charles, St. Louis & City, & Warren Cos.
ZONE 7 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Scott, St. Francois, Ste. Genevieve, Stoddard, Washington, and Wayne Counties:
Electrical contracts over $7,500.00
ZONE 8 - Bollinger, Cape Girardeau, Perry, St. Francois, and Ste. Genevieve, Counties:
Electrical contracts $7,500.00 and under
ZONE 9 - Iron, Madison, Reynolds, Washington, and Wayne Counties:
Electrical contracts $7,500.00 and under
ZONE 10 - Butler, Carter, Mississippi, New Madrid, Ripley, Scott and Stoddard Counties:
Electrical contracts $7,500.00 and under
ZONE 11 - Dunklin and Pemiscot Counties:
Electrical contracts $7,500.00 and under
ZONE 12 - Christian, Dallas, Douglas, Greene, Hickory, Howell, Laclede, Oregon, Ozark, Polk, Shannon, Stone, Taney, Texas, Webster and Wright Counties
ZONE 13 - Pulaski County
ZONE 14 - Andrew, Buchanan, Clinton and DeKalb Counties
ZONE 15 - Caldwell, Daviess, Gentry, Holt and and Nodaway Counties:
Electrical contracts over $10,000.00
Electrical contracts $10,000.00 and under
ZONE 16 - Atchinson, Grundy, Harrison, Livingston, Mercer and Worth Counties:
Electrical contracts $10,000.00 and under
Electrical contracts over $10,000.00
ZONE 17 - Barry, Barton, Cedar, Dade, Lawrence, McDonald, Newton, St. Clair, and Vernon Counties:

ZONE 18 - Audrain (except Cuivre Township), Boone, Callaway, Camden, Chariton, Cole, Crawford, Dent, Gasconade, Howard, Maries, Miller, Moniteau, Osage Phelphs and Randolph Counties:

DECISION NO. M075-4076

IRONWORKERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
ZONE 1	$8.975	.55	.70		.05
ZONE 2	8.90	.60	.80	1.00	.05
ZONE 3	8.775	.60	.80	1.00	.05
ZONE 4	8.49	.30	.35		.08
ZONE 5	8.54	.40	.30		
ZONE 6	7.77	.45	.35		.04
ZONE 7	7.55	.45	.50		.02

AREAS COVERED BY IRONWORKERS ZONES

ZONE 1 - Audrain, Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Iron, Jefferson, Lincoln, Madison, Maries, Miller, Montgomery, Osage, Perry, Phelps, Pike, Pulaski, Reynolds, Shannon, St. Charles, St. Francois, St. Louis & City, Ste. Genevieve, Texas, Warren, Washington, and Wright Counties.

ZONE 2 - Andrew, Atchison, Barton, Bates, Benton, Buchanan, Caldwell, Camden, Carroll, Cass, Cedar, Chariton, Clay, Clinton, Cooper, Dallas, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Howard, Jackson, Johnson, Laclede, Lafayette, Linn, Livingston, Mercer, Moniteau, Morgan, Nodaway, Pettis, Platte, Polk, Putnam, Randolph, Ray, St. Clair, Saline, Sullivan, Vernon and Worth Counties.

ZONE 3 - Christian, Dade, Douglas, Greene and Webster Counties:

ZONE 4 - Barry, Lawrence, McDonald, Newton and Stona Counties:

ZONE 5 - Adair, Clark, Knox, Lewis, Macon, Marion, Monroe, Ralls, Schuyler, Scotland and Shelby Counties:

ZONE 6 - Howell, Oregon, Ozark and Taney Counties

ZONE 7 - Butler, Bollinger, Carter, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott, Stoddard and Wayne Counties:

DECISION NO. M075-4076

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
GROUP 1					
ZONE 1	$6.98	.50	.50	.50	.10
ZONE 2	5.78	.50	.50	.50	.10
ZONE 3	5.28	.50	.50	.50	.10
ZONE 4	7.35	.40	.50		.10
ZONE 5	6.35	.40	.50		.10
ZONE 6	6.35	.40	.50		.10
GROUP 2					
ZONE 1	7.13	.50	.50	.50	.10
ZONE 2	5.93	.50	.50	.50	.10
ZONE 3	5.43	.50	.50	.50	.10
ZONE 4	7.50	.40	.50		.10
ZONE 5	6.50	.40	.50		.10
ZONE 6	6.50	.40	.50		.10
GROUP 3					
ZONE 1	7.28	.50	.50	.50	.10
ZONE 2	6.08	.50	.50	.50	.10
ZONE 3	5.58	.50	.50	.50	.10
ZONE 4	7.65	.40	.50		.10
ZONE 5	6.65	.40	.50		.10
ZONE 6	6.65	.40	.50		.10
GROUP 4					
ZONE 1	7.48	.50	.50	.50	.10
ZONE 2	6.28	.50	.50	.50	.10
ZONE 3	5.78	.50	.50	.50	.10
ZONE 4	7.85	.40	.50		.10
ZONE 5	6.85	.40	.50		.10
ZONE 6	6.85	.40	.50		.10
GROUP 5					
ZONE 1	$7.73	.50	.50	.50	.10
ZONE 2	6.53	.50	.50	.50	.10
ZONE 3	6.03	.50	.50	.50	.10
ZONE 4	8.10	.40	.50		.10
ZONE 5	7.10	.40	.50		.10
ZONE 6	7.10	.40	.50		.10

CLASSIFICATION DEFINITIONS

GROUP 1 - General Labor - Carpenter Tenders; salamander tenders; dump man and ticket takers on stock piles; flagmen; loading trucks under bins, hoppers and conveyors; track men and all other general laborers

GROUP 2 - First Semi-Skill - Air tool operators; cement handler - bulk or sack; dump man on earth fill; georgie buggie man; material batch hopper man; scale man; spreader on asphalt machine; material mixer man (except on manholes); coffer dams; riprap pavers - rock, block or brick; signal man; scaffolds over ten feet not self-supported from ground up; skipman on concrete paving; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile & duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setter helpers; puddlers (paving only); straw blower nozzleman.

GROUP 3 - Second Semi-Skill - Asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; vibrator man; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 feet where compressed air is not used; abutment and pier hole men working six (6) feet or more below ground; men working in coffer dams for bridge piers and footings in the river

GROUP 4 - Third Semi-Skill - Laser beam man; asphalt raker; barco tamper; jackson or anyother similar tamp; wagon driller; churn drills; air track drills and all other similar drills; cutting torch man: form setters: liners and stringline men on concrete paving, curb, gutters, ditch liners, etc.; hot mastic kettleman; hot tar applicator; hand blade operators; manhole builder helpers and mortar men on brick or block manholes; sand blasting and gunite nozzle men; rubbing concrete; air tool operator in tunnels; caulker and lead man; screed man on asphalt machine, chain or concrete saw; cliff scalers working from scaffolds, bosuns' chairs or platforms on dams or power plants over ten (10) feet above ground; grade checker on cuts and fills; string line man for electronic grade control; pressure groutmen.

GROUP 5 - Fourth Semi-Skill - Manhole builders - brick or block; dynamite and powder men; welder

AREA COVERED BY LABORERS

ZONE 1 - Buchanan, Cass and Lafayette Counties

ZONE 2 - Andrew, Barton, Bates, Benton, Caldwell, Carroll, Cedar, Christian, Clinton, Dade, Dallas, DeKalb, Greene, Henry, Johnson, Laclede, Lawrence, Livingston, Newton, Pettis, Polk, St. Clair, Saline, Vernon, Webster and Wright Counties

ZONE 3 - Atchison, Barry, Camden, Daviess, Douglas, Gentry, Grundy, Harrison, Hickory, Holt, McDonald, Mercer, Morgan, Nodaway, Ozark, Stone, Taney and Worth Counties

ZONE 4 - Franklin, Jefferson, and St. Charles Counties

ZONE 5 - Audrain, Bollinger, Boone, Callaway, Cape Girardeau, Chariton, Cole, Cooper, Crawford, Dent, Gasconade, Howard, Iron, Lincoln, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, New Madrid, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Ralls, Randolph, Reynolds, St. Francois, Ste. Genevieve, Scott, Warren and Washington Counties.

ZONE 6 - Adair, Butler, Carter, Clark, Dunklin, Howell, Knox, Lewis, Linn, Macon, Oregon, Putnam, Ripley, Schuyler, Scotland, Shelby, Shannon, Stoddard, Sullivan, Texas and Wayne Counties.

DECISION NO. M075-4076

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS:					
ZONE 8					
GROUP 1	$7.80	.50	.50	.70	.10
GROUP 2	7.95	.50	.50	.70	.10
GROUP 3	8.10	.50	.50	.70	.10
GROUP 4	8.30	.50	.50	.70	.10
GROUP 5	8.60	.50	.50	.70	.10

CLASSIFICATION DEFINITIONS

GROUP 1 - General Laborer - Carpenter tenders, salamander tenders; dump man, & ticket taker's on stock piles; flagmen; loading trucks under bins, hoppers and conveyors; track men and all other general laborers

GROUP 2 - First Semi-Skill - Air tool operator; cement handler (bulk or sack); chain or concrete saw; deck hands; dump man on earth fill; grade checkers on cuts and fills; georgie buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pierhole men working below ground), riprap pavers rock, block or brick; signal man; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile & duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setter helpers; pudlers (paving only)

GROUP 3 - Second Semi-Skill - Crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe & ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working on underground tunnels where compressed air is not used

GROUP 4 - Third Semi-Skill - Spreader on screed man on asphalt machine; asphalt raker; laser beam man; barco tamper; jackson or any other similar tamp; wagon driller, churn drills, air track drills and all other similar drills; cutting torch man; form setter; liners and stringline men on concrete paving,curb, gutters and etc.; hot mastic kettleman; hot tar applicator; hand blade operators; manhole builders helpers and mortar men on brick or block manholes; sand blasting and gunnite nozzle men; rubbing concrete; air tool operator in tunnels

GROUP 5 - Fourth Semi-Skill - Manhole builder (brick or block); dynamite and powder men.

AREA COVERED BY LABORERS

ZONE 8 - Clay, Jackson, Platte and Ray Counties

DECISION NO. M075-4076

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS:					
ZONE 7 - St. Louis City and County:					
General laborer	$8.075	.40	.75		.03
Wrecking	7.95	.40	.75		.03
Plumbers laborer	8.45	.40	.75		.03
Dynamiter or powderman	8.575	.40	.75		.03

DECISION NO. M075-4076

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
ZONE 1					
Lineman	$8.71	.35	1%+.15		½%
Heavy equipment operator	8.10	.35	1%+.15		½%
Groundman Powderman	6.04	.35	1%+.15		½%
Groundman	5.73	.35	1%+.15		½%
Groundman (1st year)	4.91	.35	1%+.15		½%
ZONE 2					
Lineman	8.32	.35	1%+.15		½%
Heavy equipment operator	7.93	.35	1%+.15		½%
Groundman Powderman	5.76	.35	1%+.15		½%
Groundman	5.32	.35	1%+.15		½%
Groundman (1st year)	4.04	.35	1%+.15		½%
ZONE 3					
Lineman & Cable splicers	9.30	.30	1%	12½%	½%
Groundman - winch driver	6.86	.30	1%	12½%	½%
Groundman - driver	6.62	.30	1%	12½%	½%
Equipment operator	8.32	.30	1%	12½%	½%
Groundman - 1st 6 mos.	5.32	.30	1%	12½%	½%
Groundman - next 12 mos.	5.55	.30	1%	12½%	½%
Groundman - next 12 mos.	6.07	.30	1%	12½%	½%
Groundman - thereafter	6.62	.30	1%	12½%	½%
ZONE 4					
Lineman	9.77	.35	1%		.25%
Groundman - Class I	8.34	.35	1%		.25%
Groundman - Class II	6.83	.35	1%		.25%
Groundman - Class A	6.23	.35	1%		.25%
Greundman - 1st 6 mos.	5.95	.25	1%		.25%

AREAS COVERED BY LINE CONSTRUCTION

ZONE 1 - Bates, Benton, Carroll, Cass, Clay, Henry, Johnson, Jackson, Lafayette, Pettis, Platte, Ray and Saline Counties

ZONE 2 - Andrew, Atchison, Barry, Barton, Buchanan, Caldwell, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Hickory, Holt, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Stone, Taney, Vernon, Webster, Worth and Wright Counties

ZONE 3 - Crawford, Franklin, Iron, Jefferson, Reynolds, St. Charles, St. Francois, St. Louis, Washington, Adair, Audrain, Boone, Callaway, Camden, Carter, Chariton, Clark, Cole, Cooper, Dent, Gasconade, Howard, Howell, Knox, Lewis, Lincoln, Linn, Macon, Maries, Marion, Miller, Moniteau, Monroe, Montgomery, Morgan, Oregon, Osage, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Ripley, Ste. Genevieve Schuyler, Scotland, Shannon, Shelby, Sullivan, Texas and Warren Counties

ZONE 4 - Bollinger, Butler, Cape Girardeau, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Scott, Stoddard, and Wayne Counties

DECISION NO. MO75-4076

PAINTERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
ZONE 1					
Brush & roller	$9.34	.30	.35		.06
Spray	10.34	.30	.35		.06
Bridge	10.09	.30	.35		.06
ZONE 2					
Brush	6.15		.20		
Spray	6.90		.20		
ZONE 3					
Brush	6.30				
Spray	6.70				
ZONE 4					
Brush or roller	6.75	.45	.35		
Spray, Structural steel and Sandblasting	10.00	.45	.35		
ZONE 5					
Brush	7.00				
Spray, taping machine	7.50				
Swing stages, window jacks,	7.25				
Bridges 75 ft. in height	7.75				
All structural steel over 50 ft. in height; sand blasting	7.50				
ZONE 6					
Brush	8.05	.20	.35		
Spray	8.80	.20	.35		
Structural steel 30 ft. or more	8.45	.20	.35		
ZONE 7					
Brush	7.25				
Spray	7.75				
ZONE 8					
Brush, roller	6.88		.20		
Spray	7.255		.20		

DECISION NO. MO75-4076

PAINTERS CONTD:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
ZONE 9					
Brush	$7.90		.20		
Spray	8.40		.20		
ZONE 10					
Brush	8.83	.30	.30	.21	
Spray	10.33	.30	.30	.21	
ZONE 11					
Brush, bridge & construction steel	7.50				
Spray	8.00				

AREA COVERED BY PAINTERS

ZONE 1 - Bates, Caldwell, Carroll, Cass, Clay, Henry, Jackson, Johnson, Lafayette, Livingston, Platte, and Ray Counties
ZONE 2 - Bollinger, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Scott and Stoddard Counties
ZONEN 3 - Lincoln and Pike Counties
ZONE 4 - Camden, Crawford, Dent, Laclede, Maries, Miller, Phelph, Pulaski, and Texas Counties
ZONE 5 - Benton, Cooper, Moniteau, Morgan, Pettis and Saline Counties
ZONE 6 - Andrew, Atchison, Buchanan, DeKalb, Gentry, Holt, Nodaway and Worth Counties
ZONE 7 - Adair, Knox, Linn, Macon, Putnam, Schuyler, Scotland, Shelby and Sullivan Counties
ZONE 8 - Barry, Barton, Cedar, Dade, Lawrence, McDonald, Newton, St. Clair and Vernon Counties
ZONE 9 - Audrain, Boone, Callaway, Charlton, Cole, Gasconade, Howard, Monroe, Montgomery, Osage and Randolph Counties.
ZONE 10 - Jefferson, St. Charles, and St. Louis & City, Counties.
ZONE 11 - Christin, Dallas, Douglas, Greene, Hickory, Howell, Ozark, Polk, Stone, Taney, Webster and Wright Counties

DECISION NO. MO75-4076

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
ZONE 1					
GROUP I	$9.85	.50	.75	.75	.10
GROUP II	9.60	.50	.75	.75	.10
GROUP III	9.35	.50	.75	.75	.10
GROUP IV	8.35	.50	.75	.75	.10
GROUP V	10.10	.50	.75	.75	.10
GROUP VI	10.35	.50	.75	.75	.10
GROUP VII	9.85	.50	.75	.75	.10
GROUP VIII	8.85	.50	.75	.75	.10
ZONE 2					
GROUP I	8.52	.35	.40		
GROUP II	8.52	.35	.40		
GROUP III	7.97	.35	.40		
GROUP IV	7.52	.35	.40		
GROUP V	9.32	.35	.40		
GROUP VI	10.07	.35	.40		
GROUP VII	10.52	.35	.40		
GROUP VIII	11.27	.35	.40		
GROUP IX	9.02	.35	.40		
GROUP X	8.02	.35	.40		
GROUP XI	8.52	.35	.40		
ZONE 3					
GROUP I	8.90	.35	.50	.40	.02
GROUP II	8.70	.35	.50	.40	.02
GROUP III	8.50	.35	.50	.40	.02
GROUP IV	7.90	.35	.50	.40	.02
GROUP V	9.15	.35	.50	.40	.02
GROUP VI	9.40	.35	.50	.40	.02
GROUP VII	9.65	.35	.50	.40	.02
ZONE 4					
GROUP I	8.50	.35	.50	.40	.02
GROUP II	8.15	.35	.50	.40	.02
GROUP III	7.95	.35	.50	.40	.02
GROUP IV	7.10	.35	.50	.40	.02
GROUP V	8.75	.35	.50	.40	.02
GROUP VI	9.00	.35	.50	.40	.02
GROUP VII	9.25	.35	.50	.40	.02

DECISION NO. MO75-4076

POWER EQUIPMENT OPERATORS CONTD:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
ZONE 5					
GROUP I	9.25	.50	.75	.75	.10
GROUP II	9.05	.50	.75	.75	.10
GROUP III	8.85	.50	.75	.75	.10
GROUP IV	8.00	.50	.75	.75	.10
GROUP V	9.50	.50	.75	.75	.10
GROUP VI	9.75	.50	.75	.75	.10
GROUP VII	10.00	.50	.75	.75	.10
GROUP VIII	8.50	.50	.75	.75	.10
ZONE 6					
GROUP I	8.40	.50	.50	.75	.05
GROUP II	8.05	.50	.50	.75	.05
GROUP III	7.85	.50	.50	.75	.05
GROUP IV	7.10	.50	.50	.75	.05
GROUP V	8.65	.50	.50	.75	.05
GROUP VI	8.90	.50	.50	.75	.05
GROUP VII	9.15	.50	.50	.75	.05
GROUP VIII	7.60	.50	.50	.75	.05
ZONE 7					
GROUP I	9.00	.40	.25		.02
GROUP II	8.65	.40	.25		.02
GROUP III	8.45	.40	.25		.02
GROUP IV	7.45	.40	.25		.02
GROUP V	9.25	.40	.25		.02
GROUP VI	9.50	.40	.25		.02
GROUP VII	9.75	.40	.25		.02
GROUP VIII	8.20	.40	.25		.02
ZONE 8					
GROUP I	9.00	.40	.25		.02
GROUP II	8.65	.40	.25		.02
GROUP III	8.45	.40	.25		.02
GROUP IV	7.45	.40	.25		.02
GROUP V	9.25	.40	.25		.02
GROUP VI	9.50	.40	.25		.02
GROUP VII	9.75	.40	.25		.02
GROUP VIII	8.20	.40	.25		.02

GROUP I - Asphalt paver and spreader, asphalt plant console operator; auto grader; back hoe; blade operator, all types; boilers-2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshall operator; compressor maintenance operator-2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; highloader-fork lift; hoising engine-2 active drums; locomotive operator, standard gauge; mechanics and welders, field or shop; maintenance operator; mucking machine; pile driver operator; pitman crane operator; pump-2; quad-trac; scoop operator-all types; scoops in tandem; self-propelled rotary drill (Leroy or Equal-not Ait Trac); shovel operator; side descharge spreader; side boom cats; skimmer scoop operator; slip-form paver (CMI, REX; OR Equal); throttle man; truck crane; welding machine maintenance operator-2

GROUP II - "A" frame truck; aspahlt hot mix silo; asphalt plant fireman; drum or boiler; aspahlt plant mixer operator; asphalt plant man; asphalt roller operator; backfiller operator; chip spreader; concrete batch plant, dry, power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator; elevating grader operator; greaser; hoisting engin-1 drum; Latourneau rooter; multiple compactor; pavement breaker, self-propelled, of the hydra-hammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator; tractor operator-over 50 h.p.

GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; compressor maintenance operator - 1; concrete saws, self-propelled; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge; roller operator, other than high type aspahlt; screening and washing plant operator; self-propelled street broom or sweeper; siphons and jets; sub-grading machine operator; tank car heater operator- combination boiler and booster; tractor, 50 hp or less, without attachments; vibrating machine operator, not hand; welding machine maintanance operator - 1

GROUP IV - Meachanic's helper, oiler

GROUP V - Clamshells, 3 yd. capacity or over, crane or rigs 80 ft. of boom or over (including jib); draglines, 3 yd. capacity or over; pile drivers, 80 ft. of boom or over (including jib); shovels, 3 yd, capacity or over

GROUP VI - Crane or rigs, over 200 ft. of boom (including jib).

GROUP VII - Hoist (each additional drum over 1 drum)

GROUP VIII - Oiler driver, all types

Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) ft. or more in length or depth will be paid fifty cents (50c) per hour above the regular classification.

GROUP I - Backhoe; cableway; crane, crawler or truck; crane, hydraulic-truck or cruiser mounted - 16 tons & over; crane, locomotive; derrick, steam; derrick car & derrick boat; dragline; dredge; gradeall, crawler or tire mounted; locomotive, gas, steam & other powers; pile driver, land or floating; scoop, skimmer; shovel, power (steam, gas, electric or other powers) switch boat; whirley

GROUP II - Air tugger w/air compressor; anchor-placing barge; asphalt spreader; athey force feed loader (self-propelled); backfilling machine; boat operator-push boat or tow boat (job site); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine footing foundation; bullfloat; cherry picker; combination concrete hoist & mixer such as mixermobile; compressors, two, not more than 20 ft. apart; compressors, nut more than five ft. apart; compressor-welder combination; concrete breaker (truck or tractor mounted), concrete pump, such as a pump-crete machine; concrete spreader; conveyor, large (not self-propelled) hoisting or moving brick and concrete into, or into and on floor level, one or both; crane, hydraulic-rough terrain, self-propelled; crane hydraulic-truck or cruiser mounted-under 16 tons; drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other sources including concrete breakers, jackhammers and barco equipment - no engineer required); elevating grader; engine man, dredge; excavator or powerbelt machine; finishing machine, self-propelled oscillating screed; forklift; grader, road with power blade; highlift; hoist, concrete and brick (brick cages on concrete skips operating in or on tower, towermobile, or similar equipment); hoist, stack; hydro-hammer; lad-a-vator, hoisting brick or concrete; loading machine (such as barber-greene); mechanic, on job site; mixer, paving; mixermobile; mucking machine; pipe cleaning machine; pipe wrapping machine; plant asphalt; plant, concrete producing or ready-mix job site; plant heating-job site; plant mixing-job site; plant, power, generating-job site; pump, self-powered, over 2" (one operator will operate two); pumps, electric submersible, one through three, over 4"; quad-track; roller, asphalt, top or sub-grade; scoop, tractor drawn; spreader box; sub-grader; tie tamper; tractor-crawler, or wheel type with or without power unit, power take-offs, and attachments regardless of size; trenching machine; tunnel boring machine; vibrating machine, automatic, automatic propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine

GROUP III - Air tugger w/plant air; boiler, for power or heating on construction projects; boiler, temporary; compressor, air-one; compressor air (mounted on truck); concrete saw, self-propelled; conveyor, large (not self-propelled); conveyor, large (not self-propelled moving brick and concrete (distributing) on floor level; curb finishing machine; ditch paving machine; elevator (building construction or alteration); endless chain hoist; fireman; form grader; generator, one over 30 KW or any number developing over 30 KW; greaser; hoist, one drum regardless of size (except brick or concrete); lad-a-vator, other hoisting; manlift; mixer, asphalt, over 8 cu. ft. capacity, mixer, if two or more mixers of one bag capacity or less are used by one employer on job, an operator is required; mixer, with outside loader, 2 bag capacity or more; mixer, with side loader, regardless of size, not paver; oiler on dredge; oiler on truck crane;

GROUP III CONTD - pug mill operator; pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work; sweeper, street; welding machine, one over 400 amp.; winch operating from truck

GROUP IV - Boat operator-outboard motor (job site); conveyor (such as con-vay-it) regardless of how used; oiler; sweeper, floor

GROUP V - Air pressure; oiler engineer; operating under ten pounds

GROUP VI Air pressure, oiler engineer operating over ten pounds

GROUP VII Air pressure engineer operating under ten pounds

GROUP VIII Air pressure engineer operating over ten pounds

GROUP IX Crane-pile driving with leads; crane using rock socket tool; dragline - 7 cu. yds. & over; shovel, power - 7 cu. yds, and over; crane, climbing (such as Linden); derrick, diesel, gas, electric hoisting material and erecting steel - 150' or more above ground; hoist, three or more drums; scoop, tandem; tractor, tandem crawler

GROUP X Heaters
Crane, with boom (including jib) over 100' from pin to pin (add 1c per foot to maximum of 75c) above basic rate for crane

GROUP XI Mud jack (where mud jack is used in conjunction with an air compressor, operator)
Work in tunnel or tunnal shaft, .25c above base rate

POWER EQUIPMENT OPERATORS ZONE 3 and 4

GROUP I - Aspahlt finishing machine & trench widening spreader; asphalt plant consolе operator; autograder; automatic slipform paver; back-hoe; blade operator - all types; boat operator - tow; boilers - 2; central mix concrete plant operator; clam shell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine - 2 active drums; launchhammer wheel; locomotive operator - standard gauge; machanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; quad-trac; scoop operator; sideboom cats; skimmer scoop operator; trenching machine operator; truck crane; shovel operator.

GROUP II - A-Frame; aspahlt hot-mix silo; aspahlt roller operator; asphalt plant fireman (drum or boiler); asphalt plant man; aspahlt plant mixer operator; backfiller operator; barber-greene loader; boat operator (bridge & dams); chip spreader; compressor maintenance operator - 2; concrete mixer operator - skip loader; concrete plant operator; concrete pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine - 1; locomotive operator - narrow gauge; multiple compactor; pavement breaker; powerbroom - self-propelled; power shield; rooter; slip form finishing machine; stumpcuttar machine; side discharge concrete spreader; throttle man; tractor operator (over 50 hp); welding machine maintenance operator - 2 winch truck

GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; clef plane operator; compressor maintenance operator - 1; concrete saw operator (self-propelled); conveyor operator; curb finishing machine; distributor operator; finishing machine, operator; fireman - rig; flex plane operator; float operator; form grader operator; generator-maintenance operator; light plant maintenance operator; maintenance operator; oiler driver; pugmill operator; pump maintenance operator (other than dredge); roller operator, other than high type asphalt; screening & washing plant operator; spreader box operator, Siphons & Jets; subgrading machine operator; tank car heater operator (combination Boiler & Booster); ulmac, ulric or similar spreader; vibrating machine operator, not hand; welding machine maintenance operator - 1; Tractor operator (50 hp or less)

GROUP IV - Oiler

GROUP V - Dragline operator - 3 yds. & over; shovel - 3 yds. & over; clamshell - 3 yds. & over; crane, rigs or piledrivers, 100' to 150' of boom (incl. jib); hoists - each additional active drum over 2 drums

GROUP VI - Tandem scoop operator; crane, rigs or piledrivers, 150' to 200' of boom (incl. jib)

GROUP VII - Crane, rigs or piledrivers 200 ft of boom or over (incl. jib)

POWER EQUIPMENT OPERATORS ZONES 5, 6, 7, and 8

GROUP I - Asphalt finishing machine & trench widening spreader; asphalt plant console operator; automatic slipform paver; autograder; back-hoe; blade operator, - all types; boat operator - tow; boilers - 2; central mix concrete plant operator; clamshell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine - 2 active drums; launchhammer wheel; locomotive operator - standard gauge; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; quad-trac; shovel operator; sideboom cats; skimmer scoop operator all types; trenching machine operator; truck crane.

GROUP II - A-frame; aspahlt hot mix silo; asphalt plant fireman (drum or boiler); asphalt roller operator; asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader; boat operator (bridge & dams); chip spreader; compressor maintenance operator - 2; concrete mixer operator - skip loader; concrete plant operator; concrete pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine - 1; locomotive operator - narrow gauge; multiple compactor, pavement breaker; power-broom - self-propelled; power shield; rooter; slip form finishing machine; stumpcutter machine; side discharge concrete spreader; throttle man; tractor operator (over 50 hp); welding machine maintenance operator - 2 winch truck

16542 NOTICES 16540 NOTICES 16543 16541

DECISION NO [illegible]

POWER EQUIPMENT OPERATORS ZONES 5, 6, 7, and 8 CONTD

GROUP III - Boilers - 1, chip spreader (crane mast); chuck drill operator; clef plane operator; compressor maintenance operator - 1; concrete saw operator (self-propelled); conveyor operator; curb finishing machine; distributor operator; finishing machine operator; fireman - rig; flex plane operator; float operator; form grader operator; generator-maintenance operator; light plant maintenance operator; maintenance operator; oiler driver; pugmill operator; pump maintenance operator other than dredge; roller operator, other than high type asphalt; screening & washing plant operator; Siphons & Jets; subgrading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination boiler & booster); ulmac, ulric or similar spreader; vibrating machine operator; welding machine maintenance operator - 1; tractor operator (50 hp or less)

GROUP IV - Oiler

GROUP V - Dragline operator - 3 yds. & over; shovel - 3 yds. & over; clam-shell - 3 yds. & over; crane, rigs or piledrivers, 100' to 150' of boom (incl. jib), hoists - each additional active drum over 2 drums

GROUP VI - Tandem scoop operator; crane, rigs or piledrivers, 150' to 200' of boom (incl. jib)

GROUP VII - Crane, rigs or piledrivers 200 ft. of boom or over (incl. jib).

GROUP VIII - Oiler - Drivers

AREAS COVERED BY POWER EQUIPMENT OPERATORS ZONES

ZONE 1 - Clay, Jackson, Platte and Ray Counties

ZONE 2 - St. Louis City & County

ZONE 3 - Franklin, Jefferson, Lincoln, St. Charles, and Warren Counties

ZONE 4 - Adair, Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dent, Dunklin, Gasconade, Howell, Iron, Knox, Lewis, Macon, Madison, Maries, Marion, Miller Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Texas, Washington, and Wayne Counties

ZONE 5 - Buchanan, Cass, Clinton and Lafayette Counties

ZONE 6 - Andrew, Atchison, Bates, Benton, Caldwell, Carroll, Chariton, Cooper, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Holt, Howard, Johnson, Linn, Livingston, Mercer, Nodaway, Pettis, Saline, Sullivan and Worth Counties

ZONE 7 - Christian, Greene, Lawrence and Taney Counties

ZONE 8 - Barry, Barton, Camden, Cedar, Dade, Dallas, Douglas, Hickory, Laclede, McDonald, Newton, Ozark, Polk, St. Clair, Stone, Vernon, Webster and Wright Counties

DECISION NO. [illegible]

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 1 - St. Louis City and County:					
GROUP 1	6.99	a	b	c&d	
GROUP 2	7.19	a	b	c&d	
GROUP 3	7.29	a	b	c&d	

FOOTNOTES:

a - Employer contribution of $12.50 per week.

b - Employer contribution of $12.50 per week.

c - Paid Holidays; New Year's Day, Thanksgiving Day, Memorial Day, Independence Day, Friday after Thanksgiving Day, Labor Day, Veterans Day, Christmas Day.

d - Paid vacation of 3 days for 600 hours of service in any one contract year;
4 days paid vacation for 800 hours of service in any one contract year;
5 days paid vacation for 1,000 hours of service in any one contract year

CLASSIFICATION DEFINITIONS

GROUP 1 - Truck or trailers of a water level capacity of 11.99 cu. yds. or less, for lift trucks, job site ambulances, pick-up trucks, flat bed trucks

GROUP 2 - Trucks or trailers of a water level capacity of 12.0 cu. yds. up to 22.0 cu. yds. including euclids, speedace & similar equipment of same capacity

GROUP 3 - Truck or trailers of a water level capacity of 22.0 cu. yds. & over including euclids, speedace & all floats, flat bed trailers & boom trucks & similar equipment of same capacity

DECISION NO 1075-4076

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 2					
GROUP 1	$8.34	.50	.75	.75	
GROUP 2	8.54	.50	.75	.75	
GROUP 3	8.85	.50	.75	.75	
GROUP 4	9.00	.50	.75	.75	
GROUP 5	8.115	.50	.75	.75	

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS

GROUP 1 - One team; station wagons; pickups, material, single axle; tank wagon, single axle

GROUP 2 - Two teams; material, tandem; semi-trailers; winch; fork; distributor drivers and operators; agitator and transit mix; tank wagon, tandem or semi-trailer; insley wagons; dump; excavating, 5 cu. yds. & over; dumpsters; half-tracks; speedace; euclids and other similar excavating equipment

GROUP 3 - A-frame; low boy; boom

GROUP 4 - Mechanics & welders

GROUP 5 - Mechanic's helpers, oilers & greasers

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 2 - Clay, Jackson, Platte and Ray Counties

DECISION NO. 1075-4076

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 3					
GROUP 1	$9.40				
GROUP 2	9.55				
GROUP 3	9.62				
GROUP 4	9.51				
GROUP 5	9.30				
ZONE 4					
GROUP 1	8.70				
GROUP 2	8.85				
GROUP 3	8.92				
GROUP 4	8.81				
GROUP 5	8.60				
ZONE 5					
GROUP 1	8.69	.50	.50		
GROUP 2	8.84	.50	.50		
GROUP 3	8.91	.50	.50		
GROUP 4	8.80	.50	.50		
GROUP 5	8.59	.50	.50		
ZONE 6					
GROUP 1	7.83	.50	.50		
GROUP 2	7.98	.50	.50		
GROUP 3	8.10	.50	.50		
GROUP 4	7.99	.50	.50		
GROUP 5	7.73	.50	.50		
ZONE 7					
GROUP 1	7.10	.50	.50		
GROUP 2	7.25	.50	.50		
GROUP 3	7.37	.50	.50		
GROUP 4	7.26	.50	.50		
GROUP 5	7.00	.50	.50		

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS

GROUP 1 - Flat bed trucks - single axle; station wagon; pickup trucks; material trucks - single axle; tank wagon - single axle
GROUP 2 - Flat bed trucks - tandem axle; material trucks, - tandem axle; tank wagon - tandem axle
GROUP 3 - Semi and/or pole trailers; winch fork and steel trucks; Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment, A-frame and derrick trucks, float or low boy, distributor drivers and operators, tank wagon, semi-trailer
GROUP 4 - Agitator and transit mix trucks
GROUP 5 - Warehouseman

AREAS COVERED BY TRUCK DRIVERS ZONES

ZONE 3 - Franklin, Jefferson and St. Charles Counties
ZONE 4 - Lincoln and Warren Counties
ZONE 5 - Buchanan, Cass, Johnson and Lafayette Counties
ZONE 6 - Andrew, Audrain, Barton, Bates, Benton, Bollinger, Boone, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter Cedar, Chariton, Christian, Clinton, Cole, Coopet, Crawford, Dade, Dallas, Daviess, DeKalb, Dent, Douglas, Gasconade, Greene, Henry, Hickory, Howard, Iron, Laclede, Lawrence, Linn, Livingston, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Newton, Osage, Pemiscot, Perry, Pettis, Phelps, Pike, Polk, Pulaski, Ralls, Randolph, Reynolds, St. Clair, St. Francois, Ste. Genevieve, Saline, Scott, Shannon, Shelby, Stoddard, Texas, Vernon, Washington. Wayne, Webster, and Wright Counties.
ZONE 7 - Adair, Atchison, Barry, Butler, Clark, Dunklin, Gentry, Grundy, Harrison, Holt, Howell, Knox, Lewis, McDonald, Mercer, Nodaway, Oregon, Ozark, Putnam, Ripley, Schuyler, Scotland, Stone, Sullivan, Taney, and Worth Counties

SUPERSEDEAS DECISION

NY-75-3031 -P. 2

STATE: NEW YORK COUNTY: ALBANY

DECISION NO.: NY-75-3031 DATE: DATE OF PUBLICATION

Supersedeas Decision No. AR-2064 dated October 11, 1974 in 39 FR 36799
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

1-New York-1-2-3 C 1 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$8.93	.32	.18		.02
Boilermakers	10.00	.60	10%		.01
Bricklayers, cement masons, plasterers, and stonemasons	9.29	.45	.30		.01
Carpenters & soft floor layers, Bldg.	8.70	.50	.50		.02
Carpenters, Heavy & Highway	8.82	.50	.50		.025
Millwrights, Building	9.20	.50	.50		.02
Cement masons, Heavy & Highway	8.35	.45	.30		
Electricians:					
Cohoes and Watervliet	9.70	.50	1%+.55	g	h
Remainder of County	10.15	.30	1%+.50	a	
Elevator Constructors:					
Elevator constructors	9.48	.445	.29	3%+b	.02
Elevator constructors' helpers	4.64	.445	.29	3%+b	.02
Elevator constructors' helpers (prob.)	4.74				
Ironworkers, structural, ornamental and reinforcing	8.84	.55	.85		.04
Laborers, Building:					
West side of Hudson River, extending westerly along the north side of 1st St., Watervliet, to half-mile of Rt., 9 to Shaker Road to Rt., 9 northerly to the N. of the Line of Albany Co.:					
Laborers	7.60	.55	.70		.02
Pipelayers (2 man team), hod carriers mortar mixers (hand or machine), jackhammer op., well pointing, all air or gas driven tools, vibrators, power driven buggies	7.75	.55	.70		.02
Asphalt rakers	7.60	.55	.70		.02
Demolition	7.85	.55	.70		.02
Form setters (curb)	7.775	.55	.70		.02
Wagon drill operator	7.825	.55	.70		.02
Acetylene burners	7.735	.55	.70		.02
Blasters	8.075	.55	.70		.02
Remainder of County:					
Laborers	7.60	.55	.70		.02
Blasters	8.075	.55	.70		.02
Acetylene burners	7.875	.55	.70		.02
Wagon drills	7.825	.55	.70		.02
Form setters (curb)	7.775	.55	.70		.02
Asphalt rakers	7.60	.55	.70		.02

1-New York-1-2-3- C 2 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Remainder of County Cont'd:					
Pipelayers, hod carriers, mortar mixers (hand or machine), jackhammer op., well pointing, air or gas driven tools, power driven buggies, air and gas hammers and drills, electric hammers, 50 lbs. or over and vibrators	7.75	.55	.70		.02
Demolition	7.85	.55	.70		.02
Lead burners	9.25	.35		o	.01
Line Construction:					
Linemen, cable splicer helper and material man	10.10	.65	1%+.60	d	3/8%
Cable splicer	11.11	.65	1%+.60	d	3/8%
Groundman digging machine operator	9.17	.65	1%+.60	d	3/8%
Groundman mobile equipment oper.	8.30	.65	1%+.60	d	3/8%
Groundman truck driver and mechanic	7.90	.65	1%+.60	d	3/8%
Groundman dynamite man	8.30	.65	1%+.60	d	3/8%
Painters:					
Brush	7.97		.12		
Structural steel and bridge	8.72		.12		
Spray	9.07		.12		
Piledrivermen	9.86	.95	1.53	.55	.02
Plumbers, Steamfitters, Air conditioning and refrigeration:					
Albany area	9.30	.35	.72		.05
Plumbers and Pipefitters:					
Cohoes area	9.00	.50	.85		.04
Roofers	9.00	.63	.30		.02
Sheet metal workers	9.34	.60	.40		.05
Sprinkler fitters	9.60	.50	.70		.08
Truck drivers - Building:					
Straight, winch transit on site, road oilers, dump, pick-up, panel water and fuel trucks on site	7.09	.37	.37	f	.02
Low or lowboy trailers	7.24	.37	.37	f	.02
Euclids	7.34	.37	.37	f	.02
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apa. Tr.

FOOTNOTES:

a. Holidays: E

b. Holidays: A through F. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F; Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (provided employee works the day before and the day after the holiday).

e. One week vacation after one year's work; two weeks vacation after five year's work.

f. Holiday - Thanksgiving Day provided employee reports for work the day following the holiday.

g. Employer contributes $15.00 per year to an apprentice training program.

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP 1: Oilers

GROUP 2: Firemen and heavy duty greasers, all boilers and steam generators

GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over

GROUP 4: Dinkey locomotives, Barber Greene loaders, loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers

GROUP 5: Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well well drillers (one drum), economobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)

GROUP 6: LeTourneau graders or scrapers, trenching machines, push cart

GROUP 7: Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CMB Vibrotamp or similar, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt, concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apa. Tr.
GROUP 1	$8.60	.45	4.5+.30	a	.10
GROUP 2	8.66	.45	4.5+.30	a	.10
GROUP 3	8.76	.45	4.5+.30	a	.10
GROUP 4	8.94	.45	4.5+.30	a	.10
GROUP 5	9.24	.45	4.5+.30	a	.10
GROUP 6	9.37	.45	4.5+.30	a	.10
GROUP 7	9.54	.45	4.5+.30	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

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HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apa. Tr.
LABORERS:					
Laborers and driller helpers	$6.75	.55	.70	a	
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper, pipelayers	6.95	.55	.70	a	
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	7.15	.55	.70	a	
Blasters, form setters, stone or granite curb setters	7.35	.55	.70	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated), fork lift (factory rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal), hoist (2 or 3 drum), mine hoist, mucking machine or male, overhead crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is muded, he shall be on oiler), tractor drawn belt type loader, truck crane, tunnel shovel

GROUP II: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated) and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity, concrete paver (over 165), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum), Kolman plant loader and similar type loaders (if another man is required to clean screen or to mountain the equipment, he shall be on oiler), locomotive, maintenance/engineer/greaseman/ welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat

GROUP III: A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 200 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, homers (hydraulic-self propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point

GROUP IV: Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 c.f.m. combined capacity), compressor (any size, buet subject to other provisions for compressors), dust collectors, generators pumps, welding machines (3 or less of any combination), concrete paver or mixer (165 and under), concrete saw (self propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler, parapet concrete or pavement grinder, power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.70	.45	.45+a	b	.10
GROUP II	8.40	.45	.45+a	b	.10
GROUP III	7.85	.45	.45+a	b	.10
GROUP IV	7.15	.45	.45+a	b	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.30 per hour to an Supplemental Unemployment Benefit Fund.

b. Paid Holidays A through F; providing the worke the day day before and after the holiday.

HEAVY AND HIGHWAY CONSTRUCTION TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, tireman, mechanic helpers and parts chaser	$ 6.90	.50	.45	a		
Tandems and batch trucks, mechanics dispatcher	6.95	.50	.45	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	7.00	.50	.45	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	7.15	.50	.45	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	7.30	.50	.45	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

STATE: New York COUNTY: Broome
DECISION NO.: NY-75-3032 DATE: Date of Publication
Supersedes Decision No. AR-2017 dated August 15, 1974 in 39 FR 29638
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

4-N.Y.-1-2-3 V 1 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$10.05	.60	.21		.02
Boilermakers	10.00	.60	10%		.01
Bricklayers:					
Bricklayers, cement masons plasterers and stone mason	8.71	.45	.35		
Carpenters, Building:					
Carpenters and soft floor layers	8.11	.35	.50		
Millwrights and piledrivermen	8.36	.35	.50		
Carpenters & piledrivermen, Heavy & Highway	8.37	.35	.50		.025
Cement masons, Heavy and Highway	8.30	.45	.50		
Electricians	8.65	.37	1%+.34		.055
Elevator constructors	8.895	.445	.29	3%+a+b	.02
Elevator constructors' helpers	6.23	.445	.29	3%+a+b	.02
Elevator constructors' helpers (prob.)	4.45				
Glaziers	7.18	.35	.30		.01
Ironworkers, structural, ornamental and reinforcing	9.00	.41	.43		.04
Laborers: (Building)					
Laborers & wreckers	7.23	.40	.40		
Sewer pipelayers, tunnel laborers, rockmen & drillers, powdermen, pneumatic tool, electric tool, jackhammers and similar mechanical tools with 3/4" bits and over	7.51	.40	.40		
Hod carriers, mortar mixers hand or machine), asphalt rakers, asphalt levelers, vibrator operator	7.40	.40	.40		
Mason tenders, scaffold builders bootmen working in concrete	7.34	.40	.40		
Lathers	8.38	.325	.25		.05
Lead burners	9.25	.35		o	.01
Line Construction:					
Linemen	10.10	.65	1%+.60	d	3/8%
Cable splicer	11.11	.65	1%+.60	d	3/8%
Groundman digging machine operator	9.17	.65	1%+.60	d	3/8%
Groundman mobile equipment operator	8.30	.65	1%+.60	d	3/8%
Groundman truck driver and mechanic	7.90	.65	1%+.60	d	3/8%
Groundman dynamite man	8.30	.65	1%+.60	d	3/8%

DECISION NO NY-75-3032 4-N.Y.-1-2-3 V 2 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Marble setters, terrazzo workers and tile setters	8.43	.45	.35		
Painters:					
Painters	7.20	.35	.30		.03
Rollers over 10", sandblasting, swing scaffold, steam cleaning spray helper	7.70	.35	.30		.03
Structural steel, building, steeple jack and spray	8.20	.35	.30		.03
Plumbers:					
Plumbers	8.08	.42	.45		.21
Steamfitters	8.08	.42	.45		.21
Roofers	7.55	.84	1.00		
Sprinkler fitters	7.55	.50	.70		.08
Truck Drivers: (Building)					
Transit-mix, dump trucks and road oilers	5.10			e+f	
Euclids and fuel trucks	5.24			e+f	
Sheet metal workers	8.87	.46	.60		.07
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 1% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years as Vacation Pay Credit.

c. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York(provided employee works the day before and the day after the holiday).

e. One week vacation after 7 months steady work, and 2 weeks vacation after 3 years steady work, 3 weeks after 10 years of steady work.

f. Holidays: A through F; providing employee works 3 days in the calendar week in which the holiday occure and the scheduled work day before and after the holiday.

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Cranes with boom and jib, 175 feet and over	$8.70	.75	.35	a	.10	
Cranes with boom and jib, 130 feet and over	8.45	.75	.35	a	.10	
Cranes with boom and jib 100 feet and over	8.20	.75	.35	a	.10	
Automatic fine grader, backhoe, cableway, caisson auger, cherry picker (straddle mobil type), over 5 tons, compressor, pump, generator or welding machines (when used in a battery of not more than four (4), crane, derrick, diesel power unit, dragline, excavators (gradall type, hydraulically operated), front-end loader (4 cubic yard and over), high speed conveyors (in one line), pile driver, shovel, two and three drum hoists, vibro or sonic hammer controls (when not mounted by rig operator), tower crane.	7.95	.75	.35	a	.10	
"A" frame truck (when used in setting of installation of material), bulldozer, carry-all scrapper, cherry picker (5 ton or under), compressor (300 cubic feet and over), concrete paver and mixer, (16S and over), concrete pump, core boring machine, machine, crop dryer (when used as heater), dinkey locomotive, elevator cage hoist, fork lift, full time welder on maintenance, front end loader (under 4 cubic yard), grease truck, high pressure boiler, one drum hoist, maintenance engineer, post hole digger, power grader, pumps (4 inch and over), roller, side boom, test boring machine, tractor mounted backhoe, trenching machine, two cage elevator hoist, tugger hoist, vibro tamp, well drill, well point system.	7.65	.75	.35	a	.10	
Concrete mixer (under 16S), conveyor, (over 12 foot), firemen, hydraulic pumps, oiler, mechanical heaters (more than two (2) mechanical heaters), power driven welding machine (300 amp. and over, other than all electric - one welding machine under 300 amp. will not require an engineer unless in a battery), pump (under 4 inch), tractor (farm type), steam jenny.	6.53	.75	.35	a	.10	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; (provided an employee works the day before and the day after the holiday).

NY-2-LAB-2-3-I

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Laborers and driller helpers	$7.20	.40	.40	a	
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper, pipelayers	7.40	.40	.40	a	
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	7.60	.40	.40	a	
Blasters, form setters, stone or granite curb setters	7.80	.40	.40	a	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays A through F, providing the employee works the day before and after the holiday.

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated), fork lift (factory rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal), hoist (2 or 3 drum), nine hoist, mucking machine or male, overhead crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is muded, he shall be on oiler), tractor drawn belt type loader, truck crane, tunnel shovel

GROUP II: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated) and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity, concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum), Kolman plant loader and similar type loaders (if another man is required to clean screen or to mountain the equipment, he shall be on oiler), locomotive, maintenance/engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cot

GROUP III: A-frame truck, compressore (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 200 C.F.M.), compressors (any size but subject to other provisions for compressore), dust collectors, generators, pumps, welding machines (4 of any type or combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, homers (hydraulic-self propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submereible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point

GROUP IV: Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 c.f.m. combined capacity), compressor (any size, dust subject to other provisions for compressors), dust collectors, generators pumps, welding machines (3 or less of any combination), concrete paver or mixer (16S and under), concrete saw (self propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler, parapet concrete or pavement grinder, power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor

HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.70	.45	.45+a	b	.10
GROUP II	8.40	.45	.45+a	b	.10
GROUP III	7.85	.45	.45+a	b	.10
GROUP IV	7.15	.45	.45+a	b	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indpendence Day; D-Labor Day; E-Thanksgivi-g Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.30 per hour to an Supplemental Unemployment Benefit Fund.

b. Paid Holidays A through F; providing the works the day day before and after the holiday.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Truck Drivers: Warehouse, Yardmen, Truck Helpers, Pick-ups, Panel Trucks, Flatbody Material Trucks (straight jobs), Single Axle Dump Trucks, Dumpster, Material Checkers and Receivers Greasers, Tiremen, Mechanic Helpers and Parts Chaser	$6.75	.45	.40	a	
Tandems and Batch Trucks, Mechanics, Dispatcher	6.80	.45	.40	a	
Semi-trailers, Low-boy Trucks, Asphalt Distributor Trucks, and Agitator, Mixer Trucks and Dumpcrete Type vehicles	6.85	.45	.40	a	
Specialized Earth Moving Equipment Euclid Type or similar Off-Highway Equipment, where not selfloaded	7.00	.45	.40	a	
Off-Highway Tandem Back-Dump, Twin Engine Equipment and Double-Hitched Equipment where not self-loaded	7.15	.45	.40	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Thanksgiving Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holiday: B, C and D; (provided employee works the schedule working day before the holiday and the scheduled working day after the holiday.

HEAVY AND HIGHWAY CONSTRUCTION

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, tiroman, mechanic helpers and parts chaser	$ 6.90	.50	.45	a		
Tandems and batch trucks, mechanics dispatcher	6.95	.50	.45	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	7.00	.50	.45	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	7.15	.50	.45	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	7.30	.50	.45	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

SUPERSEDEAS DECISION

STATE: NEW YORK — COUNTY: CHAUTAUQUA

DECISION NO.: NY-75-3033 — DATE: DATE OF PUBLICATION

Supersedeas Decision No. AR-2014 dated August 9, 1974 in 39 FR 28735

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

7-N.Y.-1-2-3 E — 1 of 3

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Asbestos workers	9.36	.72	.55		.04
Boilermakers	9.45	.50	.85		.02
Bricklayers, cement masons, plasterers, stone masons, marble, terrazzo workers & tile setters	8.80	.50	.70		.05
Cement masons, heavy & highway	7.90	.50	.70		
Carpenters & soft floor layers, bldg.	7.92	.50	.85		.05
Carpenters heavy & highway	8.42	.50	.90		.025
Electricians:					
Twps. of Mina, French Creek, Clymer, Sherman, Chautauqua, Ellery, Harmony, North Harmony, Busti, Gerry, Ellicott, Kiantone, Ellington, Poland & Carroll	9.65	.37	1%+.40		3%
Remainder of County	9.75	.45	1%+.40		.15
Glaziers	8.64	.50	.95		
Ironworkers, structural, ornamental & reinforcing:					
Twps. of Cherry Creek, Ellington, Sheridan, Pomfret, Charlotte, Arkwright, Hanover, Villanova & Stockton	9.61	.75	.78		.04
Remainder of County	8.74	.78	.69		.10
Laborers, building:					
Laborers & flagmen	6.50	.50	.60	a	
Blasterers, curb, form setters & pipelayers	6.75	.50	.60	a	
Work 40' & up	6.65	.50	.60	a	
Lathers	7.56	.40	.20		.01
Lead burners	9.25	.35		b	.01
Line Construction:					
Linemen	10.10	.65	1%+.60	c	3/8of1%
Cable splicer	11.11	.65	1%+.60	c	3/8of1%
Groundman digging machine operator	9.17	.65	1%+.60	c	3/8of1%
Groundman mobile equipment operator	8.30	.65	1%+.60	c	3/8of1%
Groundman truck driver & mechanic	7.90	.65	1%+.60	c	3/8of1%
Groundman dynamite man	8.30	.65	1%+.60	c	3/8of1%
Marble, tile & terrazzo workers' helpers	7.76	1.50	.40		
Millwrights	8.17	.50	.85		.05

NY-75-3033 P. 2

7-N.Y.-1-2-3 E — 2 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Painters:					
Twps. of Dunkirk, Portland, Pomfret, Sheridan, Arkwright, Hanover & Villanova:					
Brush	$8.655	.525+.45	.30		.10
Steel tanks, towers, stacks, flag poles, radio TV towers	9.155	.525+.45	.30		.10
Sandblasting, swing staffs, spray, bosun chair	8.905	.525+.45	.30		.10
Bridges 35' high or above	10.32	.525+.45	.30		.10
Remainder of County:					
Painters	6.16	.52	.30		.01
Structural steel, bridge & stacks	6.46	.52	.30		.01
spray & sandblasting	6.81	.52	.30		.01
Roller	6.36	.52	.30		.01
Piledrivermen	8.17	.50	.85		.05
Plumbers:					
Twps. of Hanover, Sheridon, Dunkirk, Pomfret, Arkwright, Villanova, Portland, Stockton, Charlotte, Ripley, Westfield, Cherry creek and Fradonia					
Plumbers	10.41	.50	.45		.04
Steamfitters	10.12	.45	1.45		.08
Remainder of County					
Plumbers & steamfitters	9.12	.50	.45	2%	.01
Roofers	8.00	.50	.25	.15+g	.10
Sheet metal workers	8.02	.40	.40	.20+d	.02
Sprinkler fitters	9.60	.50	.70		.08
Truck drivers, building	5.75	.44	.40	e+f	
Welders - craft rate					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Two hours paid time off on Election Day.

NY-75-3033 P. 3

7-N.Y.-1-2-3 E — 3 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.

FOOTNOTES (cont'd):

b. Holidays: A through F, Washington's Birthday, Good Friday, Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regularly scheduled work days immediately preceding and following the holidays.

c. Holidays: A through F, Washington's Birthday, Good Friday, Election Day for President of the United States and Election of Governor of New York State (providing employee works the day before and the day after the holiday).

d. Two weeks vacation

e. Holidays: A through F.

f. One week vacation after one year's work; two weeks vacation after 2 years work.

g. One to three months service, 10 hours paid vacation, three to six months service, 20 hours paid vacation, six to nine months service 30 hours paid vacation, nine to twelve months service, 40 hours paid vacation.

NY75-3033 P. 4

N.Y.-21-LAB-2-3-H

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Laborers and driller helpers	$6.90	.50	.60	a	
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper, pipelayers	7.10	.50	.60	a	
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	7.30	.50	.60	a	
Blasters, form setters, stone or granite curb setters	7.50	.50	.60	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

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BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Crane with a main boom over 100 feet

GROUP II: All boom type equipment, all pan and carryall operators, Archer hoist, Elec and gas hoe operator, blast or jersey drill, track or cat mounted, boiler (when used for power), boom trucks, cableway operator, concrete paver machine, crane operator, derrick operator, dragline operator, elevating grader (self-propelled), head tower operator, hot roller (finish course), hydraulic booms, hydro crane, maintenance engineer, mucking machine operator, multiple drum hoist, (more than 1 drum in use), Peine crane, pile driving machine operator, power grader machine operator, scoopmobile, shovel operator, skimmer operator, test core drill machine, tractor shovel operator, vertical caisson auger drill, well drilling machine

GROUP III: Back filling machine operator, Kolman loader, roller machine operator, snatch and pusher cats, stone crusher, towed or self-propelled rollers, trenching machine operator

GROUP IV: Air hoist operator, cage hoist operator, conveyor operator, conveyor systems, (belt-crete or similar), hoisting engine op., house elevator, (when used for hoisting), industrial tractor, locomotive op., (irrespective of power), push button hoist op., Strato tower, tractors (when using winch power),

GROUP V: Concrete mixer op., (½ c.y. or over), gasoline driven boring machine, hydraulic system pumps, hydro hammer, finishing machine op., (asphalt spreader), finishing machine op., pump op., (4" or over), pump op., (2 or 3 in a battery)

GROUP VI: Air compressor operator, (under 160 cu. ft.), air compressor op., (over 160 cu. ft.), generator, grount machine operator, heating boiler operator, used for temporary heat), lubrication unit or truck, mechanical heaters, (when 3 are in a battery), mechanic or repairman, pneumatic mixer op., power plant (in excess of 10KW), welding machine operator, (to and including 3 machines)

GROUP VII: Bulldozer (over 50 h.p.), Monorail

GROUP VIII: Bulldozer & tractor, (50 h.p. drawbar or under), jeep trencher, mulchers, power brooms and rakes, seeders

GROUP IX: Fireman

GROUP X: Truck crane driver

GROUP XI: Aggregate bin op., apprentice engineer or oiler, cement bin op., concrete mixer op., (under ½ c.y.), mechanical heaters, (when one or two are used), pump operators (one inch), pump op., (two inches), pump operators, (three inches), tractor machines

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$10.485	.40	.90		.10
GROUP II	9.735	.40	.90		.10
GROUP III	9.58	.40	.90		.10
GROUP IV	9.54	.40	.90		.10
GROUP V	9.455	.40	.90		.10
GROUP VI	9.30	.40	.90		.10
GROUP VII	9.54	.40	.90		.10
GROUP VIII	9.145	.40	.90		.10
GROUP IX	8.985	.40	.90		.10
GROUP X	8.83	.40	.90		.10
GROUP XI	8.685	.40	.90		.10

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

CLASS I: Asphalt roller (except rubber tire), Automatic fine grade machine, backhde (except tractor mounted, rubber tired), belt placer, black top plant (automated) blast or rotary drill, (truck or cat mounted), cableway, caisson auger, central mix plant (automated), cherry picker - over 5 tons capacity, crane, derrick, dragline, dredge, dual drum paver, elevating grader (self-propelled or towed), excavator (all purpose - hydraulically operated), front end loader (4 c.y. and over), gradall, grader, head tower, hoist, 2 or 3 drum, locomotive (irrespective of size or power), maintenance engineer, mine hoist, mucking machine, overhead crane, peins crane or similar type, pile driver, quarry master or equivalent, shovel, skimmer, slip form paver, tractor drawn belt-type loader, truck crane, tunnel shovel

CLASS II: Asphalt roller (rubber tired), asphalt spreader, automatic fine grade machine, backhoe (tractor mounted, rubber tired), back filling machine, bending machine (pipe), bituminous spreader and mixer, blacktop plant (non-automated), boom truck, boring machine, cage hoist, central mix plant (non-automated) and all concrete batching plants, cherry picker 5 tons and under, compressors (4 or less) exceeding 2,000 c.f.m. combined capacity, concrete paver over 16S, concrete pump, crusher, dozer or push cat, drill rigs, tractor mounted, elevator, front end loader (under 4 c.y.) hi-pressure boiler, (15 lbs. and over), hoist, one drum, hydraulic pipe jack machine or similar type machine, jersey spreader, kolman plant loader and similar type loaders (if employer requires another man to clean the screen or to maintain the equipsent, he shall be an oiler), maintenance grease man, mixer for stabilized base self-propelled, monorail machine, plant engineer, pump crete, ready mix concrete plant, road widener, rock bit sharpener (all types), roller (all above subgrade, scraper, side boom, slip form paver, snorkel, stump chipping machine, trencher, tube finisher, winch, winch truck with A-frame

CLASS III: Asphalt curb and gutter machines, blower for burning brush, chipping machine and chip spreader, compressors: 4 not exceed 2,000 c.f.m. combined capacity, 3 or less with more than 1,200 c.f.m. but not to exceed 2,000 c.f.m., compressor, (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination) concrete pavement spreaders and finishers, concrete curb and gutter machine, concrete curing machines, conveyor drill core, drill well, electric pump used in conjunction with well point systems, farm tractor with accessories, fine grade machine, hammers-hydraulic-self-propelled, hydraulic rock expander or similar type machine, hydraulic pump, motorized hydraulic pin puller and seeders, post hole digger and post driver, roller (grade and fill), tractor with towed accessories, vibratory compactor, vibro tamp, well point

CLASS IV: Aggregate plant, boiler, (used in conjunction with production), C.M.I. and similar type concrete spreaders, cement bin operator, compressors: 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors: (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16S and under), concrete saw self-propelled, fireman, form tamper, mulching machine, oiler, power broom,power heaterman, revinius widener, steam cleaner, tractor

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
CLASS I	$9.32	.45	.45+.50	a	.10
CLASS II	9.09	.45	.45+.50	a	.10
CLASS III	8.71	.45	.45+.50	a	.10
CLASS IV	7.98	.45	.45+.50	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays, A through F, provided employee works the working day before and the working day after the holiday.

N.Y. 1-TD-2-3 - H

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS:						
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, fireman, mechanic helpers and parts chaser	$ 6.90	.50	.45	a		
Tandems and batch trucks, mechanics dispatcher	6.95	.50	.45	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	7.00	.50	.45	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	7.15	.50	.45	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	7.30	.50	.45	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: DUTCHESS

DECISION NO.: NY-75- 3034 DATE: Date of Publication

Supersedes Decision No. AR-2072 dated November 15, 1974 in 39-FR-40480

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

14-New York-1-2-3-X 1 of 3

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$10.12	5%	6%	20%	
Boilermakers	10.57	5%	15%	7%	.02
Bricklayers, cement masons, marble setters, plasterers, stone masons and tile setters	9.00	.80	1.60	g	
Carpenters, Building: Wappingers Falls, New Hackensack, Pawling and Beacon, Carpenters, piledrivermen and soft floor layers	9.04	.63	.45+.45	.45+1	.10
Remainder of County: Carpenters and soft floor layers	9.12	6%	6%	.60	.10
Carpenters, Heavy and Highway: Wappingers Falls, New Hackensack, Pawling, and Beacon: Carpenters	9.04	.63	.45+.45	.45+1+m	.10
Remainder of County: Carpenters	8.14	6%	6%		.05
Cement masons, Bricklayers, Stone masons (Heavy & Highway)	9.50	.80	1.60	h	
Electricians: Beacon and Fishkill	8.70	.40	1%+.64	.60	½%
Remainder of County:	8.75	.50	1%+.85	3%+e+m	& of 1%
Elevator constructors	9.86	.445	.29	3%+c+d	.02
Elevator constructors' helpers	6.90	.445	.29	3%+c+d	.02
Elevator constructors' helpers (prob)	4.93				
Glaziers	9.10	.66	1.66	.365	.03
Ironworkers, structural, orna. & reinforcing	8.92	.95	1.67	1.20	.04
Lathers	7.70	9%	.55		.01
Lead Burners	9.25	.35		e	.01
Line Construction: Lineman	10.10	.65	1%+.60	f	3/8%
Cable Splicer	11.11	.65	1%+.60	f	3/8%
Groundmen digging machine operator	9.17	.65	1%+.60	f	3/8%
Groundman mobile equipment operator	8.30	.65	1%+.60	f	3/8%
Groundman truck driver and mechanic	7.90	.65	1%+.60	f	3/8%
Groundman dynamite man	8.30	.65	1%+.60	f	3/8%
Marble setters helpers	7.50	1.05		1.15+b	

14-NY-1-2-3-X

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Painters: Brush	$8.10	.52	1+.20	k+.43	
Bridges, towers, fire escapes, smoke stacks, flag poles, swing stage, window jacks, boatswain chair, safety belts, and spray structural steel	9.10	.52	1+.20	k+.43	
Piledrivermen, dock & wharf builders	9.86	.95	.88+.75	.61	.02
Plumbers and steamfitters	9.57	.38	.83	1.24	.05
Roofers, composition & shingle	9.60	9%	4%+.86		
Roofers, slate, tile asbestos	9.85	9%	4%+.86		
Roofers, pitch	12.06	9%	4%+.86		
Sheet metal workers	9.51	6%	14%	9%	.02
Sprinkler fitters	9.60	.50	.70		.08
Terrazzo workers' helpers	7.55	1.05		1.15+b	
Tile setters' helpers	7.20	1.05		1.15+b	

Welders - receive prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; (provided employee is on the payroll two weeks prior to the holiday).

b. Paid Holidays: A through F, Washington's Birthday, Lincoln's Birthday, Good Friday and Columbus Day provided the employee is employed 3 days before the holiday or any of the 3 days following the holiday.

c. Holidays: A through F.

d. Employer contributes 2% of the basic hourly rate for 6 month to 5 years of service or 4% of the basic hourly rate for 5 years or more of service as vacation pay credit.

e. Holidays: A through F; Washington's Birthday, Good Friday and Xmas Eve providing employee has worked 65 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

FOOTNOTES (CONT'D)

f. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (provided employee works the day before and the day after the holiday).

g. Holidays: A through F; and two hours off on Election Day for the purpose of voting.

h. Holidays: A through F; Washington's Birthday; Good Friday; Columbus Day; Veteran's Day and Nov. Election Day.

i. Employer contributes $.55 per hour to an annuity fund.

k. Holiday C providing the employee works within the period of (June 20 to July 4th).

l. Employees receive two hours off on Election Day for purpose of voting.

m. Holidays A through F providing the employee works 7 days before and after the holiday.

n. Employee receives two hours off on Election Day for the purpose of voting.

Poughkeepsie and South thereof:

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION:

GROUP I: Backhoe Oliver 88, Fordson, dynahoe, dual purpose & similar machine, Barber Green loader-Euclid loader or similar type, cherry picker (cableway), compressor (over station), conway or similar mucking machines, dragline, gradall, shovel, backhoe, etc., (crawler or truck), front end loaders, hydraulic boom, Jersey spreader, Letourneau or Tournapull (scrapers over 20 yds. struck), mucking machines, pavement breaker (air ran), paver (concrete), pulsometer, push button (buzz box) elevator, road boring machine, road mix machines, Ross carrier & similar machines, post hole digger, shovel (tunnels), side boom, spreader (asphalt), scoopmobile-tractor-shovel over 1-½ yds., trenching machines, tractor type demolition equipment, winch truck "A" Frame

GROUP II: Compactor self-propelled, grader, bulldozer D7 & similar tractors with a draw bar horsepower of 100 & over maintenance engineer, mechanic (outside) all types, welder, scraper-20 yds. struck & under, machine pulling sheep's foot roller, etc., roller 4 ton and over, vib. roller

GROUP III: Asphalt plant, boiler (high pressure), bulldozer D6 & similar tractors with a draw bar horsepower less than 100, compressor, compressor plant, concrete mixing plants, concrete pump, conveyor belt machine-irrespective of motor size, fireman, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader-1-½ yds., & under, lighting unit (portable & generator), locomotive (all sizes), mixer concrete-21E & over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone cursher, welding machine (steel erection excavation), well drilling machine, well point system

GROUP IV: Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, compressor to 125 cu. ft., curb cutter machine, dust collector, farm tractor (all types), finishing machine concrete, material hopper-sand-stone-cement, mixer-concrete-under 21E, mulching grass spreader, heater-all types, pump, pump station (water & sewer), pump-gypsum, etc., concrete, pump-plaster roller under 4 ton, spreading & fine grading machine, steam Jenny, steel Jenny, steel cutting machine, sweeper, syphon pump-air steam, tar joint machine, Turbo jet burner or similar equipment vibrator (1 to 5) fine grading machine

GROUP V: Concrete saw, mechanic's helper, oiler (fuel truck), oiler (grease truck), paint compressor, welder's helper

GROUP VI:

A. Master mechanic
B. Helicopter hoist op.
C. Oiler, asphalt paver, utility man
D. Welder - certified
E. Second engineer on cranes 30 ton and over
F. Cable splicer
G. Helicopter pilot
H. Helicopter signalman
I. Engineer, all tower cranes, all climbing cranes and all cranes of 100 ton capacity or greater (3900 maintowac or similar) irrespective of manufacturer and regardless of how the same is rigged (except for pile rigs).

Poughkeepsie and South thereof:

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION:

GROUP VI (CONT'D):

J. Cranes (crawlers or truck) 100 ft. but less than 149 ft
K. Cranes (crawlers or truck) 149 ft. and over
L. Loaders op. (over 5 yd. capacity)
M. Shovel op. (over 4 yd. capacity)

GROUP VII: Concrete-portable hoist, crane & hoist engineer-steel (concrete, material, super structure, sub-structure), derrick (stone-steel), elevator & cage, engineer-pile driver, overhead crane, power house plant, telephies, whirly, hoist (single, double or triple drum), hoist (portable mobile unit), hoist engineer-concrete (crane, derrick, mine hoist), hoist engineer material

POWER EQUIPMENT OPERATORS, BUILDING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$12.285	6%+.875	8%	a	1%
GROUP II	11.37	6%+.875	8%	a	1%
GROUP III	11.2275	6%+.875	8%	a	1%
GROUP IV	11.085	6%+.875	8%	a	1%
GROUP V	9.9425	6%+.875	8%	a	1%
GROUP VI					
A	13.655	6%+.875	8%	a	1%
B	12.7975	6%+.875	8%	a	1%
C	8.9975	6%+.875	8%	a	1%
D	11.7975	6%+.875	8%	a	1%
E	10.5125	6%+.875	8%	a	1%
F	11.37	6%+.875	8%	a	1%
G	16.5125	6%+.875	8%	a	1%
H	9.9425	6%+.875	8%	a	1%
I	16.2275	6%+.875	8%	a	1%
J	14.5125	6%+.875	8%	a	1%
K	15.5125	6%+.875	8%	a	1%
L	12.785	6%+.875	8%	a	1%
M	13.285	6%+.875	8%	a	1%
GROUP VII	12.5125	6%+.875	8%	a	1%

REMAINDER OF COUNTY:

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP 1: Oilers

GROUP 2: Firemen and heavy duty greasers, all boilers and steam generators

GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete systes), electric submersible pump 4" and over

GROUP 4: Dinkey locomotives, Barber Greene loaders, loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers

GROUP 5: Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well well drillers (one drum), economobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)

GROUP 6: LeTourneau graders or scrapers, trenching machines, push cart

GROUP 7: Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CMB Vibrotamp or similar, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt, concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$8.60	.45	.45+.30	a	.10
GROUP 2	8.66	.45	.45+.30	a	.10
GROUP 3	8.76	.45	.45+.30	a	.10
GROUP 4	8.94	.45	.45+.30	a	.10
GROUP 5	9.24	.45	.45+.30	a	.10
GROUP 6	9.37	.45	.45+.30	a	.10
GROUP 7	9.54	.45	.45+.30	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

SEWER, ROAD, STREET AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	C-
Laborers:						
General laborers	$7.32	5%	7%+.80	a		
Concrete men, joint setter, signal man, mason tender, pipe layer, riprap and dry stone layers, asphalt workers, screed bar operator, steel tod carrier, jackhammerman, wagon driller, air-trac operator, nippers, powderman, high scalers, power buggy operator, vibratory operator, other compactor, wrecking laborers, gunite and sandblasting, coal passer	7.57	5%	7%+.80	a		
Concrete finisher on Highways, blaster, form setter, laser beam operator	7.92	5%	7%+.80	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

a. Lincoln's Birthday, Washington's Birthday, Good Friday, Columbus Day, Veteran's Day and November Election Day provided the employee works (7) calendar days before or after the holiday.

Poughkeepsie and South thereof:

HEAVY & HIGHWAY - POWER EQUIPMENT OPERATORS:

GROUP I: Auger, auto grader, backhoe Oliver 88, Fordson, dynahoe, dual purpose and similar machines, barber green loader-euclid loader or similar type, central mix plant operator, cherry picker (cableway), compactor with blade, compressor (steel erection), concrete portable mixer, trail. or similar Conway or similar mucking machines, Crane (crawler or truck) dragline, gradall, shovel backhoe, etc., derrick (stone-steel), elevator & cage, front end loaders, hoist single, double, triple drum, hoist portable mobile unit, hoist engineer-concrete (crane-derrick-mine hoist), hoist engineer-material, hydraulic boom, LeTourneau or Tournapull (scrapers over 20 yards struck), mucking machines, overhead crane, paver (concrete), power house plant, pulsometer, push button (buzz box) elevator, road mix machines, Rose carrier and similar machines, shovel (tunnels), side boom, spreader (asphalt), scoopmobile-tractor-shovel over 1½ yards, trenching machines, telephies, tractor type demolition equipment, whirly, winch truck "A" frame

GROUP II: Compactor self-propelled, grader, bulldozer D7 and similar tractors with a draw bar horsepower of 100 and over, maintenance engineer, mechanic (outside) all types, welder, scrapers 20 yards struck and under, shop foreman, vibratory roller, etc., roller 4 ton and over

GROUP III: Asphalt plant, boiler (high pressure), bulldozer D6 and similar tractors with a draw bar horsepower less than 100, compressor, compressor plant, concrete pump, conveyor belt machine-irrespactive of motor size, firemen, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader-1½ yds. and under, lighting unit (portable & generator), locomotive (all sizes), machine pulling sheeps foot roller, mixer concrete-21E and over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, welding machine (steel erection-excavation), well drilling machine, well point system

GROUP IV: Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, compressor to 125 cu. ft., curb cutter machine, dust collector, farm tractor (all types), finishing machine-concrete, material hopper-sand-stone-cement, mixer-concrete-under 21E, mulching grass spreader, heater-all types, pump 4 inches and over, pump station (water & sewer), pump-gypsum, etc., pump-plaster, roller under 4 ton, shop mechanic (not employed on job site), spreading & fine grading machine, steam jenny, steel cutting machine, sweeper, syphon pump-air-steam, tar joint machine, Turbo jet burner or similar equipment, vibrator (1 to 5), fine grading machine

GROUP V: Concrete saw, mechanic's helper, oiler, oiler (fuel truck), oiler (grease truck), stockroom or stockroom attendant, paint compressor, pump under 4" or any combination not equal to 4". roller motorized (walk behind), welder's helper

Poughkeepsie and South thereof:

HEAVY & HIGHWAY - POWER EQUIPMENT OPERATORS (CONT'D):

GROUP VI: Hoist engineer-steel, sub-struct., engineer-pile driver

GROUP VII: Welder-certified crawlers or truck: 100 ft. but less than 149 ft. $2.00 per hour additional crawlers or truck: 149 ft. and over $3.00 per hour additional koader operators: Over 5 cu. yd. capacity $.50 per hour additional shovel operators: over 4 cu. yd. capacity $1.00 per hour additional

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
GROUP I	$10.75	6%	8%+a	b	1%
GROUP II	9.95	6%	8%+a	b	1%
GROUP III	9.825	6%	8%+a	b	1%
GROUP IV	9.70	6%	8%+a	b	1%
GROUP V	8.70	6%	8%+a	b	1%
GROUP VI	10.95	6%	8%+a	b	1%
GROUP VII	10.325	6%	8%+a	b	1%

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. $.66 per hour.

b. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Good Friday; Columbus Day; November Election Day and Veteran's Day.

Remainder of County:

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated), fork lift (factory rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal), hoist (2 or 3 drum), mine hoist, mucking machine or male, overhead crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is muded, he shall be on oiler), tractor drawn belt type loader, truck crane, tunnel shovel

GROUP II: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated) and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity, concrete paver (over 165), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum), Kolman plant loader and similar type loaders (if another man is required to clean screen or to mountain the equipment, he shall be on oiler), locomotive, maintenance/engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cot

GROUP III: A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 200 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, homers (hydraulic-self propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point

GROUP IV: Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 c.f.m. combined capacity), compressor (any size, tust subject to other provisions for compressors), dust collectors, generators pumps, welding machines (3 or less of any combination), concrete paver or mixer (165 and under), concrete saw (self propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler, parapet concrete or pavement grinder, power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor

Remainder of County:

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.70	.45	.45+a	b	.10
GROUP II	8.40	.45	.45+a	b	.10
GROUP III	7.85	.45	.45+a	b	.10
GROUP IV	7.15	.45	.45+a	b	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.30 per hour to an Supplemental Unemployment Benefit Fund.

b. Paid Holidays A through F; providing the works the day day before and after the holiday.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Drivers on LeTourneau tractors, double barrel Euclids, Athey wagon and simi lar equipment (except when hooked to scrapers), low beds, I-Beam, pole trailers, road oil distributors, tire trucks tractors and trailers with 5 axle and over	$7.66	.70	.70	a		
Equipment 25 yards and over up to and including 30 yard bodies, cable dump trailers, powder and dynamite trucks	7.56	.70	.70	a		
Equipment up to and including 24 yards bodies, mixer trucks, dump crete trucks and similar types of equipment, fuel trucks, batch trucks and all other tractor trailers	7.36	.70	.70	a		
Ten wheelers, grease trucks and tiller man	7.26	.70	.70	a		
Straight trucks	7.16	.70	.70	a		
Pick-up trucks used for hauling material parts escort man over the road	7.16	.70	.70	a		
Helpers	7.06	.70	.70	a		

Paid Holidays:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a Holidays: A through F; Washington's Birthday, Election Day; Veteran's Day

SUPERSEDEAS DECISION

STATE: NEW YORK
COUNTY: ERIE
DECISION NO. NY-75-3035
DATE: Date of Publication
Supersedes Decision No. AR-2096 dated December 20, 1974 in 39 FR 44178
DESCRIPTION OF WORK: Building Construction, (Excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.36	.72	55		.04
Boilermakers	9.45	.50	.85		.02
Bricklayers:					
Tonawanda and Grand Island Twps:					
Bricklayers and stone masons	9.79	.55	1.00		
Terrazzo workers & Tile setters	9.41	.55	1.00		
Marble masons	9.505	.55	1.00		
Remainder of County:					
Bricklayers and stone masons	9.79	.55	1.00		
Marble setters	9.505	.55	1.00		
Terrazzo workers & Tile setters	9.41	.55	1.00		
Carpenters, Building:					
Grand Island north of White Haven Road					
Carpenters	9.15	.55	1.05		.02
Millwrights	9.26	.55	1.05		.02
Remainder of County, Building, Heavy and Highway:					
Carpenters, dock carpenters, drivers tenders, millwrights and piledrivermen	8.76	1.25	1.10		
Divers	16.07	1.25	1.10		
Cement masons:					
Building	10.18		.75		
Electricians	10.79	.45	1%+.70		.05
Elevator Constructors	10.555	.445	.29	3%+a+b	.02
Elevator Constructors' helpers	7.39	.445	.29	3%+a+b	.02
Elevator Constructors' helpers (prob.)	5.28				
Glaziers	8.64	.50	.45+g		.05
Ironworkers, structural, ornamental & reinforcing:					
Grand Island to White Haven Road	9.16	.51	.40		.01
Remainder of County	9.61	.75	.78		.04
Lathers	10.92		.10		.01
Lead burners	9.25	.35		c	.01
Line Construction					
Linemen	10.10	.65	12+.60	d	3/8%
Cable splicer	11.11	.65	12+.60	d	3/8%
Groundman digging machine operator	9.17	.65	12+.60	d	3/8%
Groundman mobile equipment	8.30	.65	12+.60	d	3/8%

BUILDING, HEAVY & HIGHWAY CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Line Construction (Cont'd)					
Groundmen truck driver and mechanic	$ 7.90	.65	12+.60	d	3/8%
Groundmen dynamite man	8.30	.65	12+.60	d	3/8%
Marble, Tile & Terrazzo workers' helper	7.76	.50	.40+1		
Painters:					
Grand Island North of White Haven Road:					
Painters, brush	6.945	.425+.45	.60		.01
Spray, Steel steeple jacks, swing scaffold	7.345	.425+.45	.60		.01
Bridge-crossing the Niagara R River	9.86	.425+.45	.60		.01
Sandblasting and waterblasting	7.445	.425+.45	.60		.01
Remainder of County:					
Painters, brush	8.655	.525	.30+j		.10
Steel tanks, towers, stacks, flag poles, radio TV towers	9.155	.525	.30+j		.10
Sandblasting, swing stage, spray bosum chair	8.905	.525	.30+j		.10
Bridges 35' high or in depth of 35' from road level	10.32	.525	.30+j		.10
Plasterers	11.06				
Plumbers	10.41	.53	.52		.04
Roofers:					
Composition, damp waterproofers, sprayers, asphalt mastic, wood block floor workers, steep roofers and siders	8.44	1.09	1.10		.02
Slate, tile precast tile roofers and asbestos	8.27	1.09	1.10		.02
Sheet metal workers	9.98	.40	.95		.08
Soft floor layers	8.20	1.25	1.10		
Sprinkler fitters	10.34	.50	.70		.06
Steam fitters	10.12	.45	1.45		.08
Truck Drivers, Building, Heavy & Highway:					
Contractor drivers	8.695	.50	.55	e+f	
Ready mix	7.965	.375	.55	e+f	
Dump	7.965	.375	.55	e+f	

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F; Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work day immediately preceding and following the holiday.

d. Holidays; A through F; Washington's Birthday; Election Day for President of the United States and election of Governor of New York State, provided employee works the day before.

e. After one year, one weeks vacation; 2 years, 6 days vacation; 3 years, 7 days vacation; up to 2 weeks maximum vacation after completion of the 5th year, full vacations are earned by a driver who works 1040 hours or more in the calendar year, If an employee works less than 1040 hours in any calendar year, vacation will be prorated for either 1 or 2 weeks of vacation on the basis of using the number of hours worked as the numerator and 1040 as the denominator.

f. Paid Holidays, A through F, Friday after Thanksgiving Day except where the employee is laid off 2 or more weeks prior to the holiday, however employees laid off less than 2 weeks prior to election Day will automatically be aligible for the subsequent Friday after Thanksgiving as a paid holiday even though laid off.

g. Employer contributes $.40 per hour to Supplemental Unemployment Benefits fund.

h. Employer contributes $1.05 per hour to a combined Health, Welfare and Supplemental Unemployment Benefit fuod.

FOOTNOTES: (Cont'd)

i. Employer contributes $1.00 per hour to a supplemental unemployment benefit fund.

j. Employer contributes $.45 per hour to a Supplement Unemployment benefit fund.

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	C
BUILDING						
BLASTER; Plumbing Laborer, Wagon Drill Operator; Swing Scaffold	$8.205	.65	1.20		.03	
PNEUMATIC-GAS-ELECTRIC TOOL OP (over 8 feet deep)	8.155	.65	1.20		.03	
MORTAR MIXER	8.105	.65	1.20		.03	
FOUNDATION LABORER (over 8 feet deep); Hod Carriers; Plaster Tender; Plaster Scaffold Builder; Pneumatic Gas-Electric Tool Operator	8.055	.65	1.20		.03	
LABORER	7.955	.65	1.20		.03	
WRECKING						
WAGON DRILL OPERATOR	8.205	.65	1.20		.03	
PNEUMATIC-GAS-ELECTRIC TOOL OPERATORS; Steel Burners	8.055	.65	1.20		.03	
WRECKERS	7.955	.65	1.20		.03	
OPEN CUT SEWER						
BLASTER; Wagon Drill Op	8.205	.65	1.20		.03	
BOTTOM MEN; Pneumatic-Gas-Electric Tool Op.	8.305	.65	1.20		.03	
LABORER; Top Men	7.955	.65	1.20		.03	
CAISSON-SHAFT-COFFERDAMS (OPEN CUT)						
BLASTER; Bottom Men; Wagon Drill Op.	8.205	.65	1.20		.03	
PNEUMATIC-GAS-ELECTRIC TOOL OP.	8.055	.63	1.20		.03	
TOP MEN	7.955	.65	1.20		.03	
STREET-ROAD-WORK						
PAVEMENT FORM SETTER; Wagon Drill Op.	8.205	.65	1.20		.03	
CONCRETE WORKER (Bootmen); Pneumatic-Gas-Electric Tool Op.	8.055	.65	1.20		.03	
LABORER	7.955	.65	1.20		.03	
SOFT GROUND TUNNEL OR JACKING						
BODMEN(reinforce); Welder	8.555	.65	1.20		.03	
LEAD MINER	8.355	.63	1.20		.03	
CONCRETE FORM MOVER: Monkey Hole Man; Side Miner	8.305	.65	1.20		.03	
BOTTOM SHAFT MEN	8.255	.63	1.20		.03	
TUNNEL-SHAFT MUCKER: Shaft Miner	8.205	.63	1.20		.03	
CAR PUSHER: Concrete Placing Crew; & Bull Gangs	8.105	.65	1.20		.03	
TOP MAN	7.955	.65	1.20		.03	
ROCK TUNNEL						
BODMAN (reinforce); Welder	8.555	.65	1.20		.03	
LEAD HEADING ROCK DRILLERS	8.355	.63	1.20		.03	
CONCRETE FORM MOVER; Side Heading Rock Drillers	8.305	.65	1.20		.03	
PLUG HOLE AND ROOF BOLT DRILLERS: Mucking Machine Tender; Tunnel & Shaft Mucker; Shaft Sinking Drillers	8.205	.63	1.20		.03	
BOTTOM SHAFT MAN	8.155	.65	1.20		.03	

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	C
CAR PUSHERS; Bull & Tract Gangs; Concrete Placing Crew	$8.105	.65	1.20		.05	
TOP MAN	7.955	.65	1.20		.05	

BUILDING AND HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS

GROUP I: Crane with a main boom over 160 feet

GROUP II: All boom type equipment, all pan and carry-all operators, Archer Hoist, back and pull hoe operator, blast or rotary drill, track or cat mounted, boiler (when used for power), boom trucks, cableway operator, concrete power machine, crane operator, derrick operator, dragline operator, elevating grader (self-propelled), head tower operator, Hot roller (finish course), hydraulic booms, hydro crane, maintenance engineer, mucking machine operator, multiple drum hoist, (more than 1 drum in use), Peine crane, pile driving machine operator, power grader machine operator, scoopmobile, shovel operator, skimmer operator, test core drill machine, tractor shovel operator, vertical caisson auger drill, well drilling machine

GROUP III: Back filling machine operator, Kolman loader, roller machine operator, snatch and pusher cats, stone crusher, towed or self-propelled rollers, trenching machine operator

GROUP IV: Air hoist operator, cage hoist operator, conveyor operator, conveyor system, (belt-crete or similar), hoisting engine op., house elevator, (when used for hoisting), industrial tractor, locomotive op., (irrespective of power), push button hoist op., Strato tower, tractors (when using winch power)

GROUP V: Concrete mixer op., (½ c.y. or over), gasoline driven boring machine, hydraulic system pumps, hydro hammer, finishing machine op., (asphalt spreader), finishing machine op., pump op., (4" or over), pump op., (2 or 3 in a battery)

GROUP VI: Air compressor operator, (under 160 cu. ft.), air compressor op., (over 160 cu. ft.), generator grount machine operator, heating boiler operator, (used for temporary heat), lubrication unit or truck, mechanical heaters, (when 3 are in a battery), mechanic or repairman, pneumatic mixer op., power plant (in excess of 10KW), welding machine operator, (to and including 3 machines) Bulldozer & tractor, (50 h.p., Monorail

GROUP VII: Bulldozer & tractor, (50 h.p., drawbar or under), jeep trench, mulchers, power brooms and rakes, seeders

GROUP VIII: Firemen

GROUP IX: Truck crane driver

GROUP X: Aggregate bin op., apprentice engineer or oiler, cement bin op., concrete mixer op., (under ½ c.y.), mechanical heaters, (when one or two are used), pump operators (one inch), pump op., (two inches), pump operators, (three inches), tractor machines

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	$10.235	.40	.90		.10
GROUP II	9.735	.40	.90		.10
GROUP III	9.58	.40	.90		.10
GROUP IV	9.54	.40	.90		.10
GROUP V	9.455	.40	.90		.10
GROUP VI	9.30	.40	.90		.10
GROUP VII	9.54	.40	.90		.10
GROUP VIII	9.145	.40	.90		.10
GROUP IX	8.985	.40	.90		.10
GROUP X	8.83	.40	.90		.10
GROUP XI	8.685	.40	.90		.10

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
Master Mechanic	$10.66	.40	.40+a		.10	
Cranes:						
Boom over 100 ft	10.07	.40	.40+a		.10	
Boom over 200 ft	10.57	.40	.40+a		.10	
Boom over 300 ft	11.07	.40	.40+a		.10	
All boom type equipment, all pan and carry-all operators, archer hoist asphalt roller (finish course), asphalt spreader or paver, automatic fine grader machine (C.M.I and similar type), back filling machine operators, back and pull hoe operator, belt placer (C M I. and similar type), brick top plants, blast or rotary drill, track or cat mounted, boiler (when used for power), boom trucks, boring machine operator, bulldozers (all sizes), cableway operator, caisson auger, central mix plant (and all concrete batching plants), cherry picker, concrete paver machine, concrete pump, crane operator, derrick operator, dragline operator dredge, Elevating grader (self-propelled), excavator (all purpose hydraulically operated), fork-lift, front end loader, gradall, grader, head tower operator, hydraulic booms, hydro crane, Lubrication Unit on Truck, maintenance engineer, mucking machine operator, multiple drum hoist (more than 1 drum in use), overhead crane peine crane or similar type, pile driving machine operator, pump crete, push or snatch cats, quarry master or equivalent, ready mix concrete plant, road widener, rock bit sharpener (all types), scoop-mobile, shovel, side boom, skimmer operator, slip form paver (C.M I and similar type), test core drill machine, tire truck and repair, tractor drawn bolt type graders trenching machine, tractor shovel operator, truck crane, tunnel shoval machine, well drilling machine winch, winch truck with A Frame	$9.57	.40	.40+a		.10	

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
Air hoist operator, automated road grade machine (C.M.I. and similar type), belt placer (C.M.I. and type), bending machine (pipe), boring machine operator, bituminous spreader and mixer, cage hoist operator, concrete finishing machine, concrete mixer operator - ½ cu yd or more, concrete saw - self-propelled, concrete spreader, conveyor operator, conveyor system (belt crete or similar), hoisting engine operator, house elevator (when use for hoisting), hydraulic pipe jack machine or similar type machines, hydro hammer or similar types, industrial tractor, kolman loader or similar type machines, locomotive operator mixer for stabilized base self-propelled, monorail, plant engineer, push button hoist operator, roller machine operator, slip form paver (C.M.I. and similar type), smokel stone crushers, strato-tower, towed or self-propelled rollers, tractors (when using winch power), tractors (with towed accessories), tube finisher (C.M.I. and similar type).	9.43	.40	.40+a		.10	
Air compressors (under 160 cu.ft.) air compressors (over 160 cu.ft.) asphalt curb & gutter machines, blower for burning brush, chipping machine and chip spreader, concrete curb and gutter machines, concrete curing machines, generator, grout or gunite machines, heating boiler operator (used for temporary heat) hydraulic rock expander or similar type machines, hydraulic system pumps, mechanical heaters (when 3 are in a battery), motorized hydraulic Pin Puller, pneumatic mixer operator, post hole digger and post driver, power plant in excess of 10 K.W. (not operator (4" of over), pump Operator (2 or 3 in a battery), welding machine-						

NOTICES

16568

16569

HIGHWAY CONSTRUCTION (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Operator (1 within every 300 feet or 2 or 3 machines regardless of amps), well point systems (electric, diesel or gas driven	9.14	.40	.40+a		.10	
Fireman, jeep trencher, motorized hydraulic seeders, mulching machines power broom and rakes, truck crane driver,	8.99	.40	.40+a		.10	
Aggregate bin operator apprentice engineer or oiler, C.M.I. and similar type concrete spreads, cement bin operator, concrete mixer operator (under 7 cu. yd.), mechanical heaters (when one or two are used), pump operator (one inch), pump operator (two inch), pump operator (three inch), revinius widener, steam cleaner, tractor machines	8.54	.40	.40+a		.10	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. Employer contributes $ .50 per hour to a Supplemental Unemployment Benefit fund.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: JEFFERSON
DECISION NO.: NY-75-3036 DATE: DATE OF PUBLICATION
Supersedeas Decision No. AR-2059 dated October 11, 1974 in 39 FR 36773
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$10.05	.60	.21		.02
Boilermakers	10.00	.60	10%		.01
Bricklayers, cement masons, marble masons, plasterers, stone masons, terrazzo workers and tile setters	9.06	.40	.40	a	.02
Carpenters:					
Building:					
Carpenters & soft floor layers	8.35	.40	.40	d	.005
Millwrights	8.60	.40	.40	d	.005
Piledrivermen	8.50	.40	.40	d	.005
Heavy & Highway:					
Carpenters & Piledrivermen	8.42	.40	.40		.025
Cement masons, heavy & highway	8.30	.40	.4		
Electricians:					
Project $10,000 or over:					
Electricians	9.25	.40	1%+.40		.8 of 1%
Cable splicers	9.50	.40	1%+.40		.8 of 1%
Projects under $10,000					
Electricians	8.95	.40	1%+.40		.8 of 1%
Cable splicers	9.20	.40	1%+.40		.8 of 1%
Glaziers	7.11	.50			.01
Ironworkers:					
Antwerp, Philadelphia, Leray, Wilna, Champion:					
Structural, ornamental, reinforcing	9.08	.45	.82		.05
Remainder of County:					
Structural, ornamental, reinforcing	9.51	.47	.57		.10
Laborers: (Building)					
Laborers	6.60	.45	.55	a	
Chain saw op., jackhammer op., scaffold builders, mortar mixers, pipe layers, gas buggy op., wagon drill & wagon jack ops., vibrator ops., and all air or electric tools (electric tools used in place of air tools) used by laborers, hod carriers (for plasterers only)	6.80	.45	.55	e	

Laborers (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Sandblasterers on construction clean up where laborers are ordinarily employed, pot liners and acetylene torch op., on demolition work only	$ 6.80	.45	.55	e	
Blasters	7.20	.45	.55	e	
Lead burners	9.25	.35		b	.01
Line Construction:					
Linemen	10.10	.65	1%+.60	c	3/8 of1%
Cable splicer	11.11	.65	1%+.60	c	3/8 of1%
Groundman digging machine operator	9.17	.65	1%+.60	c	3/8 of1%
Groundman mobile equipment operator	8.30	.65	1%+.60	c	3/8 of1%
Groundman truck driver and mechanic	7.90	.65	1%+.60	c	3/8 of1%
Groundman dynamite man	8.30	.65	1%+.60	c	3/8 of1%
Painters:					
Brush & Roller	6.95	.25	.45		
Swing staging & bosun chair	7.30	.25	.45		
Steel	7.30	.25	.45		
Plumbers and steamfitters	8.30	.32	.50		.025
Roofers:					
Roofers	9.13	.60	.73		
Sheet metal workers	9.955	.32	.70		.07
Sprinkler fitters	9.60	.30	.70		.08
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: B,C,&D; (provided employee has been on the payroll five days prior to the holiday and he reports to work the day following the holiday).

b. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

FOOTNOTES (CONT'D):

c. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (provided employee works the day before and the day after the holiday).

d. Holiday: D; providing the employee was on the payroll the week before the holiday or on the payroll the week after the holiday.

e. Holidays: B,D and E provided employee works the working day before and the working day after the holiday.

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefit Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS:						
Asphalt and blacktop rollers, automated concrete spreader (CMI or equivalent), automated fine grade machine (CMI), backhoe, belt placer, blacktop spreader (such as Barber Greene & Bartlox) blacktop plant (automated), blast or rotary drill (truck or cat mounted), cableway, caisson auger, carry-all-scraper-self loading, central mix plant (automated), cherry picker-over five (5) ton capacity, compressor, pump, generator, or welding machine (when used in a battery of not more than four (4), crane, crusher-rock, derrick, diesel power unit, dragline, dredge, dual drum paver, elevating grader (self-propelled or towed), elevator hoist-two cage, excavator-all purpose-hydraulically operated, fork lift (factory rating 15 ft. or more), front end loader (4 c.y. and over), gradall, grader (power), head tower (saur man or equal), hoist (2 or 3 drums), locomotive, maintenance engineer, maintenance welder, mine hoist, mucking machine or mole, overhead crane-fixed permanent, pile driver, quarry master or equivalent, refrigeration equipment - for soil stabilization, shovel, side boom, slip form paver, tractor drawn belt type loader (Euclid Loader), trenching machine (digging capacity of over 4 ft. depth), truck crane operator, tunnel shovel, vibro or sonic hammer controls (when not mounted in proximity to the rig operator	$8.40	.80	.35	a	.10	
"A" frame truck, blacktop plant (non-automatic), boring machine, bulldozer, cage hoist, carry-all scraper, central mix plant (non-automated), cherry picker -five (5) cons and under, compressor (315 C.F. and over), concrete paver (single drum over 16S), concrete pump, core boring machine, drill rigs-tractor mounted, elevator -as a material hoist, fork lift (factory rating less than 15 ft.), front end loader (under 4 c.y.), gunnite machine, high pressure boiler (15 lbs. and over), hoist (one drum), hydraulic breaking hammer, (drop hammer), kolman plant loader (screening gravel), maintenance grease man, mixer for stabilized base - self-propelled (seaman mixer), monorail machine, parapet concrete or pavement grinder post hole digger (truck or tractor mounted), post driver (truck or tractor mounted), power sweeper (Wayne or similar), pump 4" and over, pump-crete or squeeze-crete, road widner (front end of grader or self-propelled), shell windor (motorized), snorkel (overhead arms), trenching machine (digging capacity						

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefit Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (CONT'D):						
of 4 ft. or less), dugger hoist vibro tamp, well drill, well point system (submersible pumps when used in lieu of well-point system), winch (motor driven), winch cat	7.925	.80	.35	a	.10	
Compressor (under 315 c.f.), concrete paver or mixer (under 16S), concrete pavement spreaders and finishers (not automated), conveyor (over 12 ft.), electric submersible pump (4" and over), farm tractor with or without accessories, fine grade machine (not automated), fireman, form tamper, generator (2,500 watts and over), hydraulic pump, mechanical heaters-more than two (2) mechanical heaters or any mechanical heater or heaters whose combined output exceeds 640,000 BTU per hour (manufacturer's rating), mulching machine, oiler, power driven welding machine - 300 amp. and over (other than all electric), one welding machine under 300 amp. will not require an engineer unless in a battery), power heatersman (hay drier) pump (under 4"), revimius widner (road widener), steam cleaner or jenny, tractor with or without towed accessories	7.15	.80	.35	a	.10	
Crane or derrick with a boom length of over 150 ft. including jib, and on a pile driver with leads or boom length of over 100 ft.	9.40	.80	.35	a	.10	

FOOTNOTES:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day, providing employee has worked 5 consecutive working days before and the working day after the holiday.

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefit Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Laborers and driller helpers	$6.75	.45	.55	a	
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper, pipelayers	6.95	.45	.55	a	
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	7.15	.45	.55	a	
Blastors, form setters, stone or granite curb setters	7.35	.45	.55	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated), fork lift (factory rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal), hoist (2 or 3 drum), mine hoist, mucking machine or mole, overhead crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is nuded, he shall be on oiler), tractor drawn belt type loader, truck crane, tunnel shovel

GROUP II: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated) and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity, concrete paver (over 165), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum), Kolman plant loader and similar type loadere (if another man is required to clean screen or to mountain the equipment, he shall be on oiler), locomotive, maintenance/engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cot

GROUP III: A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 200 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, homers (hydraulic-self propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point

GROUP IV: Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 c.f.m. combined capacity), compressor (any size, bust subject to other provisions for compressors), dust collectors, generators pumps, welding machines (3 or less of any combination), concrete paver or mixer (165 and under), concrete saw (self propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler, parapet concrete or pavement grinder, power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.60	.45	.45+a	b	.10
GROUP II	8.30	.45	.45+a	b	.10
GROUP III	7.75	.45	.45+a	b	.10
GROUP IV	7.05	.45	.45+a	b	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.40 per hour to an Supplemental Unemployment Benefit Fund.

b. Paid Holidays A through F; providing the employee works the working day before and after the holiday.

HEAVY AND HIGHWAY CONSTRUCTION TRUCK DRIVER:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apn. Tr.	Cr...
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, tireman, mechanic helpers and parts chaser	$ 6.90	.50	.45	a		
Tandems and batch trucks, mechanics dispatcher	6.95	.50	.45	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	7.00	.50	.45	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	7.15	.50	.45	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	7.30	.50	.45	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

SUPERSEDES DECISION

STATE: NEW YORK — COUNTY: MONROE

DECISION NO.: NY-75-3037 — DATE: DATE OF PUBLICATION

Supersedes Decision No. AR-2065 dated October 11, 1974 in 39 FR 36803

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

28-New York-1-2-3- X

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$10.31	.73	.35		.03
Boilermakers	9.45	.50	.85		.02
Bricklayers, plasterers & stone masons	10.225	.30	.58		.02
Carpenters & piledrivermen, heavy and highway	8.38	.55	.89		.025
Carpenters, Building	8.87	.45	.70		.005
Cement masons, Building	10.225	.30	.58		.02
Cement masons, Heavy & Highway	8.22	.30	.58		
Electricians	10.45	.50	1%+.25		¼
Elevator Constructors:					
Elevator Constructors	10.615	.445	.29	3%+a+b	.02
Elevator Constructors' helpers	7.43	.445	.29	3%+a+b	.02
Elevator Constructors' helpers (probationary)	5.31				
Glaziers	9.00	.67	.31		.05
Ironworkers:					
Structural, ornamental, reinforcing	9.38	.52	.82		.05
Laborers, Building	7.69	.65	1.10		
Laborers	9.06	.65	1.10		
Blasters	8.09	.65	1.10		
Air track, wagon drill op., asphalt rakers	7.99	.65	1.10		
Jackhammers, mortar mixers, concrete vibrator, pipelayers, burners & cutters for wrecking and demolition	8.68		.50		.01
Lathers	9.25	.35		c	.01
Leadburners					
Line Construction:					
Lineman	10.10	.65	1%+.60	d	3/8%
Cable splicer	11.11	.65	1%+.60	d	3/8%
Groundman digging machine op.	9.17	.65	1%+.60	d	3/8%
Groundman mobile equipment op.	8.30	.65	1%+.60	d	3/8%
Groundman truck driver and mechanic	7.90	.65	1%+.60	d	3/8%
Groundman dynamite man	8.30	.65	1%+.60	d	3/8%
Marble, tile and terrazzo workers	10.80				
Marble, tile and terrazzo workers' helpers	8.48		1.14		
Painters:					
Brush and roller	8.19	.35	.62		.04
Swing scaffold	8.69	.35	.62		.04

28-New York-1-2-3 X

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Painters cont'd.					
Structural steel:					
Up to 40'	8.69	.35	.62		.04
Over 40'	8.89	.35	.62		.04
Spray	8.79	.35	.62		.04
Piledrivermen & millwrights:					
Building	9.68	.85	.59		.005
Plumbers and steamfitters	9.99	.405	1.52	.09	.10
Roofers:					
Roofers	9.90	.39	.39		
Sheet metal workers	10.16	.50	.65		.025
Soft floor layers	8.64	.55	.59		.005
Sprinkler fitters	9.60	.50	.70		.08
Terrazzo machine op.	8.58		1.14		
Truck drivers, Building	8.59	.40	.40		
Welders - Craft rate					

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic houlry rate for 6 months to 5 years of service as Vacation Pay credit.

c. Holidays: A through F; Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F: Washington's Birthday, Election Day for President of the United States and Election of Governor of New York, provided employee works the day before and the day after the holiday.

e. Holidays: A through F and Good Friday.

f. One year's work or more - 1 weeks' vacation; 3 years' work or more - 2 weeks vacation.

g. Holiday D, provided employee works the regular working day preceding the holiday and the regular working day after the holiday.

19-LAB-2-G

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Laborers					
Heavy Construction Excavating Paving:					
Laborers & chuck tenders	$7.21	.65+.40	.65	a	
Asphalt rakers, air track, wagon drill op., curb stone setters, powder monkeys	7.46	.65+.40	.65	a	
Curb cockmen, pipe layers, layers of conduit and all air, electric gas and deisel motor driven tool op.	7.41	.65+.40	.65	a	
Relining of all types of pipe	7.61	.65+.40	.65	a	
Blasters	8.96	.65+.40	.65	a	
Meter setters and meter changers	7.51	.65+.40	.65	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing employee works the working day before and the working day after the holiday.

NY-5-LAB-2-3-1

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Laborers and driller helpers	$6.30	1.05	.65	a	
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper, pipelayers	6.50	1.05	.65	a	
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	6.70	1.05	.65	a	
Blasters, form setters, stone or granite curb setters	6.90	1.05	.65	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

BUILDING CONSTRUCTION --POWER EQUIPMENT OPERATORS :
GROUP I - Cranes (cable and hydraulic, climbing and tower)
I - A 121 ft. and less
I - B 121 ft. and 151 ft.
I - C 151 ft. and 201 ft.
I - D 201 ft. and 251 ft.
I - E 251 ft. and 301 ft.
I - F 301 ft. and 351 ft.
I - G 351 ft. and 401 ft.
I - H 401 ft. and 451 ft.

GROUP II - Air tugger, derrick, dredge, big generator plant, cableway, backhoe, clamshell, dragline, shovel and/similar machines over 3/8 cubic yards capacity (factory rating), bridge crane (all types), caisson auger and similar type machine, forklift (with factory rating of 15 ft. or more of lift), hoist (on steel erection), mucking machines, ross carrier (and similar types), three drum hoist (when all three drums are in use)

GROUP III - A frame truck, backfilling machine, hoist (1 or 2 drums), barber green and similar typer machine, maintenance engineer (mechanic), mechanical slurry machines (all kinds), belt crete and similar type machines, bituminous spreading machine, post hole digger, bulldozer, carry all type scraper, core drill, pumps, (regardless of motive power) no more than (4) in number not to exceed 20 inches in total capacity), fine grade and finish rollers, side boom tractor, stone crusher, compressors: 4 not to exceed 2000 cfm combined capacity 3 or less with more than 1200 CFM, but not to exceed 2000 CFM, concrete mixer, concrete placer, concrete pumps, tournadozer and similar types, crane-hoe-shovel 3/8 yd. capacity or less (factory rating), tournapull and similar types, dinky locomotives (all types), tower-mobile and similar types, elevating grader, elevator trenching machines, fine grade machines (all kinds), welder, front end loader, forklift with factory rating of less than 15 feet of lift, well drill, well point system, high pressure boiler, Exception: single electric pumps up to and including 4 inches not be manned.

GROUP IV - Any combination (not to exceed 3 pieces of equipment), welding, machine or mechanical conveyor (over 12 ft in length), fireman, belt crete generator, mechanical heater, roller (fill & grade), pumps (regardless of motive power) no more than (3) in number, not to exceed twelve inches total capacity, rubber tired tractor, compressor 3 or less, not to exceed 1200 CFM combined capacity, longitudinal float, Exception: single gasoline driven welding machines up to 300 amps need not be manned.

GROUP V - Truck crane oilers

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I:					
I-A	$9.45	.45	.45+.30	a	.10
I-B	9.70	.45	.45+.30	a	.10
I-C	9.95	.45	.45+.30	a	.10
I-D	10.20	.45	.45+.30	a	.10
I-E	10.70	.45	.45+.30	a	.10
I-F	11.20	.45	.45+.30	a	.10
I-G	11.70	.45	.45+.30	a	.10
I-H	12.20	.45	.45+.30	a	.10
GROUP II	9.45	.45	.45+.30	a	.10
GROUP III	9.27	.45	.45+.30	a	.10
GROUP IV	8.175	.45	.45+.30	a	.10
GROUP V	7.35	.45	.45+.30	a	.10

FOOTNOTES:
PAID HOLIDAYS: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day regardless of the day of the week in which the holiday may fall.

16578

NOTICES

EXCAVATING FOR SITE PREPARATION SEWER AND WATER LINES - POWER EQUIPMENT OPERATORS:

GROUP I: Automatic fine grader, backhoe (except tractor mounted, rubber tired), black-top plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker-over 5 ton capacity, crane cranes and derricks (steel erection), dragline, dual drum paver, excavator purpose hydraulically operated, front end loader (4 c. y. and over), hoist, two or three drum, pile driver, power grader with elevating loader attachment, quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel.

GROUP II: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, black-top plant (non-automated), boring machine, cage hoist, central mix plant (non-automated) and all concrete batching plants, cherry picker-5 tons and under, compressors (4 or less) exceeding 2,000 c.f.m. combined capacity, concrete paver over 16S, concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs. and over), hoist, one drum, Kolman plant loader and similar type loaders (if employer requires another man to clean the screen or to maintain the equipment, he shall be an oiler), maintenance engineer, maintenance gresse man, mixer for stabilized base self-propelled, noncrail machine, plant engineer, power grader, pump crete, ready mix concrete plant road widener, roller (all above sub-grader), side boom, tractor scraper, tractor with dozer and/or pusher, trencher, winch, mechanical slurry machine, power broom,

GROUP III: Compressors: 4 not to exceed 2,000 c.f.m. combined capacity; or 3 or less with more than 1,209 c.f.m. but not to exceed 2,000 c.f.m., compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (four of any type or combinations), concrete pavement spreaders and finishers, conveyors, drill, core, drill well electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine fork lift, gunite machine, hammer-hydraulic-self propelled, locomotive, post hole digger and post driver, roller, (grader and fill), tractor with towed accessories, vibrator compactor, vibro tamp, well point, pumps, regardless of motive power, no more than 4 in number not to exceed 20" in total capacity, submersible electric pumps when used in lieu of well points

GROUP IV: Compressors (any size, but subject to other provisions for compressors, dust collectors, generators, welding machine (three or less of any type or combination) concrete mixer (16S or under), concrete saw self propelled, foreman, fore tamper, mulching machine, oiler, power heater-man, revinius widener, steam cleaner, tractor, pumps regardless of motive power, no more than 3 in number not to exceed 12" in total capacity

EXCAVATING FOR SITE PREPARATION SEWER AND WATER LINES POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$9.15	.45	.75	a	.10
GROUP II	8.95	.45	.75	a	.10
GROUP III	8.65	.45	.75	a	.10
GROUP IV	7.90	.45	.75	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F, provided employee works the working day before the working day after the holiday.

16579

NOTICES

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop paver (asphalt), chicago pneumatic tower 4 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated), fork lift (factory rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal), hoist (2 or 3 drum), nine hoist, mucking machine or mole, overhead crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is nuded, he shall be on oiler), tractor drawn belt type loader, truck crane, tunnel shovel

GROUP II: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-autcmated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated) and all concrete batching plants), cherry picker (5 tone capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity, concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum), Kolman plant loader and similar type loaders (if another man is required to clean screen or to mountain the equipment, he shall be on oiler), locomotive, maintenance/engineer/greaseman/ welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with doser and/or pusher, trencher, tugger-hoist, winch, winch cot

GROUP III: A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 200 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, homers (hydraulic-self propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point

GROUP IV: Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 c.f.m. combined capacity), compressor (any size, bust subject to other provisions for compressors), dust collectors, generators pumps, welding machines (3 or less of any combination), concrete paver or mixer (16S and under), concrete saw (self propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler, parapet concrete or pavement grinder, power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.70	.45	.45+a	b	.10
GROUP II	8.40	.45	.45+a	b	.10
GROUP III	7.85	.45	.45+a	b	.10
GROUP IV	7.15	.45	.45+a	b	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.30 per hour to an Supplemental Unemployment Benefit Fund.

b. Paid Holidays A through F; providing the works the day day before and after the holiday.

NOTICES

16680

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, gressers, fireman, mechanic helpers and parts chaser	$ 6.90	.50	.45	a		
Tandems and batch trucks, mechanics dispatcher	6.95	.50	.45	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	7.00	.50	.45	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	7.15	.50	.45	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	7.30	.50	.45	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: NASSAU
DECISION NO.: NY-75-3038 DATE: Date of Publication
Supersedes Decision No. NY-75-3013 dated February 14, 1975 in 40 FR 6939
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

30-NY-1-2-3-A

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.45	13.1%	9%	12%	
Boilermakers	10.57	5%	5%+10%	7%	.01
Bricklayers	9.64	.78	1.33+a	.30	
Carpenters, Building:					
South of the Southern State Parkway in Hempstead Borough:					
Carpenters and soft floor layers	9.86	.95	1.63	.55	.02
Dock builders and Piledrivermen	9.86	.95	1.63	.61	.02
Remainder of County:					
Carpenters, piledrivermen and soft floor layers	9.15	1.30	1.24		.11
Carpenters, Heavy:	9.86	.95	1.63	.55	.02
Carpenters	9.86	.95	1.63	.61	.02
Dock and wharf carpenters	9.86	.95	1.63	.61	.02
Piledrivermen	9.35	1.005	1.005+.50	1.00	.01
Cement masons	10.90	6%	.135	5%	5/8of1%
Electricians and linemen	9.52	.445	.29+b	c+d	.02
Elevator Constructors	7.14	.445	.29+b	c+d	.02
Elevator Constructors' helpers	4.76				
Elevator Constructors' helpers (prob.)	8.75	.445	.29+b	c+d	.02
Elevator Constructors modernization	6.56	.445	.29+b	c+d	.02
Elevator Constructors modernization helpers	7.90	.445	.29+b	c+d	.02
Elevator Constructors repair	5.92	.445	.29+b	c+d	.02
Elevator Constructors repair helpers	9.10	.66	.46+1.20	.365	.03
Glaziers	10.00	1.00	2.20	1.20+p	.04
Ironworkers, structural	9.10	.785	.655+1.10	.75	.01
Ironworkers, reinforcing	8.40	.63	.70+1.335	.76	.03
Ironworkers, ornamental finishers					
Laborers: (Building)	8.00	.74	.83	.69	
Laborers, building	8.00	.74	.83	.69	
Mason tenders	7.05	.125		1.00	
Plasterers' helpers	8.00	.74	.83	.69	
Mortar mixers					

NOTICES

16681

30-NY-1-2-3- A

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Lathers, metal	$ 8.40	.785	.655+1.10	.75	.01
Lead burners	9.25	.35	a		.01
Marble:					
Cutters	7.80	.78	.94		
Carvers	7.95	.78	.94		
Setters	7.80	.78	.94		
Sawyers, rubbers, polishers	7.57	.76	.87		
Derrickmen	7.33	.74	.66+q		
Helpers, crane operator	7.33	.74	.66+q		
Millwrights	9.65	.95	1.53	.55	.02
Painters:					
Inwood, Lawrence, Cedarhurst, Woodmere, Hewlett, Hewlett Bay, Hewlett Neck, Hewlett Park, E. Rockaway, part of Oceanside part of Lynbrook, part of Rockville Center, Atlantic Beach, Long Beach, Lido Beach, Point Lookout, Gibson and part of Valley Stream:					
Painter	8.00	.60	.52+f	.24	
Spray & Scaffold	9.71	.60	.52+f	.24	
Fire escape	9.14	.60	.52+f	.24	
West of Port Washington Blvd. and north of Powerhouse Road on the shore and west of Long Beach Road and south of Sunrise Highway on the South Shore:					
Structural steel	7.50	8%	11%		
Structural steel, spray	8.50	8%	11%		
Remainder of County:					
Painters	8.05	.65	1.30	.50	
Plasterers	8.10	1.00	.40		.01
Plumbers	9.60	.67	.96	.96	.19
Riggers	10.28	7%+1.04			.01

30-NY-1-2-3- A

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Roofers:					
Comp., damp, and waterproofing	$ 8.90	.66	1.98	1.20	.01
Sheet metal workers	10.43	.56	1.67	1.06	.08
Steam fitters	8.655	1.55	13%	10%	.05
Stone masons	9.75	.50	1.00		
Stone derrickmen and riggers	10.28	7%+1.04			.01
Sprinkler fitters	8.655		13%	10%	.05
Terrazzo workers	9.00	1.23	1.68		
Tile setters	8.25	.60	1.95		
Tile setters' helpers	7.42	.50	1.00		
Truck drivers:					
Ready-mix concrete, sand gravel and asphalt	8.02	.7325	1.5825	h+i	
Euclid and Turnapull operator	8.075	.7325	1.5825+.10	h+i	
Tuck pointers:					
tuck-pointers and waterproofers	8.72	.70	1.44	.50	.015
Steam cleaners	8.97	.70	1.44	.50	.015
Sandblasters	9.72	.70	1.44	.50	.015
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

30-NY-1-2-3- A

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

PAID HOLIDAYS:
A-New Year's Day; B-Memorian Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $2.05 per hour to Annuity Fund.

b. Employer contributes $7.00 per day to Annuity Fund.

c. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Armistice Day.

d. Employer contributes 6.4% basic hourly rate for 5 years or more service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

e. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

f. $3.50 per day contribution for each man to special annuity fund.

g. Employer contributes $2.35 per hour combined to the Welfare, Pension and Vacation Fund.

h. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Veteran's Day providing employee works two days in the calendar week in which the holiday falls, and shapes each remaining work day during such calendar week.

i. For each 15 days worked within the contract year an employee will receive one day's vacation with pay, with pay, with a maximum vacation of three weeks per year.

e. Holidays: A through F; Election Day and Washington's Birthday.

p. Holidays: A and F, provided the employee works a full half day preceding the holiday.

q. Employer contributes $.60 per hour to a trust fund and $.15 per hour to an annuity fund.

N.Y. 10-IAB-2-3-N

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Laborers:					
Concrete & curb form setters, asphalt rakers	$ 7.20	10%	10%	.75+a	
Asphalt workers & roller boys, asphalt top shovelers and smoothers, asphalt tampers	7.00	10%	10%	.75+a	
Jackhammers, & drill men, hoppermen, carpenters' tenders, pipe layers and setters, concrete laborers (structures), stone spreading laborers, trackmen, grading & excavating laborers, yard laborers, puddlers on concrete pavement, laborers (other than above) on concrete pavement, landscape laborers, asphalt plant (batcher & hopper men)	6.60	10%	10%	.75+a	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, Columbus Day, Lincoln's Birthday, Washington's Birthday, Veterans' Day; Election Day, provided employee works or shapes up the scheduled day before and the schedule day after the holiday.

N.Y.-5-PEO-1-A 1 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Asphalt spreader	$10.63	6%	1.05	a+b	.15
Backhoe, dragline, gradall, piledriver, shovel	10.905	6%	1.05	a+b	.15
Batching plant (on site of Job), power winch (used for stone or steel), power winch truck mounted (used for stone or steel), pump (concrete)	10.805	6%	1.05	a+b	.15
Bending machine, generator (small), vibrator (1 to 5), dinky locomotive	9.455	6%	1.05	a+b	.15
Boiler, bulldozer, compressor (on crane) compressor (pilework), compressor (stone setting), concrete breaker, conveyor, generator (pilework), loading machine (front end), maintenance engineer, mechanical compactors (machine drawn), powerhouse, power winch truck mounted (used for other than steel or stone), pulvi-mixer, power winch (used for other than stone or steel), pump (double action diaphragm), pump (gypsum), pump (hydraulic pump (jet), pump (single action - 1 to 3), pump (well point), welding and burning, welding machine (pilework)	10.455	6%	1.05	a+b	.15
Boom truck, crane (crawler or truck), conveyor-multi, plant engineer, stone spreader (self-propelled)	10.655	6%	1.05	a+b	.15
Compressor, compressor (2 or more in battery), generator, mulch machine, pin puller, portable heaters, pump (4 inch or over), track tamper (2 engineers each), welding machine	10.205	6%	1.05	a+b	.15
Crane and boom truck (setting structural or stone)	11.03	6%	1.05	a+b	.15
Bulldozer (used for excavation), fireman, loading machine, powerboom, scoop (carry-all scrapper), vac-all	10.08	6%	1.05	a+b	.15
CMI or maxim spreader, concrete spreader, derrick, sideboom tractor	11.005	6%	1.05	a+b	.15
Compressor (structural steel)	10.605	6%	1.05	a+b	.15
Concrete saw or cutter, mixer (with skip) mixer (2 small, with or without skip), pump (up to 3 inches), tractor, caterpillier or wheel	9.705	6%	1.05	a+b	.15

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (CONT'D):					
Crane with clam shell bucket	$10.905	6%	1.05	a+b	.15
Crane, crawler or truck:					
Boom lengths of 100' (including jib) but less than 150'	11.155	6%	1.05	a+b	.15
Boom lengths of 150' (including jib) but less than 250'	11.405	6%	1.05	a+b	.15
Boom lengths of 250' (including jib) but less than 350'	11.655	6%	1.05	a+b	.15
Boom lengths of 350'	12.155	6%	1.05	a+b	.15
Curb machine (asphalt or concrete), curing machine, pump (submersible), tower crane maintenance man	10.40	6%	1.05	a+b	.15
Dredge	10.70	6%	1.05	a+b	.15
Elevator, forklift, hoist (1 drum)	10.83	6%	1.05	a+b	.15
Forklift (walk-behind, power operated)	10.62	6%	1.05	a+b	.15
Grader	10.23	6%	1.05	a+b	.15
Hoist (2 and drum)	10.97	6%	1.05	a+b	.15
Hoist (multiple platform)	13.50	6%	1.05	a+b	.15
Mechanical compactors (hand operated), trench machine (hand)	9.08	6%	1.05	a+b	.15
Hoist tandem platform	11.88	6%	1.05	a+b	.15
Hydra-hammer, ridge cutter	9.62	6%	1.05	a+b	.15
Lead engineer	12.105	6%	1.05	a+b	.15
Loading machine (with capacity of 10 yds or over	10.33	6%	1.05	a+b	.15
Oiler, stump chipper	9.105	6%	1.05	a+b	.15
Power buggies	9.33	6%	1.05	a+b	.15
Roller, trench machine	10.705	6%	1.05	a+b	.15
Scoop, carry-all, scraper in tandem	11.08	6%	1.0	a+b	.15
Sideboom tractor (used in tank work)	11.165	6%	1.0	a+b	.15
Striping machine	10.13	6%	1.0	a+b	.15
Tank work	10.93	6%	1.0	a+b	.15
Tower crane (engineer)	11.46	6%	1.05	a+b	.15
Tower crane (oiler)	8.955	6%	1.05	a+b	.15
Welding machine, structural steel	10.68	6%	1.05	a+b	.15

PAID HOLIDAY:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day and Veterans' Day.
b. Basic hourly rate includes $1.00 vacation fund.

16584

NOTICES

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS:						
Asphalt spreader, boom truck, boring machine (other than post holes), CMI or maxim spreader, crane (crawler or truck), conveyor (multi), plant engineer, concrete spreader, sideboom tractor, stone spreader, (self-propelled), cherry picker	$10.83	6%	1.25	a+b	.15	
Backhoe, crane (stone setting), crane (structural steel), dragline, gradall, piledriver, road paver, shovel	11.20	6%	1.25	a+b	.15	
Batching plant (on site of job), crane (on barge), derrick, sideboom tractor (used in tank work), tank work	11.055	6%	1.25	a+b	.15	
Bending machine, mechanical compactors (hand operated), pump (centrifugal, up to 3 inches), trench machine (hand)	8.58	6%	1.25	a+b	.15	
Boiler	10.33	6%	1.25	a+b	.15	
Boring machine (post holes)	10.77	6%	1.25	a+b	.15	
Bulldozer, concrete finishing machine, conveyor, curb machine (asphalt or concrete), curing machine, dinky locomotive, fireman, forklift, hoist (1 drum), loading machine, maintenance engineer, pulvi-mixer, pump (4 inches or over), pump (hydraulic), pump (jet) pump (submersible), pump (well point), roller (5 ton and over), scoop (carry-all, scraper), maintenance man (tower crane), vac-all, welding and burning	10.02	6%	1.25	a+b	.15	
Compressor (on crane), generator (pile work), welding machine (pile work), power winch (used for other than stone or structural steel), power house, loading machine (front end), compressor (pile work), power winch (truck mounted, used for other than stone or steel), hoist (2 drum)	10.555	6%	1.25	a+b	.15	
Compressor (2 or more in battery)	10.25	6%	1.25	a+b	.15	
Compressor (stone setting), compressor (structural steel), welding machine (structural steel)	10.715	6%	1.25	a+b	.15	
Compressor, mulch machine, pin puller, pump (double action diaphragm), pump (gypsum), pump (single action 1 to 3), striping machine, welding machine	9.645	6%	1.25	a+b	.15	

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (Cont'd.):						
Concrete breaker, concrete saw or cutter, forklift (walk-behind, power operated), hydra hammer, mixer (with skip) mixer (2 small with or without skips), mixer (2 bag or over with or without skip), power buggies, power grinders, ridge cutter	$ 8.93	6%	1.25	a+b	.15	
Dredge	10.665	6%	1.25	a+b	.15	
Generator	9.94	6%	1.25	a+b	.15	
Generator (small)	8.615	6%	1.25	a+b	.15	
Grader	10.235	6%	1.25	a+b	.15	
Hoist (3 drum), power winch (truck mounted, used for stone or steel), power winch (used for stone setting and structural steel), trench machine	11.045	6%	1.25	a+b	.15	
Lead engineer	12.93	6%	1.25	a+b	.15	
Mechanic	8.635	6%	1.25	a+b	.15	
Mechanic helper	8.295	6%	1.25	a+b	.15	
Mechanical compactors (machine drawn), roller (over 5 tons)	10.37	6%	1.25	a+b	.15	
Oiler, root cutter, stump chipper, tower crane (oiler), track tamper (2 engineers, each)	8.62	6%	1.25	a+b	.15	
Portable heaters	10.195	6%	1.25	a+b	.15	
Powerpruner	9.075	6%	1.25	a+b	.15	
Pump (concrete)	10.29	6%	1.25	a+b	.15	
Scoop (carry-all, scraper in tandem), tower crane (engineer)	11.455	6%	1.25	a+b	.15	
Tractor (caterpilla or wheel)	8.405	6%	1.25	a+b		

FOOTNOTE:
a. Paid Holidays: New Year's Day; Lincoln's Birthday; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Election Day; Veterans' Day; Thanksgiving Day and Christmas Day.
b. Basic hourly rate includes $1.00 vacation fund.

16585

NOTICES

SUPERSEDEAS DECISION

STATE: NEW YORK
COUNTY: NIAGARA
DECISION NO. NY-75-3039
DATE: Date of Publication
Supersedeas Decision No. NY-75-3014 dated February 14, 1975 in 40 FR 6944
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

32-New York-1-2-3-Z 1 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.36	.72	.55		.04
Boilermakers	9.45	.50	.95		.02
Bricklayers:					
North Tonawanda:					
Bricklayers & stone masons	9.79	.55	1.00		.01
Terrazzo workers & tile setters	9.41	.55	1.00		
Marble setters	9.505	.55	1.00		
Remainder of County:					
Bricklayers & stone masons	9.57	.42	.52		
Marble masons, terrazzo works & tile setters	9.33	.42	.52		
Carpenters: Building					
North Tonawanda:					
Carpenters and millwrights	8.78	1.25	1.10		
Soft floor layers	8.20	1.25	1.10		
Remainder of County:					
Carpenters & soft floor layers	9.15	.55	1.05		.02
Millwrights	9.26	.55	1.05		.02
Carpenters, Heavy & Highway					
North Tonawanda:					
Carpenters, piledrivermen	8.78	1.25	1.10		
Remainder of County:					
Carpenters & Piledrivermen	7.42	1.10	.70		.02
Cement masons	9.57		.40+.56		
Electricians:					
Electricians	10.78	.35+.20	1%+.30		½ of 1%
Cable splicers	11.28	.35+.20	1%+.30		½ of 1%
Elevator constructors	10.355	.445	.29	3%+a+b	.02
Elevator constructors' helpers	7.39	.445	.29	3%+a+b	.02
Elevator constructors' helpers (prob.)	3.28				
Glaziers	8.64	.50	.90		.05
Ironworkers:					
Structural, ornamental & reinforcing	9.66	.51	.40		.01
Lathers	10.155		.20		
Lead burners	9.25	.35		c	.01

32-NY-1-2-3-A 2 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Linemen:					
Linemen	$10.10	.65	1%+.60	d	3/8%
Groundman digging machine operator	9.17	.65	1%+.60	d	3/8%
Groundman mobile equipment op operator	8.30	.65	1%+.60	d	3/8%
Groundman truck driver and mechanic	7.90	.65	1%+.60	d	3/8%
Groundman dynamite man	8.30	.65	1%+.60	d	3/8%
Cable splicer	11.11	.65	1%+.60	d	3/8%
Marble, tile and terrazzo workers' helpers	7.36	.40	1.40		
Painters:					
Twps., of Somerset, Hartland, Royalton, New Fane, Lockport, Pendleton and the eastern half of Cambria and Wilson:					
Brush	8.655	.525+.45	.30		.10
Steel, tanks, towers, stacks, flag poles, radio TV towers	9.155	.525+.45	.30		.10
Sandblasting, swing stage spray, bosun chair	8.905	.525+.40	.30		.10
Bridges 35' high or in depth of 35' from road level	10.32	.525+.40	.30		.10
Remainder of County:					
Brush	6.945	.525+.40	.30		.10
Spray, steel steeple jack, swing scaffold	7.345	.525+.40	.30		.10
Bridge-crossing the Niagara River	9.86	.525+.40	.30		.10
Piledrivermen:					
Piledrivermen, dock carpenters and drivers' tenders	8.78	1.25	1.10		
Drivers	16.07	1.25	1.10		
Plasterers	10.41				
Plumbers and Steamfitters	10.30	.575	.60		.025
Roofers:					
Composition, damp, waterproofers sprayers, asphalt mastic, wood block floor workers, steen roofers & siders	8.44	1.09	1.10		.02

32-New York-1-2-3-A 3 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Slate, tile, asbestos & pre-cast	$ 8.27	1.09	1.10		.02
Sheet metal workers, commercial	9.98	.40	.95		.08
Sprinkler fitters	10.34	.50	.70		.06
Truck Drivers:					
Building, heavy & highway:					
Contractor drivers	8.695	.50	.55	e + f	
Ready mix	7.965	.50	.55	e + f	
Dump	7.925	.50	.55	e + f	
Welders-Craft Rate					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate after 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F; Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular schedule work days immediately preceding and following the holiday.

d. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York State (provided employee works the day before and after the holiday.

e. After one year, one weeks vacation; 2 years, 6 days vacation; 3 years, 7 days vacation; up to 2 weeks maximum vacation after completion of the 5th year, full vacations are earned by a driver who works 1040 hours or more in the calendar year, vacation will be prorated for either 1 or 2 weeks of vaction on the basis of using the number of hours worked as the numerator and 1040 as the denominator.

f. Paid Holidays, A through F, Friday after Thanksgiving Day except where the employee is laid off 2 or more weeks prior to the holiday, however employees laid off less than 2 weeks prior to election Day will automatically be eligible for the subsequent Friday after Thanksgiving as a paid holiday even though laid off.

NY-6-LAB-1-2e3-C

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Building, Heavy, Highway & Airport Construction:					
Laborers	$7.43	.60	1.55		
Form setter, wagon drill opr., road finishers, blasters, gunite nozzlemen, operator of concrete saw burning torch	7.93	.60	1.55		
Pipelayers, pavement breakers or busters, jackhammer operators, Barco rammers, chain-saw, powder monkey, black top rakers, scalers, drill helpers, mortar mixers, swing scaffold, bosun chair, suspended cage or bucket, caissons below 8 ft, concrete motor buggy, all other operators of mechanical tools, including vibrators regardless of type of power	7.63	.60	1.55		
Rock Tunnel Free Air:					
Driller, shaft driller	7.78	.60	1.55		
Chucker, mucking machine tender, shaft mucker	7.68	.60	1.55		
Nipper, car pusher-tramer, track gang, bull gang, cage man, concrete gang, powder monkey	7.63	.60	1.55		
Blasters, burning torch on demolition	7.93	.60	1.55		
Rodman	8.03	.60	1.55		

16586 NOTICES
16587 NOTICES

BUILDING, HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Road rollers (over 7 tons) when used on blacktop, crane work, shovels, derricks, steel erection, overhead or bridge cranes and clam buckets, all excavating machines, trenchers, backfillers, cableways, draglines, backhoes, pileoriving rigs, post drivers (except truck mounted), concrete mixer one yard and over, tunnel mucking machines, all tractors used in connection with scoper wagons, snowloader, all repair work or maintenance work under the supervision of a master mechanics, lubriation engineers, winch tractors, bulldozers, graders, blacktop spreaders, air-hoist commonly known as air tuggers when hoisting materials provided an engineer operates both machines and also provided the compressor and tugger are not separated by more than one hundred feet, front and back loaders (except small types), power driver stone spreaders, portable stone crushers, crawler or rubber tire tractor with blade or bucket and crane boom or hoe boom or shovel boom attached (except farm typed crawler or rubber tire tractor unless used with hydraulic backhoe), compressor with paving breaker attached, graders with buildozer blades, multiple drum hoist with air compressor when used simultaneously and for any make portable concrete batching machine, automatic batch plant op., concrete spreader op., finishing machine op., form puller, self propelled rollers if on blacktop, scraper, either double or single bowl, CMI grading machine, truck mounted concrete pump, self-propelled riding vibrators, hydraulic concrete joint jammer, Rolman loaders, concrete planers, mechanic, wilder, euclid type belt loaders, mechanical and hydraulic pipe pushing machine, scoop-mobiles, fortlifts and hoist which lift higher than 25 feet.

GROUP II: Elevators, material hoist, road rollers except as prescribed in group I, tractors, pavement busters, jeep trenches, pumps over 4 inches, concrete blowers, air compressors over 165 cubic ft., compressors when used in banks of (2) and not over (3) within a 50 foot radius if such is possibla, but atleast within a 100 foot radius, and if fuel is stored it will be stored within the same radius, gunite machines, locomotives, scoop-mobiles (when used as a stationary hoist or one which does not lift over twenty five feet, concrete pumps, conveyors, gas or diesel driven temporary lighting and power systems of 25 kilowatt capacity or over, stone crushers and winch hoist mounted on trucks, all earth drills, le tourneau turnatrailers, highlift hoist which does not lift over 25 feet, gasoline haaters used in banks of (2) and not over (3) within an area of 100 foot radius, and for (2) but not over (3) gasoline or diesel driven welding machines, trenchers on the back of a jeep, small trenchers which excavate to a depth of not more than 4 feet, truck mounted post drivers, snow-go, small front and back loaders, small type crawler or rubber tire tractor with blade or bucket not to exceed ½ yd. capacity, single drum hoist for hoisting materials other than steel, pug machine, pin puller, self propelled rollers not on blacktop and under 7 tons, bobcat loader or forklift which does not lift over twenty five feet.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS (CONT'D):

GROUP III: Oilers on (shovels, cranes, draglines, backhoes (over 3/4 cu. yds.) dredges, derrick boats, pavers (excluding stationary set-ups), trenching machines, pile drivers, quarry master (or its equivalent), hydrcranes, automated batch plants (wet or dry mix plants), compressors (165 cu. ft. per minute or under), pumps up to and including 4 inchas.

GROUP IV: A truck crane oiler will be provided on rubberized equipment, when there is a separate cab to the house

GROUP V: Steam Boiler Operator

Building, Heavy & Highway Construction Power Equipment Operator's	Basic Hourly Rate	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$9.47	.40	.40+.40	a	.10
GROUP II	8.90	.40	.40+.40	a	.10
GROUP III	7.96	.40	.40+.40	a	.10
GROUP IV	8.15	.40	.40+.40	a	.10
GROUP V	8.60	.40	.40+.40	a	.10

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; (providing employee works the day before and the day after the holiday.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: ONEIDA

DECISION NO. NY-75-3040 DATE: DATE OF PUBLICATION

Supersedes Decision No. AR-2066 dated October 11, 1974 in 39 FR 36808
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

33-New York-1-2-3 X 1 of 4

BUILDING, HVY. & HWY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	10.05	.60	.21		.02
Boilermakers	10.00		10%		.01
Bricklayers					
Twps. of Remsen, Trenton, Marcy, Dearfield, New Hartford, Paris, Bridgewater, Sangerfield, Marshall, Kirland & Whitestown & Forestport:					
Bricklayers, cement masons, plasterers and atone masons	7.95	.30	.50+1.00		
Cement masons, Heavy & Highway	8.30	.25	.50		
Remainder of County:					
Bricklayers, cement masons, plasterers & stonemasons	8.80	.45	.20		
Cement masons, heavy & highway	8.50	.40	.20		
Carpenters, building:					
Carpenters & soft floor layers	8.25	.30	.30	g	.03
Piledrivermen & millwrights	8.50	.30	.30	g	.03
Carpenters, heavy and highway	8.62	.30	.30	g	.025
Electricians:					
Sylvian Beach, Hillsboro, McConnewille and North Bay	9.75	.42	1%+.55	.045	.05
Remainder of County	9.66	.35	1%+.29		.04
Elevator constructors	9.195	.395	.26	2½%+a+b	.02
Elevator constructors' helper	6.44	.395	.26	2½%+a+b	.02
Elevator constructors' helpers (prob)	4.60				
Ironworkers:					
Structural, ornamental & reinforcing	9.08	.45	.57		.05
Laborers, building:					
Twps. of Forestport, Remsen, Trention, Marcy, Deerfield, Whitestown, New Hartford, Kirkland, Marshall, Harris, Sangerfield and Bridgewater:					

NY-75-3040 P. 2

33-New York-1-2-3-X 2 of 4

BUILDING, HVY. & HWY. CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers, building Cont'd:					
Laborers	$ 6.10	.60	.90		
Pipelayers, asphalt rakers, mortar mixers (hand or machine), motor buggy op. (walk behind), power high lift, mason tender and power tool operator	6.25	.60	.90		
Blasters, form setters, motor buggy rider type	6.60	.60	.90		
Wagon drill operator, acetylene torch, chain-saw op., & wagon drill operator	6.50	.60	.90		
Remainder of County:					
Laborers	6.675	.35	.50		
Jackhammermen & excavation 8' or more in depth	6.575	.35	.50		
Lead burners	9.25	.35		c	.01
Linemen:					
Linemen, cable splicer helpers & material man	10.10	.65	1%+.60	d	3/8%
Cable splicers	11.11	.65	1%+.60	d	3/8%
Groundman digging machine operator	9.17	.65	1%+.60	d	3/8%
Groundman mobile equipment operator	8.30	.65	1%+.60	d	3/8%
Groundman truck driver & mechanic	7.90	.65	1%+.60	d	3/8%
Groundman dynamite man	8.30	.65	1%+.60	d	3/8%
Marble setters, terrazzo workers & tile setters	7.67	.30	.50		
Painters:					
Twps. of Vienna, Western, Rome, Westmoreland, Steuben, Augusta, Annsville, Ava, Lee, Verona, Vernon, Floyd and Boonsville:					
Brush	6.90	.30	.35		
Roller	6.90	.30	.35		
Steel and sandblasting	7.40	.30	.35		
Spray	7.30	.30	.35		

33-New York-1-2-3 X 3 of 4

BUILDING, HVY & HWY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Painters: (Cont'd)					
Remainder of County:					
Brush	7.70	.175	.30		
Structural steel and roller	7.95	.175	.30		
Spray	8.30	.175	.30		
Sandblasting	8.70	.175	.30		
Plumbers and Steamfitters:					
Twps. of Florence, Steuben, Camden, Vienna, Ava, Rome, Boonsville, Annsville, Verona, Lee, Westmorelan, Western, Vernon, Augusta, and Kirkland	8.81	.70	1.00	.50	.01
Remainder of County	10.08	.35	.70		.01
Roofers:					
Roofers	9.15	.60	.75		
Helpers: 1st 30 days	7.28	.35	.45		
Next 60 days	7.40	.35	.45		
Sheet metal workers	9.345	.34	.60		.07
Sprinkler fitters	9.60	.50	.70		.08
Truck drivers, building:					
Straight, winch, transit-mix on site, road oilers, dumpers, pick-up panel, water & fuel on site	4.55			•	
Lowboy or lowboy trailer	4.70			•	
Euclid	4.80			•	
Welders - receive rate prescribed for craft performing operation to which welding is incidental					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York State (provided employee works the day before and the day after the holiday).

e. One week vacation after one year's work.

f. Two hours off on Election Day.

g. Labor Day and Memorial Day paid

Twps. of Florence, Camden, Annsville, Lee, Ava, Boonville, Western, Steuben, Vienna, Rome, Floyd, Westmoreland, Vernon, Augusta and Verona.

NY-7-LAB-2-3-J

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Laborers and driller helpers	$7.00	.50	.50	a	
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and airtool operators, bull float tamper, pipelayers	7.20	.50	.50	a	
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	7.40	.50	.50	a	
Blasters, form setters, stone or granite curb setters	7.60	.50	.50	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

NY-23-LAB-2-3-I

REMAINDER OF COUNTY HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Laborers and driller helpers	$6.20	1.10	.70	a	
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and airtool operators, bull float tamper, pipelayers	6.40	1.10	.70	a	
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	6.60	1.10	.70	a	
Blasters, form setters, stone or granite curb setters	6.80	1.10	.70	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Asphalt and blacktop cutter, automated concrete spreader (CMI or equivalent), automated fine grade machine (CMI), backhoe, belt placer, blacktop spreader (such as Barber Greene & BawKnox) blacktop plant (automated), blast or rotary drill (truck or cat mounted), boom truck, cableway, caisson auger, carry-all-scraper-self loading, central mix plant (automated), cherry picker-over five (5) ton capacity, compressors, pump, generator, or welding machine (when used in a battery of not more than four (4), crane, crusher-cook, derrick, diesel power unit, dragline, dredge, dual drum paver, elevating grader (self-propelled or towed), elevator hoist-two cage, excavator-all purpose-hydraulically operated, fork lift (factory rating 15 ft. or more), front end loader (4 c.y. and over), gradall, grader (power), head tower (saur man or equal), hoist (2 or 3 drums), locomotive, maintenance engineer, maintenance welder, mine hoist, mucking machine or mole, overhead crane fixed permanent, pile driver, quarry master or equivalent, refrigeration equipment - for soil stabilization, shovel, side boom, slip form paver, straddle buggy (ross carrier, lumber carrier) tractor drawn belt type loader (Euclid Loader), trenching machine (digging capacity of over 4 ft. depth), truck crane operator, tunnel shovel, vibro or sonic hamaer controls (when not mounted in proximity to the rig operator

GROUP II: "A" frame truck, blacktop plant (non-automatic), boring machine, bulldozer, cage hoist, carry-all scraper, central mix plant (non-automated), cherry picker five (5) tons and under, compressor (315 C.F. and over), concrete paver (single drum over 16S), concrete pump, core coring machine, drill rigs-tractor mounted, elevator-as a material hoist, fork lift (factory rating less than 15 ft.), front end loader (under 4 c.y.), gunnite machine, high pressure boiler (15 lbs. and over), hoist (one drum), hydraulic breaking hammer, (drop hammer), Kolman plant loader (screening gravel), maintenance grease man, mixer for stacilized base - self-propelled (seaman mixer), monorail machine, perapet concrete or pavement grinder post hole digger (truck or tractor mounted), post driver (truck or tractor mounted), power sweeper (Wayne or similar), pump 4" and over, pump-crete or squeeze-crete, road widner (front end of grader or self-propelled), shaal winder (motorized), snorkel (overhead arms), roller, trenching machine (digging capacity of 4 ft. or less), tugger hoist vibro tamp, well drill, well point system (Submersible pumps when used in lieu of well-point system), winch (motor driven), winch cat, winch truck

GROUP III: Compressor (under 315 c.f.), concrete paver or mixer (under 16S), concrete pavement spreaders and finishers (not automated), conveyor (over 12 ft.), electric submersible pump (4" and over), farm tractor with or without accessories, fine grade machine (not automated), fireman, form tamper, generator (2,500 watts and over), hydraulic pump, mechanical heaters-more than two (2) mechanical heaters or any mechanical heater or heaters whose combined output exceeds 640,000 BTU per hour (manufacturer's rating), mulching machine, oiler, power driven welding machine - 300 amp. and over (other than all electric), one welding machine under 300 amp. will not require an engineer unless in a battery), power hosterman (hay drier) pump (under 4"), revinius widner (road widener), steam cleaner or jenny, tractor with or without towed accessories

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D:

GROUP IV: Crane or derrick with a boom length of over 150 ft. including jib, and on a pile driver with leads or boom length of over 100 ft.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.43	.45	.85	a	.10
CLASS II	8.93	.45	.85	a	.10
GROUP III	8.01	.45	.85	a	.10
GROUP IV	10.43	.45	.85	a	.10

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day, providing employee has worked 5 consecutive working days before and the working day after the holiday.

NOTICES

16592

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Automatic concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (wheel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated), fork lift (factory rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal), hoist (2 or 3 drum), mine hoist, mucking machine or mole, overhead crane (gantry or straddle type), piledriver, power gritter, quarry master (or equivalent), scraper, shovel, stiffleg, slip form paver (if second man is used, he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel

GROUP II: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or [illegible] tractor mounted), boring machine, cableyhoist, central mix plant (non-automated) and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) the equivalent 2000 C.F.M. combined capacity, concrete paver (over 16S), concrete pump (under 8"), crushers, curacl power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum), Holland plant loader and similar type loaders (if sauerman man is employed to clean bottom or to maintain the equipment, he shall be an oiler), locomotive, [illegible]/trimmer/greaseman/ welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, recin min concrete plant, refrigeration equipment for soil stabilization), road widener, roller (all above six tons), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat

GROUP III: A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1600 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete pavement spreaders and finishers, generator, drill-core, drill-well, electric pumps used in conjunction with well points system, farm tractor with accessories, fire pump - mono, form tamp (under 15 cu.), gunite trucks, heaters (mechanical - more than one), [illegible] and hose heater, power sweeper, roller (over 10 ft.), [illegible] in lieu of well point system, system with two 6 inch headers, vibratory compactor, vibro tamp, well points

GROUP IV: Asphalt plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1600 c.f.m. combined capacity), compressor (any size, but subject to other provisions for compressors), dust collectors, generators pumps, welding machines (3 or less of any combination), concrete mixer or mixer (16S and under), concrete saw (self propelled), fireman, form tamper, hydraulic pump (feeding system), [illegible] plants, pulverizer mixer, oiler, pavement concrete or pavement grinder, post hole digger (towed), power hosterman, revinius widener, shell winder, steam cleaner, tractor

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.60	.45	.45+a	b	.10
GROUP II	8.30	.45	.45+a	b	.10
GROUP III	7.75	.45	.45+a	b	.10
GROUP IV	7.05	.45	.45+a	b	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Employer contributes $.40 per hour to an Supplemental Unemployment Benefit Fund.

b. Paid Holidays A through F; providing the employee works the working day before and after the holiday.

NOTICES

16593

N.Y. 1-TD-2-3 - H

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other:
TRUCK DRIVERS:						
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, tiremen, mechanic helpers and parts chaser	$6.90	.50	.45	a		
Tandems and batch trucks, mechanics dispatcher	6.95	.50	.45	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks end dumpcrete type vehicles	7.00	.50	.45	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	7.15	.50	.45	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	7.30	.50	.45	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: ONONDAGA

DECISION NO.: NY-75-3041 DATE: DATE OF PUBLICATION

Supersedeas Decision No. AR-2067 dated October 11, 1974 in 39 FR 38814
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

34-N.Y.-1-2-3-Y 1 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$10.05	.47	.21		.02
Boilermakers	10.00	.60	10%		.01
Bricklayers and stone masons	9.10	.61	.70		.03
Carpenters, (Building)	9.07	.55	.60		.05
Carpenters and piledrivermen, heavy and Highway	8.67	.55	.60		.025
Cement masons, building		.60	.50		
Cement masons, heavy and highway	6.78	.40	.40		.01
Electricians:					
Elebridge and Skaneateles Twps.	9.73	.55	1%+.35		.05
Remainder of County	9.75	.42	1%+.80	.045	.05
Elevator constructors	9.92	.445	.29	3%+a+b	.02
Elevator constructors' helpers	6.94	.445	.29	3%+a+b	.02
Elevator constructors' helpers (prob.)	4.96				
Glaziers	9.00	.50			.01
Ironworkers, structural, ornamental and reinforcing	9.51	.47	.57		.10
Laborers, Building:					
Laborers	7.60	.55	.55		
Air tool op., (jackhammermen, vib.) plasterers' helpers, gas buggies, mortar mixers (hand & machine), chipping hammer, automatic tampers	7.70	.55	.55		
Lathers	8.915	.325	.40		.01
Lead burners	9.25	.35		c	.01
Linemen:					
Linemen	10.10	.65	1%+.60	d	3/8%
Groundman digging machine operator	9.17	.65	1%+.60	d	3/8%
Groundman mobile equipment operator	8.30	.65	1%+.60	d	3/8%
Groundman truck driver and mechanic	7.90	.65	1%+.60	d	3/8%
Cable splicer	11.11	.65	1%+.60	d	3/8%
Groundman dynamite man	8.30	.65	1%+.60	d	3/8%
Marble setters	9.915	.61	.70		
Millwrights	9.225	.55	.60		.05
Painters:					
Brush	8.58	.60	.45		
Structural steel	9.18	.60	.45		
Spray	9.08	.60	.45		
Plumbers	9.10	.51	.57		.15
Roofers:					
Roofers	9.15	.60	.75		
Helpers: 1st 30 days	7.28	.35	.45		
Helpers: next 60 days	7.40	.35	.45		
Sheet metal workers	9.955	.52	.70		.07

NY-75-3041 P. 2

34-N.Y.-1-2-3-Y 2 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Soft floor layers	$ 8.47	.55	.60		.02
Sprinkler fitters	9.05	.40	.60		.07
Steamfitters	9.945	.30	.30		.025
Terrazzo workers	7.915	.61	.70		
Tile setters	7.915	.61	.70		
Truck Drivers: (Building)					
Truck drivers	8.00	.40	.50		
Mechanics	8.20	.40	.50		
Euclids	8.25	.40	.50		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (providing employee works the day before and the day after the holiday).

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Asphalt mix blacktop roller, automated concrete spreader (CMI or equivalent), automated fine grade machine (CMI), backhoe, belt placer, blacktop spreader (such as Barber Greene & Bawmac) blacktop plant (automated), blast or rotary drill (truck or cat mounted), boom truck, cableway, caisson auger, carry-all-scraper-self loading, central mix plant (automated), cherry picker-over five (5) ton capacity, compressors, pump, generator, or welding machine (when used in a battery of not more than four (4), crane, crawler-cock, derrick, diesel power unit, dragline, dredge, dual drum paver, elevating grader (self-propelled or towed), elevator hoist-two cage, excavator-all purpose-hydraulically operated, fork lift (factory rating 15 ft. or more), front end loader (4 c.y. and over), gradall, grader (power), head tower (sauerman or equal), hoist (2 or 3 drums), locomotive, maintenance engineer, maintenance welder, mine hoist, mucking machine or mole, overhead crane fixed permanent, pile driver, quarry master or equivalent, refrigeration equipment - for soil stabilization, shovel, side boom, slip form paver, straddle buggy (pipe carrier, lumber carrier) tractor drawn belt type loader (Euclid Loader), trenching machine (digging capacity of over 4 ft. depth), truck crane operator, tunnel shovel, vibro or sonic hammer controle (when not mounted in proximity to the rig operator

GROUP II: "A" frame truck, blacktop plant (non-automatic), boring machine, bulldozer, cage hoist, carry-all scraper, central mix plant (non-automated), cherry picker five (5) tons and under, compressor (315 C.F. and over), concrete paver (single drum over 16S), concrete pump, core boring machine, drill rigs-tractor mounted, elevator-as a material hoist, fork lift (factory rating less than 15 ft.), front end loader (under 4 c.y.), gunnite machine, high pressure boiler (15 lbs. and over), hoist (one drum), hydraulic breaking hammer, (drop hammer), Koiman plant loader (screening gravel), maintenance grease man, mixer for stabilized base - self-propelled (seaman mixer), monorail machine, parapet concrete or pavement grinder post hole digger (truck or tractor mounted), post driver (truck or tractor mounted), power sweeper (Wayne or similar), pump 4" and over, pump-crete or squeeze-crete, road widner (front end of grader or self-propelled), shell winder (motorized), snorkel (overhead arms), roller, trenching machine (digging capacity of 4 ft. or less), tugger hoist vibro tamp, well drill; well point system (Submersible pumps when used in lieu of well-point system), winch (motor driven), winch cat, winch truck

GROUP III: Compressor (under 315 c.f.), concrete paver or mixer (under 16S), concrete pavement spreaders and finishers (not automated), conveyor (over 12 ft.), electric submersible pump (4" and over), farm tractor with or without accessories, fine grade machine (not automated), fireman, form tamper, generator (2,500 watts and over), hydraulic pump, mechanical heaters-more than two (2) mechanical heaters or any mechanical heater or heaters whose combined output exceeds 640,000 BTU per hour (manufacturer's rating), mulching machine, oiler, power driven welding machine - 300 amp. and over (other than all electric), one welding machine under 300 amp. will not require an engineer unless in a battery), power heaterman (hay drier) pump (under 4"), revinius widner (road widener), steam cleaner or jenny, tractor with or without towed accessories

NY-8-LAI-1-H

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Laborers and driller helpers	$6.90	.55	.55	a	
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, drain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper, pipelayers	7.10	.55	.55	a	
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	7.30	.55	.55	a	
Blasters, form setters, stone or granite curb setters	7.50	.55	.55	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D:

GROUP IV: Crane or derrick with a boom length of over 150 ft. including jib, and on a pile driver with leads or boom length of over 100 ft.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.43	.45	.85	a	.10
CLASS II	8.93	.45	.85	a	.10
GROUP III	8.01	.45	.85	a	.10
GROUP IV	10.43	.45	.85	a	.10

FOOTNOTE:
a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day, providing employee has worked 5 consecutive working days before and the working day after the holiday.

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated), fork lift (factory rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal), hoist (2 or 3 drum), mine hoist, mucking machine or male, overhead crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is nuded, he shall be on oiler), tractor drawn belt type loader, truck crane, tunnel shovel

GROUP II: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated) and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity, concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum), Kolman plant loader and similar type loaders (if another man is required to clean screen or to mountain the equipment, he shall be on oiler), locomotive, maintenance/engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat

GROUP III: A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 200 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, homers (hydraulic-self propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submereible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point

GROUP IV: Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 c.f.m. combined capacity), compressor (any size, bust subject to other provisions for compressors), dust collectors, generators pumps, welding machines (3 or less of any combination), concrete paver or mixer (16S and under), concrete saw (self propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler, parapet concrete or pavement grinder, power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor

16596 NOTICES
NOTICES 16597

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.60	.45	.45+a	b	.10
GROUP II	8.30	.45	.45+a	b	.10
GROUP III	7.75	.45	.45+a	b	.10
GROUP IV	7.05	.45	.45+a	b	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.40 per hour to an Supplemental Unemployment Benefit Fund.

b. Paid Holidays A through F; providing the employee works the working day before and after the holiday.

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS: Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbed, material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, tireman, mechanic helpers and parts chaser	$ 6.90	.50	.45	a		
Tandems and batch trucks, mechanics dispatcher	6.95	.50	.45	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	7.00	.50	.45	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	7.15	.50	.45	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	7.30	.50	.45	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: ORANGE
DECISION NO: NY-75-3042 DATE: Date of Publication
Supersedes Decision No. AR-2063, dated October 11, 1974 in 36792
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

36-NY-1-2-3- D

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$10.12	5%	6%	.20%	
Boilermakers	10.57	5%	5%+10%	7%	.02
Bricklayers, cement masons plasterers and stone masons:					
Twps., of Newburg, New Windsor, Blooming Grove, Cornwall, Highlands, Woodbury and Monroe; and Arden and Southfield	7.80	.97	.98	1.25	
Cement finishers, Hvy. & Hwy.	7.80	.97	.98	1.25	
Cement finishers, Bridge & overpass work -	7.70	.97	.98	1.25	
Greenwood Lake, Warwick, Monroe and Tuxedo to Hudson River and areas east thereof to County line	8.90	.69	1.69	1.00+5	.03
Remainder of County	8.74	.59	.78	1.00	
Cement masons, Hvy. & Hwy.	8.05	6%	8%	.50	
Carpenters:					
Tuxedo, Woodbury, Monroe, part of Cornwall, Chester, Blooming Grove and Highlands:					
Carpenters, soft floor layers, bridge dock and wharf carpenters, building, heavy and highway	9.07	.83	.75	1.15	.15
Remainder of County:					
Carpenters, building:					
Carpenters & soft floor layers	8.25	.45	.65	.40	.05
Piledrivermen, dock builders building	8.25	.45	.65	.40	.05
Carpenters, highway:	8.25	.45	.65	.40	.05
Piledrivermen, dock builders, highway	8.25	.45	.65	.40	.05
Electricians:					
Otisville, Middletown, Goshen, Florida, Warwick, Port Jervis, Sparrow Bush, Monroe, Harriman, Southfields, Tuxedo Lake and Tuxedo Twp.	8.50	8%	17%	10%	1%

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Remainder of County	9.70	.45	1%+.69	.60	½ of 1%
Elevator Constructors	9.52	.445	.29+f	b+c	.02
Elevator Constructors' helpers	7.14	.445	.29+f	b+c	.02
Elevator Constructors' helpers (prob.)	4.76				
Elevator Constructors Modernization	8.75	.445	.29+f	b+c	.02
Elevator Constructors Modern. Helpers	6.56	.445	.29+f	b+c	.02
Elevator Constructor repair	7.90	.445	.29+f	b+c	.02
Elevator Constructor repair helper	5.92	.445	.29+f	b+c	.02
Glaziers	9.10	.66	1.66	.365	.03
Ironworkers, structural, ornamental and reinforcing	8.92	.95	1.67	1.20	.04
Laborers: (Building)					
Common Laborers, mason tenders, mortar mixers, hod carriers, scaffold builder, concrete men, vibrator men, poured gypsum roof work, wrecking, walking power buggy men, landscaper and chipping hammer (air or electric 1" or under)	8.02	.60	.60	a	
Asphalt men, pipe layers, air or electric jackhammer, powermen, gunnite, sandblasting, barmen, chain saw, riding power buggy, vibro barco, joy tamper, or similar walk behind roller	8.27	.60	.60	a	
Lathers	7.25	10%	.95		.01
Leadburners	9.25	.35		d	.01
Line Construction:					
Linemen cable splicer helper & material man	10.10	.65	1%+.60	e	3/8of1%
Groundman					3/8of1%
Groundman digging machine operator	9.17	.65	1%+.60	e	3/8of1%
Groundman mobile equipment operator	8.30	.65	1%+.60	e	3/8of1%
Groundman truck driver and mechanic	7.90	.65	1%+.60	e	3/8of1%
Groundman dynamite man	8.30	.65	1%+.60	e	3/8of1%
Cable splicer	11.11	.65	1%+.60	e	3/8of1%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Marble setters, terrazzo workers and tile setters:					
West Newburgh, Little Britain, Rock tavern, Lagrange, New Hampton, Ridgeburg & Johnson to County Line and all areas inclusive south thersof County lines:					
Marble setters, cutters	7.80	.78	.94		
Marble setters' helpers	7.50	1.05		1.15	
Terrazzo workers	8.40	1.11	.63		
Terrazzo workers' helpers	7.43	.475	.475		
Terrazzo machine operator	7.68	.475	.475		
Tile setters	8.25	.60	1.95		
Tile setters' helpers	7.58	.50	1.27		
Millwrights	9.86	.95	1.63	.55	.02
Painters:					
Tuxedo; Greenwood Lake					
Brush	7.55	7%	3%		
Structural steel	8.05	7%	3%		
Spray	8.75	7%	3%		
Remainder of County:					
Painters	6.65	7%	.80	.70	
Spray & sandblasting	7.65	7%	.80	.70	
Steel, smoke stack, bridges, towers, etc.	7.55	7%	.80	.70	
Plumbers & Steamfitters:					
Twps., of Villages & Hamlets and/ or portions thereof:					
Lakeville, Four Corners, Sterling Forest, Tuxedo, Tuxedo Park, Southfield, Arden, Newburgh Junction, Greenwood Lake, Monroe, Harriman, Woodbury Falls, Woodbury, Woodbury Station, Highland Mills, Central Valley, and the Palisades Interstate Park and Bear Mountain Park	8.60	.86	1.73	.54	.09
Remainder of County	9.00	.81	.63+.486	.54	.09
Roofers:					
Pitch	12.06	9%	.86		
Composition and shingle	9.60	9%	.86		
Asbestos, slate and tile	9.85	9%	.86		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Sheet metal workers	9.31	6%	13%	4%	.08
Sprinkler fitters	9.60	.50	.70		.08

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F

b. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Armistice Day, Columbus Day and Election Day.

c. Employer contributes 6.4% of basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

e. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (provided employee works the day before and the day after the holiday).

f. Employer contributes $7.00 per day to Annuity Fund.

g. Employee shall receive 2 hours time off with pay on all Election Days

h. Holiday A through F, Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Veterans' Day, providing employee works one day in the calendar week in which the holiday falls; and further providing that the holiday falls on a regular work day.

PAID HOLIDAYS: (CONT'D)
i. Employer contributes $.60 per hour to a trust fund and $.15 per hour to an annuity fund.

j. Employer contributes $.20 per hour to an annuity fund.

k. Employer contributes $.73 per hour to a Security benefit fund.

l. Employer contributes $1.08 per hour to a combined health, welfare and pension fund.

m. Employer contributes $.45 per hour to an annuity fund.

n. Paid Holiday, St. Patricks Day.

HEAVY AND HIGHWAY CONSTRUCTION:

GROUP I: Laborer, pitman, flagmen, chuck tender, dump men, handling and distributing of drinking water, placing and maintenance of all flares, lights, barricades and all reflective type materials for traffic control

GROUP II: Concrete men, vibrator men, asphalt men, joint setter, signal men, mason tenders, mortar men, pipelayers, rip rap and dry stone layers, steel rod carriers, jackhammer, pavement breaker, wagon drill, air track, jib rig and joy drill op., power buggy op., gunnite and sandblasting, coal passers and other machine op., sprayer and nozzle men on mulching and s seeding machines, all seeding and sod laying, all landscape work, grade checkers, all bridge work, walk behind selfpropelled power saw walk behind rollers and tampers of all types, wrecking laborers (including barmen and burnermen), all sheeting and shoring conming under the laborers jurisdiction bit grinder, operator of form pin pullers and drivers, joint and jet sealers and filling and wiring of baskets for gabion walls, permanent sign man

GROUP III: Concrete finisher on highways, form setter, granite stone layer, ingersoll rand heavy duty crawler - master type HCMZ or equivalent or any drill using a 4" or larger bit

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$7.50	.60	.60	a	
GROUP II	7.75	.60	.60	a	
GROUP III	8.15	.60	.60	a	

HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Columbus Day; Election Day; Veteran's Day; provided employee works one day in the calendar week in which the holiday falls and reports for work the first working day following the holiday.

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autogrande - combi, Gradall, tape mtd spreader & tape trimmer (CMI & similar types), autograde placer-trimmer-spreader-combi. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination pan loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rags, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (rexinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, pumpcrete, squeezecrete & similar types, conveyors (125' & over), eccnocobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping regardless of size), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary, except Chicago boom type), elevators or house cars, roof hoist

GROUP IV: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde curb trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rexonatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditch-witch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), ladderator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONTD.:

curbing machines, concrete finishing machines, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silos, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, mutiple (rectifier transformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & broome, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), pumps (2 of less than 4 inch suction including submersible pumps)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP X: Water Operation: On all power boats used in conjunction with pipe-line, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pump (staging)

GROUP XIII: Rollers (grade fill or stone base), trastors under D-8

GROUP XIV: Helicopters (pilot/engineer)

GROUP XV: Asphalt spreaders, bridge deck finisher, grader finish only

GROUP XVI: Roller blacktop

BUILDING AND HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$11.28	7%	10%+5%	a	3%
GROUP II	10.40	7%	10%+5%	a	3%
GROUP III	10.20	7%	10%+5%	a	3%
GROUP IV	9.51	7%	10%+5%	a	3%
GROUP V	9.36	7%	10%+5%	a	3%
GROUP VI	9.31	7%	10%+5%	a	3%
GROUP VII	8.60	7%	10%+5%	a	3%
GROUP VIII	8.45	7%	10%+5%	a	3%
GROUP IX	8.15	7%	10%-5%	a	3%
GROUP X	9.46	7%	10%+5%	a	3%
GROUP XI	8.05	7%	10%+5%	a	3%
GROUP XII	10.50	7%	10%+5%	a	3%
GROUP XIII	8.96	7%	10%+5%	a	3%
GROUP XIV	12.88	7%	10%+5%	a	3%
GROUP XV	9.76	7%	10%+5%	a	3%
GROUP XVI	10.65	7%	10%+5%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE
a. Holidays, A through F plus Washington's Birthday, Presidential Election and Veterans Day provided the employee works any of the three days in the five work days preceeding the holiday and the first work day after the recognized holiday.

NY-20-PEO-2-X

STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$12.08	7%	15%	a	3%
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.88	7%	15%	a	3%
A-frame, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms, jacks	11.43	7%	15%	a	3%
Air compressors (2 or 3 in battery), generators, welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.86	7%	15%	a	3%
Air compressors single, welding machines (gasoline electric converter of any type, single) rod bending machines power	9.05	7%	15%	a	3%
Firemen	9.38	7%	15%	a	3%
Oilers, straddle carrier	8.55	7%	15%	a	3%
Water Operations:					
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:					
Captain, tugmaster	9.80	7%	15%	a	3%
Deckhand	8.50	7%	15%	a	3%

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

POWER EQUIPMENT OPERATORS (Asphalt, Concrete, Grade & Street Improvement)

GROUP I: Asst. operator (any), oiler (any), operator of any type of equipment listed in Groups II through XVI, when operating same for more than 4 hours per day, (CMI & similar types), operator of any type of equipment listed in Groups II through XVI, when operating same for more than 4 hours per day, (CMI & similar types), batch plant operator (all types), combination (on locomotive) central power plants (all types), compressor operator-stationary (all types), crane (all types including overhead & stiffleg), crusher (all types), derrick (all types), dragline, drilling machine (all types), elevating grader (self-propelled), elevator (all types), engineer (large diesel 1620 HP and engaging more), front end loader (5 yds. and over), gradall, grader, euro, helicopters (co-pilot), jacks (screw air hydraulic power operated all or any combination thereof), jacks (screw type, hand jack or pile load test type), locomotive (large), mucking machine, power (4-wheel and over), paver (concrete, bituminous), pavement & concrete breaker (hydro-hammer), pavement breaker truck mounted, pile driver, scraper (loader and shovel), scooping, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableway, caisson, cherry pickers (5 tons and under), concrete pump, conveyor running system, pumpcrete, spreader and similar types, conveyors (125' and over), compressor (hilo, hull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dart types), pumpcrete (unit type), rock crusher machines (squeezecrete & pumpcrete), spring machines regardless of size), batch (Chicago shoot), screeds (strikeboard, dale board), side booms, squeezecrete, straddle carrier (rough & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI and similar), autograde concrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, car dumpers (railroad), compressor and blower type units (when independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, intermediate or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetael, reversatic & similar types, conveyor (under 125'), crushing machines, ditching machine (small ditch type or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without purr), dumpster, fine grade machine (large type), concrete vibrator, skimmer machines (lean type), generators, gunite grinders, gradera & motor patrols, gunite machine (shooting nozzle), mixer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), laddermator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, one bag men, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, self-propelled ride on type, also maintains

POWER EQUIPMENT OPERATORS (Asphalt, Concrete, Grade & Street Improvement) Cont'd

compressor in connection with cement, paint, insulating machine (spray), pitch [illegible] road boring machine (power), scales (power), seaman pulverizing mixer, silos, steam jennies and boilers (irrespective of their use), steel cutting machine (services and estimates), vibrating plants (used in conjunction with unloading), welder and repair mechanic

GROUP IV: Bullcook, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site)

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (6 inch suction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic immaterial of power), multiplex systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a total distance of 100' constitutes a battery

GROUP XII: Concrete spreaders (small type), fertilizing equipment (operation & maintenance of) grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tamping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form line graders (small type)

GROUP XIII: Roof hoists, aerial platform used as hoist

GROUP XIV: Tire repair and maintenance, mechanics helpers & oiler

GROUP XV: Asphalt spreaders, bridge deck finisher, grader (finish only)

GROUP XVI: Roller blacktop

HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$11.28	7%	5%+10%	a	3%
GROUP II	10.40	7%	5%+10%	a	3%
GROUP III	9.51	7%	5%+10%	a	3%
GROUP IV	9.31	7%	5%+10%	a	3%
GROUP V	8.60	7%	5%+10%	a	3%
GROUP VI	9.16	7%	5%+10%	a	3%
GROUP VII	12.88	7%	5%+10%	a	3%
GROUP VIII	10.50	7%	5%+10%	a	3%
GROUP IX	8.96	7%	5%+10%	a	3%
GROUP X	9.46	7%	5%+10%	a	3%
GROUP XI	9.21	7%	5%+10%	a	3%
GROUP XII	8.45	7%	5%+10%	a	3%
GROUP XIII	10.20	7%	5%+10%	a	3%
GROUP XIV	8.15	7%	5%+10%	a	3%
GROUP XV	9.76	7%	5%+10%	a	3%
GROUP XVI	10.65	7%	5%+10%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays; A through F, Washington's Birthday, Presidential Election Day and Veterans Day provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Drivers on LeTourneau tractors. double barrel Euclids Athey wagon and similar equipment (except when hooked to scrapers), low beds. I-Beam. pole trailers. road oil distributors. tire trucks tractors and trailers with 5 axle and over	$7.66	.70	.70	a		
Equipment 25 yards and over up to and including 30 yard bodies. cable dump trailers, powder and dynamite trucks	7.56	.70	.70	a		
Equipment up to and including 24 yards bodies, mixer trucks, dump crete trucks and similar types of equipment. fuel trucks, batch trucks and all other tractor trailers	7.36	.70	.70	a		
Ten wheelers, grease trucks and tiller men	7.26	.70	.70	a		
Straight trucks	7.16	.70	.70	a		
Pick-up trucks used for hauling material parts escort man over the road	7.16	.70	.70	a		
Helpers	7.06	.70	.70	a		

Paid Holidays:

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a Holidays: A through F; Washington's Birthday; Election Day; Veteran's Day

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: RENSSELAER

DECISION NO.: NY75-3043 DATE: DATE OF PUBLICATION

Supersedes Decision No. AR-2068 Dated October 11, 1974 in 39 FR 36818

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

42-NY-1-2-3-X 1 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$8.93	.32	.18		.02
Boilermakers	10.00	.60	10%		.01
Bricklayers	9.29	.45	.30		.01
Carpenters, Building:					
Carpenters	8.70	.50	.50		.02
Millwrights	9.20	.50	.50		.02
Carpenters, Heavy & Highway:					
Carpenters	8.82	.50	.50		.025
Cement masons, Building	9.29	.45	.30		
Cement masons, Heavy & Highway	8.35	.45	.30		
Electricians:					
Rensselaer, Greenbush, Castleton, Hudson and Nassau	10.15	.30	1%+.50	a	
Remainder of County	9.70	.50	1%+.55	g	h
Elevator constructors	9.48	.445	.29	3%+b+c	.02
Elevator constructors' helpers	6.64	.445	.29	3%+b+c	.02
Elevator constructors' helpers (Probationary)	4.74				
Ironworkers, structural, ornamental and reinforcing	8.84	.55	.85		.04
Laborers, Building					
Laborers	7.60	.55	.70		.02
Pipelayers, hod carriers, mortar-mixer (hand or machine), jack-hammer, well pointing, air or gas hammers and drills, electric hammers 50 lbs.	7.85	.55	.70		.02
Acetylene burners	7.875	.55	.70		.02
Wagon drills	7.825	.55	.70		.02
Form setters (curb)	7.775	.55	.70		.02
Blasters	8.075	.55	.70		.02
Lathers	7.96	.25	.10		.01
Lead burners	9.25	.35		d	.01
Line Construction:					
Linemen	10.10	.65	1%+.60	e	3/8%
Cable splicers	11.11	.65	1%+.60	e	3/8%
Groundman digging machine op.	9.17	.65	1%+.60	e	3/8%
Groundman mobile equipment op.	8.30	.65	1%+.60	e	3/8%
Groundman truck driver & mechanic	7.90	.65	1%+.60	e	3/8%
Groundman dynamite man	8.30	.65	1%+.60	e	3/8%

42-NY-1-2-3-X 2 of 2

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Painters:					
Brush	7.97		.35		
Structural steel and bridge	8.72		.35		
Spray	9.07		.35		
Piledrivermen and Dock builders	9.61	.95	1.53	.61	.02
Plasterers	9.29	.45	.30	.30	.01
Plumbers and Steamfitters:					
Troy and vicinity	9.00	.50	.85		.04
Southern part of county	9.30	.35	.72		.05
Roofers	9.00	.63	.30		.02
Sheet metal workers	9.34	.60	.40		.05
Soft floor layers	8.70	.50	.50		.02
Sprinkler fitters	9.60	.50	.70		.08
Stone masons	9.29	.45	.30		.01
Truck drivers, Building:					
Straight, winch transit-mix on site, road rollers, dump, pick up, panel, water trucks and fuel trucks on site	7.09	.37	.37	f	.02
Lowboy or lowboy trailer	7.24	.37	.37	f	.02
Euclids	7.34	.37	.37	f	.02
Welders - receive the rate prescribed for craft performing operation to which welding is incedential					

City of Troy, Building, Heavy & Highway Construction; Remainder of County: Building Construction

N.Y. 3-PEO-1-J 1 of 1

NY75-3043 P.3

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP 1: Oilers

GROUP 2: Firemen and heavy duty greasers, all boilers and steam generators

GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over

GROUP 4: Dinkey locomotives, Barber Greene loaders, loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, fora fine graders, power brooms and sweepers

GROUP 5: Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well well drillers (one drum), economobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)

GROUP 6: LeTourneau graders or scrapers, trenching machines, push cart

GROUP 7: Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CHB Vibrotamp or similar, Murphy type diesel generator-beltcrete system, side booms, hydro hamger, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt, concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$8.60	.45	.45+.30	a	.10
GROUP 2	8.66	.45	.45+.30	a	.10
GROUP 3	8.76	.45	.45+.30	a	.10
GROUP 4	8.94	.45	.45+.30	a	.10
GROUP 5	9.24	.45	.45+.30	a	.10
GROUP 6	9.37	.45	.45+.30	a	.10
GROUP 7	9.54	.45	.45+.30	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

NY-27-LAB-2-3-C

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Laborers and driller helpers	$6.75	.55	.70	a	
Concrete aggregate bin, mortar mixer, hand or machine vibratoe gin buggy, mason tenders, concrete bootmen, chain saw, jack-hammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper pipelayers	6.95	.55	.70	a	
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	7.15	.55	.70	a	
Blasters, form setters, stone or granite curb setters	7.35	.55	.70	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

REMAINDER OF COUNTY:
HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cherry picker (over 5 tons capacity), crawler tractor (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated), fork lift (factory rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal), hoist (2 or 3 drum), mine hoist, mucking machine or male, overhead crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is muded, he shall be on oiler), tractor drawn belt type loader, truck crane, tunnel shovel

GROUP II: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated) and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity, concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum), Kolman plant loader and similar type loaders (if another man is required to clean screen or to mountain the equipment, he shall be on oiler), locomotive, maintenance/engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cot

GROUP III: A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 200 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, homers (hydraulic-self propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point

GROUP IV: Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 c.f.m. combined capacity), compressor (any size, bust subject to other provisions for compressors), dust collectors, generators pumps, welding machines (3 or less of any combination), concrete paver or mixer (16S and under), concrete saw (self propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler, parapet concrete or pavement grinder, power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor

REMAINDER OF COUNTY: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	$8.70	.45	.45+a	b	.10
GROUP II	8.40	.45	.45+a	b	.10
GROUP III	7.85	.45	.45+a	b	.10
GROUP IV	7.15	.45	.45+a	b	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.30 per hour to an Supplemental Unemployment Benefit Fund.

b. Paid Holidays A through F; providing the works the day day before and after the holiday.

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	Apr. Tr.	Other
TRUCK DRIVERS:						
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbed material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, fireman, mechanic helpers and parts chaser	$ 6.90	.50	.45	a		
Tandems and batch trucks, mechanics dispatcher	6.95	.50	.45	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	7.00	.50	.45	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	7.15	.50	.45	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	7.30	.50	.45	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

SUPERSEDEAS DECISION

STATE: NEW YORK
COUNTY: SCHENECTADY
DECISION NO.: NY-75-3044
DATE: DATE OF PUBLICATION

Supersedeas Decision No. AR-2011 dated July 26, 1974 in 39 FR 27402

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

47-N.Y.-1-2-3- W — 1 of 2

BUILDING, HVY. & HWY. CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$8.93	.32	.18		.02	
Boilermakers	10.00	.60	10%		.01	
Bricklayers, cement masons, plasterers, stone masons, caulkers & pointers	9.29	.45	.30		.01	
Carpenters:						
Carpenters and soft floor layers, building	8.70	.50	.50		.02	
Millwrights, building	9.20	.50	.50		.02	
Carpenters, heavy and highway	8.82	.50	.50		.025	
Cement masons, heavy and highway	8.35	.45	.30			
Electricians	9.85	.35	13%+.70	a	.05	
Elevator constructors	9.48	.445	.29	3%+a+b	.02	
Elevator constructors' helpers	6.64	.445	.29	3%+a+b	.02	
Elevator constructors' (probationary) helpers	4.74					
Ironworkers, structural, ornamental and reinforcing	8.84	.55	.85		.04	
Laborers, Building:						
Laborers	7.60	.55	.70		.02	
Air tool op. (jackhammer, vibrator)	7.75	.55	.70		.02	
Asphalt rakers						
Mortar mixers, hand or machine	7.75	.55	.70		.02	
Wagon drill	7.825	.55	.70		.02	
Blasters	8.075	.55	.70		.02	
Acetylene burners	7.875	.55	.70		.02	
Demolition	7.85	.55	.70		.02	
Lathers	7.935	.275	.10		.01	
Lead burners	9.25	.35		c	.01	
Line Construction:						
Linemen, cable splicer helpers' and material man	10.10	.65	17%+.60	d	3/8of1%	
Cable splicer	11.11	.65	17%+.60	d	3/8of1%	
Groundman digging machine operator	9.17	.65	17%+.60	d	3/8of1%	
Groundman mobile equipment operator	8.30	.65	17%+.60	d	3/8of1%	
Groundman truck driver and mechanic	7.90	.65	17%+.60	d	3/8of1%	
Groundman dynamite man	8.30	.65	17%+.60	d	3/8of1%	
Painters:						
Brush	7.97		.35			
Structural steel and bridge	8.72		.35			

BUILDING, HVY. & HWY. CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Painters: (Cont'd)						
Spray	~~$8.07~~		.35			
Swing scaffold, bosun chair, water towers, flagpoles & window jacks	7.97		.35			
Piledrivermen and dock builders	9.61	.95	1.53	.61	.02	
Plumbers and steam fitters	9.50	.50	.75		.10	
Roofers	8.30	.63	.30		.02	
Sheet metal workers	9.34	.60	.40		.05	
Sprinkler fitters	9.60	.50	.70		.08	
Truck drivers, building:						
Straight, winch, transit-mix and road oilers	7.09	.37	.37	e	.02	
Euclids	7.34	.37	.37	e	.02	
Dump, pick-up, panel, water & fuel	7.09	.37	.37	e	.02	
Lowboy or lowboy trailer	7.24	.37	.37	e	.02	
Welders - Receive rate for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: D and E; 2 hours on Election Day. Holidays: A through F.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (provided employee works the day before and the day after the holiday).

e. One week's vacation after one year's work; 2 weeks' vacation after 5 years work.

Building, Heavy & Highway Construction in the City of Schenectady and Building Construction in Remainder of County.

NY75-3044 P. 3

N.Y. 3-PEO-1-J 1 of 1

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP 1: Oilers

GROUP 2: Firemen and heavy duty greasers, all boilers and steam generators

GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over

GROUP 4: Dinkey locomotives, Barber Greene loaders, loaders and conveyors, tractors, scoopmobiles, bulldosers, road rollers, form fine graders, power brooms and sweepers

GROUP 5: Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well well drillers (one drum), ecomomobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)

GROUP 6: LeTourneau graders or scrapers, trenching machines, push cart

GROUP 7: Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CMB Vibrotamp or similar, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt, concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
GROUP 1	$8.60	.45	.45+.30	a	.10
GROUP 2	8.66	.45	.45+.30	a	.10
GROUP 3	8.76	.45	.45+.30	a	.10
GROUP 4	8.94	.45	.45+.30	a	.10
GROUP 5	9.24	.45	.45+.30	a	.10
GROUP 6	9.37	.45	.45+.30	a	.10
GROUP 7	9.54	.45	.45+.30	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

Remainder of County:

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), bolt placer (CMI type), blacktop plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated), fork lift (factory rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal), hoist (2 or 3 drum), mine hoist, mucking machine or male, overhead crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is muded, he shall be on oiler), tractor drawn belt type loader, truck crane, tunnel shovel

GROUP II: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated) and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity, concrete paver (over 165), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum), Kolman plant loader and similar type loaders (if another man is required to clean screen or to mountain the equipment, he shall be on oiler), locomotive, maintenance/engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cot

GROUP III: A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 200 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, homers (hydraulic-self propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point

GROUP IV: Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 c.f.m. combined capacity), compressor (any size, dust subject to other provisions for compressors), dust collectors, generators pumps, welding machines (3 or less of any combination), concrete paver or mixer (165 and under), concrete saw (self propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler, parapet concrete or pavement grinder, power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor

Remainder of County:

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.70	.45	.45a	b	.10
GROUP II	8.40	.45	.45a	b	.10
GROUP III	7.85	.45	.45a	b	.10
GROUP IV	7.15	.45	.45a	b	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.30 per hour to an Supplemental Unemployment Benefit Fund.

b. Paid Holidays A through F; providing the works the day day before and after the holiday.

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Laborers and driller helpers Concrete aggregate-bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper, pipelayers	$6.75	.55	.70	a	
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	6.95	.55	.70	a	
Blasters, form setters, stone or granite curb setters	7.15	.55	.70	a	
	7.35	.55	.70	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS:						
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, tireman, mechanic helpers and parts chaser	$ 6.90	.50	.45	a		
Tandems and batch trucks, mechanics dispatcher	6.95	.50	.45	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	7.00	.50	.45	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	7.15	.50	.45	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	7.30	.50	.45	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

SUPERSEDEAS DECISION

STATE: NEW YORK
DECISION NO.: NY-75-3045
COUNTY: SUFFOLK
DATE: DATE OF PUBLICATION
Supersedeas Decision No. NY-75-3012 dated February 14, 1975 in 40 FR 6934
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

52-New York-1-2-3- Y 1 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.45	13.1%	9%	12%	
Boilermakers	10.57	5%	15%	7%	.02
Bricklayers:					
Center Moriches on the south shore and following Chichester Avenue, North of Walding River and areas east thereof including the off shore islands:					
Bricklayers, cement masons and plasterers	10.40	.40	2.00	.30	
Remainder of County:					
Bricklayers	9.64	.78	3.38	.30	
Cement masons	9.35	1.005	1.505	1.00	.01
Plasterers	8.10	1.00	.40	1.00	.01
Carpenters:					
Fishers Islands:					
Carpenters & soft floor layers	9.26	.70	.40		
Remainder of County:					
Carpenters & soft floor layers	9.15	1.03	1.46		.11
Piledrivermen	9.15	1.03	1.46		.11
Timbermen, wharf & dock builders	9.15	1.03	1.46		.11
Carpenters, Heavy:					
Carpenters	9.15	1.03	1.46		.11
Dock and wharf carpenters	9.15	1.03	1.46		.11
Piledrivermen	9.15	1.03	1.46		.11
Electricians and linemen	10.90	6%	.135%	5%	5/8 of 1%
Elevator constructors	9.52	.445	.29+b	c+d	.02
Elevator constructors' helpers	7.14	.445	.29+b	c+d	.02
Elevator constructors' helpers (prob.)	4.76	.445	.29+b	c+d	.02
Elevator constructors repair	7.90	.445	.29+b	c+d	.02
Elevator constructors' repair helpers	5.92	.445	.29+b	c+d	.02
Elevator constructors modernization	8.75	.445	.29+b	c+d	.02
Elevator constructors modernization helper	6.56	.075	.26+b	c+d	.02
Glaziers	9.10	.66	1.66	.365	.03

NY-75-3045 P. 2

52-New York-1-2-3-Y 2 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Ironworkers:					
Structural	$10.00	1.00	2.20	1.20	.04
Ornamental finisher	8.40	.63	.70+1.335	.76	.03
Reinforcing	9.10	.785	1.765	.75	.01
Laborers, building:					
Laborers	8.00	.74	.83	.69	
Mason tenders	8.00	.74	.83	.69	
Mortar mixers	8.00	.74	.83	.69	
Plasterers' helpers	7.05	1.25		1.00	
Lathers, Metal	9.10	.785	1.763	.75	.01
Lead Burners	9.25	.35		e	.01
Millwrights	9.86	.95	1.63	.55	.02
Marble carvers	7.95	.63+.15	.66+.28	o	
Marble setters & cutters	7.80	.63+.15	.66+.28	o	
Marble helpers and crane operator	7.33	.59+.15	.63+.25	o	
Derrick men	7.33	.59+.15	.63+.25	o	
Marble sawers, rubbers and polishers	7.57	.61+.15	.61+.26	o	
Painters:					
Brush	7.65	2.25	.60	.50	.10
Structural steel & spray	9.82	2.25	.60	.50	.10
Plumbers	9.75	.70	1.87	1.20	.16
Roofers:					
Composition damp & waterproofing	8.90	.66	1.98	1.20	.01
Slate and tile	6.45	8%	.50	5%	
Slate and tile helpers	5.13	8%	.50	5%	
Sheet metal workers:					
Fishers Island	9.30	.30	.51		.05
Remainder of County	10.45	.56	1.67	1.06	.08
Sprinkler fitters	8.655	7%+1.90	13%	10%	.05
Steam fitters	8.655	7%+1.90	13%	10%	.05
Stone derrickmen and riggers	10.28	7%+.01	7%+1.04		.01
Stone masons	9.75	.50	1.00		
Terrazzo workers	9.00	.78+.45	1.68		
Tile setters	8.25	.60	.70+1.00		
Tile setters' helpers	7.42	.50	.27+1.00		
Plasterers	8.70	1.00	.20	1.30	.01
Lathers-nail on	11.35	.94	.20		

NOTICES

16614

FEDERAL REGISTER, VOL. 40, NO. 71—FRIDAY, APRIL 11, 1975

NY-75-3045 P. 3

52-New York-1-2-3- Y 3 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Truck drivers:					
Ready-mix concrete, sand gravel & asphalt	$ 8.02	.44½	.55%	6+b	
Euclid and tournapulls operator	8.075	.44½	.55%	6	
Tuck Pointers:					
Tuckpointers & waterproofers	8.72	.70	.67+.77	.50	.015
Steam cleaners	8.97	.70	.67+.77	.50	.015
Sand-blasters	9.72	.70	.67+.77	.50	.015
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

NY-75-3045 P. 4

52-New York-1-2-3-Y 4 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $1.29 per hour to an Annuity Fund.

b. Employer contributes $8.00 per day to Annuity Fund.

c. Holidays: A through F; Lincoln's Birthday, Washington's Birthday; Columbus Day; Armistice Day & Election Day.

d. Employer contributes 6.4% of basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

e. Holidays: A through F; Washington's Birthday, Xmas Eve and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

f. Employer contributes $4.00 per day to Annuity Fund.

g. Holidays: A through F, Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Veteran's Day, (providing employee works two days in the calendar week in which the holiday falls and shape each remaining workday during such calendar week.)

h. For each 15 days worked within the contract year an employee will receive one day's vacation with pay, with a maximum vacation of three weeks per year.

i. Employer contributes $4.80 per day to Annuity Fund.

j. Paid Holiday: New Year's Day & Xmas Day providing the employee works the preceding and following the holiday.

k. Employer contributes $28.86 per month to Health & Welfare.

m. Employer contributes $29.13 per month to Pension Fund.

n. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Good Friday; Columbus Day; Armistice Day; Election Day.

o. Paid Holiday: St. Patricks Day.

NOTICES

16615

FEDERAL REGISTER, VOL. 40, NO. 71—FRIDAY, APRIL 11, 1975

S.T. 10 IAB 2-3-5

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Concrete & curb form setters, asphalt rakers	$ 7.20	10%	10%	.75+a	
Asphalt workers & roller boys, asphalt top shovelers and smoothers, asphalt tampers	7.00	10%	10%	.75+a	
Jackhammers, & drill men, hoppermen, carpenters' tenders, pipe jointers and setters, concrete laborers (structures), stone spreading laborers, trackmen, grading & excavating laborers, yard laborers, puddlers on concrete pavement, laborers (other than above) on concrete pavement, landscape laborers, asphalt plant (batcher & hopper men)	6.60	10%	10%	.75+a	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, Columbus Day, Lincoln's Birthday, Washington's Birthday, Veterans' Day; Election Day, provided employee works or shapes up the scheduled day before and the schedule day after the holiday.

N.Y.-3-PEO-1- A 1 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Asphalt spreader	$10.63	6%	1.05	a+b	.15
Backhoe, dragline, gradall, piledriver, shovel	10.905	6%	1.05	a+b	.15
Batching plant (on site of Job), power winch (used for stone or steel), power winch truck mounted (used for stone or steel), pump (concrete)	10.805	6%	1.05	a+b	.15
Bending machine, generator (small), vibrator (1 to 5), dinky locomotive	9.455	6%	1.05	a+b	.15
Boiler, bulldozer, compressor (on crane) compressor (pilework), compressor (stone setting), concrete breaker, conveyor, generator (pilework), loading machine (front end), maintenance engineer, mechanical compactors (machine drawn), powerhouse, power winch truck mounted (used for other than steel or stone), pulvi-mixer, power winch (used for other than stone or steel), pump (double action diaphragm), pump (gypsum), pump (hydraulic pump (jet), pump (single action - 1 to 3), pump (well point), welding and burning, welding machine (pilework)	10.455	6%	1.05	a+b	.15
Boom truck, crane (crawler or truck), conveyor-multi, plant engineer, stone spreader (self-propelled)	10.655	6%	1.05	a+b	.15
Compressor, compressor (2 or more in battery), generator, mulch machine, pin puller, portable heaters, pump (4 inch or over), track tamper (2 engineers each), welding machine	10.205	6%	1.05	a+b	.15
Crane and boom truck (setting structural or stone)	11.03	6%	1.05	a+b	.15
Bulldozer (used for excavation), fireman, loading machine, powerboom, scoop (carry-all scrapper), vac-all	10.08	6%	1.05	a+b	.15
CMI or maxim spreader, concrete spreader, derrick, sideboom tractor	11.005	6%	1.05	a+b	.15
Compressor (structural steel)	10.605	6%	1.05	a+b	.15
Concrete saw or cutter, mixer (with skip) mixer (2 small, with or without skip), pump (up to 3 inches), tractor-caterpiller or wheel	9.705	6%	1.05	a+b	.15

N.Y.-5-PEO-1 - A 2 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (CONT'D):					
Crane with clam shell bucket	$10.905	6%	1.05	a+b	.15
Crane, crawler or truck:					
Boom lengths of 100' (including jib) but less than 150'	11.155	6%	1.05	a+b	.15
Boom lengths of 150' (including jib) but less than 250'	11.405	6%	1.05	a+b	.15
Boom lengths of 250' (including jib) but less than 350'	11.655	6%	1.05	a+b	.15
Boom lengths of 350'	12.155	6%	1.05	a+b	.15
Curb machine (asphalt or concrete), curing machine, pump (submersible), tower crane maintenance man	10.40	6%	1.05	a+b	.15
Dredge	10.70	6%	1.05	a+b	.15
Elevator, forklift, hoist (1 drum)	10.83	6%	1.05	a+b	.15
Forklift (walk-behind, power operated)	10.62	6%	1.05	a+b	.15
Grader	10.23	6%	1.05	a+b	.15
Hoist (2 and drum)	10.97	6%	1.05	a+b	.15
Hoist (multiple platform)	13.50	6%	1.05	a+b	.15
Mechanical compactors (hand operated), trench machine (hand)	9.08	6%	1.05	a+b	.15
Hoist tandem platform	11.84	6%	1.05	a+b	.15
Hydra-hammer, ridge cutter	9.62	6%	1.05	a+b	.15
Lead engineer	12.105	6%	1.05	a+b	.15
Loading machine (with capacity of 10 yds or over	10.33	6%	1.05	a+b	.15
Oiler, stump chipper	9.105	6%	1.05	a+b	.15
Power buggies	9.33	6%	1.05	a+b	.15
Roller, trench machine	10.705	6%	1.05	a+b	.15
Scoop, carry-all, scraper in tandem	11.08	6%	1.0	a+b	.15
Sideboom tractor (used in tank work)	11.165	6%	1.0	a+b	.15
Striping machine	10.13	6%	1.0	a+b	.15
Tank work	10.93	6%	1.0	a+b	.15
Tower crane (engineer)	11.46	6%	1.05	a+b	.15
Tower crane (oiler)	8.955	6%	1.05	a+b	.15
Welding machine, structural steel	10.68	6%	1.05	a+b	.15

PAID HOLIDAY:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day and Veterans' Day.

b. Basic hourly rate includes $1.00 Vacation fund.

NY-6-PEO-2-3-H 1 of 2

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS:						
Asphalt spreader, boom truck, boring machine (other than post holes), CMI or maxim spreader, crane (crawler or truck), conveyor (multi), plant engineer, concrete spreader, sideboom tractor, stone spreader, (self-propelled), cherry picker	$10.83	6%	1.25	a+b	.15	
Backhoe, crane (stone setting), crane (structural steel), dragline, gradall, piledriver, road paver, shovel	11.20	6%	1.25	a+b	.15	
Batching plant (on site of job), crane (on barge), derrick, sideboom tractor (used in tank work), tank work	11.055	6%	1.25	a+b	.15	
Bending machine, mechanical compactors (hand operated), pump (centrifugal, up to 3 inches), trench machine (hand)	8.58	6%	1.25	a+b	.15,	
Boiler	10.33	6%	1.25	a+b	.15	
Boring machine (post holes)	10.77	6%	1.25	a+b	.15	
Bulldozer, concrete finishing machine, conveyor, curb machine (asphalt or concrete), curing machine, dinky locomotive, fireman, forklift, hoist (1 drum), loading machine, maintenance engineer, pulvi-mixer, pump (4 inches or over), pump (hydraulic), pump (jet) pump (submersible), pump (well point), roller (5 ton and over), scoop (carry-all, scraper), maintenance man (tower crane), vac-all, welding and burning	10.02	6%	1.25	a+b	.15	
Compressor (on crane), generator (pile work), welding machine (pile work), power winch (used for other than stone or structural steel), power house, loading machine (front and), compressor (pile work), power winch (truck mounted, used for other than stone or steel), hoist (2 drum)	10.555	6%	1.25	a+b	.15	
Compressor (2 or more in battery)	10.25	6%	1.25	a+b	.15	
Compressor (stone setting), compressor (structural steel), welding machine (structural steel)	10.715	6%	1.25	a+b	.15	
Compressor, mulch machine, pin puller, pump (double action diaphragm), pump (gypsum), pump (single action 1 to 3), striping machine, welding machine	9.645	6%	1.25	a+b	.15	

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (Cont'd.):						
Concrete breaker, concrete saw or cutter, forklift (walk-behind, power operated), hydra hammer, mixer (with skip) mixer (2 small with or without skips), mixer (2 bag or over with or without skip), power buggies, power grinders, ridge cutter	$ 8.93	6%	1.25	a+b	.15	
Dredge	10.665	6%	1.25	a+b	.15	
Generator	9.94	6%	1.25	a+b	.15	
Generator (small)	8.615	6%	1.25	a+b	.15	
Grader	10.235	6%	1.25	a+b	.15	
Hoist (3 drum), power winch (truck mounted, used for stone or steel), power winch (used for stone setting and structural steel), trench machine	11.045	6%	1.25	a+b	.15	
Lead engineer	12.93	6%	1.25	a+b	.15	
Mechanic	8.635	6%	1.25	a+b	.15	
Mechanic helper	8.295	6%	1.25	a+b	.15	
Mechanical compactors (machine drawn), roller (over 5 tons)	10.37	6%	1.25	a+b	.15	
Oiler, root cutter, stump chipper, tower crane (oiler), track camper (2 engineers, each)	8.62	6%	1.25	a+b	.15	
Portable heaters	10.195	6%	1.25	a+b	.15	
Powerbroom	9.075	6%	1.25	a+b	.15	
Pump (concrete)	10.29	6%	1.25	a+b	.15	
Scoop (carry-all, scraper in tandem), tower crane (engineer)	11.455	6%	1.25	a+b	.15	
Tractor (caterpilla or wheel)	8.405	6%	1.25	a+b		

FOOTNOTE:
a. Paid Holidays: New Year's Day; Lincoln's Birthday; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Election Day; Veterans' Day; Thanksgiving Day and Christmas Day.

b. Basic hourly rate includes $1.00 vacation fund.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: STEUBEN

DECISION NO.: NY-75-3046 DATE: DATE OF PUBLICATION

Supersedeas Decision No. AR-2069 dated November 1, 1974 in 39 FR 38827
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

51-NY-1-2-3 Z 1 of 4

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestor workers	$10.31	.73	.35		.03
Boilermakers	9.45	.50	.85		.02
Bricklayers, cement masons, marble setters, plasterers, stone masons, terrazzo workers, tile setters:					
Typs. of Wayne, Bradford, Campbill, Hornby, Erwin, Corning, Caton, Lindley, Tuscaroo, Thurston, Addison and the eastern portion of Bath Twps., Rathbone and Borden	9.00		.50		
Remainder of County	8.40		.95	a	
Carpenters: Building					
Village of Hammondsport, Pleasent Valley to Reheims, Village of Prattsburgh, Tyrone to Watkins Glen:					
Carpenters	8.30	.40	100+.30		.005
Millwrights and piledrivermen	8.40	.40	100+.30		.005
Heavy and Highway:					
Carpenters and piledrivermen	8.12	.40	1.60		.025
Building:					
Twps. of Troupsburg, Hartsville, Fremont, Wayland, Jasper, Hornell, City of Hornell, Avoca, Cohocton, Canisteo, Dansville, Howard, Greenwood, W. Union:					
Carpenters, soft floor layers	7.92	.50	.85		.05
Millwrights, piledrivermen	8.17	.50	.85		.05
Heavy and Highway:					
Carpenters	7.87	.50	.85		.025
Building:					
Remainder of County:					
Carpenters and soft floor layers	7.91	.40	.85		.02
Millwrights and piledrivermen	8.16	.40	.85		.02
Heavy and Highway:					
Carpenters	7.97	.40	.85		.025

KY-75-3046 P. 2

51-NY-1-2-3- Z 2 of 4

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Cement Masons, heavy & highway:					
Twps. of Wayne, Bradford, Campbell, Hornby, Erwin, Corning, Caton, Lindley, Tuscarora, Thurston, Addition and eastern portion of Bath Twps., Rathbone and Borden	8.80		.30		
Remainder of County	8.35	.25	.50		
Electricians	10.00	.50	1% + .50	b	.05
Glaziers	7.18	.35	.30		.01
Ironworkers, structural, ornamental and reinforcing:					
Twps. of Wayland, Chocton, Atlantic and S. Dansville	9.38	.52	.82		.05
Remainder of County	8.68	.45	.57		.03
Laborers, Building:					
Laborers	6.25	.40	.25		
Mortar mixer (hand or machine for 3 or more men), jackhammer, pavement breakers, pipelayers (over 6"), gin buggy, work on scaffold, chain saw op., and all other gas, electric and air tools	6.45	.40	.25		
	8.33		.20		.01
Lathers	9.25	.35		c	.01
Lead burners					
Line Construction:					
Linemen	10.10	.65	1% + 60	d	3/8%
Cable splicer	11.11	.65	1% + 60	d	3/8%
Groundman digging machine op.	9.17	.65	1% + 60	d	3/8%
Groundmen mobile equipment op.	8.30	.65	1% + 60	d	3/8%
Groundmen truck drivers & machine	7.90	.65	1% + 60	d	3/8%
Groundmen dynamite man	8.30	.65	1% + 60	d	3/8%

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Painters:					
Twps. of Caserton, Bath, Thurston, Bradford, Campbell, Erwin, Lindley, Hornby, Corning City, Caton, Addison and Rathbone:					
Painters	$ 5.45	.25	.25		
Swing scaffold, boatswain chair, bridges, structural steel under 35'	5.80	.25	.25		
Structural steel over 35' and spray	6.15	.25	.25		
Remainder of County:					
Painters	8.655	.525	.75		.10
Swing stage, sandblasting, spray, scaffold work, bosun chair	8.905	.525	.75		.10
Steel, tanks, towers, stacks, flag poles and radio-TV-towers	9.515	.525	.75		.10
Bridges 35' high or in depth of 35' from road level	10.32	.525	.75		.10
Plumbers and Steamfitters:					
Twps. of Corning, Addison, Cameron, Mills, Horby, Caton, Lindley, Tuscarora, Rathbone, Thurston, Campbell, Bradford, part of Wayne, Reuka, Urbana, Bath including the Veterans facility Hornell and vicinity	7.32	.30	.20	25%e	.03
Remainder of County	7.69	.31	.45		.05
Roofers	8.00	.44	.59		
Sheet metal workers	8.14	.46	.60		.07
Sprinkler fitters	9.60	.50	.70		.08
Truck drivers, Building:					
Twps. of Wayland	8.59	.40	.40		
Twps. of Addison, Corning, Bath, Hammondsport, Caton, Lindley, Tuscarora, Woodhull, Erwin, Rathbone, Cameron, Thurston, Campbell, Urbana, Hornley, Bradford and Wayne	5.40	f		g	
Welders - receive rate prescribed for craft performing operation to which welding is incidential					

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION

PAID HOLIDAYS

~~A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving~~ Day; F-Christmas Day.

FOOTNOTES:

a. Paid Holidays, A through F providing the employee works the day before and after the holiday.

b. Four hours with pay Christmas Day providing the employee has worked the previous four hours.

c. Paid Holidays, A through F, Washington's Birthday, Good Friday and Christmas Eve providing the employee has worked 45 full days during the 120 calendar day year prior to the holiday and the regular scheduled work days immediately preceding and following the holiday

d. Paid Holidays A through F, Washington's Birthday; Election Day for the President of the U. S. and Governor of New York State (provided the employee works the day before and after the holiday.

e. Paid Holidays A through F and two hours off with pay on Election Day for the President of the U. S. and Governor of New York State.

f. Employer contributes $2.40 per day to a combined Heath, Welfare and Pension fund.

g. Paid Holidays A through F.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
REMAINDER OF COUNTY:						
TRUCK DRIVERS:						
Warehouse, yardmen, truck helper, pickups, panel trucks, flatboy, material trucks (scraight jobs), single axel, dump trucks, dumpsters, material checkers and receivers, greasers, truck firemen, mechanic-helpers, parts chaser	$7.48	.45	.40	a		
Tandems and batch trucks, mechanics, dispatcher	7.53	.45	.40	a		
Semi-trailers, lowboy trucks, asphalt distributor trucks and agitator, mixer trucks, dumpcrete type vehicles, truck mechanic	7.58	.45	.40	a		
Specialized earth moving equipment-euclid type or similar off-highway equipment, where not self loaded, and strattle (ross) carrier	7.73	.45a	.40	a		
Off-highway tandem back-dump, twin engine equipment and double hitched equipment where not self-loaded	7.92	.45	.40	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employee who have worked 150 days or more in the first contract year receive 2 weeks with pay at classification at which they worked the greatest number of days, second year of employment the employee is required to work 100 days in the contract year to receive 2 weeks vacation.

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS

GROUP I: Cranes:

A. 121 ft. & under
B. Between 121 - 151 ft.
C. Between 151 - 201 ft.
D. Between 201 - 251 ft.
E. Between 251 - 301 ft.
F. Between 301 - 351 ft.
G. Between 351 - 401 ft.
H. Between 401 - 451 ft.

GROUP II: Air tugger, backhoe, clamshell, dragline, shovel and similar machines over three eighths (3/8) cu. yd. capacity (factory rating), big generator plant, bridge crane (all types), cableway, caisson auger & similar type machine, climbing and/or tower crane (all kinds and all types), derrick, dredge, forklift (with factory rating of fifteen (15) ft. or more of lift) hoist (on steel erection), mucking machine, Ross Carrier (and similar types), three drum hoist (when all drums are in use.),

GROUP III: "A" Frame truck, back filling machine, Barber Green and similar type loader, belt crete and similar type machine, bituminous spreading machine, bull-dozer, carry-all type scraper, compressors; four (4) not to exceed 2000 c.f.m. combined capacity, three (3) or less with more than 1200 c.f.m., but not to exceed 200 c.f.m., concrete mixer, concrete pump, core drill, crane-hoe-shovel (3/8 yd. capacity or less), (factory rating), dinky locomotive (all types), elevating type grader, elevator, fine grade machine (all kinds), front end loader, forklift (with factory rating of less than (15) fifteen ft. of lift.), high pressure boiler (over 15 pounds pressure), hoist (1 or 2 drums), Motor grader, maintenance engineer post hole digger, sheepsfoot roller, side boom, stone crusher, submersible Electric Pump, when used in lieu of well point system, tandem roller, Tournedozer and similar types, tournapull, tower mobile and similar kinds trenching machine, vibratory type roller and similar equipment of all kinds, welder, well drill, well point system,

GROUP IV: Any combination (not to exceed three (3) pieces of equipment) pumps, welding machines or mechanical conveyors, (over 12 ft. in length), belt crete generator, compressors - 3 or less not to exceed 1200 c.f.m. combined capacity, Fireman, longitudinal float, mechanical heater, roller (fill and grade), rubber tired tractor, oilers

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays A through F; providing employee works the working day immediately preceding the Holiday, or on the scheduled work day immediately following the holiday.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I					
A	$ 9.57	.40	.70	a	.10
B	9.85	.40	.70	a	.10
C	10.12	.40	.70	a	.10
D	10.40	.40	.70	a	.10
E	10.95	.40	.70	a	.10
F	11.51	.40	.70	a	.10
G	12.05	.40	.70	a	.10
H	12.61	.40	.70	a	.10
GROUP II	9.57	.40	.70	a	.10
GROUP III	9.38	.40	.70	a	.10
GROUP IV	8.245	.40	.70	a	.10

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Laborers and driller helpers Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper, pipelayers	$6.85	.45	.45	a	
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	7.05	.45	.45	a	
Blasters, form setters, stone or granite curb setters	7.25	.45	.45	a	
	7.45	.45	.45	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated), fork lift (factory rated 15 ft. and over), front end loader (4 c.y. and over), head tower (sauerman or equal), hoist (2 or 3 drum), mine hoist, mucking machine or mole, overhead crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is muded, he shall be on oiler), tractor drawn belt type loader, truck crane, tunnel shovel

GROUP II: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated) and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity, concrete paver (over 165), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum), Kolman plant loader and similar type loaders (if another man is required to clean screen or to mountain the equipment, he shall be on oiler), locomotive, maintenance/engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat

GROUP III: A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 200 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, homers (hydraulic-self propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point

GROUP IV: Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 c.f.m. combined capacity), compressor (any size, bust subject to other provisions for compressors), dust collectors, generators pumps, welding machines (3 or less of any combination), concrete paver or mixer (165 and under), concrete saw (self propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler, parapet concrete or pavement grinder, power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.70	.45	.45+a	b	.10
GROUP II	8.40	.45	.45+a	b	.10
GROUP III	7.85	.45	.45+a	b	.10
GROUP IV	7.15	.45	.45+a	b	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.30 per hour to an Supplemental Unemployment Benefit Fund.

b. Paid Holidays A through F; providing the works the day day before and after the holiday.

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
TRUCK DRIVERS:					
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbed material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, tireman, mechanic helpers and parts chaser	$6.90	.50	.45	a	
Tandems and batch trucks, mechanics dispatcher	6.95	.50	.45	a	
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	7.00	.50	.45	a	
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	7.15	.50	.45	a	
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	7.30	.50	.45	a	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: WAYNE

DECISION NO.: NY-75-3047 DATE: Date of Publication

Supersedes Decision No. AQ-2128 dated June 28, 1974 in 39 FR 24163
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

59-NY-1-2-3- H 1 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
Asbestos workers -	$10.31	.73	.35		.03
Boilermakers	9.45	.30	.85		.02
Bricklayers:					
Twps. of Ontario, Williams, Sodus (including Sodus Point), Walworth, Marion, Macedon, and Palmyra:					
Bricklayers, plasterers, stone masons, tuck pointers	10.225	.30	.58		.02
Cement masons, building	10.025	.30	.58		.02
Cement masons, heavy and highway	8.22	.30	.58		
Marble setters, terrasso workers, and tile setters	10.80				
Twps. of Butler and Walcott (including the villages of Red Creek and Walcott):					
Bricklayers, cement masons (building), marble setters, plasterers, stone masons, terrasso workers, and tile setters	8.85	1.25	.60		.02
Cement masons, heavy and highway	8.00	.30	.60		
Remainder of county:					
Bricklayers, cement masons (building), marble setters, terrasso workers, tile setters, and stone masons, plasterers	8.85	1.25	.60		.02
Cement masons, heavy and highway	8.00	.30	.60		
Carpenters, Building	9.68	.45	.70		.005
Carpenters (Heavy and Highway)	8.38	.45	.70		.025
Electricians:					
Twps. of Sodus, Williamson, Ontario, Walworth, Marion, Palmyra and Macedon	10.45	.40	1%+.75		½ of 1%
Twps. of Lyons, Galen & Arcadia	9.80	.45	1%+.45		½ of 1%
Savannah twp.	9.75	.55	1%+.35		.05
Twps. of Huron, Walcott, Rose & Butler	9.73	.55	1%+.35		½ of 1%

NY-75-3047 P. 2

59-NY-1-2-3- H 2 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
Glaziers	$9.00	.67	.31		.05
Ironworkers:					
Walcott, Butler, Savannah and Clyde					
Structural, ornamental & reinforcing	9.51	.47	.57		.10
Remainder of County:					
Structural, ornamental & reinforcing	9.38	.32	.82		.05
Sheeter	9.63	.32	.82		.05
Sheeter, bucker-up	9.505	.32	.82		.05
Laborers, Building:					
Twps. of Macedon, Marion, Ontario, Palmyra, Sodus, Walworth & Williamson:					
Laborers	7.69	.65	1.05		
Blasters	9.06	.65	1.05		
Air track, wagon drill op., a asphalt rakers	8.09	.65	1.05		
Jackhammers, mortar mixer, concrete cutters for wrecking and demolition	7.99	.65	1.05		
Power monkey	8.56	.65	1.05		
Chuck tender, all work on hanging or swing scaffold	7.89	.65	1.05		
Remainder of County:					
Laborers	7.60	.45	1.05		
Lathers	9.94		.50		.01
Leadburners	9.25	.35		b	.01
Line Construction:					
Lineman	10.10	.65	1%+.60	c	3/8%
Groundman digging machine operator	9.17	.65	1%+.60	c	3/8%
Groundman mobile equipment operator	8.30	.65	1%+.60	c	3/8%
Groundman truck driver & mechanic	7.90	.65	1%+.60	c	3/8%
Groundman dynamite man	8.30	.65	1%+.60	c	3/8%
Cable splicer	11.11	.65	1%+.60	c	3/8%
Painters:					
Twps. of Macedon, Palmyra, Marion, Williamson, Sodus, Ontario & Walworth:					
Brush, roller	8.19	.35	.72		.04
Structural steel & iron-up to 40'	8.69	.35	.72		.04
Over 40'	8.89	.35	.72		.04

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Swing scaffold & window brackets	8.69	.35	.72		.04
Bridge	9.19	.35	.72		.04
Sandblaster	8.94	.35	.72		.04
Spray	8.79	.35	.72		.04
Remainder of County:					
Painters	5.43				
Spray, swing scaffold, structural steel above 40'	6.18				
Piledrivermen & millwrights, Bldg.	9.68	.55	.89		
Piledrivermen, Heavy & Highway	8.67	.45	.70		.025
Plumbers & steamfitters:					
Twps. of Butler & Savannah:					
Contracts over $50,000	9.67	.40	.23		
Contracts under $50,000	8.87	.40	.23		
Twps. of Walcott	9.33	.35	.40		
Remainder of County	9.99	.405	1.39	.09	.06
Roofers	9.90	.39	.39		
Roofers helpers:					
1st year - 1st 6 months	3.96	.39	.39		
1st year - 2nd 6 months	5.94	.39	.39		
3rd year	8.42	.39	.39		
Sheet metal workers	10.16	.50	.65		.025
Sprinkler Fitters	9.60	.50	.70		.08
Soft-floor-layers	8.64	.35	.39	h+i	.005
Truck drivers, Building:					
Twps. of Ontario, Walworth & Macedon	8.39	.40	.40		
Remainder of County:					
Dumps, straight, trailer, pick-up, transit-mix, water and fuel	7.05		.35	f + g	
Road oilers, low-boy trailers, winch trucks and A-frames	7.20		.35	f + g	
Euclid, linn drivers	7.40		.35	f + g	

PAID HOLIDAYS: A.-New Year's Day; B.-Memorial Day; C.-Independence Day; D.-Labor Day; E.-Thanksgiving Day; F.-Christmas Day

FOOTNOTES:

a. Holiday: Labor Day provided the employee has worked the day before the holiday.

b. Holidays: A through F, Washinton's Birthday, Good Friday, & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regularly scheduled work days immediately preceding & following the holiday.

c. Holidays: A through F, Washinton's Birthday, Good Friday, and Election Day for President of the United States and Governor of New York State, provided employee works day before and day after the holiday.

d. Holiday: Labor Day, provided employee works the regular working day preceding the holiday and the regular working day after the holiday.

e. Holidays: A-through-F.

f. 1 week vacation after 1 year's work.

g. Holidays: A through F, providing regular employee is available for work the day before and the day after the holiday.

h. Holidays: A through F and Good Friday.

i. 1 year's work or more - one week vacation; 3 year's work or more - 2 weeks vacation.

j. Holidays: Independence Day; Thanksgiving Day; Friday after Thanksgiving.

NY-5-LAB-2-3-I

Twps. of Macedon & Palmyra

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Laborers and driller helpers	$6.30	1.05	.65	a	
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper, pipelayers	6.50	1.05	.65	a	
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	6.70	1.05	.65	a	
Blasters, form setters, stone or granite curb setters	6.90	1.05	.65	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

N.Y.-24-LAB-2-3-F

REMAINDER OF COUNTY:

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Laborers and driller helpers	$6.50	.90	.60	a	
Concrete aggregate-bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper, pipelayers	6.70	.90	.60	a	
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	6.90	.90	.60	a	
Blasters, form setters, stone or granite curb setters	7.10	.90	.60	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:
GROUP I - Cranes (cable and hydraulic, climbing and tower)
I - A 121 ft. and under
I - B 121 ft. and 151 ft.
I - C 151 ft. and 201 ft.
I - D 201 ft. and 251 ft.
I - E 251 ft. and 301 ft.
I - F 301 ft. and 351 ft.
I - G 351 ft. and 401 ft.
I - H 401 ft. and 451 ft.

GROUP II - Air tugger, derrick, dredge, big generator plant, cableway, backhoe, clamshell, dragline, shovel and similar machines over 3/8 cubic yards capacity (factory rating), bridge crane (all types), caisson auger and similar type machine, forklift (with factory rating of 15 ft. or more of lift), hoist (on steel erection), mucking machines, rose carrier (and similar types), three drum hoist (when all three drums are in use)

GROUP III - A frame truck, backfilling machine, hoist (1 or 2 drums), barber green and similar type machine, maintenance engineer (mechanic), mechanical slurry machines (all kinds), belt crete and similar type machines, bituminous spreading machine, post hole digger, bulldozer, carry all type scraper, core drill, pumps, (regardless of motive power) no more than (4) in number not to exceed 20 inches in total capacity), fine grade and finish rollers, side boom tractor, stone crusher, compressors: 4 not to exceed 2000 cfm combined capacity 3 or less with more than 1200 CFM, but not to exceed 2000 CFM, concrete mixer, concrete placer, concrete pumps, tournadosar and similar types, crane-hoe-shovel 3/8 yd. capacity or less (factory rating), tournapull and similar types, dinky locomotives (all types), tower-mobile and similar types, elevating grader, elevator trenching machines, fine grade machines (all kinds), welder, front end loader, forklift with factory rating of less than 15 feet of lift, well drill, well point system, high pressure boiler, Exception: single electric pumps up to and including 4 inches not be manned.

GROUP IV - Any combination (not to exceed 3 pieces of equipment), welding, machine or mechanical conveyor (over 12 ft in length), fireman, belt crete generator, mechanical heater, roller (fill & grade), pumps (regardless of motive power) no more than (3) in number, not to exceed twelve inches total capacity, rubber tired tractor, compressor 3 or less, not to exceed 1200 CFM combined capacity, longitudinal float, Exception: single gasoline driven welding machines up to 300 amps need not be manned.

GROUP V - Truck crane oilers

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
POWER EQUIPMENT OPERATORS		H & W	Pensions	Vacation	App. Tr.
GROUP I:					
I-A	$9.45	.45	.45+.30	a	.10
I-B	9.70	.45	.45+.30	a	.10
I-C	9.95	.45	.45+.30	a	.10
I-D	10.20	.45	.45+.30	a	.10
I-E	10.70	.45	.45+.30	a	.10
I-F	11.20	.45	.45+.30	a	.10
I-G	11.70	.45	.45+.30	a	.10
I-H	12.20	.45	.45+.30	a	.10
GROUP II	9.45	.45	.45+.30	a	.10
GROUP III	9.27	.45	.45+.30	a	.10
GROUP IV	8.175	.45	.45+.30	a	.10
GROUP V	7.35	.45	.45+.30	a	.10

FOOTNOTES:
PAID HOLIDAYS: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day regardless of the day of the week in which the holiday may fall.

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:
CLASS I: Asphalt roller (except rubber tire), Automatic fine grade machine, backhoe (except tractor mounted, rubber tired), belt placer, black top plant (automated) blast or rotary drill, (truck or cat mounted), cableway, caisson auger, central mix plant (automated), cherry picker - over 5 tons capacity, crane, derrick, dragline, dredge, dual drum paver, elevating grader (self-propelled or towed), excavator (all purpose - hydraulically operated), front end loader (4 c.y. and over), gradall, grader, head tower, hoist, 2 or 3 drum, locomotive (irrespective of size or power), maintenance engineer, mine hoist, mucking machine, overhead crane, peins crane or similar type, pile driver, quarry master or equivalent, shovel, skimmer, slip form paver, tractor drawn belt-type loader, truck crane, tunnel shovel

CLASS II: Asphalt roller (rubber tired), asphalt spreader, automatic fine grade machine, backhoe (tractor mounted, rubber tired), back filling machine, bending machine (pipe), bituminous spreader and mixer, blacktop plant (non-automated), boom truck, boring machine, cage hoist, central mix plant (non-automated) and all concrete batching plants, cherry picker 5 tons and under, compressors (4 or less) exceeding 2,000 c.f.m. combined capacity, concrete paver over 16S, concrete pump, crusher, dozer or push cat, drill rigs, tractor mounted, elevator, front end loader (under 4 c.y.) hi-pressure boiler, (15 lbs. and over), hoist, one drum, hydraulic pipe jack machine or similar type machine, jersey spreader, koiman plant loader and similar type loaders (if employer requires another man to clean the screen or to maintain the equipment, he shall be an oiler), maintenance grease man, mixer for stabilized base self-propelled, monorail machine, plant engineer, pump crete, ready mix concrete plant, road widener, rock bit sharpener (all types), roller (all above subgrads, scraper, side boom, slip form paver, snorkel, stump chipping machine, trencher, tube finisher, winch, winch truck with A-frame

CLASS III: Asphalt curb and gutter machines, blower for burning brush, chipping machine and chip spreader, compressors: 4 not exceed 2,000 c.f.m. combined capacity, 3 or less with more than 1,200 c.f.m. but not to exceed 2,000 c.f.m., compressor, (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination) concrete pavement spreaders and finishers, concrete curb and gutter machine, concrete curing machines, conveyor drill core, drill well, electric pump used in conjunction with well point systems, farm tractor with accessories, fine grade machine, hammers-hydraulic-self-propelled, hydraulic rock expander or similar type machine, hydraulic pump, motorized hydraulic pin puller and seeders, post hole digger and post driver, roller (grade and fill), tractor with towed accessories, vibratory compactor, vibro tamp, well point

CLASS IV: Aggregate plant, boiler, (used in conjunction with production), C.M.I. and similar type concrete spreaders, cement bin operator, compressors: 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors: (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16S and under), concrete saw self-propelled, fireman, form tamper, mulching machine, oiler, power broom, power heaterman, revinius widener, steam cleaner, tractor

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
POWER EQUIPMENT OPERATORS		H & W	Pensions	Vacation	App. Tr.
CLASS I	$9.32	.45	.45+.50	a	.10
CLASS II	9.09	.45	.45+.50	a	.10
CLASS III	8.71	.45	.45+.50	a	.10
CLASS IV	7.98	.45	.45+.50	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays, A through F, provided employee works the working day before and the working day after the holiday.

NY75-3047 P. 11

N.Y. 1-TD-2-3 - H

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, tireman, mechanic helpers and parts chaser	$6.90	.50	.45	a		
Tandems and batch trucks, mechanics dispatcher	6.95	.50	.45	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	7.00	.50	.45	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	7.15	.50	.45	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	7.30	.50	.45	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

SUPERSEDEAS DECISION

STATE: NEW YORK
DECISION NO. NY-75-3048

COUNTY: WESTCHESTER
DATE: DATE OF PUBLICATION

Supersedes Decision No. AR-2021 dated September 20, 1974 in 39 FR 33979
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

60-N.Y.-1-2-3- X 1 of 3

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$10.12	5%	6%	20%	
Boilermakers	10.57	5%	15%	7%	.01
Bricklayers	9.00	.75	1.75	1.00+f	.05
Carpenters and insulators	8.40	.85	1.20	.67	.085
Cement masons	9.00	.75	1.75	1.00+f	.05
Electricians	9.68	3-3/4%	7½%	10%	½%
Elevator constructors	9.52	.445	.29+e	a+b	.02
Elevator constructors' helpers	7.14	.445	.29+e	a+b	.02
Elevator constructors' helpers (prob)	4.76				
Elevator constructor modernization	8.75	.445	.29+e	a+b	.02
Elevator constructor modern. helpers	6.56	.445	.29+e	a+b	.02
Elevator constructor repair	7.90	.445	.29+e	a+b	.02
Elevator constructor repair helper	5.92	.445	.29+e	a+b	.02
Glaziers	9.10	.66	1.66	.365	.03
Ironworkers, structural	10.00	1.00	2.40	1.20+g	.04
Ironworkers, ornamental finisher	8.40	.63	2.035	.76	.03
Ironworkers, reinforcing	9.10	.785	1.755	.75	.01
Laborers: (Building)					
Laborers, mason, plasterers, brickleyers, tenders, concrete laborers & pipelayers	7.20	.60	.89	.40	
Jackhammer, vibrators, power buggies, fork lifts, all pneumatic equipment	7.45	.60	.89	.40	
Lathers, nail-on	11.00				
Lathers, metal	9.10	.785	1.755	.75	.01
Lead burners	9.25	.35		c	.01
Line construction:					
Linemen	9.33	.56	1%+.61	.93	½%
Cable splicer	9.33	.56	1%+.61	.93	½%
Cable splicer helper	9.33	.56	1%+.61	.93	½%
Groundmen	9.33	.56	1%+.61	.93	½%
Driver groundman	9.33	.56	1%+.61	.93	½%
Dynamite man	9.33	.56	1%+.61	.93	½%
Marble setters	7.80	.63	1.41		
Marble setters' helpers, crane op, Marble cutters	7.33	.63	1.41		
	7.80	.63	1.41		

NY-75-3048 P. 2

60-N.Y.-1-2-3 X 2 of 3

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Marble carvers	7.95	.63	1.41		
Derrickmen	7.33	.63	1.41		
Marble sawers, rubbers, polishers	7.57	.63	1.41		
Millwrights	9.36	.90	1.53		
Painters:					
Brush	7.80	.45	.87-6/7		
Structural steel	8.91-3/7	.45	.87-6/7		
Spray	8.80	.45	.87-6/7		
Piledrivermen & dock builders	9.86	.95	1.63	.55	.02
Plasterers	9.00	.75	1.75	1.00+f	.05
Plumbers	8.77	8%	9½%+h	10%	2½%
Riggers					
Roofers:					
Composition, damp & waterproofing	8.44	12%	2.20	.63	
Slate and tile	8.84	.50	2.20	.63	
Slate and tile helpers	7.10	.50	1.00	1.00	
Sheet metal workers	9.51	6%	14%	9%	.02
Soft floor layers	8.40	.85	1.25	.67	.085
Steamfitters	8.84	6½%	8½%+d	11%	1%
Stone masons	9.00	.75	1.75	1.00+f	.05
Terrazzo machine operator	7.13	.88	.43		
Terrazzo workers	9.10	.64	1.95		
Terrazzo workers' helpers	7.43	.88	1.26		
Tile setters	8.25	.60	1.75		
Tilesetters' helpers	7.58	.50	1.27		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Armistice Day and Election Day.

b. Employer contributes 6.4% of basic hourly rate for 5 years or more of service of 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

FOOTNOTES (CONT'D):

c. Holidays: A through F; Washington's Birthday, Good Friday, Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regularly schedule work days immediately preceding and following the holiday.

d. Employer contributes $5.60 per day to Security Benefit Fund, providing the employee works 3½ hours or more during the working day.

e. Employer contributes $8.00 per day to Annuity Fund.

f. Holidays: D, Armistice Day, Columbus Day, Presidential Election Day or Election Day for Governor of New York (Highway Construction only.)

g. Holidays: A through F, providing the employee works a full haid day preceding the holiday.

h. Employer contributes $4.96 per day to Security Benefit Fund providing the employee works 3½ hours or more during the working day.

EXCAVATION, HEAVY CONSTRUCTION AND ROAD CONSTRUCTION (Open Cut)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Blasters, blaster (quarry master)	$8.83	8%	8%	a + .50	
Joy drillers, wagon drillers, air track drillers, concrete form aligner, concrete form and curb form highway (steel), and deck winches on scows, jumbo driller	8.28	8%	8%	a + .50	
Asphalt curb machine operator, jeeper operator, pavement breaker operator, rock scalers, power saw operator, bit grinder or grinders, barco rammer operator, air tamper and all type powered tampers not covered by any other classification, steel kings, power buggy operator, jack hammer drillers, all type pneumatic tool and gasoline drillers, concrete saw or saws, asphalt screeder on barbergreen, form pin puller railroad spike puller, pumps and their operation, and pneumatic tools and service of air power, gunniting	8.18	8%	8%	a + .50	
General concrete laborers or anything pertaining to concrete which means any men handling aggregate or concrete materials and carpenters tender and steel handling, pipe layers, puddlers, asphalt worker, fine grade men between forms, epoxy and waterproofing	8.03	8%	8%	a +.50	
Joy driller's helper wagon driller helper, air track driller helper, common laborers, signal men and pitman, truck spotters, powdermen, landscape and nursery men, and dump men	7.93	8%	8%	a +..50	

EXCAVATION, HEAVY CONSTRUCTION AND ROAD CONSTRUCTION (Open Cut)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers: (CONT'D)					
Wrecking:					
Barmen, and burner	$8.43	8%	8%	a + .50	
Barmen helpers and laborers	8.28	8%	8%	a + .50	
Shaft and Tunnel in Free Air:					
Blasters	9.08	8%	8%	a + .50	
Concrete setters	9.28	8%	8%	a + .50	
Form setters	8.78	8%	8%	a + .50	
Miners, drill runners, air tuggers, chippers, pneumatic tools and source of air-power pumps and their operations, and vibrator operators	8.58	8%	8%	a + .50	
Puddlers	8.53	8%	8%	a + .50	
Chuck tenders, nippers, concrete laborers, tunnel sewer and water pipe reliners	8.43	8%	8%	a + .50	
Laborers	8.18	8%	8%	a + .50	
Powder carriers, signalmen	8.13	8%	8%	a + .50	
Brakemen	8.08	8%	8%	a + .50	
Outside laborers	8.03	8%	8%	a + .50	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Columbus Day; November Election Day; Veteran's Day; and Good Friday, provided employee works (2) two or more days in the calendar week in which the holiday falls.

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION:

GROUP I: Backhoe Oliver 88, Fordson, dynahoe, dual purpose & similar machine, Barber Green loader-Euclid loader or similar type, cherry picker (cableway), compressor (Steel erection), conway or similar mucking machines, dragline, gradall, shovel, backhoe, etc., (crawler or truck), front end loaders, hydraulic boom, Jersey spreader, Letourneau or Tournapull (scrapers over 20 yds. struck), mucking machines, pavement breaker (air ram), paver (concrete), pulsometer, push button (buzz box) elevator, road boring machine, road mix machines, Ross carrier & similar machines, post hole digger, shovel (tunnels), side boom, spreader (asphalt), scoopmobile-tractor-shovel over 1-½ yds., trenching machines, tractor type demolition equipment, winch truck "A" Frame

GROUP II: Compactor self-propelled, grader, bulldozer D7 & similar tractors with a draw bar horsepower of 100 & over maintenance engineer, mechanic (outside) all types, welder, scraper-20 yds. struck & under, machine pulling sheep's foot roller, etc., roller 4 ton and over, vib. roller

GROUP III: Asphalt plant, boiler (high pressure), bulldozer D6 & similar tractors with a draw bar horsepower less than 100, compressor, compressor plant, concrete mixing plants, concrete pump, conveyor belt machine-irrespective of motor size, fireman, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader-1-½ yds., & under, lighting unit (portable & generator), locomotive (all sizes), mixer concrete-21E & over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone cursher, welding machine (steel erection excavation), well drilling machine, well point system

GROUP IV: Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, compressor to 125 cu. ft., curb cutter machine, dust collector, farm tractor (all types), finishing machine concrete, material hooper-sand-stone-cement, mixer-concrete-under 21E, mulching grass spreader, heater-all types, pump, pump station (water & sewer), pump-gypsum, etc., concrete, pump-plaster roller under 4 ton, spreading & fine grading machine, steam Jenny, steel Jenny, steel cutting machine, sweeper, syphon pump air steam, tar joint machine, Turbo jet burner or similar equipment vibrator (1 to 5) fine grading machine

GROUP V: Concrete saw, mechanic's helper, oiler (fuel truck), oiler (grease truck), paint compressor, welder's helper

GROUP VI:
A. Master mechanic
B. Helicopter hoist op.
C. Oiler, asphalt paver, utility man
D. Welder - certified
E. Second engineer on cranes 30 ton and over
F. Cable splicer
G. Helicopter pilot
H. Helicopter signalman
I. Engineer, all tower cranes, all climbing cranes and all cranes of 100 ton capacity or greater (3900 maintowac or similar) irrespective of manufacturer and regardless of how the same is rigged (except for pile rigs).

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POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION:

GROUP VI (CONT'D):

J. Cranes (crawlers or truck) 100 ft. but less than 149 ft
K. Cranes (crawlers or truck) 149 ft. and over
L. Loaders op. (over 5 yd. capacity)
M. Shovel op. (over 4 yd. capacity)

GROUP VII: Concrete-portable hoist, crane & hoist engineer-steel (concrete, material, super structure, sub-structure), derrick (stone-steel), elevator & cage, engineer-pile driver, overhead crane, power house plant, telephies, whirly, hoist (single, double or triple drum), hoist (portable mobile unit), hoist engineer-concrete (crane, derrick, mine hoist), hoist engineer material

POWER EQUIPMENT OPERATORS, BUILDING	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$12.285	6%+.875	8½%	a	1½%
GROUP II	11.37	6%+.875	8½%	a	1½%
GROUP III	11.2275	6%+.875	8½%	a	1½%
GROUP IV	11.085	6%+.875	8½%	a	1½%
GROUP V	9.9425	6%+.875	8½%	a	1½%
GROUP VI					
A	13.655	6%+.875	8½%	a	1½%
B	12.7975	6%+.875	8½%	a	1½%
C	8.9975	6%+.875	8½%	a	1½%
D	11.7975	6%+.875	8½%	a	1½%
E	10.5125	6%+.875	8½%	a	1½%
F	11.37	6%+.875	8½%	a	1½%
G	16.5125	6%+.875	8½%	a	1½%
H	9.9425	6%+.875	8½%	a	1½%
I	16.2275	6%+.875	8½%	a	1½%
J	14.5125	6%+.875	8½%	a	1½%
K	15.5125	6%+.875	8½%	a	1½%
L	12.785	6%+.875	8½%	a	1½%
M	13.285	6%+.875	8½%	a	1½%
GROUP VII	12.5125	6%+.875	8½%	a	1½%

HEAVY & HIGHWAY - POWER EQUIPMENT OPERATORS:

GROUP I: Auger, auto grader, backhoe Oliver 88, Fordson, dynahoe, dual purpose and similar machines, barber green loader-euclid loader or similar type, central mix plant operator, cherry picker (cableway), compactor with blade, compressor (steel erection), concrete portable hoist, C.M.I. or similar Conway or similar mucking machines, Crane (crawler or truck) dragline, gradall, shovel backhoe, etc., derrick (stone-steel), elevator & cage, front end loaders, hoist single, double, triple drum, hoist portable mobile unit, hoist engineer-concrete (crane-derrick-mine hoist), hoist engineer-material, hydraulic boom, LeTourneau or Tournapull (scrapers over 20 yards struck), mucking machines, overhead crane, paver (concrete), power house plant, pulcometer, push button (buzz box) elevator, road mix machines, Ross carrier and similar machines, shovel (tunnels), side boom, spreader (Asphalt), scoopmobile-tractor-shovel over 1½ yards, trenching machines, telephies, tractor type demolition equipment, whirly, winch truck "A" frame

GROUP II: Compactor self-propelled, grader, bulldozer D7 and similar tractors with a draw bar horsepower of 300 and over, maintenance engineer, mechanic (outside) all types, welder, scrapers 20 yards struck and under, shop foreman, vibratory roller, etc., roller 4 ton and over

GROUP III: Asphalt plant, boiler (high pressure), bulldozer D6 and similar tractors with a draw bar horsepower less than 300, compressor, dempressor plant, concrete pump, conveyor belt machine-irrespective of motor size, fireman, forklift, Yorklift (electric), joy drill or similar tractor drilling machine, loader-1½ yds. and under, lighting unit (portable & generator), locomotive (all sizes), machine pulling sheeps foot roller, mixer concrete-21E and over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, welding machine (steel erection-excavation), well drilling machine, well point system

GROUP IV: Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, compressor to 125 cu. ft., curb cutter machine, dust collector, farm tractor (all types), finishing machine-concrete, material hopper-sand-stone-cement, mixer-concrete-under 21E, mulching grass spreader, heater-all types, pump 4 inches and over, pump station (water & sewer), pump-gypsum, etc., pump-plaster, roller under 4 ton, shop mechanic (not employed on job site), spreading & fine grading machine, steam jenny, steel cutting machine, sweeper, syphon pump-air-steam, tar joint machine, Turbo jet burner or similar equipment, vibrator (1 to 5), fine grading machine

GROUP V: Concrete saw, mechanic's helper, oiler, oiler (fuel truck), oiler (grease truck), stockroom or stockroom attendant, paint compressor, pump under 4" or any combination not equal to 4". roller motorized (walk behind), welder's helper

HEAVY & HIGHWAY - POWER EQUIPMENT OPERATORS (CONT'D):

GROUP VI: Hoist engineer-steel, sub-struct., engineer-pile driver

GROUP VII: Welder-certified crawlers or truck: 100 ft. but less than 149 ft. $2.00 per hour additional crawlers or truck: 149 ft. and over $3.00 per hour additional loader operators: Over 5 cu. yd. capacity $.50 per hour additional shovel operators: over 4 cu. yd. capacity $1.00 per hour additional

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$10.75	6%	8%+a	b	1½%
GROUP II	9.95	6%	8%+a	b	1½%
GROUP III	9.825	6%	8%+a	b	1½%
GROUP IV	9.70	6%	8%+a	b	1½%
GROUP V	8.70	6%	8%+a	b	1½%
GROUP VI	10.95	6%	8%+a	b	1½%
GROUP VII	10.325	6%	8%+a	b	1½%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. $.66 per hour.

b. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Good Friday; Columbus Day; November Election Day and Veteran's Day.

TRUCK DRIVERS, BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Straight jobs, A-Frame (inside cab), winch (inside cab), two. dynamite, seeding, mulching, agitator, water, welding on pipelines, post hole diggers mortar mixing, suburbans, oil distributors, pick-up, hopper men & crusher op. concrete mixer, lift (in garage, yards and on job site)	$7.675	.40	.65	a+b		
Tractor trailers (all types), 3 axle trucks (physically load and unload), mixer men, high pressure boiler in asphalt and batch plants	7.80	.40	.65	a+b		
Tractor trailers (carrying equipment), weighmasters	7.925	.40	.65	a+b		
Euclid	8.05	.40	.65	a+b		
Euclids, Athey wagons, trailer wagons, belly dumps (under 40 tons)	8.425	.40	.65	a+b		
Athey wagons, trailer wagons, bally dumps (over 40 tons)	8.675	.40	.65	a+b		
Dual purpose grease & fuel trucks, fuel trucks, tire trucks	8.125	.40	.65	a+b		
Welders, maintenance man, mechanics	7.90	.40	.65	a+b		
Helicopter operator	17.65	.40	.65	a+b		
Machanic helpers, stock room man	7.55	.40	.65	a+b		
Yardmen and helpers	7.425	.40	.65	a+b		
Darts (up to 100 tons)	9.175	.40	.65	a+b		
RXS	9.55	.40	.65	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

Footnotes:
a. Holidays: A through F, Lincoln's Birthday, Washington's Birthday, Good Friday, Columbus Day, Election Day, Veteran's Day (provided employee works one day of the work week in which the holiday occurs).

b. One week vacation after 90 days of employment in calendar year; plus one additional day for each additional 10 days of employment, not exceeding 10 days in any one calendar year; two weeks after 130 days of employment in a calendar year. However, an employee with 5 years of seniority service shall receive 2 weeks' paid vacation provided he works 90 days in a calendar year; three weeks and one day after 16 years of seniority service - plus 1 additional day for each year up to 19 years of seniority service; four weeks after 20 years of seniority service.

SUPERSEDEAS DECISION

STATE: South Carolina COUNTY: See below*
DECISION NUMBER: S275-1045 DATE: Date of Publication
Supersedes Decision No. AR-4006 dated July 5, 1974 in 39 FR 24780
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties: Allendale, Bamberg, Calhoun, & Orangeburg

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Air conditioning & heating mechanic	4.00				
Bricklayers	4.50				
Carpenters	4.00				
Concrete finisher	3.00				
Drywall Finisher	2.75				
Drywall Hanger	2.50				
Electricians	3.52				
Insulation Installer	3.00				
Laborers:					
Laborers	2.10				
Mason tenders	2.25				
Mortar mixers	2.25				
Painters, brush	2.50				
Plumbers & Steamfitters	5.00				
Roofers	2.50				
Sheet metal workers	3.13				
Tile setters	3.15				
Truck drivers	2.10				
Welders - rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoe	3.00				
Loader	3.00				

SUPERSEDEAS DECISION

STATE: Texas COUNTIES: Galveston & Harris
DECISION NO.: TX75-4077 DATE: Date of Publication
Supersedes Decision No. TX75-4025, dated January 24, 1975, in 40 FR 3933.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination TX75-4031 for Paving & Utilities Incidental to Building Construction).

DECISION NO. TX75-4077

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.10	.70	.70		.06
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS & STONEMASONS	8.69	.325	.40		.05
CARPENTERS:					
Carpenters	7.96	.45	.30		.05
Millwrights	8.26	.45	.30		.05
Piledrivermen	7.96	.45	.30		.05
CEMENT MASONS:					
Harris County	7.40	.49	.42		.05
Galveston County	7.40	.49	.42		
ELECTRICIANS:					
Harris County	8.65	.30	3%		.04
Galveston County	8.99	.20	1%+.40		.03
ELEVATOR CONSTRUCTORS	7.79	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.22	.475	.20		.01
IRONWORKERS	7.87	.55	.60		.075
LABORERS:					
GROUP 1 - Common	5.60	.28	.30		.02
GROUP 2 - Air tool operator (jackhammer-vibrator); Mason tenders; Pipelayers (concrete & clay); Sandblasters; Power buggy operator	5.775	.28	.30		.02
GROUP 3 - Lather tender; Mortar mixers; Plaster tenders & hod carriers	5.875	.28	.30		.02
GROUP 4 - Well driller	6.15	.28	.30		.02
GROUP 5 - Well driller tender	5.725	.28	.30		.02
GROUP 6 - Blaster, powderman	6.025	.28	.30		.02
LATHERS (Harris County only)	8.22	.30	.15		.02
LINE CONSTRUCTION:					
Lineman	8.84	.28	1%		1/2%
Groundman	6.06	.28	1%		1/2%
Groundman (1st 6 mos.)	4.42	.28	1%		1/2%
MARBLE MASONS:					
Harris County	$7.56			.25	
Galveston County	7.80				
PAINTERS:					
East Harris County:					
GROUP 1 - All brush painting, hand rolling and all other work other than that below	8.56				
GROUP 2 - All pneumatic and electric tools and steam cleaning	8.915				
GROUP 3 - All tape and float on drywall	8.685				
GROUP 4 - All paper and vinyl hanging	8.81				
GROUP 5 - All spray painting, sandblasting and waterblasting	8.955				
GROUP 6 - Steeple jack work, hot materials	9.215				
Remainder of Harris County:					
GROUP 1 - All brush painting, hand roller, steam cleaning, all pneumatic tools	7.345	.275	.30	.40	.04
GROUP 2 - All spray painting, sandblasting, waterblasting	7.92	.275	.30	.40	.04
GROUP 3 - Taps, float & drywall	7.67	.275	.30	.40	.04
GROUP 4 - Steeple jack work, hot materials	8.17	.275	.30	.40	.04
Galveston County:					
GROUP 1 - Painters on new work	7.05	.55	.45	.665	.02
GROUP 2 - Painters on swinging stage work or using materials injurious to the skin	7.30	.55	.45	.665	.02
GROUP 3 - Painters on rework & repaint	6.72	.55	.45	.665	.02
PIPEFITTERS:					
Harris County and that part of Galveston County west of the Trinity River	8.80	.40	.60		.045
That part of Galveston County east of the Trinity River:					
Commercial work up to $50,000	8.56	.275	.30		.02
Commercial work $50,000 & over	8.99	.275	.30		.02

DECISION NO. TX75-4077 Page 4

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pension	Vacation	Apr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	$8.15	.35	.40		.04
GROUP 2	6.82	.35	.40		.04
GROUP 3	6.48	.35	.40		.04
GROUP 4	6.34	.35	.40		.04

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader, Self-propelled; Bull Clam; Back Filler; Derrick - power operated (all types); Clam Shell; Dragline; Push Cat Operator; Bull Dozer & all types Cat Tractors; Cable-Way; Backhoe; Shovel, power operated; Crane, power operated (all types); Elevating Grader, Self-propelled; Hoist, Motor-Driven, Two Drums or more, Mix Mobile; Water Well Drilling Machines, Used on Construction; Building Elevator, used on Construction; Tug Boat Operator, Assigned to Construction; Winch Trucks; Locomotive Crane; Concrete Mixer, 14 cu. ft. or more; Paving Mixer (all types); Pile Driver; Scraper, Heavy Type, over 3 cu. yds.; Trenching Machines (all sizes); Grudall; High-Lift; Foundation Boring Machine; Gasoline or Diesel Driven Welding Machines, 7 or more; Pumpcrete Machine Operator; Turnapulls; D4-10 Caterpillar, 8-18 Euclid and similar Tractors; Asphalt Plant Mixer Operator on job; Crusher Operator on job; Scoopmobiles; Forklift used on construction (not including warehousing); Well Point Pump; Concrete Batch Plant Operator; Pneumatic Rollers, Self-propelled; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated

GROUP 2 - Air Compressors; Blade Grader, Towed; Flex Plane; Form Grader, Concrete Mixer, less than 14 cu. ft.; Pumps; Pulsometer; Truck Crane Driver; Gasoline or Diesel Driven Welding Machines (on 3 or more, up to 6 machines); Hoist, Single Drum; Scraper, 3 cu. yds. or less; Wagon Drill Operator; Conveyor; Generator, Gasoline or Diesel-driven, over 1500 watts; Rubber Tired Farm Tractor with attachments; A Light Equipment Operator may run 1 or 2 105 cfm compressors; All other equipment of similar nature coming under the Light Equipment Class, when power operated

GROUP 3 - Fireman

GROUP 4 - Oiler

DECISION NO TX75-4078 Page 2

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pension	Vacation	Apr. Tr.
MARBLE MASONS	$6.17		.20		.06
PAINTERS:					
Brush; paperhangers; chipping & hand tools used for cleaning rollers	5.51	.24			.01
Tapers, bedders, rollers 9" wide	5.74	.30			.02
Steel after erection, steam cleaning, buffing with power driven tools and torches	5.925	.24			.01
Spray, sandblasting, waterblasting, swing stage	6.215	.24			.01
Area tools & taping machine	5.96	.30			.02
Striping machine	6.21	.24			.01
PLASTERERS	6.75	.28			.01
PLUMBERS & STEAMFITTERS	6.75	.31	.30		.02
POWER EQUIPMENT OPERATORS:					
GROUP 1	4.96	.30	.30		.03
GROUP 2	5.34	.30	.30		.03
GROUP 3	5.63	.30	.30		.03
GROUP 4	5.68	.30	.30		.03
GROUP 5	5.76	.30	.30		.03
GROUP 6	6.00	.30	.30		.03
GROUP 7	6.16	.30	.30		.03
GROUP 8	5.63	.30	.30		.03
GROUP 9	5.86	.30	.30		.03
GROUP 10	6.16	.30	.30		.03

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Fireman, Oiler; Mechanic; Grease Truck and Welder's Helpers; Screedman, Pneumatic roller towed by farmtype tractor or truck; Scale Operator and such as bin-batch; Rubber-tired farm type tractors and tractors under 35 HP without attachments

GROUP 2 - Air Compressors, Power Plants, pumps and welding machines (an operating engineer will not be required for an air compressor under 315 c.f.m., a pump under three inches or a light plant generating fifteen kilowatts or less, or one welding machine, if and when there is another operating engineer employed on the job who services the units); Concrete mixers, under 1 yard, and concrete batch plants, under 1 yard, gunite and pumpcrete machines, mechanical bull floats, spreading and finishing machines, Screening Plants, Drilling machines, Diamond, rotary, core and cable drilling; well under 6 inches, Hoists, scoopmobiles, A frame Air tuggar; building hoist, 1 drum hydrolift, Hydrocranes, winch truck. Loaders; Elevating, belt type loader, front end loader (under 2 yards) and over head loaders; forklift and lumber stacker on construction job site. Grease truck operator, (Diesel Oiler), Motor man and Industrial Locomotive. Tractors under 35 HP with attachments; and farm type tractor with back, or shovel type attachments

SUPERSEDEAS DECISION

STATE: Texas COUNTY: El Paso

DECISION NO.: TX75-4078 DATE: Date of Decision

Supersedes Decision No. TX75-4028, dated January 24, 1975, in 40 FR 3931.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination TX75-4001 for Incidental Paving).

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pension	Vacation	Apr. Tr.
ASBESTOS WORKERS	$7.00	.50	.87(a)		.03
FOOTNOTE: a-Includes $0.07 contribution to Occupational Health Fund.					
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS; BLOCKLAYERS; ROCK MASONS; STONEMASONS	6.13	.38	.20		.06
CARPENTERS:					
Carpenters	6.48	.45			.02
Millwrights	6.85	.45			.02
Stationary radial arm power saw operator	6.615	.45			.02
Floor layers	6.48	.45			.02
CEMENT MASONS	5.495	.30			.03
ELECTRICIANS:					
Electricians	8.00	.25	1%		1/2%
Cable splicers	8.52	.25	1%		1/2%
ELEVATOR CONSTRUCTORS	6.73	.445	.23	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	70%JR	.445	.23	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	50%JR				

FOOTNOTES: a-1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate; b-Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

GLAZIERS	5.37	.24			.05
IRONWORKERS:	6.70	.40	.50		
Ironworkers	4.95	.34	.25		
Outside wagon drill; wagon drill tenders; miner	4.70	.34	.25		
Cement gun or gunite; mason tender; mortar mixer; machine man; truck man; chuck tender	4.45	.34	.25		
Pipelayer, rain sewer and drainage	4.325	.34	.25		
Jackhammer operator, asphalt raker; kettleman; asphalt or pot man	4.20	.34	.25		.01
Common	4.05	.34	.25		
LATHERS	7.00				
LINE CONSTRUCTION:					
Lineman-Technician; Equipment operators	7.45	.25	1%		1/2%
Cable splicers	7.70	.25	1%		1/2%
Groundman	75%JR	.25	1%		1/2%
Groundman (less than 6 months)	50%JR	.25	1%		1/2%

V4071 APR 11 75 XUM

DECISION NO TX75-4078

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP 3 - Concrete mixers 1 yard and over and batch plants 1 yard and over, single drum paving machines. Crushing plants. Drilling Machines, 6 inches and over; Front end loaders, 2 yards and over; Paving: Asphalt plants, boiler or retort heater, distributor, lay down machine, pug mill, breakdown and tandem rollers. Steam Engineer. Trenching Machines. Patrol, rough, not required to blue top or finish

GROUP 4 - Tractor Equipment: Athey and Barber Green Loader, Bulldozer, DW10, DW20, DW 21, Dumor, Elevating Grader; Euclid, Highlander, Scraper, Traxcavator, Turnapull, Turnarocker and Tractors 35 HP and up

GROUP 5 - Concrete Paving machines, double drum. Catcranes, Hyacers, Cherry Picker, Attachment cranes, side and swing boom tractors, Building Hoist, 2 drums and up. Mechanic, Welder. Patrol, finish

GROUP 6 - Shovel, Backhoe, clam and dragline 3/4 yards and under; Cranes 25 tons and under

GROUP 7 - Guy and stiff leg derrick, Piledrivers; Crawler or skid rig. Shovel, Backhoe, clam and dragline over 3/4 yards; Cranes over 25 tons

GROUP 8 - Refrigeration, slusher, Jumbo form operators

GROUP 9 - Mucking machines

GROUP 10 - Mine hoists

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Roofers; Waterproofers; Pipewrappers	$5.00				
SHEET METAL WORKERS	7.93	.29	.25		.005
SOFT FLOOR LAYERS	5.36	.24			.01
SPRINKLER FITTERS	9.05	.50	.70		.08
TERRAZZO WORKERS	6.17		.20		.06
TERRAZZO WORKERS' HELPERS	3.70		.20		
TILE SETTERS	6.17		.20		.06
TILE SETTERS' HELPERS	3.70		.20		
TRUCK DRIVERS:					
Up to and including 2 tons	3.50	.26			
Flat bed dump trucks, mechanically	3.60	.26			
Tank trucks, up to 2500 gallons	3.50	.26			
Standard dump truck, up to and including 4 cu. yds.	3.60	.26			
Dump trucks, over 4 cu. yds.	3.75	.26			
Trucks over 4 tons including transit mix, all semitruck, etc.	3.75	.26			
Lowboy	3.75	.26			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

[FR Doc.75-9238 Filed 4-10-75;8:45 am]



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DECISIONS [illegible]

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP 3 - Concrete mixers, 1 bag capacity over and batch plants 1 yard and
paving machines. Tow type plants. Drilling Machines, 6 inches and ov
loaders, 2 yard and over. Screws, asphalt plants, Boiler or retort
lay down machine, pug mill, breaker and tandem rollers. Steam Eng
Machines. Patrol, rough, not required to blue top or finish

GROUP 4 - Tractor Equipment. Athey and Barber Green Loader, Bulldoze
Dumor, Elewart & Crader, Euclid, Highlander, Scraper, Traxcavator,
crucker and Tractors 35 HP and up

GROUP 5 - Concrete Paving machines, double drum, Catcranes, Hysters,
Attachment cranes, side and swing som tractors, Building Hoist, 2
Mechanic, welder, Patrol, finish

GROUP 6 - Shovel, Backhoe, clam and dragline 3/4 yards and under; Cr
and under

GROUP 7 - [illegible] and stiff leg derrick Piledrivers; Crawler or skid ri
clam and [illegible] over) - cranes: cranes over 25 tons

GROUP 8 - Refrigeration, slusher, Jumbo form operators

GROUP 9 - Welding machines

GROUP 10 - [illegible]

	Basic Hourly Rates	Fringe Be	
		H & W	Pensions
ROOFERS:			
Roofers, waterproofers & pe-wrappers	$5.00		
SHEET METAL WORKERS	7.90	.29	.25
SOFT FLOOR LAYERS	5.36	.24	
SPRINKLER FITTERS	9.05	.50	.70
TERRAZZO WORKERS	6.17		.20
TERRAZZO WORKERS' HELPERS	3.70		.20
TILE SETTERS	6.17		.20
TILE SETTERS' HELPERS	3.70		.20
TRUCK DRIVERS:			
Up to and including 2 ton	3.50	.26	
Flat bed dump trucks, mechanically	3.60	.26	
Tank trucks, up to 2500 gallons	3.50	.26	
Standard dump truck, up to and including 6 cu. yds.	3.60	.26	
Dump trucks over 6 cu. yds.	3.75	.26	
Trucks over 4 tons including transit mix, all semitrucks, &c.	3.75	.26	
Lowboy	3.75	.26	
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.			

[FR Doc.75-9[illegible] Filed 4-10-75;8:45 am]



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V 40-71

APR 11 75

72

federal register

April 14, 1975—Pages 16641–16827

MONDAY, APRIL 14, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 72

Pages 16641–16827

PART I

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

PRESIDENTIAL DOCUMENTS—
Executive Order delegating authority to issue regulations limiting imports of certain cheeses 16645
National Defense Transportation Day and National Transportation Week, 1975—Presidential Proclamation 16641
Pan American Day and Pan American Week—Presidential Proclamation 16643

FLAMMABILITY OF CHILDREN'S SLEEPWEAR—CPSC issues labeling, display, and recordkeeping requirements; effective 5–14–75 16654

NONNUCLEAR ENERGY SOURCES—ERDA proposes submission procedures for certain concept and demonstration proposals; comments by 5–14–75 16677

FEDERAL RECURRING PAYMENTS—Treasury/Fiscal Service proposes alternate method of payment; comments by 6–13–75 16669

PROGRAM BENEFICIARIES—ACTION proposes participation in planning, developing and implementing; comments by 5–16–75 16676

INCOME TAX—Treasury/IRS rules on sick pay exclusion .. 16663

MEDICARE—HEW proposes base modification to determine reasonable charges; comments by 5–14–75 16673

INTEREST ON DEPOSITS—
FRS proposes notice of maturity on time deposits; comments by 5–5–75 16684
FRS proposes regulations regarding withdrawals from savings deposits; comments by 6–6–75 16685
FRS proposes payment on time deposits before maturity if owner dies; comments by 5–5–75 16685

INDIAN COURTS—Interior recommends model code 16689

FREEDOM OF INFORMATION INDEXES—Quarterly guide to agency material 16726

(Continued inside)

PART II:

SOCIAL SERVICES—HEW/SRS proposes program for individuals and families; comments by 5–14–75 16801

PART III:

ENVIRONMENTAL IMPACT STATEMENTS—EPA rules on agency preparation; effective 4–14–75 .. 16813

V 40 – 72

APR 14 75

reminders

Rules Going Into Effect Today

DOT/CG—Drawbridge operations; Florida. 10987; 3–10–75

Drawbridge operations; Louisiana. 10987; 3–10–75

GSA—Contract clauses; subcontracts. 11580; 3–12–75

HEW/FDA—Amendments to monographs for over-the-counter (OTC) antacid and antiflatulent products. 11718; 3–13–75

Asbestos-form particles in drugs for parenteral injection; restriction. 11865; 3–14–75

SSA—Federal health insurance for aged and disabled; supplementary medical insurance benefits premium billing. 11865; 3–14–75

INTERIOR/Mines Bureau—Sales of helium and rental of containers; revised fee schedule. 11720; 3–13–75

USDA/AMS—Grades of carcass beef; slaughter cattle. 11535; 3–12–75

APHIS—Spanish labeling of products distributed solely in Puerto Rico. 11347; 3–11–75

Weekly List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

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MEETINGS—
Commerce/DIBA: Computer Systems Technical Advisory Committee, 5–13–75 16706
DOD/AF: USAF Scientific Advisory Board ad hoc Committee on the Location, Identification, and Destruction of Surface Targets by Tactical Air Forces under All-Weather Conditions, 5–5 and 5–6–75 16688
Army: Chief of Naval Operations Executive Panel Advisory Committee, 5–1 and 5–2–75 16688
Defense Science Board, 5–8 and 5–9–75 16689
DOT/FAA: Aviation Review Conference, 5–19 thru 5–21–75 16710
EPA: National Drinking Water Advisory Council, 4–30 and 5–1–75 16714
FCC: 1979 WARC Conference Working Group, 5–5 thru 5–9–75 16717
FEA: Natural Gas Transmission and Distribution Advisory Committee, 5–1–75 16718
Wholesale Petroleum Advisory Committee, 5–5–75 16718
HEW: President's Biomedical Research Panel, 4–28 and 4–29–75 16709
Center for Disease Control: Immunization Practices Advisory Committee, 5–14 and 5–15–75 16708
HSA: Maternal and Child Health Research Grants Review Committee, 5–13 thru 5–16–75 16709
NRC: Advisory Committee on Reactor Safeguards, 4–29–75 16731
State: Study Groups 10 and 11 of the U.S. National Committee for the International Radio Consultative Committee (CCIR), 5–1–75 16687

RELOCATED MEETING—
HEW/HRA: Health Services Developmental Grants Study Section, 4–23 thru 4–25–75 16708

RESCHEDULED MEETING—
DOD: Defense Science Board Task Force on Gun System Acquisition, 5–5 thru 5–9–75 16689

contents

THE PRESIDENT

Executive Order
Delegation of authority to issue regulations limiting imports of certain cheeses 16645

Proclamation
National Defense Transportation Day and National Transportation Week, 1975 16641
Pan American Day and Pan American Week 16643

EXECUTIVE AGENCIES

ACTION
Proposed Rules
Participation of beneficiaries in planning, developing and implementing programs 16676

AGRICULTURAL MARKETING SERVICE
Notices
Cranberries. (grown in certain States) order directing referendum 16704

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Proposed Rules
Acreage allotments and quotas:
Tobacco (fire-cured, dark air-cured, Virginia sun-cured, cigar filler and binder) 16671

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Commodity Credit Corporation; Farmers Home Administration.

AIR FORCE DEPARTMENT
Notices
Meetings:
Scientific Advisory Board 16688

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Rules
Quarantine areas:
Texas (splenetic) fever in cattle 16650
Notices
Humanely slaughtered livestock; identification of carcasses 16705

CENTER FOR DISEASE CONTROL
Notices
Meetings:
Immunization Practices Advisory Committee 16708

CIVIL AERONAUTICS BOARD
Rules
Uniform system of accounts and reports for certified air carriers; deletion of schedules B–9, B–42 and P–41 from CAB Form 41 16652
Notices
Hearings, etc.:
Air Panama Internacional, S.A. 16711
Bridgeport service 16711
Boston-Toronto nonstop route 16711
Compagnie Nationale Air France 16711
International Air Transport Association (4 documents) 16711, 16712
Reopening of service to Des Moines case; oral argument 16711

CIVIL SERVICE COMMISSON
Notices
Noncareer executive assignments:
Commerce Department 16712
Export-Import Bank of the United States 16712
Federal Energy Administration (6 documents) 16712, 16713
Health, Education, and Welfare Department 16712
Justice Department 16712
Treasury Department 16712

COAST GUARD
Proposed Rules
Certification of seamen; withdrawal of proposed firefighter endorsement 16676
Marine engineering systems and components 16676

COMMERCE DEPARTMENT
See also Domestic and International Business Administration; National Oceanic and Atmospheric Administration.
Notices
Organization and functions:
Maritime Administration 16707
Patent and Trademark Office (2 documents) 16707

COMMODITY CREDIT CORPORATION
Rules
Cotton; bagging and bale tie specifications 16647
Dairy products; price support program for milk 16649

CONSUMER PRODUCT SAFETY COMMISSION
Rules
Flammable fabrics; children's sleepwear; labeling, display, and recordkeeping requirements 16654
Notices
Chemical formulations for specified consumer products; order for submission 16713

DEFENSE DEPARTMENT
See also Air Force Department; Navy Department.
Notices
Meetings:
Science Board Advisory Committee 16689
Science Board Task Force On Gun System Acquisition; rescheduled 16689

V 40 — 72 APR 14 75 XUM

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Notices

Meetings:
Computer Systems Technical Advisory Committee 16706

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Proposed Rules

Proposals; submission, evaluation and selection 16677

Notices

Solar heating and cooling program; interim report to Congress 16714

ENVIRONMENTAL PROTECTION AGENCY

Rules

Air pollution, new motor vehicles and engines:
Emission regulations for gasoline-fueled heavy duty engines 16667
Environmental impact statements; preparation of 16813

Proposed Rules

Air quality implementation plans:
Massachusetts 16680

Notices

Meetings:
Drinking Water, National Advisory Council 16714
Water pollution; control of discharge of pollutants to navigable waters:
Colorado 16713

FARMERS HOME ADMINISTRATION

Notices

Disaster areas:
Arkansas 16705
Colorado 16705
Missouri 16705
Texas 16705

FEDERAL AVIATION ADMINISTRATION

Rules

Control zones (3 documents) 16650, 16651
Equipment requirements in Group II terminal control areas, relaxation 16651
Transition area 16651

Notices

Meetings:
Aviation Review Conference 16710

FEDERAL COMMUNICATIONS COMMISSION

Rules

FM broadcast stations, table of assignments:
Idaho 16667

Proposed Rules

FM broadcast stations, table of assignments:
Iowa, California, Texas, etc 16680
Iowa, Nebraska 16682
Cable television systems; major market, extension of time 16683
Prohibited cross-ownership; postponement of divestiture 16684

Notices

Common carrier services information; domestic public radio services applications accepted for filing 16716
Meetings:
1979 WARC Conference Working Group 16717
Standard broadcast applications ready and available for processing 16717
Hearings, etc.:
Airsignal International of Pittsburgh and Allegheny Mobile Telephone Co., Inc 16715

FEDERAL DISASTER ASSISTANCE ADMINISTRATION

Notices

Disaster areas:
Kentucky 16709
Mississippi 16709
Tennessee (2 documents) 16710

FEDERAL ENERGY ADMINISTRATION

Notices

International energy program; voluntary agreement; correction 16718
Meetings:
Natural Gas Transmission and Distribution Advisory Committee 16718
Wholesale Petroleum Advisory Committee 16718

FEDERAL INSURANCE ADMINISTRATION

Proposed Rules

National flood insurance program; flood elevation determination:
Florida (2 documents) 16674, 16675
Massachusetts 16675
Minnesota 16676

Notices

National flood insurance; limits of available coverage 16710

FEDERAL MARITIME COMMISSION

Notices

Agreements filed:
Barber Lines A/S and Blue Sea Line 16718
Pacific/Indonesian Conference 16719

FEDERAL POWER COMMISSION

Proposed Rules

Annual report forms; revision of certain schedule pages 16684

Notices

Hearings, etc.:
Amerada Hess Corp 16719
Amoco Production Co.; correction 16719
Colorado Interstate Gas Co. (2 documents) 16720
Columbia Gas Transmission Corp 16720
Columbia Gas Transmission Corp. and Columbia Gulf Transmission Co 16720
Consolidated Gas Supply Corp. et al 16721
Eascogas LNG, Inc. et al 16722
Kansas Gas & Electric Co 16722
KWB Oil Property Management, Inc 16723
Montana-Dakota Utilities Co 16723
New England Power Service Co 16723
Northern States Power Co. (Minnesota) 16723
North Penn Gas Co 16723
Phillips Petroleum Co 16724
Public Service Co. of Indiana, Inc 16724
Southern Natural Gas Co 16725
Wisconsin Public Service Corp 16725

FEDERAL REGISTER OFFICE

Notices

Freedom of information index requirements: quarterly guide to agency material 16726

FEDERAL RESERVE SYSTEM

Proposed Rules

Interest on deposits:
Maturity notice 16684
Penalty on withdrawal 16685
Withdrawals from savings deposits 16685

Notices

Applications, etc.:
Citizens and Southern Corp 16727
Dauphin Deposit Corp 16728

FEDERAL TRADE COMMISSION

Rules

Prohibited trade practices:
American Credit Bureau, Inc., et al 16654
Fuqua Industries, Inc., et al 16654

FISCAL SERVICE

Proposed Rules

Federal recurring payments through financial organizations by means other than by check 16669

FOOD AND DRUG ADMINISTRATION

Rules

Legal effect of National Environmental Policy Act on agency action 16662
Microwave ovens; performance standards; correction 16663

Notices

Environmental impact statement; plastic bottles for carbonated beverages 16708
Panel renewals:
Hemorrhoidal Drugs Review Panel 16708
Ophthalmic Drugs Review Panel 16708

FOREIGN-TRADE ZONES BOARD

Notices

Chicago, Ill.; application for hearing 16725

GENERAL ACCOUNTING OFFICE

Proposed Rules

Information collection clearance; proposals by regulatory agencies 16686

Notices

Regulatory reports review; proposals, approvals, etc. (2 documents) 16726

GENERAL SERVICES ADMINISTRATION

Notices

International energy program; voluntary agreement; correction 16729

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Center for Disease Control; Food and Drug Administration; Health Resources Administration; Health Services Administration; Social and Rehabilitation Service; Social Security Administration.

Notices

Meetings:
President's Biomedical Research Panel 16709

HEALTH RESOURCES ADMINISTRATION

Notices

Meetings:
Health Services Developmental Grants Study Section; correction 16708

HEALTH SERVICES ADMINISTRATION

Notices

Meetings:
Maternal and Child Health Research Grants Review Committee 16709

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See also Federal Disaster Assistance Administration; Federal Insurance Administration.

Rules

Community development block grants; extension of deadline for applications 16663

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

Notices

Applications, etc.:
Eddie Coal Co., Inc 16729
W. & B. Coal Co 16729

INTERIOR DEPARTMENT

See also Land Management Bureau; National Park Service.

Notices

Indian reservations; judicial systems and courts 16689

INTERNAL REVENUE SERVICE

Rules

Income tax; sick pay exclusion 16663

INTERSTATE COMMERCE COMMISSION

Notices

Abandonment of service:
Chicago & North Westsern Transportation Co 16736
Construction and operation approval; PE R.R. Inc 16736
Fourth section application for relief 16737
Hearing assignments 16737
Motor carriers:
Irregular route property carriers; gateway elimination 16737
Temporary authority termination 16756
Transfer proceedings 16737
Written interrogatories; discovery rule policy 16737

LABOR DEPARTMENT

See Occupational Safety and Health Administration.

LAND MANAGEMENT BUREAU

Rules

Public land orders:
California 16667

Notices

Applications, etc.:
New Mexico 16689

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Notices

Music program; guidelines for fellowship-grants to composers and librettists 16729

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Marine mammal permit applications:
Johns Hopkins University 16706

NATIONAL PARK SERVICE

Notices

Grand Teton National Park; concession permit 16689

NAVY DEPARTMENT

Notices

Meetings:
CNO Executive Panel Advisory Committee 16688

NUCLEAR REGULATORY COMMISSION

Notices

Applications, etc.:
Gulf States Utilities Co 16731
Maine Yankee Atomic Power Co 16732
Meetings:
Advisory Committee on Reactor Safeguards, Subcommittee on Emergency Core Cooling Systems 16731

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Notices

Meetings:
Coke Oven Emissions Standards Advisory Committee 16735

POSTAL RATE COMMISSION

Notices

Mail classification Schedule 1973; conferences 16732

POSTAL SERVICE

Proposed Rules

Lockbox and caller service rentals; correction 16686

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:
Allegheny Power System, Inc., et al 16733
Axe-Houghton Fund A, Inc 16734
Axe-Houghton Fund B, Inc 16734
Axe-Houghton Stock Fund, Inc 16733
Middle South Utilities, Inc., et al 16734

SOCIAL AND REHABILITATION SERVICE

Rules

Fiscal administration of financial assistance programs; maintenance of State effort 16667

Proposed Rules

Grants; post award disputes; appeals 16672
Social service program for individuals and families 16801

SOCIAL SECURITY ADMINISTRATION

Proposed Rules

Health insurance for aged and disabled:
Reimbursement for services of hospital interns, residents, etc.; determination of reasonable rates 16673

STATE DEPARTMENT

Notices

Meetings:
International Radio Consultative Committee, National Committee 16687
Shipping Coordination Committee 16687

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration.

TREASURY DEPARTMENT

See also Fiscal Service; Internal Revenue Service.

Notices

Antidumping:
Chicken eggs in shell from Canada 16687
Notes, Treasury:
Series H-1977 16687

V 40 72 APR 14 75 A XUM

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

3 CFR

PROCLAMATIONS:
4365 16641
4366 16643

EXECUTIVE ORDERS:
11851 16645

4 CFR

PROPOSED RULES:
10 16686

7 CFR

1427 16647
1430 16649

PROPOSED RULES:
724 16671

9 CFR

72 16650

12 CFR

PROPOSED RULES:
217 (3 documents) 16684, 16685

14 CFR

71 (4 documents) 16650, 16651
91 16651
241 16652

16 CFR

13 (2 documents) 16654
302 16654

18 CFR

PROPOSED RULES:
141 16684
260 16684

20 CFR

PROPOSED RULES:
405 16673

21 CFR

6 16662
1030 16663

24 CFR

570 16663

PROPOSED RULES:
1917 (4 documents) 16674–16676

26 CFR

1 16663

31 CFR

PROPOSED RULES:
210 16669

39 CFR

PROPOSED RULES:
111 16686

40 CFR

6 16814
85 16687

PROPOSED RULES:
52 16680

41 CFR

PROPOSED RULES:
Chapter 9 16677

43 CFR

PUBLIC LAND ORDERS:
5495 16667

45 CFR

237 16667

PROPOSED RULES:
204 16672
228 16802
1222 16676

46 CFR

PROPOSED RULES:
12 16676
32 16676
50 16676
52 16676
53 16676
54 16676
56 16676
58 16676
63 16676

47 CFR

73 16667

PROPOSED RULES:
73 (2 documents) 16680, 16682
76 (2 documents) 16683, 16684

CUMULATIVE LIST OF PARTS AFFECTED—APRIL

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during April.

3 CFR

PROCLAMATIONS:
2799 (Revoked by Proc. 4360) 14567
2937 (Revoked by Proc. 4360) 14567
2938 (Revoked by Proc. 4360) 14567
2942 (Revoked by Proc. 4360) 14567
2972 (Revoked by Proc. 4360) 14567
3314 (Revoked by Proc. 4360) 14567
4101 (Revoked by Proc. 4360) 14567
4346 (Amended by Proc. 4359) 14565
4359 14565
4360 14567
4361 15063
4362 15861
4363 15863
4364 16293
4365 16641
4366 16643

EXECUTIVE ORDERS:
11809 (See EO 11849) 14887
11828 (Amended by EO 11848) 14885
11847 14568
11848 14885
11849 14887
11850 16187
11851 16645

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS
Memorandum of March 24, 1975 15377

4 CFR

408 ..... 14737, 15865
409 15865

PROPOSED RULES:
10 16686
381 14942

5 CFR

213 ..... 15379, 16189
300 15379
302 15380
315 15380
890 14569
1001 14570

7 CFR

6 16069
51 15381
52 15890–15900
270 16069
271 ..... 16069, 16320
301 16070
331 16072
401 15905
410 15905
724 14737
731 14601
873 16072
905 ..... 14889, 16210
907 ..... 14889, 16073, 16212
908 ..... 14890, 16211, 16213, 16321
910 ..... 15065, 16073, 16322
944 14891
959 16211
991 14737
1250 15065

7 CFR—Continued

1427 16647
1430 16649
1472 16213
1488 ..... 16322, 16327, 16329, 16331
1701 16074
1803 16333
1872 15065
2710 14891

PROPOSED RULES:
29 15390
401 14777
724 16671
908 16335
1002 ..... 14702, 15390
1004 ..... 14702, 15390
1033 14769
1251 15906
1421 15390
1823 14776
1842 15405

8 CFR

PROPOSED RULES:
103 16215
214 15092

9 CFR

72 16650
94 14571

PROPOSED RULES:
303 15906
381 15906

10 CFR

70 16047
211 14738
213 16047
215 16295

PROPOSED RULES:
73 15098
205 14605
211 ..... 14605, 16089
212 15041
213 14948

12 CFR

541 15865
545 ..... 15382, 15865
563 14738
602 14571

PROPOSED RULES:
7 14767
206 15909
217 ..... 16684, 16685
329 16219
335 14947
541 15096
545 15096
584 16090
701 15404
721 15404
745 15404

13 CFR

PROPOSED RULES:
107 14606
120 15098

14 CFR

39 ..... 14739, 14740, 14891, 14892, 15085–15086, 15384, 15866, 16189–16191, 16297–16299
71 ..... 14740, 14741, 15086, 15385, 15867, 16050, 16299, 16650, 16651
91 16651
97 ..... 14893, 16300
241 16652
288 14893
400 14572
401 14574
425 14576

PROPOSED RULES:
25 15093
71 ..... 14780, 14781, 15094, 15399, 15400, 15907, 16088, 16089, 16217, 16345, 16346
73 15907
75 14781
135 16347

15 CFR

350 14921
355 14925
377 15867
500 14930

PROPOSED RULES:
803 14603

16 CFR

1 ..... 15232, 15233
2 15235
3 ..... 15234, 15236
4 ..... 15235, 15236
13 ..... 14579–14582, 14741, 14894–14904, 15385, 15386, 15868–15872, 16050, 16191, 16300, 16654
302 ..... 14584, 16654
1500 16191

PROPOSED RULES:
1 15237
3 15239
4 15245
444 16347

17 CFR

150 15086
200 ..... 14748, 16052

PROPOSED RULES:
150 15907
240 16090
275 14782

18 CFR

3 16300
301 14749

PROPOSED RULES:
Ch. I 15402
2 16220
35 14606
101 14606
104 14606

V 40 172 APR 14 75 XUM

18 CFR—Continued

PROPOSED RULES—Continued

141 ..... 15402, 16684
154 14606
202 14606
204 14606
260 16684

19 CFR

6 15386
22 14749
113 14749
153 14591

PROPOSED RULES:

112 15389
113 15389

20 CFR

10 14750
405 ..... 14591, 14934

PROPOSED RULES:

405 ..... 14934, 16673

21 CFR

6 16662
8 15087
121 14905
123 14592
312 16053
431 15088
436 15088
440 15088
444 14906
448 15088
449 15089
701 16192
740 16192
1030 ..... 14750, 16663

PROPOSED RULES:

27 16085
1301 16082
1308 16082

22 CFR

1 15392
3 15392

PROPOSED RULES:

8 15060

23 CFR

1 16057
140 16057
635 14906
646 16059
662 14907
820 16301

24 CFR

300 14753
570 ..... 15089, 16663
800 15580
801 15580
802 15580
803 15580
804 15580
880 15580
881 15580
882 15580
883 15580

24 CFR—Continued

886 15580
889 15542
1700 14753
1914 14599–14601
1915 ..... 14754, 16192, 16193, 16303, 16304

PROPOSED RULES:

1917 ..... 16345, 16674–16676

25 CFR

43k 14592

26 CFR

1 16663
301 15090

PROPOSED RULES:

1 14767

29 CFR

90 14908
91 16304
92 16304
670 16063
694 15875
726 16063
1601 16193
1913 15876
2300 14593

PROPOSED RULES:

4 16082
1910 ..... 15390, 16217, 16336
1926 15390

31 CFR

PROPOSED RULES:

210 16669

32 CFR

40 16194
287 16203
765 16314
856 14758
1803 16314

33 CFR

117 ..... 14594, 15093
380 14761

PROPOSED RULES:

117 ..... 14604, 15903
266 14872

36 CFR

7 ..... 14912, 16315
214 16316
603 15877
604 15877

PROPOSED RULES:

231 16335

38 CFR

3 16064

PROPOSED RULES:

1 14783
3 16092

39 CFR

PROPOSED RULES:

111 ..... 15909, 16686

40 CFR

6 16814
52 ..... 14595, 15879
65 14876
85 16667
180 ..... 14496, 14597, 15387, 15880
408 16204

PROPOSED RULES:

52 ..... 15094, 15095, 16218, 16680
408 15096

41 CFR

1–3 15880
1–7 14913
1–12 14913
1–15 14913
1–30 14917
3–1 16319
3–8 16319
7–1 16205
7–6 16205
7–7 16205
7–16 16206
7–30 16206
14–3 15091
109–1 15091

PROPOSED RULES:

Ch. 9 16677
Ch. 60 14953
3–16 16337

42 CFR

57 14762

PROPOSED RULES:

57 14932

43 CFR

PUBLIC LAND ORDERS:

5494 16066
5495 16667
5496 16208

PROPOSED RULES:

4 14603
2650 14603

45 CFR

112 16013
113 16015
114 16019
115 16032
151 14762
154 14917
155 14918
190 15248
237 16667
249 14597
250 ..... 14597, 15388
1216 16208

PROPOSED RULES:

204 16672
228 16802
250 15093
156 16086
1222 16676

46 CFR

380 14599
528 14599
533 14599

PROPOSED RULES:

12 16676
32 ..... 14935, 16676
50 ..... 14935, 16676
52 ..... 14935, 16676
53 ..... 14935, 16676
54 ..... 14935, 16676
56 ..... 14935, 16676
58 ..... 14935, 16676
63 ..... 14935, 16676
502 15097
550 15401

47 CFR

0 14764
1 ..... 15883, 16394
15 ..... 15091, 15881
73 ..... 15546, 15882–15889, 16667
76 15546

PROPOSED RULES:

73 ..... 14943–14947, 15907, 15908, 16680, 16682
76 ..... 15574, 16683, 16684

49 CFR

1 14764
310 14919
571 14765
1033 ..... 14765, 14766
1126 16066
1201 15388

49 CFR—Continued

PROPOSED RULES:

571 16217
1241 15402
1249 15402
1250 15402
1251 15402

50 CFR

32 14920
33 ..... 14766, 14920, 16210, 16320
280 16210

PROPOSED RULES:

17 14767
227 14777
251 ..... 14778, 14779, 16216

FEDERAL REGISTER PAGES AND DATES—APRIL

Pages	Date
14565–14735	Apr. 1
14737–14883	2
14885–15062	3
15063–15376	4
15077–15859	7
15861–16046	8
16047–16186	9
16187–16291	10
16293–16640	11
16641–16827	14

V 40 72 APR 14 75 XUM

presidential documents

Title 3—The President

PROCLAMATION 4365

National Defense Transportation Day and National Transportation Week, 1975

By the President of the United States of America

A Proclamation

Throughout the history of the United States, our progress as a Nation has been closely tied to progress in the development of our transportation system. Generations of men and women who pioneered and developed the great networks by which we move goods and people today stand high in the ranks of those who have helped make America great.

As the Nation grew, so did its need for mobility. During the last century, this need was well served by expanding rail and water transportation systems. Today, the need is served by a broader range of systems. Motor vehicles and aircraft provide rapid access to every region.

There are still changing needs and new demands for the movement of our people and the goods they produce. Yesterday's methods may not be adequate to overcome the problem of congestion in many of our large population centers. Also, fuels that have powered our transportation machinery in the past may not be sufficient to meet the demands of the future.

So, once again, we look to the people in our transportation industry to make the adjustments required by the changing times. We look to them with the confidence that they will perform as they have in the past and provide improvements that will ensure fast, safe, efficient, and convenient transportation.

In acknowledgement of the importance of our transportation system, the Congress, by a joint resolution approved May 16, 1957 (71 Stat. 30, 36 U.S.C. 160), requested the President to proclaim the third Friday in May of each year as National Defense Transportation Day, and, by a joint resolution approved May 14, 1962 (76 Stat. 69, 36 U.S.C. 166), requested the President to proclaim the week in which that Friday falls as National Transportation Week.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate Friday, May 16, 1975, as National Defense Transportation Day, and the week beginning May 11, 1975, as National Transportation Week.

V 40-72 APR 14 75 XUM

I particularly urge that governors and other elected officials as well as the people of America join with the Department of Transportation in observing this week. It is an observance that is well deserved.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of April in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.75-9737 Filed 4-10-75;12 :43 pm]

PROCLAMATION 4366

Pan American Day and Pan American Week

By the President of the United States of America

A Proclamation

Each year, we and other members of the Organization of American States celebrate our shared origins and the close ties that continue to flourish among us. To do this, we commemorate a significant event in the diplomatic history of the Western Hemisphere—the founding, late in the last century, of the International Union of the American Republics. This year marks the 85th anniversary of the establishment of that first inter-governmental regional organization and forerunner of the Organization of American States.

From its earliest days, the organization has taken for its two major objectives the maintenance of peace and the promotion of economic, social and cultural development in the Americas. The strength and longevity of inter-American cooperation in furtherance of these goals derives from its tested ability to evolve and reconstitute itself to meet new realities and new challenges over the years.

In the Americas, we have come to recognize the fresh challenge presented by a new interdependence, which is global as well as hemispheric, linking developed with less developed countries both in and beyond the hemisphere. We sense the opportunity for effective inter-American cooperation to advance our traditional goals of peace and progress for our hemisphere while strengthening the global cooperation decreed by our world.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim Monday, April 14, 1975, as Pan American Day, and the week beginning April 13, 1975, as Pan American Week, and I call upon the Governors of the fifty states, the Governor of the Commonwealth of Puerto Rico, and appropriate officials of all other areas under the flag of the United States to issue similar Proclamations.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of April, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.75-9835 Filed 4-11-75;11:11 am]

V 40-72 APR 14 75 XUM

EXECUTIVE ORDER 11851

Delegation of Authority To Issue Regulations Limiting Imports of Certain Cheeses

By virtue of the authority vested in me by section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and section 301 of Title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The Secretary of the Treasury, with the concurrence of the Secretary of State and the Special Representative for Trade Negotiations, in order to implement an agreement concluded in December 1974 with the Commission of the European Communities designed to prevent the transshipment to the United States of certain cheeses on which restitution payments have been made, is authorized to issue regulations:

(a) to prevent the importation into the Customs Territory of the United States, except for the Commonwealth of Puerto Rico, of certain cheeses, originating in member states of the European Communities, upon which restitution payments have been made for export to (1) Puerto Rico, the Virgin Islands, other United States possessions and territories or (2) any country other than the United States;

(b) to prevent the importation of such cheeses into the Commonwealth of Puerto Rico if such cheeses are imported into the Commonwealth of Puerto Rico for transshipment to other areas of the Customs Territory of the United States.

SEC. 2. Heads of departments and heads of agencies are hereby authorized to redelegate within their respective departments or agencies the functions herein assigned to them, except that the function of issuing regulations delegated to the Secretary of the Treasury by Section 1 of this order may be redelegated only to officials required to be appointed by and with the advice and consent of the Senate, as provided by 3 U.S.C. 301.

Gerald R. Ford

THE WHITE HOUSE,
April 10, 1975.

[FR Doc.75-9736 Filed 4-10-75;12: 43 pm]

V 40-72 APR 14 75 XUM

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1427—COTTON

Bagging and Bale Tie Specifications

On June 5, 1974, the Department announced (USDA 1558–74) that specifications applicable to bale packaging materials for cotton tendered to Commodity Credit Corporation will be continued for the 1975 crop of cotton, augmented or amended by any additions or changes as recommended by the Cotton Industry Bale Packaging Committee and approved by CCC. After consideration of the recommendations made by the Cotton Industry Bale Packaging Committee at its meeting held February 25–26, 1975, it has been determined that the specifications should be amended to include warp knitted cotton bagging, to increase the minimum weight for cotton bagging, to provide a maximum length for fixed-length ties for flat bales, to require all bale ties and buckles to be coated or finished with a rust inhibitor, to eliminate polyethylene scrim laminate sheets as an eligible packaging material, and to include test methods for warp knitted cotton bagging. Manufacturers, ginners, and producers must immediately make plans to manufacture, distribute and/or purchase these packaging materials; it is essential that these specifications be made effective as soon as possible. Since the Cotton Industry Bale Packaging Committee is comprised of representatives from all seven segments of the cotton industry, it is therefore found and determined that compliance with the notice of proposed rule making procedure is impractical and contrary to the public interest. Accordingly, the Specifications for Bagging and Bale Ties Used in Wrapping Cotton published in 39 FR 20364, are hereby revised to read as shown below.

The material previously appearing in this subpart remains in full force and effect as to the crop years to which it was applicable.

Sec.

1427.1901 Purpose.
1427.1902 Specifications for bale ties and buckles.
1427.1903 Specifications for bagging.
1427.1904 Test methods.

AUTHORITY: Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401, 63 Stat. 1051, as amended (15 U.S.C. 714 (b) and (c); 7 U.S.C. 1441, 1444, 1421).

§ 1427.1901 Purpose.

This subpart is for the purpose of announcing the bagging and bale tie specifications applicable to packaging the 1975 and subsequent crops of cotton tendered to CCC for loans, unless otherwise approved by the Executive Vice President, CCC, or his designee: *Provided, however,* That all bales of cotton packaged and identified with the testing programs of the Cotton Industry Bale Packaging Committee sponsored by the National Cotton Council will be exempt from the provisions of this subpart, and any bale packaging materials carried over from 1974 or manufactured prior to February 27, 1975, which was eligible for packaging 1974-crop loan cotton also may be used to package 1975-crop cotton pledged for loans.

§ 1427.1902 Specifications for bale ties and buckles.

Any fixed length bale ties used on flat bales shall not exceed 10 feet 3 inches in length. All ties and buckles or fasteners must be coated or finished with a rust inhibitor.

(a) *General requirements*—(1) *Number of ties required.* (i) Flat bales (bales having densities of less than 20 pounds) must have not less than 6 ties.

(ii) Standard density bales (bales having densities of at least 20 pounds, but less than 28 pounds per cubic foot) must have not less than 8 ties.

(iii) Universal density bales (bales having densities of 28 pounds or more per cubic foot) must have not less than 8 ties.

(2) *Flat bales packaged with nonreusable ties.* Except for bales stored only in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, if the ties on a bale are not suitable for reuse when the bale is compressed, the ties will not be deemed to meet these specifications unless the producer has prepaid any warehouse charge for furnishing new bale ties. If the bale is stored at a warehouse not having compress facilities and bales shipped from the warehouse are normally compressed in transit, the warehouse receipt must show that the bale ties are not suitable for reuse when the bale is compressed, and the charge assessed by the nearest compress in line of transit for furnishing new bale ties will be deducted from the loan proceeds.

(b) *Conventional hot rolled steel ties and buckles.* The total weight of bale ties and buckles to tie each bale of cotton shall be not less than 8½ pounds.

(c) *Cold rolled high tensile steel strapping.* The supplier's name or trademark must be printed or embossed on every 36 inches of strapping.

(1) *For use on flat bales and standard density and universal density bales compressed at a warehouse.* The strapping shall have a minimum width of three-fourths of an inch and minimum thickness of 0.025 inch with zero tolerance, minimum weight of 1 pound per 15.7 linear feet of strapping or 4 pounds per bale of cotton, minimum breaking strength of 2,400 pounds with a joint strength of not less than 2,040 pounds.

(2) *For use on gin standard density and gin universal density bales.* The strapping shall have a minimum width of three-fourths of an inch and minimum thickness of 0.031 inch with zero tolerance, minimum weight of 1 pound per 12.7 linear feet of strapping or 5 pounds per bale of cotton, and minimum breaking strength of 3,200 pounds with a joint strength of not less than 2,720 pounds for gin standard density bales or 4,000 pounds with a joint strength of not less than 3,400 pounds for gin universal density bales.

(d) *Wire ties.* (1) *For use on flat bales and bales compressed to standard density and universal density at a warehouse.* The ties shall not be smaller than 10-gauge or 0.135 inch diameter wire with a plus or minus tolerance of 1 percent. When used on flat bales, and on bales compressed to standard density and universal density with the joints placed on the tops of the bales, the breaking strength of wire must not be less than 2,850 pounds with a joint strength of not less than 1,850 pounds. If the joints are placed on the sides of bales compressed to standard density and universal density, the breaking strength of the wire must not be less than 2,850 pounds with a joint strength of not less than 2,565 pounds. The elongation of the wire shall not exceed 4 percent in 10 inches. There must be a minimum weight of 3 pounds per bale.

(2) *For use on gin standard density and gin universal density bales.* The ties shall be 9-gauge or 0.148 inch diameter wire with a plus or minus tolerance of 1 percent. The breaking strength of the wire must not be less than 3,400 pounds with a joint strength of not less than 2,100 pounds with the joints placed on the tops of the bales. If the joints are placed on the sides of the bales the breaking strength of the wire must not be less than 3,200 pounds with a joint strength of not less than 3,040 pounds. There must be a minimum weight of 4 pounds per bale.

V 40 172 APR 14 75 XUM

§ 1427.1903 Specifications for bagging.

Except in cases where shrink-pack polyethylene bags are used, each bale must be wrapped with a pattern of bagging consisting of two pieces (panels) of bagging material. All bagging material must be clean, in sound condition, and of sufficient strength to adequately protect the cotton. The material must not have salt or other corrosive material added and must not contain sisal or other hard fiber or any other material which will contaminate or adversely affect cotton as determined by the President or Executive Vice President, Commodity Credit Corporation.

(a) *New jute bagging used to wrap flat bales.* Each one-half pattern (panel) of new jute bagging must not be less than 108 inches or more than 115 inches in length and must not be less than 47 inches or more than 56 inches in width. The bagging must contain not less than 41 warp yarns per 12 inches of bagging of a size equal to or larger than the weft (filling) yarns and must contain not less than 25 weft (filling) yarns per 12 inches of bagging. The bagging must weigh not less than 11¼ and not more than 13¼ pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain).

(b) *New jute bagging used to wrap gin standard density and gin universal density bales.* Each one-half pattern (panel) must not be less than 96 inches or more than 102 inches in length and must not be less than 40 inches or more than 48 inches in width. The bagging must contain not less than 150 warp yarns per 40 inches of bagging of a size equal to or larger than the weft (filling), yarns, must contain not less than 25 weft (filling) yarns per 12 inches of bagging, and must weigh not less than 7½ and not more than 8¾ pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain): *Provided*, That new jute bagging material meeting the warp and weft requirements for jute bagging used on flat bales and weighing not less than 8¾ and not more than 11¼ pounds per pattern at 13.75 percent moisture content (not moisture regain) may be used to wrap gin standard density and gin universal density bales.

(c) *Salvage jute (burlap) bagging.* (1) *General requirements.* The bagging must be processed specifically for cotton bale coverings from once-used good quality closely woven heavy jute bags previously used for sugar, coffee, cocoa, or other products approved by the President or Executive Vice President, CCC. Each one-half pattern (panel) must be composed of not more than three pieces of used bag cloth of the same construction and weight. There must not be more than two crosswise sewn seams and no lengthwise sewn seams in any one-half pattern. (Seams, hems, and necessary patches in the original bags from which the bagging is made will not be considered sewn seams.) Overlap at seams and patches must not be greater than 3½ inches. Overlaps, patches, and hems sewn into bagging to increase the weight of lightweight material will not be permitted. Sewn seams must be such that the edges of the joined pieces coincide to make a symmetrical one-half pattern without appreciable displacement of the edge of one piece of bagging relative to the edge of the adjoining piece in the seam. Sewing must be with strong thread with not larger than ⅜ inch stitching.

(2) *To wrap flat bales.* Each one-half pattern (panel) must not be less than 108 inches or more than 115 inches in length and must be not less than 47 inches or more than 56 inches in width. The bagging must weigh not less than 11¼ and not more than 13¼ pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain).

(3) *To wrap gin standard density and gin universal density bales.* Each one-half pattern (panel) must not be less than 40 inches or more than 48 inches in width and must be not less than 96 inches or more than 102 inches in length. The bagging must weigh not less than 7½ and not more than 11¼ pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain).

(d) *Cotton bagging.* (1) *General requirements.* Bagging made from 100 percent cotton may be used to wrap flat bales stored only in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, and on gin standard density and gin universal density bales stored in all States. The bagging must weight not less than 6.4 ounces per square yard with a minimum weight of 3 pounds per pattern for flat bales, 2.7 pounds for gin standard density bales, and 2.6 pounds for gin universal density bales, at 8.5 percent moisture content (not moisture regain). Each panel of bagging must not be less than 44 inches in width, and 110 inches in length for flat bales, 100 inches in length for gin standard density bales and 96 inches in length for gin universal density bales. Each panel must be constructed with true selvages on each side.

(2) *Woven.* The bagging must contain not less than 120 warp yarns (plied or single) per 12 inches of bagging of a size equal to or larger than the weft (filling) yarns, and must contain not less than 78 weft (filling) yarns (plied or single) per 12 inches of bagging.

(3) *Warp knitted.* The bagging must be constructed with not less than two guide bars. The bagging must contain not less than 5 wales per inch and not less than six courses per inch. All yarns (plied or single) must be form connected with each other. The bagging must have stabilized construction with elongation or stretch not less than 15 percent or more than 30 percent. Variation in tensile strength in wale and course direction must not exceed 20 percent. The bagging must have a minimum bursting strength of 75 pounds.

(e) *Polyethylene used to wrap gin standard density and gin universal density bales.* (1) *General requirements.* (i) *Density.* Low density virgin polyethylene.

(ii) *Color.* The bagging must be clear.

(iii) *Gauge.* The gauge shall be not less than 8 mil.

(iv) *Gauge tolerance.* The average of any 20 evenly spaced points around the length and width of a sheet or bag must be within plus or minus 10 percent of 8 mil. Yield on any order of 2,000 pounds or more shall not vary more than plus or minus 3 percent from the nominal yield.

(v) *Tensile strength.* For machine (length) direction, not less than 2,500 pounds per square inch, and for transverse (cross) direction, not less than 2,000 pounds per square inch.

(vi) *Elongation.* For both machine (length) and transverse (cross) direction, not less than 400 percent.

(vii) *Impact resistance.* Not less than 450 grams.

(viii) *Slip characteristics.* Bagging must be low slip (coefficient of friction not less than .50) with no anti-block or slip additive included.

(ix) *Tagging.* A piece of woven yarn scrim not less than 5 inches by 7 inches and laminated on each side with polyethylene must be placed inside the bag or sheet on head of bale and heat welded to the cover or some other suitable reinforcing material must be bonded to the bag or sheet.

(x) *Tare weight.* Tare weight shall be not less than 2 pounds per pattern or shrink-pack bag.

(xi) *Sealing head of bales.* Extra precaution must be taken in sealing heads of bales to provide maximum coverage and protection.

(2) *Additional requirements for polyethylene sheets.* Each sheet used to wrap gin standard density bales shall be not less than 100 inches in length by 46 inches in width. Each sheet used to wrap gin universal density bales shall be not less than 96 inches in length by 42 inches in width when used on 54 inch by 20 inch presses and not less than 92 inches in length by 44 inches in width when used on 50 inch by 20 inch presses. Guide marks shall be imprinted on sheets in order that press may be dressed properly.

(3) *Additional requirements for polyethylene shrink-pack bags.* Only gusseted bags shall be used. Each bag shall be not less than 87 inches in length when used on 54 inch by 20 inch presses and not less than 83 inches in length when used on 50 inch by 20 inch presses. The ratio of machine (length) direction shrink to the transverse (cross) direction shrink must not exceed 1.5:1.

§ 1427.1904 Test methods.

The following testing methods will be used by CCC in determining whether bagging and bale ties and buckles or fasteners used to package cotton tendered for CCC loans beginning with the 1975 crop of cotton meets the above specifications. Except for polyethylene shrink-pack bags, each sample of bagging selected for testing will consist of one-half pattern. (Each sample of polyethylene shrink-pack bag will consist of one bag.)

(a) *Weight and strength of bale ties and buckles.* The bale ties and buckles will be weighed on suitable accurate scales and the weight determined to the nearest one-half pound. A bundle or package of ties and buckles may be weighed and averaged to determine the weight of ties and buckles necessary to package a bale of cotton. For high tensile steel strapping, a given number of feet of strapping will be weighed to determine the number of feet of strapping per pound. Breaking strength and joint strength tests wil be made only when determined to be necessary.

(b) *Length.* The length of the sample will be measured directly using a measuring stick, steel tape, or other suitably graduated device. The sample will be laid out flat on a smooth horizontal surface and the length measured. Both selvages for jute and cotton panels will be measured, and for polyethylene sheets and shrink-pack bags the length of each side will be measured. The length of the sample will be the average of the two measurements rounded to the nearest inch. Jute and cotton measurements will be made on the sample in equilibrium with standard atmospheric conditions as specified in A.S.T.M. D 1776–62–T.

(c) *Width.* The width of the sample will be measured directly using a measuring stick, steel tape, or other suitably graduated device and will include the selvages. The sample will be laid out flat on a smooth horizontal surface and the measurements made perpendicular to the lengths (selvages in the case of jute and cotton). Three width measurements will be taken on each sample. One measurement will be made at the center of the sample and two other measurements will be made approximately 12 inches in from each end of the sample. The average of the three measurements rounded to the nearest inch, will be the width. Jute and cotton measurements will be made on the sample in equilibrium with standard atmospheric conditions as specified in A.S.T.M. D 1776–62–T.

(d) *Warp yarn count.* For new jute and woven cotton bagging, the number of warp ends in the width of the sample, including the selvages, will be counted at each end of the sample. The average of the two counts will be divided by the width, as determined above. This figure will be multiplied by 12 to determine warp yarns per 12 inches of bagging or by 40 to determine warp yarns per 40 inches of bagging.

(e) *Weft yarn count.* The number of weft (filling) yarns over a measured length of 36 inches on each sample of new jute and woven cotton bagging will be counted. The number counted divided by 3 will be the weft yarn count per 12 inches.

(f) *Weight of bagging.* The weight of bagging will be determined by weighing on suitable accurate scales and the weight per pattern determined to the nearest one-tenth pound. Several patterns (or bales of bagging patterns) may be weighed simultaneously and the weight averaged. The weight for jute bagging will be calculated on the basis of 13.75 percent moisture content (not moisture regain) and for cotton bagging on the basis of 8.5 percent moisture content (not moisture regain.).

(g) *Wale count of warp knitted cotton bagging.* The number of wales or ribs running lengthwise of the sample will be counted over a measured width (relaxed state) of 12 inches on each sample. The number counted divided by 12 will be the wale count per inch.

(h) *Course count of warp knitted cotton bagging.* The number of courses or loops which form a line horizontal to the wales or ribs will be counted over a measured length (relaxed state) of 12 inches on each sample. The number counted divided by 12 will be the course count per inch.

(i) *Additional tests on warp knitted bagging.* Elongation or stretch properties will be tested at one pound per inch static load using methods as specified in A.S.T.M. D 2594. Bursting strength will be tested on an approved type of constant rate of traverse machine equipped with a bursting attachment (ball burst) as specified in A.S.T.M. D 231.

(j) *Additional tests for polyethylene sheets and polyethylene shrink-pack bags.* The gauge and gauge tolerance shall be tested in accordance with A.S.T.M. D 374. The tensile strength and elongation shall be tested in accordance with A.S.T.M. D 882–67. Impact resistance shall be tested in accordance with A.S.T.M. Method B 1709–67. Slip characteristics shall be tested in accordance with A.S.T.M. D 1894. The ratio of machine direction shrink to transverse direction shrink will be calculated in accordance with A.S.T.M. D 2732.

Effective date. This subpart is effective for all loans made on the 1975 and subsequent crops of cotton.

Signed at Washington, D.C. on April 8, 1975.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.75-9584 Filed 4-11-75;8:45 am]

[Amdt. 1]

PART 1430—DAIRY PRODUCTS

Subpart—Price Support Program for Milk

The United States Department of Agriculture has announced increases, effective for the marketing year beginning April 1, 1975, in the Commodity Credit Corporation support purchase prices for butter and cheese purchased under the dairy price support program as provided herein. Accordingly, § 1430.282 (b)(1) and (b)(2) are revised to read as follows:

§ 1430.282 Price support program for milk.

* * * * *

(b)(1) CCC will consider offers of butter, Cheddar cheese, and nonfat dry milk in bulk containers meeting specifications in the announcements at the following prices:

Commodity and location	Produced before January 4, 1975	Produced January 4 through March 31, 1975	Produced on or after April 1, 1975
	[Cents per pound]		
Cheddar cheese: U.S. grade A or higher: (Standard moisture basis, 37.8–39.0 percent)[1]	70.75	77.25	79.25
Nonfat dry milk, spray process: U.S. extra grade[2]	56.6	60.6	60.6
Butter: U.S. grade A or higher: New York, N.Y., and Jersey City, Newark, and Secaucus, N.J.	62.00	69.50	70.75
Alaska, Hawaii, Arizona, New Mexico, Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, and South Carolina	61.00	68.50	(3)
Seattle, Washington; San Francisco, California; California, Idaho, Oregon, Washington	59.00	66.50	(3)

[1] For cheese which is offered on a "dry" basis (less than 37.8 percent moisture) the price per pound shall be as indicated in Form ASCS–150. Copies are available in offices listed in (a)(4).

[2] If upon inspection bags do not fully comply with specifications, the price paid will be subject to a discount of 0.25 cent (¼ cent) per pound of nonfat dry milk.

[3] No specific price announced—price determined by freight rate calculations.

(2) Offers to sell butter at any location not specifically provided for in this section (New York City, San Francisco, and Seattle for dairy products produced before April 1, 1975; New York City only for dairy products produced after that date) will be considered at the price set forth in this section for the designated market named by the seller, less 80 percent of the lowest published domestic railroad carlot freight rate per pound gross weight for a 60,000 pound carlot, in effect at the beginning of each marketing year (April 1), from such location to the designated market. However, for dairy products produced beginning April 1, 1975, no price at any location shall be less than 67.75 cents per pound. In the area consisting of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia, CCC will purchase only bulk butter produced in that area; butter produced in other areas is ineligible for offering to CCC in these States.

(Sec. 201, 401, 63 Stat. 1052, 1054, as amended; Sec. 4(d), 62 Stat. 1070, as amended; 7 U.S.C. 1446, 1421, 15 U.S.C. 714b (d))

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Signed at Washington, D.C., on April 3, 1975.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corp.

[FR Doc.75-9547 Filed 4-11-75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

Release of Areas Quarantined

This amendment excludes a portion of Duval and portions of Kleberg and Jim Wells Counties in Texas from the areas quarantined because of splenetic or tick fever. Therefore, the regulations pertaining to the interstate movement of cattle and certain materials from quarantined areas as contained in 9 CFR Part 72, as amended, will not apply to the excluded areas, but the restrictions in Part 72 pertaining to interstate movement from nonquarantined areas will apply to the excluded areas.

Accordingly, § 72.5 of Part 72, Title 9, Code of Federal Regulations, as amended, which quarantines certain portions of Texas because of splenetic or tick fever in cattle, a contagious, infectious, and communicable disease, is hereby amended in the following respects:

In § 72.5, paragraphs (i) and (k) are amended to read:

§ 72.5 Areas quarantined in Texas.

* * * * *

(i) That portion of Jim Wells and Kleberg Counties bounded by a line beginning at the junction of Farm Road 1352 and Farm Road 1930 in Jim Wells County, approximately 3 miles southeast of Alice, Texas; thence, following Farm Road 1930 in an easterly direction to the west fence of the Horace Evetts Pasture, approximately 3 miles; thence, following the west fence of the Horace Evetts Pasture in a northerly direction to the northwest corner of the same, approximately 1 7/10 miles; thence, following the meanderings of the north and east fence of the Horace Evetts Pasture in a southeasterly direction to Farm Road 1930, approximately 9/10 mile; thence following Farm Road 1930 in a northerly direction to Farm Road 665, approximately 1 3/10 miles; thence, following the meanderings of Farm Road 665 in an easterly direction to the Jim Wells-Nueces County line, approximately 4 miles; thence, following the Jim Wells-Nueces County line in a southerly direction to the Jim Wells-Kleberg County line, approximately 6 miles; thence, following the east fence of the King Ranch Gato Pasture in a southerly direction into Kleberg County to the southeast corner of the King Ranch Gato Pasture, approximately 1 mile; thence, following the south fence of the King Ranch Gato Pasture in a northwesterly direction to the east fence of the King Ranch Partidas Trap, approximately 1 mile; thence, following the east fence of the King Ranch Partidas Trap in a southerly direction to the southeast corner of the same, approximately ½ mile; thence following the south fence of the King Ranch Partidas Trap in a westerly direction to the southwest corner of the same, approximately 3 miles; thence, following the west fence of the King Ranch Partidas Trap in a northerly direction to the Kleberg-Jim Wells County line, approximately 1¼ miles; thence, following the Kleberg-Jim Wells County line in a westerly direction to the east fence of the George Stacey property, approximately ½ mile; thence, following the east fence of the George Stacey property in a northwesterly direction to the northeast corner of the same to the west fence of the Blas Garcia premises approximately ½ mile; thence, following the west fence of the Blas Garcia premises to Farm Road 2508, approximately 9/10 mile; thence, following Farm Road 2508 in an easterly direction approximately 4 miles, then in a northwesterly direction to Farm Road 1352, approximately 1½ miles; thence, following Farm Road 1352 in a northwesterly direction to its junction with Farm Road 1930, approximately 4 miles.

* * * * *

(k) That portion of Jim Wells County bounded by a line beginning at the junction of County Road 308 and State Highway 624, approximately 16 miles north of Alice, Texas; thence, following State Highway 624 in an easterly direction to Farm Road 738, approximately 4 miles; thence, following the meanderings of Farm Road 738 in a southeasterly direction to County Road 306, approximately 3 miles; thence, following County Road 306 in a southerly direction, approximately 1 mile, then westerly approximately 1 mile, then southerly to County Road 308, approximately 1 mile; thence, following County Road 308 in a southeasterly direction to State Highway 359, approximately 1 mile; thence, following State Highway 359 in a southwesterly direction to County Road 208 at Alfred, Texas, approximately 3 miles; thence, following County Road 208 in a northwesterly, then northerly direction to County Road 308, approximately 3 miles; thence, following County Road 308 in a northwesterly, then northerly direction to its junction with State Highway 624, approximately 6½ miles.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264–1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective on April 9, 1975.

The amendment relieves certain restrictions no longer deemed necessary to prevent the spread of splenetic or tick fever and should be made effective promptly to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 9th day of April, 1975.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-9680 Filed 4-11-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 75-SO-8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On February 25, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 8108) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign several airways southeast of Atlanta, Ga. One of these airways was V–154 between Dublin, Ga., and Savannah, Ga., which was proposed for realignment via the intersection of the Dublin 121° and the Savannah 279° true radials to avoid an off-airway military training area. Since publication of the notice, more precise computations have revealed that to avoid the military training area, this segment of V–154 should be aligned via the Dublin 122° true radial in lieu of the Dublin 121° true radial. Action to make this change of one degree is taken herein. Since this is a minor change in which the public would not be particularly concerned, further notice and public procedure thereon are considered unnecessary.

The notice stated that V–5/V–51 would be realigned between Alma, Ga., and Athens, Ga., via Dublin, Ga. It is not necessary to change the description of V–5/V–51 since relocation of the Dublin VORTAC upon which the airways are based will effect the desired realignment.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, June 19, 1975, as hereinafter set forth.

§ 71.121 [Amended]

In § 71.121 (40 FR 307) the descriptions of airways are altered as follows:

1. V–154 is revised to read: "From Macon, Ga.; via Dublin, Ga.; INT of Dublin 122° and Savannah, Ga., 279° radials; to Savannah."

2. In V–70, all after "Vienna, Ga.;" is deleted, and "to Allendale, S.C." is substituted therefor.

3. V–179 is revised to read: "From Dublin, Ga., to INT of Dublin 312° and Atlanta, Ga., 116° radials."

4. In V–267, "Dublin, Ga., 137° radials;" is deleted, and "Dublin, Ga., 151° radials;" is substituted therefor.

5. V–323 is revised to read: "From Eufaula, Ala., via Macon, Ga.: to INT Macon 331° and Atlanta, Ga., 117° radials."

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on April 8, 1975.

F. L. CUNNINGHAM,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-9561 Filed 4-11-75;8:45 am]

[Airspace Docket No. 75-SO-12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

On February 27, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 8359) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the vertical extent of V–70 between Vienna, Ga., and Allendale, S.C. The purpose of the proposed amendment was to provide airspace for a military operational training area. Since publication of the notice, the military has agreed that they require alteration of the vertical extent of this airway only between the Oconee, Ga., and Millen, Ga., intersections. Since this action is within the scope of the original notice, further notice and public procedure are unnecessary.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0902 G.m.t., June 19, 1975, as hereinafter set forth.

§ 71.123 [Amended]

In § 71.123 (40 FR 307) the description of V–70 is amended by adding:

The portion of this airway above 9,000' MSL between the INT of Vienna 066° and Dublin, Ga., 121° radials and the INT of Allendale 247° and Augusta, Ga., 148° radials is excluded.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on April 7, 1975.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-9562 Filed 4-11-75;8:45 am]

[Airspace Docket No. 74-AL-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Additional Control Area

On February 20, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 7464) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate additional control area upward from 14,500 feet MSL to FL 450 within an area west of the Alaskan Peninsula and north of control 1236 and south of control 1485.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 19, 1975, as hereinafter set forth.

§ 71.163 [Amended]

Section 71.163 (40 FR 346) is amended by adding the following:

CONTROL 1238

That airspace extending upward from 14,500 feet MSL to FL 450 within an area bounded by a line beginning at latitude 60°57'00" N., longitude 165°17'00" W.; along the northern boundary of Control 1236 to latitude 60°17'00" N., longitude 168°42'00" W.; thence to latitude 62°35'00" N., longitude 175°00'00" W.; thence to latitude 65°-00'00" N., longitude 168°58'23" W.; thence to latitude 68°00'00" N., longitude 168°58'-23" W.; along the southern boundary of Control 1485 to latitude 68°00'00" N., longitude 165°30'00" W.; thence by a line 3 nautical miles from and parallel to the shoreline to the point of beginning, excluding that portion that lies within Continental Control Area, control areas, and transition areas at Nome and Kotzebue, Alaska.

(Secs. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a), and 1510), Executive Order 10854 (24 FR 9565) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on April 8, 1975.

F. L. CUNNINGHAM,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-9560 Filed 4-11-75;8:45 am]

[Airspace Docket No. 75-NE-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On Page 6369 of the FEDERAL REGISTER dated February 11, 1975 (40 FR 6370), the Federal Aviation Administration published a Notice of Proposed Rule Making which would designate a 700-foot Transition Area at Hopedale, Massachusetts.[1]

Interested parties were given thirty (30) days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., May 22, 1975.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Burlington, Massachusetts, on April 2, 1975.

QUENTIN S. TAYLOR,
Director, New England Region.

§ 71.181 [Amended]

Amend § 71.181 (38 FR 569) of Part 71 of the Federal Aviation Regulations so as to add the following transition area:

HOPEDALE, MASSACHUSETTS

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Center, 42°06'25" N., 71°30'40" W., of the Hopedale Draper Airport, Hopedale, Massachusetts, within 5 miles southeast and 6.5 miles northwest of the 060° radial from the Putnam VORTAC, 41°57'19" N., 71°50'41" W., extending from the 6-mile radius area to the Putnam VORTAC, excluding that portion that coincides with the Danielson, Connecticut, and the Southbridge, Massachusetts, Transition Area.

[FR Doc.75-9563 Filed 4-11-75;8:45 am]

[Docket No. 13929; Amendment No. 91-127]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Relaxation of Equipment Requirements in Group II Terminal Control Areas

The purpose of this amendment to Part 91 of the Federal Aviation Regulations is to relax the equipment requirements in Group II Terminal Control Areas (TCAs). The major effect of this amendment is to eliminate the requirement for automatic pressure altitude reporting equipment in these TCAs. In addition, this amendment provides for an exception to the requirement for a transponder for IFR flights operating to or from a secondary airport located outside of, but in close proximity to, a Group II TCA when the transition, approach or departure procedures for that airport involve flight within that TCA. Finally,

[1] Map filed as part of the original.

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this amendment adds a requirement for two-way radio communications within Group II TCAs.

Notice No. 74-26 was published in the FEDERAL REGISTER on July 25, 1974 (39 FR 27147) stating that the Federal Aviation Administration was considering amending Part 91 to rescind the requirement for automatic pressure altitude reporting equipment in Group II TCAs. The Notice also proposed to make permanent the existing temporary exceptions for transponders for certain IFR flights within Group II TCAs, and to add a two-way radio communications requirement.

Interested persons were afforded an opportunity to participate in the proposed rule making. Due consideration was given to all relevant matter presented.

One hundred and fifty-one public comments were received in response to the notice with only twelve written comments objecting to the proposal. The principal argument in opposition to the proposal was that by eliminating the encoder requirement in Group II TCAs it would practically eliminate the requirements for altitude encoding equipment, thus creating an economic hardship on the manufacturers of these components. The amendment, however, affects only Group II TCAs and does not affect the requirement for altitude encoders in Group I TCAs or above 12,500 feet MSL. Further, this amendment does not prevent, or discourage, aircraft owners from installing this equipment to take advantage of the potential benefits.

Although the FAA takes note of this objection on economic grounds by certain manufacturers, the primary determination for adoption of this rule must be based upon considerations of safety and efficiency for operation within the TCAs. It has accordingly been determined that it would be an unnecessary burden, not justified in terms of increased safety, to require automatic pressure altitude reporting equipment in Group II TCAs at this time.

The other stated objection to the proposal was that rescinding the altitude encoding requirements would derogate safety and impair ATC efficiency in busy terminal areas. It must be pointed out that the requirement for altitude encoders has not been in effect as yet in Group II TCAs and is not scheduled to take effect until July 1, 1975. Therefore, this amendment does not change any presently existing requirements for altitude encoding equipment. Furthermore, the FAA has determined that, for the foreseeable future, encoding equipment is not necessary for safety in Group II TCAs since two-way radio communications will provide adequate altitude reporting in the less dense air traffic environments of these TCAs. In summary, the FAA believes that two-way radio communications, together with the continuing requirement for a 4096 code transponder, will provide an adequate level of safety in Group II TCAs.

Further review of the safety aspects of operation within Group II TCAs has led to the conclusion that one of the proposed exceptions in the proposal should not be adopted. The notice proposed that transponders not be required for IFR flights operating to or from secondary airports within the TCA, or to IFR flights operating to or from an airport outside of, but in close proximity to the TCA, when the transition, approach or departure procedures would require flight within the TCA. The FAA has concluded that the minor penetration of the TCAs through the use of IFR transition, approach or departure procedures for airports outside of the TCAs would not substantially interfere with operations at the primary airport. This exception is preserved. However, the FAA believes that operations at secondary airports within the TCA should not be distinguished from operations at the primary airport and that it is necessary that aircraft operating at these airports be transponder equipped. This exception will, therefore, terminate on July 1, 1975.

(Secs. 307(a), 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing, Part 91 of the Federal Aviation Regulations is amended, effective May 14, 1975, as hereinafter set forth.

1. Section 91.24(b)(2) is amended to read as follows:

§ 91.24 ATC transponder equipment.

* * * * * * *

(b) *Controlled airspace: all aircraft.* * * *

(2) After July 1, 1975, in Group II Terminal Control Areas governed by § 91.90(b), except as provided therein;

* * * * * * *

2. Section 91.90(b)(1)(i) is amended to read as follows:

§ 91.90 Terminal Control Areas.

* * * * * * *

(b) *Group II Terminal Control Areas.*

(1) *Operating rules.* * * *

(i) No person may operate an aircraft within a Group II Terminal Control Area unless he has received an appropriate authorization from ATC prior to operation of that aircraft in that area, and unless two-way radio communications are maintained, within that area, between that aircraft and the ATC facility.

* * * * * * *

3. Section 91.90(b)(2)(iii) is amended by deleting the words "notwithstanding the exceptions in this section" at the end thereof, and by inserting in place thereof the words "except that automatic pressure altitude reporting equipment is not required for any operation within the terminal control area, and a transponder is not required for IFR flights operating to or from an airport outside of but in close proximity to the terminal control area, when the commonly used transition, approach, or departure procedures to such airport require flight within the terminal control area."

Issued in Washington, D.C., on April 7, 1975.

JAMES E. DOW,
Acting Administrator.

[FR Doc.75-9564 Filed 4-11-75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER-902; Amdt. 17]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Amendment To Delete Schedules B-9, B-42 and P-41 From CAB Form 41

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., April 8, 1975.

As part of our policy of continuous review of recurrent reports and specific data required of air carriers, the Board has determined that the submission by all route air carriers, on a regular and continuing basis, of data currently required to be reported on Schedule B-9, "Inventory of Flight Equipment Spare Parts and Assemblies," Schedule B-42, "Accounts 1410 Short-Term Prepayments, 1550 Special Funds-Other, 1820 Long-Term Prepayments, 1880 Other Intangibles, 1890 Other Deferred Charges, 2390 Other Deferred Credits," and Schedule P-41, "Taxes" are no longer necessary to meet our regulatory needs and should therefore be eliminated from the CAB Form 41.

Since this amendment reduces present reporting requirements and thereby relieves a burden, the Board finds that public procedure hereon is not required and the rule may be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends Part 241 of its economic regulations (14 CFR Part 241), effective April 8, 1975, as follows:

1. Amend Section 22—General Reporting Instructions—as follows:

A. By deleting from the "List of Schedules in CAB Form 41 Report" in paragraph (a), the references to schedules B-9, B-42 and P-41, the revised list to read as set forth below.

B. By deleting from the list of "Due dates of schedules in CAB Form 41 report" in paragraph (a) the references alongside Mar. 30 to B-9, B-42, and P-41, the revised list to read as set forth below.

Section 22—General Reporting Instructions

(a) * * *

List of Schedules in CAB Form 41 Report

Schedule No.	Schedule title	Filing
A	Certification	Quarterly.
A-1	Status of accounting plans required to be filed	Annually.
A-2	Controlling person's certification	Do.
B-1	Balance sheet	Monthly.
B-2	Notes to balance sheet	Quarterly.
B-3	Paid-in capital; self-insurance reserves and appropriations of retained earnings; deferred income taxes.	Do.
B-4	Reserve for uncollectible accounts; accounts with subsidiaries, other associated companies and nontransport divisions.	Do.
B-5	Property and equipment	Do.
B-7	Airframes and aircraft engines acquired	Do.
B-7(a)	Reinvestment of flight equipment capital gains	(1).
B-7(b)	Flight equipment acquired	Quarterly.
B-8	Property and equipment retired	Do.
B-8(a)	Flight equipment capital gains invested or deposited for reinvestment in flight equipment.	(1).
B-10	Developmental and preoperating costs	Quarterly.
B-12	Statement of source and application of funds	Do.
B-13	Summary of projected financial commitments and related deposits	Do.
B-14	Summary of property obtained under long-term leases	Do.
B-41	Investments held by, or for the account of, respondent	Annually.
B-43	Inventory of airframes and aircraft engines	Do.
B-44	Summary of resources exchanged with affiliated group members and other associated companies.	Do.
B-46	Long-term and short-term nontrade debt	Do.
P-1.1	Income statement—group I air carriers	Quarterly.
P-1.2	Income statement—group II and group III air carriers	Do.
P-1(a)	Interim income statement	Monthly.
P-2	Notes to income statement	Quarterly.
P-2(a)	Revenue market report	Do.
P-3	Transport revenues; depreciation and amortization; nonoperating income and expense (net).	Do.
P-3(a)	Income taxes	Do.
P-4	Transport-related revenues and expenses; explanation of special items; explanation of deferred Federal income tax adjustements, dividends declared and retained earnings adjustments.	Do.
P-5.1	Aircraft operating expenses—group I air carriers	Do.
P-5.2	Aircraft operating expenses—group II and group III air carriers	Do.
P-5(a)	Components of flight equipment depreciation	Do.
P-6	Maintenance, passenger service, and general services and administration expense functions—all air carrier groups.	Do.
P-7	Aircraft and traffic servicing, promotion and sales, and general and administrative expense functions—group II and group III air carriers.	Do.
P-8	Aircraft and traffic servicing, and promotion and sales expense subfunctions—group III air carriers.	Do.
P-9.1	Distribution of ground servicing expenses by geographic location—group I air carriers	Do.
P-9.2	Distribution of ground servicing expenses by geographic location—group II and group III air carriers.	Do.
P-10	Payroll	Do.
P-11(a)	Charges by foreign governments and foreign entities for en route facilities and services	Do.
P-11(b)	Charges by foreign governments for airport facilities and services	Do.
P-12	Fuel inventories and consumption	Monthly.
P-12(a)	Fuel consumption by type of service and specific operational markets	Do.
T-1	Traffic and capacity statistics by class of service	Do.
T-2	Traffic, capacity, aircraft operations, and miscellaneous statistics by type of aircraft	Quarterly.
T-3	Airport activity statistics	Do.
T-5	Summary of civil aircraft charters	Do.
T-7	Statistical market report	Monthly.
T-41	Charter and special services revenue aircraft-miles flown; calculation of limitation of charter trips.	(1a)
G-41	Persons holding more than 5 per centum of respondent's capital stock or capital	Annually.
G-42	Security interests of all officers and directors and compensation paid to principal officers and directors.	Do.
G-43	Compensation and expenses of persons and firms (other than directors, officers, and employees) earning $20,000 or more during the calendar year.	Do.
G-44	Corporate and securities data	Do.

[1] In accordance with the provisions of §§ 235.4 and 235.5 of Part 235 of this subchapter.
[1a] For the first 9 months and for the 12 months of each calendar year.

Due dates of schedules in CAB Form 41 report

Due date[1]:	Schedule No.
January 20	P-12, P-12(a).
January 30	B-1, P-1(a), T-1, T-2, T-3, T-7, T-41.
February 10[2]	A, B-2, B-3, B-4, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-2(a), P-3, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, P-9.1, P-9.2, P-10, P-11(a), P-11(b), T-6.
February 20	P-12, P-12(a).
March 1	B-1, P-1(a), T-1, T-7.
March 20	P-12, P-12(a).
March 30	A-2, B-1, B-41, B-43, B-44, B-46, P-1(a), G-41, G-42, G-43, G-44, T-1, T-7.
April 20	P-12, P-12(a).
April 30	B-1, P-1(a), T-1, T-2, T-3, T-7.
May 10	A, B-2, B-3, B-4, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-2(a), P-3, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, P-9.1, P-9.2, P-10, P-11(a), P-11(b), T-6.

[1] Due dates falling on a Saturday, Sunday, or national holiday will become effective the first following working day.
[2] B and P reporting dates are extended to March 30, if preliminary schedules are filed at the Board by February 10.

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Due date:	Schedule No.
May 20	P-12, P-12(a).
May 30	B-1, P-1(a), T-1, T-7.
June 20	P-12, P-12(a).
June 30	B-1, P-1(a), T-1, T-7.
July 20	P-12, P-12(a).
July 30	B-1, P-1(a), T-1, T-2, T-8, T-7.
August 10	A, A-1, B-2, B-3, B-4, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-2(a), P-3, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, P-9.1, P-9.2, P-10, P-11(a), P-11(b), T-6.
August 20	P-12, P-12(a).
August 30	B-1, P-1(a), T-1, T-7.
September 20	P-12, P-12(a).
September 30	B-1, P-1(a), T-1, T-2, T-8, T-7.
October 20	P-12, P-12(a).
October 30	B-1, P-1(a), T-1, T-7, T-41.
November 10	A, B-2, B-3, B-4, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-2(a), P-3, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, P-9.1, P-9.2, P-10, P-11(a), P-11(b), T-6.
November 20	P-12, P-12(a).
November 30	B-1, P-1(a), T-1, T-7.
December 20	P-12, P-12(a).
December 30	B-1, P-1(a), T-1, T-7.

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Section 23—[Amended]

2. Amend Section 23—Certification and Balance Sheet Elements—as follows:

A. By deleting the caption "Schedule B-9—Inventory of Flight Equipment Spare Parts and Assemblies" which follows paragraph (h) of schedule B-8(a), as well as the entire text of paragraphs (a) through (i), inclusive, set forth under said caption.

B. By deleting the caption "Schedule B-42—Accounts 1410 Short-Term Prepayments, 1550 Special Funds-Other, 1820 Long-Term Prepayments, 1880 Other Intangibles, 1890 Other Deferred Charges, 2390 Other Deferred Credits" which follows paragraph (h) of schedule B-41, as well as the entire text of paragraphs (a) and (b) set forth under said caption.

Section 24—[Amended]

3. Amend Section 24—Profit and Loss Elements—by deleting the caption "Schedule P-41—Taxes" which follows paragraph (g) of schedule P-12(a), as well as the entire text of paragraphs (a) through (d), inclusive, set forth under said caption.

(Sections 204(a) and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377.)

By the Civil Aeronautics Board.

Effective: April 8, 1975.

Adopted: April 9, 1975.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-9511 Filed 4-11-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2606]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

American Credit Bureau, Inc. et al.

Correction

In FR Doc. 75-7901 appearing in the issue of Thursday, March 27, 1975, the footnote referred to in column one, line two should read:

[1] New.

[Docket C-2626]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Fuqua Industries, Inc., et al.

Correction

In FR Doc. 75-8438, appearing at page 14741, in the issue for Wednesday, April 2, 1975, make the following corrections:

1. On page 14744, in the fifth line of paragraph (c)(1), insert the words "of business" between the words "place(s)" and "of".

2. On page 14745, in the third line of paragraph (g) change the word "of" to "or".

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

PART 302—RULES AND REGULATIONS UNDER FLAMMABLE FABRICS ACT

Children's Sleepwear, Sizes 0-6X; Labeling, Display, and Recordkeeping Requirements

In this document, the Consumer Product Safety Commission amends 16 CFR 302.19, a regulation which prescribes requirements for advertising and labeling of children's sleepwear items which are subject to the Standard for the Flammability of Children's Sleepwear (DOC FF 3-71; as amended) by adding requirements for labeling of items subject to the Standard to indicate the production units in which they were manufactured; requirements for display of items subject to the Standard which are offered for sale to consumers in retail establishments; requirements for maintenance of records relating to the manufacture and sale of items subject to the standard; and requirements for testing for guaranty purposes under the standard.

The standard is applicable to children's sleepwear garments in sizes 0 through 6X, and to any fabric or related material intended or promoted for use in children's sleepwear in those sizes. The Standard, the regulation appearing at 16 CFR 302.19, and the amendments to that regulation appearing below have been issued under provisions of the Flammable Fabrics Act (15 U.S.C. 1191-1204), which provides for civil and criminal penalties for the violation of any standard or regulation issued under that act.

The principal provisions of the amendments to 16 CFR 302.19 set forth below are:

1. A requirement that each garment and each piece of fabric subject to the Standard be labeled to identify the production unit in which the item was manufactured. The production unit identification must appear on a permanent label attached to the garment or must be stamped permanently on the fabric of the garment. The production unit identification of any fabric subject to the Standard must appear on every label relating to that fabric which is required by the Textile Fiber Products Identification Act or by the Wool Products Labeling Act of 1939, or on any invoice used in lieu of labeling under those acts.

2. Requirements that retail dealers who offer noncomplying items of children's sleepwear in sizes 0 through 6X for sale to consumers display those noncomplying items so that they are not intermingled with complying items; separate displays of noncomplying items from displays of complying items by a distance of at least 36 inches; and identify displays of noncomplying items and complying items by signs with letters at least one inch high.

3. Requirements for the maintenance of records by manufacturers, importers and other persons who initially introduce items subject to the Standard into interstate commerce to establish a line of continuity through the process of manufacture of each production unit of items to the sale and delivery of finished items, and from the specific finished items back to the manufacturing records. The records required for every production unit must relate that unit to a production unit identification number, letter, or date which is required to appear on each item subject to the Standard.

Background. The Standard for the Flammability of Children's Sleepwear (DOC FF 3-71; as amended) was issued on July 29, 1971 (36 FR 14062) by the Secretary of Commerce exercising authority then vested in the Secretary by the Flammable Fabrics Act, and was amended by the Secretary on July 21, 1972 (37 FR 14624) to incorporate requirements for a production sampling plan. The Standard, as amended, became effective on July 29, 1972, with a provision that noncomplying items of children's sleepwear in sizes 0 through 6X could be manufactured until July 29, 1973, if those items were permanently and conspicuously labeled to indicate that they do not comply with the Standard.

In the FEDERAL REGISTER of August 9, 1972 (37 FR 16003), the Federal Trade Commission proposed a regulation to prescribe labeling, advertising, and recordkeeping requirements for items subject to the Standard by the authority then exercised by the Federal Trade Commission under the Flammable Fabrics Act.

On May 14, 1973, the functions of the Secretary of Commerce and the Federal Trade Commission under the Flammable Fabrics Act were transferred to the Consumer Product Safety Commission by section 30(b) of the Consumer Product Safety Act (86 Stat. 1231; 15 U.S.C. 2079(b)).

In the FEDERAL REGISTER of February 7, 1974 (39 FR 4852), the Consumer Product Safety Commission issued 16 CFR 302.19, a regulation to prescribe requirements for labeling and advertising of items subject to the Standard, based on the proposal published by the Federal Trade Commission.

CODIFICATION NOTE: The regulations being amended herein (Part 302), although appearing in the CFR under Title 16, Chapter I—Federal Trade Commission, are now the responsibility of the Consumer Product Safety Commission due to the transfer of statutory authority explained above. Until the CPSC revises and transfers these regulations to Title 16, Chapter II—Consumer Product Safety Commission, it shall amend them in Chapter I.

In the same issue of the FEDERAL REGISTER (39 FR 4855), the Commission proposed amendments to 16 CFR 302.19 which would add requirements for labeling of items to indicate the production units in which they were manufactured; display of items subject to the standard in retail establishments; and maintenance of records by persons who manufacture or sell items subject to the Standard; and requirements for testing for guarantee purposes under the Standard. Interested parties were afforded a period of thirty days to comment on the proposed amendments.

Response to proposal and CPSC decisions thereon. In response to the proposed amendments, comments were received from eight manufacturers of items subject to the Standard, three associations of retailers, one association of importers, and two consumer organizations. The principal issues raised by these comments and the Commission's decisions thereon are as follows:

A. *Labeling provisions.* 1. The proposed amendments included a paragraph, 302.19(b)(8), requiring that every item of children's sleepwear subject to the Standard be labeled to identify the production unit in which the item was manufactured. Proposed § 302.19(b)(8)(i) contained requirements that each garment subject to the Standard contain a label with minimum dimensions of one-half inch by three-fourths inch, bearing the appropriate garment production unit identification number, letter, or date in black letters at least one-sixth of an inch high against a solid white background.[1] This paragraph also required that the label bearing the production unit identification be affixed to the garment in such a manner as to remain attached throughout the expected period of use of the garment, and be visible to prospective purchasers.

Two manufacturers and one association of manufacturers request modification of the language of proposed § 302.19(b)(8)(i) to allow the garment production unit identification to be stamped onto the fabric of the garment as an alternative to the requirement that the production unit identification appear on a label which is sewn into the garment. (One of these comments also requests that manufacturers be given the additional alternative of putting the production unit identification on a label which contains other information such as instructions for laundering or dry cleaning.) One comment states that some manufacturers currently stamp the production unit identification onto the fabric of garments. Other comments requesting the modification of the labeling requirement to allow the garment production unit identification to be stamped onto the garment state that the requested change would reduce the manufacturers' cost of compliance; would allow greater accuracy because the production unit identification could be applied at the time the fabric is cut; and would prevent removal of the production unit identification by consumers.

After consideration of these comments, the Commission has modified the provisions of section 302.19(b)(8)(i) to allow the garment production unit identification to be stamped permanently onto the garment as an alternative to the use of a permanent label sewn into the garment. This change has been made because the Commission concludes that a garment production unit identification which is stamped permanently onto the garment will serve the same purpose as a garment production unit identification placed on a separate label. However, to insure that the garment production unit identification will be readily visible, the Commission has also included a provision in the amendment issued below to require that when the garment production unit identification is stamped onto the garment, the mark indicating the garment production unit identification must be at least one inch in every direction from any other information on the garment. For the same reason, language has also been added to require that when a label is used to indicate the garment production unit identification, that label must not touch any other label on the garment, except that a label containing the garment production unit identification may be sewn on top of any label which is not required by regulations issued by the Commission for Children's Sleepwear in sizes 0 through 6X (16 CFR 302.19) if the label containing the garment production unit identification completely covers the label beneath it.

The Commission has not modified the amendment issued below to allow the garment production unit identification to appear on labels which contain other information, such as laundering or dry cleaning information, because such a change would reduce the visibility of the garment production unit identification, and would make it more difficult to locate.

2. Proposed § 302.19(b)(8)(i) specified minimum dimensions for the label and required the garment production unit identification to appear in black letters at least one-sixth of an inch high against a solid white background. Comments from one manufacturer, one association of manufacturers, two retailers and two associations of retailers object to specific requirements for the size and color of the label and lettering for the garment production unit identification. These comments recommend that greater discretion should be allowed in the design of the label, and that proposed § 302.19(b)(8)(i) should be changed to require only that the production unit identification appear permanently and legibly on the garment.

While the Commission understands the desire of manufacturers for relaxation of restrictions on the design of the label, the Commission has concluded that the term "legible" is not sufficiently specific for the purposes of this labeling requirement, and that minimum dimensions for the label and the lettering must be specified to provide objective and enforceable criteria for achieving the desired degree of prominence for the garment production unit identification. However, the requirement for black lettering against a white background has been modified to require that the letters must be in a color which contrasts with the background of the label.

[1] Throughout the preamble of this document, dimensions are given in the English system of measurement, that is in inches. In the text of the final amendment published below, dimensions are stated in metric terminology, that is, in centimeters and millimeters, followed by the English-system equivalents enclosed in parentheses. For purposes of enforcement of the Standard the Commission will rely on dimensions as expressed in metric terminology.

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As stated earlier, section 302.19(b)(8)(i) has been modified to allow the manufacturer to stamp the garment production unit identification onto the fabric of the garment as an alternative to the use of a label. When the production unit identification is stamped onto the garment, the marking must be permanent, in letters at least one-sixth of an inch high, in a color which contrasts with the background, and at least one inch from any other information on the garment.

3. Proposed § 302.19(b)(8)(i) also required that the label containing the garment production unit identification be "readily visible" to prospective purchasers. Comments from four manufacturers, one association of manufacturers, two retailers, and one association of retailers object to this requirement. Several of these comments state that the prospective purchaser does not consider the production unit identification when making a purchasing decision, and a requirement that the production unit identification be "readily visible" will add to production costs, which will ultimately be passed on to the consumer. Some of these comments state that the apparent purpose of the requirement is to facilitate recall of a particular production unit if that unit does not comply with the Standard, and that as long as the location of the production unit identification is "accessible," the manufacturer of a noncomplying production unit can inform all parties in the chain of distribution and the Commission of the location of the production unit identification if the necessity to recall a production unit should arise. One manufacturer comments that if the label is positioned on the garment so that it is readily visible to prospective purchasers when the garment is packaged, it would be located on the garment in such a position that the consumer would probably remove the label before putting the garment on a child.

The Commission's purpose in proposing that the garment production unit identification must be readily visible to the prospective purchaser was to facilitate identification of items from a given production unit by persons in the chain of distribution and by Commission personnel, not only in the event of a recall of a production unit, but also to obtain samples from any given production unit for testing in a compliance market sampling program. To conduct such a sampling program expeditiously, Commission investigators must be able to identify the garment production unit of a given item quickly, without opening the package or looking for a label which may be located inside the garment. For that reason, the language of § 302.19(b)(8) has not been changed to require that the label bearing the fabric or garment production unit identification be "accessible" rather than "readily visible", as requested in these comments. However, language has been added to provide that if the label or marking which states the garment production unit identification is not readily visible to the prospective purchaser, the package must be permanently, conspicuously, and legibly labeled with the garment production unit identification.

4. Comments from one manufacturer and one association of manufacturers object to the limitation of the size of a garment production unit to 500 dozen items. This limitation is imposed by section .1(k) of the Standard. The requirements of a Standard can be altered only by amending the Standard, and cannot be changed by the provisions of enforcement regulations issued to implement the standard. Therefore, the change requested in these comments has not been made. One of these comments also requested that the first production unit of a given style of garments subject to the Standard be exempted from the requirement for a label bearing the garment production unit identification. This comment states that garments in the first production unit would be identifiable by the absence of a label with a garment production unit identification. While such an exemption might result in a slight reduction in cost to the manufacturer, the Commission concludes that such an exemption would complicate enforcement of the labeling requirements, and would not be compatible with the purpose of the labeling requirements of § 302.19(b)(8)(i), which is to facilitate identification of the production unit in which any given children's sleepwear garment was manufactured.

5. Proposed § 302.19(b)(8) requires that a production unit identification appearing on the label required by that paragraph be "designated in such a way as to indicate that it is a production unit identification under the Standard". A comment from one manufacturer recommends a uniform prefix to designate a production unit identification. The Commission has added language to § 302.19(b)(8) to state that the letters "GPU" and "FPU" may be used to designate a garment production unit and a fabric production unit, respectively, at the option of the labeler.

6. Proposed § 302.19(b)(8)(ii) contained language requiring that the fabric production unit identification appear in black letters at least one-sixth of an inch high against a solid white background on each label relating to that fabric which is required by the Textile Fiber Products Identification Act (15 U.S.C. 70–70k) or by the Wool Products Labeling Act of 1939 (15 U.S.C. 68–68j) or on any invoice used in lieu of such labeling. A comment from one association of retailers states that neither the Textile Fiber Products Identification Act nor the Wool Products Labeling Act requires that information to appear in black letters against a white background. This comment and comments from two retailers request modification of the language of this paragraph to require only that the fabric production unit identification appear "legibly" on any label required by the Textile Fiber Products Identification Act or the Wool Products Labeling Act of 1939. After consideration of these comments, the Commission concludes that the objection to the requirement for black lettering on a white background is valid, and has removed that requirement. Section 302.19(b)(8)(ii) issued below requires that the lettering be in a color which contrasts with the background of the label. However, the requirement that the lettering be at least one-sixth of an inch high has been retained to provide objective and enforceable criteria for achieving the desired degree of prominence for the fabric production unit identification.

7. One association of garment manufacturers requests modification of proposed § 302.19(b)(8)(ii) to require that the fabric production unit identification appear on the invoice relating to the fabric in all cases, and to eliminate that language which would allow the fabric production unit identification to appear on each label required by the Textile Fiber Products Identification Act or the Wool Products Labeling Act, because such labels may become detached from the fabric. This comment states that if the fabric production unit identification is required to appear on the invoice, the garment manufacturer will be able to maintain the records required by § 302.19(e) of the proposed amendments. The Commission has not made the change requested in this comment because the requirements for labeling to indicate the fabric production unit identification are applicable to fabrics subject to the Standard which are offered for sale to consumers as well as to fabrics which are sold to garment manufacturers. If a garment manufacturer needs fabric production identification or invoices for record-keeping purposes, or if such concern believes that detachment may be a problem, the regulations would not preclude a garment manufacturer from requiring the fabric production unit identification to appear on all invoices as a condition of sale.

8. A comment from a manufacturer of fabrics and garments asks whether the Commission intended to require a fabric manufacturer whose entire production of fabric is used by the same manufacturer to produce sleepwear garments in sizes 0 through 6X to comply with the labeling requirements of proposed § 302.19(b)(8)(ii). The provisions of § 302.19(b)(8)(ii), issued below, are applicable to such a manufacturer. The purpose of the labeling requirement of that paragraph is to facilitate identification not only of the source but also the fabric production units of the fabric used in any given production unit of garments which are subject to the Standard.

9. A comment from an association of retailers asks whether provisions of proposed section 302.19(b)(8) require that a garment be labeled to identify the fabric production units used in the manufacture of that garment. A comment from a retailer asks if the Commission intended to require garment manufacturers to identify the fabric production units used in the manufacture of garments to retailers when it proposed § 302.19(b)(8). The Commission did not intend to impose either of these requirements when it proposed § 302.19(b)(8), and does not intend to impose either requirement in the final regulation issued below.

10. A comment from a retailer asks whether the Commission intended to require a fabric manufacturer to furnish the fabric production unit identification to retailers as well as to garment manufacturers when it proposed § 302.19(b)(8)(ii). The purpose of § 302.19(b)(8)(ii), as proposed and as issued below is to require fabric manufacturers to identify the production unit of fabrics sold for use in children's sleepwear to the purchaser of the fabric, whether that purchaser is a garment manufacturer, a fabric wholesaler or a retailer.

B. *Display of items subject to the Standard.* 1. Proposed § 302.19(d) required in part that persons who sell items of children's sleepwear subject to the Standard, in retail stores or other establishments open to the general public, display items which comply with the Standard so that no other merchandise is intermingled with those items; display all complying items at a separate location at least 36 inches away from any noncomplying items; and identify displays of complying and noncomplying items with signs. One organization of consumers favors the provisions of proposed § 302.19(d). This comment states that although few, if any, noncomplying items of children's sleepwear in sizes 0 through 6X are offered for sale to consumers in retail stores, the provisions of proposed § 302.19(d) would prohibit the intermingling of complying items in sizes 0 through 6X with the items in other sizes which do not have flame-resistant characteristics. Comments from one retailer and an association of retailers urge the Commission to withdraw proposed section 302.19(d). The association of retailers states that the requirements of proposed § 302.19(d) are unnecessary because almost all items of children's sleepwear in sizes 0 through 6X which are offered for sale to consumers in retail stores comply with the Standard. The retailer states that proposed § 302.19(d) is unnecessary because provisions of § 302.19(b) require all noncomplying items of children's sleepwear manufactured since July 29, 1972, to be labeled to indicate that they do not meet the Standard. A comment from a second association of retailers requests modification of proposed § 302.19(d) by the addition of language which would make that paragraph applicable only to retailers who sell both complying and noncomplying items which are subject to the Standard. A third association of retailers objects to the requirement for signs to identify displays of complying items because no provision of the Standard requires that complying items must be identified as such.

After careful consideration of these comments, the Commission has concluded that the requirements of proposed § 302.19(d) should be applicable only to those retailers who sell noncomplying items of children's sleepwear in sizes 0 through 6X. Language to that effect has been included in § 302.19(d) issued below. Retailers who handle noncomplying items are required to identify displays of noncomplying items by signs and if they also offer items which comply with the Standard for sale to consumers, they are required to keep all noncomplying items physically separated from complying items and to identify displays of complying items with signs. Retailers who handle only complying items subject to the Standard are not subject to the requirements of § 302.19(d) issued below.

2. Proposed § 302.19(d)(1)(i) required that all complying items "for which the seller has documentary evidence of compliance" be displayed so that no other merchandise is intermingled with those items. An association of retailers requests the addition of language to that paragraph to provide that a continuing guaranty from a manufacturer that its products meet the Standard shall constitute documentary evidence of compliance. Any guaranty issued under section 8 of the Flammable Fabrics Act (15 U.S.C. 1197), whether it is a separate guaranty applicable to specific items, a continuing guaranty from a seller to an individual buyer, or a continuing guaranty on file with the Commission, is a written statement to the effect that reasonable and representative tests of a given item subject to a flammability standard establish that the item complies with the applicable standard. The legal significance of such a guaranty is that it prohibits criminal prosecution under the act; however, it is not a bar to any administrative or civil proceeding authorized by the act. The Commission concludes that such a guaranty could be "documentary evidence" for purposes of § 302.19(d) issued below, but that addition of language to that effect to § 302.19(d) is not necessary. Accordingly, the change requested in this comment has not been made.

3. Proposed § 302.19(d)(1)(ii) contained language to require that complying goods offered for sale by retailers be identified with a sign which states: "Fire Retardant. Complies with Standard for the Flammability of Children's Sleepwear (DOC FF 3–71)." At the present time, the terms "fire retardant," "fire resistant," "flame retardant," and "flame resistant" are all used in the textile and garment industries to describe material which does not readily ignite or propagate a flame. The Commission has learned that the Committee on Textiles of the American Society for Testing and Materials (ASTM) has been considering a set of uniform flammability definitions for textiles which specifies use of the term "flame resistant" to describe material which does not readily ignite or propagate a flame. The term "flame retardant" would describe a substance that is applied to fabric to make it "flame resistant." The Commission has learned that the proposed definitions have received a majority affirmative vote of that Committee, and are expected to be adopted.

Additionally, an amendment to the Standard for the Flammability of Children's Sleepwear in sizes 7 through 14 (FF 5–74), (39 FR 15210, May 1, 1974, as amended March 21, 1975 (40 FR 12811 and corrected March 27, 1975 (40 FR 13547)), require items which are subject to and comply with that Standard to be affirmatively labeled with a statement which describes them as "flame resistant."

Although none of the comments object to the use of the term "fire retardant" to describe items which comply with FF 3–71, the Commission desires that the text of the sign used to identify complying items be consistent with the affirmative labeling amendment to FF 5–74. This will help to eliminate confusion among consumers by adopting the generally accepted terminology regarding the flammability of textiles.

Although the Commission has not conducted surveys regarding consumer understanding of the meanings of the terms "flame resistant" and "flame retardant," the Commission believes that the public can be informed of the purpose of flammability standards for children's sleepwear. The use of consistent flammability labeling should further this effort. Accordingly, the Commission has changed § 302.19(d)(1) so that the required text for the sign shall be "Flame Resistant. Complies with Standard for the Flammability of Children's Sleepwear (DOC FF 3–71)."

4. Proposed § 302.19(d)(2) contained language to require that displays of noncomplying items be identified by signs which contain the following text in black letters at least one inch high against a white background: "Flammable, Does Not Meet Standard for the Flammability of Children's Sleepwear (DOC FF 3–71)." An organization of consumers urges that the text of the sign should state: "FLAMMABLE SLEEPWEAR. This sleepwear does not meet government standards and is hazardous to children." The Committee observes that the text for the sign proposed by this comment could be misleading because it might suggest that the items which it identifies fail to meet standards other than the Standard for the Flammability of Children's Sleepwear (DOC FF 3–71; as amended), and that such items present a hazard which is not related to their flammability characteristics. For these reasons, the text for the sign to identify displays of noncomplying items subject to the Standard has not been changed.

5. Two retailers and one association of retailers object to the provisions of proposed § 302.19(d) which require that the signs used to identify displays of complying and noncomplying items have black letters at least one inch high against a white background. These comments suggest that the language of that paragraph should be changed to a more general requirement that the signs "clearly and conspicuously" identify displays of complying and noncomplying merchandise. These commenters also object to proposed § 302.19(d)(3) which requires that displays of complying items in sizes 0 through 6X be at least 36 inches from any other items of children's sleepwear which do not comply with the Standard.

V 40 172 APR 14 75

They state that these requirements are an unnecessary interference with retailers' business judgment. A comment from an organization of consumers urges that proposed § 302.19(d)(3) be changed to require that noncomplying items cannot be displayed on any shelf or table used to display complying items.

After consideration of these comments, the Commission concludes that for enforcement purposes, objective criteria are necessary for the size and color of the lettering and for the color of the background of signs to identify displays of complying and noncomplying items, as well as for a minimum distance to achieve physical separation of displays of complying and noncomplying items. While the requirements of proposed § 302.19(d) may restrict retailers' business judgment, the Commission concludes that these restrictions are not unreasonable. At the same time, the Commission concludes that the requirement that noncomplying items not be placed on any shelf or table used to display complying items would impose an unreasonable burden on retailers. For these reasons, none of the changes suggested in the comments under consideration has been made to § 302.19(d) issued below.

6. A comment from a retailer asks if the requirements of § 302.19(d) are applicable to fabric sold at retail, and if so, would that paragraph require physical separation of fabric which meets the Standard from fabric which is not intended for use in children's sleepwear. Provisions of § 302.19(d), issued below, are applicable to fabric intended or promoted for use in children's sleepwear in sizes 0 through 6X, when that fabric is offered for sale to consumers in retail stores. If a retailer handles fabric which is subject to the Standard but does not comply with the Standard, that retailer must identify that fabric with the required signs, and keep that fabric at least 36 inches from any fabric which is subject to the Standard and complies with the Standard. Section 302.19(d) does not require complying fabric which is subject to the Standard to be physically separated from fabrics which are not intended or promoted for use in children's sleepwear in sizes 0 to 6X. The provisions of § 302.19(d) are not applicable to a retailer who handles fabrics which are subject to and comply with the Standard if he does not handle any noncomplying fabrics which are subject to the Standard.

C. *Recordkeeping requirements.* 1. Proposed § 302.19(e) set forth recordkeeping requirements applicable to manufacturers, importers, converters, and other persons who introduce items subject to the Standard into interstate commerce. Proposed § 302.19(f) contained recordkeeping requirements applicable to wholesalers, distributors, retailers, and other persons who market or handle items subject to the Standard but who are not subject to the recordkeeping requirements of § 302.19(e). One organization of consumers states that it favors promulgation of these recordkeeping requirements as they were proposed by the Commission, and observes that without the provisions of proposed § 302.19 (e) and (f), the Commission would encounter serious difficulty if it attempted to trace the distribution of any items which fail to meet the Standard. None of the comments received objects in principle to requirements for the maintenance of records by persons who manufacture, market, or handle items subject to the Standard, although comments from one association of manufacturers, one retailer, and one association of retailers state that the requirements of proposed § 302.19 (e) and (f) will add to manufacturers' and retailers' costs and will ultimately result in higher prices to consumers. The Commission is aware that the recordkeeping provisions in the amendments issued below may require some firms to keep records applicable to children's sleepwear items in sizes 0 through 6X beyond those which they presently maintain, and that some increase in the cost of production and handling of those items may result. However, the Commission has determined that protection of young children who wear items subject to the Standard requires the maintenance of records to trace each production unit of items subject to the Standard from the manufacturing process through channels of distribution up to and including sale to retail dealers. Accordingly, the substance of § 362.19 (e) and (f) is unchanged.

2. Provisions of proposed § 302.19(e) required that persons who initially introduce items subject to the Standard into interstate commerce maintain records to establish a line of continuity through the process of manufacture of each production unit of items subject to the Standard to the sale and delivery of the finished items, and from the specific finished items to the manufacturing records. The records required to be maintained by proposed § 302.19(e) include data sufficient to demonstrate compliance with all sampling plans used in accordance with the Standard; the production unit identification assigned to each production unit of items manufactured; results and details of all tests performed and details of all sampling procedures used; fiber content and manufacturing specifications of the items in each production unit; composition and details of application of any fire-retardant treatments used; and the date and quantity of each sale or delivery of items subject to the Standard and the name and address of each purchaser or recipient relating the sale to the production unit or other unit identification. A comment from an association of importers states that the requirements of proposed § 302.19(e) discriminate against importers because they require testing to be performed by laboratories within the United States. This comment urges modification of the requirements of that paragraph to allow testing to be performed by laboratories in the countries where imported goods are manufactured. No provision of the Standard or of proposed § 302.19(e) requires that testing in accordance with the Standard must be performed in the United States. Provisions of proposed § 302.19(e) require that the importer must maintain records relating to the manufacture and sale of items subject to the Standard. The information, data, and physical specimens required by that paragraph can be supplied by the foreign manufacturer, although responsibility for the adequacy and accuracy of the records rests on the importer. For this reason, the change requested in this comment has not been made.

3. An association of retailers requests addition of language to proposed § 302.19 (e) to state that a retail company which distributes merchandise to retail establishments is not subject to the provisions of that paragraph. If a retailer purchases items subject to the Standard from a wholesaler, distributor, or domestic manufacturer, that retailer is not subject to the provisions of § 302.19(e) because he is not a person who initially introduces items subject to the Standard into interstate commerce. If the retailer of items subject to the Standard is also the importer of those items, provisions of § 302.19(e) are applicable. As explained above, the importer is required to maintain the records specified in § 302.19(e) and bears the responsibility for their adequacy and accuracy; however, the importer may obtain the information, data, and physical specimens required for those records from the foreign manufacturer of the items.

4. A manufacturer of fabric and sleepwear garments objects to language in proposed § 302.19(e)(1) which requires that the records maintained by a manufacturer "must establish a line of continuity through the process of manufacture of each production unit of articles of children's sleepwear * * * to the sale and delivery of the finished items and from the specific finished item to the manufacturing records." This commenter states that its manufacturing operations take place in several plants which are located in three states, and that the requirement to "establish a line of continuity" of the process by which any given production unit was manufactured could be done only at a high cost and considerable loss of productivity. This comment requests deletion of the language of proposed § 302.19(e)(1) quoted above.

This commenter appears to have misinterpreted the requirements of proposed § 302.19(e)(1) by placing undue emphasis on the words "line of continuity through the process of manufacture." The Commission does not intend to require records which would trace each production unit through the sequence of manufacturing operations, but rather to require records consisting of certain information, data, and physical specimens relating to the manufacture and sale of each production unit of items in such a manner that the records for any given production unit are applicable to each item in that production unit are applicable to each item in that production unit, and each item in that production unit can be related to the records for

the production unit in which it was manufactured. For this reason, the change requested in this comment has not been made to § 302.19(e)(1) issued below.

5. Proposed § 302.19(e)(1)(vii) required maintenance of records of "data and test results relied on as a basis for reduced laundering of fabric or garments during test procedures under .4(d)(4) of the Standard * * *." One manufacturer and one retailer recommend deletion of the words "or garments" from the language quoted above because section .4(b)(1) of the Standard provides that if the fabric has been shown to meet the laundering requirement of section .4(d)(4) of the Standard, garments produced from that fabric are not required to be laundered.

Most fabric manufacturers do test fabrics which are subject to the Standard as required by section .4(b) of the Standard after laundering in accordance with section .4(d)(4) of the Standard and certify that the fabric complies with the Standard. However, some children's sleepwear garments in sizes 0 through 6X may be manufactured from fabrics not intended or promoted for use in children's sleepwear and therefore not tested under the Standard, or from fabrics which are subject to the Standard but which have not been certified by the fabric manufacturer to have met the laundering requirements of section .4(d)(4) of the Standard. In either case, the garment manufacturer would be required to launder samples of the garments to be tested in accordance with provisions of section .4(d)(4) of the Standard. For that reason, the change requested in these comments has not been made.

6. Proposed § 302.19(e)(1)(ix) required maintenance of records of the date and quantity of each sale or delivery of items subject to the Standard, as well as, the name and address of the purchaser or recipient relating the sale to the production unit or other unit identification. Comments from three garment manufacturers object to the requirement that sales records must show the production unit identification of the items involved in each sale. These comments indicate that each individual order consists of garments from several different production units, and that listing the production units involved on the invoice of each sale would be time-consuming and costly. Two of these comments recommend that manufacturers should be given the option of recalling all items from all production units of a given style if the necessity for recall of a specific production unit should arise, as an alternative to maintaining the records required by proposed § 302.19(e)(1)(ix). The principal purpose of the requirements of the proposed amendments to § 302.19 is to facilitate the identification and recall of items from any given production unit which does not comply with the Standard. The requirement for the identification of all purchasers of the items from each production unit is essential to accomplish this result. Previous experience with enforcement of the Flammable Fabrics Act demonstrates that some manufacturers have experienced considerable difficulty in attempts to recall all of the items of a given style from channels of distribution after items from that style were found not to comply with the applicable flammability standard. For these reasons, the requirement for records to show the production units involved in each sale of items subject to the Standard has been retained in § 302.19(e)(1)(ix), issued below, and the changes requested in these comments have not been made.

7. A comment from an association of manufacturers requests clarification of the term "physical records," as it is used throughout proposed § 302.19(e). That paragraph requires persons subject to its provisions to maintain "written and physical records" relating to the production and sale of items subject to the Standard. The term "physical records" as used in § 302.19(e) refers to the finished fabric samples which are required by § 302.19(e)(2), and to the untested prototype specimens, complete sample garments, and the remains of all specimens after testing which are required by § 302.19(e)(3).

8. Proposed § 302.19(e)(3)(ii) required manufacturers to retain physical samples of the various components used in prototype testing in sufficient quantities to repeat all tests required by section .4(b) of the Standard, and upon written request, to furnish to the Commission "specimens identical to those specimens that were actually tested." A comment from one garment manufacturer requests modification of this paragraph by the addition of language to state that the specimens to be furnished to the Commission shall be "identical within normal raw material and manufacturing variations" to those specimens actually tested. This comment states that without the requested modification, the word "identical" is too restrictive and fails to allow for small differences in materials and construction of prototype specimens. When the Commission proposed § 302.19(e)(3)(ii), it intended to require manufacturers to assemble and retain a sufficient number of additional specimens prior to prototype testing to allow repetition of the prototype testing required by section .4(b)(3) of the Standard. By the use of the term "identical," the Commission intends that the specimens to be retained must be constructed from the same materials and in the same manner as the specimens actually tested. The Commission concludes that the additional language requested in this comment would not clarify the intent of the Commission, and could complicate any enforcement action which might arise from § 302.19(e)(3)(ii). For this reason, the Commission has not made the change requested in this comment.

9. One manufacturer objects to the requirement in proposed § 302.19(e)(3)(ii) for retention of a sufficient number of prototype specimens to repeat the prototype testing required by the Standard, because proposed § 302.19(e)(3)(iv) requires retention of the remains of all prototype specimens tested in accordance with the Standard. This comment states that requiring manufacturers to retain both untested prototype specimens and the remains of prototype specimens after testing is burdensome to manufacturers. An association of garment manufacturers requests modification of proposed section 302.19(e)(3)(iv) to allow use of photographs of the remains of prototype specimens after testing as an alternative to retaining the physical remains of the specimens. The Commission observes that the effect of section .4(b)(3) of the Standard, and proposed § 302.19(e)(ii) and (iv) is to require a manufacturer to retain 30 untested seam specimens at least 10 inches long, and 30 untested trim specimens, and the physical remains of no more than 30 seam specimens and 30 trim specimens. The Commission concludes that the requirement for retention of these specimens is necessary for purposes of enforcing the Standard and will not impose an unreasonable burden on garment manufacturers, and for that reason has not made either of the changes requested in these comments.

10. Proposed § 302.19(e)(4)(i) required garment manufacturers to maintain records to show the source and production unit identification of all fabrics subject to the Standard which are used in garment production unit. Comments from two garment manufacturers and one association of manufacturers request deletion of this requirement. The garment manufacturers state that several fabric production units may be used in a single garment production unit. One manufacturer states that the requirement of proposed § 302.19(e)(4)(i) is unnecessary because all fabrics subject to the Standard must be tested prior to sale to the garment manufacturer. This comment assumes that no fabric production unit which fails to meet the Standard would ever leave a fabric manufacturer's plant. The other manufacturer recommends modification of this paragraph to allow garment manufacturers to identify the fabric used in each garment production unit by means other than the fabric production unit identification, such as the case number or the lot number. The Commission observes that a case or lot of fabrics could consist of items from more than one fabric production unit. The association of manufacturers states that some children's sleepwear garments subject to the Standard are manufactured from fabrics which are not intended or promoted for use in children's sleepwear, and are not subject to the Standard. These fabrics are not identifiable by production unit. Proposed § 302.19(e)(4)(i) required identification of the production units of "all fabrics subject to testing." If a fabric is not intended or promoted for use in children's sleepwear, it is not subject to testing under the Standard. Accordingly, the Commission has not made the changes requested in these comments.

11. Proposed § 302.19(e)(4)(iv) required the maintenance of records to show that samples tested were selected

V 40 172 APR 14 75 XUM V

from the production unit "at random." A comment from one manufacturer asks for a definition of the term "selected at random." As used in § 302.19(e)(4)(iv), the words "selected at random" refer to a selection procedure which assures that any article drawn from the production unit for testing has the same chance of being drawn as any other article in that production unit. This comment also asks how a manufacturer can establish that the items tested were selected at random. One method, although not the only means, to demonstrate that items were selected for testing at random is to use a random number table. Random numbers tables can be found in standard reference volumes on the subject of statistics. An alternative to the use of a random number table would be to number individual cards (such as playing cards) with the numbers one through 500. These cards would then be shuffled and one card would be dealt. The number on the card which is dealt is a random number between one and 500.

12. Proposed § 302.19(e)(4)(v) required persons introducing items which are subject to the Standard to retain written data that will enable the Commission to obtain garments for testing under any applicable compliance market sampling plan. Comments from one manufacturer and an association of manufacturers request modification of this paragraph by the addition of language to require retention of this information only as long as the garments are still in channels of distribution. Proposed § 302.19(e)(5) requires retention of such records for a period of three years. Although all of the items of a particular garment production unit may be sold by wholesalers and retailers before three years elapse, a manufacturer would probably not be able to ascertain the specific date on which the last item of a particular garment production unit leaves the chain of distribution. For that reason, the change requested in these comments has not been made.

13. Proposed § 302.19(f) set forth recordkeeping requirements for persons who market or handle items subject to the Standard but who do not initially introduce those items into interstate commerce. The Commission has not yet completed its consideration of whether retailers and others not initially introducing into commerce items subject to the Standard should be subject to the recordkeeping requirements proposed as § 302.19. Therefore, the Commission has not issued that section in final form and has directed its staff to provide further information on this matter. If the Commission decides to issue the requirement at a later time, adequate time will be allowed for those subject to the requirements to comply. However, it is not anticipated that the regulation will be proposed again before it is issued in final form.

14. The Commission observes that proposed § 302.19(f) contains language to the effect that persons who handle items subject to the Standard but who do not initially introduce them into interstate commerce are exempt from any requirement to maintain records of sales to retail purchasers; however, no such exemption appears in proposed § 302.19(e)(1)(ix). The latter paragraph is applicable to manufacturers, importers, and other persons who initially introduce items subject to the standard into commerce.

The Commission has added language to § 302.19(e)(1)(ix) in the regulation issued below to exempt importers and other persons who initially introduce items into interstate commerce from any requirement to record names of ultimate consumers and dates of sales to ultimate consumers. The Commission believes this change is appropriate because it does not appear to be necessary to maintain the names and dates of sales to ultimate consumers.

D. *Tests for guaranty purposes.* Section 8 of the Flammable Fabrics Act (15 U.S.C. 1197) provides that no person shall be subject to criminal prosecution for violation of the Act if he has received in good faith a guaranty from the person from whom he received an item subject to a flammability standard which states that reasonable and representative tests made in accordance with the applicable standard establish compliance with that standard. (Such a guaranty is not a bar to any administrative action or civil proceeding authorized by the Act.)

Proposed § 302.19(g) set forth requirements for tests upon which guaranties can be issued for items subject to the Standard. A comment from an association of importers requests the addition of language to allow guaranties to be issued on the basis of tests performed outside of the United States.

Provisions of 16 CFR 302.11 state that any guaranty furnished by a person who is not a resident of the United States shall not be a bar to prosecution under the criminal provisions of the act. However, no provision of the Standard, proposed § 302.19(g) or 16 CFR 302.11 requires the testing upon which the guaranty is based to be conducted within the United States. As long as the person who issues the guaranty resides in the United States and the records of the testing upon which the guaranty is based are maintained within the United States, a guaranty may be issued on the basis of tests conducted outside of the United States. For that reason, the change requested in this comment has not been made. Proposed § 302.19(g) has been issued as § 302.19(f) below.

E. *Other changes.* 1. The regulation appearing at 16 CFR 302.19 was issued on February 7, 1974, with the heading "Children's sleepwear, sizes 0–6X; labeling and advertising requirements under Standard DOC FF 3–71." Because the amendments issued below add requirements for recordkeeping, retail display, and guaranties, the heading of 16 CFR 302.19 has been changed to "Children's sleepwear, sizes 0–6X; labeling, advertising, recordkeeping, retail display, and guaranties under Standard DOC FF 3–71."

2. As issued on February 16, 1974, § 302.19(d) carried the heading "Compliance with this section," and contained provisions to prohibit any person subject to the Flammable Fabrics Act from manufacturing, importing, distributing, or otherwise marketing or handling any item subject to the Standard which is not in compliance with the provisions of 16 CFR 302.19. In the amendments issued below, § 302.19(d) carries the heading "Segregation of complying and noncomplying items by retailer," and establishes requirements for retail display of items subject to the Standard. The paragraph formerly designated § 302.19(d), Compliance with this section, has been redesignated § 302.19(g).

Conclusion and promulgation. Having considered the comments received and other pertinent information and material, the Consumer Product Safety Commission concludes that the proposed amendmnts to 16 CFR 302.19, with the changes discussed above, should be adopted as set forth below.

Accordingly, pursuant to provisions of the Flammable Fabrics Act (sec. 5, 67 Stat. 112–13, as amended 81 Stat. 571; 15 U.S.C. 1194) under authority vested in the Consumer Product Safety Commission by the Consumer Product Safety Act (Public Law 92–573, sec. 30(b), 86 Stat. 1213; 15 U.S.C. 2079(b)), the heading of 16 CFR 302.19 is revised and 16 CFR 302.19 is amended by adding a new section (8) to section (b), by redesignating section (d) as (g), and by adding sections (d), (e), and (f).

§ 302.19 is amended as set forth below:

§ 302.19 Children's sleepwear sizes 0–6X; labeling, advertising, recordkeeping, retail display, and guaranties under Standard DOC FF 3–71.

* * * * *

(b) *Labeling.* * * *

(8) Every manufacturer, importer, or other person (such as a converter) initially introducing items subject to the Standard into commerce shall assign to each item a unit identification (number, letter, or date, or combination thereof) sufficient to identify and relate to the fabric production unit or garment production unit of which the item is a part. Such unit identification shall be designated in such a way as to indicate that it is a production unit identification under the Standard. The letters "GPU" and "FPU" may be used to designate a garment production unit identification and fabric production unit identification, respectively, at the option of the labeler. Where items required to be labeled or stamped in accordance with this section 302.19(b)(8) are marketed at retail in packages, and the required label or stamp is not readily visible to the prospective purchaser, the packages must also be prominently, conspicuously, and legibly labeled with the information required by this section 302.19(b)(8).

(i) Each garment subject to the Standard shall bear a label with minimum dimensions of 1.3 centimeters (0.5 inch) by 1.9 centimeters (0.75 inch) containing the appropriate garment production unit identification for that garment in letters at least 0.4 centimeters (one-sixth of an inch) in height and in a color which contrasts with the background of the label, or shall have such information clearly, conspicuously, and legibly stamped on the garment itself in letters at least 0.4 centimeters (one-sixth of an inch) in height, in a color which contrasts with the background, and at least 2.54 centimeters (1 inch) in every direction from any other information. When a label is used to indicate the garment production unit identification, that label may not be in contact with any other label used on the garment, except that a label containing the garment production unit identification may be sewn on top of any label which is not required by this section 302.19 if the label containing the garment production unit identification completely covers the label beneath it. The stamp or label containing the garment production unit identification must be of such construction, and affixed to the garment in such a manner as to remain on or attached to the garment and legible and visible throughout its intended period of use.

(ii) The fabric production unit identification shall appear in letters at least 0.4 centimeters (one-sixth of an inch) in height against a contrasting background on each label that relates to such fabric and is required by the Textile Fiber Products Identification Act (15 U.S.C. 70–70k) and the regulations thereunder (16 CFR 303.1 through 303.45), or by the Wool Products Labeling Act of 1939 (15 U.S.C. 68–68j) and the regulations thereunder (16 CFR 300.1 through 300.35). When the information required by the Textile Fiber Product Identification Act or by the Wool Products Labeling Act of 1939 appears on an invoice used in lieu of labeling, the fabric production unit identification required by this section may be placed clearly, conspicuously, and legibly on the same invoice in lieu of labeling.

* * * * *

(d) *Segregation of complying and noncomplying items by retailer.* Every person who sells noncomplying items (as defined in section .1(c) of the Standard and section (3) of section 302.19 at retail stores or other establishments open to the general public where goods are offered for sale shall:

(1) Display the items which comply with the Standard, and for which the seller has documentary evidence of such compliance, so that no other merchandise is intermingled with those items; and identify such complying items with at least one sign, with black letters at least 2.5 centimeters (one inch) in height against a solid white background, bearing the statement: Flame Resistant. Complies With Standard for the Flammability of Children's Sleepwear (DOC FF 3–71)."

(2) Display all other items of children's sleepwear, sizes 0 through 6X, at a separate location within the store and identify these items with at least one sign, with black letters at least 2.5 centimeters (1 inch) in height against a solid white background, bearing the statement "Flammable. Does Not Meet Standard for the Flammability of Children's Sleepwear (DOC FF 3–71)."

(3) Segregate those items of children's sleepwear, sizes 0 through 6X, which comply with the Standard, and for which the seller has documentary evidence of such compliance, so that they shall not be located within 91 centimeters (36 inches) of any other items of children's sleepwear, sizes 0 through 6X, when displayed for sale to consumers.

(e) Records—manufacturers, importers, or other persons initially introducing items into commerce—(1) *General.* Every manufacturer, importer, or other person (such as a converter) initially introducing into commerce items subject to the Standard, irrespective of whether guaranties are issued under paragraph (g) of this section, shall maintain written and physical records as hereinafter specified. The records required must establish a line of continuity through the process of manufacture of each production unit of articles of children's sleepwear, or fabrics or related materials intended or promoted for use in children's sleepwear, to the sale and delivery of the finished items and from the specific finished item to the manufacturing records. Such records shall show with respect to such items:

(i) Details, description, and identification of any and all sampling plans engaged in pursuant to the requirements of the Standard. Such records must be sufficient to demonstrate compliance with such sampling plan(s) and must relate the sampling plan(s) to the actual items produced, marketed, or handled. This requirement is not limited by other provisions of section (e) of this section.

(ii) Garment production units or fabric production units of all garments or fabrics marketed or handled. The records must relate to an appropriate production unit identification on or affixed to the item itself in accordance with section (b)(8) of this section, and the production unit identification must relate to the garment production unit or fabric production unit.

(iii) Test results and details of all tests performed, both prototype and production, including char lengths and residual flame time of each specimen tested, average char length of the samples required to be tested, details of the sampling procedure employed, name and signature of person conducting tests, date of tests, and all other records necessary to demonstrate compliance with the test procedures and sampling plan specified by the Standard or authorized alternate sampling plan.

(iv) Disposition of all failing or rejected items. Such records must demonstrate that the items were retested or reworked and retested in accordance with the Standard prior to sale or distribution and that such retested or reworked and retested items comply with the Standard, or otherwise show the disposition of such items.

(v) Fiber content and manufacturing specifications relating the same to prototype and production testing and to the production units to which applicable.

(vi) Data and test results relied on as a basis for inclusion of different colors or different print patterns of the same fabric as a single fabric or garment production unit under .4(b)(1) of the Standard.

(vii) Data and test results relied on as a basis for reduced laundering of fabric or garments during test procedures under .4(d)(4) of the Standard and any guaranties issued or received relating to laundering as well as details of the laundering procedure utilized.

(viii) Identification, composition, and details of application of any flame retardant treatments employed. All prototype and production records shall relate to such information.

(ix) Date and quantity of each sale or delivery of items subject to the Standard (except the date of sale to an ultimate consumer) and the name and address of the purchaser or recipient (except an ultimate consumer), relating such sale to the production unit or other unit identification.

(2) *Fabrics.* In addition to the information specified in section (e)(1) of this section the written and physical records maintained with respect to each fabric production unit shall include (i) finished fabric samples sufficient to repeat the fabric sampling procedure required by .4(b) of the Standard for each production unit marketed or handled; and (ii) records to relate the samples to the actual fabric production unit. Upon written request of any duly authorized employee or agent of the Commission, samples sufficient for the sampling and testing of any production unit in accordance with .4(b) of the Standard shall be furnished from these records within the time specified in that written request.

(3) *Garments—prototype testing.* In addition to the records specified in section (e)(1) of this section, the following written and physical records shall be maintained with respect to the garment prototype testing required by the Standard:

(i) Specification, fiber content, and details of construction on all seams, fabrics, threads, stitches, and trims used in each garment style or type upon which prototype testing was performed, relating the same to such garment style or type and to all production units to which such prototype testing is applicable.

(ii) Samples sufficient to repeat the prototype tests required by .4(b) of the Standard for all fabrics, seams, threads, stitches, and trims used in such prototype testing, relating such samples to the records required by paragraph (e) of section including the information required by paragraph (e)(3)(i) of this section. Upon written request of any duly authorized employee or agent of the Commission, samples sufficient for the testing of any prototype specimens identical to those specimens that were actually tested

V 40 72 APR 14 75 XUM

pursuant to the Standard shall be furnished from these records within the time specified in that written request.

(iii) A complete untested garment from each style or type of garment marketed or handled.

(iv) Remains of all physical specimens tested in accordance with the prototype testing required by .4(b) of the Standard, relating such samples to the records required by paragraph (e) of section including information required by paragraph (e) (3) (i) of this section.

(4) *Garments—production testing.* In addition to the records required by paragraph (e) (1) of this section, written and physical records shall be maintained and shall show with respect to each garment production unit:

(i) Source and fabric production unit identification of all fabrics subject to testing used in each garment production unit.

(ii) Identification and appropriate reference to all prototype records and prototype tests applicable to each production unit.

(iii) Any guaranty relied upon to demonstrate that the fabric utilized in such garments meets the laundering requirements of the Standard.

(iv) Data sufficient to show that tested samples were selected from the production unit at random from regular production.

(v) Written data that will enable the Commission to obtain and test garments under any applicable compliance market sampling plan.

(5) *Record retention requirements.* The records required by paragraph (e) of section shall be maintained for 3 years, except that records relating to prototype testing shall be maintained for as long as they are relied upon as demonstrating compliance with the prototype testing requirements of the Standard and shall be retained for 3 years thereafter.

(f) *Tests for guaranty purposes.* Reasonable and representative tests for the purpose of issuing a guaranty under section 8 of the Flammable Fabrics Act (15 U.S.C. 1197) for items subject to the Standard shall be those tests performed pursuant to any sampling plan or authorized alternative sampling plan engaged in pursuant to the requirements of the Standard.

(g) *Compliance with this section.* No person subject to the Flammable Fabrics Act shall manufacture, import, distribute, or otherwise market or handle any item subject to the Standard, including samples, swatches, or specimens used to promote or effect the sale thereof, which is not in compliance with this section.

Effective Date. The regulation promulgated herein shall become effective on May 14, 1975.

(Sec. 5, 67 Stat. 112–13, as amended 81 Stat. 571; 15 U.S.C. 1194)

Dated: April 9, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-9693 Filed 4-11-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 6—ENVIRONMENTAL IMPACT CONSIDERATIONS

Legal Effect of NEPA on Agency Action

This regulation establishes the legal interpretation of the Commissioner of Food and Drugs that a determination of an adverse environmental impact pursuant to the National Environmental Policy Act of 1969 (NEPA) permits the Commissioner to take or refrain from taking regulatory action only if the adverse environmental impact involved relates to a danger to the public health, or adulteration or misbranding of products subject to the agency's jurisdiction, or some other impact prohibited by the Federal Food, Drug, and Cosmetic Act or one of the other laws administered by the Commissioner. Although adverse environmental impacts relating to destruction of scenic beauty, depletion of energy resources, increase in litter and trash, and similar matters are not condoned by the Commissioner, he has no legal authority to prevent them.

The Commissioner issued final regulations in 21 CFR Part 6, published in the FEDERAL REGISTER of March 15, 1973 (38 FR 7001), establishing procedures for preparation of environmental impact statements by the Food and Drug Administration for major agency actions significantly affecting the quality of the human environment.

Under the Federal Food, Drug, and Cosmetic Act and the other laws administered by the Commissioner pursuant to the delegations of authority in § 2.120 (21 CFR 2.120), the Commissioner is required to approve petitions and applications and otherwise to take regulatory action on the basis of specific criteria established by statute. For example, a new drug must be approved if it is determined to be safe and effective, and a food additive or color additive must be approved if it is determined to be safe, pursuant to the criteria contained in the statute.

The National Environmental Policy Act requires the Food and Drug Administration to prepare environmental impact statements on all major agency actions significantly affecting the quality of the human environment. In some instances, the environmental impact of agency action will improve the quality of the human environment, or have no significant effect upon it. In other instances such action will have a significant adverse effect upon the quality of the human environment.

The Commissioner has concluded that NEPA requires only that the Food and Drug Administration issue an adverse environmental impact statement, but it does not contain independent substantive legal authority permitting or requiring the Commissioner to take or refrain from taking any particular action on the basis of a determination of an adverse environmental impact. The Supreme Court has ruled that Congress did not intend NEPA to repeal by implication any other Federal statute. (United States v. SCRAP, 412 U.S. 669, 694 (1973).) No court has held that NEPA amends other Federal statutes to permit an agency to take action not authorized by its governing laws.

Accordingly, where an environmental impact statement prepared by the Food and Drug Administration determines that proposed agency action will have an adverse environmental impact, the Commissioner will first determine whether the adverse environmental impact involved is prohibited by the Federal Food, Drug, and Cosmetic Act or any of the other laws he administers. If the adverse environmental impact falls within a prohibition contained in those laws, the Commissioner may take or refrain from taking action on the basis of that adverse impact. If the adverse environmental impact does not fall within any such statutory prohibition, however, the Commissioner is legally precluded from taking or refraining from taking any action based upon that adverse impact, and instead is limited to the statutory grounds for such action established by the specific laws which he administers. For example, the Commissioner may refuse to approve or withdraw approval of a food additive or a new animal drug if it is unsafe, but he is legally precluded from taking such action if the product would only contribute to litter or deplete the nation's energy resources or detract from scenic beauty.

The Commissioner concludes that, because this amendment to § 6.1 is intended solely to notify the public of a legal interpretation of the agency's statutory authority which will be uniformly applied to all agency environmental impact statements and involves no issues of fact or policy, notice and public procedure and a delayed effective date are unnecessary. The Commissioner further advises that this amendment to the regulations constitutes final agency action on this matter. It is the Commissioner's opinion that, since the activities of the Food and Drug Administration directly affect every person in this country, any such person has standing to obtain judicial review of this regulation in accordance with the provisions of 5 U.S.C. 701 et seq.

Therefore, pursuant to the National Environmental Policy Act of 1969 (sec. 102(2), 83 Stat. 853 (42 U.S.C. 4332)), the Federal Food, Drug, and Cosmetic Act (secs. 201 et seq., 52 Stat. 1040 et seq. (21 U.S.C. 321 et seq.)), the Fair Packaging and Labeling Act (secs. 2 et seq.; 80 Stat. 1296 et seq. (15 U.S.C. 1451 et seq.)), the Public Health Service Act (secs. 351, 352, 354–360F, 58 Stat. 702, 82 Stat. 1173 et seq. (42 U.S.C. 262, 263, 263b–263n)), and under authority delegated to the Commissioner (21 CFR 2.120), Part 6 is amended in § 6.1 by adding a new paragraph (a) (3) to read as follows:

Section 6.1 is amended by adding paragraph (a) (3) as follows:

§ 6.1 Applicability.

(a) • • •

(3) A determination of adverse environmental impact has no legal or other regulatory effect and does not authorize the Commissioner to take or refrain from taking any action under the laws he administers. The Commissioner may take or refrain from taking action on the basis of a determination of an adverse environmental impact only to the extent that such action is independently authorized by the laws he administers. For example, an adverse environmental impact which directly or indirectly results in a danger to the public health may be the subject of action by the Commissioner, but an adverse environmental impact which results in increased litter and trash or depletion of energy resources or detraction from scenic beauty but which has no adverse health consequences or other effects related to adulteration or misbranding may not be the subject of action by the Commissioner.

• • • • • •

Effective date. This order shall be effective on April 14, 1975.

(Sec. 102(2), Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 201 et seq., Pub. L. 717, 52 Stat. 1040 et seq. (21 U.S.C. 321 et seq.); secs. 2 et seq., Pub. L. 89–755, 80 Stat. 1296 et seq. (15 U.S.C. 1451 et seq.); secs. 351, 352, 354–360F, Pub. L. 410, 58 Stat. 702, 82 Stat. 1173 et seq. (42 U.S.C. 262, 263, 263b–263n).)

Dated: April 2, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-9590 Filed 4-11-75;8:45 am]

SUBCHAPTER J—RADIOLOGICAL HEALTH

PART 1030—PERFORMANCE STANDARDS FOR MICROWAVE AND RADIO FREQUENCY EMITTING PRODUCTS

Microwave Ovens

Correction

In FR Doc. 75-8334, appearing at page 14750 in the issue for Wednesday, April 2, 1975, in the effective date statement at the end of the document, the date now reading "September 29, 1975" should be changed to read "October 3, 1975".

Title 24—Housing and Urban Development

CHAPTER V—OFFICE OF ASSISTANT SECRETARY OF COMMUNITY PLANNING AND DEVELOPMENT

[Docket No. R-75-292]

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Submission of Applications

On April 4, 1975, in 40 FR 15089, the Department amended § 570.300(a) of Title 24 of the Code of Federal Regulations which governs the deadlines for submission of applications for community development block grants under Title I of the Housing and Community Development Act of 1974, Pub. L. 93-383. The Part 570 regulation was published November 13, 1974 (39 FR 40136). The purpose of that amendment was to extend the deadline for application submissions by urban counties. The regulations currently require applicants to notify HUD by March 1, 1975, of their inability to submit an application within the prescribed time limit. We are changing the March 1, 1975, deadline to April 15, 1975, on the basis that experience has shown that it was not possible for all applicants to foresee the need for a time extension prior to March 1, 1975. Therefore, § 570.300(a) is hereby revised to extend the deadline for applicants notifying HUD of their inability to apply for assistance under this Part to April 15, 1975. It is necessary that this amendment take effect at the earliest posisble date so that those applicant unable to meet the previously established deadlines can plan the completion of their work within the time remaining under the extended dates. Accordingly, the Assistant Secretary for Community Planning and Development finds good cause for foregoing usual public comment and notice procedure, and he finds further good cause that this amendment to the regulations should take effect on the date of publication. In connection with the environmental review of this technical change to the final Regulations, a Finding of Inapplicabilitiy has been made under HUD Handbook 1390.1, 38 FR 19182.

The section is amended as follows: In Subpart D of Part 570, § 570.300(a) is revised to read:

§ 570.300 Pre-submissions.

(a) *Timing of submission of applications.* The Secretary will establish from time to time the earliest and latest dates for submission of an application for each fiscal year. Applications, or draft materials relating to applications, received before the earliest date will be returned to the applicant without review. For fiscal year 1975, the earliest date for submission of an application shall be December 1, 1975; the latest date shall be April 15, 1975: *Provided, however,* That the Secretary may extend the April 15, 1975, deadline for submission of an application in particular cases in which, in his judgment, procedures mandated by state statute or regulation render submission of the application by April 15, 1975, impracticable, but in no event will submission of an application be accepted after May 30, 1975. Applicants wishing to request an extension of the April 15, 1975, deadline pursuant to this paragraph shall inform the appropriate HUD Area Office by April 15, 1975, giving the basis for the applicant's inability to file an application byApril 15, 1975. No extension will be granted if the request for extension and the reasons therefor have not been received by HUD by April 15, 1975. *Provided, further,* That all counties which have been advised by HUD of either final qualification or preliminary recognition for qualification as urban counties under § 570.105 may have their deadline for submission of their applications extended to May 15, 1975; provided, however, that the request for such an extension has been received by the HUD Area Office by April 15, 1975. Cooperation agreements, where required for urban counties, shall be submitted not later than fifteen days after the date an application from an urban county has been received for processing in HUD. Prior to the earliest date for submission of an application for each fiscal year, HUD will provide all applicants with forms and instructions, including the actual or estimated entitlement amount. Entitlement applicants wishing to apply for discretionary grants shall follow the procedures described in Subpart E, Applications and Criteria for Discretionary Grants.

• • • • • •

Effective date. This amendment shall be effective on April 14, 1975.

DAVID O. MEEKER, JR.,
FAIA, AIP, Assistant Secretary, for Community Planning and Development.

[FR Doc.75-9814 Filed 4-11-75;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7352]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Sick Pay Exclusion

This document contains amendments to the Income Tax Regulations (26 CFR Part 1) under sections 72, 101, and 105 of the Internal Revenue Code of 1954, pertaining to the application of the sick pay exclusion to pensions received by individuals retired from work because of personal injuries or sickness, and to the application of section 72 (treatment of annuities) to accident and health plans.

Proposed regulations on this topic were published in the FEDERAL REGISTER on December 27, 1974 (39 FR 44759), and consideration was given to all such relevant matter as was presented by interested persons.

Amendments to the regulations. In view of the foregoing, the Income Tax Regulations (26 CFR Part 1) under sections 72, 101, and 105 of the Internal Revenue Code of 1954 are revised as follows:

Paragraph 1. Paragraph (b) (2) of § 1.72-4 is amended to read as follows:

§ 1.72-4 Exclusion ratio.

• • • • • •

(b) *Annuity starting date.* • • •

(2) Notwithstanding the provisions of paragraph (b) (1) of this section, the annuity starting date shall be determined in accordance with whichever of the following provisions is appropriate:

(i) In the case of a joint and survivor annuity contract described in section 72 (i) and paragraph (b) (3) of § 1.72-5, the annuity starting date is January 1, 1954, or the first day of the first period for which an amount is received as an annuity by the surviving annuitant, whichever is the later;

(ii) In the case of the transfer of an annuity contract for a valuable consideration, as described in section 72(g) and paragraph (a) of § 1.72-10, the annuity starting date shall be January 1,

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1954, or the first day of the first period for which the transferee received an amount as an annuity, whichever is the later;

(iii) If the provisions of paragraph (e) of §1.72–11 apply to an exchange of one contract for another, or to a transaction deemed to be such an exchange, the annuity starting date of the contract received (or deemed received) in exchange shall be January 1, 1954, or the first day of the first period for which an amount is received as an annuity under such contract, whichever is the later; and

(iv) In the case of an employee who has retired from work because of personal injuries or sickness, and who is receiving amounts under a plan that is a wage continuation plan under section 105(d) and § 1.105–4, the annuity starting date shall be the date the employee reaches mandatory retirement age, as defined in § 1.105–4(a)(3)(i)(B). (See, also §§ 1.72–15 and 1.105–6 for transitional and other special rules.)

Par. 2. Section 1.72–15 is amended by revising paragraphs (a) and (d), example (1) of paragraph (f), and by adding a new paragraph (i) to read as follows:

§ 1.72–15 Applicability of section 72 to accident or health plans.

(a) *Applicability of section.* This section provides the rules for determining the taxation of amounts received from an employer-established plan which provides for distributions that are taxable under section 72 (or for distributions that are taxable under section 402(a)(2) or (e), or section 403(a)(2), in the case of lump sum distributions) and which also provides for distributions that may be excludable from gross income under section 104 or 105 as accident or health benefits. For example, this section will apply to a pension plan described in section 401 and exempt under section 501 which provides for the payment of pensions at retirement and the payment of an earlier pension in the event of permanent disability. This section will also apply to a profit-sharing plan described in section 401 and exempt under section 501 which provides for periodic distribution of the amount standing to the account of a participant during any period that the participant is absent from work due to a personal injury or sickness and for the distribution of any balance standing to the account of the participant upon his separation from service. For purposes of this section, the term "contributions of the employee" includes contributions by the employer which were includible in the employee's gross income. For special rules for taxable years ending before January 27, 1975, relating to certain accident or health benefits which were treated as distributions to which section 72 applied, see paragraph (i) of this section.

* * * * *

(d) *Accident or health benefits attributable to employer contributions.* Any amounts received as accident or health benefits and not attributable to contributions of the employee are includible in gross income except to the extent that such amounts are excludable from gross income under section 105(b), (c), or (d) and the regulations thereunder. Thus, such amounts may be excludable under section 105(d) as payments under a wage continuation plan. However, if such payments, when added to other such payments attributable to employer contributions, exceed the limitations of section 105(d), then the excess is includible in gross income under section 105(a). Such excess is not excludable under section 72. See, however, paragraph (i) of this section, for special rules for taxable years ending before January 27, 1975, relating to certain accident or health benefits which were treated as distributions to which section 72 applied.

* * * * *

(f) *Examples.* * * *

Example (1). A, an employee, is a participant in a contributory pension plan described in section 401(a) and exempt under section 501(a). Such plan provides for the payment of a pension to each participant when he retires at age 65 or when he retires earlier if the retirement is due to permanent and total disability. In 1964, A, who was age 52, became totally and permanently disabled because of an injury, was hospitalized, and commenced to receive a pension of $74 a week under this plan. The weekly amounts received by A do not exceed 75 percent of his "regular weekly rate of wages" under section 105(d). A had contributed $11,500 to the plan. The plan does not expressly provide that any portion of the disability pension is purchased with employee contributions. Accordingly, it is presumed that no portion of the disability pension is purchased with A's contributions. The disability pension which A receives qualifies as payments under a wage continuation plan for purposes of section 105(d) and § 1.105–4, and if such payments are the only accident or health benefits which are attributable to the contributions of his employer, such payments are entirely excludable under section 105(d) unit A reaches age 65, his mandatory retirement age under the plan. The payments which A receives after he becomes age 65 are taxable under section 72. The payments which A receives do constitute an annuity as defined in paragraph (b) of § 1.72–2, but since the amounts which he will receive during the first three years after attaining age 65 exceed his contributions, he shall exclude under § 1.72–13 the entire amount of all payments that he receives as an annuity after attaining age 65 until such amounts equal his contributions to the plan, or $11,500. Thereafter, the payments that he receives under the plan are includible in gross income.

* * * * *

(i) *Special rules*—(1) Special rule for taxable years ending before January 27, 1975. A taxpayer who has reached retirement age, as defined in § 1.79–2(b)(3) (hereinafter referred to as "initial retirement age"), before January 27, 1975, and who has received payments under a plan described in paragraph (a) of this section, which are wage continuation benefits to which section 105(d) and this section apply, or which are treated as such by reason of the employee having so agreed under § 1.105–6, shall be entitled to an exclusion, in taxable years ending before January 27, 1975, with respect to payments received after initial retirement age but before mandatory retirement age, as defined in § 1.105–4(a)(3)(i)(B), which is the greater of:

(i) the amount actually excluded on an original return under section 72 (b) or (d) with respect to payments received after initial retirement age, to the extent such amount does not exceed an amount properly excludable under section 72 (b) or (d) if this paragraph and paragraph (b) of this section did not apply; or

(ii) the amount that would have been properly excludable under section 105(d) during the same period.

(2) *Investment in the annuity contract.* A taxpayer described in paragraph (i)(1) of this section, shall redetermine his investment in, consideration for, or basis of his annuity contract (hereinafter referred to in this paragraph as the "investment in the contract") in accordance with the applicable rules of section 72 and the regulations thereunder, and the rules of this paragraph. In making such redetermination the taxpayer's investment in his contract shall be decreased, by the excess (if any) of the amount which the taxpayer is entitled to exclude under paragraph (i)(1) of this section over the amount which could have been excluded under section 105(d) (subject to the limitations contained in such provision). Such investment in the contract shall be decreased only by the excess of the amount excluded under section 72 in taxable years ending before January 27, 1975, over the amount which could have been excluded under section 105(d) during the same period. For example, the investment in the contract shall not be decreased in the case of an individual who was retired from work on account of injury or sickness for a full taxable year, if the amount excluded under section 72 was less than $5,200, since the entire amount could have been excluded under section 105(d). On the other hand, if the amount excluded under section 72 was equal to or greater than $5,200 for a full taxable year, for example, $6,000 for the full taxable year, then $5,200 shall be treated as excluded under section 105(d) and the investment in the contract shall be reduced by $800 ($6,000–$5,200).

(3) *Surviving annuitants and beneficiaries.* (i) The rights of a surviving annuitant or beneficiary, with respect to the application of the rules of section 72, shall be based on the employee's investment in his annuity contract, as adjusted in accordance with the provisions of this paragraph. Thus, where an employee dies after having recomputed his investment as provided in paragraph (i)(2) of this section, and his contract provided a survivorship element, the survivor would assume the employee's recomputed investment for purposes of determining excludability of amounts under section 72.

(ii) Where a beneficiary failed to increase the amount treated as an employee's contribution toward his annuity contract to reflect the employee death benefit under section 101(b) and § 1.72–8(b), because the employee had treated his initial retirement age as his annuity starting date, such beneficiary may apply section 101(b) as if the appropriate addition to basis had been made in the year of the employee's death, but only if the employee had not reached his mandatory retirement age (as defined in section 105–4(a)(3)(i)(B)). For purposes of this paragraph, the amount treated as the section 101(b) death benefit would be valued as of the date of the employee's death.

(4) *Records.* (i) For purposes of section 72 (b) and (d), and this section, the taxpayer shall maintain such records as are necessary to substantiate the amount treated as his investment in his annuity contract.

(ii) The Commissioner may prescribe a form and instructions with respect to the taxpayer's past and current treatment of amounts received under section 72 or 105, and the taxpayer's computation, or recomputation, of his investment in his annuity contract. Such form may be required to be filed with the taxpayer's returns for years in which amounts are excluded under section 72 or 105.

(5) *Cross references.* (i) See section 72(b)(4) and § 1.72–4(b) with respect to annuity starting dates.

(ii) See §§ 1.72–8(b) and 1.101–2(a)(2) with respect to treating certain amounts received by an estate or beneficiary as employee death benefits.

(iii) See § 1.105–4(a)(3)(i)(B) for the definition of "mandatory retirement age."

(iv) See § 1.105–6 with respect to the application of section 105(d) to certain amounts received as retirement annuities before January 27, 1975, where the employee would otherwise have been eligible for benefits to which section 105(d) applies.

(6) *Examples.* The provisions of this paragraph may be illustrated by the following examples. In such examples assume that the plan does not expressly provide that any portion of the disability pension is purchased with employee contributions. Accordingly, it is presumed that no portion of the disability pension is purchased with employee contributions. Also, assume that in each case the taxpayer retired only after he had been absent from work for at least 30 days on account of personal injuries or sickness:

Example (1). A, a calendar year taxpayer, retired because of disability on January 1, 1966, his 58th birthday, receiving $60 per week ($4,160 per year) under a plan which qualifies as a wage continuation plan under section 105(d) and § 1.105–4. Under the plan, A's initial retirement age is age 60 (January 1, 1970), and his mandatory retirement age is 65 (January 1, 1975). A's consideration for the contract was $10,000. For payments received in 1968 and 1969 A excluded the entire amount under section 105(d). Payments received with respect to periods after A's initial retirement age (January 1, 1970) were excluded under section 72(d) until his entire $10,000 consideration for his contract had been excluded. Thus, A applied section 72(d) to exclude $4,160 each year for taxable years 1970 and 1971, and $1,680 ($10,000–($4,160+$4,160)) for 1972. In late 1974 A realized that he was entitled to treat the full amount received under his annuity as excludable under section 105(d) rather than section 72 for the taxable years 1970 through 1974. Consequently, A filed amended returns for 1972 and 1973 excluding an additional $2,480 ($4,160–$1,680) and $4,160, respectively, claiming refunds based upon such additional exclusions. Moreover, A's annuity starting date is January 1, 1975 (A's mandatory retirement age), and he excludes under section 72(d) for 1975, 1976, and 1977, $4,160, $4,160 and $1,680 ($10,000–($4,160+$4,160)), respectively.

Example (2). B, a calendar year taxpayer retired because of disability, July 1, 1970, on his 58th birthday, receiving $1,000 per month under a plan which qualifies as a wage continuation plan for purposes of section 105(d) and § 1.105–4. Under the plan, B's initial retirement age is age 60 (July 1, 1972), and his mandatory retirement age is 65 (July 1, 1977). B's consideration for the contract was $25,000. For payments received in 1970 and 1971 B excluded under section 105(d) $2,600 and $5,200, respectively, of the $6,000 (6 × $1,000) and $12,000 (12 × $1,000) received under the plan. For the period January 1, 1972, through June 30, 1972, B excluded an additional $2,600 under section 105(d). For the period July 1, 1972 through December 31, 1972, B excluded under section 72(d)(1) the entire $6,000 in payments received under the plan. Similarly, under section 72(d)(1), B excluded the entire $12,000 in payments received under the plan in 1973, and in 1974 B excluded the remaining $7,000 of his annuity basis. In 1975, B realized that he will be entitled to take full advantage of the exclusion under section 105(d) for periods through June 30, 1977, when he would reach age 65. B need not file amended returns for 1972, 1973, and 1974, even though the amounts he excluded under section 72(d) (exceeded the amount he was entitled to exclude under section 105(d). He must, however, recompute the amount that will be treated as his investment in his annuity contract. Thus, on July 1, 1977, B's annuity starting date, his investment in his annuity contract would be $13,000, recomputed as follows:

B's original investment	$25,000
Less amounts excluded under section 72 to the extent they exceed amounts that would have been excludable during the same period under section 105(d):	
1972 ($6,000–2,600)	3,400
1973 ($12,000–5,200)	6,800
1974 ($7,000–5,200)	1,800
Total	$12,000
B's recomputed investment in his annuity contract	13,000

Example (3). Assume the same facts as in example (2) except that B's investment in his annuity contract is $37,000, and he excluded under section 72(b) 16.9 percent, or $2,028, of the $12,000 received per year. Thus, for the period July 1, 1972 through December 31, 1972, B excluded under section 72(b) $1,014 (16.9 percent of $6,000), and $2,028 in both 1973 and 1974. B files amended returns for 1972, 1973 and 1974 claiming the exclusion under section 105(d). Thus, B restored to income $1,014 for 1972, and $2,028 for both 1973 and 1974, claiming $2,600 ($5,200–$2,600) exclusion under section 105(d) for 1972 and a $5,200 exclusion in both 1973 and 1974. Thus, for 1972 B is entitled to an additional exclusion of $1,586 ($2,600–$1,014), and, for both 1973 and 1974, an additional exclusion of $3,172 ($5,200–$2,028). On July 1, 1977, B's investment in the contract is $37,000.

Example (4). C, a calendar year taxpayer, retired because of disability on January 1, 1965, his 58th birthday, receiving payments of $500 per month under a plan which qualifies as a wage continuation plan for purposes of section 105(d) and § 1.105–4. C had contributed $18,000 toward the cost of his annuity contract. Under the plan, C's initial retirement age is age 60 (January 1, 1967) and C's mandatory retirement age is age 70 (January 1, 1977). For taxable years 1965 and 1966 C excluded from gross income under section 105(d) $5,200 of the $6,000 (12×$500) he received from his employer as wage continuation benefits. On January 1, 1967, C began excluding all of the benefits C received in accordance with the rules of section 72(d). Thus, for 1967, 1968 and 1969, C excluded 100 percent of the annuity payments. For his taxable years 1970 through 1973, C included in his gross income all annuity payments. In 1974, C realized that he will be entitled to use the exclusion under section 105(d) through December 31, 1976 (until he reaches age 70). In 1974, C filed a timely claim for refund for his taxable years 1971, 1972 and 1973 (refunds for taxable year 1970 and prior years were barred by the statute of limitations), and continues to claim the exclusion under section 105(d) for 1974, 1975 and 1976. For 1977, C treats January 1, 1977, as the annuity starting date, and treats $18,600 as the investment in the contract. The $18,600 represents the $18,000 original investment in the contract reduced by the excess, $2,400, of the amount excluded under section 72 for 1967, 1968 and 1969 ($18,000) over the amount excludable under section 105(d) ($5,200×3) for such years.

Example (5). (i) D, a calendar year taxpayer, retired because of disability on June 30, 1965, receiving $100 per month under a plan which qualifies as a wage continuation plan for purposes of section 105(d) and § 1.105–4. Under the plan, the initial retirement age of D, whose birthday is January 1, is age 60 (January 1, 1967), and D's mandatory retirement age is age 70 (January 1, 1977). D had contributed $6,000 toward the cost of the annuity contract under such plan. For 1965 and 1966, D excluded under section 105(d) the entire amount received under the plan ($600 and $1,200 respectively). For 1967 through 1973, D excluded $330 per year under section 72(b), or 27.5 percent of the $1,200 payment received under the plan per year.

(ii) In 1974, D realized that he will be entitled to use the exclusion provided in section 105(d) up until January 1, 1977, when he reaches his mandatory retirement age, and that he improperly applied section 72 to payments received in the years 1967 through 1973. In 1974, D filed a timely claim for refund with respect to the section 105(d) wage continuation benefits, for 1971, 1972 and 1973 (refunds for taxable year 1970 and prior years were barred by the statute of limitations), and continues to claim the section 105(d) exclusion for 1974, 1975 and 1976. D is entitled to an additional exclusion of $870 ($1,200–$330) for each of the years 1971, 1972 and 1973.

(iii) Upon reaching mandatory retirement age on January 1, 1977, D treats such date as the annuity starting date, and treats $6,000 as the investment in the contract. The investment in the contract is not reduced, because the amount excluded under section 72(b) for 1967 through 1970 ($330 per year) does not exceed the amount excludable under section 105(d) ($1,200 per year), and the $330 per year excluded for 1971, 1972, and 1973 were restored to the

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investment in the contract. Therefore, assuming that D would be entitled to exclude 41.3 percent of the payments under the plan if the annuity starting date is January 1, 1977, D would be entitled to exclude $495.60 (41.3 percent of $1,200) per annum.

Example (6). Assume the facts stated in example (5) except that D's investment in his annuity contract is $100,000 and he received payments equaling $10,000 per year. Assume also, that D had excluded under section 72(b) 54.9 percent of the payments received under the plan through 1974. Consequently, he excluded $5,490 (54.9 percent of $10,000) from his gross income for the years 1967 through 1974. D need not file amended returns for 1971, 1972, 1973, and 1974, even though the amount he excluded under section 72(b) exceeded the amounts he was entitled to exclude under section 105(d). He must, however, recompute the amount that will be treated as his investment in his annuity contract. Thus, on January 1, 1977, D's annuity starting date, his investment in his annuity contract would be $97,680. This figure represents the original investment ($100,000) reduced by the amount excluded under section 72(b) for the years 1967–1974 (8×$5,490=$43,920) over the amount properly excludable during those years under section 105(d) ($5,200×8=$41,600).

Example (7). Assume the same facts as in example (6) except that D's mandatory retirement age is 65 (January 1, 1970). D would redetermine his exclusion ratio for purposes of section 72(b) as of January 1, 1970, since D's mandatory retirement age is D's annuity starting date. D would treat $99,130 as his investment in his annuity contract as of such date for purposes of section 72(b). Assuming refunds for 1970 and prior taxable years were barred by the statute of limitations, the $99,130 represents the original investment of $100,000 reduced by the excess of the amount excluded under section 72(b) for 1967, 1968, and 1969 ($5,490×3=$16,470) over the amount otherwise excludable during those years under section 105(d) ($5,200×3=$15,600). Therefore, assuming that D would be entitled to exclude 61.2 of the payments received under the plan if the annuity starting date is January 1, 1970, D would be entitled to exclude $6,120 (61.2 percent of the $10,000 received under the plans) per annum for 1971 and subsequent years. However, D is not entitled to exclude the additional $630 ($6,120−$5,490) for 1970, because credit or refund for 1970 and prior years is barred by the statute of limitations.

Par. 3. Paragraph (a) (2) of § 1.101–2 is amended to read as follows:

§ 1.101–2 Employees' death benefits.

(a) *In general.* • • •

(2) The exclusion does not apply to amounts constituting income payable to the employee during his life as compensation for his services, such as bonuses or payments for unused leave or uncollected salary, nor to certain other amounts with respect to which the deceased employee possessed, immediately before his death, a nonforfeitable right to receive the amounts while living (see section 101(b)(2)(B) and paragraph (d) of this section). Further, the exclusion does not apply to amounts received as an annuity under a joint and survivor annuity obligation where the employee was the primary annuitant and the annuity starting date occurred before the death of the employee (see section 101(b)(2)(C) and paragraph (e)(1)(ii) of this section). In the case of amounts received by a beneficiary as an annuity (but not as a survivor under a joint and survivor annuity with respect to which the employee was the primary annuitant), the exclusion is applied indirectly by means of the provisions of section 72 and the regulations thereunder (see section 101(b)(2)(D) and paragraph (e)(1)(iii) and (iv) of this section). Thus, for example, the exclusion applies to amounts which are received by a survivor of an employee retired on disability under the provisions of the Civil Service retirement law (5 U.S.C. 8301 or any former corresponding provisions of law) or the Retired Serviceman's Family Protection Plan or Survivor Benefit Plan (10 U.S.C. 1431 et seq.), provided such employee dies before attaining mandatory retirement age (as defined in § 1.105–4(a)(3)(i)(B)).

• • • • • •

Par. 4. Paragraph (a) (2) (i) and (3) (i) of § 1.105–4 is amended to read as follows:

§ 1.105–4 Wage continuation plans.

(a) *In general.* • • •

(2) (i) Section 105(d) is applicable only if the wages or payments in lieu of wages are paid pursuant to a wage continuation plan. (See § 1.105–6 for special rules for employees retired before January 27, 1975). The term "wage continuation plan" means an accident or health plan, as defined in § 1.105–5, under which wages, or payments in lieu of wages, are paid to an employee for a period during which he is absent from work on account of a personal injury or sickness. Such term includes plans under which payments are continued as long as the employee is absent from work on account of personal injury or sickness. It includes plans under which there is a limitation on the period for which benefits will be paid, such as 13 or 26 weeks, and also plans under which benefits are continued until the employee is either able to return to work or reaches mandatory retirement age. Such term also includes a plan under which wages or payments in lieu of wages are paid to an employee who is absent from work on account of personal injury or sickness, even though the plan also provides that wages or payments in lieu of wages may be paid to an employee who is absent from work for reasons other than a personal injury or sickness.

• • • • • •

(3) (i) (A) Section 105(d) applies only to amounts attributable to periods during which the employee would be at work were it not for a personal injury or sickness. Thus, an employee is not absent from work if he is not expected to work because, for example, he has reached mandatory retirement age. If a plan provides that an employee, who is absent from work on account of a personal injury or sickness, will receive a disability pension or annuity as long as he is disabled, section 105(d) is applicable to any payments that he receives under this plan before reaching mandatory retirement age, as defined in paragraph (a)(3)(i)(B) of this section. Thus, section 105(d) would not apply to the payments that an employee receives after reaching mandatory retirement age. The disability retired pay received by a member on the retired list pursuant to section 402 of the Career Compensation Act of 1949 (63 Stat. 802) or chapter 61 of title 10, United States Code (10 U.S.C. 1201 et seq.) which is in excess of the amounts excludable under section 104(a)(4) and paragraph (e) of § 1.104–1 shall be excluded from gross income subject to the limitations of section 105(d) and this section, if such pay is received before the member reaches mandatory retirement age. See § 1.72–15 for additional rules relating to the tax treatment of disability pensions. For the rules relating to certain reduced uniformed services retirement pay, see paragraph (c)(2) of § 1.122–1. For rules relating to a waiver by a member or former member of the uniformed services of a portion of disability retired pay in favor of a pension or compensation receivable under the laws administered by the Veterans Administration (38 U.S.C. 3105), see § 1.122–1(c)(3).

(B) The term "mandatory retirement age" as used in paragraph (a)(3)(i)(A) of this section means the age set by an employer for the mandatory retirement of employees in the class to which the taxpayer last belonged, unless such age has been set at an age higher than that at which it has been the practice of the employer to terminate, due to age, the services of such employees, or for purposes of tax avoidance. Where no age is set for mandatory retirement, such term means age 65, or, if higher, the age at which it has been the practice of the employer to terminate, due to age, the services of the class of employees to which the taxpayer last belonged.

Par. 5. The following section is added immediately after § 1.105–5 to read as follows:

§ 1.105–6 Special rules for employees retired before January 27, 1975.

(a) *Application of section 105(d) to amounts received as retirement annuities.* An employee who retired from work before January 27, 1975, receiving payments under his employer-established plan (to which § 1.72–15(a) applies) which payments were not treated as amounts received under a wage continuation plan for purposes of section 105(d), may, as of the date the employee retired, treat such plan as such a wage continuation plan to the extent such payments are received prior to mandatory retirement age (as described in § 1.105–4(a)(3)(i)(B)), if—

(1) His employer had in operation at the time of his retirement a program providing accident and health benefits under a wage continuation plan to which section 105(d) would apply;

(2) The employer certifies, under procedures approved in advance under paragraph (c) of this section, that the employee would have been eligible for wage continuation benefits, under the terms and conditions of his employer's plan, because of personal injuries or sickness;

(3) At the time of the employee's retirement there was no substantive difference between the benefits being actually received and the benefits he would have received had he retired under his employer's wage continuation plan; and

(4) The employee agrees to the adjustments and conditions required by the Commissioner with respect to amounts excluded under section 72(b) or (d) in taxable years ending before January 27, 1975.

(b) *Filing requirements.* (1) The certification required in paragraph (a)(2) and the agreement required in paragraph (a)(4) of this section shall be filed on or before April 15, 1977, with the return, or timely amended return or claim, made for the taxable year in which the employee reached retirement age as described in § 1.79–2(b)(3), or, for the first taxable year for which the taxpayer files an income tax return claiming an exclusion under section 105(d), as provided in paragraph (a) of this section.

(2) The Commissioner may prescribe a form and instructions with respect to the agreement provided for in paragraph (a)(4) of this section.

(c) *Employer certification*—(1) *Advance approval of procedures.* Any reasonable and consistently applied procedures, approved in advance by the Internal Revenue Service, which require the employee to provide the employer or the insurer with medical documentation sufficient to show that an illness or disability existed as of the date of the employee's retirement, which would have entitled him to retire on account of personal injuries or sickness alone, are sufficient for purposes of this paragraph.

(2) *Place of submission.* Request for advance approval of procedures for certification shall be submitted to the district director.

(d) *Cross reference.* For special rules pertaining to taxpayers retired on disability before January 27, 1975, see § 1.72–15(i).

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: April 9, 1975.

ERNEST S. CHRISTIAN, JR.
Deputy Assistant Secretary of the Treasury.

[FR Doc.75–9689 Filed 4–9–75;4:42 pm]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL–335–3]

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Subpart H—Emission Regulations for New Gasoline-Fueled Heavy Duty Engines

Correction

In FR Doc. 75–4746 appearing in the issue of Thursday, February 27, 1975, on page 8490, column one, the reference in § 85.774–11(a)(3) should read "(a)(2)".

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5495; CA–2643]

CALIFORNIA

Correction of Typographical Errors in Presidential Proclamation No. 4319

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

Presidential Proclamation No. 4319 which appeared in the October 1, 1974, issue of the FEDERAL REGISTER, is hereby corrected as shown below:

1. On page 35319, the fifth line beginning, "thence South 10°54'05" East 317.40 feet," should read, "thence South 10°54'05" East 117.40 feet."

2. On page 35319, the seventh line beginning, "15°11'11" East 117.03 feet to an intersection • • •," should read, "15°11'11" East 177.03 feet to an intersection • • •".

3. On page 35321, the fifth line below the heading, Parcel "C", delete the word "said" preceding Miscellaneous Map No.

4. On page 35321, the sixth line below the heading, Parcel "C", between "129" and the word "the", add the following: "filed in the Office of the County Recorder of San Diego County, California, April 16, 1934."

5. On page 35321, the last two lines, the hyphenated word "EXCEPTING" commencing on the second line from the bottom, should be deleted, and the word "RESERVING" should be substituted in its place.

JACK O. HORTON,
Assistant Secretary of the Interior.

APRIL 4, 1975.

[FR Doc.75–9364 Filed 4–11–75;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 237—FISCAL ADMINISTRATION OF FINANCIAL ASSISTANCE PROGRAMS

Maintenance of State Effort

Part 237, Chapter II, Title 45 of the Code of Federal Regulations is amended by revoking the content of § 237.60, because the requirements contained therein are no longer in effect. Section 1117 of the Social Security Act was repealed, effective July 1, 1968, and any audit questions pertinent to Federal claims for the fiscal years ending June 30, 1967 and June 30, 1968 have been resolved.

§ 237.60 [Reserved]

Section 237.60 is vacated and reserved.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302)).

Effective date. The regulation shall be effective on April 14, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program; 13.761, Public Assistance—Maintenance Assistance (State Aid).)

Dated: April 2, 1975.

JOHN A. SVAHN,
Acting Administrator, Social and Rehabilitation Service.

Approved: April 9, 1975.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.75–9655 Filed 4–11–75;8:45 am]

Title 47—Telecommunication

[Docket No. 20222; RM–2206, RM–2270; FCC 75–394]

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations, Table of Assignments

1. The Commission has under consideration its notice of proposed rule making adopted November 5, 1974, 39 FR 40170, inviting comments on separate proposals to assign a third and fourth Class C FM channel to Boise, Idaho. This proceeding was instituted on the basis of (1) a petition filed on May 31, 1973, by Gem State Broadcasting Corporation (Gem State), licensee of unlimited-time AM Station KGEM, Boise, requesting the assignment of Channel 286 (RM–2206), and (2) a petition filed on October 25, 1973, by KYME Broadcasters, Inc. (KYME), licensee of daytime-only AM Station KYME, Boise, requesting the assignment of Channel 282 (RM–2270). There were no oppositions to the proposals. Supporting comments were filed by the respective petitioners.

2. Boise has a population of 74,990 and is the seat of Ada County (population 112,230) [1] as well as the capital and largest city in the State of Idaho. Aural service is presently provided to Boise by 6 AM stations (3 unlimited-time) and two FM stations (KBBK–FM, Channel 222 and KBIO–FM, Channel 250).

3. Petitioners point out that Boise's population more than doubled between the Census years 1960 and 1970 and that the Ada County Council of Government indicates that by 1980 Boise's population will be 117,000. They state that Boise is the major industrial, commercial, and financial center of the State of Idaho and the marketing center for commodity distributors and wholesalers serving an area comprised of a population of over 290,000. Petitioners contend that addition of both proposed channels is justified because of the growing needs and diverse interests of a growing population. Petitioners, in supporting comments, reiterate their intent to prepare and file applications for construction permits for either of the proposed channels in the event they are assigned.

4. A preclusion study indicates that large areas are precluded on both adjacent and co-channels. However, the areas are essentially rural, and there are a number of unused channels available for

[1] Population figures cited are from the 1970 U.S. Census.

V 40 172 APR 14 75 XUM

assignment in those areas. Assignment of the proposed two channels would meet our spacing requirements, and would not affect other channel assignments in the FM Table.

5. We believe that the two proposed FM channels should be assigned to Boise. Considering the size of Boise (which qualifies for four assignments), its past and anticipated steady growth, and the fact that a number of unused channel assignments are still available in the precluded areas, we are of the view that the assignment of the channels would serve the public interest.

6. Authority for the action taken herein is contained in section 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended.

7. In view of the foregoing, *It is ordered*, that effective May 19, 1975, § 73.-202(b) of the Commission's rules, the Table of Assignments, is amended to read as follows:

City:	*Channel No.*
Boise, Idaho	222, 250, 282, 286

8. *It is further ordered*, that this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted: April 1, 1975.

Released: April 8, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-9620 Filed 4-11-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Fiscal Service

[31 CFR Part 210]

FEDERAL RECURRING PAYMENTS THROUGH FINANCIAL ORGANIZATIONS BY MEANS OTHER THAN BY CHECK

Notice of Proposed Rulemaking

The Department of the Treasury finds it desirable and necessary to propose regulations to provide a new method for the Federal Government to make recurring payments to recipients; for example, social security, civil service, veterans and railroad retirement benefit payments, salary or pay and allowances, and payments of interest on certain public debt obligations. At present most such payments are made by Government checks drawn to the order of recipients or to financial organizations for credit to the accounts of recipients (see 31 U.S.C. 492; 31 CFR Parts 240 and 209 (Treasury Department Circulars 21 and 1076)).

The proposed method will provide for making future recurring payments to recipients by means other than by check; for example, through the transfer of payment data by the use of electronic or other means, thereby reducing the number of checks used to discharge the Government's obligations.

It is contemplated that at the outset the proposed transfer of funds system would involve the Government's preparation of magnetic tapes reflecting the necessary data to accomplish payment to recipients who have chosen to be paid by credit to their accounts in financial organizations. Delivery of the data by the Government to the Federal Reserve Banks would constitute an issuance by the Government of orders for the payment of money which would be made available by the Federal Reserve Banks, utilizing Federal Reserve distribution systems, to those financial organizations which have been designated by recipients and which have agreed to participate in the system and to accept payments for the recipients. The Federal Reserve Banks would make the dollar amounts of such orders available to the financial organizations which in turn would credit the funds to the recipients' accounts on the books of the financial organizations.

Adoption of this proposed new payment method should decrease hardship and inconvenience to recipients and losses to the Government and to financial organizations arising from the present use of checks which are subject to theft and forgery. The new method should also lead to greater efficiency in the processing of such recurring payments, which are estimated to reach 50 million per month in the foreseeable future.

The participation in a program of payments made through financial organizations rather than directly to recipients would be voluntary for recipients and financial organizations, and as applied to recipients and financial organizations would be based on the completion by each of its part of a Standard Authorization Form. However, after execution of such Form the method of payments, whether by check pursuant to Parts 209 and 240 of this title or means other than check pursuant to this Part, is optional with the Government and the financial organization. The option of payment by Government check directly to recipients would remain with the recipients.

It is contemplated at this time that the program would first be initiated with respect to social security benefit payments and Air Force payroll payments, and in due course would be expanded to include other recurring payments.

Accordingly, notice is hereby given that the Secretary of the Treasury proposes to amend Title 31, Subtitle B, Chapter II of the Code of Federal Regulations by the addition of a new Part 210. Interested persons may submit comments on the proposed regulation in writing to the Fiscal Assistant Secretary of the Treasury, Washington, D.C. 20220, for a period of 60 days from the date of this publication. Copies of such comments received will be available for public inspection and copying upon request in accordance with the Treasury's rules regarding Access To Records (31 CFR Part 1, Subpart A). The proposed Part 210 reads as follows:

PART 210—FEDERAL RECURRING PAYMENTS THROUGH FINANCIAL ORGANIZATIONS BY MEANS OTHER THAN BY CHECK

Sec.
210.1 Scope of regulations.
210.2 Definitions.
210.3 Federal Reserve Banks.
210.4 Recipients.
210.5 Program agencies.
210.6 The Government.
210.7 Financial organizations.
210.8 Timeliness of action.
210.9 Death or legal incapacity of recipients or death of beneficiaries.
210.10 Liability of and acquittance to the United States.

AUTHORITY: This Part 210 is issued pursuant to 5 U.S.C. 301; 12 U.S.C. 391, Title 31, U.S.C., and other provisions of law.

§ 210.1 Scope of regulations.

This part governs the making of recurring payments by the Government, by means other than by check, through Federal Reserve Banks and financial organizations to recipients maintaing accounts at such financial organizations.

§ 210.2 Definitions.

As used in this Part, unless the context otherwise requires:

(a) "Federal Reserve Bank" means any Head Office or Branch Office of any such Bank, acting as Fiscal Agent of the United States.

(b) "Financial organization" means any bank, savings bank, savings and loan association or similar institution, or Federal or State-chartered credit union which has indicated its preparedness to have credit payments issued to it under this Part.

(c) "Government" means the Department of the Treasury, a Federal disbursing office, and a program agency, or any of them.

(d) "Credit payment" means an order for the payment of money issued by the Government under this Part to pay a recurring payment. A credit payment may be contained on (i) a letter, memorandum, telegram, computer print out or similar writing or (ii) any form of communication other than voice, which is registered upon magnetic tape, disc or any other medium designed to capture and contain in durable form conventional signals used for the electronic communication of messages.

(e) "Payment date" means the date specified for a credit payment. Such date is the date on which the funds specified in the credit payment are to be available for withdrawal from the recipient's account with the financial organization specified by such recipient, and on which such funds are to be made available to the financial organization by the Federal Reserve Bank with which the financial organization maintains or utilizes an account. If the payment date is not a business day for the financial organization receiving a credit payment, or for the Federal Reserve Bank from which it received such payment, then the next succeeding business day for both shall be deemed to be the payment date.

(f) "Recipient" means a person to whom the Government makes recurring payments.

(g) "Beneficiary" means a person other than a recipient who is entitled to the benefit of all or part of a recurring payment.

(h) "Recurring payment" means any Federal Government benefit, annuity, or other payment, including any payment of salary, wages, or pay and allowances, which is made at regular intervals.

(i) "Program agency" means an agency which makes recurring payments, and includes any department, agency, independent establishment, board, office, commission or other establishment in the executive, legislative (except the

V 40-72 APR 14 75 XUM

Senate and House of Representatives), or judicial branch of the Government, any wholly-owned or controlled Government corporation, and the municipal government of the District of Columbia.

(j) "Standard Authorization Form" means the authorization form prescribed by the Government for the recurring payment for execution (i) by a recipient, and (ii) by a financial organization maintaining an account for such recipient.

§ 210.3 Federal Reserve Banks.

(a) Each Federal Reserve Bank as Fiscal Agent of the United States shall receive credit payments from the Government and shall make available and pay such credit payments to financial organizations, and shall otherwise carry out the procedures and conduct the operations contemplated under this Part. Each Federal Reserve Bank may issue operating circulars (sometimes referred to as operating letters or bulletins) not inconsistent with this Part, governing the details of the credit payment handling operation and containing such provisions as are required or permitted by this Part.

(b) The Government by its action of issuing and sending any credit payment contained in the media specified in § 210.2(d) hereof shall be deemed to authorize the Federal Reserve Banks: (i) to pay such credit payment to the debit of the general account of the United States Treasury on the payment date and (ii) to handle and act upon such credit payment.

(c) Upon receipt of a credit payment, a Federal Reserve Bank shall, if the credit payment is directed to a financial organization which maintains or utilizes an account on the books of another Federal Reserve Bank, forward such credit payment to such other Federal Reserve Bank. The Federal Reserve Bank on whose books the financial organization or its designated correspondent maintains an account shall deliver or make available such credit payment to such financial organization during the business day prior to the payment date in the format and on the medium as agreed to by such Federal Reserve Bank and financial organization.

(d) A financial organization by its action in maintaining or utilizing an account at a Federal Reserve Bank shall be deemed to authorize that Federal Reserve Bank to credit the amount of the credit payment to the account on its books of such financial organization or a designated correspondent maintaining an account with the Federal Reserve Bank.

(e) A Federal Reserve Bank receiving a credit payment from the Government shall make the amount of such credit payment available for withdrawal from the account referred to in § 210.3(d) above on its books at the opening of business on the payment date.

§ 210.4 Recipients.

(a) In order for a recipient to receive recurring payments by means of direct deposit of the amounts of credit payments under this Part to an account at a financial organization of his choosing, the recipient shall execute the applicable portion and deliver to such financial organization the Standard Authorization Form prescribed by the Government for such recurring payments. A recipient shall be responsible for any inaccuracy in the data entered by him on such Standard Authorization Form.

(b) In executing a Standard Authorization Form, a recipient (i) designates the financial organization and account on the books of such financial organization to which the amounts of the credit payments shall be credited and is deemed to agree to the provisions of this Part, and (ii) shall be deemed to terminate any previously executed Standard Authorization Form or any other inconsistent payment instructions applicable to the relevant recurring payment. Such termination shall become effective when the program agency receives and processes such Form.

(c) A recipient shall execute a separate Standard Authorization Form for each type of recurring payment made hereunder. If a recipient wishes to direct his recurring payment to a different account or financial organization, he shall execute a new standard Authorization Form.

(d) A recipient may, at any time, terminate a Standard Authorization Form by notifying the program agency. Such termination shall become effective when such program agency receives and processes such notice.

(e) The death or other legal incapacity of a recipient or the death of a beneficiary shall terminate a Standard Authorization Form issued with respect to a recurring payment.

(f) A recipient of a recurring payment may request only that a credit payment be in the full amount of such recurring payment and be credited to one account on the books of a financial organization. The procedures set forth in this Part shall not be used for effectuating an assignment of a recurring payment.

(g) A recipient may be required by local law or by financial organization procedures to have the execution of a Standard Authorization Form notarized.

(h) A change in the title of an account shall terminate any Standard Authorization Form in which that account is designated, and shall require the execution of a new Standard Authorization Form before further credit payments may be credited to that account.

§ 210.5 Program agencies.

The program agency will maintain the data necessary for authorization of credit payments and shall make such data available for the issuance of such credit payments in sufficient time for the Government, in performing its disbursing function, to carry out its responsibilities under this Part. Such data shall be certified by the program agency's certifying officer in accordance with 31 U.S.C. 82c.

§ 210.6 The Government.

(a) In performance of its disbursing functions, the Government will, in accordance with the provisions of this Part, issue and direct credit payments to the Federal Reserve Bank on whose books the financial organization named therein maintains or utilizes an account in sufficient time for the Federal Reserve Bank to carry out its responsibilities under this Part.

(b) Procedural instructions for the guidance of the Government and Federal Reserve Banks in the implementation of these regulations will be issued by the Department of the Treasury.

(c) The Government may recall a credit payment at any time prior to the payment date.

§ 210.7 Financial organizations.

(a) A financial organization's execution of a Standard Authorization Form shall constitute its agreement to the terms of this Part and of Parts 209 (covering Federal recurring payments by checks drawn to financial organizations for credit to accounts) and 240 (relating to endorsement and payment of checks drawn on the United States). Regardless of whether it has executed a Standard Authorization Form, a financial organization's acceptance and handling of a credit payment issued pursuant to this Part shall constitute its agreement to the provisions of this Part.

(b) A financial organization in executing a Standard Authorization Form shall be responsible for (i) the completeness and accuracy of the data entered by it in its portion of the Standard Authorization Form, and (ii) verifying the depositor account number entered by the recipient on the Standard Authorization Form.

(c) A financial organization wishing to terminate the agreement evidenced by a Standard Authorization Form shall do so by giving written notice to the recipient. Such termination shall become effective thirty days after the financial organization has sent such notice to the recipient.

(d) A financial organization receiving a credit payment shall credit the amount of such credit payment to the designated account of the recipient on its books and shall make such amount available for withdrawal or other use by the recipient not later than the opening of business on the payment date. If the credit payments or any related documentation received by the financial organization from a Federal Reserve Bank do not balance, are incomplete, are clearly erroneous on their face, or are incapable of being processed, the financial organization, after assuring itself that neither it nor any of its agents is responsible, shall immediately notify such Federal Reserve Bank in order that it may deliver corrected material to such financial organization. The financial organization in all cases shall make a reasonable effort to credit the amount of any credit payment to the designated account of the recipient. If after a reasonable effort it is unable to do so, the financial organization shall promptly return the credit payment to the Federal Reserve Bank with a statement identifying the reason therefor.

(e) A financial organization shall notify the program agency immediately of any event actually known to it which would without further action terminate a Standard Authorization Form or which would otherwise preclude such financial organization from crediting the amount of a credit payment to a recipient's account.

(f) A financial organization shall return to the Government through the Federal Reserve Bank any relevant credit payment received by such financial organization:

(i) After termination pursuant to § 210.4 (d) or (h) of a Standard Authorization Form has become effective;

(ii) After termination pursuant to § 210.7(c) of a Standard Authorization Form has become effective;

(iii) After notifying the program agency of any event terminating the Standard Authorization Form pursuant to § 210.7(e), or

(iv) After receiving notice from the Government that a Standard Authorization Form has been terminated.

(g) A financial organization to which a credit payment is sent under this Part does not thereby become a Government depositary and shall not advertise itself as one because of that fact.

(h) Each financial organization by its action of handling a credit payment shall be deemed to warrant to the Government that it has handled such credit payment in accordance with this Part. In addition to the liability which may be imposed pursuant to § 210.9, if the foregoing warranty is breached, the financial organization shall indemnify the Government for any loss sustained by the Government as a result of such breach to the extent that such loss was not the result of the Government's failure to exercise due care. Except as provided in this section, and § 210.9, a financial organization shall not be liable under this Part to any party for its handling of a credit payment.

§ 210.8 Timeliness of action.

If, because of circumstances beyond its control, the Government, a Federal Reserve Bank, or a financial organization shall be delayed beyond the applicable time limits, including but not limited to the payment date provided by this Part, the operating circulars of the Federal Reserve Banks, or applicable law in taking any action with respect to a credit payment, the time within which such action shall be completed shall be extended for such time after the cause of the delay ceases to operate as shall be necessary to take or complete the action, provided the Government, the Federal Reserve Bank, or the financial organization exercises such diligence as the circumstances require. Neither the Government nor the Federal Reserve Bank represent that the amount of a credit payment will be credited to a recipient's account on the payment date.

§ 210.9 Death or legal incapacity of recipients or death of beneficiaries.

No co-owner with the recipient of a joint account on the books of a financial organization, or survivor or legal representative of a recipient or a beneficiary, has any right to the amount of the credit payment credited to the recipient's account after the death or legal incapacity of the recipient or the death of the beneficiary. A financial organization shall be accountable to the Government for the amount of any such credit payments received by such financial organization after the death or legal incapacity of the recipient or the death of the beneficiary: *Provided, however*, that if:

(i) Such amount, or any part thereof, has been withdrawn from the recipient's account; and

(ii) The financial organization did not have, at the time of the deposit and withdrawal, actual knowledge of the recipient's death or legal incapacity, or the beneficiary's death; and

(iii) The financial organization has made a good faith effort to recover the amount withdrawn,

the financial organization shall only be accountable for:

(i) The amount recovered by it; and

(ii) The amount not recovered by it, or an amount equal to the credit payments received by it within 45 days after the death or legal incapacity of the recipient or the death of the beneficiary, whichever is the lesser amount.

§ 210.10 Liability of and acquittance to the United States.

(a) The United States shall be liable to a recipient for the failure to credit the proper amount of a recurring payment to the appropriate account of the recipient as required by this Part. Such liability shall be limited to the amount of such recurring payment. No financial organization or Federal Reserve Bank shall be liable under this Part to a recipient for the handling of a credit payment.

(b) The crediting of the amount of a credit payment to the appropriate account of a recipient on the books of the appropriate financial organization shall constitute a full acquittance to the United States for the amount of such payment.

Dated: April 9, 1975.

[SEAL] DAVID MOSSO,
Acting Fiscal Assistant Secretary.

[FR Doc.75-9690 Filed 4-11-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

[7 CFR Part 724]

FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 & 52) AND CIGAR-FILLER & BINDER (TYPES 42-44 & 53-55) TOBACCOS

Investigation of Farm Marketing Quotas

Pursuant to section 371 of the Agricultural Adjustment Act of 1938, as amended (referred to hereinafter as the "Act"), an investigation is being made to determine whether the operation of farm marketing quotas in effect on fire-cured (type 21) tobacco, fire-cured (types 22-24) tobacco, dark air-cured (types 35 & 36) tobacco, Virginia sun-cured (type 37) tobacco, cigar-binder (type 51 & 52) tobacco and cigar-filler and binder (types 42-44 & 53-55) tobacco for the 1975-76 marketing year will cause the amounts of such kinds of tobacco which will be free of marketing restrictions to be less than the normal supply for such kinds of tobacco for such marketing year.

Section 371 of the Act provides, in part, as follows:

(a) If at any time the Secretary has reason to believe that in the case of cotton, rice, peanuts, or tobacco the operation of farm marketing quotas in effect will cause the amount of such commodity which is free of marketing restrictions to be less than the normal supply for the marketing year for the commodity then current, he shall cause an immediate investigation to be made with respect thereto.

In the course of such investigation due notice and opportunity for hearing shall be given to interested persons. If upon the basis of such investigation the Secretary finds the existence of such fact, he shall proclaim the same forthwith. He shall also in such proclamation specify such increase in, or termination of, existing quotas as he finds, on the basis of such investigation, is necessary to make the amount of such commodity which is free of marketing restrictions equal to the normal supply. (7 U.S.C. 1371(a).)

The Act defines the "total supply" of tobacco for any marketing year as the carryover at the beginning of the marketing year (on January 1 of such marketing year in the case of Maryland tobacco) plus the estimated production in the United States during the calendar year in which such marketing year begins. (7 U.S.C. 1301(b).)

"Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined adjusted for current trends in such exports. (7 U.S.C. 1301(b).)

Marketing quotas were duly proclaimed for fire-cured (type 21) tobacco, fire-cured (types 22-24) tobacco, dark air-cured (types 35 & 36) tobacco, Virginia sun-cured (type 37) tobacco, cigar-binder (types 51 & 52) tobacco and cigar-filler and binder (types 42-44 & 53-55) tobacco for the 1975-76 marketing year, and the amounts of the national marketing quotas and national acreage allotments for the 1975-76 marketing years

V 40 N 72 APR 14 75 XUM

were duly announced (40 FR 5135, 7619). Producers of each of such kinds of tobacco have approved marketing quotas for the 1975–76 marketing year (38 FR 9219, 39 FR 23365, 40 FR 14737).

The total supply of fire-cured (type 21) tobacco for the 1974–75 marketing year was determined to be 13.1 million pounds, composed of carryover of 7.1 million pounds and estimated production of 6.0 million pounds. The normal supply was determined to be 16.4 million pounds, based on a normal year's domestic consumption of 2.8 million pounds and a normal year's exports of 5.3 million pounds.

The total supply of fire-cured (types 22–24) tobacco for the 1974–75 marketing year was determined to be 73.4 million pounds, composed of carryover of 45.1 million pounds and estimated production of 28.3 million pounds. The normal supply was determined to be 80.4 million pounds, based on a normal year's domestic consumption of 15.0 million pounds and a normal year's exports of 23.7 million pounds.

The total supply of dark air-cured (types 35 & 36) tobacco for the 1974–75 marketing year was determined to be 49.0 million pounds, composed of carryover of 36.9 million pounds and estimated production of 12.1 million pounds. The normal supply was determined to be 49.4 million pounds, based on a normal year's domestic consumption of 16.4 million pounds and a normal year's exports of 2.6 million pounds.

The total supply of Virginia sun-cured (type 37) tobacco for the 1974–75 marketing year was determined to be 3,892 thousand pounds, composed of carryover of 2,974 thousand pounds and estimated production of 918 thousand pounds. The normal supply was determined to be 4,126 thousand pounds, based on a normal year's domestic consumption of 1,350 thousand pounds and a normal year's exports of 250 thousand pounds.

The total supply of cigar-binder (types 51 & 52) tobacco for the 1974–75 marketing year was determined to be 9.5 million pounds, composed of carryover of 7.0 million pounds and estimated production of 2.5 million pounds. The normal supply was determined to be 12.5 million pounds, based on a normal year's domestic consumption of 4.0 million pounds and a normal year's exports of 0.9 million pounds.

The total supply of cigar-filler and binder (types 42–44 & 53–55) tobacco for the 1974–75 marketing year was determined to be 62.6 million pounds, composed of carryover of 41.7 million pounds and estimated production of 20.9 million pounds. The normal supply was determined to be 69.2 million pounds, based on a normal year's domestic consumption of 24.7 million pounds and a normal year's exports of .2 million pounds.

Under present legislation the termination of marketing quotas for any marketing year would be limited in application and effect to that year only.

Under section 106 of the Agricultural Act of 1949, as amended, price support will be available on the 1975 crop of fire-cured (type 21) tobacco, fire-cured (types 22–24) tobacco, dark air-cured (types 35 & 36) tobacco, Virginia sun-cured (type 37) tobacco, cigar-binder (types 51 & 52) tobacco and cigar-filler and binder (types 42–44 & 53–55) tobacco even if marketing quotas are terminated since producers did not disapprove marketing quotas. Further, as authorized by section 101 of such Act, price support will be made available on all of such kinds of tobacco produced during the 1975–76 marketing year if marketing quotas and acreage allotments are terminated. (7 U.S.C. 1445; 1441(d).)

Prior to making any determinations as to whether the national marketing quotas and acreage allotments for fire-cured (type 21) tobacco, fire-cured (types 22 & 23) tobacco, dark air-cured (types 35 & 36) tobacco, Virginia sun-cured (type 37) tobacco, cigar-binder (types 51 & 52) tobacco, or cigar-filler and binder (types 42–44 & 53–55) tobacco for the 1975–76 marketing year should be increased or terminated, consideration will be given to data, views and recommendations pertaining to the proposed determinations covered by this notice which are submitted in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday, in Room 6763, South Building, 14th and Independence Avenue SW., Washington, D.C. All submissions must, in order to be sure of consideration, be postmarked not later than April 30, 1975.

Signed at Washington, D.C. on April 8, 1975.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-9604 Filed 4-11-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 204]

SOCIAL AND REHABILITATION SERVICE PROJECT GRANT PROGRAMS

Grant Appeals

Notice is hereby given that the regulation set forth in tentative form below is proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulation would specify that post award disputes arising under project grants awarded by the Social and Rehabilitation Service will be reviewed by the Service prior to submission to the Departmental Grant Appeals Board.

Prior to the adoption of the proposed regulation, consideration will be given to any comments, suggestions, or objections thereto which are received in writing by the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013 on or before May 14, 1975. Comments received will be available for public inspection in Room 5326 of the Department's offices at 330 C Street SW., Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202–245–0950).

This proposal issued under the authority of sections 1, 5, 6, and 7 of Reorganization Plan No. 1 of 1953, 18 FR 2053, 67 Stat. 631 and the individual authorities cited in the Appendix.

(Catalog of Federal Domestic Assistance Program No. 13.766, Public Assistance Research.)

Dated: February 4, 1975.

JAMES S. DWIGHT, Jr.,
Administrator, Social and Rehabilitation Service.

Approved: April 8, 1975.

CASPAR W. WEINBERGER,
Secretary.

Part 204 of Chapter II, Title 45 of the Code of Federal Regulations would be amended by adding a new § 204.4 to read as follows:

§ 204.4 Grant appeals.

(a) *Scope.* This section applies to certain determinations (as set forth in § 16.5(a) (1)–(4) of this title), made after the effective date of this section, with respect to direct, discretionary project grants awarded by the Social and Rehabilitation Service, and such other grants or grant programs as the Administrator, with the approval of the Secretary, may designate. The statutory authority for current grant programs to which this section applies appears in the appendix to this section. This section is also applicable to determinations with respect to grants which were made under authority which has expired or been repealed since the grants were made, even though such authority does not appear in the appendix.

(b) *Submission.* (1) A grantee who has received notification, as described in § 16.5(b) of this title, of a determination described in § 16.5(a) (1)–(4) of this title, may inform the Grant Appeals Officer, Social and Rehabilitation Service, Washington, D.C. 20201 of the grantee's intent to contest the determination, and may request reconsideration. The grantee's request for reconsideration must be postmarked no later than 30 days after the postmark date of the written notification of such determination, except when:

(i) The Grant Appeals Officer grants an extension of time for good cause; or

(ii) The constituent agency fails to make a written notification under the circumstances described in the last sentence of § 16.5(b) of this title, in which case, subject to paragraph (b) (1) (i) of this section, the grantee's request for reconsideration must be postmarked no later than 90 days after the postmark date of the grantee's request for permission to incur an expenditure.

(2) Although the request need not follow any prescribed form, it shall clearly identify the question or questions in dispute and contain a full statement of the grantee's position with respect to such question or questions, and the pertinent facts and reasons in support of such position. Except in the case of a determination described in the last sentence of § 16.5(b) of this title, the grantee shall attach to his submission a copy of the agency notification described in § 16.5(b) (1) of this title.

(c) *Action by the Service on requests for reconsideration.* (1) Upon receipt of such an application the Grant Appeals Officer will inform the grantee that:

(i) His request is under review, and

(ii) If no decision is received within 90 days (or 45 days in the case of a determination described in the last sentence of § 16.5(b) of this title) of the postmark date of the grantee's request for reconsideration, the determination may be appealed to the Departmental Grant Appeals Board.

(2) The Grant Appeals Officer will reconsider the determination appealed from, considering any material submitted by the grantee and any other material necessary.

(3) If the response to the grantee is adverse to the grantee's position, the response will include notification of the grantee's right to appeal to the Departmental Grant Appeals Board.

APPENDIX

This section is issued under sections 1, 5, 6, and 7 of Reorganization Plan No. 1 of 1953, 18 F.R. 2053, 67 stat. 631 and is applicable to programs carried out under the following authorities:

(1) Section 222(a) and (b) of the Social Security Amendments of 1972 (Pub. L. 92–603).

(2) Section 426 of the Social Security Act (42 U.S.C. 262).

(3) Section 707 of the Social Security Act (42 U.S.C. 907).

(4) Section 1110 of the Social Security Act (42 U.S.C. 1310).

(5) Section 1115 of the Social Security Act (42 U.S.C. 1315).

[FR Doc.75-9606 Filed 4-11-75;8:45 am]

Social Security Administration

[20 CFR Part 405]

[Regulations No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Subpart E—Criteria for Determination of Reasonable Charges; Reimbursement for Services of Hospital Interns, Residents, and Supervising Physicians

Notice is hereby given pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form below, are proposed by the Commissioner of Social Security, with approval of the Secretary of Health, Education, and Welfare. The amendments to the regulations are made pursuant to the economic index provisions of section 224(a) of the Social Security Amendments of 1972, Pub. L. 92–603, and the accompanying Report of the Committee on Finance, United States Senate. (Regulations dealing with other changes in reasonable charge reimbursement that were made by Pub. L. 92–603 will be issued separately.)

In connection with reasonable charge reimbursement, the proposed amendments provide that any recognition of a prevailing charge increase for a physician's services in a locality will be tied to an appropriate national economic index so that Medicare reimbursement will not recognize without limitation whatever increase in charges is established in a locality. Recognition of charge increases would be limited to rates that economic data indicate would be fair to all concerned and follow, rather than lead, any inflationary trends. In the case of physician services, the prevailing charge level may not exceed the level that was determined for the fiscal year ending June 30, 1973, for similar services in the same locality except to the extent that the Secretary finds, on the basis of appropriate economic index data, that such higher level is justified by economic changes. The economic index will be used in determining the reasonableness of charges for physicians' services only, and will be applicable only to prevailing charges which have cumulatively increased above the limit established by the cumulative economic index. Individual physicians' charges will be directly affected by the economic index only in those cases where their charges for a service in a locality exceed the prevailing charge for that service which has been limited through application of the economic index.

The economic index will be based on information on changes in expenses of physicians' office practice and in general earnings levels. These factors will be combined in a manner consistent with data on the ratios of the expenses of practice occurring among self-employed physicians as a group and their net earnings to gross income from practice.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, comments, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before May 14, 1975.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 1102, 1833(a), 1842(b), and 1871 of the Social Security Act, 49 Stat. 647, as amended, 79 Stat. 302, 79 Stat. 310, 79 Stat. 331; 42 U.S.C. 1302, 1395l(a), 1395u(b), and 1395hh.

(Catalog of Federal Domestic Assistance Program No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Dated: January 13, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: March 31, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Regulations No. 5 of the Social Security Administration (20 CFR Part 405) are further amended as set forth below:

1. Paragraph (a) of § 405.502 is revised to read as follows:

§ 405.502 Criteria for determining reasonable charges.

(a) *Criteria.* The law allows for flexibility in the determination of reasonable charges to accommodate reimbursement to the various ways in which health services are rendered and charged for. The criteria for determining what charges are reasonable include:

(1) The customary charges for similar services generally made by the physician or other person furnishing such services.

(2) The prevailing charges in the locality for similar services.

(3) In the case of physicians' services, the prevailing charges for such services for fiscal year 1973 adjusted to reflect the cumulative economic index since calendar year 1971 but only if the charges so determined are not more than the prevailing charges determined under § 405.504(a)(2). The data used in determining the cumulative economic index should reflect changes in expenses of physicians' office practice and in general earnings levels.

(4) Other factors that may be found necessary and appropriate with respect to a specific item or service to use in judging whether the charge is inherently reasonable.

* * * * *

2. Paragraph (a) of § 405.504 is revised to read as follows:

§ 405.504 Determining prevailing charges.

(a) *Range of charges.* (1) In the case of claims received by carriers prior to January 1, 1971, the "prevailing charge" is derived from those charges which fall within the range of charges most frequently and most widely billed in a "locality" (see § 405.505) for a particular medical item or service. The top of this range establishes the prevailing charge which serves as an overall limitation on the charges which a carrier will accept as reasonable for a given medical item or service. (See § 405.506 for discussion of reasonable charges where there are unusual circumstances.) Prevailing charges are derived from the overall pattern existing within a locality. For example, if

V 40-72 APR 14 75 XUM

in a given locality the charges most frequently and widely used by physicians for a particular medical item or service range from $150 to $175, those charges would be applied in determining the prevailing charge for the locality. If in another locality the charges for that same item or service are different, then that different range of charges would be applied in determining the prevailing charge for that locality.

(2) With respect to claims received by carriers on and after January 1, 1971, no charge may be determined to be reasonable if it exceeds the higher of: (i) The prevailing charge limit that, on the basis of statistical data and methodology acceptable to the Secretary, would cover 75 percent of the customary charges made for similar services in the same locality during the calendar year preceding the start of the fiscal year in which the claim is submitted or the request for payment is made; or (ii) The prevailing charge limit for similar services in the same locality in effect on December 31, 1970, provided such prevailing charge limit had been found acceptable by the Secretary.

(3) (i) In the case of physicians' services, each prevailing charge level in each locality may not exceed the level determined for the fiscal year ending June 30, 1973, except on the basis of appropriate economic index data which demonstrate that such higher prevailing charge level is justified by: (A) Changes in general earnings levels of workers that are attributable to factors other than increases in their productivity; and (B) changes in expenses of the kind incurred by physicians in office practice. The office-expense component and the earnings component of such index shall be given the relative weights shown in data on self-employed physicians' gross incomes.

EXAMPLES. The available data indicate the office-expense and earnings components of the index should be given relative weights of 40 percent and 60 percent, respectively, and it is calculated that the aggregate increase in expenses of practice for a particular calendar year was 3 percent over the expenses of practice for calendar year 1971 and the increase in earnings (less increases in workers' productivity) was 5 percent over the earnings for calendar year 1971. The allowable increase in any prevailing charge that could be recognized during the next fiscal year would be 4.2 percent ((.40 x 3)+(.60 x 5)=4.2) above the level recognized for fiscal year 1973.

(ii) If the increase in the prevailing charge in a locality for a particular medical item or service resulting from an aggregate increase in customary charges for that item or service does not exceed the index determined under paragraph (a)(3)(i) of this section, the increase is permitted and any portion of the allowable increase not used is carried forward and is a basis for justifying increases in that prevailing charge in the future. However, if the increase in the prevailing charge exceeds the allowable percentage of increase, the increase will be reduced to the allowable percentage. Future increases will be justified only to the degree that they do not exceed further rises in the economic index.

(iii) The allowance or reduction of an increase in a prevailing charge for any individual medical item or service in a locality will not affect the allowance or reduction of an increase in the prevailing charge for any other medical item or service in that or any other locality. When, for any reason, a prevailing charge for a service in a locality has no precise counterpart in the carrier's charge data for calendar year 1971 (the data on which the prevailing charge calculations for fiscal year 1973 were based), the limit on the prevailing charge shall be estimated, on the basis of data and methodology acceptable to the Secretary, to seek to produce the effect intended by the economic index criterion.

* * * * *

[FR Doc.75-9505 Filed 4-11-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[Docket No. FI-545]

[24 CFR Part 1917]

CITY OF DANIA, BROWARD COUNTY, FLORIDA

Proposed Flood Elevation Determinations

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Dania, Florida.

Under these Acts, the Administrator, to whom the Secretary has delegated his statutory authority, must develop criteria for land management in flood-prone areas. In order to participate in the National Flood Insurance Program, the City of Dania must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 2600 Hollywood Boulevard, Hollywood, Florida 33022.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Tony Reasons, City Manager, City Hall, 2600 Hollywood Boulevard, Hollywood, Florida 33022. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding and location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)
Atlantic Ocean:		
Fort Lauderdale-Hollywood International Airport.	8	Western half of airport within corporate limits.
U.S. Highway No. 1.	8	From 200 ft south of corporate limits to 2,000 ft south of corporate limits.
Taylor Rd.	8	Entire road.
9th St. NW.	8	Do.
8th St. NW.	8	Do.
14th Ave. NW.	8	Do.
Broward Rd.	8	From corporte limits to 1,300 ft east of corporate limits.
10th Ave. NW.	8	From 600 ft north of 7th St. NW. to end of road (going south).
9th Ave. NW.	8	From 400 ft north of 7th St. NW. to end of road (going south).
8th Ave. NW.	8	From 275 ft north of 7th St. NW. to end of road (going south).
7th Ave. NW.	8	From 200 ft north of 7th St. NW. to end of road (going south).
6th Ave. NW.	8	From 150 ft north of 7th St. NW. to end of road (going south).
3d Ter. NW.	8	Begins 1,000 ft east of corporate limits and spans for 200 ft east.
3d St. NW.	8	Begins 1,000 ft east of corporate limits to and spans for 200 ft east.
2d St. NW.	8	From western corporate limits to 100 ft east of 8th Ave. NW.
1st St. NW.	8	From western corporate limits to 6th Ave. NW.
Dania Beach Blvd.	8	From western corporate limits to 100 ft east of 7th Ave. NW.
2d St. SW.	8	From western corporate limits to Phippen Rd.
8th Ave. NW.	8	Entire road.
7th Ave. NW.	8	From 100 ft south of 2d St. NW. to end of 7th Ave. NW.
3d St. NE.	8	Begins 350 ft east of Federal Highway 1 and spans 400 ft east.
2d Pl. NE.	8	Entire road.
2d St. NE.	8	From 200 ft east of Federal Highway to end of road (going east).
5th Ave. NE.	8	Entire road.
6th Ave. NE.	8	Do.
3d St. NE.	8	Do.
1st St. NE.	8	From 200 ft east of Federal Highway to end of road (going east).
Dania Beach Blvd	8	From 300 ft east of Federal Highway to eastern corporate limits.
Park St. SE.	8	Entire road.
1st St. SE.	8	From 925 ft west of 3d Ave. SE. to end of road (going east).
2d St. SE.	8	Do.
3d Ave. SE.	8	Entire road.
3d Ter. SE.	8	From 250 ft west of 2d Ave. SE. to end of road (going east).
4th Pl. SE.	8	Do.
4th St. SE.	8	From 300 ft west of 2d Ave. SE. to end of road (going east).
4th Ter. SE.	8	From 350 ft west of 2d Ave. SE. to end of road (going east).
5th St. SE.	8	Do.
6th St. SE.	8	Do.
7th St. SE.	8	Do.
8th St. SE.	8	Entire road.
10th St. SE.	8	From 275 ft west of 2d Ave. SE. to end of road (going east).
11th St. SE.	8	Do.
12th St. SE.	8	Do.
13th St. SE.	8	Do.
14th St. SE.	8	Do.
15th St. SE.	8	Do.
Sheridan St.	8	Entire road.
2d Ave. SE.	8	Do.
3d Ave. SE.	8	Do.
5th Ave. SE.	8	Do.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128), and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 26, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-9532 Filed 4-11-75;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-546]

PORT ORANGE, VOLUSIA COUNTY, FLORIDA

Proposed Flood Elevation Determinations

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Port Orange, Florida.

Under these Acts, the Administrator, to whom the Secretary has delegated his statutory authority, must develop criteria for land management in flood-prone areas. In order to participate in the National Flood Insurance Program, the City of Port Orange must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Port Orange, Florida 32019.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Frank Zsoldos, Jr., P.O. Drawer 5, Port Orange, Florida 32019. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding and location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing down stream) to 100-yr flood boundary (feet)
Halifax River:		
Coral Way	7	Entire street.
Ocean Ave.	7	From 200 ft west of Ridgewood Ave. to 225 ft east of Ridgewood Ave.
Charles St.	7	To 400 ft west of Ridgewood Ave.
Herbert St.	7	To 200 ft west of Ridgewood Ave.
Church St.	7	To 375 ft west of Ridgewood Ave.
Fox Pl.	7	From 225 ft west of Ridgewood Ave. to 250 ft east of Ridgewood Ave.
White Pl.	7	From 200 ft west of Ridgewood Ave. to 250 ft east of Ridgewood Ave.
Oak St.	7	To 200 ft west of Ridgewood Ave.
Fleming Pl.	7	Entire street.
Ridgewood Ave.	7	Do.
Powers St.	7	To 480 ft east of Canal View Blvd.
Oak St.	7	From 225 ft west of Canal View Blvd. to 175 ft east of Canal View Blvd.
Canal View Blvd.	7	Between Powers St. and Jackson St.
Taylor Rd.	7	From 480 ft west of Wilkerson Rd. to 225 ft east of Wilkerson Rd.
Wilkerson Rd.	7	From the intersection of Jackson St. to 350 ft south of Nova Rd.
Jackson St.	7	To 425 ft west of Wilkerson Rd.
Commonwealth Blvd.	7	To 630 ft east of Wilkerson Rd.
Nova Rd.	7	From 200 ft northwest of Wilkerson Rd to 1,175 ft southwest of Wilkerson Rd.
Florida East Coast Railroad.	7	Between Commonwealth Blvd. and the southern corporate limits.
Bayview Lane.	7	From 275 ft east of Wilkerson Rd. to end of Bayview Lane.
Greenbriar Ave.	7	From 225 ft east of Wilkerson Rd. to end of Greenbriar Ave.
Millbrook Ave.	7	From 275 ft east of Wilkerson Rd. to end of Millbrook Ave.
Isabelle Ave.	7	To 125 ft south of corporate limits.
Rodgers Ave.	7	To 225 ft south of corporate limits.
Halifax River and Spruce Creek:		
U.S. Highway 95.	7	From southern corporate limits to 50 ft north of Spruce Creek.
Halifax River:		
Spruce Creek Rd.	7	From 1,050 ft north of corporate limits to 2,150 ft north of corporate limits.
Route A1A	7	Entire road within corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 26, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-9531 Filed 4-11-75;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-544]

NAHANT, ESSEX COUNTY, MASSACHUSETTS

Proposed Flood Elevation Determinations

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the Town of Nahant, Massachusetts.

Under these Acts, the Administrator, to whom the Secretary has delegated his statutory authority, must develop criteria for land management in flood-prone areas. In order to participate in the National Flood Insurance Program, the Town of Nahant must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Hall, Nahant Road, Nahant, Massachusetts 01908.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Robert W. Steeves, Chairman, Board of Selectmen, Town Hall, Nahant Road, Nahant, Massachusetts 01908. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding and location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)
Atlantic Ocean, Nahant Bay, Lynn Harbor, Nahant Harbor, Massachusetts Bay:		
Nahant Rd.	11	From 150 ft east of Spring Rd. to 300 ft south of Little Nahant Rd.
Castle Rd.	11	From intersection with Nahant Rd. to 250 ft north of Wendall Rd.
Fox Hill Rd.	11	850 ft south of Castle Rd.
Spring Rd.	11	50 ft south of Nahant Rd.
Flash Ave.	11	From intersection with Spring Rd. to 800 ft east of Fox Hill Rd.
Willow Rd.	11	From 75 ft west of intersection with Emerald Rd. to end of Willow Rd.
De.	11	From 175 ft northwest of Summer Rd to 50 ft southeast of Furbush Rd.
Summer St.	11	From 50 ft southwest of Willow Rd. to 50 ft northeast of Willow Rd.
Wharf St.	11	Entire road.
Walton Rd.	11	Do.
Furbush Ave.	11	Do.

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(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 26, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 26, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-9583 Filed 4-11-75;9:45 am]

[24 CFR Part 1917]

[Docket No. FI-543]

COTTAGE GROVE, WASHINGTON COUNTY, MINNESOTA

Proposed Flood Elevation Determinations

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Cottage Grove, Minnesota.

Under these Acts, the Administrator, to whom the Secretary has delegated his statutory authority, must develop criteria for land management in flood-prone areas. In order to participate in the National Flood Insurance Program, the City of Cottage Grove must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 7516 80th Street, Cottage Grove, Minnesota 55106.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Roger Peterson, City Hall, 7516 80th Street, Cottage Grove, Minnesota 55106. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding and location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing stream) to 100-yr flood boundary (feet)
Mississippi River: Gray Cloud Trail.	697	From end of Gray Cloud Trail to 100 ft west of intersection with Dirt Rd.
Burlington Northern Railroad.	696	Starts 750 ft southeast of sewage disposal and spans (going east) 400 ft.
Do.	696	Starts 2,500 ft east of waste disposal ponds and spans (going east) 375 ft.
Mosers Lake Channel: Geneva Ave. South.	698	From corporate limits to 425 ft south of corporate limits.
Gray Cloud Trail.	697	From 1,500 ft north of intersection with Geneva Ave. south to intersection with Geneva Ave.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 26, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 26, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-9530 Filed 4-11-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 12]

[CGD 72-204]

CERTIFICATION OF SEAMEN

Withdrawal of Proposed Firefighter Endorsement

The purpose of this notice is to withdraw CGD 72-204 in which an amendment to the rules for the certification of seaman that appeared in the November 3, 1972 issue of the FEDERAL REGISTER (37 FR 23457), was proposed. That proposal would have added a "firefighter" endorsement on a Merchant Mariner's document of a holder who completed a training course in shipboard firefighting techniques accepted by the U.S. Maritime Administration.

Based on the information received during the comment period of the proposal and during international conferences on the subject, the Coast Guard determined that a concept differing from the one proposed would be needed. Instead of a voluntary program, a mandatory requirement for some ratings and licenses should be proposed. Since this concept would entail greater detail, the Coast Guard is consulting with industry regarding the standards for the firefighter endorsement.

In view of the foregoing, the Coast Guard has determined that rulemaking action in the proposed amendment is not appropriate and that CGD 72-204 should be withdrawn. A new proposal on a firefighter endorsement will be published in the FEDERAL REGISTER in the future.

In consideration of the foregoing, the proposal published in the FEDERAL REGISTER (37 FR 23457) on November 3, 1972, entitled "Certification of Seaman—Proposed Firefighter Endorsement," is hereby withdrawn.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

MARCH 27, 1975.

[FR Doc.75-9650 Filed 4-11-75;8:45 am]

[CGD 73-254]

[46 CFR Parts 32, 50, 52, 53, 54, 56, 58, 63]

MARINE ENGINEERING SYSTEMS AND COMPONENTS

Change in Hearing Date

In the April 3, 1975 issue of the FEDERAL REGISTER (40 FR 14935), the Coast Guard proposed amendments to its regulations for certain marine engineering systems and components. In that notice, the public hearing date was set at April 30, 1975.

It has been brought to the Coast Guard's attention that this date conflicts with a National Symposium on Marine Transportation Management which is being held in Philadelphia. The Coast Guard has been asked to adjust its hearing date so that interested parties could attend both the Symposium and the public hearing.

In consideration of that request the Coast Guard hereby postpones the public hearing one week to May 7, 1975, in room 8334 at 9 a.m., Department of Transportation, NASSIF Building, 400 Seventh Street, SW. Washington, D.C.

Dated April 9, 1975.

J. V. CAFFREY,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.75-9649 Filed 4-11-75;8:45 am]

ACTION

[45 CFR Part 1222]

PARTICIPATION OF PROGRAM BENEFICIARIES

Notice of Proposed Rulemaking

Section 106 of the Domestic Volunteer Service Act of 1973 (87 Stat. 408) (the Act) requires the Director of ACTION to take all necessary steps to establish in regulations a continuing mechanism for the meaningful participation of program beneficiaries in the planning, developing and implementing of programs under Title I of the Act. Title I includes the following full-time volunteer programs: VISTA (Part A), University Year in ACTION (UYA) (Part B), and ACTION Cooperative Volunteer program (ACV) and the Program for Local Services (PLS) (Part C). Section 106 requires that regulations can only be prescribed after the Director of ACTION has consulted with sponsoring agencies of volunteer programs, volunteers and the people served by such agencies, the program beneficiaries.

Notice is hereby given that the Director of ACTION proposes to amend Chapter XII of Title 45, Code of Federal Regulations to add a new Part 1222, which will provide regulations requiring the establishment for each project involving full-time volunteer programs under Title I of the Act of a continuing mechanism to assure the meaningful participation of program beneficiaries.

Inquiries may be addressed and comments and views concerning the proposed subpart may be submitted to ACTION, 806 Connecticut Avenue NW, Washington, D.C. 20525, Attention: Associate Director of Domestic and Anti-Poverty Operations. All comments received on or before May 16, 1975, will be considered. All comments in response to this proposal will be available for public inspection during normal business hours at the aforementioned address.

Copies of these proposed regulations will also be made available to projects selected at random in each ACTION Region to be reviewed by sponsoring agencies, volunteers and representatives of persons served by such projects. Comments received from such organizations and persons will be treated in the same manner as comments received from the public as a result of the printing of these proposed regulations in the FEDERAL REGISTER.

It is therefore proposed to add a new Part 1222 to Chapter XII of Title 45 of the Code of Federal Regulations as follows:

PART 1222—PARTICIPATION OF PROGRAM BENEFICIARIES

Sec.
1222.1 Purpose.
1222.2 Applicability of this part.
1222.3 Policy.
1222.4 Advisory group's responsibilities.
1222.5 Advisory group expenses.
1222.6 Sponsors' reports.

AUTHORITY: Secs. 106 and 420 of Pub. L. 93-113, 87 Stat. 398 and 414.

§ 1222.1 Purpose.

This part prescribes rules for the establishment of a continuing mechanism for the meaningful participation of program beneficiaries in the planning, developing and implementing of individual projects in full-time volunteer programs under Title I of the Domestic Volunteer Service Act of 1973, Pub. L. 93-113 (the Act). It implements section 106 of the Act.

§ 1222.2 Applicability of this part.

This part applies to all full-time volunteer programs under Title I of the Act, including grant programs. Among these programs are VISTA (Part A), University Year for ACTION (UYA) (Part B) and the ACTION Cooperative Volunteer program (ACV) and the Program for Local Service (PLS) (Part C).

§ 1222.3 Policy.

Each project sponsor shall establish an advisory group for the project composed of program beneficiaries or their democratically chosen representatives prior to its submission of a request to ACTION for volunteers.

§ 1222.4 Advisory group's responsibilities.

The group shall have the following responsibilities:

(1) To the extent practical, to assist the sponsor in the initial planning of a new project. All continuation project applications must involve the group in project planning.

(2) To review and approve any project application before it is submitted to ACTION.

(3) To meet at periodic intervals, not less than once every four months, with sponsor's staff to review and offer comments concerning the development and implementation of the project, with particular attention to its meeting the needs of program beneficiaries. Such meetings may be requested by the beneficiaries or the sponsor.

(4) To submit written reports to accompany the sponsor's quarterly reports to the ACTION regional office.

§ 1222.5 Advisory group expenses.

As permitted by law, ACTION regional staff may pay for certain incidental out-of-pocket expenses incurred by the advisory group in connection with its responsibilities under § 1222.4.

§ 1222.6 Sponsors' reports.

The sponsor shall furnish the following evidence of the advisory group's participation:

(1) Each application for volunteers shall contain a statement describing how the advisory group has participated in the planning of the project and be signed by an authorized representative of the group. For continuation projects, it should describe how the group complied with its responsibilities under § 1222.3.

(2) In their quarterly reports to regional offices, sponsor shall include a short descriptive narrative showing the extent to which the advisory group has been involved in the continuing development and implementation of the project.

Issued in Washington, D.C., on April 10, 1975.

JOHN L. GANLEY,
Deputy Director, ACTION.

[FR Doc.75-9771 Filed 4-11-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[41 CFR Ch. 9]

PROGRAM OPPORTUNITY NOTICES

Proposed Regulation for Submission, Evaluation and Selection of Proposals

This notice offers interested parties an opportunity to comment on a proposed regulation concerning the submission, evaluation and selection of (1) contracting concept proposals offered in response to Program Opportunity Notices issued by ERDA to accelerate the demonstration of the technical feasibility and commercial application of all potentially beneficial nonnuclear energy sources and utilization technologies; and (ii) unsolicited proposals for such demonstrations. This regulation is promulgated pursuant to section 6(d)(1) of the Federal Nonnuclear Energy Research and Development Act of 1974, Public Law 93-577, 42 USC 5901-5915 and applies to all demonstrations carried out pursuant to the Solar Heating and Cooling Demonstration Act of 1974 (Pub. L. 93-490); the Geothermal Energy Research, Development, and Demonstration Act of 1974 (Pub. L. 93-410); the Solar Energy Research, Development, and Demonstration Act of 1974 (Pub. L. 93-433); and the Federal Nonnuclear Energy Research and Development Act of 1974 (Pub. L. 93-577).

The proposed regulation would provide procedures for the carrying out of demonstration activities by procurement processes other than that involved in formal solicitation. These processes (Program Opportunity Notices and unsolicited proposals) would be available in addition to the formal solicitation process.

Generally, the proposed regulation establishes policy for the use of Program Opportunity Notices and for processing unsolicited proposals. It provides standards concerning the content of these Notices, as well as the information to be included in unsolicited proposals and proposals offered in response to such notices.

Examples of the forms of Federal assistance and participation available for carrying out demonstrations are also included in the regulation, as well as ERDA's policy on cost sharing.

The regulation, in addition, establishes procedures and criteria for the evaluation and selection of unsolicited proposals and for proposals offered in response to Program Opportunity Notices.

Interested persons should submit their comments concerning this proposed regulation to the Director of Procurement, C-167, Energy Research and Development Administration, Washington, D.C. 20545.

To be given consideration in the determination relative to final promulgation of the regulation covered by this notice, written submissions must be received no later than May 14, 1975.

Dated at Germantown, Maryland, this 7th day of April, 1975.

JOSEPH L. SMITH,
Director of Procurement.

The proposed regulation is as follows:

1. *Authority.* These regulations are promulgated pursuant to section 8.(d)(1) of the Federal Nonnuclear Energy Research and Development Act of 1974 (Pub. L. 93-577, 42 U.S.C. 5901-5915).

2. *Scope and Purpose.* (a) These regulations establish procedures for the submission, evaluation and selection of (1) competitive concept proposals offered in

V 40 N 72 APR 14 75 XUM

response to Program Opportunity Notices issued by ERDA to accelerate the demonstration of the technical feasibility and commercial application of all potentially beneficial nonnuclear energy sources and utilization technologies; and (ii) unsolicited proposals for such demonstrations.

(b) These regulations apply to demonstrations conducted pursuant to the Solar Heating and Cooling Demonstration Act of 1974 (Pub. L. 93-409); the Geothermal Energy Research, Development, and Demonstration Act of 1974 (Pub. L. 93-410); the Solar Energy Research, Development, and Demonstration Act of 1974 (Pub. L. 93-433); and, the Federal Nonnuclear Energy Research and Development Act of 1974 (Pub. L. 93-577). ERDA policies and procedures concerning the use of formal solicited procurements for research, development and demonstrations are set forth in Subpart 9-1 through 9-3 of the ERDA Procurement Regulations. ERDA policies and procedures for the submission, evaluation and selection of unsolicited proposals from commercial and not-for-profit organizations for research and development work are set forth in Subpart 9-4.52 of the ERDA Procurement Regulations. ERDA policies and procedures applicable to the submission, evaluation and selection of research proposals from educational institutions and not-for-profit organizations are set forth in subpart 9-4.51 of the ERDA Procurement Regulations.

3. *Background.* The Federal Nonnuclear Energy Research and Development Act of 1974 states that it is the policy of the Congress to develop on an urgent basis the technological capabilities to support the broadest range of energy policy options through conservation and use of domestic resources by socially and environmentally acceptable means.

Accordingly, the Congress directed ERDA to establish and vigorously conduct a comprehensive, national program of basic and applied research and development, including but not limited to demonstrations of practical applications of all potentially beneficial nonnuclear energy sources and utilization technologies.

In carrying out the demonstration phase of this program the Administrator of ERDA is authorized to (a) identify opportunities to accelerate the commercial applications of new energy technologies, and to provide Federal assistance for, or participation in, demonstration projects; and (b) enter into cooperative agreements with non-Federal entities to demonstrate the technical feasibility and economic potential of energy technologies on a prototype or full-scale basis.

4. *General.* (a) It is ERDA's policy, through the use of Program Opportunity Notices, to provide information concerning scientific and technological areas encompassed by ERDA's programs. It is our intent to encourage the submission of proposals to accelerate the demonstration of the technical, operational, economic and commercial feasibility and environmental acceptability of particular energy technologies, systems, subsystems and components.

(b) ERDA shall, from time to time, issue Program Opportunity Notices for proposals for demonstrations of various forms of nonnuclear energy and technology utilization. These Notices shall be prepared by the cognizant Program Office and submitted to the Division of Procurement for concurrence and release. Each Notice shall include:

(i) The goal of the intended demonstration effort;

(ii) A time schedule for submission of, and action on, proposals;

(iii) Information, that may be required in addition to that specified in subparagraph (c) below;

(iv) Evaluation criteria, that may be used in addition to those specified in paragraph 6;

(v) Such other information, terms or conditions that shall apply to the particular Program Opportunity Notice; and

(vi) Place for, and manner of, submission.

(c) All proposals should be specific and, as a minimum, include the information set forth below.

(i) Name and address of the organization(s) submitting the proposal;

(ii) Date of preparation of submission;

(iii) Type of organization(s) (profit, non-profit, educational, other);

(iv) Concise title and abstract of the proposed demonstration project for which assistance or participation is being sought;

(v) An outline and discussion of the proposed demonstration which shall, if applicable and to the extent possible, include:

(A) Specification of the technology;

(B) Description of prior pilot plant operating experience with the technology;

(C) Preliminary design of the demonstration plant;

(D) Time tables containing proposed construction or fabrication and installation and operation plans;

(E) Budget-type estimates of construction or fabrication and operating costs;

(F) Description and proof of title to land for proposed site, natural resources, electricity and water supply and logistical information related to access to raw materials to construct and operate the plant and to dispose of salable products produced from the plant;

(G) Assessment of the environmental impact of the proposed plant and plans for disposal of wastes resulting from the operation of the plant;

(H) Plans for commercial use of the technology if the demonstration is successful;

(I) Plans for continued use of the plant if the demonstration is successful; and

(J) Plans for dismantling of the plant if the demonstration is unsuccessful or otherwise abandoned;

(K) Form and amount of assistance or participation being sought (See 5(A)).

(L) Form and amount of funding, or other contribution to be provided by the proposer.

(vi) Names of the key personnel to be involved, brief biographical information, including relevant experience;

(vii) A current financial statement;

(viii) Period for which proposal is valid;

(ix) Names and telephone numbers of proposer's primary business and technical personnel whom ERDA may contact during evaluation or negotiation;

(x) Each proposal containing technical data or proprietary or business confidential information, which the proposer intends to be used by ERDA for evaluation purposes only, should be marked on the cover sheet with the legend prescribed in paragraph 9-3.150-4 of the ERDA Procurement Regulations; and

(xi) Signature of an official of the proposing organization authorized to contractually obligate such organization.

5. *Assistance and Participation.*—(a) *Forms of Assistance and Participation.* In providing for the carrying out of demonstrations under the Federal Nonnuclear Energy Research and Development Act, ERDA may utilize various forms of Federal assistance and participation.

These forms of assistance and participation include but are not limited to:

(1) Contracts;

(2) Grants;

(3) Loans;

(4) Incentives, including financial awards, to individual inventors;

(5) Joint Federal-industry demonstration corporation; and

(6) Federal purchase(s) or guaranteed price of the products of the demonstration project.

A Program Opportunity Notice may highlight a particular form(s) of assistance or participation deemed most suitable to a proposed demonstration; or, when justified, limit consideration or assistance or participation to a particular form(s).

(b) *Cost Sharing.* The provisions contained in Subpart 9-4.56 of the ERDA Procurement Regulations shall apply to proposals submitted hereunder, except as hereinafter provided.

When a proposal contemplates ERDA's direct financial support the resulting demonstration project must be conducted on a cost-shared basis. ERDA's financial support shall be only to the extent of the Federal share of the estimated total design and construction costs, plus operation and maintenance costs. Payment of fees to the non-Federal cost sharer(s) is prohibited. The non-Federal cost share may be in any form, including, but not limited to, cash, real property or interests therein, personal property or services. The value of any non-monetary, non-Federal cost share shall be determined by ERDA.

6. *Evaluation and Selection.*—(a) *General Policy.* Information contained in proposals offered in response to Program Opportunity Notices shall be treated in

accordance with the policies and procedures set forth in paragraph 9-3.150 of the ERDA Procurement Regulations.

(b) *Preliminary Review.* Prior to making a comprehensive evaluation of a proposal, the receiving office shall determine that it:

(i) Contains sufficient technical, cost and other information to enable comprehensive evaluation; and

(ii) Has been signed by a responsible official of the proposing organization or a person authorized to contractually obligate such organization.

If the proposal does not meet these requirements, a comprehensive evaluation need not be made. In such cases a prompt reply shall be sent to the proposer, indicating the reason(s) for its not being selected for support under the Program Opportunities Notice.

(c) *Comprehensive Evaluation.* When the estimated amount of the Federal investment that would be required to support a proposal(s) offered in response to a Program Opportunity Notice will necessitate specific legislative authorization by the Congress, comprehensive evaluation shall be conducted by a specially constituted board which shall follow such policies and procedures of the ERDA formal Source Evaluation Board process as may be appropriate under the circumstances.

When the estimated amount of the Federal investment will not necessitate specific legislative authorization, comprehensive evaluation shall be conducted by a panel, which shall be appointed by the cognizant Program Office, and shall include representation from the Division of Procurement.

Every proposal that is retained for comprehensive evaluation shall have attached or imprinted a legend identifying it as proposal, and stating that it may be used only for purposes of evaluation. In evaluating a proposal, the following factors shall be considered, in addition to any other criteria:

(i) The overall technical feasibility of the proposed effort;

(ii) The potential contribution which the proposed effort is expected to have, if supported at this time, on ERD's responsibility to carry out programs so as to assist in solving energy extraction and storage, transportation, conversion, conservation, and the energy utilization efficiency problems of various areas and regions, under representative geological, geographic and environmental conditions;

(iii) The capabilities, related experience, facilities, instrumentation, or techniques which the proposer possesses and offers, and which are considered to be integral factors for achieving the objective(s) of the proposal;

(iv) The qualifications, capabilities and experience of the proposed key personnel;

(v) The patent and data rights obtain by the Government; and

(vi) The ability of the proposer to furnish necessary financial support.

(d) *Specific evaluation criteria.* In evaluating proposal for a potential demonstration project, the following criteria shall be used:

(1) The anticipated objectives to be achieved by the activities or facilities proposed;

(2) The economic, environmental, and societal costs and benefits which a successful demonstration program may have for the national fuels and energy system;

(3) The availability of non-Federal participants to construct and operate the facilities or experiment or perform the activities associated with the the proposal and to contribute to financing the proposal;

(4) The total estimated cost including the Federal investment and the probable time schedule;

(5) The proposed participants and the proposed financial contributions of the Federal Government and of the non-Federal participants;

(6) The proposed cooperative arrangement agreements among the participants, and form of management of the activities;

(7) The relationship of the proposal to the following priorities:

(A) The urgency of public need for the potential results of the proposed demonstration effort is high, and it is unlikely that similar results would be achieved in a timely manner in the absence of Federal assistance.

(B) The potential opportunities for non-Federal interests to recapture the investment in the undertaking through the normal commercial utilization of proprietary knowledge appear inadequate to encourage timely results.

(C) The extent of the problems treated and the objectives sought by the undertaking are national or widespread in their significance.

(D) There are limited opportunities to induce non-Federal support of the undertaking through regulatory actions, end-use controls, tax and price incentives, public education, or other alternatives to direct Federal financial assistance.

(E) The degree of risk of loss of investment inherent in the demonstration is high, and the availability of risk capital to the non-Federal entities which might otherwise engage in this effort is inadequate for the timely development of the technology.

(F) The magnitude of the investment appears to exceed the financial capabilities of potential non-Federal participants.

7. *Unsolicited Proposals.* (a) Consistent with ERDA's policy set forth in Subpart 9-4.52 of the ERDA Procurement Regulations, when a received document otherwise qualifies as an unsolicited proposal under this Part, but its substance is generally known and may be obtained without restriction by formal competitive solicitation or Program Opportunity Notice, or its substance closely resembles that of a pending formal competitive solicitation or Program Opportunity Notice, ERDA's policy of obtaining competition applies.

(b) Unsolicited proposals for nonnuclear energy demonstration activities not covered by existing formal competitive solicitations or Program Opportunity Notices should be prepared in conformance with the requirements of paragraph 4(c); may request Federal assistance or participation pursuant to paragraph 5(A); and shall be subject to the cost sharing provisions of paragraph 5(B).

(c) Unsolicited proposals should be submitted to the cognizant Program Office (see Attachment A). When an unsolicited proposal is received initially by an ERDA field installation or non-cognizant Headquarters Office, it shall be forwarded to the cognizant Program Office. Information contained in unsolicited proposals shall be treated in accordance with the policies and procedures set forth in paragraph 9-3.150 of the ERDA Procurement Regulations. Unsolicited proposals shall be acknowledged as soon as possible after receipt, and the proposer shall be informed, in writing, of the ultimate disposition of the proposal.

(d) The cognizant Program Office shall appoint a panel, which shall include representation from the Division of Procurement, to evaluate each unsolicited proposal, and to recommend whether the proposal should be supported. Unsolicited proposals will be evaluated in accordance with the criteria set forth in paragraphs 6 (B) and (C).

(e) A favorable evaluation of an unsolicited proposal is not, in and of itself, sufficient justification for negotiating on a noncompetitive basis with the proposer. When an unsolicited proposal has received a favorable evaluation and it is determined that the substance thereof is not available to ERDA without restriction from another source, or competition is otherwise precluded, the subject matter of such proposal may be procured from the proposer on a noncompetitive basis. The Program Office sponsoring the procurement shall, prior to negotiating a contract or other agreement, make the findings and determination required to support a negotiated procurement (paragraph 9-3.301 of the ERDA Procurement Regulations).

ATTACHMENT A

1. OFFICE OF THE ASSISTANT ADMINISTRATOR FOR FOSSIL ENERGY

Division of Advanced Research and Supporting Technology, Dr. Alexander Mills, Acting Director, ERDA, Washington, D.C. 20545.

Division of Coal Conversion and Utilization, Dr. Raymond Zahradnik, Acting Director, ERDA, Washington, D.C. 20545.

Division of Petroleum, Natural Gas, and In Situ Technology, Mr. H. Neil Dunning, Acting Director, ERDA, Washington, D.C. 20545.

Proposals falling within the area of responsibility of the Office of the Assistant Administrator for Fossil Energy shall be forwarded to:

Mr. William Eckhard, Acting Director, Evaluation and Review Staff, ERDA, Washington, D.C. 20545.

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II. OFFICE OF THE ASSISTANT ADMINISTRATOR FOR SOLAR, GEOTHERMAL, AND ADVANCED ENERGY SYSTEMS

Division of Physical Research, Daniel R. Miller, Director, ERDA, Washington, D.C. 20545.
Division of Controlled Thermonuclear Research, Robert L. Hirsch, Director, ERDA, Washington, D.C. 20545.
Division of Geothermal Energy, Dr. John M. Teem, Acting Director, ERDA, Washington, D.C. 20545.
Division of Solar Energy, Dr. John M. Teem, Acting Director, ERDA, Washington, D.C. 20545.

III. OFFICE OF THE ASSISTANT ADMINISTRATOR FOR CONSERVATION

Division of Energy Storage, Jack Vanderryn, Acting Director, ERDA, Washington, D.C. 20545.
Division of Improved Conversion Efficiency, Steven I. Freedman, Acting Director, ERDA, Washington, D.C. 20545.
Division of End Use Conservation Technology, Dr. James S. Kane, Acting Director, ERDA, Washington, D.C. 20545.
Division of Electric Power Transmission and Distribution, Francis F. Parry, Acting Director, ERDA, Washington, D.C. 20545.
Division of Advanced Automotive Power Systems, John J. Brogan, Acting Director, ERDA, 29 Plymouth Road, Ann Arbor, Michigan 41085.

[FR Doc.75-9657 Filed 4-11-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 368-4]

APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS—MASSACHUSETTS

Proposed Change in Sulfur Content of Distillate Fuel

On May 31, 1972 (37 FR 10842) pursuant to section 110 of the Clean Air Act and 40 CFR 51, the Administrator approved with exceptions the Massachusetts Implementation Plan for attainment of national ambient air quality standards. Included in that approval was Regulation 5.1.3 Sulfur Content of Fuels and Control Thereof, of the Regulations for the Control of Air Pollution in the six Massachusetts Air Pollution Control Districts which applies to No. 2 fuel oil burned within the Commonwealth of Massachusetts.

On July 31, 1974 the Massachusetts Department of Public Health submitted a revision to Regulation 5.1.3 which would allow the use of 0.5 percent sulfur by weight distillate fuel in lieu of 0.3 percent sulfur by weight distillate fuel from November 15, 1974 until April 15, 1975. This proposed amendment was originally included as part of the proposed compliance date extension to regulation 5.1.3 for the period November 15, 1973 to April 15, 1975 which was submitted by the Massachusetts Department of Public Health on November 5, 1973 after proper notice and public hearings. EPA approved in the FEDERAL REGISTER of December 11, 1973 (38 FR 34116) the original proposal only for the period November 15, 1973 to April 15, 1974 based on a demonstration of need.

The state has been investigating the possibility of relaxing the sulfur content in fuel requirements in order to make available more sulfur fuels, and to allow Massachusetts fuel users to purchase higher sulfur fuels which may be more readily available at certain times of the year. Although a preliminary air quality analysis conducted by the State indicates that there will be no significant increase in ambient air quality levels due to this change, the State would like to have an additional year of data before considering the possibility of a permanent change to the 0.5 percent distillate fuel regulation.

Copies of the Massachusetts submission are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, JFK Federal Building, Room 2113, Boston, Massachusetts, 02203; the Commonwealth of Massachusetts, Department of Public Health, Division of Environmental Health, Bureau of Air Quality Control, Room 320, 600 Washington Street, Boston, Massachusetts, 02111, Board of Health Office, Pittsfield, Massachusetts; Central Massachusetts Air Pollution Control District, 75B Grove Street, Worcester, Massachusetts; Merrimack Valley Air Pollution Control District, Tewksbury State Hospital, Regional Health Office, Tewksbury, Massachusetts, Pioneer Valley Air Pollution Control District, 1414 State Street, Springfield, Massachusetts; Southeastern Massachusetts Air Pollution Control District, Southeast Regional Health Office, Lakeville State Hospital, Lakeville, Massachusetts; and the Freedom of Information Center, Environmental Protection Agency, 401 M Street, SW., Washington, D.C., 20460.

The Administrator hereby issues this notice setting forth the Massachusetts revisions which allows the use of 0.5 percent sulfur by weight from November 15, 1974 until April 15, 1975, as proposed rulemaking and advises the public that interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator, Environmental Protection Agency, Region I, J.F.K. Federal Building, Room 2113, Boston, Massachusetts 02203. Relevant comments received on or before May 14, 1975 will be considered. Receipt of comments will be acknowledged but substantive responses to individual comments will not be provided. Comments received will be available during normal working hours at the Region I office. The Administrator's decision to approve or disapprove the plan is based on whether it meets the requirements of section 110(a)(2)(A)–(H) of the Clean Air Act and EPA regulations in 40 CFR part 51. All relevant matter presented shall be evaluated and the agency will incorporate in the rules adopted a concise general statement of their basis and purpose. Authority: Section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5(a).

Dated: April 7, 1975.

JOHN A. S. MCGLENNON,
Regional Administrator,
Environmental Protection Agency.

[FR Doc.75-9685 Filed 4-11-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20413; RM 2416 etc.]

FM BROADCAST STATIONS IN CERTAIN STATES

Table of Assignments

In the Matter of amendment of § 73.202 (b), table of assignments, FM broadcast stations: (Ankeny, Iowa; Copperas Cove, Texas; Davis, California; Emmetsburg, Iowa; Frankfort, Michigan; Hiawatha, Kansas; Howell, Michigan; Jewett, Ohio; New Lexington, Ohio; Ottawa, Ohio; Selmer, Tennessee; Yoakum, Texas), [Docket No. 20413, RM–2416, RM–2470, RM–2505, RM–2510, RM–2492, RM–2511, RM–2496, RM–2508, RM–2486, RM–2504, RM–2509, RM–2483].

1. This notice of proposed rule making sets forth a number of proposals, each of which is for a first FM assignment. Each petitioner requests assignment of a Class A channel which would satisfy the spacing requirements. All petitioners except Christian Communications, Inc., state that they will apply for use of the channels and build promptly if the channels are assigned.

2. *Ankeny, Iowa* (*RM–2416*). Christian Communications, Inc., requests assignment of Channel 292A to Ankeny as its first FM assignment. No changes in the existing assignments must be made. Ankeny, located north of Des Moines, has a population of 9,151 persons and is located in Polk County (pop. 286,130). The community presently receives no local aural service. Petitioner alleges economic data which demonstrates the need for an FM channel. All mileage separation requirements can be met if the transmitter site is located 2.5 miles southwest of Ankeny. Petitioner, however, should submit in his comments a preclusion study with respect to the proposed assignment because of the relative location of Ankeny to Des Moines, and indicate whether there are any other channels available for assignment to communities located within the precluded areas. Petitioner must also state his intention to promptly apply for Channel 292A if it is assigned, and, if authorized, to build the station.

3. *Copperas Cove, Texas* (*RM–2505*). B. Rex Samford petitions for the assignment of Channel 276A to Copperas Cove, Texas, as its first FM assignment. Copperas Cove (pop. 10,818) located in Coryell County (pop. 35,311) is situated in the center of the state and adjacent to the Fort Hood Army base. The community and county are now without local aural service. Petitioner presents evidence to show that the community can support an FM station and that adoption of the proposed assignment would be in the public interest. Petitioner's engineering study shows that all mileage separation requirements can be met without altering the existing Table of Assignments. No preclusion study is required.

4. *Davis, California* (*RM–2492*). Richard C. Dorf and Bruce Horrigan request that Channel 288A be assigned to Davis, California. No other change in the Table of Assignments is necessary. Davis (pop. 23,488), in Yolo County (pop. 91,788) is approximately 14 miles west of Sacramento, California. The community presently is without local aural service. Sufficient data alleging Davis' need for an FM assignment have been adduced. All mileage separation requirements can be met if the transmitter site is located 4 miles west of the community. Petitioners have submitted technical data showing that the communities which lie within the preclusion area, occurring only on Channel 288A, either have existing local service or alternative potential channels. (Cloverdale, Colusa, Gridley, Healdsburg, Lakeport, Live Oak, Marysville and Yuba City.)

5. *Emmetsburg, Iowa* (*RM–2496*). John Fallon Schad, Jr. asks that Channel 252A be assigned to Emmetsburg, Iowa (pop. 4,153) the county seat of Palo Alto County (pop. 13,289). The community is located approximately 115 miles northwest of Des Moines, Iowa. Petitioner alleges that because neither Emmetsburg nor Palo Alto County receive local aural service and the area is a growing one, the public interest would be served by granting his proposal. The requested assignment is technically feasible, mileage separation requirements are met, no preclusion study need be submitted and no additional changes in the Table of Assignments are required.

6. *Frankfort, Michigan* (*RM–2486*). Ivar T. Wedin petitions for the assignment of Channel 257A to Frankfort, Michigan (pop. 1,660), located in Benzie County (pop. 8,593). Frankfort is located on the northwest coast of the Lower Peninsula, approximately 25 miles north of Manistee and 30 miles west of Traverse City. The community is now without local aural service which, petitioner alleges, is necessary to provide needed weather and road conditions bulletins. All mileage separation requirements can be met and no additional Table alterations need be made.

7. *Hiawatha, Kansas* (*RM–2509*). Petitioner Michael Carter, requests the assignment of Channel 280A to Hiawatha, Kansas, as its first FM assignment and local aural service source. Hiawatha (pop. 3,365) located near the state's northeast border is the seat of Brown County (pop. 11,685). Petitioner alleges that the assignment is needed in order to provide the community with necessary weather bulletins concerning personal and livestock safety as well as coverage of local sports events. No mileage separation difficulties are presented by the petition.

8. *Howell, Michigan* (*RM–2470*). B & H Broadcasting Company, licensee of Howell's daytime-only Station WHMI (AM), requests the assignment of Channel 228A to that community so that Howell might receive its first full-time local aural service. Howell (pop. 5,224) the seat of Livingston County (pop. 58,967) is located west of Pontiac. Petitioner alleges that the community is a growing one which warrants a first FM assignment. The Canadian authorities have no technical objections to the proposed assignment. All Commission rules and policies will be met if the transmitter site is located 4 miles north of Howell.

9. *Jewett, Ohio* (*RM–2510*). William A. Brackney asks that Channel 292A be assigned to Jewett, Ohio as its first FM assignment. Jewett (pop. 901), in Harrison County (pop. 17,013), is located in southeast Ohio. The assignment would provide this community and county, which petitioner alleges are growing ones, with their first local aural services. There appear to be no technical bars to adoption of this proposal.

10. *New Lexington, Ohio* (*RM–2511*). William A. Brackney is also seeking the assignment of Channel 292A to New Lexington, Ohio. The community has a population of 4,921, is the seat of Perry County (pop. 27,434) and is located 75 miles southwest of Jewett. Petitioner alleges the existence of a sufficient economic base to justify the proposed assignment. Moreover, the assignment would provide first local aural service to the community and its surrounding areas. The proposal is in conformance with all Commission rules concerning preclusion and mileage separation. No additional changes to the FM Table of Assignments are required.

11. *Ottawa, Ohio* (*RM–2508*). Triplett Broadcasting Co., Inc., requests assignment of Channel 292A to Ottawa as that community's first assignment. Ottawa (pop. 3,622), the seat of Putnam County (pop. 31,134) is located approximately 22 miles west of Findlay and 65 miles east of Fort Wayne, Indiana. Neither the community nor the county receives local aural service. Petitioner alleges sufficient economic data and need to justify the adoption of the proposal. No mileage separation or preclusion difficulties are raised by this petition. No additional changes in the Table of Assignments are necessary.

12. *Selmer, Tennessee* (*RM–2504*). Petitioner, WDTM, Incorporated, licensee of Selmer daytime-only Station WDTM–AM, asks that Channel 288A be assigned to Selmer, Tennessee, as its first FM assignment. Selmer (pop. 3,495) is the seat of McNairy County (pop. 18,369). Mileage separation requirements can be met if the transmitter tower is located 5 miles northwest of the community. Petitioner states that "[t]here are adequate retail and wholesale business" to justify the assignment. We request that, in its comments, petitioner provide the factual bases supporting this conclusion. The assignment would provide the community and county with their first full-time local service.

13. *Yoakum, Texas* (*RM–2483*). Lloyd E. Kolbe petitions for the assignment of Channel 272A to Yoakum, Texas, as its first FM assignment. Yoakum (pop. 5,755) is located in the southwestern portion of Lavaca County (pop. 17,903) and northeastern portion of DeWitt County (pop. 18,660). The community does not now receive local aural service. An economic base sufficient to maintain an FM station has been alleged. The proposal is technically feasible.

14. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) as follows:

City	Channel No.	
	Present	Proposed
Davis, Calif.		288A
Ankeny, Iowa		292A
Emmetsburg, Iowa		252A
Hiawatha, Kans.		280A
Frankfort, Mich.		257A
Howell, Mich.		228A
Jewett, Ohio		292A
New Lexington, Ohio		292A
Ottawa, Ohio		292A
Selmer, Tenn.		288A
Copperas Cove, Tex.		276A
Yoakum, Tex.		272A

15. The Commission's authority to institute rule making proceedings; showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated herein.

16. Interested parties may file comments on or before May 27, 1975, and reply comments on or before June 16, 1975.

Adopted: March 31, 1975.

Released: April 8, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's rules, *it is proposed to amend* the FM Table of Assignments, secton 73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rule making to which this appendix is attached.

2. *Showings required.* Comments are invited on the proposal discussed in the notice of proposed rule making to which this appendix is attached. In initial comments, proponent will be expected to answer whatever questions are presented in the Notice. The proponents of the proposed assignments is expected to file comments even if they only resubmit or incorporate by reference their former pleadings. They should also restate their present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in inital comments, so that parties may comment on them in reply

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comments. They will not be considered, if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in sections 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rule making to which this appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of section 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc.75-9621 Filed 4-11-75;8:45 am]

[47 CFR Part 73]

[Docket No. 20414; RM 2452 etc.]

FM BROADCAST STATIONS IN IOWA AND NEBRASKA

Table of Assignments

In the Matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Harlan and Red Oak, Iowa; Blair, Nebraska), Docket No. 20414, RM-2452, RM-2420, RM-2396.

1. *Petitioner, Proposal and Comments.* (a) Joint consideration of three mutually exclusive petitions for rule making.

(1) John W. Talbott requests assignment of Channel 292A to Harlan, Iowa. This proposal necessitates the substitution of Channel 272A for unoccupied and unapplied for Channel 292A at Onawa, Iowa. That substitution in turn requires the substitution of Channel 285A for unoccupied but applied for (by C & H Broadcasting Company, Inc., licensee of KCHE (AM) at Cherokee) Channel 272A at Cherokee, Iowa. The transmitter site location for the Harlan assignment must be north of the center of the community. The Cherokee transmitter must be located 2 miles southwest of that community (RM-2452, filed September 20, 1974).

(2) Red Oak Broadcasting Co., Inc., licensee of Red Oak, Iowa's daytime-only AM Station KOAK, petitions for assignment of Channel 292A to Red Oak. In order to make that assignment, the unoccupied and unapplied for assignment of Channel 292A at Clarinda, Iowa, must be deleted. Petitioner offers no potential replacement channel. (RM-2396, filed June 7, 1974.)

(3) W.B.B.C. Enterprises requests that Channel 272A be assigned to Blair, Nebraska. In order that the separation requirements be met with respect to the adjacent Channel 274 (Lincoln, Nebraska Station KHKS), the Blair transmitter must be located 8.18 miles north of the community. No evidence has been submitted which considers the location question as it relates to the technical capacity to meet the principal community coverage requirement. (RM-2420, filed July 24, 1974.)

2. *Demographic Data.* (a) *Location.* (1) Harlan, Iowa, the seat of Shelby County, is located 42 miles northeast of Omaha, Nebraska. Onawa, Iowa, the seat of Monona County, is located 48 miles northwest of Harlan and 54 miles north of Omaha. Cherokee, Iowa, the seat of Cherokee County, is located approximately 110 miles north-northwest of Omaha, Nebraska, 77 miles from Harlan and 57 miles from Onawa.

(2) Red Oak, Iowa, the Montgomery County seat, is located 42.5 miles southeast of Omaha and 45 miles south of Harlan. Clarinda, Iowa, the Page County seat, is located 60 miles southeast of Omaha and 22 miles south-southeast of Red Oak.

(3) Blair, Nebraska, the seat of Washington County, is located 22 miles north-northwest of Omaha.

(b) *Population—1970 Census.* (1) Harlan—5,049; Shelby County—15,528; Onawa—3,154; Monona County—12,069; Cherokee—7,272; Cherokee County—17,269;

(2) Red Oak—6,210; Montgomery County—12,781; Clarinda—5,420; Page County—18,507;

(3) Blair—6,106; Washington County—13,310.

(c) *Present Local Broadcast Service:* (1) Neither Harlan nor Shelby County has local aural service. Onawa is assigned unoccupied Channel 292A, which is the only potential local aural service for Monona County. Cherokee receives local service from Station KCHE(AM) and is presently assigned unoccupied but applied for Channel 272A. KCHE is Cherokee County's only source of local aural service.

(2) Aural service to Red Oak and Montgomery County is furnished by AM daytime-only Station KOAK. Clarinda is assigned unoccupied and unapplied for Channel 292A. Page County's sole source of local service is Shenandoah AM Station KFKP.

(3) Neither Blair nor Washington County has local aural service.

(d) All petitioners have alleged data which indicate sufficient economic activity in the communities to justify assignment of an FM channel.

3. *Preclusion Considerations.* (a) Although it involves a first aural service and preclusion is not germane, we note that as to the Harlan proposal, only co-channel preclusion occurs. If Channel 292A were assigned to Harlan, the area that would be precluded is of limited size and contains only four communities with populations in excess of 1,000. However, the reassignment of Channel 292A from Onawa to Harlan will permit use of Channel 292A in a formerly precluded area. The same is true of the reassignment of Channel 272A from Cherokee to Onawa.

(b) The Red Oak and Blair proposals also present first FM services to the communities and preclusion studies are, therefore, not required.

4. *Additional Considerations.* (a) Channel 292A may not be assigned to both Red Oak and Harlan as the communities are only 45 miles apart. Further, since Red Oak now has an AM station, it would seem appropriate that Harlan receive a first FM assignment before Red Oak receives a second aural service. Moreover, in order to assign Channel 292A to Red Oak, that channel would have to be deleted at Clarinda, a community presently without local aural service. Proponent of the Red Oak proposal should submit information concerning a replacement channel at Clarinda.

(b) Channel 272A may not be assigned to both Blair and Onawa as the communities are separated by only 34 miles. It is doubtful whether Channel 272A may be assigned to Blair since the second adjacent channel separation requirement of 65 miles with respect to KHKS (Lincoln, Nebraska) would necessitate a transmitter site approximately 8.75 miles from the most distant boundary of the community. Meeting the principal community coverage requirements with a Class A station at such a distance might be difficult. Additional information on this issue is required.

(c) In order to decide which conflicting proposal to adopt, we request that proponents of each proposal submit a *Roanoke Rapids-Goldsboro, N.C.*, 9 F.C.C. 2d 672 (1967) study indicating the first and second FM service that its proposal would provide in terms of area and population.

(d) Opposition to the Harlan proposal to substitute Channel 285A for Channel 272A at Cherokee is voiced by the licensee of the AM station at Cherokee. This opposition is based on the fact that while Channel 272A is usable at the licensee's AM antenna site, Channel 285A is not. This would necessitate erecting a new tower at a different location. The Commission's own engineering analysis indicates that the unoccupied and unapplied for Channel 221A assignment at Spencer, Iowa, may be used at the Cherokee licensee's AM site (or the site specified in its application for Channel 272A) and Channel 285A may be substituted for Channel 221A at Spencer.[1]

5. In light of the above, the Commission proposes the following alternative amendments to the FM Table of Assignments, § 73.202(b), with regard to the cities listed below:

City	Channel No.	
	Present	Proposed
Harlan, Iowa		292A
Onawa, Iowa	292A	272A
Cherokee, Iowa	272A	221A
Spencer, Iowa	221A	285A
or		
Red Oak, Iowa		292A
Clarinda, Iowa	292A	
Blair, Nebr.		272A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference.

7. Interested parties may file comments on or before May 27, 1975, and reply comments on or before June 16, 1975.

Adopted: March 31, 1975.

Released: April 8, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and section 0.281(b)(6) of the Commission's Rules, *It is proposed to amend* the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rule making to which this appendix is attached.

2. *Showings required.* Comments are invited on the proposal discussed in the notice of proposed rule making to which this appendix is attached. In initial comments, proponents will be expected to answer whatever questions are presented in the notice. The proponents of the proposed assignments are expected to file comments even if they only resubmit or incorporate by reference their former pleadings. They should also restate their present intentions to apply for the channels if they are assigned, and, if authorized, to build the stations promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rule making to which this appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), and (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of section 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW, Washington, D.C.

[FR Doc.75-9622 Filed 4-11-75;8:45 am]

[1] We note that John W. Talbott has filed a Petition to Deny the Cherokee AM station licensee's application for a construction permit (BPH-9328). The substitution at Cherokee with the Spencer, Iowa assignment may moot the issue raised in Talbott's Petition to Deny.

[47 CFR—Part 76]

[Docket No. 20363]

MAJOR MARKET CABLE TELEVISION SYSTEMS

Extension of Time for Comments

In the matter of amendment of Part 76 of the Commission's rules and regulations relative to postponing or cancelling the March 31, 1977 date by which major market cable television systems existing prior to March 31, 1972, must be in compliance with section 76.251(a)(1)-(a)(8).

1. On March 14, 1975, the National Black Media Coalition and the Philadelphia Community Cable Coalition filed a "Petition for Reconsideration to Roll Back the Advancement of Deadline Date to File Comments" in the above-captioned proceeding. Essentially petitioners seek a reinstatement of the original due date for comments (April 7, 1975) "as a procedure in the best interest of the Commission's process and the convenience of the public." As a result of an order released March 6, 1975, the dates for filing comments and replies in this proceeding were changed from April 7 and April 17, 1975, respectively, to March 17 and March 27, 1975.

2. The purpose of advancing the comment and reply dates was twofold. First, we were impressed with the plea of 11 multiple cable system operators and lending institutions that an expedited comment schedule was imperative in view of the present economic burdens placed upon the cable industry and the nearness, from a planning standpoint, of the March 31, 1977 channel capacity and access compliance date. Second, advancing the dates permitted us to emphasize further that the issues in this proceeding are very narrow, and that in the near future an additional notice having much broader scope will be initiated, in which interested parties will be invited to express their views concerning alternate substantive approaches for requiring compliance with our channel capacity and access requirements.

3. Petitioners have not persuaded us that we erred in our judgment that no more than a total of 29 days (February 26 to March 27) is required to file comments and replies in this proceeding. We are aware, however, based upon the petitioners' filing, that some uncertainty exists with respect to the nature of our inquiry. As previously stated, we specifically limited its scope, and did not intend to address "the entire question of policy development for cable systems" as petitioners aver. However, in the interest of avoiding further confusion and in furtherance of our desire to obtain the views of all interested parties, we shall grant the petitioners' request and reinstate our original filing deadlines. Those parties who have already filed comments in compliance with our March 6, 1975 order are of course free to supplement these filings. We reiterate that full opportunity to comment on substantive alternatives will be provided in connection with the additional notice described in paragraph 2 above, and that comments and replies in this proceeding should be limited to the amount of capital that typical cable systems of different sizes may require to meet our present rebuilding deadline and the availability of such capital in the marketplace.

Accordingly, it is ordered, That the subject petition for reconsideration is granted.

It is further ordered, That the dates for filing comments and replies in the above-captioned proceeding are extended to April 7 and April 17, 1975, respectively.

This action is taken by the Chief, Cable Television Bureau, pursuant to sections 1.106(a) and 0.288(a) of the Commission's rules.

Adopted: March 20, 1975.

Released: March 27, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DAVID D. KINLEY,
Chief, Cable Television Bureau.

[FR Doc.75-9624 Filed 4-11-75;8:45 am]

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[47 CFR Part 76]

[Docket No. 20423; FCC 75-405]

TELEVISION BROADCAST STATIONS AND CABLE SYSTEMS

Cross-Ownership Prohibition

In the matter of amendment of Part 76, Subpart J, of the Commission's rules and regulations relative to Cable Television Systems; and Postponement of Divestiture Requirement of section 76.501 relative to prohibited cross-ownership in existence on or before July 1, 1970.

1. Section 76.501 of the Commission's rules, inter alia, prohibits cross-ownership interests between television broadcast stations and cable television systems within the predicted Grade B contour of the station. Cross-ownership interests in existence on or before July 1, 1970, must be divested by August 10, 1975. Following a Commission invitation for the filing of requests for waiver of the divestiture requirement by parties believing they ought not properly be subject to such a requirement,[1] approximately 70 such waiver petitions were received. We are also in receipt of a petition filed September 19, 1974, by Gill Cable, Inc., *et al.*, urging, in view of changed economic and regulatory circumstances since the divestiture requirement was adopted, that we seek remand of the rule from the Ninth Circuit Court of Appeals, where appeal of the rule is pending[2] and explore possible change in the Rule.

2. Our extensive consideration of multiple ownership matters as reflected in the *Second Report and Order in Docket 18110*, FCC 75-104, —— FCC 2d —— (1975), compels the conclusion that additional examination of our present cross-ownership rule as it relates to local station cross-ownership, is necessary to permit us to properly serve the public interest. To this end we have recently obtained from the Ninth Circuit Court of Appeals a remand of the Commission's rule making authority over section 76.501 in order to permit whatever modification may be appropriate. What we propose is to modify § 76.501(a)(2) to read:

(a) No cable television system (including all parties under common control) shall carry the signal of any television broadcast station if such system directly or indirectly owns, operates, controls, or has an interest in:

• • • • • •

(2) A television broadcast station whose predicted Grade A contour, computed in accordance with § 73.684 of this chapter, overlaps in whole or in part the service area of such system (i.e., the area within which the system is serving subscribers).

3. In addition to modifying the prospective cross-ownership rules, as stated above, we propose to require the divestiture of co-owned systems and stations only where the sole station placing a city grade contour over the cable community is that of the cross-owned station. We are proposing this limitation based on the knowledge concerning multiple ownership we have acquired in our extensive and recently completed study of newspaper television combinations in Docket 18110, *supra*. We also seek comment on the applicability of causing divestiture where the sole city grade contour is that of a co-owned satellite, or where the only other television service providing a city grade contour is that of a satellite.[3]

4. In order to avoid confusion and financial hardship to persons with cross-ownership interests subject to the divestiture requirement, we propose to postpone the divestiture date pending the termination of this rulemaking proceeding. Because we do not contemplate any change in the cable television-national television network cross-ownership rules, any date suspension will not apply to those parts of § 76.501.

5. Authority for the proposed rule making instituted herein is contained in Sections 4(i), 303 and 403 of the Communications Act of 1934, as amended.

6. All interested persons are invited to file written comments on the rule making proposals on or before May 19, 1975, and reply comments on or before May 30, 1975. In reaching a decision in this matter, the Commission may take into account any other relevant information before it, in addition to the comments invited by this notice.

7. In accordance with the provisions of section 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, replies, pleadings, briefs, or other documents filed in this proceeding shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Dockets Reference Room (Room 239) at its Headquarters in Washington, D.C. (1919 M Street, N.W.).

Adopted: April 2, 1975.

Released: April 8, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-9623 Filed 4-11-75;8:45 am]

[1] *Memorandum Opinion and Order in Docket 18397*, FCC 72-80, 39 FCC 2d 377 (1973).

[2] *Gill Cable v. FCC*, Case No. 73-1344, *et al.*

[3] See footnote 35 in Docket 18810, *supra*.

FEDERAL POWER COMMISSION

[18 CFR Parts 141.1, 260.1]

[Docket No. RM75-20]

NON-UTILITY AFFILIATES

Extension of Time

APRIL 7, 1975.

In the matter of revisions of certain schedule pages of FPC annual report forms No. 1 and No. 2 to obtain additional information on non-utility affiliates.

On March 26, 1975, the American Gas Association and the Interstate Natural Gas Association of America filed motions to extend the date for filing comments in the above-designated matter noticed February 25, 1975 (40 FR 10196; Mar. 5, 1975).

Upon consideration, notice is hereby given that the date for filing comments in the above matter is extended to and including June 9, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9647 Filed 4-11-75;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 217]

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[REG. Q]

INTEREST ON DEPOSITS

Notice of Maturity

The Board of Governors, pursuant to its authority under section 19(j) of the Federal Reserve Act (12 U.S.C. 371b) to prescribe rules governing the payment of interest on deposits, proposes to amend section 217.3(f) of Regulation Q to require member banks to notify owners of time deposits that, upon maturity, their time deposits will become demand deposits and no interest will be paid thereon. Member banks would also be required to notify owners of automatically renewable time deposits that their deposit will be renewed at maturity unless the owner gives the bank other instructions.

Section 217.3(f) of the Board's Regulation Q provides that, after the maturity date, a time deposit becomes a demand deposit and, reflecting the Federal Reserve Act's prohibition of interest on demand deposits, a member bank may not pay interest on a time deposit after maturity. The Board has received a number of letters from owners of time deposits describing circumstances in which they were not aware that their funds would not earn interest after the maturity date or that the maturity date had passed unnoticed.

Another problem which has been brought to the Board's attention involves time deposit contracts which provide for automatic renewal at maturity. Owners of such deposits have complained that, when they unintentionally neglected to advise the bank not to renew the deposit contract, the bank renewed the time deposit for another full term, usually at the same interest rate. If a depositor wished to withdraw his/her funds before the expiration of another full term, and the bank agreed to permit such withdrawal he/she would be subject to the interest penalty imposed on early withdrawals.

The proposed amendment, if adopted, would apply only to time deposits issued after the effective date of the amendment. The Board's proposal would require member banks to have printed or stamped on certificates, passbooks, or other documents representing time deposits, a conspicuous statement indicating that no interest will be paid on the deposit after the maturity date. In the case of automatically renewable time deposits, the printed notice would advise depositors that, absent contrary instructions, the deposit will be renewed at maturity and state the terms of the renewed deposit contract.

The Board is of the opinion that a statement printed on the certificate or passbook will serve as adequate notice to depositors. However, the Board welcomes comments on any alternative notification methods, including another suggestion which has been made; namely, to require member banks to mail a notice to a depositor's last known address on a date which would provide the depositor with sufficient opportunity to communicate his/her instructions to the bank.

If the proposed amendment to Regulation Q is adopted, these notice requirements would be mandatory for member banks. Upon further consideration, however, the Board may determine to promulgate a policy requiring printed notice and/or mail notice, as discussed herein, in the form of a published interpretation. The Board is aware that, at the present time, many member banks provide such notice on their own initiative as a service to depositors. The Board also solicits comments from the public as to whether continuation of this optional approach is a more appropriate means to ensure depositor awareness of impending maturity.

Finally, after review of all comments, the Board may also consider adopting regulations requiring notice to depositors pursuant to its new responsibilities pertaining to possible unfair and deceptive practices under the Federal Trade Commission Improvements Act (Pub. L. 93-637).

Interested persons are invited to submit their views or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 5, 1975. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information.

Pursuant to its authority under section 19(j) of the Federal Reserve Act (12 U.S.C. 371b), the Board of Governors proposes to amend § 217.3(f) of Regulation Q (12 CFR 217.3(f)) by adding the following to the end thereof:

Section 217.3(f) is amended as set forth below:

§ 217.3 Interest on time and savings deposits.

• • • • • •

(f) • • • On each certificate, passbook, or other document representing a time deposit, the bank shall have printed or stamped a conspicuous statement indicating that no interest will be paid on the deposit after the maturity date or, in the case of a time deposit that is automatically renewable, a conspicuous statement indicating that the contract will be renewed automatically upon maturity, and indicating the terms of such renewal.

• • • • • •

By order of the Board of Governors, April 4, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-9597 Filed 4-11-75;8:45 am]

[12 CFR Part 217]

[REG. Q]

INTEREST ON DEPOSITS

Interest Penalty on Withdrawal

The Board of Governors proposes to amend § 217.4(d) of Regulation Q (Interest on Deposits) to permit member banks to pay time deposits before maturity without imposing an interest penalty in cases where the owner of the time deposit has died. Section 19 of the Federal Reserve Act forbids the payment of interest on demand deposits and also forbids member banks from paying time deposits prior to maturity, except in accordance with such regulations as the Board prescribes. The previous emergency-plus-penalty rule and the current penalty rule were designed to enforce these provisions of the Federal Reserve Act by preserving the distinction between demand and time accounts and preventing time accounts from being utilized as essentially demand or transaction accounts. Since the proposed amendment would apply only in cases where the depositor has died, it is considered unlikely that the amendment will interfere with the Board's regulatory purpose.

The proposed amendment provides that the depositor must have been the sole legal and beneficial owner of the deposit at the time of his/her death. Thus, for example, the death of a trustee acting in that capacity as the depositor of uninvested trust funds, and holding legal title to those funds, would not fall within the proposed amendment. Similarly, the amendment would not apply where beneficial ownership is divided between the settlor and beneficiaries (e.g., an irrevocable express trust with a life estate in the settlor and vested remainder in the beneficiaries). However, the amendment would apply if the trustee is also the settlor of a revocable trust, "Totten" or tentative trust, payable-on-death or similar account, and as such retains sole legal and beneficial ownership of the funds at the time of his/her death. The amendment as proposed would not apply to jointly owned deposits where there is a surviving depositor or depositors who were parties to the deposit contract.

Interested persons are invited to submit their views or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 5, 1975. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information.

Pursuant to its authority under section 19(j) of the Federal Reserve Act (12 U.S.C. 371b), the Board of Governors proposes to amend § 217.4(d) of Regulation Q (12 CFR 217.4(d)) as follows:

Section 217.4(d) is amended as set forth below:

§ 217.4 Payment of time deposits before maturity.

• • • • • •

(d) *Penalty for early withdrawals.* Where a time deposit, or any portion thereof, is paid before maturity, a member bank may pay interest on the amount withdrawn at a rate not to exceed that current prescribed in § 217.7 for a savings deposit: *Provided*, That the depositor shall forfeit three months of interest payable at such rate. If, however, the amount withdrawn has remained on deposit for three months or less, all interest shall be forfeited. Where necessary to comply with the requirements of this paragraph, any interest already paid to or for the account of the depositor shall be deducted from the amount requested to be withdrawn.[4] However, upon the death of an individual depositor who at the time of his death is the sole legal and beneficial owner of a time deposit, a member bank may pay such time deposit before maturity to the depositor's representative or successor in interest without a reduction or forfeiture of interest as prescribed by this paragraph. • • •

• • • • • •

By order of the Board of Governors, April 4, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-9598 Filed 4-11-75;8:45 am]

[12 CFR Part 217]

[Reg. Q]

INTEREST ON DEPOSITS

Withdrawals From Savings Deposits

The Board of Governors has been asked to consider amendments to Regulation Q (Interest on Deposits) to permit member banks to offer their customers the privilege of withdrawing or transferring funds from savings deposits by means of withdrawal requests or authorization to the bank for periodic payments or transfers of principal or interest on any type of indebtedness of the depositor. The principal effect of the proposed amendment would be to allow member banks to provide a full range of bill payment services to their customers without regard to the nature of the depositor's indebtedness.

Since 1962, the Board's Regulation Q (§ 217.5(c)(2)(ii)) has permitted a depositor to direct that certain recurring

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payments be made from a savings deposit, but these permissible withdrawal authorizations are limited to "the payment of installments of principal, interest, or other charges (including taxes or insurance premiums) due on a real estate loan or mortgage." The Board believes that this provision may be unnecessarily restrictive and that it may be desirable to permit depositors to make third party payment authorizations without regard to the nature of the indebtedness.

Under the proposed amendment, depositors could authorize member banks to withdraw funds from their savings deposits periodically, or otherwise, for the purpose of paying all or part of the depositor's indebtedness to a third party who may or may not maintain a deposit account at the depositor's bank. Such payments could be made by transfer to another account in the bank or by the bank drawing a check on itself and sending it to the creditor-payee or to another bank for the account of the creditor-payee.

Accordingly, the Board proposes, pursuant to its authority under section 19 of the Federal Reserve Act (12 U.S.C. 461) to define the terms used in that section to amend § 217.5(c) of Regulation Q to read as set forth below. Section 217.5 is amended by revising paragraphs (c) (1), (c) (1) (vii), and paragraphs (c) (2), (3), and (4).

§ 217.5 Withdrawal of savings deposits.

* * * * *

(c) *Manner of payment of savings deposits.* (1) Subject to the provisions of paragraph (c) (2) of this section, a member bank may permit withdrawals to be made from a savings deposit only through payment[1] to the depositor (but not to any other person whether or not acting for the depositor) except

* * * * *

(vii) Pursuant to nontransferable orders or authorizations to the bank for the payments of amounts in such accounts to third parties, periodically or otherwise. Any such order or authorization that may be honored as a withdrawal request for payment to a third party may, if so authorized by the third party, also be honored as a transfer to an account of such third party. Any form for such order or authorization shall contain language in boldface type of reasonable size to the effect that the order or authorization is not negotiable or transferable.

(2) Notwithstanding the provisions of paragraph (c) (1) of this section, no withdrawal shall be permitted by a member bank to be made from a savings deposit, through payment to the bank itself or through transfer of credit to a demand or other deposit account of the same depositor (other than of interest on the savings deposit) if such payment or transfer is made pursuant to any advertised plan or any agreement, written or oral which authorizes such payments or transfers of credit to be made as a normal practice in order to cover checks or drafts drawn by the depositor upon the bank.

(3) The provisions of this paragraph do not apply to deposits subject to negotiable orders of withdrawal authorized by Federal law to be issued in the States of Massachusetts and New Hampshire.

(4) Where a savings deposit is evidenced by a passbook, every withdrawal made upon presentation of the passbook shall be entered in the passbook at the time of withdrawal, and every other withdrawal from such a deposit shall be entered in the passbook as soon as practicable after withdrawal is made.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 6, 1975. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rule regarding availability of information.

By order of the Board of Governors, April 7, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-9670 Filed 4-11-75;8:45 am]

[1] Payment from a savings deposit or presentation of a passbook may be made over the counter, through the mails, or otherwise.

GENERAL ACCOUNTING OFFICE

[4 CFR Part 10]

INFORMATION REQUESTS BY REGULATORY AGENCIES

Clearance of Subpoenas

Notice is hereby given that the General Accounting Office has under consideration a proposal to amend section 10.6(c) of 4 CFR Part 10 concerning the exemption of subpoenas from clearance.

Effective July 2, 1974, the General Accounting Office adopted final regulations captioned 4 CFR, Part 10 (39 FR 24345) to implement the provisions of section 3512 of title 44, United States Code, added by Pub. L. 93-153, 409, 87 Stat. 593, concerning clearance of proposals by independent Federal regulatory agencies to conduct or sponsor the collection of information.

Section 10.6(c) of these regulations list certain exemptions from the clearance procedures. Subpoenas were not specifically exempted from clearance. Rather, a subpoena would qualify for exemption only if it were to be used in connection with the type of particularized adversary investigation exempted under § 10.6(c)(5).

GAO now believes that all subpoenas should be exempted from clearance. The Congress has given GAO responsibility for clearing the information requests of the independent regulatory agencies with a view to minimizing burden on respondents and avoiding unnecessary duplication of reporting requirements among Federal agencies. The independent regulatory agencies are to make a final determination as to the need for the information in carrying out their statutory responsibilities. We believe that subpoenas are not amenable to our clearance reviews either procedurally or in view of the stipulation that the agency finally determine its need for information. Therefore, as a practical matter, we believe GAO's review of subpoenas is unlikely to produce any meaningful benefits.

§ 10.6 [Amended]

If it is determined that subpoenas should be exempt from clearance, § 10.6 (c) will be amended by deleting "or" at the end of paragraph (6); changing the period at the end of paragraph (7) to a semicolon and adding "or" thereafter; and adding a new paragraph (8) to read:

"(8) Demands for information through the exercise of an agency's subpoenas power."

Comments on the proposed amendment by interested parties should carry the control number B-180224 and should be submitted to the Comptroller General of the United States, Attention: Director, Office of Special Programs, 441 G Street NW., Washington, D.C. 20548. All comments received on or before May 14, 1975, will be considered. Comments and other written materials submitted will be available for public inspection in Room 5014, Chester Arthur Building, 425 I Street NW., Washington, D.C. 20548.

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

[FR Doc.75-9661 Filed 4-11-75;8:45 am]

POSTAL SERVICE

[39 CFR Part 111]

SPECIAL MAIL SERVICES

Lockbox and Caller Service Rentals

Correction

In FR Doc 75-9131 appearing at page 15909 in the issue of Tuesday, April 8, 1975, make the following corrections:

1. At page 15910, first column at .132 the first line of text should read, "a. Caller Service Does Not Include firm".

2. At page 15912, second column at .522 the first line, second word should read "Form".

3. (a) At page 15913, second column at .662c., the eighth line, sixth word should read "shall".

(b) The ninth line, third word should read "labels".

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-5/32]

SHIPPING COORDINATING COMMITTEE

Subcommittee on Safety of Life at Sea

The working group on container operations of the U.S. Subcommittee on Safety of Life at Sea will hold an open meeting at 9:30 a.m. on Monday, May 5, 1975 in Room 8334 of the Department of Transportation, 400 7th Street, SW., Washington, D.C.

The purpose of this meeting will be to discuss the following three issues:

A. Item 5 of the agenda for the 16th Session of the Subcommittee on Containers and Cargoes of the Intergovernmental Maritime Consultative Organization, to be held in London, June 30, 1975. This agenda item reads, "International Convention for Safe Containers (CSC), 1972—(a) Status report; (b) Exchange of views with ECE on container standards for multimodal transport".

B. Item 7 of the agenda for the 16th session of the Economic Commission for Europe Inland Transport Committee Group of Rapporteurs on Container Transport to be held in Geneva on May 20, 1975. This agenda item reads, "Questions concerning implementation of the International Convention for Safe Containers (CSC) and related safety matters."

C. Such other business as may be appropriate.

Requests for further information on the meeting should be directed to Mr. M. H. Allen of the United States Coast Guard. He may be reached by telephone on (area code 202) 426-1577.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

APRIL 7, 1975.

[FR Doc.75-9651 Filed 4-11-75;8:45 am]

[CM-5/31]

STUDY GROUPS 10 AND 11 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Groups 10 and 11 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet jointly on May 1, 1975, under the chairmanship of Mr. Harold L. Kassens. The meeting will convene at 10 a.m., in Room 8210, Federal Communications Commission, 2025 M Street NW., Washington, D.C.

Study Group 10 deals with questions relating to sound broadcasting; Study Group 11 deals with questions relating to television broadcasting. The agenda for the meeting is:

1. Approval of agenda;
2. Approval of minutes of February 6 meeting;
3. Reports on progress of work for:
   a. 1977 World Administrative Radio Conference (12 GHz);
   b. 1979 World General Administrative Radio Conference;
4. Reports on preparations for the 1976 meetings of the International Study Groups 10 and 11;
5. Any further business.

Members of the general public who desire to attend the meeting will be admitted up to the limits of the capacity of the meeting room.

Dated: March 31, 1975.

GORDON L. HUFFCUTT,
Chairman
U.S. CCIR National Committee.

[FR Doc.75-9600 Filed 4-11-75;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

CHICKEN EGGS IN THE SHELL

Antidumping; Determination of Sales at Not Less Than Fair Value

On January 13, 1975, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" (40 FR 2455), that chicken eggs in the shell from Canada are not being, nor are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as "the Act").

The statement of reasons for tentative determination was published in the above-mentioned notice and interested parties were afforded an opportunity to make written submissions and to present oral views in connection with the tentative determination.

After consideration of all views and arguments, I hereby determine that, for the reasons stated in the tentative determination, chicken eggs in the shell from Canada are not being, nor are likely to be, sold at less than fair value (section 201(a) of the Act; U.S.C. 160(a)).

This determination is published pursuant to section 201(b) of the Act (19 U.S.C. 160(b)) and section 153.33(b) Customs Regulations (19 CFR 153.33 (b)), in accordance with requirements promulgated prior to the Trade Act of 1974.

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

APRIL 10, 1975.

[FR Doc.75-9743 Filed 4-11-75;8:45 am]

[Public Debt Series—No. 12-75]

TREASURY NOTES OF SERIES H-1977

Invitation for Tenders

I. INVITATION FOR TENDERS

APRIL 10, 1975.

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for $1,500,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series H-1977. The interest rate for the notes will be determined as set forth in Section III, paragraph 3, hereof. Additional amounts of these notes may be issued at the average price of accepted tenders to Government accounts and to Federal Reserve Banks for themselves and as agents of foreign and international monetary authorities. Tenders will be received up to 1:30 p.m., Eastern Daylight Saving time, Tuesday, April 15, 1975, under competitive and noncompetitive bidding, as set forth in Section III hereof.

II. DESCRIPTION OF NOTES

1. The notes will be dated April 30, 1975, and will bear interest from that date, payable semiannually on October 31, 1975, and thereafter on April 30 and October 31 in each year until the principal amount becomes payable. They will mature April 30, 1977, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000 and $1,000,000. Book-entry notes will be available to eligible bidders in

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multiples of those amounts. Interchanges of notes of different denominations and of coupon and registered notes, and the transfer of registered notes will be permitted.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m., Eastern Daylight Saving time, Tuesday, April 15, 1975. Each tender must state the face amount of notes bid for, which must be $5,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield, with two decimals, e.g., 6.45. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcements will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established at the nearest ⅛ of one percent necessary to make the average accepted price 100.000 or less. That will be the rate of interest that will be paid on all of the notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept tenders for more or less than the $1,500,000,000 of notes offered to the public, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated yield from any one bidder will be accepted in full at the average price (in three decimals) of accepted competitive tenders.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before April 30, 1975, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. Payment must be in cash, in other funds immediately available to the Treasury by April 30, 1975, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such Bank or at the Treasury no later than: (1) Friday, April 25, 1975, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District in the case of the Treasury, or (2) Wednesday, April 23, 1975, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

STEPHEN S. GARDNER,
Acting Secretary of the Treasury.

[FR Doc.75-9763 Filed 4-10-75;3:15 pm]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

APRIL 8, 1975.

The USAF Scientific Advisory Board ad hoc Committee on the Location, Identification, and Destruction of Surface Targets by Tactical Air Forces Under All-Weather Conditions will hold a meeting on May 5-6, 1975, from 9 a.m. to 5 p.m. each day at Headquarters, Air Force Systems Command, Andrews Air Force Base, Maryland.

The meeting will be closed to the public. The ad hoc committee will hear classified briefings on matters listed in 5 U.S.C. 552(b) (1), (4), and (5) from the Air Force Systems Command concerning current and planned research and development efforts to improve the capability of tactical air forces to be employed under adverse weather conditions.

For further information, contact the Scientific Advisory Board Secretariat on 202-697-8845.

JAMES E. DAGWELL,
Chief, Documentation Management Branch, Directorate of Administration.

[FR Doc.75-9695 Filed 4-11-75;8:45 am]

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Chief of Naval Operations Executive Panel Advisory Committee will hold a closed meeting on May 1-2, 1975, at the Pentagon, Washington, D.C. The sessions will commence at 9 a.m. and terminate at 5:30 p.m. daily.

The agenda will consist of matters which are classified in the interest of national security, including intelligence systems and applications, classified U.S. Navy R&D programs, and long-range Navy plans. The Secretary of the Navy has determined in writing that this meeting should be closed to the public because it will be concerned with matters listed in section 552(b)(1) of Title 5, United States Code.

Dated: April 8, 1975.

WILLIAM O. MILLER,
Rear Admiral, JAGC, U.S. Navy, Deputy Judge Advocate General.

[FR Doc.75-9558 Filed 4-11-75;8:45 am]

Office of the Secretary

DEFENSE SCIENCE BOARD

Notice of Advisory Committee Meeting

The Defense Science Board will meet in closed session on 8-9 May 1975 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

A meeting of the Board has been scheduled for 8 and 9 May 1975 to discuss interim findings and tentative recommendations resulting from on-going Task Force activities associated with Strategic, Tactical, Intelligence/Command, Control and Communication, and Management issues. The Board will also discuss plans for future consideration of scientific and technical aspects of specific strategies, tactics, and policies as they may affect the U.S. national defense posture.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Defense Science Board meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

APRIL 9, 1975.

[FR Doc.75-9580 Filed 4-11-75;8:45 am]

DEFENSE SCIENCE BOARD TASK FORCE ON GUN SYSTEM ACQUISITION

Rescheduled Meeting

The Defense Science Board Task Force on Gun System Acquisition will meet in closed session 5 through 9 May 1975 at the Naval Underseas Center, San Diego, California.

The meeting of the Task Force originally scheduled for 14 through 18 April 1975, at the Pentagon, Arlington, Virginia, as published in the FEDERAL REGISTER of March 5, 1975 (40 FR 5780) has been cancelled.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The responsibility of the Task Force is to provide an independent review and assessment of the military/industrial capability to design, develop, manufacture, and field reliable gun systems and to identify the strengths and weaknesses in our current way of acquiring gun systems for the Services.

At this meeting, the Task Force will synthesize and assess data and prepare first drafts of the report.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

APRIL 9, 1975.

[FR Doc.75-9581 Filed 4-11-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 25166]

NEW MEXICO

Notice of Application

APRIL 7, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½ inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 22 S., R. 25 E.,
Sec. 23, NE¼SE¼;
Sec. 24, S½NE¼, N½SW¼ and NW¼SE¼.
T. 22 S., R. 26 E.,
Sec. 19, lots 2, 3, SE¼NW¼, NE¼SW¼, N½SE¼;
Sec. 20, NW¼SW¼, SE¼SW¼, SW¼SE¼;
Sec. 28, SW¼NW¼;
Sec. 29, NW¼NE¼.

These pipelines will convey natural gas across 3.419 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-9577 Filed 4-11-75;8:45 am]

National Park Service

GRAND TETON NATIONAL PARK

Intention To Issue a Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 970; 16 U.S.C. 20d) public notice is hereby given that on May 14, 1975, the Department of the Interior, through the Superintendent, Grand Teton National Park, proposes to issue a concession permit to The American Alpine Club, authorizing it to provide sleeping, cooking and equipment storage facilities and services for registered mountaineers at Grand Teton National Park for a period of 5 years from January 1, 1975 through December 31, 1979.

A review of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the human environment and that it is not a major federal action under the National Environmental Policy Act and the guidelines of the Council on Environmental Quality.

The foregoing concessioner has performed its obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted to the office of the Superintendent on or before May 14, 1975.

Interested parties should contact the Superintendent, Grand Teton National Park, Moose, Wyoming 83012, for information as to the requirements of the proposed permit.

RICHARD J. MCMULLEN,
Acting Superintendent.

MARCH 5, 1975.

[FR Doc.75-9653 Filed 4-11-75;8:45 am]

Office of the Secretary

INDIAN RESERVATIONS

Model Code for Administration of Justice By Courts of Indian Offenses

This notice is published pursuant to the directive of Title III of the Act of April 11, 1968, 82 Stat. 78, codified at 25 U.S.C. 1311, which requires that, after consultation with Indians, Indian tribes, and interested agencies of the United States, the Secretary of the Interior recommend to the Congress "a model code to govern the administration of justice by courts of Indian offenses on Indian reservations".

This notice is published in order that interested parties might have notice that the Secretary of the Interior proposes to recommend to Congress a model code for courts of Indian offenses. This is not rulemaking process, but is notice given merely to advise interested parties as to what is proposed to be recommended to Congress as required by 25 U.S.C. 1311.

The Bureau of Indian Affairs records indicate that courts of Indian offenses exist on some reservations in the following states: Arizona, Michigan, Minnesota, Montana, Nebraska, Nevada, South Dakota, Utah, Washington and Wyoming.

Therefore, in an effort to minimize the cost attendant to this project and at the same time avail ourselves, to the maximum degree possible, of the participation of those most directly involved, it has been determined to hold one-day hearings as follows: in the Minneapolis-St. Paul, Minnesota area on September 5,

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1975 from 9 a.m.–5 p.m. in Judge Nordby's Court, 6th Floor, Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, Minnesota; and in the Phoenix area on September 9, 1975, from 9 a.m.–5 p.m. at the Arizona Biltmore Hotel, Missouri at 24th Street, Phoenix, Arizona.

In addition to these public hearings, comments are invited relative to the substance of this model code. Comments received prior to September 15, 1975 will be considered. Comments should be submitted to the Solicitor, Department of the Interior, Washington, D.C., 20240.

Tribes or other interested persons may contact the BIA local agency superintendents for more specific information concerning the substance of this model code.

It is intended that after assimilation of the product of the public hearings and written comments, this model code will be submitted to the Senate Committee on the Judiciary no later than October 1, 1975.

Section 1311 expressly refers to a code for procedure for trial of "offenses" and the legislative history of the Act indicates that Congress intended that the recommended code would apply to the courts of Indian offenses—i.e., those operated by the Secretary—and serve as a model for tribes in the drafting of their own codes. Accordingly, the proposed model code is a code of criminal procedure. No substantive civil or criminal code, code of civil procedure, or code of administrative practice will be proposed. The Senate Committee on the Judiciary (which is the Congressional committee which initiated this Act) will be advised of the fact that while the Act clearly requires only a criminal procedure code, only a few of the cases brought by Indians under the Act have been based on violations of rights in criminal matters—nearly all the decided cases have involved civil matters.

The proposed code and commentary follows.

KENT FRIZZELL,
Solicitor,
Department of the Interior.

APRIL 8, 1975.

TABLE OF CONTENTS

I. Introduction.
II. Draft model code provisions and commentary.
Sec.
101. Complaints.
102. Arrest.
103. Arrest warrants.
104. Notification of rights at time of arrest.
105. Summons in lieu of warrant.
106. Search warrant defined.
107. Issuance of search warrant.
108. Execution and return of search warrant.
109. Search without a warrant.
110. Disposition of seized property.
111. Arraignment.
112. Rights of accused at arraignment.
113. Receipt of plea at arraignment.
114. Bail—release prior to trial.
115. Bail—release by police officer.
116. Bail—release pending appeal.
117. Withdrawal of guilty plea.
118. Standards governing appearance of attorneys and counselors.
119. Issuance of subpoenas.
120. Service of subpoenas.
121. Failure to obey subpoenas.
122. Witness fees.
123. Trial procedure.
124. Jury trial.
125. Sentencing.
126. Probation.
127. Parole.
128. Appeals.
129. Qualifications and training of judges of courts of Indian offenses.
III. Appendix of optional forms.
Comments.
Form No. 1. Complaint.
Form No. 2. Arrest warrant.
Form No. 3. Summons.
Form No. 4. Search warrant.
Form No. 5. Appearance bond.
Form No. 6. Subpoena.
Form No. 7. Acknowledgement of rights.
Form No. 8. Judgment and commitment.

INTRODUCTION

The following draft model code was prepared pursuant to Title III of the 1968 Civil Rights Act, 82 Stat. 73, 77–78. That title, as codified at 25 U.S.C. 1311, provides:

> The Secretary of the Interior is authorized and directed to recommend to the Congress, on or before July 1, 1968, a model code to govern the administration of justice by courts of Indian offenses on Indian reservations. Such code shall include provisions which will (1) assure that any individual being tried for an offense by a court of Indian offenses shall have the same rights, privileges, and immunities under the United States Constitution as would be guaranteed any citizen of the United States being tried in a Federal court for any similar offense, (2) assure that any individual being tried for an offense by a court of Indian offenses will be advised and made aware of his rights under the United States Constitution, and under any tribal constitution applicable to such individual, (3) establish proper qualifications for the office of judge of the court of Indian offenses, and (4) provide for the establishing of educational classes for the training of judges of courts of Indian offenses. In carrying out the provisions of this subchapter, the Secretary of the Interior shall consult with the Indians, Indian tribes, and interested agencies of the United States.

This model code which will be recommended to the Congress will serve two distinct purposes:

(1) As a suggested partial modification of the code of criminal procedure for the administration of justice in courts of Indian offenses as set out in 25 CFR 11; and (2) as a model for adaptation by Indian tribes for application as they see fit to tribal courts. This should not be construed as directly having any immediate effect on 25 CFR 11 or any legal effect on tribal courts.

The distinction between courts of Indian offenses and tribal courts was noted during the course of hearings on the 1968 Civil Rights Act and knowledge of that distinction is essential to an understanding of the scope and purpose of this model code. Tribal courts are those courts which are established and operated by Indian tribes in the exercise of residual sovereign authority. See Iron Crow v. Oglala Sioux Tribe, 231 F.2d 89 (8th Cir. 1956). Provisions relating to the creation of tribal courts are found in the various tribal constitutions.

Courts of Indian offenses, on the other hand, are those courts which have been established by the Secretary of the Interior and are operated pursuant to the provisions of 25 CFR 11. See United States v. Clapox, 35 Fed. 575 (D.C. Ore. 1888). Courts of Indian offenses are established where a tribe does not, for various reasons, exercise its authority. See 25 U.S.C. 11.1(b).

It should be noted here that even should this code be adopted there is provision in the present code of Federal regulations for modification of the code to meet the specific needs of a tribe where a court of Indian offenses is in operation. See 25 CFR 11.1(e) which provides:

> Nothing in this section shall prevent the adoption by the tribal council of ordinances applicable to the individual tribe, and after such ordinances have been approved by the Secretary of the Interior they shall be controlling, and the regulations of this part which may be inconsistent therewith shall no longer be applicable to that tribe.

Preparation for drafting this model included a thorough academic research on the 1968 Civil Rights Act, including the case law dealing with it and the similarly worded United States Constitution's Bill of Rights. The distinctions between courts of Indian offenses and tribal courts and their jurisdictional bases were examined. The extent to which practices and procedures in Indian courts differ from that of the non-Indian courts and the extent to which tribal resources and expertise permit adoption of technical legal structures were taken into account.

As further preparation, all available codes and constitutions of the tribes were collected and analyzed; field trips were taken to approximately 17 different reservations where the nature of the project was explained to tribal officials and other tribal members, and their advice sought; and contacts were established with many national Indian organizations, tribal attorneys, professors of Indian law, and other interested individuals. In the summer of 1973, through the efforts of four Indian law students, a field study was conducted on the practices in Indian courts, the resources of the tribes, and the problems in law enforcement that most concern the tribes today. This effort reached some 28 reservations and pueblos in a four-state area.

Despite the differences in court practices, resources, and personnel that were perceived by the field workers, and the differences articulated by tribal officials as to their needs for guidance, an overriding conclusion was drawn from the study. Insofar as the subject-matter area of criminal procedure can be reduced to several critical points in terms of the requirements of the Indian Bill of Rights, a common need exists for the definition of standards for court and police practices.

It is very important to note, however, that while the restrictions imposed by the

Act apply equally to all tribal governments, the practices which each tribe may adopt and define for itself in its code in order to comply with these requirements do not necessarily have to be identical. There are numerous ways in which a court may conduct an arraignment, initial hearing or trial, for example, and still comply with the Act. The manner in which tribal courts go about these processes may vary considerably as long as the essential guarantees required by the Indian Bill of Rights are observed. The commentary following each provision of the code provides guidance in this respect. Title III of the 1968 Civil Rights Act (25 U.S.C. 1311) requires that the model code make provision for qualifications and requirements for training of judges of courts of Indian offenses. Accordingly, a skeletal provision dealing with these areas is included. The commentary following this provision discusses the difficulties involved in establishing any uniform qualifications for judges and some of the alternatives open to the tribes and the Bureau of Indian Affairs with regard to judicial training programs.

Finally this code does not deal with court organization or structure or substantive definition of offenses. While some of the present Code of Federal Regulations provisions on these subjects are outmoded and in need of change, the revision of these provisions is beyond the scope of this code. Reorganization of the courts or restructuring of their relationship to tribal governments or revision of the substantive portion of the Code of Federal Regulations is not required by the Indian Bill of Rights. It was thus concluded in the early phases of this project that no suggestions would be offered in these areas since to do so would exceed the statutory authority.

DRAFT MODEL CODE PROVISIONS AND COMMENTARY

SECTION 101. *Complaint.* (a) All criminal prosecutions for violation of the tribal law and order code shall be initiated by complaint. A complaint is a written statement sworn to by the complaining witness and charging that a named individual(s) has committed a particular criminal offense.

(b) Complaints shall contain:

(1) The signature of the complaining witness sworn to before a tribal judge or an individual designated by the Chief Judge; and

(2) A written statement by the complaining witness describing in ordinary language the nature of the offense committed including the time and place as nearly as may be ascertained; and

(3) The name or description of the person alleged to have committed the offense; and

(4) The section of the tribal code allegedly violated.

(c) The Chief Judge of the tribal court may designate an individual or individuals who shall be available to assist persons in drawing up complaints and who shall screen them for sufficiency. Complaints shall then be submitted without unnecessary delay to the tribal judge to determine whether a warrant or summons should be issued.

(d) If the complaint, or the complaint together with other sworn statements, is sufficient to establish probable cause to believe that a crime has been committed by the person charged, the court shall issue a warrant pursuant to Section 103 of this code instructing the tribal police to arrest the named accused or, in lieu thereof, the court shall issue a summons commanding the accused to appear before the court at a specified time and place to answer to the charge.

(e) When an accused has been arrested without a warrant, a complaint shall be filed forthwith with the court for review as to whether probable cause exists to hold the accused, and in no instance shall a complaint be filed later than at the time of arraignment.

COMMENTARY

A written complaint is essentially a procedural mechanism for initiating a criminal prosecution. It is not specifically required by the Indian Bill of Rights but it serves as a means to aid in effectuating that which is required—that "seizures" be reasonable and that no arrest warrant be issued without probable cause "supported by oath or affirmation." (See explanation of "probable cause" in Commentary following Section 105 of this core). Therefore the written complaint, whether it is filed by a police officer or by a private citizen, functions in a dual capacity: It provides a written record of the essential facts, including identity of the complaining witness and the defendant, the nature of the offense, and surrounding circumstances; and in most cases it will probably also provide on its face the necessary information to support probable cause for an arrest warrant. In certain circumstances, however, it may be necessary to supplement the information contained in a complaint with statements from other witnesses. If this occurs then subsection (d) above allows for it by providing that the complaint and other "sworn statements" may be used to establish probable cause to believe that an offense has been committed and that the accused committed it.

Subsection (c) above provides that complaints may be screened initially by some individual or individuals designated by the Tribal Chief Judge prior to presentation to him. As experienced judges will attest, some complaints are simply fabrications intended to inconvenience the named suspect or as a means of personal revenge. Others might be based on honest but mistaken information, or on a misunderstanding of tribal laws. Thus this screening process is an important step in order to eliminate those complaints which should not be acted on and process those which should.

Reports were received, through a study of selected tribal criminal justice systems, that some judges would prefer not to be involved at all in the process of issuing warrants. They felt that getting involved at this point might affect their objectivity and impartiality when it comes time to try the case. On the other hand, some judges apparently have no reluctance to participate in the actual screening of complaints, thus functioning much as a prosecutor does in the Anglo system. In any case, it is clearly the duty of the tribal court to oversee all stages of the arrest process, including the role of criminal complaints in that process. In this provision we have suggested a middle ground between the two extremes of the judge doing everything or nothing. The judge must make the ultimate decision as to whether to issue an arrest warrant or not, but the initial screening of complaints for sufficiency may be done by other individuals designated by the Chief Judge. This may be the clerk of the court, an Associate Judge or any other qualified person, or the Chief Judge may choose not to select anyone but rather do it all himself.

There is in some tribal codes a provision imposing a fee when a person files and then withdraws a complaint before prosecution. (See especially the Hopi and Colville Tribal Codes). Such a provision is not included in this section largely because it would be unnecessary if complaints are properly screened before being accepted for filing. But there is nothing improper or illegal about this, especially where a tribal court has found that the complaint system is abused by people with frivolous gripes. It is suggested that if a tribal council considers adoption of such a provision (or if it already has one in its code) then it give some thought to distinguishing the frivolous complaint from that which is withdrawn because an honest mistake is discovered or other excusable reason. In the latter case the code should provide that the fee could be waived by the court as a matter of discretion.

SEC. 102. *Arrest.* (a) Arrest is the taking of a person into police custody in order that he may be held to answer for a criminal offense.

(b) No tribal law enforcement officer shall arrest any person for a criminal offense set out in the tribal law and order code except when:

(1) The officer shall have a warrant signed by a tribal judge commanding the arrest of such person, or the officer knows for a certainty that such a warrant has been issued; or

(2) The offense shall occur in the presence of the arresting officer; or

(3) The officer shall have probable cause to believe that the person to be arrested has committed an offense.

SEC. 103. *Arrest warrants.* (a) Every judge of the tribal court shall have authority to issue warrants to arrest and such warrants shall be issued only upon a showing of probable cause in sworn written statements. The tribal judge shall deny the issuance of a warrant if he finds that there is not probable cause to believe that the offense charged has been committed by the named accused.

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(b) The arrest warrant shall contain the following information:

(1) Name or description and address, if known, of the person to be arrested.

(2) Date of issuance of the warrant.

(3) Description of the offense charged.

(4) Signature of the issuing judge.

Sec. 104. Notification of rights at time of arrest. Upon arrest the suspect shall be advised of the following rights:

(1) That he has the right to remain silent.

(2) That any statements made by him may be used against him in court.

(3) That he has the right to obtain counsel at his own expense.

Sec. 105. Summons in lieu of warrant. (a) When otherwise authorized to arrest a suspect a tribal police officer or a judge may, in lieu of a warrant, issue a summons commanding the accused to appear before the tribal court at a stated time and place and answer to the charge.

(b) The summons shall contain the same information as a warrant, except that it may be signed by a police officer.

(c) If a defendant fails to appear in response to a summons a warrant for his arrest shall be issued.

COMMENTARY

The Indian Bill of Rights provides that no tribe shall "violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizure, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized." (25 U.S.C. 1302(2)). It also states that a person has the right "to be informed of the nature and cause of" any criminal accusation made against him (25 U.S.C. 1302(6)), and it prohibits deprivation by a tribal government of the liberty of any person without "due process of law." (25 U.S.C. 1302(8)).

Taken together these provisions are intended to protect the individual against the arbitrary and unrestrained exercise of a tribal government's power to restrict the personal liberty of a person through the criminal process. The heart of this protection with regard to arrest procedures is found in subsection (b) of section 102 above, where the authority of the police officer to legally make an arrest is limited to three specific situations: When he has a warrant; when an offense is committed in his presence; and when he has probable cause to believe an offense has been committed. Definition of these situations necessarily involved judgments on what is "reasonable" under the Indian Bill of Rights as well as what is workable in the tribal setting. In those cases where there are included provisions which go beyond basic requisites they are identified as recommendations only.

Generally the police may not make an arrest without a warrant signed by a tribal judge and describing the offense charged and identifying the offender. In turn, the warrant itself may not be issued under section 103 above except upon a showing of "probable cause" supported by written sworn statements in the form of a complaint and any other statements which may be necessary. Although the Indian Bill of Rights does not specifically demand that such statements be written, they must be in writing in the federal system and it is recommended that that tribal codes have a like requirement, if for no other purpose than as a record-keeping device and as a means to justify an arrest if any question should arise subsequently.

Probable cause is more than a mere suspicion or hunch. It is facts and circumstances which justify a man of prudence and caution in believing that an offense has occurred and that the person charged committed it. Of course, a judge must exercise his own judgment in the matter and if he determines that the complaint is false or is based on untrustworthy evidence or relates to an activity which does not violate the tribal code, then he has a duty to refuse to authorize an arrest warrant.

Certainly where at all feasible the police should seek a warrant before making any arrest. This not only provides the maximum protection to the individual against ill-founded arrests by the police but it also affords maximum protection to the police against possible charges of false arrest and harassment. Obviously though, there are circumstances when a warrant cannot be obtained prior to arrest and the power of the police to make "reasonable" arrests in those circumstances has traditionally been recognized.

The most obvious instance in which the police officer may arrest without a warrant is when an offense is committed or attempted in his presence. This is merely a common sense recognition of the police's essential duty to maintain peace and order in the community. An extension of this basic power is the authority to make a warrantless arrest for an offense not committed in the presence of the police officer but which he has probable cause to believe has been committed. In the federal system and in most states this latter power is limited to arrest for felonies only (defined by federal statute as crimes for which the maximum authorized penalty exceeds one year in prison). However, a few states allow arrest for any offense, be it felony or misdemeanor, when the officer has probable cause to believe that the suspect committed it, even if not in his presence. This is the approach taken in the Code of Federal Regulations (25 CFR 11.15) and it also is the approach taken in the overwhelming majority of tribal codes which were surveyed. The fact that it does not comport with the federal approach does not necessarily make it violative of the Indian Bill of Rights, especially if the felony-misdemeanor distinction is viewed as being inapplicable to Indian courts.

The standard used by the police officer for determining probable cause to make a warrantless arrest is essentially the same standard which a tribal judge must use in deciding to issue an arrest warrant. It cannot be a mere suspicion; and it must be based on what a reasonable man would believe (see discussion above). If, for example, a person known to be unreliable tells the police officer that A just robbed B and the police officer can find no other trustworthy evidence to support the contention, then, on the basis of the unreliable witness's statement alone, probable cause does not exist to arrest A. If, however, B who is a trusted member of the community confirms that he was indeed robbed and that he recognized A as being the robber, then clearly probable cause to arrest A would exist.

It should be noted here, however, that there may arise the situation on some reservations where a particular police officer ignores the code preference for judicial warrants and consistently arrests individuals without a warrant even though he has ample opportunity to secure one. In such circumstances the tribal judge should have authority recognized in a code provision to discourage the practice. This may be done by tribes enacting code provisions providing for some type of disciplinary or compensatory measures as discussed in the Commentary following section 110 (see page 32). In addition, the court could order suppression of evidence obtained as a result of an arrest, as discussed on page 22 of this Commentary in connection with failure to advise an accused of his rights.

Subsection (4) of the Indian Bill of Rights (25 U.S.C. 1302(4)) provides that a tribal government shall not "compel any person in any criminal case to be a witness against himself" and subsection (6) provides that a tribe shall not deny to any person in a criminal proceeding the right to have the assistance of counsel at his own expense. (25 U.S.C. 1302(6)). Both provisions are intended to insure that any incriminating statement or confession which may be given by an accused is done so voluntarily. Some tribal codes presently contain provisions similar to these and it is a common practice of the tribal police to routinely give "warnings" of rights when making an arrest. Consequently the requirements of section 104 of this code, constituting a simplified warning procedure, should comply with the dictates of the Indian Bill of Rights but not impose new and unfamiliar burdens on tribal law enforcement personnel.

In the federal system, if a warning of his rights is not given to and understood by an accused then any statement made by him is inadmissible as evidence at trial (exclusionary rule). Such a rigid rule is probably not imposed on the tribes by the Indian Bill of Rights. However, clearly tribal courts must take some measures to assure that the principle of voluntariness is observed before a confession or other incriminating statement may be used by the police against an accused. This means that if the judge determines that there was some form of coercion then no portion of an incriminating statement may be introduced at

trial. And besides the obvious case of physical threats, a judge may find that coercion was used when the accused confessed after an unreasonable period of detention without being charged; or when he was denied the right to have an attorney present after he had requested one; or when he was not advised of his right to counsel before undergoing interrogation; or when other mental or physical intimidation was employed to induce the confession. (See Commentary following section 123 for discussion of the various proceedings which tribes may use for consideration of questions of illegally obtained confessions.)

The provision for use of a summons in section 105 is not a requirement of the Indian Bill of Rights. Rather it is an optional feature which should be considered as a suggested alternative to the more formal arrest procedure. Several of the existing tribal codes studied have incorporated a summons procedure notably, the Ft. Belknap and Colville Codes) and reports from our field study indicate that the practice has been well received generally. For those tribes which have no summons procedure in their codes adoption of this provision or something similar is recommended. The summons device is particularly well suited to Indian communities where the police and judges alike personally know virtually everyone. It avoids the stigma of an arrest, it is less expensive since it requires fewer police officers, and it helps prevent overcrowding of limited detention facilities with minor offenders awaiting trial.

Sec. 106. Search warrant-defined. A search warrant is a written order, signed by a tribal judge, and directed to a tribal law enforcement officer ordering him to conduct a search and seize items or property specified in the warrant. A warrant shall describe the property or place to be searched and shall describe the items to be seized.

Sec. 107. Issuance of search warrant. (a) Every tribal judge shall have the power to issue warrants for the search and seizure of property and premises of any person under the jurisdiction of the court.

(b) No warrant of search and seizure shall be issued except upon probable cause that a search will discover: Stolen, embezzled, contraband or otherwise criminally possessed property; property which has been or is being used to commit a criminal offense; or property which constitute evidence of the commission of a criminal offense. Such probable cause shall be supported by a written and sworn statement based upon reliable information.

Sec. 108. Execution and return of search warrant. Warrants of search and seizure shall only be executed by tribal law enforcement officers. The executing officer shall return the warrant to the tribal court within the time limit shown on the face of the warrant, which in no case shall be longer than 10 days from the date of issuance. Warrants not returned within such time limits shall be void.

Sec. 109. Search without a warrant. No tribal law enforcement officer shall conduct any search without a valid warrant except:

(1) Incident to making a lawful arrest; or

(2) With consent of the person being searched; or

(3) When he has probable cause to believe that the person searched may be armed and dangerous; or

(4) When the search is of a moving vehicle and the officer has probable cause to believe that it contains contraband, stolen, or embezzled property.

Sec. 110. Disposition of seized property. (a) The police shall make an inventory of all property seized by warrant or otherwise, and a copy of such inventory shall be left with the person from whom the property was taken.

(b) A hearing shall be held by the tribal court to determine the disposition of all property seized by the police. Upon satisfactory proof of ownership, the property shall be delivered to the owner, unless such property is contraband or is to be used as evidence in a pending case. Property taken as evidence shall be returned to the owner after final judgment. Property confiscated as contraband shall become the property of the community and may be either destroyed, sold at public auction, retained for the benefit of the tribe, or otherwise lawfully disposed of as ordered by the court.

COMMENTARY

As with arrests, the general rule is that before a search may be conducted by tribal police officers a warrant is required, properly signed by a judge upon a finding of probable cause and "supported by oath or affirmation". (25 U.S.C. 1302(2)). This means that when the police request that a tribal judge issue a search warrant the judge must review the evidence and make an independent determination of whether he finds probable cause to believe that a search would discover any of the three following items: (1) Stolen, embezzled or contraband property; (2) property which has been or is being used to violate the tribal code of law and order; or (3) property which constitutes evidence of such a violation. Contraband is property which cannot be legally possessed, such as marijuana, narcotics and, on some reservations, liquor. The request for a warrant contemplated under section 107(b) above resembles the federal requirement by taking the form of sworn written statements by witnesses setting forth specific dates, occurrences, and other details which tend to show probable cause to believe that evidence may be found at some particular place. In those cases where a complaint has been filed the complaint itself may supply sufficient information for issuance of a search warrant but this will not always be true. Regardless of the particular form used by a tribe, however, the Indian Bill of Rights requires that a judge make the ultimate determination of probable cause and that he do so only upon the basis of information which is sworn to. (See the Commentary dealing with arrest warrants, finding of probable cause, and supporting complaints or affidavits following section 105 of this code. The principles discussed there are equally applicable to search warrants.) Furthermore the warrant itself must identify as precisely as is possible the place which is to be searched and what property may be seized, for a warrant may not be used as blanket authority to rummage through an individual's house or other property in search of anything which may be illegal.

Section 108 makes it clear that a warrant may not last indefinitely but that it expires if not executed within a certain time limit. This permits tribal judges to control to some extent the use of search warrants and insures that the authority to search is not abused by the police. There is no hard and fast rule on exactly how long a search warrant may be valid. Some tribal codes examined provide for a duration of only 36 hours, others provide no limit at all, and still others follow the 10-day limit employed in the federal system. While the 10-day maximum provided in this provision is not mandatory for tribes, it is recommended that that tribal codes specify some limit for the validity of a search warrant.

Again, as with arrests, there are instances in which the police may conduct searches without first obtaining a warrant to do so, and section 109 above recognizes this. Certainly an officer should be allowed to search a person he has just arrested. Such a search, however, must be "reasonable" under the mandate of the Indian Bill of Rights. It could include, as permitted in the federal system, the person himself and his immediate surroundings. It could possibly be broader in scope. It would not include, however, an exhaustive search of a person's home or automobile on the sole rationale that such a search is incidental to the arrest. If such a search is deemed necessary, then a warrant should first be obtained.

The police also should be allowed to conduct a warrantless search of a premise when the person consents to it. Such consent, however, must plainly be voluntary, without any threat of penalty or duress whatsoever, and with an understanding of what is going to be searched.

Paragraph (3) of section 109 is similar in concept to the "stop and frisk" search recognized as proper in non-Indian courts. It permits the police officer to stop an individual on the street and conduct a limited search of him without placing him under arrest. Before being able to legally do so, however, the officer must reasonably conclude that the person is armed and dangerous. A mere hunch that the individual is carrying a weapon is not enough to justify searching him under this provision. But, for example, if the police officer recognizes the outline of a pistol in the person's pocket and the person is making threatening movements or is known by the police to have a record of assault with a dangerous weapon, this then would justify a limited search of his

V 40 172 APR 14 75 XUM

outer clothing. Under the federal system the police officer must also reasonably conclude that preventive action is necessary in order to protect himself or others and even then he may only "pat down" the suspect or "frisk" his outer clothing.

Paragraph (4) of section 109 acknowledges the mobility of automobiles and other vehicles and the necessity of allowing some type of warrantless search of them for contraband or otherwise illegal property. This also is comparable to the federal system in which police officers have the right to stop and search without a warrant a moving vehicle when they reasonably conclude (i.e., have probable cause to believe) that it is carrying contraband, stolen, or embezzled property. Again though, this is an exceptional situation and one full of possibilities of abuse by the police. They should not be allowed to stop cars on the mere suspicion that the occupants of the car look like the type who would be carrying seizable materials in their car. They do not have to be certain but there must be enough evidence so that a reasonable man acting reasonably would conclude that the vehicle contains contraband.

The Indian Bill of Rights does not require that procedures be established for the disposition of seized property. However, for the protection of the court and innocent parties that may be involved it is recommended that such procedures be specified. Accordingly, section 110 of this code was drafted as a recommendation. Certainly there is a great deal of latitude for tribes to modify it or write their own to fit their individual needs as long as it is reasonable and fair.

A final point which should be discussed involves judicial treatment of physical evidence which has been obtained by the police via an illegal search, i.e., a search which violates the tribal code or the Indian Bill of Rights. A few tribes have dealt with this issue by codifying the exclusionary rule set forth by the Supreme Court as a constitutional requirement in both federal and state courts. This rule prohibits the use of any evidence seized through an illegal search to convict a person, and it was intended as a means to oversee police conduct by making it impossible for them to use illegally seized evidence and thus discouraging such searches. Furthermore the rule also excludes from use the "fruits" of an illegal search, that is, any information or leads obtained from the illegally seized evidence.

The rule raises many technical and often complicated problems which professional attorneys sometimes find difficult to solve. Moreover it is not something which the Indian Bill of Rights necessarily requires Indian courts to employ. For these reasons a provision on the exclusionary rule is not included in this model code. This is not to say, however, that the judge in a tribal court may regard himself as entirely free to ignore the fact that evidence was obtained by means of a patently illegal search. Conflicts with the Indian Bill of Rights would probably arise in such a situation. It is suggested, however, that the judge be left with alternatives besides strict adherence to the exclusionary rule when he is presented with a case involving an illegal search.

The judge could be allowed to appraise the degree of misconduct by the police. If their deviation from required procedure was slight and it was committed while acting in good faith and from inexperience or ignorance then perhaps the evidence obtained should be allowed at trial and the error explained to the police officer. Also, if the offense charged is particularly serious and the importance to the tribe of a successful prosecution outweighs the importance of restricting police misconduct then the court may allow the use of the evidence. If, however, the deviation was great or was committed with conscious disregard for the requirements of a legal search then the evidence may be excluded as well as other steps taken to compensate the defendant and/or discipline the police.

Such steps could possibly include formal disciplinary action against the police officers involved, including suspension or removal from the force, or ordering the filing of criminal trespass charges (this is the approach taken in Title 25, § 11.16(b) of the Code of Federal Regulations and it is also used in some tribal codes) or recommending to the aggrieved defendant that he file civil suit against the police officers for trespass. In order to make available any of these sanctions, a tribe must include them in a code provision.

The reports of the field study indicate that questions involving illegal searches do not present frequent problems among the tribal courts surveyed. Nevertheless some consideration should be given by tribal councils to the question of how to minimize illegal searches by the police before challenges under the Indian Bill of Rights occur.

SEC. 111. *Arraignment.* (a) Arraignment is the bringing of an accused before the court, informing him of his rights and of the charge against him, receiving his plea, and setting bail as appropriate in accordance with Section 114 of this code.

(b) Arraignment shall be held in open court without unnecessary delay after the accused is taken into custody and in no instance shall arraignment be later than the next regularly scheduled session of court.

SEC. 112. *Rights of accused at arraignment.* Before an accused is required to plead to any criminal charge the judge shall:

(1) Read to the accused and determine that he understands the complaint and the section of the tribal code which he is charged with violating, including the maximum authorized penalty; and

(2) Advise the accused that he has the right to remain silent; to be tried by a jury; and to be represented by counsel at his own expense and that the arraignment will be postponed should he desire to consult with counsel.

SEC. 113. *Receipt of plea at arraignment.* (a) If the accused pleads "not guilty" to the charge, the judge shall then inform him of a trial date and set conditions for bail prior to trial.

(b) If the accused pleads "guilty" to the charge the judge shall determine that the plea is made voluntarily and that the accused understands the consequences of the plea, including the rights which he is waiving by the plea. The judge may then impose sentence or defer sentencing for a reasonable time in order to obtain any information he deems necessary for the imposition of a just sentence. The accused shall be afforded an opportunity to inform the court of facts in mitigation of the sentence.

(c) If the accused refuses to plead, the judge shall enter a plea of not guilty on his behalf.

COMMENTARY

In the tribal setting, arraignment serves the purpose of guaranteeing that the accused does not have to wait until the time of trial before he has explained to him the charges against him. Such a proceeding, whatever its title, is necessary to comply with the Indian Bill of Rights prohibition against denying to any person the right "to be informed of the nature and cause of the accusation" against him (25 U.S.C. 1302(6)). It is also the time when the accused enters a plea to the charge and the judge determines that the accused understands the rights which he may assert and those which he waives should he plead guilty.

Since in virtually all Indian courts there is no presentment or preliminary hearing as there is in the federal system, arraignment may serve the function of both of them, as well as dealing with the finding of probable cause when necessary (see section 102 and Commentary), the setting of bail if the accused is confined in jail, and any other preliminary matters.

Section 111(b) above provides that arraignment must be held "without unnecessary delay" after the arrest of the accused. An unnecessary delay may mean more than several hours in some situations and it may mean more than a couple of days in others, depending upon the court schedule on particular reservations and the day of the week on which the accused is arrested. Ideally this provision should probably specify a time limit within which arraignment must be held. Many tribes already do this by providing that arraignment be held within 72 hours in some tribal codes, 36 hours in others, and 24 hours in still others. The Indian Bill of Rights does not dictate that one time limit is any more mandatory than any other as long as the period established is reasonable and fair. Accordingly this provision, as well as Section 115 regarding bail, is drafted in such a manner that each tribe may examine its own court procedures and, if desired, specify a reasonable time limit for holding the arraignment.

Section 112 provides that the defendant shall be informed of the following

rights guaranteed to him by the Indian Bill of Rights:

(1) The right to be informed of the nature and cause of the charge against him (25 U.S.C. 1302(6)).

(2) The right to remain silent (section 1302(4)).

(3) The right to be tried by a jury (section 1302(10)) (but see section 124 and Commentary in this code).

(4) The right to counsel at his own expense (section 1302(6)).

In order to have a record that the defendant was in fact informed of these rights and to enhance his understanding of them, some tribes require that a defendant read and sign a form which sets forth all of the rights. A copy of this is then kept with the case file. Although such a practice is certainly not required of tribes, in view of the limited record-keeping capacities of the tribes it is a good way to prove compliance with the Indian Bill of Rights at this state of proceedings should such proof ever become necessary. For those tribes which may be interested in such a practice, there is included in the Appendix to this code sample Form No. 7 for such a purpose.

The Indian Bill of Rights guarantees many more rights than those identified above. It is not mandatory, however, that the accused be informed of and made to understand all of these at arraignment. The ones which we have identified in section 112 are those which are considered as crucial at this particular stage of the criminal process.

The entering of a guilty plea by the accused under section 113(b) is a serious step in the criminal process because it results in the conviction of the accused through a summary procedure. Therefore it should be done with care and the assurance that the defendant is entering the plea voluntarily and with an understanding of the consequences. The judge should determine that the accused fully understands his rights and that he is waiving many of those by entering a plea of guilty. Although there is still disagreement among courts as to precisely which rights the defendant must understand he is waiving by the plea, in order to avoid any possibility of a federal court challenge, it is suggested that the tribal court insure that the defendant understands he is waiving the following rights by entering a guilty plea: (1) The right to trial by jury [where this is granted in the tribal code (see section 124 and Commentary)]; (2) the right to confront his accusors; and (3) the privilege against self-incrimination. Moreover the judge should determine that there is an absence of coercion in the defendant's plea; by that is meant that his decision to plead guilty should not be because someone threatened him, made improper promises, misled him as to the consequences, or otherwise improperly induced him to plead guilty to the charge rather than exercise his right to a trial. If there was such coercion then the judge has the duty to reject the defendant's plea and enter a not guilty plea in his behalf.

A final comment on the subject matter of an arraignment hearing: Section 101 (e) of this code contains the requirement that when an accused is arrested without a warrant the judge shall have the responsibility of finding that there is probable cause to hold the accused (either on bail or incarcerated). Thus if this determination has not been made prior to arraignment it should be made then and if cause is not found then the accused must be released.

SEC. 114. *Bail—release prior to trial.* Every person charged with a criminal offense before the tribal court shall be entitled to release from custody pending trial under whichever one or more of the following conditions is deemed necessary to reasonably assure the appearance of the person at any time lawfully required:

(1) Release on personal recognizance upon execution by the accused of a written promise to appear at trial and all other lawfully required times.

(2) Release to the custody of a designated person or organization agreeing to assure the accused's appearance.

(3) Release with reasonable restrictions on the travel, association, or place of residence of the accused during the period of release.

(4) Release after deposit by the accused or a bondsman of bond in either cash or other sufficient collateral in an amount specified by the judge or a bail schedule. The judge, in his discretion, may require that the accused post only a portion of the total bond, the full sum to become due if the accused fails to appear as ordered.

(5) Release after execution of a bail agreement by two responsible members of the community.

(6) Release upon any other condition deemed reasonably necessary to assure the appearance of the accused as required.

SEC. 115. *Bail—release by police officer.* Any tribal police officer authorized to do so by the court may admit an arrested person to bail pursuant to the bail schedule or release upon personal recognizance. Police officers shall have available a bail schedule prepared by the court or tribal council which shall be used for setting money bond where such condition of release is deemed necessary. Any police officer who refuses to release an accused on bail or who specifies a bail condition which the accused is unable to satisfy shall bring such accused before a tribal judge for review of the release conditions at the first available opportunity and without unnecessary delay.

SEC. 116. *Bail—release pending appeal.* Every person who has been convicted of a tribal offense and who has filed an appeal or a petition for a writ of habeas corpus shall be treated in accordance with the provisions of Section 114 above unless the judge has substantial reason to believe that no conditions of release will reasonably assure the appearance of the accused or that release of the accused is likely to pose a danger to the community, to the accused or to any other person. If the judge finds such to be the case he may order detention of the accused.

COMMENTARY

The Indian Bill of Rights contains in subsection (7) a provision prohibiting the requirement of "excessive bail" (25 U.S.C. 1302(7)). This broad language leaves to the tribe a considerable amount of flexibility in what type of bail requirements it cares to set. Often, because of this flexibility, questions of policy and practical realities applicable to a particular tribe will be controlling factors rather than legal issues in formulating bail provisions. It is with this in mind that the foregoing model provisions are suggested as guidelines, rather than as definitive treatment of the areas. A tribe may also wish to include standards regulating the use of bondsmen in posting bail, or specifying the maximum bond which a judge may require, or any number of other largely administrative procedures which will vary depending upon the needs of the individual reservation. Numerous tribes already have perfectly adequate code sections dealing with those questions.

Section 114 above sets forth a general right to release of all persons prior to trial on conditions which will reasonably assure his appearance at trial. Thus the only factor which a judge or tribal officer may consider in setting bail is the likelihood of flight of the accused. We received feedback that a few tribes are interested in some type of preventive detention standards, i.e., allowing a judge the discretion to deny bail entirely to an arrested person who the judge felt would present a danger to the community if he were released on bail prior to trial. The District of Columbia presently has such a provision which was passed by Congress in 1970 (D.C. Code, section 23–1322). Also a few states have related provisions allowing detention in certain circumstances. The legality and appropriateness of these measures however, is still open to question and for this reason a preventive detention provision was not included in this draft. If a tribal council feels strongly, however, that preventive detention is a desirable feature to include in their code it is suggested that the D.C. Code be used as a model, modifying it as is deemed appropriate.

The six conditions of release listed in section 114 are intended to suggest to the tribes the range of possibilities available for release conditions, including the familiar cash bond which is in such widespread use by tribes. Clearly the emphasis in the federal system is on release on personal recognizance with nothing more than the accused's written or oral promise to appear at trial. Studies indicate that this approach works well. It gives the accused his freedom immediately thus facilitating preparation of his defense, retention of his job, and the meeting of his family obligations without presenting any unreasonable risk of his flight. And all this is accomplished without the unfair burden which falls on the poor who often cannot raise the money to meet a money bond. Furthermore some studies have indicated that releasing the accused on personal recognizance may

V 40-72 APR 14 75 XUM

have a positive affect on his attitude and those of his friends and family toward the basic fairness of the social justice which they see in court.

These observations, however, are relevant more to policy decisions than legal issues. Clearly the Indian Bill of Rights does not require an emphasis on personal recognizance as a favored approach to bail. For this reason the bail provision was not drafted with such an emphasis. It seems peculiarly well suited to an Indian reservation with a relatively small population and where the community ties are generally strong and pervasive. But policy decisions such as these should be made by the individual tribes and tailored to their particular situations, considering such factors as the economic status of tribal members, size of the reservation, proximity of the reservation to towns and cities, and the volume of traffic on the reservation by non-tribal members. If a tribe should decide to include an emphasis on personal recognizance in its code we suggest language similar to the following:

Every person charged with a criminal offense before the tribal court shall be released from custody on his personal recognizance upon a written promise to appear at trial, unless the judge should determine that such a release will not reasonably assure the appearance of the person at any time lawfully required.

Likewise, not specified in this provision are any particular factors which a judge must weigh in setting bail. The federal courts are required by statute to consider the nature and circumstances of the offense charged; the weight of the evidence against the accused; the accused's family ties, employment, financial resources, character and mental condition; length of the accused's residence in the community; the accused's record of convictions; and the accused's record of appearance or failure to appear at prior court proceedings. These reflect what were primarily policy decisions in that Congress wanted to insure that the bail setting process is and individualized one whereby the judge carefully evaluates the relevant attributes of each case and sets the minimum bail conditions necessary to insure that the accused does not flee prior to the disposition of his case. This is surely a desirable policy but not one necessarily required by the Indian Bill of Rights.

Section 115 is designed in recognition of the situation on many of the large reservations where a person arrested may be 50 miles or more from a judge. If the tribal police are unable to transport the accused to the judge for release on bail their only recourse is to lock him in jail to await the next trial date. Of course, in such a situation use of the summons procedure appears highly desirable. (See section 105 of this code). But in those cases where a summons is not or cannot be used, the police should have some mechanism available for release of the accused pending trial. Section 115 is intended to provide this by allowing the tribal court or council to specify certain responsible police officers who may set conditions of release for the accused. Under this provision an officer may release the accused on personal recognizance or money bond. If he sets a money bond, however, he must use a bail schedule made available to him by the tribal court or council. Furthermore, if he denies bail or sets a bail condition which the accused cannot meet then he must bring the accused before a tribal judge for review of his decision at the first available opportunity. It should be kept in mind, though, that this provision does not permit tribal police to conduct the entire bail process themselves absent the supervision of a tribal judge.

Regardless of whether a tribe uses this draft provision or one it prepares itself, one element should be borne in mind: The Indian Bill of Rights prohibits the setting of excessive bail but this does not mean that bail must be granted in every case regardless of circumstances. However, equal protection and due process of the law prohibit the denial of bail arbitrarily or unreasonably or in a discriminatory manner.

SEC. 117. *Withdrawal of guilty plea.* The court may, in its discretion, allow a defendant to withdraw a plea of guilty whenever it appears that the interest of justice and fairness would be served by doing so.

COMMENTARY

If a defendant can demonstrate that some fundamental right of his was violated or that some injustice resulted from acceptance of his guilty plea then he should be allowed to withdraw it and plead not guilty. The above provision is included because of the due process clause in the Indian Bill of Rights (25 U.S.C. 1302(8)), and the privilege of a defendant not to be a witness against himself (25 U.S.C. 1302(4)). It reflects generally the principle that a defendant may ask at any time that he be allowed to withdraw his plea, but that in the absence of a manifest injustice, permission to withdraw the plea rests clearly in the sound discretion of the court.

If a request is made to a tribal judge for withdrawal of a plea he should question the defendant as to why he wants to withdraw it, what induced him to enter it in the first place, and whether he did so voluntarily and intelligently. The principal question should be whether some injustice or basic unfairness would result if the defendant's request for withdrawal of his plea is denied. This obviously is a very general issue and leaves a great deal to the discretion of the judge although the judge's discretion is not unlimited. Any decision to either grant or deny a request for withdrawal of a guilty plea must be arrived at in good faith and after a conscientious inquiry into the facts.

SEC. 118. *Standards governing appearance of attorneys and counselors.* (a) No defendant in a criminal proceeding shall be denied the right to counsel at his expense.

(b) The tribal council or tribal court shall prescribe in writing standards governing the admission and practice in tribal court of professional attorneys and lay counselors.

COMMENTARY

Prior sections of this code have discussed a defendant's right to counsel at his own expense and the duty of the tribal court to inform a defendant of his rights under the Indian Bill of Rights (25 U.S.C. 1302). While the question of standards governing the appearance of counsel before the tribal court is an important one it was not considered an appropriate subject for a detailed model provision. This is because of two reasons: (1) As long as the right to counsel itself is recognized in tribal courts the Indian Bill of Rights does not specifically prohibit nor require any particular provisions governing their qualifications; and (2) the customs, traditions, and operational requirements of the many tribal court systems are too diverse for one model provision to be very meaningful. Recognizing, however, that the manner in which a tribal court regulates the appearance of attorneys is an area where potentially serious legal questions could arise. The following comments are offered as guidance.

At the outset it is noted that two federal district courts have concluded that the "right to counsel" guaranteed in the Indian Bill of Rights means licensed professional attorneys and not simply "counsel" in the broad sense of a spokesman, advocate or advisor. In these cases the courts were rejecting the argument that "counsel" is a term which could be defined by the tribe and that the tribal government was free to exclude professional attorneys as long as a defendant had a right to be represented in a criminal proceeding by a lay advocate or spokesman. However, since a clear condition to exercise of the right is that counsel be "at the expense of the defendant" Congress implicitly acknowledged that even though an indigent may be unable to afford counsel the tribe has no responsibility to provide him with a public defender or court-appointed counsel.

Although a tribal court is required by the Indian Bill of Rights to allow representation by a professional attorney it does not follow that the court cannot impose certain regulations or qualifications on the appearance of such an attorney. In formulating such regulations, however, a tribe should be careful that it does not so restrict an attorney's appearance that his representation is effectively nullified. For example, although the tribe may conduct the proceedings in the tribal language (assuming that the defendant speaks the language or is furnished an interpreter) it probably could not require that the attorney demonstrate a knowledge of the language before he is allowed to make an appearance. Because of the extreme rarity of attorneys with a knowledge of an Indian language, such a requirement would effectively bar all professional attorneys from appearing in tribal court. A reviewing federal court would almost certainly conclude that such a requirement is unreasonable and violative of the defendant's right to counsel. On the other hand it would be quite reasonable to require that an attorney demonstrate a knowledge of tribal customs and law, including the tribal code, relevant ordinances and court procedures. This could be accomplished by either oral or written examination or simply by having the attorney attest to the fact that he has read and understands all relevant materials on the tribal law.

The point to be made here is that where tribal court procedures and laws are different from the federal and state court models it is altogether reasonable to require the professional attorney who proposes to enter an appearance before the tribal court to familiarize himself with court procedures and to demonstrate his familiarity before being allowed to practice. The tribal courts are also free to propose such further "rules of court" as they see fit as long as they do not eliminate professional counsel nor effectively nullify his role. (See Commentary to section 123.) Additionally, tribal courts should recognize that they continue to possess their traditional authority to enforce their rules by means of a finding that a counsel is in contempt of court. Whenever an attorney refuses to abide by the rules of court the judge always retains the authority to find him in contempt of court and impose such sanctions as a fine or disbarment. Of course, this contempt power should be exercised only after less formal measures have proven inadequate and even then it cannot be exercised arbitrarily or without sufficient reason.

Finally, it is noted that some tribal codes specifically provide that professional attorneys shall be permitted to practice only in cases where their clients have been charged with the commission of a criminal offense. The Indian Bill of Rights makes specific provision for the right to an attorney in a criminal proceeding and examination of the legislative history of the Act supports the position that its main thrust was aimed at preventing abuses in the criminal process and that Congress simply did not address itself to the question of civil proceedings. Consequently, any question concerning appearances of professional attorneys in other than criminal proceedings appears to be a matter within the tribe's discretionary authority. However, it is conceivable that this authority may ultimately be restrained by the broad protections of due process and equal protection of the law.

The practice of restricting professional attorneys from practicing in a civil court proceeding is not without precedent in American jurisprudence. Some state governments presently operate a system of "small claims (consumer) courts" which have adopted a similar rule prohibiting parties from having an attorney represent them and argue their case. In addition, bills have previously been introduced in Congress to establish a comparable system on the federal level with the identical limitation as to professional counsel. The basic rationale which has been offered for barring counsel from these courts may be equally applicable to trials in tribal courts. Basically, the small claims or consumer courts are proposed in order to allow the public an opportunity to have their minor complaints settled unencumbered by the more technical aspects of the law and the attendent expense of an attorney. It is recognized, and the practice of state small claims courts without such a limit bears this out, that a party who is represented by a lawyer gains an immediate advantage over the party without a lawyer and consequently frustrates the idea of a fair and equal hearing of the merits in an informal atmosphere.

SEC. 119. *Issuance of subpeonas.* (a) Upon request of any party to a case or upon the tribal court's own initiative, the court shall issue subpoenas to compel the testimony of witnesses, or the production of books, records, documents or any other physical evidence which is relevant, necessary to the determination of the case and not an undue burden on the person processing the evidence. The clerk of the court may act on behalf of the court and issue subpoenas which have been signed by a tribal judge and which are to be served within the confines of the reservation.

(b) A subpoena shall bear the signature of the Chief Judge or any Associate Judge of the tribal court and it shall state the name of the court, the name of the person or description of the physical evidence to be subpoenaed, the title of the proceeding, and the time and place where the witness is to appear or the evidence is to be produced.

SEC. 120. *Service of subponeas.* (a) A subpoena may be served at any place within or without the confines of the reservation, but any subpoena to be served outside the reservation shall be issued personally by a judge of the tribal court.

(b) A subpoena may be served by any tribal police officer or other person appointed by the court for such purpose. Service of a subpoena shall be made by delivering a copy of it to the person named or by leaving a copy at his place of residence with any competent person 16 years of age or older who also resides there.

(c) Proof of service of the subpoena shall be filed with the clerk of the court by noting on the back of a copy of the subpoena the date, time and place that it was served and noting the name of the person to whom it was delivered. Proof of service shall be signed by the person who actually served the subpoena.

SEC. 121. *Failure to obey subpoena.* In the absence of a justification satisfactory to the court, a person who fails to obey a subpoena may be deemed to be in contempt of court and a bench warrant may be issued for his arrest.

SEC. 122. *Witness fees.* (a) Each witness answering a subpoena shall be entitled to a fee of $____ for each day his services are required in court. In addition, the court may order the payment of reasonable travel and living expenses of the witness.

(b) The fees and expenses provided for in this section shall be paid by the tribe upon completion of the trial, but such expenses may be taxed as costs against the defendant if he is found guilty, provided, however, that no defendant shall be incarcerated solely because of his inability to pay such costs immediately.

(c) If the court finds that a complaint was not filed in good faith but with a frivolous or malicious intent, it may order the complainant to reimburse the tribe for expenditures incurred under this section, and such order shall constitute a judgment upon which execution may levy.

COMMENTARY

Section 202 of the Indian Bill of Rights (25 U.S.C. 1302(6)) provides that no tribal government may deny to any person in a criminal proceeding the right to have "compulsory process for obtaining witnesses in his favor.". Section 119(a) above implements this requirement by providing for the issuance of subpoenas compelling witnesses to testify at trial or to produce relevant documents for admission as evidence at trial. Under this provision, however, the party requesting a subpoena for production of physical evidence cannot do so indiscriminately. If the judge considers that the materials sought are not relevant or necessary or that their production would impose an unnecessary burden on the person possessing the evidence then he may refuse to issue the subpoena. Such a denial, however, should be done with care for the refusal to subpoena documents important to a party could provide a basis for appeal.

Virtually all tribal codes have some provision for subpoena powers but few contain the allowance included in section 119(a) whereby the clerk of the court has the authority to actually issue subpoenas which have already been signed by a judge. This is an optional provision intended as a suggested means to minimize judicial participation in the issuance of routine subpoenas for witnesses clearly necessary to the requesting party. Thus when either the police, for example, or the defendant wants to subpoena key witnesses essential to the case it is not necessary that they go before a judge to request such subpoenas. The clerk of the court will have in his possession subpoena forms already signed by the judge in blank and they may be completed and issued in the clerk's office. If, however, the use of subpoenas on a particular reservation is quite rare or if the judge has the time and the desire to be exclusively in charge of the subpoena-issuing process then this sentence in section 119(a) should be omitted.

There is no legal prohibition which prevents the court from issuing a subpoena to a person beyond the boundaries

V 40 172 APR 14 75

of the reservation and section 120(a) reflects this principle. However, if the person is outside the boundaries of the reservation there may be a substantial problem in enforcing the subpoena. If the subpoenaed person fails to appear as ordered, the court could issue a warrant for his arrest to be executed upon his appearance on the reservation. In the absence of this, the only way such a subpoena could be enforced would be by seeking the cooperation of the local state or federal court which has jurisdiction over the person and requesting that that court order the person's appearance before the tribal court. However, this may require a form of reciprocal agreement between the tribe and neighboring state. Because of these potential complications the discretion to issue a subpoena directed at someone off the reservation rests with the judge only and not the clerk.

Subsections (b) and (c) of section 120 describe the manner in which a subpoena may be served and proof of service made. It is quite similar to many of the present tribal codes except for the allowance of serving a subpoena on any person 16 years of age or older who resides at the same place as the person named in the subpoena. This also is an optional provision similar to that used in the federal system and intended to show that the Indian Bill of Rights does not necessarily require that a subpoena be handed personally to the named person but rather may be left with a member of his household.

Section 122 provides for the payment of a basic witness fee to compensate the subpoenaed witness for the inconvenience and potential loss of work income which he incurs while his presence is required in court. Additionally, the judge has the discretion to order compensation to the witness for his living and travel expenses. This latter allowance could become important to a witness if he lives a long way from the court or if he must seek public transportation to get there. The exact amount of the witness fee is left up to the individual tribes. Many tribal codes provide for a payment of $5.00 per day, others $4.00 and still others less. Moreover some tribal codes specify a certain mileage rate to be paid the witness for his travel expenses, such as seven or eight cents per mile for the distance from his home to the court and return.

Subsection (b) of section 122 allows the court the discretion to assess costs of the trial against the defendant if he is found guilty. See section 125(c) and Commentary on the necessity of allowing time for indigents to pay costs.) Factors to consider in making such a judgment should include the nature of the offense, how strong a defense was presented, and the financial condition of the defendant. This subsection does not allow, however, for assessment of costs against the defendant if he is acquitted.

Subsection (c) of section 122 provides for assessment of costs against a complainant in cases where the court concludes after a hearing that the complaint was filed with a frivolous or malicious intent. This does not mean, however, that costs may be assessed against a complainant simply because the defendant was acquitted; it must appear that the complaint was entirely without substance. This provision is intended to complement section 101(c) of this code providing for an initial screening of complaints and presumably the two together will eliminate cases of a frivolous nature. Subsection (c) is intended to apply where the complainant's sworn, uncontested statement does establish the necessary cause to believe that an offense has been committed, but it is later determined upon clear convincing evidence that the complaint was entirely without merit and the complainant knew it.

SEC. 123. *Trial procedure.* (a) The time and place of court sessions, and all other details of judicial procedure shall be set out in rules of court approved by the tribal council.

(b) The court shall not be bound by common law rules of evidence, or the rules of evidence which pertain in state or federal courts.

COMMENTARY

One of the areas in which there has been a good deal of confusion and apprehension over exactly what the Indian Bill of Rights (25 U.S.C. 1302) requires of tribal courts is in the identification of standards for criminal trial procedure. Some persons have expressed fears that the act was intended to require tribal courts to adopt all of the standards and technical requirements which apply to the trial of criminal cases in non-Indian courts. They object that doing so will result in a breakdown of the tribal court system. Imposing American judicial precedents on tribal courts might indeed cause great problems, however, such a requirement apparently was neither intended nor expected by Congress when passing the Indian Bill of Rights. Respect for the broad principles of due process and equal protection of the law is required of tribal courts, but the specific interpretation of those principles found in the case law of American courts does not bind the tribal courts in precisely the same way or to the same degree. That interpretation may be made by tribal courts within the framework of basic fairness and sensitivity for the more traditional Indian approaches to administering justice.

Rules of trial procedure are generally set by the court itself. This affords maximum flexibility for each court to establish rules which take into account the case load of the court, the extent of staff and facilities which are available to the court, and the level of expertise of the staff. Accordingly, no attempt has been made to include in this code specific provisions dealing with trial procedure. Rather, there is discussed briefly the broad principles involved, some of the potential problems for which tribes should be on the lookout, and a few suggestions are made; but the drafting of actual code provisions or court rules are left to the individual tribes as is fitting their particular situations. Likewise this commentary does not explain in detail the sequential steps of a criminal trial in American courts. A review of these steps might be useful for tribes as a starting point in devising their own procedures, but these steps are readily available from other sources, such as the Criminal Court Procedures Manual prepared by the National American Indian Court Judges Association.

Some issues which are relevant to trial procedure have been discussed in the commentaries following other provisions of this code and these should be consulted when appropriate. (See sections 101–111, 124 and 128 of this code on complaints, arrest, search and seizure, arraignments, jury trials and trial records.) But the following provisions of the Indian Bill of Rights bear directly on trial procedure in tribal courts:

(1) No tribal government may "compel any person in any criminal case to be a witness against himself." (25 U.S.C. 1302(4).)

This provision, along with the due process of law requirement (25 U.S.C. 1302(8)), constitutes the foundation for the right to remain silent with which most tribal governments are already familiar. It means that from the moment that a person is arrested through the period of his trial and sentencing he may not be compelled to make any statement unless he does so voluntarily. The point at which this right most often becomes crucial for the accused is immediately after his arrest because then the pressures to confess, either psychological or otherwise, are usually the strongest. Moreover, afraid and usually without representation, the accused is most susceptible to those pressures.

As discussed in the commentaries following arrest (p. 22) and search procedures (p. 30), the police may not coerce an incriminating statement from the accused nor conduct an illegal search, and the tribal judge has the ultimate responsibility of insuring that they do not. In the federal system, any issue involving the possibility of an involuntary confession or illegal search is argued and ruled upon at a "suppression hearing" which usually is held long before trial.

Clearly some mechanism should exist in tribal courts to resolve questions concerning the use of illegally obtained confessions or physical evidence but a formal pre-trial suppression hearing as held in federal courts is not mandatory, unless a tribal government elects to make it so. Other possible alternatives to such a hearing might include: (a) A verbal inquiry by the judge of the parties immediately before trial or at arraignment as to whether there is any confession or other seized evidence which will be presented in the case; and if so, whether there is any objection to its admissibility; or (b) simply proceeding with the trial until such time as the suspect evidence is offered and then hearing argument on its admissibility; or (c) discussing the question informally in a pre-trial conference.

The pre-trial conference can be a useful procedure not only for disposing of questions of evidence but also for dealing with any other matters which might serve to expedite trial. It should be used, however, only when the defendant is represented by counsel. For those tribes which may be interested in including a provision for pre-trial conferences in their criminal procedure codes, it is suggested that they use language similar to the following:

At any time after arraignment the court, at the request of any party or upon its own motion, may order one or more conferences to consider such matters as will promote a fair and expeditious trial. Such a conference shall be held only if the defendant is represented by an attorney or spokesman to act in his behalf. At the conclusion of the conference the court shall prepare and file a memorandum of the matters agreed upon and any orders that the court deems appropriate to the case.

(2) No tribal government may "deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense." (25 U.S.C. 1302(6)).

Since trials are frequently held on the same day as arraignment in many tribal courts or at the most within a couple of weeks and since they are usually open to the public, tribes should have no difficulty in complying with the "speedy and public" trial requirement. Likewise if the tribes use some form of arrangement proceeding as described in sections 111–113 of this code they should not be vulnerable to an accusation of failing to inform the defendant of the charges against him. And if they have a subpoena procedure similar to that set forth in sections 119–122 of this code they have provided the defendant with "compulsory process."

The right to be "confronted with the witnesses against him" means not only that the accused has the right to see and hear the evidence against him but that he also be given the opportunity to question his accusers and the witnesses they bring forth. This is the vitally important right in an Anglo court to cross-examine the prosecution's witnesses in order to test their recollection of events and the truthfulness of their statements. Although the right itself to be confronted with witnesses may not be abrogated, the manner in which it is exercised and specifically the role the attorney plays in that exercise may be at variance with non-Indian procedure in order to be consistent with the generally more informal nature of trials in Indian courts. Thus the same adversary system so familiar to every non-Indian attorney would not necessarily have to be employed in Indian courts. As an alternative, the judge may play a more direct role in which he himself thoroughly questions the complaining witnesses and defendant and allows the jurors (if it is a jury trial) to direct questions themselves. In such a scheme, the counsel or advocate would be permitted to question witnesses only after the court had completed its own examination. Proceeding in this manner might well eliminate the many objections and legal arguments which so characterize trials in American courts, but still guarantee a fair trial.

(3) No tribal government may "deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law." (25 U.S.C. 1302(8))

The "due process of law" clause operates as probably the most sweeping check on governmental actions recognized in Anglo courts today. And its impact has been particularly noticeable in the area of criminal procedure where, using the test of "fundamental fairness," the courts in recent years have taken bold steps to oversee police activities as well as supervise the functioning of the judiciary itself. Thus, whereas the precise interpretation of both the due process and equal protection clauses by non-Indian courts is not necessarily binding on tribal governments, it is important that tribes be cognizant of the potential impact of these two legal catch-alls when they are formulating their own rules for criminal trial procedure.

Equal protection of the laws means simply that the law shall be applied equally to every person in like circumstances, regardless of his race, color, creed or class. And in the context of trial procedure, due process of law, in its barest essence, means that an accused person shall: (a) Be advised of the charges against him; (b) be given notice of the time and place where his case will be heard; (c) have an opportunity to confront his accusers; (d) have the opportunity to present evidence in his own behalf; (e) and have the question of guilt or innocence decided by a trier of facts whose decision is based solely on the evidence presented in the case and not on any preconceived notions, regardless of whether trial is by the judge or by a jury. All of these principles must be observed in a spirit of fairness and impartiality but not necessarily with the formality common to federal or state courts. Clearly the prosecution has the burden of proving the accused's guilt beyond a reasonable doubt, including the facts that the court has jurisdiction over the case, that a crime has actually been committed, and that the defendant committed it with the requisite intent (when intent is an element of the offense required by the tribal code). In response the defense may challenge the jurisdiction of the court, or show that the defendant did not commit the acts charged or that his acts were justified, or that his acts were excused by some mental incapacity. Beyond these broad guidelines, however, tribes should feel free to experiment with procedures which guarantee fundamental fairness to both parties but which also facilitate the prompt, efficient and economical dispensation of justice.

In fact, some tribes have already adopted measures to insure that all of the technical rules of procedure used in Anglo courts are not viewed as binding on tribal courts. For example, at least one tribe has adopted its own code provision setting forth vastly simplified and streamlined rules of evidence for its courts. Other tribes have specifically stated either in their codes or in court rules that the rules of evidence pertaining in state and federal courts do not apply in their courts. Both approaches are considered to be sensible and realistic solutions to a potentially difficult problem for tribal judges.

SEC. 124. *Jury trial.* (a) Any person accused of a crime for which imprisonment is a possible penalty may be granted a jury trial, upon his or her request made at time of arraignment. A jury shall consist of at least six members of the tribe selected at random from a list of eligible jurors prepared each year by the tribal council or other appropriate body.

(b) An eligible juror is a tribal member who has reached the age of ____ years, has not been convicted of a felony, and is not otherwise unqualified according to standards established by the tribal court under its general rule-making authority.

(c) Each party shall have the right to challenge an unlimited number of jurors for cause on the basis of lack of qualifications, partiality, or otherwise acceptable reason. Whether or not cause exists shall be determined by the judge in all instances. In addition, each party shall have the right to a maximum of three peremptory challenges for jurors, for which no reasons need be given and which the judge may not refuse to grant.

(d) The judge shall instruct the jury with regard to the applicable law and the jury shall decide all questions of fact on the basis of that law.

(e) The jury shall deliberate in secret and return a verdict of guilty or not guilty. The judge shall render judgment in accordance with the jury verdict.

(f) Each juror shall be paid out of tribal funds the sum of $____ for each day of service, plus ____ cents a mile for his transportation costs to and from court.

COMMENTARY

The Indian Bill of Rights states that a tribe may not "deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six persons." (25 U.S.C. 1302(10)). A literal reading of this language is that anytime a defendant is charged with any offense whatsoever under the tribal code or the Code of Federal Regulations which may subject him to a jail sentence, regardless of how brief, then the tribal court is required to grant him a jury trial upon his request.

The impact of such an interpretation could be devastating because it would mean that prosecution in tribal courts of many minor offenses, including those traditionally thought of as petty in American law, may involve the necessity of a trial by jury. Prosecution for disturbing the peace, public drunkenness,

V 40 72 APR 14 75 XUM

failing to send one's children to school, and violations of the game and traffic laws, all of which in some tribal codes are punishable by short jail terms, may be burdened by the added expense, time, cumbersome procedures and strain on courtroom facilities inherent in a jury trial.

"Petty offenses" have been defined by Congress and in many federal court decisions as those offenses which have a maximum penalty of six months imprisonment. And despite the clear language of the Constitution that all "crimes" (Art. 3, section 2) and all "criminal prosecutions" (Sixth Amendment) shall be tried by a jury, allowance has always been made in American law for denying the right to a jury trial to defendants charged with petty offenses even though they may be imprisoned upon conviction. This exception has long been recognized in both federal and state courts and frequently justified on the basis that the rights of the individual defendant as well as the public interest are best served by the prompt, inexpensive disposition of minor offenses which is afforded by relatively informal non-jury trials.

Fairness and reason dictate that because of the maximum sentence of six months which tribal courts have jurisdiction to impose and because of the "petty" nature of many of the offenses tried in those courts this exception to the general right to a jury trial is even more appropriate in Indian court systems. Yet a literal reading of the Indian Bill of Rights would not allow for this exception.

Tribes may, for this reason, interpret section 1302(10) as not granting an absolute right to a jury trial for all tribal offenses, even though the defendant may request it and even though imprisonment may be a possible penalty. To do otherwise would ignore the frequently expressed intention of Congress and the courts alike to avoid any unnecessary interference with the cultural and governmental autonomy of Indian tribes. For it is difficult to imagine a more striking example of interference than that of requiring jury trials, a concept essentially alien to Indian systems of justice, for all criminal offenses tried in tribal courts.

By the use of "may" instead of "shall" subsection (a) of this provision reflects this analysis that the tribe has some discretion in granting jury trials. Whether a tribe adopts this provision though or something similar it should consider the advisability of adding more specifics as to exactly when a jury trial is a right and when it may be denied, if at all. Two possible criteria which have been used in federal courts, for example, are (1) the nature of the offense, or (2) the maximum length of sentence. By the first standard a jury trial was a right for those offenses which were historically considered "serious" in nature. And in actuality the second standard was thought of as only a modification of the first in that the maximum authorized sentence was viewed as an indication of the seriousness of the offense. A third possible criterion is that used in the Code of Federal Regulations (25 CFR 11.7C(a)) providing that whether there is a "substantial question of fact" in the case determines if a jury trial may be demanded or not. Of the three alternatives the Code of Federal Regulations provision is the least consistent with section 1302(10) of the Indian Bill of Rights. While it is not necessarily invalid, it would appear that a court would have considerable difficulty in denying that a substantial question of fact was presented in the face of a not guilty plea.

The other elements of this model provision deal with areas in which there is clearly considerable room for discretion and individual tailoring by the tribes. Accordingly subsections (b) through (f) should be viewed as general expressions of rights in criminal procedure and examples of what can be done but not necessarily what is required.

There is a great deal of discretion permitted in the setting of qualifications for jurors and in devising a selection method but the provisions which may be adopted are not free of legal restraints for they must be reasonable and may not discriminate against any particular group or segment of the community contrary to the equal protection of the laws mandate. In this regard it should be noted that although federal courts have long interpreted the equal protection clause of the Constitution as prohibiting discrimination in selection of jurors on the basis of race, color, natural origin or class, it does not follow that the same clause in the Indian Bill of Rights proscribes selection of tribal court juries from Indians only. This is because Indian communities are separate political entities. Just as a state may establish citizenship and residency requirements in the selection of jurors, so may an Indian community require tribal membership.

Subsection (b) sets forth two juror qualifications used consistently throughout tribal codes: age and no felony record. The majority of tribal codes examined specify twenty-one as the minimum age for jurors. There is no reason, however, why any other reasonable age could not be used by tribes. Other proper and frequently prescribed qualifications are those requiring mental and physical alertness, language facility, and residency in a specified geographic area.

Both due process of law and the right to a jury trial would inherently require that jurors be impartial and able to reach a judgment on the evidence presented in court. The right afforded to both the prosecution and the defendant to challenge jurors serves as a means to protect these interests. If a juror does not meet the qualifications established by the tribe or if it can be shown that because of some relationship to a party, prior knowledge of the case, or other factor he cannot render a fair and impartial judgment, then he should be excused from serving on the jury. The judge, however, makes the ultimate decision when a juror is challenged for cause.

There is nothing particularly mandatory about the number of peremptory challenges which may be permitted each side. Subsection (c) specifies three solely because that is the number most often used in tribal codes, but a tribe may increase or decrease this number as it sees fit.

Some tribal codes grant to the judge the power to subpoena jurors and the power to excuse them from serving at all when the personal hardship would be too great. In view of the difficulty on some reservations with insuring that jurors report for service when they are called, the subpoena power might be essential for efficient operation of a jury system. This again, however, is a matter which should be decided locally and which could be drafted in a simple form.

SEC. 125. *Sentencing.* (a) Any person who has been convicted in the tribal court of a criminal offense may be sentenced to one or a combination of the following penalties:

(1) Imprisonment for a period not to exceed the maximum permitted by the code provision defining the offense, which in no case shall be greater than six months.

(2) A money fine in an amount not to exceed the maximum permitted by the code provision defining the offense, which in no case shall be greater than five-hundred dollars ($500.00).

(3) Labor for the benefit of the tribe.

(4) Rehabilitative measures.

(b) In addition to or in lieu of the penalties provided in subsection (a) above, the court may require a convicted offender who has inflicted injury upon the person or property of another to make restitution or compensate the injured person by means of the surrender of property, payment of money damages, or the performance of any other act for the benefit of the injured party.

(c) If, solely because of indigency, a convicted offender is unable to pay forthwith a money fine assessed under this section or costs assessed under section 122(b) of this code, the court shall allow him a reasonable period of time to pay the entire sum or allow him to make reasonable installment payments to the clerk of the court at specified intervals until the entire sum is paid. If the offender defaults on such payments the court may find him in contempt of court and imprison him accordingly.

SEC. 126. *Probation.* (a) Where a sentence of imprisonment has been imposed on a convicted offender the tribal court may, in its discretion, suspend the serving of such sentence and release the person on probation under any reasonable conditions deemed appropriate by the court, provided that the period of prabation shall not exceed the maximum term of sentence set for such offense in the tribal code of law and order.

(b) Any person who violates the terms of his probation may be required by the court to serve the sentence originally imposed or such part of it as the court may determine to be suitable giving consideration to all the circumstances, provided that such revocation of probation shall not be ordered without a hearing before the court at which the offender shall have the opportunity to explain his actions.

SEC. 127. *Parole.* (a) Any person sentenced by the court to detention or labor shall be eligible for parole at such time and under such reasonable conditions as set by the court.

(b) Any person who violates the conditions of his parole may be required by the court to serve the whole of the original sentence, provided that such revocation of parole shall not be ordered without a hearing before the court at which the offender shall have the opportunity to explain his actions.

COMMENTARY

The Indian Bill of Rights provides that no tribal government may "impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of six months or a fine of $500, or both." (25 U.S.C. 1302(7)). Generally as long as tribes comply with the six-months and/or $500 fine limitations they should have little difficulty in making their tribal codes consistent with this Indian Bill of Rights prohibition. In fact, in the currently existing tribal codes which were surveyed few potential problems with the sentencing provisions were found and they were used as a pattern to some degree for the above sections.

The allowance in section 125(a) (3) and (4) above for penalties in the form of performing labor which benefits the tribe or of certain rehabilitative measures, which are intended to benefit the offender as well, is a general expression of the sentencing alternatives which may be made available to a judge besides imprisonment or a fine. A tribe may wish to make the alternatives more specific by listing the various options which may be considered by a sentencing judge, such as work of a particular nature or identifying the rehabilitative step, if any, or it may wish to eliminate them entirely. Certainly the Indian Bill of Rights does not prohibit any of these approaches as long as the sentence imposed does not appear to be "cruel and unusual."

Subsection (b) of section 125 is similar to a provision included in the Code of Federal Regulations (25 CFR 11.33(c)) and is intended here as a statutory recognition of the sentencing approach which is perhaps the most firmly rooted in Indian tradition and sense of justice—that of compensating the victim for the injury he suffered at the hands of a criminal offender. Even though this concept is unfamiliar to American jurisprudence no compelling reason was discerned why, if so desired, it cannot legally be used by Indian courts, as long as the restitution ordered is reasonable and fair.

Subsection (c) of section 125 is intended to insure that a convicted person who is unable to pay a fine or costs solely because of his financial situation is not denied the equal protection of the laws because of his indigency. This does not mean that an indigent defendant may not be sentenced to imprisonment upon conviction. Nor does it mean that he may not be imprisoned for nonpayment of a fine. It does mean, however, that if he is fined but is unable to pay the fine immediately, then rather than being incarcerated for nonpayment he must first be given some alternative means to satisfy the debt. Under this code provision those alternative means are the allowance of time to raise the money or the permission to make installment payments until the total sum is satisfied. If the defendant still does not pay the fine, then he may be jailed; and such imprisonment may be required in addition to any sentence which may have been served for conviction of the original offense. It would seem, however, if the additional imprisonment ordered by the court exceeds the maximum term authorized by the statute defining the original offense, a denial of equal protection or due process of the law might result.

It should be noted additionally that the power of a court to impose a jail sentence for nonpayment of a fine appears to be in the nature of a contempt power which is premised on a willful act or omission. Thus even though there is no present requirement for any additional hearing when the defendant fails to meet his installments, it may be advisable for the court to make some additional inquiry as to the cause of nonpayment by the defendant before imposing a jail sentence.

This code provision does not include any specifics as to what factors a tribal judge must consider in fixing a sentence. The tribe may wish to leave this unspecified or it may wish to draft its own list of detailed requirements in this area. Whichever approach is chosen, however, we would suggest that, in exercising his sentencing discretion, factors such as the following would be logical and helpful to a judge:

(1) The previous conduct of the defendant, including his reputation in the community and any prior arrest record.

(2) The circumstances under which the offense was committed, including any indications of a malicious or willful state of mind.

(3) Any efforts made on the offender's own initiative to make amends to an injured party.

(4) The extent of the defendant's personal resources and whether the needs of his dependents may be affected by the type of sentence imposed.

Section 126 provides that a tribal judge has the discretion to place a convicted offender on probation instead of jailing him, but that such probation cannot exceed the maximum term of sentence set forth in the code. This period was selected solely because it is the one used in the majority of tribal codes surveyed and is the one used in the Code of Federal Regulations (25 CFR 11.34(a)). However, probation is different from incarceration so it does not appear that the limitation on the sentencing authority placed on the tribes (maximum of six months imprisonment) by the Indian Bill of Rights (25 U.S.C. 1302(7)) limits their authority in providing for terms of probation. Further, it is common practice under both federal and state law to permit judges to impose periods of probation exceeding the term of imprisonment provided for the offense. Thus tribes should feel free to adopt code provisions extending the authorized period of probation beyond the limitations contained in this provision.

In both section 126 (Probation) and section 127 (Parole) there is included a requirement for the holding of a hearing before probation or parole may be revoked and the offender incarcerated. Although this probably represents a departure from most present tribal codes it is included here because of the possibility that a denial of due process of law might result if probation or parole is revoked summarily without explaining to the offender why or giving him any opportunity to contest the action. The hearing contemplated must be conducted by the judge but it need not be particularly formal in nature, provided that adequate explanation is given to the offender as to what is at stake and he is allowed to present his position. Moreover as with all proceedings before the court, it is desirable that some record be prepared of the hearing so that a tribal judge may be able to justify his actions if the need should ever arise to do so.

Section 127 provides for a general right to parole but leaves entirely to the tribal judge the question of when that right becomes available to a defendant and under what conditions. In the Federal system responsibility for granting or denying parole rests with a non-judicial Board of Parole; and some tribes also use an executive body for this purpose, such as the law and order committee, or some combination of judges, tribal council members, and members of the community. Questions of parole are perhaps best decided by some body other than the court but most tribal codes surveyed specify "the court" and there is nothing in the Indian Bill of Rights which prevents this solution. To avoid at least the appearance of bias, however, it is recommended that if tribal judges consider questions of parole, the judge originally sentencing the defendant not be allowed to participate in the decision.

In the federal system a person usually becomes eligible for parole after serving one-third of his sentence although he may not necessarily be granted parole at that time. Under the Code of Federal Regulations one sentenced in a Court of Indian Offenses must serve one-half of his sentence before he is eligible for parole (25 CFR 11.35(a)). There is nothing in the Indian Bill of Rights, however, which requires that either of these standards be used. Thus a tribe may draft its own standard in this area or it may leave it up to the judge's discretion as does this section. Both approaches have their advantages, and tribes should assess those advantages in light of their individual court systems.

SEC. 128. *Appeals.* (a) An appeal may be granted to any person convicted of a

V 40 172 APR 14 75 XUM

violation of the tribal code of law and order who, within ____ days of his conviction, files a written notice of appeal with the court outlining substantial grounds for the granting of such an appeal.

(b) In all criminal convictions the determination as to the sufficiency of the grounds for an appeal shall be made by the appeals body and shall be final. The appeals body shall notify the appealing party in writing whether the appeal has been granted or denied.

COMMENTARY

An appellate process is not an express requirement of the Indian Bill of Rights (25 U.S.C. 1302) but it is provided for here for the following reasons: Nearly every tribe currently has provision in their code for an appeals process and in the hearings on the Indian Bill of Rights Congress expressed a keen interest in insuring that those processes function. Moreover, where there has occurred or allegedly occurred violations of the defendant's rights under the Indian Bill of Rights failure to provide a mechanism for an appeal within the tribal court system increases the probability of federal court intervention in the functioning of the tribal court. This is because a defendant who feels that he did not get a fair trial and who has no avenue of appeal available to him in the tribal structure is more likely to file a habeas corpus petition in federal court to challenge his conviction and detention. Such a result can serve only to weaken the tribal court system and ultimately to weaken the concept of tribal sovereignty. Therefore the above rather minimal provision has been drafted as an encouragement for tribal governments to assess and strenghen their appellate processes.

Section 128 above is not a definitive treatment of the subject of appeals; rather, it is intended as a skeletal provision showing who may appeal, when, and how. The tribe, of course, can establish any reasonable time limit it desires for the filing of a notice of appeal required in subsection (a). The limit, however, should be long enough after trial to allow a party time to consider his course of action and, if so desired, retain an attorney, but it should not be so long as to unnecessarily drag out the appeals process.

No mention is made in this provision of the composition of the appellate body, the exact form which an appeal must take, or the grounds upon which an appeal may be founded. Nor is any provision made for a filing fee. Again, these are questions which should be answered by each individual tribe in light of what is most easily and fairly adaptable to its situation, but the following comments might be helpful.

Each tribe must make essentially three principal decisions in order to establish an appellate process: (1) Who hears the appeal and what is the composition of the appellate body; (2) what form the appeal takes; and (3) what constitutes grounds for appeal. Among the tribal codes now containing appeal provisions a common solution to the first question is establishing a panel consisting of all the judges of the tribal court except the one who presided over the trial. Besides a panel of judges other bodies sometimes employed in tribal codes for hearing appeals are the tribal council, the tribal law and order committee, the tribal attorney, or an appellate court entirely separate in composition and function from the trial courts.

Tribal governments have used essentially one of two procedures for the form of an appeal—appellate hearing or new trial. The hearing often consists of reviewing in detail the original trial in order to determine if prejudicial errors occurred of such a nature that they deprived the trial of fairness and impartiality. The appellate body may make such a review on the basis of the trial record alone or it may also consider oral and/or written arguments presented by all parties. The new trial approach used by some tribes means that an entirely new trial is granted of all the factual and legal issues which were involved in the original trial. This "appellate trial" is conducted just as if the first trial never occurred and the appellate body finds its verdict solely on the basis of the evidence presented in the new trial.

An appeal may be either an absolute right or the appeals body may review all notices and decide whether to grant or deny the appeal. Some tribal codes do not identify any particular grounds for an appeal; it is granted automatically upon demand. Others state that there must have been "prejudicial error" before an appeal may be taken and still others specify certain grounds, such as perjury, evidence which was not available in the original trial, or particular errors of law or procedure. Section 128 above provides an absolute right to file a notice of appeal but the appellate body has the discretion as to whether to grant the appeal or not. This procedure is intended as a device to minimize the burden to an appellate body of having to hear large numbers of frivolous appeals based on unfounded claims. Although this is something which is apparently not much of a problem for tribes now it could be if a functioning and popularly recognized appellate system is set up on reservations. Section 128 also provides that the appealing party be notified in writing of whether his appeal has been granted or not. If it is granted and if the appeals process includes a hearing or new trial, the appealing party should be notified in writing of the date set. Even though the Indian Bill of Rights does not establish a right to appeal, it should be recognized that if an appellate process is provided it must afford due process and equal protection of the law.

No judgments are made on which of these schemes or others should be used by the tribes to set up or strengthen an appellate system. A design which is efficient and fair in one tribal setting may be totally unworkable in another. But whichever method is selected, the appellate process should be so designed that it can effectively function when called upon. Unless the appellate process provides for a new trial, some form of record-keeping must be instituted in order to provide material for the appellate body to review. Such a record might be provided by an actual recording or stenographic notes of the trial proceeding, or by a written statement of the proceedings agreed to by the trial judge and all parties. By providing a workable appellate system, tribes will not only preclude any potential non-compliance with the Indian Bill of Rights but they will also minimize the possibilities of intervention by a federal court and the attendant disruptions of the tribal court system which that could bring.

SEC. 129. *Qualifications and training of judges of courts of Indian offenses.* (a) No person shall be eligible to serve as a judge of the Court of Indian Offenses if: (1) He or she has ever been convicted of a felony; or (2) has been convicted of a misdemeanor within one year previous to assuming office.

(b) No judge of the Court of Indian Offenses shall be qualified to preside over any matter wherein he has any direct interest or wherein any relative by marriage or blood in the first or second degree is a party.

(c) Each judge of the Court of Indian Offenses shall, be appointed by a two-thirds vote of the tribal council, subject to the approval of the Commissioner of Indian Affairs.

(d) The tribal council shall set forth such other qualifications for judges of the Court of Indian Offenses as it deems appropriate, subject to the approval of the Commissioner.

(e) The tribal council shall also establish requirements for the training of judges of courts of Indian offenses as it deems appropriate, subject to the approval of the Commissioner.

COMMENTARY

There is nothing in the Indian Bill of Rights (25 U.S.C. 1302) which establishes qualifications for judges or, for that matter, even requires the establishment of such qualifications. However, the legislative history of the 1968 Civil Rights Act reveals that this subject was a matter of concern to Congress and this led to the requirement that the Model Code "establish proper qualifications for the office of judge of the court of Indian offenses." (25 U.S.C. 1311(3)). Thus section 129 above is mandatory for Code of Federal Regulations courts and—as is true for all other provisions for this code—voluntary for tribal courts.

Despite the fact that qualifications of judges were discussed in the hearings preceding the passage of the 1968 Civil Rights Act, the record is devoid of any suggestion on the qualifications which might be developed. Standards that are "proper" and attainable for one tribe may be not only improper but impossible of attainment for another. The diversity in tribal cultures, the variance in resources available to the individual tribes, and the differences in the role played by judges in the tribal communities are too great to set meaningful standards which apply to all Indian courts alike.

Notwithstanding these comments, in order to comply with the statutory mandate and to provide a starting point for those tribes wishing to evaluate their present codes, section 129 above was drafted. This provision is a modified version of the 1974 edition of the Code of Federal Regulations (25 CFR 11.3(d)), which contains three requirements: (1) That the judge be a member of a tribe under the jurisdiction of the court in which he will preside; (2) that he has never been convicted of a felony; and (3) that he has not been convicted of a misdemeanor within the last year. In addition, the Code of Federal Regulations contains a conflict of interest provision from which section 129(b) above is adapted. (25 CFR 11.3(e)). Subsection (c) is also adapted from the current Code of Federal Regulations provision (25 CFR 11.3(b)) except that the principal responsibility for the selection of judges rests with the tribal council, subject to approval of the Commissioner of Indian Affairs. This sequence in the exercise of authority conforms with that set forth in subsections (a), (b), (d) and (e) of section 129 above.

In section 129, the Code of Federal Regulations requirement that the judge be a member of the tribe was dropped. Several tribes follow the practice of employing professional attorneys to sit on contested cases in their courts. A requirement of tribal membership would prohibit this practice. Also, it is not uncommon for a judge of one court to ask a judge of a neighboring tribe to sit on a case which may have divisive consequences in the tribe or where his own impartiality might be questioned, such as in election disputes or issues involving family matters in a tightly knit community. If a judge were required by the code to be a member of the tribe, this practice would be legally questionable.

Review of tribal codes discloses that many tribes track the Code of Federal Regulations provisions on judicial qualifications; others contain more restrictions as to education, character, age, or training. Still others do not state any qualifications at all, leaving it to the tribal council or the election process to select qualified judges.

Certainly all of these considerations are reasonable for some tribes but tribal diversity makes it impractical to set forth such detailed requirements for all Indian courts. For example, lack of a high school diploma is not uncommon among the older members of the Indian community. Thus a requirement involving formal educational attainment might well bar a highly qualified candidate. One of the most highly respected judges in the National American Indian Court Judges Association could not meet such an educational requirement.

Subsection (e) of section 129 was drafted to comply with the statutory requirement that the Model Code contain a provision for "the establishment of educational classes for the training of judges of court of Indian offenses." (25 U.S.C. 1311(4)).

In 1969 the National American Indian Court Judges Association was incorporated and in 1970 that Association undertook the establishment of a training program for all Indian court judges who cared to participate. Much of this endeavor was financed by grants from the Law Enforcement Assistance Agency; the Bureau of Indian Affairs lent one of its law and order specialists to the project for one year; and in 1973 and 1974 various moneys were funneled to that association by the Bureau of Indian Affairs on the basis of contracts for the development of training projects in selected areas of law. Thus since 1970 both the Department of the Interior and the Department of Justice have encouraged and contributed to the financing of a judicial training program which was developed and operated by the Indian people themselves. The Association's program involves the skills of professional attorneys and law professors and encompasses frequent training programs in selected regions scattered throughout the western half of the United States.

In view of this program, it is recommended that tribes consider requiring in their codes that candidates for judicial office declare their willingness to attend available training programs if they are elected or appointed to office. However, even this requirement presents difficulties which the tribe should consider. Traveling to and from these training programs can be expensive. The pay of most Indian court judges is simply not adequate to cover these expenses and thus provision should be made in the tribal budget (whether from tribal or federal funds) to cover the costs of attending these training programs. Even then many judges may find it impossible to attend. With the exception of the larger tribes, most judges sit only part-time. Their principal means of income is thus derived from other employment, often from jobs such as cattle ranching where they frequently cannot get away for the three or four days necessary to reach the site of the training program and return home.

In considering such a code requirement the tribes should weigh the value to be derived by paying the costs for their judges to attend these training sessions. By communicating with other judges and observing trial procedures at such training sessions a judge acquires skill and gains self-confidence in his job. This skill and confidence is all the more necessary as the jurisdictional reach of Indian courts expands and the presence of professional attorneys in them increases.

APPENDIX OF OPTIONAL FORMS

The following forms have been prepared for use in criminal proceedings by those tribes which presently may not have any forms of their own. They are derived largely from the type used in federal district courts but they have been simplified and, in some cases, substantially altered to conform more closely with the format currently being followed by some tribes and which are particularly well drafted.

Substantively, the following forms are entirely consistent with the requirements of the Indian Bill of Rights but their use is in no way mandatory. As long as they contain essentially the same information now provided in them, tribes may alter them where desired in order to meet the needs of any particular reservation.

It should be noted that with the use of any forms written in the English language some accommodation should be made for the defendant who does not understand English. This is particularly important in the case of Form 7 (Acknowledgement of Rights) in which the defendant swears that he understands the contents of the form. It is suggested that if another person is used to translate in such a case then the translator himself should sign the form at the bottom and certify that he has read the document to the defendant in his native language and that the defendant understood its contents.

FORM NO. 1. COMPLAINT

TRIBAL COURT OF ---------- TRIBE

---------- Tribe v. ----------
(name of accused)

Criminal Complaint No. ------

The undersigned complainant swears that: On or about ----------, 19-- at ----------
(date) (location of ----------, within the jurisdiction of this incident)
Court, ---------- did
(name or description of accused)

(description of incident)
----
in violation of Section ____ of the Code of Law and Order of the --------- Tribe.

(signature of complainant)

(date)

Sworn to before me and signed in my presence:

(date)

(Tribal Judge or other individual designated by the Chief Judge

FORM NO. 2. ARREST WARRANT

TRIBAL COURT OF ---------- TRIBE

Warrant of Arrest Case No. ------

---------- Tribe v. ----------
(name of accused)

TO ANY TRIBAL POLICE OFFICER OR OTHER AUTHORIZED LAW ENFORCEMENT OFFICER:

You are hereby commanded to arrest ---------- and forthwith bring
(name of accused)
him (her) before any Judge of the ---------- Tribal Court to answer to a complaint charging him (her) with ----------
(describe offense)
in violation of Section ____ of the Code of Law and Order of the ---------- Tribe.

(date)

(signature of judge)

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RETURN

Received this Warrant of Arrest on ----------, 19-- and executed it by arresting the above-named accused at ----------
(location of arrest)
on ----------, (date of arrest) 19--, at ------- (AM) (PM) and bringing him(her) before Judge ---------- of the ---------- Tribal Court of ----------
(date)
at ---------- (AM (PM)

(date)

(signature and title of arresting officer)

FORM No. 3. SUMMONS

TRIBAL COURT OF ---------- TRIBE

---------- Tribe v. ----------
(name of accused)
Summons Case No. -------
TO: ----------
(name of accused)
YOU ARE HEREBY SUMMONED to appear before Judge ---------- of the Tribal Court of the ---------- Tribe at ----------
(location of court) on ----------, (date) 19-- at ----------
(time) to answer to a complaint charging you with ----------
(description of charge)
on or about ---------- at ----------
(date)
---------- in violation of Section ----------
(location of offense)
of the Code of Law and Order of the ---------- Tribe.

---------- ----------
(date) (signature of Judge or police officer)

This Summons was received by me on ----------, 19---

(signature of accused)

FORM No. 4. SEARCH WARRANT

TRIBAL COURT OF ---------- TRIBE
Warrant to Search

TO ANY TRIBAL POLICE OFFICER OR OTHER AUTHORIZED LAW ENFORCEMENT OFFICER:
Sworn statement having been filed with me by ---------- charging that
(name of person requesting (the warrant))
(s)he has reason to believe that on the premises known as ---------- located
(address or description of property)
within the jurisdiction of this court, there is located certain seizable property, namely, ---------- and as
(describe property to be seized)
I am satisfied that there is probable cause to believe that such property is located as above-described,
YOU ARE HEREBY COMMANDED to search the premises named above for the property specified and to serve this Warrant, and if the property is found there to seize it and bring it forthwith before this Court.

---------- ----------
(date) (signature of judge)

RETURN

Received this Warrant to Search on ----------, 19-- and executed it on ----------
(date)
----------, 19--, at (AM) (PM) and seized the following property: ----------
(describe property seized)

---------- ----------
(date) (signature of officer)

FORM No. 5. APPEARANCE BOND

TRIBAL COURT OF ---------- TRIBE

---------- Tribe v. ----------
(name of accused)
Appearance Bond Case No. -------
The defendant, PROMISES AND AGREES: That if the defendant fails to appear personally before the Tribal Court of ---------- Tribe at ---------- on ----------, 19--, and
(time) (date)
there to answer to a complaint filed against him or her, and to appear at such other times as may be ordered by the Court until final disposition of this case, then the defendant shall pay a fine of $------- or shall forfeit $------- deposited as a personal bond. If the defendant does appear at all times so required then this bond shall be void.
Signed this day of ----------, 19---

(signature and address of defendant)
Signed and acknowledged before me on ----------, 19---

(signature of judge)

FORM No. 6. SUBPOENA

TRIBAL COURT OF ---------- TRIBE

---------- Tribe v. ----------
(name of accused)
Subpoena Case No. -------
TO ----------
(name of subpoenaed witness)
YOU ARE HEREBY COMMANDED to appear in the Tribal Court of ---------- Tribe at ---------- on ----------, 19-- at
(time) (date)
---------- to testify in the
(location of the court)
case of --------- Tribe v. ----------
(name of accused)
This Subpoena is issued upon the request of ----------
(specify either the tribe or the defendant)
Failure to obey this Subpoena makes you liable for prosecution for contempt of Court.

(date)

(signature of judge)

FORM No 7. ACKNOWLEDGEMENT OF RIGHTS

TRIBAL COURT OF ---------- TRIBE

---------- Tribe v. ----------
(name of accused)
Acknowledgement of Rights Case No. -------
I hereby acknowledge that I have read and had explained to me the following matters and that I understand them:
(1) I am charged with ---------- in violation of Section ---------- of the Code of Law and Order of the ---------- Tribe. The maximum sentence for a conviction of this charge is ----------
(2) I have the following rights:
a) The right to remain silent and make no statement whatsoever, unless I choose to do so.
b) The right to be tried by a jury if I so choose. [Before inserting this see the Commentary to Section 124 of the Code.]
c) The right to be represented by counsel at my own expense and to have the opportunity to obtain and consult with counsel. I understand, however, that the ---------- Tribe has no obligation to provide me with counsel.

(date)

(signature of accused)

FORM No. 8. JUDGMENT AND COMMITMENT

TRIBAL COURT OF ---------- TRIBE

---------- Tribe v. ----------
(name of accused)
Judgment and Commitment Case No. -------
IT IS ADJUDGED on this day that the above-named defendant has been found guilty of ----------
(description of offense)
in violation of Section ---------- of the Code of Law and Order of the ---------- Tribe, and therefore:
IT IS ORDERED that the defendant is sentenced to ----------
(description of sentence, including length of jail sentence and identity of jail, probation, fine, etc.)

(date)

(signature of judge)

[FR Doc.75-9559 Filed 4-11-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CRANBERRIES GROWN IN THE STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

Order Directing That a Referendum Be Conducted; Determination of Representative Period for Voter Eligibility; and Designation of Referendum Agents To Conduct the Referendum

Pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted within the period May 1 through May 31, 1975, among the growers who, during the period September 1, 1974, through April 30, 1975 (which period is hereby determined to be a representative period for the purposes of such referendum), were engaged, in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, in the production of cranberries for market to ascertain whether such growers favor the continuance of said amended marketing order. George B. Dever, Jr. and Robert W. Forney, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated as referendum agents of the Secretary of Agriculture to conduct said referendum. The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended (7 CFR 900.400 *et seq.*)."

Copies of the text of the aforesaid amended marketing order may be examined in the office of the referendum agents or of the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referendum may be obtained from the referendum agents and from their appointees.

Dated: April 9, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-9679 Filed 4-11-75;8:45 am]

Animal and Plant Health Inspection Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 301.1, the lists (39 FR 41998 and 40 FR 6519) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act, as amended (21 U.S.C. 601 *et seq.*), and which use humane methods of slaughter and incidental handling of livestock are hereby amended as indicated in the following table listing species at additional establishments and an additional species at a previously listed establishment that have been reported as being slaughtered and handled by humane methods.

Establishments slaughtering humanely

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equine
Wayne H. Hoffman and Son	4040	•	•	•		•	
Oakhwp Grain and Feed, Inc.	7157					•	
Hobem's Meat Slaughter and Processing	7274	•					
R. G. Gumnoe Farms, Inc.	8392					•	
Scott Meat Packers, Inc.	9160	•	•			•	
New establishments reported: 5.							
Mark's Meat Co.	9265			•			
Species Added: 1.							

Done at Washington, D.C., on: April 7, 1975.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.75-9546 Filed 4-11-75;8:45 am]

Farmers Home Administration

[Notice of Designation No. A186]

ARKANSAS

Designation of Emergency Area

The Secretary of Agriculture has found that a general need for agricultural credit exists in Desha County, Arkansas, as a result of a natural disaster consisting of excessive rainfall, flooding, and below normal temperatures from August 26 to September 2, 1974, and excessive rainfall from October 15 to November 20, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor David H. Pryor that such designation be made.

Applications for Emergency loans must be received by this Department no later than May 27, 1975, for physical losses and December 29, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 8th day of April, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-9585 Filed 4-11-75;8:45 am]

[Notice of Designation No. A187]

COLORADO

Designation of Emergency Area

The Secretary of Agriculture has found that a general need for agricultural credit exists in Las Animas County, Colorado, as a result of a natural disaster consisting of drought May 1 through September 30, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–237, and the provisions of 7 CFR 1832.3 (b) including the recommendation of former Governor John D. Vanderhoof that such designation be made.

Applications for Emergency loans must be received by this Department no later than May 27, 1975, for physical losses and December 29, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 8th day of April 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-9587 Filed 4-11-75;8:45 am]

[Notice of Designation No. A096, Amdt. 1]

TEXAS

Designation of Emergency Area

The Secretary of Agriculture has found that an additional general need for agricultural credit exists in Deaf Smith County, Texas, as a result of a natural disaster consisting of cold weather August 28 through October 31, excessive rainfall September 16 through October 31; and an early freeze October 8 and 9, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law

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93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for Emergency loans must be received by this Department no later than May 27, 1975, for physical losses and December 26, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 8th day of April, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-9588 Filed 4-11-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Notice of Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III 1973), notice is hereby given that a meeting of the Computer Systems Technical Advisory Committee will be held on Tuesday, May 13, 1975 at 9:30 a.m. in Room 5230, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) (Supp. III, 1973) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has five parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Review of past year's effort, including report on the work programs dealing with safeguards, foreign availability, performance characteristics, technology transfer, and licensing procedures.

(4) Discussion of work program for the coming twelve months.

EXECUTIVE SESSION

(5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available to the public. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 16, 1974, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Minutes of the open portion of the meeting will be available upon written request addressed to the Central Reference and Records Inspection Facility, Room 7043, U.S. Department of Commerce.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in Aviation Consumer Action Project, et al., *v.* C. Langhorne Washburn, et al., September 10, 1974 as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER (40 FR 2243, appearing in the issue of January 10, 1975).

Dated: April 9, 1975.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.75-9652 Filed 4-11-75;8:45 am]

National Oceanic and Atmospheric Administration

ENDANGERED SPECIES

Receipt of Permit Application for Scientific Purposes

Notice is hereby given that the following applicants have applied in due form for a permit to take endangered species for scientific purposes as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) and the NMFS Regulations Governing Endangered Fish or Wildlife Permits (50 CFR 222) as published in the November 27, 1974 FEDERAL REGISTER at page 41375.

Douglas Wartzok and G. Carleton Ray, Department of Pathobiology, The Johns Hopkins University, 615 North Wolfe Street, Baltimore, Maryland 21205, have applied to take, by tagging, fifty (50) bowhead whales (*Balaena mysticetus*) for the purpose of scientific research.

The whales will be tagged by the applicants, by means of implantable radio transmitters, and tracked from ships, airplanes and fixed ground stations. The proposed research will be conducted, over a three-year period, in the areas of the Bering, Chukchi, and Beaufort Seas.

The radio tags will be implantable projectiles which can be attached to the animals from distances of up to 50 meters. The transmitter and battery pack will be about 1.5 by 20 centimeters, and will be buried in the blubber of the whales with a flexible antenna projecting outwards about 45 centimeters. The projectile radio tags will be fired into the whales, by means of a gun, from aircraft or boats.

The proposed research is directed towards a determination of the distribution, abundance and movements of bowhead whales in the area under consideration, and the influence of sea ice on these factors.

The applicants have submitted a separate application for a permit, to conduct the proposed research, under the Marine Mammal Protection Act of 1972.

Documents submitted in connection with the above application are available for review at the following locations: Office of the Director, National Marine Fisheries Service, Washington, D.C., 20235, and the Offices of the Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930 and the Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235 on or before May 15, 1975. The holding of such a hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicants and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: April 9, 1975.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

[FR Doc.75-9594 Filed 4-11-75;8:45 am]

Office of the Secretary

[DOO 25-2; Amdt. 1]

MARITIME ADMINISTRATION

Organization and Authority

This order, effective March 20, 1975, amends the material appearing at 38 FR 30757 of November 7, 1973.

Department Organization Order 25-2, dated October 23, 1973, is hereby amended as follows:

1. SECTION 10. *Assistant Administrator for Commercial Development.* Paragraph .05, the Office of Ports and Intermodal Systems, is renamed "Office of Port and Intermodal Development."

2. The organization chart of the Maritime Administration is amended by changing the Office of Ports and Intermodal Systems to "Office of Port and Intermodal Development," under the box headed Assistant Administrator for Commercial Development.

ROBERT J. BLACKWELL,
Assistant Secretary for Maritime Affairs.

Approved: GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-9617 Filed 4-11-75;8:45 am]

[DOO 30-3B; Amdt. 1]

PATENT AND TRADEMARK OFFICE

Authority and Organization

This order, effective January 2, 1975, amends the material appearing at 40 FR 3627 of January 23, 1975.

Department Organization Order 30-3B, dated December 31, 1974, is hereby amended as follows:

1. The name "Patent Office" and the title "Commissioner of Patents" appearing in this order are changed, respectively, to read "Patent and Trademark Office" and "Commissioner of Patents and Trademarks."

2. SECTION 3. *Office of the Commissioner,* Paragraph a. is changed to read as follows:

"a. The Deputy Commissioner shall assist the Commissioner in the direction of the Patent and Trademark Office and shall perform the duties of the Commissioner in the latter's absence."

3. The organization chart, attached to this amendment, reflects the changed name "Patent and Trademark Office" and title "Commissioner of Patents and Trademarks" and supersedes the organization chart dated December 31, 1974. A copy of the organization chart is attached to the original of this document on file in the Office of the Federal Register.

C. MARSHALL DANN,
Commissioner of Patents and Trademarks.

DAVID B. CHANG,
Acting Assistant Secretary for Science and Technology.

Approved: GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc.75-9619 Filed 4-11-75;8:45 am]

[DOO 30-3A]

PATENT AND TRADEMARK OFFICE

Authority and Organization

This order, effective January 2, 1975, supersedes the material appearing at 38 FR 1068 of January 8, 1973; and 40 FR 3236 of January 20, 1975.

SECTION 1. *Purpose.* .01 This order delegates authority to the Commissioner of Patents and Trademarks and prescribes the functions of the Patent and Trademark Office.

.02 This revision of the order incorporates changes in nomenclature required by recent legislation.

SEC. 2. *Status and line of authority.* .01 The Patent and Trademark Office is hereby continued as a primary operating unit of the Department of Commerce. First established by the general revision of patent laws enacted by Congress July 4, 1836 (5 Stat. 117) as the Patent Office, an independent bureau under the direction of a Commissioner of Patents, it became a part of the Department of Commerce by Executive Order of April 1, 1925, in accordance with the authority contained in the Act of February 14, 1903 (32 Stat. 830). When the patent laws were codified as Title 35, United States Code, effective January 1, 1953, the Patent Office was continued as an office in the Department of Commerce. By Public Law 93-596, effective January 2, 1975, the name of the Patent Office was changed to "Patent and Trademark Office" and the Commissioner of Patents was designated as the "Commissioner of Patents and Trademarks."

.02 The Commissioner of Patents and Trademarks (hereinafter called the Commissioner), who is appointed by the President by and with the advice and consent of the Senate, shall be the head of the Patent and Trademark Office. He shall be principally assisted by a Deputy Commissioner, three Assistant Commissioners, whose titles and status are specified below, and a Solicitor. The Deputy Commissioner and the first two Assistant Commissioners are provided for by 35 U.S.C. 3, as amended by Public Law 93-601, January 2, 1975, and are appointed by the President by and with the advice and consent of the Senate.

a. The Deputy Commissioner.

b. The Assistant Commissioner for Patents (an Assistant Commissioner under 35 U.S.C. 3).

c. The Assistant Commissioner for Trademarks (an Assistant Commissioner under 35 U.S.C. 3).

d. The Assistant Commissioner for Administration.

.03 The Deputy Commissioner, or, in the event of a vacancy in that office, the Assistant Commissioner appointed under 35 U.S.C. 3 who is senior in date of appointment, shall act as Commissioner during a vacancy in that office. In the absence of the Commissioner, the Deputy Commissioner shall act as Commissioner. If the Deputy Commissioner is likewise absent or that office is vacant, one of the Assistant Commissioners appointed under 35 U.S.C. 3 or the Solicitor of the Patent and Trademark Office, or the Assistant Commissioner for Administration shall act as Commissioner in an order of precedence prescribed by the Commissioner.

.04 The Commissioner shall report and be responsible to the Assistant Secretary for Science and Technology.

SEC. 3. *Delegation of Authority.* .01 Pursuant to the authority vested in the Secretary of Commerce by 35 U.S.C. 3 and Reorganization Plan No. 5 of 1950, the functions of the Patent and Trademark Office and its officers specified in Title 35 of the U.S. Code, as amended, are hereby vested in the Secretary of Commerce and redelegated to the Commissioner of Patents and Trademarks.

.02 Pursuant to the authority vested in the Secretary of Commerce by law, the Commissioner of Patents and Trademarks is hereby delegated authority to perform the following functions vested in the Secretary of Commerce:

a. The functions in Title 15, Chapter 22 of the U.S. Code, which pertain to trademarks.

b. The functions in Executive Order 10096 (except section 5) and Executive Order 10930, in so far as these functions relate to determining the ownership of patents and rights to inventions made by Government employees.

c. The functions in 42 U.S.C. 2181 and 2182, which pertain to inventions relating to atomic weapons, and in 42 U.S.C. 2457, which pertain to property rights in inventions made in performance of work under contract for the National Aeronautics and Space Administration.

d. Such functions under other authorities of the Secretary of Commerce as are applicable to performing the functions assigned in this order.

.03 Exercise of the functions delegated in paragraphs .01 and .02 of this section shall be subject to such policies or directives as may be prescribed by the Secretary of Commerce or the Assistant Secretary for Science and Technology.

.04 The Commissioner of Patents and Trademarks may, except as precluded by law or regulation, redelegate his authority to employees of the Patent and Trademark Office subject to such conditions in the exercise of the delegated authority as he may prescribe.

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SEC. 4. *Functions.* The Patent and Trademark Office shall perform the following functions:

.01 Examine applications for patent to determine if they meet the requirements of law for the issuance of patents and, upon such determination, grant patents.

.02 Administer special laws and regulations as to secrecy of certain inventions, licenses for foreign filing, and those relating to atomic energy and space technology.

.03 Decide the ownership of patents and the rights to inventions made by Government employees, as provided by Executive Orders 10096 and 10930.

.04 Provide for the publication, storage, dissemination, and exchange of patents and related documentation.

.05 Maintain systems and facilities providing appropriate access to U.S. and foreign patents and other technical literature for use of the examiners and the public.

.06 Examine applications for the registration of trademarks to determine their entitlement to registration under the law; give public notice of trademarks allowed for registration and publish registered trademarks; maintain the Principal and Supplemental registers of trademark registrations, and provide for public access to such registers and related trademark records.

.07 Issue patents and certificates of trademark registration.

.08 Reissue defective patents and issue certificates of correction of patents and trademark registrations.

.09 Maintain records as to proprietary interests in patents and trademark registrations and applications therefor.

.10 Carry on or authorize studies and programs, separately or in coordination with other United States, foreign, and international agencies, regarding domestic and international patent and trademark law.

.11 Perform other functions required, or which the Commissioner deems necessary and proper, in exercising the authority delegated herein.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc.75-9614 Filed 4-11-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

IMMUNIZATION PRACTICES ADVISORY COMMITTEE

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Center for Disease Control announces the following Committee meeting:

Name: Immunization Practices Advisory Committee.

Dates: May 14-15, 1975.

Place: Room 307, Building 1, Center for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333.

Time: 8:30 a.m.

Type of Meeting: Open.

Contact Person: H. Bruce Dull, M.D., Executive Secretary of Committee, Building 1, Room 2116, Center for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333.

Purpose: The Committee is charged with advising on the appropriate uses of immunizing agents for public health practice.

Agenda: The Committee will consider the current status of influenza vaccine in the prevention and control of epidemic influenza in the United States. It will also continue its regular review of recommendations on the use of vaccines in public health practice.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: April 4, 1975.

WILLIAM C. WATSON, Jr.,
Assistant Director for Operations, Center for Disease Control.

[FR Doc.75-9780 Filed 4-11-75;8:45 am]

Food and Drug Administration

PANEL ON REVIEW OF HEMORRHOIDAL DRUGS

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; 5 U.S.C. App. I), the Food and Drug Administration announces the renewal of the Panel on Review of Hemorrhoidal Drugs by the Secretary, Department of Health, Education, and Welfare, for an additional period of 2 years beyond April 16, 1975.

Authority for this committee will expire April 16, 1977, unless the Secretary formally determines that continuance is in the public interest.

Dated: April 8, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-9592 Filed 4-11-75;8:45 am]

PANEL ON REVIEW OF OPHTHALMIC DRUGS

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; 5 U.S.C. App. I), the Food and Drug Administration announces the renewal of the Panel on Review of Ophthalmic Drugs by the Secretary, Department of Health, Education, and Welfare, for an additional period of 2 years beyond April 16, 1975.

Authority for this committee will expire April 16, 1977, unless the Secretary formally determines that continuance is in the public interest.

Dated: April 8, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-9593 Filed 4-11-75;8:45 am]

PLASTIC BOTTLES FOR CARBONATED BEVERAGES AND BEER

Availability of Draft Environmental Impact Statement

The Commissioner of Food and Drugs issued a notice that was published in the FEDERAL REGISTER of September 7, 1973 (38 FR 24291) in which he concluded that an environmental impact statement is necessary for FDA actions on food additive petitions for substances intended for use in the fabrication of plastic bottles for carbonated beverages and beer.

Notice is hereby given that a document entitled, "Draft Environmental Impact Statement—Plastic Bottles for Carbonated Beverages and Beer" has been prepared and issued by the Food and Drug Administration. Copies of the statement are available from the Office of the Assistant Commissioner for Public Affairs, Rm. 15B-32, or the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

All interested persons are requested to submit comments in quintuplicate on this draft statement to the Hearing Clerk at the above address on or before June 13, 1975. All comments received shall be available for public inspection during working hours, Monday through Friday at the office of the Hearing Clerk.

This notice is issued pursuant to provisions of the National Environmental Policy Act of 1969, Pub. L. 91-190 (sec. 102(2)(C), 83 Stat. 853; 42 U.S.C. 4332), the Council on Environmental Quality guidelines published in the FEDERAL REGISTER of August 1, 1973 (38 FR 20550), Executive Order 11514 of March 5, 1970 (35 FR 4247), the Food and Drug Administration's environmental regulations (21 CFR Part 6), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: April 2, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-9591 Filed 4-11-75;8:45 am]

Health Resources Administration

HEALTH SERVICES DEVELOPMENTAL GRANTS STUDY SECTION

Notice of Meeting; Correction

In FR Doc. 75-7476 appearing at page 13018 in the FEDERAL REGISTER of March 24, 1975, the place and time should be changed as indicated:

HEALTH SERVICES DEVELOPMENTAL GRANTS STUDY SECTION

April 23-25, 1975, 5 p.m.
Open April 23, 5 p.m. to adjournment, Montgomery Room, Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Maryland.
Closed April 24-25, 9 a.m., Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland.

The agenda for this meeting remains unchanged.

Dated: April 7, 1975.

DANIEL F. WHITESIDE, D.D.S.,
Associate Administrator for Operations and Management.

[FR Doc.75-9601 Filed 4-11-75;8:45 am]

Health Services Administration

MATERNAL AND CHILD HEALTH RESEARCH GRANTS REVIEW COMMITTEE

Meeting

Pursuant to the Federal Advisory Committee Act (5 U.S.C. Appendix I), the Administrator, Health Services Administration, announces the meeting dates and other required information for the following National Advisory body scheduled to assemble during the month of May 1975:

MATERNAL AND CHILD HEALTH RESEARCH GRANTS REVIEW COMMITTEE

May 13-16, 1975, 9:00 a.m., Conference Room L, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland. Open on May 13, 9:00 a.m. to 10:00 a.m. Closed remainder of meeting.

Purpose. The committee is charged with the review of all research grant applications in the program areas of maternal and child health administered by the Bureau of Community Health Services.

Agenda. During the open portion of the meeting, the committee will receive Opening Remarks. During the closed session, the committee will be reviewing research grant applications relating to the program areas of maternal and child health. Therefore, that portion of the meeting will not be open to the public, in accordance with the provisions set forth in section 552(b)(4), (5), and (6), Title 5, U.S. Code and the Determination by the Administrator, Health Services Administration, pursuant to Public Law 92-463, section 10(d).

Anyone wishing to attend, obtain a roster of members or other relevant information should contact Mrs. Gloria Wackernah, Parklawn Building, Room 12A-08, 5600 Fishers Lane, Rockville, Maryland 20852, Telephone (301) 443-2190.

Agenda items are subject to change as priorities dictate.

The portion of the meeting so indicated is open to the public for observation and participation.

Dated: April 8, 1975.

ANDREW J. CARDINAL,
Associate Administrator for Management, Health Services Administration.

[FR Doc.75-9602 Filed 4-11-75;8:45 am]

Office of the Assistant Secretary for Health

PRESIDENT'S BIOMEDICAL RESEARCH PANEL

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the President's Biomedical Research Panel on April 28 and 29, 1975, in the Cayo Biscayno Room, Royal Biscayne Hotel, 550 Ocean Drive, Key Biscayne, Florida.

The meeting will be open to the public from 10 a.m. to 5 p.m. on April 28 and from 9 a.m. to 5 p.m. on April 29. The meeting will be closed from 9 a.m. until 10 a.m. on April 28, following which the Panel will deal with issues pertaining to the assignment and implementation of studies previously identified by the Panel as being germane to its Congressional mandate. The afternoon of April 28 will be given over to testimony from invited witnesses bearing on broad aspects of the interplay between federal and extra-federal institutions in the genesis, funding, and execution of biomedical and behavioral research.

The morning of April 29 will be concerned with delineation and discussion of prospective tasks identified as falling within the Panel's mandate, as well as related administrative issues. The afternoon of April 29 will be devoted to additional testimony from invited witnesses representing medical schools of this country, directed primarily toward the goal of informing the Panel as to their perceptions of the current impact of federal research support on their institutions. Attendance by the public will be limited to space available.

In accordance with the provision set forth in Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix 1) the meeting will be closed to the public from 9 a.m. to 10 a.m. on April 28 for the review, discussion, and evaluation of the qualifications and performance of personnel of the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration and the internal expression of views by Panel members with regard to such qualifications and performance.

All requests for information, including the roster of the Panel members should be directed to Ms. Anne Ballard (301-496-7526), Room 125, Westwood Building, 9000 Rockville Pike, Bethesda, Maryland 20014.

Substantive program information will be provided by Dr. Charles U. Lowe, Executive Director of the Panel (301-496-5035), Building 31B, Room 4B-59, 9000 Rockville Pike, Bethesda, Maryland 20014.

Dated: April 3, 1975.

CHARLES U. LOWE,
Executive Director.

[FR Doc.75-9654 Filed 4-11-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-264; FDAA-461-DR]

KENTUCKY

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Kentucky, dated March 29, 1975, is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 29, 1975:

The Counties of:

Ballard	McCracken
Livingston	

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 5, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-9606 Filed 4-11-75;8:45 am]

[Docket No. NFD-262; FDAA-3010-EM]

MISSISSIPPI

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on April 4, 1975, the President declared an emergency as follows:

I have determined that the impact of heavy rains and flooding on the State of Mississippi, beginning about March 24, 1975, is of sufficient severity and magnitude to warrant a declaration of an emergency under Public Law 93-288. I therefore declare that such an emergency exists in the State of Mississippi. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Thomas P. Credle, HUD Region IV, to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas in the State of Mississippi to have been adversely affected by this declared emergency:

The Counties of:

Issaquena	Warren
Yazoo	Sharkey

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(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 4, 1975.

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-9607 Filed 4-11-75;8:45 am]

[FDAA-459-DR; Docket No. NFD 263]

TENNESSEE

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Tennessee, dated March 24, 1975, and amended on March 27, 1975, March 28, 1975, March 31, 1975, and April 2, 1975, is hereby further amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 22, 1975:

The County of

Clay

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 4, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-9608 Filed 4-11-75;8:45 am]

[FDAA-459-DR; Docket No. NFD-265]

TENNESSEE

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Tennessee, dated March 24, 1975, and amended on March 27, 1975, March 28, 1975, March 31, 1975, April 2, 1975, and April 4, 1975, is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 22, 1975:

The Counties of:

Gibson	Tipton
Stewart	Wayne

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 7, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-9609 Filed 4-11-75;8:45 am]

Federal Insurance Administration

[Docket No. N-75-283]

NATIONAL FLOOD INSURANCE PROGRAM

Limits of Available Insurance Coverage

The following guidelines present the current views of the Federal Insurance Administration with respect to the mandatory purchase of flood insurance under section 102 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234, December 31, 1973, hereinafter referred to as the "Act"), and are in addition to, and do not supersede, the Guidelines published on July 17, 1974, in the FEDERAL REGISTER at 39 FR 26186-93. Where the provisions of the earlier Guidelines may conflict with this notice, the provisions of this notice apply.

The National Flood Insurance Program is authorized by 42 U.S.C. 4001-4128. The purpose of these guidelines is to provide additional guidance to the many Federal agencies and private lending institutions responsible for compliance with the Act's flood insurance purchase requirements, which became effective on March 2, 1974.

The Act requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally supervised, approved, regulated, or insured financial assistance for acquisition or construction purposes in an identified Special Flood Hazard Area that is located within any community currently participating in the National Flood Insurance Program. The participation of the community is mandatory in order for individuals or the community to receive such assistance for acquisition or construction purposes in the identified Special Flood Hazard Area on and after July 1, 1975, unless the Special Flood Hazard Area was identified after June 30, 1974. Then the requirement is imposed one year after that later date.

Under both paragraphs (a) and (b) of section 102 of the Act, the maximum coverage made available with respect to the particular type of property under the National Flood Insurance Program provides a limitation on the amount of insurance required under that section. Further, no insurance purchase requirement exists for certain kinds of properties.

The following are examples of structures and contents for which coverage is not available for the purposes of the Act:

1. Retaining walls, seawalls, bulk heads, wharves, piers, docks, except as these structures are an integral part of an insurable structure.

2. Fences, outdoor swimming pools, bridges, other structures located on or partially over water.

3. Personal property in the open, including building materials not within an enclosed structure located on the described premises or adjacent thereto, intended for use in the construction, alteration, or repair of such structure.

4. Real property, including lawns, trees, shrubs or plants, growing crops, or livestock, underground structures or underground equipment, and those portions of walks, driveways, and other paved surfaces outside the foundation walls of the structure.

5. Accounts, bills, currency, deeds, evidences of debt, money, securities, bullion, manuscripts or other valuable papers, or records, numismatic or philatelic property.

6. Animals, birds, fish, aircraft, motor vehicles (other than motorized equipment pertaining to the service of the premises and not licensed for highway use), trailers on wheels, watercraft including their furnishings and equipment.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended; (42 U.S.C. 4001-4128) and Secretary's delegation of authority to the Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969, as amended 39 FR 2787, Jan. 24, 1974.)

Issued: April 8, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-9683 Filed 4-11-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AVIATION REVIEW CONFERENCE

Notice of Meeting

The purpose of this notice is to announce the seventh annual Aviation Review Conference. (The establishment of annual consultative planning procedures was originally documented and publicized in 33 FR 19205, dated December 24, 1968, and 35 FR 17798, dated November 19, 1970.)

The Department of Transportation announces that the seventh annual Aviation Review Conference will be held May 19, 20, and 21, 1975, at the Sheraton National Motor Hotel, Arlington, Virginia. On the first day, government spokesmen will discuss current activities and forecast future developments. On the second day, user panels will assess current aviation plans and the National Airspace System with the aviation community. The third day will focus on discussions of environmental issues.

It is also planned to have prominent luncheon speakers on Monday, May 19, and Tuesday, May 20. Details will be announced at a later date; however, a cost of seven dollars has been established for each luncheon.

The following proposed topics have been developed in meetings with representatives of government, industry, and user groups:

Topics:

(1) FAA Plans and Policy
(2) Aviation Forecasting
(3) Aviation Economics
(4) National Airspace System
(5) Energy
(6) Key Issues

The Department of Transportation invites comments on agenda topics.

These comments should be submitted not later than May 1, 1975, to:

Associate Administrator for Policy Development and Review, Attn: ASP-10
Federal Aviation Administration
800 Independence Avenue, SW
Washington, D.C. 20591

The National Aviation System Ten Year Plan will be available for purchase at the conference.

To receive a registration card for the seventh annual Aviation Review Conference and a reservation form for the luncheons, please write to the following address giving: (1) name, (2) address, (3) company or affiliation:

Office of Aviation System Plans, Attn: ASP-10
Federal Aviation Administration
800 Independence Avenue, SW
Washington, D.C. 20591

THOMAS P. MESSIER,
Acting Director, Office of Aviation System Plans.

[FR Doc.75-9565 Filed 4-11-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 27681]

AIR PANAMA INTERNACIONAL, S.A. PANAMA-MEXICO CITY-LOS ANGELES

Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 28, 1975, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Frank M. Whiting.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before April 18, 1975.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., April 8, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-9662 Filed 4-11-75;8:45 am]

[Docket 26941]

BOSTON-TORONTO NONSTOP ROUTE PROCEEDING

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on June 4, 1975, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., April 8, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-9663 Filed 4-11-75;8:45 am]

[Docket 25487]

BRIDGEPORT SERVICE CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provision of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on June 18, 1975, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., April 9, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-9666 Filed 4-11-75;8:45 am]

[Docket 27608]

COMPAGNIE NATIONALE AIR FRANCE CANCUN, YUCATAN, MEXICO

Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on April 29, 1975, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge William A. Kane, Jr.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before April 18, 1975.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., April 8, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-9664 Filed 4-11-75;8:45 am]

[Docket 18401]

REOPENED SERVICE TO OMAHA AND DES MOINES CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on May 28, 1975, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., April 8, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-9665 Filed 4-11-75;8:45 am]

[Order 75-4-46; Docket 26494; Agreement C.A.B. 25028, R-1 through R-3]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Passenger Fares

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of Traffic Conference 2 of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above C.A.B. agreement number.

The agreement would amend certain fares within Africa to reflect introduction of Zambia/Mozambique service. The fares are combinable with fares to/from U.S. points and thus have indirect application in air transportation as defined by the Act.

Pursuant to authority duly delegated by the Board in the Board's regulations 14 CFR 385.14:

It is not found that the following resolutions, incorporated in Agreement C.A.B. 25028 as indicated, and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	*IATA resolution*
25028:	
R-1	200(Mail 237)052 within Africa).
R-2	200(Mail 237)062 (within Africa).
R-3	200(Mail 237)072b (within Africa).

Accordingly, *It is ordered*, That:

Agreement C.A.B. 25028, R-1 through R-3, be and hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-9667 Filed 4-11-75;8:45 am]

[Docket 26494; Agreement C.A.B. 24822, R-1 through R-19; Order 75-3-98]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to South Pacific Air Fares; Order

Correction

In FR Doc. 75-8430 on page 14792 in the FEDERAL REGISTER of Wednesday, April 2, 1975, the first line of the table on page 14793, which reads "R-1—000b", should read "R-1—001b".

[Docket 25280; Agreement C.A.B. 25029, R-1 through R-6; Order 75-4-14]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates; Order

Correction

In FR Doc. 75-9112, appearing at page 15930, in the issue for Tuesday, April 8,

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1975, most of the first paragraph was omitted. It should read as follows: "Issued under delegated authority April 2, 1975."

[Order 75-3-100; Docket 26494; Agreement C.A.B. 24818, R-1 through R-13; Agreement C.A.B. 24821; R-1 through Rp-4; Agreement C.A.B. 24886; Agreement C.A.B. 24926; Agreement C.A.B. 24962; Agreement C.A.B. 24996, R-1 through R-4]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

North/Central Pacific and Intra-Pacific Air Fares; Order Approving Agreement

Correction

In FR Doc. 75-8431, on page 14796 of the Federal Register of Wednesday, April 2, 1975, the following corrections should be made:

1. On page 14798, in the second table of paragraph 1, in Agreement R-5 the IATA No. which now reads "004", should read "0045" and in Agreement R-7 the IATA No. which reads "022" should read "022e".

2. On page 14799, in the table of paragraph 6, the first word of Agreement R-29, now reading "TC 328-", should read "TC3 28-".

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE TREASURY

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Chief Counsel, U.S. Customs Service, Legal Division.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-9576 Filed 4-11-75;8:45 am]

DEPARTMENT OF JUSTICE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Deputy Commissioner (Chief of Staff), Office of Deputy Commissioner, Immigration and Naturalization Service).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-9575 Filed 4-11-75;8:45 am]

DEPARTMENT OF COMMERCE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Assistant Secretary for Economic Development, Office of the Assistant Secretary for Economic Development, Economic Development Administration.

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-9566 Filed 4-11-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Under Secretary for Regional Affairs, Office of the Under Secretary, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-9574, Filed 4-11-75;8:45 am]

EXPORT-IMPORT BANK OF THE UNITED STATES

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Export-Import Bank of the United States to fill by noncareer executive assignment in the excepted service the position of Vice President for Policy Analysis, Office of the President and Chairman.

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-9567 Filed 4-11-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Energy Administration to fill by noncareer executive assignment in the excepted service the position of Associate Assistant Administrator, Office of Oil and Gas, Energy Resource Development.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-9568 Filed 4-11-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Energy Administration to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Administrator for International Energy Affairs, Office of the Assistant Administrator, International Energy Affairs.

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-9569 Filed 4-11-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Energy Administration to fill by noncareer executive assignment in the excepted service the position of Associate Assistant Administrator for Energy Importing Countries and Resources, International Energy Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-9570 Filed 4-11-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Federal Energy Administration to fill by noncareer executive assignment in the excepted service the position of Director, Office of Energy Conservation, Office of the Assistant Secretary—Energy and Minerals, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-9571 Filed 4-11-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Federal Energy Administration to fill by noncareer executive assignment in the excepted service the position of Director, Office of Oil and Gas, Office of the Assistant Secretary—Mineral Resources, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-9572 Filed 4-11-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Federal Energy Administration to fill by noncareer executive assignment in the excepted service the position of Associate Director, Office of Oil and Gas, Office of the Assistant Secretary for Mineral Resources, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-9573 Filed 4-11-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

CHEMICAL FORMULATIONS FOR SPECIFIED CONSUMER PRODUCTS

General Order for Submission

The Consumer Product Safety Commission hereby orders manufacturers of certain categories of consumer products (listed below) to complete and return the product ingredient questionnaire (CPSC Form No. 183 with instructions [1]) no later than May 15, 1975 to Auerbach Associates, Inc., Philadelphia, Pennsylvania. Auerbach Associations, Inc., a private contractor, has been authorized by the Commission to collect the chemical formulation information called for in the questionnaire for Commission use in readily evaluating any real or potential hazards associated with the subject products or their composite ingredients.

Auerbach Associates, Inc., is legally required to hold any trade secret or proprietary information confidential. If a manufacturer believes that any information furnished in response to the questionnaire is trade secret or proprietary information, it should follow the instructions accompanying the questionnaire for claiming confidential treatment. Information claimed as trade secret or proprietary will be received and handled in a confidential manner. It will not be placed in a public file and will not initially be made available to the public on request. If the Commission receives a request for disclosure of the information, the determination whether to release or not to release it would be based on the most recent judicial interpretation of the Freedom of Information Act at the time the request is received.

Those manufacturers who have already fully responded to the questionnaires sent to them by Auerbach Associates, Inc. are not subject to this general order.

The categories of consumer products covered by this general order are:

Cleaning Agents and Compounds (Soap, Cleanser, Laundry Detergent)
Dishwasher Detergent
Fuel for Chafing Dishes, Fondue Pots, and Similar Items
Paints, Varnish, Shellac, Rust Preventative, etc.
Flame Retardant Chemicals
Aerosols—Household
Water Softeners and conditioners
Chemical Deodorizers
Photographic Chemicals
Solvent Based Cleaning and Sanitizing Products (Cleaning Fluid, Spot Removers, etc.)
Rust Removers
Chemistry Sets
Fireworks
Swimming Pool Chemicals
Caustics, Lye, Drain Cleaners

Those manufacturers who are in doubt whether their products fall under the jurisdiction of the Commission are required to complete and submit the questionnaires (CPSC Form No. 183). The submission of data in doubtful cases does not waive a manufacturer's right to maintain that its products do not fall within the jurisdiction of the Commission. Assertions that products are not under the jurisdiction of the Commission or that jurisdiction is doubtful should accompany the submission.

Manufacturers are not required to complete the questionnaire as to products otherwise subject to this order which have been neither manufactured nor sold within the year prior to the date of this order.

The product ingredient questionnaire (CPSC Form No. 183) with instructions is required to be completed by the manufacturers subject to this order.

Those manufacturers who have not received the questionnaire or who have any questions about the subject of this general order, should contact: Ms. Lynn Neufeld, Auerbach Associates, Inc., 121 North Broad Street, Philadelphia, Pennsylvania 19107 (Area Code (215) 491-8333) or Mr. Irvin Weiss, Bureau of Biomedical Science, Consumer Product Safety Commission, Washington, D.C. 20207 (Area Code (301) 496-7766).

The general order is promulgated pursuant to section 27(b)(1) of the Consumer Product Safety Act. (15 U.S.C. 2076(b)(1)).

Dated: April 9, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-9692 Filed 4-11-75;8:45 am]

[1] Filed as part of original document.

ENVIRONMENTAL PROTECTION AGENCY

[FRL 358-1]

COLORADO

Notice of Approval of Program for Control of Discharges of Pollutants to Navigable Waters

Notice is given hereby that the U.S. Environmental Protection Agency has granted the State of Colorado's request for approval of its program for controlling discharges of pollutants to navigable waters in accordance with the National Pollutant Discharge Elimination System (NPDES), pursuant to section 402(b) of the Federal Water Pollution Control Act, as amended (Pub. L. 92-500, 86 Stat. 816, 33 U.S.C. 1251; the Act).

Section 402 of the Act establishes a permitting system, known as the National Pollutant Discharge Elimination System, under which the Administrator of the U.S. Environmental Protection Agency (EPA) may issue permits for the discharge of any pollutant, upon condition that the discharge meets the applicable requirements of the Act. Section 402(b) provides that any State desiring to administer its own permit program for discharges into navigable waters within its jurisdiction may submit such program to the Administrator. If the Administrator determines that the State has adequate authority to carry out the requirements of the Act, he shall approve the submitted program and suspend the issuance of permits as to those navigable waters subject to such program. Guidelines specifying procedural and other elements for State NPDES programs appear at 40 CFR Part 124 (as amended by 38 FR 18000, July 5, 1973, and 38 FR 19894, July 24, 1973).

On December 27, 1974, Colorado submitted a program for carrying out the NPDES. On January 30, 1975, EPA conducted a public hearing on the proposed approval in Denver, Colorado. After a thorough review of the Colorado program, the accompanying legal certification, and all comments submitted by the public during and following the public hearing, the Administrator determined that the State's authority was adequate to carry out the requirements of the Act, and so informed Governor Richard D. Lamm in a letter dated March 27, 1975.

As of March 28, 1975, the Colorado NPDES permit program is being administered by the Colorado Department of Health, 4210 East 11th Avenue, Denver, Colorado 80220 (telephone (303) 388-6111). Dr. Edward Dreyfus is the Executive Director of the Colorado Department of Health. The Colorado program is being administered in accordance with Colorado statutes and regulations and a Memorandum of Agreement between Colorado and the EPA Region VIII Office, 1860 Lincoln Street, Denver, Colorado 80203 (telephone (303) 837-3895). All pertinent documents are available for inspection at the Colorado State

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agency and EPA Regional Office at the addresses given above and EPA Headquarters in Room 3201, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

RICHARD H. JOHNSON,
Acting Assistant Administrator for Enforcement.

APRIL 8, 1975.

[FR Doc.75-9553 Filed 4-11-75;8:45 am]

NATIONAL DRINKING WATER ADVISORY COUNCIL

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the National Drinking Water Advisory Council established under Pub. L. 93-523, the "Safe Drinking Water Act," will be held at 8:30 a.m. on April 30 and May 1, 1975 in Conference Room 1101, West Tower, Environmental Protection Agency, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

The purpose of the meeting will be to discuss Drinking Water Strategy, draft State Program and Underground water regulations and other information items.

The meeting will be open to the public. Any member of the public wishing to attend or submit a written statement should contact the Acting Executive Secretary, William N. Long, Water Supply Division (WH-550), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, by April 24, 1975.

The telephone number is Area Code: 202/426-8847.

Dated: April 9, 1975.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-9685 Filed 4-10-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

SOLAR HEATING AND COOLING PROGRAM

Interim Report to Congress

APRIL 10, 1975.

The Energy Research and Development Administration and the Department of Housing and Urban Development submitted to Congress on April 7, 1975, an interim report describing a plan for conducting nationwide solar heating and cooling demonstrations. The National Solar Heating and Cooling of Buildings Program is one element of the National Solar Energy Research, Development, and Demonstration Program. Authorizing legislation for these programs includes: The Solar Heating and Cooling Demonstration Act of 1974 (Pub. L. 93-409); The Energy Reorganization Act of 1974 (Pub. L. 93-438); The Solar Energy Research, Development, and Demonstration Act of 1974 (Pub. L. 93-473); and The Federal Non-Nuclear Energy Research and Development Act of 1974 (Pub. L. 93-577).

The goal of the program is to stimulate a commercial capability to produce and distribute solar heating and cooling systems for use in residential and commercial buildings in an effort to reduce the demand on present fuel supplies. The plan calls for the demonstration of solar heating by late 1977 and the demonstration of combined solar heating and cooling by late 1979. A major objective is to provide consumers with prompt, reliable information on which they can evaluate whether the added benefits of solar heating and cooling are worth the extra cost when compared with conventional energy sources.

The demonstration program will be organized in a series of cycles to allow new ideas and new technologies to be fed into the demonstrations in later cycles. Solar energy systems and individual demonstration projects will be selected on the basis of competitive solicitations. Locations for these projects will be selected to provide a wide variety of climatic conditions in various types of communities around the nation. In general, project proposals will be solicited on a local basis from developers and builders who will have full responsibility to provide the land, construct the buildings, buy and install the solar systems, and market the product.

Under the plan, contracts would be awarded to provide available systems for immediate use in the demonstrations. Contracts would also be awarded to develop systems from currently available subsystems and to develop new systems that have a high potential for application of low-cost mass production techniques. Also, the development effort will include engineering studies and research and development on new subsystems, materials compatibility, heat transfer fluids and the development of advanced analytical tools and procedures.

The final number of units to be demonstrated will not be determined until the results of early work have been analyzed. However, three alternative levels have been examined to provide a preliminary range of estimates of units to be in place by 1979. The first level includes 350 residential units and 50 commercial units at a preliminary funding estimate of $109 million over the Fiscal Years 1975 to 1979 period. The second level includes 1,000 residential units and 200 commercial units at an estimate of $208 million and the third level calls for 2,000 residential units and 400 commercial units at an estimate of $306 million.

Under the plan, Federal funding would be used in a variety of ways to stimulate research, development and demonstrations in support of the program goal. The intent of the plan is that the Government would support the long-term high risk activities essential to introduction and use of this technology until such activities have reached the stage at which there is adequate incentive for private investment.

The plan was developed by an interagency task force led by the Energy Research and Development Administration (ERDA) and is designed to foster the policy and purpose of the Solar Heating and Cooling Demonstration Act of 1974.

ERDA has overall responsibility for management and coordination of the program. The Department of Housing and Urban Development (HUD) shares with ERDA responsibility for management and coordination of the residential demonstation program. ERDA will assume direct responsibility for managing the research and development on new and improved solar heating and cooling systems and subsystems and for managing and coordinating the commercial demonstration program. ERDA working with HUD will develop a data bank for the widespread dissemination of information on solar heating and cooling.

The Federal Energy Administration will support the demonstration by investigating possible constraints to the use of solar heating and cooling systems and making policy recommendations on incentives to remove these constraints. The National Aeronautics and Space Administration (NASA) will support ERDA and HUD responsibilities through testing, evaluation and integration of systems and subsystems as well as assistance in systems and subsystems development, as requested by ERDA. The Department of Defense will conduct a substantial number of residential and commercial demonstrations on military installations. Other Federal agencies will also play important supporting roles.

The interim report will be circulated widely to solar energy specialists and industry groups, and other interested parties for comment. Persons desiring to submit written comments on the Interim Report on the National Plan for Solar Heating and Cooling of Buildings, should submit them by May 1, 1975, to the Division of Solar Energy, Energy Research and Development Administration, Washington, D.C. 20545. Comments received by May 1, 1975, will be considered in the preparation of ERDA's June 30, 1975, report to Congress for a Solar Energy Research, Development and Demonstration Plan mandated by Pub. L. 93-473. Comments received after May 1, 1975, will be considered for incorporation in later iterations of this plan. Copies of the interim report may be obtained by writing to the ERDA Technical Information Center, P.O. Box 62, Oak Ridge, Tennessee 37830, and requesting Document ERDA 23.

JOHN M. TEEM,
Assistant Administrator for Solar, Geothermal, and Advanced Energy Systems.

[FR Doc.75-9634 Filed 4-11-75;10:55 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-342; Docket Nos. 20327, 20328; File Nos. 5218-C2-P-72, 7416-C2-P-72]

AIRSIGNAL INTERNATIONAL OF PITTSBURGH, PENNSYLVANIA, INC. AND ALLEGHENY MOBILE TELEPHONE CO., INC.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

1. The Commission has before it for consideration (a) an application filed February 11, 1972, by Airsignal International of Pittsburgh, Pennsylvania (Airsignal-Pittsburgh) for a construction permit to establish a new one-way paging station in the Domestic Public Land Mobile Radio Service (DPLMRS) at Pittsburgh, Pennsylvania on the 158.70 MHz guard band channel; (b) an application filed April 17, 1972, by Allegheny Mobile Telephone Co., Inc. (Allegheny) for a construction permit to add the base station frequency 158.70 MHz to its existing paging services at Pittsburgh, Pennsylvania; (c) Airsignal-Pittsburgh's Petition to Dismiss or Deny Allegheny's application filed May 24, 1972; (d) Allegheny's Opposition to Airsignal-Pittsburgh's petition, filed June 16, 1972; and (e) Airsignal-Pittsburgh's Reply filed July 5, 1972.

2. Airsignal-Pittsburgh and Allegheny each request authorization to provide essentially similar communications services on the same base station guard band frequency 158.70 MHz, in the same geographical area. Accordingly, a comparative hearing is required to determine which of the two mutually exclusive applications should, if at all, be granted.

3. Airsignal-Pittsburgh is the licensee of Station KGA 805, a one-way paging station in the DPLMRS at Pittsburgh, Pennsylvania, providing tone-only and voice repetitive paging services on the frequencies in the 35 MHz band. The instant application requests a construction permit to establish a new one-way paging station to provide automatic, direct-dial access tone-plus voice paging services.

4. The application of Allegheny proposes to add the frequency 158.70 MHz to its existing one-way paging service on guard band frequency 152.24 MHz.

5. In its Petition to Deny, Airsignal-Pittsburgh states that the Commission, on March 19, 1971, granted, in part, an application of Allegheny authorizing construction of one-way signaling facilities on frequency 152.24 MHz and simultaneously denied its request to also operate on frequency 158.70 MHz in the Pittsburgh market.[1]

6. It contends that the refiling by Allegheny of the subject application for use of frequency 158.70 MHz should be denied or dismissed either because a grant thereof would contravene established Commission policy relative to the assignment of guard band frequencies, or be declared a strike application in light of the fact that it was filed just over one year from the date of the partial denial of its prior application and shortly after the filing of Airsignal-Pittsburgh's subject application. As regards the Commission's policy relative to the assignment of guard band frequencies, Airsignal-Pittsburgh relies upon Mobile Radio Communications, Inc., 29 FCC 2d 62, (1971) and In re Pattersonville Telephone Company, 34 FCC 2d 258, reconsideration denied, 35 FCC 2d 745 (1972), aff'd sub. nom. Capitol Telephone Co., Inc. v. F.C.C., 498 F. 2d 734 (D.C. Cir. 1974). In substance, Airsignal-Pittsburgh maintains that the foregoing Commission decisions bar the grant of the available guard band frequencies in the same market to a single applicant. In view of the fact that Allegheny presently operates on one of the two available guard band frequencies in the Pittsburgh area, Airsignal-Pittsburgh asserts that a grant to Allegheny of the remaining guard band frequency would defeat the Commission's policy of fostering competition in the provision of paging services.

7. Finally, Airsignal-Pittsburgh disputes Allegheny's contention, contained in its application, that on the basis of present growth rate projections, it will require an additional channel in the near future. It maintains that Allegheny's existing operation of 1,122 units can be greatly enlarged by simply changing its terminal system.

8. Allegheny in its opposition contends that the Commission's policy relative to the assignment of guard band frequencies does not prevent full comparative consideration of its application pursuant to section 309(e) of the Communications Act. As regards Mobile Radio Communications, Inc. and Pattersonville Telephone Company it stresses that these cases involved new applicants for initial grants of both available guard band frequencies under circumstances which allowed the issuance of partial grants to the competing applicants, not dismissals of bona fide applications. Accordingly, Allegheny insists that the Commission's policy of not awarding a single applicant the available guard band frequencies simultaneously in a given area does not preclude a licensee operating on one of two available guard band frequencies from subsequently seeking a grant of the remaining frequency upon an appropriate showing. Further, Allegheny states that its subject application bears little resemblance to the former filing for the 158.70 MHz frequency and cannot be construed simply as a re-filing intended to block Airsignal-Pittsburgh's efforts to effectively compete with Allegheny in the Pittsburgh market. Allegheny insists that its application is a bona fide measure to alleviate existing channel loading and to accommodate projected demand for additional spectrum space. In response to the claim of lack of need for an additional frequency, Allegheny contends that its election to obtain authorization to operate on frequency 158.70 MHz rather than to increase its existing capacity through additional terminals represents the more efficient course of providing its proposed service. Allegheny also contends that Airsignal-Pittsburgh lacks standing to prosecute its Petition to Deny on the ground that the allegations of fact contained in the Petition to Deny, except those of which official notice may be taken, are not supported by an affidavit of a person with personal knowledge thereof as required by section 309(d)(1) of the Communications Act. In this connection, we note that whatever deficiencies may appear in the affidavit affixed to Airsignal-Pittsburgh's petition are fully cured in the affidavit affixed to its reply pleading. Accordingly, Allegheny's contention in this regard is denied. Additionally, Airsignal-Pittsburgh's Reply provides no basis for persuading us that the application of Allegheny should be denied or dismissed without hearing. Accordingly, we shall forego any discussion of the points raised therein.

9. *Discussion.* Initially, we note that Airsignal-Pittsburgh has failed to raise a substantial and material issue of fact as to whether Allegheny's application is intended to frustrate or impede Airsignal-Pittsburgh's efforts to effectively compete in the Pittsburgh market in the provision of DPLMRS. The mere assumption that Allegheny's application is motivated by invidious designs, absent some factual showing, is insufficient to demonstrate *prima facie* that grant of Allegheny's application would contravene the public interest.

10. Airsignal next claims that Allegheny's application is not entitled to consideration because a grant thereof would defeat our policy of fostering competition in the provision of DPLMRS. Airsignal cites Mobile Radio Communications, Inc. and Patterson Telephone Company[2] in support of this argument. Briefly, in these decisions we provided that where one applicant seeks authorization to operate on all available guard band frequencies assigned to a given area, while another qualified applicant is seeking a single guard band frequency, the Commission will treat the multiple applications of the applicant seeking all available guard band frequencies as a single application and issue a partial grant thereof so as to provide the remaining frequencies to other qualified applicants.[3] Through the frequency assignments made in these decisions we attempted to promptly provide needed service by avoiding delays inherent in the comparative hearing and to foster

[1] File No. 2200-C2-P-69.

[2] 29 F.C.C. 2d 62 (1971) and 34 F.C.C. 2d 458, reconsideration denied, 35 F.C.C. 2d 745 (1972), affd. sub. nom. Capitol Telephone Co., Inc. v. F.C.C., 498 F. 2d 734 (D.C. Cir. 1974).

[3] However, the applicant for multiple frequencies can reject a partial grant and request a full comparative hearing. See Rules, Section 21.29 and *Mobile Radio Communications, Inc., supra.*, at page 63.

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diversity in the types of service offered by making grants to as many applicants as possible.

11. Under the Ashbacker doctrine[4] we have traditionally designated a comparative hearing where two or more mutually exclusive applications are directed toward authorization of the same facility. The applications before us present such a situation, notwithstanding that Allegheny presently operates on one of the two available guard band frequencies in the Pittsburgh area. The prior grant to Allegheny was made under circumstances where no other applications were before us and hence we were not faced with competing requests for the available frequencies. While it is true that we have already granted Allegheny one of the two available guard band frequencies, we do not presently view that grant as precluding Allegheny from filing a subsequent application for authorization to operate on the remaining guard band frequency.[5]

12. We, therefore, will adhere to our traditional approach and order a comparative hearing because we have before us two applications which are electrically mutually exclusive. Accordingly, we will require that Allegheny and Airsignal-Pittsburgh each demonstrate a public need for their proposed additional services. As we said in New York Telephone Company, 47 FCC 2d 488 (1974), this showing of public need should be made by one of the alternative methods set forth in Long Island Paging, 30 FCC 2d 405 (1971). Further, we will require that Allegheny and Airsignal-Pittsburgh each demonstrate why their existing facilities are inadequate to meet the public need for their services, and why it is infeasible or undesirable to modify these existing facilities to meet all public need for their services.

13. It appears that except for the matters placed in issue herein, both applicants are legally, financially and technically qualified to render the proposed services.

14. *Accordingly, it is ordered*, pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, that the captioned applications are designated for hearing in a consolidated proceeding, at the Commission's offices in Washington, D.C. on a date to be specified upon the following issues:

a. To determine on a comparative basis the nature and extent of the services proposed by each applicant.

b. To determine the total area and population to be served by Airsignal International of Pittsburgh, Pennsylvania, Inc. within the 43 dbu contour of its proposed station based upon the standards set forth in section 21.504 of the F.C.C. rules and regulations, and to determine the need for its proposed service in that area.

c. To determine the total area and population to be served by Allegheny Mobile Telephone Co., Inc. within the 43 dbu contour of its proposed station based upon the standards set forth in section 21.504 of the F.C.C. rules and regulations, and to determine the need for its proposed service in that area.

d. To determine the present and prospective channel loading by Airsignal International of Pittsburgh, Pennsylvania, Inc. of its presently assigned one-way paging frequency.

e. To determine the present and prospective channel loading by Allegheny Mobile Telephone Co., Inc. of its presently assigned one-way paging frequency.

f. To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the above-captioned applications would best serve the public interest, convenience and necessity.

15. *It is further ordered*, That the burden of proof on issues (a) and (f) is placed on the respective applicants herein, on issues (b) and (d) is placed on Airsignal International of Pittsburgh, Pennsylvania, Inc., and on issue (c) and (e) is placed on Allegheny Mobile Telephone Co., Inc.

16. *It is further ordered*, That the parties desiring to participate herein shall file Notices of Appearance in accordance with the provisions of Section 1.221 of the Commission's rules.

17. *It is further ordered*, That the Chief, Common Carrier Bureau is made a party to the proceeding.

18. *It is further ordered*, That the petition of Airsignal-Pittsburgh to deny the application of Allegheny *is denied*.

Adopted: March 25, 1975.

Released: April 10, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-9625 Filed 4-11-75;8:45 am]

[Report No. 748]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

APRIL 7, 1975.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's Rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to Section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21659-C2-P-74, DPRS, Inc. t/a Zipcall (KCB890), C.P. to add standby facilities to operate on 43.58 MHz at Loc. #9: Wood Hill, Andover, Massachusetts.

21301-CD-P-75, Peninsula Telephone & Telegraph Company (KOK283), C.P. to change frequencies from 152.72 MHz to 152.81 MHz at Loc. #1: Mt. Ellis, Lookout, Washington; and Loc. #2: 28 miles from Forks, Washington in SE. direction, Mt. Octopus, Washington.

21373-CD-R-75, Bell Telephone Company of Nevada (KD9271) (Developmental), Renewal of Developmental station expiring April 27, 1975. Term: 4/27/75-4/27/76.

21374-CD-P-(2)-75, Southern Bell Telephone & Telegraph Company (KIY518), C.P. to replace transmitter operating on 152.63 MHz located 3.3 miles NNW. of Bishop, North Carolina and replace transmitter operating on 157.89, test, located at 102 North Fourth Street, Wilmington, North Carolina.

21375-CD-P-75, Rogers Radio Communications Service, Inc. (KYB204), C.P. to add antenna Loc. #7 to operate on 152.24 MHz to be located on Burnett Rd., 0.6 mile W. of junction of Darrell Rd. & Burnett Rd., near Island Lake, Illinois.

21376-CD-P-75, W. L. and R. L. Meadow d.b.a. Jacksonville Radio Dispatch Service (KLF632), C.P. to add antenna Loc. #5 to operate on 152.24 MHz to be located at 1 Independent Plaza, Jacksonville, Florida.

21377-CD-P-75, Airsignal of Colorado, Inc. (KAA276), C.P. for additional facilities to operate on 152.06 MHz at Loc. #2: 1616 Glenarm Place Security Life Building, Denver, Colorado.

21378-CD-P-75, RCC of Virginia, Inc. (KUO622), C.P. to add antenna Loc. #3 to operate on 152.12 MHz to be located at Monticello Avenue, Williamsburg, Virginia.

21379-CD-P-75, Irving Seltzer d.b.a. Altoona Telephone Message Center. (New), C.P. for a new 1-way station to operate on 152.24 MHz to be located at Wopsy Lookout, Altoona, Pennsylvania.

21380-CD-P-75, Radio & Electronics Service Company, Inc. (KLF542), C.P. to relocate facilities operating on 152.15 MHz to be located at 3101 North "R" St., Pensacola, Florida.

21381-CD-P-75, ComNav, Inc. d.b.a. Radio Telephone of Maine (KRS712), C.P. for additional facilities to operate on 158.70 MHz located at Copeland Hill, approximately 3 miles West of East Holden, Maine.

21382-CD-P-(6)-75, South Central Bell Telephone Company (KIA960), C.P. to change antenna system and relocate facilities operating on 152.60, 152.63, 152.66, 152.72, 152.75, and 152.78 MHz to be located at 1500 Beacon Parkway, East, Birmingham, Alabama.

21383-CD-P-75, South Central Bell Telephone Company (KRS688), C.P. to change antenna system and relocate facilities operating on 152.84 MHz at Loc. #1: 1500 Beacon Parkway, East, Birmingham, Alabama.

Corrections

20821-CD-ML-75, Airsignal of California, Inc., Fresno, California (KMA267), Correct to add Mod. of Lic. to change frequency from 2171.6 MHz to 2121.6 MHz, repeater facilities at Loc. #1: KFTV Tower, Bald Mountain, 3 miles East of Auberry, approx. 32 NE. of Fresno, California. All other particulars to remain as reported on PN #740 dated February 10, 1975.

21309-CD-AL-75, M. O. Bobes d.b.a. Mobile Telephone Service of Wheeling, West Virginia. Correct file number to read 21372-CD-AL-(2)-75. All other particulars to remain as reported on PN #747 dated March 31, 1975.

POINT-TO-POINT MICROWAVE RADIO SERVICE

2526-CF-P-75, Central Nebraska Telephone Company (KPP27), 10 Miles South of Sutherland, Nebraska. Lat. 41°01'21" N., Long. 101°09'14" W. C.P. to change antenna system and azimuth for frequency 5945.2H MHz toward Sutherland Passive Reflector on azimuth 156°12' and from Passive Reflector to Station KPP31 near Sutherland on azimuth 04°16'.

3157-CF-ML-75, The Pacific Telephone and Telegraph Company (KMQ33), Strawberry Peak, 9 Miles North of San Bernardino, California. Lat. 34°13'55" N., Long. 117°-14'04" W. Mod. of License to change polarization from Vertical to Horizontal on 3770, 3930, 4010, and 4090 MHz toward Table Mountain, California; from Horizontal to Vertical on 3770, 3850, 3930, and 4070 MHz toward Padua Hills, California.

3158-CF-ML-75, Same (KMW74), Padua Hills, 3 Miles North of Claremont, California. Lat. 34°08'33" N., Long. 117°43' 17" W. Mod. of License to change polarization from Horizontal to Vertical on 3730, 3810, and 3890 MHz and from Vertical to Horizontal on 4030 MHz toward Los Angeles, California; change particulars of alarm center location.

3164-CF-P-75, The Mountain States Telephone and Telegraph Company (New), On County Road, 0.2 Mile North of Post Office, Saint Regis, Montana. Lat. 47°18'-08" N., Long. 115°05'51" W. C.P. for a new station on frequencies 11325V and 11565H MHz toward Superior R, Montana via Passive Reflector.

3165-CF-P-75, Same (KYS25), 10.5 Miles NE. of Superior, Montana. Lat. 47°16'01" N., Long. 114°41'52" W. C.P. to add antenna and frequencies 10876V and 11116H MHz toward a new point of communication at Saint Regis, Montana on azimuth 286°51'.

3181-CF-P-75, Same (KPR45), 6.5 Miles SE. of Billings, Montana. Lat. 45°43'44" N., Long. 108°23'43" W. C.P. to add antenna and frequencies 11665H and 11425V MHz toward a new point of communication located at Goulding Creek, Montana on azimuth 342°31'.

3182-CF-P-75, Same (New), 401 First Street West (Rear), Roundup, Montana. Lat. 46°26'43" N., Long. 108°32'37" W. C.P. for a new station on frequencies 11225V and 11645H MHz via Passive Reflector toward a new point of communication located at Goulding, Montana on azimuth 274°18'.

3183-CF-P-75, Same (New), Goulding Creek, 15.3 Miles South of Roundup, Montana. Lat. 46°12'20" N., Long. 108°36'42" W. C.P. for a new station on frequencies 10775H and 11015V MHz toward Billings Junction, Montana on azimuth 162°21'; frequencies 10815V and 11055H MHz via Passive Reflector toward a new point of communication located at Roundup Mountain, Montana on azimuth 3°13'.

3186-CF-P-75, American Telephone and Telegraph Company (KGO74), 1.6 Miles South of Centerport, Pennsylvania. Lat. 40°27'49" N., Long. 76°00'29" W. C.P. to add frequency 3750V MHz toward Lynnport, Pennsylvania on azimuth 32°20'.

3187-CF-P-75, Same (KVU36), 2.8 Miles North of Lynnport, Pennsylvania. Lat. 40°42'55" N., Long. 75°47'55" W. C.P. to add frequency 3710V MHz toward Centerport, Pennsylvania on azimuth 212°28'.

2992-CF-MP-75, United Video, Inc. (WAH 545), 1.6 Miles NE. of Gibson City, Illinois. Lat. 40°29'12" N., Long. 88°21'46" W. C.P. to add frequencies 11665.0V MHz and 11425.0V MHz toward Rantoul, Illinois on azimuth 135°9'; and toward Champaign, Illinois on azimuth 165°24', via power split).

2992-CF-MP-75, Same. (WPX22), 2.5 Miles East of Gridley, Illinois. Lat. 40°45'12" N., Long. 88°48'57" W. C.P. to add a new point of communication on 10775.0V MHz and 11015OV MHz toward Gibson City, Illinois, on azimuth 126°31'.

3150-CF-P-75, Tex-Mex Communications Company (KLM97), SW. of Boise, Texas. C.P. to replace transmitters and to increase power from 0.1 watt to 1.0 watt output.

3151-CF-P-75, Same, Denver City, Texas. C.P. to replace transmitters and to increase power from 0.1 watt to 1.0 watt output.

Correction

3118-CF-A1-(4)-75, Consent of Assignment of Radio Station Licenses. Correct calls signs to read: KYZ85—Mt. Washington, New Hampshire; KYZ86—Moose Hill, Maine; WQQ54—Blinn Hill, Maine; and WAH541—Saddleback Mtn., New Hampshire. (All other particulars remain the same as reported in Public Notice dated March 31, 1975).

2844-CF-P-75, American Telephone and Telegraph Company (KKH72), Oklahoma City, Oklahoma. Correct Co-ordinates to read Lat. 35°28'16" N., Long. 97°30'53" W. (All other particulars remain the same as reported on Public Notice #744 dated March 10, 1975.)

MULTIPOINT DISTRIBUTION SERVICE

50082-CM-P-75, Microband Corporation of America, Bethesda, Maryland. Mod. of C.P. to increase power on 2154.75 MHz and 2150.25 MHz. (Primary Service Area: Washington, D.C.)

[FR Doc.75-9628 Filed 4-11-75;8:45 am]

STANDARD BROADCAST APPLICATIONS

Availability for Processing

Notice is hereby given, pursuant to section 1.571(c) of the Commission's rules, that on May 20, 1975, the standard broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to section 1.227(b)(1) and section 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on May 19, 1975, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on May 19, 1975.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast applications, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to section 1.580 (i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings. Attachment.

Adopted: April 4, 1975.

Released: April 8, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPENDIX

BP-19646	KSWS, Roswell, New Mex.	Berrendo Broadcasting Co. Has: 1020 kHz, 10 kW, 50 kW-LS, DA-2, U. Req: 1020 kHz, 50 kW, DA-2, U.
BP-19647	KGBS, Los Angeles, Calif.	Storer Broadcasting Co. Has: 1020 kHz, 50 kW, DA-1, L-KDKA Req: 1020 kHz, 50 kW, DA-2, U.

[FR Doc.75-9626 Filed 4-11-75;8:45 am]

WARC CONFERENCE WORKING GROUP MEETING

Meeting

APRIL 4, 1975.

In preparation for the 1979 World Administrative Radio Conference

[4] Ashbacker Radio Corp. v. F.C.C., 326 U.S. 327 (1946).

[5] We are, however, considering a rulemaking proceeding which will focus on possible modification of the present Commission policy in regard to guard band frequency allocation.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

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(WARC), three conference preparatory Working Groups under the Safety and Special Radio Services Bureau will be meeting at the Commission during the week of May 5, 1975.

The Land Mobile Working Group, headed by Neal Pike, will meet on Wednesday, May 7, at 9 A.M. in Room 8210; the Amateur Radio Working Group, headed by A. Prose Walker, will meet on Thursday, May 8, at 9 A.M. in Room 8210; and the Private Microwave Working Group, headed by Joseph Johnson, will meet on Friday, May 9, at 9 A.M. in Room 8009. These three meetings will be held in the Commission's offices at 2025 M Street, NW., Washington, D.C. The meetings will be for the purpose of organizing the Working Groups, and for establishing Task Forces, if necessary, for developing requirements for spectrum allocations in the various services.

A total of 23 Working Groups have been formed by the Commission to investigate the spectrum needs of the United States to the year 2000. The outputs of the various working groups will be channeled to one or more of four functional committees which will examine spectrum requirements and give recommendations based on these requirements to the FCC Steering Committee. The Steering Committee, composed of high level members of each of the Commission's Bureaus and Offices, will be responsible for formulating the Commission's basic spectrum recommendations for use at the 1979 Conference.

Members of industry and the public may participate as observers at the Working Group level of activity. Persons wishing to attend the above three meetings who have not previously registered for WARC participation may complete their registration forms at the time of the meetings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-9627 Filed 4-11-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

NATURAL GAS TRANSMISSION AND DISTRIBUTION ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Natural Gas Transmission and Distribution Advisory Committee will meet Thursday, May 1, 1975, at 10:00 a.m., Room 3400, 12th & Pennsylvania Avenue, NW., Washington, D.C.

This Committee was established to provide independent advice and review to the Federal Energy Administration with respect to transmission and distribution and with respect to the implementation of programs that affect gas transmission and distribution activities.

The agenda for the meeting is as follows:

1. Liquefied Natural Gas (LNG) Imports—Pros and Cons.
2. Allocation of Petroleum Feedstocks for Synthetic Natural Gas (SNG) Plants.
3. Rolled-in vs. Incremental Pricing for Natural Gas—Pros and Cons.
4. Legislative Remedies for Gas Utilities' Financial Requirements.
5. Problems Involved with Offshore Drilling on the North Atlantic Coast.
6. Low Btu vs. High Btu Gas and Related Research.
7. Priority Allocation of Natural Gas Supplies.
8. Update Report on Natural Gas Curtailments.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Office (202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on April 10, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.75-9758 Filed 4-10-75;2:58 pm]

WHOLESALE PETROLEUM ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Wholesale Petroleum Advisory Committee will meet Monday, May 5, 1975, at 9 a.m., in the "Northwest Room," Hilton Seattle Airport Hotel, 17620 Pacific Highway South, Seattle, Washington.

The Committee was established to provide advice and information to the Federal Energy Administration concerning the wholesale trade of selling heating oil, residual fuel, and gasoline.

The agenda for the meeting is as follows:

1. Discussion of the Extension of the Emergency Petroleum Allocation Act of 1973.
2. Discussion of Class of Purchaser.
3. Discussion of Surplus Product.
4. Legislative Remedies for Gas Utilities' Fi-
5. Problems Involved with Offshore Drilling Base Period.
6. Discussion of Rents and Leasing.
7. Remarks from the Floor (10 minute rule).

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Office, (202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on April 9, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.75-9713 Filed 4-10-75;9:59 am]

VOLUNTARY AGREEMENT AND PROGRAM RELATING TO THE INTERNATIONAL ENERGY PROGRAM

Approval by the Administrator of General Services and the Attorney General

Correction

In FR Doc. 75-9018, appearing at page 16042 in the issue for Tuesday, April 8, 1975, make the following changes:

1. The last sentence of the first paragraph (preamble) should read as set forth below:

• • • Set forth below are the text of the Agreement, the letter of the Administrator of FEA to the Administrator of General Services recommending approval, dated March 6, 1975 (Appendix A), the letter of the Administrator of General Services to the Administrator of FEA, dated March 26, 1975, approving the Agreement (Appendix B), and the letter of the Attorney General to the Administrator of General Services, dated March 28, 1975, approving the Agreement (Appendix C).

2. In the text of the "Voluntary Agreement • • •", in the paragraph which follows the center heading "11. Withdrawal from Agreement", in the 14th line, the word "be" should be changed to read "by".

FEDERAL MARITIME COMMISSION

BARBER LINES A/S AND BLUE SEA LINE CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before May 5, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Milton J. Levitt, Esq.
Palmer Series & Baar
Attorneys at Law
120 Broadway
New York, New York 10005

Agreement No. 10137-1, between Barber Lines A/S and the Blue Sea Line Companies, modifies the approved basic agreement by amending Article 1 thereof and the Appendix thereto to designate with greater specificity certain areas in the Far East and Southeast Asia presently covered by the agreement, and to include certain other ports within the scope of the agreement, as set forth in the Appendix thereto.

By Order of the Federal Maritime Commission.

Dated: April 9, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-9682 Filed 4-11-75;8:45 am]

PACIFIC/INDONESIAN CONFERENCE

Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 813a).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126 or at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, D.C., 20573, on or before April 24, 1975. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the petition, (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of Agreement Filed by:

H. R. Rollins, Secretary
Pacific/Indonesian Conference
635 Sacramento Street
San Francisco, California 94111

The Pacific/Indonesian Conference, Agreement No. 6060, has filed an application for permission to institute an exclusive patronage (dual rate) contract system pursuant to section 14b of the Shipping Act, 1916.

By Order of the Federal Maritime Commission.

Dated: April 9, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-9681 Filed 4-11-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G-3209, et al.]

AMOCO PRODUCTION CO. (OPERATOR), ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates

Correction

In FR Doc. 75-8920, appearing at page 15960 in the issue of Tuesday, April 8, 1975, the following material was inadvertently omitted.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI75-535 3-6-75	Southwestern Refining Co., Inc. (Operator) et al., P.O. Box 9217, Corpus Christi, Tex. 78408.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Southwest Bailey Field, Jim Wells County, Tex.	[1] 46.225	14.65
CI75-536 (CI63-456) 3-10-75	Sohio Petroleum Co., 970 First National Center—North, Oklahoma City, Okla. 73102.	Champlin Oil & Refining Co., North Lockridge Field, Logan County, Okla.	(1)	
CI75-537 (CI74-847) 3-10-75	Petroleum, Inc., 300 West Douglas Wichita, Kans. 67202.	Northern Natural Gas Co., acreage in Seward County, Kans.	Depleted	
CI75-539 3-10-75	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	Northern Natural Gas Co., No. 1 Davison Well, Texas County, Okla.	[1] 54.5909	14.65
CI75-541 (G-9036) 3-12-75	Paul R. Davis and Lestor B. Wood, 309 Oil & Gas Bldg., Shreveport, La. 71101.	Texas Eastern Transmission Corp., Woodlawn Field, Harrison and Marion Counties, Tex.	Uneconomical	

[1] No sales were commenced because the dedicated acreage failed to become productive.

[Docket No. CI75-577]

AMERADA HESS CORP.

Application

APRIL 7, 1975.

Take notice that on March 27, 1975, Amerada Hess Corporation (Applicant), 1200 Milam, 6th Floor, Houston, Texas 77002, filed in Docket No. CI75-577 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Company (Northern) from four wells located in the Eunice and Monument Fields, Lea County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposed to sell approximately 78,128 Mcf of natural gas per month to Northern for a period of one year within the contemplation of section 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell the gas to Northern at 60.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment. Applicant states it seeks authorization for this limited term sale to ascertain the volumes of gas available for future sales.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 25, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if

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the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9632 Filed 4-11-75;8:45 am]

[Docket No. CP74-320]

COLORADO INTERSTATE GAS CO.

Extension of Procedural Dates

APRIL 7, 1975.

On March 31, 1975, Colorado Interstate Gas Company a division of Colorado Interstate Corporation (CIG) filed a motion to extend the procedural dates fixed by order issued March 14, 1975 in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of CIG and Supporting Intervenor Testimony, April 29, 1975.
Hearing: May 20, 1975 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-9633 Filed 4-11-75;8:45 am]

[Docket No. RP75-86]

COLORADO INTERSTATE GAS CO.

Proposed Changes in Rates and Charges

APRIL 7, 1975.

Take notice that Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), on March 31, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. CIG states that the proposed rates would include revenues from jurisdictional sales and service by $6.8 million over those rates presently being collected subject to refund in Docket No. RP74-77, inclusive of appropriate PGA adjustments. CIG further states that there is an agreement in principle in the above-mentioned docket, between CIG, the Staff, and intervenors proposing settlement of the case and that if the settlement agreement, when filed, is approved, the proposed current increase will amount to approximately $13.4 million. CIG states that the proposed increase is based on the twelve-month period ended December 31, 1974, adjusted for known and measurable changes which will occur within the nine months subsequent to that date, as provided for in the Commission's regulations.

CIG states that the jurisdictional rates filed herewith are designed to enable CIG to recover increases in its jurisdictional cost of service attributable primarily to additional facilities, additional advances for gas supplies, increased return requirements, an increase in depreciation rates, and a change from flow-through to normalized accounting for the tax benefit of liberalized depreciation.

Copies of this filing were served upon the Company's jurisdictional customers and interested public bodies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9634 Filed 4-11-75;8:45 am]

[Dockets No. RP74-82 and RP74-81]

COLUMBIA GAS TRANSMISSION CORP. AND COLUMBIA GULF TRANSMISSION CO.

Settlement Conference

APRIL 7, 1975.

Take notice that on Tuesday, April 22, 1975 and Wednesday, April 23, 1975, a conference of all interested parties in the above-referenced dockets will be convened at 10 a.m., in a conference room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. See the bulletin board on the second floor for the room number.

The conference will be held pursuant to section 1.18 (Conferences, Offers of Settlement) of the Commission's rules of practice and procedure (18 CFR 1.18). Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, such attendance at the conference will not be deemed to authorize such intervention as a party in the proceedings.

In accordance with the provisions of section 1.18 of the Rules, all parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company's proposed tariff changes, any procedural matters preparatory to a full evidentiary hearing, or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference. Failure to attend the conference shall constitute a waiver of all objections to stipulations and agreements reached by the parties in attendance at the conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9635 Filed 4-11-75;8:45 am]

[Docket No. RP72-89]

COLUMBIA GAS TRANSMISSION CORP.

Motion for Six Month Extension of Interim Curtailment Plan

APRIL 7, 1975.

Take notice that Columbia Gas Transmission Corporation (Columbia), on April 1, 1975, filed a motion requesting the Commission to extend its currently effective interim curtailment plan, with certain modifications, for a period of six months from May 1, 1975 through October 31, 1975. The modification is intended to exclude the so-called compensation features contained in the interim plan due to Commission orders in this proceeding holding them to be unlawful.

Columbia contends that the extension of its interim plan would maintain the *status quo* to the extent possible, pending the outcome of the extensive hearing in progress on Columbia's permanent plan in the above-entitled proceeding. Columbia alleges that the requested extension will avoid an unreasonable disruption of its customers' planning based on the annual entitlement feature for the twelve-month period ending October, 1975, contained in the interim plan.

Columbia asserts that without a grant of its motion, because of the Commission's warnings on the risks involved in implementing a plan not in conformity with Order No. 467-B, it would have to implement such a plan on May 1, 1975. Columbia alleges that this would be unlawful without consideration of the very extensive record being developed in the ongoing hearings. Columbia further asserts that curtailments pursuant to Order No. 467-B should not be implemented using the unverified data presently available, which has also been the subject of extensive cross-examination at the hearings.

In further support of its motion, Columbia refers to recent court decisions which, according to Columbia, hold that the Commission may not modify or replace a pipeline's existing curtailment plan without findings based on a full record, which is presently being compiled in this proceeding, that such plan is in violation of the Natural Gas Act.

Columbia claims that its interim plan has operated extremely well during the 1974-1975 winter season when Columbia curtailed at a level of approximately 20%, and that the Commission was not required to grant any petitions for extraordinary relief.

It appears reasonable and consistent with the public interest in this proceeding to prescribe a period shorter than 15 days for the filing of comments and petitions to intervene. Therefore, any person desiring to be heard or to protest said motion should, on or before April 16,

1975, file such comment or petition to intervene with the Federal Power Commission, Washington, D.C. 20426, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. Persons that have previously filed a notice or petition for intervention in this proceeding need not file additional notices or petitions to become parties with respect to the instant filing. The filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9636 Filed 4-11-75;8:45 am]

[Docket Nos. RP72-157, PGA75-5 et al.]

CONSOLIDATED GAS SUPPLY CORP., ET AL.

Order Accepting for Filing PGA Rate Increases To Track Increased Gas Costs Resulting From Opinion No. 699-H

APRIL 7, 1975.

Pursuant to Opinion No. 669-H in Docket No. R-389-B, issued on December 4, 1974, any jurisdictional pipeline company having a purchase gas adjustment clause in effect on June 21, 1974, and thereafter, was permitted to file on or before March 3, 1975, a special rate increase to track the rates prescribed in § 2.56a (18 CFR § 2.56(a)) of our Regulations effective as of the date of the filing, provided such rates are in effect pursuant to filings made by natural gas producers pursuant to § 2.56a(j) on or before January 31, 1975.

In accordance with those sections mentioned above many pipelines have filed special rate increases to track the rates as prescribed in Opinion No. 699-H. Of those pipelines the eighteen listed in Appendix A[1] are the subject of this order. The facts surrounding those filings are as follows:

Texas Gas Transmission Corporation, RP72-156, PGA75-3. On February 18, 1975, Texas Gas filed an increase (1) to reflect increased purchased gas costs of $21,748,215, including increases totalling $17,868,000 from Texas Eastern and United Gas and (2) a surcharge to recoup $6,416,698 in the deferred purchase gas cost account. The proposed effective date is March 1, 1975.

Texas Eastern Transmission Corporation, RP74-41, PGA75-6. On February 24, 1975, Texas Eastern filed an increase (1) to reflect increased purchased gas costs of $43,416,056 and (2) a surcharge to recoup $8,426,330 in the deferred account. The proposed effective date is March 1, 1975. The increase tracks, among other things, an increase by Southern Natural.

Lawrenceburg Gas Transmission Corporation, RP37-23, PGA75-3. On February 27, 1975, Lawrenceburg filed an increase of $203,435 to track an increase from Texas Gas to be effective March 1, 1975.

United Gas Pipe Line Company, RP72-133, PGA75-2. On February 21, 1975, United filed an increase (1) to reflect increased purchased gas costs of $55,400,000 and (2) a surcharge to recoup $20,300,000 in the deferred purchased gas cost account. The proposed effective date is March 1, 1975.

Panhandle Eastern Pipe Line Company, RP73-36, PGA75-3. On February 27, 1975, Panhandle filed an increase (1) to reflect an increase of $6,288,956 by Trunkline and an increase of $4,427,968 from producer suppliers and (2) a surcharge to recoup $3,057,864 in the deferred account. The proposed effective date is April 1, 1975.

Trunkline Gas Company, RP73-35, PGA75-2. On February 27, 1975, Trunkline filed an increase (1) to reflect increased gas costs of $7,389,068 and (2) a surcharge to recoup $2,148,140 in the deferred account. The proposed effective date is April 1, 1975.

Tennessee Gas Pipe Line Company, RP73-114, PGA75-2. On February 28, 1975, Tennessee Gas filed an increase (1) to reflect an increase of $60,483,940 and (2) a surcharge to recoup $36,985,165 in the deferred account. The proposed effective date is March 1, 1975.

Alabama-Tennessee Natural Gas Company, RP73-77, PGA75-5. On February 28, 1975, Alabama-Tennessee filed an increase of $22,630,000 to track an increase by Tennessee to be effective March 1, 1975.

East Tennessee Natural Gas Company, RP71-15, PGA75-4. On February 28, 1975, East Tennessee filed an increase of $14,060,000 to track an increase by Tennessee Gas to be effective March 1, 1975.

Granite State Gas Transmission, Inc., RP73-17, PGA75-4. On March 3, 1975, Granite State filed an increase of $602,000 to track an increase by Tennessee Gas to be effective March 1, 1975.

Tennessee Natural Gas Lines, Inc., RP71-11, PGA75-3. On March 3, 1975, Tennessee Natural filed an increase of $3,497,000 to track an increase by Tennessee Gas (reported herein) to be effective March 1, 1975.

Consolidated Gas Supply Corporation, RP72-157, PGA75-5. On February 26, 1975, Consolidated filed an increase (1) to track increases totalling $51,200,000 from Texas Eastern, Tennessee Gas and Texas Gas to be effective March 1, 1975, and (2) a surcharge to recoup $800,000 in the deferred account.

North Penn Gas Company, RP73-8, PGA75-5. On February 28, 1975, North Penn filed an increase to track increases totalling $3,314,577 from Con Gas and Tennessee Gas proposed to be effective March 1, 1975.

Mississippi River Transmission Corporation, RP72-149, PGA75-7. On February 21, 1975, MRT filed an increase to track rate increases totalling $27,527,980 from United Gas and Natural Gas Pipeline proposed to be effective March 1, 1975.

Mid Louisiana Gas Company, RP73-43, PGA75-3. On February 25, 1975, Mid Louisiana filed an increase (1) to reflect increased costs totalling $1,712,110 from United Gas and producer suppliers. The proposed effective date is March 1, 1975.

Sea Robin Pipeline Company, RP73-89, PGA75-2. On February 21, 1975, Sea Robin filed an increase (1) to reflect increased purchased gas costs of $12,777,775 by its producer supplier and (2) a surcharge to recoup $14,697,301 in its deferred account. The proposed effective date is March 1, 1975.

Arkansas Louisiana Gas Company, RP74-61, PGA75-2. On March 4, 1975,[2] Arkansas Louisiana filed an increase to reflect increased purchased gas costs of $529,269 from its producer suppliers. The proposed effective date is March 1, 1975.

Cities Service Gas Company, RP72-142, PGA75-4. On February 18, 1975, Cities filed a rate increase of 0.94¢ per Mcf or $3,119,121 to track increased rates by its producer suppliers to be effective February 23, 1975.

On the dates given in Appendix A, notice was issued in these eighteen filings. Pursuant to these notices no comments were received to date with the exception discussed below.

On March 17, 1975, a group of customers (Customers)[3] of Algonquin Gas Transmission Company, which is in turn, a customer of Texas Eastern, filed a protest objecting to (1) any waiver of Texas Eastern's tariff provisions with respect to the 45-day notice period and (2) any waiver of the Commission's Regulations with respect to the requested effective date of March 1, 1975.[4] Customers indicate that Texas Eastern filed its increase on February 24, 1975, only 4 days before the proposed effective date. They further state that to give the Texas Eastern filing the proposed March 1, 1975, effective date would jeopardize Customers' ability to track all of the increase because of "strictives placed upon them by the regulatory authorities in the states in which they are located."

Texas Eastern made its filing pursuant to Ordering Paragraph D of Opinion No. 699-H[5] which provides as follows:

(D) Notwithstanding the provisions of § 154.38(d)(4)(iv) of the Regulations Under

[1] Appendix A filed as part of the original document.

[2] This filing was received by the March 3, 1975, date specified by Opinion No. 699-H, but was not stamped in until 8:19 a.m. on March 4, 1975.

[3] See Appendix B.

[4] Customers filed a similar protest to Algonquin's filing dated March 3, 1975, which proposed to track Texas Eastern's filing as of March 1, 1975.

[5] ____ FPC ____ issued December 4, 1974, in Docket No. R-389-B.

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the Natural Gas Act (18 CFR § 154.38(d)(4)(iv)), any jurisdictional pipeline company having a purchased gas adjustment clause in effect on June 21, 1974, and thereafter, pursuant to § 154.38(d)(4), may file on or before March 3, 1975, a special rate increase to track the rates prescribed in § 2.56a (18 CFR § 2.56(a)) effective as of the date of the filing, provided such rates are in effect pursuant to filings made by natural gas producers pursuant to § 2.56a(j) on or before January 31, 1975.

The Commission found (mimeo p. 64) that good cause existed to waive the normal 45-day notice requirements set forth in § 154.38(d)(4) of the Regulations and in pipeline's tariffs in order to preclude undue delay in recovery of these costs by pipelines subject to our jurisdiction. While we are cognizant of the difficulties which distributors may sometimes encounter in passing through purchased gas cost increases of its wholesale suppliers, such problems relate to matters not within our jurisdiction and do not constitute grounds for delay in the establishment and implementation of just and reasonable rates.[1]

Alternatively, Customers propose that Texas Eastern's effective date be delayed until April 1, 1975, with the amount for March being placed in its deferred purchased gas cost account, with interest. We do not believe good cause has been shown to adopt this proposal.[2] Accordingly, we shall deny Customer's protest and shall not adopt Customers' alternate proposal.

Our review of the subject PGA increases indicated that the increases comply with the PGAG in the tariffs and with Opinion No. 699-H. Accordingly, we shall accept the PGA increases effective as of the dates listed herein. In the cases where the underlying rates are subject to refund the rates filed herein shall also be subject to refund. The rates effectuated herein shall be subject to change to reflect any adjustments in the underlying supplier rates. This action is also subject to any rate adjustments and/or refunds which may be required as a result of further orders in Docket No. R-389-B or of any appeals of such orders to the Courts. Such rate adjustments and/or refunds shall, of course, be governed by the provisions of the respective pipelines' PGA clauses and Section 154.38(d)(4) of the Regulations.

The Commission finds: The PGA increases herein described comply with the PGAC in the tariffs and with Opinion No. 699-H and should be accepted for filing and made effective as hereinafter conditioned.

The Commission orders: (A) The PGA filings herein described are accepted for filing and shall become effective on the dates proposed by the respective companies. This action is subject to any rate adjustments and/or refunds which may be required as a result of further orders in Docket No. R-389-B or of any appeals of such orders to the Courts.

(B) The companies which have underlying rates, which are subject to refund, shall have their PGA increase also subject to refund.

(C) The rates effectuated herein shall be subject to change and refund to reflect any adjustments in the underlying suppliers rates.

(D) This acceptance for filing shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act, as amended; nor shall it be construed as constituting approval of the referenced filings or of any rate, charge, classification, or any rule, regulation or practice affecting such rate or service contained in the respective tariffs; nor shall such acceptance be deemed as recognition of any claimed contractual right or obligation associated therewith; and such acceptance is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective pipelines.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9648 Filed 4-11-75;8:45 am]

[Docket Nos. CP73-47, CP73-88, CP73-139, CP73-197 and CP73-199]

EASCOGAS LNG, INC. ET AL.

Hearing in Providence, R.I.

APRIL 2, 1975.

Eascogas LNG, Incorporated, Algonquin LNG, Incorporated, Algonquin Gas Transmission Company, New England LNG Company, Incorporated.

In accordance with Commission's Order of March 21, 1975, a hearing session in these cases will commence at 10:30 a.m. on May 15, 1975, in room 234 of the U.S. Post Office Building, 318 Federal Building, Providence, Rhode Island 02903.

This session will be limited to submittals concerning the LNG tanks proposed in Docket No. CP73-139. These submittals may be in the form of unsworn statements of position or opinion which may be read or copied into the record in order to reflect the concerns of local citizens with the safety and environmental impacts of the project. However, these unsworn statements will not be considered as evidence in the proceeding, unless the submittals are made under oath and an opportunity is accorded all parties for cross-examination thereon. The sworn submittals should be mailed to the parties by May 1, 1975.

ALLEN C. LANDE,
Presiding Administrative Law Judge.

[FR Doc.75-9631 Filed 4-11-75;8:45 am]

[Docket No. E-9349]

KANSAS GAS AND ELECTRIC CO.

Notice of Tariff Change

APRIL 7, 1975.

Take notice that Kansas Gas and Electric Company (KG & E), on April 2, 1975, tendered for filing proposed changes in its FPC Electric Service Tariff FWM-173, Public Utility Resale (FPC Rate Schedule Nos. 32, 55, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, and 133). The proposed change would increase revenues from jurisdictional sales and service by $400,909 based on the twelve-month period ending December 31, 1974. In addition, Applicant is filing a fuel adjustment clause rider applicable to the above FPC rate schedules conforming to Docket No. R-479, Order No. 517, which amends Section 35.14 of the Regulations under the Federal Power Act.

Applicant states its present revenues are inadequate to provide, by any reasonable test, a fair return on its investment. KG & E also states its earnings must be increased to assure continued confidence in the financial integrity of the business which will enable it to maintain its credit and attract the necessary additional capital on reasonable terms to finance its approximate $545 million construction program through 1979. This program must be completed in order to provide a continuous supply of electricity, now and in the future, to its customers including the growing resale requirements.

Copies of the filing were served upon the jurisdictional customers and the Kansas Corporation Commission.

Any person desiring to be heard or to protest said Application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 25, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9637 Filed 4-11-75;8:45 am]

[1] See: Natural Gas Pipe Line Company of America, order issued March 10, 1975, in Docket No. RP74-96, et al.; Southern Natural Gas Company, Docket Nos. RP73-64 and RP72-91 (Phase II) et al., orders issued May 10, 1974, and July 5, 1974; Northwest Pipe Line Corporation, Docket Nos. RP72-154 and CP73-332, order issued October 30, 1974; Connecticut Light and Power Company, Docket No. E-9092, order issued November 6, 1974; Northern States Power Company, Docket No. E-9158, order issued February 5, 1975; and Northern Natural Gas Company, Docket Nos. RP71-107 (Phase II) and PGA75-2, order issued February 6, 1975.

[2] See: Natural, *supra*.; Northern Natural, *supra*.

[Docket No. RI74-194]

KWB OIL PROPERTY MANAGEMENT, INC.

Order Accepting Settlement, Granting Special Relief, and Permitting Intervention

APRIL 7, 1975.

By order issued June 17, 1974, KWB Oil Property Management, Inc.'s (KWB's) petition for special relief pursuant to Section 2.76 of the Commission's general policy and interpretations (hereinafter § 2.76)[1] was set for prehearing conference to commence on July 15, 1974. After various continuances, the instant proceeding was indefinitely postponed by the Presiding Administrative Law Judge (Tr. Vol. II, p. 12) on September 19, 1974.

On January 21, 1975, KWB met with the Commission Staff in an informal conference pursuant to letter notice of December 26, 1974, to all parties. At this informal conference, KWB submitted certain data, in addition to that submitted on previous occasions, which staff utilized in preparing an independent cost of service study. The results of this study, attached as Appendix A to a Staff statement (*see infra* p. 2) supporting the proposed settlement, indicate that a proposed settlement rate of 35 cents per Mcf at 14.65 psia for KWB's sales of natural gas to Cities from the V. L. Cook 1-A and McCracken No. 1 wells located in the North Hardtner Field, Barber County, Kansas, is justified.

Pursuant to notice issued February 20, 1975, a hearing was convened in Docket No. RI74-194 on February 26, 1975, at which time statements by KWB and Cities accepting a rate of 35 cents per Mcf and a Commission Staff Statement in Support of Proposed Stipulation and Settlement Agreement were copied into the record. On February 28, 1975, the Presiding Administrative Law Judge certified the record of the February 26, 1975 proceeding, including the proposed settlement, to the Commission. Notice of the certification was issued on March 11, 1975, and appeared in the Federal Register at 40 FR 12322 on March 18, 1975. Previously, on April 29, 1974, Cities petitioned to intervene in support of KWB's original petition for special relief in which KWB sought a rate of 40 cents per Mcf for the instant sales.

A petitioner pursuant to § 2.76 is required to establish the economic justification for the relief it seeks, including information on additional costs, the unit price, and the amount of gas to be recovered and sold in the interstate market. We find that KWB has satisfied the evidentiary burden of § 2.76.

The Commission finds: (1) The proposed settlement rate of 35 cents per Mcf at 14.65 psia is just and reasonable.

(2) Good cause exists to allow Cities to intervene in these proceedings.

The Commission orders: (A) KWB is granted special relief and is authorized to charge 35 cents per Mcf at 14.65 psia for its sales of natural gas to Cities from the V. L. Cook 1-A and the McCracken No. 1 wells located in the North Hardtner Field, Barber County, Kansas.

(B) Said rate is to be effective as of the date of issuance of this order provided that, within 30 days hereof, KWB files a copy of its contract amendment with Cities allowing it to charge 35 cents per Mcf at 14.65 psia for the subject sales.

(C) Cities is permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in these proceedings, and *Provided, further,* That such intervenor shall accept the record as it has been established in the proceedings to date.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9638 Filed 4-11-75;8:45 am]

[Docket No. CP75-227]

MONTANA-DAKOTA UTILITIES CO.

Extension of Procedural Dates

APRIL 7, 1975.

On April 3, 1975, Montana-Dakota Utilities Company filed a motion to extend the procedural dates fixed by order issued March 28, 1975, in the above-designated matter. The motion states that staff counsel has been notified and has no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company's Testimony; April 18, 1975.
Hearing; April 22, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9639 Filed 4-11-75;8:45 am]

[Docket No. E-9136 and E-9140]

NEW ENGLAND POWER SERVICE CO.

Extension of Procedural Dates

APRIL 7, 1975.

On March 19, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued December 31, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony; June 10, 1975.
Service of Intervenor's Testimony; June 24, 1975.
Service of Company Rebuttal; July 8, 1975.
Hearing; July 22, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9640 Filed 4-11-75;8:45 am]

[Docket No. E-8252]

NORTHERN STATES POWER CO. (MINNESOTA)

Notice of Compliance Filing

APRIL 7, 1975.

By order issued February 21, 1975, the Commission approved a settlement proposal in this proceeding. Ordering paragraph (B) of that order required Northern States Power Company (Northern States) to file with the Commission, within thirty days of the issuance of the order, revised tariff sheets in conformity with the terms of the approved settlement agreement.

On March 24, 1975, Northern States tendered for filing Second Revised Schedule A's to its Firm Power Service Resale Agreements and Supplemental Agreements to its Firm Power Service Resale Agreements in compliance with the Commission order's directive.

Northern States states that upon Commission acceptance of the schedules and supplemental agreements it will make refunds to its customers and report the same to the Commission.

Northern States states that copies of the filing have been served on each of its total requirements wholesale customers.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before April 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9641 Filed 4-11-75;8:45 am]

[Docket No. RP73-8 PGA75-9]

NORTH PENN GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

MARCH 31, 1975.

Take notice that North Penn Gas Company (North Penn) on March 24, 1975, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA clause for rates to be effective May 1, 1975. The proposed rate change will decrease jurisdictional revenues based on the twelve-month period ending February 28, 1975, by $51,600 annually, according to North Penn.

North Penn states that the PGA filing was triggered by a rate decrease filed by Consolidated Gas Supply Corporation, March 18, 1975 to become effective May 1, 1975.

North Penn is requesting a waiver of the 45-day notice requirement contained

[1] 18 C.F.R. § 2.76.

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in its PGA clause since it did not receive its supplier's revised rates in sufficient time to make a timely filing and further asks for a waiver of any other of the Commission's rules and regulations in order to permit the proposed rates to go into effect on May 1, 1975.

North Penn states that copies of this filing were served upon North Penn's jurisdictional customers, as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9642 Filed 4-11-75;8:45 am]

[Docket No. CI75-406]

PHILLIPS PETROLEUM CO.

Order Establishing Procedures and Setting Hearing Date

APRIL 1, 1975.

On December 30, 1974, Phillips Petroleum Company (Applicant) filed an application pursuant to section 7(c) of the Natural Gas Act, for a limited term certificate of public convenience and necessity for a period of one year with pregranted abandonment authorizing the sale of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corporation (Transco) from the Read "B" No. 1 well located in Evangeline Parish, South Louisiana. The Applicant proposes to sell the gas at a rate of 85.0 cents per Mcf (15.025 psia) subject to upward and downward Btu adjustments from a base of 1,000.

Applicant commenced an emergency sale of the gas on December 17, 1974, at the proposed rate pursuant to § 159.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and has been continuing deliveries since February 15, 1975, the expiration date of the 60-day exempt period at the rate subject to refund pursuant to Opinion No. 699-B.

Applicant proposes to continue the sale for one calendar year commencing on February 15, 1975, (the expiration date of the 60-day exempt period) within contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70) for such quantities that the seller has available on a best efforts basis, and that the buyer desires to purchase with an estimated daily quantity of 350 Mcf/d, and a maximum of 3,000 Mcf/d.

In support of its limited-term certificate application, Applicant stated that the subject well was drilled as an exploratory well. Applicant allegedly entered into a one year contract dated November 6, 1974, in order to test the well under producing conditions at pipeline pressure. During the proposed one year sale, Applicant proposes to evaluate the underlying reserves and determine whether additional development is necessary. Applicant further states that until the well can be tested and reserves evaluated, the supply of gas will be available only for the limited period for which certification is sought.

In Opinion No. 699-B (52 FPC ____) which reinstated the limited term certificate provisions of § 2.70(b)(3) of the Commission's General Policy and Interpretations, the Commission stated that applicants for limited term certificates "will have the burden of demonstrating by substantial evidence that the price for which certification is sought is the lowest price at which that particular supply of gas may be obtained for the interstate market, and that the supply of gas is available for the limited period for which certification is sought" (Mimeo. page 6). By letter dated January 21, 1975, Applicant was requested to supplement its application in accordance with Opinion No. 699-B to demonstrate by substantial evidence these required facts.

In response Applicant by letter filed on February 10, 1975, advised that it had received an offer from Continental Oil Company to purchase the gas from the subject well at an initial rate of 85.0 cents per MMBtu with escalation of 10.0 cents per MMBtu at the beginning of the second and third years of such proposed sale, but that such sale would have required Applicant to construct approximately 3 miles of line to deliver the gas to Continental Oil Company. Therefore, in view of the construction costs, the limited reserve data, and the time involved in pipeline construction, Applicant elected to enter into a 60-day emergency sale and a subsequent one-year limited-term sale with Transco.

No affiliation of record exists between buyer and seller.

After due notice of the application in the FEDERAL REGISTER on January 21, 1975, (40 FR 3337) no protests or interventions were filed within the period designated for such filings which expired on February 4, 1975. No further petitions to intervene, notices of intervention, or protests to the granting of the application have been filed as of this date of issuance.

Based upon the pleadings before us, we believe that justification for the rate and term of sale as well as other public interest issues, should be established by substantial evidence in a formal record. Accordingly, we will set this application for formal expeditious hearing.

The Commission finds. It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be the subject of a formal evidentiary hearing in accordance with the procedures as set forth below.

The Commission orders. Pursuant to the authority of the Natural Gas Act, particularly Sections 7 and 15 thereof, the Commission's Rules of Practice and Procedures, and the Regulations under the Natural Gas Act, a public hearing shall be held on May 1, 1975, at 10 a.m. (EDT) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by Phillips Petroleum Company in the application filed December 30, 1974.

(B) On or before April 14, 1975, Phillips Petroleum Company and any supporting party shall file with the Commission and serve on all parties, including Commission Staff, their testimony and exhibits in support of their positions.

(C) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority (18 CFR 3.5(d))—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9643 Filed 4-11-75;8:45 am]

[Docket No. E-9347]

PUBLIC SERVICE CO. OF INDIANA, INC.

Change in Interconnection Agreement

APRIL 7, 1975.

Take notice that on March 31, 1975, Public Service Company of Indiana, Inc. (PSCI) tendered for filing the fourth supplemental agreement to the Interconnection Agreement between PSCI and Southern Indiana Gas and Electric Company (SIGECO). The Interconnection Agreement is designated PSCI Rate Schedule FPC No. 207. The proposed effective date is April 1, 1975. The supplemental agreement will increase the demand charge for Short Term Power.

Filed concurrently was a Certificate of Concurrence on behalf of SIGECO which expresses SIGECO's assent and concurrence with the changes. A copy of the filing has been sent to SIGECO.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 25, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person

wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9644 Filed 4-11-75;8:45 am]

[Docket No. RP75-84]

SOUTHERN NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

APRIL 7, 1975.

Take Notice that Southern Natural Gas Company (Southern), on March 31, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1. The proposed changes are based on the 12-month period ending December 31, 1974, as adjusted, and would increase jurisdictional revenues by $91,080,244.

Southern states that the principal reasons for the proposed rate increase are to reflect (1) an increase in the overall rate of return of 10.69 percent; (2) an increase in the composite book depreciation rates of 8.5 percent for Southern's supply system and 5.25 percent for Southern's transmission system; (3) to adjust Southern's plant for Construction Work in Progress; (4) to reflect increased operation and maintenance expenses, including purchased gas costs and expenses for gas from Company-owned production and from independent producers; and (5) to reflect increased levels of advance payments to producers.

Copies of the filing have been served upon Southern's jurisdictional customers and interested state public service commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 25, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9645 Filed 4-11-75;8:45 am]

[Docket No. E-8867]

WISCONSIN PUBLIC SERVICE CORP.

Extension of Procedural Dates

APRIL 7, 1975.

On March 26, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 23, 1974, as modified by notice issued January 20, 1975, in the above-designated matter. The motion states that no party objects to the change.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

PHASE I

Staff Evidence Service, June 10, 1975.
Intervenor's Evidence Service, June 24, 1975.
Rebuttal Evidence Service, July 8, 1975.
Hearing, July 22, 1975 (10 a.m. e.d.t.).

PHASE II

Intervenor's Evidence Service, July 28, 1975.
Staff Evidence Service, August 11, 1975.
Company Evidence Service, August 25, 1975.
Rebuttal Evidence Service, September 8, 1975.
Hearing, September 23, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9646 Filed 4-11-75;8:45 am]

FOREIGN-TRADE ZONES BOARD

[Docket No. 2-75]

CHICAGO, ILLINOIS

Application for a Foreign-Trade Zone; Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Chicago Regional Port District, Chicago, Illinois, requesting a grant of authority for the establishment of a foreign-trade zone in Chicago, a Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81) and the regulations of the Board (15 CFR Part 400). It was formally filed on April 8, 1975. Under Illinois law (Act of June 6, 1951, sec. 8.01), the Chicago Regional Port District, a municipal corporation, has authority to apply for the right to establish, operate and maintain foreign-trade zones within the State.

The proposal calls for a foreign-trade zone of 25 acres within an industrial park site owned by the applicant and located in Chicago's Lake Calumet Harbor area. An adjacent warehouse with 72,000 square feet of usable space would be included in the zone. The warehouse is located on the Harbor's sea channel and is served by a 45 foot wharf. The industrial park would be prepared for the construction of such individual plants as are required by zone tenants, with a general use building being constructed if user interest warrants. The area is also served by rail and highway and O'Hare International Airport is 25 miles distant.

The application includes information and economic data concerning the basis for a zone facility to serve the special Customs needs of the area's business community. The proposed zone is intended to augment the Port District's overall efforts for industrial development in the Lake Calumet Harbor area. Operator of the zone complex for the Port District would be CCS International, a limited Partnership under Illinois law. The firm was selected under the Chicago Regional Port District's bidding procedures. Interested zone users include: an electronics firm; a distributor of foreign bicycles and sporting goods; a manufacturer of printing presses; and, a textile retailer.

In accordance with the Board's regulations an examiners committee has been appointed to investigate the application and report thereon to the Board. The committee consists of: Gerald M. Marks (Chairman), Acting Regional Director, U.S. Department of Commerce Regional Office, 1406 Mid Continental Plaza Building, 55 E. Monroe Street, Chicago, Illinois 60603; Donald E. Grimwood, Director, Inspection and Control Division, U.S. Customs Service, Region IX, 55 E. Monroe Street, Chicago, Illinois 60603; and Colonel James M. Miller, District Engineer, U.S. Army Engineer District Chicago, 219 S. Dearborn Street, Chicago, Illinois 60604.

In connection with its investigation of the proposal the examiners committee will hold a public hearing beginning at 9:30 a.m., local time, May 14, 1975, at the Dirksen Federal Office Building (Room 1644), 219 S. Dearborn Street, Chicago, Illinois. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners committee.

Interested persons are invited to present their views at the hearing. They should notify the Board's Executive Secretary in writing by May 7 at the address below of their desire to be heard. In lieu of an oral presentation, written statements may be submitted to the examiners committee through the Executive Secretary at any time from the date of this notice through May 29, 1975. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Office of the Director
Inspection and Control Division (Suite 1501)
U.S. Customs Service, Region IX
55 E. Monroe Street
Chicago, Illinois 60603

Office of the Chicago Regional Port District
12800 Butler Drive
Lake Calumet Harbor
Chicago, Illinois 60633

Office of the Executive Secretary
Foreign-Trade Zones Board
U.S. Department of Commerce (Room 6886B)
Washington, D.C. 20230

Dated: April 8, 1975.

JOHN J. DA PONTE, Jr.,
Executive Secretary,
Foreign-Trade Zones Board.

[FR Doc.75-9616 Filed 4-11-75;8:45 am]

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OFFICE OF THE FEDERAL REGISTER

FREEDOM OF INFORMATION INDEX REQUIREMENTS

Guide to Agency Material; January-March, 1975

5 U.S.C. 552 (commonly called the Freedom of Information Act) requires agencies to maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required to be made available or published (5 U.S.C. 552(a)(2)). Recent amendments (Pub. L. 93-502, November 21, 1974, 88 Stat. 1561) require the publication (with some exceptions) and distribution of these indexes at least quarterly. This guide has been compiled by the Office of the Federal Register from information submitted by agencies for the first quarter of 1975 in order to notify the public of the availability of these indexes for sale and/or public inspection.

Agency and subagency name	Index title; period covered; brief description of contents	Order from; price; make checks payable to	For inspection, copying or additional information contact
Department of Agriculture, Agricultural Stabilization and Conservation Service.	ASCS Handbooks: Current listing of all administrative staff manuals.	Director, Data Systems Division, ASCS, USDA, 14th and Independence Ave. SW., Washington, D.C. 20250. No charge.	Director, Data Systems Division, ASCS, USDA, 14th and Independence Ave. SW., Washington, D.C. 20250. No charge.
Do.	Marketing Quota Review Committee Determinations; 1969-1974; listing by crop year of all decisions made on marketing quota appeals.	do.	Do.
Do.	Board of Contract Appeals Decisions; 1969-1974; listing of all decisions on appeals affecting ASCS and or CCC.	do.	Do.
Do.	CCC Board dockets; 1969-1974; listing of all Commodity Credit Corporation dockets approved by the Secretary of Agriculture.	Director, Data Systems Division, ASCS, USDA, 14th and Independence Ave. SW., Washington, D.C. 20250. No charge.	Director, Data Systems Division, ASCS, USDA, 14th and Independence Ave. SW. Washington, D.C. 20250. No charge.
Rural Electrification Administration.	Index of current REA publications—electric program as of February 25, 1975. An alphabetic and numerical index of REA electric program bulletins, contract forms, and specifications.	Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Room 4043-S, Washington, D.C. 20250. No charge.	Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Room 4043-S, Washington, D.C. 20250.
Do.	Index of current REA publications—telephone as of March 18, 1975. An alphabetic and numerical index of REA telephone program bulletins, contract forms, specifications, sections of the telephone engineering and construction and telephone operations manuals, and the rules and regulations of the Rural Telephone Bank.	Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Room 4043-S, Washington, D.C. 20250. No charge.	Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Room 4043-S, Washington, D.C. 20250.
Department of Defense, Department of the Air Force.	Numerical Index of Departmental Forms (AFR 0-9). December 6, 1974. Lists forms numerically within each category, including accountable forms, forms requiring storage safeguards, and obsolete forms.	DADF at nearest Air Force installation. Shelf stock, $2.81 per copy; reproduced copies, $5.75 per copy; shelfstock will be used while it lasts. Treasurer of the United States.	DADF at nearest Air Force installation.
Do.	Guide to indexes, catalogs, and lists of departmental publications (AFR 0-1). September 1, 1974. Describes the indexes, catalogs, and lists of departmental publications; explains their use, tells how often they are revised, shows their distribution and gives the office of primary responsibility.	DADF at nearest Air Force installation. Shelf stock, $2.05 per copy; reproduced copies $2 per copy; shelf stock will be used while supply lasts. Treasurer of the United States.	DADF at nearest Air Force installation.
Do.	Numerical index of standard publications and recurring periodicals (AFR 0-2). February 7, 1975. Lists regulations, manuals, and pamphlets together under each subject series; lists visual aids and recurring periodicals separately.	DADF at nearest Air Force installation. Shelf stock, $2.79; Reproduced copies $5.65; shelf stock will be used while supply lasts. Treasurer of the United States.	DADF at nearest Air Force installation.
Do.	Miscellaneous Air Force and other Government Agency publications (AFR 0-10). October 1, 1974. Lists a wide range of subjects of interest to the Air Force.	DADF at nearest Air Force installation. Shelf stock, $2.09 per copy; reproduced copies, $2.15 per copy; shelf stock will be used while supply lasts. Treasurer of the United States.	DADF at nearest Air Force installation.
Department of the Army, TAGCEN, Army Publications Directorate.	DA pamphlet 310-1, index of administrative publications (regulations, circulars, pamphlets, posters, general orders, joint chiefs of staff publications and DOD publications), basic dated November 1973, w/change 3, 20 August 1974.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $4.30. Checks payable to: Treasurer of United States.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314.
Do.	DA pamphlet 310-2, index of blank forms, basic dated May 1974, w/change 1, December 1974.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $3.50. Checks payable to: Treasurer of United States.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314.
Do.	DA Pamphlet 310-3, index of doctrinal, training, and organizational publications (field manuals, reserve officers' training corps manuals, training circulars, Army training programs, Army subject schedules, Army training tests, firing tables and trajectory charts, tables of organization and equipment, distribution and allowances). Basic dated August 1973, w/Change 4, August 1974.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $9.25. Checks payable to: Treasurer of United States.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314.
Do.	DA pamphlet 310-4, index of technical manuals, technical bulletins supply manuals (types 7, 8, and 9) supply bulletins, and lubrication orders. Basic dated August 1973, w/change 3, April 1974.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $3.50. Checks payable to: Treasurer of United States.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314.
Do.	DA pamphlet 351-6, index of supply catalogs and supply manuals. Basic dated July 1974, w/Change October 74 (1).	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $3.50. Checks payable to: Treasurer of United States.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314.
Do.	DA pamphlet 310-7, index of equipment modification works orders, December 1974.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $3.50. Checks payable to: Treasurer of United States.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314.

Agency and subagency name	Index title; period covered; brief description of contents	Order from; price; make checks payable to	For inspection, copying or additional information contact
Federal Trade Commission...	Final Orders and Opinions,[1] bound volumes of decisions, July 1967 to June 1973.	Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Checks: Superintendent of Documents, $5-$12 ea.	Legal and public records, Federal Trade Commission, Room 130, Sixth and Pennsylvania Ave. NW., Washington, D.C. 20580.
	Advisory Opinions,[1] Bound volume, July 1967 to December 1968. Index of advisory opinions subsequent to above date is in bound volumes of decisions.	Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Checks: Superintendent of Documents, $2.25.	
	Final Orders and Opinions, Supplemental index, July 1973 to March 1975.	Legal and public records, FTC, Room 130, Sixth and Pennsylvania Ave. NW., Washington, D.C. 20580. per pg. $0.10.	
	Enforcement Statements, July 1967 to March 1975.	do.	
	Trade Regulation Rules, July 1967 to March 1975.	do.	
	Manuals—Operating	do.	
	Administrative	do.	
National Transportation Safety Board.	Initial Decisions of Administrative Law Judges, Apr. 4 1967-Mar. 31, 1975; chronological listing (by date of service) of initial decisions after hearings on appeal involving airman and/or air safety certificates.	Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.	Chief, Public Inquiries Section, Room 806-B, National Transportation Safety Board, 800 Independence Ave. SW., Washington, D.C. 20594. Public Reference Room: Room 806-B.
	Safety Enforcement Decisions, May 18, 1967-Mar. 31, 1975; alphabetical and numerical listings (by EA and EM order No.) of final opinions and/or orders of the Board on appeal from initial decisions of NTSB administrative law judges and Commandant, U.S. Coast Guard.	Fees for duplication and instructions for payment will be included in letter of acknowledgment to requester.	
	NTSB Directives Checklist as of Jan. 9, 1975; numerical listing (by NTSB order No.) of staff operational directives.		
Postal Rate Commission.....	Postal Rate Commission Index.....	Secretary of the Commission, Postal Rate Commission, Washington, D.C. 20268. No charge.	Commission's Reading Room, Suite 500, 2000 L Street NW., Washington, D.C. 20268.
Tennessee Valley Authority...	Index to General Administrative Releases; covers period through March 1975; index to TVA organization bulletins, TVA codes, and TVA instructions.	John Van Mol, Director of Information, Tennessee Valley Authority, Knoxville, Tenn. 37902. Price: $2.00. Checks payable to: Tennessee Valley Authority.	John Van Mol, Director of Information, Tennessee Valley Authority, Knoxville, Tenn. 37902.

APRIL 8, 1975.

FRED J. EMERY,
Director, Office of the Federal Register.

[FR Doc.75-9739 Filed 4-11-75;8:45 am]

FEDERAL RESERVE SYSTEM

THE CITIZENS AND SOUTHERN CORP.

Order Approving Retention of Carolina National Mortgage Investment Company and CN Mortgages, Inc.

The Citizens and Southern Corporation, Charleston, South Carolina, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to retain all of the voting shares of Carolina National Mortgage Investment Company, Inc. ("Carolina Mortgage"), and its indirect subsidiary, CN Mortgages, Inc., both located in Charleston, South Carolina.[1]

Carolina Mortgage would, upon approval, continue to engage directly in the activities of a mortgage banking company and, through its ownership of CN Mortgages, Inc., to engage indirectly in the activities of a second mortgage lender. Carolina Mortgage would also continue to act as agent in the sale of credit life, accident and health insurance to its borrowing customers. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1), (3) and (9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors has been duly published (40 FR 7007). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act. (12 U.S.C. 1843(c)(8)).

Applicant controls one banking subsidiary, Citizens and Southern National Bank of South Carolina ("C&S Bank"), with deposits of approximately $461 million, representing 12.3 per cent of the deposits in commercial banks in South Carolina, and is the second largest banking organization and bank holding company in the State.[2] In addition to Carolina Mortgage, Applicant has five nonbanking subsidiaries respectively engaged in data processing, holding bank premises, community rehabilitation, mobile home financing, and providing bank management advisory services.

C&S Bank is engaged in making mortgage loans for its own account. It appears, however, that most of its loans at the time it acquired Carolina Mortgage were construction loans and loans on nonresidential property. At the time of acquisition, though, C&S was engaged in making some 1-4 family residential mortgage loans.

Although it also originated construction loans and mortgages on nonresidential property, Carolina Mortgage's loan originations during 1970 were to a great degree comprised of mortgages on 1-4 family residences. The major geographic markets affected by the acquisition are approximated by the Charleston, Columbia, and Greenville Standard Metropolitan Statistical Areas and Spartanburg County, all in South Carolina. At the time of the acquisition and thereafter, the economy of these areas was expanding with an attendant rise in housing demand and growth. During the period 1970 to 1973, these areas were among the fastest growing in the country. Carolina Mortgage accounted for approximately 5.7, 2.3, and 3.6 per cent of 1-4 family residential mortgage loan originations during 1970 in the first three markets respectively.[3] C&S Bank's market shares in those markets were approximately 2.5, 0.5, and 0.3 per cent, respectively, at the time. As of June 30, 1971, Carolina Mortgage was the 174th largest mortgage company in the country, based on a servicing volume of $119 million. Its mortgage servicing portfolio has increased by $76 million since it ceased operating as an independent mortgage company.

It is estimated that there were 18, 23, and 26 residential mortgage competitors respectively in the Charleston, Columbia,

[1] On December 15, 1970, Applicant acquired Carolina Mortgage and merged it into Citizens Mortgage Corporation, a wholly-owned subsidiary of Applicant. At the same time, Applicant indirectly acquired shares of CN Enterprises, Inc., Charleston, South Carolina, a 49 percent owned subsidiary of CN Mortgages, Inc. CN Enterprises, Inc. engages in real estate development. Applicant is not seeking approval to retain CN Enterprises, Inc. which is subject to the prohibitions in § 4(a)(2) of the Act. It is the intention of Applicant to divest the assets of CN Enterprises, Inc. by December 31, 1980.

[2] Unless otherwise indicated, all banking data are as of June 30, 1974, and reflect bank holding company formations and acquisitions approved through February 28, 1975.

[3] Market shares are based upon Applicant's estimates of total 1-4 family mortgage originations. No such estimate is available for Spartanburg County.

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and Greenville markets in 1970. Considering the number of residential mortgage banking competitors already in those markets and the respective market shares of C&S Bank and Carolina Mortgage, Applicant's acquisition of Carolina Mortgage had only slightly adverse effects on competition in the origination of 1–4 family residential mortgage loans.[4] The slight adverse competitive effect of the acquisition is outweighed by the public benefits which appear to have resulted from Applicant's acquisition of Carolina Mortgage. Affiliation has provided greater access to capital markets for Carolina Mortgage and thereby increased the amount of its available funds to meet the growing credit demands for housing and other construction in its respective mortgage markets. The Board concludes that the potential public benefits outweigh the adverse effect resulting from the affiliation at the time of the acquisition.

The Board's review of the record of affiliation indicates that public benefits have continued to outweigh the slight adverse effect on competition. Through Applicant's support, Carolina Mortgage has increased its servicing volume to nearly $197 million, and it is now the 151st largest mortgage company in the country. During the post-acquisition period (1970 to 1973), Carolina Mortgage increased its originations by nearly 247 per cent. In addition, Carolina Mortgage has entered *de novo*, thereby stimulating competition, two new geographic markets: Atlanta, Georgia, and Knoxville, Tennessee. The Board believes that the affiliation is sufficiently likely to continue to produce public benefits in the foreseeable future so that, on balance, divestiture would be contrary to the public interest.

Carolina Mortgage also sells credit-related insurance on the loans it originates. Due to the limited nature and scope of its insurance activities, it does not appear that the acquisition of Carolina Mortgage's insurance activities had any significant effect on either existing or potential competition. The activities of CN Mortgages, Inc. (total assets of $4.8 million) are likewise so limited in scope that its acquisition did not have any significant competitive effects.

There is no evidence in the record to indicate that the proposed retentions would lead to an undue concentration of resources, conflicts of interests, unsound banking practices, or other adverse effects upon the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to result in benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, and to prevent evasion thereof.

By order of the Board of Governors,[5] effective April 2, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75–9596 Filed 4–11–75;8:45 am]

[4] It appears that the acquisition also eliminated competition between C&S Bank and Carolina Mortgage in the origination of construction loans and the origination of mortgages upon nonresidential property. Geographic markets for these services are regional in scope and the amount of competition eliminated is not deemed significant.

[5] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, and Wallich. Absent and not voting: Chairman Burns and Governors Sheehan and Coldwell.

DAUPHIN DEPOSIT CORP.

Formation of Bank Holding Company

In FR document 75–8636 appearing at page 15009 of the issue for Thursday, April 3, 1975, the name of the bank to be acquired should read "Dauphin Deposit Trust Company, Harrisburg, Pennsylvania, with a resultant name change to Dauphin Deposit Bank and Trust Company."

Board of Governors of the Federal Reserve System, April 8, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75–9669 Filed 4–11–75;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt and Approval of Proposal

The following request for clearance of a report form intended for use in collecting information from the public was accepted by the Regulatory Reports Review Staff, GAO, on March 4, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the Federal Register is to inform the public of such receipt and the action taken by GAO.

FEDERAL ENERGY ADMINISTRATION

Request was made for approval of revised FEA–P105–S–0, Complainant's Report. This is a revision of the FEO–1. This form is to be filed for any type of complaint relating to the Mandatory Petroleum Allocation and Price Regulations. Potential applicants are expected to number about 20,000.

Based on the nature of the revisions which eliminated certain questions and revised instructions, GAO believes the burden has been reduced. Therefore, GAO provided expedited clearance of revised form FEA–P105–S–0 under number B–181254 (R0171). This clearance expires June 30, 1976.

CARL F. BOGAR,
Regulatory Reports Review.

[FR Doc.75–9660 Filed 4–11–75;8:45 am]

REGULATORY REPORTS REVIEW

Receipt of Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on April 4, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FTC forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before April 28, 1975 and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from the Regulatory Reports Review Officer, 202–376–5425.

FEDERAL TRADE COMMISSION

Request for review and clearance of a new single-time questionnaire, "Used Car Study". The questionnaire is a single-time collection of information concerning used motor vehicle sales and warranty practices from private consumer protection organizations. The survey will be a form letter sent to consumer organizations in all of the 54 states and territories. Response will be voluntary. The information obtained may be utilized in a subsequent rulemaking proceeding mandated by sections 109(b) and 112(c) of Pub. L. 93–637. The average respondent burden is estimated at five hours for each of the approximately 100 recipients.

Request for review and clearance of a new single-time questionnaire, "Used Car Study". The questionnaire is a single-time collection of information concerning used motor vehicle sales and warranty practices from State, Territorial, and Local Consumer Protection Officials. The survey will be a form letter sent to Consumer Protection Officials in all of the 54 states and territories. Response will be voluntary. The information obtained may be utilized in a subsequent rulemaking proceeding mandated by sections 109(b) and 112(c) of Pub. L. 93–637. The average respondent burden is estimated at five hours for each of the approximately 200 recipients.

CARL F. BOGAR,
Assistant Director,
Regulatory Reports Review.

[FR Doc.75–9659 Filed 4–11–75;8:45 am]

GENERAL SERVICES ADMINISTRATION

VOLUNTARY AGREEMENT AND PROGRAM RELATING TO THE INTERNATIONAL ENERGY PROGRAM

Approval of the Administrator of General Services and the Attorney General

Correction

CROSS REFERENCE: For a document correcting a previously published document dealing with the above matter, see the Federal Energy Administration material in this "Notices" section, supra.

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

ELECTRIC FACE EQUIPMENT STANDARD

Opportunity for Public Hearing

Application for a Renewal Permit for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 has been received for the item of equipment in underground coal mine as follows:

ICP Docket No. 4261–000, W. & B. COAL COMPANY, Elkhorn Seam NO. 3 and No. 3 Mine, Mine ID No. 15 02307 0, Mousie, Kentucky;
ICP Permit No. 4261–002–R–1 (Kersey Rubber Tired Mining Scoop, Ser. No. 691C7).

In accordance with the provisions of section 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

C. DONALD NAGLE,
Vice Chairman,
Interim Compliance Panel.

APRIL 9, 1975.

[FR Doc.75–9579 Filed 4–11–75;8:45 am]

ELECTRIC FACE EQUIPMENT STANDARD

Opportunity for Public Hearing

Application for a Renewal Permit for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 has been received for the item of equipment in underground coal mine as follows:

ICP Docket No. 4323–000, EDDIE COAL COMPANY, INC., Mine No. 14, Mine ID No. 15 01554 0, Elkhorn City, Kentucky; ICP Permit No. 4323–001–R–3 (Joy 14BU7 Loader, L.D. No. 1).

In accordance with the provisions of section 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

APRIL 8, 1975.

[FR Doc.75–9578 Filed 4–11–75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

National Endowment for the Arts

MUSIC PROGRAM

Guidelines for Fellowship-Grants to Composers/Librettists

The following are guidelines for grants made under the Music Program of the National Endowment for the Arts, an independent agency of the Federal government which makes grants to organizations and individuals concerned with the arts throughout the United States.

Notice is hereby given that the deadline date for Fellowship-Grants to Composers/Librettists is May 15, 1975.

Interested persons should contact Walter Anderson, Director, Music Program, National Endowment for the Arts, Washington, D.C. 20506, (202) 634–6390 for further information and application forms. Only the Music Program office may distribute application forms.

Signed at Washington, D.C. on March 20, 1975.

FANNIE TAYLOR,
Director,
Program Information.

FELLOWSHIP-GRANTS TO COMPOSERS/LIBRETTISTS PERIOD OF SUPPORT: JANUARY 1976–DECEMBER 1976

In Fiscal Year 1976 (July 1, 1975–June 30, 1976) the National Endowment for the Arts plans to award grants to assist composers and librettists.

In recommending this program two years ago, the National Council on the Arts designated this program a bicentennial activity in recognition of the enormous wealth of individual creative talent America possesses. The Council believed then, as now, that these Fellowship-Grants within the disciplines of composition and the writing of librettos will aid the building of a greater American musical legacy.

DEADLINE

Applications must be postmarked no later than May 15, 1975. Generally, the proposed period of grant support should not begin prior to January 1, 1976 but may extend through December 31, 1976.

The deadline will be adhered to strictly. Applications and other materials postmarked later than May 15, 1975 will not be considered under this fiscal allocation. Failure to submit all materials by this date may result in the return of the application to the sender.

Notices of approval or rejection will not be sent before December 15, 1975.

Applications may be obtained by writing to the Music Program, National Endowment for the Arts, Washington, D.C. 20506, and requesting Individual Application Forms, NEA–2 (Rev.), for the Composer/Librettist Program.

Application forms will be sent only to the individual applying; organizations may not request forms on behalf of individuals.

The completed application forms, in triplicate, and accompanying information should be returned to the Grants Office, National Endowment for the Arts, Washington, D.C. 20506.

GENERAL PURPOSE

The purpose of this program in support of individuals is to encourage:

(1) The creation of new composition or the completion of works in progress;

(2) The creation of new librettos or the completion of librettos in progress;

(3) The professional development of the composer or librettist.

ELIGIBILITY

By statute, the National Endowment for the Arts limits its fellowship programs to the awarding of grants to individuals of exceptional talent. Eligibility is further limited to individuals who can give evidence of the successful completion of the necessary foundations in training.

Please note that the Endowment funds a separate program to benefit composers of jazz. It may be advisable for these composers to request the Jazz/Folk/Ethnic Program Guidelines from the Music Program, National Endowment for the Arts, Washington, D.C. 20506.

LIMITATIONS

(1) This program funds the individual musician or librettist and does not fund production costs or fees of other persons associated with production elements such as lighting design, choreography, costuming, scenic design or non-musical graphic representation. For information regarding other areas of support within the Endowment, contact specific Programs or request *Guide to Programs* by writing to the Program Information Office, National Endowment for the Arts, Washington, D.C. 20506.

(2) Although the Endowment seeks information regarding plans for recording, it should be noted that, at the current time, it is not the policy of the Endowment to support recording costs.

(3) This program is for active composers and librettists; support is not intended to provide assistance to develop or complete master's degree theses or doctoral dissertations.

(4) The Music Program of the Endowment does not fund creative endeavor associated with the fields of music generally known as "rock" and "popular" in recognition of their commercial viability.

(5) Applications will be returned to the applicant if the individual does not meet the eligibility criteria or the proposed project does not fall within the scope of these guidelines. If, however, a valid application has been submitted in the wrong category, the Endowment may change that application to the correct category and will notify the applicant of such action.

(6) No request exceeding the stated maximums within each category will be considered.

(7) The applicant may submit application in one category only. It is preferred that, for larger idioms, only one new work be included in the project description for applicants in Categories I and II.

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(8) Generally, fellowship-grants will not be awarded to the same individual in consecutive years.

CATEGORIES OF SUPPORT

CATEGORY I

Non-matching fellowship-grants of *up to* $10,000 to exceptionally talented composers for the creation of new works or the completion of works in progress. Such support will be inclusive of the individual's time, copying and reproduction costs, or other services necessary to complete the work(s).

CATEGORY II

Non-matching fellowship-grants of *up to* $7,500 to exceptionally talented librettists for the creation of new works or the completion of works in progress. Applicants must show evidence of expertise in the opera/lyric theater styles. Such assistance will be limited to the support of the individual's time, copying and reproduction costs, or other services necessary to complete the work(s).

CATEGORY III

Non-matching fellowship-grants of *up to* $2,500 to aid the professional development of the composer or librettist of exceptional talent. Such assistance will be limited to:

(1) Expenses necessary to provide time for research and limited expenses for the purchase of other composers' scores or librettos in order that the aspiring composer or librettist may have continuing rapport with the field, be knowledgeable concerning new technological developments, and be in a position to study and explore the current trend toward new aesthetic concepts;

(2) Copying and reproduction costs of scores and parts of completed works;

(3) Expenses necessary to prepare tape recordings or excerpts of works for the purpose of providing samples for the review of performers, publishers, or recording firms;

(4) Transportation costs and lodging expenses required to discuss work(s) with conductors, artistic directors, and publication and/or recording representatives.

CATEGORY IV

On a pilot basis, a *limited* number of non-matching fellowship-grants of *up to* $10,000 will be awarded to nationally recognized composers of established ability to allow the individual composer to have free time for working at his/her discretion. This time might include experimenting in new media. Assistance will be inclusive of the individual's time, copying costs, travel and other expenses.

Note for All Categories: Applicants should indicate clearly on the application form the category under which support is requested.

Because of the limited funds available and the anticipated number of applications, generally fellowship-grants will be awarded in amounts *less* than the stated maximums within each category of support.

REQUIREMENTS FOR COMPLETION OF THE APPLICATION

INDIVIDUAL APPLICATION FORM NEA-2 (REV.)

All application forms must be typed and submitted in triplicate. All essential elements of the proposal must be included in a concise project description in the space provided on the first page of the application. If additional space is needed, no more than one additional 8½" x 11" page may be attached to each of the application forms.

Only information requested on the application form itself is submitted in triplicate. Applicants should send only one copy of reviews, supporting statements, letters (s) of interest and samples of previous works.

Applicants are asked to retain copies of all recordings, librettos and musical scores as the Endowment cannot accept responsibility for loss of materials.

While the entire form must be completed we ask that particular attention be paid to the following information requested on the application:

(1) Address, including dates of any temporary mailing address;

(2) All applicable telephone numbers;

(3) Project description in the space provided:

(a) Description of the work(s) or project(s) to be composed or completed;

(b) Detailed information on costs of supplies and costs of equipment needed to carry out the project (to be shown as materials);

(c) Categories I and II:

(i) specific medium involved

(ii) duration

(iii) performing forces required (size)

(d) Category IV—Individuals wishing to be considered for fellowship-grants in this category should indicate under "Description of Proposed Activity" what might be done if a fellowship-grant is awarded. A specific project is not obligatory, but a project should be described if the applicant has one in mind.

For assistance with opera/lyric theater collaborative projects, each applicant should submit a separate application. Composers and librettists applying for aid for collaborative projects should not submit a joint application. Instead, each applicant should enclose with his/her application a letter of intent with regard to collaboration from the other applicant. However, both applications directed toward the same project will be screened jointly and considered as a single project.

The Music Staff advises applicants to study carefully, point by point, the "General Purpose" and "Categories of Support," as described earlier, before they submit their applications. Applicants are urged to retain duplicates of any materials sent to the agency.

ADDITIONAL REQUIRED MATERIALS

Required of Applicants in All Categories Unless Otherwise Indicated:

(1) Reviews of previous performances. Include sources and dates of reviews. Such reviews are requested to validate public performances and specific context of the performance. If reviews are not available, the applicant should state so. (Not required of applicants in Category IV.)

(2) Supporting statements from two recognized authorities in the field directed toward works of recent date. Supporting statements are requested to affirm the applicant's professional standing as evidenced by other professionals in the field. Such statements, which will remain in the Endowment's files, are confidential and should be sent directly by the writer to the Composer/Librettist Music Program, National Endowment for the Arts, Washington, D.C. 20506. (Not required of applicants in Category IV)

(3) Written evidence of interest.

(a) *Categories I and II*—Written evidence of performance interest should be submitted from a performer, producer, conductor, director or other person charged with production responsibilities.

(b) *Category III*—Written evidence of interest should be submitted from a proposed consultant, e.g., an authority in the field, a publication and/or recording representative. If the project is research, the applicant should prepare a statement indicating where the research is to be conducted, its purpose, specific subject matter, and whether the research is independent or with a designated authority.

A statement of interest is requested to show that funded projects will be publicly performed or published. At the least, the document submitted should state that the completed project will be examined with performance in mind. Such statements are confidential and should be sent directly by the writer to the Composer/Librettist Music Program, National Endowment for the Arts, Washington, D.C. 20506.

(4) Letters indicating collaborative effort:

(a) Each applicant applying for aid of collaborative opera/lyric theatre projects in Categories I and II should request a letter from the collaborating partner to indicate interest in the proposed collaboration;

(b) Such letters should be submitted whether or not the other member(s) of the team has applied for assistance;

(c) All such letters will be used in cross-referencing the applications so that applications concerned with collaborative effort can be considered as one project.

(5) Samples of recent work(s).

The examining committee prefers that all samples of previous work be indicative of the applicants ability to comprehend the medium and to work successfully in the idiom as presented in the application.

At least one score (or libretto) and one tape or recording must be submitted for review in the following manner:

(a) One score (or libretto) properly labelled with the applicant's name, the date of composition, and the title of work. Instrumentation should be specified. If possible, scores of the recorded or taped work should be send *and*

(b) One tape, 7" reel, 7½ ips, leader tape of sufficient length between compositions to quickly locate separate works, head out, in a tape box, properly labelled with the applicant's name, the work(s) enclosed, the date of the recording, the date of composition, and the name of performer(s) or ensemble *or*

(c) One recording, properly labelled with the applicant's name, date of composition, and date of recording.

Because of the increasing number of applications, all applicants are asked to be selective when submitting materials for examination by the Music Advisory Panel.

(6) Category II, only:

(a) The name of the composer involved;

(b) Information concerning previous successful use of librettos by the applicant;

(c) A synopsis of the work involved;

(d) Evidence that rights to adapt the literary work have been obtained.

NOTE: For *all* applicants in the operatic/lyric theater mediums: A requirement of the application file is the submission of a short sample of the libretto for which support is requested. A sample of the libretto set to music would be helpful although it is not required.

GENERAL INFORMATION

APPLICATION PROCESSING

The application, if not completed properly, will be returned to the applicant for corrections. The Endowment cannot accept responsibility for delays occasioned by the late arrival of applications or requests which have been improperly submitted.

Incomplete application files—If an application form is incomplete and/or if all additional required material has not been submitted, the application may be rejected because of insufficient information for review.

Tapes, scores, recordings, and manuscripts received at the Endowment will be returned although the Endowment cannot accept responsibility for losses incurred en route. In addition, applicants should re-examine the statement on responsibility for articles submitted for review, found on page 4.

APPLICATION REVIEW

After an application with all necessary information has been received, the file will be reviewed as follows:

(1) The Endowment Music staff, the Composer/Librettist Advisory Panel, and the National Council on the Arts successively review the application;

(2) The applicant is notified concerning final action taken by the Chairman of the Endowment.

All applications are judged on the quality of the works submitted for review. At no time does the length or medium of the proposed project become a determining factor in the deliberations of the reviewing bodies.

Notices of conditional approval or rejection will be sent only as the Chairman authorizes. Applicants are requested not to seek information on the status of their requests. While the Endowment welcomes expressions of interest in a project, extraordinary pressures beyond direct negotiations are not helpful.

FINAL REPORTS

At the conclusion of the grant period, the Endowment requires final reports from all grantees. Complete instructions on final reporting will accompany the fellowship-grant letter. All grantees are required to submit the following:

(1) A narrative report describing what was accomplished during the grant period;

(2) A copy of the score created as a result of the grant and, if a performance takes place, a copy of a tape of the work, if possible.

PERFORMANCE OF CONTEMPORARY MUSIC

The Endowment is investigating the possibility of establishing contemporary performance institutes throughout the country to bring the composer, performer, conductor, and critic into a working relationship for creative exchange and expanded understanding. Through workshop sessions devoted to the reading of the composer's work it is hoped that these exchanges might result in the increased programming of American compositions in American performance halls.

TAXABILITY OF FELLOWSHIP-GRANTS

The Internal Revenue Code regulations provide that certain fellowships to individuals who are not candidates for degrees are deductible, but only up to a certain amount and for a limited period of time.

A pamphlet entitled *Tax Information for American Scholars in the U.S. and Abroad* will be supplied on request. Generally, this booklet is available at any Internal Revenue Service office. The booklet might be helpful in preparing an application for a proposed fellowship.

The Endowment cannot advise you as to the deductibility of all or any portion of a fellowship, should one be awarded to you. Advice should be sought from your own tax counselor or local Internal Revenue Service office.

[FR Doc.75-9599 Filed 4-11-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-510 and 50-511]

GULF STATES UTILITIES CO. BLUE HILLS STATION, UNITS 1 AND 2

Application for Construction Permits and Facility Licenses

Gulf States Utilities Company (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed August 23, 1974, for authorization to construct and operate two generating units utilizing two pressurized water nuclear reactors. Following a preliminary review for completeness, the application was accepted for docketing on July 30, 1974. Docket Nos. 50-510 and 50-511 have been assigned to the application and should be referenced in any correspondence relating to the application.

The proposed nuclear facility, designated by the applicant as the Blue Hills Station, Units 1 and 2, is located in Newton County, Texas, 9 miles west of the Texas-Louisiana border on the Toledo Bend Reservoir, and each unit is designed for initial operation at 2814 megawatts thermal, with a net electrical output of 930 megawatts.

The Nuclear Regulatory Commission staff has commenced the radiological safety review of the application. However, the applicant's environmental report has not been accepted as of this date. After the environmental report is docketed, a separate notice will be published announcing the availability of the environmental report. It is anticipated that the NRC staff's review of the application, including the yet undocketed environmental report, will span two to three years. Under these circumstances, it has been determined at this time that the soonest practicable time for issuance of the Notice of Hearing is October 1975.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Newton County Library, Newton, Texas.

Dated at Bethesda, Maryland, this 7th day of April 1975.

For the Nuclear Regulatory Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch 2-2, Division of Reactor Licensing.

[FR Doc.75-9658 Filed 4-11-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' SUBCOMMITTEE ON EMERGENCY CORE COOLING SYSTEMS

Notice of Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards Subcommittee on Emergency Core Cooling Systems, will hold a meeting on April 29, 1975, in Room 1046, 1717 H Street, NW., Washington, D.C. The purpose of this meeting will be to discuss analytical models formulated by the Westinghouse Electric Company to meet current ECCS criteria.

The agenda for the subject meeting shall be as follows:

Tuesday, April 29, 1975, 9 a.m. until the conclusion of business. The Subcommittee will hear presentations by representatives of the NRC Staff and the Westinghouse Electric Company and will discuss with these groups analytical models formulated by the Westinghouse Electric Company to meet current ECCS criteria including the use of experimental data, participation in the Standard Problem Program and programs to improve the effectiveness of ECCS.

In connection with the above agenda item, the subcommittee will hold executive sessions, not open to the public, at 8:30 a.m. and at the end of the day to consider matters relating to the above application. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the executive sessions, the Subcommittee may hold closed sessions with representatives of the NRC Staff and the Westinghouse Electric Company for the purpose of discussing privileged information such as that contained in WCAP-8202 concerning SATAN-VI Code, WCAP-8170 concerning WREFLOOD Code, WCAP-8301 concerning LOCTA-1V Code, WCAP-8200 Rev. 2 concerning WFLASH Code, WCAP-8327 concerning COCO Code, and WCAP-8341 concerning sensitivity studies.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the above-noted executive sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552 (b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portion of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Subcommittee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than April 22, 1975 to the Executive Secretary, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C., 20555. Such comments shall

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be based upon related documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee between the hours of 2 p.m. and 3 p.m.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for opportunity to present oral statements, and the time alloted, can be obtained by a prepaid telephone call on April 28, 1975 to the Office of the Executive Secretary of the Committee (telephone 202–634–1374) between 8:15 a.m. and 5 p.m., eastern time (Attn: Mr. T. G. McCreless).

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street NW., Washington, D.C. 20555, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after April 30, 1975 at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002 (telephone 202–547–6222) upon payment of appropriate charges.

(j) On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 after July 29, 1975. Copies may be obtained upon payment of appropriate charges.

Dated: April 11, 1975.

JOHN C. HOYLE,
Acting Advisory Committee Management Officer.

[FR Doc.75-9817 Filed 4-11-75;9:50 am]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Notice of Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-36 issued to Maine Yankee Atomic Power Company (the licensee) for operation of the Maine Yankee Atomic Power Station (the facility), located in Lincoln County, Maine.

In accordance with the licensee's application for a license amendment dated March 27, 1975, the amendment would add provisions in the Technical Specifications relating to the design of the spent fuel storage racks. The licensee proposes to replace the existing spent fuel storage racks which have a capacity of 318 assemblies with anodized aluminum fixed-poison (Boral) curtain racks which have a capacity of 953 assemblies. This increased capacity would be accomplished as a result of the reduced center-to-center spacing of assemblies in the design of the proposed spent fuel storage racks. Fixed neutron absorbing material is to be used to compensate for the effects of the reduced spacing.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

By May 14, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by the proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to John A. Ritsher, Esquire, and Thomas G. Dignan, Jr., Esquire, Ropes and Gray, 225 Franklin St., Boston, Massachusetts 02110, attorneys for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated March 27, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Wiscasset Public Library Association, High Street, Maine. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and copies may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 10th day of April 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.75-9816 Filed 4-11-75;9:50 am]

POSTAL RATE COMMISSION

[Docket No. MC73-1]

MAIL CLASSIFICATION SCHEDULE, 1973

Notice of Further Conferences

APRIL 9, 1975.

Notice is hereby given that the Administrative Law Judge has scheduled the following informal Phase I Settlement Conferences, in the above-designated proceeding, to be held at the times, places, and for the purposes stated:

1. April 15, 1975 (Technical Conference), at 10 a.m., in the offices of the U.S. Postal Service, 475 L'Enfant Plaza West, SW, Washington, D.C., to discuss depreciation systems and cost ascertainment systems.

2. April 16, 1975, at 10 a.m., in the Postal Rate Commission hearing room, Suite 500, 2000 L Street, NW, Washington, D.C., to discuss the non-standard and minimum-size proposals.

The formal hearing in this proceeding will resume on April 14, 1975, at 10 a.m., Postal Rate Commission hearing room.

JAMES R. LINDSAY,
Secretary of the Commission.

[FR Doc.75-9610 Filed 4-11-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-5655]

ALLEGHENY POWER SYSTEM, INC., ET AL.

Proposed Issue and Sale of Common Stock; Capital Contribution; Proposed Amendment of Articles of Incorporation

APRIL 7, 1975.

In the matter of Allegheny Power System, Inc., 320 Park Avenue, New York, New York, 10022, Monongahela Power Company, 1310 Fairmont Avenue, Fairmont, West Virginia, 26554, the Potomac Edison Company, Downsville Pike, Hagerstown, Maryland, 21740, West Penn Power Company, Cabin Hill, Greensburg, Pennsylvania, 15601.

Notice is hereby given that Allegheny Power System, Inc. ("APS"), a registered holding company, and three of its public-utility subsidiary companies, Monongahela Power Company ("Monongahela"), The Potomac Edison Company ("PE"), and West Penn Power Company ("West Penn"), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, 10 and 12 thereof and Rule 50(a)(3) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

APS proposes to acquire additional shares of common stock of Monongahela and PE and to make a further investment in the equity of West Penn by means of a capital contribution, in the amounts not to exceed those set forth in the table below, from time to time prior to December 31, 1975.

Subsidiary and title of issue	Shares	Cash consideration
Monongahela:		
Common stock—$50 par	300,000	$15,000,000
PE:		
Common stock—no par	500,000	10,000,000
West Penn:		
Capital contributions		15,000,000

The net proceeds of the issuance and sale of common stock by Monongahela and PE and of the cash capital contributions to West Penn will be used by each of them for their construction programs. For the year 1975, construction expenditures in the case of Monongahela, PE, and West Penn are estimated at $52 million, $34 million, and $56 million, respectively. All of the presently outstanding common stock of Monongahela, PE, and West Penn is owned by APS.

Monongahela proposes to amend its charter to increase the number of shares of common stock which it is authorized to issue from 1,960,000 to 2,960,000 shares. PE proposes to amend its charter to increase the number of shares of common stock which it is authorized to issue from 4,625,000 shares to 5,125,000 shares.

It is estimated that total expenses, including legal fees to be incurred by APS, Monongahela, PE, and West Penn, will not exceed $3,500. Prior authorization of the West Virginia Public Service Commission and the Ohio Public Utilities Commission in the case of Monongahela, and the Virginia State Corporation Commission, the Maryland Public Service Commission, and the West Virginia Public Service Commission in the case of PE, and the Maryland Public Service Commission as to the acquisition of the PE common stock by APS is required in connection with the proposed transactions. Registration by the Pennsylvania Public Utility Commission of a Securities Certificate with respect to the PE issuance of common stock is also required. It is stated that no other state or federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 29, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-9611 Filed 4-11-75;8:45 am]

[File No. 811-118]

AXE-HOUGHTON STOCK FUND, INC.

Filing of Application

APRIL 8, 1975.

Notice is hereby given that Axe-Houghton Stock Fund, Inc. ("Stock Fund-Maryland"), 400 Benedict Avenue, Tarrytown, New York 10591, registered under the Investment Company Act of 1940 ("Act") as a management open-end investment company, filed an application on February 21, 1975, pursuant to section 8(f) of the Act for an order declaring that its predecessor, Axe-Houghton Stock Fund, Inc. ("Stock Fund—Delaware"), has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application represents that Stock Fund—Delaware was merged on September 13, 1974, into Stock Fund—Maryland and that thereupon the corporate existence of Stock Fund—Delaware ceased and all of its assets and liabilities were transferred by operation of law to Stock Fund—Maryland.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 5, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

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For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-9612 Filed 4-11-75;8:45 am]

[File No. 811-282]

AXE-HOUGHTON FUND A, INC.

Filing of Application

APRIL 8, 1975.

Notice is hereby given that Axe-Houghton Fund A, Inc. ("Fund A-Maryland"), 400 Benedict Avenue, Tarrytown, New York, 10591, registered under the Investment Company Act of 1940 ("Act") as a management open-end investment company, filed an application on February 21, 1975, pursuant to section 8(f) of the Act for an order declaring that its predecessor, Axe-Houghton Fund A, Inc. ("Fund A-Delaware"), has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application represents that Fund A-Delaware was merged on March 15, 1974, into Fund A-Maryland and that thereupon the corporate existence of Fund A-Delaware ceased and all of its assets and liabilities were transferred by operation of law to Fund A-Maryland.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 5, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-9613 Filed 4-11-75;8:45 am]

[File No. 811-273]

AXE-HOUGHTON FUND B, INC.

Filing of Application

APRIL 8, 1975.

Notice is hereby given that Axe-Houghton Fund B, Inc. ("Fund B-Maryland"), 400 Benedict Avenue, Tarrytown, New York 10591, registered under the Investment Company Act of 1940 ("Act") as a management open-end investment company, filed an application on February 21, 1975, pursuant to section 8(f) of the Act for an order declaring that its predecessor, Axe-Houghton Fund B, Inc. ("Fund B-Delaware"), has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application represents that Fund B-Delaware was merged on February 14, 1974, into Fund B-Maryland and that thereupon the corporate existence of Fund B-Delaware ceased and all of its assets and liabilities were transferred by operation of law to Fund B-Maryland.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 5, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-9614 Filed 4-11-75;8:45 am]

[File No. 70-5415]

MIDDLE SOUTH UTILITIES, INC., ET AL.

Post-Effective Amendment Regarding Fuel Transportation Program

APRIL 7, 1975.

In the matter of Middle South Utilities, Inc., P.O. Box 61005, New Orleans, Louisiana 70161, Arkansas Power & Light Company, Ninth and Louisiana Streets, Little Rock, Arkansas 72203, Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana 70174, Mississippi Power & Light Company, P.O. Box 1640, Jackson, Mississippi 39205, New Orleans Public Service, Inc., P.O. Box 60340, New Orleans, Louisiana 70160, System Fuels, Inc., P.O. Box 61532, New Orleans, Louisiana 70161.

Notice is hereby given that System Fuels, Inc. ("SFI"), a jointly-owned nonutility subsidiary company of Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company, and New Orleans Public Service, Inc., each an electric utility subsidiary company of Middle South Utilities, Inc., a registered holding company, have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to sections 9(a) and 10 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transaction. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By order in this proceeding dated December 17, 1973 (HCAR No. 18221), the Commission, among other things, authorized SFI to expend and finance not more than $2,000,000 as its 50 percent share of the then estimated $4,000,000 total cost of a comprehensive feasibility study relating to a coal slurry pipeline to extend from the State of Wyoming to the State of Arkansas. The other parties to the study now are three nonaffiliated entities which have agreed to supply the balance of the total cost. By supplemental order dated January 23, 1975 (HCAR No. 18785), SFI was authorized to make additional expenditures, through March 31, 1975, of $500,000, its proportional 50 percent share of an aggregate $1,000,000 cost over-run.

By a further post-effective amendment, it is now stated that additional expenditures through the end of 1975, prior to determining project feasibility, could be as much as $1.7 million or as little as $800,000 depending upon the date of the disposition of outstanding issues of feasibility, and SFI may need authorization to finance its 50 percent share thereof. Presently, however, SFI requests authorization to make additional expenditures for the study in the amount of $200,000, towards the estimated costs during the period April 1 through June 30, 1975. On or prior to July 1, 1975, SFI will advise the Commission of the status of the feasibility study and will seek such further Commission authorization as may be necessary at that time.

No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 1, 1975, request in writing; that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulation promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-9615 Filed 4-11-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON COKE OVEN EMISSIONS

Notice of Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Standards Advisory Committee on Coke Oven Emissions, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on April 28, 29 and 30, 1975, in Birmingham, Alabama; on May 12, 13 and 14, 1975, in Arlington, Virginia; and on May 20, 21 and 22, 1975, in Washington, D.C. The meetings are open to the public and all interested persons are encouraged to attend. It should be noted that the Committee will complete its activity by May 24, 1975, which may necessitate the addition of supplemental meeting dates. Notice of such additional dates will be announced as soon as a determination has been made that it will be necessary in order for the Committee to complete its deliberations and recommendations. Similarly, if the Committee does not need the dates already scheduled in order to complete its activities, the meetings will be cancelled and notice will be given immediately. Interested persons are encouraged to maintain communication with the Committee Management Office (address given below) in order to verify the schedule as Committee activities progress.

1. *Meeting schedule.* The meeting, which will begin at 11:30 a.m. on April 28 in the Tudor Room of the Parliament House Hotel, 420 South Twentieth Street, Birmingham, Alabama, will be followed by a Committee field trip later that same day. The meeting will continue at 9 a.m. at the same location on April 29 and 30.

The field trip on April 28 to the U.S. Steel coke oven facility in Fairfield, Alabama, was requested unanimously by the Committee at its meeting on March 5, 1975. The field trip will be conducted at the invitation of U.S. Steel in accordance with guidelines described below to which U.S. Steel has agreed. In order to provide for an adequate record consistent with the Committee's request, and in order to provide for reasonable public participation, the following guidelines have been established for this field trip:

(a) The Committee resolution requested that a proper stenographic record be made. Arrangements have been made for a court reporter to accompany the Committee with a tape recorder, and for the reporter to prepare a verbatim transcript of the taped remarks.

(b) The Committee resolution requested that a proper photographic record be maintained. Arrangements have been made for U.S. Steel to provide a company photographer to take such photographs as the Committee requests. Other cameras will not be permitted.

(c) An opportunity will be provided for reasonable participation by the public. It has been determined that a total of 20 persons would be a maximum feasible number of participants in the group, given the practical limitations imposed by the nature of the field trip, for example, the size of the coke oven batteries, the hazards from moving equipment on the batteries and the possible interference with the operation of the batteries. This number includes Committee members, Occupational Safety and Health Administration (OSHA) support staff, and the court reporter, which leaves approximately seven members of the public who can be included in the field trip. In order to determine which members of the public will be included, the OSHA will select on a random basis (drawing) the names of the public participants from among the names submitted. Therefore, persons interested in attending must submit their name, address and phone number either in writing, by telephone, or in person to:

Ms. Jeanne W. Ferrone
Committee Management Office
U.S. Department of Labor—OSHA
1726 M. Street, NW., Room 200
Washington, D.C. 20210
(Phone: 202/961-3181)

The statement of intention to participate in the field trip must be received at the above office no later than close of business on Monday, April 21, 1975, in order that the names may be selected and the persons notified prior to the meeting and the trip. The drawing will be held at 9 a.m. on April 22 and letters of confirmation will immediately be mailed to those selected. The office will also attempt to notify, by phone, those who were selected. If a chosen member of the public is unable to participate, no substitutions will be allowed. Rather, the Department of Labor will notify the next eligible of his opportunity to participate.

2. *May meeting schedules and locations.* The meeting on May 12 will begin at 10 a.m. in the Georgetown Room of the Key Bridge Marriott Hotel, 1401 Lee Highway, Arlington, Virginia. The meeting will continue on May 13 and 14, beginning at 9 a.m. each day.

The meeting on May 20 will begin at 10 a.m. in the Dupont Room of the Dupont Plaza Hotel, 1616 New Hampshire Avenue, NW., Washington, D.C. Subsequent meetings on May 21 and 22 will begin at 9 a.m. All of these meetings will be open to the public.

3. *Agenda items.* Committee activity will be directed by the Chairwoman and will consist of discussing and formulating recommendations to the Assistant Secretary of Labor. These deliberations will encompass a broad range of topics (for example, medical surveillance, training, education, labeling and posting requirements, personal protective equipment, sampling and analytical methods, engineering and administrative controls, etc.). It is impossible to predict a more precise work schedule at this time.

4. *General information.* These meetings will be the ninth, tenth and eleventh of this ad hoc committee which began its deliberations on November 6, 1974. The Committee will submit its recommendations within 200 days from the date of its initial meeting.

Although persons desiring to make an oral presentation to the Committee may submit a written request to be heard to the Committee Management Office at least three days prior to the meeting date at which the person wishes to appear, these parties are encouraged to submit such comments in writing rather than request oral presentations because oral presentations will necessarily be restricted due to time constraints.

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Any member of the public wishing to submit written presentations to the Committee may do so by filing such a statement, together with 20 duplicate copies, with the Committee Management Officer. Such submissions will be provided to the members of the Committee and will be included in the record of the meeting.

The Committee has previously requested relevant information or data regarding the Committee's task. It is important that the Committee receive any such information as quickly as possible. Communications should be addressed to Ms. Jeanne W. Ferrone at the address listed above. All materials which have been submitted to, or developed by, the Committee since the beginning of its deliberations, as well as the official record of all Committee proceedings, are available for public inspection and copying at that same location.

NOTE: It was not possible to meet the requirement for 15 days' advance notice for the April 28–30, 1975, meeting of this advisory committee. Final details and arrangements for the field trip on April 28th were not completed until the end of the day at the April 8, 1975, meeting of this advisory committee, in Washington, D.C.

Signed at Washington, D.C., this 9th day of April, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-9630 Filed 4-11-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[AB 1 (Sub-No. 30)]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Abandonment Between Blue Earth and Elmore, in Faribault County, Minnesota

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Faribault County, Minn., on or before April 23, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the Federal Register.

Dated at Washington, D.C., this 1st day of April, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

[AB 1 (Sub-No. 30)]

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY ABANDONMENT BETWEEN BLUE EARTH AND ELMORE, IN FARIBAULT COUNTY, MINNESOTA

The Interstate Commerce Commission hereby gives notice that by order dated April 1, 1975, it has been determined that the proposed abandonment by the Chicago and North Western Transportation Company of its line of railroad between Milepost 34.5 near Blue Earth to Milepost 43.5 near Elmore, a distance of 9 miles, all in Faribault County, Minn., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because (1) the low amount of traffic handled on the subject line, (2) the presence of U.S. Highway 169 and other adequate highways in the area, and (3) the availability of at least two nearby rail service sites. In addition, if the abandonment be approved, the Minnesota Department of Natural Resources as well as any other public agency will have the opportunity to offer to purchase all or part of the right-of-way property for public use.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before May 8, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-9676 Filed 4-11-75;8:45 am]

[Finance Docket Nos. 27608, 27609]

PB R.R., INC.

Construction and Operation, Comal County, Texas; Securities

Upon consideration of the record in the above-entitled proceedings, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in these proceedings because these proceedings do not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby directed to publish the appended notice in a newspaper of general circulation in Comal County, Texas on or before April 24, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 2d day of April.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

PB R.R., INC., CONSTRUCTION AND OPERATION—COMAL COUNTY, TEXAS

PB R.R., INC., SECURITIES

The Interstate Commerce Commission hereby gives notice that by order dated April 2, 1975, it has been determined that the proposed construction and operation of a line of railroad by the PB R.R. located southwest of the city of New Braunfels, in Comal County, Texas, a distance of 1.95 miles, and the proposed issuance of securities to finance such construction, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental effects of these action are insignificant because the rail line will not represent a use incompatible with the surrounding land use. The tributary territory is devoted almost exclusively to quarry mining and cattle grazing. There are very few residential homes in the vicinity. Construction of this line will result in only a minimal disruption to the land because the line will be placed on an abandoned railroad bed. The secondary impacts associated with the proposed construction will be environmentally beneficial to the extent it encourages economic development in this section of Comal County.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before May 9, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-9677 Filed 4-11-75;8:45 am]

DISCOVERY RULES

Policy Regarding Interrogatories

APRIL 7, 1975.

Since the effective date of the Commission's Discovery rules promulgated in Ex Parte No. 55 (Sub-No. 3) and published in 346 I.C.C. 603, the Commission has received a number of pleadings resulting from the use of written interrogatories as provided by Rule 62. In order to avoid misunderstanding by persons affected by these rules, the following policy is hereby adopted.

Under Rule 62, all interrogatories are to be answered unless objected to, in which case the objection is to be stated in lieu of the answer. The replies to interrogatories, whether containing answers or objections, are to be served upon the party submitting the interrogatories within the time limits set forth. A motion to strike interrogatories will not be considered appropriate in lieu of the procedure provided by Rule 62 and will not be received. Petitions for protective orders with respect to interrogatories are deemed premature and will not be considered unless there is pending (a) an order of the Commission pursuant to Rule 67 requiring that answers be furnished or (b) a motion to compel an answer.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-9675 Filed 4-11-75;8:45 am]

[Notice No. 741]

ASSIGNMENT OF HEARINGS

APRIL 9, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-C-9436, Connecticut Limousine Service, Inc. V. Hyman Levine D.B.A. Hy's Livery Service, now assigned April 21, 1975, at Hartford, Connecticut, has been postponed to May 19, 1975, at Hartford, Connecticut in Room 301 U.S. Post Office, 135 High Street.

I & S, Coal Transfer Charges at Lake Erie Ports, now being assigned May 20, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35794, Northville Dock Pipe Line Corp. and Consolidated Petroleum Terminal, Inc.—Petition for Declaratory Order or Investigation, and No. 35852, Northville Dock Pipe Line Corp., Northville Industries Corp., Consolidated Petroleum Terminal, Inc. and Total Resources, Inc.—Investigation of Operation, now assigned April 8, 1975, is postponed to April 28, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

Finance Docket No. 26223, New Hope and Ivyland Railroad Company Reorganization, now being assigned May 20, 1975 (4 days), at Philadelphia, Pa., in Room 3240, William J. Green, Jr. Federal Building, 600 Arch Street.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-9671 Filed 4-11-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 9, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before April 29, 1975.

FSA No. 42971—*Joint Water-Rail Container Rates—Japan Line, Ltd.* Filed by Japan Line, Ltd., (No. 7), for itself and interested rail carriers. Rates on general commodities, from rail stations on the U.S. Atlantic and Gulf Seaboard, to ports in Peoples Republic of China. Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-9672 Filed 4-11-75;8:45 am]

[Notice No. 264]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

APRIL 14, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before May 5, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75627. By order of March 27, 1975, the Motor Carrier Board approved the transfer to Hi-Cube Transport, Inc., Wales, Mass., of a portion of the operating rights in Certificate No. MC 135127 issued March 25, 1971, to Green Brook Transportation Co., Inc., Green Brook, N.J., authorizing the transportation of general commodities, with exceptions, and specified commodities between specified points and areas in Massachusetts, Rhode Island, Connecticut, New York, and New Jersey. David M. Marshall, 135 State St., Springfield, Mass., 01103, attorney for applicants.

No. MC-FC-75692. By order of March 14, 1975, the Motor Carrier Board approved the transfer to Charles N. Bucholz, doign business as Bucholz Transportation, Watertown, S. Dak., of the operating rights in Permit No. MC 127526 issued June 25, 1970, to Cecil N. Bucholz, Watertown, S. Dak., authorizing the transportation of malt beverages and, in connection therewith, supplies and advertising matter, from Minneapolis, Minn., to Watertown, S. Dak., under continuing contract with Kahnke Beverage Co., and Brewster Distributing Co., both of Watertown. Thomas J. Green, 17 Second Avenue SW., Watertown, S. Dak. 57201, attorney for applicants.

No. MC-FC-75702. By order entered March 17, 1975, the Motor Carrier Board approved the transfer to Wil-Com Truck Line, Inc., Mebane, N.C., of the operating rights set forth in permit No. MC 136471 (Sub-No. 1), issued August 28, 1973, to Claiborn F. Wilkerson, Jr., and Burch C. Compton, doing business as Wil-Com Truck Lines, Mebane, N.C., authorizing the transportation of plastic pipe, from points in Orange County, N.C., to points in South Carolina, Georgia, Alabama, Mississippi, Tennessee, Virginia, Maryland, Florida, Louisiana, West Virginia, Ohio, Delaware, Kentucky, Pennsylvania, and New Jersey; and from Findley, Ohio, Cordele, Ga., and Halls, Tenn., to points in Orange County, N.C., under a continuing contract, or contracts, with Hancor, Inc., of Mebane, N.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-9673 Filed 4-11-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

APRIL 7, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's gateway elimination rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in

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opposition with the Interstate Commerce Commission on or before May 15, 1975. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

MC 1647 (Sub-No. 6G), filed June 4, 1974. Applicant: READDING VAN & STORAGE CO., INC., 1846 North West Boulevard, Vineland, N.J. 08360. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Jersey, Pennsylvania, Delaware, Maryland, New York, and the District of Columbia; and (2) between the above-named points on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, Georgia, North Carolina, South Carolina, Ohio, West Virginia, Florida, and Virginia. The purpose of this filing is to eliminate the gateway at Egg Harbor, N.J.

No. MC 1872 (Sub-No. 82G), filed June 4, 1974. Applicant: ASHWORTH TRANSFER, INC., 1528 South 700 West, Salt Lake, City, Utah 84104. Applicant's representative: P. Robert Reeder, P.O. Box 11898, 79 South State St., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Contractors equipment and supplies*, Between points in Utah and Coconino County, Ariz. north of an east-west line extending through The Gap, Arizona on the one hand, and, on the other, points in Nebraska, Kansas, Missouri, Iowa, Colorado, Wyoming, and South Dakota. The purpose of this filing is to eliminate the gateways at points in Utah, Uinta and Sweetwater Counties, Wyo.

(2) *Contractors equipment, materials, and supplies* when also self-propelled articles, each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* moving in connection there with, Between points in Nebraska, Kansas, Missouri, Iowa, Colorado, Wyoming, South Dakota, Montana, Nevada, Utah, Idaho, Arizona, New Mexico, Oregon, and Washington, on the one hand, and, on the other, points in Nebraska, Kansas, Missouri, Iowa, Colorado, Wyoming, South Dakota, Montana, Nevada, Utah, Idaho, Arizona, New Mexico, Oregon, and Washington.

(3) *Contractors equipment, materials, and supplies* when also commodities as require special equipment or handling by reason of size or weight when also commodities which do not require the use of special equipment, when moving in mixed loads and on the same bill of lading with commodities which because of size or weight require the use of special equipment, Between points in Nebraska, Kansas, Missouri, Iowa, Colorado, Wyoming, South Dakota, Montana, Nevada, Utah, Idaho, Arizona, New Mexico, Oregon and Washington, on the one hand, and, on the other, points in Nebraska, Kansas, Missouri, Iowa, Colorado, Wyoming, South Dakota, Montana, Nevada, Utah, Idaho, Arizona, New Mexico, Oregon and Washington. The purpose of this filing is (2) and (3) above is to eliminate the gateways at Utah, Montana, Colorado, and Wyoming.

(4) *Lumber and lumber products*, (4) (a) Between Salt Lake City, Utah, and points in Utah within 50 miles of Salt Lake City, Utah, on one hand, and, on the other, points in Teton, Sublette, Lincoln, Uinta Counties, Wyoming points in Nevada, Colorado, and points in Idaho (except points north of the Salmon River). The purpose of this filing is to eliminate the gateways at points in Teton, Sublette, Lincoln, and Uinta Counties, Wyo. and points in Idaho.

(4) (b) From points in Idaho and Montana, to points in Colorado, Utah, and Nevada and points in Teton, Sublette, Lincoln, and Uinta Counties, Wyo. The purpose of this filing is to eliminate the gateways at points within 50 miles of Salt Lake City, Utah and Teton, Lincoln, Sublette, Uinta Counties, Wyo.

(5) *Lumber and lumber products* when also contractors materials and supplies, Between points in Utah, Wyoming, Colorado, Nebraska, Kansas, Iowa, Missouri, South Dakota, Nevada, Idaho (except points north of the Salmon River), and Coconino County, Ariz. (north of the east-west line extending through The Gap, Arizona.) The purpose of this filing is to eliminate the gateways at points in Uinta and Sweetwater Counties, Wyo., and points in Utah. (B) From points in Idaho and Montana to points in Nevada, Utah, Coconino County, Arizona, Wyoming, Colorado, Nebraska, Kansas, Iowa, Missouri, and South Dakota. The purpose of this filing is to eliminate the gateways at Salt Lake City and 50 miles thereof and points in Wyoming.

(6) *Lumber and lumber products* when also building materials, between points in Utah, and Idaho (except points north of the Salmon River), points in Coconino County, Ariz. and Sweetwater and Uinta Counties, Wyo. The purpose of this filing is to eliminate the gateway at Salt Lake City and 50 miles thereof.

(7) *Lumber* and *Lumber products* when also commodities which do not require the use of special equipment, when moving in mixed loads on the same bill of lading with commodities which because of size or weight require the use of special equipment. (7) (a) Between points in Washington, Oregon, Nevada, Utah, Wyoming, Idaho (south of but not including Idaho County, Idaho), points in that part of Arizona north and west of the Colorado River, points in that part of Colorado on and west of U.S. Highway 85, and points in that part of Idaho south of, but not including, Idaho County, Idaho. (7) (b) From points in Idaho and Montana, to points in Washington, Oregon, Nevada, Wyoming, points in that part of Arizona north and west of the Colorado River and points in that part of Colorado on and west of U.S. Highway 85.

(8) *Self-propelled articles*, each weighing 15,000 pounds or more, *and related machinery, tools, parts and supplies* moving in connection therewith, Between points in Arizona, Colorado, Idaho, Montana, Nevada, Utah, Wyoming, New Mexico, Oregon and Washington on the one hand, and, on the other, points in Montana, Nevada, Utah, Wyoming, Idaho, Colorado, Arizona, New Mexico, Oregon, and Washington.

(9) *Such commodities* as require special equipment or handling by reason of size or weight *and of related machinery parts and related materials and supplies*, when the transportation thereof is incidental to the transportation by said carrier of such commodities when also commodities which do not require the use of special equipment, when moving in mixed loads and on the same bill of lading with commodities which because of size or weight require the use of special equipment, Between points in Montana, Nevada, Utah, Wyoming, Idaho, Colorado, Arizona, New Mexico, Oregon, and Washington on the one hand, and, on the other, points in Montana, Nevada, Utah, Wyoming, Idaho, Colorado, Arizona, New Mexico, Oregon, and Washington.

(10) *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 when such articles are also commodities which require special equipment or handling because of size or weight when also commodities which do not require the use of special equipment, when moving in mixed loads and on the same bill of lading with commodities which because of size or weight require the use of special equipment, Between points in Arizona, Colorado, Idaho, Montana, New Mexico, Nevada, Wyoming, Utah, Oregon and Washington. The purpose of this filing is (7), (8), (9), and (10), above is to eliminate the gateways at points in Utah and Montana.

(11) *Sand*, when also building materials, From Hamilton, Wash., to Utah, Nev. points in Sweetwater and Uinta Counties, Wyo., and Coconino County, Ariz. The purpose of this filing is to eliminate the gateway at Salt Lake City, Utah.

(12) *Sand* when also contractors supplies, From Hamilton, Wash., to points in Nebraska, Kansas, Missouri, Iowa, Colorado, Wyoming, South Dakota, Utah and Coconino County, Ariz. The purpose of this filing is to eliminate the gateways at Salt Lake City, Utah, and points in Uinta and Sweetwater Counties, Wyo.

(13) (a) Between points in Utah, and Nevada, and points in Sweetwater and Uinta Counties, Wyo., and Coconino County, Ariz., north of an east-west line extending through The Gap, Ariz. (13) (b) Between points in Utah, and Idaho

(except points north of the Salmon River), points in Sweetwater, and Uinta Counties, Wyo., and Coconino County, Ariz., and east-west line extending through The Gap, Arizona. The purpose of this filing is (13) (a) and (13) (b) above is to eliminate the gateway at Salt Lake City, Utah and 50 miles thereof. (13) (c) From Great Falls and Black Eagle, Montana, and Vancouver, Wash., to points in Utah, Sweetwater, and Uinta Counties, Wyo., and Coconino County, Ariz., north of an east-west line extending through The Gap, Ariz. The purpose of this filing is to eliminate the gateway at points in Idaho and Utah.

(13) (d) From points in Utah, on the one hand, and, on the other, points in Montana. (13) (e) From Coconino County, Arizona, north of an east-west line extending through The Gap, Arizona, to points in Montana. (13) (f) From Sweetwater and Uinta Counties, Wyo. to points in Montana. The purpose of this filing in (13) (d), (13) (e), and (13) (f), above is to eliminate the gateways at Boise, Idaho, and Salt Lake City, Utah.

(14) *Building materials* when also contractors materials and supplies, (14) (a) Between points in Utah, Wyoming, Colorado, Nebraska, Kansas, Iowa, Missouri, South Dakota, Nevada, and Idaho (except points north of the Salmon River). The purpose of this filing is to eliminate the gateway at Salt Lake City, Utah, and 50 miles thereof, and points in Uinta and Sweetwater Counties, Wyo. (14) (b) From points in Nebraska, Kansas, Missouri, Iowa, South Dakota, Colorado, and Wyoming to points in Montana. The purpose of this filing is to eliminate the gateways at Boise, Idaho, Salt Lake City, Utah, and 50 miles thereof, and points in Uinta and Sweetwater Counties, Wyo. (14) (c) From Great Falls and Black Eagle, Montana, and Vancouver, Wash., on the one hand, and, on the other points in Wyoming, Colorado, Nebraska, Kansas, Missouri, Iowa, and South Dakota. The purpose of this filing is to eliminate the gateways at Boise, Idaho, and Salt Lake City, Utah, and 50 miles thereof, and points in Teton, Sublette, Lincoln, Uinta, and Sweetwater Counties, Wyo.

(15) *Building materials* when also contractors materials and supplies when also commodities which do not require the use of special equipment when moving in mixed loads and on the same bill of lading with commodities which because of size or weight require the use of special equipment, Between points in Nebraska, Kansas, Iowa, Missouri, South Dakota, Nevada, Idaho, south of, but not including Idaho County, Idaho, Coconino County, Ariz., Wyoming, Colorado, Montana, Washington, Utah, Oregon, and in the part of Arizona north and west of the Colorado River. The purpose of this filing is to eliminate the gateways at points in Wyoming, Colorado, west of U.S. Highway 85, Montana and Utah.

(16) *Explosives*, (16) (a) Between points in Arizona, Idaho, Wyoming, Montana, Nevada, Colorado on the one hand, and, on the other, points in Utah, New Mexico, Lincoln, Sublette, Teton, and Uinta Counties, Wyoming, Nevada, and Idaho south of the Salmon River. The purpose of this filing is to eliminate the gateways at Salt Lake City and 50 miles thereof, and points in Utah. (16) (b) Between points in Washington on the one hand, and, on the other, points in Arizona, Wyoming, Montana, Nevada, New Mexico, Idaho, and Colorado. The purpose of this filing is to eliminate the gateways at points in Idaho and Utah. (16) (c) From Arizona, Idaho, Wyoming, Montana, Nevada, Colorado, Utah, and New Mexico, on the one hand, and, on the other, Union, Baker, and Malheur Counties, Oregon. The purpose of this filing is to eliminate the gateways at points in Idaho and Utah, and Duport, Wash.

(17) *Explosives* when also contractors supplies, (17) (a) Between points in Nebraska, Kansas, Missouri, Iowa, Colorado, Wyoming, South Dakota, Utah, Nevada, Idaho, Montana, Arizona, Washington, and New Mexico. The purpose of this filing is to eliminate the gateways at points in Colorado, Wyoming, Utah, and Idaho.

(17) (b) From Nebraska, Kansas, Missouri, Iowa, Colorado, Wyoming. South Dakota, to the Wingate Ordnance Depot near Gallup, N. Mex. The purpose of this filing is to eliminate the gateway at Denver, Colo.

(18) *Mining equipment* when also heavy machinery, From Salt Lake City, Utah, and points in Utah within 50 miles of Salt Lake City, Utah on the one hand, and, on the other, points in Washington. The purpose of this filing is to eliminate the gateways at Boise, Idaho.

(19) *Mining equipment* and *supplies* when also contractors equipment and supplies. Betweefi points in Nebraska, Kansas, Missouri, Iowa, Colorado, Wyoming, South Dakota, Utah, Nevada, Coconino County, Ariz., and Idaho (except points north of the Salmon River). The purpose of this filing is to eliminate the gateways at Salt Lake City plus 50 miles and points in, Teton, Lincoln, and Sublette, Sweetwater and Uinta Counties, Wyo., and points in Utah.

(20) *Commodities* which do not require the use of special equipment, when moving in mixed loads and on the same bill of lading with commodities which because of size or weight require the use of special equipment, Between points in Montana, Nevada, Utah, and Wyoming, points in that part of Arizona north and west of the Colorado River, points in that part of Idaho south of, but not including, Idaho County, Idaho, and points in Washington and Oregon. The purpose of this filing is to eliminate the gateway at points in Montana and Utah.

(21) *Such commodities* as require special handling or special equipment by reason of weight or size and explosives when moving as size and weight commodities, From points in Montana, Wyoming, and Colorado, to the Wingate Ordnance Depot near Gallup. The purpose of this filing is to eliminate the gateway at Denver, Colo.

(22) *Cast iron pressure pipe* when also contractors supplies when also size and weight commodities requiring special handling or special equipment, Between points in Nebraska, Kansas, Missouri, Iowa, Colorado, Wyoming, South Dakota, Utah, Nevada Idaho, Washington, New Mexico, Oregon, Montana, and Arizona. The purpose of this filing is to eliminate the gateways at points in Wyoming, Colorado, Utah, and Montana.

(23) *Nitro carbonitrate* when also a contractors supply, Between points in Utah, points in Coconino County, Ariz., points in Sweetwater and Uinta Counties, Wyo., on the one hand, and, on the other, points in Nevada, Idaho, Montana, Wyoming, Colorado, New Mexico, Arizona, California, and Oregon. The purpose of this filing is to eliminate the gateways at Bacchus, Utah, and the plant site of Trojan Powder Co., Known as Gomex, located approximately six miles south of Springville, Utah.

No. MC 2253 (Sub 70G), filed January 30, 1975. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, N.C. Highway 150 East, Cherryville, North Carolina 28021. Applicant's representative: J. S. McCallie, P.O. Box 697, Cherryville, N.C. 28021. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, those injurious or contaminating to other lading and livestock, (I) between points in Warren, Morris, Hunterdon, Somerset, Middlesex, Mercer, Monmouth, Ocean, Burlington, and Camden Counties, N.J., on the one hand, and, on the other, points in Allegheny and Westmoreland Counties, Pa., those in Brooke, Hancock, Marshall and Ohio Counties, W. Va., and points in the State of Ohio. The purpose of this filing is to eliminate the gateway of New York, N.Y. (II) Between all points in Bergen, Hudson, Passaic, Essex, Union, Middlesex, Morris, and Somerset Counties, N.J., points in Monmouth County, N.J., on and north of New Jersey Highway 33, points in New York within the New York, N.Y., Commercial Zone as defined by the Commission, points in Nassau County, N.Y., which are on and west of a line beginning at Glen Cove, N.Y., and extending along New York Highway 107 to junction New York Highway 106 and New York Highway 107, thence along New York Highway 106 to junction New York Highway 106 and the Wantagh State Parkway.

Thence along the Wantagh State Parkway to Short Beach, N.Y., those points in Rockland County, N.Y., on and south of New York Highway 210, and points in Westchester County, N.Y., on and south of a line beginning at the Hudson River and extending along New York Highway 117 to the junction of New York Highway 117 and New York Highway 120, thence along New York Highway 120 to the New York-Connecticut State line, on the

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one hand, and, on the other, points in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219 to junction U.S. Highway 6, thence along U.S. Highway 6 to Kane, thence along Pennsylvania Highway 321 to East Kane, Sergeant and Dahoga, Pa., to Wilcox, Pa., thence along U.S. Highway 219 through Ridgway, Brockway, Du Bois, Grampian, Luthersburg, McGees Mills, Barnesboro, Ebensburg, Johnstown, and Jennerstown to Somerset, Pa., thence along Pennsylvania Highway 31 to junction unnumbered highway, thence along unnumbered highway to Berlin, Pa., thence along U.S. Highway 219 through Garrett, Meyersdale, and Salisbury to the Pennsylvania-Maryland State line excluding points in Allegheny and Westmoreland Counties, Pa. The purpose of this filing is to eliminate the gateway of points in Marshall County, W. Va. (III) Between Philadelphia, Pennsylvania, and points in that part of Delaware County, Pennsylvania, on and east of U.S. Highway 202, on the one hand, and, on the other, all points in the State of Ohio, and those in Brooke, Hancock, Marshall, and Ohio Counties, West Virginia. The purpose of this filing is to eliminate the gateway of points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, New Jersey, which are within 30 miles of Newark, New Jersey.

No. MC 8538 (Sub-No. 48G), filed June 4, 1974. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, Interstate 83 at Route 439, Parkton, Md. 21120. Applicant's representative: John Guandolo, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and contractors' equipment, materials and supplies, machinery and machine parts, pipeline and plant construction materials and supplies, steel, and heavy and bulky articles* generally requiring rigging, special equipment, or specialized handling (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those injurious or contaminating to other lading, or articles requiring special vehicular equipment for the over-the-road movement), between points in Maryland, Delaware, Pennsylvania, New Jersey, New York, Virginia, West Virginia, Kentucky, Ohio, and the District of Columbia, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateways of Victoria, Kenbridge, or South Hill, Va.

No. MC 8958 (Sub-No. 28G) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of January 22, 1975, and republished in part as corrected this issue. Applicant: THE YOUNGSTOWN CARTAGE CO., 825 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (14) *Materials, equipment and supplies*, and *metal, metal products*, used in the manufacture and processing of iron and steel articles, from points in Ohio, to the plantsite of Jones & Laughlin Steel Corporation located in Putnam County, Ill. The purpose of this filing is to eliminate the gateways at Niles, Ohio; Indiana Toll Road Interchange No. 12; and points in Lake County, Ind.

NOTE.—The purpose of this republication is to insert the commodity "metal" in the commodity description. The rest of the notice remains as previously published.

No. MC 11133 (Sub-No. 3G), filed June 3, 1974. Applicant: McCORMACK-PAYTON STORAGE & MOVING COMPANY, a corporation, 8701 Prospect Avenue, Kansas City, Mo. 64132. Applicant's representative: Herbert Burstein, 1 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Household goods*, between Kansas City, Mo., and a thirty-five (35) mile radius thereof and points in Illinois, Indiana, Delaware, Kentucky, Maryland, Massachusetts, Michigan, New York, New Jersey, Pennsylvania, Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Summit County, Ohio.

No. MC 18068 (Sub-No. 57G), filed June 4, 1974. Applicant: FLOYD & BEASLEY TRANSFER COMPANY, INC., Post Office Drawer 8, Sycamore, Ala. 35149. Applicant's representative: Charles Ephraim, 1250 Connecticut Ave. NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles and textile products*, and *machinery, machinery parts, equipment, materials, and supplies* used in or in connection with the operation of textile mills and warehouses (except commodities in bulk and commodities the transportation of which because of size or weight require the use of special equipment), between points in Georgia, South Carolina, and Tennessee. The purpose of this filing is to eliminate the gateways of Pell City, Vincent, Sycamore, and LaFayette, Ala.

No. MC 22675 (Sub-No. 8G), filed June 5, 1974. Applicant: ALLSTATES VAN LINES CORPORATION, 50-18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in New York, New Jersey, Connecticut, Delaware, Maryland, Pennsylvania, Virginia, and the District of Columbia, on the one hand, and, on the other, points in Florida, Georgia, Illinois, Indiana, Massachusetts, Missouri, New Hampshire, North Carolina, Ohio, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Oklahoma, Texas, Arkansas, and the District of Columbia. The purpose of this filing is to eliminate the gateways of the New York, N.Y., Commercial Zone and Bergen and Hudson Counties, N.J. (3) between points in Missouri and Oklahoma, on the one hand, and, on the other, points in Oklahoma, Texas, and Arkansas. The purpose of this filing is to eliminate the gateways of Bergen and Hudson Counties, N.J., the New York, N.Y. Commercial Zone, Independence, Kans., and points within 50 miles thereof and Pontotoc County, Okla.

No. MC 60157 (Sub-No. 21G), filed June 3, 1974. Applicant: C. A. WHITE TRUCKING COMPANY, a corporation, 5327 N. Central Expressway, Suite 310, Dallas, Tex. 75205. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof and *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Texas, and those in Lea and Eddy Counties, N. Mex., on the one hand, and, on the other, points in Arkansas and Illinois. The purpose of this filing is to eliminate the gateways of Seminole and Potawatomie Counties, Okla.

(2) *machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas, and petroleum and their products, and by-products, and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main pipelines, between points in Kansas, on the one hand, and, on the other, points in Colorado, Montana, Utah, and Wyoming. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 61692 (Sub-No. 19G), filed June 4, 1974, published in the FEDERAL REGISTER issue of February 20, 1975, and republished as a gateway elimination application in this issue. Applicant: WARNERS MOTOR EXPRESS, INC., West Country Club Road, Red Lion, Pa. 17356. Applicant's representative: Robert Gallagher, 1776 Broadway, New York, N.Y., 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *New furniture*, (1) between points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, and West Virginia; and (2) from points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, and West Virginia, to points in Rhode Island, Ohio, Michigan, and the District of Columbia. The purpose of this filing is to eliminate the gateways of York, Philadelphia, Wilkes-Barre, and Red Lion, Pa., Fair Hill, Md., and Wilmington, Del. (B) *Household goods*, as defined by the Commission (1) Between points in Pennsylvania, Maryland, New Jersey, Massachusetts, New York, Connecticut, Delaware, Virginia, West Virginia, Rhode Island, and the District of Columbia, on the one hand, and, on the other, points in North Carolina, Florida, Ohio, Indiana, Illinois, and Michigan. The purpose of this filing is to eliminate the gateways of Philadelphia, Wilkes-Barre, and York, Pa.

No. MC 66900 (Sub-No. 44G), filed June 4, 1974. Applicant: HOUFF TRANSFER INCORPORATED, P.O. Box 91, Weyers Cave, Va. 24486. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk, commodities, which because of their size or weight, require special equipment, those of unusual value and household goods as defined by the Commission), (1) Between Pittsburgh, Pa., points in West Virginia; those in Pennsylvania and Ohio within 30 miles of Wheeling, W. Va.; Lawrence, Scioto and Gallia Counties, Ohio; Boyd and Greenup Counties, Ky.; on the one hand, and, on the other, Washington, D.C., and points in Virginia, in and north and east of Wythe, Bland, and Carroll Counties, Va. The purpose of this filing is to eliminate the gateways at Rockbridge, Augusta, and Rockingham Counties, Va.; points in Virginia within 80 miles of Staunton, Va., points in Virginia within 50 miles of Washington, D.C., including Washington, D.C., points within 30 miles of Wheeling, W. Va., points in Cabell County, W. Va., points in Woodbury, N.J. (a point in the Philadelphia, Pa., Commercial Zone), points in West Virginia within 30 miles of Wheeling, W. Va., and points in Frederick County, Va. (a point within 50 miles of Staunton, Va.). (2) Between Baltimore, Md., Washington, D.C., Salisbury, Md., and points in Howard, Baltimore, Montgomery, Frederick, Carroll, Prince Georges, Charles, Calvert, and Harford Counties, Md., within 50 miles of Washington, D.C.; on the one hand, and, on the other, points in West Virginia and those in Scioto, Gallia, and Lawrence Counties, Ohio, and Greenup and Boyd Counties, Ky. The purpose of this filing is to eliminate the gateways at Clark County, Va., and Rockingham County, Va., and points in Cabell County (Huntington), W. Va.

(3) Between Philadelphia, Bristol and Lancaster, Pa., and points in New Jersey on and south of New Jersey Highway 70, extending from Camden, N.J., through Marlton, Red Lion and Four Mile, N.J., thence east along New Jersey Highway 72 to Manahawkin, N.J., but not including Camden, on the one hand, and, on the other, points in Virgina and West Virginia, those in Ohio and Pennsylvania within 30 miles of Wheeling, W. Va., Scioto, Gallia, and Lawrence Counties, Ohio, and Boyd and Greenup Counties, Ky. The purpose of this filing is to eliminate the gateways at points within 50 miles of Staunton, Va., and Augusta County, Va. (4) From York, Pa., and points and places in Pennsylvania located on and east of Interstate Highway 83 (formerly U.S. Highway 111) and on and south of U.S. Highway 422, including points and places on the highways specified (except Lancaster, Bristol and Philadelphia, Pa.) to Washington, D.C. and points in Virginia and West Virginia and points in Ohio within 30 miles of Wheeling, W. Va., Lawrence, Gallia, and Scioto Counties, Ohio, and Boyd and Greenup Counties, Ky. The purpose of this filing is to eliminate the gateways at a point within 50 miles of Staunton, Va., and a point both within 50 miles of Washington, D.C., and 80 miles of Staunton, Va., points in Augusta County, Va. (a point within 50 miles of Staunton, Va.), points in Rockingham County, Va., points in Frederick County, Va., a point in West Virginia within 30 miles of Wheeling, W. Va., and Cabell County, W. Va.

(5) Between Hagerstown, Md., on the one hand, and, on the other, points in Virginia in, north and east of Wythe, Bland and Carroll Counties, Va., and on, south and west of U.S. Highway 17. The purpose of this filing is to eliminate the gateways at Rockingham County, Va., and a point both within 80 miles of Staunton and 50 miles of Washington, D.C., and points in Rockingham, Augusta, and Rockbridge Counties, Va. (6) *Such merchandise* as is dealt in by wholesale and retail hardware stores, from points in New Jersey located on and south of New Jersey Highway 70 extending from Camden, N.J., through Marlton, Red Lion, and Four Mile, N.J., thence east along New Jersey Highway 72 to Manahawkin, N.J., but not including Camden, to points in Virginia. The purpose of this filing is to eliminate the gateways at Woodbury, N.J. (a point in the Philadelphia, Pa., Commercial Zone).

No. MC 83217 (Sub-No. 64G), filed June 4, 1974. Applicant: DAKOTA EXPRESS, INC., 1614 N. Cliff Avenue, P.O. Box 1252, Sioux Falls, S. Dak. 57101. Applicant's representative: Robert E. Fahey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (1) between Sioux Falls, S. Dak., and points in Minnesota. The purpose of this filing is to eliminate the gateway of points in Lincoln County, Minn., and points within 15 miles of Flandreau, S. Dak. (2) from points in Minnesota, to points in North Dakota and South Dakota and points in Osceola, O'Brien, Cherokee, Woodbury, Sioux, Lyon, Monona, and Plymouth Counties, Iowa, and points in Burt, Cuming, Stanton, Madison, Boone, Box, Butte, Sioux, Dawes, Cherry, Brown, Rock, Keya Paha, Holt, Knox, Cedar, Dixon, Antelope, pierce, Wayne, and Thurston Counties, Nebr. The purpose of this filing is to eliminate the gateways of Lincoln County, Minn., and Sioux Falls, S. Dak.

No. MC 95490 (Sub-No. 35G), filed June 4, 1974. Applicant: UNION CARTAGE COMPANY, 9A Southwest Cutoff, Worcester, Mass. 01604. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Alcoholic beverages, soda water, carbonic gas, and containers therefor*, between points in Middlesex, Suffolk, and Essex Counties, Mass., on the one hand, and, on the other, points in Windsor, Tolland, and New London Counties, Conn. The purpose of this filing is to eliminate the gateway at Springfield, Mass.

(2) *Malt beverages*, from Providence, Rhode Island, to points in New York City, and Albany, Dutchess, Greene, Nassau, Orange, Putnam, Rensselaer, Rockland, Suffolk, Sullivan, Ulster, Wayne, and Westchester Counties, New York, and *malt beverage containers* on return. The purpose of this filing is to eliminate the gateway at Worcester, Middlesex County, and Springfield, Mass.

(3) *Malt beverages and empty malt beverage containers*, from points in Middlesex, Essex, and Suffolk Counties, Mass., to points in Pennsylvania (except Adams, Allegheny, Beaver, Bedford, Cambria, Fayette, Greene, Lawrence, Somerset, Washington, Westmoreland, and York Counties, Penn.). The purpose of this filing is to eliminate the gateway at Springfield, Mass., and Cranston, Rhode Island.

(4) *Malt beverages and empty malt beverage containers*, from Middlesex, Essex, and Suffolk Counties, Mass., to points in Maryland (except Anne Arundel and Prince Georges Counties south of U.S. Highway 50, Calvert, Charles, and Saint Marys Counties). The purpose of this

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filing is to eliminate the gateways at Springfield, Mass. and Cranston, R.I.

(5) *Malt beverages and empty malt beverage containers*, from Baltimore, Md., to points in Berkshire, Franklin, Hampden, Hampshire Counties, Mass. The purpose of this filing is to eliminate the gateway at Natick, Mass.

(6) *Malt beverages and empty malt beverage containers*, between points in New Hampshire, on the one hand, and, on the other, points in Rensselaer, Albany, Schenectady, Montgomery, Herkimer, Saint Lawrence, Franklin, Clinton, Essex, Hamilton, Warren, Saratoga, Fulton and Washington Counties, N.Y. The purpose of this filing is to eliminate the gateways at Lowell and Willimansett, Mass.

(7) *Malt beverages in containers*, from Baltimore, Md., to points in Vermont, (except Windham County). The purpose of this filing is to eliminate the gateway at Natick, Mass.

(8) *Malt beverages in containers*, from Middlesex, Essex, and Suffolk Counties, Mass., to points in Delaware. The purpose of this filing is to eliminate the gateways at Springfield, Mass., and Cranston, R.I.

(9) *Malt beverages in containers*, from Baltimore, Md., to points in Rhode Island. The purpose of this filing is to eliminate the gateways at Natick, Mass., and Springfield, Mass.

No. MC 103498 (Sub-No. 68G), filed May 31, 1974. Applicant: PROVAN TRANSPORT CORP., 210 Mill Street, Newburgh, N.Y. 12550. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid petroleum products*, other than bituminous asphalt products, in bulk, in tank vehicles, (a) from Albany County, N.Y., to points in Connecticut and Massachusetts and (b) from Marcus Hook, Pa., Paulsboro, N.J., and points in New Jersey within two miles thereof and Pettys Island, N.J., Hudson, Essex, Middlesex, Union, Passaic and Bergen Counties, N.J., to points in Connecticut and Massachusetts. The purpose of this filing is to eliminate the gateway of Dutchess County, N.Y.

(2) *petroleum products* (except petrochemicals), in bulk, in tank vehicles, from points in Hudson, Essex, Middlesex, Union, Passaic, and Bergen Counties, N.J., to points in Bradford, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, Tioga and Wyoming Counties, Pa. The purpose of this filing is to eliminate the gateways of New Windsor, N.Y. and Vestal, N.Y.

No. MC 105437 (Sub-No. 77G), filed June 5, 1974. Applicant: THURSTON MOTOR LINES, INC., 600 Johnston Road, Charlotte, N.C. 28201. Applicant's representative: John V. Luckadoo, P.O. Box 10638, Charlotte, N.C. 28201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Nashville, Murfreesboro, Cookeville, and Columbia, Tenn., on the one hand, and, on the other, points in Georgia and Russell County, Ala. The purpose of this filing is to eliminate the gateways of points in South Carolina and Columbus, Ga.

No. MC 107012 (Sub-No. 203G) (partial correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of September 30, 1974, and republished, as corrected, in part, this issue. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway & Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same address as applicant). (16) from points in Minnesota, to points in Arizona, Arkansas, California, Colorado, Iowa, Kansas, New Mexico, and Oregon. The purpose of this filing is to eliminate the gateways of Burlington, Iowa and Kansas City, Mo.

(17) from points in Mississippi, to points in Arizona, California, Kansas, New Hampshire, New Mexico, Oklahoma, Texas and Virginia. The purpose of this filing is to eliminate the gateway of Greene County, Ark.

(18) from points in Montana, to points in Arkansas, Iowa and Oklahoma. The purpose of this filing is to eliminate the gateways of Burlington, Iowa, Kansas City, Mo. and Greene County, Ark.

(19) from points in Nebraska, to points in Iowa and Kansas. The purpose of this filing is to eliminate the gateways of Burlington, Iowa and Kansas City, Mo.

(20) from points in Nevada, to points in Arkansas, Iowa, Minnesota, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateways of Burlington, Iowa, Kansas City, Mo. and Greene County, Ark.

NOTE.—The purpose of this partial republication is to add (16) through (20) erroneously omitted in the previous publication. The rest of the notice remains as originally published.

No. MC 107515 (Sub-No. 951G), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT, CO., INC., P.O. Box 308, Forest Park, Ga. 30059. Applicant's representative: Alan E. Serby, 3379 Peachtree Rd., N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, as described in the Appendix to the *Report in Modification of Permits—Packinghouses Products*, 48 M.C.C. 628, from points in Louisiana, Mississippi, Alabama, Florida, North Carolina, South Carolina, Tennessee (except Nashville and McMinnville), and from Atlanta, Albany, Macon, Columbus, Griffin, and Montezuma, Georgia, and points in their commercial zones, and from points in Virginia, West Virginia, Ohio, Maryland, Delaware, New Jersey, Pennsylvania, New York, Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateways of points within 10 miles of Atlanta, Ga. (excluding Atlanta), points within 5 miles of Albany, Macon, Columbus, Griffin, and Montezuma, Ga., Gatesville and Rocky Gatesville, N.C.

No. MC 107515 (Sub-No. 972G), filed February 10, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Rd., N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Frozen foods*, from points in California, to points in Kentucky, Illinois, Indiana, Ohio, Michigan, New York, Pennsylvania, and Tennessee. The purpose of this filing is to eliminate the gateways of Florence, Ala., and Rocky Mount, N.C.

(B) *Frozen foods*, from Mishawake, Indiana, to points in California. The purpose of this filing is to eliminate the gateways of Detroit, Mich., and Columbus, Ohio.

(C) *Meats, fresh and frozen*, from Tupelo, Miss., to points in California and Washington. The purpose of this filing is to eliminate the gateways of points in Georgia and Tenn., Atlanta, Ga., and points in its commercial zone, and Bristol, Tenn.

(D) *Frozen foods*, from points in Ohio, to points in California. The purpose of this filing is to eliminate the gateways of Detroit, Mich. and Columbus, Ohio.

(E) *Meats*, from Goodlettsville, Tenn., to points in California. The purpose of this filing is to eliminate the gateways of Atlanta, Ga., and Bristol, Tenn.

(F) *Meats*, from Chicago, Ill., to Los Angeles, Calif. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

(G) *Meats*, from Chicago, Ill., to points in California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

(H) *Frozen foods*, from California, Oregon and Washington, to points in Louisiana. The purpose of this filing is to eliminate the gateways of Mississippi and Florence, Ala.

No. MC 109397 (Sub-No. 299G), filed June 3, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: Charles O. Gillogly (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Radioactive materials and radioactive material handling containers*, between points in the United States (except Alaska and Hawaii), on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of Morris, Ill.

(2) *source, special nuclear and by-product materials*, when requiring special handling, between Dickerson, Md., on the one hand, and, on the other, points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Lucas County, Ohio.

(3) *radioactive materials and radioactive material handling containers* when requiring special handling, from points in the United States (except Alaska and Hawaii), to points in Kentucky. The purpose of this filing is to eliminate the gateways of Lynchburg (Campbell County), Va., Wilmington (New Hanover County), N.C., Morris (Grundy County), Ill., and Quehanna, Pa.

No. MC 111594 (Sub-No. 59G), filed May 31, 1974. Applicant: C W TRANSPORT, INC., 610 High Street, Wisconsin Rapids, Wis. 54494. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferric Chloride*, in bulk, in rubber lined tank vehicles, from the plant site and storage facilities of K A Steel Chemicals, Inc., located at Lemont, Ill. to points in Indiana; to points in Michigan on, west, and south of a line beginning at the junction of Interstate Highway 75 and the town of Mackinaw City; thence south on Interstate Highway 75 to junction Michigan Highway 76; thence southeast over Michigan Highway 76 to West Branch; thence east over Michigan Highway 55 to Lake Huron; points in the Upper Peninsula of Michigan on and south of a line beginning at the junction of U.S. Highway 2 and the town of Ironwood; thence east over U.S. Highway 2 to the junction of Michigan Highway 134; thence east over Michigan Highway 134 to Lake Huron; and points in Wisconsin on, south and east of a line beginning at the junction of U.S. Highway 53 and the town of La Crosse; thence north over U.S. Highway 53 to junction U.S. Highway 10; thence east over U.S. Highway 10 to junction Wisconsin Highway 73; thence north over Wisconsin Highway 73 to junction Wisconsin Highway 64; thence east over Wisconsin Highway 64 to Merrill; thence north over U.S. Highway 51 to junction U.S. Highway 8; thence east over U.S. Highway 8 to the Wisconsin-Michigan State line. The purpose of this filing is to eliminate the gateway at Waukegan, Ill.

No. MC 111940 (Sub-No. 60G), filed June 3, 1974. Applicant: SMITH'S TRUCK LINES, P.O. Box 88, Muncy, Pa. 17756. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Agricultural commodities*, between points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia and the District of Columbia, on the one hand, and, on the other, points in New York, New Jersey, Maryland, and the District of Columbia and (2) *new and used empty containers* used in the transportation of agricultural commodities, from points in Maryland, New Jersey, New York and the District of Columbia, to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Muncy, Pa. and points within 25 miles of Muncy, Pa.

No. MC 112304 (Sub-No. 81G), filed June 4, 1974. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: R. F. Baum (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of size or weight, requires special handling and the use of special equipment, (a) between points in Kentucky on and west of U.S. Highway 127, on the one hand, and, on the other, points in Illinois and Wisconsin, (b) between points in West Virginia, on the one hand, and, on the other, points in New Jersey, New York and Pennsylvania, (c) between points in Michigan on and west of U.S. Interstate Highway 75 beginning at Mackinaw City, to its junction with U.S. Highway 27 thence via U.S. Highway 27 to the Michigan-Indiana State Line, on the one hand, and, on the other, points in Illinois and Wisconsin, and (d) between points in that portion of Pennsylvania on and west of U.S. Highway 219 to its junction with U.S. Highway 119 at or near DuBois thence via U.S. Highway 119 to the Pennsylvania-West Virginia State line, on the one hand, and, on the other, points in Virginia, Maryland and the District of Columbia and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Kentucky, on the one hand, and, on the other, points in Virginia, restricted to the transportation of commodities as described in (1) above. The purpose of this filing is to eliminate the gateways of points in Ohio and/or Clarksburg, W. Va. and/or points within 50 miles of Clarksburg, W. Va.

No. MC 112617 (Sub-No. 318G), filed May 31, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, 1292 Fern Valley Road, Louisville, Ky. 40221. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals and petroleum products*, in bulk, in tank vehicles from Louisville, Ky., to points in Champaign, Clark, Clay, Coles, Cook, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Ford, Iroquois, Jasper, Kankakee, Fayette, Lawrence, Moultrie, Piatt, Richland, Shelby, Vermilion, Wabash, Wayne and Will Counties, Ill., Indiana (except points in Perry, Warrick, and Spencer Counties); Michigan (except points in and north of Oceana, Newaygo, Mecosta, Isabella, Gratiot, Saginaw, Genesee, Jasper and St. Clair Counties); Ohio (except points in Ashtabula County); Greene and Washington Counties, Pa., Tennessee (except points west of Campbell, Union, Knox, Jefferson and Cocke Counties); Buchanan, Dickenson, Lee, Russell, Tazewell and Wise Counties, Va., and West Virginia (except points in Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph and Tucker Counties). The purpose of this filing is to eliminate the gateway of points in Kentucky within five miles of Brandenburg, Ky., excluding Brandenburg and Ekron, Ky.

(2) *liquefied petroleum gas*, in bulk, in tank vehicles, from The Terminal of Warren Petroleum Co. at or near Crossville, Ill., to points in Kentucky west of Todd, Logan, Warren, Barren, Hart, Hardin, Breckinridge and Hancock Counties. The purpose of this filing is to eliminate the gateway of the pipeline terminal site of the Texas Eastern Transmission Corp. at or near Princeton (Gibson County), Ind.

No. MC 113495 (Sub-No. 64G), filed June 4, 1974. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) (1) *Heavy road construction machinery and equipment*, which because of size or weight requires the use of special equipment, and (2) *such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in heavy road construction machinery and equipment, and *related supplies* (except petroleum products and coal tar products, in bulk, in tank vehicles, and except coal) moving in connection therewith, from points in Illinois to points in West Virginia.

Restriction: The operations authorized herein are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways in Kentucky west of the Tennessee River.

(II) *Road-construction machinery, equipment, and supplies* (except petroleum products and coal tar products, in bulk, in tank vehicles, and except coal), from points in Ohio to points in West Virginia. The purpose of this filing is to eliminate the gateway in Virginia.

(III) *Road construction machinery and equipment* as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Illinois (except Peoria, Joliet, Decatur, Aurora, Morton, Mossville, Springfield, Deerfield, Harvey, Beardstown, and DeKalb and points within 10 miles of each) to points in West Virginia.

Restriction: The authority granted herein shall be restricted against the transportation of commodities which because of size or weight require the use of special equipment. The purpose of this filing is to eliminate the gateway in Virginia.

(IV) *Road construction machinery and equipment* as described in Appendix VIII

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to the reports in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, the transportation of which because of size or weight requires the use of special equipment, from points in Illinois (except Peoria, Joliet, Decatur, Aurora, Morton, Mossville, Springfield, Deerfield, Harvey, Beardstown, and DeKalb, and points within 10 miles of each) to points in West Virginia.

Restriction: The authority granted above is restricted to the transportation of the described commodities when moving in the same vehicle with shipments of such commodities which do not require the use of special equipment. The purpose of this filing is to eliminate the gateway in Virginia on or west of U.S. Highway 220.

(V) (1) *Heavy road construction machinery and equipment*, the transportation of which, because of size or weight, requires the use of special equipment (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment), and (2) *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in heavy road construction machinery and equipment, and *related supplies* (except petroleum products and coal tar products, in bulk, in tank vehicles, and except coal) moving in connection therewith, between points in Tennessee, Kentucky, and those in that portion of North Carolina on and west of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 220 to Rockingham, N.C., and thence along U.S. Highway 1 to the North Carolina-South Carolina State line, on the one hand, and, on the other, points in West Virginia.

Restriction: The operations authorized herein are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway in Virginia on or west of U.S. Highway 220.

(VI) (1) *Earth-moving, construction, mining, and maintenance machinery and equipment, and parts thereof* when moving with the above commodities, from the plant site of Athey Products Corporation at or near Wake Forest, N.C., to points in Indiana, Illinois, and Arkansas.

Restriction: (1) Restricted to traffic originating at the above-named plant site, and (2) restricted to the transportation of (a) heavy machinery and contractors' equipment which because of their size or weight require the use of special equipment or special handling, or (b) such self-propelled articles, each weighing 15,000 pounds or more, which may be included in heavy machinery and contractors' equipment, further restricted to commodities which are transported on trailers.

The purpose of this filing is to eliminate the gateway in Kentucky west of the Tennessee River.

(2) *Earth-moving, construction, mining, and maintenance machinery and equipment*, from the plant site of Athey Products Corporation at or near Wake Forest, N.C., to points in Tennessee and that portion of Virginia on and west of U.S. Highway 220.

Restriction: (1) Restricted to traffic originating at the above-named plant site, and (2) restricted to the transportation of (a) heavy machinery and construction equipment, the transportation of which, because of size or weight, requires the use of special equipment (excluding any transportation in connection with the stringing of equipment), or (b) such self-propelled articles, each weighing 15,000 pounds or more which may be included in heavy machinery and construction equipment (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment) further restricted to commodities which are transported on trailers.

(3) *Heavy road-construction machinery and equipment*, which either requires the use of special equipment because of size or weight, or is self-propelled, each article weighing 15,000 pounds or more, and is transported on trailers (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment), from the plant site of Athey Products Corporation at or near Wake Forest, N.C., to points in West Virginia.

Restriction: Restricted to traffic originating at the above-named plant site.

The purpose of this filing is to eliminate the gateway at any point in Kentucky.

(4) *Heavy mining machinery and equipment*, which either requires the use of special equipment because of size or weight, or is self-propelled, each article weighing 15,000 pounds or more, and is transported on trailers from the plant site of Athey Products Corporation at or near Wake Forest, N.C., to points in Ohio, Pennsylvania, Virginia, and West Virginia.

Restriction: Restricted to traffic originating at the above-named plant site.

The purpose of this filing is to eliminate the gateway in Kentucky west of the Tennessee River.

(VII) (A) (1) *Heavy road construction machinery and equipment*, which because of size or weight requires the use of special equipment (excluding any transportation in connection with the stringing or picking-up of pipeline materials or equipment), and

(2) *such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in heavy road construction machinery and equipment (excluding any transportation in connection with the stringing or picking-up of pipeline materials or equipment), and which are transported on trailers, from points in Ohio to points in Tennessee, Kentucky, and that portion of North Carolina on and west of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 220 to Rockingham, N.C., and thence along U.S. Highway 1 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway in Virginia on or west of U.S. Highway 220.

(VII) (B) (1) *Heavy road construction machinery and road constriction contractors' equipment*, which because of their size or weight require the use of special equipment (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment), and

(2) *such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in heavy road construction machinery and road construction contractors' equipment (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment), and which are transported on trailers, from points in Ohio to points in Indiana, Illinois, Missouri, and Arkansas. The purpose of this filing is to eliminate the gateways in that part of Kentucky west of the Tennessee River and at a point in Virginia on or west of U.S. Highway 220.

(VIII) (1) *Structural steel*, from points in Tennessee, Kentucky, that portion of Virginia on and west of U.S. Highway 220, and those in that portion of North Carolina on and west of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 220 to Rockingham, N.C., and thence along U.S. Highway 1 to the North Carolina-South Carolina State line, to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, and

(2) *structural steel*, which because of size or weight require special equipment or special handling, from points in Indiana, Illinois, Missouri, and Arkansas to points in the states named in (1) above. The purpose of this filing is to eliminate the gateways at Preston, Franklin, Dickson, Chattanooga, Springfield, and Nashville, Tenn.

(IX) *Heavy material handling equipment, winches, compaction and road-making equipment, rollers, and mobile cranes*, which because of size or weight require the use of special equipment, or which are self-propelled, each article weighing 15,000 pounds or more, between the plant sites of Hyster Company, located at or near Danville, Kewanee, and Peoria, Ill., on the one hand, and, on the other, points in Kentucky, Missouri, and Arkansas.

Restriction: The operations authorized herein are restricted to the transportation of shipments originating at or destined to the above-named plant sites. The purpose of this filing is to eliminate the gateway at points in Kentucky west of the Tennessee River.

(X) (1) *Trucks* designed for off-highway use, which are included in road construction machinery and equipment, in initial movements, in truckaway service, from Decatur, Ill., to points in West Virginia, and

(2) *trucks* designed for off-highway use, which are included in heavy machinery and construction and contractors' equipment, in initial movements, in truckaway service, from Decatur, Ill., to points in Kentucky, Missouri, and Arkansas.

Restriction: (1) Restricted against any transportation in connection with the stringing or picking up of pipeline materials or equipment, and (2) restricted to the transportation of commodities which require the use of special equipment because of size or weight, or which are self-propelled, each weighing 15,000 pounds or more. The purpose of this filing is to eliminate the gateway at points in Kentucky west of the Tennessee River.

(XI) (A) (1) *Structural steel, heavy machinery, and such equipment* as is both construction and contractors' equipment, which because of size or weight require the use of special equipment (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment), and

(2) *such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in heavy machinery and such equipment as is both construction and contractors' equipment (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment), restricted to commodities which are transported on trailers, between points in Tennessee, Kentucky, that portion of Virginia on and west of U.S. Highway 220, and those in that portion of North Carolina on and west of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 220 to Rockingham, N.C., and thence along U.S. Highway 1 to the North Carolina-South Carolina State line, on the one hand, and, on the other, points in Indiana, Illinois, Missouri, and Arkansas.

(XI) (B) (1) *Heavy road construction machinery and equipment* which because of size or weight requires the use of special equipment (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment), and

(2) *such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in heavy road construction machinery and equipment (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment), restricted to commodities which are transported on trailers, between points in West Virginia, on the one hand, and, on the other, points in Indiana, Illinois, Missouri, and Arkansas. The purpose of this filing is to eliminate the gateway at points in that part of Kentucky west of the Tennessee River and at a point in Virginia on or west of U.S. Highway 220.

(XII) (1) *Heavy mining machinery and equipment*, which because of size or weight require the use of special equipment, and (2) *such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in heavy mining machinery and equipment, restricted to commodities which are transported on trailers, from points in Arkansas, Missouri, Illinois, Indiana, Kentucky, Tennessee, that portion of Virginia on and west of U.S. Highway 220, and those in that portion of North Carolina on and west of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 220 to Rockingham, N.C., and thence along U.S. Highway 1 to the North Carolina-South Carolina State line, to points in Illinois, Indiana, Kentucky, Ohio, Pennsylvania, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway at a point in Kentucky west of the Tennessee River.

(XIII) *Heavy self-propelled road construction machinery and equipment*, as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, each weighing 15,000 pounds or more, which may be included in heavy machinery and construction equipment, and parts of the above-described commodities moving in connection therewith, from points in Illinois (except Peoria, Joliet, Decatur, Aurora, Morton, Mossville, Springfield, Deerfield, Harvey, Beardstown, and De Kalb, and points within 10 miles of each) to points in Kentucky.

Restriction: The authority granted herein shall be restricted (1) against the transportation of commodities, which because of size or weight, require the use of special equipment, (2) against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, and (3) restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway point in Tennessee.

(XIV) *Heavy road construction machinery and equipment* as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, the transportation of which because of size or weight requires the use of special equipment, from points in Illinois (except Peoria, Joliet, Decatur, Aurora, Morton, Mossville, Springfield, Deerfield, Harvey, Beardstown and De Kalb, and points within 10 miles of each), to points in Kentucky.

Restriction: The authority granted above is restricted to the transportation of the described commodities when moving in the same vehicle with shipments of such commodities which do not require the use of special equipment. The purpose of this filing is to eliminate the gateway point in Tennessee.

(XV) (A) (1) *Road construction machinery and equipment* as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, the transportation of which because of size or weight, require the use of special equipment, and parts of the above-described commodities moving in connection therewith, from points in Illinois (except Peoria, Joliet, Decatur, Aurora, Morton, Mossville, Springfield, Deerfield, Harvey, Beardstown, and De Kalb, and points within 10 miles of each) to points in Kentucky.

(2) *Such self-propelled heavy road construction machinery and equipment*, which because of size or weight, require the use of special equipment, and parts of the above-described commodities moving in connection therewith, from points in Illinois (except Peoria, Joliet, Decatur, Aurora, Morton, Mossville, Springfield, Deerfield, Harvey, Beardstown, and De Kalb, and points within 10 miles of each) to points in Kentucky.

Restriction: The authority granted above is restricted to the transportation of the described commodities when moving in the same vehicle with shipments of such commodities which do not require the use of special equipment.

(XV) (B) *Such self-propelled heavy road construction machinery and equipment*, each weighing 15,000 pounds or more, which may be included in heavy machinery and contractors' equipment, the transportation of which because of size or weight do not require the use of special equipment, restricted to commodities which are transported on trailers, from points in Ohio to points in that part of Kentucky west of the Tennessee River. The purpose of this filing is to eliminate the gateway point in Tennessee.

(XVI) (1) *Heavy road construction machinery and equipment* as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, the transportation of which because of size or weight requires the use of special equipment (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment), and

(2) *Such self-propelled heavy road construction machinery and equipment*, each weighing 15,000 pounds or more, which may be included in heavy machinery and contractors' equipment, the transportation of which because of size or weight requires the use of special equipment, restricted to commodities which are transported on trailers (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment), from points in Illinois (except Peoria, Joliet, Decatur, Aurora, Morton, Mossville, Springfield, Deerfield, Harvey, Beardstown and De Kalb, and points within 10 miles of each), to points in Indiana, Missouri and Arkansas.

Restriction: The above described authority is restricted to the transportation of the described commodities when moving in the same vehicle with shipments of commodities which do not require the use of special equipment. The purpose of this filing is to eliminate the gateway point in Tennessee and at a point in Kentucky west of the Tennessee River.

(XVII) *Such self-propelled road construction machinery and equipment*, as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, each weighing 15,000 pounds or more, which may be included in heavy construction machinery and equipment, the transportation of which because of size or weight requires the use of special equipment, from points in Illinois (except Peoria, Joliet, Decatur, Aurora, Morton, Mossville, Springfield, Deerfield, Harvey, Beardstown and De Kalb, and points within 10 miles of each) to points in Kentucky.

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RESTRICTION The authority granted above is restricted to the transportation of the described commodities when moving in the same vehicle with shipments of such commodities which do not require the use of special equipment.

The purpose of this gateway is to eliminate the gateway point in Tennessee or at a point in Virginia on or west of U.S. Highway 220 or at a point in North Carolina on or west of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 220 to Rockingham, N.C., and thence along U.S. Highway 1 to the North Carolina-South Carolina State line.

(XVIII) *Such self-propelled road construction machinery and equipment* as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, the transportation of which because of size or weight does not require the use of special equipment, from points in Ohio to points in Kentucky, Indiana, Illinois, Missouri, and Arkansas.

Restriction: (1) The operations authorized above are restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, and (2) the operations authorized herein as restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway at a point in Tennessee and at a point in Kentucky west of the Tennessee River.

(XIX) *Structural steel*, (1) from Peotone, Decatur, and Sterling, Ill. to points in Kentucky, that portion of Virginia on and west of U.S. Highway 220, and that portion of North Carolina on and west of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 220 to Rockingham, N.C. and thence along U.S. Highway 1 to the North Carolina-South Carolina State line, and

(2) from Preston, Franklin, Dickson, Chattanooga, Springfield and Nashville, Tenn. to points in that portion of North Carolina on and west of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 220 to Rockingham, N.C. and thence along U.S. Highway 1 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateways at Preston, Franklin, Dickson, Chattanooga, Springfield and Nashville, Tenn., and a point in Tennessee (except Memphis and points in the Commercial Zone).

(XX) *Such self-propelled heavy construction machinery, and equipment*, each weighing 15,000 pounds or more, which because of size or weight requires the use of special equipment, from points in Illinois to points in Tennessee, Kentucky, and those in North Carolina on and west of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 220 to Rockingham, N.C. and thence along U.S. Highway 1 to the North Carolina-South Carolina State line.

Restriction: (1) The operations authorized above are restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, and (2) the operations authorized herein are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway point in Virginia on and west of U.S. Highway 220.

(XXI) (A) *Cast iron pressure pipe, cast iron pressure pipe fittings, and materials and accessories* used in the installation and maintenance of cast iron pressure pipe and cast iron pressure pipe fittings, (1) from Lynchburg, Va. to points in that part of Kentucky west of the Tennessee River, and (2) from Radford, Va. to points in that part of Kentucky west of the Tennessee River.

(XXI) (B) *Cast iron soil pipe, cast iron soil pipe fittings, and materials and accessories* used in the installation and maintenance of cast iron soil pipe and cast iron soil pipe fittings, from Lynchburg, Va. to points in that part of Kentucky west of the Tennessee River. The purpose of this filing is to eliminate the gateway point in Illinois.

(XXII) *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in heavy construction machinery and equipment, and *related machinery, tools, parts, and supplies* moving in connection therewith, from points in Illinois to points in Tennessee, Kentucky, and that part of North Carolina on and west of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 220 to Rockingham, N.C. and thence along U.S. Highway 1 to the North Carolina-South Carolina State line.

Restriction: (1) The operations authorized above are restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, and (2) the operations authorized herein are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway at a point in Virginia on or west of U.S. Highway 220.

No. MC 113843 (Sub-No. 208G), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Francis P. Barrett, P.O. Box 238, 60 Adams Street, Milton, Mass. 02187. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from points in Connecticut, Massachusetts, and Rhode Island, (a) to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia and the District of Columbia. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. (b) to points in Arkansas, Colorado, Kansas, Minnesota, Nebraska, Oklahoma, Grand Forks, N. Dakota and Sioux Falls, S. Dakota. The purpose of this filing is to eliminate the gateway of Dundee, N.Y. (c) to points in Iowa and Wisconsin. The purpose of this filing is to eliminate the gateways of Morton, Brockport or LeRoy, N.Y. (d) to points in Tennessee. The purpose of this filing is to eliminate the gateways of Elmira, N.Y. and Detroit, Mich.

(2) *Frozen fruits, frozen berries, and vegetables*, from points in Connecticut, Massachusetts, and Rhode Island, to Springfield, Ill., Louisville, Ky., Kenosha, Wis., Kansas City and Winita Park, Mo., Williamsburg and Norfolk, Va. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

(3) *Frozen juice, frozen berries*, from points in Connecticut, Massachusetts and Rhode Island, to points in Delaware, Maryland, Kentucky, North Carolina, South Carolina, W. Virginia and Virginia (except those points in Virginia other than Hampton, Norfolk and Richmond, on, east and south of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 301 to Richmond, thence along Virginia Highway 33 to Glenns, Va., thence along U.S. Highway 17 to Saluda, Va., thence along Virginia Highway 227 to Harmony Village, Va., thence along Virginia Highway 200 to the Rappahannock River, at or near Locklies, Va.). The purpose of this filing is to eliminate the gateways of Dundee or Penn Yan, N.Y.

(4) *Frozen fruits and berries, frozen fruit and berry concentrates*, from points in Connecticut, Massachusetts, and Rhode Island, to points in Arkansas, Colorado, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, Oklahoma, Texas and Wisconsin. The purpose of this filing is to eliminate the gateway of Geneva, Penn Yan, Elmira and/or Dundee, N.Y.

(5) *Frozen fruit juices and fruit concentrates*, from points in Connecticut, Massachusetts, and Rhode Island, to points in Delaware, Maryland, Virginia and the District of Columbia. The purpose of this filing is to eliminate the gateway of Geneva, N.Y.

(6) *Frozen fruit concentrates*, from points in Connecticut, Massachusetts, and Rhode Island, to points in Delaware, Maryland, Virginia and the District of Columbia. The purpose of this filing is to eliminate the gateway of Dundee or Penn Yan, N.Y.

(7) *Frozen fruit juices*, from Connecticut, Massachusetts and Rhode Island, to points in Virginia (other than Hampton, Norfolk and Richmond, on, east and south of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 301 to Richmond, Virginia, thence along Virginia Highway 33 to Glenns, Va., thence along U.S. Highway 17 to Saluda, Va., and thence along Virginia Highway 227 to Harmony Village, Va., thence along Virginia Highway 200 to the Rappahannock River at or near Locklies, Va.). The purpose of this filing is to eliminate the gateway of Dundee or Penn Yan, N.Y.

(8) *Fresh, cooked, preserved, salted and smoked meats*, from Boston, Mass., and points within ten miles of Boston,

to points in Cattaraugus, Chautauqua, and Erie Counties, N.Y.; Philadelphia and Middletown, Pa.; Camden, Newark, and Jersey City, N.J. and Baltimore, Md. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

(9) *Meats, meat products, and meat byproducts*, as described by the Commission, except liquid commodities, in bulk, in tank vehicles, from Boston, Mass., to Chicago, Ill., Erie and Philadelphia, Pa.; Cleveland, Ohio, Cincinnati, Ohio; Detroit, Mich., Baltimore and Salisbury, Md., Roanoke and Richmond, Va., and the District of Columbia. The purpose of this filing is to eliminate the gateways of Rochester, N.Y., and Detroit, Mich.

(10) *Meats, meat products, and meat byproducts*, as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and except frozen), from Boston, Mass., to points in Illinois, Indiana, Michigan, and Kentucky. The purpose of this filing is to eliminate the gateways of Hamlin (Monroe County) or Williamson (Wayne County) N.Y.

(11) *Canned meats, meat products and meat byproducts*, as described in Section A of Appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except liquid commodities in bulk, in tank vehicles), from Boston, Mass., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. The purpose of this filing is to eliminate the gateways of plant-site or storage facilities of Duffy-Mott Co., Inc., at or near Hamlin, N.Y. or Williamson, N.Y.

(12) *Paper bags and materials* used in closing paper bags, from E. Pepperell, Mass., to points in Cattaraugus, Chautauqua and Erie Counties, N.Y.

(13) *Fish and seafood*, from Boston, Gloucester, and Provincetown, Mass., to points in Cattaraugus, Chautauqua, and Erie Counties, N.Y. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

(14) *Meats, meat products, and meat by-products* (except liquid commodities, in bulk, in tank vehicles) as described in Section A of Appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Boston and Worcester, Mass., to Buffalo, N.Y. The purpose of this filing is to eliminate the gateway of Gowanda, N.Y.

(15) *Frozen meats, meat products, and meat by-products*, as described in Section A of Appendix 1 to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except liquid commodities in bulk, in tank vehicle), from Boston and Southboro, Mass., to Baltimore, Md., the District of Columbia, Hampton and Richmond, Va.; Huntington, W. Va., Chicago, Ill., New York, N.Y.; Green Bay and Milwaukee, Wis., and points in Indiana, Michigan, New Jersey, Ohio, and Pennsylvania. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

(16) *Frozen meats, meat products and by-products* as described in Section 2 of Appendix 1 to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except liquid commodities, in bulk, in tank vehicles), from Boston, Mass., (a) to Chicago, Ill., Green Bay and Milwaukee, Wis., and points in Indiana, Michigan, New Jersey, Ohio and Pennsylvania. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

(b) To points in Delaware, Kentucky and W. Virginia. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

(c) To points in Kentucky, and W. Virginia. The purpose of this filing is to eliminate the gateway of Brockport (Monroe County), N.Y.

(d) To points in Illinois, Indiana, Kentucky, Michigan, Missouri, New Jersey, New York, Ohio and Pennsylvania. The purpose of this filing is to eliminate the gateway of Elmira (Chemung County), N.Y.

(e) To points in Arkansas, Colorado, Kansas, Minnesota, Nebraska, and Oklahoma. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

(f) To points in Colorado, Iowa, Minnesota, Nebraska, and Wisconsin. The purpose of this filing is to eliminate the gateway of Brockport (Monroe County), N.Y.

(17) *Frozen fish*, from New Bedford and Tiverton, Mass., to Cincinnati and Dayton, Ohio. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC 114457 (Sub-No. 196G), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Canned goods*, from points in Wisconsin, to points in Montana, North Dakota, South Dakota, Nebraska, Kansas, Iowa, Illinois, and Missouri. The purpose of this filing is to eliminate the gateway at Chanhassen, Minn.

(2) *Canned goods*, from Omaha, Nebr., to points in North Dakota. The purpose of this filing is to eliminate the gateway at Chanhassen, Minn.

(3) *Canning factory supplies*, from points in Wisconsin, to points in Kansas. The purpose of this filing is to eliminate the gateways at Faribault or Minneapolis, Minn.

(4) *Canning factory supplies*, between Missouri and Wisconsin. The purpose of this filing is to eliminate the gateways at Faribault or Minneapolis, Minn.

No. MC 114604 (Sub-No. 30G), filed February 7, 1975. Applicant: CAUDELL TRANSPORT, INC., State Farmers Market, Bldg. 33, Forest Park, Ga. 30050. Applicant's representative: Frank D. Hall, 3384 Peachtree Rd., NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Charleston, S.C., to Greenville, S.C., and points in its commercial zone. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 115523 (Sub-No. 171G), filed June 4, 1974. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 Beck Street, Salt Lake City, Utah 84116.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate and ammonium sulfate*, from Geneva, Utah, to points in Colorado. The purpose of this filing is to eliminate the gateway of Kemmerer, Wyo.

No. MC 117313 (Sub-No. 7G) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of January 27, 1975, and republished in part as corrected this issue. Applicant: TRYON TRUCKING, INC., P.O. Box 68, Fairless Hills, Pa. 19030. Applicant's representative: John P. McMahon, Suite 1800, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tin plate, sheet metal, tinners' and roofers' supplies*, which because of size or weight require the use of special equipment, between points in Ohio, those in Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line near Millerton, Pa., and extending in a southerly direction through Williamsport, Pa., to the Pennsylvania-Maryland State line near West Manheim, Pa., and those in Delaware and the District of Columbia, on the one hand, and, on the other, points in New Jersey, Maryland, New York, and those in Pennsylvania east of a line beginning at the Pennsylvania-New York State line near Millerton, Pa., and extending in a southerly direction through Williamsport, Pa., to the Pennsylvania-Maryland State line near West Manheim, Pa. The purpose of this filing is to eliminate the gateway at Philadelphia, Pa.

NOTE.—The purpose of this republication is to modify the territorial description to correctly indicate the nature of the between movement requested. The rest of the notice remains as previously published.

No. MC 118959 (Sub-No. 114G) filed June 4, 1974. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials* (except commodities in bulk), from Chicago, Ill., to points in Indiana, Ohio, West Virginia, Virginia, Mississippi, Missouri, Arkansas, Louisiana, Kansas, Oklahoma, Texas, Colorado, New Mexico, Utah, Arizona, California, and Alabama, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Springfield, Ky.

(2) *building, wall or insulating boards, and materials and supplies* used in the

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installation of building, wall or insulating boards (except commodities in bulk), (a) from Pensacola, Fla., to points in Arizona, with no transportation for compensation on return except as otherwise authorized and (b) from the plant site of the Armstrong Cork Company, at or near Macon, Ga., to points in Virginia, New York, Massachusetts, New Jersey, Maryland, and Delaware, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Springfield, Ky.

(3) *iron and steel building materials and supplies* (except commodities in bulk), from the plant sites of Laclede Steel Company and Standard Pipe Protection, Inc., of Alton, Ill., to points in Louisiana and Oklahoma, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Springfield, Ky.

(4) *plastic pipe and cement asbestos pipe* (except those articles which because of size and weight require the use of special equipment), from St. Louis, Mo. (except the plant site of Shepard Engineering Company), to points in Florida, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Social Circle, Ga.

No. MC 124078 (Sub-No. 598G), filed June 3, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals* (except hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings and liquid alum) in bulk, in tank or hopper type vehicles, from Atlanta, Ga., to points in Kentucky in and east of Bracken, Harrison, Scott, Fayette, Jessamine, Garrard, Lincoln, Pulaski, Russell, Cumberland, and Monroe Counties, Ky.; points in North Carolina west of Caswell, Alamance, Chatham, Moore, and Richmond Counties, N.C.; and points in South Carolina west of Chesterfield, Kershaw, Fairfield, Newberry, Saluda, and Edgefield Counties, S.C. The purpose of this filing is to eliminate the gateways at Springfield, Tenn. (Robertson County) and Augusta (Richmond County), Ga.

(2) *Petrochemicals*, liquid, in bulk, in tank vehicles, from Tucker, Ga., to points in North Carolina east of Caswell, Alamance, Chatham, Moore, and Richmond Counties, N.C., and points in Virginia (except points in Lee, Scott, Wise, Russell, Dickenson, Buchanan, Tazewell, Bland, Giles, Pulaski, Montgomery, Roanoke, Botetourt, Craig, Alleghany, Bath, and Highland Counties). The purpose of this filing is to eliminate the gateways at Atlanta, Ga.; Richmond County, Ga. or Robertson County, Tenn. and Chattanooga, Tenn.

(3) *Naval stores*, in bulk, in tank vehicles (1) from Savannah, Ga., to points in West Virginia, Massachusetts, New York, points in North Carolina east and south of Warren, Vance, Granville, Durham, Chatham, Randolph, Rowan, Cabarrus and Mecklenburg Counties, N.C.; and (2) from Brunswick, Ga., to points in Mississippi south of Monroe, Clay, Webster, Montgomery, Carroll, Leflore, Sunflower and Washington Counties. Restriction: Transportation to points in Mississippi and North Carolina restricted to liquid chemicals. The purpose of this filing is to eliminate the gateways at Moultrie, Ga. and Augusta (Richmond County), Ga.

No. MC 124947 (Sub-No. 32G), filed September 5, 1974. Applicant: MACHINERY TRANSPORTS, INC., P.O. Box 417, Stroud, Okla. 74079. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 N.W. 23rd Street, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Commodities*, the transportation of which because of size or weight requires the use of special equipment and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, (a) between points in Illinois, Kentucky, Indiana, Ohio, Missouri, and Arkansas, on the one hand, and, on the other, Beloit and Turtle, Wis. The purpose of this filing is to eliminate the gateways of points in Williamson, Franklin or Saline Counties, Ill. and points in Winnebago County, Ill. (b) between points in Illinois, on the one hand, and, on the other, points in Kentucky, Indiana, Ohio, Missouri, and Arkansas. The purpose of this filing is to eliminate the gateways of points in Williamson, Franklin or Saline Counties, Ill.

(2) *wire and wire products*, fencing materials and accessories, nails, staples, rods, joists, angles, and bars which because of size or weight require the use of special equipment, from points in Arkansas, Missouri, and Illinois, to points in Wisconsin. The purpose of this filing is to eliminate the gateways of points in Williamson, Franklin or Saline Counties, Ill. and the plant site of Keystone Steel and Wire Company located at Barton, Ill.

(3) *pipe*, which because of size or weight require the use of special equipment, from Memphis, Tenn., to points in Illinois and Beloit and Turtle, Wis. The purpose of this filing is to eliminate the gateways of points in Williamson, Franklin or Saline Counties, Ill. and Winnebago County, Ill.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's gateway elimination rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before April 24, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 5649 (Sub-No. E1), filed May 31, 1974. Applicant: KULP & GORDON, P.O. Box 628, Phoenixville, Pa. 19466. Applicant's representative: Sylvan D. Einhom (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Empty paint containers*, (a) from Trenton, N.J., to Wilmington, Del., (2) from Commack, N.Y., to Deepwater, N.J., (3) from the District of Columbia to Wrightstown, and Asbury Park, N.J., and (4) from Baltimore, Md., to New Brunswick, Burlington, Millville, Morristown, Mt. Holly, Hammonton, Asbury Park, and Atlantic City, N.J., and Norristown, Pottstown, Easton, Bethlehem, Allentown, and Doylestown, Pa.; (B) *Machinery*, used or useful in the manufacture of furniture, metal and wooden furniture, mattresses, springs, padding, paint, and advertising material, pertaining to such commodities, (1) from Baltimore, Md., to Easton, Bethlehem, Allentown, Norristown, and Pottstown, Pa., and Hammonton, Atlantic City, Burlington, Millville, Morristown, Mt. Holly, and New Brunswick, N.J., and (2) from Elizabeth, N.J., to Phoenixville, Pa.; (C) *Cotton, cotton batts and tufts, padding, burlap, sisal, sisal and cotton waste, linters*, and *advertising material*, pertaining to such commodities, from Baltimore, Md., to Doylestown, Easton, Bethlehem, Allentown, Norristown, and Pottstown, Pa., and Hammonton, Atlantic City, Burlington, Millville, Morristown, Mt. Holly, and New Brunswick, N.J.;

(D) *Iron and steel* products, (1) from Baltimore, Md., to Doylestown, Easton, Bethlehem, Allentown, Norristown, and Pittstown, Pa., and Hammonton, Boonton, Burlington, Millville, Morristown, Mt. Holly, and New Brunswick, N.J., (2) from Asbury Park, N.J., to Allentown and Bethlehem, Pa.; (3) from Annapolis, Md., to Allentown and Bethlehem, Pa., and Asbury Park, Atlantic City, and Boonton, N.J., (4) from Dover, Wilmington, Seaford, and Newark, Del., Salisbury and Sparrows Point, Md., Toms River, Wrightstown, Deepwater, Hammonton, and Millville, N.J., and the District of Columbia to Allentown, Pa., (5) from Atlantic City, N.J., to Bethlehem, Pa., (6) from Bouton, N.J., to Coatesville, Pa., (7) from Burlington, N.J., to Phoenixville, Pa., (8) from Cape May, N.J., to Downingtown, Pa., (9) from Hammonton, N.J., to Lancaster, Pa., (10) from Millville, N.J., to Reading, Pa., (11)

from Dover, Del., to Doylestown, Pa., and Hammonton, N.J., (12) from New York, N.Y., to Lancaster, Pa., and (13) from the District of Columbia to Pottstown, Pa., and Wrightstown and New Brunswick, N.J.; (E) *Structural steel and iron*, (1) from Baltimore, Md., to Catskill, Commack, Cortland, Deposit, Endicott, Geneva, Birmingham, Hornell, Hudons, Ithaca, Kingston, Narrowsburg, Newburgh, Norwich, Nyack, Owego, Patchogue, Peekskill, Port Jervis, Poughkeepsie, Riverhead, and New York, N.Y., and East Orange, Fort Lee, Boonton, Netcong, Newark, New Brunswick, Patterson, and Somerville, N.J., (2) from Deepwater, N.J., to Deposit, N.Y., (3) from Hammonton, N.J., to Hudson, N.Y., (4) from Atlantic City, N.J., to Binghamton, N.Y., and (5) from Asbury Park, N.J., to Baltimore, Md.; (F) *Iron and steel machinery parts and castings*, from Baltimore, Md., to Somerville and Patterson, N.J.; and (G) *Insulating materials*, from Camden, N.J., to Nyack, N.Y. The purpose of this filing is to eliminate the gateways in A through D: Philadelphia, Pa., in E: Philadelphia, Coatesville and Phoenixville, Pa., in F: Philadelphia and Downingtown, Pa., and in G: Port Kennedy, Pa.

No. MC 18088 (Sub-No. E2) (Correction), filed May 13, 1974, republished in the FEDERAL REGISTER March 10, 1975. Applicant: FLOYD & BEASLEY TRANSFER CO., INC., P.O. Drawer 8, Sycamore, Ala. 35149. Applicant's representative: Charles Ephraim, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles* and *textile products*, and *machinery*, *machinery parts*, *equipment*, *materials*, and *supplies* used in or in connection with the operation of textile mills and warehouses (except commodities the transportation of which because of size or weight require the use of special equipment for the transportation thereof), restricted to the transportation of shipments originating at or destined to sites of mills or plants for the production of textiles or textile products, or of warehouses operated in connection with such mills or plants, (a) between points in South Carolina (except Oconee County), on the one hand, and, on the other, points in that part of Tennessee in and west of Giles, Maury, Hickman, Dickson, Houston, and Stewart Counties, and (b) between points in Oconee County, S.C., on the one hand, and, on the other, points in that part of Tennessee in and west of Giles, Lewis, Hickman, Dickson, and Montgomery Counties. The purpose of this filing is to eliminate the gateway of the plant site of Vulcan Binder and Cover, division of Ebsco Industries, Inc., at Vincent, Ala. The purpose of this partial correction is to correct the territorial descriptions in (a) above. The remainder of this letter-notice remains as previously published.

No. MC 21170 (Sub-No. E181), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*; (a) from points in that part of Minnesota west of a line beginning at the Minnesota-South Dakota State line extending along U.S. Highway 75 to junction Minnesota Highway 68, thence along Minnesota Highway 68 to junction U.S. Highway 59 thence along U.S. Highway 59 to the Iowa-Minnesota State line, (1) to points in that part of Illinois on and south of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 24 to junction Illinois Highway 103, thence along Illinois Highway 103 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 125, thence along Illinois Highway 125 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 10, thence along Illinois Highway 10 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Indiana State line, (2) to points in that part of Pennsylvania on, south, and east of a line beginning at the Pennsylvania-West Virginia State line extending along U.S. Highway 70 to junction unnumbered highway, thence along unnumbered highway to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 56, thence along Pennsylvania Highway 56 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 869, thence along Pennsylvania Highway 869 to junction Pennsylvania Highway 36.

Thence along Pennsylvania Highway 36 to junction Pennsylvania Highway 26, thence along Pennsylvania Highway 26 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 171, thence along Pennsylvania Highway 171 to junction Pennsylvania Highway 370, thence along Pennsylvania Highway 370 to the Pennsylvania-New York State line, (3) to points in the District of Columbia, (4) to points in Maryland, (5) to points in Delaware, (6) to points in New Jersey, (7) to points in New York on and east of a line beginning at the Pennsylvania-New York State line extending along New York Highway 17 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 12, thence along New York Highway 12 to the United States-Canada International Boundary line, (8) to points in Connecticut, (9) to points in Rhode Island, (10) to points in Massachusetts, (11) to points in Vermont, (12) to points in New Hampshire, (13) to points in Maine (except points north of Maine Highway 25); (b) from points in that part of Minnesota on and west of a line beginning at the Minnesota-North Dakota State line extending along U.S. Highway 52 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Minnesota Highway 55, thence along Minnesota Highway 55 to junction Minnesota Highway 104, thence along Minnesota Highway 104 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 71 thence along U.S. Highway 71 to junction Minnesota Highway 19.

Thence along Minnesota Highway 19 to junction Minnesota Highway 4, thence along Minnesota Highway 4 to junction Minnesota Highway 30, thence along Minnesota Highway 30 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Minnesota-Iowa State line, (1) to points in that part of Illinois on and south of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 24 to junction Illinois Highway 99, thence along Illinois Highway 99 to junction Illinois Highway 104, thence along Illinois Highway 104 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Illinois-Indiana State line, (2) to points in that part of Pennsylvania on, south, and east of a line beginning at the Pennsylvania-West Virginia State line extending along U.S. Highway 70 to junction Pennsylvania Highway 711, thence along Pennsylvania Highway 711 to junction Pennsylvania Highway 271, thence along Pennsylvania Highway 271 to junction Pennsylvania Highway 56, thence along Pennsylvania Highway 56 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 53, thence along Pennsylvania Highway 53 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 81, thence along U.S. Highway 81 to the New York-Pennsylvania State line, (3) to points in the District of Columbia, (4) to points in Maryland, (5) to points in Delaware, (6) to points in New Jersey, (7) to points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line extending along U.S. Highway 81 to the United States-Canada International Boundary line, (8) to points in Connecticut, (9) to points in Rhode Island, (10) to points in Massachusetts, (11) to points in Vermont, (12) to points in New Hampshire, and (13) to points in Maine (except points north of Maine Highway 25); (c) from points in that part of Minnesota on or bounded by a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 169 to junction U.S. Highway 14.

Thence along U.S. Highway 14 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction U.S.

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Highway 52, thence along U.S. Highway 52 to junction Minnesota Highway 28, thence along Minnesota Highway 28 to junction Minnesota Highway 104, thence along Minnesota Highway 104 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 19, thence along Minnesota Highway 19 to junction Minnesota Highway 4, thence along Minnesota Highway 4 to junction Minnesota Highway 30, thence along Minnesota Highway 30 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Minnesota-Iowa State line, (1) to points in that part of Illinois south of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 24 to junction Illinois Highway 103, thence along Illinois Highway 103 to junction Illinois Highway 125, thence along Illinois Highway 125 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 133, thence along Illinois Highway 133 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Illinois-Indiana State line, (2) to points in that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line extending along Pennsylvania Highway 434 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 507, thence along Pennsylvania Highway 507 to junction U.S. Highway 81E.

Thence along U.S. Highway 81E to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Pennsylvania-Maryland State line, (3) to points in the District of Columbia, (4) to points in Maryland, (5) to points in Delaware, (6) to points in New Jersey, (7) to points in that part of New York on and east of a line beginning at the United States-Canada International Boundary line extending along New York Highway 56 to junction New York Highway 3, thence along New York Highway 3 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 55, thence along New York Highway 55 to the New York-Pennsylvania State line, (8) to points in Connecticut, (9) to points in Rhode Island, (10) to points in Massachusetts, (11) to points in Vermont, (12) to points in New Hampshire, and (13) to points in Maine (except points north of Maine Highway 25); (d) from points in that part of Minnesota on or bounded by a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 65 to junction Minnesota Highway 18, thence along Minnesota Highway 18 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Minnesota Highway 55, thence along Minnesota Highway 55 to junction Minnesota Highway 28, thence along Minnesota Highway 28 to junction U.S. Highway 52.

Thence along U.S. Highway 52 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to the Iowa-Minnesota State line, thence along the Iowa-Minnesota State line to point of origin, (1) to point in that part of Illinois on and south of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 24 to junction Illinois Highway 99, thence along Illinois Highway 99 to junction Illinois Highway 104, thence along Illinois Highway 104 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 32, thence along Illinois Highway 32 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Illinois-Indiana State line, (2) to points in that part of Pennsylvania on and south of a line beginning at the Pennsylvania-Maryland State line extending along U.S. Highway 15 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 222, thence along U.S. Highway 222 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 202, thence along U.S. Highway 202 to the Pennsylvania-New Jersey State line, (3) to points in the District of Columbia, (4) to points in that part of Maryland on and east of a line beginning at the Pennsylvania-Maryland State line extending along U.S. Highway 15 to the Maryland-Virginia State line, (5) to points in Delaware, (6) to points in that part of New Jersey on, south, and east of a line beginning at the New York-New Jersey State line extending along the Garden State Parkway to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 202, thence along U.S. Highway 202 to the Pennsylvania-New Jersey State line, (7) to points in that part of New York on and east of a line beginning at the United States-Canada International Boundary line extending along U.S. Highway 9 to junction New York Highway 22, thence along New York Highway 22 to junction U.S. Highway 4, thence along U.S. Highway 4 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction New York Highway 45, thence along New York Highway 45 to the New York-New Jersey State line, (8) to points in Connecticut, (9) to points in Rhode Island, (10) to points in Massachusetts, (11) to points in Vermont, (12) to points in New Hampshire, and (13) to points in Maine (except points north of Maine Highway 25). The purpose of this filing is to eliminate the gateways of Carrollton, Macon, Marshall, Moberly, and Milan, Mo.

No. MC 21170 (Sub-No. E182), filed June 29, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, and hides, restricted to food products, from the facilities of Cornland Dressed Beef Company at or near Lexington, Nebraska, (A) to points in that part of Illinois south and east of a line beginning at the Illinois-Missouri State line extending along Illinois Highway 104 to junction Illinois Highway 99, thence along Illinois Highway 99 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Illinois Highway 103, thence along Illinois Highway 103 to junction Illinois Highway 100, thence along Illinois Highway 100 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction Illinois Highway 115, thence along Illinois Highway 115 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction unnumbered highway, thence along unnumbered highway to the Illinois-Indiana State line, (B) to points in that part of Indiana south and east of a line beginning at the Indiana-Illinois State line extending along Indiana Highway 14 to junction Indiana Highway 55, thence along Indiana Highway 55 to junction Indiana Highway 10. Thence along Indiana Highway 10 to junction Indiana Highway 19, thence along Indiana Highway 19 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction Indiana Highway 8, thence along Indiana Highway 8 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Indiana Highway 427, thence along Indiana Highway 427 to junction Indiana Highway 1, thence along Indiana Highway 1 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Indiana-Ohio State line, (C) to points in that part of Ohio south and east of a line beginning at the Ohio-Indiana State line extending along U.S. Highway 20 to junction Ohio Highway 49, thence along Ohio Highway 49 to the Ohio-Michigan State line, (D) to points in that part of Michigan north and east of a line beginning at the Michigan-Ohio State line extending along Michigan Highway 99 to junction Michigan Highway 34, thence along Michigan Highway 34 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction Michigan Highway 50 to junction Michigan Highway 91, thence along Michigan Highway 91 to junction Michigan Highway 46, thence along Michigan Highway 46 to junction Michigan Highway 82, along Michigan Highway 120 to Lake Michigan, (E) to points in Kentucky, Pennsylvania, West Virginia, Virginia, Maryland, Delaware, District of Columbia, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine. The purpose of this filing is to eliminate the gateway of the facilities of Ralston Purina Co., located at or near California, Mo.

No. MC 29886 (Sub-No. E31), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, which because of size or weight require the use of special equipment or special handling, except automobiles, trucks, buses, trailers, cabs, chassis, and cement in bulk, (1) between points in Michigan, on the one hand, and, on the other, those points in Ohio on and east of a line beginning at the Michigan-Ohio State line and extending along Ohio Highway 23 to junction Interstate Highway 475, thence along Interstate Highway 475 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State line (Toledo, Ohio)*; (2) between those points in Michigan on and east of a line beginning at the Ohio-Michigan State line and extending along U.S. Highway 23 to junction Michigan Highway 76, thence along Michigan Highway 76 to junction Michigan Highway 72, thence along Michigan Highway 72 to junction Michigan Highway 37, thence along Michigan Highway 37 to Lake Michigan, and those points in Ohio on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30.

Thence along U.S. Highway 30 to the Ohio-West Virginia State line (Toledo, Ohio)*; (3) between points in Michigan, on the one hand, and, on the other, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine (Toledo, Ohio, and those points in that part of New York on and west of a line beginning at Rochester, N.Y. and extending along U.S. Highway 15 to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 39, thence along New York Highway 39 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line)*; and (4) between points in Iowa, on the one hand, and, on the other, points in New Jersey and the District of Columbia (those points in that part of Michigan on, south and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, to junction U.S. Highway 127, thence along U.S. Highway 127 to Jackson, Mich., thence along unnumbered highway to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line (Toledo, Ohio and Centre County, Pa.)*. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 29886 (Sub-No. E32), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *heavy machinery*, the transportation of which, because of size or weight, require the use of special equipment or special handling, except automobiles, trucks, buses, trailers, cabs, chassis, and cement in bulk, between points in Iowa, on the one hand, and, on the other, points in New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, and Rhode Island (those points in that part of Michigan on, south and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, to junction U.S. Highway 127, thence along U.S. Highway 127 to Jackson, Mich., thence along unnumbered highway (formerly portion of U.S. Highway 127) to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line; (Toledo, Ohio, and those points in that portion of New York on and west of a line beginning at Rochester, N.Y., and extending along U.S. Highway 15 to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 39, thence along New York Highway 39 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line)*;

(2) *heavy machinery*, which because of size or weight, require the use of special equipment or special handling, (a) between points in Iowa, on the one hand, and, on the other, points in Pennsylvania (those points in that portion of Michigan on, south and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, to junction U.S. Highway 127, thence along U.S. Highway 127 to Jackson, Mich., thence along unnumbered highway (formerly portion of U.S. Highway 127) to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line, and Toledo, Ohio)*, and (b) between points in Indiana, on the one hand, and, on the other, points in New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, and Rhode Island (Toledo, Ohio, and New York)*; (3) *heavy machinery*, (a) between points in Indiana, on the one hand, and, on the other, points in New Jersey (Toledo, Ohio, and Centre County, Pa.)*, (b) between points in Indiana, on the one hand, and, on the other, points in Pennsylvania, on and north of a line beginning at the Ohio-Pennsylvania State line and extending along Interstate Highway 80 to junction Pennsylvania Highway 93, thence along Pennsylvania Highway 93 to junction Pennsylvania Turnpike, thence along Pennsylvania Turnpike to junction Pennsylvania Highway 100, thence along Pennsylvania Highway 100 to the Pennsylvania-New Jersey State line (Toledo, Ohio)*, and (c) between points in Indiana, on and north of a line beginning at the Indiana-Illinois State line and extending along Indiana Highway 26 to junction Interstate Highway 69, thence along Interstate Highway 69 to junction Indiana Highway 14, thence along Indiana Highway 14 to the Ohio-Indiana State line, on the one hand, and, on the other, points in Pennsylvania (Toledo, Ohio)*. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 30280 (Sub-No. E96), filed January 22, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Georgia 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between (a) points in Lunenburg, Mecklenburg, Halifax, Charlotte, Prince Edward, and Nottoway Counties, Va., on the one hand, and, on the other, points in Anderson, Cherokee, Greenville, Oconee, Pickens, and Spartanburg Counties, S.C., (b) points in that part of York County, S.C., on and west of South Carolina Highway 49, (c) points in that part of Chester County, S.C., on and north of South Carolina Highway 9, and (d) points in that part of Union County, S.C., on and north of South Carolina Highway 9. The purpose of this filing is to eliminate the gateways of (1) Burlington, N.C., and (2) Charlotte, N.C.

No. MC 51146 (Sub-No. E4), filed May 1, 1974. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Precast concrete products*, from Utica, Ill., to points in the Upper Peninsula of

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Michigan, and Minnesota (except points south of a line beginning at the South Dakota-Minnesota State line and extending along Minnesota Highway 19 to the junction of U.S. Highway 63, thence along U.S. Highway 63 to the Mississippi River at Red Wing, Minn.) (Oshkosh, Wis.)*; (2) *New furniture*, crated, as is manufactured or distributed by manufacturers or distributed by manufacturers or converters of cellulose materials and products, and paper products, from St. Charles, Ill., to points in Washington, Oregon, California, Nevada, Idaho, Arizona, Montana, Utah (except points in Daggett, Uintah, and Grand Counties, Utah), and Wyoming (except points south of a line beginning at the South Dakota-Wyoming State line and extending along U.S. Highway 16 to junction U.S. Highway 20, thence along U.S. Highway 20 to the junction of U.S. Highway 26, thence along U.S. Highway 26 to the Wyoming-Idaho State line) (Green Bay, Wis.)*; (3) *New furniture* crated, from St. Charles, Ill. to points in North Dakota (except points south and east of a line beginning at the Minnesota-North Dakota State line and extending along U.S. Highway 2 to junction U.S. Highway 281, thence along U.S. Highway 281 to the North Dakota-South Dakota State line), and South Dakota (except points south and east of a line beginning at the North Dakota-South Dakota State line and extending along U.S. Highway 281 to junction U.S. Highway 12, thence along U.S. Highway 12 to the junction of U.S. Highway 83, thence along U.S. Highway 83 to the junction of U.S. Highway 212, thence along U.S. Highway 212 to the South Dakota-Wyoming State line (Menominee, Mich.)*;

(4) *Paper* and *paper products* (except commodities in bulk), from the facilities of Union Camp Corporation at or near Savannah, Ga., to points in Washington, Oregon, Nevada, Idaho, Utah, Montana, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Missouri (except points south of U.S. Highway 24), Kansas (except points south of a line beginning at the Missouri-Kansas State line and extending along Interstate Highway 65 to junction U.S. Highway 56, thence along U.S. Highway 56 to the Kansas-Oklahoma State line), Arizona (except points south of U.S. Highway 66), and California (except points in Imperial County, Calif.) restricted against the transportation of pulpboard, pulpboard products, waste paper and cardboard cartons, and restricted to the transportation of traffic originating at the above-named facilities (Middlesboro, Ky., and Muncie, Ind.)*; (5) *Paper* and paper products (except commodities in bulk), from the facilities of Union Camp Corporation at or near Savannah, Ga., to points in Minnesota, Iowa, Wisconsin, Michigan, Illinois (except points in the Chicago, commercial zone, as defined by the Commission, points in that part of the St. Louis-East St. Louis commercial zone within Illinois and points in Illinois on and south of U.S. Highway 460), Indiana (except points in the Evansville commercial zone as defined by the Commission), Ohio, Kentucky (except points on and east of Interstate Highway 75, and points in Kentucky south of a line beginning at the Missouri-Kentucky State line and extending along Kentucky Highway 80 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Kentucky-Tennessee State line), restricted against the transportation of (a) pulpboard, pulpboard products, and waste paper to points in Illinois, Indiana, Ohio, Kentucky, Minnesota, and points in that part of Michigan on and south of Michigan Highway 21, and (b) cardboard cartons to the points in Minnesota, Wisconsin, Iowa, Illinois, Indiana, Ohio, and Michigan, and restricted to the transportation of traffic originating at the above-named facilities (Middlesboro, Ky.)*;

(6) *Paper* and *paper products* (except commodities in bulk), from the facilities of Union Camp Corporation at or near Savannah, Ga., to points in Massachusetts, Connecticut, Rhode Island, New York (except points west of a line beginning at Lake Erie at Dunkirk, N.Y., and extending along New York Highway 60 to junction U.S. Highway 62, thence along U.S. Highway 62 to the New York-Pennsylvania State line), and New Jersey (except points south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 22 to junction Interstate Highway 78, thence along Interstate Highway 78 to the New Jersey-New York State line, restricted to the transportation of traffic originating at the above-named facilities (Cumberland, W. Va., and Paximos, Pa.)*; (7) *Paper* and *paper products* (except commodities in bulk), from the facilities of Union Camp Corporation at or near Savannah, Ga., to points in Pennsylvania, restricted to the transportation of traffic originating at the above-named facilities (Cumberland, W. Va.)*; (8) *Paper* and *paper products* (except those commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from the facilities of Union Camp Corporation at or near Savannah, Ga., to Chicago, Ill., restricted against the transportation of pulpboard, pulpboard products, waste paper, and cardboard cartons, and restricted to the transportation of traffic originating at the above-named facilities (Middlesboro, Ky., and Chicago Heights, Ill.)*; (9) *Paper* and *paper products* (except commodities in bulk), from the plant site and storage facilities of Union Camp Corporation in Isle of Wight County, Va., at or near Franklin, Va., to points in Minnesota, Iowa, Michigan, Indiana (except points in the Evansville commercial zone as defined by the Commission), and Ohio (except points east of Interstate Highway 77 commencing at Lake Erie at Cleveland and extending south to the Ohio-West Virginia State line), restricted to the transportation of traffic originating at the above-specified plant site and storage facilities (Lewisburg, W. Va.)*;

(10) *Paper* and *paper products* (except commodities in bulk), from the plant site and storage facilities of Union Camp Corporation in Isle of Wight County, Va., at or near Franklin, Va., to points in Tennessee (except points east of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 25E to junction Interstate Highway 40, thence along Interstate Highway 40 to the Tennessee-North Carolina State line), restricted to the transportation of traffic originating at the above-specified plant site and storage facilities (Middlesboro, Ky.)*; (11) *Paper* and *paper products* (except commodities in bulk), from the plant site and storage facilities of Union Camp Corporation in Isle of Wight County, Va., at or near Franklin, Va., to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma (except points south and east of a line beginning at the Arkansas-Oklahoma State line and extending along Interstate Highway 40 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Oklahoma-Texas State line Texas (except points east of Interstate Highway 35), and points in Crawford, Washington, Benton, Madison, Carroll, Newton, Boone, Searcy, Marion, and Baxter Counties, Ark., restricted to the transportation of traffic originating at the above-specified plant site and storage facilities (Lewisburg, W. Va., and Muncie, Ind.)*; (12) *Paper* and *paper products* (except commodities in bulk), from the plant site and storage facilities of Union Camp Corporation in Isle of Wight County, Va., at or near Franklin, Va., to points in that part of Ohio east of U.S. Highway 77, and that part of Pennsylvania on and west of U.S. Highway 220, restricted to the transportation of traffic originating at the above-specified plant site and storage facilities (Cumberland, Md.)*;

(13) *Paper* and *paper products* (except those commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from the plant site and storage facilities of Union Camp Corporation in Isle of Wight County, Va., at or near Franklin, Va., to Chicago, Ill., restricted to the transportation of traffic originating at the above-specified plant site and storage facilities (Chicago Heights, Ill.)*; (14) *Canning and harvesting machinery and equipment*, and *cannery supplies* utilized by food business houses (except commodities in bulk), between Kent City, Mich., on the one hand, and, on the other, points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, North Dakota, Wisconsin (except points south of a line beginning at Lake Michigan and extending along U.S. Highway 10 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to the Wisconsin-Minnesota State line), Minnesota (except points south

and east of a line beginning at the Wisconsin-Minnesota State line and extending along U.S. Highway 14 to the junction of U.S. Highway 218, thence along U.S. Highway 218 to the Minnesota-Iowa State line), South Dakota (except points south of U.S. Highway 16), Wyoming (except points south and east of a line beginning at the Nebraska-Wyoming State line, and extending along U.S. Highway 20 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to the Wyoming-Colorado State line), Colorado (except points east of a line beginning at the Wyoming-Colorado State line and extending along Colorado Highway 789 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 285, thence along U.S. Highway 285 to the Colorado-New Mexico State line), and New Mexico (except points east of U.S. Highway 285) (Green Bay, Wis.)*;

(15) *Canned goods*, from Antigo, Wis., to points in Alabama and points in Missouri (except points north and west of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 24 to junction Missouri Highway 5, thence along Missouri Highway 5 to junction Missouri Highway 52, thence along Missouri Highway 52 to the Missouri-Kansas State line) (Milford, Ill.)*; (16) *Canned goods*, from Antigo, Wis., to points in Tennessee (Hoopeston, Ill., and Fowler, Ind.)*; (17) *Canned goods*, from Antigo, Wis., to points in Pennsylvania and West Virginia (Hoopeston, Ill.)*; (18) *Canned goods*, from Antigo, Wis., to points in Kentucky, Indiana (except points north of U.S. Highway 24), Ohio (except points north of U.S. Highway 24) (Milford, Ill.)*; (19) *Canned goods*, from Hoopeston and Milford, Ill., to points in the Upper Peninsula of Michigan (Fowler, Ind., and Shawano, Wis.)*; (20) *Canned goods*, from Fowler, Klandike, and Trafalgar, Ind., to points in the Upper Peninsula of Michigan (except points east of a line beginning at Lake Superior at Grand Marais, Mich., and extending along Michigan Highway 77 to junction U.S. Highway 2, thence along U.S. Highway 2 to Gulliver, Mich., thene from Gulliver, Mich., over unnumbered highway to Lake Michigan) (Shawano, Wis.)*; (21) *New upholsterd furniture*, in containers, from the facilities of La-Z-Boy Chair Company in Newton, Miss., to points in Minnesota, the Upper Peninsula of Michigan, Indiana (except points south of U.S. Highway 6), and Ohio (except points south of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 6 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Ohio-Michigan State line) (St. Charles, Ill.)*; (22) *New upholstered furniture*, in containers, from the facilities of La-Z-Boy Chair Company in Newton, Miss., to points in North Dakota and the Lower Peninsula of Michigan (except points south of Michigan Highway 32) (St. Charles, Ill., and Menominee, Mich.)*;

(23) *New upholstered furniture*, in containers, from the facilities of La-Z-Boy Chair Company in Neosho, Mo., to points in the Upper Peninsula of Michigan, Indiana (except points south of Indiana Highway 14), and Ohio (except points south of U.S. Highway 30) (St. Charles, Ill.)*; (24) *New upholstered furniture*, in containers, from the facilities of La-Z-Boy Chair Company in Neosho, Mo., to points in the Lower Peninsula of Michigan (except points south of Michigan Highway 32) (St. Charles, Ill., and Menominee, Mich.)*; (25) *New upholstered furniture*, in containers, from the facilities of the La-Z-Boy Chair Company in Monroe, Mich., to points in Minnesota and the Upper Peninsula of Michigan (except points east of a line beginning at Lake Superior at Marquette, Mich., and extending along U.S. Highway 41 to junction Michigan Highway 95, thence along Michigan Highway 95 to the Michigan-Wisconsin State line) (St. Charles, Ill.)*; (26) *New upholstered furniture*, in containers, from the facilities of the La-Z-Boy Chair Company in Monroe, Mich., to points in North Dakota, and South Dakota (except points south of U.S. Highway 212), (St. Charles, Ill., and Menominee, Mich.)*; (27) *New upholstered furniture*, in containers, from the facilities of La-Z-Boy Chair Company in Redlands, Calif., to points in Indiana, Ohio, and the Upper Peninsula of Michigan (St. Charles, Ill.)*; (28) *New upholstered furniture*, in containers, from the facilities of La-Z-Boy Chair Company in Redlands, Calif., to points in the Lower Peninsula of Michigan, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, and Pennsylvania (except points south and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to junction Interstate Highway 76, thence along Interstate Highway 76 to the Pennsylvania-Maryland State line (St. Charles, Ill., and Menominee, Mich.)*;

(29) (a) *Paper* and *paper products* (except commodities in bulk), from the plant site of the West Virginia Pulp and and Paper Company located at or near Wickliffe, Ky., to points in Maine, Vermont, and New Hampshire, and (b) *Materials* and *supplies* used in the manufacture and processing of paper and paper products (except commodities in bulk), from the destination points specified in (a) above to the plant site of West Virginia Pulp and Paper Company located at or near Wickliffe, Ky. (Muncie, Ind.)*; (30) (a) *Paper* and *paper products* (except commodities in bulk, from the plantsite of the West Virginia Pulp and Paper Company located at or near Wickliffe, Ky., to points in Louisiana and Arkansas (except points north and east of a line beginning at the Oklahoma-Arkansas State line and extending along Interstate Highway 40 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Louisiana State line), and (b) *Materials* and *supplies* used in the manufacture and processing of paper and paper products (except commodities in bulk), from the destination points specified in (a) above to the plant site of West Virginia Pulp and Paper Company located at or near Wickliffe, Ky. (Neelys Landing, Mo.)*; (31) (a) *Paper* and *paper products*, from the plant site of the West Virginia Pulp and Paper Company located at or near Wickliffe, Ky., to points in North Dakota, South Dakota, and Nebraska (except points south of U.S. Highway 20), and (b) *Materials* and *supplies* used in the manufacture and processing of paper and paper products (except commodities in bulk), from the destination points specified in (a) above to the plant site of West Virginia Pulp and Paper Company located at or near Wickliffe, Ky. (Sibley, Iowa)*;

(32) (a) *Paper* and *paper products*, from the plant site of the West Virginia Pulp and Paper Company located at or near Wickliffe, Ky., to points in Washington, Montana, Idaho (except points south of U.S. Highway 20), Oregon (except points south of U.S. Highway 20), and Wyoming (except points south of U.S. Highway 20), and (b) *Materials* and *supplies* used in the manufacture of paper and paper products (except commodities in bulk and commodities which because of size or weight require the use of special equipment), from the destination points specified in (a) above to the plant site of West Virginia Pulp and Paper Company located at or near Wickliffe, Ky. (Wisconsin Rapids, Wis.)*; (33) (a) *Paper* and *paper products* (except commodities in bulk), from the plant site of the West Virginia Pulp and Paper Company located at or near Wickliffe, Ky., to points in California, Nevada, Arizona, Idaho (except points north and east of a line beginning at the Oregon-Idaho State line and extending along U.S. Highway 20 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Idaho-Utah State line), Oregon (except points on and north of U.S. Highway 20), and Utah (except points north and east of a line beginning at the Idaho-Utah State line and extending along U.S. Highway 91 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Utah-Colorado State line), and (b) *Materials* and *supplies* used in the manufacture of paper and paper products (except commodities in bulk and commodities which because of size or weight require the use of special equipment), from the destination points specified herein to the plant site of West Virginia Pulp and Paper Company located at or near Wickliffe, Ky. (Neelys Landing, Mo., and Little River County, Ark.)*;

(34) *Paper* and *paper products* (except commodities in bulk and chemicals), from Luke, Md., to points in North Dakota, South Dakota, Nebraska, Missouri, Arkansas, Mississippi, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Washington, Oregon, California, Nevada, Louisiana, Idaho, Utah, and Arizona (Muncie, Ind.)*; (35) *Paper* and *paper products* (except commodities in bulk and chemicals), from Luke, Md., to points in Kentucky (except points east of a line beginning at the

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Indiana-Kentucky State line and extending along U.S. Highway 421 to the junction of U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line), and Tennessee (except points in Tennessee in the Memphis commercial zone, and except points east of U.S. Highway 231) (Madison, Ind.)*; (36) *Paper* and *paper products* (except commodities in bulk and chemicals, from Luke, Md., to points in Ohio 9 (except points north and east of a line beginning at the Kentucky-Ohio State line and extending along Interstate Highway 75 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Indiana-Ohio State line), restricted against the transportation of pulpboard, pulpboard products and waste paper (Richmond, Ind.)*; (37) *Paper* and *paper products* (except commodities in bulk and chemicals), from Covington, Va., to points in Missouri (Columbus, Ind.)*; (38) *Paper* and *paper products* (except commodities in bulk and chemicals), from Covington, Va., to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas (except points east of a line beginning at the Arkansas-Texas State line and extending along U.S. Highway 59 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Gulf of Mexico at Galveston, Tex.), restricted against the transportation of pulpboard, pulpboard products, and waste paper (Muncie, Ind., and Boston, Ind.)*; (39) *Paper* and *paper products* (except commodities in bulk and chemicals), from Covington, Va., to Milwaukee, Wis., restricted against the transportation of pulpboard, pulpboard products, and waste paper (Racine, Wis.)*;

(40) *Paper* and *paper products* (except those commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, those injurious or contaminating to other lading, and chemicals) from Covington, Va., to Chicago, Ill. (Chicago Heights, Ill.)*; (41) *Paper* and *paper products* (except commodities in bulk and chemicals), from Covington, Va., to points in Kentucky (except points east of Interstate Highway 65), restricted against the transportation of pulpboard, pulpboard products, and waste paper (Madison, Ind.)*; (42) *Paper* and *paper products* (except commodities in bulk and chemicals), from Covington, Va., to points in Indiana (except points south of U.S. Highway 40), and Michigan (except points north and east of a line beginning at the Ohio-Michigan State line and extending along U.S. Highway 127 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Michigan Highway 21, thence along Michigan Highway 21 to Lake Michigan at or near Holland, Mich.), restricted against the transportation of pulpboard, pulpboard products, and waste paper (Boston, Ind.)*; (43) *Paper* and *paper products* (except commodities in bulk and chemicals), from Tyrone, Pa., to points in North Dakota, South Dakota, and Nebraska (Sibley, Iowa)*; (44) *Paper* and *paper products* (except commodities in bulk and chemicals), from Tyrone, Pa., to points in Minnesota (Lansing, Iowa)*; (45) *Paper* and *paper products* (except those commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Calhoun, Ill., restricted to traffic originating at the facilities of Bowaters Southern Paper Corporation (Chicago Heights, Ill.)*;

(46) *Paper and paper products*, from Calhoun, Tenn., to points in Washington, Oregon, Idaho, Montana, Wyoming (except points south of a line beginning at the Nebraska-Wyoming State line and extending along U.S. Highway 26 to junction Wyoming Highway 220, thence along Wyoming Highway 220 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Wyoming-Utah State line), Utah (except points south and east of a line beginning at the Wyoming-Utah State line and extending along U.S. Highway 189 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Utah-Nevada State line), Nevada (except points south of U.S. Highway 6), and California (except points south of the southern boundaries of Santa Cruz, Santa Clara, Merced, Mariposa, and Mono Counties, Calif.), restricted to traffic originating at the facilities of Bowaters Southern Paper Corporation (Marshfield, Wis.)*; (47) *Paper and paper products*, from Calhoun, Tenn., to points in North Dakota, South Dakota, and Nebraska (except points south of U.S. Highway 30), restricted to traffic originating at the facilities of Bowaters Southern Paper Corporation (Sibley, Iowa)*;

(48) *Paper* and *paper products*, from Green Bay and DePere, Wis., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Missouri, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, West Virginia (except points north of U.S. Highway 22), Pennsylvania (except points west of a line beginning at Lake Erie at Erie, Pa., and extending along Interstate Highway 79 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-West Virginia State line), Iowa (except points east of a line beginning at the Wisconsin-Iowa State line and extending along U.S. Highway 18 to the junction of Iowa Highway 13, thence along Iowa Highway 13 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Illinois State line), Illinois (except points east of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 67 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 127, thence along Illinois Highway 127 to the Illinois-Missouri State line), and the District of Columbia (Port Edwards, Wis.)*; (49) *Paper* and *paper products*, from Appleton and Kaukauna, Wis., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Missouri, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Iowa (except points east of U.S. Highway 218), Illinois (except points north and east of a line beginning at the Missouri-Illinois State line and extending along Illinois Highway 140 to junction Illinois Highway 127, thence along Illinois Highway 127 to the Illinois-Missouri State line), and the District of Columbia (Port Edwards, Wis.)*;

(50) *Paper and paper products*, from Menasha and Neenah, Wis., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Missouri, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Iowa (except points east of U.S. Highway 63), Pennsylvania (except points west of a line beginning at Lake Erie at Erie, Pa., and extending along Interstate Highway 79 to junction US Highway 22, thence along US Highway 22 to the Pennsylvania-West Virginia State line), West Virginia (except points in Jackson, Mason, Pleasants, Tyler, Wetzel and Wood Counties, W. Va.), and the District of Columbia (Port Edwards, Wis.)*; (51) *Paper and paper products*, from Milwaukee, Wis., to points in North Dakota, South Dakota, Nebraska (except points east of US Highway 81, Kansas (except points east of US Highway 81), Oklahoma (except points east of Interstate Highway 35), Texas (except points east of US Highway 69), and Minnesota (except points in Fillmore, Houston, and Winona Counties, Minn.) (Port Edwards, Wis.)*; (52) *Paper and paper products*, from Peshtigo, Wis., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, Kentucky (except points north of a line beginning at the West Virginia-Kentucky State line extending along US Highway 119 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to the Kentucky-Missouri State line), Minnesota (except points east of a line beginning at the Kentucky-Missouri State line), Minnesota (except points east of a line beginning

at the United States-Canada International Boundary line and extending along U.S. Highway 71 to junction U.S. Highway 10, thence along U.S. Highway 10 to the Minnesota-Wisconsin State line), Illinois (except points east of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 67 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 127, thence along Illinois Highway 127 to the Illinois-Missouri State line), and the District of Columbia (Port Edwards, Wis.)*;

(53) *Paper* and *paper products*, between Port Edwards, Peshtigo, Green Bay, DePere, Kaukauna, Appleton, Menasha, Neenah, and Milwaukee, Wis., on the one hand, and, on the other, points in Arizona, New Mexico, Colorado, Utah, Nevada, California, Oregon, Washington, Idaho, Montana, and Wyoming, restricted against the transportation of paper and paper products from Los Angeles and San Francisco, Calif., and points in the respective commercial zones, and Los Angeles Harbor, Calif., commercial zone as defined by the Commission (Appleton, Wis.)*; (54) *Paper* and *paper products*, from South Bend, Ind., to points in Arizona (except points north of U.S. Highway 66) and California (except points north and east of a line beginning at the Arizona-California State line and extending along U.S. Highway 66 to the junction of California Highway 58, thence along California Highway 58 to junction California Highway 99, thence along California Highway 99 to junction California Highway 132, thence along California Highway 132 to junction Interstate Highway 580, thence along Interstate Highway 580 to the Pacific Ocean at San Francisco, Calif.) (Little River County, Ark.)*; (55) *Paper* and *paper products* (except commodities in bulk), from the plants and storage facilities of Menasha Corporation at or near Neenah and Menasha, Wis., to points in Maine, New Hampshire, Vermont, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, Virginia, North Carolina, Mississippi, Kentucky (except points west of U.S. Highway 431), and the District of Columbia (Muncie, Ind.)*;

(56) *Paper* and *paper products*, from the plants and storage facilities of Menasha Corp. at or near Neenah and Menasha, Wis., to points in North Dakota (except points north of U.S. Highway 212), Nebraska (except points east of U.S. Highway 75), Kansas (except points east of U.S. Highway 75), Oklahoma (except points east of U.S. Highway 75) and Texas (except points east of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 271 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Gulf of Mexico at Port Arthur, Tex.) (Sibley, Iowa)*; (57) *Paper* and *paper products* (except commodities in bulk), from the plant and storage facilities of Menasha Corporation at Neenah and Menasha, Wis., to points in Arkansas (except points in the Blytheville commercial zone as defined by the Commission), Louisiana, Mississippi, and that part of Alabama on and north of U.S. Highway 78 (including points in the commercial zones of points in U.S. Highway 78) (Neelys Landing, Mo.)*;

(58) *Veneer*, as is manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from High Point and Linwood, N.C., to points in Washington, Oregon, Idaho, Montana, Wyoming, Colorado (except points south of a line beginning at the Utah-Colorado State line and extending along U.S. Highway 40 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Interstate Highway 80S, thence along Interstate Highway 80S to the Colorado-Nebraska State line), Utah (except points south of a line beginning at the Arizona-Utah State line and extending along U.S. Highway 91 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Utah-Colorado State line), Nevada (except points south of a line beginning at the Pacific Ocean at Los Angeles, Calif., and extending along Interstate Highway 10 to junction Interstate Highway 15, thence along Interstate Highway 15 to the California-Nevada State line (Green Bay, Wis.)*; and (59) *Veneer*, as is manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from Martinsburg, W. Va., and New Freedom, Pa., to points in Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, Montana, Wyoming, and Colorado (except points east of a line beginning at the Nebraska-Colorado State line and extending along Interstate Highway 80S, to junction U.S. Highway 285, thence along U.S. Highway 285 to the Colorado-New Mexico State line) (Green Bay, Wis.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 61403 (Sub-No. E28) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER March 6, 1975. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (4) *Liquid acids*, in bulk, in tank vehicles, from the plant site of American Cyanamid Co., at Avondale, La., to points in Wisconsin, Minnesota, those in Iowa on, east, and north of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 169 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction Interstate Highway 29, thence along Interstate Highway 29 to the Iowa-South Dakota State line, and those in North Dakota and South Dakota on and east of U.S. Highway 85 (Marshall, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to include (4) above. The remainder of this letter-notice remains as previously published.

No. MC 66900 (Sub-No. E3), filed May 30, 1974. Applicant: HOUFF TRANSFER INCORPORATED, P.O. Box 91, Weyers Cave, Va. 24486. Applicant's representative: Harold G. Hernly, Jr., 118 N. St. Asaph St., Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except uncrated household goods, explosives and dangerous articles, bank bills, currency, or money, deeds, drafts, or valuable papers, postage stamps, precious metals or stones or other articles manufactured therefrom, jewelry or other articles of extraordinary value, articles exceeding 20 feet in length or 6 feet in height, or 7 feet in width, except by special arrangements, green hides, slaughter house offal, tanner's fleshings, or any other articles offensive in odor, which are liable to impregnate other freight or cause damage thereto, and livestock and articles requiring refrigeration, (1) between points in that part of Virginia located on and east of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 15 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 522, thence along U.S. Highway 522 to the Virginia-West Virginia State line on the one hand, and, on the other, points in Hardy, Grant, Mineral, Hampshire, Morgan, Jefferson, and Berkeley Counties, W. Va. (2) between points in that part of Virginia located on and south of a line beginning at the Atlantic Ocean, thence along Interstate Highway 64 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Virginia-North Carolina State line, except points within 80 miles of Staunton, Va. on the one hand, and, on the other points in that part of West Virginia located north of Hardy County, W. Va. and east of U.S. Highway 220. The purpose of this filing is to eliminate the gateway of points in that part of Virginia located within 50 miles of Washington, D.C.

No. MC 66900 (Sub-No. E6), filed May 24, 1974. Applicant: HOUFF TRANSFER, INC., P.O. Box 91, Weyer Cave, Va. 24486. Applicant's representative: Harold G. Hernly, Jr., 118 N. St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale or retail hardware (1) from Philadelphia, Pa. to points in West Virginia located on and north of U.S. Highway 33. The purpose of this filing is to eliminate the gateway of points in Clarke and Frederick Counties, Va.

(2) From Philadelphia, Pa. to points in Ohio and Pennsylvania within 30 miles of Wheeling, W. Va. The purpose of this filing is to eliminate the gateway of points in Clarke and Frederick Counties,

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Va., and points in West Virginia within 30 miles of Wheeling, W. Va.

(3) From Philadelphia, Pa. to Washington, D.C. Bethesda, Frederick, and Cumberland, Md. and points in Maryland within 50 miles of Washington, D.C. that are on and west of Maryland Highway 4 and those points that are on and west of Interstate Highway 70–S and Interstate Highway 70. The purpose of this filing is to eliminate the gateway of points in Virginia within 50 miles of Washington, D.C.

No. MC 66900 (Sub-No. E7), filed May 24, 1974. Applicant: HOUFF TRANSFER, INC., P.O. Box 91, Weyers Cave, Va. 24486. Applicant's representative: Harold G. Hernly, Jr., 118 N. St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities which because of size or weight require special equipment, between points in Chesterfield County, Va. and points in Virginia located on and east of U.S. Highway 1 on the one hand, and, on the other, points in Botetourt, Craig, Alleghany, Rockbridge, Highland, Rockingham, Page, Shenandoah, and Warren Counties, Va. and those portions of Frederick and Clarke Counties, Va. within 80 miles of Staunton, Va.

Restriction: No service will be performed between points on and west of a line beginning at Petersburg, Va. and extending southward along Interstate Highway 95 and U.S. Highway 301 to the Virginia-North Carolina State line on the one hand, and, on the other, points in Virginia within 80 miles of Staunton, Va. on and south of a line beginning at the West Virginia-Virginia State line and thence eastward along Interstate Highway 64. The purpose of this filing is to eliminate the gateway of points in Augusta County, Va.

No. MC 78228 (Sub-No. E14) (correction), filed September 12, 1974, published in the FEDERAL REGISTER March 12, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (3) *Coke*, in dump vehicles, from Harriet, N.Y., to points in Maryland, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa. The purpose of this partial correction is to include (3) above. The remainder of this letter-notice remains as previously published.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–9674 Filed 4–11–75;8:45 am]

[Notice No. 38]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Jack B. Kelley, Inc., MC-123392 Sub 49	MC-123392 Sub-52	June 13, 1974
Schwerman Trucking Co., MC-24078 Sub 555, 557, 560	MC-124078 Sub-570	June 24, 1974
Midwest Truck Lines, Ltd., Canadian Corp., MC-125358 Sub 12	MC-125358 Sub-10	June 11, 1974
Interstate Distributor Co., MC-125952 Sub 18	MC-125952 Sub-19	Do.
Road Runner Trucking, Inc., MC-125996 Sub 36	MC-125996 Sub-37	June 3, 1974
DBA, Foesch Transfer Line, MC-125997 Sub 4	MC-125997 Sub-5	June 10, 1974
Peninsula Products, Inc., MC-126038 Sub 10	MC-126038 Sub-11	June 7, 1974
Roe-Salt Transport, Inc., MC-126159 Sub 5	MC-126159 Sub-7	June 3, 1974
Universal Transport, Inc., MC-126555 Sub 24	MC-126555 Sub-26	June 7, 1974
Freedman Contract Hauling Corp., MC-127818 Sub 2	MC-127818 Sub-1	June 25, 1974
Cresco Lines, Inc., MC-128543 Sub 3	MC-128543 Sub-9	June 3, 1974
Carroll Truck Lines, Inc., MC-129727 Sub 4	MC-129727 Sub-4	Do.
Robert V. Markt, MC-133534 Sub 7	MC-133534 Sub-8	June 5, 1974
Fikse Brothers, Inc., MC-133708 Sub 7	MC-133708 Sub-6	June 24, 1974
Kuhnle Brothers, Inc., MC-134235 Sub 2	MC-134235 Sub-1	June 4, 1974
Farmer Feed & Supply Transportation, Inc., MC-134262 Sub 5, 7	MC-134262 Sub-4	Do.
Jay Lines, Inc., MC-134323 Sub 52	MC-134323 Sub-49	Aug. 9, 1974
Schanno Transportation, Inc., MC-134477 Sub 15	MC-134477 Sub-22	June 25, 1974
Schanno Transportation, Inc., MC-134477 Sub 40	MC-134477 Sub-33	June 3, 1974
B. J. McAdams, Inc., MC-134922 Sub 20	MC-134922 Sub-24	June 17, 1974
B. J. McAdams, Inc., MC-134922 Sub 34	MC-134922 Sub-36	Do.
Unsicker Trucking, Inc., MC-134970 Sub 3	MC-134970 Sub-4	Do.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–9678 Filed 4–11–75;8:45 am]

federal register

MONDAY, APRIL 14, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 72

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

■

SOCIAL SERVICE PROGRAM

Individual and Family Services

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 228]

SOCIAL SERVICE PROGRAM FOR INDIVIDUALS AND FAMILIES

Implementation of Title XX of the Social Security Act

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare.

These proposed regulations are for implementation of Title XX of the Social Security Act, enacted by Pub. L. 93–647, effective October 1, 1975. They contain the following provisions:

1. Subpart A contains a brief overview of the services program and contains definitions of terms used throughout this Part.

2. Subpart B contains requirements for the contents and approval of the State plan, and for reports, maintenance of effort and compliance.

3. Subpart C details the contents of the Comprehensive Annual Services Program Plan and the process by which it is made available to the public. The primary purpose of this process is to provide the citizenry of each State comprehensive understanding of the State's services plan so that they, as an informed citizenry, can interact with the State decision-making process. The plan must contain three services (selected by the State) for SSI recipients, and at least one service directed at each of the five goals.

4. Subparts D, E, and F set forth the limitations on Federal financial participation with respect to specified services, rates and conditions for matching, and eligible individuals. Subpart E contains a definition of what family planning services are matchable at 90 percent under the program. It is anticipated that the final definition will be developed consistent with the Department's positions which will be reflected in the final title XIX regulations.

5. Subpart G details the rules governing purchase of services.

6. Subpart H contains the description of who may be trained and the conditions under which grants are made to educational institutions and financial assistance is provided to students.

7. Subpart I lists the administrative expenditures for which FFP is available.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are received in writing by the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2382, Washington, D.C. 20013 on or before May 14, 1975. Comments will be available for public inspection in Room 5326 of the Department's offices at 301 C Street SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202–245–0950).

(Catalog of Federal Domestic Assistance Program No. 13.754 Public Assistance—Social Services)

Dated: April 4, 1975.

JAMES S. DWIGHT, Jr.,
Administrator, Social and Rehabilitation Service.

Approved: April 4, 1975.

CASPAR W. WEINBERGER,
Secretary.

Chapter II, Title 45 of the Code of Federal Regulations is amended by adding a new Part 228 as follows:

PART 228—SOCIAL SERVICES PROGRAMS FOR INDIVIDUALS AND FAMILIES: TITLE XX OF THE SOCIAL SECURITY ACT

Subpart A—Scope and Definitions

Sec.
228.0 Scope of program.
228.1 Program definitions.

Subpart B—State Plan Requirements, Reports, Maintenance of Effort, Compliance

228.5 State plan requirements.
228.6 Appropriate State agency.
228.7 State financial participation.
228.8 Statewide operation.
228.9 Merit system.
228.10 Safeguarding information.
228.11 Residency requirements.
228.12 Standards for institutions or foster homes.
228.13 Standards for child day care services.
228.14 Fair hearings.
228.15 Amendments to State plan.
228.16 Submittal of State plan and amendments for approval by the Secretary.
228.17 Reports and maintenance of records.
228.18 Maintenance of effort.
228.19 Non-compliance.

Subpart C—Comprehensive Annual Services Program Plan

228.20 General.
228.21 Establishment of program year, effective dates.
228.22 Services plan.
228.23 Program goals and objectives.
228.24 Individuals to be served.
228.25 Availability of services by geographic area.
228.26 Services.
228.27 Estimations of individuals to be served and expenditures.
228.28 Program resources.
228.29 Program coordination and utilization.
228.30 Organizational structure.
228.31 Needs assessment.
228.32 Planning, evaluation and reporting.
228.33 Proposed services plan.
228.34 Final services plan.
228.35 Amendments to final services plan.

Subpart D—Limitations: Services

228.39 General.
228.40 Medical and remedial care.
228.41 Room or board.
228.42 Child care standards.
228.43 Educational services.
228.44 Services to individuals living in hospitals, skilled nursing facilities, intermediate care facilities (including hospitals or facilities for mental diseases or for the mentally retarded), or prisons.
228.45 Services provided by foster family homes or foster care institutions.
228.46 Emergency shelter.

Subpart E—Limitations: Financial

228.50 Services and individuals covered in the services plan.
228.51 Matching rates.
228.52 Allotments to States.
228.53 Public sources of State's share.
228.54 Private sources of State's share.
228.55 Family Planning Services.
228.56 Fifty Percent Rule.

Subpart F—Limitations: Individuals Served, Eligibility and Fees

228.60 Persons eligible.
228.61 Determination of eligibility.
228.62 Fees for services.
228.63 Individual client record.
228.64 Information and referral services.
228.65 Services directed at the goal of preventing or remedying neglect, abuse, or exploitation of children or adults unable to protect their own interests.

Subpart G—Purchase of Service

228.70 Written contract.
228.71 Rates.

Subpart H—Training or Retraining

228.80 General.
228.81 Who may be trained.
228.82 Grants to educational institutions.
228.83 Financial assistance to students.
228.84 Activities and costs matchable as training expenditures.
228.85 Activities and costs not matchable as training expenditures.

Subpart I—General Administrative Provisions

228.90 Expenditures for which Federal financial participation is available.
228.91 Expenditures for which Federal financial participation is not available.

AUTHORITY: Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).

Subpart A—Scope and Definitions

§ 228.0 Scope of program.

(a) Federal financial participation is available, in accordance with title XX of the Social Security Act and this Part, with respect to expenditures under a State program for the provision of services, to low income individuals and families, directed at the goals of:

(1) Achieving or maintaining economic self-support to prevent, reduce, or eliminate dependency;

2. Achieving or maintaining self-sufficiency, including reduction or prevention of dependency;

(3) Preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests, or preserving, rehabilitating, or reuniting families;

(4) Preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care, or

(5) Securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions.

§ 228.1 Program definitions.

As used in this Part:

Act means the Social Security Act, as amended.

Administrator means the Administrator of the Social and Rehabilitation Service of the U.S. Department of Health, Education, and Welfare.

Fiscal year as used in this Part means the Federal fiscal year unless otherwise specified.

FFP means Federal financial participation.

Geographic area means any identifiable area encompassed within the State so long as every political subdivision of the State, including Indian reservations, is a part of one or more such areas.

Medical or remedial care means medical care or remedial care for a medical condition.

Monthly gross income means the monthly sum of income received from the following sources that are identified by the U.S. Census Bureau in computing median income:

(1) Money wages or salary;
(2) Net income from farm self-employment;
(3) Net income from non-farm self-employment;
(4) Dividends, interest, rental income or royalties;
(5) Pensions and annuities;
(6) Alimony;
(7) Child support;
(8) Unemployment compensation;
(9) Veterans pensions;
(10) Workmen's Compensation;
(11) Public Assistance or welfare payments;
(12) Social Security payments including pensions; and
(13) Survivor's benefits, permanent disability payments and railroad retirement.

Secretary means the Secretary of the U.S. Department of Health, Education, and Welfare.

Services plan means the State Comprehensive Annual Services Program Plan under section 2004 of the Act.

SSI (Supplemental Security Income benefits) means monthly cash payments made by the Social Security Administration to an aged, blind or disabled individual who meets the requirements for such aid under title XVI of the Act.

State means the 50 States and the District of Columbia.

State agency means the State agency, designated by the chief executive officer of the State or as otherwise provided by the laws of the State, to administer or supervise the administration of the State's program, and except where the context otherwise requires, includes local agencies administering the program under the supervision of the State agency.

State plan means the State plan under section 2003 of the Act.

State supplementary payment means any cash payment made by a State on a regular basis to an individual receiving Supplemental Security Income benefits under title XVI of the Act, or who would but for his income be eligible to receive such benefits, as assistance based on need in supplemention of such benefits.

Title XX when used in this Part refers to title XX of the Social Security Act.

Subpart B—State Plan Requirements, Reports, Maintenance of Effort, Compliance

§ 228.5 State plan requirements.

Each State which establishes a services plan under title XX shall operate it pursuant to a State plan, approved as meeting the requirements of §§ 228.6 through 228.16.

§ 228.6 Appropriate State agency.

(a) *Designation of appropriate State agency.* The State plan shall provide for the designation, by the chief executive officer of the State or as otherwise provided by the laws of the State, of a State agency with authority to administer or supervise the administration of the State's program under title XX.

(1) If on December 1, 1974, a separate agency administered or supervised the service program for the blind under title VI, such agency may continue to do so for title XX. The program year for that agency shall be the same as for the title XX agency.

(b) *Legal authority.* The Attorney General of the State shall submit a certification identifying the State agency and certifying the legal authority under which such agency administers or supervises the administration of the State program including the authority to make rules and regulations governing the administration of the program.

(c) *Authority and responsibility of the agency.* There shall be maintained within the State agency the authority and responsibility for:

(1) The State plan;
(2) The services plan;
(3) The projection of estimated expenditures;
(4) The accountability for Federal funds;
(5) The establishing and maintaining of standards for the determination of eligibility;
(6) The administration or supervision of the administration for the provision of services;
(7) Operating the program on a Statewide basis;
(8) Complying with any program reporting Requirements;
(9) Cooperating with the Secretary; and
(10) Overall supervision, control and oversight of title XX activities.

(d) *Conditions for implementing the requirement of this section.* In carrying out the responsibilities under paragraph (c) of this section, the State agency may enter into agreements with public or private entities to provide support services.

(e) *Administration of title IV–B of the Act.* Under title IV–B of the Act, the State agency shall administer title IV–B of the Social Security Act unless, prior to December 1, 1974, title IV–A and IV–B of the Act were administered by separate agencies.

§ 228.7 State financial participation.

A State plan under title XX shall provide that State funds will be used in meeting the cost of the program.

§ 228.8 Statewide operation.

A State plan shall provide that it shall be in effect in every political subdivision of the State. Every part of every political subdivision shall be part of a geographic area described in the services plan.

§ 228.9 Merit system.

(a). The State plan shall provide that methods of personnel administration will be established and maintained in the State agency administering or supervising the administration of the State plan and in local agencies administering the State plan in conformity with the standards for a Merit System of Personnel Administration, 45 CFR Part 70. The State plan shall also conform with standards prescribed by the U.S. Civil Service Commission pursuant to section 208 of the Intergovernmental Personnel Act of 1970, modifying or superseding such standards. Under this requirement, laws, rules, regulation, and policy statements effectuating such methods of personnel administration are a part of the State plan. Statements of acceptance of these standards by all official local agencies included in the State plan must be obtained and methods must be established by the State to assure compliance by local jurisdictions. These statements and citations of applicable State laws, rules, regulations, and policies which provide assurance of conformity to the standards in 45 CFR Part 70 must be submitted to the Department of Health, Education, and Welfare for determination as to adequacy. Copies of the materials cited and of similar local materials maintained by a State official responsible for compliance by local jurisdictions must be furnished to the Department on request.

(b) Neither the Civil Service Commission nor the Secretary will exercise authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods.

(c) The State plan shall provide that the State agency will develop and implement an affirmative action plan for equal employment opportunity in all aspects of personnel administration as specified in 45 CFR Part 70.4. The affirmative action plan will provide for specific action steps and timetables to assure such equal opportunity. The plan shall be made available for review upon request.

§ 228.10 Safeguarding information.

The State plan shall contain provisions regarding safeguarding the use and disclosure of information on applicants and recipients in accordance with 45 CFR 205.50.

§ 228.11 Residency requirements.

The State plan shall provide that no requirements as to duration of residence or citizenship will be imposed as a condition of participation in the State's program for the provision of services.

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§ 228.12 Standards for institutions or foster homes.

Where a services plan includes services to individuals living in institutions or foster homes, the State plan shall provide for the establishment or designation of a State authority or authorities, that may include Indian tribal councils on Indian reservations, which shall be responsible for establishing and maintaining standards which are reasonably in accord with recommended standards of national standard setting organizations concerned with standards for such institutions or homes including standards related to admissions policies, safety, sanitation, and protection of civil rights.

§ 228.13 Standards for child day care services.

Where a services plan provides for child day care services, the State plan shall provide for the establishment or designation of a State authority or authorities, that may include Indian tribal councils on Indian reservations, which shall be responsible for establishing and maintaining standards for such services which are reasonably in accord with recommended standards of national standard setting organizations for such services including standards related to admissions policies for facilities providing such services, safety, sanitation and protection of civil rights.

§ 228.14 Fair hearings.

The State plan shall provide for a system of hearings under which applicants or recipients, or an individual acting on behalf of an applicant or recipient, may appeal denial or termination of a service, or failure to act upon a request for service with reasonable promptness. Under this requirement, the procedures and provisions of 45 CFR 205.10 shall apply.

§ 228.15 Amendments to State plan.

The State plan shall provide that it will be amended whenever necessary to reflect new or revised Federal statutes or regulations, or material change in any State law, organization, policy, or State agency operation.

§ 228.16 Submittal of State plan and amendments for approval by the Secretary.

Upon adoption by the State of a State plan, or an amendment to a State plan, it shall be certified by a duly authorized officer of the State agency and submitted to the Social and Rehabilitation Service in accordance with 45 CFR Part 201.

§ 228.17 Reports and maintenance of records.

(a) Each State which participates in the program shall maintain or supervise the maintenance of records necessary for the proper and efficient operation of the program, including records regarding applications, determination of eligibility, the provision of services, and administrative cost; and statistical, fiscal and other records necessary for reporting and accountability required by the Secretary; and shall retain such records for such periods as are prescribed by the Secretary.

(b) The State agency shall make such reports in such form and containing such information, as the Secretary may from time to time require, and comply with such provisions as he finds necessary to assure the correctness and verification of such reports.

§ 228.18 Maintenance of effort.

Each State which participates in the program shall assure that the aggregate expenditures from appropriated funds from the State and political subdivisions for the provision of services during each services program year with respect to which payment is made under this Part is not less than the aggregate expenditures from such appropriated funds for the provision of those services during the fiscal year ending June 30, 1973, or the fiscal year ending June 30, 1974, with respect to which payment was made under the plan of the State approved under title I, VI, X, XIV, or XVI, or Part A of title IV, whichever is less, except that the requirements of this subsection shall not apply to any State for any services program year if the payment to the State under this Part, for each fiscal year any part of which is included in that services program year, with respect to expenditures, other than expenditures for personnel training or retraining directly related to the provision of services, equals the allotment of the State for that fiscal year under § 228.52 of this Part. Where such sum totals appropriated include privately donated funds that are identifiable and documented, such donated funds must be deducted in arriving at the aggregate expenditures from appropriated funds.

§ 228.19 Noncompliance.

(a) *Withholding of payment.* If the Secretary, after reasonable notice and opportunity for a hearing to the State, in accordance with 45 CFR 213, finds that the plan of the State no longer complies with any of the requirements of § 228.6 through § 228.15, that in the administration of the plan, there is a substantial failure to comply with any of those requirements, or that there is a substantial failure to comply with the requirements of §§ 228.17 or 228.18, he shall, except as provided in paragraph (b) of this section, notify the State that further payments will not be made to the State under this Part until he is satisfied that there will no longer be any such failure to comply.

(b) *Alternate three percent penalty.* The Secretary may suspend implementation of any termination of payments under paragraph (a) of this section and, alternatively, reduce the amount otherwise payable to the State under this Part for expenditures during that period by three percent for each requirement set forth in § 228.6 through § 228.18 with respect to which there was a finding of noncompliance.

Subpart C—Comprehensive Annual Services Program Plan

§ 228.20 General.

For purposes of § 228.50, the State's services planning must meet the requirements of this Subpart.

§ 228.21 Establishment of program year, effective dates.

(a) The State shall establish a service program year which comports with the fiscal year of either the Federal or State government.

(b) The initial program year shall begin October 1, 1975.

(1) States using the Federal fiscal year may have an initial program year of either 12 or 24 months.

(2) States using a State fiscal year which does not coincide with the Federal fiscal year may have an initial program year of less than 12 months ar more than 12 but less than 24 months.

§ 228.22 Services plan.

The State agency shall prepare a Comprehensive Annual Services Program Plan (services plan) prior to the beginning of each services program year. The services plan shall provide a comprehensive description for each item required in §§ 228.21 through 228.32. Where the State has no process for any item in §§ 228.29, 228.31 and 228.32, the services plan must so state. The services plan shall also describe the State agency's public review process as set forth in §§ 228.33, 228.34 and 228.35.

§ 228.23 Program goals and objectives.

(a) The services plan shall provide that services offered are directed at the goals of:

(1) Achieving or maintaining economic self-support to prevent, reduce, or eliminate dependency;

(2) Achieving or maintaining self-sufficiency, including reduction or prevention of dependency;

(3) Preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests, or preserving, rehabilitating, or reuniting families;

(4) Preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care; or

(5) Securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions.

(b) The objectives to be achieved under the program shall be directed to the goals in paragraph (a) of this section, and shall be stated in the services plan in measurable terms so that an assessment may be made of the extent to which they are achieved.

§ 228.24 Individuals to be served.

(a) The services plan shall:

(1) Specify which of the categories of individuals, in accordance with Subpart F, shall be provided services in the forthcoming program year and describe the income levels, if any, which the State has established;

(2) Identify categories of individuals described in paragraph (a)(1) of this section to whom a fee will be charged; and include the fee schedules; and

(3) Specify if the State plans to offer any service defined in § 228.64 or § 228.65.

§ 228.25 Availability of services by geographic area.

(a) For the purpose of delivering services described in the services plan, the State agency may divide the State into geographic areas. *Geographic area* means any identifiable area encompassed with the State so long as every political subdivision of the State, including Indian reservations, is a part of one or more such areas. The services plan shall describe the geographic areas.

(b) The services plan shall provide that services described in § 228.26(b) (1) and (2) will be available to eligible individuals in every geographic area.

(c) Notwithstanding the requirement under paragraph (b) of this section, the State may provide different services in different geographical areas, but within a geographic area eligible individuals must be offered the same services.

§ 228.26 Services.

(a) Each service offered under the services plan shall:

(1) Be described as a separately identifiable service. (For this purpose, clusters of services—e.g., child welfare services, protective services, services to the mentally retarded are not acceptable. If the State provides medical or remedial care or room or board as an integral but subordinate part of a service, as described in § 228.40 and § 228.41, the services plan shall identify and describe components of such subordinate parts in relation to the separately identifiable service.);

(2) Be described as to method of delivery—i.e., directly by the State agency, by a public or private provider under contract, or both;

(3) Be described in terms of its relationship to:

(i) One or more of the program goals in § 228.23; and

(ii) One or more of the objectives in § 228.23; and

(4) Be identified with respect to:

(i) Each of the categories of eligible individuals to whom the service is to be provided; and

(ii) Each of the geographic areas described in the services plan in which the service is to be offered to each category of individuals.

(b) The State agency shall include and identify in its services plan:

(1) At least three services for SSI recipients who need such services;

(2) At least one service directed at each of the goals described in § 228.23. A service may be directed at one or more goals.

Family planning services as described in § 228.55 to all AFDC recipients (including minors who can be considered sexually active) who request them should be provided in the services plan if the State has an AFDC program. Failure to provide these services will reduce the amount of FFP to the State for its AFDC program, in accordance with section 403(f) of the Act.

(c) The State agency may include in its services plan other services of its choice which are consistent with the program goals and objectives described in § 228.23, and with the limitations described in Subparts D and F.

§ 228.27 Estimations of individuals to be served and expenditures.

(a) The services plan shall provide:

(1) An estimate of the number of individuals by category to be offered each service in each geographic area;

(2) An estimate of the expenditures for each service to be provided, each of the categories of individuals to whom the service is to be provided, and each of the geographic areas in which each service is provided to each category;

(3) An estimated expenditure for all services for the forthcoming program year;

(4) A comparison between estimated aggregate non-Federal expenditures for the proposed program year and those of the preceding program year.

§ 228.28 Program resources.

These resources are the funds with which the State intends to finance its program in anticipation of FFP. The services plan shall itemize such funds and identify the sources.

§ 228.29 Program coordination and utilization.

(a) The services plan shall describe how the planning and the provision of services under the program will be coordinated with and utilize the following programs:

(1) Under the Social Security Act:

(i) title IV-A, AFDC;

(ii) title IV-B, Child Welfare Services;

(iii) title XVI, SSI; and

(iv) title XIX, Medical Assistance (Medicaid); and

(2) Related human service programs—e.g., for the aging, children, developmentally disabled; alcohol and drug abusers; programs in corrections, public education, vocational rehabilitation, housing, medical and public health, employment and manpower.

(b) The description shall include the steps taken to assure maximum feasible utilization of services under these programs to meet the needs of the low income population.

§ 228.30 Organizational structure.

The services plan shall describe the organizational structure of the State agency through which the program will be administered including where individuals may apply for services and have their eligibility determined, and how volunteers will be involved in the provision of services.

§ 228.31 Needs assessment.

(a) The services plan shall describe how the needs of all residents of, and all geographic areas in, the State were taken into account in developing the services plan. The description of the needs assessment process shall include at least the following:

(1) Data sources used (or to be used);

(2) Public and private organizations consulted (or to be consulted) for their assessment of needs; and

(3) The manner in which the results of the needs assessment were utilized in development of the services plan.

§ 228.32 Planning, evaluation and reporting.

(a) The services plan shall describe the planning, evaluation, and reporting activities for implementing the program, including all significant activities, together with their purpose, funding, and staff resources as follows:

(1) *Planning.* The description shall include at least:

(i) The relationship of planning to the State budget process and the legislative cycle;

(ii) Coordination with and input from other State, regional, or local planning organizations;

(iii) How the needs assessment described under § 228.31 was considered in the planning process;

(iv) How services resources in the State were inventoried, gaps identified, and plans made to fill the gaps; and

(v) Procedures used to establish priorities and set objectives for the program.

(2) *Evaluation.* The description shall include at least:

(i) Specific evaluations the State agency is conducting of its service program, or plans to conduct;

(ii) Identify the entities that conduct the evaluation;

(iii) Purpose and scope of each evaluation; and

(iv) Schedules for such evaluations and the procedure by which their results are disseminated.

(3) *Reporting.* Reporting activities described in the services plan are in addition to reports provided to the Social and Rehabilitation Service. The description shall address any formal reports to elected officials and the public, including schedules for such reports.

§ 228.33 Proposed services plan.

(a) At least 90 days before the beginning of the State's program year, the Governor or such other official as the laws of the State provide, shall approve publish and make generally available to the public the State's proposed services plan prepared by the State agency for the provision of services for the forthcoming program year. The primary purpose of this plan is to provide the citizenry of each State comprehensive and meaningful insight into each State's services plan so that they, as an informed citizenry can interact with the State decisionmaking process. In order to achieve this purpose, the State shall meet the following requirements.

(b) A news release shall be issued by the approving official on the proposed services plan prior to its publication as

V 40 172
APR 14 75

described in paragraph (c) of this section.

(c) A description of the proposed services plan shall be published as a display advertisement in the newspaper of widest circulation (and in foreign language newspapers, as appropriate) in each geographic area described in the proposed services plan for three consecutive days in daily newspapers; in three consecutive editions if published other than daily. Publication of the proposed services plan shall begin at least 90 days prior to the beginning of the program year. The published description shall contain as a minimum:

(1) A brief description of the State's services program;

(2) Categories of individuals to whom services will be offered and eligibility criteria;

(3) The amount of Federal allotment, and estimated Federal, State and local funds to be utilized for the program for the forthcoming program year;

(4) The period for public comment;

(5) The method and location where the public may comment on the proposed services plan and how a detailed summary may be obtained without charge, upon request;

(6) A toll-free telephone number where the public may request a copy of the detailed summary;

(7) Addresses of local public offices where the detailed summary is available and where copies of the complete proposed services plan are available for public review, and for purchase at a reasonable cost.

(d) The detailed summary of the proposed services plan shall be distributed to the public without charge, upon request, including at least the information required under each item under § 228.23 through § 228.28, and a summary of information required under § 228.29 through § 228.32.

(e) A copy of the complete proposed services plan shall be made available to the public for inspection or for purchase at a reasonable cost at local public offices and shall be retained there throughout the program year.

(f) Written comments shall be accepted from the public for a period of at least 45 days from the initial date of publication at the State agency and/or through scheduled public hearings at which a record of the proceedings is kept and which is available for review.

(g) Comments on the proposed services plan shall be retained for a period of at least three years for inspection by the public and Federal officials.

(h) The proposed services plan shall be transmitted to the Social and Rehabilitation Service for review for acceptability with respect to FFP under this Part.

§ 228.34 Final services plan.

(a) At least 45 days following publication of the proposed services plan and prior to the start of the program year, the Governor or such other official as the laws of the State provide, shall approve and publish a final services plan prepared by the State agency. In so doing, the State shall meet the following requirements.

(b) A news release shall be issued by the approving official on the final services plan prior to its publication.

(c) A description of the final services plan shall be published as a display advertisement in at least one edition of the newspaper of widest circulation (and in foreign language newspapers, as appropriate) in each geographic area described in the services plan, prior to the beginning of the State's program year. The display advertisement shall include:

(1) The information described in paragraph (c) (1), (2), and (3) of § 228.33;

(2) An explanation of differences between the proposed and final services plan, and the reasons therefor;

(3) A toll-free telephone number where the public may obtain information on the plan and where to apply for services, or the address of the local public offices where application for services will be accepted; and

(4) Address of local public offices where the final services plan and the public comments are available for public review and where copies of the final plan are available for purchase at a reasonable charge.

(d) A copy of the final services plan shall be retained in local public offices throughout the program year for review. The final services plan must include an explanation of differences between the proposed and final services plan and the reasons therefor, including a summary of the public comments.

(e) The final services plan shall be transmitted to the Social and Rehabilitation Service at time of its publication, for review for acceptability with respect to FFP under this Part. A certification shall be submitted with the plan which contains a minimum:

(1) Dates of publication of the proposed services plan, names of newspapers and geographic areas in the services plan covered by them, and a copy of one of the ads;

(2) Description of the manner in which the proposed services plan was made available to the public, including locations and dates of hearings, if any; and

(3) Date of publication of the final services plan, names of newspapers and geographic areas in the services plan covered by them, and a copy of one of the ads.

§ 228.35 Amendments to final services plan.

Any amendment to the final services plan shall be prepared by the State agency and approved, published, and made generally available to the public by the Governor or such other official as the laws of the State provide in a manner similar to the process described in §§ 228.33 and 228.34 except that the public comment period for the proposed amendment shall be for at least 30 days following the date of initial publication.

Subpart D—Limitations—Services

§ 228.39 General.

The services provided to eligible individuals pursuant to the State's services plan shall meet the requirements set forth in the following sections of this Subpart.

§ 228.40 Medical and remedial care.

(a) FFP is available for medical or remedial care, other than family planning services, only when it is an integral but subordinate part of a service described in the services plan.

(b) Medical or remedial care is an integral but subordinate part of a service only when:

(1) The particular service cannot be provided effectively without the essential medical or remedial care component;

(2) Recipients of the service usually receive the medical or remedial care components;

(3) The medical or remedial care does not exceed 25 percent of the total amount for which reimbursement is made for providing the service of which it is a part;

(4) The medical or remedial care is not available to the individual under the State's approved title XIX plan and neither the individual nor the provider is eligible to receive payment under title XVIII; and

(5) The medical or remedial care is explicitly included in the definition of the service which is a part of the services plan.

§ 228.41 Room or board.

(a) FFP is available for room or board, except for emergency shelter under § 228.46, under a services plan only when provided to an individual who is receiving a service of which room or board is an integral but subordinate part and only for a period of six consecutive months.

(b) Room or board is an integral but subordinate part of a service only when:

(1) It is essential to the effective provision of a particular service;

(2) Recipients of the particular service usually receive room or board;

(3) Room (shelter only) or board (food, food preparation and serving only) does not exceed 20 percent of the total amount for which reimbursement is made for providing the service of which it is a part, or where room and board are both included, cost does not exceed 30 percent of the total amount; and

(4) The services plan explicitly identifies room or board in the definition of the service of which it is a part.

(c) Room or board under this Part may not be provided in foster family homes or foster care institutions except for emergency shelter under § 228.46.

§ 228.42 Child care standards.

(a) FFP is available for child care services provided under a services plan only where the following standards are met:

(1) *In-home care.* (i) When homemaker service is utilized for this purpose, it meets standards established by the State which are reasonably in accord with recommended standards of national standard setting organizations concerned with this type of home care for children.

(ii) When other caretakers are utilized for this purpose, such care meets standards established by the State which, as a minimum, cover the caretaker's age, health, capacity and available time to properly care for children; minimum and maximum hours to be allowed per 24 hour day for such care; maximum number of children that may be cared for the home at any one time; and proper feeding and health care of the children.

(2) *Out-of-home care.* (i) Facilities used to provide day care outside a child's own home are licensed by the State or approved as meeting the standards for such licensing.

(ii) Such facilities and care meet the 1968 Federal Interagency Day Care Requirements, except that:

(A) Subdivision III of such requirements with respect to educational services is recommended but not required.

(B) Required staffing standards for children under age 3 in day care centers and group day care homes are: 1 adult for each child under 6 weeks of age; 1 adult to 3 children, ages 6 weeks to 18 months; and 1 adult to 4 children, ages 18 months through 36 months.

(C) A family day care home serving children from infancy to age 6 may care for no more than two children under age 3 (infancy through 36 months), and no more than five children under age 14, including the family day care mother's own children.

(D) Required staffing standards for school age children in day care centers are: 1 adult to 15 children, ages 6–10; and 1 adult to 20 children, ages 10–14.

(b) The requirements in paragraph (a) (2) (ii) of this section are in lieu of otherwise applicable requirements under section 522(d) of the Economic Opportunity Act of 1964 with respect to child day care services under title XX.

§ 228.43 Educational services.

FFP is not available for any educational service made available through any State or local educational agency to residents of the State without cost and without regard to their income. To the extent a fee is imposed on any resident, FFP is available only for such fee.

§ 228.44 Services to individuals living in hospitals, skilled nursing facilities, intermediate care facilities (including any such hospitals or facilities for mental diseases or for the mentally retarded), or prisons.

(a) FFP is available for services to individuals living in hospitals, skilled nursing facilities, intermediate care facilities (including any such hospitals or facilities for mental diseases or for the mentally retarded), or prisons only under the following conditions:

(1) The services provided are separately identifiable in the services plan (generalized description such as "services to nursing home patients" or "services to increase socialization skills" are unacceptable under this provision).

(2) Such services are provided by other than the facility in which the individual is living. This requirement is not met if the services are provided by:

(i) Staff or contractors who are under the professional direction or direct supervision of the facility; the facility exercises control of the employment, tenure or compensation of such staff or contractors or makes assignments or alters the service regimen provided by them; or

(ii) Staff of like facilities under reciprocal arrangement.

(3) Such services are also provided to individuals who:

(i) Are not living in a hospital, skilled nursing facility, intermediate care facility (including any such hospitals or facilities for mentally retarded), or prison; and

(ii) Are residents of any part of a geographic area that is within the catchment area of such facility.

(4) Such services do not include:

(i) Inherent responsibilities of a facility such as food, clothing, shelter, general supervision and care; or

(ii) Activities that are intrinsic to the purpose of such facility, such as training in self care in a facility for the mentally retarded.

(5) For purposes of this Part, "prison" means any State or local correctional institution or facility for the confinement of individuals charged with or convicted of criminal offenses, except that no community based residential service facility, including half-way houses, irrespective of auspices or the status of individuals who live in it is included in the definition.

§ 228.45 Services provided by foster family homes or foster care institutions.

(a) *Definitions:*

(1) *Basic foster care* includes parenting responsibilities in the case of children, or benign oversight responsibilities in the case of adults.

(2) *Foster family home* is a home licensed or approved by appropriate State or local authority.

(3) *Foster care institution* is a facility which is licensed or approved by the State for providing basic foster care for children or adults.

(b) *Special services provided by foster family home.* FFP is available for services provided by a foster family home to an individual living in that home, only upon documentation, by an appropriately qualified independent professional person who is other than the placement worker or the immediate supervisor of such worker, that:

(1) The individual requires an identified special service because of a health (physical or mental) condition, an emotional or behavioral problem;

(2) The caregivers are capable by virtue of training of providing the needed service; and

(3) The service is in addition to basic foster care.

(c) *Services provided by foster care institution.* A foster care institution may, under a purchase of service contract in accordance with Subpart G, provide, in addition to basic foster care, any service contained in the State's services plan.

§ 228.46 Emergency shelter.

(a) FFP is available for emergency shelter as a part of a protective service to any child, including runaways, only under the following conditions:

(1) The child is in clear and present danger of abuse, neglect or exploitation;

(2) The need for emergency shelter is documented by personnel authorized by State law to place children, and such documentation is included in the individual client record; and

(3) Emergency shelter is provided for not in excess of 30 days in any 12 month period, which may be consecutive or may accumulate over more than one stay.

§ 228.47 Cash payments for a service.

(a) FFP is available for a service provided by making cash available to reimburse an individual only upon presentation of receipts for a service that:

(1) Is specifically identified in the services plan;

(2) Is approved by the agency prior to purchase; and

(3) Is secured by the individual within an authorized period at an authorized cost.

Subpart E—Limitations—Financial

§ 228.50 Services and individuals covered in the services plan.

(a) FFP is available with respect to any expenditures for the provision of any service for any individual only when:

(1) The State's services plan meets the requirements of Subpart C, and

(2) The final services plan in effect when the service is provided to the individual includes the provision of that service to a category of individuals which includes that individual.

§ 228.51 Matching rates.

(a) *Seventy-five percent FFP.* FFP is available at the 75 percent rate for service costs and for personnel training and retraining directly related to the provision of services under the services plan.

(b) *Ninety percent FFP.* Notwithstanding paragraph (a) of this section, FFP is available at the 90 percent rate for family planning services provided under the services plan.

§ 228.52 Allotments to States.

(a) The amount of Federal funds payable to the 50 States and the District of Columbia under this Part for any fiscal year with respect to expenditures for services under the services plan (other than expenditures for personnel training or retraining directly related to the provision of services) may not exceed the allotment set forth in this section.

(b) Allotments for fiscal year beginning July 1, 1975. The allotment of each State for the fiscal year beginning July 1,

V 40 172 APR 14 75 XUM

1975, shall be the allotment of the State for that fiscal year as determined under section 1130 of the Act. In determining, for the purposes of that limitation, the total amount of the payments made to any State with respect to expenditures during that fiscal year, there shall be included the amount of any payments made to the State that are chargeable against the allotment of the State for the fiscal year beginning July 1, 1975, under section 1130.

(c) Allotments for fiscal years beginning after June 30, 1976. (1) The allotment of each State for each fiscal year beginning after June 30, 1976, shall be an amount which bears the same ratio to $2,500 million as the population of such State bears to the population of all the States.

(2) The allotment for each State will be promulgated for each fiscal year by the Secretary prior to the first day of the third month of the preceding fiscal year, on the basis of the population of each State and of all the States as determined on the basis of the most recent satisfactory data available from the Department of Commerce.

(d) Certification of allotment need. (1) Each fiscal year, each State shall certify to the Secretary whether the amount of its allotment is greater than the amount needed by the State for such fiscal year and, if so, the amount by which the amount of such allotment is greater than such need.

(2) If any State certifies, in accordance with subparagraph (1), that the amount of its allotment for any fiscal year is in excess of its need for such year, the amount of the limitation of such State for such year shall be adjusted downward by the amount of such excess.

(3) Of the amounts made available pursuant to subparagraph (2), the Secretary shall allot to the jurisdiction of Puerto Rico $15,000,000, to the jurisdiction of Guam $500,000, and to the jurisdiction of the Virgin Islands $500,000, which shall be available to each such jurisdiction in addition to amounts available under Section 1108 of the Act for the purpose of matching the expenditures of such jurisdictions for services prsuant to sections 3(a) (4) and (5), 403(a)(3), 1003(a) (3) and (4), 1403(a) (3) and (4), and 1603(a) (4) and (5) of the Act, except that if the amounts made available pursuant to subparagraph (2) are less than $16,000,000, such amounts as are available shall be allotted to each of the three jurisdictions in proportion to their respective populations.

(e) For purposes of this section, expenditures for services are ordinarily considered to be incurred on the date on which the cash transactions occur or the date to which allocated in accordance with 45 CFR Part 74 and cost allocation procedures in accordance with 45 CFR 205.150. In the case of local administration, the date of expenditures by the local agency governs. In the case of purchase of services from another public agency, the date of expenditure by such other public agency governs. Different rules may be applied with respect to a State, either generally or for particular classes of expenditures, only upon justification by the State to the Administrator and approval by him. In reviewing State requests for approval, the Administrator will consider generally applicable State law, consistency of State practice, particularly in relation to periods prior to July 1, 1975, and other factors relevant to the purposes of this section.

§ 228.53 Public sources of State's share.

(a) *Funds available for matching.* Public funds, other than those derived from private resources, used by the State or local agency for its services programs may be considered as the State's share in claiming FFP only where such funds are:

(1) Appropriated directly to the State or local agency; or

(2) Funds of another public agency which are:

(i) Transferred to the State or local agency and are under its administrative control; or

(ii) Certified by the contributing public agency as representing expenditures for services eligible for FFP under this Part.

(b) *Funds not available for matching.* Notwithstanding paragraph (a) of this section, public funds used by the State or local agency for its services programs may not be used as the State's share in claiming FFP where such funds are:

(1) Federal funds not authorized by Federal law to be used to match other Federal funds; or

(2) Used to match other Federal funds.

This paragraph does not preclude FFP for expenditures for the cost of an otherwise federally subsidized service where the cost covers only the contribution made to obtain the Federal subsidy, but only if the Federal subsidy is provided on a diminishing basis over a fixed period and the project level is maintained.

§ 228.54 Private sources of State's share.

(a) *Funds available for matching.* Funds donated from private sources for services may be considered as State funds in claiming FFP only where such funds are:

(1) Transferred to the State or local agency and under its administrative control;

(2) Donated to the State, without restrictions as to use, other than restrictions as to the services with respect to which the funds are to be used imposed by a donor who is not a sponsor or operator of a program to provide those services, or the geographic area in which the services with respect to which the contribution is used are to be provided; and

(3) Not used to purchase services from the donor unless the donor is a nonprofit organization and it is an independent decision of the State agency to purchase services from the donor.

§ 228.55 Family planning services.

(a) For purposes of this Part, family planning services means counseling, educational and medical services (including diagnosis, treatment, drugs, supplies, devices and related counseling furnished, prescribed by, or under the supervision of a physician) to enable individuals of childbearing age (including minors) to limit voluntarily their family size or to space their children.

(b) Where a State authorizes sterilization as a family planning service, it must comply with the provisions of 45 CFR 205.35.

§ 228.56 Fifty Percent Rule.

(a) FFP is available with respect to expenditures for services under this Part only to the extent that one half of the total amount of Federal funds paid under title XX to any State for any fiscal year does not exceed the amount of the aggregate State and Federal expenditures made in behalf of individuals:

(1) Who are receiving aid under the plan of the State approved under part A of title IV or who are eligible to receive such aid; or

(2) Whose needs are taken into account in determining the needs of an individual who is receiving aid under the plan of the State approved under part A of title IV, or who are eligible to have their needs taken into account in determining the needs of an individual who is receiving or is eligible to receive such aid; or

(3) With respect to whom supplementary security income benefits under title XVI or State supplementary payments, are being paid, or who are eligible to have such benefits or payments paid with respect to them; or

(4) Whose income and resources are taken into account in determining the amount of supplemental security income benefits or State supplementary payments; being paid with respect to an individual, or whose income and resources would be taken into account in determining the amount of such benefits or payments to be paid with respect to an individual who is eligible to have such benefits or payments paid with respect to him, or

(5) Who are eligible for medical assistance under the plan of the State approved under title XIX.

(b) In accounting for information and referral services (§ 228.64) and protective services costs (§ 228.65) to meet the requirements of paragraph (a) of this section, States must adhere to the cost allocation requirements of 45 CFR 205.150.

(c) A determination of "who is eligible to receive" aid under title IV–A or benefit or State supplemental payment under title XVI of the Act must be based on a State procedure for gathering sufficient information to permit a reasonable person to make a judgment that the circumstances (social, economic and physical) of such an individual approximate the conditions that could qualify him for such benefits.

Subpart F—Limitations—Individuals Served, Eligibility and Fees

§ 228.60 Persons eligible.

FFP is available only for services to individuals who are determined to be eligible under the following provisions of this section and § 228.61.

(a) *Income maintenance status.* The following individuals are eligible on the basis of income maintenance status:

(1) Recipients of AFDC; and

(2) Those persons whose needs were taken into account in determining the needs of AFDC recipients; and

(3) Recipients of SSI benefits or State supplementary payments.

(b) *Income status.* Individuals other than those described in paragraph (a) of this section, are eligible if the family's monthly gross income is less than 115 percent (or, at State option, a lower percentage) of the median income of a family of four in the State adjusted for size of family, subject to the limitations set forth in § 228.62.

(c) *Median income.* (1) On or before December 1 of each year, beginning with calendar year 1975, the Secretary will promulgate the median income for a family of four to be used by the States for the purpose of establishing income levels for determining eligibility and establishing fee schedules under the services plan in the following fiscal year. (For purposes of the first program year, the Secretary will promulgate the median income on or before June 1, 1975.)

(2) A State may establish an income level:

(i) At a lower level than 115 percent of the median income;

(ii) At different levels for specific services under the services plan; or

(iii) At different levels for different categories of individuals.

(3) A State shall not establish an income level which is in excess of 115 percent of the median income.

(4) All median income figures used for eligibility and the imposition of fees in accordance with this paragraph shall be adjusted by family size according to the following percentages of the State median income for a family of four:

(i) One person—36 percent.

(ii) Two person family—60 percent.

(iii) Three person family—82 percent.

(iv) Four person family—100 percent.

(v) Five person family—116 percent.

(vi) Six person family—131 percent.

(vii) For each additional family member above six persons, add 1 percentage point to the percentage for a family of six.

(d) *Services without regard to eligibility.* Notwithstanding paragraphs (a) and (b) of this section, information or referral services under § 228.64 or services directed at the goal of preventing or remedying neglect, abuse, or exploitation of children or adults under § 228.65 may, if provided under the services plan, be provided to all individuals who need them.

(e) *Responsibility of State agency.* FFP is available only for services provided to individuals who are eligible when the service is delivered. The State agency shall be responsible for the continued eligibility of individuals to whom services are provided for which FFP is claimed.

§ 228.61 Determination of eligibility.

(a) *What constitutes a determination.* A determination of eligibility means a decision, reflected in the individual client record, as defined in § 228.63, based on sufficient information obtained from or on behalf of an individual which would lead a reasonable person to conclude that the criteria set forth in § 228.60 have been met.

(b) *The determination process.* No determination shall be made solely on the basis of the applicant's declaration as to income maintenance status or current family monthly gross income. Applications for services based on income maintenance status shall be supported by documentation or ascertained from the appropriate source of the income maintenance benefit or payment. Applications based on income status shall be supported by documentation of current family monthly gross income based on the items used by the Census Bureau in defining median income. (See § 228.1) Whether the determination of eligibility is made by the State or the provider, the State shall establish procedures to verify the determinations. An adequate sampling procedure may be used.

(c) *When determination shall be made.* Determination of eligibility shall be made prior to delivery of services except in emergency situations. In an emergency situation, documented in the individual client record, eligibility shall be established within five (5) working days of the commencement of services.

(d) *Who makes the determination.* Determinations of eligibility may be made by the State agency, or pursuant to written contract in accordance with Subpart G, by providers. Where the State retains the function of determining eligibility it may request a provider to obtain and transmit to the agency the necessary data upon which to make the determination.

§ 228.62 Fees for services.

(a) *Mandatory fees.* FFP is available for a service provided to an individual whose eligibility is based on income status if his family's monthly gross income is between 80 percent of the median income of a family of four in the State or the median income of a family of four in all States, whichever is less, and 115 percent of the median income of a family of four in the State, adjusted as to family size, only if a fee or other charge, based on a fee schedule in accordance with paragraph (c) of this section, is imposed.

(b) *Discretionary fees.* A State may impose a fee or other charge for any service to any individual who is eligible for services based on income maintenance status or is eligible based on income status and whose family's monthly gross income is less than 80 percent of the median income of a family of four in the State, adjusted for family size, or the median income for a family of four in all States, adjusted for family size, whichever is less, but only if the fee or other charge is based on a fee schedule in accordance with paragraph (c) of this section.

(c) *Criteria for fee schedules.* Any fee schedule:

(1) May not impose a fee designed to discourage utilization of needed services;

(2) May be different for different services;

(3) Shall provide that fees shall be positively related to the individual's ability to pay the fee;

(4) Shall not allow a fee which exceeds the cost of the service;

(5) Shall include methods for the collection of any fee or other charge imposed and evidence of a reasonable effort to collect such fee; and, if a fee or other charge for any service for any individual eligible on income maintenance status is imposed, it shall be the same as the fee imposed on an individual whose eligibility is based on income and whose family has the same monthly gross income.

§ 228.63 Individual client record.

FFP is available for a service provided to an individual only if the State agency maintains for that individual an individual client record which contains identifying information about the client, the basis for determining eligibility for the service, the goal to which the service is directed, and other documentation as required by this Part.

§ 228.64 Information and referral services.

For purposes of this Part, *information and referral services* means information about services provided under title XX and related service programs, brief assessment (but not diagnosis and evaluation) to facilitate appropriate referral, and referral to and follow-up with those community resources which provide or make available such services, when provided by an agency that has information and referral as a specific recognized function and that has a staff with identifiable tasks relating to information and referral.

§ 228.65 Services directed at the goal of preventing or remedying neglect, abuse, or exploitation of children or adults unable to protect their own interests.

(a) For purposes of this Part, *services directed at the goal of preventing or remedying neglect, abuse or exploitation of children and adults unable to protect their own interests* means:

(1) With respect to children, only the following services and only when provided with respect to an individual under the age of 18 harmed or threatened with harm by a person responsible for the individual's health or welfare, through non-accidental physical or mental injury, sexual abuse (as defined by State law); or negligent treatment or maltreatment, including the failure to provide adequate food, clothing, or shelter:

V 40-72
APR 14 75

(i) Identification and diagnosis;
(ii) Receipt of reports and investigation thereof;
(iii) Determination that the individual is vulnerable or at risk of neglect, abuse, or exploitation;
(iv) Counseling and therapy, and training courses for parents of the individual;
(v) Emergency shelter under § 228.46;
(vi) Legal representation of the individual;
(vii) Arranging for the provision of services; and
(2) With respect to adults unable to protect their own interests, only the following services and only when provided with respect to individuals 18 years of age or older unable to protect their own interests, harmed or threatened with harm through action or inaction by another individual or through their own actions due to ignorance, incompetence or poor health; resulting in physical or mental injury, neglect or maltreatment, failure to receive adequate food, shelter, or clothing, deprivation of entitlements due them, or dimunition of their resources:
(i) Identifying such adults who need assistance or who have no one willing and able to assist them responsibly;
(ii) Providing prompt response and investigation upon request of adults at risk or other persons acting on their behalf;
(iii) Diagnosing the individual's situation and service needs;
(iv) Providing counseling to such adults, their families, other responsible persons or to surrogates such as representatives payees, on handling the affairs of such adults;
(v) Arranging for appropriate alternate living arrangements in the community or in an institution;
(vi) Assisting in the location of medical care, legal services, and other resources in the community;
(vii) Arranging for guardianship, commitment, or other protective placement as needed; and
(viii) Providing advocacy, including legal services, to assure receipt of rights and entitlements due to adults at risk.

Subpart G—Purchase of Service

§ 228.70 Written contract.

(a) FFP is available when services are purchased by the State agency from an agency or organization other then the State agency only when the State agency negotiates a written contract in accordance with requirements under this Part and 45 CFR Part 74 with the agency or organization from which services are purchased. The contract shall:
(1) Include all terms of the contract in one instrument, be dated, and be executed by authorized representatives of all parties to the contract prior to the date of implementation;
(2) Have a definite effective and termination date;
(3) Contain a detailed description of the services to be provided and of the methods to be used by the provider in carrying out its obligations under the contract;
(4) If eligibility determinations are to be made by the provider, contain criteria in accordance with Subpart F which shall be used by the provider for such determinations;
(5) Provide for a stated number of units of service at a specific dollar rate, or for a specific dollar amount, or for costs to be determined in accordance with acceptable cost allocation methods;
(6) Specify the method and source of payment to the provider;
(7) Include a statement that the provider meets State or Federal standards as specified in this Part;
(8) Specify the locations of facilities to be used in providing services;
(9) Provide for informing individuals of the right to fair hearing in accordance with § 228.14 where the provider determines eligibility;
(10) Provide that the provider will comply with the requirements of the Civil Rights Act of 1964, Executive Order 11246, and for safeguarding information in accordance with § 228.10;
(11) Provide that all subcontracts shall be subject to the requirements of this Part; and that the provider is responsible for the performance of any subprovider;
(12) Specify requirements for fiscal and program responsibility, billing, records, controls, reports, and monitoring procedures; and
(13) Provide for access to financial and other records pertaining to the program by State and Federal officials.
(b) The provisions to this section do not apply to services provided to service recipients who are reimbursed by the State agency pursuant to § 228.47.

§ 228.71 Rates of payment.

FFP is available for expenditures for services provided under purchase of service contracts only where the rates of payment for services do not exceed the amounts reasonable and necessary to assure the quality of service, and where services are purchased from other public agencies, are in accord with costs reasonably assignable to such services, and records are available which describe and support the rates of payment and the methods used to establish and maintain such rates.

Subpart H—Training and Retraining

§ 228.80 General.

FFP is available only in accordance with the requirements of this Subpart for personnel training (including retraining) directly related to the provision of services under the program, including both short and long-term training at educational institutions through grants to such institutions or by direct financial assistance to students enrolled in such institutions. Funds for such training are outside the State's allotment for services and are available at the 75% rate.

§ 228.81 Who may be trained.

FFP is available for training only the following individuals:
(a) Persons employed by the State agency, who are:
(1) Agency personnel employed in all classes of positions which directly relate to operation of and provision of services under the program;
(2) Volunteers attached to the State agency and supervised by it in relation to their performing duties directly related to the program;
(b) Service delivery personnel of providers when there is a purchase of service contract in accordance with Subpart G in effect, only if such training is directly related to and benefits the provision of services during the contract period;
(c) Individuals, other than those described under paragraph (b) of this section, who provide services to service recipients who are reimbursed by the State agency pursuant to § 228.47, but only if the training is directly related to such services.

§ 228.82 Grants to educational institutions.

(a) Notwithstanding § 228.81, FFP is available for grants to educational institutions but only if such grants are for periods of not more than 3 years, and only if:
(1) Such grants are made for the purpose of developing, expanding, or improving training for agency employees (or providers), but participation in such programs need not be limited to such employees;
(2) They are available only to graduate and undergraduate educational institutions and programs that are accredited by an appropriate accrediting body; and
(3) The State agency has written policies establishing conditions and procedures for such grants.

§ 228.83 Financial assistance to students.

FFP is available for expenditures for payments for training to students employed by the State agency or by a provider only in accordance with § 228.81 and only if there is a commitment by the student to continue to work in the agency or the provider for a period of time equal to the period for which financial assistance is granted.

§ 228.84 Activities and costs matchable as training expenditures.

Such costs, include, but are not limited to:
(a) Salaries (including fringe benefits), travel, costs of education (including tuition, books and supplies) of State agency employees who are in attendance full-time at training programs for eight consecutive work weeks or longer, and where such employees are not engaged in service delivery except as students in field placement; and, with the exception of salaries, the same costs for provider employees in training;
(b) Payment of travel, per diem and educational expenses of employees while they are attending training programs for less than eight consecutive work weeks;
(c) Payment of educational expenses (tuition, books, supplies) for employees on part-time educational leave (part of the working week, evenings, mornings);

(d) Payment of salaries for State agency training personnel, including clerical and other staff, travel, per diem, rent, postage, equipment, teaching materials (including purchase of developing teaching materials), and teaching aides. (Costs for training personnel spending less than full time on title XX training must be allocated.);
(e) Payments to experts to develop or conduct special programs, including costs of salaries (and fringe benefits), travel and per diem;
(f) Costs of rental of space attributable to training activities as defined in this Part; and
(g) Grants to educational institutions as defined in § 228.82 for classroom instruction and related field instruction, including salaries and fringe benefits, clerical assistance, necessary travel, and teaching materials and equipment, such as books and audiovisual aids.

§ 228.85 Activities and costs not matchable as training expenditures.

FFP is not available for the following as training expenditures:
(a) Salaries of newly-employed workers in the State agency or a provider agency while they are in orientation;
(b) Salaries of State agency employees who attend training programs less than full-time for a period of less than eight consecutive work weeks;
(c) Salaries of supervisors (day-to-day supervision of staff is not a training activity);
(d) Attendance at meetings or conferences of professional organizations;
(e) Summer training for students who are not employed in the State agency; and
(f) Sabbatical leave for long-term employees for the State agency.

Subpart I—General Administrative Provisions

§ 228.90 Expenditures for which Federal financial participation is available.

(a) Federal financial participation is available only for expenditures which are identified and allocated in accordance with 45 CFR Part 74 and a cost allocation plan in accordance with 45 CFR 205.150.
(b) Under this Part, expenditures for the following are considered appropriate for the effective and efficient administration of the program:
(1) Salary, fringe benefits and travel costs of staff engaged in carrying out service work or service related work;
(2) Costs of related expenses, such as equipment, furniture, supplies, communications, and office space;
(3) Costs of State advisory committees on services, including expenses of members in attending meetings, supportive staff, and other technical assistance;
(4) Costs of agency staff attendance at meetings pertinent to the development or implementation of Federal and State service policies and programs;
(5) Cost to the agency for the use of volunteers in the program;
(6) Costs of operation of agency facilities used solely for the provision of services, except that appropriate distribution of costs is necessary when other agencies also use such facilities in carrying out their functions;
(7) Costs of administrative support activities furnished by other public agencies or other units within the single State agency which are properly cost allocated;
(8) Costs of technical assistance, data collection, surveys and studies performed by other public agencies, private organizations or individuals to assist the agency in developing, planning, monitoring, and evaluating the services program; and
(9) Costs of public liability and other insurance protection.

§ 228.91 Expenditures for which Federal financial participation is not available.

(a) Federal financial participation is not available under this Part in expenditures for:
(1) Carrying out any maintenance assistance payments functions or any other functions or activities which are not related to services under this Part;
(2) The purchase, construction, or major modification of any land, building or other facility, or fixed equipment;
(3) Housing and relocation costs, including construction, renovation or repair or winterization, moving of families or individuals, rent, deposits, and home purchase;
(4) Goods or services provided in-kind by a private organization.

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V 40 172 APR 14 75 XUM

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PART III

ENVIRONMENTAL PROTECTION AGENCY

Preparation of Environmental Impact Statements

■

Final Regulations

V 40-72 APR 14 75 XUM

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 327-5]

PART 6—PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

Final Regulation

The National Environmental Policy Act of 1969 (NEPA), implemented by Executive Order 11514 of March 5, 1970, and the Council on Environmental Quality's (CEQ's) Guidelines of August 1, 1973, requires that all agencies of the Federal Government prepare detailed environmental impact statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. NEPA requires that agencies include in their decision-making process an appropriate and careful consideration of all environmental aspects of proposed actions, an explanation of potential environmental effects of proposed actions and their alternatives for public understanding, a discussion of ways to avoid or minimize adverse effects of proposed actions and a discussion of how to restore or enhance environmental quality as much as possible.

On January 17, 1973, the Environmental Protection Agency (EPA) published a new Part 6 in interim form in the FEDERAL REGISTER (38 FR 1696), establishing EPA policy and procedures for the identification and analysis of environmental impacts and the preparation of environmental impact statements (EIS's) when significant impacts on the environment are anticipated.

On July 17, 1974, EPA published a notice of proposed rulemaking the FEDERAL REGISTER (39 FR 26254). The rulemaking provided detailed procedures for applying NEPA to EPA's nonregulatory programs only. A separate notice of administrative procedure published in the October 21, 1974, FEDERAL REGISTER (39 FR 37419) gave EPA's procedures for voluntarily preparing EIS's on certain regulatory activities. EIS procedures for another regulatory activity, issuing National Pollutant Discharge Elimination System (NPDES) discharge permits to new sources, will appear in 40 CFR 6. Associated amendments to the NPDES operating regulations, covering permits to new sources, will appear in 40 CFR 125.

The proposed regulation on the preparation of EIS's for nonregulatory programs was published for public review and comment. EPA received comments on this proposed regulation from environmental groups; Federal, State and local governmental agencies; industry; and private individuals. As a result of the comments received, the following changes have been made:

(1) Coastal zones, wild and scenic rivers, prime agricultural land and wildlife habitat were included in the criteria to be considered during the environmental review.

The Coastal Zone Management Act and the Wild and Scenic Rivers Act are intended to protect these environmentally sensitive areas; therefore, EPA should consider the effects of its projects on these areas. Protection of prime agricultural lands and wildlife habitat has become an important concern as a result of the need to further increase food production from domestic sources as well as commercial harvesting of fish and other wildlife resources and from the continuing need to preserve the diversity of natural resources for future generations.

(2) Consideration of the use of floodplains as required by Executive Order 11296 was added to the environmental review process.

Executive Order 11296 requires agencies to consider project alternatives which will preclude the uneconomic, hazardous or unnecessary use of floodplains to minimize the exposure of facilities to potential flood damage, lessen the need for future Federal expenditures for flood protection and flood disaster relief and preserve the unique and significant public value of the floodplain as an environmental resource.

(3) Statutory definitions of coastal zones and wild and scenic rivers were added to § 6.214(b).

These statutes define sensitive areas and require states to designate areas which must be protected.

(4) The review and comment period for negative declarations was extended from 15 days to 15 working days.

Requests for negative declarations and comments on negative declarations are not acted on during weekends and on holidays. In addition, mail requests often take two or three days to reach the appropriate office and several more days for action and delivery of response. Therefore, the new time frame for review and response to a negative declaration is more realistic without adding too much delay to a project.

(5) Requirements for more data in the negative declaration to clarify the proposed action were added in § 6.212(b).

Requiring a summary of the impacts of a project and other data to support the negative declaration in this document improves its usefulness as a tool to review the decision not to prepare a full EIS on a project.

(6) The definitions of primary and secondary impacts in § 6.304 were clarified.

The definitions were made more specific, especially in the issue areas of induced growth and growth rates, to reduce subjectivity in deciding whether an impact is primary or secondary.

(7) Procedures for EPA public hearings in Subpart D were clarified.

Language was added to this subpart to distinguish EPA public hearings from applicant hearings required by statute or regulation, such as the facilities plan hearings.

(8) The discussion of retroactive application (§ 6.504) was clarified and abbreviated.

The new language retains flexibility in decision making for the Regional Administrator while eliminating the ambiguity of the langauge in the interim regulation.

(9) The criteria for writing an EIS if wetlands may be affected were modified in § 6.510(b).

The new language still requires an EIS on a project which will be located on wetlands but limits the requirements for an EIS on secondary wetland effects to those which are significant and adverse.

(10) A more detailed explanation of the data required in environmental assessments (§ 6.512) was added.

Requiring more specific data in several areas, including energy production and consumption as well as land use trends and population projections, from the applicant will provide a more complete data base for the environmental review. Documentation of the applicant's data will allow EPA to evaluate the validity of this data.

(11) Subpart F, Guidelines for Compliance with NEPA in Research and Development Programs and Activities, was revised.

ORD simplified this subpart by removing the internal procedures and assignments of responsibility for circulation in internal memoranda. Only the general application of this regulation to ORD programs was retained.

(12) The discussions of responsibilities and document distribution procedures were moved to appendices attached to the regulations.

These sections were removed from the regulatory language to improve the readability of the regulation and because these discussions are more explanatory and do not need to have the legal force of regulatory language.

(13) Consideration of the Endangered Species Act of 1973 was incorporated into the regulation.

EPA recognizes its responsibility to assist with implementing legislation which will help preserve or improve our natural resources.

The major issues raised on this regulation were on new and proposed criteria for determining when to prepare an EIS and the retroactive application of the criteria to projects started before July 1, 1975. In addition to the new criteria which were added, CEQ requested the addition of several quantitative criteria for which parameters have not been set. These new criteria are being discussed with CEQ and may be added to the regulation at a future date. Changes in the discussion of retroactive application of the criteria are described in item 8 above.

EPA believes that Agency compliance with the regulations of Part 6 will enhance the present quality of human life without endangering the quality of the natural environment for future generations.

Effective date: This regulation will become effective April 14, 1975.

Dated: April 3, 1975.

RUSSELL E. TRAIN,
Administrator.

Subpart A—General

Sec.
6.100 Purpose and policy.
6.102 Definitions.
6.104 Summary of procedures for implementing NEPA.
6.106 Applicability.
6.108 Completion of NEPA procedures before start of administrative action.
6.110 Responsibilities.

Subpart B—Procedures

6.200 Criteria for determining when to prepare an environmental impact statement.
6.202 Environmental assessment.
6.204 Environmental review.
6.206 Notice of intent.
6.208 Draft environmental impact statements.
6.210 Final environmental impact statements.
6.212 Negative declarations and environmental impact appraisals.
6.214 Additional procedures.
6.216 Availability of documents.

Subpart C—Content of Environmental Impact Statements

6.300 Cover sheet.
6.302 Summary sheet.
6.304 Body of statement.
6.306 Documentation.

Subpart D—EPA Public Hearings on Impact Statements

6.400 General.
6.402 Public hearing process.

Subpart E—Guidelines for Compliance With NEPA in the Title II Wastewater Treatment Works Construction Grants Program and the Areawide Waste Treatment Management Planning Program

6.500 Purpose.
6.502 Definitions.
6.504 Applicability.
6.506 Completion of NEPA procedures before start of administrative actions.
6.510 Criteria for preparation of environmental impact statements.
6.512 Procedures for implementing NEPA.
6.514 Content of environmental impact statements.

Subpart F—Guidelines for Compliance With NEPA in Research and Development Programs and Activities

6.600 Purpose.
6.602 Definitions.
6.604 Applicability.
6.606 Criteria for determining when to prepare environmental impact statements.
6.610 Procedures for compliance with NEPA.

Subpart G—Guidelines for Compliance With NEPA in Solid Waste Management Activities

6.700 Purpose.
6.702 Criteria for the preparation of environmental assessments and EIS's.
6.704 Procedures for compliance with NEPA.

Subpart H—Guidelines for Compliance With NEPA in Construction of Special Purpose Facilities and Facility Renovations

6.800 Purpose.
6.802 Definitions.
6.804 Applicability.
6.806 Criteria for the preparation of environmental assessments and EIS's.
6.810 Procedures for compliance with NEPA.

EXHIBITS

1. (Page 1.) Notice of Intent Transmittal Memorandum Suggested Format.
(Page 2.) Notice of Intent Suggested Format.
2. Public Notice and News Release Suggested Format.
3. Negative Declaration Suggested Format.
4. Environmental Impact Appraisal Suggested Format.
5. Cover Sheet Format for Environmental Impact Statements.
6. Summary Sheet Format for Environmental Impact Statements.
7. Flowchart for Solid Waste Management Program Operations.

Appendix A—Checklist for Environmental Reviews.
Appendix B—Responsibilities.
Appendix C—Availability and Distribution of Documents.

Authority: Secs. 102, 103 of 83 Stat. 854 (42 U.S.C. 4321 et seq.)

Subpart A—General

§ 6.100 Purpose and policy.

(a) The National Environmental Policy Act (NEPA) of 1969, implemented by Executive Order 11514 and the Council on Environmental Quality's (CEQ's) Guidelines of August 1, 1973 (38 FR 20550), requires that all agencies of the Federal Government prepare detailed environmental impact statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. NEPA requires that agencies include in the decision-making process appropriate and careful consideration of all environmental effects of proposed actions, explain potential environmental effects of proposed actions and their aternatives for public understanding, avoid or minimize adverse effects of proposed actions and restore or enhance environmental quality as much as possible.

(b) This part establishes Environmental Protection Agency (EPA) policy and procedures for the identification and analysis of the environmental impacts of EPA nonregulatory actions and the preparation and processing of environmental impact statements (EIS's) when significant impacts on the environment are anticipated.

§ 6.102 Definitions.

(a) "Environmental assessment" is a written analysis submitted to EPA by its grantees or contractors describing the environmental impacts of proposed actions undertaken with the financial support of EPA. For facilities or section 208 plans as defined in § 6.102 (j) and (k), the assessment must be an integral, though identifiable, part of the plan submitted to EPA for review.

(b) "Environmental review" is a formal evaluation undertaken by EPA to determine whether a proposed EPA action may have a significant impact on the environment. The environmental assessment is one of the major sources of information used in this review.

(c) "Notice of intent" is a memorandum, prepared after the environmental review, announcing to Federal, regional, State, and local agencies, and to interested persons, that a draft EIS will be prepared.

(d) "Environmental impact statement" is a report, prepared by EPA, which identifies and analyzes in detail the environmental impacts of a proposed EPA action and feasible alternatives.

(e) "Negative declaration" is a written announcement, prepared after the environmental review, which states that EPA has decided not to prepare an EIS and summarizes the environmental impact appraisal.

(f) "Environmental impact appraisal" is based on an environmental review and supports a negative declaration. It describes a proposed EPA action, its expected environmental impact, and the basis for the conclusion that no significant impact is anticipated.

(g) "NEPA-associated documents" are any one or combination of: notices of intent, negative declarations, exemption certifications, environmental impact appraisals, news releases, EIS's, and environmental assessments.

(h) "Responsible official" is an Assistant Administrator, Deputy Assistant Administartor, Regional Administrator or their designee.

(i) "Interested persons" are individuals, citizen groups, conservation organizations, corporations, or other nongovernmental units, including applicants for EPA contracts or grants, who may be interested in, affected by, or technically competent to comment on the environmental impacts of the proposed EPA action.

(j) "Section 208 plan" is an areawide waste treatment management plan prepared under section 208 of the Federal Water Pollution Control Act (FWPCA), as amended, under 40 CFR Part 126 and 40 CFR Part 35, Subpart F.

(k) "Facilities plan" is a preliminary plan prepared as the basis for construction of publicly owned waste treatment works under Title II of FWPCA, as amended, under 40 CFR 35.917.

(l) "Intramural project" is an in-house project undertaken by EPA personnel.

(m) "Extramural project" is a project undertaken by grant or contract.

§ 6.104 Summary of procedures for implementing NEPA.

(a) *Responsible official.* The responsible official shall utilize a systematic, interdisciplinary approach to integrate natural and social sciences as well as environmental design arts in planning programs and making decisions which are subject to NEPA review. His staff may be supplemented by professionals from other agencies, universities or consultants whenever in-house capabilities are insufficiently interdisciplinary.

(b) *Environmental assessment.* Environmental assessments must be submitted to EPA by its grantees and contractors, as required in Subparts E, F, G, and H of this part. The assessment is used by EPA to decide if an EIS is required and to prepare one if necessary.

(c) *Environmental review.* Environmental reviews shall be made of proposed and certain ongoing EPA actions as required in § 6.106(c). This process shall consist of a study of the action to identify and evaluate the environmental impacts of the action. Types of grants, contracts and other actions requiring study are listed in the subparts following

V 40 172 APR 14 75 A XUM

V 40 172 APR 14 75 A XUM

Subpart D. The process shall include a review of any environmental assessment received to determine whether any significant impacts are anticipated, whether any changes can be made in the proposed action to eliminate significant adverse impacts, and whether an EIS is required. EPA has overall responsibility for this review, although its grantees and contractors will contribute to the review through their environmental assessments.

(d) *Notice of intent and EIS's.* When an environmental review indicates that a significant environmental impact may occur and the significant adverse impacts cannot be eliminated by making changes in the project, a notice of intent shall be published, and a draft EIS shall be prepared and distributed. After external coordination and evaluation of the comments received, a final EIS shall be prepared and distributed. EIS's should be prepared first on those proposed actions with the most adverse effects which are scheduled for earliest implementation and on other proposed actions according to priorities assigned by the responsible official.

(e) *Negative declaration and environmental impact appraisal.* When the environmental review indicates no significant impacts are anticipated or when the project is changed to eliminate the significant adverse impacts, a negative declaration shall be issued. For the cases in Subparts E, F, G, and H of this part, an environmental impact appraisal shall be prepared which summaries the impacts, alternatives and reasons an EIS was not prepared. It shall remain on file and be available for public inspection.

§ 6.106 Applicability.

(a) *Administrative actions covered.* This part applies to the administrative actions listed below. The subpart referenced with each action lists the detailed NEPA procedures associated with the action. Administrative actions are:

(1) Development of EPA legislative proposals;

(2) Development of favorable reports on legislation initiated elsewhere and not accompanied by an EIS, when they relate to or affect matters within EPA's primary areas of responsibility;

(3) For the programs under Title II of FWPCA, as amended, those administrative actions in § 6.504;

(4) For the Office of Research and Development, those administrative actions in § 6.604;

(5) For the Office of Solid Waste Management Programs, those administrative actions in § 6.702;

(6) For construction of special purpose facilities and facility renovations, those administrative actions in § 6.804; and

(7) Development of an EPA project in conjunction with or located near a project or complex of projects started by one or more Federal agencies when the cumulative effects of all the projects will be major allocations of resources or foreclosures of future land use options.

(b) *Administrative actions excluded.* The requirements of this part do not apply to environmentally protective regulatory activities undertaken by EPA, nor to projects exempted in § 6.504, § 6.604, and § 6.702.

(c) *Application to ongoing actions.* This regulation shall apply to uncompleted and continuing EPA actions initiated before the promulgation of these procedures when modifications of or alternatives to the EPA action are still available, except for the Title II construction grants program. Specific application for the construction grants program is in § 6.504(c). An EIS shall be prepared for each project found to have significant environmental effects as described in § 6.200.

(d) *Application to legislative proposals.* (1) As noted in paragraphs (a) (1) and (2) of this section, EIS's or negative declarations shall be prepared for legislative proposals or favorable reports relating to legislation which may significantly affect the environment. Because of the nature of the legislative process, EIS's for legislation must be prepared and reviewed according to the procedures followed in the development and review of the legislative matter. These procedures are described in Office of Management and Budget (OMB) Circular No. A–19.

(2) A working draft EIS shall be prepared by the EPA office responsible for preparing the legislative proposal or report on legislation. It shall be prepared concurrently with the development of the legislative proposal or report and shall contain the information required in § 6.304. The EIS shall be circulated for internal EPA review with the legislative proposal or report and other supporting documentation. The working draft EIS shall be modified to correspond with changes made in the proposal or report during the internal review. All major alternatives developed during the formulation and review of the proposal or report should be retained in the working draft EIS.

(i) The working draft EIS shall accompany the legislative proposal or report to OMB. EPA shall revise the working draft EIS to respond to comments from OMB and other Federal agencies.

(ii) Upon transmittal of the legislative proposal or report to Congress, the working draft EIS will be forwarded to CEQ and the Congress as a formal legislative EIS. Copies will be distributed according to procedures described in Appendix C.

(iii) Comments received by EPA on the legislative EIS shall be forwarded to the appropriate Congressional Committees. EPA also may respond to specific comments and forward its responses with the comments. Because legislation undergoes continuous changes in Congress beyond the control of EPA, no final EIS need be prepared by EPA.

§ 6.108 Completion of NEPA procedures before starting administrative action.

(a) No administrative action shall be taken until the environmental review process, resulting in an EIS or a negative declaration with environmental appraisal, has been completed.

(b) *When an EIS will be prepared.* Except when requested by the responsible official in writing and approved by CEQ, no administrative action shall be taken sooner than ninety (90) calendar days after a draft EIS has been distributed or sooner than thirty (30) calendar days after the final EIS has been made public. If the final text of an EIS is filed within ninety (90) days after a draft EIS has been circulated for comment, furnished to CEQ and made public, the minimum thirty (30) day period and the ninety (90) day period may run concurrently if they overlap. The minimum periods for review and advance availability of EIS's shall begin on the date CEQ publishes the notice of receipt of the EIS in the FEDERAL REGISTER. In addition, the proposed action should be modified to conform with any changes EPA considers necessary before the final EIS is published.

(c) *When an EIS will not be prepared.* If EPA decides not to prepare an EIS on any action listed in this part for which a negative declaration with environmental appraisal has been prepared, no administrative action shall be taken for at least fifteen (15) working days after the negative declaration is issued to allow public review of the decision. If significant environmental issues are raised during the review period, the decision may be changed and a new environmental appraisal or an EIS may be prepared.

§ 6.110 Responsibilities.

See Appendix B for responsibilities of this part.

Subpart B—Procedures

§ 6.200 Criteria for determining when to prepare an EIS.

The following general criteria shall be used when reviewing a proposed EPA action to determine if it will have a significant impact on the environment and therefore require an EIS:

(a) *Significant environmental effects.* (1) An action with both beneficial and detrimental effects should be classified as having significant effects on the environment, even if EPA believes that the net effect will be beneficial. However, preference should be given to preparing EIS's on proposed actions which, on balance, have adverse effects.

(2) When determining the significance of a proposed action's impacts, the responsible official shall consider both its short term and long term effects as well as its primary and secondary effects as defined in § 6.304(c). Particular attention should be given to changes in land use patterns; changes in energy supply and demand; increased development in floodplains; significant changes in ambient air and water quality or noise levels; potential violations of air quality, water quality and noise level standards; significant changes in surface or groundwater quality or quantity; and encroachments on wetlands, coastal zones, or fish and wildlife habitat, especially when threatened or endangered species may be affected.

(3) Minor actions which may set a precedent for future major actions with significant adverse impacts or a number of actions with individually insignificant but cumulatively significant adverse impacts shall be classified as having significant environmental impacts. If EPA is taking a number of minor, environmentally insignificant actions that are similar in execution and purpose, during a limited time span and in the same general geographic area, the cumulative environmental impact of all of these actions shall be evaluated.

(4) In determining the significance of a proposed action's impact, the unique characteristics of the project area should be carefully considered. For example, proximity to historic sites, parklands or wild and scenic rivers may make the impact significant. A project discharging into a drinking water aquifier may make the impact significant.

(5) A proposed EPA action which will have direct and significant adverse effects on a property listed in or eligible for listing in the National Register of Historic Places or will cause irreparable loss or destruction of significant scientific, prehistoric, historic or archaeological data shall be classified as having significant environmental impacts.

(b) *Controversial actions.* An EIS shall be prepared when the environmental impact of a proposed EPA action is likely to be highly controversial.

(c) *Additional criteria for specific programs.* Additional criteria for various EPA programs are in Subpart E (Title II Wastewater Treatment Works Construction Grants Program), Subpart F (Research and Development Programs), Subpart G (Solid Waste Management Programs) and Subpart H (Construction of Special Facilities and Facility Renovations).

§ 6.202 Environmental assessment.

Environmental assessments must be submitted to EPA by its grantees and contractors as required in Subparts E, F, G, and H of this part. The assessment is to ensure that the applicant considers the environmental impacts of the proposed action at the earliest possible point in his planning process. The assessment and other relevant information are used by EPA to decide if an EIS is required. While EPA is responsible for ensuring that EIS's are factual and comprehensive, it expects assessments and other data submitted by grantees and contractors to be accurate and complete. The responsible official may request additional data and analyses from grantees or other sources any time he determines they are needed to comply adequately with NEPA.

§ 6.204 Environmental review.

Proposed EPA actions, as well as ongoing EPA actions listed in § 6.106(c), shall be subjected to an environmental review. This review shall be a continuing one, starting at the earliest possible point in the development of the project. It shall consist of a study of the proposed action, including a review of any environmental assessments received, to identify and evaluate the environmental impacts of the proposed action and feasible alternatives. The review will determine whether significant impacts are anticipated from the proposed action, whether any feasible alternatives can be adopted or changes can be made in project design to eliminate significant adverse impacts, and whether an EIS or a negative declaration is required. The responsible official shall determine the proper scope of the environmental review. The responsible official may delay approval of related projects until the proposals can be reviewed together to allow EPA to properly evaluate their cumulative impacts.

§ 6.206 Notice of intent.

(a) *General.* (1) When an environmental review indicates a significant impact may occur and significant adverse impacts cannot be eliminated by making changes in the project, a notice of intent, announcing the preparation of a draft EIS, shall be issued by the responsible official. The notice shall briefly describe the EPA action, its location, and the issues involved (Exhibit 1).

(2) The purpose of a notice of intent is to involve other government agencies and interested persons as early as possible in the planning and evaluation of EPA actions which may have significant environmental impacts. This notice should encourage agency and public input to a draft EIS and assure that environmental values will be identified and weighed from the outset rather than accommodated by adjustments at the end of the decision-making process.

(b) *Specific actions.* The specific actions to be taken by the responsible official on notices of intent are:

(1) When the review process indicates a significant impact may occur and significant adverse impacts cannot be eliminated by making changes in the project, prepare a notice of intent immediately after the environmental review.

(2) Distribute copies of the notice of intent as required in Appendix C.

(3) Publish in a local newspaper, with adequate circulation to cover the area affected by the project, a brief public notice stating that an EIS will be prepared on a particular project, and the public may participate in preparing the EIS (Exhibit 2). News releases also may be submitted to other media.

(c) *Regional office assistance to program offices.* Regional offices will provide assistance to program offices in taking these specific actions when the EIS originates in a program office.

§ 6.208 Draft EIS's.

(a) *General.* (1) The responsible official shall assure that a draft EIS is prepared as soon as possible after the release of the notice of intent. Before releasing the draft EIS to CEQ, a preliminary version may be circulated for review to other offices within EPA with interest in or technical expertise related to the action. Then the draft EIS shall be sent to CEQ and circulated to Federal, State, regional and local agencies with special expertise or jurisdiction by law, and to interested persons. If the responsible official determines that a public hearing on the proposed action is warranted, the hearing will be held after the draft EIS is prepared, according to the requirements of § 6.402.

(2) Draft EIS's should be prepared at the earliest possible point in the project development. If the project involves a grant applicant or potential contractor, he must submit any data EPA requests for preparing the EIS. Where a plan or program has been developed by EPA or submitted to EPA for approval, the relationship between the plan and the later projects encompassed by its shall be evaluated to determine the best time to prepare an EIS. Whenever possible, an EIS will be drafted for the total program at the initial planning stage. Then later component projects included in the plan will not require individual EIS's unless they differ substantially from the plan, or unless the overall plan did not provide enough detail to fully assess significant impacts of individual projects. Plans shall be reevaluated by the responsible official to monitor the cumulative impact of the component projects and to preclude the plans' obsolescence.

(b) *Specific actions.* The specific actions to be taken by the responsible official on draft EIS's are:

(1) Distribute the draft EIS according to the procedures in Appendix C.

(2) Inform the agencies to reply directly to the originating EPA office. Commenting agencies shall have at least forty-five (45) calendar days to reply, starting from the date of publication in the FEDERAL REGISTER of lists of statements received by CEQ. If no comments are received during the reply period and no time extension has been requested, it shall be presumed that the agency has no comment to make. EPA may grant extensions of fifteen (15) or more calendar days. The time limits for review and extensions for State and local agencies; State, regional, and metropolitan clearinghouses; and interested persons shall be the same as those available to Federal agencies.

(3) Publish a notice in local newspapers stating that the draft EIS is available for comment and listing where copies may be obtained (Exhibit 2), and submit news releases to other media.

(4) Include in the draft EIS a notice stating that only those Federal, State, regional, and local agencies and interested persons who make substantive comments on the draft EIS or request a copy of the final EIS will be sent a copy.

(c) *Regional office assistance to program office.* If requested, regional offices will provide assistance to program offices in taking these specific actions when the EIS originates in a program office.

V 40 172 APR 14 75 A XUM V

§ 6.210 Final EIS's.

(a) Final EIS's shall respond to all substantive comments raised through the review of the draft EIS. Special care should be taken to respond fully to comments disagreeing with EPA's position. (See also § 6.304(g).)

(b) Distribution and other specific actions are described in Appendix C. If there is an applicant, he shall be sent a copy. When the number of comments on the draft EIS is so large that distribution of the final EIS to all commenting entities appears impractical, the program or regional office preparing the EIS shall consult with OFA, which will consult with CEQ about alternative arrangements for distribution of the EIS.

§ 6.212 Negative declaration and environmental impact appraisals.

(a) *General.* When an environmental review indicates there will be no significant impact or significant adverse impacts have been eliminated by making changes in the project, the responsible official shall prepare a negative declaration to allow public review of his decision before it becomes final. The negative declaration and news release must state that interested persons disagreeing with the decision may submit comments for consideration by EPA. EPA shall not take administrative action on the project for at least fifteen (15) working days after release of the negative declaration and may allow more time for response. The responsible official shall have an environmental impact appraisal supporting the negative declaration available for public review when the negative declaration is released for those cases given in Subparts E, F, G, and H.

(b) *Specific actions.* The responsible official shall take the following specific actions on those projects for which both a negative declaration and an impact appraisal will be prepared:

(1) *Negative declaration.* (i) Prepare a negative declaration immediately after the environmental review. This document shall briefly summarize the purpose of the project, its location, the nature and extent of the land use changes related to the project, and the major primary and secondary impacts of the project. It shall describe how the more detailed environmental impact appraisal may be obtained at cost. (See Exhibit 3.)

(ii) Distribute the negative declaration according to procedures in Appendix C. In addition, submit to local newspapers and other appropriate media a brief news release with a negative declaration attached, informing the public that a decision not to prepare an EIS has been made and a negative declaration and environmental impact appraisal are available for public review and comment (Exhibit 2).

(2) *Environmental impact appraisal.* (i) Prepare an environmental impact appraisal concurrently with the negative declaration. This document shall briefly describe the proposed action and feasible alternatives, environmental impacts of the proposed action, unavoidable adverse impacts of the proposed action, the relationship between short term uses of man's environment and the maintenance and enhancement of long term productivity, steps to minimize harm to the environment, irreversible and irretrievable commitments of resources to implement the action, comments and consultations on the project, and reasons for concluding there will be no significant impacts. (See Exhibit 4.)

(ii) Distribute the environmental impact appraisal according to procedures in Appendix C.

§ 6.214 Additional procedures.

(a) *Historical and archaeological sites.* EPA is subject to the requirements of section 106 of the National Historic Preservation Act of 1966, 16 U.S.C. 470 *et seq.*, Executive Order 11593, the Archaeological and Historic Preservation Act of 1974, 16 U.S.C. 469 *et seq.*, and the regulations promulgated under this legislation. These statutes and regulations establish environmental review procedures which are independent of NEPA requirements.

(1) If an EPA action may affect properties with historic, architectural, archaeological or cultural value which are listed in the National Register of Historic Places (published in the FEDERAL REGISTER each February with supplements on the first Tuesday of each month), the responsible official shall comply with the procedures of the Advisory Council on Historic Preservation (36 CFR 800), including determining the need for a Memorandum of Agreement among EPA, the State Historic Preservation Officer and the Advisory Council. If a Memordandum of Agreement is executed, it shall be included in an EIS whenever one is prepared on a proposed action. See § 6.512(c) of this part for additional procedures for the construction grants program under Title II of the FWPCA, as amended.

(2) If an EPA action may cause irreparable loss or destruction of significant scientific, prehistoric, historic or archaeological data, the responsible official shall consult with the State Historic Preservation Officer in compliance with the Archaeological and Historic Preservation Act (P.L. 93–291).

(b) *Wetlands, floodplains, coastal zones, wild and scenic rivers, fish and wildlife.* The following procedures shall be applied to all EPA administrative actions covered by this part that may affect these environmentally sensitive resources.

(1) If an EPA action may affect wetlands, the responsible official shall consult with the appropriate offices of the Department of the Interior, Department of Commerce, and the U.S. Army Corps of Engineers during the environmental review to determine the probable impact of the action on the pertinent fish and wildlife resources and land use of these areas.

(2) If an EPA action may directly cause or induce the construction of buildings or other facilities in a floodplain, the responsible official shall evaluate flood hazards in connection with these facilities as required by Executive Order 11296 and shall, as far as practicable, consider alternatives to preclude the uneconomic, hazardous or unnecessary use of floodplains to minimize the exposure of facilities to potential flood damage, lessen the need for future Federal expenditures for flood protection and flood disaster relief and preserve the unique and significant public value of the floodplain as an environmental resource.

(3) If an EPA action may affect coastal zones or coastal waters as defined in Title III of the Costal Zone Management Act of 1972 (Pub. L. 92–583), the responsible official shall consult with the appropriate State offices and with the appropriate office of the Department of Commerce during the environmental review to determine the probable impact of the action on coastal zone or coastal water resources.

(4) If an EPA action may affect portions of rivers designated wild and scenic or being considered for this designation under the Wild and Scenic Rivers Act (Pub. L. 90–542), the responsible official shall consult with appropriate State offices and with the Secretary of the Interior or, where national forest lands are involved, with the Secretary of Agriculture during the environmental review to determine the status of an affected river and the probable impact of the action on eligible rivers.

(5) If an EPA action will result in the control or structural modification of any stream or other body of water for any purpose, including navigation and drainage, the responsible official shall consult with the United States Fish and Wildlife Service (Department of the Interior), the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration (Department of Commerce), the U.S. Army Corps of Engineers and the head of the agency administering the wildlife resources of the particular State in which the action will take place with a view to the conservation of wildlife resources. This consultation shall follow the procedures in the Fish and Wildlife Coordination Act (Pub. L. 85–624) and shall occur during the environmental review of an action.

(6) If an EPA action may affect threatened or endangered species defined under section 4 of the Endangered Species Act of 1973 (Pub. L. 93–205), the responsible official shall consult with the Secretary of the Interior or the Secretary of Commerce, according to the procedures in section 7 of that act.

(7) Requests for consultation and the results of consultation shall be documented in writing. In all cases where consultation has occurred, the agencies consulted should receive copies of either the notice of intent and EIS or the negative declaration and environmental appraisal prepared on the proposed action. If a decision has already been made to prepare an EIS on a project and wetlands, floodplains, coastal zones, wild and scenic rivers, fish or wildlife may be affected, the required consultation may be deferred until the preparation of the draft EIS.

§ 6.216 Availability of documents.

(a) EPA will print copies of draft and final EIS's for agency and public distribution. A nominal fee may be charged for copies requested by the public.

(b) When EPA no longer has copies of an EIS to distribute, copies shall be made available for public inspection at regional and headquarters Offices of Public Affairs. Interested persons also should be advised of the availability (at cost) of the EIS from the Environmental Law Institute, 1356 Connecticut Avenue NW., Washington, D.C. 20036.

(c) Lists of EIS's prepared or under preparation and lists of negative declarations prepared will be available at both the regional and headquarters Offices of Public Affairs.

Subpart C—Content of Environmental Impact Statements

§ 6.300 Cover sheet.

The cover sheet shall indicate the type of EIS (draft or final), the official project name and number, the responsible EPA office, the date, and the signature of the responsible official. The format is shown in Exhibit 5.

§ 6.302 Summary sheet.

The summary sheet shall conform to the format in Exhibit 6, based on Appendix I of the August 1, 1973, CEQ Guidelines, or the latest revision of the CEQ Guidelines.

§ 6.304 Body of EIS.

The body of the EIS shall identify, develop, and analyze the pertinent issues discussed in the seven sections below; each section need not be a separate chapter. This analysis should include, but not be limited to, consideration of the impacts of the proposed project on the environmental areas listed in Appendix A which are relevant to the project. The EIS shall serve as a means for the responsible official and the public to assess the environmental impacts of a proposed EPA action, rather than as a justification for decisions already made. It shall be prepared using a systematic, interdisciplinary approach and shall incorporate all relevant analytical disciplines to provide meaningful and factual data, information, and analyses. The presentation of data should be clear and concise, yet include all facts necessary to permit independent evaluation and appraisal of the beneficial and adverse environmental effects of alternative actions. The amount of detail provided should be commensurate with the extent and expected impact of the action and the amount of information required at the particular level of decision making. To the extent possible, an EIS shall not be drafted in a style which requires extensive scientific or technical expertise to comprehend and evaluate the environmental impact of a proposed EPA action.

(a) *Background and description of the proposed action.* The EIS shall describe the recommended or proposed action, its purpose, where it is located and its time setting. When a decision has been made not to favor an alternative until public comments on a proposed action have been received, the draft EIS may treat all feasible alternatives at similar levels of detail; the final EIS should focus on the alternative the draft EIS and public comments indicate is the best. The relationship of the proposed action to other projects and proposals directly affected by or stemming from it shall be discussed, including not only other EPA activities, but also those of other governmental and private organizations. Land use patterns and population trends in the project area and the assumptions on which they are based also shall be included. Available maps, photos, and artists' sketches should be incorporated when they help depict the environmental setting.

(b) *Alternatives to the proposed action.* The EIS shall develop, describe, and objectively weigh feasible alternatives to any proposed action, including the options of taking no action or postponing action. The analysis should be detailed enough to show EPA's comparative evaluation of the environmental impacts, commitments of resources, costs, and risks of the proposed action and each feasible alternative. For projects involving construction, alternative sites must be analyzed in enough detail for reviewers independently to judge the relative desirability of each site. For alternatives involving regionalization, the effects of varying degrees of regionalization should be addressed. If a cost-benefit analysis is prepared, it should be appended to the EIS and referenced in the body of the EIS. In addition, the reasons why the proposed action is believed by EPA to be the best course of action shall be explained.

(c) *Environmental impacts of the proposed action.* (1) The positive and negative effects of the proposed action as it affects both the national and international environment should be assessed. The attention given to different environmental factors will vary according to the nature, scale, and location of proposed actions. Primary attention should be given to those factors most evidently affected by the proposed action. The factors shall include, where appropriate, the proposed action's effects on the resource base, including land, water quality and quantity, air quality, public services and energy supply. The EIS shall describe primary and secondary environmental impacts, both beneficial and adverse, anticipated from the action. The description shall include short term and long term impacts on both the natural and human environments.

(2) Primary impacts are those that can be attributed directly to the proposed action. If the action is a field experiment, materials introduced into the environment which might damage certain plant communities or wildlife species would be a primary impact. If the action involves construction of a facility, such as a sewage treatment works, an office building or a laboratory, the primary impacts of the action would include the environmental impacts related to construction and operation of the facility and land use changes at the facility site.

(3) Secondary impacts are indirect or induced changes. If the action involves construction of a facility, the secondary impacts would include the environmental impacts related to:

(i) induced changes in the pattern of land use, population density and related effects on air and water quality or other natural resources;

(ii) increased growth at a faster rate than planned for or above the total level planned by the existing community.

(4) A discussion of how socioeconomic activities and land use changes related to the proposed action conform or conflict with the goals and objectives of approved or proposed Federal, regional, State and local land use plans, policies and controls for the project area should be included in the EIS. If a conflict appears to be unresolved in the EIS, EPA should explain why it has decided to proceed without full reconciliation.

(d) *Adverse impacts which cannot be avoided should the proposal be implemented and steps to minimize harm to the environment.* The EIS shall describe the kinds and magnitudes of adverse impacts which cannot be reduced in severity or which can be reduced to an acceptable level but not eliminated. These may include water or air pollution, undesirable land use patterns, damage to fish and wildlife habitats, urban congestion, threats to human health or other consequences adverse to the environmental goals in section 101(b) of NEPA. Protective and mitigative measures to be taken as part of the proposed action shall be identified. These measures to reduce or compensate for any environmentally detrimental aspect of the proposed action may include those of EPA, its contractors and grantees and others involved in the action.

(e) *Relationship between local short term uses of man's environment and the maintenance and enhancement of long term productivity.* The EIS shall describe the extent to which the proposed action involves tradeoffs between short term environmental gains at the expense of long term gains or vice-versa and the extent to which the proposed action forecloses future options. Special attention shall be given to effects which narrow the range of future uses of land and water resources or pose long term risks to health or safety. Consideration should be given to windfall gains or significant decreases in current property values from implementing the proposed action. In addition, the reasons the proposed action is believed by EPA to be justified now, rather than reserving a long term option for other alternatives, including no action, shall be explained.

(f) *Irreversible and irretrievable commitments of resources to the proposed action should it be implemented.* The EIS shall describe the extent to which

V 40 72 APR 14 75 XUM

the proposed action requires commitment of construction materials, person-hours and funds to design and implement the project, as well as curtails the range of future uses of land and water resources. For example, induced growth in undeveloped areas may curtail alternative uses of that land. Also, irreversible environmental damage can result from equipment malfunctions or industrial accidents at the project site. Therefore, the need for any irretrievable and significant commitments of resources shall be explained fully.

(g) *Problems and objections raised by other Federal, State and local agencies and by interested persons in the review process.* Final EIS's (and draft EIS's if appropriate) shall summarize the comments and suggestions made by reviewing organizations and shall describe the disposition of issues raised, e.g., revisions to the proposed action to mitigate anticipated impacts or objections. In particular, the EIS shall address the major issues raised when the EPA position differs from most recommendations and explain the factors of overriding importance overruling the adoption of suggestions. Reviewer's statements should be set forth in a "comment" and discussed in a "response." In addition, the source of all comments should be clearly identified, and copies of the comments should be attached to the final EIS. Summaries of comments should be attached when a response has been exceptionally long or the same comments were received from many reviewers.

§ 6.306 Documentation.

All books, research reports, field study reports, correspondence and other documents which provided the data base for evaluating the proposed action and alternatives discussed in the EIS shall be used as references in the body of the EIS and shall be included in a bibliography attached to the EIS.

Subpart D—EPA Public Hearings on EIS's

§ 6.400 General.

While EPA is not required by statute to hold public hearings on EIS's, the responsible official should hold a public hearing on a draft EIS whenever a hearing may facilitate the resolution of conflicts of significant public controversy. This hearing may be in addition to public hearings held on facilities plans or section 209 plans. The responsible official may take special measures to involve interested persons through personal contact.

§ 6.402 Public hearing process.

(a) When public hearings are to be held, EPA shall inform the public of the hearing, for example, with a notice in the draft EIS. The notice should follow the summary sheet at the beginning of the EIS. The draft EIS shall be available for public review at least thirty (30) days before the public hearing. Public notice shall be given at least fifteen (15) working days before the public hearing and shall include:

(1) Publication of a public notice in a newspaper which covers the project area, identifying the project, announcing the date, time and place of the hearing and announcing the availability of detailed information on the proposed action for public inspection at one or more locations in the area in which the project will be located. "Detailed information" shall include a copy of the project application and the draft EIS.

(2) Notification of appropriate State and local agencies and appropriate State, regional and metropolitan clearinghouses.

(3) Notification of interested persons.

(b) A written record of the hearing shall be made. A stenographer may be used to record the hearing. As a minimum, the record shall contain a list of witnesses with the text of each presentation. A summary of the record, including the issues raised, conflicts resolved and unresolved, and any other significant portions of the record, shall be appended to the final EIS.

(c) When a public hearing has been held by another Federal, State, or local agency on an EPA action, additional hearings are not necessary. The responsible official shall decide if additional hearings are needed.

(d) When a program office is the originating office, the appropriate regional office will provide assistance to the originating office in holding any public hearing if assistance is requested.

Subpart E—Guidelines for Compliance With NEPA in the Title II Wastewater Treatment Works Construction Grants Program and the Areawide Waste Treatment Management Planning Program

§ 6.500 Purpose.

This subpart amplifies the general EPA policies and procedures described in Subparts A through D with detailed procedures for compliance with NEPA in the wastewater treatment works construction grants program and the areawide waste treatment management planning program.

§ 6.502 Definitions.

(a) "Step 1 grant." A grant for preparation of a facilities plan as described in 40 CFR 35.930–1.

(b) "Step 2 grant." A grant for preparation of construction drawings and specifications as described in 40 CFR 35.930–1.

(c) "Step 3 grant." A grant for fabrication and building of a publicly owned treatment works as described in 40 CFR 35.930–1.

§ 6.504 Applicability.

(a) *Administrative actions covered.* This subpart applies to the administrative actions listed below:

(1) Approval of all section 208 plans according to procedures in 40 CFR 35.1067–2;

(2) Approval of all facilities plans except those listed in paragraph (a)(5) of this section;

(3) Award of step 2 and step 3 grants, if an approved facilities plan was not required;

(4) Award of a step 2 or step 3 grant when either the project or its impact has changed significantly from that described in the approved facilities plan, except when the situation in paragraph (a)(5) of this section exists;

(5) Consultation during the NEPA review process. When there are overriding considerations of cost or impaired program effectiveness, the Regional Administrator may award a step 2 or a step 3 grant for a discrete segment of the project plans or construction before the NEPA review is completed if this project segment is noncontroversial. The remaining portion of the project shall be evaluated to determine if an EIS is required. In applying the criteria for this determination, the entire project shall be considered, including those parts permitted to proceed. In no case may these types of step 2 or step 3 grants be awarded unless both the Office of Federal Activities and CEQ have been consulted, a negative declaration has been issued on the segments permitted to proceed, and the grant award contains a specific agreement prohibiting action on the segment of planning or construction for which the NEPA review is not complete. Examples of consultation during the NEPA review process are: award of a step 2 grant for preparation of plans and specifications for a large treatment plant, when the only unresolved NEPA issue is where to locate the sludge disposal site; or award of a step 3 grant for site clearance for a large treatment plant, when the unresolved NEPA issue is whether sludge from the plant should be incinerated at the site or disposed of elsewhere by other means.

(b) *Administrative actions excluded.* The actions listed below are not subject to the requirements of this part:

(1) Approval of State priority lists;

(2) Award of a step 1 grant;

(3) Award of a section 208 planning grant;

(4) Award of a step 2 or step 3 grant when no significant changes in the facilities plan have occurred;

(5) Approval of issuing an invitation for bid or awarding a construction contract;

(6) Actual physical commencement of building or fabrication;

(7) Award of a section 206 grant for reimbursement;

(8) Award of grant increases whenever § 6.504(a)(4) does not apply;

(9) Awards of training assistance under FWPCA, as amended, section 109(b).

(c) *Retroactive application.* The new criteria in § 6.510 of this subpart do not apply to step 2 or step 3 grants awarded before July 1, 1975. However, the Regional Administrator may apply the new criteria of this subpart when he considers it appropriate. Any negative declarations issued before the effective date of this regulation shall remain in effect.

§ 6.506 Completion of NEPA procedures before start of administrative actions.

See § 6.108 and § 6.504.

§ 6.510 Criteria for preparation of environmental impact statements.

In addition to considering the criteria in § 6.200, the Regional Administrator shall assure that an EIS will be prepared on a treatment works facilities plan, 208 plan or other appropriate water quality management plan when:

(a) The treatment works or plan will induce significant changes (either absolute changes or increases in the rate of change) in industrial, commercial, agricultural, or residential land use concentrations or distributions. Factors that should be considered in determining if these changes are significant include but are not limited to: the vacant land subject to increased development pressure as a result of the treatment works; the increases in population which may be induced; the faster rate of change of population; changes in population density; the potential for overloading sewage treatment works; the extent to which landowners may benefit from the areas subject to increased development; the nature of land use regulations in the affected area and their potential effects on development; and deleterious changes in the availability or demand for energy.

(b) Any major part of the treatment works will be located on productive wetlands or will have significant adverse effects on wetlands, including secondary effects.

(c) Any major part of the treatment works will be located on or significantly affect the habitat of wildlife on the Department of Interior's threatened and endangered species lists.

(d) Implementation of the treatment works or plan may directly cause or induce changes that significantly:

(1) Displace population;

(2) Deface an existing residential area; or

(3) Adversely affect significant amounts of prime agricultural land or agricultural operations on this land.

(e) The treatment works or plan will have significant adverse effects on parklands, other public lands or areas of recognized scenic, recreational, archaeological or historic value.

(f) The works or plan may directly or through induced development have a significant adverse effect upon local ambient air quality, local ambient noise levels, surface or groundwater quantity or quality, fish, wildlife, and their natural habitats.

(g) The treated effluent is being discharged into a body of water where the present classification is too lenient or is being challenged as too low to protect present or recent uses, and the effluent will not be of sufficient quality to meet the requirements of these uses.

§ 6.512 Procedures for implementing NEPA.

(a) *Environmental assessment.* An adequate environmental assessment must be an integral, though identifiable, part of any facilities or section 208 plan submitted to EPA. (See § 6.202 for a general description.) The information in the facilities plan, particularly the environmental assessment, will provide the substance of an EIS and shall be submitted by the applicant. The analyses that constitute an adequate environmental assessment shall include:

(1) *Description of the existing environment without the project.* This shall include for the delineated planning area a description of the present environmental conditions relevant to the analysis of alternatives or determinations of the environmental impacts of the proposed action. The description shall include, but not be limited to, discussions of whichever areas are applicable to a particular study: surface and groundwater quality; water supply and use; general hydrology; air quality; noise levels, energy production and consumption; land use trends; population projections, wetlands, floodplains, coastal zones and other environmentally sensitive areas; historic and archaeological sites; other related Federal or State projects in the area; and plant and animal communities which may be affected, especially those containing threatened or endangered species.

(2) *Description of the future environment without the project.* The future environmental conditions with the no project alternative shall be forecast, covering the same areas listed in § 6.512(a)(1).

(3) *Documentation.* Sources of information used to describe the existing environment and to assess future environmental impacts should be documented. These sources should include regional, State and Federal agencies with responsibility or interest in the types of impacts listed in § 6.512(a)(1). In particular, the following agencies should be consulted:

(i) Local and regional land use planning agencies for assessments of land use trends and population projections, especially those affecting size, timing, and location of facilities, and planning activities funded under section 701 of the Housing and Community Development Act of 1974 (Pub. L. 93–383);

(ii) The HUD Regional Office if a project involves a flood risk area identified under the Flood Disaster Protection Act of 1973 (Pub. L. 93–234);

(iii) The State coastal zone management agency, if a coastal zone is affected;

(iv) The Secretary of the Interior or Secretary of Agriculture, if a wild and scenic river is affected;

(v) The Secretary of the Interior or Secretary of Commerce, if a threatened or endangered species is affected;

(vi) The Fish and Wildlife Service (Department of Interior), the Department of Commerce, and the U.S. Army Corps of Engineers, if a wetland is affected.

(4) *Evaluation of alternatives.* This discussion shall include a comparative analysis of feasible options and a systematic development of wastewater treatment alternatives. The alternatives shall be screened with respect to capital and operating costs; significant primary and secondary environmental effects; physical, legal or institutional constraints; and whether or not they meet regulatory requirements. Special attention should be given to long term impacts, irreversible impacts and induced impacts such as development. The reasons for rejecting any alternatives shall be presented in addition to any significant environmental benefits precluded by rejection of an alternative. The analysis should consider, when relevant to the project:

(i) Flow and waste reduction measures, including infiltration/inflow reduction;

(ii) Alternative locations, capacities, and construction phasing of facilities;

(iii) Alternative waste management techniques, includign treatment and discharge, wastewater reuse and land application;

(iv) Alternative methods for disposal of sludge and other residual waste, including process options and final disposal options;

(v) Improving effluent quality through more efficient operation and maintenance;

(vi) For assessments associated with section 208 plans, the analysis of options shall include in addition:

(A) Land use and other regulatory controls, fiscal controls, non-point source controls, and institutional arrangements; and

(B) Land management practices.

(5) *Environmental impacts of the proposed action.* Primary and secondary impacts of the proposed action shall be described, giving special attention to unavoidable impacts, steps to mitigate adverse impacts, any irreversible or irretrievable commitments of resources to the project and the relationship between local short term uses of the environment and the maintenance and enhancement of long term productivity. See § 6.304 (c), (d), (e), and (f) for an explanation of these terms and examples. The significance of land use impacts shall be evaluated, based on current population of the planning area; design year population for the service area; percentage of the service area currently vacant; and plans for staging facilities. Special attention should be given to induced changes in population patterns and growth, particularly if a project involves some degree of regionalization. In addition to these items, the Regional Administrator may require that other analyses and data, which he determines are needed to comply with NEPA, be included with the facilities or section 208 plan. Such requirements should be discussed during preapplication conferences. The Regional Administrator also may require submission of supplementary information either before or after a step 2 grant or before a step 3 grant award if he determines it is needed for compliance with NEPA. Requests for supplementary information shall be made in writing.

(6) *Steps to minimize adverse effects.* This section shall describe structural and

V 40 172 APR 14 75 XUM

nonstructural measures, if any, in the facilities plan to mitigate or eliminate significant adverse effects on the human and natural environments. Structural provisions include changes in facility design, size, and location; nonstructural provisions include staging facilities as well as developing and enforcing land use regulations and environmentally protective regulations.

(b) *Public hearing.* The applicant shall hold at least one public hearing before a facilities plan is adopted, unless waived by the Regional Administrator before completion of the facilities plan according to § 35.917-5 of the Title II construction grants regulations. Hearings should be held on section 208 plans. A copy of the environmental assessment should be available for public review before the hearing and at the hearing, since these hearings provide an opportunity to accept public input on the environmental issues associated with the facilities plan or the 208 water quality management strategy. In addition, a Regional Administrator may elect to hold an EPA hearing if environmental issues remain unresolved. EPA hearings shall be held according to procedures in § 6.402.

(c) *Environmental review.* An environmental review of a facilities plan or section 208 plan shall be conducted according to the procedures in § 6.204 and applying the criteria of § 6.510. If deficiencies exist in the environmental assessment, they shall be identified in writing by the Regional Administrator and must be corrected before the plan can be approved.

(d) *Additional procedures.* (1) Historic and archaeological sites. If a facilities or section 208 plan may affect properties with historic, architectural, archaeological or cultural value which are listed in or eligible for listing in the National Register of Historic Places or may cause irreparable loss or destruction of significant scientific, prehistoric, historic or archaeological data, the applicant shall follow the procedures in § 6.214(a).

(2) If the facilities or section 208 plan may affect wetlands, floodplains, coastal zones, wild and scenic rivers, fish or wildlife, the Regional Administrator shall follow the appropriate procedures described in § 6.214(b).

(e) *Notice of intent.* The notice of intent on a facilities plan or section 208 plan shall be issued according to § 6.206.

(f) *Scope of EIS.* It is the Regional Administrator's responsibility to determine the scope of the EIS. He should determine if an EIS should be prepared on a facilities plan(s) or section 208 plan and which environmental areas should be discussed in greatest detail in the EIS. Once an EIS has been prepared for the designated section 208 area, another need not be prepared unless the significant impacts of individual facilities or other plan elements were not adequately treated in the EIS. The Regional Administrator should document his decision not to prepare an EIS on individual facilities.

(g) *Negative declaration.* A negative declaration on a facilities plan or section 208 plan shall be prepared according to § 6.212. Once a negative declaration and environmental appraisal have been prepared for the facilities plan for a certain area, grant awards may proceed without preparation of additional negative declarations, unless the project has changed significantly from that described in the facilities plan.

§ 6.514 Content of environmental impact statements.

EIS's for treatment works or plans shall be prepared according to § 6.304.

Subpart F—Guidelines for Compliance With NEPA in Research and Development Programs and Activities

§ 6.600 Purpose.

This subpart amplifies the general EPA policies and procedures described in Subparts A through D by providing procedures for compliance with NEPA on actions undertaken by the Office of Research and Development (ORD).

§ 6.602 Definitions.

(a) "Work plan." A document which defines and schedules all projects required to fulfill the objectives of the program plan.

(b) "Program plan." An overall planning document for a major research area which describes one or more research objectives, including outputs and target completion dates, as well as person-year and dollar resources.

(c) "Appropriate program official." The official at each decision level within ORD to whom the Assistant Administrator delegates responsibility for NEPA compliance.

(d) "Exemption certification." A certified statement delineating those actions specifically exempted from NEPA compliance by existing legislation.

§ 6.604 Applicability.

The requirements of this subpart are applicable to administrative actions undertaken to approve program plans, work plans, and projects, except those plans and projects excluded by existing legislation. However, no administrative actions are excluded from the additonal procedures in § 6.214 of this part concerning historic sites, wetlands, coastal zones, wild and scenic rivers, floodplains or fish and wildlife.

§ 6.606 Criteria for determining when to prepare EIS's.

(a) An EIS shall be prepared by ORD when any of the criteria in § 6.200 apply or when:

(1) The action will have significant adverse impacts on public parks, wetlands, floodplains, coastal zones, wildlife habitats, or areas of recognized scenic or recreational value.

(2) The action will significantly deface an existing residential area.

(3) The action may directly or through induced development have a significant adverse effect upon local ambient air quality, local ambient noise levels, surface or groundwater quality; and fish, wildlife or their natural habitats.

(4) The treated effluent is being discharged into a body of water where the present classification is being challenged as too low to protect present or recent uses, and the effluent will not be of sufficient quality to meet the requirements of these uses.

(5) The project consists of field tests involving the introduction of significant quantities of: toxic or polluting agricultural chemicals, animal wastes, pesticides, radioactive materials, or other hazardous substances into the environment by ORD, its grantees or its contractors.

(6) The action may involve the introduction of species or subspecies not indigenous to an area.

(7) There is a high probability of an action ultimately being implemented on a large scale, and this implementation may result in significant environmental impacts.

(8) The project involves commitment to a new technology which is significant and may restrict future viable alternatives.

(b) An EIS will not usually be needed when:

(1) The project is conducted completely within a laboratory or other facility, and external environmental effects have been minimized by methods for disposal of laboratory wastes and safeguards to prevent hazardous materials entering the environment accidentally; or

(2) The project is a relatively small experiment or investigation that is part of a non-Federally funded activity of the private sector, and it makes no significant new or additional contribution to existing pollution.

§ 6.610 Procedures for compliance with NEPA.

EIS related activities for compliance with NEPA will be integrated into the decision levels of ORD's research planning system to assure managerial control. This control includes those administrative actions which do not come under the applicability of this subpart by assuring that they are made the subject of an exemption certification and filed with the Office of Public Affairs (OPA). ORD's internal procedures provide details for NEPA compliance.

(a) *Environmental assessment.* (1) Environmental assessments shall be submitted with all grant applications and all unsolicited contract proposals. The assessment shall contain the same information required for EIS's in § 6.304. Copies of § 6.304 (or more detailed guidance when available) and a notice of the requirement for assessment shall be included in all grant application kits and attached to letters concerning the submission of unsolicited proposals.

(2) In the case of competitive contracts, assessments need not be submitted by potential contractors since the NEPA procedures must be completed before a request for proposal (RFP) is issued. If there is a question concerning the need for an assessment, the potential contractor should contact the official responsible for the contract.

(b) *Environmental review.* (1) At the start of the planning year, an environmental review will be performed for each program plan with its supporting substructures (work plans and projects) before incorporating them into the ORD program planning system, unless they are excluded from review by existing legislation. This review is an evaluation of the potentially adverse environmental effects of the efforts required by the program plan. The criteria in § 6.608 shall be used in conducting this review. Each program plan with its supporting substructures which does not have significant adverse impacts may be dismissed from further current year environmental considerations with a single negative declaration. Any supporting substructures of a program plan which cannot be dismissed with the parent plan shall be reviewed at the appropriate subordinate levels of the planning system for NEPA compliance.

(i) All continuing program plans and supporting substructures, including those previously dismissed from consideration, will be reevaluted annually for NEPA compliance. An environmental review will coincide with the annual planning cycle and whenever a major redirection of a parent plan is undertaken. All NEPA-associated documents will be updated as appropriate.

(ii) All approved program plans and supporting substructures, less budgetary data, will be filed in the OPA with a notice of intent or negative declaration and environmental appraisal.

(iii) Later plans and/or projects, added to fulfill the mission objectives but not identified at the time the program plans were approved, will be subjected to the same NEPA requirements for environmental assessments and/or reviews.

(iv) Those projects subjected to environmental assessments as outlined in paragraph (a) of this section and not exempt under existing legislation also shall undergo an environmental review before work begins.

(c) *Notice of intent and EIS.*

(1) If the reviews conducted according to paragraph (b) of this section reveal a potentially significant adverse effect on the environment and the adverse impact cannot be eliminated by replanning, the appropriate program official shall, after making sure the project is to be funded, issue a notice of intent according to § 6.206, and through proper organizational channels, shall request the Regional Administrator to assist him in the preparation and distribution of the EIS.

(2) As soon as possible after release of the notice of intent, the appropriate program official shall prepare a draft EIS using the criteria in Subpart B, § 6.208 and Subpart C. Through proper organizational channels, he shall request the Regional Administrator to assist him in the preparation and distribution of the draft EIS.

(3) The appropriate program official shall prepare final EIS's according to criteria in Subpart B, § 6.210 and Subpart C.

(4) All draft and final EIS's shall be sent through the proper organizational channels to the Assistant Administrator for ORD for approval. The approved statements then will be distributed according to the procedures in Appendix C.

(d) *Negative declaration and environmental impact appraisal.* If an environmental review conducted according to paragraph (b) of this section reveals that proposed actions will not have significant adverse environmental impacts, the appropriate program official shall prepare a negative declaration and environmental impact appraisal according to Subpart B, § 6.212. Upon assurance that the program will be funded, the appropriate program official shall distribute the negative declaration as described in § 6.212 and make copies of the negative declaration and appraisal available in the OPA.

(e) *Project start.* As required by § 6.108, a contract or grant shall not be awarded for an extramural project, nor for continuation of what was previously an intramural project, until at least fifteen (15) working days after a negative declaration has been issued or thirty (30) days after forwarding the final EIS to the Council on Environmental Quality.

Subpart G—Guidelines for Compliance With NEPA in Solid Waste Management Activities

§ 6.700 Purpose.

This subpart amplifies the general policies and procedures described in Subparts A through D by providing additional procedures for compliance with NEPA on actions undertaken by the Office of Solid Waste Management Programs (OSWMP).

§ 6.702 Criteria for the preparation of environmental assessments and EIS's.

(a) *Assessment preparation criteria.* An environmental assessment need not be submitted with all grant applications and contract proposals. Studies and investigations do not require assessments. The following sections describe when an assessment is or is not required for other actions:

(1) *Grants.* (i) *Demonstration projects.* Environmental assessments must be submitted with all applications for demonstration grants that will involve construction, land use (temporary or permanent), transport, sea disposal, any discharges into the air or water, or any other activity having any direct or indirect effects on the environment external to the facility in which the work will be conducted. Preapplication proposals for these grants will not require environmental assessments.

(ii) *Training.* Grant applications for training of personnel will not require assessments.

(iii) *Plans.* Grant applications for the development of comprehensive State, interstate, or local solid waste management plans will not require environmental assessments. A detailed analysis of environmental problems and effects should be part of the planning process, however.

(2) *Contracts.* (i) *Sole-source contract proposals.* Before a sole-source contract can be awarded, an environmental assessment must be submitted with a bid proposal for a contract which will involve construction, land use (temporary or permanent), sea disposal, any discharges into the air or water, or any other activity that will directly or indirectly affect the environment external to the facility in which the work will be performed.

(ii) *Competitive contract proposals.* Assessments generally will not be required on competitive contract proposals.

(b) *EIS preparation criteria.* The responsible official shall conduct an environmental review on those OSWMP projects on which an assesment is required or which may have effects on the environment external to the facility in which the work will be performed. The criteria in § 6.200 shall be utilized in determining whether an EIS need be prepared.

§ 6.704 Procedures for compliance with NEPA.

(a) *Environmental assessment.* (1) Environmental assessments shall be submitted to EPA according to procedures in § 6.702. If there is a question concerning the need for an assessment, the potential contractor or grantee should consult with the appropriate project officer for the grant or contract.

(2) The assessment shall contain the same sections specified for EIS's in § 6.304. Copies of § 6.304 (or more detailed guidance when available) and a notice alerting potential grantees and contractors of the assessment requirements in § 6.702 shall be included in all grant application kits, attached to letters concerning the submission of unsolicited proposals, and included with all RFP's.

(b) *Environmental review.* An environmental review will be conducted on all projects which require assessments or which will affect the environment external to the facility in which the work will be performed. This review must be conducted before a grant or contract award is made on an extramural project or before an intramural project begins. The guidelines in § 6.200 will be used to determine if the project will have any significant environmental effects. This review will include an evaluation of the assessment by both the responsible official and the appropriate Regional Administrator. The Regional Administrator's comments will include his recommendations on the need for an EIS. No detailed review or documentation is required on projects for which assessments are not required and which will not affect the environment external to a facility.

(c) *Notice of intent and EIS.* If any of the criteria in § 6.200 apply, the responsible official will assure that a notice

V 40 172 APR 14 75 XUM

of intent and a draft EIS are prepared. The responsible official may request the appropriate Regional Administrator to assist him in the distribution of the NEPA-associated documents. Distribution procedures are listed in Appendix C.

(d) *Negative declaration and environmental impact appraisal.* If the environmental review indicated no significant environmental impacts, the responsible official will assure that a negative declaration and environmental appraisal are prepared. These documents need not be prepared for projects not requiring an environmental review.

(e) The EIS process for the Office of Solid Waste Management Programs is shown graphically in Exhibit 7.

Subpart H—Guidelines for Compliance With NEPA in Construction of Special Purpose Facilities and Facility Renovations

§ 6.800 Purpose.

This subpart amplifies general EPA policies and procedures described in Subparts A through D by providing detailed procedures for the preparation of EIS's on construction and renovation of special purpose facilities.

§ 6.802 Definitions.

(a) "Special purpose facility." A building or space, including land incidental to its use, which is wholly or predominantly utilized for the special purpose of an agency and not generally suitable for other uses, as determined by the General Services Administration.

(b) "Program of requirements." A comprehensive document (booklet) describing program activities to be accomplished in the new special purpose facility or improvement. It includes architectural, mechanical, structural, and space requirements.

(c) "Scope of work." A document similar in content to the program of requirements but substantially abbreviated. It is usually prepared for small-scale projects.

§ 6.804 Applicability.

(a) *Actions covered.* These guidelines apply to all new special purpose facility construction, activities related to this construction (e.g., site acquisition and clearing), and any improvements or modifications to facilities having potential environmental effects external to the facility, including new construction and improvements undertaken and funded by the Facilities Management Branch, Facilities and Support Services Division, Office of Administration; by a regional office; or by a National Environmental Research Center.

(b) *Actions excluded.* This subpart does not apply to those activities of the Facilities Management Branch, Facilities and Support Services Division, for which the branch does not have full fiscal responsibility for the entire project. This includes pilot plant construction, land acquisition, site clearing and access road construction where the Facilities Management Branch's activity is only supporting a project financed by a program office. Responsibility for considering the environmental impacts of such projects rests with the office managing and funding the entire project. Other subparts of this regulation apply depending on the nature of the project.

§ 6.808 Criteria for the preparation of environmental assessments and EIS's.

(a) *Assessment preparation criteria.* The responsible official shall request an environmental assessment from a construction contractor or consulting architect/engineer employed by EPA if he is involved in the planning, construction or modification of special purpose facilities when his activities have potential environmental effects external to the facility. Such modifications include but are not limited to: facility additions, changes in central heating systems or wastewater treatment systems, and land clearing for access roads and parking lots.

(b) *EIS preparation criteria.* The responsible official shall conduct an environmental review of all actions involving construction of special purpose facilities and improvements to these facilities. The guidelines in § 6.200 shall be used to determine whether an EIS shall be prepared.

§ 6.810 Procedures for compliance with NEPA.

(a) *Environmental review and assessment.* (1) An environmental review shall be conducted when the program of requirements or scope of work has been completed for the construction, improvement, or modification of special purpose facilities. For special purpose facility construction, the Chief, Facilities Management Branch, shall request the assistance of the appropriate program office and Regional Administrator in the review. For modifications and improvements, the appropriate responsible official shall request assistance in making the review from other cognizant EPA offices.

(2) Any assessments requested shall contain the same sections listed for EIS's in § 6.304. Contractors and consultants shall be notified in contractual documents when an assessment must be prepared.

(b) *Notice of intent, EIS, and negative declaration.* The responsible official shall decide at the completion of the environmental review whether there may be any significant environmental impacts. If there could be significant environmental impacts, a notice of intent and an EIS shall be prepared according to the procedures in § 6.206. If there may not be any significant environmental impacts, a negative declaration and environmental impact appraisal shall be prepared according to the procedures in § 6.212.

(c) *Project start.* As required by § 6.108, a contract shall not be awarded or construction-related activities begun until at least fifteen (15) working days after release of a negative declaration, or until thirty (30) days after forwarding the final EIS to the Council on Environmental Quality.

EXHIBIT 1

NOTICE OF INTENT TRANSMITTAL MEMORANDUM SUGGESTED FORMAT

_____ (Date)

ENVIRONMENTAL PROTECTION AGENCY

_____ (Appropriate Office)

_____ (Address, City, State, Zip Code)

To All Interested Government Agencies and Public Groups:

As required by guidelines for the preparation of environmental impact statements (EIS's), attached is a notice of intent to prepare an EIS for the proposed EPA action described below:

_____ (Official Project Name and Number)

_____ (City, State)

If your organization needs additional information or wishes to participate in the preparation of the draft EIS, please advise the (appropriate office, city, State).

Very truly yours,

_____ (Appropriate EPA Official)

(List Federal, State, and local agencies to be solicited for comment.)

(List public action groups to be solicited for comment.)

NOTICE OF INTENT SUGGESTED FORMAT

NOTICE OF INTENT—ENVIRONMENTAL PROTECTION AGENCY

1. Project location:
   City _____
   County _____
   State _____
2. Proposed EPA action:
   _____
   _____
   _____
3. Issues involved:
   _____
   _____
   _____
   _____
4. Estimated project costs:
   Federal Share (total)_____ $_____
   Contract $_____ Grant $_____ Other $_____
   Applicant share (if any):
   (Name) _____$_____
   Other (specify)_____$_____
   Total _____$_____
5. Period covered by project:
   Start date:_____
   (Original date, if project covers more than one year)
   Dates of different project phases:_____
   Approximate end date:_____
6. Estimated application filing date:_____

EXHIBIT 2

PUBLIC NOTICE AND NEWS RELEASE SUGGESTED FORMAT

PUBLIC NOTICE

The Environmental Protection Agency (originating office) (will prepare, will not prepare, has prepared) a (draft, final) environmental impact statement on the following project:

_____ (Official Project Name and Number)

_____ (Purpose of Project)

_____ (Project Location, City, County, State)

_____ (Where EIS or negative declaration and environmental impact appraisal can be obtained)

This notice is to implement EPA's policy of encouraging public participation in the decision-making process on proposed EPA actions. Comments on this document may be submitted to (full address of originating office).

EXHIBIT 3

NEGATIVE DECLARATION SUGGESTED FORMAT

_____ (Date)

ENVIRONMENTAL PROTECTION AGENCY

_____ (Appropriate Office)

_____ (Address, City, State, Zip Code)

To All Interested Government Agencies and Public Groups:

As required by guidelines for the preparation of environmental impact statements (EIS's), an environmental review has been performed on the proposed EPA action below:

_____ (Official Project Name and Number)

_____ (Potential Agency Financial Share)

_____ (Project Location: City, County, State)

_____ (Other Funds Included)

PROJECT DESCRIPTION, ORIGINATOR, AND PURPOSE

(Include a map of the project area and a brief narrative summarizing the growth the project will serve, the percent of vacant land the project will serve, major primary and secondary impacts of the project, and the purpose of the project.)

The review process did not indicate significant environmental impacts would result from the proposed action or significant adverse impacts have been eliminated by making changes in the project. Consequently, a preliminary decision not to prepare an EIS has been made.

This action is taken on the basis of a careful review of the engineering report, environmental impact assessment, and other supporting data, which are on file in the above office with the environmental impact appraisal and are available for public scrutiny upon request. Copies of the environmental impact appraisal will be sent at cost on your request.

Comments supporting or disagreeing with this decision may be submitted for consideration by EPA. After evaluating the comments received, the Agency will make a final decision; however, no administrative action will be taken on the project for at least fifteen (15) working days after release of the negative declaration.

Sincerely,

_____ (Appropriate EPA Official)

EXHIBIT 4

ENVIRONMENTAL IMPACT APPRAISAL SUGGESTED FORMAT

A. Identify Project.
   Name of Applicant:_____
   Address: _____
   Project Number:_____

B. Summarize Assessment.
   1. Brief description of project:_____
   _____
   2. Probable impact of the project on the environment: _____
   _____
   _____
   3. Any probable adverse environmental effects which cannot be avoided:_____
   _____
   4. Alternatives considered with evaluation of each:_____
   _____
   _____
   5. Relationship between local short-term uses of man's environment and maintenance and enhancement of long-term productivity: _____
   _____
   6. Steps to minimize harm to the environment: _____
   _____
   7. Any irreversible and irretrievable commitment of resources:_____
   _____
   8. Public objections to project, if any, and their resolution: _____
   _____
   9. Agencies consulted about the project: _____
   _____
   State representative's name:_____
   Local representative's name:_____
   Other: _____

C. Reasons for concluding there will be no significant impacts.

_____ (Signature of appropriate official) (Date)

EXHIBIT 5

COVER SHEET FORMAT FOR ENVIRONMENTAL IMPACT STATEMENTS

(Draft, Final)

ENVIRONMENTAL IMPACT STATEMENT

_____

(Describe title of project plan and give identifying number)

Prepared by: _____ (Responsible Agency Office)

Approved by: _____ (Responsible Agency Official)

_____ (Date)

EXHIBIT 6

SUMMARY SHEET FORMAT FOR ENVIRONMENTAL IMPACT STATEMENTS

(Check One)
( ) Draft
( ) Final

ENVIRONMENTAL PROTECTION AGENCY

_____ (Responsible Agency Office)

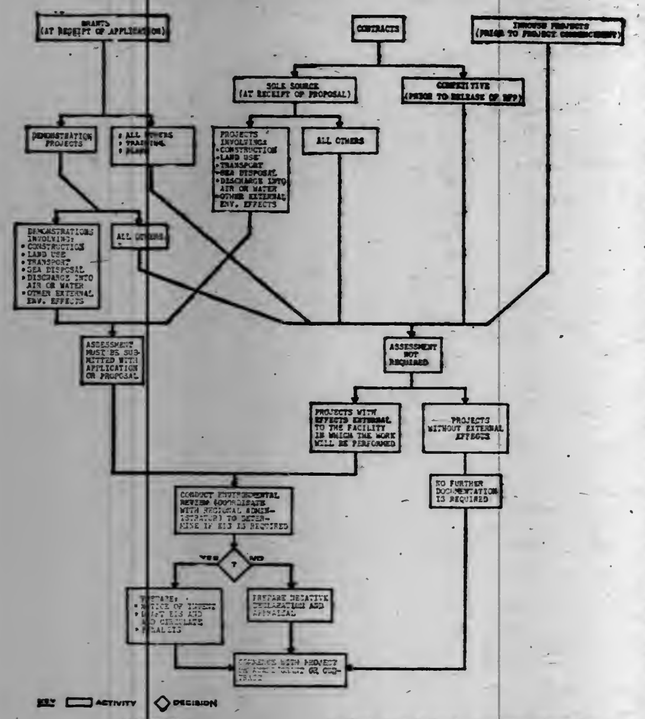
1. Name of action. (Check one)
   ( ) Administrative action.
   ( ) Legislative action.
2. Brief description of action indicating what States (and counties) are particularly affected.
3. Summary of environmental impact and adverse environmental effects.
4. List alternatives considered.
5. a. (for draft statements) List all Federal State, and local agencies and other comments have been requested.
   b. (for final statements) List all Federal Otate, and local agencies and other sources from which written comments have been received.
6. Dates draft statement and final statement made available to Council on Environmental Quality and public.

V 40-72 APR 14 75 XUM

EXHIBIT 7

FLOWCHART FOR OSWDP

PROCEDURE FOR DETERMINING IF AN EIS IS REQUIRED ON OSWDP PROJECTS



APPENDIX A

CHECKLIST FOR ENVIRONMENTAL REVIEWS

Areas to be considered, when appropriate, during an environmental review include, but are not limited to, the items on this checklist, based on Appendix II of the CEQ guidelines for the preparation of environmental impact statements which appeared in the FEDERAL REGISTER August 1, 1973. The classification of items is not mandatory.

I. *Natural environment.* Consider the impacts of a proposed action on air quality, water supply and quality, soil conservation and hydrology, fish, and wildlife populations, fish and wildlife habitats, solid waste disposal, noise levels, radiation, and hazardous substances use and disposal.

II. *Land use planning and management.* Consider the impacts of a proposed action on energy supply and natural resources development; protection of environmentally critical areas, such as floodplains, wetlands, beaches and dunes, unstable soils, steep slopes and aquifer recharge areas, coastal area land use; and redevelopment and construction in built-up areas.

III. *Socioeconomic environment.* Consider the impacts of a proposed action on population density changes, congestion mitigation, neighborhood character and cohesion, low income populations, outdoor recreation, industrial/commercial/residential development and tax ratables, and historic, architectural and archaeological preservation.

APPENDIX B

RESPONSIBILITIES

I. *General responsibilities.* (a) *Responsible official.* (1) Requires contractors and grantees to submit environmental assessments and related documents needed to comply with NEPA, and assures environmental reviews are conducted on proposed EPA projects at the earliest possible point in EPA's decision-making process.

(2) When required, assures that draft EIS's are prepared and distributed at the earliest possible point in EPA's decision-making process, their internal and external review is coordinated, and final EIS's are prepared and distributed.

(3) When an EIS is not prepared, assures that negative declarations and environmental appraisals are prepared and distributed for those actions requiring them.

(4) Consults with appropriate officials identified in § 6.214 of this part.

(5) Consults with the Office of Federal Activities on actions involving unresolved conflicts with other Federal agencies.

(b) *Office of Federal Activities.* (1) Provides EPA with policy guidance and assures that EPA offices establish and maintain adequate administrative procedures to comply with this part.

(2) Monitors the overall timeliness and quality of the EPA effort to comply with this part.

(3) Provides assistance to responsible officials as required.

(4) Coordinates the training of personnel involved in the review and preparation of EIS's and other NEPA-associated documents.

(5) Acts as EPA liaison with the Council on Environmental Quality and other Federal and State entities on matters of EPA policy and administrative mechanisms to facilitate external review of EIS's, to determine lead agency and to improve the uniformity of the NEPA procedures of Federal agencies.

(6) Advises the Administrator and Deputy Administrator on projects which involve more than one EPA office, are controversial, are nationally significant, or "pioneer" EPA policy, when these projects have had or should have an EIS prepared on them.

(c) *Office of Public Inquiries.* Assists the Office of Federal Activities and responsible officials by answering the public's queries on the EIS process and on specific EIS's and by directing requests for copies of specific documents to the appropriate regional office or program.

(d) *Office of Public Affairs.* Analyzes the present procedures for public participation, and develops and recommends to the Office of Federal Activities a program to improve those procedures and increase public participation.

(e) *Regional Office Division of Public Affairs.* (1) Assists the responsible official or his designee on matters pertaining to negative declarations, notices of intent, press releases, and other public notification procedures.

(2) Assists the responsible official or his designee by answering the public's queries on the EIS process and on specific EIS's, and by filling requests for copies of specific documents.

(f) *Offices of the Assistant Administrators and Regional Administrators.* (1) Provides specific policy guidance to their respective offices and assures that those offices establish and maintain adequate administrative procedures to comply with this part.

(2) Monitors the overall timeliness and quality of their respective office's efforts to comply with this part.

(3) Acts as liaison between their offices and the Office of Federal Activities and between their offices and other Assistant Administrators or Regional Administrators on matters of agencywide policy and procedures.

(4) Advises the Administrator and Deputy Administrator through the Office of Federal Activities on projects or activities within their respective areas of responsibilities which involve more than one EPA office, are controversial, are nationally significant, or "pioneer" EPA policy, when these projects have had or should have an EIS prepared on them.

(g) *The Office of Legislation.* (1) Provides the necessary liaison with Congress.

(2) Coordinates the preparation of EIS's required on reports or legislation originating outside EPA. (See § 6.106(d)).

(h) *The Office of Planning and Evaluation.* Coordinates the preparation of EIS's required on EPA legislative proposals. (See § 6.106 (d)).

II. *Responsibilities for Title II Construction Grants Program (Subpart E).* (a) *Responsible official.* The responsible official for EPA actions covered by this subpart is the Regional Administrator. The responsibilities

of the Regional Administrator in addition to those in Appendix B.I. are to:

(1) Assist the Office of Federal Activities in coordinating the training of personnel involved in the review and preparation of NEPA-associated documents.

(2) Require grant applicants and those who have submitted plans for approval to provide the information the regional office requires to comply with these guidelines.

(3) Consult with the Office of Federal Activities concerning works or plans which significantly affect more than one regional office, are controversial, are of national significance or "pioneer" EPA policy, when these works have had or should have had an EIS prepared on them.

(b) *Assistant Administrator.* The responsibilities of the Office of the Assistant Administrator, as described in Appendix B.I, shall be assumed by the Assistant Administrator for Water and Hazardous Materials for EPA actions covered by this subpart.

(c) Oil and Special Materials Control Division, Office of Water Program Operations, coordinates all activities and responsibilities of the Office of Water Program Operations concerned with preparation and review of EIS's. This includes providing technical assistance to the Regional Administrators on EIS's and assisting the Office of Federal Activities in coordinating the training of personnel involved in the review and preparation of NEPA-associated documents.

(d) *Public Affairs Division, Regional Offices.* The responsibilities of the regions' Public Affairs Divisions, in addition to those in Appendix B.I, are to:

(1) Assist the Regional Administrator in the preparation and dissemination of NEPA-associated documents.

(2) Collaborate with the Headquarters Office of Public Affairs to analyze procedures in the regions for public participation and to develop and recommend to the Office of Federal Activities a program to improve those procedures.

III. *Responsibilities for Research and Development Programs (Subpart F).* The Assistant Administrator for Research and Development, in addition to those responsibilities outlined in Appendix B.I(a), will also assume the responsibilities described in Appendix B.I(f).

IV. *Responsibilities for Solid Waste Management Programs (Subpart G).* (a) *Responsible Official.* The responsible official for EPA actions covered by this subpart is the Deputy Assistant Administrator for Solid Waste Management Programs. The responsibilities of this official, in addition to those in Appendix B.I(a), are to:

(1) Assist the Office of Federal Activities in coordinating the training of personnel involved in the review and preparation of all NEPA-associated documents.

(2) Advise the Assistant Administrator for Air and Waste Management concerning projects which significantly affect more than one regional office, are controversial, are nationally significant, or "pioneer" EPA policy.

V. *Responsibilities for Special Purpose Facilities and Facility Renovation Programs (Subpart H).*

(a) *Responsible official.* The responsible official for new construction and modification of special purpose facilities is as follows:

(1) The Chief, Facilities Management Branch, Data and Support Systems Division, shall be the responsible official on all new construction of special purpose facilities and on all improvement and modification projects for which the Facilities Management Branch has received a funding allowance.

(2) The Regional Administrator shall be the responsible official on all improvement and modification projects for which the regional office has received the funding allowance.

(3) The Center Directors shall be the responsible officials on all improvement and modification projects for which the National Environmental Research Centers have received the funding allowance.

(b) The responsibilities of the responsible officials, in addition to those in Appendix B.I, are to:

(1) Ensure that environmental assessments are submitted when requested, that environmental reviews are conducted on all projects, and EIS's are prepared and circulated when there will be significant impacts.

(2) Assist the Office of Federal Activities in coordinating the training of personnel involved in the review and preparation of NEPA-associated documents.

APPENDIX C

DISTRIBUTION AND AVAILABILITY OF DOCUMENTS

I. *Negative Declaration.* (a) The responsible official shall distribute two copies of each negative declaration to:

(1) The appropriate Federal, State and local agencies and to the appropriate State and areawide clearinghouses.

(2) The Office of Legislation, the Office of Public Affairs and the Office of Federal Activities.

(3) The headquarters EIS coordinator for the program office originating the document. When the originating office is a regional office and the action is related to water quality management, one copy should be forwarded to the Oil and Special Materials Control Division, Office of Water Program Operations.

(b) The responsible official shall distribute one copy of each negative declaration to:

(1) Local newspapers and other local mass media.

(2) *Interested persons on request.* If it is not practical to send copies to all interested persons, make the document available through local libraries or post offices, and notify individuals that this action has been taken.

(c) The responsible official shall have a copy of the negative declaration and any documents supporting the negative declaration available for public review at the originating office.

II. *Environmental Impact Appraisal.* (a) The responsible official shall have the environmental impact appraisal available when the negative declaration is distributed and shall forward one copy to the headquarters EIS coordinator for the program office originating the document and to any other Federal or State agency which requests a copy.

(b) The responsible official shall have a copy of the environmental impact appraisal available for public review at the originating office and shall provide copies at cost to persons who request them.

III. *Notice of Intent.* (a) The responsible official shall forward one copy of the notice of intent to:

(1) The appropriate Federal, State and local agencies and to the appropriate State, regional and metropolitan clearing houses.

(2) Potentially interested persons.

(3) The Offices of Federal Activities, Public Affairs and Legislation.

(4) The headquarters Grants Administration Division, Grants Information Branch.

(5) The headquarters EIS coordinator for the program office originating the notice. When the originating office is a regional office and the action is related to water quality management, one copy should be forwarded to the Oil and Special Materials Control Division, Office of Water Program Operations.

IV. *Draft EIS's.* (a) The responsible official shall send two copies of the draft EIS to:

(1) The Office of Federal Activities.

(2) The headquarters EIS coordinator for the program office originating the document. When the originating office is a regional office and the project is related to water quality management, send two copies to the Oil and Special Materials Control Division, Office of Water Program Operations.

(b) If none of the above offices requests any changes within ten (10) working days after notification, the responsible official shall:

(1) Send five copies of the draft EIS to CEQ.

(2) Send two copies of the draft EIS to the Office of Public Affairs and to the Office of Legislation.

(3) Send two copies of the draft EIS to the appropriate offices of reviewing Federal agencies that have special expertise or jurisdiction by law with respect to any impacts involved. CEQ's guidelines (40 CFR 1500.9 and Appendices II and III) list those agencies to which draft EIS's will be sent for official review and comment.

(4) Send two copies of the draft EIS to the appropriate Federal, State, regional and metropolitan clearinghouses.

(5) Send one copy of the draft EIS to public libraries in the project area and interested persons. Post offices, city halls or courthouses may be used as distribution points if public library facilities are not available.

(c) The responsible official shall make a copy of the draft EIS available for public review at the originating office and at the Office of Public Affairs.

V. *Final EIS.* (a) The responsible official shall distribute the final EIS to the following offices, agencies and interested persons:

(1) Five copies to CEQ.

(2) Two copies to the Office of Public Affairs, Legislation and Federal Activities.

(3) Two copies to the headquarters EIS coordinator for the program office originating the document.

(4) One copy to Federal, State and local agencies and interested persons who made substantive comments on the draft EIS or requested a copy of the final EIS.

(5) One copy to a grant applicant.

(b) The responsible official shall make a copy of the final EIS available for public review at the originating office and at the Office of Public Affairs.

VI. *Legislative EIS.* Copies of the legislative EIS shall be distributed by the responsible official according to the procedures in section IV(b) of this appendix. In addition, the responsible official shall send two copies of the EIS to the Office of Federal Activities and the EIS coordinator of the originating office.

[FR Doc.75-9553 Filed 4-11-75;8:45 am]

V 40 172 APR 14 75 XUM V



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V 40-72
APR 14 75

V 40 - 73

APR 15 75

federal register

April 15, 1975—Pages 16829–17002

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Volume 40 ■ Number 73

Pages 16829–17002

PART I

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

SMALL BUSINESS WEEK, 1975—Presidential Proclamation 16829

ENVIRONMENTAL POLICY—FEA issues draft statement for implementation of Energy Independence Act of 1969 and related tax proposals 16875

FOAM-FILLED TIRES—DOT/NHTSA withdraws advance notice of proposed requirements 16854

GOLD—Treasury amends regulations and licensing procedures 16844

FREEDOM OF INFORMATION—National Capital Planning Commission proposes regulations; comments by 4–25–75 16887

MEETINGS—
Commerce: Technical Advisory Board Panel on Sulfur Oxide Control Technology, 5–14 thru 5–16–75 16869
Citizens' Advisory Council on the Status of Women: Equal Rights Amendment, Women and the Media, etc., 5–6–75 16872
State: Overseas Schools Advisory Council, 5–12–75 16858
Shipping Coordinating Committee, 5–9–75 16858
DOD: Defense Science Board Task Force on Electronic Test Equipment, 5–8 and 5–9–75 16858
SBA: Casper District Advisory Council, 5–24–75 16893
Des Moines District Advisory Council, 5–9–75 16893
CRC: State Advisory Committees:
Colorado, 5–10–75 16873
Massachusetts, 5–6–75 16873
New York, 5–8–75 16873
Wyoming, 5–15–75 16873

(Continued inside)

PART II:

HOUSING ASSISTANCE—HUD adopts regulations for participation by finance and development agencies in payments program; effective 1–1–75 16933

PART III:

BROADCAST STATION LICENSING—FCC issues notice of inquiry and proposes revisions of application forms; comments by 6–3–75; reply comments by 6–18–75 16967

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

NOTE: There are no items eligible for inclusion in the list of RULES GOING INTO EFFECT.

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Treasury/IRS: Chief Counsel's Advisory Committee on Rules of Professional Conduct, 5–15–75 16858
HEW/OE: National Advisory Council on Vocational Education, 4–30–75 16869
NASA: Ad Hoc Advisory Subcommittee on the Space Science Steering Committee, 5–1 thru 5–3–75 16887
GSA: Regional Public Advisory Panel on Architectural and Engineering Services (2 documents), 5–2–75 16886
CANCELLED MEETINGS—
DOD: Defense Science Board, 4–15–75 16859
CRC: Colorado State Advisory Committee, 4–26–75 16872
HEW/NIH: Chemical/Biological Information-Handling Review Committee, 4–22–75 16869

contents

THE PRESIDENT

Proclamation
Small Business Week, 1975 16829

EXECUTIVE AGENCIES

AGRICULTURAL MARKETING SERVICE
Proposed Rules
Limitations of handling and shipments:
Filberts grown in Oreg. and Wash.; hearing 16852

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Rules
Marketing quotas and acreage allotments:
Wheat, 1976 16831

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Farmers Home Administration; Forest Service; Soil Conservation Service.

ALCOHOL, TOBACCO, AND FIREARMS BUREAU
Rules
Internal Revenue Service alcohol, tobacco and firearms functions; transfer to Bureau and recodification 16835

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION
Notices
Bicentennial Commemorative Medals; availability 16870

ARMY DEPARTMENT
See Engineer Corps.

CITIZEN'S ADVISORY COUNCIL ON THE STATUS OF WOMEN
Notices
Meeting:
Equal Rights Amendment, status of, etc 16872

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
American Airlines, Inc. et al 16870
Hawaiian Airlines Inc 16872

CIVIL RIGHTS COMMISSION
Notices
Meetings; State advisory committees:
Colorado (2 documents) 16872, 16873
Massachusetts 16873
New York 16873
Wyoming 16873

COMMERCE DEPARTMENT
See also Domestic and International Business Administration; National Oceanic and Atmospheric Administration.
Notices
Meetings:
Sulfur Oxide Control Technology Panel 16869

COMMODITY CREDIT CORPORATION
Notices
Monthly sales list 16863

DEFENSE DEPARTMENT
See also Engineer Corps.
Notices
Meetings:
Science Board (2 documents) 16858, 16859

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Notices
Scientific articles; duty-free entry:
Desert Research Institute et al 16864
Duke University Medical Center 16865
ERDA Health & Safety Laboratory et al 16866
St. Jude Children's Research Hospital 16867
University of Texas System Cancer Center 16868
VA Prosthetics Center 16868

EDUCATION OFFICE
Notices
Meetings:
Vocational Education, National Advisory Council, closed 16869

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
Rules
Procurement; patents and copyrights 16848

ENGINEERS CORPS
Proposed Rules
Relocation assistance, uniform, and real property acquisition 16850

ENVIRONMENTAL PROTECTION AGENCY
Rules
Air quality implementation plans:
Missouri 16844
National Capital Region 16845
Notices
Pesticides registration applications (2 documents) 16873, 16874

FARMERS HOME ADMINISTRATION
Notices
Disaster areas:
Arkansas 16863
Mississippi 16863
New Mexico 16863
Texas 16863
Wisconsin 16864

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directives:
Beech 16831
Lockheed 16832
Transition area 16832
Proposed Rules
Airworthiness directives:
Gates Learjet 16854
Transition area 16854

FEDERAL COMMUNICATIONS COMMISSION
Proposed Rules
Broadcast station license; renewal form 16967

FEDERAL ENERGY ADMINISTRATION
Notices
Environmental impact statements:
Energy Independence Act of 1975 and related tax proposals 16875

FEDERAL HOME LOAN BANK BOARD
Notices
Applications, etc.:
H. F. Ahmanson & Co 16875
Murray Investment Corp 16875
United Financial Corp. of California 16876

V 40 I 73
APR 15 75

FEDERAL INSURANCE ADMINISTRATION
Rules
National Flood Insurance Program:
Areas eligible for sale of insurance (8 documents) ---- 16835–16842
Special hazard areas; correction (2 documents) ---- 16842

FEDERAL MARITIME COMMISSION
Notices
Agreements filed:
Associated North Atlantic Freight Conferences ---- 16876
Barber Lines A/S ---- 16876
Japan/Korea-Atlantic and Gulf Freight Conference ---- 16876
Oil pollution, certificates issued or revoked ---- 16877

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Amerada Hess Corp ---- 16877
Brown & McKenzie, Inc ---- 16878
Colorado Interstate Gas Co. (2 documents) ---- 16878, 16880
Columbia Gas Transmission Corp ---- 16878
National Fuel Gas Supply Corp ---- 16880
New England Power Co ---- 16881
Northern Natural Gas Co ---- 16881
Pacific Indonesia LNG Co. and Western LNG Terminal Co ---- 16882
Producer and Pipeline respondents ---- 16878
Southern Natural Gas Co. (2 documents) ---- 16882
Trunkline Gas Co ---- 16883
Upper Peninsula Generating Co ---- 16883

FEDERAL RESERVE SYSTEM
Rules
Interest on deposits; withdrawal of savings by telephone ---- 16831
Notices
Applications, etc.:
Ameribanc, Inc ---- 16884
Citizens State Bancorp, Inc ---- 16884
First Security Corp ---- 16884
Goose River Holding Corp ---- 16884
Homewood Bancorp, Inc ---- 16885
Orwig & Co., Inc ---- 16885
Victoria Bankshares, Inc ---- 16885

FOREST SERVICE
Notices
Environmental statements:
Mt. Hood, Rogue River, and Willamette National Forests, Oreg.; vegetation management; draft addendum ---- 16864

GENERAL ACCOUNTING OFFICE
Notices
Regulatory reports review; receipt and approval (2 documents) ---- 16886

GENERAL SERVICES ADMINISTRATION
Rules
Procurement (2 documents) ---- 16847
Proposed Rules
Federal laboratories; establishment and use of inventory ---- 16655
Notices
Meetings:
Architectural and Engineering Services Advisory Panel, Region 3 ---- 16886
Architectural and Engineering Services Public Advisory Panel, Region 6 ---- 16886

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Education Office; National Institutes of Health.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See also Federal Insurance Administration; Low Income Housing Office.
Notices
Authority delegations:
Associate General Counsel for Equal Opportunity, Litigation and Administration ---- 16869
Regional Counsels ---- 16869

INTERIOR DEPARTMENT
See Land Management Bureau.

INTERNAL REVENUE SERVICE
Rules
Alcohol, tobacco, and firearms; transfer of functions; cross reference ---- 16835
Notices
Meetings:
Professional Conduct Rules, Chief Counsel's Advisory Committee ---- 16858

INTERNATIONAL TRADE COMMISSION
Notices
Import investigations:
Lock-in amplifiers and parts from Japan ---- 16886

INTERSTATE COMMERCE COMMISSION
Rules
Boxcars; incentive per diem charges, 1968 ---- 16846
Notices
Fourth section applications for relief ---- 16894
Hearing assignments ---- 16894
Motor carriers:
Irregular route property carriers; gateway elimination ---- 16894
Transfer proceedings ---- 16894

JUSTICE DEPARTMENT
Notices
Consent judgment and competitive impact statement:
U.S. v. Tom's Foods Ltd ---- 16859

LABOR DEPARTMENT
See Occupational Safety and Health Administration.

LAND MANAGEMENT BUREAU
Notices
Applications, etc.:
New Mexico (2 documents) ---- 16862
Grazing districts, boundaries:
Idaho (2 documents) ---- 16861, 16862

LOW INCOME HOUSING OFFICE
Rules
Housing Assistance Payments Program; housing finance and development agencies ---- 16933

MANAGEMENT AND BUDGET OFFICE
Notices
Clearance of reports; list of requests ---- 16889

MONETARY OFFICES
Rules
Gold; termination of procedures, forms, and licensing functions ---- 16844

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
Notices
Meetings:
Explorer-Class Payloads, Proposals for Participation in Scientific Definition of, Ad Hoc Advisory Subcommittee ---- 16887

NATIONAL CAPITAL PLANNING COMMISSION
Notices
Freedom of information; proposed regulations ---- 16887

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Proposed Rules
Motor vehicle safety standards:
Tires, foam-filled; withdrawal of proposal ---- 16854
Notices
Petition for temporary exemption from safety standards:
FWD Corp ---- 16870

NATIONAL INSTITUTES OF HEALTH
Notices
Meetings:
Chemical/Biological Information-Handling Review Committee; cancellation ---- 16869

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
Rules
Coastal zone management program; State application procedures ---- 16832
Notices
Environmental statements:
Costal Zone Management Office ---- 16868

NUCLEAR REGULATORY COMMISSION
Notices
Applications, etc.:
Arizona Public Service Co ---- 16888

OCCUPATIONAL HEALTH AND SAFETY ADMINISTRATION
Rules
State plans:
North Carolina ---- 16843
Proposed Rules
State plans:
Hawaii ---- 16853

SECURITIES AND EXCHANGE COMMISSION
Notices
Hearings, etc.:
AEtna Variable Life Insurance Co ---- 16889
Columbia Gas System, Inc. and Columbia Gas Transmission Corp ---- 16892

SMALL BUSINESS ADMINISTRATION
Notices
Meetings:
Casper District Advisory Council ---- 16893
Des Moines District Advisory Council ---- 16893

STATE DEPARTMENT
Notices
Meetings:
Overseas Schools Advisory Council ---- 16858
Shipping Coordinating Committee, Safety of Life at Sea Subcommittee ---- 16858

SOIL CONSERVATION SERVICE
Notices
Environmental statements on watershed projects:
South Fork, Ark ---- 16864

TRANSPORTATION DEPARTMENT
See Federal Aviation Administration; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT
See Alcohol, Tobacco, and Firearms Bureau; Internal Revenue Service; Monetary Offices.

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.
A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

3 CFR
PROCLAMATIONS:
4367 ---- 16829

7 CFR
728 ---- 16831
PROPOSED RULES:
982 ---- 16852

12 CFR
217 ---- 16831

14 CFR
39 (2 documents) ---- 16831, 16832
71 ---- 16832
PROPOSED RULES:
39 ---- 16854
71 ---- 16854

15 CFR
920 ---- 16832

24 CFR
883 ---- 16934
1914 (8 documents) ---- 16835–16841
1915 (2 documents) ---- 16842

26 CFR
Chp. I ---- 16835

27 CFR
Chp. I ---- 16835

29 CFR
1952 ---- 16843
PROPOSED RULES:
1952 ---- 16853

31 CFR
90 ---- 16844
93 ---- 16844
100 ---- 16844
121 ---- 16844

32 CFR
PROPOSED RULES:
641 ---- 16850

34 CFR
PROPOSED RULES:
235 ---- 16855

40 CFR
52 (2 documents) ---- 16844, 16845

41 CFR
5A–2 ---- 16847
5A–7 ---- 16847
5A–16 ---- 16847
9–9 ---- 16848

47 CFR
PROPOSED RULES:
1 ---- 16968

49 CFR
1036 ---- 16846
PROPOSED RULES:
571 ---- 16854

V40 I73 APR 15 75 XUM

CUMULATIVE LIST OF PARTS AFFECTED—APRIL

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during April.

3 CFR

PROCLAMATIONS:
2799 (Revoked by Proc. 4360) 14567
2937 (Revoked by Proc. 4360) 14567
2938 (Revoked by Proc. 4360) 14567
2942 (Revoked by Proc. 4360) 14567
2972 (Revoked by Proc. 4360) 14567
3314 (Revoked by Proc. 4360) 14567
4101 (Revoked by Proc. 4360) 14567
4346 (Amended by Proc. 4359) 14565
4359 14565
4360 14567
4361 15063
4362 15861
4363 15863
4364 16293
4365 16641
4366 16643
4367 16829

EXECUTIVE ORDERS:
11809 (See EO 11849) 14887
11828 (Amended by EO 11848) 14885
11847 14563
11848 14885
11849 14887
11850 16187
11851 16645

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS
Memorandum of March 24, 1975 15377

4 CFR

408 ..... 14737, 15865
409 15865

PROPOSED RULES:
10 16686
351 14942

5 CFR

213 ..... 15379, 16189
300 15379
302 15380
315 15380
890 14569
1001 14570

7 CFR

6 16069
51 15381
52 15890–15900
270 16069
271 ..... 16069, 16320
301 16070
331 16072
401 15905
410 15905
724 14737
728 16831
731 14601
873 16072
905 ..... 14889, 16210
907 ..... 14889, 16073, 16212
908 ..... 14890, 16211, 16213, 16321
910 ..... 15065, 16073, 16322
944 14891
959 16211
991 14737
1250 15065
1427 16647

7 CFR—Continued

1430 16649
1472 16213
1488 ..... 16322, 16327, 16329, 16331
1701 16074
1803 16333
1872 15065
2710 14891

PROPOSED RULES:
29 15390
401 14777
724 16671
908 16335
982 16852
1002 ..... 14702, 15390
1004 ..... 14702, 15390
1033 14769
1251 15906
1421 15390
1823 14776
1842 15405

8 CFR

PROPOSED RULES:
103 16215
214 15092

9 CFR

72 16650
94 14571

PROPOSED RULES:
303 15906
381 15906

10 CFR

70 16047
211 14738
213 16047
215 16295

PROPOSED RULES:
73 15098
205 14605
211 ..... 14605, 16089
212 15041
213 14948

12 CFR

217 16831
541 15865
545 ..... 15382, 15865
563 14738
602 14571

PROPOSED RULES:
7 14767
206 15909
217 ..... 16684, 16685
329 16219
335 14947
541 15096
545 15096
584 16090
701 15404
721 15404
745 15404

13 CFR

PROPOSED RULES:
107 14606
120 15098

14 CFR

39 ..... 14739, 14740, 14891, 14892, 15085–15086, 15384, 15866, 16189–16191, 16297–16299, 16831, 16832
71 ..... 14740, 14741, 15086, 15385, 15867, 16050, 16299, 16650, 16651, 16832
91 16651
97 ..... 14893, 16300
241 16652
288 14893
400 14572
401 14574
425 14578

PROPOSED RULES:
25 15093
39 16854
71 ..... 14780, 14781, 15094, 15399, 15400, 15907, 16088, 16089, 16217, 16345, 16346, 16854
73 15907
75 14781
135 16347

15 CFR

350 14921
355 14925
377 15867
500 14930
920 16832

PROPOSED RULES:
803 14603

16 CFR

1 ..... 15232, 15233
2 15235
3 ..... 15234, 15236
4 ..... 15235, 15236
13 ..... 14579–14582, 14741, 14894–14904, 15385, 15386, 15868–15872, 16050, 16191, 16300, 16654
302 ..... 14584, 16654
1500 16191

PROPOSED RULES:
1 15237
3 15239
4 15245
444 16347

17 CFR

150 15086
200 ..... 14748, 16052

PROPOSED RULES:
150 15907
240 16090
275 14782

18 CFR

3 16300
301 14749

PROPOSED RULES:
Ch. I 15402
2 16220
35 14606

18 CFR—Continued

PROPOSED RULES—Continued
101 14606
104 14606
141 ..... 15402, 16684
154 14606
202 14606
204 14606
260 16684

19 CFR

6 15386
22 14749
113 14749
153 14591

PROPOSED RULES:
112 15389
113 15389

20 CFR

10 14750
405 ..... 14591, 14934

PROPOSED RULES:
405 ..... 14934, 16673

21 CFR

6 16662
8 15087
121 14905
123 14592
312 16053
431 15088
436 15088
440 15088
444 14906
448 15088
449 15089
701 16192
740 16192
1030 ..... 14750, 16663

PROPOSED RULES:
27 16085
1901 16082
1306 16082

22 CFR

1 15392
3 15392

PROPOSED RULES:
8 15660

23 CFR

1 16057
140 16057
635 14906
646 16059
662 14907
820 16301

24 CFR

300 14753
570 ..... 15089, 16663
800 15580
801 15580
802 15580
803 15580
804 15580
880 15580
881 15580
882 15580
883 ..... 15580, 16934
888 15580
889 15542
1700 14753

24 CFR—Continued

1914 ..... 14599–14601, 16192, 16193, 16303, 16304, 16835–16841
1915 ..... 14754, 16192, 16193, 16193, 16303, 16304, 16842

PROPOSED RULES:
1917 ..... 16345, 16674–16676

25 CFR

43k 14592

26 CFR

Ch. I 16835
1 16663
301 15090

PROPOSED RULES:
1 14767

27 CFR

Ch. I 16835

29 CFR

90 14908
91 16304
92 16304
670 16063
694 15875
726 16063
1601 16193
1913 15876
1952 16843
2300 14593

PROPOSED RULES:
4 16082
1910 ..... 15390, 16217, 16336
1926 15390
1952 16853

31 CFR

90 16844
98 16844
100 16844
121 16844

PROPOSED RULES:
210 16669

32 CFR

40 16194
287 16202
706 16314
850 14758
1803 16314

PROPOSED RULES:
641 16850

33 CFR

117 ..... 14594, 15093
380 14761

PROPOSED RULES:
117 ..... 14604, 15903
266 14872

34 CFR

PROPOSED RULES:
235 16855

36 CFR

7 ..... 14912, 16315
214 16316

36 CFR—Continued

603 15877
604 15877

PROPOSED RULES:
231 16335

38 CFR

3 16064

PROPOSED RULES:
1 14783
3 16092

39 CFR

PROPOSED RULES:
111 ..... 15909, 16686

40 CFR

6 16814
52 ..... 14595, 15879, 16844, 16845
65 14876
85 16667
180 ..... 14496, 14597, 15387, 15880
408 16204

PROPOSED RULES:
52 ..... 15094, 15095, 16218, 16680
408 15096

41 CFR

1–3 15880
1–7 14913
1–12 14913
1–15 14913
1–30 14917
3–1 16319
3–8 16319
5A–2 16847
5A–7 16847
5A–16 16847
7–1 16205
7–6 16205
7–7 16205
7–16 16206
7–30 16206
9–9 16848
14–3 15091
109–1 15091

PROPOSED RULES:
Ch. 9 16677
Ch. 60 14953
3–16 16337

42 CFR

57 14762

PROPOSED RULES:
57 14932

43 CFR

PUBLIC LAND ORDERS:
5494 16066
5495 16667
5496 16208

PROPOSED RULES:
4 14603
2650 14603

45 CFR

112 16013
113 16015
114 16019
115 16032
151 14762
154 14917
155 14918
190 15248

V 40-73 APR 15 75 XUM

45 CFR—Continued
237 16667
249 14597
250 ..... 14597, 15388
1216 16208
PROPOSED RULES:
204 16672
228 16802
250 15093
156 16086
1222 16676

46 CFR
380 14599
528 14599
533 14599
PROPOSED RULES:
12 16676
32 ..... 14935, 16676
50 ..... 14935, 16676
52 ..... 14935, 16676
53 ..... 14935, 16676
54 ..... 14935, 16676

46 CFR—Continued
PROPOSED RULES:
56 ..... 14935, 16676
58 ..... 14935, 16676
63 ..... 14935, 16676
502 15097
550 15401

47 CFR
0 14764
1 ..... 15883, 16394
15 ..... 15091, 15881
73 ..... 15546, 15882–15889, 16667
76 15546
PROPOSED RULES:
1 16968
73 ..... 14943–14947, 15907, 15908, 16680, 16682
76 ..... 15574, 16683, 16684

49 CFR
1 14764
310 14919

49 CFR—Continued
571 14765
1033 ..... 14765, 14766
1036 16846
1126 16066
1201 15388
PROPOSED RULES:
571 ..... 16217, 16854
1241 15402
1249 15402
1250 15402
1251 15402

50 CFR
32 14920
33 ..... 14766, 14920, 16210, 16320
280 16210
PROPOSED RULES:
17 14767
227 14777
251 ..... 14778, 14779, 16216

FEDERAL REGISTER PAGES AND DATES—APRIL

Pages	Date
14565–14735	Apr. 1
14737–14883	2
14885–15062	3
15063–15376	4
15077–15859	7
15861–16046	8
16047–16186	9
16187–16291	10
16293–16640	11
16641–16827	14
16829–17002	15

presidential documents

Title 3—The President

PROCLAMATION 4367

Small Business Week, 1975

By the President of the United States of America

A Proclamation

Small business has been a vital part of American life from the very beginning. The colonial traders, craftsmen and merchants of two centuries ago have been replaced by an enormous range of dealers in goods and services of all kinds, but the original opportunity, and the determination to excel, remain. Small business in America is still the free enterprise system's gateway to opportunity—the means by which millions of Americans continue to build a better life for themselves and their families.

Out of the estimated 9.7 million businesses in America today, more than 9 million are small. They account for nearly half of the gross business product and more than half of the business labor force. Our American success story could never have been achieved, and would not continue, without this impressive contribution by small business.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning May 25, 1975, as Small Business Week. I ask all Americans to share with me during this week a solemn pride in the great achievements of our Nation's small business men and women, and in the contributions they have made to our free way of life.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of April, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.75–10009 Filed 4–14–75;12:32 pm]

V 40 73 APR 15 75 5 XUM

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 2]

PART 728—WHEAT

Subpart—Wheat Program for Crop Years 1974–77

1976 WHEAT ALLOTMENT

On February 19, 1975, a notice of proposed rule making regarding determinations with respect to the 1976 national allotment for wheat was published in the FEDERAL REGISTER (40 FR 7099). Interested persons were invited to submit written data, views and recommendations regarding the determinations. The comments and recommendations received have been duly considered.

A new § 728.4b is issued in accordance with the Agricultural Adjustment Act of 1938, as amended, to determine and proclaim the 1976 national allotment for wheat.

Pursuant to section 379c(a)(1) of the Agricultural Adjustment Act of 1938, as amended by the Agriculture and Consumer Protection Act of 1973, the Secretary is required to proclaim a national wheat acreage allotment not later than April 15 of each calendar year for the crop harvested in the next succeeding calendar year. Such allotment shall be the number of acres he determines on the basis of the estimated national average yield for the crop for which the determination is being made will produce the quantity (less imports) that he estimates will be utilized domestically and for export during the marketing year for such crop. If the Secretary determines that carryover stocks are excessive or an increase in stocks is needed to assure a desirable carryover, he may adjust the allotment by the amount he determines will accomplish the desired decrease or increase in carryover stocks.

The determination in § 728.4b of the 1976 national wheat allotment is based on the estimated yield and usage set out therein. The determination has been made on the basis of the latest available statistics of the Federal Government.

Part 728 is amended by adding a new § 728.4b to read as follows:

§ 728.4b 1976 national wheat allotment.

Based on an estimated national yield of 33.1 bushels per acre and estimated total utilization (less imports) for the 1976–77 marketing year of 2,040 million bushels, the 1976 national wheat allotment is determined to be 61.6 million acres and a national allotment of that amount is hereby proclaimed. The estimated total utilization (less estimated imports of 1 million bushels) is based on estimated domestic use of 841 million bushels and estimated exports of 1,200 million bushels. Since carryover stocks at the end of the marketing year will be adequate but not excessive, no adjustment in the allotment for the purpose of increasing or decreasing carryover stocks was determined to be necessary.

(Sec. 379c, 87 Stat. 227, (7 U.S.C. § 1379c))

Effective date. This amendment shall be effective April 15, 1975.

Signed at Washington, D.C. on April 10, 1975.

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.75-9795 Filed 4-14-75;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—INTEREST ON DEPOSITS

Withdrawal of Savings Deposits by Telephone

The Board has re-examined the issue of the manner in which member banks may accept instructions from owners of savings deposits. Upon review of this issue and in light of technological innovations which minimize the problems of record-keeping and security, the Board has decided to rescind its policy, announced in 1936, against withdrawals from savings accounts by telephone (1936 Fed. Res. *Bulletin* 624).

Part 217 is amended by adding the following new section:

§ 217.152 Withdrawals of savings deposits by telephone.

(a) The Board of Governors has been asked to reconsider its view, adopted in 1936, that a member bank may not permit a depositor to withdraw funds from his savings account by means of a telephone or other oral order (1936 Fed. Res. *Bulletin* 624). That position was based upon the Board's concern for member bank security and also upon its concern that unrestricted telephone access to savings accounts might lead depositors to treat such accounts as extensions of their checking accounts and destroy the distinction between the accounts.

(b) The Board has studied the telephone withdrawal systems currently being developed by several member banks and feels that the security and record-keeping devices made possible by new technology and incorporated into these systems will keep errors and unauthorized use to a minimum.

(c) The Board recognizes that the telephone has become an accepted medium for transmitting financial data and that the telephone merely provides the customer with an additional method of communicating instructions regarding his account to his bank. In fact, numerous other depository institutions including nonmember commercial banks and savings and loan associations have for some time been permitted to offer telephone withdrawal services.

Therefore, the Board withdraws its policy against the offering of telephone withdrawal services while advising member banks to safeguard such transfers with proper procedures and internal control.

(Interprets and applies 12 U.S.C. 371b)

By order of the Board of Governors, effective April 7, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-9710 Filed 4-14-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-CE-8-AD; Amdt. 39-2171]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Pressurized Model 65, 90 and 100 Series Airplanes

There have been instances of window failures and subsequent cabin depressurization in Beech Model 90 and 100 series airplanes. Since this condition is likely to exist or develop in other airplanes of the same type design, an Airworthiness Directive (AD) is being issued applicable to Beech Pressurized Model 65, 90 and 100 series airplanes with two or more years time in service, which requires inspection of the windows for crazing and cracks within the next 50 hours' time in service, recurrent inspections and replacement of windows where cracks exceed specified criteria. The AD further provides that the cabin pressurization system must be deactivated until defective windows are replaced.

Since a situation exists which requires expeditious adoption of the amendment,

V 40 I 73 APR 15 75 XUM

notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to Beech Models 65–88, 65–90, 65–A90, B90, C90, E90, 100 and A100 series airplanes with two or more years time in service.

Compliance: Required as indicated, unless already accomplished.

To prevent decompression resulting from window failure, within the next 50 hours' time in service after the effective date of this AD, accomplish the following:

(A) 1. Visually inspect each round cabin window and each non-openable side window in the crew compartment for crazing and cracks in accordance with the procedures and sketches in Beechcraft Service Instruction 0711–110 or later approved revisions.

2. If, as a result of these inspections, a crack or craze is discovered that is ¾ inch in length or greater, replace the window prior to further flight in accordance with the aforementioned service instruction, or alternatively deactivate the cabin pressurization system as follows:

a. Secure the "Test/Dump" switch in the "Dump" position.

b. Install a placard on the control panel adjacent to the pressurization system controls which reads:

"CABIN PRESSURIZATION PROHIBITED"

and operate the aircraft in accordance with this limitation.

c. Insert a copy of this AD in the "Limitations" section of the airplane flight manual.

3. For windows with cracks or craze lengths less than ¾ inch, reinspect in accordance with Paragraph (A)1 at 100 hour intervals and accomplish Paragraph (A)2 as applicable.

4. Reinspect windows without cracks or crazes in accordance with Paragraph A above at 500 hour intervals.

NOTE: Windows with minor scratches (less than .030 inches in depth) need not be replaced but the scratches should be removed in accordance with the aforementioned Beechcraft Service Instructions.

(B) Any equivalent method of compliance or equivalent replacement parts must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective April 21, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Missouri, on April 4, 1975.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc.75-9721 Filed 4-14-75;8:45 am]

[Airworthiness Docket No. 75-WE-22-AD; Amdt. 39-2172]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed L-1011-385-1-193L Series Airplanes

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted on March 18, 1975, and distributed by telegram dated March 18, 1975, to the United States operator and owner of the Lockheed-California Company L-1011-385-1-193L Series airplanes involved. The directive imposes a limitation prohibiting the occupancy of the underfloor lower lounge until the conformity of the underfloor lower lounge floor boards and the related applicable components to the approved type design configuration is verified. The existing condition of non-conformity of the underfloor lower lounge design configuration results in degradation of structural integrity below the minimum acceptable level.

Since it was found that immediate corrective action was required, notice and public procedure hereon was impractical and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to the operator of Lockheed-California Company L-1011-385-1-193L series airplanes, Serial Numbers 1064, 1079, 1114, 1120 and 1125 by telegram dated March 18, 1975. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER to make it effective as to all persons.

LOCKHEED-CALIFORNIA COMPANY. Applies to L-1011-385-1-193L airplanes, Serial Nos. 1064, 1079, 1114, 1120, and 1125, certificated in all categories. After receipt of this AD, occupancy of the under floor lounge is prohibited until the conformity of the under floor lower lounge floor boards and the related applicable components is verified to establish adherence to the configuration defined by FAA Sealed Drawing List L-1011-385-1, No. 385-1, supplement entitled, "FAA List for Model L Peculiars" and "Model L Peculiars Drawing List Addendum," dated May 10, 1974, or FAA-approved equivalent configuration. The conformity inspection shall be accomplished by the Chief, Aircraft Engineering Division, FAA Western Region, or his authorized representative.

This amendment becomes effective April 21, 1975, for all persons except those to whom it was made effective by telegram, dated March 18, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on April 4, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.75-9722 Filed 4-14-75;8:45 am]

[Airspace Docket No. 74-GL-54]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On Page 4153 of the FEDERAL REGISTER dated January 28, 1975, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation regulations so as to designate a transition area at Monee, Illinois.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective May 29, 1975.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, on March 18, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is added:

MONEE, ILLINOIS

That airspace extending upward from 700 feet above the surface within a five mile radius of Sanger Airport (Latitude 41°22'39" N., Longitude 87°41'03" W.); within one and one-half miles either side of the 039° radial of the Peotone VORTAC extending from the five mile radius area to the VORTAC, excluding that portion that overlies the Chicago, Illinois transition area.

[FR Doc.75-9720 Filed 4-14-75;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 920—COASTAL ZONE MANAGEMENT PROGRAM DEVELOPMENT GRANTS

State Application Procedures

The National Oceanic and Atmospheric Administration on November 29, 1973, published final guidelines pursuant to section 305 of the Coastal Zone Management Act of 1972 (Pub. L. 92–583, 86 Stat. 1280), hereafter referred to as the "Act," for the purpose of defining the procedures by which states can qualify to receive development grants under section 305 of the Act and policies for development of their management programs.

The guidelines are for grants under section 305 to develop a management program that will meet the requirements of section 306 of the Act. Section 305 provides guidelines as to what must be considered in a management program while section 306 sets forth requirements that must be met before the Secretary can approve a state management program for administrative grants.

The National Oceanic and Atmospheric Administration is publishing herewith amendments to the section 305 regulations issued November 29, 1973 (15 CFR Part 920). The purpose for amending these regulations is to further clarify the application procedure used by a state in applying for section 305 development grant. Furthermore, these amendments have been promulgated on the basis of the Office of Coastal Zone Management's experience during the past year in reviewing and processing section 305 grant applications. The following amendments will more fully complement the section 306 regulations published January 9, 1975, in the FEDERAL REGISTER (15 CFR Part 923). These amendments shall become effective on April 15, 1975.

E. *Application for Development Grants.* Section 920.40 *General,* Published November 29, 1973, is hereby repealed and the following substituted therefore:

§ 920.40 General.

(a) The primary purpose of development grants made under Section 305 of the Act is to assist a state in developing a comprehensive management program for their coastal zone that can be approved by the Secretary. The purpose of these guidelines is to define clearly the processes by which grantees apply for and administer grants under the Act. These guidelines shall be used and interpreted in conjunction with the Grants Management Manual for Grants under the Coastal Zone Management Act, hereinafter referred to as the "Manual." This Manual contains procedures and guidelines for the administration of all grants covered under the Coastal Zone Management Act of 1972, as amended. It has been designed as a tool for grantees, although it also addresses the responsibilities of the National Oceanic and Atmospheric Administration and its Office of Coastal Zone Management, which is responsible for administering programs under the Act. The Manual incorporates a wide range of Federal requirements, including those established by the Office of Management and Budget, the General Services Administration, the Department of the Treasury, the General Accounting Office and the Department of Commerce. In addition to specific policy requirements of these agencies, the Manual includes recommended policies and procedures for a grantee to use in submitting a grant application. Inclusion of recommended policies and procedures for grantees does not limit the choice of grantees in selecting those most useful and applicable to local requirements and conditions. Grants given to the State must be expended for the development of a management program that meets the requirements of the Act. The grants shall not exceed two-thirds of the total cost of the development programs. Federal funds received from other sources cannot be used to match OCZM grants. No more than three annual management program development grants can be awarded to a State.

(b) Section 305(c) of the Act in part, provides:

In order to qualify for a grant under this section, the State must demonstrate to the satisfaction of the Secretary that such a grant will be used to develop a management program consistent with the requirements set forth in section 306 of the Act. After making the initial grant to a coastal State, no subsequent grant shall be made under this section unless the Secretary finds that the State is satisfactorily developing such a management program.

Section 920.45 *Application for the initial management program development grant,* Published November 29, 1973 is hereby repealed and the following substituted therefore:

§ 920.45 Application for the initial management program development grant.

(a) The Form CD–288, Preapplication for Federal Assistance, required only for the initial grant, should be submitted 120 days prior to the beginning date of the requested grant. The preapplication shall include documentation, signed by the Governor, designating the State office, agency or entity to apply for and administer the grant.

(b) All applications are subject to the provisions of OMB Circular A–95 (revised). The Form CD–288, Preapplication for Federal Assistance, will be transmitted to the appropriate clearinghouses at the time it is submitted to the Office of Coastal Zone Management (OCZM). If the application is determined to be Statewide or broader in nature, a statement to that effect shall be attached to the Preapplication form submitted to OCZM. Such a determination does not preclude the State clearinghouse from involving areawide clearinghouses in the review. In any event, whether the application is considered to be Statewide or not, the Preapplication form shall include an attachment indicating the date copies of the Preapplication form were transmitted to the State clearinghouse and if applicable, the identity of the areawide clearinghouse(s) receiving copies of the Preapplication form and the date(s) transmitted. The Preapplication form may be used to meet the project notification and review requirements of OMB Circular A–95 with the concurrence of the appropriate clearinghouses. In the absence of such concurrence the project notification and review procedures, established by State and areawide clearinghouses, should be implemented simultaneously with the distribution of the Preapplication form.

(c) Costs claimed as charges to the grant project must be beneficial and necessary to the objectives of the grant project. As used herein the terms costs and grant project pertain to both the Federal grant and the matching share. The allowability of costs will be determined in accordance with the provisions of FMC 74–4: Cost Principles Applicable to Grants and Contracts with State and Local Governments.

(d) The Form CD–292, Application for Federal Assistance (Non-Construction Programs), constitutes the formal application and must be submitted 60 days prior to the desired grant beginning date. The application must be accompanied by evidence of compliance with A–95 requirements including the resolution of any problems raised by the proposed project. The OCZM will not accept applications substantially deficient in adherence to A–95 requirements.

(e) In Part IV, Program Narrative, of the Form CD–292, the applicant should respond to the following requirements. Applicants are urged to be clear and brief.

(1) Summarize the State's past and current activities in its coastal zone and describe the current status of coastal management and related activities.

(2) Discuss and rank by general order of importance the major coastal zone related problems and issues facing the State.

(3) Identify the goals the State expects to achieve by development of its coastal zone management program, and the objectives it has set to meet those goals.

(4) Describe the overall program design for developing the management program. This should be an outline of the State's plan of action, identifying the work to be accomplished, for developing an approvable management program. Briefly and generally describe how the overall program design is intended to meet the requirements set forth in §§ 920.11, 920.12, 920.13, 920.14, 920.15, 920.16 of Subpart B of this part. In developing the overall program design the applicant should also give early consideration to the more specific requirements for approval of a management program as set forth in 15 CFR Part 923, Subparts B, C, D and E. The applicant will also find in Subpart A, § 923.4 a general description of the factors considered in the evaluation of management programs submitted for approval. In addition the program design should specifically include:

(i) An identification of existing information and sources of information;

(ii) A projection as to additional information must be acquired;

(iii) A description of methods to insure public participation;

(iv) A description of the intergovernmental process by which the State intends to involve various levels of government in the development of the management program;

(v) A mechanism for coordination with agencies administering excluded Federal lands that are in the coastal zone;

(vi) A tentative approximation of the boundaries of the State's coastal zone;

(vii) Identification of any other Federal and State planning, programming or activity which may have a significant impact on the State's coastal zone. Such planning, programming or activities includes work accomplished or to be undertaken by any Federal, State, areawide, local, regional or interstate agencies, regardless of source of funding. Additionally the application shall reflect, and the coastal zone management program as it is developed will provide methods to integrate Federally assisted programs. Programs such as, but not limited to, those listed below as well as any Federally supported land use program which may be hereafter enacted should be considered. (The program numbers and titles listed on the next page are those contained in the 1974 Catalog of Federal Domestic Assistance).

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Public law reference		
Pub. L. 87-703; 88-345; 74-46.	Resource Conservation and Development.	(10.901)
Pub. L. 89-136; 89-102; 91-122; 91-304; 89-85; 92-46.	Public Works and Economic Development Act.	(11.302)
Pub. L. 88-309; 88-592; 89-851.	Commercial Fisheries Research and Development Act.	(11.417)
Pub. L. 89-688; 89-454.	National Sea Grant College and Program Act.	(11.417)
Pub. L. 90-448; 91-152; 92-234.	Flood Insurance and Flood Disaster Protection.	(14.001)
Pub. L. 88-560.	Comprehensive Planning Assistance.	(14.208)
Pub. L. 88-578.	Outdoor Recreation State Planning.	(15.401)
Pub. L. 89-304; 91-249.	Anadromous Fish Conservation.	(15.600)
	Fish Restoration.	(15.605)
	Wildlife Restoration.	(15.611)
Pub. L. 74-292.	Historic American Buildings Survey.	(15.909)
Pub. L. 89-665.	Historic Preservation.	(15.904)
Pub. L. 91-258.	Airport Planning Grant Program.	(20.103)
Pub. L. 90-495; 91-605; 89-574.	Highway Research Planning and Construction.	(20-205)
Pub. L. 91-453; 89-562.	Urban Mass Transportation Technical Studies Grants.	(20-505)
Pub. L. 89-80.	Water Resources Planning.	(15.951)
	Air Pollution Survey and Demonstration Grants.	(66.005)
	Solid Waste Planning Grants.	(66.501)
	Water Pollution Control Comprehensive Planning Grants.	(66.454)
Pub. L. 88-206; 89-272; 89-675; 90-148; 91-604.	Air Pollution Survey and Demonstration Grants.	(66.005)
Pub. L. 89-669.	Water Quality Management Technical Planning Assistance.	(66.022)
Pub. L. 89-272; 91-512; 90-14.	Solid Waste Technical Assistance, Training and Information Services.	(66.504)
Pub. L. 92-583.	Marine Protection Research and Sanctuaries.	
Pub. L. 88-419.	Rural Development Act.	

(5) Set forth a work program describing the work to be accomplished during the grant period. The work program should be consistent with the phasing of the overall program design and should include:

(i) A precise description of each major task to be undertaken, how it will be accomplished and who will do it.

(ii) For each task identify any "Other Entities" as defined in the "Manual," that will be allocated responsibility for carrying out all or portions of the task, and indicate the estimated cost of the subcontract/grant for each allocation. Identify, if any, that portion of the task that will be carried out under contract with consultants and indicate the estimated cost of such contract(s).

(iii) For each task indicate the estimated total cost. Also indicate the estimated total man-months, if any, allocated to the task from the applicant's staff.

(iv) For each task indicate the percent estimated to be completed during the grant period.

(6) The sum of all task costs in subparagraph (5) of this paragraph should equal the total estimated grant project costs.

(7) Using two categories, Professional and Clerical, indicate the total number of personnel in each category on the applicant's staff, that will be assigned to the grant project. Also indicate the number assigned full time and the number assigned less than full time in the two categories. Additionally indicate the number of new positions created in the two categories, as a result of the grant project.

(f) States may elect to utilize only two annual grants in developing a management program. In such cases the overall program design must encompass the requirements set forth in 920.45, 920.48 and 920.49 within a two year time frame. States should consult with OCZM early in the design stage of such programs for advice and guidance relative to meeting all requirements.

Section 920.46 *Approval of applications*, published November 29, 1973 is hereby repealed and the following substituted therefore:

§ 920.46 Approval of applications.

(a) The application for a management program development grant of any coastal State which complies with the policies and requirements of the Act and these guidelines, shall be approved by OCZM, assuming available funding.

(b) Should an application be found deficient, OCZM will notify the applicant in writing, setting forth in detail the manner in which the application fails to conform to the requirements of the Act or this subpart. Conferences may be held on these matters. Corrections or adjustments to the application will provide the basis for resubmittal of the application for further consideration and review.

(c) OCZM may, upon finding of extenuating circumstances relating to applications for assistance, waive appropriate administrative requirements contained herein.

Section 920.47 *Amendments*, Published November 29, 1973 is hereby repealed and the following substituted therefore:

§ 920.47 Amendments.

Amendments to an approved application must be submitted to, and approved by, the OCZM prior to initiation of the change contemplated. Requests for substantial changes should be discussed with OCZM well in advance. It is recognized that, while all amendments must be approved by OCZM, most such requests will be relatively minor in scope; therefore, approval may be presumed for minor amendments if the State has not been notified of objections within 30 working days of date of postmark of the request.

Section 920.48 *Application for second year grants*, published November 29, 1973 is hereby repealed and the following substituted therefor:

§ 920.48 Application for second year grants.

(a) Second year development grant applications will follow the procedures set forth in § 920.45 (c), (d), (e) (5), (6), (7) with the exception that the preapplication form may be used at the option of the applicant. If used, the procedures set forth in § 920.45(b) will be followed. In any event the A-95 project notification and review procedures established by State and areawide clearinghouses should be followed. Additionally, the program design (§ 920.45(e)(4)) shall be updated to:

(1) Describe how the past year's work and products contributed to the accomplishment of the overall program design and to meeting the requirements set forth in § 920.45(e). At this point clearly establish and identify the relationship between the tasks set out in the overall program design and the criteria established for approval of a coastal zone management program as set forth in 15 CFR Part 923, Subparts B, C, D and E.

(2) Examine and assess the need, if any, to modify the overall program design or the management program development goals and objectives or both in view of the above or of any emerging opportunities or problems.

(b) In evaluating whether a State is making satisfactory progress in the development of a management program to determine eligibility for the second year grant, the Secretary will consider among other things:

(1) The progress made toward meeting management program goals and objectives;

(2) The progress demonstrated in completing the first year work program;

(3) The relationship identified between the program design and meeting the criteria required for Final approval of a coastal zone management program.

(4) The effectiveness of mechanisms for insuring public participation and consultation with affected Federal, State, regional and local agencies.

(c) If the overall program design provides for developing a management program in two years, the application for a second year grant should be prepared in accordance with 920.49.

Section 920.49 *Application for third year grants*, published November 29, 1973 is hereby repealed and the following substituted therefore:

§ 920.49 Application for third year grants.

(a) Third year development grant applications will follow the procedures set forth in § 920.45 (c), (d), (e) (5), (6), (7) with the exception that the preapplication form may be used at the option of the applicant. If used, the procedures set forth in § 920.45(b) will be followed. In any event the A-95 project notification and review procedures established by State and areawide clearinghouses should be followed. Additionally the program design (§ 920.45(e)(4)) shall be updated to:

(1) Describe how the second year's work and products contributed to the accomplishment of the overall program design and specifically to meeting the criteria established for approval of a coastal zone management program as set forth in 15 CFR Part 923, Subparts B, C, D and E.

(2) Examine and assess the need, if any, to modify the overall program design or the management program development goals and objectives or both in view of the above or of any emerging opportunities or problems.

(3) A projection as to when the State will submit a management program to the Secretary for review and Final approval or when a management program will be submitted for preliminary approval in accordance with the provisions of 15 CFR Part 923, Subpart A, § 923.3 (b).

(b) In evaluating whether a State is making satisfactory progress towards completion of a management program to determine the eligibility for the third year grant, the Secretary will consider among other things:

(1) The progress made toward meeting management program goals and objectives;

(2) The progress demonstrated in completing the second year work program;

(3) The cumulative progress, demonstrated during the first and second grant periods, toward meeting the criteria required for Final approval of a coastal zone management program.

(4) The applicability of the third year work program to the achievement of all criteria required for Final approval of a coastal zone management program.

(5) The effectiveness of mechanisms for insuring public participation and consultation with affected Federal, State, regional and local agencies.

R. L. CARNAHAN,
Acting Assistant Administrator for Administration.

[FR Doc.75-9776 Filed 4-14-75;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

ALCOHOL, TOBACCO, AND FIREARMS

Transfer of Functions

CROSS REFERENCE: For a document which transfers Parts 170–299 from 26 CFR Chapter I to 27 CFR Chapter I, see FR Doc. 75-9726, Title 27, *infra*.

Title 27—Alcohol, Tobacco Products and Firearms

CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

[Regs. No. 1]

ALCOHOL, TOBACCO, AND FIREARMS

Recodification

The Bureau of Alcohol, Tobacco and Firearms was established by Treasury Department Order 221, dated June 6, 1972, effective July 1, 1972, which was published at 37 FR 11696. The purpose of this order was to transfer the functions, powers and duties of the Internal Revenue Service arising under laws relating to alcohol, tobacco, firearms, and explosives (including the Alcohol, Tobacco and Firearms Division of the Internal Revenue Service) to the Bureau of Alcohol, Tobacco and Firearms.

On request of the Director of the Office of the Federal Register pursuant to his authority to assure orderly development of the Code of Federal Regulations (1 CFR 8.2), the regulations formerly codified as 26 CFR Parts 170 through 299 (Subchapter E—Alcohol, Tobacco and other Excise Taxes, of Chapter 1) are redesignated as 27 CFR Parts 170 through 299, (Subchapter M—Alcohol, Tobacco and Other Excise Taxes) with the clarifications set forth below.

Wherever references to a part or other subdivision of Title 26 CFR appear in the following types of issuances, the reference shall mean a reference to the same part or other subdivision of Title 27 CFR:

(1) In Title 26 CFR Part 170 through and including Part 299.

(2) In published official ATF Procedures.

(3) In published official ATF Rulings.

(4) On ATF public use forms.

(5) In any other official Bureau publication, pamphlet, circular, or document.

(6) In any written Bureau correspondence or communication with members of the regulated industries or the public at large.

Because this document involves only a redesignation of existing regulations, it is effective April 15, 1975.

Dated: April 7, 1975.

WILLIAM R. THOMPSON,
Acting Director, Bureau of Alcohol, Tobacco and Firearms.

Approved:

Dated: April 9, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-9726 Filed 4-14-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-540]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186-93). A list of servicing companies is also available from the Federal Insurance Administration, HUD, 451 Seventh Street SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special hazards that is located within any community currently participating in the National Flood Insurance Program.

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. Therefore notice and public procedure under 5 U.S.C. 553(b) are impracticable, unnecessary, and contrary to the public interest.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in the order to designate (1) the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program; (2) the effective date on which the community became ineligible for the sale of flood insurance because of its failure to submit land use and control measures as required pursuant to § 1909.24(a); or (3) the effective date of a community's formal reinstatement in the program pursuant to § 1909.24(b). These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 Status of participating communities.

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State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Jefferson	Leeds, city of	Apr. 10, 1975. Emergency	June 7, 1974		
Do	Barbour	Eufaula, city of	do	Dec. 17, 1973		
Florida	Brevard	Titusville, city of	Mar. 12, 1971. Emergency. June 16, 1972. Regular. Mar. 28, 1975. Suspension. Apr. 4, 1975. Reinstated.	June 16, 1972		
Illinois	Kendall	Millbrook, village of	Apr. 10, 1975. Emergency	June 28, 1974		
Do	Champaign	Mahomet, village of	do	Nov. 23, 1973		
Do	Iroquois	Onarga, village of	do	Dec. 27, 1974		
Indiana	Newton	Brook, town of	do	Dec. 7, 1974		
Minnesota	Wright	Monticello, city of	do	May 24, 1974		
Missouri	Webster	Fordland, city of	do			
New Jersey	Monmouth	Allenhurst, borough of	do	Aug. 24, 1973		
New York	Niagara	Barker, village of	do	May 3, 1974		
North Carolina	Pitt and Lenoir	Grifton, town of	do	Dec. 17, 1973		
Ohio	Cuyhoga	Parma, city of	do	May 17, 1974		
Do	Stark	Massillon, city of	do	Jan. 9, 1974		
Texas	Liberty	New Boston, city of	do	Dec. 17, 1973		
Do	Angelina	Diboll, city of	do	May 3, 1974		
Do	Hunt	Commerce, city of	do	Mar. 8, 1974		
Do	Henderson	Athens, city of	do	Aug. 23, 1974		
Wisconsin	Green Lake	Kingston, village of	do	Dec. 17, 1973		

((National Flood Insurance Act of 1968 (Title XIII, Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: April 3, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-9541 Filed 4-14-75;8:45 am]

[Docket No. FI-541]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration, HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special hazards that is located within any community currently participating in the National Flood Insurance Program.

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. Therefore notice and public procedure under 5 U.S.C. 553(b) are impracticable, unnecessary, and contrary to the public interest.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arkansas	Independence	Batesville, city of	Apr. 8, 1975. Emergency	Nov. 23, 1973		
California	Madera	Madera, city of	do	July 19, 1974		
Georgia	Gwinnett	Unincorporated areas	do			
Indiana	Carroll	Flora, town of	do	May 24, 1974		
Minnesota	Hennepin	Minnetonka, city of	do	Aug. 23, 1974		
New York	New York, Bronx, Queens, Kings, Richmond.	New York, city of	Apr. 8, 1975. Emergency	June 28, 1974		
Do	Columbia	Claverack, town of	Apr. 9, 1975. Emergency	May 3, 1974		
Ohio	Washington	Lowell, village of	do	Apr. 12, 1974		
Do	Greene	Spring Valley, village of	do	Nov. 16, 1973		
Do	Seneca, Hancock	Fostoria, city of	do	Apr. 12, 1974		
Do	Lucas	Waterville, village of	do	Apr. 5, 1974		
Pennsylvania	Schuylkill	East Brunswick, township of.	do	Jan. 24, 1975		
Tennessee	Warren	Viola, town of	do	Aug. 9, 1974		
Texas	Collins	McKinney, city of	do	May 24, 1974		
West Virginia	Wayne	Kenova, city of	do	May 31, 1974		
Wyoming	Park	Cody, city of	do	June 28, 1974		

((National Flood Insurance Act of 1968 (Title XIII, Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: April 3, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-9540 Filed 4-14-75;8:45 am]

[Docket No. FI-542]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration, HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special hazards that is located within any community currently participating in the National Flood Insurance Program.

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. Therefore notice and public procedure under 5 U.S.C. 553 (b) are impracticable, unnecessary, and contrary to the public interest.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arkansas	Miller	Garland City, city of	Apr. 1, 1975. Emergency	Jan. 17, 1975		
California	Stanislaus	Oakdale, city of	do	June 7, 1974		
Georgia	Screven	Sylvania, city of	do			
Illinois	Rock Island	Rapids City, village of	do	Mar. 22, 1974		
				Feb. 14, 1975		
Indiana	Switzerland	Vevay, town of	do	Feb. 1, 1974		
Do	Wayne	Richmond, city of	Mar. 28, 1975. Emergency	May 10, 1974		
Kansas	Allen	Iola, city of	Apr. 1, 1975. Emergency	Dec. 17, 1973		
				Mar. 7, 1975		
Do	Meade	Meade, city of	do	Feb. 1, 1974		
Michigan	Antrim	Torch Lake, township of	do			
Do	Lenawee	Adrian, city of	do	May 3, 1974		
Missouri	Howell	Mountain View, city of	do	May 10, 1974		
Mississippi	Bolivar	Alligator, town of	do	Oct. 25, 1974		
Do	Choctaw	Ackerman, town of	do	Jan. 31, 1975		
New York	Ulster	Rochester, town of	do	June 21, 1974		
Oregon	Union	Island City, city of	do	Aug. 30, 1974		
Pennsylvania	Susquehanna	Depot, borough of	do			
Tennessee	Jackson	Gainesboro, city of	do	June 21, 1974		
Texas	Williamson	Round Rock, city of	do			
West Virginia	Harrison	Lumberport, town of	do	Mar. 8, 1974		
Do	Randolph	Mill Creek, town of	do	Jan. 10, 1975		
Do	Marion	Mannington, city of	do	May 31, 1974		
Wisconsin	Chippewa	Stanley, city of	do	May 3, 1974		

((National Flood Insurance Act of 1968 (Title XIII, Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: March 26, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-9539 Filed 4-14-75;8:45 am]

[Docket No. FI-543]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration, HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

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The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special hazards that is located within any community currently participating in the National Flood Insurance Program.

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. Therefore notice and public procedure under 5 U.S.C. 553(b) are impracticable, unnecessary, and contrary to the public interest.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in the order to designate (1) the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program; (2) the effective date on which the community became ineligible for the sale of flood insurance because of its failure to submit land use and control measures as required pursuant to § 1909.24(a); or (3) the effective date of a community's formal reinstatement in the program pursuant to § 1909.24(b). These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Calhoun	Oxford, city of	Apr. 3, 1975. Emergency	May 17, 1974		
Arkansas	Mississippi	Keiser, city of	do	do		
Do	Johnson	Lamar, city of	do	Apr. 5, 1974		
Do	Drew	Monticello, city of	do			
Do	do	Tillar, city of	do	Nov. 1, 1974		
California	Riverside	Indian Wells, city of	do	June 28, 1974		
Idaho	Clark	Unincorporated areas	do			
Do	Lewis	Kamiah, city of	do	Nov. 28, 1973		
Illinois	Cook	Barrington Hills, village of	do	Apr. 5, 1974		
Do	Franklin	Benton, city of	do	June 28, 1974		
Do	Knox	Galesburg, city of	do	Feb. 22, 1974		
Do	Henry	Kewanee, city of	do	May 17, 1974		
Do	Rock Island	Milan, village of	do	May 10, 1974		
Do	Kendall	Yorkville, city of	do	Mar. 29, 1974		
Indiana	Dearborn	Unincorporated areas	do			
Do	Adams	Decatur, city of	do	Nov. 23, 1973		
Do	Jackson	Seymour, city of	do	Dec. 17, 1973		
Do	Wabash	Unincorporated areas	do	Dec. 27, 1974		
Iowa	Black Hawk	Dunkerton, city of	Apr. 3, 1975. Emergency	Mar. 22, 1974		
Do	Clayton	McGregor, town of	Mar. 24, 1975. Suspension withdrawn.	Jan. 19, 1972		
Kansas	Barton	Albert, city of	Apr. 3, 1975. Emergency	Dec. 27, 1974		
Do	Harvey	Halstead, city of	do	June 7, 1974		
Kentucky	Montgomery	Mount Sterling, city of	do	May 10, 1974		
Maine	Penobscot	Bangor, city of	do	Mar. 29, 1974		
Do	do	Orono, town of	do	Dec. 13, 1974		
Massachusetts	Plymouth	Hanson, town of	do	Nov. 8, 1974		
Michigan	Wayne	Wayne, city of	do	May 31, 1974		
New York	Rensselaer	Poestenkill, town of	do	Aug. 30, 1974		
Do	Sullivan	Woodridge, village of	do	Nov. 15, 1974		
North Carolina	Duplin	Wallace, town of	do	June 28, 1974		
South Carolina	Horry	Aynor	do	do		
Texas	Cameron	Rio Hondo, town of	do	May 10, 1974		
West Virginia	Barbour	Junior, town of	do	June 28, 1974		

(National Flood Insurance Act of 1968 (title XIII, Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: March 28, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-9538 Filed 4-14-75;8:45 am]

[Docket No. FI-549]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration, HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special hazards that is located within any community currently participating in the National Flood Insurance Program.

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. Therefore notice and public procedure under 5 U.S.C. 553(b) are impracticable, unnecessary, and contrary to the public interest.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in the order to designate (1) the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program; (2) the effective date on which the community became ineligible for the sale of flood insurance because of its failure to submit land use and control measures as required pursuant to § 1909.24 (a); or (3) the effective date of a community's formal reinstatement in the program pursuant to § 1909.24(b). These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551.

The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Escambia	Atmore, city of	Apr. 2, 1975. Emergency	Apr. 5, 1974		
Arkansas	Carrol	Eureka Springs, city of	do	Jan. 10, 1975		
Do	Calhoun	Hampton, city of	do	June 21, 1974		
California	Del Norte	Crescent City, city of	do	May 3, 1974		
Do	San Mateo	Menlo Park, city of	do	June 14, 1974		
Delaware	Kent	Frederica, town of	do	May 17, 1974		
Do	Sussex	Laurel, town of	do	June 7, 1974		
Florida	Palm Beach	Golf, village of	do	Aug. 30, 1974		
Do	Jackson	Graceville, city of	do	Jan. 16, 1974		
Do	Orange	Oocee, city of	do	Aug. 2, 1974		
Illinois	Whiteside	Sterling, city of	do	May 3, 1974		
Indiana	Morgan	Martinsville, city of	do	Nov. 23, 1973		
Kansas	Shawnee	Topeka, city of	Mar. 24, 1975. Suspension withdrawn.	Oct. 23, 1971		
New York	Cattaraugus	Ellicottville, village of	Apr. 2, 1975. Emergency	May 24, 1974		
Do	Washington	Greenwich, village of	do	May 10, 1974		
North Carolina	Johnston	Clayton, town of	do	Dec. 28, 1973		
Do	Henderson	Hendersonville, city of	do			
Ohio	Wyandot	Carey, village of	do	May 31, 1974		
Do	Richland	Mansfield, city of	do	May 17, 1974		
Oklahoma	Pottawatomie	Shawnee, city of	do	Dec. 27, 1974		
Pennsylvania	Allegheny	Lincoln, borough of	do	Dec. 28, 1973		
Do	Erie	McKean, township of	do			
Do	Clarion	Redbank, township of	do	Jan. 17, 1975		
South Carolina	Kershaw	Camden, city of	do	May 24, 1974		
Do	Georgetown	Unincorporated areas	Feb. 26, 1971. Emergency. Dec. 31, 1971. Suspension. Mar. 27, 1975. Reinstated.	Jan. 3, 1975		
Do	Colleton	Walterboro, city of	Apr. 2, 1975. Emergency	June 7, 1974		
Tennessee	Benton	Camden, city of	do	June 14, 1974		
Do	Hickman	Centerville, town of	do	Feb. 1, 1974		
Do	Gibson	Humboldt, city of	do	May 3, 1974		
Texas	Brazoria	Danbury, city of	do	May 24, 1974		
Do	Williamson	Florence, city of	do	Apr. 12, 1974		
Washington	Jefferson	Unincorporated areas	do			
Do	Lincoln	Unincorporated areas	do			
Do	King	Tukwila, city of	do	May 24, 1974		
West Virginia	Marshall	Glen Dale, city of	do	June 28, 1974		
Do	Jefferson	Ranson, city of	do	May 3, 1974		
Do	Mingo	Williamson, city of	do	May 31, 1974		
Wisconsin	Portage	Amherst, village of	do	Jan. 9, 1974		
Do	Dodge	Brownsville, village of	do	Sept. 6, 1974		
Do	Washington	Jackson, village of	do	Dec. 28, 1973		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: March 27, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-9537 Filed 4-14-75;8:45 am]

[Docket No. FI-550]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration, HUD, 451 Seventh Street, SW, Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special hazards that is located within any community currently participating in the National Flood Insurance Program.

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. Therefore notice and public procedure under 5 U.S.C. 553(b) are impracticable, unnecessary, and contrary to the public interest.

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Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of eligible communities.

• • • • •

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Alabama	Escambia	Brewton, city of	Apr. 4, 1975. Emergency	Dec. 7, 1973		
California	Riverside	Norco, city of	do	May 17, 1974		
Idaho	Idaho	Kooskia, city of	do	Nov. 30, 1973		
Indiana	Delaware	Muncie, city of	do	Jan. 16, 1974		
Kansas	Pratt	Pratt, city of	do	Apr. 5, 1974		
Do	Neosho	Erie, city of	do	Jan. 28, 1974		
Louisiana	Iberville Parish	Glenmora, town of	do	Apr. 12, 1974		
Minnesota	Lac Qui Parle	Boyd, city of	do	Oct. 26, 1974		
Mississippi	Tishomingo	Iuka, city of	do	Mar. 5, 1974		
Do	Lee	Plantersville, town of	do	June 14, 1974		
Nebraska	Saunders	Cedar Bluffs, village of	do	June 28, 1974		
New Jersey	Hudson	Guttenberg, town of	do			
Do	do	Jersey City, city of	do	June 21, 1974		
New Mexico	Rio Arriba	Espanola, city of	do	Jan. 16, 1974		
Do	Eddy	Artesia, city of	do	May 17, 1974		
New York	Erie	Clarence, town of	do	Mar. 29, 1974		
Do	Herkimer	German Flatts, town of	do	Oct. 18, 1974		
Do	Orleans	Murray, town of	do	June 28, 1974		
Do	Sullivan	Delaware, town of	do	Jan. 3, 1975		
Do	Orange	Goshen, town of	do	Mar. 22, 1974		
Do	Cayuga	Locke, town of	do	May 31, 1974		
Do	Otsego	Deer Park, town of	do	May 17, 1974		
North Carolina	Richmond	Hamlet, city of	do	Dec. 17, 1973		
Oregon	Lake	Cottage Grove, city of	do	Feb. 22, 1974		
Do	Jackson	Jacksonville, city of	do	June 21, 1974		
Texas	Matagorda	Jefferson, city of	do	June 7, 1974		
Utah	Wasatch	Unincorporated areas	do	do		
Washington	Yakima	Toppenish, city of	do	do		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: April 1, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75–9536 Filed 4–14–75;8:45 am]

[Docket No. FI–551]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration, HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special hazards that is located within any community currently participating in the National Flood Insurance Program.

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. Therefore notice and public procedure under 5 U.S.C. 553(b) are impracticable, unnecessary, and contrary to the public interest.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 Status of participating communities.

• • • • •

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Colorado	Prowers	Lamar, city of	Apr. 8, 1975. Emergency	Mar. 22, 1974		
Illinois	Lee	Amboy, city of	do	Nov. 23, 1973		
Iowa	Story	Gilbert, city of	do	June 7, 1974		
Do	Audubon	Kimballton, town of	do	Dec. 13, 1974		
Do	Muscatine	Unincorporated areas	do			
Kentucky	Union	Sturgis, city of	do	May 17, 1974		
Michigan	Leelanau	Empire, village of	do			
Do	Dickinson	Iron Mountain, city of	do	June 7, 1974		
Minnesota	Stearns	Rockville, city of	do	Aug. 2, 1974		
Do	Hennepin	Shorewood, city of	do	May 31, 1974		
Mississippi	Yalobusha	Coffeeville, town of	do	June 7, 1974		
Do	Bolivar	Pace, town of	do	Oct. 25, 1974		
Missouri	Livingston	Chillicothe, city of	do	Jan. 9, 1974		
Do	Pemiscot	Unincorporated areas	do			
New York	Niagara	Middleport, village of	do	May 31, 1974		
Ohio	Mahoning	Struthers, city of	do	Mar. 15, 1974		
Texas	Liberty	Cleveland, city of	do	Mar. 8, 1974		
Do	Mitchell	Colorado, city of	do	Apr. 12, 1974		
Do	Knufman	Forney, city of	do	Feb. 1, 1974		
Do	Upshur	Gilmer, city of	do	May 24, 1974		

((National Flood Insurance Act of 1968 (Title XIII, Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: April 1, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75–9535 Filed 4–14–75;8:45 am]

[Docket No. FI–553]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration, HUD, 451 Seventh Street, SW, Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special hazards that is located within any community currently participating in the National Flood Insurance Program.

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. Therefore notice and public procedure under 5 U.S.C. 553(b) are impracticable, unnecessary, and contrary to the public interest.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in the order to designate (1) the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program; (2) the effective date on which the community became ineligible for the sale of flood insurance because of its failure to submit land use and control measures as required pursuant to § 1909.24(a); or (3) the effective date of a community's formal reinstatement in the program pursuant to § 1909.24(b). These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 Status of participating communities.

• • • • • •

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State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Indiana	Scott	Scottsburg, city of	Apr. 7, 1975. Emergency	Nov. 23, 1973		
Kentucky	Graves	Mayfield, city of	do	Mar. 15, 1974		
Maine	Oxford	Fryeburg, town of	do	Aug. 2, 1975		
Do	Aroostook	Haynesville, town of	do	Jan. 10, 1975		
Minnesota	Todd	Bertha, city of	do	Apr. 12, 1974		
New Jersey	Morris	Boonton, town of	do	June 28, 1974		
Do	Gloucester	Harrison, township of	do	July 26, 1974		
New Mexico	Otero	Alamogordo, city of	do	July 19, 1974		
North Carolina	Onslow	Unincorporated areas	do			
Do	Rowan	Spencer, town of	do	Mar. 1, 1974		
North Dakota	Mercer	Zap, city of	do	Dec. 27, 1974		
Oklahoma	Oklahoma	Valley Brook, town of	do	Jan. 24, 1974		
Oregon	Harney	Burns, city of	do	Nov. 30, 1973		
Do	Jackson	Talent, city of	do	May 31, 1974		
Do	Union	Union, city of	do			
Pennsylvania	Berks	Bechtelsville, borough of	do	June 28, 1974		
Do	Centre	Benner, township of	do	Nov. 1, 1974		
Do	Washington	Buffalo, township of	do	Nov. 1, 1974		
Do	Butler	Connoquenessing, township of	do	Nov. 15, 1974		
Do	Clearfield	Curwensville, borough of	do	Feb. 22, 1974		
Do	Luzerne	Hazle, township of	do	Nov. 8, 1974		
Do	Lawrence	Hickory, township of	do	Jan. 31, 1975		
Do	Snyder	Jackson, township of	do	Nov. 22, 1974		
Do	Armstrong	Manorville, borough of	do	Sept. 13, 1974		
Do	Schuylkill	Reilly, township of	do	Jan. 17, 1975		
Do	Schuylkill	Ryan, township of	do	Nov. 29, 1974		
Do	Crawford	Steuben, township of	do	Dec. 13, 1974		
Do	Allegheny	Tarentum, borough of	do	Feb. 15, 1974		
Do	Berks	Tilden, township of	do	July 26, 1974		
Texas	Bowie	Nash, city of	do	Jan. 23, 1974		
Do	McLennan	McGregor, city of	do	Feb. 22, 1974		
Utah	Emery	Green River, city of	do	June 21, 1974		
Virginia	Orange	Unincorporated areas	do	Jan. 31, 1975		
Washington	Asotin	Asotin, town of	do	June 21, 1974		
Do	King	Lake Forest Park, city of	do	June 28, 1974		
West Virginia	Harrison	Anmoore, town of	do	July 26, 1974		
Do	Preston	Auburn, town of	do	Jan. 24, 1974		
Do	Marion	Grant Town, town of	do	May 31, 1974		
Do	Monongalia	Granville, town of	do	Nov. 29, 1974		
Do	Mineral	Piedmont, city of	do	Aug. 23, 1974		
Wisconsin	Jackson	Black River Falls, city of	do	Dec. 17, 1973		
Do	Vernon	Coon Valley, village of	do	Apr. 12, 1974		

((National Flood Insurance Act of 1968 (Title XIII, Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: April 1, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-9534 Filed 4-14-75;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas; Correction

On January 8, 1972, in 37 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included Fairfax County, Virginia, as an eligible community and included Map No. H 515525 19 which indicates that Lot 35, Block 42, Section 3, Monticello Forest, Fairfax County, Virginia, as recorded in Volume 1233, Pages 212-213 of the land records of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective June 17, 1970, Map No. H 515525 19 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: April 1, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-9732 Filed 4-14-75;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas; Correction

On August 17, 1971, in 36 FR 15532, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Tulsa, Oklahoma, as an eligible community and included Map No. H 405381 16 which indicates that Lot No. 9, Block No. 13, Tanglewood Addition, Tulsa, Oklahoma, as recorded in Volume 2983, Page 588, in the office of the Clerk of Tulsa County, Oklahoma, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. Accordingly, effective November 20, 1970, Map No. H 405381 16 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 1, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-9733 Filed 4-14-75;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

North Carolina Plan; Level of Federal Enforcement

1. *Background.* Part 1954 of Title 29, Code of Federal Regulations, sets out procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for the evaluation and monitoring of State plans which have been approved under section 18(c) of the Act and 29 CFR Part 1902. Section 1954.3 of this chapter provides guidelines and procedures for the exercise of discretionary Federal enforcement authority under section 18(e) of the Act with regard to Federal standards in issues covered under an approved State plan. In accordance with § 1954.3(b) of this chapter, Federal enforcement authority will not be exercised as to occupational safety and health issues covered under a State plan where a State is operational. A State is determined to be operational under § 1954.3 (b) of this chapter when it has provided for the following requirements: enacted enabling legislation, approved State standards, a sufficient number of qualified enforcement personnel and provisions for the review of enforcement actions. In determining whether and to what extent a State plan meets the operational guidelines, the results of evaluations conducted under 29 CFR Part 1954 are taken into consideration. Once this determination has been made, under § 1954.3(f) of this chapter, a notice of the determination of the operational status of a State plan as described in an agreement setting forth the Federal-State responsibility is to be published in the FEDERAL REGISTER.

2. *Notice of North Carolina Operational Agreement.* (a) In accordance with the provisions of § 1954.3 of this chapter, notice is hereby given that it has been determined that North Carolina has met the following conditions for operational status:

(1) Enactment of the Occupational Safety and Health Act of North Carolina (hereinafter referred to as OSHANC) (Senate Bill 342, Chapter 295, North Carolina State Code) by the North Carolina General Assembly effective July 1, 1973;

(2) Promulgation under section 6, OSHANC, of general industry and construction standards by the Commissioner, North Carolina Department of Labor, initially effective June 4, 1973, with revisions through January 16, 1975. The maritime standards of 29 CFR 1910.13 through 1910.16 are excluded as North Carolina has chosen not to assume jurisdiction over maritime or longshoring activities covered by those standards. The general industry and construction standards were found in the professional judgment of the Assistant Regional Director to be identical to the Federal standards in 29 CFR Part 1910 and 29 CFR Part 1926, and to provide overall protection equal to the comparable Federal standards in such issues. Notice of approval of the North Carolina standards by the Assistant Regional Director was published on March 11, 1975 (40 FR 11420);

(3) A sufficient number of qualified safety and health personnel employed under an approved merit system: namely, thirty-four (34) safety inspectors and seven health inspectors as of February 1, 1975;

(4) Operation of a review and appeals system before the North Carolina Occupational Safety and Health Review Board providing the mechanism for employers and employees to contest enforcement actions and/or abatement dates. Appeals are processed by the Board under rules and regulations effective as of January 9, 1975;

(5) State enforcement since July 1, 1973, of the State standards described in (2) above by the North Carolina Department of Labor monitored under Subpart C of 29 CFR Part 1954, including two semi-annual evaluations, covering the period from July 1, 1973, to June 30, 1974.

(b) In addition, the State has provided under its plan for:

(1) Notification to employers and employees since December 4, 1974, of rights and responsibilities under OSHANC by requiring the display of a State poster in workplaces covered by the plan;

(2) Occupational accident and illness recordkeeping and reporting by employers covered under the plan (NCSC, Chapter 295, section 18);

(3) Responding to complaints filed with the North Carolina Department of Labor for violations of the prohibition against discrimination by employers against employees for

(4) Assurance of the rights of employers and employees and their representatives consistent with the provisions of the Federal Act and its implementing regulations.

Pursuant to this finding, an agreement effective February 20, 1975, and incorporated as part of the North Carolina plan has been entered into between William C. Creel, Commissioner of the North Carolina Department of Labor, and Donald E. MacKenzie, Assistant Regional Director for Occupational Safety and Health of the U.S. Department of Labor providing that Federal enforcement activity under section 18(e) of the Act will not be initiated with regard to Federal occupational safety and health standards in issues covered under 29 CFR Part 1910 and 29 CFR Part 1926 wherever North Carolina occupational safety and health standards are in effect and operational.

Under the agreement, Federal responsibility under the Act will continue to be exercised, among other things, with regard to complaints about violations of the discrimination provisions of section 11 (c) of the Act (29 U.S.C. 660(c)); enforcement of standards promulgated under the Act subsequent to the agreement where necessary to protect employees, as in the case of standards promulgated under section 6(c) of the Act (29 U.S.C. 665(c)), until such time as the State shall have adopted equivalent standards in accordance with Subpart C of 29 CFR Part 1953; enforcement of Federal standards in the maritime and longshoring issues covered by 29 CFR 1910.13 through 1910.16 which issues have been specifically excluded from coverage under the plan; and investigations and inspections for the purpose of evaluating the State plan under sections 18(e) and (f) of the Act (29 U.S.C. 667 (e) and (f)).

The agreement is subject to revision or termination by the Assistant Secretary of Labor for Occupational Safety and Health upon substantial failure by the State to comply with any of its provisions, or when the results of evaluation under 29 CFR Part 1954 reveal that State operations covered by the agreement fail in a substantial manner to be at least as effective as the Federal program.

In accordance with this agreement and effective as of February 20, 1975, Subpart I of 29 CFR Part 1952 is hereby amended as set forth below.

Section 1952.152 is revised to read as follows:

§ 1952.152 Level of Federal enforcement.

Pursuant to §§ 1902.20(b)(1)(iii) and 1954.3 of this chapter under which an agreement has been entered into with North Carolina, effective February 20, 1975, and based on a determination that North Carolina is operational in issues covered by the North Carolina occupational safety and health plan, discretionary Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) will not be initiated with regard to Federal occupational safety and health standards in issues covered under 29 CFR Part 1910 and 29 CFR Part 1926. The U.S. Department of Labor will continue to exercise authority, among other things, with regard to: Complaints filed with the U.S. Department of Labor about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); Federal standards promulgated subsequent to the agreement where necessary to protect employees, as in the case of temporary emergency standards promulgated under section 6 (c) of the Act (29 U.S.C. 665(c)), in the issues covered under the plan and the agreement until such time as North Carolina shall have adopted equivalent standards in accordance with Subpart C of 29 CFR Part 1953; Standards in 29 CFR 1910.13 through 1910.16, which issues have been specifically excluded from coverage under North Carolina plan; and investigations and inspections for the purpose of the evaluation of the North Carolina plan under sections 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)). The Assistant Regional Director for Occupational Safety and Health will make a prompt recommendation for resumption of exercise of Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(c)) whenever,

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and to the degree, necessary to assure occupational safety and health protection to employees in North Carolina.

(Secs. 8(g)(2), 18, 84 Stat. 1600, 1608 (29 U.S.C. 257(g)(2), 667))

Signed at Washington, D.C. this 9th day of April, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-9741 Filed 4-14-75;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

GOLD REGULATIONS AND GOLD LICENSING FUNCTIONS, PROCEDURES, AND FORMS

Termination

Pub. L. 93-110, 87 Stat. 352, and Pub. L. 93-373, 88 Stat. 445, provide that, effective December 31, 1974, sections 3 and 4 of the Gold Reserve Act of 1934 (31 U.S.C. 442 and 443) are repealed and no provision of any law, and no rule, regulation, or order in effect on that date may be construed to prohibit any person from purchasing, holding, selling, or otherwise dealing with gold in the United States or abroad.

On December 31, 1974, President Ford promulgated Executive Order 11825 (40 FR 1003) revoking prior Executive orders and provisions of Executive orders insofar as they pertained to the regulation of the acquisition of, holding of, or other transactions in gold.

Accordingly, the Gold Regulations (31 CFR Part 54) providing for the prohibition, regulation and licensing of the acquisition of, holding of, or other transactions in gold by persons subject to the jurisdiction of the United States ceased to have any legal force and effect as of December 31, 1974. In conformity with the legal termination of the gold restrictions, the Gold Regulations are formally revoked herein. Therefore, the gold licensing functions, procedures, and forms of the Office of Domestic Gold and Silver Operations contained in Part 93 are unnecessary and are accordingly revoked as provided herein.

Section 121.25 of the Emergency Banking Regulations, relating to gold for use in trade, profession, or art, was superseded by Treasury licensing procedures and is revoked consistent with the revocation of such procedures in Part 93. Finally, certain conforming amendments are made to §§ 90.6 and 100.4 of this chapter to eliminate references to the gold restrictions.

All of the foregoing amendments constitute technical implementation of the termination of the gold restrictions and remove legally obsolete provisions from the Code of Federal Regulations. In that these provisions implement section 3 of Pub. L. 93-110, as amended by Pub. L. 93-373, which took effect on December 31, 1974, and relieve restrictions, it is deemed that notice and public procedures are unnecessary and impractical.

The revocation or amendment of any regulation herein shall not be deemed to authorize retroactively any act or omission not authorized by such regulation, or any license issued pursuant thereto, as in effect at any time prior to the date hereof, and shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil or criminal cause prior to said date, but all such liabilities, penalties, and forfeitures shall continue and may be enforced in the same manner as if said revocation or amendment had not been made.

Specifically, the provisions of section 4 of the Gold Reserve Act of 1934 (31 U.S.C. 443), providing for forfeiture and a double penalty for violation of the Act or any regulation thereunder, and section 5(b) of the Trading with the Enemy Act (12 U.S.C. 95a), providing for a $10,000 fine and 10 years in prison for any willful violation of any regulation or order promulgated pursuant thereto, shall apply to any violation occurring prior to the effective date hereof whether or not such violation was on such date the subject of an investigation or proceeding. Part 406 of Chapter IV of this title, providing for seizure by the Secret Service and forfeiture of gold for violations of the Gold Reserve Act of 1934 and the Gold Regulations, is not being revoked and will remain in effect.

PART 54—GOLD REGULATIONS

1. Part 54 is revoked in its entirety.

PART 90—TABLE OF CHARGES AND REGULATIONS OF THE MINTS AND ASSAY OFFICES OF THE UNITED STATES FOR PROCESSING SILVER AND ASSAYING BULLION, METALS AND ORES

2. Section 90.6 is revised to read as follows:

§ 90.6 Charges for special assays and assays of ores and fine gold certification.

(a) *Bullion Special Assays:* Gold or silver bullion samples for special assay will be accepted at the U.S. Assay Office in New York and at the U.S. Mint in Denver. Charges will be in accordance with the following table of charges:

Charges per assay

	Gold or silver bullion (under 900 base metal)	Plated or filled goods and white gold
Gold	$11	$12
Silver	11	12
Gold and silver (same sample)	19	20
Additional charge when the sample contains any of the platinum group metals	5	6

(b) *Assay of ores:* Assays of ore samples will be made at the U.S. Mint in Denver. The charge for each metal determined will be:

	Charge
Gold	$5
Silver	5
Gold and silver (same sample)	8
Lead	8
Zinc	8
Copper	7

PART 93—OFFICE OF DOMESTIC GOLD AND SILVER OPERATIONS PROCEDURES AND DESCRIPTIONS OF FORMS

§ 93.1–93.3, 93.10, 93.41–93.62 [Revoked]

3. Part 93 is amended by the revocation of §§ 93.1–93.3, 93.10, and 93.41–93.62.

PART 100—EXCHANGE OF PAPER CURRENCY AND COIN

4. Section 100.4 is revised to read as follows:

§ 100.4 Gold coin and gold certificates in general.

Gold coins, and gold certificates of the type issued before January 30, 1934, are exchangeable, as provided in this part, into other currency or coin which may be lawfully issued.

PART 121—EMERGENCY BANKING REGULATIONS

§ 121.25 [Revoked]

5. Section 121.25 is revoked.

Dated: April 7, 1975.

[SEAL] JACK F. BENNETT,
Under Secretary for Monetary Affairs.

[FR Doc.75-9734 Filed 4-14-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 341-3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Missouri: Approval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of State plans for implementation of the national ambient air quality standards.

During May, June, and November 1974, the State of Missouri submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plan pursuant to 40 CFR 51.6. These schedules were adopted by the State and submitted to the Environmental Protection Agency for review after notice and public hearings. The public hearings were held in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. The approvable compliance schedules have been reviewed and determined to be consistent with the approved control strategies of Missouri.

Accordingly, the Administrator proposed approval of these schedules on January 9, 1975, in the FEDERAL REGISTER at 40 FR 1711. The proposed approval of these schedules published in the January 9, 1975, FEDERAL REGISTER provided for a 30-day comment period. No comments concerning these schedules were received.

Set forth below are specific compliance schedules which the Administrator approved pursuant to 40 CFR 51.8.

Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally approved State Implementation Plan. This date is indicated in the table below, under the heading "Final Compliance Date." In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do. The "Effective Date" column in the table refers to the date the compliance schedule becomes effective for purposes of federal enforcement.

In the indication of approval of individual compliance schedules, the individual schedules are included by reference only. In addition, since the large number of compliance schedules preclude setting forth detailed reasons for approval of each individual schedule in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. These evaluation reports are available for public inspection at the Environmental Protection Agency Regional Office, 1735 Baltimore, Kansas City, Missouri. The compliance schedules and the State Implementation Plans are available for public inspection at the Environmental Protection Agency Regional Office; the Environmental Protection Agency, Division of Stationary Source Enforcement, 401 M Street, Washington, D.C.; and the Missouri Department of Natural Resources, State Office Building, Jefferson City, Missouri.

This rulemaking will become effective immediately upon publication. The Agency finds that good cause exists for not deferring the effective date of this rulemaking because the compliance schedules are already in effect under State law and federal approval imposes no new burdens.

This rulemaking is promulgated pursuant to the authority of section 110 of the Clean Air Act of 1970, as amended, 42 U.S.C. 1857c-5.

Date: April 8, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart AA—Missouri

1. In § 52.1335, the table in paragraph (a) is amended by adding the following:

§ 52.1335 Compliance schedules.

(a) • • •

Missouri

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
Kansas City Power & Light, Hawthorne Plant:					
Units 1 and 2	Kansas City	18.86B [1], 18.87A	Nov. 19, 1973	Immediately	Nov. 19, 1974
Units 3, 4, and 5	do	18.86B [1], 18.87A	Nov. 11, 1974	do	July 31, 1975
City of Hannibal: Asphalt Batch Plant.	Hannibal	8-V, 8-VII, 8-VIII.	Aug. 21, 1974	do	Jan. 1, 1975
Independent Stave Co.:					
Dust Handling Equipment	Lebanon	8-V, 8-VII, 8-VIII.	do	do	July 1, 1975
Char Fire Stacks and Boiler	do	8-V, 8-VII, 8-VIII.	do	do	Do.
Armco Steel: Heat Treating Process	Kansas City	18.87A [1]	June 3, 1974	do	Oct. 1, 1974
Certain-Teed Products: Asphalt Heating and Blowing.	do	18.87A [1]	Apr. 22, 1974	do	Dec. 6, 1974
Kaiser Refractories: Rotary Kiln No. 2.	Marico	8-V, 8-VII, 8-VIII.	Aug. 21, 1974	do	Oct. 18, 1974
A. P. Green Refractories: Rotary Calcining Kiln.	do	8-V, 8-VII, 8-VIII.	do	do	May 31, 1975
W. H. Arnold Log & Lumber Co.: Incinerator.	Hannibal	8-IV	Sept. 25, 1974	do	Do.
C-E Refractories: Rotary Dryer	Vandalia	8-V, 8-VII, 8-VIII.	do	do	July 1, 1975
Marion County Milling Co.: Alfalfa Dehydrator.	Hannibal	8-VII, 8-VIII	do	do	July 31, 1975
Missouri Power & Light: No. 5 and No. 6 Steam Generating Boilers.	Jefferson City	8-VI, 8-VIII	Nov. 20, 1974	do	July 28, 1975
National Alfalfa Dehydrating and Milling: Alfalfa Dehydrator.	Henrietta	VI	May 22, 1974	do	Apr. 30, 1975
Allied Chemical Corp.:					
Crushers	Owensville	8-V, 8-VIII	Oct. 23, 1974	do	Jan. 1, 1975
Rotary Kiln	do	8-V, 8-VIII	do	do	Do.
Rotary Cooler	do	8-V, 8-VIII	do	do	Do.

[1] Air pollution control code of Kansas City, Mo.

[FR Doc.75-9804 Filed 4-14-75;8:45 am]

[FRL 350-6]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

National Capital Region Transportation Control Plans

On December 6, 1973 (38 FR 33702), the Environmental Protection Agency (EPA), pursuant to section 110(a)(2)(B) of the Clean Air Act, approved in part and promulgated in part for the National Capital Interstate Air Quality Control Region a transportation control plan which included measures requiring the elimination of free employee parking (40 CFR §§ 52.476(f), 52.1080(f), 52.2435(d)), the institution of commercial parking rates at federal facilities (40 CFR §§ 52.486, 52.1085, 52.2437), and the imposition of certain parking surcharges (40 CFR §§ 52.476(d), 52.1080(d), 52.2435(b)).

On January 15, 1974 (39 FR 1848), the EPA withdrew all surcharge regulations from the federally promulgated portions of the transportation control plans due to the intent of Congress, as expressed in the draft Conference report on the Energy Emergency Act, to prohibit the imposition of parking surcharges by EPA, but to allow approval of locally-adopted measures. Subsequently, the Energy Supply and Environmental Coordination Act of 1974 (ESECA) amended the Clean Air Act to provide in section 110(c)(2)(B) that no parking surcharge may be required by the EPA Administrator, though one could be approved; and to provide in section 110(c)(2)(D)(i) that

> The term "parking surcharge regulation" means a regulation imposing or requiring the imposition of any tax, surcharge, fee, or other charge on parking spaces, or any other area used for the temporary storage of motor vehicles.

While EPA has understood that the federally-promulgated aspects of the provisions for charging commercial rates and for eliminating free employee parking were voided by these provisions, the federally-promulgated regulations have never been formally revoked by EPA. Therefore, the Administrator is now revoking from the transportation control plans of the District of Columbia, Maryland, and Virginia, the compliance schedule requirements for eliminating free employee parking and the federal requirement for instituting commercial parking rates at federal facilities. The approval of the local measure remains unchanged.

(Secs. 110, 301 of the Clean Air Act (42 U.S.C. 1857c-5 and 1857g))

Date: April 9, 1975.

JOHN QUARLES,
Acting Administrator.

V 40 73 APR 15 75 XUM

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended by revoking and reserving the following sections or specified paragraphs:

a. In subpart J, § 52.486 and paragraph (f) of § 52.476.

b. In subpart V, § 52.1085 and paragraph (f) of § 52.1080.

c. In subpart VV, § 52.2437 and paragraph (d) of § 52.2435.

[FR Doc.75-9809 Filed 4-14-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte 262 (Sub-No. 1)]

PART 1036—INCENTIVE PER DIEM CHARGES ON BOXCARS

Incentive Per Diem Charge—1968

By order dated April 24, 1973, this Commission reopened the proceeding for reconsideration of certain issues which are:

1. To determine whether the funds now earmarked for boxcars should be permitted to be drawn down for the acquisition of other types of cars in demand, like covered hoppers, and whether such modification would increase the number of boxcars available for general use.

2. To determine whether the existing test period average should be modified in any respect.

3. To determine whether a specified period should be prescribed within which incentive funds must be expended or committed to the acquisition of general service boxcars.

4. To determine whether carriers which fail to acquire their normal complement of such cars and, consequently, are unable to draw down the incentive funds within a specified period, should be required to return the funds collected to the debtor carriers.

5. To determine other methods to facilitate the use of the accrued incentive per diem funds for the purchase, building, or rebuilding of general service, unequipped boxcars.

6. To determine whether any group of carriers should be exempt from the payment of incentive per diem.

Upon consideration of these six issues, based on an oral hearing, and numerous verified statements, replies, and briefs, an initial decision was rendered by Administrative Law Judge Forest Gordon on July 23, 1974, recommending certain changes in the regulations governing incentive per diem. The report on exceptions, the Commission issued a report and order implementing changes in these regulations.

At a General Session of the INTERSTATE COMMERCE COMMISSION, held at its office in Washington, D.C. on the 31st day of March 1975

Upon consideration of the record in the above-captioned proceeding, including (1) the reports and orders of the Commission, 327 I.C.C. 183,337, I.C.C. 217,339, I.C.C. 327, and 343, I.C.C. 49; (2) various petitions for reconsideration, for reopening, for modification, for suspension or recision of the outstanding orders, replies, and statements of position supporting or opposing these petitions; (3) the Commission's order of April 24, 1973, reopening this proceeding for reconsideration of certain issues raised by these pleadings which are set forth in our report on exceptions herein of this date; (4) the responses thereto filed by numerous parties on various dates, the oral hearing, and the initial decision of the Administrative Law Judge served July 23, 1974; and (5) the exceptions and replies to the initial decision filed by numerous parties on various dates; and

It appearing, That the Administrative Law Judge in his initial decision recommended certain changes in §§ 1036.3 and 1036.4 of Subchapter A, Chapter X, Title 49 of the Code of Federal Regulations; and that, in the light of the exceptions and replies, some of his recommended changes should be prescribed, some recommended changes should not be prescribed, and certain additional changes in the same regulations should be prescribed; wherefore:

It is ordered, That §§ 1036.3 and 1036.4 of Subchapter A, Chapter X, Title 49 of the Code of Federal Regulations, be, and they are hereby, amended to read as set forth below.

It is further ordered, That, as described in the report on exceptions herein, the motion to strike of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company be, and it is hereby, granted; and the request to strike of the Chicago, Rock Island and Pacific Railroad Company be, and it is hereby, denied.

It is further ordered, That a copy of this order shall be delivered to the Director, Office of the Federal Register, for publication therein.

And it is further ordered, That this order shall become effective 35 days from the date of service and continue in full force and effect until the further order of the Commission.

This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

In 49 CFR Part 1036, §§ 1036.3 and 1036.4 are revised to read as follows:

§ 1036.3 Earmarking.

Each common carrier by railroad shall segregate in Account 716, Capital and Other Reserve Funds, and shall transfer from Account 796, Retain Income, Unappropriated to Account 797, Retained Income, Appropriated, an amount equal to the net credit balance resulting from any incentive per diem settlement involving boxcars subject to this part. The carrier shall maintain a separate bank account for the segregated funds. Canadian carriers shall transfer a net balance after taxes to a U.S. designee, which may be either a United States class I railroad or a United States corporation established solely to purchase, hold title to, and control general service, unequipped boxcars subject to the Department of Transportation's safety regulations and the Interstate Commerce Commission's rules pertaining to per diem and car service, and to any reporting requirements determined to be applicable by the Commission's Bureau of Accounts. If the designee of Canadian carriers is a United States railroad, it shall maintain a separate account for funds received on Canadian-owned boxcars. All boxcars purchased or built by such designee or such other corporation with incentive per diem funds earned on Canadian boxcars must be built in the United States. Any United States taxes incurred after transfer of a net balance to such designee may be deducted from the transferred amount for the purpose of determining a final net balance for investment. The earmarked funds shall be reduced by the amount of the additional income tax paid as the result of increasing taxable income by inclusion of net incentive per diem earnings. The funds in such account shall be used to purchase, lease, or build new, unequipped boxcars for general service or to rebuild general service, unequipped boxcars with code numbers and mechanical designations set forth in § 1036.1 for addition to such carrier's or designee's fleet in accordance with this part. The unexpended funds remaining in the accounts of the carriers may be invested in Government bonds or other interest-bearing, temporary securities. The interest earned thereafter shall become part of the earmarked fund.

§ 1036.4 Use of funds.

The net credit balances resulting from incentive per diem settlements, which are earmarked in accordance with § 1036.3, may be drawn down in whole or in part at any time by the carrier to build, lease equivalent of purchase, or purchase, in whole or in part, new unequipped boxcars for general service described in § 1036.1, *provided*, The carrier has in the same calendar year built, leased, or purchased its 1964–68 average acquisitions of such boxcars and made up an arrearage in having failed to maintain such average each year this order is in effect. Earmarked funds may also be used in whole or in part to lease any number of new unequipped boxcars for general service described in § 1036.1, in which the carrier is not acquiring an equity interest, *provided*, The carrier has in the same calendar year leased its 1964–68 average number of such boxcars and made up any arrearage in having failed to maintain such average each year the order is in effect. Nonequity leases must be at least 10 years in duration, and, in connection with such leases, earmarked funds must not be used for the cost of maintenance. Earmarked funds may be used in whole or in part to rebuild any number or portion of general service, unequipped boxcars described in § 1036.1, *provided*, The carrier

has in the same calendar year rebuilt its 1964–68 average number of such boxcars and made up any arrearage in having failed to maintain such average each year the order is in effect. Net balances on Canadian-owned cars may be drawn down without regard to prior acquisitions, but where the designee is a class I United States carrier such drawdowns shall not affect that carrier's accumulation of arrearages resulting from prior failure to build, rebuild, lease, or purchase its 1964–68 arrearages. However, upon application, including a showing that all parties to the proceeding herein have been notified by the carrier of such application and a showing of good cause why any carrier is unable to draw down in whole or in part the net credit balance resulting from incentive per diem settlements because it cannot comply with the above test period average requirements of having in the same calendar year built, rebuilt, leased, or purchased its 1964–68 average number of such boxcars and made up any arrearage in having failed to maintain such average each year this order is in effect, the Commission may, in its discretion, after consideration of all views regarding the application, modify the test period average to the extent consistent with the public interest and the national transportation policy. Such modification, as a minimum, shall require that a carrier match the earmarked funds it will use with an equal amount of its own funds. Earmarked funds must be put to use within 18 months after the end of the calendar year in which the funds are collected and result in a net credit balance for the building, rebuilding, leasing, or purchasing of general service, unequipped boxcars described in § 1036.1 for addition to such carrier's or designee's fleet in accordance with this part. Upon a showing of good cause an application, including a showing that the parties to the proceeding herein have been notified by the carrier of such application may be made to the Commission for waiver of the said 18-month period, which may, in the Commission's discretion, be granted after consideration of all views regarding the application. If the earmarked funds are not used within the 18-month period, they may be voluntarily surrendered to Rail Box whose establishment and operation was approved in Finance Docket No. 27589, *American Rail Box Car Company and Trailer Train Company, et al.—For Approval of the Pooling of Car Service with Respect to Box Cars*. If the carrier fails within the stated period to put to use collected earmarked funds which result in a net credit balance, has not obtained relief from that requirement, and has not surrendered such funds to Rail Box, the Commission will investigate the matter to determine what, if any, corrective action is warranted. Appropriate corrective action would include section 16(12) remedies among others. Carriers may make temporary investments of unexpended funds in Government bonds or other liquid securities. Such securities must be readily convertible to cash so that funds remain available for boxcar purchases. Interest earned must become part of the earmarked fund. As used in this section, "build," "rebuild," "lease," or "purchase" refer to a commitment to build, rebuild, lease, or purchase which results in the acquisition of a car on line ready for use within 10 months from the date of commitment, except that in extraordinary cases beyond the control of the carrier or the car supplier, a car that is delivered after 10 months from the date of commitment may qualify if approved by the Bureau of Accounts of this Commission.

[FR Doc.75-9812 Filed 4-14-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

"All or None" Bids

This revision to the General Services Administration Procurement Regulations (GSPR), incorporates into one section the "all or none" bid provisions.

The table of contents for part 5A-2 is amended to delete § 5A-2.407-50.

Subpart 5A-2.2—Solicitation of Bids

Section 5A-2.201-73 is revised as follows:

§ 5A-2.201-73 "All or None" bids.

The following clause (included in GSA Form 1424) applies to all definite quantity and indefinite quantity solicitations. The provisions of this clause shall be followed by contracting officers in their bid evaluations. (See FPR 1-2.404-5 for additional instructions, and GSPR 5A-2.201-54 for Weighting of Items for aggregate awards (indefinite quantity contracts)).

"ALL OR NONE" BIDS

(a) (Applicable to Definite Quantity contracts). A bid submitted on an "all or none" or similar basis will be evaluated as follows: The lowest acceptable bid exclusive of the "all or none" bid will be selected with respect to each item (or group of items when the solicitation provides for aggregate awards) and the total cost of all items thus determined shall be compared with the total of the lowest acceptable "all or none" bid. Award will be made so as to result in the lowest total cost to the Government.

(b) (Applicable only to Requirements and Indefinite Quantity contracts). A bid submitted on an "all or none" or similar basis will not be considered unless the bid is low on each item to which the "all or none" bid is made applicable. The term "item" as used in this clause refers only to items which, under the terms of the solicitation, may be independently awarded and does not include any group of items on which an award is to be made in the aggregate.

(End of Clause)

Subpart 5A-2.4—Opening of Bids and Award of Contract

§ 5A-2.407-50 [Removed]

Section 5A-2.407-50 is deleted.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective on the date shown below.

Dated: March 20, 1975.

M. J. TIMBERS, *Commissioner, Federal Supply Service*.

[FR Doc.75-9779 Filed 4-14-75;8:45 am]

PART 5A-7—CONTRACT CLAUSES

PART 5A-16—PROCUREMENT FORMS

GSA Form 2952, General Provisions (Transportation Contract)

This change to the General Services Administration Procurement Regulations (GSPR) prescribes the use of GSA Form 2952 in connection with contracts for freight transportation services as defined in § 1-7.700.

The table of contents for Part 5A-7 is amended to add the following new entry:

Sec.
5A-7.703 Required clauses in transportation contracts.

Subpart 5A-7.7—Transportation Contracts

Section 5A-7.703 is added as follows:

§ 5A-7.703 Required clauses in transportation contracts.

Pending issuance of standard forms for use in those contracts for transportation services enumerated in § 1-7.700, Standard Form 33, Solicitation, Offer, and Award, and Standard Form 33A, Solicitation Instructions and Conditions (both illustrated in Subpart 1-16.9), shall be used for transportation contracts; however, these forms shall be modified to include the required transportation contract clauses contained in GSA Form 2952, General Provisions (Transportation Contract), illustrated in § 5A-16.950-2952. This form includes all required clauses enumerated in §§ 1-7.703-1 through 1-7.703-21.

The table of contents for Part 5A-16 is amended to add the following new entry:

Sec.
5A-16.950-2952 GSA Form 2952, General Provisions (Transportation Contract).

. . . . . .

NOTE: A copy of the form illustrated in § 5A-16.950-2952 is filed with the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

V 40 I 73 APR 15 75 XUM

Effective date. These regulations are effective on the date shown below.

Dated: March 20, 1975.

M. J. TIMMERS,
Commissioner,
Federal Supply Service.

[FR Doc.75-9178 Filed 4-14-75;8:45 am]

CHAPTER 9—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA-PR Temporary Reg. No. 9]

PART 9-9—PATENTS AND COPYRIGHTS

Appendix A—Modification, in Part, of ERDA-PR Part 9-9, Patents and Copyrights

APRIL 11, 1975.

The following Appendix A is added to 41 CFR Part 9-9:

1. *Purpose.* This regulation modifies, in part, ERDA-PR Part 9-9, Patents and Copyrights, and provides additional temporary instructions to implement the two legislative enactments governing the patent contracting and waiver policies of the Energy Research and Development Administration (ERDA) set forth in section 152 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2182) and in section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (Pub. L. 93-577).

2. *Effective date.* This regulation is effective April 15, 1975.

3. *Expiration date.* This regulation will remain in effect until cancelled and replaced by a permanent ERDA Procurement Regulation.

4. *Background.* The Energy Research and Development Administration (ERDA) was established by the Energy Reorganization Act of 1974 (Pub. L. 93-438), and the establishment of ERDA was made effective January 19, 1975 by Executive Order 11834 dated January 15, 1975, which Executive Order was published January 17, 1975 at 40 FR 2971. Pursuant to the authority contained in Section 105 of the Energy Reorganization Act of 1974 and 5 U.S.C. 552, all rules and regulations in Chapter 9 of Title 41, Code of Federal Regulations, were adopted by ERDA for all ERDA activities under the Energy Reorganization Act of 1974, the Federal Nonnuclear Energy Research and Development Act of 1974, (Pub. L. 93-577), and other applicable law, to the extent the rules and regulations were not inconsistent with applicable law and were redesignated as the Energy Research and Development Administration Procurement Regulations (ERDA-PR). However, Part 9-9 of the ERDA Procurement Regulations does not fully implement section 9 of Pub. L. 93-577 and the legislative history of that Section with regard to harmonizing the nuclear and nonnuclear patent policies of ERDA to the extent feasible. Accordingly, this regulation provides guidance to implement section 9 of Pub. L. 93-577 and procedures whereby initial steps are taken to harmonize ERDA's two patent policies.

5. *Explanation of changes.* Part 9-9 of the ERDA Procurement Regulations is modified as follows:

FOREGROUND PATENT RIGHTS CLAUSES FOR NONNUCLEAR ENERGY CONTRACTS

For contracts which include nonnuclear energy research, development, or demonstration work, contracting authorities may use appropriate clause language from:

(a) The proposed patent regulations of the Federal Procurement Regulations (Title 41, Chapter 1, FPR Part 1-9); or

(b) Part 9-9 of the ERDA Procurement Regulations; or

(c) For those contracting activities transferred to ERDA from agencies other than AEC, appropriate clause language from their former agencies,

as long as the substantive and procedural rights required by section 9 of the Federal nonnuclear Energy R&D Act are obtained, and the rights are not inconsistent with section 9. Normally, such clauses should acquire title in the Government and allow the contractor to retain a non-exclusive, revocable royalty-free license in the United States, and the right to file and retain title in any foreign country in which the Government does not elect to seek patent protection, and the contractor wishes to do so and requests such rights. Such foreign rights shall be subject to the rights in the Government called for in subsection 9(f)(2). Permitting the contractor to retain rights greater than these shall be considered a waiver.

In view of the fact that such clauses may not be uniform throughout the ERDA, a provision may be included to permit, after adoption of the permanent revision of Part 9-9, ERDA-PR, a renegotiation of the patent clause in accordance with the revised regulations if the contractor so requests.

FOREGROUND PATENT RIGHTS CLAUSES FOR NUCLEAR ENERGY CONTRACTS

For contracts which include nuclear energy research, development or demonstration work, contracting authorities shall use Part 9-9 of the ERDA Procurement Regulations, with the following exceptions:

(a) The E Type patent provisions of § 9-9.5004, modified to allow the contractor to retain a *revocable* license rather than a non-exclusive *irrevocable* license, may be used in all contracts except those calling for the operation of a Government-owned facility.

(b) The C Type clause acquires title, or exclusive rights, to inventions on behalf of the Government only in the nuclear field, or in the field of production or utilization of special nuclear material or atomic energy. This clause, therefore, is not commensurate with the total mission of ERDA. Pending revised regulations, it would be preferable in most cases, if the C Type clause specified those fields in which the contractor retains exclusive rights rather than the field in which the Government retains these rights. In any event, the Type C clause should be treated as a waiver. As stated in subparagraph (a) above, the non-exclusive license provided to the contractor should also be *revocable* rather than *irrevocable*.

(c) Language may be included to permit the contractor to retain title to inventions in foreign countries in which the Government does not elect to seek patent protection, and the contractor wishes to do so and requests such rights. Such foreign rights shall be subject to the type of conditions set forth in § 9-9.5006.

In contracts calling for nuclear energy work, a provision may also be included to permit, after adoption of the permanent revision of Part 9-9, ERDA-PR, a renegotiation of the patent clause in accordance with the revised regulations if the contractor so requests.

PATENT RIGHTS CLAUSE FOR OPERATING CONTRACTS

For contracts calling for the operation of a Government-owned facility, whether nuclear or nonnuclear energy research, development or demonstration work is to be undertaken, a Type A patent clause of § 9-9.5003 of the ERDA Procurement Regulations shall be used.

BACKGROUND PATENT AND DATA RIGHTS CLAUSES

Consideration should be given to including background patent and data rights clauses in all contracts involving nuclear or nonnuclear energy research, development, or demonstration work. Guidance primarily designed for nuclear energy R&D is provided in § 9-9.5006 of the ERDA-PR, and this section may be used for nonnuclear energy research, development or demonstration work by applying its concepts to the field of energy in general. For those contracting activities transferred to ERDA from agencies other than AEC, the policies and clause language of their former agencies may be utilized to the extent they are not inconsistent with § 9-9.5006.

The need for background patent and data rights and the particular rights that should be obtained for either the Government or the public will depend upon the type, purpose, and scope of the contract effort, the end use intended for the contract results, and the cost to the Government of obtaining such rights. Accordingly, these clauses, when found to be necessary, should be individually negotiated for either nuclear or nonnuclear contracts. In general, the same type of factors should be considered as those set forth for waivers in subsection 9(d) of the Federal Nonnuclear Energy R&D Act. The need and amount of anticipated future use by the Government and/or the public should be determining factors, and of particular concern is the need to insure reasonable public availability or accessibility of background technology necessary to practice the results of contracts for the design, development or demonstration of energy systems or processes ultimately intended for public use.

SUBCONTRACT CLAUSES

In contracts for nonnuclear energy research, development or demonstration work, the prime contract foreground patent rights clause should not be made applicable, pro forma, to subcontracts including research, development or demonstration work unless the prime contract clause calls for title to inventions to vest in the Government with the contractor retaining a non-exclusive, revocable license. Section 9 of the Federal Nonnuclear Energy R&D Act applies to subcontracts as well as prime contracts, and a determination that a prime contractor is entitled to a waiver does not necessarily mean that the subcontractor is so entitled. A waiver for a subcontractor must be subject to a separate determination by ERDA. Background patent and data rights clauses should be applied to subcontracts including research, development, or demonstration work to the extent necessary to fulfill the purpose of the prime contract.

Similarly, subcontracts under nuclear energy prime contracts should not automatically include the prime's foreground patent rights clause unless that clause calls for title to inventions to vest in the Government with the contractor retaining a non-exclusive revocable license. A separate decision must be made regarding the applicability of a waiver to a subcontractor. As under nonnuclear subcontracts, background patent and data rights clauses should be applied to nuclear subcontracts to the extent necessary to fulfill the purpose of the prime contract.

WAIVERS

a. *Nonnuclear Energy Contracts.* Requests for advance waiver of rights in inventions made under ERDA contracts may be received by ERDA contracting officers or by contractors for their subcontractors in the course of contract negotiations, or their review of proposals or bids. Requests may also be received for case by case waivers after inventions have been reported to the ERDA. All

such waiver requests should be referred to the ERDA Patent Counsel assisting the contracting activity, together with any reference or supporting documents provided by the requestor and supporting or opposing documents provided by ERDA Staff at the activity. Field Patent Counsel will coordinate actions on advance waivers with the Chief Counsel of the Field Office concerned as required by local procedures.

The Patent Counsel will prepare a supporting Statement of Considerations which reviews the considerations listed in subsections 9(d) and 9(e) of the Federal Nonnuclear Energy Research and Development Act of 1974 and applies them to the facts surrounding the individual waiver situation. Each of the factors listed in the appropriate section shall be considered and the Statement shall so state, but only those considerations determinative of the recommendation need be discussed in detail. Patent Counsel shall conclude the Statement with a recommendation on the waiver request, and the request and Statement will be forwarded to the Assistant General Counsel for Patents, Headquarters, to serve as a basis for the waiver decision by the Administrator or his designee. In situations where time does not permit a delay in contract negotiations for the preparation and mailing to ERDA Headquarters of full written Statements, Field Patent Counsel may submit verbal recommendations for waivers to the Assistant General Counsel for Patents and request verbal interim waiver approval from the Administrator or his designee.

b. *Nuclear Energy Contracts.* In order to achieve as much consistency as possible in the patent operations throughout ERDA, the waiver procedures discussed above will be followed for nuclear as well as nonnuclear energy contracts in any situation where the contractor or inventor retains more than: (a) a non-exclusive, revocable license in the United States; and (b) foreign rights in countries where the Government elects not to seek patent protection, or foreign rights in accordance with § 9-9.5006 of the ERDA-PR. In addition to the considerations set forth in subsections 9(d) and 9(e) of the Federal Nonnuclear Energy R&D Act, consideration should also be given to the extent to which the contract (or the invention) involves "• • • the production or utilization of special nuclear material or atomic energy" (Section 152 of the Atomic Energy Act of 1954, as amended).

c. *Irrevocable Licenses.* Although allowing the contractor to retain an irrevocable non-exclusive license is not a waiver under Section 9 of the Federal Nonnuclear Energy R&D Act, the House-Senate Conference Committee Report recognizes that such licenses will interfere with ERDA's licensing program which is intended to assist commercial utilization of inventions resulting from Government R&D. For this reason, the Conference Report stated that the Administrator should carefully exercise his discretion in granting irrevocable licenses. Accordingly, requests by a contractor for an irrevocable license should be handled in the same manner as a waiver pending issuance of revised regulations.

d. *Approval of University Technology Transfer Programs. Paragraph* (11) of subsection 9(d) of the Federal Nonnuclear Energy R&D Act provides that in waiver determinations, consideration should be given to the extent to which universities have technology transfer capabilities and programs approved by the Administrator. Pending the development of an approval process within ERDA for university capabilities and programs, consideration may be given to the approval of such programs of a university approval by another agency will not meet the statutory requirement of approval by the Administrator, approval by other agencies will be relevant information to be considered by the Administrator.

e. *Waiver Approval and Documentation.* The Assistant General Counsel for Patents will advise contractors and contracting officers, through Field Patent Counsel and the Chief Counsel where appropriate, of the decision of the Administrator or his designee on the waiver request. A copy of the Statement of Considerations must be furnished with the Patent Information Sheet required by ERDA-PR 9-9.5014 for each contract where verbal approval of a waiver was obtained. Copies of all Statements of Considerations received by the Administrator or his designee will be made available to the public in accordance with subsection 9(c) of the Federal Nonnuclear Energy R&D Act.

(Sec. 105, Energy Reorganization Act of 1974 (Pub. L. 93-438); sec. 9, Federal Nonnuclear Energy Research and Development Act of 1974 (Pub. L. 93-577); sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

JOSEPH L. SMITH,
Director of Procurement.

[FR Doc.75-9962 Filed 4-14-75;10:50 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

[32 CFR Part 641]

[ER 405-1-663]

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES

Miscellaneous Amendments

Notice is hereby given that the Department of the Army (acting through the Chief of Engineers) proposes to amend its regulations in Title 32, Part 641, Code of Federal Regulations, governing administration of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894, 42 USC 4601).

The proposed amendment incorporates certain revisions in the guidelines for agency implementation of the above act issued in General Services Administration Federal Management Circular 74-8, published in the FEDERAL REGISTER October 21, 1974. In addition, the proposed amendment incorporates a change in procedure relating to the replacement housing payment in farm land condemnation cases.

It is the policy of the Department of the Army, whenever practicable to afford the public the maximum opportunity to participate in the rule making process. Accordingly, interested persons may submit their written comments, suggestions, or objections with respect to the proposed changes to Headquarters, Department of the Army (ATTN: DAEN-REH-O) WASH DC 20314 on or before June 2, 1975.

Dated: April 10, 1975.

For the Chief of Engineers.

RUSSELL J. LAMP,
Colonel, Corps of Engineers,
Executive.

Subpart A of Part 641 of Subchapter J of Chapter V of Title 32 of the Code of Federal Regulations is amended as follows:

Section 641.33 is revised to read:

§ 641.33 Dwelling.

"Dwelling" means the place of permanent or customary and usual abode of a person. It includes a single-family building; a one-family unit in a multifamily building; a unit of a condominium or cooperative housing project; any other residential unit, including a mobile home which is either considered to be real property under State law, or cannot be moved without substantial damage or unreasonable cost or is not a decent, safe, and sanitary dwelling.

Subpart D of Part 641 of Subchapter J of Chapter V of Title 32 of the Code of Federal Regulations is amended as follows:

1. Section 641.82 is revised to read:

§ 641.82 Businesses—Eligibility.

(a) A person displaced from his business, as defined in subsection 101(7) (A), (B), and (C), is eligible under subsection 202(c) to receive a fixed payment in lieu of moving and related expenses. Care must be exercised in each instance, however, to assure that such payments are made only in connection with a bona fide business.

(b) A payment in lieu of actual reasonable moving expenses may be made under section 202(c) to the displaced owner of a business only if the District Engineer determines that during the two taxable years prior to displacement, or during such other period as he may determine to be more equitable, the business:

(1) Had average annual gross receipts of at least $2,000 in value; or

(2) Had average annual net earnings of at least $1,000 in value; or

(3) Contributed at least 33⅓ percent of the average gross annual income of the owner(s), including income from all sources, such as welfare.

(c) Those businesses, described in subsection 101(7) (D) are not eligible under subsection 202(c) for a payment in lieu of moving and related expenses.

(d) Where a person is displaced from his place of business, no payment shall be made under subsection 202(c) until after the District Engineer determines:

(1) That the business is not part of a commercial enterprise having at least one other establishment not being acquired, which is engaged in the same or similar business, and

(2) That the business cannot be relocated without a substantial loss of existing patronage. The determination of loss of existing patronage shall be made by the District Engineer only after consideration of all pertinent circumstances, including but not limited to the following factors:

(i) Type of business conducted by the displaced concern;

(ii) Nature of the clientele of the displaced concern; and

(iii) Relative importance of the present and proposed location to the displaced business and the availability of a suitable replacement location for the displaced person who operates the business.

2. Section 641.83 is revised to read:

§ 641.83 Farms—Partial taking.

(a) *Eligibility.* A payment in lieu of actual reasonable moving expenses may be made to the displaced owner of a farm operation according to the criteria established for displaced owners of businesses (§ 641.82(b)). Such a payment may be made to the displaced operator of a farm operation only if the District Engineer determines that the farm operator has discontinued his entire farm operation at the present location or has relocated the entire farm operation.

(b) *Partial taking.* In the case of a partial taking, the operator will be considered to have been displaced from a farm operation if:

(1) The part taken met the definition of a farm operation prior to the taking; or

(2) The taking caused the operator to be displaced from the farm operation on the remaining land; or

(3) The taking caused such a substantial change in the nature of the existing farm operation as to constitute a displacement.

Subpart E of Part 641 of Subchapter J of Chapter V of Title 32 of the Code of Federal Regulations is amended as follows:

1. The first paragraph of § 641.104 is revised to read:

§ 641.104 Differential payment for replacement housing.

The amount established as the differential payment for the replacement housing sets the upper limit of such payment. The District Engineer may determine the amount, if any, which when added to the acquisition cost of the dwelling acquired is necessary to purchase a comparable replacement dwelling either by establishing a schedule or by using a comparative method. The displaced person is bound by the method selected for use by the District Engineer.

* * * * *

2. Section 641.105 is revised to read:

§ 641.105 Increased interest payments.

The District Engineer shall determine the amount, if any, necessary to compensate a displaced person for any increased interest costs, including points paid by the purchaser. Such amount shall be paid only if the acquired dwelling was encumbered by a bona fide mortgage. The following shall be considered:

(a) The payment shall be equal to the excess in the aggregate interest and other debt service costs of the amount of the principal of the mortgage on the replacement dwelling which is equal, to the unpaid balance of the bona fide mortgage on the acquired dwelling, at the time of acquisition, over the remaining term of the mortgage on the acquired dwelling, reduced to discounted present value.

(b) The discount rate shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(c) A "bona fide mortgage" is one which was a valid lien on the acquired dwelling for not less than 180 days prior to the initiation of negotiations. All bona fide mortgages on the dwelling acquired by the Corps of Engineers will be used to compute the increased interest cost portion of the replacement housing payment.

(d) "The computation of the payment for increased interest costs will be based on the actual term of the new mortgage or the remaining term of the old mortgage, whichever is the lesser, and the computation will be based on the actual amount of the new mortgage or the amount of the old mortgage, whichever is the lesser.

(1) Seller's points are not to be included in the interest computation.

(2) The actual interest rate of the new mortgage will be used in the computation.

(3) Purchaser's points and/or loan origination fees will be added to the computed interest payment.

(e) However, the interest payment shall be based on the present value of the reasonable cost of the interest differential, including points paid by the purchaser, on the amount of the unpaid debt on the acquired dwelling for its remaining term.

(f) See format for computation of interest payment below:

REQUIRED INFORMATION

1. Outstanding balance of mortgage on acquired dwelling ---------- $——
2. Outstanding balance of mortgage on replacement dwelling ---------- $——
3. Lesser of Line 1 or Line 2 ---------- $——
4. Number of months remaining until last payment is due for mortgage on acquired dwelling ---------- ——
5. Number of months remaining until last payment is due for mortgage on replacement dwelling ---------- ——
6. Lesser of Line 4 or Line 5 ---------- ——
7. Annual interest rate of mortgage on acquired dwelling (percent) ---------- ——
8. Annual interest rate of mortage on replacement dwelling (or, if it is lower, the prevailing annual interest rate currently charged by mortgage lending institutions in the general area in which the replacement dwelling is located) (percent) ---------- ——
9. Prevailing annual interest rate paid on standard passbook savings accounts by commercial banks (percent) ---------- ——
10. If applicable, any debt service costs on the loan on the replacement dwelling, such as points paid by the purchaser which are not reimbursable as an incidental expense ---------- $——

DEVELOPMENT OF MONTHLY PAYMENT FIGURES

A. Monthly payment required to amortize a loan of $——— in ——— (Line 3) (Line 6) months at an annual interest rate of ——— percent ---------- $—— (Line 7)

B. Monthly payment required to amortize a loan of $——— in ——— (Line 3) (Line 6) months at an annual interest rate of ——— percent ---------- —— (Line 8)

C. Monthly payment required to amortize a loan of $——— in ——— (Line 3) (Line 6) months at an annual interest rate of ——— percent ---------- —— (Line 9)

CALCULATION OF INTEREST PAYMENT

Step 1. Subtract A from B:

Monthly payment based on rate for replacement dwelling (B) ---------- $——
Monthly payment based on rate for acquired dwelling (A) ---------- $——
Result (difference) ---------- $——

Step 2. Divide result (difference) of Step 1 by C (carry to 6 decimal places):

Result (difference) from Step 1 ---------- $——
Monthly payment based on savings rate (C) ---------- $——
Result (quotient) ---------- $——

Step 3. Multiply outstanding balance of mortgage on acquired dwelling by result (quotient) of Step 2:

Outstanding Balance (from Line 3) ---------- $——
Result (quotient) of Step 2 ---------- $——
Result (product) ---------- $——

Step 4. Add to result (product) of Step 3 any debt service costs on the loan on the replacement dwelling:

Result (product) of Step 3, first mortgage ---------- $——
Result (product) of Step 3, second mortgage[1] ---------- $——
Sum of difference, as applicable[1] ---------- $——
Add debt service costs on loan on replacement dwelling (Line 10) ---------- $——
Amount of interest payment ---------- $——

[1] If there is more than one outstanding mortgage on an acquired dwelling, the discounted value of each mortgage must be determined. To do this, a separate computation is made to such mortgage through Step 3. A consolidated Step 4 is then completed.

3. Section 64.109 is revised to read:

§ 641.109 Advance replacement housing payment in condemnation cases.

No property owner should be deprived of the earliest possible payment of the replacement housing amounts to which he is rightfully due. The following procedure shall be used in cases involving condemnation except as indicated in (c) below:

(a) An advance replacement housing payment can be computed and paid to a property owner if the determination of the acquisition price will be delayed pending the outcome of condemnation proceedings. The District Engineer may make a provisional replacement housing payment to the displaced homeowner based on the Government's maximum offer for the property, provided the homeowner enters into an agreement with the Government that:

(1) Upon final determination of the condemnation proceedings, the replacement housing payment will be recomputed using the acquisition price determined by the court as compared to the actual price paid or the amount determined necessary to acquire a comparable, decent, safe, and sanitary dwelling; and

(2) If the amount awarded in the condemnation proceedings as the fair market value of the property acquired plus the amount of the recomputed replacement housing payment exceeds the price paid for, or the District Engineer's determined cost of a comparable dwelling, he will refund to the Government, an amount equal to the amount of the excess. However, in no event shall he be required to refund more than the amount of the replacement housing payment advanced.

(b) If the property owner does not agree to such adjustment, the replacement housing payment shall be deferred until the case is finally adjudicated and computed on the basis of the final determination, using the award as the acquisition price.

(c) The above procedure shall not be applied to acquisition of farm land which includes a dwelling. In such cases, condemnation awards in excess of the amount deposited with the court shall be allocated entirely to farm land exclusive of the dwelling portion of the farm.

Subpart F of Part 641 of Subchapter J of Chapter V of Title 32 of the Code of Federal Regulations is amended as follows:

In § 641.132 the introductory text of (a), (a) (5), and (b) are revised to read:

§ 641.132 Computation and method of payment.

(a) *Rental supplement housing payment.* The District Engineer may determine the amount necessary to rent a comparable replacement dwelling either by establishing a schedule or by using a comparative method; provided, however, that in computing the rental replacement housing payment under either method, the actual or economic rent of the acquired dwelling shall be subtracted from the lesser of the amount of rent actually paid for the replacement dwelling; or the amount determined necessary to rent a comparable replacement dwelling.

* * * * *

(5) *Method of payment.* The amount of the rental payments under section 204 (1) shall be determined and paid in a lump sum, except that it shall be paid in installments if the displaced person so requests.

(b) *Purchases—Replacement housing payment.* If the displaced person elects to purchase instead of renting, the payment shall be computed by determining the amount necessary to enable him to make a down payment and to cover incidental expenses on the purchase of replacement housing, as follows:

(1) The amount of the down payment shall be the lesser of:

(i) The amount that would be required as a down payment for financing a conventional loan on a comparable dwelling; or

(ii) The amount required as a down payment for financing a conventional

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loan on the replacement dwelling actually purchased.

The amount determined shall be added to the amount required to be paid by the purchaser as points and/or origination or loan service fees, if such fees are normal to real estate transactions in the area, on the comparable dwelling or the replacement dwelling, whichever is the lesser.

(2) Incidental expenses of closing the transaction are those as described in § 641.106.

(3) The maximum payment shall not exceed $4,000 except that if more than $2,000 is required, the tenant must match any amount in excess of $2,000 by an equal amount in making the down payment.

(4) The full amount of the replacement housing payment must be applied to the purchase price and incidental costs shown on the closing statement.

(Pub. L. 91-646, 2 January 1971 (84 Stat. 1894; 42 USC 4601))

[FR Doc.75-9744 Filed 4-14-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 982]

[Docket No. AO 205-A4]

FILBERTS GROWN IN OREGON AND WASHINGTON

Hearing on Proposed Amendments to Marketing Agreement and Order

Notice is hereby given of a public hearing to be held April 29, 1975, in the Conference Room, Washington Building, 1218 SW Washington St., Portland, Oregon, beginning at 9 a.m., local time, with respect to proposed amendments to the marketing agreement, as amended, and to the order, as amended, regulating the handling of filberts grown in Oregon and Washington.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY THE FILBERT CONTROL BOARD

PROPOSAL NO. 1

Amend § 982.17 by designating the current section as paragraph (a) thereof and adding a new paragraph (b) to read as follows:

§ 982.17 Fiscal year and marketing policy year.

(a) "Fiscal year" means the 12 months from August 1 to the following July 31, both inclusive.

(b) "Marketing policy year" means the 12 months from August 1 to the following July 31, both inclusive, or such other period of time as may be recommended by the Board and established by the Secretary.

PROPOSAL NO. 2

§§ 982.16, 982.50, 982.52, 982.54, 982.71, 982.86 [Amended]

Pursuant to proposal 1, change all references to "fiscal year" to read "marketing policy year" in § 982.16; § 982.50 (c) and (d); § 982.52(a) and (d); § 982.54(a), (c), and (e); § 982.71; and § 982.86(b)(3).

PROPOSAL NO. 3

Amend § 982.40 to read as follows:

§ 982.40 Board's estimates and recommendations.

(a) Each marketing policy year, prior to the time the new crop filberts are available for handling, the Board shall hold a meeting for the purpose of recommending to the Secretary a marketing policy for that year. The recommendation shall include the following:

(1) *Inshell allocation.* (i) The Board's estimate of the quantity of merchantable filberts expected to be produced that year.

(ii) The Board's estimate of the inshell handler carryover on the first day of the marketing policy year, segregated as to the quantity subject to regulation and not subject to regulation.

(iii) The Board's recommendation, if any, for handler carryover of inshell filberts on the last day of the marketing policy year, which may be available for handling as inshell filberts thereafter.

(iv) The Board's estimate of the trade demand for inshell filberts for that year, taking into consideration trade carryover at the beginning and end of the year, imports, prices, prospective shelled filbert market conditions and other factors affecting trade demand for inshell filberts during the year.

(v) The Board's recommendation as to a free percentage and a restricted percentage to be established for that year. Whenever the Board recommends those percentages it may make an adjustment in its estimate of merchantable filberts expected to be produced to protect against any error in estimation of that production. As soon as practicable after the official estimate of production is released in November, the Board shall meet to determine if changes in the free and restricted percentages are necessary to release the quantity of merchantable filberts equal to its estimate of the trade demand for those filberts for that year.

* * * * *

(b) At any time prior to February 15 of any year, the Board, or two or more handlers who during the preceding marketing policy year (or fiscal year, when appropriate) handled at least 10 percent of all filberts handled, may recommend to the Secretary revision in the marketing policy for that year.

PROPOSAL NO. 4

§ 982.40 [Amended]

In lieu of the proposal contained in number 3, amend § 982.40 to provide that the Board shall, early in the marketing policy year, recommend a release of 90 percent of the estimated trade demand for inshell filberts by means of establishment of a preliminary free percentage. Then, no later than November 15, the Board would be required to recommend a free percentage which would tend to release a quantity equal to the estimated trade demand for inshell filberts for that year.

PROPOSAL NO. 5

Revise § 982.41 to read as follows:

§ 982.41 Free and restricted percentages.

Whenever the Secretary finds, on the basis of the Board's recommendation or other information, that limiting the quantity of merchantable filberts which may be handled during a marketing policy year would tend to effectuate the declared policy of the act, he shall establish a free percentage or change the free percentage, as applicable, to prescribe the portion of those filberts which may be handled as inshell filberts and a restricted percentage to prescribe that portion that must be withheld from such handling. In establishing such percentages the Secretary shall consider the ratio of (a) the estimated inshell trade demand, less that portion of the inshell handler carryover at the beginning of the marketing policy year not subject to regulation to (b) the estimated supply of merchantable filberts subject to regulation and other relevant factors. In the same manner the free percentage may be increased and the restricted percentage may be decreased by the Secretary, and these revised percentages shall remain in effect for that marketing policy year until superseded.

PROPOSAL NO. 6

Revise the first sentence of § 982.46(a) to read as follows:

§ 982.46 Inspection and certification.

(a) Before or upon handling any filberts, or before any inshell or shelled filberts are credited (under §§ 982.50 or 982.51) in satisfaction of a restricted obligation, each handler shall, at his own expense, cause such filberts to be inspected and certified by the Federal-State Inspection Service as meeting the then effective grade and size regulations or, if inshell or shelled filberts are withheld under § 982.51, the applicable requirements specified in that section. * * *

PROPOSAL NO. 7

Revise § 982.50(a) to read as follows:

§ 982.50 Restricted obligation.

(a) No handler shall handle inshell filberts unless prior to or upon shipment thereof, he (1) has withheld from handling a quantity, by weight, of certified merchantable filberts determined by dividing the quantity handled, or to be handled, by the free percentage and multiplying the quotient by the restricted percentage; (2) has withheld from handling an equivalent quantity of creditable ungraded inshell filberts under § 982.51(a), or; (3) has, under § 982.51 (b), declared in lieu of a quantity of certified merchantable filbers, the equivalent quantity, by weight as determined under that section, of shelled filberts certified as meeting the standards in effect for Oregon No. 1 grade for shelled filberts as contained in Oregon Grade Standards for Filbert (Hazelnut) Kernels or such other standards as may be recommended by the Board and established by the Secretary. Withholding may be temporarily deferred under the bonding provisions in § 982.54. The quantity of filberts required to be withheld shall be the restricted obligation. Certified merchantable filberts handled in accordance with this subpart shall be deemed to be the handler's quota fixed by the Secretary within the meaning of section 8a(5) of the act.

* * * * *

PROPOSAL NO. 8

Amend § 982.51 by changing the heading, designating the current section as paragraph (a) of the proposed new section, and adding a new paragraph (b). The new section would read as follows:

§ 982.51 Restricted credit for ungraded inshell filberts and for shelled filberts.

* * * * *

(b) A handler may withhold, in accordance with § 982.50(a), shelled filberts in lieu of merchantable filberts in satisfaction of his restricted obligation subject to such terms and conditions as are recommended by the Board and established by the Secretary. The inshell equivalent of any such filberts shall be determined by multiplying the weight of the shelled filberts by 250 percent. This percent may be changed upon recommendation of the Board and approval of the Secretary.

PROPOSAL NO. 9

§ 982.54 [Amended]

Section 982.54(a) should be amended to change the date contained therein from "January 31" to "April 30".

PROPOSAL NO. 10

Amend the first sentence of § 982.65 to read as follows:

§ 982.65 Carryover reports.

On or before January 15 and August 5, of each year and within 10 days following the end of a marketing policy year, respectively, each handler shall report to the Board his inventory of inshell and shelled filberts as of January 1, August 1, and the first day of the marketing policy year, respectively. * * *

PROPOSED BY THE FRUIT AND VEGETABLE DIVISION, AGRICULTURAL MARKETING SERVICE.

PROPOSAL NO. 11

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Portland Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, 1218 SW Washington St., Portland, OR 97205, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on April 9, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.75-9794 Filed 4-14-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1952]

HAWAII PLAN

Proposed Supplement

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On January 4, 1974, a notice was published in the FEDERAL REGISTER of the approval of the Hawaii plan and of the adoption of Subpart Y of Part 1952 containing the decision of approval (39 FR 1010). On December 23 and 24, 1974 the State of Hawaii submitted supplements to the plan involving developmental changes (see Subpart B of 29 CFR Part 1953).

The decision approving the Hawaii plan incorporated a developmental schedule setting forth time frames for the implementation of various components of the Hawaii plan. Among other things, the schedule provides for the complete implementation of the State's occupational health program by December 1974, and the implementation of the State's Management Information System in late 1974.

2. *Description of the supplements.* The Hawaii occupational health program was approved by the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary), subject to certain assurances, on December 27, 1974 (39 FR 44752). As part of the decision approving the occupational health program, the developmental schedule for Hawaii was revised to provide for complete implementation of the program by January 1975. By letter dated December 23, 1974, the State requested that the implementation date for its occupational health plan be changed to July 1975. This delay is due to difficulties the State has had in personnel hiring and a recent move to new offices. The supplement includes a series of intermediate steps leading to full implementation of the occupational health program by July 1975, including recruitment and hiring in March 1975, and orientation and on-the-job training from April to June 1975.

By letter dated December 27, 1974, the State requested that the developmental schedule for implementation of the Management Information System be changed from December 1974 to December 1975. The State has experienced some technical difficulties with the computer program and some staffing problems which made implementation before the end of 1974 impossible. The implementation schedule for the Management Information System includes a proposed time schedule leading to full implementation by December 1975.

3. *Location of the plan and its supplement for inspection and copying.* A copy of this supplement, along with the approved plan may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room 850, 1726 M Street NW., Washington, D.C. 20210; Office of the Assistant Regional Director, Occupational Safety and Health Administration, Room 9470, Federal Office Building, 450 Golden Gate Avenue, San Francisco, California 94102; and Department of Labor and Industrial Relations, Room 308, 825 Milani Street, Honolulu, Hawaii 96813.

4. *Public participation.* Interested persons are hereby given until May 15, 1975, in which to submit written data, views and arguments concerning whether the supplement should be approved. Such submissions should be addressed to the Associate Assistant Secretary for Regional Programs at his address as set forth above where they will be available for inspection and copying.

Any interested person may request an informal hearing concerning the proposed supplements, by filing particularized written objections with respect thereto within the time allowed for comments with the Associate Assistant Secretary for Regional Programs. If in the opinion of the Assistant Secretary substantial objections are filed, which warrant further public discussion, a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall consider all revelant comments, arguments and requests submitted in accordance with this notice and shall thereafter issue his decision as to approval or disapproval of the supplements, make appropriate amendments to Subpart Y of Part 1952 and initiate further appropriate proceedings if necessary.

(Secs. 8(g), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g), 667))

Signed at Washington, D.C. this 9th day of April 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-9740 Filed 4-14-75;8:45 am]

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APR 15 75

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 75-CE-9-AD]

GATES LEARJET 23, 24, AND 25 SERIES AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an Airworthiness Directive (AD) applicable to certain serial numbers of Gates Learjet 23, 24 and 25 series airplanes. Inspections performed by the manufacturer on upper main landing gear struts of these series airplanes have revealed forging tears which could affect the fatigue life of these components. While these flaws do not affect the static strength of the parts and the design fatigue life is based on a relatively high number of landings and sink speeds, the deteriorating effects of these flaws must be corrected. Accordingly, an AD is being proposed that will require appropriate inspections of the upper main landing gear struts, and removal of any flaws or replacement of the struts if the flaws reach a certain magnitude. The proposed compliance time is 600 hours time in service after the AD's effective date, but not later than September 30, 1976.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, 1558 Federal Building, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before May 15, 1975 will be considered before action is taken upon the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons.

Sections 313(a), 601, 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423), section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new AD.

GATES LEARJET. Applies to 23 (Serial Numbers 23-003 thru 23-009); 24 (Serial Numbers 24-100 thru 24-297); and 25 (Serial Numbers 25-003 thru 25-182) series airplanes.

Compliance: Required as indicated unless already accomplished in accordance with Gates Learjet Service Bulletin No. SB 23/24/25-259A or later approved revision.

To check for flaws in the upper main landing gear struts, accomplish the following:

(A) Within the next 600 hours' time in service after the effective date of this AD, but not later than September 30, 1976, using eddy current or ultrasonic inspection equipment and procedures, inspect the left and right upper main landing gear struts for flaws in accordance with the instructions and sketches outlined in Gates Learjet Service Bulletin No. SB 23/24/25-259A or later approved revisions, or alternatively, remove the left and right upper landing gear struts from the airplane, disassemble, clean, and inspect the struts for flaws in accordance with the aforementioned Service Bulletin.

(B) If, as a result of the inspections referred to in Paragraph A, flaws are detected, within the next 50 hours' time in service, accomplish the following:

1. Remove any flaw in an upper main landing gear strut with a depth less than 0.025 inches in accordance with the procedures outlined in the aforementioned Service Bulletin.

a. After flaw removal, reinspect using eddy current or ultrasonic methods to assure complete removal of the flaw and then treat and paint the affected area in accordance with the aforementioned Service Bulletin.

2. For flaws that exceed a depth of 0.025 inches, modify the upper main landing gear strut in accordance with instructions provided by the manufacturer or alternatively, replace with an airworthy part.

(C) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

NOTE: Aircraft inspected and in compliance with Gates Learjet Service Bulletin SB 23/24/25-259 (i.e., the original Service Bulletin on this subject) are considered to have complied with the requirements of this AD.

Issued in Kansas City, Missouri, on April 4, 1975.

C. R. MELUGIN, JR.,
Director, Central Region.

[FR Doc.75-9723 Filed 4-14-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-SW-21]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations to designate a 700-foot transition area at Mason, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Forth Worth, Texas 76101. All communications received on or before May 15, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Forth Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

MASON, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mason County Airport (latitude 30°43'54" N., longitude 99°11'06" W.).

The proposed transition area will provide controlled airspace for aircraft executing the proposed VOR/DME-A, Original, instrument approach procedure.

This notice will also serve to advise interested persons that Mason County Airport is changed from a VFR to an IFR category airport.

Section 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348), section 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Forth Worth, Tex., on April 4, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-9724 Filed 4-14-75;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 72-26; Notice 2]

MOTOR VEHICLE SAFETY STANDARDS

Foam-Filled Tires; Withdrawal of Proposal

This notice withdraws an advance notice of proposed rulemaking published November 23, 1972 (37 FR 24908), requesting comments and suggestions on possible requirements for passenger car and truck tires filled with foam.

The NHTSA has decided to withdraw the advance notice on the basis that it has not discovered in the course of the rulemaking the existence of safety problems associated with the use of foam-filled tires. Moreover, the comments have indicated that these tires have limited application in the field and their expense is sufficiently high when compared to air-filled tires to preclude widespread use. It is unlikely, therefore, that benefits to be achieved from special requirements for them would justify the costs associated with compliance.

The NHTSA has further determined, following a review of the comments, that tires filled with foam or similar materials should not be considered pneumatic tires subject to Federal Motor Vehicle Safety Standards Nos. 109 and 119 (49 CFR 571.109, 571.119). This interpretation modifies the interpretation published in the advance notice of November 23, 1972, that such tires were subject to the standards. The requirements of those standards are based on the performance capabilities of tires filled with air, and their application without restriction to tires filled with foam or foam-like substances cannot be based on the information presently available to the agency. However, such tires are motor vehicle equipment and are subject to the provisions of the National Traffic and Motor Vehicle Safety Act. The NHTSA would consider the imposition of requirements on these tires in the future should a need for such requirements be demonstrated.

(Secs. 103, 112, 119, 201, Pub. L. 89-563, 88 Stat. 718; 15 U.S.C. 1392, 1401, 1407, 1421, delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on April 7, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-9762 Filed 4-14-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

[34 CFR Part 235]

INVENTORY OF FEDERAL LABORATORIES

Establishment and Use

This notice offers interested parties an opportunity to comment on a proposed regulation developed to provide better management of Federal laboratory space. The regulation proposes (1) the establishment of a management system to ensure the compilation and maintenance of a Government-wide inventory of Federal laboratory space and (2) the promulgation of policies and procedures to ensure that the laboratory inventory is consulted during the evaluation process when Federal agencies are considering the need for additional laboratory facilities.

The proposed regulation is the product of an interagency task group. Its purpose is to protect against the overbuilding of laboratory space by requiring the assemblage of data sufficient for a meaningful central review of requests for new laboratory facilities.

Interested persons should submit their comments in triplicate to the General Services Administration (AMP), Washington, D.C. 20405. All relevant material should be received by May 16, 1975.

Dated: April 9, 1975.

R. E. ZECHMAN,
Associate Administrator.

This is a Federal Management Circular requiring all Federal agencies to adopt standard administrative requirements for evaluating the need to acquire additional laboratory facilities. Authority for issuance of the circular is provided under provisions of Executive Order 11717.

As proposed 34 CFR Part 235 will read as follows:

PART 235—ESTABLISHMENT AND USE OF THE INVENTORY OF FEDERAL LABORATORIES

Sec.
235.1 Purpose.
235.2 Background.
235.3 Applicability and definitions.
235.4 Policies and procedures.
235.5 Agency directives.
235.6 Inquiries.

AUTHORITY: Executive Order 11717.

§ 235.1 Purpose.

This part establishes policy and procedures to achieve more efficient use of existing Federal laboratories and to prevent the unneeded acquisition of new laboratory facilities.

§ 235.2 Background.

Federal laboratories, because of their specialized nature, are generally under the exclusive control of the occupant agency. There is a consequent lack of information about the availability of laboratory space on a Government-wide basis. This part is issued in recognition of the need for managers to have available in a central location certain basic information regarding Federal laboratory facilities. This part is issued pursuant to Executive Order 11717 of May 9, 1973, Transferring Certain Functions from the Office of Management and Budget to the General Services Administration and the Department of Commerce.

§ 235.3 Applicability and definitions.

The provisions of the part apply to all executive departments and establishments. The term "agency" throughout the part is synonymous with the term "departments and establishments" as defined in Subpart 200.5. The terms "laboratory" or "laboratory facility" mean any Government-owned or -leased building containing 10,000 square feet or more, or an area of 10,000 square feet or more within such a building, that is equipped and/or used for scientific research, testing, or analysis.

§ 235.4 Policies and procedures.

Federal agencies shall ensure that laboratories under their control are efficiently utilized and to that end shall cooperate in making underutilized facilities available to other agencies having a requirement. Laboratory facilities or parts thereof that are underutilized shall be reported promptly to the General Services Administration in accordance with the provisions of Part 231.

(a) *Inventory of Federal laboratories.* The General Services Administration (GSA) shall assemble and maintain a current printed inventory of all Federal laboratories. The complete inventory or selective information contained therein will be made available to Federal agencies upon request. To enable GSA to prepare and maintain the inventory the headquarters office of each agency shall submit a completed GSA Form 3252, Federal Laboratory Report to GSA for each laboratory it owns or controls." Completed copies of all report forms shall be submitted to the General Services Administration (PR), Washington, DC 20405, by August 1, 1975. Thereafter, additional reports shall be submitted to GSA each time a significant change (plus or minus 10 percent) occurs in the occupancy of a previously reported laboratory. Agencies may obtain their initial supply of GSA Form 3252 from General Services Administration (3FNDD), Union and Franklin Streets Annex, Building 11, Alexandria, VA 22314. Agency field offices should submit all future requirements to their Washington headquarters office which will forward consolidated annual requirements to the General Services Administration (BRAF), Washington, DC 20405.

(b) *Agency use of inventory.* Agencies shall review the inventory of Federal laboratories to identify existing underutilized laboratory space when studying requirements for the acquisition of new laboratory space, including replacement of existing facilities. Agency files shall be thoroughly documented to reflect the precise reasons that existing laboratories having sufficient space available to accommodate an agency's need were not utilized instead of acquiring new space. In addition, cost analyses shall be made and retained in agency files showing the comparative costs of occupying available existing space vs. acquiring new space vs. contracting the performance of the laboratory work to a private firm or another government agency.

(c) *Special reports.* Agencies may request special reports on laboratory facilities from GSA. Reports can be provided on combinations of most of the data elements specified on the GSA Form 3252. For example, reports listing all vacant or underutilized laboratory space within a specific city, State, or zip code area can be provided. Request to GSA for special reports will be handled on a cost reimbursable basis. Such requests should be directed to the General Services Administration (PR), Washington, DC 20405, telephone: 202-343-4730.

(d) *GSA and OMB use of inventory.* GSA will use the inventory of Federal laboratories in screening requests for laboratory space received from agencies which it serves. OMB will use the inventory, and studies and analyses developed under (b), in reviewing agency budgetary requests for construction funds for new laboratory facilities.

§ 235.5 Agency directives.

Heads of agencies are responsible for promulgating such regulations, controls, and review actions as are necessary to comply fully with the provisions of this circular. Such regulations and controls shall ensure that accurate and complete GSA Forms 3252 are submitted to GSA

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in a timely manner and that significant changes are reported. Copies of all implementing documents, upon issuance, will be provided to the General Services Administration (AM), Washington, D.C. 20405.

§ 235.6 Inquiries.

Further information concerning this part may be obtained by contacting:

General Services Administration (AMP), Washington, D.C. 20405. Telephone: IDS 183-7528, FTS 202-343-7528.

APPENDIX A

FEDERAL LABORATORY REPORT

1. BUILDING NAME	
2. BUILDING ADDRESS (Street, city, State, ZIP code)	
3. BUILDING TYPE ☐ GOVERNMENT-OWNED ☐ LEASED	4. AGENCY CONTROLLING BUILDING (Name, address, ZIP code)
5. PERSON TO CONTACT ABOUT LABORATORY SPACE	(A) NAME (B) TELEPHONE NUMBER
6. OCCUPIABLE AREA OF BUILDING	SQUARE FEET
7. AMOUNT OF LABORATORY SPACE CONTAINED IN BUILDING	SQUARE FEET
8. AMOUNT OF VACANT OR UNDERUTILIZED LABORATORY SPACE AVAILABLE	SQUARE FEET
9. NUMBER OF PERSONS OCCUPYING LABORATORY SPACE	NUMBER
10. YEAR BUILDING CONSTRUCTED	YEAR
11. YEAR LABORATORY SPACE LAST RENOVATED OR MODERNIZED	YEAR
12. IS CONTROLLING AGENCY WILLING TO CONSIDER HAVING THIS LABORATORY PERFORM WORK FOR OTHER AGENCIES ON A COST REIMBURSABLE OR OTHER BASIS?	☐ YES ☐ NO
13. IS IT ANTICIPATED THAT THIS LABORATORY OR A PART OF IT MAY BECOME EXCESS TO THE NEEDS OF THE OCCUPANT AGENCY WITHIN THE NEXT 1-3 YEARS?	☐ YES ☐ NO

14. DESCRIPTION OF LABORATORY MISSION AND CAPABILITIES (Including name of occupant agency)

GENERAL SERVICES ADMINISTRATION GSA FORM 3252 (4-75)

INSTRUCTIONS FOR COMPLETING FEDERAL LABORATORY REPORT, GSA FORM 3252

This form should be completed and submitted to the General Services Administration in accordance with the Section a of FMC 75-?

Block 1. Enter the name of the building, if any, containing the laboratory. If there is no building name enter the name of the laboratory.

Block 2. Enter the address of the building. Abbreviations should not be used in providing the names of cities and states. The zip code must be provided.

Block 3. Indicate whether the building is owned by the Government or leased from a private person or company.

Block 4. The agency controlling the building is the agency responsible for the operation, maintenance and upkeep of the building. In leased buildings the controlling agency is that agency that issues the rent check.

Block 5. Furnish the name and telephone number of the person to contact about the laboratory space.

Block 6. The occupiable area of the building should be determined in accordance with subsection 101-17.003-27 of the Federal Property Management Regulations. Approximations are permitted where measurements are not available.

Block 7. Enter the amount of laboratory space contained in the building. Do not include office, storage or support space. Indicate only the amount of space specifically used for laboratory purposes.

Block 8. Indicate the amount of vacant or underutilized laboratory space that is currently available within the building.

Block 9. Enter the number of persons (scientists, technicians and others) who occupy the laboratory space.

Block 10. The year the building was constructed should be entered in this block. Approximations are permitted if the exact year is not known.

Block 11. Indicate the year the laboratory space was modernized or renovated. Approximations may be given when the exact year is not known.

Block 12. The controlling agency is the agency responsible for administering and conducting the programs of the laboratory.

Block 13. Indicate whether the laboratory will become excess within the next 1 to 3 years. Excess generally means that the property will not be required for programs of the agency.

Block 14. Provide a brief description of the mission and prime functions currently being performed by the laboratory. Also, furnish name of occupant agency.

GSA FORM 3252 BACK (4-75)

[FR Doc.75-9777 Filed 4-14-75;8:45 am]

V40-73-APR 15 75 XUM

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-5/34]

OVERSEAS SCHOOLS ADVISORY COUNCIL

Meeting

The Executive Committee of the Overseas Schools Advisory Council, Department of State, will meet Monday, May 12, 1975, 10 a.m. in the Twelfth Floor Conference Room at the U.S. Mission to the United Nations, 799 United Nations Plaza, New York, New York 10017.

Agenda items scheduled for discussion are as follows:

I. Discussion of Second Phase of Council's Program.

A. Letter from Dr. E. Mannino of December 19, 1974, to the Overseas Schools.

B. Assistant Secretary John Thomas' Letter to U.S. Chiefs of Mission.

C. Communications from Schools Regarding Council's Second Phase.

D. Communications from U.S. Corporations and Foundations Regarding Same.

E. Local Fund-Raising Efforts and Strategies by the Schools.

II. Report by Eugene Lopez of Meeting in Copenhagen with the European Council of International Schools.

III. Report by R. C. Axtmann of Meeting in Tegucigalpa with the Inter Regional Center.

IV. Suggestions by Participants Regarding Methods and Mechanics of Local Fund Raising.

V. Advice to U.S. Corporations and Foundations of the "Fair Share" Contributed by U.S. Government to Each of the Schools.

A. Discussion of Whether Schools Should Be Asked if They Wish Council to Do So.

B. Discussion of Whether Corporations and Foundations Should Be Advised as to What the Government Is Doing, Solely for Guideline Purposes.

VI. Status Report.

VII. Strengthening Membership of Local School Boards by Addition of Senior Corporate Representation.

VIII. Selection of Date for Full Council Meeting.

For purposes of fulfilling building security requirements, anyone wishing to attend the meeting should call Ms. Judy Knott, Office of Overseas Schools, Department of State, Washington, D.C., Area Code 703–235–9601, prior to May 12.

Dated April 7, 1975.

ERNEST N. MANNING,
Executive Secretary, Overseas Schools Advisory Council.

[FR Doc.75-9738 Filed 4-14-75;8:45 am]

[Public Notice CM-5/33]

SHIPPING COORDINATING COMMITTEE SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on Standards of Training and Watchkeeping of the U.S. Subcommittee on Safety of Life at Sea will hold an open meeting at 10 a.m. on Friday, May 9, 1975 in Room 8334 of the Department of Transportation, 400 7th Street, SW, Washington, D.C.

The purpose of this meeting will be to discuss the agenda for the Sixth Session of the Subcommittee on Standards of Training and Watchkeeping of the Intergovernmental Maritime Consultative Organization scheduled to meet June 9–13, 1975 in London.

Requests for further information on the meeting should be directed to Captain J. V. Caffrey, United States Coast Guard. He may be reached by telephone on (area code 202) 426–1500.

RICHARD K. BANK,
Chairman, Shipping Coordinating Committee.

APRIL 7, 1950.

[FR Doc.75-9788 Filed 4-14-75;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

CHIEF COUNSEL'S ADVISORY COMMITTEE ON RULES OF PROFESSIONAL CONDUCT

Open Meeting

Notice is hereby given that pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92–463, a meeting of the Chief Counsel's Advisory Committee on Rules of Professional Conduct will be held on May 15, 1975, beginning at 9 a.m. in Room 3313, Internal Revenue Building, 1111 Constitution Avenue, NW, Washington, D.C. 20224. The agenda will include various topics concerning the rules of professional conduct governing tax practice with particular emphasis on problems generated by representation of taxpayers by former Internal Revenue Service employees.

The meeting will be open to the public. It is to be held in a room accommodating, in addition to members of the Committee, 25 people. Time permitting, after discussion of agenda subjects by Committee Members, interested persons may make statements germane to these subjects. Persons wishing to make oral statements should advise the Committee Manager in writing prior to the meeting to aid in scheduling the time available and should submit the written text, or, at a minimum, an outline of comments they propose to make orally. Such comments will be restricted to ten minutes in length. Any interested persons may file a written statement for consideration by the Committee by sending it to the Committee Manager, Chief Counsel's Advisory Committee, Room 3034, Internal Revenue Building, 1111 Constitution Avenue, NW, Washington, D.C. 20224.

MEADE WHITAKER,
Chief Counsel.

[FR Doc.75-9807 Filed 4-14-75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON "ELECTRONIC TEST EQUIPMENT"

Advisory Committee Meeting

Pursuant to the provisions of Pub. L. 92–463, notice is hereby given that the Defense Science Board Task Force on "Electronic Test Equipment" will meet in open session on May 8 and 9, 1975, in Room 9W67, National Center Building #1, 2511 Jefferson Davis Highway, Arlington, Virginia. The session will commence at 9 a.m. each day.

The mission of the Defense Science Board is to advise the Secretary of Defense and Director of Defense Research and Engineering on overall research and engineering and to provide long-range guidance in these areas to the Department of Defense.

The primary responsibility of the Task Force is to examine the greater use of the Department of Defense of privately-developed, commercially-available, off-the-shelf electronic test equipment, including modifications thereof, with the goal of achieving economy and reliability benefits for the several Armed Services and to recommend policies and procedures which will maximize these benefits.

This will be the third meeting of the Task Force. The planned agenda will cover three general areas:

1. Determination of Electronic Test Equipment Needs.
2. Translation of Electronic Test Equipment Needs.
3. Acquisition and Use of Electronic Test Equipment.

The meeting is open to the public. Persons wishing to attend are advised that a reasonable quantity of seating for observers will be available on a first-come, first-seated basis. No specific arrangements or notification of desire to attend is necessary.

The Executive Secretary for the Task Force is Mr. Rudolph J. Sgro, OASD (I&L) WS, Room 2A318, Pentagon, Washington, D.C. 20301.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

APRIL 10, 1975.

[FR Doc.75-9780 Filed 4-14-75;8:45 am]

DEFENSE SCIENCE BOARD

Cancelled Meeting

The meeting of the Defense Science Board scheduled for 15 April 1975 in the Pentagon, Arlington, Virginia as published in the FEDERAL REGISTER on March 20, 1975 (FR Doc. 75–7284) has been cancelled.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

APRIL 10, 1975.

[FR Doc.75-9772 Filed 4-14-75;8:45 a.m.]

DEPARTMENT OF JUSTICE

U.S. V. TOM'S FOODS LTD.

Proposed Consent Judgment

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h), that a proposed consent judgment, agreed to by the United States and Tom's Foods Ltd., and a competitive impact statement have been filed with the United States District Court for the Middle District of Georgia, Columbus Division (Civil No. 75–28–COL). The complaint, filed simultaneously with the proposed judgment, alleges that Tom's violated section 1 of the Sherman Act by agreeing with other snack food manufacturers that these manufacturers would not, without Tom's approval, sell products of their manufacture, or offer price discounts, to Tom's distributors. The proposed judgment will enjoin Tom's from agreements with any independent manufacturer which restrict the quantity or price of any products that they sell to Tom's independent distributors. Tom's will also be restrained, for a ten year period, from agreements with its distributors which restrict the quantity or price of products that they purchase from independent manufacturers.

Public comment is invited on or before June 9, 1975. Such comments and responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be directed to Gerald A. Connell, Chief, General Litigation Section, Antitrust Division, Department of Justice, Washington, D.C. 20530.

Dated: April 8, 1975.

THOMAS E. KAUPER,
Assistant Attorney General, Antitrust Division.

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF GEORGIA

COLUMBUS DIVISION

In the matter of: United States of America, Plaintiff, versus Tom's Foods Ltd., Defendant; Civil Action No. 75–28–COL; Filed: April 8, 1975.

Stipulation. It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of either party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, (15 U.S.C. § 16) and without further notice to either party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendant and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatever and the making of this stipulation shall be without prejudice to plaintiff and defendant in this and any other proceeding.

For the Plaintiff:

UNITED STATES OF AMERICA.
THOMAS E. KAUPER,
Assistant Attorney General.
BADDIA J. RASHID,
GERALD A. CONNELL,
ROBERT J. LUDWIG,
GARY M. COHEN,
LARRY R. PATTON,
Attorneys,
United States Department of Justice.

For the Defendant.
Tom's Foods Ltd.

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF GEORGIA

Columbus Division

In the matter of United States of America, Plaintiff, versus Tom's Foods Ltd., Defendant; Civil Action No. 75–28–COL; filed: April 8, 1975.

Final Judgment. Plaintiff, United States of America, having filed its complaint herein on April 8, 1975, and the parties hereto, by their respective attorneys having consented to the making and entry of this Final Judgment without trial or adjudication of any issue of fact or law herein, and without admission by either party in respect to any issue;

Now, therefore, before any testimony has been taken herein and upon consent of the parties hereto, it is hereby,

Ordered, Adjudged and Decreed as follows:

I. This court has jurisdiction over the subject matter of this action and of the parties hereto. The Complaint states claims upon which relief may be granted against the defendant under section 1 of the Act of Congress of July 2, 1890, as amended (15 U.S.C. section 1), commonly known as the Sherman Act.

II. As used in this Final Judgment

(A) "Distributor" shall mean any person who buys "snack foods" or other products for resale.

(B) "Snack Foods" shall mean food products which are intended for immediate consumption or away-from-home eating and include, but are not limited to, such items as candies, peanut items, baked goods, potato chips, pretzels and sandwiches.

(C) "Manufacturer" shall mean any person manufacturing and/or selling or offering to sell snack foods or other products to Distributors.

(D) "Person" shall mean any partnership, firm, corporation, individual or any other business or legal entity.

III. The provisions of this Final Judgment applicable to the defendant shall also apply to each of its directors, officers, agents, employees, subsidiaries, successors and assigns, and to all persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

IV. The defendant, Tom's Foods Ltd., is enjoined and restrained from:

(A) Entering into, adhering to, enforcing or claiming any right under any contract, agreement understanding, plan or program with any Manufacturer that directly or indirectly,

(1) Restricts, prevents, limits or interferes with the sale of any product to any Distributor; or

(2) Restricts, limits, fixes, stabilizes or interferes with the price, price discounts, or other terms or conditions for the sale of any product to any Distributor.

(B) The provisions of section IV(A) above shall not apply to those products manufactured by another Manufacturer under Tom's Foods Ltd. trademarks solely for sale to Tom's Foods Ltd.

V. The defendant, Tom's Foods Ltd., is enjoined and restrained, for a period of ten years following the date of entry of this Final Judgment, from:

(A) Entering into, adhering to, enforcing or claiming any right under any contract, agreement, understanding,

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plan or program with any Distributor that, directly or indirectly,

(1) Restricts, prevents, limits or interferes with the purchase of snack foods by any Distributor from any other Manufacturer, or

(2) Restricts, limits, fixes, stabilizes or interferes with the price, price discounts, or other terms or conditions for the purchase of snack foods by any Distributor from any other Manufacturer.

VI. (A) The defendant is directed and ordered to provide within sixty (60) days from the date of entry of this Final Judgment, by registered mail, all current Distributors and Manufacturers (to the extent known to the defendant) with a letter containing the following statement:

As a result of a Consent Judgment entered by the United States District Court for the Middle District of Georgia in *United States* v. *Tom's Foods Ltd.*, Civil No. ———, each distributor is free to select any manufacturer or supplier of snack food products for resale, and to determine the quantity, price or kind of each product he will purchase without interference from Tom's Foods Ltd.

Manufacturers and suppliers are free to offer to distributors any product, or any price discount or promotion for any product, without the approval of Tom's Foods Ltd., except for those products bearing the Tom's Foods Ltd. trademark that they manufacture solely for sale to Tom's.

(B) The defendant is directed and ordered to file with the Court and serve upon plaintiff, within ninety (90) days from the date of entry of this Final Judgment, a report stating the manner of its compliance with the provisions of paragraph A of this section VI.

VII. For the purposes of determining or securing compliance with the Final Judgment, duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendant, made to its principal office, be permitted, subject to any legally recognized claim of privilege, (a) access during the office hours of defendant to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession, custody, or control of defendant relating to any matters contained in this Final Judgment and (b) subject to the reasonable convenience of defendant, but without restraint or interference from it, to interview officers, directors, agents, or employees of the defendant, who may have counsel present, regarding any such matter. Upon the written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, defendant shall submit such written reports with respect to any of the matters contained in this Final Judgment as from time to time may be requested. No information obtained by the means provided in this section VII shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch, except in the course of legal proceedings to which the United States is a party, for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

VIII. For a period of five (5) years from the date of entry of this Final Judgment, defendant shall submit annually on the anniversary date of this Final Judgment a written report to the plaintiff setting forth the steps taken during the preceding year to inform its officers, directors, agents and employees of its and their obligations under this Final Judgment.

IX. Jurisdiction is retained for the purpose of enabling either of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the modification, construction or carrying out of this Final Judgment, for the enforcement of compliance therewith, and the punishment of violations thereof. Entry of this Final Judgment is in the public interest.

———————————,
United States District Judge.

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF GEORGIA

Columbus Division

In the matter of United States of America, Plaintiff, v. Tom's Foods Ltd., Defendant; Civil Action No. 75-28-COL; Filed: April 8, 1975.

Proposed Consent Judgment: Competitive Impact Statement. Pursuant to section 2(b) of the *Antitrust Procedures and Penalties Act* (15 U.S.C. 16(b)), the United States of American hereby files its Competitive Impact Statement relating to the proposed consent judgment submitted for entry in this civil antitrust proceeding.

I. NATURE AND PURPOSE OF THE PROCEEDING

This is a civil antitrust action by the United States Department of Justice against Tom's Foods Ltd., of Macon, Georgia, a wholly-owned subsidiary of General Mills, Inc., of Minneapolis, Minnesota, to prevent and restrain alleged violations of section 1 of the Sherman Act.

II. PRACTICES AND EVENTS GIVING RISE TO THE ALLEGED VIOLATION OF THE ANTITRUST LAWS

Tom's Foods Ltd. ("Tom's") is engaged in the manufacture and sale of snack food products which are sold primarily to a network of approximately 500 independent distributors who in turn resell them through retail outlets and vending machines. Snack foods, as used in the complaint and defined in the proposed judgment, mean food products which are intended for immediate consumption or away-from-home eating and include, but are not limited to, such items as candies, peanut items, baked goods, potato chips, pretzels and sandwiches.

Tom's has entered into contracts with a number of competing snack food manufacturing companies which provide that these firms may supply specific products to Tom's distributors. Tom's has agreed with some of these competing snack food manufacturers that they are not to sell any of their products to Tom's distributors without Tom's prior approval. These agreements have been enforced by Tom's to prevent competing snack food companies from selling to distributors products which Tom's considers to be directly comparable to those it manufactures. As to products which are "approved" by Tom's, the competing snack food manufacturing companies must receive Tom's authorization for any price discounts or other promotional activity to be offered to Tom's distributors.

The complaint alleges that these contracts, agreements and understandings between Tom's and competing snack food manufacturing companies unreasonably restrain trade in violation of section 1 of the Sherman Act. These agreements restrain trade because they foreclose competing snack food manufacturing companies from selling to Tom's distributors and limit price competition between Tom's and these companies in the sale of snack food products to Tom's distributors.

III. EXPLANATION OF THE PROPOSED CONSENT JUDGMENT

Prior to filing the complaint, the United States and the defendant have agreed that the consent judgment, in a form negotiated by the parties, may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. The stipulation provides that there has been no admission by either party with respect to any issue of fact or law. Under the provisions of section 2(e) of the Antitrust Procedures and Penalties Act, entry of said judgment by the Court is conditioned upon a determination by the Court that the proposed judgment is in the public interest.

A. *Prohibited Conduct*—Under the proposed consent judgment, Tom's is prohibited from entering into any contract or agreement with any manufacturer that directly or indirectly restricts or interferes with the sale of any product to any distributor or which fixes or interferes with the price, price discounts, or other terms or conditions for the sale of any product to any distributor. These injunctions apply to all products with the exception of those which are manufactured under the Tom's Foods Ltd. trademark solely for sale to Tom's. This exception allows Tom's to contract with other manufacturers to produce, for Tom's, products bearing the Tom's Foods trademark. The manufacturer can ship these products either directly to Tom's or to those persons to whom Tom's directs that the products be shipped. This exception is appropriate since Tom's is entitled to this degree of control over the manufacture and sale of its own trademarked products.

Despite the prohibition in the proposed decree of agreements between Tom's and competing manufacturers that restrict the latter's sales to Tom's distributors, it was recognized that Tom's could continue to limit access to its distributors. This could be achieved by imposing limitations on the products that the distributors could purchase from competing manufacturers. Section V of the proposed final judgment prevents Tom's from restricting or interfering with its distributors' purchasing decisions, or with the price and other terms and conditions under which they purchase products from other manufacturers. The section V injunctions have a ten year application. A perpetual injunction was deemed unnecessary because the Department of Justice had no evidence that Tom's has to date interfered with or restricted its distributors' purchasing decisions.

B. *Scope of the Proposed Judgment*—The terms of the consent judgment shall apply to each of Tom's directors, officers, agents, employees, subsidiaries, successors and assigns. [section III]. Within sixty (60) days from the date the proposed judgment is entered, Tom's must send a letter to all current distributors and manufacturers of snack foods that contains the following statement:

As a result of a Consent Judgment entered by the United States District Court for the Middle District of Georgia in *United States* v. *Tom's Foods Ltd.*, Civil No. each distributor is free to select any manufacturer or supplier of snack food products for resale, and to determine the quantity, price or kind of each product he will purchase without interference from Tom's Foods Ltd.

Manufacturers and suppliers are free to offer to distributors any product, or any price discount or promotion for any product, without the approval of Tom's Foods Ltd., except for those products bearing the Tom's Foods Ltd. trademark that they manufacture solely for sale to Tom's.

Section VII provides the United States access to Tom's records and the right to interview Tom's officials and employees for the purposes of determining or securing compliance with the proposed judgment.

Section VIII requires that Tom's provide the government for a period of five years an annual statement setting forth the steps taken during the preceding year to inform its personnel of its and their obligations under the proposed judgment.

C. *Competitive Effect of the Proposed Consent Judgment*—The proposed consent judgment will have the effect of allowing competing manufacturers to sell to Tom's distributors and of encouraging competition between Tom's and these companies. Tom's distributors will have the opportunity to purchase products of other manufacturers without interference from Tom's. Such products will thus be available to consumers from more sources and at prices competitive to the prices of similar products manufactured by Tom's.

IV. REMEDIES AVAILABLE TO POTENTIAL PRIVATE PLAINTIFFS

Section 4 of the Clayton Act (15 U.S.C. 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered, as well as costs and reasonable attorney fees. The entry of the proposed final judgment will not have any effect on the right of any potential private plaintiffs who claim they have been damaged by the alleged violation to sue for monetary damages or any other legal or equitable remedies. However, this judgment may not be used as *prima facie* evidence in private litigation pursuant to section 5(a) of the Clayton Act, as amended (15 U.S.C. 16(a)).

V. PROCEDURES AVAILABLE FOR MODIFICATION OF THE PROPOSED JUDGMENT

During the period of time provided for in the Antitrust Procedures and Penalties Act (a minimum of 60 days between the filing of the proposed consent judgment and its entry) interested persons may file comments with Gerald A. Connell, Chief, General Litigation Section, Antitrust Division, Department of Justice, Washington, D.C. 20530, urging that the decree not be entered in the form proposed. These comments, and the response to them, will be filed with the Court and published in the FEDERAL REGISTER. All comments will be given appropriate consideration by the Government, which remains free to withdraw its consent to the proposed consent judgment at any time prior to its entry if it should conclude that some modification of it is necessary. In addition, the proposed judgment provides for retention of jurisdiction of this section by the Court to permit, among other things, the parties to apply to the Court for such orders as may be necessary or appropriate for modification of the judgment.

VI. ALTERNATIVE REMEDIES ACTUALLY CONSIDERED

The only alternative remedy actually considered by the Department of Justice was whether to extend the ten year application of section V of the Judgment to a perpetual injunction. As discussed in section III(A) of this statement, a perpetual injunction was not believed to be appropriate because the Department had no evidence that Tom's has to date interfered with or restricted its distributors' purchasing decisions.

The Department of Justice considers the substantive language of the proposed decree to be of sufficient scope and effect to make litigation unnecessary. The relief contained in this proposed judgment is, in the Department's view, consonant with the relief prayed for in paragraph VI of the complaint.

VII. DETERMINATIVE DOCUMENTS

No materials and documents of the type described in section (b) of the *Antitrust Procedures and Penalties Act* (15 U.S.C. 16(b)) were considered in formulating this proposed judgment.

GARY M. COHEN,
LARRY R. PATTON,
Attorneys,
United States Department of Justice.

[FR Doc.75-9785 Filed 4-14-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

Modification of Grazing District Boundaries

Pursuant to the authority vested in the Secretary of the Interior by the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269) as amended, and delegated to the Director, Bureau of Land Management by 235 DM 1.1, the Departmental Orders dated April 8, 1935, November 3, 1936, and December 4, 1940, establishing the Boise, Idaho Falls, Shoshone and Coeur d'Alene District, respectively, are hereby amended as follows:

1. The north boundary of Idaho Grazing District No. 1, is adjusted so as to eliminate the following described land from Idaho Grazing District No. 1 and these lands are hereby placed under the administrative jurisdiction of the Coeur d'Alene District Office:

All vacant, unappropriated public land in:

BOISE MERIDIAN, IDAHO

T. 21 N., R. 1 E.,
Secs. 1, 2, 3, 10 to 15 inclusive, 22 to 27 inclusive, 34, 35, and 36.
T. 22 N., R. 1 E.,
Secs. 1, 2, 3, 4, 9 to 16 inclusive, 21 to 28 inclusive, 33, 34, 35, and 36.
T. 23 N., R. 1 E.,
Secs. 1 to 18 inclusive;
Sec. 19, E½;
Secs. 20 to 29 inclusive;
Sec. 30, NE¼;
Sec. 32, E½;
Secs. 33, 34, 35 and 36.
T. 24 N., R. 1 E.,
All that portion south and west of Salmon River.
T. 24 N., R. 2 E.,
All that portion south of Salmon River.
T. 24 N., R. 3 E.,
All that portion south of Salmon River.
T. 24 N., R. 5 E.,
Secs. 7, 8, 9, 10, 15 to 22 inclusive and 27 to 34 inclusive.
T. 24 N., R. 1 W.,
Sec. 25, S½;
Sec. 36, All.

2. The west boundary of Idaho Grazing District No. 3, Bureau of Land Management, is adjusted so as to transfer administrative responsibility for all public land within the following described legal subdivisions from Grazing District No. 3 (Idaho Falls) to Grazing District No. 5 (Shoshone).

All vacant, unappropriated public land in:

BOISE MERIDIAN, IDAHO

T. 1 N., R. 24 E.,
Secs. 4, 5, 8, 9, 16, 17, 20, 21, 28, 29, 32, and 33.

V 40 73 APR 15 75 XUM

T. 2 N., R. 24 E.,
Sec. 26, that portion of lots 2, 3, 4 W½ NE¼, NW¼ within Butte County.
Sec. 32 that portion within Butte County.
Sec. 33, that portion within Butte County.

The transfer of jurisdiction from the Boise to the Coeur d'Alene District will involve a change from grazing use and management under section 3 of the Taylor Grazing Act to section 15 of the Taylor Grazing Act. The jurisdiction transfers will otherwise not affect the status or use of the public lands in any way. The transfer will become effective April 15, 1975.

Dated: April 8, 1975.

GEORGE L. TURCOTT,
Associate Director.

[FR Doc.75-9783 Filed 4-14-75;8:14 am]

IDAHO

Modification of District Boundaries

Pursuant to the authority vested in the Secretary of the Interior by the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269) as amended and delegated to the Director, Bureau of Land Management by 235 DM 1.1, the boundaries of the Burley, Idaho Falls, Coeur d'Alene and Boise Districts are hereby modified as follows:

1. The boundaries establishing administrative jurisdiction over certain lands managed under section 15 of the Taylor Grazing Act by the Burley District, Bureau of Land Management, are adjusted so as to transfer administrative responsibility for all public land within the following described legal subdivisions from the Burley to the Idaho Falls District Offices.

All vacant, unappropriated public land in:

BOISE MERIDIAN, IDAHO

T. 5 S., R. 33 E.,
Secs. 1 to 16 inclusive and those portions of secs. 22 to 26 inclusive and sec. 36 in Bannock County.
T. 5 S., R. 34 E.,
Secs. 1 to 24 inclusive.
T. 5 S., R. 35 E.,
Secs. 1 to 24 inclusive.
T. 5 S., R. 36 E.,
All.
T. 6 S., R. 36 E.,
Secs. 1 to 12 inclusive.
T. 5 S., R. 37 E.,
All.
T. 6 S., R. 37 E.,
Secs. 1 to 12 inclusive.
T. 13 S., R. 37 E. (partially surveyed),
Those portions of secs. 22 to 26 inclusive and 36 in Franklin County.
T. 14 S., R. 37 E.,
Those portions of secs. 1, 35, and 36 in Franklin County.
T. 15 S., R. 37 E. (partially surveyed),
Those portions of secs. 1, 2, 11 to 14 inclusive, 23 to 26 inclusive, 35 and 36 in Franklin County.
T. 16 S., R. 37 E.,
Those portions of secs. 1, 2, 11 to 14 inclusive and 23 to 26 inclusive in Franklin County.
T. 5 S., R. 38 E.,
All.
T. 6 S., R. 38 E.,
Secs. 1 to 14 inclusive, 23 to 26 inclusive, 35, and 36.
T. 7 S., R. 38 E.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 13 S., R. 38 E.,
All that portion in Franklin County.
T. 14 S. to 16 S. inclusive, R. 38 E.,
All.
T. 5 S. to 7 S. inclusive, R. 39 E.,
All.
T. 8 S., R. 39 E.,
Secs. 1 to 30 inclusive and 32 to 36 inclusive.
T. 9 S., R. 39 E.,
Secs. 1, 2, 3, 10 to 14 inclusive, 23 to 26 inclusive, 35, and 36.
T. 10 S., R. 39 E.,
Secs. 1 to 4 inclusive, 9 to 16 inclusive, and 21 to 27 inclusive;
Sec. 28, N½;
Secs. 34, 35, and 36.
T. 11 S., R. 39 E.,
Secs. 1, 2 and 3;
Sec. 10, E½;
Secs. 11 to 14 inclusive;
Sec. 15, E½;
Sec. 22, E½;
Secs. 23 to 26 inclusive;
Sec. 35 and 36.
T. 12 S., R. 39 E.,
Secs. 1, 2, 3, 10 to 15 inclusive, 22 to 27 inclusive, 34, 35, and 36.
T. 13 S., R. 39 E.,
Secs. 1, 2, 3, 10 to 15 inclusive, 22 to 27 inclusive, and 31 to 36 inclusive.
T. 14 S. to 16 S. inclusive, R. 39 E.,
All.
T. 5 S. to 16 S. inclusive, R. 40 E.,
All.
T. 5 S. to 9 S. inclusive, R. 41 E.,
All.
T. 10 S., R. 41 E. (partially surveyed),
All.
T. 11 S., R. 41 E.,
All.
T. 12 S. to 15 S. inclusive, R. 41 E. (partially surveyed),
All.
T. 16 S., R. 41 E.,
All.
T. 5 S. to 9 S. inclusive, R. 42 E.,
All.
T. 10 S., R. 42 E. (partially surveyed),
All.
T. 11 S., R. 42 E. (unsurveyed),
All.
T. 12 S. to 16 S. inclusive, R. 42 E.,
All.
T. 5 S. to 16 S. inclusive, R. 43 E.,
All.
T. 5 S. to 13 S. inclusive, R. 44 E.,
All.
T. 14 S. to 15 S. inclusive, R. 44 E. (partially surveyed),
All.
T. 16 S., R. 44 E.,
All.
T. 5 S. to 16 S. inclusive, R. 45 E.,
All.
T. 5 S. to 10 S. inclusive, R. 46 E.,
All.
T. 11 S., R. 46 E.,
Secs. 2 to 11 inclusive, 14 to 23 inclusive, and 26 to 33 inclusive:
Sec. 34, N½, SW¼;
Sec. 35, N½.

2. The boundaries establishing administrative jurisdication of National Resource Lands and interagency coordination of other lands are adjusted to transfer responsibility from the Boise District to the Coeur d'Alene District of the Bureau of Land Management. The present southern boundary of the Coeur d'Alene District starting from the Snake River at the north boundary of Township 24 North thence east along the township line to where it intersects with the Salmon River; thence following the Salmon River east to the Lemhi County line, will now be located on a proposed new line starting from the Snake River at the north boundary of Township 20 North; thence east along the township line to the Valley County line; thence north and east along the Valley County line to the Middle Fork of the Salmon River which is also the west boundary of Lemhi County. The land between these east-west lines and the west boundary of Lemhi County on the east and the Snake River on the west constitutes the new area of responsibility of management and/or interagency coordination for the Coeur d'Alene District.

This transfer of jurisdiction will not affect the status or use of the public lands and shall become effective April 15, 1975.

GEORGE L. TURCOTT,
Associate Director.

APRIL 8, 1975.

[FR Doc.75-9784 Filed 4-14-75;8:45 am]

[NM 26172]

NEW MEXICO

Application

APRIL 7, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½ inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 32 N., R. 10 W.,
Sec. 30, lots 14 and 19.

This pipeline will convey natural gas across 0.091 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-9782 Filed 4-14-75;8:45 am]

[NM 25160]

NEW MEXICO

Application

APRIL 7, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Continental Oil Company has applied for one 4 inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 17 S., R. 30 E.,
Sec. 8, SW¼SW¼;
Sec. 17, N½NW¼, SE¼NW¼, NE¼SW¼, and NW¼SE¼.

This pipeline will convey natural gas across 0.816 mile of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-9781 Filed 4-14-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 8]

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Fiscal Year Ending June 30, 1975)

The CCC Monthly Sales List for the fiscal year ending June 30, 1975, published in 39 FR 24684 is amended as follows:

1. The last sentence of section 1(b) entitled "General" published in 39 FR 24684 as amended in 39 FR 43413 and 40 FR 6214 is revised to read as follows: "Interest at 9 percent will be charged for delinquent payments on consignment and track grain sales from the date of sale to the date payment is received".

Effective Date: 2:30 p.m., March 31, 1975.

Signed at Washington, D.C. on April 8, 1975.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.75-9729 Filed 4-14-75;8:45 am]

Farmers Home Administration

[Notice of Designation Number A074, Amdt. 1]

ARKANSAS

Designation of Emergency Area

The Secretary of Agriculture has found that a general need for agricultural credit exists in Monroe County, Arkansas, as a result of a natural disaster consisting of excessive rainfall October 1, 1974, through January 31, 1975, and a tornado February 22, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor David Pryor that such designation be made.

Applications for Emergency loans must be received by this Department no later than May 27, 1975, for physical losses and December 29, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 9th day of April 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-9796 Filed 4-14-75;8:45 am]

[Notice of Designation Numbers A093, Amdt. 2, and A127, Amdt. 2]

MISSISSIPPI

Designation of Emergency Areas

The Secretary of Agriculture has found that an additional general need for agricultural credit exists in the following counties in Mississippi as a result of natural disasters consisting of:

Alcorn—Frost October 3, 1974.
Lafayette—Frost October 3, 16, 21, and 22, 1974. Excessive rainfall November 15 through December 31, 1974.
Quitman—Excessive rainfall October 1 through December 31, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor William L. Waller that such designation be made.

Applications for Emergency loans must be received by this Department no later than May 27, 1975, for physical losses and December 29, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C. this 9th day of April 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-9797 Filed 4-14-75;8:45 am]

[Notice of Designation Number A168]

NEW MEXICO

Designation of Emergency Area

The Secretary of Agriculture has found that a general need for agricultural credit exists in Rio Arriba County, New Mexico, as a result of a natural disaster consisting of drought from January 1 through November 30, 1974, and a late freeze May 19 and 20, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Jerry Apodaca that such designation be made.

Applications for Emergency loans must be received by this Department no later than May 27, 1975, for physical losses and December 29, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 9th day of April 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-9798 Filed 4-14-75;8:45 am]

[Notice of Designation Number A189]

TEXAS

Designation of Emergency Area

The Secretary of Agriculture has found that a general need for agricultural credit exists in Wheeler County, Texas, as a result of a natural disaster consisting of drought May 1 through August 30, excessive rainfall September 15 through October 30, and a hailstorm June 12, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b), including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for Emergency loans must be received by this Department no later than May 27, 1975, for physical losses and December 29, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

V 40 N 73 APR 15 75 XUM

Done at Washington, D.C., this 9th day of April 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-9799 Filed 4-14-75;8:45 am]

[Notice of Designation Number A101, Amdt. 3]

WISCONSIN

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Wisconsin as a result of a natural disaster consisting of:

Lincoln—Drought June 1 to August 15, 1974.
Trempealeau—Killing frost September 1, 2, 3, and 4, 1974.
Wood—Drought June 10 to July 24, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Patrick J. Lucey that such designation be made.

Applications for Emergency loans must be received by this Department no later than May 27, 1975, for physical losses and December 29, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 9th day of April 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-9800 Filed 4-14-75;8:45 am]

Forest Service

MT. HOOD, ROGUE RIVER AND WILLAMETTE NATIONAL FORESTS, OREG.

Vegetation Management; Availability of Draft Addendum

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft addendum to the final environmental statement for vegetation management using selective herbicides on the Mt. Hood, Rogue River, and Willamette National Forests, Oregon, for the period July 1, 1975 through June 30, 1976 (USDA-FS-R6-DES(Adm) 75-15).

The draft addendum concerns a proposed use of herbicides 2,4-D, 2,4-DP, 2,4,5-T, silvex, amitrole, picloram and dicamba to reduce the competition from native vegetation where it hampers forest management activities in Oregon. The proposed uses of the herbicides are for reforestation site preparation, release and thinning of conifers, range improvement work, recreation sites, administrative sites, right-of-way maintenance and by permittees, licensees and grantees for highway, powerline and railroad right-of-way maintenance.

This draft addendum was transmitted to CEQ on April 7, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agricultural Bldg., Room 3231
12th & Independence Ave., S.W.
Washington, D.C. 20250

USDA, Forest Service
Pacific Northwest Region
319 S.W. Pine Street
Portland, Oregon 97208

Mt. Hood National Forest
3440 S.E. 199th
Portland, Oregon 97233

Rogue River National Forest
Federal Building
P.O. Box 520
Medford, Oregon 97501

Willamette National Forest
Federal Building
P.O. Box 10607
Eugene, Oregon 97401

A limited number of single copies are available upon request to Regional Forester T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208.

Copies of the draft addendum have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Written comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Written comments concerning the proposed action and requests for additional information should be addressed to Mr. T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208. Comments must be received by June 7, 1975, in order to be considered in the preparation of the final addendum.

CURTIS L. SWANSON,
Regional Environmental Coordinator, Planning, Programming and Budgeting.

APRIL 7, 1975.

[FR Doc.75-9709 Filed 4-14-75;8:45 am]

Soil Conservation Service

SOUTH FORK WATERSHED PROJECT, ARKANSAS

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, United States Department of Agriculture, has prepared a draft environmental impact statement for the South Fork Watershed Project, Montgomery County, Arkansas, USDA-SCS-EIS-WS-(ADM)-75-2-(D)-AR.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and municipal and industrial water supply. The planned works of improvement provide for conservation land treatment, supplemented by two single-purpose floodwater retarding structures and one multiple-purpose structure (flood prevention and municipal and industrial water supply).

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Post Office Box 2323, Little Rock, Arkansas 72203.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to M. J. Spears, State Conservationist, Soil Conservation Service, Post Office Box 2323, Little Rock, Arkansas 72203.

Comments must be received on or before June 2, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program Number 10.904, National Archives Reference Services.)

Dated April 4, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-9773 Filed 4-14-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

DESERT RESEARCH INSTITUTE ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before May 5, 1975.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00434-50-41700. Applicant: Desert Research Institute, University of Nevada System, SAGE Bldg., Stead Campus, Reno, Nevada 89507. Article: System 100 Dye Laser. Manufacturer: Electro-Photonics, Ltd., United Kingdom. Intended use of article: The article is intended to be used for the study of properties of the atmosphere, clouds and air pollution by providing a means of obtaining the optical backscatter from the atmosphere and thereby measuring the composition of the atmosphere including gases, particulates and cloud structure. It will supply intense illumination which can be tuned to specific wavelengths with the aid of the grating. The article will also be used to train graduate students in the technology of optical radar and remote sensing techniques including resonance, Raman and other wavelength dependent effects. Application received by Commissioner of Customs: March 19, 1975.

Docket Number: 75-00435-25-65500. Applicant: U.S. National Bureau of Standards, Chemistry Department, Room B-353, Building 222, Washington, D.C. 202234. Article: Potentiometer, Manufacturer: Automatic Systems Laboratories, United Kingdom. Intended use of article: The article is intended to be used to automatically make accurate measurements of the value and changes in value of the resistance of a resistance thermometer, the variable resistor, with the highest possible sensitivity and stability when the resistance of the variable resistor is changing rapidly with time. Application received by Commissioner of Customs: March 24, 1975.

Docket Number: 75-00436-33-46500. Applicant: The University of Texas Health Science Center at San Antonio, 7703 Floyd Curl Drive, San Antonio, Texas 78284. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used in experiments dealing with:

(1) Changes in the motor end-plate region of frog skeletal muscle associated with desensitization of the muscle membrane.

(2) Studies of cultivated vascular smooth muscle cells for onset of synthetic activity of mucopolysaccharides, elastin and collagen.

(3) Comparison of any noted changes in the lining of respiratory epithelium in baboons habituated to inhalation of tobacco smoke to the functional studies also performed on these animals. The article will also be used in the teaching of resident and graduate students in pathology and physiology and for the training of postdoctoral fellows in specialized techniques related to studies in ultrastructure as well as for teaching the required skills for the electron microscope course offered to Histology students, and others taking the course. Application received by Commissioner of Customs: March 24, 1975.

Docket Number: 75-00437-33-46070. Applicant: LCCP, Gerontology Research Center, NICHD, Baltimore City Hospitals, Baltimore, Maryland 21224. Article: Scanning Electron Microscope, Model HFS-2. Manufacturer: Hitachi Perkin-Elmer, Japan. Intended use of article: The article is intended to be used to study the receptor molecules on individual lymphoid cells. For pilot studies, viruses, keyhole limpet hemocyanin and ferritin (size range 30-250A) will be employed to label receptor sites in an attempt to ascertain changes in membrane topology of human T and B lymphocytes with age. Application received by Commissioner of Customs: March 24, 1975.

Docket Number: 75-00438-18-80050. Applicant: National Radio Astronomy Observatory, Associated Universities, Inc., 2015 Ivy Road, Charlottesville, Virginia 22901. Article: 3313 TE$_{01}$ Mode Circular Waveguides and 3410 Coupling Sleeves. Manufacturer: Sumitomo Electric, Ltd., Japan. Intended use of article: The article is intended to be used as part of the Very Large Array radio telescope to transmit radio wavelength radiation received from extraterrestrial objects to recording apparatus. The study of this radiation enables astronomers to study the sources of energy, origin, and evolution of the universe. Application received by Commissioner of Customs: March 24, 1975.

Docket Number: 75-00439-33-46500. Applicant: Atlanta University, 223 Chestnut Street, S.W., Atlanta, GA 30314. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for ultrastructural studies on normal and pathologic plant and animal tissues, developmental studies on fungal systems, cyto- and histo-logical studies on enzyme and subcellular organelle localization in cells and tissues, membrane interactions at host-parasite interfaces, and subcellular changes in cells induced by changes in their biochemical and physical environments. The article will also be used in the courses, Ultrastructure and Cytochemistry to train students in the use and application of electron microscopy and to use the electron microscope in solving individual research problems. Application received by Commissioner of Customs: March 24, 1975.

Docket Number: 75-00440-33-46500. Applicant: University of Massachusetts Medical School, 55 Lake Street, Worcester, MA 01605. ARTICLE: Ultramicrotome, Model LKB 8800A. MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used for experiments conducted on monolayer tissue culture systems which will include a morphological and structural survey of differences in tumors related to invasiveness and malignancy. Experiments related to changes in membrane properties and their morphological changes will be conducted. Application received by Commissioner of Customs: March 24, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75-9751 Filed 4-14-75;8:45 am]

DUKE UNIVERSITY MEDICAL CENTER

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3602 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00267-33-43780. Applicant: Duke University Medical Center, Box 3715, Durham, N.C. 27710. Article: Echocardiovisor 0-1 Two dimensional Real Time Echochardiography System. Manufacturer: Organon Teknik, BV, The Netherlands. Intended use of article: The article is intended to be used for research aimed at producing a method for diagnosis of congenital heart disease in children which is as good as cardiac catheterization yet is noninvasive and therefore much safer than is catheterization. Patients will undergo echocardiographic examination prior to anticipated cardiac catheterization and these results then will be compared with those results obtained at catheterization. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 25, 1975 that the two-dimensional real time imaging of the foreign article is pertinent to the applicant's use in clinical test and evaluation of the article as a method for diagnosis of congenital heart disease in children in which test results are to be compared with indications obtained at catheterization. HEW also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of

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equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.75-9747 Filed 4-14-75;8:45 am]

ERDA HEALTH & SAFETY LABORATORY ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before May 5, 1975.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00420-84-46040. Applicant: Health and Safety Laboratory, U.S. Energy Research & Development Administration, Health Protection Engineering Division, 376 Hudson Street, New York, N.Y. 10014. Article: Electron Microscope, Model JEM 100C/SEG. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the investigation of laboratory produced and environmental aerosols, and track etch films to improve capabilities to assess and control exposures of the general population to hazardous substances. The investigations are designed to: (a) develop fundamental information about airborne particles and measurement techniques for environmental study, (b) examine the behavior and hazard of contaminants, (c) develop and/or evaluate systems to provide basic information about stratospheric aerosols. Application received by Commissioner of Customs: March 13, 1975.

Docket Number: 75-00421-33-57000. Applicant: University of Oregon Medical School, 3181 S. W. Sam Jackson Road, Portland, Oregon 97201. Article: Anaerobic Cell Assembly. Manufacturer: Dr. Kiyohiro Imai, Osaka Univ., Japan. Intended use of article: The articles are intended to be used for studies of oxygen equilibrium properties of normal and abnormal human hemoglobin and selected animal hemoglobins under various conditions of temperature, pH, ionic strength and allosteric effector concentrations. Application received by Commissioner of Customs: March 13, 1975.

Docket Number: 75-00422-33-30950. Applicant: Univ. of Southern California School of Medicine, Dept. of Anatomy, 2025 Zonal Avenue, Los Angeles, California 90033. Article: #18-2024 R2 BAF 301 High Vacuum Freeze Etch Unit. Manufacturer: Balzers AG, W. Germany. Intended use of article: The article is intended to be used for electron microscopic examination of biological materials in studies of the surfaces of cells and their contained organelles after rapid preservation by freezing and subsequent fracture. The article will also be used in analysis of regenerating muscle and the study of attachment mechanisms between adjacent heart muscle cells. The investigations help in achieving a broader understanding of the structural mechanism by which cells adhere to each other and provide themselves with the necessary support to meet the stresses of their environment. Application received by Commissioner of Customs: March 13, 1975.

Docket Number: 75-00423-00-00500. Applicant: University of Rochester, Nuclear Structure Research Laboratory, River Campus Station, Rochester, New York 14627. Article: Seven (7) Accelerator Tubes. Manufacturer: Dowlish Development Ltd., United Kingdom. Intended use of article: The articles are newly designed essential components to an existing Van de Graaff accelerator which is being used in a variety of nuclear studies. Application received by Commissioner of Customs: March 13, 1975.

Docket Number: 75-00424-80-90500. Applicant: University of California, Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, New Mexico 87544. Article: Automatic Bar Machine. Manufacturer: Andre Bechler Ltd., Switzerland. Intended use of article: The article is intended to be used in the fabrication of meteorized detonator components needed and requested for the Laboratory weapons program. Application received by Commissioner of Customs: March 19, 1975.

Docket Number: 75-00425-33-46040. Applicant: Yale University, Dept. of Biology, Kline Biology Tower, 219 Prospect St., New Haven, Conn. 06520. Article: Electron Microscope, Model EM 201C. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for bio-medical research which will include studies of animals cells, subcellular components, and aggregates of cellular molecules. The processes which will be investigated include: (1) the mechanism of cell division in animal cells; (2) the role of filamentous structures in the development, maintenance and function of nerve cells; (3) ultrastructural aspects of nerve tumor cell development in tissue culture; and (4) the assembly of filamentous structures responsible for movements of subcellular particles. The experiments to be conducted are devised to give insight into each of the topics mentioned above with the objective of obtaining a full understanding of mechanism by which normal and tumor cells divide, the mechanism by which nerve cells develop and maintain their long axons and dendrites, and the mechanism by which filamentous structures operate to move the chromosomes apart during cell division. Other experiments are designed to determine how these same filamentous structures operate to cause sperm motility. The article will also be used for advanced training in research for graduate students, postdoctoral fellows, and research associates. Application received by Commissioner of Customs: March 19, 1975.

Docket Number: 75-00426-33-90000. Applicant: The Johns Hopkins Hospital, 601 North Broadway, Baltimore, Maryland 21205. Article: EMI Scanner System with Magnetic Tape System and High Definition Display Units. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to provide the following information on brain tissue abnormalities:

(1) Accurate indication of the nature of a lesion,

(2) Location of the lesion within the head

(3) Detection of minute variations in soft tissue density.

The article will also be used in the teaching of post-doctoral fellows, in Neurology, Neurosurgery, Radiology and medical students. In addition, the article will be invaluable in stimulating clinical research programs relating to stroke, epilepsy, head injuries and brain tumors. Application received by Commissioner of Customs: March 19, 1975.

Docket Number: 75-00427-33-46040. Applicant: Veterans Administration Hospital, 4150 Clement Street, San Francisco, Calif. 94121. Article: Electron Microscope, Model EM 201S and accessories. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for studies of biological specimens for identification of viruses, quantitation and high resolution study of cell-to-cell junctions, and examination of fine microfilaments in the cytoplasm of cells. These studies will contribute to the understanding of the abnormal growth properties and structure of malignant cells. In addition, the article will be used in the course, Cellular Pathology to instruct residents and students in the applications of electron microscopy and basic electron microscopy techniques. Application received by Commissioner of Customs: March 19, 1975.

Docket Number: 75-00428-00-46040. Applicant: University of Chicago Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Illinois 60439. Article: Accessories for JEM 100C Electron Microscope consisting of Single Tilt (+45°), Heating Holder, Power Control Box for SMM, HF-DF Capability for ASID/ASD, Y Modulation Device, and Cabinet and Power Supply for Accessories. Manufacturer: JEOL, Ltd., Japan. Intended use of article: The articles are accessories to an electron microscope, being purchased from the same manufacturer, which are necessary for the accomplishment of planned basic and applied studies related to the use of materials in energy conversion systems. Application received by Commissioner of Customs: March 19, 1975.

Docket Number: 75-00429-75-46040. Applicant: University of Chicago Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Illinois 60439. Article: Electron Microscope, Model JEM 100C/SEG with Scanning Attachment. Manufacturer: JEOL, Ltd., Japan. Intended use of article: The article is intended to be used for scientific research encompassing a wide range of basic and applied studies related to the use of materials in energy conversion systems. An important research objective planned for the article is the establishment in situ of heavy-ion bombardment facilities which will allow an external beam of energetic ions to impinge on a specimen while under electron optical observation in both the transmission and scanning imaging modes. Specific applications include the following:

1. Simulation of 14 Mev Neutron Induced Displacement Cascades by Means of Self-Ion Bombardment.
2. Radiation-Induced Segregation Effects,
3. Radiation Blistering,
4. Effects of Irradiation on the Microstructure of Two-Phase Alloys,
5. Irradiation Induced Creep, and
6. Radiation Damage in Non-Metals.

Application received by Commissioner of Customs: March 19, 1975.

Docket Number: 75-00430-33-90000. Applicant: Grossmount District Hospital, P.O. Box 158, La Mesa, California 92041. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for analysis of the human brain, skull, orbits, and phantom studies and tissue equivalent material, taking advantage of the computerized tomographic analysis which will allow resolution of extremely small differences in absorption of different soft tissue and soft tissue equivalent material. These investigations will enable physicians to detect earlier the location of strokes, tumors, arteriovenous malformations, and hemorrhages in a noninvasive fashion which has no morbidity or mortality. The article will also be used in technician training for radiology technologists and the analyses obtained will be used in various neuroradiologic conferences. Application received by Commissioner of Customs: March 19, 1975.

Docket Number: 75-00431-33-46040. Applicant: University of Nebraska-Lincoln, Dept. of Veterinary Science, College of Agriculture, Lincoln, Nebraska 68503. Article: Electron Microscope, Model EM 201C and accessories. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of Article: The article is intended to be used for the following research:

(1) Detection and identification of viral agents in negatively stained preparations obtained from feces and respiratory exudates of calves and pigs experimentally and naturally infected with viruses.

(2) Detection and assay of viruses in negatively stained preparations obtained from cell cultures of feces by density gradient ultracentrifugation.

(3) Ultrastructural study of bovine and porcine intestine and lung from gnotobiotic calves and pigs experimentally infected with various viral and bacterial pathogens and correlation with findings obtained by light microscopy.

(4) Ultrastructural study of thin sections of porcine intestine infected with the larvae of *Ascaris suum*, the swine roundworm.

(5) Ultrastructural study of viral and cellular interactions in infected cell cultures.

The article will also be used in the courses Special Problems in Veterinary Science and Master's and Ph.D. Thesis, to teach electron microscopy to graduate students so that they may use electron microscopy as a "tool" in their research work, and interpretation of electron images and electron photomicrographs as scientific data in research. Application received by Commissioner of Customs: March 19, 1975.

Docket Number: 75-00432-60-10000. Applicant: Cornell University, N.Y. State Agricultural Experiment Station, Food Science and Technology, Food Research Laboratory, Geneva, N.Y. 14456. Article: Kjel-Foss Macro Automatic Kjeldahl Apparatus. Manufacturer: A/S N. Foss Electric, Denmark. Intended use of article: The article is intended to be used for routine protein analysis of animal feeds. Application received by Commissioner of Customs: March 19, 1975.

Docket Number: 75-00433-33-46500. Applicant: The University of Akron, 302 E. Buchtel Avenue, Akron, Ohio 44325. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article is intended to be used for the following research:

(1) A study of the mitotic systems in the algal class Xanthophyceae.

(2) A cytohistological study of the Zonation of the apical meristem of *Podophyllum peltatum*.

(3) A study of the effects of low levels of mercuric compounds on the immunological systems of mammals.

(4) A study of the mitotic systems of selected human protozoan parasites.

In addition, the article is intended to be used for educational purposes in the course Principles of Electron Microscopy which is designed for upper undergraduates and graduates who have not had a previous background in the principles of microsectioning. Application received by Commissioner of Customs: March 19, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.75-9752 Filed 4-14-75;8:45 am]

ST. JUDE CHILDREN'S RESEARCH HOSPITAL

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00275-33-46040. Applicant: St. Jude Children's Research Hospital, 332 N. Lauderdale, P.O. Box 318, Memphis, Tenn. 38101. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of Article: The article is intended to be used in the following research programs.

(1) Studies to delineate key ultrastructural changes in *Pneumocystis carinii* during its growth from trophozoite to mature cyst.

(2) Elucidation of plasma membrane structure at the molecular level.

(3) Continuing ultrastructural studies on viruses and their interaction with host cells.

(4) Identification and characterization of cell responsive to erythropoietin, the hormone that regulates production of red blood cells.

(5) Identification and characterization of the early events in antibody formation.

The article will also be used to train postdoctoral scholars in the methods of electron microscopy. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time Customs received this application (December 16, 1974). Reasons: The foreign article has a specified resolving capability of 3 Angstroms (Å). The most closely comparable domestic instrument available at the time customs received this application was the Model EMU-4C supplied by the Adam David Company. The Model EMU-4C had a specified resolving capability of 5Å. We are advised by the Department of Health, Education, and

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Welfare (HEW) in its memorandum dated March 25, 1975 that the best resolution available is pertinent to the purposes for which the foreign article is intended to be used. HEW further advises that domestic instruments did not provide resolution equivalent to that of the foreign article when the application was filed with Customs. We, therefore, find that the EMU-4C was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used at the time the application was filed with Customs.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time Customs received this application.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75-9749 Filed 4-14-75;8:45 am]

UNIVERSITY OF TEXAS SYSTEM CANCER CENTER

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00293-33-43780. Applicant: The University of Texas System Cancer Center, 6723 Bertner Drive, Houston, Texas 77025. Article: Cervitron-II, Intrauterine Applicator, Vaginal Applicator and ^{137}Cesium Sources. Manufacturer: Nuclear Engineering and Equipment, S.A., Switzerland. Intended use of article: The article will be used to investigate the physical and biological properties of the high energy radiations produced in research to develop the articles for use in radiation therapy for cancer patients. The article will also be used to teach medical physicists, dosimetrists, and residents in radiotherapy. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 25, 1975 that the high energy of ^{137}Cesium and other sources and the safety of remote afterloading technique are pertinent to the applicant's studies of the properties of absorbing materials, dose absorption by tissue equivalent materials and response of dosimeters. HEW also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75-9749 Filed 4-14-75;8:45 am]

V. A. PROSTHETICS CENTER

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00260-33-43780. Applicant: Veterans Administration Prosthetics Center, 252 Seventh Avenue, New York, N.Y. 10001. Article: Controlled Environment Unit. Manufacturer: Department of Health and Social Security, United Kingdom. Intended use of article: The article is intended to be used to investigate the effects in immediate post surgical amputation sites in a transparent, controlled environment. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 25, 1975 that the phased application of pressure, temperature, and humidity are pertinent to the applicant's use in test and evaluation of the article for promotion of wound healing by application of controlled environmental conditions at the wound site. HEW also advises that it knows of no domestic instrument of equivalent scientific value to the article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75-9750 Filed 4-14-75;8:45 am]

National Oceanic and Atmospheric Administration

OFFICE OF COASTAL ZONE MANAGEMENT

Public Hearing on Draft Environmental Impact Statement

Notice is hereby given that the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold a public hearing for the purpose of receiving comments on the draft environmental impact statement pertaining to the establishment of an estuarine sanctuary in the Old Woman Creek, Erie County, Ohio, which has been submitted to the Secretary of Commerce for approval under the Coastal Zone Management Act of 1972, as amended. The hearing will be in the auditorium of the Firelands Campus of Bowling Green State University in Huron, Ohio, at 7:30 pm, on May 15, 1975. The views of members of the public and interested organizations are invited. Both written and oral statements will be accepted. Presentations will be scheduled on a first-come, first-served basis; but priority will be given to those who have prepared statements. Time will be allotted at the end of the meeting for those without statements who wish to be heard. In order that the maximum opportunity be afforded all those who wish to be heard, presentations may be limited to a maximum of ten minutes or as otherwise appropriate. No audio-visual equipment will be available. Office of Coastal Zone Management staff may wish to question speakers.

Persons or organizations wishing to be heard on this matter should contact the Office of Coastal Zone Management as soon as possible in order that an appearance schedule may be drawn up and definite times established for presentations. The address is: Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, Washington, D.C., 20235, 202/634-4241.

Written comments may also be submitted by mail to the Office of Coastal Zone Management. Such written comments must be received before May 26, 1975, in order to be considered for inclusion in the final environmental impact statement.

Copies of the draft environmental impact statement may be obtained from the Office of Coastal Zone Management, and copies of the statement as well as of the Ohio estuarine sanctuary proposal, with supporting documents, are also available for inspection by the public at the following locations:

City of Huron Library
333 Williams Street
Huron, Ohio 44839

Department of Natural Resources, Division of Planning
Fountain Square, Building E
Room 2-2
1952 Belcher Road
Columbus, Ohio 43203

Office of Coastal Zone Management
3300 Whitehaven Street NW.,
Page Building 1, Room 301
Washington, D.C. 20235

Comments should address the adequacy of the draft environmental impact statement as well as the desirability of the proposed program.

No verbatim transcript of the hearing will be maintained, but staff present will record the general thrust of remarks.

Following consideration of the comments received at this hearing, as well as written comments submitted to the Office of Coastal Zone Management, the Office of Coastal Zone Management will prepare the final environmental impact statement pursuant to the National Environmental Policy Act of 1969 and implementing guidelines.

R. L. CARNAHAN,
Acting Assistant Administrator, for Administration.

[FR Doc.75-9738 Filed 4-14-75;8:45 am]

Office of the Secretary

CTAB PANEL ON SULFUR OXIDE CONTROL TECHNOLOGY

Meetings

The Panel on Sulfur Oxide Control Technology was formed under the U.S. Department of Commerce Technical Advisory Board (CTAB) to provide the Secretary an assessment of how the utility industry in the Northeastern United States can best utilize sulfur-bearing Appalachian coal in meeting energy needs while complying with the Clean Air Act of 1970. This notice provides the schedule for the following meeting.

Date	Time	Purpose	Meeting place
May 14, 1975	8:30 a.m. to 5:00 p.m.	Consideration of final panel report.	Room 3708, main Commerce Bldg., Washington, D.C.
May 15, 1975	do	do	Room 3872, main Commerce Bldg., Washington, D.C.
May 16, 1975	do	do	Room 4830, main Commerce Bldg., Washington, D.C.

A limited number of seats will be available to the press and to the public. Written statements or inquiries may be filed with the Chairman before or after any of these meetings.

Persons desiring further information on the Panel or on individual meetings should contact Dr. Bruce B. Robinson, Room 3877, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230.

Dated: April 9, 1975.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology, Department of Commerce.

[FR Doc.75-9727 Filed 4-14-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

CHEMICAL/BIOLOGICAL INFORMATION-HANDLING REVIEW COMMITTEE

Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the Chemical/Biological Information-Handling Review Committee, Division of Research Resources, April 22, 1975, National Institutes of Health, Bldg. 31, Rm. 6A-21, 9000 Rockville Pike, Bethesda, Maryland, which was published in the FEDERAL REGISTER on March 6, 1975, (40 FR 10505).

Dated: April 10, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.75-9846 Filed 4-11-75; 12:13 pm]

Office of Education

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Meeting

Notice is hereby given in accordance with provisions in section 10(d), Federal Advisory Committee Act, PL-92-463, and Title V, U.S. Code, section 552(b) (2) and (6), that the meeting of the National Advisory Council on Vocational Education, to be held on April 30, 1975, will not be open to the public from 5 p.m. to 9 p.m., local time, at the International Inn, 10 Thomas Circle, NW, Washington, D.C. The purpose of the meeting is to discuss personnel matters and documents will be presented which, if open to the public would constitute a clearly unwarranted invasion of personal privacy. This notice is given in addition to notice of regular session previously published (40 FR 16355). The National Advisory Council on Vocational Education is established under Section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs, supported with assistance under the act; review the administration and operation of vocational education programs under the act; including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to the Congress; and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

A summary of activities of the meeting shall be kept and shall be available for public inspection at the office of the Council's Executive Director located at Suite 412, 425-13th Street, NW, Washington, D.C. 20004.

Signed at Washington, D.C. on April 10, 1975.

REGINALD PETTY,
Deputy Director.

[FR Doc.75-9813 Filed 4-14-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-75-315]

ASSOCIATE GENERAL COUNSEL FOR EQUAL OPPORTUNITY, LITIGATION AND ADMINISTRATION

Delegation of Authority

Pursuant to Section B of the delegation of authority to the General Counsel at 36 FR 11052, 6/8/71 and 24 CFR 17.47(b), there is hereby delegated to the Associate General Council for Equal Opportunity, Litigation and Administration the power and authority to consider, ascertain, adjust, determine, compromise, allow, deny and otherwise dispose of claims which meet the following criteria:

1. The claim is filed pursuant to the Federal Tort Claims Act, 28 U.S.C. 2671-80, or the Military Personnel and Civilian Employees' Claims Act of 1964, 31 U.S.C. 241-3;

2. Authority to consider, ascertain, adjust, determine, compromise, allow, deny and otherwise dispose of the claim has not been redelegated to Regional Council pursuant to the Redelegation of Authority at 37 FR 25251 (11/29/72) as amended by 38 FR 21811 (6/13/73) and further amended by Redelegation of Authority to Regional Counsel published concurrently with this Delegation.

3. In the case of a claim filed pursuant to the Federal Tort Claims Act, the amount thereof does not exceed $10,000.

This Delegation supersedes the Delegation of Authority to the Associate General Council for Equal Opportunity, Litigation and Administration effective December 26, 1973 at 39 FR 1470.

Effective date. This Delegation of Authority is effective on publication in the FEDERAL REGISTER, April 15, 1975.

ROBERT R. ELLIOTT,
General Counsel.

[FR Doc.75-9801 Filed 4-14-75;8:45 am]

[Docket No. D-75-316]

REGIONAL COUNSELS

Redelegation of Authority

Pursuant to Section B of the delegation of Authority to the General Counsel at 36 FR 11052, 6/8/71 and 24 CFR 17.7, there is hereby redelegated to each Regional Counsel the power and authority to consider, ascertain, adjust, determine, compromise, allow, deny, and otherwise

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dispose of claims which result from incidents occurring within the HUD region for which the Regional Counsel has jurisdiction and which meet the following criteria:

1. Claims filed pursuant to the Federal Tort Claims Act, 28 U.S.C. 2671–2680, provided that:

a. If filed by or on behalf of, a person other than a HUD employee, the claim is for property damage and/or personal injury and the amount claimed, in each case, does not exceed $2,500;

b. If filed by, or on behalf of, a HUD employee, the claim is for property damage only, the amount claimed, in each case, does not exceed $2,500 and the damage results from the wrongful or negligent act or omission of another HUD employee while acting within the scope of his employment.

2. Claims filed pursuant to the Military Personnel and Civilian Employees' Claims Act of 1964, 31 U.S.C. 241–3, provided that:

a. The amount claimed, in each case, does not exceed $500.

This redelegation supersedes the Redelegation of Authority to Regional Counsels at 37 FR 2521 (11/29/72).

Effective date. This Redelegation of Authority is effective on publication in the FEDERAL REGISTER, April 15, 1975.

ROBERT R. ELLIOTT,
General Counsel.

[FR Doc.75-9802 Filed 4-14-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. EX75-15; Notice 2]

FWD CORP.

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard

The National Highway Traffic Safety Administration has decided to grant FWD Corporation an exemption until June 1, 1975, from Motor Vehicle Safety Standard No. 121, *Air Brake Systems* (49 CFR 571.121).

Notice of the petition was published on March 10, 1975 (40 FR 11018) and an opportunity afforded for comment.

FWD stated that it had met with continuing setbacks in its attempts to fulfill the requirements of Standard No. 121. Difficulties had been encountered with suppliers of brake blocks, vendors of antiskid devices, and scheduling time for testing on dynamometers. Petitioner was therefore unable to comply with the standard as of March 1, 1975, and requested a 1-year exemption in order to solve its supplier and test-scheduling problems. It based its hardship plea "on the loss of revenue if the petition is denied." The company had net sales of $23,000,000 in the fiscal year ending September 30, 1974, which would be reduced to $14,775,000 during the current fiscal year assuming a denial. The company had a net loss in 1974 of $2,500,000 which would reach almost $4,000,000 if the petition were denied. The company's work force would then have to be reduced, increasing unemployment in an already depressed geographical area.

Two comments were received in response to the petition, both opposing it. Oshkosh Truck Corporation argues that an exemption "will create a non-competitive condition which will impose economic hardship on Oshkosh Truck Corporation and its dealer organization" and its work force of 750 people by permitting the marketing of a competitive truck at a lower price. It states that the effect of the exemption would be to penalize Oshkosh for timely compliance with the standard. The comment of Mack Trucks, Inc. is similar. It estimates a retail price advantage to FWD of $1,000 to $1,500 per exempted vehicle, and the further competitive advantage of relief "from the expected training and increased maintenance, associated with an overall FMVSS 121 air brake system."

Although FWD is a major manufacturer in the four-wheel drive market, it had a net loss of $2,500,000 in 1974 and projects an even greater one in 1975 if its petition is denied. This is found sufficient to establish substantial economic hardship. The NHTSA understands that dynamometer testing for FWD is scheduled for completion by April 1, 1975, and that assuming the brakes comply, antiskid hardware will be ready for shipment by May 1, 1975. The company therefore should be able to produce conforming vehicles by June 1, 1975. The Administrator notes too that a denial would increase unemployment in a depressed area of Wisconsin. Although it is true that any exemption may provide a competitive advantage, the Administrator views a limited exemption expiring June 1, 1975, as reasonable under the circumstances. It is anticipated that the company will make every effort to comply by the end of this time.

For the reasons discussed above the Administrator finds that a temporary exemption is consistent with the public interest and the objectives of the National Traffic and Safety Act. FWD Corporation is hereby granted NHTSA Temporary Exemption No. 75–13, from 49 CFR 571.121, Motor Vehicle Safety Standard No. 121, *Air Brake Systems*, expiring June 1, 1975.

(Sec. 3, Pub. L. 92–548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.51)

Issued on April 9, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75-9761 Filed 4-14-75;8:45 am]

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

BICENTENNIAL COMMEMORATIVE MEDALS

Notice of Availability

Under authority of Pub. L. 92–228, the American Revolution Bicentennial Administration (ARBA) has issued annually the official Bicentennial first day cover with accompanying commemorative medal (Philatelic-Numismatic Combination, or "PNC") and the medal separately in both silver and bronze.

There is a small inventory remaining from the 1972 and 1973 series which is offered for sale in quantities or individually on a first come, first served basis. This inventory represents normal overruns to replace units damaged or lost in shipping.

Available are:

1972

PNC	$5.00
Bronze medal	3.50
No silver medal available	

1973

PNC	5.00
Bronze medal	3.50
Silver medal	10.00

Please send your order with check or money order made payable to ARBA (Do not send cash):

ARBA
Commemorative Sales Office
2401 E Street NW
Washington, D.C. 20276

JOHN W. WARNER,
Administrator.

APRIL 10, 1975.

[FR Doc.75-9789 Filed 4-14-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 27671; Order 75-4-47]

AMERICAN AIRLINES, INC., ET AL.

"No Frill" Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 9th day of April, 1975.

In the matter of "No Frill" fares proposed by American Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., and Eastern Air Lines, Inc.

By tariff revisions[1] marked to become effective on April 10, 12, or 14, 1975, American Airlines, Inc. (American), Continental Air Lines, Inc. (Continental), Delta Air Lines, Inc. (Delta), and Eastern Air Lines, Inc. (Eastern) propose "no frill" fares in various markets in which National Airlines, Inc. (National) was recently permitted to establish such fares.[2]

The proposed fares are intended to complete with National's "no frill" fares, and in many respects they are similar.[3]

[1] Revisions to Airline Tariff Publishers Company, Inc., Agent, Tariff C.A.B. Nos. 148, 202 and 220.

[2] Order 75-3-102, March 27, 1975.

[3] National's fares apply in 37 markets where it operates wide-body aircraft, and apply for transportation in the rear compartments of those aircraft. The fares, available on Monday through Thursday, are discounted 35 percent from normal coach fares and will be available through December 16, 1975 except for a summer blackout (July 1 through September 2) and a blackout around Thanksgiving (November 28 through December 1). No meals or snacks are provided, nonalcoholic drinks are available for $0.25, a 7-day advance-purchase requirement applies and reservations are accepted only at the time of purchase. The fares are subject to a cancellation charge of $10.00 or 10 percent of the ticket, whichever is higher.

All four carriers have adopted the same blackout periods and day-of-week application, and would have the same cancellation charge. However, all propose to make the fares available on conventional as well as wide-body equipment. Continental's fares would apply in the economy section of its aircraft, and it would also provide complimentary nonalcoholic beverages and sell alcoholic beverages. American, Delta, and Eastern would permit advance telephone reservations although they would require the same 7-day advance purchase. Finally, except in the New York-Miami/Ft. Lauderdale markets, Delta's competitive fare would take the form of a round-trip excursion fare as would Eastern's in eight markets where it provides only connecting or one-stop service. The fares are similar to the "no frill" fares in terms of discount and restrictions except that they are round-trip fares and the regular on-board services would be provided.

Continental and Eastern contend that they must be permitted to apply the "no frill" fares on conventional jets if they are to remain competitive since National has a substantial advantage in terms of wide-body seats operated in the markets in question. Continental alleges that the Board has not heretofore prevented carriers operating older aircraft from matching fare reductions initiated by carriers operating newer aircraft solely on that basis, and that to do so would serve only to reduce competition and unnecessarily hasten aircraft obsolescence and premature reinvestment in newer aircraft types. Eastern alleges that it is not expanding the concept, but is merely seeking to prevent diversion to National by offering seats proportionate with its market share.

National has filed complaints against the proposals of American, Continental, and Eastern, its principal argument being that they go beyond matching its "no frill" service fares since the fares would be applicable on narrow-body aircraft, and that the carriers make significant changes in the "no frill" concept which distort the underlying economics of the service. National contends that its fares are justified on the basis of the higher productivity, lower seat-mile cost and significantly lower load factors of wide-body jets, and that their spread to narrow-body aircraft would ultimately lead to the addition of conventional jet capacity related solely to this discount-fare traffic.[4] National further contends that, with the fares limited to wide-body equipment, "no frill" fare capacity could not exceed 8.5 percent, while inclusion of narrow-body aircraft would increase that limit to 28 percent of the industry's total capacity.

National also opposes Eastern's plan to accept telephone reservations, contending that such a policy would open a "Pandora's Box" and would result in multiple reservations and added costs which its proposal would avoid. Finally, National argues that Eastern should not be permitted to offer excursion fares in markets where it does not provide single-plane service, since it is not an effective competitor (an argument presumably applicable to Delta also).

Southern has filed a complaint against Eastern's proposal as it relates to the Orlando-Miami market. The carrier alleges that, as a practical matter, "no frill" passengers in the Orlando-Miami market would be afforded the same seating configuration and passenger amenities as coach passengers, and, as such, the fare would be unduly and unjustly discriminatory.[5]

Answers have been filed by Eastern and the Federal Trade Commission (FTC).[6] Eastern essentially elaborates on the need to meet National's "no frill" fares in the fashion proposed, and alleges that National's complaint is nothing but a last minute attempt to turn its "no frill" fare proposal into an unfair advantage by forstalling a legitimate competitive response. Eastern alleges that the alternative of adding wide-body capacity in order to be competitive would be much more dangerous for the industry. Eastern alleges that it will accept telephone reservations because National's "no frill" proposal will not result in the cost savings alleged. Finally, Eastern alleges that the reduced excursion fares, in markets where it does not operate nonstop service, is the only way it can compete with National while containing the service.

The FTC states its belief that vigorous price competition is the best guarantee of the consumer's interest, and urges that the Board not dampen competition by suspending the instant proposals. FTC alleges that there is no reason to believe that the "no frill" service proposed would be unremunerative in the short run, and that the proposals provide a carefully limited experiment. It is also argued that limiting "no frill" fares to wide-body equipment could well lead to under utilization of narrow-body equipment by forcing carriers to meet National's proposal through added and unneeded wide-body capacity.

Upon consideration, the Board has decided to permit the matching "no frill" fares to become effective. However, consistent with our decision with respect to National's "no frill" fares, we will investigate. The essential issue raised by the instant proposals is whether or not the "no frill" fares should be extended to conventional jets. National argues that the fares must be restricted to wide-body aircraft in view of their low seat-mile costs and load factors as compared with conventional jets. However, as indicated in Order 75-3-102 with respect to its "no frill" fares, our evaluation of the latest available data indicates that the cost advantage of wide-body aircraft in the particular markets involved is far short of that claimed by National. It is true, as National alleges, that it has experienced substantially lower load factors on its wide-body aircraft than on its conventional jets. However, this does not appear surprising in view of the relatively low traffic density in most of the markets involved. In any event, a load factor differential does not in our opinion, justify a fare differential in the absence of cost or value of service differences.

On the other hand, we view the proposals of Delta and Eastern to match the "no frill" fares with excursion fares in certain markets as a significant departure from the "no frill" concept which should not be permitted during the limited experimentation with this new fare concept. The excursion fares are not subject to two key features of the "no frill" fares; the cancellation charge would not apply, and no limitation is placed on the seats to be sold. The latter is particularly important, in our opinion, since it eliminates a built-in limitation on the scope of the experiment. The carriers offer no justification for this deviation from National's service proposal other than the allegation by Eastern that this is the only way it can compete with the "no frill" fares. We do not believe that this departure from the "no frill' concept should be permitted in the absence of compelling justification. Eastern has very little traffic in the markets involved, and in Delta's biggest market, that carrier offers nonstop service and could compete with "no frill" fares.

Finally, we will also suspend the provisions of the American, Delta and Eastern tariffs which permit advance telephone reservations. We are not persuaded that this modification would forestall multiple bookings, despite the seven-day advance-ticketing and cancellation penalty provisions which these carriers would retain. For example, a passenger could make two or more reservations several weeks in advance, and wait until shortly before the seven-day deadline to decide which one to secure and simply discard the rest. In our opinion, such an opportunity for multiple reservations would burden the reservation system and lead to increased costs.

The fact that National was the first carrier to launch such an experiment does not, of course, give it any prescriptive right to determine what types of discount fares other carriers should be permitted to offer. If another carrier wishes to design its own experimental promotional fare and files an independent justification for that fare which meets the criteria laid down in the Board's DPFI *Discount Fares* decision, we would be prepared to let the new experiment be conducted, even if it conflicts in material respects with National's "no frill" fare experiment.

[4] National cites Eastern's narrow-body coach load factor for 1974 of 63.8 percent as contrasted with its wide-body coach load factor of 49.5 percent.

[5] Southern points out that while the "no frill" tariff excludes complimentary meals there is no such service on any flights in this 40-minute market today.

[6] On April 2, 1975, National filed a motion for leave to file an otherwise unauthorized document, a reply to the answers of Eastern and the FTC in Docket 27651. Also, on April 4, 1975, Continental filed a motion for leave to file a late answer to National's complaint.

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But where, as here, carriers seek to justify their tariff filings solely in terms of a need to meet the competition of an earlier-filed fare of another carrier, but nevertheless depart significantly from the conditions and limitations of that earlier fare, then they should demonstrate the competitive necessity for such departures. Here, the applicability of "no frill" fares to narrow-bodied aircraft has been adequately justified in these terms, but the substitution of excursion-type fares by Delta and Eastern in certain markets, and the allowance of telephone reservations by American, Delta, and Eastern, have not been so justified, and accordingly should be suspended.[1] We emphasize again that if any or all of these carriers choose to refile their fare proposals accompanied by an independent justification adequately meeting the Board's Phase 5 criteria, we will be disposed to allow them to experiment as we have National.

To insure that the overall fare level is not burdened by traffic moving on these fares, the Board has decided to include the traffic in its Phase 5 (DPFI) discount-fare adjustment in future evaluation of the industry's revenue need. Accordingly, we will require that the carriers specifically isolate the traffic and revenue, adult and children, in their discount-fare traffic and revenue submissions pursuant to Phase 5.[2]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404 and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendices A and B[3] and rules, regulations and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and if found to be unlawful, to determine and prescribe lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix B hereto are suspended and their use deferred to and including July 10, 1975, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The investigation ordered in paragraph 1 above be, and hereby is, consolidated into the investigation ordered in Docket 27671 (Order 75-3-102, March 27, 1975);

4. The motion of National Airlines, Inc. for leave to file an otherwise unauthorized document in Docket 27651 is hereby authorized;

5. The motion of Continental Air Lines, Inc., for leave to file a late answer to the complaint of National Airlines, Inc., in Docket 27651 is hereby granted;

6. Except to the extent granted herein, Dockets 27651 27663, 27665, and 27666 are hereby dismissed; and

7. A copy of this order be served upon American Airlines, Inc:, Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Southern Airways, Inc., United Air Lines, Inc., the United States Department of Justice, The United States Department of Transportation, The Council on Wage and Price Stability, The Federal Trade Commission and the Southern Florida Hotel and Motel Association.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-9775 Filed 4-14-75;8:45 am]

[1] Continental's tariff also departs in certain respects from National's, but in the absence of a complaint against Continental's filing we are not disposed to question its variant features.

[2] By Order 75-3-102, March 27, 1975, the Board stated it would promptly issue an order establishing guidelines for processing the "no frill" fare investigation. We have now decided that this matter should be handled in the usual manner at the prehearing conference.

[3] Filed as part of original document.

[Docket 27612]

HAWAIIAN AIRLINES, INC.; SENIOR CITIZEN STANDBY FARES

Prehearing Conference

Notice is hereby given that a prehearing conference in the above entitled matter is assigned to be held on May 28, 1975, at 9:30 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C., before Administrative Law Judge Burton S. Kolko.

In order to facilitate the conduct of the conference parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before May 13, 1975, and the other parties on or before May 20, 1975. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Economics, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., April 9, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-9774 Filed 4-14-75;8:45 am]

CITIZENS' ADVISORY COUNCIL ON THE STATUS OF WOMEN

MEETING

Notice is hereby given of a meeting to be held by the Citizens' Advisory Council on the Status of Women, established by Executive Order 11126 of November 1, 1963.

The meeting will begin on May 6, 1975, at 9:15 a.m. in the Family Theater of the White House, when a report of Council activities will be made. The afternoon session will convene at 3 p.m. in Conference Room S3215-A, New Department of Labor Building. The meeting will reconvene at 9:30 a.m. on May 7 in Conference Room S3215-A, New Department of Labor Building, 200 Constitution Avenue, NW, Washington, D.C. 20210.

During the course of the meeting the following subjects will be discussed in the following order: (Tentative Agenda) Status of the Equal Rights Amendment; Women and the Media; Title IX of the Education Amendments of 1972; and Discussion, Recommendations, and Future Programs.

Members of the public are invited to attend the proceedings.

Any written data, views or arguments received by the Council's executive secretary concerning the subjects to be considered on or before May 3rd, together with 25 duplicated copies will be provided to the members and will be included in the minutes of the meeting.

Interested persons wishing to address the Council at the meeting should submit a request to be heard to the executive secretary no later than April 28, 1975, stating the nature of their intended presentation and the amount of time they will need. At the commencement of the meeting the chairperson will announce the extent to which time will permit the granting of such requests.

Communications to the executive secretary should be addressed as follows:

Ms. Catherine East, Executive Secretary, Citizens' Advisory Council on the Status of Women, Room S3306, New Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 9th day of April 1975.

CATHERINE EAST,
Executive Secretary.

[FR Doc.75-9742 Filed 4-14-75;8:45 am]

COMMISSION ON CIVIL RIGHTS

COLORADO STATE ADVISORY COMMITTEE

Cancellation of Meeting

Notice is hereby given, pursuant to the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Colorado State Advisory Committee (SAC) to this Commission, originally scheduled for April 26, 1975, a notice of which was previously published on page 12836 in the FEDERAL REGISTER on March 21, 1975 (FR Doc. 75-447) has been cancelled.

Dated at Washington, D.C., April 9, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-9766 Filed 4-14-75;8:45 am]

COLORADO STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Colorado State Advisory Committee (SAC) to this Commission will convene at 8 a.m. on May 10, 1975, at the Federal Building, Room 2330, 1961 Stout Street, Denver, Colorado 80202.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80202.

The purpose of this meeting is an informal hearing concerning access to the Medical and Legal Professions by minorities and women.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., April 9, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-9767 Filed 4-14-75;8:45 am]

MASSACHUSETTS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Massachusetts State Advisory Committee (SAC) to this Commission will convene at 12 noon on May 6, 1975, in the Chairperson's Office, 27 School Street, Boston, Massachusetts.

Persons wishing to attend this meeting should contact the Committee Chairman or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss Boston School desegregation project and follow-up on public employment project.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., April 9, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-9768 Filed 4-14-75;8:45 am]

NEW YORK STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights that a planning meeting of the New York State Advisory Committee (SAC) to this Commission will convene at 4 p.m., on May 8, 1975, at Federal Building, 26 Federal Plaza, Room 1639.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is a discussion of prospective new project on the Treatment of Women in pharmaceutical advertisement.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., April 9, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-9769 Filed 4-14-75;8:45 am]

WYOMING STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a factfinding and conference meeting of the Wyoming State Advisory Committee (SAC) to this Commission will convene at 2 p.m. on May 15, 1975, at the Holiday Inn, 300 W. F Street, Casper, Wyoming 82601.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80202.

The purpose of these meetings is to discuss civil rights issues in Wyoming and Conference call for identifying civil rights issues in Wyoming; Opportunity for SAC and staff to discuss rechartering.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., April 9, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-9770 Filed 4-14-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 358-5; OPP-32000/228]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street SW., Washington D.C. 20460.

On or before June 16, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after June 16, 1975.

Dated: April 8, 1975.

JOHN B. RITCH, JR.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP-32000/228)

EPA File Sympol 32000-L. Associated Water Conditioners, Inc., Rt. 202, Mt. Kemble Ave., Morristown NJ 07960. NO. 474. Active Ingredients: Poly[oxyethylene(dimethylimino) - ethylene(dimethylimino)ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 32000-T. Associated Water Conditioners, Inc., Rt. 202, Mt. Kemble Ave., Morristown NJ 07960. NO. 474. Active Ingredients: Poly[oxyethylene(dimethyliminio) -ethylene(dimethyliminio)ethylene dichloride] 20.0%. Method of Support: Application proceeds under 2(b) of intesim policy. PM34.

EPA File Symbol 4-EUA. Bonide Chemical Co., Inc., 2 Wurs Ave., Yorkville NY 13495. LAWN & TURF FUNGICIDE CONTAINS DYRENE 50% WETTABLE POWDER. Active Ingredients: 4,6-Dichloro-N-(2-Chlorophenyl)-1,3,5-triazin-2-amine 50%. Method of Support: Application proceeds under 2(c) of interim policy. PM34.

V 40 73 APR 15 75 XUM

EPA File Symbol 4-EUL. Bonide Chemical Co., Inc., 2 Wurz Ave., Yorkville NY 13495. DANDELION KILLER GRANULES. Active Ingredients: Triethanolamine 2,4-Dichlorophenoxy-acetate 2.52%. Method of Support: Application proceeds under 2(c) of interim policy. PM23.

EPA File Symbol 704-GI. Chemical Systems, Inc., 1735 W. Fullerton Ave., Chicago IL 60614. Q2-300 DISINFECTANT-DEODORIZER-SANITIZER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 8306-RR. Chemical Treatment Co., Hanover Industrial Air Park, 800 Lickinghole Rd., Ashland VA 23005. CT-202. Active Ingredients: Poly[oxyethylene(dimethyliminio) - ethylene(dimethyliminio) ethylene dichloride] 24.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA Reg. No. 1383-39. Delta Foremost Chemical Corp., 3915 Air Park St., Memphis TN 38118. FOREMOST 4585-BS RESID-U-CIDE INSECTICIDE LIQUID EXTRA SPECIAL. Active Ingredients: o-Isopropoxyphenyl Methylcarbamate 0.67%; Petroleum Distillate 85.98%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA Reg. No. 891-30. Hercules Inc., Synthetics Dept., Wilmington DE 19899. HERCULES TOXAPHENE 90% EMULSIFIABLE CONCENTRATE INSECTICIDE. Active Ingredients: Toxaphene (technical chlorinated camphene containing 67-69% chlorine) 90%; Xylene 35%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Label revised for additional uses. PM12.

EPA File Symbol 8730-U. Herculite Protective Fabrics Corp., 1107 Broadway, New York NY 10010. PROTECTIVE POUCH HERCON "INSECTAPE". Active Ingredients: 2-(1-Methylethoxy) phenol methylcarbamate 10.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM12.

EPA File Symbol 32460-A. Hydrology Laboratories Inc., PO Box 714, Smithtown NY 11787. FREE-N-CLEAR SWIMMING POOL ALGAECIDE. Active Ingredients: Alkyl (C14 60%, C12 25%, C16 15%) Dimethyl Benzyl Ammonium Chloride 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM24.

EPA File Symbol 34097-E. Jersey Industrial Chemicals, Inc., PO Box 568, Livingston NJ 07039. FUNGICIDE A. Active Ingredients: Poly[oxyethylene(dimethyliminio)-ethylene (dimethyl-iminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM24.

EPA File Symbol 3022-RUI. S. C. Johnson & Son, Inc., 1525 Howe St., Racine WI 53403. JOHNSON YARD MASTER FOAM CRABGRASS PREVENTER. Active Ingredients: N-butyl-N-ethyl-α-α-α-trifluoro - 2,6 - dinitro-p-toluidine 11.48%. Method of Support: Application proceeds under 2(c) of interim policy. PM33.

EPA File Symbol 32676-GE. Olin Water Services, Olin Corp., 120 Long Ridge Rd., Stamford CT 06904. OLIN 7020. Active Ingredients: Methylene bis (thiocyanate) 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 11411-U. Olsen Chemical Co., 7765 Balboa Blvd., Van Nuys CA 91406. OLSEN POOL CHLORINE. Active Ingredients: Sodium Hypochlorite 12.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 942-RRL. G. S. Robins & Co., 126 Chouteau Ave., St. Louis MO 63102. SUPERCHLOR. Active Ingredients: Sodium Hypochlorite 9.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM34.

EPA Reg. No. 201-347. Shell Chemical Co., 1025 Conn. Ave., NW., Suite 200, Washington DC 20036. NUDRIN 1.8 INSECTICIDE SOLUTION. Active Ingredients: Methomyl S-methyl N-[methyl-carbamoyl) oxy] thioacetimidate 24.1%. Method of Support: Application proceeds under 2(b) of interim policy. PM12.

EPA File Symbol 1541-G. Spirttine Chemical Co., PO Box 233, 1717 Castle St., Wilmington NC 28401. DA-50 SWIMMING POOL ALGAECIDE. Active Ingredients: Alkyl C14 60%, C12 25%, C16 15%) Dimethyl Benzyl Ammonium Chloride 10%. Method of Support: Application proceeds under 2 (b) of Interim policy. PM24.

EPA File Symbol 3238-IN. Standard Spray & Chemical Co., PO Box 63, Lakeland FL 33802. MICRO-FLO BASIC COPPER SULFATE. Active Ingredients: Copper as fate) 29.1%. Method of support: Application proceeds under 2(c) of interim policy. PM22.

[FR Doc.75-9686 Filed 4-14-75;8:45 am]

[FRL 358-6; OPP—32000/229]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before June 16, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after June 16, 1975.

Dated: April 8, 1975.

JOHN B. RITCH, JR.,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP—32000/229)

EPA File Symbol 12264-R. Allstates Chem., PO Box 7416, Houston TX 77008. ALLSTATES ALGICIDE. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 11501-RA. Aqua Chem. Co. Inc., 340 Greco Ave., Coral Gables FL 33146. SUPER 90 CONCENTRATED CHLORINE TABLETS. Active Ingredients: Trichloro-s-Triazinetrione 100%. Method of Support: Application proceeds under 2(c) of interim policy. PM34.

EPA Reg. No. 239-2414. Chevron Chem. Co., 940 Hensley St., Richmond CA 94804. FLICTRAN 50 WETTABLE MITICIDE. Active Ingredients: Tricyclohexyltin hydroxide 50%. Method of Support: Application proceeds under 2(c) of interim policy. PM13.

EPA File Symbol 4829-LG. Coastal Chem. Co., Div. of Coastal Industries, Inc., 190 Jony Dr., Carlstadt NJ 07072. ISOCLOR II SUPER STABILIZED CHLORINE POWDER. Active Ingredients: Sodium Dichloro-s-Triazinetrione Dihydrate 100.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 11694-AT. Dymon, Inc., 3401 Kansas Ave., Kansas City KS 66106. AQUA-BROM NON-SELECTIVE WEED KILLER. Active Ingredients: Heavy Aromatic Naphtha 86.40%; Bromacil (5-bromo-3-sec-butyl-6-methyluracil 2.30%; Penthachlorophenol 2.84%; Other chlorophenols 0.36%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 20276-G. Engineered Chem. of Florida, PO Box 11605, Tampa FL 33510. NEW BLUE ALGICIDE A. Active Ingredient: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 20276-E. Engineered Chem. of Florida, PO Box 11605, Tampa FL 33510. NEW BLUE ALGICIDE QTC. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 20% Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 6003-LU. Germain's, Inc., 4620 E. 50th St., Los Angeles CA 90058. GERMAIN'S STOP-WEED KILLS DANDELION BERMUDAGRASS, LEAFY SPURGE. Active Ingredients: ERBON 2-(2,4,5-trichlorophenoxy) ethyl 2,2-dichloropropionate 4.57%; Related Compounds 1.57% Petroleum Aromatic Hydrocarbons 31.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM23.

EPA File Symbol 11932-E. Good Housekeeper Maintenance Supplies Inc., 906 Jacob St., Thomasville NC 27360. G H K SWIMMING POOL ALGAECIDE. Active Ingredients: Alkyl Dimethyl Benzyl Ammonium Chloride (C14 60%, C12 25%, C16 15%) 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM24.

EPA File Symbol 524-GRU. Monsanto Co., Agricultural Div., 800 N Lindbergh Ave., St. Louis MO 63166. LASSO EC. Active Ingredients: Alachlor (2-chloro-2',6'-diethyl-N-(methoxymethyl) acetanilide) 45.7%. Method of Support: Changed from 2(c) to 2(b) of interim policy. PM25.

EPA File Symbol 1926-AO. Navy Brand Mfg., Co., 5111 SW Ave., St. Louis MO 63110. LM 120-LARVAECIDE. Active Ingredients: Coal Tar Neutral Oils 63%; Soap 17%; Coal Tar Phenols 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 10190-RG. Penetone Div., Amerace Corp., 74 Hudson Ave., Tenafly NJ 07670. SANITONE. Active Ingredients: Didecyl dimethyl ammonium chloride 2.5%; Tetrasodium ethylenediamine tetra-acetate 2.0%; Sodium carbonate 1.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA Reg. No. 359-366. Rhodia Inc., Agricultural Div., 23 Belmont Dr., Somerset NJ 08873. RHODIA SILVEX 4L A LOW VOLATILE BRUSH AND WEED KILLER. Active Ingredients: Isooctyl ester of silvex (2-(2,4,5-trichlorophenoxy propionic acid) 65.2%. Method of Support: Application proceeds under 2(c) of interim policy. PM23.

EPA File Symbol 11157-G. Rose Exterminator Co., 626 Potrero Ave., San Francisco CA 94110. ROSE'S WOOD PRESSERVATIVE. Active Ingredients: Pentachlorophenol 4.15%; Petroleum oil 95.00%; Other chlorophenols 0.60%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 32184-U. Sani-Chem, Inc., PO Box 29054, Atlanta GA 30329. SANI-CHEM ALGICIDE. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 4977-RNL. Southeastern Chem. Corp., PO Box 1026, Orangeburg SC 29115. ATOMIC 4-2-1 TOX-ETHYL METHYL. Active Ingredients: Toxaphene (Technical Chlorinated Camphene (67%-69% Chlorine)) 33.36%; Parathion (0,0-diethyl 0-p-nitrophenyl phosphorothioate 16.68%; 0,0-dimethyl 0-p-nitrophenyl thiophosphate 8.34%; Xylene 36.62%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 4977-RNT. Southeastern Chem. Corp. ATOMIC METHYL PARATHION 4E. Active Ingredients: 0,0-dimethyl 0-p-nitrophenyl thiophosphate 46.42%; Xylene 47.46%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 4977-RNI. Southeastern Chem. Corp. ATOMIC 6-1½ TOX-METHYL. Active Ingredients: Toxaphene (Technical Chlorinated Camphene Chlorine Content 67%-69%) 51.50%; 0,0-dimethyl 0-p-nitrophenyl thiophosphate 12.87%; Xylene 29.63%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 4977-RNG. Southeastern Chem. Corp. ATOMIC 4-4 TOX-METHYL. Active Ingredients: Toxaphene (Technical Chlorinated Camphene (67%-69% Chlorine)) 37.08%; 0,0-dimethyl 0-p-nitrophenol thiophosphate 37.12%; Xylene 20.85%. Method of Support: Application proceeds under 2(c) of interim policy. PM 12.

EPA File Symbol 4977-RNA. Southeastern Chem. Corp. ATOMIC 6-3 TOX-METHYL. Active Ingredients: Toxaphene (Technical Chlorinated Camphene-Chlorine Content 67% and 69%) 52.0%; 0,0-dimethyl 0-p-nitrophenyl thiophosphate 26.2%; Xylene 16.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM 12.

EPA File Symbol 35014-R. Spitzer Chem. & Pool Supply, 36 Frederick Rd., Funkstown MD 21734. ALGI-CURB 58 SWIMMING POOL ALGICIDE. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 6735-EEI. Tide Products, Inc., PO Box 1020, Edinburg TX 78539. TIDE WEED & FEED WITH TREFLAN. Active Ingredients: Trifluralin (α,α,α-trifluoro-2, 6-dinitro-N, N-dipropyl-p-toluidine) 0.2%. Method of Support: Application proceeds under 2(c) of interim policy. PM35.

EPA File Symbol 3525-LI. Utility Chem. Co., 145 Peel St., Paterson NJ 07524. "UTIKEM AL-G-SIDE" SWIMMING POOL ALGAECIDE. Active Ingredients: Alkyl (C14 60%, C12 25%, C16 15%) Dimethyl Benzyl Ammonium Chloride 7.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM24.

[FR Doc.75-9687 Filed 4-14-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ENERGY INDEPENDENCE ACT OF 1975 AND RELATED TAX PROPOSALS

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) the Federal Energy Administration (FEA) with the assistance of the Departments of Defense, Housing and Urban Development, Treasury, and the Environmental Protection Agency, has prepared a draft environmental impact statement on the Energy Independence Act of 1975 and Related Tax Proposals.

The document contains an analysis of the environmental impacts of each of the 13 titles contained in the bill as well as the aggregate impacts from the entire energy program and related tax proposals.

Single copies of the draft environmental statement may be obtained from the FEA Office of Communications and Public Affairs, Room 220, Old Post Office Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

ROBERT E. MONTGOMERY, JR.,
General Counsel,
Federal Energy Administration.

APRIL 9, 1975.

[FR Doc.75-9714 Filed 4-10-75;9:58 am]

FEDERAL HOME LOAN BANK BOARD

H. F. AHMANSON & CO.

[H. C. 191]

Receipt for Application for Permission To Purchase Certain Assets of Senator Savings and Loan Association

APRIL 10, 1975.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from H. F. Ahmanson & Company, Los Angeles, California, a unitary savings and loan holding company, for approval of acquisition of substantially all of the assets of Senator Savings and Loan Association, Sacramento, California, an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a (3)), and § 584.4 of the regulations for Savings and Loan Holding Companies, by Home Savings and Loan Association, an insured subsidiary of H. F. Ahmanson & Company, said acquisition to be effected by the assumption of savings accounts and other liabilities and the payment of cash for certain specified assets. Comments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before May 15, 1975.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.75-9755 Filed 4-14-75;8:45 am]

[H. C. 192]

MURRAY INVESTMENT CO.

Notice of Receipt of Application for Permission To Acquire Control of Murray Financial Corp.

APRIL 10, 1975.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Murray Investment Corporation, Dallas, Texas, a unitary savings and loan holding company, for approval of acquisition of control of the Murray Financial Corporation, Dallas, Texas, a registered savings and loan holding company, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies. Comments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C., on or before May 15, 1975.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.75-9757 Filed 4-14-75;8:45 am]

V 40 173
APR 15 75

[H. C. 190]

UNITED FINANCIAL CORPORATION OF CALIFORNIA

Notice of Receipt of Application for Permission To Acquire Control of Guardian Savings and Loan Association

APRIL 10, 1975.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from United Financial Corporation of California, Los Angeles, California, a unitary savings and loan holding company, for approval of acquisition of control of the Guardian Savings and Loan Association, Oxnard, California, an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected through the purchase of all of the stock of Guardian Savings and Loan Association by a subsidiary of United Financial Corporation of California, the Citizens Savings and Loan Association, San Francisco, California, for cash and long term notes from the subsidiary. Comments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before May 15, 1975.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.75-9756 Filed 4-14-75;8:45 am]

FEDERAL MARITIME COMMISSION

ASSOCIATED NORTH ATLANTIC FREIGHT CONFERENCES

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126, or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 5, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, Esquire
Suite 727
17 Battery Place
New York, New York 10004

Agreement No. 9978-4 allows carriers adhering to cargo inspection agreements with ANAFC to appoint the Executive Director thereof as agent for the collection of underpayments of freight and other applicable charges.

By Order of the Federal Maritime Commission.

Dated: April 10, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-9790 Filed 4-14-75;8:45 am]

BARBER LINES A/S, ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW, Room 10126, or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 25, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Concerning the matter of BARBER LINES A/S; ELDER DEMPSTER LINES, LTD.; DAFRA LINES; DELTA STEAMSHIP LINE, INC.; COMPAGNIE MARITIME DES CHARGEURS REUNIS, S.A.; COMPAGNIE MARITIME BELGE, S.A.; FARRELL LINES INC. AND NOPAL WEST AFRICA LINE.

Notice of Agreement Filed by:

John K. Cunningham, Chairman
American West African Freight Conference
67 Broad Street
New York, New York 10004

Agreement No. 10158, among Barber Lines A/S; Elder Dempster Lines, Ltd.; Dafra Lines; Delta Steamship Line, Inc.; Compagnie Maritime Des Chargeurs Reunis, S.A.; Compagnie Maritime Belge, S.A.; Farrell Lines Inc. and Nopal West Africa Line, all of whom are members of the American West African Freight Conference, would permit the named carriers to purchase and install certain stevedoring and terminal equipment in the ports of Lagos and Apapa, Nigeria in order to facilitate and expedite the loading and discharging operations of their vessels in those ports.

By order of the Federal Maritime Commission.

Dated: April 10, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-9791 Filed 4-14-75;8:45 am]

JAPAN/KOREA-ATLANTIC AND GULF FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before May 5, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq.
1100 Connecticut Avenue, NW
Washington, D.C. 20036

Agreement No. 3103-59 is an application on behalf of the member lines of the Japan/Korea-Atlantic and Gulf Freight Conference to extend the presently approved intermodal authority, as set forth in Article 1 of the conference agreement, for a period of eighteen (18) months beyond July 23, 1975. Under the extended authority applied for, it is provided that if the conference does not exercise the intermodal tariff publishing authority granted within the first twelve (12) months of the said extended period, the member lines may publish their own intermodal tariffs thereafter. However, should the conference file its own intermodal tariff after the elapse of said twelve month period and the member lines do likewise, the conference tariff would supersede the member lines' intermodal tariffs only to the extent that origins, destinations and tariff commodity descriptions are the same.

By Order of the Federal Maritime Commission.

Dated: April 10, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-9792 Filed 4-14-75;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311 (p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	Owner/Operator and Vessels
01113	A/S J. Ludwig Mowinckels Rederi: *Strinda.*
01248	Dampskibs A/S Avenir, Skibs A/S Beaumont, Skibs A/S Beaulieu Skibs A/S Beaufort, Skibs A/S Seattle: *Beauvirage.*
01323	Manchester Liners Limited: *Asian Renown, Manchester Zeal, Frontier.*
01904	Waterman Steamship Corporation: *Nathanael Greene.*
02194	Compagnie Generale Transatlantique: *Aubrac.*
02198	Peninsular & Oriental Steam Navigation Company: *Strathmoh, Strathtrvine, Strathinver, Strathaird, Strathavick, Strathanna, Strathangus, Strathalvie, Strathaslak, Strathaslak, Stratharos, Strathadthassynt, Strathatlow, Strathaslak, Strfatharos, Strathaddie, Strathairlie, Strathmay, Strathmeigle, Strathmore, Strathmuir.*
02363	Rederiet Otto Danielsen: *Otto Danielsen.*
02462	Hellenic Lines Limited: *Italia, Turkia, Hollandia, Athinai, Hellas, Livorno, Iraklion, Hellenic Leader, Hellenic Pioneer, Hellenic Destiny, Hellenic Laurel, Hellenic Splendor, Hellenic Hero, Hellenic Spirit, Hellenic Glory, Hellenic Torch.*
02975	Venture Shipping (Managers) Limited: *Ancient Giant.*
03282	Matheson & Co., Limited: *Cairnsmore.*
03294	Companhia de Navegacao Lloyd Brasileiro: *Lloyd Anturerpia, Lloyd Cuiaba.*
03508	Shofuku Kisen K.K.: *Sapporo Maru.*
03727	Continental Oil Company: *TCB-304.*
03918	Mobil Shipping and Transportation Company: *Mobil Refiner.*
04277	C. W. Blakeslee & Sons, Inc.: *Blakeslee 85-0412.*
04404	Lars Rej Johansen: *Joatlantic.*
04468	Kotoshiromaru Gyogyo Kabushiki Kaisha: *Kotoshiromaru No. 17.*
04616	Alaska-Shell, Incorporated: *ZB103A, Alaska-Shell, Deep Sea.*
04703	Yokkaichi Enyo Gyogyo K.K.: *Nansei Maru No. 17.*
04771	Texaco Canada Limited: *Texaco Warrior.*
04803	Brent Towing Company Inc.: *C. R. Clements.*
05098	Esso Tankers Inc.: *Esso Bilbao.*
05349	Trans Caribbean Lines Inc.: *Carib Freeze.*
05378	Gulf States Oil Transportation Company: *Gulf States 3002.*
06359	Malaysian International Shipping Corporation Berhad: *Bunga Sepang, Bunga DaNa.*
06409	India Steamship Co., Ltd., *Indian Prosperity.*
07171	Flensburger Ubersee-Schiffahrtsgesellshaft Jacob MBH & Co. KG: *Wera Jacob.*
07955	Sadao Miyamoto: *Seisho Maru No. 8.*
08131	Empresa Navegacion Caribe: *Capitan Alberto Fernandez.*
08765	Landmo Shipping Services Limited: *Carmendale.*
08884	Arctic Shipping Singapore (Pte.) Ltd.: *Theben.*
08964	Houlder Brothers & Co. Ltd.: *Oswestry Grange.*
09332	Van Camp Seafood Company, Division of Ralston Purina Company: *Pepesca 4.*
09430	United Oriental Steamship Company: *Maulabaksh, Kaderbaksh, Iqbalbaksh.*
09561	Ben Line Ship Management Ltd.: *Grey Fighter.*
09708	Zapata Marine Service Limited S.A.: *Ambassador Service, Sovereign Service.*
09914	Panagia Kea Castriani Companis Naviera S.A.: *Agelos Seraphim.*
09968	Chemical Transportaion Company: *Chem-Tran I.*
09971	Dong Il Shipping Co., Ltd., *Harufuji Maru.*
10013	Ballenita S.A.: Ballenita.
10024	K/S A/S Gassfart V/A/S Gassfart: *Nyhammer.*
10033	Britain Steamship Company Ltd. & Bibby Tankers Limited: *Shropshire.*
10044	Unibulk A/S: *Unibulk Pine,* Unibulk Fir.
10045	Y. K. Kiyofuji Kaiun: *Seiwa Maru.*
10046	Eurabia Shipping Agency Ltd.: *Eurabia Spring.*
10048	White Seraya Shipping S.A.: *White Seraya.*
10049	Sunrise Navigation Co., S.A.: *Sun Vega.*
10051	Partenreederei MS "INO-J" *Scantrain.*

By The Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-9793 Filed 4-14-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI75-576]

AMERADA HESS CORP.

Application

APRIL 8, 1975.

Take notice that on March 27, 1975, Amerada Hess Corporation (Applicant), 1200 Milam, 6th Floor, Houston, Texas 77002, filed in Docket No. CI75-576 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Company (Northern) from three wells located in the Eunice and Monument Fields, Lea County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 34,900 Mcf of natural gas per month to Northern for a period of one year within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell the gas to Northern at 60.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment. Applicant states it seeks authorization for this limited term sale to ascertain the volumes of gas available for future sales.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 25, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

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unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9694 Filed 4-14-75;8:45 am]

[Docket No. CI75-569]

BROWN AND McKENZIE, INC.

Application

APRIL 8, 1975.

Take notice that on March 26, 1975, Brown and McKenzie, Inc (Applicant), 1120 Three Greenway Plaza East, Houston, Texas 77046, filed in Docket No. CI75-569 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipeline Corporation (Transco) from the Iberville Land Co. Well No. 1 in the Happytown Field, St. Martin Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on March 17, 1975, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the expiration of the 60-day emergency period or the issuance an acceptance of a certificate, whichever shall occur first, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 45,000 Mcf of gas per month to Transco at 55.0 cents per Mcf at 15.025 psia, subject to downward Btu adjustment.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9695 Filed 4-14-75;8:45 am]

[Docket No. RI75-112]

CERTAIN PRODUCER AND PIPELINE RESPONDENTS

Postponement of Prehearing Conference

APRIL 8, 1975.

On April 4, 1975, the Federal Power Bar Association filed a request to postpone the prehearing conference fixed by order issued March 28, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the prehearing conference in the above matter is postponed until May 7, 1975, at 10 a.m. (e.d.t.). The hearing date will remain as scheduled, May 20, 1975, at 10 a.m. (e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9707 Filed 4-14-75;8:45 am]

[Docket No. RP75-85]

COLORADO INTERSTATE GAS CO.

Petition To Change Method of Accounting for Gas Storage Inventory

APRIL 9, 1975.

Take notice that Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), on March 31, 1975, petitioned the Federal Power Commission for authority to change from the average cost to the last in, first out (LIFO) method of accounting for its underground storage gas inventory.

CIG states that the petition is made pursuant to § 1.7 of the Commission's rules of practice and procedure and to Paragraph "C" of Account 117, Part 201 of the Commission's Uniform System of Accounts for Natural Gas Companies. CIG states that it is requesting the change to the LIFO inventory method in order to minimize its invested capital in underground storage gas inventory. CIG estimates that the change would reduce its future inventory investment by approximately $2.5 million. CIG states that it is concurrently filing with the Commission in Docket No. RP75-86 a general rate increase applicable to its jurisdictional customers wherein CIG has used the LIFO inventory method for its test period underground storage inventories and requests that the Commission approve CIG's proposed change from the average cost to the LIFO method effective October 1, 1975, the date on which CIG's proposed jurisdictional rate increase is expected to become effective.

Copies of the petition have been served upon the Company's jurisdictional customers and other interested persons, including public bodies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 25, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9696 Filed 4-14-75;8:45 am]

[Docket No. RP75-47-5]

COLUMBIA GAS TRANSMISSION CORP. AND E. I. DUPONT DE NEMOURS AND CO.

Order

APRIL 8, 1975.

Order denying petition for immediate interim extraordinary relief and extraordinary relief pendente lite, providing for hearing of petition for permanent extraordinary relief, establishing procedures and permitting interventions.

On March 5, 1975, E. I. DuPont de Nemours and Company (DuPont) filed a petition for extraordinary relief pursuant to § 1.7(b) of the Commission's rules of practice and procedure. Specifically, DuPont requests the Commission to issue an order directing Columbia Gas Transmission Corporation (Columbia) to deliver to its distributor affiliate, Columbia Gas of West Virginia, Inc. (Columbia of West Virginia), sufficient volumes of gas to enable the latter to supply DuPont's feedstock and process gas requirements of 39,400 Mcf per day. DuPont asks that the relief be granted pendente lite, and then for however long Columbia's pro rata curtailment plan remains in effect. In addition DuPont seeks immediate, temporary relief for the period March 10 through March 31, 1975, the latter date marking the end of Columbia's winter heating season. DuPont requests that, for this period, the Commission issue an order directing Columbia to increase its deliveries to Columbia of West Virginia to enable the distributor to serve DuPont with 34,400 Mcf per day.

On March 18, 1975, Columbia of West Virginia filed a petition of joinder pursuant to § 1.7(b) of the Commission's rules of practice and procedure. Columbia's purpose in filing its petition is to provide DuPont with proper standing to seek relief.

In support of its application DuPont avers that it presently requires approximately 24,000 Mcf per day as feedstock for the production of ammonia, which is used in the manufacture of fertilizer and other products; 2,000 Mcf per day as feedstock to produce carbon monoxide and hydrogen, which is used in the manufacture of herbicide and fiber intermediates as well as other chemical products; and 13,400 Mcf per day as process natural gas in the synthesis of the above products in its plant facilities located in Belle, West Virginia. As a result of increasing curtailment levels on the Columbia Transmission system, the Public Service Commission of West Virginia (PSC), in an order issued on September 27, 1974, in Case No. 7999, placed volumetric limitations on all large volume industrial customers of Columbia of West Virginia which, as an intrastate distributor, is subject to the jurisdiction of PSC. As a result of these limitations, DuPont's entitlement from Columbia of West Virginia was reduced from 60,000 Mcf per day to 42,000 Mcf per day. DuPont further avers that during the last three months of the 1974-75 heating season, it was curtailed by Columbia of West Virginia at a 55 percent level resulting in a shortfall in its winter period allocation of 20,320 Mcf per day. DuPont further states that it has attempted to minimize this shortfall by attempting to obtain other interstate gas supplies[1] and substitute fuels for feedstock and process purposes, but has only been able to reduce its shortfall to approximately 11,120 Mcf per day. Finally, DuPont notes, it has attempted to convert its process requirements to fuel oil, however, such conversion was estimated to require approximately two years.

On December 12, 1974, DuPont petitioned PSC for extraordinary relief in the amount of 19,400 Mcf per day through March 31, 1975. On February 7, 1975, PSC issued an interim order in which it found that because of the present unavailability of gas from Columbia of West Virginia's supplies and the large volume of additional gas requested, DuPont's petition for extraordinary relief would be denied and the 55 percent curtailment rate continued. DuPont sought rehearing of PSC's order on such petition because (1) the order was founded, in part, on the potential availability to DuPont of certain natural gas reserves in Texas, and upon the occurrence of several preconditions during the current heating season, and (2) but for PSC's order, Columbia of West Virginia would have reduced curtailment of all industries to a 40 percent level. On March 3, 1975, DuPont's petition for rehearing was also denied.

In order to avoid production cutbacks, DuPont states that it has used its winter curtailment allocation at a 30,200 Mcf per day rate instead of the average daily rate of 19,080 Mcf per day, and estimated that it would exhaust its winter curtailment allocation by March 10, 1975, well before the close of the winter heating season on March 31, 1975. On March 21, 1975, DuPont informed this Commission by telegram, that DuPont had, in fact, terminated the production of ammonia at its Belle plant since March 10, 1975. DuPont argues that such termination will result in irreparable injury to itself and those industries which rely on its essential products for their operation, and that the ongoing operation of Columbia Transmission's currently effective pro rata curtailment plan would continue to result in the delivery of volumes used as boiler fuel. The pleadings indicate to us that the shutdown of the Belle plant was the result of a deliberate choice made by DuPont. DuPont chose to take its winter allocation at the rate of 30,200 Mcf per day instead of at the average daily rate of 19,080 Mcf per day, and thereby exhausted its winter allocation 21 days ahead of schedule. It is nowhere alleged that DuPont would have had to shut its plant down had it chosen instead to operate at a reduced capacity through the winter. Nowhere in the pleadings are we given information regarding Columbia of West Virginia's flexibility to meet DuPont's present requirements. In its February 7th order, attached as Appendix B to DuPont's petition, PSC states that the forty other large industrials on Columbia of West Virginia's system could remain in operation even while bearing curtailment at varying rates of between 15 percent and 55 percent (Appendix B, p. 16). We are not told why all industrials, other than DuPont, should only be curtailed at 15 percent.

Under these circumstances we cannot grant DuPont's request for extraordinary relief pendente lite. Dupont's request for immediate extraordinary relief is moot since the winter heating season is over. We shall deny DuPont's request for relief pendente lite without prejudice to its refiling upon a proper showing by PSC as to the reasons for its order of February 7th. Nevertheless, we will order DuPont's request for permanent emergency relief for an expeditious evidentiary hearing. The evidence to be submitted by DuPont and any party supporting DuPont's application must be relevant and material to the following six issues.

First, DuPont is directed to demonstrate the technical infeasibility, if any, of plant conversion to permit the use of fuel oil instead of process gas and particularly the inability of DuPont to acquire No. 2 fuel oil with the requisite low sulfur and metallic content, and that such conversion cannot be implemented within a reasonable time.

Second, DuPont should present evidence on the use of its end products; where and for what agricultural purposes ammonia produced at the Belle plant is used, how much is exported; how and where the non-agricultural ammonia produced is used; how and where the carbon monoxide and hydrogen produced in the Girdler reaction are used; and relevant information on the several end products listed by DuPont on page three of its petition, and referred to on page two of this order.

Third, as additional evidence DuPont and other parties should submit any available evidence on the current and projected supply and demand for fertilizer and other ammonia based products. This evidence should include, but should not be limited to, forecasts for the 1975 Spring planting season.

Fourth, DuPont should present evidence on its current and future ability to obtain additional supplies of natural gas from any source of supply, interstate, or intrastate, including Columbia of West Virginia. In this regard, the Public Service Commission of West Virginia is invited to participate and, inter alia, present at the hearing the basis of its findings and order that all of the industrials, except for DuPont, served by Columbia of West Virginia should bear no more than a 15 percent pro rata curtailment.

Fifth, DuPont should present evidence demonstrating the feasibility, or the lack thereof, of alleviating the impact of curtailment through construction or lease of storage facilities, negotiation of exchange agreements, and production or purchase of liquefied natural gas or synthetic natural gas.

Finally, DuPont should present further evidence of its sales of anhydrous ammonia fertilizer for the past five years, its projected sales over the next two years, its current inventory of fertilizer, and its projected output from all its plants to meet its projected requirements.

Under the Commission's rules of practice and procedure, and General Policy and Interpretations, particularly sections 1.7(b) and 2.78(c), 18 CFR 1.7(b) and 2.78, Columbia of West Virginia's Petition of Joinder shall be construed as a petition for the requested relief on behalf of its customer DuPont. Additionally, DuPont's Petition for Extraordinary Relief shall be construed as a petition to intervene pursuant to § 1.8(b)(2), 18 CFR 1.8(b)(2), of the Commission's rules of practice and procedure.

Pursuant to notice issued on March 19, 1975, and subsequently published in the FEDERAL REGISTER, petitions for and notices of intervention were due on or before April 1, 1975. The Ohio Public Utilities Commission filed a timely notice of intervention, and timely protests were filed by Baltimore Gas and Electric Company and Columbia. Timely petitions for leave to intervene were filed by Elizabethtown Gas Company (including recommended conditions for any grant of immediate extraordinary relief); The Dayton Power[4] and Light Company; Chas. Taylor Sons Company; Union Carbide Corporation; and jointly by Columbia Gas of Kentucky, Inc., Columbia Gas of Maryland, Inc., (together with a protest and request for hearing) Columbia Gas of New York, Inc., Columbia Gas of

[1] DuPont presently has a 5,000 Mcf per day supply contract with Cabot Corporation which expires in September of 1975; and is attempting to use propylene as a feedstock substitute at approximately 4,200 Mcf per day.

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Ohio, Inc., Columbia Gas of Pennsylvania, Inc., Columbia Gas of Virginia, Inc.; Baltimore Gas and Electric Company; The Cincinnati Gas and Electric Company and The Union Light, Heat and Power Company; General Motors Corporation; Columbia (along with a request for a hearing); Standard Oil Company (Sohio); Washington Gas Light Company; and the Cities of Charlottesville and Richmond, Virginia.

The Commission finds: (1) Sufficient good cause does not exist nor would it be in the public interest to grant DuPont's request for interim extraordinary relief or to grant DuPont's request for extraordinary relief pendente lite.

(2) Sufficient good cause exists, and it is in the public interest to set for an expeditious, formal evidentiary hearing DuPont's request for permanent extraordinary relief from Columbia Transmission's pro rata curtailment plan, as hereinafter ordered.

(3) Participation in this proceeding by Columbia Gas of West Virginia, Inc., is required by the public interest.

(4) The participation of the above-named parties who have petitioned to intervene in this proceeding may be in the public interest.

The Commission orders: (A) Petitioner Columbia Gas of West Virginia, Inc. is hereby required to participate in this proceeding as a necessary party in interest, subject to the rules and regulations of this Commission.

(B) DuPont's requests for immediate, temporary extraordinary relief and for extraordinary relief pendente lite are hereby denied.

(C) DuPont and the above-named petitioners are hereby permitted to intervene in this proceeding subject to the rules and regulations of this Commission: Provided, however, That the participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in said petitions for leave to intervene; and, provided, further, that the admission of such parties as intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(D) Columbia of West Virginia and DuPont should present inter alia evidence which is relevant and material to the following issues:

(1) The technical feasibility of conversion of DuPont's plant to use fuel oil instead of process gas, particularly the ability of DuPont to acquire No. 2 fuel oil with sufficiently low metallic and sulfur content, and the time and economic cost of bringing such converted process facilities on line operationally.

(2) DuPont should present evidence on the use of its end products; where and for what agricultural purposes ammonia produced at the Belle plant is used, how much is exported; how and where the non-agricultural ammonia produced is used; how and where the carbon monoxide and hydrogen produced in the girdler reaction are used; and relevant information on the several end products listed by DuPont on page three of its petition, and referred to on page two of this order.

(3) The degree of severity of the ammonia and fertilizer shortages, and particularly the current supply and demand projections for such products by both industry and government. This evidence should include, but should not be limited to, current projections for the Spring, 1975 planting season.

(4) The current and projected future ability of DuPont to obtain alternate sources of natural gas of either an inter or intrastate nature. The Public Service Commission of West Virginia is invited to attend the hearing and present evidence regarding, inter alia, its findings and order that Columbia of West Virginia's large industrial customers, other than DuPont, should be curtailed at a rate no higher than 15%.

(5) The technical feasibility of construction, or lease of storage facilities, negotiation of exchange agreements, or production or purchase of LNG or SNG.

(6) DuPont should present further evidence of its sales of anhydrous ammonia fertilizer for the past five years, its projected sales over the next two years, its current inventory of fertilizer, and its projected output from all its plants to meet its projected requirements.

(E) Pursuant to the authority of the Natural Gas Act, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on April 22, 1975, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NW, Washington, D.C., 20426, concerning the issues specified above and other relevant and material issues which the parties seek to raise.

(F) On or before April 14, 1975, Columbia of West Virginia, DuPont and any supporting party shall file with the Commission and serve on all parties, including Commission Staff, their testimony and exhibits in support of their positions including the six issues enumerated above.

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority [18 CFR 3.5(d)]—shall preside at the hearing in this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-9698 Filed 4-14-75;8:45 am]

[Docket No. RP75-83]

COLORADO INTERSTATE GAS CO.

Petition To Adopt Normalized Accounting for Book and Rate Purposes

APRIL 9, 1975.

Take notice that Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), on March 31, 1975, petitioned the Federal Power Commission for authority to adopt normalized accounting for liberalized tax depreciation for book and rate purposes on all of its utility property eligible for such treatment.

CIG states that the petition is made pursuant to the provisions of § 1.7 of the Commission's rules of practice and procedure and is intended both as a means of assisting CIG in its efforts to raise new capital as well as enhancing the quality of its present securities. CIG estimates the annual net effect of changing from the flow-through method currently in use to normalized accounting would be approximately $2.2 million. CIG is concurrently filing with the Commission in Docket No. RP75-86 a general rate increase applicable to its jurisdictional customers wherein CIG has utilized normalized accounting and requests that the Commission authorize such change to become effective October 1, 1975, the date on which the proposed rate increase is expected to become effective.

Copies of this petition have been served upon the Company's jurisdictional customers and other interested persons, including public bodies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 25, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-9697 Filed 4-14-75;8:45 am]

[Docket No. RP74-100; PGA 75-8]

NATIONAL FUEL GAS SUPPLY CORP.

Order

APRIL 9, 1975.

Order accepting for filing and suspending proposed PGA rate increase, requiring modification of rates, requiring modification of PGA clause, and permitting refiling of revised rates.

On February 26, 1975, National Fuel Gas Supply Corporation (National Fuel Supply) filed herein a proposed PGA rate increase of $6.5 million annually to recover the increased cost of gas purchased from five pipeline suppliers, one major producer, and numerous small producers. National Fuel Supply requests waiver of the Commission's applicable regulations to permit the proposed increased rates to become effective on March 1, 1975.

Notice of National Fuel Supply's filing was issued on March 7, 1975, providing for protests or petitions to intervene to be filed on or before March 20, 1975. No protests, petitions to intervene, or other comments have been received in response to the notice.

A review of the company's filing discloses certain facts which require that the proposed rates be suspended and made subject to refund. The proposed rates are predicated, in part, on small producer purchases at rates in excess of the level established by Opinion No. 699-H.[1] In addition the proposed rates are based in part, on an erroneous calculation of the applicable rate from Valley Gas Transmission, Inc. This error pertains to the proper cost and rate effect of Valley's payment of Louisiana severance taxes.

In light of the foregoing, National Fuel Supply's proposed rates have not been shown to be just and reasonable, and they will therefore be suspended for one day and permitted to become effective thereafter on March 2, 1975. The amount of error in determining the Valley Gas rate is minor and insufficient to justify rejection of the present filing. However National Fuel will be required to resubmit revised rates within 15 days reflecting the proper calculation of the Valley Gas rate.

We further find that National Fuel Supply's tariff PGA clause should be modified to properly reflect the operations of the company following the realignment of United Natural Gas Company, Pennsylvania Gas Company, and Iroquois Gas Corporation into National Fuel Gas Supply Corporation and National Fuel Gas Distribution Corporation.[2] The applicant supply corporation's PGA clause is patterned after that of its predecessor United Natural Gas Company. Since United Natural purchased only from pipeline suppliers, its PGA clause, and consequently that of the present applicant, permitted filing of a PGA rate increase whenever a change in the weighted average cost of purchased gas exceeds one tenth of a cent. However pursuant to Commission Order No. 452 (47 FPC 1049, 1510), pipeline and producer purchases must be computed separately, and producer-related increases may not be filed more often than once every six months. Since the corporate realignment National Fuel Supply has taken over Iroquois' purchases of gas from producers. As a result, producer supplies now account for almost 10 percent of National Fuel Supply's total gas purchases. It is therefore necessary that National Fuel Supply's PGA clause be revised so as to require separate computation of pipeline and producer PGA rate increases, and to permit the filing of producer-related increases only semi-annually and pipeline-related increases whenever the one mill requirement is met.

Finally, we will permit the filing by National Fuel Supply of revised PGA rates to become effective on March 1, 1975, provided the amounts of small producer rates in excess of the levels authorized in Opinion 699-H are eliminated, and provided the necessary correction is made for the Valley Gas rate. The effect of this procedure will be to make subject to refund only the small producer rates in excess of the authorized levels.

National Fuel Supply requests waiver of the Commission's regulations governing effective date on the ground it received insufficient notice from its suppliers to permit the proposed rates herein to be filed 45 days prior to the effective date of the suppliers' rate increases. We find that good cause exists for waiver of the regulations in this instance.

The Commission orders: (A) National Fuel Supply's proposed PGA rate increase, as filed herein on February 25, 1975, and as set forth on Second Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1, is hereby suspended for one day and the Commission's applicable regulations are waived to permit the proposed rates to become effective thereafter on March 2, 1975.

(B) Within 15 days from the date of this order National Fuel Supply shall file revised rates reflecting the corrected rate for gas purchased from Valley Gas.

(C) Within 30 days from the date of this order National Fuel Supply shall submit a revised tariff PGA clause in accordance with the terms of Order No. 452 and of this order.

(D) National Fuel Supply is hereby permitted to file, within 15 days from the date of this order, revised rates in accordance with the terms of this order, to be effective March 1, 1975.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-9699 Filed 4-14-75;8:45 am]

[Docket Nos. E-9136; E-9140]

NEW ENGLAND POWER CO.

Order Granting Late Intervention

APRIL 8, 1975.

On November 29, 1974, The New England Power Company (NEPCO) tendered for filing a proposed rate increase to its primary service for resale customers (Rate R-9). NEPCO's filing was noticed by the Commission on December 5, 1974, with protests and petitions to intervene due on or before December 23, 1974.

An untimely petition to intervene was filed by Green Mountain Power Corporation on March 6, 1975.

Having reviewed the above petition to intervene, we believe that the petitioner has sufficient interest in the proceedings to warrant intervention.

The Commission finds: It is desirable and in the public interest to allow the above-named petitioner to intervene.

The Commission orders: (A) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; Provided, however, That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and Provided, further, That the admission of such intervenor shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-9700 Filed 4-14-75;8:45 am]

[Docket No. RP75-87]

NORTHERN NATURAL GAS CO.

Petition for Expedited Hearing and Expedited Decision

APRIL 8, 1975.

Take notice that on March 31, 1975, Northern Natural Gas Company (Northern) filed a Petition For Expedited Hearing and Expedited Decision Regarding Payments to Exxon Company, U.S.A. For Gas Purchase Rights in the Prudhoe Bay Area of Alaska and in the Offshore Area of the Gulf of Mexico.

Northern states that it has executed what it designates as the Prudhoe Oil Pool Gas agreement with Exxon, pursuant to which Northern may acquire up to 2 Tcf of gas from a 25 percent share of Exxon's interest in the Prudhoe Alaska Field and that, as a part of this agreement, Northern may be required to make payments to Exxon eventually aggregating as much as $300 million dollars.

Northern also recites that it has executed what it designated as the Offshore Options agreement with Exxon, pursuant to which Northern has the option to purchase 30 percent of the anticipated gas production from approximately 35,000 acres of offshore Gulf of Mexico leases to be developed by Exxon. According to Northern, the estimated amount of the payments required of Northern under this agreement are as yet undetermined, although Northern alleges they will be substantial, and are expected to approximate $800,000 during the calendar year 1975.

[1] Issued December 4, 1974, in Docket No. R-389B.

[2] Iroquois Gas Corporation; *et al.*, Docket Nos. CP73-294 and CP74-211, order issued May 10, 1974; further order issued July 10, 1974.

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Northern also states that as consideration for the rights Exxon has granted Northern, Northern has agreed to include Area Rate, Exxon Royalty Reimbursement, and Deregulation provisions in existing gas purchase contracts between Northern and Exxon in the States of Texas, New Mexico and Kansas.

Northern states that under the Prudhoe Oil Pool Gas agreement it is required to proceed diligently to obtain satisfactory rate and accounting authorization from this Commission related to the sums paid thereunder and any other authorizations to effectuate the intent of the parties. Northern also states that its payments to Exxon under the Offshore Agreement are conditioned upon Northern's receiving satisfactory FPC rate and accounting authorization for such payments.

Northern requests an expedited hearing and that the Commission thereafter promptly hold and order, first, that Northern is authorized to collect in rates the cost of service effect of the payments made, and to be made by Northern under its agreements of January 30, 1975 with Exxon, second, that the annual adjustment of Northern's rates for this purpose is appropriate, and third, that Northern is granted authorization, for accounting purposes, to defer that amount of the semiannual payments required by the Exxon agreements which is in excess of the level of payments reflected in current rates from time to time until such amount is reflected in Northern's rates at which time such payments begin to be amortized monthly to expense.

Any person desiring to be heard or to protest said Petition should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this petition are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9701 Filed 4-14-75;8:45 am]

[Docket No. CP74-307]

PACIFIC INDONESIA LNG CO. AND WESTERN LNG TERMINAL CO.

Amendment to Application

APRIL 8, 1975.

Take notice that on March 26, 1975, Pacific Indonesia LNG Company (PacIndonesia) and Western LNG Terminal Company (Terminal Company), 720 West Eighth Street, Los Angeles, California 90017,[1] filed in Docket No. CP74-207 an amendment to the application filed by PacIndonesia in that docket on February 15, 1974,[2] pursuant to section 7(c) of the Natural Gas Act in order to include Terminal Company as a party applicant in the subject docket, all as more fully set forth in the amendment to application which is on file with the Commission and open to public inspection.

By its application of February 15, 1974, PacIndonesia seeks authorization to construct and operate terminal facilities at Oxnard, California, for liquefied natural gas (LNG) which it proposes to import from the Republic of Indonesia and to sell the regasified LNG to Southern California Gas Company (SoCal). Subsequent to the filing of said application, Applicants state, PacIndonesia and Terminal Company entered into an agreement which provides, inter alia, that Terminal Company will provide the service and facilities for the receipt, storage and regasification of the LNG that PacIndonesia proposes to import and for the delivery of the regasified LNG to SoCal.[3] Applicants claim that the facilities proposed to be built by Terminal Company at Oxnard are similar to the facilities originally proposed to be built by PacIndonesia. Applicants state that the instant amendment is filed to reflect Terminal Company's role in PacIndonesia's application in this docket.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 24, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed petitions to intervene, notices of intervention or protests to the granting of the subject application need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9702 Filed 4-14-75;8:45 am]

[1] Both parties are wholly owned subsidiaries of Pacific Lighting Corporation.

[2] Notice of the application by PacIndonesia was published in the FEDERAL REGISTER on March 7, 1974 (39 FR 8964).

[3] Terminal Company filed on September 17, 1974, in Docket No. CP75-82 an application requesting certification, inter alia, of such service and facilities.

[Docket No. RP72-91 (Phase II), et al.; AP 5-16-74]

SOUTHERN NATURAL GAS CO.

Further Postponement of Hearing

APRIL 8, 1975.

On March 24, 1975, Southern Natural Gas Company filed a motion to extend the hearing date fixed by order issued July 19, 1974, as most recently modified by notice issued February 26, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the hearing date in the above matter is postponed until June 9, 1975, at 10 a.m. (e.d.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9703 Filed 4-14-75;8:45 am]

[Docket No. RP74-71-2]

SOUTHERN NATURAL GAS CO.

Proposed Settlement Agreement

APRIL 8, 1975.

Take notice that on February 12, 1975, the Administrative Law Judge in the proceeding in Docket No. RP74-71-2 (Phase II) certified to the Commission for action a proposed settlement agreement. The said proceeding involved the complaint of Southern Natural Gas Company (Southern) on July 23, 1974 that Atlanta Gas Light Company (Atlanta) had continued to take up to 90,000 Mcf/d at its Newman-Yates delivery point without a commensurate reduction in its takes for the City of Atlanta Delivery Area as had been ordered by the Commission on July 9, 1974 and clarified on July 18, 1974.

The initial request by Atlanta for emergency relief from Southern's curtailment plan was made, pursuant to § 9.5 of Southern's curtailment plan, for a period of 15 days. Southern notified the Commission and began the delivery of the 90,000 Mcf/d on June 24, 1974. The Commission thereafter promptly initiated hearings regarding the priority of the 15 day emergency sales. These hearings culminated in an initial decision on November 26, 1974.

On July 2, 1974, Atlanta stated in a letter to the Commission that Georgia Power had requested emergency deliveries of 90,000 Mcf/d at the Yates Power Plant to be continued for an additional 30 days beyond the original 15-day period.

The Commission subsequently issued a letter order on July 9, 1974 and a clarifying letter order on July 18, 1974 authorizing the emergency deliveries for an additional 30-day period, subject to certain conditions. A dispute arose as to volumes of natural gas Atlanta was entitled to receive in the Atlanta Area under the conditions of the Commission's letter orders. On the July 24, 1974, the

Commission issued an order entitled Order Denying Enforcement Of Tariff Provisions And Requiring Reports and on September 20, 1974 the Commission denied Atlanta's petition for rehearing of that order.

Thereafter on October 21, 1974, Atlanta filed a Petition for Rehearing and Reconsideration (of the September 20 order), Or in the Alternative Petition for Waiver, and Request for Hearing. The Commission by order of December 4, 1974, denied rehearing, but remanded the overrun penalty and pay-back issues for hearing. The hearing was begun and terminated on February 4, 1975. At that time, the subject settlement agreement was proposed and submitted for certification. No party takes exception to this agreement.

This settlement agreement disposes of the following proceedings or portions thereof: (1) Docket No. RP74-71-2, with respect to emergency deliveries during the period of July 9, 1974, through August 8, 1974, and (2) the appeal pending in the United States Court of Appeals for the District of Columbia in No. 74-2037.

This agreement proposes that Atlanta be required to repay 285,937 Mcf at 14.73 psia to Southern. This volume represents all emergency deliveries by Southern to Atlanta for Plant Yates not offset by a reduction in takes by Atlanta from Southern during the period commencing on July 9, 1974, and extending through August 8, 1974. Upon completion of this repayment, Atlanta would have no further repayment obligation arising from the days in question, including the payment of monetary penalties. Atlanta would repay the subject gas during a period of 30 days commencing on July 9, 1975. Atlanta agrees to reduce its deliveries of gas to the Georgia Power Plant served by Atlanta from the Atlanta Area Delivery Point which will result in a reduction in Atlanta's takes from Southern to the Atlanta Area Delivery Point by 9,531 Mcf each day during the aforementioned 30-day period. Atlanta's reduction in deliveries to the aforementioned Georgia Power Plant shall be measured on the basis that the daily requirements of such plant for gas are 125,000 Mcf at 14.73 psia. Within 15 days following the repayment period specified in the agreement, Atlanta will provide Southern a verified report, with a copy thereof to the Commission, showing the daily reduction in its gas delivered to the power plant of Georgia Power served from the Atlanta Gas Delivery Point by an amount equal to the reduction of daily deliveries provided in the agreement. After a Commission order approving all the terms and conditions of the proposed settlement agreement has become final and no longer subject to appeal, Atlanta will promptly withdraw its petition for review in Case No. 74-2037 pending in the United States Court of Appeals for the District of Columbia Circuit.

Any person, including the parties to this proceeding, wishing to file comments either in support or against this proposed settlement should file them with the Commission on or before April 18, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9704 Filed 4-14-75;8:45 am]

[Docket No. CP 75-272]

TRUNKLINE GAS CO.

Application

APRIL 8, 1975.

Take notice that on March 17, 1975, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP 75-272 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations thereunder (18 CFR 157.7 (b)), for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing March 10, 1975, and operation of certain natural gas purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to take into its certificated main line pipeline system such natural gas which is or may become available due to expansion, development or production of existing or new sources of supply in the general area of its system or to connect such gas to the system of another natural gas company authorized to transport for or exchange with Applicant such gas.

Applicant states that the total cost of the proposed facilities will not exceed $10,000,000, with no single onshore project to exceed $1,500,000 and no single offshore project to exceed $2,500,000. Applicant states that the proposed facilities will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 21, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9705 Filed 4-14-75;8:45 am]

[Docket No. E-8025]

UPPER PENINSULA GENERATING CO.

Application

APRIL 8, 1975.

Take notice that on April 2, 1975, Upper Peninsula Generating Company (Applicant) filed a supplemental and amended application with the Federal Power Commission seeking authority, pursuant to section 204 of the Federal Power Act, to issue additional short-term notes of a principal amount of up to $5 million. Approval of the application would authorize the Applicant to issue short-term notes up to a total principal amount of $20 million outstanding at any one time.

The Applicant is incorporated under the laws of the State of Michigan, with its principal business office at Houghton, Michigan. The Applicant is engaged in the generation of electric energy for sale to its owners, the Upper Peninsula Power Company and Cliffs Electric Service Company.

The Applicant has proposed to issue unsecured promissory notes, payable to such bank or banks from which the Applicant may borrow, for periods not exceeding 12 months from the date of original issue or renewal thereof. The notes will be issued on or before July 1, 1975 and will have a maturity date not later than July 1, 1976. The interest rate on the notes to be issued will be at a rate not exceeding one-quarter of one percent above the prime rate in effect at the time of issue. The notes will not be subject to resale to the public.

The proceeds from the sale of the notes will be used, pending permanent financing, to finance the continuation of the Applicant's construction program and the purchase of coal supplies through July 1, 1975.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 25, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

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with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9709 Filed 4-14-75;8:45 am]

FEDERAL RESERVE SYSTEM

AMERIBANC, INC.

Acquisition of Bank

Ameribanc, Inc., St. Joseph, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Exchange Bank of Richmond, Richmond, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 9, 1975.

Board of Governors of the Federal Reserve System, April 8, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-9717 Filed 4-14-75;8:45 am]

CITIZENS STATE BANCORP, INC.

Formation of Bank Holding Company

Citizens State Bancorp, Inc., Manhattan, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of Citizens State Bank & Trust Co., Manhattan, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Citizens State Bancorp, Inc., Manhattan, Kansas has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to engage in the sale of credit life and credit accident and health insurance directly related to extensions of credit by Citizens State Bank & Trust Co., Manhattan, Kansas. Notice of the application was published on December 19, 1974, in The Manhattan Mercury, a newspaper circulated in Manhattan, Kansas. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 7, 1975.

Board of Governors of the Federal Reserve System, April 4, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-9716 Filed 4-14-75;8:45 am]

FIRST SECURITY CORP.

Acquisition of Bank

First Security Corporation, Salt Lake City, Utah, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of First Security State Bank of Kaysville, Kaysville, Utah, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 9, 1975.

Board of Governors of the Federal Reserve System, April 8, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-9715 Filed 4-14-75;8:45 am]

GOOSE RIVER HOLDING CO.

Order Approving Formation of Bank Holding Co.

Goose River Holding Company, Mayville, North Dakota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 93.1 percent or more of the voting shares of The Goose River Bank, Mayville, North Dakota ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a non-operating corporation organized for the purpose of becoming a bank holding company through the acquisition of Bank. Bank (deposits of $12.3 million), the only bank in Mayville, is the second largest of five banks in the relevant market, approximated by Traill County, and holds 28.8 percent of the commercial bank deposits in the market.[1] Traill County (population of approximately 10,000) is a predominantly agricultural area in the east central portion of North Dakota directly adjacent to the Minnesota border. Since the proposal is essentially a restructuring of Bank's ownership whereby the ownership of Bank will be shifted from individuals to a corporation owned by the same individuals, consummation of the proposal would eliminate neither existing or potential competition, nor would it increase the concentration of banking resources in any relevant area. Accordingly, on the basis of the facts of record, the Board regards competitive considerations involved in the proposal as being consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant are dependent upon those of Bank, which are considered to be generally satisfactory. Bank's projected income appears adequate to service the debt that will be incurred by Applicant as an incident to the acquisition. Therefore, considerations relating to the banking factors are consistent with approval of the application. Although consummation of the transaction is not expected to produce any immediate changes in Bank's operations nor immediate benefits to the public, considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the acquisition would be consistent with the public interest and that the application should be approved.

On the basis of the record,[1a] the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Minneapolis pursuant to delegated authority.

[1] All banking data are as of June 30, 1974.

[1a] Dissenting Statement of Vice Chairman Mitchell & Governor Wallich filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Minneapolis.

By order of the Board of Governors,[2] effective April 7, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-9712 Filed 4-14-75;8:45 am]

HOMEWOOD BANCORPORATION, INC.

Order Approving Formation of Bank Holding Company

Homewood Bancorporation, Inc., Homewood, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 95.16 percent of the voting shares of the Bank of Homewood, Homewood, Illinois ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a non-operating company with no subsidiaries, was organized for the purpose of becoming a bank holding company through the acquisition of Bank. Bank, with deposits of $31.4 million,[1] is the larger of two banks in Homewood and ranks 273rd in the State with 0.06 percent of the deposits. Bank, which is located in the southern portion of the Chicago banking market,[3] ranks 156th and accounts for less than one percent of the deposits of banks in the market. Numerous other banking alternatives are available in the area. Since the purpose of the proposed transaction is essentially a corporate reorganization to transfer control of Bank from individuals to a corporation controlled by the same individuals, consummation of the proposal would not significantly affect existing or potential competition, or have any undue adverse effect on other banks in the area. Accordingly, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects are generally satisfactory. Although Applicant will incur debt in acquiring Bank, it appears that income from Bank will provide sufficient revenue to service the debt without unduly burdening the capital position of Bank. Therefore, financial and managerial considerations are deemed to be consistent with approval of the application.

Applicant plans several improvements in Bank's services and facilities, including changes in deposit interest rates and minimum requirements, increased emphasis on consumer installment and commercial lending, and remodeling of Bank's building. Therefore, convenience and needs considerations lend weight toward approval of the application. It has been determined that consummation of the proposal would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago, pursuant to delegated authority.

By order of the Secretary of the Board, acting pursuant to delegated authority from the Board of Governors, effective April 8, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-9718 Filed 4-14-75;8:45 am]

ORWIG AND COMPANY, INC.

Acquisition of Bank

Orwig and Company, Inc., Kansas City, Missouri, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to acquire through merger, 100 per cent of the voting shares of Merchants Investors, Inc., Kansas City, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Orwig and Company, Inc., is also engaged in the following nonbank activity: holding and leasing certain real property. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843). Orwig and Company, Inc. has claimed an exemption under section 4(c)(ii) of the Act (12 U.S.C. 1843(c)(ii)) relating to the acquisition of or engaging in nonbanking activities. This question will be considered in acting upon the subject application.

The application may be inspected at the office of the Board of Governors of the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 8, 1975.

Board of Governors of the Federal Reserve System, April 7, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-9711 Filed 4-14-75;8:45 am]

VICTORIA BANKSHARES, INC.

Proposed Acquisition of Central Computers, Inc.

Victoria Bankshares, Inc., Victoria, Texas, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Central Computers, Inc., Victoria, Texas. Notice of the application was published in the following newspapers:

Date	Newspaper	Circulated in
Mar. 12, 1975..	The Victoria Advocate.	Victoria, Tex.
Do.....	Refugio County Press.	Refugio, Tex.
Do.....	The Port Lavaca Wave.	Calhoun, Tex.
Mar. 13, 1975..	The Karnes City Citation.	Karnes, Tex.
Do.....	Gonzales Inquirer.....	Gonzales, Tex.
Mar. 20, 1975..	Edna Herald.....	Jackson, Tex.
Mar. 12, 1975..	Wharton Journal-Spectator.	Wharton, Tex.
Mar. 13, 1975..	Beeville Bee Picayune.	Bee, Tex.
Do.....	The Colorado County Citizen.	Colorado, Tex.
Mar. 12, 1975..	The Cuero Daily Record.	DeWitt, Tex.

Applicant states that the proposed subsidiary would engage in the following activities: Providing bookkeeping and data processing services for the internal operations of Victoria Bankshares, Inc. and its subsidiaries, and storing and processing other banking, financial, or related economic data, such as performing payroll, accounts receivable or payable, or billing services. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 9, 1975.

[2] Voting for this action: Governors Sheehan, Holland and Bucher. Voting against this action: Vice Chairman Mitchell and Governor Wallich. Absent and not voting: Chairman Burns and Governor Coldwell.

[1] All deposit data are as of June 30, 1974.

[3] The Chicago banking market includes all banks in Cook and DuPage Counties plus several banks in Lake County, Illinois.

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Board of Governors of the Federal Reserve System, April 8, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-9719 Filed 4-14-75;8:45 am]

GENERAL ACCOUNTING OFFICE

FEDERAL ENERGY ADMINISTRATION

Receipt and Approval of Regulatory Reports Review Proposals

The following request for emergency clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on March 19, 1975. See U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt and the action taken by GAO.

FEDERAL ENERGY ADMINISTRATION

Request was made for approval of FEA form C-604-S-0, "Reconversion of Electric Powerplants to Coal Use". The information to be collected by this form will be used to support FEA's implementation of the Energy Supply and Environmental Coordination Act which prohibits any powerplant from burning gas or oil as its primary energy source.

The Act expires June 30, 1975, and with it the authority for issuing reconversion orders to major fuel burning installations. In order to publish the reconversion orders by June 30, FEA must get responses from some 62 powerplants by early May. In view of the severe time constraints of the program, they have requested that GAO provide emergency clearance thereby giving respondents and FEA an adequate amount of time.

GAO has provided clearance of FEA form C-604-S-0 under number B-181254 (S75021). This clearance expires June 30, 1975.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-9744 Filed 4-14-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

Receipt and Approval of a Proposed Regulatory Report

The following request for emergency clearance of a proposed report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on March 24, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt and the action taken by GAO.

FEDERAL ENERGY ADMINISTRATION

Request was made for approval of the report "Major Fuel Burning Installation Coal Conversion Report". The report is required to be filed for any installation other than a powerplant that has or is a fossil-fuel fired boiler, burner, or other combustor of fuel, or any combination thereof at a single site, that has individually or in combination, a design firing rate of 100 million BTU's per hour or greater, and includes any person who owns, leases, operates, controls or supervises any such installation or unit. This information is to be used to examine the feasibility and effect of issuing orders to specified major fuel burning installations prohibiting them from burning oil or natural gas.

The Energy Supply and Environmental Coordination Act of 1974 authorizes FEA to issue prohibition orders to certain major fuel burning installations, other than power plants, to prohibit them from burning natural gas or petroleum products as their primary energy source. This survey comprises a significant part of the Office of Fuel Utilization's effort to identify candidates for coal conversion in both the utility and industrial sector and subsequently issue mandatory orders prohibiting the burning of oil and natural gas at designated installations. The act expires June 30, 1975, and with it the authority for issuing prohibition orders to major fuel burning installations. In order to publish the prohibition orders by June 30, FEA stated that it would be necessary to receive completed responses by the first week in May. In view of the severe time constraints of the program, FEA requested that GAO provide emergency clearance thereby giving respondents and FEA an adequate amount of time. FEA stated that the burden on respondents is estimated to average 10.5 hours per report.

GAO provided clearance of this collection of information under number B-181254 (S75022) on April 3, 1975. This clearance expires June 30, 1975.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-9745 Filed 4-14-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 6, May 2, 1975, from 9:30 a.m. to 3:30 p.m., PES Conference Room, Federal Building, 1500 East Bannister Road, Kansas City, MO. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for two term A-E contracts; (1) Supplemental Architectural, Structural and Civil Engineering Services; and, (2) Supplemental Mechanical and Electrical Engineering Services. Frank and open discussion of the professional qualifications of the firms being considered is essential to insure selection of the best qualified firms. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b)(5) the meeting will not be open to the public.

J. V. GARRETT,
Acting Regional Administrator.

[FR Doc.75-9895 Filed 4-14-75;8:45 am]

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 3, April 24, 1975, from 10:00 a.m. to 12 noon, Room 7511, General Services Administration, Regional Office Building, 7th and D Streets SW., Washington, D.C. The meeting will be devoted to Conducting a briefing on A-E selection procedures and the duties of the Panel members as related to these procedures. The meeting will not be concerned with a matter listed in 5 U.S.C. 442(b)(5), therefore, it will be opened to the public. Because this meeting commits travel plans for the participants from five states and the District of Columbia, it will be impractical to reschedule the meeting for a later time. Therefore, the fifteenth day prior notice listing is set aside.

BEN SCHIFFMAN,
Acting Regional Administrator.

APRIL 10, 1975.

[FR Doc.75-9954 Filed 4-14-75;9:24 am]

INTERNATIONAL TRADE COMMISSION

[AA1921-146]

LOCK-IN AMPLIFIERS AND PARTS THEREOF FROM THE UNITED KINGDOM

Investigation and Hearing

Having received advise from the Treasury Department on April 2, 1975, the lock-in amplifiers and parts thereof from the United Kingdom are being, or are likely to be, sold at less than fair value, the United States International Trade Commission on April 9, 1975, instituted investigation No. AA1921-146 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Commission's Hearing Room, International Trade Commission Building, 8th and E Streets NW., Washington, D.C. 20436, beginning at 10 a.m., e.d.t., on Tuesday, May 20, 1975. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Commission, in writing,

at its office in Washington, D.C., not later than noon Friday, May 16, 1975.

By order of the Commission:

Issued: April 10, 1975.

KENNETH R. MASON,
Secretary.

[FR Doc.75-9789 Filed 4-14-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (75-29)]

NASA AD HOC ADVISORY SUBCOMMITTEE TO EVALUATE PROPOSALS FOR PARTICIPATION IN THE SCIENTIFIC DEFINITION OF EXPLORER-CLASS PAYLOADS

Notice of Date and Place of Meeting

One section of the NASA Ad Hoc Advisory Subcommittee on the Space Science Steering Committee to evaluate proposals for participation in the scientific definition of Explorer-class payloads will meet at NASA Headquarters in Washington, D.C. during May. On May 1, 2, and 3, 1975, Subcommittee Section D (High Energy) will meet in Room 6004 of Federal Office Building 6 (400 Maryland Ave., SW.) from 8:30 a.m. to 4:30 p.m. The meetings of other subcommittee sections will be advertised in the FEDERAL REGISTER and convened in the near future.

The Subcommittee sessions will discuss, evaluate and categorize proposals for participation on Mission Definition Teams which will define Explorer-class, cosmic ray, gamma ray, and solar wind payloads. Throughout the Subcommittee sessions, the professional qualifications of the proposers and their potential scientific contributions to the Mission Definition Teams will be candidly discussed and appraised. Discussion of these matters in a public session would invade the privacy of the proposers and the other individuals involved. The meeting will be closed to members of the public. Since the Subcommittee session will be concerned throughout with matters listed in 5 USC 552(b)(6), it is hereby determined that the session will be closed to the public.

For further information please contact Dr. Albert G. Opp at 202-755-8493.

DUWARD L. CROW,
Assistant Administrator for DOD and Interagency Affairs.

APRIL 11, 1975.

[FR Doc.75-9888 Filed 4-14-75;8:45 am]

NATIONAL CAPITAL PLANNING COMMISSION

FREEDOM OF INFORMATION ACT

Availability of Information

The National Capital Planning Commission will consider the adoption, at its meeting on May 1, 1975, of the following Proposed Regulations[1] relating to the Freedom of Information Act, as amended. Interested organizations, agencies and citizens are requested to submit their views in writing to the Commission prior to April 25, 1975, addressed to:

Daniel H. Shear, Secretary
National Capital Planning Commission
Washington, D.C. 20576.

1. *Introduction.* The following regulations implement the Freedom of Information Act, as amended, 5 U.S.C. 552 (hereinafter the "Act"), and provide procedures by which information may be obtained from the National Capital Planning Commission (hereinafter the "Commission"). Official records made available pursuant to the Act shall be furnished to members of the public as prescribed herein.

II. *Organization.* The Commission is the central planning agency for the Federal Government in the National Capital. The Commission is composed of (1) ex-officio, the Secretary of the Interior, the Secretary of Defense, the Administrator of the General Services Administration, the Mayor of the District of Columbia, the Chairman of the Council of the District of Columbia, and the Chairmen of the Committees on the District of Columbia of the Senate and the House of Representatives, or their alternates, and (2) five citizens, three of whom are appointed by the President, and two of whom are appointed by the Mayor of the District of Columbia.

The Commission is assisted by a staff headed by an Executive Director. The staff is organized functionally as follows:

(1) Current Planning and Programming
(2) Long Range Planning and Regional Affairs
(3) Legal Services/Commission Secretariat
(4) Administrative Services
(5) Public Affairs

III. *Public Access to Information*—:

A. *General Policy.* It is the Commission's general policy to facilitate the broadest possible availability and dissemination of information to the public. The Commission's staff is available to assist the pubic in obtaining information formally by using the procedures herein or informally by discussions with the staff. The Commission's staff may, therefore, continue to furnish informally to the public information which, prior to the amendments to the Act contained in Pub. L. 93-502, enacted November 21, 1974, was customarily furnished in the regular performance of their duties, provided the staff do so in a manner not inconsistent with these regulations. In addition, to the extent permitted by other laws, the Commission will make available records which it is authorized to withhold under the Act when it determines that such disclosure is in the public interest.

B. *Established Place of Obtaining Information.* Information may be obtained only from the Commission's offices, which are located at 1325 G Street NW., Washington, D.C. 20576. Its official hours are 8:30 A.M. to 5 p.m., Monday through Friday, excluding legal holidays.

C. *Information Sources Within the Commission.* Requests for Commission publications offered for sale or informal requests for general information on the Commission should be directed to the Office of Public Affairs. All formal requests for agency records pursuant to the Act must be directed to the Commission Secretary. Any request directed initially to the wrong information source will be correctly routed by the Commission's staff and the requesting party will be so notified. The ten-day time period within which the Commission is required to determine whether to comply with a request shall not begin to run until the request reaches, or with the exercise of due diligence should have reached, the appropriate information source.

D. *Information Routinely Available.* The following types of information shall be routinely available (subject to the fee schedule, *infra*) for public dissemination without recourse to the Commission's formal information request procedures unless such information falls within one of the exemptions to agency disclosure listed in 5 U.S.C. 552(b):

1. Correspondence between the Commission and the public;
2. Executive Director's Recommendations;
3. Committee Reports;
4. Commission Memorandums of Actions; and
5. Maps.

Requests for information, other than maps, shall be directed to the Commission Secretary; map requests shall be directed to the Office of Public Affairs.

E. *Formal Requests for Information.* All formal requests for information pursuant to the Act shall be made in writing to the Commission Secretary. To expedite internal handling of such requests, the words "Freedom of Information Request" shall appear on the face of the envelope bearing such request. The request shall state that the request is made pursuant to the Freedom of Information Act; shall reasonably describe the information sought, including the date the Commission received or produced the requested information, if known; shall state, pursuant to the fee schedule set forth *infra*, the maximum fee the party making the request would be willing to pay for the duplication of the requested records without further approval; and shall, if possible, provide a telephone number at which the requesting party can be contacted to facilitate handling of the request.

F. *Commission Response to Formal Requests.* The Commission Secretary, upon request for information made in compliance with these regulations, shall determine within ten days (excepting Saturdays, Sundays, and legal holidays) after the receipt of any such request whether to comply with such request and shall immediately notify the person making such request of such determination and the reasons therefor and of the right of such person to appeal to the head of the agency any adverse determination. In unusual circumstances as specified *infra*, the ten-day time limit

[1] The schedule of fees, herein III.J., has already been published in the FEDERAL REGISTER (40 FR 6545, February 12, 1975) and adopted by the Commission.

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may be extended by written notice to the person making the request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten working days. As used in this paragraph, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request:

1. the need to search for and collect the requested records from establishments that are separate from the Commission's offices;

2. the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

3. the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

G. *Determination to Grant Request.* If the Commission Secretary makes a determination to grant a request in whole or in part, the person making such request will be so notified in writing. The notice shall also include a description of the information to be made available, a statement of the time when and the place where such information may be inspected or, alternatively, the procedure for duplication and delivery (by mail or other means) of the information to the requesting party and a statement of the total fees chargeable to the requesting person pursuant to the fee schedule *infra*.

H. *Determination to Deny Request-Appeal Procedure.* If the Commission Secretary makes a determination to deny, in whole or in part, a request for information, he shall so notify the party making the request in writing. Any appeal of such determination shall be made in writing to the Chairman of the Commission and shall include a brief statement of the legal, factual, or other basis for the party's objection to the initial decision. The Chairman shall, within twenty days (excepting Saturdays, Sundays, and legal holidays) of the receipt of any such appeal determine whether to grant or deny the appeal and shall, immediately upon making his decision, give written notice of the decision to the party, including a brief statement of the reasons therefor.

I. *Waiver.* Whenever a waiver of any of the procedures set forth herein would further the purpose of the Act by causing the public disclosure of nonconfidential information within the time period required by the Act, the Commission Secretary may, in the context of individual requests for information, waive any of the procedural requirements herein.

J. *Schedule of Fees.* The fees the Commission may charge for the production of information pursuant to the Act is as follows:

1. Publications offered for sale—as marked
2. Commission reports—$0.15/page
3. Committee reports—$0.15/page
4. Commission Memorandums of Actions—$0.15/page
5. Transcripts of Commission meetings and Committee meetings—$0.15/page
6. Other records—$0.15/page
7. Maps—microfilm printout—$0.50/each ozalid maps—$0.20/linear foot

The Commission keeps on file a limited quantity of back copies of Executive Director's Recommendations, Committee Reports, and Commission Memorandums of Actions. The Commission will first attempt to fill specific requests for these documents from its supply of back copies and until the supply is exhausted, the Commission will provide the documents at no charge. Once the supply is exhausted, the requested document will be provided in accord with the fee schedule.

Fees will be waived when less than $5.00 or when it is in the public interest to do so. Such a waiver will be in the public interest, for example, when in the determination of the Commission the request will not impose an undue burden or expense upon it and the request is (1) from another Government organization, Federal, State or local; (2) for the purpose of obtaining information primarily for the benefit of the general public rather than for the primary benefit of the requester, as will be the case with certain requests from news media and from organizations engaged in a nonprofit activity designed for public safety, health, welfare, or education; (3) from employees and former employees seeking information from their own personnel records; (4) from or on behalf of the defending party in connection with a proceeding against such party by the Federal Government; and (5) from a low-income person and the fee would impose a financial hardship.

K. *Prior Approval or Advanced Deposit of Fees.* 1. Where the fees anticipated to result from a request are substantially greater than the amount estimated in the written request, the persons requesting the information shall be immediately notified of the estimated fees and his approval of such fees requested. Such person shall also be afforded the opportunity to revise his or her request to reduce the fees but satisfy his or her needs for information.

2. The Commission Secretary may require that the person requesting information make an advance deposit of the estimated fees.

3. The dispatch of any such request for an estimated fee approval or advance deposit shall suspend, until a reply is received by the Commission Secretary, the period pursuant to 5 U.S.C. 552 and paragraph F *supra* within which the Commission Secretary must respond to a written request for information.

L. *Payment of Fees.* Fees charged a person for the production of information must be paid in full prior to release of the information. In the event that the person is in arrears for previous requests to the Commission for information, no information will be provided for any subsequent requests until the arrears have been paid in full. Payment of fees shall be made by a personal check, postal money order or bank draft on a bank in the United States, made payable to the order of the Treasurer of the United States.

DANIEL H. SHEAR,
Secretary.

APRIL 9, 1975.

[FR Doc.75-9735 Filed 4-14-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50-528, STN 50-529, STN 50-530]

ARIZONA PUBLIC SERVICE CO.

Notice of Availability of Draft Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement, prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed construction of Palo Verde Nuclear Generating Station, Units 1, 2 and 3 by the Arizona Public Service Company, on behalf of itself, and five joint applicants—the Salt River Project Agricultural Improvement and Power District, Tucson Gas & Electric Company, El Paso Electric Company, Public Service Company of New Mexico, and Arizona Electric Power Cooperative, Inc., in Maricopa County, Arizona, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and in the Phoenix Public Library, 12 East McDowell Road, Phoenix, Arizona 85004. The Draft Statement (NUREG-75/022) is also being made available at the Arizona State Clearinghouse, Office of Economic Planning & Development, 1645 W. Jefferson Street, Room 428, Phoenix, Arizona 85007 and Maricopa Association of Governments, 1820 W. Washington, Phoenix, Arizona 85007.

The Applicant's Environmental Report, as supplemented, submitted by Arizona Public Service Company is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on October 22, 1974 (39 FR 37527).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by June 3, 1975. Comments by Federal, State, and local officials, or other persons

received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Phoenix Public Library, 12 East McDowell Road, Phoenix, Arizona 85004. Upon consideration of comments submitted with respect to the draft environmental statement, the Commission's staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Rockville, Maryland this 10th day of April 1975.

For the Nuclear Regulatory Commission.

WM. H. REGAN, Jr.,
Chief, Environmental Projects Branch 4, Division of Reactor Licensing.

[FR Doc.75-9898 Filed 4-14-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 9, 1975 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the Reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Marketing Survey for Corn, Soybeans, and Wheat (Illinois), single-time, corn, soybean and wheat growers, Hulett, D. T., 395-4730.

Agricultural Stabilization and Conservation Service, Producer Itemization of Cotton, ASCS-504, annually, cotton producers, Hulett, D. T., 395-4730.

DEPARTMENT OF JUSTICE

Departmental and Other Youth Needs Survey, single-time, youth ages 12-18 years, Reese, B. F., 395-5630.

NATIONAL INSTITUTE OF EDUCATION

Environmental Education Questionnaire; Forms I and II, NIE 106, single-time, teachers and curriculum coordinators, Planchon, P., 395-3886.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of the Census, Survey of Scientific and Technical Personnel in Industry, single-time, establishments in selected economic areas, Dennis Johnston, 395-3840.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education, Community Opinion Survey, NIE 83, single-time, teachers in Alum Rock, School District, San Jose, Calif., Planchon, P., 395-3886.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service, Report of Production and Disposition (Rice and Wheat), MQ-98, on occasion, rice producers, Marsha Traynham, 395-4529.

Food and Nutrition Service, Regulation Determining Eligibility for Free and Reduced Price Meals, on occasion, State agencies, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-9840 Filed 4-14-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

AETNA VARIABLE ANNUITY LIFE INSURANCE CO.

Application

APRIL 8, 1975.

Notice of application pursuant to section 11 of the Act for approval of offers of exchange and pursuant to section 6 (c) of the Act for an order of exemption from sections 22(d), 26(a), 27(a)(3) and 27(c)(2) of the Act and Rules 27a-2 thereunder.

In the matter of AEtna Variable Annuity Life Insurance Company and Variable Annuity Account C of AEtna Variable Annuity Life Insurance Company; 151 Farmington Avenue, Hartford, Connecticut 06115; (812-3748).

Notice is hereby given that AEtna Variable Annuity Life Insurance Company ("AEtna Variable"), an Arkansas stock life insurance company registered under the Act as an open-end, diversified, management investment company, and Variable Annuity Account C of AEtna Variable ("Account C"), a new separate account recently registered under the Investment Company Act of 1940 (the "Act") as a unit investment trust hereinafter collectively referred to as "Applicants"), filed an application on January 10, 1975 and an amendment thereto on March 21, 1975, pursuant to section 11 of the Act, for an order approving certain offers of exchange and pursuant to section 6(c) of the Act for an order of exemption from sections 22 (d), 26(a), 27(a)(3), and 27(c)(2) of the Act and Rule 27a-2 thereunder to the extent noted below. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

AEtna Variable, a wholly-owned subsidiary of AEtna Life and Casualty Company ("AEtna") engaged in the business of offering and selling variable annuity contracts, is presently registered under the Act in order to conduct variable annuity operations and is also registered as a broker-dealer under the Securities Exchange Act of 1934. As of December 31, 1974, AEtna Variable had total assets in excess of $421 million and unappropriated surplus in excess of $128 million.

AEtna Variable has undertaken a realignment program which is designed to lead to its variable annuity and variable life insurance operations being subject to the same pattern of regulation under the Act that is applicable to other life insurance companies engaged in such operations. The realignment program will be implemented by transferring all assets funding variable annuity contracts currently offered by AEtna Variable to AEtna Variable Fund, Inc. (the "Fund") in exchange for Fund shares, and transferring such shares and the corresponding contract liabilities to Account C and Variable Annuity Account B of AEtna Variable ("Account B"), another separate account of AEtna Variable which also recently registered as a unit investment trust. AEtna Variable has applied for an order pursuant to section 8(f) of the Act declaring that, upon implementation of the realignment program, it will cease to be an investment company.

Account C is a separate account of AEtna Variable that was established for the purpose of holding reserves attributable to variable annuity contracts issued in connection with (i) pension and profit-sharing plans which meet the requirements of Section 401 of the Internal Revenue Code of 1954 ("Code") or the requirements for deduction of the employer's contributions under section 404 (a)(2) of the Code and (ii) annuity purchase plans adopted pursuant to sections 403(b) or 408 of the Code. As previously stated, all amounts allocated to Account C will initially be invested in shares of the Fund, a diversified, open-end investment company registered under the Act. It is contemplated, however, that, subject to necessary regulatory approvals, shares of AEtna Variable Encord Fund, Inc. ("Encore Fund"), a registered, open-end, diversified, management investment company, will also be made available as an investment medium for contracts participating in Account C if so elected by owners of or participants under such contracts.

AEtna Variable will act as investment adviser to both the Fund and Encore Fund for a fee equivalent to approximately 0.25% on an annual basis. AEtna Variable will also act as principal underwriter for Account B and Account C.

After implementation of the proposed realignment program, Applicants will issue two individual type variable annuity contracts-designated "Individual Retirement Account" and "Retirement

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Planning" contracts and one group type variable annuity contract-designated "Group Variable Retirement" contract-that will participate in Account C. All such contracts will provide that either all or specified portions of purchase payments may be applied to AEtna's Variable's general account for accumulation on a fixed basis.

Certain other contracts issued by AEtna Variable prior to the implementation of its realignment program will also participate in Account C. In general, after implementation of the realignment program, such contracts will no longer be issued, but purchase payments under outstanding contracts may continue to be made and, if made, will be allocated to Account C. One of these contracts, an individual type contract designated the "Pension Trust" contract, may continue to be issued after implementation of the realignment program in any jurisdiction which has not approved the Individual Retirement Account and Retirement Planning contracts for sale.

Section 11. Applicants propose to permit owners of those Pension Trust contracts which participate in Account C and qualify for tax sheltered treatment under Sections 403(b) or 408 of the Code to exchange their contracts for the new Individual Retirement Account or Retirement Planning contracts (the "new individual type contracts"), and to have the values accumulated under such Pension Trust contracts, as of August 1, 1975, transferred to the new individual type contracts without deduction. Any person who purchases such a Pension Trust contract on or after December 3, 1974, the date Account C's registration statement under the Securities Act of 1933 was filed, and who elects to exchange such a contract for a new individual type contract, will also receive from AEtna Variable additional accumulation units equal to the sum of the differences between deductions made from purchase payments under the Pension Trust contract and deductions which would have been made from purchase payments under the Individual Retirement Account or Retirement Planning contract, together with simple interest at the rate of 6 percent per annum. The exchange of contracts will be effected at the end of business on August 1, 1975 and will be permitted only with respect to those Pension Trust contracts which at the time of the exchange are still in the accumulation stage, i.e., with respect to which annuity payments are not being made.

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) of the Act provides that, irrespective of the basis of exchange, the provisions of section 11(a) of the Act shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants request an order pursuant to section 11(a) of the Act, to permit an offer to be made to certain owners of Pension Trust contracts to exchange such contracts for Individual Retirement Account and Retirement Planning contracts.

Applicants state that the requested order permitting an offer of exchange to be made will make available to owners of Pension Trust contracts any advantages which may result from owning the new individual type contracts. Applicants state that the additional credit to persons who purchase Pension Trust contracts, on or after December 3, 1974, is designed to prevent any disruption in the sale of Pension Trust contracts which might otherwise result when prospective purchasers are notified of the forthcoming issuance of the new individual type contracts which will have a percentage deduction from purchase payments (9 percent) significantly lower than the initial percentage deduction under Pension Trust contracts (17 percent).

Applicants state that since no charges will be assessed in connection with the exchange, the principal abuse at which section 11(a) is directed (the imposition of additional sales charges) will not be present. Applicants represent that no attempt will be made by them to induce an exchange, and that no compensation will be paid to any agents in connection with an exchange. Applicants further assert that an exchange made by persons who purchase Pension Trust contracts on or after December 3, 1974, will be on a basis other than net asset value only by reason of the additional credits the exchanging contract owners will receive, and that such credits will be a benefit to them. As the credit will be paid by AEtna Variable from AEtna Variable's general account, no owners of contracts participating in any of its separate accounts will be prejudiced.

Applicants state that the terms of the new individual type contracts differ significantly from those of the Pension Trust contract and that an exchange would not necessarily be in the best interest of all Pension Trust contract owners. The determination whether to accept the exchange will be made by each contract owner. Whether an exchange will be advantageous will depend on a number of factors, including the level of any premium tax to be paid under the new contract, the number of years before the contract owner's retirement, the number of years before the percentage deduction under the Pension Trust contract would decrease to 6%, whether the contract owner would elect a minimum death benefit guarantee under the new contract, the amount and frequency of payments to be made under the old and new contracts, the significance to be assigned to the absence of an income tax guarantee under the new contract and the absence also of a corresponding charge for such a guarantee, the amount accumulated under the present contract and expected to be accumulated in the future, the prospect for a surrender of the contract in whole or in part, and anticipated changes in the amount or frequency of payments or in other circumstances affecting the foregoing.

AEtna Variable will seek to assist Pension Trust contract owners in determining whether to make an exchange by pointing out the applicable factors. Persons to whom the exchange offer is made will receive a prospectus describing the new individual type contracts, a prospectus describing the Pension Trust contracts, plus such additional information as may be necessary to assist contract owners in determining whether to make an exchange.

Applicants submit that in view of the protections afforded by the proposed disclosure to contract owners to whom the exchange offer will be made, the absence of any effort to induce an exchange, and the absence of charges in connection with such an exchange, the proposed offer of exchange is fair and should be approved by the Commission.

Applicants request a further order, pursuant to section 11(a) of the Act, to permit transfers of participant accounts under group contracts to individual contracts. The Group Variable Retirement contracts to be issued by Applicants provide that if an employer's plan permits, or the contract owner so requests, a participant may have amounts accumulated on his behalf under a group contract transferred to an individual contract without charge. The individual contract will be the contract for which the participant qualifies at the time of the transfer and such contract (usually, the Retirement Planning contract), will be deemed to have been outstanding for the lesser of the number of years the participant has been in the plan or the group contract has been in force. In addition, if a participant becomes an employee of another employer which has a Group Variable Retirement contract or similar group contract in force, AEtna Variable will permit such a participant to transfer amounts accumulated on his behalf to an individual account under the new employer's contract without charge. Other group contracts, including those no longer offered and those which may be offered in the future, may contain similar transfer provisions. Applicants state that the transfer privilege is designed to permit an employee to have payments accumulated for his retirement under a single contract despite a change in employment and submit that such a transfer privilege is fair and should be approved by the Commission.

Section 22(d). Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security to the public except

at a current public offering price described in the prospectus.

Applicants request an exemption from section 22(d) to permit those owners of Pension Trust contracts which participate in Account C and qualify for tax sheltered treatment under sections 403(b) or 408 of the Code to exchange their contracts for Individual Retirement Account or Retirement Planning contracts, and to permit participants under group contracts to transfer amounts accumulated on their behalf to individual contracts, without any deduction for sales and administrative expenses.

A further exemption from section 22(d) is requested by Applicants to permit deductions from purchase payments for sales and administrative expenses to be based upon the aggregate amount of payments made under the contracts regardless of whether such payments, or a part thereof, are credited to Account C or to the general account of AEtna Variable. Applicants assert that, where a contract provides for a reduction, based upon the aggregate purchase payments made, in the deductions from purchase payments for sales and administrative expenses, the inclusion, in determining the aggregate purchase payments made, of amounts credited to AEtna Variable's general account is necessary to avoid discriminating against those persons who allocate a portion of their purchase payments to AEtna Variable's general account.

Applicants also request an exemption from section 22(d) to permit the transfers, without additional deductions, of amounts accumulated in AEtna Variable's general account on a fixed basis to Account C at the annuity commencement date or an earlier date. Applicants represent that since the same deductions for sales and administrative expenses are made from each purchase payment without regard to whether the net proceeds are applied to the separate account, the general account, or a combination thereof, imposition of an additional deduction when amounts accumulated on a fixed basis are transferred to Account C would be inequitable and discriminatory.

Applicants request a further exemption from section 22(d) to permit the experience rating of sales and administrative expense deductions, including the crediting of additional units, without further deductions for sales charges. AEtna Variable's outstanding group contracts provide, and group contracts issued in the future may provide, that if the deductions for sales and administrative expense exceed actual sales and administrative costs, AEtna Variable in its discretion may allocate all, a portion, or none of such excess as an experience rating credit. Applicants represent that such credit will be made on a nondiscriminatory basis in the form of additional accumulation or annuity units and that such credit will not result in any dilution of the interests of other owners of or participants under variable annuity contracts as payment of the credit will be made from AEtna Variable's general account.

An exemption from section 22(d) is also requested by Applicants to permit a person entitled to any proceeds payable upon the death of another, under a variable annuity contract participating in Account C, to elect, if such an option is provided by the contract or the group contract plan, to purchase a variable annuity contract with such death proceeds, including proceeds attributable to any fixed accumulation, without any deduction for sales and administrative expenses. Applicants anticipate no significant selling expenses that would justify a deduction when a beneficiary elects a variable annuity payment option.

AEtna Variable intends to issue Individual Retirement Account and Retirement Planning contracts in place of Pension Trust contracts in all jurisdictions subsequent to implementation of the program. However, delays in obtaining approval of the new individual type contracts in some jurisdictions may make it necessary to continue to offer Pension Trust contracts in those jurisdictions until such approval is obtained. Consequently, Pension Trust contracts may continue to be sold in certain jurisdictions subsequent to implementation of the Realignment Program. Purchase payments under such contracts, and under other contracts outstanding as of implementation, would continue to be received. Where the contracts are entitled to special tax treatment under the Code, such payments will be allocated to Account C. Sales charges under such contracts differ from the sales charges under the contracts which will be offered subsequent to implementation. Applicants therefore, request a further exemption from section 22(d) to permit Pension Trust contracts to continue to be sold in jurisdictions that have not approved the new individual type contracts until such approval is obtained, and to permit the continued receipt of purchase payments on contracts that were outstanding upon implementation of the Realignment Program.

Section 27(a)(3) and rule 27a-2. Section 27(a)(3) of the Act provides that no registered investment company issuing periodic payment plan certificates and no depositor of or underwriter for such company, may sell any such certificate if the amount of sales load deducted from any one of the first twelve monthly payments exceeds proportionately the amount deducted from any other such payment, or if the amount deducted from any subsequent payment exceeds proportionately the amount deducted from any other subsequent payment. Rule 27a-2 provides an exemption from the prohibitions of section 27(a)(3) for registered separate accounts and depositors of and underwriters for such accounts, provided that the proportionate amount of sales load deducted from any payment under a variable annuity contract participating therein does not exceed the proportionate amount deducted from any prior payment thereunder.

The Individual Retirement Account and Retirement Planning contracts to be issued by Applicants will provide for percentage deductions from purchase payments for sales and administrative expenses to be assessed on the balance of the payment remaining after a flat dollar deduction and any deduction for applicable premium taxes. In addition, an optional minimum death benefit guarantee may be elected for a charge of 1 percent of the total purchase payment, and other optional insurance benefits may be made available at some future time under such contracts or other contracts for charges deducted from purchase payments. Where additional deductions are made for optional insurance benefits, the percentage deduction from purchase payments for sales and administrative expenses is assessed against the net payment remaining after all other deductions. Accordingly, the total deductions from purchase payments for sales and administrative expenses (including any flat dollar deduction and the specified percentage deduction) under each of the above contracts may vary as a percent of the total purchase payment. Depending on the contract involved, such factors may cause the total deductions from any purchase payment for sales and administrative expenses to exceed proportionately such deductions made from a prior payment.

Applicants state that the variation in the deductions for sales and administrative expenses as a percent of total purchase payments results from assessing the percentage deduction for sales and administrative expenses against the payment net of certain other deductions. The flat dollar deduction for sales and administrative expenses reflects more accurately the incidence of certain sales and administrative expenses which are incurred regardless of the size of the purchase payment. Applicants state that the purpose of assessing the percentage deduction for sales and administrative expenses against the net payment remaining after certain other deductions is to avoid assessing a charge against the flat dollar charge and amounts deducted for other purposes, and that assessing such percentage deduction against the net payment provides for lower total deductions than would otherwise result. Accordingly, Applicants request an exemption from the provisions of section 27(a)(3) and Rule 27a-2 to permit, under the circumstances described above, the proportionate amount of deductions for sales and administrative expenses from any purchase payment to exceed proportionately such deductions made from prior payments.

Sections 26(a) and 27(c)(2). Sections 26(a) and 27(c)(2), as here pertinent, provide in substance that a registered unit investment trust and any depositor of and underwriter for such trust are prohibited from selling periodic payment plan certificates unless the proceeds of all payments, other than amounts deducted for sales loads, are deposited with a qualified bank as trustee or custodian and held under an indenture or agreement containing specified provisions. Applicants state that AEtna Variable and

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Account C are subject to extensive supervision and control by the Arkansas insurance regulatory authorities and that such control and supervision protect variable annuity contract owners and provide the assurance of performance by AEtna Variable of its obligations to such owners. Applicants further state that under Arkansas insurance law, the assets of Account C attributable to variable annuity contracts shall not be chargeable with liabilities arising out of any other business AEtna Variable may conduct, and that all obligations under the variable annuity contracts participating in Account C are general obligations of AEtna Variable, which AEtna Variable may not abrogate.

It is further contemplated that the Fund shares and Encore Fund shares issued to Account C will be held pursuant to an open account system, will not be represented by any transferable stock certificates which might require a trusteeship or custodianship for safekeeping purposes, and that the underlying securities and similar investments of the Funds will be deposited in the safekeeping of a qualified bank. Applicants represent that, under the foregoing circumstances, the dangers of abandonment of Account C's assets or default with respect to the obligations to security holders appear remote, and accordingly request an exemption from sections 26 (a) and 27(c) (2) to permit Applicants to sell variable annuity contracts without depositing with a qualified bank the net proceeds of payments thereunder.

Applicants consent to the exemptions requested herein from sections 26(a) and 27(c) (2) being made subject to the following conditions: (1) that the charges to variable annuity contract owners for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose; and (2) that the payments of sums and charges out of the assets of Account C shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payments of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payments of such other sums or charges.

Section 6(c) of the Act provides, in part, that the Commission may, by order upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 24, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–9753 Filed 4–14–75;8:45 am]

COLUMBIA GAS SYSTEM, INC. AND COLUMBIA GAS TRANSMISSION CORP.

Sale of Notes to Banks

In the matter of the Columbia Gas System, Inc., Columbia Gas Transmission Corporation, 20 Montchanin Road, Wilmington, Delaware, 19807, (70–5039).

Notice of Post-effective Amendment regarding issue and sale of notes to banks by holding company, issue and sale of notes by subsidiary company to holding company, and acquisition by subsidiary company of notes of non-associate company. Notice is hereby given that Columbia Gas System, Inc. ("Columbia"), a registered holding company, and one of its nonutility subsidiary companies, Columbia Gas Transmission Company ("Transmission"), have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, and 10 of the Act and Rule 43 thereunder as applicable to the proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By order in this proceeding dated August 2, 1971 (HCAR No. 17213), the Commission authorized certain transactions which related to Columbia's program to supplement its sources of natural gas supply through the importation of gas from Prudhoe Bay, Alaska. They essentially involved Columbia's obtaining bank

loans of up to $200,000,000 and lending equal amounts to Transmission. In turn, Transmission was to make an advance payment of such amounts to BP Oil Corporation ("BP Oil") to assist in the financing and development of BP Oil's oil and gas reserves in Prudhoe Bay. The advance payment was the consideration for Transmission's acquisition of a call on such gas reserves.

BP Oil, as of the close of business on December 31, 1973, was merged into Sohio Petroleum Company ("SPC") and a wholly-owned subsidiary, as was BP Oil, of The Standard Oil Company ("Sohio"). SPC has succeeded to all of the properties and assets of BP Oil and has assumed all of its debts, liabilities, undertakings, agreements, and obligations.

To date, Transmission has advanced $175,000,000 to SPC, $60,000,000 on August 3, 1971, when the Crude Oil Sales Agreement was executed, $60,000,000 on October 31, 1974, and $55,000,000 on February 28, 1975.

The agreement between Transmission and SPC has been amended to reduce the amount of Transmission's obligation to make advances to SPC from $200,000,000 to $175,000,000.. The amendment was necessitated principally because of the long delay in the issuance of a Federal permit for the construction of a crude oil pipeline for the transportation of crude oil from the Prudhoe Bay Area of Alaska to Valdez, Alaska.

Columbia, Transmission, and the banks involved propose to amend the Credit Agreement effective as of August 15, 1974, so as to, among other things, (i) reduce the aggregate commitment of the banks thereunder from $200,000,000 to $175,000,000, (ii) change the Determination Date (the date which determines the principal repayment commencement date) from July 1, 1975, to July 1, 1977, (iii) reduce the effective rate of interest, and (iv) reduce the commitment fee from 1 percent to ½ percent per annum for the period from August 15, 1974, to February 28, 1975, on the last $55,000,000 portion of the total $175,000,000 commitment. By agreement with the banks, no commitment fee was paid from August 15, 1974, to October 31, 1974, on the second $60,000,000 advance, paid over by the banks to Columbia on the latter date. Simultaneously, Columbia and Transmission propose to amend the Intercompany Credit Agreement to reflect the above changes. As compared to Columbia's costs under the original agreements, the effect of the changes made by the amendment agreements will be to reduce Columbia's aggregate costs for the bank loans by approximately $18,512,000 and reduce the recovery of costs from SFC by about $13,298,000, leaving a net costs savings to Columbia of $5,214,000.

The fees and expenses to be incurred in connection with the proposed transactions are to be filed by amendment. It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 7, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–9754 Filed 4–14–75;8:45 am]

SMALL BUSINESS ADMINISTRATION

CASPER DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Casper District Advisory Council will meet at 10 a.m. (m.d.t.), Saturday, May 24, 1975, in the Carriage Room of the Hitching Post Inn, Cheyenne, Wyoming, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write Jerry S. King, Small Business Administration, 100 East B Street, Casper, Wyoming 82601 (307) 265–3269.

Dated: April 7, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy,
Small Business Administration.

[FR Doc. 75–9786 Filed 4–14–75;8:45 am]

DES MOINES DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Des Moines District Advisory Council will meet at 10 a.m., (c.d.t.), Friday, May 9, 1975, at the Des Moines Golf and Country Club, Des Moines, Iowa, to discuss such business as may be presented by members, the staff of the Small Busi-

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ness Administration, and others attending. For further information, call or write J. Harold Sears, 210 Walnut Street, Des Moines, Iowa 50309, (515) 284-4567.

Dated: April 8, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy,
Small Business Administration.

[FR Doc.75-9787 Filed 4-14-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 742]

ASSIGNMENT OF HEARINGS

APRIL 10, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 139193, Sub 19, Roberts & Oake, Inc., now assigned June 19, 1975, at St. Louis, Missouri, is postponed indefinitely.

MC 130247, Colpitts Travel Agency of Rhode Island, Inc., now assigned April 15, 1975, at Providence, Rhode Island, is postponed indefinitely.

MC 121540, Sub 3, East Nebraska Motor Freight, Inc., now assigned May 1, 1975, at Omaha, Nebraska, will be held in Room 616, Union Pacific Plaza, 110 N. 14th St.

MC-F-12319, Warner Enterprises—Purchase—Kinnison Truck Lines, Inc., now assigned May 5, 1975, at Omaha, Nebraska, will be held in Room 616, Union Pacific Plaza, 110 N. 14th St.

AB-6 Sub 19, Burlington Northern, Inc., Abandonment Between Maryville and Bernard, in Nodaway County, Missouri, now assigned May 8, 1975, at Corydon, Iowa, will be held in the Public Meeting Room, Wayne County Courthouse.

MC 139721, All World Travel, Inc., now assigned May 6, 1975, at Newark, New Jersey, will be held in Room 730, Tax Court, Federal Office Bldg., 970 Broad St.

MC 103993, Sub 884, Morgan Drive-Away, Inc., application dismissed.

MC-F-12331, Aero Trucking, Inc.—Purchase (Portion)—Miller's Motor Freight, Inc., and MC 60014, Aero Trucking, Inc., now assigned April 28, 1975, at Washington, D.C., is postponed to July 28, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 74321, Sub 102, B. F. Walker, Inc., now assigned June 9, 1975, at Atlanta, Georgia, is cancelled and the application is dismissed.

MC 113843, Sub 216, Refrigerated Food Express, Inc., now being assigned June 9, 1975, at St. Louis, Mo.; in a hearing room to be designated later.

MC 134501, Sub 9 and 10, Utt Transport Company, now assigned May 7, 1975, at Washington, D.C., is cancelled and transferred to Modified Procedure.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-9816 Filed 4-14-75;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 10, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before April 30, 1975.

FSA No. 42972—*Class and Commodity Rates Between Points in Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-521), for interested rail carriers. Rates on sulphur, in carloads and tank-car loads, as described in the application, from, to and between points in Texas, over interstate routes through adjoining states. Grounds for relief—Intrastate rates and maintenance of rates from and to points in other states not subject to the same competition. Tariff—Supplement 66 to Southwestern Freight Bureau, Agent, tariff 87-J (TLFB Series), I.C.C. No. 1159. Rates are published to become effective on May 13, 1975.

AGGREGATE-OF-INTERMEDIATES

FSA No. 42973—*Class and Commodity Rates Between Points in Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-520), for interested rail carriers. Rates on sulphur and gypsum rock and/or anhydride rock, in carloads and tank-car loads, as described in the application, from, to and between points in Texas, over interstate routes through adjoining states. Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates. Tariff—Supplement 66 to Southwestern Freight Bureau, Agent, tariff 87-J (TLFB Series), I.C.C. No. 1159. Rates are published to become effective on May 13, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-9810 Filed 4-14-75;8:45 am]

[Notice No. 265]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

APRIL 15, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before May 5, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74405. By order of April 3, 1975, the Motor Carrier Board, on reconsideration, approved the transfer to Ellerd Truck Line, Inc., Kilgore, Tex., of Certificate of Registration No. MC 97205 (Sub-No. 1), issued June 1, 1964, to Roy G. Ellerd, Charles Frazier and J. W. Ellerd, a partnership, doing business as Ellerd Truck Lines, Kilgore, Tex., evidencing the authority to perform a transportation service in interstate or foreign commerce corresponding in scope to the intrastate authority in Certificate No. 7766 issued by the Railroad Commission of Texas. Mike Cotten, Esq., Clark, Thomas, Harris, Denius and Winters, P.O. Box 1148, Austin, Tex. 78767.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-9809 Filed 4-14-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

APRIL 9, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before April 25, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 51146 (Sub-No. E5), filed May 2, 1974. Applicant: SCHNEIDER TRANSPORT, P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass jars, glass bottles, caps and covers* for glass jars and bottles, and *tin cans* utilized by food business houses (except commodities in bulk), from points in Illinois, to points in the Upper Peninsula of Michigan (except

points east of a line beginning at Lake Superior at Grand Marais, Mich., and extending along Michigan Highway 77 to junction U.S. Highway 2, thence along U.S. Highway 2 to Gulliver, Mich., thence south from Gulliver, Mich., over unnumbered highway to Lake Michigan) (Green Bay, Wis.) *; (2) *Glass jars, glass bottles, caps and covers* for glass jars and bottles, and *tin cans* utilized by food business houses (except commodities in bulk), from points in Illinois (except points south and west of a line beginning at the Wisconsin-Illinois State line and extending along U.S. Highway 51 to junction Illinois Highway 17, thence along Illinois Highway 17 to the Illinois-Indiana State line), to points in Washington, Oregon, Montana, Minnesota (except points south of a line beginning at the United States-Canada International Boundary line and extending along U.S. Highway 71 to junction Minnesota Highway 34, thence along Minnesota Highway 34 to junction U.S. Highway 10, thence along U.S. Highway 10 to the Minnesota-North Dakota State line), North Dakota (except points on, south, and east of a line beginning at the Minnesota-North Dakota State line and extending along U.S. Highway 10 to junction U.S. Highway 281).

(Thence along U.S. Highway 281 to the North Dakota-South Dakota State line), South Dakota (except points on, south, and east of a line beginning at the North Dakota-South Dakota State line and extending along U.S. Highway 281 to junction U.S. Highway 212, thence along U.S. Highway 212 to the North Dakota-Wyoming State line), Wyoming (except points south of a line beginning at the South Dakota-Wyoming State line and extending along U.S. Highway 14 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Wyoming-Idaho State line), Idaho (except points on, south, and east of a line beginning at the Montana-Idaho State line and extending along U.S. Highway 191 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Idaho-Nevada State line), Nevada (except points south of Interstate Highway 15), and California (except points east of a line beginning at the Nevada-California State line and extending along Interstate Highway 15 to junction Interstate Highway 5, thence along Interstate Highway 5 to the United States-Mexico International Boundary line) (Green Bay, Wis.) *; (3) *Glass jars, glass bottles, caps and covers* for glass jars and bottles, and *tin cans* utilized by food business houses (except commodities in bulk), from Chicago, Ill., to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, North Dakota, Montana, Minnesota (except points on and south of a line beginning at the Wisconsin-Minnesota State line and extending along U.S. Highway 12 to junction U.S. Highway 212, thence along U.S. Highway 212 to the North Dakota-Wyoming State line), Wyoming (except points on, south, and east of a line beginning at the Nebraska-Wyoming State line and extending along U.S. Highway 20 to junction Wyoming Highway 220, thence along Wyoming Highway 220 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to the Wyoming-Colorado State line), Colorado (except points east of Colorado Highway 789), and New Mexico (except points east of U.S. Highway 285) (Green Bay, Wis.) *.

(4) *Glass jars, glass bottles, caps and covers* for glass jars and bottles and *tin cans* utilized by food business houses (except commodities in bulk), from Chicago, Ill., to points in the Upper Peninsula of Michigan and Wisconsin (except points south of a line beginning at Lake Michigan at Algoma, Wis., and extending along Wisconsin Highway 54 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction U.S. Highway 8, thence along U.S. Highway 8 to the Wisconsin-Minnesota State line) (Green Bay, Wis.) *; (5) *Glass jars, glass bottles, caps and covers* for glass jars and bottles, and *tin cans* utilized by food business houses (except commodities in bulk), from points in Indiana (except points south of U.S. Highway 24), to points in Washington, Oregon, California, Nevada, Idaho, Montana, North Dakota, Wisconsin (except points on and south of a line beginning at Lake Michigan and extending along U.S. Highway 41 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Interstate Highway 94, thence along Interstate Highway 94 to the Wisconsin-Minnesota State line), Minnesota (except points on and south of a line beginning at junction U.S. Highway 212, thence along U.S. Highway 212 to the Minnesota-South Dakota State line), South Dakota (except points south of U.S. Highway 16), Wyoming (except points on, south, and east of a line beginning at the South Dakota-Wyoming State line and extending along U.S. Highway 16 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction Wyoming Highway 28, thence along Wyoming Highway 28 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Wyoming-Utah State line), Utah (except points on and east of a line beginning at the Wyoming-Utah State line and extending along U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 91, thence along U.S. Highway 91 to the Utah-Arizona State line) (Green Bay, Wis.) *.

(6) *Glass jars, glass bottles, caps and covers* for glass jars and bottles, and *tin cans* utilized by food business houses (except commodities in bulk), from points in Indiana, to points in Washington, Oregon, Montana, North Dakota, Upper Peninsula of Michigan (except points east of U.S. Highway 41 beginning at Lake Superior at Marquette, Mich., and extending to the Michigan-Wisconsin State line), Wisconsin (except points on and south of a line beginning at Lake Michigan and extending along U.S. Highway 41 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Interstate Highway 94, thence along Interstate Highway 94 to the Wisconsin-Minnesota State line), Minnesota (except points on and south of a line beginning at the Wisconsin-Minnesota State line and extending along U.S. Highway 12 to junction U.S. Highway 212, thence along U.S. Highway 212 to the Minnesota-South Dakota State line), South Dakota (except points south of U.S. Highway 14), Wyoming (except points on and south of a line beginning at the South Dakota-Wyoming State line and extending along U.S. Highway 14 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Wyoming-Idaho State line), Idaho (except points on, south, and east of a line beginning at the Montana-Idaho State line and extending along U.S. Highway 191 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Idaho-Nevada State line), Nevada (except points on, south, and east of a line beginning at the Idaho-Nevada State line and extending along U.S. Highway 93 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Nevada-California State line), and California (except points south of Interstate Highway 80) (Green Bay, Wis.) *.

(7) *Metal containers* (except containers which because of size or weight require the use of special equipment), and *container ends*, from Kankakee, Ill., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas (Madisonville, Ky.) *; (8) *Canned vegetables*, from points in Iowa, to points in Indiana (except points on and north of a line beginning at the Illinois-Indiana State line and extending along Indiana Highway 18 to the junction of Indiana Highway 67, thence along Indiana Highway 67 to the Indiana-Ohio State line), Kentucky (except points on and west of a line beginning at the Illinois-Kentucky State line and extending along U.S. Highway 45 to junction Kentucky Highway 97, thence along Kentucky Highway 97 to the Kentucky-Tennessee State line), and Ohio (except points on and north of a line beginning at the Indiana-Ohio State line and extending along Ohio Highway 81 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction U.S. Highway 6, thence along U.S. Highway 6 to Lake Erie at Sandusky, Ohio) (Hoopeston, Ill.) *; (9) *Canned vegetables*, from points in Iowa, to points in Mercer, Lawrence, Beaver, Washington, Greene, Venango, Butler, Allegheny, Clarion, Armstrong, Jefferson, Indiana, Westmoreland, Fayette, Cambria, Somerset, and Bedford Counties, Pa., and York, Pa. (Hoopeston, Ill.) *.

(10) *New upholstered furniture*, in containers, as is manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper and paper products, from Orange County and Los Angeles, Calif. (except

V 40 73 APR 15 75 XUM

points on and north of a line beginning at the Ventura-Los Angeles County line and extending along California Highway 118 to junction U.S. Highway 66, thence along U.S. Highway 66 to the Los Angeles-San Bernardino County line), to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, New York, Delaware, Michigan (except points on and south of a line beginning at Lake Michigan at South Haven, Mich., and extending along Michigan Highway 43 to junction Interstate Highway 94, thence along Interstate Highway 94 to Lake Huron at Port Huron, Mich.), Pennsylvania (except points on, south, and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 322 to junction Interstate Highway 83, thence along Interstate Highway 83 to the Pennsylvania-Maryland State line), Maryland (except points on, south, and west of a line beginning at the Pennsylvania-Maryland State line and extending along Interstate Highway 83 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Atlantic Ocean), and the District of Columbia (Redlands, Calif., St. Charles, Ill., and Menominee, Mich.)*; (12) *Paper* and *paper products* (except commodities in bulk), from the plant and warehouse sites of Personal Products Company and Cel Fibre, Inc., at or near Wilmington, Ill., to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, and the District of Columbia (Muncie, Ind.)*.

(13) *Cellulose materials and products*, and *paper* and *paper products* (except in each instance commodities in bulk), from the plant and warehouse sites of Personal Products Company and Cel Fibre, Inc., at or near Wilmington, Ill., to points Arkansas (except points in Benton County, Ark., and points in the Blytheville Commercial Zone as defined by the Commission) Louisiana, Mississippi, and Alabama (except points south of U.S. Highway 78, and those points on, north, and east of a line beginning at the Tennessee-Alabama State line and extending along U.S. Highway 231 to junction U.S. Highway 278, thence along U.S. Highway 278 to the Alabama-Georgia State line) (plant site of Charmin Paper Products Co., near Neely's Landing, Mo.)*; (14) (A) *Cellulose materials and products*, and *cellulose materials and products* joined to or combined with paper, plastics, synthetics, and cloth (except commodities in bulk), and (B) *Paper* and *paper products*, and *paper* and *paper products* joined to or combined with plastics, synthetics, and cloth (except commodities in bulk), as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from the plant and warehouse sites of Personal Products Co., and Cel-Fibre, Inc., at or near Wilmington, Ill., to points in Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming (except points on, south, and east of a line beginning at the South Dakota-Wyoming State line and extending along U.S. Highway 16 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction U.S. Highway 189, thence along U.S. Highway 189 to the Wyoming-Utah State line), Utah (except points on and east of a line beginning at the Wyoming-Utah State line and extending along U.S. Highway 189 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Utah-Arizona State line), and Arizona (except points north and east of a line beginning at the Nevada-Arizona State line and extending along U.S. Highway 93 to junction Arizona Highway 93, thence along Arizona Highway 93 to the United States-Mexico International Boundary line) (Green Bay, Wis.)*.

(15) *Fibreboard* and *pulpboard products* (except commodities in bulk), from Elk Grove Village, Ill., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, and the District of Columbia, restricted to shipments originating at the plant and warehouse sites of Georgia-Pacific Corporation (Muncie, Ind.)*; (16) *Fibreboard and pulpboard products* (except commodities in bulk), from Aurora and Chicago Heights, Ill., to points in Maine, Vermont, Rhode Island, Pennsylvania, and West Virgina, restricted to shipments originating at the plant and warehouse sites of Georgia-Pacific Corporation (Muncie, Ind.)**; (17) *Fibreboard and pulpboard products* (except commodities in bulk), from Chicago Heights, Ill., to points in Washington, Oregon, California, Nevada, Arizona, New Mexico, Texas, Louisiana, Colorado (except points north of U.S. Highway 50), Utah (except points on, north, and east of a line beginning at the Wyoming-Utah State line and extending along Interstate Highway 80 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Utah-Colorado State line), Idaho (except points on, north, and east of a line beginning at the Wyoming-Idaho State line and extending along U.S. Highway 26 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Idaho-Montana State line), and Montana (except points on and east of a line beginning at the Idaho-Montana State line and extending along U.S. Highway 91 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 93, thence along U.S. Highway 93 to United States-Canada International Boundary line), restricted to shipments originating at the plant and warehouse sites of Georgia-Pacific Corporation (Muncie, Ind.)*;

(18) *Fibreboard and pulpboard products* (except commodities in bulk), from Aurora, Ill., to points in Arizona, California, Washington (except points west of U.S. Highway 97), Oregon (except points on, east, and south of a line beginning at the Washington-Oregon State line and extending along U.S. Highway 395 to junction Interstate Highway 80N, thence along Interstate Highway 80N to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 395, thence along U.S. Highway 395 to the Oregon-California State line), Nevada (except points on, north, and east of a line beginning at the Oregon-Nevada State line and extending along U.S. Highway 95 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Nevada Highway 25, thence along Nevada Highway 25 to the Nevada-Utah State line), New Mexico (except points on and north of a line beginning at the Arizona-New Mexico State line, (and extending along U.S. Highway 66 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction U.S. Highway 60, thence along U.S. Highway 60 to the New Mexico-Texas State line), Texas (except points on and north of a line beginning at the New Mexico-Texas State line, and extending along U.S. Highway 84 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Texas-Louisiana State line), and Louisiana (except points on and north of a line beginning at the Texas-Louisiana State line and extending along Louisiana Highway 8 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Louisiana-Mississippi State line), restricted to shipments originating at the plant and warehouse sites of Georgia-Pacific Corporation (Muncie, Ind.)*.

(19) *Fibreboard and pulpboard products* (except commodities in bulk), from Elk Grove Village, Ill., to points in Washington, Oregon, California, Nevada, Arizona, Louisiana, Arkansas (except points on and north of a line beginning at the Louisiana-Arkansas State line and extending along U.S. Highway 65 to junction Arkansas Highway 4, thence along Arkansas Highway 4 to junction Arkansas Highway 24, thence along Arkansas Highway 24 to the Arkansas-Oklahoma State line), Oklahoma (except points on and north of a line beginning at the Arkansas-Oklahoma State line and extending along Oklahoma Highway 3 to the junction of Oklahoma Highway 19, thence along Oklahoma Highway 19 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Oklahoma Highway 9, thence along Oklahoma Highway 9 to the Oklahoma-Texas State line), Texas (except points north of U.S. Highway 66), New Mexico (except points east of U.S. Highway 87), Colorado (except points on, north, and east of a line beginning at the New Mexico-Colorado State line and extending along Interstate Highway 25 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Utah State line), Utah (except points on and east of a line beginning at the Idaho-Utah State line and extending along Interstate Highway 80N to junction Interstate Highway 15, thence along Interstate Highway 15 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Utah-Colorado State line), and Idaho (except points on and east of a line beginning at the Utah-Idaho State line and extending along Interstate Highway 80N to junction Idaho Highway 55, thence along Idaho Highway 55 to junction U.S. Highway 95, thence along U.S. Highway 95 to the United States-Canada International Boundary line), restricted to shipments originating at the plant and warehouse sites of Georgia-Pacific Corporation (Muncie, Ind.)*.

(20) *Paper and paper products* (except commodities in bulk), from Escambia County, Fla., to points in Ohio, Pennsylvania, and West Virginia restricted against the transportation of pulpboard, pulpboard products, waste paper, and cardboard cartons, and restricted to the transportation of traffic originating at Escambia County, Fla. (Middlesboro, Ky.)*; (21) *Paper and paper products* (except commodities in bulk), from Escambia County, Fla., to points in Indiana, Iowa, Minnesota, and Michigan (except points south of Michigan Highway 21), and Louisville, Ky., restricted against the transportation of pulpboard, pulpboard products, waste paper, and cardboard cartons, and restricted to the transportation of traffic originating at Escambia County, Fla. (Hopkinsville, Ky.)*; (22) *Paper and paper products* (except commodities in bulk), from Escambia County, Fla., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, North Dakota, South Dakota, Idaho, Montana, Oregon, Washington, Wyoming (except points south of Interstate Highway 80), and New Jersey (except points south of Interstate Highway 78), restricted against the transportation of pulpboard, pulpboard products, waste paper, and cardboard cartons, and restricted to the transportation of traffic originating at Escambia County, Fla. (Smith Mills, Ky.)*; (24) *Paper and paper products* (except commodities in bulk, and those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), from Escambia County, Fla., to Chicago, Ill., restricted against the transportation of pulpboard, pulpboard products, waste paper, and cardboard cartons, and restricted to the transportation of traffic originating at Escambia County, Fla. (Chicago Heights, Ill.)*.

(25) *Paper and paper products* (except commodities in bulk), from the plant site of the U.S. Envelope Co., at Worcester, Mass., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Arkansas, Mississippi, and points in all states west thereof (except Alaska and Hawaii) (Muncie, Ind.)*; (26) *Paper and paper products* (except commodities in bulk), from the plant site of Kimberly-Clark Corporation at New Milford, Conn., to points in North Dakota, South Dakota, Nebraska, Missouri, Arkansas, Mississippi, and points in all those states west thereof (except Alaska and Hawaii) (Muncie, Ind.)*; (27) *Paper and paper products* (except commodities in bulk), from the plant site of Kimberly-Clark Corporation at New Milford, Conn., to points in Iowa and Minnesota, restricted against the transportation of pulpboard, pulpboard products, and waste paper (Youngstown, Ohio)*; (28) *Paper and paper products* (except commodities in bulk), from the plant site of Kimberly-Clark Corporation at New Milford, Conn., to points in Kentucky, Tennessee, and Alabama (except Mobile and points in the commercial zone as defined by the Commission, and points on and north of U.S. Highway 78, including points in the commercial zones of points on U.S. Highway 78, as defined by the Commission), and Wests Virginia (except points on and east of a line beginning at the Maryland-West Virginia State line and extending along U.S. Highway 219 to junction West Virginia Highway 219, thence along West Virginia Highway 219 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the West Virginia-Virginia State line) (Somerset, Pa.)*.

(29) *Paper and paper products* (except commodities in bulk), from the plant and warehouse sites of Packaging Corporation of America at Burlington, Wis., and from the plant and warehouse sites of Guardian Container Co., Inc., at Kenosha, Wis., restricted to the transportation of traffic originating at the above-named plant and warehouse sites (Muncie, Ind.); (30) *Paper* and *paper products*, from the plant and warehouse sites of Packaging Corporation of America at Burlington, Wis., and from the plant and warehouse sites of Guardian Container Co., Inc., at Kenosha, Wis., to points in South Dakota, North Dakota (except points east of U.S. Highway 281), Nebraska (except points on, south, and east of a line beginning at the Iowa-Nebraska State line and extending along U.S. Highway 20 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-Kansas State line), and Kansas (except points on, south, and east of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 81 to junction Kansas Highway 61, thence along Kansas Highway 61 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Oklahoma State line, restricted to the transportation of traffic originating at the above-named plant and warehouse sites (Sibley, Iowa)*.

(31) (a) *Paper* and *paper products* (except commodities in bulk), from the plant site of Charmin Paper Products Co., near Neelys Landing, Mo., to points in Arizona, California, Oregon, Washington, (except points on, north, and east of a line beginning at the United States-Canada International Boundary line and extending along U.S. Highway 97 to junction Washington Highway 17, thence along Washington Highway 17 to junction U.S. Highway 395, thence along U.S. Highway 395 to the Washington-Oregon State line), Idaho (except points on and east of a line beginning at the Nevada-Idaho State line and extending along U.S. Highway 93 to junction Interstate Highway 80N, thence along Interstate Highway 80N to the junction of U.S. Highway 95, thence along U.S. Highway 95 to the United States-Canada International Boundary line), Nevada (except points on, north, and east of a line beginning at the Idaho-Nevada State line and extending along U.S. Highway 93 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Nevada-Utah State line), and Utah (except points on and north of a line beginning at the Nevada-Utah State line and extending along U.S. Highway 16 to junction U.S. Highway 163, thence along U.S. Highway 163 to the Utah-Arizona State line); (b) *Equipment*, *materials*, and *supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk), from the destination area described in (a) above to plant site of Charmin Paper Products Co., near Neelys Landing, Mo. (Ashdown, Ark.)*; (32) *Paper* and *paper products* (except commodities in bulk), from Marshall, Mich., to points in Arkansas, Oklahoma, Texas, Colorado, New Mexico, Arizona, Nevada, and California, restricted to the transportation of shipments originating at the plant site and warehouse facilities of St. Regis Paper Company at Marshall, Mich. (Muncie, Ind.)*.

(33) *Paper* and *paper products* produced or distributed by manufacturers, and converters of cellulose materials and products, *materials and supplies* used in the manufacture and distribution of the commodities described above, between points in Wyoming County, Pa., on the one hand, and, on the other, points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, and New Mexico, restricted against the transportation of (1) commodities which because of size or weight require the use of special equipment, (2) varnish and synthetic resins, in bulk, to points in Wyoming County, Pa., and (3) commodities in bulk, from points in Colorado, Wyoming, and Utah (Green Bay, Wis.)*; (34) *Cheese* and *foodstuffs* (except meats, meat products, and meat by-products, and except commodities in bulk) which are materials and supplies utilized by food business houses, from points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Minnesota, Wisconsin (except points on, south, and east of a line beginning at Lake Michigan at Milwaukee, Wis., and extending along U.S. Highway 16 to junction U.S. Highway 151, thence along U.S. Highway 151 to the Wisconsin-Illinois State line), Iowa (except points on and south of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 20 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 30,

V 40 173 APR 15 75 XUM

thence along U.S. Highway 30 to the Iowa-Nebraska State line), Nebraska (except points on, south, and east of a line beginning at the Iowa-Nebraska State line and extending along Nebraska Highway 2 to the junction of U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line), Kansas (except points east of U.S. Highway 183), Oklahoma (except points east of U.S. Highway 83), and Texas (except points on and east of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 87 to junction Texas Highway 349, thence along Texas Highway 349 to junction U.S. Highway 67, thence along U.S. Highway 67 to the United States-Mexico International Boundary line), to points in Massachusetts (Green Bay, Wis.) *.

(35) *Equipment, materials,* and *supplies* (except commodities in bulk) utilized by food business houses and used in the manufacture and distribution of foodstuffs, from points in Massachusetts to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Minnesota, Wisconsin (except points on, south, and east of a line beginning at Lake Michigan at Milwaukee, Wis., and extending along U.S. Highway 18 to junction U.S. Highway 151, thence along U.S. Highway 151 to the Wisconsin-Illinois State line), Iowa (except points on and south of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 20 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Nebraska State line), Nebraska (except points on, south, and east of a line beginning at the Iowa-Nebraska State line and extending along Nebraska Highway 2 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line), Kansas (except points on, south, and east of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 183 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Kansas-Colorado State line), Oklahoma (except points east of Oklahoma Highway 136), and points in El Paso County, Tex., to points in Connecticut (Green Bay, Wis.) *; (37) *Equipment, materials,* and *supplies* (except commodities in bulk) utilized by food business houses and used in the manufacture and distribution of foodstuffs, from Connecticut, to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Minnesota, Wisconsin (except points on, south, and east of a line beginning at Lake Michigan at Milwaukee, Wis., and extending along U.S. Highway 18 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Illinois State line), Iowa (except points on, south, and east of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 20 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Nebraska State line), Nebraska (except points on, south, and east of a line beginning at the Iowa-Nebraska State line and extending along Nebraska Highway 2 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line), Kansas (except points on, south, and east of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 183 to junction U.S. Highway 14, thence along U.S. Highway 24 to the Kansas-Colorado State line), Oklahoma (except points east of Oklahoma Highway 136), and points in El Paso County, Tex.) (Green Bay, Wis.) *.

(38) *Cheese* and *foodstuffs* (except meats, meat products, and meat by-products, and except commodities in bulk), which are materials and supplies utilized by food business houses, from Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, California, New Mexico, North Dakota, South Dakota, Minnesota, Wisconsin (except points on, south, and east of a line beginning at Lake Michigan at Milwaukee, Wis., and extending along U.S. Highway 18 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Illinois State line), Iowa (except points on, south, and east of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 151 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Iowa-Missouri State line), Nebraska (except points on, south, and east of a line beginning at the Iowa-Nebraska State line and extending along Nebraska Highway 2 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line), Kansas (except points on, south, and east of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 183 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Kansas-Colorado State line), Oklahoma (except points east of Oklahoma Highway 136), and points in El Paso County, Tex.) (Green Bay, Wis.) *;

(36) *Cheese* and *foodstuffs* (except meats, meat products, and meat by-products, and except commodities in bulk) which are materials and supplies utilized by food business houses, from Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Minnesota, Wisconsin (except points south of U.S. Highway 18), Iowa (except points on, south, and east of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 20 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Nebraska State line), Nebraska (except points on, south, and east of a line beginning at the Iowa-Nebraska State line and extending along Nebraska Highway 2 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line), Kansas (except points east of U.S. Highway 281), Texas (except points on and east of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 87 to junction Texas Highway 349, thence along Texas Highway 349 to junction U.S. Highway 67, thence along U.S. Highway 67 to the United States-Mexico International Boundary line), and points in Cimarron, Tex., Beaver and Harper Counties, Okla., to Rhode Island (Green Bay, Wis.) *.

(39) *Equipment,* materials and supplies (except commodities in bulk) utilized by food business houses and used in the manufacture and distribution of foodstuffs, from Rhode Island, to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, North Daktota, South Dakota, Minnesota, Wisconsin (except points on, south, and east of a line beginning at Lake Michigan at Milwaukee, Wis., and extending along U.S. Highway 18 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Illinois State line), Iowa (except points on, south, and east of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 151 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Iowa-Missouri State line), Nebraska (except points south and east of a line beginning at the Iowa-Nebraska State line and extending along Nebraska Highway 2 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line), Kansas (except points east of U.S. Highway 281), Texas (except points on and east of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 87 to junction Texas Highway 349, thence along Texas Highway 349 to junction U.S. Highway 67, thence along U.S. Highway 67 to the United States-Mexico International Boundary line), and points in Cimarron, Tex., Beaver and Harper Counties, Okla., to Rhode Island (Green Bay, Wis.) *.

(40) *Cheese and foodstuffs* (except meats, meat products, and meat by-products and except commodities in bulk) which are materials and supplies utilized by food business houses, from points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, North Dakota, South Dakota, Minnesota, Wisconsin (except points on and south of a line beginning at Lake Michigan at Sheboygan, Wis., and extending along U.S. Highway 23 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction U.S. Highway 18, thence along U.S. Highway 18 to the Wisconsin-Iowa State line), Iowa (except points on and south of a line beginning at the Wisconsin-Iowa State line and extending along U.S. Highway 18 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Nebraska State line), Nebraska (except points on, south, and east

of a line beginning at the Iowa-Nebraska State line and extending along Nebraska Highway 91 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Nebraska-Kansas State line), Colorado (except points on, south, and east of a line beginning at the Kansas-Colorado State line and extending along U.S. highway 24 to junction U.S. Highway 85, thence along U.S. Highway 85 to the Colorado-New Mexico State line), and New Mexico (except points on and east of a line beginning at the Colorado-New Mexico State line and extending along U.S. Highway 85 to junction New Mexico Highway 3, thence along New Mexico Highway 3 to junction U.S. Highway 54, thence along U.S. Highway 54 to the New Mexico-Texas State line), to New Jersey (Green Bay, Wis.) *.

(41) *Equipment, materials,* and *supplies* (except commodities in bulk) utilized by food business houses and used in the manufacture and distribution of foodstuffs, from New Jersey, to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, North Dakota, South Dakota, Minnesota, Wisconsin (except points on and south of a line beginning at Lake Michigan at Sheboygan, Wis., and extending along Wisconsin Highway 23 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction U.S. Highway 18, thence along U.S. Highway 18 to the Wisconsin-Iowa State line), Iowa (except points on and south of a line beginning at the Wisconsin-Iowa State line and extending along U.S. Highway 18 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Nebraska State line), Nebraska (except points on and east of a line beginning at the Nevada-Colorado State line and extending along Colorado Highway 71 to junction U.S. Highway 350, thence along U.S. Highway 350 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-New Mexico State line), and New Mexico (except points on and east of a line beginning at the Colorado-New Mexico State line and extending along U.S. Highway 285 to junction U.S. Highway 54, thence along U.S. Highway 54 to the New Mexico-Texas State line), to points in New York, Vermont, New Hampshire, and Maine (Green Bay, Wis.) *; (43) *Equipment, materials,* and *supplies* (except commodities in bulk) utilized by food business houses and used in the manufacture and distribution of foodstuffs, from points in New York, to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Minnesota, Wisconsin, (except points on and south of a line beginning at Lake Michigan, at Sheboygan, Wis., and extending along Wisconsin Highway 23 to junction U.S. Highway 16, thence along U.S. Highway 16 to the Wisconsin-Minnesota State line), Iowa (except points south of Iowa Highway 9), Colorado (except points on and east of a line beginning at the Nevada-Colorado State line and extending along Colorado Highway 71 to junction U.S. Highway 350, thence along U.S. Highway 350 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-New Mexico State line), and New Mexico (except points on and east of a line beginning at the Colorado-New Mexico State line and extending along U.S. Highway 285 to junction U.S. Highway 54, thence along U.S. Highway 54 to the New Mexico-Texas State line) (Green Bay, Wis.) *.

(44) *Cheese* and *foodstuffs* (except meats, meat products, and meat by-products and except commodities in bulk) which are materials and supplies utilized by food business houses, from points in Washington, Oregon, California, Nevada, Idaho, Utah, Montana, Wyoming, North Dakota, South Dakota, Minnesota, Wisconsin (except points on and south of a line beginning at Lake Michigan at Sheboygan, Wis., and extending along Wisconsin Highway 23 to junction Wisconsin Highway 33, thence along Wisconsin Highway 33 to the Wisconsin-Minnesota State line), Iowa (except points south of Iowa Highway 9), Nebraska (except points on and east of a line beginning at the South Dakota-Nebraska State line and extending along U.S. Highway 385 to junction Nebraska Highway 19, thence along Nebraska Highway 19 to the Nebraska-Colorado State line), Colorado (except points on, south, and east of a line beginning at the Nebraska-Colorado State line and extending along Colorado Highway 113 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 550, thence along U.S. Highway 550 to the Colorado-New Mexico State line), and Arizona (except points on and east of a line beginning at the New Mexico-Arizona State line and extending along U.S. Highway 666 to the junction of U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 89, thence along U.S. Highway 89 to the United States-Mexico International Boundary line), to points in Pennsylvania (Green Bay, Wis.) *.

(45) *Equipment, materials,* and supplies (except commodities in bulk) utilized by food business houses and used in the manufacture and distribution of foodstuffs, from Pennsylvania, to points in Washington, Oregon, California, Nevada, Idaho, Utah, Montana, Wyoming, North Dakota, South Dakota, Minnesota, Wisconsin (except points on and south of a line beginning at Lake Michigan at Sheboygan, Wis., and extending along Wisconsin Highway 23 to junction Wisconsin Highway 33 to the Wisconsin-Minnesota State line), Iowa (except points south of Iowa Highway 9), Nebraska (except points on and east of a line beginning at the South Dakota-Nebraska State line and extending along U.S. Highway 385 to junction Nebraska Highway 19, thence along Nebraska Highway 19 to the Nebraska-Colorado State line), Colorado (except points on, south, and east of a line beginning at the Nebraska-Colorado State line and extending along Colorado Highway 113 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 550, thence along U.S. Highway 550 to the Colorado-New Mexico State line), and Arizona (except points on and east of a line beginning at the New Mexico-Arizona State line and extending along U.S. Highway 666 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 89, thence along U.S. Highway 89 to the United States-Mexico International Boundary line) (Green Bay, Wis.) *.

(46) *Cheese and foodstuffs* (except meats, meat products, and meat by-products, and except commodities in bulk) which are materials and supplies utilized by food business houses, from points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, North Dakota, South Dakota, Minnesota, Wisconsin (except points on and south of a line beginning at Lake Michigan at Sheboygan, Wis., and extending along Wisconsin Highway 23 to junction Wisconsin Highway 82, thence along Wisconsin Highway 82 to the Wisconsin-Iowa State line), Iowa (except points on and south of a line beginning at the Wisconsin-Iowa State line and extending along U.S. Highway 18 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Nebraska State line), Nebraska (except points on, south, and east of a

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line beginning at the Iowa-Nebraska State line and extending along U.S. Highway 20 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Nebraska-Kansas State line), Colorado (except points on and east of a line beginning at the Nebraska-Colorado State line and extending along U.S. Highway 6 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 550, thence along U.S. Highway 550 to the Colorado-New Mexico State line), to points in Maryland, Delaware, and the District of Columbia (Green Bay, Wis.).*

(47) *Equipment*, materials, and supplies (except commodities in bulk) utilized by food business houses and used in the manufacture and distribution of foodstuffs, from points in Maryland, Delaware, and the District of Columbia, to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, North Dakota, South Dakota, Minnesota, Wisconsin (except points on and south of a line beginning at Lake Michigan at Sheboygan, Wis., and extending along Wisconsin Highway 23 to junction Wisconsin Highway 82, thence along Wisconsin Highway 82 to the Wisconsin-Iowa State line), Iowa (except points on and south of a line beginning at the Wisconsin-Iowa State line and extending along U.S. Highway 18 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Nebraska State line), Nebraska (except points on, south, and east of a line beginning at the Iowa-Nebraska State line and extending along U.S. Highway 20 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Nebraska-Kansas State line), Colorado (except points on and east of a line beginning at the Nebraska-Colorado State line and extending along U.S. Highway 6 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 550, thence along U.S. Highway 550 to the Colorado-New Mexico State line) (Green Bay, Wis.).*

(48) *Cheese* and *foodstuffs* (except meats, meat products, and meat by-products, and except commodities in bulk) which are materials and supplies utilized by food business houses, from points in Washington, Oregon, Idaho, Montana, North Dakota, Minnesota, Wisconsin (except points on and south of a line beginning at Lake Michigan at Sheboygan, Wis., and extending along Wisconsin Highway 23 to junction Wisconsin Highway 82, thence along Wisconsin Highway 82 to the Wisconsin-Iowa State line), South Dakota (except points on, south, and east of a line beginning at the Iowa-South Dakota State line and extending along South Dakota Highway 46 to junction U.S. Highway 81, thence along U.S. Highway 81 to the South Dakota-Nebraska State line), Wyoming (except points on, south, and east of a line beginning at the Nebraska-Wyoming State line and extending along U.S. Highway 26 to junction Wyoming Highway 220, thence along Wyoming Highway 220 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Wyoming-Utah State line), Utah (except points on and east of a line beginning at the Wyoming-Utah State line and extending along Interstate Highway 80 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Utah-Arizona State line), Nevada (except points south of Interstate Highway 15), and California (except points on and east of a line beginning at the Nevada-California State line and extending along Interstate Highway 15 to junction Interstate Highway 5, thence along Interstate Highway 5 to the United States-Mexico International Boundary line), to points in West Virginia (Green Bay, Wis.).*

(49) *Equipment, materials,* and *supplies* (except commodities in bulk) utilized by food business houses and used in the manufacture and distribution of foodstuffs, from points in West Virginia, to points in Washington, Oregon, Idaho, Montana, North Dakota, Minnesota, Wisconsin (except points on and south of a line beginning at Lake Michigan at Sheboygan, Wis., and extending along Wisconsin Highway 23 to junction Wisconsin Highway 82, thence along Wisconsin Highway 82 to the Wisconsin-Iowa State line), South Dakota (except points on, south, and east of a line beginning at the Iowa-South Dakota State line and extending along South Dakota Highway 46 to junction U.S. Highway 81, thence along U.S. Highway 81 to the South Dakota-Nebraska State line), Wyoming (except points on, south, and east of a line beginning at the Nebraska-Wyoming State line and extending along U.S. Highway 26 to junction Wyoming Highway 220, thence along Wyoming Highway 220 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Wyoming-Utah State line), Utah (except points on and east of a line beginning at the Wyoming-Utah State line and extending along Interstate Highway 80 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Utah-Arizona State line), Nevada (except points south of Interstate Highway 15), and California (except points on and east of a line beginning at the Nevada-California State line and extending along Interstate Highway 15 to junction Interstate Highway 5, thence along Interstate Highway 5 to the United States-Mexico International Boundary line) (Green Bay, Wis.).*

(50) *Cheese* and *foodstuffs* (except meats, meat products, and meat by-products and except commodities in bulk) which are materials and supplies utilized by food business houses, from points in Washington, Oregon, Idaho, Montana, North Dakota, Minnesota, Wisconsin (except points on and south of a line beginning at Lake Michigan at Sheboygan, Wis., and extending along Wisconsin Highway 23 to junction Wisconsin Highway 82, thence along Wisconsin Highway 82 to the Wisconsin-Iowa State line), Iowa (except points south of Iowa Highway 9), South Dakota (except points on, south, and east of a line beginning at the Iowa-South Dakota State line and extending along U.S. Highway 18 to junction U.S. Highway 81, thence along U.S. Highway 81 to the South Dakota-Nebraska State line), Wyoming (except points on, south, and east of a line beginning at the Nebraska-Wyoming State line and extending along U.S. Highway 20 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Wyoming-Utah State line), Utah (except points east of U.S. Highway 91), Nevada (except points on and south of a line beginning at the Utah-Nevada State line and extending along Nevada Highway 25 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Nevada-California State line), and points in Santa Cruz, Santa Clara, Merced, Mariposa, and Mono Counties, Calif., and points north of the described counties in California, to points in Virginia (Green Bay, Wis.).*

(51) *Equipment, materials,* and *supplies* (except commodities in bulk) utilized by food business houses and used in the manufacture and distribution of foodstuffs, from points in Virginia, to points in Washington, Oregon, Idaho, Montana, North Dakota, Minnesota, Wisconsin (except points on and south of a line beginning at Lake Michigan at Sheboygan, Wis., and extending along Wisconsin Highway 23 to junction Wisconsin Highway 82, thence along Wisconsin Highway 82 to the Wisconsin-Iowa State line), Iowa (except points south of Iowa Highway 9), South Dakota (except points on, south, and east of a line beginning at the Iowa-South Dakota State line and extending along U.S. Highway 18 to junction U.S. Highway 81, thence along U.S. Highway 81 to the South Dakota-Nebraska State line), Wyoming (except points on, south, and east of a line beginning at the Nebraska-Wyoming State line and extending along U.S. Highway 20 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Wyoming-Utah State line), Utah (except points east of U.S. Highway 91), Nevada (except points on and south of a line beginning at the Utah-Nevada State line and extending along Nevada Highway 25 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Nevada-California State line), and points in Santa Cruz, Santa Clara, Merced, Mariposa, and Mono Counties, Calif., and points north of the described counties in California (Green Bay, Wis.).*

(52) *Cheese and foodstuffs* (except meat, meat products, and meat by-products, and except commodities in bulk) which are materials and supplies utilized by food business houses, from points in Washington, Oregon, Idaho, Montana, North Dakota, Minnesota, Wisconsin (except points on and south of a line beginning at Lake Michigan at Sheboygan, Wis., and extending along Wisconsin Highway 23 to junction Wisconsin Highway 82, thence along Wisconsin Highway 82 to the Wisconsin-Iowa State line), Iowa (except points south of Iowa Highway 9, South Dakota (except points on and south of a line beginning at the Iowa-South Dakota State line and extending along U.S. Highway 18 to junction U.S. Highway 281, thence along U.S. Highway 281 to the South Dakota-Nebraska State line), Wyoming (except points on and south of a line beginning at the Nebraska-Wyoming State line and extending along U.S. Highway 20 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction Wyoming Highway 28, thence along Wyoming Highway 28 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Wyoming-Utah State line), Utah (except points on and south of a line beginning at the Wyoming-Utah State line and extending along U.S. Highway 189 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Utah-Nevada State line), Nevada (except points south of U.S. Highway 50), and California (except points on and south of a line beginning at the Nevada-California State line and extending along Interstate Highway 80 to junction California Highway 17, thence along California Highway 17 to the Pacific Ocean at Santa Cruz, Calif.), to points in North Carolina and South Carolina (Green Bay, Wis.).*

(53) *Equipment, materials,* and *supplies* (except commodities in bulk) utilized by food business houses and used in the manufacture and distribution of foodstuffs, from points in North Carolina and South Carolina to points in Washington, Oregon, Idaho, Montana, North Dakota, Minnesota, Wisconsin (except points on and south of a line beginning at Lake Michigan at Sheboygan, Wis., and extending along Wisconsin Highway 23 to junction Wisconsin Highway 82, thence along Wisconsin Highway 82 to the Wisconsin-Iowa State line), Iowa (except points south of Iowa Highway 9, South Dakota (except points on and south of a line beginning at the Iowa-South Dakota State line and extending along U.S. Highway 18 to junction U.S. Highway 281, thence along U.S. Highway 281 to the South Dakota-Nebraska State line), Wyoming (except points on and south of a line beginning at the Nebraska-Wyoming State line and extending along U.S. Highway 20 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction Wyoming Highway 28, thence along Wyoming Highway 28 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Wyoming-Utah State line), Utah (except points on and south of a line beginning at the Wyoming-Utah State line and extending along U.S. Highway 189 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Utah-Nevada State line), Nevada (except points south of U.S. Highway 50), and California (except points on and south of a line beginning at the Nevada-California State line and extending along Interstate Highway 80 to junction California Highway 17, thence along California Highway 17 to the Pacific Ocean at Santa Cruz, Calif.), to points in North Carolina and South Carolina (Green Bay, Wis.).*

(54) *Cheese* and *foodstuffs* (except meat, meat products, and meat by-products and except commodities in bulk) which are materials and supplies utilized by food business houses, from points in Washington, North Dakota, Wisconsin (except points on and south of a line beginning at Lake Michigan at Manitowoc, Wis., and extending along U.S. Highway 10 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Wisconsin-Minnesota State line), Minnesota (except points south of U.S. Highway 12), South Dakota (except points on and south of a line beginning at the Minnesota-South Dakota State line and extending along U.S. Highway 12 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 212, thence along U.S. Highway 212 to the South Dakota-Wyoming State line), Montana (except points south of U.S. Highway 10), Idaho (except points south of U.S. Highway 12), and Oregon (except points on, south, and east of a line beginning at the Washington-Oregon State line and extending along U.S. Highway 395 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Pacific Ocean at Newport, Oreg.), to points in Kentucky (Green Bay, Wis.).*

(55) *Equipment, materials,* and *supplies* (except commodities in bulk) utilized by food business houses and used in the manufacture and distribution of foodstuffs, from points in Kentucky, to points in Washington, North Dakota, Wisconsin (except points on and south of a line beginning at Lake Michigan at Manitowoc, Wis., and extending along U.S. Highway 10 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Wisconsin-Minnesota State line), Minnesota (except points south of U.S. Highway 12), South Dakota (except points on and south of a line beginning at the Minnesota-South Dakota State line and extending along U.S. Highway 12 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 212, thence along U.S. Highway 212 to the South Dakota-Wyoming State line), Montana (except points south of U.S. Highway 10), Idaho (except points south of U.S. Highway 12), and Oregon (except points on, south, and east of a line beginning at the Washington-Oregon State line and extending along U.S. Highway 395 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Pacific Ocean at Newport, Oreg.) (Green Bay, Wis.).*; and (56) *Cheese* and *foodstuffs* (except meat, meat products, and meat by-products and except commodities in bulk) which are materials and supplies utilized by foodbusiness houses, from points in Washington, North Dakota, Wisconsin (except points on and south of a line beginning at Lake Michigan at Manitowoc, Wis., and extending along U.S. Highway 10 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Wisconsin-Minnesota State line), Minnesota (except points south of U.S. Highway 12), South Dakota (except points south of U.S. Highway 12), Montana (except points south of U.S. Highway 12), and Idaho (except points south of U.S. Highway 12), to points in Tennessee (Green Bay, Wis.).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 52704 (Sub-No. E1), filed May 20, 1974. Applicant: GLENN McCLENDON TRUCKING CO., INC., P.O. Drawer "H", LaFayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes; transporting: *Glass bottles*, for beverages and food, (1) from points in Georgia on and south of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 78 to Atlanta, Ga., thence along Interstate Highway 85 to the Georgia-North Carolina State line to points in Arkansas; (2) from points in Georgia on, north and west of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 29 to Atlanta, Ga., thence along U.S. Highway 19 to the Georgia-North Carolina State line to points in Florida; (3) from Athens, Ga., to points in Florida and and west of Florida Highway 65 and on and south of Florida Highway 84; (4) from points in Georgia on, east and north of a line beginning at the North Carolina-Georgia State line and extending along U.S. Highway 19 to its junction with Interstate Highway 85, thence along Interstate Highway 85 to the Georgia-South Carolina State line, including Atlanta, Ga., to points in Florida on and west of U.S. Highway 319 and on and south of Florida Highway 44; (5) from Muskogee County, Ga., to points in Florida on and south of Florida Highway 50.

(6) From points in Georgia to points in Louisiana (restricted against traffic moving from points in Georgia on and south of a line from the Alabama-Georgia State line and extending along U.S. Highway 82 to its junction with Georgia Highway 33, thence along Georgia Highway 33 to the Florida-Georgia State line to points in Louisiana on and south of U.S. Highway 190, and restricted against traffic moving from points in Georgia on and south of a line beginning at the Alabama-Georgia State line and extending along Georgia Highway 37 to its junction with Georgia Highway 33, thence along Georgia Highway 33 to the Georgia-Florida State line to points in Louisiana on and south of U.S. Highway 84); (7) from points in Georgia on and north of U.S. Highway 82 including Brunswick (except points on, north and west of U.S. Highway 411), to points in

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Mississippi except points on and east of a line beginning at the Alabama-Mississippi State line extending along U.S. Highway 82 to its junction with U.S. Highway 45, thence along U.S. Highway 45 to the Mississippi-Tennessee State line; (8) from points in Georgia on and south of U.S. Highway 82 to points in Mississippi on and north of U.S. Highway 82; (9) from points in Georgia to points in Texas (restricted against traffic moving from points in Georgia south of a line beginning at the Alabama-Georgia State line and extending along Georgia Highway 37 to its junction with Georgia Highway 33, thence along Georgia Highway 33 to the Georgia-Florida State line to points in Texas on and east of a line beginning at the Texas-Louisiana State line and extending U.S. Highway 84 to its junction with U.S. Highway 59, thence along U.S. Highway 59 to the Gulf of Mexico); (10) from points in North Carolina (except points west of U.S. Highway 221) to points in Arkansas (except points on and east of U.S. Highway 63); (11) from points in North Carolina west of U.S. Highway 221 to points in Arkansas west of U.S. Highway 65 and to Pine Bluff, Ark.

(12) From points in North Carolina to points in Louisiana and Texas; (13) from points in North Carolina to points in Mississippi (except points north of Mississippi Highway 6); (14) from points in Alabama on and east of a line starting at the Alabama-Georgia State line and extending along Georgia Highway 22 to its junction with U.S. Highway 431, thence along U.S. Highway 431 to the Florida-Alabama State line, except traffic from Dothan, Ala., is restricted to tarffic moving to points in Louisiana north of U.S. Highway 82; (15) from points in Macon, Montgomery and Pike Counties, Ala., to points in Arkansas on and north of U.S. Highway 64; (16) from points in Alabama on and east of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 78 to its junction with U.S. Highway 431, thence along U.S. Highway 431 to the Alabama-Florida State line (except points on and east of U.S. Highway 61 and points south of Interstate Highway 20 and Shreveport, La.; (17) from points in Randolph, Chambers, Lee and Russell Counties, Ala., to points in Mississippi; (18) from points in Barbour, Henry and Houston Counties, Ala., to points in Mississippi on and north of Mississippi Highway 6; (19) from DeKalb, Etowah, Cherokee, Cleburne, Calhoun, Talladega, Clay, Randolph, Tallapoosa, Chambers, Lee, Macon, Russell, Bullock, Barbour, Dale and Henry Counties, Ala., to points in Texas on and west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 259 to its junction with U.S. Highway 69, thence along U.S. Highway 69 to Port Arthur, Tex.; (20) from points in Houston, Montgomery and Pike Counties, Ala., to points in Texas on and west of U.S. Highway 75; (21) from Jefferson County, Ala., to points in Texas on and west of U.S. Highway 83; (22) from Covington, Coffee and Geneva Counties, Ala., to points in Lubbock and Midland Counties, Tex., and points in Texas on and west of U.S. Highway 385; (23) from points in Tennessee on and east of Interstate Highway 75 (except Chattanooga, Tenn.) to points in Louisiana, and from Chattanooga, Tenn., to points in Louisiana on and west of U.S. Highway 171 and on and south of Interstate Highway 10 (except Baton Rouge, La.); (24) from points in Tennessee east of U.S. Highway 27 (except Hamilton County), to points in Mississippi on and south of Interstate Highway 20 and Vicksburg, Miss.; and (25) from points in Tennessee on and east of U.S. Highway 27 to points in Texas, except points in Lamar and Red River Counties, Tex. The purpose of this filing is to eliminate the gateway of LaFayette, Ala.

No. MC 52704 (Sub-No. E2), filed May 20, 1974. Applicant: GLENN McCLENDON TRUCKING CO., INC., P.O. Drawer "H", LaFayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New glass beverage bottles*, (1) from Atlanta, Ga., and Laurens, S.C., to points in Arkansas, Louisiana and Texas; (2) from Atlanta, Ga., to Ocala, Fla., and to points in Florida on and west of a line beginning at the Florida-Georgia State line and extending along Interstate Highway 75 to its junction with the Florida Turnpike, thence along Florida Turnpike to its junction with Florida Highway 44, thence along Florida Highway 44 to the Atlantic Ocean; (3) from Atlanta, Ga., to points in Mississippi (except points on and east of a line beginning at the Alabama-Mississippi State line and extending along U.S. Highway 82 to its junction with U.S. Highway 45, thence along U.S. Highway 45 to the Mississippi-Tennessee State line); and (4) from Laurens, S.C., to points in Florida on and west of Florida Highway 65. The purpose of this filing is to eliminate the gateway of LaFayette, Ala.

No. MC 83835 (Sub-No. E28), filed May 14, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Texas 75222. Applicant's representative: William A. Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which, because of their size or weight, require the use of special equipment, and related parts when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, when transported as machinery, equipment, materials, and supplies used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; (2) *Commodities* which, because of their size or weight, require the use of special equipment, and related parts when their transportation is incidental to the transportation of commodities, which by reason of size or weight require the use of special equipment, when transported as earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells.

(3) *Self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, when transported as; machinery, equipment, materials, and supplies used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; (4) *Self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, when transported as; earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or holesites and (d) the injection or removal of commodities into or from holes or wells; between points in Utah, on the one hand, and, on the other, points in Ohio, Pennsylvania, and West Virginia. The purpose of this filing is to eliminate the gateway of Kansas.

No. MC 83835 (Sub-No. E29), filed May 14, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: William A. Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Commodities* which, because of their size or weight, require the use of special equipment, and related parts when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment when transported as; (1) machinery, equipment, materials, and supplies used in, or in

connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials, and supplies used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, (2) machinery, equipment, materials, and supplies used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, and (3) earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells.

(B) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts*, and *supplies* moving in connection therewith, when transported as; (1) machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials, and supplies used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, (2) earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, and (3) machinery, equipment, materials, and supplies used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; between points in Pennsylvania on and west of U.S. Highway 219, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateways of Kansas and Illinois.

No. MC 83835 (Sub-No. E32), filed May 14, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: William A. Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials, and supplies used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between all points in Alaska, on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Minnesota, Nebraska, North Dakota, Oklahoma, South Dakota, Missouri, and Texas. The purpose of this filing is to eliminate the gateways of Oklahoma and Texas.

No. MC 83835 (Sub-No. E34), filed May 14, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Texas 75222. Applicant's representative: William A. Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials, and supplies used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in Alaska, on the one hand, and, on the other, points in the Lower Peninsula of Michigan, Ohio, Pennsylvania, and West Virginia. The purpose of this filing is to eliminate the gateway of Kansas.

No. MC 83835 (Sub-No. E35), filed May 14, 1974. Applicant: WALES TRANSPORT, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: William A. Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Contractors' machinery, equipment, materials, and supplies* (except commodities in bulk), when transported as; machinery, equipment, materials, and supplies used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials, and supplies used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and (2) *Contractors' machinery, equipment*, materials, and supplies (except commodities in bulk), when transported as; commodities, the transportation of which, because of size or weight, requires the use of special equipment, and related machinery parts, and related contractors' materials and supplies when their transportation is incidental to the transportation by the carrier of commodities which, because of size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and machinery, and equipment, materials, and supplies used in or in connection with, the construciton, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, when transported as either of the following: (A) earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells; and/or (B) machinery, equipment, materials, and supplies used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; between points in Alaska, on the one hand, and, on the other, points in the Lower Peninsula of Michigan, Ohio, Pennsylvania, and West Virginia. The purpose of this filing is to eliminate the gateway of Kansas.

No. MC 83835 (Sub-No. E36), filed May 14, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: William A. Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials, and supplies used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in Arkansas, Louisiana, Missouri, Oklahoma, Texas, Kansas, Nebraska, Colorado, Wyoming, Montana, North Dakota, South Dakota, Minnesota, Iowa, Illinois, Wisconsin, Michigan, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, New York, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, on the one hand, and, on the other, points in Alaska. The purpose of this filing is to eliminate the gateway of Kansas.

No. MC 83835 (Sub-No. E37), filed May 14, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: William A. Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials, and supplies used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in Arkansas, Louisiana, Missouri, Oklahoma, Texas, Kansas, Nebraska, Colorado, Wyoming, Montana, North Dakota, South Dakota, Minnesota, Iowa, Illinois, Wisconsin, Michigan, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, New York, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, on the one hand, and, on the other, points in Alaska. The purpose of this filing is to eliminate the gateway of Kansas.

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related contractors' materials and supplies when their transportation is incidental to the transportation by the carrier, of commodities which, because of size or weight, require the use of special equipment (except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials, and supplies used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof).

Between points in Alaska, on the one hand, and, on the other, points in the Lower Peninsula of Michigan, and points in Wisconsin on and south of a line beginning at the Wisconsin-Minnesota State line and extending along U.S. Highway 16 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Wisconsin Highway 173, thence along Wisconsin Highway 173 to junction Wisconsin Highway 80, thence along Wisconsin Highway 80 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 97, thence along Wisconsin Highway 97 to junction Wisconsin Highway 153, thence along Wisconsin Highway 153 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 52, thence along Wisconsin Highway 52 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Wisconsin Highway 64, thence along Wisconsin Highway 64 to the Michigan-Wisconsin State line. The purpose of this filing is to eliminate the gateways of Kansas and Illinois.

No. MC 83835 (Sub-No. E47), filed May 14, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: William A. Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal tubing and pipe*, when transported as; commodities which, because of their size or weight, require the use of special equipment, and related parts when their transportation is incidental to the transportation of commodities, which by reason of size or weight, require the use of special equipment (except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products), and materials, equipment, and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; (2) *Metal tubing and pipe*, when transported as; machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, water or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; (a) from points in New York, Pennsylvania, and West Virginia, to points in Colorado and Oklahoma; from points in Michigan and Ohio, to points in Oklahoma; (c) from points in Ohio, to points in Colorado on and south of a line beginning at the Colorado-Kansas State line to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Colorado-Utah State line; (d) from points in Ohio on and east of a line beginning at the Ohio-Lake Erie State line to junction Interstate Highway 71, thence along Interstate Highway 71 to the Ohio-Kentucky State line to points in Colorado; and (e) from the Lower Peninsula of Michigan to points in Colorado on and south of a line beginning at the Colorado-Oklahoma State line to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction Colorado Highway 101, thence along Colorado Highway 101 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Utah State line. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 83835 (Sub-No. E48), filed May 14, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Texas 75222. Applicant's representative: William A. Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal pipe* (except oilfield pipe) when transported as: (A) because of their size or weight, require the use of special equipment, and related parts, when their transportation is incidental to the transportation of commodities, which by reason of size or weight require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials, and supplies used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and/or (B) *metal pipe* (except oilfield pipe) when transported as: earth drilling machinery, and equipment, and machinery, equipment, materials, supplies and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, and/or (c) *metal pipe* (except oilfield pipe) when transported as: machinery, equipment, materials, and supplies used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way.

(1) From points in New York, Ohio, Pennsylvania, and West Virginia, to points in California and Arizona; (2) from points in Indiana and Michigan, to points in Arizona; (3) from points in New York, Pennsylvania, and West Virginia, to points in Nevada; (4) from points in West Virginia, to points in Utah; (5) from points in Lower Michigan, to points in California, points in California, points in Utah on and south of highways beginning at the Utah-Colorado State line along U.S. Highway 50 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Utah Highway 26, thence along Utah Highway 26 to junction U.S. Highway 50, thence to the Nevada border, and, points in Nevada on and south of a line beginning at the Utah border along U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 95 Alternate, thence along U.S. Highway 95 Alternate to junction U.S. Highway 40, to the California border; (6) from points in Ohio on and east of Interstate Highway 71 to points in Utah; (7) from points in Ohio to points in Utah on and south of a line beginning at the Colorado line along Utah Highway 88 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Utah Highway 73, thence along Utah Highway 73 to junction Utah Highway 199, to the Nevada line; (8) from points in Pennsylvania, to points in Utah on and south of highways beginning at the Utah-Wyoming State line: Highways I–80, I–80N, 89, 40, to the Wyoming-Nevada State line; (9) from points in Indiana on and south of highways beginning at the Illinois-Indiana State line: Highway 40, to the Ohio-Indiana State line, to points in Utah on and south of highways beginning at the Colorado-Utah State line: Highway 40, to the Nevada-Utah State line; (10) from points in Indiana, to points in Nevada on and south and west of highways beginning at the Nevada-California State line: Highways I–80, Alternate, 35, 50, 23, 89, 6, 25, 93, to the Nevada-Arizona State line.

(11) From points in Ohio, to points in Nevada on and south of highways beginning at the Nevada-Utah State line: Highways 50, 95, 80, to the Nevada-California State line; (12) from points in Ohio on and east of highways beginning at the Ohio-Lake Erie line: Highways I–71, to the Ohio-Kentucky State line, to points in Nevada; (13) from points in Indiana, to points in California on and south and west of highways beginning at the Nevada-California State line: Highways 50, 99, 5, to the Oregon-California State line; (14) from points in New York, to points in Utah on and south of highways beginning at the Wyoming-Utah State line: Highways 189, 80N, 89, 15, 40, to the Nevada-Utah State line. The purpose of this filing is to eliminate the gateway of Tulsa and Wagoner, Okla.

No. MC 83835 (Sub-No. E52), filed June 4, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: William A. Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel tanks*, knocked down, when transported as; commodities which, because of their size or weight, require the use of special equipment, and related parts when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, from points in Utah, and points in Colorado on, west, and south of a line beginning at the Colorado-Wyoming State line to junction Colorado Highway 125, thence along Colorado Highway 125 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Colorado-Kansas State line, and, points in New Mexico on and west of a line beginning at the New Mexico-Texas State line to junction U.S. Highway 70, thence along U.S. Highway 70 to junction New Mexico Highway 2, thence along New Mexico Highway 2 to junction U.S. Highway 285 to the United States-Mexico International Boundary line, to points in Indiana, Kentucky, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Virginia, and West Virginia.

(2) *Steel tanks* when transported as; machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials, and supplies used in or in connection with, the construction, operations, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; (3) *Steel tanks*, when transported as; earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; and (4) *Steel tanks*, when transported as; machinery, equipment, materials, and supplies used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; from points in Colorado on, west, and south of a line beginning at the Colorado-Wyoming State line to junction Colorado Highway 125, thence along Colorado Highway 125 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Colorado-Kansas State line, and, points in New Mexico on and west of a line beginning at the New Mexico-Texas State line to junction U.S. Highway 70, thence along U.S. Highway 70 to junction New Mexico Highway 2, thence along New Mexico Highway 2 to junction U.S. Highway 285, thence along U.S. Highway 285 to the United States-Mexico International Boundary line, to points in Indiana, Kentucky, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Virginia, and West Virginia.

No. MC 83835 (Sub-No. E55), filed June 4, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: William A. Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Sprinkler systems*, when transported as; commodities, which, because of their size or weight, require the use of special equipment, and related parts when their transportation is incidental to the transportation of commodities, which by reason of size or weight, require the use of special equipment (except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and materials, equipment, and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; (B) *Sprinkler systems*, when transported as; machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials, and supplies used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; (C) *Sprinkler systems*, when transported as; earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells.

(D) *Sprinkler system*, when transported as; machinery, equipment, materials, and supplies used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; (1) from points in Colorado, Montana, Utah, Wyoming, and points in Nebraska on and west of a line beginning at the Nebraska-South Dakota State line to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Nebraska-Kansas State line and points in Kansas on and west of a line beginning at the Kansas-Nebraska State line to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Oklahoma State line, to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Caro-

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APR 15 75

lina, and Tennessee; (3) from points in New Mexico and points in Texas on and north of a line beginning at the Texas-New Mexico State line to junction Texas Highway 125, thence along Texas Highway 125 to junction Texas Highway 116, thence along Texas Highway 116 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Texas Highway 79, thence along Texas Highway 79 to the Texas-Oklahoma State line and, points in Oklahoma on, north, and west of a line beginning at the Oklahoma-Arkansas State line to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Oklahoma-Texas State line to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and points in Mississippi on and east of a line beginning at the Mississippi-Louisiana State line to junction Interstate Highway 20, thence along Interstate Highway 20 to junction U.S. Highway 49, thence along U.S. Highway 49 to the Mississippi-Gulf of Mexico line. The purpose of this filing is to eliminate the gateways of Kansas, Oklahoma, and facilities of Perking Automatic Sprinkler Co., Inc., at Little Rock, Ark.

No. MC 82436 (Sub-No. E56), filed May 14, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: William Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* the transportation of which because of size or weight require the use of special equipment, and/or self propelled articles, each weighing 15,000 pounds or more, restricted to transportation on trailers, when transported as each of the following (1) *machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials, and supplies used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and/or (2) *machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; and/or (3) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies*, and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operation at well or hole sites and (d) the injection or removal of commodities into or from holes or wells; between points in Ohio and Pennsylvania on the one hand and, on the other, points in Arkansas, Iowa, Colorado, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, South Dakota, and Wyoming. The purpose of this filing is to eliminate the gateway of Illinois.

No. MC 95540 (Sub-No. E324), filed May 13, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212–5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and frozen vegetables*, from those points in Michigan on and east of a line beginning at the United States-Canada International Boundary line and extending along Michigan Highway 247 to junction Michigan Highway 15, thence along Michigan Highway 15 to junction Michigan Highway 52, thence along Michigan Highway 52 to junction Michigan Highway 21, thence along Michigan Highway 21 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Ohio-Michigan State line, to those points in Arkansas on and south of a line beginning at the Arkansas-Tennessee State line and extending along Interstate Highway 55 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 67/167, thence along U.S. Highway 67/167 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Arkansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC 95540 (Sub-No. E336), filed May 13, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk and except meat, meat products, meat by-products, and articles distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766), from those points in Texas on and south of a line beginning at the United States-Mexico International Boundary line and extending along Interstate Highway 10 to junction U.S. Highway 67/385, thence along U.S. Highway 67 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Texas Highway 79, thence along Texas Highway 79 to junction Texas Highway 6, thence along Texas Highway 6 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Texas Highway 19, thence along Texas Highway 19 to junction Texas Highway 94, thence along Texas Highway 94 to junction Texas Highway 103, thence along Texas Highway 103 to junction Texas Highway 21, thence along Texas Highway 21 to the Texas-Louisiana State line, to those points in Illinois on and north and east of a line beginning at the Kentucky-Illinois State line and extending along U.S. Highway 45 to junction Illinois Highway 145, thence along Illinois Highway 145 to junction Illinois Highway 142, thence along Illinois Highway 142 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 32, thence along Illinois Highway 32 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction Illinois Highway 51, thence along Illinois Highway 51 to junction Illinois Highway 64, thence along Illinois Highway 64 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Mississippi River. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC 106920 (Sub-No. E15) (Correction), filed June 4, 1974. Published in the FEDERAL REGISTER January 30, 1975. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLanchlen Bank Bldg., 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dairy products*, as defined by the Commission, from Elmira, N.Y., to points in Georgia on and west of a line beginning at the Georgia-Tennessee State line and extending along U.S. Highway 129 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 41 at Perry, Ga., thence along U.S. Highway 41 to junction Georgia Highway 33, thence along Georgia Highway 33 to junction U.S. Highway 319, thence along U.S. Highway 319 to the Georgia-Florida State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio. The purpose of this filing is to correct the territorial description.

No. MC 106920 (Sub-No. E97) (Correction), filed June 3, 1974. Published in the FEDERAL REGISTER February 13, 1975. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities classified as *dairy products* under B in the appendix to the report in modification of permits of motor contract carriers of packinghouse products, 48 M.C.C. 628, and 61 M.C.C. 209 and 766, (1) from points in the lower peninsula of Michigan to points in New Hampshire, Vermont, and Maine,

and (2) from those points in the lower peninsula of Michigan on and west of a line beginning at the Michigan-Ohio State line and extending along U.S. Highway 23 to junction Michigan Highway 21, to junction Michigan Highway 15, to junction Michigan Highway 46, to junction Michigan Highway 24, to junction Michigan Highway 25, to Saginaw Bay, to Philadelphia, Pa., Baltimore, Md., New York, N.Y., Trenton and Newark, N.J., and those points in New York and New Jersey within 25 miles of New York, N.Y. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio. The purpose of this correction is to expand the territorial descriptions.

No. MC 106920 (Sub-No. E109) (Correction), filed June 3, 1974. Published in the FEDERAL REGISTER February 11, 1975. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, classified as dairy products* under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 48 M.C.C. 628, from those points in Missouri south of a line beginning at the Missouri-Illinois State line and extending along Missouri Highway 16 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction Missouri Highway 11, thence along Missouri Highway 11 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Kansas State line, and north of a line beginning at the Illinois-Missouri State line and extending along Missouri Highway 61 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction Missouri Highway 21, thence along Missouri Highway 21 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction Missouri Highway 38, thence along Missouri Highway 38 to junction Missouri Highway 5, thence along Missouri Highway 5 to the Missouri-Arkansas State line, to those points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line and extending along Interstate Highway 85 to junction U.S. Highway 15/501, thence along U. S. Highway 15/501 to junction Interstate Highway 95, thence along Interstate Highway 95 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio. The purpose of this correction is to expand the territorial description. The purpose of this filing is to correct the territorial descriptions.

No. MC 106920 (Sub-No. E111), Correction), filed June 3, 1974. Published in the FEDERAL REGISTER February 11, 1975. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C., 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, classified as dairy products* under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 48 M.C.C. 628, from those points in Missouri south of a line beginning at the Missouri-Illinois State line and extending along Missouri Highway 16 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction Missouri Highway 11, thence along Missouri Highway 11 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Kansas State line, and north of a line beginning at the Illinois-Missouri State line and extending along Missouri Highway 61 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction Missouri Highway 21, thence along Missouri Highway 21 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction Missouri Highway 38, thence along Missouri Highway 38 to junction Missouri Highway 5, thence along Missouri Highway 5 to the Missouri-Arkansas State line, to those points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line and extending along Interstate Highway 85 to junction U.S. Highway 15/501, thence along U. S. Highway 15/501 to junction Interstate Highway 95, thence along Interstate Highway 95 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio. The purpose of this correction is to expand the territorial description. The purpose of this filing is to correct the territorial descriptions.

No. MC 107107 (Sub-No. E5) (Correction), filed June 4, 1974. Published in the FEDERAL REGISTER March 5, 1975. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foods and food products* and *food ingredients* requiring temperature control in transit, from Philadelphia, Pa., to points in Chatham, Wayne, Lowndes, Ware, and Glynn Counties, Ga. (Jacksonville, Fla.)*; and (2) *Meat, meat products*, and *meat by-products*, and *dairy products*, as defined by the Commission, and frozen foods, from Philadelphia, Pa., to those points in Alabama on and south of U.S. Highway 80 and those points in Georgia on and south of U.S. Highway 280 (except Savannah, Ga.) (Florida)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to correct the commodity description in (2) above.

No. MC 107107 (Sub-No. E8) (Correction), filed June 4, 1974. Published in the Federal Register March 5, 1974. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Food* and *food ingredients*, requiring temperature control, in transit and *dairy products*, as defined by the Commission, from Chicago, Ill., to points in Wayne, Chatham, Lowndes, Ware, and Glynn Counties, Ga. (Jacksonville, Fla.)*; and (2) *Frozen foods*, from the Chicago, Ill., commercial zone to points in and west of Hampton, Colleton, Dorchester, and Berkeley Counties, S.C. (Savannah, Ga.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to correct the commodity description above.

No. MC 107295 (Sub-No. E215), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated and precut buildings or houses*, complete, knocked down or in sections, (1) from points in New Jersey to points in Arkansas, Illinois, Indiana, Iowa, Missouri, Wisconsin, and points in that part of Kentucky located in and west of Allen, Barren, Metcalfe, Green, Taylor, Casey, Lincoln, Garrard, Madison, Clark, Montgomery, Butler, Rowan, Carter, and Boyd Counties, (2) from points in New Jersey to points in Florida, Georgia, and South Carolina. The purpose of this filing is to eliminate the gateway of (1) points in Ohio, (2) Lumberton, N.C.

No. MC 107295 (Sub-No. E216), filed May 9, 1974. Applicant: Pre-Fab Transit Co., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, and when transported in connection with the transportation of such buildings, *component parts*, thereof, and equipment and materials incidental to the erection and completion of such buildings, (1) from points in Florida to points in Arizona, California, Colorado, Idaho, Kansas, Minnesota, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Utah, Washington, Wyoming, and points in that part of Texas located in and west of Val Verde, Edwards, Kimble, Mason, San Saba, Lampasas, Coryell, McLennan, Hill, Ellis, Kaufman, Van Zandt, Karnes, Hopkins, and Red River Counties from points in Florida to points in that part of located in Williams, Defiance, Paulding, Van Wert, Mercer, Darke, Preble, Butler, and Hamilton Counties. The purpose of this filing is to eliminate the gateway of (1) Pine Bluff, Ark., and (2) points in Illinois.

No. MC 107295 (Sub-No. E217), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated and precut buildings or houses*, complete,

V 40 I 73
APR 15 75

knocked down, or in sections and all component parts necessary to the construction, erection or completion of such buildings or houses, when shipped with same, (1) from points in Pennsylvania to points in Mississippi; (2) from points in that part of Pennsylvania located in and west of McKean, Elk, Jefferson, Indiana, Cambria, and Somerset Counties to points in Alabama, (3) from points in Pennsylvania to points in Florida, to points in that part of Georgia located in and south of Troup, Meriwether, Pike, Lamar, Monroe, Jones, Baldwin, Hancock, Warren, McDuffie, and Columbia Counties and to points in that part of South Carolina located in and east of Edgefield, Saluda, Lexington, Richland, Kershaw, and Chesterfield Counties. The purpose of this filing is to eliminate the gateway of (1) points in Ohio and Illinois, (2) points in Ohio and Illinois, (3) Lumberton, N.C.

No. MC 107403 (Sub-No. E92) (Correction), filed May 29, 1974. Republished in the FEDERAL REGISTER January 13, 1975. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from Camden, Carneys Pt., Deepwater and Gibbsboro, N.J., to points in Massachusetts and Vermont. The purpose of this filing is to eliminate the gateways of Philadelphia and Elizabeth, N.J. The purpose of this correction is to correct the commodities description.

No. MC 107515 (Sub-No. E567), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products*, and *meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration, from Suffolk, Va., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of shipments originating at the facilities used by Pruden Packing Co., at Suffolk, Va. The purpose of this filing is to eliminate the gateways of Mt. Airy, N.C., and Bristol, Tenn.

No. MC 107515 (Sub-No. E568), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration, from Salem, Ba., to California, Oregon, Washington, Idaho, Utah, Nevada, Arizona, New Mexico, Colorado, Wyoming and Montana. The purpose of this filing is to eliminate the gateways of Twin Oaks, N.C., and Bristol, Tenn.

No. MC 107515 (Sub-No. E570), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from points in California to New Orleans and Chalmette, La. The purpose of this filing is to eliminate the gateway of Crossroads, Miss.

No. MC 107515 (Sub-No. E573), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, (1) from Florida to Oregon, Washington, and that portion of California, on and north of a line beginning at the Nevada-California State line on California Highway 168 to junction California Highway 99, thence along California Highway 99 to junction California Highway 41, thence along California Highway 41 to the Pacific Ocean at or near Morrow Bay, California, (2) from that part of Florida on and east of U.S. 319 to California, (3) from New Albany, Miss. to Oregon, Washington, and that portion of California on and north of a line beginning at the Nevada-California State line on U.S. Highway 6 to junction California Highway 168, thence along California Highway 168 to junction California Highway 145, thence along California Highway 145, to junction California Highway 198, thence along California Highway 198 to junction U.S. Highway 101, thence along U.S. Highway 101 to junction California Highway 68 to the Pacific Ocean at or near Monterey, Calif., from New Orleans, La. to Washington and that portion of Oregon on and north of a line beginning at the Idaho-Oregon State line of I-80 north of junction Oregon 244, thence along Oregon 244 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction Oregon 74, thence along Oregon 74 to junction Oregon 207, thence along Oregon 207 to the Oregon-Washington State line. The purpose of this filing is to eliminate the gateway of Atlanta, Ga., and Chattanooga, Tenn.

No. MC 110817 (Sub-No. E88), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Texas 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: 1. *Machinery, materials, supplies and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, except the picking up or stringing of pipe in connection with main or trunk pipe lines; 2. *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells; 3. *machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in that part of Missouri on and south of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 54 to junction Missouri Highway 42, thence along Missouri Highway 42 to junction Missouri Highway 28, thence along Missouri Highway 28 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Missouri Highway 47, thence along Missouri Highway 47 to junction Missouri Highway 21, thence along Missouri Highway 21 to the Missouri-Illinois State line, on the one hand, and, on the other, points in that part of Montana on and west of a line beginning at the International Boundary line, between the United States and Canada, thence along U.S. Highway 91 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Montana Highway 230, thence along Montana Highway 230 to junction Montana Highway 235 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Montana-Wyoming State line. The purpose of this filing is to eliminate the gateway of any point in Texas.

No. MC 110817 (Sub-No. E89), filed May 13, 1974. Applicant: E. L. FARMER & COMPANY, Odessa, Tex. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Texas 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: 1. *Machinery, materials, supplies and equipment*, incidental to, or used in, the construction, development, operation,

and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, except the picking up or stringing of pipe in connection with main or trunk pipe lines; 2. *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells; 3. *machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in that part of Missouri on and south of a line beginning at the Missouri-Kansas State line, thence along U.S. Highway 160 to junction Missouri Highway 39, thence along Missouri Highway 39 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Missouri-Illinois State line, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of any point in Texas.

No. MC 111401 (Sub-No. E36), filed May 12, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, in bulk, in tank vehicles, from points in Oklahoma located on and west of a line extending from the Oklahoma-Kansas State line along U.S. Highway 283 to State Highway 51, and on and north of State Highway 51 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateway of Texas City, Tex.

No. MC 111401 (Sub-No. E39), filed May 12, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, in bulk, in tank vehicles, from points in Texas located on and east of U.S. Highway 83 and on and south of U.S. Highway 90 to points in Missouri. The purpose of this filing is to eliminate the gateway of Texas City, Tex.

No. MC 111401 (Sub-No. E43), filed May 14, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, in bulk, in tank vehicles, from points in Kansas located on the east of U.S. Highway 283 and on and south of Interstate Highway 70 to points in Arizona, and New Mexico on and south of U.S. Highway 66. The purpose of this filing is to eliminate the gateway of Etter, Tex.

No. MC 111401 (Sub-No. E47), filed May 12, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt rejuvenator*, in bulk, in tank vehicles from points in Kansas on and east of U.S. Highway 81 to points in Chaves, Curry, De Baca, Guadalupe, Lincoln, Quay, and Roosevelt Counties, N. Mex. The purpose of this filing is to eliminate the gateway of Stroud, Okla.

No. MC 111401 (Sub-No. E50), filed May 14, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from points in Kansas located on and south of State Highway 96 and on and west of State Highway 99 to points in Arkansas, Iowa, and Missouri. The purpose of this filing is to eliminate the gateway of Wichita, Kans.

No. MC 111401 (Sub-No. E56), filed May 12, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except lubricating oils), in bulk, in tank vehicles, from points in Kansas on and east of U.S. Highway 77 and on and north of U.S. Highway 24 to points in Louisiana. The purpose of this filing is to eliminate the gateway of Ardmore, Cleveland, Cushing, Duncan, Tulsa, and Wynnewood, Okla.

No. MC 111401 (Sub-No. E57), filed May 12, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except lubricating oils), in bulk, in tank vehicles, from points in Oklahoma on and north of Interstate Highway 40 and on west of U.S. Highway 75 to points in Alabama, Kentucky, Mississippi, and Tennessee, restricted against the transportation of liquid wax from Tulsa, Okla., to points in Kentucky and Tennessee, and against the transportation of liquefied petroleum gases and natural gasoline to points in Mississippi. The purpose of this filing is to eliminate the gateway of Ardmore, Cleveland, Custing, Duncan, Tulsa, and Wynnewood, Okla.

No. MC 111401 (Sub-No. E68), filed May 14, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, (1) from points in Kansas to points in Alabama, Mississippi; (2) from points in Kansas on and south of U.S. Highway 54 to points in Kentucky, Utah, and Wyoming. The purpose of this filing is to eliminate the gateway of Oklahoma.

No. MC 111401 (Sub-No. E69), filed May 14, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, in bulk, in tank vehicles, (1) from points in Oklahoma on and west of State Highway 23 to points in Nebraska; and (2) from points in Oklahoma to points in Arizona and Utah. The purpose of this filing is to eliminate the gateway of Etter, Tex.

No. MC 111401 (Sub-No. E70), filed May 14, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, in bulk, in tank vehicles, from points in Texas on and north of U.S. Highway 66 to points in Arizona, Utah, Missouri, and Nebraska. The purpose of this filing is to eliminate the gateway of Etter, Tex.

No. MC 111401 (Sub-No. E71), filed May 14, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Numbers 5 and 6 fuel oils*, in bulk, in tank vehicles from points in Kansas on and south of U.S. Highway 54 and on and west of State Highway 99 to points in Missouri on and east of State Highway 19 and on and south of State Highway 34. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 111401 (Sub-No. E72), filed May 14, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Numbers 5 and 6 fuel oils*, in bulk, in tank vehicles, from points in Colorado on and south of U.S. Highway 160 and on and west of Interstate Highway 25 to points in Missouri

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on and south of Interstate Highway 44. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 111401 (Sub-No. E77), filed May 14, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from points in Colorado to points in Alabama, Florida, Georgia, Louisiana, Mississippi, and South Carolina. The purpose of this filing is to eliminate the gateway of Longview, Tex.

No. MC 114019 (Sub-No. E380) (Correction), filed May 27, 1974, published in the FEDERAL REGISTER February 18, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, and *commodities*, the transportation of which is partially exempt from regulations under Section 203(b)(6) of the Interstate Commerce Act, when moving in mixed shipment with bananas, from Baltimore, Md., to points in Franklin County, Mass., and those in Berkshire County, Mass., on and north of Interstate Highway 90, points in Cheshire County, N.H., and points in Bennington, Rutland and Windham Counties, Vt. Restriction: Restricted to shipments moving from, to or between warehouses or other facilities of retail food and household supply and furnishings business houses, in peddle service. The purpose of this filing is to eliminate the gateway of Schenectady, N.Y. The purpose of this filing is to correct the territorial descriptions.

No. MC 114211 (Sub-No. E826), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe and fittings and accessories* therefor when moving with such pipe, the transportation of which, because of size or weight, requires special equipment, from points in that part of Iowa on and north of a line beginning at the Iowa-Nebraska State line extending along U.S. Highway 34 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Iowa Highway 64, thence along Iowa Highway 64 to the Illinois-Iowa State line, to points in Texas. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E827), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof, from points in that part of Iowa on, north and west of a line beginning at the Missouri-Iowa State line extending along Iowa Highway 5 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Iowa-Illinois State line, to points in Indiana, restricted to the transportation of traffic (a) originating at the plant sites or warehouse facilities of International Harvester Company and (b) destined to the destination points specified above, except that the restriction in (b) shall not apply to traffic moving in foreign commerce. The purpose of this filing is to eliminate the gateways of Rock Island and Moline, Ill.

No. MC 114211 (Sub-No. E828), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof, from points in that part of Iowa on, east and south of a line beginning at the Missouri-Iowa State line extending along U.S. Highway 63 to junction Iowa Highway 149, thence along Iowa Highway 149 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Iowa-Illinois State line, to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line extending along U.S. Highway 53 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Wisconsin Highway 50, thence along Wisconsin Highway 50 to Kenosha, Wisc., restricted to the transportation of traffic (a) originating at the plant sites or warehouse facilities of International Harvester Company and (b) destined to the destination points specified above except that the restriction in (b) shall not apply to traffic moving in foreign commerce. The purpose of this filing is to eliminate the gateways of Rock Island and Moline, Ill., and Davenport, Iowa.

No. MC 114211 (Sub-No. E832), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Hod *buggies and self-propelled sweepers*, from points in that part of Minnesota on and southwest of a line beginning at the Minnesota-South Dakota State line extending along Minnesota Highway 19 to junction Minnesota Highway 67, thence along Minnesota Highway 67 to junction Minnesota Highway 68, thence along Minnesota Highway 68 to junction Minnesota Highway 4, thence along Minnesota Highway 4 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to the Iowa-Minnesota State line, to points in New York, Maryland, Massachusetts, Pennsylvania, New Jersey, Delaware, Virginia, and Connecticut. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E833), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery* and *parts* thereof, from points in that part of Minnesota on and southwest of a line beginning at the Minnesota-South Dakota State line extending along Minnesota Highway 19 to junction Minnesota Highway 67, thence along Minnesota Highway 67 to junction Minnesota Highway 68, thence along Minnesota Highway 68 to junction Minnesota Highway 4, thence along Minnesota Highway 4 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to the Iowa-Minnesota State line, to points in New York. The purpose of this filing is to eliminate the gateway of the plant site of the Stinar Corp., at Minneapolis, Minn.

No. MC 114211 (Sub-No. E834), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery* and parts thereof, from points in that part of Minnesota on and southwest of a line beginning at the Minnesota-South Dakota State line extending along Minnesota Highway 19 to junction Minnesota Highway 67, thence along Minnesota Highway 67 to junction Minnesota Highway 68, thence along Minnesota Highway 68 to junction Minnesota Highway 4, thence along U.S. Highway 14, thence along Minnesota Highway 15 to the Iowa-Minnesota State line, to points in Florida, Alabama, South Carolina, Georgia, Tennessee, Kentucky, West Virginia, Ohio, Michigan, and to points in that part of Louisiana on and east of a line beginning at the Louisiana-Mississippi State line extending along Louisiana Highway 19 to junction U.S. Highway 61, thence along U.S. Highway

61 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 1, thence along Louisiana Highway 1 to junction Louisiana Highway 24, thence along Louisiana Highway 24 to junction Louisiana Highway 1, thence along Louisiana Highway 1 to Grand Isle, La., and to points in that part of Mississippi on and east of a line beginning at the Mississippi-Tennessee State line extending along Interstate Highway 55 to junction Mississippi Highway 24, thence along Mississippi Highway 24 to junction Mississippi Highway 48, thence along Mississippi Highway 48 to junction Mississippi Highway 33, thence along Mississippi Highway 33 to the Mississippi-Louisiana State line, and to points in that part of Wisconsin on and north of a line beginning at the Wisconsin-Minnesota State line extending along U.S. Highway 8 to junction Wisconsin Highway 32, thence along Wisconsin Highway 32 to junction Wisconsin Highway 64, thence along Wisconsin Highway 64 to Lake Michigan. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E835), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof (except commodities requiring special equipment), from points in that part of South Dakota on and east of a line beginning at the Massachusetts-Connecticut State line extending along U.S. Highway 44 to junction Connecticut Highway 5, thence along Connecticut Highway 8 to the Atlantic Ocean, and to points in Maine, Vermont, New Hampshire, Massachusetts, and Rhode Island, restricted to the transportation of traffic originating at or destined to the plant sites, warehouse sites, and experimental farms of Deere and Company. The purpose of this filing is to eliminate the gateways of Nassau, Minn., and Dubuque, Iowa.

No. MC 114211 (Sub-No. E836), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof (except commodities requiring special equipment), from points in that part of South Dakota on and northwest of a line beginning at the Minnesota-South Dakota State line extending along U.S. Highway 16 west to junction South Dakota Highway 47, thence along South Dakota Highway 47 to the South Dakota-Nebraska State line, to points in Maine, Vermont, New Hampshire, Rhode Island, Massachusetts, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, and Virginia, restricted to the transportation of traffic originating at or destined to the plant sites, warehouse sites, and experimental farms of Deere and Company. The purpose of this filing is to eliminate the gateways of Nassau, Minn., and Dubuque, Iowa.

No. MC 114211 (Sub-No. E837), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof, from points in that part of Nebraska on and west of a line beginning at the South Dakota-Nebraska State line extending along U.S. Highway 36 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Missouri-Illinois State line, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling restricted against the transportation of those commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E838), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and parts thereof, between points in North Dakota, on the one hand, and, on the other, points in that part of Missouri on and west of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 63 to the Missouri-Arkansas State line, and on and south of a line beginning along U.S. Highway 63 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Missouri Highway 5, thence along Missouri Highway 5 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 114211 (Sub-No. E839), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery* and *contractors' equipment and supplies*, from points in that part of Kansas on, south, and east of a line beginning at the Kansas-Missouri State line extending along U.S. Highway 59 to junction Kansas Highway 4, thence along Kansas Highway 4 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Kansas-Oklahoma State line, to points in that part of North Dakota on and north of a line beginning at the Minnesota-North Dakota State line extending along Interstate Highway 94 to the Montana-North Dakota State line, and to points in that part of Montana on and north of a line beginning at the North Dakota-Montana State line extending along Interstate Highway 94 to junction Montana Highway 200S, thence along Montana Highway 200S to junction Montana Highway 200, thence along Montana Highway 200 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Idaho-Montana State line, and to points in that part of Idaho on and north of a line beginning at the Montana-Idaho State line extending along U.S. Highway 12 to the Idaho-Washington State line. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E840), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery and contractors' equipment and supplies*, the transportation of which, because of size or weight, requires special equipment, from points in that part of Missouri on and southeast of a line beginning at the Kansas-Missouri State line extending along U.S. Highway 24 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction Missouri Highway 15, thence along Missouri Highway 15 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Missouri State line, to points in Washington and to points in that part of Montana on and north of a line beginning at the Montana-North Dakota State line extending along U.S. Highway 12 to junction Interstate/U.S. Highway 94/10, thence along Interstate U.S. Highway 90/10 to junction Interstate U.S. Highway 90/10, thence along Interstate U.S. Highway 90/10 to junction Montana Highway 41, thence along Montana Highway 41 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction Montana Highway 29, thence along Montana Highway 29 to the Montana-Idaho State line, to points in that part of Idaho on and north of a line beginning at the Montana-Idaho State line extending along the southern boundary of Idaho County to the Idaho-Oregon State line, to points in that part of Oregon on and northwest of a line beginning at the Washington-Oregon State line extending along Oregon Highway 1 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction

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Interstate Highway 5, thence along Interstate Highway 5 to junction Oregon Highway 126, thence along Oregon Highway 126 to the Pacific Ocean. The purpose of this filing is to eliminate the gateways of Minneapolis, Minn., and points in Iowa.

No. MC 114211 (Sub-No. E841), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, and agricultural implements and parts*, thereof, from points in that part of Nebraska on and east of a line beginning at the Nebraska-South Dakota State line and extending along U.S. Highway 81 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line, to points in Texas, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling and restricted against the movement to oil field commodities. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E842), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, and agricultural implements and parts*, thereof, from points in that part of Nebraska on and east of a line beginning at the Nebraska-South Dakota State line extending along U.S. Highway 81 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line, to points in Texas, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E843), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, and agricultural implements and parts*, thereof, the transportation of which, because of size or weight, requires special equipment, from points in that part of Nebraska on and east of a line beginning at the Nebraska-South Dakota State line extending along U.S. Highway 81 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line, to points in Texas, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E844), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, the transportation of which, because of size or weight, requires special equipment, from points in that part of North Dakota on and east of a line beginning at the South Dakota-North Dakota State line extending along U.S. Highway 281 to junction North Dakota Highway 20, thence along North Dakota Highway 20 to the United States-Canada Boundary line, to points in Texas and Oklahoma, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateways of Omaha and Beatrice, Nebr., and points in Iowa.

No. MC 114211 (Sub-No. E846), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* and *fittings* and *accessories* therefor when moving with such pipe, from points in that part of Virginia on and east of a line beginning at the Kentucky-Virginia State line extending along U.S. Highway 23 to junction Alternate U.S. Highway 58, thence along Alternate U.S. Highway 58 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 58, thence along U.S. Highway 58 to the Virginia-Tennessee State line and from points in that part of North Carolina on and south of a line extending along U.S. Highway 321 to junction U.S. Highway 74, thence along U.S. Highway 74 to junction U.S. Highway 601, thence along U.S. Highway 601 to the North Carolina-South Carolina State line and from points in that part of Tennessee on and east of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 27 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Tennessee Highway 58, thence along Tennessee Highway 58 to junction U.S. Highway 27, thence along U.S. Highway 27 to the North Carolina-South Carolina State line, to points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 59 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Minnesota Highway 9, thence along Minnesota Highway 9 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 75, thence along U.S. Highway 75 to the United States-Canada Boundary line. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Company located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E848), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors*, from points in that part of Iowa on and north of a line beginning at the Wisconsin-Iowa State line extending along Iowa Highway 9 to junction Iowa Highway 51, thence along Iowa Highway 51 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 57, thence along Iowa Highway 57 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction Iowa Highway 17, thence along Iowa Highway 17 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction Iowa Highway 148, thence along Iowa Highway 148 to junction Iowa Highway 2, thence along Iowa Highway 2 to the Iowa-Nebraska State line, to points in Texas, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E849), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* (other than pipe used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas, and petroleum and their products) and *fittings and accessories* thereof when moving with such pipe, from points in that part of Ohio on and south of a line beginning at the Indiana-Ohio State line extending along U.S. Highway 40 to the Ohio-West Virginia State line, to points in Idaho, Utah, and Arizona. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Company located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E850), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe and accessories* therefor when moving with such pipe, from points in that part of Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 25E to junction Tennessee Highway 63, thence along Tennessee Highway 63 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Tennessee Highway 61, thence along Tennessee Highway 61 to junction Tennessee Highway 58, thence along Tennessee Highway 58 to junction Tennessee Highway 153, thence along Tennessee Highway 153 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Tennessee-Georgia State line, to points in that part of Minnesota on and west of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 71 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 59, thence along U.S. Highway 59 to the United States-Canada Boundary line. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Company located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E851), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* (other than pipe used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas, and petroleum and their products, and by-products), and *fittings and accessories* therefor when moving with such pipe, from points in that part of Kentucky on and east of a line beginning at the Ohio-Kentucky State line extending along U.S. Highway 75 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Kentucky-Tennessee State line, from points in that part of Tennessee on and east of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 27 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Tennessee Highway 58, thence along Tennessee Highway 58 to junction Tennessee Highway 30, thence along Tennessee Highway 30 to junction U.S. Highway 411, thence along U.S. Highway 411 to the Tennessee-Georgia State line, from points in that part of North Carolina on and South of a line beginning at the North Carolina-Tennessee State line extending along U.S. Highway 321 to junction U.S. Highway 74, thence along U.S. Highway 74 to junction U.S. Highway 601.

Thence along U.S. Highway 601 to the North Carolina-South Carolina State line, from points in that part of Virginia on and east of a line beginning at the Kentucky-Virginia State line extending along U.S. Highway 23 to junction Alternate U.S. Highway 58, thence along Alternate U.S. Highway 58 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 58, thence along U.S. Highway 58 to the Virginia-Tennessee State line, to points in that part of Arizona on and west of a line beginning at the New Mexico-Arizona State line extending along U.S. Highway 66 to junction U.S. Highway 666, thence along U.S. Highway 666 to junction Arizona Highway 61, thence along Arizona Highway 61 to junction Arizona Highway 77, thence along Arizona Highway 77 to junction U.S. Highway 89, thence along U.S. Highway 89 to the United States-Mexico Boundary line, and to points in Idaho and Utah. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Company located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E852), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment* (except in each instance commodities which because of size or weight requires the use of special equipment, and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from points in Texas to points in Wisconsin, restricted against shipments moving in foreign commerce to points in Canada. The purpose of this filing is to eliminate the gateway of Claremore, Okla.

No. MC 114211 (Sub-No. E853), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof, from points in North Dakota, to points in that part of Texas on and east of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 281 to junction Texas Highway 79, thence along Texas Highway 79 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 180, thence along U.S. Highway 180 to junction Texas Highway 351, thence along Texas Highway 351 to junction U.S. Highway 227, thence along U.S. Highway 227 to Del Rio, Tex., and to points in that part of Oklahoma on and east of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 81 to junction U.S. Highway 277, thence along U.S. Highway 277 to the Texas-Oklahoma State line, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment, or special handling, and restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateways of Omaha and Beatrice, Nebr., and Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E854), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), *equipment* designed for use in conjunction with tractors, *attachments* for the above-described commodities, and *parts* of the commodities described above in mixed loads with such commodities, from points in that part of Minnesota on, south and east of a line beginning at the Wisconsin-Minnesota State line extending along Minnesota Highway 210 to junction Minnesota Highway 18, thence along Minnesota Highway 18 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 27, thence along Minnesota Highway 27 to junction Minnesota Highway 65, thence along Minnesota Highway 65 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Minnesota-Iowa State line, to points in that part of North Dakota on, north and west of a line beginning at the North Dakota-South Dakota State line extending along North Dakota Highway 3 to junction Interstate Highway 94, thence along Interstate Highway 94 to the North Dakota-Minnesota State line. The purpose of this filing is to eliminate the gateway of that part of the Fargo, N. Dak., Commercial Zone located in Moorhead, Minn.

June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery*, and *implements*, other than hand, as described in Section 1(b) of Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *parts* therefor when their transportation is incidental to the transportation of the machinery and implements, from West Chicago, Ill., to points in New Mexico, restricted to the transportation of traffic originating at the plant site or storage facilities utilized by International Harvester Company at West Chicago, Ill. The purpose of this filing is to eliminate the gateway of Ottumwa, Iowa.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-9811 Filed 4-14-75;8:45 a.m.]

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Low Income Housing Office

■

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Housing Finance and Development Agencies

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Title 24—Housing and Urban Development

CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-309]

PART 883—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—HOUSING FINANCE AND DEVELOPMENT AGENCIES

Notice was given on December 6, 1974, at 39 FR 42753 that the Department of Housing and Urban Development (HUD) was proposing to amend Title 24 of the Code of Federal Regulations by adding a new Part 1278 to Chapter VIII.

The purpose of this Part, which has been redesignated as Part 883, is to set forth the essential elements of the section 8 Housing Assistance Payments Program—Housing Finance and Development Agencies, including, among other things, (1) the roles and responsibilities of participating housing finance or development agencies (Participating Agencies), HUD, developers, rehabilitators, Owners, and Eligible Families; (2) the basis for determining the amount of housing assistance payments; and (3) the prescribed forms and procedures.

Subpart A sets forth the standards of eligibility for Participating Agencies and method of application by a Participating Agency for a set-aside.

Subpart B sets forth definitions and basic policies for New Construction and Substantial Rehabilitation, which closely parallel those for the other section 8 programs (see 24 CFR, Parts 880 and 881).

Subpart C provides simplified procedures for New Construction and Substantial Rehabilitation projects for which a Participating Agency provides permanent financing (defined to include mortgage insurance) without federal mortgage insurance. Such agency is called a Housing Finance Agency (HFA). Because HFAs assume the risk of default and foreclosure for projects developed under this Subpart, this Subpart provides that HFAs establish their own procedures for obtaining and selecting proposals and, except as specified, that such HFAs are not subject to the regulations for the regular section 8 Housing Assistance Payments Program—New Construction and Substantial Rehabilitation, 24 CFR, Parts 880 and 881, respectively.

Subpart D provides procedures applicable to a Participating Agency utilizing all or part of its set-aside for an existing housing project.

HUD has received more than 35 responses to the December 6, 1974 publication. All of these comments were seriously considered and many changes have been incorporated in these regulations as a result of these and other comments. The principal changes are set forth below.

1. To facilitate understanding and referencing, proposed §§ 1278.203 (Basic Policies) and 1278.318 (Project Operation) have been renumbered to give separate section numbers to the paragraphs within these sections. (See §§ 883.203–883.216 and 883.318–883.327, respectively, of the final regulations). All references below are to the new section numbers.

2. The provisions concerning eligibility of agencies under this Part have been modified so that: (a) pursuant to § 883.102 and § 883.301 and a new § 883.106, an agency which, as determined by HUD, otherwise qualifies for the special procedures under Subpart C may utilize such procedures notwithstanding the fact that the agency does not qualify for or does not wish to utilize a set-aside; and (b) pursuant to §§ 883.102 and 883.103, only agencies with statewide responsibility for financing and/or development of housing are eligible for a set-aside and/or the special procedures under this Part. However, HUD is considering separate guidelines with respect to eligibility of local agencies for set-asides and/or special procedures on an experimental basis.

3. A new § 883.105 has been added to clarify procedures applicable to an agency which uses its set-aside for a New Construction or Substantial Rehabilitation project but which does not qualify for or does not wish to utilize the special procedures under Subpart C with respect to the project.

4. A new § 883.109 has been added to clarify the procedures concerning HUD approval of the terms of financing for projects under Part 883.

5. Because the definitions in § 883.202 are set forth in alphabetical order, paragraph designations are unnecessary and have, therefore, been deleted.

6. The definition of "Eligible Family," as set forth in § 883.202, has been modified to clarify that disabled persons are included within this definition.

7. A definition of the term "HUD" has been added to § 883.202 to include HUD's designee.

8. A definition of "Minimum Property Standards" (applicable to New Construction projects pursuant to § 883.208(a)(2)) has been added to § 883.202. This term means HUD Minimum Property Standards or standards which the Secretary finds are equivalent to or exceed such HUD standards.

9. Definitions of the terms "New Construction" and "Substantially Rehabilitated Housing" have been added to § 883.202. These definitions provide that, among other things, housing which is already under construction or undergoing rehabilitation may be eligible for participation under Part 883 if certain specified conditions are satisfied.

10. Section 883.203 has been revised so that (a) pursuant to § 883.203(a), if the HFA is using its set-aside for the project, the maximum total annual contribution that may be contracted for in the Annual Contributions Contract, Appendix I (ACC), will include, in addition to the total of the Gross Rents for all the Contract units in the project, a contingency for possible increases in the Contract Rents resulting from higher financing costs (see paragraph 13(b) of this preamble); and (b) pursuant to § 883.203(b), in order to assure that housing assistance payments will be increased on a timely basis, whenever the HUD-approved Estimate of Required Annual Contributions exceed the maximum ACC commitment then in effect, and would cause the amount in the Project Account to be less than an amount equal to 40 percent of such maximum ACC commitment, HUD will, within a reasonable time, take such additional steps authorized by section 8(c)(6) of the United States Housing Act of 1937 (USHAct), as may be necessary to carry out this assurance.

11. Sections 883.204(b) and 883.204(c) have been modified to increase the percent of Contract Rent payable in the event of vacancies from 70 to 80.

12. A new § 883.204(e) has been added to provide for a reduction in the amount of housing assistance payments under the Contract where the interim financing is continued beyond one year from the effective date of the Contract and the interest cost of the interim financing, for any period of three months after such first year, is less than the cost of debt service under the permanent financing on which the Contract Rents were based. (See also section 1.7g of the Housing Assistance Payments Contract Appendix III (Contract).)

13. Section 883.205, the provisions concerning approval of Contract Rents, has been modified so that, among other things (a) pursuant to a new § 883.205(b)(2), the HFA must submit certifications concerning its projected rate of borrowing for the project (for both interim and permanent financing) and the spread, if any, between this projected rate and the projected rate at which funds will be loaned to the Owner, and (b) pursuant to a new § 883.205(c), if, after the project is permanently financed, the actual debt service under the permanent financing is lower than the anticipated debt service on which the Contract Rents were based, the initial Contract Rents, or the Contract Rents then in effect, will be reduced commensurately and the amount of savings will be credited to the Project Account. If the actual debt service is higher and the HFA is using its set-aside for the project, such Contract Rents will be increased commensurately, subject to the conditions and limitations set forth in this provision. An alternative provision is included in the Agreement to Enter into Housing Assistance Payments Contract, Appendix II (Agreement) for adjustment of Contract Rents where permanent financing alone, rather than a combination of interim and permanent financing, is utilized. (See also sections 1.5e and 1.5f of the Agreement and section 1.9e of the Contract.)

14. Section 883.206(a) has been modified so that the Contract term for a New Construction project (other than mobile homes) will be related to the term of the HFA financing (not to exceed 40 years for any unit).

15. Section 883.206(c), relating to the Contract term for a Substantial Rehabilitation project, has been modified so that (a) where the relative cost of the rehabilitation is less than 15 percent of the value of the project after completion of the rehabilitation, the total Contract term for any unit may not exceed 5 years; and (b) where such relative cost is higher, the total Contract term will cover the financing of the cost of rehabilitation, or the remaining term of the existing indebtedness, if that be greater, or will cover the financing of the cost of the rehabilitation and of the acquisition or refinancing of the existing indebtedness (not to exceed 40 years for any unit).

16. Section 883.207(c), the provision authorizing special additional adjustments under limited circumstances, has been modified to (a) clarify the circumstances under which such adjustments may be granted and (b) permit the HFA (as well as the Owner) to demonstrate to HUD the need for such adjustment. (See also section 1.9c of the Contract.)

17. Section 883.208(a)(1) has been modified to eliminate the provision that housing developed for use in this program should correspond to the predominant housing patterns of the locality in terms of structure and density.

18. Section 883.211 has been clarified with respect to situations where the Agreement or the Contract is pledged as security for financing and a new 883.211(b) has been added to clarify the status of the Housing Assistance Payments Contract in the event of foreclosure and assignment or sale.

19. Section 883.212 has been modified to permit the Owner to require each Family to make a security deposit in the amount of one month's Gross Family Contribution. (See also section 1.10b of the Contract.)

20. The definitions of "large family" and "very large family," as used in § 883.214 for purposes of identifying those Families for whom housing assistance payments will equal the difference between 15 percent of gross income and the Gross Rent, have been modified as follows:

(a) The term "large family" means a family which includes six or more minors (other than the head of the family or the spouse), and

(b) The term "very large family" means a family which includes eight or more such family members.

21. Section 883.215, which sets forth the responsibilities of the Owner, has been modified so that the HFA, rather than HUD, will (a) make adjustments in the Allowance for Utilities and Other Services and (b) approve contracts between the Owner and other entities for the performance of Owner services.

22. Section 883.302, sections 2.16 and 2.17 of the ACC, and sections 2.7, 2.8, and 2.9 of the Contract have been clarified with respect to: (a) the rights of the Owner in the event of failure of the HFA to comply with the Contract and (b) the rights and obligations of the HFA and the rights of HUD for determinations of Owner defaults under the Contract and the taking of corrective action.

23. Section 883.309(a), relating to HFA submission of the Proposal to HUD, has been clarified and simplified.

24. The certifications which the HFA must submit to HUD with the Proposal have been expanded so that, pursuant to §§ 883.309(d)(1) and 883.309(d)(4), the HFA must certify that the developer, builder, Owner and management agent (if any) are acceptable for purposes of meeting all the obligations of the Agreement and Contract.

25. Section 883.311(b) has been modified to provide for notification to a unit of general local government (which had been given an opportunity to comment on the Proposal) as to HUD's final action with respect to the Proposal.

26. The provisions relating to the HFA's acceptance of the Notification of Application Approval and the preparation and execution of the ACC and Agreement, §§ 883.312 and 883.313, have been clarified.

27. Section 883.312(d) has been modified so that the HFA-certified working drawings and specifications will be retained in the HFA files (and be available for examination by HUD) rather than be submitted to HUD with the certification.

28. Section 883.315(c), respecting changes from the approved Proposal, has been (a) clarified as to the time within which the HFA must submit such changes to HUD for approval and (b) modified to permit Contract Rents with HUD approval to be increased where required by changes in local codes or ordinances made subsequent to execution of the Agreement.

29. The certifications required from the HFA at project completion, as set forth in § 883.316(a), have been expanded to include a certification that, among other things, the project has been constructed or rehabilitated in accordance with applicable zoning, building and housing codes, etc.

30. Section 883.327, which provides for the reduction of Contract units utilized by the Owner over a substantial period of time for other than Eligible Families has been modified to provide for restoration of the withdrawn units under certain circumstances. (See also section 1.12 of the Contract.)

31. A new § 883.401 has been added which sets forth procedures applicable to a Participating Agency which uses all or part of its set-aside for an existing housing program. Pursuant to this provision, such Agency is subject to the regular existing housing regulations, 24 CFR, Part 882 except that: (a) it may submit an application to HUD at any time, without reference to a HUD Invitation for an existing housing program; and (b) its application will be exempt from the provisions of section 213(a) of the Housing and Community Development Act unless the unit of general local government in which assistance is to be provided objects, in its Local Housing Assistance Plan, to the exemption.

Although many modifications were made as a result of the comments received, some recommendations in the comments are not reflected in the final regulations. The more recurrent and significant of these comments are discussed below.

Several comments were directed at subject matter which is covered in other regulations. For example, comments concerning Fair Market Rents and Automatic Annual Adjustment Factors are covered by the regulations relating to these items, 24 CFR, Part 888. Similarly, comments concerning computation of income for purposes of determining eligibility and amount of Gross Family Contribution are covered by the regulations respecting these determinations, 24 CFR, Part 889.

Some comments recommended that the 60 day limitation on payments to Owners for vacant units during rent-up (see § 883.204(b)) be eliminated. This limitation, however, is required by section 8(c)(4)(B) of the United States Housing Act of 1937 (USH Act), which states that: "• • • payments may be made with respect to unoccupied units for a period not exceeding 60 days."

Many comments suggested that the HFA, as administrator of the Contract, should receive a fee for the cost of administration similar to the fee allowed to public housing agencies (PHAs) in the other section 8 programs. In HUD's judgment, however, HFAs participating under this Part are compensated sufficiently in the form of lower interest rates from the tax-exempt financing and/or mortgage insurance premiums. As a result, unlike PHAs in the other section 8 programs, there is no justification for providing the HFAs with a separate fee.

Many comments objected to the provision which prohibits an HFA from both administering the Housing Assistance Payments Contract for a project and contracting to perform the management and maintenance for the same project. This prohibition is retained in the final regulations (see § 883.215(b)) in order to avoid the conflict of interest that would exist if the entity which is the Contract administrator, and is therefore responsible for enforcement of compliance with management and maintenance requirements, were itself the entity whose compliance must be evaluated and enforced.

Some comments stated that the provision requiring HUD approval of the terms of financing where the Agreement or Contract is offered or pledged as security for any loan or obligation (§ 883.211(a)) should be eliminated. This provision, however, is retained in the final regulations because it is required by section 8(c)(4) of the USH Act.

Many comments objected to the provision which requires that Contract Rents reflect the savings in interest to the HFA as a result of tax-exempt financing (see § 883.205(b)(1)). However, because the interest savings is the result of favorable Federal tax treatment to the HFA, the benefit should be reflected in the Contract Rents the payment of which is supported by Federal subsidy.

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Among the criteria that HUD will consider in determining whether to grant a set-aside and the amount of such set-aside, is the ability and willingness of an HFA to limit the number of units leased by assisted families to 20 percent or less in projects of more than 50 units and not designed for the elderly or handicapped (see § 883.104(d)(5)). Several comments expressed concern that this criterion will operate to the disadvantage of HFAs servicing rural areas where large projects are not appropriate. In response to this concern it should be noted that this criterion is only one of seven factors and which HUD may consider is not necessarily of equal weight with the other factors. In addition, this criterion is consistent with the second of the two stated statutory purposes of section 8, "promoting economically mixed housing."

Although it was necessary to limit the comment period to fifteen days because of the statutory requirement that these regulations be made effective as of January 1, 1975, more than 60 days have elapsed since publication of the proposed regulations. Moreover, HUD has considered all comments received, including more than 20 which were received after the 15-day comment period. Therefore, an additional specified comment period will not be provided at this time. However, HUD will consider any additional comments which are submitted and may make further modifications of these regulations if they are of sufficient significance. Comments should be addressed to the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. A copy of each communication will be available for public inspection during business hours.

A finding of Inapplicability with respect to the National Environmental Policy Act of 1969 has been made with respect to these regulations. A copy of this Finding of Inapplicability is available for inspection during regular business hours at the above address.

In order to comply with the statutory requirement that these regulations be made effective as of January 1, 1975, the Assistant Secretary for Housing Production and Mortgage Credit/FHA Commissioner has determined that these regulations be made effective as of that date.

Effective date. These regulations are effective as of January 1, 1975.

Accordingly, Title 24 is amended as follows:

A new Part 883, Section 8, Housing Assistance Payments Program—Housing Finance and Development Agencies is added to Chapter VIII to read as set forth below.

Subpart A—Applicability and Scope

Sec.
883.101 Purpose.
883.102 Eligibility of agencies for purposes of this part.
883.103 Request for participation.
883.104 Set-asides.
883.105 Agencies using set-asides but not special procedures.
883.106 Agencies using special procedures for projects for which preliminary proposals were selected by HUD.
883.107 Agencies financing projects using neither special procedures nor set-asides.
883.108 Cooperation between participating agencies and other entities.
883.109 Approval of financing terms.

Subpart B—Definitions and Basic Policies

883.201 Applicability of Subpart B.
883.202 Definitions.
883.203 Maximum total ACC commitment and project account.
883.204 Housing assistance payments to owners.
883.205 Contract rents.
883.206 Term of housing assistance payments contract.
883.207 Rent adjustments.
883.208 Types of housing and property standards.
883.209 Site and neighborhood standards.
883.210 Relocation.
883.211 Use of contract as security for financing.
883.212 Security and utility deposits.
883.213 Establishment of income limit schedules; 30 percent occupancy by very low-income families.
883.214 Establishment of amount of housing assistance payments.
883.215 Responsibilities of the owner.
883.216 Separate project requirement.

Subpart C—Program Development—New Construction and Substantial Rehabilitation

Sec.
883.301 Applicability of Subpart C.
883.302 General responsibilities of the HFA and relationships to HUD.
883.303 Compliance with Federal requirements.
883.304 Applicability of section 213 of HCD Act; Justification for new construction or Substantial Rehabilitation.
883.305 Submission of Application.
883.306 HUD review and approval of Application.
883.307 Obtaining Proposals.
883.308 Simultaneous submission of application and proposal.
883.309 HFA submission of proposals.
883.310 HUD evaluation of proposals.
883.311 Notification of acceptability of Proposal.
883.312 HFA's submission of acceptance of notification, certification of design and construction quality, ACC, and Agreement.
883.313 HUD execution of annual contributions contract and agreement.
883.314 Submission of estimates of required Annual Contributions.
883.315 Construction or rehabilitation period.
883.316 Project completion.
883.317 Execution of housing assistance payments contract.
883.318 Marketing.
883.319 Lease requirements.
883.320 Termination of tenancy.
883.321 Maintenance, operation and inspections.
883.322 Reexamination of family income, composition, and extent of exceptional medical or other unusual expenses.
883.323 Overcrowded and underoccupied units.
883.324 Adjustment of allowance for Utilities and Other Services.
883.325 Continued family participation.
883.326 Inapplicability of low-rent public housing model lease and grievance procedures.
883.327 Reduction of number of contract units for failure to lease to eligible families.
883.328 HUD review of contract compliance.
883.329 HFA reporting requirements [Reserved]

Subpart D—Program Development—Existing Housing

883.401 Modification of existing housing regulations.

Appendices

NOTE: Various prescribed forms which relate to internal HUD processing procedures are not included herein, but will appear in the HUD Housing Finance and Development Agencies Handbook.

I ANNUAL CONTRIBUTIONS CONTRACT

II AGREEMENT TO ENTER INTO HOUSING ASSISTANCE PAYMENTS CONTRACT

III HOUSING ASSISTANCE PAYMENTS CONTRACT

AUTHORITY: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); sec. 5(b), U.S. Housing Act of 1937 (42 U.S.C. 1437c(b)); sec. 8, U.S. Housing Act of 1937 (42 U.S.C. 1437f).

Subpart A—Applicability and Scope

§ 883.101 Purpose.

Various States have established statewide housing finance or development agencies to encourage the provision of housing for low and moderate income persons and families. To enable these agencies to effectively develop programs to meet housing needs within their respective jurisdictions, set-asides under the Housing Assistance Payments Program may be provided under the provisions of this Subpart. Some of these agencies also finance the construction and rehabilitation of housing and assume the risks of default and foreclosure on developments they finance. To allow these agencies flexibility in developing programs to meet housing needs, special policies and procedures are provided.

§ 883.102 Eligibility of agencies for purposes of this part.

(a) *Eligibility for Set-Asides.* A Participating Agency ("Agency") (see § 883.103) is eligible to receive set-asides under this Subpart.

(b) *Eligibility for Special Procedures.* With respect to any project for which an Agency provides permanent financing without Federal mortgage insurance, it may utilize the special procedures set forth in Subpart C of this Part. When utilizing these special procedures, the Agency is an HFA as defined in § 883.202.

(c) *"Provide Permanent Financing."* For purposes of this Part, an Agency is deemed to "provide permanent financing" if HUD determines that: (1) the Agency provides permanent financing from its own funds, including the sale of its obligations; or (2) permanent financing for projects developed or administered by the Agency is provided by the State government or by an agency or instrumentality thereof other than the Agency; or (3) the permanent financing (by a public or private entity other than the Agency) is backed by the commitment of the Agency to assume the risks of loss on default or foreclosure of the loan.

§ 883.103 Request for participation.

In order to qualify for a set-aside and/or the special procedures set forth in this Part, an agency must submit a letter showing that it is a housing finance and/or development agency with statewide responsibility and that it qualifies as a public housing agency ("PHA"), as defined in the U.S. Housing Act of 1937, and requesting participation to the Assistant Secretary for Housing Production and Mortgage Credit, U.S. Department of Housing and Urban Development ("HUD"), Washington, D.C. 20410. Enclosed with the letter shall be two copies of: (a) the relevant enabling legislation, (b) any rules and regulations adopted or to be adopted by the agency to govern its operations, and (c) an opinion from the agency counsel that the agency is legally qualified and authorized to participate in the Housing Assistance Payments Program. This opinion shall include an explanation of the basis and extent of the agency's legal authority, if any, for housing development or administration in the areas of operation of any existing PHAs (see definition of PHA in § 883.202). After prompt review, the agency shall be notified whether or not, and in what respects, it is qualified to participate. Copies of the notification shall be provided to the HUD Regional Office and appropriate field office(s). An agency so notified that it is qualified to participate is defined in § 883.202 as a Participating Agency ("Agency").

§ 883.104 Set-asides.

(a) *Notification of Availability of Set-Asides.* HUD will set aside for use by Agencies portions of allocations of contract authority for the Housing Assistance Payments Program and will promptly notify Agencies that set-asides will be available. The notice shall also state the time within which requests for set-asides must be received.

(b) *Applying for Set-Asides.* In order to receive a set-aside, an Agency must submit a letter requesting a set-aside to the appropriate HUD field office director(s) with copies to the HUD Regional Administrator and the Assistant Secretary for Housing Production and Mortgage Credit. Such letter shall include information sufficient to enable a determination to be made on the basis of the criteria outlined in paragraph (d) of this section. The letter shall include an opinion from the Agency counsel that there have been no changes in the scope of the Agency's legal authority to participate subsequent to the determination of its eligibility pursuant to § 883.103, or a statement of any such changes as may have occurred and an opinion from the Agency counsel as to the effect of such changes on the Agency's eligibility.

(c) *HUD Allocation of Set-Asides.* Promptly after submission by an Agency of the letter specified in paragraph (b) of this section, HUD shall notify that Agency by letter of its determination. If a set-aside is granted, the letter of notification to the Agency shall (1) direct its attention to its obligation under § 883.213(b), (2) indicate the portion of the set-aside to be used in metropolitan and non-metropolitan areas, and (3) indicate the portion of the set-aside to be used for dwelling units of three or more bedrooms. Promptly following receipt of the HUD letter, the Agency shall make a public announcement that it has been allocated a set-aside, specify the amount of the set-aside, and indicate where and when applications to the Agency may be submitted by developers or Owners.

(d) *Determination of Set-Aside.* The determination of whether to grant a set-aside and the amount of any set-aside shall be made on the basis of the criteria set forth in this paragraph (d). The amount of any set-aside otherwise warranted under this paragraph shall not be reduced by reason of any New Communities set-aside granted to the Agency.

(1) The degree of the Agency's expertise in connection with the development of housing, and the Agency's ability to administer the set-aside;

(2) The extent to which the housing needs of the State have been evaluated, a program has been developed to provide housing in those areas with the most critical needs, and the Agency is prepared to use the set-aside to implement that program (in determining relative housing needs, the Agency should consider factors such as those specified in section 213(d) of the HCD Act);

(3) The extent to which the Agency's program complements the allocation program of the HUD field office;

(4) Where applicable, the Agency's ability and willingness to serve inner-city and rural non-farm housing needs;

(5) The Agency's ability and willingness to provide permanent financing without Federal mortgage insurance;

(6) The Agency's ability and willingness to limit the number of units leased by assisted families to 20 percent or less of the units in projects of more than 50 units and not designed for use primarily by the elderly and the handicapped; and

(7) The Agency's ability and willingness to provide dwelling units of three or more bedrooms, where the need for such units is shown, taking into account the responsibility of the HUD field office to achieve the goal of providing a number of large dwelling units equal to at least 20 percent of all the assisted units approved under the Section 8 Housing Assistance Payments Program.

(e) *Bonus Set-Aside for 20 Percent Projects.* It is expected that, wherever possible, Agencies will limit the percentage of subsidized families in a project. If this percentage is 20 percent or less in newly constructed or substantially rehabilitated projects, in accordance with the guideline stated in paragraph (d)(6) of this section, the Agency will receive an additional set-aside out of subsequent allocations to the field office. This additional set-aside shall be determined as follows: HUD will authorize a set-aside of one additional unit for every four units which were committed for leasing by assisted families in accordance with the 20 percent guideline prior to the time such subsequent allocation is made; however, a unit may be counted only once in determining the amount of the additional set-aside. For purposes of this paragraph, a unit shall be deemed committed if an Agreement to Enter into Housing Assistance Payments Contract has been executed with respect to such unit. For example, if an Agency has entered into an Agreement to Enter into Housing Assistance Payments Contract with a developer for a structure of 100 units, of which 20 units are to be leased by assisted families, the set-aside for the next fiscal year will include an additional five units.

(f) *Termination of Set-Asides.* Set-asides not assigned to projects on or before the 45th day prior to the end of each Federal fiscal year are automatically terminated as of that date, unless the Assistant Secretary for Housing Production and Mortgage Credit shall agree in writing to extend the date. For purposes of this paragraph, set-aside authority is deemed assigned on the date the field office issues a Notification of Application Approval for a specific number of units and a specific amount of annual contributions for a new construction or substantial rehabilitation project or, in the case of an existing housing program, when an Annual Contributions Contract List is approved by HUD. However, with respect to any new construction or substantial rehabilitation project, unless an Agreement to Enter into Housing Assistance Payments Contract, executed by the Agency and the Owner, is submitted to HUD within six months of the date of Notification of Application Approval, the Notification shall expire and the units not covered by such Agreement(s) shall automatically be cancelled, unless the Assistant Secretary for Housing Production and Mortgage Credit agrees in writing to extend the date.

(g) *Transfer of Set-Asides.* Where a specific portion of an Agency's set-aside is assigned to a particular project (as defined in paragraph (f) of this section) and it is subsequently determined that the portion so assigned cannot be used for that project, the Agency may retain use of that portion only by proceeding in the following manner:

(1) *Project terminated or reduced on or before the 45th day prior to the end of the Federal fiscal year.* If the determination to terminate or reduce the number of assisted units in a particular project is made on or before the 45th day prior to the end of the Federal fiscal year in which the set-aside was assigned to that project, the Agency shall notify the HUD field office of that determination. The portion of the set-aside for the particular project will be cancelled or reduced accordingly and the portion thereby released will be available for assignment to another project through the 45th day prior to the end of the same fiscal year.

(2) *Project termination or reduction after the 45th day prior to the end of the*

V 40173 APR 15 75 XUM

Federal fiscal year. If the determination to terminate or reduce the number of assisted units in a particular project is made after the 45th day prior to the end of the Federal fiscal year in which an assignment was made to that project, the Agency may transfer the released portion of the set-aside to another project or projects provided each of the following conditions is satisfied:

(i) The Agency notifies the HUD field office promptly after the determination is made and provides full and complete information concerning the proposed transfer, including names and locations of the projects involved, the specific amount of set-aside to be transferred, and a written statement of assurance that an Agreement, executed by the Agency and the Owner, will be submitted to HUD within six months;

(ii) The proposed transfer is in fact made to a specific project in a specific location and is subject to the condition that an Agreement, executed by the Agency and the Owner, is submitted to HUD within six months of the date of the transfer, unless the Assistant Secretary for Housing Production and Mortgage Credit agrees in writing to extend such date; and that if such an Agreement is not submitted to HUD within such time, the transferred set-aside shall automatically terminate and the Agency's total set-aside for the current fiscal year shall not be increased to compensate for such termination.

§ 883.105 Agencies using set-asides but not special procedures.

If an Agency has a set-aside but does not qualify for or does not wish to utilize the special procedures under Subpart C with respect to a New Construction or Substantial Rehabilitation project, it shall follow the provisions set forth in 24 CFR Part 880 or 881, whichever is applicable, except as follows:

(a) The Agency may submit a Preliminary Proposal to the HUD field office at any time without reference to any HUD Invitation for Preliminary Proposals pursuant to 24 CFR 880.203 or 881.203. At the same time, the Agency shall submit an Application in the form prescribed by HUD.

(b) Such Preliminary Proposal and related Final Proposal shall be evaluated on the basis of acceptability in accordance with the requirements of the applicable Part, but they shall not be subject to the competitive ranking and selection provisions of 24 CFR 880.208(e) or 881.208(e).

§ 883.106 Agencies using special procedures for projects for which preliminary proposals were selected by HUD.

If a Preliminary Proposal which was submitted to and selected by a HUD field office pursuant to the New Construction or Substantial Rehabilitation Regulations (24 CFR 880.203–.206 and –.208 or 24 CFR 881.203–.206 and –.208) is for a project which is to be permanently financed without Federal mortgage insurance by an Agency which wishes to use the special procedures under Subpart C for that project (whether or not the Agency uses a set-aside for the project), the Agency, in lieu of the submission of a Final Proposal pursuant to said regulations, shall submit a Proposal pursuant to § 883.309, and the Proposal shall otherwise be subject to and be processed in accordance with the provisions of Subpart C. The Proposal submitted pursuant to § 883.309 shall be consistent with the Preliminary Proposal; any material deviation will be cause for reconsideration by HUD of the § 883.309 Proposal and may result in its rejection.

§ 883.107 Agencies financing projects using neither special procedures nor Set-Asides.

If an Agency provides permanent financing with Federal mortgage insurance for a section 8 project and does not utilize its set-aside for such project, the New Construction or Substantial Rehabilitation Regulations (24 CFR, Part 880 or 881), including the special provisions in those regulations with respect to bond and note financing, shall apply.

§ 883.108 Cooperation between participating agencies and other entities.

An objective of the program is to encourage cooperation between Agencies and other entities. Accordingly, formal or informal agreements of cooperation between such entities are encouraged. However, such agreements shall not diminish or relieve an Agency of its obligations and responsibilities to HUD under the ACC and this Part.

§ 883.109 Approval of financing terms.

(a) An Agency, prior to receiving HUD approval of its first Proposal for a section 8 project under this Part, shall submit to the appropriate HUD field office or offices copies of the documents relating to the method of financing of newly constructed or substantially rehabilitated housing which may involve section 8, such documents to include the bond resolutions or indentures, loan agreements, regulatory agreements, notes, and mortgages or deeds of trust and other related documents, if any (but not the "official statement" or "prospectus," copies of which shall be furnished to HUD when issued). HUD review shall be limited to those matters related to or affecting section 8. After prompt review, HUD shall notify the Agency that the documents are acceptable or, if unacceptable, shall request clarification or changes. In the event an Agency which has obtained HUD approval of those portions of its financing documents related to or affecting section 8 proposes substantive changes in the documents affecting section 8, whether by way of amendment, replacement or supplementation, such changes must be submitted to HUD for prior approval.

(b) The Agency shall retain in its files, and make available for HUD inspection, the documentation relating to its financing of section 8 projects, including any certifications of compliance with the applicable Department of Treasury regulations regarding arbitrage.

Subpart B—Definitions and Basic Policies

§ 883.201 Applicability of Subpart B.

The provisions of this Subpart are applicable to newly constructed and substantially rehabilitated housing developed under Subpart C of this Part pursuant to section 8 of the Act. Existing housing projects administered by Agencies shall be subject to the regulations for the Housing Assistance Payments Program—Existing Housing under section 8 of the Act, except as modified in Subpart D of this Part.

§ 883.202 Definitions.

Agency. See definition of Participating Agency.

Agreement to Enter Into Housing Assistance Payments Contract ("Agreement"). A written agreement between the Owner and the HFA, approved by HUD, that, upon satisfactory completion of the housing in accordance with the HUD-approved Proposal, the HFA will enter into a Housing Assistance Payments Contract with the Owner. (See Appendix II.)

Allowance for Utilities and Other Services ("Allowance"). An amount determined by the HFA to be a reasonable allowance for the cost of utilities (except telephone) and charges for other services payable directly by the Family. In the case of a Proposal under which the Families must pay directly for one or more utilities or services, the amount of the Allowance is deducted from the Gross Rent in determining the Contract Rent and is included in the Gross Family Contribution.

Annual Contributions Contract ("ACC"). A written agreement between HUD and the HFA to provide annual contributions to the HFA with respect to the project. (See Appendix I.)

Application. An application for assignment of a portion of a set-aside to a specific project.

Contract. See definition of Housing Assistance Payments Contract.

Contract Rent. The rent payable to the Owner under his Contract including the portion of the rent payable by the Family. In the case of a cooperative, the term "Contract Rent" means charges under the occupancy agreements between the members and the cooperative.

Decent, Safe, and Sanitary. Housing is Decent, Safe, and Sanitary at project completion if the HFA certifies that the dwelling units and related facilities meet the requirements of the Agreement. (See § 883.316.) Housing continues to be Decent, Safe, and Sanitary if it is being maintained in a condition substantially the same as that on completion, in all pertinent respects, including the following:

(a) Condition of the exterior (including the grounds) and the interior of the structure of the housing unit;

(b) Operating condition of sanitary facilities and of solid and liquid waste disposal facilities;

(c) Operating condition of kitchen facilities, including range and refrigerator, sink, and space for storage of food and for storage of utensils and dishes;

(d) Operating condition of heating, lighting and ventilating equipment and/or other facilities; and

(e) Size, number of rooms, and furnishability in relation to the size and type of Family in occupancy in accordance with any applicable State or local codes.

Eligible Family ("Family"). A Family which qualifies as a Lower-Income Family and which meets the other requirements of the Act and this Part. The term Family includes an elderly, handicapped, disabled, or displaced person and the remaining member of a tenant family as defined in section 3(2) of the Act. A Family's eligibility for housing assistance payments continues until the Gross Family Contribution equals the Gross Rent for the dwelling unit it occupies, but the termination of eligibility at such point shall not affect the family's other rights under its Lease nor shall such termination preclude resumption of payments as a result of subsequent changes in Income or other relevant circumstances during the term of the Contract.

Fair Market Rent. (a) The rent, including utilities (except telephone), ranges and refrigerators, parking, and all maintenance, management and other services, which, as determined at least annually by HUD, would be required to be paid in order to obtain privately developed and owned, newly constructed rental housing of modest (non-luxury) nature with suitable amenities and sound architectural design meeting the objectives of the HUD Minimum Property Standards.

(b) Separate Fair Market Rents will be established for dwelling units by various sizes (number of bedrooms) and types (e.g., elevator, row, detached, mobile homes; housing designed for the elderly or handicapped shall be a separate type for this purpose).

(c) The Fair Market Rents will be published in the Federal Register, and, in order to allow for the period of construction, computation of the published Fair Market Rents will include HUD's estimate of anticipated rent increases during an appropriate future period as stated in the publication. Accordingly, for any given project for which the scheduled construction time will be less than such future period, an appropriate reduction will be made in determining the approvable Contract Rent.

(d) The Fair Market Rent, minus the amount of any applicable Allowance for Utilities and Other Services payable directly by the Family, shall be the maximum amount that can be approved as the Contract Rent, except that the maximum approvable amount may be lower as stated in paragraph (c) of this definition and may be higher or lower as provided in § 883.205.

Financing Cost Contingency. The contingency included in the ACC pursuant to § 883.203.

Gross Family Contribution. The portion of the Gross Rent payable by an Eligible Family, i.e., the difference between the amount of the housing assistance payment payable on behalf of the Family and the Gross Rent.

Gross Rent. The Contract Rent plus any Allowance for Utilities and Other Services.

HCD Act. The Housing and Community Development Act of 1974.

Housing Assistance Payments Contract ("Contract"). A written contract between the Owner and the HFA, approved by HUD, for the purpose of providing housing assistance payments to the Owner on behalf of Eligible Families. (See Appendix III.)

Housing Finance Agency ("HFA"). A Participating Agency which provides permanent financing (as defined in § 883.102(c)) without Federal mortgage insurance for newly constructed or substantially rehabilitated housing.

Housing Assistance Payment on Behalf of Eligible Family. The amount of housing assistance payment on behalf of an Eligible Family determined in accordance with schedules and criteria established by HUD. (See § 883.214.)

HUD. The Department of Housing and Urban Development or its designee.

Income. Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

Lease. A written agreement between an Owner and an Eligible Family for the leasing of a Decent, Safe, and Sanitary dwelling unit in accordance with the applicable Contract, which agreement is in compliance with the provisions of this Part.

Local Housing Assistance Plan. A housing assistance plan submitted by a unit of general local government and approved by HUD under section 104 of the HCD Act or, in the case of a unit of general local government not participating under Title I of the HCD Act, a housing plan which contains the elements set forth in section 104(a)(4) of the HCD Act and which is approved by the Secretary as meeting the requirements of section 213 of that Act.

Lower-Income Family. A family whose Income does not exceed 80 percent of the median Income for the area as determined by HUD with adjustments for smaller or larger families, except that HUD may establish Income limits higher or lower than 80 percent on the basis of its findings that such variations are necessary because of the prevailing levels of construction costs, unusually high or low Incomes, or other factors.

Minimum Property Standards. HUD Minimum Property Standards or standards which the Secretary finds are equivalent to or exceed such HUD standards.

New Communities. New community developments approved under Title IV of the Housing and Urban Development Act of 1968 and Title VII of the Housing and Urban Development Act of 1970.

New Construction. Newly constructed housing for which, prior to the start of construction, an Agreement is executed between the Owner and the HFA. However, housing already under construction may be eligible for participation if all subsequent actions are in compliance with this Part and if the HFA certifies that:

(a) At the date of application to HUD, a substantial amount of construction (generally at least 25 percent) remains to be completed; and

(b) At the date of application to HUD, the project cannot be completed without a commitment for assistance under this Part; and

(c) At the time construction was initiated, all the parties reasonably expected that the project would be completed without assistance under this Part; provided, however, that this condition (c) shall not apply to a project if the HFA submits a Proposal to HUD not later than June 30, 1975, with respect to that project, together with a certification that the Agency's commitment to provide the permanent financing for the project was on the condition that all or a substantial number of units would be for occupancy by low income families with Federal housing assistance.

Owner. Any private person or entity, including a cooperative, or a PHA, having the legal right to lease or sublease newly constructed dwelling units.

Participating Agency ("Agency"). An agency which has been notified by HUD in accordance with § 883.103 that it is qualified to participate under this Part.

Project Account. The account established and maintained in accordance with § 883.203.

Proposal. A proposal to provide newly constructed or substantially rehabilitated housing submitted by the HFA to HUD pursuant to § 883.309.

Public Housing Agency ("PHA"). Any State, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of housing for low-income families.

Secretary. The Secretary of Housing and Urban Development.

Spread. The difference between the net interest cost on HFA obligations issued in connection with a project and the effective rate of interest (i.e., including the servicing charge) payable by the Owner.

Substantial Rehabilitation. (a) The improvement, in accordance with HUD requirements, of a property to Decent, Safe, and Sanitary condition from a condition requiring more than routine or minor repairs or improvements of such extent as to necessitate execution of an Agreement prior to the performance of the work. Substantial Rehabilitation may vary in degree from gutting and extensive reconstruction to cosmetic improvements coupled with cure of substantial accumulation of deferred maintenance. Cosmetic improvements alone do not qualify as Substantial Rehabilitation under this definition.

V 40 173 APR 15 75 5 XUM

(b) Substantial Rehabilitation also includes renovation, alteration or remodeling for the conversion or adaptation of structurally sound property to the design and condition required for use under this Part (e.g., conversion of a hotel to housing for the elderly).

Substantially Rehabilitated. "Substantially Rehabilitated" housing shall mean housing requiring Substantial Rehabilitation for which, prior to the start of rehabilitation, an Agreement is executed between the Owner and the HFA. However, housing already undergoing rehabilitation may be eligible for participation if all subsequent actions are in compliance with this Part and if the HFA certifies that:

(a) At the date of application to HUD, a substantial amount of rehabilitation (generally at least 25 percent) remains to be completed; and

(b) At the date of application to HUD, the project cannot be completed without commitment for assistance under this Part; and

(c) At the time rehabilitation was initiated, all of the parties reasonably expected that the project would be completed without assistance under this Part; provided, however, that this condition (c) shall not apply to a project if the HFA submits a Proposal to HUD not later than June 30, 1975, with respect to that project, together with a certification that the Agency's commitment to provide the permanent financing for the project was on the condition that all or a substantial number of units would be for occupancy by low income families with Federal housing assistance.

Very Low-Income Family. A family whose Income does not exceed 50 percent of the median Income for the area, as determined by HUD, with adjustments for smaller or larger families.

§ 883.203 Maximum total ACC commitment and project account.

(a) *Maximum Total ACC Commitment.* The maximum total annual contribution that may be contracted for in the ACC for a project shall be the total of the Gross Rents for all the Contract units in the project, plus a Financing Cost Contingency (if the HFA is using its set-aside for the project) for possible increases in Contract Rents resulting from higher financing costs, pursuant to § 883.205(c)(2).

(b) *Project Account.* In order to assure that housing assistance payments will be increased on a timely basis to cover increases in Contract Rents or decreases in Family Income:

(1) A Project Account shall be established and maintained, in an amount as determined by the Secretary consistent with his responsibilities under section 8(c)(6) of the Act, out of amounts by which the maximum ACC commitment per year (exclusive of any Financing Cost Contingency) exceeds amounts paid under the ACC for any year. This account shall be established and maintained by HUD as a specifically identified and segregated account, and payment shall be made therefrom only for the purposes of (i) housing assistance payments, and (ii) other costs specifically authorized or approved by the Secretary.

(2) Whenever the HUD-approved Estimate of Required Annual Contributions (see § 883.314) exceeds the maximum ACC commitment then in effect (exclusive of any Financing Cost Contingency), and would cause the amount in the Project Account to be less than an amount equal to 40 percent of such maximum ACC commitment, HUD shall, within a reasonable period of time, take such additional steps authorized by section 8(c)(6) of the Act as may be necessary to carry out this assurance, including (as provided in that section of the Act) "the reservation of annual contributions authority for the purpose of amending housing assistance contracts or the allocation of a portion of new authorizations for the purpose of amending housing assistance contracts."

§ 883.204 Housing assistance payments to owners.

(a) *General.* Housing assistance payments shall be made to Owners for units under lease by Eligible Families, in accordance with the Contract and as provided in this section. These housing assistance payments will cover the difference between the Contract Rent and that portion of said rent payable by the Family as determined in accordance with the HUD-established schedules and criteria. No section 8 assistance may be provided for any unit occupied by an Owner; however, cooperatives are considered rental housing rather than owner-occupied housing for this purpose.

(b) *Vacancies During Rent-up.* If a Contract unit is not leased as of the effective date of the Contract, the Owner shall be entitled to housing assistance payments in the amount of 80 percent of the Contract Rent for the unit for a vacancy period not exceeding 60 days from the effective date of the Contract, in accordance with the procedure set forth in § 883.217(b), provided that the Owner (1) commenced marketing and otherwise complied with § 883.315(e), (2) has taken and continues to take all feasible actions to fill the vacancy, including, but not limited to, contacting applicants on his waiting list, if any, requesting the HFA and other appropriate sources to refer eligible applicants, and advertising the availability of the unit, and (3) has not rejected any eligible applicant, except for good cause acceptable to the HFA.

(c) *Vacancies After Rent-up.* (1) If an Eligible Family vacates its unit (other than as a result of action by the Owner which is in violation of the Lease or the Contract or any applicable law), the Owner shall receive housing assistance payments in the amount of 80 percent of the Contract Rent for a vacancy period not exceeding 60 days; provided, however, that if the Owner collects any of the Family's share of the rent for this period in an amount which, when added to the 80 percent payments, results in more than the Contract Rent, such excess shall be payable to HUD or as HUD may direct. (See also § 883.212.) The Owner shall not be entitled to any payment under this paragraph (c)(1) unless he: (i) immediately upon learning of the vacancy, has notified the HFA of the vacancy or prospective vacancy and the reasons for the vacancy, and (ii) has taken and continues to take the actions specified in paragraphs (b)(2) and (b)(3) of this section.

(2) If the Owner evicts an Eligible Family, he shall not be entitled to any payment under paragraph (c)(1) of this section unless the request for such payment is supported by a certification that (i) he gave such Family a written notice of the proposed eviction, stating the grounds and advising the Family that it had 10 days within which to present its objections to the Owner in writing or in person and (ii) the proposed eviction was not in violation of the Lease or the Contract or any applicable law.

(d) *Prohibition of Double Compensation for Vacancies.* The Owner shall not be entitled to housing assistance payments with respect to vacant units under this section to the extent he is entitled to payments from other sources (for example, payments for losses of rental income incurred for holding units vacant for relocatees pursuant to Title I of the HCD Act or payments under § 883.212).

(e) *Recoupment of Savings in Financing Cost.* (1) In the event that the interim financing is continued beyond one year from the effective date of the Contract and the interest cost of the interim financing for any period of three months, after such first year, is less than the anticipated debt service under the permanent financing on which the Contract rents were based (see § 883.205(b)(2)), an appropriate amount reflecting the savings in financing cost shall be credited by HUD to the Project Account pursuant to § 883.203, and withheld from housing assistance payments to the Owner. If during the course of the same year there is any period of three months in which the financing cost is greater than the anticipated debt service under the permanent financing, an adjustment shall be made so that only the net amount of savings in financing cost for the year is credited by HUD to the Project Account and withheld by the HFA from the Owner as aforesaid (no increased payments shall be made to the Owner on account of any net excess for the year of actual interim financing cost over the anticipated debt service under the permanent financing). Nothing in this paragraph (e) shall be construed as requiring a reduction in the Contract Rents or precluding adjustments of Contract Rents in accordance with § 883.207.

(2) The computation and recoupment under this paragraph (e) may be made on an annual or on a quarterly or other periodic basis, but in any event no later than as of the end of each fiscal year; provided, however, that if recoupment is to be made less often than quarterly, the amounts of recoupment shall be computed on at least a quarterly basis and the funds deposited in a special account

from which withdrawals may be made only with the authorization of the HFA.

§ 883.205 Contract rents.

(a) *Fair Market Rent Limitation.* The sum of the initial Contract Rents and any Allowances for Utilities and Other Services shall not exceed the Fair Market Rents for newly constructed rental housing, except that they may be exceeded: (1) by up to 10 percent if the field office director determines that special circumstances warrant such higher rents and the higher rents are determined by HUD to be reasonable in relation to the quality, location, amenities, method, and terms of financing, and management and maintenance services of the project, or (2) by up to 20 percent, where the Assistant Secretary for Housing Production and Mortgage Credit determines that special circumstances warrant such higher rents or determines that such higher rents are necessary to the implementation of a Local Housing Assistance Plan, and that such higher rents meet the test of reasonableness in clause (1) of this paragraph (a).

(b) *HFA Certifications as to Reasonableness of Rents and as to Financing.* (1) The HFA shall certify to HUD that the Contract Rents as proposed have been determined to be reasonable in relation to the rents for comparable units, taking into account the quality, location, amenities, and management and maintenance services of the project and that the Contract Rents reflect the savings, if any, from the reduced costs of tax-exempt financing or abatement of real property taxes, together with a specific explanation of how the Contract Rents reflect such savings and the amount thereof.

(2) The HFA shall also submit a certification specifying (i) its projected rate (net interest costs) of the borrowing from which funds will be used for financing (interim and permanent) the project, (ii) the projected rate at which interim financing will be provided to the Owner for the project, (iii) the projected capital cost of the project and the projected rate and the term of the permanent financing to be provided to the Owner for the project, (iv) the projected monthly debt service for such permanent financing on which the Contract Rents are based, and (v) the spread, if any, between the projected rate of borrowing and the projected rate of lending to the Owner. The HFA shall also certify (vi) that the spread, if any, between its actual rate of borrowing and the actual rate of lending to the Owner for the project will not be greater than the projected spread nor greater than the spread allowed for the borrowing as a whole under the Department of Treasury regulations regarding arbitrage, and (vii) that the terms of the financing, the amount of the obligations issued with respect to the project, and the use of the funds raised will be in compliance with applicable Department of Treasury regulations regarding arbitrage.

(c) *Adjustments to Reflect Actual Cost of Permanent Financing.* After the project is permanently financed, the HFA shall submit a certification as to the actual financing terms, and the following provisions shall apply (see also alternative provision in the Agreement for adjustment where permanent financing alone, rather than a combination of interim and permanent financing, is utilized):

(1) If the actual debt service under the permanent financing is lower than the anticipated debt service on which the Contract Rents were based, the initial Contract Rents, or the Contract Rents currently in effect, shall be reduced commensurately, and the amount of the savings shall be credited to the Project Account. The maximum ACC commitment shall not be reduced except by the amount of the contingency, if any, which was included for possible increases under paragraph (c)(2) of this section.

(2) If the actual debt service under the permanent financing is higher than the anticipated debt service on which the Contract Rents were based, and the HFA is using its set-aside for the project, the initial Contract Rents, or the Contract Rents currently in effect, shall be increased commensurately, not to exceed the limitations in this paragraph (c)(2) and the amount of the Financing Cost Contingency in the ACC pursuant to § 883.203(a), if the projected borrowing rate (net interest cost) was not less than the average net interest cost for the preceding quarter (at the time the projection was submitted to HUD in accordance with paragraph (b)(2) of this section) of the "20 Bond Index" published weekly in the *Bond Buyer*, plus 50 basis points. An adjustment under this paragraph (c)(2) shall not be more than is necessary to reflect an increase in debt service (based upon the original projected capital cost and the actual term of the permanent financing for the project) resulting from an increase in interest rate of not more than:

(i) One and one-half percent if the projected spread (see paragraph (b)(2) of this section) was three-fourths of one percent or less, or

(ii) One percent if such projected spread was more than three-fourths of one percent but not more than one percent, or

(iii) One-half of one percent if such projected spread was more than one percent.

(3) After Contract Rents have been adjusted in accordance with paragraph (c)(1) or (c)(2) of this section, the maximum amount of the ACC commitment shall be reduced by the amount of any unused portion of the Financing Cost Contingency referred to in § 883.203, and such portion shall be reallocated to the then current set-aside of the HFA, if any. At the same time, if the Contract Rents have been increased in accordance with paragraph (c)(2) of this section, the maximum Contract amount shall be increased commensurately.

§ 883.206 Term of Housing Assistance Payments Contract.

(a) *New Construction Projects (other than Mobile Homes).* The Contract may be for an initial term of not more than five years for any dwelling unit, with provision for automatic renewal (unless agreed otherwise) for additional terms of not more than five years each. Since the Contract under which housing assistance payments are made concerns a project financed by a loan or loan guarantee from a State agency, the total Contract term may be equal to the term of the HFA financing, not to exceed 40 years for any dwelling unit.

(b) *New Construction Projects—Mobile Homes.* The Contract may be for an initial term of not more than five years for any mobile home, subject to renewal for additional terms of not more than five years each, as may be mutually agreed upon by the Owner and the HFA with the approval of HUD; provided that the total Contract term for any mobile home shall not exceed 20 years, or such shorter term as HUD may establish, taking into account the amount of the capital expenditures required for the project, the period and rate of amortization for the financing, and the approved rents to the Owner. For purposes of this paragraph (b), the term "mobile home" means the original home and any replacement(s), combined.

(c) *Substantial Rehabilitation Projects.* (1) Where the relative cost of the rehabilitation is less than 15 percent of the value of the project after completion of the rehabilitation, the Contract shall be for one term of not more than five years for any dwelling unit.

(2) Where the relative cost of the rehabilitation is 15 percent or more, the Contract may be for an initial term of not more than five years for any dwelling unit, with provision for automatic renewal (unless agreed otherwise) for additional terms of not more than five years each, for a total Contract term which will cover the financing of the cost of rehabilitation, or the remaining term of the existing indebtedness, if that be longer, or which will cover the financing of the cost of the rehabilitation and of acquisition or refinancing of the existing indebtedness; provided, however, that the total Contract term, including renewals, for any dwelling unit shall not exceed 40 years.

(d) If any project is completed in stages, the dates for the initial and the renewal terms shall be separately related to the units in each stage; provided, however, that the total Contract term for the units in all the stages, beginning with the effective date of the Contract with respect to the first stage, may not exceed the overall maximum term allowable for any one unit, plus two years.

§ 883.207 Rent adjustments.

(a) *Funding of Adjustments.* Housing assistance payments will be made in increased amounts commensurate with Contract Rent adjustments under this paragraph, up to the maximum amount

V 40 173 APR 15 75 XUM

authorized under the ACC and the Contract, exclusive of the Financing Cost Contingency (see § 883.203).

(b) *Automatic Annual Adjustments.* (1) Automatic Annual Adjustment Factors will be determined by HUD at least annually; interim revisions may be made as market conditions warrant. Such Factors and the basis for their determination will be published in the Federal Register. These published Factors will be reduced appropriately by HUD where utilities are paid directly by Families.

(2) On each anniversary date of the Contract, the Contract Rents shall be adjusted by applying the applicable Automatic Annual Adjustment Factor most recently published by HUD. Contract Rents may be adjusted upward or downward, as may be appropriate; however, in no case shall the adjusted rents be less than the Contract Rents on the effective date of the Contract.

(c) *Special Additional Adjustments.* Special additional adjustments may be granted, when approved by HUD, to reflect increases in the actual and necessary expenses of owning and maintaining the Contract units which have resulted from substantial general increases in real property taxes, utility rates, or similar costs (i.e., assessments, and utilities not covered by regulated rates), but only if and to the extent that the Owner or the HFA clearly demonstrates that such general increases have caused increases in the Owner's operating costs which are not adequately compensated for by automatic annual adjustments. The Owner or the HFA shall submit to HUD financial statements which clearly support the increase.

(d) *Overall Limitation.* Notwithstanding any other provisions of this Part, adjustments as provided in this section shall not result in material differences between the rents charged for assisted and comparable unassisted units, as determined by the HFA (and approved by HUD, in the case of adjustments under paragraph (c) of this section).

§ 883.208 Types of Housing and Property Standards.

(a) *New Construction.* (1) Newly constructed single-family homes, mobile homes and multifamily structures may be utilized in this program. Congregate housing may be developed for elderly, disabled, or handicapped Families and individuals. Single room occupant housing planned specifically as a relocation resource for eligible single persons may also be developed. High-rise elevator projects for Families with children may not be utilized unless HUD determines there is no practical alternative.

(2) Participation in this program requires compliance with (i) Minimum Property Standards, (ii) in the case of mobile homes, the American National Standards Institute Standard No. A–119.1 or applicable State standards, in accordance with applicable HUD regulations as to certification and standards issued pursuant to Title I of the National Housing Act, 24 CFR 201.520–1, (iii) in the case of congregate or single room occupant housing, the appropriate HUD guidelines and standards, (iv) HUD requirements pursuant to section 209 of the HCD Act for projects for the elderly or the handicapped, (v) HUD requirements pertaining to noise abatement and control, and (vi) applicable State and local laws, codes, ordinances, and regulations.

(b) *Substantial Rehabilitation.* (1) Existing structures of various types may be appropriate for this program including apartment hotels, single-family houses, and multifamily structures. Hotels or office buildings may be suitable for conversion under this program to housing designed for elderly or handicapped families and individuals, including congregate housing. Single room occupant housing planned specifically as a relocation resource for eligible single persons may also be developed. Units in high-rise elevator buildings may not be used for Families with children unless HUD determines there is no practical alternative. Mobile homes may not be utilized in this program.

(2) Participation in this program requires compliance with (i) HUD Minimum Design Standards for Rehabilitation for Residential Properties, (ii) in the case of congregate or single room occupant housing, the appropriate HUD guidelines and standards, (iii) HUD requirements pursuant to section 209 of the HCD Act for projects for the elderly or the handicapped, (iv) HUD requirements pertaining to noise abatement and control, (v) HUD regulations issued pursuant to the Lead Based Paint Poisoning Prevention Act, 42 USC 4801, and (vi) applicable State and local laws, codes, ordinances, and regulations.

§ 883.209 Site and Neighborhood Standards.

Proposed sites must meet the standards in this section.

(a) *New Construction or Substantial Rehabilitation Projects.* (1) Adequate utilities (water, sewer, gas and electricity) and streets shall be available to service the site.

(2) The site and neighborhood shall be suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, and HUD regulations issued pursuant thereto.

(3) The site shall promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons.

(4) The site shall be free from serious, adverse environmental conditions, or there shall be evidence that any such conditions will be corrected by the time the housing is completed. (For new construction projects, see paragraph (b)(3) of this section.)

(5) The site shall comply with any applicable conditions in any HUD-approved Local Housing Assistance Plan, if applicable under the provisions of § 883.304(a).

(6) The housing shall be accessible to social, recreational, educational, commercial, and health facilities and services, and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unsubsidized, standard housing of similar market rents.

(7) Travel time and cost via public transportation or private automobile, from the neighborhood to places of employment providing a range of jobs for lower-income workers, shall not be excessive. (While it is important that elderly housing not be totally isolated from employment opportunities, this requirement need not be adhered to rigidly for such projects.)

(8) The project may not be on a site which has occupants unless the relocation requirements referred to in Sec. 883.210 are met.

(9) The project may not be in an area that has been identified by HUD as having special flood hazards and in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, unless the project is covered by flood insurance as required by the Flood Disaster Protection Act of 1973, and it meets any relevant HUD standards and local requirements.

(b) *New Construction Projects Only.* (1) The site shall be adequate in size, exposure and contour to accommodate the number and type of units proposed.

(2) The site shall not be located in:

(i) An area of minority concentration unless (A) sufficient, comparable opportunities exist for housing for minority families, in the income range to be served by the proposed project, outside areas of minority concentration, or (B) the project is necessary to meet overriding housing needs which cannot otherwise feasibly be met in that housing market area. (An "overriding need" may not serve as the basis for determining that a site is acceptable if the only reason the need cannot otherwise feasibly be met is that discrimination on the basis of race, color, religion, creed, sex, or national origin renders sites outside areas of minority concentration unavailable.)

(ii) A racially mixed area if the project will cause a significant increase in the proportion of minority to non-minority residents in the area.

(3) The site shall be free from adverse environmental conditions, natural or manmade, such as instability, flooding, septic tank back-ups, sewage hazards, or mudslides; harmful air pollution, smoke or dust; excessive noise, vibration or vehicular traffic; rodent or vermin infestation; or fire hazards. The neighborhood must not be one which is seriously detrimental to family life or in which substandard dwellings or other undesirable elements predominate, unless there is actively in progress a concerted program to remedy the undesirable conditions.

§ 883.210 Relocation.

(a) In the evaluation of Proposals, consideration shall be given to whether

there are site occupants who would have to be displaced, whether there is a feasible plan for relocation of site occupants, the degree of hardship which displacement might cause, and the availability of funding for relocation payments and assistance.

(b) In the case of a project owned by a PHA, no Agreement shall be executed for housing which is to be constructed or rehabilitated on a site which has occupants unless the Agreement provides that, pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, the PHA undertakes liability for (1) the provision of relocation payments and assistance as prescribed in sections 202, 203, and 204 of that Act; (2) the provision of relocation assistance programs offering the services described in section 205 of that Act; and (3) assuring that within a reasonable period of time prior to displacement, Decent, Safe, and Sanitary replacement dwellings will be available to displaced persons. The Agreement shall provide that the PHA will provide full funding for the required relocation payments and assistance unless other commitments, satisfactory to HUD, have been made for the funding of such payments and assistance. (In the case of a privately owned project, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is inapplicable.)

§ 883.211 Use of Contract as security for financing.

(a) An Owner or HFA may pledge, or offer as security for any loan or obligation, an Agreement or Contract entered into pursuant to this Part, and an HFA may pledge ACC payments as security for housing assistance payments pursuant to the Contract; provided, however, that such security is in connection with a project constructed or rehabilitated pursuant to this Part, the terms of the financing or any refinancing have been approved by HUD in accordance with § 883.109, and the HFA has submitted a certification that the terms and conditions of the financing for the particular project are consistent with those specified in the documents which were approved by HUD. Any such pledge shall be limited to the amounts payable under the Contract or ACC in accordance with its terms.

(b) In the event of foreclosure, or assignment or sale to the HFA (or mortgagee if the HFA is not the mortgagee) in lieu of foreclosure, or in the event of assignment or sale agreed to by the HFA (or mortgagee if the HFA is not the mortgagee) and approved by HUD (which approval shall not be unreasonably delayed or withheld), housing assistance payments shall continue in accordance with the terms of the Contract.

§ 883.212 Security and utility deposits.

(a) An Owner may require Families to pay a security deposit in an amount equal to one month's Gross Family Contribution. If a Family vacates its unit, the Owner, subject to State and local law, may utilize the deposit as reimbursement for any unpaid rent or other amount owed under the Lease. If the Family has provided a security deposit, and it is insufficient for such reimbursement, the Owner may claim reimbursement from the HFA not to exceed an amount equal to the remainder of one month's Contract Rent. Any reimbursement under this section shall be applied first toward any unpaid rent. If a Family vacates its unit owing no rent or other amount under the Lease or if the amount owed is less than the amount of the security deposit, the Owner shall refund the full amount or the unused balance, as the case may be, to the Family.

(b) In those jurisdictions where interest is payable by the Owner on security deposits, the refunded amount shall include the amount of interest payable. All security deposit funds shall be deposited by the Owner in a segregated bank account, and the balance of this account, at all times, shall be equal to the total amount collected from tenants then in occupancy, plus any accrued interest. The Owner shall comply with all State and local laws regarding interest payments on security deposits.

(c) Families shall be expected to obtain the funds to pay security and utility deposits, if required, from their own resources and/or other private or public sources.

§ 883.213 Establishment of income limit schedules; 30 percent occupancy by very low-income families.

(a) HUD will establish schedules of Income limits for determining whether families qualify as Lower-Income Families and Very Low-Income Families.

(b) At least 30 percent of all Contract units developed under each annual set-aside of an HFA shall, in the initial rent-up, be leased to Very Low-Income Families, and thereafter best efforts shall be exercised to maintain at least 30 percent occupancy of Contract units by Very Low-Income Families. The HFA shall incorporate suitable provisions in each Contract to assure achievement of these results.

§ 883.214 Establishment of amount of housing assistance payments.

The amount of Housing Assistance Payment on Behalf of Eligible Family, to be determined in accordance with schedules and criteria established by HUD, will equal the difference between (a) no less than 15 percent nor more than 25 percent of the Family's Income and (b) the Gross Rent, taking into consideration the Income of the Family, the number of minor children in the household, and the extent of medical or other unusual expenses incurred by the Family, except that, in the case of a large Very Low-Income Family or a very large Lower-Income Family or a Family with exceptional medical or other unusual expenses, the amount of the housing assistance payment shall be the difference between 15 percent of the Family's Income and the Gross Rent. The term large Family means a Family which includes six or more minors (other than the head of the Family or spouse). The term very large Family means a Family which includes eight or more minors (other than the head of the Family or spouse).

§ 883.215 Responsibilities of the owner.

(a) The Owner shall be responsible (subject to supervision and audit by the HFA and HUD's rights under § 883.302) for management and maintenance of the project. These responsibilities shall include but not be limited to:

(1) Payment for utilities and services (unless paid directly by the Family), insurance and taxes;

(2) Performance of all ordinary and extraordinary maintenance;

(3) Performance of all management functions including the taking of applications, selection of Families including verification of Income and other pertinent requirements, and determination of eligibility and amount of Gross Family Contribution in accordance with HUD-established schedules and criteria;

(4) Collection of Family rents;

(5) Termination of tenancies, including evictions;

(6) Preparation and furnishing of information required under the Contract;

(7) Reexaminations of Family Income, composition, and extent of exceptional medical or other unusual expenses, and redeterminations, as appropriate, of the amount of Gross Family Contribution and amount of housing assistance payment in accordance with HUD-established schedules and criteria;

(8) Redeterminations of amount of Gross Family Contribution and amount of housing assistance payment in accordance with HUD-established schedules and criteria as a result of an adjustment by the HFA of any applicable Allowance for Utilities and Other Services; and

(9) Compliance with equal opportunity requirements.

(b) Subject to HFA approval, any private Owner may contract with any private or public entity to perform for a fee the services required by paragraph (a) of this section, provided that such contract shall not shift any of the Owner's responsibilities or obligations. However, no entity which is responsible for administration of the Contract may contract to perform management and maintenance of the project; provided, however, that this prohibition shall not preclude management by the HFA in the event it takes possession as the result of foreclosure or assignment in lieu of foreclosure.

§ 883.216 Separate project requirement.

A project may not include more than one type of section 8 assistance, shall be processed with a separate ACC List and ACC Part I and shall be assigned a separate project number. All units to be placed under a single Contract shall comprise a separate project. However, the field office director may, with the concurrence of the HFA, designate as a single project the units to be covered by

V 40 173 APR 15 75 XUM

two or more such Contracts (provided that new construction and substantial rehabilitation units are not combined in the same project) where:

(a) The units are placed under ACC on the same date; and

(b) Such consolidation is necessary in the interest of administrative efficiency.

Subpart C—Program Development—New Construction and Substantial Rehabilitation Programs

§ 883.301 Applicability of Subpart C.

(a) *Projects to Which Subpart C Applies.* The provisions of this Subpart apply only to newly constructed or substantially rehabilitated projects for which a Participating Agency provides permanent financing without Federal mortgage insurance. Except as provided in § 883.106, such projects shall not be subject to the provisions of the regulations for the section 8 Housing Assistance Payments Program—New Construction, 24 CFR Part 880 (herein referred to as the "New Construction Regulations") or to the section 8 Housing Assistance Payments Program—Substantial Rehabilitation, 24 CFR Part 881 (herein referred to as the "Substantial Rehabilitation Regulations").

(b) *Projects Utilizing Federal Mortgage Insurance.* The provisions of this Subpart shall not apply to those projects for which an Agency provides permanent financing but relies on Federal mortgage insurance. Such projects are subject to the policies and procedures set forth in the New Construction or Substantial Rehabilitation Regulations.

(c) *Projects Owned by HFA.* The provisions of this Subpart shall not apply to projects owned by an HFA. Such projects are subject to the policies and procedures set forth in the New Construction or Substantial Rehabilitation Regulations.

§ 883.302 General responsibilities of the HFA and relationships to HUD.

(a) *General Responsibilities and Relationships.* Subject to audit and review by HUD to assure compliance with Federal requirements and objectives, HFAs shall assume responsibility for project development and for supervision of the development, management and maintenance functions of Owners.

(b) *HFA Certifications and HUD Review.* Generally, in reviewing any HFA certification required by this Part, HUD shall accept the certification as correct. However, if HUD has substantial reason to question the correctness of any element, HUD shall promptly bring the matter to the attention of the HFA and ask that the HFA review its findings. After such review, HUD will act in accordance with the judgment or evaluation of the HFA unless HUD determines that the certification is not supported by the evidence.

(c) *Defaults by HFA and/or Owner.* (1) The ACC and the Contract shall contain a provision to the effect that in the event of failure of the HFA to comply with the Contract with the Owner, the Owner shall have the right, if he is not in default, to demand that HUD determine, after notice to the HFA giving it a reasonable opportunity to take corrective action, whether a substantial default exists, and if HUD determines that such a default exists, that HUD assume the HFA's rights and obligations under the Contract and carry out the obligations of the HFA to the Owner.

(2) The ACC shall contain a provision to the effect that if the HFA fails to comply with any of its obligations (including specifically failure to enforce its rights under the Contract, in the event of any default by the Owner, to achieve compliance to the satisfaction of HUD or to terminate the Contract in whole or in part, as directed by HUD), HUD may, after notice to the HFA giving it a reasonable opportunity to take corrective action, determine that there is a substantial default and require the HFA to assign to HUD all of the HFA's rights and interests under the Contract. In such case, HUD will continue to pay annual contributions in accordance with the terms of the ACC and the Contract.

(3) The Contract shall contain a provision to the effect (i) that if the HFA determines that the Owner is in default under the Contract, the HFA shall notify the Owner, with a copy to HUD, of the actions required to be taken to cure the default and of the remedies to be applied by the HFA, including abatement of housing assistance payments and recovery of overpayments, where appropriate; and (ii) that if he fails to cure the default, the HFA has the right to terminate the Contract or to take other corrective action, in its discretion or as directed by HUD. The Contract shall also provide that HUD has an independent right to determine whether the Owner is in default and to take corrective action and apply appropriate remedies, except that HUD shall not have the right to terminate the Contract without proceeding in accordance with paragraph (c)(2) of this section.

§ 883.303 Compliance with Federal requirements.

(a) *Equal Opportunity.* All participants under this Part shall comply with (1) Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Orders 11063 and 11246, and section 3 of the Housing and Urban Development Act of 1968; and (2) all rules, regulations, and requirements issued pursuant thereto.

(b) *National Environmental Policy Act.* All participants under this Part must comply with the National Environmental Policy Act and all rules, regulations, and requirements issued pursuant thereto.

(c) *Clean Air Act and Federal Water Pollution Control Act.* Participation in this program requires compliance with the Clean Air Act and the Federal Water Pollution Control Act and all rules, regulations, and requirements issued pursuant thereto.

(d) *Davis-Bacon Wage Rates.* Not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (49 Stat. 1011), shall be paid to all laborers and mechanics employed in the development of any project with nine or more assisted units.

§ 883.304 Applicability of section 213 of HCD Act; justification for new construction or substantial rehabilitation.

(a) An application for housing to be newly constructed or substantially rehabilitated under this Subpart is exempt from the provisions of section 213(a) of the HCD Act unless the unit of general local government in which the assistance is to be provided objects in its Local Housing Assistance Plan to the exemption. In the latter case or where there is no Local Housing Assistance Plan, no application for housing may be approved by HUD unless HUD requirements implementing the provisions of section 213 of the HCD Act have been satisfied.

(b) New construction or substantial rehabilitation projects shall be permitted only where (1) there is not and there is not likely soon to be an adequate supply of existing housing which, with the aid of housing assistance payments provided under the Section 8 Housing Assistance Payments Program—Existing Housing, can meet the needs of Eligible Families, or (2) the proposed project is specifically approved by HUD in accordance with priorities established from time to time by the Secretary including priorities for New Communities.

§ 883.305 Submission of application.

Where an HFA intends to use a portion of its set-aside under this Subpart, a separate Application on the prescribed HUD form shall be submitted by the HFA to the HUD field office for each project. Such application shall be accompanied by certifications that:

(a) The HFA has made a public announcement that it has been allocated a set-aside, in accordance with § 883.104(c);

(b) After taking into account any approved Local Housing Assistance Plan, the HFA has determined that the provisions of § 883.304(b) have been satisfied;

(c) Based upon an HFDA or HFDA approved housing needs study, there is need for housing assistance for the number and size of units applied for; and

(d) The proposed project complements the allocation program of the HUD field office

§ 883.306 HUD review and approval of application.

(a) *Review of Application.* Applications from HFAs shall be processed as received. Based on the policies set forth in § 883.302, HUD shall review an Application submitted by an HFA to determine whether or not the Application contains a complete and accurate presentation of all the elements required. Notwithstanding the requirements of § 883.302, HUD shall make an independent determination that the provisions of Sec. 883.304(b) are satisfied. In addition, HUD shall take such action as is necessary to satisfy the requirements of section 213 of the HCD Act, where applicable (see § 883.304(a)). Where HUD finds that the HFA is not complying with any equal opportunity requirements, appropriate corrective action, as directed by HUD, shall be taken by the HFA before the Application is approved.

(b) *Notification to HFA.* After completion of the action, if any, necessary to satisfy the requirements of section 213 of the HCD Act, the HUD field office shall promptly complete its review and notify the HFA by letter that:

(1) The Application is approved (if the Application is approved, the HUD field office shall send the HFA a Notification of Application Approval utilizing the form provided by HUD);

(2) The Application is disapproved (if the Application is disapproved, the letter shall indicate the reasons in detail for disapproval); or

(3) The HUD field office has substantial reason to question a determination of the HFA. If the determinations of the HFA are questioned, the letter shall specify the reasons. Promptly after receipt of the HFA's response to the HUD letter, the HUD field office shall notify the HFA of approval or disapproval of the Application.

§ 883.307 Obtaining proposals.

HFAs shall establish their own procedures (by publishing invitation, negotiation, or otherwise, in accordance with applicable State and local law) for obtaining and selecting Proposals for submission to HUD pursuant to § 883.309.

§ 883.308 Simultaneous submission of application and proposal.

If the HFA is ready to submit a Proposal pursuant to § 883.309 and wishes to use a portion of its set-aside, it may submit the Proposal together with its Application pursuant to § 883.305.

§ 883.309 HFA submission of proposals.

(a) *Submission to HUD.* Proposals shall be submitted by the HFA to HUD with the certifications required by paragraph (d) of this section.

(b) *Previous Participation and A–95 Clearance.* (1) The HFA and the HUD field office shall, where feasible, develop procedures by which the previous participation review and the A–95 clearance are initiated prior to Proposal submission. (A–95 clearance does not apply in the case of substantial rehabilitation projects.) No proposal may be approved until HUD has completed its previous participation review and made the results known to the HFA and until the HUD field office has received a copy of the response from the appropriate A–95 Clearinghouse.

(2) If the HFA initiates the A–95 review, a copy of its letter of transmittal to the appropriate A–95 Clearinghouse shall be included together with its Proposal submission to HUD. The letter to the Clearinghouse shall request that copies of the response from the Clearinghouse be forwarded to the HUD field office.

(3) If special procedures as described in paragraphs (b)(1) and (b)(2) of this section are not adopted, the HUD field office shall conduct its previous participation review and/or initiate A–95 clearance in conformance with its normal procedures after the Proposal has been submitted.

(c) *Proposal Contents.* Each Proposal shall contain the following:

(1) The identity of the developer, builder, Owner and management agent, if any.

(2) A copy of the description of the proposed housing (and for substantial rehabilitation projects, a description of the proposed rehabilitation) agreed to by the HFA and the Owner (including appropriate sketches or schematic drawings).

(3) A neighborhood map showing the location(s) of the site(s) and the racial composition of the neighborhood.

(4) The anticipated date for completion of construction. If the project is to be completed in stages, identification of the units comprising each stage and the estimated dates for commencement and completion of each stage.

(5) The Contract Rents required by unit size and structure types; which utilities and services are to be included in the Contract Rent; which utilities and services, if any, are to be paid directly by the Families; the amount of the Allowance for Utilities and Other Services; and a list of the equipment to be included in the Contract Rent.

(6) In the case of a project owned by a PHA, a statement that the PHA undertakes liability for (i) the provision of relocation payments and assistance as prescribed in sections 202, 203 and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (ii) the provision of relocation assistance programs offering the services described in section 205 of the Act; (iii) assuring that within a reasonable period of time prior to displacement, Decent, Safe, and Sanitary replacement dwellings will be available to displaced persons; and (iv) full funding of the required relocation payments and assistance unless other commitments, satisfactory to HUD, have been made for the funding of such payments and assistance. In the latter case, the PHA shall specify such other commitments. (In the case of a privately owned project, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is inapplicable.)

(7) Submission of an Affirmative Fair Housing Marketing Plan (if the Proposal is for five or more units), a signed assurance of compliance with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, and certifications required pursuant to Executive Order 11246.

(8) Submissions as required by HUD regulations and other requirements pursuant to section 3 of the Housing and Urban Development Act of 1968.

(9) The proposed term of the Contract, including all renewals, and justification for such term in accordance with § 883.206.

(d) *HFA Certifications.* The HFA shall submit, with the Proposal, the following certifications:

(1) That the developer, builder, and Owner are acceptable for purposes of meeting all the obligations of the Agreement.

(2) That the proposed site(s) meets the standards specified in §§ 883.209(a)(1), (4), (6), and (7) and 883.209(b)(1) and (3).

(3) The certifications required by Sec. 883.205(b).

(4) That the Owner and management agent, if any, are acceptable for purposes of meeting all the obligations of the Contract, including management and maintenance responsibilities.

(5) That consideration has been given to whether there are site occupants who would have to be displaced, whether there is a feasible plan for relocation of site occupants, the degree of hardship which displacement might cause, and the availability of funding for relocation payments.

(6) That the form of Lease required by the HFA to be used by the Owner will meet the requirements of § 883.319.

§ 883.310 HUD evaluation of proposals.

HUD's evaluation of Proposals submitted by HFAs shall be limited to determining whether the following requirements are satisfied:

(a) The Proposal and the HFA certifications contain all elements required in § 883.309, and the certifications are acceptable in accordance with § 883.302(b).

(b) The proposed Contract Rents plus any Allowances for Utilities and Other Services do not exceed the HUD-established fair market rents except as provided in § 883.205.

(c) The proposed site meets the site and neighborhood requirements of §§ 883.209(a)(2), (3)(5), (8) and (9) and 883.209(b)(2).

(d) The Proposal satisfies the requirements of the National Environmental Policy Act. In determining whether this requirement is met, HUD shall complete all appropriate environmental reviews as required pursuant to HUD regulations.

(e) The Proposal complies with equal opportunity requirements set forth in § 883.303(a) and the Affirmative Fair Housing Marketing Plan is approvable by HUD.

(f) The Proposal complies with such other requirements as the Secretary may from time to time prescribe.

§ 883.311 Notification of acceptability of proposal.

(a) *HUD Determination.* HUD shall notify the HFA and the Owner that the Proposal is:

(1) Approved.

(2) Approvable only if specified deficiencies are corrected and that HUD will approve the Proposal if it receives within a specified time evidence of such necessary corrections.

V 40173 APR 15 75 XUM

(3) Not approved with an indication of the reasons for disapproval.

(b) *Notification.* The appropriate A-95 Clearinghouse, and the unit of general local government (where it had previously been given an opportunity to comment on the Proposal), shall be notified by HUD of its final action.

§ 883.312 HFA's submission of acceptance of notification, certification of design and construction quality, ACC and agreement.

(a) *HFA's Acceptance.* The HFA shall indicate its acceptance of the notification of approval of the Proposal, including any terms or conditions contained in the notification, by returning to HUD a copy indicating its acceptance, together with a covering letter stating the date by which the HFA will submit the documentation specified in paragrap (b) of this section and the date when construction or rehabilitation, as appropriate, is expected to begin. This acceptance shall be furnished within the time prescribed in the notification. If the HFA does not accept the notification by the date specified, HUD may rescind the notification.

(b) *Documentation to Follow Acceptance.* The HFA shall submit to HUD, by the date specified in its acceptance of the notification pursuant to paragraph (a) of this section, the following documents:

(1) A Certification of Design and Construction Quality in accordance with paragraph (c) of this section;

(2) Four copies of the ACC, prepared by the HFA in accordance with the HUD prescribed form (see Appendix I) and executed by the HFA; and

(3) Four copies of the Agreement, prepared by the HFA in accordance with the HUD prescribed form (see Appendix II) and executed by the HFA and the Owner.

(c) *Certification of Working Drawings and Specifications.* The HFA shall submit to HUD a certification by the HFA, based upon an analysis and report by the design architect of the project or by an architect employed or engaged by the HFA, that (1) the working drawings and specifications have been completed and are consistent with the approved Proposal, and (2) the proposed construction or rehabilitation in accordance with these plans and specifications is permissible under the applicable zoning, building, housing, and other codes, ordinances or regulations as modified by any waivers obtained from the appropriate officials. This certification shall also cover compliance with the appropriate Minimum Property Standards (or the HUD Minimum Design Standards for Rehabilitation for Residential Properties) and other standards, guidelines and criteria applicable pursuant to § 883.208 (a) (2) and (b) (2), except that in the case of mobile homes the mobile homes shall be certified as being in compliance with (1) the American National Standards Institute Standard No. A-119.1 or (2) applicable State standards, in accordance with applicable HUD regulations as to certification and standards issued pursuant to Title I of the National Housing Act, 24 CFR 201.520–1.

(d) *Working Drawings and Specifications.* The HFA shall retain in its files one set of the working drawings and specifications covered by the HFA certification in accordance with paragraph (c) of this section. These drawings and specifications shall be available for examination by HUD so long as the Contract is in effect or for such shorter period of time as approved by HUD.

§ 883.313 HUD execution of Annual Contributions Contract and Agreement.

HUD shall review the Certification of Design and Construction Quality, the ACC, and the Agreement and, if found acceptable, shall execute the ACC and approve the Agreement. After execution, HUD shall return two copies of the ACC and the Agreement to the HFA, retaining two copies for its records.

§ 883.314 Submission of estimates of required annual contributions.

(a) *First Fiscal Year Submission.* Not earlier than 150 and not later than 90 days prior to the estimated date of the beginning of the first fiscal year, the HFA shall submit an Estimate of Required Annual Contributions covering the estimated amount required for the first fiscal year.

(b) *Subsequent Fiscal Year Submissions.* Not earlier than 150 and not later than 90 days prior to the beginning of each subsequent fiscal year, the HFA shall submit an Estimate of Required Annual Contributions, with supporting documentation, for any requested changes in the amount of housing assistance payments.

(c) *Revisions of Estimates.* Any of the above Estimates may be revised to reflect changes in circumstances and available data.

(d) *HUD Approval.* All Estimates of Required Annual Contributions and any revisions thereto submitted by the HFA shall be subject to HUD approval.

§ 883.315 Construction or rehabilitation period.

(a) *Timely Performance of Work.* After execution of the Agreement, the Owner shall promptly proceed with construction or rehabilitation as provided in the Agreement. In the event work is not so commenced, diligently continued, and/or completed, the HFA may rescind the Agreement, or take other appropriate action.

(b) *Delays.* Although extensions of time may be granted for the reasons specified in the Agreement, no increases in Contract Rents may be granted on that account.

(c) *Changes.* The Owner shall submit for HFA approval any changes from the approved Proposal which would materially reduce or alter his obligations or any changes which would alter the design or materially reduce the quality or amenities of the project. Approval of such changes may be conditioned on a reduction of Contract Rents. If such changes are made without prior approval by the HFA, the Owner may be required to reduce the Contract Rents or remedy the defects or deficiencies as a condition for acceptance of the project. Contract Rents may not be increased by reason of any changes or modifications except those required by changes in local codes or ordinances made subsequent to execution of the Agreement, and then only if HUD approval is obtained prior to incorporation of any such changes in the project. If any changes under this paragraph are approved by the HFA, the HFA is required to submit to HUD, at such times as it deems appropriate but not later than the certification of completion described in Sec. 883.316, a statement specifying the changes approved and either (1) a certification by the HFA that such changes do not justify a reduction of Contract Rents, or (2) a statement of the amounts by which Contract Rents were reduced and a certification that such reduction is appropriate and adequate in light of the changes approved.

(d) *Equal Opportunity Review.* Equal opportunity review may be conducted at any time deemed advisable by HUD.

(e) *Commencement of Marketing.* The Owner shall commence and diligently continue marketing as soon as possible, but in any event no later than 90 days (or 60 days in the case of substantial rehabilitation) prior to the estimated completion date. The Owner shall notify the HFA of the date of commencement of marketing. The Owner shall also comply with all reporting requirements under the Affirmative Fair Housing Marketing Regulations. Not later than 30 days prior to the estimated completion date and periodically thereafter, the Owner shall notify the HFA of any units which he anticipates will be vacant on the effective date of the Contract. At the time the Contract is executed, the Owner will be required to submit a list of the dwelling units leased as of the effective date of the Contract and a list of the units not so leased, if any. The Owner will be entitled to housing assistance payments for any unleased units, pursuant to § 883.204(b), only if he has fully complied with the requirements of that section and of this paragraph.

§ 883.316 Project completion.

(a) *Certifications Upon Completion.* Upon completion of the project, the HFA shall submit to the HUD field office the following certifications:

(1) A certification by the HFA that:

(i) The project has been completed in accordance with the requirements of the Agreement;

(ii) The project is in good and tenantable condition;

(iii) There are no defects or deficiencies in the project other than punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified);

(iv) There has been no change in evidence of management capability or in the proposed management program (if one was required) specified in the Proposal, other than changes approved in writing by the HFA in accordance with the Agreement;

(v) There has been compliance with the provisions of the Agreement relating to the payment of not less than prevailing wage rates and that to the best of the HFA's knowledge and belief there are no claims of underpayment in alleged violation of said provisions of the Agreement. In the event there are any such pending claims to the knowledge of the Owner, HUD, or the HFA, the HFA certification shall include a statement that the Owner has placed a sufficient amount in escrow, as determined by HUD, to assure such payments; and

(vi) The project has been constructed or rehabilitated in accordance with applicable zoning, building, housing and other codes, ordinances or regulations, as modified by any waivers obtained from the appropriate officials.

(2) A certification by the Owner that:

(i) The project has been completed in accordance with the requirements of the Agreement;

(ii) The project is in good and tenantable condition;

(iii) There are no defects or deficiencies in the project except for ordinary punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified);

(iv) There has been no change in evidence of management capability or in the proposed management program (if one was required) specified in the Proposal, other than changes approved in writing by the HFA in accordance with the Agreement; and

(v) He has complied with the provisions of the Agreement relating to the payment of not less than prevailing wage rates and to the best of his knowledge and belief there are no claims of underpayment in alleged violation of said provisions of the Agreement. In the event there are any such pending claims to the knowledge of the Owner, HUD, or the HFA, the Owner's certification shall include a statement that he has placed a sufficient amount in escrow, as determined by HUD, to assure such payments.

(3) In the case of substantial rehabilitation projects, a certification by the Owner that the property has been treated and is in compliance with HUD Lead Based Paint Regulations 24 CFR, Part 35. If the property was constructed prior to 1950, the Owner shall provide a certification that each Family upon occupancy will receive the notice required by HUD Lead Based Paint regulations and procedures regarding the hazards of lead based paint poisoning, the symptoms and treatment of lead poisoning and the precautions to be taken against lead poisoning and that records showing receipt of such notice by each tenant will be maintained for at least three years.

(b) *Additional Work To Be Completed.* If the HFA certification states that the project is complete except for ordinary punchlist items or incomplete work awaiting seasonal opportunity, the project may be accepted and the Contract executed subject to completion of such items within a reasonable time. When the Owner reports to the HFA that the remaining work has been completed, the HFA shall inspect the work, and if it finds that the work has been completed satisfactorily, it shall so certify to HUD. If HUD fails to receive such additional certification within a reasonable time from acceptance of the project, HUD may, upon 30 days notice to the HFA and the Owner, cancel its approval of the Contract and require its termination or exercise its other rights under the Contract or the ACC.

(c) *Completion in Stages.* If the project is to be completed in stages, the procedures of this section shall apply to each stage.

§ 883.317 Execution of housing assistance payments contract.

(a) *Time of Execution.* If the HUD field office determines that the certifications required by § 883.316 are in conformance with the requirements of that section, it will authorize execution of the Contract. The Contract shall be executed first by the Owner and the HFA and then approved by HUD.

(b) *Unleased Units.* At the time of execution of the Contract, the HFA shall examine the lists of dwelling units leased and not leased, referred to in § 883.315 (e), and shall determine whether or not the Owner has met his obligations under that section with respect to any unleased units. The HFA shall state in writing its determination with respect to the unleased units and for which of those units it will make housing assistance payments. The Owner shall indicate in writing his concurrence with this determination or his disagreement, reserving his rights to claim housing assistance payments for the unleased units pursuant to the Contract, without prejudice by reason of his signing the Contract. Copies of all documents referred to in this paragraph shall be furnished to HUD.

§ 883.318 Marketing.

(a) *Compliance with Equal Opportunity Requirements.* Marketing of units and selection of Families by the Owner shall be in accordance with the Owner's HUD-approved Affirmative Fair Housing Marketing Plan, if required, including any HFA requirements, and with all regulations relating to fair housing advertising including use of the equal opportunity logotype, statement, and slogan in all advertising. Projects shall be managed and operated without regard to race, color, creed, religion, sex, or national origin.

(b) *Eligibility, Selection and Admission of Families.* (1) The Owner shall be responsible for determination of eligibility of applicants, selection of families from among those determined to be eligible, and computation of the amount of housing assistance payments on behalf of each selected Family, in accordance with schedules and criteria established by HUD.

(2) For every family that applies for admission, the Owner and the applicant shall complete and sign the form of application prescribed by HUD, except that if there are no vacant units and the Owner's waiting list is such that there would be an unreasonable length of time before the applicant could be admitted, the Owner may advise the applicant that the Owner is not accepting applications for that reason. The Owner shall retain copies of all completed applications together with any related correspondence for three years. For each Family selected for admission, the Owner shall submit one copy of the completed and signed application to the HUD field office and to the HFA. Housing assistance payments will not be made on behalf of an admitted Family until after this copy has been received by the HFA with a certification by the Owner that he has sent a copy to HUD.

(3) If the Owner determines that the applicant is eligible on the basis of income and family composition and is otherwise acceptable but the Owner does not have a suitable unit to offer, the Owner shall place such Family on his waiting list and so advise the Family.

(4) If the Owner determines that the applicant is eligible on the basis of income and family composition and is otherwise acceptable and if the Owner has a suitable unit, the Owner and the Family shall enter into a Lease. Such Lease shall be on the form of Lease included in the Owner's approved Proposal and shall otherwise be in conformity with the provisions of this Part.

(5) Records on applicant families and approved Families shall be maintained by the Owner so as to provide the HFA and HUD with racial, ethnic and gender data and shall be retained by the Owner for three years.

(6) In the case of a project owned by a PHA, (i) if the PHA places a Family on its waiting list, it shall notify the Family of the approximate date of availability of a suitable unit insofar as such date can be reasonably determined, and (ii) if the PHA determines that an applicant is ineligible on the basis of income or family composition, or that the PHA is not selecting the applicant for other reasons, the PHA shall promptly send the applicant a letter notifying him of the determination and the reasons and that the applicant has the right within a reasonable time (specified in the letter) to request an informal hearing. If, after conducting such an informal hearing, the PHA determines that the applicant shall not be admitted, the PHA shall so notify the applicant in writing and such notice shall inform the applicant that he has the right to request a review by HUD of the PHA's determination. The procedures of this subparagraph do not preclude the applicant from exercising his other rights if he believes he is being discriminated against on the basis of race, color, creed, religion, sex, or national origin. The PHA shall retain for three years a copy of the application, the letter, the applicant's response if any, the record of any informal hearing, and a statement of final disposition.

§ 883.319 Lease requirements.

The Lease shall contain all required provisions specified in paragraph (b) of this section and none of the prohibited

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provisions listed in paragraph (c) of this section and shall otherwise conform to the form of Lease required or approved by the HFA.

(a) *Term of Lease.* The term of the Lease shall be for not less than one year. The Lease may (or, in the case of a Lease for a term or more than one year, shall) contain a provision permitting termination upon 30 days advance written notice by either party.

(b) *Required Provisions.* The Lease between the Owner (Lessor) and the Family (Lessee) shall contain the following provisions:

ADDENDUM TO LEASE

The following additional Lease provisions are incorporated in full in the Lease between _____ (Lessor) and _____ _____ (Lessee) for the following dwelling unit: _____. In case of any conflict between these and any other provisions of the Lease, these provisions shall prevail.

a. The total rent shall be $_____ per month.

b. Of the total rent, $_____ shall be payable by the Housing Finance Agency (HFA) as housing assistance payments on behalf of the Lessee and $_____ shall be payable by the Lessee. These amounts shall be subject to change by reason of changes in the Lessee's family income, family composition, or extent of exceptional medical or other unusual expenses, in accordance with HUD-established schedules and criteria; or by reason of adjustment by the HFA of any applicable Allowance for Utilities and Other Services. Any such change shall be effective as of the date stated in a notification to the Lessee.

c. The Lessor shall not discriminate against the Lessee in the provision of services, or in any other manner, on the grounds of race, color, creed, religion, sex, or national origin.

d. The Lessor shall provide the following services and maintenance:

Lessor _____
By _____
Date _____
Lessee _____
Date _____

(c) *Prohibited Provisions.* Lease clauses which fall within the classifications listed below shall not be included in any Lease.

(1) *Confession of Judgment.* Prior consent by tenant to any lawsuit the landlord may bring against him in connection with the Lease and to a judgment in favor of the landlord.

(2) *Distraint for Rent or Other Charges.* Authorization to the landlord to take property of the tenant and hold it as a pledge until the tenant performs any obligation which the landlord has determined the tenant has failed to perform.

(3) *Exculpatory Clause.* Agreement by tenant not to hold the landlord or landlord's agents liable for any acts or omissions whether intentional or negligent on the part of the landlord or the landlord's authorized representative or agents.

(4) *Waiver of Legal Notice by Tenant Prior to Actions for Eviction or Money Judgments.* Agreement by tenant that the landlord may institute suit without any notice to the tenant that the suit has been filed.

(5) *Waiver of Legal Proceedings.* Authorization to the landlord to evict the tenant or hold or sell the tenant's possessions whenever the landlord determines that a breach or default has occurred, without notice to the tenant or any determination by a court of the rights and liabilities of the parties.

(6) *Waiver of Jury Trial.* Authorization to the landlord's lawyer to appear in court for the tenant and to waive the tenant's right to a trial by jury.

(7) *Waiver of Right to Appeal Judicial Error in Legal Proceedings.* Authorization to the landlord's lawyer to waive the tenant's right to appeal on the ground of judicial error in any suit or the tenant's right to file a suit in equity to prevent the execution of a judgment.

(8) *Tenant Chargeable with Costs of Legal Actions Regardless of Outcome.* Agreement by the tenant to pay attorney's fees or other legal costs whenever the landlord decides to take action against the tenant even though the court finds in favor of the tenant. (Omission of such clause does not mean that the tenant as a party to a lawsuit may not be obligated to pay attorney's fees or other costs if he loses the suit.)

§ 883.320 Termination of tenancy.

The Owner shall be responsible for termination of tenancies, including evictions. However, conditions for payment of housing assistance payments for any resulting vacancies shall be as set forth in § 883.204(c)(2).

§ 883.321 Maintenance, operation and inspections.

(a) *Maintenance and Operation.* The Owner shall maintain and operate the project so as to provide Decent, Safe, and Sanitary housing and he shall provide all the services, maintenance and utilities which he agrees to provide under the Contract, subject to abatement of housing assistance payments or other applicable remedies if he fails to meet these obligations.

(b) *Inspection Prior to Occupancy.* Prior to occupancy of any unit by a Family, the Owner and the Family shall inspect the unit and both shall certify, on forms prescribed by HUD, that they have inspected the unit and have determined it to be Decent, Safe, and Sanitary in accordance with the criteria provided in the prescribed forms. Copies of these reports shall be kept by the Owner for at least three years.

(c) *HFA Inspections.* The HFA shall inspect or cause to be inspected each Contract unit and related facilities at least annually and at such other times (including prior to initial occupancy and rerenting of any unit) as may be necessary to assure that the Owner is meeting his obligation to maintain the units in Decent, Safe, and Sanitary condition and to provide the agreed upon utilities and other services. The HFA shall take into account complaints by occupants and any other information coming to its attention in scheduling inspections and shall notify the Owner and the Family of its determination.

(d) *Units Not Decent, Safe, and Sanitary.* If the HFA notifies the Owner that he has failed to maintain a dwelling unit in Decent, Safe, and Sanitary condition and the Owner fails to take corrective action within the time prescribed in the notice, the HFA may exercise any of its rights or remedies under the Contract, including the abatement of housing assistance payments, even if the Family continues to occupy the unit. If, however, the Family wishes to be rehoused in another dwelling unit with section 8 assistance and the HFA does not have other section 8 funds for such purposes, the HFA may use the abated housing assistance payments for the purpose of rehousing the Family in another dwelling unit. Where this is done, the Owner shall be notified that he will be entitled to resumption of housing assistance payments for the vacated dwelling unit if:

(1) The unit is restored to Decent, Safe, and Sanitary condition;

(2) The Family is willing to and does move back to the restored dwelling unit; and

(3) A deduction is made for the expenses incurred by the Family for both moves.

§ 883.322 Reexamination of family income, composition, and extent of exceptional medical or other unusual expenses.

Reexamination of Family Income, composition, and the extent of medical or other unusual expenses incurred by the Family shall be made by the Owner at least annually (except that such reviews may be made at intervals no longer than two years in the case of elderly Families), and appropriate redeterminations shall be made by the Owner of the amount of the Gross Family Contribution and the amount of the housing assistance payment, all in accordance with schedules and criteria established by HUD.

§ 883.323 Overcrowded and underoccupied units.

If the HFA determines that a Contract unit assisted under this Part is not Decent, Safe, and Sanitary by reason of increase in Family size, or that a Contract unit is larger than appropriate for the size of the Family in occupancy, housing assistance payments with respect to such unit will not be abated, unless the Owner fails to offer the Family a suitable unit as soon as one becomes vacant and ready for occupancy. In the case of an overcrowded unit, if the Owner does not have any suitable units or if no vacancy of a suitable unit occurs within a reasonable time, the HFA will assist the Family in finding a suitable dwelling unit and require the Family to move to such a unit as soon as possible. The Owner may receive housing assistance payments for the vacated unit if he complies with the requirements of § 883.204(c)(1).

§ 883.324 Adjustment of allowance for utilities and other services.

The HFA shall determine, as part of its annual inspection and at such other

times as it deems appropriate, whether an adjustment is required in the Allowance for Utilities and Other Services applicable to the dwelling units in the project, on grounds of changes in utility rates or other change of general applicability to all units in the project. If the HFA determines that an adjustment should be made, the HFA shall prescribe the amount of the adjustment and direct the Owner to make promptly a corresponding adjustment in the amount of rent to be paid by the affected Families and the amount of housing assistance payment.

§ 883.325 Continued family participation.

A Family must continue to occupy its approved unit to remain eligible for participation in the Housing Assistance Payments Program except that if the Family (a) wishes to vacate its unit at the end of the Lease term (or prior thereto but in accordance with the provisions of the Lease), or (b) is required to move for reasons other than violation of the Lease on the part of the Family, and if the Family wishes to receive the benefit of housing assistance payments in another approvable unit, the Family should give reasonable notice of the circumstance to the HFA so that the HFA may have the opportunity to consider the Family's request.

§ 883.326 Inapplicability of low-rent public housing model lease and grievance procedures.

Model lease and grievance procedures established by HUD for PHA-owned low-rent public housing are applicable only to PHA-owned projects under the section 8 Housing Assistance Payments Program.

§ 883.327 Reduction of number of contract units for failure to lease to eligible families.

(a) If at any time, beginning six months after the effective date of the Contract, the Owner fails for a continuous period of six months to have at least 80 percent of the Contract Units leased or available for leasing by Eligible Families, the HFA, with the approval of HUD, may on 30 days notice reduce the number of Contract units to not less than the number of units under lease or available for leasing by Eligible Families, plus 10 percent of such number if the number is 10 or more, rounded to the next highest number.

(b) At the end of the initial term of the Contract and of each renewal term, the HFA, with the approval of HUD, may, by notice to the Owner, reduce the number of Contract units to not less than (1) the number of units under lease or available for leasing by Eligible Families at that time, or (2) the average number of units so leased or available for leasing during the last year, whichever is the greater number, plus 10 percent of such number, if the number is 10 or more, rounded to the next highest number.

(c) HUD will agree to an amendment of the ACC to provide for subsequent restoration of any reduction made pursuant to paragraphs (a) or (b) of this section if HUD determines that the restoration is justified as a result of changes in demand and in the light of the Owner's record of compliance with his obligations under the Contract and if annual contributions contract authority is available; and HUD will take such steps authorized by section 8(c)(6) of the Act as may be necessary to carry out this assurance (see § 883.203).

§ 883.328 HUD review of contract compliance.

HUD will review project operations at such intervals as it deems necessary to ensure that the Owner is in full compliance with the terms and conditions of the Contract. Equal Opportunity review may be conducted with the scheduled HUD review or at any time deemed appropriated by HUD.

§ 883.329 HFA reporting requirements. [Reserved]

Subpart D—Program Development—Existing Housing

§ 883.401 Modification of existing housing regulations.

If an Agency wishes to use all or part of its set-aside for an existing housing program, it shall follow the provisions set forth in the regulations for the Section 8 Housing Assistance Payments Program—Existing Housing, 24 CFR Part 882 except as follows:

(a) The Agency may submit to HUD at any time, without reference to any HUD Invitation for existing housing program applications, an application pursuant to 24 CFR 882.203. Such an application shall be in accordance with the provisions of 24 CFR 882.204.

(b) The Agency shall at the same time submit to HUD, on the prescribed HUD form, an Application for Assignment of Portion of Set-Aside to Specific Project, accompanied by:

(1) A certification that it has made a public announcement that it has been allocated a set-aside, in accordance with § 883.104(c); and

(2) A demonstration that the proposed project complements the allocation program of the HUD field office.

(c) In implementing the provisions of 24 CFR Part 882, with respect to the provisions of section 213 of the HCD Act, the application shall be exempt from the provisions of section 213(a) of the HCD Act unless the unit of general local government in which the assistance is to be provided objects in its Local Housing Assistance Plan to the exemption. In the latter case or where there is no Local Housing Assistance Plan, no application for housing may be approved by HUD unless HUD requirements implementing the provisions of section 213 of the HCD Act have been satisfied.

APPENDIX I—ANNUAL CONTRIBUTIONS CONTRACT

U.S. Department of Housing and Urban Development, section 8 Housing Assistance Payments Program, Housing Finance and Development Agencies, Master section 8 annual Contributions Contract # _____, New Construction or Substantial Rehabilitation.

This Annual Contributions Contract (ACC) is entered into on the _____ day of _____, 19__, (the date of execution by the Government) by and between the United States of America (herein called the "Government"), pursuant to the United States Housing Act of 1937, as amended (42 U.S.C. 1437, *et seq.*), herein called the "Act," and the Department of Housing and Urban Development Act (42 U.S.C. 3531), and _____, a housing finance agency (herein called the "HFA"), which is organized and existing under the laws of the State of _____, and is a "public housing agency" as defined in the Act. In consideration of the mutual covenants hereinafter set forth, the parties hereto agree as follows:

0.1. *Project or Projects.* The HFA is undertaking to provide Decent, Safe, and Sanitary housing for Families (as defined in section 2.1) pursuant to section 8 of the Act by means of Housing Assistance Payments Contracts ("Contracts") with Owners (as defined in section 2.1). Such undertaking may involve an agreement for the use of housing to be constructed ("New Construction") or an agreement for the use of existing housing to be substantially rehabilitated ("Substantial Rehabilitation"). In each instance, the numbers and sizes of dwelling units with respect to which a certain maximum Annual Contributions commitment is made shall constitute a Project hereunder and shall be identified by a stated Project number.

0.2. *Part I and Part II of this Annual Contributions Contract.* (a) Certain provisions of this ACC, principally those which are specifically applicable to a designated Project, are contained in Part I. A separate Part I has been executed with respect to each Project hereunder, and each such Part I, so executed, constitutes a part of this ACC.

(b) The remaining provisions of this ACC, which are applicable to all projects hereunder, are contained in Part II, which, although not separately executed, constitutes a part of this ACC.

0.3. *Fiscal Year.* Except for the first Fiscal Year of each Project, there shall be one Fiscal Year for all Projects hereunder. Such established Fiscal Year shall be the 12-month period ending _____ of each calendar year. The first Fiscal Year for each Project shall be as provided in the Part I applicable to such Project.

0.4. *Schedule of Projects.* Attached to this Master Section 8 ACC, as Attachment A, is a list identifying each ACC Part I and ACC Part I amendment by project number, date, and ACC List number and data.

HFA
By _____
Date _____, 19__
The Government
By _____
Date _____, 19__

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PART I

New Construction Project No.-----
or
Substantial Rehabilitation Project No.-----
Effective Date -----
[Date of execution by the Government of this ACC Part I]
ACC List Number and Date -----

1.1 *The Project.* The HFA proposes to enter into a Housing Assistance Payments Contract ("Contract") with respect to newly constructed or substantially rehabilitated dwelling units pursuant to an Agreement to Enter into Housing Assistance Payments Contract ("Agreement") executed prior to the commencement of construction or rehabilitation. The numbers and sizes of units will be as follows:

Size of unit	*Number of units*

The HFA shall enter into an Agreement and Contract in accordance with the numbers and sizes of units specified above. The HFA shall not enter into any Agreement or Contract or take any other action which will result in a claim for a total Annual Contribution in respect to the Project in excess of the maximum amount stated in section 1.4(a).

1.2 *Authorization of Actions by HFA.* In order to carry out the Project, the HFA is authorized to (a) enter into an Agreement, (b) enter into a Contract, (c) make housing assistance payments on behalf of Families, and (d) take all other necessary actions, all in accordance with the forms, conditions and requirements prescribed or approved by the Government; Provided, however, that the HFA shall take no actions which would result in any obligation on the Government beyond that provided in the Government-approved Agreement and Contract.

1.3 *Term of Contract and ACC.*—(a) *Term of Contract.* [Alternative provisions—incorporate alternative 1 or 2, as applicable.]

Alternative 1—General: If a combination of interim and permanent financing is utilized for the Project, the total Contract term for any unit, including all renewals, shall not exceed -- years [insert number equal to the anticipated term of the permanent financing, plus a period not to exceed 7 years] or a period terminating on the date of the last payment of principal due on said permanent financing, whichever is less. If permanent financing alone, rather than a combination of interim and permanent financing, is utilized for the Project, the total Contract term for any unit, including all renewals, shall not exceed -- [insert number equal to the term of the permanent financing, plus a period not to exceed 13 months] or a period terminating on the date of the last payment of principal due on said permanent financing, whichever is less; Provided, however, that in the case of Substantial Rehabilitation where the relative cost of the rehabilitation is less than 15 percent of the value of the Project after completion, the Contract shall be for one term of not more than five years for any dwelling unit. If the Project is completed in stages, the total Contract term for the units in all stages, beginning with the effective date of the Contract with respect to the first stage, shall not exceed the total Contract term specified in the first or second sentence of this paragraph (a), whichever is applicable, plus two years.

Alternative 2—for mobile homes project: The total Contract term for any mobile home unit, including all renewals, shall not exceed -- years. [Insert number as authorized by the Government, pursuant to 24 CFR 883.206, but in no event more than 20.] If the Project is accepted in stages, the total Contract term for the mobile home units in all stages, beginning with the effective date of the Contract with respect to the first stage, shall not exceed the total Contract term specified in the first sentence of this paragraph (a), plus 2 years. For purposes of this paragraph (a), the term "mobile home" means the original mobile home and any replacement(s), combined.

(b) *Term of ACC.* This ACC shall remain in effect so long as the Contract is in effect but in no event shall the term of the ACC exceed the number of years authorized under section 1.3(a) of this ACC plus two years, beginning with the first Fiscal Year.

1.4 *Annual Contributions.* (a) Notwithstanding any other provisions of this ACC (other than paragraph (d) of this Section) or any provisions of any other contract between the Government and the HFA, the Government shall not be obligated to make any Annual Contribution or any other payment with respect to any Fiscal Year in respect to the Project in excess of $------ per year (Maximum ACC Commitment); Provided, however, that this amount shall be reduced commensurately with any reduction in the number of Contract Units or in the Contract Rents under the Contract or pursuant to any other provision of this ACC or the Contract.

(b) If the HFA is using its set-aside for the project, the Maximum ACC Commitment includes a Financing Cost Contingency of $------ to be used in the event of an increase in Contract Rents, pursuant to the provisions of the Contract, where the cost of debt service on the basis of the actual permanent financing is higher than that on which the Contract Rents were based. At the time the project goes into permanent financing, the Maximum ACC Commitment shall be reduced by the amount of this contingency, or portion thereof, which is not used for such purpose.

(c) Subject to the Maximum ACC Commitment, the Government shall pay for each Fiscal Year an Annual Contribution to the HFA in respect to the Project in an amount equal to the amount of housing assistance payments payable during each Fiscal Year (see section 1.5) by the HFA pursuant to the Contract, as authorized by section 1.2 (subject to reduction by the amount of any Project Receipts other than Annual Contributions, which Receipts shall be available for Project Expenditures).

(d) In order to assure that housing assistance payments will be increased on a timely basis to cover increases in Contract Rents or decreases in Family Incomes:

(1) A Project Account shall be established and maintained, in an amount as determined by the Government consistent with its responsibilities under section 8(c)(6) of the Act, out of amounts by which the Maximum ACC Commitment per year (exclusive of any Financing Cost Contingency) exceeds amounts paid under the ACC for any year. This account shall be established and maintained by the Government as a specifically identified and segregated account. To the extent funds are available in said account, the maximum Annual Contribution otherwise payable for any Fiscal Year may be increased by such amount, if any, as may be required for increases reflected in the estimate of required Annual Contribution applicable to such Fiscal Year as approved by the Government in accordance with section 2.11. Any amount remaining in said account after payment of the last Annual Contribution with respect to the Project shall be applied by the Government in accordance with law.

(2) Whenever the Government approved estimate of the required Annual Contribution exceeds the Maximum ACC Commitment then in effect (exclusive of any Financing Cost Contingency), and would cause the amount in the Project Account to be less than an amount equal to 40 percent of such Maximum ACC Commitment, the Government shall, within a reasonable period of time, take such additional steps authorized by section 8(c)(6) of the Act as may be necessary to carry out this assurance, including (as provided in that section of the Act) "the reservation of annual contributions authority for the purpose of amending housing assistance contracts or the allocation of a portion of new authorizations for the purpose of amending housing assistance contracts."

(e) The Government will make periodic payments on account of each Annual Contribution upon requisition therefor by the HFA in the form prescribed by the Government. Each requisition shall include certifications by the HFA that housing assistance payments have been or will be made only:

(1) In accordance with the provisions of the Contract as such provisions apply respectively to (i) units under lease by Families and (ii) units not under lease by Families; and

(2) With respect to units which the HFA has inspected or caused to be inspected, pursuant to section 2.4 of Part II of this ACC, within one year prior to the making of such housing assistance payments.

(f) Following the end of each Fiscal Year, the HFA shall promptly pay to the Government, unless other disposition is approved by the Government, the amount, if any, by which the total amount of periodic payments during the Fiscal Year exceeds the total amount of the Annual Contribution payable for such Fiscal Year in accordance with this Section.

1.5 *Fiscal Year.* The Fiscal Year for the Project shall be the Fiscal Year established by section 0.3 of this ACC; Provided, however, that the first Fiscal Year for the Project shall be the period beginning with the effective date of the Contract and ending on the last day of said established Fiscal Year which is not less than 12 months after such effective date. If the first Fiscal Year exceeds 12 months, the Maximum ACC Commitment may be adjusted by the addition of the pro rata amount applicable to the period of operation in excess of 12 months.

1.6 *Periodic Adjustment of Contract Rents.* The Contract may provide for periodic adjustments in the Contract Rents chargeable by the Owner and commensurate increases in amounts of housing assistance payments up to the Maximum ACC Commitment.

1.7 *Affirmative Fair Housing Marketing Regulation.* The HFA shall require the Owner to comply with the Affirmative Fair Housing Marketing Regulation (subject to any exceptions therein) including the submission for Government approval of an Affirmative Fair Housing Marketing Plan and compliance with such approved Plan, as if Owner were expressly subject to said Regulation.

1.8 *Expeditious Carrying Out of Project.* The HFA shall proceed expeditiously with the Project. If the HFA fails to proceed expeditiously, and no Agreement with the Owner has yet been entered into, the Government, by notice to the HFA, may terminate or reduce its obligation hereunder with respect to the Project. If an Agreement has been entered into, and the HFA or the Owner is not proceeding expeditiously with the Project, the Government will take appropriate

action, including the Governmental action provided for in the Agreement.

1.9 *Responsibility for Administration of Contract.* Subject to audit and review by the Government to ensure compliance with Federal requirements and objectives, the HFA shall assume responsibility for Project development and for supervision of the development, management and maintenance functions of the Owner.

HFA
By -----
Date -----, 19--
The Government
By -----
Date -----, 19--

PART II

2.1 *Definitions.* (a) "Families" means Lower-Income Families (including "Very Low-Income Families") and includes Families consisting of a single person in the case of Elderly Families and Displaced Families and includes the remaining member of a tenant family.

(b) "Elderly Families" means Families whose heads (or their spouses), or whose sole members, are persons who are at least 62 years of age or are under a disability as defined in section 223 of the Social Security Act or in section 102(5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970, or are handicapped. The term Elderly Families includes two or more elderly, disabled, or handicapped individuals living together, or one or more such individuals living together with another person who is determined under regulations of the Secretary of Housing and Urban Development ("Secretary") to be a person essential to their care or well being.

(c) "Displaced Families" means Families displaced by governmental action, or Families whose dwellings have been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

(d) "Lower-Income Families" means Families whose Incomes do not exceed 80 percent of the median Income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish Income limits higher or lower than 80 percent of the median for the area on the basis of his findings that such variations are necessary because of prevailing levels of construction costs, unusually high or low family Incomes, or other factors.

(e) "Very Low-Income Families" means Families whose Incomes do not exceed 50 percent of the median Income for the area, as determined by the Secretary with adjustments for smaller and larger families.

(f) "Income" means Income from all sources of each member of the household, as determined in accordance with criteria prescribed by the Secretary.

(g) "Owner" means the person or entity, including a cooperative, with which the Agreement and Contract are entered into.

(h) "Rent" or "rental" mean, with respect to members of a cooperative, the charges under the occupancy agreements between such members and the cooperative.

(i) "Project Receipts" with respect to each Project means the Annual Contributions payable hereunder and all other receipts, if any, accruing to the HFA from, out of, or in connection with such Project.

(j) "Project Expenditures" with respect to each Project means all costs allowable under Part I of this ACC, with respect to such Project.

(k) "Substantial Default" means the occurrence of any of the events listed in section 2.16.

2.2 *Lower-Income Housing Use; Compliance with Act and Regulations.* The HFA shall use the Annual Contribution solely for the purpose of providing Decent, Safe, and Sanitary dwellings for Families in compliance with all applicable provisions of the Act and all regulations issued pursuant thereto.

2.3 *Eligibility and Amount of Housing Assistance Payments.* (a) The HFA shall comply with the Income limits established by the Government.

(b) At least 30 percent of all Contract units developed under each annual set-aside of the HFA shall, in the initial rent-up, be leased to Very Low-Income Families, and thereafter best efforts shall be exercised to maintain at least 30 percent occupancy of Contract units by Very Low-Income Families. The HFA shall incorporate suitable provisions in each Contract to assure achievement of these results.

(c) The HFA shall comply or assure compliance with the schedules and criteria established by the Government with respect to the amounts of housing assistance payments made on behalf of Families.

(d) The HFA shall make or cause to be made periodic reexaminations of the Income, composition, and extent of exceptional medical or other unusual expenses of Families for whom housing assistance payments are being made, for the purpose of confirming or adjusting, in accordance with the applicable schedules established by the Government, the amount of rent payable by the Family and the amount of housing assistance payment.

(e) The HFA shall determine, as part of its annual inspection and at such other times as it deems appropriate, whether an adjustment is required in the Allowance for Utilities and Other Services applicable to the dwelling unit on grounds of changes of general applicability. If the HFA determines that an adjustment should be made, the HFA shall prescribe the amount of the adjustment and notify the Owner accordingly, and the HFA shall cause the Owner to make a corresponding adjustment in the amount of rent to be paid by the affected Family and the amount of housing assistance payment.

(f) Prior to the approval of eligibility of a Family by the HFA or the Owner, as the case may be, and thereafter on the date established for each reexamination of the status of such Family, the HFA or the Owner, as the case may be, shall review or cause to be reviewed a written application, signed by a responsible member of such Family, which application shall set forth all data and information necessary for a determination of the amount, if any, of housing assistance payment which can be made with respect to the Family.

2.4 *Inspections.* (a) The HFA shall require, as a condition for the making of housing assistance payments, that the Owner maintain the assisted dwelling units and related facilities in Decent, Safe, and Sanitary condition.

(b) The HFA shall inspect or cause to be inspected dwelling units and related facilities prior to commencement of occupancy by Families, and thereafter at least annually, adequate to assure that Decent, Safe, and Sanitary housing accommodations are being provided and that the agreed-to services are being furnished.

2.5 *Nondiscrimination in Housing.* (a) The HFA shall comply with all requirements imposed by Title VI of the Civil Rights Act of 1964, Public Law 88-352, 78 Stat. 241; the regulations of the Department of Housing and Urban Development issued thereunder, 24 CFR, Subtitle A, Part 1, section 1.1, *et seq.*; the requirements of said Department pursuant to said regulations; and Executive Order 11063, to the end that, in accordance with that Act and the regulations and requirements of said Department thereunder, and said Executive Order, no person in the United States shall, on the ground of race, color, creed, religion, or national origin, be excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program or be otherwise subjected to discrimination. The HFA shall, by contractual requirement, covenant, or other binding commitment, assure the same compliance on the part of any subgrantee, contractor, subcontractor, transferee, successor in interest, or other participant in the program or activity, such commitment to include the following clause:

"This provision is included pursuant to the regulations of the Department of Housing and Urban Development, 24 CFR, Subtitle A, Part 1, Section 1.1, *et seq.*; issued under Title VI of the said Civil Rights Act of 1964, and the requirements of said Department pursuant to said regulations; and the obligation of the [contractor or other] to comply therewith inures to the benefit of the United States, the said Department, and the HFA any of which shall be entitled to invoke any remedies available by law to redress any breach thereof or to compel compliance therewith by the [contractor or other.]"

(b) The HFA shall incorporate or cause to be incorporated into all Housing Assistance Payments Contracts a provision requiring compliance with all requirements imposed by Title VIII of the Civil Rights Act of 1968, and any rules and regulations issued pursuant thereto.

(c) The HFA shall not, on account of creed or sex, discriminate in the sale, leasing, rental, or other disposition of housing or related facilities (including land) included in any Project or in the use of occupancy thereof, nor deny to any Family the opportunity to apply for such housing, nor deny to any eligible applicant the opportunity to lease or rent any dwelling in any such housing suitable to its needs. No person shall *automatically* be excluded from participation in or be denied the benefits of the Housing Assistance Payments Program because of membership in a class such as unmarried mothers, recipients of public assistance, etc.

2.6 *Equal Employment Opportunity.* (a) The HFA shall not discriminate against any employee or applicant for employment because of race, color, creed, religion, sex, or national origin. The HFA shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to race, color, creed, religion, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

(b)(1) The HFA shall incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR, Chapter 60, which is to be performed pursuant to this contract, the following Equal Opportunity clause:

"EQUAL EMPLOYMENT OPPORTUNITY

"During the performance of this contract, the contractor agrees as follows:

"(A) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, creed, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees

V 40 73
APR 15 75

are treated during employment, without regard to their race, color, religion, creed, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the HFA setting forth the provisions of this Equal Opportunity clause.

"(B) The contractor will in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, creed, sex, or national origin.

"(C) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the HFA advising the said labor union or workers' representative of the contractor's commitments under this Section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

"(D) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

"(E) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Government and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

"(F) In the event of the contractor's noncompliance with the Equal Opportunity clause of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part, and the contractor may be declared ineligible for further contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor or as otherwise provided by law.

"(G) The contractor will include the portion of the sentence immediately preceding Paragraph (A) and the provisions of Paragraphs (A) through (G) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Government may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Government, the contractor may request the United States to enter into such litigation to protect the interests of the United States."

(3) The HFA agrees that it will assist and cooperate actively with the Government and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the Equal Opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the Government and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the Government in the discharge of the Government's primary responsibility for securing compliance.

(3) The HFA further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order No. 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and Federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the Equal Opportunity clause as may be imposed upon contractors and subcontractors by the Government or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order.

2.7 *Training, Employment, and Contracting Opportunities for Businesses and Lower Income Persons.* (a) The project assisted under this ACC is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the Project area and contracts for work in connection with the Project be awarded to business concerns which are located in or owned in substantial part by persons residing in the area of the Project.

(b) Notwithstanding any other provision of this ACC, the HFA shall carry out the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary set forth in 24 CFR Part 135 (published in 38 Federal Register 29220, October 29, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this ACC. The requirements of said regulations include but are not limited to development and implementation of an affirmative action plan for utilizing business concerns located within or owned in substantial part by persons residing in the area of the Project; the making of a good faith effort, as defined by the regulations, to provide training, employment, and business opportunities required by section 3; and incorporation of the "section 3 clause" specified by § 135.20(b) of the regulations in all contracts for work in connection with the Project. The HFA certifies and agrees that it is under no contractual or other disability which would prevent it from complying with these requirements.

(c) Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this ACC shall be a condition of the Federal financial assistance provided to the Project, binding upon the HFA, its successors and assigns. Failure to fulfill these requirements shall subject the HFA, its contractors and subcontractors, its successors, and assigns to the sanction specified by this ACC and to such sanctions as are specified by 24 CFR, § 135.135.

(d) The HFA shall incorporate or cause to be incorporated into any contract pursuant to this contract such clause or clauses as are required by the Government for compliance with its regulations issued pursuant to the Housing and Urban Development Act, as amended. The HFA shall cooperate with the Government in the conducting of compliance reviews pursuant to said Acts and Regulations.

2.8 *Cooperation In Equal Opportunity Compliance Reviews.* The HFA shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.9 *Relocation; Clean Air Act and Federal Water Pollution Control Act*—(a) *Relocation.* In the case of a project owned by a public housing agency, as defined in the Act, the HFA understands and agrees that relocation of, and payments to, site occupants will be carried out in accordance with all regulations and requirements of the Government and in compliance with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646; 84 Stat. 1894; 42 U.S.C. 4601). The HFA warrants and agrees that such requirements will be complied with. The assurances required by section 210 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 are hereby given by the HFA.

(b) *Clean Air Act and Federal Water Pollution Control Act.* The HFA shall incorporate or cause to be incorporated, into any contract for construction or substantial rehabilitation, such clause or clauses as are required by the Government for compliance with the regulations issued by the Environmental Protection Agency pursuant to the Clean Air Act, as amended, the Federal Water Pollution Control Act, as amended, and Executive Order 11738. The HFA shall cooperate with the Government in the conducting of compliance reviews pursuant to said Acts and Regulations.

2.10 *Labor Standards.* The HFA shall incorporate or cause to be incorporated into any contract for construction or substantial rehabilitation of nine or more dwelling units, such clause or clauses as are required by the Government for compliance with its regulations issued pursuant to the Copeland Act, the Davis-Bacon Act, and the Contract Work Hours and Safety Standards Act. The HFA shall cooperate with the Government in the conducting of compliance reviews pursuant to said Acts and Regulations.

2.11 *Estimates of Required Annual Contribution.* The HFA shall from time to time submit to the Government estimates of required annual contribution at such times and in such form as the Government may require. All estimates and any revisions thereof submitted under this Section shall be subject to Government approval.

2.12 *Insurance and Fidelity Bond Coverage.* For purposes of protection against hazards arising out of or in connection with the administrative activities of the HFA in carrying out the Project, the HFA shall carry adequate (a) comprehensive general liability insurance, (b) workmen's compensation coverage (statutory or voluntary), (c) automobile liability insurance against property damage and bodily injury (owned and non-owned), and (d) fidelity bond coverage of its officers, agents, or employees handling cash or authorized to sign checks or certify vouchers.

2.13 *Books of Account and Records; Reports.* (a) The provisions of this Section shall apply only to books, documents, papers, records, statements, reports and data that are pertinent to compliance with this ACC and other Agreements or Contracts entered into pursuant thereto.

(b) The HFA shall maintain complete and accurate books of account and records, as may be prescribed from time to time by the Government, in connection with the Projects, including records which permit a speedy and effective audit, and will among other things fully disclose the amount and the disposition by the HFA of the Annual Contributions and other Project Receipts, if any.

(c) The books of account and records of the HFA shall be maintained for each Project as separate and distinct from all other

Projects and undertakings of the HFA except as authorized or approved by the Government.

(d) The HFA shall furnish the Government such financial, operating, and statistical reports, records, statements, and documents at such times, in such form, and accompanied by such supporting data, all as may reasonably be required from time to time by the Government.

(e) The Government and the Comptroller General of the United States, or his duly authorized representatives, shall have full and free access to the Projects and to all the books, documents, papers, and records of the HFA that are pertinent to its operations with respect to financial assistance under the Act, including the right to audit, and to make excerpts and transcripts from such books and records.

(f) The HFA shall incorporate or cause to be incorporated in all Contracts the following clauses:

"HFA AND GOVERNMENT ACCESS TO PREMISES AND OWNER'S RECORDS

"(1) The Owner shall furnish such information and reports pertinent to the Contract as reasonably may be required from time to time by the HFA and the Government.

"(2) The Owner shall permit the HFA or the Government or any of their duly authorized representatives, to have access to the premises and, for the purpose of audit and examination, to have access to any books, documents, papers and records of the Owner that are pertinent to compliance with this Contract, including the verification of information pertinent to the monthly requests to the HFA for housing assistance payments."

(g) Audits required by the Government will be performed or paid for by the Government.

2.14 *General Depositary Agreement and General Fund.* (a) The HFA shall maintain one or more agreements, which are herein collectively called the "General Depositary Agreement," in the form prescribed by the Government, with one or more banks (each of which shall be, and continue to be, a member of the Federal Deposit Insurance Corporation) selected as depositary by the HFA. Immediately upon the execution of any General Depositary Agreement, the HFA shall furnish to the Government such executed or conformed copies thereof as the Government may require. No such General Depositary Agreement shall be terminated except after 30 days notice to the Government.

(b) All monies received by or held for account of the HFA in connection with the Projects shall constitute the General Fund.

(c) The HFA shall, except as otherwise provided in this ACC, deposit promptly with such bank or banks, under the terms of the General Depositary Agreement, all monies constituting the General Fund.

(d) The HFA may withdraw monies from the General Fund only for (1) the payment of Project Expenditures, and (2) other purposes specifically approved by the Government. No withdrawals shall be made except in accordance with a voucher or vouchers then on file in the office of the HFA stating in proper detail the purpose for which such withdrawal is made.

(e) If the HFA (1) in the determination of the Government, is in Substantial Default, or (2) makes or has made any fraudulent or willful misrepresentation of any material fact in any of the documents or data submitted to the Government pursuant to this ACC or in any document or data submitted to the Government as a basis for this ACC or as an inducement to the Government to enter into this ACC, the Government shall have the right to require any bank or other depositary which holds any monies of the General Fund, to refuse to permit any withdrawals of such monies; Provided, however, that upon the curing of such Default the Government shall promptly rescind such requirement.

2.15 *Pooling of Funds under Special Conditions and Revolving Fund.* (a) The HFA may deposit under the terms of the General Depositary Agreement monies received or held by the HFA in connection with any other housing project developed or operated by the HFA pursuant to the provisions of any contract for annual contributions, administration, or lease between the HFA and the Government.

(b) The HFA may also deposit under the terms of the General Depositary Agreement amounts necessary for current expenditures of any other project or enterprise of the HFA, including any project or enterprise in which the Government has no financial interest; Provided, however, that such deposits shall be lump-sum transfers from the depositaries of such other projects or enterprises, and shall in no event be deposits of the direct revenues or receipts of such other projects or enterprises.

(c) If the HFA operates other projects or enterprises in which the Government has no financial interest, it may from time to time, withdraw such amounts as the Government may approve from monies on deposit under the General Depositary Agreement for deposit in and disbursement from a revolving fund provided for the payment of items chargeable in part to the Projects and in part to other projects or enterprises of the HFA: Provided, however, that all deposits in such revolving fund shall be lump-sum transfers from the depositaries of the related projects or enterprises and shall in no event be deposits of the direct revenues or receipts.

(d) The HFA may establish petty cash or change funds in reasonable amounts, from monies on deposit under the General Depositary Agreement.

(e) In no event shall the HFA withdraw from any of the funds or accounts authorized under this Section 2.15 amounts for the Projects or for any other project or enterprise in excess of the amount then on deposit in respect thereto.

2.16 *Defaults by HFA and/or Owner under ACC or Contract.*—(a) *Rights of Owner if HFA Defaults.* (1) In the event of failure of the HFA to comply with the Contract with the Owner, or if such Contract is held to be void, voidable or ultra vires, or if the power or right of the HFA to enter into such Contract is drawn into question in any legal proceeding, or if the HFA asserts or claims that such Contract is not binding upon the HFA for any such reason, the Government may, after notice to the HFA giving it a reasonable opportunity to take corrective action, determine that the occurrence of any such event constitutes a Substantial Default hereunder. Where the Government so determines, it may assume the HFA's rights and obligations under such Contract, and the Government shall, for the duration of such Contract, continue to pay Annual Contributions for the purpose of making housing assistance payments with respect to dwelling units under such Contract, shall perform the obligations and enforce the rights of the HFA, and shall exercise such other powers as the Government may have to cure the Default.

(2) All rights and obligations of the HFA assumed by the Government pursuant to this section 2.16(a) will be returned as constituted at the time of such return (1) when the Government is satisfied that all defaults have been cured and that the Project will thereafter be administered in accordance with all applicable requirements, or (ii) when the Housing Assistance Payments Contract is at an end, whichever occurs sooner.

(3) The provisions of this section 2.16(a) are made with, and for the benefit of, the Owner or his assignees who will have been specifically approved by the Government prior to such assignment. If the Owner and the assignees are not in default, they may, in order to enforce the performance of these provisions, (i) demand that the Government, after notice to the HFA giving it a reasonable opportunity to take corrective action, make a determination whether a Substantial Default exists under paragraph (a)(1) of this section, (ii) if the Government determines that a Substantial Default exists, demand that the Government take the actions authorized in paragraph (a)(1) to carry out the obligations of the HFA to the Owner, and (iii) proceed against the Government by suit at law or in equity.

(4) The provisions of paragraphs (a) (1), (2) and (3) of this section shall be included in the Contract.

(b) *Rights of Government if HFA Defaults Under ACC or Contract.* (1) If the HFA defaults in the observance or performance of the provisions of section 2.4; fails to comply with its obligations under any duly issued Certificate of Family Participation in accordance with its terms; fails to comply with the requirements of sections 2.5, 2.6, 2.7, or 2.8; defaults in the performance or observance of any other term, covenant, or condition of this ACC or of any term, covenant, or condition of any Contract; fails, in the event of any default by the Owner, to enforce its rights under the Contract by way of action to achieve compliance to the satisfaction of the Government or to terminate the Contract in whole or in part, as directed by the Government; or fails to comply with the applicable provisions of the Act and all regulations issued pursuant thereto; the Government may, after notice to the HFA giving it a reasonable opportunity to take corrective action, determine that the occurrence of any such event constitutes a Substantial Default hereunder as to the Project. Upon the occurrence of a Substantial Default with respect to any Project, the HFA shall, if the Government so requires, assign to the Government all of its rights and interests under the Contract including any funds, and the Government shall continue to pay Annual Contributions with respect to dwelling units covered by Housing Assistance Payments Contracts in accordance with the terms of this ACC and of such Contracts until reassigned to the HFA.

(2) All rights and obligations of the HFA, assumed by the Government pursuant to this section 2.16(b) will be returned as constituted at the time of such return (1) when the Government is satisfied that all defaults have been cured and that the Project will thereafter be administered in accordance with all applicable requirements, or (ii) when the Housing Assistance Payments Contract is at an end, whichever occurs sooner.

(c) *Rights of HFA and Government if Owner Defaults Under Contract. (New Construction and Substantial Rehabilitation Projects).* For New Construction and Substantial Rehabilitation projects, the Contract shall contain the following provisions:

"a. A default by the Owner under this Contract shall result if:

"(1) The Owner has violated or failed to comply with any provision of, or obligation under, this Contract or of any Lease; or

"(2) The Owner has asserted or demonstrated an intention not to perform some or all of his obligations under this Contract or under any Lease.

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APR 15 75

"b. Upon a determination by the HFA that a default has occurred, the HFA shall notify the Owner, with a copy to the Government, of (1) the nature of the default, (2) the actions required to be taken and the remedies to be applied on account of the default (including actions by the Owner to cure the default, and, where appropriate, abatement of housing assistance payments in whole or in part and recovery of overpayments), and (3) the time within which the Owner shall respond with a showing that he has taken all the actions required of him. If the Owner fails to respond or take action to the satisfaction of the HFA and the Government, the HFA shall have the right to terminate this Contract in whole or in part or to take other corrective action to achieve compliance, in its discretion or as directed by the Government.

"c. Notwithstanding any other provisions of this Contract, in the event the Government determines that the Owner is in default of his obligations under the Contract, the Government shall have the right, after notice to the Owner and the HFA giving them a reasonable opportunity to take corrective action, to abate or terminate housing assistance payments and recover overpayments in accordance with the terms of the Contract. In the event the Government takes any action under this Section, the Owner and the HFA hereby expressly agree to recognize the rights of the Government to the same extent as if the action were taken by the HFA. The Government shall not have the right to terminate the Contract except by proceeding in accordance with section 2.16(b) of the ACC."

2.17 *Remedies Not Exclusive and Non-Waiver of Remedies.* The availability of any remedy provided for in this ACC or in the Contract shall not preclude the exercise of any other remedy under this ACC or the Contract or under any provisions of law, nor shall any action taken in the exercise of any remedy be deemed a waiver of any other rights or remedies. Failure to exercise any right or remedy shall not constitute a waiver of the right to exercise that or any other right or remedy at any time.

2.18 *Interest of Members, Officers, or Employees of HFA, Members of Local Governing Body, or Other Public Officials.* (a) Neither the HFA nor any of its contractors or their subcontractors shall enter into any contract, subcontract, or arrangement, in connection with any Project, in which any member, officer, or employee of the HFA, or any member of the governing body of the locality in which the Project is situated, or any member of the governing body of the State or locality in which the HFA was activated, or any other public official of such jurisdiction who exercises any responsibilities or functions with respect to the Project during his tenure or for one year thereafter has any interest, direct or indirect. If any such present or former member, officer, or employee of the HFA, or any such governing body member or such other public official of such jurisdiction involuntarily acquires or had acquired prior to the beginning of his tenure any such interest, and if such interest is immediately disclosed to the HFA and such disclosure is entered upon the minutes of the HFA, the HFA, with the prior approval of the Government, may waive the prohibition contained in this subsection: Provided, however, that any such present member, officer, or employee of the HFA shall not participate in any action by the HFA relating to such contract, subcontract, or arrangement.

(b) The HFA shall insert in all contracts entered into in connection with any Project or any property included or planned to be included in any Project, and shall require its contractors to insert in each of its subcontracts, the following provisions:

"No member, officer, or employee of the HFA, no member of the governing body of the State or locality (city and county) in which the project is situated, and no other public official of such State or locality who exercises any functions or responsibilities with respect to the project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this contract or in any proceeds or benefits arising therefrom. In the case of a project owned by a public housing agency, the foregoing prohibition shall also apply to members of the governing body of the locality (city and county) in which such public housing agency was activated."

(c) The provisions of the foregoing subsections (a) and (b) of this section 2.18 shall not be applicable to the General Depositary Agreement, or utility service the rates for which are fixed or controlled by a governmental agency.

2.19 *Interest of Member of or Delegate to Congress.* No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this ACC or to any benefits which may arise therefrom.

APPENDIX II—AGREEMENT TO ENTER INTO HOUSING ASSISTANCE PAYMENTS CONTRACT

PART I

This Agreement to Enter into Housing Assistance Payments Contract ("Agreement") is made and entered into by and between the _____ ("HFA"), which is a public housing agency as defined in the United States Housing Act of 1937, 42 U.S.C. 1437, *et seq.* ("Act"), at section 1437a(6), and _____ ("Owner").

Whereas, the Owner proposes to complete a housing project consisting of _____ [if new construction, insert "improvements and land"; if substantial rehabilitation insert "the substantial rehabilitation of certain property"], as described in the approved Proposal; and

Whereas, the Owner and the HFA propose to enter into a Housing Assistance Payments Contract ("Contract") upon the completion of said project for the purpose of making housing assistance payments to enable eligible Lower-Income Families ("Families") to occupy units in said project; and

Whereas, the HFA has entered into an Annual Contributions Contract dated _____, 19__, with the United States of America acting through the Department of Housing and Urban Development ("Government") with respect to Project No. _____ ("ACC"), under which the Government will provide financial assistance to the HFA pursuant to section 8 of the Act for the purpose of making housing assistance payments; and

Whereas, the Owner is also the developer or rehabilitator, or, if the developer or rehabilitator is other than the Owner, the developer's or rehabilitator's name is _____.

Now therefore, the parties hereto agree as follows:

1.1 *Significant Dates; Contents of Agreement*—a. *Time for Completion of Project.* The time for completion of the project (see section 1.2a) is _____ calendar days after the effective date of this Agreement.

b. *Date for Commencement of Work.* The date for commencement of work (see section 1.2b) is _____, 19__.

c. *Contents of Agreement.* This Agreement consists of Part I, Part II, and the following exhibits:

Exhibit A: The approved Proposal including, among other things, the HFA's certifications, the Affirmative Fair Housing Marketing Plan (if required), and evidence of management capability;

Exhibit B: The Housing Assistance Payments Contract ("Contract") to be executed upon acceptable completion of the project;

Exhibit C: The Annual Contributions Contract;

Exhibit D: The schedule of completion in stages, if applicable;

Exhibit E: The schedule of minimum rates of wages, if applicable; and

Additional exhibits: [Specify additional exhibits, if any. If none, insert "None."]

This Agreement, including said exhibits, comprises the entire agreement between the parties hereto, and neither party is bound by any representations or agreements of any kind except as contained herein. Nothing contained in this Agreement shall create or affect any relationship between the HFA and any contractors or subcontractors employed by the Owner in the completion of the project.

1.2 *Schedule of completion*—a. *Time for Completion.* The project shall be completed in accordance with section 1.4 no later than the end of the period stated in section 1.1a, or in stages as provided for in Exhibit D which identifies the units comprising each stage and the date of commencement and time for completion of each stage. Where completion in stages is provided for, all references to project completion shall be deemed to refer to project completion and/or completion of any stage, as appropriate.

b. *Timely Performance of Work.* The Owner agrees that no later than the date stated in section 1.1b the work will be commenced and diligently continued. In the event the work is not commenced, diligently continued, and/or completed as aforesaid, the HFA reserves the right, subject to Government approval, to rescind this Agreement or take other appropriate action. The Owner shall report to the HFA the date work was commenced and shall thereafter furnish the HFA with periodic progress reports (quarterly or as otherwise required by the HFA).

c. *Delays.* In the event there is delay in the completion due to strikes, lockouts, labor union disputes, fire, unusual delays in transportation, unavoidable casualties, weather, acts of God, or any other causes beyond the Owner's control, or by delay authorized by the HFA, the time for completion shall be extended to the extent that completion is delayed due to one or more of these causes. No increases in the rents set forth in Exhibit B ("Contract Rents") may be granted on account of any such delays.

1.3 *Construction or rehabilitation period*—a. *Changes.* The Owner shall submit for HFA approval any changes from Exhibit A which would materially reduce or alter his obligations or any changes which would alter the design or materially reduce the quality or amenities of the project. Approval of such changes may be conditioned on a reduction of Contract Rents. If such changes are made without prior approval by the HFA, the Owner may be required to reduce the Contract Rents or remedy the defects or deficiencies as a condition for acceptance of the project. Contract Rents may not be increased by reason of any changes or modifications except those required by changes in local codes or ordinances made subsequent to execution of the Agreement, and then only if Government approval is obtained prior to incorporation of any such changes in the project. If any changes under this paragraph are approved by the HFA, the HFA is required to submit to the Government, at such times as it deems appropriate but not later than the certification of completion described in Section 1.4, a statement specifying the changes approved and either (1) a certification by the HFA that such changes do not justify a reduction of Contract Rents, or (2) a statement of the amounts by which Contract Rents were reduced and a certification that such reduction is appropriate and adequate in light of the changes approved.

b. *Commencement of Marketing.* The Owner shall commence and diligently continue marketing as soon as possible, but in any event no later than 90 days (or 60 days in the case of substantial rehabilitation) prior to the estimated completion date. The Owner shall notify the HFA of the date of commencement of marketing. The Owner shall also comply with all reporting requirements under the Affirmative Fair Housing Marketing Regulations. Not later than 30 days prior to the estimated completion date and periodically thereafter, the Owner shall notify the HFA of any units which he anticipates will be vacant on the effective date of the Contract. At the time the Contract is executed, the Owner shall submit a list of the dwelling units leased as of the effective date of the Contract and a list of the units not so leased, if any. The Owner will be entitled to housing assistance payments for any unleased units pursuant to section 1.7b of the Contract only if he has fully complied with the requirements of this paragraph and the provisions of that Section.

1.4 *Project Completion*—a. *Certifications Upon Completion.* Upon completion of the project, the HFA shall submit to the Government the following certifications:

(1) A certification by the HFA that:

(i) The project has been completed in accordance with the requirements of the Agreement;

(ii) The project is in good and tenantable condition;

(iii) There are no defects or deficiencies in the project other than punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified);

(iv) There has been no change in evidence of management capability or in the proposed management program (if one was required) specified in the Proposal, other than changes approved in writing by the HFA in accordance with the Agreement; and

(v) He has complied with the provisions of the Agreement relating to the payment of not less than prevailing wage rates and to the best of his knowledge and belief there are no claims of underpayment in alleged violation of said provisions of the Agreement. In the event there are any such pending claims to the knowledge of the Owner, the Government, or the HFA, the Owner's certification shall include a statement that he has placed a sufficient amount in escrow, as determined by the Government, to assure such payments.

(2) In the case of substantial rehabilitation projects, a certification by the Owner that the property has been treated and is in compliance with Government Lead Based Paint Regulations, 24 CFR, Part 35. If the property was constructed prior to 1950, the Owner shall provide a certification that each family upon occupancy will receive the notice required by Government Lead Based Paint regulations and procedures regarding the hazards of lead based paint poisoning, the symptoms and treatment of lead poisoning and the precautions to be taken against lead poisoning and that records showing receipt of such notice by each tenant will be maintained for at least three years.

b. *Additional Work to be Completed.* If the HFA certification states that the project is complete except for ordinary punchlist items or incomplete work awaiting seasonal opportunity, the project may be accepted and the Contract executed subject to completion of such items within a reasonable time. When the Owner reports to the HFA that the remaining work has been completed, the HFA shall inspect the work, and if it finds that the work has been completed satisfactorily, it shall so certify to the Government. If the Government fails to receive such additional certification within a reasonable time from acceptance of the project, the Government may, upon 30 days notice to the HFA and the Owner, cancel its approval of the Contract and require its termination or exercise its other rights under the Contract or the ACC.

c. *Completion in Stages.* If the project is to be completed in stages, the procedures of this Section shall apply to each stage.

1.5 *Housing Assistance Payments Contract.*—a. *Time of Execution.* If the Government determines that the certifications of completion comply with the requirements of section 1.4 of this Agreement, the Government shall authorize execution of the Contract. Upon receipt of this authorization, the Contract shall be executed first by the Owner and the HFA, and then approved by the Government.

b. *Completion in Stages.* If completion is in stages, pursuant to section 1.4, the Contract shall be executed upon completion of the first stage, and the number and types of completed units and their Contract rents shall be shown in Schedule A–1 of the Contract. Thereafter, upon completion of each successive stage, the signature block provided in the Contract for that stage shall be executed by the Owner and the HFA and approved by the Government, and Schedule A–2, A–3, etc., covering the additional units, shall become part of the Contract.

c. *Unleased Units at Time of Execution.* At the time of execution of the Contract, the HFA shall examine the lists of dwelling units leased and not leased, referred to in Section 1.3b, and shall determine whether or not the Owner has met his obligations under that Section with respect to any unleased units. The HFA shall state in writing its determination with respect to the unleased units and for which of those units it will make housing assistance payments pursuant to the Contract. The Owner shall indicate in writing his concurrence with this determination or his disagreement, reserving his rights to claim housing assistance payments for the unleased units pursuant to the Contract, without prejudice by reason of his signing the Contract. Copies of all documents referred to in this paragraph shall be furnished to the Government.

d. *Contract Rents.* The rents to the Owner, by unit size, amounts of housing assistance payments, and all other applicable terms and conditions shall be as specified in the proposed Housing Assistance Payments Contract except as provided in section 1.3a, and except that if the project is permanently financed prior to project completion, the Contract Rents shall be subject to adjustment in accordance with paragraph e or f of this Section, as appropriate. (If permanent financing does not occur until after project completion, the adjustments contemplated by paragraph f will be made in accordance with the comparable provisions contained in the Contract.)

e. *Adjustments of Contract Rents to Reflect Actual Costs Where Only Permanent Financing Is Utilized.* (1) In the event that only permanent financing is utilized for the project, the HFA shall, at the time the terms of said financing are agreed to by the lender, certify to the Government:

(i) The interest rate on said permanent financing, and

(ii) Any change in the amount of mortgage loan required for the project because of the difference between the interest rate payable on said permanent financing and the anticipated interest rate which would have been payable if interim financing had been utilized during the construction period for the project.

(2) The Contract Rents, the maximum Contract commitment and the Maximum ACC Commitment shall be adjusted to reflect the foregoing. In no event shall the maximum Contract commitment or the Maximum ACC Commitment be increased by more than the amount of the Financing Cost Contingency, as specified in Section 1.4(b) of the ACC. Any unused portion of the Financing Cost Contingency shall be reallocated to the then current set-aside of the HFA, if any.

f. *Adjustments of Contract Rents to Reflect Actual Costs of Permanent Financing Where Interim and Permanent Financing Are Utilized.* In the event that interim financing is utilized for the project, at the time the terms of the permanent financing are agreed to by the lender; the HFA shall submit a certification to the Government as to the actual financing terms and the following provisions shall apply:

(1) If the actual debt service under the permanent financing is lower than the anticipated debt service on which the Contract Rents were based, and the HFA is using Rents shall be reduced commensurately, and the amount of the savings shall be credited to the Project Account. The maximum ACC commitment shall not be reduced except by the amount of the contingency, if any, which was included for possible increases under paragraph e(2) of this Section.

(2) If the actual debt service under the permanent financing is higher than the anticipated debt service on which the Contract Rents were based, and the HFA is using its set-aside for the project, the initial Contract Rents shall be increased commensurately, not to exceed the limitations in this paragraph e(2) and the amount of the Financing Cost Contingency, if the projected borrowing rate (not interest cost) was not less than the average net interest cost for the preceding quarter (at the time the

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projection was submitted to the Government) of the "20 Bond Index" published weekly in the *Bond Buyer*, plus 50 basis points. An adjustment under this paragraph e(2) shall not be more than is necessary to reflect an increase in debt service (based upon the original projected capital cost and the actual term of the permanent financing for the project) resulting from an increase in interest rate of not more than:

(i) One and one-half percent if the projected spread as submitted to the Government was three-fourths of one percent or less, or

(ii) One percent if such projected spread was more than three-fourths of one percent but not more than one percent, or

(iii) One-half of one percent if such projected spread was more than one percent.

(3) After Contract Rents have been adjusted in accordance with paragraph e(1) or e(2) of this Section, the maximum amount of the ACC commitment shall be reduced by the amount of any unused portion of the Financing Cost Contingency, and such portion shall be reallocated to the then current set-asides of the HFA, if any. At the same time, if the Contract Rents have been increased in accordance with paragraph e(2) of this section, the maximum Contract amount specified in section 1.1g of the Contract shall be increased commensurately.

g. *No Changes in Contract.* Each party has read or is presumed to have read the proposed Contract. It is expressly agreed that there shall be no change in the terms and conditions of the Contract other than as provided in this Agreement.

1.6. *Government Assurance to Owner.* The approval of this Agreement by the Government signifies that the Government has executed the ACC and that the ACC has been properly authorized; that the faith of the United States is solemnly pledged to the payment of annual contributions pursuant to said ACC; and that funds have been obligated by the Government for such payments to assist the HFA in the performance of its obligations under the Contract. The Government and the HFA shall not, without the consent of the Owner, amend or modify the ACC in any manner which would reduce the amount of annual contributions payable thereunder for housing assistance payments except as authorized in the ACC and the Contract.

1.7 *Relocation Requirements for Project Owned by a Public Housing Agency.*[1] [Alternative provisions—Incorporate alternative 1 or 2, as applicable.] *Alternative 1—For projects which were without site occupants as of the date indicated in this alternative.* The Owner hereby certifies that the site of the project was without occupants as of the date the HFA made a commitment to provide the permanent financing for the project or the date the HFA submitted the Proposal to HUD, whichever was earlier.

Alternative 2—For projects which do not qualify for alternative 1.—a. *Owner Compliance with Relocation Act.* The Owner agrees that, pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, it undertakes liability for (1) the provision of relocation payments and assistance as prescribed in sections 202, 203, and 204 of the Act; (2) the provision of relocation assistance programs offering the services described in section 205 of the Act; and (3) assuring that within a reasonable period of time prior to displacement, Decent, Safe, and Sanitary replacement dwellings will be available to displaced persons.

b. *Relocation Payments Other than by Owner.* The Government has determined that

[1] Strike this Section unless the project is owned by a public housing agency.

satisfactory commitments have been made for the funding of relocation payments required by sections 202, 203, and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as follows:

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c. *Relocation Payments by Owner.* If paragraph b is inapplicable, the following shall apply:

(1) The maximum potential amount of all relocation payments as estimated by the Government is $_____.

(2) The Owner has deposited this amount in an escrow account under the terms of which payments may be made only upon presentation of written authorization by the Government for the purpose of meeting relocation payments.

(3) The Owner hereby voluntarily undertakes liability for all relocation payments and agrees that, if the funds in the escrow account shall prove to be insufficient to meet all such relocation payments, he will deposit such additional amounts as the Government determines to be necessary for such purpose.

(4) When the Government determines that there is no longer any potential liability for relocation payments, any balance in the escrow account shall be paid to the Owner.

(5) The Owner agrees to hold harmless and to indemnify the Government for any costs incurred under sections 202, 203, and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 in connection with the relocation of site occupants, and the Owner further agrees that the Government shall have the right to be reimbursed for any such costs by withholding from housing assistance payments payable to the Owner.

1.8 *Authority of the HFA.* The HFA warrants that it is a "public housing agency" as defined in section 3(6) of the Act and that it is in fact and in law authorized to execute this Agreement.

Effective date. This Agreement shall be effective as of the date of approval by the Government.

In witness whereof, the parties hereto have executed this Agreement in four original counterparts.

WARNING: 18 U.S.C. 1001 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

Approved: United States of America, Secretary of Housing and Urban Development.

By _____

_____

(Official Title)

Date _____, 19--

HFA _____

By _____

_____

(Official Title)

Date _____, 19--

Owner _____

By _____

_____

(Official Title)

Date _____, 19--

PART II

2.1 *Training, employment, and contracting opportunities for businesses and Lower-Income Persons.*[2] a. The project assisted under

[2] Strike this Section if the Contract Rents under the proposed Housing Assistance Payments Contract, over the maximum term of said Contract, are $500,000 or less.

this Agreement is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

b. Notwithstanding any other provision of this Agreement, the Owner shall carry out the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR, Part 135 (published in 38 FR 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this Agreement. The requirements of said regulations include, but are not limited to, development and implementation of an affirmative action plan for utilizing business concerns located within, or owned in substantial part by persons residing in, the area of the project; the making of a good faith effort, as defined by the regulations, to provide training, employment, and business opportunities required by section 3; and incorporation of the "section 3 clause" specified by section 135.20 (b) of the regulations and paragraph d of this Section in all contracts for work in connection with the project. The Owner certifies and agrees that he is under no contractual or other disability which would prevent him from complying with these requirements.

c. Compliance with the provisions of section 3, the regulations set forth in 24 CFR, Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this Agreement, shall be a condition of the Federal financial assistance provided to the project, binding upon the Owner, his successors and assigns. Failure to fulfill these requirements shall subject the Owner, his contractors and subcontractors, his successors, and assigns to the sanction specified by this Agreement, and to such sanctions as are specified by 24 CFR Section 135.135.

d. The Owner shall incorporate or cause to be incorporated into any contract or subcontract for work pursuant to this Agreement in excess of $50,000 cost, the following clause:

"EMPLOYMENT OF PROJECT AREA RESIDENTS AND CONTRACTORS

"A. The work to be performed under this Agreement is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area, and contracts for work in connection with the project be awarded to business concerns

[3] As used in section 2.2, "HUD" means the United States of America acting through the Department of Housing and Urban Development.

which are located in, or owned in substantial part by persons residing in, the area of the project.

"B. The parties to this Agreement will comply with the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR, Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this Agreement. The parties to this Agreement certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

"C. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

"D. The contractor will include this section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR, Part 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR, Part 135, and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

"E. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of the Agreement, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.135."

e. The Owner agrees that he will be bound by the above Employment of Project Area Residents and Contractors clause with respect to his own employment practices when he participates in federally assisted work.

2.2 *Equal Employment Opportunity.*[3] a. The Owner shall incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR, Chapter 60, which is to be performed pursuant to this Agreement, the following Equal Opportunity clause:

"EQUAL EMPLOYMENT OPPORTUNITY

"During the performance of this contract, the contractor agrees as follows:

"(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, creed, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, creed, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment, or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by or at the direction of the Government setting forth the provisions of this Equal Opportunity clause.

"(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, creed, sex, or national origin.

"(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by or at the direction of the Government advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

"(4) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

"(5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by HUD and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

"(6) In the event of the contractor's noncompliance with the Equal Opportunity clauses of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions as may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor or as otherwise provided by law.

"(7) The contractor will include the portion of the sentence immediately preceding Paragraph (1) and the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Government may direct as a means of enforcing such provisions including sanctions for noncompliance; Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Government, the contractor may request the United States to enter into such litigation to protect the interest of the United States."

b. The Owner agrees that he will be bound by the above Equal Opportunity clause with respect to his own employment practices when he participates in federally assisted construction work.

c. The Owner agrees that he will assist and cooperate actively with HUD and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the Equal Opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that he will furnish HUD and the Secretary of Labor such information as they may require for the supervision of such compliance, and that he will otherwise assist HUD in the discharge of HUD's primary responsibility for securing compliance.

d. The Owner further agrees that he will refrain from entering into any contract or contract modification subject to Executive Order No. 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the Equal Opportunity clause as may be imposed upon contractors and subcontractors by HUD or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order.

2.3 *Cooperation in Equal Opportunity Compliance Reviews.* The HFA and the Owner shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to all applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.4 *Flood insurance.* If the project is located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and if the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, the Owner agrees that the project will be covered, during its anticipated economic or useful life, by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less.

2.5 *Clean Air Act and Federal Water Pollution Control Act.*[4] In compliance with regulations issued by the Environmental Protection Agency ("EPA"), 40 CFR, Part 15, 39 FR 11099, pursuant to the Clean Air Act, as amended ("Air Act"), 42 U.S.C. 1857, *et seq.*, the Federal Water Pollution Control Act, as amended ("Water Act"), 33 U.S.C. 1251, *et seq.*, and Executive Order 11738, the Owner agrees that:

a. Any facility to be utilized in the performance of this Agreement or any subcontract shall not be a facility listed on the EPA List of Violating Facilities pursuant to section 15.20 of said regulations;

b. He will promptly notify the HFA of the receipt of any communication from the EPA indicating that a facility to be utilized for the Agreement is under consideration to be listed on the EPA List of Violating Facilities;

c. He will comply with all the requirements of section 114 of the Air Act and section 308 of the Water Act relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in section 114 and section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder; and

d. He will include or cause to be included the provisions of this Section in every nonexempt subcontract, and that he will take such action as the Government may direct as a means of enforcing such provisions.

[4] Strike this Section if the Contract Rents under the proposed Housing Assistance Payments Contract, over the maximum term of said Contract, are $100,000 or less.

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2.6 *Prevailing wage rates.*[1] a. Attached hereto and incorporated herein as Exhibit D is a schedule of minimum rates of wages applicable to this Agreement.

b. All laborers and mechanics employed in the construction of the project shall be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by the regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3)), the full amounts due at the time of payment computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor of the United States, which is incorporated herein, regardless of any contractual relationship which may be alleged to exist between the Owner or any subcontractor and such laborers and mechanics; and the wage determination decision and the Department of Labor Wage Rate Information Poster shall be posted by the Owner at the site of the work in a prominent place where it can be easily seen by the workers. For the purpose of this clause, contributions made or costs reasonably anticipated under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics subject to the provisions of paragraph c of this Section. Also for the purpose of this clause, regular contributions made or costs incurred for more than a weekly period under plans, funds, or programs, but covering the particular weekly period, are deemed to be constructively made or incurred during such weekly period.

c. The Owner may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, or any bona fide fringe benefits not expressly listed in section 1(b)(2) of the Davis-Bacon Act or otherwise not listed in the wage determination decision of the Secretary of Labor which is included in this Agreement, only when the Secretary of Labor has found, upon the written request of the Owner, that the applicable standards of the Davis-Bacon Act have been met. Whenever practicable, the Owner should request the Secretary of Labor to make such findings before the making of the Agreement. In the case of unfunded plans and programs, the Secretary of Labor may require the Owner to set aside in a separate account assets for the meeting of obligations under the plan or program.

d. The Owner shall comply with the Copeland (Anti-Kickback) Regulations (29 CFR, Part 3) of the Secretary of Labor which are herein incorporated by reference.

e. Any class of laborers or mechanics (including apprentices and trainees) which is not listed in the wage determination and which is to be employed under the Agreement shall be classified or reclassified conformably to the wage determination. In the event that agreement cannot be reached on the proper classification or reclassification of a particular class of laborers and mechanics (including apprentices and trainees) to be used, the question will be referred by HUD to the Secretary of Labor for final determination.

f. Whenever the minimum wage rate prescribed in the Agreement for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly wage rate and the Owner is obligated to pay a cash equivalent of such a fringe benefit, an hourly cash equivalent thereof shall be established. In the event that agreement cannot be reached upon a cash equivalent of the fringe benefit, the question will be referred by HUD to the Secretary of Labor for final determination.

g. (1) (i) Apprentices will be permitted to work as such only when they are registered individually under a bona fide apprenticeship program registered with a State apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, U.S. Department of Labor; or, if no such recognized agency exists in a State, under a program registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the Owner as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not a trainee as defined in subsection (b) immediately following or is not registered as above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The Owner will be required to furnish to the other party to this Agreement written evidence of the registration of his program and apprentices, as well as of the appropriate ratios and wage rates for the area of construction prior to using any apprentices on the contract work.

(ii) Trainees will be permitted to work as such when they are bona fide trainees employed pursuant to a program approved by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, and where subsection (c) immediately following is applicable, in accordance with the provisions of paragraph g(2) of this Section.

(iii) On contracts in excess of $10,000 the employment of all laborers and mechanics, including apprentices and trainees, as defined in 29 CFR Section, 5.2(c) shall also be subject to the provisions of paragraph g(2) of this Section. Apprentices and trainees shall be hired in accordance with the provisions of paragraph g(2).

(2) The Owner agrees that:

(i) He will make a diligent effort to hire for the performance of the Agreement a number of apprentices or trainees, or both, in each occupation, which bears to the average number of the journeymen in that occupation to be employed in the performance of the Agreement the applicable ratio as determined by the Secretary of Labor;

(ii) He will assure that 25 percent of such apprentices or trainees in such occupation are in their first year of training, where feasible. Feasibility here involves a consideration of (A) the availability of training opportunities for first year apprentices, (B) the hazardous nature of the work for beginning workers, (C) excessive unemployment of apprentices in their second and subsequent years of training;

(iii) During the performance of the Agreement he will, to the greatest extent possible, employ the number of apprentices or trainees necessary to meet currently the requirements of (i) and (ii) immediately preceding;

(iv) He will maintain records of employment by trade of the number of apprentices and trainees, apprentices and trainees by first year of training, and of journeymen, and the wages paid and hours of work of such apprentices, trainees and journeymen; and he will make these records available for inspection upon request of the Department of Labor and HUD;

(v) If he claims compliance based on the criterion stated in 29 CFR 5a.4(b), he will maintain records of employment, as described in the immediately preceding paragraph, on non-Federal and nonfederally assisted construction work done during the performance of the contract in the same labor market area; and he will make these records available for inspection upon request of the Department of Labor and HUD;

(vi) He will supply one copy of the written notices required in accordance with 29 CFR 5a.4(c) at the request of Government compliance officers, and will supply at three-month intervals during the performance of the Agreement and after completion of Agreement performance a statement describing steps taken toward making a diligent effort and containing a breakdown by craft, of hours worked and wages paid for first year apprentices and trainees, other apprentices and trainees, and journeymen. One copy of the statement will be sent to HUD and one to the Secretary of Labor.

2.7 *Submittal of payrolls and related reports.* a. Payrolls and basic records relating thereto shall be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics employed in the construction of the project. Such records shall contain the name and address of each such employee, his correct classification, rates of pay (including rates of contributions or costs anticipated of the types described in section 1(b)(2) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made, and actual wages paid. Whenever the Secretary of Labor has found under section 2.6c that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the Owner shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits.

b. The Owner shall submit weekly to the other party to this Agreement such copies and summaries of all his payrolls and those of each of his subcontractors as such other party may require. Each payroll and summary shall be accompanied by a statement signed by the employer or his agent indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor, and that the classifications set forth for each laborer or mechanic conform with the work he performed. A submission of a "Weekly Statement of Compliance," which is required under this Agreement and the Copeland Regulations of the Secretary of Labor (29 CFR, Part 3), and the filing with the initial payroll or any subsequent payroll of a copy of any findings by the Secretary of Labor under Section 2.6c shall satisfy this requirement. The Owner shall make the records required under the labor standards clauses of this Agreement available for inspection by authorized representatives of HUD and the Department of Labor, and will permit such representatives to interview employees during working hours on the job.

c. The Owner shall also furnish to the other parties to this Agreement any other information or certifications relating to employees in such form as such other party may request.

[1] As used in sections 2.6 through 2.11, "HUD" means the United States of America acting through the Department of Housing and Urban Development. Strike sections 2.6 through 2.11 if the project involves fewer than nine Contract units.

2.8 *Disputes concerning wage rates and classifications of labor.* a. All disputes concerning prevailing wage rates or classifications arising under this Agreement involving (1) significant sums of money, (2) large groups of employees, or (3) novel or unusual situations shall be promptly reported to HUD for decision or, at the option of HUD, referral to the Secretary of Labor of the United States. The decision of HUD or the Secretary of Labor, as the case may be, shall be final.

b. All questions arising under this Agreement relating to the application or interpretation of the Copeland (Anti-Kickback) Act shall be referred to the Secretary of Labor of the United States for ruling or interpretation, and such ruling or interpretation shall be final.

2.9 *Wage Claims and Adjustments.* In cases of underpayment of salaries or wages to any laborers or mechanics (including apprentices and trainees) by the Owner (or any of his subcontractors), the Owner shall be required to place an amount in escrow, as determined by HUD, sufficient to pay persons employed on the work covered by the Agreement the difference between the salaries or wages actually paid such employees for the total number of hours worked, and the amounts withheld may be disbursed by HUD for and on account of the Owner or the subcontractor to the respective employees to whom they are due.

2.10 *Contract Work Hours and Safety Standards Act—Overtime Compensation.* a. Neither the Owner nor any subcontractor contracting for any part of the work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any workweek in which he is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in excess of eight hours in any calendar day or in excess of forty hours in any such workweek, as the case may be.

b. In the event of any violation of the clause set forth in paragraph a of this Section, the Owner and any subcontractor responsible therefore shall be liable to any affected employee for his unpaid wages. In addition, such Owner and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed, with respect to each individual laborer or mechanic employed in violation of the clause set forth in paragraph a of this Section, in the sum of $10 for each calendar day on which such employee was required or permitted to work in excess of eight hours or in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph a.

c. The Owner shall deposit in escrow such amounts determined by HUD to be necessary to satisfy any liability of the Owner or any subcontractor for liquidated damages as provided in paragraph b of this Section.

2.11 *Termination; Debarment; Subcontracts.* a. A breach of the provisions of the foregoing sections 2.6, 2.7, 2.8, 2.9, and 2.10 may be grounds for termination of this Agreement and for debarment as provided in 29 CFR 56.

b. The Owner shall insert in any subcontracts sections 2.6 (and with respect to section 2.6g(2), copies of 29 CFR 5a.4, 5a.5, 5a.6 and 5a.7 shall be attached), 2.7, 2.8, 2.9, 2.10, and 2.11a, and also a clause requiring the subcontractors to include these Sections in any lower tier subcontract which they may enter into, together with a clause requiring this insertion in any further subcontracts that may in turn be made.

2.12 *Disputes.* a. Except as otherwise provided herein, any dispute concerning a question of fact arising under this Agreement which is not disposed of by agreement of the HFA and the Owner may be submitted by either party to the Department of Housing and Urban Development field office director who shall make a decision and shall mail or otherwise furnish a written copy thereof to the Owner and the HFA.

b. The decision of the field office director shall be final and conclusive unless, within 30 days from the date of receipt of such copy, either party mails or otherwise furnishes to the Government a written appeal addressed to the Secretary of Housing and Urban Development. The decision of the Secretary or duly authorized representative for the determination of such appeals shall be final and conclusive, unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this Section, the appellant shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, both parties shall proceed diligently with the performance of the Agreement and in accordance with the decision of the field office director.

c. This section does not preclude consideration of questions of law in connection with decisions rendered under paragraphs a and b of this Section; Provided, however, that nothing herein shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

2.13 *Interest of Members, Officers, or Employees of HFA, Members of State or local Governing Body, or other Public Officials.* No member, officer, or employee of the HFA, no member of the governing body of the State or locality (city and county) in which the project is situated, and no other public official of such State or locality who exercises any functions or responsibilities with respect to the project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this Agreement or in any proceeds or benefits arising therefrom. In the case of a project owned by a public housing agency, the foregoing prohibition shall also apply to members of the governing body of the locality (city and county) in which such public housing agency was activated.

2.14 *Interest of Member of or Delegate to Congress.* No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this Agreement or to any benefits which may arise therefrom.

2.15 *Nonassignability.* a. The Owner agrees that he has not made and will not make any sale, assignment, or conveyance or transfer in any other form, of this Agreement or the project or any part thereof or any of his interest therein, without the prior consent of the HFA and the Government; Provided, however, that in the case of an assignment as security for the purpose of obtaining financing of the project, the HFA and the Government shall consent in writing if the terms of the financing have been approved by the Government. An assignment by the Owner to a limited partnership of which the Owner is the sole general partner shall not be considered an assignment herein.

b. The Owner agrees that he will not change to a different developer or rehabilitator from the one named in the preamble of this Agreement, except with the prior consent of the HFA and the Government.

c. The Owner agrees that the approved developer or rehabilitator has not made, and will not make, except with the prior consent of the HFA and the Government, any assignment or transfer in any form of the developer's or rehabilitator's contract to construct or rehabilitate the project, or any part thereof, or any of the developer's or rehabilitator's interests therein.

d. The Owner agrees to notify the HFA and the Government promptly of any proposed action covered by paragraph a or b or c of this Section. The Owner further agrees to request the written consent of the HFA and the Government in regard thereto, except in the case of an assignment as security as provided in paragraph a of this Section.

e. For the purpose of this Section, a transfer of stock in the Owner, developer or rehabilitator in whole or in part, by a party holding ten percent or more of the stock of said Owner, developer or rehabilitator or a transfer by more than one stockholder or the owner of 10 percent or more of the stock of said Owner, or any other similarly significant change in the ownership of such stock or in the relative distribution thereof, or with respect to the parties in control of the Owner, developer or rehabilitator or the degree thereof, by any other method or means, whether by increased capitalization, merger with another corporation, corporate or other amendments, issuance of new or additional stock or classification of stock or otherwise, shall be deemed an assignment, conveyance, or transfer with respect to this Agreement, the project or the construction or rehabilitation contract. With respect to this provision, the Owner, and the party signing this Agreement on behalf of said Owner, represent that they have the authority of all of the existing stockholders of the Owner to agree to this provision on behalf of said stockholders and to bind them with respect thereto.

Appendix III—Housing Assistance Payments Contract

Part I

This Housing Assistance Payments Contract ("Contract") is entered into by and between the ----------, a housing finance agency ("HFA"), which is a public housing agency as defined in the United States Housing Act of 1937, 42 U.S.C. 1437, *et seq.* ("Act"), at section 1437a(6), and ---------- ("Owner"), and approved by the United States of America acting through the Department of Housing and Urban Development ("Government"), pursuant to the Act and the Department of Housing and Urban Development Act, 42 U.S.C. 3531, *et seq.*

The parties hereto agree as follows:

1.1 *Significant Dates and Other Items; Contents of Contract.* a. *Effective Date of Contract.* The effective date of this Contract is ----------, 19--- [This date shall be no earlier than the date of approval by the Government.]

b. *Initial Term of Contract.* The initial term of this Contract (see section 1.4a) shall be -- years [not to exceed five years], beginning with the effective date of this Contract and ending ----------, 19---.

c. *Number and Length of Optional Additional Terms.* The number and length of optional additional terms (see section 1.4a) shall be ------ terms of -- years each [not to exceed five years each].

d. *Maximum Total Term of Contract.* The maximum total term of this Contract for any unit, including renewals, shall be as specified in section 1.4a.

e. *Fiscal Year.* The ending date of each Fiscal Year (see section 1.4b) shall be ---------- [insert March 31, June 30, September 30, or December 31, as determined by the Government].

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f. Annual Contributions Contract. The Annual Contributions Contract applicable to this Contract ("ACC") (see Section 1.5a) is the ACC dated _____ with respect to Project No. _____.

g. Maximum Housing Assistance Commitment. The maximum amount of the commitment for housing assistance payments under this Contract (see Section 1.6a) is $_____ per annum. [Enter amount specified in the ACC for housing assistance payments, exclusive of the Financing Cost Contingency.] This amount shall be subject to increase pursuant to section 1.5e(2) or 1.5f(3) of the Agreement or section 1.9e(3) of this Contract, as appropriate.

h. Percent of Units to be Leased to Very Low-Income Families. In the initial renting of the Contract Units, the minimum percentage of those units required to be leased to Very Low-Income Families (see section 1.10c(1)) shall be __ percent.

i. Contents of Contract. This Contract consists of Part I, Part II, and the following exhibits:

Exhibit A: The schedule showing the number of units by size ("Contract Units") and their applicable rents ("Contract Rents");

Exhibit B: The project description;

Exhibit C: The statement of services, maintenance and utilities to be provided by Owner;

Exhibit D: The Affirmative Fair Housing Marketing Plan, if applicable; and

Additional exhibits: [Specify additional exhibits, if any. If none, insert "None."]

This Contract, including said exhibits, comprises the entire agreement between the parties hereto, and neither party is bound by any representations or agreements of any kind except as contained herein.

1.2 *Owner's warranties—a. Legal Capacity.* The Owner warrants that he has the legal right to execute this Contract and to lease dwelling units covered by this Contract.

b. Completion of Work. The Owner warrants that the project as described in Exhibit B is in good and tenantable condition and that the project has been completed in accordance with the terms and conditions of the Agreement to Enter into Housing Assistance Payments Contract ("Agreement") or will be completed in accordance with the terms on which the project was accepted. The Owner further warrants that he will remedy any defects or omissions covered by this warranty if called to his attention within 12 months of the effective date of this Contract. The Owner and the HFA agree that the continuation of this Contract shall be subject to the conditions set forth in section 1.4b of the Agreement.

1.3 *Families to be Housed; HFA assistance—a. Families To Be Housed.* The Contract Units are to be leased by the Owner to eligible Lower-Income Families ("Families") for use and occupancy by such Families solely as private dwellings.

b. HFA Assistance. (1) The HFA hereby agrees to make housing assistance payments on behalf of Families for the Contract Units, to enable such Families to lease Decent, Safe, and Sanitary housing pursuant to section 8 of the Act. Such housing assistance payments shall equal the difference between the Contract Rents for units leased by Families and the portion of such rents payable by Families as determined by the Owner in accordance with schedules and criteria established by the Government.

(2) If there is an Allowance for Utilities and Other Services and if such Allowance exceeds the Gross Family Contribution, the Owner shall pay the Family the amount of such excess on behalf of the HFA upon receipt of funds from the HFA for that purpose.

1.4 *Term of Contract; Fiscal year—a. Term of Contract.* [Alternative provisions—incorporate alternative 1 or 2 as applicable.]

Alternative 1—General: The initial term of this Contract shall be as stated in Section 1.1b. This Contract may be renewed for the number and length of additional terms stated in section 1.1c, provided that the total Contract term for any unit, including renewals, shall not exceed the following: (1) if a combination of interim and permanent financing is utilized for the project, __ years [insert number equal to the anticipated term of the permanent financing plus a period not to exceed 7 years] or a period terminating on the date of the last payment of principal due on said permanent financing, whichever is less, or (2) if permanent financing alone, rather than a combination of interim and permanent financing, is utilized for the project, __years [insert number equal to the term of the permanent financing plus a period not to exceed 13 months] or a period terminating on the date of the last payment of principal due on said permanent financing, whichever is less. Renewals shall be automatic unless either party notifies the other in writing, no later than 60 days prior to the expiration of the current term, of his desire not to renew, and the other party agrees in writing that there shall be no renewal. If the project is completed in stages, the dates for the initial term and renewal terms shall be separately related to the units in each stage; Provided, however, that the total Contract term for the units in all the stages, beginning with the effective date of the Contract with respect to hte first stage, shall not exceed the total Contract term for any unit specified in this paragraph, plus two years.

Alternative 2—For mobile homes project: In the case of mobile homes, the initial term of this Contract for each mobile home shall be as stated in section 1.1b. This Contract may be renewed with respect to any mobile home for the number and length of additional terms as stated in section 1.1c, provided that the total Contract term for any mobile home, including renewals, shall not exceed — years. [Insert number as authorized by the Government pursuant to 24 CFR 883.206.] Renewals shall become effective only if either party gives written notice, with a copy to the Government, no later than 60 days prior to the expiration of the current term, of his desire to renew, and the other party and the Government give their written concurrence and approval, respectively, before the expiration of the current term. If the project is completed in stages, the dates for the initial term and renewal terms shall be separately related to the mobile homes in each stage; Provided, however, that the total Contract term for the mobile homes in all the stages, beginning with the effective date of the Contract with respect to the first stage, shall not exceed the total Contract term stated in Section 1.1d, plus two years. For purposes of this paragraph a, the term "mobile home" means the original mobile home and any replacement(s), combined.

Alternative 3—For Certain Substantial Rehabilitation Projects: For a Substantial Rehabilitation project, where the relative cost of the rehabilitation is less than 15 percent of the value of the project after completion of the rehabilitation, the Contract shall be for one term of not more than five years for any dwelling unit. If the project is completed in stages, this term shall be separately related to the units in each stage; provided, however, that the total Contract term for the unit in all the stages, beginning with the effective date of the Contract with respect to the first stage, shall not exceed said Contract term, plus two years.

b. Fiscal year. The Fiscal Year for the project shall be the 12-month period ending on the date stated in Section 1.1e; Provided, however, that the first Fiscal Year for the project shall be the period beginning with the effective date of the Contract and ending on the last day of said established Fiscal Year which is not less than 12 months after such effective date. If the first Fiscal Year exceeds 12 months, the maximum total annual housing assistance payment in Section 1.6a may be adjusted by the addition of the pro rata amount applicable to the period of operation in excess of 12 months.

1.5 *Annual Contributions Contract—a. Identification of Annual Contributions Contract.* The HFA has entered into an Annual Contributions Contract with the Government, as identified in Section 1.1f, under which the Government will provide financial assistance to the HFA pursuant to section 8 of the Act for the purpose of making housing assistance payments. A copy of the ACC shall be provided upon request.

b. HFA Pledge of ACC Payments. The HFA hereby pledges to the payment of housing assistance payments pursuant to this Contract the annual contributions payable under the ACC for such housing assistance payments. The HFA shall not, without the consent of the Owner, amend or modify the ACC in any manner which would reduce the amount of such annual contributions, except as authorized in the ACC and this Contract.

c. Government Approval of Housing Assistance Payments Contract. The approval of this Contract by the Government signifies that the Government has executed the ACC and that the ACC has been properly authorized; that the faith of the United States is solemnly pledged to the payment of annual contributions pursuant to said ACC; and that funds have been obligated by the Government for such payments to assist the HFA in the performance of its obligations under the Contract.

1.6 *Maximum Housing Assistance Commitment; Project Account—a. Maximum Housing Assistance Commitment.* Notwithstanding any other provisions of this Contract (other than paragraph b of this Section) or any provisions of any other contract between the HFA and the Owner, the HFA shall not be obligated to make and shall not make any housing assistance payments under this Contract in excess of the amount per annum stated in section 1.1g; Provided, however, that this amount shall be reduced commensurately with any reduction in the number of Contract Units or in the Contract Rents or pursuant to any other provision of the ACC or this Contract (except reductions in Contract Rents pursuant to section 1.9e (1)).

b. Project Account. As provided in the ACC, in order to assure that housing assistance payments will be increased on a timely basis to cover increases in Contract Rents or decreases in Family Incomes:

(1) A Project Account shall be established and maintained, in an amount as determined by the Government consistent with its responsibilities under section 8(c)(6) of the Act, out of amounts by which the Maximum ACC Commitment per year (exclusive of any Financing Cost Contingency) exceeds amounts paid under the ACC for any Fiscal Year. This account shall be established and maintained by the Government as a specifically identified and segregated account. To the extent funds are available in said account, the maximum total annual housing assistance payments for any Fiscal Year may exceed the maximum amount stated in paragraph a of this Section to cover increases in

Contract Rents or decreases in Family Incomes (see section 1.9). Any amount remaining in said account after payment of the last housing assistance payment with respect to the project shall be applied by the Government in accordance with law.

(2) Whenever the Government approved estimate of the required Annual Contribution exceeds the Maximum ACC Commitment then in effect (exclusive of any Financing Cost Contingency), and would cause the amount in the Project Account to be less than an amount equal to 40 percent of such Maximum ACC Commitment, the Government shall, within a reasonable period of time, take such additional steps authorized by section 8(c)(6) of the Act as may be necessary to carry out this assurance, including (as provided in that section of the Act) "the reservation of annual contributions authority for the purpose of amending housing assistance contracts or the allocation of a portion of new authorizations for the purpose of amending housing assistance contracts."

1.7 *Housing Assistance Payments to Owners—a. General.* (1) Housing assistance payments shall be paid to the Owner for units under lease by Families in accordance with the Contract. The housing assistance payment will cover the difference between the Contract Rent and that portion of said rent payable by the Family as determined in accordance with the Government-established schedules and criteria.

(2) The amount of housing assistance payment payable on behalf of a Family and the amount of rent payable by such Family shall be subject to change by reason of changes in Family Income, Family composition, or extent of exceptional medical or other unusual expenses in accordance with the Government-established schedules and criteria; or by reason of adjustment by the HFA of any applicable Allowance for Utilities and Other Services. Any such change shall be effective as of the date stated in a notification of such change to the Family.

b. Vacancies During Rent-up. If a Contract Unit is not leased as of the effective date of the Contract, the Owner shall be entitled to housing assistance payments in the amount of 80 percent of the Contract Rent for the unit for a vacancy period not exceeding 60 days from the effective date of the Contract, provided that the Owner (1) commenced marketing and otherwise complied with section 1.3b of the Agreement, (2) has taken and continues to take all feasible actions to fill the vacancy, including, but not limited to, contacting applicants on his waiting list, if any, requesting the HFA and other appropriate sources to refer eligible applicants, and advertising the availability of the unit, and (3) has not rejected any eligible applicant, except for good cause acceptable to the HFA.

c. Vacancies After Rent-up. (1) If a Family vacates its unit (other than as a result of action by the Owner which is in violation of the Lease or the Contract or any applicable law), the Owner shall receive housing assistance payments in the amount of 80 percent of the Contract Rent for a vacancy period not exceeding 60 days; Provided, however, that if the Owner collects any of the Family's share of the rent for this period in an amount which, when added to the 80 percent payments, results in more than the Contract Rent, such excess shall be payable to the Government or as the Government may direct. (See also Section 1.10b.) The Owner shall not be entitled to any payment under this subparagraph unless he: (i) immediately upon learning of the vacancy, has notified the HFA of the vacancy or prospective vacancy and the reasons for the vacancy, and (ii) has taken and continues to take the actions specified in paragraphs b(2) and b(3) of this Section.

(2) If the Owner evicts a Family, he shall not be entitled to any payment under paragraph c(1) of this Section unless the request for such payment is supported by a certification that (1) he gave such Family a written notice of the proposed eviction, stating the grounds and advising the Family that it had 10 days within which to present its objections to the Owner in writing or in person and (ii) the proposed eviction was not in violation of the Lease or the Contract or any applicable law.

d. Limitation on Payments for Vacant Units. The Owner shall not be entitled to housing assistance payments with respect to vacant units under this Section to the extent he is entitled to payments from other sources (e.g., payments for losses of rental income incurred for holding units vacant for relocatees pursuant to Title I of the Housing and Community Development Act of 1974 or payments under Section 1.10b of this Contract).

e. HFA Not Obligated for Family Rent. The HFA has not assumed any obligation for the amount of rent payable by any Family or the satisfaction of any claim by the Owner against any Family other than in accordance with Section 1.10b of this Contract.

f. Owner's Monthly Requests for Payments. (1) The Owner shall submit monthly requests to the HFA or as directed by the HFA for housing assistance payments. Each such request shall set forth: (i) the name of each Family and the address and/or number of the unit leased by the Family; (ii) the address and/or the number of units, if any, not leased to Families for which the Owner is claiming payments; (iii) the Contract Rent as set forth in Exhibit A for each unit for which the Owner is claiming payments; (iv) the amount of rent payable by the Family leasing the unit (or, where appropriate, the amount to be paid the Family in accordance with Section 1.3b(2)); and (v) the total amount of housing assistance payments requested by the Owner.

(2) Each of the Owner's monthly requests shall contain a certification by him that to the best of his knowledge and belief (i) the dwelling unit is in Decent, Safe, and Sanitary condition, (ii) all the other facts and data on which the request for funds is based are true and correct, (iii) the amount requested has been calculated in accordance with the provisions of this Contract and is payable under the Contract, and (iv) none of the amount claimed has been previously claimed or paid.

(3) If the Owner has received an excessive payment, the HFA or the Government, in addition to any other rights to recovery, may deduct the amount from any subsequent payment or payments.

(4) The Owner's monthly requests for housing assistance payments shall be made subject to penalty under 18 U.S.C. 1001, which provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

g. Recoupment of Savings in Financing Cost. (1) In the event that the interim financing is used and is continued beyond one year from the effective date of the Contract and the interest cost of the interim financing for any period of three months, after such first year, is less than the anticipated debt service under the permanent financing on which the Contract Rents were based, an amount reflecting the savings in financing cost, computed in accordance with paragraph g(2) of this Section, shall be credited by the Government to the Project Account, and withheld from housing assistance payments to the Owner. If during the course of the same year there is any period of three months in which the financing cost is greater than the anticipated debt service under the permanent financing, an adjustment shall be made so that only the net amount of savings in financing cost for the year is credited by the Government to the Project Account and withheld by the HFA from the Owner as aforesaid (no increased payments shall be made to the Owner on account of any net excess for the year of actual interim financing cost over the anticipated debt service under the permanent financing). Nothing in this paragraph g shall be construed as requiring a reduction in the Contract Rents or precluding adjustments of Contract Rents in accordance with section 1.9.

(2) The computation and recoupment under this paragraph (g) may be made on an annual or on a quarterly or other periodic basis, but in any event no later than as of the end of each Fiscal Year; Provided, however, that if recoupment is to be made less often than quarterly, the amounts of recoupment shall be computed on at least a quarterly basis and the funds deposited in a special account from which withdrawals may be made only with the authorization of the HFA. The manner of computing the amount of recoupment shall be as follows:

(i) Determine the amount by which the interest cost for the interim financing for the period in question is less than the anticipated debt service under the permanent financing on which the Contract Rents were based;

(ii) Determine what percentage the amount found under paragraph g(2)(i) of this section is of the aggregate Contract Rents for all contract Units for the period in question;

(iii) Apply the percentage found in paragraph g(2)(ii) of this section to the aggregate Contract Rents for those Contract Units which are included in the Owner's claim(s) for housing assistance payments for the period in question; and

(iv) The amount found in paragraph g(2)(iii) of this section shall be credited to the Project Account and withheld from the next housing assistance payment or payments to the Owner.

1.8 *Maintenance, operation and inspection—a. Maintenance and Operation.* The Owner agrees (1) to maintain and operate the Contract Units and related facilities so as to provide Decent, Safe, and Sanitary housing, and (2) to provide all the services, maintenance and utilities set forth in Exhibit C. If the HFA determines that the Owner is not meeting any of these obligations, the HFA shall have the right, in addition to its other rights and remedies under this Contract, to abate housing assistance payments in whole or in part.

b. Inspections Prior to Occupancy. (1) Prior to occupancy of any unit by a Family, the Owner and the Family shall inspect the unit and both shall certify, on forms prescribed by the Government, that they have inspected the unit and have determined it to be Decent, Safe, and Sanitary in accordance with the criteria provided in the prescribed forms. Copies of these reports shall be kept on file by the Owner for at least three years.

(2) The HFA shall inspect or cause to be inspected each Contract Unit and related facilities at least annually and at such other times (including prior to initial occupancy and rerenting of any unit) as may be necessary to assure that the Owner is meeting

V 40 173 APR 15 75 XUM

his obligation to maintain the units in Decent, Safe, and Sanitary condition and to provide the agreed upon utilities and other services. The HFA shall take into account complaints by occupants and any other information coming to its attention in scheduling inspections and shall notify the Owner and the Family of its determination.

c. *Units Not Decent, Safe, and Sanitary.* If the HFA notifies the Owner that he has failed to maintain a dwelling unit in Decent, Safe, and Sanitary condition and the Owner fails to take corrective action within the time prescribed in the notice, the HFA may exercise any of its rights or remedies under the Contract, including abatement of housing assistance payments, even if the Family continues to occupy the unit. If, however, the Family wishes to be rehoused in another dwelling unit with section 8 assistance and the HFA does not have other section 8 funds for such purposes, the HFA may use the abated housing assistance payments for the purpose of rehousing the Family in another dwelling unit. Where this is done, the Owner shall be notified that he will be entitled to resumption of housing assistance payments for the vacated dwelling unit if (1) the unit is restored to Decent, Safe, and Sanitary condition, (2) the Family is willing to and does move back into the restored unit, and (3) a deduction is made for the expenses incurred by the Family for both moves.

d. *Notification of Abatement.* Any abatement of housing assistance payments shall be effective as provided in written notification to the Owner. The HFA shall promptly notify the Family of any such abatement.

e. *Overcrowded and Underoccupied Units.* If the HFA determines that a Contract Unit is not Decent, Safe, and Sanitary by reason of increase in Family Size, or that a Contract Unit is larger than appropriate for the size of the Family in occupancy, housing assistance payments with respect to such unit will not be abated, unless the Owner fails to offer the Family a suitable unit as soon as one becomes vacant and ready for occupancy. In the case of an overcrowded unit, if the Owner does not have any suitable units or if no vacancy of a suitable unit occurs within a reasonable time, the HFA will assist the Family in finding a suitable dwelling unit and require the Family to move to such a unit as soon as possible. The Owner may receive housing assistance payments for the vacated unit if he complies with the requirements of section 1.7c(1).

1.9 *Rent adjustments*—a. *Funding of Adjustments.* Housing assistance payments will be made in increased amounts commensurate with Contract Rent adjustments under this Section up to the maximum amount authorized under Section 1.6 of this Contract.

b. *Automatic Annual Adjustments.* (1) Automatic Annual Adjustment Factors will be determined by the Government at least annually; interim revisions may be made as market conditions warrant. Such Factors and the basis for their determination will be published in the Federal Register. These published Factors will be reduced appropriately by the Government where utilities are paid directly by the Families.

(2) On each anniversary date of the Contract, the Contract Rents shall be adjusted by applying the applicable Automatic Annual Adjustment Factor most recently published by the Government. Contract Rents may be adjusted upward or downward, as may be appropriate; however, in no case shall the adjusted Contract Rents be less than the Contract Rents as the effective date of the Contract.

c. *Special Additional Adjustments.* Special additional adjustments may be granted, when approved by the Government, to reflect increases in the actual and necessary expenses of owning and maintaining the Contract Units which have resulted from substantial general increases in real property taxes, utility rates, or similar costs (i.e., assessments, and utilities not covered by regulated rates), but only if and to the extent that the Owner or the HFA clearly demonstrates that such general increases have caused increases in the Owner's operating costs which are not adequately compensated for by automatic annual adjustments. The Owner or the HFA shall submit to the Government financial statements which clearly support the increase.

d. *Overall Limitation.* Notwithstanding any other provisions of this Contract, adjustments as provided in this Section shall not result in material differences between the rents charged for assisted and comparable unassisted units, as determined by the HFA (and approved by the Government, in the case of adjustments under paragraph c of this Section).

e. *Adjustment to Reflect Actual Cost of Permanent Financing.* This paragraph e shall apply if the project is not permanently financed until after the effective date of the Contract. After the project is permanently financed, the HFA shall submit a certification to the Government as to the actual financing terms and the following provisions shall apply:

(1) If the actual debt service under the permanent financing is lower than the anticipated debt service on which the Contract Rents were based, the Contract Rents currently in effect shall be reduced commensurately, and the amount of the savings shall be credited to the Project Account. The Maximum ACC Commitment shall not be reduced except by the amount of the contingency, if any, which was included for possible increases under paragraph e(2) of this Section.

(2) If the actual debt service under the permanent financing is higher than the anticipated debt service on which the Contract Rents were based, and the HFA is using its set-aside for the project, the Contract Rents currently in effect shall be increased commensurately, not to exceed the limitations in this paragraph e(2) and the amount of the Financing Cost Contingency in the ACC, if the projected borrowing rate (net interest cost) was not less than the average net interest cost for the preceding quarter (at the time the projection was submitted to the Government) of the "20 Bond Index" published weekly in the *Bond Buyer*, plus 50 basis points. An adjustment under this paragraph e(2) shall not be more than is necessary to reflect an increase in debt service (based upon the original projected capital cost and the actual term of the permanent financing for the project) resulting from an increase in interest rate of not more than:

(i) One and one-half percent if the projected spread as submitted to the Government was three-fourths of one percent or less, or

(ii) One percent if such projected spread was more than three-fourths of one percent but not more than one percent, or

(iii) One-half of one percent if such projected spread was more than one percent.

(3) After Contract Rents have been adjusted in accordance with paragraph e(1) or e(2) of this section, the maximum amount of the ACC commitment shall be reduced by the amount of any unused portion of the Financing Cost Contingency, and such portion shall be reallocated to the then current set-aside of the HFA, if any. At the same time, if the Contract Rents have been increased in accordance with paragraph e(2) of this section, the maximum Contract amount specified in section 1.1g shall be increased commensurately.

f. *Incorporation of Rent Adjustment.* Any adjustment in Contract Rents shall be incorporated into Exhibit A by a dated addendum to the exhibit establishing the effective date of the adjustment.

1.10 *Marketing and Leasing of Units*—a. *Compliance with Equal Opportunity.* Marketing of units and selection of Families by the Owner shall be in accordance with the Owner's Government-approved Affirmative Fair Housing Marketing Plan, shown as Exhibit D, and with all regulations relating to fair housing advertising.

b. *Security and Utility Deposits.* (1) The Owner may require Families to pay a security deposit in an amount equal to one month's Gross Family Contribution. If a Family vacates its unit, the Owner, subject to State and local law, may utilize the deposit as reimbursement for any unpaid rent or other amount owed under the Lease. If the Family has provided a security deposit, and it is insufficient for such reimbursement, the Owner may claim reimbursement from the HFA, not to exceed an amount equal to the remainder of one month's Contract Rent. Any reimbursement under this Section shall be applied first toward any unpaid rent. If a Family vacates its unit owing no rent or other amount under the Lease, or if the amount owned is less than the amount of the security deposit, the Owner shall refund the full amount or the unused balance, as the case may be, to the Family.

(2) In those jurisdictions where interest is payable by the Owner on security deposits, the refunded amount shall include the amount of interest payable. All security deposit funds shall be deposited by the Owner in a segregated bank account, and the balance of this account, at all times, shall be equal to the total amount collected from tenants then in occupancy, plus any accrued interest. The Owner shall comply with all State and local laws regarding interest payments on security deposits.

(3) Families shall be expected to obtain the funds to pay security and utility deposits, if required, from their own resources and/or other private or public sources.

c. *Eligibility, Selection and Admission of Families.* (1) The Owner shall be responsible for determination of eligibility of applicants, selection of families from among those determined to be eligible, and computation of the amount of housing assistance payments on behalf of each selected Family in accordance with schedules and criteria established by the Government. In the initial renting of the Contract Units, the Owner shall lease at least that percentage of those units which is stated in Section 1.1h to Very Low-Income Families (determined in accordance with the Government-established schedules and criteria) and shall thereafter exercise his best efforts to maintain at least that percentage of occupancy of the Contract Units by Very Low-Income Families as determined in accordance with such schedules and criteria.

(2) The Lease entered into between the Owner and each selected Family shall be on the form of Lease approved by the Government.

(3) The Owner shall make a reexamination of Family Income, composition, and the extent of medical or other unusual expenses incurred by the Family, at least annually (except that such reviews may be made at intervals of no longer than two years in the case of elderly Families), and appropriate redeterminations shall be made by the Owner of the amount of Family contribution and the amount of housing assistance payment, all in accordance with schedules and criteria established by the Government. In connection with the reexamination, the Owner shall

determine what percentage of Families in occupancy are Very Low-Income Families. If there are fewer than the agreed to percentage of Very Low-Income Families in occupancy, the Owner shall report the fact to the HFA and shall adopt changes in his admission policies to achieve, as soon as possible, at least the agreed to percentage of occupancy by such Families.

d. *Rent Redetermination after Adjustment in Allowance for Utilities and Other Services.* In the event that the Owner is notified of an HFA determination making an adjustment in the Allowance for Utilities and Other Services applicable to any of the Contract Units, the Owner shall promptly make a corresponding adjustment in the amount of rent to be paid by the affected Families and the amount of housing assistance payments.

e. *Processing of Applications and Complaints.* The Owner shall process applications for admission, notifications to applicants, and complaints by applicants in accordance with applicable HFA or Government requirements and shall maintain records and furnish such copies or other information as may be required by the HFA or the Government.

f. *Review; Incorrect Payments.* In making housing assistance payments to Owners, the HFA or the Government will review the Owner's determinations under this Section. If as a result of this review, or other reviews, audits or information received by the HFA or the Government at any time, it is determined that the Owner has received improper or excessive housing assistance payments, the HFA or the Government shall have the right to deduct the amount of such overpayments from any amounts otherwise due the Owner, or otherwise effect recovery thereof.

1.11 *Termination of Tenancy.* The Owner shall be responsible for termination of tenancies, including evictions. However, conditions for payment of housing assistance payments for any resulting vacancies shall be as set forth in Section 1.7c.

1.12 *Reduction of Number of Contract Units for failure to lease to Eligible Families*—a. *After First Year of Contract.* If at any time, beginning six months after the effective date of this Contract, the Owner fails for a continuous period of six months to have at least 90 percent of the Contract Units leased or available for leasing by Families, the HFA, with Government approval, may on 30 days notice reduce the number of Contract Units to not less than the number of units under lease or available for leasing by Families, plus 10 percent of such number if the number is 10 or more, rounded to the next highest number.

b. *At End of Initial and Each Renewal Term.* At the end of the initial term of the Contract and of each renewal term, the HFA, with Government approval, may, by notice to the Owner reduce the number of Contract Units to not less than (1) the number of units under lease or available for leasing by Families at that time or (2) the average number of units so leased or available for leasing during the last year, whichever is the greater, plus 10 percent of such number if the number is 10 or more, rounded to the next highest number.

(c) *Restoration of Units.* The Government will agree to an amendment of the ACC to provide for subsequent restoration of any reduction made pursuant to paragraphs a or b of this Section if the Government determines that the restoration is justified as a result of changes in demand and in the light of the Owner's record of compliance with his obligations under the Contract and if annual contributions contract authority is available; and the Government will take such steps authorized by section 8(c) (5) of the Act as may be necessary to carry out this assurance (see Section 1.6).

WARNING: 18 U.S.C. 1001 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

Date: _____
Date: _____

Approved: United States of America Secretary of Housing and Urban Development.	Owner _____
By _____	By _____
_____ (*Official Title*)	(*Official Title*)
Date: _____, 19__	Date: _____, 19__
	HFA _____
	By _____
	(*Official Title*)
	Date: _____, 19__

[If the project is to be completed and accepted in stages, execution of the Contract with respect to the several stages appears on the following pages of this Contract.]

EXECUTION OF CONTRACT WITH RESPECT TO CONTRACT UNITS COMPLETED AND ACCEPTED IN STAGES—STAGE 1

This Contract is hereby executed with respect to the units described in Exhibit A–2.

Effective date. The effective date of this Contract with respect to the units described in Exhibit A–2 is _____, 19__. [Insert date which shall be no earlier than the date of approval by the Government.]

Approved: United States of America Secretary of Housing and Urban Development.	Owner _____
By _____	By _____
_____ (*Official Title*)	(*Official Title*)
Date: _____, 19__	Date: _____, 19__
	HFA _____
	By _____
	(*Official Title*)
	Date: _____, 19__

EXECUTION OF CONTRACT WITH RESPECT TO CONTRACT UNITS COMPLETED AND ACCEPTED IN STAGES—STAGE 2

This Contract is hereby executed with respect to the units described in Exhibit A–2.

Effective date. The effective date of this Contract with respect to the units described in Exhibit A–2 is _____, 19__. [Insert date which shall be no earlier than the date of approval by the Government.]

Approved: United States of America Secretary of Housing and Urban Development.	Owner _____
By _____	By _____
_____ (*Official Title*)	(*Official Title*)
Date: _____, 19__	Date: _____, 19__
	HFA _____
	By _____
	(*Official Title*)
	Date: _____, 19__

EXECUTION OF CONTRACT WITH RESPECT TO CONTRACT UNITS COMPLETED AND ACCEPTED IN STAGES—STAGE 3

This Contract is hereby executed with respect to the units described in Exhibit A–2.

Effective date. The effective date of this Contract with respect to the units described in Exhibit A–2 is _____, 19__. [Insert date which shall be no earlier than the date of approval by the Government.]

Approved: United States of America Secretary of Housing and Urban Development.	Owner _____
By _____	By _____
_____ (*Official Title*)	(*Official Title*)
Date: _____, 19__	Date: _____, 19__
	HFA _____
	By _____
	(*Official Title*)
	Date: _____, 19__

PART II

2.1 *Nondiscrimination in housing.* a. The Owner shall not in the selection of Families, in the provision of services, or in any other manner, discriminate against any person on the grounds of race, color, creed, religion, sex, or national origin. No person shall be *automatically* excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program because of membership in a class such as unmarried mothers, recipients of public assistance, etc.

b. The Owner shall comply with all requirements imposed by Title VIII of the Civil Rights Act of 1968, and any rules and regulations pursuant thereto.

c. The Owner shall comply with all requirements imposed by Title VI of the Civil Rights Act of 1964, Public Law 88–352, 78 Stat. 241; the regulations of the Department of Housing and Urban Development issued thereunder, 24 CFR, Subtitle A, Part 1, section 1.1, *et seq.*; the requirements of said Department pursuant to said regulations; and Executive Order 11063 to the end that, in accordance with that Act, the regulations and requirements of said Department thereunder, and said Executive Order, no person in the United States shall, on the grounds of race, color, creed, religion or national origin, be excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program, or be otherwise subjected to discrimination. This provision is included pursuant to the regulations of the

V 40 73 APR 15 75 5 XUM

Department of Housing and Urban Development, 24 CFR, Subtitle A, Part 1, section 1.1, *et seq.*, issued under Title VI of the said Civil Rights Act of 1964, and the requirements of said Department pursuant to said regulations; and the obligation of the Owner to comply therewith inures to the benefit of the Government, the said Department, and the HFA any of which shall be entitled to invoke any remedies available by law to redress any breach thereof or to compel compliance therewith by the Owner.

2.2 *Training, employment, and contracting opportunities for businesses and Lower-Income Persons.* a. The project assisted under this Contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

b. Notwithstanding any other provision of this Contract, the Owner shall carry out the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135 (published in 38 FR 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this Contract. The requirements of said regulations include, but are not limited to, development and implementation of an affirmative action plan for utilizing business concerns located within, or owned in substantial part by persons residing in, the area of the project; the making of a good faith effort, as defined by the regulations, to provide training, employment, and business opportunities required by section 3; and incorporation of the "section 3 clause" specified by § 135.20(b) of the regulations and paragraph c of this Section in all contracts for work in connection with the project. The Owner certifies and agrees that he is under no contractual or other disability which would prevent him from complying with these requirements.

c. Compliance with the provisions of section 3, the regulations set forth in 24 CFR, Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this Contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the Owner, his successors and assigns. Failure to fulfill these requirements shall subject the Owner, his contractors and subcontractors, his successors, and assigns to the sanction specified by this Contract and to such sanctions as are specified by 24 CFR, Section 135.135.

d. The Owner shall incorporate or cause to be incorporated into any contract or subcontract for work pursuant to this Contract in excess of $50,000 cost, the following clause:

"EMPLOYMENT OF PROJECT AREA RESIDENTS AND CONTRACTORS

"A. The work to be performed under this Contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

"B. The parties to this Contract will comply with the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this Contract. The parties to this Contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

"C. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

"D. The contractor will include this section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontract is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135, and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

"E. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of the Contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.135."

e. The Owner agrees that he will be bound by the above Employment of Project Area Residents and Contractors clause with respect to his own employment practices when he participates in federally assisted work.

2.3 *Cooperation in Equal Opportunity Compliance Reviews.* The HFA and the Owner shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to all applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.4 *Flood insurance.* If the project is located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and if the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, the Owner agrees that the project will be covered, during its anticipated economic or useful life, by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less.

2.5 *Clean Air Act and Federal Water Pollution Control Act.*[2] In compliance with regulations issued by the Environmental Protection Agency ("EPA"), 40 CFR, Part 15, 39 FR 11099, pursuant to the Clean Air Act, as amended ("Air Act"), 42 U.S.C. 1857, *et seq.*, the Federal Water Pollution Control Act, as amended ("Water Act"), 33 U.S.C. 1251, *et seq.*, and Executive Order 11738, the Owner agrees that:

a. Any facility to be utilized in the performance of this Contract or any subcontract shall not be a facility listed on the EPA List of Violating Facilities pursuant to section 15.20 of said regulations;

b. He will promptly notify the HFA of the receipt of any communication from the EPA indicating that a facility to be utilized for the Contract is under consideration to be listed on the EPA List of Violating Facilities;

c. He will comply with all the requirements of section 114 of the Air Act and section 308 of the Water Act relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in section 114 and section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder; and

d. He will include or cause to be included the provisions of this Section in every nonexempt subcontract, and that he will take such action as the Government may direct as a means of enforcing such provisions.

2.6 *HFA and Government access to Premises and Owner's Records.* a. The Owner shall furnish such information and reports pertinent to the Contract as reasonably may be required from time to time by the HFA or the Government.

b. The Owner shall permit the HFA or the Government or any of their duly authorized representatives to have access to the premises and, for the purpose of audit and examination, to have access to any books, documents, papers and records of the Owner that are pertinent to compliance with this Contract, including the verification of information pertinent to the monthly requests for housing assistance payments.

2.7 *Failure or inability of HFA to comply with Contract.* The following provisions of the ACC are hereby made a part of this Contract:

"(a) *Rights of Owner if HFA Defaults.* (1) In the event of failure of the HFA to comply with the Contract with the Owner, or if such Contract is held to be void, voidable or ultra vires, or if the power or right of the HFA to enter into such Contract is drawn into question in any legal proceeding, or if the HFA asserts or claims that such Contract is not binding upon the HFA for any such reason, the Government may, after notice to the HFA giving it a reasonable opportunity to take corrective action, determine that the occurrence of any such event constitutes a Substantial Default hereunder. Where the Government so determines, it may assume the HFA's rights and obligations under such Contract, and the Government shall, for the duration of such Contract, continue to pay Annual Contributions for the purpose of making housing assistance payments with respect to dwelling units under such Contract, shall perform the obligations and enforce the rights of the HFA, and shall exercise such other powers as the Government may have to cure the Default.

"(2) All rights and obligations of the HFA assumed by the Government pursuant to this section 2.16(a) will be returned as constituted at the time of such return (i) when the Government is satisfied that all defaults have been cured and that the Project will thereafter be administered in accordance with all applicable requirements, or (ii) when the Housing Assistance Payments Contract is at an end, whichever occurs sooner.

"(3) The provisions of this section 2.16(a) are made with, and for the benefit of, the Owner or his assignees who will have been specifically approved by the Government prior to such assignment. If the Owner and the assignees are not in default, they may, in order to enforce the performance of these provisions, (i) demand that the Government, after notice to the HFA giving it a reasonable opportunity to take corrective action, make a determination whether a Substantial Default exists under paragraph (a)(1) of this section, (ii) if the Government determines that a Substantial Default exists, demand that the Government take the actions authorized in paragraph (a)(1) to carry out the obligations of the HFA to the Owner, and (iii) proceed against the Government by suit at law or in equity."

2.8 *Rights of HFA and Government if owner defaults.* a. A default by the Owner under this Contract shall result if:

(1) The Owner has violated or failed to comply with any provision of, or obligation under, this Contract or of any Lease; or

(2) The Owner has asserted or demonstrated an intention not to perform some or all of his obligations under this Contract or under any Lease.

b. Upon a determination by the HFA that a default has occurred, the HFA shall notify the Owner, with a copy to the Government, of (1) the nature of the default, (2) the actions required to be taken and the remedies to be applied on account of the default (including actions by the Owner to cure the default, and, where appropriate, abatement of housing assistance payments in whole or in part and recovery of overpayments), and (3) the time within which the Owner shall respond with a showing that he has taken all the actions required of him. If the Owner fails to respond or take action to the satisfaction of the HFA and the Government, the HFA shall have the right to terminate this Contract in whole or in part or to take other corrective action to achieve compliance, in its discretion or as directed by the Government.

c. Notwithstanding any other provisions of this Contract, in the event the Government determines that the Owner is in default of his obligations under the Contract, the Government shall have the right, after notice to the Owner and the HFA giving them a reasonable opportunity to take corrective action, to abate or terminate housing assistance payments and recover overpayments in accordance with the terms of the Contract. In the event the Government takes any action under this Section, the Owner and the HFA hereby expressly agree to recognize the rights of the Government to the same extent as if the action were taken by the HFA. The Government shall not have the right to terminate the Contract except by proceeding in accordance with Section 2.16(b) of the ACC.

2.9 *Remedies not exclusive and non-waiver of remedies.* The availability of any remedy under this Contract or the ACC shall not preclude the exercise of any other remedy under this Contract or the ACC or under any provisions of law, nor shall any action taken in the exercise of any remedy be deemed a waiver of any other rights or remedies. Failure to exercise any right or remedy shall not constitute a waiver of the right to exercise that or any other right or remedy at any time.

2.10 *Disputes.* a. Except as otherwise provided herein, any dispute concerning a question of fact arising under this Contract which is not disposed of by agreement of the HFA and the Owner may be submitted by either party to the Department of Housing and Urban Development field office director who shall make a decision and shall mail or otherwise furnish a written copy thereof to the Owner and the HFA.

b. The decision of the field office director shall be final and conclusive unless, within 30 days from the date of receipt of such copy, either party mails or otherwise furnishes to the Government a written appeal addressed to the Secretary of Housing and Urban Development. The decision of the Secretary or duly authorized representative for the determination of such appeals shall be final and conclusive, unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this Section, the appellant shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, both parties shall proceed diligently with the performance of the Contract and in accordance with the decision of the field office director.

c. This Section does not preclude consideration of questions of law in connection with the decisions rendered under paragraphs a and b of this Section; Provided, however, that nothing herein shall be construed as making final the decision of any administrative official, representative, or board, on a question of law.

2.11 *Interest of Members, Officers, or Employees of HFA, Members of Local Governing Body or Other Public Officials.* No member, officer, or employee of the HFA, no member of the governing body of the State or locality (city and county) in which the project is situated, and no other public official of such State or locality who exercises any functions or responsibilities with respect to the project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this Contract or in any proceeds or any benefits arising threfrom. In the case of a project owned by a public housing agency, the foregoing prohibition shall also apply to members of the governing body of the locality (city and county) in which such public housing agency was activated.

2.12 *Interest of Member of or Delegate to Congress.* No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this Contract or to any benefits which may arise therefrom.

2.13 *Assignment, sale, or foreclosure.* a. The Owner agrees that he has not made and will not make any sale, assignment, or conveyance or transfer in any other form, of this Contract or the project or any part thereof or any of his interest therein, without the prior consent of the HFA and the Government; Provided, however, that in the case of an assignment as security for the purpose of obtaining financing of the project, the HFA and the Government shall consent in writing if the terms of the financing have been approved by the Government. An assignment by the Owner to a limited partnership of which the Owner is the sole general partner shall not be considered an assignment herein.

b. The Owner agrees to notify the HFA and the Government promptly of any proposed action covered by paragraph a of this Section. The Owner further agrees to request the written consent of the HFA and the Government in regard thereto, except in the case of an assignment as security as provided in paragraph a of this Section.

c. For the purpose of this section, a transfer of stock in the Owner in whole or in part, by a party holding ten percent or more of the stock of said Owner, or a transfer by more than one stockholder or the Owner of ten percent or more of the stock of said Owner, or any other similarly significant change in the ownership of such stock or in the relative distribution thereof, or with respect to the parties in control of the Owner or the degree thereof, by any other method or means, whether by increased capitalization, merger with another corporation, corporate or other amendments, issuance of new or additional stock or classification of stock or otherwise, shall be deemed an assignment, conveyance, or transfer with respect to this Contract or the project. With respect to this provision, the Owner and the party signing this Contract on behalf of said Owner, represent that they have the authority of all of the existing stockholders of the Owner to agree to this provision on behalf of said stockholders and to bind them with respect thereto.

d. In the event of foreclosure, or assignment or sale to the HFA (or mortgagee if the HFA is not the mortgagee) in lieu of foreclosure, or in the event of assignment or sale agreed to by the HFA (or mortgagee if the HFA is not the mortgagee) and approved by the Government which approval shall not be unreasonably delayed or withheld), housing assistance payments shall continue in accordance with the terms of the Contract.

DAVID M. DEWILDE,
Acting Assistant Secretary-Commissioner.

[FR Doc.75-9731 Filed 4-14-75;8:45 am]

[1] Strike this section if the Contract Rents on the effective date of this Contract, over the maximum term of this Contract, are $600,000 or less.

[2] Strike this Section if the Contract Rents on the effective date of this Contract, over the maximum total term of this Contract, are $100,000 or less.

V 40173 APR 15 75 XUM

federal register

TUESDAY, APRIL 15, 1975
WASHINGTON, D.C.
Volume 40 ■ Number 73
PART III

FEDERAL COMMUNICATIONS COMMISSION

■

BROADCAST STATION LICENSE RENEWAL APPLICATION FORM

Proposed Revision of Form 303

V40-73 APR 15 75 XUM

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 20419; FCC 75-375; 30977]

BROADCAST STATION LICENSE RENEWAL APPLICATION FORM

Proposed Revision

In the matter of revision of FCC Form 303, application for renewal of broadcast station license, and certain rules relating thereto; Docket No. 20419; FCC 75-375; 30977.

1. Notice of inquiry and proposed rulemaking is hereby given in the above-captioned matter, relating to changes in the forms to be filed by applicants for renewal of licenses for commercial broadcast stations.

2. At present, applicants seeking renewal of their licenses for commercial broadcast stations file FCC Form 303—Application For Renewal Of Broadcast Station License. Except for recent revisions in section IV-B, Statement of TV Program Service, the remainder of FCC Form 303 has not been revisited since the mid-1960's. Experience with the form since that time has shown that it is not always productive of the information needed by the Commission to make the public interest determination required by section 307(d) of the Communications Act of 1934, as amended, 47 U.S.C. 307 (d). We believe, therefore, that several questions which yield information of marginal utility can be deleted entirely, and that other questions can be reapproached and, with slight revision, be made to produce only that information needed by the Commission to make its section 307(d) determination.

3. Accordingly, in this proceeding we proposed to revise FCC Form 303, particularly as it applies to commercial radio broadcast stations. Because of the pronounced differences between aural and visual broadcasting, we believe separate forms for radio stations on the one hand and TV stations on the other are desirable. We propose, therefore, the adoption of FCC Form 303-R, entitled "Application For Renewal Of License For Commercial Radio Broadcast Station."

4. A copy of proposed FCC Form 303-R is attached as Appendix A.[1] For comparison purposes, a copy of existing FCC Form 303 is attached as Appendix B.

5. Before proceeding to a summary of the questions set forth in FCC Form 303-R, as proposed, it should be pointed out that the Commission must obtain certain information from applicants seeking renewal of their broadcast licenses to discharge its statutory responsibilities. It is clear, however, that the Commission should solicit only that information which is reasonably related to the question whether station operation has been (and thus, will continue to be) in the public interest. Therefore, in requesting information from renewal applicants, the Commission must not only weigh its public interest value but, also, the burden imposed on applicants in gathering and supplying the requested information. With these considerations in mind, we have attempted to develop a shorter form for radio renewal applicants. The proposed form, we believe, will ease the burden on such applicants, improve our information base, and expedite our renewal process. In short, we make these proposals in the belief that they will reduce the complex renewal scheme which has developed over the years and, at the same time, provide us with the information needed to discharge our statutory obligation. We also recognize, of course, that further improvements may be possible. Accordingly, in this notice we specifically invite comments on any other alternatives which may be available.

6. With regard to FCC Form 303-R, as proposed, it will be observed at the outset that the instructions thereto have been omitted. The instructions, which will remain substantially unaltered from those set forth in existing FCC Form 303, will be presented in a pamphlet similar in format to that utilized by the Department of Treasury, Internal Revenue Service. As visualized, this pamphlet will be divided into three parts. Part I will contain a summary of pertinent filing and operating requirements applicable to commercial AM and FM stations. Part II, in addition to containing four copies of proposed FCC Form 303-R, will consist of a question by question guide on how to prepare the proposed form. Part III will consist of pertinent Commission publications (e.g., Primer on Ascertainment of Community Problems by Broadcast Renewal Applicants, the 1960 Programming Policy Statement, etc.). A brief outline of the instruction pamphlet, as now visualized, is included as part of Appendix A and comments are invited on other topics which could be included in the instruction pamphlet. (A similar instruction pamphlet may also be developed for television renewal applicants.)

7. FCC Form 303, as it relates to radio, consists of six sections and 61 questions. Proposed FCC Form 303-R, by comparison, also consists of six parts, namely: Part I, *General Information;* Part II, *Financial;* Part III, *Legal;* Part IV, *Engineering;* Part V, *Programming;* and Part VI, *Equal Employment Opportunity*. Proposed FCC Form 303-R, however, has been reduced to 33 questions, several of which are optional and need not be answered by an applicant in most circumstances. The proposed form may be answered by an applicant in most circumstances. The proposed form may be further reduced in size in view of several other matters currently under study by the Commission. For instance, depending on the course of action we decided to pursue involving a current study of our ownership reporting requirements, it is possible that questions 6, 7 and 8, Part III, may be eliminated entirely. Similarly, several of the questions in Part IV, *Engineering*, may be eliminated depending on the results of our current study related to automated transmitters. As noted above, therefore, it is possible that further improvements in the form can be made.

8. We believe that the questions contained in FCC Form 303-R, as proposed, are self explanatory. The following brief summary, however, may be helpful in comparing the proposed FCC Form 303-R with existing FCC Form 303 and in the preparation of comments.

PART I—GENERAL INFORMATION

Question 1 concerns the name and address of the applicant and is identical to the information sought in Section I, FCC Form 303. The name of the applicant, of course, must be stated exactly as it appears on the station's license.

Question 2 requests information concerning the facilities for which renewal is sought and is comparable to Question 1, Section I, FCC Form 303.

Question 3 requests information as to whether renewal is also being sought for an Auxiliary Antenna, Auxiliary Transmitter, and Alternate Main Transmitter. At present, applicants are required to file separate Section II's for each transmitter or antenna involved. Pursuant to the proposed procedure, applicants need only list the type transmitter or antenna under Question 1, Part IV.

PART II—FINANCIAL

Question 4 requests the submission of a balance sheet and is identical to Question 3, Section I, FCC Form 303.

Question 5 requests an explanation of the applicant's financial plans in the event that current liabilities exceed current assets. At present it is necessary to request this information from approximately 25 percent of renewal applicants by letter. Consequently, we believe the inclusion of the question in the renewal form will expedite processing.

PART III—LEGAL

Question 6 relates to the filing of an Ownership Report (FCC Form 323) and is similar in format to Question 4, Section I, FCC Form 303.

Question 7 relates to section 310(a) of the Communications Act and concerns the citizenship of the applicant and the interests of aliens and foreign governments. This question is similar in nature to Questions 5 and 6, Section I, FCC Form 303. (We are not in this proceeding seeking comments on alien and foreign ownership. We anticipate that reporting of such interests will be explored in a separate proceeding relating to the ownership reporting requirements of applicants in the near future.)

Question 8 relates to the applicants other business interests. The question, in this respect, is identical to the first part of Question 7, Section I, FCC Form 303. The question has been modified, however, to eliminate information concerning the applicant's other broadcast interests. Such information is contained in the Ownership Report and, thus, is merely a duplication of effort.

Question 9 expands the reporting requirements of existing Question 2, Section I, FCC Form 303, to solicit information relating to any suits or judgments concerning certain crimes or anti-trust matters since the filing of the applicant's last major application. (i.e., 301, 302, 314, 315.) In this respect, proposed Question 4 is similar in nature to the anti-trust questions contained in those forms. This question also requests identification of the crimes or anti-trust matters involving the applicant or any person directly controlling the applicant. Respondents are requested to submit specific comments related to the matters which should be reported under this question.

PART IV—ENGINEERING

Question 10 relates to the model and type number of the applicant's transmitter(s) and is similar to the information presently requested in Question 1, Section II, FCC Form 303.

Question 11 requests information relating to operating constants for *both* AM and FM stations. In this respect interested parties should compare Question 7 with Questions 2 and 3, Section II, FCC Form 303.

Question 12 relates to stations operating with directional remote control with a first class operator on duty during all broadcast hours. Such applicants, pursuant to the requirements of §.73.66(c) of the Commission's rules must submit at renewal time the skeleton proof of performance measurements and the ratio between those measurements and the measurements contained in the last complete proof of performance filed with the Commission. There is no similar question in Section II, FCC Form 303.

Question 13 relates to stations operating with directional remote control with a first class operator on duty less than during all broadcast hours. Such applicants, pursuant to the provisions of §§ 73.66(c) and 73.93, Note 2, of the Commission's rules must submit at renewal time the last two skeleton proof of performance measurements and the last partial proof measurements. Additionally, the applicants must submit the ratio between the partial proof measurements and the measurements contained in the last complete proof of performance filed with the Commission.

Question 14 requests certain readings pertaining to directional antenna stations, and is similar to Question 4, Section II, FCC Form 303.

Question 15 requests the applicant to describe the manufacturer and type of antenna monitor used to take the readings required by Question 12, above. The same information is currently requested in Question 4, Section II, FCC Form 303.

Question 16 requests information as to whether there have been any changes in the fundamental audio or radio circuits of the transmitter affecting the station's previously filed schematic diagram. Again if the answer is "Yes," applicant must submit a brief statement of explanation and an accurate diagram. This question is similar to Question 9, Section II, FCC Form 303.

Question 17 relates to § 73.47 of the Commission's rules, which requires equipment performance measurements to be conducted within the four month period prior to the filing of an application for renewal of license. This question also requires the applicant to submit a statement of explanation if the equipment performance measurements show the station's transmitting system not to be in accordance with the Commission's rules. The question is similar to Question 10 (a), (b) and (c) of Section II, FCC Form 303.

Question 18 requests information as to whether the station's apparatus, antenna or operation differs from that described in the applicant's last application. If "Yes," applicant must attach a statement of explanation. The question is similar in content to Question 11, Section II, FCC Form 303.

Question 19, as does Question 12, Section II, FCC Form 303, requests the submission of the transmitter operating logs for the composite week.

PART V—PROGRAMMING INFORMATION

Question 20 relates to documentation which an applicant will be required to place in its public inspection file concerning its efforts to consult with a representative cross-section of community leaders and a generally random sample of members of the general public. In this respect, it should be noted that in considering the filings in Docket No. 19715, *Ascertainment of Community Problems by Broadcast Applicants*, 40 FCC 2d 379 (1973), we have approved in principle a continuous ascertainment procedure for renewal applicants. Question 20, as well as Questions 21 and 22, are designed to implement our tentative resolution of Docket No. 19715. Since, however, a final Report and Order in Docket No. 19715 is yet to be adopted and released, the proposed ascertainment questions are subject to revision.

Question 21 requests the applicant to submit its community leader checklists for each year of the license term. As noted above, this question is also designed to implement our tentative resolution of Docket No. 19715 which calls for consultations with community leaders throughout the license term.

Question 22 relates to the applicant's efforts to program to serve the problems, needs and interests of its service area. The question requests a statement as to whether the applicant has placed in its public inspection file at the appropriate times its annual list (i) of those problems, needs and interests which, in the applicant's judgment, warranted treatment by its station, and (ii) typical and illustrative programming broadcast in response to those problems. The question also asked the applicant to submit those listings each year of the past license period as an exhibit with its application.

Question 23 relates to the applicant's previous program proposals, composite week performance, and future program proposals in the areas of (i) Entertainment and Sports, (ii) News, (iii) Public Affairs, (iv) All other programs, exclusive of Entertainment and Sports, (v) Commercial Matter, and (vi) Noncommercial Matter. This question also requests the applicant to state the number of public service announcements previously proposed, actually broadcast, and proposed. For a discussion of this question, see paragraphs 9–10, *infra*.

Question 24 requests the applicant to list those programs in the composite week included in the Public Affairs and All other programs, exclusive of Entertainment and Sports categories, indicating their Title, Source, Type, Brief Description, and Time Broadcast and Duration. Although not identical, this question is similar to Question 4, Part II, Section IV-A of FCC Form 303.

Question 25 requests the applicant to explain the reasons for any substantial variation between previous proposals and actual operation during the composite week.

Question 26 requests the applicant to list the number of 60-minute segments of the composite week containing over 18-minutes of commercial matter. Question 7 is, in this regard, similar to Question 23, Part IV, Section IV-A of FCC Form 303.

Question 27 is related to any substantial variation between applicant's previous commercial proposals and actual commercial operation and is based on Question 24. C., Part IV, Section IV-B of FCC Form 303.

Question 28 relates to the applicant's proposed commercial practices and is similar in content to Question 26, Part V, Section IV-A of FCC Form 303.

Question 29 relates to the applicant's past and proposed programming format.

Question 30 relates to the Commission's AM-FM duplication rule (§ 73.242 (a)) and is similar in content to Question 11, Part II, Section IV-A of FCC Form 303.

Question 31 asks whether the applicant has placed in its public inspection file the composite week logs used as a basis for responding to questions set forth in Part V of proposed FCC Form 303-R. This represents a departure from existing Commission practice, which requires that the logs be submitted with the application. However, in view of the requirements of Question 4 of proposed FCC Form 303-R, we do not believe that it is necessary to have the logs submitted to the Commission unless a substantial question is raised by the Commission on its own motion or the public about the applicant's past programming operations.

Question 32 provides the applicant an opportunity to provide any additional information it believes necessary to ade-

[1] We are not, of course, wedded to the format of proposed FCC Form 303-R. The final format will be established at the conclusion of this proceeding.

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quately reflect its operation during the past license period.

PART VI—EQUAL EMPLOYMENT OPPORTUNITY

Question 33 is designed to elicit information concerning the specific practices undertaken by the applicant during the past license term to assure equal employment opportunities for minorities and women and the practices applicant proposed to follow to assure such opportunities. (See paragraphs 10, 11 and 12, below.)

9. In conjunction with the above, several observations are in order. As noted, Question 23, Part V differs in several respects from current reporting requirements. First, the question now requests information relating to the applicant's previous programming proposals, actual composite week performance, and future proposals in six areas, namely: (1) Entertainment and Sports; (2) News; (3) Public Affairs; (4) All other programs, exclusive of Entertainment and Sports; (5) Commercial Matter; and (6) Noncommercial Matter. With regard to items (1), (2), (3) and (4), commercial and noncommercial matter (e.g., public service announcements, station promos, etc.) are to be *excluded* in computing the number of minutes and percentage of time devoted to each program category. Item (5), of course, includes a computation of commercial matter, and item (6) includes a computation of noncommercial matter such as public service announcements, station identification announcements, promos etc. Question 23, in this respect, is designed to give a complete picture of the applicant's programming operations.

10. Second, and more importantly perhaps, the question is designed to reveal at a glance whether there has been a substantial deviation from the previous proposals in applicant's prorgamming operations. An applicant is not, of course, expected to adhere inflexibly in day-to-day operations to the specific programming proposals contained in its previous application. At the same time, it is clear that an applicant cannot completely disregard its previous programming proposals in the hope that its application will slip by and still be acted upon favorably. Question 23, therefore, will enable the applicant, members of the public and the Commission to determine whether there has been a substantial *unexplained* deviation between previous proposals and actual performance.

11. It will also be observed that proposed Question 23, Part V retains separate categories for (a) Public Affairs and (b) All other programs, exclusive of Entertainment and Sports. In this respect, it has been suggested that much of the informational programming traditionally included in the "All other" program category—e.g., communications for agencies such as the Veterans Administration, Social Security Administration, and Community Bulletin Board, etc.—perform a service very much akin to public affairs programming for persons who depend greatly on this type of information. We, therefore, invite specific comments on whether—for radio—Public Affairs and All other programs, exclusive of Entertainment and Sports should be combined into one category, whether Public Affairs and News should be combined, or whether a new program category such as a Community Service Programs should be developed. Any other suggested alternatives interested parties may have are, of course, invited by this Notice.

12. In connection with Question 23, Part V we also propose to amend the definition of Public Affairs program as set forth in note 1(d) of §§ 73.112, 73.282, and 73.670 of the Commission's rules.

The Commission's definition of Public Affairs uses the term to be defined as the definition for itself. The present definition, for example, after mentioning a variety of program formats, (e.g., talks, speeches, round tables, documentaries, etc.) concludes by stating that a public affairs program is one "primarily concerning local, national and international public affairs." Clearly, therefore, a more precise definition is needed. An alternative definition suggested by Dempsey and Kopovitz in its Further Comments in Docket No. 19154 is as follows:

> Public Affairs programs (PA) include talks, commentaries, discussions, speeches, editorials, political programs, documentaries, forums, panels, round tables, and similar programs which deal with: (1) local community problems, or (2) other problems or topics of concern to the general public which are local, state, national or international in scope. Also included would be programs (exclusive of news inserts) providing extended coverage, whether live or recorded, of public events or proceedings concerned with the aforementioned problems or topics.

Subsection (2) of the proposed definition is included to make clear that programs such as Social Security Reports, and like programs, are comprehended by the Public Affairs definition and would be classified as Public Affairs, rather than All other. Any other suggestions as to an appropriate Public Affairs definition are, of course, invited by this Notice.

13. Question 23 is designed to elicit information on the number of public service announcements previously proposed, actually broadcast during the composite week, and proposed for a typical week. It has been suggested that the question should also request information concerning the local or national character of such announcements. See Questions 4.B. and 9.B., Section IV–B of FCC Form 303. Our initial reaction is that for radio such information may not be necessary because it appears most such announcements are local in nature. Nonetheless, comments are specifically invited on this suggested change in Question 23 of Part V. It has also been suggested that Question 23 should be designed to request information concerning the amount of programing broadcast between 6:00 a.m. and midnight and between midnight and 6:00 a.m. Compare FCC Form 303, Section IV–B, Question 8. In view of Question 24, however, it is not clear whether such information would serve a useful purpose. Nonetheless, respondents should consider such a proposal and submit any comments they may have thereon.

14. In connection with Part VI, Equal Employment Opportunity, it should be noted that proposed Question 1 relates to both the applicant's past and proposed practices to assure equal employment opportunities for minorities and women. We are not, in this proceeding, soliciting comments on the required contents of any equal employment opportunity program. This matter is presently under consideration by the Commission and clarifying guidelines will be issued in the near future. In this proceeding, however, comments are specifically requested on our proposal to delete from current Section VI of the Commission's various application forms the request for a brief description of any discrimination complaint filed against a broadcast applicant, including identity of the persons involved, the date of filing, the court or agency, the file number (if any), and the disposition or current status of the matter. It has been called to our attention that the requirements of this part of Section VI may in contravention of the spirit of section 709(a) of the Civil Rights Act of 1964, as amended. More importantly, it appears that the requests of such detailed information may violate the right of privacy afforded employers *and* employees under the exemptions contained in section 552(b)(6) of the Freedom of Information Act, 5 U.S.C. 522(B)(6). Comments are, therefore, invited on this proposal.

15. In addition to the foregoing, it has been suggested that proposed FCC Form 303–R should be designed to elicit information as to whether the applicant anticipates that its next annual problem-program listing will contain specific problems and programs not included in its most recent listing. See FCC Form 303, Section IV–B, Question 2. In view of our proposed ascertainment procedures, which are designed for continuous ascertainment throughout the license term, it is debatable whether such a question will provide useful information. However, we are asking for specific comments on such a proposal.

16. Finally, it should be noted that Questions 2, 4, 5, 6, and 7 of Section I, and Questions 1–A and B of Section IV–B; of FCC Form 303, which will continue to be filed by television renewal applicants, will be revised to conform to new or revised Question 3 of Part I; Questions 7, 8, and 9 of Part III; Part IV; Questions 20 and 21 of Part V; and Part VI of proposed FCC Form 303–R. Also, in view of the separate form for radio, Section II of the FCC Form 303 will be revised to apply to television only. Revised Section II of FCC Form 303 is attached as Appendix C.

17. In view of the above, comments are invited on: (1) the proposed new form (Appendix A); (proposed changes in our rules relating to the use of Commission's form); and (3) the proposed revision of Section II of FCC Form 303 (Appendix C). Authority for the adoption of the form and changes in the rules is contained in sections 4(i), 303(r), 308(b), and 319(a) of the Communications Act.

18. In accordance with the procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before June 3, 1975, and reply comments on or before June 18, 1975. It is hoped that comments, either formal or informal, will be submitted by interested parties from all segments of the public, the communications bar, national and state broadcasting associations, and individual licensees. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. To assist the Commission in responding to the requirements of the General Accounting Office, respondents may also give their best estimate of the number of man-hours—or fraction thereof—which may be required to complete proposed FCC Form 303–R. Factors which could be considered are the time needed to gather and compile the data and the clerical time needed to complete the proposed form. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it.

19. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, and comments filed shall be furnished to the Commission. However, in an effort to obtain the widest possible response in this proceeding from licensees and members of the public, informal comments (without extra copies) will be accepted. Copies of all pleadings filed in this matter will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: April 1, 1975.

Released: April 11, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] VINCENT J. MULLINS, *Secretary.*

[2] Commissioners Lee and Reid concurring in the result.

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APPENDIX A

INSTRUCTIONS FOR FCC FORM 303-R

APPLICATION FOR RENEWAL OF LICENSE FOR COMMERCIAL AM AND FM RADIO BROADCAST STATION

From the Commission

This pamphlet contains instructions needed to complete FCC Form 303-R -- Application For Renewal Of License For Commercial Radio Broadcast Stations.

This pamphlet also contains a brief summary of several of the pertinent operating and filing requirements applicable to AM and FM broadcast stations.

This pamphlet has been prepared to assist licensees in the operation of their stations and in the preparation of FCC Form 303-R. If further assistance is needed, please call the Renewal Branch, Renewal and Transfer Division, Federal Communications Commission, Washington, D. C. 20554

Applicants can help us and themselves if they check their forms to make sure all questions are answered.

Index to Instructions

	Page
Action on Renewal Applications	
Affirmative Action Plans	
AM-FM Duplication Rule	
Annual Employment Reports	
Annual Financial Reports	
Annual Programming Reports	
Application for Renewal of Auxiliary Radio Broadcast Station	
Ascertainment Requirements	
Changes in Operation during License Term	
Change of Address	
Commercial Policy	
Competing Applications	
Delegations of Authority	
Engineering Requirements	
Exhibits to FCC Form 303-R	
Extension of Time for Filing FCC Form 303-R	
Fairness Doctrine	
Incorporation by Reference	
Late File Applications	
Ownership Reports	
Name of Applicant	
Petitions to Deny	
Publication Requirements	
Public File Requirements	
Semi-monthly Announcements	
Signature of Applicant	
Station ID Requirements	
Sponsorship Identification	

FCC Form 303-R
March 1975

Form Approved
GAO No.

UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION

APPLICATION FOR RENEWAL OF LICENSE FOR COMMERCIAL AM OR FM RADIO BROADCAST STATION

COMMISSION USE ONLY
File No.

PART I - GENERAL INFORMATION

1. NAME OF APPLICANT

STREET ADDRESS

CITY | STATE | ZIP CODE

2. RENEWAL REQUESTED FOR FOLLOWING EXISTING FACILITIES

CALL LETTERS | FREQUENCY | CHANNEL NO.

POWER IN KILOWATTS: NIGHT | DAY
MINIMUM HOURS OPERATION DAILY

HOURS OF OPERATION

UNLIMITED ☐
DAYTIME ONLY ☐
LIMITED ☐

SHARING WITH (SPECIFY STATIONS)
OTHER (SPECIFY)

STATION LOCATION
CITY | STATE

3. RENEWAL IS ALSO REQUESTED FOR THE FOLLOWING:

DAY	NIGHT	
		AUXILIARY ANTENNA
		AUXILIARY TRANSMITTER
		ALTERNATE MAIN TRANSMITTER

PART II - FINANCIAL

4. Attach as Exhibit No 4.a detailed balance sheet of the applicant as at the close of a month within 90 days of the date of this application.

5. Do current liabilities exceed current assets?
☐ YES ☐ NO
If "Yes", attach as Exhibit No. 5 details of applicant's plans to finance the continued operation of the station, together with the manner in which applicant intends to liquidate its liabilities.

PART III - LEGAL

6. Is applicant's Ownership Report (FCC Form 323) filed with this application?
☐ YES ☐ NO
If "No", give the date of filing of the last Ownership Report (_____) and the station's call letters (_____) of the renewal application with which it was filed.

7. Is the applicant in compliance with the provisions of Section 310(a) of the Communications Act of 1934, as amended, relating to the interests of aliens and foreign governments?
☐ YES ☐ NO

8. Does the applicant or any officer, director or principal stockholder (any person owning 25% or more of applicant's stock) have a 25% or more interest in any other business?
☐ YES ☐ NO
If "Yes," attach as Exhibit No. 8 a complete listing.

9. Since the filing of applicant's last major application, has the applicant or any person directly or indirectly controlling the applicant been made party to a suit or finally adjudged guilty by any court or administrative body of any felony or other crime involving moral turpitude or violation of any federal, territorial or local law relating to lotteries, restraints and monopolies and combinations, contracts or agreements in restraints of trade, or of using unfair methods of competition?
☐ YES ☐ NO
If "Yes", attach as Exhibit No. 9 a full disclosure concerning the persons and matters involved, identifying the court or administrative body, and the proceeding (by dates and file numbers), stating the facts upon which the proceeding was based or the nature of the offense committed, and the disposition of the matter (if any).

PART IV - ENGINEERING

10. Transmitters
Model | Type No.

11. Operating constants:	Normal Reading Day	Night
Total plate current to last radio stage in amperes.		
Plate voltage applied to last radio stage in volts.		
Efficiency Factor F of the transmitter at operating power		
Transmitter power output		
Antenna Ammeter		

12. For AM stations operating with directional remote control and a first class radio telephone operator on duty during all broadcast hours, submit as Exhibit No. 12 the skeleton proof of performance measurements made in accordance with Section 73.66(c) of the Commission's Rules. Include in this Exhibit the ratio between the skeleton proof measurements and the measurements contained in the last complete proof of performance filed with Commission and the pertinent meter indications at the time the skeleton proofs were made.

13. For AM stations operating with directional remote control and less than a first class radio telephone operator on duty during all broadcast hours, submit as Exhibit No. 13 the last two skeleton proof of performance measurements and the last partial proof of performance measurement made in accordance with Sections 73.66(c) and 73.93, Note 2, respectively, of the Commission's Rules. Include in this Exhibit that ratio between the partial proof of performance measurements and the measurements contained in the last complete proof of performance filed with the Commission and the pertinent meter indications at the time the partial proof was made.

V 40-73 APR 15 75 XUM

14. Directional Antenna Operating Values (AM Only)

Tower	Phase Reading in Degrees			Antenna Base Current			Remote Indications of Antenna Current		
	Day	Night	Ratio	Day	Night	Ratio	Day	Night	Ratio
1			X						
2			X						
3			X						
4			X						
5			X						
6			X						

15. In the space provided, give the manufacturer and type of antenna monitor used to take the readings in Question No. 12 above.

16. Have changes been made in the fundamental audio or radio circuits of the transmitter affecting the schematic diagram heretofore filed with the Commission?

☐ YES ☐ NO

If "Yes," attach as Exhibit No. 16 an accurate corrected diagram and brief explanation.

17. (a) Have equipment performance measurements been made within the past four months?

☐ YES ☐ NO

(b) Give date of last measurements

(c) Do these measurements show the transmitting system performance to be in accordance with the Commission's Rules?

☐ YES ☐ NO

If answer to 17(a) or 17(c) is "No," attach as Exhibit No. 17 a complete explanation.

18. In what respect, if any, does the apparatus, antenna, or operation differ from that described in the last application for license or renewal of license?

19. Attach as Exhibit No. 19 one exact copy of the transmitter operating logs for the seven days comprising the composite week analyzed in Section V of the application. If original logs are submitted they will be returned.

I certify that I am the ☐ Technical Director, ☐ Chief Engineer, ☐ Registered Professional Engineer, or ☐ Consultant for the applicant of the radio station for which this application is submitted and that I have examined the foregoing statement of technical information and that it is true to the best of my knowledge and belief. (This signature may be omitted provided the engineer's original signed report of the data from which the information contained herein has been obtained is attached hereto.

DATE	SIGNATURE

PART V - PROGRAMMING INFORMATION

20. Has applicant placed in its public information file at the appropriate times the required documentation relating to its efforts to ascertain the community problems, needs, and interests?

☐ YES ☐ NO

If "No," attach as Exhibit No. 20 a complete statement of explanation.

21. Attach as Exhibit No. 21 your Community Leader Checklist for each year of the license term.

22. Has the applicant placed in its public inspection file at the appropriate times its annual list of those problems, needs and interests which, in the applicant's judgement, warranted treatment by its station and typical and illusttative programming in response thereto?

☐ YES ☐ NO

Attach these listings as Exhibit No. 22.

23. Complete lines 1 through 6 of the following chart. State the amount of time (rounded to the nearest minute) that applicant (a) previously proposed to devote, (b) actually b/c during the composite week, and (c) now proposes to devote to the program types designated below. In line 7 state the number of Public Service Announcements (a) previously proposed, (b) actually broadcast during the composite week, and (c) the minimum now proposed to be broadcast during a typical week.

Program Categories	Previously Proposed (a)		Composite Week Performance (b)		Now Proposed (c)	
	Minutes of Operation	% of Total Time	Minutes of Operation	% of Total Time	Minutes of Operation	% of Total Time
(1) Entertainment and Sports						
(2) News						
(3) Public Affairs						
(4) All other programs, exclusive of entertainment and sports						
(5) Commercial matter						
(6) Noncommercial matter						
TOTALS		100%		100%		100%
(7) Public Service Announcements	NUMBER		NUMBER		NUMBER	

24. In Exhibit No. 24 list those programs (excluding religious programs) in the composite week included in the public affairs and all other programs, exclusive of entertainment and sports program categories indicating their title, source, type, brief description, time broadcast and duration.

25. Did the amount of time applicant devoted to nonentertainment programming (lines 2, 3 and 4 of the above chart) during the composite week vary substantially from the representations made in applicant's last application?

☐ YES ☐ NO

If "Yes", attach as Exhibit No. 25 a statement explaining the variations.

26. State the number of 60-minute segments in the composite week (beginning with the first full clock hour and ending with the last clock hour of each broadcast day) containing over 18 minutes of commercial matter: _____ segments
Below list each segment, specifying the amount of commercial time in the segment and the day and time broadcast.

Amount of Commercial Time in Segment — Day and Time Broadcast

27. Do the applicant's commercial practices for the period covered by this application vary substantially from the representations made in applicant's last application?

☐ YES ☐ NO

If "Yes," explain in Exhibit No. 27 the variations and the reasons therefor.

28. State the minimum amount of commercial matter applicant proposes normally to allow in any 60-minute segment (Minutes: _____). State the percentage of hourly segments per week this amount is expected to be exceeded (Percentage: _____), and the limits per hourly segment that would then apply under those circumstances to regular commercial matter (Minutes: _____) and to political commercial matter (Minutes: _____).

V 40-73 APR 15 75 XUM

29. Describe briefly applicant's program format(s) during the past 12 months.

Describe briefly applicant's proposed format.

30. If this application is for an FM station, did the programming duplicate that of an AM station?

☐ YES ☐ NO

If "Yes," state: the call letters of the AM station; _____

the population of the community of license of the FM station; _____

the number of hours duplicated during the composite week; and _____

the total number of FM broadcast hours in the composite week. _____

31. Has applicant placed in its public inspection file an exact copy of the program logs for the composite week used as a basis for responding to the questions herein?

☐ YES ☐ NO

32. Applicant may submit as Exhibit No. any additional information which, in its judgment, is necessary adequately to describe or to present fairly its services and operations in relation to the public interest.

PART VI - EQUAL EMPLOYMENT OPPORTUNITY

33. Submit as Exhibit No. 33 specific practices undertaken by applicant during the past license term to assure equal employment opportunity for minorities and women and the practices applicant proposes to follow during the coming license term to assure equal employment opportunities for minorities and women.

The APPLICANT hereby waives any claim to the use of any particular frequency or of the ether as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934.)

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all the exhibits are a material part hereof and are incorporated herein as if set out in full in the application.

CERTIFICATION

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

→ Signed and dated this____ day of _____ 19____.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT. U. S. CODE, TITLE 18, SECTION 1001.	NAME OF APPLICANT
	BY (SIGNATURE)
	TITLE

APPENDIX B

FCC Form 303
June 1974

Form Approved
Budget Bureau No. 52-R016.16

Section I

UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION

APPLICATION FOR RENEWAL OF BROADCAST STATION LICENSE

File No.

Name and post office address of applicant (See Instruction D)

Send notices and communications to the following-named person at the post office address indicated:

INSTRUCTIONS

A. This form is to be used in all cases when applying for Renewal of Broadcast Station License. It consists of this part, Section I, and the following sections:

Section II Renewal Application Engineering Data
Section IV-A Statement of AM or FM Program Service
Section IV-B Statement of Television Program Service
Section VI Equal Employment Opportunity Program

B. Prepare and file three copies of this form and all exhibits with the Federal Communications Commission, Washington, D.C. 20554

C. Number exhibits serially in the space provided in the body of the form and list each exhibit in the space provided on page 2 of this Section. Date each exhibit.

D. The name of the applicant must be stated exactly as it appears on the current license.

E. Information called for by this application which is already on file with the Commission need not be refiled in this application provided (1) the information is now on file in another application or FCC form filed by or on behalf of this applicant; (2) the information is identified fully by reference to the file number (if any), the FCC form number, and the filing date of the application or other form containing the information and the page or paragraph referred to, and (3) after making the reference, the applicant states: "No change since date of filing." Any such reference will be considered to incorporate into this application all information, confidential or otherwise, contained in the application or other form referred to. The incorporated application or other form will thereafter, in its entirety, be open to the public.

F. This application shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; by a member who is an officer, if the applicant is an unincorporated association; by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction, if the applicant is an eligible government entity; or by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall, in the event he signs for the applicant, separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

G. *BE SURE ALL NECESSARY INFORMATION IS FURNISHED AND ALL PARAGRAPHS ARE FULLY ANSWERED. IF ANY PORTIONS OF THE APPLICATION ARE NOT APPLICABLE, SPECIFICALLY SO STATE. DEFECTIVE OR INCOMPLETE APPLICATIONS MAY BE RETURNED WITHOUT CONSIDERATION.*

1. Renewal requested for following existing facilities

Call letters	Frequency	Channel No.

Power in kilowatts		Minimum hours operation daily
Night	Day	

Hours of operation

Unlimited ☐	Sharing with (Specify Stations)	Other (Specify)
Daytime only ☐		
Limited ☐		

Station location

City	State

2. Is applicant or any person directly or indirectly controlling applicant, party to a suit in any Federal Court involving the monopolizing, or an attempt to monopolize radio communication directly or indirectly through control of the manufacturer or sale of radio apparatus, by exclusive traffic arrangements, or by any other means, or of using unfair methods of competition? Yes ☐ No ☐

If the answer is "Yes", attach as Exhibit No. a full description of the proceeding, identifying the court and showing where records of the proceeding may be obtained. (See Section 313 of the Communications Act of 1934.)

3. Attach as Exhibit No. a detailed balance sheet of the applicant as at the close of a month within 90 days of the date of this application.

4. Is the applicant's Ownership Report filed with this application? Yes ☐ No ☐
(See 1.615 of Commission's Rules.)
If answer is "No", give date of filing of last Ownership Report and call letters, station location and file number of renewal application with which it was filed.

5. Any change in the citizenship of the applicant? Yes ☐ No ☐

6. Is the applicant a representative of an alien or foreign government? Yes ☐ No ☐

7. List below other businesses in which the applicant or any officer, director, or principal stockholder (any person owning 25% or more of applicant's stock) has a 25% or more interest. List also any radio station other than the station which is the subject of this application in which any of the above named persons have any interest, and the nature and extent of their interest in the broadcast station.

V40-73 APR 15 75 XUM

FCC Form 303 — Section I, Page 2

THE APPLICANT hereby waives any claim to the use of any particular frequency or of the ether as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934).

THE APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

THE APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all the exhibits are a material part hereof and are incorporated herein as if set out in full in the application.

CERTIFICATION

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this ..... day of ....., 19..... .

FEES. EFFECTIVE JANUARY 1, 1964, INCLUDE FILING FEE WITH THIS APPLICATION. SEE PART I OF FCC RULES FOR AMOUNT OF FEE. DO NOT SEND CASH. MAKE CHECK OR MONEY ORDER PAYABLE TO THE FEDERAL COMMUNICATIONS COMMISSION.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT. U.S. CODE, TITLE 18, SECTION 1001.

.....
(NAME OF APPLICANT)

By .....
(SIGNATURE)

Title .....

EXHIBITS furnished as required by this form:

Exhibit No.	Section and Para. No. of Form	Name of officer or employee (1) by whom or (2) under whose direction exhibit was prepared (show which)	Official title

Broadcast Application — FEDERAL COMMUNICATIONS COMMISSION — Section II

RENEWAL APPLICATION ENGINEERING DATA

Name of applicant

1. Description of transmitting apparatus

	Make	Type No.	Serial No.
Visual			
Aural			

Tubes in last radio stage

	Make	Type No.	Number used
Visual			
Aural			

2. Operating constants (FM and Television only)

	Visual	Aural
Total plate current to last radio stage in amperes		
Plate voltage applied to last radio stage in volts		
Plate input power to the last radio stage in kilowatts		
Efficiency Factor F of the transmitter at operating power		
RF transmission line meter reading		

3. Indicating instruments: (Standard Broadcast only)

	Range	Normal Reading	
		Day	Night
Plate voltmeter	0-		
Plate ammeter	0-		
Antenna ammeter	0-		

4. Directional antenna operating values (Standard Broadcast only)

Tower	Phase reading in degrees		Antenna base current		Remote indication of antenna current	
	Night	Day	Night	Day	Night	Day
#1						
#2						
#3						
#4						
#5						
#6						

Manufacturer and type of phase monitor used in taking above readings:

Describe equipment used for remote indication of antenna currents (phase monitor or other method)

5. Frequency monitors and control equipment

	Manufacturer's name	Type No.
Visual		
Aural		

How often is the station frequency and the frequency monitor checked with a frequency standard of known accuracy?

Automatic frequency control equipment

Make	Type No.

Furnish following data on last frequency checks

Date	Frequency
Reading of monitors	Method used (Use reverse side of this sheet)

6. Modulation monitors

	Manufacturer's name	Type No.
Visual		
Aural		

7. Phase monitor (if used)

Make	Type

8. Give date of last tower repainting

9. Have changes been made in the fundamental audio or radio circuits of the transmitter affecting the schematic diagram heretofore filed with the Commission? If the answer is "Yes" attach as Exhibit No. an accurate corrected diagram, and brief explanation. Yes ☐ No ☐

10. (a) Have equipment performance measurements been made within the past four months? Yes ☐ No ☐

(b) Give date of last measurements.

(c) Do these measurements show the transmitting system performance to be in accordance with the Standards of Good Engineering Practice? (If the answer to either of the above questions is "No", attach as Exhibit No. a complete explanation.) Yes ☐ No ☐

11. In what respect, if any does the apparatus, antenna, or operation differ from that described in the last application for license or renewal of license?

12. Attach as Exhibit No. the original or one exact copy of the transmitter operating logs for the seven days comprising the composite week analyzed in Section IV of the application. If original logs are submitted they will be returned. (For Standard Broadcast Only)

V 40-73 APR 15 75 XUM

FCC Form 303 — RENEWAL APPLICATION ENGINEERING DATA — Section II, Page 2

I certify that I am the Technical Director, Chief Engineer or Consulting Engineer for the applicant of the radio station for which this application is submitted and that I have examined the foregoing statement of technical information and that it is true to the best of my knowledge and belief. (This signature may be omitted provided the engineer's original signed report of the data from which the information contained herein has been obtained is attached hereto.)

Signature _____

(check appropriate box below)

☐ Technical Director ☐ Chief Operator

☐ Registered Professional Engineer

☐ Consulting Engineer

Date _____

FCC Form 303 — FEDERAL COMMUNICATIONS COMMISSION — Section IV-A, Page 1

Instructions, General Information and Definitions For AM-FM Broadcast Application

1. *Applicants for renewal of license* shall answer all questions in this Section IV-A as part of their renewal application. In answering questions on proposed operation where no substantial change from past operation is proposed, applicant may so state.

2. *Applicants for new AM or FM stations and assignees and transferees of control* shall file this Section IV-A with respect to Ascertainment of Community Needs (Part I), Proposed Programming (Part III), Proposed Commercial Practices (Part V), General Station Policies and Practices (Part VI) and Other Matters and Certification (Part VII).

3. *Assignors and transferors of control* shall file information on Past Programming (Part II), Past Commercial Practices (Part IV) and Other Matters and Certification (Part VII). Questions on past programming shall be answered on the basis of the most recent composite week. Assignors and transferors who have filed an application for renewal of license within eighteen months prior to filing an application for assignment or transfer need not answer any portion of Section IV but must refer to the pertinent filing and identify it.

4. *Applicants for major changes in facilities* (as defined in Sections 1.571(a)(1) and 1.573(a)(1) of the Commission's Rules) need not file this Section IV-A unless a substantial change in programming is proposed or unless the information is requested by the Commission.

5. A. Where any of the information required is already on file with the Commission, such information need not be resubmitted, *provided* that the previous application or filing containing the information is specifically referred to and identified and the applicant states that there has been no change since the information was filed.

B. The replies to the following questions constitute representations on which the Commission will rely in considering this application. Thus time and care should be devoted to the replies so that they will reflect accurately applicant's responsible consideration of the questions asked. It is not, however, expected that the licensee will or can adhere inflexibly in day-to-day operation to the representations made herein.

C. Replies relating to future operation constitute representations against which the subsequent operation of the station will be measured. Accordingly, if during the license period the station substantially alters its programming format or commercial practices, the licensee should notify the Commission of such changes; otherwise it is presumed the station is being operated substantially as last proposed.

6. The applicant's attention is called to the Commission's "Report and Statement of Policy re: Commission En Banc Programming Inquiry," released July 29, 1960. (FCC 60-970; 25 Federal Register 7291; 20 Pike and Fischer Radio Regulation 1902), copies of which are available upon request to the Commission; and also to the material contained in Attachments A and B to this Section.

7. A legible copy of this Section IV-A and the exhibits submitted therewith shall be kept on file available for public inspection at any time during regular business hours. It shall be maintained at the main studio of the station or any other accessible place (such as a public registry for documents or an attorney's office) in the community to which the station is or is proposed to be licensed.

8. *Network Programs.* Where information for the composite week is called for herein with respect to commercial matter or program type classification in connection with national network programs, the applicant may rely on information furnished by the network.

9. *Signature.*

This Section IV-A shall be signed in the space provided at the end hereof. It shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer of applicant, if a corporation or association. ***SIGNING OF THIS SECTION IS A REPRESENTATION THAT THE PERSON WHO SIGNS IS FAMILIAR WITH THE CONTENTS OF THIS SECTION AND ASSOCIATED EXHIBITS, AND SUPPORTS AND APPROVES THE REPRESENTATIONS THEREIN ON BEHALF OF THE APPLICANT.***

Definitions

The definitions set out below are to be followed in furnishing the information called for by the questions of this Section IV-A. The inclusion of various types and sources of programs in the paragraphs which follow is not intended to establish a formula for station operation, but is a method for analyzing and reporting station operation.

10. *Sources* of programs are defined as follows:

(a) *A local program* (L) is any program originated or produced by the station, or for the production of which the station is primarily responsible, and employing live talent more than 50% of the time. Such a program, taped or recorded for later broadcast, shall be classified as local. A local program fed to a network shall be classified by the originating station as local. All non-network news programs may be classified as local. Programs primarily featuring records or transcriptions shall be classified as recorded even though a station announcer appears in connection with such material. However, identifiable units of such programs which are live and separately logged as such may be classified as local (e.g., if during the course of a program featuring records or transcriptions a non-network 2-minute news report is given and logged as a news program, the report may be classified as local).

(b) *A network program* (NET) is any program furnished to the station by a network (national, regional or special). Delayed broadcasts of programs originated by networks are classified as network.

(c) *A recorded program* (REC) is any program not defined above, including, without limitation, those using recordings, transcriptions, or tapes.

11. *Types* of programs are defined as follows:

If a program contains two or more identifiable units of program material which constitute different program types as herein defined, each such unit may be separately logged and classified.

The definitions of the first eight types of programs, (a) through (h) are not intended to overlap each other, and these types will normally include all the programs broadcast. The programs classified under (i) through (k) will have been classified under the first eight and there may be further duplication among types (i) through (k).

(a) *Agricultural programs* (A) include market reports, farming or other information specifically addressed, or primarily of interest, to the agricultural population.

V 40 I 73 APR 15 75 XUM

FCC Form 303 — Section IV-A, Page ii

Definitions - Cont.

(b) ***Entertainment programs*** (E) include all programs intended primarily as entertainment, such as music, drama, variety, comedy, quiz, etc.

(c) ***News programs*** (N) include reports dealing with current local, national, and international events, including weather and stock market reports; and when an integral part of a news program, commentary, analysis and sports news.

(d) ***Public Affairs programs*** (PA) include talks, commentaries, discussions, speeches, editorials, political programs, documentaries, forums, panels, round tables, and similar programs primarily concerning local, national, and international public affairs.

(e) ***Religious programs*** (R) include sermons or devotionals; religious news; and music, drama, and other types of programs designed primarily for religious purposes.

(f) ***Instructional programs*** (I) include programs, other than those classified under Agricultural, News, Public Affairs, Religious or Sports, involving the discussion of, or primarily designed to further an appreciation or understanding of, literature, music, fine arts, history, geography, and the natural and social sciences; and programs devoted to occupational and vocational instruction, instruction with respect to hobbies, and similar programs intended primarily to instruct.

(g) ***Sports programs*** (S) include play-by-play and pre- or post-game related activities and separate programs of sports instruction, news, or information (e.g., fishing opportunities, golfing instruction, etc.).

(h) ***Other programs*** (O) include all programs not falling within definitions (a) through (g).

* * * * * * * *

(i) ***Editorials*** (EDIT) include programs presented for the purpose of stating opinions of the licensee.

(j) ***Political programs*** (POL) include those which present candidates for public office or which give expression (other than in station editorials) to views on such candidates or on issues subject to public ballot.

(k) ***Educational institution programs*** (ED) include any program prepared by, in behalf of, or in cooperation with, educational institutions, educational organizations, libraries, museums, PTA's or similar organizations. Sports programs shall not be included.

12. ***Commercial matter*** (CM) includes commercial continuity (network and non-network) and commercial announcements (network and non-network) as follows:

(a) ***Commercial continuity*** (CC) is the advertising message of a program sponsor.

(b) ***A commercial announcement*** (CA) is any other advertising message for which a charge is made, or other consideration is received.

(1) Included are (i) "bonus" spots, (ii) trade-out spots, and (iii) promotional announcements of a future program where consideration is received for such an announcement or where such announcement identifies the sponsor of the future program beyond mention of the sponsor's name as an integral part of the title of the program (e.g., where the agreement for the sale of time provides that the sponsor will receive promotional announcements, or when the promotional announcement contains a statement such as "LISTEN TOMORROW FOR THE [NAME OF PROGRAM] BROUGHT TO YOU BY [SPONSOR'S NAME]").

(2) Other announcements including but not limited to the following are *not* commercial announcements:

(i) Promotional announcements, except as defined above;

(ii) Station identification announcements for which no charge is made;

(iii) Mechanical reproduction announcements;

(iv) Public service announcements;

(v) Announcements made pursuant to Sections 73.119(d) or 73.289(d) of the Rules that materials or services have been furnished as an inducement to broadcast a political program or a program involving the discussion of controversial public issues;

(vi) Announcements made pursuant to the local notice requirements of Sections 1.580 (pre-grant) and 1.594 (designation for hearing) of the Rules.

13. ***A public service announcement*** (PSA) is any announcement (including network) for which no charge is made and which promotes programs, activities, or services of federal, state or local governments (e.g., recruiting, sales of bonds, etc.) or the programs, activities or services of non-profit organizations (e.g., UGF, Red Cross blood donations, etc.), and other announcements regarded as serving community interests, excluding time signals, routine weather announcements and promotional announcements.

14. ***A program*** is an identifiable unit of program material, logged as such, which is not an announcement as defined above (e.g., if, within a 30-minute entertainment program, a station broadcasts a one-minute news and weather report, this news and weather report may be separately logged and classified as a one-minute news program and the entertainment portion as a 29-minute program).

15. ***Composite Week*** - Seven days designated annually by the Commission in a Public Notice and consisting of seven different days of the week.

16. ***Typical Week*** - A week which an applicant projects as typical of his proposed weekly operation.

FCC Form 303	FEDERAL COMMUNICATIONS COMMISSION	Section IV-A
STATEMENT OF AM OR FM PROGRAM SERVICE	Name of Applicant	
Call letters of station	City and state which station is licensed to serve	

PART I

Ascertainment of Community Needs

1. A. State in Exhibit No.____ the methods used by the applicant to ascertain the needs and interests of the public served by the station. Such information shall include (1) identification of representative groups, interests and organizations which were consulted and (2) the major communities or areas which applicant principally undertakes to serve.

B. Describe in Exhibit No.____ the significant needs and interests of the public which the applicant believes his station will serve during the coming license period, including those with respect to national and international matters.

C. List in Exhibit No.____ typical and illustrative programs or program series (excluding Entertainment and News) that applicant plans to broadcast during the coming license period to meet those needs and interests.

NOTE: Sufficient records shall be kept on file at the station, open for inspection by the Commission, for a period of 3 years from the date of filing of this statement (unless requested to be kept longer by the Commission) to support the representations required in answer to Question 1. These records should not be submitted with this application and need not be available for public inspection.

PART II

Past Programming

2. A. State the total hours of operation during the composite week: _____

B. Attach as Exhibit No. ___ one exact copy of the program logs for the composite week used as a basis for responding to questions herein. Applicants utilizing automatic program logging devices must comply with the provisions of Sections 73.112(c) and 73.282(c). Automatic recordings will be returned to the applicant. Exact copies of program logs will not be returned.

If applicant has not operated during all of the days of the composite week which would be applicable to the use of this form, applicant should so notify the Commission and request the designation of substitute day or days as required.

3. A. State the amount of time (rounded to the nearest minute) the applicant devoted in the composite week to the program types (see Definitions) listed below. Commercial matter within a program segment shall be excluded in computing time devoted to that particular program segment (e.g., a 15-minute news program containing 3 minutes' commercial matter shall be counted as a 12-minute news program).

	Hours	Minutes	% of Total Time on Air
(1) News	.....	.....	..... %
(2) Public Affairs	.....	.....	..... %
(3) All other programs, exclusive of Entertainment and Sports	.....	.....	..... %

B. If in the applicant's judgment the composite week does not adequately represent the station's past programming, applicant may in addition provide in Exhibit No.____ the same information as required in 3-A above (using the same format) for a calendar month or longer during the year preceding the filing of this application. Applicant shall identify the time period used. Applicant need not file the program logs used in responding to this question unless requested by the Commission.

4. List in Exhibit No.____ typical and illustrative programs or program series (excluding Entertainment and News) broadcast during the year preceding the filing of this application which have served public needs and interests in applicant's judgment. Denote, by underlining the Title, those programs, if any, designed to inform the public on local, national or international problems of greatest public importance in the community served by the applicant. Use the format below.

Title	Source*	Type*	Brief Description	Time Broadcast & Duration	How Often Broadcast

5. Submit in Exhibit No.____ the following information concerning the applicant's news programs:

A. The staff, news gathering facilities, news services and other sources utilized; and

B. An estimate of the percentage of news program time devoted to local and regional news during the composite week.

6. In connection with the applicant's public affairs programming, describe its policy during the past renewal period with respect to making time available for the discussion of public issues and the method of selecting subjects and participants.

*See Definitions

V 40-73 APR 15 75 XUM A

STATEMENT OF AM OR FM PROGRAM SERVICE Section IV-A, Page 2

7. Describe briefly the applicant's program format(s) during the past 12 months (e.g., country and western music, talk, folk music, classical music, foreign language, jazz, standard pops, etc.) and the approximate percentage of time per week devoted to such format(s).

8. State how and to what extent (if any) applicant's station contributed during the past license period to the over-all diversity of program services available in the area or communities served.

9. Was the applicant affiliated with one or more national, regional or special radio networks during the past license period?
Yes_____ No_____. If "yes," give name(s) of network(s): _____

10. State the number of public service announcements broadcast by the applicant during the composite week: _____

11. A. If this application is for an FM station, did the programming duplicate that of any AM station?
Yes_____ No_____. ("Duplicate" means simultaneous broadcasting of a particular program over both the AM and FM stations or the broadcast of a particular FM program within 24 hours before or after the identical program is broadcast over the AM station—Section 73.242(a) of the Rules and Regulations.)
B. If the answer is "yes," identify the AM station by call letters; describe its relation to the FM station; and state the number of hours each day in the composite week that were duplicated.

12. A. In applicant's judgment, does the information supplied in this Part II adequately reflect its past programming?
Yes _____ No _____.
B. If "no," applicant may attach as Exhibit No._____ such additional information as may be necessary to describe accurately and present fairly its program service.
C. If applicant's programming practices for the period covered by this statement varied substantially from the programming representations made in applicant's last renewal application, the applicant shall submit as Exhibit No. _____ a statement explaining the variations and the reasons therefor.

PART III

Proposed Programming

13. State the proposed total hours of operation during a typical week:_____

14. State the minimum amount of time the applicant proposes to devote normally each week to the program types (see Definitions) listed below. Commercial matter within a program segment shall be excluded in computing time devoted to that particular program segment (e.g., a fifteen-minute news program containing 3 minutes' commercial matter shall be computed as a 15-minute news program.)

	Hours	Minutes	% of Total Time on Air
(1) News	.....	.....	..... %
(2) Public Affairs	.....	.....	..... %
(3) All other programs, exclusive of Entertainment and Sports	.....	.....	..... %

15. Submit in Exhibit No._____ the following information concerning the applicant's proposed news programs:
A. The staff, news gathering facilities, news services and other sources to be utilized; and
B. An estimate of the percentage of news program time to be devoted to local and regional news during a typical week.

STATEMENT OF AM OR FM PROGRAM SERVICE Section IV-A, Page 3

16. In connection with the applicant's proposed public affairs programming describe its policy with respect to making time available for the discussion of public issues and the method of selecting subjects and participants.

17. Describe the applicant's proposed programming format(s), e.g., country and western music, talk, folk music, classical music, foreign language, jazz, standard pops, etc., and the approximate percentage of time per week to be devoted to such format(s).

18. State how and to what extent (if any) applicant proposes to contribute to the over-all diversity of program services available in the area or communities to be served.

19. State the minimum number of public service announcements applicant proposes to present during a typical week: _____

20. Will the applicant be affiliated with one or more national, regional, or special radio networks? Yes_____ No_____.
If "yes," give name(s) of networks(s): _____

21. A. If this application is for an FM station will the programming duplicate that of any AM station? Yes_____ No_____. ("Duplicate" means simultaneous broadcasting of a particular program over both AM and FM stations or the broadcast of a particular FM program within 24 hours before or after the identical program is broadcast over the AM station—Section 73.242(a) of the Rules and Regulations.)
B. If the answer is "yes," identify the AM station by call letters; describe its relation to the FM station; and state the number of hours each day proposed to be duplicated.

PART IV

Post Commercial Practices

22. Give the following information with respect to the composite week:

	All Hours	6 A.M. - 6 P.M.
A. Total broadcast time	.....	.....
B. Time devoted to commercial matter:		
(1) Amount in hours and minutes	.....	.....
(2) Percentage	..... %	..... %

V 40-73 APR 15 75 XUM

STATEMENT OF AM OR FM PROGRAM SERVICE Section IV-A, Page 4

23. State the number of 60-minute segments of the composite week (beginning with the first full clock hour and ending with the last clock hour of each broadcast day) containing the following amounts of commercial matter:

A. Up to and including 10 minutes ....
B. Over 10 and up to and including 14 minutes ....
C. Over 14 and up to and including 18 minutes ....
D. Over 18 minutes ....

List each segment in category (D) above, specifying the amount of commercial time in the segment, and the day and time broadcast.

24. A. In the applicant's judgment, does the information supplied in this Part IV for the composite week adequately reflect its commercial practices? Yes_____ No_____.

B. If "no," applicant may attach as Exhibit No._____ such additional material as may be necessary to describe adequately and present fairly its commercial practices.

C. If applicant's commercial practices for the period covered by this statement varied substantially from the commercial representations made in applicant's last renewal application, the applicant shall submit as Exhibit No._____ a statement explaining the variations and the reasons therefor.

PART V

Proposed Commercial Practices

25. State the maximum percentage of commercial matter which the applicant proposes normally to allow during the following segments of a typical week:

6 a.m. - 6 p.m. ..... _____%
All hours ..... _____%

If applicant proposes to permit this level to be exceeded at times, state under what circumstances and how often this is expected to occur, and the limits that would then apply.

26. What is the maximum amount of commercial matter in any 60-minute segment which the applicant proposes normally to allow?

If applicant proposes to permit this amount to be exceeded at times, state under what circumstances and how often this is expected to occur, and the limits that would then apply.

STATEMENT OF AM OR FM PROGRAM SERVICE Section IV-A, Page 5

PART VI

General Station Policies and Procedures

27. State the name(s) and position of the person(s) who determines the day-to-day programming decisions and directs the operation of the station covered by this application and whether he is employed full-time in the operation of the station.

28. A. Does the applicant have established policies with respect to programming and advertising standards (whether developed by the station or contained in a code of broadcasting standards and practices) to guide the operation of the station?

Yes_____ No_____.

B. If "yes," attach as Exhibit No._____ a brief summary of such policies. (If the station relies exclusively upon the published code of any national organization or trade association, a statement to that effect will suffice)

29. State the methods by which applicant undertakes to keep informed of the requirements of the Communications Act and the Commission's Rules and Regulations, and a description of the procedures established to acquaint applicant's employees and agents with such requirements and to ensure their compliance.

30. If, as an integral part of its station identification announcements, applicant makes or proposes to make reference to any business, profession or activity other than broadcasting in which applicant or any affiliate or stockholder is engaged or financially interested, directly or indirectly, set forth typical examples and approximate frequency of their use.

31. State the number of station employees: _____. If the station has or proposes to have ten or more employees, state in Exhibit No._____ the number of full-time and part-time employees in the programming, sales, technical, and general and administrative departments. Do not list the same employee in more than one category. However, if an employee performs multiple services, this may be so shown by identifying him with his various duties e.g., if two employees are combination announcers and salesmen, the list would include an entry of "two programming-sales".

V 40-73 APR 15 75 XUM

STATEMENT OF AM OR FM PROGRAM SERVICE — Section IV-A, Page 6

PART VII

Other Matters and Certification

32. Applicant may submit as Exhibit No._____ any additional information which, in its judgment, is necessary adequately to describe or to present fairly its services and operations in relation to the public interest.

33. The undersigned has familiarized himself with paragraph 9 of the Instructions to Section IV-A concerning signature requirements and in light of its provisions does hereby:

A. Acknowledge that all the statements made in this Section IV-A and the attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as if set out in full in the application form; and

B. Certify that the statements herein are true, complete, and correct to the best of his knowledge and belief and are made in good faith.

SIGNED AND DATED this ..... day of ..... , 19 ..... .

.....
(NAME OF LICENSEE)

By: .....
(SIGNATURE)

.....
(PLEASE PRINT NAME OF PERSON SIGNING)

.....
(TITLE)

WILLFUL FALSE STATEMENTS MADE IN THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT. U. S. CODE, TITLE 18, SECTION 1001.

FCC Form 303 — STATEMENT OF TV PROGRAM SERVICE — Section IV-B, Page i

Instructions, Definitions and General Information for Television Renewal Applicants

I. INSTRUCTIONS

1. **Applicants for renewal of license** for television stations shall file Section IV-B as part of their renewal application. Where any information required is already on file with the Commission, such information need not be resubmitted *provided* that the previous application or filing containing the information is specifically referred to and identified and the applicant states that there has been no change since the information was filed.

2. The "current guidelines" of the Commission referred to in Question 1.B are found in the Primer on Ascertainment of Community Problems by Broadcast Applicants (27 FCC 2d 650, 21 RR 2d 1507, 36 Fed Reg 4092). The "appropriate materials" referred to in Question 1.B are those materials which the Primer refers to as "showings" which must be made by the applicant.

3. Except for Questions 7.B., 7.C., 12.B. and 12.C., which are optional, applicants shall answer all questions contained in Section IV-B. In answering questions on proposed operation where no substantial change from past operation is proposed, applicants may so state.

4. A. Exhibits submitted in response to Questions 2, 3, 12.B., 12.C., 13 and 14 shall be limited to two pages.

B. Exhibits submitted in response to Question 6 shall be limited to three pages.

C. Exhibits submitted in response to Questions 7.B. and 7.C. shall each be limited to six pages.

D. Applicants may, at their option, supplement information contained in Exhibits submitted as part of this Section IV-B by placing additional material in their public inspection file. Such additional material shall be identified as a continuation of the particular exhibit and is subject to inspection by the public and the Commission.

5. A legible copy of Section IV-B and all the exhibits submitted therewith shall be kept on file available for public inspection at any time during regular business hours. It shall be maintained at the main studio of the station or any other accessible place (such as a public registry for documents or an attorney's office) in the community in which the station is licensed.

II. DEFINITIONS

The definitions set out below are to be followed in furnishing the information called for by the questions of Section IV-B. The inclusion of various types and sources of programs in the paragraphs which follow is not intended to establish a formula for station operation, but is a method for analyzing and reporting station operation.

1. A. **Sources** of programs are defined as follows:

(i) **A Local Program** is any program originated or produced by the station, or for the production of which the station is substantially responsible, and which also employs live talent more than 50% of the time. Such a program, taped, recorded or filmed for later broadcast shall be classified as local. A local program fed to a network shall be classified by the originating station as local. All non-network and non-syndicated news programs may be classified as local. Programs primarily featuring syndicated or feature films, or other non-locally recorded programs shall not be classified as local, even though a station personality appears in connection with such material. However, identifiable units of such programs which are live and separately logged as such may be classified as local (e.g., if during the course of a feature film program a non-network 2-minute news report is given and logged as a news program, the report may be classified as local).

V 40 73 APR 15 75 XUM

(ii) **A Network Program** (NET) is any program furnished to the station by a network (national, regional or special). Delayed broadcasts of programs originated by networks are classified as network.

(iii) **A Recorded Program** (REC) is any program not defined in (i) and (ii) above, including without limitation, syndicated programs, taped or transcribed programs, and feature films.

B. **Types** of programs are defined as follows:

(i) **News Programs** includes reports dealing with the current local, national and international events, including weather and stock market reports; and commentary, analysis, or sports news when it is an integral part of a news program.

(ii) **Public Affairs Programs** includes talks, commentaries, discussions, speeches, editorials, political programs, documentaries, forums, panels, round tables, and similar programs primarily concerning local, national and international public affairs.

(iii) **All Others** (excluding entertainment and sports) includes all other programs which are not intended primarily as entertainment (e.g., music drama, variety, comedy, quiz, etc.) and do not include play-by-play and pre-or post-game related activities and separate programs of sports instruction, news, or information (e.g., fishing opportunities, golfing instructions, etc.).

(iv) **A Local Program** --See II. 1.A. (i) above.

NOTE: If a program contains two or more identifiable units of program material which constitute different program types as herein defined, each such unit may be separately classified.

C. **Commercial Matter** (CM) includes commercial continuity (network and non-network) and commercial announcements (network and non-network) as follows:

(i) **Commercial Continuity** is the advertising message of a program sponsor.

(ii) **A Commercial Announcement** is any other advertising message for which a charge is made, or other consideration is received.

(1) Included are (i) "bonus" spots, (ii) trade-out spots, and (iii) promotional announcements of a future program where consideration is received for such an announcement or where such announcement identifies the sponsor of the future program beyond mention of the sponsor's name as an integral part of the title of the program, (e.g., where the agreement for the sale of time provides that the sponsor will receive promotional announcements, or when the promotional announcement contains a statement such as "TOMORROW SEE -- [NAME OF PROGRAM] -- BROUGHT TO YOU BY -- [SPONSOR's NAME]").

(2) Other announcements including but not limited to the following are *not* commercial announcements:

(i) Promotional announcements, except as defined above;

(ii) Station identification announcements for which no charge is made;

(iii) Mechanical reproduction announcements;

(iv) Public service announcements;

(v) Announcements made pursuant to Section 73.654(d) of the Rules that materials or services have been furnished as an inducement to broadcast a political program involving the discussion of controversial public issues;

(vi) Announcements made pursuant to the local notice requirements of Sections 1.580 (pre-grant) and 1.594 (designation for hearing) of the Rules.

2. **A Public Service Announcement** (PSA) is any announcement (including network) for which no charge is made and which promotes programs, activities, or services of federal, state, or local governments (e.g., recruiting, sales of bonds, etc.) or the programs, activities or services of non-profit organizations (e.g., UGF, Red Cross blood donations, etc.), and other announcements regarded as serving community interests, excluding time signals, routine weather announcements and promotional announcements.

3. **A Program** is an identifiable unit of program material, logged as such, which is not an announcement as defined above (e.g., if, within a 30-minute entertainment program, a station broadcasts a one-minute news and weather report, this news and weather report may be separately logged and classified as a one-minute news program and the entertainment portion as a 29-minute program).

4. **Network Programs.** Where information for the composite week is called for herein with respect to commercial matter or program type classifications in connection with network programs, the applicant may rely on information furnished by the network.

III. GENERAL INFORMATION

1. **Composite Week.** Seven days designated annually by the Commission in a Public Notice and consisting of seven different days of the week. A composite week is also used to complete FCC Form 303-A (Annual Programming Report).

2. **Typical Week.** A week which an applicant projects as typical of his proposed weekly operation.

3. A. Replies to questions contained in Section IV-B constitute representations on which the Commission will rely in considering an application for renewal. Thus, time and care should be devoted to the replies so that they will reflect accurately the applicant's responsible consideration of the questions asked. It is not, however, expected that an applicant will or can adhere inflexibly in day-to-day operation to the representations made herein.

B. Replies relating to future operation constitute representations against which subsequent operation of the station will be measured. Accordingly, if during the license period the station substantially alters its programming format or commercial practices, the applicant should notify the Commission of such changes at that time; otherwise it is presumed that the station is being operated substantially as proposed in Section IV-B.

4. The applicant's attention is called to the Commission's *Report and Statement of Policy re: Commission En Banc Programming Inquiry*, FCC 60-970, 25 Federal Register 7291, 20 Pike and Fischer Radio Regulations 1902, copies of which are available upon request to the Commission; and also to the material contained in Attachment A to this Section.

5. **Signature.**

Section IV-B shall be signed in the space provided at the end hereof. It shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer of applicant, if a corporation or association. **SIGNING OF THIS SECTION IS A REPRESENTATION THAT THE PERSON IS FAMILIAR WITH THE CONTENTS OF THIS SECTION AND ASSOCIATED EXHIBITS AND SUPPORTS AND APPROVES THE REPRESENTATIONS THEREIN ON BEHALF OF THE APPLICANT.**

V 40-73
APR 15 75

FCC Form 303 | TELEVISION | Section IV-B

Name of Applicant

Call letters of station | City and state which station is licensed to serve

1. The applicant is familiar with Section 1.526(a)(9) of the Commission's Rules and the Commission's current requirements regarding the ascertainment of the problems and needs of its service area and does hereby represent that:
   A. In accordance with Section 1.526(a)(9) it has placed in its public inspection file at the appropriate times its annual lists for the current license period of significant problems and needs of its service area and typical and illustrative programs broadcast to help meet each of these problems and needs, and has submitted with this renewal application copies of each of these lists;
   B. It has made good faith efforts to ascertain the problems and needs of the public within its service area in accordance with the current guidelines of the Commission, and upon the filing of this application has placed in the station's public inspection file the appropriate materials regarding those ascertainment efforts.

2. As a result of its recent ascertainment efforts, does the applicant anticipate that the next annual list of problems and needs of its service area and programs broadcast to help meet them (which will be the first list for the new license period) will contain specific problems and needs and/or programs or program series not included in the most recent list?

   _____ Yes _____ No

   If "Yes", indicate in Exhibit No._____ the specific problems and needs and/or programs or program series.

3. Describe in Exhibit No. _____ the procedures applicant has or proposes to have for the consideration and disposition of complaints or suggestions from the public.

4. A. State for the most recent composite week (a) the total number of public service announcements broadcast and (b) the number of public service announcements broadcast between 8AM-11PM.

   (a) _____ (b) _____

   B. Of the total number of public service announcements broadcast during the most recent composite week state (a) the number which in the licensee's judgment were primarily designed to promote programs, activities or services of organizations or organizational units located in the service area, (b) the number which in the licensee's judgment were primarily designed to promote programs, activities or services of organizations or organizational units located outside of the service area and (c) the number which in the licensee's judgment do not readily fall into either category (a) or (b) and/or are a combination of both.

   (a) _____ (b) _____ (c) _____

   C. Attach as Exhibit No.____one exact copy of the program logs for the most recent composite week used as a basis for responding to Questions 4, 10 and 11 herein. Applicants utilizing automatic program logging devices must comply with the provisions of Section 73.670(c). Automatic recordings will be returned to the applicant. Exact copies of program logs will not be returned.

5. A. Was the applicant affiliated with one or more national television networks during the past license period?

   _____ Yes _____ No

   If "Yes", give name(s) of Network(s): _____

   _____

   If the applicant had more than one such affiliation, which network was the principal source of network programs?

   _____

   B. If a network affiliate, did the applicant regularly carry (i.e., carry more than 50% of the programs offered during the current license period) available network news and public affairs:

	Yes	No
(1) News	☐	☐
(2) Public Affairs	☐	☐

FCC Form 303 | TELEVISION | Section IV-B, Page 2

6. In Exhibit No.____ give a brief description of programs, program segments or program series broadcast during the license period which were primarily directed to children twelve years old and under. Indicate the source, time and day of broadcast, frequency of broadcast, and program type.

7. A. In the applicant's judgment, does the information supplied in the Annual Programming Reports (FCC Form 303-A) submitted during the current license period, the information supplied in the annual listings of typical and illustrative programs and program segments broadcast to help meet significant problems and needs of the service area for the current license period, and the information supplied in Questions 4, 5 and 6 above adequately reflect its programming during the current license period?

   Yes _____ No _____

   B. If the answer to "A" is "No", the applicant may attach as Exhibit No.____ such additional information (including the listing of entertainment programs the applicant considers to be of special merit) as may be necessary to describe accurately and present fairly its program service.

   C. If the applicant's programming reflected in the Annual Programming Reports submitted during the current license period varied substantially from the programming representations made in the last renewal application, the applicant may submit as Exhibit No._____ a statement explaining the variations and the reasons therefor.

V 40-73 APR 15 75

FCC Form 303 TELEVISION Section IV-B, Page 3

8. Indicate the minimum amount of time the applicant proposes to devote normally each week to the categories below. Commercial time should be excluded in all computations except for the entries in columns 2, 6 and 10 of the total time operating line (line a).

ANTICIPATED TYPICAL WEEK DATA	FROM 6AM TO MIDNIGHT				FROM 6PM TO 11PM (5PM TO 10PM CENTRAL AND MOUNTAIN TIME)				FROM MIDNIGHT TO 6AM			
	ALL PROGRAMS		LOCAL PROGRAMS ONLY		ALL PROGRAMS		LOCAL PROGRAMS ONLY		ALL PROGRAMS		LOCAL PROGRAMS ONLY	
	MINUTES OF OPERATION	PERCENTAGE OF TOTAL TIME OPERATING	MINUTES OF OPERATION	PERCENTAGE OF TOTAL TIME OPERATING	MINUTES OF OPERATION	PERCENTAGE OF TOTAL TIME OPERATING	MINUTES OF OPERATION	PERCENTAGE OF TOTAL TIME OPERATING	MINUTES OF OPERATION	PERCENTAGE OF TOTAL TIME OPERATING	MINUTES OF OPERATION	PERCENTAGE OF TOTAL TIME OPERATING
(1)	(2)	(3) 2/	(4) 1/	(5) 2/	(6)	(7) 3/	(8) 1/	(9) 3/	(10)	(11) 4/	(12) 1/	(13) 4/
a. TOTAL TIME OPERATING		100%				100%				100%		
b. NEWS 1/												
c. PUBLIC AFFAIRS 1/												
d. ALL OTHERS (Exclusive of entertainment and sports 1/												

1/ Excluding Commercials
2/ Percentages are of the total minutes of operation reported at the top of Column 2.
3/ Percentages are of the total minutes of operation reported at the top of Column 6.
4/ Percentages are of the total minutes of operation reported at the top of Column 10.

FCC Form 303 TELEVISION Section IV-B, Page 4

9. A. State (a) the minimum total number of public service announcements and (b) the minimum number of public service announcements between 8AM-11PM the applicant proposes to broadcast during a typical week.

(a) _____ (b) _____

B. Of the total number of public service announcements the applicant proposes to broadcast during a typical week state (a) the number which it expects will be primarily designed to promote programs, activities or services of organizations or organizational units located in the service area, (b) the number it expects will be primarily designed to promote programs, activities or services of organizations or organizational units located outside of the service area and (c) the number which it expects will not fall readily into either category (a) or (b) and/or will be a combination of both.

(a) _____ (b) _____ (c) _____

PAST COMMERCIAL PRACTICES

10. State the number of 60-minute segments during the most recent composite week (beginning with the first full clock hour and ending with the last full clock hour of each broadcast day) containing the following amounts of commercial matter.

A. Up to and including 8 minutes _____

B. Over 8 and up to and including 12 minutes _____

C. Over 12 and up to and including 16 minutes _____

D. Over 16 minutes _____

List each segment in category "D" above, specifying the amount of commercial time in the segment, and the day and time of broadcast.

Segment	Amount of Commercial Time in Segment	Day and Time Broadcast

If more space is needed continue in Exhibit No. _____

V 40 73 APR 15 75

FCC Form 303 | TELEVISION | Section IV-B, Page 5

11. State the number of 60-minute segments in the 6PM-11PM (5PM-10PM Central and Mountain Time) time period during the most recent composite week containing the following amounts of commercial matter.

A. Up to and including 8 minutes _____

B. Over 8 and up to and including 12 minutes _____

C. Over 12 and up to and including 16 minutes _____

D. Over 16 minutes _____

List each segment in category "D" above, specifying the amount of commercial time in the segment, and the day and time broadcast.

Segment	Amount of Commercial Time in Segment	Day and Time Broadcast

If more space is needed continue in Exhibit No. _____

12. A. In the applicant's judgment, does the information supplied in Questions 10 and 11 adequately reflect its commercial practices during the current license period?

Yes _____ No _____

B. If "No", applicant may attach as Exhibit No. _____ such additional material as may be necessary to describe adequately and present fairly its commercial practices.

C. If the applicant's commercial practices for the period covered by Questions 10 and 11 varied substantially from the representations made in the applicant's last renewal application, the applicant may explain in Exhibit No. _____ the variations and the reasons therefor.

FCC Form 303 | TELEVISION | Section IV-B, Page 6

PROPOSED COMMERCIAL PRACTICES

13. What is the maximum amount of commercial matter in any 60-minute segment which the applicant proposes normally to allow?

_____

If the applicant proposes to permit this amount to be exceeded at times, state in Exhibit No. _____ under what circumstances and how often this is expected to occur, and the limits that would then apply.

14. What is the maximum amount of commercial matter in any 60-minute segment between the hours of 6PM-11PM (5PM-10PM Central and Mountain Time) which the applicant proposes normally to allow?

_____

If the applicant proposes to permit this amount to be exceeded at times, state in Exhibit No. _____ under what circumstances and how often this is expected to occur, and the limits that would then apply:

15. ## CERTIFICATION

The undersigned is familiar with paragraph 5, Part III, of the General Information to Section IV-B concerning signature requirements and in light of its provisions does hereby:

A. Acknowledge that all the statements made in Section IV-B and the attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as if set out in full in the application form; and

B. Certify that the statements herein are true, complete, and correct to the best of its knowledge and belief and are made in good faith.

SIGNED AND DATED this _____ day of _____, 19___.

_____
(NAME OF LICENSEE)

By: _____
(SIGNATURE)

_____
(PLEASE PRINT NAME OF PERSON SIGNING)

_____
(TITLE)

WILLFUL FALSE STATEMENTS MADE IN THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT. U.S. CODE, TITLE 18, SECTION 1001.

V 40 - 73 APR 15 75 XUM V

FCC Form 303 | STATEMENT OF TV PROGRAM SERVICE | Section IV-B, Page 7

ATTACHMENT A

Attention is invited to the Commission's "Report and Statement of Policy Re: Commission En Banc Programming Inquiry" released July 29, 1960 - FCC 60-970 (25 Federal Register 7291; 20 Pike and Fischer Radio Regulation 1902).

Pursuant to the Communications Act of 1934, as amended, the Commission cannot grant, renew or modify a broadcast authorization unless it makes an affirmative finding that the operation of the station, as proposed, will serve the public interest, convenience and necessity. Programming is of the essence of broadcasting.

A broadcast station's use of a channel for the period authorized is premised on its serving the public. Thus, the public has a legitimate and continuing interest in the program service offered by the station, and it is the duty of all broadcast permittees and licensees to serve as trustees for the public in the operation of their stations. Broadcast permittees and licensees must make positive, diligent and continuing efforts to provide a program schedule designed to serve the needs and interests of the public in the areas to which they transmit an acceptable signal.

In its above-referenced "Policy Statement," the Commission has indicated the general nature of the inquiry which should be made in the planning and devising of a program schedule:

> "Thus we do not intend to guide the licensee along the path of programming; on the contrary, the licensee must find his own path with the guidance of those whom his signal is to serve. We will thus steer clear of the bans of censorship without disregarding the public's vital interest. What we propose will not be served by pre-planned program format submissions accompanied by complimentary references from local citizens. What we propose is documented program submissions prepared as the result of assiduous planning and consultation covering two main areas: first, a canvass of the listening public who will receive the signal and who constitute a definite public interest figure; second, consultation with leaders in community life—public officials, educators, religious (groups), the entertainment media - agriculture, business, labor, professional and eleemosynary organizations, and others who bespeak the interests which make up the community."

Over the years, experience has shown both broadcasters and the Commission that certain recognized elements of broadcast service have frequently been found necessary or desirable to serve the broadcast needs and interests of many communities. In the Policy Statement, referred to above, the Commission set out fourteen such elements. The Commission stated:

> "The major elements usually necessary to meet the public interest, needs and desires of the community in which the station is located as developed by the industry, and recognized by the Commission, have included: (1) Opportunity for Local Self-Expression, (2) The Development and Use of Local Talent (3) Programs for Children, (4) Religious Programs, (5) Educational Programs, (6) Public Affairs Programs, (7) Editorialization by licensees (8) Political Broadcasts, (9) Agricultural Programs, (10) News Programs, (11) Weather and Market Reports, (12) Sports Programs, (13) Service to Minority Groups, (14) Entertainment Programming."

It is emphasized that broadcasters, mindful of the public interest, must assume and discharge responsibility for planning, selecting and supervising all matter broadcast by their stations, whether such matter is produced by them or provided by networks or others. This duty was made clear in the Commission's Policy Statement, page 14, paragraph 3:

> "Broadcasting licensees must assume responsibility for all material which is broadcast through their facilities. This includes all programs and advertising material which they present to the public. With respect to advertising material the licensee has the additional responsibility to take all reasonable measures to eliminate any false, misleading, or deceptive matter and to avoid abuses with respect to the total amount of time devoted to advertising continuity as well as the frequency with which regular programs are interrupted for advertising messages. This duty is personal to the licensee and may not be delegated. He is obligated to bring his positive responsibility affirmatively to bear upon all who have a hand in providing broadcast matter for transmission through his facilities so as to assure the discharge of his duty to provide (an) acceptable program schedule consonant with operating in the public interest in his community. The broadcaster is obligated to make a positive, diligent and continuing effort, in good faith, to determine the tastes, needs and desires of the public in his community and to provide programming to meet those needs and interests. This, again, is a duty personal to the licensee and may not be avoided by delegation of the responsibility to others."

Broadcast Application — FEDERAL COMMUNICATIONS COMMISSION — Section VI	
EQUAL EMPLOYMENT OPPORTUNITY PROGRAM	Name of Applicant
Call letters of station	City and state which station is licensed to serve

Applicants for construction permit for a new facility, for assignment of license or construction permit or for transfer of control (other than *pro forma* or involuntary assignments and transfers), and applicants for renewal of license who have not previously done so, file equal employment opportunity programs or amendments to those programs in the following exhibit. Existing licensees and permittees at the time of the effective date of this form are not required to file an equal employment opportunity program until filing for renewal of license.

PART I

Submit as Exhibit No.____the applicant's equal employment opportunity program for the station, and its network operation if the applicant operates a network, indicating specific practices to be followed in order to assure equal employment opportunity for Negroes, Orientals, American Indians and Spanish Surnamed Americans in each of the following aspects of employment practice: recruitment, selection, training, placement, promotion, pay, working conditions, demotion, layoff, and termination. The program should reasonably address itself to such specific practices as the following, to the extent they are appropriate in terms of station size, location, etc. A program need not be filed if the station has less than five fulltime employees or if it is in an area where the relevant minorities are represented in such insignificant numbers that a program would not be meaningful. In the latter situation, a statement of explanation should be filed.

1. To assure nondiscrimination in recruiting:

   a. Posting notices in station employment offices informing applicants of their equal employment rights and their right to notify the Federal Communications Commission or other appropriate agency if they believe they have been the victim of discrimination.

   b. Placing a notice in bold type on the employment application informing prospective employees that discrimination because of race, color, religion, national origin, or sex, is prohibited and that they may notify the Federal Communications Commission or other appropriate agency if they believe they have been discriminated against.

   c. Placing employment advertisements in media which have significant circulation among minority-group people in the recruiting area.

   d. Recruiting through schools and colleges with significant minority-group enrollments.

   e. Maintaining systematic contacts with minority and human relations organizations, leaders and spokesmen to encourage referral of qualified minority applicants.

   f. Encouraging present employees to refer minority applicants.

   g. Making known to all recruitment sources that qualified minority members are being sought for consideration whenever the station hires.

2. To assure nondiscrimination in selection and hiring:

   a. Instructing personally those of your staff who make hiring decisions that minority applicants for all jobs are to be considered without discrimination.

   b. Where union agreements exist:

      (1) Cooperating with your unions in the development of programs to assure qualified minority persons of equal opportunity for employment;

      (2) Including an effective nondiscrimination clause in new or re-negotiated union agreements.

   c. Avoiding use of selection techniques or tests which have the effect of discriminating against minority groups.

3. To assure nondiscriminatory placement and promotion:

   a. Instructing personally those of the station staff who make decisions on placement and promotion that minority employees are to be considered without discrimination, and that job areas in which there is little or no minority representation should be reviewed to determine whether this results from discrimination.

   b. Giving minority group employees equal opportunity for positions which lead to higher positions. Inquiring as to the interest and skills of all lower paid employees with respect to any of the higher paid positions, followed by

(CONTINUED ON NEXT PAGE)

V 40-73 APR 15 75

EQUAL EMPLOYMENT OPPORTUNITY PROGRAM SECTION VI, Page 2

assistance, counselling, and effective measures to enable employees with interest and potential to qualify themselves for such positions.

c. Reviewing seniority practices and seniority clauses in union contracts to insure that such practices or clauses are nondiscriminatory and do not have a discriminatory effect.

4. To assure nondiscrimination in other areas of employment practices:

a. Examining rates of pay and fringe benefits for present employees with equivalent duties, and adjusting any inequities found.

b. Advising all qualified employees whenever there is an opportunity to perform overtime work.

PART II

Assignors and transferors other than in the case of *pro forma* or involuntary assignments and transfers, and renewal applicants file the following exhibit:

Submit a report as Exhibit ___ indicating the manner in which the specific practices undertaken pursuant to the station's equal employment opportunity program have been applied and the effect of these practices upon the applications for employment, hiring and promotions of minority group members.

PART III

Assignors, transferors and applicants for renewal file the following exhibit:

Submit as Exhibit ___ a brief description of any complaint which has been filed before any body having competent jurisdiction under Federal, State, territorial or local law, alleging unlawful discrimination in the employment practices of the applicant, including the persons involved, the date of filing, the court or agency, the file number (if any), and the disposition or current status of the matter.

APPENDIX C

Broadcast Renewal Application	Federal Communications Commission	Section II
Renewal Application Engineering Data -- TV Stations	Name of Applicant:	

1. Description of transmitters. Note: Include all transmitter for which applicant seeks renewal of license. If necessary, attach a separate sheet as Exhibit No. ___ describing additional transmitters. State the use for which the transmitter is desired (e.g., main night, alternate main, alternate exciters, alternate final amplifier, and auxiliary). Give the nominal operating power output, in kilowatts, of both visual and aural transmitters as indicated by the operating logs. In accordance with Section 73.689 of the Commission's Rules, power is to be determined by the direct method using a non-inductive load.

	Make	Type No.	Use	Power
Visual				
Aural				
Visual				
Aural				
Visual				
Aural				
Visual				
Aural				

2. Modulation Monitor (Aural Only)

Make Type No.

3. Have changes been made in the fundamental audio or radio circuits of the transmitter since the previous application for license or renewal of license? Yes No

If "Yes", attach as Exhibit No. ___ a complete explanation.

4. In what respect, if any, does the antenna (e.g., multiplexor, transmission line(s), antenna(s), antenna tower(s), electrical or mechanical beam tilt, and ground system) differ from that described in the last application for license or renewal of license?

5. Attach as Exhibit No. ___ an exact copy of the transmitter operating logs for the seven days comprising the composite week analyzed in Section V of the application. Do not send original logs.

V 40-73 APR 15 75 XUM V

FCC Form 303 RENEWAL APPLICATION ENGINEERING DATA Section II, Page 2

I certify that I am the Technical Director, Chief Engineer or Consulting Engineer for the applicant of the radio station for which this application is submitted and that I have examined the foregoing statement of technical information and that it is true to the best of my knowledge and belief. (This signature may be omitted provided the engineer's original signed report of the data from which the information contained herein has been obtained is attached hereto.)

Signature _____

(check appropriate box below)

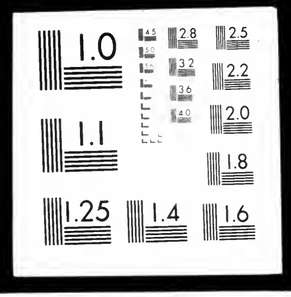
Date _____

☐ Technical Director ☐ Chief Operator
☐ Registered Professional Engineer
☐ Consulting Engineer

[FR Doc.75-9629 Filed 4-14-75;8:45 am]

V 40-73
APR 15 75
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RESOLUTION CHART



100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and 100 ÷ 20 = 5.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 x 5 = 39.5 lines per millimeter recorded satisfactorily. 10.0 x 5 = 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.